

**OVERSTRAND MUNISIPALITEIT**

**ERF 283, SHAWS PASS, HEMEL EN AARDE VALLEI, HERMANUS EN RESTANTE ERF 243, HEMEL EN AARDE VALLEI, HERMANUS: AANSOEK OM ONDERVERDELING, SLUITING VAN 'N OPENBARE PLEK, HERSONERING EN KONSOLIDASIE: MNRE WRAP PROJECT OFFICE NAMENS THE REDBUILD TRUST EN OVERSTAND MUNISIPALITEIT**

Kennis word hiermee gee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoeke van toepassing op die bogenoemde eiendom, naamlik:

- ❖ **Onderverdeling**  
Aansoek ingevolge Artikel 16(2)(d) van die Verordening, vir die onderverdeling van Restante Erf 243, Hermanus in twee gedeeltes naamlik Gedeelte A (1.52ha) en die Restant.
- ❖ **Sluiting van 'n openbare plek**  
Aansoek ingevolge Artikel 16(2)(n) van die Verordening, vir die sluiting van Gedeelte A ('n Gedeelte van die Restant Erf 243, Hermanus).
- ❖ **Hersonering**  
Aansoek ingevolge Artikel 16(2)(a) van die Verordening, om die hersonering van Gedeelte A ('n Gedeelte van die Restant Erf 243, Hermanus) vanaf Oopruimte 2: Openbare Oopruimte tot Landbousone 1: Landbou te akkommodeer.
- ❖ **Konsolidasie**  
Aansoek ingevolge Artikel 16(2)(e) van die Verordening vir die konsolidasie van die Onderverdeelde Gedeelte A met Erf 283, Hermanus.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus. Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **Vrydag, 01 November 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H Van Der Stoep** 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 om hul kommentare te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

**Munisipale Kennisgewing Nr. 152/2024**

**OVERSTRAND MUNICIPALITY**

**ERF 283, SHAWS PASS, HEMEL EN AARDE VALLEY, HERMANUS AND REMAINDER ERF 243, HEMEL EN AARDE VALLEY, HERMANUS: APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE, REZONING & CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF THE REDBUILD TRUST AND OVERSTRAND MUNICIPALITY**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to the above-mentioned property, namely:

- ❖ **Subdivision**  
Application in terms of Section 16(2)(d) of the By-Law, for the subdivision of Remainder Erf 243, Hermanus in two portions namely Portion A (±1.52ha) and the Remainder.
- ❖ **Closure of a public place**  
Application in terms of Section 16(2)(n) of the By-Law, for the closure of Portion A (a Portion of the Remainder of Erf 243, Hermanus).
- ❖ **Rezoning**  
Application in terms of Section 16(2)(a) of the By-Law, to accommodate the rezoning of Portion A (a Portion of the Remainder of Erf 243) from Open Space 2: Public Open Space to Agricultural Zone 1: Agriculture.
- ❖ **Consolidation**  
Application in terms of Section 16(2)(e) of the By-Law for the consolidation of the Subdivided Portion A with Erf 283, Hermanus.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus. Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **Friday, 01 November 2024**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Mrs. H Van Der Stoep** 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 comments.

Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

**Municipal Notice No. 152/2024**

**OVERSTRAND MUNICIPALITY**

**ISIZA 283, SHAWS PASS, HEMEL EN AARDE VALLEY, HERMANUS KUNYE INTSALELA YESIZA SAMA-243, HEMEL EN AARDE VALLEY, HERMANUS: ISICELO ULWAHLULO, UKUVALWA KWENDAWO YOLUNTU, UKUCANDWA NGOKUTSHA KUNYE NOKUDIBANISA: WRAP PROJECT OFFICE EGAMENI LIKA THE REDBUILD TRUST KUNYE OVERSTRAND MUNICIPALITY**

Kukhutshwa isaziso ngokumayela neCandelo 47 nele 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongukeSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ezi zicelo zilandelayo ziyasebenza kule propati ikhankanywe apha ngasentla, ezizezi:

- ❖ **Ulwahlulo**  
Isicelo ngokweCandelo le-16(2)(d) loMthetho kaMasipala, kulwahlulo intsalela yesiza sama-243, iHermanus kumacandelo amabini angala iSahlulo A (±1.52ha) kunye neNtsalela.
- ❖ **Ukuvalwa kwendawo yoluntu**  
Isicelo ngokweCandelo le-16 (2)(n) loMthetho kaMasipala, sokuvalwa kweSahlulo A (iSahlulo seNtsalela yeSiza 243, eHermanus).
- ❖ **Ukucandwa ngokutsha**  
Isicelo ngokweCandelo le-16(2)(a) loMthetho kaMasipala, ukulungiselela ukucandwa ngokutsha kweSahlulo A (iSahlulo seNtsalela yeSiza sama-243) ukusuka kwiNdawo eVulekileyo yesi-2: iNdawo eVulekileyo yoLuntu ukuya kuMmandla wezoLimo 1: wezoLimo.
- ❖ **Nokudibanisa**  
Isicelo ngokweCandelo le-16 (2)(e) loMthetho kaMasipala wokudityaniswa kweSahlulo esahluliweyo A kunye neSiza sama-283, eHermanus.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesho omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphina izimvo ezibhaliweyo mazingeniswe ngokungqinelana nezibonelelo zeCandelo lama-51 kunye nelama-52 lalo Mthetho kaMasipala oxeliweyo kwaye zifike kuMasipala (16 Paterson Street, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye phambi kuka **uLwesihlanu, 01 EyeNkanga 2024**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuhlomla. Imibuzo ngomnxeba ingenziwa ku**Mcwangcisi weDolophu oPhezulu, Mrs. H Van Der Stoep** kule nombolo 028-313 8900. uMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.

Umphathi kamasipala, Umasipala iOverstrand, Ibhokisi yePosi 20, HERMANUS, 7200

**Inombolo yesaziso 152/2024**

# 1. LOCALITY PLAN

## ERF 283 - HERMANUS & REMAINDER OF ERF 243 HERMANUS

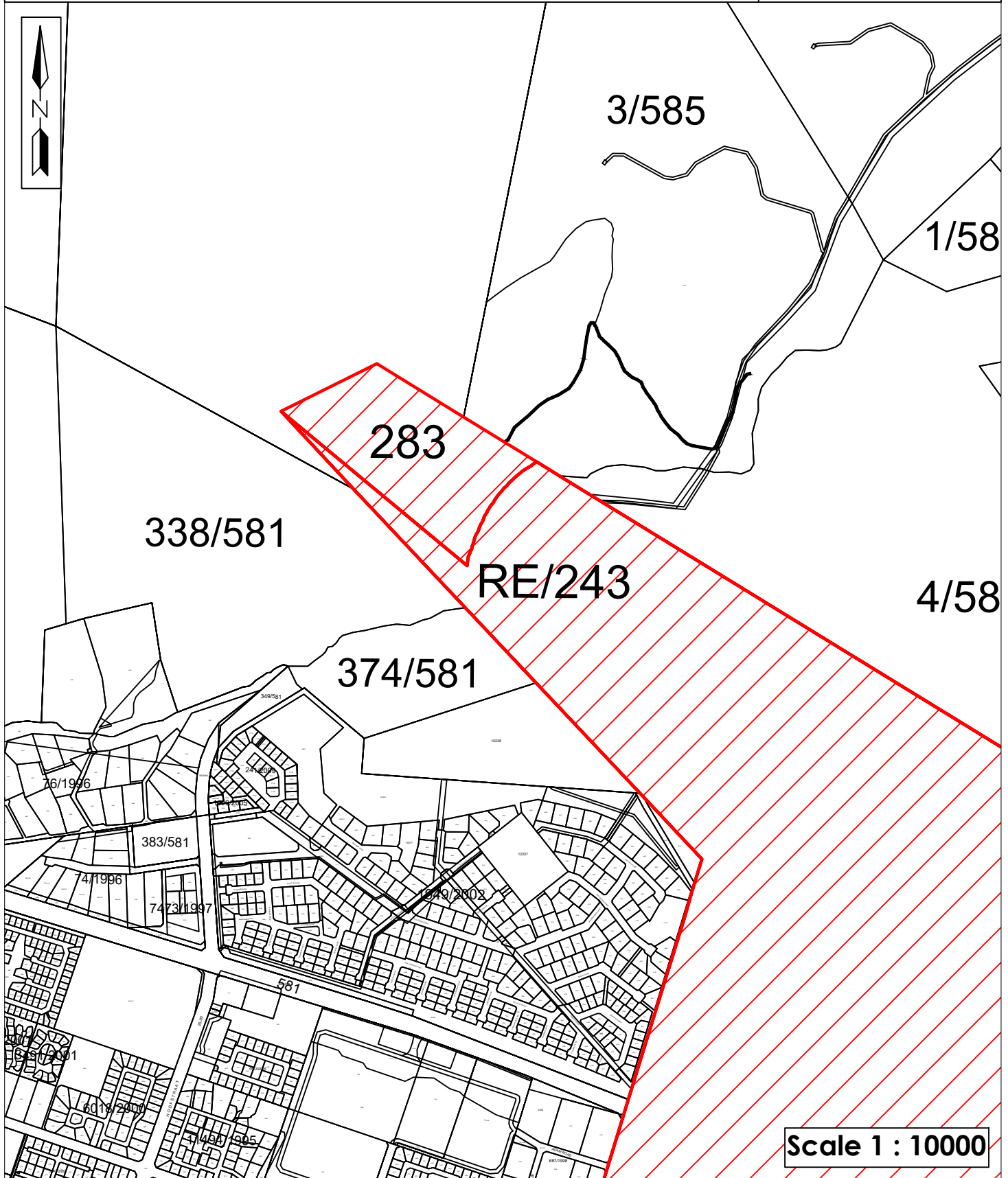
 Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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





**1. ABBREVIATIONS**

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>By-Law</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<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>SR1</b>	Residential Zone 1: Single Residential

**2. PROPERTY DETAILS**

<b>Erf Number</b>	Erf 283, Hermanus	Remainder of Erf 243, Hermanus
<b>Extent</b>	8,8126Ha	800 DUM
<b>Zoning</b>	Agricultural Zone 1: Agriculture	Open Space Zone 1: Nature Reserve Open Space Zone 2: Public Open Space

**3. BACKGROUND AND INTENT**

Erf 283, Hermanus, and the Remainder of Erf 243, Hermanus, hereafter referred to as the subject properties, are located just outside Hermanus, adjacent to Onrus River (refer to **Plan 1 – Locality Plan**). The owners of Erf 283, Hermanus, appointed WRAP Project Office as their representative to acquire a portion of the Remainder of Erf 243, Hermanus, owned by the Overstrand Municipality (refer to **Annexure A – Power of Attorney**).

It is a triangular piece of the Remainder of Erf 243 between Erf 283, Hermanus, and another property owned by The Redbuild Trust, Portion 338 of Farm 581, Caledon. This wedge has no logical reason for its existence and may have arisen either before or after the construction of the road up the Hemel and Aarde Valley, now the R320. The road leaves the wedge without access and cuts it off from the larger piece of land, Remainder of Erf 243, Hermanus, of which it forms part of.

Both Erf 283, Hermanus and Portion 338 of Farm 581, Caledon are owned by The Redbuild Trust. The wedge prevents access from Portion 338 of Farm 581, Caledon to Erf 283, Hermanus along any of the contours of the slope. Therefore, the proposal was to acquire this portion of land from the Municipality to allow these two properties to be directly adjacent to each other, thus avoiding any unnecessary right-of-way servitudes.

A formal application to purchase the portion of the property from the Municipality was submitted in late 2023. The intention was to consolidate this piece of land with one of the properties owned by the Redbuild Trust. The Council approved the sale of the property in April 2024, with the condition that a formal land use application process must be completed. This process includes the closure of a public place, subdivision, rezoning, and consolidation (refer to **Annexure C – Deed of Sale**).

The property owners are complying with the above-mentioned condition through this application. The following applications need to be considered:

- Subdivision of the Remainder of Erf 243, Hermanus;
- Closure of a public place (a portion of the Remainder of Erf 243, Hermanus);
- Rezoning the to be subdivided portion from Open Space Zone 2: Public Open Space to Agricultural Zone 1: Agriculture; and
- Consolidation of the subdivided portion with Erf 283, Hermanus.

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#### **4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT**

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WRAP compiled this report to ensure the property owner's vision is achieved. The following is proposed:

**4.1 Subdivision** of the Remainder of Erf 243, Hermanus into Portion A ( $\pm 1,52\text{Ha}$ ), and the Remainder.

As mentioned, there is a small triangular wedge of vacant land that is proposed to be purchased by the owners of Erf 283, Hermanus. This section of land is inaccessible for vehicles from the Hemel en Aarde Road (R320) as it is separated from the rest of the remainder of Erf 243, Hermanus, by the Onrus River (Refer to Figure 1 that illustrates the proposed subdivision)

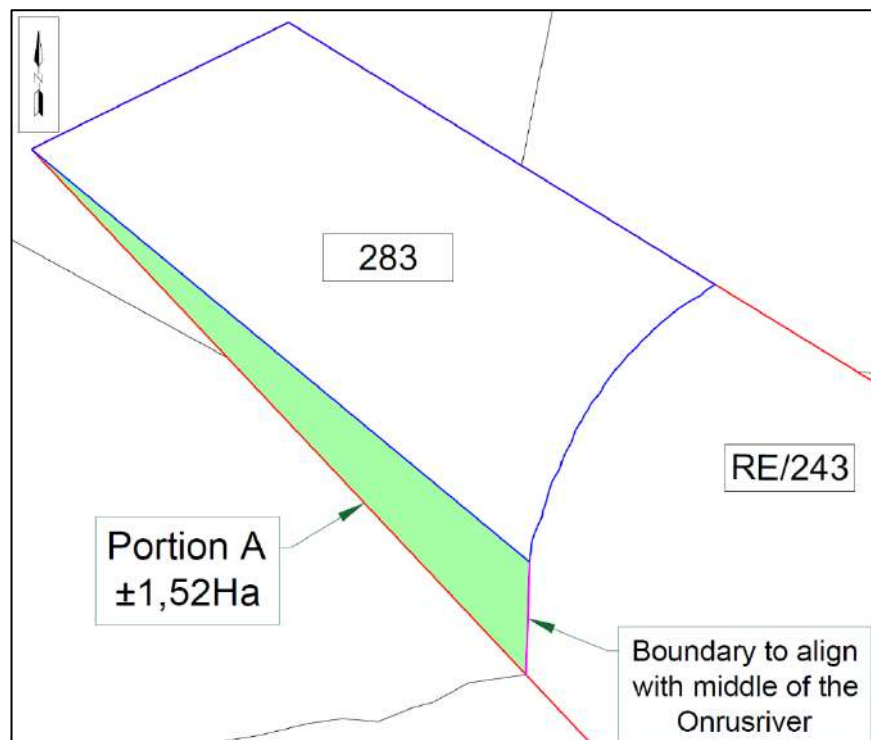


Figure 1: Extract of Plan 4 - Proposed subdivision



Proposed Subdivision of the Remainder of Erf 243, Hermanus		
1	Proposed Remainder of the Remainder of Erf 243, Hermanus	
2	Proposed Portion A (a Portion of Remainder of Erf 243, Hermanus)	±1,52 ha

As illustrated above, the piece of land separates the two properties of The Redbuild Trust. With the proposed subdivision and consolidation, it creates a better situation, as the wedge would otherwise not be a usable piece of land.

**4.2 Closure of a public place** (Portion A, a portion of the Remainder of Erf 243, Hermanus).

The subsections listed in Table 1 below were extracted from Section 37 of LUPA and highlight the relevant considerations that the Municipality must take into account when closing a public place. The motivation for the closure of Portion A as a public place will therefore be aligned with the prescripts of the relevant subsections.

Section number	Content	Motivation
(6)(a)	<i>“Make provision for the payment of compensation to a person who has suffered loss or damage as a result of the permanent closure of the public place.”</i>	A valuation was conducted by a registered valuer, and a value per square meter was determined. This amount will be required as compensation for the acquisition of the piece of land.
(6)(a)	<i>“Regulate the ownership of the land following the permanent closure of the public place.”</i>	After subdivision and closure, the proposal is to consolidate Portion A with Erf 283, Hermanus. This is included in this application (refer to Section 4.4 below).

**Table 1:** Assessment of the closure of a public place.

The proposed Portion A cannot serve any other purpose apart from being consolidated with one of the adjacent properties thereby making this proposal the most feasible use of the land.

**4.3 Rezoning** of Portion A (a portion of the Remainder of Erf 243, Hermanus) from Open Space Zone 2: Public Open Space to Agricultural Zone 1: Agriculture.

The rationale for the proposal to rezone Portion A from Open Space Zone 2: Public Open Space to Agricultural Zone 1: Agriculture is to ensure that it shares the same zoning as Erf 283, Hermanus, facilitating its consolidation. (Refer **Plan 2 – Zoning Plan**)

Retaining the current zoning for Portion A would be impractical because procedural regulations do not permit it. To comply with the relevant sections of LUPA, as motivated above, Portion A must be consolidated with an adjacent property.

Rezoning to Agricultural Zone 1 would allow the purchasers to utilize Portion A for its intended purposes, which include providing access and egress.



**4.4 Consolidation** of Portion A with Erf 283, Hermanus.

The final step in the process is for Portion A to be consolidated with Erf 283, Hermanus:

<b>Status Quo</b>	
Erf 283, Hermanus	8,8126 Ha
Portion A (a Portion of Remainder of Erf 243, Hermanus)	±1,52 ha
<b>Proposed Consolidation</b>	
Proposed Consolidated Erf	±10,3326ha

The proposed consolidation is in harmony with the surrounding area and is not expected to impact any other properties not owned by the applicants involved in this process. Technically, the only change will occur on paper and possibly include a new boundary fence securing the property in the future. (Refer **Plan 6 – Consolidation Plan**)

**5. LAND USE ENVIRONMENT**

The properties surrounding the subject property are zoned for agricultural and authority use (also owned by the municipality). The surrounding area’s zonings are illustrated in **Plan 2** (zoning plan).

**6. TITLE DEED**

The title deeds T343479/2011 and T92094/2001 (CAF3-8/1922) (refer to **Annexure B**) were reviewed, and there are no restrictive conditions that would prohibit the proposal for which approval is being sought.

**7. ZONING**

Portion A is proposed to be zoned Agricultural Zone 1 and the owners has no intention of utilising the properties for any other purposes not allowed in terms of the OMLUS.

**8. 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**

There is not improvements on the properties and they are not connected to any services.

**Access and Egress**

Access and egress to the subject properties is obtained via a right of way servitude from Camphill Road.

**9. 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**

To achieve the intent proposed by the owners it is required to apply for the subdivision, closure of a public place, rezoning and consolidation.

Socio-economic impact	The proposal is not expected to have a socio-economic impact.
Compatibility with surrounding uses	The proposal is only to gain effective access, and any use allowed in terms of the OMLUS in terms of the zoning of the property.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health, and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment as it is only an administrative change of land use.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

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

The proposal to remove the wedge between the two properties by means of subdivision and consolidation is intended to ensure easy access. There will be no physical changes, except possibly for a fence along the boundary.

**Economic impact**

The proposal is not expected to have a long-term financial impact, but as mentioned in Section 4.1, Portion A will be purchased from the municipality at the value determined by a valuation.

**Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties.

**Impact on heritage**

The subject property is not listed in the OM Heritage Register.

**Environmental impact**

The proposal is not expected to have a negative impact, as the process is purely administrative, any future changes or proposals need to be adequately addressed in terms of their environmental impact.



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## 10. POLICIES AND REGULATIONS

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### 10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is located within the EMOZ, but the proposal involves no physical changes, only a realignment of the boundaries.

### 10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is located within the Heritage Protection Overlay Zone (HPOZ). The proposal will not impact this zone.

### 10.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

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## 11. PLANNING PRINCIPLES

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by 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 that do not perpetuate apartheid spatial development imbalances. This proposal to purchase Portion A and consolidate it with Erf 283, Hermanus, is not expected to contribute to past spatial injustices.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in viable communities. This proposal will create a better and more accessible area, increasing the use of the property. The ability to access this section to manage invasive species is also considered sustainable.

### **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. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.





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### 12. EVALUATION

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The proposal seeks to comply with the requirements set out by the Council decision to finalise the purchase of a portion of the Remainder of Erf 243, Hermanus. The plan is to consolidate the subdivided Portion A with Erf 283, Hermanus. Rezoning is necessary to maintain consistency with adjacent properties and to meet the procedural requirements of LUPA. The consolidation will also eliminate the impractical wedge of land, improving access and usability for The Redbuild Trust's properties.

The proposal is in harmony with the surrounding area and is not expected to impact on any other properties. The changes are largely administrative, with any physical alterations limited to potential boundary fencing. A review of the relevant title deeds confirms that no restrictive conditions hinder the proposal.

The property owners have demonstrated a clear understanding of the land use process and are committed to ensuring compliance with all relevant zoning regulations. The proposal aligns with spatial planning policies, reflecting thoughtful consideration rather than arbitrary changes. This application is one of the final steps to complete the acquisition of Portion A from the Municipality.

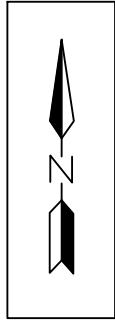
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### 13. RECOMMENDATION

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

- 13.1 Subdivision** of the Remainder of Erf 243, Hermanus into Portion A ( $\pm 1,52$ Ha), and the Remainder in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Closure of a public place** (Portion A, a portion of the Remainder of Erf 243, Hermanus) in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Rezoning** of Portion A (a portion of the Remainder of Erf 243, Hermanus) from Open Space Zone 2: Public Open Space to Agricultural Zone 1: Agriculture in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.4 Consolidation** of Portion A, and Erf 283, Hermanus, in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



283

RE/243

Portion A  
±1,52Ha

Boundary to align  
with middle of the  
Onrusriver

Scale 1 : 2000

4. SUBDIVISION PLAN  
REMAINDER OF ERF 243 -  
HERMANUS

**Proposed Subdivision**

Portion A - ±1,52Ha

Plan date: 12/08/2024  
Plan Number: 21.49

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

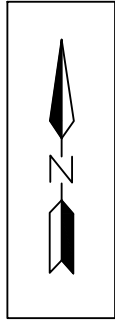
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



**Project Office**  
Town Planning & Project Management



**Consolidated Erf  
±10,3326ha**

**RE/243**

**Boundary to align  
with middle of the  
Onrusriver**

**Scale 1 : 2000**

**6. CONSOLIDATION PLAN**

Erf 283, Hermanus - 8,8126 ha  
Portion A - ±1,52ha

**Proposed Consolidation**

Consolidated Erf  
(Erf 283, Hermanus  
&  
Portion A)

**±10,3326 Ha**

Plan date: 12/08/2024  
Plan Number: 21.49

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

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Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management