

ERF 11018, 5 CHURCH STREET, WESTCLIFF, HERMANUS: APPLICATION FOR THE AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN AND A CONDITION OF APPROVAL: MESSRS PJ LE ROUX TOWN PLANNERS ON BEHALF OF LOXITRIM (PTY) LTD

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:

- **Amendment of the approved site development plan** in terms of Section 16(2)(l) of the By-Law, to reduce the approved development on Erf 11018, Hermanus from thirteen (13) group houses to seven (7) group houses; and
- **Amendment of a condition of approval** in terms of Section 16(2)(h) of the By-Law to accommodate the proposed amended site development plan.

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) 028-313 2093 / (e) alida@overstrand.gov.za) on or before **10 November 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr H Boshoff** 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 11018, KERKSTRAAT 5, WESTCLIFF, HERMANUS: AANSOEK OM WYSIGING VAN DIE GOEDGEKEURDE TERREINONTWIKKELINGSPLAN EN WYSIGING VAN 'N GOEDKEURINGSVOORWAARDE: MNRE PJ LE ROUX TOWN PLANNERS NAMENS LOXITRIM (EDMS) BPK

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

- **Wysiging van die goedgekeurde terreinontwikkelingsplan** ingevolge Artikel 16(2)(l) van die Verordening om die goedgekeurde ontwikkeling op Erf 11018, Hermanus af te skaal vanaf dertien (13) groePHuise na sewe (7) groePHuise; en die
- **Wysiging van 'n goedkeuringsvoorwaarde** ingevolge Artikel 16(2)(h) van die Verordening om die voorgestelde gewysigde terreinontwikkelingsplan te akkommodeer.

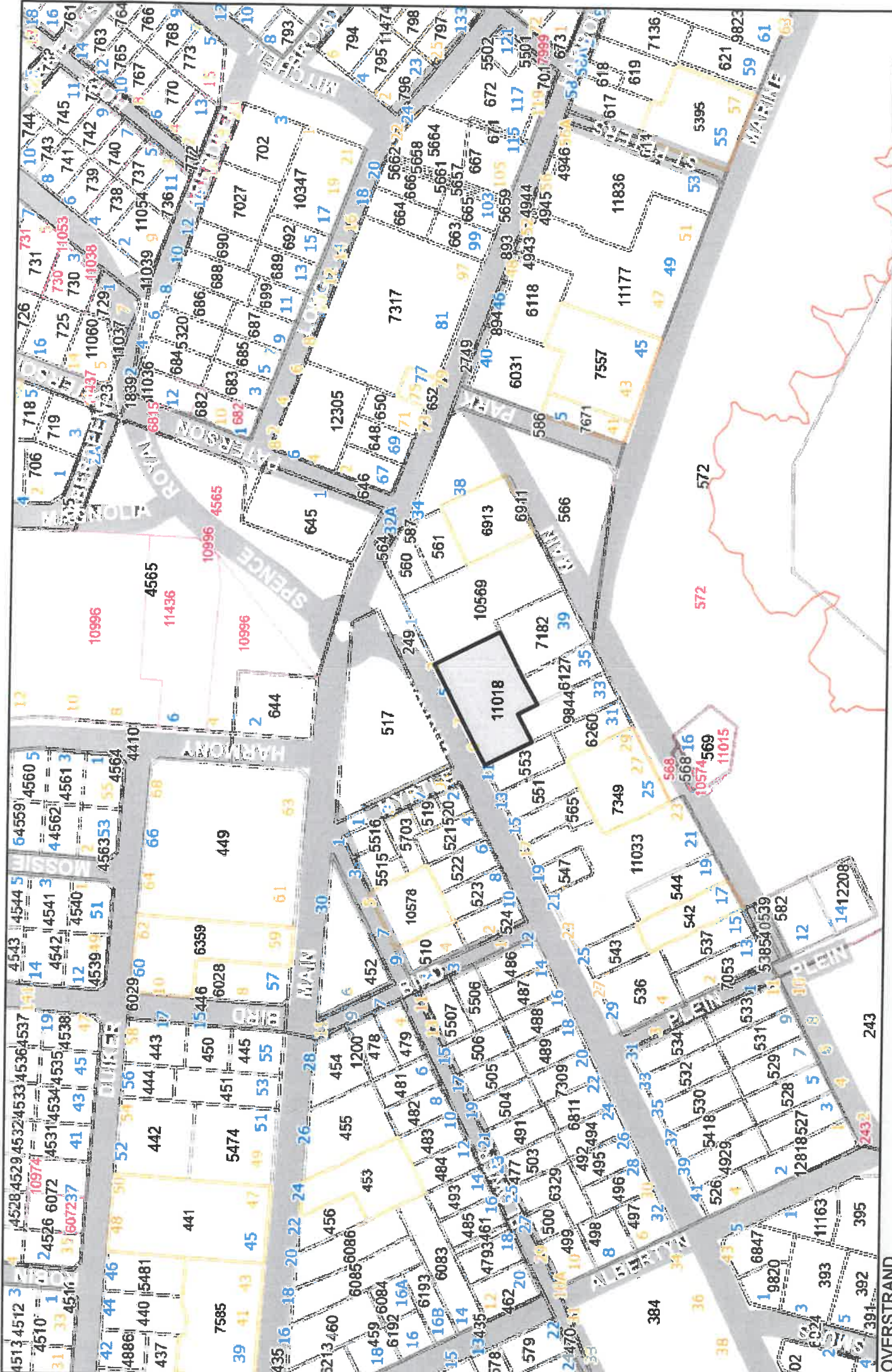
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 028-313 2093 / (e) alida@overstrand.gov.za) voor of op **10 November 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr H Boshoff** 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 11018, 5 CHURCH STREET, WESTCLIFF, HERMANUS: ISICELO SOKULUNGISWA KWESICWANGCISO ESIVUNYIWEYO SOPHULISO LWENXIWA KUNYE NOMQATHANGO WOKUVUNYWA: MESSRS PJ LE ROUX TOWN PLANNERS EGAMENI LE-LOXITRIM (PTY) LTD

Isaziso sinikezelwe ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) sokokuba isicelo sifunyenwe sokulandelayo:

- **Ukulungiswa kwesicwangciso esivunyiweyo sophuhliso lwenxiwa** ngokwemiqathango yeCandelo 16(2)(l) loMthetho kaMasipala, sokunciphisa uphuhliso oluvunyiweyo kwiSiza 11018, eHermanus ukususela kwiqela lezindlu ezilishumi elinesithathu (13) siye kwiqela lezindlu ezisixhenxe (7); kunye
- **Ukulungiswa komqathango wokuvunywa** ngokwemiqathango yeCandelo 16(2)(h) loMthetho kaMasipala ukulungiselela isicwangciso esilungisiweyo esicetywayo sophuhliso lwenxiwa.

Inkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku eziphakathi evekini ukususela phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: loCwangciso lweDolophu, 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaCandelo elama-51 nelama-52 oMthetho kaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi **10 uNovemba 2023**, uchaze igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla wakho kwesi sicelo nezizathu zokuhlomla. Iimbuzo ngefowuni ingabuzwa ku**Mcwangcisi weDolophu uMnu H Boshoff** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiSebe loCwangciso lweDolophu apho igosa liza kumnceda afake izimvo zakhe ngokusemthethweni.



Locality Map

ERF 11018, 5 CHURCH STREET, WESTCLIFF, HERMANUS



1. INTRODUCTION

1.1. Application

With this document formal application is made for the following:

- Application in terms of **Section 16(2)(h)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN**, Plan 19-063 dated 8 July 2019 for Erf 11018 Hermanus by **replacing** it with the new **Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023**; and
- Application in terms of **Section 16(2)(h)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **AMENDMENT OF THE CONDITION OF APPROVAL, condition 2(a)** of letter dated 25 February 2021 for Erf 11018 Hermanus to refer to the new proposed **Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023**.

Details regarding this proposal will be discussed in Sections 5 & 6 of this report.

1.2. Applicant

KOBUS LE ROUX as Director and duly authorised by **LOXITRIM PTY LTD** as registered owners of **Erf 11018, Hermanus**, appointed this firm **P-J le Roux Town Planners (Pty) Ltd**, to prepare a formal application for Amendment of approved SDP and Condition of Approval to facilitate a reduction of group housing units from 13 to 7 and to submit it to the relevant authorities for formal approval (**Power of Attorney and Trust Resolution attached**).



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

2. PROPERTY INFORMATION

Description	ERF 11018, HERMANUS
Location	Church Street, Hermanus
Extent	2783m ²
Registered owner	LOXITRIM PTY LTD
Title Deed	T27514/2016
Existing zoning	General Residential Zone 3: Flats Bulk Zone 2 (GR4)
Restrictive Conditions	None
Planning Legislation	Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 Overstrand Municipality: Land Use Scheme, 2020

Table 1: Property information

The subject property is located in Church Street almost in the centre of Hermanus and falls in the area of jurisdiction of the Overstrand Municipality, Western Cape Province.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

3. LOCALITY

The subject property is located in Church Street west of the central business area almost in the centre of Hermanus.



Fig.1: Locality

The subject property is currently the only vacant property along Church Street and is bounded to the east by the Dutch Reform Church, vacant property on which apartment development is proposed to the south, existing residential building to the west and Church Street to the north.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

An existing public parking area is located opposite the subject property between Church Street and Main Road. This parking area is opposite the existing Magistrate Court and Police Station, which bound Main Road to the north.



Fig. 2: Site locality

Church Street is an existing municipal street providing direct access to all the properties, mostly residential in nature, along this street. Church Street intersects with Main Road at the existing traffic circle approximately 50m to the east of the subject property, which serves as the gateway to the central business area of Hermanus to the east thereof via Main Road and other community facilities via Royal Street.



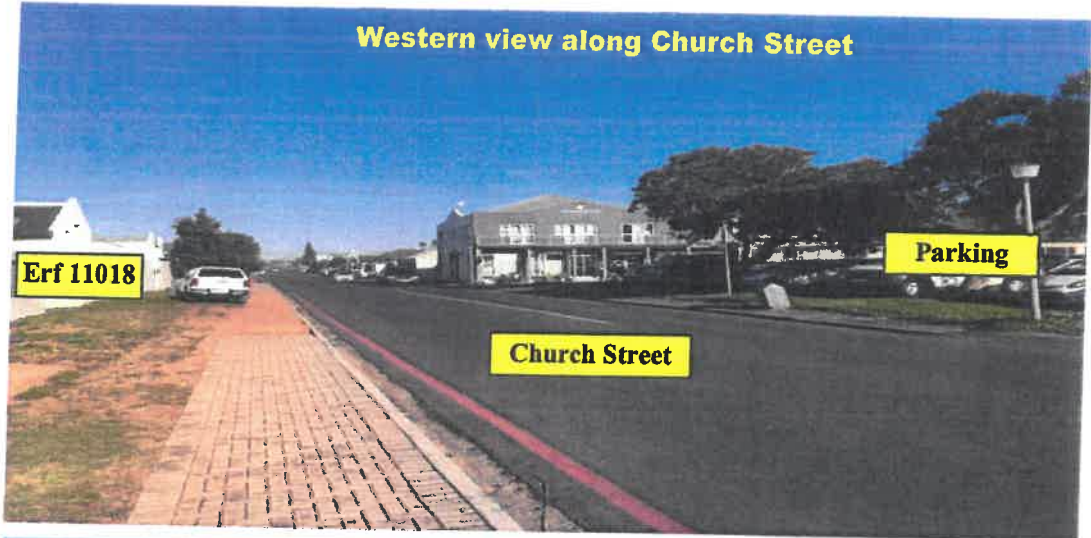
P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

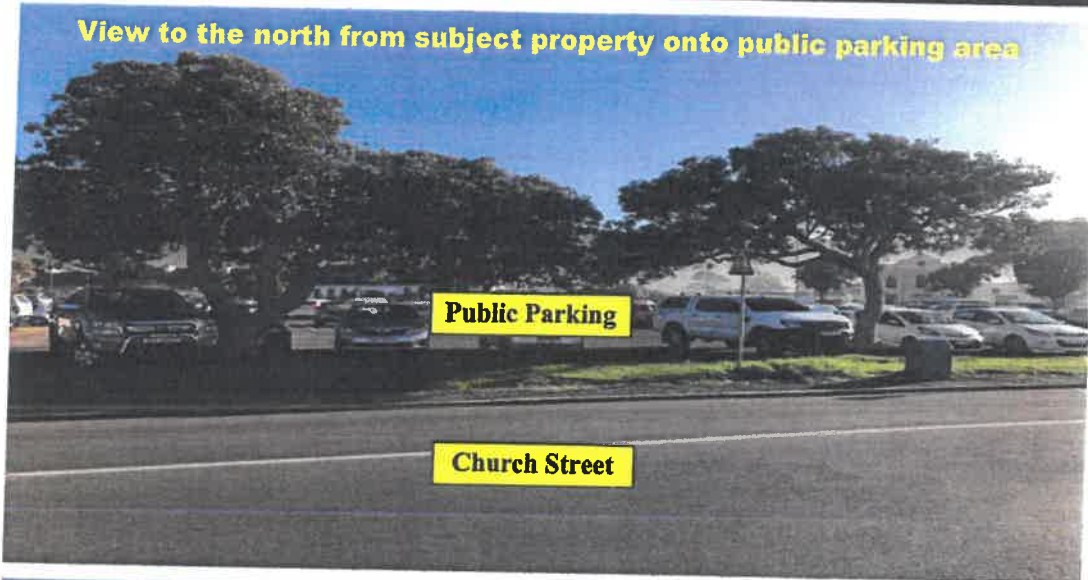
Erf 11018 Hermanus

June 2023

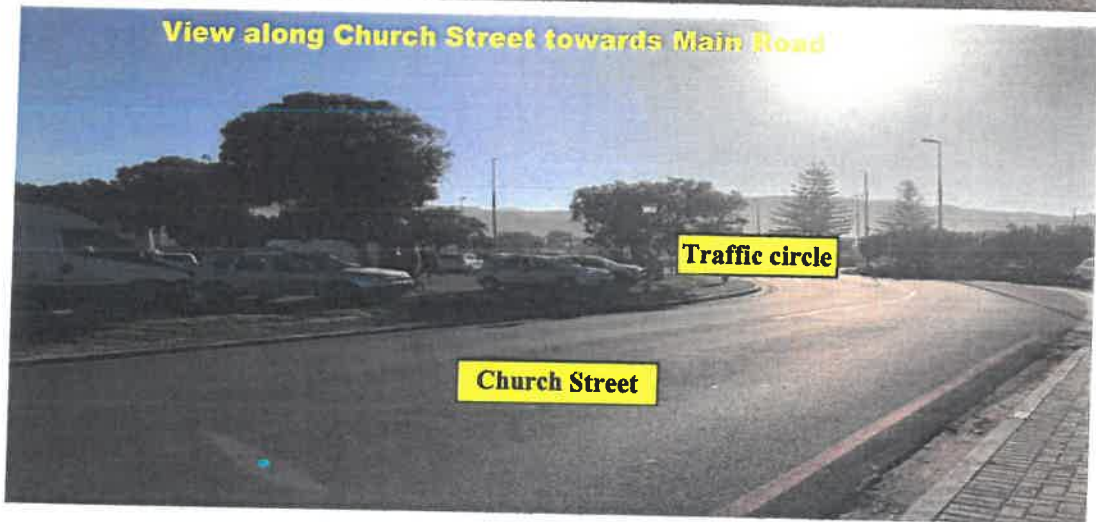
Western view along Church Street



View to the north from subject property onto public parking area



View along Church Street towards Main Road



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

4. LEGAL LAND USE RIGHTS

4.1. Existing zoning

Erf 11018, Hermanus is in terms of the promulgated Overstrand Municipality: Land Use Scheme, 2020 zoned as **General Residential Zone 3: Flats Bulk Zone 2 (GR4)** as clearly depicted in fig 3 below: *Extract from Zoning Map.* The Primary Use and Consent Use rights for **General Residential Zone 3: Flats Bulk Zone 2** are tabulated below:

Primary Uses	Consent Uses
Flats Town house in accordance with 6.3.2 Residential buildings	Creche Day care centre Home occupation Hotel, Institution Place of assembly, Place of instruction, Place of worship Retirement village Tourist accommodation, Transmission apparatus (subject to the provisions of Chapter 16.10)

Table 2: Extract from Overstrand Municipality Land Use Scheme, 2020

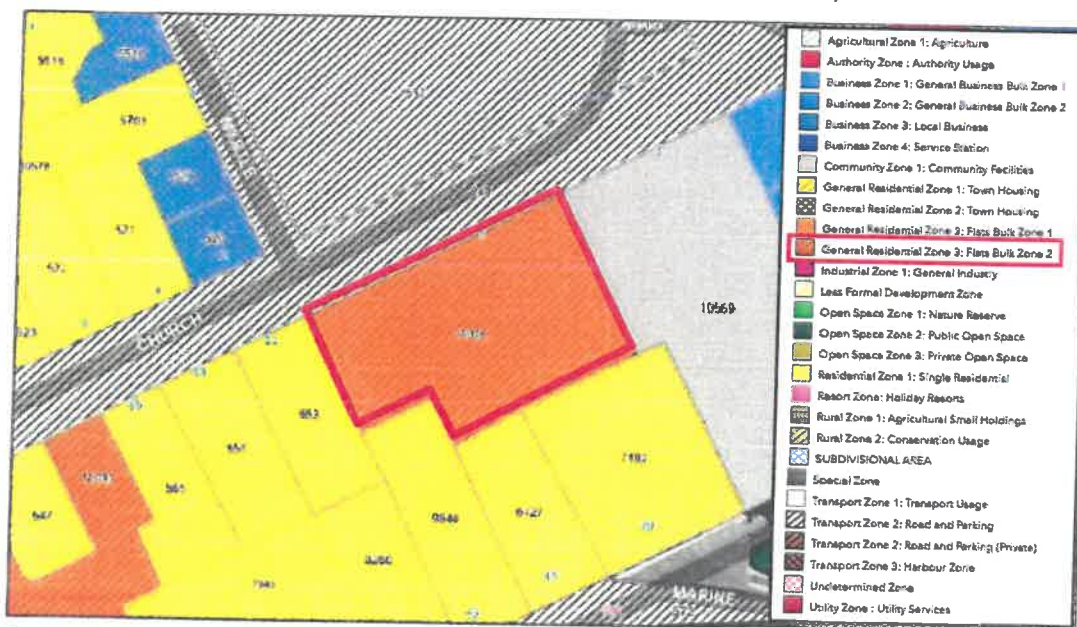


Fig. 3: Zoning Plan extract

It is worth noting that the Overstrand Municipality has granted the following approvals for residential development on the subject property:



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

- **Application for Rezoning and Departure** to facilitate a **four-storey block of flats** vide letter dated **22 December 2006**; and
- **Application for Amendment of conditions** to increase the number of residential units from **50 to 80** vide letter dated **3 June 2008** for the
- **Approval for Departure** vide their letter dated **25 February 2021** with annexure, granted approval for the development of **13 town houses** as per **Site Development Plan No. 19-063** dated **8 July 2019** (copy attached).

This application is directed to the last approval dated 25 February 2021 to amend the approved Site Development Plan No. 19-063 dated 8 July 2019 to facilitate the reduction of the number of town house units even further from 13 to 7 as depicted on the attached Site Development Plan.

According to the Overstrand Municipality Land Use Scheme, 2020, townhouse, town house site and town housing are defined as follows:

“**townhouse**” means a dwelling unit which forms part of a town housing scheme;

“**town house site**” means one or more land units on which a town housing scheme has been or is to be erected;

“**town housing**” and “**town housing scheme**” mean a row or group of linked, attached or detached dwelling units which are designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided or be sold individually in some other manner;

4.2. Existing land uses

The subject property is currently vacant with no permanent buildings thereon. The property has alien vegetation and grass thereon and has a built perimeter wall with a formal entrance from Church Street. It has



P-J le Roux

STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

been agreed during the pre-consultation process that the existing erf entrance will be retained as the primary entrance to the proposed development.



Southern view across the property with alien vegetation and grass thereon



View across the subject property towards the southwest



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023



View of existing perimeter wall along Church Street



View of existing erf entrance from Church Street



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

5. PROPOSED DEVELOPMENT

The intention of the applicant and the purpose of this motivation are to obtain permission from the Overstrand Municipality to **reduce** the number of approved town houses from 13 to 7 town houses as depicted on the attached **Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023**.



Previous approved SDP dated 8 July 2019

The new development proposal comprises **7 individual double storey town house units** strategically placed on the subject property to facilitate sufficient spacing and movement thereon. Three (3) of the town houses (No. 3,4 and 5) will be linked with common walls, while the remaining four (4) town houses (No. 1,2,6 and 7) will be free standing units. The proposed town houses will be positioned within the **4m street building line** and the **2m lateral and rear building lines**. The **lateral and rear 2m building lines** as well as the **0,5m building line for the refuse collection area (no building though)** are in accordance with the



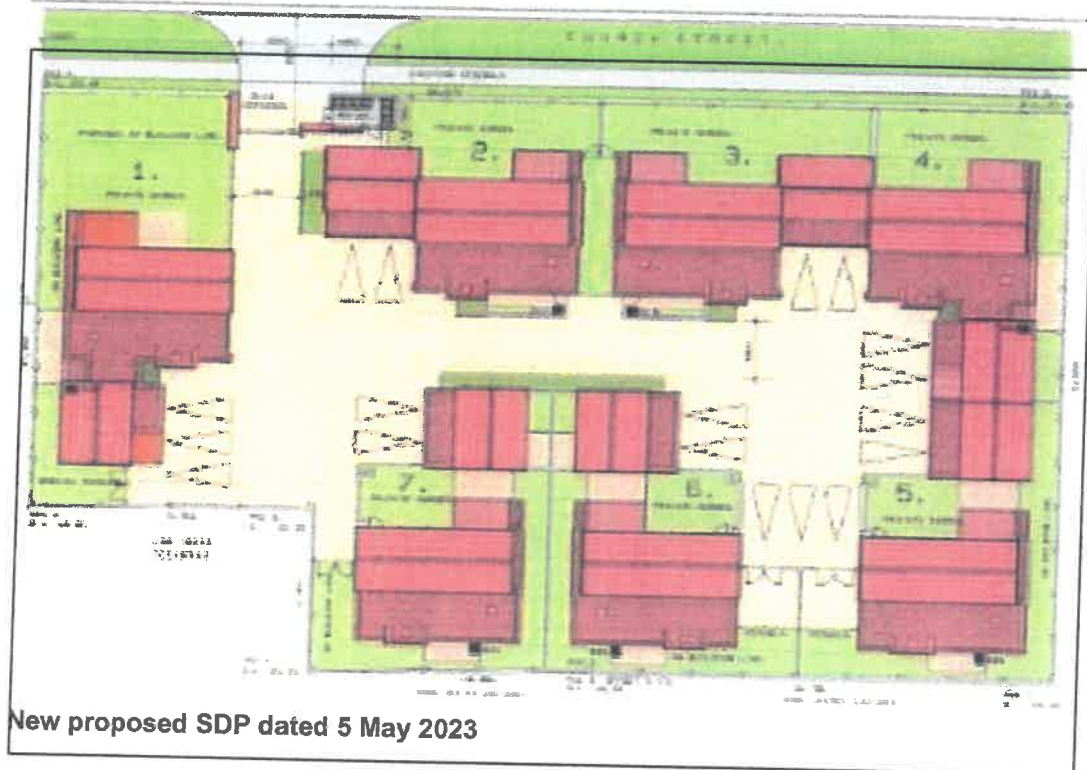
P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

approval granted in the letter dated 25 February 2021, while the proposed street building line is in line with the permitted **4m street building line** as per Section 6.4.2(e)(i) of the Overstrand Land Use Scheme, 2020.



Provision is made for **three (3) layout options** viz **Types A1 (portion 1), B1 (Portion 3) and C1 (portion 6)**, with another **three (3) modified layouts** viz. **A1M (portion 4), B1M (portion 2) and C1M (portions 5 & 7)** to optimise each specific position on the property (*see copies of the floor plans attached*). The **total floor areas** of these 3-bedroom town houses will vary between $\pm 251\text{m}^2$ and $\pm 320\text{m}^2$ with the **ground floor areas** varying between $\pm 150\text{m}^2$ and $\pm 166\text{m}^2$, while the **first-floor areas** vary between $\pm 101\text{m}^2$ and $\pm 154\text{m}^2$ as clearly depicted on the attached **Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023** and **Floor Plans** respectively.

The **total ground floor area** of the development will be $\pm 1079\text{m}^2$, which represents a **total coverage** of $\pm 38\%$, which is much lower than the **permissible 80% coverage**. The **total first-floor area** will be $\pm 810\text{m}^2$, which means that the **total floor area (bulk)** is $\pm 1889\text{m}^2$, which



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

represents a bulk of **0,68**, which is again much less than the **permissible 1,5 bulk**. The existing zoning **permits** a height of **3 storeys (9m)**, while the **development proposal** will be restricted to **2 storeys (8,5m)**. The layout of the town houses also make provision for a **yard area** for each town house which will be enclosed with a wall to ensure privacy.

Provision is also made for a **private garden area** for each of the town houses. These areas will provide the necessary outside areas for each of the town houses and will at the same time ensure a setback of the town houses from the erf boundaries. These areas as well as the common areas will be landscaped in accordance with the attached **Landscape plan**.

The parking requirement is 2 parking bay/town house (town house plus visitor), which means that a total of **14 onsite parking bays are required**. The **development proposal** makes provision for **14 covered parking bays** (double garages) plus an **additional 18 open parking bays**.

Provision will also be made for a **security entrance** with a **stacking distance of >6m** from the road edge to facilitate easy and safe access as well as movement along Church Street. This entrance will be at the current position along Church Street and provision will also be made at the entrance for **refuse collection point** as clearly depicted on the attached **Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023**. This has already been discussed with the relevant engineering department prior to this submission (*see letter from engineering consultant attached*).



P-J le Roux

STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

6. APPLICATION

Although there are already land use approvals for Erf 11018 Hermanus, the new development proposal will reduce the total number of town house units from 13 to 7. To facilitate this amendment a formal land use application is required to align the development proposal with the provisions of the Overstrand Municipality Land Use Scheme, 2020.

According to the letter from the Overstrand Municipality reference number 11018 HWC dated 25 February 2021, approval was granted for the departure of the approved building lines as well as for the amendment of the Site Development Plan to facilitate the 13 town houses thereon. This approval followed various previous approvals for development on the subject property. The last approval dated 25 February 2021 will have to be formally amended as follows to facilitate the final development proposal presented with this application.

Regarding the **approved building lines** according to Par. 3 1 of the letter of approval **no amendment thereof will be required** since the new development proposal will be in line with the approved relaxations. These relaxations as listed in the letter of approval are as follows.

- ❖ Lateral building lines from 4,5m to 2m (these approved 2m building line relaxation will remain unchanged for the new development)
- ❖ Rear lateral building line from 3m to 2m (these approved 2m building line relaxation will remain unchanged for the new development)
- ❖ Street building line from 4m to 0,5m for the refuse collection area (this approved 0,5m building line relaxation for the refuse collection area will remain unchanged for the new development)



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

It is worth mentioning that the **4m street building line** in terms of Section 6.4.2(e)(i) of the Overstrand Land Use Scheme, 2020, **will be respected** for the proposed **town houses** and that no departure will be required.

The **APPLICATION FOR AMENDMENT** to facilitate the new development proposal is directed to the replacement of the approved **Site Development Plan** as well as the amendment of a **condition of approval** referring to the specific Site Development Plan.

Site Development Plan:

In terms of Par 2 of the letter dated 25 February 2021, approval was granted for the amendment and approval of the **Site Development Plan: Plan 19-063 dated 8 July 2019**. According to this Site Development Plan, the development proposal comprises **13 much smaller duplex town house units** positioned on the subject property at a **density of ±46 units/ha**. The access to the development was proposed from Church Street at the existing erf entrance. Provision was also made for a security entrance and refuse collection area at the entrance to the development.

Since the intention is to reduce the number of town houses from 13 to 7, it is necessary that the approved Site Development Plan be amended and that a **new Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023 depicting the 7 town houses** thereon be approved. Details regarding the new development proposal are described in Section 5 of this report.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

Condition of approval:

In terms of **Par. 2(a)** of the letter of approval dated 25 February 2021, a **condition was imposed** which refers to the specific Site Development Plan. It reads as follows:

(a) *“that this approval is only for the development as indicated on plans 19-063 dated 2019-07-08, as submitted with the application”*

To facilitate the **new Site Development Plan** for the 7 town houses, this specific condition needs to be amended to read as follows:

(a) *“that this approval is only for the development as indicated on plans **Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023** as submitted with the application”*

To ensure that the proposed development complies with the provisions of the Overstrand Amendment By-Law on Municipal Land Use Planning, 2020 as well as the Overstrand Municipality: Land Use Scheme, 2020, the following formal applications are therefore required:

- In terms of **Section 16(2)(h)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN**, Plan 19-063 dated 8 July 2019 for Erf 11018 Hermanus by **replacing** it with the new ***Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023***, and
- In terms of **Section 16(2)(h)** of the Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020 for the **AMENDMENT OF THE CONDITION OF APPROVAL**, condition **2(a)** of letter dated 25 February 2021 for Erf 11018 Hermanus to refer to the new proposed ***Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023***.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

7. SPATIAL PLANNING PRINCIPLES

In terms of National, Provincial and Local spatial planning legislation certain development principles were adopted to apply to spatial planning, land development and land use management.

The development principles on National level is in terms of Section 7 of the **Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA)**, while the land use planning principles on Provincial level is in terms of Section 59 of the **Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)**. These development principles were all adopted and included into the subsequent **Land Use Planning By-Laws** promulgated for each Local Municipality.

The proposed **amendment of approved SDP and condition of approval** to facilitate the new development proposal on **Erf 11018 Hermanus** will be evaluated as follows against the five development principles:

(a) Principle of spatial justice

- The spatial justice principle requires that the past spatial and development imbalances should be redressed through improved access to and utilization of land. Access to land for all should be facilitated. We are of the opinion that **the new development proposal promotes this principle by optimizing the use of the property** although less town house units will be developed. Any potential impact on the abutting landowner will be minimized. This proposal involves the **optimising of land within an urban area and urban crawl is therefore counteracted.**



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

(b) Principle of spatial sustainability

- The principle of spatial sustainability will be achieved by a development if it is spatially compact, using resources sparingly. The **amendment of the SDP and condition of approval embodies this principle with the optimal use of land without compromising the surrounding area.**
- The proposal promotes land development that is **spatially compact and resource frugal** as the new development proposal represents a lesser density within the urban area with the surrounding environment being developed.
- The proposal promotes land development in a **location that is sustainable in respect of an environmental and socio-economic point of view** and limits urban sprawl.
- Since this application is directed to the amendment of an existing approval by reducing the number of town houses thereon, **no safety hazards are anticipated** through this application.
- The proposed amendments will **not have any detrimental impact on the surrounds** since there is existing approval for more town houses on the subject property.

(c) Principle of efficiency

- The proposed development will **optimize the use of existing resources, infrastructure, land, and facilities** within the established urban footprint.
- The proposal constitutes **existing infrastructure within the rights** of the applicable zoning without compromising the existing land uses in the immediate surrounds.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

(d) Principle of spatial resilience

- This principle is **not applicable** since the subject property forms part of an existing urban settlement and is already approved for similar land uses (town houses).

(e) Principle of good administration

- Formal pre-application communication was done with the officials at the Overstrand Municipality and this application is in line with the recommendations and procedures.
- The formal motivation will be submitted to the local authority and relevant statutory authorities for approval and will be administered in accordance with the procedures contemplated in the relevant Municipality's Land Use Planning By-Law.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

8. DESIRABILITY

In terms of **Section 66(1)(c)** of the Overstrand Municipality By-Law on Land Use Planning, 2020, the proposed utilization of the land must be desirable.

The concept of “*desirability*” in a land use planning context and as contemplated in Section 66(1)(c) of the Overstrand Municipality By-Law on Land Use Planning, 2020 can be described as the

“degree of acceptability” of the specific land use(s) on a said property within an existing natural or manmade environment and the guideline proposals included in the relevant spatial development framework plans and policies, and municipal engineering services in so far as it relates to desirability, or on the basis of its effect on existing rights and the biophysical environment concerned.

The desirability of this application for Amendment of the SDP and condition of approval on Erf 11018 Hermanus, will be discussed regarding the following aspects: **It is worth noting that an existing approval for 13 town houses are still valid, which means that the desirability of a development on the subject property has already been evaluated and approved.**

- Physical characteristics
- Character of the area
- Accessibility
- Spatial Planning
- Provision of services

8.1. Physical Characteristics

8.1.1. Topography

The subject property is an existing vacant land unit located in the centre of Hermanus west of the central business district (CBD). The



P-J le Roux

STADS- EN STREEKBEPLANNERS /TOWN AND REGIONAL PLANNERS

improvement on the subject property is limited to a built perimeter wall with formal erf entrance from Church Street. The subject property has a level gradient with no physical or any topographical constraints. Although the subject property is overgrown with grass and some vegetation, none of this vegetation has any conservation value. There are also no ecological habitats present on the subject property which will prevent or restrict the proposed development thereon.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

8.1.2. Climate

The subject property is located in an urban area of Hermanus and forms part of the Mediterranean climate system of the Western Cape. The area receives roughly 520 mm of rain per annum, the majority of which falls during the winter months of June to August in the form of frontal precipitation. Average midday temperatures range from 25 °C in February to 16 °C in July. Extreme temperatures above 30 °C and under 10 °C are not uncommon. Summer and winter months are characterized by strong South-Easterly and North-Westerly winds respectively.

Since the new development proposal will be less dense than the existing approval and the new buildings are strategically positioned on the subject property, there is no reason to believe that the proposed amendments will have any impact on the microclimate of the area.

8.2. Character of the area

The subject property is located almost in the centre of Hermanus approximately 500m west of the central business district (CBD) and old harbour precinct. The existing character of the area is typical that of a central area in a town with mixed uses comprising a combination of residential (west and south), community (church) to east, commercial centre (southeast), public amenities (public parking, magistrates court, police station, municipal offices etc.) to the north.

Since this application is an amendment to an existing approval on the subject property for 13 town houses, and the fact that the new development will reduce the total number to 7 town houses, it can be assumed with confidence that the desirability of a town house development on the subject property has already been evaluated and



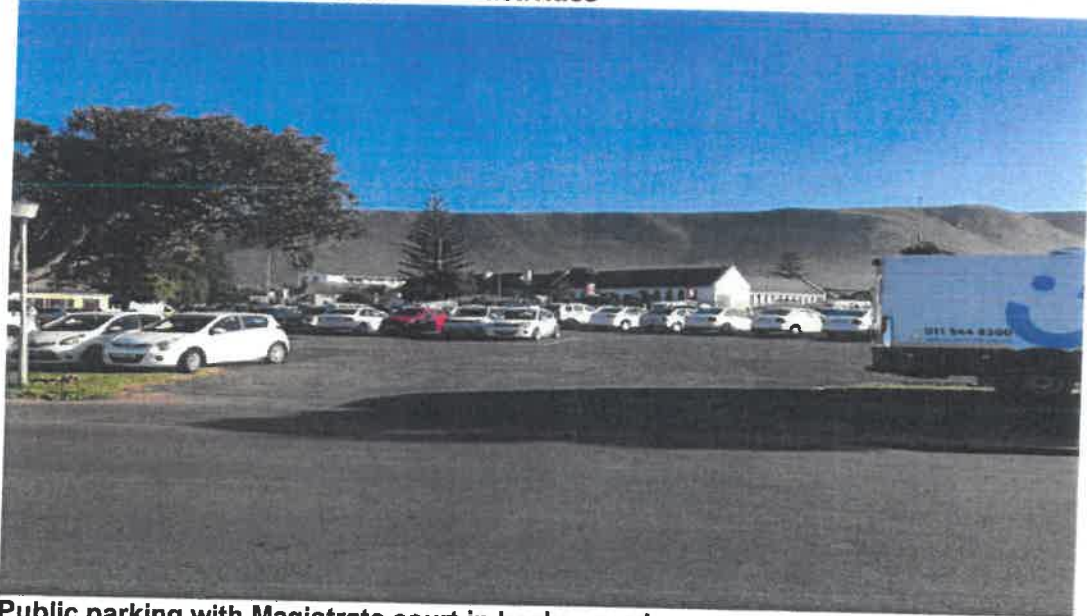
P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

approved. Since the proposed amendment will reduce the number of town house units and overall density, there is no reason to believe that this amendment application will have any negative impact on the existing mixed character of the area. In fact, we believe that the subject property is ideally located for residential purposes since it is within walking distance from all the important business activities (CBD), community and public facilities and the total number of units will complement the residential area to the west along Church Street.



Northwestern view onto commercial activities



Public parking with Magistrate court in background



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023



Residential activities along Church Street



Eastern view across the property with Church in background

8.3. Accessibility

The subject property is located south along Church Street in the central part of Hermanus. Church Street, which runs in an east/west direction, is a municipal street that provides access to the residential area to the west of the subject property and intersects with Main Road at the traffic circle to the east of the subject property. Access to the subject property is taken directly from Church Street via an existing erf entrance which is approximately **93m west** of the traffic circle. Only one erf entrance is provided on the new Site Development Plan which corresponds with the position on the approved development, therefore no changes to this



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

position are proposed. The access to the subject property has been confirmed by the engineering department of the Overstrand Municipality.

8.4. Spatial Planning

The subject property forms part of the existing urban fabric of Hermanus and it is located well **within the approved Urban Edge** for Hermanus. Although the subject property is not specifically mentioned in any spatial planning documentation, it is earmarked in the approved Spatial Development Framework of Overstrand Municipality for **General Residential Zone 3: Flats Bulk Zone 2** purposes as depicted in the figures below. We are of the opinion that since no changes are proposed to the zoning and land use on the subject property, the proposed amendment is insignificant with no spatial implications and that the proposal can therefore be reared as being compliant with the spatial recommendations of the OMSDF.

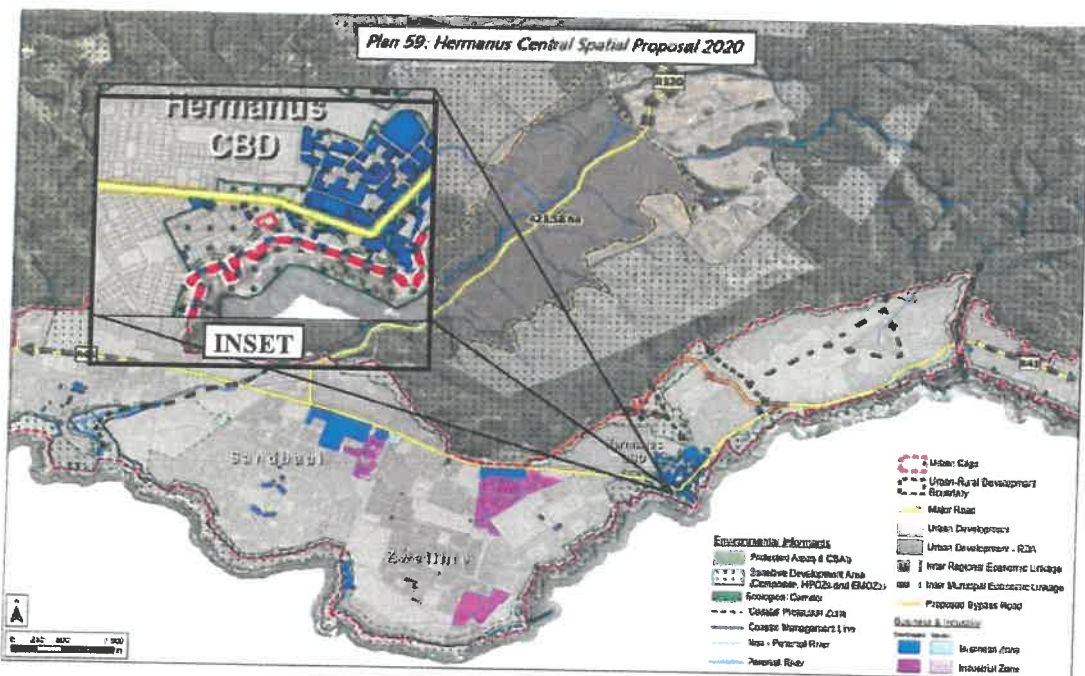


Fig. 4: Spatial Development Framework Plan: Hermanus



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

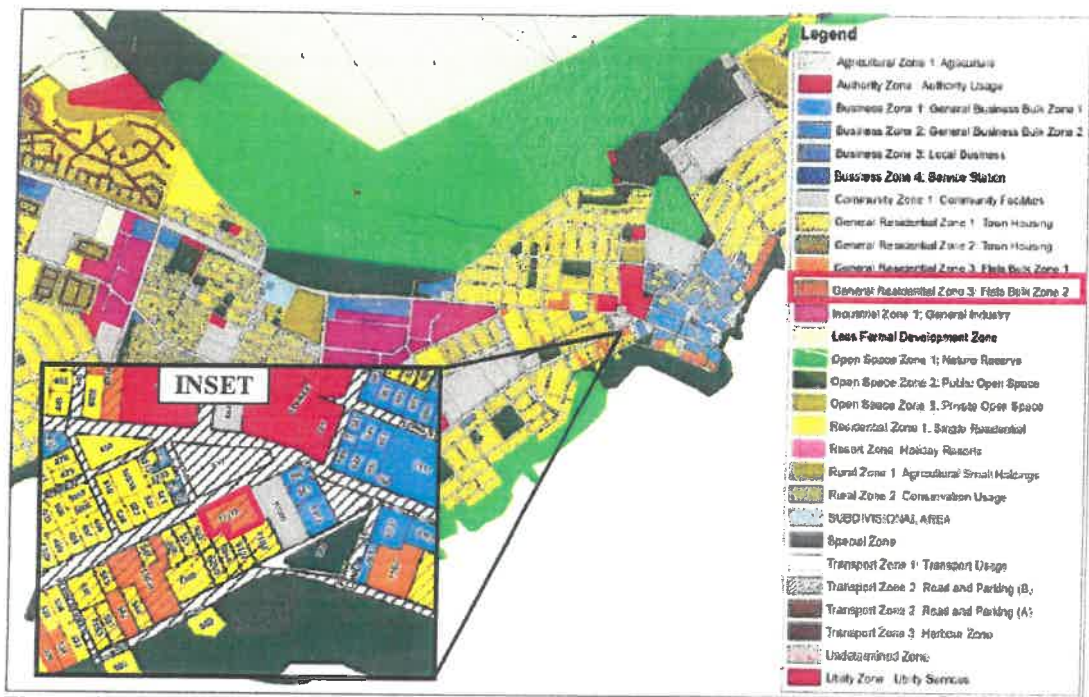


Fig. 5: Overstrand Public Viewer

8.5. Provision of services

During the pre-application consultation that Messrs Bart Senekal Inc. Civil and Structural Engineering Consultants had with the senior officials at the Engineering Services Department, it was confirmed that **no updated engineering services report** will be required and that the same conditions for the previous approval of the 13 town houses can be used for this new amended development proposal. It was further confirmed that the setback at the entrance must be **6m** and that a **refuse collection area** be indicated on the plan at the entrance. **No stormwater management plan** is required (see confirmation letter attached).



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023

9. SUMMARY AND CONCLUSION

From the aforementioned it is evident that the application for the amendment of approval on Erf 11018 Hermanus to facilitate a new town house development proposal comprising 7 town houses thereon, is in line with Section 66 of the Overstrand Municipality Land Use Planning By-Law, 2020 and in particular Section 66(1)(c) thereof.

- There is an existing approval for 13 duplex town houses on the subject property.
- The approved building line relaxations in the letter dated 25 February 2021 will remain applicable to this new development layout.
- The new development proposal will reduce the total number of town houses from 13 to 7.
- Confirmation has been received that the same engineering conditions from the engineering department can be used for this new development proposal.
- The subject property is already zoned to accommodate town houses and no changes to the zoning or land use are applied for.
- Since the current approval is linked to a specific site development plan, it is necessary to amend the site development plan to facilitate the new layout.
- The existing and previously approved position for the erf entrance will remain unchanged.
- The subject property is within walking distance from the CBD, various community, and public amenities.



P-J le Roux

STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

- We are of the opinion that the amendment has no impact on the character of the area.
- There are no topographical or ecological constraints impacting on the new development proposal.
- It is our view that the proposed amendment will not have any detrimental impact on the surrounding area and **no mitigation is foreseen for the development project.**

From the aforementioned it is evident that the proposed **Amendment of the approved Site Development Plan and Condition of approval** on Erf 11018 Hermanus to facilitate a new development proposal comprising 7 town houses thereon as depicted on the attached ***Site Development Plan: Plan HERMSDP7/1 dated 5 May 2023., Floor Plans and Elevations***, is therefore regarded as highly desirable and that the application is favourably considered and approved.

PIERRE-JEAN LE ROUX

Pr. Pln. A./803/1995



P-J le Roux

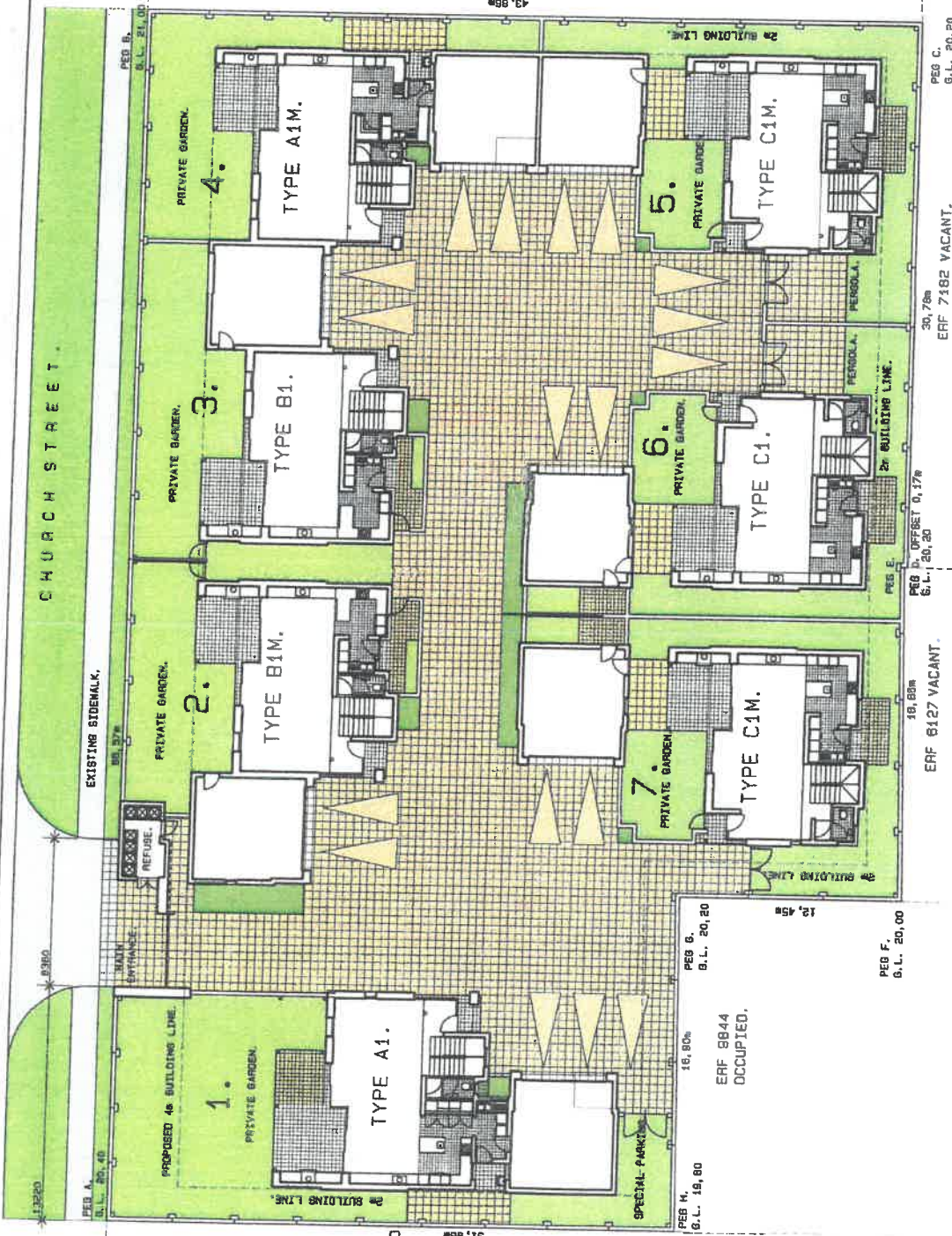
STADS- EN STREEKBEPLANNERS / TOWN AND REGIONAL PLANNERS

Erf 11018 Hermanus

June 2023



CHURCH STREET



ERF 563
OCCUPIED

PEB M.
G.L. 18, 80
ERF 8844
OCCUPIED.

PEB F.
G.L. 20, 00

18, 80m
ERF 6127 VACANT.

PEB D. OFFSET 0, 17m
G.L. 20, 20

30, 76m
ERF 7492 VACANT.

PEB C.
G.L. 20, 20

ERF 10568
OCCUPIED.



D. G. P. GEBHARD.
P.O. BOX 20098.
ARCHITECTURAL CONSULTANT.
320 STONEWALL STREET,
FAIRIE GLEN 6043.
P.O. BOX 37743 PTA. 0048.
TEL. 082 3668864.
COPYRIGHT RESERVED.

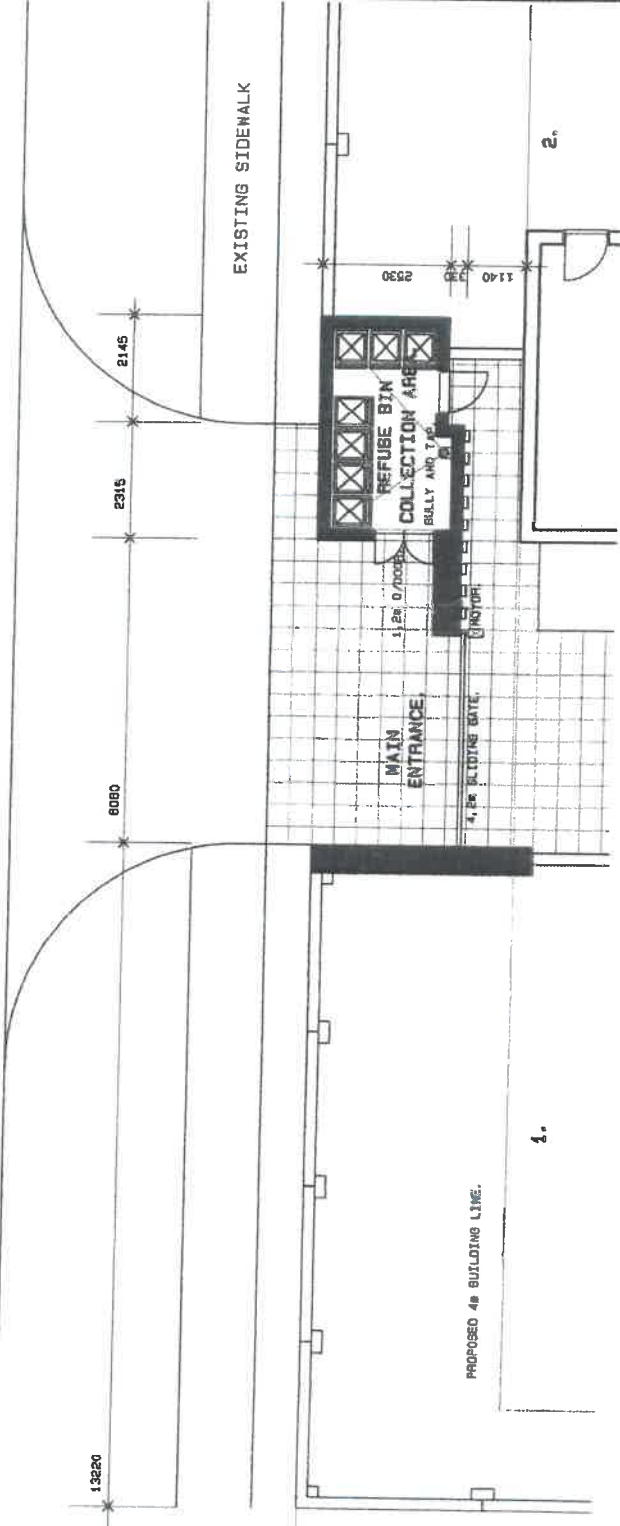
PROJECT: DEVELOPMENT PROPOSAL	
CLIENT:	LAKUTSHONA (PTY.) LTD.
ERF:	11018 OVERSTRAND MUNICIPALITY.
TOWN/CITY:	DIVISION CALEDON, WESTERN CAPE.
MAIN BLDG. AREA	TYPE.
COV. PATIO AREA	GROUND FLOOR
OUTBLOB. AREA.	SITE LAYOUT.
TOTAL AREA.	SDP.
REV. 8. /REFUSE.	DRAWN BY: DGP. DATE: 2023/04/10/2
DATE. 2023/05/05.	SCALE: 1:250 SCALE AT A3 DIM.
VIEWS	DWG. NO. MERNSDP7/ 2.

0270 060 0822

CHURCH STREET (NORTH) ELEVATION 1/100 SCALE.

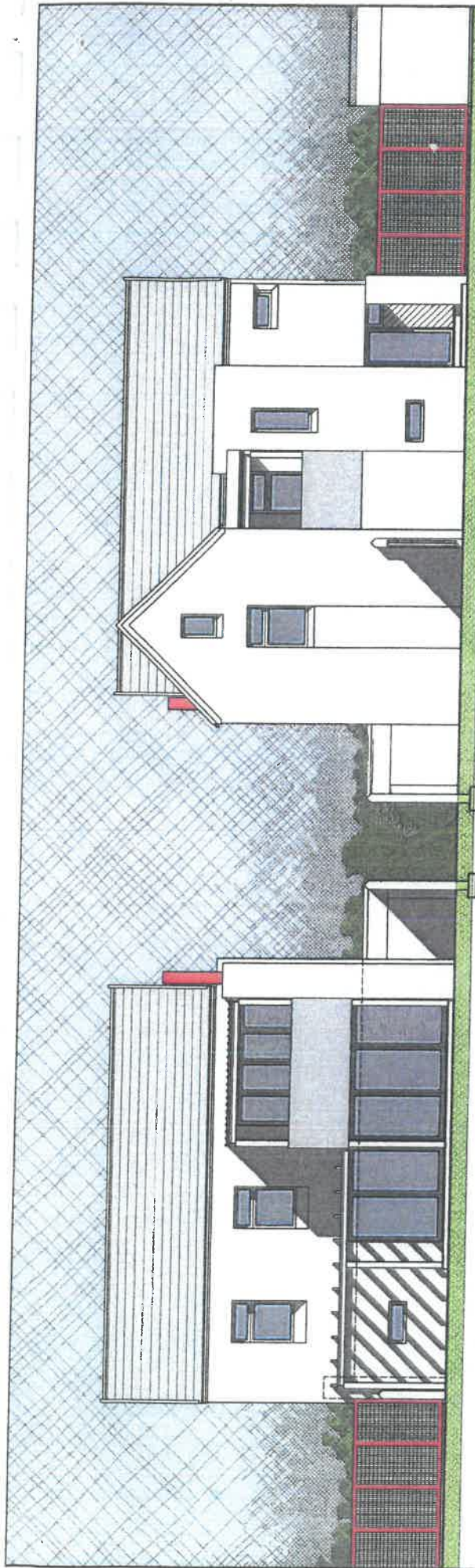
WEST ELEVATION. 1/100 SCALE.

INSIDE (SOUTH) ELEVATION 1/100 SCALE.

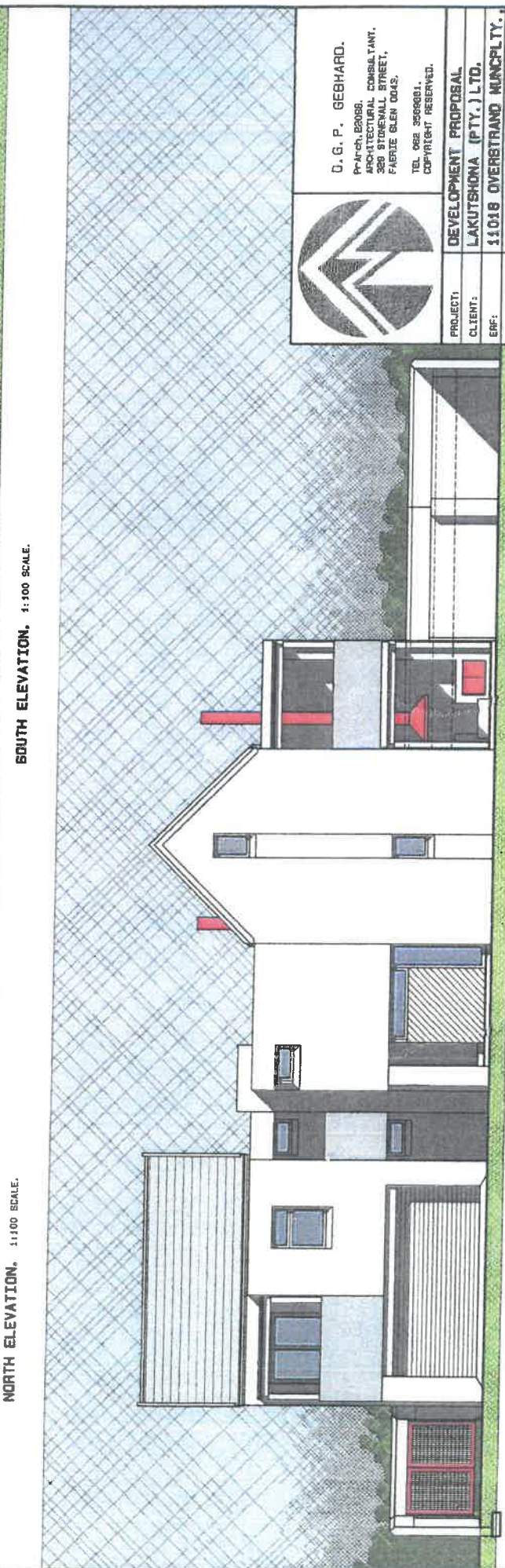


D. G. P. GEBHARD,
 ARCHITECTURAL CONSULTANT,
 280 STONEMALL STREET,
 FABRIE BLVD 0643,
 P. O. BOX 37743 PTA. 0643,
 TEL. 092 3558881.
 COPYRIGHT RESERVED.

PROJECT:	DEVELOPMENT PROPOSAL
CLIENT:	LAKUTSHONA (PTY.) LTD.
REF:	11018 OVERSTRAND MUNICIPALTY.
TOWN/CITY:	DIVISION CALEDON, WESTERN CAPE.
MAIN BLDG. AREA	1:100 SCALE
REFUSE BIN AREA	REFUSE BIN
OUTBLDG. AREA	AREA
TOTAL AREA	TYPE
REV. B./REFUSE.	SCALE: 1:250 SCALE AT A3 DWG.
DATE: 2023:05:05.	DWG. NO. HERMSOP7/5.
YIENB	



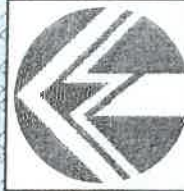
NORTH ELEVATION. 1:100 SCALE.



SOUTH ELEVATION. 1:100 SCALE.



EAST ELEVATION. 1:100 SCALE.



D. G. P. GEBHARD.
 P-ARCH. 25088.
 ARCHITECTURAL CONSULTANT,
 329 STONEWALL STREET,
 FAIRIE GLEN QD45.
 TEL 082 3969881.
 COPYRIGHT RESERVED.

PROJECT:	DEVELOPMENT PROPOSAL
CLIENT:	LAKUTSHONA (PTY.) LTD.
REF:	11018 OVERSTRAND MUNICIPALITY.
TOWN/CITY:	DIVISION CALEDON, WESTERN CAPE.
MAIN BLDG. AREA	1:100 SCALE
COV. PATIO AREA	ELEVATIONS.
OUTBLDG. AREA	A1.
TOTAL AREA	DRAWN BY: DGP. DATE: 2023-01-18
REV. Y.	SCALE.
DATE. 2023:05:22.	DWG. NO. HERMSDP9/2.
VIEWS	