



ERF 4063, 295 TENTH STREET AND ERF 4064, 297 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF FRANCESCO RIVERA INVESTMENTS HOLDINGS (PTY) LTD

Notice is hereby given in terms of Section 48, read with Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received for the consolidation of Erven 4063 and 4064 to create one erf approximately 1240m² 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) on or before **Friday, 24 January 2025** quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Town Planner, 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 4063, TIENDESTRAAT 295 EN ERF 4064, TIENDESTRAAT 297, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM KONSOLIDASIE: MNRE PLAN ACTIVE STAD- EN STREEKSBEPLANNERS NAMES FRANCESCO RIVERA INVESTMENTS HOLDINGS (PTY) LTD

Kennis word hiermee gegee ingevolge Artikel 48, saamgelees met Artikel 16(2)(e) van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is om konsolidasie van Erwe 4063 en 4064 om een erf ongeveer 1240m² 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 bepaling van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) (alida@overstrand.gov.za) voor of op **Vrydag, 24 Januarie 2025** bereik, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar. Telefoniese navrae kan gerig word aan **Stadsbeplanner, 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 ESINGU-ERF 4063, 295 TENTH STREET NO-ERF 4064, 297 TENTH STREET, VOËLKLIP, HERMANUS, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKUYONDELELANISA: NGABAMNU BAKWAPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LEFRANCESCO RIVERA INVESTMENTS HOLDINGS (PTY) LTD

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48, elifundeka neSoloty le16(2)(e) loMthethwana Osisihlomelo soMthethwana kaMasiapala wase-Overstrand NgeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana), isaziso singesicelo esifunyenweyo esingokuyondelelanisa iZiza ezingu-4063 no-4064 ukudala isiza esinye nesingumlinganiselo ozizikwemitha ezili- 1240m² ubukhulu.

Inkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: LeziCwangciso zeDolophu, 16 Paterson Street, Hermanus. Naziaphi na izimvo ngesi siphakamiso mazingeniswe kwamasipala zibhalwe phantsi ngokwezibonelelo zeSoloty lama51 nelama52 loMthethwana zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) (alida@overstrand.gov.za) ngomhla okanye phambi **koLwesihlanu, 24 EyoMqungu 2025** uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa **kuMncwangcisi weDolophu, Mnu. P Roux** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukubhala nokufunda anghambela kwiSebe LeZicwangciso zeDolophu apho igosa likamasipala liza kumnceda ukuhlomla ngokusemthethweni.





Scale: NTS
 Drawing Nr: form4063.drw
 Date: OCTOBER 2024

Plan Description:
LOCALITY MAP

Property Description:
ERVEN 4063 & 4064 HERMANUS

All distances approximate and subject to survey.
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PLAn Stads- en Streeksbeplanners
 Town & Regional Planners



11TH STREET 12,59

17TH AVENUE 12,59

16TH AVENUE 12,59

15TH AVENUE 12,59

14TH AVENUE 12,59

10TH STREET 12,59

9TH STREET 12,59

8TH STREET 12,59

7TH STREET 15,74

6TH STREET 12,59

PROPOSED CONSOLIDATION
ERVEN 4063 & 4064 HERMANUS
OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by M.J. Rivera, on behalf of Francesco Rivera Investment Holdings Pty Ltd, the owner of erven 4063 and 4064 Hermanus, to apply for the consolidation of the subject properties.

The current structures, as built, encroach upon the common boundary line between erven 4063 and 4064 Hermanus. To address this encroachment issue, it is proposed to consolidate erven 4063 and 4064 Hermanus into a single property. This consolidation will resolve the boundary encroachment and align the property boundaries with the as-built approved structures.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the consolidation of erven 4063 and 4064 Hermanus.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erven 4063 and 4064 Hermanus are situated at 295 and 297, 10th Street, Voëlklip, Hermanus. Both erven 4063 and 4064 Hermanus are 620m² in extent respectively. The subject properties are held by title deed no. T70531/2000.

The subject properties gently slope in a southerly direction and are characterized by residential structures.

3.2 ZONING

Erven 4063 and 4064 Hermanus have the following land use rights:

ERF NUMBER	ZONING
Erf 4063 Hermanus	Residential Zone 1: Single Residential
Erf 4064 Hermanus	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, public road, public open space and nature reserve purposes.

3.3 LAND USE

There is an existing double storey dwelling, outbuildings, swimming pool and garden situated on the subject properties. A copy of the approved building plans dated 1955, 1987, 1992, 1997 and 2000 are attached.

Land uses that surround the subject properties are dwellings, vacant erven, public open spaces, a nature reserve and public roads.

3.4 THE POTENTIAL OF THE PROPERTY

The Voëklip suburb is characterized by its average to smaller sized erven and its unique location between the mountains and the ocean. This setting influences property owners' considerations and decisions in several ways. Consolidating the subject properties will allow for the layout and placement of the approved As Built structures on a single erf / portion, in line with the property's current use. This will resolve the encroachment of structures over the common boundary between erven 4063 and 4064 Hermanus.

The proposed consolidation will help protect and potentially enhance the property value by ensuring that new developments (if any in future) are in harmony with the existing landscape and are less likely to compromise the area's aesthetic and value.

The subject properties have been developed as if they were a single entity, and this integration is evident in the current use and appearance. Formalizing the consolidation will reflect the existing reality and support coherent property management.

It is proposed to retain the zoning and land use of the newly consolidated portion. The location of the subject property within an existing established single residential area allows the property to be developed in future for low impact land uses only. No deviations from land use restrictions will apply to the existing structures on the consolidated property.

Compliance with the current spatial planning policies (discussed in this report) support and confirm the potential of the subject properties for development.

3.5 PROPOSAL

The following is proposed:

1. The **consolidation** of erven 4063 and 4064 Hermanus in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, as follows:
 - Erf 4063 Hermanus of 620m² in extent to be consolidated with
 - Erf 4064 Hermanus of 620m² in extent to create a newly consolidated SR1 zoned portion of ±1240m² in extent.

When the proposed consolidation of the subject properties was considered, cognisance was taken of the following criteria:

- accessibility to the subject property;
- impact on the character of the area;
- erf shape;
- position of the existing approved structures;
- land use restrictions;
- applicable spatial planning policies and densification guidelines.

The main dwelling has been constructed over the common boundary line between the two erven. The dwelling structure was approved and built as if the erven were already consolidated (refer to copies of the building plans attached). Both erven are owned by the same entity and are currently managed and maintained as a single property.

The as-built structures encroach upon the boundary between erven 4063 and 4064 Hermanus. This issue needs to be addressed. The properties are visually and practically developed as a single unit, demonstrating the potential benefit of formalizing the consolidation. It is proposed to consolidate the subject properties as follows:

PROPOSED CONSOLIDATION	Erf 4063 Hermanus: 620m ² Erf 4064 Hermanus: 620m ²
TOTAL EXTENT OF PROPOSED CONSOLIDATION	1240m ²

Refer to the proposed consolidation plan and consolidation plan: aerial overlay attached.

All structures will remain on the consolidated property. The SR1 zoning building lines will remain relevant to the consolidated property for any future additions (4m street building lines and 2m lateral building lines). The coverage of the existing structures on the newly consolidated erf will be as per the approved building plan (latest approved plan dated 2000).

The proposed consolidation does not have a negative impact on the surrounding erven as the subject property's zoning will remain Single Residential Zone I and the proposed portion size is compatible with similar surrounding property sizes.

The proposed consolidation of erven 4063 and 4064 Hermanus is not in contrast to the existing land uses tendencies in the surrounding environment. The proposed consolidation of the abovementioned properties will not have a negative impact on the environment, traffic or character of the area (the land use will remain unchanged). We therefore do not anticipate any problems with the proposed application.

The zoning of newly consolidated erf 4063 and 4064 Hermanus will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes). The consolidated property will pose no negative impact on the adjacent property owners and passers-by.

The proposed application does not have any impact on the character or property values of the surrounding properties since the structures already exist on the subject property that was developed and is managed as one. The existing structures on the subject property do not create an infringement to any passing traffic or public activity due the position of the As Built structures on site in relation to the existing structures on the neighbouring properties and considering that no deviations are being applied for. It is submitted that the massing and height of the existing structures are compatible with the character of the area.

It is submitted that the existing structures are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for

not approving this application. When considering the proposed consolidation, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed consolidation of erven 4063 and 4064 Hermanus are consistent with the existing land use patterns in the surrounding area. Therefore, we anticipate no issues with the proposed application.

3.6 ECONOMIC IMPACT

The proposed consolidation is expected to positively impact the property's value. This will enhance the appeal of the property for future resale. The ability to retain all existing structures will increase the property's marketability and resale potential.

The proposed consolidation will have a low but positive impact on the local economy. The increase in property value can contribute to local economic activity and growth.

3.7 SOCIAL IMPACT

The proposed application is expected to have no significant impact on the social wellbeing of the area. The property will continue to be occupied by a single family in the main dwelling and no negative social impacts are anticipated.

The social coherence of the adjacent community will remain unaffected. The extent of the proposed consolidation and the land use aligns with the zoning and land uses typical of the immediate area, ensuring compatibility with the existing community fabric.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject erven are situated in an existing low-density residential area. The application proposes to create a larger single residential erf. The land use will therefore be for single residential purposes. The proposed consolidation creates an erf that is compatible with the surrounding zonings and land uses of the area.

In addition, the proposed consolidation will have no impact on the views of the adjacent properties or properties situated in the immediate vicinity.

The consolidation is expected to have minimal additional impact compared to the scheme regulations. The proposal continues the existing suburban development typology in Voëlklip. By consolidating the erven, the development aligns with the established patterns of land use and residential density in the area. The proposal maintains the suburban character of the neighbourhood, ensuring that the new development is consistent with the existing urban fabric and contributes positively to the area's overall aesthetic and functional cohesion.

According to the development rules of the Overstrand Land Use Scheme (2020) the consolidation will allow for the development rules for erven >400m² to apply to the newly consolidated single residential portion. The proposed consolidation will therefore maintain the existing development parameters that apply to the existing residential erven before consolidation and the erven in the immediate vicinity.

The proposed application will contribute towards the value of the subject property and consequently have a positive impact on the area. The use of the subject property will primarily remain for residential purposes (main dwelling with outbuildings and recreational use structures such as the swimming pool).

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject erven already exist. The As Built structures have a low impact on the usage of the existing available services.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed consolidation will have no impact on the general safety and wellbeing of the surrounding community.

Since the proposed consolidation is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for consolidation does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Both erven 4063 and 4064 Hermanus are situated within the Heritage Overlay Zone: Special Areas as determined by the Overstrand Municipal Growth Management Strategy (2010). The original dwelling on erf 4064 Hermanus is older than 60 years (as confirmed by the 1955 approved building plan). In addition, the subject properties fall within the Heritage Protection Overlay Zone: Coastal Strip (2020) demarcated for the area.

No new development is proposed with this application. Erven 4063 and 4064 Hermanus are already developed. The status quo of the newly consolidated residential property will remain. The subject erven are not associated with any important persons or groups or important events and activities. As a result, there will be no impact on the heritage value of the area.

From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

In the light of the above mentioned it is evident that the proposed consolidation will not have a negative impact on the heritage value of the Voëlklip area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consolidation does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The subject erven do, however, fall within the Overstrand Environmental Management Overlay Zones (EMOZ): Protected Area Buffer. No new development is proposed with this application. Erven 4063 and 4064 Hermanus are already developed. The status quo of the newly consolidated residential property will remain. As a result, there will be no impact on the biophysical environment with this application.

Should the future development (if any) of the newly consolidated residential property trigger a NEMA application, due process will be followed prior to the commencement of construction on site.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to the main dwelling on the newly consolidated erf 4063 and 4064 Hermanus will remain unchanged and will be from 10th Street as per the latest approved building plan dated 2000 and as seen on the consolidation plan: aerial overlay. No new access points / gates are proposed.

The Overstrand Municipality Land Use Scheme Regulations (2020) stipulate that a minimum of two parking bays are required for a dwelling house. Although the main dwelling on the subject property is not developed with a double garage, there is ample space in the driveway to accommodate two vehicles parked in tandem format.

The dwelling house therefore complies with the minimum parking requirements for SR1 zoned properties.

The subject property will be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed no. T70531/2000 has no restrictions that need to be removed for this application to be approved. A conveyancer's certificate is not included with this application since the title deed is straight forward.

There are no bonds registered against erven 4063 and 4064 Hermanus.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erven 4063 and 4064 Hermanus are situated, for urban development purposes. The subject erven fall within the demarcated urban edge. All structures As Built have approved building plans. The application is therefore merely to an improved erf within the urban edge with no impact on the biophysical environment.

The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed consolidation on the spatial integrity of the area will be minimal and is therefore consistent with the *Overstrand SDF (2020)*.

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erven 4063 and 4064 Hermanus form part of Planning Unit no. 6. This planning unit stipulates an increase in density from 6,7du/ha to 11,6du/ha. The application proposes to consolidate the subject properties to address existing building encroachments. No new residential units or portions are proposed. The

status quo will therefore remain. The land use application for the subject property therefore falls within the existing planning for the Hermanus East area.

The proposal will promote land development in a location that is sustainable. The proposed consolidation is to improved erven within an established residential area and will not impact on urban sprawl or upon a sensitive environment. The impact on the overall density of this part of Hermanus will therefore be kept to a minimum since the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject properties have been in existence since 1914.

The proposed application will not promote spatial development imbalances. This application is for erven as per the establishment of the existing Hermanus Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposed consolidation will have a minimal impact on the visual elements of the subject erven and surroundings as motivated in this report. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The consolidation to accommodate As Built structures will have no impact on the massing of the buildings and the impact

on the streetscape or passers-by since all land use requirements will be met. The As Built structures and the respective uses thereof merge well with the built form of the area.

Factors such as the previous approval of structures encroaching the common erf boundary between erven 4063 and 4064 Hermanus, good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the existence of the structures on the subject property for the past few years, etc. allow for the consideration and approval of the consolidation without having an adverse impact on the spatial sustainability of the area. To accommodate the As Built structures and the subsequent uses thereof are to improved erven within an established residential area will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing property is optimally utilised. The property is compatible with the character of the area and does not impact negatively on the rights of any adjacent property owner.

Efficiency: The subject erven are easily accessible and conveniently located close to the Hermanus CBD and major routes. It proves to be resourceful to approve the proposed consolidation (to accommodate the As Built structures) since it is compatible with the existing built environment and the way the property was developed is aesthetically pleasing.

The proposed consolidation is efficient as the proposal makes optimal use of existing resources and infrastructure. By consolidating the properties, the development leverages the current infrastructure, avoiding unnecessary duplication of services and utilities. The consolidation supports the efficient use of local infrastructure, such as roads, utilities, and public services, which are already in place to accommodate residential development. The application minimizes additional strain on municipal resources and supports sustainable development practices. Furthermore, the proposal continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The proposed consolidation will resolve the boundary encroachment and align the property boundaries with the As Built structures;
- The zoning and primary land use of the subject erven will remain unchanged;
- No deviations from the applicable scheme regulations' and title deed building lines, coverage or height requirements are proposed to accommodate As Built structures;
- The proposal is compatible with the existing built character of the area;
- No Impact on traffic and services;
- Ample parking bays can be provided on site;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013);

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.



Notes:

Proposed consolidated portion: ±1240m²

Land use scheme building lines



All distances approximate and subject to survey.

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Property Description:

**ERVEN 4063 &
4064 HERMANUS**

Plan Description:

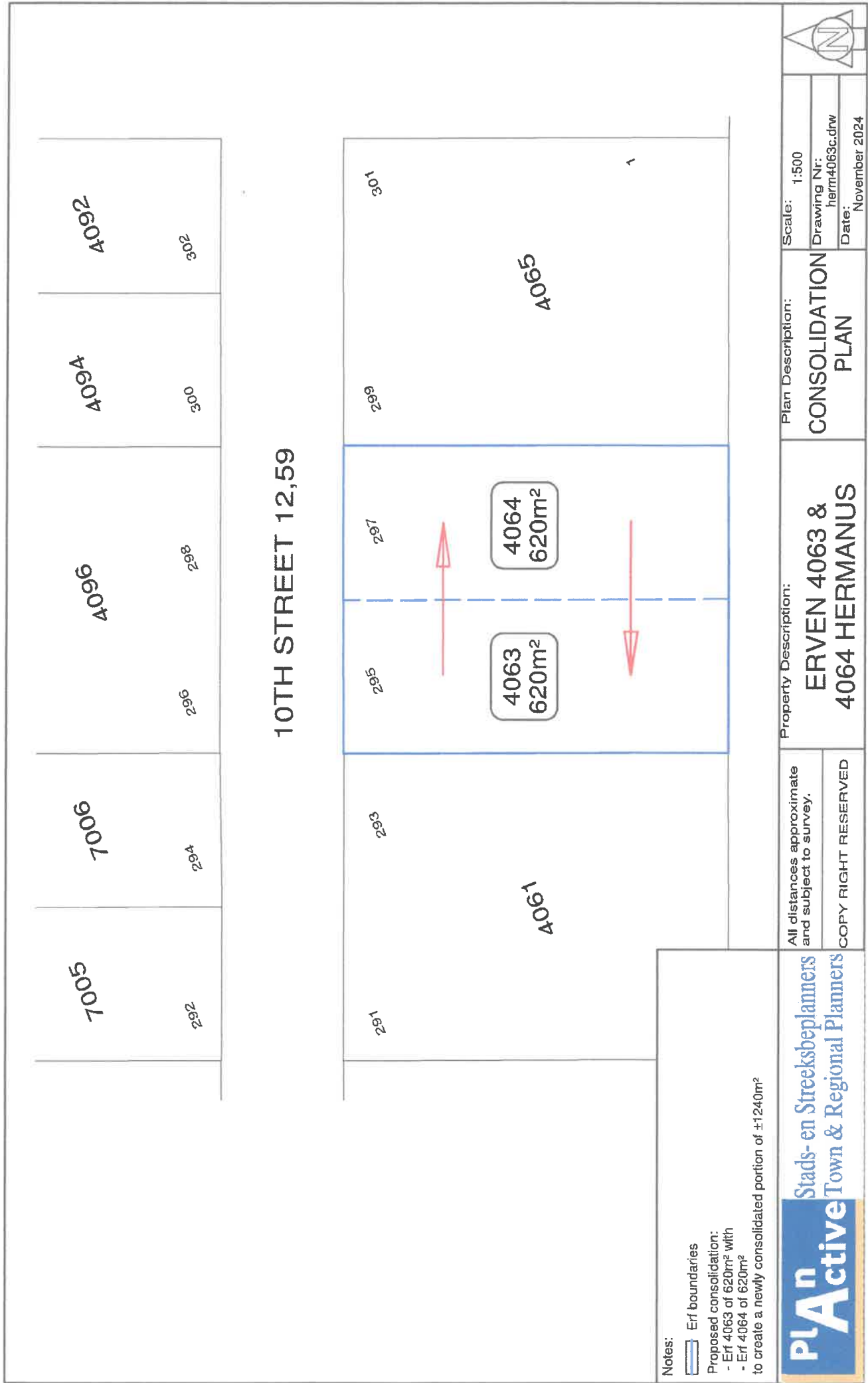
**Consolidation
plan: aerial
overlay**

Scale: 1:500

Drawing Nr:
herm4063c-aerial.dwg

Date:
November 2024





10TH STREET 12,59

Notes:

▭ Erf boundaries

▭ Proposed consolidation:

- Erf 4063 of 620m² with

- Erf 4064 of 620m²

to create a newly consolidated portion of ±1240m²

PLAN
 Stads-en Streeksbeplanners
 Town & Regional Planners

All distances approximate and subject to survey.

COPY RIGHT RESERVED

Property Description:

ERVEN 4063 & 4064 HERMANUS

Plan Description:

CONSOLIDATION PLAN

Scale: 1:500

Drawing Nr: herm4063c.drw

Date: November 2024

