

OVERSTRAND MUNISIPALITEIT
ERF 999, MUSSON STRAAT 28, EASTCLIFF, HERMANUS:
AANSOEK OM OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDE EN AFWYKING:MNRE
PLANACTIVE STADS EN STREEK BEPLANNERS NAMENS
GA NAUDE

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 999, Hermanus (die eiendom), naamlik:

Opheffing van beperkte titelaktevoorwaarde

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkte titelaktevoorwaarde B.A. (d) soos vervat in titelakte T.53013/2024 van die eiendom om 'n voorgestelde motorhuis en onderdak ingang te akkommodeer.

Afwyking

Aansoek om afwyking ingevolge Artikel 16(2)(b) van die Verordening om die westelike laterale boulyn vanaf 2m na 0m te verslap om die voorgestelde motorhuis te akkommodeer.

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 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, **13 Desember 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die 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.175/2024

OVERSTRAND MUNICIPALITY
ERF 999, 28 MUSSON STREET, EASTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND
DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL
PLANNERS ON BEHALF OF GA NAUDE

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 Erf 999, Hermanus (the property), namely:

Removal of restrictive title deed condition

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition B.A. (d) as contained in title deed T.53013/2024 of the property to accommodate a proposed garage and covered entrance.

Departure

Application for departure in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 2m to 0m to accommodate the proposed garage.

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.

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, **13 December 2024**, 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 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.175/2024

UMASIPALA WASE-OVERSTRAND
ISIZA ESINGU-ERF 999, 28 MUSSON STREET,
EASTCLIFF, HERMANUS, KUMMANDLA
KAMASIPALA WASE-OVERSTRAND: ISICELO
SOKUSHENXISA IIMEKO EZIYIMIQOBO
KWIITAYITILE ZOBUNINI NOKWAHLULA:
ABANUM BAKWAPLANACTIVE TOWN &
REGIONAL PLANNERS EGAMENI LIKA- GA NAUDE

Kukhutshwe isaziso esimayela nemiba yeSolotya lama-47 nama-48 loMthethwana kaMasipala wase-Overstrand Osisihlomelo SoMthethwana OngeZicwangciso zokuSetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana) ongezi zicelo zilandelayo nezisebenza kwiSiza esinguErf 999, Hermanus (umhlaba), ebizwa:

Ukushenxiswa kweemeko eziyimiqobo
kwiTayitile Zobunini

Isicelo esingemiba yeSolotya16(2)(f) loMthethwana ongokushenxisa iimeko eziyimiqobo kwitayitile yobunini B.A. (d) ngokuqulathwe yitayitile yobunini T.53013/2024 yomhlaba ukulungiselela igaraji ekwesi siphakamiso nokuvala isango lokungena.

Ukwahlula

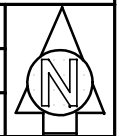
Isicelo sokwahlula ngokwemiba yeSolotya le16(2)(b) loMthethwana ongokunyenisa umgca omelene nesakhiwo kwicala elisentshona ukusuka kwiimitha ezi2m ukuya kweziyi0m ukulungiselela igaraji ekwesi siphakamiso.

linkcukacha ezimayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: LeZicwangciso zeDolophu kwa-16 Paterson Street, Hermanus.

Naziphi na izimvo ezimayela nesi siphakamiso mazibhalwe ngokwezibonelelo zeSolotya lama51 nelama52 loMthethwana zifike kwaMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi koLwesihlanu, **13 EyoMnga 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo, kunye nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa **kuMchwangciso weDolophu, uMnu. P Roux** kwa-028-3138900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe LeZicwangciso zeDolophu apho igosa likamasipala liza kumnceda ukubhala izimvo nokuhlomla ngokusemthethweni.

Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Inothisi kaMasipala Nomb. 175/2024



**PROPOSED DEPARTURE & REMOVAL OF A
RESTRICTIVE TITLE DEED CONDITION**

ERF 999 HERMANUS

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by G.A. Naude, the owner of erf 999 Hermanus, to apply for the departure and the removal of a restrictive title deed condition of the subject property.

There is an existing dwelling on the subject property. Our client bought the subject property in 2024. The new property owner intends to demolish the existing structures and construct a new dwelling with double garage on the subject property. Some of the new structures associated with the new dwelling will encroach the respective title deed and land use scheme regulations' building lines. The encroachments are described as follows:

1. Double Garage:

- Title deed street building line: encroachment into the 4,72m requirement.
- Zoning scheme western lateral building line: encroachment into the 2m requirement.
- Title deed lateral building line: encroachment into the 1,57m requirement.

2. Covered Entrance:

- Title deed street building line: encroachment into the 4,72m requirement.

This application seeks permission to construct a new double garage and a covered entrance associated with the new dwelling that will encroach on the street and western lateral building lines as stipulated by the title deed and land use scheme.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure** of erf 999 Hermanus;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the **removal of a restrictive title deed condition** of erf 999 Hermanus.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 999 Hermanus is situated at 28 Musson Street. Refer to the locality plan attached.

Erf 999 Hermanus is 670m² in extent and is held by title deed no. T53013/2024.

The subject property is characterized by a dwelling structure.

3.2 ZONING

Erf 999 Hermanus has the following land use rights:

ERF NUMBER	ZONING
Erf 999 Hermanus	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential and public road purposes.



3.3 LAND USE

There is a dwelling structure on the subject property. The property will be redeveloped – the existing structures will be demolished and a new dwelling with double garage will be constructed on site.

Land uses that surround the subject property are single residential dwellings and public roads.

3.4 PROPOSAL

The following is proposed:

1. The **departure** of erf 999 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - relax the western lateral building line from 2m to 0m to accommodate the proposed new garage;
2. The **removal of a restrictive title deed condition** of erf 999 Hermanus in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to remove condition B. A. (d) on page 2 of title deed no. T53013/2024 to:
 - Accommodate the proposed garage on the 4m street building line and 0m western lateral building line;
 - Accommodate the proposed covered entrance on the 2,53m street building line.

3.4.1 Departure

There is an existing dwelling on the subject property. Our client bought the subject property in 2024. The new property owner intends to demolish the existing structures and construct a new dwelling with double garage on the subject property. Some of the structures of the proposed new dwelling will encroach the respective title deed and

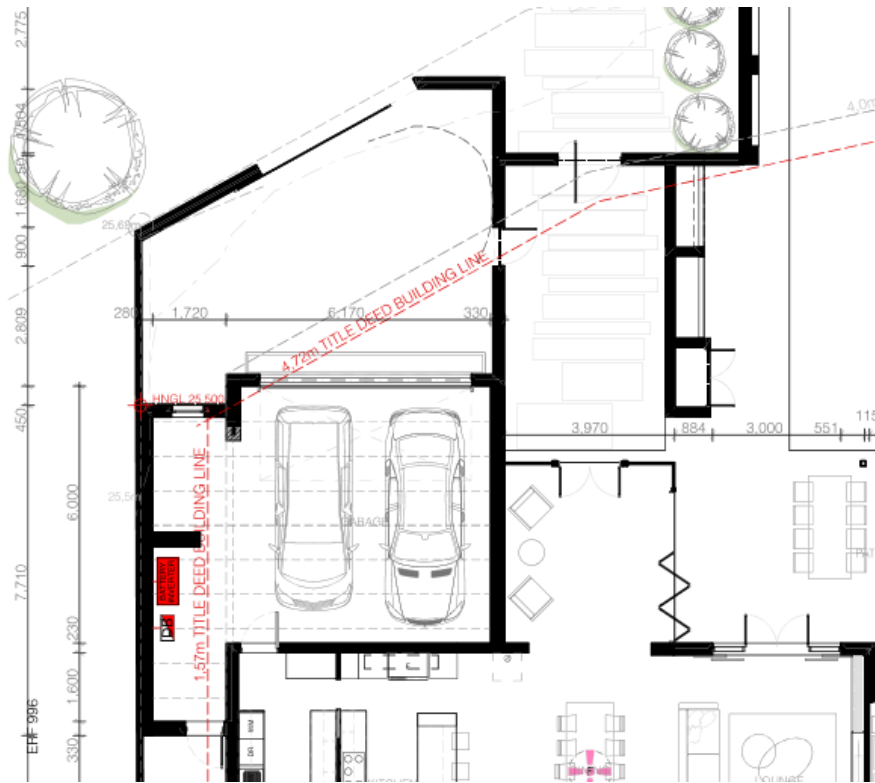
land use scheme regulations' building lines. This application seeks permission to construct a new double garage and a covered entrance that will encroach on the street and western lateral building lines as stipulated by the title deed and zoning scheme.

A garage is permitted within the lateral and street building lines of a property, subject to certain conditions. It is proposed to construct a new garage of 58m² in extent in the north-western corner of the subject property as indicated on the site development plan. The proposed double garage will meet the 4m street building line requirement; however, it will be positioned on the 0m western lateral building line. The western erf boundary is 23,35m and the street boundary is 10,34m and 14,90m in extent. The proposed garage structure will be 8,5m wide (street front) and 7,71m long on the western erf boundary. One third of the western lateral boundary amounts to a length of 7,78m. The proposed structure will not encroach the maximum permissible length. The width of 8,5m is allowed since the western erf boundary is 23,35m long (i.e. longer than the 19,5m requirement). The height of the proposed garage will be 3,42m as indicated on the north elevation. The proposed garage will have a metal sheet roof and not a concrete roof.

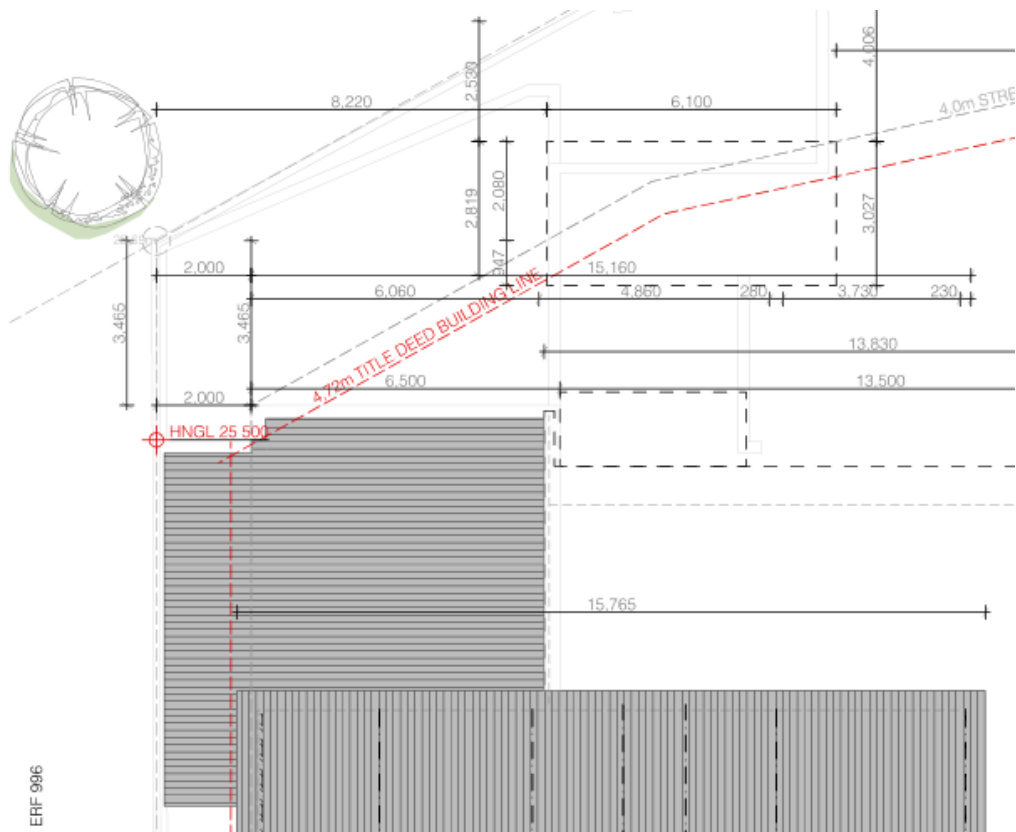
As a result, an application is submitted for a departure to relax the western lateral building line from 2m to 0m to accommodate the proposed new double garage. The proposed garage that encroaches the western lateral building line will not be higher than 3,5m above the existing ground level on the common boundary. The proposed double garage therefore meets the requirements for the approval of the structure on the 0m western lateral erf boundary.

Refer to the plans below indicating the proposed garage:

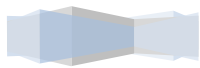




Map 1: Ground storey plan



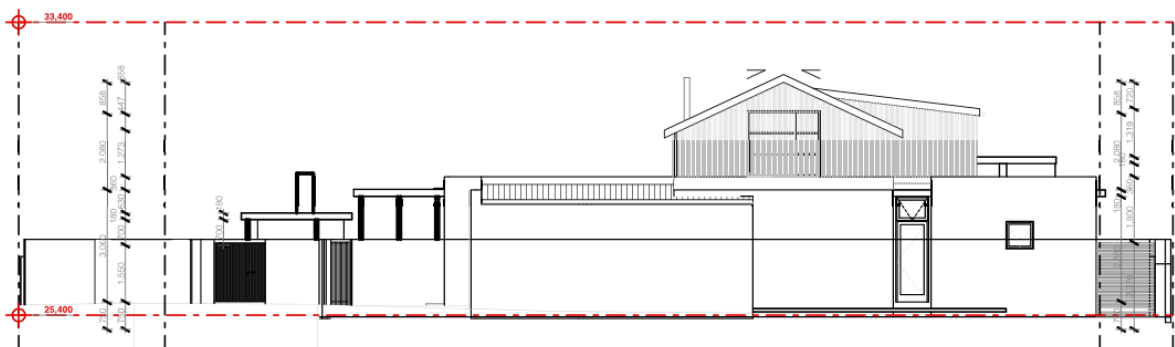
Map 2: Roof storey plan





North Elevations
1:200

Map 3: North elevations



West Elevations
1:200

Map 4: West elevations

A covered pedestrian entrance or gatehouse may be constructed on the street boundary if it has a footprint and / or roof area not exceeding 5m² and a height not exceeding 3m from natural ground level to the highest point of the structure. The covered entrance will be 2,819m wide and 6,1m long. A small section of the proposed covered entrance slightly encroaches the 4m street building line. The architect has confirmed that the encroached area will be less than 5m² in extent and the entrance will be lower than 3m in height. Therefore, the proposed covered entrance can be constructed in the intended position without the need for a street building line deviation.



3.4.2 Removal of a restrictive title deed condition

Title Deed No. T53013/2024 has a restrictive title deed condition that needs to be removed to accommodate the encroachment of the proposed double garage over the western lateral and street building lines and the covered entrance over the street building line on the subject property. Refer to a copy of the conveyancer's certificate compiled by Mr H.L. van Zyl of Van Zyl Kruger Attorneys dated 15 October 2024 attached.

It is proposed to remove the following restrictive title deed condition registered by the Administrator (now the Overstrand Municipality) to accommodate the new double garage and covered entrance that will encroach the 4,72m title deed street and 1,57m common boundary building lines on erf 999 Hermanus:

Title deed no. T53013/2024, page 2, paragraph B. A. (d):

“B. ONDERHEWIG aan die volgende spesiale voorwaardes vervat in gesegde Akte van Transport Nommer 11503 gedateer 22 November 1940:-

A. As being in favour of the registered owner of any Erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:-

(d) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.”

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the “removal, suspension or amendment of a restrictive condition”:

- ***The financial or other value of the rights in terms of the restrictive conditions 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***

The removal of the restrictive condition intends to increase the use rights of the property to allow the double garage to encroach the 4,72m street and the 1,57m lateral building lines and the covered entrance to encroach the 4,72m street building

line and to allow any future development on the property in line with the land use restrictions stipulated in the Overstrand Land Use Scheme Regulations (2020) for SR1 zoned properties. The new garage will be positioned on the 4m street and 0m western lateral building lines. The new covered entrance will be positioned on the 2,53m street building line.

The value of the rights is vested in the owner of the property. The condition was registered by the Administrator when the township was developed and neither the administrator nor the registered owners of the township enjoy any financial or other value. The removal of the condition will consequently have no impact on the favoured parties. Property owners not seeking the encroachment of the proposed structures over the street and lateral building lines will favour the restrictive title deed condition since the condition impede the development of the new dwelling and double garage. The street building line is more restrictive than the land use scheme regulations' building line. In addition, the stricter title deed street building line shrinks the development area of the subject property.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The condition was imposed by the Administrator for the benefit of this specific extension of Hermanus. The only personal benefit to the holder is that the property is more restricted in terms of developing any structures on the subject property. The holder (Overstrand Municipality) has efficient land use scheme regulations to guide development for SR1 zoned erven in Hermanus.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of a restrictive title deed condition will bring about personal benefits to the landowner since it will allow her to redevelop the subject property on the 2m lateral and 4m street building lines – except for the encroachments being applied for relating to the new double garage and covered entrance.

The 4,72m street building line as stipulated in the title deed is more restrictive than the land use scheme street building line. To remove the title deed's street and common boundary building lines will allow the property owner to construct the covered entrance

of the new dwelling and new double garage on the position as per the attached site development plan. Any future development / additions can also be done according to the land use scheme development parameters, instead of being bound by the title deed building lines.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

The social benefit if the title deed condition was to remain unchanged and enforced on erf 999 Hermanus would be that the character of Musson Street will remain unchanged. Other than the aforementioned, the social benefit is considered minimal if the condition was to remain in place. If the condition remains unchanged, the owner must adhere to the stricter title deed street building line (the common boundary building line is already less restrictive). The impact on the neighbouring properties with regards to privacy, noise, impact on the street scape, etc. will be marginally lower since the title deed's street building line is more restrictive than the scheme regulations' building lines. To keep the 4,72m title deed street building line will have no benefit to the property owner since it takes away developable land and restricts the development of the new dwelling (covered entrance) and double garage.

The title deed common boundary building line of 1,57m is already less restrictive than the land use scheme building line; therefore to remove this condition will in fact favour the neighbouring properties since all new development will then have to meet the 2m common boundary building lines.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The removal of the restrictive title deed condition will allow the scheme regulations' building lines to set the rules for future development of erf 999 Hermanus. It will also allow our client to develop the new dwelling and double garage as proposed on the site development plan attached to the application. The social benefit will therefore only be to the landowner of erf 999 Hermanus.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive condition will not remove all rights enjoyed by the beneficiary, but only some rights and will instead expand the value of these

rights to accommodate the future structures within the scheme regulations' building lines. The latter is more desirable for the zoning and extent of the subject property without having a detrimental impact on the rights of anyone else or the character of the area.

3.4.3 General application information

The structures will be visible from neighbouring erven. However, no windows or doors will be placed in the structure facing the neighbour to the west. The position of the new garage next to mature trees will lower the visual impact on the adjacent erf 996 Hermanus. It will therefore not have a negative impact on neighbours' views or privacy. As previously mentioned, a covered pedestrian entrance is allowed within a street building line subject to the conditions specified in the land use scheme regulations.

The following should be noted when considering the proposed structures:

- The materials to be used and the design of the dwelling and garage are aesthetically pleasing;
- The visual impact is considered minimal since most land use scheme parameters are met with the proposed new dwelling and outbuilding (height, coverage, etc.). The new dwelling structure will not encroach any land use scheme lateral or street building lines.
- The new garage will form an essential part of the new dwelling on the subject property and will add to the aesthetic and property value of the property.
- The proposed structures that encroach on the building lines outlined in the title deed and land use scheme are not classified as habitable spaces.

Refer to the attached site development plan, floor layout and elevations.

The proposed application has a low to no impact on the character and property values of the surrounding properties. The redevelopment of the subject property will not create an infringement to any passing traffic or public activity due the low impact use of the structures. It is submitted that the massing and height of the redeveloped dwelling and garage are compatible with the character of the area, regardless of the departure and removal of restrictive title deed condition being applied for.

The zoning of erf 999 Hermanus will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes). The height of all the structures on the subject property will comply with the permissible height requirements for SR1 zoned properties (as indicated on the plans). The impact on the adjacent property owners and the passers-by will be marginally higher than if the new structures were set back and constructed outside of the relevant title deed building lines.

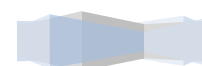
The area schedule and coverage for the redeveloped property will be as follows:

AREAS:	
MAIN DWELLING:	
Covered Entrance:	17m ²
Covered Patio	67m ²
Garage:	58m ²
Ground Storey:	217m ²
First Storey:	40m ²
TOTAL	<u>399m²</u>
FOOTPRINT	332m ²
ERF	670m ²
COVERAGE	49,6%
	()

The total coverage of 49,6% does not exceed the maximum permissible coverage of 50% for SR1 zoned properties. More than half the area will not be built upon and therefore the title deed condition with regards to coverage is met.

It is submitted that the proposed new structures will be compatible with the character of the area, does not impact negatively on the rights of anyone else and that no good reason exists for not approving this application. When considering the proposed building line deviations and removal of restrictive title deed condition, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed departure and removal of a restrictive title deed condition are not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.



3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only (such as bed-and-breakfast establishments, day care, second dwelling, guest house and home occupation uses). The proposed departure and removal of a restrictive title deed condition will not hinder any possible future land use applications on erf 999 Hermanus.

The subject property has the potential and allows for the deviations being applied for. The proposed dwelling will meet all land use parameters. It is only the proposed double garage and covered entrance that will deviate from the title deed and land use scheme building lines.

The following should be noted when considering the potential of the site:

- The proposed position of the new dwelling and double garage does not have a negative impact on neighbours' views.
- The massing and scale of the proposed structures are compatible with the area.

The requested departures are minor and the new structure encroaching the building lines is a garage and a covered entrance that can be favourably considered within the lateral and street building lines.

The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the departure and removal of a restrictive title deed condition. The following factors confirm the potential of the property to accommodate the proposed building line deviations:

- Good quality materials will be used for the construction of the dwelling and garage;
- The new dwelling with double garage will add value to the property and the area.



3.6 ECONOMIC IMPACT

The minor nature of the proposed encroachments mean that the current and future value of the property is unlikely to be adversely affected. The proposed encroaching garage will provide additional utility and convenience, allowing for better use of space. The new garage will complement the design of the home and contribute positively to the property's curb appeal.

Thus, the economic impact of granting the proposed departure and removal of a restrictive title deed condition is expected to be positive, supporting both the property's value and its smooth operation within the existing residential context. The construction of a new dwelling with double garage will boost the overall property values in the neighbourhood, benefiting existing homeowners.

The building process will generate employment for various trades, including labourers, carpenters, electricians, plumbers, and more. Local suppliers will benefit from the sale of building materials and home goods.

3.7 SOCIAL IMPACT

The proposed application will have no impact on the social status quo of the area. The building line deviations and removal of a restrictive title deed condition will however allow the owner to redevelop the subject property.

The minimal nature of the proposed encroachments ensures that they do not disrupt the visual or functional aspects of the neighbourhood. No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the proposed development is compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with single and double storey dwellings and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the proposed structures on erf 999 Hermanus (and the proposed uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

The approval of the departure and removal of a restrictive title deed condition will not alter the property's residential function or affect the broader community. The redevelopment of the property within the land use scheme parameters (except for the new double garage and covered entrance that will require building line deviations) ensures that the property's integration remains consistent with the surrounding land uses.

The proposed portions of the structures to be situated over the building lines are non-habitable, which minimizes their impact on the neighbourhood's density and ensures that the overall character of the area remains intact. This is particularly important in preserving the existing built environment. The overall design of the dwelling, which incorporates the garage and entrance, has been designed to be visually pleasing. This consideration contributes positively to the streetscape and enhances property values in the area.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

The proposed application for erf 999 Hermanus is expected to have no impact on external engineering services. The minor encroachments associated with the proposed structures do not interfere with or place additional strain on municipal infrastructure or services.

The property is adequately serviced by existing infrastructure, including water, sewage, and road networks, all of which are functioning within their designed capacities. The proposed adjustments to the building lines and title deed will not alter the usage or demand on these services. The proposed structures will not affect the surrounding utilities or infrastructure. Given the minimal nature of the encroachments, the proposal will have no impact on external engineering.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure and removal of a restrictive title deed condition will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that one family will continue to occupy the subject property once the development is complete.

Since the proposed departure and removal of a restrictive title deed condition are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for the departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 999 Hermanus is not situated within the Heritage Protection Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the Eastcliff area.



3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure and removal of a restrictive title deed condition do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Management Overlay Zone (2020).

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 999 Hermanus will be from Musson Street. Refer to the site development plan. Only one access point to the subject property is proposed.

The Overstrand Municipality Land Use Scheme (2020) stipulates that a minimum of two parking bays are required for a dwelling house (main dwelling). The new dwelling will be developed with a double garage that will provide parking for the main dwelling.

Considering the above the proposed dwelling on erf 999 Hermanus will comply with the minimum parking requirements for SR1 zoned properties.

The subject property will continue to be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed No. T53013/2024 has restrictive title deed conditions that need to be removed to accommodate the encroachment of the proposed double garage over the western lateral and street building lines and the covered entrance over the street building line on the subject property. Refer to a copy of the conveyancer's certificate

compiled by Mr H.L. van Zyl of Van Zyl Kruger Attorneys attached and the description of the application in Section 3.4.2 of the report.

There is no bond registered against the subject property.

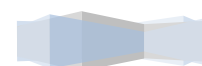
3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 999 Hermanus is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure and removal of a restrictive title deed conditions on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erf 999 Hermanus forms part of Planning Unit no. 14. This planning unit stipulates an increase in density from 4,9du/ha to 6,4du/ha. A main dwelling is currently situated on the property and with the redevelopment of the subject property a new main dwelling with double garage is proposed. No additional densification is proposed under this application. The current status will remain unchanged. Therefore, the land use application is consistent with the existing planning for the Eastcliff area.

The proposal will promote land development in a location that is sustainable. The proposed departure and removal of a restrictive title deed condition application is to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment. There is no impact on the overall density of Eastcliff and therefore the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.



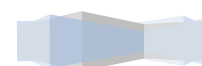
3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1939. The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing Hermanus Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposed departure and removal of a restrictive title deed condition will have a low impact on the visual elements of the subject property and surroundings. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The encroachments of the street and lateral building lines have no impact on the massing of the proposed buildings and the impact on the streetscape or passers-by. The new dwelling with double garage (once complete) will merge well with the surrounding built environment. The impact on the biophysical environment will also be kept to a minimum since the development does neither trigger any listed activities in terms of NEMA nor is it positioned with Overstrand Municipality's EMOZ.

Factors such as the good quality materials to be used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, mature trees in the area, compliance with all other land use development parameters, etc. allow for the consideration and approval of the proposed deviations and removal of a restrictive title deed condition without having an adverse impact on the spatial sustainability of the area. To accommodate the proposed dwelling and double garage is to an improved erf within an established residential area will not impact on urban sprawl, or upon a sensitive environment.



The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The property is compatible with the character of the area and does not impact negatively on the rights of any adjacent property owners.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus CBD and major routes. The massing and height of the property will be in line with the relevant land use scheme regulations. It proves to be resourceful to approve the deviations since it is to accommodate a proposed double garage and covered entrance only and not habitable spaces. The latter is deemed compatible with the existing built environment and the way the dwelling was designed (and will ultimately be constructed) proves to be aesthetically pleasing.

By allowing for the construction of these structures, it encourages efficient land use and resource management, contributing to a more sustainable community. In addition, the proposed application discourages the phenomenon of urban sprawl, encourages more compact towns and cities, all of which relates to more responsible resource and infrastructure use. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

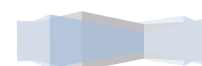


4. RECOMMENDATION

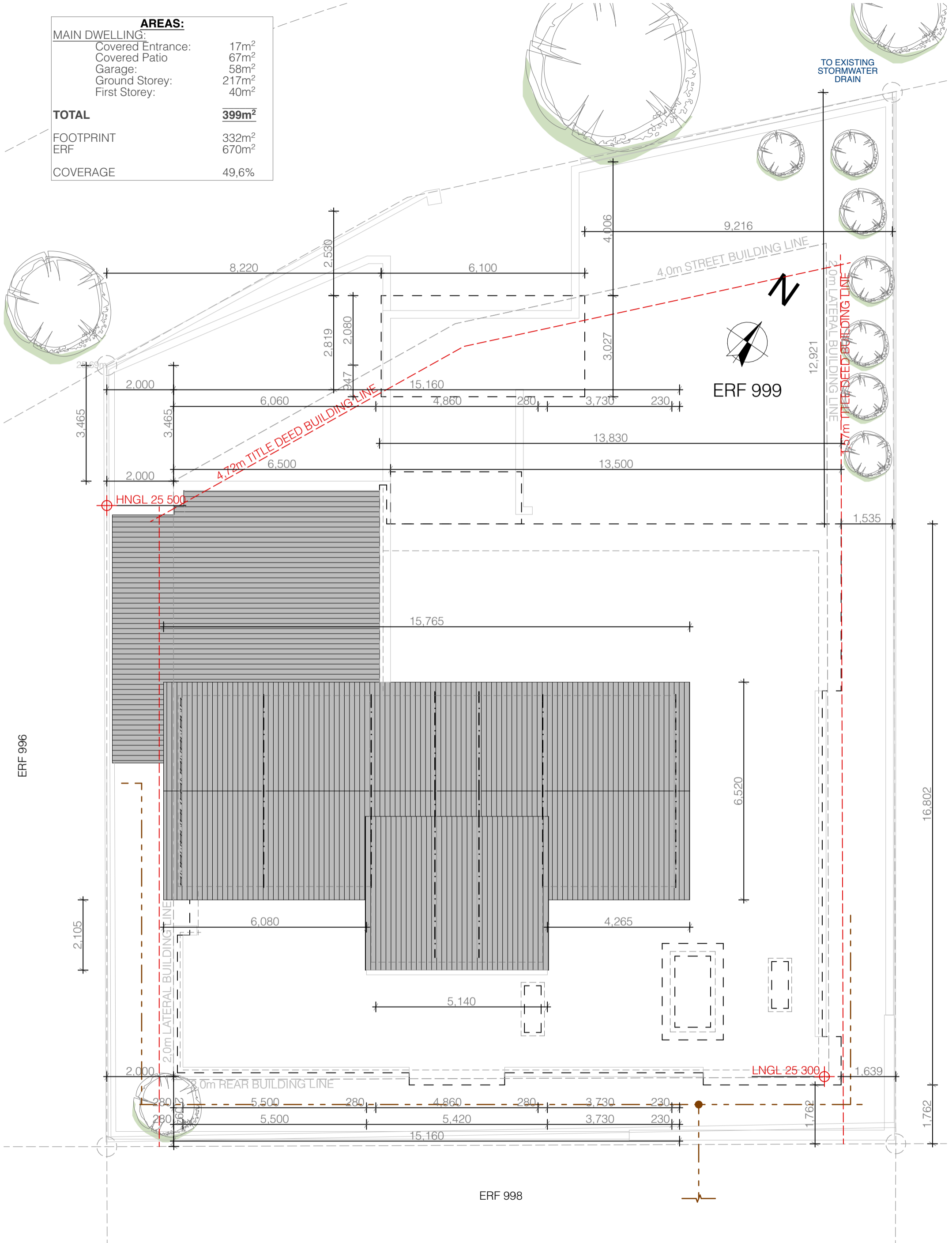
When this application is evaluated, it is important to take note of the following:

- The proposed dwelling will meet all SR1 zoning parameters. Only the new double garage requires a land use scheme building line deviation and both the new garage and covered entrance encroach the title deed building lines;
- The proposed double garage will meet the 4m land use scheme street building line;
- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The zoning and primary land use of the subject property will remain unchanged;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic will be kept to a minimum;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.

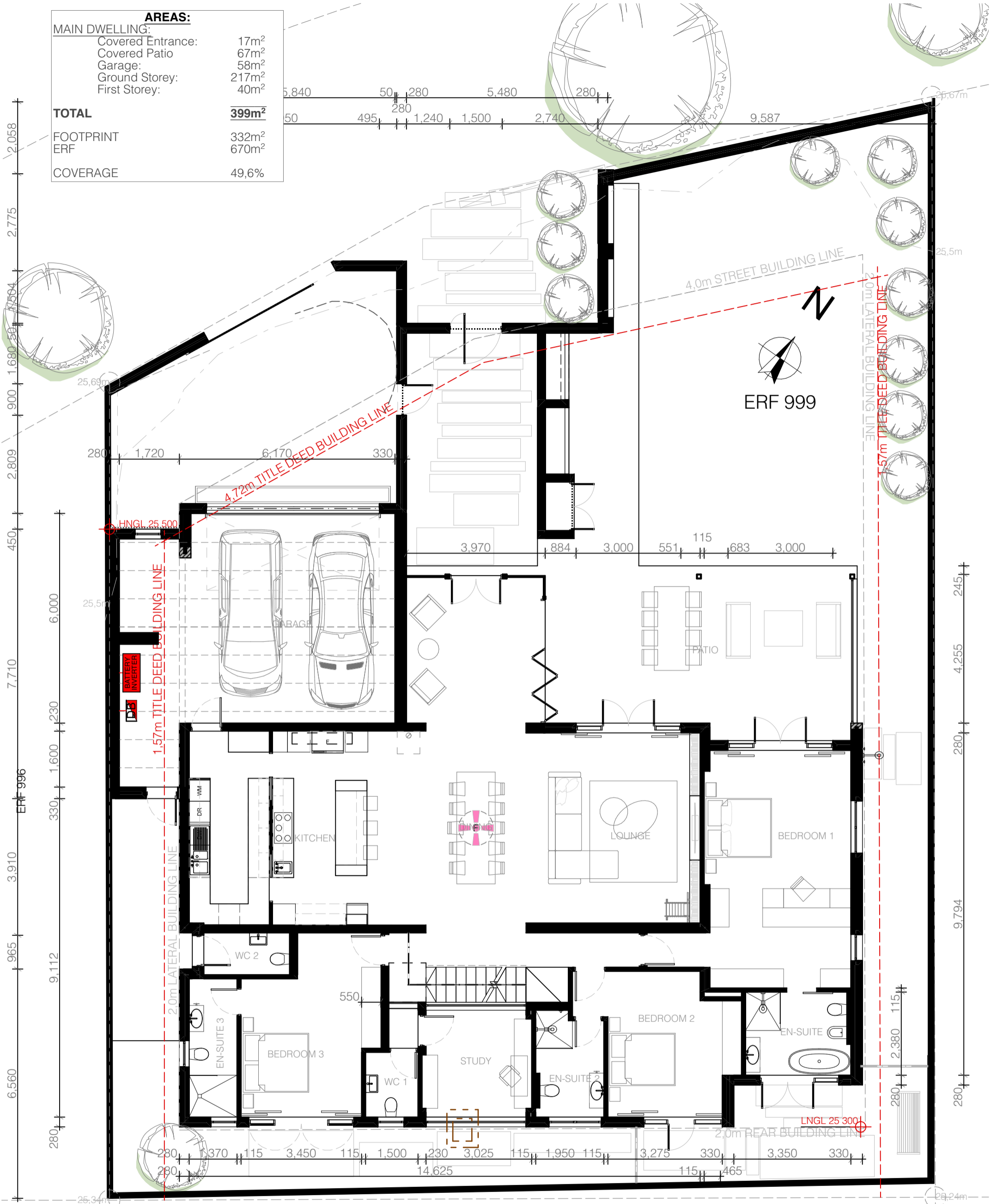


AREAS:	
MAIN DWELLING:	
Covered Entrance:	17m ²
Covered Patio:	67m ²
Garage:	58m ²
Ground Storey:	217m ²
First Storey:	40m ²
TOTAL	399m²
FOOTPRINT	332m ²
ERF	670m ²
COVERAGE	49,6%



3924 - HOUSE NAUDE

AREAS:	
MAIN DWELLING:	
Covered Entrance:	17m ²
Covered Patio	67m ²
Garage:	58m ²
Ground Storey:	217m ²
First Storey:	40m ²
TOTAL	399m²
FOOTPRINT	332m ²
ERF	670m ²
COVERAGE	49,6%

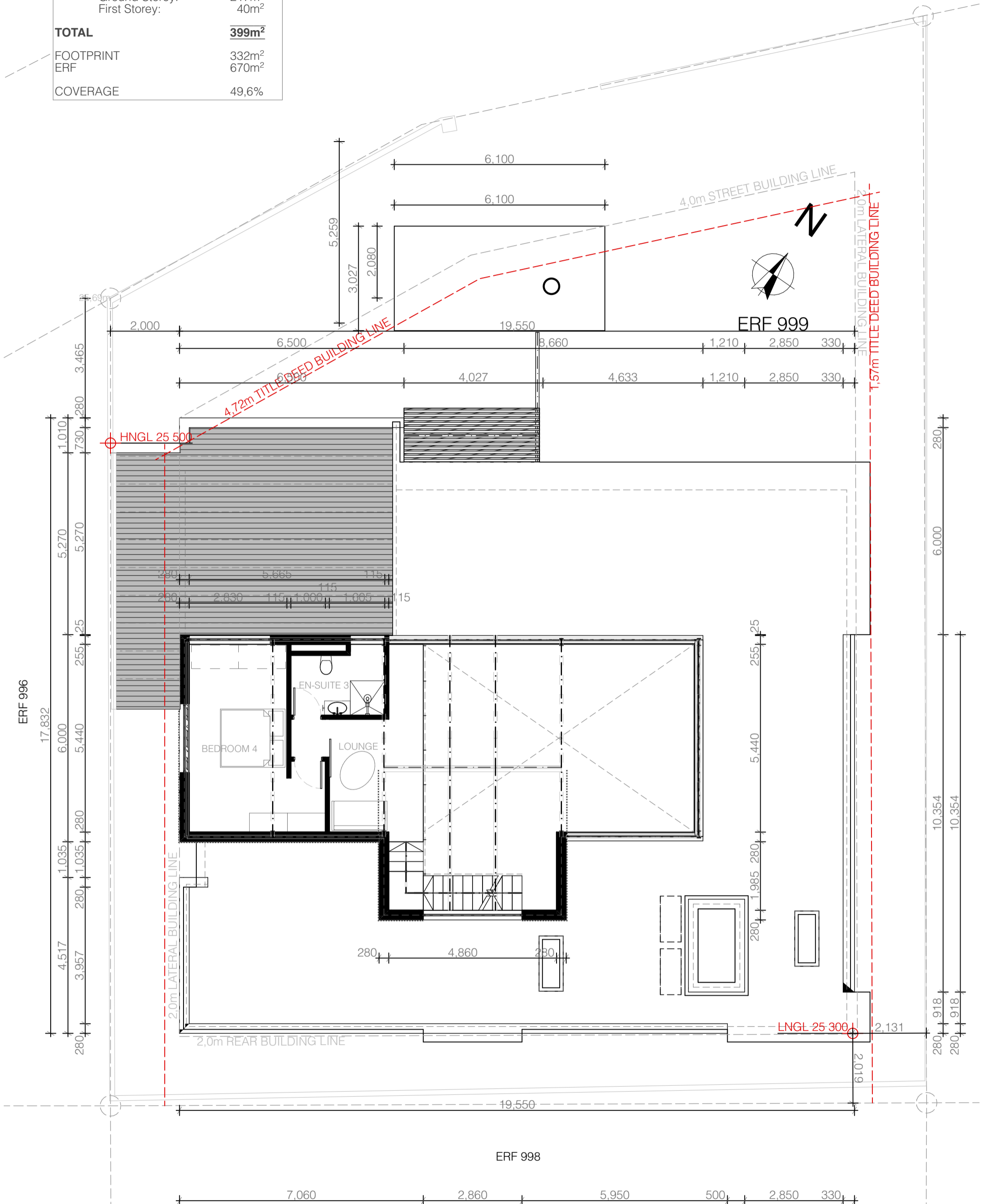


Ground Storey
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3924 - HOUSE NAUDE



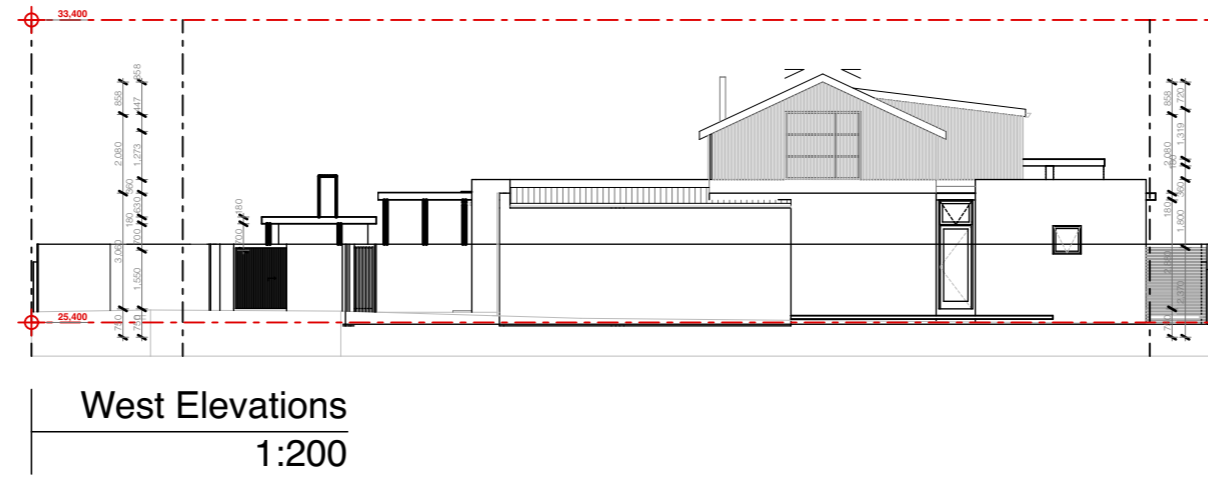
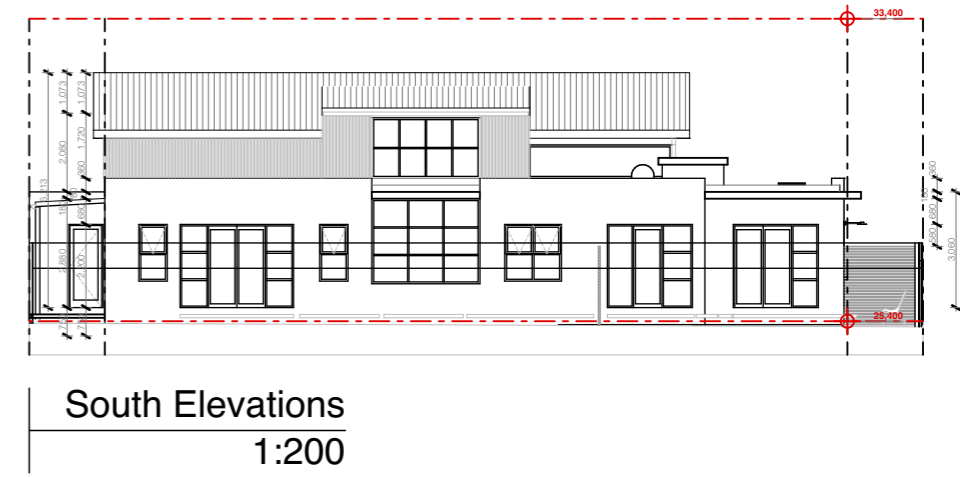
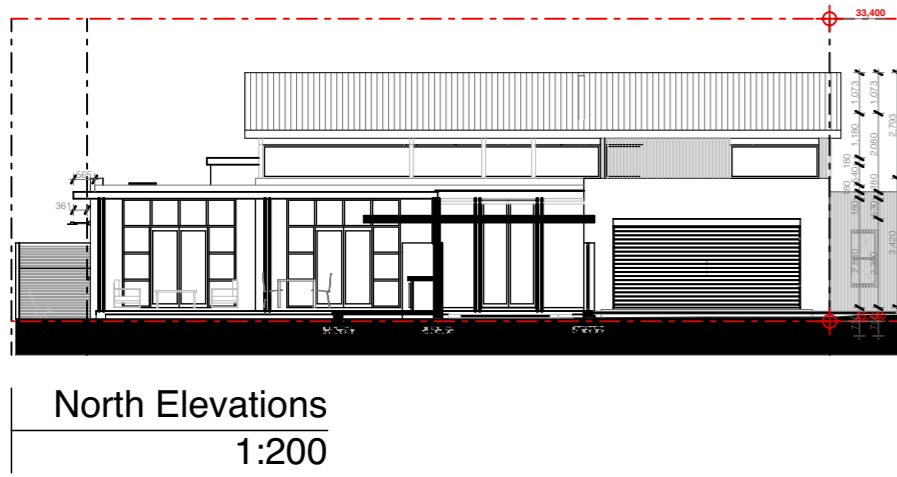
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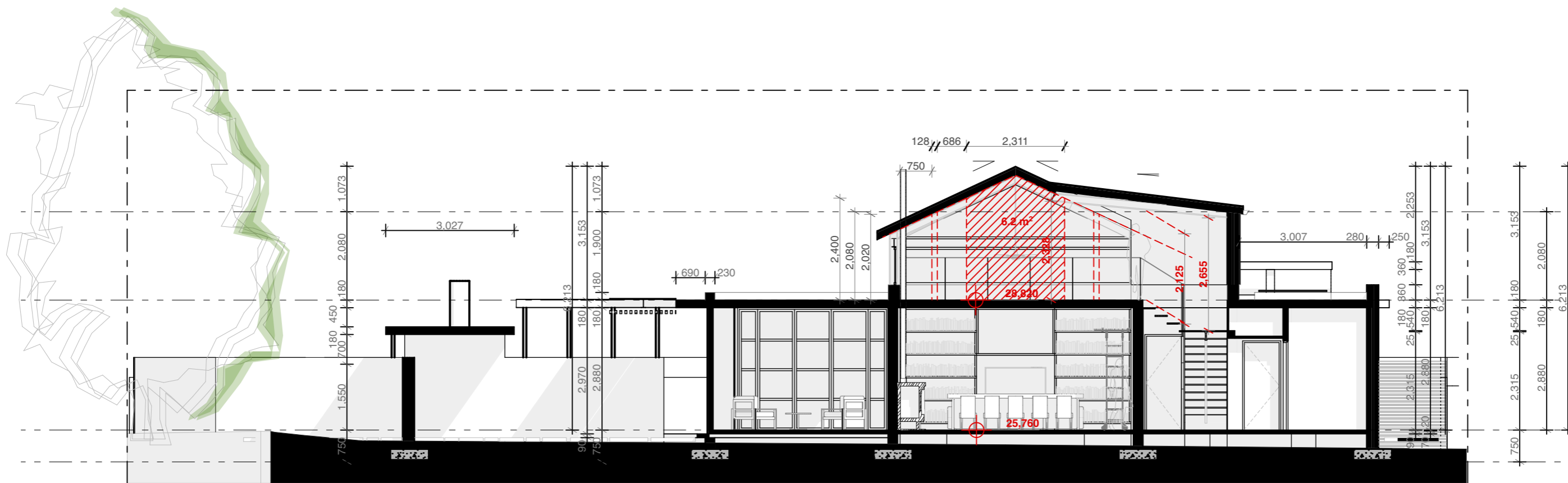


First Storey
1:100

3924 - HOUSE NAUDE







3924 - HOUSE NAUDE