



OVERSTRAND MUNISIPALITEIT
ERF 3505 EN ONGEREGISTREERDE ERF 9899,
ELFDESTRAAT 229, VOËLKLIP, HERMANUS:
AANSOEK OM VOORGESTELDE HERSONERING,
KONSOLIDASIE, AFWYKING EN REGISTRASIE VAN
N SERWITUUT: PLAN ACTIVE NAMENS WL GREEFF

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

- (a) **herosnering** ingevolge artikel 16 (2) (a) van die verordening van ongeregisteerde erf 9899 Hermanus (gedeelte van Erf 9894 Hermanus) vanaf Oopruimtesone 2 (OS2) na residensiële sone 1 (SR1);
- (b) **konsolidasie** ingevolge Artikel 16 (2) (e) van Erf 3505 en Ongeregisteerde Erf 9899 (Gedeelte van Erf 9894 Hermanus);
- (c) **registrasie van 'n serwituutgebied** ingevolge artikel 26 (1) (e) wat vrygestel is ingevolge laasgenoemde afdeling oor die nuwe gekonsolideerde erf;
- (d) **afwyking** ingevolge artikel 16 (2) (b) vir 'n boulynafwyking van die nuwe gekonsolideerde erf.

- Raad se voorneme ingevolge Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuurswet (Wet 56 van 2003) van die oordrag van ongeregisteerde Erf 9899 Hermanus aan die eienaar van Erf 3505 Hermanus met die volgende besonderhede:

Koper: WL Greeff
Koopsom: R650 000.00 (BTW uitgesluit)
Ligging: Elfdestraat 229, Voëlkliip, Hermanus.
Doel: Tuinmaak- doeleindes
Grootte: 198m²

Volle besonderhede rakende die voorneme in **paragrafe 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) 028 3132093 / (e) alida@overstrand.gov.za) moet bereik voor of op **8 Oktober 2021**. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. P Roux** by 028 313 8900.

Volle besonderhede rakende die voorneme in **paragraaf 2** hierbo is per afspraak beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die **Eiendomsadministrasie Departement**, h/v Molteno- en Viljoenstraat, Onrustrivier. 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 (h/v Molteno -en Viljoenstraat, Onrustrivier / (t) 028 316 5601 / (epos) wmurtz@overstrand.gov.za) moet bereik voor of op **8 Oktober 2021**. Telefoniese navrae kan gerig word aan die **Hoofklerk, Mej. W Murtz** by 028 316 5601.

Die Munisipaliteit mag weier 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.

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

Munisipale Kennisgewing Nr. 119/2021

OVERSTRAND MUNICIPALITY
ERF 3505 AND UNREGISTERED ERF 9899, 229
ELEVENTH STREET, VOËLKLIP, HERMANUS:
APPLICATION FOR PROPOSED REZONING,
CONSOLIDATION, DEPARTURE AND
REGISTRATION OF A SERVITUDE: PLAN ACTIVE
ON BEHALF OF WL GREEFF

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 above-mentioned erven, namely:

- (a) **rezoning** in terms of Section 16(2)(a) of the By-Law of Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) from Open Space Zone 2 (OS2) to Residential Zone 1 (SR1);
- (b) **consolidation** in terms of Section 16(2)(e) of Erf 3505 and Unregistered Erf 9899 (Portion of Erf 9894 Hermanus);
- (c) **registration of a servitude area** in terms of Section 26(1)(e) that is exempted in terms of the last-mentioned section on the newly consolidated erf;
- (d) **departure** in terms of Section 16(2)(b) for a building line departure of the newly consolidated erf.

- Council's intention in terms of Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) of the transfer of unregistered Erf 9899 Hermanus to the owner of Erf 3505 Hermanus with the following details:

Purchaser: WL Greeff
Purchase Price: R650 000.00 (VAT excluded)
Locality: 229 Eleventh Street, Voëlkliip, Hermanus.
Purpose: Gardening purposes
Size: 198m²

Full details regarding the intention 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) 028 3132093 / (e) alida@overstrand.gov.za) on or before **8 October 2021**. Telephonic enquiries can be made to the **Town Planner, Mr. P Roux** by 028 3138900.

Full details regarding the intention in **paragraph 2** above are available for inspection during weekdays between 08:00 and 16:30 at the **Property Administration Department**, 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 / (t) 028 3165601 / (email) wmurtz@overstrand.gov.za) on or before **8 October 2021**. Telephonic enquiries can be made to the **Principal Clerk, Miss W Murtz** at 028 3165601.

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.

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

Municipal Notice No. 119/2021

UMASIPALA WASE-OVERSTRAND
IZIZA EZINGU ERF3505 NESINGABHALISWANGA EZINGU
ERF 9899, 229 ELEVENTH STREET, VOËLKLIP,
HERMANUS: ISICELO SOKWENZA ISIPHAKAMISO
SOKUKANDA KWAKHONA, UKULUNGISELELA
NOKUHLENGAHLANGISA, UKWAHLULA NOKUBHALISA
INDLELA YOKUHAMBA ABANTU ABAHAMBISA
NGEENKONZO: NGABAKWAPLAN ACTIVE EGAMENI LIKA
WL GREEFF

Kukhutshwe isaziso esimayela ngokwemiba yeSolotyia lama-47 nelama-48 nguMasipala waseOverstrand ngokuhomela Umthethwana kaMasipala NgeziCwanciso Zokusetyenziswa koMhlabi ku2020 (Umthethwana) esingisicelo esisebenza kwiziza ezibhalwe ngenjla, ezaziwa njengezi:

- (a) **ukucanda kwakhona** ngokwemiba yeSolotyia le16(2)(a) loMthethwana weSiza esingabhaliswanga esinguErf 9899 Hermanus (inxalenye yeSiza esinguErf 9894 Hermanus) ukusuka kwNdawo Evulelekileyo eZowuni 2-Open Space Zone 2 (OS2) kwiziza yeSiza eYokuhlala Abantu Zowuni 1(SR1) -Residential Zone 1 (SR1);
- (b) **ukulungiselelwa ngokuhlehlengisa ngokwemiba yeSolotyia le16(2)(e) leSiza esinguErf 3505 neSiza esingabhaliswanga esingunombolo Erf 9899 (Inxalenye yeSiza esingu-Erf 9894 Hermanus);**
- (c) **ukubhaliswa kwendlela engummandla wokunqumla ukulungiselela ukuhanjiswa kweenkono ngokwemiba yeSolotyia lama26(1)(e) ekhutshelwe ecaleni ngokwemiba yeSolotyia elichazwe-ekugqibeleni kwiziza esitsha esilungiselelweyo;**
- (d) **ukwahlula** ngokwemiba yeSolotyia le16(2)(b) lokwahlula umga wesakhuwo wesiza esitsha esilungiselelweyo.

- Injongo yebhunga ngokwemiba yeSolotyia le14 likaRhulumente waseKhaya Umthetho Wokulawulo Lwemali kaMasipala (Umthetho 56 ka 2003) ngokukhutshelwa kwesiza esingabhaliswanga Erf 9899 Hermanus kumnini wesiza esingunombolo Erf 3505 Hermanus esinezi nkukacha zilandelayo:

Umthengi: WL Greeff
Ixabiso Lentengo: R650 000.00 (VAT excluded)
Ingingqi: 229 Eleventh Street, Voëlkliip, Hermanus.
Injongo: Injongo zokwenza igadi
Ubungakanani/Sayizi: 198m²

Iinkukacha ezipheleleyo nenjongo kumhlathi/kwiparagrafu 1.(a), (b), (c) no (d) engenjla ziyafumaneka ukuze zihlole kwintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 ne16:30 kwi **Sebe: Izlwangciso zeDotophu**, 16 Paterson Street, Hermanus. Naziphi na izimvo mazibhalwe, uchaze igama lakho, idiesi neenkukacha ofumaneka kuzo, kunye nomdla wakho kwesi sicelo nezizathu zokuhlomla, emazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 028 3132093 / (imeyile) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama 8 uOktoaba 2021. Imibuzo ngefowuni ingabuzwa ku**Mchwangciso weDotophu, Mnu. P Roux** kwa028 3138900.

Iinkukacha ezipheleleyo ezimayela nenjongo zikumhlathi/kwiparagrafu 2. ngenjla ziyafumaneka ngokwenza idinga ukuze zihlole kwintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 ne 16:30 kwi**Sebe Lolawulo Lwemihlaba**, c/o Molteno neViljoen Street, Onrustrivier. Zonke izimvo mazibhalwe phantsi, uchaze igama lakho, idiesi kunye neenkukacha ofumaneka kuzo, kwakunye nomdla wakho kwesi sicelo nezizathu zakho zokuhlomla izimvo emazifike kwaMasipala (c/o Molteno ne Viljoen Street, Onrustrivier / (t) 028 3165601 / (imeyile) wmurtz@overstrand.gov.za) ngomhla okanye ngaphambi komhla 8 uOktoaba 2021. Imibuzo ngefowuni ingabuzwa ku**Nobhala yiNtloko, uNkszn W Murtz** at 028 3165601.

Umasipala angala ukwamkela izimvo ezifike emva komhla wokuvula. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiSebe likaMasipala eifanelekileyo nelibhalwe ngenjla apho igosa likaMasipala liza kumnceda ukubhala uluvo lwakhe ngendlela eyayo.

Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Inothi kaMasipala Nomb. 119/2021

**PROPOSED REZONING, CONSOLIDATION,
DEPARTURE AND REGISTRATION OF A
SERVITUDE AREA:**

**ERF 3505 HERMANUS AND UNREGISTERED ERF
9899 HERMANUS**

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Mr. W.L. Greeff, owner of Erf 3505 Hermanus has instructed the company Plan Active Town and Regional Planners to apply for:

- the rezoning of unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus);
- the consolidation of Erf 3505 and unregistered Erf 9899 Hermanus;
- a departure from a building line;
- and the registration of a servitude area on a portion of the newly consolidated erf.

The owner of Erf 3505 Hermanus, Mr. W.L. Greeff applied for the purchase of unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus), that is ±198m² in extent, from the Overstrand Municipality. Subsequently the Mayoral Committee resolved at their meeting dated 25 November 2020 that unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) be sold to the above-mentioned owner of Erf 3505 Hermanus and that unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) be rezoned and consolidated with Erf 3505 Hermanus. It is also required that a servitude area be registered over unregistered Erf 9899 Hermanus as per the

sales agreement between Mr. W.L. Greeff and the Overstrand Municipality. Please refer to the copy of the municipal letter of approval of the sale dated 27 November 2020 (Annexure A) and the decision from Council made on the 11th of December 2002 (Annexure B).

Erf 3505 Hermanus is 991m² in extent and is held by Title Deed No. T59771/2018. Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is 198m² in extent.

2. APPLICATION DETAILS

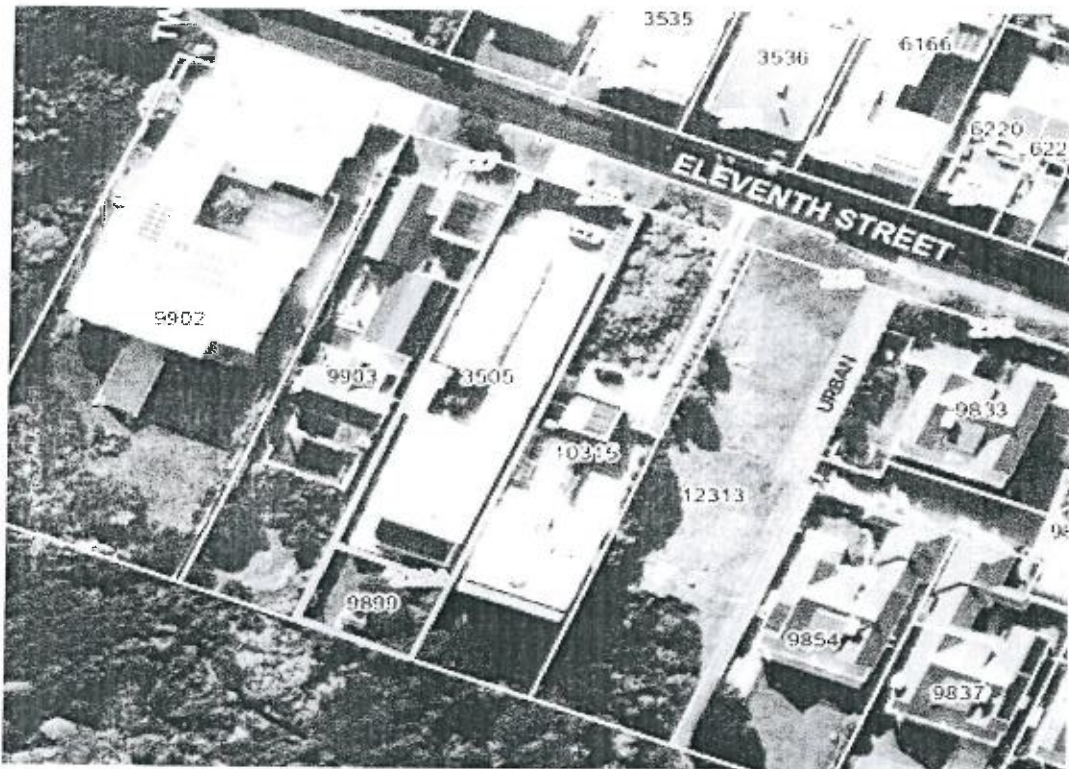
Application is made in terms of:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) from Open Space Zone 2 to Residential Zone 1.
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the consolidation of Erf 3505 and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus).
- Chapter 4, Section 26(1)(e) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the registration of a servitude area that is exempted in terms of the last-mentioned section on the newly consolidated erf, as it is a condition imposed in terms of the alienation of the portion of land.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a building line departure of the newly consolidated erf.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 3505 Hermanus is situated at 229, 11TH Street, Hermanus, in close proximity and overlooking Grotto Beach located to the south. Erf 3505 & unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) are 991m² and 198m² in extent respectively and are situated in a predominantly single residential environment. Please refer to the enclosed locality map.



Adjoining erven, 9903 Hermanus and 10345 Hermanus have successfully gone through the same process as what is being proposed with this application.

3.2 ZONING

Erf 3505 Hermanus is zoned Residential Zone I: Single Residential and it is utilized as such. Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is zoned Open Space Zone 2 and is currently vacant.

Surrounding properties are zoned for single residential purposes, public roads, and public open space.

3.3. LAND USE

Erf 3505 is used for residential purposes. A dwelling and associated outbuildings are established on the subject property. Access to Erf 3505 Hermanus is currently obtained from 11th Street, Voelklip. Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is currently vacant.

Surrounding land uses also consist predominantly of developed upmarket single residential erven.

3.4. PROPOSED DEVELOPMENT

Application is made in terms of:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) from Open Space Zone 2 to Residential Zone 1.
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the consolidation of Erf 3505 and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus).
- Chapter 4, Section 26(1)(e) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the registration of a servitude area that is exempted in terms of the last-mentioned section on the newly consolidated erf.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a building line departure of the newly consolidated erf.

The owner of Erf 3505 Hermanus applied to purchase an erf zoned as public open space belonging to the Municipality, that is not required for the provision of basic municipal services. Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus)

is ±198m² in extent. As per the Mayoral Committee approval and the sales agreement this erf must be rezoned and consolidated with Erf 3505 Hermanus. In order to fulfil the conditions of the approval for the sale of unregistered Erf 9899 Hermanus and the sales agreement it is now required that an application be lodged for:

- the rezoning of Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) from **Public Open Space Zone 2 to Residential Zone 1**;
- the consolidation of Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) with Erf 3505 Hermanus.
- the registration of a servitude area as per council's decision dated 14 December 2002, attached as Annexure B.
- the departure from the rear building line as the Mayoral Committee resolved at their meeting dated 25 November 2020. Please refer to the copy of the municipal letter of approval dated 27 November 2020, paragraph 6. (Annexure A).

The detail of the subject properties are as follows:

Erf	Size	Zoning	Current Land Use
Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus)	±198m ²	Open Space Zone 2	Open Space
Erf 3505 Hermanus	±991m ²	Res. Zone 1	Residential

As mentioned above, unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is a public open space adjacent to Erf 3505 Hermanus. Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is ±198m² in extent. This public open space can be better utilised as a private garden than a portion of an underutilised public open space.

In order to consolidate unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) with Erf 3505 Hermanus it is required that Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) be rezoned from **Open Space Zone 2 to Residential Zone I**, the same zoning as Erf 3505 Hermanus. The consolidated property will be ±1189m² in extent after the consolidation.

The letter of approval for the purchase of unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) stipulates that no buildings or structures may be constructed on unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) after consolidation has taken place, except for boundary walls or fences. Subsequently the actual use of unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) that is open space will remain open space as it would be incorporated as a garden. Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) being rezoned and consolidated with Erf 3505 Hermanus will take the burden from the municipality for the continuous upkeep of Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus), a public open space.

According to a status report from the Surveyor General (attached as Annexure C), Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus), has the status of an ordinary erf and therefore an application in terms of **Chapter 4, Section 16(2)(n) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020**, for the closure of a public open space is **not required**. The consolidated property will be $\pm 1189\text{m}^2$ in extent. The detail of the rezoning of Erf 9899 Hermanus and the consolidation of Erven 3505 and 9899 Hermanus are as follows:

Erf	Components	Zoning	Proposed extent of property
Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus)		Proposed rezoning to Residential Zone 1	$\pm 198\text{m}^2$
Erf 3505 Hermanus	Erf 3505 and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus)	Res. Zone 1	$(\pm 198\text{m}^2) + (\pm 991\text{m}^2)$ $= \pm 1189\text{m}^2$

The proposal will not have any impact on the surrounding properties. The proposal will not have any impact on the existing character and property values of the surrounding properties. The neighbouring properties successfully went through the same application process.

BUILDING LINE DEPARTURE

As mentioned earlier, the Mayoral Committee resolved at their meeting dated 25 November 2020 *“that the alienation of unregistered Erf 9899 (a portion of Erf 9894) Hermanus be subject to a suspensive condition that the Applicant obtains approval for the town planning processes, including the relaxation of the southern (rear) building line of the consolidated property from 15.58m to 12.58m”*.

The proposed departure can be described as follows:

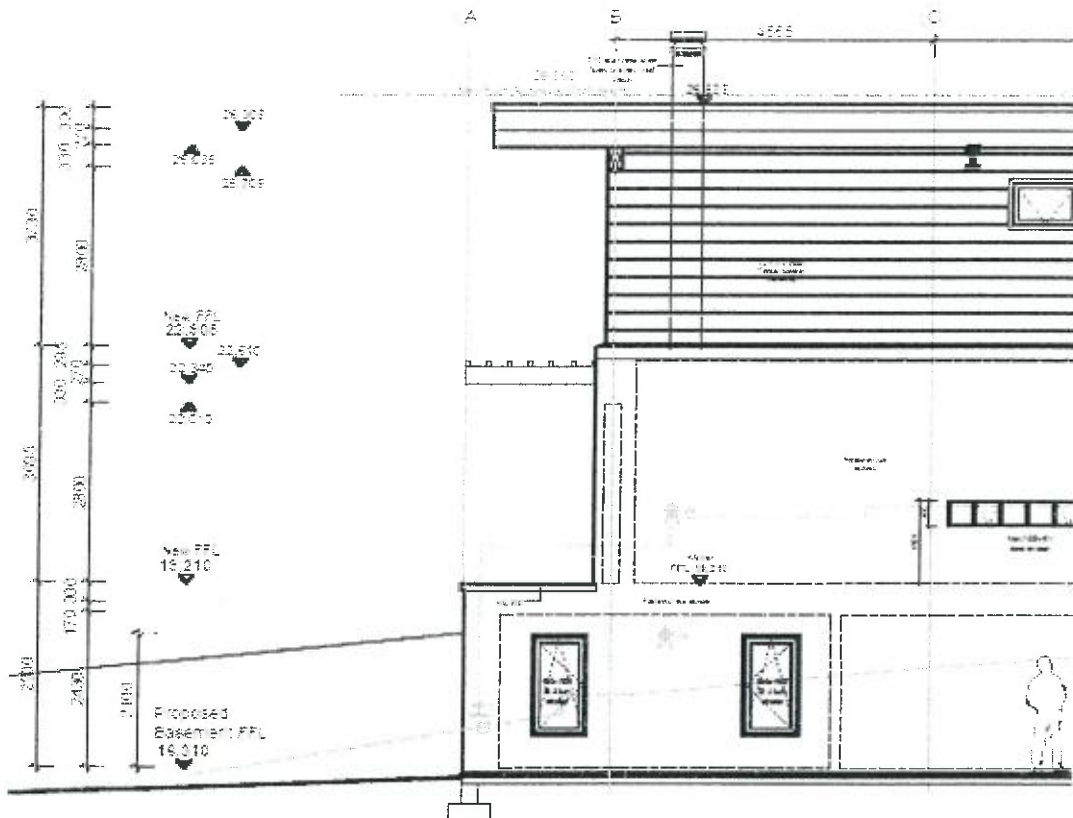
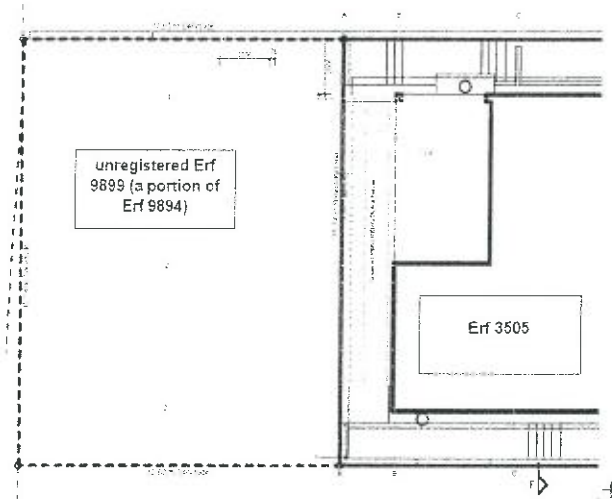
- Relaxation of the rear building line from **15.58m to 12.85m** to accommodate future extensions to the existing dwelling.

The Overstrand Municipality Scheme Regulations stipulate that a 4m street building line and a 2m common and rear building line apply to Residential Zone 1: Single Residential properties greater than 400m² in extent. A council decision dated 14 May 2002 resolved *“that the building line applicable to the southern boundary be calculated from the original boundaries of Erven 3503 and 3504 and not from the new boundary resulting from incorporation of the road.”*

Please note that historically Erf 9899 (a portion of Erf 9894 Hermanus) was a portion of road of which the status was previously changed to an ordinary erf as per the SG Status Report. As per the decision from Council dated 14 May 2002 it was resolved at the time that the building line be calculated from the original boundary (Erf 3505 Hermanus). The owner at the time was not interested in purchasing the portion of municipal land, *unregistered Erf 9899 (a portion of Erf 9894)*. The intention is to now apply for a building line relaxation, the same building line that applies to Erf 10315 Hermanus.

The intention of the owner is to extend the existing dwelling established on Erf 3505 Hermanus up to the current boundary, the common boundary between Erf 3505 and unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus). The owner has a few development ideas for the newly consolidated erf as depicted below. It is important to note that these proposals for the newly consolidated erf have **not** been finalised and are subject to change in the future after the consolidation of Erf 3505 and unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is finalised.

The proposed departure does not have any impact on the surrounding properties. The owner intends to extend the footprint of the existing dwelling up to the existing boundary line of Erf 3505 Hermanus. It is proposed that the existing boundary line will be the new rear building line for the newly consolidated erf as depicted in the plan below:



The proposed building line relaxation will not have any impact on the surrounding properties. A **12.58m** building line will still be maintained after the proposed rezoning,

consolidation, building line departure and the registration of a servitude area have been approved. The portion purchased by the owner of Erf 3505 Hermanus will not be developed upon and will only be utilised for gardening purposes as per the sales agreement. The proposed departure will not have an impact on the residential character of the area as similar departure applications have been approved in the past.

Registration of a servitude area

At the time when Mr. W.L. Greeff applied to purchase unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus), "the Mayoral Committee resolved at their meeting dated 25 November 2020 that no structures of any kind (excluding a boundary wall or fence) may be erected on unregistered Erf 9899 (a portion of Erf 9894) Hermanus which condition must be registered against the title deed of the consolidated property". This condition also has reference to a decision resolved by council on 11 December 2002 that reads: ***"that a servitude be registered by the applicants at their costs over the portion of road restricting any building or construction on this portion"***.

It is therefore necessary to create a servitude area on a portion of the newly consolidated erf, over the former Erf 9899 Hermanus (Portion of Erf 9894 Hermanus). The owner will register a servitude area over former unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) to remain an open space as it would be incorporated as a garden portion. The proposed servitude area is indicated on the picture below:



3.5. CHARACTER OF THE ENVIRONMENT

The proposal will not change the primary land use of the subject property as this application constitutes the inclusion of an underutilised public open space, that is $\pm 198\text{m}^2$ in extent, that will be used as an extension of the garden of Erf 3505 Hermanus. The impact on the character of the area will therefore be minimal. The proposed rezoning of unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) and consolidation of Erf 3505 and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) will not have a negative impact on the neighbouring property or residential character of the area. The proposed departure will also be in line with current tendencies in the vicinity.

3.6. POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) can be better utilised if incorporated with Erf 3505 Hermanus as an extension of the garden. Subsequently the land use being open space will remain the same. No additional buildings or erven are proposed, that will put strain on municipal services. The municipality will instead be alleviated from the burden of the upkeep of this portion of public open space. This application is merely to incorporate a small erf that is $\pm 198\text{m}^2$ in extent with an adjoining residential erf, that will be used as an extension of the garden. A servitude area will be registered over a portion of the newly consolidated erf.

3.7. IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1. PROVISION OF SERVICES

All services on Erf 3505 Hermanus already exist and the inclusion of unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) will not require any additional services. The impact on services would therefore remain the same as for the developed residential erf, Erf 3505 Hermanus.

3.7.2. TRAFFIC IMPACT AND ACCESS

Access to Erf 3505 Hermanus is from 11TH Street as can be seen on the locality plan. No new access points are proposed. Subsequently the access to Erf 3505 Hermanus will remain unchanged and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) will be used as an extension of the garden after consolidation has taken place.

The subject property will still be used for single residential purposes only, no additional erven are proposed and therefore the impact on the traffic flow in the area will remain unchanged.

3.8. OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.8.1. HERITAGE VALUE

Erf 3505 and unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) are not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). Erf 3505 and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) are not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject properties are not associated with any important persons or groups or important events and activities.

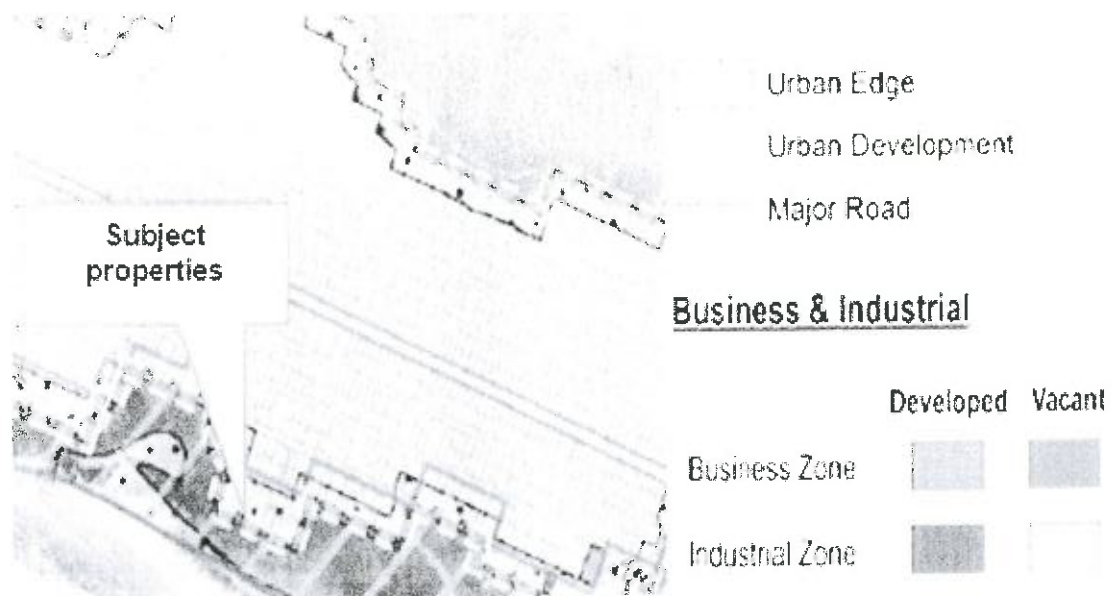
In light of the above mentioned it is evident that the proposed rezoning, consolidation, departure, and servitude area will not hinder any future land use applications on the subject erven. The proposed application will not have a negative impact on the heritage value of the subject properties or the greater area of Hermanus.

3.8.2. IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed rezoning, consolidation, departure, and servitude area do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.9. FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where Erf 3505 and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) are situated, for Urban development purposes. Even though it is proposed that Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) be rezoned from Open Space Zone 2 to Residential Zone 1 and consolidated with Erf 3505 Hermanus, the proposal is still in line with forward planning proposals for the area.



The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that Erf 3505 and Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) form part of Planning Unit No.6. This planning unit consists of the existing pristine high income, low density southern section of the Voëlklip residential area. Incremental development through subdivision to allow a second dwelling and third dwelling units respectively is proposed for an assumed 20% of the area of this planning unit. This

application does however not propose to create any additional portions, nor does it propose the construction of additional dwelling units on the subject property. The density will therefore remain unchanged.

From the above it is evident that the proposed rezoning, consolidation, departure, and servitude area adheres to the spatial planning policies for the Hermanus area and consequently falls within the existing planning for the Hermanus area.

3.10. PLANNING PRINCIPLES

The planning principles of spatial justice and sustainability are not applicable to this application.

Spatial justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by the practice of apartheid spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas.

Spatial sustainability essentially refers to a sustainable form of development. A part of this means promoting less resource consuming development typologies that promote compaction, pedestrianisation and mixed-use urban environments which allow for the development of a functional public transport system and space economy. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Efficiency: Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is a public open space that is ±198m² in extent. The open space can be utilised much better by the neighbouring landowner by incorporating it with his property. Subsequently the

Overstrand Municipality will not have the burden to upkeep Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus). The Overstrand Municipality also gains from a financial point of view due to the fact that Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is purchased from the Overstrand Municipality at market value.

Spatial resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). The principle of spatial resilience is also not applicable to this application.

Good administration: Our Company 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 Amended By-law on Municipal Land Use Planning, 2020.

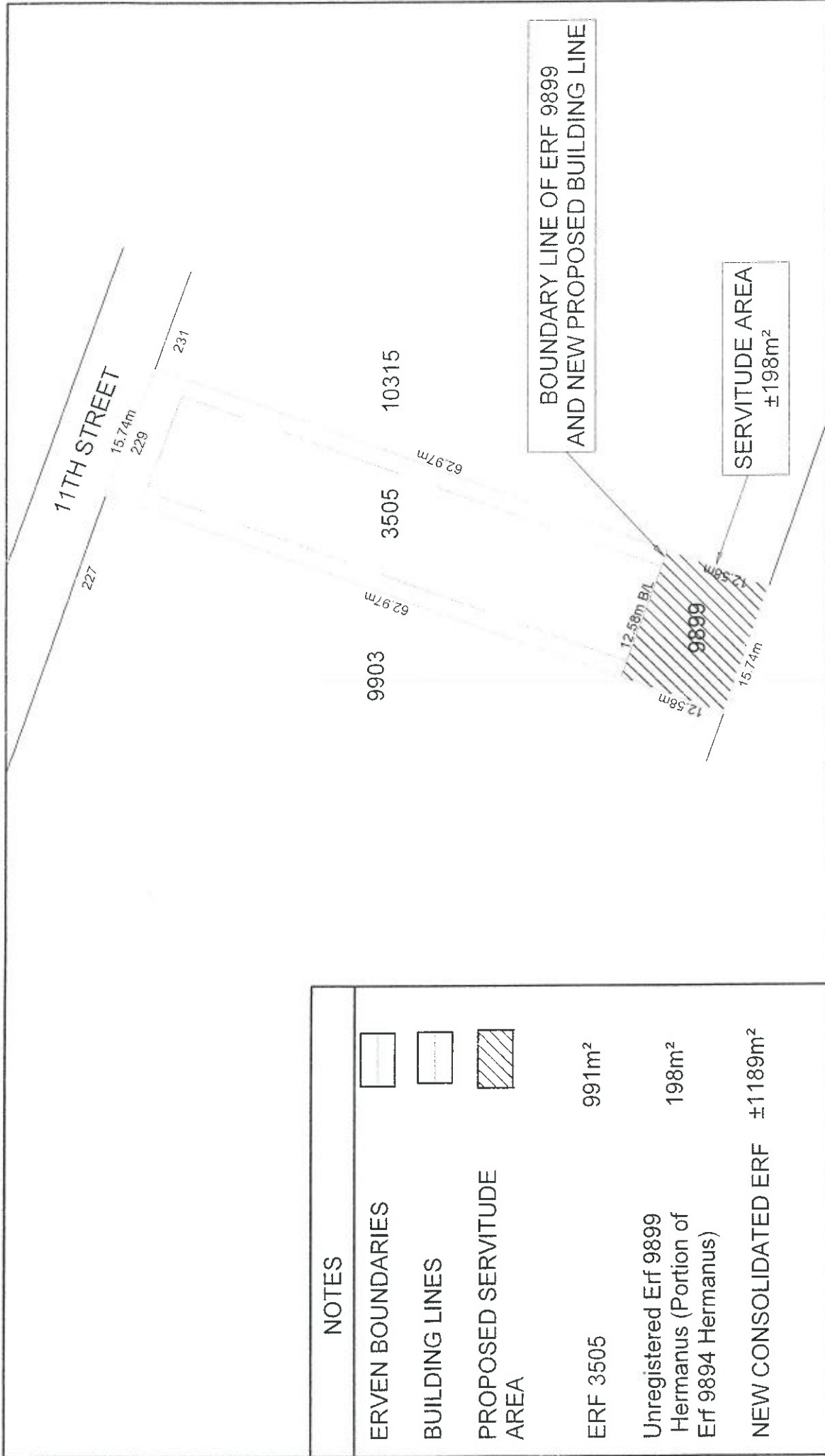
4. **RECOMMENDATION**

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

- All services already exist. Additional services will not be required;
- Access to Erf 3505 Hermanus will remain unchanged and the impact on the traffic will also remain unchanged;
- The proposed rezoning, consolidation, departure, and registration of a servitude area are compatible with the existing built character of the area;

- The proposed rezoning, consolidation, departure, and registration of a servitude area will not have a negative impact on the land values of the surrounding erven;
- The Overstrand Municipality gains capital due to the fact that unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) is purchased from the municipality at market value.
- The municipality will be alleviated from the burden of the upkeep of unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus) that can be better utilised by the neighbouring landowner by incorporating it with Erf 3505 Hermanus as a garden;
- This application is merely to incorporate unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus), an open space that is $\pm 198\text{m}^2$ in extent with an adjoining residential erf;
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would approve the rezoning, consolidation, departure, and registration of a servitude area applicable to Erf 3505 and Erf 9899 Hermanus (Portion of Erf 9894 Hermanus).



PLAⁿ Active Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: Erf 3505 and Erf 9899 Hermanus (Portion of Erf 9894 Hermanus)	Plan Description: CONSOLIDATION PLAN	Scale: 1:600 Drawing Nr: her3505 drw Date: JUNE 2021
	BOUNDARY LINE OF ERF 9899 AND NEW PROPOSED BUILDING LINE			

NOTES	
ERVEN BOUNDARIES	
BUILDING LINES	
PROPOSED SERVITUDE AREA	
ERF 3505	991m ²
Unregistered Erf 9899 Hermanus (Portion of Erf 9894 Hermanus)	198m ²
NEW CONSOLIDATED ERF	±1189m²