

MUNISIPALITEIT OVERSTRAND

RESTANT ERWE 1682, 1684 & 1686 TIENDESTRAAT 19 & 21 EN ERF 5276, TIENDESTRAAT 19B, VOËLKLIP, HERMANUS: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, KONSOLIDASIE, ONDERVERDELING EN AFWYKING: MNRE PLAN ACTIVE STAD-EN STREEKSBEPLANNERS NAMENS DE RUIMTE (EDMS) BPK

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op bogenoemde erwe, naamlik:

Opheffing van Beperkende Titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes soos vervat in Titelaktes T55421/2021, T55422/2021 en T55423/2021 saamgelees met voorwaardes C.(i) en (j).

Konsolidasie

Aansoek ingevolge Artikel 16(2)(e) van die Verordening om Restant Erf 1682, Restant Erwe 1684, 1686 en 5276, Hermanus te konsolideer, ten einde twee (2) enkelresidensiële erwe te skep.

Onderverdeling

Aansoek ingevolge Artikel 16(2)(d) van die Verordening, ten einde twee (2) enkelresidensiële erwe, naamlik Gedeelte A ongeveer 1342m² groot en Gedeelte B ongeveer 740m² te skep.

Afwyking

Aansoek ingevolge Artikel 16(2)(b) van die Verordening ten einde die:

- ❖ noordelike lateraleboulyn van Gedeelte A vanaf 2m na 1m te verslap om 'n gimnasium en badkamer te akkommodeer;
- ❖ noordelike lateraleboulyn van Gedeelte A vanaf 2m na 1m te verslap om 'n kombuis, eet- en sitkamer te akkommodeer, en
- ❖ noordelike lateraleboulyn van Gedeelte B vanaf 2m na 1.8m te verslap om die bestaande kothuis te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende woensdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op Vrydag, **20 Januarie 2023**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. P Roux by 0283138900. Die Munisipaliteit mag weier om kommentare 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 om hul kommentare te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 164/2022

OVERSTRAND MUNICIPALITY

REMAINDER ERVEN 1682, 1684 & 1686, 19 & 21 TENTH STREET AND ERF 5276, 19B TENTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, SUBDIVISION AND DEPARTURE: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF DE RUIMTE (PTY) LTD

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), of the following applications applicable to the abovementioned erven, namely:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions as contained in Title Deeds T55421/2021, T55422/2021 and T55423/2021 read together with conditions C.(i)(j).

Consolidation

Application in terms of Section 16(2)(d) of the By-Law to consolidate Remainder Erf 1682, Remainder Erven 1684, 1686 and 5276, Hermanus, in order to create two (2) single residential erven.

Subdivision

Application in terms of Section 16(2)(d) of the By-Law, in order to create two (2) single residential erven, namely Portion A approximately 1342m² in extent and Portion B approximately 740m² in extent.

Departure

Application in terms of Section 16(2)(b) of the By-Law in order to:

- ❖ encroach the northern lateral building line of Portion A from 2m to 1m to accommodate a gymnasium and bathroom;
- ❖ encroach the northern lateral building line of Portion A from 2m to 1m to accommodate a kitchen, dining- and living room; and
- ❖ encroach the northern lateral building line of Portion B from 2m to 1.8m to accommodate the existing cottage.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before Friday, **20 January 2023**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Town Planner, **Mr. P Roux** at 028-313 8900. The Municipality may refuse to accept comment 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 comments.

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

Municipal Notice No. 164/2022

UMASIPALA WASEOVERSTRAND

INTSALELA YEZIZA EZAZIWA NGO-ERVEN 1682, 1684 & 1686, 19 & 21 TENTH STREET NESIZA ESINGU-ERF 5276, 19B TENTH STREET, VOËLKLIP, HERMANUS: ISICELO SOKUSHENXISWA KWEEMEKO EZIYIMIQOBO KWITAYITILE ZOBUNINI, ULUNGELELANISO, UKWAHLULAHLULA NOKWAHLUKA: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS EGAMENI LIKA-DE RUIJTE (PTY) LTD

Kukhutshwe isaziso ngumasipala esingSoloty le16(2)(d) nama47 nama48 isaziso eso sikhutshwa nguMasipala waseOverstrand ngoMthethwana Osisihlomelo soMthethwana kaMasipala ngeZicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (UMthethwana), osebenza kwezi zicelo zilandelayo nosebeneziseka kwiziza ezichazwe ngentla, ezaziwa ngolu hlobo:

Ukushenxiswa kweeMeko eziyiMiqobo kwiiTayitile Zobunini

Isicelo esingemiba emayela neSoloty le16(2)(f) loMthethwana wokushenxiswa kweemeko eziyimiqobo equlathwe ziTayitile Zobunini T55421/2021, T55422/2021 noT55423/2021 efunda ngokuhambelana neemeko C.(i)(j).

Ukulungelelanisa

Isicelo esimayela nemiba yeSoloty le16(2)(d) loMthethwana wokulungelelanisa iNtsalela enguErf 1682, Intsalela yezi zaziwa ngeErven 1684, 1686 ne 5276, Hermanus, ukuze kudaleke iindawo zokuhlala ezimbini (2) ezizimeleyo nezilungiselelwe umntu omnye kwindawo yokuhlala nganye.

Ukwahlulahlula

Isicelo ngokwemiba yeSoloty le16(2)(d) loMthethwana, ukuze kudaleke iziza ezibini (2) ezilungiselela indlu ehlala umntu omnye nezimeleyo, ebizwa iNxalenye emayela nobukhulu obuli-1342m² neNxalenye B ebukhulu bumayela nama740m² ubukhulu.

Ukwahluka

Isicelo ngokwemiba yeSoloty le16(2)(b) loMthethwana ukuze:

- ❖ kuphunyelwe ngaphaya komgca wesakhiwo omelene nesakhiwo kwicala elisemntla kwicala iNxalenye A ukusuka kwiimitha ezi2m ukuya ku 1m ukulungiselela ijimnesiyam negumbi lokuhlambela;
- ❖ kuphunyelwe ngaphaya komgca wesakhiwo omelene nesakhiwo kwicala elisemntla leNxalenye A ukusuka kwiimitha ezi2m ukuya kwimitha e1m ukulungiselela ikhitshi, igumbi lokutyela negumbi lokuhlala;
- ❖ nokuphumela ngaphaya komgca wesakhiwo omelene nesakhiwo kwicala elisemntla komgca wesakhiwo kwinxalenye B ukusuka kwimitha 2m ukuya kwimitha e1.8m ukulungiselela ikhtheji esele ikhona.

Linkcukacha ezimayela nesi siphakamiso ziyafumaneka ukuze zihlole kwiintsuku zaphakathi evekini ukusukela phakathi kwentsimbi ye08:00 neye16:30 kwiSebe :zicwangciso ngeDolophu kwa16 Paterson Street, Hermanus.

Naziphi na izimvo ezibhaliweyo mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi koLwesihlanu, **20 EyoMqungu 2023**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo, kunye nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingabuzwa kuMchwangcisi weDolophu, **uMn. P Roux** kwa 028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe Lezicwangciso ngeDolophu apho igosa likaMasipala liza kumnceda ukuhlomla ngokusemthethweni.

Umlawuli Omkhulu kaMasipala, kuMasipala waseOverstrand, P.O. Box 20, HERMANUS, 7200

Inothisi kaMasipala Nomb. 164/2022



Scale: NTS
 Drawing Nr: Herim1682.dwg
 Date: JULY 2022

Plan Description:
LOCALITY MAP

Property Description:
**ERVEN 1682, 1684,
 1686 & 5276
 HERMANUS**

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

PLan Active Stads-en Streetsbeplanners
 Town & Regional Planners

Notes:
 The site



**PROPOSED CONSOLIDATION, SUBDIVISION,
DEPARTURE AND REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS**

**REMAINDER ERVEN 1682 & 1684 AND
ERVEN 1686 & 5276 HERMANUS**

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT – Revision 1 (Oct. 2022)

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Mrs. T. Laubscher, on behalf of De Ruimte Pty Ltd, the owner of erven 1682, 1684, 1686 and 5276 Hermanus, to apply for the consolidation, subdivision, departure and removal of restrictive title deed conditions of the subject properties.

Remainder erf 1682 is 640m² and Remainder erf 1684 is 821m² in extent. Erf 1686 is 347m² and erf 5276 is 274m² in extent. The subject properties are held by title deed numbers T55421/2021, T55422/2021, T55423/2021 and T55424/2021.

There is an existing single storey dwelling situated on Remainder erf 1684 Hermanus and an existing cottage on Remainder erf 1682 Hermanus. The staircase of the existing dwelling's stoep on Remainder erf 1684 Hermanus extends onto erf 1686 Hermanus. Erf 5276 Hermanus is a vacant portion of land (garden area). Refer to the Topographical Survey Map dated October 2021.

The owner intends to consolidate the subject properties and subdivide the consolidated portion to create two better configured single residential portions.

Both the portions with the main dwelling and cottage will be retained by the property owner, the main dwelling will be redeveloped

The existing historical cottage did not encroach the relevant title deed and land use scheme regulations' building lines at the time of construction on erf 1682 Hermanus. However, the cottage is now situated closer to the street boundary due to the subdivision of erf 1682 Hermanus to create erf 5274 Hermanus for road widening purposes. As a result, the cottage is now positioned within the Remainder erf 1682 Hermanus street building line (scheme regulations and title deed). Since no additions or alterations are proposed for the cottage, a street building line deviation does not apply.

As confirmed by the building department the existing bedroom no. 3 / laundry room structure was approved in 1986. A copy of the building plan and "schedule B" dated 4 August 1986 of the approved 1986 building plan is attached. A change of use of the structure however applies and will be addressed accordingly.

In addition, the renovations (alterations and additions) on the newly subdivided main dwelling portion will require departures from the Land Use Scheme regulations and the removal of restrictive title deed building line conditions. It is proposed to construct a new triple garage, a new gym and bathroom, and a new addition / extension of the existing dwelling.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the consolidation of Remainder erf 1682, Remainder erf 1684, erf 1686 and erf 5276 Hermanus;
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the subdivision of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the departure (building lines)

of Portions A and B, portions of the consolidated erven 1682, 1684, 1686 and 5276 Hermanus;

- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the removal of the restrictive title deed conditions of Portions A and B, portions of consolidated erven 1682, 1684, 1686 and 5276 Hermanus.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Remainder erven 1682 and 1684 Hermanus are situated at 19 and 21 Tenth Avenue, Voëlklip, Hermanus. Erven 1686 and 5276 Hermanus are located adjacent to erven 1682 and 1684 Hermanus to the south-west. Refer to the locality plan attached.

There is an existing single storey dwelling (two separate structures with interleading courtyard) situated on Remainder erf 1684 Hermanus and an existing cottage on Remainder erf 1682 Hermanus. Both the main dwelling and cottage are considered historical structures as confirmed by aerial photographs. The staircase of the existing main dwelling's stoep on Remainder erf 1684 Hermanus extends onto erf 1686 Hermanus. Erf 5276 Hermanus is a vacant portion of land (garden area).

The extent of the subject properties is as follows:

ERF NUMBER	EXTENT (in m²)
Remainder erf 1682	640
Remainder erf 1684	821
Erf 1686	347
Erf 5276	274

3.2 ZONING

The subject properties have the following land use rights:

ERF NUMBER	ZONING
Remainder erf 1682	Single Residential Zone 1: Dwellings (SR1)
Remainder erf 1684	Single Residential Zone 1: Dwellings (SR1)
Erf 1686	Single Residential Zone 1: Dwellings (SR1)
Erf 5276	Single Residential Zone 1: Dwellings (SR1)

Surrounding properties are zoned for Single Residential Zone 1: Dwellings, Business Zone 3: Local Business, Open Space Zone 1: Nature Reserve and Transport Zone 2: Road purposes.

3.3 LAND USE

Remainder erven 1682 and 1684 Hermanus are developed with a main dwelling (253,8m²) and cottage (36,8m²) and are used for single residential living purposes. The Topographical Survey Map indicates the position of the As Built structures on the subject properties. The staircase of the existing main dwelling's stoep on Remainder erf 1684 Hermanus extends onto erf 1686 Hermanus. Erf 5276 Hermanus is a vacant portion of land (garden area).

There are two approved building plans available for the subject properties. The one is for an addition to the main dwelling in 1949. The other is for alterations and additions done to the existing main dwelling on erven 1682, 1684, 1686 and 5276 Hermanus as indicated on the copy of the 1986 building plan and Schedule B that confirms the approval of the 1986 building plan. As previously mentioned, the 1962 aerial photograph also confirms that the existing structures (two main dwelling sections with courtyard and cottage) were present on the subject properties in 1962 and therefore the existing structures are considered historical.

As confirmed by the building department the existing bedroom no. 3 / laundry room structure was approved in 1986. A copy of the building plan and Schedule B dated 4 August 1986 of the approved 1986 building plan are attached. The structure was approved for an en-suite bedroom and maid's room purposes. The use of Bedroom no. 3 remains unchanged. However, the bathroom was converted to a laundry room and the maid's room was converted to bedroom no. 4. The client provided an affidavit from Mr D.A. Corder dated 26 September 2022 (copy attached) that confirms the existence of the existing bedroom no. 3 / laundry structure as well as that the change of use of the approved maid's room to bedroom use (bedroom no. 4) had already been executed in 1987.

Land uses that surround the subject properties are single residential dwellings, a filling station, private open spaces and public roads.

3.4 THE POTENTIAL OF THE PROPERTY

The four subject properties are owned by the same entity and managed as one. The properties have the potential to be consolidated and subdivided to create a better, more viable erf configuration. There are four residential erven currently and it is proposed to create two newly configured erven with this application.

It is proposed to retain the zoning and land use of the newly consolidated and subdivided portions. The location of the subject properties within an existing established single residential area allows the newly subdivided portions to be developed in future for low impact land uses only.

The proposal is considered in line with the character of the area since there are properties in the immediate area that have similar erf sizes than proposed with this application.

The departure application (building line deviations) is to accommodate new additions to the existing main dwelling and the As Built historic cottage. The new triple garage will not encroach any land use scheme regulation building lines. The subject properties have the potential and allows for the deviations being applied for, for the following reasons:

- Good quality materials will be used during the construction of the additions;
- The new building additions must be submissive to the historical footprint, layout and design of the existing structures. The building line encroachments are therefore to ensure that the new additions merge well with the historical design and layout;
- The positions of the additions took the visual impact and views to the ocean into consideration. The local heritage committee's input also informed the site development plan;
- Keeping to the historical land use of the structures and by adding the new building additions will not impact on the rights of any of the adjacent properties;
- A street front of 19,5m is envisaged for Portion B, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus. As a result, the historic cottage prohibits the new subdivision line to be positioned 2m away from the cottage. The new subdivision line (common erf boundary with Portion A) can however be positively considered at $\pm 1,8\text{m}$ away from the historic cottage since the cottage is deemed to be approved in terms of its historic nature (and the age of the building) and because the cottage has no windows in the northern sections facing Portion A;
- The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions application will not hinder any future land use applications on the newly subdivided properties;
- Property values of surrounding erven will not be negatively affected by the proposed application.

When evaluating the proposed consolidation and subdivision against surrounding erf sizes, minimum erf sizes, minimum street frontage widths, etc. it is evident that the subject properties have the potential to be consolidated and subdivided to create two newly configured single residential portions.

The position of the existing structures does not hinder the proposed consolidation and subdivision.

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

3.5 PROPOSED DEVELOPMENT

The following is proposed:

- The consolidation of Remainder erf 1682, Remainder erf 1684, erf 1686 and erf 5276 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:

PROPOSED CONSOLIDATION	Remainder erf 1682: 640m ² Remainder erf 1684: 821m ² Erf 1686: 347m ² Erf 5276: 274m ²
TOTAL EXTENT OF PROPOSED CONSOLIDATION	2082m ²

- The subdivision of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to create two (2) single residential erven as follows:
 - Portion A: ±1342m²
 - Portion B: ±740m².
- The departure (building lines) of Portion A, a portion of consolidated erven 1682, 1684, 1686 and 5276 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - Deviate from the northern lateral building line as follows:
 - From 2m to 1m to accommodate the proposed gym and bathroom no. 2 addition;

- From 2m to 1m to accommodate the proposed new dwelling addition (open plan kitchen / dining room / lounge).
- The departure (building lines) of Portion B, a portion of consolidated erven 1682, 1684, 1686 and 5276 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - Deviate from the northern lateral building line as follows:
 - From 2m to $\pm 1,8$ m to accommodate the As Built historic cottage;
 - The removal of the restrictive title deed conditions of Portions A and B, portions of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, to remove the restrictive title deed conditions (street building lines) in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

3.5.1 Background

The existing historical cottage did not encroach the relevant title deed and land use scheme regulations' building lines at the time of construction on erf 1682 Hermanus. However, the cottage is now situated closer to the street boundary due to the subdivision of erf 1682 Hermanus to create erf 5274 Hermanus for road widening purposes. As a result, the cottage is now positioned within the building line of the Remainder erf 1682 Hermanus (scheme regulations and title deed). Since no additions or alterations are proposed for the cottage, a street building line deviation does not apply.

There are two approved building plans available for the subject properties. The one is for an addition to the main dwelling in 1949. The other is for alterations and additions done to the existing main dwelling on erven 1682, 1684, 1686 and 5276 Hermanus as indicated on the copy of the 1986 building plan and Schedule B that confirms the approval of the 1986 building plan. As previously mentioned, the 1962 aerial photograph also confirms that the existing structures (two main dwelling sections with courtyard and cottage) were present on the subject properties in 1962 and therefore the existing structures are considered historical.

As confirmed by the building department the existing bedroom no. 3 / laundry room structure was approved in 1986. A copy of the building plan and Schedule B of the approved 1986 building plan is attached. The structure was approved for an en-suite bedroom and maid's room purposes. The use of Bedroom no. 3 remains unchanged. However, the bathroom was converted to a laundry room and the maid's room was converted to bedroom no. 4. The client provided an affidavit from Mr D.A. Corder dated 26 September 2022 (copy attached) that not only confirms the existence of the existing bedroom no. 3 / laundry structure but also the change of use of the approved maid's room to bedroom use (bedroom no. 4) had already been executed in 1987.

In the light of the historical nature of the existing structures and the past and present uses thereof (as discussed with the Overstrand Municipality's Town Planning Department), an administrative penalty application does not apply to the subject properties to address existing historical structures or the uses thereof. A street building line deviation is also not applicable to the existing cottage due to its historic location on the subject property. A northern lateral building line deviation to accommodate the As Built cottage is however included since the new erf boundary (subdivision line) will only be positioned $\pm 1,7\text{m}$ away from the As Built cottage.

3.5.2 Proposed consolidation and subdivision

The potential of the subject property is discussed in detail in *Section 3.5 Potential of the property*.

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

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

The owner intends to consolidate the subject properties and subdivide the consolidated portion to create two better configured (larger) single residential portions.

It is proposed to consolidate the subject properties as follows:

PROPOSED CONSOLIDATION	Remainder erf 1682: 640m ²
	Remainder erf 1684: 821m ²
	Erf 1686: 347m ²
	Erf 5276: 274m ²
TOTAL EXTENT OF PROPOSED CONSOLIDATION	2082m ²

Refer to the proposed consolidation plan attached.

It is then proposed to subdivide the consolidated property into two portions as follows:

- Portion A: ±1342m²
- Portion B: ±740m².

Refer to the subdivision plan attached.

3.5.3 Departure (building line deviations) of Portions A and B, portions of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus

The existing main dwelling (two separate sections with interleading courtyard) will be retained on Portion A, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus. The property owner intends to renovate and add to the existing structures on Portion A. A few internal alterations will be made to the existing structures as indicated on the site development plan. The existing western section of the dwelling will consist of the study, tv room, kitchen, studio, sun lounge, and bedroom no. 1. The existing eastern section of the dwelling consists of two bedrooms (bedrooms no. 3 and 4) and a laundry room. These two sections are linked with an existing courtyard. It is proposed to add the following additions to the main dwelling on Portion A, a portion of the newly consolidated erf 1682, 1684, 1686 and 5276 Hermanus:

- New triple garage (separate structure);

- Gym and en-suite bedroom no. 2;
- New addition no. 1 to the existing western section of the dwelling (open plan kitchen, dining room and lounge area).

All the new additions will comply with the street building line requirement of 4m. The new triple garage also meets the 2m southern lateral building line requirement and only encroaches the relevant title deed street building line.

The gym and en-suite bedroom no. 2 will be positioned on the 1m northern lateral building line. A departure is therefore submitted for a building line deviation to accommodate this new addition as follows:

- Deviation of the northern lateral building line from 2m to 1m to accommodate the proposed new gym and en-suite bathroom no. 2.

As previously mentioned, bedrooms no. 3 and 4 and the laundry room were historically approved and developed. This eastern section of the main dwelling was approved as an en-suite bedroom (bedroom no. 3) and maid's room in 1986. As confirmed by the affidavit attached to the application the maid's room has however been used as bedroom (bedroom no. 4) since 1987. The approved structure therefore changed use from en-suite bedroom no. 3 and maid's room to laundry room (approved as a bathroom), bedroom no. 3 (as per approved use) and bedroom no. 4 (approved as maid's room). Refer to a copy of the building plan and Schedule B that confirms the approval of the 1986 building plan attached.

Since the As Built structure does not encroach the relevant building lines and since the approved building plan and affidavit confirm the use of the structure, no action is required to address these separate bedroom structures. These existing bedrooms are linked to the western section of the dwelling with the existing courtyard. In addition, the laundry room can be a separate structure to the existing dwelling. The new bedroom and gym addition with new walkway link the western and eastern sections of the dwelling to create one larger main dwelling footprint.

The new gym area will be 16,1m² in extent. The new en-suite bedroom no. 2 will be 25,5m² in extent with a walkway of 7,6m² and a wc of 4,3m² that connect the new addition to the existing western section of the main dwelling.

New addition no. 1 to the western section of the dwelling will also be positioned on the 1m northern lateral building line. A departure is therefore submitted for a building line deviation to accommodate this new addition as follows:

- Deviation of the northern lateral building line from 2m to 1m to accommodate proposed addition no. 1.

New addition no. 1 will be 79,7m² in extent and will consist of an open plan kitchen / dining / lounge area.

The placement of both addition no. 1 and the new gym and en-suite bedroom no. 2 structures on the 1m northern lateral building line were done due to the position of the existing structures on the subject property. In addition, the architect confirmed that the new additions / structures to be submissive to the existing historical context of the structures. The placement was also done to protect the existing sea views that the existing main dwelling has (placing the structures / additions west or south of the existing main dwelling would have hindered the existing sea views).

Both the new additions will be single storey and will be developed with windows as indicated on the elevation plans. No windows will however be placed closer than 1m from the erf boundary. The placement of new additions, the design and layout were done in accordance with the local heritage committee's input / comments concerning the heritage value and prominence of the existing cottage and dwelling.

The existing historical cottage will remain unchanged on Portion B, a portion of the newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus. No new additions or alterations are proposed to the existing cottage. The existing cottage encroaches the street building line. However, older aerial photographs indicate that the structure has been on the property since before 1962.

In addition, the existing historical cottage did not encroach the relevant title deed and land use scheme regulations' building lines at the time of construction on erf 1682 Hermanus. However, the cottage is now situated closer to the street boundary due to the subdivision of erf 1682 Hermanus to create erf 5274 Hermanus for road widening purposes. As a result, the cottage is now positioned within the Remainder erf 1682 Hermanus street building line (scheme regulations and title deed). Since no additions or alterations are proposed for the cottage, a street building line deviation

does not apply. Therefore, the structure and use thereof are deemed historic and no building line deviation is submitted to accommodate the encroachment of the cottage onto the street building line.

There is however a slight encroachment of the existing cottage onto the northern lateral building line after subdivision; hence a common boundary building line departure is included with this application to accommodate the As Built cottage on the $\pm 1,8\text{m}$ northern lateral building line after subdivision. The SR1 zoning building lines will remain relevant to the future development of Portion B, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus (4m street building lines and 2m lateral building lines).

A departure is therefore submitted for a building line deviation of Portion B, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, as follows:

- Deviation of the northern lateral building line from 2m to $\pm 1,8\text{m}$ to accommodate the As Built historic cottage.

The reason for the placement of the subdivision line (new common erf boundary of Portions A and B) is that a street front of 19,5m is envisaged for Portion B, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus. As a result, the historic cottage prohibits the new subdivision line to be positioned 2m away from the cottage. The new subdivision line can however be positively considered at $\pm 1,8\text{m}$ away from the historic cottage since the cottage is deemed to be approved in terms of its historic nature (and the age of the building) and because the cottage has no windows in the northern sections facing Portion A.

3.5.4 General application information

The new total development footprint for the structures on Portion A, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, will be 500,7m². The footprint of the existing cottage on Portion B, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, will remain unchanged at 36,8m². The coverage of the existing structures on the newly created residential portions will be as follows:

- Portion A: 37%;

- Portion B: 4,98%.

The area schedule for the newly created SR1 zoned portions will be as follows:

COVERAGE:
NEW ERF 2 AREA:
TOTAL FOOTPRINT
COVERAGE:

739,86M²
36,83M²
4,98%

COVERAGE:

NEW ERF 1 AREA:
NEW TOTAL FOOTPRINT
EXISTING FOOTPRINT
COVERAGE:

1340,88M²
500,7M²
253,79M²
37%

ZONING: S1 - SINGLE RESIDENTIAL
BUILDING OCCUPANCY CLASIFICACION: H4
HERITAGE RATING: 3A
DWELLING HOUSE: Occupancy consisting of a dwelling unit on its own site, including a garage and other domestic outbuildings, if any.

The coverage for both Portions A and B will therefore be within the maximum permissible coverage of 50% for SR1 zoned properties. All existing and new structures will meet the height requirements for SR1 zoned properties as indicated on the elevation plans.

The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions do 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 sizes are compatible with similar surrounding property sizes.

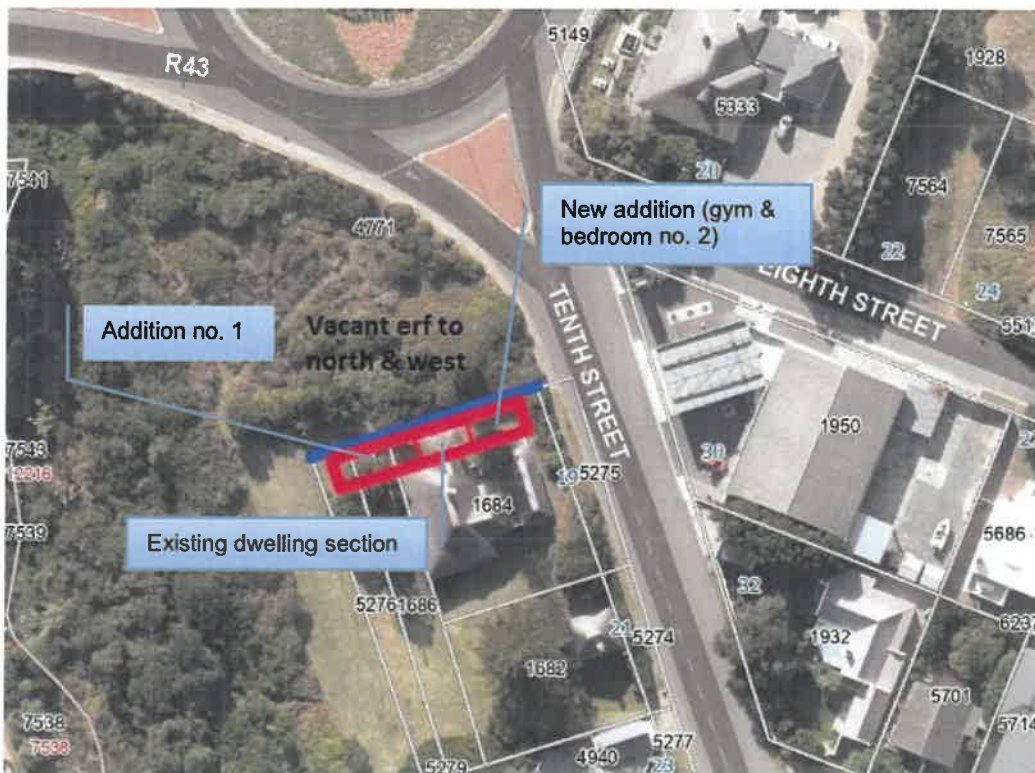
The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions of erven 1682, 1684, 1686 and 5276 Hermanus will not have a negative impact on the environment, traffic or character of the area (the land use will remain unchanged). We therefore do not anticipate any problems with the proposed application.

3.6 CHARACTER OF THE ENVIRONMENT

It is not proposed to change the land use or zoning of the subject properties. The impact on the character of the area will therefore remain unchanged. The historical main dwelling with courtyard and cottage already exist and as a result the impact on the character of the environment will remain unchanged. Future additions / alterations (if any) to the cottage on Portion B, a portion of newly consolidated erven 1682,1684, 1686 and 5276 Hermanus will be undertaken in line with the land use parameters applicable to SR1 zoned properties. Any deviations from the SR1 land

use parameters will have to follow a new land use application and will inform adjacent property owners accordingly.

The proposed land use application creates two newly configured SR1 zoned properties without having a detrimental impact on the immediate area. The additions to the existing main dwelling on Portion A, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, will be done in line with the requirements / comments from the local heritage committee. The placement of these structures within the northern lateral building line will have no impact on the privacy and views of the immediate / adjacent properties since the portions to the north and west of the subject properties are vacant portions of land zoned for OS1: Nature Reserve purposes. Refer to the image below indicating the northern erf boundary in blue (proposed building line deviation here) and position of new additions next to the As Built section of the dwelling in red:



The slight encroachment of the As Built cottage into the northern lateral building line has no impact on the views, privacy or rights of any of the adjacent properties.

The newly consolidated and re-subdivided erf sizes are compatible with the surrounding erf sizes. The proposed portion shapes after consolidation and subdivision are consistent with the layout of the area. The visual impact and in turn the impact on the character of the area will consequently be kept to a minimum.

3.7 ECONOMIC IMPACT

The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions will have a positive impact on the economy of the area.

The proposal will allow the owner to create two SR1 zoned portions with property sizes that are compatible to the area. The proposed additions and alterations will enhance the value of the subject property, that will in turn favour the property values of the area. The application will also favour the resale of the property in the future (if applicable) and will have a positive impact on the property values of adjacent properties.

The future construction of the additions to the existing main dwelling on Portion A, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, as well as the future development of Portion B (if any) will create temporary employment opportunities. Portion B will be occupied by a new family in future who will invest and spend in the immediate local business area. One family will continue to reside on Portion A who will continue to invest in the local economy of the area.

The proposed building line deviations will have a low but positive impact on the local economy.

The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions will create two residential erven (instead of the four existing erven) in a well-located area.

3.8 SOCIAL IMPACT

The proposal will have no impact on the social wellbeing of the area. One family will continue to occupy the respective Portions A and B, portions of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus. No negative social impacts are anticipated.

There will be no impact on the social wellbeing and social coherence of the adjacent community given the extent of the proposed portions after consolidation and subdivision as well as the fact that the zoning and land use of the newly created / configured residential portions will be in line with the zoning and land uses associated with the immediate area.

It is submitted that the development proposal is compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.9 COMPATIBILITY WITH SURROUNDING LAND USES

The subject properties are situated in an existing low-density residential area. The application proposes to create two newly configured single residential erven, to retain the As Built structures and to redevelop (add to) the existing main dwelling structure on Portion A. The land use will therefore be for single residential (dwelling with outbuilding) purposes. The proposed consolidation, subdivision and departure will create erven that are compatible with the surrounding zonings and land uses of the area.

As mentioned in Sections 3.4 and 3.5 of this report the surrounding erf sizes, the average erf size for the area, the street frontage widths of existing erven of similar sizes, the proposed layout and shape of the newly configured residential portions are compatible with the layout and erf shapes of the existing residential area, etc. proof that the land use application is compatible with the existing context and character of the area. Properties of similar erf sizes exist in the immediate area. The extent of

the newly created residential erven are compatible with the existing low-density residential area.

In addition, the proposed consolidation, subdivision and departure will have no impact on the views of the adjacent properties or properties situated in the immediate vicinity. The scale of the As Built structures on both portions after consolidation and subdivision along with the proposed alterations and additions for Portion A merge well with the scale of the surrounding dwellings in the immediate area. The additions that will encroach the northern lateral building line will have no impact on the passers-by (all new structures adhere to the street building line) and as a result, there is no substantial impact on the streetscape.

According to the development rules of the Overstrand Land Use Scheme (2020) the proposed consolidation and subdivision will allow for the development rules for erven >400m² to apply to the two newly created single residential portions. The proposed land use application will therefore maintain the existing development parameters that apply to the existing residential erven before consolidation, subdivision and departure.

3.10 IMPACT ON EXTERNAL ENGINEERING SERVICES

Remainder erven 1682 and 1684 Hermanus are serviced. Additional services (if any) will be provided to the satisfaction of the Overstrand Municipality.

3.11 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed consolidation, subdivision and departure will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that one family (per portion) will continue to occupy the respective portions after consolidation and subdivision.

Furthermore, future alterations and / or additions (if any) will conform to the relevant land use and construction guidelines of the municipality. The latter will ensure the safe construction of additions and guarantee the safety and minimal noise pollution during construction to the immediate community.

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

3.12 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Although more than three erven will be consolidated, two of the existing erven (erven 1686 and 5276 Hermanus) are considered mere extensions of the garden of the existing residential properties. In addition, the consolidated property will be subdivided to create two residential properties again. Consequently, the proposed application for consolidation, subdivision and departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

The main dwelling and cottage on Remainder erven 1682 and 1684 Hermanus are earmarked for heritage conservation purposes in the Overstrand Heritage Report (2009). The dwelling on Remainder erf 1684 Hermanus has a suggested 3A heritage grading:

- Architectural: a fine local surviving example of its period. Strong example of Hermanus regional style.
- Aesthetic: Good surviving period garden setting framed by spectacular mountain backdrop views.

The cottage on Remainder erf 1682 Hermanus has a suggested 3B heritage grading:

- Architectural: a fine local surviving example of its period.

The subject properties fall within the Heritage Overlay Zone demarcated in the Overstrand Municipal Growth Management Strategy (2010). The subject properties do not fall within the Overstrand Heritage Protection Overlay Zone (2020).

The As Built cottage on Portion B, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, will remain unchanged. The existing erf where the cottage is positioned on, is 640m² in extent. With the proposed consolidation and subdivision of the subject properties the As Built cottage will be positioned on a larger residential portion of ±740m² in extent. Future development or alterations / additions will be done in line with the zoning parameters for Residential Zone I: Single Residential erven as stipulated in the Overstrand Municipal Land Use Scheme Regulations (2020).

The existing main dwelling on Remainder erf 1684 Hermanus will be altered and added to as indicated on the site development plan. The architect confirmed that the new additions / structures to be submissive to the existing historical structures, hence the placement of the new additions north of the existing main dwelling (encroaching the lateral building line). The placement of the additions was also done to protect the sea views from the existing main dwelling (placing the structures / additions west or south of the existing main dwelling would have hindered the existing sea views). In addition, the local heritage committee's comments and input were considered and executed in the latest site development plan included in this application.

From the above it is evident that the proposed application does not have a negative impact on the heritage value of the existing structures and the area.

3.13 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consolidation, subdivision and departure (land use application), to create two larger single residential erven and to accommodate the proposed additions and alterations to the structures on Portion A, a portion of the newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act

no. 107 of 1998). The consolidation, subdivision and building line relaxation of residential properties are not considered NEMA listed activities.

The subject properties are not earmarked for conservation purposes in terms of the Environmental Management Overlay Zone (EMOZ, 2020).

3.14 TRAFFIC IMPACT, PARKING AND ACCESS

Access to both Portions A and B, portions of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, will continue to be from 10th Street. A new access point is proposed for the redeveloped Portion A as indicated on the site development plan. The existing access on Remainder erf 1682 Hermanus will continue to provide access to Portion B until such time as the property is redeveloped in future.

At least two parking bays / garages must be provided for on site for each new portion created. A new triple garage is proposed for Portion A as indicated on the site development plan. The new garage will provide sufficient parking for the redeveloped main dwelling. The new triple garage will comply with the Land Use Scheme's minimum street and southern lateral building line requirements. The position of the new triple garage within the title deed street building line applicable to outbuildings is addressed with this application.

There is ample space available on Portion B to provide at least two parking bays on site (as indicated on the site development plan).

The impact on the traffic of Voëlklip will remain unchanged since the proposal is in line with the status quo for the area and no additional development or access points are proposed. A Traffic Impact Assessment / Statement is not required since the proposed consolidation, subdivision and departure do not create an additional fifty trips or more to the area and since the access to the newly consolidated and subdivided portions can easily be addressed.

3.15 TITLE DEED

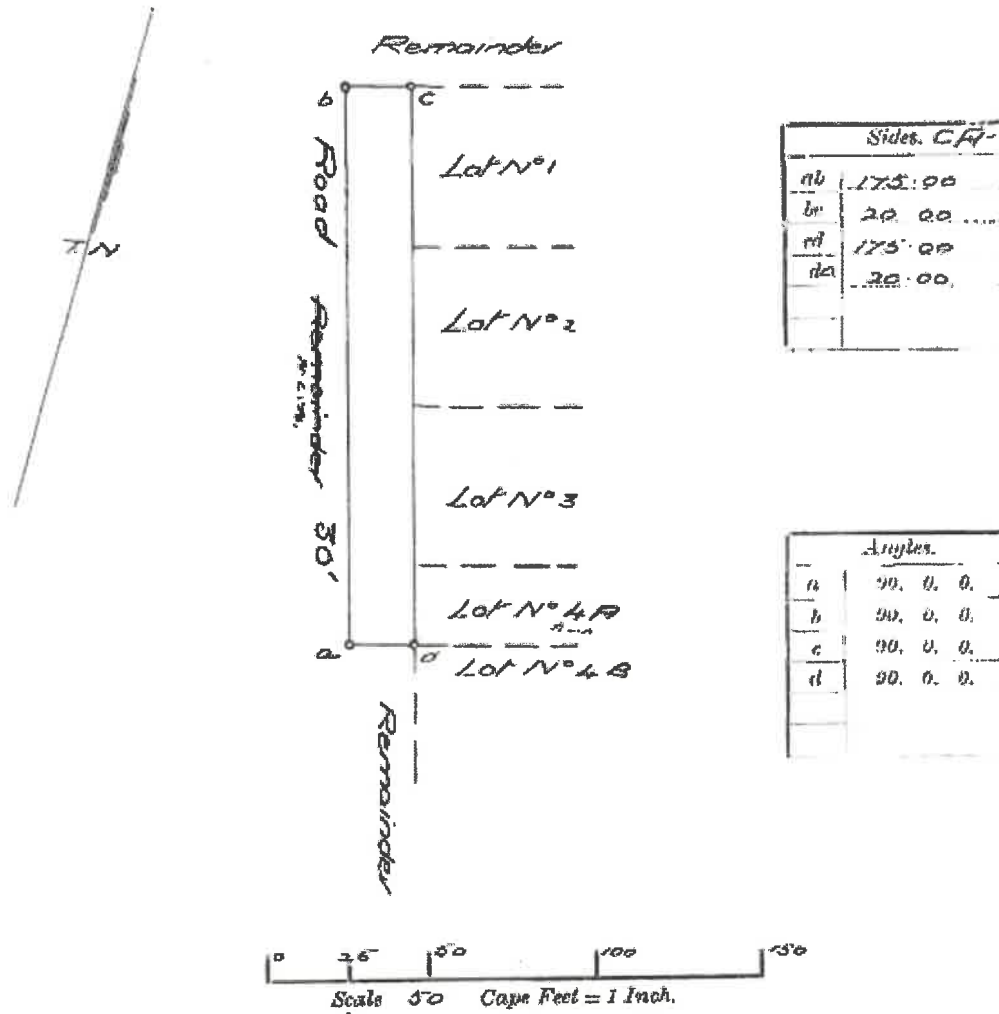
Title deeds no. T55421/2021, T55422/2021, T55423/2021 and T55424/2021 have title deed conditions that prohibit the departure (building line deviations) and As Built structures on the subject property. Refer to a copy of the conveyancer's certificates compiled by Mr. H.L. van Zyl of Van Zyl Kruger Attorneys dated 26 July 2022 with pivot title deeds no. T4949/1923, T6363/1924, T6654/1932 and T10530/1934 attached thereto. Application is therefore made for the removal of the restrictive title deed conditions.

Consideration was given to condition D. in Title Deed No. 55423/2021 of erf 1686 Hermanus, that reads as follows:

- D. SUBJECT FURTHER with the benefit of the special condition contained in said Deed of Transfer No T6654/1932, reading:-

"That no wall, fence or other structure shall be erected on Lot M.R.M this day transferred to Emily Aletta MacPherson (born Smuts) married out of community of property to John William Campbell MacPherson (No 6653), nor shall any hedge, shrubs or trees be planted thereon which shall in any way interfere with or obstruct the seaward view of the owner of Lot 10 Block Q hereby transferred."

According to our knowledge the condition was registered *in favour of / to the benefit* of erf 1686 Hermanus. Erf 1686 was previously referred to as Lot 10 Block Q – refer to the extract of the SG diagram for erf 1686 Hermanus below. The condition is therefore not deemed restrictive for the purposes of the proposed land use application.



The above figure a, b, c, d, represents Morgen 24 Square Roods, ... 44 Square Feet of land, Situate in F.C. Uitenkraal, in the Division of Caledon, being Lot No. 10 Block 9 Mossel River.

Application is made for the removal of the restrictive title deed conditions to remove the conditions stipulated below to:

- Accommodate the existing cottage on Portion B, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, within the 3,15m title deed street building line (10th Street) stipulated for all buildings;
- Accommodate the proposed new triple garage and existing laundry

room on Portion A, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, within the 9,45m title deed street building line (10th Street) stipulated for all outbuildings.

It is proposed to remove the following restrictive title deed conditions to accommodate the proposed consolidation, subdivision and departure application:

Title deed no. T55421/2021, pages 2-3, paragraph C.(i) & (j):

C. SUBJECT FURTHER to the Special Conditions of Sale annexed to Deed of Transfer no. T4949/1923, which read as follows:-

- i) That all buildings shall stand back at least 3,15 meters from the line of the street or avenue on which the Lot or Lots herein mentioned may front.*
- j) That all outbuildings shall stand back at least 9,45 meters from the street or 6,3 meters from any avenue on which the Lot or Lots herein mentioned may front.*

Title deed no. T55422/2021, pages 2-3, paragraph C.(i) & (j):

C. SUBJECT FURTHER to the Special Conditions of Sale annexed to the said Deed of Transfer no. T6363/1924 as Annexure "A",

- i) That all buildings shall stand back at least 3,15 meters from the line of the street or avenue on which the Lot or Lots herein mentioned may front.*
- j) That all outbuildings shall stand back at least 9,45 meters from the street or 6,3 meters from any avenue on which the Lot or Lots herein mentioned may front.*

Title deed no. T55423/2021, pages 2-3, paragraph C.(i) & (j):

C. SUBJECT FURTHER to the Special Conditions of Sale annexed to the said Deed of Transfer no. T6654/1932 as Annexure "A",

- i) That all buildings shall stand back at least 3,15 meters from the line of the street or avenue on which the Lot or Lots herein mentioned may front.*

- j) *That all outbuildings shall stand back at least 9,45 meters from the street or 6,3 meters from any avenue on which the Lot or Lots herein mentioned may front.*

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the “removal, suspension or amendment of a restrictive condition”:

- ***The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement***

The removal of the restrictive conditions intends to increase the use rights of the properties to permit an existing (historical) cottage on Portion B and the existing laundry room and the proposed new triple garage on Portion A. The value of the rights is vested in the owner of the property. The title deeds indicate that the conditions in the title deeds were imposed by the Company (now the Overstrand Municipality). The conditions were imposed as conditions of sale in the past; no other properties are however mentioned and the reference that the conditions were imposed by the Company implies that the conditions are also in favour of the Company (now the Overstrand Municipality). The removal of the conditions will consequently have no impact on the value rights of immediate properties.

Property owners not seeking that the title deed building line restrictions should be in line with the zoning scheme regulations’ restrictions will favour the restrictive title deed conditions since the conditions impede the development of a residential property in line with the zoning scheme. The existing As Built development (existing cottage on Portion B and existing laundry room on Portion A) and the proposed triple garage on Portion A are not unusually large-scale forms of development that encroach the title deed street building lines applicable to buildings and outbuildings. Both the cottage and laundry structure are considered historical structures. The proposed triple garage meets the Overstrand Land Use Scheme Regulation minimum requirements (i.e. the land use scheme building lines are adhered to with the proposed triple garage). The street building line condition stipulated for outbuildings is more restrictive than the land use scheme regulation building lines.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The conditions were imposed by the Company (now the Overstrand Municipality) for the benefit of all erven to be sold / transferred (conditions of sale). The only personal benefit to the holder is that the property is more restricted in terms of developing any outbuilding structures on the subject property. The street building line for all buildings are less restrictive than the land use scheme's street building line. The Company referred to is now the Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed conditions will therefore have no personal benefit to the Company / Overstrand Municipality.

To redevelop the subject properties (Portion A now and Portion B likely in future) will have a marginal impact on the privacy and character of the surrounding properties as explained in the previous sections of this report.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of the restrictive title deed conditions will bring about personal benefits to the landowner since it will allow them to keep the existing As Built structures (historical cottage and laundry room) and redevelop Portion A, a portion of newly consolidated erven 1682, 1684, 1686 and 5276 Hermanus, as indicated on the site development plan. This in turn will benefit the value of the property. Only the new triple garage on Portion A will encroach the title deed street building line. The redevelopment of Portion A will also afford the landowner an opportunity to alter and add to the existing main dwelling to create an aesthetically pleasing dwelling in line with the current visual and historical landscape of the area. As previously mentioned, the proposed redevelopment of the dwelling will have a low impact on the heritage value of the site.

The removal of the restrictive title deed conditions will bring about personal benefits to the current landowner since it will allow them to address the existing structures

that will in turn benefit the value and resale of the property in future. To remove the stricter street building line will also afford the property owner the opportunity to add to and alter the existing dwelling in future (if applicable) within the relevant land use restrictions and not be prohibited by stricter title deed conditions. The 9,45m street building line for outbuildings as stipulated in the title deeds has a negative impact on the developable area of the land and contradicts the land use scheme regulations since the latter makes provision for a 4m street building line. The land use scheme also allows the encroachment of building lines for the construction of an outbuilding / garage subject to the requirements stipulated in the scheme regulations.

The existing property owner will be able to enjoy the personal benefits of the existing structures instead of demolishing the structures. The latter will have place a great financial burden on the existing property owner and will be detrimental to the historical value of the property. To remove the title deeds' street building line restriction will allow the property owner to keep the existing structures encroaching onto the 3,15m street building line (existing cottage) and the 9,45m outbuildings street building line (existing laundry and proposed triple garage). The removal of the title deed conditions will also allow the property owner to adhere to the less restrictive street building line of the zoning scheme regulations (4m) for any future development on the subject property, instead of being bound by the outbuilding title deed street building line (9,45m) and all buildings title deed building line (3,15m) for any future development on both Portions A and B.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

The social benefit if the title deed conditions were to remain unchanged and enforced on the existing As Built structures would be that the character of 10th Street will remain unchanged. If the conditions remain unchanged, the owner must adhere to the title deed's stricter street building lines. This would entail that the proposed triple garage must be set back at least 9,45m from the street boundary. The latter will impact the views from the main dwelling towards the ocean and is not ideal in terms of the historical significance of the existing main dwelling. The impact on the neighbouring properties with regards to privacy, noise, impact on the street scape, etc. will be marginally higher since the title deed's street building line is less

restrictive than the scheme regulations' street building line (for all buildings; not outbuildings).

To keep the 3,15m title deed street building line for all buildings will have no social benefit to neither the property owner nor the adjacent properties since the existing historical cottage on Portion B already encroaches the street building line and no complaints have been received from the immediate property owners over the years.

To retain the restrictive conditions will have no social benefit to the Overstrand Municipality.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The removal of the restrictive title deed conditions will allow the scheme regulations' building lines to set the rules for future development on the subject properties. The social benefit will therefore only be to the property owner of erven 1682, 1684, 1686 and 5276 Hermanus since it will allow them to retain the existing As Built structures that encroach onto the title deed street building line on the subject property and allow future additions to be constructed in line with the zoning scheme regulations' building lines only.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive conditions will not remove all rights enjoyed by the beneficiaries, but only some rights and will instead expand the value of these rights to accommodate the existing structures with departures where applicable. The latter is more desirable for the zoning and extent of the subject property without having a detrimental impact on the rights of anyone else or the character of the area. All other title deed conditions that are in line with the SR1 land use parameters will be retained.

There are no bonds registered against erven 1682, 1684, 1686 and 5276 Hermanus.

3.16 FORWARD PLANNING AND LAND USE DOCUMENTS

3.16.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erven 1682, 1684, 1686 and 5276 Hermanus are situated, for urban development purposes. The zoning and use of the subject properties will remain unchanged (Residential Zone 1: Single Residential). The proposed consolidation, subdivision and departure are in line with the status quo of the area. As a result, the impact of the proposed land use application on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

3.16.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erven 1682, 1684, 1686 and 5276 Hermanus form part of Planning Unit no. 6 for Hermanus East. Planning unit no. 6 allows for an increase in density from 8,6du/ha to 11,6du/ha. No densification is proposed for this planning unit (four residential erven are consolidated and subdivided to create two larger residential erven; status quo maintained). No additional portions are created with this application. Although a slight decrease of the density of the area is proposed with this application, the status quo of the area (low density residential) will remain unchanged. The land use application for the subject properties therefore falls within the existing planning for the Hermanus East area.

It is important to enhance and protect the character of the existing low-density residential areas such as Voëlkop, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Voëlkop, but also within the entire Greater Hermanus area.

The proposed erf sizes of $\pm 740\text{m}^2$ and $\pm 1342\text{m}^2$ in extent are not smaller than the smallest erf in the immediate vicinity (which is $\pm 495\text{m}^2$) or the average erf sizes for the area. Erven 1682, 1684, 1686 and 5276 Hermanus are owned by the same property owner and were used and maintained as one single property up to date.

The layout of the newly consolidated and subdivided single residential erven is practical in respect to access, developable area, connecting to bulk services and the installation of services.

The proposal will promote land development in a location that is sustainable. The proposed consolidation, subdivision and departure is to improved erven within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

3.17 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 properties. The subject properties have been in existence since as early as 1924.

This principle addresses the need to address the past imbalances regarding opportunity. This application is for existing erven as per the establishment of the Hermanus Township and therefore this principle is not applicable.

Spatial sustainability: The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions are to create two larger (more practical) single residential erven and to accommodate existing historical structures on both portions after subdivision and new additions on Portion A. As contemplated in

Section 3.15 the proposed land use application is in line with the spatial planning policies for the area.

The layout of the proposed consolidated and subdivided single residential erven is practical with respect to access, developable areas, connecting to bulk services and the installation of services. The visual impact will be kept to a minimum since the subject properties are already developed and new development on Portion A will be done in accordance with the land use scheme regulations and the input received from the local heritage committee. Future additions and / or alterations (if any) on Portion B will be undertaken in accordance with the relevant land use scheme regulations. Since the status quo of the area will be maintained, it is submitted that the proposed consolidation, subdivision, departure and removal of restrictive title deed conditions are compatible with the character of the area and will not impact negatively on the existing rights of anyone else.

The proposed departure will have a low impact on the visual elements of the subject properties and surroundings since the proposed additions to which the departure applies will be positioned north of the existing main dwelling – on the northern erf boundary's side. There are no neighbours to the north or west since the subject properties are located next to an open space. It is submitted that the As Built structures and proposed new triple garage that encroach the title deed street building lines are compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the northern lateral building line has no impact on the massing of the buildings (the additions are submissive to the original historic main dwelling structure) and the impact on the streetscape or passers-by is considered minimal. The existing cottage on Portion B and the redeveloped dwelling on Portion A merge well with the area. The impact on the biophysical environment will also be kept to a minimum since the redevelopment of the main dwelling will be done in accordance with the local heritage committee's input and the NEMA regulations are not triggered with this application.

Factors such as the good quality materials used and to be used, the overall layout of the structures on the subject properties, the position of new additions to the main dwelling on Portion A, the scale of the surrounding built environment, the low impact on the streetscape, no neighbours situated to the north and west, the historical use of

the As Built structures, etc. allow for the consideration and approval of the proposed deviation without having an adverse impact on the spatial sustainability of the area. The proposal is to an improved erf within an established residential area and therefore will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing properties will be more optimally utilised without compromising the historical value of the As Built structures. The proposed additions to the main dwelling on Portion A and the proposed new triple garage are compatible with the character of the area and does not impact negatively on the rights of the adjacent property owners.

As a result, the proposed consolidation, subdivision, departure and removal of restrictive title deed conditions will have no adverse impact on the spatial sustainability of the area.

Efficiency: The subject properties are easily accessible and conveniently located close to major routes. The consolidation, subdivision, departure and removal of restrictive title deed conditions will have a low impact on the character and ambiance of the existing residential area as motivated in this report. It proves to be efficient to allow the land use application since the impact will be kept to a minimum. As motivated in the above sections of the report the proposal is compatible with surrounding properties in the immediate area.

The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions proof to be efficient since it discourages the phenomenon of urban sprawl, which relates to more responsible resource and infrastructure use and sustainable development. Moreover, the proposal is efficient in that it optimizes existing resources and infrastructure and 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.

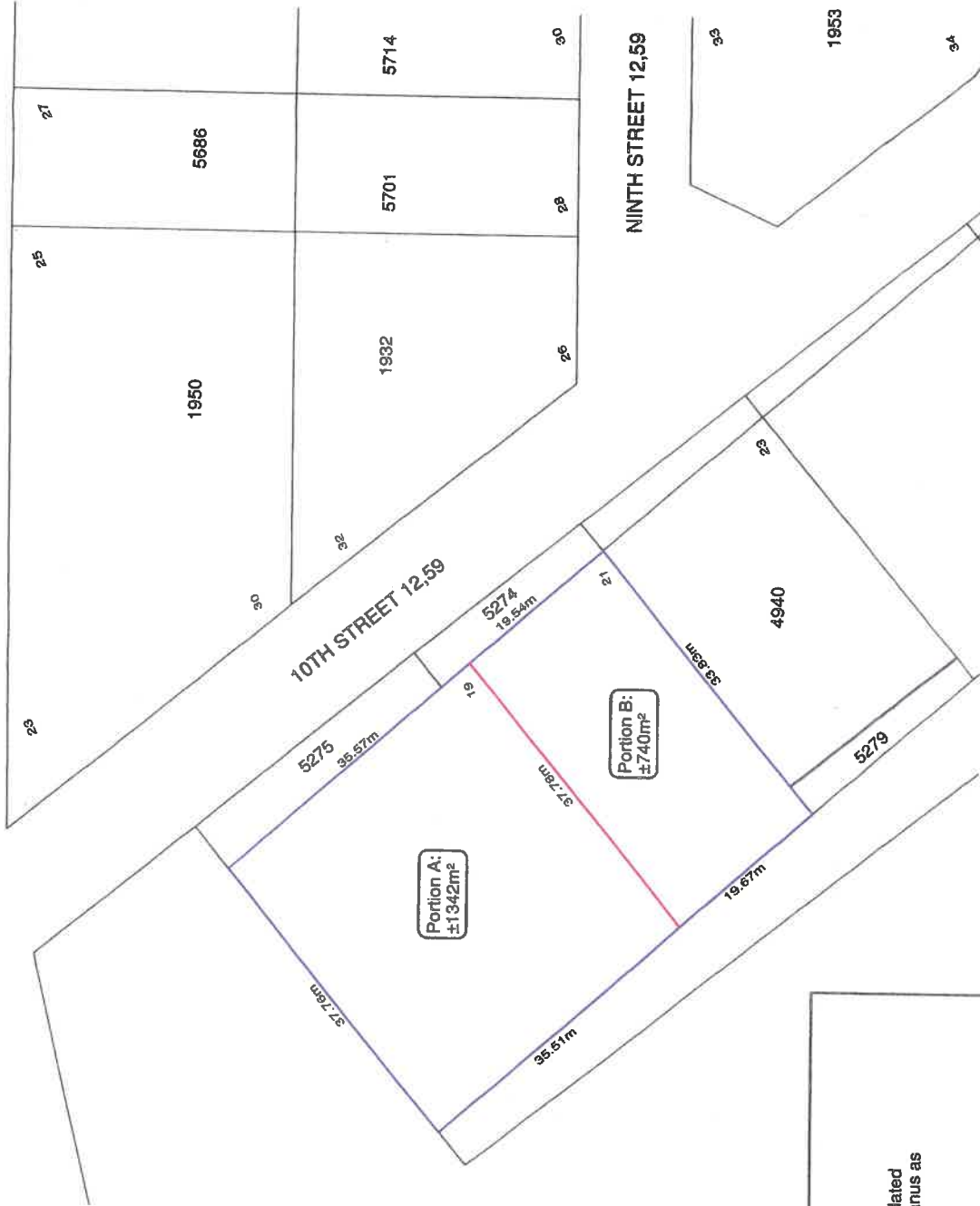
4. RECOMMENDATION

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

- The proposed application will not have a negative impact on the existing land use rights of the subject properties or those of surrounding properties;
- The proposal is compatible with the existing character and erf sizes of the immediate area;
- The zoning of Residential Zone I: Single Residential and land use (single residential) will remain and are compatible with the surrounding zonings in the area;
- The proposed consolidation, subdivision, departure and removal of restrictive title deed conditions comply with the spatial planning policies for the area;
- Impact on the traffic and services will be kept to a minimum;
- The proposed land use application does not trigger any listed activities in terms of NEMA (Act 107 of 1998);
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

With regards to the above mentioned it would be appreciated if the application for the consolidation, subdivision, departure and removal of restrictive title deed conditions of erven 1682, 1684, 1686 and 5276 Hermanus be approved.

EIGHTH STREET 12,59



Portion A:
±1342m²

Portion B:
±740m²

NOTES:

▭ Newly consolidated property

It is proposed to subdivide newly consolidated erven 1684, 1686, 1682 and 5276 Hermanus as follows:

- Portion A: ±1342m²
- Portion B: ±740m²

Zoning: SR1

*Refer to site development plan

PLAN Stads- en Streeksbeplanners
Town & Regional Planners

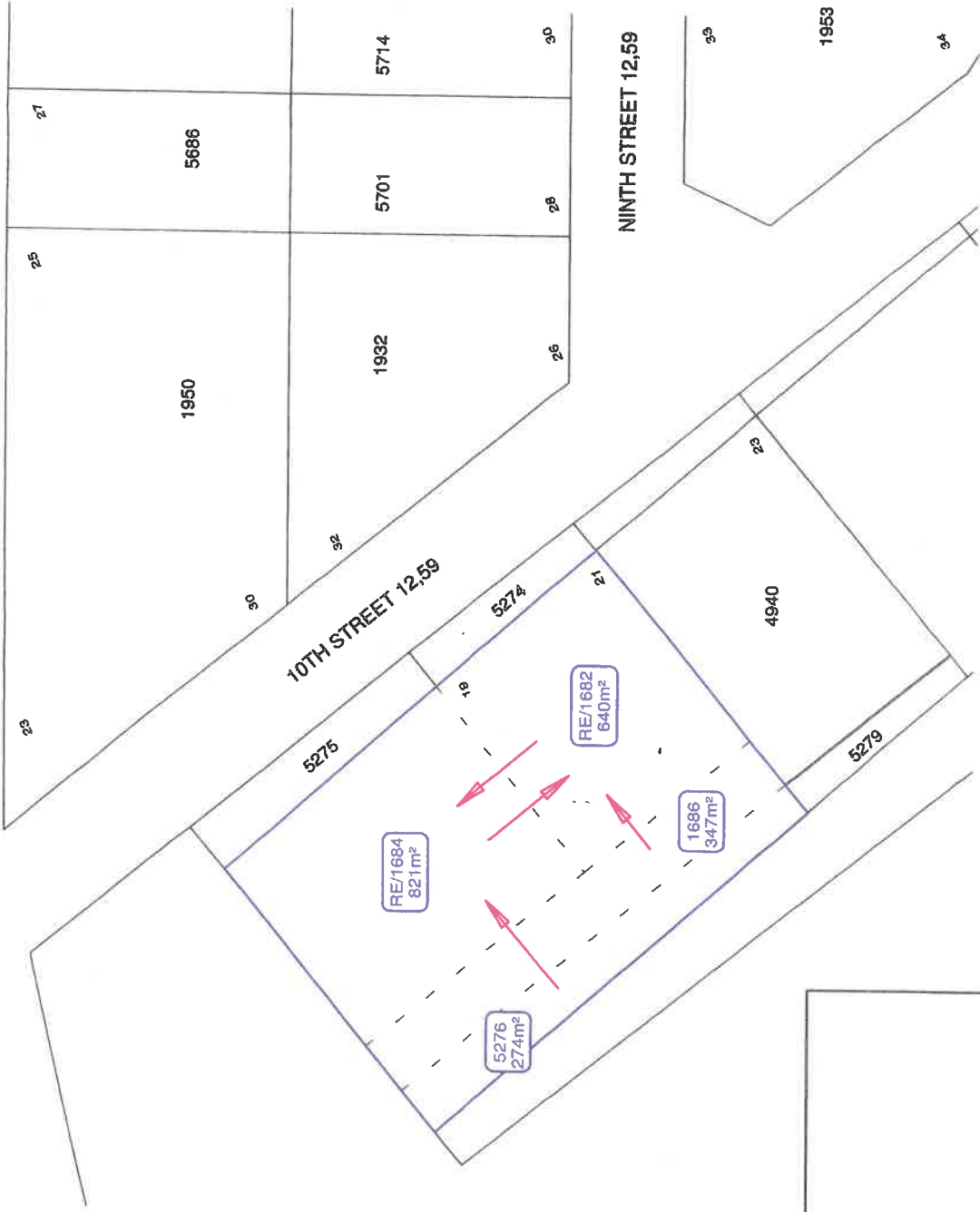
Property Description:
REMAINDER ERVEN 1682 & 1684 AND ERVEN 5276 & 1686 HERMANUS

Plan Description:
SUBDIVISION PLAN

Scale: 1:500
Drawing Nr: hem1682b.dwg
Date: JULY 2022

All distances approximate and subject to survey.
COPY RIGHT RESERVED

EIGHTH STREET 12,59



NINTH STREET 12,59

10TH STREET 12,59

NOTES:

- Newly consolidated property
- Existing erf boundaries

Proposed consolidation:

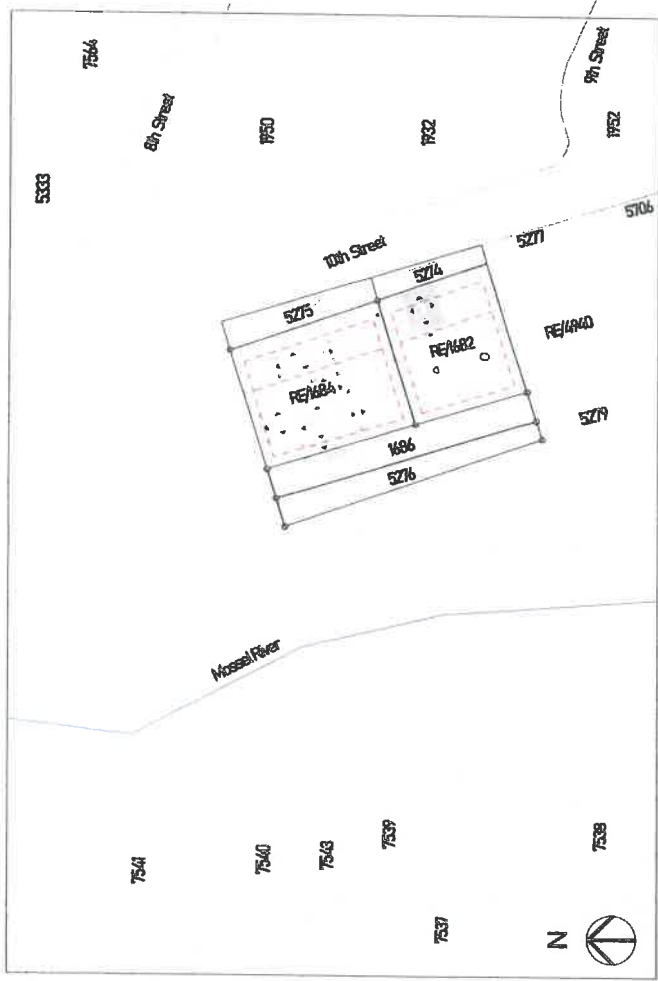
- Remainder erf 1684 of 821m²
- Remainder erf 1682 of 640m²
- Erf 5276 of 274m²
- Erf 1686 of 347m²

to create a newly consolidated property of 2082m².

Zoning: SR1

*Refer to subdivision and site development plans

	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: REMAINDER ERVEN 1682 & 1684 AND ERVEN 5276 & 1686 HERMANUS	Plan Description: CONSOLIDATION PLAN	Scale: 1:500 Drawing Nr: Item 1682a.dhw Date: JULY 2022
	COPY RIGHT RESERVED				

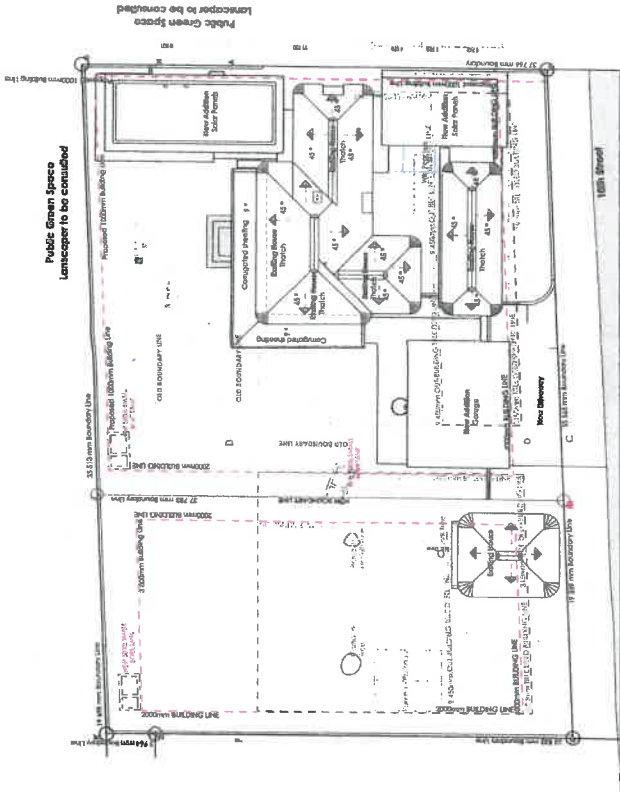


EXISTING LOCATION PLAN



PROPOSED LOCATION PLAN

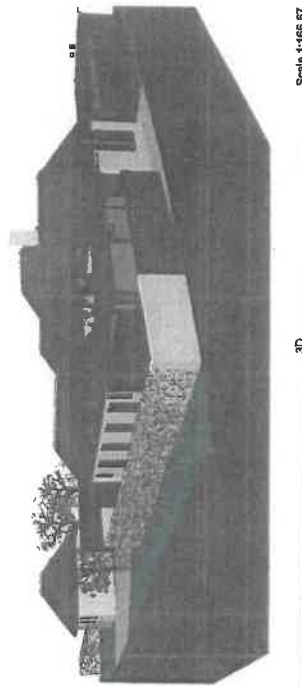
HOUSE INVASIIVE LAYOUT AND ROOF PLAN
 FINLAYSON VAN DER MERWE
 10000 10th Street, Suite 100, Mossel Bay, 6510
 Tel: 027 799 1111 Fax: 027 799 1112
 www.finlayson.com



Site Plan | 200

Scale 1:200

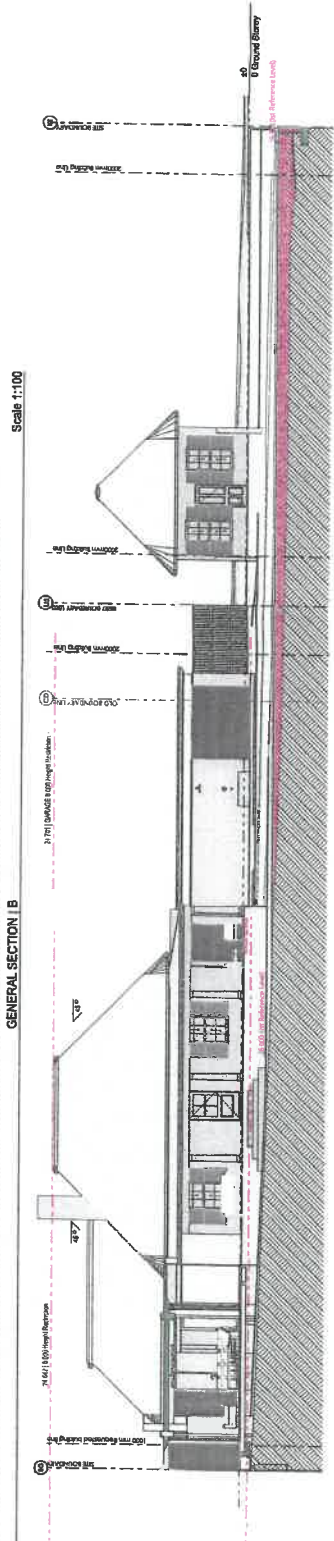
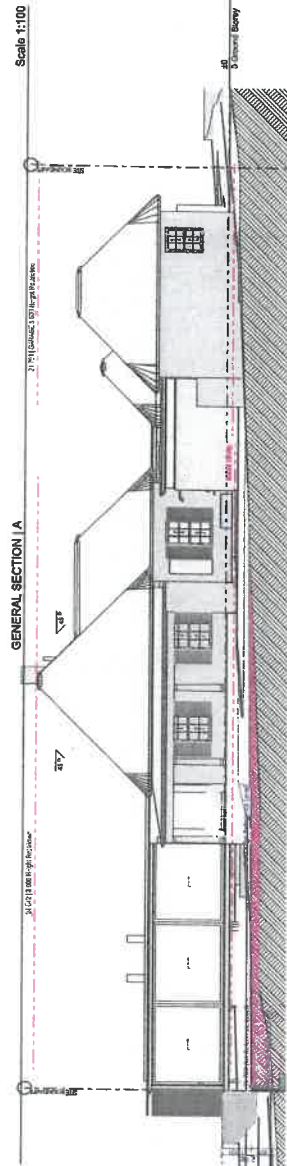
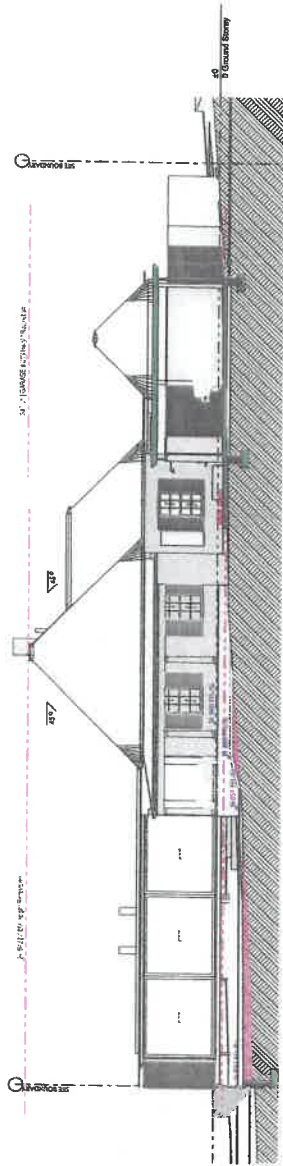
Zone Name	Area	Calculated Area
0. ROOFING OFFICE	87.2	87.2
1. NEWERF AREA 1	40.45	40.45
2. NEWERF AREA 2	130.88	130.88
3. NEWERF AREA 3	79.88	79.88
4. NEWERF AREA 4	4.88	4.88
5. NEWERF AREA 5	21.79	21.79
6. NEWERF AREA 6	21.84	21.84
7. NEWERF AREA 7	24.44	24.44
8. NEWERF AREA 8	20.07	20.07
9. NEWERF AREA 9	24.34	24.34
10. NEWERF AREA 10	49.23	49.23
11. NEWERF AREA 11	14.07	14.07
12. NEWERF AREA 12	4.38	4.38
13. NEWERF AREA 13	19.5	19.5
14. NEWERF AREA 14	12.97	12.97
15. NEWERF AREA 15	14.24	14.24
16. NEWERF AREA 16	14.01	14.01
17. NEWERF AREA 17	79.64	79.64
18. NEWERF AREA 18	60.32	60.32
19. NEWERF AREA 19	19.78	19.78
20. NEWERF AREA 20	24.88	24.88
21. NEWERF AREA 21	24.82	24.82
22. NEWERF AREA 22	24.82	24.82
23. NEWERF AREA 23	24.82	24.82
24. NEWERF AREA 24	24.82	24.82
25. NEWERF AREA 25	24.82	24.82
26. NEWERF AREA 26	24.82	24.82
27. NEWERF AREA 27	24.82	24.82
28. NEWERF AREA 28	24.82	24.82
29. NEWERF AREA 29	24.82	24.82
30. NEWERF AREA 30	24.82	24.82
31. NEWERF AREA 31	24.82	24.82
32. NEWERF AREA 32	24.82	24.82
33. NEWERF AREA 33	24.82	24.82
34. NEWERF AREA 34	24.82	24.82
35. NEWERF AREA 35	24.82	24.82
36. NEWERF AREA 36	24.82	24.82
37. NEWERF AREA 37	24.82	24.82
38. NEWERF AREA 38	24.82	24.82
39. NEWERF AREA 39	24.82	24.82
40. NEWERF AREA 40	24.82	24.82
41. NEWERF AREA 41	24.82	24.82
42. NEWERF AREA 42	24.82	24.82
43. NEWERF AREA 43	24.82	24.82
44. NEWERF AREA 44	24.82	24.82
45. NEWERF AREA 45	24.82	24.82
46. NEWERF AREA 46	24.82	24.82
47. NEWERF AREA 47	24.82	24.82
48. NEWERF AREA 48	24.82	24.82
49. NEWERF AREA 49	24.82	24.82
50. NEWERF AREA 50	24.82	24.82



3D

Scale 1:100.07

HOUSE INVASIIVE LAYOUT AND ROOF PLAN
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 www.finlayson.com



GENERAL SECTION A
Scale 1:100

GENERAL SECTION B
Scale 1:100

GENERAL SECTION C
Scale 1:100

CONTRACT:	777 M ²	CONTRACT AREA:	1400 M ²	CONTRACT VALUE:	250.000 TL
GENERAL CONTRACTOR:	YILDIZ YATIL	GENERAL CONTRACTOR:	YILDIZ YATIL	GENERAL CONTRACTOR:	YILDIZ YATIL
LANDSCAPING CONTRACTOR:	YILDIZ YATIL	LANDSCAPING CONTRACTOR:	YILDIZ YATIL	LANDSCAPING CONTRACTOR:	YILDIZ YATIL
ARCHITECT:	A.I.I.	ARCHITECT:	A.I.I.	ARCHITECT:	A.I.I.
STRUCTURAL ENGINEER:	A.I.I.	STRUCTURAL ENGINEER:	A.I.I.	STRUCTURAL ENGINEER:	A.I.I.
MECHANICAL ENGINEER:	A.I.I.	MECHANICAL ENGINEER:	A.I.I.	MECHANICAL ENGINEER:	A.I.I.
ELECTRICAL ENGINEER:	A.I.I.	ELECTRICAL ENGINEER:	A.I.I.	ELECTRICAL ENGINEER:	A.I.I.
PLUMBING ENGINEER:	A.I.I.	PLUMBING ENGINEER:	A.I.I.	PLUMBING ENGINEER:	A.I.I.
PAINTING ENGINEER:	A.I.I.	PAINTING ENGINEER:	A.I.I.	PAINTING ENGINEER:	A.I.I.
LANDSCAPING ENGINEER:	A.I.I.	LANDSCAPING ENGINEER:	A.I.I.	LANDSCAPING ENGINEER:	A.I.I.

