



ERF 5408, 6 BROADWITH ROAD, BETTY'S BAY: APPLICATION FOR SUBDIVISION: JM YOUNG-PUGH ON BEHALF OF JA SMITHEMAN & JM YOUNG-PUGH

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 a Subdivision in terms of Section 16(2)(d) of the By-Law of Erf 5408, Betty's Bay into 3 portions, namely Portion A ($\pm 1360\text{m}^2$), Portion B ($\pm 1299\text{m}^2$) and a Remainder ($\pm 3119\text{m}^2$).

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 and at the Betty's Bay Library, Clarence Drive, Betty's Bay. 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 / loretta@overstrand.gov.za) on or before **19 July 2024**, 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, **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 5408, BROADWITHWEG 6, BETTYSBAAI: AANSOEK OM ONDERVERDELING: JM YOUNG-PUGH NAMENS JA SMITHEMAN & JM YOUNG-PUGH

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is vir 'n Onderverdeling ingevolge Artikel 16(2)(d) van die Verordening om Erf 5408, Bettysbaai in 3 gedeeltes te onderverdeel, naamlik Gedeelte A ($\pm 1360\text{m}^2$), Gedeelte B ($\pm 1299\text{m}^2$) en 'n Restant ($\pm 3119\text{m}^2$).

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 by die Bettysbaai Biblioteek, Clarenceryaan, Bettysbaai. 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 / loretta@overstrand.gov.za) voor of op **19 Julie 2024**, 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, **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 5408, 6 BROADWITH ROAD, BETTY'S BAY: ISICELO SOLWAHLULWAHLULO: JM YOUNG-PUGH EGAMENI LIKA-JA SMITHEMAN & JM YOUNG-PUGH

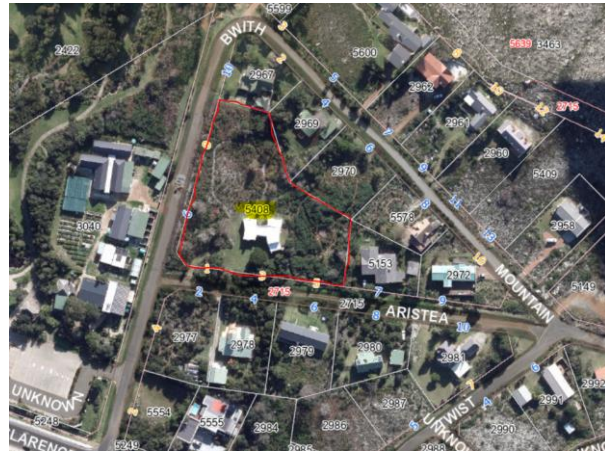
Isaziso sinikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba isicelo sifunyenwe sokwahlulwahlulwa ngokwemiqathango yeCandelo 16(2)(d) loMthetho kaMasipala lweSiza 5408, eBetty's Bay sibe zizahlulo ezi-3, ezizezi iSahlulo A ($\pm 1360\text{m}^2$), iSahlulo B ($\pm 1299\text{m}^2$) kunye neNtsalela ($\pm 3119\text{m}^2$).

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: UCwangiso lweDolophu, ePaterson Street, eHermanus kunye neThala leeNcwadi laseBetty's Bay, Clarence Drive, Betty's Bay. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**19 kuJulayi 2024**, uchaze igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMwangcisi weDolophu, **UNksk. H van der Stoep** kule nombolo yomnxeba 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limcedise ukuze abhale ngokusesikweni izimvo zakhe.

MOTIVATIONAL REPORT: SUBDIVISION OF ERF 5408, BETTY'S BAY

1. EXISTING PROPERTY DESCRIPTION

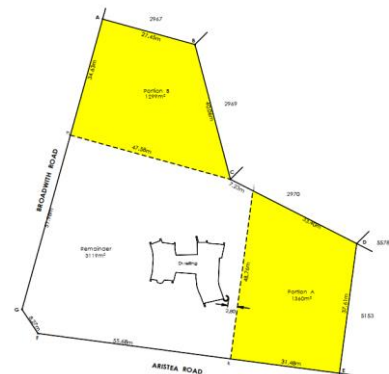
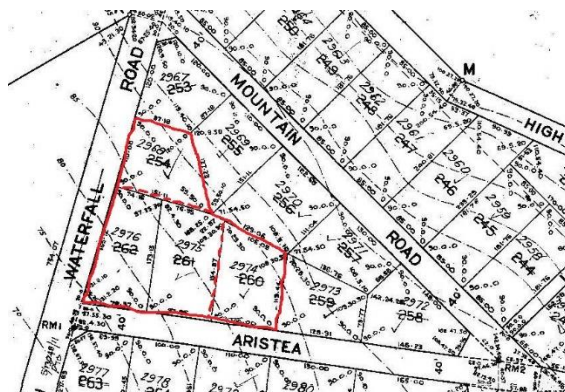
- Erf 5408 is situated on the corner of Broadwith and Aristeia Roads, Betty's Bay
- The erf was originally made up of 4 erven that were acquired incrementally by the family in the late 1960's /early 1970s.
- The four erven were consolidated into one erf in 1993 by the Mother of the current owners.
- The property was inherited by three siblings in 2012, and subsequently one sibling sold his share to the other two who are now the current owners.
- The property has a single house on it that was built in 1970. The garden is on all 4 plots and was developed in the 1970s including substantial planting, lawns, paths, irrigation. A lot of the vegetation that was planted is endemic to the Western Cape but not to Betty's Bay.



Locality indicated on aerial photographs

2. PROPOSED DEVELOPMENT

The proposal is to re-subdivide erf 5408 Betty's Bay into three erven (2 portions + a large remainder). The subdivision is on the original proclaimed division lines that were in place prior to consolidation in 1993. The subdivision is primarily for estate planning purposes and to permit each of the current owners to own a plot and to have the option to build a small house on their own plot, with the main house remaining shared. Should any future development on a plot require environmental permissions (eg any further clearance of more than 300m² of endangered vegetation) then this will be applied for at that time.



Proposed subdivision shown on original erf diagram (1930s) and by surveyor (2024)

3. CHARACTER OF THE ENVIRONMENT

The general character of the site is also evident in the attached photographs. These illustrate how the property has been developed since 1970, including the establishment of a garden with paths, , irrigation, lawn and planting on the site over the last 50 years. Much of the current fynbos garden, including the large yellow wood trees were planted and are not endemic to the site. The character of the site and its environment is more fully described in the Environmental checklist application that was prepared and submitted Michelle Naylor EAP.

4. DESIRABILITY OF THE PROPOSED UTILISATION

- The property is in a designated suburban area surrounded by single residential plots
- The proposed subdivision requests a simple reinstatement of three previously declared erven for estate planning purposes, and to enable each of the current owners to have their own erf whilst still sharing the main house on two erven.
- Since the site was originally subdivided from the 1930s to 1993, and planned as such in the original layouts, the reinstatement of the subdivision is desirable in terms of providing the owners with a right to equity based on the original and current surrounding property sizes.
- The proposed plot sizes of approx. 1300m² with a single house on a remaining double plot is in line with the original subdivision and in accordance with the general character of the area.
- Such plot sizes allow sensitive development in keeping with the natural environment
- The proposal will enable each owner to develop a small house on their plot, should they so choose, for retirement or individual holiday use, whilst the existing house remains accessible for extended family. A potential benefit is that the individuals can in time then establish a permanent home eg for retirement on the site which is beneficial from a security and community viewpoint.
- Whilst future sale or larger development of the subdivided erven cannot be excluded this is not proposed now. Should this be necessary then the necessary applications will be made at that time.

5. INVESTIGATIONS RELATED TO OTHER LAWS

A general scoping of other laws pertaining to the property has been conducted. The following are those that are relevant to the application:

- SURVEY OF BOUNDARIES
A cadastral survey has confirmed the boundaries of erf 5408, and has established the original subdivision corner points as well as the exact position of the existing house and topographic and other features. No encroachments or irregularities are identified.
- ENVIRONMENTAL
A checklist application was done to DEADP who advise in their letter dated 20 March 2024 as follows:
"... although the subdivision of the property on its own, does not trigger a listed activity.... If this planned development will result in the clearance of 300m² or more of the critically endangered indigenous vegetation present on the site, it will trigger the ... listed activity as defined in terms of the EIA Regulations, 2014 (as amended)."

Based on this advice and considering that the application is primarily for estate division purposes and no further clearance of critically endangered vegetation exceeding 300m² is currently proposed, it is concluded that no further environmental applications are required at this stage, for the purposes of a subdivision application. Should such clearance occur in future then any necessary applications will be made.

- **HERITAGE**

- There is no significant impact on any significant Heritage resource. No buildings older than 60 years are affected and there are no other known Heritage resources (eg graves, archaeology, etc) that will be impacted by the subdivision.
- Any potential impact of the subdivision will be on the local landscape and vegetation. This currently anticipated potential impact is minimal and will not trigger an Environmental application.
- The limited scale of any proposed development is in keeping with the surrounding area, and in keeping with the rights enjoyed by surrounding property owners. The plots may in time be more fully developed within any planning, building and environmental legislation or conditions, subject to the necessary approvals being obtained at that time.
- In terms of section 38 of the NHRA a Notice of Intent to Develop (NID) is required where a subdivision of a development area >5000m² may change the character of a site. As the development area is well below this it is understood that no NID is required. Regardless, the subdivision proposal was circulated for any comment to the Heritage Committee of Overstrand (supported), and to HWC (no comments within 14 days of submission).

- **OTHER**

No other legislation affecting the application has been identified.

6. IMPACT ON MUNICIPAL ENGINEERING SERVICES

- Since the plots were originally subdivided, and were part of the overall infrastructure planning, no substantial additional impact on Municipal engineering services that may exceed capacity is anticipated.
- Access: will need to be provided to the new plots from Aristeia Road and from Broadwith road. In both cases this will require a new crossing over existing stormwater ditches
- Future Sewer provision, if required, will be by means of conservancy tank.
- An electrical and water supply point will be installed to supply each erf and there is adequate capacity for this
- Fibre points will need to be supplied to each erf.
- It is not expected that these will have a major cost implication for the local authority and any cost will be catered for by the necessary infrastructure levies.

7. FORWARD PLANNING AND LAND USE

The application does not contradict any identified policies of forward planning and land use. The subdivision is in keeping with policies to accommodate the general pressures of increasing populations in the sustainable way.

8. PLANNING PRINCIPLES

The application does not contradict any identified planning principles or policies eg spatial justice, sustainability, efficiency, resilience. The subdivision will contribute to the rates base and thus to the longer term efficiency, resilience and sustainability of the Local authority.

9. PHOTOGRAPHS



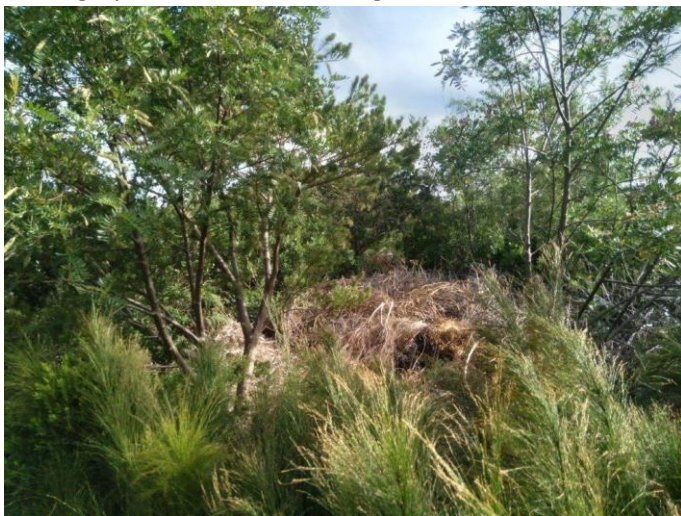
Photograph of the house and property 2023 (source Jens Kuhn)



Photographs of the house and property during construction in 1971 (source Rod Smitheman Archive)



Photographs of the house and garden / lawns



North plot

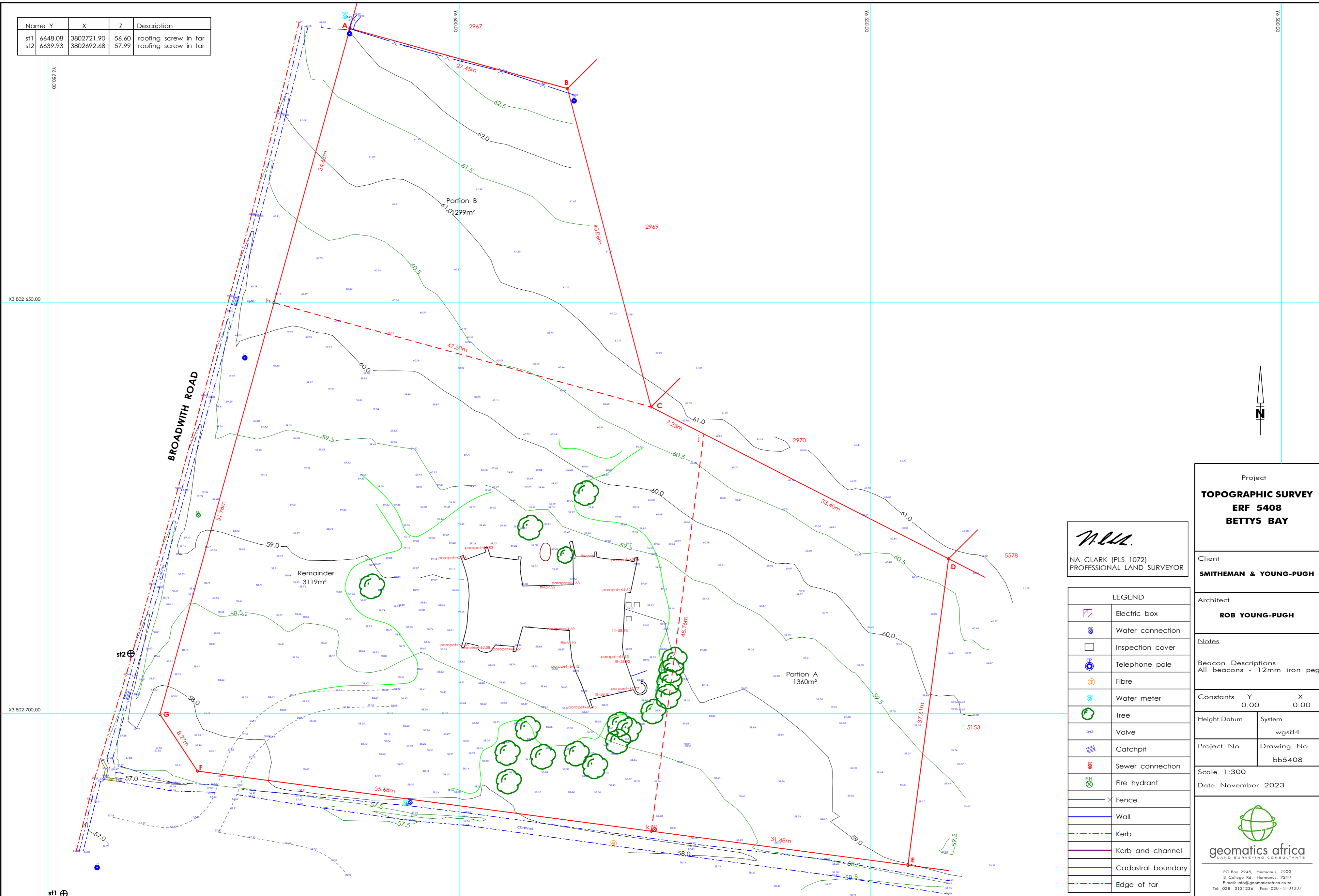


East plot

End

Submitted by co-owners of erf 5408: J Smitheman / J Young-Pugh 2024-05-02

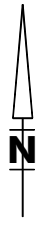
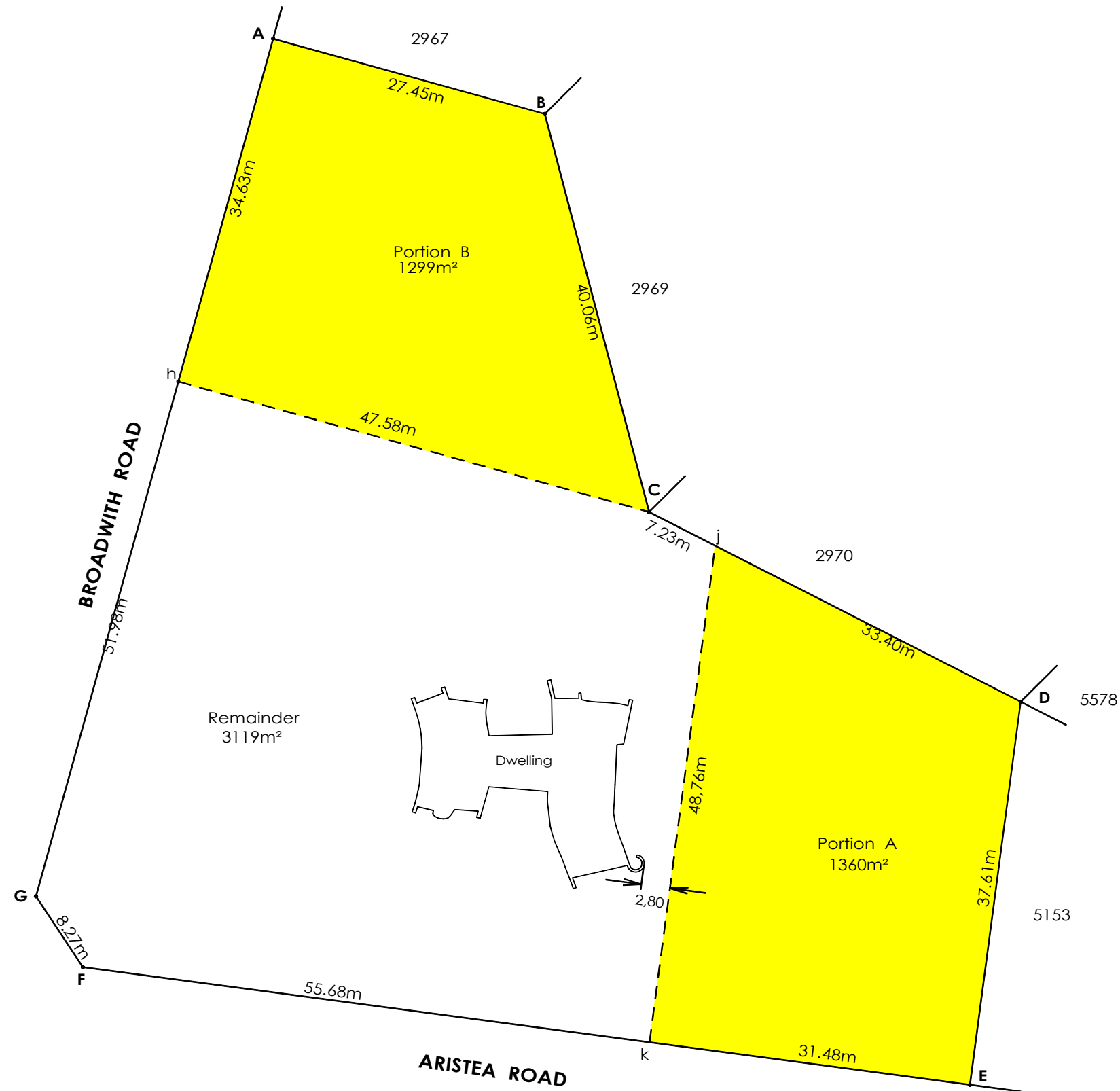
Name	Y	X	Z	Description
st1	6648.08	3802721.90	56.60	roofing screw in tar
st2	6639.93	3802692.68	57.99	roofing screw in tar




M.C.L.L.
 NA CLARK (PLS 1072)
 PROFESSIONAL LAND SURVEYOR

LEGEND	
	Electric box
	Water connection
	Inspection cover
	Telephone pole
	Fibre
	Water meter
	Tree
	Valve
	Catchpit
	Sewer connection
	Fire hydrant
	Fence
	Wall
	Kerb
	Kerb and channel
	Cadastral boundary
	Edge of tar

Project	
TOPOGRAPHIC SURVEY	
ERF 5408	
BETTYS BAY	
Client	SMITHEMAN & YOUNG-PUGH
Architect	ROB YOUNG-PUGH
Notes	Beacon Descriptions All beacons - 12mm iron peg
Constants	Y 0.00 X 0.00
Height Datum	System wgs84
Project No	Drawing No bb5408
Scale 1:300	
Date November 2023	
 geomatics africa <small>LAND SURVEYING CONSULTANTS</small> PO Box 2245, Hermanus, 7200 3 College Rd, Hermanus, 7200 E-mail: info@geomatricsafrica.co.za Tel: 028-3131236 Fax: 028-3131237	



Project	
PROPOSED SUBDIVISION OF ERF 5308 BETTYS BAY	
Client	
Architect	
Notes	
Constants	Y X
	0.00 0.00
Height Datum	System
Project No	Drawing No BB5408S
Scale 1:500	
Date April 2024	
 geomatics africa <small>LAND SURVEYING CONSULTANTS</small>	
<small>PO Box 2245, Hermanus, 7200 3 College Rd, Hermanus, 7200 E-mail: info@geomatricsafrica.co.za Tel: 028 - 3131236 Fax: 028 - 3131237</small>	