

ERF 6152, 12 THIRD STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF AA VAN WYK

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received for the following:

- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 6152, Hermanus into 2 (two) portions, namely, Portion A, approximately $\pm 495\text{m}^2$ in extent and the Remainder, approximately $\pm 495\text{m}^2$ in extent;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the eastern lateral building line from 2.0m to 1.2m, to accommodate the existing dwelling and relax the western lateral building line from 2.0m to 0m, to accommodate the existing carport; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to ensure compliance.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Friday, 30 August 2024** quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr P Roux** at 028-313 8900. 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.

ERF 6152, DERDESTRAAT 12, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS AA VAN WYK

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir die volgende:

- ❖ **Onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening, om Erf 6152, Hermanus in 2 (twee) gedeeltes te onderverdeel, naamlik Gedeelte A, ongeveer $\pm 495\text{m}^2$ groot en die Restant, ongeveer $\pm 495\text{m}^2$ groot;
- ❖ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om die oostelike lateraleboulyn te verslap vanaf 2.0m na 1.2m, om die bestaande woning te akkommodeer en die westelike lateraleboulyn te verslap vanaf 2.0m na 0m, om die bestaande motorafdak te akkommodeer; en
- ❖ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, om voldoening te verseker.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) voor of op **Vrydag, 30 Augustus 2024** met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 6152, 12 THIRD STREET, VOËLKLIP, HERMANUS, INDAWO KAMASIPALA WASE-OVERSTRAND: ISICELO ISICELO SOKWAHLULWA, UKUNCITSHISWA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE EGAMENI LIKA AA VAN WYK

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loLungiso lukaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe soku kulandelayo:

- ❖ Ulwahlulo ngokweCandelo le-16(2)(d) loMthetho kaMasipala, ukwahlulahlula iSiza-6152, iHermanus ibe yizahlulo ezi-2 (ezimbini), ezizezi, iSahlulo A, esimalunga ne- $\pm 495\text{m}^2$ ngokobubanzi kunye neNtsalela, malunga ne- $\pm 495\text{m}^2$ ngobubanzi;
- ❖ utyeshelo lomqathango ngokweCandelo le-16(2)(b) loMthetho kaMasipala, ukucuthwa komda wesakhiwo osecaleni ongasempuma ukusuka kwisi-2.0m ukuya kwisi-1.2m, ukulungiselela indawo yokuhlala ekhoyo kunye nokucuthwa komda wesakhiwo osecaleni osentshona ukusuka kwisi-2.0m ukuya ku-0m, ukulungiselela izibuko lemoto elikhoyo; kwaye
- ❖ ngokuhambelana kweCandelo le-16(2)(q) loMthetho kaMasipala ukuwisa isohiwayo solawulo ukwenza ngokusemthethweni ulwakhiwo obukhoyo.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxsha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, ePaterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokungqinelana nemimiselo yeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) okanye ngaphambili uLwesihlanu 30 EyeThupha 2024 ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zamagqabaza. Imibuzo ngomnxeba ingenziwa kuMnu. P Roux kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalela. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limcedise ukuze abhale ngokusesikweni izimvo zakhe.



1. Locality Plan Erf 6152 - Hermanus

Plan prepared by: Thian Jansen

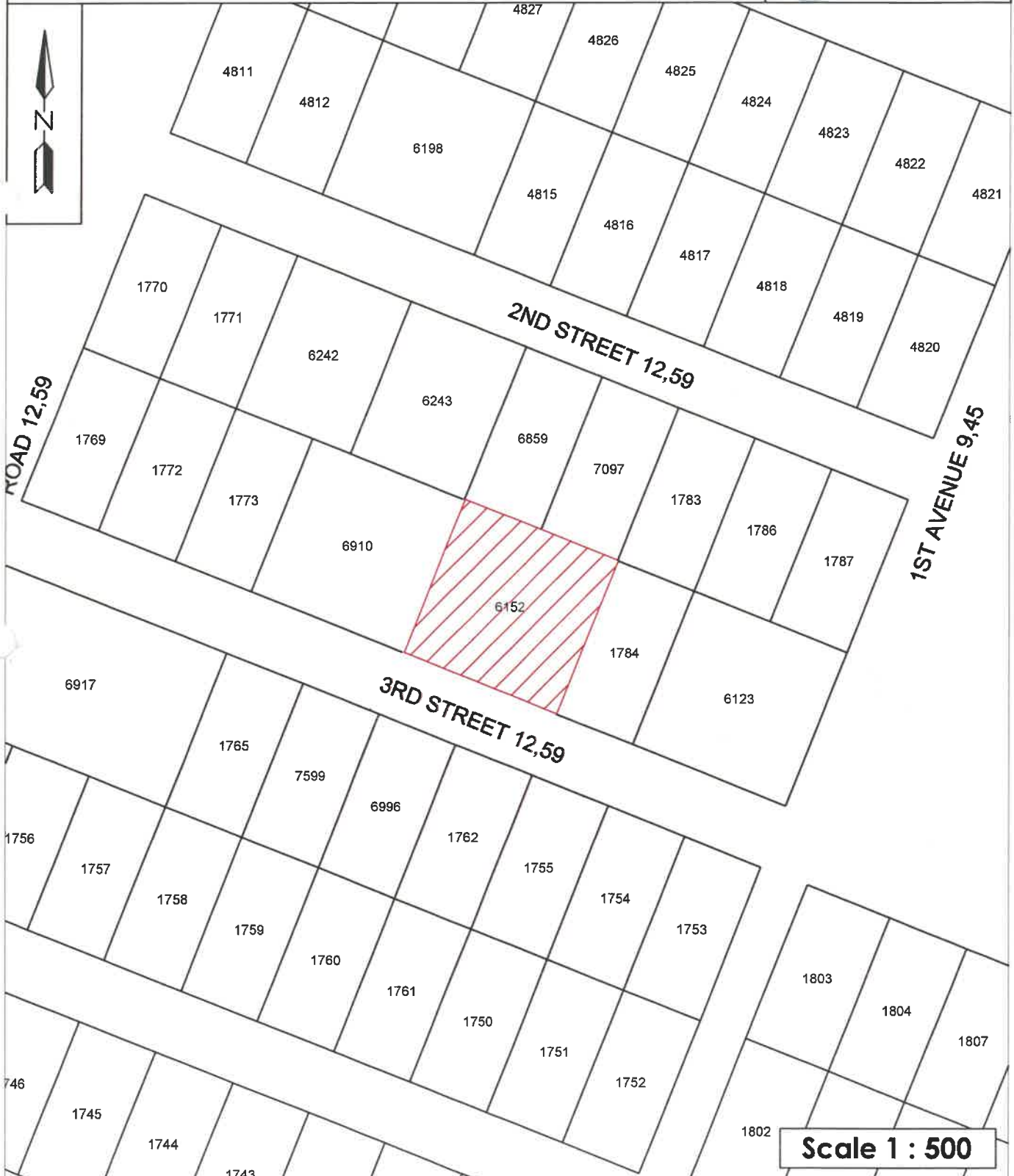
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Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



Scale 1 : 500



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
OM By-Law	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Erf extent	990m ²
Current zoning	Residential Zone 1: Single Residential

3. BACKGROUND

The subject property is Erf 6152, Hermanus. The owner bought the historically consolidated property in 2012 with the future intention of subdividing it, aiming to address the housing demand and limited development opportunities in the Voëlklip area.

The owner has a clear vision for the subject property, namely, to transform it into two erven, separating the existing dwelling from a vacant erf primed for development. With ample space available, the vacant erf provides more than sufficient room for the construction of an individual dwelling house that aligns with the sizes of neighbouring properties. By subdividing the property, the owner aims to maximise the potential of the site and contribute to the overall development of the area.

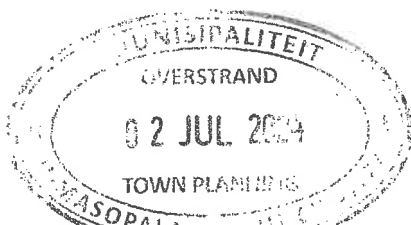
Additionally, the owner also owns the adjacent vacant erf, which he intends to develop with a dwelling house. By embracing this approach, the owners aspire to contribute to the revitalisation of the local housing market and provide high-quality residential options in the sought-after Voëlklip area.

Through careful planning and consideration of the surrounding property sizes, the owner wants to ensure that the new erf will blend harmoniously into the existing neighbourhood. This approach not only enhances the visual appeal of the area but also promotes a sense of continuity and unity within the community.

The title deed contains a condition that does not allow the subdivision to occur without consent of the transferor company which in this case was the Hermanus-Mossel River Township Proprietary Limited. However, a Conveyancer's Certificate was obtained and confirms that this condition has lapsed as the aforementioned company has been deregistered, refer to **Annexure D**.

Approval of the following applications is required:

- Subdivision into two erven; and
- Permanent Departure from the side building lines.





4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

WRAP Project Office was appointed to compile and submit a land use planning application to achieve the vision highlighted in Section 3 of this report. The following is proposed:

4.1 Subdivision of Erf 6152 Hermanus into Portion A, ±495m², and the Remainder, ±495m².

The subject property has an extent of 990m² as it was historically consolidated, meaning it conforms to historical property size. The owner's intention is to "undo" the consolidation and subdivide the property on the historic boundary lines, that offers sufficient space for potential development. The owner's current intent is to retain the existing dwelling on the remainder as it is currently used by the owners as a holiday home.

The proposed subdivision aims to divide the property into two portions, each measuring ±495m². This strategic division allows the property owners to maximize the extent and development potential of the subject property, refer to **Figure 1**.

Status Quo		
Existing extent Erf 6152, Hermanus		990m ²
Proposed Subdivision of Erf 3730, Hermanus		
1	Proposed Remainder of Erf 6152, Hermanus	±495m ²
2	Proposed Portion A (a Portion of Erf 6152, Hermanus)	±495m ²

By subdividing the property into an additional portion, the owner can effectively utilize the available space and create well-sized residential properties that aligns with the surrounding neighbourhood. This approach ensures that the new development will seamlessly integrate into the existing fabric of the area, promoting a harmonious and balanced landscape.

The proposed subdivision not only maximizes the development potential of the subject property, but also presents an opportunity for a prospective homeowner to invest in a conveniently sized residential plot. Figure 1 serves as an illustrative guide, depicting the proposed subdivision plan and providing a visual representation of the future layout of the properties. This visual aid assists in understanding the potential of the subject property and the proposed development opportunities to be created.

Overall, the proposed subdivision and retention of the existing dwelling house demonstrates the property owners' commitment to capitalizing on the available space and meeting the housing demand in the area.



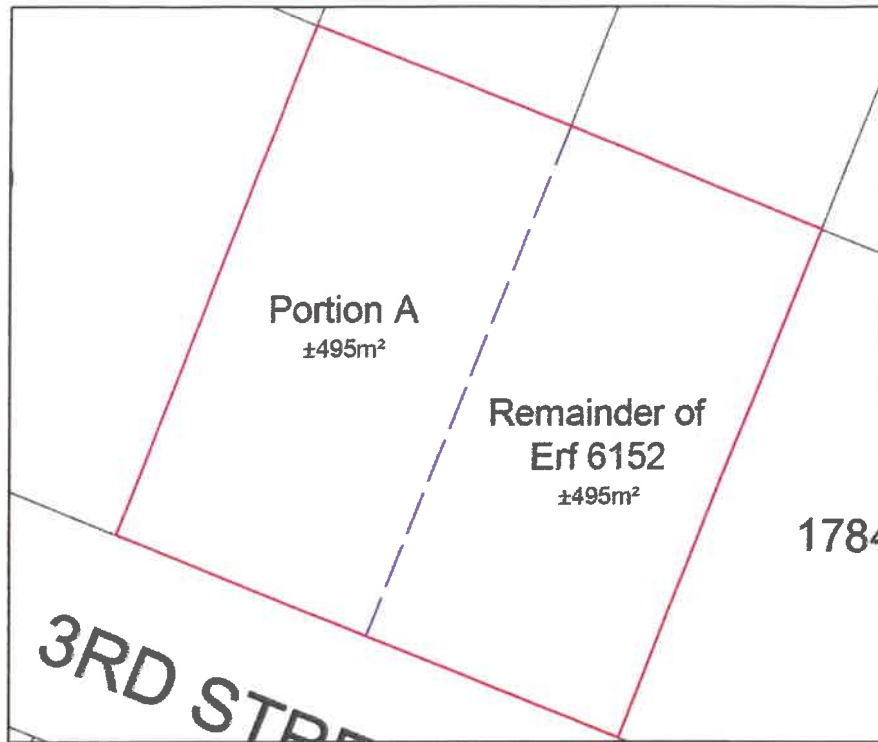


Figure 1: Extract of Plan 4 - Proposed subdivision

With the growth of the population in the Overstrand area, new housing opportunities should be welcomed. The OMSDF contains projections on the population growth for the main areas in the Overstrand Municipality. The OMSDF indicates that Hermanus was experiencing a population growth rate of 6,4% per annum between 2001 and 2011. The information contained within the OMSDF indicates that the Greater Hermanus, requires several thousand dwelling units to be built to accommodate the projected population growth. (OMSDF, p28).

This increases the pressure on the OM to continue to provide housing opportunities in areas where options are limited. Creating new housing and development opportunities in the Voëlklip area should be welcomed as the supply of new empty erven in the Voëlklip area are scarce.

4.2 Permanent Departure from the 2,0m Eastern Side Building Line to 1,2m.

The existing dwelling on the property was constructed in the early 1980s, with an addition made in 1992 after the previous properties were consolidated, refer **Annexure C – Approved Building Plan**. The bedroom was originally situated 1.2 meters from the side boundary line, but as the properties were consolidated, there were no building/boundary lines between them.

With the current proposal, the existing 2.0-meter building lines will become applicable, necessitating approval of a permanent departure. Since no new structures are being proposed, only the compliance of the existing structure in accordance with the current



development parameters is being sought. It is not expected that the proposed departure will have a negative effect on the surrounding area, as all the neighbours have become accustomed to the existing structure in its current configuration.

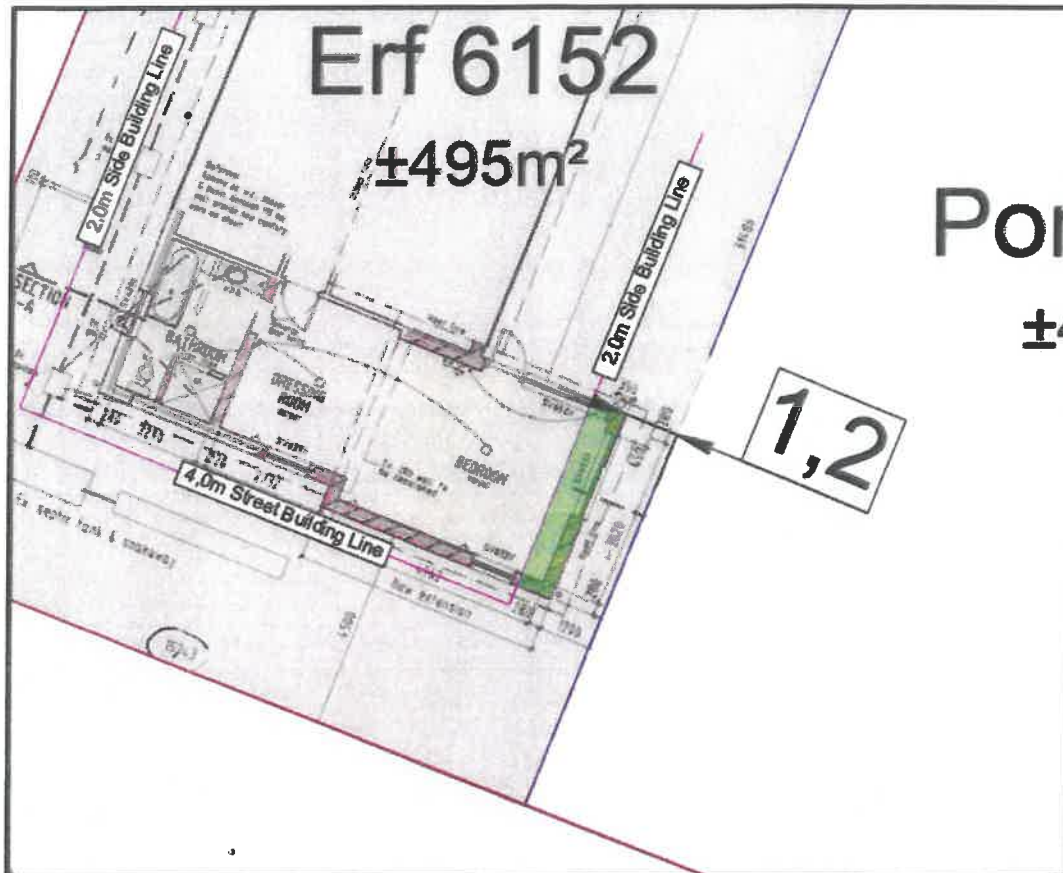


Figure 2: Extract of Plan 5 – Departure Plan

It is also important to note that there is still 1.2 meters available to access the rear of the property in case of an emergency.

4.3 Permanent Departure from the 2,0m Western Side Building Line to 0m.

The previous owners erected a carport between the existing dwelling and the boundary. Historical aerial imagery illustrates that the carport was built long before the current owners owned the property. The neighbours adjacent to the property have a duplicated carport on their property, ensuring alignment with each other.

The extent of the carport measures approximately 24m², 8m long by 3m wide.

4.3.1 Precedent and Consistency:

- The carport has been in place for a significant period (since at least 2002), as evidenced by historical aerial imagery, refer to the figures below. This suggests a longstanding acceptance and integration into the neighbourhood's landscape.





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- The neighbouring property also has a duplicated carport, ensuring visual and structural alignment. This uniformity contributes to a cohesive aesthetic for the area.



4.3.2 Minimal Impact:

- The carport is situated between the existing dwelling and the boundary, which is a logical and unobtrusive placement.
- Its design and placement do not intrude on the neighbour's space or views, ensuring that it blends seamlessly with the existing environment.





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- Since it has been in place for a long time without any noted complaints or issues, it demonstrates that the carport does not negatively impact the neighbourhood.

4.3.3 Benefits of a Carport:

- **Protection from Weather:**

A carport provides essential protection for vehicles against harsh weather conditions, such as rain, hail, and sun. This can significantly extend the lifespan of vehicles by preventing weather-related damage.

- **Added Convenience:**

It offers a convenient and readily accessible parking solution, especially during adverse weather, ensuring the safety and comfort of residents.

- **Property Value Enhancement:**

Having a carport can increase the property's value by providing an additional feature that is desirable to potential buyers.

- **Versatility:**

Beyond vehicle storage, carports can be used for various purposes such as outdoor gatherings, storage of other items, or as a shaded area for children to play.

4.4 Determination of an administrative penalty

The property owner, as mentioned in Section 3 of this report, are currently in the process of subdividing their property when it became apparent that there was an illegal structure erected on the property which is being proposed to be rectified by submitting this application. It is important to reiterate that the current owner acquired the property as is with the existing carport as previously mentioned. As motivated throughout this report, the owner did not know that the building plans were not in place.

In addition to the above, there have been no complaints from neighbouring property owners regarding the existing structure. This indicates that the contravention is not causing any significant harm or disruption to the surrounding neighbourhood.

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is of importance to include an application for the determination of an administrative penalty. However, it is requested that the administrative penalty be waived in total.

Section 90(3) of the By-law requires that the following information be provided:

The nature, duration, gravity and extent of the contravention

Section 4.3 indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building line encroachments is:

Existing carport	±24m ²
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The conduct of the person (allegedly) involved in the contravention

The previous owner was responsible for ensuring that there were no contraventions in terms of the By-Law.

A report by a quantity surveyor in matters of unauthorised building/construction

Due to the small-scale nature of the encroachment no quantity surveyor was involved.

Whether the unlawful conduct was stopped

The structure has already been constructed.

Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

To the knowledge of this office, the property owner has not previously contravened the By-Law.

5. LAND USE ENVIRONMENT

There is a mixture of zonings surrounding the subject property, although the area is considered to be a residential area. The surrounding area's zoning is illustrated in Plan 2 (zoning plan).

6. TITLE DEED

Title deed T37700/2012 (refer **Annexure B**) was perused, and a Conveyancer's Certificate was obtained, indicating there are no restrictive title conditions relevant to this application.

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: The proposal is to subdivide the property both of which will be zoned SR1 to allow the properties to be used for residential purposes.

Residential Zone 1: Single Residential			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential	None	Not applicable





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	Building, and Intensive Horticulture.		
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%	Remainder of Erf 6152 To be determined Portion A Existing dwelling – ±31.7%	
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Remainder of Erf 6152 To be determined Portion A Single Storey	
Building lines	(i) The street building line is determined in accordance with the net erf area: 400 m ² and greater = 4m	4m	Comply
	(ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	Remainder of Erf 6152 To be determined Portion A • Departure required – Eastern Side building line from 2,0m to 1,2m • Departure required – Western Side building line from 2,0m to 0m	Applied for and motivated
Parking	Two on-site parking bays per dwelling unit, provided that on erven less than 400 m ² , only 1 on-site parking bay needs to be provided.	Remainder of Erf 6152 To be determined Portion A Carports	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 property is connected to the OM's services network which includes electricity, water, sewage and solid waste. Both properties will be connected to the OM's services network, creating an additional connection requirement if the proposal is approved, and the required Bulk Services Contribution will be made to the OM.





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Access and Egress

Refer to Plan 4 for the proposed subdivision plan, vehicular access, and egress will be as follows:

	Property	Access and Egress
1	Proposed Remainder of Erf 6152, Hermanus	3 rd Street
2	Proposed Portion A (a Portion of Erf 6152, Hermanus)	3 rd Street

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 proposed development arose from the property owners' vision to be able to optimise the utilisation of the entire extent of the subject property.

Socio-economic impact	<p>The proposed subdivision to accommodate a higher density residential development has a positive impact on the following socio-economic aspect of the area:</p> <ul style="list-style-type: none"> • Increased Housing Options: The subdivision creates new residential opportunities by dividing the property into multiple portions. This allows for the construction of additional dwelling houses, providing a greater supply of housing options for residents. The increased availability of housing can help address the housing demand and potentially contribute to a more balanced and diverse housing market. • Job Creation: The subdivision project itself can generate employment opportunities. Various professionals and skilled workers, such as architects, construction workers, engineers, and landscapers, may be involved in the planning, design, and construction phases. The project can create both direct and indirect employment, thereby stimulating local economic activity and supporting livelihoods. • Economic Growth: The development of new residential properties through subdivision can contribute to local economic growth. It attracts investment and increases economic activity in the construction sector, as well as in related industries such as real estate, retail, and services. This growth can lead to increased tax revenue for local authorities, which
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	<p>can be reinvested in community infrastructure and services.</p> <ul style="list-style-type: none"> Property Value Enhancement: The subdivision and subsequent development of the subject property can positively impact property values in the surrounding area. Well-designed and well-maintained residential properties can enhance the aesthetic appeal and desirability of the neighbourhood. This can lead to an overall increase in property values, benefiting not only the property owners but also the broader community.
Compatibility with surrounding uses	The properties will be used for residential purposes which is compatible with the surrounding area.
Impact on the external engineering services	The Overstrand Municipality's Engineering Department will review the application to ensure that the availability of services is adequate, and the property owners will be expected to make a bulk services contribution. These contributions will also enable the municipality to improve any current services if required.
Impact on safety, health and wellbeing of the surrounding community	It is not expected that the proposed subdivision will have an effect on the safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	<p>The proposal has the following positive impact on the biophysical environment:</p> <ul style="list-style-type: none"> Land use efficiency: The proposal is proposing to be more land-efficient than low density developments, which can help preserve open spaces, farmland, and natural habitats. This can help maintain biodiversity and ecosystem services in the surrounding area.
Traffic impacts, parking, access and other transport related considerations	The proposed development will have adequate parking on each portion, also as the access and egresses are divided between 3 rd Street, it is not predicted that the subdivision will have a drastic impact on the traffic flow.

Impact on views, sunlight and character of the area

The proposed subdivision does not have any impact on the views, sunlight and character of the surrounding area.

The proposed development of the vacant erf will follow the development parameters set out by the OMLUS, which will ensure that the proposed development will not impact on the views and sunlight of the surrounding area.

Economic impact

Section 3 indicated what economic impact this development will have. Various role players will be employed and involved in the whole process. Jobs will be created on a





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temporary basis for all those role players involved, while on a more permanent basis more rates and taxes will be collected by the municipality.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved. The proposed subdivision will increase the surrounding property values as more housing opportunities will be created and new development will take place.

Impact on heritage

The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal. There is therefore no impact on heritage.

Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

10.3 Spatial Planning Policies

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK - PSDF

Policy preface

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the interdepartmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns of urban areas in the province.





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Consistency of the proposal with the policy

Throughout the framework, the process of infill planning is emphasized. Section 3.3.7 states that densification should take place using infill planning and should be the first choice when densification is proposed.

The proposal to create an additional erf is in line with the proposal to densify an existing area. By densifying through infill, no urban sprawl is created, and the maximisation of the existing urban area is used. By densifying existing areas, these areas can benefit from higher economic activity.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF

Policy Preface

The SDF's intention is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposal should ideally attempt to synchronise with.

Consistency of the proposal with the policy

The policy promotes the protection of the character of the OM. The approval and implementation of the proposed subdivision will not undermine the character of the site and surrounding area.

The SDF promotes the containment of the footprint of OM within the well-defined urban edge. The subject property is located within the urban edge of OM and this proposal contains urban development within this footprint as prescribed.

11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles 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 which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the subdivision does not perpetuate apartheid spatial development imbalances.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal to subdivide intends to ensure the subject property is utilised to its maximum capabilities. The proposed infill densification is a sustainable method to create new properties without requiring additional land.

Efficiency

This proposal is intended to maximise the usage of the subject property and ensure the property has sufficient space to provide two families with dwelling houses.





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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 which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.





RECOMMENDATION

12. EVALUATION

The proposal needs to be evaluated on the basis that the current situation is not utilising the space efficiently. The owner envisions subdividing the property, which in turn will increase the residential capabilities of the area.

The proposal will not introduce any new land use rights, as the proposed subdivision is intended for residential properties. This proposal aligns with all relevant spatial planning policies, indicating that the owners have duly considered such policies.

Throughout the entire process, various stakeholders will be engaged to assist the owner in realising his vision. These stakeholders include town planners, architects, land surveyors, and construction companies, each playing a vital role in the development of the residential property.

13. RECOMMENDATION

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

- 13.1 Subdivision** of Erf 6152 Hermanus into Portion A, $\pm 495\text{m}^2$, and the Remainder, $\pm 495\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.2 Permanent Departure** from the 2,0m Eastern Side Building Line to 1,2m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.3 Permanent Departure** from the 2,0m Western Side Building Line to 0m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



2. Zoning Plan Erf 6152 - Hermanus



Transport Zone 2: Road and Parking



Residential Zone 1: Single Residential



Open Space Zone 1: Nature Reserve

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

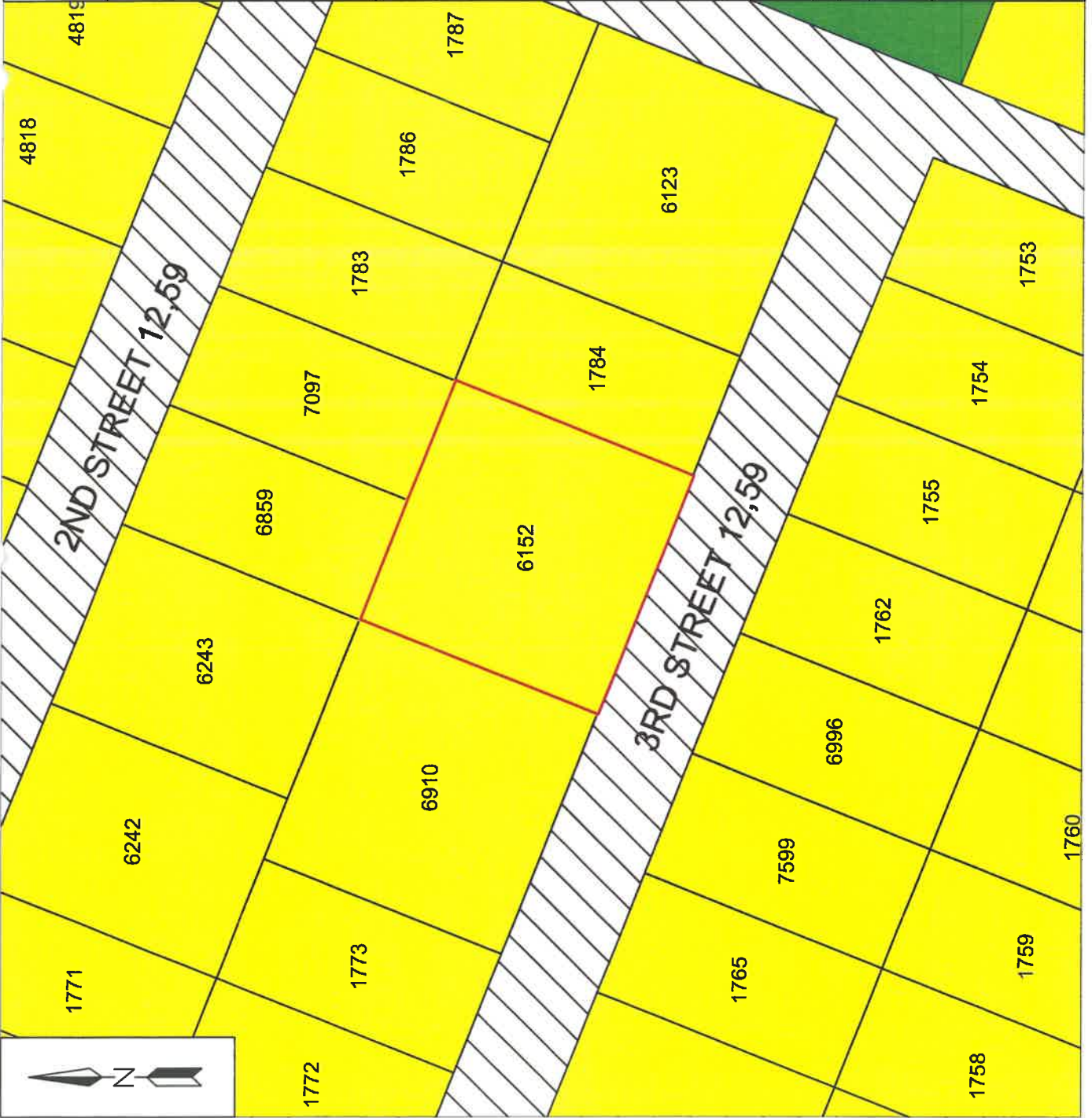
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



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5. Departure Plan
Erf 6152 - Hermanus

Proposed Departure of
Portion A

From 2,0m eastern side
building line to 1,2m to
allow the existing dwelling

From 2,0m western side
building line to 0m to allow
the existing carport



Plan date: 13/05/2024
Plan Number: 24.67(001)
Plan prepared by: Thian Jansen
All distances are approximate
and subject to a survey
Tel: 028 313 1411

Email: admth@wrapgroup.co.za
Unit B, Standard House, Corner of Royal and Dirkie Lys
Street Hermanus, 7200



Rem
Er #

1,2

Portion A
±495m²

2,0m Side Building Line

2,0m Side Building Line

4,0m Street Building Line

157/3

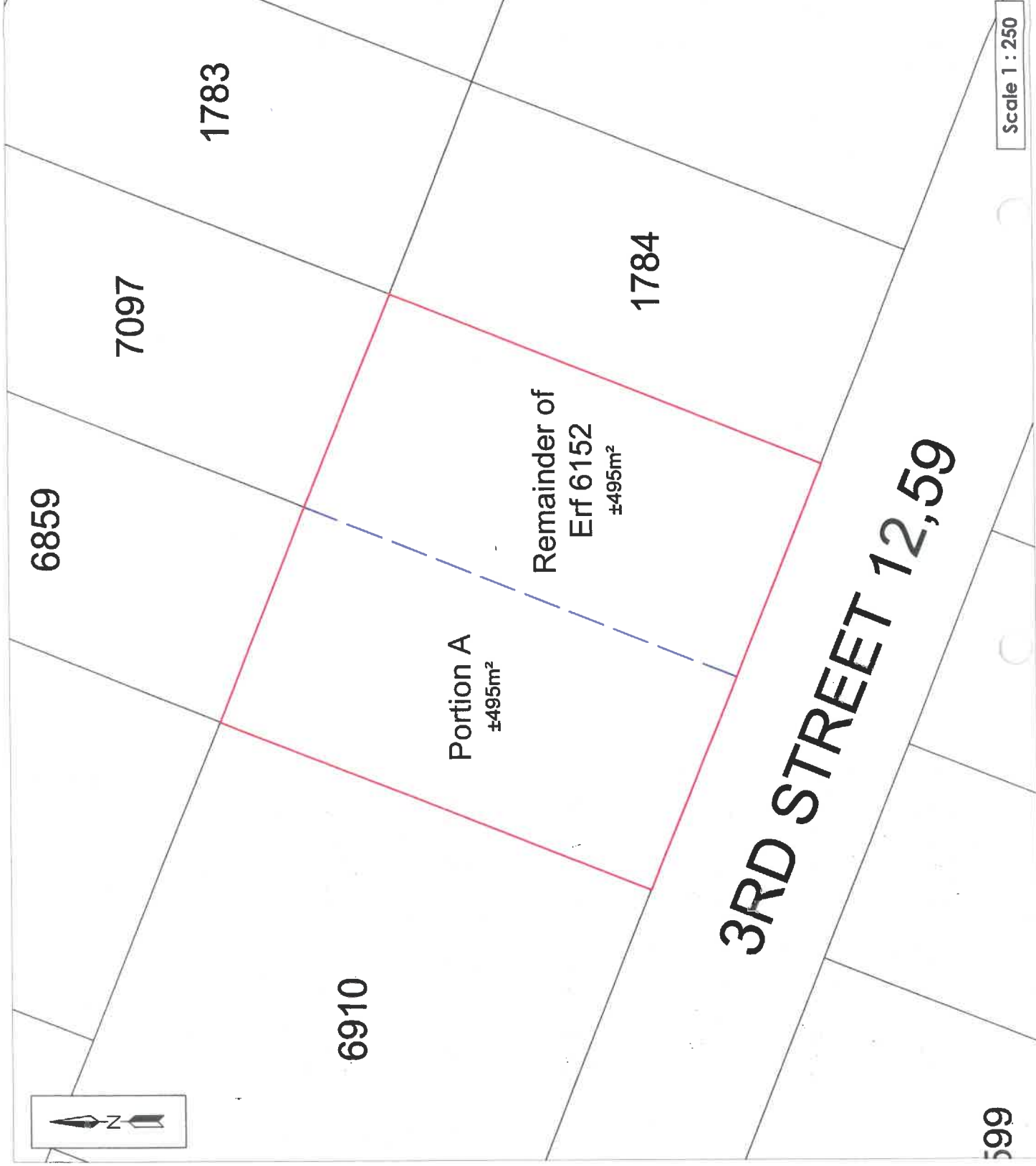
Ex. septic tank & soakaway

Bedroom
Dressing Room
Bathroom
Kitchen
Living Room
Staircase
Garage
Carport



3RD ST

Scale 1 : 100



4. Subdivision Plan
Erf 6152 - Hermanus

Proposed Subdivision

Property Extent - 990m²
Remainder - ±495m²
Portion A - ±495m²

Plan date: 13/05/2024
Plan Number: 24.67(001)

Plan prepared by: Thion Jansen.
All distances are approximate
and subject to a survey
Tel: 028 313 1411

Email: admin@wrapgroup.co.za
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Scale 1 : 250

599