

OFFICE OF THE DIRECTOR: INFRASTRUCTURE & PLANNING
TOWN & SPATIAL PLANNING



ENQUIRIES | NAVRAE: Mr P Roux (Town Planner)
FILE REF | LEËRVER: 3259, 3260 & 3262 HVK
APP ID | AANSOEK ID: 4467/2023
DATE | DATUM: 11 October 2023

Att: Interested and Affected Person(s)

REGISTERED MAIL

Dear Sir / Madam

NOTICE TO AFFECTED PERSONS

ERF 3259, 215 TENTH STREET, ERF 3260, 219 TENTH STREET AND ERF 3262, 221 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF TIENDESTRAAT 215 TRUST & SEETUIN TRUST

Attached please find a self-explanatory notice for your attention.

Yours faithfully



S MÜLLER
DIRECTOR: INFRASTRUCTURE & PLANNING

ERF 3259, 215 TENTH STREET, ERF 3260, 219 TENTH STREET AND ERF 3262, 221 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION: MESSRS WRAP PROJECT OFFICE ON BEHALF OF TIENDESTRAAT 215 TRUST & SEETUIN TRUST

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 in terms of Section 16(2)(e) of the By-Law for the consolidation of Erven 3259, 3260 and 3262, Voëlkliip, Hermanus to create one erf of approximately 1487m² in extent.

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 / alida@overstrand.gov.za) on or before **17 November 2023**, 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 3259, TIENDESTRAAT 215, ERF 3260, TIENDESTRAAT 219 EN ERF 3262, TIENDESTRAAT 221, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: VOORGESTELDE KONSOLIDASIE: MNRE WRAP PROJECT OFFICE NAMENS TIENDESTRAAT 215 TRUST & SEETUIN TRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is ingevolge Artikel 16(2)(e) van die Verordening vir die konsolidasie van Erwe 3259, 3260 en 3262, Voëlkliip, Hermanus om een erf ongeveer 1487m² groot te skep.

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 / alida@overstrand.gov.za) voor of op **17 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 **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 3259, 215 TENTH STREET, ISIZA 3260, 219 TENTH STREET KUNYE ISIZA 3262, 221 TENTH STREET, VOËLKLIP, HERMANUS, INDAWO KAMASIPALA OVERSTRAND: UKUHLANGANISWA OKUCETYWAYO: WRAP PROJECT OFFICE EGAMENI LE TIENDESTRAAT 215 TRUST & SEETUIN TRUST

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe ngokweCandelo le-16(2)(e) loMthetho kaMasipala - Umthetho, wokudityaniswa kweSiza 3259, 3260 kunye ne-3262, iVoëlkliip, eHermanus ukuyila isiza esinye esimalunga ne-1487m² ngobubanzi.

linkcukacha eziphelleyo 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) ngomhla okanye ngaphambi koko **17 EyeNkanga 2023**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa **kuMnu. 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. ABBREVIATIONS

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

2. PROPERTY DETAILS

Erf Number	Erf 3259 Hermanus	Erf 3260 Hermanus	Erf 3262 Hermanus
Extent	496m ²	495m ²	496m ²
Zoning	Residential Zone 1: Single Residential		

3. BACKGROUND AND INTENT

Erven 3259, 3260 and 3262 Hermanus, hereafter referred to as the subject properties, are located in 10th Street Voëlklip (refer **Plan 1 – Locality Plan**). The owners are both family trusts within the same family, and all three properties have been under the same family ownership since the 1990s. The proposal is to consolidate all three properties and to register the consolidated property in the name of a single trust to reduce the administrative- and financial burden associated with owning three separate properties.

Erf 3259 Hermanus has a dwelling on it, but over time, it has not been maintained and a permit was acquired to demolish it. This will create a single large vacant erf that will be used for gardening and general enjoyment, as per the owners' wishes. The owners have appointed WRAP Project Office to submit this land use application on their behalf. (refer **Annexure A – Power of Attorney**).



4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

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

4.1 Consolidation of Erven 3259, 3260 and 3262, Hermanus in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

There are several reasons as to why the property owners want to consolidate these three 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. This can be especially beneficial as the properties are located in a desirable area and it has unique features.
- Improved efficiency: Consolidating three properties makes it easier to manage and maintain the combined property.
- Reduced expenses: By consolidating these three properties, the property owners will save money on items like property taxes, utilities, and maintenance costs.
- Greater control: Consolidating three properties will give the property owners 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.

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

Proposed Consolidation	
Erf 3259, Hermanus	496m ²
Erf 3260, Hermanus	495m ²
Erf 3262, Hermanus	496m ²
Consolidated Property	±1487m ²

5. APPLICATION

Considering the above, application is made for the following:

5.1 Consolidation of Erven 3259, 3260 and 3262, Hermanus in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. 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).



MOTIVATION

7. TITLE DEED

Title deeds T17515/2012, T76191/1995, T24789/1995 (refer **Annexure B – Title Deed**) were perused and there are no restrictive conditions that prohibit the consolidation of these properties.

8. 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

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 (To be demolished)	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 Building, and Intensive Horticulture.	-	N/A
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%		Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: 400 m ² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m		Comply
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.		Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.		Comply



9. 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 only be used for gardening purposes.

No solid waste is proposed to be created as the property will be vacant.

Access and Egress

Access and egress to the proposed consolidated property is proposed to be from 10th Street.

10. 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 property owners. In order to achieve this, the 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	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal is not expected to have an impact on traffic and the access and parking is being provided in terms of the OMLUS.



To meet their requirements, the property owners have appointed WRAP Project Office to submit this application to ensure that the consolidation is not in contravention of any policies, legislation, or title deed conditions.

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 property is not located within an environmentally important area.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within the EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the HPOZ.

11.3 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.

12. PLANNING PRINCIPLES

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

Spatial justice

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



MOTIVATION

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 and improvement 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.



13. EVALUATION




This application has been submitted to obtain approval from the Overstrand Municipality to consolidate three subject properties. The proposed consolidation aligns with the guidelines established by the OMLUS and the zoning of the property 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.

14. RECOMMENDATION

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

- 14.1 Consolidation** of Erven 3259, 3260 and 3262, Hermanus in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

2. Zoning Plan
Erven 3259, 3260 & 3262 Hermanus

-  Residential Zone 1: Single Residential
-  Transport Zone 2: Road and Parking (Public)
-  Open Space Zone 2: Public Open Space

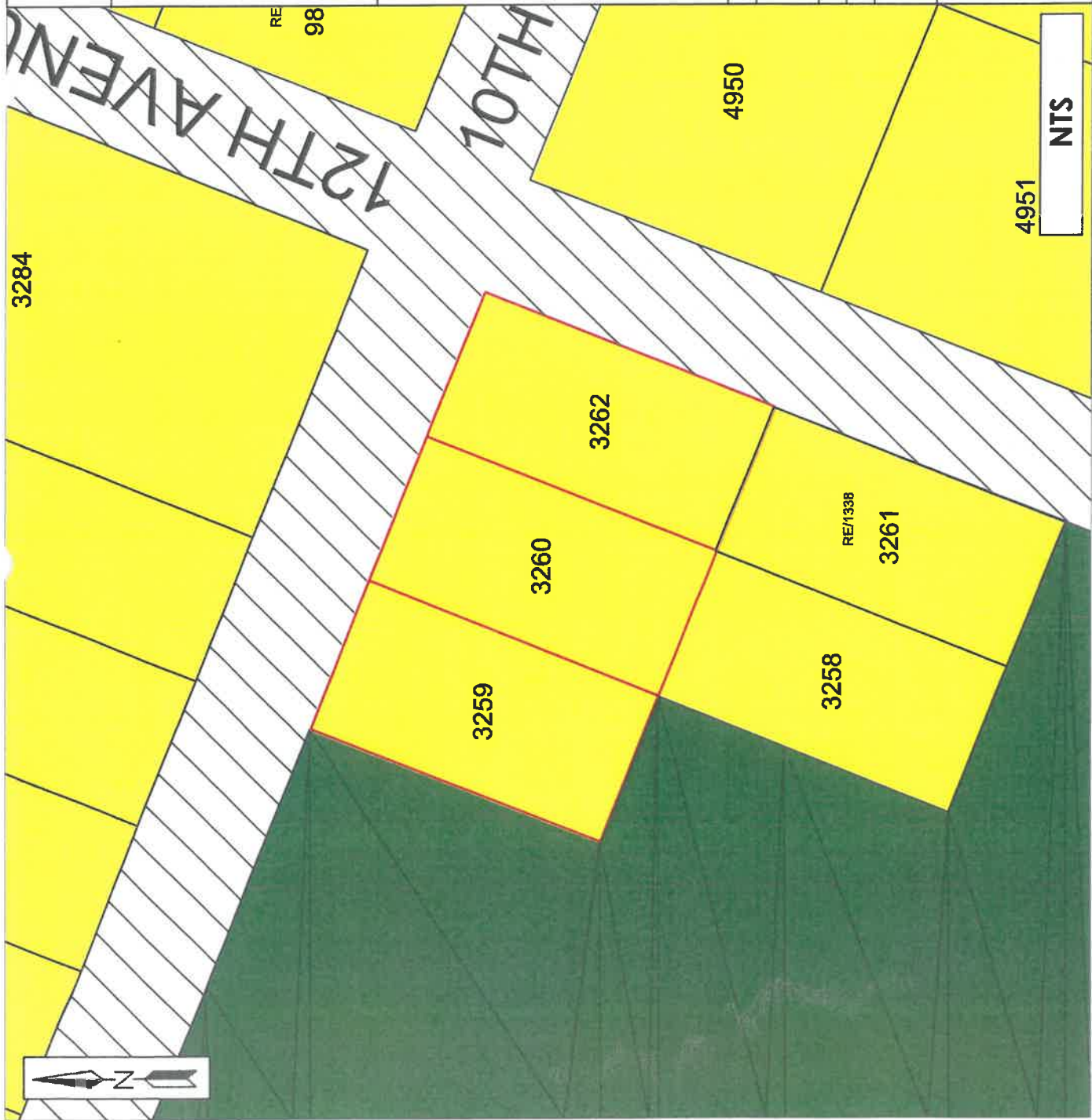
Plan prepared by: Thian Jansen

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



3. Aerial Plan
Erven 3259, 3260 & 3262 Hermanus



Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

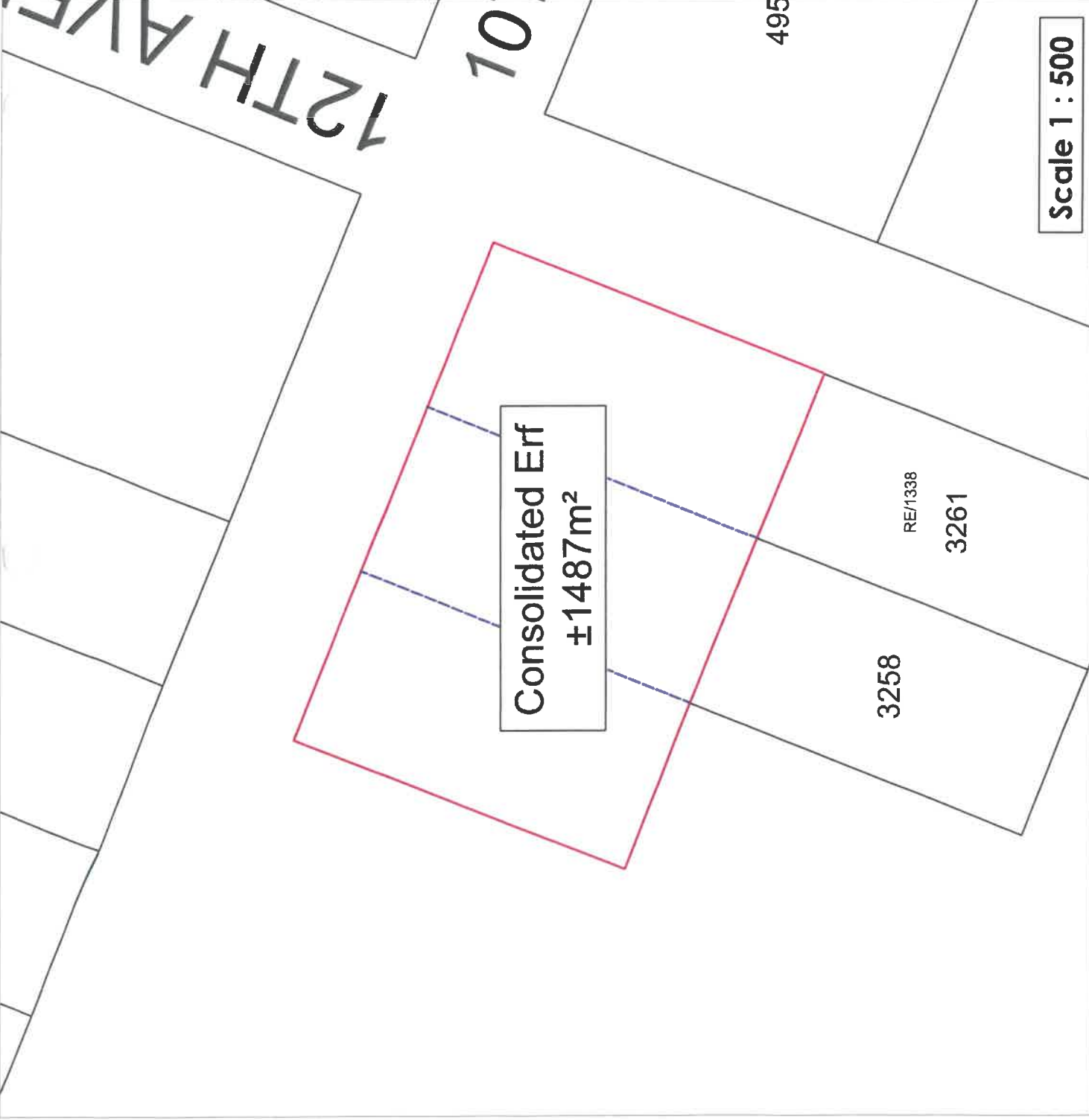
Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management

NTS



Scale 1 : 500

4. Consolidation Plan Erven 3259, 3260 & 3262 Hermanus
Erf 3259, Hermanus 496m ²
Erf 3260, Hermanus 495m ²
Erf 3262, Hermanus 496m ²
Proposed Consolidated Erf ±1487m ²
Plan prepared by: Thian Jansen
Plan Number 23/120(001) - 05/09/2023
All distances are approximate and subject to a survey
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Unit B, Standard House, Corner of Royal and Dirkie Uys Street Hermanus, 7200



Project Office
Town Planning & Project Management

