

**ERF 7179, 19 ALBERTYN STREET, KLEINMOND: APPLICATION FOR SUBDIVISION: WRAP PROJECT OFFICE
(obo RE APPELO)**

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 the Subdivision in terms of Section 16(2)(d) of the By-Law to subdivide Erf 7179, Kleinmond into a Portion A ($\pm 605\text{m}^2$) and a Remainder ($\pm 1477\text{m}^2$).

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus, and at the Kleinmond Library, 5th Avenue, Kleinmond. 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) on or before **5 August 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. 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 7179, ALBERTYNSTRAAT 19, KLEINMOND: AANSOEK OM ONDERVERDELING: WRAP PROJECT OFFICE
(nms RE APPELO)**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is om Onderverdeling ingevolge Artikel 16(2)(d) van die Verordening om Erf 7179, Kleinmond onderverdeel in 'n Gedeelte A ($\pm 605\text{m}^2$) en 'n Restant ($\pm 1477\text{m}^2$).

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 die Kleinmond Biblioteek, 5de Laan, Kleinmond. 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) voor of op **5 Augustus 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. 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 7179, 19 ALBERTYN STREET, EKLEINMOND: ISICELO SOKWAHLULA-HLULA: WRAP PROJECT OFFICE
(EGAMENI LIKA RE APPELO)**

Esi saziso sikhutshwa ngokwemiqathango yeSoloty 48 loMthethwana oTshintshweyo kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 (uMthethwana) ngokwezicelo esinxulumene ukwahlulahlula ngokwemiba yeSoloty le16(2)(d) ukwahlula phakathi isiza esingu isiza 7179, EKleinmond sibe Portion A ($\pm 605\text{m}^2$) neNtsalela eyi ($\pm 1477\text{m}^2$);

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus nakwiThala leeNcwadi laseKleinmond, 5th Avenue, eKleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kamasipala zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngolu suku okanye ngaphambi komhla wama-**5 EyeThupha 2022**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafonela **Nksk. H van der Stoep** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

LOCALITY PLAN ERF 7179 KLEINMOND

Plan prepared by: Thian Jansen

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



Project Office
Town Planning & Project Management



ALBERTYN STREET



MARINE AVENUE

Scale 1: 1000



Scale 1: 5 000



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
PSDF	Western Cape Provincial Spatial Development Framework, 2014
MSDF	Overstrand Spatial Development Framework, 2020
SDP	Site Development Plan
SRI	Residential Zone 1: Single Residential

2. SUMMARY OF STATUS QUO AND PROPOSED PROPERTY DETAILS

Consultant	WRAP Project Office
Restrictive title deed conditions	None
Erf extent	2082m ²
Current zoning	Residential Zone 1: Single Residential

3. BACKGROUND

Erf 7179, Kleinmond, hereafter referred to as the subject property is owned by Rachelle Elizabeth Appelo. The subject property is located in a high value location in a sought-after area of Kleinmond (refer **Plan 1 – Locality Plan**). The property owner inherited the subject property from her mother in 2019. The property was historically four properties that were consolidated. The owner has the vision to subdivide the property into two portions on one the historical subdivision lines.

The property owner wants to sell the subdivided portion on the open market while being able to maintain ownership of the remaining portion. The property owner, appointed WRAP Project Office to submit this land use application on her behalf (refer **Annexure A – Power of Attorney**).

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

The objective of the application is to achieve the vision that was highlighted in Section 3 of this report. The following is proposed:

4.1 Subdivision of the Erf 7179 Kleinmond into Portion A, ±605m and the Remainder, ±1477m² 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 2082m². The subject property consisted of various erven and was consolidated in 1994. As indicated above the owner has the vision to subdivide the subject property into two separate portions on one of the historic boundary lines.

The proposal will create two portions, Portion A that will have an extent of ±605m² and the remainder that will have an extent of ±1477m² (refer **Plan 4 – Proposed Subdivision**).



MOTIVATION

This will allow the property owner to maintain ownership of the majority of the subject property and be able to sell a viable land unit that may be developed for residential purposes. Refer to Figure 1 below that illustrates the proposed subdivision:

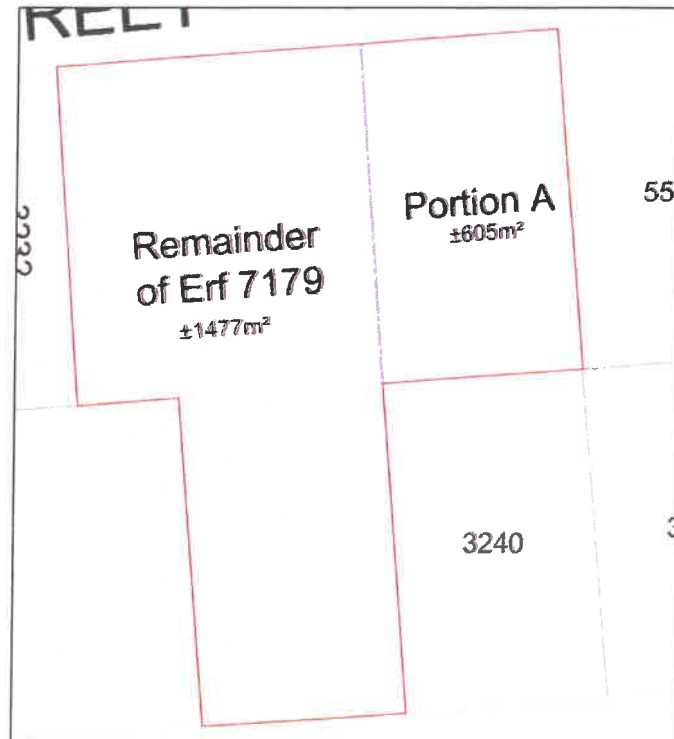


Figure 1: Proposed subdivision

With the growth of the population in the Overstrand area, housing opportunities should be welcomed. Referring to the MSDF, Section 2.4.5, the population of Kleinmond experienced an increase by roughly 4% from 2001 – 2011. Kleinmond has limited space to expand, and this proposal will create an additional residential property within the urban edge of the Kleinmond area.

5. APPLICATION

Considering the above, application is made for the following:

5.1 Subdivision of the Erf 7179 Kleinmond into Portion A, ±605m² and the Remainder, ±1477m² in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

6. LAND USE ENVIRONMENT

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)**. No rezoning is being proposed and both proposed portions are set to remain zoned Residential Zone 1: Single Residential.



MOTIVATION

The proposed subdivision portions are in the same size range of the surrounding properties. Erf sizes in the surrounding area is vary between 590 – 1700m². The proposal is to re-establish the consolidated erf's historic boundary which will introduce a new 600m² that it is aligned with the erf sizes in the area.

7. TITLE DEED

The title deed (T38090/2019) 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) (a) of the OM By-Law:

The proposal is to create two properties both being zoned SR1 to allow the properties to be developed for residential purposes.

Residential Zone 1: Single Residential			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling Houses	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	None	Not applicable
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%		Comply
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.		Comply
Building lines	(i) The street building line is determined in	4m	Comply



MOTIVATION

	accordance with the net erf area: 400 m ² and greater = 4m		
	(ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	2m	Comply
Parking	Two on-site parking bays per dwelling unit, provided that on erven less than 400 m ² , only 1 on-site parking bay needs to be 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, Water, Sewage and Solid Waste

The subject property is connected to the OM's services network which includes electricity, water, sewage and solid waste. Both properties will be required to connect to the OM's services network, creating an additional connection requirement if the proposal is approved. If the proposal is approved the applicant will make the necessary Bulk Services Contribution to the OM.

Access, Egress, and Parking

Refer to **Plan 4** for the proposed subdivision plan. Vehicular access and egress for both to be subdivided properties are proposed from Albertyn Street.

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 optimise the utilisation of the entire extent of the subject property. Desirability is more often a personal feeling of the applicant that may in the future benefit others, such as increasing the property value that could possibly increase the financial benefit that the Overstrand Municipality may gain in increased rates and taxes from the creation of an additional rateable property in the future.

In addition to the above, the applicant is creating a new property that in the future could be the home of a single family which creates a new housing opportunity in the Kleinmond area.



MOTIVATION

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 as it will follow the development parameters set out by the OMLUS.

Economic impact

It is not expected that the proposal will have any major economic impact.

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's values as more housing opportunities will be created and new development will take place.

Impact on heritage

The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal. There is therefore no impact on heritage.

Environmental impact

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

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

Coastal Protection Zone

The subject property is located within the 'Coastal Protection Zone' and 'Protected Area Buffer'. To ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES			
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	X	N/A



MOTIVATION

Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	X	N/A
Placement of religious symbols or memorabilia.	X	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	X	N/A
Feeding, disturbing / pursuit of fauna.	X	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.			N/A
Staying overnight.	X	X	The application entails the subdivision into two portions and the development thereof into additional dwelling units.
The discharging of domestic effluent / grey water into all natural systems.	X	X	This will not occur on the subject property/ies.
Tampering with security / surveillance infrastructure.	X	X	N/A



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Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	X	N/A
Littering	X	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	X	N/A
Dog walking / exercising of dogs in non-designated zones.	X	X	N/A

SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES			
A) Activities Only Permitted With Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X		N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X		N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	X	N/A
B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	X	N/A
Commercial filming.	X	X	N/A



MOTIVATION

Construction or placement of any temporary object, building, shelter, path or structure.	X	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	X	N/A
Launching of vessels at registered launch sites.			N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	X	N/A
Commercial Harvesting/collection and removal of any natural resource.	X	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	X	The entire subject property is located in this zone.

11.2 Heritage Protection Overlay Zone

The subject property is located within this zone, specifically the 'Heritage Protection Overlay Zone' and 'Significate landscape'.

Heritage Protection Overlay Zone

The purpose of this strip is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance. This specifically includes the 'first line of erven facing the coast' which includes the subject property.

The subject property is located on the edge of the coastal strip and the proposal to subdivide the property is not out of context of the area. The proposal will also not



MOTIVATION

negatively affect the view lines and massing that is being protected by this zone and no further impacts are expected.

Significate landscape

The portion of the subject property is located within a significant landscape area, and it is predicted the subject property will not have a further impact on the HPOZ.

To ensure the application may be considered, compliance with the HPOZ it is of importance and certain aspects need to be provided and addressed in terms of Overstrand Municipality Heritage Protection Overlay Zone Regulations, 2020:

Section 20 – 22 states the following -

“20

The Overstrand Municipality By-Law on Municipal Planning, 2020, will apply in respect of all applications, processes and decisions contemplated in these regulations.

21

In considering an application for written consent in order to undertake an activity in terms of the Heritage Protection Overlay Zone, the Municipality may require from an applicant whatever information it deems necessary in order for an informed decision to be made regarding the application.

22 This could include, inter alia:

- 22.1 statements of significance;
- 22.2 heritage research;
- 22.3 photographs, including contextual photographs;
- 22.4 results of public consultation;
- 22.5 impact assessments; and
- 22.6 comment from affected and interested bodies.”

Statements of Significance

The heritage significance of the subject property is not large. The area is included into the urban edge, and it is not proposed that the subdivision will have a negative effect:

Heritage Research

The relevant heritage research will be done as part of the submission of the Notice of Intent to Develop (NID).

Photographs, Including Contextual Photograph

Aerial maps were included into the application, refer to **Plan 3 – Aerial Plan**. As illustrated by the Aerial map the site is only developed with a single dwelling unit.

Results of Public Consultation

Regarding this application an extensive public participation process will be held. If any comments are received with regard to the heritage aspect it will be addressed accordingly.



Impact Assessments

The impact is not proposed to be

Comment From Affected and Interested Bodies

The application will be circulated to affected and interested bodies for comment.

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 achieved. 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.

12. PLANNING PRINCIPLES

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 capabilities. 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 a dwelling unit that will be occupied by a single family.

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

13. EVALUATION

The proposal needs to be evaluated on the basis that the current situation is not utilising the space efficiently. The applicant has the vision to subdivide the property which in turn will double the residential capacity of the subject property.

The new development will not add any new land use rights as the proposed subdivision is set to be utilised for residential properties only. 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.

14. RECOMMENDATION

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

- 14.1 Subdivision** of the Erf 7179 Kleinmond into Portion A, $\pm 605\text{m}^2$ and the Remainder, $\pm 1477\text{m}^2$, 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 7179 Kleinmond

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

admin@wrpgroup.co.za

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



Scale 1 : 250

DIKKEI

5545

Portion A
±605m²

Remainder
of Erf 7179
±1477m²

3232

3241

3240

