



## **ERF 544, 15 DU TOIT STREET, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: TOWN & COUNTRY CREATIVE LAND SOLUTIONS ON BEHALF OF CP MARAIS**

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 for a **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 544, Van Dyksbaai, into (2) two portions, namely: Portion A ( $\pm 550\text{m}^2$ ) and a Remainder ( $\pm 660\text{m}^2$ ) in extent.

Details 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 Gansbaai Library, Main Road, Gansbaai. Any comments must be in writing in terms of the provisions of Sections 51 and 52 of the By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093/ (e) ([alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 22 November 2024**, quoting your name, address, contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van dr Merwe** at 028-313 8900. The Municipality may refuse to accept comment 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 544, DU TOITSTRAAT 15, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNISIPALE AREA: AANSOEK VIR ONDERVERDELING: TOWN & COUNTRY CREATIVE LAND SOLUTIONS NAMENS CP MARAIS**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir 'n **onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening, om Erf 544, Van Dyksbaai, in (2) twee gedeeltes te onderverdeel, naamlik: Gedeelte A ( $\pm 550\text{m}^2$ ) en 'n Restant ( $\pm 660\text{m}^2$ ) groot.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik wees ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) ([alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **Vrydag, 22 November 2024**, met u naam, adres, kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW van der Merwe** by 028-3138900. Die Munisipaliteit mag weier om kommentare 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 formuleer.

## **ISIZA 544, 15 DU TOIT STREET, VAN DYKSBAAI (KLEINBAAI), KUMMANDLA WOMASIPALA WASE-OVERSTRAND MUNICIPAL: ISICELO SOKWAHLULA: ABAKWA-TOWN& COUNTRY CREATIVE LAND SOLUTIONS EGAMENI LIKA-CP MARAIS**

Kukhutshwa isaziso ngokusekelwe kwiCandelo 48 loMthetho Ohlonyelweyo ka-2020 Womasipala wase-Overstrand Ongokusetyenziswa Nokucetywa koMhlaba kaMasipala (uMthetho kaMasipala), ukuba kufunyenwe isicelo **sokunyenyiswa** ngokumayela neCandelo 16(2)(d) loMthetho kaMasipala ukuze kwahlulwe Isiza 544, Van Dyksbaai, sibe ziinxalenye ezimbini (2) ezime ngolu hlobo: Inxalenye A ( $\pm 550\text{m}^2$ ) ize Intsalela ibe ( $\pm 660\text{m}^2$ ) ngobukhulu.


linkcukacha ezipheleleyo mayela nesi isphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini kwintsimbi ephakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe : izicwangciso zeDolophu kwa16 Paterson Street, Hermanus. Nabani na ofuna ukuhlomla makabahle izimvo zakhe zingeniswe kwaMasipala ngokwezibonelo zeSoloty lama- 51 nelama-52 loMthethwana kaMasipala zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093/ (e) ([alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi ko**Lwesihlanu, 22 EyeNkanga 2024**, uchaze igama lakho, idilesi yakho, neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMwangcisi weDolophu, **uMunu SW van der Merwe** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lezicwangciso zeDolophu apho ingosa likamasipala liza kumnceda afake izimvo zakhe ngokusemthethweni.





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**PROJECT**  
**LOCALITY PLAN: ERF 544 VAN DYKSBAAI**  
**OVERSTRAND MUNICIPALITY**

 *Creative Land Solutions*

Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE NTS	DATE AUG 2024
DWG No.	REVISION
Notes: ALL AREAS AND DISTANCES SUBJECT TO SURVEY	

## MOTIVATIONAL REPORT

### PROPOSED SUBDIVISION: ERF 544 VAN DYKSBAAI REF. VAN/3196

#### 1. INTRODUCTION

This office was appointed by Mr Charl Marais to prepare the town planning application for the proposed subdivision of erf 544. The purpose of the application is to subdivide Erf 544 and alienate one of the portions.

The majority of the erf is currently vacant and a similar subdivision was approved west of Erf 544..

#### 2. PURPOSE

The purpose of this motivation is for:

- Subdivision, in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, to allow for the subdivision of Erf 544 into a Remainder ( $\pm 660\text{m}^2$ ) and a Portion A ( $550\text{m}^2$ ).

#### 3. PROPERTY DESCRIPTION

Erf 544 is located in Du Toit Street, bordering on a public open space towards the north. There is an existing house on the eastern portion of the erf.

<b>AREA</b>	1210m <sup>2</sup>
<b>OWNER</b>	Charl Pieter Marais
<b>TITLE DEED</b>	T55776/2021
<b>BOUNDARY: NORTH</b>	Public Open space, Erf 1556
<b>EAST</b>	Erf 545
<b>SOUTH</b>	Du Toit Street and Erven 530 and 561
<b>WEST</b>	Erf 543



Google Earth image to illustrate the location of Erf 544, Van Dyksbaai.

#### **4. ZONING**

The current zoning of erf 544 is Residential Zone I. After subdivision the zoning of the remainder and the portion remains unchanged.

#### **5. SURROUNDING LAND USE**

The land uses surrounding erf 544 are of a residential nature, with a public open space towards the north of the Erf. Surrounding erf sizes range between  $\pm 550\text{m}^2$  to  $1021\text{m}^2$ .

#### **6. PROPOSED SUBDIVISION**

After subdivision the following areas are created:

Remainder:  $\pm 660\text{m}^2$

Portion A:  $\pm 550\text{m}^2$

The proposed subdivision areas are in line with existing erf sizes in the area.

## 7. CRITERIA FOR CONSIDERATION OF THE APPLICATION

The Overstrand Municipal By-Law on Municipal Land Use Planning list a number of criteria that applications need to meet. The relevant points to the information that a planning application will have to include are listed below and the application is evaluated in terms of these points.

### 7.1 The desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses.

The proposal will result in one additional erf and therefore the densification of an area located inside an Urban Edge, although very limited. Densification is one of the objectives of the Provincial Spatial Development Framework.

### 7.2 The impact of the proposal on Municipal Engineering Services

With the proposal only being for one additional erf, the impact on Municipal Engineering Services will be minimal. Infrastructure will be able to connect with existing service lines.

- **Rubbish Removal**

The municipality is responsible for rubbish removal and rubbish will be removed weekly.

- **Sewer**

As prescribed by council and relevant National building regulations.

- **Water**

Connection to the existing water line is possible.

- **Storm water**

The new owners will be responsible for storm water drainage from the new erf.

- **Electricity**

Any required alterations will be for the owners account, in line with municipal guidelines.

- **Road, Entrance and Parking**

Both the remainder and the proposed Portion A will take access from Du Toit Street. Parking will be provided on each erf.

### **7.3 District and Municipal Forward Planning Documents**

In terms of the Overstrand Spatial Development Framework subdivision can be allowed in Kleinbaai, that includes Van Dyksbaai and urban development should be promoted within the defined urban edge.

The Kleinbaai-Franskraal Growth Management Plan, 2010 is applicable to Erf 544 and the erf falls in planning Unit 5. In the document it is stated that the Kleinbaai/Franskraal area functions as a popular residential, holiday and retirement settlement and an increasingly popular tourist destination as a result of the active shark diving industry in the area. In terms of this document densification is allowable.

### **7.4 Spatial Development Framework: Western Cape**

The Western Cape Spatial Development Framework recommends higher densities in towns by means of subdivision. The Provincial Government would like to see an average density of 25 units per hectare in towns. Higher densities within towns ensure the more optimal use of infrastructure and also protect the natural and agricultural environment outside the urban edges of town areas.

It is noted that certain areas in town should however retain a lower density, in order to protect the character of surrounding areas.

### **7.5 Complies with Section 42 of the SPLUMA and Chapter 6 of LUPA:**

The Spatial Planning and Land Use Management Act (SPLUMA) and Land Use Planning Act (LUPA) came into effect in 2016 in the Overstrand Municipality. One of the main objectives of this act 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><i>SPLUMA &amp; LUPA Principle</i></b>	<b><i>Compliance</i></b>
<b><i>Spatial Justice</i></b>	The development allows for one additional erf inside the Urban Edge – making more erven available to more people.

<b><i>Spatial Sustainability</i></b>	The proposal is in line with existing overhead planning documents.  The additional erf results in densification inside the Urban Edge, intensifying existing infrastructure use, without impacting negatively on the character of the area in which it is located.
<b><i>Spatial Efficiency</i></b>	Development will make use of existing resources.
<b><i>Spatial Resilience</i></b>	The proposal is in line with overhead planning documents recommending sensitive densification inside the Urban Edge.
<b><i>Good Administration</i></b>	This principle has no direct bearing on the application, however, the Overstrand municipality is obligated to consider the application fairly and within the timeframes provided in terms of the municipal planning bylaw.

## 8. ADDITIONAL MOTIVATION

### CHARACTER OF THE SURROUNDING AREA

The area has a single residential character, with erf sizes ranging between 550m<sup>2</sup> and 1200m<sup>2</sup>. The erf west of Erf 544 was already subdivided previously into erven of 550m<sup>2</sup> and 602m<sup>2</sup>. The proposed smaller erven will not impact negatively on the character of the area since the majority of erven are already developed and the opportunity for subdivision only exist on a few erven.

### EXISTING RIGHTS

The proposed subdivision will not impact on any affected party's existing rights.

### ENTRANCE AND PARKING

Entrances to the Remainder and proposed Portion A are existing and no change is proposed.

### SERVICES

All alterations and new services that will be required due to the subdivision will be installed as prescribed by Council and will connect to existing infrastructure. With the application being only for one erf, no significant impact on the availability of services are foreseen.

## POTENTIAL OF THE PROPERTY

The property is zoned as Single Residential. There is an existing house on the proposed Remainder portion. The house was positioned on the one half and rest of the erf is vacant.

By allowing the subdivision of erf 544, one additional residential erf will be created within a well-established part of Van Dyksbaai. This will not only allow for the optimal use of existing infrastructure, but also comply with Provincial guidelines that prescribe densification.

Van Dyksbaai's popularity increased significantly in the last few years and there will be constant pressure to start developing outside the town borders. The subdivision of the erf, located inside the town boundaries, will not only provide an individual with the opportunity to invest in Van Dyksbaai, but it will also help to prevent the infiltration of town area onto valuable agricultural land and natural vegetation. Protection of the natural biophysical environment is one of the challenges set in the Overstrand Spatial Development Framework and the Western Cape Spatial Development Framework.

## SAFETY OF THE COMMUNITY

- o All scheme regulations will be adhered to with the erection of new buildings.
- o No safety risk in terms of traffic or access is foreseen.

One of the advantages of densification is that it results in better security in the neighbourhood, since there is more surveillance.

## 9. CONSTRAINTS AND OPPORTUNITIES

According to the title deed there are no restrictions registered against the property that could have an influence on the proposed application.

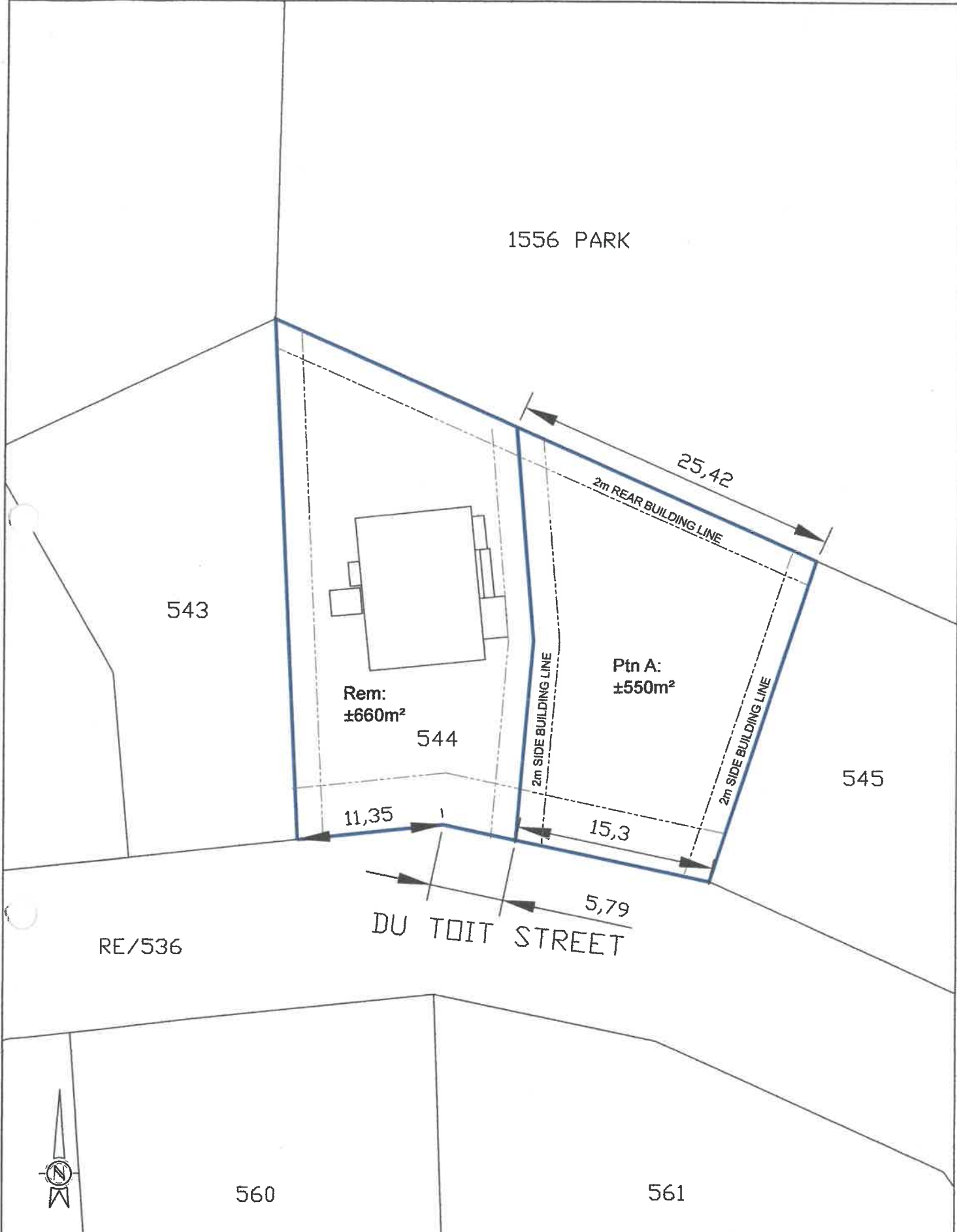
Van Dyksbaai's attraction to tourists and new residents is normally the rural atmosphere of the town. The subdivision creates the opportunity to create an additional erf within this unique area, without impacting negatively on this attribute.

The erf is currently too big for the owners to maintain. By subdividing the property, the two portions will be much more manageable.

## 10. CONCLUSION


Erf 544 is a residential erf within the boundary and urban edge of Van Dyksbaai with the potential to subdivide. The proposed subdivision of the erf is in line with surrounding land uses and erf sizes. The division will not have an undue negative impact on surrounding neighbours. The subdivision will not impact negatively on the character of Van Dyksbaai. The proposal is in line with national and provincial legislation, as well as policy documents and is acceptable in terms of desirability.

LT



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SCALE 1: 400	DATE AUG 2024
DWG No. VAN/3196	REVISION 6
Notes: All areas and distances subject to survey	