



**OVERSTRAND MUNISIPALITEIT**  
**'N GEDEELTE VAN RESTANT ERF 1, GEORGE**  
**VILJOENSTRAAT, HAWSTON EN ERF 412,**  
**GEORGE VILJOENSTRAAT, HAWSTON:**  
**AANSOEK OM ONDERVERDELING,**  
**HERSONERING, KONSOLIDASIE EN SLUITING**  
**VAN 'N PUBLIEKE PLEK: WRAP NAMENS**  
**OVERSTRAND MUNISIPALITEIT EN HAWSTON**  
**SERVICE STATION (PTY) LTD**

**OVERSTRAND MUNICIPALITY**  
**A PORTION OF REMAINDER ERF 1, GEORGE**  
**VILJOEN STREET, HAWSTON AND ERF 412,**  
**GEORGE VILJOEN STREET, HAWSTON:**  
**APPLICATION FOR SUBDIVISION, REZONING,**  
**CONSOLIDATION AND CLOSURE OF A PUBLIC**  
**PLACE: WRAP ON BEHALF OF OVERSTRAND**  
**MUNICIPALITY AND HAWSTON SERVICE**  
**STATION (PTY) LTD**

**UMASIPALA WASE-OVERSTRAND**  
**ISIQENDU SE-ERF 1, GEORGE VILJOEN STREET,**  
**HAWSTON NE-ERF 412, GEORGE VILJOEN STREET,**  
**HAWSTON: ISICELO SOKWAHLULA-HLULA**  
**UKUCANDWA KWAKHONA, UKUHLANGANISA KWAYE**  
**UKUVALWA KWENXALENYE INDAWO YOWONKE-**  
**WONKE: WRAP EGAMENI LIKAMASIPALA WASE-**  
**OVERSTRAND KUNYE NE-HAWSTON SERVICE**  
**STATION (PTY) LTD.**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), asook Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiëlebestuur (Wet 56 van 2003) (die Wet) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erwe 1 en 412 Hawston, naamlik, die:

- (a) **onderverdeling** van die Restant van Erf 1, Hawston ingevolge Artikel 16(2)(d) van die Verordening in 2 gedeeltes, naamlik 'n Restant (±264,2510ha) en 'n Gedeelte A (±370m<sup>2</sup>);
- (b) **sluiting van publieke plek** ingevolge Artikel 16(2)(n) van die Verordening om die sluiting van 'n publieke plek te akkommodeer (Gedeelte A, 'n gedeelte van die Restant van Erf 1 Hawston) en wysiging van die algemene plan;
- (c) **herosnering** ingevolge Artikel 16(2)(a) van die Verordening van Gedeelte A ('n gedeelte van die Restant van Erf 1 Hawston) vanaf Vervoersone 2: Pad en Parkering (TR2) na Sakesone 3: Plaaslike Sake (B3);
- (d) **Konsolidasie** ingevolge Artikel 16(2)(e) van die Verordening van Gedeelte A ('n gedeelte van die Restant van Erf 1, Hawston) (±370m<sup>2</sup>); met Erf 412, Hawston om 'n gekonsolideerde erf van ±2528m<sup>2</sup> in grootte te skep, en

die Raad se voorneme ingevolge Artikel 14 van die Wet van die oordrag van Gedeelte A ('n gedeelte van die Restant Erf 1 Hawston) in 1. hierbo aan die eienaars van Erf 412 Hawston met die volgende besonderhede:

**Koper:** Hawston Service Station (Pty) Ltd  
**Ligging:** Gedeelte A, 'n gedeelte van die Restant Erf 1, George Viljoenstraat, Hawston  
**Grootte:** ±370m<sup>2</sup>  
**Koopsom:** R170.00/m<sup>2</sup> (BTW uitgesluit)  
**Doel:** Parkering en oprit

Volle besonderhede rakende die voorstel in **paragraaf 1.(a), (b), (c) en (d)** hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die **Departement: Stadsbeplanning**, Patersonstraat 16, Hermanus. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (epos) [lorretta@overstrand.gov.za](mailto:lorretta@overstrand.gov.za)) moet bereik voor of op **20 Januarie 2023**. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H Olivier** by 028 313 8900.

Volledige besonderhede rakende die voorstel in **paragraaf 2** hierbo is per afspraak beskikbaar gedurende weksdae tussen 08:00 en 16:30 by die **Departement: Eiendomsadministrasie**, h/v Molteno- en Viljoenstraat, Onrustrivier. Enige kommentaar moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (h/v Molteno- en Viljoenstraat, Onrustrivier / (f) 0283163721 / (epos) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) moet bereik voor of op **20 Januarie 2023**. Telefoniese navrae kan gerig word aan die **Hoofkierk, Mej. W Murtz** by 0283165601.

Die Munisipaliteit mag weer om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

DGI O'Neill, Munisipale Bestuurder, Overstrand Munisipaliteit, Postbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 168/2022

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), as well as Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) (the Act) of the following applications applicable to Erven 1 and 412, Hawston, namely, the:

1. (a) **subdivision** of the Remainder Erf 1, Hawston in terms of Section 16(2)(d) of the By-Law into 2 portions, namely a Remainder (±264,2510ha) and a Portion A (±370m<sup>2</sup>);
- (b) **closure of public place** in terms of Section 16(2)(n) of the By-Law to accommodate the closure of a public place (Portion A, a portion of the Remainder Erf 1 Hawston) and amendment of the general plan;
- (c) **rezoning** in terms of Section 16(2)(a) of the By-Law of Portion A (a portion of the Remainder of Erf 1 Hawston) from Transport Zone 2: Road and Parking (TR2) to Business Zone 3: Local Business (B3);
- (d) **consolidation** in terms of Section 16(2)(e) of the By-Law of Portion A (a portion of the Remainder of Erf 1 Hawston) (±370m<sup>2</sup>) with Erf 412 Hawston to create a newly consolidated erf of ±2528m<sup>2</sup> in extent; and

2. the Council's intention in terms of Section 14 of the Act of the transfer of Portion A (a portion of the Remainder Erf 1 Hawston) in 1. above to the owner of Erf 412 Hawston with the following details:

**Purchaser:** Hawston Service Station (Pty) Ltd  
**Locality:** Portion A, a portion of the Remainder of Erf 1, George Viljoen Street, Hawston  
**Size:** ±370m<sup>2</sup>  
**Purchase Price:** R170.00/m<sup>2</sup> (VAT excluded)  
**Purpose:** Parking and driveway

Full details regarding the proposal in paragraphs 1.(a) (b), (c) and (d) above are available for inspection during weekdays between 08:00 and 16:30 at the **Department: Town Planning**, 16 Paterson Street, Hermanus. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (email) [lorretta@overstrand.gov.za](mailto:lorretta@overstrand.gov.za)) on or before **20 January 2023**. Telephonic enquiries can be made to the **Town Planner, Mr. H Olivier** at 0283138900.

Full details regarding the proposal in paragraph 2. above are available per appointment for inspection during weekdays between 08:00 and 16:30 at the **Department: Property Administration**, c/o Molteno and Viljoen Street, Onrustrivier. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (c/o Molteno and Viljoen Street, Onrustrivier / (f) 0283163721 / (email) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) on or before **20 January 2023**. Telephonic enquiries can be made to the **Principal Clerk, Ms. W Murtz** at 0283165601.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

DGI O'Neill, Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 168/2022

Isaziso slinekezelwa ngokwemigaqo yeCandelo lama-47 nelama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), kwakunye neCandelo le-14 loRhulumente neNgingqal: uMthetho woLawulo lweMali kaMasipala (uMthetho wama-56 kaMasipala 2003) (uMthetho) kwezi zicelo zilandelayo zisebenza kwiSiza 1 no-412, eHawston, ezizezi:

1. (a) ulwahlulo lweNtsalela yeSiza-1, e-Hawston ngokweCandelo le-16(2)(d) loMthetho kaMasipala ube zinxalenye ezi-2, ezizezi, iNtsalela (±264,2510ha) kwaye kwiNxalenye A (±370m<sup>2</sup>);
- (b) ukuvalwa kwendawo kawonke-wonke ngokwemigaqo yeCandelo le-16(2)(n) loMthetho kaMasipala ukulungiselela ukuvalwa kwendawo kawonke-wonke (kwiNxalenye A, Inxalenye yeNtsalela yeSiza 1 Hawston) kwaye ntvume kwesicwangciso ngokubanzi;
- (c) ucando ngokutsha ngokweCandelo le-16(2)(a) loMthetho kaMasipala weSahlulo A (inxalenye yeNtsalela yeSiza-1 Hawston) ukusuka kuMmandla wezoThutho 2: Indlela nePaki (TR2) ukuya kwiZowuni yoKushishino -3: UShishino lweNdwao (B3);
- (d) ukudityaniswa ngokweCandelo le-16(2)(e) loMthetho kaMasipala weSahlulo A (inxalenye yeNtsalela yeSiza-1 Hawston) kunye neSiza-412 Hawston ukuyila isiza esitsha esidityanisiweyo esingu-±2528m<sup>2</sup> kubungakanani; kwaye

2. Injongo yeBhunga ngokweCandelo le-14 loMthetho wodulisele lweSahlulo A (inxalenye yeNtsalela yeSiza 1 Hawston) ku-1. ngasentla kuminni weSiza 412 Hawston nezi nkukacha zilandelayo:

**Umthengi:** Hawston Service Station (Pty) Ltd  
**Indawo:** iSahlulo A, inxalenye yeNtsalela ye Siza soku 1, George Viljoen Street, Hawston  
**Ubungakanani:** ±370m<sup>2</sup>  
**Ixabiso lokuThenga:** R170.00/m<sup>2</sup> (VAT excluded)  
**Injongo:** Ukupaka kunye nendlela yokuhamba

Iinkukacha ezipheleleyo malunga nesindululo esikumhlathi 1.(a) (b), (c) no-(d) apha ngasentla ziyafumaneka ukuze zihlole phakathi evekini phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: kuCwangciso lweDolophu, 16 Paterson Street, Hermanus. Naluphina uluvo malubhalwe phantsi, ucapule igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, kwakunye nomdla wakho kwisicelo kunye nezizathu zokuhlomla, izimvo ezo mazifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (i-imeyile) [lorretta@overstrand.gov.za](mailto:lorretta@overstrand.gov.za)) ngomhla okanye phambi kwe-20 EyoMqungu 2023. Imibuzo ngomnxeba ingenziwa kuMchwangciso lweDolophu, uMnu. H Olivier apha 0283138900.

Iinkukacha ezipheleleyo malunga nesi sindululo esikumhlathi 2. apha ngasentla ziyafumaneka kwingqesho nganye ukuze ihlole phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe loLawulo lwePropati, c/o Molteno naseViljoen Street, Onrustrivier. Naluphina uluvo malubhalwe phantsi, ucapule igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, kwakunye nomdla wakho kwisicelo kunye nezizathu zokuhlomla, izimvo ezo mazifike kuMasipala (c/o Molteno kunye neViljoen Street, Onrustrivier / (f) 0283163721 / (i-imeyile) [wmurtz@overstrand.gov.za](mailto:wmurtz@overstrand.gov.za)) ngomhla okanye ngaphambi kwe-20 EyoMqungu 2023. Imibuzo ngomnxeba ingenziwa kuMabhalane oyiNtloko, uNks. W Murtz kule nombolo 0283165601.

The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

DGI O'Neill, Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 168/2022





**1. ABBREVIATIONS**

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

**2. PROPERTY DETAILS**

<b>Consultant</b>	WRAP Project Office	
<b>Erf Number</b>	Erf 412 Hawston	Remainder of Erf 1 Hawston
<b>Extent</b>	2158m <sup>2</sup>	264,2880 Ha
<b>Zoning</b>	Business Zone 3: Local Business	Transport Zone 2: Road and Parking

**3. BACKGROUND AND INTENT**

There are two subject properties, Remainder of Erf 1 & Erf 412 Hawston. The Remainder of Erf 1 Hawston is owned by the Overstrand Municipality and Erf 412 Hawston is owned by Hawston Service Station (Pty) Ltd. Hawston Service Station (Pty) Ltd purchased a portion of the Remainder of Erf 1 Hawston that is proposed to be utilised together with the existing Erf 412 Hawston. Hawston Service Station (Pty) will hereafter be referred to as the property owners and the Overstrand Municipality will be referred to as OM.

Erf 412 Hawston is located at George Viljoen Street (refer **Plan 1 – Locality Plan**). The property owners appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney**).

The purpose of this application is to obtain approval for the consolidation of the portion of the Remainder of Erf 1 Hawston that was bought by the Hawston Service Station (Pty) Ltd from the Overstrand Municipality, with Erf 412 Hawston. Both property owners established an agreement in terms of the Local Government: Municipal Financial Management Act (Act 56 of 2003) (MFMA) and Administration of Immovable Property Policy of the Overstrand Municipality, as amended.

The Council, on 21 February 2022, in principle approved the alienation of a portion of the Remainder of Erf 1 Hawston to Hawston Service Station (Pty) Ltd, on condition that a land use application be submitted to obtain approval for the closure of portion of a public place, subdivision, consolidation and rezoning.



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

WRAP compiled this report to ensure that the conditions of approval of the proposed alienation is complied with. The following is applied for:

**4.1 Subdivision** of the Remainder of Erf 1 Hawston into Portion A ( $\pm 370\text{m}^2$ ) and the remainder of the Remainder of Erf 1 Hawston ( $\pm 264,2510\text{ha}$ ) in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The proposal is to subdivide a portion (Portion A) that measures approximately  $370\text{m}^2$  from the Remainder of Erf 1 Hawston. The portion will be purchased at fair market value as determined by the municipal valuer.

Due to the locality, shape, intended use and size of Portion A, it cannot be developed independently, and thus it may be classified as a non-viable property. Non-viable property can in terms of the current Overstrand Administration of Immovable Property Policy be alienated directly to an adjoining property owner, subject to certain conditions. One of the conditions of the alienation is that no structures of any kind may be erected thereon.

Refer to the figure below for an illustration of the Portion that is proposed to be subdivided:

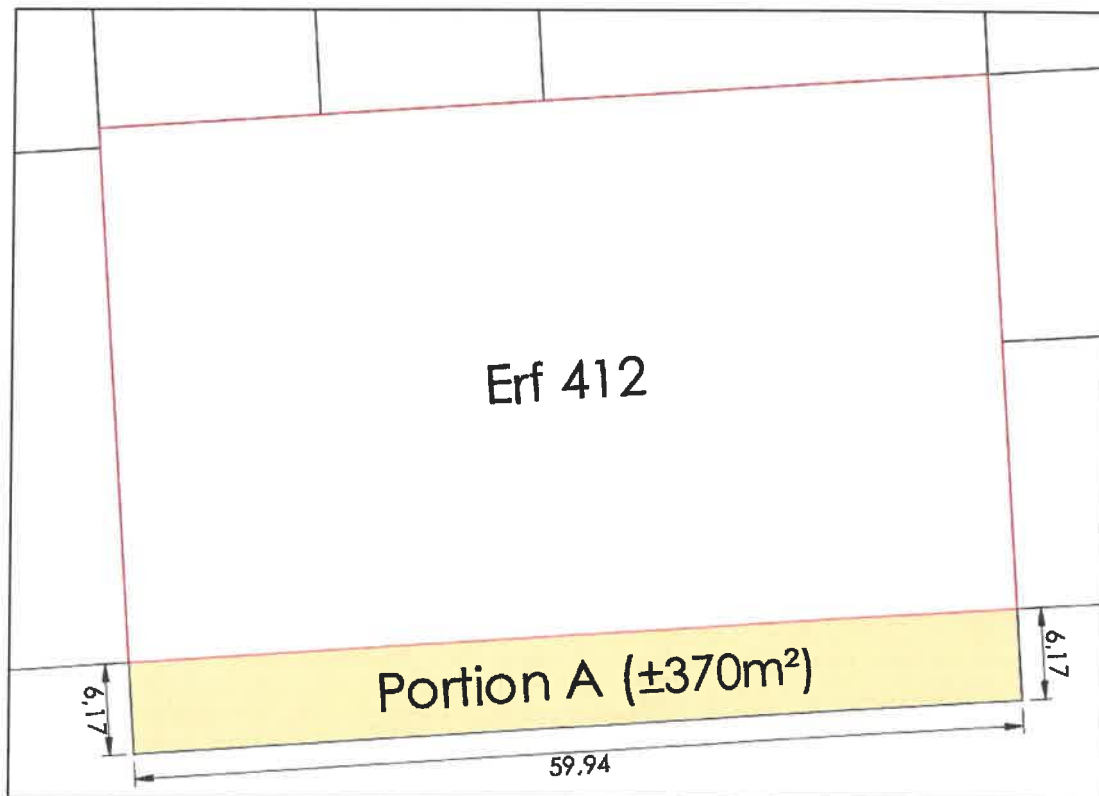


Figure 1: Proposed subdivision of the Remainder of Erf 1 Hawston.



**4.2 Closure of a public place** - Portion A (a portion of the Remainder of Erf 1 Hawston) is a public road and must be closed in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning Act, 2020.

Table 1 below was extracted from Section 28 of the By-Law and highlights the relevant considerations that the Municipality must consider when closing a public place. The motivation for the closure of Portion A as a public road will therefore be done in conjunction with the prescripts of the relevant subsections:

<b>Sub section number</b>	<b>Content</b>	<b>Motivation</b>
<b>(1)(a)</b>	<i>"Make provision for the payment of compensation to a person who has suffered loss or damage as a result of the permanent closure of the public place."</i>	This proposal will not lead to any damage or loss for surrounding property owners. Portion A is a road reserve, and it is not predicted that the road will ever be required to be widened.  Considering this, no compensation needs to be paid to anyone.
<b>(1)(b)</b>	<i>"Regulate the ownership of the land following the permanent closure of the public place."</i>	After consolidation of Portion A and Erf 412 Hawston, the ownership of the closed public place will change to the property owners and all responsibilities related to the consolidated property will be transferred to the property owners.

Due to the locality, shape, intended use and size of Portion A, it cannot be developed independently. The property owners are paying the OM the value of the Portion as determined by the municipal valuers.

In conjunction with the closure of the public place is the amendment of the General Plan. The amendment is necessary to ensure adherence to the requirements set out by the Surveyor General in the Western Cape, that states consent is required to amend the General Plan in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**4.3 Rezoning** of Portion A (a portion of the Remainder of Erf 1 Hawston) from Transport Zone 2: Road and Parking to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subdivided portion (Portion A) is required to be rezoned to the same zoning as the subject property to allow the consolidation. As mentioned above, Portion A has an extent of approximately 370m<sup>2</sup> which is proposed to be used together with the subject property.

The subject property is currently zoned Business Zone 3: Local Business and is being operated as a service station (fuel station) and the additional portion of land will allow the property owners to have more manoeuvring space available and will allow further extension on the existing property. Refer to **Plan 2** for the **proposed zoning plan**.

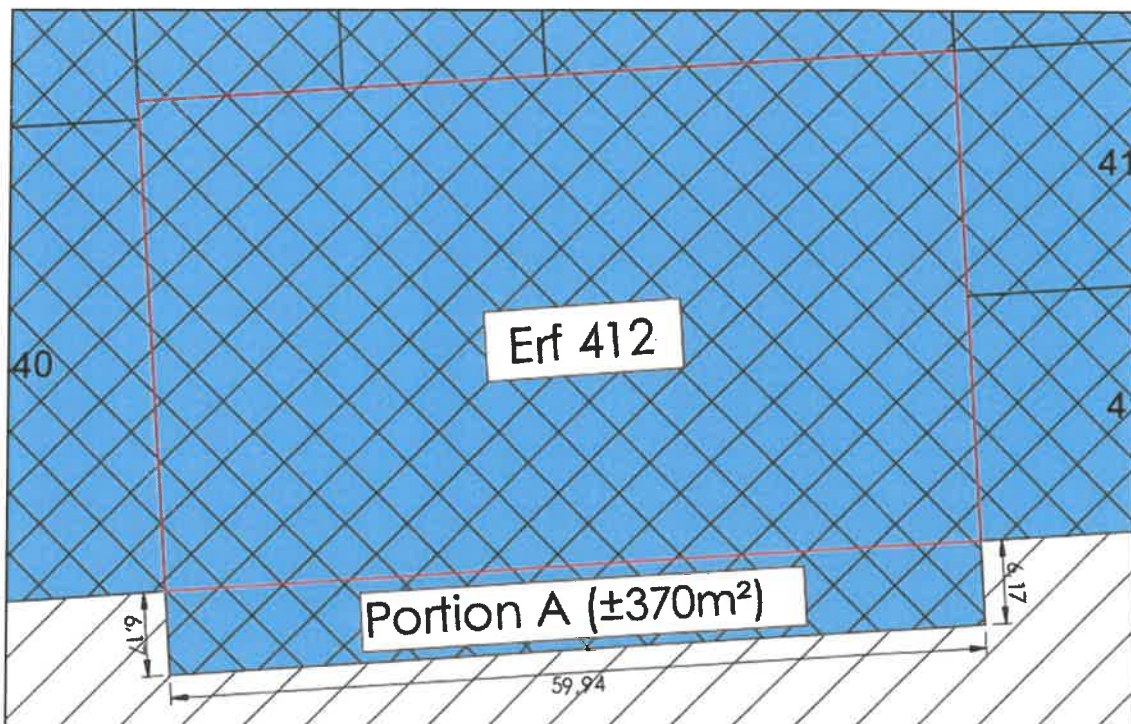


Figure 2: Proposed rezoning.

**4.4 Consolidation** of Portion A (a portion of the Remainder of Erf 1 Hawston) ( $\pm 370\text{m}^2$ ) and Erf 412 Hawston ( $2158\text{m}^2$ ) to create a consolidated erf ( $\pm 2528\text{m}^2$ ) in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

After the Public Space is closed and Portion A is subdivided from the Remainder of Erf 1 Hawston, Portion A and the subject property may be consolidated. The main objective of the acquisition of the additional portion is to increase the property size and utilise the space for additional driveway and parking.

Although no buildings may be built on Portion A it does however increase the developable footprint of the subject property. The result of the consolidation will be the following:

Portion	Extent (m <sup>2</sup> )
Erf 412 Hawston	2158
Portion A	370
Consolidated Erf	2528

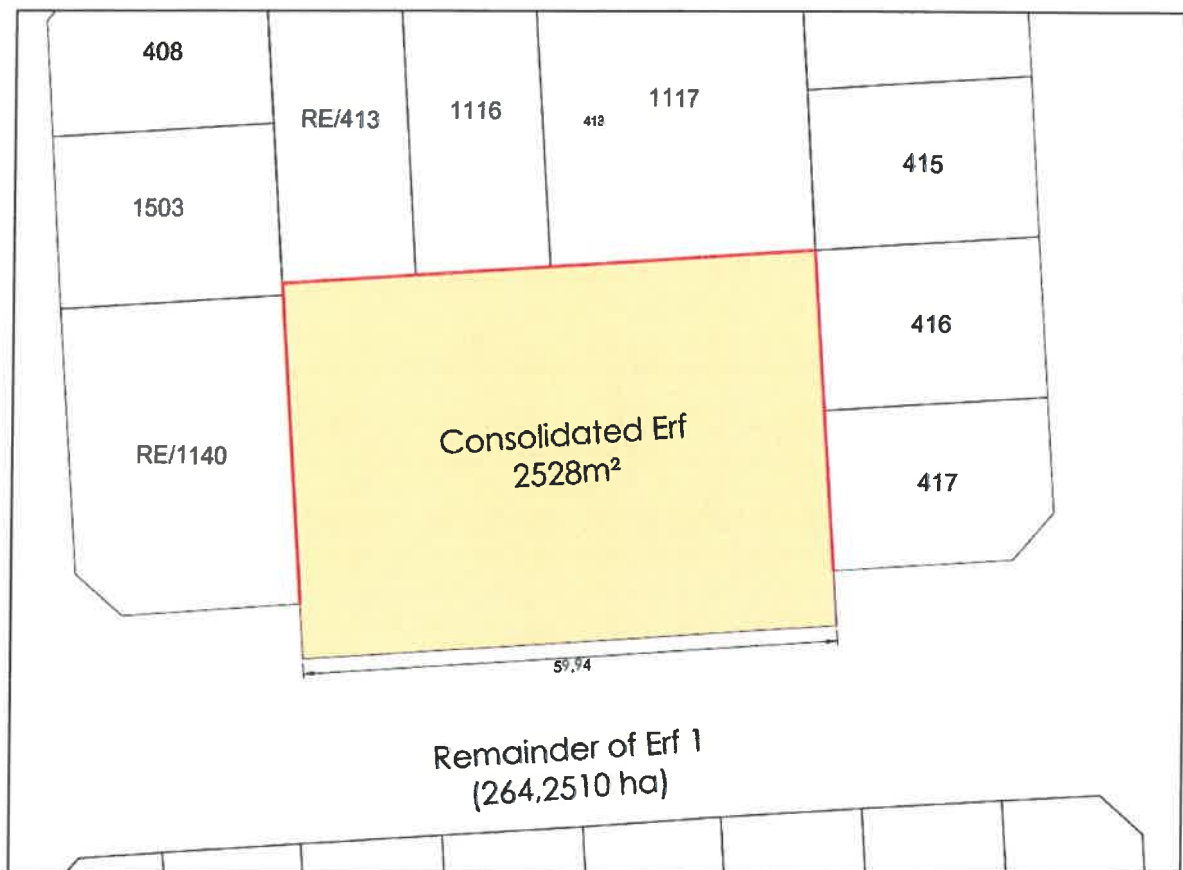


Figure 3: Proposed consolidated erf.



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## **5. APPLICATION**

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Considering the above, application is made for the following:

- 5.1 Subdivision** of the Remainder of Erf 1 Hawston into Portion A ( $\pm 370\text{m}^2$ ) and the remainder of the Remainder of Erf 1 Hawston ( $\pm 264,2510\text{ha}$ ) in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Closure of a public place** - Portion A (a portion of the Remainder of Erf 1 Hawston) is a public road and must be closed in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning Act, 2020.
- 5.3 Rezoning** of Portion A, (a portion of the Remainder of Erf 1 Hawston) from Transport Zone 2: Road and Parking to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 Consolidation** of Portion A (a portion of the Remainder of Erf 1 Hawston) ( $370\text{m}^2$ ) and Erf 412 Hawston ( $2158\text{m}^2$ ) to create a consolidated erf ( $2528\text{m}^2$ ) in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

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## **6. LAND USE ENVIRONMENT**

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The Remainder of Erf 1 Hawston is registered in the name of the Overstrand Municipality and is utilised as public open space and transport purposes. The subject property is located within a business node in the Hawston area and is located adjacent other businesses. The surrounding area's zonings are illustrated in **Plan 2** (Proposed Zoning Plan).

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## **7. TITLE DEED**

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### Remainder of Erf 1, Hawston

Title deed G224/1950 & T35515/2013 (refer **Annexure B**) were perused and there are no restrictive title deed conditions that may prohibit the subdivision of the subject property.

### Erf 412, Hawston

Title deed T29106/1981 (refer **Annexure B**) was perused and there are no restrictive title deed conditions that may prohibit the consolidation of a Portion of the Remainder of Erf 1 with the subject property.

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## **8. ZONING**

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The following zoning parameters were assessed in conjunction with the Business Zone 3: Local Business OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



**MOTIVATION**

<b>BUSINESS ZONE 3: LOCAL BUSINESS (B3)</b>		
<b>Land Use Restrictions</b>		
<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Shops, Dwelling Unit (above ground floor) in accordance with 6.3.2, Flats (above ground floor), Offices, Restaurant, Caretaker's Accommodation and Self-Catering.	Applied for and motivated
<b>Consent uses which may be applied for</b>	SERVICE STATION  Bottle Store, Business Premises, Clinic, Conference Facility, Dwelling Unit (on ground floor) in accordance with 6.3.2, Flats (On Ground Floor), Town Housing in accordance with 6.3.2, Tourist Accommodation, Hotel, Institution, Place of Assembly, Place of Entertainment, Place of Instruction, Place of Worship, Recreational Facilities, Residential Building, Sale of Alcoholic Beverages, <b>Service Station</b> , Service Trade and Transmission Apparatus (subject to the provisions of chapter 16.10).	-
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is <b>75%</b> .	Comply
<b>Floor Factor</b>	The maximum floor factor is 1.5.	Comply
<b>Height</b>	i. The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m. ii. The maximum number of storeys is 2.	Comply
<b>Setback</b>	i. The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street. ii. This is noted.	Comply



**MOTIVATION**

	<p>ii. Where special circumstances exist, the Municipality may require a greater setback.</p>		
<p><b>Building Lines</b></p>	<p>i. The street building line is 0 m, provided that a 5,0 m building line applies where fuel pumps are erected;</p> <p>ii. The side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0m;</p> <p>iii. The rear building line is 3,0 m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0m; and</p> <p>iv. Provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right.</p>	<p>i. A 5.0m street building line will be adhered to</p> <p>ii. Comply</p> <p>iii. Comply</p> <p>iv. Noted</p>	<p>i. Comply</p> <p>ii. Motivated and applied.</p> <p>iii. Comply</p> <p>iv. Comply</p>
<p><b>Window and door placement</b></p>	<p>i. Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned.</p> <p>ii. Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary.</p>	<p>i. Comply</p> <p>ii. Comply</p>	<p>Comply</p>
<p><b>Parking and access</b></p>	<p>According to section 17.1 of the OMLUS:</p> <p>One bay per service bay plus two bays per 100 m<sup>2</sup> GLA up to 500 m<sup>2</sup>, thereafter one per 100 m<sup>2</sup> GLA</p>	<p>2 services bays – 2 Parking bays required.</p> <p>705m<sup>2</sup> of GLA = 12 parking bays required</p> <p>14 Parking Bays required, and 15 parking bays are provided</p> <p>Noted</p>	<p>Comply</p>
<p><b>Loading Bays</b></p>	<p>The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>		<p>Comply</p>



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## 9. SERVICES

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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 property is connected to the existing networks and the proposal will not have any impact on the required services for the site as no additional expansion is being proposed.

Solid waste that is generated by this site is collected weekly.

### **Access and Egress**

Access and egress to the subject property is gained across from George Viljoen St and the proposal will not affect this.

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## 10. NEED AND DESIRABILITY

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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 land use application is required as it was a condition of approval of the alienation. Desirability is more often a personal feeling of the property owners. The property owners identified the additional portion of municipal property and approached the Overstrand Municipality to acquire the portion of land, which is not able to be developed and it can be classified as a non-viable property.

To comply with the conditions of approval of the alienation, the property owners appointed WRAP Project Office to submit this application to ensure the proposed development is not in contradiction to any policies, legislation, or title deed conditions.

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

The subject property is located in a business node and the proposal is not predicted to have a negative effect in terms of views, sunlight and character of the area. The additional land will only be used for parking and or a driveway.

### **Economic impact**

The sale of the property will provide an income to the Overstrand Municipality and once consolidated it will increase the value of the subject property and may yield more rates and taxes to the Overstrand Municipality.

### **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.



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### **Impact on heritage**

The subject property is not listed in the OM Heritage Register.

### **Environmental impact**

The subject property is not located within an environmentally important area.

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## **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.

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## **12. PLANNING PRINCIPLES**

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. 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. This proposal consolidation will not contribute to spatial injustices.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to continue utilising the extended property for purposes of a service station will allow the property owners to utilise this property to its maximum potential.

### **Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

### **Good administration**

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



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### 13. EVALUATION

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The proposal is to consolidate a portion of non-viable municipal property with the subject property which will provide more manoeuvring space for the service station and possible expansion of the existing property. The area of the additional portion acquired may not be used for the development of additional infrastructure, and therefore the additional land will be utilised for additional parking and a driveway space.

These applications are required as it is a condition of approval of the proposed alienation.

The proposals are in harmony with all relevant spatial planning policies.

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### 14. RECOMMENDATION

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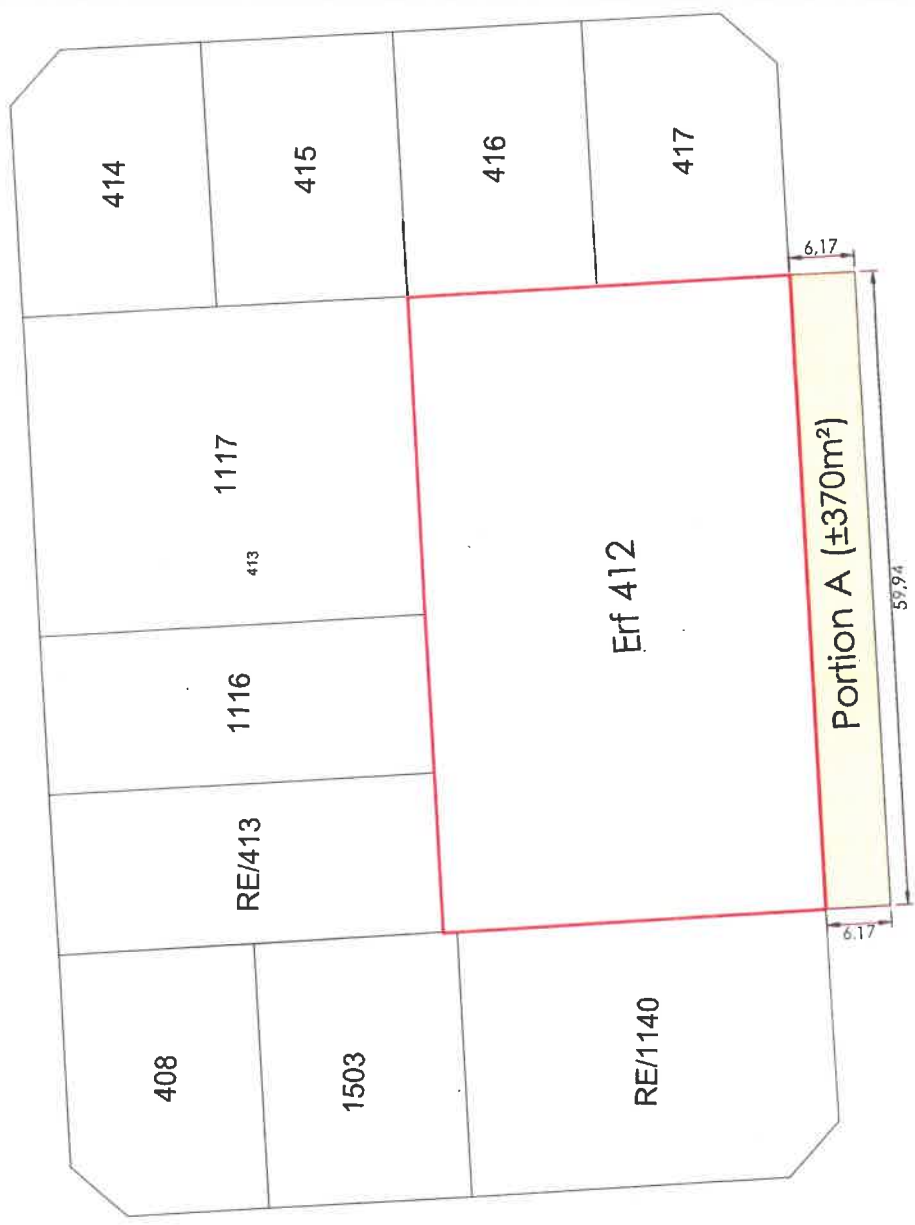
Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Subdivision** of the Remainder of Erf 1 Hawston into Portion A ( $\pm 370\text{m}^2$ ) and the remainder of the Remainder of Erf 1 Hawston ( $\pm 264,2510\text{ha}$ ) in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.2 Closure of a public place** - Portion A (a portion of the Remainder of Erf 1 Hawston) is a public road and must be closed in terms of Section 16(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning Act, 2020.
- 14.3 Rezoning** of Portion A, (a portion of the Remainder of Erf 1 Hawston) from Transport Zone 2: Road and Parking to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.4 Consolidation** of Portion A (a portion of the Remainder of Erf 1 Hawston) ( $370\text{m}^2$ ) and Erf 412 Hawston ( $2158\text{m}^2$ ) to create a consolidated erf ( $2528\text{m}^2$ ) in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

<p><b>4. Subdivision Plan</b> Remainder of Erf 1 and Erf 412 - Hawston</p>	<p><b>Remainder of Erf 1, Hawston</b>  Extent - 264,2880ha Portion A - 370m<sup>2</sup> Remaining - 264,2510ha</p>		<p>Plan prepared by: Thian Jansen Date: 19 September 2022</p>	<p>All distances are approximate and subject to a survey</p>	<p>Tel: 028 313 1411</p>	<p>Email: admin@wrapgroup.co.za</p>	<p>Unit 6, Standard House, Corner of Royal and Dikie Uys Street, Hermanus, 7200</p>
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1546



Remainder of Erf 1  
(264,2510 ha)

Scale 1 : 500

46



Remainder of Erf 1  
(264,2510 ha)

**5. Consolidation Plan**  
Erf 412 - Hawston

**Erf 412, Hawston**

Extent - 2158m<sup>2</sup>  
Portion A - 370m<sup>2</sup>

Consolidated Erf - 2528m<sup>2</sup>

Plan prepared by: Thian Jansen  
Date: 19 September 2022  
All distances are approximate  
and subject to a survey  
Tel: 028 313 1411




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**Project Office**  
Town Planning & Project Management

Scale 1 : 500

# Proposed Zoning Plan Erf 412 - Hawston

-  Transport Zone 2: Road and Parking
-  Business Zone 3: Local Business
-  General Residential Zone 1: Town Housing

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

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