



OVERSTRAND MUNICIPALITY
ERF 4286, CHANTECLAIRE AVENUE AND ERF 4443, 27 CHANTECLAIRE AVENUE, ONRUS RIVER: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, EXEMPTION OF REGISTRATION OF A RIGHT OF WAY SERVITUDE AND AMENDMENT OF SITE DEVELOPMENT PLAN: WRAP PROJECT OFFICE ON BEHALF OF ONRUS MANOR BODY CORPORATE AND WESTERN OCEAN INVESTMENTS 161 CC

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that the following applications applicable to Erven 4286 and 4443, Onrus River, have been received:

Rezoning

In terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to General Residential Zone: Town Housing (GR1), applicable to Erf 4443, Onrus River.

Consent Use

In terms of Section 16(2)(o) of the By-Law to allow a retirement village on Erf 4443, Onrus River.

Departure

In terms of Section 16(2)(b) of the By-Law to relax the following on Erf 4443, Onrus River:

- Northern perimeter building line applicable to Unit 1 from 3,0m to 2,68m to accommodate a portion of the pergola;
- eastern perimeter building line applicable to Unit 1 from 3,0m to 0,76m to accommodate a portion of the bedroom and bathroom;
- North-western perimeter building line applicable to Unit 2 from 3,0m to 2,68m to accommodate a portion of the pergola;
- eastern perimeter building line applicable to Unit 3 from 3,0m to ±0,75m to accommodate a portion of the bedroom and bathroom;
- western perimeter building line applicable to Unit 5 from 3,0m to 0,74m to accommodate a portion of the bedroom and bathroom; and
- to depart from the minimum erf size of 3000m² to 2296m² for the rezoning of a site to General Residential Zone: Town Housing (GR1).

Exemption of Registration of a Right of Way Servitude

Subdivision in terms of Section 16(2)(d) of the By-Law to create a right of way access servitude over Erf 4286 Onrus River in favour of Erf 4443, Onrus River.

Amendment of Site Development Plan

In terms of Section 16(2)(l) of the By-Law to accommodate extensions to the roads on Erf 4286, Onrus River.

Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus.

Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before 19 June 2023, quoting your name, address, contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Town Planner, Mr. H Olivier at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them to formalize their comment.

DGI O'Neill, Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 81/2023

OVERSTRAND MUNISIPALITEIT
ERF 4286, CHANTECLAIRELAAN EN ERF 4443, CHANTECLAIRELAAN 27, ONRUSRIVIER: AANSOEK OM HERSONERING, VERGUNNINGSGEBRUIK, AFWYKING, VRYSTELLING VAN REGISTRASIE VAN 'N REG-VAN-WEG SERWITUUT EN WYSIGING VAN TERREINONTWIKKELINGSPLAN: WRAP PROJECT OFFICE NAMENS ONRUS MANOR BODY CORPORATE EN WESTERN OCEAN INVESTMENTS 161 CC

Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat die volgende aansoeke van toepassing op Erwe 4286 en 4443, Onrusrivier, ontvang is:

Hersonering

Ingevolge Artikel 16(2)(a) van die Verordening vanaf Residensiële Sone 1: Enkelwoonsone (SR1) na Algemene Woonsone: Dorpsuiskema (GR1), van toepassing op Erf 4443, Onrusrivier.

Vergunningsgebruik

Ingevolge Artikel 16(2)(o) van die Verordening om 'n aftreeoord op Erf 4443, Onrusrivier toe te laat.

Afwyking

Ingevolge Artikel 16(2)(b) van die Verordening om die volgende te verslap op Erf 4443, Onrusrivier:

- noordelike perimeter boulyn van toepassing op Eenheid 1 vanaf 3,0m na 2,68m om 'n gedeelte van die pergola te akkommodeer;
- oostelike perimeter boulyn van toepassing op Eenheid 1 vanaf 3,0m na 0,76m om 'n gedeelte van die slaap- en badkamer te akkommodeer;
- noord-westelike perimeter boulyn van toepassing op Eenheid 2 vanaf 3,0m na 2,68m om 'n gedeelte van die pergola te akkommodeer;
- oostelike perimeter boulyn van toepassing op Eenheid 3 vanaf 3,0m na 0,75m om 'n gedeelte van die slaap- en badkamer te akkommodeer;
- westelike perimeter boulyn van toepassing op Eenheid 5 vanaf 3,0m na 0,74m om 'n gedeelte van die slaap- en badkamer te akkommodeer; en
- om af te wyk van die minimum erfgroutte van 3000m² na 2296m² vir die hersonering van 'n perseel na Algemene Woonsone: Dorpsuiskema (GR1).

Vrystelling van Registrasie van 'n Reg-Van-Weg Serwituut

Ondervdeling ingevolge Artikel 16(2)(d) van die Verordening om 'n reg van weg toegangserwituut oor Erf 4286, Onrusrivier te skep ten gunste van Erf 4443, Onrusrivier.

Wysiging van Terreinontwikkelingsplan

Ingevolge Artikel 16(2)(l) van die Verordening om uitbreidings aan die paaië op Erf 4286, Onrusrivier, te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentaar moet skriftelik ingedien word in ooreenstemming met die bepaling van Artikels 51 en 52 van genoemde Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus) / (f) 0283132093 / (e) loretta@overstrand.gov.za voor of op 19 Junie 2023, met u naam, adres, kontakbesonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. H. Olivier by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

DGI O'Neill, Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 81/2023

UMASIPALA WASE-OVERSTRAND
ISIZA 4286, CHANTECLAIRE AVENUE KUNYE NE-ISIZA 4443, 27 CHANTECLAIRE AVENUE, ONRUS RIVER: ISICELO UKUMISELWA KWAKHONA, IMVUME YOKUSEBENZISA, UKUNDULUKA, UKUKHULULWA OKUBHALISA ILUNGELO LENKONZO KUNYE NOLUNGISO LWESICWANGCISO SOPHUHLISO LWESIZA: WRAP PROJECT OFFICE EGAMENI ONRUS MANOR BODY CORPORATE KWAYE WESTERN OCEAN INVESTMENTS 161 CC

Kukhutshwa isaziso ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba ezi zicelo zilandelayo zisebenza kwiSiza 4286 no-4443, i-Onrus River, zifunyenwe:

Ukucandwa ngokutsha

NgokweCandelo-16(2)(a) loMthetho kaMasipala ukusuka kwiNdawo yokuHlala 1: Indawo yokuhlala eyodwa (SR1) ukuya Yindawo Yokuhlala 1: Izindlu Zokuhlala (GR1) kwiSiza-4443, e-Onrus River.

Imvume Yokusebenzisa

NgokweCandelo-16(2)(o) loMthetho kaMasipala ovumela ilali yomhlalaphantsi kwiSiza 4443, eOnrus River.

Ukuphambuka

NgokweCandelo le-16(2)(b) loMthetho kaMasipala ukunyenya oku kulandelayo kwiSiza 4443, e-Onrus River:

- Umda wesakhiwo ongasemantla osebenza kwiYunithi 1 ukusuka kwi-3,0m ukuya kwi-2,68m ukuze uvumele inxenywe ye-pergola;
- Umda wesakhiwo ongasempuma osebenza kwiYunithi 1 ukusuka kwi-3,0m ukuya kwi-±0,76m ukulungiselela inxenywe yegumbi lokulala nelokuhlambela;
- Umda wesakhiwo ojikeleze uMntla-ntshona osebenza kwiYunithi 2 ukusuka kwi-3,0m ukuya kwi-2,68m ukuze uvumele inxenywe ye-pergola;
- Umda wesakhiwo ongasempuma osebenza kwiYunithi 3 ukusuka kwi-3,0m ukuya kwi-±0,75m ukulungiselela inxenywe yegumbi lokulala nelokuhlambela;
- Umda wesakhiwo ongasentshona osebenza kwiYunithi 5 ukusuka kwi-3,0m ukuya kwi-0,74m ukulungiselela inxenywe yegumbi lokulala nelokuhlambela; kwaye
- ukusuka kubungakanani besiza obuyi-3000m² ukuya kuma-2296m² ukuze kucandwe ngokutsha isiza sibe yiZowuni yokuHlala ngokuBanzi: iZindlu zeDolophu (GR1).

Ukukhululwa ekuBhalisweni koMhlaba ozakuFakwa Imibhobho

Ulwahlulo-mhlaba ngokweCandelo le-16(2)(d) loMthetho kaMasipala ukudala ilungelo lendlela yokufikelela kubukhoboka kwiSiza 4286 kuMlambo i-Onrus kulungiselelwa iSiza-4443, kuMlambo i-Onrus.

Ukulunisa kweSicwangciso soPhuhliso lweSiza

NgokweCandelo le-16(2)(l) loMthetho kaMasipala ukuze kulungiselelwe isandiso yeendlela kwiSiza 4286, kuMlambo i-Onrus

Iinkcukacha ngesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangciso ngeDolophu kwa-16 Paterson Street, Hermanus.

Naziphi na izimvo ezibhaliweyo mazingeniswe ngokungqinelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus) / (f) 0283132093 / (e) loretta@overstrand.gov.za) okanye phambi komhla wama-19 uluni 2023, ucapula igama lakho, idilesi, iinkcukacha zoqagamshelwano, umda kwisicelo kunye nezizithu zezimvo. Imibuzo ngomxeba ingenziwa kuMchwangcisi weDolophu, uMnu. H Olivier kule nombolo 028-313 8900. UMasipala ukonwala ukwamkela izimvo ezifunyenwe emva komhla wokulala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncede ukuba abhale ngokusesikweni izimvo zakhe.

DGI O'Neill, uMphathi kaMasipala, uMasipala waseOverstrand, P.O. Ibhokisi 20, HERMANUS, 7200

Isaziso sikaMasipala esinguNomb. 81/2023

LOCALITY PLAN ERF 4443 ONRUSTRIVIER

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411
admin@wrapgroup.co.za

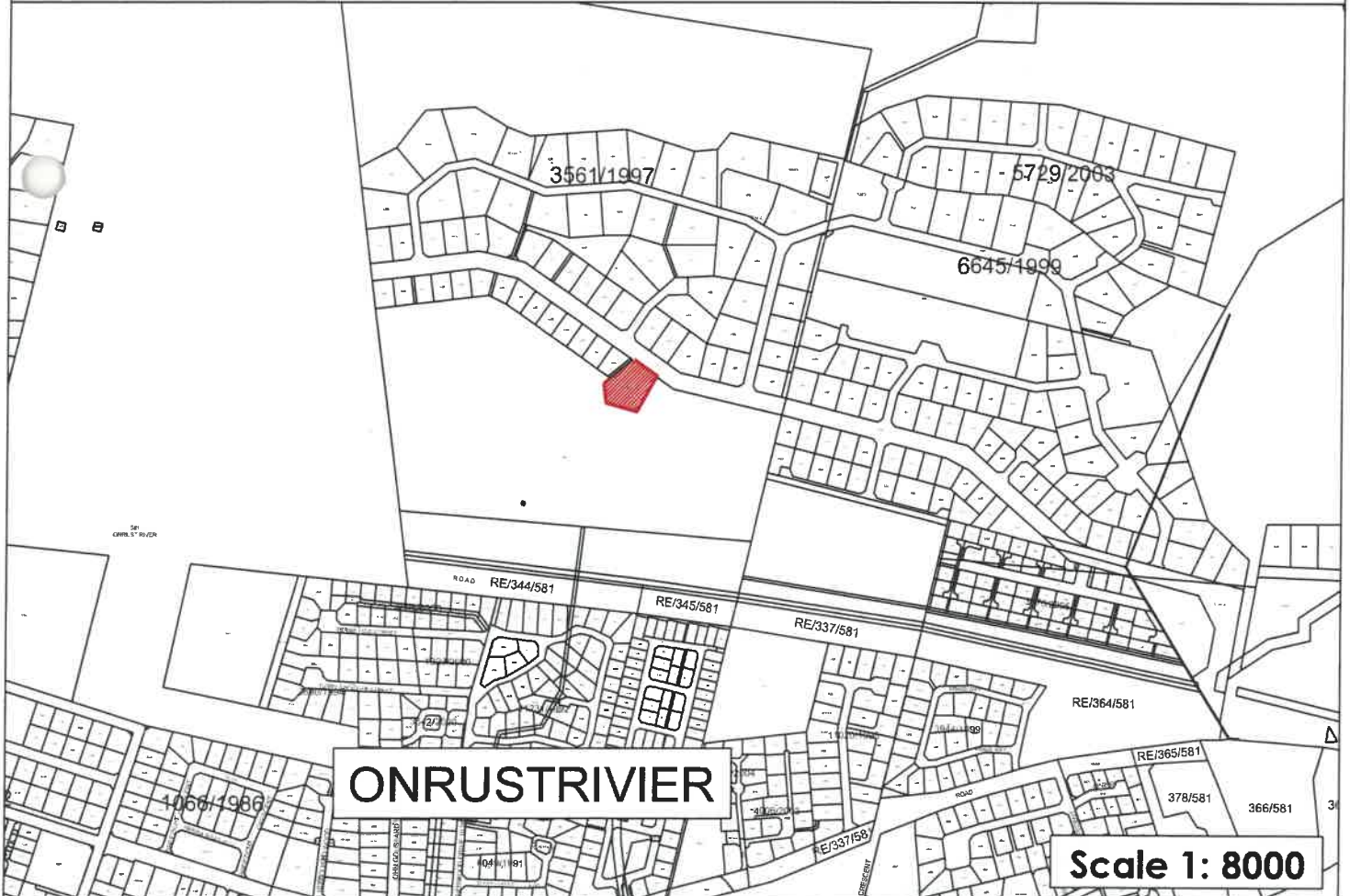
Unit B, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200



Project Office
Town Planning & Project Management



Scale 1: 1000



ONRUSTRIVIER

Scale 1: 8000

**1. ABBREVIATIONS**

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Consultant	WRAP Project Office	
Erf Number	Erf 4443 Onrustrivier	Erf 4286 Onrustrivier
Extent	2296m ²	10,9627 Ha
Current Zoning	Residential Zone 1: Single Residential (SR1)	General Residential Zone 1: Town Housing (GR1)
Proposed Zoning	General Residential Zone 1: Town Housing (GR1)	-

3. BACKGROUND AND INTENT

Erf 4443 Onrustrivier, hereafter referred to as the subject property, is located at 27 Chanteclair Avenue, Onrustrivier (refer **Plan 1**). An offer to purchase was made on the property by the Faircape Life Right Trust ("Faircape") who also owns a number of properties and also manage Onrus Manor, subject to the approval of the rezoning of the subject property.

The intent of Faircape is, to rezone Erf 4443 Onrustrivier, to General Residential Zone 1: Town Housing, and apply for a consent use for a retirement village, but "a range of care and other facilities" as required by the OMLUS, will not be provided on site, but on the adjacent Erf 4286 Onrustrivier, the existing Onrus Manor Retirement Village.

A sectional title scheme will be registered for the 5 retirement town houses to be constructed on Erf 4443 Onrustrivier and a housing development scheme will be registered in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988, in terms of which retired persons will be able to acquire the exclusive right to occupy a retirement town house, which has access to the retirement facilities at Onrus Manor.

The occupancy right is based on an agreement between the beneficiary of the housing interest and the grantor, in this case the owner of the accommodation who will be Faircape, and thus a personal right between the beneficiary and the grantor.

In terms of the agreement, the beneficiary is entitled to occupy the accommodation for the duration of his or her lifetime unless terminated earlier, as agreed upon with the grantor.



MOTIVATION

The content of the contract for the alienation of the housing interest is prescribed in the Housing Development Schemes for Retired Persons Act 65 of 1988 and, amongst other requirements, needs to provide a **'statement of the location, nature and extent of any facilities and services that are to be provided or rendered in connection with the housing interest'**; the rights and obligations of the purchaser in connection with the utilisation of the facilities and services; whether any of the facilities and services provide for the care of debilitated persons and the date by which the facilities and services will be rendered.'

The facilities and services to be provided will be the existing facilities located on Erf 4286 Onrustvriër, (Onrus Manor).

Onrus Manor is a retirement village that provides access to several activities and facilities which includes:

- A coffee shop, clubhouse with lounge, dining room and bar, gym and games room facilities;
- Enclosed heated swimming pool;
- Access to support staff for assessment and temporary assistance (including CMR, Occupational Therapist and Social Worker);
- A clinic, available for residents at set times daily;
- Shuttle service offering weekly trips to nearby shopping centres;
- Healthcare;
- Long term care; and
- Library.

Refer to the figure below for a site map of Onrus Manor located on Erf 4286 Onrustvriër.



Figure 1: Onrus Manor Site Map



MOTIVATION

As illustrated within Figure 1, Onrus Manor is home to 298 retirement dwelling units that are owned either individually or owned by Faircape. Onrus Manor is fully developed and there is no space for expansion. The proposal is to acquire an adjacent property and to rezone it to accommodate 5 additional dwelling units with a consent use to allow a retirement village. Erf 4443 Onrustrivier, was identified and an offer to purchase was accepted, on condition that approval for the rezoning is obtained.

The existing access from Chanteclair Drive to Erf 4443 Onrustrivier, will be closed and a right of way servitude will be registered over the Onrus Manor property (Erf 4286 Onrustrivier) in favour of the subject property.

WRAP Project Office was appointed to submit this land use application (refer **Annexure A – Power of Attorney**).

Approval of the following applications is required:

- Rezoning of Erf 4443 Onrustrivier to General Residential Zone 1: Town Housing (GR 1);
- Consent Use to allow a Retirement Village on Erf 4443, Onrustrivier.
- Departure from building lines to accommodate the proposed units on Erf 4443 Onrustrivier;
- Departure from the minimum erf size for rezoning to General Residential Zone 1: Town Housing (GR 1);
- Registration of a servitude over the common areas on Erf 4286 Onrustrivier in favour of Erf 4333 Onrustrivier; and
- Amendment of the Site Development Plan of Erf 4286 Onrustrivier.

The way forward with the development can be described as follows:

1.	Application for rezoning and consent use is submitted;
2.	Once approved, Faircape takes transfer of Erf 4443 Onrustrivier;
3.	Faircape constructs the 5 retirement townhouses as well as roads, boundary wall, landscaping, services etc.
4.	Once the retirement townhouses are complete, a sectional title plan is compiled, a sectional register opened, and a body corporate is registered.
5.	A housing development scheme is registered in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988.
4.	Retired persons to acquire the exclusive right to occupy a town house on a life right basis.

The option to extend the sectional title scheme on Erf 4286 Onrustrivier was considered, but the following challenges were encountered:

1. Due to the presence of a section title scheme on Erf 4286 Onrustrivier, Erf 4443 Onrustrivier cannot be consolidated with Erf 4286 Onrustrivier, and the only option would be a notarial agreement between the two properties.
2. In order to extend the sectional title scheme on Erf 4443 Onrustrivier, the existing scheme needs to be amended, the participation quote needs to be recalculated, etc.



MOTIVATION

The impact on the existing sectional title scheme and the owners and the cost involved was considered and it was decided that it would be too onerous and expensive and that it would be much easier to establish a separate sectional title scheme on Erf 4443 Onrustvriev with a notarial agreement registered between Erven 4286 and 4443 Onrustvriev, securing the use of the retirement facilities on Erf 4286 Onrustvriev by the residents of Erf 4443 Onrustvriev.

The need for an "overarching, master homeowners association or body corporate" was also investigated, but it was however found that it was unnecessary and that the relationship with Onrus Manor and the sharing of their retirement services can be arranged and secured in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988, which provides the required protection to the life right holders to the retirement town houses on Erf 4443 Onrustvriev, strengthened by a notarial agreement registered in the title deeds of the two erven.

4. APPROVAL OF APPLICATION REQUIRED TO ACHIEVE THE DEVELOPER'S INTENT

WRAP compiled this report to ensure the developer's vision is achieved. The following is proposed:

4.1 Rezoning of Erf 4443, Onrustvriev from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1) from in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.2 Consent Use to allow a retirement village on Erf 4443 Onrustvriev in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As mentioned in Section 3 above, the property will be a sectional title town house and retirement development on which a life right housing scheme will be registered in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988, with access to the retirement facilities and retirement services available on the premises of Onrus Manor secured by means of a notarial agreement, registered in the title deed of the two properties.

In addition to the Retired Persons Act 65 of 1988, a consent use for a retirement village is also being applied for to ensure that usage of the subject property is aligned with the uses being proposed. In terms of the OMLUS a retirement village is defined as the following:

"retirement village" means a development for the purposes of accommodating retired persons and associated facilities and conforms to the following conditions:

- i. other than staff accommodation, each dwelling unit shall be occupied by at least one person and must comply with the applicable legislation;*
- ii. a range of care and other facilities shall be provided to the satisfaction of the Municipality; and*
- iii. additional development management provisions may be determined by the Municipality in respect of a retirement village;"*

The proposal is that the five group housing retirement units utilise the retirement facilities available at Onrus Manor. These units will enjoy full access to the same facilities as the residents of Onrus Manor. With the proposed notarial agreement in place, no retirement facilities will be required to be developed on Erf 4443 Onrustrivier.

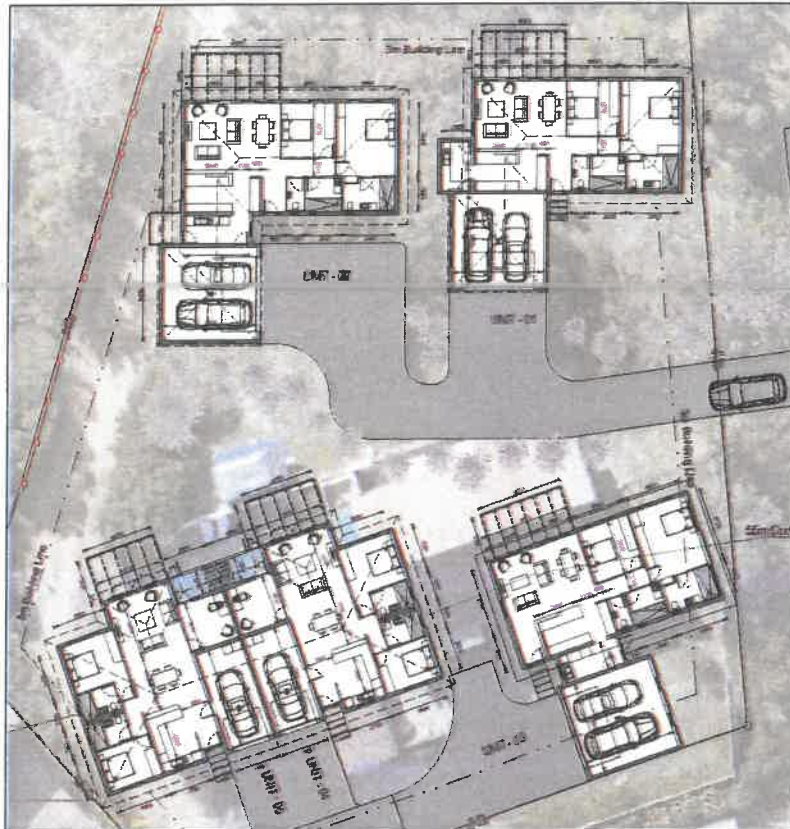


Figure 2: Proposed development on Erf 4443 - Onrustrivier

Erf 4443 Onrustrivier has an extent of 2 296m² and with the proposed 5 dwellings, the density will be 21,77 du/ha (dwelling units per hectare) which is lower than the existing density of Onrus Manor, being approximately 27,3du/ha. The proposed zoning (GR1) allows for a maximum density of 35 du/ha.

4.3 Permanent Departure from the eastern 3,0m perimeter building line to $\pm 0,76$ m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.4 Permanent Departure from the northern 3,0m perimeter building line to $\pm 2,68$ m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.5 Permanent Departure from the eastern 3,0m perimeter building line to $\pm 0,75$ m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



MOTIVATION

4.6 Permanent Departure from the western 3,0m perimeter building line to $\pm 0,74\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.7 Permanent Departure from the north-western 3,0m perimeter building line to $\pm 2,68\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As Erf 4443 Onrustvriër will not be consolidated with Erf 4286 Onrustvriër (the Onrus Manor property) and therefore function primarily as a townhouse development; 3,0m perimeter building lines are applicable. The units are positioned closer to the perimeter which necessitates the approval of a departure from the building line. Refer to the Site Development Plan and Insets attached as **Plan 4**.



Unit 1:

Unit 1 is located on the north-eastern side of the subject property and is located on the boundary with Onrus Manor. The proposal is to locate Unit 1, $\pm 2,68\text{m}$ from the street boundary and $\pm 0,76\text{m}$ from the common boundary between Erven 4286 and 4443. The encroachment of the street building line is only a pergola which is less obtrusive than a building.

Unit 1 is positioned next to the boundary line which will only be a single storey town house which will ensure that no privacy is being impeded upon due to the encroachment on the building line. The total footprint of the unit will be 150m^2 . Refer to the Plan 4 of the inset for Unit 1 that illustrates the proposed departure.

The area within the building line will be utilised as a lounge and the area of the encroachment is only $\pm 16,86\text{m}^2$ and it is not predicted to have a negative impact on the surrounding properties as the building is set back $2,68\text{m}$ and $0,76\text{m}$ from the boundary line.

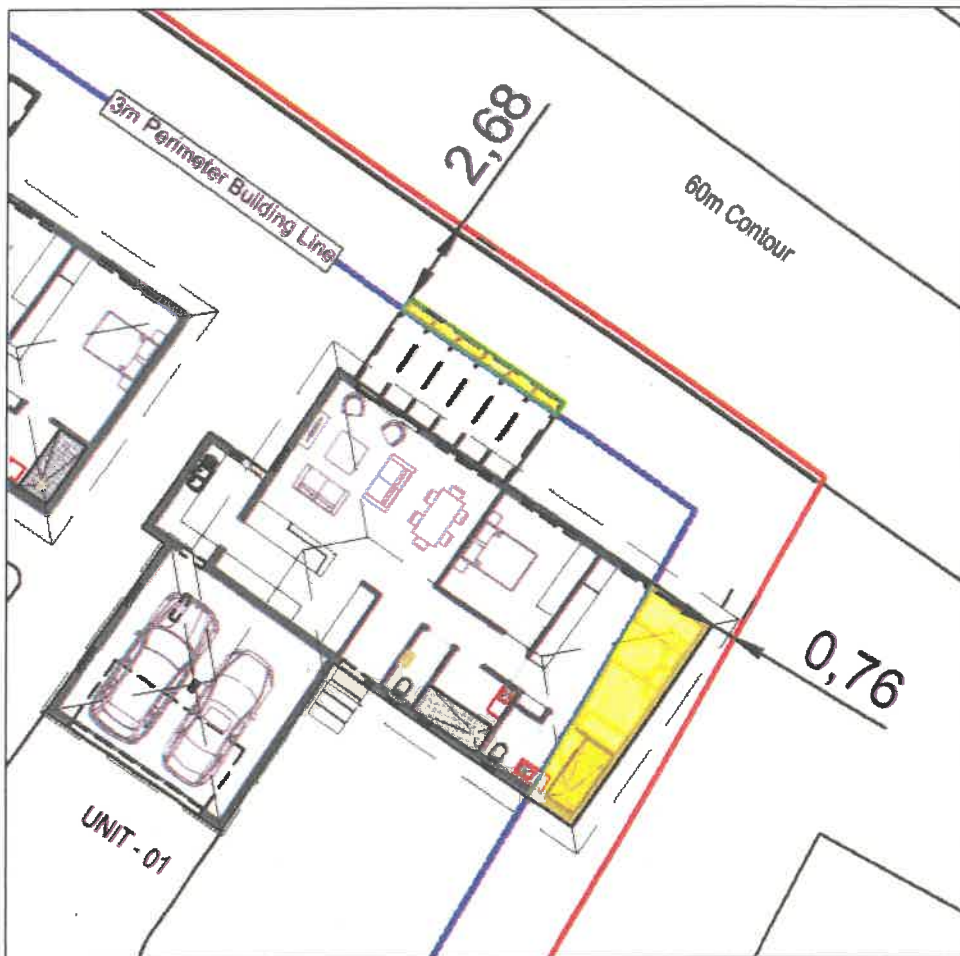


Figure 3: Proposed encroachments of Unit 1



Unit 2:

Unit 2 is proposed to be located on the western boundary and adjacent to a residential property, Unit 2 is set to be improved with a pergola located approximately 2,68m from the boundary line. The encroachment is minimal, covering only a small area of around 0,17m².

The town houses' design has been created to reflect an inclusionary approach, ensuring that the five units blend seamlessly with Onrus Manor and not appear as an afterthought. The proposed pergola will further enhance this seamless integration. In terms of size, Unit 2 is a single-story townhouse spanning 150m².

For more details on the proposed changes, please refer to Plan 4 of the Unit 2 inset.

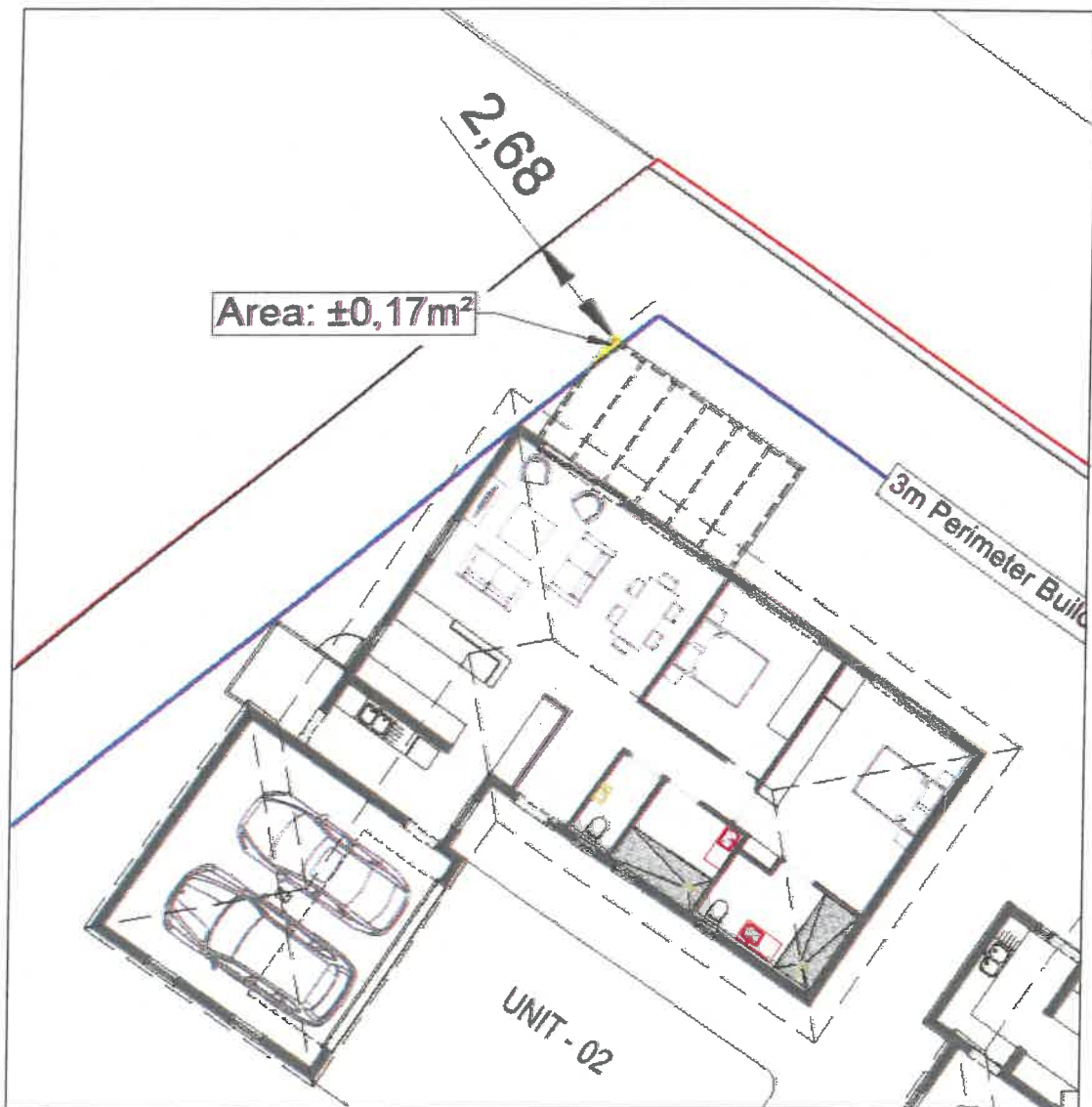


Figure 4: Proposed encroachment of Unit 2



Unit 3:

Unit 3 is also located on the eastern boundary next to Onrus Manor. The building will be located only $\pm 0,75\text{m}$ from the property boundary line and approval for a building line departure is required.

Unit 3 is also only a single storey unit that is 150m^2 in extent and the main bedroom and main bedroom en-suite is being proposed to encroach on the side eastern perimeter building line. The proposal is that $\pm 10,45\text{m}^2$ of habitable space located over the eastern building line. Refer to the Plan 4 of the inset for Unit 3 that illustrates the proposed departure.

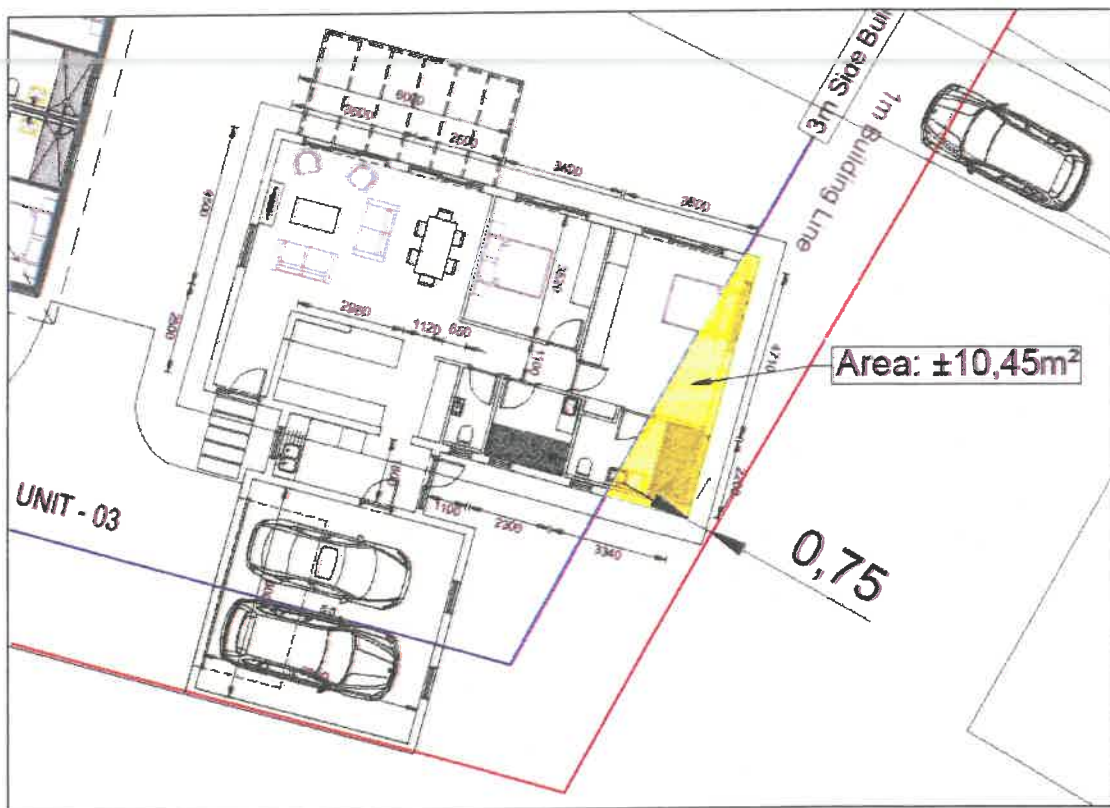


Figure 5: Proposed encroachment of Unit 3



Unit 4 & 5:

Units 4 and 5 are semi-detached units, that share an adjoining wall as a method to increase the feasibility of the proposal on Erf 4443. Unit 5 is located along the western boundary adjacent Onrus Manor, the units each has two bedrooms with two en-suite bathrooms one of which is being proposed to encroach on the 3m perimeter building line. The building is located only 0,74m from the property boundary line, which requires approval of a departure from the building line.

Unit 4 and 5 will also only be a single storey town houses that are each 125m² in extent. Refer to the Plan 4 of the inset for Unit 4 and 5 that illustrates the proposed departure. These units will have a single garage and a carport in front of each unit.

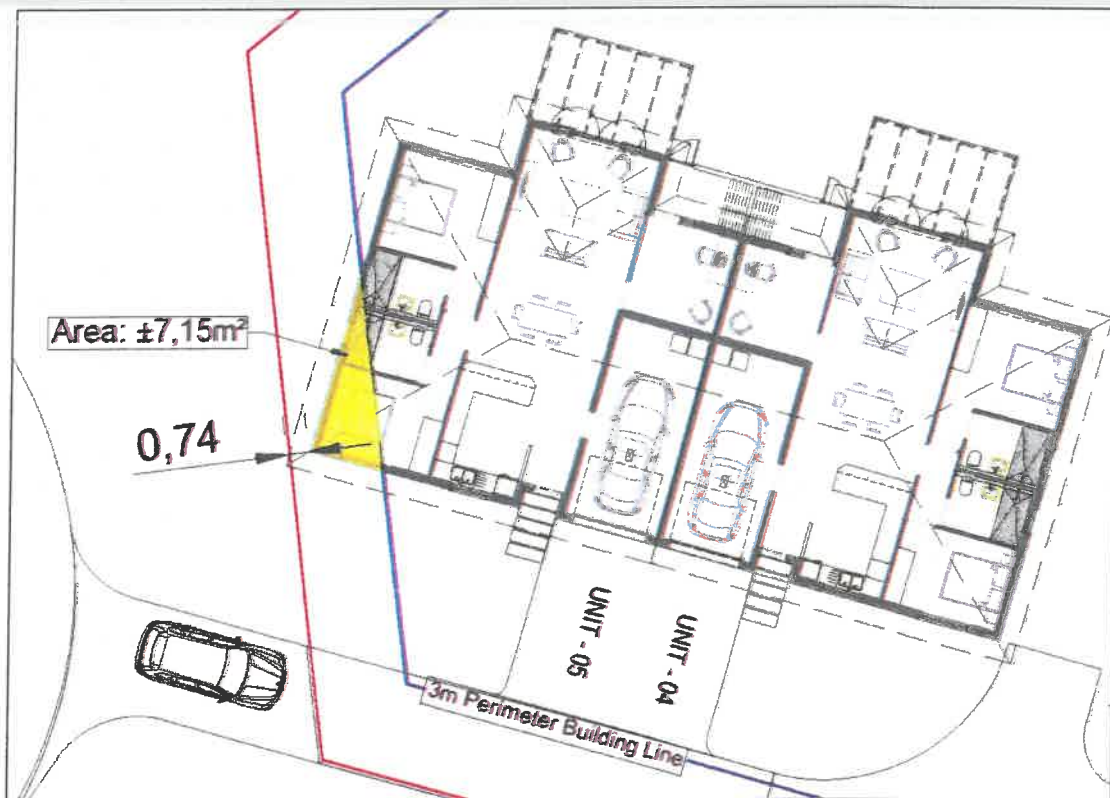


Figure 6: Proposed encroachment of Unit 5



4.8 Permanent Departure from the minimum erf size of 3000m² to 2296m² required for rezoning to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subject property has an extent of 2296m² that requires a departure from the development parameters of the proposed zoning, General Residential Zone 1: Town Housing, to ensure compliance with the provisions of the OMLUS and further to ensure that the property owners' intent is achieved.

This permanent departure will unlock the true potential of the subject property by improving it with 5 retirement townhouses. With the departure, the property can be developed to its full potential and contribute to the densification targets of the Overstrand Spatial Development Framework.

The Overstrand Municipality will also be a party to the Notarial Agreement and the agreement cannot be cancelled or amended without the consent of the Overstrand Municipality. (Refer to **Annexure C: Notarial Agreement**)

4.9 Registration of a servitude over the common areas (which includes roads, open spaces and retirement facilities) on Erf 4286 Onrustrivier in favour of Erf 4443 Onrustrivier in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

It is proposed that the existing access for Erf 4443 Onrustrivier from Chanteclair Drive be closed and access to Erf 4443 Onrustrivier will be provided via servitude to be registered over Erf 4286 Onrustrivier in favour of Erf 4443 Onrustrivier. The right of way servitude will include the right by the residents of Erf 4443 Onrustrivier to use all the internal roads on Erf 4443 Onrustrivier within the Onrus Manor Development to enable them to access the retirement facilities on the common area. The servitude will further include access to all common areas on Erf 4443 Onrustrivier, which include roads, open spaces, retirement facilities and refuse holding facilities.

To ensure that the development on Erf 4443 Onrustrivier can never be operated or alienated separately, a notarial agreement will be registered between Erven 4443 and 4286 Onrustrivier. The agreement will allow the residents on Erf 4443 Onrustrivier the following:

- a) A servitude right of way over Erf 4286 Onrustrivier in respect of the common property, for purposes of access and egress and to access and use and enjoy the common facilities (which includes the retirement facilities) at Onrus Manor on the terms and conditions as agreed between Fair Cape Life and the life right holders;
- b) The servitude will also include the use of the refuse holding facility on Erf 4286 Onrustrivier to prevent that solid waste facilities are duplicated. Refer to Annexure E – Proposed Servitude Area.



MOTIVATION

4.10 Amendment of an approved SDP in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

With the physical extension to the roads on Erf 4286 Onrustvriër (Onrus Manor) being required and proposed, approval of an amendment to the existing Site Development Plan will be required. The extension to the roads is proposed to be 3,5m wide which is the same width as the existing roads.

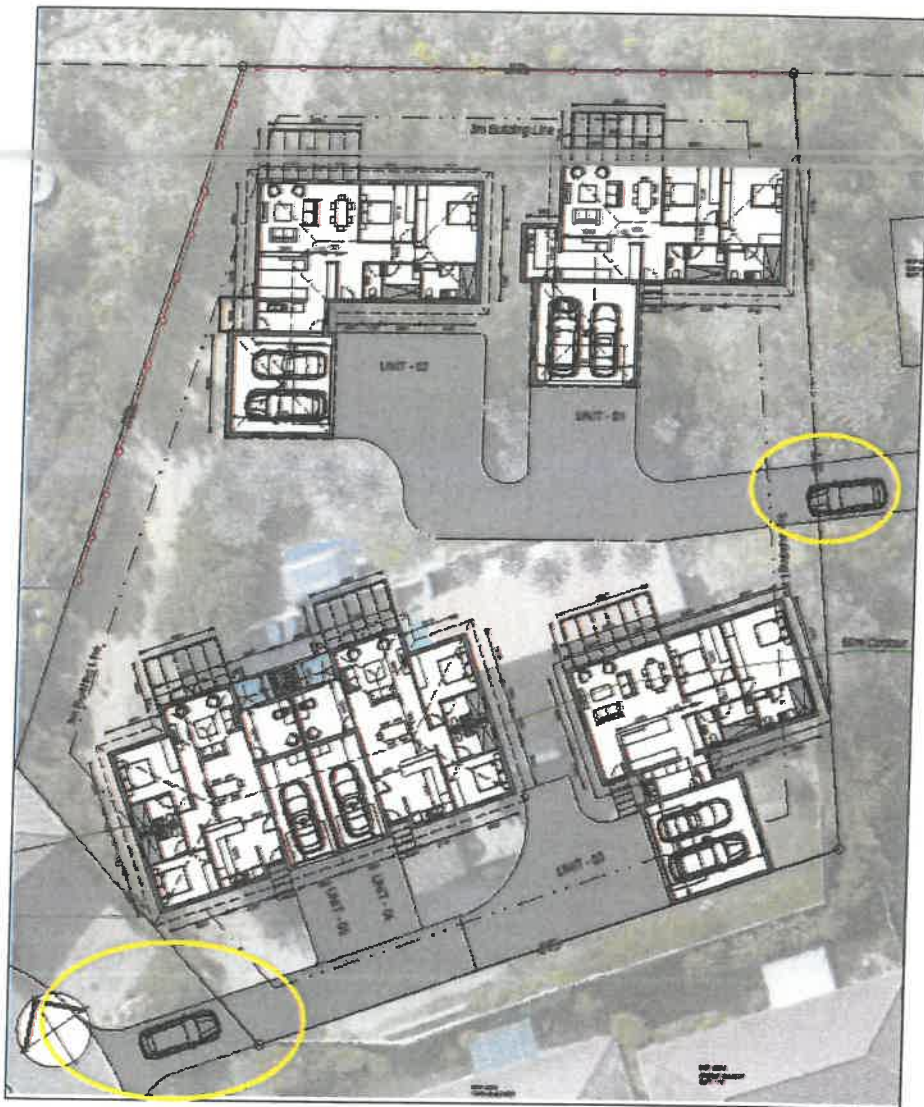


Figure 7: Proposed amendment of the approved Onrus Manor SDP.



5. APPLICATION

Considering the above, application is made for the following:

- 5.1 **Rezoning** of Erf 4443, Onrustrivier from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 **Consent Use to allow a retirement village** on Erf 4443 Onrustrivier in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.3 **Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 0,76\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 **Permanent Departure** from the northern 3,0m perimeter building line to $\pm 2,68\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.5 **Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 0,75\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.6 **Permanent Departure** from the western 3,0m perimeter building line to $\pm 0,74\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.7 **Permanent Departure** from the north-western 3,0m perimeter building line to $\pm 2,68\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.8 **Permanent Departure** from the minimum erf size of 3000m^2 to 2296m^2 required for rezoning to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.9 **Registration of a servitude** over the common areas (which includes roads, open spaces and retirement facilities) on Erf 4286 Onrustrivier in favour of Erf 4443 Onrustrivier in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.10 **Amendment of an approved SDP** of Erf 4286 in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



MOTIVATION

6. LAND USE ENVIRONMENT

The properties surrounding the subject property are predominantly zoned for residential purposes. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

Title deed T74895/2006 (refer **Annexure B**) was perused and there are no restrictive title deed conditions that may prohibit the rezoning, consent use, departures or registration of servitudes applied for. This was confirmed by a conveyancer in a conveyancer's certificate (Refer **Annexure D**).



MOTIVATION

8. ZONING

The following zoning parameters were assessed in conjunction with the GR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (a) of the OM By-Law:

GENERAL RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)		
	Use of the property	Proposal
Primary use	Town Housing. Private Road and Private Open Space	Town Housing
Consent uses which may be applied for	Crèche, Day Care Centre, Dwelling House in accordance with 6.1.2, Flats, Green House, Home Occupation, Residential Building, Retirement Village and Tourist Accommodation.	Retirement Village
		Comply/ deviate Applied for and motivated Applied for and motivated
Development Parameters		
Density	<p>i. The maximum gross density in this zone is 35 units a hectare.</p> <p>ii. A minimum erf size of 3000 m² is applicable for densification.</p>	<p>i. The subject property has an extent of 0.2296ha. The result if the maximum density is applied 0.2296 x 35 units = 6.8 units that may be allowed in terms of the zoning.</p> <p>Only 5 dwelling units are proposed, which equates to a density of 21,77 dwelling units per hectare.</p> <p>ii. The subject property has an extent of 2296m² that does not meet the minimum requirement of 3000 m².</p>
Coverage	The maximum coverage for all buildings on the land unit is 65%.	Property Extent - 2296m ² Comply



MOTIVATION

		<p>NEW DWELLING UNITS Unit 1 - 150m² Unit 2 - 150m² Unit 3 - 150m² Unit 4 - 125m² Unit 5 - 125m² Total Units - 700m²</p> <p>COVERAGE 700m² / 2296m² = 30,48%</p> <p>None of the proposed buildings will be higher than 8m. Only single storey dwellings are proposed i.e., a maximum of 5,5m.</p>	
<p>Height</p>	<p>The maximum height of a building (other than flats), measured from the base level to the top of the structure, is 8,0 m, provided that the maximum height for flats, measured from the base level to the top of the structure, is 9,0 m.</p> <p>i. The building line on the perimeter of the property is 3,0 m; and ii. The general building line exemptions of 16.1 apply.</p>		<p>Comply</p>
<p>Building lines on the perimeter of a town housing development</p>		<p>i. Departure from the eastern 3,0m perimeter building line to ±0,76m; Departure from the northern 3,0m perimeter building line to ±2,68m; Departure from the eastern 3,0m perimeter building line to ±0,75m; Departure from the western 3,0m perimeter building line to ±0,74m; Departure from the north-western 3,0m perimeter building line to ±2,68m;</p>	<p>Comply</p>



MOTIVATION

<p>Building lines within the town housing site</p>	<p>i. The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb; ii. The lateral and rear building line is 1,0 m; iii. A garage may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary; and iv. The general building line exemptions of 16.1 apply.</p>	<p>i. Comply ii. Comply iii. Comply iv. Comply</p>	<p>Comply</p>
<p>Parking</p>	<p>i. Parking and access shall be provided on the land unit in accordance with 17.1; and ii. Parking may be provided at the group house concerned, or form part of a communal parking or a combination of the two. window shall be permitted in the wall concerned.</p>	<p>A garage will be provided as parking for Units 1, 2 and 3. Unit 4 and 5 will only have a single garage but will also have a parking bay as well.</p>	<p>Comply</p>
<p>Open space provision</p>	<p>The following requirement to the satisfaction of the Municipality is applicable: Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.</p>	<p>A total of 51,2% of the property is provided as Open Space.</p>	<p>Comply</p>



9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the OM's networks, which include a water- and sewer connections. Electricity is supplied by Eskom. The position will remain the same with the connections to the proposed 5 town houses.

With Erf 4443 Onrustrivier proposed to be rezoned to General Residential Zone 1: Town Housing (GR1), a refuse facility will be required. The total extent of the town houses proposed on Erf 4443 Onrustrivier is 700m².

In terms of the OMLUS, a refuse facility with an extent, calculated at 0,5 m² per 100m² GLA will be required, which equates to a facility of 3.5 m².

In terms of the registered servitude proposed, Erf 4443 Onrustrivier will have access to the refuse holding facility on Erf 4286 Onrustrivier which means that the solid waste of the 5 retirement town houses will be accumulated in the refuse area at Onrus Manor and removed on days that refuse is removed by the Overstrand Municipality.

Access and Egress

Access and egress to Erf 4443 Onrustrivier will be gained from Chanteclair Drive through the gate of Onrus Manor utilising existing roads and a small extension to the roads required to be constructed. This access and egress and use of all other internal roads will be secured by means of a registered servitude over Erf 4826 Onrustrivier in favour of Erf 4443 Onrustrivier as described in the proposed Notarial Agreement.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the development proposal arose from Faircape's vision to respond to the need set out within the OMSDF to address the increased housing demand. It is important to note, that even though the current housing demand may not be critical, the future demand as projected by the OMSDF, holds a different reality.

To only address the housing demand once it becomes a problem is not feasible and requires a proactive response. Faircape identified the subject property as an opportunity to develop additional housing and is willing to make the investment to be able to accommodate more retired persons in the Onrus area.

The proposed development is deemed to be desirable with no negative impact on any adjacent properties.



MOTIVATION

The following considerations are amongst other things relevant to the assessment of the proposed land use to determine if it would be desirable and should therefore be properly motivated in an application:

Socio-economic impact	The rezoning, consent use and departures are not proposed to have any socio-economic impact. The proposed use is not out of the ordinary for the community and it will increase the income that the municipality will be able to collect in terms of rates and taxes.
Compatibility with surrounding uses	The proposal is not out of character for the surrounding area and there are several town housing developments in the area. No additional, non-residential uses are being proposed.
Impact on the external engineering services	The new property owner will be required to make a development contribution to the OM, which contribution may be used to contribute to the upgrading/maintaining of the external engineering services.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The subject property is located in the urban edge, and it is not predicted that the proposed development will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	It is not expected that the proposal will have an impact on parking or access. The impact on traffic is proposed to be small as only 5 additional units are being added that will utilise the access and internal roads of Onrus Manor.

The 5 additional town houses will also increase the tax base of the Overstrand Municipality as the owners will be paying rates and taxes to the OM, which may contribute towards the upgrade of public infrastructure.

Impact on views, sunlight and character of the area

The subject property is located in a residential setting and the proposed buildings will comply with the OMLUS's development parameters ensuring no views, sunlight, or the character of the area is affected. The proposed town houses will also be single storey, minimising the impact on any view or sunlight of neighbouring properties.

Economic impact

In the short term, once the approval has been received, the construction phase will commence, creating construction jobs and providing income to several employees of the construction industry.



MOTIVATION

Long term economic impact will be in terms of the additional rates and taxes that will be payable to the Overstrand Municipality and an additional 5 families spending money in the Overstrand.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties as it is an extension to Onrus Manor which is a retirement village.

Environmental impact

The subject property is not located within an environmentally important area and located within the urban edge.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within the EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the HPOZ.

11.3 Spatial Planning Policies

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK - PSDF

Consistency of the proposal with the policy

Throughout the framework, the process of infill planning is emphasized. Section 3.3.7 states that densification should take place using infill planning and should be the first choice when densification is proposed.

The proposal to create additional town house accommodation that is in line with the proposal to densify an existing area. By densifying through infill, no urban sprawl is created, and the maximisation of the existing urban area is promoted. By densifying existing areas, these areas can benefit from higher economic activity.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan the OMSDF was synthesised through the influence of these policies and frameworks.

The proposed residential development is aligned with the OMSDF to ensure that policy requirements are met. The OMSDF focusses on the increasing pressure to provide adequate housing options to the increasing population. This includes the Onrus area. Refer to Table 1 for an indication of the population growth within the Hermanus area.



MOTIVATION

The increase in population is based on the growth indicated by Table 2.7 p25 of the OMSDF. The proposed development will add 5 residential units to the area. Although it may not be seen as much of an increase, the SDF promotes the containment of the footprint of OM within the well-defined urban edge. The subject property is located within the urban edge of OM and this proposal contains urban development within this footprint as prescribed.

The application is aligned with the OMSDF as the proposal would assist the OM to be able respond to the future housing demand and ensure adequate residential options are available.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal is not predicted to contribute towards the historic spatial imbalances.

Spatial and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to utilise the property for more than just a single dwelling unit, will allow the property owners to utilise their property to its maximum potential. The use of a property to increase the housing opportunities for the property should be supported as it does not increase the need for additional land and will be utilising the entire property to provide additional housing in the area.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



13. EVALUATION

The proposal needs to be evaluated on the basis that the extent of the subject property is currently not utilised efficiently. Faircape has the vision to acquire the subject property and develop it with 5 additional retirement town houses which will have access to the retirement facilities at Onrus Manor. The residential capabilities of the subject property will be quadrupled.

The development will not add any foreign land use rights to the area as the zoning is aligned with Onrus Manor and is set to be utilised for retirement town housing. This proposal is in harmony with all relevant spatial planning policies.

Through the entire process, various role players will be employed to aid the applicant to achieve their vision. From Town planners, Architects, Land Surveyors, demolition personnel, rubble removal companies and finally construction companies. With each role player, having a function in the proposed development of these two residential properties.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Rezoning** of Erf 4443, Onrustvriër from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.2 Consent Use to allow a retirement village** on Erf 4443 Onrustvriër in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.3 Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 0,76\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.4 Permanent Departure** from the northern 3,0m perimeter building line to $\pm 2,68\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.5 Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 0,75\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.6 Permanent Departure** from the western 3,0m perimeter building line to $\pm 0,74\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



EVALUATION & RECOMMENDATION

- 14.7 Permanent Departure** from the north-western 3,0m perimeter building line to $\pm 2,68\text{m}$ in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.8 Permanent Departure** from the minimum erf size of 3000m^2 to 2296m^2 required for rezoning to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.9 Registration of a servitude** over the common areas (which includes roads, open spaces and retirement facilities) on Erf 4286 Onrustvriër in favour of Erf 4443 Onrustvriër in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.10 Amendment of an approved SDP of Erf 4286** in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. Site Development Plan
Erf 4443 Onrustrivier

AREA SUMMARY

Property Extent - 2296m²

NEW DWELLING UNITS

- Unit 1 - 150m²
- Unit 2 - 150m²
- Unit 3 - 150m²
- Unit 4 - 125m²
- Unit 5 - 125m²

Total Units - 700m²

COVERAGE

700m² / 2296m² = 30.48%

23 MAR 2023

Plan prepared by: Thian Jansen
Based on plans by Martin van der Merwe
2023/03/16

All distances are approximate
and subject to a survey

Plan Number - 22.52/002

Tel: 028 313 1411

admin@wrapgroup.co.za

Unit B, Standard House
Corner of Royal and
Dirkie Lys Street
Hermanus, 7200



Project Office
Thian Jansen & Project Management



Scale 1 : 250

4442

6.1 Inset Site Development Plan
Erf 4443 Onnustrivier

3m Perimeter Building Line

Encroachment Area
±7,15m²



23 MAR 2023

Plan prepared by: Thian Jansen
Based on plans by Martin van der Merwe
2023/03/16

All distances are approximate
and subject to a survey

Plan Number - 22.52/001

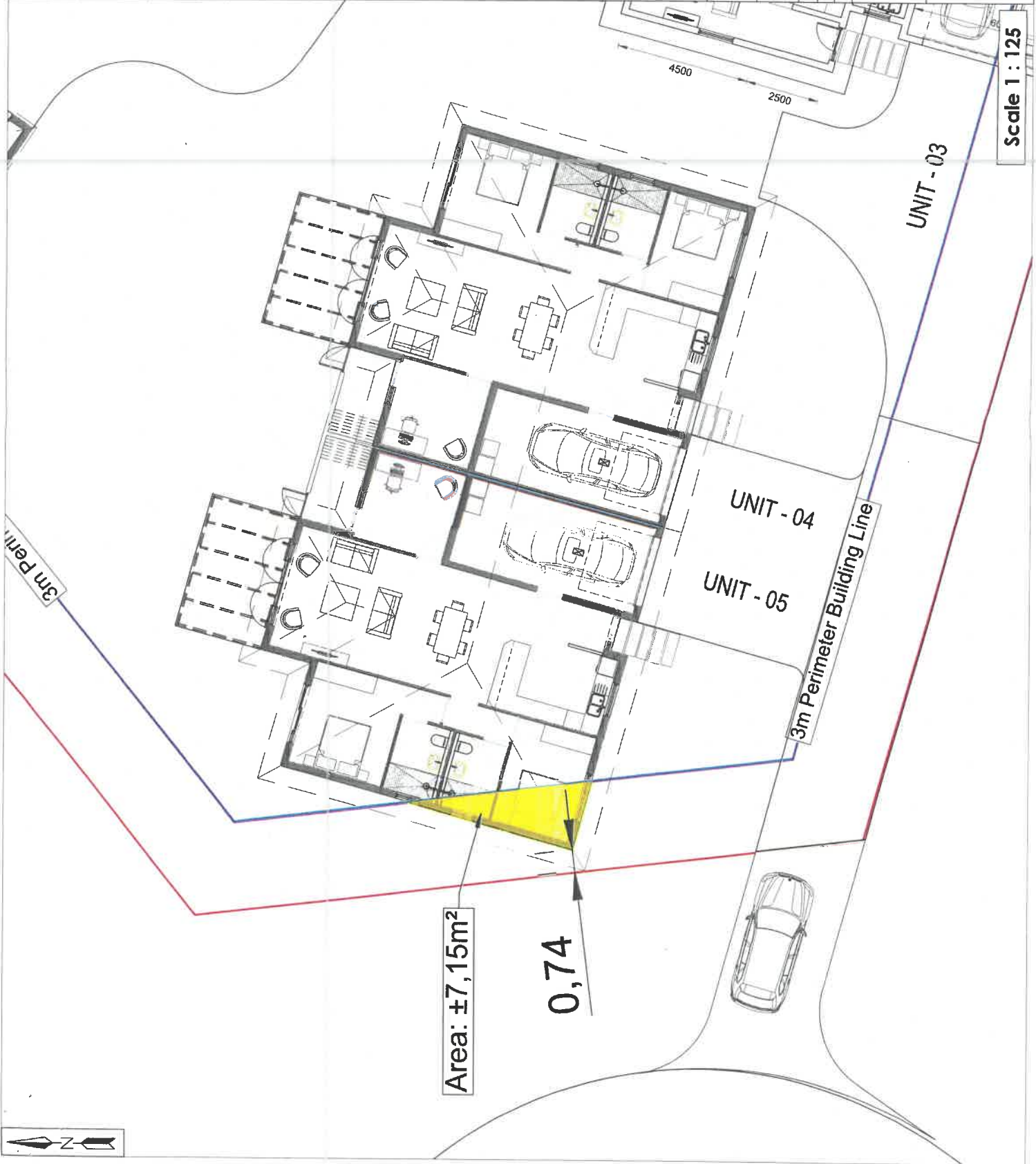
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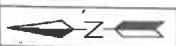
Unit B, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200




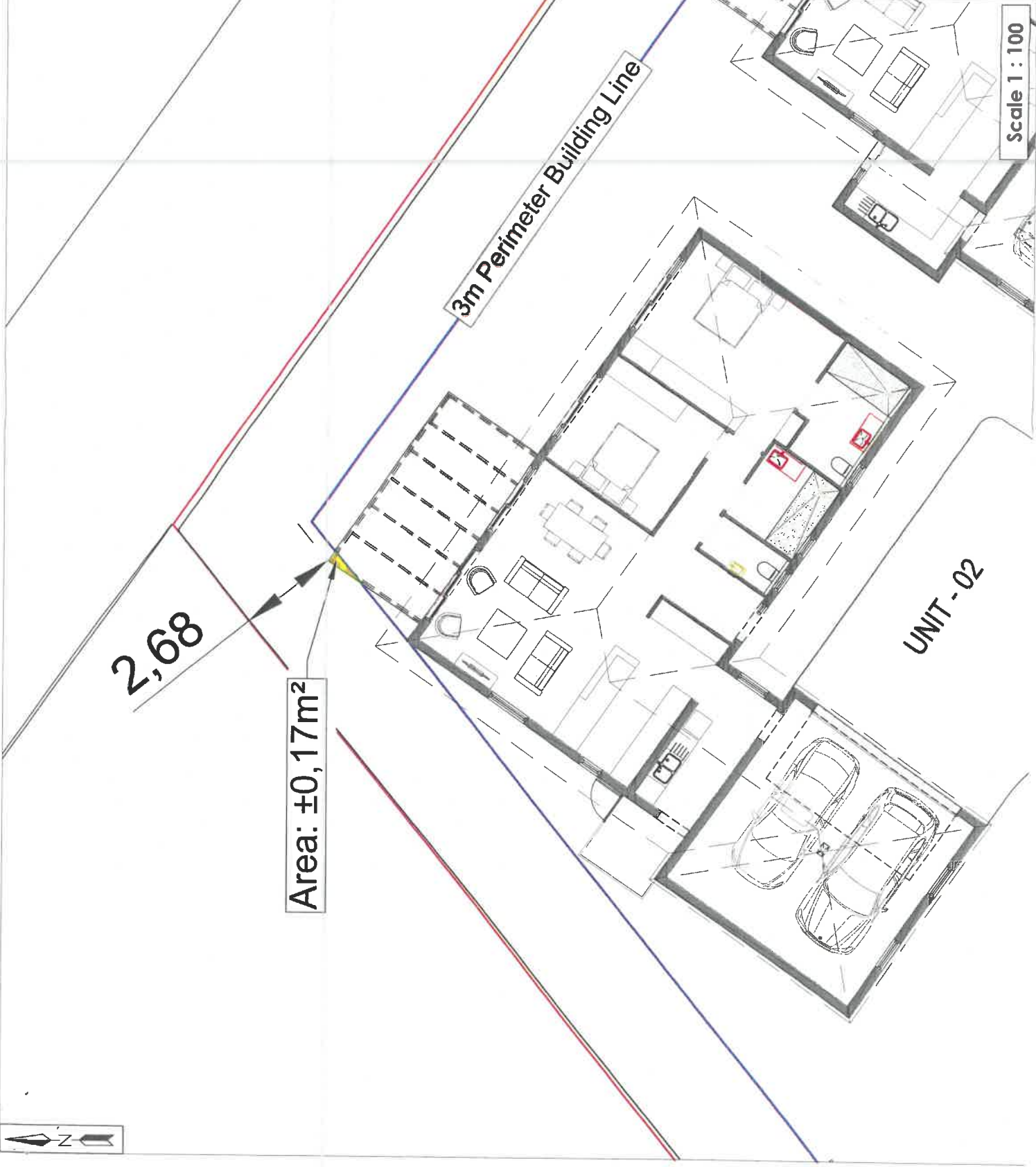
Project Office
Town Planning & Project Management



Scale 1 : 125



6.2 Inset Site Development Plan Erf 4443 Onrustrivier	3m Perimeter Building Line	Encroachment Area ±0,17m ²	23 MAR 2023	Plan prepared by: Thian Jansen Based on plans by Martin van der Merwe 2022/11/14	All distances are approximate and subject to a survey	Plan Number - 22.52/001 Tel: 028 313 1411 admin@wrapgroup.co.za	Unit B, Standard House Corner of Royal and Dirkie Uys Street Hermanus, 7200	 Project Office Town Planning & Project Management



Scale 1 : 100

UNIT - 02

6.3 Inset Site Development Plan
Erf 4443 Onrustvriër

3m Perimeter Building Line

Encroachment Area
16.86m²



23 MAR 2023

Plan prepared by: Thian Jansen
Based on plans by Martin van der Merwe
2023/03/16

All distances are approximate
and subject to a survey

Plan Number - 22.52/001

Tel: 028 313 1411

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Unit B, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200



Scale 1 : 100



6.4 Inset Site Development Plan
Erf 4443 Onrustvriër

3m Perimeter Building Line

Encroachment Area
±10,45m²



23 MAR 2023

Plan prepared by: Thian Jansen
Based on plans by Martin van der Merwe
2023/03/16

All distances are approximate
and subject to a survey

Plan Number - 22.52/001

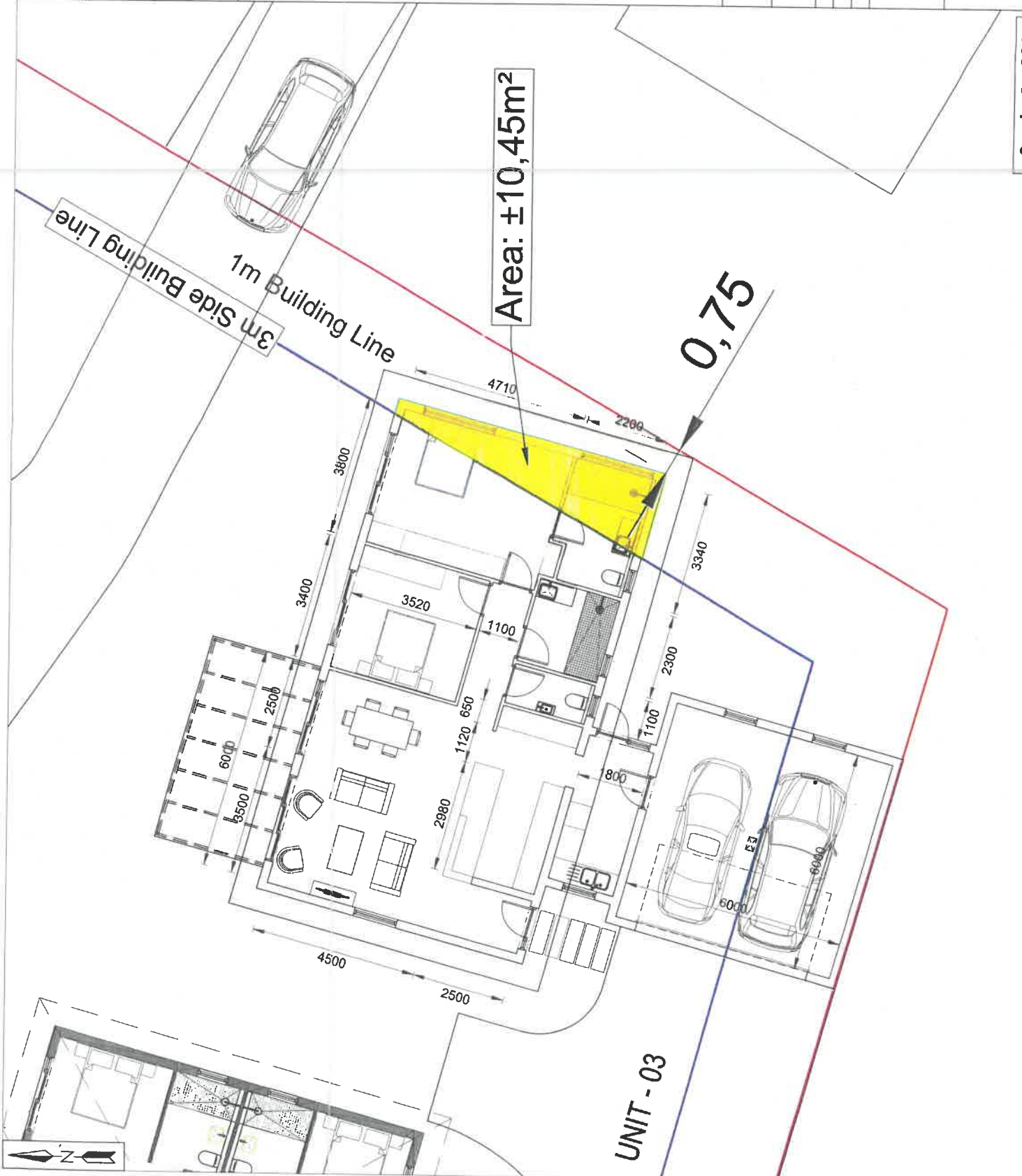
Tel: 028 313 1411

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Unit B, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200



Scale 1 : 100



Proposed Servitude over
Common Area

Sectional Titles
(Exclusive Use Areas)



Common Areas
(Proposed Servitude Area)



23 MAR 2023

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

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