

**ERF 6078, 44 MOFFAT STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION AND DEPARTURE: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF LANGERMAN FAMILY TRUST**

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 the following applications have been received:

- subdivision in terms of Section 16(2)(d) to subdivide Erf 6078, Hermanus into 2 portions namely Portion A approximately 660m<sup>2</sup> and a Remainder approximately 656m<sup>2</sup> in extent; and
- departure in terms of Section 16(2)(b) to relax the southern lateral building line from 2m to 0m in order to accommodate a storeroom on the Remainder.

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 **25 June 2021** 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 6078, MOFFATSTRAAT 44, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING EN AFWYKING : PLAN ACTIVE STAD -EN STREEKSBEPLANNERS NAMENS LANGERMAN FAMILY TRUST**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat die volgende aansoeke ontvang is:

- onderverdeling ingevolge Artikel 16(2)(d) om Erf 6078, Hermanus in 2 gedeeltes te onderverdeel naamlik, Gedeelte A ongeveer 660m<sup>2</sup> en 'n Restant ongeveer 656m<sup>2</sup> groot; en
- afwyking ingevolge Artikel 16(2)(b) om die suidelike laterale boulyn te verslap vanaf 2m na 0m ten einde 'n stoorkamer op die Restant te akkommodeer.

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 **25 Junie 2021**, 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 ESINGU6078, 44 MOFFAT STREET, EASTCLIFF, HERMANUS, KUMMANDLA WASEOVERSTRAND: ISICELO SOKUCANDA KWAKHONA NOKWAHLULA: NGABAKWAPLAN ACTIVE TOWN AND REGIONAL PLANNERS EGAMENI LELANGERMAN FAMILY TRUST**

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 nguMasipala waseOverstrand ngokuHlomela uMthethwana OngeziCwangciso Zkusetenziswa koMhlaba kaMasipala ku2020 (UMthethwana) othi kufunyenwe ezi zicelo zilandelayo:

- Ukwahlulahlula ngokwemiba yeSoloty le16(2)(d) ukwahlula phakathi isiza esinguErf 6078, Hermanus sibe zinxalenye ezi-2 ezaziwa ngeNxalenye enguPortion A emayela nezikwemitha ezinagama660m<sup>2</sup> neNtsalela eyi Remainder emayela nezikwemitha ezingama656m<sup>2</sup> umlinganiselo;
- Nokwahlula ngokwemiba yeSoloty le16(2)(b) ukunyenya umgca wesakhiwo ongqamene necala elisempuma yesakhiwo ukusuka kwiimitha ezi2m ukuya ku0m ukulungiselela igumbi lokugcina impahla njengeNtsalelea eyaziwa ngeRemainder.

linkcukacha ezipheleleyo ngesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini, phakathi kwentsimbi yesi08:00 neye16:30 kwiSebe: Izicwangciso ngeDolophu, Paterson Street, Hermanus. Naziphi na izimvo zingangeniswa ngokwezibonelelo zeSoloty lama51 nelama52 Omthethwana kaMasipala (16 Paterson Street, Hermanus / (f) 028313-2093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla **25 iJuni 2021**, uchaze igama lakho, idiesi neenkukacha ofumaneka kuzo, umdla wakho kwesi siphakamiso nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa **kuMnu. P Roux** ku028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukubhala nokufunda angandwendwela kwiSebe leZicwangciso ngeDolophu apho igosa likamasipala liza kumnceda afake izimvo zakhe ngokusemthethweni.



**PROPOSED SUBDIVISION**  
**AND**  
**DEPARTURE**  
  
**ERF 6078**  
**HERMANUS**  
  
**DIVISION: CALEDON**  
**OVERSTRAND MUNICIPALITY**

## MOTIVATION REPORT

### 1. BACKGROUND

Mr. F.S. Langerman and Mr. J.S. Langerman on behalf of Langerman Family Trust, the owner of Erf 6078 Hermanus, has instructed the company Plan Active Town Planners to apply for the subdivision and departure of Erf 6078 Hermanus. Erf 6078 Hermanus formerly consisted of erven 1029 & 5286 Hermanus that were consolidated to create the subject erf.

The intention of the owner is to subdivide Erf 6078 Hermanus into two portions, Portion A, and a Remainder, very similar to the previous configuration of former erven 1029 & 5286 Hermanus. After the subdivision of Erf 6078 Hermanus the proposed storeroom will encroach the lateral building line and therefore a building line departure will also be applied for.

The Title Deed applicable to Erf 6078 Hermanus contains no restrictions that prohibit the proposed subdivision of Erf 6078 Hermanus and departure application.

Erf 6078 Hermanus is 1339m<sup>2</sup> in extent and is held by Title Deed Number T49183/2007.

## 2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 6078 Hermanus.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a departure of Erf 6078 Hermanus.

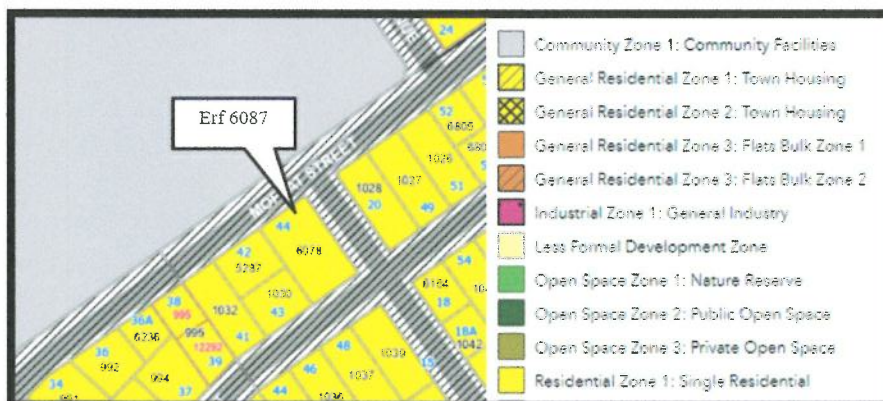
## 3. DESIRABILITY

### 3.1 PROPERTY DESCRIPTION

Erf 6078 is situated at 44 Moffat Street, Hermanus. Please refer to the locality plan attached. Erf 6078 Hermanus is 1339m<sup>2</sup> in extent and is held by Title Deed No. 49183/2007. The subject property is situated in a predominantly single residential area.

### 3.2 ZONING

Erf 6078 Hermanus is zoned Residential Zone 1 and is utilized as such. Surrounding properties are also zoned for single residential purposes.



### **3.3 LAND USE**

Erf 6078 Hermanus is used for residential purposes. A dwelling, second dwelling and outbuildings are established on the subject property.

Land uses that surround Erf 6078 are predominantly single dwellings, public roads and the Hermanus High School. It is therefore evident that the subject property is situated within a predominantly single residential area.

### **3.4 PROPOSAL**

The following are proposed in terms of :

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the subdivision of Erf 6078 Stanford.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the departure of the prescribed building line to accommodate a storeroom on Erf 6078 Hermanus.

Erf 6078 is 1339m<sup>2</sup> in extent. The intention of the owner of the subject property is to subdivide Erf 6078 into two portions, Portion A and the remainder and simultaneously apply for a departure of the prescribing building line to accommodate a store room on the Remainder of Erf 6078 Hermanus.

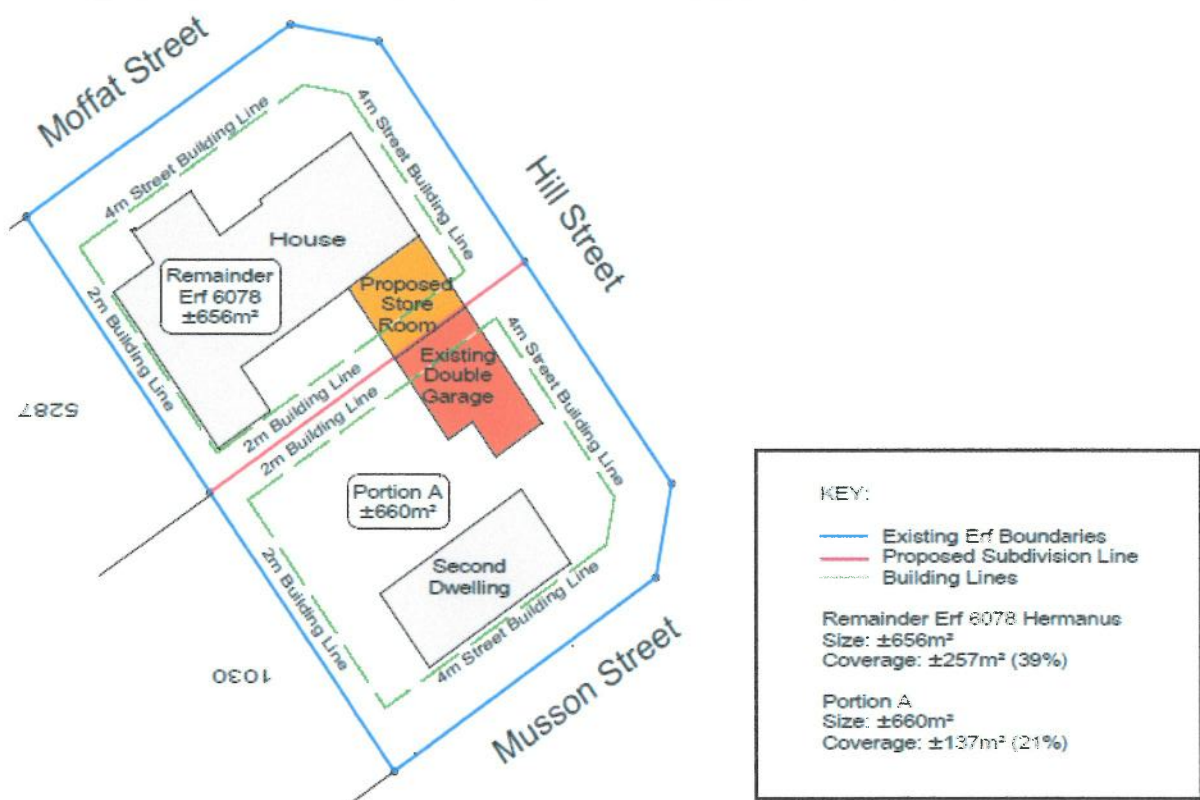
#### **3.4.1. Proposed Subdivision**

The detail of the subdivision can be described as follows:

Subdivision of Erf 6078 Hermanus				
Proposed Portions	Size	Land use	Zoning	Coverage in %
Remainder Erf 6078	±656m <sup>2</sup>	Dwelling with associated outbuilding & garage	Residential Zone 1	39%
Portion A	±660m <sup>2</sup>	Dwelling with double garage	Residential Zone 1	21%

The proposed subdivision of Erf 6078 Hermanus follows a very similar configuration as the residential erven in the same residential block and would also be of a similar size. Portion A and the remainder portion are ±660m<sup>2</sup> and ±656m<sup>2</sup> in extent, respectively.

The proposed subdivision line was determined by the existing boundary wall and building situated on the subdivision line as shown in the picture below.



The existing building (proposed storeroom and double garage), (situated on the proposed subdivision line) is currently used as a double garage and servant's quarters. After the proposed subdivision, the servant's quarters will be converted to a storeroom

that will be accessible from the outside only. The intention of the owner is to erect a firewall on the proposed common boundary (subdivision line) situated between the double garage and the new proposed storeroom.

The existing double garage and the proposed storeroom are be defined as outbuildings in terms of the definition of an outbuilding as stipulated in the Scheme Regulations that read as follows:

**“outbuilding” means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit and includes a building designed to be used for the garaging of motor vehicles, for storage purposes and any normal activities in so far as these are usually and reasonably required in the connection with the main dwelling as well as the accommodation of recreational activities such as a pool room, braai room, lapa and gazebo and the practising of hobbies (which may not cause a nuisance and/or disturbance and/or noise and/or damage to a neighbouring property or properties or premises); outbuildings are primary uses under each zoning except in open space zones where the Municipality may permit outbuildings should it be deemed necessary;**

According to Chapter 16 of the Overstrand Municipality Land Use Scheme, 2020 the following additional development parameters apply with regard to encroachment of building lines:

## **GENERAL ENCROACHMENTS**

### **Encroachment of building lines permitted**

16.1.1 *The following additional development parameters apply with regard to encroachment of building lines:*

#### **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;*

- (ii) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40-degree angle away from such boundary;*
- (iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);*
- (iv) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;*
- (v) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;*
- (vi) a 1,0 m wide access may be required to the satisfaction of the Fire Department;*
- (vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;*
- (viii) the garage/carport shall be included in the calculation of coverage on the land unit; and*
- (ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.*

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

The position of the existing garage on Portion A, a portion of Erf 6078 Hermanus, does comply with regards to **Chapter 16.1(c) of the Overstrand Zoning Scheme Regulations, 2020.**

The proposed subdivision will have a positive impact on the economy of the area. By allowing the subdivision, one additional residential property will be created from which the municipality can attain bulk services levies as well as monthly rates and taxes.

### **3.4.2. Departure**

The proposed storeroom on the Remainder of Erf 6078 Hermanus, after the subdivision of Erf 6078 Hermanus, requires a departure application from the building line applicable. The proposed departure application will be to accommodate the proposed storeroom (existing servants' quarters) on the remaining portion. The proposed storeroom will encroach the lateral building line (new building line after the subdivision of the subject property).

The building line departure can be described as follows:

- Relaxation of the **southern** lateral building line from 2m to 0m to accommodate the proposed storeroom on the Remainder of Erf 6078 Hermanus.

The Overstrand Scheme Regulations 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.

After the subdivision of Erf 6078 Hermanus, the proposed storeroom (existing servants' quarters) will be located on the proposed subdivision line, the new proposed common boundary. Please refer to the enclosed subdivision plan.

The proposed building line departure will not have a negative impact on the neighbouring property or the character of the greater Hermanus area. The owner intends to erect a firewall on the common boundary, between the double garage and the proposed storeroom.

### **3.5 ACCESS**

Vehicular and pedestrian access to Erf 6078 Hermanus is from Hill Street and Moffat Street, Hermanus.

With the proposed application of the subdivision of Erf 6078 Hermanus into Portion A, a portion of Erf 6078 and the Remainder, access to Portion A will be from Hill Street and access to the Remainder will be from Moffat Street. The existing access points will be retained.

### **3.6 SERVICES**

Erf 6078 Hermanus is situated in an already developed residential area, municipal services already exist to which the newly created erf, could connect to. It is our opinion that there are enough services available to service the proposed additional single

residential erf. If any additional services are required, it will be installed according to the specifications of the Overstrand Municipality.

### 3.7 TITLE DEED

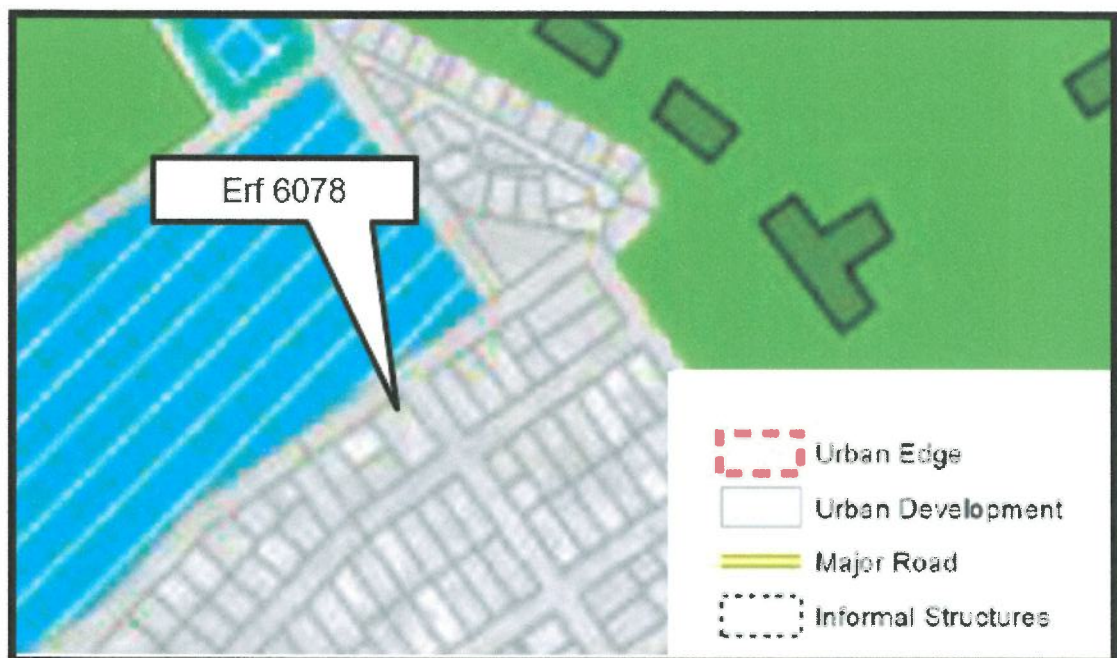
There are no restrictive Title Deed conditions that will have to be addressed in order for the subdivision and departure to be accommodated.

There is a bond registered against Erf 6078 Hermanus. The bondholder's consent has been requested and will be submitted on receipt thereof.

### 3.8 FORWARD PLANNING

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

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for urban development purposes. The **residential zoning** of the two portions, Portion A, a portion of Erf 6078 and the Remainder will be retained after the proposed subdivision and departure applications are concluded.



### **Overstrand Growth Management Strategy**

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 14. This planning unit is located on the eastern side of the Hermanus CBD and includes the Eastcliff high income residential area.

Incremental development through subdivision to allow for a second and third dwelling unit respectively is proposed for approximately 20% of the area/dwellings in this planning unit.

With reference to the above mentioned is it our opinion that the proposal is in line with the Growth Management Strategy. After the subdivision of Erf 6078 Hermanus, the Remainder will still be compatible with the existing erf sizes in the area taking into consideration that Erf 6078 Hermanus consists of 2 erven that were previously consolidated.

It is therefore our opinion that the proposed subdivision can be supported, and that the proposal is in line with forward planning strategies and also the current land use trends for the area.

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

#### **3.9.1 HERITAGE VALUE**

Erf 6078 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.

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

### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

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

### **3.10 PLANNING PRINCIPLES**

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

Spatial Justice: After the proposed subdivision of Erf 6078 Hermanus the proposed portions will be in line with the current erf sizes in the vicinity and the single residential land use of the property will also be retained. There are no restrictive Title Deed conditions that prohibit the subdivision and departure from the prescribed building line of the subject property. The land use restrictions in terms of the Overstrand Municipal Zoning Scheme under a zoning of Residential 1 will apply and the departure application is to accommodate an existing structure converted to a storeroom (outbuilding).

Spatial sustainability: The proposed subdivision and departure are 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 Remainder of Erf 6078 Hermanus and Portion A, a portion of Erf 6078 Hermanus will be in line with the residential character of the area.

Efficiency: The proposed application for the subdivision and departure will promote the optimisation of the use of space within a developed residential area. The subject property is also situated close to public and private schools and the Hermanus CBD 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). 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 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:

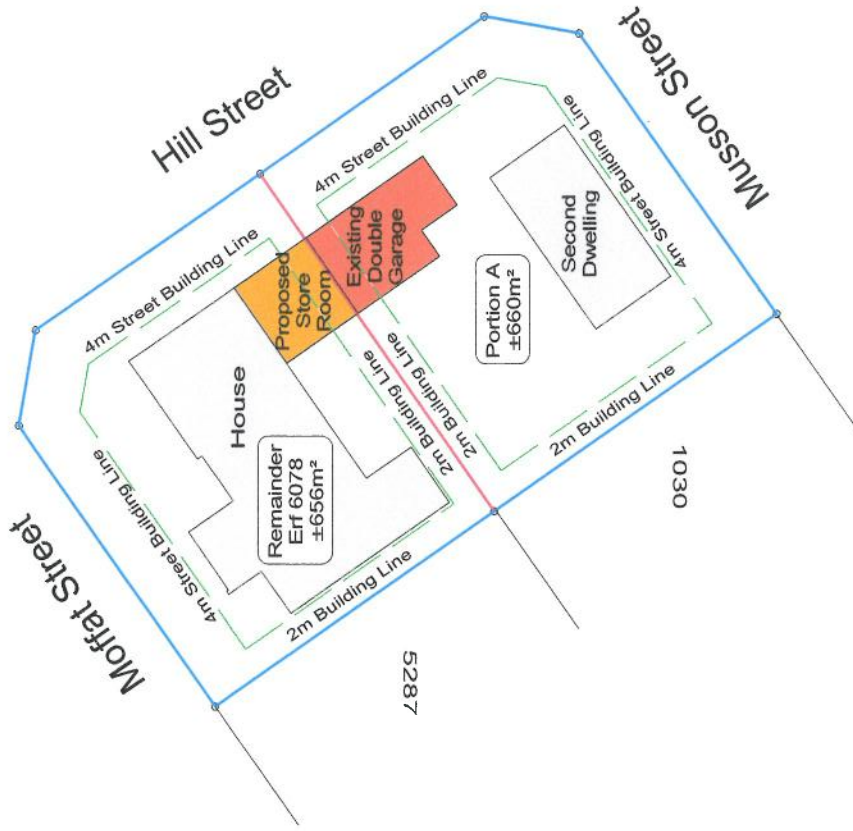
- The proposed subdivision of Erf 6078 Hermanus and a departure from the prescribed building line of the proposed Remainder of Erf 6078 Hermanus fall within the existing land use tendencies in the area;
- Erf 6078 Hermanus previously consisted of erven 1029 & 5286 Hermanus that were consolidated;
- The proposal is compatible with the existing erf sizes in the area;
- The subject property is situated in an already developed residential area and Portion A can easily be connected to existing services in the area;

- The municipality can attain bulk services levies as well as monthly rates and taxes from the additional portion proposed;
- The proposed subdivision and departure 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).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the subdivision of Erf 6078 Hermanus and the building line departure applicable to the proposed Remainder of Erf 6078 Hermanus.



	<b>Stads- en Streeksbeplanners</b> <b>Town &amp; Regional Planners</b>		All distances approximate and subject to survey.  COPY RIGHT RESERVED	<b>Property Description:</b>  <b>ERF 6078</b> <b>HERMANUS</b>	<b>Plan Description:</b>  <b>LOCALITY MAP</b>	<b>Scale:</b> NTS Drawing Nr: ERF 6078.drw Date: APRIL 2021	



**KEY:**

- Existing Erf Boundaries
- Proposed Subdivision Line
- Building Lines

Remainder Erf 6078 Hermanus  
 Size: ±656m<sup>2</sup>  
 Coverage: ±257m<sup>2</sup> (39%)

Portion A  
 Size: ±660m<sup>2</sup>  
 Coverage: ±137m<sup>2</sup> (21%)



Scale: 1:500  
 Drawing Nr: her6078s.dwg  
 Date: 04/2021

Plan Description:  
**SUBDIVISION PLAN**

Property Description:  
**ERF 6078 HERMANUS**

All distances approximate and subject to survey.  
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**PLAN active**  
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 Town & Regional Planners