

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 May 2015
(Also the agenda for the Mayoral Committee Meeting : 28 May 2015)**

**5.
ERF 995, 39 MUSSON STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA:
PROPOSED REMOVAL OF RESTRICTIONS, SUBDIVISION AND DEPARTURE :
MESSRS WRAP CONSULTANCY ON BEHALF OF I SMUTS**

995 HEC (2617)

H van der Stoep

8 April 2015

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 30 June 2014 from Messrs WRAP Consultancy on behalf of I Smuts for the removal of restrictive title conditions applicable to Erf 995, Hermanus to enable the owner to subdivide the property into two portions, namely Portion A approximately 418m² in extent and the Remainder approximately 503m² in extent and a departure to relax the rear building line from 2m to 0m to accommodate existing outbuildings.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Subdivision Plan 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 Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Removal of Restrictions Act, 1967 (Act 84 of 1967)

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
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(Also the agenda for the Mayoral Committee Meeting : 28 May 2015)**

6. Background/Discussion/Evaluation/Conclusion

Background

An application for a departure for a second dwelling larger than 120m² in extent, and departure of the lateral building line for a garage was approved during 2008. The 2008 application was distributed and confirmation of adjacent owners in support of the application was received.

The current application for subdivision, removal of a restrictive condition and departure were sent to all potentially affected property owners, and two objections were received.

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

The objections received can be summarised as follows:

Ms. D Langerman

The minimum sizes of the properties were always 700m² and smaller sizes are not desirable as it will create a precedent and change the whole character of Eastcliff. The area is an up-market residential area with large erven and established gardens. The proposed subdivision, if approved, will lead to more people, cars and traffic. It will change the character of the up-market residential area of Eastcliff. The construction of a house on the southern portion of the application property will severely infringe on the privacy of our house and quality of the living environment through overlooking and overshadowing the living spaces.

Ms. CK Burman

The local authority has a policy of permitting second dwellings subject to certain conditions, one of which is that the property may not be subdivided subsequently. The motivation is that the owner intends to retire and that the existing dwelling is too small for permanent occupation. The latter being a heritage building, it could not be demolished, hence the request to construct a dwelling on the most northern portion of the erf. The applicant stated in the motivation report that over the years a number of erven have been subdivided, however this has occurred almost everywhere before 1990. Eastcliff has been developed fully and has a unique character that will be eroded if the subdivision is permitted and smaller erven is allowed.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 May 2015
(Also the agenda for the Mayoral Committee Meeting : 28 May 2015)**

Applicant's response on the objections

The Greater Hermanus Sub-Regional Spatial Development Framework, 2000 did stipulate a minimum erf size of 700m² for Eastcliff. The document was repealed and this requirement is thus not applicable anymore. In terms of the Overstrand Municipal Growth Management Strategy, 2010, the area is earmarked for densification. No minimum erf size is stipulated. It should be noted that the objector resides on an erf smaller than the proposed subdivision sizes.

The objector's point that the second dwelling on an erf is subject to the non-subdivision of the erf is incorrect. The Overstrand Zoning Scheme Regulations clearly stipulate the parameters for allowing a second dwelling and the restriction of subdivision is not mentioned as a parameter.

The dwellings on the erf are already developed and should any other extensions be required, it will have to comply with the Zoning Scheme Regulations.

The fact that people are not aware of the Growth Management Strategy has no relevance since the application was advertised and open days were held.

The question of setting a precedent cannot be seen as an objection as each land use is evaluated on merit. The proposal will have benefit for the area and as the structures have been in existence for many years, the subdivision will have no negative impact on existing land use rights.

Discussion/Evaluation

Eastcliff Township is one of the oldest residential townships in Hermanus and does have a specific residential character. The average erf size is approximately 700m² with wide road reserves and established gardens. Although subdivisions did take place in the area, it was before 1996 and no subdivision into erven smaller than 700m² was approved since 1996. The minimum erf size for Eastcliff was stipulated in the Hermanus Sub-Regional Structure Plan (2000) to ensure the existing development trend and character of Eastcliff.

The proposed subdivision will be less than the required minimum erf size (700m²) for the Eastcliff area and the Overstrand Growth Management Strategy of less than 10DU/ha. The latter is more restrictive in terms of the minimum size equating to approximately 1000m²/erf. The Overstrand Growth Management Strategy read with the Overstrand Zoning Scheme Regulations enable owners in Eastcliff to have access to two processes to densify by means of a second dwelling and or subdivision. Should the erf be compliant to the minimum erf size, it may further make use of the option of establishing a second dwelling to assist in the densification strategy. However, the

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 May 2015
(Also the agenda for the Mayoral Committee Meeting : 28 May 2015)**

application for an erf of less than the minimum of 700m² will have the effect that the incremental densification proposed is quadruplet to the proposal as per the Overstrand Growth Management Strategy e.g 20DU/ha. The applicant has made use of the second dwelling route through a departure process (2008) for a second dwelling larger than 120m² as stipulated in the Zoning Scheme Regulations.

The departure of the rear building line for the outbuilding can be accommodated in terms of the Zoning Scheme. However, during the inspection of the approved building plans, certain transgressions were identified. Building Plan no. 18254, a pergola was indicated on the western boundary on a 0m building line. On a subsequent Building Plan no. 18725, no structures were shown adjacent to the second dwelling. During 2010, Building Plan no. 19632 indicates a pergola on the eastern boundary on the 0m building line and a structure on the western side of the second dwelling.

The plan submitted with the application indicates a carport on the western boundary on the 0m building line and the pergola on the eastern boundary on the 0m building line. Approvals pertaining to the aforementioned structures could not be found. This has resulted that the structures are not compliant with the Zoning Scheme Regulations that specify that structures be set back at least 1m on one side of the property. Should the subdivision be approved, the portion accommodating the second dwelling will have structures on both lateral- and rear building lines, thus in effect enclose the erf, providing no access to the back of the boundary needed in case of emergency.

The subdivision of the erf is not supported as it will not be in keeping with the overall character of the area.

Conclusion

The application for the subdivision is not supported.

The application for departure on the rear building line cannot be supported due to the fact that the departure is only applicable should the property be subdivided.

The application for the removal of restrictions not be recommended for approval to Provincial Administration as the erf already is on the size and density limit of the area.

7. Financial Implications

None

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 May 2015
(Also the agenda for the Mayoral Committee Meeting : 28 May 2015)**

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services

See Annexure F.

Manager: Building Department

“Supported.Dividing wall between outbuildings to comply with Part T.”

Local Heritage Committee

“Supported.”

Fire Services

“Must provide a 60 minute fire wall between structures on boundary.”

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Subdivisional Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant’s comment on the objections
- Annexure F: Services Report

RECOMMENDATION:

1. that the objections been noted;
2. that the removal of restrictive title condition B.2.b in Title Deed T84355/93 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 995, Hermanus, **not be recommended for approval** by the Department of Environmental Affairs and Development Planning;
3. that, in terms of Sections 15 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a subdivision of Erf 995, Hermanus into two erven and departure for the relaxation of the rear building line, **not be approved**, due to the following reasons:
 - (a) not in line with the Overstrand Growth Management Strategy;

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
19 May 2015
(Also the agenda for the Mayoral Committee Meeting : 28 May 2015)**

- (b) smaller than the minimum size requirement prevalent from 2000 and is not compliant with the Growth Management Strategy density allocated for the area;
 - (c) the Eastcliff Township is predominantly an old residential area, established in 1932, with a specific character of big erven, established gardens and the creation of smaller erven will influence the character of the area;
 - (d) existing subdivisions smaller than the minimum erf size for the area of 700m² have occurred before 2000; and
 - (e) illegal structures are applied for to establish the extent of the development on Erf 995.
4. that the applicant/objectors 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.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	10 JUNE 2015
TARGET DATE TO INFORM APPLICANT :	10 JUNE 2015
TARGET DATE TO INFORM OBJECTOR :	10 JUNE 2015

249a

**AGENDA of the
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Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 MAY 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION :

10 JUNE 2015

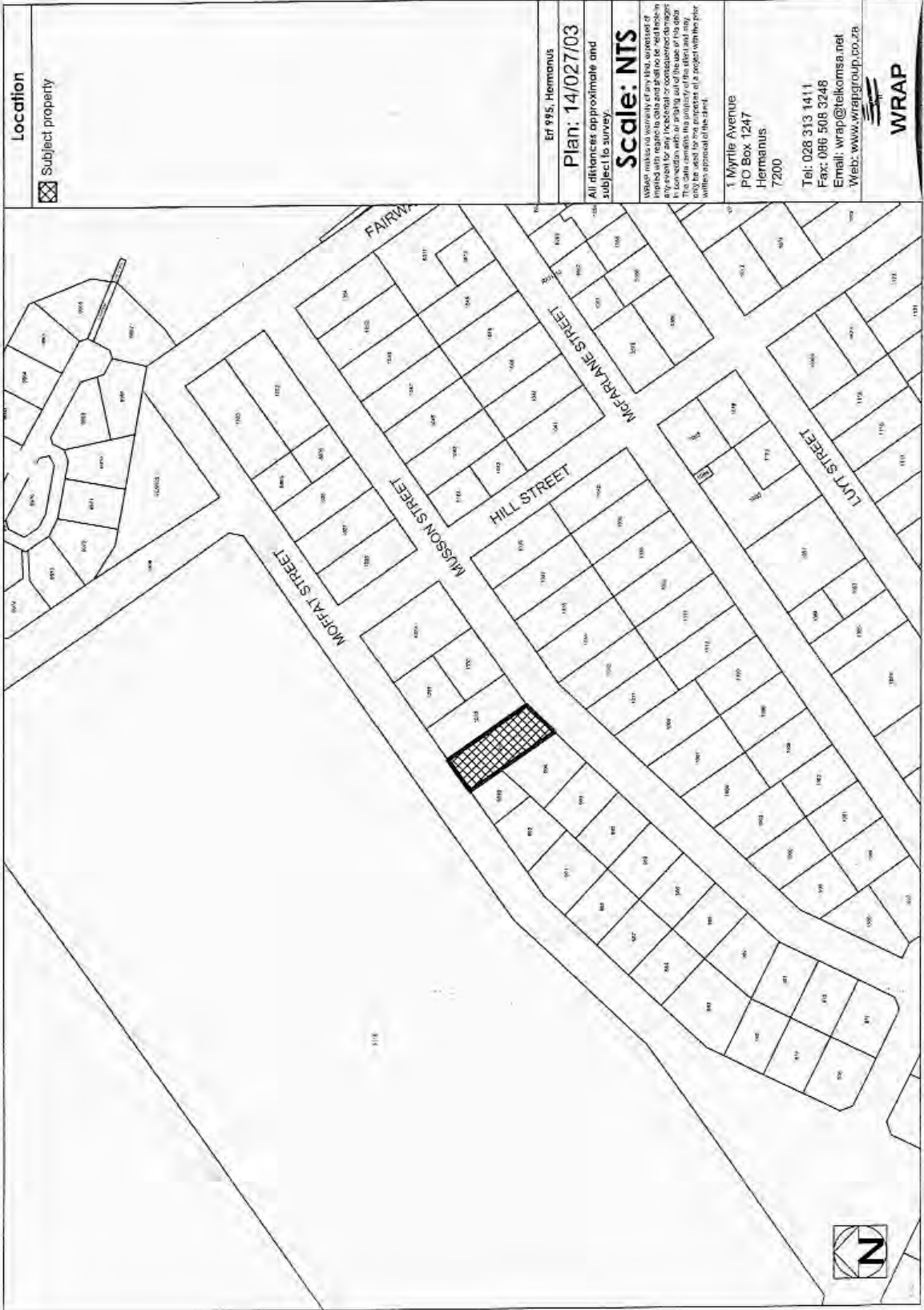
TARGET DATE TO INFORM APPLICANT :

10 JUNE 2015

TARGET DATE TO INFORM OBJECTOR :

10 JUNE 2015

ANNEXURE A 1/1



Location

Subject property

Erf 995, Hermanus

Plan: 14/027/03

All distances approximate and subject to survey

Scale: NTS

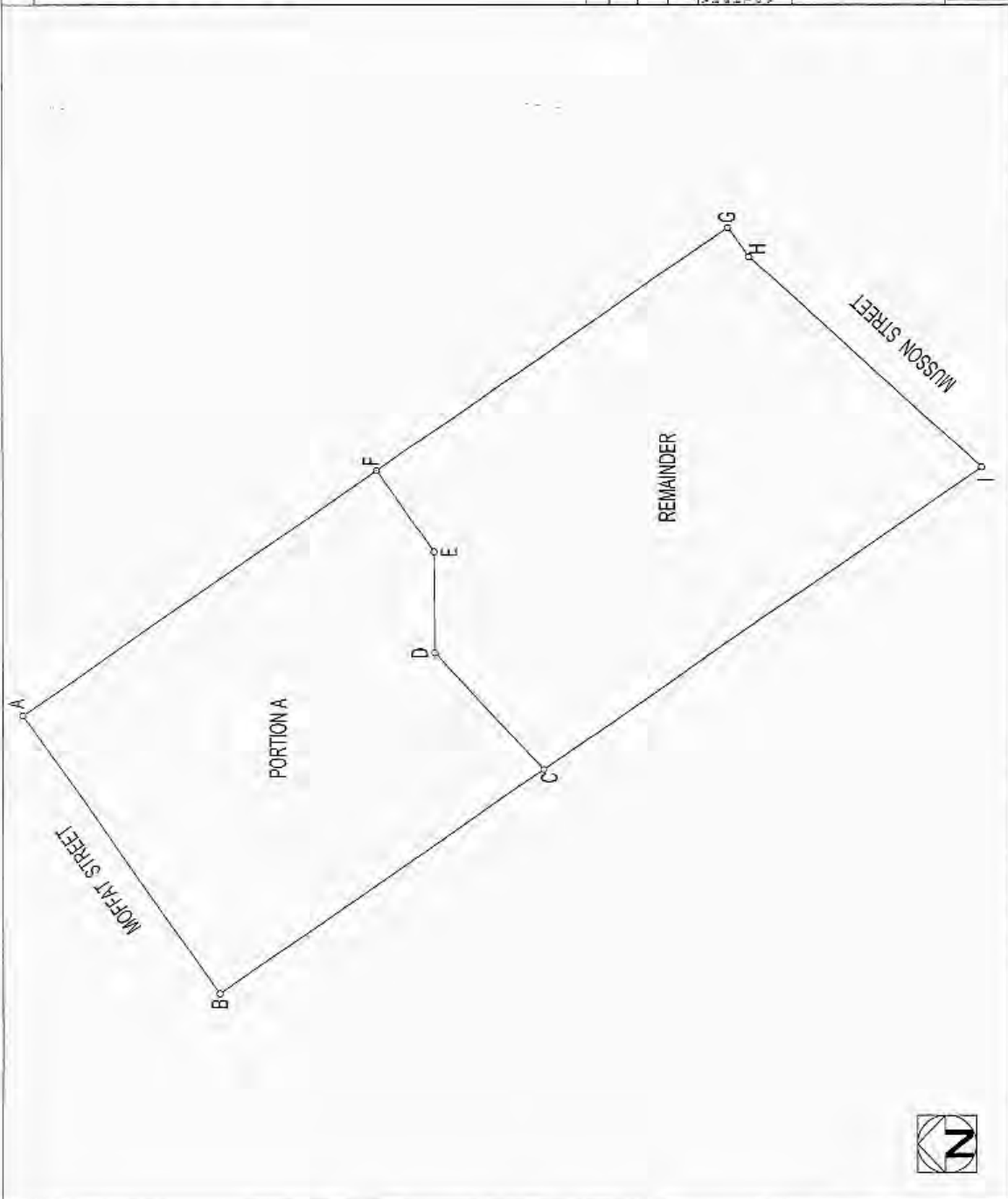
WRAP makes no warranty of any kind, expressed or implied, in connection with the use of this data for any purpose for which it was not intended or designed. The data remains the property of the client and any use of the data for any purpose other than that for which it was intended is at the user's sole risk and without the approval of the client.

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<p>Subdivision Plan</p> <p>Portion A: 418 m² Remainder: 503 m² AB: 18.89 m AF: 23.73 m BC: 21.71 m CD: 8.82 m CI: 29.19 m DE: 5.61 m EF: 5.49 m FG: 23.49 m GH: 1.97 m HI: 17.22 m</p>	<p>Est 995, Hermanus</p> <p>Plan: 14/027/01</p> <p>Scale 1:200</p>	<p>All distances approximate and subject to survey.</p> <p>WRAP makes no warranty in any title, expression or implied with regard to data and that no liability is accepted for any inaccuracy or consequential damages. The data remains the property of the client and may only be used for the purposes of a project with the prior written approval of the client.</p>	<p>1 Myrtle Avenue PO Box 1247 Hermanus 7200</p> <p>Tel: 028 313 1411 Fax: 086 508 3248 Email: wrap@telkomisa.net Web: www.wrapgroup.co.za</p>
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ANNEXURE B 2/2

Departure Plan

AB: Proposed 0 m building line

Erf 995, Hermanus

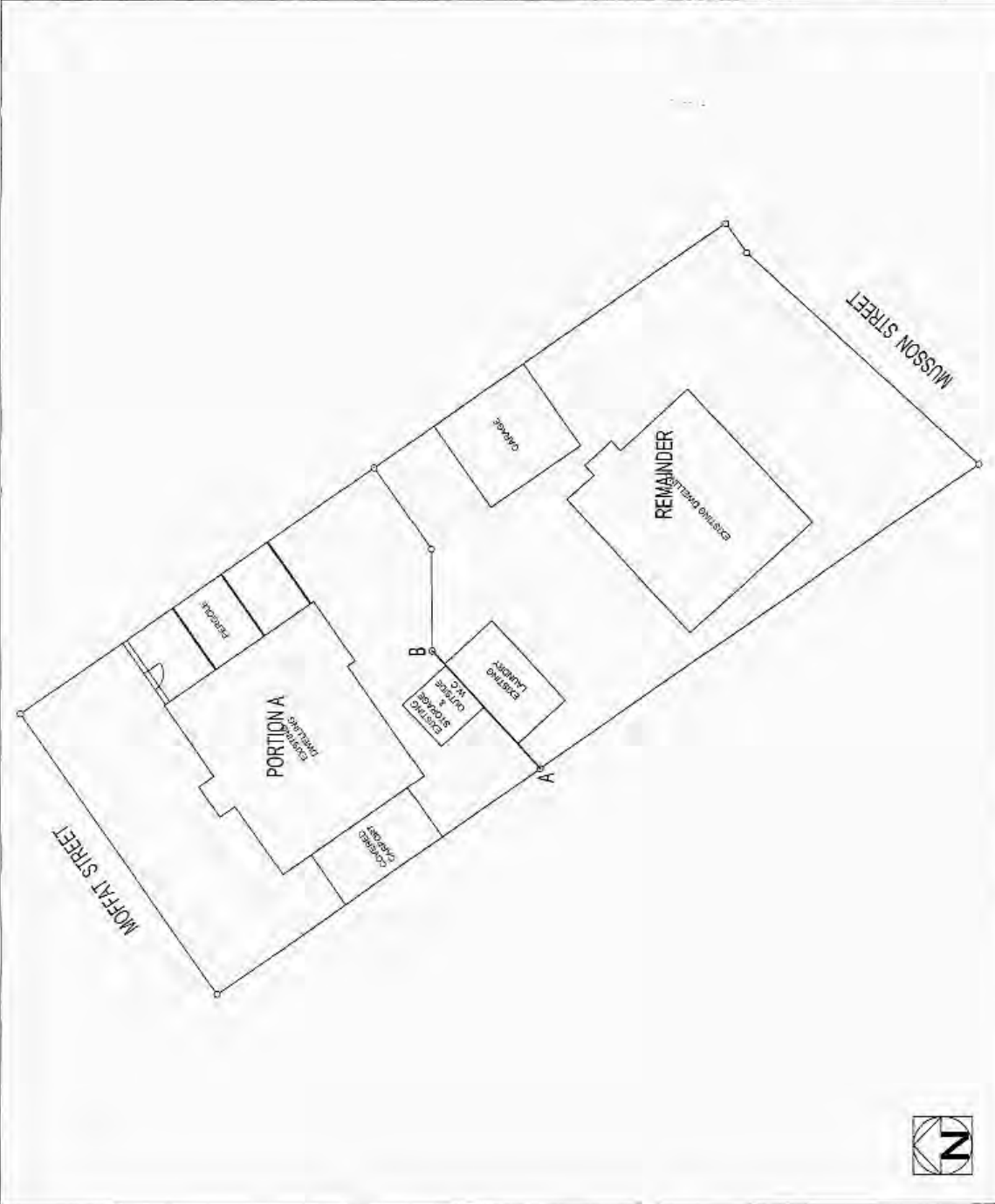
Plan: 14/027/02

Scale 1:200

All distances approximate and subject to survey. This plan, expressed in words and figures, is not to be used in any way for any purpose other than that for which it was prepared and shall not be held liable in any way for any liability or consequential damage in connection with or arising out of the use of the plan. This plan is a preliminary drawing and may only be used for the purpose of a proposal and for the purpose of a permit application. It shall not be used for any other purpose without the approval of the client.

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WRAP

EXECUTIVE SUMMARY

1. SUMMARY

Erf 995, Hermanus is located in the residential neighbourhood of Eastcliff, has an extent of approximately 923 m² and is zoned as Residential Zone I: Single Residential Zone. The erf is furthermore developed with two residential dwelling units.

The owner of the property intends to subdivide the property into two (2) portions. Portion A will have an approximate extent of 418 m² while the Remainder will have an extent of approximately 503 m².

Considering the surrounding area, a number of subdivisions have been approved in the past that allows for smaller erven.

In terms of the Overstrand Municipal Growth Management Strategy, incremental development through subdivision can be allowed in the area in order to increase the existing residential density.

However, a study of the property's title deed revealed that a restrictive condition has been registered that prohibits the subdivision of the property without the consent of the

Administrator. It is therefore necessary to remove this particular condition.

The proposed subdivision has also been done in such a way as to accommodate existing outbuildings constructed on the property. To avoid the demolition of these outbuildings it is also necessary to depart from prescribed building lines.

In light of the above, application is hereby made for the following:

- Subdivision of Erf 995, Hermanus into two (2) portions (Portion A: 418 m²; Remainder: 503 m²) in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- The removal of restrictive title deed condition B.2.b in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967); and
- Departure from prescribed rear building lines (0 meter) in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (no.15 of 1985).



2. PROJECT DESCRIPTION

Erf 995, Hermanus is zoned as Residential Zone I: Single Residential Zone in terms of the Overstrand Municipality Zoning Scheme and is subsequently developed with two dwelling units. The property has an approximate extent of 923 m². Access to the dwelling units can be obtained by Moffat Street as well as Musson Street. The erf is located within the neighbourhood of Eastcliff, which is characterised by erven with larger extents. However, over the years a number of subdivisions have been approved, establishing smaller erven in the area. Spatial planning initiatives applicable in the area have also identified the neighbourhood for incremental densification.

With the above in mind, the owner of the property intends to subdivide the property in half. The subdivision will be done in such a manner that each portion contains a dwelling unit thereon. One portion will obtain access from Moffat Street, while the other portion will be accessed via Musson Street. The subdivision has also been done in such a manner as to conserve existing outbuildings located on the property. It is therefore necessary to maintain a 0 meter building line as the proposed subdivision line will run through a common wall, shared by the two outbuildings.

A study of the subject property's title deed revealed that a restrictive condition has been registered that prohibits the subdivision of the property, without the consent of the Administrator.

In light of the above, WRAP Consultancy has been appointed for the preparation and submission of this application (refer **Annexure A**).

3. PHYSICAL SIZE OF THE LAND USE PROPOSAL

It is proposed to subdivide the property into two (2) portions of approximately (refer **Plan 1**):

- Portion A: 418 m²; and
- Remainder of Erf 995: 503 m².

Portion A will obtain access from Moffat Street and the Remainder from Musson Street. The subdivision has been done in such a manner

that each of the portions will contain an existing dwelling unit. Therefore there is no need for any additional civil engineering services or connections. The proposed building line departure will not have any impact on the surrounding built environment as it is only necessary to accommodate existing outbuildings. The buildings are not habitable and are used as laundry rooms (refer **Plan 2**).

4. THE APPLICATION

Application is hereby made for the following (refer **Annexure B**):

- Subdivision of Erf 995, Hermanus into two (2) portions (Portion A: 418 m²; Remainder: 503 m²) in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- The removal of restrictive title deed condition B.2.b in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967); and
- Departure from prescribed rear building lines (0 meter) in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

5. PROPERTY DETAILS

PROPERTY DESCRIPTION – Erf 995, Hermanus, geleë in die Munisipaliteit van Hermanus, Afdeling Caledon (refer **Plan 3**).

EXTENT 923 m²

OWNERSHIP – Ingrid Smuts (ID Nr 5002260079000)

6. TITLE DEED

A copy of the subject property's title deed has been attached as **Annexure C**. A restrictive title deed condition has been registered within the deed that needs to be removed in order for the subdivision to take place. This condition reads as follows:

"B.2. As being in favour of the Administrator: -
b. That this erf be not subdivided except with the consent in writing of the Administrator."

A bond has been registered over the property. Consent from the bondholder has been requested, which will be circulated to all departments upon receipt.

CONTEXTUAL ANALYSIS



7. LOCATION IN THE LANDSCAPE

The subject property is located in the neighbourhood of Eastcliff, opposite the Hermanus High School. The erf is bound by Moffat Street to the north, Erf 1032 to the east, Musson Street to the south and Erven 994 and 6236 to the west (refer **Plan 4**).

8. SITE ACCESS

The property currently has two (2) access points. One for each of the dwelling units. The northerly dwelling unit obtains access from Moffat Street while the southerly dwelling unit can be accessed via Musson Street. For the purposes of this application, only the existing access points will be utilised.

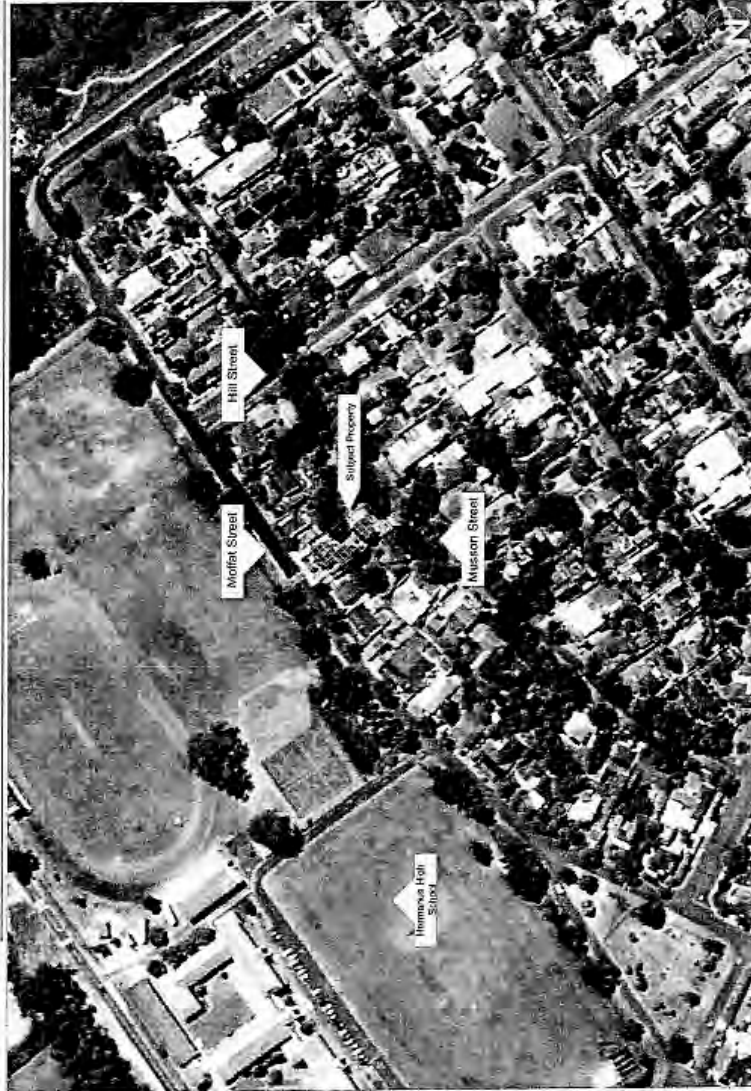


Figure 1: Location

9. LAND USE AND STATUS QUO

The property is developed with two (2) dwelling units, two (2) outbuildings, a garage, a covered carport and a pergola (refer **Annexure D**).

10. LAND USE CHARACTER OF THE SURROUNDING AREA

The character of the surrounding area is predominantly single residential in nature with the Hermanus High School being the other dominant land use.

11. SPATIAL PLANNING INITIATIVES

The spatial planning initiative applicable in this area is the Overstrand Municipal Growth Strategy. In terms of this strategy, Hermanus has been divided into different planning units that regulate future development, etc. The subject property is located within planning unit 14. The following has been proposed for this particular unit:

Residential Densification:

Incremental development through subdivision to allow for a second and third dwelling unit respectively is proposed for approximately 20% of the area/dwelling in this Planning Unit. This proposal can potentially contribute 128 additional dwelling units increasing the gross density from 4.9 to 6.4 dwelling units per hectare.

Community Facilities:

The following additional community facility is proposed for this Planning Unit:

- 1 pre-primary school

Civil services:

- Investigation of the water network system;
- The upgrade of the potable water treatment works;
- The provision of a sewerage network system;
- The upgrade of the waste water treatment works (sewerage);
- An investigation to determine if the storm water runoff can satisfactorily be dealt with following the proposed densification;
- A local investigation to determine if the existing local electrical network can be extended to this planning unit;
- Investigation to determine if the existing collector road system would be able to accommodate the additional traffic resulting from this proposal; and
- An investigation to determine whether the local collector road system will be able to accommodate the additional traffic generated by the increased densities.

WRAP

APPLICATION DETAIL AND MOTIVATION

12. DEVELOPMENT OBJECTIVES

The objective of this application is to subdivide the subject property into two (2) portions. The secondary objective is to establish a 0 meter rear building line in order to accommodate existing outbuildings.

The two portions will have the following extents:

- Portion A: 418 m²; and
- Remainder of Erf 995: 503 m².

Portion A will obtain access from Moffat Street and the Remainder from Musson Street. The subdivision has been done in such a manner that each of the portions will contain an existing dwelling unit. Therefore there is no need for any additional civil engineering services or connections.

The proposed building line departure will not have any impact on the surrounding built environment as it is only necessary to accommodate existing outbuildings. The buildings are not habitable and are used as laundry rooms.

In light of the above, application is therefore made for the following:

- Subdivision of Erf 995, Hermanus into two (2) portions (Portion A: 418 m²; Remainder: 503 m²) in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- The removal of restrictive title deed condition B.2.b in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967); and
- Departure from prescribed rear building lines (0 meter) in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

13. CONSISTENCY WITH SPATIAL PLANNING INITIATIVES AND LEGISLATIVE COMPLIANCE

From Section 11, it is evident that the area where the subject property is located has been identified for further densification. Due to the single residential character of the surrounding area, the most appropriate form of densification is the subdivision of existing

erven. In doing so, the single residential character of the existing neighbourhood can be preserved.

From the development proposal it is evident that it is the objective of this application to achieve exactly the abovementioned goal.

The development proposal was screened against all possible applicable legislation and only the Removal of Restrictions Act, 1967 (Act 84 of 1967)(RORA) was found to be applicable. This application has been submitted to the Department of Environmental Affairs and Development Planning (DEADP) for processing and therefore the prescriptions in terms of RORA have been complied with.

14. NEED AND DESIRABILITY OF THE LAND USE PROPOSAL

From applicable spatial planning initiatives it is evident that there exists a real need for the sensible densification of existing neighbourhoods. Increased residential densities have the following impacts:

- Low residential densities is expensive and inefficient;
- Low density development consumes land quickly, but mixed use, medium density takes some of the pressure off the rural land resource; and
- Higher densities and effective redevelopment can reduce public costs.

It is therefore evident that the proposed subdivision will contribute towards a more sustainable urban environment and increase the efficiency of the existing neighbourhood with regard to the optimal utilisation of services, etc.

As the development proposal complies with the recommendations of the applicable spatial planning initiatives for the area, it is maintained that it is desirable.

15. LOCATION AND ACCESSIBILITY

As mentioned in the previous sections, the subject property is located in an area that has been identified for further densification and which has already experienced a number of subdivisions. The erf is furthermore located in such a manner that access to the different proposed portions can be provided from



different streets. There will therefore not be an increase in traffic in a single street.

Only existing access points will be utilised for the purposes of this applications. As both proposed new erven are already developed with dwelling units, not additional impact with regard to traffic impact is expected.

16. COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND IMPACT ON EXISTING LAND USE RIGHTS

With the approval of this application, the zoning of both portions will remain Residential Zone I. No zonings that are incompatible with the character of the surrounding area will be established. As both portions will accommodate existing dwelling units, no additional impact is foreseen with regard to the built environment. The approval of this application will also not establish land use rights that are not compatible with that of the surrounding area.

17. IMPACT ON SERVICE INFRASTRUCTURE

Water - both dwelling units are developed with their own water connections and therefore no additional capacity or connections will be required. It must be noted that with the establishment of the additional dwelling unit on the erf, the bulk services contribution for water was paid.

Sewage - both dwelling units are connected to existing bulk sewage infrastructure, by means of their own separate connections and therefore no additional connections or capacity will be required. It must be noted that with the establishment of the additional dwelling unit on the erf, the bulk services contribution for sewage was paid.

Electricity - both properties are already developed electrical connections. It must be noted that with the establishment of the additional dwelling unit on the erf, the bulk services contribution for water was paid.

18. GRANTING AND REFUSAL OF APPLICATION

The Land Use Planning Ordinance, 1985 (no 15 of 1985) in Section 36 stipulates that:

- o "any application shall be refused solely on the basis of a lack of *desirability* of the contemplated utilization of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned", and
- o "regard shall be had, in considering relevant particulars to only the *safety and welfare of the members of the community* concerned, the conservation of the natural and developed environment concerned or the effect of the application on existing rights concerned".

The acceptance of land use on a specific land portion must be tested in accordance with the physical characteristics of the property, existing planning in the area, and the character of the environment, the potential, location and accessibility of the property as well as the provision of service infrastructure to the proposed development. It has been argued in the above sections that the proposal as contained within this application is indeed desirable and that it is consistent with the principles of the applicable structure plan and other spatial initiatives. It was also shown that the proposal will not have any negative impact on existing land use rights of surrounding property owners or of the land use rights associated with the existing zoning of the property. Lastly it was proven that the proposal will not have a negative impact on the safety and welfare of the members of the community and will not have any detrimental impact on the natural or developed environment.

In light of the above it is maintained that this application complies with the provisions of Section 36 of the Land Use Planning Ordinance, 1985 (no.15 of 1985) and therefore it is our recommendation that this application be approved.

19. RECOMMENDATION

This motivational report has provided a clear and complete analysis of the land use proposal. It was shown that the proposal is indeed consistent with existing spatial planning initiatives and that there is a definite need for development such as this to be approved. This application furthermore attempts to establish the land use in the most desirable manner. It was also shown that the proposed land use is compatible with the character of the surrounding area and that the approval of this application will not result in negative impacts on existing land use rights. Lastly it was shown that the impact of the development on service infrastructures will be minimal.

In light of the above, it is recommended that the following application be approved:

- Subdivision of Erf 995, Hermanus into two (2) portions (Portion A: 418 m²; Remainder: 503 m²) in terms of Section 24 of the Land Use Planning Ordinance, 1985 (no.15 of 1985);
- The removal of restrictive title deed condition B.2.b in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967); and
- Departure from prescribed rear building lines (0 meter) in terms of Section 15(1)(a)(i) of the Land Use Planning Ordinance, 1985 (no.15 of 1985).

ANNEXURE D 1/4

Fax to: 021/483 3098

TP - A Theart
(H Olivier)

FILE NO: EL 995-HA

37

SCAN NO:

691339

COLLABORATION NO: Plamer

+ copy to: Mrs H van der Sloep.
Hermanus.44 Moffat Street,
EASTCLIFF,
HERMANUS. 7200.
(Erf No. 6078)Thursday 27 November 2014
Tel. 028/31 22392.

To:

The Director: Integrated Environmental
Management,
Provincial Government
Private Bag x 9086
Cape Town 8000.

Dear Sir,

Re: Removal of Restrictions
Act 1967 Subdivision + Departure
on Erf 995, 39 Musson Street,
Hermanus, Overstrand municipal area
Hermanus.

My husband + I retired here to Hermanus in 1994 + have lived in + owned 2 properties here in Eastcliff for 20 years ① 43 Musson St. (Erf 1030) + ② 44 Moffat St. (Erf 6078).

Like the majority of homeowners here in Eastcliff we are elderly + receiving a letter from our Municipality re. our neighbours - the Smuts family's - wish to subdivide + alter their property into 2 - one half only 418 m²) did not perturb us as we felt protected by the 700 m² long-standing minimum for plots here.

→ 2

3 DEC 2014

TP-

2.
 Fax to.
 021/483 3098

But a visit to the town planner's office here to-day revealed that our council has a major plan for residential densification in Eastcliff & our area (planning unit 14) could allow the density of dwelling units (2 or even 3 on a property) to rise from 4.9 to 6.4.

We are convinced that this is not known by most of Eastcliff's home owners & that most of them are highly unlikely to see this in a good light & desirable.

If this application is allowed it would set a precedent & start changes that will change the whole character of Eastcliff.

It was apparently proposed & opened for inspection in October 2010:- Development through sub-division to increase the gross density from 4.9 to 6.4 dwelling units per hectare.

This is a plea to you & our municipality

NOT TO GO AHEAD & PASS THIS APPLICATION as this will set a precedent for MAJOR CHANGES to owning property here.

Eastcliff home-owners have bought into an acclaimed up-market & attractive residential area here — greened with large private gardens, maintained enthusiastically by home-owners, a very pleasant area between the mountain & sea, and properties that are high-priced & difficult to buy into. —→ 3

File to. 3
021/4833098

Allowing a plethora of new sub-divisions & departures will change the whole tone & physicality - to roads of small dwelling units filling the area, vast increases of people, cars, traffic, use of all council services that are stretched already, increased noise from cars & dogs & many of the existing green gardens that make the area replaced with new garages, fences & side entrances to street & verges.

The application presented to you by the consultants firm WRAP (on behalf of their client (the 'Smutts')) describes the character of the erf's surrounding area as "single residential". Like us those "single residential" owners must be informed publicly of a future date when we and our opinions will be heard & taken into consideration, & the envisaged land changes will definitely affect home-owners & their descendants.

Down-sizing to what? houses on 400^m² / 300 sqm ??

We are pleading for thoughtful decision-making before changing & removal of restrictions that were put in place for the overall good of the resident community.

With thanks, yours faithfully,

Ms. D. Langerman & Mr. R. S. Langerman
D. LANGERMAN

R. S. LANGERMAN

owners of
erf No 6078

141 Mottat St. Hermanus

ANNEXURE D 4/4

TP A Theart
(M Olivier)

P O Box 208

HERMANUS 7200

The Director: Integrated Environmental Management
Private Bag X9086
CAPE TOWN
8000

Fax 021 483 3098



Dear Sir

**REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967): SUBDIVISION AND DEPARTURE
ERF 995, 39 MUSSON STREET, HERMANUS**

I am the owner of erf 6236 situated at No 36A, Musson Street, Hermanus. The said erf is adjacent to erf 995 which is the subject of this application.

I am alarmed at the possibility of the subdivision of this erf. The suburb in which it is situated (Eastcliff) is an established residential area with a certain style and character. It is a highly sought-after neighbourhood with high property values. For many years the local authority has had a policy of not permitting erven of less than 700 sq metres in this area.

The local authority, furthermore, has a policy of permitting second dwelling units subject to certain conditions, one of which is that the property may not be subsequently subdivided. A second dwelling unit was approved on the subject property a number of years ago. The motivation was that the owner intended retiring to Hermanus and the existing dwelling was too small for permanent occupation. Being a heritage building it could not be demolished, hence the request to consider the existing structure as a "second" dwelling and to construct a new main dwelling on the northernmost portion of the erf.

I had no objection to this proposal at the time as the owner went out of his way to be considerate of my privacy. It may be mentioned that the owner has not retired to Hermanus and that the property has been let ever since construction.

I am therefore extremely concerned that only a few years later I am informed that application has been made to subdivide the property.

The applicant states that over the years a number of subdivisions have been approved in the Eastcliff area, implying that this sets a precedent. I can state that the very few subdivisions permitted were almost all prior to 1990, when the policy of a minimum erf size was laid down. It is unfortunate that some of these subdivisions have resulted in the construction of dwellings totally at odds with the character of the area which re-inforces my concern over the subdivision of erf 995. Surely, if the original dwelling on the property was "too small" for the present owner to use as a residence, it will be too small for any future owner.

I therefore appeal to you to reject the application for the removal of a title condition precluding subdivision. Eastcliff, previously the township of Poole's Bay, was laid out to certain standards, is fully developed and has a unique character which will surely be eroded if smaller erven are permitted.

Yours faithfully

(MRS) C K BURMAN

27 November 2014

cc Overstrand Municipality

FILE NO:	EL 995-Her
SCAN NO:	22
COLLABORATOR NO:	691644

TP

5 DEC 2014