

OVERSTRAND MUNISIPALITEIT
ERF 101, HOTELSINGEL 13, ROOI-ELS EN 'N GEDEELTE VAN ERF 323,
HOTELSINGEL, ROOI-ELS: AANSOEK OM ONDERVERDELING,
HERSONERING, KONSOLIDASIE EN SLUITING VAN 'N OPENBARE
PLEK: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS JA
BAIGRIE EN OVERSTRAND MUNISIPALITEIT

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), asook Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiëlebestuur (Wet 56 van 2003) (die Wet) word hiermee kennis gegee van die volgende aansoek van toepassing op Erf 101 en 'n gedeelte van Erf 323 Rooi-Els, naamlik, die:

- (a) **onderverdeling** van Erf 323 Rooi-Els ingevolge Artikel 16(2)(d) van die Verordening in 2 gedeeltes, naamlik 'n Gedeelte A (±358m²) en 'n Restant (*grootte onbekend*);
- (b) **herosnering** ingevolge Artikel 16(2)(a) van die Verordening van onderverdeelde Gedeelte A (±358m²) vanaf Vervoersone 2: Pad en Parkering na Residensiële Sone I: Enkelresidensiële (SR1);
- (c) **konsolidasie** ingevolge Artikel 16(2)(e) van die Verordening van die onderverdeelde en hersoneerde Gedeelte A (±358m²) met Erf 101, Rooi-Els om 'n enkelresidensiële eiendom van ± 1296m² in grootte te skep;
- (d) **sluiting van publieke plek** ingevolge Artikel 16(2)(n) van die Verordening om die sluiting van 'n gedeelte van die openbare pad (onderverdeelde Gedeelte A (±358m²) te akkommodeer); en

- die Raad se voorneme ingevolge Artikel 14 van die Wet om Gedeelte A, 'n gedeelte van Erf 323 Rooi-Els in 1. hierbo **oor te dra** aan JA Baigrie met die volgende besonderhede:

Koper: JA Baigrie
Ligging: 'n Gedeelte van Erf 323 Rooi-Els
Grootte: ±358m²
Koopsom: R800.00/m² (BTW uitgesluit)
Doel: Om deel te vorm van enkelresidensiële Erf 101, Rooi-Els wat in privaat besit is, vir die doeleinde van 'n effektiewe voertuigtoegangspad.

Volle besonderhede rakende die voorstel in **paragrafe 1.(a), (b), (c) en (d)** hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die **Departement: Stads- en Streekbeplanning**, Patersonstraat 16, Hermanus en by die **Bettysbaai Biblioteek**, Clarenceyalaan, Bettysbaai. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentare, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (epos) loretta@overstrand.gov.za) moet bereik voor of op **18 Oktober 2024**. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H van der Stoep** by 028 313 8900.

Volledige besonderhede rakende die voorstel in **paragraaf 2** hierbo is per afspraak beskikbaar gedurende weksdae tussen 08:00 en 16:30 by die **Eiendomsbestuur Afdeling**, h/v Molteno- en Viljoenstraat, Onrustrivier. Enige kommentaar moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentare, welke kommentaar die Munisipaliteit (h/v Molteno- en Viljoenstraat, Onrustrivier / (f) 028 316 3721 / (epos) wmurtz@overstrand.gov.za) moet bereik voor of op **18 Oktober 2024**. Telefoniese navrae kan gerig word aan die **Senior Klerk, Mej. W Murtz** by 028 316 5601.

Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Afdelings besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Dr. DGI O'Neill
MUNISIPALE BESTUURDER
 Overstrand Munisipaliteit
 Posbus 20
HERMANUS
 7200

Kennisgewing nr. 145/2024

OVERSTRAND MUNICIPALITY
ERF 101, 13 HOTEL CRESCENT, ROOI ELS AND A PORTION OF ERF 323,
HOTEL CRESCENT, ROOI-ELS: APPLICATION FOR SUBDIVISION,
REZONING, CONSOLIDATION AND CLOSURE OF A PUBLIC PLACE: PLAN
ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JA BAIGRIE AND
OVERSTRAND MUNICIPALITY

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), as well as Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) (the Act) of the following applications applicable to Erf 101 and a portion of Erf 323 Rooi-Els, namely, the:

- (a) **subdivision** of Erf 323 Rooi-Els in terms of Section 16(2)(d) of the By-Law into 2 portions, namely a Portion A (±358m²) and a Remainder (*extent unknown*);
 - (b) **rezoning** in terms of Section 16(2)(a) of the By-Law of subdivided Portion A (±358m²) from Transport Zone 2: Road and Parking to Residential Zone I: Single Residential (SR1);
 - (c) **consolidation** in terms of Section 16(2)(e) of the By-Law of subdivided and rezoned Portion A (±358m²) with Erf 101, Rooi-Els to create a single residential property of ± 1296m² in extent;
 - (d) **closure of public place** in terms of Section 16(2)(n) of the By-Law to accommodate the closure of a portion of public road (subdivided Portion A (±358m²); and
- the Council's intention in terms of Section 14 of the Act to **transfer** Portion A, a portion of Erf 323 Rooi-Els in 1. above to JA Baigrie with the following details:

Purchaser: JA Baigrie
Locality: A Portion of Erf 323 Rooi-Els
Size: ±358m²
Purchase Price: R800.00/m² (VAT excluded)
Purpose: To form part of privately owned single residential Erf 101 Rooi-Els, for the purposes of a more effective vehicle access driveway.

Full details regarding the proposal in **paragraphs 1.(a), (b), (c) and (d)** above are available for inspection during weekdays between 08:00 and 16:30 at the **Department: Town and Spatial Planning**, 16 Paterson Street, Hermanus and at the **Betty's Bay Library**, Clarence Drive, Betty's Bay. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (email) loretta@overstrand.gov.za) on or before **18 October 2024**. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H van der Stoep** at 0283138900.

Full details regarding the proposal in **paragraph 2.** above are available for appointment for inspection during weekdays between 08:00 and 16:30 at the **Property Management Division**, c/o Molteno and Viljoen Street, Onrustrivier. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (c/o Molteno and Viljoen Street, Onrustrivier / (f) 028 316 3721 / (email) wmurtz@overstrand.gov.za) on or before **18 October 2024**. Telephonic enquiries can be made to the **Senior Clerk, Ms. W Murtz** at 028 316 5601.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Divisions where a Municipal official will assist them in formulating their comment.

Dr. DGI O'Neill
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 Overstrand Municipality
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Notice No. 145/2024

UMASIPALA WASE-OVERSTRAND
ERF 101, 13 HOTEL CRESCENT, ROOI ELS AND A PORTION OF ERF 323,
HOTEL CRESCENT, ROOI-ELS: ISICELO SOKWAHLULA, UKUCANDA
KWAKHONA, UKUYONDELELANISA NOKUVALA INDAWO
KAWONKEWONKE: NGABAKWAPLAN ACTIVE TOWN & REGIONAL
PLANNERS EGAMENI LIKA-JA BAIGRIE NOMASIPALA WASE-
OVERSTRAND

Kukhutshwe isaziso esimayela neSoloty lama-47 nelama-48 loMthethwana kaMasipala wase-Overstrand OngeSihlomelo soMthethwana OngeZiwangciso Zokusetyenziswa koMhlaba ku2020 (Umthethwana) kunye neSoloty le-14 looRhulumente baseKhaya: Umthetho kaMasipala ngoLawulo Lwezemali (Umthetho 56 ka-2003) UMthetho olandelayo usebenziseka kwezi ziza zilanelayo Isiza, u-Erf 101 nenxalenye yeSiza u-Erf 323 Rooi-Els, ezibizwa:

- (a) **ukwahlulahlula** isiZa esingu-Erf323 Rooi-Els ngokwemiba yeSoloty le16(2)(d) loMthethwana ibe zinxalenye ezi2, ezaziwa ngeNixalenye A (±358m²) neNtsalela (*umlinganiselo awaziwa*);
 - (b) **ukucanda kwakhona** ngokwemiba yeSoloty le-16(2)(a) loMthethwana ongokwahlulahlula iNixalenye A (±358m²) ukusuka kwiZowuni yezoThutho 2: Indlela neNadwo yokuPaka ekwiZowuni Ehla Abantu I: Indawo Ehla Abantu (SR1);
 - (c) **uyondelelaniso** ngokwemiba yeSoloty le-16(2)(e) loMthethwana wokwahlulahlula nokucanda kwakhona iNixalenye yeNixalenye A (±358m²) neSiza esingu-Erf 101, Rooi-Els ukukwakha indawo enye yokuhlala abantur ebukhulu buzizikwemithath ezi-f ± 1296m² ubungakananini;
 - (d) **ukuvala indawo kawonkewonke** ngokwemiba yeSoloty le16(2)(n) loMthethwana ukulungiselela ukuvala iNixalenye yendlela kawonkewonke (eyahlulahlulwe yaba yiNixalenye A (±358m²);
- injongo yeBhunga ngokwemiba yeSoloty le-14 loMthetho **ongokukhuphela** iNixalenye A, oyinxalenye yeSiza esingu-Erf 323 Rooi-Els in 1. esingentla ko-JA Baigrie onezinkukacha zilanelayo:

Umthengi: JA Baigrie
Indawo: IInixalenye yeSiza esingu-Erf 323 Rooi-Els
Isayizi: ±358m²
Ixabiso
lokuthenga: R800.00/m² (VAT ayifakwangwa)
Injongo: Ukuba yinxalenye yezindlu eziyindawo enye ezihlala abantu iSiza esibu-Erf101 Rooi-Els, ngeenjongo zokuqinisekisa ukuba izithuthi zifikelela kakuhle kwindawo yokumisa izithuthi kwindlu nganye.

Iinkukacha ezipheleleyo mayela nesi siphakamiso **kumhlathi 1.(a), (b), (c) and (d) ongasentla** ziyafumaneka ukuze zihlowe kwiintsuku zaphakathi phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: **Lezicwangciso zeDolophu neNadwo**, 16 Paterson Street, Hermanus nase **Betty's Bay Library**, Clarence Drive, Betty's Bay. Naziphi na izimvo mzaibhalwe phantsi, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, kunye nomdla wakho kwesi sicelo kwesi sicelo nezizathu zakho zokuhlomla, izimvo zakho mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (email) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**18 Okthobha 2024**. Imibuzo ngefowuni ingabuzwa ku**Nobhala Omkhulu, Nkszn. H van der Stoep** ku-0283138900.

Iinkukacha ezipheleleyo mayela nesi siphakamiso **kumhlathi 2.** ngasentla ziyafumaneka ngokwenza idinga ukuze zihlowe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwi**Candelo Lolawulo Lwemihlaba neZiza**, c/o Molteno and Viljoen Street, Onrustrivier. Naziphi na izimvo maziibhalwe phantsi, uchaze igama lakho, idilesi yakho neenkukacha ofumaneka kuzo, kunye nomdla wakho kwesi sicelo nezizathu zakho zokuhlomla, izimvo ezo mazingeniswe kwaMasipala(c/o Molteno and Viljoen Street, Onrustrivier / (f) 028 316 3721 / (email) wmurtz@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**18 Okthobha 2024**. Imibuzo ngefowuni ingabuzwa ku**Nobhala Omkhulu, Nkszn WN Murtz** ku-028 316 5601.

UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe likaMasipala elifanelekileyo apho igosa likaMasipala liza kuncedisa ukubhala izimvo nokuhlomla ngokusemthethweni.

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Inothi Nomb. 145/2024



PROPOSED PARTIAL PUBLIC STREET CLOSURE, SUBDIVISION, REZONING AND CONSOLIDATION

ERF 101 ROOI ELS AND A PORTION OF REMAINDER ERF 323 ROOI ELS (ROAD)

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Mrs J.A. Baigrie, the owner of erf 101 Rooi Els, and Mrs Anja le Roux on behalf of the Overstrand Municipality, the owner of Remainder erf 323 Rooi Els, have instructed the company Plan Active Town and Regional Planners to apply for a partial public road closure, subdivision and rezoning of Remainder erf 323 Rooi Els and consolidation with erf 101 Rooi Els.

The owner of erf 101 Rooi Els, Mrs J.A. Baigrie, applied to purchase a portion of Remainder erf 323 Rooi Els (public street) that is $\pm 358\text{m}^2$ in extent from the Overstrand Municipality. Subsequently the Mayoral Committee resolved at their meeting held on 28 February 2024 that a portion of the public street (Hotel Crescent), namely Remainder erf 323 Rooi Els, be sold to the above mentioned owner of erf 101 Rooi Els and that a portion of Remainder erf 323 Rooi Els be subdivided, rezoned and consolidated with erf 101 Rooi Els. Refer to the copy of the decision letter dated 5 March 2024. A copy of the minutes of the Mayoral Committee meeting is also attached.

Mrs Baigrie is the owner of erven 101 and 336 Rooi Els. Our client wants to purchase the portion of road she has been using for the past thirty years to provide a more convenient vehicle access driveway to Erf 101 Rooi Els. The portion made available to acquire is positioned between erven 101 and 336 Rooi Els.

The portion to be subdivided, rezoned and consolidated with erf 101 Rooi Els is a portion of road reserve and due to the locality, shape, intended use and size of the property, it cannot be developed independently, and thus it can be classified as a non-viable property. The portion of the public road (Remainder erf 323 Rooi Els) is not considered part of the future road planning upgrades for the area and will be rezoned to Residential Zone 1 and consolidated with erf 101 Rooi Els.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(n) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the closure of a portion of the public road, Remainder erf 323 Rooi Els;
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of Remainder erf 323 Rooi Els;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the rezoning of Portion A, a portion of Remainder erf 323 Rooi Els, from Transport Zone 2 to Residential Zone 1;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the consolidation of Portion A, a portion of Remainder erf 323 Rooi Els with erf 101 Rooi Els.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 101 Rooi Els is situated at 13 Hotel Crescent. Remainder erf 323 Rooi Els is a public road (Hotel Crescent). Refer to the enclosed locality map.

Erf 101 Rooi Els is held by title deed no. T30415/1980 and is 938m² in extent. The extent of Remainder erf 323 Rooi Els is unknown since it is a remainder public road portion. Remainder erf 323 Rooi Els is held by title deed no. T13367/1948.

Erf 101 Rooi Els is developed and characterized by a residential dwelling, ancillary outbuildings and a garden area. The approved section of Remainder erf 323 Rooi Els to be acquired by our client is a portion of vacant land with a gravel road (road reserve) that is used to gain access to erf 101 Rooi Els.

3.2 ZONING

Erf 101 Rooi Els is zoned Residential Zone 1: Single Residential. Remainder erf 323 Rooi Els is zoned Transport Zone 2: Road and Parking.

Surrounding properties are also zoned Residential Zone I: Single Residential and Transport Zone 2: Road and Parking purposes and being utilised as such.

3.3 LAND USE

Erf 101 Rooi Els is used for single residential living purposes. A dwelling with outbuildings and a garden is established on the property. The approved section of Remainder erf 323 Rooi Els to be acquired by our client is a portion of vacant land with a gravel road (road reserve) that is used to gain access to erf 101 Rooi Els. Refer to the aerial photograph below.





Image 1: Aerial photograph of erven 101 and Remainder erf 323 Rooi Els

Land uses that surround the subject properties are single residential dwellings, public open spaces and public roads.

3.4 PROPOSED APPLICATION

- The closure of a portion of public road, Remainder erf 323 Rooi Els, of $\pm 358\text{m}^2$ in extent in terms of Chapter 4, Section 16(2)(n) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020;
- The subdivision of Remainder erf 323 Rooi Els in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, into two portions as follows:
 - Portion A: $\pm 358\text{m}^2$
 - Remainder: Extent unknown;

- The rezoning of Portion A, a portion of Remainder erf 323 Rooi Els, from Transport Zone 2: Road and Parking to Residential Zone 1: Single Residential, in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020;
- The consolidation of Portion A, a portion of Remainder erf 323 Rooi Els, of $\pm 358\text{m}^2$ with erf 101 Rooi Els of 938m^2 in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create a newly consolidated SR1 portion of $\pm 1296\text{m}^2$.

Remainder erf 323 Rooi Els is a public road situated adjacent to erf 101 Rooi Els. The owner of erf 101 Rooi Els (our client) has been using a portion of erf 323 Rooi Els (Hotel Crescent) as part of her driveway and as an entrance to her property for the past thirty years. Our client applied for the renewal of the lease of the portion of road for a further period of nine years and eleven months. The renewal of the lease was granted in October 2023.

The owner of erf 101 Rooi Els, Mrs J.A. Baigrie, applied to purchase a portion of Remainder erf 323 Rooi Els (public street) that is $\pm 358\text{m}^2$ in extent from the Overstrand Municipality. Subsequently the Mayoral Committee resolved at their meeting held on 28 February 2024 that a portion of the public street (Hotel Crescent), namely Remainder erf 323 Rooi Els, be sold to the above mentioned owner of erf 101 Rooi Els and that the portion of Remainder erf 323 Rooi Els be subdivided, rezoned and consolidated with erf 101 Rooi Els. Refer to the copy of the decision letter dated 5 March 2024. A copy of the minutes of the Mayoral Committee meeting is also attached. The land acquisition plan that accompanied the application is included below:





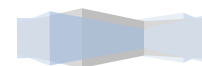
Image 2: Approved land acquisition plan

It is now required that an application be lodged for:

- the closing of a portion of public road, Remainder erf 323 Rooi Els;
- the subdivision of Remainder erf 323 Rooi Els into two portions;
- the rezoning of a portion of Remainder erf 323 Rooi Els from Transport Zone 2: Roads and Parking to Residential Zone 1: Single Residential;
- the consolidation of Portion A, a portion of Remainder erf 323 Rooi Els, with erf 101 Rooi Els.

In order to subdivide and consolidate a portion of erf 323 Rooi Els (public road) with erf 101 Rooi Els, it is required that this portion of the public road be closed, and the road portion be rezoned.

First, to give effect to the approval from Property Administration, it is proposed to subdivide erf 323 Rooi Els (Hotel Crescent) as follows:



TOTAL AREA	Unknown (municipal road)
AREAS FOR SUBDIVISION	Portion A: ±358m ² Remainder: Unknown
OWNER	Overstrand Municipality
TITLE DEED	T13367/1948

Secondly, an application is submitted for the rezoning of Portion A, a portion of erf 323 Rooi Els, from Transport Zone 2: Roads and Parking to Residential Zone I: Single Residential - the same zoning as erf 101 Rooi Els.

It is then proposed to consolidate Portion A, a portion of erf 323 Rooi Els, with erf 101 Rooi Els as follows:

TOTAL EXTENT OF CONSOLIDATION	±1296m ²
PROPOSED CONSOLIDATION	Portion A: ±358m ² Erf 101: 938m ²

Refer to the Subdivision and Consolidation Plan attached.

The portion to be acquired is a portion of road reserve and due to the locality, shape, intended use and size of this portion of road, it cannot be developed independently, and thus it can be classified as a non-viable property. Overstrand Municipality's Property Administration Department confirmed that non-viable property can in terms of the current Administration of Immovable Property Policy be alienated directly to an adjoining property owner, subject to certain conditions. It must be mentioned that no other adjoining property owner needs to consent to this alienation as both adjoining properties (erven 101 and 336 Rooi Els) are owned by our client.

Special conditions were specified with reference to the approval of the sale of a portion of erf 323 Rooi Els to the owner of erf 101 Rooi Els. Some of the conditions worth noting:

2. *that the direct alienation is possible as the said portion of Remainder Erf 323 Rooi Els can be classified as a non-viable property;*
3. *that a condition for the alienation will be that the said portion of Remainder Erf 323 Rooi Els must be consolidated with the adjoining property of Ms Jennifer Anne Baigrie, being Erf 101 Rooi Els;*
4. *that no structures of any kind (excluding a boundary wall or fence) may be erected on the said portion of Remainder Erf 323 Rooi Els, which condition must be registered against the title deed of the consolidated property;*

7. *that the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).*

From the above it is evident that the municipality considers the portion for alienation as a non-viable property. No buildings or structures may be constructed on Portion A, a portion of erf 323 Rooi Els after subdivision, rezoning and consolidation has taken place except for a boundary wall or fence. In addition, the portion to be alienated is not required for the provision of basic municipal services.

The proposed land use application will allow our client to retain the existing access. Subsequently, the actual use of this specific portion of the road will remain unchanged (for access to erf 101 Rooi Els). The purpose of the land acquisition and subsequent land use application is to avoid vehicles driving onto the property as the road does not provide vehicular access to the ocean nor parking space, which results in drivers ending up in her driveway and forcing such drivers to reverse back up the steep incline with poor visibility as there is also no space to turn around. Drivers are not able to observe this when entering the undeveloped gravel road because of its overgrown nature.

In addition, the proposed land use application for erven 323 and 101 Rooi Els will also take the burden from the municipality for the maintenance of this portion of the public street.

3.5 CHARACTER OF THE ENVIRONMENT

The proposal will not change the primary land use of the subject property as this application constitutes the inclusion of a portion of public street that is $\pm 358\text{m}^2$ in extent that will be used as an extension of erf 101 Rooi Els. The impact on the character of the area will therefore be minimal. The proposed street closure, subdivision, rezoning and consolidation of erven 323 and 101 Rooi Els will not have a negative impact on the neighbouring properties or residential character of the area.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Portion A, a portion of erf 323 Rooi Els, is a non-viable portion of a public street that is already utilised as an entrance to erf 101 Rooi Els. Subsequently the land use being a vacant portion of a public street will remain the same and will be used as an extension of erf 101 Rooi Els to retain and improve the access to the subject property from Hotel Crescent.

No additional buildings or erven are proposed that will put strain on municipal services. The municipality will instead be alleviated from the burden of the upkeep of this portion of public street that has no function as a public road. This application is merely to incorporate a non-viable portion of a public street that is $\pm 358\text{m}^2$ in extent with an adjoining residential erf that will continue to be used for access to the subject property.

3.7 ECONOMIC IMPACT

The proposed public street closure, subdivision, rezoning and consolidation will not have a negative impact on the future land use of erven 323 and 101 Rooi Els. Property values of surrounding erven will not be negatively affected by the proposed application since the portion of road (erf 323 Rooi Els) is already used to give access to the existing garages on erf 101 Rooi Els and the subject property is already considered an extension of erf 101 Rooi Els.

The proposed road closure, subdivision, rezoning and consolidation will have a low impact on the local economy. The proposed land use application will ensure that the property owner of erf 101 Rooi Els meets all the conditions of approval for the acquisition of a portion of public street (erf 323 Rooi Els).

The municipality will receive funds for selling the road portion, versus an unconstructed public road that has no income potential to the municipality or need in terms of road planning for the area.

3.8 SOCIAL IMPACT

The proposed closure of a portion of public street, subdivision, rezoning and consolidation will have a low but positive impact on the social status quo of the area.

By allowing the acquisition of land (and in turn approving the land use application) it will eliminate the possible maintenance related concerns an unconstructed road portion can have on the neighbouring residential properties. In addition, this portion or unbuilt road has been used for access to erf 101 Rooi Els for the past 30 years with no negative impact on the social wellbeing of the surrounding community. The proposal will be beneficial, and no negative impacts are anticipated.

3.9 COMPATIBILITY WITH SURROUNDING LAND USES

The subject properties are situated in a residential area. Only the road portion will be rezoned to allow the consolidation with the neighbouring erf 101 Rooi Els. The zoning of the newly consolidated erf will be SR1 therefore the proposed land use application is compatible with the surrounding land uses. In addition, the proposed erf size of $\pm 1296\text{m}^2$ after road closure, subdivision, rezoning and consolidation is still compatible with surrounding erf sizes.

The proposal to close a portion of public street, subdivide, rezone and consolidate the road portion with erf 101 Rooi Els will not result in any erven in the immediate vicinity to be land locked. All erven in the immediate vicinity will retain their existing accesses.

In addition, no new structures (except boundary wall and fences) will be allowed on the road portion to be closed once it has been consolidated as previously discussed. The look and feel of the proposed land use are in line with the general look and feel of the existing residential character of the area. Thus, there will be no impact on the character of the area.



The proposal will not hinder general coastal access. It must be noted that there is access to the coastal area close enough - approximately 80 metres further on to the east and west. Thus, the public is not being denied access to the coastal area. Refer to the image below:



Image 3: Access to the coastal area

The current access to erf 101 Rooi Els is via erven 323 and 368 Rooi Els. Our client has been leasing the portion of road from the municipality for nearly ten years with no complaints received. As per the property administration approval and as indicated on the subdivision and consolidation plan, our client will change the access to the property to exclude Erf 368 Rooi Els. This portion of erf 368 Rooi Els must be rehabilitated. The area that requires rehabilitation is zoned as Open Space Zone 1: Nature Reserve (area indicated on the land acquisition plan) and the Overstrand Biodiversity Manager will be notified of the rehabilitation plan.

3.10 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.10.1 PROVISION OF SERVICES

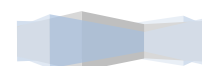
All services on erf 101 Rooi Els already exist and the inclusion of a portion of erf 323 Rooi Els will not require any additional services. The proposal will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

As stipulated in the approval conditions the municipal property herewith envisaged to be alienated is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).

3.10.2 TRAFFIC IMPACT AND ACCESS

Access to erf 101 Rooi Els is currently over both a portion of erf 368 and 323 Rooi Els (Hotel Crescent). As per the property administration approval and as indicated on the subdivision and consolidation plan, our client will change the access to the property to exclude Erf 368 Rooi Els. This portion of erf 368 Rooi Els will be rehabilitated. The existing driveway on Portion A, a portion of erf 323 Rooi Els, will remain unchanged and will continue to provide access to erf 101 Rooi Els.

The subject property will still be used for single residential purposes only, no additional erven are proposed and therefore the impact on the traffic flow in the area will remain unchanged.



3.11 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.11.1 HERITAGE VALUE

The application does not involve changing the character of a site larger than 5 000m². In addition, no development is proposed for the newly consolidated property. Consequently, the proposed land use application does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Both erven 101 and the relevant road portion (a portion of erf 323 Hermanus) are situated within the Heritage Overlay Zone: Special Areas as determined by the Overstrand Municipal Growth Management Strategy (2010). In addition, the subject properties fall within the Heritage Protection Overlay Zone: Local Area (2020) demarcated for the Rooi Els & Hangklip Smallholdings area.

No new development is proposed with this application. Erf 101 Rooi Els is already developed and the road portion to acquire is an existing gravel road. The status quo of the newly consolidated residential property will remain. The subject properties are not associated with any important persons or groups or important events and activities. As a result, there will be no impact on the heritage value of the area.

Considering the above it is evident that the proposed public street closure, subdivision, rezoning and consolidation will not hinder any future land use applications on the subject erven. From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

3.11.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed closure of a portion of public street, subdivision, rezoning and consolidation (land use application) to create a newly consolidated single residential erf do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The land acquisition application was circulated to Overstrand's Environmental Management Services Department (EMS) for comment / consent. The EMS confirmed the department has no objection to the proposed application. The subject properties do however fall within the Overstrand Environmental Management Overlay Zones (EMOZ). Erf 368 Rooi Els (that formed part of our client's driveway) is positioned within the Coastal Protection EMOZ. EMS suggested that the entrance to the property must only be from erf 323 Rooi Els that already has a Transport Zone 2: Roads and parking zoning. The proposal is therefore to subdivide, rezone and consolidate a portion of erf 323 Rooi Els only. The portion of erf 368 Rooi Els that requires rehabilitation is zoned as Open Space Zone 1: Nature Reserve. EMS indicated that their department must be notified of a rehabilitation plan for this area to be excluded from the application at hand.

In light of the above comments received from EMS the Municipal Manager approved the land acquisition application subject to the condition that the property owner of erf 101 Rooi Els be required to make vehicular access to her property from Hotel Crescent on Erf 323 Rooi Els only and rehabilitate the portion of erf 368 Betty's Bay that she has used as part of her driveway.

Should the future development (if any) of the newly consolidated residential property trigger a NEMA application, due process will be followed prior to the commencement of construction on site.

3.12 TITLE DEED

Title deeds no. T30415/1980 and T13367/1948 have no restrictions that need to be removed for this application to be approved. A conveyancer's certificate is not included with this application since the title deeds are straight forward.

There are no bonds registered against erven 101 and 323 Rooi Els.



3.13 FORWARD PLANNING AND LAND USE DOCUMENTS

3.13.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The Overstrand Spatial Development Framework (2020) earmarks the area where erven 101 and 323 Rooi Els are situated, for urban development purposes. Refer to the Spatial Development Framework Plan (2020) below. The zoning and use of the newly consolidated property will remain unchanged (Residential Zone I: Single Residential for single residential use). As a result, the impact of the proposed road closure, subdivision, rezoning and consolidation on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).



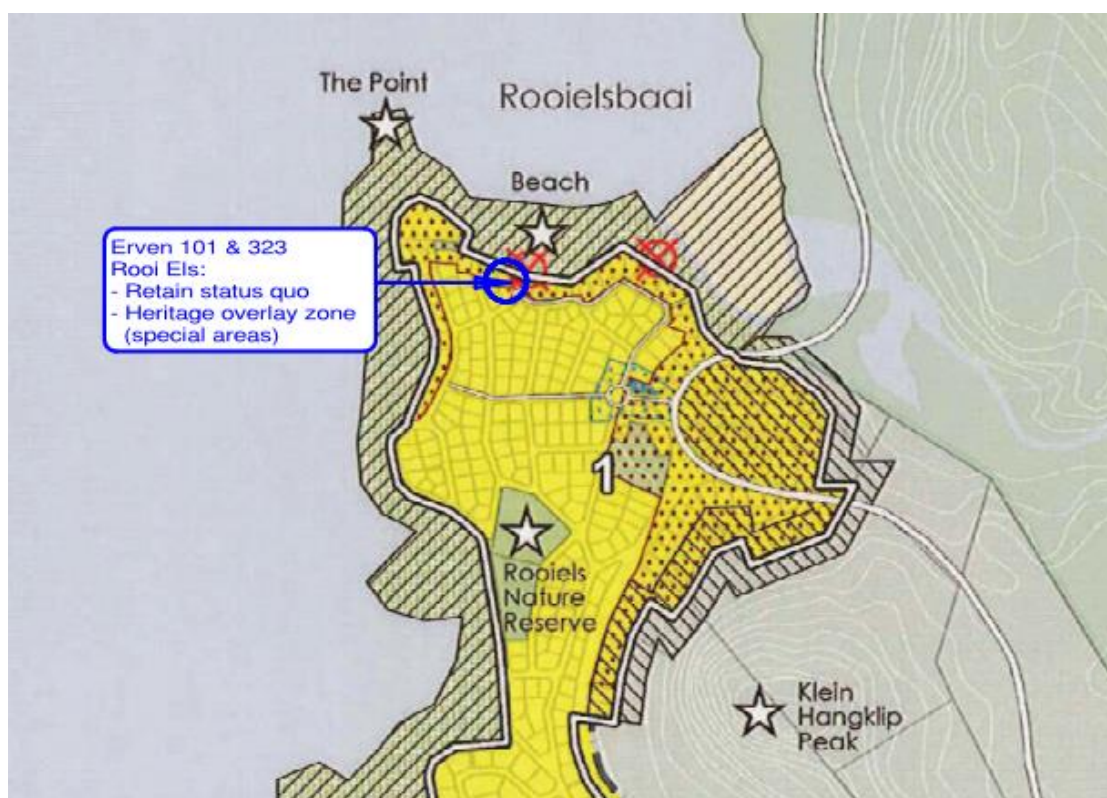
Map 1: Overstrand SDF 2050 Spatial Proposal: Rooi Els

3.13.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The Overstrand Municipality's densification policy stipulates that it is important to enhance and protect the character of the existing low-density residential area such as

Rooi Els, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available within the greater Overstrand area.

The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that erven 101 and 323 Rooi Els are part of Planning Unit no. 1 that consists of the established residential area. The subject properties are also earmarked as a heritage special area. Access to public amenities are also indicated in red on the map. Refer to the extract from the OMGMS (2010) Proposals Plan below for Rooi Els below:



Map 2: Overstrand Municipal Growth Management Strategy (2010): Rooi Els

This application does however not propose to create any additional portions, nor does it propose the construction of an additional dwelling unit on the subject property. The density / status quo will therefore remain unchanged.

It is not proposed to deny the public access to the beach / coastal area. There is access to the coastal area in close proximity to the application site - approximately 80 metres further to the east and west as indicated on the coastal access map included

in this report. As a result, the public is not being denied access to the coastal area. In addition, access to the ocean is available at the parking area in Bathers Street and by various footpaths from Priestleya Street.

No impact on the heritage value of the area is anticipated since no new development is proposed.

From the above it is evident that the proposed partial street closure, subdivision, rezoning and consolidation adhere to the spatial planning policies for the Rooi Els area and subsequently fall within the existing planning for the Rooi Els area.

3.14 PLANNING PRINCIPLES

The planning principle of spatial resilience is not applicable to this application.

Spatial justice: This principle addresses the need to address the past imbalances regarding opportunity. This application is for erven as per the establishment of the existing Rooi Els Township and this principle does therefore not apply to this application.

Spatial sustainability: The newly consolidated property is developed in line with the Residential Zone I: Single Residential land use parameters as stipulated in the Land Use Scheme. Any future proposal that deviates from the SR1 parameters, will have to follow a separate land use application. In addition, the proposed closure of a portion of public street, subdivision, rezoning and consolidation will be in line with the layout pattern and erf sizes applicable to the area. The proposed land use application is to an improved erf within an established residential area and therefore will not impact on urban sprawl, or upon a sensitive environment.

It is submitted that the newly consolidated residential erf is compatible with the character of the area and will not impact negatively on the existing rights of anyone else as motivated in this report. The impact on the biophysical environment will also be kept to

a minimum (i.e. no impact on natural, heritage or agricultural resources). Furthermore, the proposed application will have no adverse impact on the spatial sustainability of the area and is in keeping with the existing residential area as discussed in this report.

Efficiency: The Property Administration department confirmed that this portion of Hotel Crescent (public road) is a small non-viable portion of a street that is $\pm 358\text{m}^2$ in extent. This portion of the public street has no function as a street and is not required for the upgrading and / or installation of municipal services in future. The property can be utilised much better by the neighbouring landowner by incorporating it with her property. Subsequently, the Overstrand Municipality will not have the burden to upkeep the road reserve. The Overstrand Municipality also gains from a financial point of view since a portion of erf 323 Rooi Els is purchased from the Overstrand Municipality at market value.

Good administration: Our Company 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.

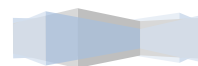
4. RECOMMENDATION

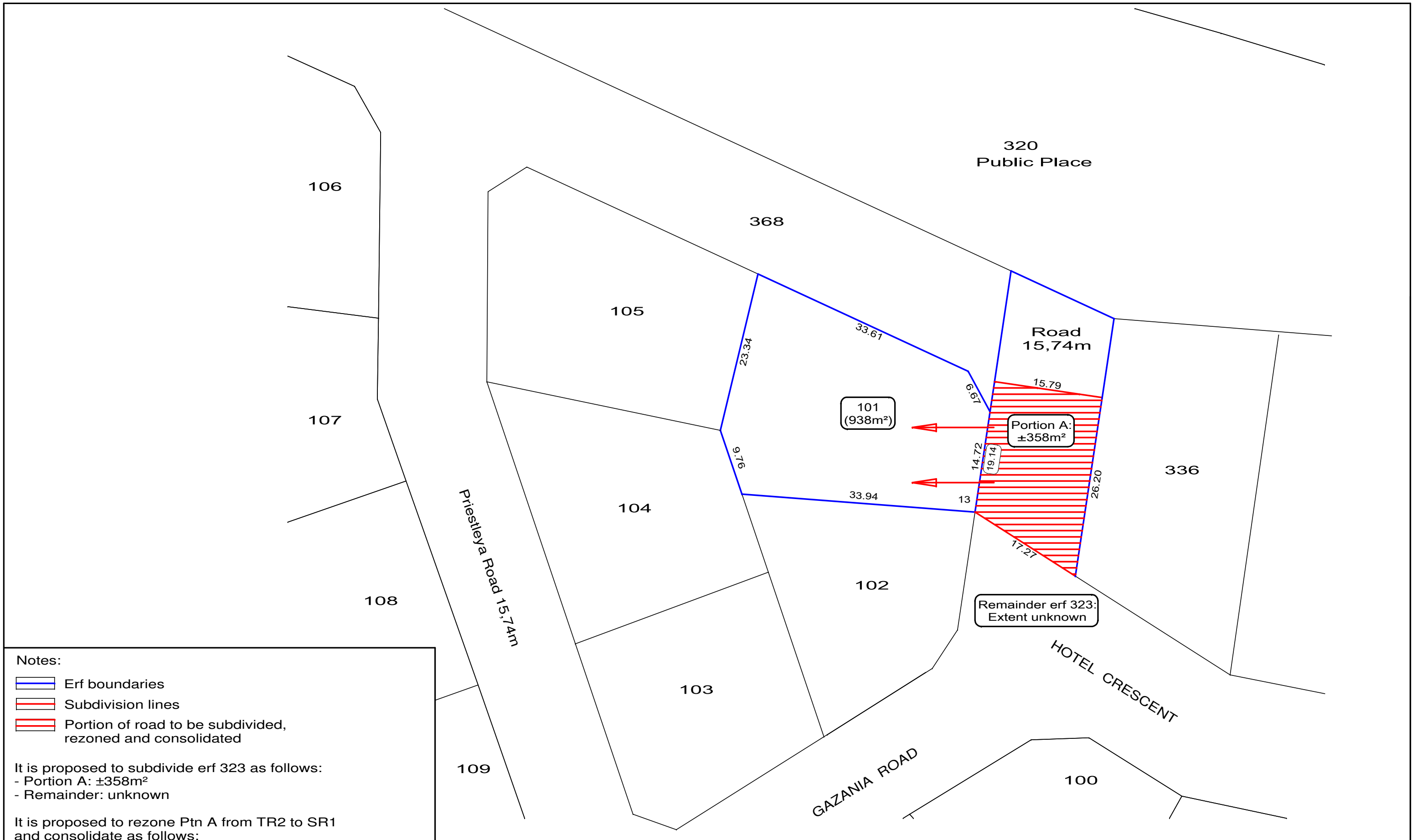
When this application is evaluated it is important to take note of the following:

- This application is to incorporate a small non-viable portion of a public street that is $\pm 358\text{m}^2$ in extent with an adjoining residential erf that will be used to gain access from Hotel Crescent;
- All services already exist. Additional services will not be required;
- Access to the subject property will remain unchanged and the impact on the traffic will also remain unchanged;

- The proposed public street closure, subdivision, rezoning and consolidation are compatible with the existing built character of the area;
- The proposed portion of public street closure, subdivision, rezoning and consolidation will not have a negative impact on the land values of the surrounding erven;
- The Overstrand Municipality gains capital since a portion of erf 323 Rooi Els is purchased from the municipality at market value;
- The municipality will be alleviated from the burden of upkeeping a portion of street (road reserve) that has no function as a public street;
- The proposed portion of public street closure, subdivision, rezoning and consolidation will not have a negative impact on the surrounding land uses in the area;
- 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).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would approve the partial public street closure, subdivision, rezoning and consolidation applicable to erven 101 and 323 Rooi Els.





Notes:

- Erf boundaries
- Subdivision lines
- Portion of road to be subdivided, rezoned and consolidated

It is proposed to subdivide erf 323 as follows:

- Portion A: ±358m²
- Remainder: unknown

It is proposed to rezone Ptn A from TR2 to SR1 and consolidate as follows:

- Portion A of ±358m² with
- Erf 101 of 938m²

to create a newly consolidated SR1 zoned property of 1296m²

	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: ERF 101 & PORTION OF REM/ERF 323 ROOI ELS	Plan Description: ROAD CLOSURE, SUBDIVISION, REZONING & CONSOLIDATION PLAN	Scale: 1:500	
	COPY RIGHT RESERVED	Drawing Nr: rooiels323s.drw	Date: June 2024			