

ERF 1827, 1 HEMEL-EN-SEE AVENUE AND ERF 1962, 9 SIENNA STREET, VERMONT: APPLICATION FOR SUBDIVISION AND CONSOLIDATION: WRAP PROJECT OFFICE (obo KGV & VM HAWKINS & STEWART AND GRANDSELECT FOUR (PTY) LTD)

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for the following:

- Subdivision in terms of Section 16(2)(d) of the By-Law to subdivide Erf 1962, Vermont into a Portion A ($\pm 395\text{m}^2$) and a Remainder ($\pm 881\text{m}^2$); and
- Consolidation in terms of Section 16(2)(e) of the By-Law to consolidate the newly created Portion A ($\pm 395\text{m}^2$) with Erf 1827, Vermont to create a newly consolidated property of $\pm 848\text{m}^2$ 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) loretta@overstrand.gov.za) on or before **8 April 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H Olivier** 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 1827, HEMEL-EN-SEELAN 1 EN ERF 1962, SIENNA STRAAT 9, VERMONT: AANSOEK OM ONDERVERDELING EN KONSOLIDASIE: WRAP PROJECT OFFICE (nms KGV & VM HAWKINS & STEWART EN GRANDSELECT FOUR (PTY) LTD)

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek soos volg ontvang is:

- Onderverdeling ingevolge Artikel 16(2)(d) van die Verordening om Erf 1962, Vermont onderverdeel in 'n Gedeelte A ($\pm 395\text{m}^2$) en 'n Restant ($\pm 881\text{m}^2$); en
- Konsolidasie ingevolge Artikel 16(2)(e) van die Verordening om die nuutgeskepte Gedeelte A ($\pm 395\text{m}^2$) met Erf 1827, Vermont te konsolideer om 'n nuutgeskepte gekonsolideerde eiendom van $\pm 848\text{m}^2$ te skep.

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) loretta@overstrand.gov.za) voor of op **8 April 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. H Olivier** at 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 1827, 1 HEMEL-EN-SEE AVENUE & ISIZA 1962, 9 SIENNA STREET, EVERMONT: ISICELO SOKWAHLULA-HLULA KWAYE SOHLANGANISWA: WRAP PROJECT OFFICE (EGAMENI LIKA KGV & VM HAWKINS & STEWART AND GRANDSELECT FOUR (PTY) LTD)

Esi saziso sikhutshwa ngokwemiqathango yeSoloty 48 loMthethwana oTshintshweyo kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 (uMthethwana) ngokwezicelo esifunyenweyo esicapazela:

- Ukwahlulahlula ngokwemiba yeSoloty le16(2)(d) ukwahlula phakathi isiza esingu isiza 1962 EVermont sibe Portion A ($\pm 395\text{m}^2$) neNtsalela eyi ($\pm 881\text{m}^2$);
- Sohlanganiswa ngokweSoloty 16(2)(e) lalo Mthethwana ukudala kunye kweNxalenye A ($\pm 395\text{m}^2$) kunye neSiza 1827, Vermont ipropati idityanisiwe eyi $\pm 848\text{m}^2$ ubukhulu;

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaSoloty ama-51 nama-52 kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngoLwesihlanu okanye ngaphambi koLwesihlanu, **8 UTshazimpunzi 2022**, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa kuMphathi kuCwangciso lweDolophu, **uMnu. H Olivier** ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

Locality Plan

Erf 1827 & Erf 1962 - Vermont

 Subject properties

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management





1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
SDP	Site Development Plan
SRI	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Consultant	WRAP Project Office	
Erf Number/s	Erven 1827 & 1962 Vermont	
Extent	Erf 1827 – 453m ²	Erf 1962 – 1276m ²
Zoning	Residential Zone 1: Single Residential	

3. BACKGROUND AND INTENT

The subject properties, Erven 1827 and 1962 Vermont are located adjacent to each other. Erf 1962 Vermont has a panhandle that has fallen into disuse as the property currently gains access from Sienna Street and the owners realised that the panhandle will never be required for its intended use.

This panhandle is located next to Erf 1827 Vermont and the owners of the property approached the owners of Erf 1962 Vermont to acquire the panhandle and consolidate it with their property. This will increase the total area of Erf 1827 Vermont and in turn eliminate an unused section of land. The owners of Erf 1827 Vermont are currently using portion of the panhandle to gain access to their property.

The remainder of Erf 1962 Vermont will be ±881m² which is equivalent to surrounding properties within the vicinity. (Refer **Plan 4** for the **Proposed consolidation and subdivision plan**).

To achieve the applicants' intent, the following applications are required:

- Subdivision of Erf 1962 Vermont; and
- Consolidation of a portion of Erf 1962 Vermont with Erf 1827 Vermont.



4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

WRAP compiled this report to ensure the applicant's intent is achieved. The following is proposed:

4.1 Subdivision of Erf 1962 Vermont into the Remainder, $\pm 881\text{m}^2$ and Portion A, $\pm 395\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Erf 1962 Vermont has an extent of 1276m^2 . The proposed subdivision will provide the owners of Erf 1827 Vermont the option to acquire Portion A ($\pm 395\text{m}^2$). The proposal will allow the owners of Erf 1962 Vermont to have less property to maintain as the entire erf has not yet been developed. Refer Figure 1 below:

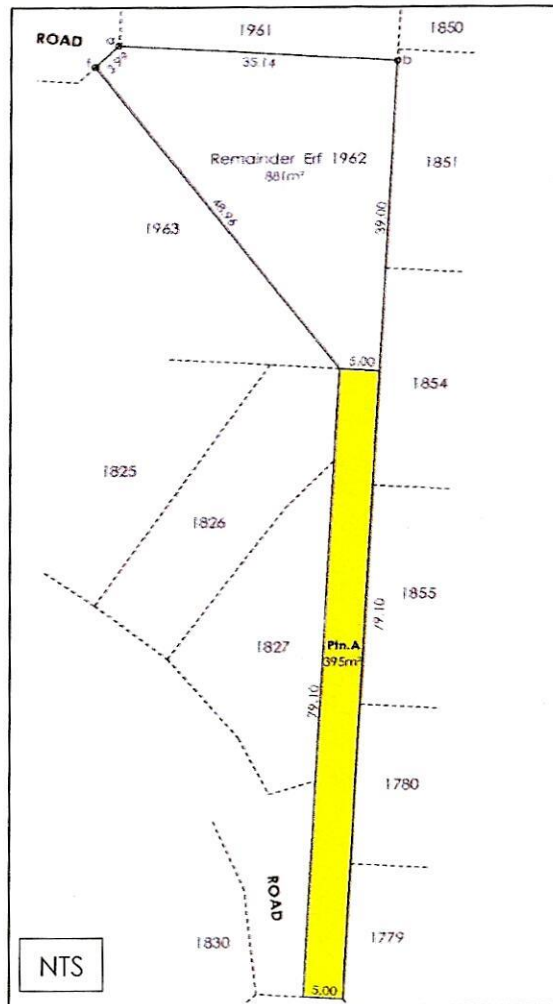


Figure 1: Proposed subdivision of Erf 1962 Vermont



4.2 Consolidation of Erf 1827 Vermont and Portion A $\pm 395\text{m}^2$ in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Portion A is proposed to be consolidated with Erf 1827 Vermont, which will equate to a combined property extent of 848m^2 . As previously mentioned, the owners of Erf 1827 Vermont are utilising the southern portion of the panhandle to gain access to their property (Refer **Plan 3 – Aerial Map**)

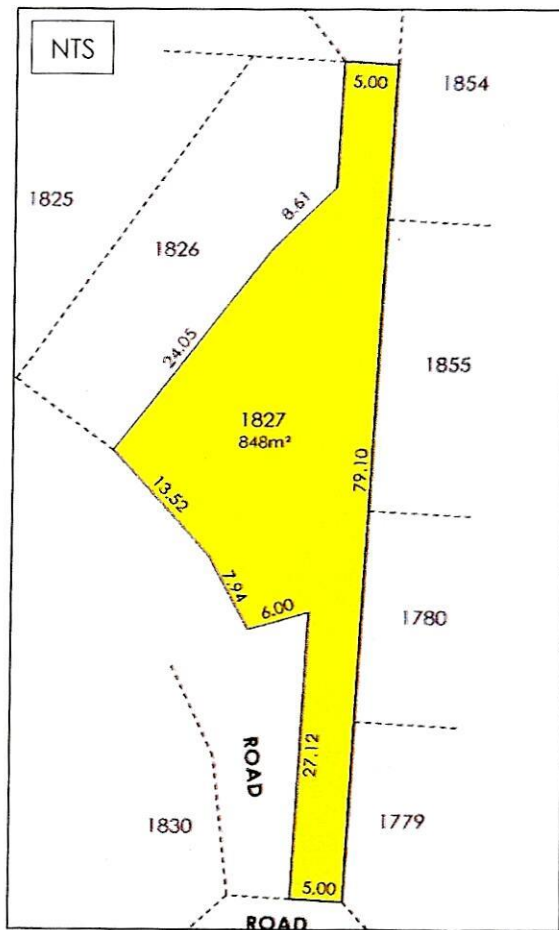


Figure 2: Proposed consolidation of Erf 1827 Vermont and Portion A

5. APPLICATION

Considering the above, application is made for the following:

5.1 Subdivision of Erf 1962 Vermont into Portion A, $\pm 395\text{m}^2$ and the Remainder, $\pm 881\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and



MOTIVATION

5.2 Consolidation of Erf 1827 Vermont and Portion A ($\pm 395\text{m}^2$) in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

6. LAND USE ENVIRONMENT

The properties surrounding the subject property are zoned for single residential purposes. The surrounding area's zonings are illustrated in **Plan 2 - Zoning Plan**. The proposed subdivision and consolidation are predicted not to have any impact on the surrounding properties.

7. TITLE DEED

The title deeds of the subject properties were perused. (Erf 1962, Vermont – T51957/2021 and Erf 1827 Vermont – T59831/2015 (refer **Annexure B**)) and there are no restrictive title deed conditions that prohibit the proposed subdivision and consolidation.

8. ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:



MOTIVATION

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
Land Use Restrictions			
Parameters	Consolidated Erf 1827 Vermont	Remainder of Erf 1962 Vermont	Comply/ deviate
Primary use	Crèche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%	Erf Extent – 848m ² <50%	Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: 400 m ² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	Comply	Comply
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	<8m	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	Comply	Comply



9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject properties are connected to the OM's networks, these include electricity, water and sewage. The proposal of this application will not affect these networks. Solid waste is collected every week by the OM.

No additional capacity will be required as the only change will be is that the panhandle will be moved from Erf 1962 Vermont to Erf 1827 Vermont.

Access and Egress

Erf 1962, Vermont

Access and egress to the property is gained from Sienna Street and the proposal will not affect this.

Erf 1827, Vermont

Access and egress to the property is gained from Hemel-En-See Lane and the proposal will not affect this.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability

The need for the land use application is a result of the disuse of the panhandle and the opportunity that presented the owners of Erf 1827 Vermont to be able to add the panhandle to their property. The new proposal will not affect any other users or person, but it will increase the property value of Erf 1827 Vermont and reduce the maintenance cost of Erf 1962 Vermont.

To achieve their vision, the applicants has appointed WRAP Project Office to submit this application to ensure the proposed development is not in contradiction to any policies, legislation, or title deed conditions.

Impact on views, sunlight and character of the area

The properties are located in a residential setting of Vermont and the proposed subdivision and consolidation will not alter views, sunlight or the character of the area.

The changes will be purely cadastral in nature and no physical changes as currently being proposed. Erf 1827 Vermont may erect a new boundary wall to identify the limits of their new property.

Economic impact

There is little to no impact on the economy. The only impact it may have may be increasing the property values of the two properties.



Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The development will not affect the property values of surrounding properties and may in turn create a better situation, as the panhandle will be better maintained after being consolidated.

Impact on heritage

The subject properties are not listed in the OM Heritage Register.

Environmental impact

The subject properties are not located within an environmentally important area.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within this zone.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within this zone.

11.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the subdivision and consolidation will not contribute to spatial injustices.

Spatial sustainability

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal for the subdivision and consolidation will remove an area of disuse from the one property to be used by another property.

Efficiency

This proposal is intended to maximise the usage of both properties, with the panhandle being included and adding to the shape of Erf 1827 Vermont it will create a viable property shape.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.



MOTIVATION

Good administration

The OM has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



RECOMMENDATION

13. EVALUATION

The application is to create properties that are used and well maintained. The current situation is a property (Erf 1962 Vermont) that is not being utilised to its full extent and will never be used to this extent. The owners of Erf 1827 Vermont identified the opportunity to increase the surface area of their property by including the panhandle into their property. This will allow them to continue to use the panhandle to gain access to their property.

The proposal for subdivision and consolidation is in harmony with all relevant spatial planning policies which illustrates that the owners did not arbitrarily invent this proposal but had due consideration for relevant spatial planning policies.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Subdivision** of Erf 1962 Vermont into Portion A, $\pm 395\text{m}^2$ and the Remainder, $\pm 881\text{m}^2$ and in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 14.2 Consolidation** of Erf 1827 Vermont and Portion A ($\pm 395\text{m}^2$) to form a consolidated property of 848m^2 in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

