

**AGENDA of the  
Portfolio Committee: Infrastructure and Planning  
21 April 2015  
(Also the agenda for the Mayoral Committee Meeting: 29 April 2015)**

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**7.  
ERVEN 3701, 3702 AND 3703, ONRUS RIVER, HERMANUS, OVERSTRAND  
MUNICIPAL AREA : PROPOSED CONSOLIDATION : KITCH CHRISTIE PROPERTY  
INVESTMENTS (PTY) LTD**

**3701, 3702 & 3703 HON (2708)**

**H Olivier**

**(028) 313 8900**

**Hermanus Administration**

**27 February 2015**

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**1. Executive Summary**

An application has been received on 16 September 2014 from Messrs Plan Active Town- and Regional Planners on behalf of the property owner, Kitch Christie Property Investments (Pty) Ltd, for the consolidation of Erven 3701, 3702 and 3703, Onrus River.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Consolidation Diagram is attached as Annexure B, and the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 2.3 of the Scheme Regulations promulgated in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

**6. Background/Evaluation/Conclusion**

**Background**

Erven 3701, 3702 and 3703 are situated in the Trading Post complex in Onrus River.

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The erven are zoned Business Zone III and is developed with a shop with offices on first floor.

The existing building falls over all three properties and it is therefore the intention to consolidate the three properties into one erf of approximately 924m<sup>2</sup> in extent.

The application was circulated to all relevant municipal departments, and no objections were received.

Registered notices were sent to the Old Trading Post Home Owners' Association (HOA) and surrounding property owners, and only one letter of conditional consent was received. The letter can be summarized as follows:

- No objection against the application.
- Condition that no approval is granted for any further rezoning, building changes or amendment of services on the property.
- If any servitude the Municipality may required over Erf 3582, Onrust River due to the consolidation, will automatically lead to a cancellation of this consent and no support.

The applicant was granted an opportunity to respond to the conditional approval, and it can be summarized as follows:

- Comment noted, but any future development, if any, that will have to follow another land use application, would require that adjacent property owners must be notified.
- The comments are irrelevant to the application.

### **Evaluation**

At this moment Kitch Christie Property Investments (Pty) Ltd owns Erven 3701, 3702 and 3703, Onrus River. The existing OK Mini Market occupies most of the building developed over the three erven, and there is also some office use.

The consolidation is required to address the encroachment of the above-mentioned building over the property boundaries. The coverage will remain unchanged, and any future development will be subject to the Overstrand Zoning Scheme Regulations. The zoning will remain Business Zone III.

The owner of Erf 3582, Onrus River indicated that she has no objection to the application, but laid down conditions regarding future possible additional development rights or requirement of servitudes the Municipality might have to place over her property to provide services to the consolidated site.

At this stage there is no application for additional rights on the property or requirements of services. Any future development for which additional rights

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will have to be applied for and would require a public participation process will have to be referred to the neighbours for comments. This is then also the sentiment of the applicant who feels the conditional consent is irrelevant.

It is better to deal with the conditional consent at this stage, as people granting conditional consent sometimes do have the expectation that they wish to stop future development on a property which can be limited or halted due to inserting such conditions in conditional consents. As indicated above, should future development take place on the consolidated property within the existing development rights, the applicant can act upon these rights. Should additional development rights be requested, surrounding affected parties will be provided the opportunity to take part in the public participation process.

It is to be noted that the neighbour's property (who submitted the conditional consent) is situated east of the proposed consolidated erf, and is vacant at this point in time. As no additional work is proposed on the consolidated erf at this stage, the consolidation will have no impact on such property.

### **Conclusion**

One letter of conditional consent was received from an adjacent neighbour. The applicant sufficiently addressed the concerns.

The application was forwarded to the Onrus Trading Post HOA, and no objection was received from them against the application.

The proposed consolidation is supported by all relevant municipal branches.

The application will have no impact on surrounding property owners or the character of this area.

The application is desirable and can be supported.

### **7. Financial Implications**

None

### **8. Staff Implications**

None

### **9. Comments from other Departments, Divisions and Administrations**

**Engineering Services Department (D. Hendriks)**

See Annexure F.

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**Building Control Department (J. Simson)**

Consolidation approved.

**Local Heritage Committee**

Supported.

**Fire Department**

No comment.

**District Health**

No comment received.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Proposed Consolidation Diagram
- Annexure C: Motivation Report
- Annexure D: Conditional approval (objection)
- Annexure E: Applicant's response to conditional approval
- Annexure F: Services Report

**RECOMMENDATION:**

1. that, in terms of Section 2.3 of the Scheme Regulations promulgated in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 3701, 3702 and 3703, Onrust River, **be approved**, subject to the following conditions:
  - (a) that this approval only has reference to the proposed SG Diagram, Erf 5296, Onrust River, dated August 2014, as submitted with the application;
  - (b) that all the conditions in the Service Report (attached as Annexure F), be complied with;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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2. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H OLIVIER</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>13 MAY 2015</b>



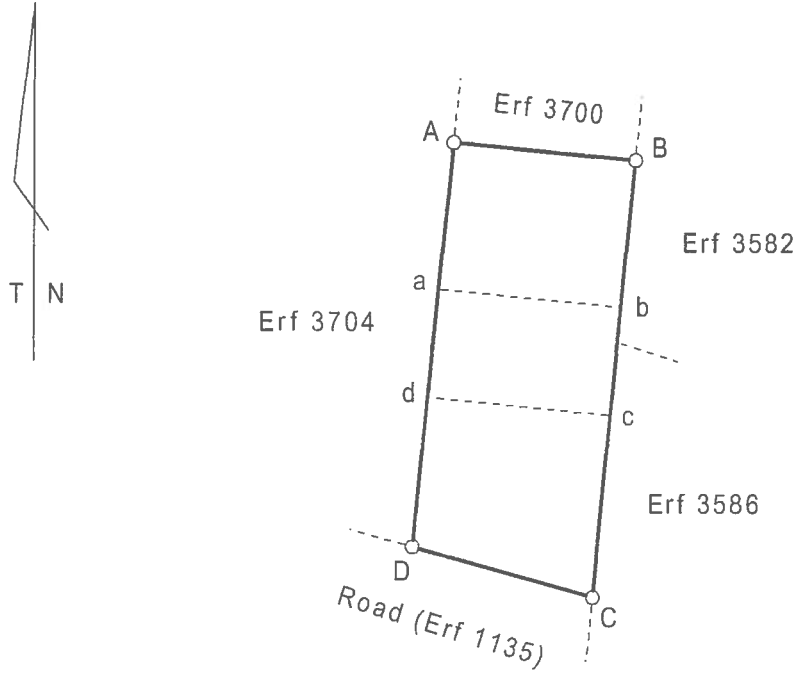
Components:

- 1.)The figure ABba represents Erf 3701 Onrustrivier, Vide General Plan 6921/1995.
- 2.)The figure abcd represents Erf 3702 Onrustrivier, Vide General Plan 6921/1995.
- 3.)The figure dcCD represents Erf 3703 Onrustrivier, Vide General Plan 6921/1995.

S.G. No.

Approved

for  
SURVEYOR-  
GENERAL



Scale 1:750

A B C D

The figure  
represents

924 square metres of land being  
Erf 5296 Onrustrivier comprising 1.) to 3.) above  
situate in the Overstrand Municipality  
Administrative District of Caledon  
Province of Western Cape

Compiled in August 2014 by me

L.A. Van Dyk  
Professional Land Surveyor  
Registration Number PLS-1069

This diagram is  
annexed to  
No.  
d.d.  
i. f. o.  
Registrar of Deeds

The original diagram is  
S.G. No.  
Transfer  
Grant

File S/10350/2  
S.R. Compiled  
G.P. 6921/1995  
Comp. AI-3CB/X24(438)

Erf 5296 Onrustrivier

**PROPOSED CONSOLIDATION**

**ERVEN 3701, 3702 & 3703 ONRUSTRIVIER**

**DIVISION: CALEDON**  
**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Plan Active Town & Regional Planners has been appointed by Mr. Vincent Moore, on behalf of the Kitch Christie Property Investments Pty Ltd, the owners of erven 3701, 3702 en 3703 Onrustrivier, to apply for the consolidation of the aforementioned properties.

Erven 3701, 3702 & 3703 Onrustrivier are held by title deed number T46812/2009. Erf 3701 Onrustrivier is 323m<sup>2</sup> in extent, erf 3702 Onrustrivier is 237m<sup>2</sup> in extent and erf 3703 Onrustrivier is 364m<sup>2</sup> in extent.

Erven 3701, 3702 & 3703 Onrustrivier form part of the Onrus Trading Post. The existing OK Mini Market and Breede River Management Offices (one building) are currently situated on all the aforementioned properties (i.e. the existing building encroaches the common erf boundaries of the subject properties). The proposed consolidation will address the existing encroachment and allow the existing structure to be situated on one consolidated property.

**2. APPLICATION DETAILS**

Application is made for / in terms of:

- Chapter 2, Section 2.3 of the Overstrand Municipal Zoning Scheme, 2013 for the consolidation of erven 3701, 3702 & 3703 Onrustrivier.

**3. NEED AND DESIRABILITY**

**3.1 PROPERTY DESCRIPTION**

Erven 3701, 3702 & 3703 Onrustrivier are situated at the Onrus Trading Post, Main Road, Onrus. Please refer to the locality plan attached.

The extent of the subject properties are as follows:

ERF NUMBER	EXTENT (in m <sup>2</sup> )
Erf 3701	323
Erf 3702	237
Erf 3703	364

**3.2 ZONING**

The subject properties have the following land use rights:

ERF NUMBER	ZONING
Erf 3701	Business Zone 3: Local Business
Erf 3702	Business Zone 3: Local Business
Erf 3703	Business Zone 3: Local Business

Surrounding properties are zoned for single residential, general residential and commercial purposes.

### 3.3 LAND USE

The existing OK Mini Market and Breede River Management Offices (one structure) are currently situated on all the aforementioned properties.

Land uses that surround the subject properties are shops, offices, a pub, dwellings and public roads.

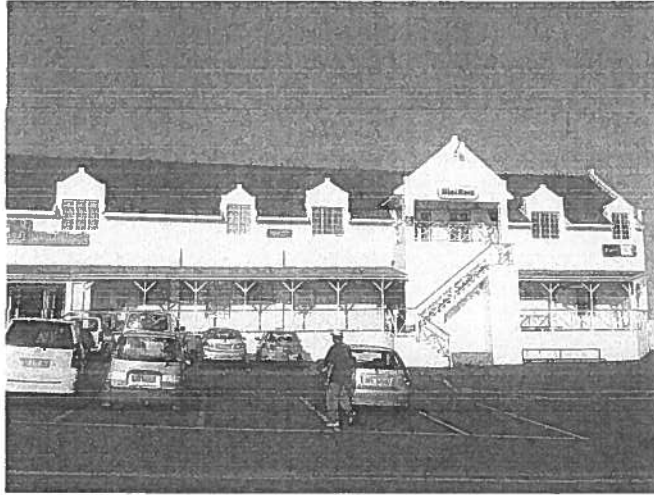
### 3.4 PROPOSAL

- The consolidation of erven 3701, 3702 & 3703 Onrustrivier in terms of Chapter 2, Section 2.3 of the Overstrand Municipal Zoning Scheme Regulations, 2013.

TOTAL EXTENT OF PROPOSED CONSOLIDATION	924m <sup>2</sup>
PROPOSED CONSOLIDATION	Erf 3701: 323m <sup>2</sup> Erf 3702: 237m <sup>2</sup> Erf 3703: 364m <sup>2</sup>

Please refer to the concept consolidation diagram for erf 5296 Onrustrivier attached.

Erven 3701, 3702 & 3703 Onrustrivier form part of the Onrus Trading Post. The existing OK Mini Market building and Breede River Management Offices are currently situated on all the aforementioned properties (i.e. the existing building encroaches the common erf boundaries of the subject properties). The proposed consolidation will address the existing encroachment and allow the existing structure to be situated on one consolidated property. Please refer to the photographs below:



The coverage will remain unchanged.

No new additions or alterations are proposed on any of the portions at this stage. Any future development of the subject properties will be done in accordance with the Overstrand Scheme Regulations.

The zoning of the consolidated erf will remain unchanged (Business Zone 3: Local Business).

To conclude, the proposed consolidation of erven 3701, 3702 & 3703 Onrustrivier are not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

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 and structures will remain unchanged). We therefore do not anticipate any problems with the proposed application.

### **3.5 ACCESS**

Access to the newly consolidated erf will remain unchanged and will be from the internal road of the Onrus Trading Post that takes access from Main Road, Onrus.

### **3.6 SERVICES**

All services on the subject properties already exist.

Additional services will be provided to the satisfaction of the Overstrand Municipality.

### **3.7 TITLE DEED**

There are no restrictive title deed conditions in title deed no. T46812/2009 that have to be removed to accommodate the proposed consolidation of erven 3701, 3702 and 3703 Onrustrivier.

There is no bond registered against erven 3701, 3702 & 3703 Onrustrivier.

#### 4. RECOMMENDATION

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

- There are no title deed conditions that restrict the proposed consolidation of erven 3701, 3702 & 3703 Onrustrivier;
- All services on the subject property already exist and additional services will be provided to the satisfaction of the local authority;
- The proposed consolidation will address the existing encroachment and allow the existing structure to be situated on one consolidated property;
- The zoning of the consolidated property will remain unchanged;
- The proposal is compatible with the existing built character of the area.

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 and traffic of the area.

87

Overstrand Munisipaliteit  
Posbus 20  
Hermanus  
7200

SR Venter  
Posbus 2299  
DURBANVILLE  
7551



Aandag: Direkteur: Infrastruktuur en  
Beplanning

U verwysing: Erven 3701, 3702 & 3703 HON (2708)

29 November 2014

**ERWE 3701, 3702 & 3703, ONRUSRIVIER, HERMANUS, OVERSTRAND  
MUNISIPALE AREA: VOORGESTELDE KONSOLIDASIE**

U skrywe van 29 Oktober 2014 verwys.

Gebaseer op die inligting in u skrywe, verklaar ek dat ek geen beswaar teen die beoogde konsolidasie het nie, met dien verstande dat dit op geen manier sal dien as motivering vir enige verdere hersoneringaansoeke, bouveranderinge of enige ander wysigings of dienste wat my eiendom verder mag affekteer nie.

Enige serwitute wat my eiendom raak wat die Munisipaliteit mag vereis vir dienste op die beoogde gekonsolideerde eiendom, sal outomaties my goedkeuring vir hierdie konsolidasie kanselleer, aangesien dit nie deel van hierdie voorlegging is nie. Indien die konsolidasie nie daarsonder kan voortgaan nie, sal dit beteken dat ek die beoogde konsolidasie teenstaan.

SR Venter  
Eienaar van erf 3582, Onrusrivier

FILE NO:	Erven 3701 - 3703 - ON
SCAN NO:	18
COLLABORATOR NO:	692197

✓  
- 3 DEC 201

**Plan Active**  
Town & Regional Planning  
Stads-en Streeksbeplanners



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Website: [www.planactive.co.za](http://www.planactive.co.za)

TP-A Theart  
(Huld Stoep)

Our reference: PA14055/ML  
Your reference: 3701, 3702, 3703 HON (2708)

22 JANUARY 2015

THE MUNICIPAL MANAGER  
OVERSTRAND MUNICIPALITY  
P.O. BOX 20  
HERMANUS  
7200

FOR ATTENTION: MRS H. VAN DER STOEP

Sir

**PROPOSED CONSOLIDATION: ERVEN 3701, 3702 & 3703 ONRUSTRIVIER**  
• **KITCH CHRISTIE PROPERTY INVESTMENTS (PTY) LTD**

Reference is made to our application dated 10 September 2014 as well as your letter dated 10 December 2014 with comments from S.R. Venter attached.

We take notice of the content of S.R. Venter's letter dated 29 November 2014. Any future development (if any) will have to follow another land use application process and all adjacent property owners will be notified accordingly. Since the comments from S.R. Venter are irrelevant to the proposed application we have no further comment in this regard.

Yours faithfully

M. LERM Pr. PIn (A/158/2009)  
PLAN ACTIVE

FILE NO:	erven 3701 / 3-01
SCAN NO:	25
COLLABORATOR NO:	707242

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

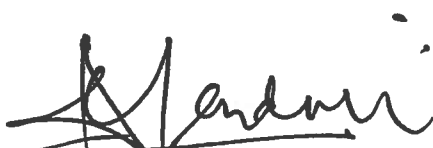
✓ 26 JAN 2015

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSOLIDATION: ERVEN 3701, 3702 & 3703, ONRUS  
(2708)**

Stormwater (SW)	:	In order
Electricity	:	Escom
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, an investigation be conducted with regards to the capacity required and that available, at the owner's cost;
2. that stormwater be allowed to discharge through the proposed erven, Vermont, unobstructed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

14/11/2014  
DATE