

**ERF 1127, 6 ALBATROSS STREET, VERMONT: APPLICATION FOR SUBDIVISION: WRAP PROJECT OFFICE (obo KLEINPOORT PROPERTIES (PTY) LTD)**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for subdivision in terms of Section 16(2)(d) to subdivide Erf 1127, Vermont into a Portion A ( $\pm 748,5\text{m}^2$ ) and a Remainder ( $\pm 1169,5\text{m}^2$ ).

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 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) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **21 January 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 1127, ALBATROSS STRAAT 6, VERMONT: AANSOEK OM ONDERVERDELING: WRAP RPROJECT OFFICE (nms KLEINPOORT PROPERTIES (PTY) LTD)**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om onderverdeling ontvang is ingevolge Artikel 16(2)(d) om Erf 1127, Vermont in 'n Gedeelte A ( $\pm 748,5\text{m}^2$ ) en 'n Restant ( $\pm 1169,5\text{m}^2$ ), 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 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) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **21 Januarie 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** at 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 1127, 6 ALBATROSS STREET, E-VERMONT: ISICELO SOKWAHLULA-HLULA: ABAKWA WRAP PROJECT OFFICE EGAMENI LIKA KLEINPOORT PROPERTIES (PTY) LTD**

Kukhutshwe isaziso esimayela emiba yeSoloty lama48 loMthethwana kaMasipala waseOverstrand Ngezihlomelelo zoMthethwana OngeziCwangciso zokuSetyenziswa koMhlaba ku2020 isaziso eso sithi, kufunyenwe isicelo sokwahlulahlula ngokweSoloty le16(2)(d) ukwahlula kwakhona isiza 1127 e-Vermont kwiSahlulo A ( $\pm 748,5\text{m}^2$ ) kunye neNtsalela ( $\pm 1169,5\text{m}^2$ ).

Inkcukacha ezipheleleyo ziyafumaneka ukuba zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama- **21 EyoMqungu 2022**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba ku **Mnu. H. Olivier** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvulwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.





**1. ABBREVIATIONS**

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>OM By-Law</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
<b>DEADP</b>	Western Cape Department of Environmental Affairs and Development Planning
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020
<b>SDP</b>	Site Development Plan
<b>SR1</b>	Residential Zone 1: Single Residential

**2. SUMMARY OF STATUS QUO AND PROPOSED PROPERTY DETAILS**

<b>Consultant</b>	WRAP Project Office
<b>Restrictive title deed conditions</b>	None
<b>Erf extent</b>	1918m <sup>2</sup>
<b>Current zoning</b>	Residential Zone 1: Single Residential

**3. BACKGROUND**

Erf 1127, Vermont, hereafter referred to as the subject property is owned by Kleinpoort Properties (Pty) Ltd. The applicant is occupying one portion of the property and has the vision to subdivide the subject property into two portions that will allow him to keep one portion and sell the other.

The subject property is a heritage significant site and registered within the OM's Heritage Register. The main dwelling house and property were previously owned by writer Jan Rabie and artist, Marjory Wallace.

The main dwelling house (Vermont House – OM heritage register) will be located on one of the portions and an existing cottage will be located on the other portion. Refer to Plan 4.1 for the proposed subdivision that illustrates the buildings on the subject property.

The subdivision was determined to not affect the heritage significance of the subject property as the applicant has the vision to preserve the heritage significance of the Vermont house. This means the applicants wants to separate the existing cottage from the Vermont House.

The subdivision line chosen was specifically identified to ensure no heritage significant buildings are affected. Also, that the new proposed boundary line between the two proposed portions is located 2m from any building to ensure no departure is required.

**4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT**

WRAP was appointed to compile and submit a land use planning application to achieve the vision highlighted in Section 3 of this report. The following is proposed:

**4.1 Subdivision** of the Erf 1127 Vermont into Remainder, ±1169,5m<sup>2</sup> and Portion A, ±748,5m<sup>2</sup> in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;

The subject property has an extent of 1918m<sup>2</sup>, which may accommodate two properties both of which each will have a single dwelling unit. The motivation for the portions sizes was to accommodate the Vermont House and ensure the existing cottage has a viable erf.

The proposal being to subdivide the property into two parts, the Remainder with an extent of ± 1169,5m<sup>2</sup>, which portion will contain the Vermont House. While Portion A, with an extent of ±748,5m<sup>2</sup>, will contain the existing cottage. These proposed portions will be able to operate independently from one another. Both will be used as residential properties. Refer to Figure 1 that illustrates the proposed subdivision:

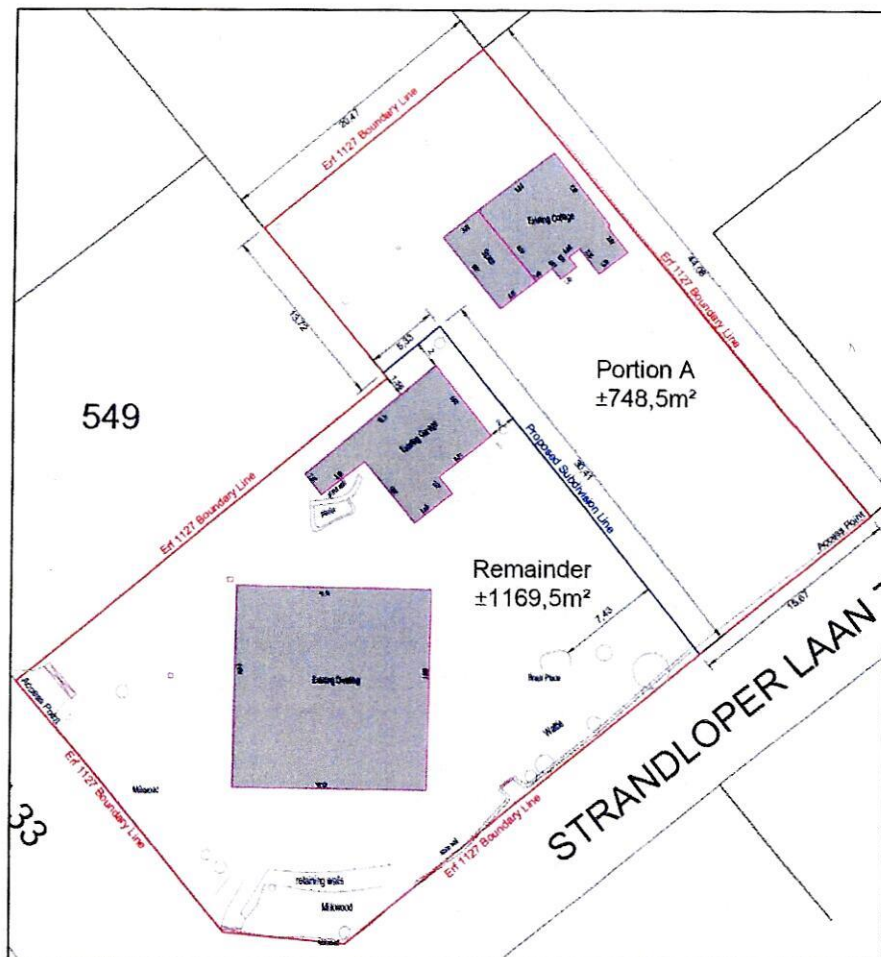


Figure 1: Extract of Plan 4.1 - Proposed subdivision



## MOTIVATION

With these properties being subdivided it allows for more residential development to occur. The applicant can add a second dwelling unit to Portion A in the future that could aid with housing demand in the Vermont area.

There is increased pressure on the OM to continue to provide housing opportunities in areas where options are limited. Creating new housing and development opportunities in the Vermont area should be welcomed as the supply of housing opportunities are scarce.

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### 5. APPLICATION

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Considering the above, application is made for the following:

**5.1 Subdivision** of the Erf 1127 Vermont into the Remainder,  $\pm 1169,5\text{m}^2$  and Portion A,  $\pm 748,5\text{m}^2$  in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;

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### 6. LAND USE ENVIRONMENT

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The properties surrounding the subject property are also zoned Residential Zone 1: Single Residential. The surrounding area's zoning is illustrated in Plan 2 (zoning plan).

Figure 2 illustrates the surrounding area and the property size in the close vicinity to the subject property. The proposed subdivision portions are in the same size range of the surrounding properties. The erf sizes in the surrounding area vary from the largest being approximately  $1134\text{m}^2$ . To smaller erven range from  $543\text{m}^2 - 750\text{m}^2$  and the proposal to introduce two new properties with extents approximately  $1169\text{m}^2$  and  $748\text{m}^2$  respectively, is not out of the ordinary for the surrounding area.

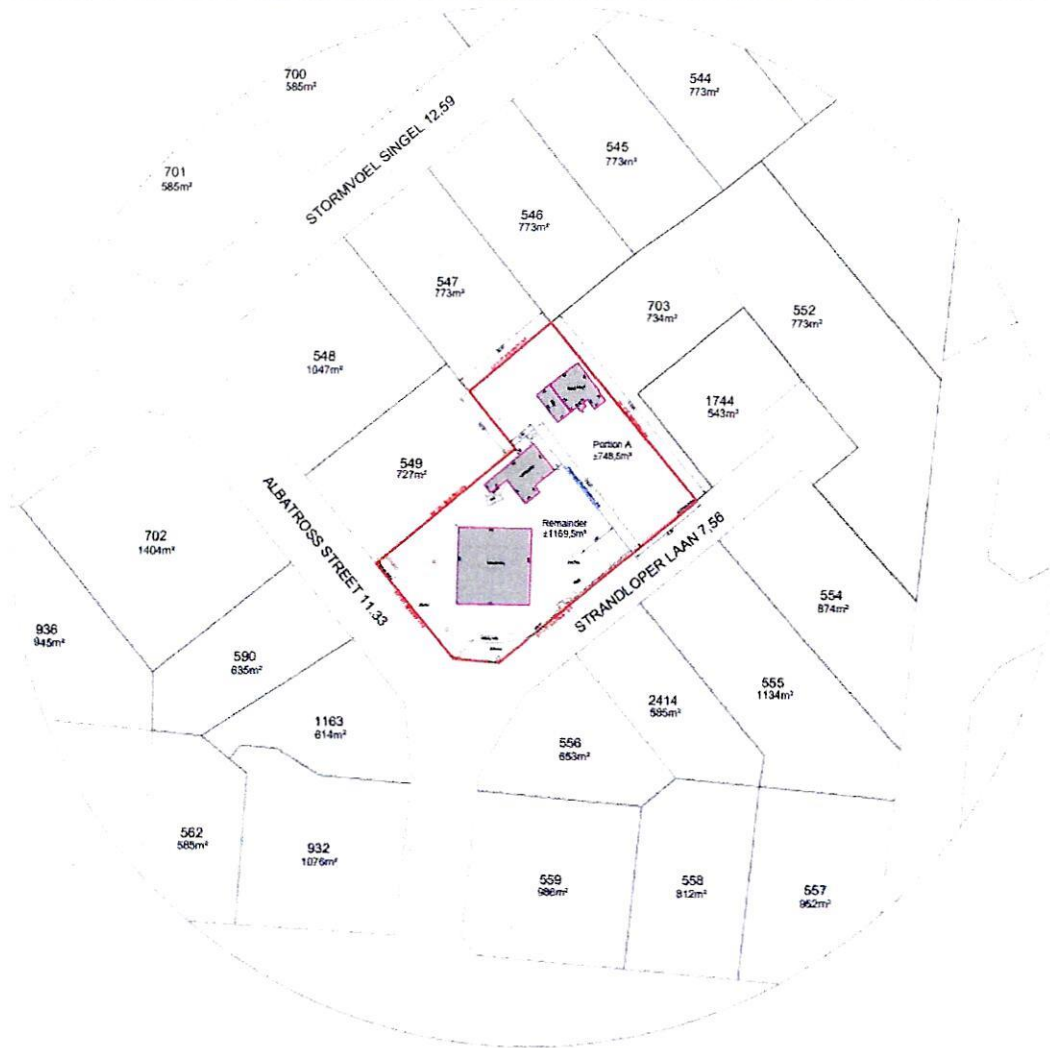


Figure 2: Surrounding Properties' Sizes

**7. TITLE DEED**

The title deed (T9908/2006) does not contain any restrictive conditions which may prohibit the approval of the subdivision of the subject property.

**8. ZONING**

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

The proposal is to create two properties both being zoned SR1 to allow the properties to be utilised as residential properties.



<b>Residential Zone 1: Single Residential</b>				
<b>Land Use Restrictions</b>				
	<b>Parameters</b>	<b>Proposed Remainder</b>	<b>Proposed Portion A</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Dwelling House	Comply
<b>Consent use that may be applied for</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	None	None	Not applicable
<b>Development parameters</b>				
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area:  400m <sup>2</sup> and greater = 50%	±23.40%	±9.86%	Comply
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Double Storey Heritage Structure - Height TBD	Single Storey Structure - Height TBD	Comply
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area:  400 m <sup>2</sup> and greater = 4m	±7,15m	±26,05m	Comply
	(ii) The side and rear building lines are determined in accordance with the net erf area:  Greater than 400 m <sup>2</sup> = 2m	±1,56m Existing Garage	±0,87m Existing approved Cottage	



## MOTIVATION

<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.			Comply
<b>Parking</b>	Two on-site parking bays per dwelling unit, provided that on erven less than 400 m <sup>2</sup> , only 1 on-site parking bay needs to be provided.	More than two parking bays provided	More than two parking bays provided	Comply

## 9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

### **Electricity**

The subject property is connected to the ESKOM electricity network. Both properties will be required to have their own connection to the electricity network. Both dwelling units are currently connected to a single connection to the electricity network.

### **Water, Sewage and Solid Waste**

The subject property is connected to the OM's services network which includes water, sewage and solid waste. Both properties are already connected to the OM's services network. The proposal will necessitate a new formal connection if the application is approved. If the proposal is approved the applicant will make the Bulk Services Contribution to the OM.

### **Access, Egress, and Parking**

Refer to Plan 4.1 & 4.2 for the proposed subdivision plan.

Remainder – Vehicular access and egress is proposed from Albatross Street; and Portion A – Vehicular access and egress is proposed from Strandloper Laan.

## 10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

### **Need and desirability**

The need for the proposed development arose from the applicant's vision to be able to divide the property in such a way that each dwelling unit may operate separately. This will allow the applicant to still preserve the heritage significance of the proposed Remainder.

The desirability is more often a personal feeling of the applicant that may in the future benefit others. By increasing the value of each property, the proposal will increase the financial benefit that the Municipality which will gain from the creation of two properties.

**File 21/114**

Erf 1127 Vermont

November 2021

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## MOTIVATION

In addition to the above, the applicant is creating a new property that in the future could be developed to accommodate a second dwelling house and assist the growing housing demand in the Overstrand Area.

To achieve their desire, the applicant has appointed WRAP Project Office to submit this application to ensure the proposed subdivision is not in contradiction to any policies, legislation or title deed conditions.

### **Impact on views, sunlight and character of the area**

The proposed subdivision will not have an impact on the views, sunlight, and character of the surrounding area.

The proposed subdivision will follow the development parameters set out by the OMLUS, which will ensure that the proposed development will not impact the views and sunlight of the surrounding area. The delineation of the subdivision will add a boundary wall between the two portions. No new land use is proposed and any future development will require consent from the OM.

### **Economic impact**

There will be little to no immediate impact on the economy, but the long-term economic impact could yield higher rates and taxes payable to the OM.

### **Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved. The proposed subdivision will increase the surrounding property values as more housing opportunities will be created. The proposal is in line with the occurrence of the area as numerous other subdivisions have been approved in the surrounding area.

### **Impact on heritage**

The subject property is listed in the OM Heritage Register. The heritage significance is however linked to the buildings on the proposed 'Remainder' of the subject property.

The dwelling house as mentioned previously is identified as the 'Vermont House' and has a suggested heritage grading of 3B. WRAP Project office consulted Michelle Naylor from Lornay Environmental Consulting to obtain comment from the Heritage Western Cape (HWC) regarding the proposal. The response was that the subdivision would not trigger the National Heritage Resources Act, 1999 (NHRA) and no action/authorisation from HWC would be required. Therefore, we are of the opinion there is no impact on the heritage aspect of the subject property.

### **Environmental impact**

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.



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## **11. POLICIES AND REGULATIONS**

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### **11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The subject property is not located within this zone.

### **11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The subject property is not located within this zone.

### **11.3 Spatial Planning Policies**

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

## **PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK - PSDF**

### **Policy preface**

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the interdepartmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns of urban areas in the province.

### **Consistency of the proposal with the policy**

Throughout the framework, the process of infill planning is emphasized. Section 3.3.7 states that densification should take place using infill planning and should be the first choice when densification is proposed.

The proposal to create an additional erf is in line with the proposal to densify an existing area. By densifying through infill, no urban sprawl is created and the maximisation of the existing urban area is used. By densifying existing areas, these areas can benefit from higher economic activity.

## **MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF**

### **Policy Preface**

The SDF's intention is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposal should ideally attempt to synchronise with.

### **Consistency of the proposal with the policy**

The policy promotes the protection of the character of the OM. The approval and implementation of the proposed subdivision will not undermine the character of the site and surrounding area.



## MOTIVATION

The SDF promotes the containment of the footprint of OM within the well-defined urban edge. The subject property is located within the urban edge of OM and this proposal contains urban development within this footprint as prescribed.

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### 12. PLANNING PRINCIPLES

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

#### **Spatial justice**

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the subdivision does not perpetuate apartheid spatial development imbalances.

#### **Spatial sustainability**

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal to subdivide intends to ensure the subject property is utilised to its maximum capability. The proposed infill densification is a sustainable method to create new properties without requiring additional land.

#### **Efficiency**

This proposal is intended to maximise the usage of the subject property and ensure the applicant has sufficient space to provide two families with dwelling houses while retaining the heritage significance of the Vermont House.

#### **Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

#### **Good administration**

The OM has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



## RECOMMENDATION

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### 13. EVALUATION

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The applicant has the vision to subdivide the property and this in turn will double the residential capabilities of the subject property while ensuring the heritage significance on the property is protected. The subject property was historically consisted of two portions and was consolidated to form Erf 1127.

The proposed development will not add any new land use right as the proposed subdivisions are going to be utilised for residential purposes. This proposal is in harmony with all relevant spatial planning policies which illustrates that the applicant did not arbitrarily invent this application but had due consideration for relevant spatial planning policies.


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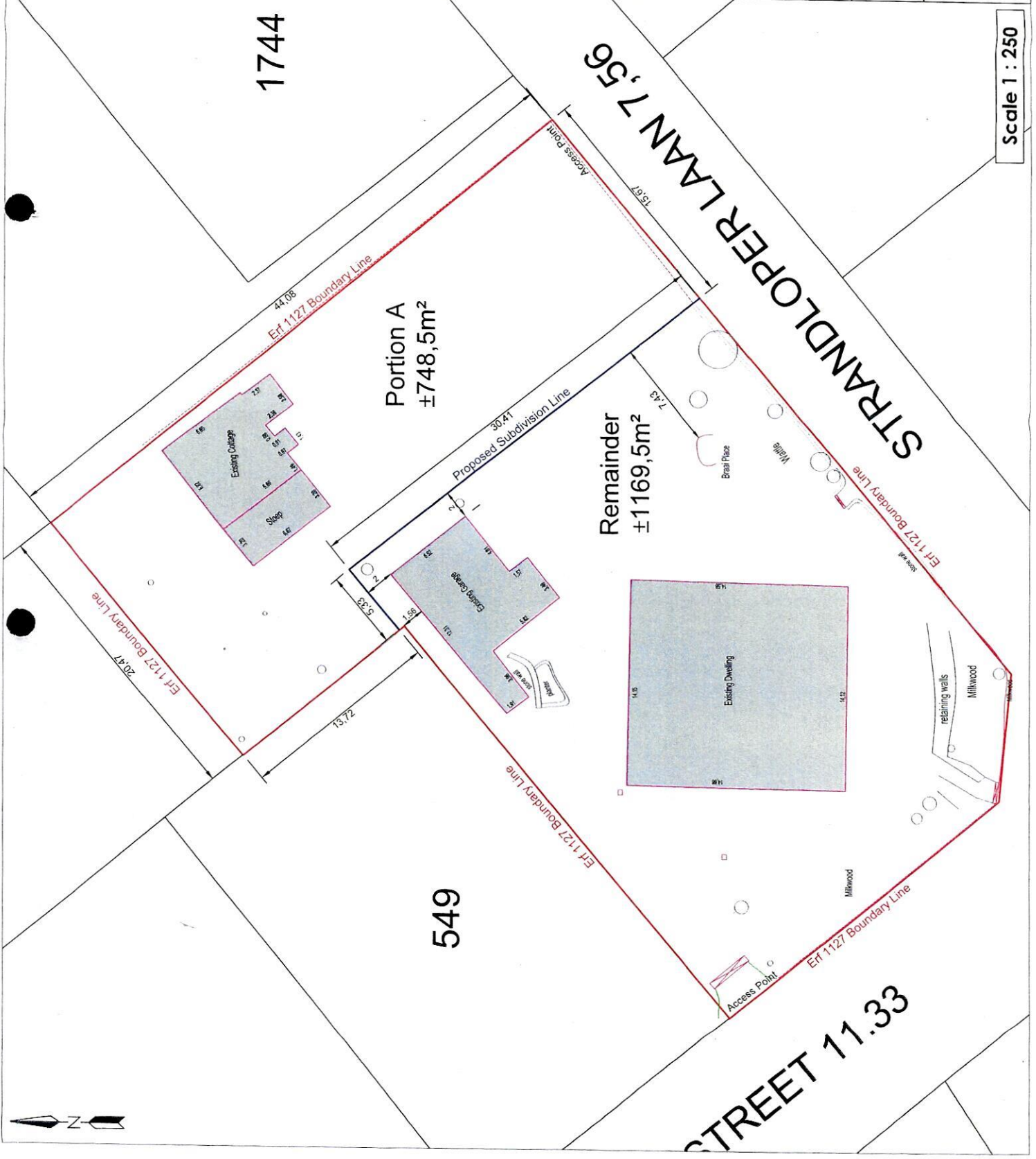
### 14. RECOMMENDATION

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Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Subdivision** of the Erf 1127 Vermont into the Remainder,  $\pm 1169,5\text{m}^2$  and Portion A,  $\pm 748,5\text{m}^2$  in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Proposed Subdivision Plan Erf 1127 Vermont	Proposed Subdivision Remainder - ±1169,5m <sup>2</sup> Portion A - ±748,5m <sup>2</sup>	Plan prepared by: Thian Jansen
Erf 1127 Vermont Total extent - 1918m <sup>2</sup>	Remainder - ±1169,5m <sup>2</sup> Portion A - ±748,5m <sup>2</sup>	All distances are approximate and subject to a survey
		Tel: 028 313 1411
		admin@wrapgroup.co.za
		Unit B, Standard House Corner of Royal and Dirkie Uys Street Hermanus, 7200
		 <b>Project Office</b> Town Planning & Project Management



Scale 1 : 250

Proposed Subdivision Plan  
Erf 1127 Vermont

Erf 1127 Vermont  
Total extent - 1918m<sup>2</sup>

Proposed Subdivision  
Remainder - ±1169,5m<sup>2</sup>  
Portion A - ±748,5m<sup>2</sup>

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

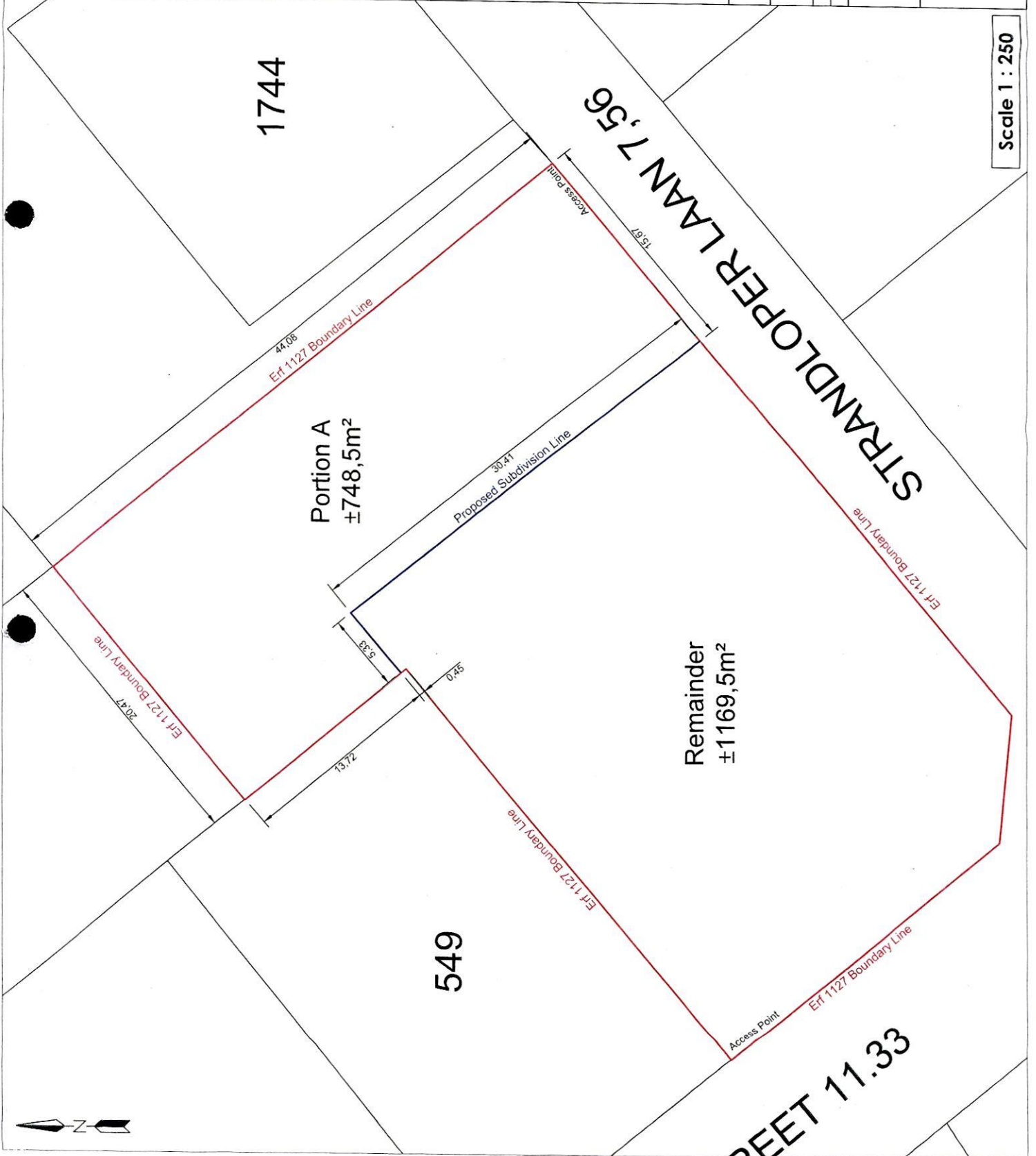
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Unit B, Standard House  
Corner of Royal and  
Dirkie Uys Street  
Hermanus, 7200



**Project Office**  
Town Planning & Project Management



Proposed Zoning Plan

Residential Zone 1:  
Single Residential



Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

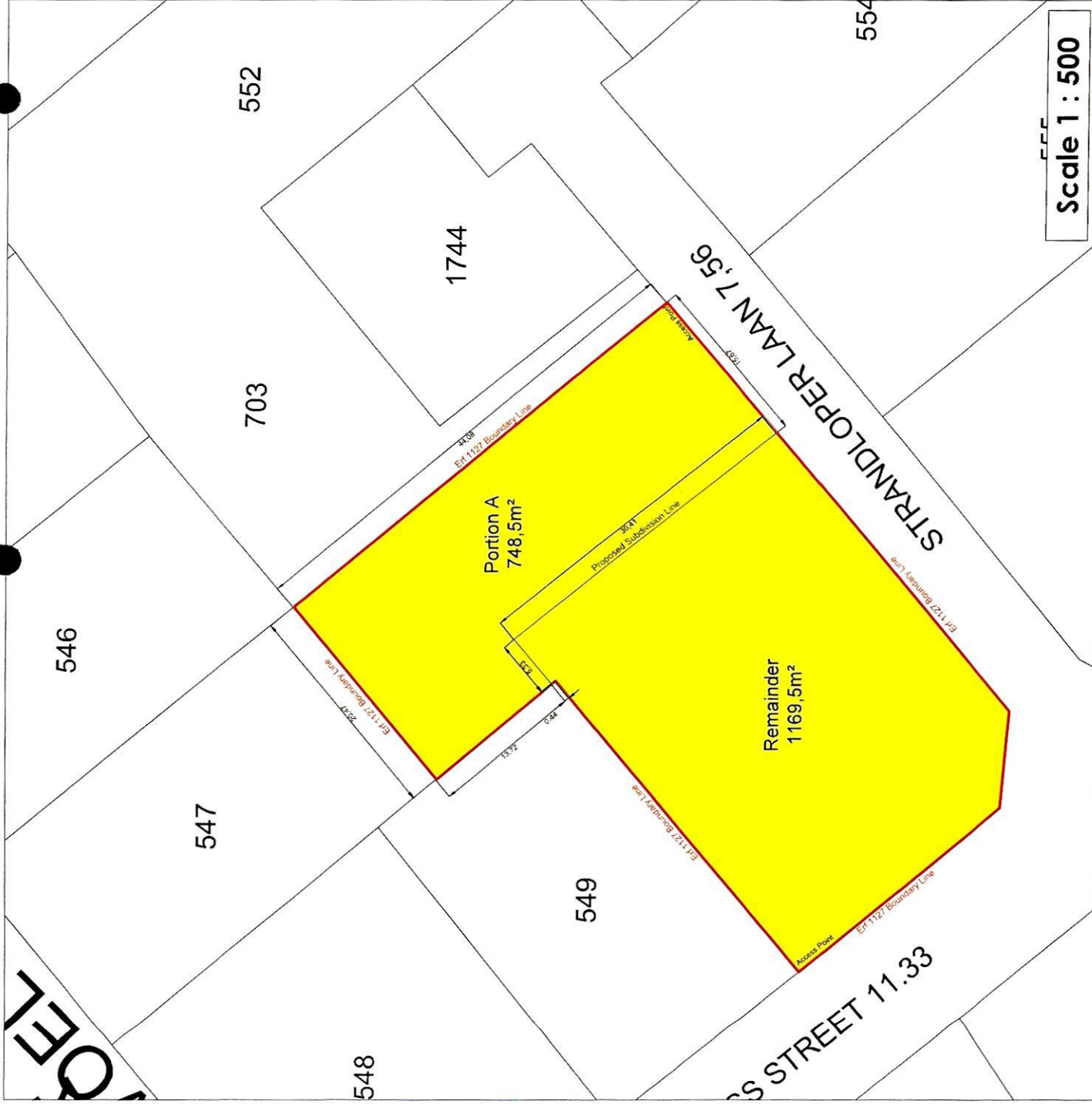
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**Project Office**  
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Scale 1 : 500