

**ERF 2397, 110 ELEVENTH STREET AND ERF 10566, 109 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF SE VAN DYK & DJ BROODRYK**

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 consolidation in terms of Section 16(2)(e) of the By-Law, to consolidate Erf 2397 (495m<sup>2</sup> in extent) and Erf 10566 (496m<sup>2</sup> in extent) to create one erf approximately 991m<sup>2</sup> in extent.

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. Any comments on the proposal must be submitted in writing in accordance with the provisions of Sections 51 and 52 of the By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 19 April 2024** quoting your name, address and contact details, interest in the application and reasons for comment. 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 2397, ELFDESTRAAT 110 EN ERF 10566, TIENDESTRAAT 109, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM KONSOLIDASIE: MNRE WRAP PROJECT OFFICE NAMENS SE VAN DYK & DJ BROODRYK**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek om konsolidasie ontvang is ingevolge Artikel 16(2)(e) van die Verordening, om Erf 2397 (495m<sup>2</sup> groot) en Erf 10566 (496m<sup>2</sup> groot) te konsolideer om een erf ongeveer 991m<sup>2</sup> groot te skep.

Volledige 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 ingevolge die bepalinge van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **Vrydag, 19 April 2024** bereik, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar. 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 2397, 110 ELEVENTH STREET KUNYE ISIZA 10566, 109 TENTH STREET, VOËLKLIP, HERMANUS, INDAWO KAMASIPALA OVERSTRAND: UKUHLANGANISWA OKUCETYWAYO: WRAP PROJECT OFFICE EGAMENI SE VAN DYK & DJ BROODRYK**

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), ukuba isicelo sifunyenwe sokudityaniswa ngokweCandelo le-16(2)(e) loMthetho kaMasipala, ukuze kudityaniswe iSiza-2397 (495m<sup>2</sup> ngokobukhulu) kunye neSiza-10566 (496m<sup>2</sup> ngokobukhulu) ukudala isiza esinye esimalunga nama-991m<sup>2</sup> ububanzi.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, ePaterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokungqinelana nemigaqo yeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi koko **19 uTshazimpusi 2024**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa ku**Mnu. P Roux** apha 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.

# 1. Locality Plan Erven 2397 & 10566, Hermanus

Plan prepared by: Veronica Jansen

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



**Project Office**  
Town Planning & Project Management





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**1. ABBREVIATIONS**

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

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**2. PROPERTY DETAILS**

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<b>Erf Number</b>	Erf 2397 Hermanus	Erf 10566 Hermanus
<b>Extent</b>	495m <sup>2</sup>	496m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential	

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**3. BACKGROUND AND INTENT**

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Erven 2397 and 10566 Hermanus, hereafter referred to as the subject properties, are located in Voëlklip (refer **Plan 1 – Locality Plan**). The proposal is to consolidate the two properties and to register the consolidated property in the name of the prospective owner. The current owners are selling to the prospective owner subject to approval of the consolidation.

The subject properties are improved with dwellings thereon; however, these dwellings will be demolished by the prospective owner to build a new dwelling. The owners have appointed WRAP Project Office to submit this land use application on their behalf. (refer **Annexure A – Power of Attorney**).

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**4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT**

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WRAP compiled this report to ensure that the prospective property owner's requirements are met. The following is proposed:

**4.1 Consolidation** of Erven 2397 and 10566, Hermanus:

There are several reasons as to why the prospective owner wants to consolidate these two properties. Some potential benefits of consolidation include:

- Increased property value: Combining these properties into one can create a larger and more valuable piece of real estate, especially when the new dwelling is constructed. This can be especially beneficial as the properties are located in a desirable area and it has unique features.
- Improved efficiency: Consolidating the properties makes it easier to manage and maintain the combined property until the new dwelling has been built.
- Reduced expenses: By consolidating these two properties, the prospective owner will save money on items like property taxes, utilities, and maintenance costs.



## MOTIVATION

- **Greater control:** The consolidation will give the prospective owner greater control over the combined property. This is useful for property owners who want to ensure that the properties are being used in the best way possible to meet their vision.

The prospective owner has the intention of demolishing the buildings on both properties, as Erf 2397 Hermanus is listed within the heritage register, consent from the responsible Heritage authority was required, which in this case is the Heritage Western Cape (HWC). HWC approved the total demolition of the building on Erf 2397 Hermanus In June 2023, refer to **Annexure C – Demolition Permit**.

The building on Erf 10566 Hermanus has no heritage significance, and a demolition permit will be obtained from the OM once the consolidation is approved.

Overall, consolidating these two properties can provide many benefits, including increased property value, improved efficiency, reduced expenses, and greater control.

Proposed Consolidation	
Erf 2397, Hermanus	495m <sup>2</sup>
Erf 10566, Hermanus	496m <sup>2</sup>
Consolidated Property	± 991m <sup>2</sup>

### 5. LAND USE ENVIRONMENT

The properties surrounding the subject properties are predominantly zoned for residential purposes. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

### 6. TITLE DEED

Title deeds T55143/1984 and T64530/2006 (refer **Annexure B – Title Deed**) were perused and there are no restrictive conditions that prohibit the consolidation of these two properties.

### 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:



**MOTIVATION**

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>		
<b>Land Use Restrictions</b>		
	<b>Parameters</b>	<b>Proposal</b>
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling Houses (To be demolished)
<b>Consent use that may be applied for</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A
<b>Development parameters</b>		
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m <sup>2</sup> and greater = 50%	To be complied with.
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area: 400 m <sup>2</sup> and greater = 4m  (ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m <sup>2</sup> = 2m	To be complied with.
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	To be complied with.
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	To be complied with.
		Comply
		Comply
		Comply
		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 OM's networks, which include electricity, water and sewage. The proposal of this application will not place any additional load on the existing services as the consolidated property will be used as one property with one dwelling unit and not as two properties (with two dwelling units).

Solid waste is collected by the OM on a weekly basis.

**Access and Egress**

Access and egress to the proposed consolidated property is proposed from 10<sup>th</sup> 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 land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the prospective property owner. In order to achieve this, the prospective property owner is required to address the need and desirability of the proposed development.

Socio-economic impact	It is not expected that the proposed consolidation will have a socio-economic impact on the area.
Compatibility with surrounding uses	The proposal is not out of character with the surrounding residential area. The development proposal is not predicted to have a negative impact on the surrounding area.
Impact on the external engineering services	Refer 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	Erf 2397 is listed in the OM Heritage Register with grading 3C. The property owners received approval for demolition from Heritage Western Cape (HWC).
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 is not expected to have an impact on traffic and the access and parking will be provided in terms of the OMLUS.



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### **Impact on views, sunlight and character of the area**

The subject properties are located in a residential setting and any proposed future development will be required to be aligned with the development parameters set out in the OMLUS.

### **Economic impact**

The proposed consolidation will not have an 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.

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## **10. POLICIES AND REGULATIONS**

### **10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

Both erven are located within the following Environmental Protection Overlay Zones (EMOZ).

#### **Protected Area Buffer**

The subject properties are both located within the 'Protected Area Buffer' EMOZ. The purpose thereof is to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.

#### **Coastal Protection**

Erf 10566 Hermanus is not located with the 'Coastal Protection' EMOZ; however, a small portion of Erf 2397 Hermanus is located within the 'Coastal Protection' EMOZ. The purpose thereof is managing the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes and biodiversity within Coastal Reserves.

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:



## MOTIVATION

<b>SCHEDULE A</b>			
<b>PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES</b>			
<b>Prohibited Activity</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	X	N/A
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	X	N/A
Placement of religious symbols or memorabilia.	X	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	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	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	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	X	N/A
Feeding, disturbing / pursuit of fauna.	X	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	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	X	The proposal is to demolish the existing structures.
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.			N/A
Staying overnight.	X	X	N/A
The discharging of domestic effluent / grey water into all natural systems.	X	X	N/A
Tampering with security / surveillance infrastructure.	X	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	X	N/A



**MOTIVATION**

Graffiti, vandalism or damaging of municipal infrastructure.	X	X	N/A
Littering	X	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	X	N/A
Dog walking / exercising of dogs in non-designated zones.	X	X	N/A

<b>SCHEDULE B</b>			
<b>ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES</b>			
<b>A) Activities Only Permitted With Council Consent</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
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	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	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	X	N/A
<b>B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	X	The property has access to the open space.
Commercial filming.	X	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	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	X	N/A
Launching of vessels at registered launch sites.			N/A



## MOTIVATION

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	Protected Area Buffer	
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	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	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	X	A small portion of Erf 2397 Hermanus is located in the zone, this portion includes part of a dwelling house.
Commercial Harvesting/collection and removal of any natural resource.	X	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	X	A small portion of Erf 2397 is located in the zone, this portion includes part of a dwelling house.

It is not predicted that the proposal to consolidate will have a negative impact on the EMOZ.

### 10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

Both subject properties are located within the 'Coastal Strip' HPOZ, the purpose of which is to ensure that any land use application resulting in additional rights 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 of consolidation is not expected to have a negative effect on the HPOZ.



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### **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.

The consolidation of the properties is not restricted and the utilisation of the consolidated property for its primary use is not predicted to be out of character for spatial planning policies.

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## **11. PLANNING PRINCIPLES**

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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. The proposal to consolidate the properties is not predicted to contribute to past spatial injustices.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to utilise the property to its maximum extent. The proposed consolidation of the property will optimise the utilisation of space on the property.

### **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.



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**12. EVALUATION**

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This application has been submitted to obtain approval from the Overstrand Municipality to consolidate the two subject properties. The proposed consolidation aligns with the guidelines established by the OMLUS and the zoning of the properties in question. The proposal is consistent with the neighbouring residential area and will not be considered as out of the ordinary. The proposal is also consistent with all applicable land-use planning regulations.

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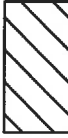
**13. RECOMMENDATION**

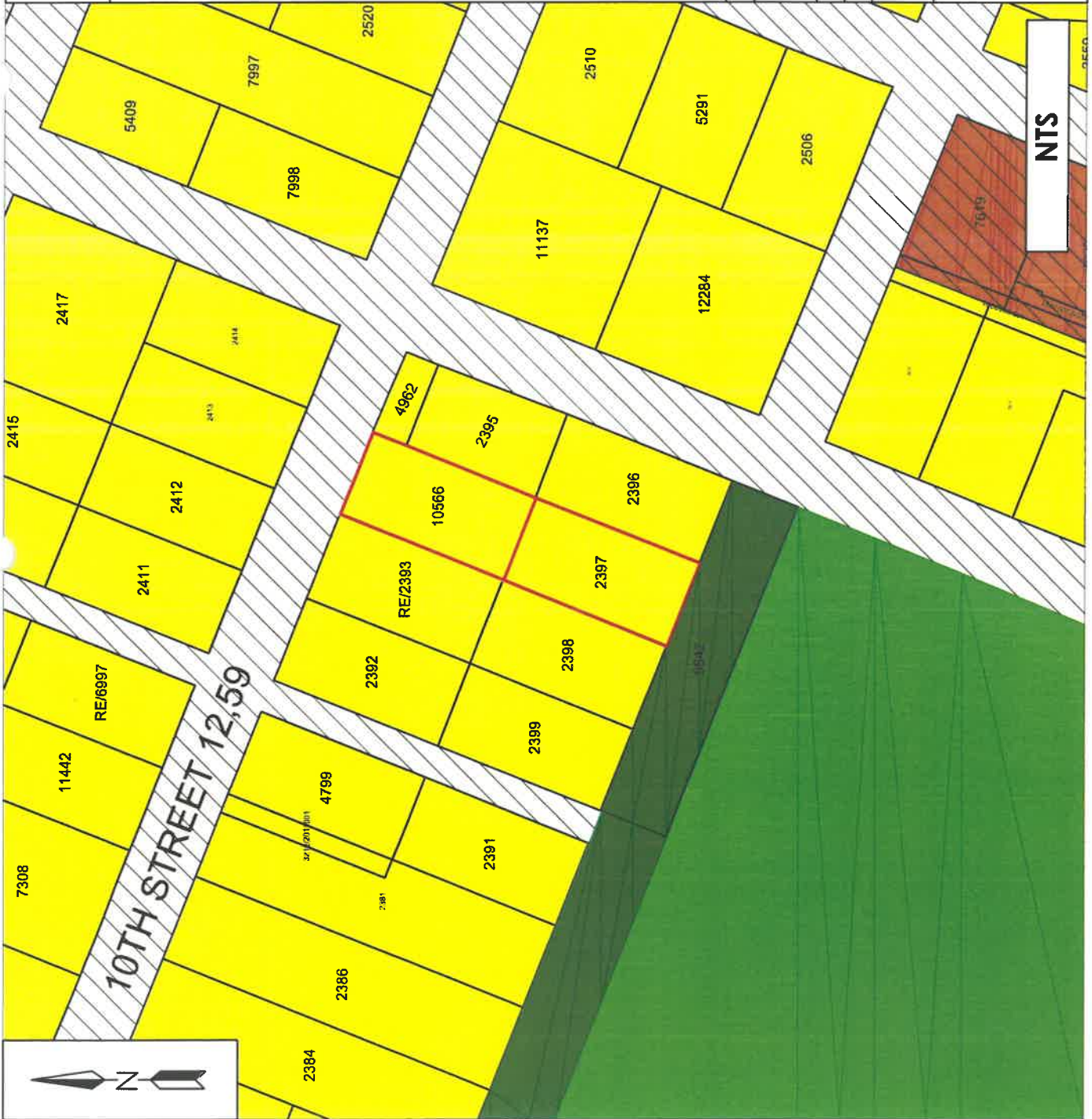
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Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 Consolidation** of Erven 2397 and 10566, Hermanus in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

## 2. Zoning Plan Erf 2397 & 10566, Hermanus

-  Residential Zone 1: Single Residential
-  Open Space Zone 2: Public Open Space
-  Open Space Zone 1: Nature Reserve
-  General Residential Zone 3: Flats Bulk Zone 2
-  Transport Zone 2: Road and Parking (Public)



Plan prepared by: Veronica Jansen

All distances are approximate  
and subject to a survey

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