

OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p>ERF 715, 52 STEYN STREET AND ERF 716, 25 FRONT STREET, DE KELDERS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, SUBDIVISION AND CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF DR VIRGINIA BUSER AND NOVEL ADEA TRADING 113 CC</p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to the above-mentioned properties, namely:</p> <p><u>Removal of restrictive title deed conditions</u> Application in terms of Section 16(2)(f) of the By-Law, for the removal of restrictive title deed conditions D(A)(c) and D(B)(e) as contained in the Title Deed 51851/2023 applicable to Erf 716, De Kelders, to accommodate the proposed subdivision and the second dwelling on the property.</p> <p><u>Subdivision</u> Application in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 716, De Kelders into two (2) portions namely, Portion A approximately 699m² in extent and a Remainder approximately 699m² in extent.</p> <p><u>Consolidation</u> Application in terms of Section 16(2)(e) of the By-Law, to consolidate Portion A and Remainder of Erf 715, De Kelders to create one erf approximately 1387m² in extent.</p> <p>Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. 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 / (e) alida@overstrand.gov.za) on or before Friday, 25 April 2025. Telephonic enquiries can be made to the Senior Town Planner, Mr. SW van der Merwe at 0283138900. 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 Department where a Municipal official will assist them in formulating their comment.</p>	<p>ERF 715, STEYNSTRAAT 52 EN ERF 716, FRONTSTRAAT 25, DE KELDERS: AANSOEK OM OPHEFFING VAN BEPERKENTE TITELAKTE VOORWAARDES, ONDERVERDELING EN KONSOLIDASIE: MNRE WRAP PROJECT OFFICE NAMENS DR VIRGINIA BUSER EN NOVEL IDEA TRADING 113 CC</p> <p>Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), van die volgende aansoeke van toepassing op die bogenoemde eiendomme, naamlik:</p> <p><u>Opheffing van beperkende titelaktwoorwaardes</u> Aansoek ingevolge Artikel 16(2)(f) van die Verordening, vir die opheffing van die beperkende voorwaardes D(A)(c) en D(B)(e) soos opgevat in Titelakte 51851/2023 van Erf 716, De Kelders om die voorgestelde onderverdeling en die tweede woning op die eiendom te akkommodeer.</p> <p><u>Onderverdeling</u> Aansoek ingevolge Artikel 16(2)(d) van die Verordening, om Erf 716, De Kelders in twee (2) gedeeltes te onderverdeel naamlik, Gedeelte A ongeveer 699m² groot en 'n Restant ongeveer 699m² groot.</p> <p><u>Konsolidasie</u> Aansoek ingevolge Artikel 16(2)(e) van die Verordening, om Gedeelte A en Restant van Erf 715, De Kelders te konsolideer om een erf ongeveer 1387m² groot te skep.</p> <p>Volle besonderhede rakende die voorstel hierbo is beskikbaar vir inspeksie gedurende weeksdag tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus (e) alida@overstrand.gov.za) moet bereik voor of op Vrydag, 25 April 2025. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Mnr. SW van der Merwe by 028 313 8900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p>	<p>ISIZA 715, 52 STEYN STREET & ISIZA 716, 25 FRONT STREET, DE KELDERS: ISICELO SOKUSUSWA KWEZITHINTELO NGOKWEMIGAQO, UKWAHLULWA NOKUHLANGANISA: WRAP PROJECT OFFICE EGAMENI DR VIRGINIA BUSER & NOVEL IDEA TRADING 113 CC</p> <p>Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala woLungiso loLungiso lukaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) kwezi zicelo zilandelayo zisebenza kwezi propati zikhankanywe apha ngasentla, ezizezi:Ukususwa kweMiqathango yeSivumelwano soBunini esiThintelweyo:</p> <p><u>Isicelo ngokuhambelana neCandelo</u> le-16(2)(f) loMthetho kaMasipala sokususa imiqathango yesithintelo setayitile yobunini D(A)(c) & kunye D(B)(e) njengoko iqulethwe kwiSivumelwano soBuninimhlaba esinguNombolo 51851/2023 esetyenziswa kwiSiza-716, eDe Kelders, ukulungiselela ulwahlulo-mhlaba olucetywayo kunye nendawo yokuhlala yesibini kwipropati;</p> <p><u>Ulwahlulo</u> Isicelo ukwahlulwa ngokumayela neCandelo 16(2)(d) loMthetho kaMasipala ukuze kwahlulahlulwe Isiza 716 De Kelders ibe yizahlulo ezibini (2) ezizezi, iSahlulo A esimalunga nama-699m² ngobubanzi kunye neNtsalela emalunga nama-699m² ngobubanzi.</p> <p><u>Ukudityaniswa</u> Isicelo Ukudityaniswa ngokumayela neCandelo 16(2)(d) loMthetho kaMasipala ukudibanisa iSahlulo A kunye neNtsalela yeSiza-715, eDe Kelders ukudala isiza esinye esimalunga ne-1387m² ngobubanzi.</p> <p>linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxasha eveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, 16 Paterson Street, Hermanus kunye neThala leeNcwadi laseGansbaai, eMain Road, eGansbaai. Naluphi na uluvo malubhalwe phantsi, ucaphule igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, kwakunye nomdla wakho kwisicelo kunye nezizathu zokuhlomla, izimvo ezo mazifike kuMasipala (16 Paterson Street, Hermanus (e) alida@overstrand.gov.za) ngaphambili okanye ngaphambili, uLwesihlanu, 25 UTshazimpunzi 2025. Imibuzo ngomnxeba ingenziwa kuCwangciso weDolophu, uMnu. SW van der Merwe kule nombolo 283138900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na umntu ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe likaMasipala elifanelekileyo apho igosa likaMasipala liya kubancedisa ekwenzeni izimvo zabo.</p>

1. Locality Plan

Remainder of Erf 715 & Erf 716 - De Kelders

Plan prepared by: Thian Jansen

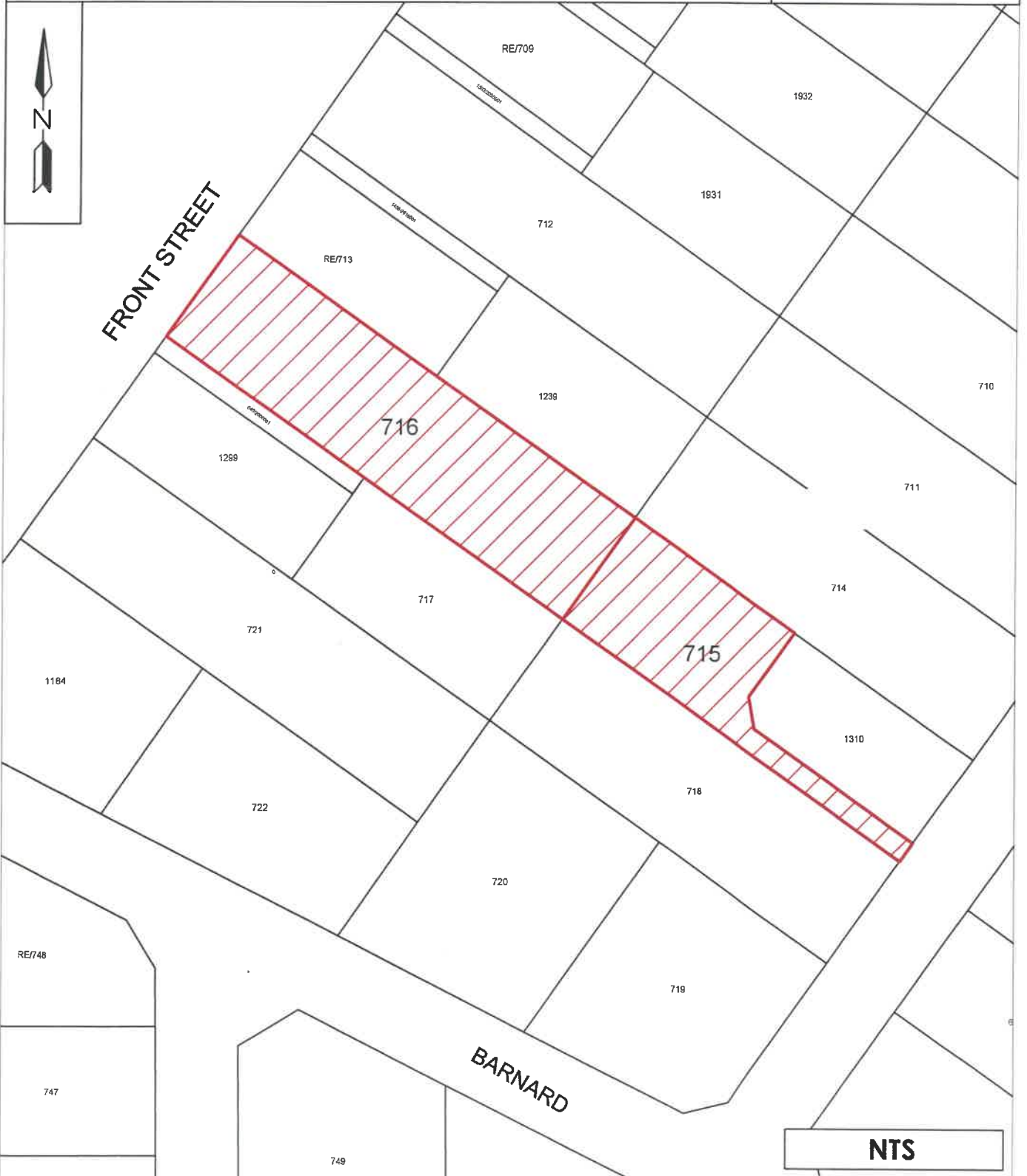
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Property 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
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Erf Number	Remainder of Erf 715	Erf 716
Extent	688m ²	1398m ²
Zoning	Residential Zone 1: Single Residential	

3. BACKGROUND AND INTENT

Remainder of Erf 715 & Erf 716 De Kelders, hereafter referred to as the subject properties, is located at 52 Steyn Street & 25 Front Street, De Kelders (refer to **Plan 1 - Locality Plan**). The property owners appointed WRAP Project Office to submit a land use application on their behalf, refer to **Annexure A - Powers of Attorney**. The owner acquired Erf 716 De Kelders in 2023 with the intent to subdivide and develop the portion closest to the ocean. The owners of the Remainder of Erf 715 De Kelders, located behind Erf 716 De Kelders will be purchasing the subdivided portion.

Both properties are zoned Residential Zone 1: Single Residential (SR1). Erf 716 De Kelders measures 1 398m² in extent and the Remainder of Erf 715 De Kelders measures 688m² both properties are undeveloped. The properties are bounded by single residential erven.

As the title deed restricts the intention of the owner, the proposal is to remove the restrictive conditions from the title deed of Erf 716 De Kelders.

As a result, approval of the following applications is required:

- Removal of restrictive title deed conditions D(A)(c) & D(B)(e);
- Subdivision of Erf 716 De Kelders into two equal portions; and
- Consolidation of the subdivided portion with the Remainder of Erf 715 De Kelders.



4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

WRAP compiled this report to ensure that the owner's requirements are met.

The following is proposed:

4.1 Removal of a restrictive title deed condition D(A)(c) & D(B)(e) of Erf 716 De Kelders to allow the proposed subdivision and second dwelling;

There are two title deed conditions that prohibits the land use rights necessary for the purposes of subdividing the property and the rationale for the removal of this condition is discussed below:

Restrictive Title Deed Conditions
Condition D(A)(c) – <i>“That not more than one dwelling, together with the necessary outbuilding and appurtenances be erected on this erf.”</i>
Condition D(B)(e) – <i>“That this erf shall not be subdivided except with the consent in writing of the Administrator.”</i>

The rationale for the removal of the restrictive title deed condition is to enable the owner to achieve her intent highlighted in Section 3 of this report. The relevant title deed condition is restricting the intended use for the of the property, although the subdivision of this residential property is consistent with the planning policies and the average size and density of the surrounding residential properties are being considered. The reasoning for the removal of these restrictive title deed conditions will be discussed in detail in Section 7 of this report.

4.2 Subdivision of Erf 716, De Kelders into Portion A, ±699m² and the Remainder, ±699m²;

Erf 716 De Kelders is proposed to be subdivided into two (2) portions of approximate equal size. The owner has a vision to develop an oceanfront dwelling on the Remainder and wants to sell the proposed subdivided portion (Portion A) to generate a revenue and subsequently fund the future oceanfront dwelling unit. The two portions will therefore have the following approximate extents:

Erf 716 De Kelders	1398m ²
Proposed Remainder of Erf 716 De Kelders	±699m ²
Proposed Portion A (A portion of Erf 716 De Kelders)	±699m ²

The proposed subdivision is not expected to be out of the ordinary as various erven in the surrounding area have already been subdivided varying in size from ±664m² to 700m². Properties directly surrounding Erf 716 De Kelders have been subdivided, namely Erf 713, Erf 1239, Erf 1299, Erf 717, Remainder of Erf 715 and Erf 1210 De Kelders. Therefore, this proposal fits in with the surrounding area. The zoning of both properties will remain Residential Zone 1: Single Residential Zone. No access for Portion A is being proposed as Access to Portion A will be provided as later discussed in Section 4.3 below.



4.3 Consolidation of Portion A (a Portion of Erf 716 De Kelders) & the Remainder of Erf 715 De Kelders;

The owners of the subject properties have come to an agreement, and the proposal is to consolidate the subdivided portion (Portion A) with the Remainder of Erf 715, De Kelders. Located at the rear of Erf 716 De Kelders, the Remainder of Erf 715 De Kelders is the ideal property to acquire the subdivided portion as it allows the owners to eventually construct a dwelling closer to the ocean and maximize the views.

Remainder of Erf 715 De Kelders	688m ²
Portion A (A portion of Erf 716 De Kelders)	±699m ²
Consolidated Erf (Portion A & Remainder of Erf 715 De Kelders)	±1387m ²

As the Remainder of Erf 715 De Kelders has an existing access via Steyn Street, there is no need for a new access to the proposed consolidated erf.

5. LAND USE ENVIRONMENT

The subject properties are located in De Kelders, an established residential area in Gansbaai. The property is surrounded by other Residential Zone 1: Single Residential properties and Public Streets. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

6. TITLE DEED

Title deed T78248/2002 of the Remainder of Erf 715 De Kelders (refer **Annexure B**) was perused and there are no restrictive conditions that prevent the proposal to consolidate the properties.

Title deed T51851/2023 of Erf 716 De Kelders (refer **Annexure B**) was also perused, and as discussed in Section 4.1 of the report, two restrictive conditions were found which requires removal to allow the owner to utilise the property to its full potential.

<p><u>Title deed restrictive conditions</u></p> <p>Condition D(A)(c) – “That not more than one dwelling, together with the necessary outbuilding and appurtenances be erected on this erf.”</p> <p>Condition D(B)(e) – “That this erf shall not be subdivided except with the consent in writing of the Administrator.”</p>
<p><u>Motivation</u></p> <p>The rationale for the proposed removal</p> <p>Erf 716 De Kelders is currently a vacant erf. The property owner wishes to subdivide the property into two portions in order to develop the one portion and sell the other portion once approval is received. Her intention is to construct two dwellings thereon, one for her and a second 'granny flat'.</p>



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The proposed subdivision will create an additional erf momentarily and will subsequently be consolidated with the property at the rear of Erf 716 De Kelders. Considering the intent behind the restrictive title conditions aimed at preserving the character of the De Kelders Township, it is believed that the proposed subdivision and intention to develop a second dwelling would not significantly diminish this objective, but rather, seen as a means to enhance the area by introducing densification in a beneficial manner, adding another property within a high-quality and sustainable environment.

Title deed condition background

The restrictive title deed condition was registered in favour of all property owners in De Kelders. The prohibition of subdivision clause as per paragraph D(A)(c) & D(B)(e) is a historic establishment condition that was originally intended to preserve the character of the area and bounds all the property owners in De Kelders and also overrides the Land Use Scheme Regulations. Any amendment or removal of this condition requires the consent of the Administrator. This authority now vests with the Overstrand Municipality.

Status quo

The property is currently vacant. Therefore, it is evident that the proposal will not have any adverse impact on the present state of erven, but development would enhance the subject properties and the surrounding area, once developed.

In terms of the requirements of LUPA, the following is addressed in terms of Section 39(5)(a-f):

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 this restrictive title deed condition.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is benefitting personally from this condition as this condition is only restricting the property owner to subdivide and development the property.
<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 property owner will be gaining from the removal of the restrictive condition as it will allow her to and development the property, sell one portion and in return accrue financial benefit.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i> <i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	This restrictive condition does not have a social benefit.



MOTIVATION

(f) 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.	There is no specific beneficiary of this condition, and no person or entity will be affected if this is removed.
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7. ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
REMAINDER OF ERF 715 DE KELDERS & ERF 716 DE KELDERS			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House Second dwelling Unit	Comply Will comply once restrictive title deed conditions is removed.
Consent use	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
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%	This is noted and will be complied with.	Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> • 400 m² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> • Greater than 400 m² = 2m 	This is noted and will be complied with.	Comply
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	This is noted and will be complied with.	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	This is noted and will be complied with.	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 existing networks in the area, which include electricity, water, and sewage. The proposal of this application is not anticipated to have an impact on existing services, as no additional properties will be created, meaning no additional impact on the existing networks is expected.

Solid waste is collected every week by the OM.

Access and Egress

Access and egress to the properties at present are gained from Front Street & Steyn Street. Should the application be approved, both properties' access and egress will remain unchanged.

9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the land use application is a result of addressing all the land use requirements and ensuring the property meets the needs of the owner. To achieve this, the proposed applications are required.

Socio-economic impact	The removal of the restrictive title deed condition, subdivision and consolidation is not predicted to have a long-term socio-economic impact.
Compatibility with surrounding uses	It is not predicted that the proposal of the subdivision and consolidation is out of line with the surrounding area as there have been previous subdivisions of the same merit approved in the immediate vicinity.
Impact on the external engineering services	Refer to Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health, and wellbeing of the surrounding community.
Impact on heritage	The subject properties are not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.



Impact on views, sunlight and character of the area

The subject properties are located in a residential setting and the properties are vacant at present. However, no additional rights are applied for than what is allowed within the zoning parameters for the Residential Zone 1: Single Residential zoning within the OMLUS.

The current views (and not views due to the slope of the properties) might be impacted once development takes place as these properties are vacant. As previously mentioned, there are several subdivisions approved within the immediate vicinity with the same merit which includes right of way servitudes. Therefore, the proposal will not have an impact on the character of the area.

Economic impact

The proposal is expected to have a short-term economic impact enabling the property owner to sell the one portion, but no long-term 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. Refer to Section 10 below.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

Erf 716 is located within the Coastal Protection Zone and to ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES		
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	N/A



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No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	N/A
Placement of religious symbols or memorabilia.	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	N/A
Feeding, disturbing / pursuit of fauna.	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.		N/A
Staying overnight.	X	It is a residential property.
The discharging of domestic effluent / grey water into all natural systems.	X	N/A
Tampering with security / surveillance infrastructure.	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	N/A
Littering	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	N/A
Dog walking / exercising of dogs in non- designated zones.	X	N/A

SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES		
A) Activities Only Permitted With Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
		Coastal



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Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	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 Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
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	N/A
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
Launching of vessels at registered launch sites.		N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
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



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Encroachment of private buildings, structures, infrastructure, access routes.	X	N/A
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	The properties will be developed.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

Erf 716 De Kelders is located within the Coastal Strip HPOZ, the purpose of which is to ensure that any land use application complies with the existing character and contextual significance:

- To protect the natural, environmental and scenic qualities along the coastal strip;
- To protect lateral views between the mountain and coastline by ensuring the continuation of existing view lines and by controlling the massing and form of buildings adjacent to the coastal strip;
- To protect and enhance the nature of the transition zone between the built fabric along the coastal strip, including the first line of erven facing the coast, the coastal walkway and the coastline.

The proposal is not expected to have a negative effect on the HPOZ due to the proposed subdivided erven still having the same zoning as before the subdivision and the subject properties being vacant.

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.

11. PLANNING PRINCIPLES

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

Spatial justice

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

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to subdivide and consolidate intends to ensure the maximum potential of the subject property is unlocked.



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Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

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



12. EVALUATION

The proposal needs to be evaluated on the basis that no additional impact will be created. The proposal is to increase the extent of the Remainder of Erf 715, De Kelders. After the subdivision and consolidation, both properties will still have more than sufficient space to accommodate residential dwellings thereon, and the proposal is aligned with the existing urban morphology in the area.

The proposal will not add any new land use rights as the proposed subdivision is set to be utilised for single residential purposes. This proposal is in harmony with all relevant spatial planning policies, illustrating that the applicant did not arbitrarily invent this application but had due consideration for relevant spatial planning policies.

13. RECOMMENDATION

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

- 13.1 Removal of a restrictive title deed condition** D(A)(c) & D(B)(e) of Erf 716 De Kelders to allow the proposed subdivision and second dwelling in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Subdivision** of Erf 716, De Kelders into Portion A, $\pm 699\text{m}^2$ and the Remainder of Erf 716 De Kelders, $\pm 699\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Consolidation** of Portion A (a Portion of Erf 716 De Kelders) & Remainder of Erf 715 De Kelders in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

3. Aerial Plan
Remainder of Erf 715 &
Erf 716 - De Kelders

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management



4. Proposed Subdivision
Erf 716 - De Kelders

Erf 716 - De Kelders
Extent - 1398m²

Proposed Subdivision

Remainder of Erf 716 - De
Kelders
Extent - ±699m²

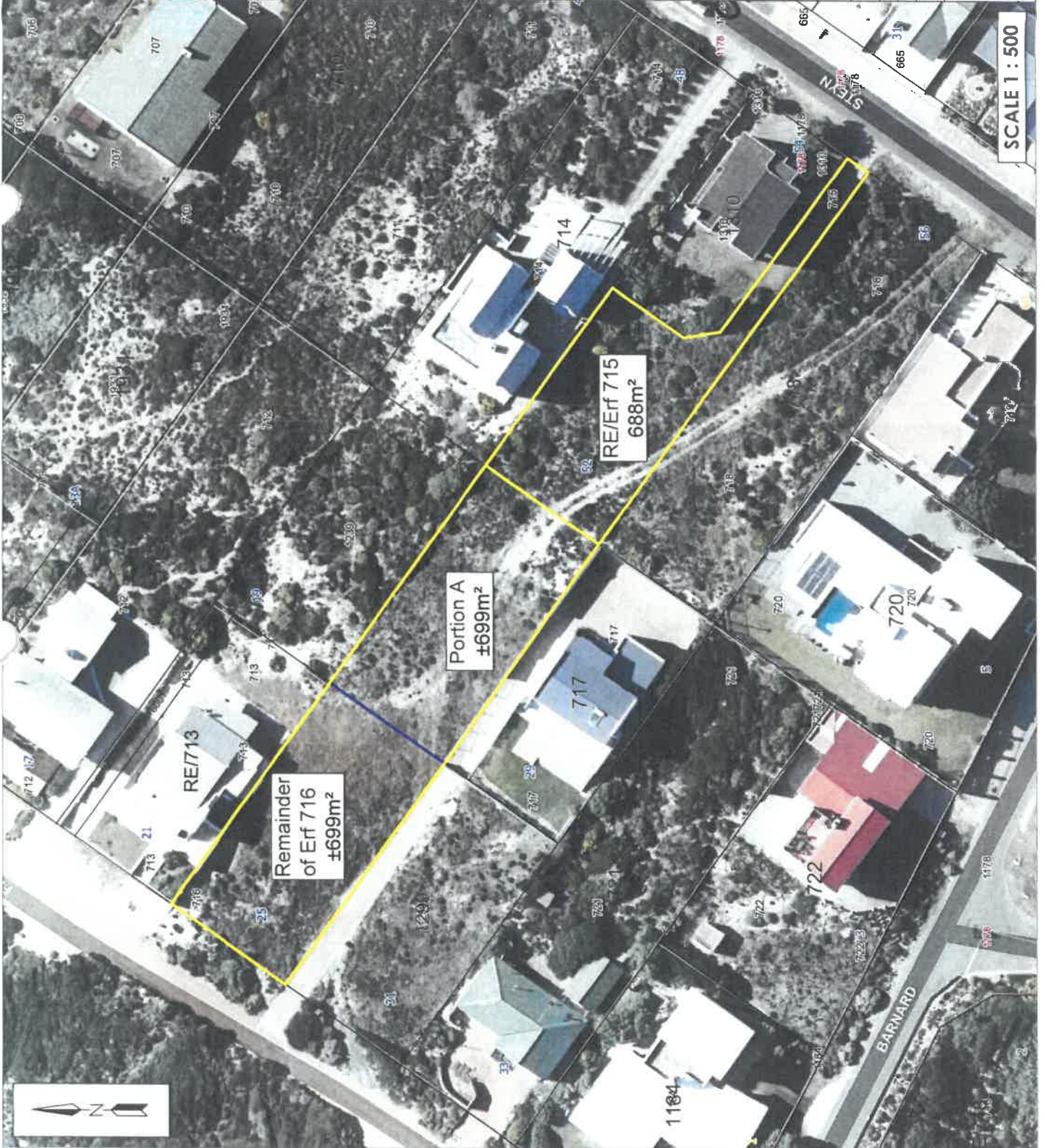
Portion A
(Portion of Erf 716 -
De Kelders)
Extent - ±699m²

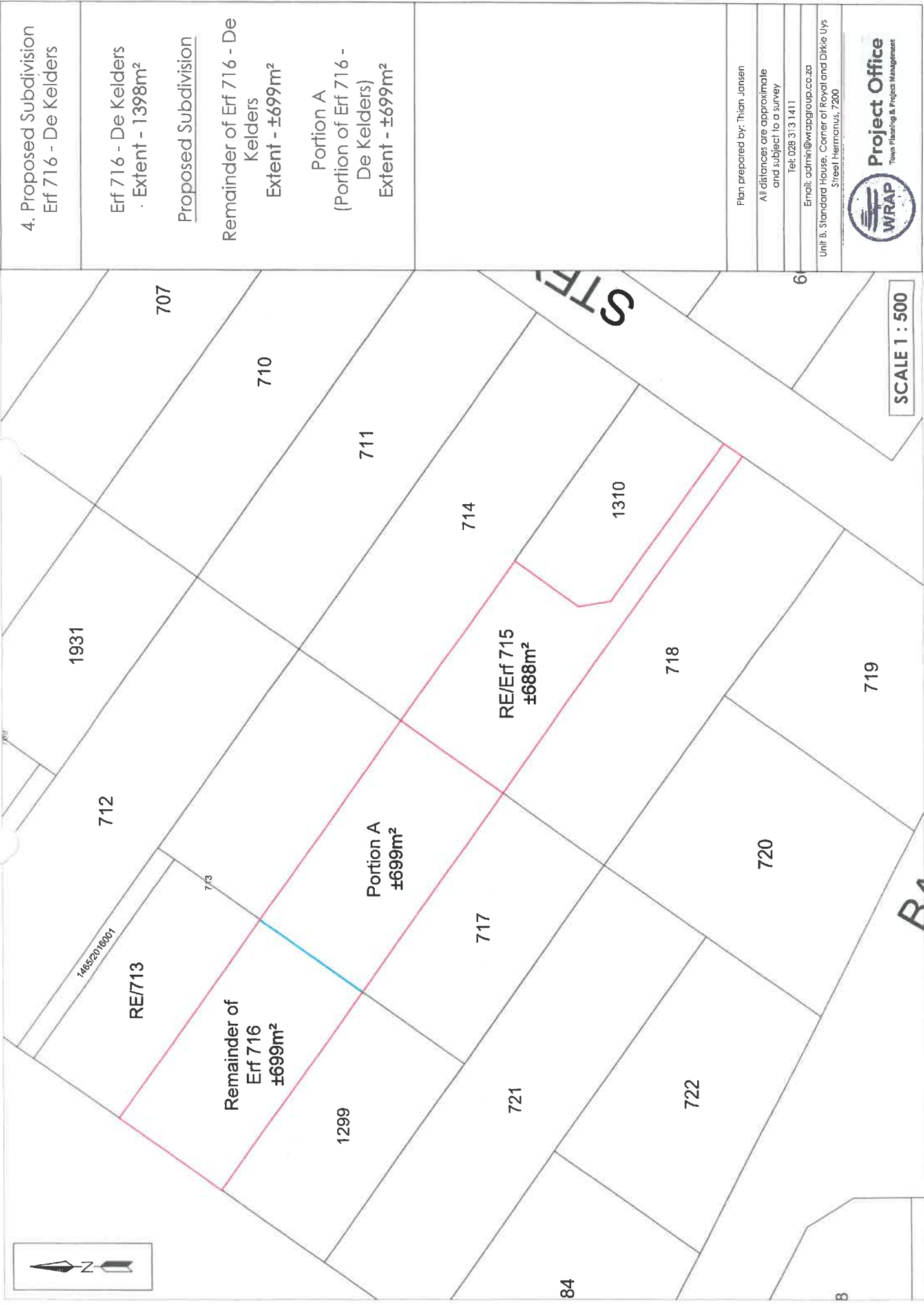
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Portion A
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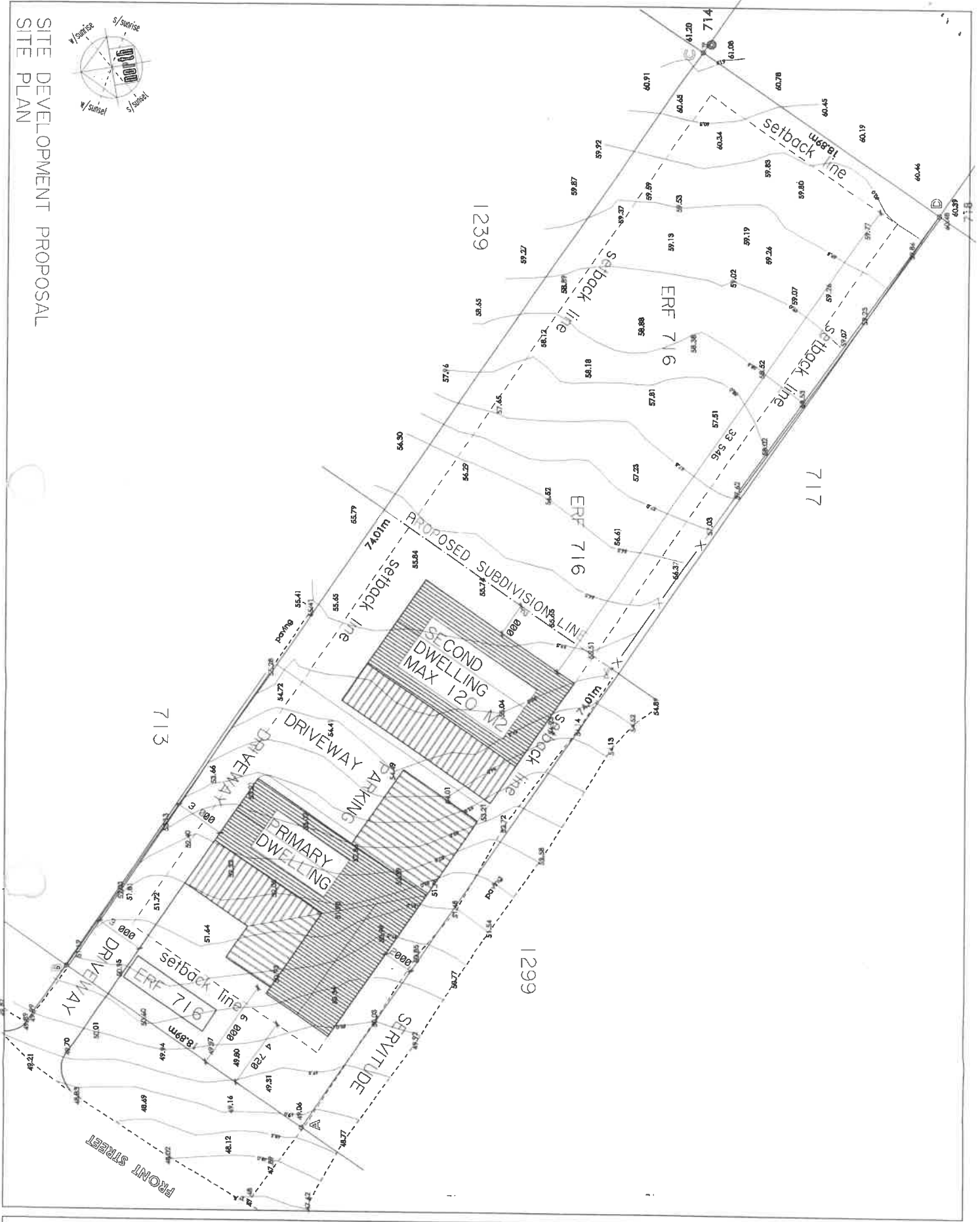
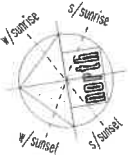
Unit B, Standard House, Corner of Royal and Dirkie Uys
Street Heeremans, 7200



Project Office
Town Planning & Project Management

SCALE 1 : 500

SITE DEVELOPMENT PROPOSAL
SITE PLAN



OWNER'S SIGNATURE

ARCHITECT'S SIGNATURE



PRIVSEAL

ANDERSON
architects

G. ANDERSON DIRECTOR
In association with
E-VISIONS
architectural design studio
N.L. BLUMAY & TECH PSAT
BACAP. PLAT20976

14 VICTORIA STREET
STANFORD

C : 072 364 3694
C : 073 347 3915
PO BOX 1227
undera@architecte
@wehmal.co.za

CLIENT
MRS V. BUSEN
ERF 716
DE KEDERS

PROJECT DESCRIPTION
LANDSUWET PROPOSAL
FRONT STREET
DE KEDERS
GANSBAAI

DRAWING DESCRIPTION
MUNICIPAL APPLICATION
SITE PLAN

SCALE 1:200
DATE 26/06/24
DRAW : NLE
PROJECT NO: 11-24
DRAWING NO: 1S-M5-100
VERSION 2