



OVERSTRAND MUNISIPALITEIT
ERWE 4913 ('N GEDEELTE VAN ERF 341) EN
RESTAT ERF 341, ROCKLANDSPAD 5 EN
WESTCLIFFPAD 24, HERMANUS, WESTCLIFF:
AANSOEK OM SLUITING VAN 'N GEDEELTE
PUBLIEKE PAD, HERSONERING, KONSOLIDASIE
EN OORDRAG VAN DIE GEDEELTE PAD: PLAN
ACTIVE NAMENS JC DAVIS & OVERSTRAND
MUNISIPALITEIT

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (die Verordening), asook Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiëlebestuur (Wet 56 van 2003) word hiermee kennis gegee van die volgende aansoeke van toepassing op bogenoemde erwe, naamlik, die

1. (a) **sluiting** van gedeelte pad Erf 4913 ('n gedeelte van Erf 341), Hermanus ingevolge Artikel 16(2)(n) van die Verordening;
 - (b) **herosnering** van Erf 4913 ('n gedeelte van Erf 341), Hermanus ingevolge Artikel 16(2)(a) van die Verordening vanaf Vervoersone 2: Pad en Parkering (TR2) na Residensiële Sone 1: Enkelwoonsone (SR1); en die
 - (c) **konsolidasie** ingevolge Artikel 16(2)(e) van die Verordening van Erf 4913 ('n gedeelte van Erf 341) met Restant Erf 341, Hermanus; en
2. Raad se voorneme ingevolge Artikel 14 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuurswet (Wet 56 van 2003) van die oordrag van Erf 4913 ('n gedeelte van Erf 341) Hermanus aan die eienaar van Restant Erf 341 Hermanus met die volgende besonderhede:

Koper: JC Davis
Koopsom: R55 000.00 (BTW uitgesluit)
Ligging: Aangrensend tot Restant Erf 341 Hermanus, Westcliffpad 24, Westcliff
Doel: Tuinmaak
Grootte: 107m²

Volle besonderhede rakende die voorstel in **paragrafe 1.(a), (b), en (c)** 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, asook die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (epos) alida@overstrand.gov.za) moet bereik voor of op **4 Maart 2022**. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H Boshoff** by 0283138900.

Volledige besonderhede rakende die voorstel 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 kommentaar moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (h/v Molteno- en Viljoenstraat, Onrustrivier / (t) 0283165601 / (f) 0283163721 / (epos) wmurtz@overstrand.gov.za) moet bereik voor of op **4 Maart 2022**. Telefoniese navrae kan gerig word aan die **Hoofklerk, Mej. W Murtz** by **0283165601**.

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. 4/2022

OVERSTRAND MUNICIPALITY
ERVEN 4913 (A PORTION OF ERF 341) AND
REMAINDER ERF 341, 5 ROCKLANDS ROAD
AND WESTCLIFF ROAD 24, HERMANUS,
WESTCLIFF: APPLICATION FOR CLOSURE OF
A PORTION OF PUBLIC ROAD, REZONING,
CONSOLIDATION AND THE TRANSFER OF THE
PORTION OF ROAD: PLAN ACTIVE ON BEHALF
OF JC DAVIS & OVERSTRAND MUNICIPALITY

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

1. (a) **closure** of portion of road Erf 4913 (a portion of Erf 341), Hermanus in terms of Section 16(2)(n) of the By-Law.
 - (b) **rezoning** of Erf 4913 (a portion of Erf 341), Hermanus from Transport Zone 2: Road and Parking (TR2) to Residential Zone 1: Single Residential (SR1) in terms of Section 16(2)(a) of the By-Law; and the
 - (c) **consolidation** of Erf 4913 (a portion of Erf 341) with Remainder Erf 341, Hermanus in terms of Section 16(2)(e) of the By-Law; and
2. Council's intention in terms of Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003) of the transfer of Erf 4913 (a portion of Erf 341) Hermanus with the following details:

Purchaser: JC Davis
Purchase Price: R55 000.00 (VAT excluded)
Locality: Adjacent to Remainder Erf 341 Hermanus, 24 Westcliff Road, Westcliff
Purpose: Gardening
Size: 107m²

Full details regarding the proposal in **paragraphs 1.(a), (b), and (c)** 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, your interest in the application, as well as the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (email) alida@overstrand.gov.za) on or before **4 March 2022**. Telephonic enquiries can be made to the **Town Planner, Mr. H Boshoff** by 0283138900.

Full details regarding the intention in **paragraph 2** above are available by appointment for inspection during weekdays between 08:00 and 16:30 at the **Department: Property Administration**, c/o Molteno- and Viljoen Street, Onrustrivier. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (c/o Molteno and Viljoen Street, Onrustrivier / (t) 0283165601 / (f) 0283163721 / (email) wmurtz@overstrand.gov.za) on or before **4 March 2022**. Telephonic enquiries can be made to the **Principal Clerk, Miss. W Murtz** at **0283165601**.

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

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

Municipal Notice No. 4/2022

UMASIPALA WASEOVERSTRAND
IZIZA EZINAGUERVEN 4913 (INXALENYE
YESIZAESINGU ERF 341) NENTSALELA YESIZA ESINGU
ERF 341, 5 EROCKLANDS ROAD NASEWESTCLIFF
ROAD 24, EHERMANUS, WESTCLIFF: ISICELO
SOKUVALWA KWENXALENYE YENDLELA
KAWONKEWONKE, UKUCANDA KWAKHONA,
UYONDELELANISO NOKUKHUTSHELWA
KWENXALENYE YENDLELA: NGABAKWPLAN ACTIVE
EGAMENI LIKA JC DAVIS & NOMASIPALA
WASEOVERSTRAND

Kukhutshwe isaziso ngokwemiba yeSoloty lama-47 nama-48 Omthethwana kaMasipala waseOverstrand ngokuHlomela Umthethwana kwaMasipala Ongezicwangciso Zokusetyenziswa koMhlaba nguMasipala ku2020 (Umthethwana), kwakunye neSoloty 14 likaRhulumente waseKhaya:Umthetho ngoLawulo Lwemali kuMasipala(Umthetho wama56 oka2003) saziso eso simayela nezi zicelo zilandelayo nezisebenza kwiziza, ezibizwa,

1. (a) **ukuvalwa** kwenxalanye yendlela esisiza esinguErf 4913 (inxalanye yesiza esinguErf 341), Hermanus ngokwemiba yeSoloty le 16(2)(n) loMthethwana;
- (b) **Ukucanda kwakhona kwesixa esinguErf 4913** (intsalela yesiza esinguErf 341), eHermanus ukusuka kwiZowuni 2 yeZothutho: Indlela neNdawo youPaka (TR2) kwiZowuni 1 eyiNdawo Yokuhlala: Indawo yokuhlala elungiselelwe indlu nganye (SR1) ngokwemiba yeSoloty le 16(2)(a) loMthethwana; kunye no,
- (c) **yondelelaniso lwesiza esingu Erf 4913** (inxalanye yesiza esinguErf 341) neNtsalela yesiza esinguErf 341, Hermanus ngokwemiba yeSoloty le 16(2)(e) loMthethwana; ne

2. Njongo yeBhunga ngokwemiba yeSoloty le14 loRhulumente waseKhaya: Umthetho ngoLawulo lwezeMali kuMasipala(Umthetho 56 ka 2003) ngokukhutshelwa kwesixa esinguErf4913 (inxalanye yesiza esinguErf 341) Hermanus esinezinkcukacha zilandelayo:

Umthengi: JC Davis
Ixabiso Lokuthenga: R55 000.00 (VAT excluded)
Ukuma ngokwendawo: Imelene neNtsalela yeSiza esinguErf 341 Hermanus, 24 Westcliff Road, Westcliff
Injongo: Ukwenza igadi
Isayizi: 107m²

linkcukacha eziphelelyo mayela nalo mba sifumaneka **kwimihlathi1(a), (b), no (c)** ngentla ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye 16:30 **kwiSebe: Izicwangciso ngeDolophu**, kwa16 Paterson Street, Naziphi na izimvo ezibhalwayo mazingeniswe, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umidla wakho kwesi sicelo lunge nezizathu zokuhlomla, zimvo ezo kufuneka zifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (email) alida@overstrand.gov.za) ngonhla okanye ngaphambi komhla wama4 uMatshi 2022. Imibuzo neenkukacha ngefowuni ingathunyelwa **Mcwangcisi wwDolophu, Mnu. H Boshoff** ku0283138900.

linkcukacha eziphelelyo ezimayela nenjongo kuMhlathi 2. ongentla ziyafumaneka kwiintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 ne16:30 at **kwiSebe: Lobhaliso noLawulo Lwezemihlaba**, c/o Molteno- and Viljoen Street, Naziphina na izimvo mazibhalwe phantsi uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, kunye nomdla wakho kwesi sicelo, zimvo zakho ezo mazifike kwaMasipala(c/o Molteno and Viljoen Street, Onrustrivier / (t) 0283165601 / (f) 0283163721 / (email) wmurtz@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama4 uMatshi 2022. Imibuzo ngefowuni ingabuzwa kuNobhala oyiNtloko, **Nkszn. W Murtz kwa0283165601**.

Umasipala angala ukwamkela izimvo ezingeniswe emva kwexesha. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe likaMasipala apho igosa likaMasipala kuza kumnceda abhale afake uluvo lwakhe ngokusemthethweni.

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

Inothisi kaMasipala Nomb. 4/2022



Scale: NTS
 Drawing Nr: local.dwg
 Date: NOVEMBER 2021

Plan Description:
LOCALITY MAP

Property Description:
**ERVEN 341 & 4913
 HERMANUS**

All distances approximate
 and subject to survey.
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PLA n Active
 Stads- en Streeksbeplanners
 Town & Regional Planners

**PROPOSED PUBLIC STREET CLOSURE, REZONING
AND CONSOLIDATION**

ERVEN 4913 AND 341 HERMANUS

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

Mr. J.C. Davis, owner of erf 341 Hermanus, and Mr R.P. Marinus on behalf of the Overstrand Municipality, the owner of erf 4913 Hermanus, have instructed the company Plan Active Town and Regional Planners to apply for a public road closure and rezoning of erf 4913 Hermanus and consolidation with erf 341 Hermanus.

The owner of erf 341 Hermanus, Mr. J.C. Davis, applied to purchase erf 4913 Hermanus (public street) that is $\pm 107\text{m}^2$ in extent from the Overstrand Municipality. Subsequently the Mayoral Committee resolved at their meeting held on 25 November 2020 that the public street portion (that currently serves as Westcliff Road, road reserve), namely erf 4913 Hermanus, be sold to the above mentioned owner of erf 341 Hermanus and that erf 4913 Hermanus be rezoned and consolidated with erf 341 Hermanus. Refer to the copy of the Deed of Sale entered between Overstrand Municipality and J.C. Davis for erf 4913 Hermanus signed in February and March 2021 respectively by the buyer and seller. The minutes of the Mayoral Committee meeting are included as an Annexure in the Deed of Sale document.

Erf 4913 Hermanus was previously subdivided from erf 341 Hermanus for road widening purposes. The widening of Westcliff Road is no longer envisaged and most

Motivation report of the adjacent properties were able to reattain the road reserve portions. The intention of the owner of erf 341 Hermanus is to purchase this portion of the public road, erf 4913 (a portion of erf 341) Hermanus, from the Overstrand Municipality. The portion of the public road (erf 4913 Hermanus) is no longer considered part of the future road planning upgrades for the area and will be rezoned to Residential Zone 1 and consolidated with erf 341 Hermanus.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(n) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the closure of a public road, erf 4913 Hermanus;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the rezoning of erf 4913 Hermanus from Transport Zone 2 to Residential Zone 1;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the consolidation of erf 4913 Hermanus with erf 341 Hermanus.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 341 Hermanus is situated at 5 Rocklands Road. Erf 4913 Hermanus is situated adjacent to erf 341 Hermanus and fronts onto Westcliff Road. Refer to the enclosed locality map.

Erf 4913 Hermanus is held by title deed no. T3702/1960 and is 107m² in extent. Erf 341 Hermanus is held by title deed no. T19095/2014 and is 964m² in extent.

The subject properties are level sloped. Erf 341 Hermanus is characterized by a residential dwelling with single garage and garden area. Erf 4913 Hermanus is a portion of vacant land (road reserve that is used to gain access from Westcliff Road to erf 341 Hermanus and for gardening purposes).

3.2 ZONING

Erf 341 Hermanus is zoned Residential Zone 1: Single Residential. Erf 4913 Hermanus is zoned Transport Zone 2: Road and Parking.

Surrounding properties are also zoned Residential Zone I: Single Residential and Transport Zone 2: Road and Parking purposes and being utilised as such.

3.3 LAND USE

Erf 341 Hermanus is used for single residential living purposes. An existing double storey dwelling with single garage and a garden is established on the property. Erf 4913 Hermanus is a vacant portion of land (portion of road) used to give access to erf 341 Hermanus from Westcliff Road. The largest extent of erf 4913 Hermanus is used for gardening purposes. Refer to the aerial photograph below.



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

3.4 PROPOSED APPLICATION

- The closure of a public road, erf 4913 Hermanus, in terms of Chapter 4, Section 16(2)(n) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020;
- The rezoning of erf 4913 Hermanus from Transport Zone 2: Road and Parking to Residential Zone 1: Single Residential, in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020;
- The consolidation of erf 4913 Hermanus with erf 341 Hermanus in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

The owner of erf 341 Hermanus, Mr. J.C. Davis, applied to purchase erf 4913 Hermanus (public street) that is $\pm 107\text{m}^2$ in extent from the Overstrand Municipality. Subsequently the Mayoral Committee resolved at their meeting held on 25 November 2020 that the public street portion (that currently serves as the Westcliff Road, road reserve), namely erf 4913 Hermanus, be sold to the above mentioned owner of erf 341 Hermanus and that erf 4913 Hermanus be rezoned and consolidated with erf 341 Hermanus. Refer to the copy of the Deed of Sale entered between Overstrand Municipality and J.C. Davis for erf 4913 Hermanus signed in February and March 2021 respectively by the buyer and seller. The minutes of the Mayoral Committee meeting are included as an Annexure in the Deed of Sale document.

Erf 4913 Hermanus was previously subdivided from erf 341 Hermanus for road widening purposes. The widening of Westcliff Road is no longer envisaged and most of the adjacent properties were able to regain the road reserve portions. The intention of the owner of erf 341 Hermanus is to purchase this portion of the public road, erf 4913 (a portion of erf 341) Hermanus, from the Overstrand Municipality. The portion of the public road (erf 4913 Hermanus) is no longer considered part of the future road planning upgrades for the area and will be rezoned to Residential Zone 1 and consolidated with erf 341 Hermanus.

It is now required that an application be lodged for:

- the closing of a public road, erf 4913 Hermanus;
- the rezoning of erf 4913 Hermanus from Transport Zone 2: Roads and Parking to Residential Zone 1: Single Residential;
- the consolidation of erf 4913 Hermanus with Erf 341 Hermanus.

Erf 4913 Hermanus is a public road adjacent to erf 341 Hermanus that is $\pm 107\text{m}^2$ in extent. This portion of public road currently forms part of the road reserve of Westcliff Road initially obtained for road widening purposes. The Council approved the sale of erf 4913 Hermanus to the adjacent property owner, erf 341 Hermanus. As previously mentioned, erf 4913 Hermanus was previously subdivided from erf 341 Hermanus for future road widening purposes. It should be noted that erf 4913 Hermanus is already used by the owner of erf 341 Hermanus to obtain access to the existing garage from Westcliff Street. Erf 4913 Hermanus is already landscaped and forms part of the garden of erf 341 Hermanus.

In order to consolidate erf 4913 Hermanus (public road) with erf 341 Hermanus, it is required that the public road be closed, and the road portion be rezoned. An application is therefore submitted for the rezoning of erf 4913 Hermanus from Transport Zone 2: Roads and Parking to Residential Zone I: Single Residential - the same zoning as erf 341 Hermanus.

It is then proposed to consolidate erven 4913 and 341 Hermanus as follows:

TOTAL EXTENT OF CONSOLIDATION (unregistered erf 12716 Hermanus)	1071m ²
PROPOSED CONSOLIDATION	Erf 4913: 107m ² Erf 341: 964m ²

Refer to the Consolidation Plan and draft consolidation diagram compiled by Van Dyk Land Surveyors for unregistered erf 12716 Hermanus attached.

Special conditions were specified with reference to the approval of the sale of erf 4913 Hermanus to the owner of erf 341 Hermanus:

16. SPECIAL CONDITIONS

- 16.1 The Property must be consolidated with the PURCHASER's property, being erf 341 Hermanus, simultaneously with the registration of this transfer.
- 16.2 Any additional and / or extended vehicle entrances will be at the cost of the PURCHASER. The upgrade sidewalks adjacent to the Property may be required to be upgraded as part of any development on the Property, such upgrade may only be done with the prior written consent of the Senior Manager: Operational Services Hermanus.
- 16.3 The Property shall be used exclusively for gardening purposes and this condition must be registered against the title deed of the consolidated property.
- 16.4 No structures of any kind, excluding a boundary wall or fence, may be erected on the Property and this condition must be registered against the title deed of the consolidated property.
- 16.5 The PURCHASER shall not erect, or cause or permit to be erected, any boundary wall and or fence on the Property until such time as the plans therefore have been approved by the by the delegated authority of the SELLER. Such approval does not absolve the PURCHASER from compliance with other terms and conditions of this agreement and /or any other relevant documentation or legislation.

From the above it is evident that no buildings or structures may be constructed on erf

4913 Hermanus after consolidation has taken place except for a boundary wall or fence. The conditions of sale also limit the use of erf 4913 Hermanus for gardening purposes only. The existing access can be retained, and any new accesses must adhere to the requirements as specified in condition 16.2. Subsequently, the actual use of this specific portion of the road will remain unchanged (for access to the existing garage and for gardening purposes). Rezoning and consolidating erven 4913 and 341 Hermanus will be beneficial to the surrounding neighbours from a security point of view and will also take the burden from the municipality for the maintenance of this portion of the public street.

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 a public street that is $\pm 107\text{m}^2$ in extent that will be used as an extension of the garden of erf 341 Hermanus. The impact on the character of the area will therefore be minimal. The proposed street closure, rezoning and consolidation of erven 4913 and 341 Hermanus will not have a negative impact on the neighbouring properties or residential character of the area.

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

Erf 4913 Hermanus is a non-viable portion of a public street that can be better utilised if incorporated with erf 341 Hermanus as an extension of the garden. Subsequently the land use being a vacant portion of a public street will remain the same and will be used as an extension of the garden and to retain the access to erf 341 Hermanus from Westcliff Road.

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 street that has no function as a public road. This application is merely to incorporate a small non-viable portion of a public street that is $\pm 107\text{m}^2$ in extent with an adjoining residential erf that will be used as an extension of the garden.

3.7 ECONOMIC IMPACT

The proposed public street closure, rezoning and consolidation will not have a negative impact on the future land use of erven 4913 and 341 Hermanus. Property values of surrounding erven will not be negatively affected by the proposed application since the portion of road (erf 4913 Hermanus) is already used to give access to the existing garage on erf 341 Hermanus and the subject property is already considered an extension of the garden of erf 341 Hermanus.

The proposed road closure, rezoning and consolidation will have a positive impact on the local economy. The proposed land use application will ensure that the property owner of erf 341 Hermanus meets all the conditions of approval for the acquisition of a portion of public street (erf 4913 Hermanus).

The consolidation of the public road portion (erf 4913 Hermanus) with erf 341 Hermanus will have a positive impact on the property values of the respective erven and in turn the property values of the area. The municipality will receive funds for selling the road portion, versus an unconstructed public road that has no income potential to the municipality or need in terms of road planning for the area.

3.8 SOCIAL IMPACT

The proposed closure of a portion of public street, rezoning and consolidation will have a positive impact on the social status quo of the area.

By allowing the acquisition of land (and in turn approving the land use application) it will eliminate the possible maintenance related concerns an unconstructed road portion can have on the neighbouring residential properties.

The impact that the proposed application will have on the social wellbeing of the surrounding community will only be beneficial and no negative impacts are anticipated.

3.9 COMPATIBILITY WITH SURROUNDING LAND USES

The subject properties are situated in a residential area. Only the road portion will be rezoned to allow the consolidation with the neighbouring erf 341 Hermanus. The zoning of the newly consolidated erf will be SR1 therefore the proposed land use application is compatible with the surrounding land uses. In addition, the proposed erf size of 1071m² after road closure, rezoning and consolidation is still compatible with surrounding erf sizes.

In effect no public street is "lost" with this application since the portion of the public street already forms part of the adjacent erf 341 Hermanus. The proposal to close a portion of public street, rezone and consolidate the road portion with erf 341 Hermanus will not result in any erven in the immediate vicinity to be land locked. All erven in the immediate vicinity will retain their existing accesses.

In addition, no new structures (except boundary wall and fences) will be allowed on the existing road portion once consolidated as previously discussed. The look and feel of the proposed land use are in line with the general look and feel of the existing residential character of the area. Thus, there will be no impact on the character of the area.

3.10 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.10.1 PROVISION OF SERVICES

All services on erf 341 Hermanus already exist and the inclusion of erf 4913 Hermanus will not require any additional services. The proposal will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.10.2 TRAFFIC IMPACT AND ACCESS

Access to erf 341 Hermanus is currently from both Rocklands Road and Westcliff Road. The existing accesses to erf 341 Hermanus will remain unchanged and no new access points are proposed. Erf 4913 Hermanus will be used as an extension of the garden and to continue giving access to the existing garage on erf 341 Hermanus 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.

3.11 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.11.1 HERITAGE VALUE

The application does not involve changing the character of a site larger than 5 000m². In addition, no development is proposed for the consolidated property. Consequently,

Motivation report
the proposed land use application does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erven 4913 and 341 Hermanus are not situated within the Heritage Overlay Zone as determined by the Overstrand Municipal Growth Management Strategy (2010). Erven 4913 and 341 Hermanus are not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009). In addition, the subject properties do not fall within the Heritage Protection Overlay Zone (2020) demarcated for the Hermanus Central area.

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

Considering the above it is evident that the proposed public street closure, rezoning and consolidation will not hinder any future land use applications on the subject erven. From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

3.11.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed closure of a public street, rezoning and consolidation (land use application) to create a newly consolidated single residential erf do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). In addition, the subject property does neither fall within the Coastal Management Zone nor the Environmental Management Overlay Zone (2020).

Should the future development (if any) of the newly consolidated residential property trigger a NEMA application, due process will be followed prior to the commencement of construction on site.

3.12 TITLE DEED

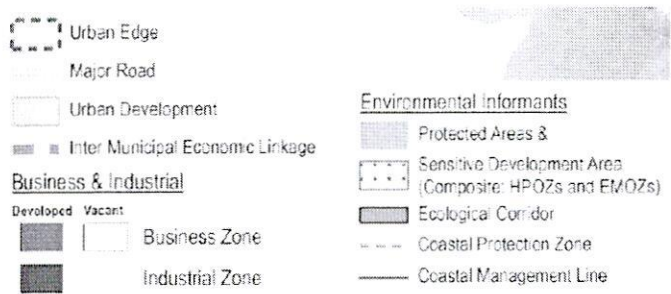
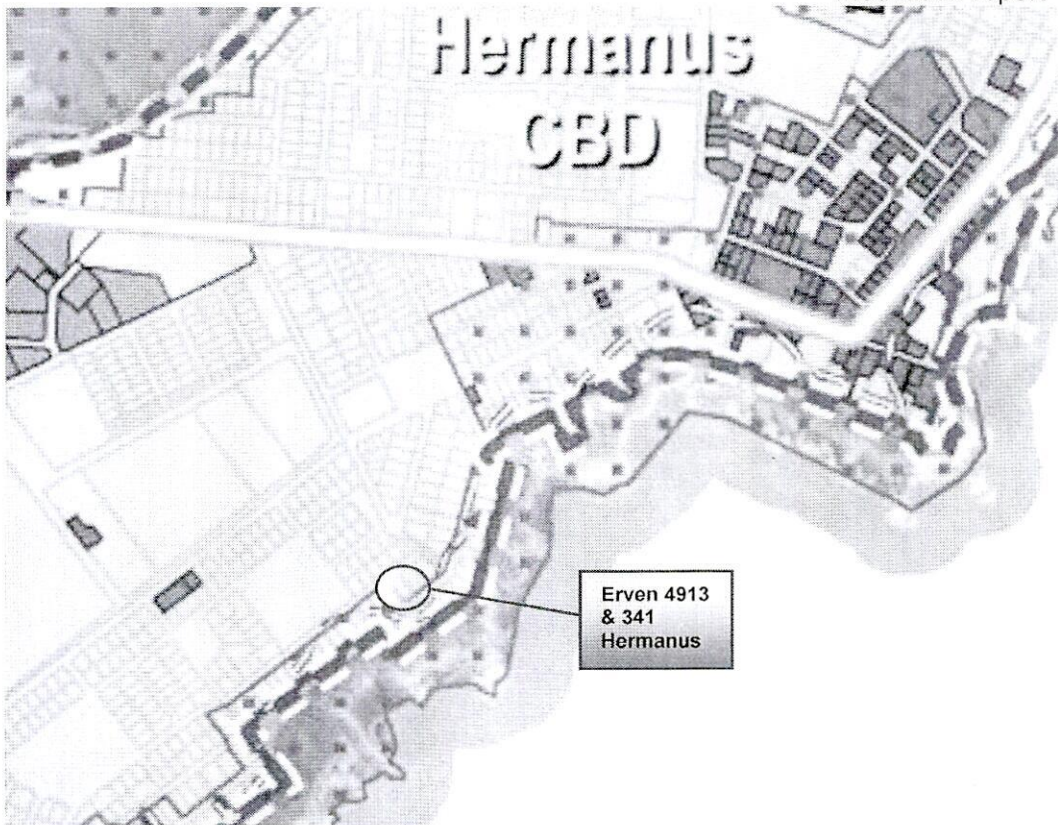
Title deeds no. T3702/1960 and T19095/2014 have no restrictions that need to be removed for this application to be approved. A conveyancer's certificate is not included with this application since the title deeds are straight forward.

There are no bonds registered against erven 4913 and 341 Hermanus.

3.13 FORWARD PLANNING AND LAND USE DOCUMENTS

3.13.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The Overstrand Spatial Development Framework (2020) earmarks the area where erven 4913 and 341 Hermanus are situated, for urban development purposes. Refer to the Spatial Development Framework Plan (2020) below. The zoning and use of the newly consolidated property will remain unchanged (Residential Zone I: Single Residential for single residential use). As a result, the impact of the proposed road closure, rezoning and consolidation on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

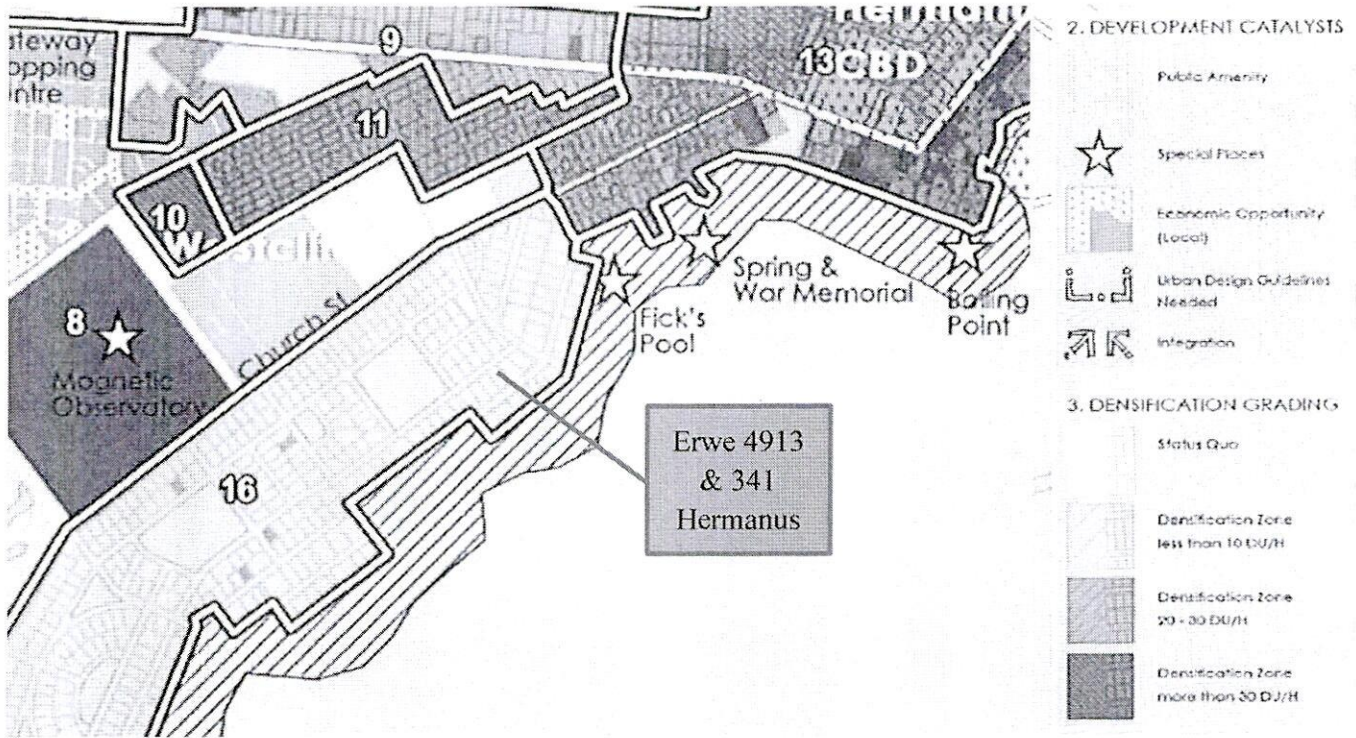


3.13.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The Overstrand Municipality's densification policy stipulates that it is important to enhance and protect the character of the existing low-density residential area such as Westcliff, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available within the greater Hermanus area.

Motivation report

The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) specifies that erven 4913 and 341 Hermanus are part of Planning Unit no. 16 that consists of the established Westcliff residential area. Refer to the extract from the OMGMS (2010) Proposals Plan below for Hermanus Central below:



Densification is proposed for this area by means of subdivision to allow for a second and third dwelling unit respectively.

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

From the above it is evident that the proposed street closure, rezoning and consolidation adhere to the spatial planning policies for the Hermanus area and subsequently falls within the existing planning for the Hermanus area.

3.14 PLANNING PRINCIPLES

The planning principle of spatial resilience is not applicable to this application.

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

Spatial sustainability: The newly consolidated property is developed in line with the Residential Zone I: Single Residential land use parameters as stipulated in the Land Use Scheme. Any future proposal that deviates from the SR1 parameters, will have to follow a separate land use application. In addition, the proposed closure of a portion of public street, rezoning and consolidation will be in line with the layout pattern and erf sizes applicable to the area. The proposed land use application is to an improved erf within an established residential area and therefore will not impact on urban sprawl, or upon a sensitive environment.

It is submitted that the newly consolidated residential erf is compatible with the character of the area and will not impact negatively on the existing rights of anyone else. The impact on the biophysical environment will also be kept to a minimum (i.e. no impact on natural, heritage or agricultural resources). Furthermore, the proposed application will have no adverse impact on the spatial sustainability of the area and is in keeping with the existing residential area as discussed in this report.

Efficiency: Erf 4913 Hermanus is a small non-viable portion of a street that is $\pm 107\text{m}^2$ in extent. This portion of the public street has no function as a street and 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 the road reserve. The Overstrand Municipality also gains from a financial point of view since erf 4913 Hermanus is purchased from the Overstrand Municipality at market value.

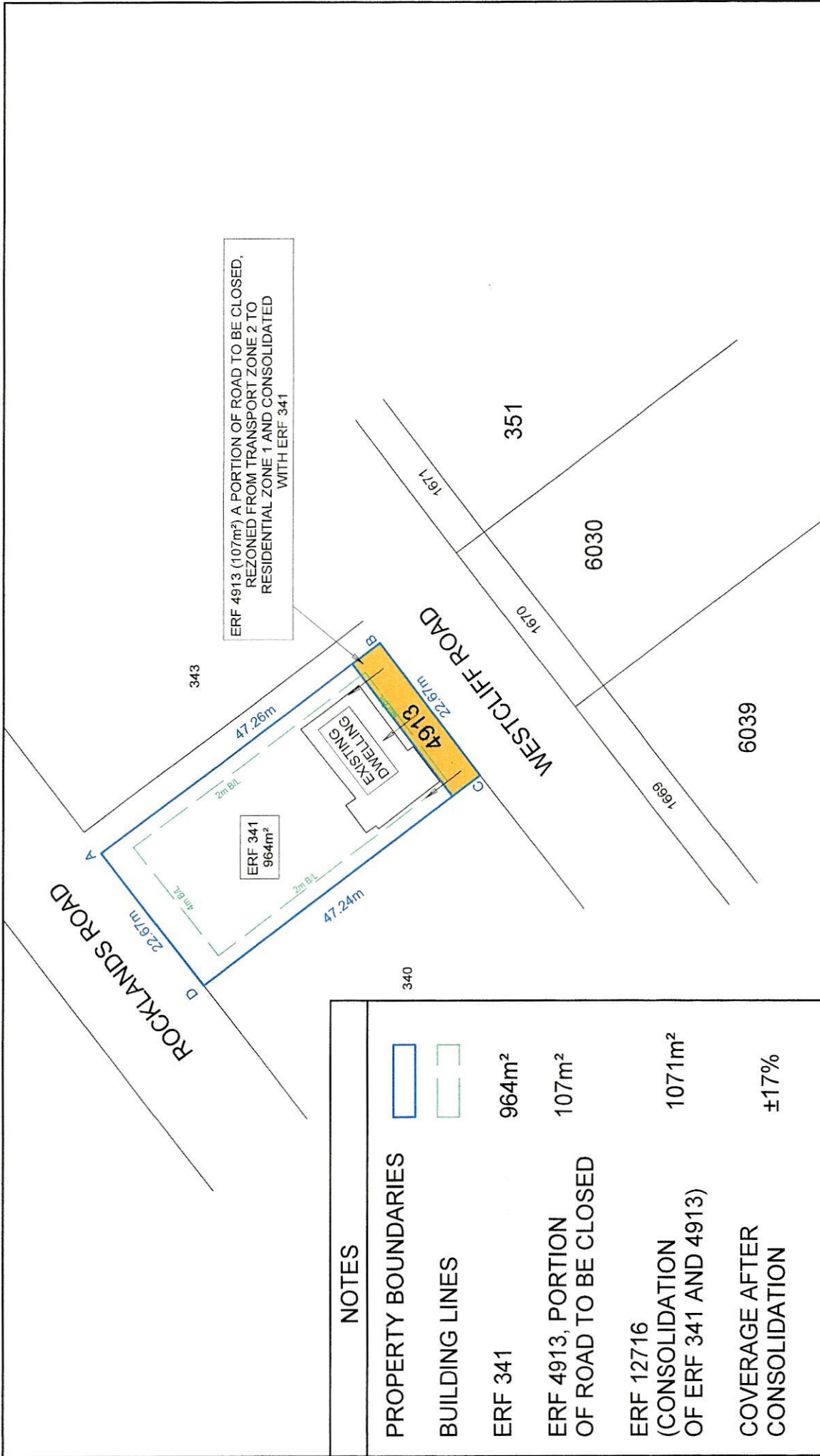
Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's 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 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:

- All services already exist. Additional services will not be required;
- Access to the subject property will remain unchanged and the impact on the traffic will also remain unchanged;
- The proposed public street closure, rezoning and consolidation are compatible with the existing built character of the area;
- The proposed public street closure, rezoning and consolidation will not have a negative impact on the land values of the surrounding erven;
- The Overstrand Municipality gains capital since erf 4913 Hermanus is purchased from the municipality at market value;
- The municipality will be alleviated from the burden of upkeeping a portion of street (road reserve) that has no function as a public street;
- This application is merely to incorporate a small non-viable portion of a public street that is ±107m² in extent with an adjoining residential erf that will be used to gain access from Westcliff Road and as an extension of the garden.

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would approve the public street closure, rezoning and consolidation applicable to erven 4913 and 341 Hermanus.



ERF 4913 (107m²) A PORTION OF ROAD TO BE CLOSED, REZONED FROM TRANSPORT ZONE 2 TO RESIDENTIAL ZONE 1 AND CONSOLIDATED WITH ERF 341

ERF 341
964m²

NOTES	
PROPERTY BOUNDARIES	
BUILDING LINES	
ERF 341	964m ²
ERF 4913, PORTION OF ROAD TO BE CLOSED	107m ²
ERF 12716 (CONSOLIDATION OF ERF 341 AND 4913)	1071m ²
COVERAGE AFTER CONSOLIDATION	±17%

	Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERYEN 341 & 4913 HERMANUS	Plan Description: PORTION OF ROAD CLOSURE, REZONING AND CONSOLIDATION PLAN	Scale: 1:700 Drawing Nr: consol.plan.dwg Date: NOVEMBER 2021



ERF 4913 (107m²), A PORTION OF ROAD TO BE REZONED FROM TRANSPORT ZONE 2 TO RESIDENTIAL ZONE 1 AND CONSOLIDATED WITH ERF 314

ERF 341
964m²

NOTES

- PROPERTY BOUNDARIES
- BUILDING LINES
- ERF 341 964m²
- ERF 4913, PORTION OF ROAD TO BE CLOSED 107m²
- ERF 12716 (CONSOLIDATION OF ERF 341 AND 4913) 1071m²
- COVERAGE AFTER CONSOLIDATION ±17%



All distances approximate and subject to survey.
COPY RIGHT RESERVED

Property Description:
ERVEN 341 & 4913 HERMANUS

Plan Description:
AERIAL PHOTOGRAPH

Scale: **1:700**
Drawing Nr: **aerial.drw**
Date: **NOVEMBER 2021**

