4.3

ERF 1405 AND 1406, 18 BRANDERDRAAI, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CLOSURE OF PUBLIC PLACE, REZONING, CONSOLIDATION AND AMENDMENT OF GENERAL PLAN: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF NJ & JL HENZEN, J MARQUART AND JS BROUWER

1405 & 1406 HSB (3196)
H van der Stoep (028) 313 8900 Hermanus Administration
9 December 2019

1. EXECUTIVE SUMMARY

An application has been received on 24 May 2019 from Messrs Plan Active Town and Regional Planners on behalf of NJ & JL Henzen, J Marquart and JS Brouwer applicable to Erven 1405 and Erf 1406, Sandbaai for the following:

- closure in terms of Section 16(2)(n) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) of Public Open Space Erf 1406, Sandbaai;

- rezoning in terms of Section 16(2)(a) of the By-Law of Erf 1406, Sandbaai from Open Space Zone 2 : Public Open Space to Residential Zone 1 : Single Residential;

- consolidation in terms of Section 16(2)(e) of the By-Law of Erven 1406 and 1405, Sandbaai; and the

- amendment in terms of Section 25(2) of the By-Law of General Plan No. TP 9192 Sandbaai Township Ext. No. 2 by the creation of the Public Place Erf 1406, Sandbaai to be closed, as an ordinary erf.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, and the proposed Consolidation Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 1406, Sandbaai is situated in Extension 2 of the Sandbaai Township and is reserved as a public place in terms of the approved General Plan for the said extension. The property's zoning status is Open Space Zone 2 : Public Open Space and it is 198m² in extent. The owners of the adjacent Erf 1405, Sandbaai applied to Council to purchase the property for consolidation with their property. The applicable resolution of Council is quoted as follows:

"MINUTES: ORDINARY MEETING OF THE COUNCIL 28 FEBRUARY 2018

5.2
TRANSFER OF ERF 1406, SANDBAAI (±198M2 IN EXTENT) TO JL & NJ HENZEN, S BROUWER AND J MARQUART FOR SECURITY AND GARDENING PURPOSES
(ITEM 2, PAGE 104: INFRASTRUCTURE & PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING: 28 FEBRUARY 2018)
RESOLVED (SUPPORTED BY 23 COUNCILLORS)*:*

1. *that the transfer of Erf 1406, Sandbaai (198m² in extent) to JL & NJ Henzen, S Brouwer and J Marquart for the amount of R63,500.00 (SIXTY THREE THOUSAND FIVE HUNDRED RAND) (VAT excluded) for security and gardening purposes, be approved;*

2. *that it be noted that the direct transfer is possible as Erf 1406, Sandbaai is classified as a non-viable property;*

3. *that it be noted that a condition for transfer will be that Erf 1406, Sandbaai must be consolidated with the adjoining property of JL & NJ Henzen, S Brouwer and J Marquart, being Erf 1405, Sandbaai;*

4. *that the transfer of Erf 1406, Sandbaai be subject to obtaining the necessary closure, rezoning and consolidation approvals;*

5. *that all the costs pertaining to the transaction, e.g. application cost, valuation cost, consolidation, closure of public space, rezoning, transfer and related costs, advertisements, etc., be paid by the Applicants; and*

6. *that it be noted that the municipal property envisaged to be transferred is not required for the provision of the minimum level of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003).*"

The aim of the application is to give effect to the above point 4.

4. SUMMARY OF APPLICANT'S MOTIVATION

Due to the comprehensive nature of the Motivation Report only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- The public open space is a non-viable open space due to its small size.
- The property appears to be a passage to the beach, but does not provide access to the beach since the open space abuts the boundary fence of the Habonim Resort that is located to the west of the subject erven.
- The property is not being utilised as a functional public open space.
- In terms of the sales agreement no buildings or structures may be constructed on Erf 1406 after consolidation except for a boundary wall or fence.
- The proposal will be beneficial to surrounding landowners from a security point of view and it will also take away the burden from the Municipality to continuously upkeep the open space.

- The proposal will not change the primary land use of Erf 1405 as the open space will be used as an extension of the garden of Erf 1405. The impact on the residential character of the area will therefore be minimal.
- The values of surrounding properties will not be negatively affected by the proposal.
- All services already exist and no additional services are required.
- No new access points are proposed.
- No additional erven are proposed and the impact on traffic flow in the area will remain unchanged.
- The properties are not earmarked for heritage conservation purposes.
- The proposal does not trigger any listed activities in terms of NEMA.
- The proposal adheres to the spatial planning policies for the area.
- The Municipality gains capital due to the fact that Erf 1406 is purchased from the Municipality at market value.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	04/09/2019	11/10/2019
Gazette	Yes	06/09/2019	11/10/2019
Notices	Yes	04/09/2019	11/10/2019
Ward councillor	Yes	04/09/2019	11/10/2019
Total comments	**Ten (10)**		
Total letters of support	**None**		
Was public participation undertaken in accordance with Section 47 - 50 of the By-Law on Municipal Land Use Planning?			**Yes**
Was the application processed correctly (if no, elaborate below):			**Yes**
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			**Yes**

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Control	5/09/2019	No objection: Any proposed structure and/or building requires a building plan application compliant with all applicable law.
Heritage and Aesthetics Committee	10/09/2019	No objection.
Electro Technical Services	4/09/2019	No comments on proposal.

Fire Department	16/09/2019	No objection.
Environmental Management	1/10/2019	No objection.
Engineering Services	6/11/2019	Annexure H.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Ten (10) comments/objections were received from property owners in the vicinity of the subject properties. (See Annexure D.) Most of the concerns raised are alike and only the main concerns are therefore addressed and not each individual commenter's concerns in order to avoid unnecessary duplication. The main points of the comments are summarised as follows:

- The Public Open Space was used to gain access to the beach and the fence of Habonim that hinders public access to the beach must be removed – it must therefore be reopened.

- The selling of the Public Open Space should have been advertised when the Municipality considered to sell it.

- Should the access point not be opened, this will have negative impacts on property values.

- To allow access to Onrus beach, the Public Open Space may not be sold.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant did not comment on each individual point of the comments, but in general on the comments that were received. (See Annexure E.) The applicant's replies on the comments are summarised as follows:

- The primary concerns raised by the objectors are that they used Erf 1406, Sandbaai as a pedestrian thoroughfare in the past to gain access to Sandbaai beach.
- The subject properties share boundaries with Erf 1407, Sandbaai and Portion 336 of Farm 581 (Habonim Resort). Erf 1406, Sandbaai does not link with any other open spaces and is not located below the high-water mark.
- The objectors made use of the public place to illegally utilise a portion of a privately owned Resort to gain access to the beach.
- There is no servitude registered over the Resort in favour of the general public to access the property in order to access the beach.
- The Resort has been fenced for security reasons and cannot be used as a thoroughfare via Erf 1406, Sandbaai to gain access to the beach.
- Access to the beach from Branderdraai Street exists via public place (Erf 1297) that is located ±130m to the east of Erf 1406, Sandbaai.
- The objectors have no right to gain access to the beach over the Resort property and they have a passage that forms part of Erf 1297 that can legally be used as access.

9. MUNICIPAL ASSESSMENT OF COMMENTS

The Public Open Space was used to gain access to the beach and the fence of Habonim that hinders public access to the beach must be removed – it must therefore be reopened.

Erf 1406, Sandbaai falls within Extension 2 of Sandbaai Township and in terms of the applicable General Plan it is reserved as a Public Place (see extract from General Plan No. TP 9192 attached as Annexure G). There are no right of ways or associated servitudes registered over any portion of the Habonim Resort that allows for public access to the beach. The Public Open Space is therefore confined to its cadastral boundaries and the owners of Habonim Resort therefore have the right to enclose their property with a fence or boundary walls to keep people from trespassing – it is thus private property. There exists a passage between Erven 1302 and 1303 to the east that is a mere approximately 130m from the subject property for the public and the commenters to gain legal access to the beach.

The selling of the Public Open Space should have been advertised when the Municipality considered to sell it.

As set out in the above resolution of the Council, Council confirmed that Erf 1406 is classified as a non-viable property in terms of its Administration of Immovable Property Policy, 2015 which property can, subject to the requirements of the Policy, be directly sold to the owners of Erf 1406. Amongst others, the directly abutting owners are also offered the opportunity to purchase the property, but in this instance they declined the offer and did not object to the proposed sale thereof to the owners of Erf 1460. A notice of the sale therefore only had to be published in the Official Gazette in terms of Section 14 of the Municipal Financial Management Act. In view of the afore-said, it was legally not required to serve notices of the sale on surrounding property owners in the area. The sales agreement has in the meantime already been signed by all the relevant parties.

Should the access point not be opened, it will have negative impacts on property values.

It is the opinion that the essence of this point of comment has already been thoroughly addressed above. Although no substantial proof has been provided that property values would be negatively affected, it is the opinion that any property valuator would be doubtful to issue a certificate to the latter effect considering the above circumstances.

To allow access to Onrus beach, the Public Open Space may not be sold.

It is the opinion that this point of comment has already been thoroughly addressed above.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice
The application will not perpetuate spatial injustices.

Spatial sustainability
The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and will have no negative influence on the environment.

Efficiency
The application will optimize the use of property in terms of municipal services and infrastructure.

Spatial resilience
The application will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good administration
The application follows the required planning procedures and a good public participation process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable Policies

The application is consistent with the Zoning Scheme and Spatial Development Framework.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal engineering services

The existing services are available. The proposal will not impact on services.

10.7 Outcomes of investigations/applications i.t.o other legislation

N/A

10.8 <u>Existing and proposed zoning comparisons and considerations</u>

The application is in line with the Overstrand Spatial documents.

10.9 THE DESIRABILITY OF THE PROPOSAL

The applicant's motivation for the application as well as its commentaries on the points of comment is supported.

Erf 1406, Sandbaai is 198m² in extent and in terms of the primary rights set out in the Zoning Scheme, it can be used for outdoor sports, play, rest or recreation, or as a park area or nature area that includes associated buildings, infrastructure and uses. It is doubtful whether the primary uses can be optimally accommodated on the property specifically due to its very small size and the fact that it is mostly overgrown with Milkwood trees and shrubs (see extract of GIS aerial attached as Annexure F). It would thus be unpractical and difficult to accommodate the primary uses on the property. The property has furthermore not been utilised as a public open space in the past, but mostly as a passage by the public and surrounding property owners to illegally cross the adjacent Habonim Resort site to gain access to the beach. Habonim Resort has enclosed their property with a fence and therefore access to the beach is not possible. Thus the public has no access at present to Onrus Beach via Erf 1406, Sandbaai. Once consolidated and enclosed with a boundary wall by the new owners, it will ensure that any future illegal access via the open space over the Habonim site will not be possible anymore. In any event, ample open spaces exist in the close proximity of the property to gain legal access to the beach.

In terms of the signed sales agreement between the Municipality and the applicants, Erf 1406 that is to be consolidated with their property, may only be utilised for gardening purposes and no structures are allowed on the added land. In view of this, the proposal cannot impact on views, vested rights or the built character of the surrounding environment.

It is evident that the points of concern raised by the commenters were not thoroughly investigated that lead to it being unsubstantiated.

In view of the above the application as a whole is not regarded as being undesirable from a town planning perspective and can be supported in the manner as set out in the recommendation of this submission.

11. RECOMMENDATION

1. that the application in terms of Section 16(2)(n) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) for the closure of Public Open Space Erf 1406 Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) for the rezoning of Erf 1406, Sandbaai from Open Space Zone 2 : Public Open Space to Residential Zone 1 : Single Residential, **be approved** in terms of the provisions of Section 61 of the By-Law;

3. that the application in terms of Section 16(2)(e) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (the By-Law) for the consolidation of Erven 1405 and 1406, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application for an amendment in terms of Section 25(2) of the By-Law of General Plan No. TP 9192 Sandbaai Township Ext. No. 2 by the creation of the Public Place Erf 1406, Sandbaai to be closed, as an ordinary erf, **be approved** in terms of the provisions of Section 61 of the By-Law;

5. that the approvals in Points 1. – 4. be subject to the following conditions:

   (a) that Erf 1406, Sandbaai acquired by the landowners of Erf 1405, Sandbaai may solely be utilized for gardening purposes – no structures of any kind are allowed;

   (b) that the relevant conditions of Engineering Services (attached as Annexure H), be complied with;

   (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and

   (d) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.

6. that the applicants and objectors be notified of their respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

12. REASONS FOR RECOMMENDATION

- The application has followed due procedure.
- None of the internal departments have any objection.
- It is in line with policy documents.
- The points of comment are unfounded.
- Erf 1406, Sandbaai, due to its small size, cannot be optimally or practically utilised in terms of its primary uses.
- Illegal access over the Habonim Resort site to the beach will not be possible anymore.
- Ample access exists in the close proximity of Erf 1406, Sandbaai to legally gain access to the beach by the commenters and the public.
- Erf 1406, Sandbaai that is acquired by the applicants may only be utilised for gardening purposes.
- The application is not regarded as being undesirable from a town planning point of view.

13. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Proposed Consolidation Plan
Annexure D:	Objections received

Annexure E: Applicant's response to objections received
Annexure F: GIS aerial photo
Annexure G: General Plan (No. TP 9192)
Annexure H: Services Report

SIGNATURE

REGISTERED PLANNER:

Name:	**H VAN DER STOEP**
SACPLAN Reg No:	**A/1708/2013**
Signature:	_____
Date:	_____

OVERSTRAND MUNICIPALITY

Locality Map

Erf 1405 & 1406, Sandbaai

Date: 2019-08-01

ANNEXURE A

PlAn Active

Stads- en Streeksbeplanners
Town & Regional Planners

All distances approximate and subject to survey.

COPY RIGHT RESERVED

Property Description:
ERF 1405 & 1406
SANDBAAI

Plan Description:
LOCALITY MAP

Scale: NTS
Drawing Nr: sand1405L.drw
Date: 03/2019

N

Plan Active Town and Regional Planners Stadsen Streekbeplanners

PROPOSED PUBLIC PLACE CLOSURE, REZONING AND CONSOLIDATION

ERVEN 1405 & 1406 SANDBAAI

DIVISION: CALEDON OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Mr. N.H. Henzen, Mr. J. Marquart and Mrs. Joke Sabine Brouwer, owners of Erf 1405 Sandbaai have instructed the company Plan Active Town and Regional Planners to apply for a public place closure and rezoning of Erf 1406 Sandbaai, and the consolidation of erven 1405 & 1406 Sandbaai.

The owners of Erf 1405 Sandbaai, Mr. N.H. Henzen, Mr. J. Marquart and Mrs. Joke Sabine Brouwer applied to purchase Erf 1406 Sandbaai that is 198m² in extent from the Overstrand Municipality. Subsequently the Mayoral Committee resolved at their meeting dated 28 February 2018 that Erf 1406 Sandbaai be sold to the above mentioned owners of Erf 1405 Sandbaai and that Erf 1405 Sandbaai be rezoned and consolidated with Erf 1406 Sandbaai. A sales agreement was signed by all parties on the 3rd of December 2018. Please refer to the copy of the municipal letter of approval dated 8 March 2018 and the signed sales agreement for easy reference. (Annexure A)

Erf 1405 Sandbaai is held by Title Deed No. T35851/11 and is 783m² in extent. Erf 1406 Sandbaai is held by Title Deed No. T6643/1975 and is 198m² in extent.

The intention of the owners is to purchase Erf 1406 Sandbaai from the Overstrand Municipality. Erf 1406 Sandbaai is an impractical, non-viable public open space, to be rezoned to Residential Zone 1 and consolidated with Erf 1405 Sandbaai.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(n) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the closure of a public open space, Erf 1406 Sandbaai;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of Erf 1406 Sandbaai from Open Space Zone 2 to Residential Zone 1.
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consolidation of erven 1405 and 1406 Sandbaai.
- With reference to the Status Report received from the Surveyor-General written consent is also required in terms of Section 23(1) of the Overstrand Municipality's By-law on Municipal Planning, 2016, for the amendment if General Plan No.: TP 9192 Sandbaai Township Ext. No.2 by the creation of the Public Place, Erf 1406 Sandbaai, to be closed. Please refer to the enclosed Status Report.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erven 1405 and 1406Sandbaai is situated at 18 Branderdraai Street, Sandbaai. Erf 1406 Sandbaai is situated between number 18 and 20 Branderdraai Street, Sandbaai. Please refer to the enclosed locality map. Erven 1405 & 1406 Sandbaai are 783m² and 198m² in extent respectively and are situated in a predominantly single residential environment.

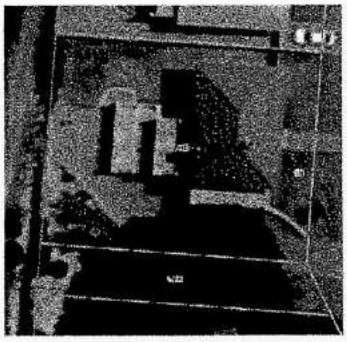
3.2 ZONING

Erf 1405 Sandbaai is Zoned Residential Zone 1 (Single Residential) and Erf 1406 Sandbaai is Zoned Open Space Zone 2 (Public Open Space).

Surrounding properties are also zoned Residential Zone I: Single Residential and are also being utilised as such.

3.3 LAND USE

Erf 1405 Sandbaai is used for residential purposes. An existing double storey dwelling is established on the subject property. Erf 1406 Sandbaai is a non-viable public open space that is 198m² in extent that accommodates a number of established trees that is clearly visible on the aerial photograph below.



Land uses that surround Erven 1405 & 1406 Sandbaai are single residential dwellings, The Habonim Resort and public roads. Erven 1405 & 1406 Sandbaai are within a predominantly established single residential area.

3.4 PROPOSED APPLICATION

- Chapter 4, Section 16(2)(n) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the closure of a public open space, Erf 1406 Sandbaai;
- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of Erf 1406 Sandbaai from Open Space Zone 2 to Residential Zone 1.
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consolidation of erven 1405 and 1406 Sandbaai.
- With reference to the Status Report received from the Surveyor-General written consent is also required in terms of Section 23(1) of the Overstrand Municipality's By-law on Municipal Planning, 2016, for the amendment if General Plan No.: TP 9192 Sandbaai Township Ext. No.2 by the creation of the Public Place, Erf 1406 Sandbaai, to be closed. Please refer to the enclosed Status Report.

The owners of Erf 1405 Sandbaai applied to purchase an adjacent non-viable public open space, Erf 1406 Sandbaai, that is 198m² in extent to be consolidated with Erf 1405 Sandbaai. Subsequently their application was approved at the Mayoral Committee as mentioned in this report and they have also signed a purchase agreement to the effect. It is now required that an application be lodged for:

- the closing of a public open space, Erf 1406 Sandbaai.
- the rezoning of the public open space, Erf 1406 Sandbaai from Open Space Zone 2 to Residential Zone 1;
- the consolidation of the public open space, Erf 1406 Sandbaai with Erf 1405 Sandbaai.

As mentioned above, Erf 1406 Sandbaai is a public open space adjacent to Erf 1405 Sandbaai that is 198m² in extent. The measurements of the public open space are ±5.6m x ±34m. The public open space is a non-viable open space due to it's size and dimensions as concurred by the Mayoral Committee that approved the sale of Erf 1406 Sandbaai. The public open space appears to be a passage but does not provide

access to the beach. The public open space abuts the boundary fence of the Habonim Resort that is located west of the subject erven. Erf 1406 Sandbaai accommodates established trees and is not being utilised as a functional public open space.

In order to consolidate Erf 1406 Sandbaai, that is a public open space, it is required that the public open space be closed and that it be rezoned from Open Space Zone 2 to Residential Zone I, the same zoning as Erf 1405 Sandbaai. The consolidated property will be 981m² in extent.

Section 15 of the sales agreement stipulates that no buildings or structures may be constructed on Erf 1406 Sandbaai after consolidation has taken place except for a boundary wall or fence. Subsequently the actual use of the open space will remain open space as it would be incorporated as a garden. Being rezoned and consolidated with Erf 1405 Sandbaai will be beneficial to the surrounding neighbours from a security point of view and will also take the burden from the municipality for the continuous upkeep of the public open space.

3.5 CHARACTER OF THE ENVIRONMENT

The proposal will not change the primary land use of the subject property as this application constitutes the inclusion of a public open space that is 198m² that will be used as an extension of the garden of Erf 1405 Sandbaai. The impact on the character of the area will therefore be minimal. The proposed public place closure, rezoning and consolidation of erven 1405 & 1406 Sandbaai will not have a negative impact on the neighbouring property or residential character of the area.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Erf 1406 Sandbaai is a non-viable public open space that can be better utilised if incorporated with Erf 1405 Sandbaai as an extension of the garden. Subsequently the land use being open space will remain the same. No additional buildings or erven are

proposed that will put strain on municipal services. The municipality will instead be alleviated from the burden of upkeeping a public open space that has no function as a public open space. This application is merely to incorporate a small non-viable public open space that is 198m² in extent with an adjoining residential erf that will be used as an extension of the garden.

The proposed public place closure, rezoning and consolidation will not have a negative impact on the future land use of erven 1405 &1406 Sandbaai. Property values of surrounding erven will not be negatively affected by the proposed application.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on Erf 1405 Sandbaai already exist and the inclusion of Erf 1406 Sandbaai will not require any additional services. The impact on services would therefore remain the same as the developed residential erf, Erf 1405 Sandbaai.

3.7.2 TRAFFIC IMPACT AND ACCESS

Access to Erf 1405 Sandbaai is from Branderdraai Street. No new access points are proposed. Subsequently the access to Erf 1405 Sandbaai will remain unchanged and Erf 1406 Sandbaai will be used as an extension of the garden after consolidation has taken place.

The subject property will still be used for single residential purposes only, no additional erven are proposed and therefore the impact on the traffic flow in the area will remain unchanged.

3.8 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.8.1 HERITAGE VALUE

Erven 1405 & 1406 Sandbaai are not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). Erven 1405 & 1406 Sandbaai are not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject properties are not associated with any important persons or groups or important events and activities.

In light of the above mentioned it is evident that the proposed public place closure, rezoning and consolidation will not hinder any future land use applications on the subject erven. The proposed application will not have a negative impact on the heritage value of the subject properties or the greater area of Sandbaai.

3.8.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed public place closure, rezoning and consolidation do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.9 FORWARD PLANNING AND LAND USE DOCUMENTS

The ***Overstrand Spatial Development Framework (2006)*** earmarks the area where Erven 1405 & 1406 Sandbaai are situated, for residential purposes. Even though it is proposed that Erf 1406 Sandbaai be rezoned from Open Space Zone 2 to Residential

Zone 1 and consolidated with Erf 1405 Sandbaai, the proposal is still in line with forward planning proposals of the area.

The ***Overstrand Municipal Growth Management Strategy (OMGMS, 2010)*** specifies that Erven 1405 & 1406 Sandbaai form part of Planning Unit No.3. This planning unit consists of the existing developed Sandbaai Residential suburb and no densification for this planning unit is proposed. This application does however not propose to create any additional portions, nor does it propose the construction of an additional dwelling unit on the subject property. The density will therefore remain unchanged.

From the above it is evident that the proposed public place closure, rezoning and consolidation adheres to the spatial planning policies for the Sandbaai area and consequently falls within the existing planning for the Sandbaai area.

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice and sustainability are not applicable to this application.

Efficiency: Erf 1406 Sandbaai is a small non-viable public open space that is 198m² in extent. This public open space has no function as an open space and can be utilised much better by the neighbouring land owners by incorporating it with their property. Subsequently the Overstrand Municipality will not have the burden to upkeep the open space and it will create a safer environment by closing the open space (Erf 1406 Sandbaai), rezone it to Residential Zone 1 and to consolidate it with Erf 1405 Sandbaai. The Overstrand Municipality also gains from a financial point of view due to the fact that Erf 1406 Sandbaai is purchased from the Overstrand Municipality at market value.

Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient,

uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

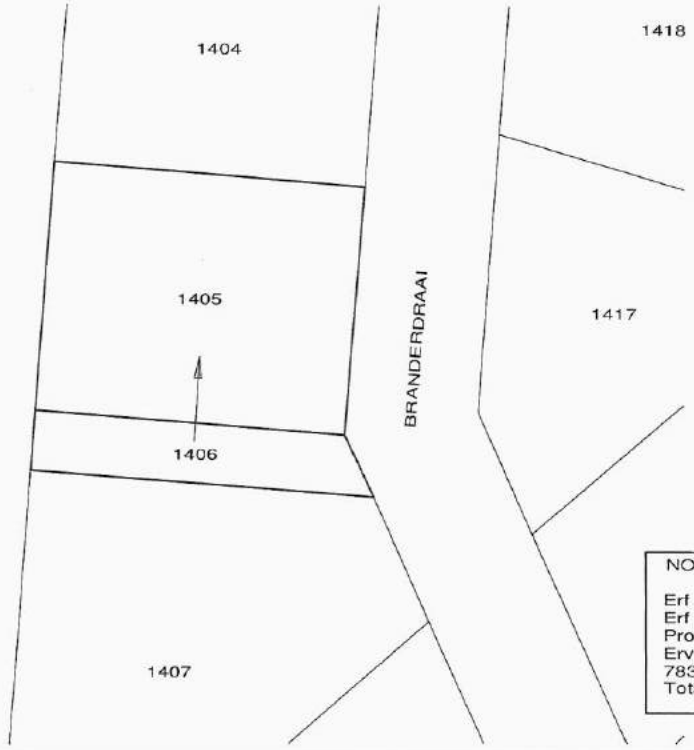
4. RECOMMENDATION

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

- All services already exist. Additional services will not be required;
- Access to the subject property will remain unchanged and the impact on the traffic will also remain unchanged;
- The proposed public place closure, rezoning and consolidation is compatible with the existing built character of the area;
- The proposed public place closure, rezoning and consolidation will not have a negative impact on the current character and land values of the surrounding erven.
- The Overstrand Municipality gains capital due to the fact that Erf 1406 Sandbaai is purchased from the municipality at market value.
- The municipality will be alleviated from the burden of upkeeping a public open space that has no function as a public open space.
- This application is merely to incorporate a small non-viable public open space that is 198m² in extent with an adjoining residential erf that will be used as an extension of their garden.

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would approve the public place closure, rezoning and consolidation applicable to erven 1405 & 1406 Sandbaai.

ANNEXURE C



NOTES:

Erf 1405 Sandbaai = 783m²
Erf 1406 Sandbaai = 198m²
Proposed Consolidation:
Erven 1405 & 1406 Sandbaai
783m² + 198m²
Total size after consolidation: 981m²

PlAnActive Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description:	Plan Description:	Scale: NTS	
	COPY RIGHT RESERVED	ERVEN 1405 & 1406 SANDBAAI	PROPOSED CONSOLIDATION	Drawing Nr: sand1405S.drw	
				Date: 03/2019	

TP N. Incart
(H. Olivier)

OVERSTRAND MUNICIPALITY
14 OCT 2019

From: Christo Oelofse <christo@hermanus.co.za>
To: <loretta@overstrand.gov.za>
Date: 11/10/2019 07:14 PM
Subject: Christo

Re: Erwe 1405 & 1406 Sandbaai

11/10/2019

Hersonering Erf 1405 Branderdraaistraat - Sandbaai

Aangesien ons ook woonagtig en eienaar is van ons eiendom in Branderdraaistraat maak ons aldus beswaar met hersonering van bostaande eiendom. Redes : Ons het die toegangspad in die verlede baie gebruik en sou graag wou sien dat dit weer vir dieselfde doel oopgestel word.

Vriendelike groete

Christo en Connie Oelofse

FILE NO: Erven 1405 & 1406 Sandbaai
SCAN NO: Oelofse
COLLABORATOR NO: 1333623

TP 14 OCT 2019

TP N. Theart (J.J. Olivier)

OVERSTRAND MUNISIPALITEIT
14 OCT 2019
OVERSTRAND MUNICIPALITY

Loretta Gillion - Erwe 1405 & 1406 Sandbaai aansoek beswaar

From: Jaco van der Merwe <jacovdm@fvdm.co.za>
To: Loretta Gillion <loretta@overstrand.gov.za>
Date: 11/10/2019 07:12 PM
Subject: Erwe 1405 & 1406 Sandbaai aansoek beswaar
Cc: 'Andre Wiehahn' <andrew@propertyassist.co.za>

Hi Loretta

Ons is tans woonagtig in Branderdraai straat nommer 2.

Hiermee teken ons ook beswaar aan teen die bogenoemde aansoek en vra ook dat die heining wat publieke toegang verhinder verwyder kan word.

Ons wil ook graag gebruik maak van die deurgang na die see soos vroeer die geval was. Ons verneem ook dat daar vorige besware teen die heining was maar dat daar nie hierop gereageer was nie. Indien dit daar geplaas was vir veiligheids relings stel ons ook voor dat daar na ander meer estetiese alternatiewe en ook gebruikersvriendelike oplossings gekyk moet word.

Kan ek ook verder verneem wat die huidige aanbod op die erf is en behoort dit nie geadverteer te word indien die munisipaliteit oorweeg om dit te vekoop nie?

Kind Regards/Vriendelike Groete
Jaco v.d. Merwe
FVDM Architects
072 9040455
028 3130741
www.fvdm.co.za

FILE NO: Erven 1405 & 1406 Sandbaai ✓
SCAN NO: Jaco
COLLABORATOR NO: 1333615

TP 14 OCT 2019

TP D. Ahcart
(H.Olivier)

OVERSTRAND MUNISIPALITEIT
10 OCT 2019
OVERSTRAND MUNICIPALITY

H Boshoff
Stadsbeplanning
Overstrand Munisipaliteit
Hermanus
7200

FILE NO: Erven 1405 & 1406
Sandbaai ✓
SCAN NO:
RICHTER
COLLABORATOR NO:
1331999

Mnr. en Mev. Richter
Dwars Straat 2
Erf 1409
Kontak: 082 587 7616

Geagte Mnr Boshoff,

AANSOEK 3196/2019 Erwe 1405 & 1406 Sandbaai

Graag wil ons as eiendom-eienaars sedert 1983 teen hierdie aansoek beswaar maak. Ek gee hiermee die redes hiervoor:

Toe ons in 1983 ons erf gekoop het, was dit 'n deurpad see toe en ons het dus ons eiendom met dit in gedagte gekoop.

Teenaan Habonim se heining was 'n hekkie na links (voor erf 1407 verby) wat toegang gegee het om langs Habonim se Suidelike grens af te loop. Ons het reeds verskeie navrae gerig oor die toegangspad en elke keer 'n ander antwoord gekry. Een van die redes was dat "een" van die buur-eiendomme die grond gekoop het. Ons het dit ook bevraagteken omdat daar nêrens deur een van ons toestemming daarvoor gegee is nie.

Groot was ons verbasing dus toe albei die erwe toegemaak word en die erf (1406) steeds nie deel van hulle is nie.

Nadat hierdie erwe toegemaak is, kan mens duidelik sien dat die paadjie nog steeds daar is. Daar is ook 'n opening tussen Habonim se heining en erf 1407 waar die oorspronklike paadjie geloop het. Die paadjie, alhoewel baie vergroei is nog steeds daar. Dit kan ook op die kaart gesien word wat julle aangeheg het.

Sou hierdie erf dus deel word van 1405 verloor ons die laaste hoop om weer daardie pad oop te kry, en daardeur verminder ons waarde van ons eiendom. Die enigste (groot)wenner in die situasie sal erf 1405 wees, want., aangesien dit as 'n gastehuis bedryf word, kan hulle vir huurders direkte toegang vanuit hulle erf gee tot die see. Ons ander, jarelange inwoners en belastingbetalers verbeur dit vir altyd en dit ter will van toeriste wat vir 'n dag of 2 die huis huur.

Indien die skoonmaak van die erf 'n probleem is, kan ons as Branderdraai-gemeenskap ooreenkom om dit op gereelde basis te laat skoonmaak en so die las van die Munisipaliteit afneem. Die Munisipale werkers was hierdie jaar nog net 1 keer daar wat ek hulle opgemerk het, so dit behoort nie vir ons 'n probleem te wees om die skoonmaak te hanteer nie.

Die verkoop van die erf aan die aanliggende bure sal beslis 'n negatiewe uitwerking hê op die ander nabygeleë erwe en ons maak ten sterkste beswaar daarteen en vra u om asseblief nie hierdie grond te verkoop nie, maar eerder weer ons toegangspad na die see oop te maak soos wat dit was. Hierdie

TP 10 OCT 2019

TP M. Theart
(M. Olivier)

OVERSTRAND MUNISIPALITEIT
10 OCT 2019
OVERSTRAND MUNICIPALITY

H Boshoff
Stadsbeplanning
Overstrand Munisipaliteit
Hermanus
7200

Charl en Rolene Pieterse
Branderdraaistraat 15
Sandbaai
Telefoon: 0824902284 en 0714722800

Geagte Mnr Boshoff

Erwe 1405 & 1406 Sandbaai

Aansoek 3196/2019

Ons as eienaars van Branderdraaistraat 15 wil graag beswaar maak teen hierdie aansoek.

Toe ons ons huis gekoop het, het die eiendomsagent vir ons vertel van die deurpad wat reg oorkant ons huis geleë is. Ons kon dit egter nooit benut nie omdat dit toegegroei en bebos is. Ons het dus aanvaar dat een van die ander erwe dit reeds gekoop het.

Nadat die eiendomme weerskant daarvan toegemaak en beveilig is, het ons besef hierdie voetpad is nog steeds daar. Ons het vroeër vanjaar met die omliggende bure gepraat om dit weer oopgemaak te kry. Almal was dit eens dat dit moet gebeur, maar met almal se besige skedule het ons nooit dit gedoen nie. Net die week voor u kennisgewing het ons weer besluit dat daar nou werk van gemaak moet word voor Desember, en toe u skrywe.

'n Groep van ons het vanoggend langs Habonim se heining opgeloop (vanaf die kuspad) en gesien dat daar steeds voldoende toegang is vanaf Branderdraaistraat.

Ons voel dus dit is 'n toegangspad vir die inwoners en nie net vir een huis alleen nie. Mens kan duidelik op die lugkaart van die gebied sien dat, sou hulle dit koop, hulle direkte toegang tot die see gaan hê. Dit is dan 'n reg wat ons ander inwoners ontneem word. Hierdie huis, 1405, word as 'n Airbnb bedryf en die koop van die grond sal tot reuse voordeel vir hulle wees, maar ook tot reuse nadeel vir ons.

Ons versoek u dus om nie die grond te verkoop nie, maar eerder aan ons ander permanente inwoners en belastingbetalers weer die toegang tot die see te gee.

Ons is nie mense wat onder normale omstandighede eise stel nie, al sien ons wat om ons aangaan. Hierdie is dus 'n versoek om nie 'n voorreg van ons as belastingbetalers weg te neem nie, maar eerder hier vir ons tegemoet te kom. Ons onderneem selfs om self die skoonmaakwerk te doen.

Dankie vir u aandag aan hierdie dringende saak

Charl en Rolene Pieterse

Branderdraaistraat 15.

FILE NO: Erven 1405 & 1406
Sandbaai ✓
SCAN NO:
PIETERSE
COLLABORATOR NO:
1331988

TP 10 OCT 2019

TP D.5/1Road
(1.) Olivier

Aan: Mnr H Boshoff
Stadsbeplanning
Overstrand Munisipaliteit
Hermanus
7200

OVERSTRAND MUNISIPALITEIT
10 OCT 2019
OVERSTRAND MUNICIPALITY

JM van Schalkwyk
Erf no 1402
Branderdraaistraat 13
Sandbaai

Geagte Mnr Boshoff

AANSOEK 3196/2019 - Erwe 1405 & 1406 HSB

Graag wil ons as eiendom-eienaars en permanente inwoners teen hierdie aansoek beswaar maak.

Hiermee die redes hiervoor:

Ek verneem van eienaars wat al lank in ons buurt woon dat daardie stukkie erf 'n deurpad see toe was. Teenaan Habonim se heining was 'n hekkie na links wat toegang gegee het om langs Habonim se suidelike grens af te loop. Ek dink dis n uistekende idee en dat dit heropen moet word.

Dis n voordeel vir die hele buurt en nie net n enkele erf soos wat dit sal wees as die twee erwe saamsmelt nie.

Sou hierdie erf dus deel word van 1405 verloor ons die kans om weer daardie pad oop te kry. Die enigste een wat n voordeel hieruit kry is erf 1405, wat as 'n gastehuis bedryf word. Ons ander, jarelange permanente inwoners en belastingbetalers verbeur dit vir altyd en dit ter will van toeriste wat vir 'n dag of 2 die huis huur.

Die verkoop van die erf aan die aanliggende bure sal beslis 'n negatiewe uitwerking hê op die ander nabygeleë erwe en ons maak ten sterkste beswaar daarteen en vra u om asseblief nie hierdie grond te verkoop nie, maar eerder weer ons toegangspad na die see oop te maak soos wat dit was. Hierdie straat het baie permanente inwoners wat belastingbetalers is en wat baie graag die voordeel wat ons uit die deurpad kan kry benut.

Baie dankie vir die aandag wat u aan hierdie versoek sal rig.

Dr J M van Schalkwyk

Eienaar erf 1402

FILE NO: Erven 1405 & 1406 HSB
SCAN NO: VAN SCH
COLLABORATOR NO: 1331893

TP 10 OCT 2019

Loretta Gillion - RE: Erven 1405 & 1406, SANDBAAI: Application for proposed Public Place closure, rezoning and consolidation

OVERSTRAND MUNISIPALITEIT
10 OCT 2019
OVERSTRAND MUNICIPALITY

From:	Helgaardt Boshoff
To:	Michael Ellis
Date:	09/10/2019 03:15 PM
Subject:	RE: Erven 1405 & 1406, SANDBAAI: Application for proposed Public Place closure, rezoning and consolidation
Cc:	Loretta Gillion
Attachments:	Helgaardt Boshoff.vcf

TP N. Mhoad
(H. Olivier).

Good day Mr Ellis

According to our records there are no servitudes, i.e. right of way/s, along the eastern boundary of the Habonim site that allows the public to walk over the privately owned Habonim site to have access to the beach. I think for this reason also the Council decided that the small Public Open Space may be alienated to the owners of Erf 1405.

The issue with the boundary wall that encroach onto various properties that abut the Habonim site was detected by accident, hence the actions instigated by the Building Department of the Municipality.

Trusting you find the above in order.

Helgaardt Boshoff
Town Planner, Town & Spatial Planning Department
Overstrand Municipality
A: 16 Paterson Street, Hermanus, 7200 **P:** P O Box 20
T: 028 313 8900 | **F:** 028 313 2093 | **E:** hboshoff@overstrand.gov.za

FILE NO: Erven 1405 & 1406
Sandbaai
SCAN NO:
ELLIS
COLLABORATOR NO:
1331890

>>> Michael Ellis <michael_ellis@bat.com> 08 October 2019 >>>
Good afternoon Mr Boshoff,

I tried calling your office a few moments ago, but believe you are in a scheduled meeting.

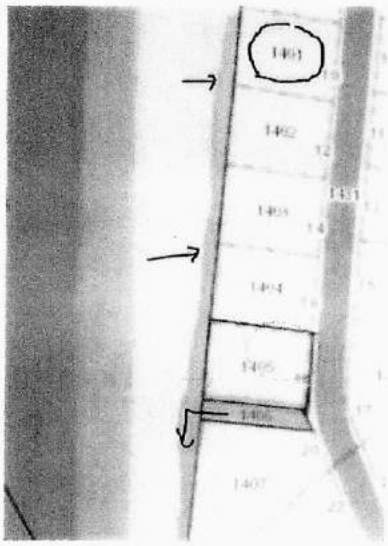
My wife and I are currently the owners of Erf 1401, Sandbaai (10 Branderdraai), five houses down from the public place open space Erf 1406.

We have a query regarding the above captioned proposal:
Is there a public servitude or piece of land, as highlighted in yellow in the screen print below, between Erven 1401, 1402, 1403, 1404, 1405, 1406 and the Habonim Campsite? We ask this as the land surveyor identified the boundary marker of our erf 1401 to be 0.5m behind the currently erected Vibracrete wall that runs along the campsite when we built our house a few years ago. This could mean that that owners of the properties mentioned above have an interest in the half a metre behind the Vibracrete wall.

Our interest in the application for proposed Public Place closure, rezoning and consolidation is therefor in the possibility of the common space, Erf 1406 to be used for an additional through fare to the sea for the residents in close proximity of my house on Efr 1401. (indicated in blue arrows below)

Your response to the above matter will be greatly appreciated.

TP 10 OCT 2019



Kind regards

Michael Ellis
(10 Branderdraai, Sandbaai, 7200)
- Mobile +260 961 006 099 (currently residing in Zambia)

8/12

TP n.(heart) (H.Olivier)

OVERSTRAND MUNISIPALITEIT
10 OCT 2019
OVERSTRAND MUNICIPALITY

H Boshoff

Stadsbeplanning

Overstrand Munisipaliteit

Hermanus

7200

FILE NO: Erven 1405 & 1406
HSB
SCAN NO:
LUDWIG
COLLABORATOR NO:
1331884

Dr WAP von Ludwig

Erf 1419

Branderdraaistraat 13

Sandbaai

Kontak:

0283161607/0828710965/0833049777

Geagte Mnr Boshoff

AANSOEK 3196/2019 – Erwe 1405 & 1406 HSB

Graag wil ons as eiendom-eienaars sedert 1988 teen hierdie aansoek beswaar maak. Ek gee hiermee die redes hiervoor:

Toe ons in 1988 ons erf gekoop het, was dit 'n deurpad see toe en ons het dus ons eiendom met dit in gedagte gekoop. Teenaan Habonim se heining was 'n hekkie na links (voor erf 1407 verby) wat toegang gegee het om langs Habonim se Suidelike grens af te loop. Ons het reeds verskeie navrae gerig oor die toegangspad en elke keer 'n ander antwoord gekry. Een van die redes was dat "een" van die buur-eiendomme die grond gekoop het. Ons het dit ook bevraagteken omdat daar nêrens deur een van ons toestemming daarvoor gegee is nie.

Groot was ons verbasing dus toe albei die erwe toegemaak word en die erf (1406) steeds nie deel van hulle is nie.

Nadat hierdie erwe toegemaak is, kan mens duidelik sien dat die paadjie nog steeds daar is. Daar is ook 'n opening tussen Habonim se heining en erf 1407 waar die oorspronklike paadjie geloop het. Ons het vanoggend weer vanaf die kuspaadjie opgegaan en die paadjie, alhoewel baie vergroei is nog steeds daar. Dit kan ook op die kaart gesien word wat julle aangeheg het.

Sou hierdie erf dus deel word van 1405 verloor ons die laaste hoop om weer daardie pad oop te kry, en daardeur verminder ons waarde van ons eiendom. Die enigste (groot)wenner in die situasie sal erf 1405 wees, want., aangesien dit as 'n gastehuis bedryf word, kan hulle vir huurders direkte toegang vanuit hulle erf gee tot die see. Ons ander, jarelange inwoners en belastingbetalers verbeur dit vir altyd en dit ter will van toeriste wat vir 'n dag of 2 die huis huur.

Indien die skoonmaak van die erf 'n probleem is, kan ons as Branderdraai-gemeenskap ooreenkom om dit op gereelde basis te laat skoonmaak en so die las van die Munisipaliteit afneem. Die Munisipale werkers was hierdie jaar nog net 1 keer daar wat ek hulle opgemerk het, so dit behoort nie vir ons 'n probleem te wees om die skoonmaak te hanteer nie.

Die verkoop van die erf aan die aanliggende bure sal beslis 'n negatiewe uitwerking hê op die ander nabygeleë erwe en ons maak ten sterkste beswaar daarteen en vra u om asseblief nie hierdie grond te verkoop nie, maar eerder weer ons toegangspad na die see oop te maak soos wat dit was. Hierdie

TP 10 OCT 2019

straat het baie permanente inwoners wat belastingbetalers is en wat baie graag die voordeel waarvoor ons hier gekoop het, sou wou terughê.

In 'n tyd waar daar baie eise aan die Munisipaliteit gestel word, versoek ons dat u ons, as belastingbetalers hier sal in ag neem en ons beswaar ter harte sal neem.

Baie dankie vir die aandag wat u aan hierdie versoek sal rig

Dr en Mev WAP von Ludwig (Erf 1419)

H von Ludwig

WAP von Ludwig

10/12

TP M. Theart
(H. Olivier)

OVERSTRAND MUNISIPALITEIT
Reeds deur
14 OCT 2019
die stebel
OVERSTRAND MUNICIPALITY

Loretta Gillion - Aansoek ID: 3196/2019

From: LOUISE VON LUDWIG <lwoeke@gmail.com>
To: <loretta@overstrand.gov.za>
Date: 11/10/2019 03:46 PM
Subject: Aansoek ID: 3196/2019 Erwe 1405 & 1406 Sandbaai

Middag Loretta

Ons het reeds my beswaar ingedien oor bogenoemde aansoek, maar wil graag iets byvoeg.

Indien die grond verkoop word, trek net erf 1405 daaruit voordeel, waar as dit oopgemaak word soos voorheen (dit is eintlik net skoonmaak en 'n houtversperring wat hierdie erf 1405 daar gesit het, wat verwyder moet word), het al die ander inwoners die voordeel waarvoor ons hier gekoop het. Dit sluit Erf 1405 in. Hulle is nog steeds langs die deurpad.

Hierdie is werklik 'n saak waaroor ons Dranderdraaiers sterk voel.

Groete

Dr en Mev WAP von Ludwig, Branderdraaistraat 13, Sandbaai (erf 1419)

0283161607
0828710965
0833049777

--

sait Member of the South African Institute of Tax Professionals

FILE NO: Erven 1405 & 1406 Sandbaai
SCAN NO: VON
COLLABORATOR NO: 1331884

* Add attachment
+ CC → Aileen
14/10/2019
M.M.

14 OCT 2019

TP. N. Theard
(H. Olivier)

11/12

OVERSTRAND MUNISIPALITEIT
08 OCT 2019
OVERSTRAND MUNICIPALITY

Loretta Gillion - Padsluiting Erwe 1405&1406

From: "Ben Rossouw" <carlopw@vodamail.co.za>
To: <loretta@overstrand.gov.za>
Date: 08/10/2019 10:19 AM
Subject: Padsluiting Erwe 1405&1406

FILE NO: Erven 1405 & 1406 Sandbaai
SCAN NO: HSB 1405
COLLABORATOR NO: 1331394

Branderdraaistraat
11
Erf no: 1420
Sandbaai
Hermanus 7200
8 Oktober 2019

Die Stadsbeplanner
Overstrand Munisipaliteit
Hermanus
7200

AANSOEK ID: 3196/2019
VERWYSING: 1405 &1406 HSB

Geagte Mnr Boshoff

I/S AANSOEK OM PADSLUITING, HERSONERING EN KONSOLIDASIE - ERWE 1405 & 1406 Sandbaai

Met verwysing na u skrywe van 4 September 2019 ten opsigte van die padsluiting en konsolidasie van erwe 1405 & 1406 wens ek u hiermee in kennis te stel dat ons, as eienaars van 'n eiendom geleë te Branderdraaistraat 11, beswaar maak teen diè aansoek om die volgende redes.

Ons het besluit om by die see af te tree, en het die erf gekoop omdat dit gerieflik naby die see geleë was. Die Onrus strand was maklik bereikbaar met die bestaande deurpad na die see, en sou die loopafstand aansienlik verkort. Gedurende die jaar 2000 het bouwerk aan my huis begin, en met verloop van jare, het ek bemerk dat die bestaande deurpad besig was om toe te groei, omdat die Munisipaliteit nie die deurpad in stand gehou het nie. Die eienaar van erf 1405 het later, skynbaar eie reg gebruik, en besluit om sy erf en die bestaande deurpad toe te kamp.

Ons is van mening dat indien die deurpad permanent toegemaak gaan word, dit die waarde van ons eiendom sal verminder. Daarom wens ons te versoek dat die grond nie verkoop moet word nie, en die toegangspad nie gesluit moet word nie, maar eerder skoongemaak word sodat ons inwoners van Branderdraaistraat weer gerieflike toegang tot Onrus se sand strand sal hê.

Ek hoop en vertrou dat ons beswaar gehandhaaf sal word.

Die uwe

BG Rossouw & ASJ Rossouw

TP - 8 OCT 2019

12/12

FILE NO: Erven 1405 & 1406
Sandbaai ✓
SCAN NO:
HSB 1405
COLLABORATOR NO:
1330816

OVERSTRAND MUNISIPALITEIT
07 OCT 2019
OVERSTRAND MUNICIPALITY

H Boshoff
Stadsbeplanning
Overstrand Munisipaliteit
Hermanus
7200

Lienne de Beer
Erf nommer 1403
Branderdraaistraat 14
Sandbaai

TP. D.Mhoad
(L.J.Olivier)

Geagte Mnr Boshoff

Erwe 1405 & 1406 HSB

AANSOEK 3196/2019

Graag wil ons as eiendom-eienaars sedert 1995 teen hierdie aansoek beswaar maak. Ek gee hiermee die redes hiervoor:

Toe ons in 1995 ons erf gekoop het, was dit 'n deurpad see toe en ons het dus ons eiendom met dit in gedagte gekoop. Teenaan Habonim se heining was 'n hekkie na links wat toegang gegee het om langs Habonim se Suidelike grens af te loop. Ons het reeds verskeie navrae gerig oor die toegangspad en elke keer 'n ander antwoord gekry. Een van die redes was dat "een" van die buur-eiendomme die grond gekoop het. Ons het dit ook bevraagteken omdat daar nêrens deur een van ons toestemming daarvoor gegee is nie.

Groot was ons verbasing dus toe albei die erwe toegemaak word en die erf (1406) steeds nie deel van hulle is nie.

Sou hierdie erf dus deel word van 1405 verloor ons die laaste hoop om weer daardie pad oop te kry, en daardeur verminder ons waarde van ons eiendom. Die enigste (groot)wenner in die situasie sal erf 1405 wees, want., aangesien dit as 'n gastehuis bedryf word, kan hulle vir huurders direkte toegang vanuit hulle erf gee tot die see. Ons ander, jarelange inwoners en belastingbetalers verbeur dit vir altyd en dit ter will van toeriste wat vir 'n dag of 2 die huis huur.

Indien die skoonmaak van die erf 'n probleem is, kan ons as Branderdraai-gemeenskap ooreenkom om dit op gereelde basis te laat skoonmaak en so die las van die Munisipaliteit afneem. Die Munisipale werkers was hierdie jaar nog net 1 keer daar wat ek hulle opgemerk het, so dit behoort nie vir ons 'n probleem te wees om die skoonmaak te hanteer nie.

Die verkoop van die erf aan die aanliggende bure sal beslis 'n negatiewe uitwerking hê op die ander nabygeleë erwe en ons maak ten sterkste beswaar daarteen en vra u om asseblief nie hierdie grond te verkoop nie, maar eerder weer ons toegangspad na die see oop te maak soos wat dit was. Hierdie straat het baie permanente inwoners wat belastingbetalers is en wat baie graag die voordeel waarvoor ons hier gekoop het, sou wou terughê.

Baie dankie vir die aandag wat u aan hierdie versoek sal rig

Lienne de Beer (Branderdraai 14 Erf nommer 1403)

TP - 7 OCT 2019

ANNEXURE E 1/2

Plan Active Town & Regional Planners
Stads-en Streeksbeplanners

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email: planactive@hermanus.co.za
Website: www.planactive.co.za

OVERSTRAND MUNISIPALITEIT
31 OCT 2019
OVERSTRAND MUNICIPALITY

TP - D. Ahoart
(J. Olivier)

Our reference: PA19019
Your reference: 1405 & 1406 (HSB)

30 October 2019

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO: Erven 1405 & 1406 Sandbaai
SCAN NO: HSB 1405
COLLABORATOR NO: 1346446

For attention: Mr. H. Boshoff,

Sir,

COMMENTS ONS OBJECTIONS: ERVEN 1405 & 1406 SANDBAAI: APPLICATION FOR PROPOSED PUBLIC PLACE CLOSURE, REZONING AND CONSOLIDATION

Your letter dated 18 October 2019 with 10 objections attached thereto refers. We would like to make use of our opportunity to comment on the objections. Our comments on the objections are as follow:

The primary concern raised by all the objectors are that they used Erf 1406 Sandbaai as a pedestrian thoroughfare in the past to gain access to the Sandbaai beach.

Erf 1406 Sandbaai shares boundaries with Erf 1405 Sandbaai (Single Residential Erf), Branderdraai Street (Public Street), Erf 1407 Sandbaai (Single Residential Erf) and Portion 336 of Farm 581 (Habonim Resort). As mentioned in our motivation report, Erf 1406 Sandbaai does not link with any other public open spaces and is also not located below the highwater mark.

The objectors made use of the public place, Erf 1406 Sandbaai to illegally utilise a portion of a privately owned resort, Portion 336 of the Farm No 581 as a thoroughfare to gain access to the beach. There is no servitude registered over Portion 336 of the Farm 581 in favour of the general public to access their property in order to access the beach. Portion 336 of the Farm No.581 has

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also been fenced for security reasons and the farm portion cannot be used as a thoroughfare via Erf 1406 Sandbaai to gain access to the beach. Subsequently Erf 1406 Sandbaai serves no purpose. An access to the beach from Branderdraai Street exists over a public open space, Erf 1297 Sandbaai, that is located ±130m east of Erf 1406 Sandbaai. Please refer to the aerial photograph below:

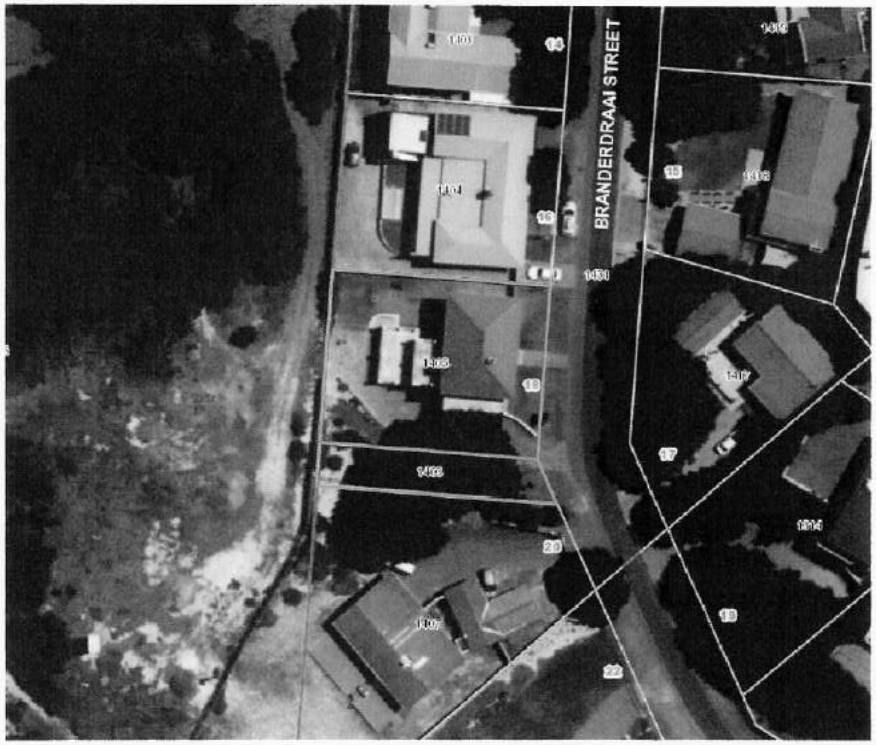
With reference to our comments above is it clear that the objectors have no rights to gain access to the beach over Portion 336 of the Farm No.581 via Erf 1406 Sandbaai. They do have access via a passage that forms part of Erf 1297 Sandbaai that can legally be used to access the beach.

We trust that you would find our comments in order and that the application will be dealt with favourably.

Yours faithfully

John Mc Lachlan

ANNEXURE F 1/2



PlAnActive Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: ERVEN 1405 & 1406 SANDBAAI	Plan Description: AERIAL PHOTOGRAPH	Scale: NTS	
	COPY RIGHT RESERVED			Drawing Nr: SAND1405AE.drw	
				Date: 03/2019	

OVERSTRAND MUNICIPALITY

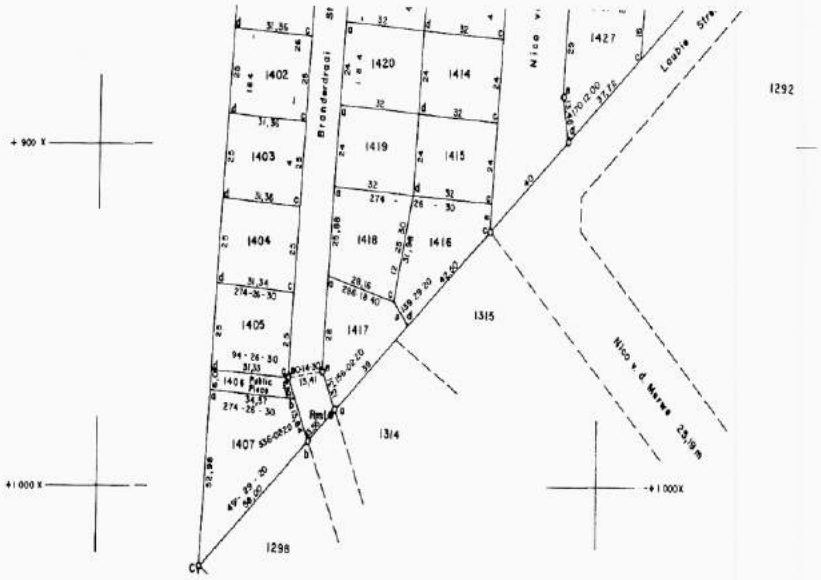
GIS Aerial Erven 1405 and 1406, Sandbaai

N

Date: 2019/12/13

ANNEXURE G

EXTRACT OF GENERAL PLAN NO. 9192



ANNEXURE H

COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR: APPLICATION FOR PUBLIC PLACE CLOSURE, REZONING & CONSOLIDATION: ERVEN 1405 & 1406, SANDBAAI (3196/2019)

Stormwater (SW)	:	In Order
Electricity	:	In Order
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;

2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;

3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;

4. that any additional and / or extended vehicle entrances will be for the owner's account;

5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;

6. that stormwater be allowed to discharge through Erven 1405 & 1406, Sandbaai, unobstructed;

7. that no on-street parking be allowed.

p.p. R Chelan
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

06/11/2019
DATE