



**PORTION 222 AND PORTION 223 (PORTIONS OF PORTION 195) OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: MESSRS TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF DA SCOTT**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received in terms of Section 16(2)(e) of the By-Law, to consolidate Portion 222 and Portion 223, (Portions of Portion 195) of the Farm Baardscheerders Bosch No. 213, to create one consolidated property approximately 8000m<sup>2</sup> 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 and 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 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 14 March 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Senior Town Planner, Mr. SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept 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.

**GEDEELTE 222 EN GEDEELTE 223 (GEDEELTES VAN GEDEELTE 195) VAN DIE PLAAS BAARDSCHEERDERS BOSCH NR. 213, AFDELING BREDASDORP, OVERSTRAND MUNISIPALE AREA: AANSOEK OM KONSOLIDASIE: MNRE TOWN & COUNTRY CREATIVE LAND SOLUTIONS NAMENS DA SCOTT**

Kennis word hiermee gee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is ingevolge Artikel 16(2)(e) van die Verordening, om Gedeelte 222 en Gedeelte 223 (Gedeeltes van Gedeelte 195) van die Plaas Baardscheerders Bosch Nr. 213, te konsolideer, om een gekonsolideerde eiendom van ongeveer 8000m<sup>2</sup> 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 en 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 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **Vrydag, 14 Maart 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Senior 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.

**IINGXENYE 222 KUNYE NENGXENYE 223 (IINGXENYE ZENGXENYE ENGU 195) YEFAMA I BAARDSCHEERDERS BOSCH ENGUNAMBA 213 BREDASDORP DIVISION, UMASIPALA WASE OVERSTRAND: ISICELO SOKUDIBANISA: MESSRS TOWN&COUNTRY CREATIVE LAND SOLUTIONS EGAMENI LIKA DA SCOTT**

Isaziso sinikezelwe ngokwemiqathango yeCandelo 48, loMthetho kaMasipala oLungisiweyo wokuSetyenziswa koMhlaba woMasipala wase-Overstrand 2020 (uMthetho kaMasipala) ukuba isicelo sifunyenwe ngokwemiqathango yeCandelo 16(2)(e) waloMthetho ukudibanisa ingxenye 222 kunye ne 223, (iingxenye zengxenye 195)yefama iBaardscheerders Bosch engunamba 213 ukwenza ipropati enye edibeneyo eqikelelelwa ku 8000m<sup>2</sup> ukwanda.

Iinkcukacha ezipheleleyo ephathelelene nesindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwangciso lweDolophu, Paterson Street, eHermanus nakwiThala leeNcwadi laseGansbaai, Main Road, eGansbaai Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kaMasipala mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphamb i **koLwesihlanu, 14 EyoKwindla 2025**, unike igama lakho, idilesi neenkukacha zoxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **kuMchwangcisi weDolophu oPhezulu, uMnu 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 loCwangciso lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.





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PROJECT  
LOCALITY PLAN: PORTIONS 222 & 223 OF FARM  
213, BREDASDORP DIVISION  
OVERSTRAND MUNICIPALITY



Land Surveyors • Town Planners

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REVISION

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## MOTIVATIONAL REPORT

### PROPOSED CONSOLIDATION: PORTIONS 222 AND 223 OF FARM BAARDSCHEERDERS BOSCH NO 213, DIVISION BREDASDORP

Ref. BRE/3239

#### 1. INTRODUCTION

This office was appointed by the owner, Debra Anne Scott, to prepare the town planning application for the proposed consolidation of Portions 222 and 223 of Farm Baardscheerders Bosch No 213. The portions were created with the subdivision of Portion 195 of Farm 213 in 2017. Ms Scott bought both portions and would like to consolidate them to ensure the more sustainable management of the properties.

#### 2. APPLICATION

Application is made for:

- I. Consolidation, in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, to allow for the consolidation of Portions 222 and 223 of Farm 213, to create a farm unit of 8000m<sup>2</sup>.

#### 3. PROPERTY DETAILS

FARM	PORTION 222	PORTION 223
TITLE DEED	T6127/2020	T3337/2022
TOTAL AREA	4000m <sup>2</sup>	4000m <sup>2</sup>
REGISTERED OWNER	DEBRA ANNE SCOTT	
Boundaries: North	Portion 195 of Farm 213	
East	Farm 388	
South	Portion 81 of Farm 213	
West	Portion 178 of Farm 213; Portion 179 of Farm 213	

#### 4. SITE DESCRIPTION AND SURROUNDING AREA

Portions 222 and 223 of Farm 213 are located towards the north of Baardskeerdersbos, inside the Urban Edge. The co-ordinates of the property being: 34°34'54.95"S; 19°34'22.77"E. Properties towards the north and west are developed with a house and the property towards the south is vacant. Sizes vary between ±1833m<sup>2</sup> and ±3,94ha. The property towards the east is of an agricultural nature and falls outside the urban edge.



Location of Portions 222 and 223 of Farm 213 (Extract from the Overstrand Public Viewer)

#### 5. PROPOSED REZONING

The zoning of Portions 222 and 223 is Rural Zone 1: Agricultural Small Holding. No change in zoning is proposed.

The Primary uses for a Rural Zone 1 is in terms of the Zoning Scheme are agriculture, dwelling house, day care centre, guest rooms, home occupation.

## 6. PROPOSED CONSOLIDATION

Consolidation of the following portions are proposed:

- Portion 222 of Farm 213: ±4000m<sup>2</sup>
- Portion 223 of Farm 213: ±4000m<sup>2</sup>

After consolidation a new farm unit of 8000m<sup>2</sup> is created.

Being in the same ownership, the consolidation will allow for more efficient management of the property. It should also reduce municipal costs in terms of rates and taxes.

## 7. EXISTING POLICY FRAMEWORKS

### 7.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK

From the document the following:

'Overstrand Municipality works towards creating a An Environmentally Sustainable and Resilient Overstrand

*Environmental management towards achieving sustainability is a vital component of sound urban and regional planning. It can be explained as a combination of spatial planning and land-use management of urban and rural areas, focused at meeting the needs of the current population without unduly compromising the natural environment or the ability of future generations of meeting their needs. A key component of environmental sustainability is environmental resilience, referring to the ability of ecosystems to recover from the impacts of natural hazards in the short to medium term and to adapt to future scenarios such as climate change in the long term. Some landscape features are more likely to support biodiversity resilience to climate change than others.*

*The key contributors to achieving an environmentally sustainable and resilient area are spatial planning and design that considers environmental attributes and physical constraints, judicious rural land-use management and the safeguarding of biodiversity features that provide key ecosystem services. Areas important for climate change resilience need to be managed and*

*conserved through a range of mechanisms including land-use planning, environmental impact assessments, protected area expansion, and collaboration with industry sectors to minimise their spatial footprint and other impacts.*

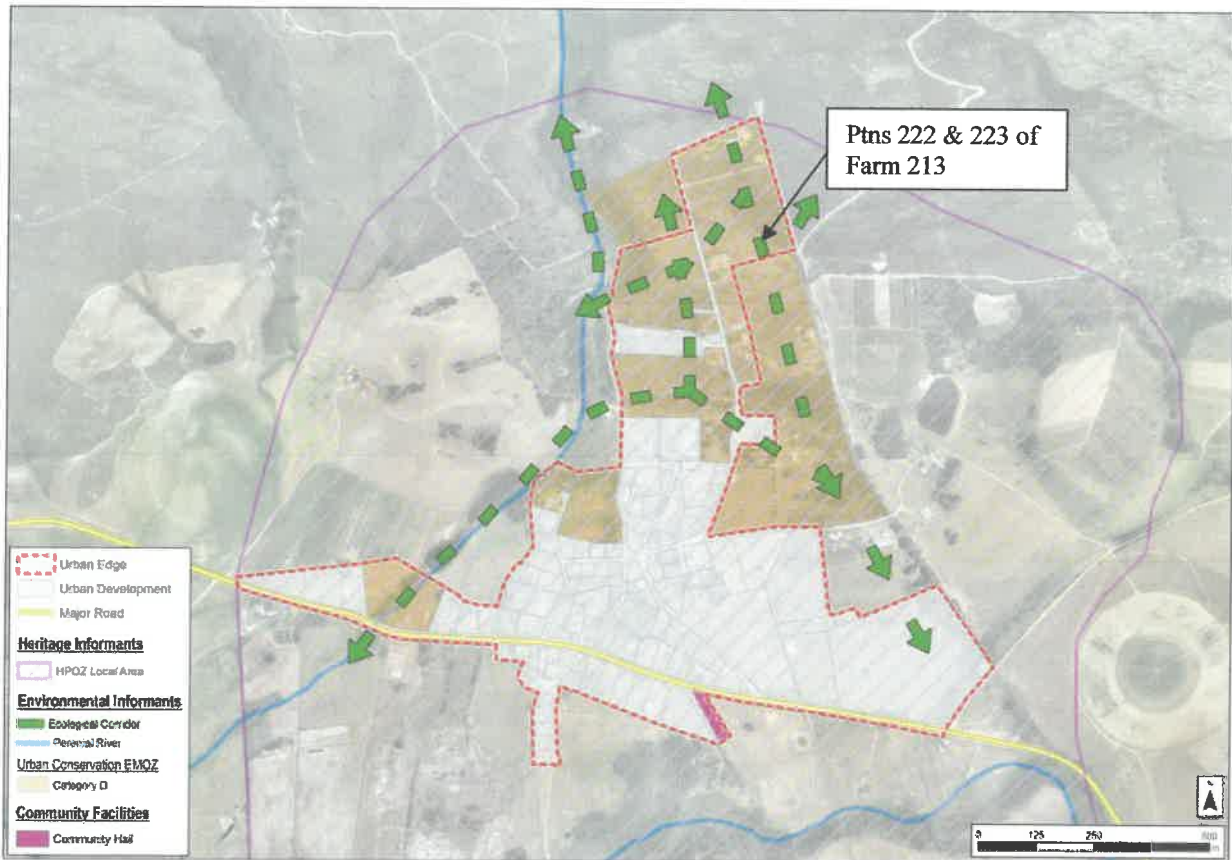
*One of the important aims will be to Protect Biodiversity and agricultural resources. This can be achieved through:*

- i. The existing pattern of development should be maintained and the establishment of new nodes or settlements should not be encouraged. If, however, the Municipality deem a new node or settlement to be desirable, the proposed development thereof should take place in a manner consistent with the overarching long term vision and spatial directives of this MSDF.*
- ii. Ensure that development is confined within urban edges and growth is managed based on sustainable densification principles.*
- iii. Prevent unsustainable change in land use of biodiversity rich rural areas, existing agricultural activity and soil with agricultural potential to other uses.*
- iv. Ensure that existing agricultural activity and soils with high production potential is retained.*
- v. Minimise the fragmentation of rural land by managing rural development based on the Overstrand SDF Rural Land Use Policy.*
- vi. Subdivision of agricultural land should be strongly resisted except where it is consistent with the requirements as stipulated by Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) and the related policy of the responsible department (SDF Policy P.1, 2006).*
- vii. The desirability of designating mining areas should take into account the worth of the material to be extracted against the long term costs to the visual quality of the area, the potential loss in agricultural production, as well as the impacts on existing rights of neighbouring property owners*

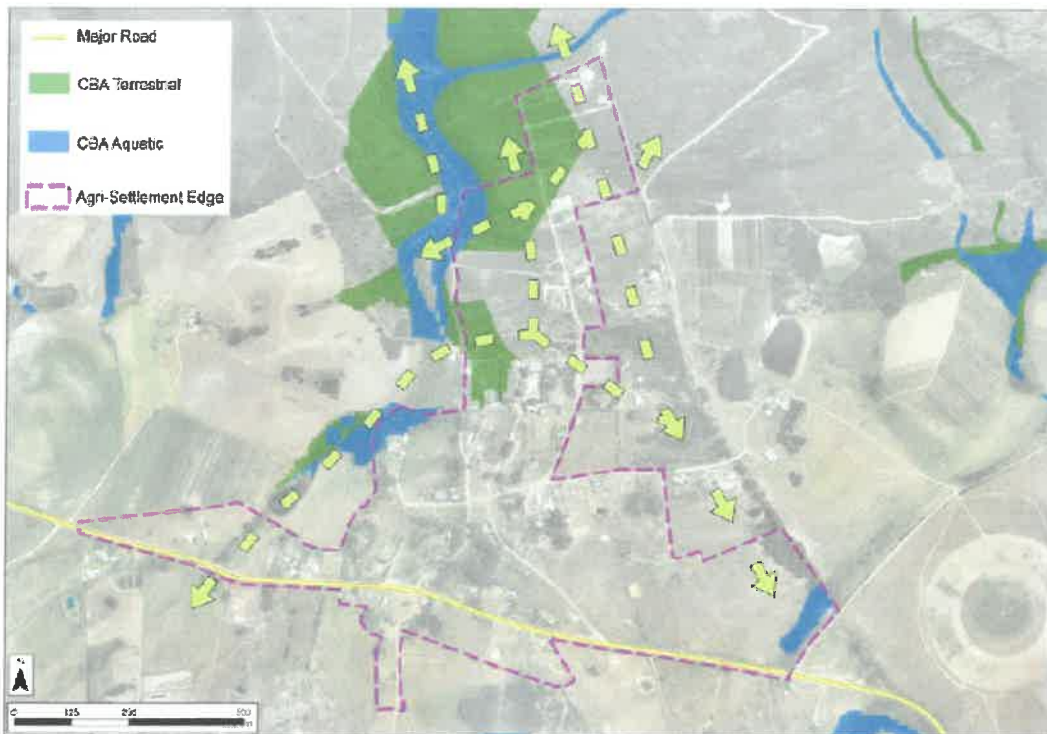
The Spatial Development Framework indicates that **Baardskeerdersbos** has a rural residential and associated agricultural production function. It is noted that: 'The majority of the privately owned land in the northern part of the settlement consist of biodiversity corridors and was therefore included in an urban conservation EMOZ.

The document notes that the following should be promoted:

- the role of the area as an agricultural zone of special significance.
- appropriately scaled tourism development based on the agricultural and heritage value of the region;
- rural cottage industries;
- appropriate residential development on a scale and in a form that retains the village character of Baardskeedersbos;
- the role of the area as an agricultural zone of special significance;
- appropriately scaled tourism development based on the agricultural and heritage value of the region.



Map taken from the SDF: Plan 38 Baarskeedersbos Status quo.



*Plan 69: 2050 Spatial Proposal Baardskeerdersbos*

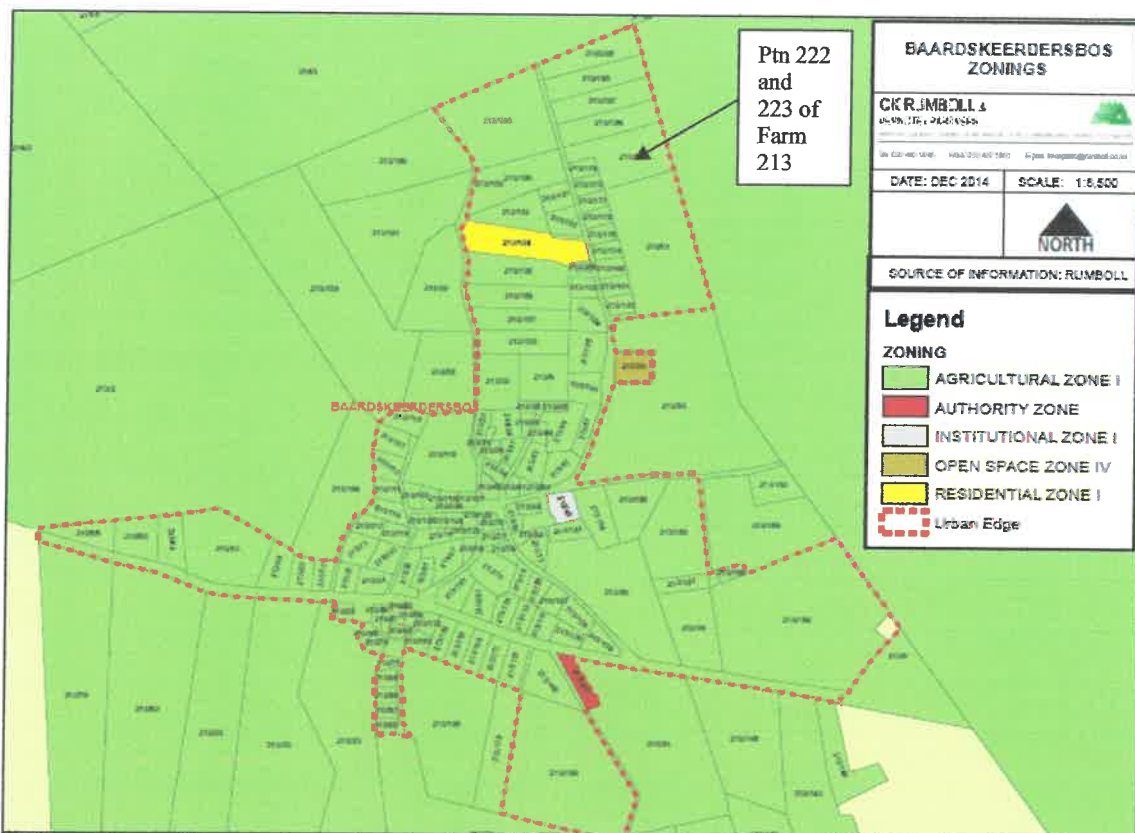
The proposal complies with this document, seeing that the proposed consolidation will ensure less pressure on the environment in which it is located.

## **7.2 OVERSTRAND GROWTH MANAGEMENT STRATEGY**

The Overstrand Growth Management Strategy is not applicable to Baardskeerdersbos, since no significant densification is proposed for this village.

## **7.3 BAARDSKEERDESBOS PRECINCT PLAN**

A Precinct plan was drafted by a multi-disciplinary professional team and finalised in 2015. The team was appointed by the Department of Rural Development and Land Reform. In this precinct plan Portions 222 and 223 of Farm 213 are indicated as inside the proposed Urban Edge, please see below.

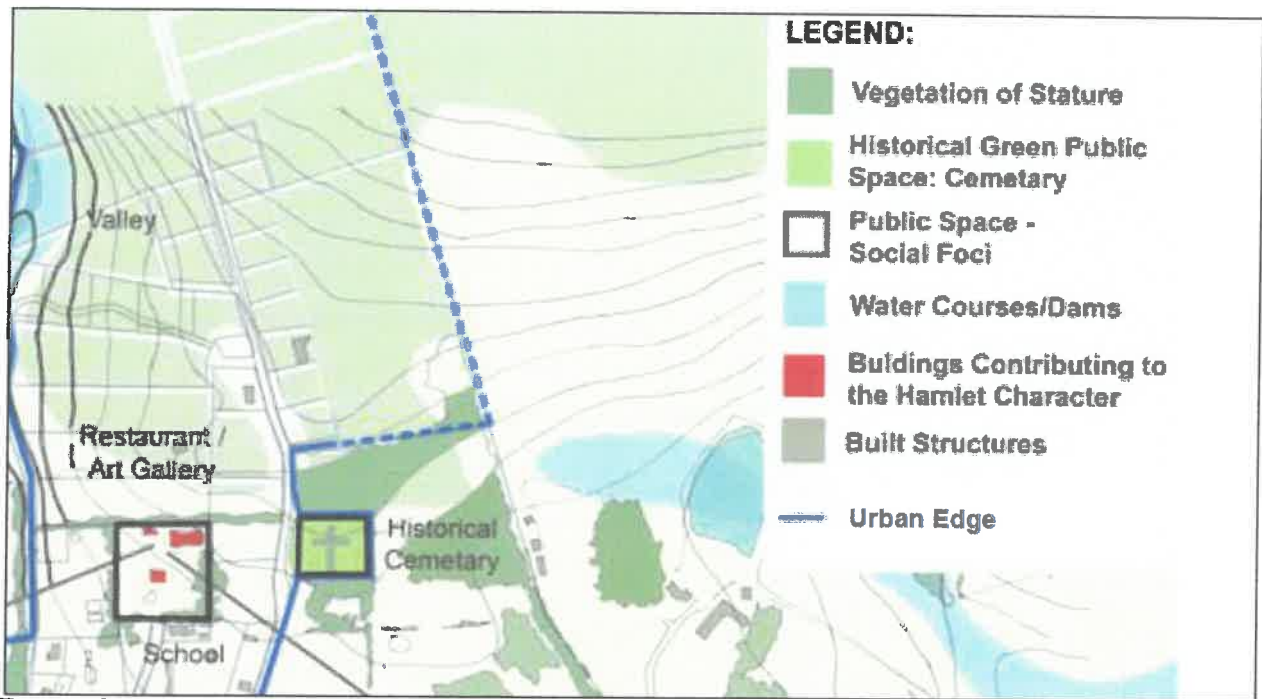


Extract from the zoning plan included in the Precinct Plan, 2015, indicating the position of the portions inside the Urban Edge. Since the compilation of this Plan the erven was rezoned to Rural Zone and subdivided.

Development Parameters proposed in this document:

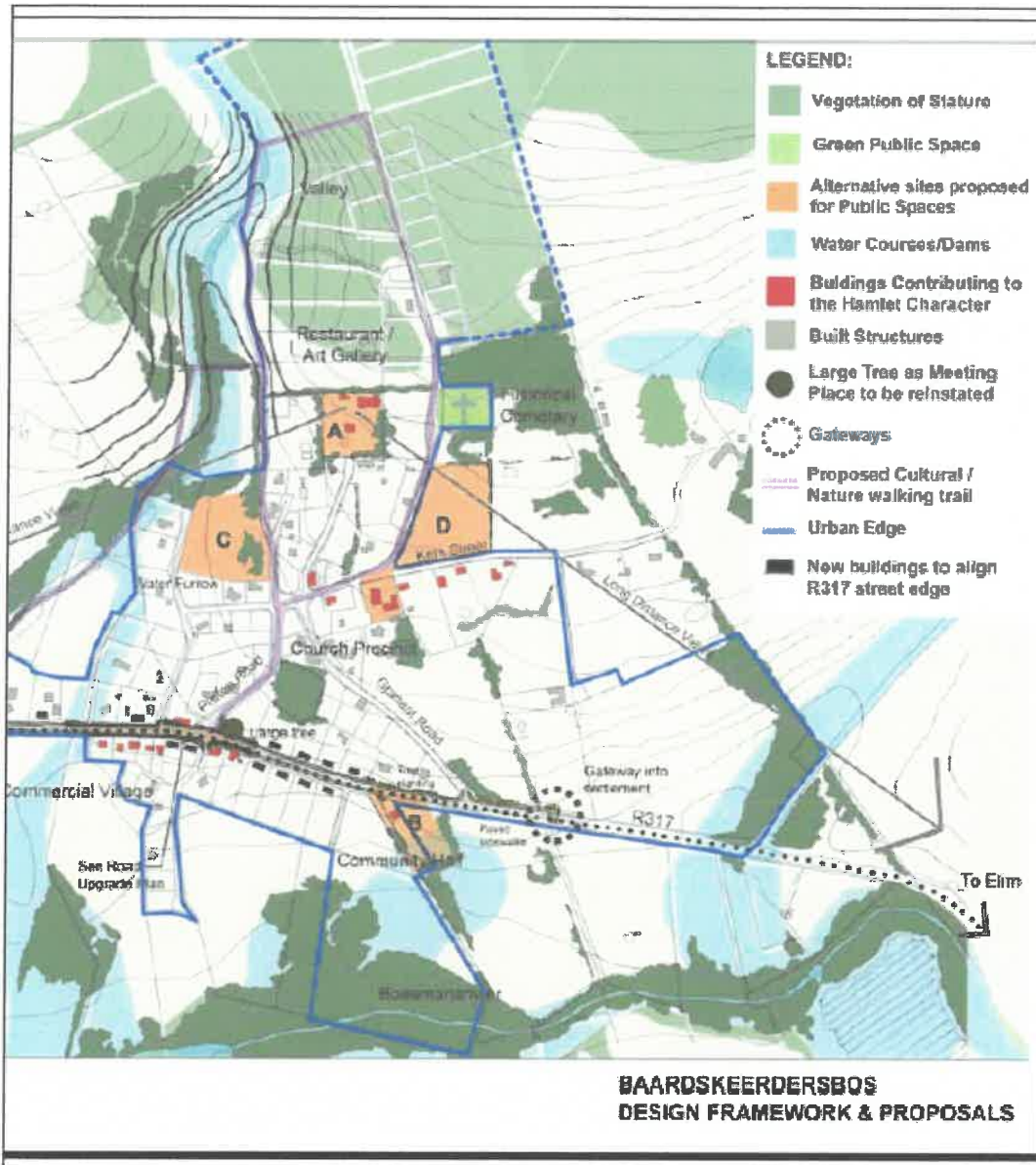
**7.1.2 Development parameters:**

1. Erven in the Hamlet portion should be a minimum of 4000m<sup>2</sup>.
2. The architecture should conform to the Cape vernacular and in particular with regards to mass, form and height.
3. The landscaping on large erven should be more intense, and agriculture is encouraged.
4. Permission to be sought from local authority to build an additional dwelling. The footprint of the additional dwelling should be smaller than the footprint of the main dwelling.



Extract from a plan indicating the Heritage and Landscape indicators in the Baardskeerdersbos Precinct Plan

The proposed consolidation does not have an impact on the heritage status of the area. There are no historical buildings on the farm portions.



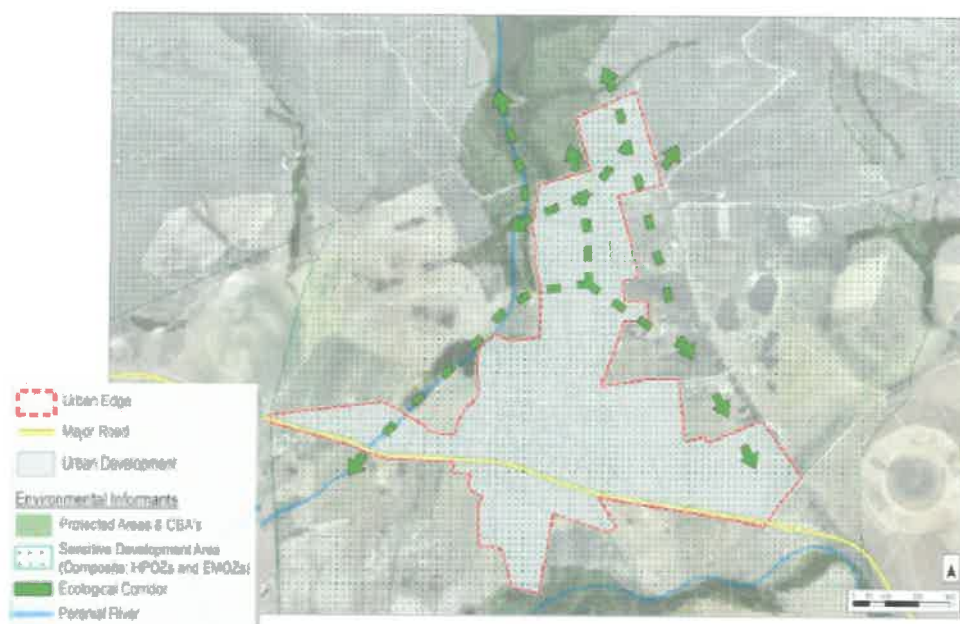
### Baardskeerdersbos Design Framework and Proposals

The consolidation is not impacted on by the Design Framework and Proposals. This document is not yet indicating the subdivision that took place in 2017 and with the consolidation, the layout is to some extent reverting back to what is was previously.

## 7.4 MUNICIPAL HERITAGE AND ENVIRONMENTAL OVERLAY ZONE REGULATIONS

The purpose of the Overlay Zones is 'to protect and manage undeveloped conservation-worthy public owned land within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand'.

The area inside the urban edge of Baardskeerdersbos is entirely included in the area demarcated as a Sensitive Development area in terms of Environment and Heritage.



*Plan 71: Baardskeerdersbos Spatial Proposal 2020*

The consolidation does not have an impact on the spatial proposals.

## 7.5 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF)

The PSDF is prepared at a provincial level and therefore sets out important principles that inform decision making at a local level. The document contains a complex set of policies that are applicable to the whole province. The most applicable challenges and opportunities set forth in this case are:

- Undeveloped potential in tourism markets, especially in some rural areas where new product opportunities for cultural, adventure and ecotourism exist. This potential should be utilised, but in an environmentally responsible manner;
- Environmental damage due to inadequate environmental management. Uncontrolled growth and development will start affecting the 'landscape' resource. A symbiotic relationship needs to be developed where features are protected as assets for tourism, while tourism generates the motivation and finances to protect environmental resources;
- Linking of tourism resources by theme, promotion, product differentiation, transportation can create a better offer, thereby drawing a larger market;
- Increase variety of tourist attractions and activities in focus areas to induce tourists to stay longer, and encourage returns;

The proposed consolidation is not impacted on by the PSDF.

## **7.6 SECTION 42 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) AND CHAPTER 6 OF THE LAND USE PLANNING ACT (LUPA)**

The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) are applicable. One of the main objectives of these acts is to provide a framework for spatial planning and land use management to address past spatial and regulatory imbalances.

Section 42 of SPLUMA and Chapter 6 of LUPA prescribe certain aspects that have to be taken into consideration when deciding on an application. These are:

- development principles set out in Chapter 2 of SPLUMA
- protect and promote the sustainable use of agricultural land
- national and provincial government policies
- the municipal spatial development framework; and take into account—
  - (i) the public interest;
  - (ii) the constitutional transformation imperatives and the related duties of the State;
  - (iii) the facts and circumstances relevant to the application;
  - (iv) the respective rights and obligations of all those affected;
  - (v) the state and impact of engineering services, social infrastructure and open space requirements; and

(vi) any factors that may be prescribed, including timeframes for making decisions.

SPLUMA and LUPA sets out the following 5 main development principles applicable to spatial planning, land use management and land development:

1. Spatial justice
2. Spatial sustainability
3. Efficiency (optimising the use of existing resources and infrastructure)
4. Spatial resilience (allow for flexibility in spatial plans)
5. Good administration

**Compliance with SPLUMA & LUPA Principles:**

As discussed in this report, this development proposal is consistent with the approved statutory spatial policy framework for the area, as well as the Provincial Spatial Development Framework. The table below indicates how the proposed development will be consistent with the SPLUMA principles.

<b>SPLUMA &amp; LUPA Principle</b>	<b>Compliance</b>
<b>Spatial Justice</b>	Portions 222 and 223 are registered in the name of the same person. Consolidation will allow for the property to be spatially managed as a single unit.
<b>Spatial Sustainability</b>	The erven appear to fall within an ecological corridor. Consolidation will lesson the environmental impact of any future development of the erven.
<b>Spatial Efficiency</b>	With the erven being in the same ownership, the more efficient management of erven is enabled.
<b>Spatial Resilience</b>	Not impacted on by the proposed consolidation.
<b>Good Administration</b>	This principle has no direct bearing on the

	<p>application; however, the Overstrand Municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.</p>
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**8. DESIRABILITY**

**8.1 Title Deed**

- There are no deed restrictions preventing consolidation.

**8.2 Physical Characteristics of the Property**

- The two portions used to form part of one farm unit. There are no physical characteristics that could impact on the consolidation.

**8.3 Overhead Planning**

The project complies with the overhead planning for the area:

- The Consolidation is not impacted on by overhead planning documents.

**8.4 Compliance with SPLUMA & LUPA**

The proposal is in compliance with the principles of SPLUMA & LUPA.

**8.5 Agricultural Activities**

There are no agricultural activities on the property that will be negatively impacted on by the consolidation.

**9. ACCESS & PARKING**

Access to the property is taken from an existing servitude right of way from Olienhout Avenue.

Parking is provided for on the property.

## **10. SERVICES**

All services are already available for the two portions. With one less property, less services are required.

## **11. CONCLUSION**

The proposed consolidation will not detract from already existing uses in the surrounding neighbourhood. With the proposed consolidation, erven will partially revert back to its previous layout. The proposed use is in line with general principles set by forward planning documents, principles of LUPA and SPLUMA.



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PROJECT  
CONSOLIDATION PLAN: PORTIONS 222 & 223 OF  
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OVERSTRAND MUNICIPALITY



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