

ERF 1879, 22 SEPIA AVENUE, VERMONT AND ERF 1880, 20 SEPIA AVENUE, VERMONT: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE (obo Y JORDAAN)

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:

- Consolidation in terms of Section 16(2)(e) of the By-Law to consolidate Erf 1879 Vermont ($\pm 477\text{m}^2$) with Erf 1880, Vermont ($\pm 477\text{m}^2$) to create a newly consolidated property of $\pm 954\text{m}^2$ in extent.
- Departure in terms of Section 16(2)(b) to relax the street building line from 4m to 3,157m to accommodate an existing single garage.
- Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised street building line encroachment.

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 / loretta@overstrand.gov.za) on or before **29 July 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Town Planner, **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 1879, SEPIALAAN 22, VERMONT EN ERF 1880, SEPIALAAN 20, VERMONT: AANSOEK OM KONSOLIDASIE, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE (nms Y JORDAAN)

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

- Konsolidasie ingevolge Artikel 16(2)(e) van die Verordening om Erf 1879 Vermont ($\pm 477\text{m}^2$) met Erf 1880, Vermont te konsolideer om 'n nuutgeskepte gekonsolideerde eiendom van $\pm 954\text{m}^2$ te skep.
- Afwyking ingevolge Artikel 16(2)(b) om die straatboulyn vanaf 4m na 3,157m te verslap om 'n bestaande enkel motorhuis te akkommodeer.
- Bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) van die Verordening vir die onwettige straatboulyn oorskryding.

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 / loretta@overstrand.gov.za) voor of op **29 Julie 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **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.

ERF 1879, 22 SEPIA AVENUE, VERMONT AND ERF 1880, 20 SEPIA AVENUE, VERMONT: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE (obo Y JORDAAN)

Kukhutshwe isaziso esimayela ehambelana neSoloty lama48 likaMasipala waseOverstrand ongokuHlomela Umthethwana kaMasipala ngeZicwangciso zokuSetyenziswa koMhlaba 2020 isaziso eso sithi kufunyenwe isicelo esimayela nale miba:

- Ukuyondelelanisa nokulungelelanisa imiba yeSoloty le16(2)(e) loMthethwana oyondelelanisa yesiza esinguErf 1879 eVermont ($\pm 477\text{m}^2$) nesiza esinguErf 1880, eVermont ($\pm 477\text{m}^2$) ukuqhuba uyondelelaniso isakhiwo esitsha okanye indlu entsha ebungumlinganiselo ozimitha ezi $\pm 954\text{m}^2$ ubungakanani.
- Ukwahlula ngokwemiba yeSoloty le16(2)(b) ukunyenyisa umgca wongameko lwesakhiwo ukusuka kwiimitha ez-4m ukuya kwimitha ezi-3,157m ukulungiselela igaraji enye neseyikhona.
- Ingqinisekiso yepenalthi/yomdliwo ngokwemiba yeSoloty le16(2)(q) oMthethwana omayela nokugqithisa kumgca olungameko lwesakhiwo.

Linkcukacha eziphelileyo mayela nezi zindululo ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwixesha eliphakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Izicwangciso zeDolophu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa kwaMasipala ngokwezibonelelo zeSoloty lama51 nelama52 loMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla **wama29 kaJulayi ku2022**, uchaze igama lakho, idilesi yakho neekcukacha zakho, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa kuMcwangcisi weDolophu Oyintloko, **Mnu. H. Olivier** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe leziCwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni

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Plan
 Stads- en Streeksplanners
 Town & Regional Planners

All distances approximate
 and subject to survey.
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Property Description:
**ERVEN 1879 &
 1880 VERMONT**

Plant Description:
LOCALITY MAP

Scale: NTS
 Drawing No.: 031101010101
 Date: MAY 2022



**DETERMINATION OF AN
ADMINISTRATIVE PENALTY**
PROPOSED CONSOLIDATION AND DEPARTURE
ERVEN 1879 AND 1880 VERMONT
DIVISION: CALEDON

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Y. Jordaan, the owner of erven 1879 and 1880 Vermont, to apply for the consolidation of the aforementioned properties.

Both erven 1879 and 1880 Vermont are 477m² in extent. The subject properties are held by title deed number T37547/2021.

There is an existing partial double storey dwelling situated on erf 1879 Vermont. Erf 1880 Vermont is a vacant portion of land but is landscaped and forms part of the garden areas associated with the dwelling on erf 1879 Vermont.

The owner intends to consolidate the subject properties since the subject properties are being used and maintained as one property. With the compilation of the plans for the consolidated property, the architect came across the following that must also be addressed with this application:

- The As built garage was constructed over the street building line.

A portion of the existing dwelling is situated slightly over the southern lateral building line. The portion of dwelling over the building line will be addressed with the proposed consolidation application hence no deviation is required. The original

pergola on the northern erf boundary side had been demolished. A new patio was approved and is already constructed on erf 1879 Vermont. The new covered patio is indicated on the site development plan. The existing (approved) covered patio was not constructed over the northern lateral building line - only the roof encroaches the northern lateral building line. However, the roof encroachment is less than a meter and thus falls within the acceptable margins laid down by the Land Use Scheme Regulations.

No new development is proposed and no development proposals for future additions / alterations to the consolidated property (if any) are currently available.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an administrative penalty for the unlawful street building line encroachment of the As Built single garage on erf 1879 Vermont;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the consolidation of erven 1879 and 1880 Vermont;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the departure (building lines) of newly consolidated erven 1879 and 1880 Vermont.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erven 1879 and 1880 Vermont are situated at 20 and 22 Sepia Avenue, Vermont. The subject properties are adjacent to one another and share a common boundary. Refer to the locality plan attached.

Erf 1879 Vermont is developed with a partial double storey dwelling with covered patios, pergolas, a single garage and a garden area. Erf 1880 Vermont is a vacant portion of land, but the property is landscaped, and forms part of the garden areas associated with the dwelling on erf 1879 Vermont. The subject properties are (fairly) levelled sloped.

The extent of the subject properties is as follow:

ERF NUMBER	EXTENT (in m ²)
Erf 1879	477
Erf 1880	477

3.2 ZONING

The subject properties have the following land use rights:

ERF NUMBER	ZONING
Erf 1879	Single Residential Zone 1: Dwellings (SR1)
Erf 1880	Single Residential Zone 1: Dwellings (SR1)

Surrounding properties are zoned for Single Residential Zone 1: Dwellings, Open Space Zone 2: Public Open Space and Transport Zone 2: Road purposes.

3.3 LAND USE

Erf 1879 Vermont is developed with a partial double storey dwelling with covered patios, a pergola, a single garage and a garden area. The total floor area of all the structures on the subject property amounts to ±225,94m² (inclusive of the covered patios and existing pergolas). All existing As Built structures were constructed in line

with the approved building plans, except for the garage that was shifted closer to the street boundary during construction (copy of the approved building plan dated 24 July 2001 attached). Erf 1880 Vermont is a vacant portion of land, but the property is landscaped, and forms part of the garden areas associated with the dwelling on erf 1879 Vermont.

Land uses that surround the subject properties are single residential dwellings, public open spaces and public roads.

3.4 THE POTENTIAL OF THE PROPERTY

The erven in this specific part of Vermont are small in extent and narrow in width, hence the trend to consolidate properties to create a larger portion of land is not a strange phenomenon in this area.

Both erven 1879 and 1880 Vermont are a mere 477m² in extent. In addition, the subject properties have the same owner and are managed and maintained as one. The garden area on vacant erf 1880 Vermont is associated with erf 1879 Vermont. The extent of the subject properties and the As Built structures therefore confirms the potential of erven 1879 and 1880 Vermont to be considered for consolidation.

It is proposed to retain the zoning and land use of the newly consolidated portion. The location of the subject properties within an existing established single residential area allows the consolidated property to be developed in future for low impact land uses only.

The proposal is considered in line with the character of the area since there are properties in the immediate area that have similar erf sizes than proposed with this application (for example erf 2071 Vermont situated opposite the subject properties).

The departure (building line deviation) application is to accommodate a slight encroachment of the As Built single garage only. The subject property has the potential and allows for the deviation being applied for, for the following reasons:

- Good quality materials were used during the construction of the As Built garage;
- The consolidated property will retain the existing development footprint, i.e. no new development (alterations and additions) is proposed with this application. It will therefore have a low impact on the streetscape and neighbouring properties;
- The building line encroachment is to accommodate the As Built single garage only;
- The proposed departure and consolidation application will not hinder any future land use applications on the newly consolidated property;
- Property values of surrounding erven will not be negatively affected by the proposed application;
- The proposed consolidation minimizes the impact that the As Built single garage could have had on neighbouring properties.

When evaluating the proposed consolidation against surrounding erf sizes, minimum erf sizes, minimum street frontage widths, etc. it is evident that the subject properties have the potential to be consolidated to create a larger portion of land.

The position of the existing structures does not hinder the proposed consolidation.

Compliance with the current spatial planning policies (discussed in this report) support and confirm the potential of the subject property for development.

3.4 PROPOSED DEVELOPMENT

The following is proposed:

- The determination of an administrative penalty in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the unlawful street building line encroachment of the As Built single garage on erf 1879 Vermont;
- The consolidation of erven 1879 and 1880 Vermont in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, as follows:
 - Erf 1879 Vermont of 477m² in extent to be consolidated with
 - Erf 1880 Vermont of 477m² in extentto create a newly consolidated SR1 zoned portion of 954m² in extent;
- The departure (building lines) of newly consolidated erven 1879 and 1880 Vermont in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - Deviate from the street building line from 4m to 3,157m to accommodate the As Built single garage.

3.4.1 Rectification of contravention

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law (due to the As Built single garage not constructed as per the approved building plan), an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

- **The Nature, duration, gravity and extent of the contravention**

The subject properties were transferred to the new owner in August 2021. The single garage on erf 1879 Vermont was indicated in its current position on the approved building plan dated 24 July 2001. The approved building plan indicates the position of the single garage to be on the 4m street building line. However, it seems that the previous property owner deviated from the approved building plan during construction since the single garage was constructed on the 3,157m street building line.

Since the layout and position of the single garage remains as per the approved building plan, it seems that the previous property owner erred in the construction of the garage at the time and that the encroachment most likely was not undertaken deliberately.

The As Built single garage was surveyed to determine its position on the subject property and the proposed site development plan was compiled (for consolidation purposes) accordingly. It was only once the single garage was surveyed that the architect (and property owner) was made aware of the street building line encroachment.

The As Built single garage is 33,868m² in extent. The length of the garage is as per the approved building plan (approved length of 7,997m versus As Built length of 7,993m). This is indicative that the structure was not extended, but merely positioned closer to the street boundary line during construction. Only 3,647m² of the As Built garage is constructed over the street building line (i.e. a mere 13,826% of the total extent of the garage).

There are no windows in the existing single garage facing the properties to the south. Although the latter becomes irrelevant when considering that erven 1879 and 1880 Vermont will be consolidated. As previously mentioned, the layout of the structure

was done as per the approved building plan, the structure was merely shifted closer to the street boundary during construction.

The position and nature of the As Built single garage and the existing use thereof on the property are unobtrusive in nature and do not impact negatively on the surrounding properties, as no complaint from surrounding property owners has been received up to date. A building line departure application to accommodate the existing single garage in its current position is included in this application.

- **The conduct of the person involved in the contravention**

The As Built single garage was constructed by the previous owner of the property. The current owner was unaware that the As Built structure was not built as per the approved building plan. She bought the subject properties in 2021 and merely intended to consolidate the properties. The copy of the latest approved building plan (24 July 2001) indicates the single garage, but not at the exact same position as it currently stands. As a result, the As Built single garage that encroaches the street building line has been on the property for ±20 years.

Once the property owner was informed of the encroachment, she immediately instructed the relevant consultants to address the unlawful encroachment with the land use application and the building plan submission to follow.

- **Whether the unlawful conduct was stopped**

The single garage already exists on the subject property. The owner now attempts to rectify the contravention by submitting the administration penalty application in order to legalise the position of the structure on the subject property. This is the only garage currently on the subject property; hence the new property owner would like to retain the structure.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

If the Overstrand Municipality finds it necessary that an administrative penalty fee needs to be enforced for the unauthorised building works, we will submit a report from a quantity surveyor / building contractor with reference to the unauthorised building works. The reason being that if there is a chance that no penalty fee is imposed the report from a quantity surveyor will be unnecessary at this stage.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowner, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration that there is no impact of the existing single garage on the surrounding area. It should also be considered that no complaints from surrounding properties have been submitted with regards to the unlawful position of the structure. We therefore respectfully request that no penalty fee be imposed on the property owner for the reasons given above.

3.4.2 Proposed consolidation and departure

The potential of the subject property is discussed in detail in *Section 3.5 Potential of the property*.

When the proposed consolidation of the subject properties was considered, cognisance was taken of the following criteria:

- accessibility to the subject properties;
- impact on the character of the area;
- erf shape;
- position of the existing structures;

- land use restrictions;
- applicable spatial planning policies and densification guidelines.

It is proposed to consolidate the subject properties as follows:

PROPOSED CONSOLIDATION	Erf 1879: 477m ² Erf 1888: 477m ²
TOTAL EXTENT OF PROPOSED CONSOLIDATION	954m ²

Refer to the proposed consolidation plan attached.

The existing structures will remain on the consolidated property. No new development is proposed and no development proposals for future additions / alterations to the consolidated property (if any) are currently available. The SR1 zoning building lines will remain relevant to the consolidated property (4m street building lines and 2m lateral building lines). Although the existing single garage encroaches the 4m street building line, all other structures were constructed in line with the approved building plans.

With the compilation of the plans for the consolidated property, the architect came across the following that must also be addressed with this application:

- The As built garage was constructed over the street building line.

An application is submitted for a departure to:

- relax the street building line from 4m to 3,157m to accommodate the As built single garage.

The As Built single garage is 33,868m² in extent. The length of the garage is as per the approved building plan (approved length of 7,997m versus As Built length of 7,993m). This is indicative that the structure was not extended, but merely positioned closer to the street boundary line during construction. Only 3,647m² of the As Built garage is constructed over the street building line (i.e. a mere 13,826% of the total extent of the garage). The As Built garage is 3,410m high (measured from base level to top of facade) and therefore complies with the maximum height requirement for the consideration of garages that encroach building lines.

The layout of the single garage is as per the approved building plan, the position of the approved garage was merely shifted closer to the street boundary during the

construction thereof. There are no windows in the existing single garage facing the properties to the south. Although the latter becomes irrelevant when considering that erven 1879 and 1880 Vermont will be consolidated. The As Built single garage is 6,748m from the edge of the tar road (Sepia Avenue) as indicated on the site development plan.

A portion of the existing dwelling is situated slightly over the southern lateral building line. The portion of dwelling over the building line will be addressed with the proposed consolidation application hence no deviation is required. The original pergola on the northern erf boundary side had been demolished. A new patio was approved and is already constructed on erf 1879 Vermont. The new covered patio is indicated on the site development plan. The existing (approved) covered patio was not constructed over the northern lateral building line - only the roof encroaches the northern lateral building line. However, the roof encroachment is less than a meter and thus falls with the acceptable margins laid down by the Land Use Scheme Regulations.

The coverage of the existing structures on the newly consolidated erf is $\pm 23,68\%$ ($\pm 225,94\text{m}^2$). The coverage will therefore be within the maximum permissible coverage of 50% for SR1 zoned properties.

The proposed consolidation and departure do not have a negative impact on the surrounding erven as the subject property's zoning will remain Single Residential Zone I and the proposed portion size is compatible with similar surrounding property sizes.

The proposed consolidation and departure of erven 1879 and 1880 Vermont will not have a negative impact on the environment, traffic or character of the area (the land use will remain unchanged). We therefore do not anticipate any problems with the proposed application.

3.5 CHARACTER OF THE ENVIRONMENT

It is not proposed to change the land use or zoning of the subject properties. The impact on the character of the area will therefore remain unchanged. All structures on erf 1879 Vermont already exist and as a result the impact on the character of the environment will remain unchanged. Future additions / alterations (if any) to the newly consolidated property will be undertaken in line with the land use parameters applicable to SR1 zoned properties. Any deviations from the SR1 land use parameters will have to follow a new land use application and will inform adjacent property owners accordingly.

The proposed consolidated erf size is compatible with the surrounding erf sizes. Erf 2071 Vermont, situated opposite the subject properties, is an example of a similar consolidation that was approved in the immediate area in the past. The proposed portion shape after consolidation is consistent with the grid layout of the area. In addition, the consolidated property is developed in line with the approved building plans. The visual impact and in turn the impact on the character of the area will consequently be kept to a minimum.

3.5 ECONOMIC IMPACT

The proposed consolidation and departure will have a positive impact on the economy of the area. No additional load on the existing bulk services in the area is anticipated with the proposed consolidation.

The proposed departure will allow the owner to keep the As Built single garage on the newly consolidated property while simultaneously meeting the parking needs. Addressing the unlawful structure will favour the resale of the property in the future and have a positive impact on the adjacent properties. By approving the proposal, the aesthetical value of the subject property will remain. The single garage does not have a negative impact on the surrounding property owners as previously discussed.

The proposed deviation will have a low but positive impact on the local economy. One family will continue to reside on the property who will continue to invest in the local economy of the area.

The proposed consolidation will create a larger residential erf in a well-located area.

3.6 SOCIAL IMPACT

The proposal will have no impact on the social wellbeing of the area. One family will continue to occupy the property and no negative impacts are anticipated.

There will be no impact on the social wellbeing and social coherence of the adjacent community given the extent of the proposed portion after consolidation as well as the fact that the zoning and land use of the consolidated portion will be in line with the zoning and land uses associated with the immediate area.

3.7 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application proposes to create a larger single residential erf and to retain the As Built single garage in its current position. The land use will therefore be for single residential (dwelling with outbuilding) purposes. The proposed consolidation creates an erf that is compatible with the surrounding zonings and land uses of the area.

As mentioned in Sections 3.4 and 3.5 of this report the surrounding erf sizes, the average erf size for the area, the street frontage widths of existing erven of similar sizes, the proposed layout and shape of the newly consolidated residential portion are compatible with the layout and erf shapes of the existing residential area, the fact that similar consolidated portions exist, etc. proof that the consolidation is compatible with the existing context and character of the area. Properties of similar erf sizes exist in the immediate area. The extent of the newly consolidated portion is compatible with the existing low-density residential area.

In addition, the proposed consolidation will have no impact on the views of the adjacent properties or properties situated in the immediate vicinity. The scale of the As Built structures on the newly consolidated erf merges well with the scale of the surrounding dwellings in the immediate area. As a result, there is no substantial impact on the streetscape.

According to the development rules of the Overstrand Land Use Scheme (2020) the consolidation will allow for the development rules for erven >400m² to apply to the newly consolidated single residential portion. The proposed consolidation will therefore maintain the existing development parameters that apply to the existing residential erven before consolidation and the erven in the immediate vicinity.

3.8 IMPACT ON EXTERNAL ENGINEERING SERVICES

Erven 1879 and 1880 Vermont are fully serviced. No additional load on the existing bulk services in the area is anticipated with the proposed consolidation.

Additional services (if any) will be provided to the satisfaction of the Overstrand Municipality.

3.9 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed consolidation and departure will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that one family will continue to occupy the newly consolidated portion.

Furthermore, future alterations and / or additions (if any) will conform to the relevant land use and construction guidelines of the municipality. The latter will ensure the safe construction of additions and guarantee the safety and minimal noise pollution

during construction to the immediate community.

Since the proposed consolidation and departure are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.10 IMPACT ON HERITAGE

The application does neither involve changing the character of a site larger than 5 000m² nor the consolidation of three or more erven. Consequently, the proposed application for consolidation and departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erven 1879 and 1880 Vermont are not earmarked for heritage conservation purposes in the Overstrand Heritage Report (2009). The subject properties do not fall within the Heritage Overlay Zone demarcated in the Overstrand Municipal Growth Management Strategy (2010). The subject properties do not fall within the Overstrand Heritage Protection Overlay Zone (2020).

Erf 1879 Vermont is already developed, and the As Built structures will remain unchanged. The impact on the visual landscape of the area will be kept to a minimum since no new development is proposed. Future development or alterations / additions will be done in line with the zoning parameters for Residential Zone I: Single Residential erven as stipulated in the Overstrand Municipal Land Use Scheme Regulations (2020).

From the above it is evident that the proposed application does not encompass any heritage significance and therefore the impact on the heritage value of the area will be kept to a minimum.

3.11 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consolidation and departure (land use application), to create a larger single residential erf and to accommodate the As Built single garage do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The consolidation and building line relaxation of residential properties are not considered NEMA listed activities.

The subject properties are not earmarked for conservation purposes in terms of the Environmental Management Overlay Zone (EMOZ, 2020).

3.12 TRAFFIC IMPACT, PARKING AND ACCESS

Both erven 1879 and 1880 Vermont take access from Sepia Avenue. Access to the newly consolidated erf (erven 1879 and 1880 Vermont) will remain unchanged and will be from the existing access point in Sepia Avenue. Refer to the site development plan.

The impact on the traffic of Vermont will remain unchanged since the proposal is in line with the status quo for the area and no new development or access points are proposed. A Traffic Impact Assessment / Statement is not required since the proposed consolidation does not create an additional fifty trips or more to the area and since the access to the newly consolidated portion can easily be addressed (and remains unchanged).

The newly consolidated portion will comply with the relevant scheme regulations' parking requirements – i.e. at least two parking bays / garages must be provided for on site for each new portion created. The subject property is already developed with a single garage. In addition, there is ample space available on the consolidated erf to create at least one more parking bay on site (as indicated on the site development plan).

3.13 TITLE DEED

Title Deed no. T37547/2021 has no restrictions that need to be removed to accommodate the proposed consolidation and departure of erven 1879 and 1880 Vermont. Since the title deed conditions are straight forward, a conveyancer's certificate is not submitted with this application.

There is a bond registered against the subject properties. The bondholder's consent was requested and will follow.

3.14 FORWARD PLANNING AND LAND USE DOCUMENTS

3.14.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erven 1879 and 1880 Vermont are situated, for urban development purposes. The zoning and use of the subject properties will remain unchanged (Residential Zone 1: Single Residential). The proposed consolidation and departure are in line with the status quo of the area. As a result, the impact of the proposed land use application on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

3.14.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erven 1879 and 1880 Vermont form part of Planning Unit no. 1 for Hermanus West. No densification is proposed for this planning unit (to maintain status quo). No additional portions are created with this application. Although a

slight decrease of the density of the area is proposed with this application, the status quo of the area (low density residential) will remain unchanged. The land use application for the subject properties therefore falls within the existing planning for the Hermanus West area.

It is important to enhance and protect the character of the existing low-density residential areas such as Vermont, while still sensitively densifying where appropriate. This ensures that a wide range of erf sizes and types of development are available, not only within Vermont, but also within the entire Greater Hermanus area.

The proposed erf size of 954m² is not smaller than the smallest erf in the immediate vicinity (which is ±477m²) or the average erf sizes for the area. Erven 1879 and 1880 Vermont are owned by the same property owner and used and maintained as one single property. Similar consolidations in this area have been considered and approved in the past and this must be taken into account when considering the merit of the application. The proposal will therefore slightly impact on the density of the area while still retaining the status quo.

The layout of the proposed consolidated single residential erf is practical in respect to access, developable area, connecting to bulk services and the installation of services.

The proposal will promote land development in a location that is sustainable. The proposed consolidation is to improved erven within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

3.15 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding properties. The subject properties have been in existence since 1996.

This principle addresses the need to address the past imbalances regarding opportunity. This application is for existing erven as per the establishment of the Vermont Township and therefore this principle not applicable.

Spatial sustainability: The proposed consolidation is to create a larger single residential erf. As contemplated in Section 3.15 the proposed land use application is in line with the spatial planning policies for the area.

The layout of the proposed consolidated single residential erf is practical with respect to access, developable areas, connecting to bulk services and the installation of services. The visual impact will be kept to a minimum since the subject properties are already developed (erf 1879) and no new development is envisaged with this application. Future addition and / or alterations (if any) will be undertaken in accordance with the relevant land use scheme regulations. Since the status quo of the area will be maintained, it is submitted that the proposed consolidation is compatible with the character of the area and will not impact negatively on the existing rights of anyone else.

The proposed departure will have no impact on the visual elements of the subject property and surroundings since the structure (single garage) already exists. It is submitted that the As Built single garage is compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the street building line has no impact on the massing of the buildings and the impact on the streetscape or passers-by is considered minimal. The As built structure merges well with the area. The impact on the biophysical environment will also be kept to a minimum since the structure already exist.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the uses of the As Built structure, etc. allow for the consideration and approval of the proposed deviation without having an adverse

impact on the spatial sustainability of the area. The proposal is to an improved erf within an established residential area and therefore will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing properties will be more optimally utilised. The As Built single garage is compatible with the character of the area and does not impact negatively on the rights of the adjacent property owners.

As a result, the proposed consolidation and departure will have no adverse impact on the spatial sustainability of the area.

Efficiency: The subject properties are easily accessible and conveniently located close to major routes. The consolidation of erven 1879 and 1880 Vermont will have a low impact on the character and ambiance of the existing residential area as motivated in this report. It proofs to be efficient to allow the consolidation and departure since the impact will be kept to a minimum. As motivated in the above sections of the report the proposal is compatible with surrounding properties in the immediate area.

The proposed consolidation and departure proofs to be efficient since it discourages the phenomenon of urban sprawl, which relates to more responsible resource and infrastructure use and sustainable development. Moreover, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm 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

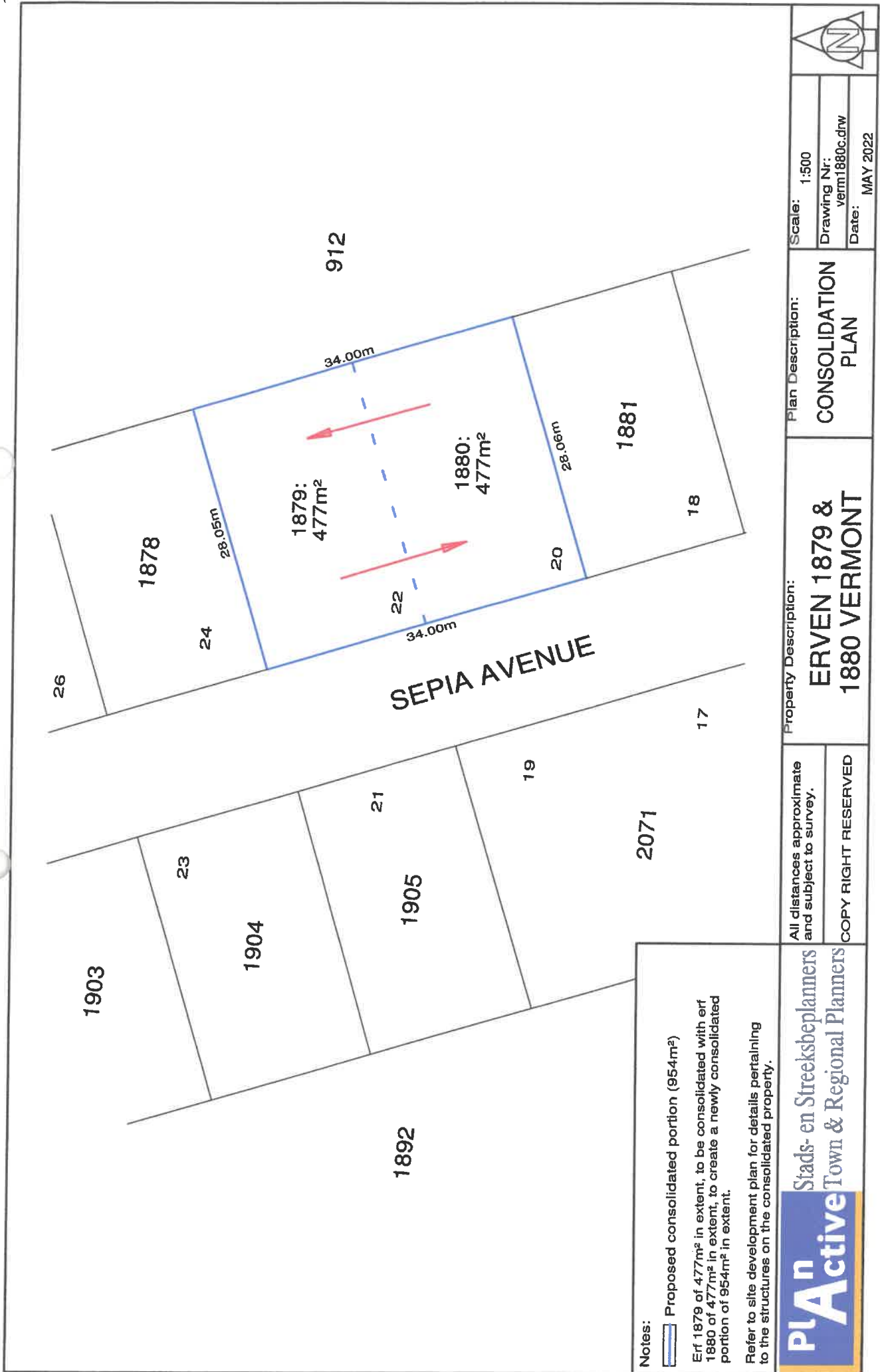
the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

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

- The proposed application will not have a negative impact on the existing land use rights of the subject properties or those of surrounding properties;
- The proposal is compatible with the existing character and erf sizes of the immediate area;
- The zoning of Residential Zone I: Single Residential and land use (single residential) will remain and are compatible with the surrounding zonings in the area;
- The proposed consolidation and departure comply with the spatial planning policies for the area;
- Impact on the traffic and services will be kept to a minimum;
- There are no title deed conditions that restrict the proposed consolidation and departure;
- The proposed land use application does not trigger any listed activities in terms of NEMA (Act 107 of 1998);
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

With regards to the above mentioned it would be appreciated if the application for the consolidation and departure of erven 1879 and 1880 Vermont be approved and that a zero-penalty fee be imposed.



Notes:

 Proposed consolidated portion (954m²)

Erf 1879 of 477m² in extent, to be consolidated with erf 1880 of 477m² in extent, to create a newly consolidated portion of 954m² in extent.

Refer to site development plan for details pertaining to the structures on the consolidated property.



Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate and subject to survey.

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Property Description:

ERVEN 1879 & 1880 VERMONT

Plan Description:

CONSOLIDATION PLAN

Scale: 1:500

Drawing Nr: verml1880c.drw

Date: MAY 2022



ERF 912

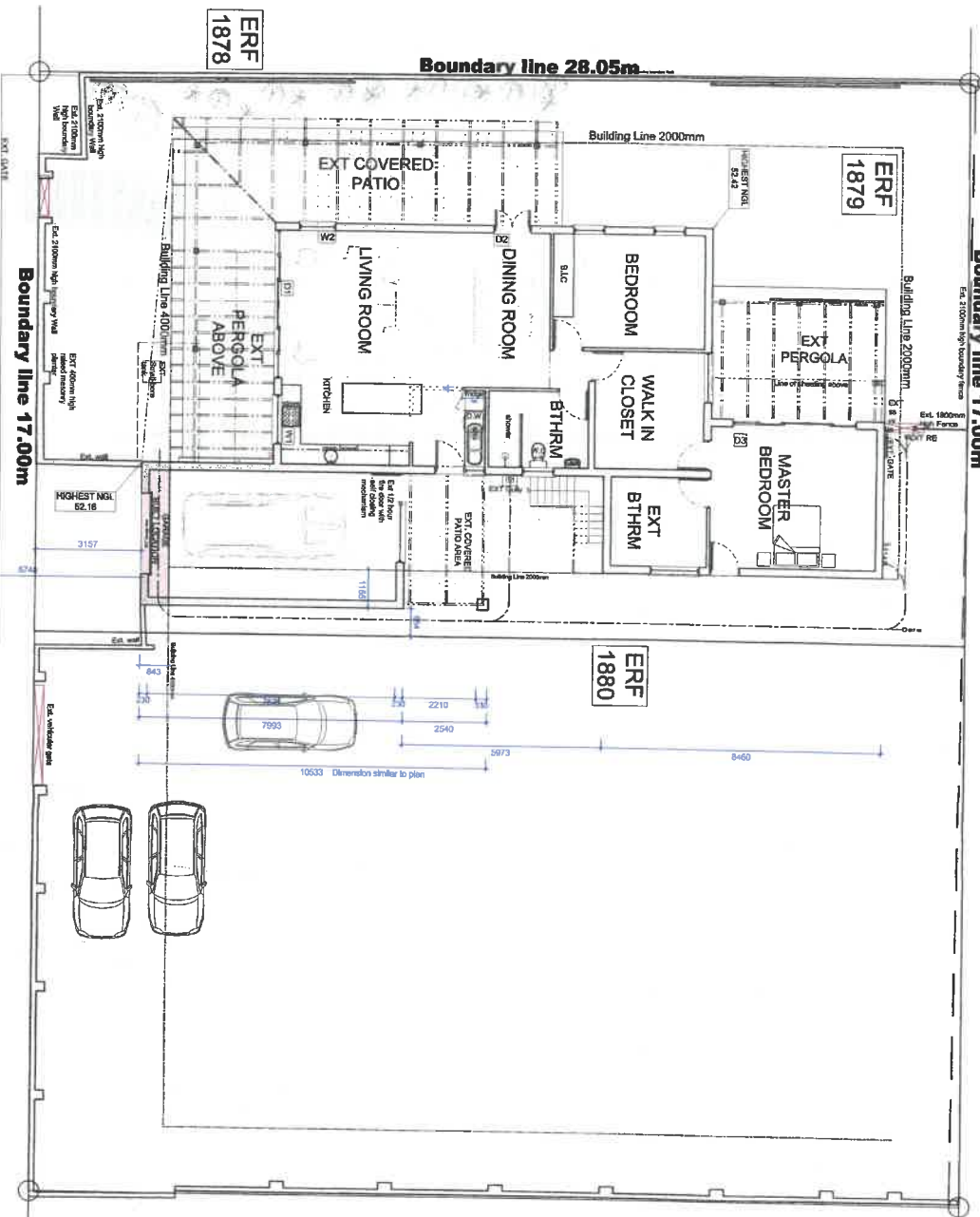
Boundary line 17.00m

ERF 1879

ERF 1880

ERF 1878

Boundary line 28.05m



GROUND STOREY / SITE PLAN
Scale 1:100
22 Sepia Road

NOTES:

AREA CALCULATIONS:

Garage Area	33.88m ²
Garage Floor	13.77m ²
Percentage over	13.85%

AREA CALCULATIONS:

Building	131.41m ²
Ground Storey Area	33.88m ²
Garage with Area	14.43m ²
Covered Patio	14.43m ²
Covered Terrace Area	8.50m ²
Total Area:	225.04m²
ERF	84m ²
Coverage:	23.85%

ENGINEERBENT & SCORIE
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CLIENT:	Jurkeman, Yolanda
ADDRESS:	22 Sepia Road
DPN:	1879
DRAWING NO.:	Project Number: A101; Current Revision
DATE:	27 May 2022
SCALE:	1:100
PROJECT NUMBER & REV. NO.:	1001A_02
DESIGNER:	Brandon George BT 1818
CHECKED BY:	Brandon George BT 1818
PROJECT DESCRIPTION:	Redesign of Building Plan & Construction
PROJECT COMMENT:	Plan & Elevation
DATE:	27 May 2022
SCALE:	1:100
PROJECT NUMBER & REV. NO.:	1001A_02

