



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

**THIS MEETING HAS BEEN POSTPONED AND
WILL TAKE PLACE ON
TUESDAY, 6 OCTOBER 2020 AT 14:00**

DATE:	6 OCTOBER 2020
VENUE:	VIRTUAL HERMANUS
TIME:	14:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

9 September 2020

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that a meeting of the **Municipal Planning Tribunal (MPT)** will, due to the Covid-19 lockdown, go into session by means of a virtual platform on **Tuesday, 6 October 2020 at 14:00** to consider the attached agenda.

S MÜLLER
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Olivier (Town Planner)
10. Secretariat

**MUNICIPAL PLANNING TRIBUNAL
(MPT)**

30 September 2020

I N D E X

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
4.1	ERF 11054, 2 ROYAL STREET, NORTHCLIFF, HERMANUS: APPLICATION FOR REZONING AND DEPARTURE: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE MIKE FAMILIE TRUST	1
4.2	ERF 2340, 15 ARUM ROAD, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF CONDERE PROPERTIES CC	31
4.3	ERVEN 107, 109 AND 110, VAN DYK- & GEELBEK STREETS, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSOLIDATION, CONSENT USE AND DEPARTURE: MESSRS WRAP CONSULTANCY ON BEHALF OF EXACT AFRICA PROJECT MANAGEMENT	64
4.4	PORTION OF ERF 243, ERVEN 6462, 6464, 6465, 6468, 6469, 6471, 6473, 6474, 6476, 6477, 6479, 6480, 6483 to 6490, 6974, 7701, A PORTION OF ERF 7684, ERF 11472, 11892, HERMANUS (MOUNT PLEASANT) AND A PORTION OF ERF 243, HOSPITAL ROAD, HERMANUS (WESTDENE): APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF PUBLIC PLACES OR PART THEREOF, REMOVAL OF RESTRICTIVE CONDITIONS, DEVIATION FROM THE OVERSTRAND MUNICIPALITY SPATIAL GROWTH MANAGEMENT STRATEGY, EXEMPTION TO EXCLUDE NAMING OF STREETS AS PART OF THE APPLICATION AND PHASED PLANNING (FOR INFILL RESIDENTIAL DEVELOPMENT): MESSRS NUPLAN AFRICA ON BEHALF OF OVERSTRAND MUNICIPALITY / THE ADAMA FOUNDATION TRUST	143
4.5	ERF 848, 28 HIGH STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURES: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF KEE PROPERTY INVESTMENTS (PTY) LTD	274

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 27 August 2020

4. ITEMS FOR CONSIDERATION

4.1 ERF 11054, 2 ROYAL STREET, NORTHCLIFF, HERMANUS: APPLICATION FOR REZONING AND DEPARTURE: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE MIKE FAMILIE TRUST

Report attached.

4.2 ERF 2340, 15 ARUM ROAD, HERMANUS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE: MESSRS WRAP CONSULTANCY ON BEHALF OF CONDERE PROPERTIES CC

Report attached.

4.3 ERVEN 107, 109 AND 110, VAN DYK- & GEELBEK STREETS, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REZONING, CONSOLIDATION, CONSENT USE AND DEPARTURE: MESSRS WRAP CONSULTANCY ON BEHALF OF EXACT AFRICA PROJECT MANAGEMENT

Report attached.

- 4.4 PORTION OF ERF 243, ERVEN 6462, 6464, 6465, 6468, 6469, 6471, 6473, 6474, 6476, 6477, 6479, 6480, 6483 to 6490, 6974, 7701, A PORTION OF ERF 7684, ERF 11472, 11892, HERMANUS (MOUNT PLEASANT) AND A PORTION OF ERF 243, HOSPITAL ROAD, HERMANUS (WESTDENE): APPLICATION FOR REZONING, SUBDIVISION, CONSOLIDATION AND CLOSURE OF PUBLIC PLACES OR PART THEREOF, REMOVAL OF RESTRICTIVE CONDITIONS, DEVIATION FROM THE OVERSTRAND MUNICIPALITY SPATIAL GROWTH MANAGEMENT STRATEGY, EXEMPTION TO EXCLUDE NAMING OF STREETS AS PART OF THE APPLICATION AND PHASED PLANNING (FOR INFILL RESIDENTIAL DEVELOPMENT): MESSRS NUPLAN AFRICA ON BEHALF OF OVERSTRAND MUNICIPALITY / THE ADAMA FOUNDATION TRUST**

Report attached.

- 4.5 ERF 848, 28 HIGH STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURES: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF KEE PROPERTY INVESTMENTS (PTY) LTD**

Report attached.

4.1

ERF 11054, 2 ROYAL STREET, NORTHCLIFF, HERMANUS: APPLICATION FOR REZONING AND DEPARTURE: MESSRS PLANACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE MIKE FAMILIE TRUST

11054 HNC (3283)

H van der Stoep

6 August 2020

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 21 August 2019 from Messrs Plan Active Town and Regional Planners on behalf of the Mike Family Trust on Erf 11054, Hermanus for the following:

- ❖ Rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from General Residential Zone 1 to Business Zone 1: Bulk Zone 1.
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the relaxation of the lateral building line from 3m to 1m to accommodate the building.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C. Title Deed T27509/2019 is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Not Applicable

4. SUMMARY OF APPLICANT'S MOTIVATION

The intention of the owner is to rezone the property from General Residential Zone 1 to Business Zone 1 that will allow the owner to develop shops.

The proposed rezoning will create an opportunity for the property owner to establish shops, which will be beneficial for the economy of Hermanus as it will create work opportunities during the construction phase and permanent employment opportunities once the building is finished.

The footprint of the building will be approximately 292m² with a double garage. Access will be obtained from Aberdeen Street and eighteen (18) parking bays will be provided at six (6) parking bays per 100m². The design is as such that there is 7,5m manoeuvre space behind each parking bay.

All services to the site are available and the design and connection will be to the satisfaction of the Municipality.

The departure is required to relax the building line from 3m to 1m due to the fact that the adjacent properties are zoned General Residential Zone 1. The owner of Erf 736, the adjacent property, has given permission for the departure to 1m in order to set back the building from the streets. The proposed building line relaxation will not impede on the adjacent residential erven, since it will be a single storey building.

In terms of the forward planning documents the following is applicable:

Overstrand Municipal Wide Spatial Development Framework

The area is earmarked for business purposes.

Overstrand Growth Management Strategy

The property is located in Planning Unit Area 13 that consists of the Hermanus CBD, noted as a mixed land use area. The proposal is consistent with the proposal as depicted in the document.

Hermanus CBD Regeneration Framework

The property falls within the CBD area of Hermanus.

The planning principles can be summarized as follows:

Spatial Justice

N/A

Spatial Sustainability

The proposal will have no impact on conservation worthy areas. Spatially the land use will be in keeping with the business character of the area that consist of general businesses, take away, shops, offices, etc.

Efficiency

The erf is easily accessible to the locals and tourists and conveniently located in the CBD where ample parking is available.

Spatial Resilience

N/A

Good Administration

Due process with public participation has been followed as determined by the Municipality.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	16/10/2019	29/11/2019
Gazette	Yes	16/10/2019	29/11/2019
Notices	Yes	18/9/2019	18/10/2019
Ward councillor	Yes	18/9/2019	18/10/2019
Total comments	ONE (1)		

Was public participation undertaken in accordance with Section 46- 49 of the Proposed Draft 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
Engineering Services	29/10/2019	See Annexure G.
Fire Department	16/10/2019	No objection provided that the structure complies with National Fire Protection Regulations SANS T : 2011 and Community Fire Safety By-Law.
Waste Management	25/10/2019	No objection. Adequate storage to be made for the storage of solid waste as per part U of the National Building Regulations.
Building Control	17/10/2019	Supported. Any proposed building will require a building plan application compliant with all applicable law.
Operational Department	17/10/2019	No objection.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) objection was received. See the objection attached as Annexure E. The applicant's response to the objections received is attached as Annexure F.

The objection can be summarized as follows:

The objection received from Mr. G.A.M. Mc Pherson, property owner of Erf 737 Hermanus refers and can be summarized as follows:

The objector states that based on the parking bays required and provided, the proposed building can only be a single storey and would object to a multi-storey building.

Applicant's comment:

The number of required parking bays are calculated on the proposed total GLA. If the proposed GLA increases, the total required parking bays will also increase that cannot be accommodated on the subject erf. Subsequently the owner is limited to the current single storey proposal that accompanied our application. Should the owner intend to extend the footprint and to construct a double storey building, it will be required that an application for a departure to deviate from the required number of

parking bays, be submitted. A departure application will have to be circulated to the adjoining landowners who will then have an opportunity to object against the proposal. Currently the site layout plan that accompanied our application is for a single storey building and should be assessed as such.

Town Planner's comment:

The application is for a single storey due to the requirement of the number of parking bays to be provided. It is agreed with the applicant that in terms of the site plan, only a single storey is possible.

The objector states that the owner should reconsider the building line relaxation and suggest a 2m or 1.5m building line relaxation. The objector also request that glass blocks rather than open windows be provided on the property's internal boundaries.

Applicant's comment:

As illustrated in the pictures below, the building line departure does not have any impact on Erf 737, Hermanus. A boundary wall and tree (3) obscure the view from Erf 737, Hermanus to Erf 11054, Hermanus. A single storey building will not have a greater impact on Erf 737, Hermanus as if it is developed within its current land use rights, General Residential Zone 1 zoning, that makes provision for a 3m building line and allows for a building that is two (2) storeys (8m) high. Amending the site plan to make provision for a 1,5m or 2m building line versus a 1m building line will be insignificant from an impact perspective to Erf 737, Hermanus.

Town Planner's comment:

Agree with the applicant.

The owners of Erf 737, Hermanus would also object to any shops not listed as primary land uses and would object to any consent use applications.

Applicant's comment:

This application is for the rezoning of Erf 11054, Hermanus and the departure of building lines. Subsequently no other land uses will be entertained other than what is proposed. The primary uses listed under the proposed zoning of Business Zone 1 will suffice.

Any further departures or consent uses will have to be applied for. Subsequently the neighbouring land owners will have the opportunity to raise their concerns against any other land use applications.

Town Planner's comment:

The applicant is correct.

In conclusion it is important to note that the property owners adjacent to Erf 11054, Hermanus whom will be impacted on directly, do not have any concerns with the proposed application. As illustrated and described above, the departure will have no impact on the rights of Erf 737, Hermanus.

Internal Departments

No negative comments were received.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

See Paragraph 7 above.

Internal and External Departments

See Paragraph 7 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

Not applicable.

Spatial Sustainability

One of the key aspects to evaluate the application must be principle that the property is located in the CBD, predominantly business orientated.

Efficiency

The main objective is the integration of services relating to urban and rural. The scale of the activity is such that it conforms to the fabric of a CBD.

Spatial Resilience

The erf is at present vacant and the proposed building will be a single storey building with sufficient parking on site. The development will not be to the detriment of the existing uses surrounding the property and will have to comply with the National Building Regulations.

Good Administration

The application followed due procedure.

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 Point 10.2.

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

The Spatial Development Framework, 2006 earmarks the area as Business. The Overstrand Municipal Spatial Growth Management Strategy, 2010, Hermanus Central, Planning Unit 13 earmarked the unit as a densification zone to create a mixed land use area. In terms of the aforementioned policies, the application is in line with the business uses however, it is also consistent with Overstrand Zoning Scheme 2014, which primary rights do include shops.

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

N/A

10.6 Impact on Municipal engineering services

N/A

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

In line with the Overstrand Zoning Scheme for the area with the exception of the proposed building line relaxation through an application.

12. THE DESIRABILITY OF THE PROPOSAL

The application for the rezoning of Erf 11054 is in line with the policy documents and the development trend in the CBD of Hermanus. The CBD is in dire need of development and the creation of employment opportunities. The proposal will assist to enhance the principles of the Regeneration Framework of the CBD.

The departure application to relax the lateral building line from 3m to 1m has elicited an objection from the owners of Erf 737, Hermanus whose south-western corner touches Erf 11054. The aspect of privacy is of main concern for the objectors. The proposed building will be a single storey building and the minimum requirement from the objectors is a 1,5m building line. It should be mentioned that the difference between 1m and 1,5m will make no difference in terms of privacy. It should also be noted that the erf has two (2) street building lines and in order to keep the street scape, the building needs to set back to ensure pedestrian and vehicle flow and visibility.

The placement of the building on the erf was changed slightly to accommodate integration with the CBD and create a safer access further away from the intersection of Aberdeen Street and Royal Street. The development will be a single storey building with the required parking ratio of 6bays per 100sq., thus create 18 parking bays on site.

However, should the applicant in future extend its building to more than a single storey, it may definitely have an impact on the objector. It is thus recommended that the relaxation is viewed in a positive light, but should the owner intend to extend its floors, a 3m lateral building line adjacent to Erf 737 be adhered to.

13. RECOMMENDATION

1. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) from General Residential Zone 1 to Business Zone 1, Bulk Zone 1, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for departure in terms of Section 16(2)(b) of the By-Law for the relaxation of the lateral building line from 3m to 1m to accommodate the building Erf 11054, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals ins 1 and 2 be subject to the following conditions:
 - (a) that the departure for the relaxation of the lateral building line with Erf 737 from 3m to 1m be approved pertaining to a single-story building;
 - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (c) that a site plan be submitted reflecting the approval with the 18 parking bays and access from Aberdeen Street.
4. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The application for rezoning is in line with the Planning Policies.
- ❖ Employment will be generated.
- ❖ Sufficient parking on site, thus alleviating parking in Aberdeen street road reserve.
- ❖ The departure is in line with an area predominantly business area.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Title Deed T27509/2019
- Annexure E: Objection received
- Annexure F: Applicant's response to objection received
- Annexure G: Services Report

SIGNATURES

REGISTERED PLANNER

Name:

H VAN DER STOEP

SACPLAN Reg No:

A/1708/2013

Signature:

Date:

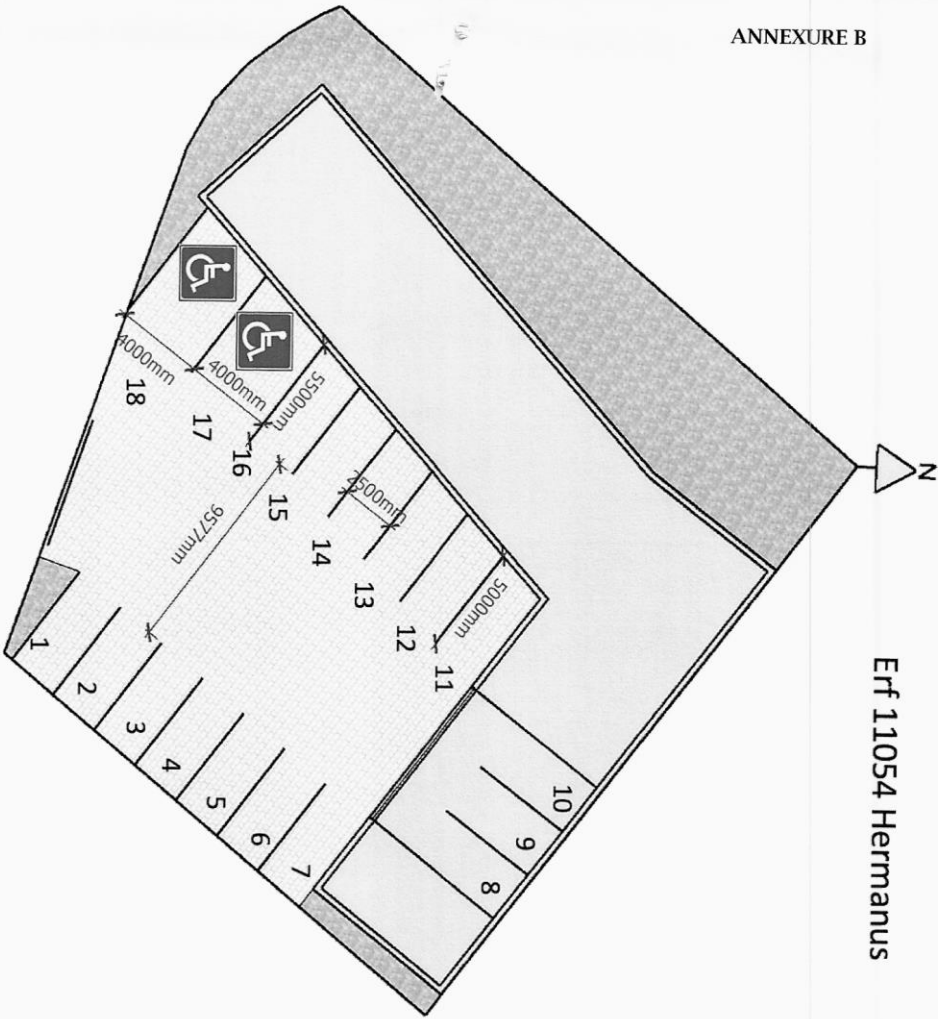
ANNEXURE A



PLAN Stads- en Streetsbeplanners Town & Regional Planners Active	All distances approximate and subject to survey. COPY RIGHT RESERVED	Property Description: ERF 11054 HERMANUS		Plan Description: LOCALITY MAP		Scale: NTS
		Drawing Nr: erf11054.dwg		Date: 08/2019		

ANNEXURE B

Erf 11054 Hermanus



Parking Schedule (Current)

Proposed GLA = ±248m² + 27m²
 Parking Bays Required:
 6 Parking Bays / 100m² GLA
 (248m² + 27m²) / 100 x 6 = 16.5
 Parking Bays Provided:
 16 Standard Parking Bays & 2 Handicap Parking Bays
 Total No. Parking Bays Provided = 18

Parking Schedule (Future)

Proposed GLA = ±327m² that includes
 the 3 undercover parking bays.
 Parking Bays Required:
 4 Parking Bays / 100m² GLA
 327 / 100 x 4 = 13.08
 Parking Bays Provided:
 13 Standard Parking Bays & 2 Handicap Parking Bays
 Total No. Parking Bays Provided = 15

PROPOSED REZONING AND DEPARTURE**ERF 11054 HERMANUS****DIVISION: CALEDON****OVERSTRAND MUNICIPALITY****MOTIVATION REPORT****1. BACKGROUND**

Mr P. Hugo on behalf of Mike Family Trust, the owner of Erf 11054 Hermanus, has instructed the company Plan Active to apply for the rezoning of Erf 11054 Hermanus and a departure from the prescribed building line of the subject property to accommodate a business building.

The subject property is vacant. The owner intends to rezone the subject property from General Residential Zone 1 to Business Zone 1 in order to develop shops on the subject property. A building line departure also needs to be addressed, in order to accommodate the proposed building within the more restrictive building line that will be applicable after rezoning has taken place. The owner purchased the subject property that was recently registered.

Erf 11054 Hermanus is 957m² in extent and is held by Title Deed No.27509/2019.

Motivation report

3.3 LAND USE

Erf 11054 Hermanus is currently vacant.

Land uses that surround the subject property are single dwellings, shops, the Hermanus Taxi Rank and public roads.

3.4 PROPOSAL

The following are proposed:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of Erf 11054 Hermanus from General Residential Zone 1 to Business Zone 1.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the relaxation of the lateral building line from 3m to 1m to accommodate a building (shops).

The intention of the owner is to rezone the subject property from General Residential Zone 1 to Business Zone 1. The owner intends to develop shops on the subject property. The proposed business zone will allow the owner to operate shops from the subject property within the primary land use rights with reference to Business Zone 1 Zoning.

The following land use rights are applicable to Business Zone 1 properties:

CHAPTER 7: BUSINESS ZONES

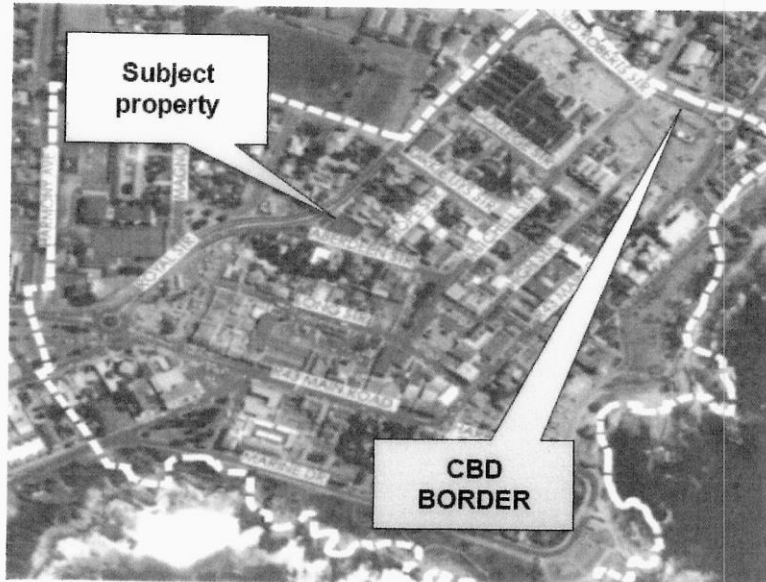
7.1 BUSINESS ZONE 1 & 2: GENERAL BUSINESS (B1 and B2)

Use of the property

7.1.1 The following use restrictions apply to property in this zone:

- (a) **Primary uses** are: business premises, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction, rooftop base station;
- (b) **Consent uses** are: adult entertainment business, bottle stores, crematorium, dwelling unit, flats (on ground floor), funeral parlour, informal trading, institution, motor repair garage, place of entertainment, recreational facilities, residential building, second dwelling unit, service station, transmission tower, transport use, utility services, warehouse.

According to the *Hermanus CBD Regeneration Framework Final Report, 2016* the subject property falls within the CBD area of Hermanus.



The proposed rezoning of the subject property from General Residential Zone 1 to Business Zone 1 will create an opportunity for the property owner to establish shops on the subject property. This will also be beneficial for the economy of Hermanus as it will create temporary employment during the construction phase of the proposed development and after the development phase, more permanent job opportunities will be created to manage the shops on the subject property. A building footprint with an extent of $\pm 292\text{m}^2$ is proposed for shops as well as a double garage on the subject property.

It is our opinion that the proposed rezoning will be beneficial for the owner as well as the local community as it will create opportunities for people to enhance better lifestyles through job creation and attract people to interact within the CBD of Hermanus.

Motivation report

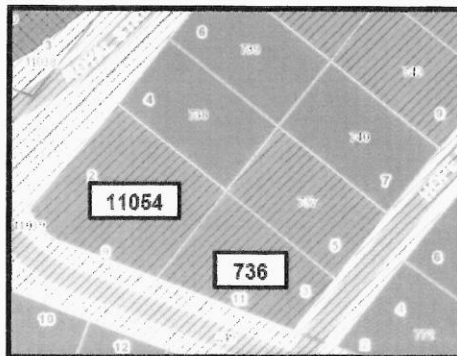
Departures from the prescribed building line

The building lines that are prescribed in the Overstrand Zoning Scheme can be described as follow:

(c) Building lines

- (i) The street building line is 0 m subject to:
- the setback restriction if required by Council in terms of 7.1.2(b); and
 - the enclosed part of a building from the fourth storey must be set back 4,5 m.
- (ii) The side building line is 0 m subject to:
- the building or portion erected on the property boundary may have no windows, doors, ventilation or other openings in any wall on such boundary, without the consent of Council; and
 - where a property zoned Business Zone 1 and 2, abuts a residential or community zone, the building line is 3,0 m;
- (iii) The rear building line is 0 m subject to:
- the building or portion erected on the property boundary may have no windows, doors, ventilation or other openings in any wall on such boundary; and
 - where a property zoned Business Zone 1 and 2 abuts a residential or community zone, the building line is 3,0 m;
- (iv) The Council may impose more restrictive building lines in the interests of public health and safety; and
- (v) The general building line exemptions in 16.1 apply.

As per Section 7.1.2 (c)(iii) of the Zoning Scheme Regulations for the Overstrand area a property with a Business Zone 1 and 2 zoning that abuts a residential or community zoned property a 3m building line on the abutting side will apply. The property on the south-eastern side of the subject property, Erf 736 Hermanus has a General Residential 1 zoning and therefor a 3m building line would apply on the common boundary between erven 11054 and 736 Hermanus.



Motivation report

A building line relaxation from 3m to 1m is required to accommodate the proposed business building closer to the south-eastern side of the subject property. Attached as Annexure A is a letter of support from the owner of Erf 736 Hermanus for the proposed application. The proposed building line relaxation will not have any impact on the surrounding property values and character. The proposed building will be utilized as shops.

In our opinion the proposed application will have a positive impact on the surrounding properties as well as the CBD of Hermanus. The rezoning application is in line with the Spatial Development Framework as the subject property falls within the CBD of Hermanus and is a part of the economic hub of Hermanus.

3.5 ACCESS & PARKING

Access to the business site is proposed from Aberdeen Street. The current registered address for the subject property is 2 Royal Street, Hermanus. As a result of the classification of Royal Street and the fact that the access to the subject property will be from Aberdeen Street it is proposed that the registered address for the subject property should be 9 Aberdeen Street, Hermanus

The parking requirements can be summarised as follow:

Total GLA	Minimum off-street parking required	Total parking bays required	Total parking bays provided
292m ²	6 bays per 100m ² GLA	17.52 parking bays	18 parking bays

All the proposed parking bays adhere to the design requirements of 5m x 2,5m with 7,5m manoeuvre space behind each parking bay. On the premises 18 parking bays are proposed.

From the above it is evident that sufficient parking bays can be provided on site. The impact on the traffic of the area will be kept to a minimum and the site will not be accessible from Royal Street.

Motivation report

3.6 SERVICES

Erf 11054 Hermanus is situated in an already developed area where all services exist. The proposed rezoning from General Residential Zone 1 to Business Zone 1 will not have any impact on the existing services. Any additional services required to the subject property will be done according to the specifications of the Overstrand Municipality.

3.7 TITLE DEED

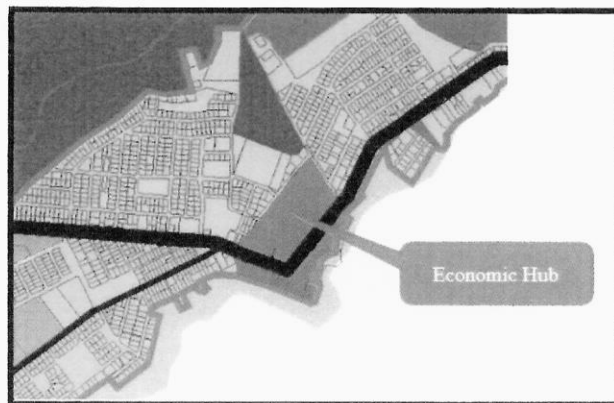
The Title Deed T27509/2019 has no restrictions that need to be removed in order for this application to be approved.

No bond is registered on the subject property.

3.10. FORWARD PLANNING

Overstrand Municipal Wide Spatial Development Framework (2006)

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for business purposes. The proposed rezoning from General Residential to Business zone 1 falls within the forward planning for the subject area.



Overstrand Growth Management Strategy (2010)

With reference to the Overstrand Growth Management Strategy the subject property falls within Planning Unit 13 that consists of the Hermanus CBD. Residential densification is proposed for this planning unit to create a mixed land use area. The rezoning and departure application is to develop shops in the demarcated CBD area of Hermanus.

With reference to the proposal and the above-mentioned forward planning documentation applicable to the Hermanus CBD, the proposed rezoning and departure application will not have a negative impact on the surrounding properties. In our opinion the proposed rezoning and departure application falls within the prescribed guidelines for the specific area of Hermanus.

3.11. OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**3.11.1. HERITAGE VALUE**

Erf 11054 Hermanus is situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is vacant and not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In light of the above mentioned it is evident that the proposed rezoning and departure application will not have a negative impact on the heritage value of the subject property or the greater area of the Hermanus CBD area.

Motivation report

3.11.2. IMPACT ON THE BIOPHYSICAL ENVIRONMENT

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

3.12. PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial justice: The Principle of spatial justice is not applicable to this application.

Spatial sustainability: The proposed rezoning and departure will be accommodated in the CBD of Hermanus. The proposal to rezone the subject property from General Residential Zone 1 to Business Zone 1 falls within the forward planning of the Overstrand area. The proposed application will have no impact on the conservation worthy areas of the Hermanus CBD. Spatially the land use will be in line with the economical character of the area that consists of similar establishments in the Hermanus CBD.

Efficiency: The subject property is easily accessible to the locals and tourists, and conveniently located within the Hermanus CBD where ample businesses are established. The last mentioned makes travelling to the subject property to make use of the proposed shops easy and accessible to everybody. The subject property is also located within walking distance of the Hermanus Taxi Rank.

Spatial resilience: Not applicable to this application.

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

Motivation report

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:

- The proposed rezoning and departure fall within the existing land use tendencies in the area;
- The impact on services will be minimal and additional services will be installed according to the specifications of the Overstrand Municipality, if required;
- The proposed departure will not have a negative impact on the current character and land values of the surrounding erven;
- A letter of support was obtained from the property owner of Erf 736 Hermanus whom supports the proposed application;
- The proposal creates an opportunity for temporarily and more permanent employment for the local community;
- The proposal is in line with the Spatial Development Framework for the Overstrand area.

With regards to the above mentioned it would be appreciated if the application would be considered favourably for the building line departure and the rezoning of Erf 11054 Hermanus.

50
 REGISTRAR OF DEEDS

25

Vorster & Steyn
 Mitchell House
 16 Mitchell Street
 HERMANUS
 7200

Prepared by me



CONVEYANCER
 LUCAS CORNELIS STEYN

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 3.600.000,00	R. 1.588,00
Reason for exemption	Category Exemption	Exemption i.o. Sec/Reg Act/Proc

DEED CAPTURE
 10-07-2019
 T. TALJAARD

T 000027509/2019

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

Johannes Hendrik Blaauw

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

PENHEY PROPRIETARY LIMITED
 Registration Number 1982/000601/07

which said Power of Attorney was signed at HERMANUS on 29 MAY 2019

Page 2

And the appearer declared that his/her said principal had, on 9 May 2019, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

The Trustees for the time being of the
MIKE FAMILY TRUST
Registration Number IT3777/97(C)

its Successors in Office or assigns, in full and free property

ERF 11054 HERMANUS in the Overstrand Municipality, Division of Caledon,
Western Cape Province

IN EXTENT 957 (NINE HUNDRED AND FIFTY SEVEN) Square metres

FIRST registered and still held by Certificate of Consolidated Title Number
T25889/2011 with Diagram SG No. 3943/2009 annexed thereto.

I. AS REGARDS the figure A B J on Diagram SG Number 3943/2009:

A. SUBJECT to the conditions referred to in Deed of Transfer Number
T3350/1924.

II. AS REGARDS the figure JBCDEFGH as shown on Diagram SG Number
3943/2009:

SUBJECT to such conditions as are contained in the Deed of Grant dated 16th
August 1920, issued under the provisions of Section 10 of Act No 15 of 1887
and to the special condition therein:

"That the land hereby granted shall be subject to all such duties and regulations
as are either already or shall in future be established with regard to such lands."

H.H

WHEREFORE the said Appearer, renouncing all rights and title which the said

PENHEY PROPRIETARY LIMITED
Registration Number 1982/000601/07

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

The Trustees for the time being of the
MIKE FAMILY TRUST
Registration Number IT3777/97(C)

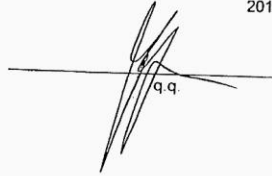
its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R3 600 000,00 (THREE MILLION SIX HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 9 July 2019

In my presence

REGISTRAR OF DEEDS



q.q

e
H H



Available now - WinDeed's New and Improved Contact Information search!

Search All Results Documents Manage Account Notifications Pauline

DOCUMENT MAP

- General Information
- Property Information
- Owner Information (1)
- Endorsements (2)
- Historic Documents (1)

DEEDS OFFICE REPORT

Print Save/View PDF Email PDF

General Information

Date requested 2019/08/15 14:58
 Deeds Office CAPE TOWN
 Information source DEEDS OFFICE
 Reference -



Property Information

Property Type	ERF	Diagram Deed	T25889/2011
Township	HERMANUS	Extent	957,0000SQM
Erf Number	11054	Local Authority	HERMANUS MUN
Portion Number	0	Province	WESTERN CAPE
Registration Division	CALEDON RD	LPI Code	CO1300130001105400000
Previous Description	-		
Street Address	NOT YET SEARCHED		

Additional searches available

WinDeed Alerts	Request	WinDeed Property Report	Search
SG Diagram	Request	Automated Valuation	Search
DOTS Property	Request	Map View	Request
Street Address	Search		

Owner Information (1)

MIKE FAMILY TRUST

Type	TRUST	Title Deed Number	T27509/2019
Name	MIKE FAMILY TRUST	Microfilm	-
ID / Reg. Number	377797(C)	Purchase Price (R)	3800000,00
Multiple Owners	NO	Purchase Date	2019/05/09
Multiple Properties	NO	Registration Date	2019/07/09
Share	-		

Additional searches available

Deeds Office Company	Search	DOTS Company	Search
Deeds Office Sequestration	Search	TransUnion Business Profile	Search
WinDeed Spider	Search	Judgment Enquiry	Search
Company Report	Search	TPN Enquiry	Search
VAT Number	Search	Deeds Office Document Copy	Request
WinDeed Alerts	Request		

Endorsements (2)

Document	Institution	Amount (R)	Microfilm
CONSOLIDATE FROM	TOWN HERMANUS ,ERF 11040 ,PRTN 0	UNKNOWN	-
CONSOLIDATE FROM	TOWN HERMANUS ,ERF 735 ,PRTN 0	UNKNOWN	-

Historic Documents (1)

Document	Institution	Amount (R)	Microfilm
T25889/2011	PENHEY PTY LTD	CCT	-

Additional searches available

WinDeed Spider	Search
Deeds Office Document	Search
Deeds Office Document Copy	Request

Disclaimer

This report contains information gathered from our suppliers and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

Refine Search New Search



TP-A Theart
(Hvd Stoep)



Loretta Gillion - Erf 11054 Application for rezoning

From: "Irma McPherson" <mcperson@iafrica.com>
To: <loretta@overstrand.gov.za>
Date: 19/11/2019 08:05 PM
Subject: Erf 11054 Application for rezoning

Att Ms H van der Stoep

Re : Application for Rezoning - Erf 11054 2 Royal Street, Northcliff, Hermanus.

Dear Madam,

I refer to the above application and comment as follows ;

I understand that as the required number of parking bays of 18 is based on the footprint of 292 m2, the proposed building can only be single story. I would object if the building was more than one story based on the no of parking required and privacy rights.

I am also concerned about the application to relax the lateral building line from 3m to 1m. I would request the owner to consider relaxing the building line to 2m or at worst 1,5m. For privacy I would request that glass blocks rather than open windows be provided on the property's internal boundaries. I would also be concerned about the type of shops the owner would engage. If the shops were not strictly within the primary land use rights for single story, I would object to any of the consent uses.

Yours faithfully

GAM McPherson
 Owner Erf 737

FILE NO: EL 11054-HNC
SCAN NO: HNC 11054
COLLABORATOR NO: 1358559

20 NOV 2019



TOWN & REGIONAL PLANNERS
STADS-EN STREEKSBEPLANNERS



ANNEXURE F 1/3

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

Our reference: PA19041
Your reference: 11054 HNC

12 December 2019

The Municipal Manager
Overstrand Municipality
PO BOX 20
Hermanus
7200

FILE NO:	AF 11054
SCAN NO:	38
COLLABORATOR NO:	1366672

FOR ATTENTION: MRS H. VAN DER STOEP

Sir

ERF 11054 HERMANUS: PROPOSED REZONING AND DEPARTURE

- **MIKE FAMILY TRUST**

Reference is made to our application dated 20 August 2019 as well as your letter dated 12 December 2019.

The objection received from Mr. G.A.M. Mc Pherson, property owner of Erf 737 Hermanus refers and can be summarized as follow:

- The objector states that based on the required parking bays required and provided, the proposed building can only be a single storey and would object to a multi-storey building.

The number of required parking bays are calculated on the proposed total GLA. If the proposed GLA increases, the total required parking bays will also increase that cannot be accommodated on the subject erf. Subsequently the owner is limited to the current single storey proposal that accompanied our application. Should the owner intend to extend the footprint and to construct a double storey building will it be required that an application for a departure to deviate from the required number of

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr. 10908; SACPLAN Tch. Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr. Pln A/158/2009

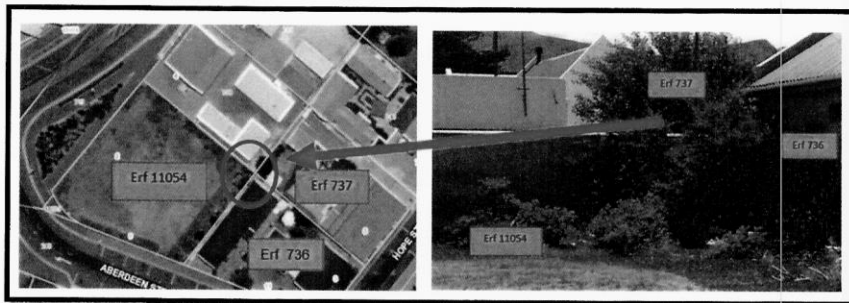
TP

13 DEC 2019

parking bays, be submitted. A departure application will have to be circulated to the adjoining landowners who will then have an opportunity to object against the proposal. Currently the site layout plan that accompanied our application is for a single storey building and should be assessed as such.

- **The objector states that the owner should reconsider the building line relaxation and suggest a 2m or 1.5m building line relaxation. The objector also request that glass blocks rather than open windows be provided on the property's internal boundaries.**

As illustrated in the pictures below, the building line departure does not have any impact on Erf 737 Hermanus. A boundary wall and tree obscure the view from Erf 737 Hermanus to Erf 11054 Hermanus. A single storey building will not have a greater impact on Erf 737 Hermanus as if it is developed within its current land use rights, General Residential Zone 1 zoning, that makes provision for a 3m building line and allows for a building that is 2 storeys (8m) high. Amending the site plan to make provision for a 1.5m or 2m building line versus a 1m building line will be insignificant from an impact perspective to Erf 737 Hermanus.



- **The owners of Erf 737 Hermanus would also object to any shops not listed as primary land uses and would object to any consent use applications.**

This application is for the rezoning of Erf 11054 Hermanus and the departure of building lines. Subsequently no other land uses will be entertained other than what is proposed. The primary uses listed under the proposed zoning of Business Zone 1 will suffice. Please refer to an abstract from the Overstrand Municipality Zoning Scheme below:

CHAPTER 7: BUSINESS ZONES

7.1 BUSINESS ZONE 1 & 2: GENERAL BUSINESS (B1 and B2)**Use of the property**

7.1.1 The following use restrictions apply to property in this zone:

- (a) **Primary uses** are: business premises, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction, rooftop base station;

Any further departures or consent uses will have to be applied for. Subsequently the neighbouring land owners will have the opportunity to raise their concerns against any other land use applications.

In conclusion it is important to note that the property owners adjacent to Erf 11054 Hermanus whom will be impacted on directly, do not have any concerns with the proposed application. As illustrated and described above, the departure will have no impact on the rights of Erf 737 Hermanus.

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

Yours Faithfully



Darren Adams

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING & DEPARTURE: ERF 11054, NORTHCLIFF
(3283/2019)**

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

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2019/2020) is as follows:

Freehold erven:

Water	R 22 925.00 x 0.168=	R 3 851.40
Sewerage	R 15 457.00 x 0.168=	R 2 596.78
Roads	R 6 931.00 x 7.236=	R 50 152.72
Stormwater	R 7 997.00 x 1.276=	R 10 204.17
Solid Waste	R 1 386.00 x 1.3925=	R 1 930.01
TOTAL (inclusive of VAT)	=	<u>R 68 735.23</u>

Note:

- 1.3 The above figures are estimates and exclude investigation and connection fees and tariffs.**
2. that only the standard 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 developer's cost;

2

3. 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;
4. 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*;
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 Erf 11054, Northcliff, unobstructed

p.p. *D. Hendriks*
DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

29/10/2019
DATE