

**ERF 6334, 15 SEVENTEENTH AVENUE, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF E SWANEPOEL**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received in terms of Section 16(2)(d) to subdivide Erf 6334, Hermanus into two (2) portions namely, Portion A approximately 447m<sup>2</sup> in extent and Portion B approximately 458m<sup>2</sup> in extent.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **16 December 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments 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 comment.

**ERF 6334, SEWENTIENDE STRAAT 15, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING: MNRE PLAN ACTIVE STAD- EN STREEKSBEPLANNERS NAMENS E SWANEPOEL**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat n aansoek ontvang is in terme van Artikel 16(2)(d) om Erf 6334, Hermanus te onderverdeel in twee (2) gedeeltes naamlik, Gedeelte A ongeveer 447m<sup>2</sup> groot en Gedeelte ongeveer 458m<sup>2</sup> groot.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **16 Desember 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 ten einde hul kommentaar te formaliseer.

**ISIZA-ERF 6334, 15 SEVENTEENTH AVENUE, VOËLKLIP, HERMANUS, KUMMANDLA KAMASIPALA WASEOVERSTRAND: ISICELO SOKWAHLULAH LULA: MESSRS PLAN ACTIVE TOWN AND REGIONAL EGAMENI LIKA- E SWANEPOEL**

Kkukhutshwe isaziso esimayela nemiba yeSoloty lama48 nguMasipala waseOverstrand ngoMthethwana oSisihlomelo soMthethwana ongeZicwangciso zokusetyenziswa koMhlaba kaMasipala ku2020 (uMthethwana) esithi kufunyenwe isicelo esihambelana nemiba yeSoloty le16(2)(d) ukwahlulahlula isiza esinguErf 6334, Hermanus sibe zinxalenye ezimbini (2) iinxalenye ezibizwa iNxalenye A emayela nama447m<sup>2</sup> ubukhulu kunye neNxalenye B emayela nama458m<sup>2</sup> ubukhulu.

Iinkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi 08:00 neye6:30 kwiSebe: lezicwangciso ngeDolophu, Paterson Street, Hermanus. Naziphina izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama51 nelama52 loMthethwana kaMasipala ongentla (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla **16 EyoMnga ku2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mnu P Roux** kwa028-313 8900. Umasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso ngeDolophu apho igosa likaMasipala liza umncedisa ukuhlomla ngokusemthethweni



Scale: NTS  
 Drawing Nr: her6334L.dwg  
 Date: 08/2022

Plan Description:

LOCALITY MAP

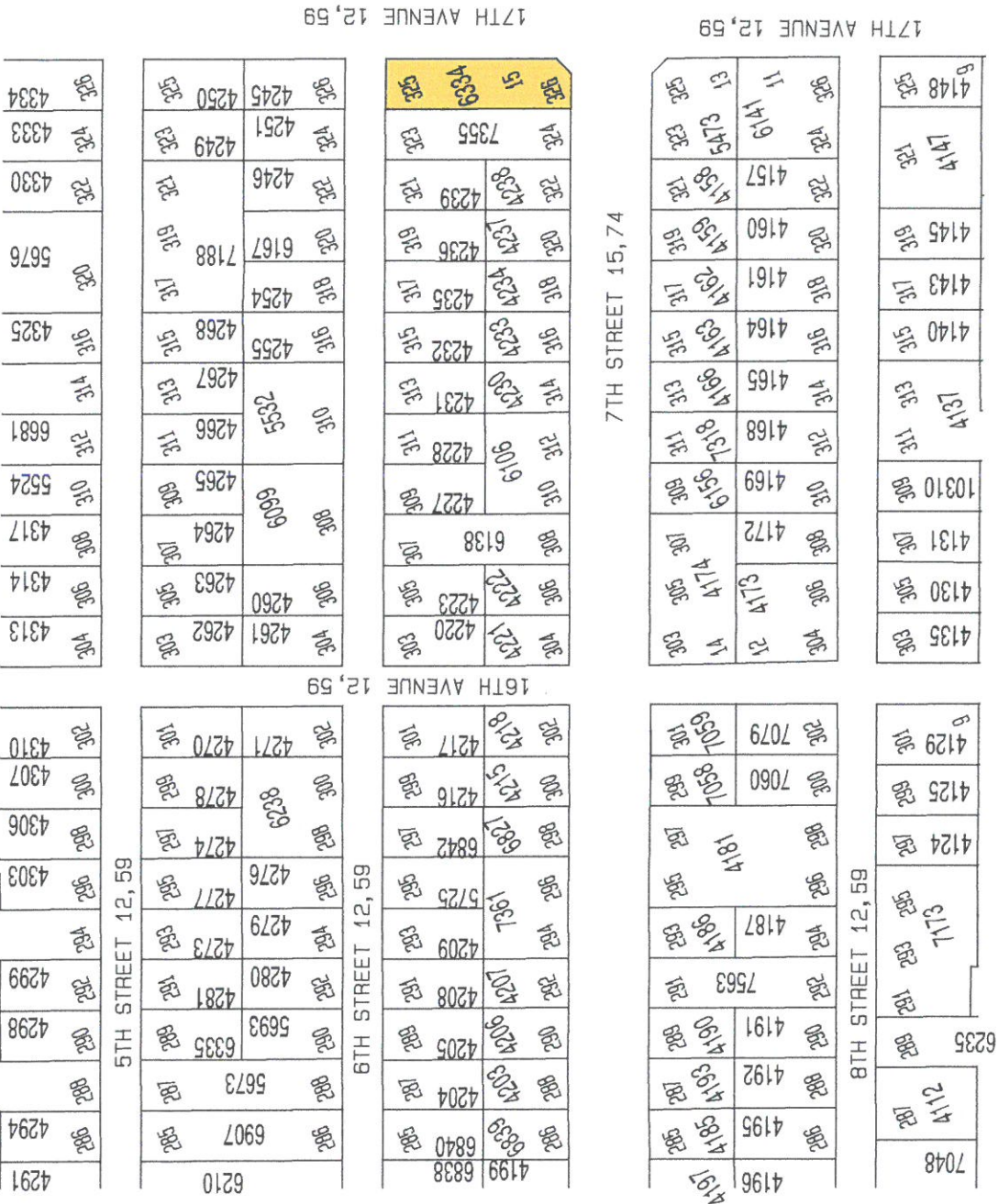
Property Description:

ERF 6334  
HERMANUS

All distances approximate  
and subject to survey.

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Stads- en Streeksbeplanners  
Town & Regional Planners



**PROPOSED SUBDIVISION AND  
EXEMPTED BUILDING LINE  
ENCROACHMENT**

**ERF 6334 HERMANUS**

**VISION: CALEDON**

**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

1. **BACKGROUND**

The owner of Erf 6334 Hermanus, Mrs. E Swanepoel, has instructed the company Plan Active to apply for the subdivision and a building line encroachment of Erf 6334 Hermanus.

The owner intends to subdivide Erf 6334 Hermanus to create one additional erf. The Title Deed applicable to Erf 6334 Hermanus contains no restrictions that need to be addressed in order for the proposed application to be approved.

Erf 6334 Hermanus is 906m<sup>2</sup> in extent and is held by Title Deed Number T22141/2010.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the amended Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 6334 Hermanus.

The building line encroachment complies with Section 16.1.1(c) and will be dealt with later in this motivation report.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

Erf 6334 Hermanus is located on the corner of Main Road (7<sup>th</sup> Street) and 17<sup>th</sup> Avenue Voëlklip, Hermanus, and is 906m<sup>2</sup> in extent. Please refer to the enclosed locality plan.

### **3.2 ZONING**

Erf 6334 Hermanus is zoned Residential Zone 1 and is utilized as such. An application was formerly approved to construct a second dwelling on the erf. The surrounding properties are zoned for single residential purposes, public roads and public open space.

### **3.3 LAND USE**

Erf 6334 Hermanus is used for residential purposes. A double storey dwelling, double garage and second dwelling unit are established on the subject property. These structures have been labelled on the proposed subdivision plan. Access to Erf 6334 Hermanus is currently obtained from 17<sup>th</sup> Avenue, Voëlklip.

Land uses that surround Erf 6334 Hermanus are single dwellings, public roads, and public open spaces. It is therefore evident that Erf 6334 Hermanus is situated within a predominantly single residential area.

#### 4 PROPOSAL

The following is proposed:

- Chapter 4, Section 16(2)(d) of the amended Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 6334 Hermanus.

The building line encroachment complies with Section 16.1.1(c) and will be dealt with later in this motivation report.

The intention of the owner of the subject property is to subdivide Erf 6334 into two portions, Portion A and Portion B, and to simultaneously address a building line encroachment as a result of the proposed subdivision line, to accommodate an existing portion of a garage.

##### 4.1. Proposed Subdivision

The detail of the subdivision can be described as follows:

| Subdivision of Erf 6334 Hermanus |                    |                            |                    |
|----------------------------------|--------------------|----------------------------|--------------------|
| Proposed Portions                | Size               | Land use                   | Zoning             |
| Portion A                        | ±447m <sup>2</sup> | Dwelling and double garage | Residential Zone 1 |
| Portion B                        | ±458m <sup>2</sup> | Existing second dwelling   | Residential Zone 1 |

The proposed subdivision of Erf 6334 Hermanus follows the approximate same configuration as the residential erven in the residential block and would also be of a similar size. Please note that the erven alongside 7<sup>th</sup> Street are smaller due to road widening that took place. The extent of the erven are reduced by ±80m<sup>2</sup> per erf.

The subdivision line was determined by the position of the existing dwelling, double garage and second dwelling unit. The distance between the second dwelling unit and the double garage is  $\pm 3\text{m}$ . It was decided that the subdivision line be located 2m from the existing second dwelling unit in order to comply with the 2m building lines that is applicable to single residential properties. Subsequently the existing double garage will be located 1m from the proposed subdivision line. The reason for locating the proposed subdivision line 1m from the existing garage is because it is exempted in terms of Section 16.1.1.(c) of the Overstrand Municipal Land Use Scheme Regulations 2020.

The proposed subdivision will have a positive impact on the economy of the area, by allowing the subdivision of the subject erf. One additional residential property will be created from which the municipality can attain bulk service levies as well as monthly rates and taxes. Future possible plans of extending the second dwelling will create temporary employment during the construction phase thereof.

#### **4.2. Building Line Encroachment**

The Overstrand Scheme Regulations in general stipulate that a 4m street building line and a 2m lateral building line apply to Residential Zone 1: Single Residential properties larger than 400m<sup>2</sup> in extent. In terms of Section 16.1.1(c) of the Overstrand Municipal Land Use Scheme Regulations 2020 the Overstrand Municipality may approved the encroachment of a side building line if it complies with the following:

##### **Encroachment of side and rear building lines permitted**

- c) The Municipality may approve the construction of a structure used for the housing of vehicles that encroaches onto the side and rear building lines, provided that:
  - (i) written consent from the immediate neighbours is obtained;

*No water will be discharged onto the adjoining property.*

- (viii) the garage/carport shall be included in the calculation of coverage on the land unit;

*The garage has been included for the calculation of coverage.*

- (ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.

*We trust that the municipality will find that the existing garage structure and the construction material used to be satisfactory and that it does not pose a fire hazard.*

Should any of the above-mentioned not be complied with, an application will be applicable.

With reference to the above prescriptions and our comments thereon it is clear that the building line encroachment can be supported and does not constitute an application.

#### **4.3. The Title Deed restrictions**

The enclosed Title Deed, 22141/2010, contains no restrictive conditions that have to be addressed. Please refer to the enclosed Conveyancer Certificate requested from Dykes van Heerden Slabbert Hopkins Attorneys & Conveyancers and endorsed Title Deed, T 22141/2010.

#### **5. ACCESS**

Vehicular and pedestrian access to proposed Portion A on which the main dwelling and garage are established will remain unchanged and will continue to be from 17<sup>th</sup> Avenue.

2 options for access points were discussed with the Engineering Department and the Department of Transport. At first vehicular access to Portion B was proposed from 7<sup>th</sup> Street but was not supported by both the Engineering Department and the Department of Transport. We subsequently changed the supported proposed vehicular access to Portion B from 7<sup>th</sup> Street to 17<sup>th</sup> Avenue as indicated on the subdivision plan. Please refer to our e-mail correspondence that we have attached as **Annexure C**.

## **6 SERVICES**

Erf 6334 Hermanus is situated in an already developed residential area, municipal services already exist to which the newly created erf, could connect to. It should be taken into consideration that Portion A accommodates an already serviced dwelling and garage, and that Portion B accommodates an approved serviced second dwelling unit. All required services will be installed according to the specifications of the Overstrand Municipality.

## **7 TITLE DEED**

The Title Deed T22141/10 has no restrictions that need to be addressed in order for the owner to subdivide and utilise the subject property to its fullest potential. Please refer to paragraph 4.3 above.

There is no bond registered against Erf 6334 Hermanus.

## **8 FORWARD PLANNING**

### **Overstrand Municipal Spatial Development Framework (2020).**

In terms of the Overstrand Spatial Development Framework the subject property is situated within an existing urban area where densification within urban areas is

encouraged to limit urban sprawl. The residential zoning of both portions will be retained after the subdivision application has been concluded.

### **Overstrand Growth Management Strategy (2010)**

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that Erf 6334 Hermanus forms part of Planning Unit no. 5. A variety of densification interventions are proposed for this planning unit consisting of incremental densification by subdivision into 2 or 3 erven, the development of free-standing duplex housing and duplex row housing etc.

Each application should be dealt with on its own merit. Erf 6334 Hermanus is one of the larger erven in this residential block and double the size of an average residential erf in the area. The areas of the newly created erven will still be compatible with the areas of the residential erven in the vicinity and can therefore be supported.

## **8.1 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

### **8.1.1 HERITAGE VALUE**

Erf 6334 Hermanus is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

Considering the above mentioned it is evident that the proposed subdivision will not have a negative impact on the heritage value of the subject property or the greater area of Hermanus.

#### **8.1.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed subdivision does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### **9 PLANNING PRINCIPLES**

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

**Spatial Justice:** The proposed subdivision is in line with the current erf sizes and land use tendencies in the vicinity within the Voëlklip area. The proposed subdivision will create an opportunity for future landowners to obtain land.

**Spatial sustainability:** The proposed subdivision is in line with the current character of the established residential area. The proposed application will have no impact on the conservation worthy areas of Hermanus. Spatially the land use and erf size of the created portions will be in line with the residential character of the Voëlklip area.

**Efficiency:** The proposed application for the subdivision of Erf 6334 Hermanus, will promote the optimisation of the use of space within a developed residential area.

**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

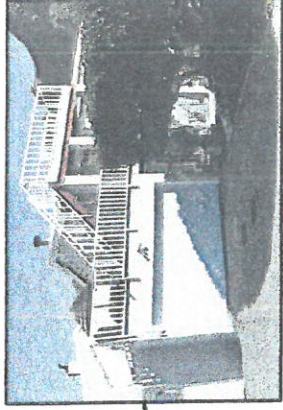
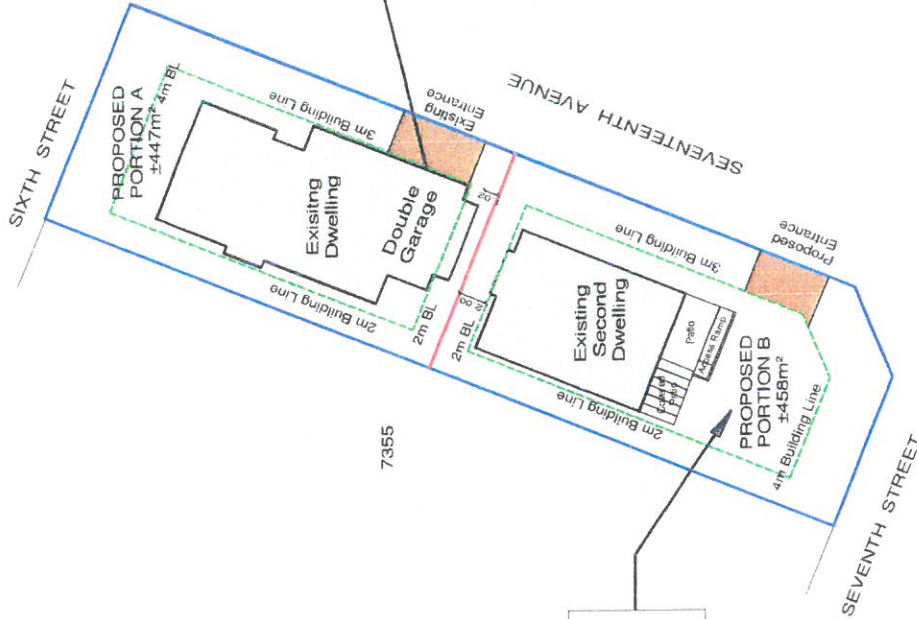
likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental 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). In our opinion the principle of Spatial Resilience is 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 By-law on Municipal Land Use Planning, 2020.

## 10 **RECOMMENDATION**

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

- The proposed subdivision of Erf 6334 Hermanus falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing erf sizes in the area;
- The proposed subdivision will not have a negative impact on the current character and land values of the surrounding erven.
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).



Existing Double Garage

- NOTES:**
- Existing Erf Boundaries
  - Proposed Subdivision Line
  - Building Lines
  - Existing Structures
  - Existing and Proposed Driveways
- Proposed Portion A = ±447m<sup>2</sup>  
Coverage = ±178m<sup>2</sup> (40%)
- Proposed Portion B = ±458m<sup>2</sup>  
Coverage = ±118m<sup>2</sup> (25%)

The vacant area south of the existing dwelling will be utilised to make provision for at least 2 parking bays / garage / carport or a combination thereof to comply with the parking requirements.



Scale: 1:500  
 Drawing Nr: herf6334c.drw  
 Date: 06/2022

Plan Description:  
**PROPOSED  
 SUBDIVISION**

Property Description:  
**ERF 6334  
 HERMANUS**

All distances approximate and subject to survey.  
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