



PORTIONS 56 AND 57 OF FARM WOLVEN GAT NO. 297, DIVISION BREDASDORP, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE OLD TOOL ROOM AND EK EN SMIT (PTY) LTD

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to the above-mentioned properties, namely:

- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law of Portion 56 of Farm Wolven Gat No. 297 into two portions namely a Remainder, approximately 1.306 ha in extent and Portion A, approximately 1.254ha in extent; and
- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law of proposed Portion A with Portion 57 of Farm Wolven Gat No. 297 to create a consolidated property approximately 3.814ha in extent.

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, Gansbaai Library, Main Road, Road, Gansbaai and on the municipal webpage at the following link <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. 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 / (e) landuse@overstrand.gov.za) on or before **13 November 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Principal Planner, 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.

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.

GEDEELTES 56 EN 57 VAN DIE PLAAS WOLVEN GAT NR. 297, AFDELING BREDASDORP, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING EN KONSOLIDASIE: PLAN ACTIVE STADS- EN STREEKBEPANNERS NAMENS THE OLD TOOL ROOM EN EK EN SMIT (PTY) LTD

Kennis word hiermee gee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), van die volgende aansoeke van toepassing op die bogenoemde eiendomme, naamlik:

- ❖ **onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening van Gedeelte 56 van die Plaas Wolven Gat Nr. 297 in twee gedeeltes naamlik 'n Restant ongeveer 1.306ha groot en Gedeelte A ongeveer 1.254ha groot; en
- ❖ **konsolidasie** ingevolge Artikel 16(2)(e) van die Verordening van voorgestelde Gedeelte A met Gedeelte 57 van die Plaas Wolven Gat Nr. 297 om 'n gekonsolideerde eiendom ongeveer 3.814ha groot te skep.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus, Gansbaai Biblioteek, Hoofweg, Gansbaai en op die munisipale webtuiste by die volgende skakel <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. 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 / (e) landuse@overstrand.gov.za) voor of op **13 November 2026**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Hoof Stadsbeplanner, 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.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede en kommentaar(e) openbaar gemaak mag word.

IINXALENYE 56 NAMA 57 ZEFARM WOLVEN GAT NO. 297, DIVISION BREDASDORP, UMMANDLA KAMASIPALA WASE-OVERSTRAND: INGOKWAHLULUHLULA NOKUYONDELELANISA: NGABAKWAPLAN ACTIVE TOWN NABACWANGCISI BENGINGQI EGAMENI LE- THE OLD TOOL ROOM AND EK EN SMIT (PTY) LTD

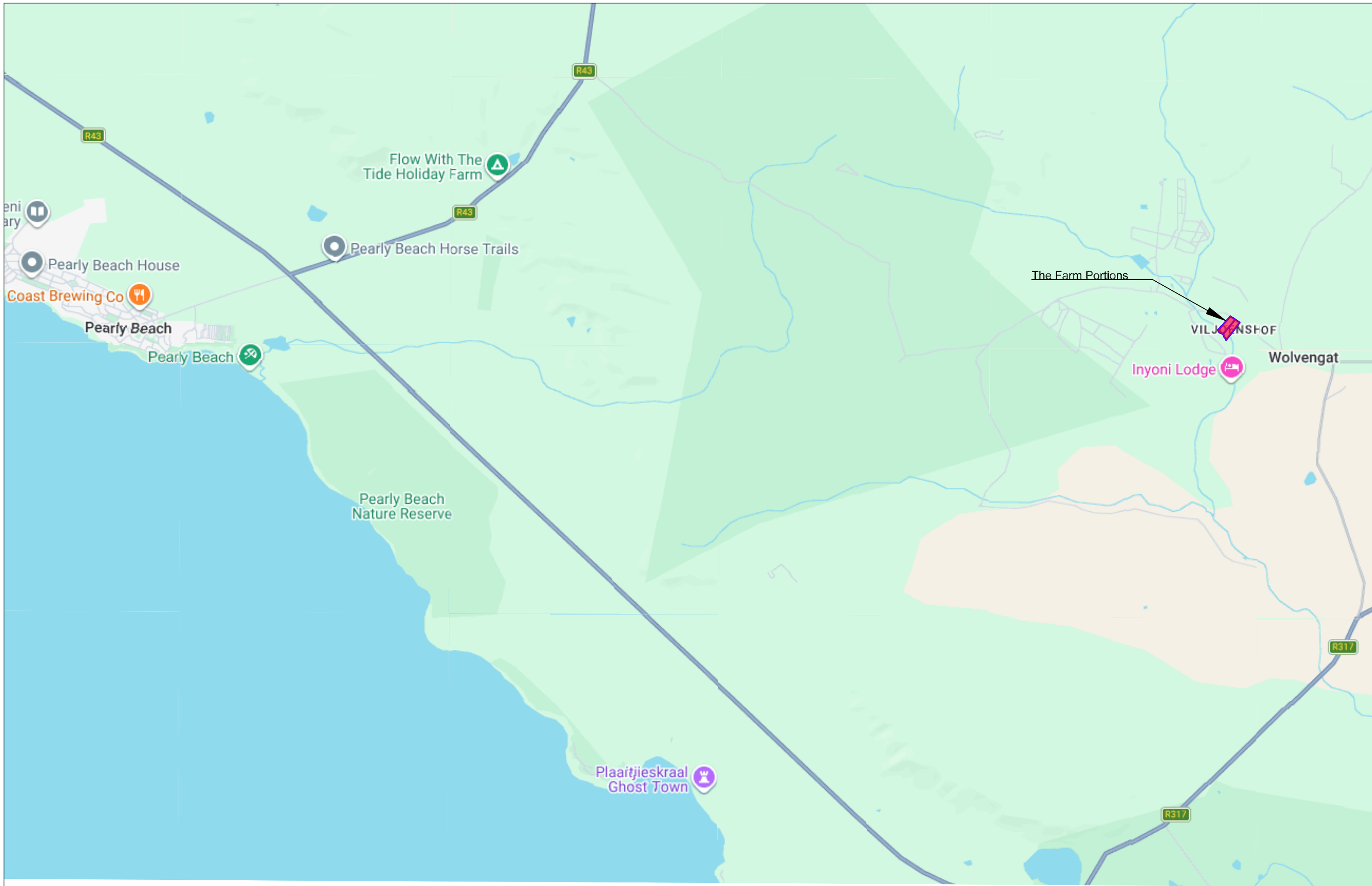
Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 loMthethwana kaMasipala wase-Overstrand OsisiHlomelo soMthethwana OngeziCwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana), esi saziso singemiba esebenziseka kwezi zicelo zingentla nezime ngoluhlobo lulandelayo:

- ❖ **ukwahlulahlula** ngokwemiba yeSoloty le-16(2)(d) loMthethwana weSohlulo esiyiNxalenye 56 yeFarm Wolven Gat No. 297 ibe zizohlulo ezinxalenye ezimbini ezibizwa Intsalela, emalunga ne-1.306 ha ubungakanani nesohlulo esiyiNxalenye A, esibungakanani obumalunga ne 1.254ha; kunye;
- ❖ **nokuyondelelanisa** ngokwemiba neSoloty le16(2)(e) loMthethwana wesohlulo esiyiNxalenye A nesohlulo esiyiNxalenye 57 yeFarm Wolven Gat No. 297 ukudala isiza esiyondelelanisiweyo esimayela ne-3.814ha ubungakanani.

Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus, kwiThala leeNcwadi laseGansbaai, c/o Main Road , Gansbaai nakwiwebhusayithi kamasipala kule linki ilandelayo <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Naziphi na izimvo mazibhalwe zize zingeniswe kuMasipala (16 Paterson Street, Hermanus / (f) 028 313 2093, (e) landuse@overstrand.gov.za ngomhla okanye ngaphambi komhla NgoLwesihlanu **13 Novemba 2026**, ubhale igama lakho, idilesi yakho kunye nomdla kwisicelo nesizathu sokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa **Mnu. SW van der Merwe** ku 028- 313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: Town and Spatial Planning. Igosa likamasipala liya kumnceda akwazi ukufaka izimvo zakhe.

Nceda uqaphele ukuba ngokwemiba yoMthetho Wokhuselo Lwengxelo Yomntu (POPIA), uza kube ungena kwinkqubo yoluntu ngoko ke uyavuma ukwawumelana nokusetyenziswa kwegama lakho, ifani, iinkcukacha zakho nolu(nezimvo) zingadizwa /zingasetyenziswa kwinkqubo(yesicelo) yokwenza isicelo





MOTIVATION REPORT

Subdivision of Portion 56 of the Farm Wolven Gat No. 297 and Consolidation of a Portion thereof with Portion 57 of the Farm Wolven Gat No. 297

PORTIONS 56 & 57 OF THE FARM WOLVEN GAT NO. 297 | DIVISION: BREDASDORP | OVERSTRAND MUNICIPALITY

Property (Portion 56 of the Farm Wolven Gat No. 297)	Portion 56 of the Farm Wolven Gat No. 297, Division Bredasdorp, Western Cape Province — in extent 2,5696 ha
Property (Portion 57 of the Farm Wolven Gat No. 297)	Portion 57 of the Farm Wolven Gat No. 297, Division Bredasdorp, Western Cape Province — in extent 2,5696 ha
Registered Owner (Portion 56 of the Farm Wolven Gat No. 297)	The Old Tool Room CC (Registration No. 2008/029879/23) — Title Deed No. T011194/2023
Registered Owner (Portion 57 of the Farm Wolven Gat No. 297)	Ek en Smit (Pty) Ltd (Registration No. 2024/368557/07) — Title Deed No. T000069523/2024
Municipality	Overstrand Local Municipality
Zoning	Agriculture Zone I
Locality	Viljoenshof rural settlement, ±16 km east of Pearly Beach
Nature of Application	Subdivision of Portion 56 of the Farm Wolven Gat No. 297 and consolidation of a portion thereof (“Portion A of the Farm Wolven Gat No. 297”, ±1.254 ha) with Portion 57 of the Farm Wolven Gat No. 297
Legal Basis	Sections 16(2)(d) and (e) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2020; The Subdivision of Agricultural Land Act, Act 70 of 1970
Policy / Forward Planning Documents Referred To (not attached)	Western Cape Provincial Spatial Development Framework (PSDF), 2014; Overstrand Municipality Spatial Development Framework (SDF), January 2020 (Final Draft); Western Cape Land Use Planning Guidelines: Rural Areas, March 2019

1. BACKGROUND

Plan Active has been appointed by the owners of Portions 56 and 57 of the Farm Wolven Gat No. 297 to submit and motivate a land use application affecting the two properties, situated in the Division of Bredasdorp, Western Cape Province, within the area of jurisdiction of the Overstrand Local Municipality. The application seeks approval for the subdivision of Portion 56 of the Farm Wolven Gat No. 297 and the simultaneous consolidation of a portion thereof, to be known as Portion A (± 1.254 ha), with the adjoining Portion 57 of the Farm Wolven Gat No. 297.

Both farm portions are located within the Viljoenshof rural settlement, approximately 16 kilometres east of Pearly Beach. The properties are relatively small in extent and are accordingly classified as lifestyle farm portions rather than economically viable commercial agricultural units. This classification informs the desirability assessment set out later in this report.

The application is initiated at the request of the owners of the two properties, who have mutually agreed to a boundary adjustment that will enlarge Portion 57 of the Farm Wolven Gat No. 297 to accommodate the horse-keeping activities of its owner, while the Remainder of Portion 56 of the Farm Wolven Gat No. 297 will continue to function as an independent lifestyle farm portion of sufficient extent.

The respective Title Deeds and the Subdivision and Consolidation Plan are enclosed with this application. Reference is also made throughout this report to the Western Cape Provincial Spatial Development Framework (PSDF), the Overstrand Municipality Spatial Development Framework (SDF) and the Western Cape Land Use Planning Guidelines: Rural Areas (2019) as relevant policy and forward planning documents; copies of these publicly available documents are not attached to the application documentation.

2. APPLICATION DETAILS

Application is hereby made in terms of Sections 16(2)(d) and (e) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2020, for:

- the subdivision of Portion 56 of the Farm Wolven Gat No. 297 into a Remainder (± 1.306 ha) and Portion A of the Farm Wolven Gat No. 297 (± 1.254 ha); and
- the consolidation of Portion A of the Farm Wolven Gat No. 297 with Portion 57 of the Farm Wolven Gat No. 297, to form a single consolidated portion of ± 3.814 ha.

Application is simultaneously also made in term of the subdivision of Agricultural Land Act, Act 70 of 1970.

Description	Before Application	After Application
Portion 56 of the Farm Wolven Gat No. 297	2,5696 ha	Remainder: ±1.306 ha
Portion 57 of the Farm Wolven Gat No. 297	2,5696 ha	Consolidated with Portion A of the Farm Wolven Gat No. 297: ±3.814 ha
Portion A of the Farm Wolven Gat No. 297 (new portion created from Portion 56 of the Farm Wolven Gat No. 297)	n/a	±1.254 ha (immediately consolidated with Portion 57 of the Farm Wolven Gat No. 297)
Total number of independent portions	2	2 (no net increase)

No additional independent farm portions are created by this application, and no additional land use rights are sought. The net effect is a boundary realignment between two existing portions: the Remainder of Portion 56 of the Farm Wolven Gat No. 297 remains a viable, independently held lifestyle farm portion, while Portion 57 of the Farm Wolven Gat No. 297 is enlarged through consolidation with Portion A of the Farm Wolven Gat No. 297.

3. DESIRABILITY

3.1 Property Location

The subject properties are situated within the Viljoenshof rural settlement, approximately 16 kilometres east of Pearly Beach, within the Overstrand Municipal area. This locality is documented in the Overstrand SDF (2020) under the name “Wolvengat”, which the SDF profiles together with Baardskeerdersbos and Buffeljags as one of three small rural settlements with rural residential and associated agricultural production functions, whose origin, like the majority of the Overstrand’s rural settlements, is linked to the dependence of its inhabitants on agriculture and other natural-resource-based activities. The rural settlements do not reflect the full range of land use categories found in urban areas and rely heavily on linkages with larger urban centres for services and community facilities.

The general locality of the subject farm portions, relative to Pearly Beach and the surrounding regional road network (including the R43 and R317), is illustrated in Figure 1 below.

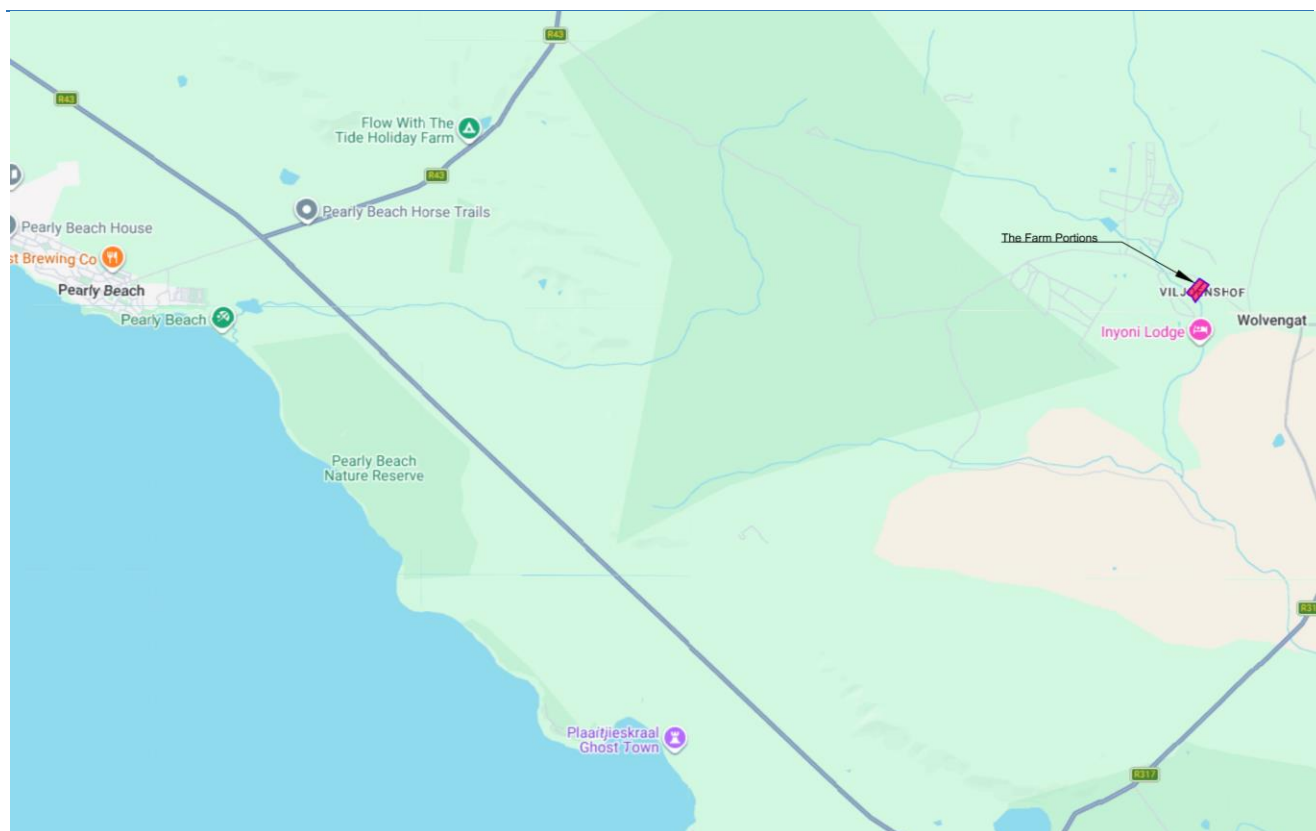


Figure 1: Locality Map — Portions 56 and 57 of the Farm Wolven Gat No. 297, Viljoenshof (source: PlanActive Town and Regional Planners)

Portion 56 of the Farm Wolven Gat No. 297 and Portion 57 of the Farm Wolven Gat No. 297 are elongated, adjoining portions that share a common lateral boundary, both extending in a north-west to south-east direction. The properties are accessed off the existing internal road network serving the Viljoenshof rural settlement.

Farm portions within the Viljoenshof rural settlement vary considerably in size, with some of the smaller existing portions ranging between approximately 0.4 ha and 0.8 ha in extent. Both the Remainder of Portion 56 of the Farm Wolven Gat No. 297 (± 1.306 ha) and the consolidated Portion 57 of the Farm Wolven Gat No. 297 (± 3.814 ha) resulting from this application will accordingly remain well within, and indeed comfortably exceed, the established range of portion sizes found within the settlement, reinforcing the compatibility of the proposal with the prevailing cadastral pattern and lifestyle-farming character of the area.

3.2 Policy Context (PSDF, Overstrand SDF and Rural Areas Guideline)

Both subject farm portions, and the surrounding farms within the Viljoenshof rural settlement, are zoned Agriculture Zone I in terms of the Overstrand Municipality Land Use Scheme, 2020. This confirms that the properties fall outside of any Settlement SPC or demarcated urban edge and are correctly considered within the rural, agriculturally-zoned portion of the municipal area.

The Western Cape Land Use Planning Guidelines: Rural Areas (2019), issued by the Provincial Minister in terms of the Western Cape Land Use Planning Act, 2014 (LUPA) to give effect to the Western Cape Provincial Spatial Development Framework (PSDF), classify rural land into six Spatial Planning Categories (SPCs): Core 1, Core 2, Buffer 1, Buffer 2, Agriculture and Settlement. Given the Agriculture Zone I zoning of the subject portions, their small extent, their lifestyle-farming use, and their location within a rural settlement associated with a biodiversity corridor and applicable EMOZ/HPOZ overlay zones (detailed in Section 3.3 below), the properties are consistent with the character and purpose of the Buffer and/or Agriculture SPCs, both of which explicitly accommodate extensive agriculture, farm diversification and rural accommodation of an appropriate scale, subject to the retention of the working rural landscape.

Significantly, the Rural Areas Guideline directs decision-makers to restrict the fragmentation of farm cadastral units and to actively promote their consolidation. In respect of the Buffer 1 SPC, the Guideline records that “consolidation and maintenance of Buffer Area land units should be promoted, especially when in private ownership, through rezoning to an appropriate zone.” In respect of the Agriculture SPC, it similarly provides that “consolidation of cadastral units should be promoted, especially where farms have conservation-worthy natural remnants.” The proposed application is directly aligned with this guidance. It should be noted that the application does not consolidate two separate farm portions to create one, it is rather a realignment of the common boundary between the two farms, achieved by subdividing Portion 56 of the Farm Wolven Gat No. 297 into a Remainder and Portion A, whereafter Portion A alone is consolidated with the adjoining Portion 57 of the Farm Wolven Gat No. 297. The Remainder of Portion 56 continues to exist as a separate, independently held portion. The net result is that no land is fragmented, no additional independent portion is created, and the total number of independent farm portions remains unchanged at two.

The Overstrand SDF (January 2020, Final Draft) similarly records, under its Wolvengat rural settlement section, that the local spatial development and growth management principles for Viljoenshof promote the area’s role as an agricultural zone of special significance, appropriately scaled tourism and rural cottage and agro-processing industries, and the special rural character and quality of the area, while restricting further residential development pending the compilation of a local development framework and containing new development within the existing rural settlement footprint. The SDF states that “there is no new development proposed for Wolvengat” under its 2020–2030 spatial proposal for this settlement.

The current application is fully consistent with these restrictions: it does not propose any new residential unit, any new building, or any increase in the number of independently held portions. It is a boundary realignment between two existing, related lifestyle farm portions, undertaken by mutual agreement between the two owners, and does not constitute “new development” or additional residential development as contemplated by the SDF’s restriction on the Wolvengat rural settlement within which Viljoenshof is situated.

The Overstrand SDF further notes that this settlement, like neighbouring Baardskeerdersbos, contains a prominent biodiversity corridor system, and that most of the settlement is accordingly included within a draft urban conservation Environmental Management Overlay Zone (EMOZ). The SDF advises that any new development within these areas should have regard to the Draft EMOZ regulations and be limited to development that is carefully considered and consistent with the underlying environmental and heritage sensitivities of the area.

As set out in Section 9.2 below, the proposed subdivision and consolidation involves no earthworks, vegetation clearance, or construction, and is accordingly not considered to trigger the sensitivities that the Draft EMOZ regulations are intended to manage. To the extent that any portion of the subject properties falls within the mapped biodiversity corridor, the consolidation of Portion A of the Farm Wolven Gat No. 297 with Portion 57 of the Farm Wolven Gat No. 297, rather than the creation of a further, separate portion, is the outcome favoured by the Rural Areas Guideline's stated preference for consolidating land units that contain conservation-worthy natural remnants, as it avoids introducing an additional independently held (and potentially separately developable) unit into a sensitive part of the settlement.

3.3 Environmental and Heritage Protection Overlay Zones (EMOZ / HPOZ)

The subject farm portions are affected by overlay zones established under the Overstrand Municipality By-law on Municipal Land Use Planning, 2020, namely the Environmental Management Overlay Zone (EMOZ) Regulations, 2020 and the Heritage Protection Overlay Zone (HPOZ) Regulations, 2020, summarised in the table below.

Overlay Zone	Location on the Subject Portions	Relevance to this Application
Riverine EMOZ	Along the southern boundary of the subject farm portions	No physical works proposed; boundary adjustment only
Mountain Catchment EMOZ	North-eastern side of the farm portions, where the main access road is located	No physical works proposed; existing access unaffected
Scenic Corridor HPOZ — Route of Local Scenic Significance	The farm portions abut a road identified as a Route of Local Scenic Significance	No new buildings, walls, fencing, gateways or signage proposed

3.3.1 Riverine EMOZ

The Riverine EMOZ is established to protect and conserve the ecological functioning of the Overstrand's main river courses and associated wetlands, in particular by protecting and maintaining healthy river and wetland environments capable of natural flood detention and supporting ecological processes, and by protecting the natural character, sense of place and aesthetic value of riverine environments (clause 7.5 of the EMOZ Regulations).

Schedules “A” and “B” to the EMOZ Regulations list the activities that are, respectively, prohibited or permissible only with Council’s written consent within the Riverine EMOZ. These activities are all physical in nature — for example, agricultural practices that may cause water logging or siltation, the planting or harbouring of invasive alien or emerging weed species, development or agriculture on slopes steeper than 1:4, excavation or removal of substrate, the discharge of effluent or grey water into natural systems, and the installation of conservancy tanks or biological treatment plants within 50 metres of a watercourse. No item in either Schedule addresses, or is capable of applying to, the subdivision or consolidation of land as such.

3.3.2 Mountain Catchment EMOZ

The Mountain Catchment EMOZ is established to protect and conserve the ecology and water provision functions of priority unprotected mountain catchments, to ensure optimal water security for Overstrand communities, and to preserve the eco-cultural tourism value of the Overstrand’s natural mountain landscape character (clause 5.5 of the EMOZ Regulations). The same general Schedules “A” and “B” prohibited- and consent-activity lists referred to above apply to the Mountain Catchment EMOZ, and are, similarly, confined to physical land use activities rather than cadastral processes such as subdivision or consolidation.

The proposed application involves no agricultural intensification, excavation, vegetation clearance, structures, effluent disposal, or other physical activity within either the Riverine EMOZ or the Mountain Catchment EMOZ. It is confined to a boundary realignment between two existing portions, and does not trigger any prohibited activity under Schedule “A”, nor any activity requiring Council’s written consent under Schedule “B”, of the EMOZ Regulations. The application will accordingly have no impact on the riverine or mountain catchment areas affecting the subject portions.

3.3.3 Scenic Corridor HPOZ — Route of Local Scenic Significance

The Scenic Corridor HPOZ Regulations are intended, amongst other things, to maintain and enhance the Overstrand’s scenic drive network, to promote the tourism, environmental and amenity potential of that network, and to ensure that scenic routes are embedded within, rather than imposed upon, the surrounding landscape (clause 8.2.1 to 8.2.3 of the HPOZ Regulations).

The HPOZ Regulations draw an important distinction between properties that fall within a full “scenic corridor” — being properties immediately abutting a scenic drive outside the urban edge, subject to the detailed siting, design, height, setback and building placement provisions of clauses 8.2.6 and 8.2.7 — and roads identified on the relevant HPOZ plans merely as regional or local “routes of scenic significance”. Clause 8.2.5 expressly provides that, in respect of the latter category, “only the regulations relating to edge treatments ... and the strict adherence to the Municipality’s signage bye-law apply.”

The subject farm portions abut a road classified as a Route of Local Scenic Significance, and accordingly only the limited edge-treatment (clause 8.2.8) and signage (clause 8.2.9) provisions of the HPOZ Regulations are, in principle, capable of applying, not the fuller scenic corridor development controls.

The edge-treatment provisions prohibit visually intrusive structures such as billboards, precast “vibracrete” walls and razor wire along scenic routes, and require appropriate road-edge and stormwater treatments and recessive gateway design; the signage provisions require compliance with the Municipality’s Signage By-law. As the current application does not propose any new building, wall, fence, gateway or signage, none of these provisions are engaged by the proposed subdivision and consolidation. The application accordingly has no impact on the scenic character of the area or on the Route of Local Scenic Significance which the subject portions abut.

3.4 Existing Land Use

Portion 57 of the Farm Wolven Gat No. 297 currently accommodates a single dwelling comprising two bedrooms, an open-plan living and dining area, a kitchen and bathroom facilities, together with a small shed. The owner of Portion 57 of the Farm Wolven Gat No. 297 keeps horses on the property and requires additional grazing and exercise area to accommodate this use appropriately.

Portion 56 of the Farm Wolven Gat No. 297 continues to be used as a lifestyle farm portion. No changes to the existing use or built form of the Remainder of Portion 56 of the Farm Wolven Gat No. 297 are proposed as part of this application.

4. PROPOSAL

4.1 Subdivision of Portion 56 of the Farm Wolven Gat No. 297

It is proposed that Portion 56 of the Farm Wolven Gat No. 297 (currently 2,5696 ha in extent) be subdivided into two portions:

- a Remainder of ± 1.306 ha, which will continue to be held and used as an independent lifestyle farm portion; and
- Portion A, a portion of the Farm Wolven Gat No. 297 (± 1.254 ha), which will be simultaneously consolidated with Portion 57 of the Farm Wolven Gat No. 297.

4.2 Consolidation with Portion 57 of the Farm Wolven Gat No. 297

Portion A of the Farm Wolven Gat No. 297 (± 1.254 ha) will be consolidated with the existing Portion 57 of the Farm Wolven Gat No. 297 (2,5696 ha), resulting in a single consolidated portion of ± 3.814 ha. The consolidation will not result in the creation of any additional independent erven or portions, the total number

of separately held portions remains unchanged at two, being the enlarged, consolidated portion (Portion A + Portion 57 of the Farm Wolven Gat No. 297) and the Remainder of Portion 56 of the Farm Wolven Gat No. 297.

The consolidation is intended to provide the owner of Portion 57 of the Farm Wolven Gat No. 297 with sufficient additional land to accommodate the horses kept on the property, allowing for improved grazing rotation and exercise area without necessitating the creation of a new, separate land unit. This outcome is consistent with the Rural Areas Guideline's stated preference, discussed in Section 3.2, for consolidating rather than fragmenting rural cadastral units.

4.3 Determination of the Subdivision Line

The position of the subdivision line was determined by offsetting the north-western lateral boundary of Portion 57 of the Farm Wolven Gat No. 297 by 44 metres in a north-westerly direction into Portion 56 of the Farm Wolven Gat No. 297. This boundary was mutually agreed between the owners of the two properties and is reflected on the enclosed Subdivision and Consolidation Plan (Portion57Farm297b), prepared by PlanActive Town and Regional Planners.

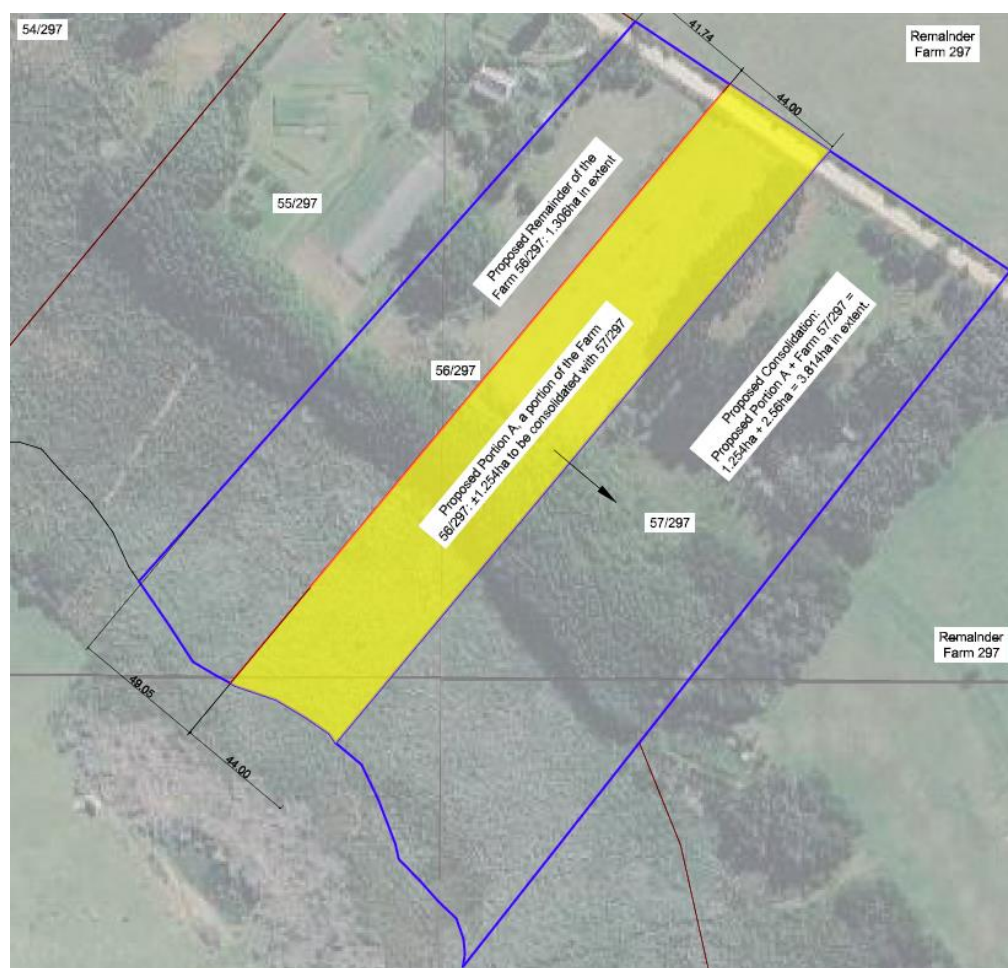


Figure 2: Subdivision and Consolidation Layout — Portions 56 and 57 of the Farm Wolven Gat No. 297 (not to scale, based on the enclosed Subdivision Plan)

Proposed Portion A of the Farm Wolven Gat No. 297 (± 1.254 ha), a portion of Portion 56 of the Farm Wolven Gat No. 297, is to be consolidated with Portion 57 of the Farm Wolven Gat No. 297, resulting in a consolidated portion of ± 3.814 ha. The Remainder of Portion 56 of the Farm Wolven Gat No. 297 (± 1.306 ha) remains a separate, independently held portion.

5. ACCESS AND PARKING

Both the Remainder of Portion 56 of the Farm Wolven Gat No. 297 and the consolidated Portion 57 of the Farm Wolven Gat No. 297 will continue to be accessed via the existing internal road network serving the Viljoenshof rural settlement. The proposed subdivision and consolidation do not alter existing points of access, and no new access points are required as a result of this application.

As the application does not introduce any new dwelling units or intensify the existing land use, no additional on-site parking provision is required beyond that which already exists to serve the dwelling on Portion 57 of the Farm Wolven Gat No. 297.

6. MUNICIPAL SERVICES

Consistent with the Overstrand SDF's status quo findings for the broader Wolvengat rural settlement (within which Viljoenshof falls), which does not contain any internal municipal services infrastructure, the subject properties are rural in nature and are not connected to formal municipal water, sewer or electricity reticulation. Portion 57 of the Farm Wolven Gat No. 297 is served by an existing on-site dwelling with associated services (including, where applicable, on-site water supply and sanitation), which will remain unaffected by the proposed subdivision and consolidation.

As no new dwellings, buildings, or intensification of land use are proposed, the application will not place any additional demand on services or infrastructure, nor will it require the extension of any service network into the settlement.

7. TITLE DEED

Portion 56 of the Farm Wolven Gat No. 297 is held by The Old Tool Room CC (Registration No. 2008/029879/23) under Deed of Transfer No. T11194/2023, and is subject to the conditions contained in Deeds of Transfer Nos. T9792/1918, T9793/1918, T9794/1918, T9795/1918 and T9797/1918.

Portion 57 of the Farm Wolven Gat No. 297 is held by Ek en Smit (Pty) Ltd (Registration No. 2024/368557/07) under Deed of Transfer No. T69523/2024, and is subject to the conditions contained in Deed of Transfer No. T9796/1918.

7.1 Water Servitude Conditions

Both portions are subject to the terms of a servitude endorsed on 18 May 1945, granting the holder of the servitude property the exclusive right to use water flowing in the stream indicated on Diagram S.G. 2891/44, on Fridays from 6 a.m. to 6 p.m.:

“By Deed of Transfer 6374 dated 18/5/1945 the property thereby conveyed is granted the exclusive right of use of water flowing in the stream indicated on the diagram S.G. 2891/44 annexed thereto on Friday in each week from 6 a.m. to 6 p.m. as will more fully appear on reference to the said diagram.”

In addition, Portion 57 of the Farm Wolven Gat No. 297 is entitled to the benefit of a special condition contained in Deed of Transfer No. T16744/1946, granting its successors in title the exclusive right to use water flowing in the stream on Mondays from 6 a.m. to 6 p.m., as well as the right to haul water for domestic purposes at all times:

“That the transferee and his successors in title of the aforesaid portion 57 of the farm Wolven Gat aan-de-Koks Rivier, shall have the exclusive right to the use of the water flowing in the stream indicated on the diagram of the property hereby transferred, on Monday in each week from 6 a.m. to 6 p.m. as well as the right to haul water therefrom for domestic purposes at all times.”

Portion 56 of the Farm Wolven Gat No. 297 is similarly subject to a corresponding special condition in favour of Portion 57 of the Farm Wolven Gat No. 297 (Deed of Transfer No. T16744/1946) and a further special condition in favour of Portion 55 (Deed of Transfer No. T16745/1946), granting the latter's successors in title the exclusive right to water on Tuesdays from 6 a.m. to 6 p.m., together with a right to haul water at all times.

These historic water use rights are personal to the respective portions as presently constituted and pre-date the current application by several decades. Upon registration of the proposed subdivision and consolidation, it will be necessary for the conveyancer attending to the transaction to ensure that the applicable water use conditions are correctly carried forward and endorsed against the title of the Remainder of Portion 56 of the Farm Wolven Gat No. 297 and the consolidated Portion 57 of the Farm Wolven Gat No. 297, as the case may be, so that the substantive water rights and obligations attaching to each portion are preserved.

8. FORWARD PLANNING

The proposed subdivision and consolidation is a once-off boundary realignment intended to better align land holdings with the respective owners' current and reasonably foreseeable needs. No further

subdivision of either the Remainder of Portion 56 of the Farm Wolven Gat No. 297 or the consolidated Portion 57 of the Farm Wolven Gat No. 297 is contemplated or anticipated at this time.

This is consistent with the Overstrand SDF's growth management strategy for Viljoenshof (recorded in the SDF under its Wolvengat rural settlement section), which proposes no densification and no new development for the settlement, and with the Rural Areas Guideline's consistent emphasis on consolidating, rather than further subdividing, small rural cadastral units.

The Remainder of Portion 56 of the Farm Wolven Gat No. 297 (± 1.306 ha) remains of sufficient extent to continue functioning as an independent lifestyle farm portion, consistent with its current and historic use.

9. OTHER RELEVANT LEGISLATION

9.1 Heritage Value

No heritage resources, structures of historical significance, or graves are known to exist on the affected portions. As set out in Section 3.3.3, the farm portions abut a road classified under the Scenic Corridor HPOZ Regulations as a Route of Local Scenic Significance, in respect of which only the limited edge-treatment and signage provisions of the Regulations apply. The application does not involve the demolition, alteration or construction of any built structure, wall, fence, gateway or sign, and accordingly does not engage those provisions or have any impact on the scenic character of the route or the wider area. Should any heritage resources be uncovered during the course of any future development, the provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) would apply.

9.2 Biophysical Environment

As noted in Sections 3.2 and 3.3, the Overstrand SDF identifies the Viljoenshof rural settlement (recorded in the SDF as Wolvengat) as containing a prominent biodiversity corridor, most of which is included within a draft urban conservation EMOZ, and the subject farm portions are additionally affected by the Riverine EMOZ along their southern boundary and the Mountain Catchment EMOZ on their north-eastern side, where the main access road is located.

The proposed subdivision and consolidation constitutes a boundary adjustment only and does not involve any earthworks, vegetation clearance, agricultural intensification, or construction within either overlay zone. As set out in Section 3.3.1 and 3.3.2, none of the activities listed in Schedules "A" or "B" to the EMOZ Regulations, which are confined to physical land use and development activities, are triggered by a cadastral subdivision and consolidation of this nature. No additional land use rights are sought by this application, and no direct impact on the biophysical environment, the biodiversity corridor, the riverine

area, the mountain catchment area, or the watercourse referred to in the servitude conditions discussed in Section 7 above, is anticipated as a result of this application. Should any future development be proposed on either the Remainder of Portion 56 of the Farm Wolven Gat No. 297 or the consolidated Portion 57 of the Farm Wolven Gat No. 297, such development would remain subject to independent assessment against the EMOZ Regulations and the Rural Areas Guideline's Buffer/Agriculture SPC provisions at that time.

10. PLANNING PRINCIPLES

The application is considered to be consistent with the development principles set out in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA), as well as the principles underpinning the Rural Areas Guideline (Chapter 6) and the Overstrand SDF. Each of the five SPLUMA development principles is addressed in turn below.

10.1 Spatial Justice — Section 7(a) of SPLUMA

The principle of spatial justice requires that past spatial and other development imbalances be redressed, and that land development processes include measures to correct that. The subject application is a boundary realignment agreed between two adjoining private landowners and does not, in itself, engage historical spatial imbalances of the kind the principle is primarily directed at. Nonetheless, the application does not restrict or diminish access to the properties, resources or opportunities of any other person, does not displace any occupier or land user, and treats both affected landowners equitably by giving effect to a boundary that both parties have mutually agreed upon.

10.2 Spatial Sustainability — Section 7(b) of SPLUMA

The principle of spatial sustainability requires that land development which is within the fiscal, institutional and administrative means of the country be promoted, that the protection of prime and unique agricultural land be encouraged, and that development on the urban fringe or in rural areas be limited to that which is sustainable and does not compromise the protection of prime agricultural land. As set out in Sections 3.2 and 3.4, the application:

- does not result in an increase in the number of independent land units, thereby avoiding unplanned or piecemeal fragmentation of rural land, consistent with the Rural Areas Guideline's direction to "restrict the fragmentation of agricultural landscapes and promote consolidation" except for land reform purposes;
- rationalises existing boundaries between two adjoining, related lifestyle farm portions in a manner agreed between both affected owners, and is consistent with the Rural Areas Guideline's stated preference for consolidating cadastral units, particularly where conservation-worthy natural remnants are present; and

- ensures that the Remainder of Portion 56 of the Farm Wolven Gat No. 297 (± 1.306 ha) remains of sufficient size to function as an independent lifestyle farm portion, comfortably exceeding the smaller existing farm portions within the Viljoenshof rural settlement, which range down to approximately 0.4 ha to 0.8 ha in extent.

10.3 Efficiency — Section 7(c) of SPLUMA

The principle of efficiency requires that land development optimise the use of existing resources and infrastructure, and that development application procedures be efficient and streamlined and timeframes be adhered to. The application makes use of the existing farmstead, access and infrastructure arrangements on both properties without requiring any new infrastructure, engineering services, or access works, and gives effect to a straightforward boundary adjustment rather than a more resource-intensive land development process. It thereby optimises the use of the two existing land units to accommodate the practical needs of both owners, in particular the additional grazing and exercise land required for the horses kept on Portion 57 of the Farm Wolven Gat No. 297.

10.4 Spatial Resilience — Section 7(d) of SPLUMA

The principle of spatial resilience requires flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. By supporting the continued, appropriate use of Portion 57 of the Farm Wolven Gat No. 297 for horse-keeping and by ensuring that the Remainder of Portion 56 of the Farm Wolven Gat No. 297 remains a viable, independent lifestyle farm portion, the application sustains the practical, adaptive use of both properties within the Viljoenshof rural settlement. The application does not constitute new development or additional residential development within the settlement, and is therefore consistent with the Overstrand SDF's growth management approach for Viljoenshof (recorded in the SDF as Wolvengat), which restricts further residential development pending a local development framework while not precluding boundary rationalisation between existing, lawfully established portions.

10.5 Good Administration — Section 7(e) of SPLUMA

The principle of good administration requires an integrated approach to land development, that requirements of any law relating to land development be met timeously, and that affected parties be afforded the opportunity to participate in decisions that affect them. The application is submitted in terms of the prescribed procedures of the By-law and will follow the ordinary internal and external circulation procedures, including circulation to the relevant internal municipal departments and the public participation process provided for in the By-law, in terms of which surrounding owners will be notified and afforded the opportunity to comment. All information reasonably required for an informed decision — the title deed, the

proposed subdivision and rezoning plan, and this motivation — accompanies the application, and further information will be provided promptly on request.

11. RECOMMENDATION

Having regard to the information set out in this report, including the relevant provisions of the Western Cape Provincial Spatial Development Framework, the Overstrand Municipality Spatial Development Framework, the Western Cape Land Use Planning Guidelines: Rural Areas, and the applicable EMOZ and HPOZ Regulations, it is respectfully submitted that the proposed subdivision of Portion 56 of the Farm Wolven Gat No. 297 and the consolidation of Portion A of the Farm Wolven Gat No. 297 with Portion 57 of the Farm Wolven Gat No. 297:

- is desirable and will not result in any additional independent farm portions, nor does it seek any additional land use rights;
- is compatible with the rural, lifestyle character of the Viljoenshof rural settlement;
- aligns with applicable provincial and municipal policy support for the consolidation (rather than fragmentation) of rural land units;
- will not have any material negative impact on surrounding properties or municipal services;
- will not have any material negative impact on the Riverine or Mountain Catchment EMOZ areas affecting the portions;
- will not have any material negative impact on the scenic character of the Route of Local Scenic Significance which the portions abut; and
- will not have any material negative impact on the biophysical environment more generally.

It is respectfully recommended that the application for subdivision and consolidation, made in terms of Sections 16(2)(d) and (e) of the Overstrand Municipality By-law on Municipal Land Use Planning, 2020, be APPROVED.

