

**ERF 4996, 6 PARK LANE, ONRUSTRIVIER: APPLICATION FOR AMENDMENT OF A CONDITION IN RESPECT OF AN EXISTING APPROVAL: INTERACTIVE TOWN AND REGIONAL PLANNING (obo JA & D FINLAYSON)**

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, applicable to Erf 4996, Onrus River, has been received for the amendment of a condition in terms of Section 16(2)(h) of the By-Law, in respect of an existing approval to allow for the east / west boundary to shift 1,5m to the south with a subsequent change in the previously approved portion sizes as follows; Portion A  $\pm 538\text{m}^2$ , Portion B  $\pm 1292\text{m}^2$  and Portion C  $\pm 1534\text{m}^2$ .

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 comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **8 July 2022**, quoting your name, address and contact details, interest in the application, as well as the 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 to formalize their comment.

**ERF 4996, HOOFWEG 6, EASTCLIFF: AANSOEK OM WYSIGING VAN 'N VOORWAARDE TEN OPSIGTE VAN 'N BESTAANDE GOEDKEURING: INTERACTIVE STADS- EN STREEKBEPLANNING (nms JA & D FINLAYSON)**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek, van toepassing op Erf 4996, Onrustrivier ontvang is vir die wysiging van 'n voorwaarde ingevolge Artikel 16(2)(h) van die Verordening, insake 'n bestaande goedkeuring om voorsiening te maak dat die oostelike / westelike grens met 1,5m na die suide verskuif wat 'n daaropvolgende verandering in die bestaande goedgekeurde se porsiegroottes tot gevolg hê; Gedeelte A  $\pm 538\text{m}^2$ , Gedeelte B  $\pm 1292\text{m}^2$  en Gedeelte C  $\pm 1534\text{m}^2$ .

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **8 Julie 2022**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** 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 4996, 6 PARK LANE, ONRUSTRIVIER: ISICELO SOKUTSHINTSHA KOMQATHANGO KUGUNYAZISO OLUSELE LUNIKELWE: ABAKWA-INTERACTIVE TOWN AND REGIONAL PLANNING (Egameni lika-JA & D FINLAYSON)**

Kukhutshwa isaziso ngokumayela neSoloty 48 loMthetho Otshintshweyo kaMasipala wase-Overstrand omalunga Nokusetyenziswa kunye Nokucetywa Kwemihlaba 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo esimayela nesiza 4996, Onrus River ukuze kutshintshwe umqathango ngokuhambelana neSoloty 16(2)(h) loMthetho kaMasipala ukuze imvume esele inikiwe itshintshwe ukwenzela ukuba umda ongasempuma/ngasentshona unyenyiswe nge-1.5m uye ngasemzantsi; iinxalenye ezahlulweyo zesiza ziza kuba nkulu ngolu hlobo lulandelayo: Isahlulo A sibe yi- $\pm 538\text{m}^2$ , Isahlulo B sibe yi- $\pm 1292\text{m}^2$  size Isahlulo C sibe yi- $\pm 1534\text{m}^2$  ubukhulu.

linkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze kuhlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala (16 Paterson Street Hermanus / (f) 0283132093 / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ingadlulanga i-**8 Julayi 2022**, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa ku**Mnu. H Olivier** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo kufunda okanye ukubhala angatyela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.

Umnxeba: 028 313 8900 | Fax: 028 313 2093 | E-mail: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

PO Box 20 | **HERMANUS** 7200

[www.overstrand.gov.za](http://www.overstrand.gov.za)



# 1. Introduction

<p><b>a. Brief</b></p> <p>Refer to <b>Annexure B</b> for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning was appointed by the owner of the property, Johan &amp; Delana Finlayson to prepare and submit an application for the amendment of conditions in respect to an existing approval of Application ID 3447/2019 of Erf 4996 Onrustriver in terms of the relevant legislation.</p>
<p><b>b. Background</b></p>	<p>The subdivision of Erf 4996 Onrustriver as well as building line departures was approved on 28 October 2020. The subdivision has not been registered yet.</p>
<p><b>c. Development Objective &amp; Application Proposal</b></p>	<p>The <b>development objective</b> is as follows:</p> <ul style="list-style-type: none"> <li>The owners of the property wish to move the east / west boundary division 1.5m to the south to allow more space for a garage and improved turning ability on Portion B.</li> </ul>

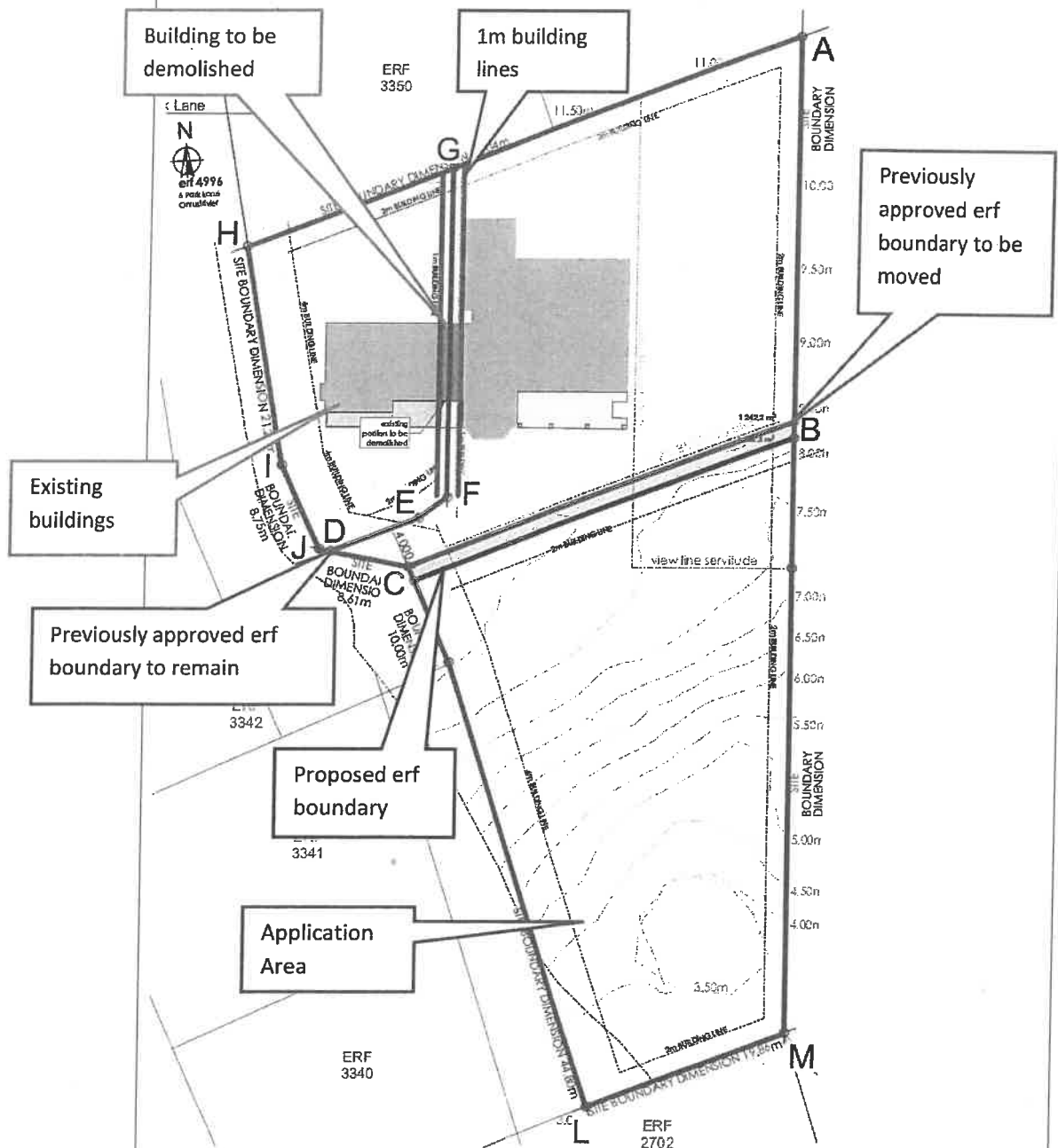


Figure 1: Subdivision Plan Extract overlay

Subsequently the application is for the amendment of conditions in respect to an existing approval.

**Conditions of approval (Application ID: 3447/2019)**

3. that Resolution in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, with conditions, are as follows:

1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Erf 4996, Onrustrivier into three (3) portions, namely Portion A ( $\pm 552\text{m}^2$ ), Portion B ( $\pm 1215.1\text{m}^2$ ), and Portion C ( $\pm 1595.9\text{m}^2$ ), be approved;

3. that the approvals in points 1 and 2 above be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions.

(a) that this approval is only for the subdivision as indicated on Plan Number A 102 dated 2 September 2019, submitted with the application, with one alteration that the panhandle access to Portion B be minimum 4m wide;

**Proposed amendments**

3. that Resolution in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, with conditions, are as follows:

1. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Erf 4996, Onrustrivier into three (3) portions, namely **Portion A ( $\pm 538\text{m}^2$ )**, **Portion B ( $\pm 1292\text{m}^2$ )**, and **Portion C ( $\pm 1534\text{m}^2$ )**, be approved;

3. that the approvals in points 1 and 2 above be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions.

a. that this approval is only for the subdivision as indicated on Plan Number **0622.03 dated 15 October 2021**, submitted with the application, with one alteration that the panhandle access to Portion B be minimum 4m wide;

## 2. The Application

<p><b>a. Analysis: Title Deed</b> Refer to <b>Annexure D</b> for the Conveyancer Certificate.</p>	<p>The Conveyancer Monica Korf issued a certificate confirming that <u>no restrictive title deed conditions</u> exist against the proposal on Erf 4996 Onrusrivier.</p>				
<p><b>b. Analysis: Development Criteria:</b></p> <p>The development parameters for Erf 4996 Onrusrivier, Hermanus as per the Overstrand Zoning Scheme Regulations, 2015, are summarised as follows:</p>	<b>Parameters</b>	<b>Existing Zoning:</b>	<b>Proposal:</b>	<b>Comments</b>	
	<b>Zoning</b>	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent	
	<b>Primary Use</b>	Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Consistent	
	<b>Consent Uses</b>	Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.	None	Consistent	
	<b>Coverage</b>	50%	50%	Consistent	
	<b>Height</b>	8m	8m	Consistent	
	<b>Building lines</b>	<b>Street</b>	4m	4m	Consistent
		<b>Side</b>	2m	2m 1m (Portion B on boundary FG)	Departures already approved
		<b>Rear</b>	2m	2m 1m (Portion A on boundary FG)	Departures already approved
<b>Parking</b>	Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent		
<p><b>c. Application:</b></p> <p>The application form is attached as <b>Annexure D</b>.</p>	<p>Application is subsequently made in terms of the Overstrand By-Law on Municipal Land Use Planning 2015, for:</p> <ol style="list-style-type: none"> <li>1. application for the amendment of Condition 3.1 of the approval of application ID: 3447/2019, to read "that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Erf 4996, Onrusrivier into three (3) portions, namely <b>Portion A (±538m<sup>2</sup>)</b>, <b>Portion B (±1292m<sup>2</sup>)</b>, and <b>Portion C (±1534m<sup>2</sup>)</b>, be approved;" in terms of Chapter IV, Section 16(2)(h).</li> <li>2. application for the amendment of Condition 3.3(a) of the approval of application ID: 3447/2019, to read "that this approval is only for the subdivision as indicated on Plan Number <b>0622.03 dated 15 October 2021</b>, submitted with the application, with one alteration that the panhandle access to Portion B be minimum 4m wide;" in terms of Chapter IV, Section 16(2)(h).</li> </ol>				

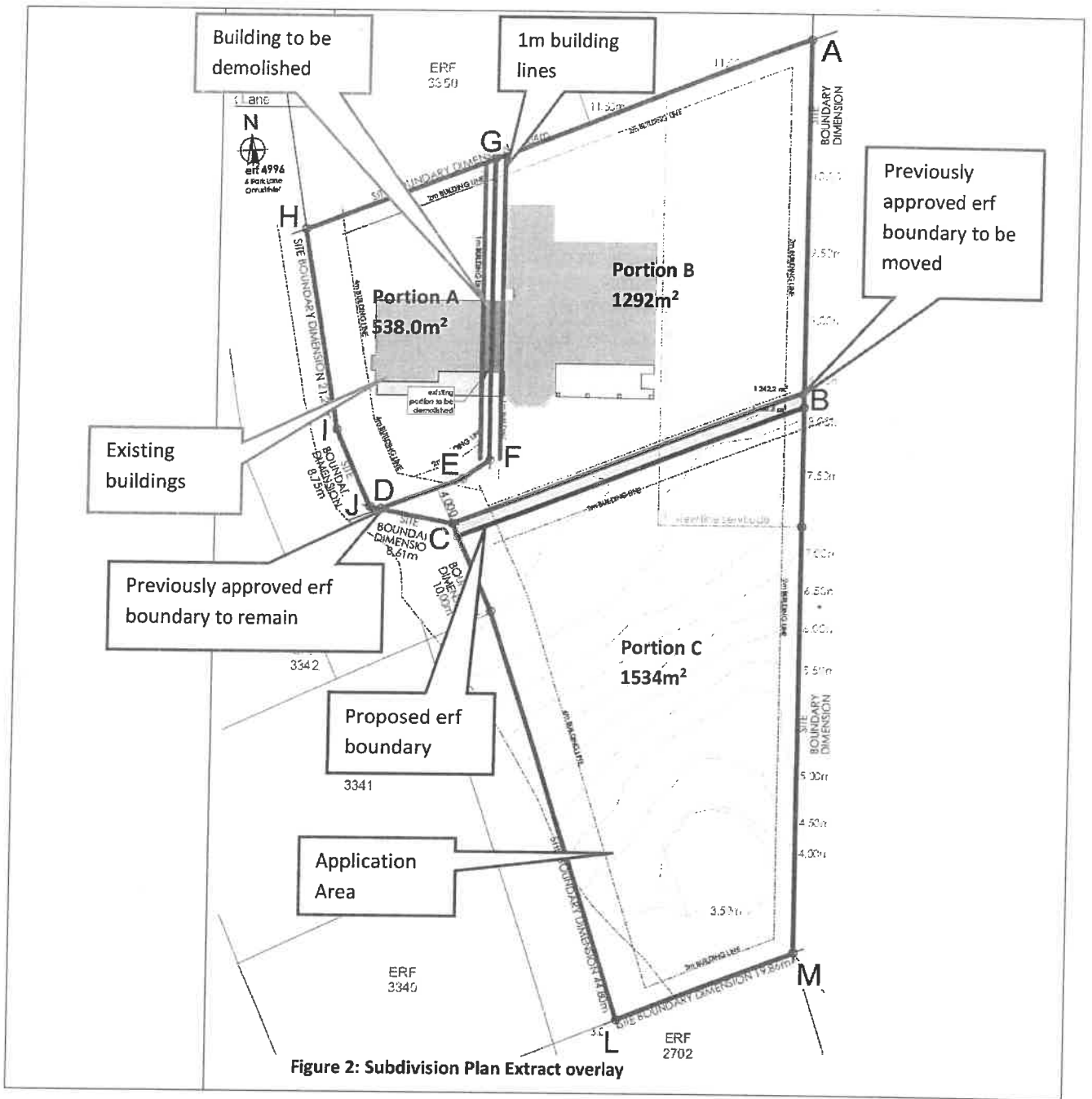


Figure 2: Subdivision Plan Extract overlay

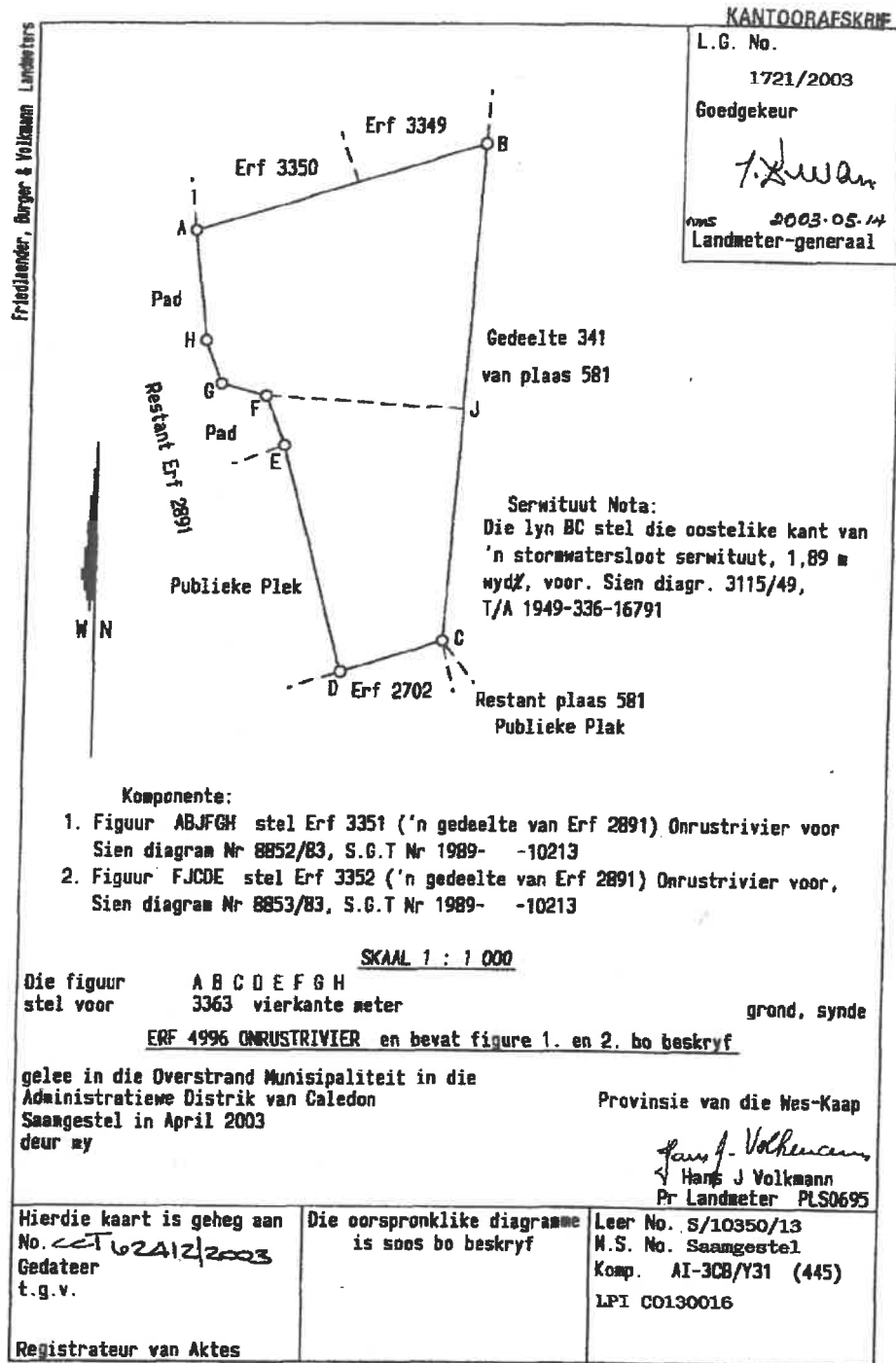
### 3. Contextual Site Information

**a. Property Description**

Property	Extent	Title Deed	Registered Owner
4996 Onrusrivier	3363m <sup>2</sup>	T22280/2019	Johan & Delana Finlayson

Refer to **Annexure E** for the SG Diagrams, **Annexure B** for the Title Deed of Erf 4996 Onrusrivier

The following Surveyor General Plans reflect the application site:



Erf 4996 Onrusrivier

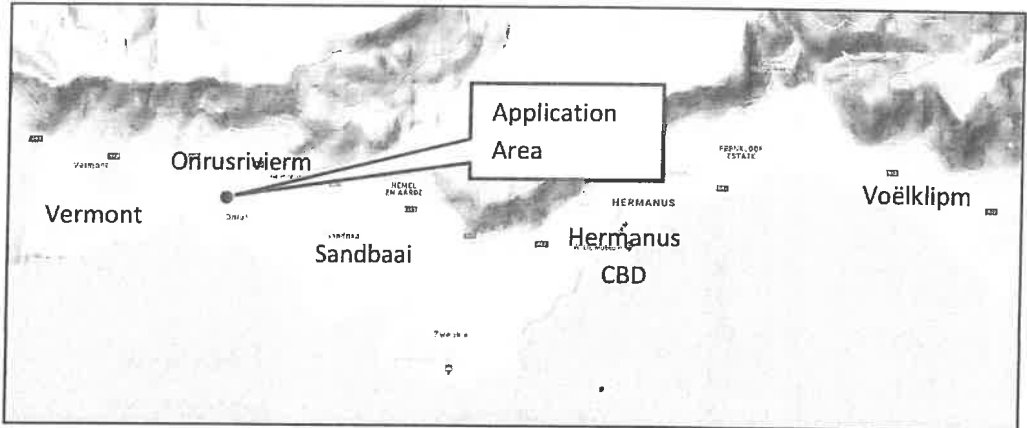
Figure 3: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F.

**Regional Context:**

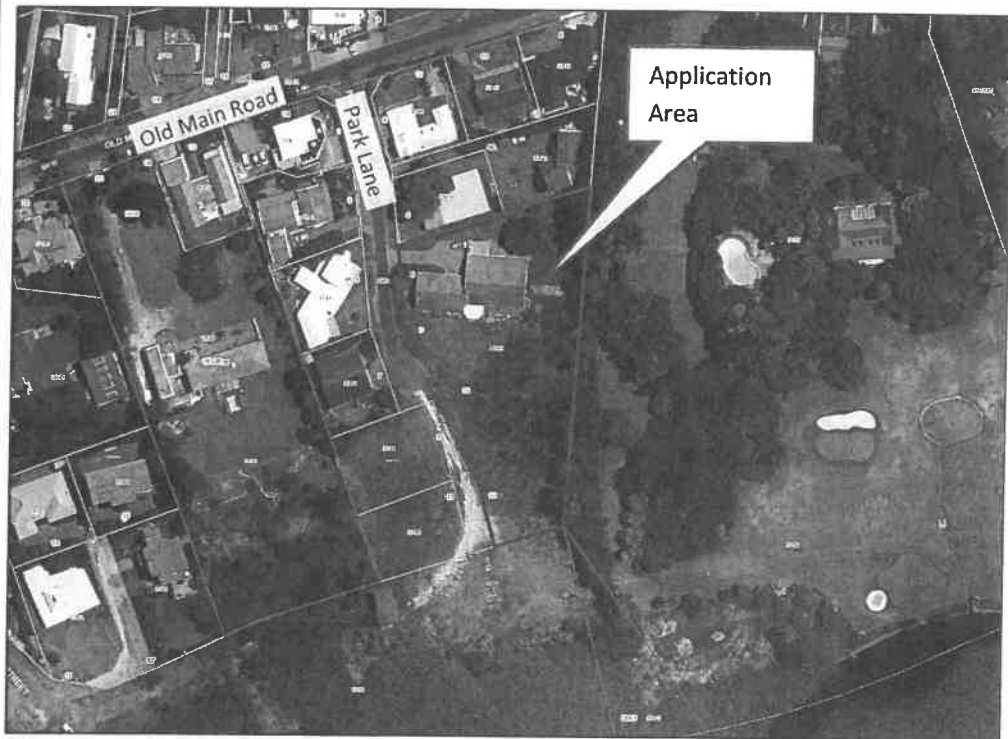
Within the regional context, the application area is located within Onrusrivier residential suburb. Onrusrivier is located approximately 5km west of the Hermanus CBD.



**Figure 4: Locality Plan – Regional Context**

**Local Context:**

Within the local context the application area consists of a residential erf within Onrusrivier that forms part of the larger Hermanus West area. The application area is located in Onrusrivier at 6 Park Lane.



**Figure 5: Locality Plan – Local Context**



**Figure 6: Photographs showing the Application Area**

**c. Land Use:**

Refer to the Land Use Plan attached as **Annexure H**.

The application area accommodates a dwelling house on the property. The surrounding land-uses are residential, open space and vacant. The proposal is for the amendment of the subdivision plan. No change in land use is proposed. The application proposal is consistent with the land use of the area.

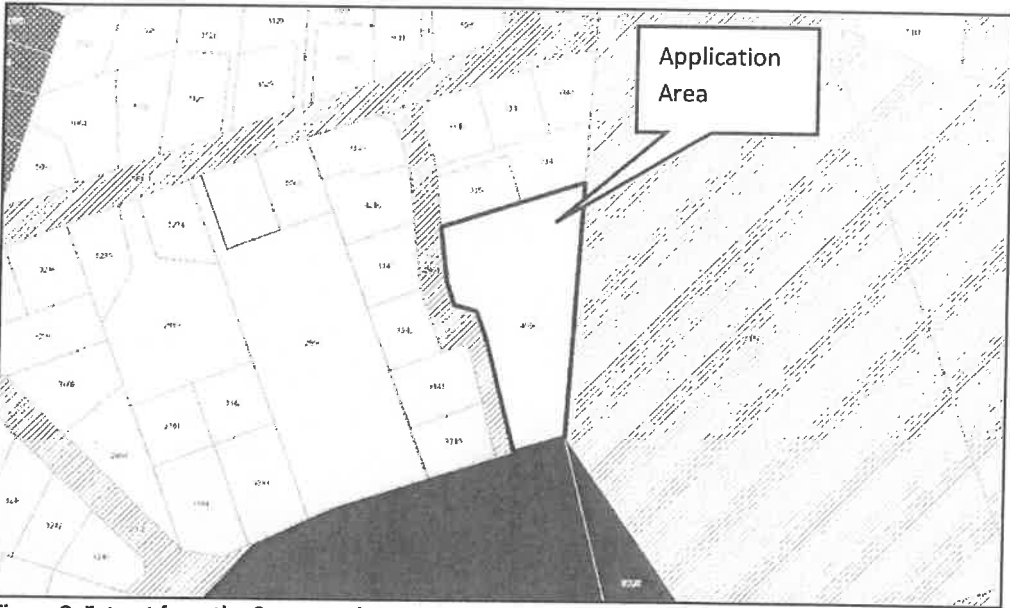


**Figure 7: Google Image illustrating the residential land-use activities of the application area and surrounding properties**

**d. Zoning:**

Refer to the Extract of Hermanus Final Zoning 2014 map attached as Annexure G.

The application area, Erf 4996, Onrusrivier is zoned Residential Zone 1: Single Residential. The erven to the north and west are zoned Residential Zone 1: Single Residential as well. The erf to the east is zoned Agricultural Zone 1: Agriculture. The erf to the south is zoned Open Space Zone 2: Public Open Space. No change in zoning is proposed. The application proposal is consistent with the zoning of the area.



**Figure 8: Extract from the Overstrand Municipality: Hermanus Final Zoning 2014 map**

**e. Spatial Planning Policy**

The application area is subject to inter alia the following planning policies:

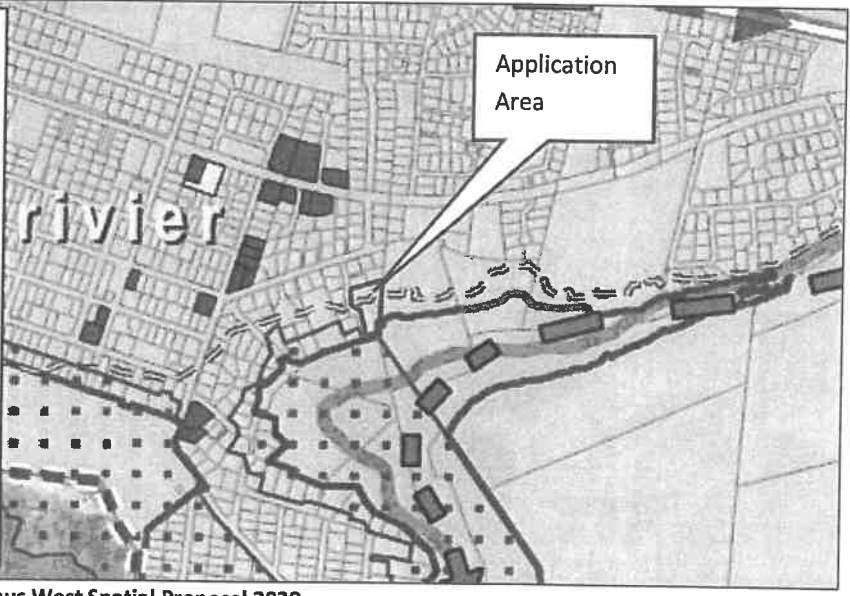
- The Overstrand Municipal Spatial Development Framework, 2020
- The Overstrand Municipality Spatial Growth Management Strategy, 2010

**I. The Overstrand Municipal Spatial Development Framework, 2020**



The application is within an Urban Development and Coastal Protection Zone.

	Urban Edge
	Major Road
	Urban Development
	Inter Municipal Economic Linkage
<b>Business &amp; Industrial</b>	
	Developed
	Vacant
	Business Zone
	Industrial Zone
<b>Environmental Informants</b>	
	Protected Areas & CBA's
	Sensitive Development Area (Composite: HPOZs and EMOZs)
	Ecological Corridor
	Coastal Protection Zone
	Coastal Management Line
	Non - Perennial River
	Perennial River



**Figure 9: Hermanus West Spatial Proposal 2020**

ii. **Overstrand Municipality Spatial Growth Management Strategy – 2010 (OMSGMS)**



In terms of the Overstrand Growth Management Strategy, the application area falls within a “No Densification Planning Unit” and within the urban edge as illustrated in the extract from the OMSGMS:

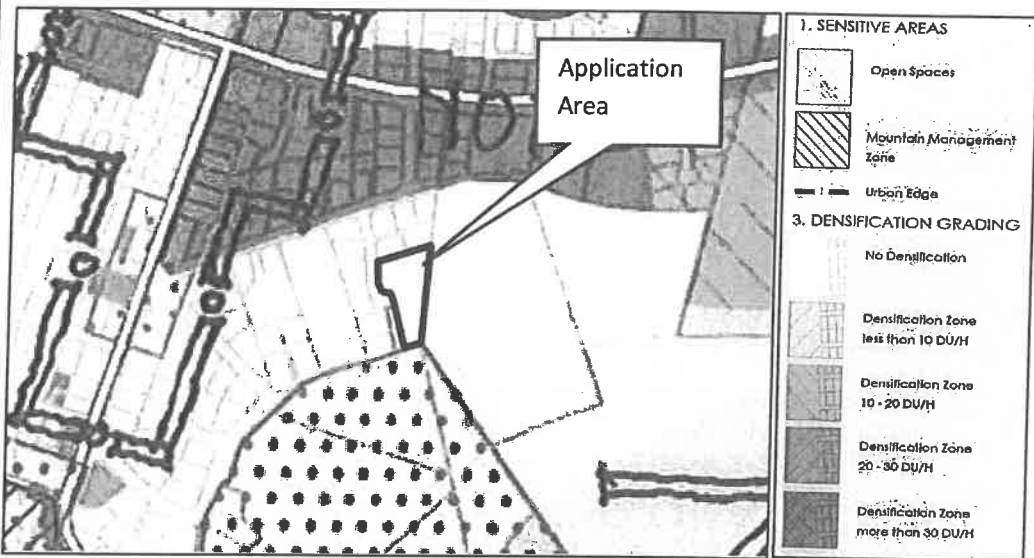


Figure 10: Extract from the Overstrand Municipality: Growth Management Strategy

No densification is proposed as the application is for the amendment of a boundary and the amount of erven and use will remain the same.

Conclusion:

The moving of a boundary 1.5m is of a minor nature and will not have an affect on any of the provisions of the Overstrand Municipal Spatial Development Framework, 2020 or Overstrand Municipality Spatial Growth Management Strategy – 2010 (OMSGMS).



Subsequently the application is for the amendment of conditions in respect to an existing approval.

**Conditions of approval (Application ID: 3447/2019)**

3. that Resolution in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, with conditions, are as follows:

2. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Erf 4996, Onrustrivier into three (3) portions, namely Portion A ( $\pm 552\text{m}^2$ ), Portion B ( $\pm 1215.1\text{m}^2$ ), and Portion C ( $\pm 1595.9\text{m}^2$ ), be approved;
4. that the approvals in points 1 and 2 above be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions.
  - (a) that this approval is only for the subdivision as indicated on Plan Number A 102 dated 2 September 2019, submitted with the application, with one alteration that the panhandle access to Portion B be minimum 4m wide;

**Proposed amendments**

3. that Resolution in terms of Section 61 of the Overstrand By-Law on Municipal Land Use Planning, with conditions, are as follows:

2. that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Erf 4996, Onrustrivier into three (3) portions, namely **Portion A ( $\pm 538\text{m}^2$ )**, **Portion B ( $\pm 1292\text{m}^2$ )**, and **Portion C ( $\pm 1534\text{m}^2$ )**, be approved;
4. that the approvals in points 1 and 2 above be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions.
  - a. that this approval is only for the subdivision as indicated on Plan Number **0622.03 dated 15 October 2021**, submitted with the application, with one alteration that the panhandle access to Portion B be minimum 4m wide;

**c. Desirability**

Portion A will decrease from  $\pm 552\text{m}^2$  to  $\pm 538\text{m}^2$  which is to correct a calculation error. Portion B will increase in size from  $\pm 1215.1\text{m}^2$  to  $\pm 1292\text{m}^2$  which is a 7% increase. Portion C will decrease in size from  $\pm 1595.9\text{m}^2$  to  $\pm 1534\text{m}^2$  which is a 4% decrease. The changes in the sizes of the erven are of minor nature and will not have any effect on the neighbouring properties or the character of the area.

The additional 1.5m on the southern boundary of Portion B will allow for more space for a garage and improved ability for vehicles to turn.

The proposal will widen the entrance to the property from 4m to 5.5m allowing for a double lane entrance instead of a single lane entrance, reducing the likelihood of vehicles blocking each other at the entrance, especially at times when guests are received on the property.

The proposal does not affect the functioning of Portion C at all since the Proposed property is  $1533\text{m}^2$  and no buildings are built or proposed yet on Portion C, allowing for adequate space for any proposed uses.

The application proposal will have no negative effect on or be negatively affected by any of the adjacent properties and the proposal improves the functioning of Portion B and has no effect on the functioning of Portion C.

The proposed development is thus considered **desirable**.

**d. Planning Principles**

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

**Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

**Possible results of the development**

The proposal will not in any way contribute to the perpetuation of past apartheid spatial development as the proposal will not change the use of the properties.

The application proposal is **consistent with spatial justice**.

- 1) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

**Possible results of the development**

The property is a single residential zoned erf within the urban edge and will therefore have no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas.

The application proposal can thus be deemed to be **spatially sustainable**.

- 2) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

**Possible results of the development**

The proposal will not have an impact on the functioning of the area but will improve the functioning of Portion B without affecting the functioning of any other properties.

The application proposal is **consistent with the efficiency principle**.

- 3) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

**Possible results of the development**

The proposal will not have any effect on the ability to accommodate environmental or economic shocks but will improve the functioning of the property.

The application proposal is **consistent with the principle of spatial resilience**.

- 4) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

**Possible results of the development**

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.

The application proposal is **consistent with the principle of good administration**.

## 5. Conclusion

The application as motivated in this report is regarded desirable within its local context and well-integrated within the existing community land-use activities. It is therefore recommended that this application be approved:

1. application for the amendment of Condition 3.1 of the approval of application ID: 3447/2019, to read "that the subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By- Law on Municipal Land Use Planning, 2015 (By-Law) of Erf 4996, Onrustrivier into three (3) portions, namely **Portion A ( $\pm 538\text{m}^2$ )**, **Portion B ( $\pm 1292\text{m}^2$ )**, and **Portion C ( $\pm 1534\text{m}^2$ )**, be approved;" in terms of Chapter IV, Section 16(2)(h).
2. application for the amendment of Condition 3.3(a) of the approval of application ID: 3447/2019, to read "that this approval is only for the subdivision as indicated on Plan Number **0622.03 dated 15 October 2021**, submitted with the application, with one alteration that the panhandle access to Portion B be minimum 4m wide;" in terms of Chapter IV, Section 16(2)(h).

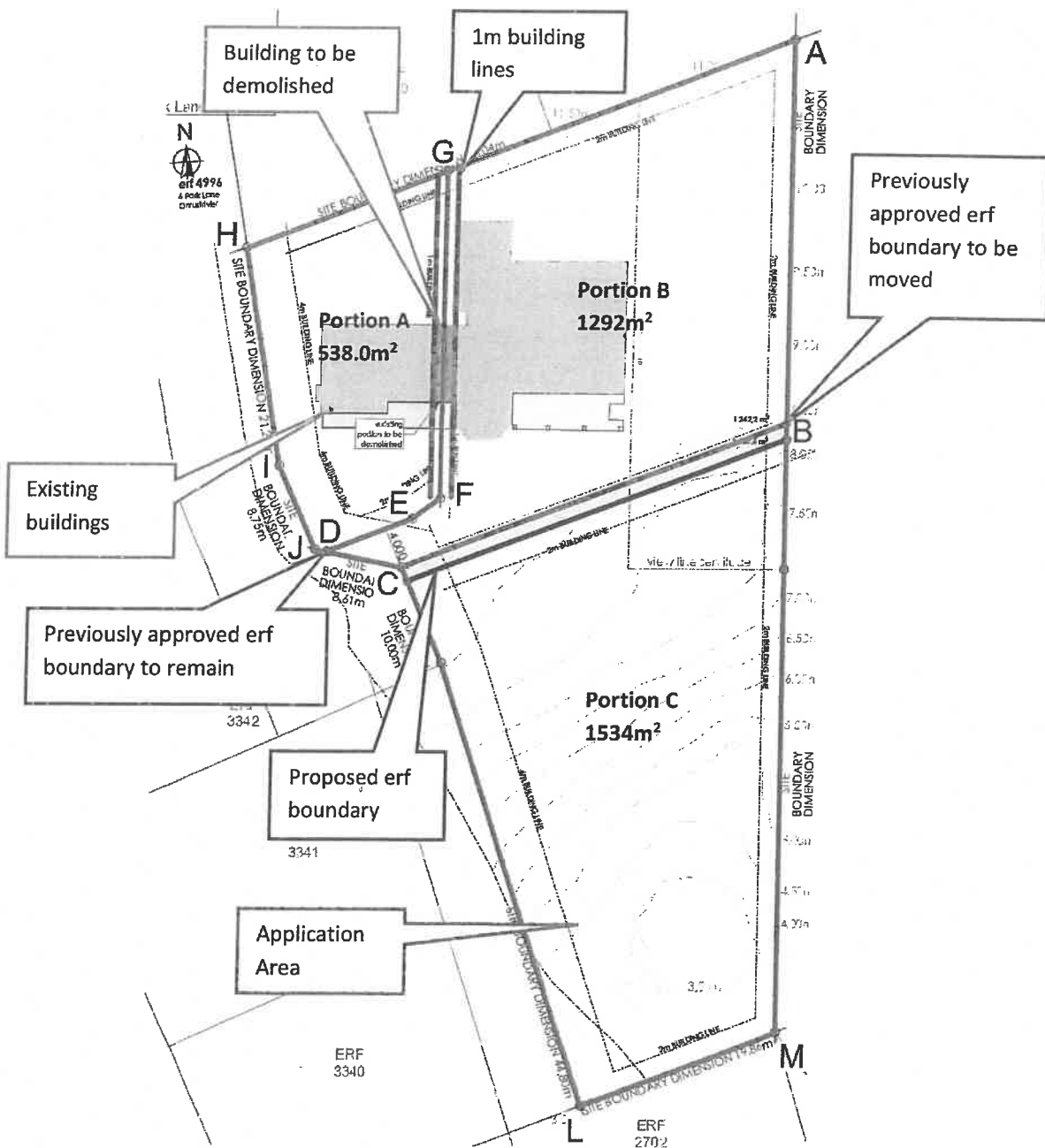
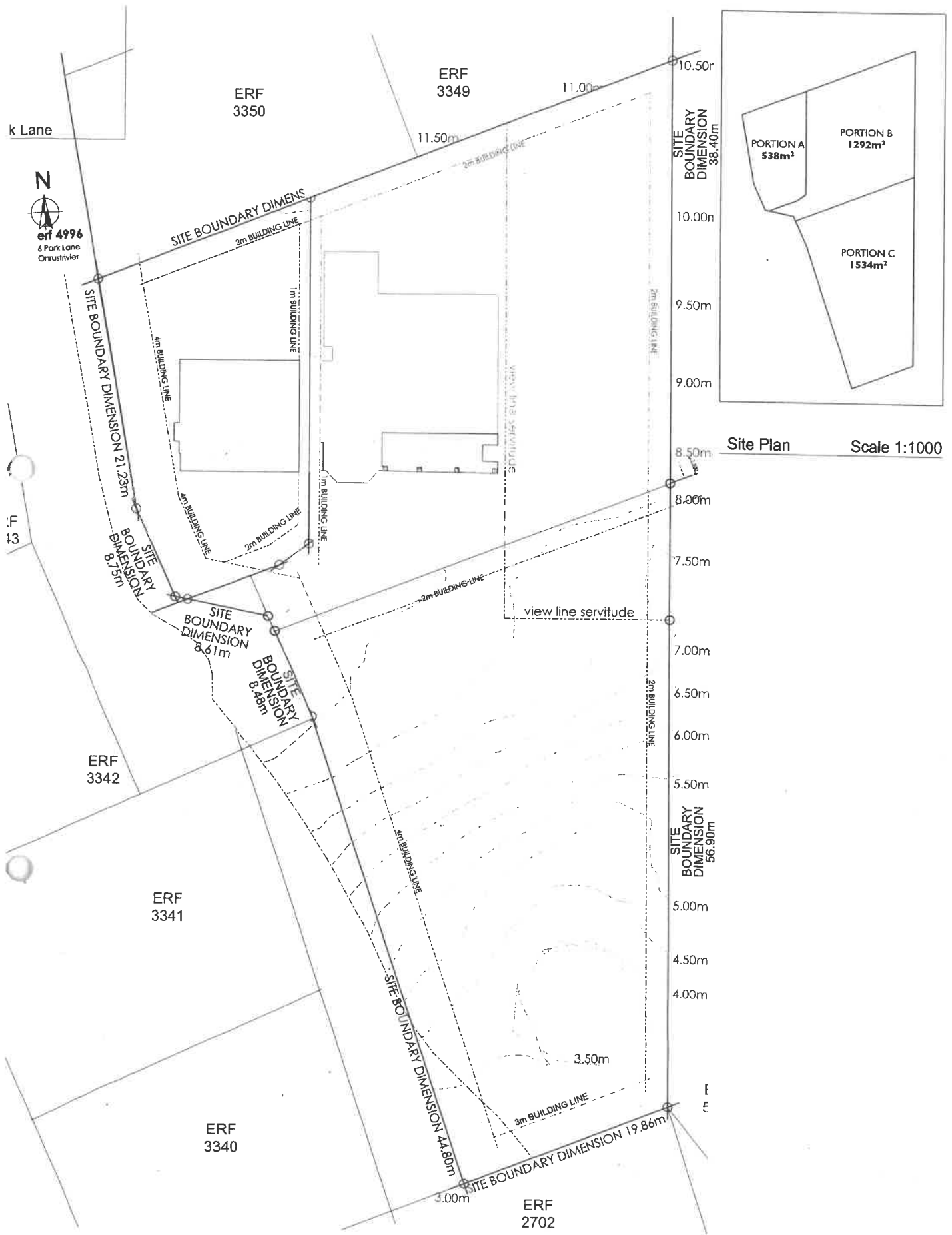


Figure 12: Subdivision Plan Extract



Site Plan

Scale 1:300