

OVERSTRAND MUNISIPALITEIT

RESTANT VAN ERF 6882, FIR CLOSE 23, ERF 7185, FIR CLOSE 23A EN ERF 7600, FIR CLOSE 21A, EASTCLIFF, HERMANUS: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, HERSONERING, VRYSTELLING VAN ONDERVERDELING, VRYSTELLING VAN KONSOLIDASIE, KONSOLIDASIE EN AFWYKING: MNRE WRAP PROJECT OFFICE NAMENS JC & M GEY VAN PITTIUS EN GH & R SWANEPOEL

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op Restant van Erf 6882, Erwe 7185 en 7600, Hermanus (die eiendomme), naamlik:

Opheffing van beperkende titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelvoorwaardes C.(g), D.(d) D.(e) en F. soos vervat in Titelakte T12521/2020 van Restant van Erf 6882, Hermanus om die voorgestelde en bestaande aanbouings tot die bestaande woning te akkommodeer.

Opheffing van beperkende titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelvoorwaardes C.(g), D.(d) D.(e) en F. soos vervat in Titelakte T83010/2024 van Erf 7185, Hermanus om die voorgestelde woning te akkommodeer.

Opheffing van beperkende titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelvoorwaardes C.(g), D.(d) en D.(e). soos vervat in Titelakte T82987/2024 van Erf 7600, Hermanus om die voorgestelde woning te akkommodeer.

Hersonering

Aansoek ingevolge Artikel 16(2)(a) van die Verordening vir die hersonering van Restant van Erf 6882, Erf 7185 en Erf 7600, Hermanus vanaf Algemene Residensielesone 1: Dorpsbehuising na Residensielesone 1: Enkel Residensielesone.

Vrystelling van die onderverdeling

Aansoek ingevolge Artikel 26 van die Verordening om Erf 7185 te onderverdeel om Gedeelte A (±2m²) en die Restant (±384m²) te skep.

Vrystelling van die konsolidasie

Aansoek ingevolge Artikel 26 van die Verordening om Gedeelte A (±2m²) te konsolideer met die Restant van Erf 6882, Hermanus.

Konsolidasie

Aansoek ingevolge Artikel 16(2)(e) van die Verordening om die restant gedeelte van Erf 7185 en Erf 7600, Hermanus te konsolideer om een eiendom ±839m² groot te skep.

Afwyking

Aansoek ingevolge Artikel 16(2)(b) van die Verordening op gekonsolideerde Gedeelte A en Restant van Erf 6882, Hermanus ten einde die:

- suidelike lateraleboulyn vanaf 2m na 1.16 en 1,12m en 0m te verslap om die bestaande woonhuis en motorhuis op grondvloer te akkommodeer;
- suidelike lateraleboulyn vanaf 2m na 0.46m te verslap om die voorgestelde braai op grondvloer te akkommodeer;
- noordelike lateraleboulyn vanaf 2m na 1,85m en 1,26m te verslap om die bestaande woonhuis op grondvloer te akkommodeer;
- relax the southern lateral building line from 2m to 1,12m to accommodate the existing dwelling on the first floor;
- suidelike lateraleboulyn vanaf 2m na 1.18 en 0.5m te verslap om die voorgestelde houtdek en skoorsteen op eerstevloer te akkommodeer, en
- noordelike lateraleboulyn vanaf 2m na 1.85m te verslap om die bestaande woonhuis te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en die munisipale webtuiste by die volgende skakel <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>

Enige kommentare op die voorstel moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) alida@overstrand.gov.za) bereik voor of op Vrydag, 25 Julie 2025, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die

OVERSTRAND MUNICIPALITY

REMAINDER OF ERF 6882, 23 FIR CLOSE, ERF 7185, 23A FIR CLOSE AND ERF 7600, 21A FIR CLOSE, EASTCLIFF, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, EXEMPTION OF SUBDIVISION, EXEMPTION OF CONSOLIDATION, CONSOLIDATION AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JC & M GEY VAN PITTIUS AND GH & R SWANEPOEL

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 Remainder of Erf 6882, Erven 7185 and 7600, Hermanus (the properties), namely:

Removal of restrictive title deed conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions C.(g), D.(d), D.(e) and F. as contained in the Title Deed T12521/2020 of Remainder of Erf 6882, Hermanus to accommodate the proposed and existing additions to the dwelling.

Removal of restrictive title deed conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions C.(g), D.(d), D.(e) and F. as contained in the title deed T83010/2024 of Erf 7185, Hermanus to accommodate the proposed dwelling.

Removal of restrictive title deed conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions C.(g), D.(d) and D.(e) as contained in the Title Deed T82987/2024 of Erf 7600, Hermanus to accommodate the proposed dwelling.

Rezoning

Application in terms of Section 16(2)(a) of the By-Law for the rezoning of Remainder of Erf 6882, Erf 7185 and Erf 7600, Hermanus from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential Zone.

Exemption of the subdivision

Application in terms of Section 26 of the By-Law to subdivide Erf 7185, Hermanus to create Portion A (±2m²) and the Remainder (±384m²).

Exemption of the consolidation

Application in terms of Section 26 of the By-Law to consolidate Portion A (±2m²) and the Remainder of Erf 6882, Hermanus.

Consolidation

Application in terms of Section 16(2)(e) of the By-Law to consolidate the remaining extent of Erf 7185 and Erf 7600, Hermanus to create one property ±839m² in extent.

Departure

Application in terms of Section 16(2)(b) of the By-Law on consolidated Portion A and Remainder of Erf 6882, Hermanus in order to:

- relax the southern lateral building line from 2m to 1.16m, 1.12m and 0m to accommodate the existing dwelling and garage on the ground floor;
- relax the southern lateral building line from 2m to 0.46m to accommodate the proposed braai on the ground floor;
- relax the northern lateral building line from 2m to 1.85m and 1.26m to accommodate the existing dwelling on the ground floor;
- relax the southern lateral building line from 2m to 1,12m to accommodate the existing dwelling on the first floor;
- relax the southern lateral building line from 2m to 1.18m and 0.5m to accommodate the proposed timber deck and chimney on the first floor, and
- relax the northern lateral building line from 2m to 1.85m to accommodate the existing dwelling.

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 on the municipal webpage at the following link <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>

Any comments on the proposal must be in writing in accordance with Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before **Friday, 25 July 2025**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. P Roux** at 028-3138900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning

UMASIPALA WASE-OVERSTRAND

INTSALELA ISIZA 6882, 23 FIR CLOSE, ISIZA 7185, 23A FIR CLOSE KUNYE ISIZA 7600, 21A FIR CLOSE, EASTCLIFF, HERMANUS: ISICELO SOKUSUSWA KWEEMKO EZITHINTELAYO KWITAYITILE YOBUNINI, UKUTSHINTSWA KOKUSETYENZISWA KOMHLABA, SOKUKHULULWA KULWAHLULO, SOKUKHULULWA EKUDITYANISWENI, UKUHLANGANISA KUNYE UKUTENXA: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA JC & M GEY VAN PITTIUS AND GH & R SWANEPOEL

Isaziso sinikwe apha ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala) wezi zicelo zilandelayo zisebenza kwiNtsalela ye-Isiza 6882, Isiza 7185 kunye ne-7600, Hermanus (Iipropati), ezizezi:

Sokususwa kweemko ezithintelayo kwitayitile yobunini

Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa kwemiqathango yetayitile ethintelayo C.(g), D.(d), D.(e) kunye no-F. njengoko kuqulethwe kwiSiqundu seSihlokwana T12521/2020, yeNtsalela ye-Isiza 6882, iHermanus ukulungiselela ukongezwa okucetywayo kunye nokukhoyo kwindawo yokuhlala.

Sokususwa kweemko ezithintelayo kwitayitile yobunini

Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa kwemiqathango yetayitile ethintelayo C.(g), D.(d), D.(e) kunye no-F. njengoko kuqulethwe kwiSiqundu seSihlokwana T83010/2024 ye Isiza 7185, Hermanus ukulungiselela indawo yokuhlala ecetywayo.

Sokususwa kweemko ezithintelayo kwitayitile yobunini

Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa kwemiqathango yesiqinisekiso setayitile engu-C.(g), D.(d) no-D.(e) njengoko kuqulethwe kwiSiqundu seSihlokwana T82987/2024 se-Isiza 7600, Hermanus ukulungiselela indawo yokuhlala ecetywayo.

Ukutshintswa kokusetyenziswa komhlaba

Isicelo ngokweCandelo le-16 (2) (a) loMthetho kaMasipala wocando ngokutsha lweNtsalela ye-Isiza 6882, Isiza 7185 kunye ne-Isiza 7600, iHermanus ukusuka kuMmandla wokuHlala Jikelele woku-1: iZindlu zeDolophu ukuya kwiNdwano yokuHlala 1: Indawo yokuhlala eNye.

Sokukhululwa kulwahlulo

Isicelo ngokweCandelo lama-26 loMthetho kaMasipala wokwahlulahlula Isiza 7185, iHermanus ukwenza iSahlulo A (±2m²) kunye neNtsalela (±384m²).

Sokukhululwa ekudityanisweni

Isicelo ngokweCandelo lama-26 loMthetho kaMasipala ukuhlanganisa iSahlulo A (±2m²) kunye neNtsalela Isiza 6882, iHermanus.

Ukudibanisa

Isicelo ngokweCandelo le-16(2)(e) loMthetho kaMasipala ukuhlanganisa ubungakanani obushiyekeleyo be-Isiza 7185 kunye ne-Isiza 7600, iHermanus ukwenza ipropati enye ±839m² ngokomlinganiselo.

Ukutenxa

Isicelo ngokweCandelo 16(2)(b) loMthetho kaMasipala kwiSahlulo A esidityanisiweyo kunye neNtsalela ye-Isiza 6882, iHermanus ukuze:

- nciphisa umgca wesakhiwo osemazantsi ukusuka kwi-2m ukuya kwi-1.16m, i-1.12m kunye ne-0m ukulungiselela indawo yokuhlala ekhoyo kunye negaraji kumgangatho ophantsi;
- nciphisa umgca wesakhiwo osemazantsi ukusuka kwi-2m ukuya kwi-0.46m ukulungiselela i-braai ecetywayo kumgangatho ophantsi;
- nciphisa umgca wesakhiwo osemantla ukusuka kwi-2m ukuya kwi-1.85m kunye ne-1.26m ukulungiselela indawo yokuhlala ekhoyo kumgangatho ophantsi;
- nciphisa umgca wesakhiwo osemazantsi ukusuka kwi-2m ukuya kwi-1,12m ukulungiselela indawo yokuhlala ekhoyo kumgangatho wokuqala;
- nciphisa umgca wesakhiwo osemazantsi ukusuka kwi-2m ukuya kwi-1.18m kunye ne-0.5m ukulungiselela umgangatho ocetywayo wamaplanga kunye netshimini kumgangatho wokuqala, kunye
- nciphisa umgca wesakhiwo osemantla ukusuka kwi-2m ukuya kwi-1.85m ukulungiselela indawo yokuhlala ekhoyo.

linkukacha malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evelini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu e-16 Paterson Street, eHermanus kwiphapha lewebhu likamasipala [kwell khonkco lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/](https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/)

Nawaphi na amagqabantshintshi ngesindululo kufuneka abhalwe

redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. P Roux by 028-3138900. Die Munisipaliteit mag weier om kommentare wat na die sluitingsdatum ontvang word, te aanvaar. 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.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200
Munisipale Kennisgewing Nr.120/2025

Department where a municipal official will assist them in order to formalize their comment.

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

Municipal Notice No.120/2025

ngokungqinelana neCandelo lama-51 nelama-52 loMthetho kaMasipala ukuze ufikelele kuMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngoLwesihlanu okanye ngaphambi koko uLwesihlanu, **25 EyeKhala 2025**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo, kunye nezizathu zokuphawula. Imibuzo yomnxeba inokwenziwa kuMchwangcisi weDolophu, uMnu. P Roux ngo-028-3138900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.

UMphathi kaMasipala, uMasipala waseOverstrand, PO Box 20, HERMANUS, 7200

Isaziso sikaMasipala No. 120/2025



1. Locality Plan

Erven RE/6882, 7185 & 7600 - Hermanus

Plan prepared by: Thian Jansen

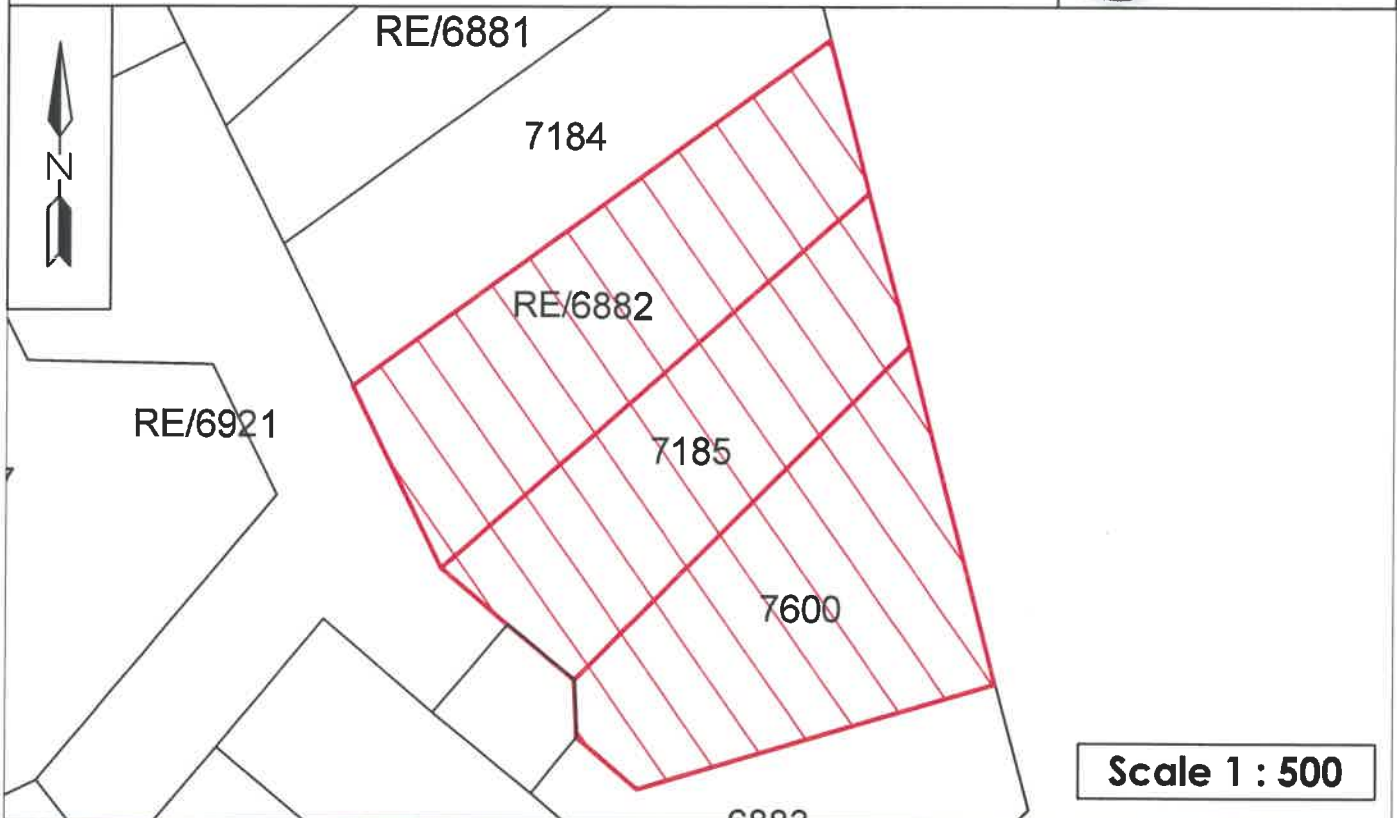
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management





1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

PROPERTIES	EXTENT	ZONING
Remainder of Erf 6882 Hermanus	472m ²	General Residential Zone 1: Town Housing
Erf 7185 Hermanus	386m ²	
Erf 7600 Hermanus	455m ²	

3. BACKGROUND AND INTRODUCTION

Erven Remainder of 6882 (Re/6882), 7185 & 7600, Hermanus, hereafter referred to as the subject properties, are situated in Fernkloof, Hermanus, as illustrated in **Plan 1 - Locality**. The properties form part of a group housing scheme with an architectural guideline, but the Homeowner's Association is not functioning at all. No annual general meetings are held, it does not have a board of trustees, and no levies are raised. The implication of this is that whenever alterations are made to buildings or a new house needs to be built on the remaining vacant properties, all owners need to provide their consent.

The purpose of this application is to "remove" the subject properties from the group housing scheme as they are situated at the "end" of the scheme.

WRAP Project Office was tasked to prepare a land use application for the owners of Erven 7185 and 7600 Hermanus, both of which are vacant. WRAP Project Office was also tasked by the owners of Erf Re/6882 Hermanus to prepare a land use application on their behalf. The owners of these properties have provided their Powers of Attorney (**Annexure A**) for the applications.

Erf Re/6882 Hermanus is developed with a dwelling, while Erven 7185 and 7600 Hermanus are vacant. Refer to **Figure 1** on the following page for an aerial view of the three subject properties:



Figure 1: Aerial View (Extract from Overstrand Public Viewer)

4. INTENT

Approval of the undermentioned proposed applications will allow the owners to consolidate Erven 7185 and 7600 Hermanus, build a single residential dwelling, and have greater flexibility in the design of the house by removing restrictive title deed conditions and rezoning the properties. This necessitates the rezoning of Erf Re/6882 Hermanus as well as the exemption of a subdivision and consolidation and removal of restrictive title deed conditions. This will align the properties with the owners' intended use and ensure compliance with property boundaries and regulations.

Removal of Restrictive Title Deed Conditions

As part of the land use application, application is made for the removal of a restrictive title deed conditions on Erf Re/6882 Hermanus and Erf 7600 Hermanus. Some of these restrictive conditions pertain to architectural guidelines, and their removal will provide the owners with greater flexibility in designing their residential dwelling, including the style and colour of the house.

Rezoning

Additionally, the application includes a request for the rezoning of the subject properties. Erf Re/6882 Hermanus is specifically proposed to be rezoned to maintain consistency with the zoning of the surrounding area. This rezoning will allow for a single residential dwelling to be built on the proposed consolidated property (Erven 7185 & 7600 Hermanus). The rezoning will however introduce stricter building lines, which necessitates a permanent departure on Erf Re/6882 Hermanus to accommodate the existing dwelling house.

Exemption of Subdivision and Consolidation

The owners of Erf Re/6882 Hermanus recently purchased the property and, after survey of the buildings by a land surveyor, (refer to **Plan 5 – Survey**), it was discovered that the existing garage appears to be built over the boundary line, encroaching by approximately 2m² onto the neighbouring property, namely Erf 7185 Hermanus. To



resolve this historical issue, an exemption application for subdivision and consolidation is proposed. This exemption will allow the owners to retain the garage, as the subdivision and consolidation of the erven will rectify this boundary discrepancy.

Consolidation

As part of the land use application, the consolidation of Erven 7185 and 7600 Hermanus is proposed. This consolidation will facilitate the construction of a single residential dwelling on the newly combined property, providing the owners with the opportunity to develop the property according to their intended use.

Permanent Departure

To accommodate the existing dwelling on Erf Re/6882 Hermanus, a permanent departure is required due to the stricter building lines imposed by the rezoning. Additionally, the owners of Erf Re/6882 Hermanus wish to make improvements to their property by adding a new braai and timber deck. These new additions are included in the permanent departure application.

To ensure that the subject properties comply with the OMLUS, approval of the following applications is therefore required:

- 4.1 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) and F. from the title deed of Erf Re/6882 Hermanus;
- 4.2 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) and F. from the title deed of Erf 7185 Hermanus;
- 4.3 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) from the title deed of Erf 7600 Hermanus;
- 4.4 **Rezoning** of Erf Re/6882 Hermanus, from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential;
- 4.5 **Rezoning** of Erven 7185 and 7600 Hermanus, from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential;
- 4.6 **Exemption of the subdivision** of Erf 7185 Hermanus to create Portion A ($\pm 2\text{m}^2$) and the Remainder ($\pm 384\text{m}^2$);
- 4.7 **Exemption of the consolidation** of Portion A ($\pm 2\text{m}^2$) and the Erf Re/6882 Hermanus;
- 4.8 **Consolidation** of the remaining extent of Erf 7185 Hermanus ($\pm 384\text{m}^2$) with Erf 7600 Hermanus;
- 4.9 **Permanent Departure** on consolidated Portion A and Erf Re/6882 Hermanus:
 - From the 2m *southern side* building line to 1,16m, 1,12m & 0m to accommodate the existing dwelling and garage on the **ground floor**.
 - From the 2m *southern side* building line to 0,46m to accommodate the proposed Braai on the **ground floor**.
 - From the 2m *northern side* building line to 1,85m & 1,26m to accommodate the existing dwelling on the **ground floor**.
 - From the 2m *southern side* building line to 1,12m to accommodate the existing dwelling on the **first floor**.
 - From the 2m *southern side* building line to 1,18m & 0,5m to accommodate the proposed timber deck and chimney on the **first floor**.
 - From the 2m *northern side* building line to 1,85m to accommodate the existing dwelling on the **first floor**.



5. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

There are title deed conditions that restrict the proposed land use rights of the property, and it is more restrictive than the development parameters of the OMLUS due to the present zoning.

- 5.1 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) and F. from the title deed T12521/2020 of Erf Re/6882 Hermanus.
- 5.2 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) and F. from the title deed T83010/2024 of Erf 7185 Hermanus.
- 5.3 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) from the title deed T82987/2024 of Erf 7600 Hermanus;

The title deeds (refer to **Annexure B**) of the three subject properties were perused and there are restrictive conditions in all three title deeds, that requires removal to allow approval of the proposal.

The restrictive conditions that are proposed to be removed from title deed T12521/2020 of Erf Re/6882 Hermanus are listed in **Table 1**.

Table 1

Restrictive Title Deed Conditions in title deed T12521/2020 of Erf Re/6882 Hermanus
<p>Condition C.(g):</p> <p><i>"No building shall be erected within one comma five seven (1,57) metres of the common boundary of any Lots in the above Township save where such Lots are owned by one and the same individual."</i></p>
<p>Condition D.(d):</p> <p><i>"That all buildings to be erected on the above property shall stand back not less than three comma one five (3,15) metres from the line of the street on which the said Lot abuts. Such space may be used as gardens but shall not be built upon."</i></p>
<p>Condition D.(e):</p> <p><i>"That all outbuildings to be erected on the above property shall stand back not less than six comma three nought (6,30) metres from the line of the street on which the said lot abuts."</i></p>
<p>Condition F:</p> <p><i>"Subject further to the following special condition created in Deed of Transfer No. T74421/1993 imposed by HERMIL DEVELOPMENTS (PROPRIETARY) LIMITED for the benefit of itself and its successors-in-title:-</i></p> <p><i>Any building which may be erected on this property shall conform in architectural design and colour to those already in existence in the development scheme."</i></p>

The abovementioned conditions prohibit Erf Re/6882 Hermanus from being developed as permitted by the OMLUS, as it is more restrictive and is linked to the present zoning and will not be relevant with the proposed zoning. The rationale for removing the restrictive



title deed conditions is to enable the owners to obtain approval for the proposed zoning and for the owners of Erf Re/6882 Hermanus to keep their dwelling in its current position. To be able to obtain approval for the rezoning from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential, removal of these conditions is required.

There are title deed conditions that restricts the proposed land use rights of Erf 7185 & 7600 Hermanus listed in **Table 2**, and it is more restrictive than the development parameters of the OMLUS due to the present zoning.

Table 2

Applicable Erf	Restrictive Title Deed Condition
7185 & 7600	<p>Condition C.(g) in Title deeds T83010/2024 & T82987/2024:</p> <p><i>"No building shall be erected within one comma five seven (1,57) metres of the common boundary of any Lots in the above Township save where such Lots are owned by one and the same individual."</i></p>
7185 & 7600	<p>Condition D.(d) in Title deeds T83010/2024 & T82987/2024:</p> <p><i>"That all buildings to be erected on the above property shall stand back not less than three comma one five (3,15) metres from the line of the street on which the said Lot abuts. Such space may be used as gardens but shall not be built upon."</i></p>
7185 & 7600	<p>Condition D.(e) in Title deeds T83010/2024 & T82987/2024:</p> <p><i>"That all outbuildings to be erected on the above property shall stand back not less than six comma three nought (6,30) metres from the line of the street on which the said lot abuts."</i></p>
7185	<p>Condition F in Title deed T83010/2024:</p> <p><i>"Subject further to the following special condition created in Deed of Transfer No. T74421/1993 imposed by HERMIL DEVELOPMENTS (PROPRIETARY) LIMITED for the benefit of itself and its successors-in-title:-</i></p> <p><i>Any building which may be erected on this property shall conform in architectural design and colour to those already in existence in the development scheme."</i></p>

The abovementioned conditions prohibit the properties from being developed as permitted by the OMLUS, as it is more restrictive and is linked to the present zoning and will not be relevant with the proposed zoning. The rationale for removing the restrictive title deed conditions is to enable the owners to obtain approval for the proposed zoning and for the owners of Erven 7185 and 7600 Hermanus to build their desired dwelling house without being restricted by the architectural design and colour.

To be able to obtain approval for the rezoning from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential, removal of these conditions is required.

The removal of the restrictive conditions from the title deeds of the subject properties is summarised and motivated in the sections below. **Table 3** provides an overview of each property, including the relevant title deed number and the specific restrictive conditions



proposed for removal. To fully understand the rationale and implications of the proposed removals, **Table 3** should be read in conjunction with **Tables 4 and 5**. These tables collectively provide a comprehensive view, linking the properties to their corresponding title deeds, conditions and contextual motivations.

Table 3

Property	Title Deed number	Restrictions
Remainder of Erf 6882 Hermanus	T12521/2020	Restrictive conditions C.(g), D.(d), D(e) and F. prohibits the proposal.
Erf 7185 Hermanus	T83010/2024	Restrictive conditions C.(g), D.(d), D(e) and F. prohibits the proposal.
Erf 7600 Hermanus	T82987/2024	Restrictive condition C.(g), D.(d), D(e) prohibits the proposal.

Table 4

Applicable Erf	Title Deed restrictions
Re/6882, 7185 & 7600	Condition C.(g): <i>"No building shall be erected within one comma five seven (1,57) metres of the common boundary of any Lots in the above Township save where such Lots are owned by one and the same individual."</i>
	Condition D.(d): <i>"That all buildings to be erected on the above property shall stand back not less than three comma one five (3,15) metres from the line of the street on which the said Lot abuts. Such space may be used as gardens but shall not be built upon."</i>
	Condition D.(e): <i>"That all outbuildings to be erected on the above property shall stand back not less than six comma three nought (6,30) metres from the line of the street on which the said lot abuts."</i>

Motivation

The rationale for the proposed removal

The proposed removal of restrictive title deed conditions listed in **Table 5** above, is motivated by the need to align the development potential of Erven Re/6882, 7185 and 7600 Hermanus with the proposed zoning of Residential Zone 1: Single Residential. The conditions, which is more restrictive and is incompatible with the zoning parameters for single residential properties established under the Overstrand Municipality Land Use Scheme (OMLUS).

The removal will enable design flexibility for the property owners to construct homes that align with their personal preferences while adhering to the development parameters of the OMLUS. Additionally, the removal will facilitate the creation of harmonious residential development that aligns with the municipal planning frameworks.



Title deed conditions background

These restrictive title deed conditions in **Table 4** were imposed in Deed of Transfer No. T3907/1932 by the Mossel River Estate Company Limited. This condition was originally included to maintain uniformity in design during the development phase of the properties. The imposition of such conditions was aligned with the developer's intention to create a cohesive development.

With changing development priorities, zoning regulations, and architectural standards, these conditions have become restrictive and irrelevant to the owners, especially, who wishes to have single residential zoned properties as the neighbouring properties. The condition now restricts design freedom which is also more restrictive than the development parameters of the OMLUS, creating a barrier to optimal development for the owners.

Status Quo

The condition enforces adherence to certain building line restrictions, which may no longer align with modern preferences or the character of the Fernkloof neighbourhood as a whole and also not with the development parameters of the OMLUS.

The condition is tied to the existing zoning of General Residential Zone 1: Town Housing, which allows for higher density development. The proposed Single Residential zoning promotes a low-density, single-dwelling character, rendering the restrictive condition unnecessary for the owners of Erven Re/6882, 7185 and 7600 Hermanus.

Table 5

Applicable Erf	Title Deed restrictions
Re/6882 & 7185	<p>Condition F:</p> <p><i>"Subject further to the following special condition created in Deed of Transfer No. T74421/1993 imposed by HERMIL DEVELOPMENTS (PROPRIETARY) LIMITED for the benefit of itself and its successors-in-title:-</i></p> <p><i>Any building which may be erected on this property shall conform in architectural design and colour to those already in existence in the development scheme."</i></p>

Motivation

The rationale for the proposed removal

The proposed removal of restrictive title deed condition F is motivated by the need to align the development potential of Erven Re/6882 and 7600 Hermanus with the proposed zoning of Residential Zone 1: Single Residential. The condition, which imposes architectural design and colour conformity to a town housing scheme, is restrictive and incompatible with the zoning parameters for single residential properties established under the Overstrand Municipality Land Use Scheme (OMLUS).

The removal will enable design flexibility for the property owners to construct homes that align with modern architectural trends and their personal preferences. The removal will also eliminate constraints which will ensure that the properties are consistent with the surrounding low-density single residential area. Lastly, the removal will facilitate the



creation of harmonious residential development that aligns with the municipal planning frameworks.

Title deed conditions background

Restrictive title deed condition F was imposed in Deed of Transfer No. T74421/1993 by Hermil Developments (Proprietary) Limited. This condition was originally included to maintain uniformity in design during the development phase of the properties. The architectural guidelines were however imposed on General Residential Zone 1: Town Housing zoned properties. The imposition of such a condition was aligned with the developer's intention to create a cohesive development.

With changing development priorities, zoning regulations, and architectural standards, this condition has become restrictive and irrelevant to the owners, especially, who wishes to have single residential zoned properties as the neighbouring properties. The condition now restricts land use and design freedom, creating a barrier to optimal development for the owners.

Status Quo

The condition enforces adherence to certain architectural styles and colours, which may no longer align with modern preferences or the character of the Fernkloof neighbourhood as a whole.

The condition is tied to the existing zoning of General Residential Zone 1: Town Housing, which allows for denser development. The proposed Single Residential zoning promotes a low-density, single-dwelling character, rendering the restrictive condition unnecessary for the owners of Erven Re/6882, 7185 and 7600 Hermanus.

In terms of the requirements of Section 39(5)(a-f) of LUPA, the following is addressed in **Table 6**.

Table 6

LUPA, Section 39(5) (a-f)	
<i>(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of the restrictive title deed conditions.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is personally benefitting from this condition as this condition is only restricting the owners of the subject properties.
<i>(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The owners will benefit from the removal of the restrictive conditions, as it will allow the property to be regulated solely by the development parameters of the OMLUS.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i>	These restrictive conditions do not provide social benefits.



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(e) <i>the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	
(f) <i>whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.</i>	Two of the three properties are still vacant, and nobody will be affected if the condition is removed.

REZONING

5.4 **Rezoning** of Erf Re/6882 Hermanus, from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential.

5.5 **Rezoning** of Erven 7185 and 7600 Hermanus, from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential.

As previously mentioned, the rezoning stems from the need of the owners of the subject properties, to not be constrained by the architectural guidelines of the current zoning when building their dwelling house on the proposed consolidated property. The three subject properties will fit in with the surrounding zoning when rezoned to single residential properties and will not be out of character with the surrounding area.

The proposed rezoning aligns with the character and development vision of Fernkloof. The surrounding properties are predominantly zoned as Residential Zone 1: Single Residential. Rezoning the subject properties ensures consistency with the prevailing zoning pattern, maintaining the character and intended use of the area as identified in the Overstrand MSDF.

In order to understand the rationale behind the rezoning of Erf Re/6882 Hermanus, refer to **Figure 2**. Erf Re/6882 Hermanus is located between the properties zoned for single residential use and Erven 7185 and 7600 Hermanus, which are proposed for rezoning. As a result, Erf Re/6882 Hermanus is included in this application. Positioned at the end of the row of properties zoned for general residential use as depicted in **Figure 2**, the rezoning of Erf Re/6882 Hermanus will not disrupt the continuity of the general residential zoned properties.

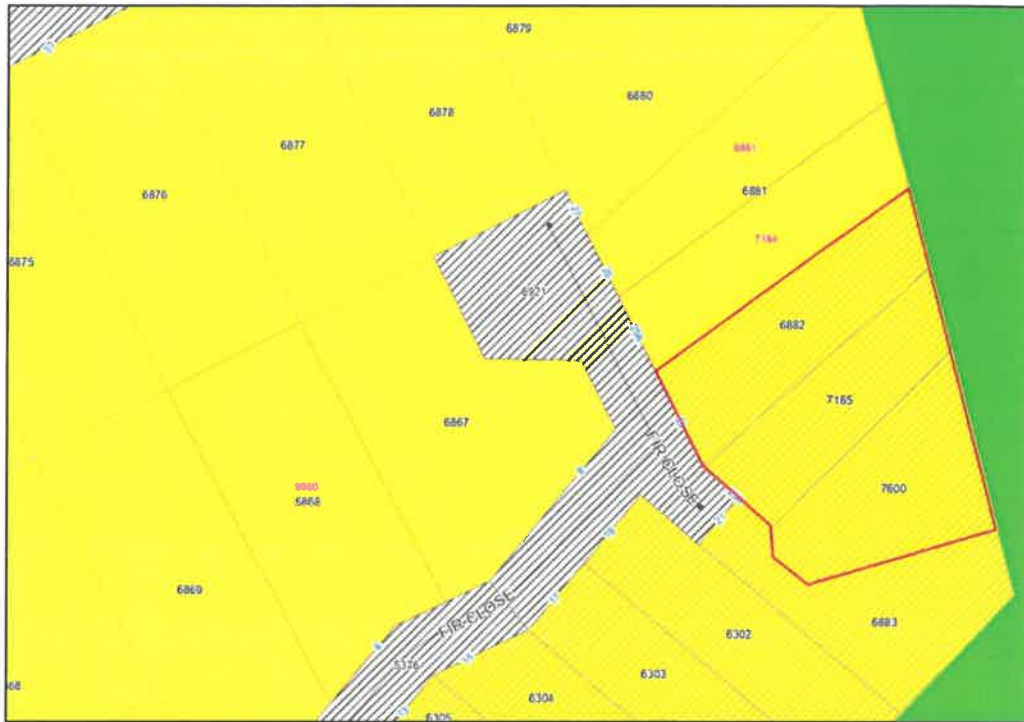


Figure 2: Zoning of the subject properties in relation to the surrounding zoning

The members of the Homeowner's Association (HOA) were identified as per **Figure 3** and provided their permission for the three properties to be rezoned and that the owners of the subject properties will no longer be members of the HOA, refer to **Annexure C**. It also needs to be reiterated **that the HOA is not presently a functioning body**.

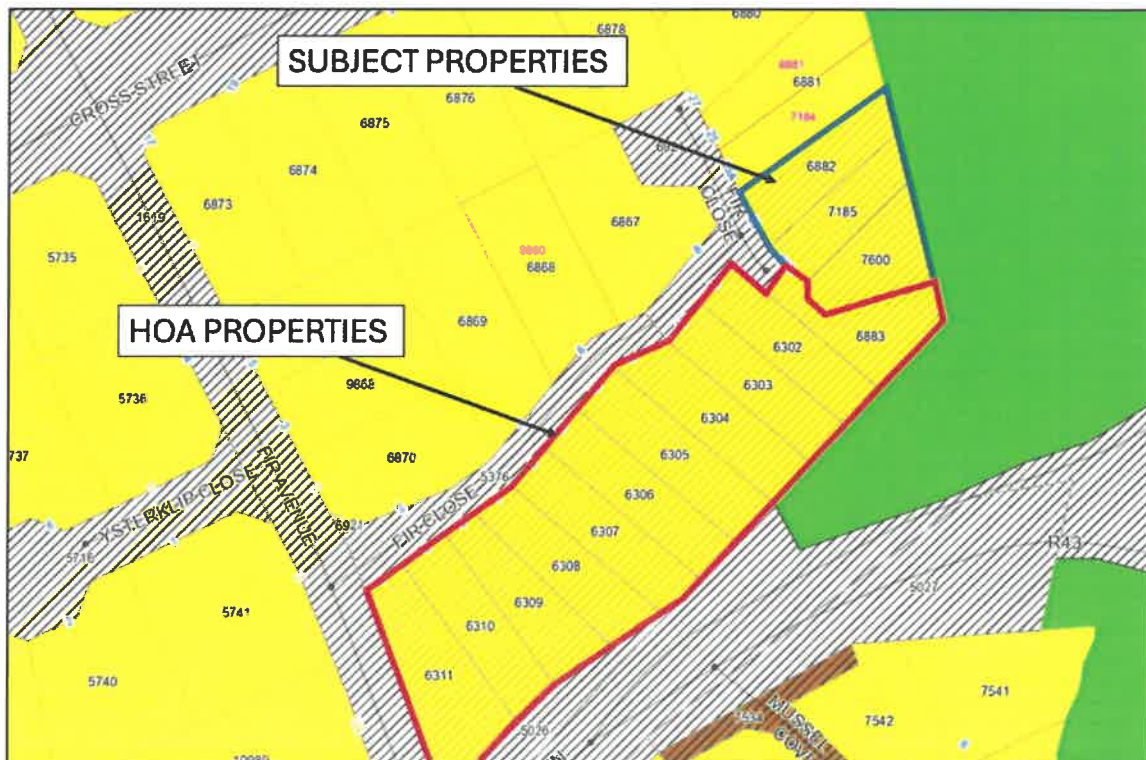


Figure 3: Properties of HOA members



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The proposed Single Residential zoning is more appropriate and desirable for the current and future use of the properties. The General Residential Zone 1: Town Housing zoning allows for denser development, which is inconsistent with the established low-density residential environment in Fernkloof. The rezoning will therefore ensure that the land use aligns better with the surrounding properties and preserves the area's low-density, suburban character.

Furthermore, the homeowner's association is not functional anymore and therefore no levies are payable, with the implication that the homeowners association cannot be negatively impacted by the approval of the rezoning.

The current zoning and associated restrictive title deed conditions impose constraints on architectural style and colour, limiting the ability to design homes that complement the evolving needs of homeowners. By rezoning to Single Residential, the property owners will have greater flexibility to design residences that are in harmony with the character of the neighbourhood while adhering to standard development parameters of the OMLUS.

The rezoning, together with the consolidation of Erven 7185 and 7600 Hermanus will ensure the area's tranquil and residential nature is preserved, avoiding the visual and functional impacts of higher-density housing developments. The proposed zoning will also provide the owners of the consolidated property sufficient space for a single residential dwelling with a garden, ensuring that the property remains compatible with the immediate residential area.

The proposed rezoning will not have a negative impact on the surrounding properties. Instead, it will enhance compatibility by ensuring the subject properties conform to the surrounding zoning and land use. Traffic, infrastructure, and service demands will remain consistent with the existing residential standards. The rezoning supports the OM's objectives for sustainable urban development by ensuring land use compatibility, protecting the residential character of Fernkloof and promoting orderly and desirable development patterns.

To conclude, the rezoning of the subject properties to Residential Zone 1: Single Residential is a logical and necessary step to align the properties with the area's zoning, optimize land use, and preserve the character of Fernkloof, Hermanus. The proposal benefits both the property owners and the broader community by ensuring consistent, sustainable, and compatible development.



EXEMPTION (FOR SUBDIVISION & CONSOLIDATION)

5.6 **Exemption of the subdivision** of Erf 7185 Hermanus to create Portion A ($\pm 2\text{m}^2$) and the Remainder ($\pm 384\text{m}^2$).

5.7 **Exemption of the consolidation** of Portion A ($\pm 2\text{m}^2$) (a portion of Erf 7185 Hermanus) and Erf Re/6882 Hermanus.

The owner of Erf Re/6882 Hermanus recently had a survey done and had plans drawn up for the additions as previously mentioned and noticed that the existing garage seemed to have been built over the boundary of the property. It was determined that approximately 2m^2 of the garage is encroaching on the neighbouring property, Erf 7185 Hermanus. An agreement was reached between the two property owners to rectify this historical issue with this application.

Section 26 of the By-Law allows for an exemption from subdivision and consolidation if the resulting change in the area of any of the land units is not more than 10%, which is the case with this proposal (refer to **Plan 6 – Subdivision Plan**). The proposal aims to subdivide a small portion of approximately 2m^2 of Erf 7182 Hermanus and consolidate it with Erf Re/6882 Hermanus, as indicated in **Table 7**:

Table 7

Existing	
Erf 7185	386 m ²
Re/6882	472 m ²
Proposed Subdivision (refer to Plan 6)	
Remaining extent of Erf 7185	$\pm 384\text{ m}^2$
Portion A (a Portion of Erf 7185)	$\pm 2\text{ m}^2$
Proposed Consolidation (refer to Plan 7)	
Re/6882 & Portion A	$\pm 474\text{ m}^2$

The new extent of the consolidated Erf (Erf Re/6882 Hermanus & Portion A) will be approximately 474m^2 , while the remaining extent of Erf 7185 Hermanus will be reduced to approximately 384m^2 (refer to **Plan 6**). Since a garage is considered part of the general encroachments allowed under Section 16.1.1(c) of OMLUS, and both property owners have given their consent by allowing this application to be submitted, it is understood that both owners consent to the garage being situated on the new proposed boundary line and encroaching on the building line.

CONSOLIDATION

5.8 **Consolidation** of the remaining extent of Erf 7185 Hermanus ($\pm 384\text{m}^2$) with Erf 7600 Hermanus.

Table 8 below summarises the proposed consolidation.

Table 8

Proposed Consolidation	
Remaining extent of Erf 7185	$\pm 384\text{m}^2$
Erf 7600,	455m^2
Consolidated Property	$\pm 839\text{m}^2$

The owners intend to build a dwelling house on the consolidated property after approval of this application. It is important to note that there is a sewer mainline traversing Erf 7600 Hermanus as illustrated in **Figure 4**.

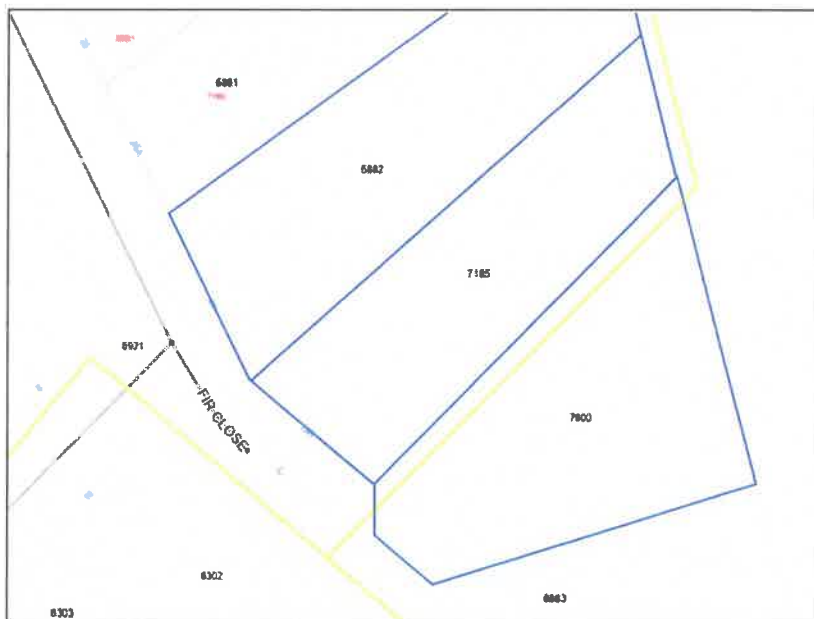


Figure 4: Sewer mainline over Erf 7600 Hermanus indicated in yellow (OM Public Viewer)

After consultation with the Overstrand Engineering Department, the owners of the consolidated property, agreed to move the sewer mainline closer to the boundary, at their own expense. Overall, consolidating these two properties can provide many benefits, including increased property value, improved efficiency, reduced expenses, and greater control.

There are several reasons why the owners want to consolidate these two properties. Some potential benefits of consolidation include:

- **Increased property value:** Combining these properties into one can create a larger and more valuable piece of real estate, especially once the new dwelling house is constructed. This can be especially beneficial as the properties are located in a desirable area, and it has unique features.
- **Improved efficiency:** Consolidating the properties makes it easier to manage and maintain the combined property until the new dwelling house has been built.



- **Reduced expenses:** By consolidating these two properties, the prospective owner will save on items like property taxes, utilities, and maintenance costs.
- **Greater control:** The consolidation will give the prospective owner greater control over the combined property. This is useful for property owners who want to ensure that the properties are being used in the best way possible to meet their vision.

PERMANENT DEPARTURES

- 5.9 **Permanent Departure** from the 2m southern side building line to 1,16m, 1,12m and 0m to accommodate the existing dwelling and garage on the **ground floor** on consolidated Portion A (a portion of Erf 7185 Hermanus) and Erf Re/6882 Hermanus.
- 5.10 **Permanent Departure** from the 2m northern side building line to 1,85m and 1,26m to accommodate the existing dwelling on the **ground floor** on consolidated Portion A (a portion of Erf 7185 Hermanus) and Erf Re/6882 Hermanus.
- 5.11 **Permanent Departure** from the 2m southern side building line to 1,12m to accommodate the existing dwelling on the **first floor** on consolidated Portion A (a portion of Erf 7185 Hermanus) and Erf Re/6882 Hermanus.
- 5.12 **Permanent Departure** from the 2m northern side building line to 1,85m to accommodate the existing dwelling on the **first floor** on consolidated Portion A (a portion of Erf 7185 Hermanus) and Erf Re/6882 Hermanus.

The existing dwelling unit and garage was historically approved and constructed in its current position. The development parameters of the proposed zoning contain more restrictive building lines than the current zoning, which necessitates the approval of a departure application. This requirement stems from the General Residential zoning building lines being less restrictive than the proposed Single Residential zoning. The existing buildings are encroaching marginally on the northern and southern building lines. It is evident from **Plan 5 – Survey** that the garage was historically built slightly over the boundary of the erf resulting in a $\pm 2\text{m}^2$ area of the garage situated on Erf 7185 Hermanus. An application for exemption of the subdivision and consolidation of the $\pm 2\text{m}^2$ is discussed and motivated in **Section 5.6 & 5.7** of this report.

The area of the building that encroaches on the southern side building line to 1,2m is over the ground- and first floor and is used as a store, staircase, dining room, living room, bathroom and bedroom. While the area of the building that encroaches on the southern side building line up to 0m is only the garage and proposed laundry.

The area of the building that encroaches on the northern side building to 1,26m on the ground floor is used as a bedroom and bathroom. While the area of the building that encroaches on the northern side building line up to 1,85m, also on the ground floor, is an exterior wall of the dwelling. The area of the building on the first floor that encroaches on the northern side building line up to 1,85m, is the same exterior wall as on the ground floor. Refer to **Plan 4 - Departure Plan** which illustrates the northern and southern side building line encroachments on both the ground and first floor.

5.13 **Permanent Departure** from the 2m northern side building line to 0,46m to accommodate the proposed braai on the ground floor of the consolidated Portion A and Erf Re/6882 Hermanus.

5.14 **Permanent Departure** from the 2m southern side building line to 1,18m & 0,5m to accommodate the proposed timber deck and chimney on the first floor of the consolidated Portion A and Erf Re/6882 Hermanus.

Erf Re/6882 Hermanus is proposed to be improved with a built-in braai on the ground floor when exiting from the living room to the patio. The braai is ideally situated on the southern side of the property on the side of the patio. As previously mentioned, the current building lines are less restrictive than the proposed building lines and the braai is proposed to be situated beside the existing patio to be in line with the existing dwelling, refer to **Figure 5**.

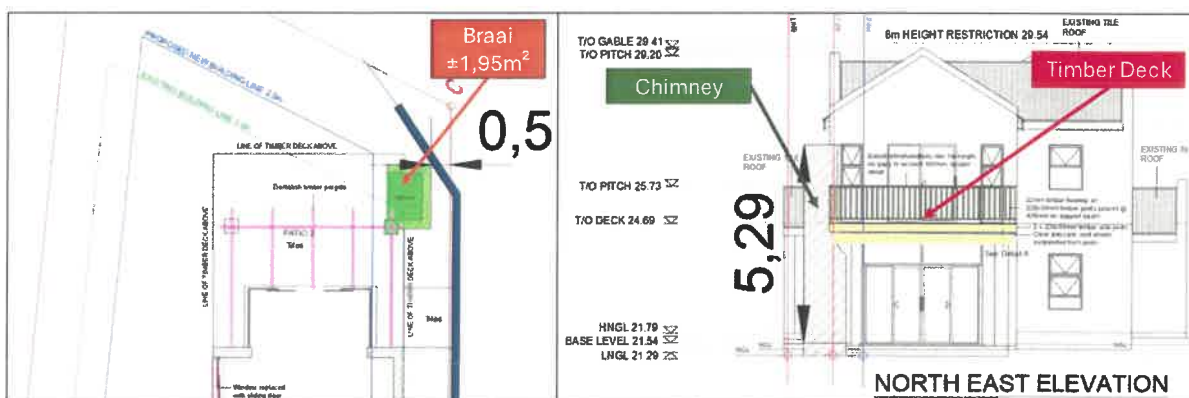


Figure 5: Proposed additions

As the owners of Erven 7185 and 7600 Hermanus are aware of the proposed braai on Erf Re/6882 Hermanus, they have been notified of the departure application for the braai which indicates that they do not have an objection to the built-in braai, chimney and timber deck.

The built-in braai and chimney have a total height of $\pm 5,62\text{m}$ as illustrated above in **Figure 5**, which is extracts from **Plan 4 – Departure Plan** and **Annexure C: Architect Building Plans – Erf Re/6882 Hermanus**. The application is submitted to obtain approval for the braai in its proposed position on the ground floor, which is 0,5m from the side boundary and to allow the proposed timber deck and chimney on the first floor. The timber deck will serve a dual purpose as it will also be used as a covered area to accompany the built-in braai.

The area of the timber deck proposed to be situated within the building line on the first floor only has an extent of $\pm 3,93\text{m}^2$ and chimney has an extent of $\pm 0,83\text{m}^2$. The proposed additions encroaching the building line on the ground- and first floor are not predicted to be a nuisance and will not be out of the ordinary within a residential area.

There are several advantages to introducing a covered braai area, firstly the primary advantage of a covered braai area is the protection it provides from the elements. Whether it's rain, intense sun, or strong wind, the covered area ensures that the property owners can continue to enjoy the outdoor area more without being affected by adverse weather conditions.



Additionally, the covered space will extend the usability of the braai area. Unlike open outdoor spaces that are subject to seasonal limitations, a covered braai area can be enjoyed throughout the year. It will allow the property owners to utilise the space even during colder months or when it's raining. This extended usability will ensure that the property owners can make the most of their outdoor space regardless of the season.

Lastly, a covered braai area can provide an added level of privacy and reduce any potential noise impact. This privacy allows the property owners to enjoy their outdoor area while creating a more intimate setting while also not having a negative impact on the surrounding owners' privacy.

The proposed timber deck will provide direct access from the main bedroom on the first floor to a functional outdoor space, allowing the property owners to enjoy the outdoor environment in a private and intimate setting. While the deck itself is not covered, its primary function is to serve as a covering for the braai area located on the ground floor. This design optimizes the use of space by integrating the outdoor areas of the property, creating a seamless transition from the living area indoors to the outdoor spaces.

As previously mentioned, the proposed timber deck will encroach only slightly on the southern side building line with an extent measuring $\pm 3.93\text{m}^2$. This encroachment is not expected to cause any disruption to the flow of space or light, nor will it have a significant impact on the neighbouring properties. As the deck is positioned on the first floor, its visual and spatial impact on the surrounding environment is limited. Furthermore, the design has been carefully planned to ensure that the deck integrates harmoniously with the existing structure, keeping the overall proportions balanced and visually appealing.

The timber deck's design with the chimney on the southern side of the deck, ensures that the owners may enjoy their outdoor space in a private and secluded setting which will not interfere with the neighbouring properties. By serving as a covering for the braai area below, the deck also mitigates any potential noise or visual disturbance that could arise from outdoor activities, such as cooking or socializing. The privacy provided by the deck allows the owners to enjoy a quiet and tranquil space without impacting their neighbours.

As part of the departure application process, the owners of the adjacent property (Erf 7185 Hermanus) have been informed of the proposed timber deck. The owners have indicated that they have no objections to the proposed addition. The structure does not interfere with the flow of light, air, or views for neighbouring properties, and its impact on the overall character of the area is minimal.

6. LAND USE ENVIRONMENT

The subject properties are situated in Fernkloof next to a nature reserve, with predominantly residential properties in the surrounding area. The surrounding properties and their zonings are depicted in **Plan 2**.

7. ZONING

The following zoning parameters were assessed in conjunction with the OMLUS zoning in **Table 9** as this is a relevant consideration in terms of Section 66 (1) (a) of the OM By-Law:



Table 9

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 House	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.		Comply
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 accordance with the net erf area: 400 m ² and greater = 4m		Comply
	(ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	Permanent Departure on consolidated Portion A & Erf Re/6882 Hermanus: <ul style="list-style-type: none"> - From the 2m southern side building line to 1,16m, 1,12m & 0m to allow the existing dwelling and garage on the ground floor. - From the 2m southern side building line to 0,46m to allow the proposed Braai on the ground floor. - Relax the 2m northern side building line to 1,85m & 1,26m to allow 	Deviate, motivated and applied for.



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		<p>the existing dwelling on the ground floor.</p> <ul style="list-style-type: none"> - From the 2m southern side building line to 1,12m to allow the existing dwelling on the first floor. - Relax the 2m southern side building line to 1,18m & 0,5m to accommodate the proposed timber deck and chimney on the first floor. - Relax the 2m northern side building line to 1,85m to accommodate the existing dwelling on the first floor. 	
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

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

The subject properties are connected to the OM's services network which includes electricity, water, sewage and solid waste. The proposal of this application will not place any additional load on the existing services as the consolidated property will be used as one property with one dwelling house and not as two properties (with two dwelling units). The proposal is therefore not anticipated to have an impact on the existing services.

Access and Egress

Access and egress to the subject properties are gained from Fir Close, respectively and will remain as such. After the remaining extent of Erven 7185 and 7600 Hermanus is consolidated, there will be one less access on Fir Close.

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 in **Table 10**:



Table 10

Need and desirability	
Socio-economic impact & Compatibility with surrounding uses	<p>By enhancing the development potential of the properties, it ensures the area's desirability as a high-value residential neighbourhood is preserved.</p> <p>It will also stimulate the local economy by creating jobs during the construction phase for contractors, architects, and suppliers. Once complete, the new residents will contribute to the local economy as well. Additionally, the rezoning aligns the subject properties with the character of the surrounding low-density residential neighbourhood, ensuring harmonious and sustainable development. This compatibility enhances the community's overall quality and preserves the area's tranquil appeal.</p> <p>Lastly, the proposal also supports the OM's objective for balanced and sustainable urban growth. It ensures efficient land use and optimizes existing infrastructure in a highly desirable area.</p>
Impact on the external engineering services	Refer to <i>Section 8</i> of this report.
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	None of the subject properties are listed in the OM Heritage Register.
Impact on the biophysical environment	Based on the information available, it is not expected that the proposal will have any adverse impacts on the biophysical environment. This is because the area where the proposed development is planned are on existing residential erven.
Traffic impacts, parking, access and other transport related considerations	Refer to <i>Section 8</i> of this report.

The owners of the subject properties have tasked WRAP Project Office with submitting this application to ensure the proposal aligns with policies, legislation, and title deed conditions, in pursuit of his vision.

Impact on views, sunlight and character of the area

The proposal will not negatively impact on the views or sunlight of neighbouring properties as the proposed consolidated property will comply with the Overstrand Municipality Land Use Scheme (OMLUS), which prescribes building height and setback requirements that ensure sunlight and views are preserved. As the dwelling on Erf 6882 Hermanus is existing, it is evident that the permanent departures for the existing structure, proposed timber deck and braai will not have an impact as the neighbours on the



southern boundary are aware of this application and have given consent for this application. By aligning with the zoning parameters and scale of surrounding properties, the proposal will integrate seamlessly into the area without obstructing views, preserving the visual openness and aesthetic quality of the surroundings and ensuring the quality and character of the neighbourhood remain intact.

In terms of character, the proposal of a consolidated erf that is zoned as Single Residential, with a proposed single residential dwelling, with a modest change in the architectural design and colour, will fit seamlessly into the residential character of the area.

Overall, the proposal will maintain the area's established look and feel, ensuring that the proposal aligns with the residential character. This small-scale change respects the neighbourhood's visual harmony, with no impact on the surrounding environment's scenic or sunlit qualities.

Economic impact

The proposed consolidation will not have an economic impact.

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.

Environmental impact

The subject properties are located within an environmentally important area, which is discussed in detail in *Section 11* below.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

All three of the subject properties are located within the Environmental Protection Overlay Zones (EMOZ).

Protected Area Buffer

The subject properties are located within the 'Protected Area Buffer' EMOZ. The purpose thereof is to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.

To ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A of the Environmental Management Overlay Zone 2020, and the proposal is compliant. The provisions of Schedule B of the EMOZ, 2020 is also evaluated in **Table 11**.



Table 11

SCHEDULE B		
ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES		
A) Activities Only Permitted With Council Consent	Applicable EMOZ	Applicable to the application or not
	Protected Area Buffer	
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	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	N/A
B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable EMOZ	Applicable to the application or not
	Protected Area Buffer	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	Erven 7185 & 7600 Hermanus are vacant and is proposed to be developed.
Commercial filming.	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	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	N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable EMOZ	Applicable to the application or not
	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	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	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	Erf RE/6882 Hermanus: existing dwelling house Erven 7185 & 7600



MOTIVATION

		Hermanus: future dwelling house
Commercial Harvesting/collection and removal of any natural resource.	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	Erf RE/6882 Hermanus: existing dwelling house Erven 7185 & 7600 Hermanus: future dwelling house

It is not predicted that the proposal will have a negative impact in terms of the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

None of the subject properties are located within the HPOZ.

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.

The proposed rezoning, removal of restrictive title deed conditions, permanent departure, exemption (subdivision and consolidation) and consolidation is not restricted and the utilisation of the consolidated property for its primary use is not predicted to be out of character with spatial planning policies.

11. PLANNING PRINCIPLES

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

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal is not predicted to contribute to past spatial injustices.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to utilise the subject properties to its maximum extent. The proposed consolidation of two of the subject properties will optimise the utilisation of space on the properties.

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 Overstrand Municipality has demonstrated a solid history of effectively incorporating public participation into its administrative processes. Public participation is a crucial aspect of the land use planning process. This process allows individuals who may be impacted upon by the proposal to provide feedback and raise any concerns or make suggestions that may lead to a more favourable outcome for all parties involved. All



comments received will be carefully reviewed and taken into consideration before being addressed appropriately.

12. CONCLUSION

In conclusion, the proposal creates the logical and necessary steps to optimise the properties' use and it aligns with the surrounding zoning, still preserves the area's residential character, and complies with the OMLUS. The proposal further supports sustainable, low-density development while fostering socio-economic benefits, including increased property values, job creation, and local economic stimulation.

The removal of the restrictive title deed condition ensures flexibility in design without compromising the neighbourhood's aesthetic or structural harmony. Furthermore, the proposal promotes orderly and compatible growth, aligns with municipal planning objectives, and enhances the area's appeal. The structure on the Erf Re/6882 Hermanus is existing with proposed additions and an exemption application to allow the existing garage in its current position which are not proposed to have a negative impact on the surrounding properties. The vacant erven to be consolidated will, in the future, be improved with a single residential dwelling house which aligns with the OMLUS. The proposal promotes orderly and compatible growth, aligns with municipal planning objectives, and enhances the area's appeal.



13. RECOMMENDATION

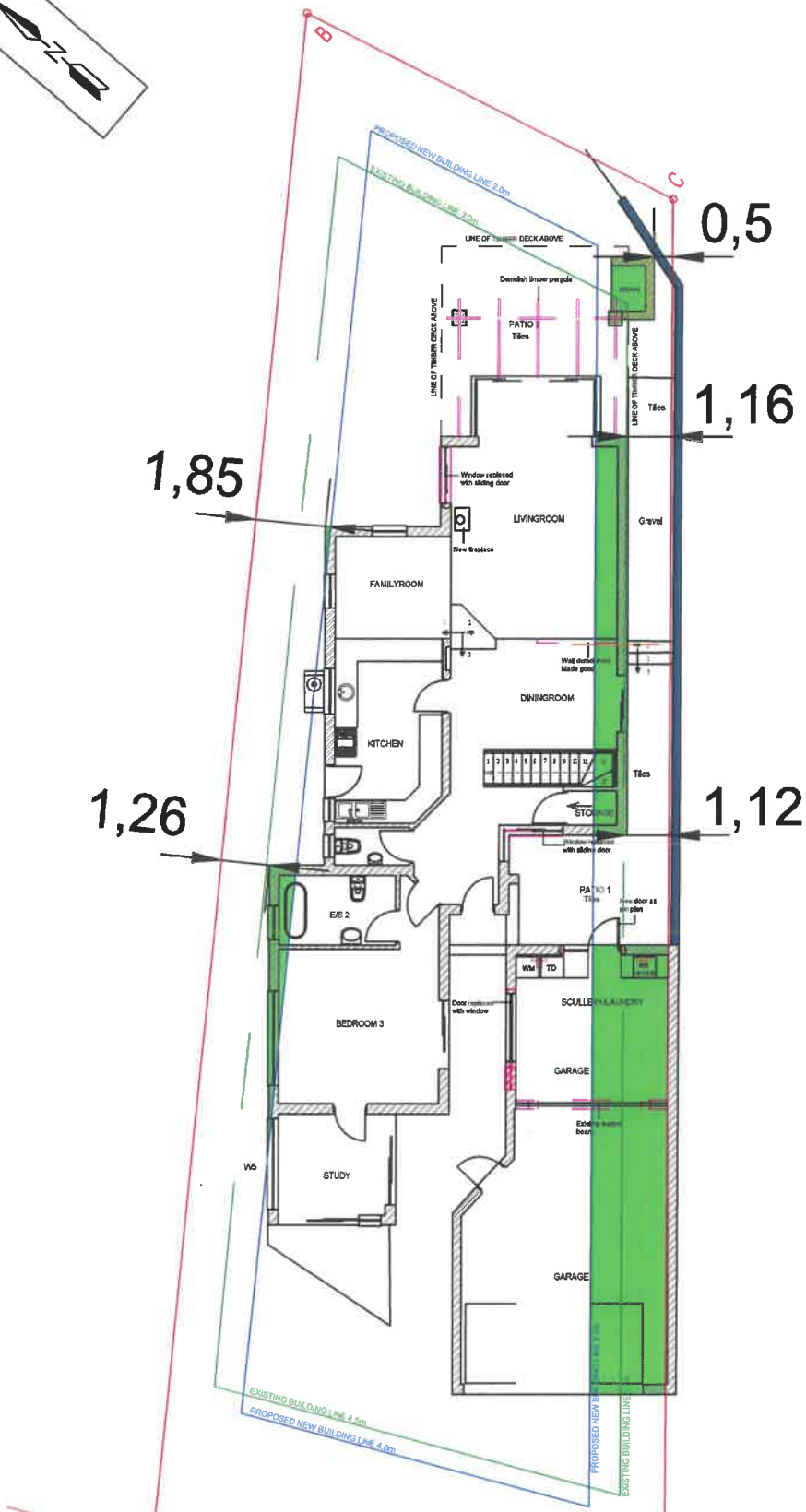
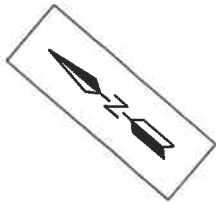
Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) and F. from the title deed of the Erf Re/6882 Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal and Land Use Planning, 2020;
- 13.2 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) and F. from the title deed of Erf 7185 Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal and Land Use Planning, 2020;
- 13.3 **Removal of restrictive title deed conditions** C.(g), D.(d), D.(e) from the title deed of Erf 7600 Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal and Land Use Planning, 2020;
- 13.4 **Rezoning** of Erf Re/6882 Hermanus, from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.5 **Rezoning** of Erven 7185 and 7600 Hermanus, from General Residential Zone 1: Town Housing to Residential Zone 1: Single Residential in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.6 **Exemption of the subdivision** of Erf 7185 Hermanus to create Portion A ($\pm 2\text{m}^2$) and the Remainder ($\pm 384\text{m}^2$) in terms of Section 26 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.7 **Exemption of the consolidation** of Portion A ($\pm 2\text{m}^2$) and Erf Re/6882 Hermanus in terms of Section 26 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.8 **Consolidation** of the Remaining extent of Erf 7185 Hermanus with Erf 7600 Hermanus in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.9 **Permanent Departure** on consolidated Portion A and Erf Re/6882 Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020:
 - 13.9.1 From the 2m southern side building line to 1,16m, 1,12m & 0m to accommodate the existing dwelling and garage on the **ground floor**.
 - 13.9.2 From the 2m southern side building line to 0,46m to accommodate the proposed Braai on the **ground floor**.



RECOMMENDATION

- 13.9.3** From the 2m *northern side building line* to 1,85m & 1,26m to accommodate the existing dwelling on the **ground floor**.
- 13.9.4** From the 2m *southern side building line* to 1,12m to accommodate the existing dwelling on the **first floor**.
- 13.9.5** From the 2m *southern side building line* to 1,18m & 0,5m to accommodate the proposed timber deck and chimney on the **first floor**.
- 13.9.6** From the 2m *northern side building line* to 1,85m to accommodate the existing dwelling on the **first floor**.



GROUND FLOOR

Scale 1 : 125

**4.1 Departure Plan
Remainder of Erf 6882 Hermanus**

Proposed Areas

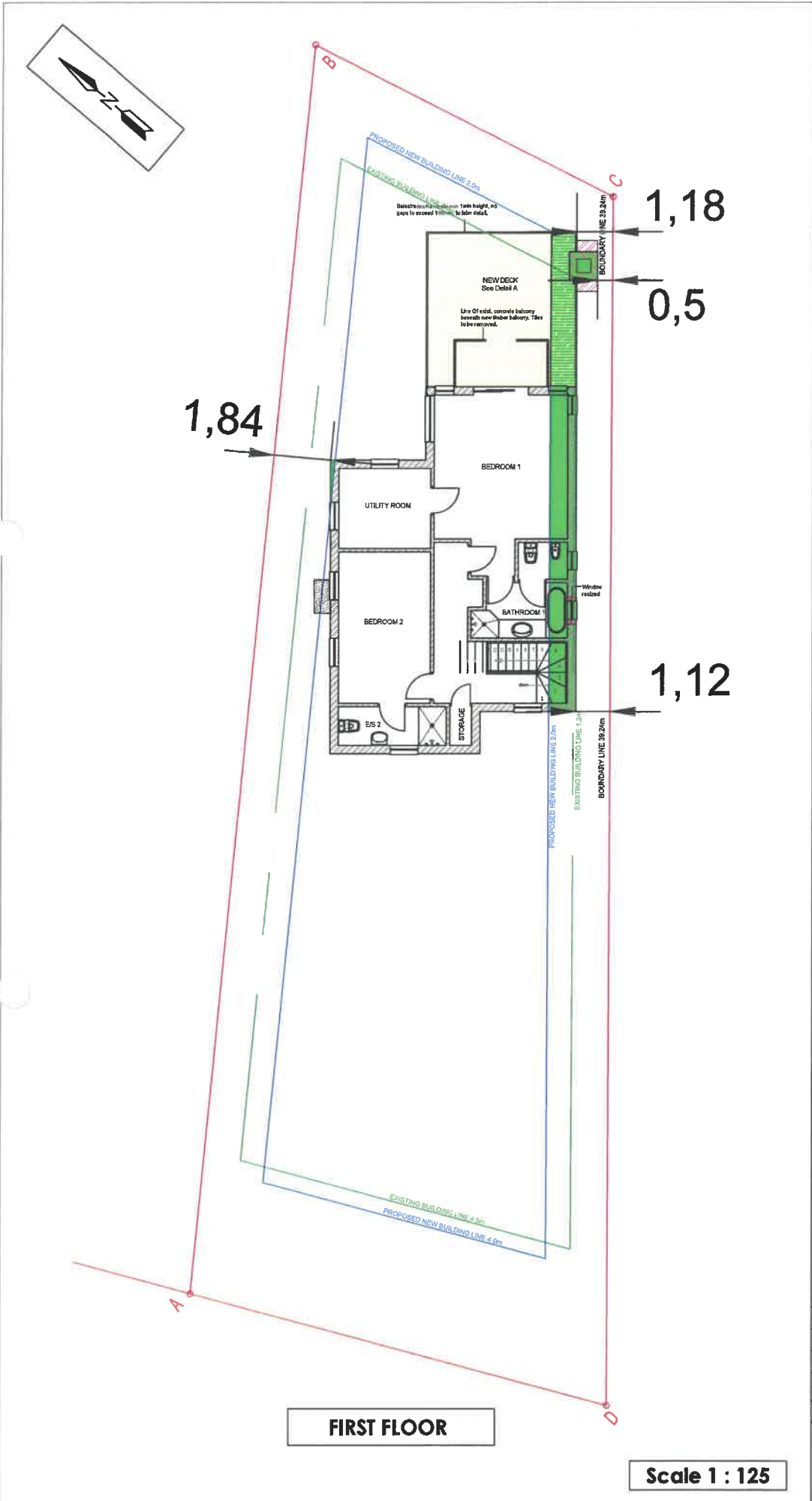
Property extent = 472m²
 Total Floor Area = 333.12m²
 Total Footprint = 227.01m²
 Total Coverage 48,09%

Permanent Departure to:

- Relax the 2m southern side building line to 1,16m, 1,12m & 0m to accommodate the existing dwelling and garage on the Ground Floor;
- Relax the 2m southern side building line to 0,50m to accommodate the proposed Braai on the Ground Floor; &
- Relax the 2m northern side building line to 1,85m & 1,26m to accommodate the existing dwelling on the ground floor.

Plan date: 03/04/2025
 Plan No.: Plan 4.1 - 24.161(001)
 Plan prepared by: Veronica Jansen
 Based on historic approved building plans
 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 Dikke Uys
 Street Hermanus, 7200





4.2 Departure Plan
Remainder of Erf 6882 Hermanus

Proposed Areas

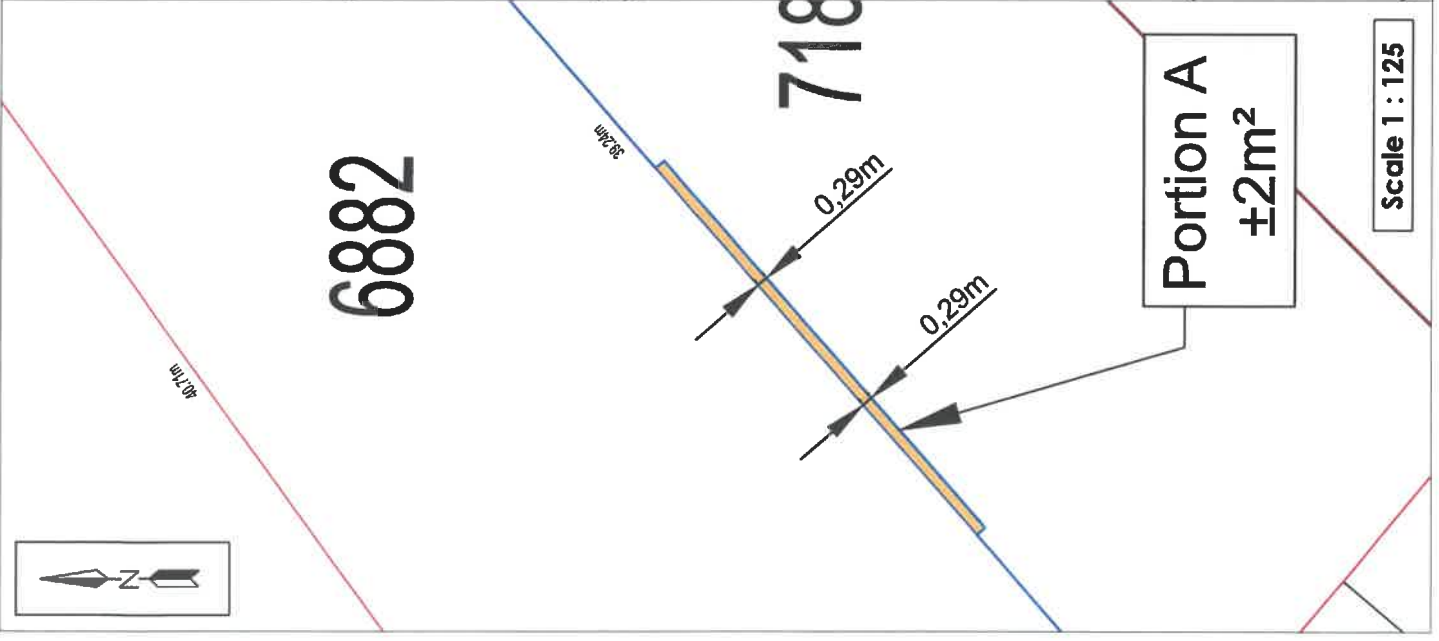
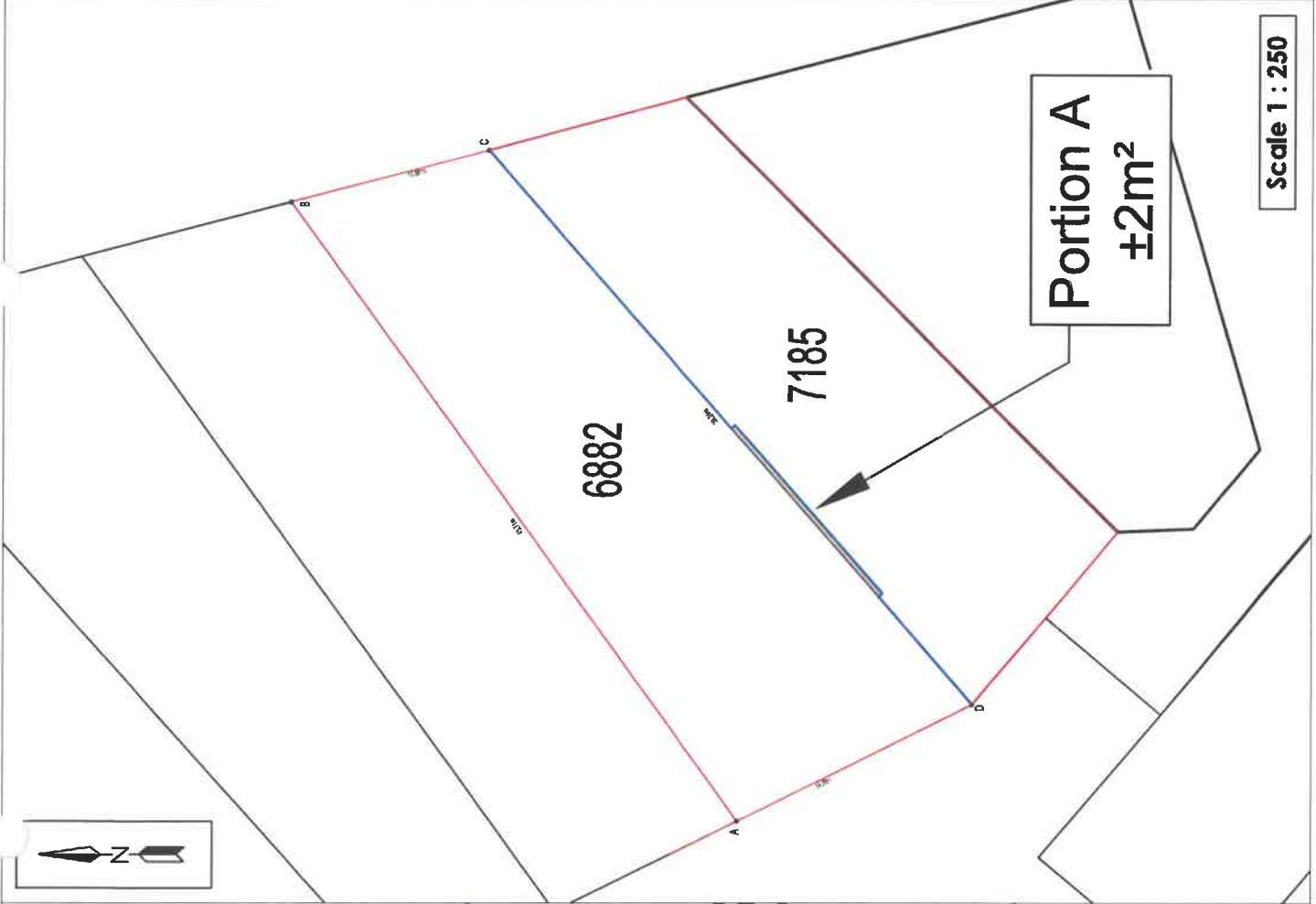
Property extent = 472m²
Total Floor Area = 333,12m²
Total Footprint = 227,01m²
Total Coverage 48,09%

- Permanent Departure to:**
- Relax the 2m southern side building line to 1,12m to accommodate the existing dwelling on the First Floor;
 - Relax the 2m southern side building line to 1,18m & 0,5m to accommodate the proposed timber deck and chimney on the First Floor; &
 - Relax the 2m northern side building line to 1,84m to accommodate the existing dwelling on the First floor.

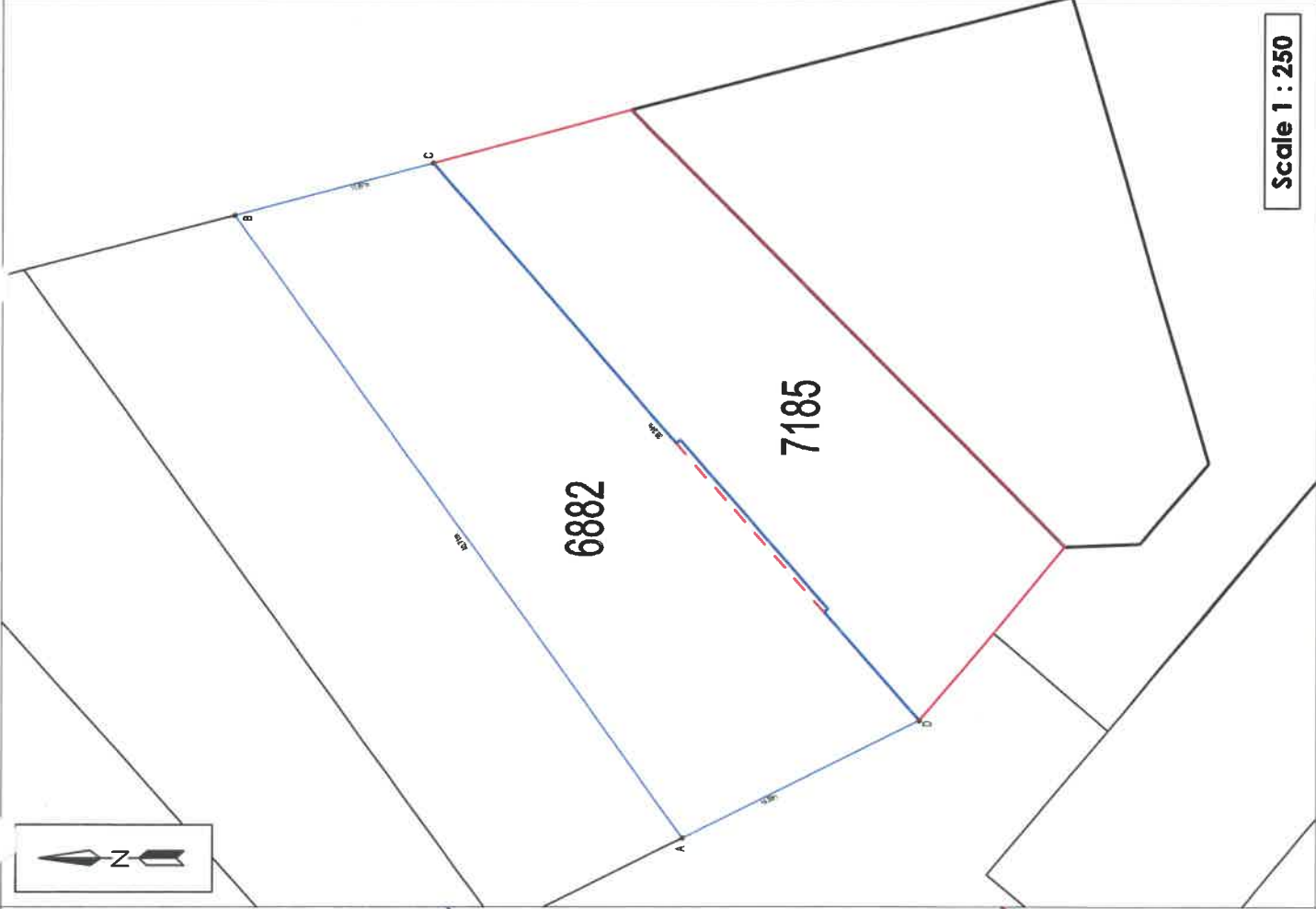
Plan date: 04/03/2025
Plan No.: Plan 4.2 - 24.161(001)
Plan prepared by: Veronica Jansen
Based on historic approved building plans
All distances are approximate and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House, Corner of Royal and Dirkie Uys Street Hermanus, 7200



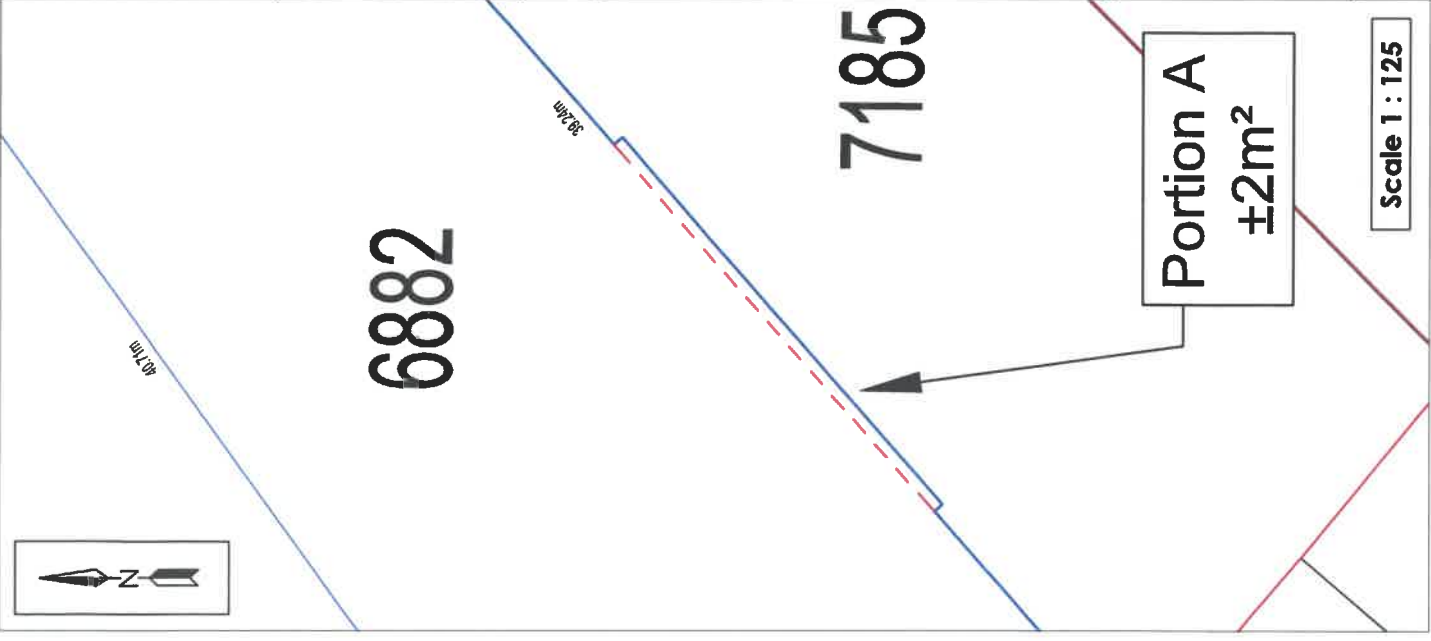
Plan 6: Subdivision Plan Erf 7185 - Hermanus	<u>Existing</u> Erf 7185 - 386m ²	<u>Subdivision</u> Remainder of Erf 7185 - ±384m ² Portion A (a Portion of Erf 7185) - ±2m ²	Date: 26/03/2025 Plan No.: Plan 6 - 24,161001 Plan prepared by: Veronica Jansen All distances are approximate and subject to a survey Tel: 028 313 1411 Email: admin@wrapgroup.co.za Unit B, Standard House, Corner of Royal and Dikle Uys Street Hermanus, 7200
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Plan 7: Consolidation Plan
Remainder of Erf 6882 Hermanus
<u>Existing</u> Remainder of Erf 6882 - 472m ² Portion A - ±2m ²
<u>Consolidation</u> Remainder of Erf 6882 & Portion A = ±474m ²
Date: 26/03/2025 Plan No.: Plan 7 - 24.161(001) Plan prepared by: Veronica 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 Dikkle Dvys Street Hermanus, 7200
 Project Office Town Planning & Project Management



Scale 1 : 250



Scale 1 : 125

**Plan 8: Consolidation Plan
Erven 7185 & 7600 - Hermanus**

REMAINING EXTENT OF ERF 7185
HERMANUS

384 m²

ERF 7600 HERMANUS

455 m²

PROPOSED CONSOLIDATION

384m² + 455m² =
±839m²

Plan prepared by: Thian Jansen
Plan date: 04/03/2025
Plan No.: Plan 4.2 - 24.161(001)

All distances are approximate
and subject to a survey

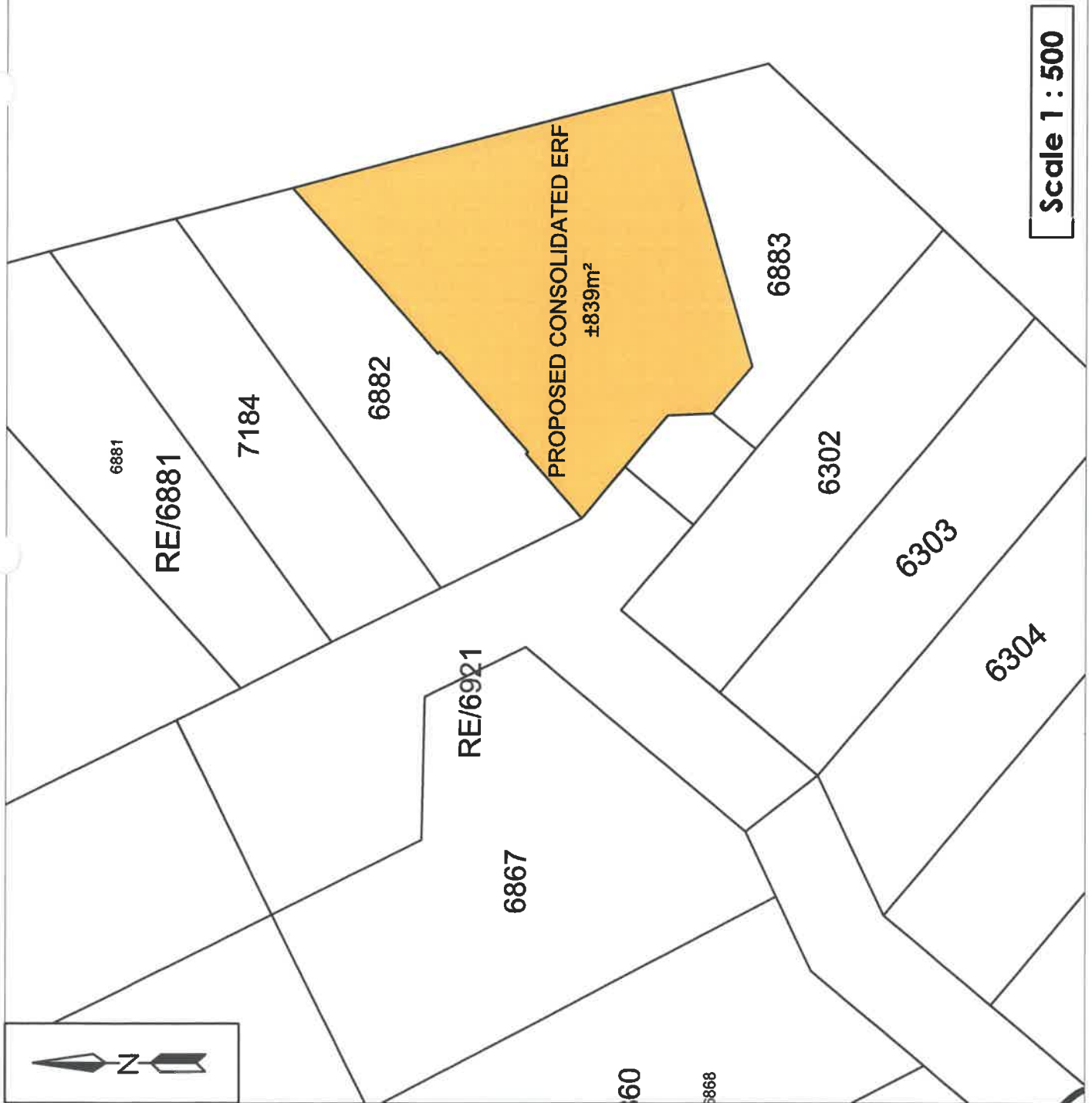
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management



Scale 1 : 500