

**AGENDA of the  
Portfolio Committee: Infrastructure and Planning  
18 August 2015  
(Also the agenda for the Mayoral Committee Meeting: 26 August 2015)**

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7.

**ERF 6220, 236 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967), AMENDMENT OF SITE DEVELOPMENT PLAN AND DEPARTURE : MESSRS INTERACTIVE TOWN- AND REGIONAL PLANNING ON BEHALF OF H BLOMERUS**

**6220 (2677)**

**P Roux**

**12 June 2015**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 27 August 2014 from Messrs Interactive Town- and Regional Planning on behalf of the owner, H Blomerus, for the removal of a restrictive title condition applicable to Erf 6220, Hermanus (Voëlkliip), to enable the owner to maintain and extend the building on the property, the application also includes the following:

- application in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for the amendment of the Site Development Plan (SDP) of Erf 6220, Hermanus (Voëlkliip); and
- application in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for a departure from the Overstrand Zoning Scheme Regulations applicable to Erf 6220, Voëlkliip, Hermanus to relax the lateral building line from 3m to 2m.

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

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

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## **5. Legal Requirements**

- Removal of Restrictions Act, No. 84 of 1967
- Sections 15 and 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) (LUPO)

## **6. Background/Discussion/Evaluation**

### **Background**

Erf 6220 is zoned General Residential Zone 2 : Town House and is situated in Voëlklip. The subject property measures 326m<sup>2</sup> in extent and is developed with a semi-detached house, and forms part of a housing complex.

The existing building on Erf 6220 does not conform to the aesthetical appearance, monetary value and scale of the properties in the immediate vicinity. Thus, the owner intends to upgrade the current dwelling in order to align the appearance and value of the property with that of the adjacent properties.

The application was advertised in the prescribed manner and registered notices were sent to all surrounding property owners, and three objections were received. Two of the objections were withdrawn, therefore only one of the objections will be discussed.

Internal notices were also sent to the relevant municipal departments and no objections were received.

### **Discussion**

The following objection was received from Messrs PlanActive Town- and Regional Planners on behalf of the Mariana Family Trust, owner of Erf 6226. The objection can be summarized as follows:

### **Objection**

The objection will be dealt with in the order of the redress by the applicant in order to ensure continuity.

#### **1. No detail provided on the change of the SDP**

### **Applicant's response**

The proposed amendments are discussed throughout the Motivation Report and A3 copies were provided for scrutiny.

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**Town Planner's comment**

Registered letters were sent to the surrounding property owners, the Motivation and Site Development Plan were attached to the letters. The proposed amendments are appropriately set out in the abovementioned documentation. The registered letter also states that the application is open for inspection and that any enquiries be directed to the Town Planner.

**2. No detail provided of proposal inside the building line and the building plans provided were not legible**

**Applicant's response**

Enclosed with the notices, which were sent out via registered post, was a copy of the SDP, Locality Plan and a summary of the motivation. If more information was required by the objector he/she could have viewed the complete application at the Town Planning Department office or at the library. Furthermore, the proposed amendments were clearly discussed in the Motivation Report.

**Town Planner's comment**

The advertisement and notices stipulates that any further enquiries could be forwarded to the Town Planning Department. The objector could also have viewed the A3 copies of the proposed development, if so required.

**3. No motivation provided why the restrictive title condition need to be removed**

**Applicant's comments**

In paragraph 1.C the objective, motivation and reasons are clearly provided for the removal of restrictive conditions, whilst Annexure E (of the motivation report) consists of the specific application for the removal of the restrictive title conditions.

**Town Planner's response**

The Motivation Report clearly sets out the intent of the applicant and the reasons for the removal of the restrictive conditions.

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- 4. For a person not familiar with obtaining and reading of deeds, it will be difficult to find clauses referred to.**

**Applicant's comment**

The deed is attached to the application which was open for inspection at the offices of the Overstrand Municipality. In the notices sent to the adjacent property owners it is clearly stated that the application is open for inspection.

**Town Planner's comment**

Although the title deed was not attached to the notice, it could have been viewed at the Town Planning Department; and assistance could also have been given if so required.

- 5. The proposal will not fit in with the rest of the town house scheme and will not be uniform**

**Applicant's response**

In essence the objector implies that the current town house complex is uniform in character; this is not true. Different elements are used by the different dwellings. Some of the dwellings use face brick, while others dwellings are cladded. It is for this matter that the application was lodged in order to upgrade the dwelling so that it is of the same standard as the surrounding neighbours. The reality is that all four dwellings in Eleventh Street differ from each other.

**Town Planner's comment**

Currently there is no uniformity within the town house complex and as such all the dwellings within the town house complex does not integrate with one another. The proposed upgrade is to bring the character and aesthetical value of the existing structure in line with the surrounding properties.

- 6. Assumptions are made that as being part of a town house scheme that the development will remain as per the SDP and that the sea view is guaranteed.**

**Applicant's response**

Provisions are made within LUPO and the Overstrand Zoning Scheme Regulations for the amendment of SDP's. South African law does not recognise an inherent right to an existing view from a property.

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**Town Planner's comment**

The objectors' dwelling is a double story with a trafficable roof, which is built 1,2m from the lateral building line; therefore the objector can look down on the property next to it and still have a sea view. Thus, it is the opinion that privacy and sea views will not be affected. No provisions are made in the Zoning Scheme for the right to a sea view.

**7. Deprived of afternoon sun due to 3 storey with no setback**

**Applicant's response**

Cognisance must be taken that the objector's property is situated to the west of the subject property. Therefore the relaxation of the lateral building line will make no difference to the shade and/or afternoon sun.

**Town Planner's comment**

There are no height restrictions in terms of the SDP's and there are no architectural guidelines for the subject property, therefore the provisions of the Overstrand Zoning Scheme Regulations applies, which stipulates an 8m height restriction, the proposed development plans are in line with this parameter.

**8. Property values will be negatively affected**

**Applicant's response**

No material proof is given by the objector nor is a substantial reason given.

The opposite is actually believed to be true. Currently, all four of the attached dwellings differ from each in appearance, building material and style resulting to a non-appealing image within this upmarket residential area and in the specific street.

As can be derived from the SDP it can be seen that the plan about design elements to consolidate and unite the image of the four buildings, as well as the dwelling on the western side of the application site. This will in turn without doubt improve the general aesthetical appearance and appeal of all four buildings. Furthermore, the capital investments of more than R1 Million will positively contribute towards the general value of all four units.

**Town Planner's comment**

The proposed upgrade to the existing structure will lead to the beautification of the property and will be in keeping with the character of the surrounding buildings.

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**9. Buildings of Erven 6220 and 6227 built as one structure; resulting the risk of damage during construction.**

**Applicant's response**

No structural changes are proposed to the existing main communal building section. Only a small section of the adjacent property will form part of the reconstruction.

A structural engineer will investigate and ensure the necessary precautionary measures are in place to prevent any possible damage to any adjacent properties in such unlike event

**Town Planner's comment**

The onus will be on the developer to appoint a structural engineer in order to prevent any damage during the construction phase.

**10. Listed activity could be triggered because of developing within the 100m mark.**

**Applicant's response**

The objection made is factually incorrect. The building is in actual fact located more than 200m from the high water mark as reflected on the attached sketch, refer to Annexures.

**Town Planner's comment**

The property is situated more than 200m away from the high water mark and as such it does not trigger any listed activities in terms of the Environmental Management Act.

Considering the above, it is made evident that the concerns raised by the objector are addressed by the applicant.

**Evaluation**

Erf 6220 is situated in Voëlklip, access to the property is gained from Eleventh Street. The property is zoned General Residential Zone 2 : Town Housing and forms part of a row of semi-detached dwellings. The property is encumbered by restriction in the Title Deed.

The owner of the subject property proposes to upgrade the current dwelling on Erf 6220, Voëlklip. The upgrade includes the extension of the dwelling in order to add a lounge and a single garage on the ground floor, a family room on the

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first floor, and a deck on the second storey. The proposed extensions will encroach upon the 3m lateral building line to 2m and the 9m street building line, as imposed by the Title Deed, to 4,5m.

Although the property forms part of a row of semi-detached dwellings; no formal Architectural Guidelines were ever established. A SDP was drawn up and dates 24 February 1983. With no formal guideline or Home Owners' Association the structures on the erven differed from each other in terms of character, aesthetics and type of building material used, and subsequently, most of the existing structures on Erven 6220, 6225, 6226 and 6227 have deviated from the SDP. Bearing in mind that no formal guidelines are applicable, the provisions in the Overstrand Zoning Scheme Regulations are applied.

Provisions made under General Residential Zone 2 : Town Housing in the Overstrand Zoning Scheme Regulations are for a 3m lateral building line on the perimeter. The proposal is made to encroach upon the latter to 2m from the lateral boundary line. This is due to the relative small size of the property. Furthermore, General Residential Zone 2 is normally applied to large town house complexes and not to small erven which are meant to be used for single residential purposes, thus further limiting the potential of the site.

Specific Title Deed conditions restrict the upgrade of the dwelling towards the street boundary; these clauses are C(i) and (j). In addition to the aforementioned clauses, the proposed upgrade of the property is further restricted by the clauses summarised in the motivation. The latter is held in favour of the Mossel River Estate Company, the company does not exist and thus the applicant wishes to remove the clauses. Cognisance must be taken that the Title Deed restrictions date back before the establishment of the Overstrand Municipality and the relevant Zoning Scheme Regulations. As such the Title Deed was used to convey restrictions on property owners in order to form uniformity and a sense of place; however most of the owners in the township have deviated from their respective Title Deeds by means of relaxations or removals. Therefore, the applicant is of the opinion that the restrictions set out in the Title Deed are not relevant, because they are outdated, thus the removal of the restrictions will enable the owner to utilise the property more efficiently and conform the street building line as prescribed in the Overstrand Zoning Scheme Regulations as many other dwellings in Eleventh Street do.

The current structure on Erf 6220 is not in line with the aesthetics and character of surrounding properties and this has lead to the property value of the subject property being negatively affected. Thus, the capital investment into the upgrading of the existing structure will lead to the influx of property values. Therefore the proposed development is desirable and needed.

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**Conclusion**

Application for the removal of Title Deed restrictions be recommended for approval, subject to conditions. The departure of the lateral building line and the amendment of the SDP also be recommended for approval, subject to conditions.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Local Heritage Committee**

No comment.

**Fire Department**

No objection

**Building Department**

No objection.

**Engineering Department**

Annexure G.

**10. Annexures**

Annexure A: Locality Plan  
Annexure B: Proposed Site Development Plan  
Annexure C: Motivation Report  
Annexure D: Objection received  
Annexure E: Comment on objection  
Annexure F: Objections withdrawn  
Annexure G: Services Report

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**RECOMMENDATION:**

1. that, in terms of the Removal of Restrictions Act, Act 84 of 1967 the removal of a restrictive Title Deed conditions applicable to Erf 6220, Hermanus (Voëlklip), to enable the owner to maintain and extend the building on the property, **be recommended for approval** by the Provincial Government: Western Cape;
2. that, in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the amendment of the Site Development Plan of Erf 6220, Hermanus (Voëlklip), **be approved**;
3. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the departure from the Overstrand Zoning Scheme Regulations applicable to Erf 6220, Hermanus (Voëlklip) to relax the lateral building line from 3m to 2m, **be approved**;
4. that the approvals in 2. and 3. above be subject to the following conditions:
  - (a) that departure and amendment of the Site Development Plan be subject to the removal of the restrictive title conditions;
  - (b) that building plans be submitted to the Building Department for approval;
  - (c) that all conditions imposed in the Services Report (attached as Annexure E), be complied with;
  - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (e) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
5. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**9 SEPTEMBER 2015**

**TARGET DATE TO INFORM APPLICANT :**

**9 SEPTEMBER 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**9 SEPTEMBER 2015**

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**7.**

**ERF 6220, 236 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND  
MUNICIPAL AREA : REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967),  
AMENDMENT OF SITE DEVELOPMENT PLAN AND DEPARTURE : MESSRS  
INTERACTIVE TOWN- AND REGIONAL PLANNING ON BEHALF OF H BLOMERUS**

**6220 (2677)**

**P Roux**

**12 June 2015**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
18 AUGUST 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

**RESPONSIBLE OFFICIAL :**

**P ROUX**

**TARGET DATE FOR IMPLEMENTATION :**

**9 SEPTEMBER 2015**

**TARGET DATE TO INFORM APPLICANT :**

**9 SEPTEMBER 2015**

**TARGET DATE TO INFORM OBJECTOR :**

**9 SEPTEMBER 2015**



LOCALITY PLAN  
Erf 6220, Hermannus (Voëlkop)



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**GENERAL NOTES:**  
 1. The drawing is to be used in conjunction with the relevant contract documents.  
 2. The contractor must verify all dimensions, levels, and existing work before commencing work.  
 3. All work must be completed in accordance with the relevant specifications and standards.  
 4. The contractor is responsible for obtaining all necessary permits and approvals.  
 5. The contractor must ensure that all work is completed in accordance with the relevant safety regulations.  
 6. The contractor must ensure that all work is completed in accordance with the relevant environmental regulations.  
 7. The contractor must ensure that all work is completed in accordance with the relevant health and safety regulations.  
 8. The contractor must ensure that all work is completed in accordance with the relevant fire safety regulations.  
 9. The contractor must ensure that all work is completed in accordance with the relevant accessibility regulations.  
 10. The contractor must ensure that all work is completed in accordance with the relevant sustainability regulations.

**AREAS (m<sup>2</sup>):**

AREA	AREA	AREA
GROUND FLOOR	122	122
FIRST FLOOR	108	108
SECOND FLOOR	104	104
ROOF	84	84
PERMITS	84	84
DIFFERENCE	84	84
TOTAL	398	398

**NOTES:**  
 1. The drawing is to be used in conjunction with the relevant contract documents.  
 2. The contractor must verify all dimensions, levels, and existing work before commencing work.  
 3. All work must be completed in accordance with the relevant specifications and standards.  
 4. The contractor is responsible for obtaining all necessary permits and approvals.  
 5. The contractor must ensure that all work is completed in accordance with the relevant safety regulations.  
 6. The contractor must ensure that all work is completed in accordance with the relevant environmental regulations.  
 7. The contractor must ensure that all work is completed in accordance with the relevant health and safety regulations.  
 8. The contractor must ensure that all work is completed in accordance with the relevant fire safety regulations.  
 9. The contractor must ensure that all work is completed in accordance with the relevant accessibility regulations.  
 10. The contractor must ensure that all work is completed in accordance with the relevant sustainability regulations.

**CLIENT:**  
 LOCAL AUTHORITY / DEVELOPER  
**ARCHITECT:**  
 BLOMERUS  
 4, 404 HERMANUS  
 100116 PELL HILLS  
 SE BRISBANE HIGHWAY  
 4000 LEWISBURG  
 QLD 4000  
 TEL: 07 551 1111  
 FAX: 07 551 1112  
 WWW.BLOMERUS.COM.AU

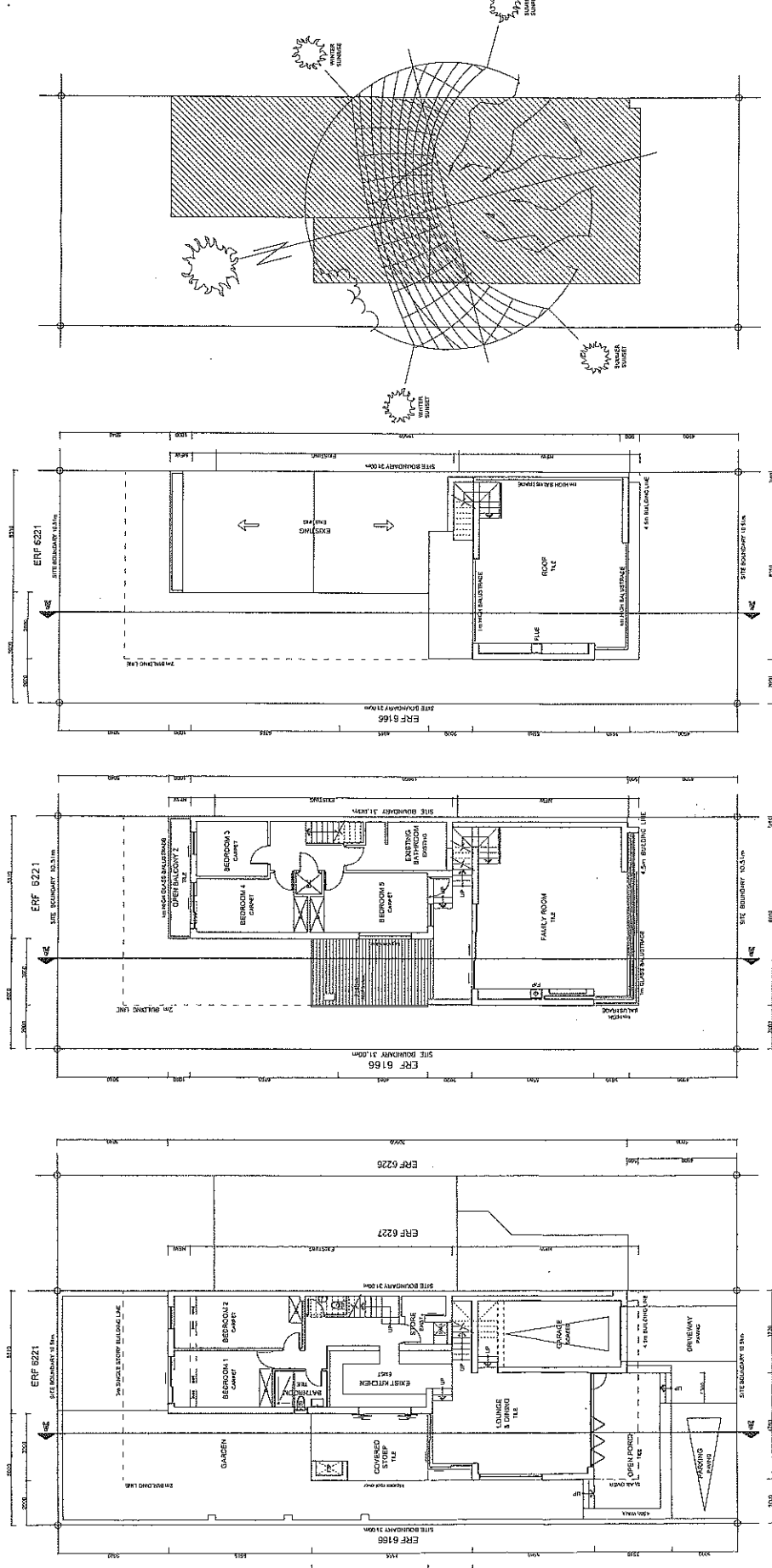
**PROJECT:**  
 ALTERATIONS AND ADDITIONS TO EXISTING BUILDING  
**PROJNO:**  
 SITE PLAN & GROUND STOREY PLAN, ROOF PLAN, SECTION, ELEVATION  
**SCALE:**  
 1:100  
**DATE:**  
 10 FEBRUARY 2015  
**DRAWN BY:**  
 KS  
**CHECKED BY:**  
 PROJECT NO:  
 DRAWING NO:  
 SHEET NO:  
 OF

**QUALITY INSPECTION:**  
 It is noted that the client, by its approval on this drawing, accepts and approves the conceptual design and / or technical information contained herein.  
**LOCAL AUTHORITY APPROVALS:**  
**CLIENT:**  
**ARCHITECT:**  
**DATE:**

**PROJECT:**  
 ALTERATIONS AND ADDITIONS TO EXISTING BUILDING  
**PROJNO:**  
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**CHECKED BY:**  
 PROJECT NO:  
 DRAWING NO:  
 SHEET NO:  
 OF



**1 SITE & GROUND STOREY** SCALE 1:100

**2 FIRST STOREY** SCALE 1:100

**3 SECOND STOREY** SCALE 1:100

**4 SUNDAIL** SCALE 1:100

I, André Marius Wietahn from InterActive Town and Regional Planning as lawful representative of the property owner of Erf 6220 Hermanus, Hendrina Blomerus, undertake and confirm that the additions to the building on Erf 6220 Hermanus will strictly be done in accordance with the attached amended site development plan BLMRS / 15 dated 10 February 2015.

André Wietahn Pr. Pin A/927/1996

Telephone: 028 312 1668 Fax: 086 602 7558 Cellphone: 082 466 0490 E-Mail: wietahn.a@gmail.com



1. Introduction				
a. <b>Brief and Background:</b>  Refer to <b>Annexure A</b> for the Power of Attorney.	Interactive Town and Regional Planning was appointed by owner of the property, Hendrina Blomerus to prepare and submit an application for the relaxation of building lines as well as the amendment of the site development plan in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) on Erf 6220, Voëlklip, hereafter referred to as the application area.			
	<p>The ultimate objective of this application it to upgrade and make additions and alterations to the existing residential building.</p> <p>For the purposes of this application notice should be taken of:</p> <ul style="list-style-type: none"> <li>• The property forms part of a group housing complex consisting of 8 dwelling units located between 10th and 11th Streets within an existing up-market holiday / residential area.</li> <li>• The current zoning of the complex is "General Residential Zone 2" but each of these units within the complex is located on its own erf and has its own title deed.</li> <li>• The existing character of the subject buildings within the complex does not compliment the character of the surrounding dwellings within the street and vicinity in terms of scale and appearance.</li> </ul>			
b. <b>Property Description</b>	<b>Property</b>	<b>Extent</b>	<b>Title Deed</b>	<b>Registered Owner</b>
	Erf 6220 Hermanus	326m <sup>2</sup>	T17428/2013	Hendrina Blomerus
c. <b>Title Deed</b>  Refer to <b>Annexure B</b> for the title deed, <b>Annexure C</b> for the Surveyor General Plan, <b>Annexure D</b> for the Conveyancer Certificate and <b>Annexure E</b> for the Application for the Removal of Restrictive Title Conditions	There are title conditions restricting the proposed relaxation of the building line as highlighted in the attached Conveyancer Certificate compiled by Conveyancer Hendrik Loubser van Zyl from VGV Attorneys.			
	<p>The specific title deed conditions restricting the proposed relaxation of the building lines are the title deed clauses C(i) and (j).</p> <p>In addition to the above, the proposed further development/additions to the property is also restricted by the title deed conditions requiring the original land owners, the Mossel River Estate Company Limited's permission. There are also clauses in the title deed not related or relevant to the property. These clauses are:</p> <p>Clauses I. A, B, C (a), (b), (c), (d), (e), (f), (h) and (k), Clauses II. A, B and C, Clause III. A, B and C, Clauses IV A, and Clauses V 1., 2., 3.</p> <p>An application for the removal of the restrictive title conditions and the non-relevant conditions has been lodged with the Department of Environmental Affairs and Development Planning and is attached to this application.</p>			
d. <b>Definitions applicable to the application</b>	<p><b>"building line"</b> means an imaginary line on a land unit, which defines a distance from a specified cadastral line, within which the erection of buildings and structures are prohibited, except with the necessary Council approval;</p> <p><b>"townhouse"</b> means a dwelling unit which forms part of a town housing scheme;</p> <p><b>"town housing"</b> and "town housing scheme" means a row or group of linked, attached or detached dwelling units, which are designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided or be sold individually in some other manner;</p>			

e. Development Criteria:	Parameters	Town Planning Scheme Regulations (TPSR):	Application Proposal:	Comments and Response:	
<p>The development parameters for the Erf 6220 Voëlklip, Hermanus as per the Planning Scheme Regulation, in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) are summarised as follows:</p>	Primary Use	General Residential Zone 2 (GR2) – Town house, private road, private open space.	General Residential Zone 2 (GR2).	Consistent (No change with regards to use or zoning is proposed)	
	Consent Uses	Crèche, day care centre, flats, green house, home occupation, residential building, retirement village, tourist accommodation.	Not applicable		
	Coverage	50%	50%	Consistent	
	Height	8m	Less than 8m	Consistent	
	Building lines	Street	3m	4,0m	Consistent
		Side	3m	0m on eastern side, 2m on western side	(a relaxation of 0m on the eastern side of the building has already been approved) (the adjacent property on the western side also currently has a 2m building line)
		Rear	3m	3m	Consistent
	Parking	2 bays per dwelling unit	2 bays per dwelling unit	Consistent	
<p><b>f. Application:</b></p> <p>The application form is attached as <b>Annexure F.</b></p>	<p>Application is hereby made in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) for:</p> <ul style="list-style-type: none"> <li>• A departure for the relaxation of the western side building line from 3m to 2m.</li> <li>• A departure for the amendment of the site development plan 82281 dated 24 February 1983</li> </ul> <p>A separate application is also lodged for the removal of restrictive title conditions with the Department of Environmental Affairs and Development Planning in terms of in terms of the Removal of Restrictions Act 84 of 1967 (Act 84 of 1967).</p>				

## 2. Site Information

### a. Location:

#### Regional Context:

Within the regional context, the application area is located within Voëlklip residential suburb. Voëlklip is a narrow shaped residential suburb on the most eastern side of Hermanus between the Olifants Mountains and the ocean and borders the edge of Fernkloof residential area, Grotto beach and the Klein River Lagoon.

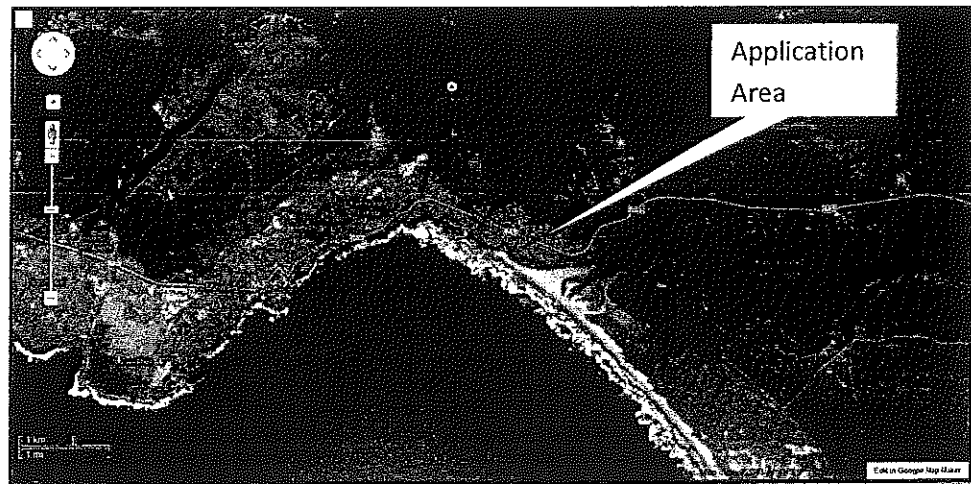


Figure 2.1: Locality Plan – Regional Context

#### Local Context:

Within the local context the application area is a residential erf within Voëlklip that forms part of the larger Hermanus East area. This area is predominantly a high income residential area with a large number of dwellings being used as holiday homes.

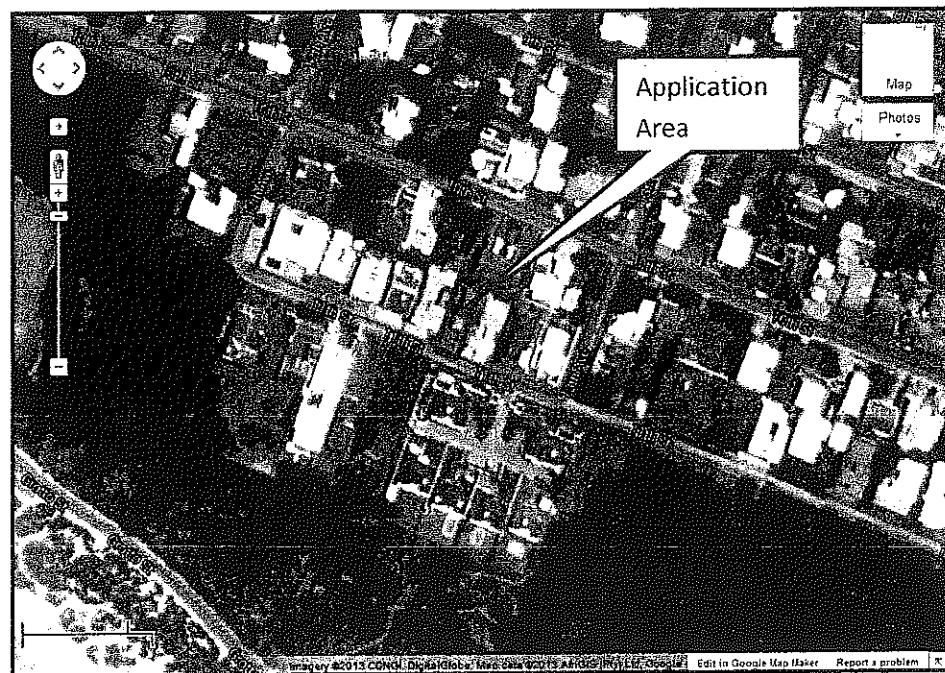
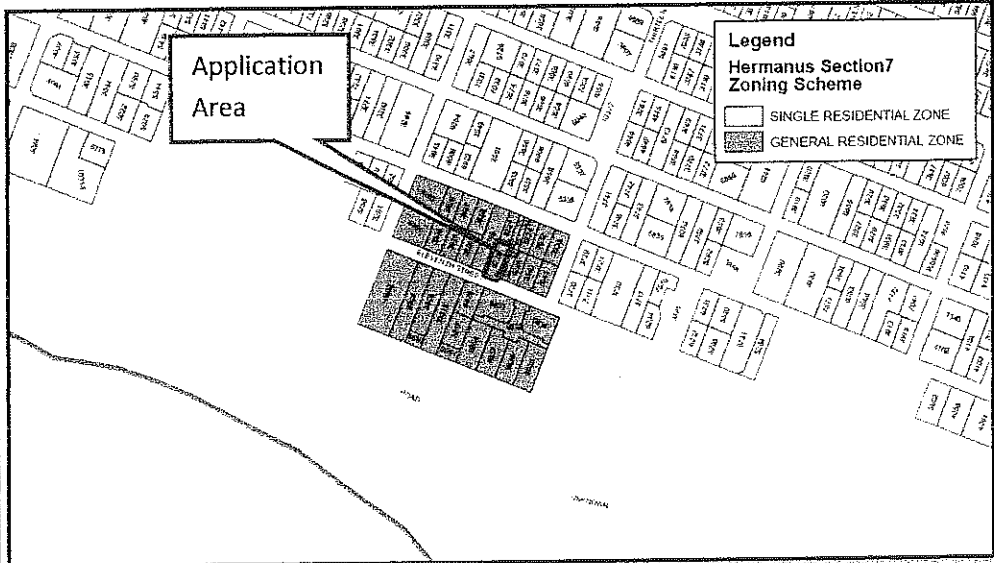
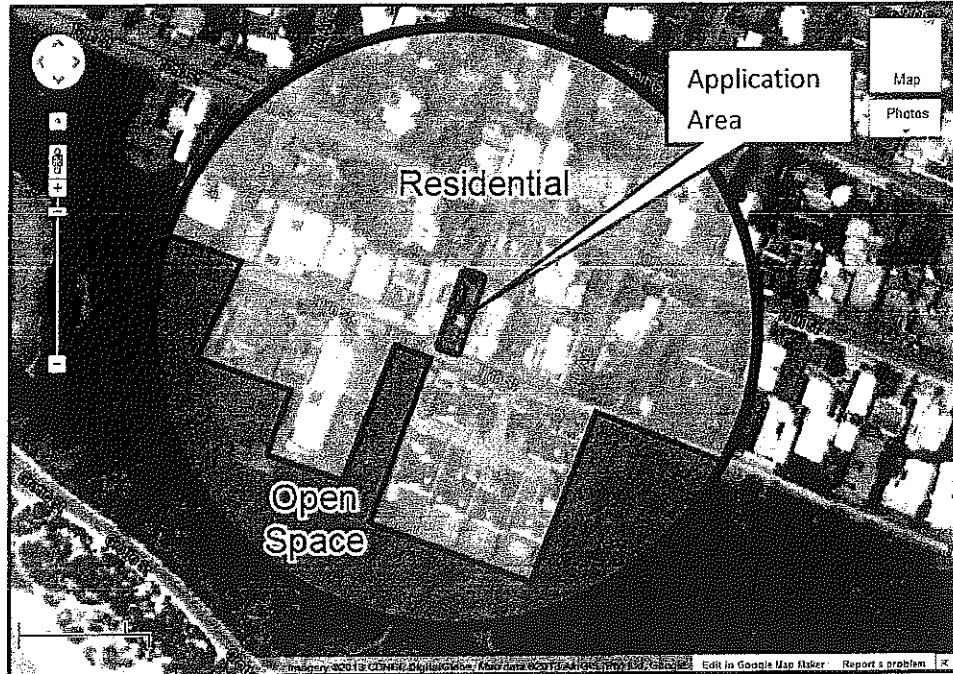


Figure 2.2: Locality Plan – Local Context

<p><b>b. Policy for Hermanus Municipal Area</b></p>	<p>The proposed use is consistent with all relevant policy documents for the Greater Hermanus area. Derived from the following extract from the Overstrand Municipal Wide Spatial Development Framework, 2009 this policy document supports the existing dwelling in the sense that the house forms part of the “balanced mix of housing types for the full range of income groups....” And the promotion of “a range of residential housing types”.</p> <table border="1" data-bbox="414 380 1388 582"> <tr> <td data-bbox="414 380 534 582">LPL 2:</td> <td data-bbox="534 380 1388 582"> <p><b>Balanced Housing Provision</b></p> <ul style="list-style-type: none"> <li>▪ The ongoing provision of land and / or redevelopment opportunities for residential / housing uses, within the urban edge, must be viewed as a priority. This together with the need to provide for integration and a balanced mix of housing types for the full range of income groups must also inform decision-making.</li> </ul> </td> </tr> </table> <p><b>7.7.1. Local Spatial Development Principles</b></p> <p><i>i. Promote:</i></p> <ul style="list-style-type: none"> <li>- conservation of sensitive natural resources, including the mountain backdrop and associated Fynbos reserves, a varied coastal strip and associated marine reserves and a series of river and estuarine systems;</li> <li>- conservation of cultural heritage resources, including the character of the historical fishing/holiday settlement areas of Hermanus and Onrust, the number of buildings of historical, architectural and social value, as well as the scenic beauty of the rural landscape of Hemel-en-Aarde Valley;</li> <li>- the equitable distribution of community facilities throughout the Greater Hermanus area;</li> <li>- the provision of a range of residential housing types and appropriate densification strategies in order to retain the character of Greater Hermanus, while ensuring appropriate growth to address the growing population’s housing needs;</li> <li>- Greater Hermanus as a tourism destination.</li> </ul> <p><b>Figure 2.4: Extracts from the Overstrand Municipal Wide Spatial Development Framework, 2009</b></p>	LPL 2:	<p><b>Balanced Housing Provision</b></p> <ul style="list-style-type: none"> <li>▪ The ongoing provision of land and / or redevelopment opportunities for residential / housing uses, within the urban edge, must be viewed as a priority. This together with the need to provide for integration and a balanced mix of housing types for the full range of income groups must also inform decision-making.</li> </ul>
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<p><b>c. Zoning: (Refer to Zoning Certificate attached as Annexure G)</b></p>	<p>The application area, Erf 6220 Voëlkop is zoned General Residential Zone 2 in terms of the current zoning scheme. No change in the in zoning is proposed.</p>  <p><b>Figure 2.3: Extract from the Overstrand Municipality: Integrated Zoning Scheme map of Hermanus</b></p>		

**d. Land Use:** The application area is currently used for residential purposes and is completely surrounded by residential properties apart from an open space on the south-western side of the property. Most of the properties in the vicinity of the application area are used for holiday houses. No change in land-use is proposed.



*Figure 2.4: Google Image illustrating the residential land-use activities of the application area and surrounding properties*

**e. Motivation for the application:** The proposal for Erf 6220 makes provision for the relaxation of the western side building line of the erf from 3m to 2m as well as the amendment of the site development plan.

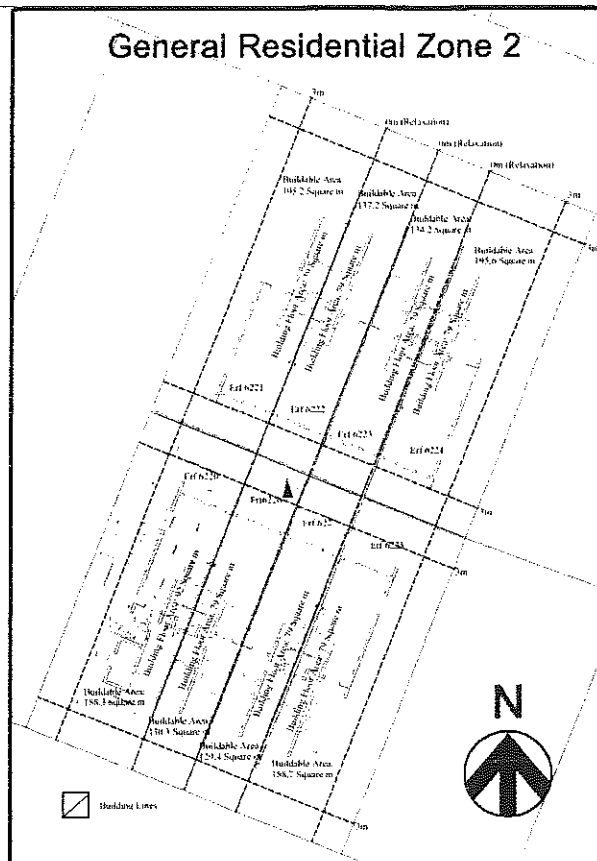
Footprint of the existing buildings illustrated in Annexure H

The existing building on the application site and housing complex do not conform to the aesthetical appearance, monetary value and scale of the properties in the immediate vicinity of application area.

The general meek appearance of the existing buildings within the said complex impairs the predominant high value, character and image of the dwellings in the immediate area. This is reflected in the following table showing the average municipal values of the units in the housing complex valued at R 1,8 million per unit compared to the average valuation of the surrounding properties in the 11th street being valued between R4,4 million on the northern side of 11<sup>th</sup> Street and R8,4 million of the properties on the southern side of 11<sup>th</sup> Street (2012/2013 Municipal Valuation roll):

Description	Value
Complex South Average	R 1 805 650.00
Complex North Average	R 1 800 850.00
10 th Street Average	R 3 049 725.00
11th Street North Average	R 4 390 650.00
11th Street South Average	R 8 408 500.00
10th & 11th Link Average	R 4 860 000.00
Grand Average	R 4 161 304.17

*Table 1: Average valuation of the properties in the vicinity of the application site (Source: Municipal General Valuation Roll 2012/13)*



*Figure 2.5 Extract of current building footprint of the existing buildings*

One of the main reasons for the lower aesthetic appearance of the buildings can be attributed to the more restrictive zoning development parameters applicable to the application site and adjacent erven being part of the subject housing complex.

The zoning development parameters which are applied to the subject housing complex / erven (consisting of 8 erven of less than 250m<sup>2</sup> each) are zoned for General Residential Zone 2. These zoning parameters are normally used for town house complexes which are built on a single large erf with sectional title ownership.

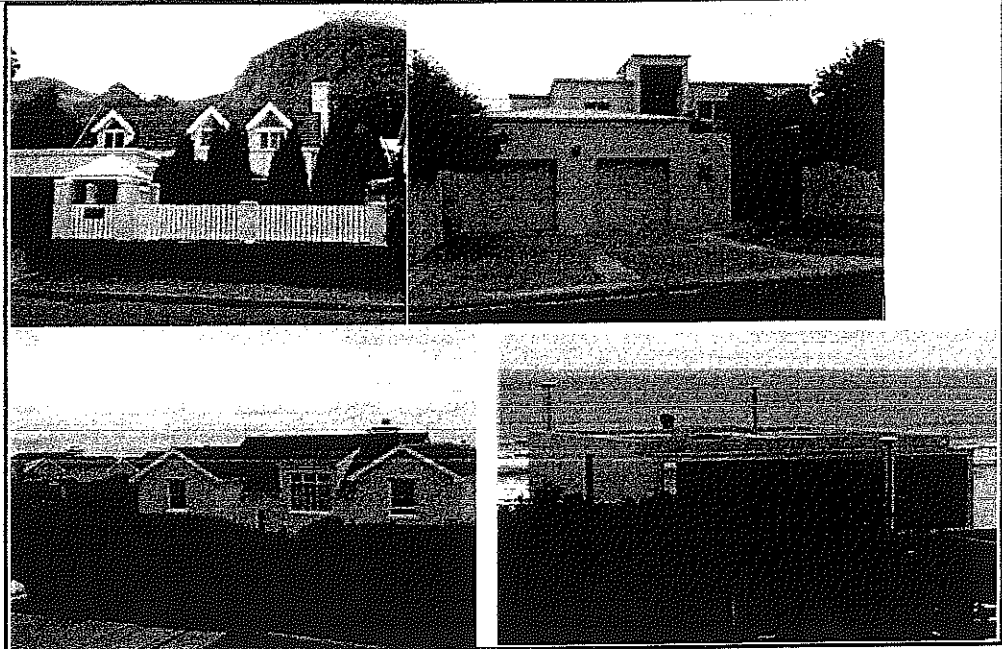
Contrary to the normal General Residential Zone 2 zoning applied on large town house complexes,

the subject application site consist of a town house complex but with each housing unit located on its own (small) erf as can be seen in Figure 2.5. The application site is only 326m<sup>2</sup>. Thus, such zoning parameters applicable for town house complexes in extent of 3 000m<sup>2</sup>+ is not realistic and practical to be applied on units of less than 350m<sup>2</sup>.

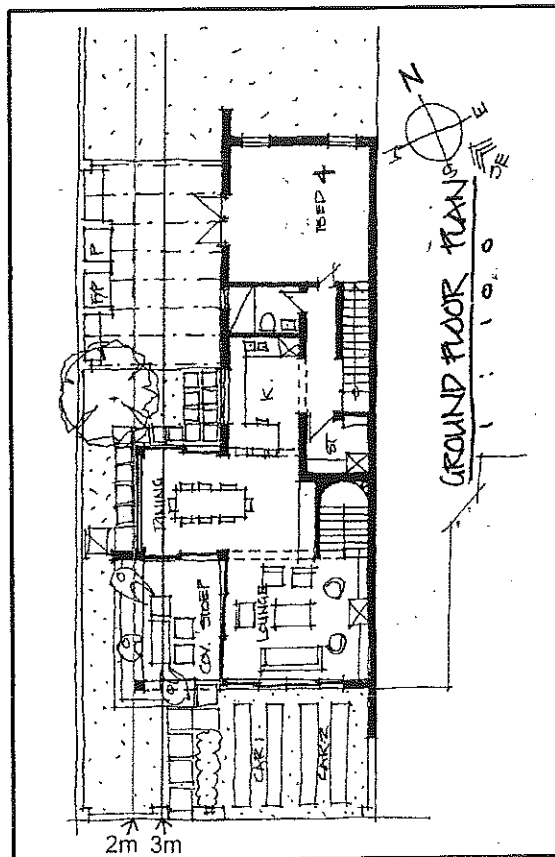
The result of such inappropriate restrictions / parameters is not well-matched and designed buildings that are not compatible with the character /architecture of the area.



*Figure 2.6 Photograph reflecting the difference in quality between the subject dwelling with the adjacent property*



**Figure 2.7** Photographs illustrating the high income dwellings in the close vicinity of the application site



**Figure 2.8** Extract of proposed building plan illustrating building lines

The owner intend to upgrade his current dwelling on Erf 6220 Voëlklip to optimise and exploit the opportunity to improve his property and align the appearance and value of the property with the surrounding dwellings within the vicinity. In order to acquire this, a building line relaxation is required on the western boundary from 3m to 2m as illustrated in the adjacent draft sketch; Figure 2.8.

The relaxation will not detrimentally affect the adjacent properties at all, given that the existing dwelling is already a double storey building and the existing design of the adjacent dwelling.

In addition to the relaxation of the building line a departure is subsequently also required for the amendment of the existing site development plan.

<b>3. Desirability Criteria</b>	
<b>a. Land Use Planning Ordinance Requirement:</b>	<p>Section 36 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) stipulates that applications may only be refused if it lacks desirability or if it impacts negatively on existing rights. Furthermore, the Ordinance prescribes that, when a decision is made, the health, welfare and safety of the community, and the built and natural environment must be taken into account.</p> <p>The proposed relaxation of the building line is considered not to impact on surrounding land uses and community needs and will not have any impact on the health, welfare, and safety of the nearby community and built and have no negative impact on the natural environment.</p>
<b>b. Character of surrounding area:</b>	<p>The area surrounding the application area is mostly a high income residential area. The application makes provision for the relaxation of a building line to allow for a two meter building line as is the case with most of the surrounding erven, including the adjacent erf.</p> <p>The proposal is therefore most compatible with the character of the surrounding area.</p>
<b>c. Location and accessibility of the site:</b>	<p>The application area is located on Eleventh street. The application area is facing a road and has direct access between the road and the application area.</p> <p>The proposal is therefore most compatible in terms of the location and accessibility criteria.</p>
<b>d. Land use Policies:</b>	<p>The application is fully consistent with the spatial policy documents relevant to the application area.</p>
<b>e. Impact on existing land uses:</b>	<p>The application will have no negative impact on the current zoning or uses of the application area and is therefore compatible with the existing land-uses of the area.</p>
<p><b>4. Conclusion</b></p> <p>The application as motivated in this report is regarded desirable within its local context and well integrated within the existing community. It is therefore recommended that this application for the following departures in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) be approved:</p> <ul style="list-style-type: none"> <li>• A departure for the relaxation of the side building line on the western side of the erf from 3m to 2m.</li> <li>• A departure for the amendment of the site development plan 82281 dated 24 February 1983</li> </ul>	

**PLAN Active**  
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Ons verwysing: PA15018

10 Maart 2015

Die Munisipale Bestuurder  
Overstrand Munisipaliteit  
Posbus 20  
Hermanus  
7200

FILE NO:	EL 6220 Herm
SCAN NO:	
COLLABORATOR NO:	764168

Vir aandag: Mnr. Schalk van der Merwe,

Meneer

**BESWAAR: ERF 6220 HERMANUS: VOORGESTELDE OPHEFFING VAN BEPERKENDE TITELVOORWAARDES, WYSIGING VAN DIE TERREINONTWIKKELINGSPLAN EN AFWYKING VAN DIE BOULYN**

Ons is aangestel deur Mnr. Deon Allen, namens die eienaar van Erf 6227 Hermanus, die Mariana Familie Trust, om namens die trust beswaar aan te teken teen die onderwerp aansoek. Die besware is as volg:

- Met verwysing na die kennisgewing wat ontvang is deur die Mariana Familie Trust, van InterActive Stads- en Streeksbeplanners word daar slegs gelys waarvoor aansoek gedoen word. Geen detail word voorsien aangaande die wysiginge van die terreinontwikkelingsplan nie.
- Daar word melding gemaak van die verslapping van die boulyn van 3m na 2m. Daar word geen detail gegee van wat binne die boulyn gaan geskied nie. Die bouplanne wat ook voorsien is, is nie leesbaar nie. (Verwys asseblief na 'n afskrif van die kennisgewing wat ontvang is.
- Met verdere verwysing na die opheffing van beperkende voorwaardes word daar nie gemotiveer waarom die beperkende voorwaardes verwyder moet word nie, daar word net verwys na die nommers in die Akte. Vir enige persoon wat nie vertrou is met die verkryging en lees van Aktes nie gaan dit 'n moeilike taak wees om die voorwaardes op te spoor waarna verwys word.

Daar kan 'n aanname gemaak word dat van die voorwaardes waarna daar moontlik verwys is straat en laan boulyne is wat as volg opgesom kan word:

- 3.5m Straat boulyn van toepassing op die eintlike woonhuis en sluit buitegeboue uit;
- 9.45m Straat boulyn van toepassing op buitegeboue wat grens aan strate;
- 6.3m Straat boulyn van toepassing op buitegeboue wat grens aan lane.

Die bogenoemde boulyne is destyds in die aktes geskep om eenvormigheid in Voëlklip te skep dat alle woonhuise en buitegeboue dieselfde distansie van die strate en lane af ontwikkel sal wees. Erf 6220 Hermanus is deel van 'n dorpshuisskema waarvan die woonhuise 'n spieëlbeeld van mekaar is, en

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Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP


10 115 2015

indien die aansoek vir die opheffing van beperkende titelvoorwaardes, wysiging van die terreinontwikkelingsplan en afwyking van die boulyne toegestaan word sal die nuwe voorgestelde woonhuis op Erf 6220 Hermanus glad nie inpas by die res van die dorpsuisskema nie en sal daar in die geval ook geen eenvormigheid wees nie.

- Ons kliënt, Mnr. Deon Allen namens die Mariana Familie Trust is die eienaar van die aangrensende eiendom, Erf 6227 Hermanus. Omdat hulle deel is van 'n dorpsuisskema wat gekoppel is aan 'n terreinontwikkelingsplan is daar verwagtinge geskep dat in terme van die terreinontwikkelingsplan dat dit is hoe die ontwikkeling daaruit sien. Gevolglik is Mnr. Allen onder die indruk dat hulle gewaarborg is wat uitsigte oor die see aanbetref en indien die aansoek ten opsigte van Erf 6220 Hermanus goedgekeur word gaan hy sy uitsigte in 'n westelike rigting verloor. Verder gaan hy ook ontnem word van sy namiddag son as gevolg van die 3 verdieping woonhuis wat nou voorgestel word aan die westekant reg op die erf grenslyn met geen terugsetting.
- Die ontwerp van die woonhuise op erwe 6220 & 6227 Hermanus is so gedoen dat beide eiendomme see uitsigte kan geniet vanaf hulle balkonne. Daar is selfs 'n glas paneel geskep wat die stoepe van die twee woonhuise van mekaar skei om die see uitsigte in beide 'n oostelike en westelike rigting te maksimaliseer. Met die verandering wat voorgestel is word die see uitsig soos hierbo genoem van die eienaar van Erf 6227 Hermanus ontnem.
- Met verwysing na die bogenoemde sal dit die eiendoms waarde van die bestaande woonhuis definitief negatief beïnvloed wat nie verhaal sal kan word indien die aansoek goedgekeur word nie.
- Die woonhuise wat gebou is op erwe 6220 en 6227 Hermanus is as een struktuur ontwerp en is die betonvloere en ander strukture integraal met mekaar verbind. Met die voorgestelde uitbreiding van die woonhuis op Erf 6220 Hermanus staan ons kliënt die risiko om fisiese skade te ly as gevolg van die voorgestelde veranderings aan die struktuur wat tot 'n mate sy woonhuis ook insluit aangesien die 2 woonhuise as een struktuur ontwerp en gebou is.
- Met verwysing na vroeëre gesprekke met die Departement van Omgewingsake en Ontwikkelingsbeplanning is daar al verwys daarna dat waar eiendomme binne die kus se terugsetlyn geleë is of 100m van die hoogwatermerk dat, indien daar van die grondgebruikbeperkings afgewyk word, soos byvoorbeeld boulyne, dat 'n aansoek geloods moet word in terme van die Nasionale Omgewingsbestuur Wetgewing en is dit 'n moontlike gelyste aktiwiteit. Met verwysing na die kennisgewing wat ontvang is, is dit nie duidelik of dit wel gedoen is nie.

Ons vertrou dat u ons beswaar teen die onderwerp aansoek in ag sal neem met die opstel van u aanbeveling.

Die uwe



John Mc Lachlan