

**REMAINDER OF FARM GROOT BOS NO. 698 AND REMAINDER OF FARM BAVIANS FONTEYN NO. 912, CALEDON DIVISION, MUNICIPAL AREA: APPLICATION FOR THE EXTENSION OF THE PERIOD OF VALIDITY OF AN EXISTING APPROVAL: MESSRS CITY GREEN POINT (PTY) LTD ON BEHALF OF PURPLE PLUM PROPERTIES 105 CC**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-law on Municipal Land Use Planning 2020 (By-Law), read together with Section 16(2)(i) that an application has been received for an extension of the validity period of the existing approval.

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 and at Gansbaai Library, Main Road, Gansbaai. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **9 April 2021**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**RESTANT VAN PLAAS GROOT BOS NR. 698 EN RESTANT VAN PLAAS BAVIANS FONTEYN NR. 912, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK VIR DIE VERLENGING VAN DIE GELDIGHEIDSPERIODE VAN N BESTAANDE GOEDKEURING: MNRE CITY GREEN POINT (PTY) LTD NAMENS PURPLE PLUM PROPERTIES 105 CC**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysiging Verordening vir Munisipale Grondgebruikbeplanning 2020 (Verordening), saamgelees met Artikel 16(2)(i) dat 'n aansoek ontvang is vir 'n verlenging van die geldigheidsperiode van die bestaande goedkeuring.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **9 April 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 SW van der Merwe** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**INTSALELA YEFAMA IGROOT BOS ENGUNOMBOLO 698 KUNYE NENTSALELA YEFAMA IBAVIANS FONTEYN ENGUNOMBOLO 912, KUMMANDLA KAMASIPALA WECALEDON DIVISION: ISICELO SOKWANDISWA KWEXESHA LOKUBA SEMTHETHWENI KWEMVUME EKHOYO: MESSRS CITY GREEN POINT (PTY) LTD EGAMENI LEPURPLE PLUM PROPERTIES 105 CC**

Isaziso sikhutshwe ngokwemiqathango yeCandelo 48 loMthetho oLungisiweyo kaMasipala woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhiaba kaMasipala, 2020 (uMthetho kaMasipala), ofundwa kunye neCandelo 16(2)(i) sokokuba isicelo sifunyenwe sokwandiswa kwexesha lokuba semthethweni kwemvume ekhoyo.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus nakwiThala leeNcwadi laseGansbaai, Main Road, eGansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi **komhla 9 uApreli 2021**, unike igama lakho, idilesi neenkukacha zoxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umxeba ku**Mnu SW van der Merwe** kule nombolo 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

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OVERSTRAND MUNICIPALITY

REM OF FARMS 698 & 912, CALEDON DIVISION



Date: 2020/11/17

# EXECUTIVE SUMMARY

## 1 Introduction

### 1.1 Purpose and nature of Application

Purple Plum Properties (Pty.) Ltd., appointed **City Green Print Urban Planning** to apply for an extension of the validity of an approval granted by the Overstrand Municipality for enhanced land use rights concerning Farms 698 and 912 Caledon Division, near Gansbaai (see Figure 1).

The approval, dated 10 Dec. 2015, permitted the following (See Annexure F):

1. the **consolidation** of Farms 698 and 912, Caledon Division and **subdivision of the consolidated property** into **two portions**, namely Portion A ( $\pm 100,2980$  ha) and Portion B ( $\pm 117,5169$  ha), in terms of the provisions of Section 25 of the Land Use Planning Ordinance, 1985 (LUPO) and
2. the **consent use in order to construct five additional dwelling units** on the proposed Portion B in terms of the provisions of Section 2.2 of the Overstrand Zoning Scheme Regulations.

The realignment of the farm boundaries has since been approved by the Surveyor General as Farms 988 and 989 Caledon Division, see annexed SG Diagram (Annexure D). However, these portions have remained unregistered with the Registrar of Deeds, due to reasons given below.

According to Section 27(1) of LUPO, the consolidation and subdivision approval is valid for five years from the date of approval, thus constituting the rights effective until 9 Dec. 2020.

Application is therefore made in terms of section 16(2)(i) of the newly promulgated Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to extend this validity with a period not exceeding ten years as stipulated in section 24(3) of said By-Law.

### 1.2 Summary of Property details

Table 1: Property information

Property Details	
Address	Grootbos Road, Gansbaai.
Ownership	Purple Plum Properties (Pty) Ltd.
Property Description	Remainder Farm 698, Grootbos (Caledon Division) Remainder Farm 918, Bavians Fonteyn (Caledon Division) <i>[Now Farms 988 and 989, Caledon Division]</i>
Total Extent	Rem. Farm 698: 51,73 ha Rem. Farm 918: 166,08 ha. <b>Total of 217,8 ha.</b> <i>[Farm 988 : 117,5 ha and Farm 989: 100,29 ha]</i>
Title Deed Number	T. 63862/2004
Title Deed Conditions	No restrictive conditions. See Conveyancer Certificate submitted with previous application.
Surveyor General Diagram	SGD 2202/1909, 1737/2002. [1258/2011]

Current Use	Agriculture, dwelling house, tourist facilities (conference centre, tourist shop, nursery and therapy room, sauna and accompanied restrooms), guest rooms. See Section 3.1 below for a detailed account of existing land use rights.
Applicable Zoning Scheme	Overstrand Municipality Land Use Scheme, 2020
Current Zoning	Agricultural Zone 1

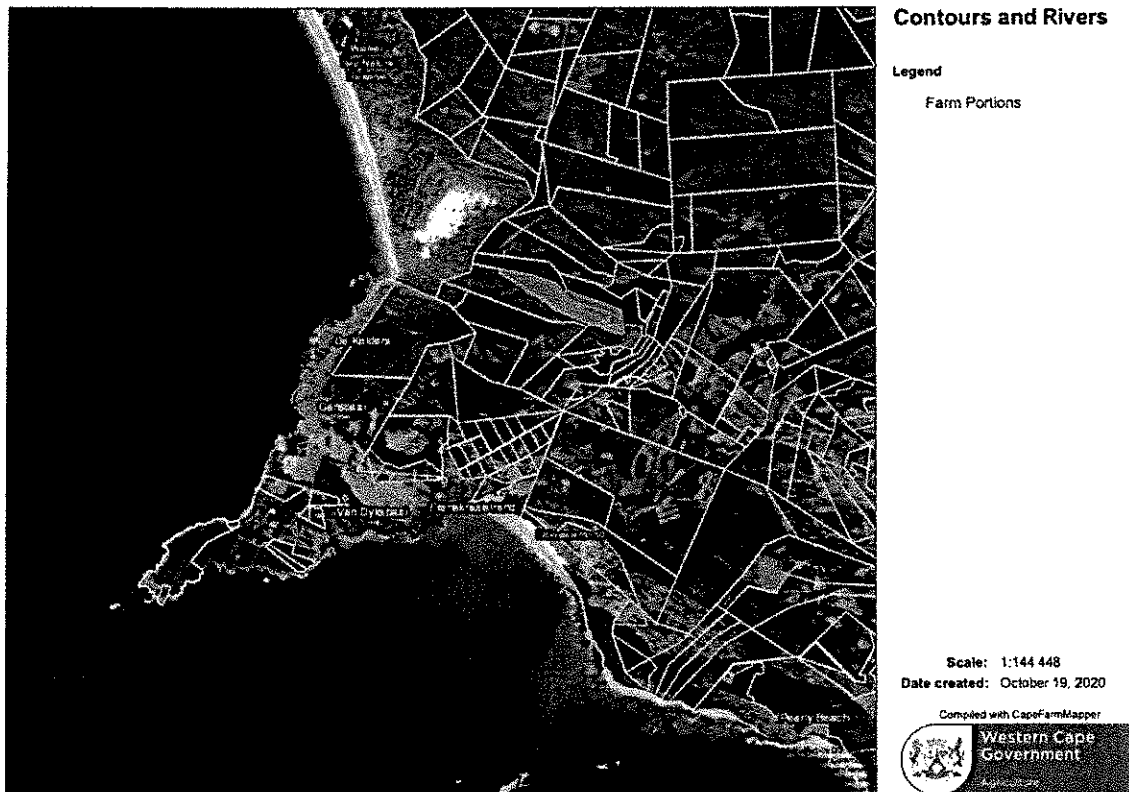


Figure 1 - Locality Map

### 1.3 Motivation Summary

The application simply seeks an extension to the validity of the approval granted in 2015. This would allow the owner time to formulate a broader land use vision for farms given the current economic climate, whilst retaining this element of the approval. The realignment of the farm boundaries merely creates two portions that are more equal in size than before and allows better road access for both. It does not adversely impact on surrounding properties as the two portions continue to function as one unit. The proposal is aligned with legislation and spatial policy in that the process supports the principles of *good administration, efficiency and spatial sustainability*.

# CONTEXTUAL CONSIDERATIONS

## 2 Spatial context

Although the application concerns two cadastral farm portions, the land is used and functions as one unit. The following section briefly offers a description of this property unit, and its surroundings.

### 2.1 Location and property description

The property is located in the Overberg region (Overstrand local Municipality) in close proximity to the Walker Bay Nature Reserve, and about 5km north-east of Gansbaai, see Figure 1 above. The farms are accessible via the Grootbos Road (R43). A natural valley traverses the properties from north to east with moderately steep slopes evident along this rift (see Figures 2 and 3). A non-perennial stream is apparent in the gully, which feeds a number of small and medium sizes dams on the property and eventually merges with the Uilkraalsriver approximately 4km to the south-east (see Figure 3).

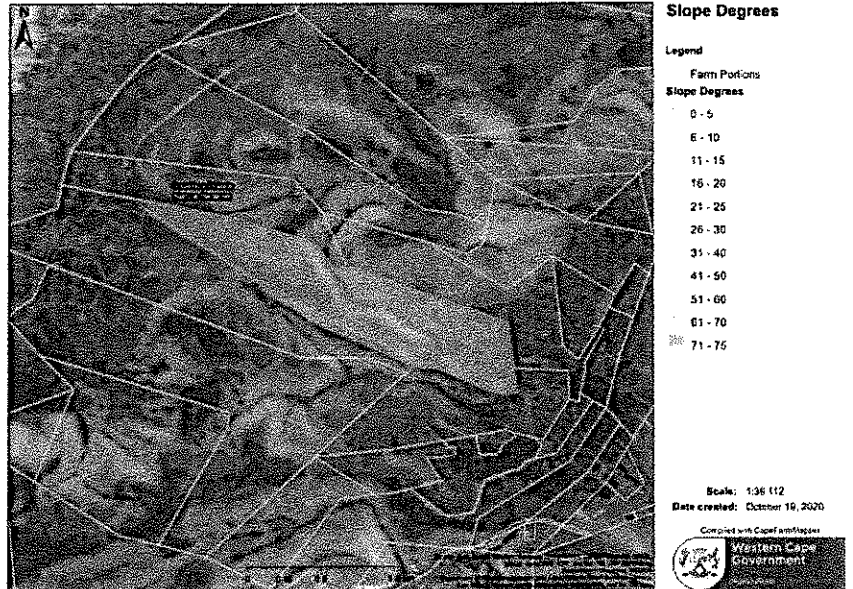


Figure 2 - Slope analysis [Source: Cape Farm Mapper]

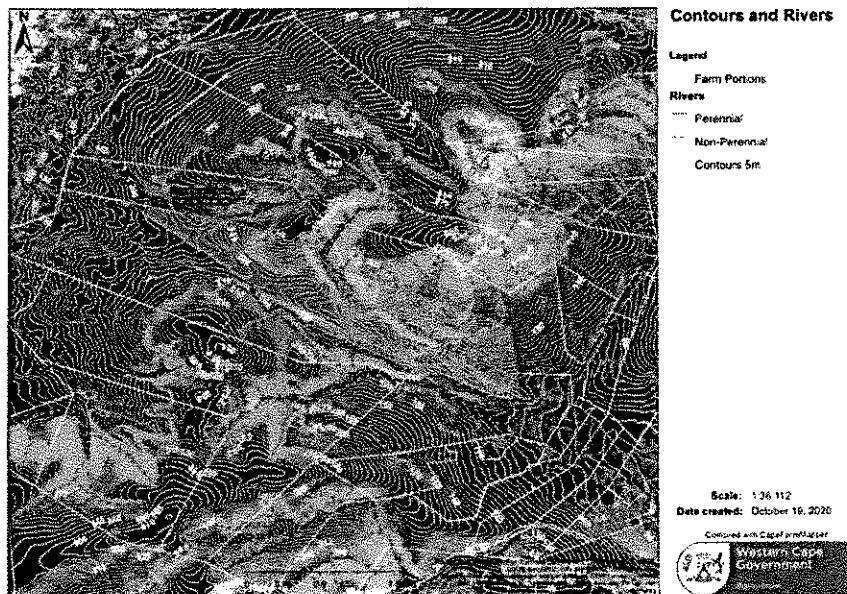


Figure 3 - Topography and rivers [Source: Cape Farm Mapper]

A cluster of buildings is located on a lower lying portion of the land, closest to the eastern boundary, easily accessible from the Grootbos Road.

The owner of the land plays an active part in protecting the pristine vegetation and biodiversity of the area in belonging and contributing to the Walker Bay Fynbos Conservancy. Conservation efforts involve continuous alien clearing and a recent extensive indigenous tree planting exercise to restore what was remnants of an Afromontane Forest in close proximity to the building footprint on the farm.

Apart from some farming activities (keeping horses, wildflower harvesting), the land is mostly used for eco-tourism by offering visitors access to nature and its healing powers in the form of hiking routes and wellness services (spiritual and yoga retreats, spa, etc.).

## 2.2 Surrounding Rural Surroundings

The land is situated in a predominantly rural setting. It is bordered by farms on the north and south. The Grootbos Private Nature Reserves borders the land on the west, whereas the Uilenkraal hamlet is situated approximately 5km to the south east (Flower Valley). The property is essentially an interface/buffer between conservational uses (Grootbos) and more intensive agricultural uses in the Flower Valley.

Surrounding land uses include agriculture (grain, grapes, planted pastures such as lucerne and fynbos flower harvesting), conservation (nature reserves), tourism accommodation (ranging from luxury accommodation such as at Grootbos to smaller self-catering units) and eco-tourism (platbos forest retreat, conference and wedding venue).

## 2.3 Vegetation

The majority of the farm is in a natural state with only some disturbance mainly around the building cluster. The vegetation cover is shown on Figure 4. The most prevalent type of vegetation is. Agulhas Limestone Fynbos (vulnerable). Overberg Dune Strandveld is found in a triangular piece of land situated in the western corner of the farms. Smaller patches of Overberg Sandstone Fynbos (critically endangered) and indigenous Southern Coastal Forests are discernible around parts of the non-perennial stream and close to the existing building footprint. As mentioned above, the vegetation is meticulously maintained by the owners through alien clearing, reforestation efforts and being part of the Walkers Bay Fynbos Conservancy.

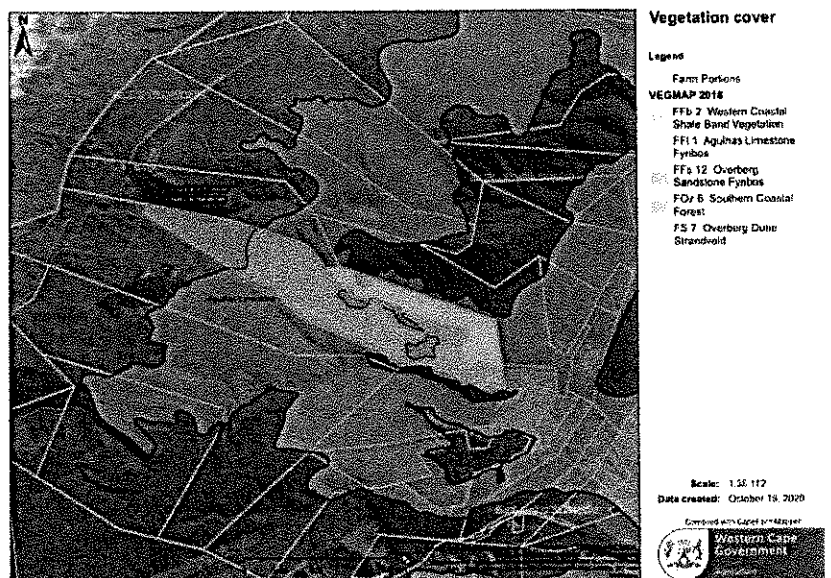


Figure 4 - Vegetation Map [Source: SANBI 2018 & Cape Farm Mapper]

## 2.4 Building footprint

The built footprint is concentrated around the historical farm buildings located in the eastern corner of the two properties.

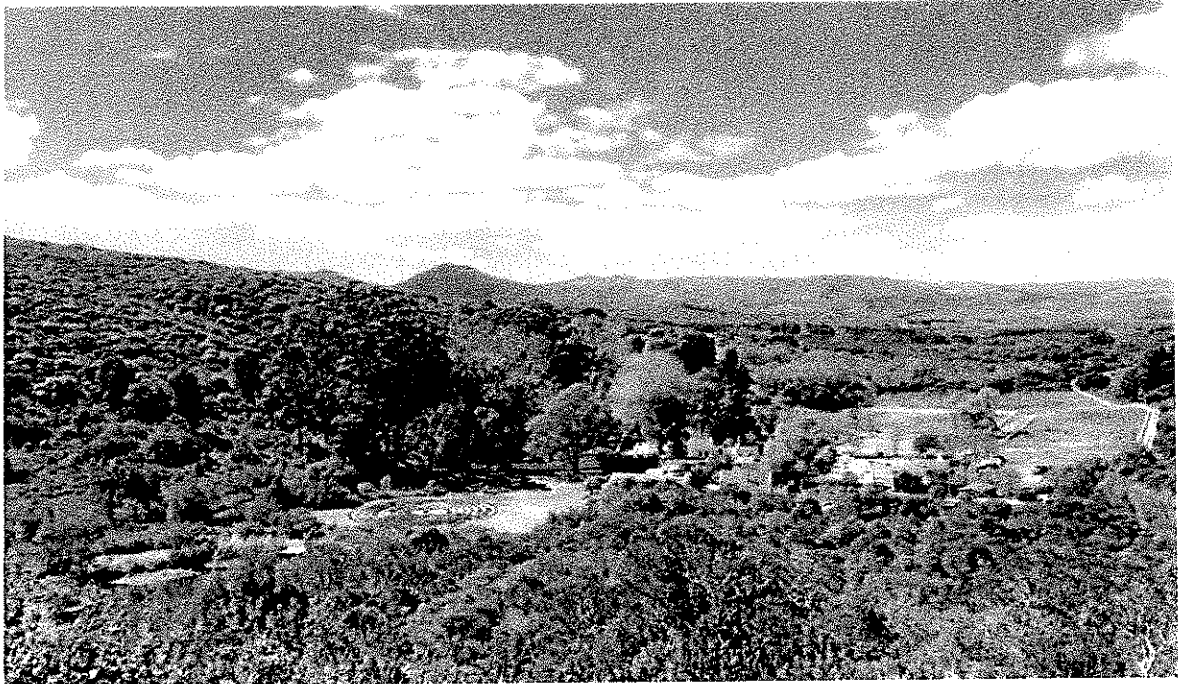


Figure 5 – View of the existing building footprint looking south-east towards Uilenkraal.

A changing economic environment, together with a vision to use the farms in a sustainable manner, has forced the owner to re-envision the future of the land. The owner is currently working closely with professionals in preparing an overarching Development Framework to reflect the longer term vision for the property. Initially it was unclear if this realignment of boundaries would optimally serve this new vision, hence the delay in concluding the process of transferring the new portions. A consensus to retain this realignment has been reached recently, and has subsequently led to this application.

A forthcoming development framework will include a detailed site development plan showing, inter alia, the extend of any existing and proposed buildings and its uses. For example, the location of the approved rights to five additional units (permanent consent) is being revisited as it might be more feasible to locate these closer to the existing building cluster than previously proposed. The Municipality and other relevant stakeholders will be consulted during this process.

## 2.5 Municipal Services

Apart from making use of Eskom provided electricity, the farms do not rely on municipal services. Ample freshwater is supplied by the springs on the property. Refuse is either composted on-site, recycled or disposed of at the closest municipal solid waste site. Any sewage from the existing buildings are serviced with soakaways and septic tanks. Two biodigesters furthermore assist with treatment of sewage. The design of any future structures will be 'off-grid' and based on environmentally sustainable building techniques.

# EXISTING LAND USE RIGHTS

## 3 The Development Concept

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### 3.1 Land use approvals

A land use application concerning the two subject farm units was submitted to the Overstrand Municipality in Oct. 2006 by WRAP Town Planners. The Municipality subsequently approved the following enhanced land use rights on 5 Oct. 2007 (in terms of the provisions of the *now repealed* Land Use Planning Ordinance, 1985 (LUPO) (See Annexure E):

- a. *Consolidation and re-subdivision of Farms 698 and 912, Caledon Division into two portions, namely Portion A (± 100 ha) and Portion B (± 118 ha), in terms of the provisions of Section 25 of LUPO. [These rights unfortunately lapsed while the owner waited on the consolidation and subdivision to be registered, hence the new application submitted in 2014 and approved on 10 Dec. 2015.]*
- b. *Consent use (tourist facilities) to convert an existing outbuilding on the property into a conference centre which includes a tourist shop and nursery, the erection of an approximately 40m<sup>2</sup> building to be utilized as a therapy room, sauna and accompanied restroom. [This right is permanent and remains valid.]*
- c. *Departure, in terms of Section 15 of LUPO, to convert the main dwelling unit on the above-mentioned property into a guesthouse. [The conversion of the main dwelling into a guesthouse was completed.]*
- d. *The rezoning, in terms of Section 16 of LUPO, of eight specific portions of the land unit, from Agricultural Zone I to Resort Zone I. [These rights were not acted on and has since lapsed.]*

Subsequent to the 2007 approval, another land use application was submitted to the Municipality during 2014. It was approved in terms of LUPO on 10 Dec. 2015 (See Annexure F). It comprised:

- i. *Re-applying for the consolidation and re-subdivision rights, previously obtained in 2007, see point (a) above. The details of the subdivision did not change, with Portion A measuring approximately (± 100 ha) and Portion B (± 118 ha). [This application now aims to extend the validity of this right in terms of the new Overstrand Municipal By-Law on Land Use Planning (2020).]*
- ii. *The consent use in order to construct five additional dwellings units on proposed Portion B in terms of the provisions of Section 2.2 of the Overstrand Zoning Scheme Regulations. [This right is permanent and remains valid. The units have not been constructed as the proposed location of these is being revisited as part of the ongoing Development Framework process and impending land use application.]*

### 3.2 Pre-application Consultation

Given the current Covid 19 pandemic, it was not possible to meet a Municipal official in person prior to submission of this application. The proposed application was however discussed with Schalk van der Merwe from the Overstrand Municipality on 22 September 2020 via an online video call. During this meeting it was confirmed which land use rights are still valid, which have lapsed and what the procedure is for applying to extend the validity of the consolidation and subdivision approval granted on 9 Dec. 2015.

### 3.3 Consolidation and re-subdivision

The approved consolidation and re-subdivision created two portions (now Farm 988 and 989) of more or less equal sizes (±100ha and ±118ha compared to ±51ha and 166ha) and allowed both portions access to Grootbos Road and to freshwater springs and dams on the property (see Figure 6 below). The approved consolidation and subdivision diagram is included in the application as Annexure G. This



realignment furthermore located all the buildings on Portion A (Farm 989) and allowed the distribution of already transformed areas (to the east) between the two portions to limit unnecessary disturbance of natural vegetation to accommodate any additional structures in future.

This application merely seeks an extension to the validity of this land use right to provide the owner with more time to register the properties and to align it with their own future planning for the property.

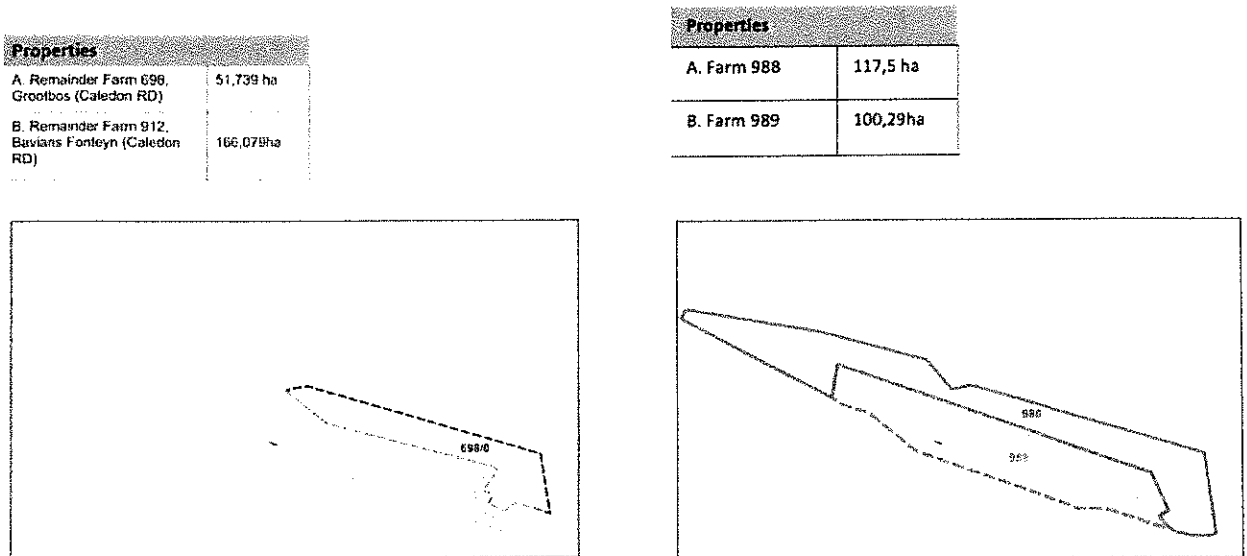


Figure 6 - The figure shows the properties before consolidation and re-subdivision (left) and after (right).

## 4 Legal and Policy Compliance

### 4.1 Title Deed Conditions

There are no Title Deed conditions prohibiting the consolidation and re-subdivision of the two farm portions. Mr. Schalk van der Merwe confirmed that the conveyancer certificate produced for the previous land use applications will suffice for the purposes of this application.

### 4.2 SPLUMA & LUPA

The desirability of the application for realignment of the farm boundaries has been assessed on two accounts before (see section 3.1). The last assessment took cognisance of the then newly implemented Spatial Planning and Management Act (SPLUMA), Act 16 of 2013, as well as the Western Cape Land Use Planning Act (LUPA), No. 3 of 2014. Both SPLUMA and LUPA are guided by a set of development principles, largely overlapping in intent.

The 2015 approval contains support, and in cases, conditional support, from a wide range of stakeholders such as:

- Department of Agriculture, Forestry and Fisheries. Consent in terms of the Subdivision of Agricultural Land Act, 1970.
- The Department of Agriculture
- Breede-Overberg Catchment Management Agency
- Cape Nature

- Department of Transport and Public Works
- Telkom
- Overberg District Municipality: Department of Health
- Department of Environmental Affairs and Development Planning
- Eskom

The application aligns with the SPLUMA and LUPA development principle of *good administration* given this thorough consultation process. It also speaks to the principle of *efficiency* through optimising existing resources on the two portions (both allowed access to Grootbos Road and to water). The principle of *spatial sustainability* (SPLUMA and LUPA) is respected through focussing on conservation-agriculture to ensure sensitive natural environments are maintained and restored (see section 2.3 above). As mentioned above, the realignment of boundaries resulted in assigning transformed patches of land to both portions. These transformed areas can be earmarked for future structures, thus protecting the remaining natural vegetation and its biodiversity (LUPA principle of *sustained protection of the environment*).

### **4.3 Overstrand Municipality Spatial Development Framework (MSDF), May 2020**

The Municipality's 2006 MSDF recently underwent a review and the new spatial vision was adopted during this year (2020). The MSDF gives effect to the SPLUMA principles, is a key sectoral element of the Municipality's Integrated Development Plan and represent a current spatial directive for the area.

Figure 7 is an extract of the MSDF's Spatial Concept, showing the approximate position of the farms. It clearly shows the mountainous/hilly nature of the two farms. It also points to a triangular portion of the land that is worthy of conservation (Environmental Management Overlay Zone designation). This is mainly due to sensitive vegetation (see section 2.3) and it being earmarked as a focus area for the National Protection Area Expansion Strategy (see Plan 6 of the MSDF). There are also two smaller areas designated as Agricultural Resource Areas. The implications of these spatial designations are being carefully considered in formulating the overarching Development Framework.

For the purposes of this application, it is argued that the realignment of boundaries does not adversely impact the MSDF's spatial vision. What it does is distributing the areas of farms that can be in fact be used for agriculture between these two units (lower lying area to the south-east).

## 5 Desirability and Motivation

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The approval was not acted on before as the owner was undecided on whether this realignment would suit a future vision of the farms optimally. As explained in Section 2.4, it has only recently been decided to retain the current boundary alignment, hence applying to extend the validity of this right.

Further, please note that the desirability of the consolidation and subdivision has been assessed by the Municipality and relevant provincial authorities before. This is merely a technical exercise of extending the validity of this approval.

The following motivation is nonetheless offered in support of the application:

### 5.1 Consistency with spatial policy

As shown in section 4 above, the application supports the SPLUMA and LUPA principles and aligns with Overstrand's spatial vision reflected in the MSDF.

This regulatory framework and policy framework will guide the owner in formulating a land use vision for the farming units to ensure conservation of sensitive environmental aspects, whilst enabling financial sustainability of the land.

### 5.2 Impact on the biophysical environment

Given the administrative nature of the application (extending the validity of existing rights), maintaining the current realignment of boundaries will not impact on the biophysical environment in any way.

### 5.3 Compatibility with surrounding uses

The application will have no adverse impact on the surrounding area as it is merely a realignment of property boundaries of two farms owned by the same entity.









## 6 Conclusion and Recommendations

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We conclude that the proposal meets the decision-making criteria contained in the Overstrand Municipal By-Law on Land Use Planning and is therefore desirable and worthy of support.

Elzette Henshilwood  
Pr Pl. 1491/2011  
City Green Print Urban Planning  
Cape Town  
October 2020

**Site Development Plan**

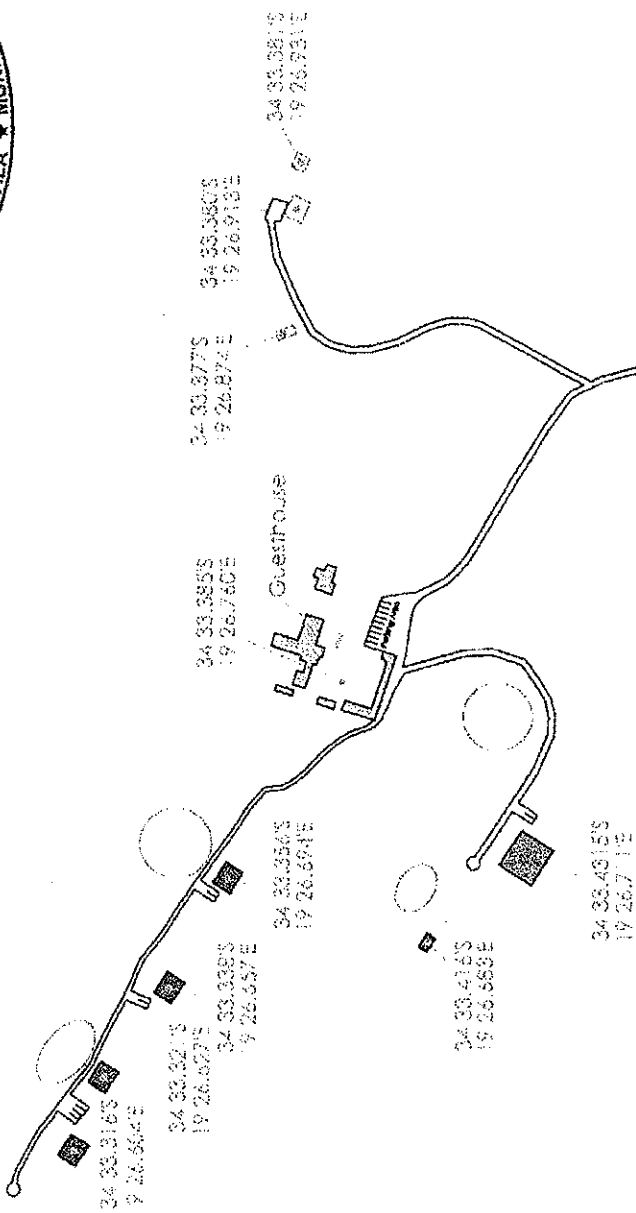
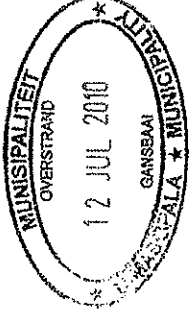
-  Existing tourist cottages
-  Guest house/conference centre precinct
-  Dining rooms/staff quarters
-  Resort Zone 1 portion (120 m<sup>2</sup>)
-  Resort Zone 2 portion (660 m<sup>2</sup>)
-  Therapy room, sauna & restrooms
-  Farm boundaries
-  Road network

Farms No 912 & 916/AM, Colleton  
 Plan: 8/121/02









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**Site Development Plan**

-  Existing layout cottage
-  Guest house/conference centre precinct
-  Dining room/staff quarters
-  Resort Zone 1 portion (120 m)
-  Resort Zone 1 portion (360 m²)
-  Therapy room, sauna & restrooms
-  Farm boundaries
-  Road network

Farms 8a/912 & 8a/918, Coláiste  
 Plan: 8/121/02

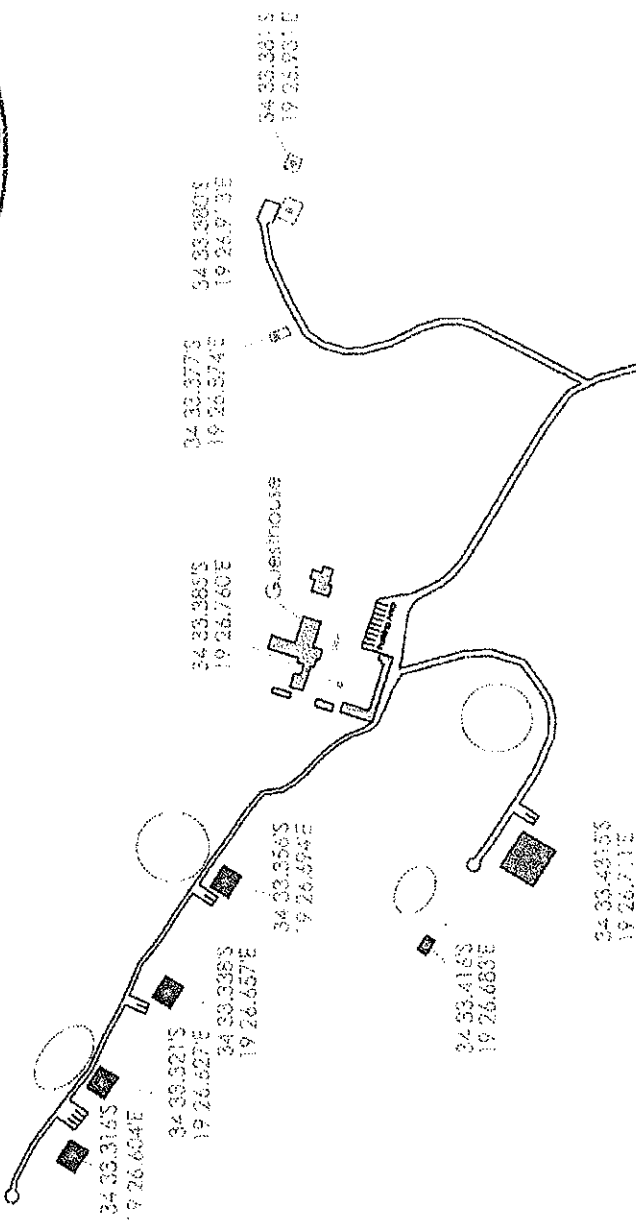
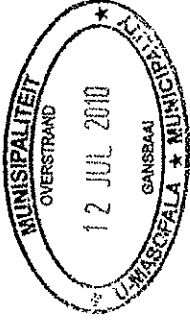
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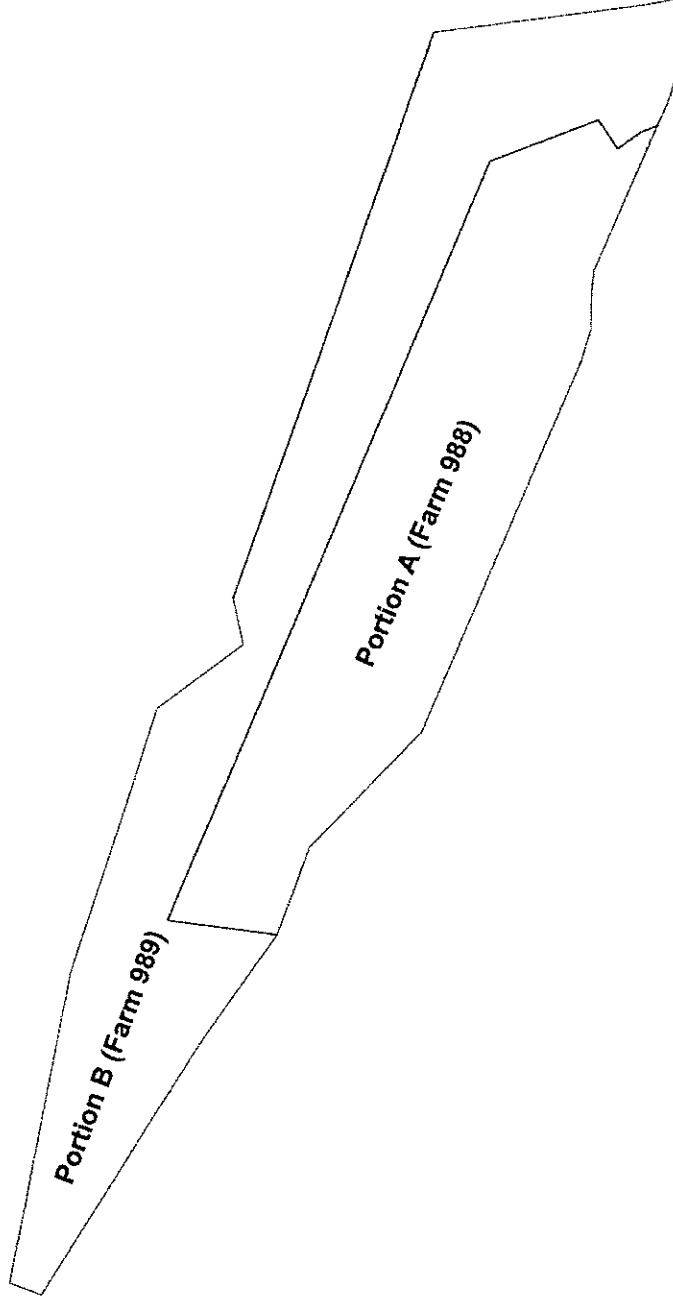
# Annexure G: Subdivision Diagram

**Subdivision Diagram:**

Remainder Farm No. 912 &  
Remainder Farm No. 698,  
Caledon Division

Portion A: 100,2980ha

Portion B: 117,5169ha



The consolidation and subdivision of Rem. Farms 689 & 912, Caledon, Rd. was approved by the Overstrand Municipality on 9 Dec. 2016. The Subdivision Diagram (Plan Number: 10/062/01) by WRAP Town Planners was endorsed on 16 January 2016.

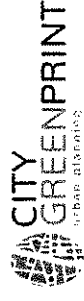
The subdivision diagram was merely recreated for the purposes of this application to extend the validity of the approval in terms of Section 16(2)(i) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (dated 29 Oct. 2020).

The Surveyor General has approved the subdivision as Farms 988 (Portion B) and 989 (Portion A). See SG 1258/2011.

Drawing Number: CG2/BK/2020.1

Date: 29 October 2020

Scale: 1:15000



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**Subdivision Diagram**

Portion A: 100.2980 ha

Portion B: 117.5169 ha

Farms 698 & 912, Caledon

Plan: 10/082/01

**Scale 1:15 000**

All distances approximate and

subject to survey.

WRAP makes no warranty of accuracy, completeness or liability in respect of the information contained in this plan and shall not be liable for any loss or damage, including consequential loss or damage, arising from the use of the plan. The data remains the property of the client and may only be used for the purposes of a project with the plan without approval of the client.

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**WRAP**

OVERSTRANSIG  
MUNICIPALITY / MUNISIPALITEIT  
Subdivision Diagram in terms of Section 26(1) of  
the Survey Act 131 of 1981  
Subdivision Diagram No. 10/082/01 of 2008  
BY MUNICIPAL ENGINEER  
OF MUNICIPAL ENGINEERING  
AND SURVEYING  
10/082/01

