

**ERF 4577, 7 MAGNOLIA STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE : FIRST PLAN ON BEHALF OF INVESTMENTS 1266 CC**

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 in terms of Section 16(2)(c) has been received for a temporary departure for the ground floor being utilised for offices and the first floor as a residential apartment for a period of 10 years.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **18 June 2021**, quoting your name, address and contact details, interest in the application, and reasons for comment. Telephonic enquiries can be made to **Mrs. H van der Stoep** 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 4577, MAGNOLIA STRAAT 7, NORTHCLIFF, HERMANUS, OVERSTRAND MUNISIPALITEIT: AANSOEK OM AFWYKING: FIRST PLAN NAMENS INVESTMENTS 1266 CC**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) ontvang is in terme van vir 'n tydelike afwyking dat die grondvloer kantore akkomodeer en die eerste verdieping as residensiële woonstel gebruik word vir 'n tydperk van 10 jaar.

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 skriftelike kommentaar moet ingevolge die bepalings van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **18 Junie 2021** met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mev. H van der Stoep** 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 4577, 7 MAGNOLIA STREET, NORTHCLIFF, HERMANUS, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKUPHAMBUKA : FIRST PLAN EGAMENI LE- INVESTMENTS 1266 CC**

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo wase-Overstrand woCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) ukuba isicelo sifunyenwe sokusuka ngokweCandelo le-16 (2) (c) ukuya ukuguqula ipropathi ibe ziiofisi.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus nakwithala leencwadi eKleinmond, Fifth Avenue, eKleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla **18uJuni 2021**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **Nkszn. H. Van der Stoep** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

MOUNTAIN



Nerina Road

Magnolia Avenue

MAIN STREET

TO GANSTADT

TO CAPE TOWN

OLD HARBOUR

COASTAL ZONE

COASTAL ZONE

WALKER BAY

# LOCALITY PLAN

## Rezoning of Erf 4577 Hermanus



THE SITE

DATE

July 2020

ANNEX

4



NOT TO SCALE

CLIENT

Snapshot Investments 1226 cc

**FIRST PLAN**

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# APPLICATION FOR A TEMPORARY LAND USE DEPARTURE ERF 4577 HERMANUS

## SECTION A BACKGROUND INFORMATION

### 1. INTRODUCTION

Erf 4577, Hermanus (here-after referred to as the subject property) is located on the corner of Magnolia- and Nerina Street in Central Hermanus. The property is zoned Residential Zone 1: Single Residential (SR1), but it has been used as an office for many years due to the local area being predominantly non-residential by nature, accommodating a variety of land uses including the Overstrand Municipal Offices, the Hermanus High School, Hermanus Bowling Green, Hermanus Fire Brigade, the Scout Hall, and various other offices and consulting rooms. The character of the local area therefore clearly reflects a mixed land-use environment that justifies the continued use of the subject property for limited offices and a residential apartment.

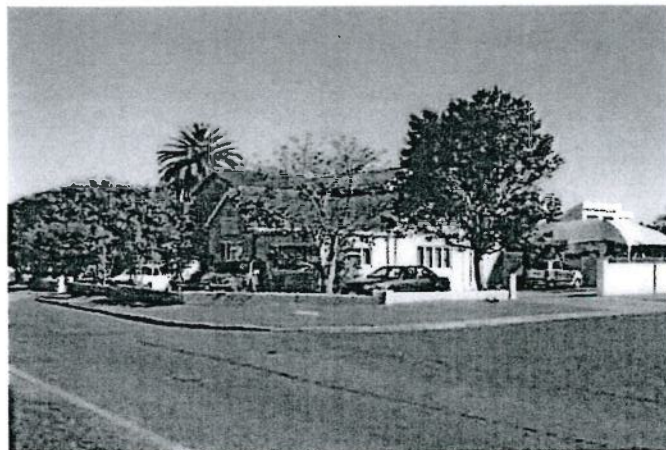


Figure 1: The subject property

## 2. BACKGROUND

### 2.1. PREVIOUS APPLICATIONS

A previous application for a Temporary Land Use Departure and Removal of Restrictive Title Conditions was submitted during 2010.

The application was unopposed and the following approvals were obtained:

- Overstrand Municipal approval for the Temporary Land Use Departure received on 17 January 2012
- Western Cape Provincial Government approval of the Removal of the Restrictive Title Deed Conditions received on 12 June 2015  
(Refer to Annexure 1: Previous Approvals)

Of critical importance is the following:

- The removal of the restrictive title deed conditions that limited the use of the subject property to residential purposes has been approved at the time of the previous applications. By virtue of this approval the desirability of the principle of non-residential uses, including the then existing office uses on the subject property, has been found desirable by the delegated authorities.
- The removal of the restrictive title deed conditions was also done on a permanent basis and serve as precursor for this application.
- The approval of the temporary land use departure to permit offices on the subject property also provided the Overstrand Municipality with an opportunity to monitor any possible negative impacts of such use on the directly adjacent properties, on the local road infrastructure or any possible negative consequences or negative cumulative impacts it might cause during its validity period. To this effect it is important to note that no land use complaints of any nature from local neighbours, local residents or Municipal Officials has been received over the years due to the office located on the subject property and it can confidently be stated that the office use on the subject property had no negative implications on the local environment whatsoever.
- With the “new” planning dispensation applicable to Overstrand Municipality that came into being since the previous applications were made and approved, the Overstrand Municipal By-Law on Municipal Land Use Planning (2015) as well as the Overstrand Municipal Zoning Scheme (2013), now provide an opportunity for a new application in terms of these sets of legislation to enable our client to continue to lawfully use the offices on the subject property.

## 2.2. PRE-APPLICATION CONSULTATION

With the existing offices on the subject property in mind and the new planning dispensation applicable to land use and all new planning applications, the most appropriate application has been discussed with Town- and Spatial Planning; Overstrand Municipality to ensure that a complete application would be submitted and processed for a decision. From these discussions and communications between the applicant and the Municipality, the applicant was advised to submit an application for a Temporary Land Use Departure as Town- and Spatial Planning; Overstrand Municipality will at present still be hesitant to approved offices on the subject property on a permanent basis.

## 3. PLANNING BRIEF

In light of the above-mentioned background information, the owner of the subject property (Snap Shot Investments 1226 CC), has appointed First Plan Town and Regional Planners to now prepare and submit an application to the Overstrand Municipality for a Temporary Land Use Departure to authorise the existing offices on site for a 10 year period as provided for in terms of the conditional exemption granted from Section 43(2) of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), or for such other period as provided for in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning (2015).

(Refer to Annexure 2: Power of Attorney & Resolution).

## 4. APPLICATION

With the brief as background to the regularisation of the existing offices on Erf 4577 Hermanus, First Plan Town and Regional Planners, herewith officially submit an application for **A TEMPORARY LAND USE DEPARTURE** in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning (2015) to accommodate the existing offices for a 10 year period, as provided for in terms of the conditional exemption granted from Section 43(2) of The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), or for such period as provided for in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning; 2015 (Refer Annexure 3: Application Forms)

# SECTION B

## SITE INFORMATION AND ANALYSIS

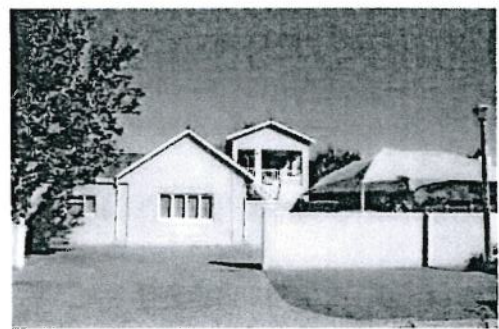
### 5. SITE CHARACTERISTICS

#### 5.1. LOCATION

Hermanus is a picturesque coastal town in the south Western Cape. It is a popular tourist destination, world renown for – amongst various other tourist attractions and activities – its excellent whale watching. This popular town is also a sought after holiday destination for young and old as well as for those considering retirement. It has all the support infrastructure and facilities associated with a quality lifestyle such as a well established business centre, hospitals, schools, shopping centres, beaches and sports facilities while still within comfortable reach of the City of Cape Town and its metropolitan infrastructure including the Cape Town International Airport and Harbour, Convention Centre, opera house, theatres etc. (Refer Annexure 4: Regional Context). From a more local perspective, the subject property is situated on the corner of Magnolia- and Nerina Street on the edge of the Hermanus Central Business District (CBD) and in a mixed land-use environment that can be described as a transitional area between the CBD and surrounding residential neighbourhoods. (Refer Annexure 5: Local Context).

#### 5.2. EXISTING STRUCTURES

There is a residential dwelling on the subject property that has been used for two professional offices and a residential apartment above ground floor. The building is well maintained and blend in with the general character of the properties in the area. There is no structural changes considered to building and this will ensure that it will retain its primary residential character.

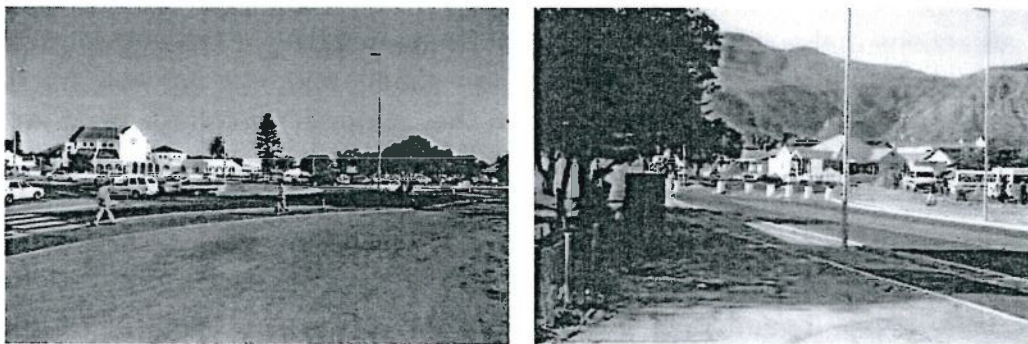


Figures 2 & 3: The subject property: Office and Residential Unit

### 5.3. ROAD ACCESS

The subject property is located on the corner of Magnolia- and Nerina Street, Hermanus. Magnolia Street is a main distributor road linking Main Road with Hermanus Heights.

A number of other roads from the CBD also link to the lower section of Magnolia Street including Aberdeen-, Impala-, and Dirkie Uys Streets. These good linkages with the CBD have resulted in a change in the character of the surrounding area with many residential properties already rezoned and converted to offices.



Figures 4 & 5: Local Road Improvements providing excellent access  
(New traffic circle on Main Road and new “Hermanus By-pass” alignment)

The location of this area in close proximity of the CBD and along one of the main streets linking to the CBD provides for a high degree of accessibility and exposure which make it a sought after mixed land use and office address.

### 5.4. EXISTING ZONINGS

The property is currently zoned Residential Zone 1: Single Residential (SR1) in terms of the Overberg Municipality Zoning Scheme (2013). The surrounding zonings can be classified as diverse as it includes a variety of zonings from General and Local Business Zones, Authority Zone, Community Zone, Open Space Zone and Single Residential Zone. Only the properties to the west and further north are predominantly Single Residential with properties to the south and east towards the CBD having predominantly Business and related zonings. (Refer to Annexure 6: Zoning Plan)

### 5.5. EXISTING LAND USE

The subject property is located within an area characterised by mixed land uses. The diversity in land uses is concentrated along Magnolia Street which is the main

route through the area. The land uses along this street vary from office buildings, medical rooms, municipal buildings, schools, and recreation facilities. Residential uses in the area are located further north and along internal roads leading away from Magnolia Street and the Hermanus CBD. (Refer to Annexure 7: Land Use Plan)

The above variety of land uses is a clear indication that the area along Magnolia Street can no longer be deemed a primary single residential address and to be protected as such as the area has already been transformed from a former residential environment to a dynamic mixed-use urban precinct accommodating a variety of non-residential uses including the Overstand Municipality headquarters.

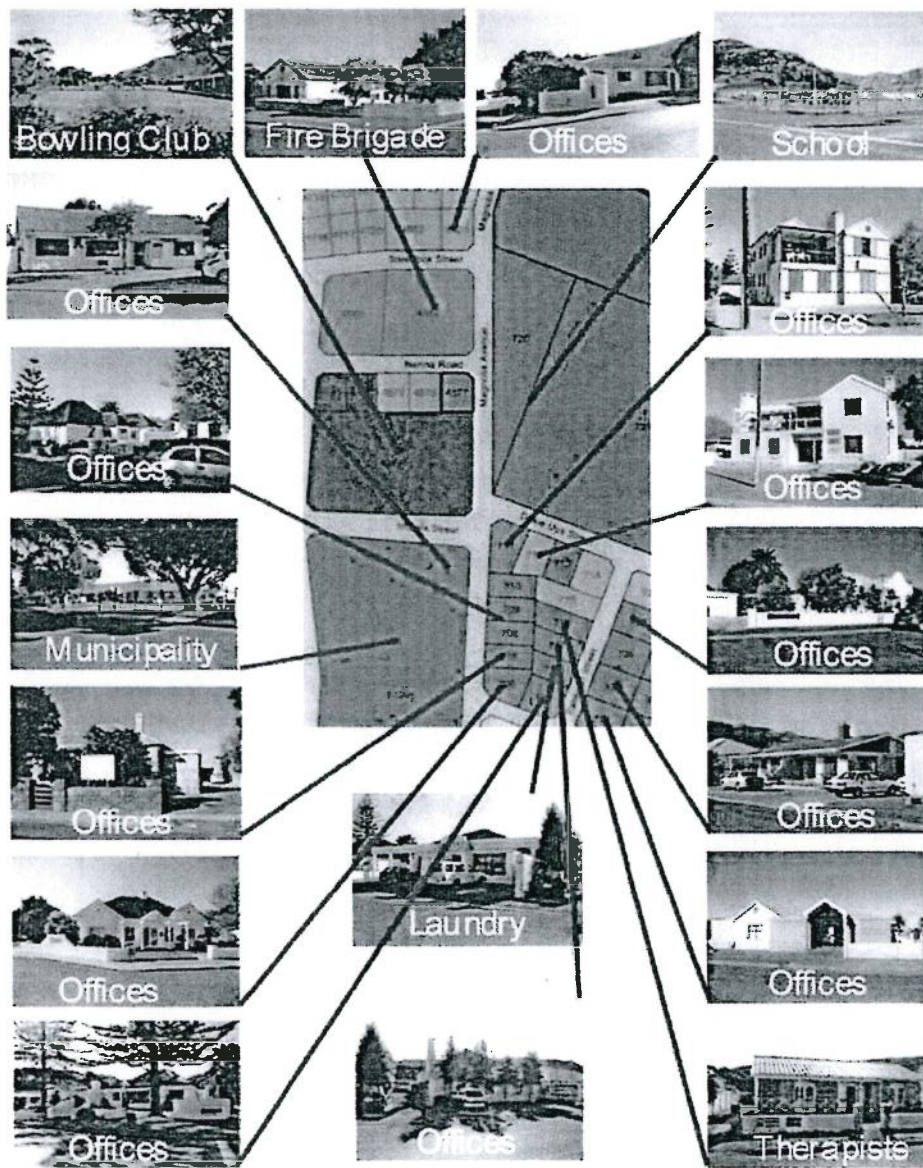


Figure 6: Diversity of adjacent non-residential land uses

## **5.6. AVAILABILITY OF MUNICIPAL SERVICES**

### **5.6.1. CIVIL SERVICES**

The application involves the continuation of operation of existing offices from the subject property. The property is fully serviced with regard to road access, sewerage and storm water and no additional civil services or an increase in services capacities are required for this application.

Access to the site will be retained from Magnolia- and Nerina Street and the parking as previously approved will be retained without change.

### **5.6.2. ELECTRICITY AND TELECOMMUNICATIONS**

The building on the subject property is already connected to the existing grid and no problems are thus foreseen as far as electrical supply is concerned. The telecommunication infrastructure for the offices is also in place.

## **5.7. LEGAL DESCRIPTION & REGISTRATION**

### **5.7.1. TITLE DEED DESCRIPTION**

The subject property is officially known as erf 4577 Hermanus and is registered in the Deeds Office in Cape Town. It is held in terms of Title Deed T76107/99 and registered in the name of Snap Shot Investments 1226 CC. (Refer Annexure 8: Title Deeds)

A thorough title deed search has been undertaken by Bill Tolken Hendrickse Incorporated. They confirmed that Snap Shot Investments 1226 CC is the registered owner of the property and that there are no restrictive title deed conditions that need to be removed for the purposes of this application or the utilisation of the property for a mix of residential- and office purposes. (Refer Annexure 9: Conveyance Certificate).

### **5.7.2. REGISTERED BONDS**

There are no bonds registered over the property. No bondholders consent is therefore required

### 5.7.3. AREA AND GEOMETRY

The subject property is bounded on two sides by road and measures 768 square meters in extend. The dimensions is typical of residential erven in the area with the north south boundary being approximately 25m and the east west road boundary being approximately 30m. (Refer to Annexure 10: Diagram)

### 5.7.4. SERVITUDES

There are no servitudes registered over the property.

## 6. PLANNING POLICY IMPLICATIONS

### 6.1. OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The objective of the Overstrand Spatial Development Framework (SDF) is to formulate strategic spatially based policy guidelines and proposals whereby changes, needs, and growth in the area can to be managed to the benefit of the environment and its inhabitants. The SDF process is guided by a realistic set of goals and objectives which are contextualised within the overall vision for the municipality as well as within the broader context of the larger region.

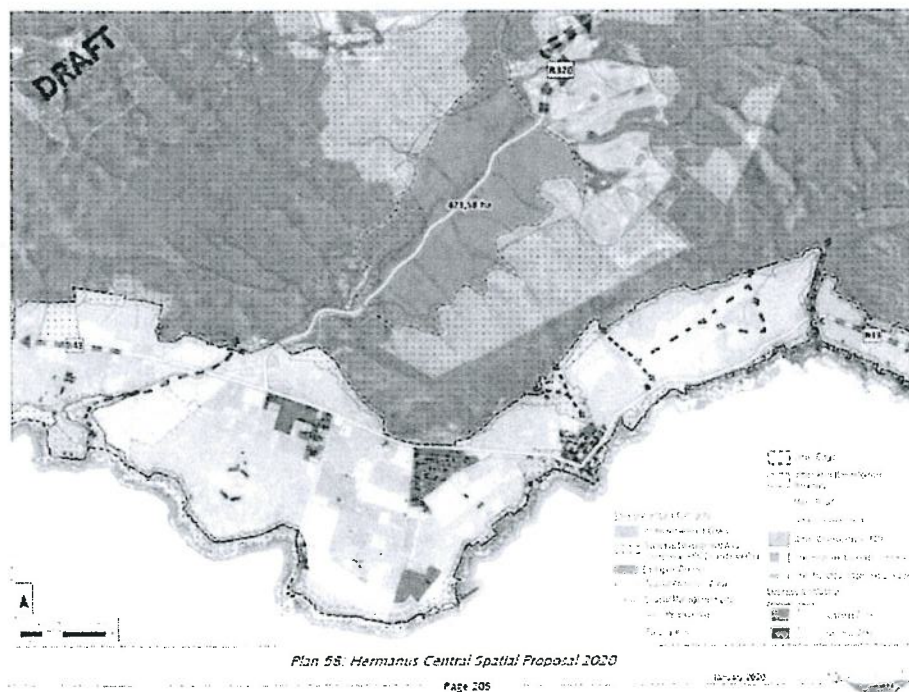


Figure 8: Extract from the Overstrand SDF 2020

A Spatial Development Framework is one of the Sectoral Components of an Integrated Development Plan. In terms of the Municipal Systems Act 2 000 (Act 32 of 2000), the purpose of an SDF is to provide general direction and guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.

- The Overstrand SDF will ensure the identification of a common spatial vision and a set of objectives focussed on a desired orderly spatial development pattern of the area.
- It will inform a broad land use management policy, which can be referred to and used to objectively assess the desirability of all future development applications.

From the Overstrand SDF (2020) it is clear that business uses, commercial, retail and offices should be concentrated within the CBD and various local commercial nodes with further decentralization of commercial development not promoted. Reference is however specifically made to the principles as contained in the Overstrand Growth Management Strategy (GMS) that accommodates the subject property in an area identified as for “local economic opportunity”.

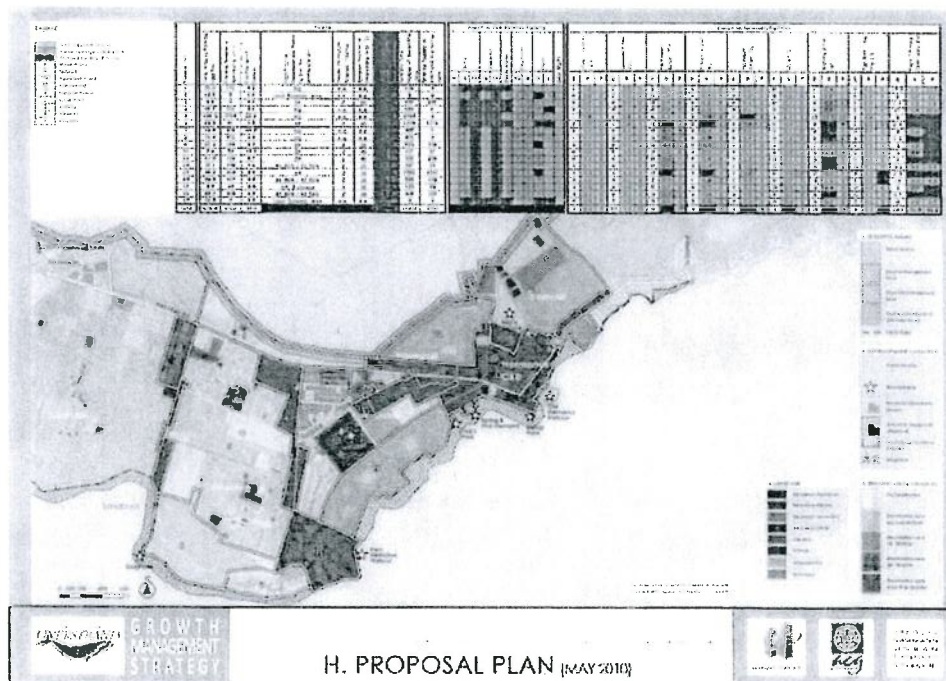


Figure 7: Extract from the GMS (2010)



# SECTION C

## DETAILS OF LAND USE DEPARTURE

### 7. MOTIVATION

The intention is to continue to utilise the existing building on Erf 4577, Hermanus for office and residential purposes. The uses within the building consist of ground floor offices with a GLA of  $\pm 200\text{m}^2$  and a one-bedroom residential apartment of  $67\text{m}^2$  on the first floor. (Refer to Annexure 11: Status Quo Site Plan)

The office component of the building is orientated towards Magnolia Street, while the residential component is directed towards an abutting residential property. It is the property's location on the busy Magnolia Street, directly adjacent to the Hermanus CBD and within a mixed-use environment that provides for such a desirable office location on the one hand and less desirable single residential location on the other hand.

From the above it is clear that the site is located in a dynamic urban environment in a transitional zone adjacent to the Hermanus CBD. There are only 3 residential properties in close proximity to the subject property. All these properties are shielded from other residential properties by either the Bowling Club or by a public open space. This unique location of the subject property in close proximity to the CBD makes the site suitable for both higher density residential and office uses.

As mentioned in previous paragraphs, the site is located in a transitional area between single residential properties and a variety of higher intensity land uses. This location makes the site an undesirable single residential address. This has in fact been acknowledged in the Overstrand Municipal Growth Management Strategy. The subject property falls within a densification zone and has been identified as a local economic opportunity in terms of this policy document.

Although the draft policy plan for the area acknowledges the fact that the site is no longer desirable for single residential use, it does not mention what the desirable use for the property is. Both higher density residential and office uses are considered in the interim. Approval of a temporary land use departure to permit the use of the building on Erf 4577, Hermanus for office/residential purposes will give the Local Authority the opportunity to further monitor the dynamic nature of



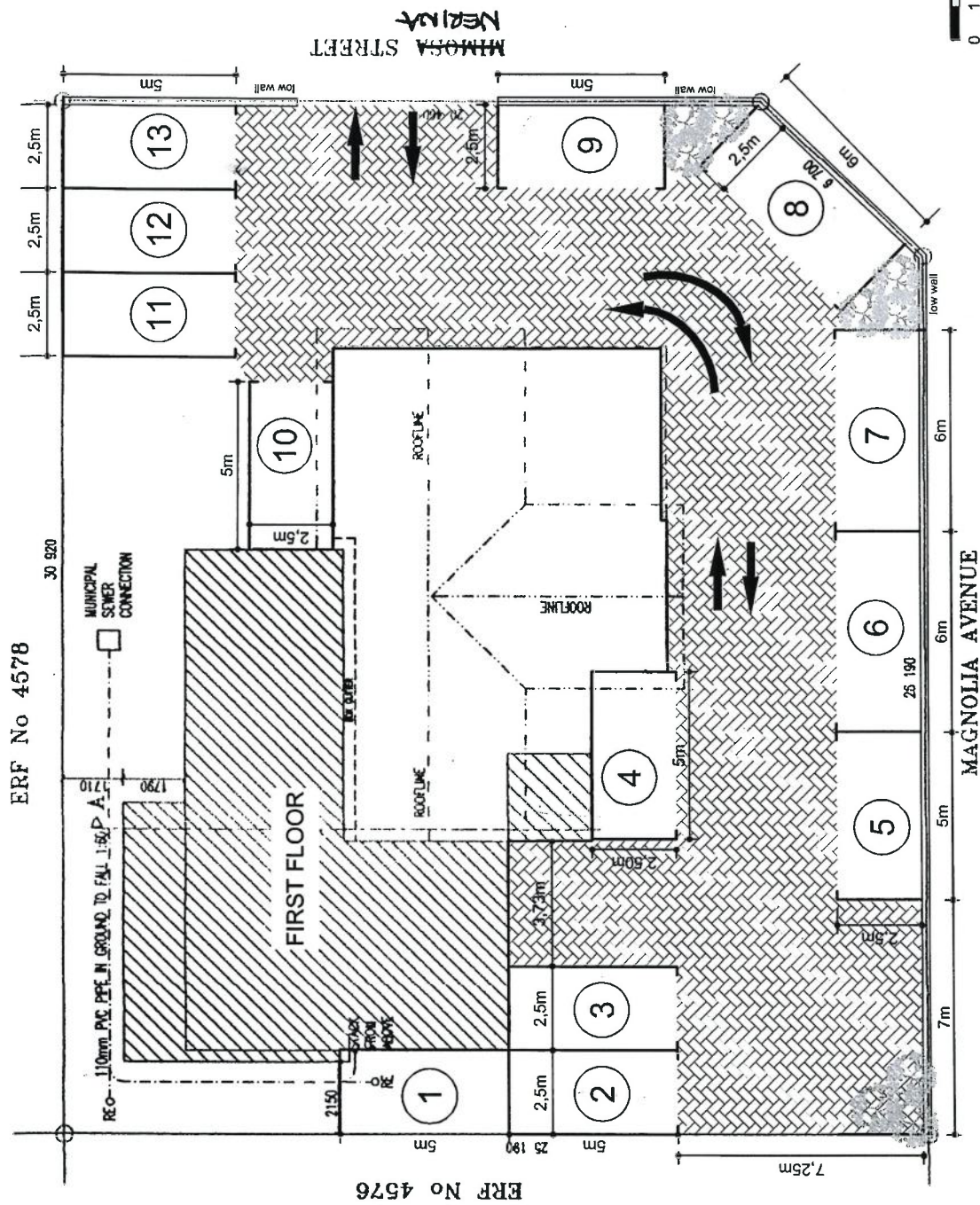
the area without compromising their view on the most desirable future permanent land use rights for the area.

The scale, size and architecture of the building are that of a single residential property and it will remain as such to ensure that the existing streetscape be retained and protected. The only visible sign of the building being used for office purposes is the presence of additional vehicles on site, but as clearly evident from the Site Plan as also previously approved by the Overstrand Municipality, there is sufficient on-site parking with safe access and egress. (Refer Annexure 11: Site Plan)

It is believed that the approval of this application will also contribute positively to the economy of Hermanus by strengthen the Hermanus CBD and its directly surrounding area. A large number of houses in the vicinity of the subject property and in close proximity to the CBD have already been converted to offices, some of which are today used by the Municipality to accommodate their offices.

The office on the subject property contributes to the economy of Hermanus as the business owners and their staff all live in the Overstrand area where most of them own homes and pay rates.

Approval of this departure in support of the continued use of the subject property for office purposes will confirm Overstrand Municipality's commitment to economic development and job creation.



ERF No 4578

ERF No 4576

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**SITE DEVELOPMENT PLAN: ALTERNATIVE C**  
 Departure and Removal of Restrictions of Erf 4577 Hermanus

DATE	August 2010	ANNEX	11
CLIENT	Snapshot Investments 1226 cc		