

ERF 6359, 37 13th STREET, KLEINMOND: APPLICATION FOR SUBDIVISION : PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF THE MARIO TRUST

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has received in terms of Section 16(2)(d) to subdivide Erf 6359, Kleinmond into a Portion A ($\pm 1038\text{m}^2$) and a Remainder ($\pm 1038\text{m}^2$).

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **27 August 2021**, quoting your name, address and contact details, interest in the application, and reasons for comment. Telephonic enquiries can be made to **Ms. H. van der Stoep** 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.

ERF 6359, 13de STRAAT 37, KLEINMOND: AANSOEK OM ONDERVERDELING : PLAN ACTIVE STADS- EN STREEKSBEPLANNERS NAMENS THE MARIO TRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek is ingevolge Artikel 16(2)(d) om Erf 6359, Kleinmond in 'n Gedeelte A ($\pm 1038\text{m}^2$) en 'n Restant ($\pm 1038\text{m}^2$) te onderverdeel.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige skriftelike kommentaar moet ingevolge die bepalings van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) bereik voor of op **27 Augustus 2021** met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Me. H. van der Stoep** 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.

ISIZA ESINGU-ERF 6359, 37 13th STREET, KLEINMOND: ISICELO SOKWAHLUA-HLULA: NGABAKWAPLANPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LE-THE MARIO TRUST

Kukhutshwe isaziso nguMasipala waseOverstrand esimayela nemiba yeSoloty lama48 Ngokuhlonyelwa koMthethwana ongeZicwangciso Zokusetyenziswa koMhlaba kaMasipala waseOverstrand ku2020 esithi kufunyenwe isicelo esimayela nemiba yeSoloty le16(2)(d) elingokwahlulahlula isiza esinguErf 6359, Kleinmond ibe yiNxalenye eyaziwa njengePortion A ($\pm 1038\text{m}^2$) neNtsalela ebizwa iRemainder ($\pm 1038\text{m}^2$).

linkcukacha ezipheleleyo ezimayela nesiphakamiso esi ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi yesi08:00 neya16:30 kwiSebe: LeziCwangciso ngeDolophu, Paterson Street, Hermanus naseKleinmond Library, Fifth Avenue, eKleinmond. Naziphi na izimvo ezibhalwe phantsi mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 oMthethwana kaMasipala ochazwe ngentla kufuneka zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama**27 ku-Agasti ku2021**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Nkszn. H. van der Stoep** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukubhala nokufunda angaya kwiSebe Lezicwangciso ngeDolophu apho igosa likamasipala liza kumnceda afake izimvo zakhe ngokusemthethweni.



Scale: NTS

Drawing Nr: 6359kleinmondL.drw

Date: MAY 2021

Plan Description:

LOCALITY MAP

Property Description:

ERF 6359
KLEINMOND

All distances approximate
and subject to survey.

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Town & Regional Planners

PLⁿ**Active**



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PROPOSED SUBDIVISION

ERF 6359 KLEINMOND

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. **BACKGROUND**

Mr. G.M. Brynard and Mrs. H. Brynard on behalf of The Mario Trust, the owner of Erf 6359 Kleinmond, have instructed the company Plan Active Town Planners to apply for the subdivision of Erf 6359 Kleinmond.

It is the intention to subdivide Erf 6359 Kleinmond to create one additional erf and a remainder. The Title Deed applicable to Erf 6359 Kleinmond does not contain any restrictions that need to be addressed in order for the proposed application to be approved.

Erf 6359 Kleinmond is 2 076m² in extent and is held by Title Deed Number T45483/2019.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 6359 Kleinmond.

3. DESIRABILITY

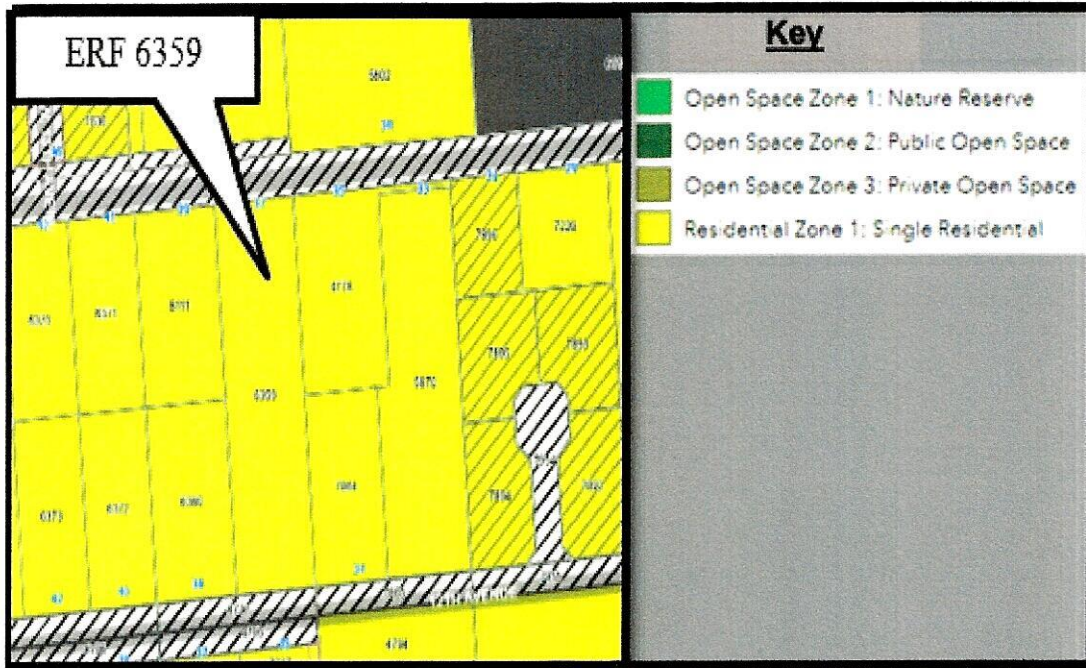
3.1 PROPERTY DESCRIPTION

Erf 6359 Kleinmond is located at 37, 13th Avenue, Kleinmond and is 2 076m² in extent. The subject property borders on two Avenues, 12th and 13th Avenue, Kleinmond. Please refer to the enclosed locality plan and the aerial photograph below.



3.2 ZONING

Erf 6359 Kleinmond is zoned Residential Zone 1 and it is utilized as such. The surrounding properties are also zoned for single residential purposes, public roads, and public open space.



3.3 LAND USE

Erf 6359 Kleinmond is used for residential purposes. A dwelling and garage are established on the subject property. Access to Erf 6359 Kleinmond is currently obtained from 13th Avenue, Kleinmond.

Land uses that surround Erf 6359 Kleinmond are single dwellings, public roads, and public open spaces. It is therefore evident that Erf 6359 Kleinmond is situated within a predominantly single residential area.

3.4 PROPOSAL

The following is proposed in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 6359 Kleinmond.

Erf 6359 Kleinmond is 2 076m² in extent. The intention of the owner of the subject property is to subdivide Erf 6359 into two portions, Portion A, and the remainder. The subject property is twice the size of the surrounding properties. The intention is to

create two erven which will be of similar size. The detail of the proposed application can be described as follows:

3.4.1. Proposed Subdivision

The detail of the subdivision can be described as follows:

Subdivision of Erf 6359 Kleinmond			
Proposed Portions	Size	Land use	Zoning
Remainder Erf 6359	±1038m²	Dwelling and garage	Residential Zone 1
Portion A	±1038m²	Vacant	Residential Zone 1

The proposed subdivision of Erf 6359 Kleinmond follows the same configuration as the residential erven in the same residential block and would also be of a similar size. Portion A and the remainder portions will both ±1038m² in extent, respectively.

The proposed subdivision will have a positive impact on the economy of the area. By allowing the subdivision, one additional residential property will be created from which the municipality can attain bulk services levies as well as monthly rates and taxes. Future plans to develop a dwelling on Portion A will create temporary employment during the construction phase thereof.

The proposed subdivision will not have any impact on the existing buildings on the subject property as **no** departures are applied for. The existing structures on the subject property adhere to the development rules as stipulated in the scheme regulations for erven with a Residential Zone 1: Single Residential, zoning.

It should be noted that Erf 6359 Kleinmond is larger in extent than other single residential erven in the same residential block. The proposed subdivision will be in line with the existing properties in the area of Kleinmond. The proposed subdivision will not have any impact on the current residential character of the specific area of Kleinmond.

3.5 ACCESS

Vehicular and pedestrian access to the remainder portion of Erf 6359 Kleinmond with the existing dwelling and garage will be gained from 13th Avenue, Kleinmond. Vehicular and pedestrian access to Portion A, a portion of Erf 6359 Kleinmond will be gained from 12th Avenue, Kleinmond. The access to the Remainder Erf 6359 Kleinmond will be retained.

The exact position of the access point to Portion A, a portion of Erf 6359 Kleinmond will be confirmed with a building plan submission.

3.6 SERVICES

Erf 6359 Kleinmond is currently serviced. A septic tank system is currently in use and the intention of the owner is to connect to the municipal sewer system situated in 12th Avenue *in the future via Portion A*, a portion of Erf 6359 Kleinmond.

Erf 6359 Kleinmond is situated in an already developed residential area, municipal services already exist to which the newly created erf could connect to. All required services will be installed according to the specifications of the Overstrand Municipality.

3.7 TITLE DEED

There are no restrictive Title Deed conditions in Title Deed No. T45483/2019 that need to be addressed in order to accommodate the proposed subdivision.

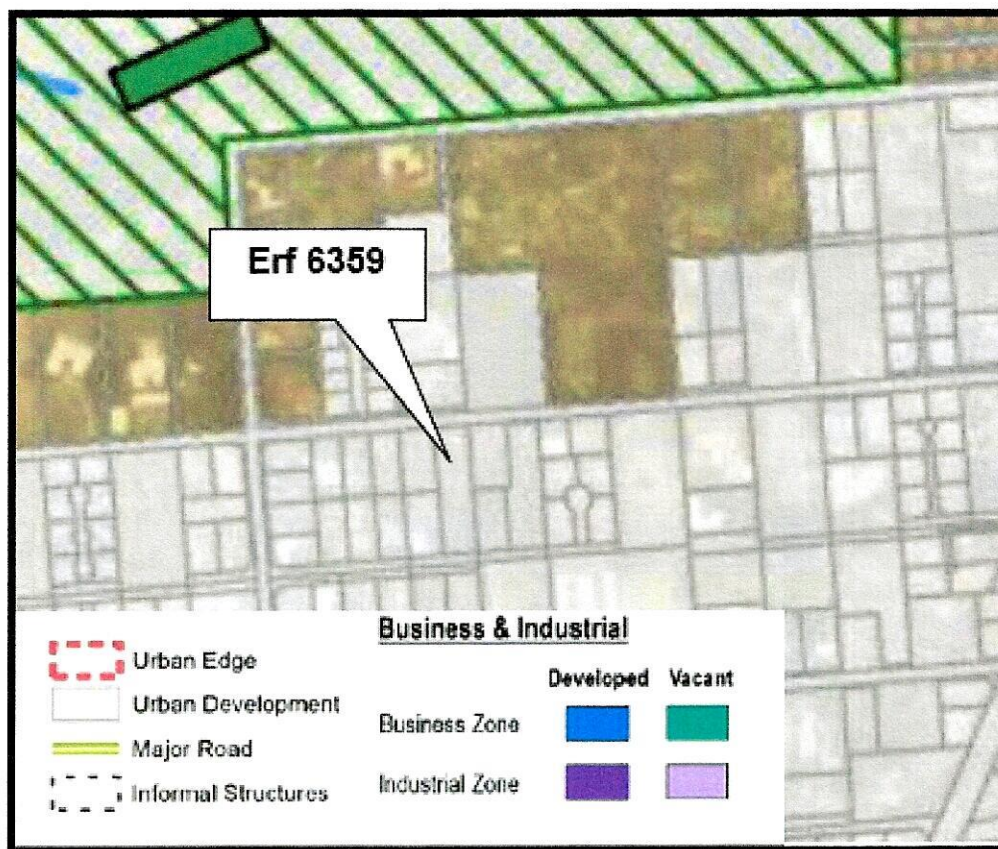
There is no bond registered against Erf 6359 Kleinmond.

3.8 FORWARD PLANNING

Overstrand Municipal Wide Spatial Development Framework (2020).

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for urban development purposes. The residential zoning of

the Remainder of Erf 6359 Kleinmond and Portion A, a portion of Erf 6359 Kleinmond, will be retained after the subdivision has been concluded.



Overstrand Growth Management Strategy (2010)

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 9 that consists of the northern central section of Kleinmond and is presently where the middle to high income development is taking place.

The densification proposed for this planning unit consists of a variety of incremental proposals and site development at densities between 17 and 46 dwelling units per hectare and 20% of this area by is assumed to be suitable for densification.

Each subdivision application should be dealt with on its own merit. Erf 6359 Kleinmond is one of the larger erven in this residential block and twice the size of an average residential erf in the area. The newly created erf and the remainder will still be compatible with the size of the residential erven in the vicinity, and the subdivision can therefore be supported.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erf 6359 Kleinmond is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In light of the above mentioned it is evident that the proposed subdivision will not have a negative impact on the heritage value of the subject property or the greater area of Kleinmond.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed subdivision does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: The proposed subdivision is in line with the current erf sizes and land use tendencies in the vicinity within the Kleinmond area. The proposed subdivision will create an opportunity for future landowners to obtain land.

Spatial sustainability: The proposed subdivision is in line with the current character of the established residential area. The proposed application will have no impact on the conservation worthy areas of Kleinmond. Spatially the land use and erf size of the created portion and remainder will be in line with the residential character of the Kleinmond area.

Efficiency: The proposed application for the subdivision of Erf 6359 Kleinmond will promote the optimisation of the use of space within a developed residential area. The subject property is also situated close to the CBD of Kleinmond.

Spatial Resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for 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. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). In our opinion the principle of Spatial Resilience is not applicable to this application.

Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an

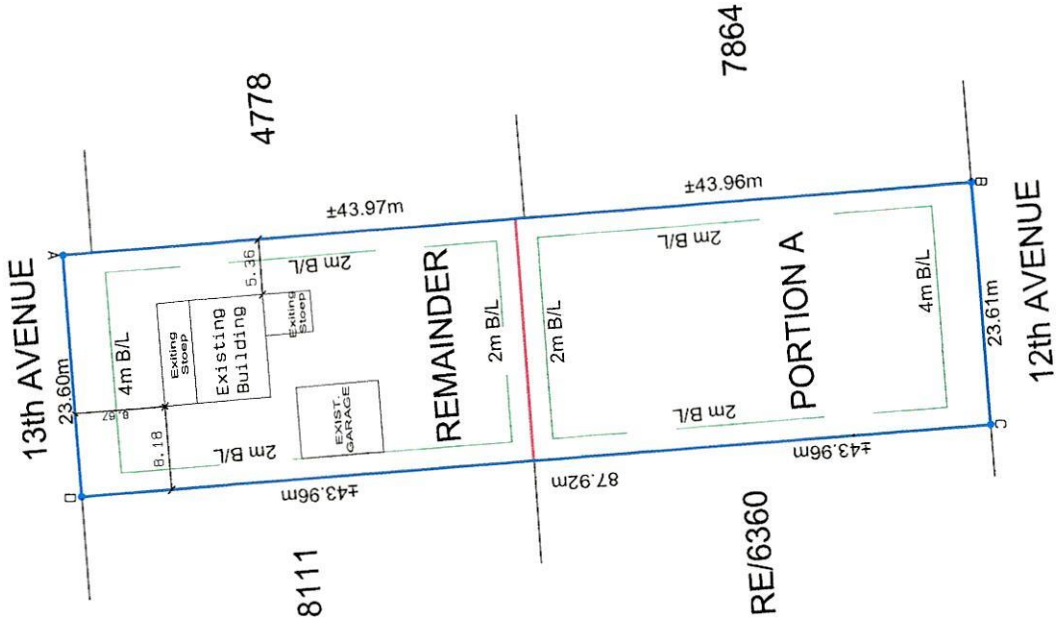
efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.




4. **RECOMMENDATION**

When this application is evaluated it is important to take note of the following:

- The proposed subdivision of Erf 6359 Kleinmond falls within the existing land use tendencies in the area;
- The municipality can attain bulk services levies as well as monthly rates and taxes from the additional portion proposed;
- The proposal is compatible with the existing erf sizes in the area;
- The proposed subdivision will not have a negative impact on the current character and land values of the surrounding erven;
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the subdivision of Erf 6359 Kleinmond.



NOTES	
SUBJECT PROPERTY	
SUBDIVISION LINE	
BUILDING LINES	
ERF 6359	2076m ²
PORTION A	±1038m ²
REMAINDER ERF 6359	±1038m ²

PLAⁿ Active
 Stads- en Streeksbeplanners
 Town & Regional Planners

All distances approximate and subject to survey.
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Property Description:
**ERF 6359
 KLEINMOND**

Plan Description:
**SUBDIVISION
 PLAN**

Scale: **1:700**
 Drawing Nr: erf 6359 kleinmondss.drw
 Date: MAY 2021

