

**ERF 1539, 40 SCHNEIDER STREET, SANDBAAI, HERMANUS: APPLICATION FOR SUBDIVISION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: ACTIVE PLANNING SOLUTIONS ON BEHALF OF Y.E. INGLES**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that the following application has been received:

- ✚ **Subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide the above-mentioned erf in 2 portions namely, Portion 1 ( $\pm 708\text{m}^2$ ) and Portion 2 ( $\pm 756\text{m}^2$ ).
- ✚ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the common boundary line from 2m to 0m to accommodate an existing bathroom and store room on the proposed subdivided portions.
- ✚ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **22 September 2023**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr H. Boshoff** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 1539, SCHNEIDERSTRAAT 40, SANDBAAI, HERMANUS: AANSOEK OM ONDERVERDELING, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: ACTIVE PLANNING SOLUTIONS NAMENS Y.E. INGLES**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat die volgende aansoeke ontvang is:

- ✚ **Onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening van bogenoemde erf in 2 gedeeltes naamlik; Gedeelte 1 ( $\pm 708\text{m}^2$ ) en Gedeelte 2 ( $\pm 756\text{m}^2$ ).
- ✚ **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die gemeenskaplike grens te verslap vanaf 2m na 0m om die bestaande badkamer en stoorkamer op die voorgestelde onderverdeelde gedeeltes te akkommodeer.
- ✚ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening.

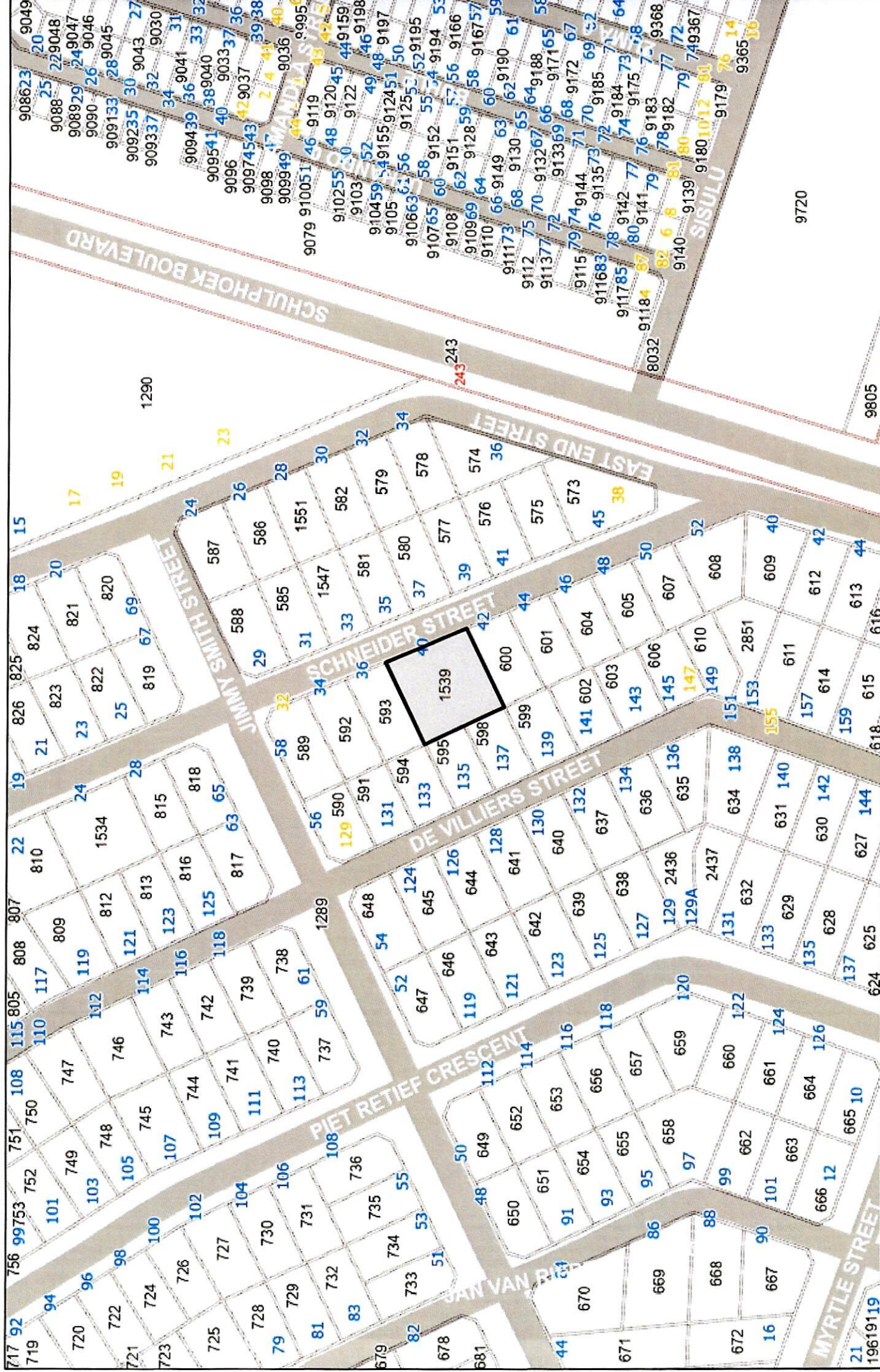
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **22 September 2023**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr H. Boshoff** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**I-ERF 1539, 40 SCHNEIDER STREET, SANDBAAI, HERMANUS: ISICELO ULWAHLULO-MHLABA KWAKHONA, UKUTENXA NOKUMISELWA KWESOHLWAYO SOLAWULO: ACTIVE PLANNING SOLUTIONS EGAMENI LIKA-Y.E. INGLES**

Isaziso siyanikezel ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuMasipala. UCwangciso lokuSetyenziswa koMhlaba, ka-2020 (uMthetho kaMasipala) kuba esi sicelo silandelayo sifunyenwe:

- ✚ **Ulwahlulo-mhlaba** ngokweCandelo le-16(2)(d) loMthetho kaMasipala ukwahlula-hlula esi siza sikhankanywe ngasentla kwiziqendu ezi-2. Oko kukuthi, iSahlulo soku-1 ( $\pm 708\text{m}^2$ ) kunye neSahlulo sesi-2 ( $\pm 756\text{m}^2$ ).
- ✚ **Ukutenxa** lomqathango ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukucutha umda womda oqhelekileyo ukusuka kwi-2m ukuya ku-0m ukuya kutsho kuhlaliswe igumbi lokuhlambela esele likho kunye negumbi lokugcina kwiindawo ezicetywayo yahluko.
- ✚ **Okumiselwa kwesoahlwayo solawulo** ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza phakathi kwentsimbi ye-08:00 kunye ne-16:30 apha. Naziphi na izimvo ngesindululo kufuneka ibe ngokubhaliweyo kunye noMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ifikeleleke ngomhla **wama-22 kuSeptemba 2023** okanye ngaphambi kwayo, kunye negama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo, ngokunjalo njengezizathu zokuphawula. Imibuzo ngomnxeba ingabhekiswa kuMchwangcisi **weSixeko, uMnu H. Boshoff** 028-313 8900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvula. Umasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvula. Nabani na ongakwaziyo ukufunda okanye babhale bangandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi libancedise



Locality Map  
 Erf 1539, 40 Schneider Street, Sandbaai

# Active Planning Solutions

## 1. INTRODUCTION

This firm was instructed by Mr Mike Ingles, to handle all town planning related actions required to secure the Subdivision rights on this property. The Power of Attorney from Mr Ingles is attached as **Addendum 1**.

## 2. PURPOSE

It is the purpose of this memorandum to apply for the following:

- **Subdivision** of erf 1539 into 2 (two) new portions in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By- Law on Municipal Land Use Planning of 2020.
- **Permanent departure** applicable to the shared boundary building line between Portion 1 and 2 to 0m in lieu of 2m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By- Law on Municipal Land Use Planning of 2020.
- Determination of an **administrative penalty** in terms of Section 90 of the Overstrand Municipality Amendment By- Law on Municipal Land Use Planning of 2020.

## 3. PROPERTY & TITLE DEED DETAILS

### Registered erf 1539, Sandbaai

SIZE	1465m <sup>2</sup>
OWNER:	Yvonne Ingles
TITLE DEED NO:	T 44737/2016
BORDERS:	
NORTH	Erf 593
SOUTH	Erf 600
EAST	Schneider street
WEST	Erf 595 & 598

Pierre Jordaan

# Active Planning Solutions

T-DEED RESTRICTIONS:	None, see attached record of pre submission consultation attached as <b>Addendum 4</b>
DIAGRAM NO:	937/88
ZONING:	Residential Zone 1

Title deed and Diagram attached as **Addendum 2** and **3** respectively. There is no bond registered on the property which is evident from the fact that the deed shows no mortgage endorsement stamps.

## 4. LOCATION

Erf 1539, here after known as the property is situated at no. 35 Schneider street in the Sandbaai suburb of Hermanus in the Overstrand Municipal area (See aerial image location below). Locality Plan attached as **Plan 1**.



Figure 1: Locality Plan

## 5. PHYSICAL FEATURES

As can be seen on the photographs below the property is developed in accordance with the use with two self-sufficient dwellings divided by a precast wall and a party wall between the garages. The dwelling unit in the northern section of the property

Pierre Jordaan

## *Active Planning Solutions*

has a separate double garage building which is being used as a workshop / storeroom for the tenant. Both dwellings get separate access from Schneider street via two gravel driveways. Both units have access to well established gardens with lawn areas covering the remainder of the space not taken up by the dwelling footprints and driveway areas.



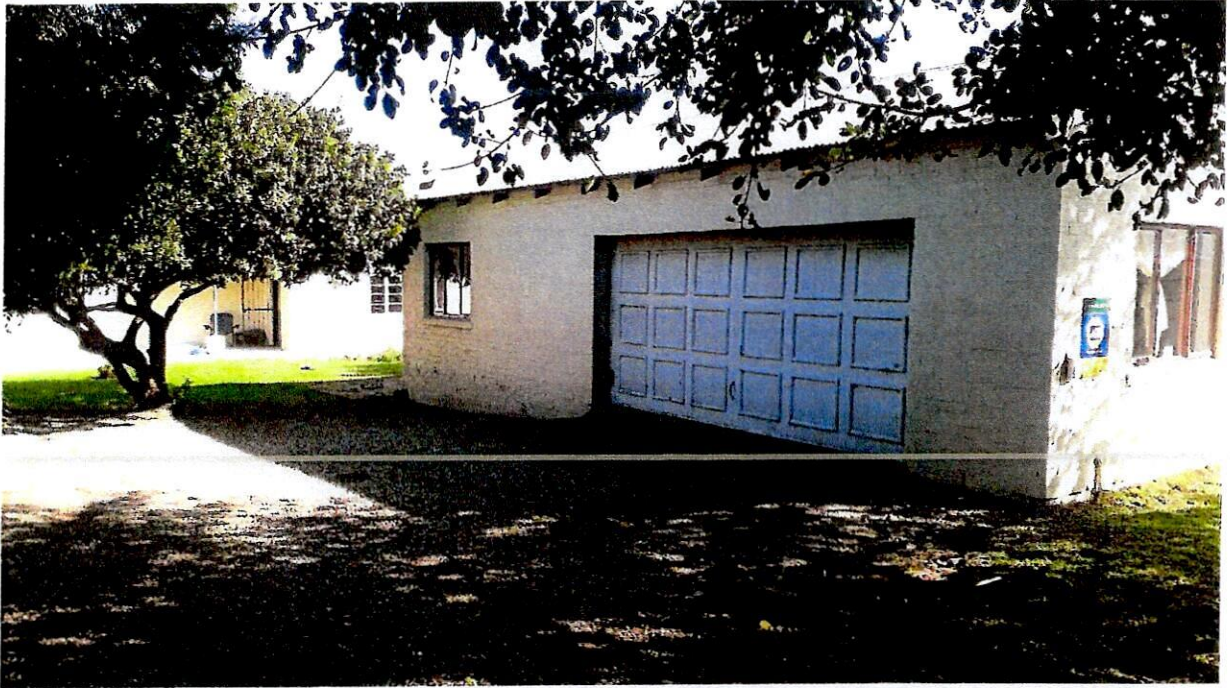
**Photo 1:** The dwelling unit in the northern section of the property with its driveway access to a single garage with party wall separating the two units. As can be seen this is a fully self-sufficient dwelling house.

Pierre Jordaan

Cell: 079 528 9179

Email: [pierre@activeplanning.co.za](mailto:pierre@activeplanning.co.za)

## *Active Planning Solutions*



**Photo 2:** View of the outbuilding / double garage on the northern unit which is currently being used as workshop / store room



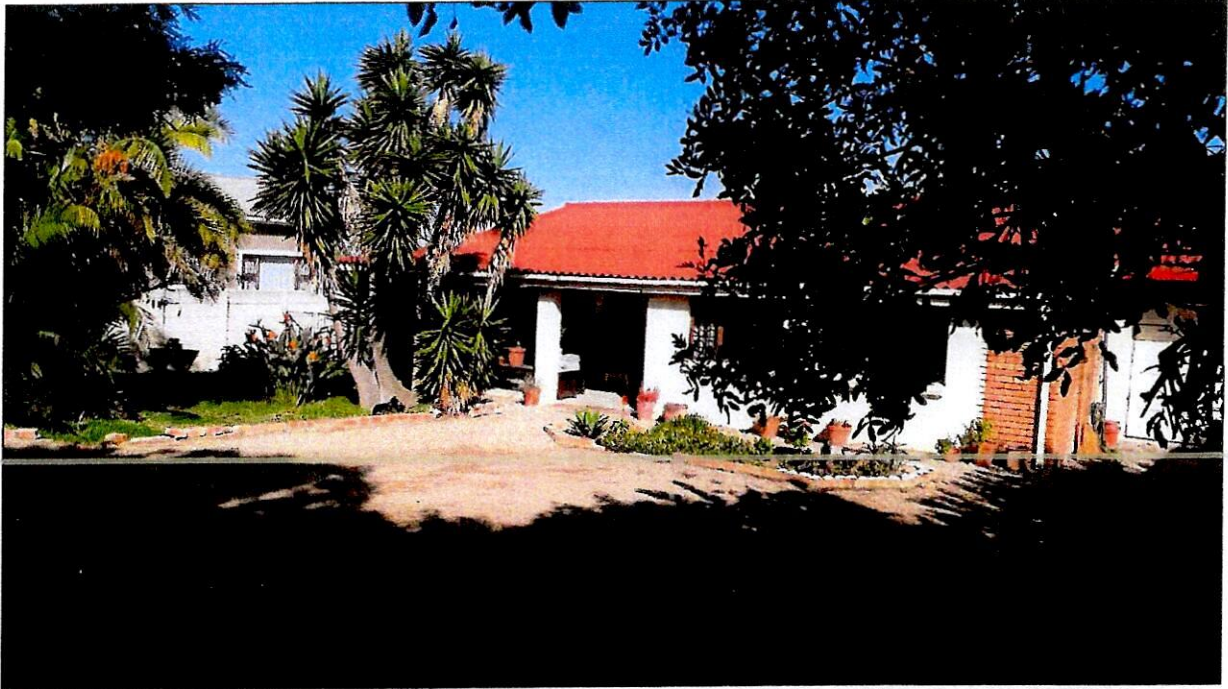
**Photo 3:** Outbuilding setback of 2m (common boundary building line)

*Pierre Jordaan*

Cell: 079 528 9179

Email: [pierre@activeplanning.co.za](mailto:pierre@activeplanning.co.za)

## *Active Planning Solutions*



**Photo 4:** View of the existing unit on the southern section of the property with its own separate access and driveway with well-established garden area.

### **6. SURROUNDING LAND USE**

Land use in the immediate surrounding area consists predominantly of single dwellings with a few home occupational practices conducted from some of these properties. The property is situated to the south of the Sand baai CBD with Schneider road acting as a neighbourhood collector road getting direct access from Main road. To the east of the property lies the affordable housing suburb of Zwehile with the Zwehile Primary school approximately 200m from the property. The surrounding residential erven vary in size from  $\pm 600\text{m}^2$  to  $\pm 900\text{m}^2$ .

*Pierre Jordaan*

Cell: 079 528 9179

Email: [pierre@activeplanning.co.za](mailto:pierre@activeplanning.co.za)

# Active Planning Solutions

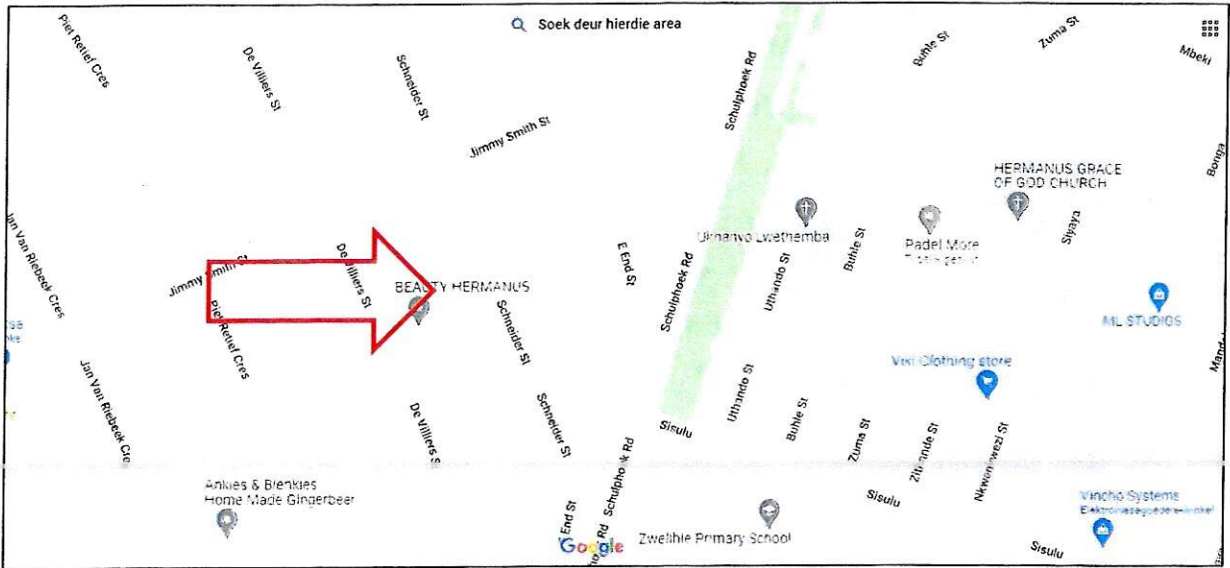


Figure 2: Land use predominantly of single residential nature with varying erf sizes

## 7. SURROUNDING ZONINGS

As stated before the property is zoned Residential 1 for Single Residential purposes as per the extract from the zoning map below. Note that the property currently accommodates two self-sufficient dwelling units which is allowed on terms of the By-law for a main dwelling and second smaller dwelling. The unit in the northern section (to be Portion 1 after subdivision) is smaller (two bedrooms) than the unit to the south (3 bedrooms).

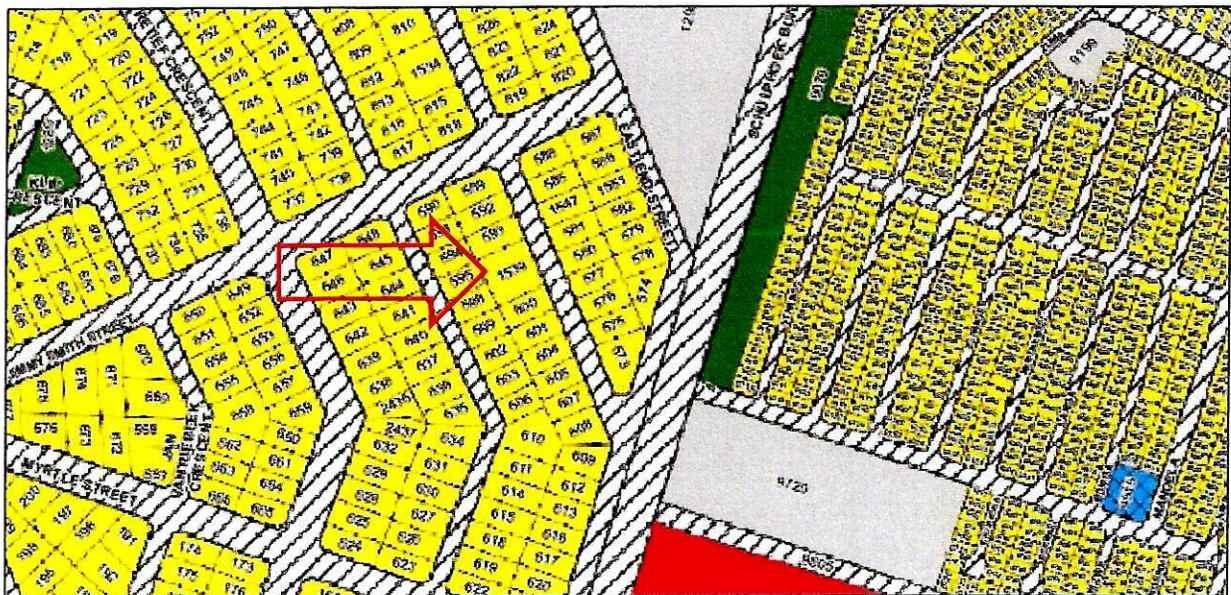


Figure 3: Surrounding zonings  
Pierre Jordaan

# Active Planning Solutions

## 8. APPLICATION DETAILS

It is the purpose of this memorandum to apply for the following:

- **Subdivision** of erf 1539 into 2 (two) new portions in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By- Law on Municipal Land Use Planning of 2020.
- **Permanent departure** applicable to the shared boundary building line between Portion 1 and 2 to 0m in lieu of 2m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By- Law on Municipal Land Use Planning of 2020.
- Determination of an **administrative penalty** in terms of Section 90 of the Overstrand Municipality Amendment By- Law on Municipal Land Use Planning of 2020.

## 9. LEGISLATIVE REQUIREMENTS

The additional criteria to consider in terms of other legislation supporting the Land use application in terms of the Overstrand Municipal By-law are the following:

### **National Heritage Resources Act:**

The development proposal is less than 5000m<sup>2</sup> and therefore does not trigger any activity warranting an assessment in terms of this legislation.

### **National Environmental Management Act:**

It must be noted that the development proposal is within the urban edge and does not constitute the clearance of an area of 300m<sup>2</sup> or more of indigenous vegetation and therefore does not warrant an application in terms of the National Environmental Management Act (NEMA). It is in the urban area and as such earmarked for densification or infill by the Spatial Policies applicable to the area.

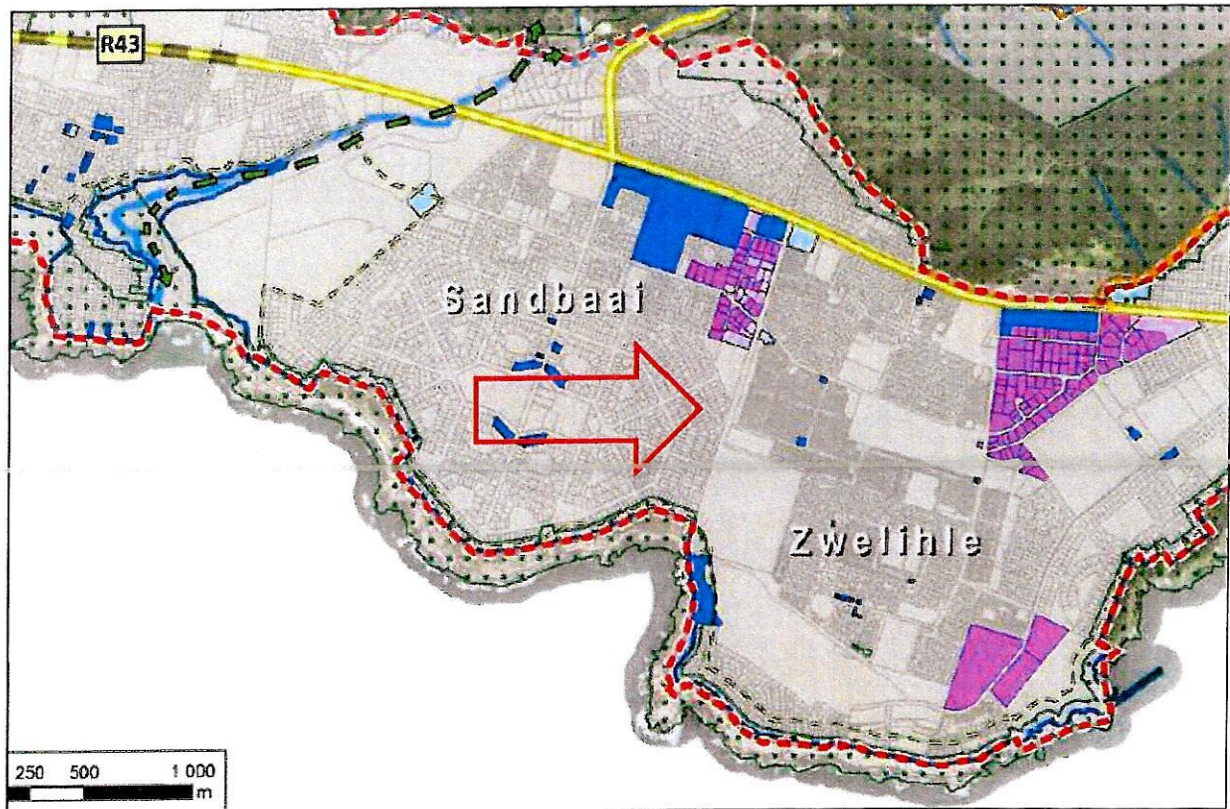
## 10. PLANNING POLICY

### **Spatial Development Framework (2020)**

According to the extract from the Spatial Development Plan below it is evident that the area (Hermanus Central) where the property is located is an urban infill area where densification through smaller incremental subdivisions are supported. The proposal is therefore consistent with the Local Planning Policy for the area.

*Pierre Jordaan*

## Active Planning Solutions



**Figure 4:** Extract from 2020 SDF

The following are specific guidelines pertaining to densification and infill extracted from the Spatial Development Framework where it is deemed applicable to this proposal;

iii **New Urban Development**

No new urban development areas / urban edge amendments are proposed for Hermanus Central with densification as the proposed tool to accommodate population growth as well as the housing need in accordance with the provisions of the OGMS. The formalization of Zwelihle should be addressed in the revision of the Human Settlements Plan for the Overstrand.

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

# Active Planning Solutions

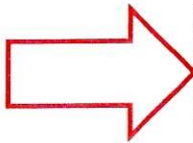
## Hermanus

The total projected population of the Greater Hermanus amounted to 62 929 in 2019 based on a 5.2% projected growth per annum (Census 2001-2011). Based on the said projected growth, the town will consist of a population of 155 272 in 2031.

The town of Hermanus is for ease of reference and plan legibility, divided in three prominent areas, namely Hermanus West, Hermanus East and Hermanus Central (Refer Plans 30-32).

A survey in terms of the availability of vacant land was undertaken in 2019. A total of 1241 vacant residential erven were identified. A total amount of 92 343 additional people will need to be accommodated from 2019 to 2031, based on the aforementioned population total. Based on an average household size of 2.6 persons per household, this amounts to a total requirement of 35 517 additional dwelling units by 2031. The population figures have been influenced by the drastic population influx of 2018 and provision is made to accommodate similar influx peaks in the future.

The high density residential suburb of Zwelihle is situated within Hermanus central. Zwelihle consisted of approximately 4261 informal settlements in 2018. According to (MPBS: Sept 2019), the future projected housing need, informed by the said amount of informal structures, will amount to 7 127 by 2021 and 11 234 by 2031. This relates to a required land area of approximately 356ha by 2021 and 562ha by 2031 based on a density of 20du/ha.



Densification as spatial planning mechanism advocated by the Municipality's Growth Management Strategy will need to be applied in order to accommodate of the aforementioned future population.

The Overstrand Municipal spatial logic is based on the PSDF principles and was refined to form the Overstrand local level spatial logic to a per settlement basis. The underpinning principles, unpacked in the subsequent sections, being:

- Encourage (i.e. integration, Local Economic Development, etc.)
- Promote (i.e. densification, linkage, etc.)
- Restrict (i.e. urban sprawl, etc.)
- Maintain (ecological and heritage integrity, etc.)
- Contain (i.e. Urban Edge, etc.)

The aforementioned spatial logic was applied to the individual settlements in compiling its spatial development proposals.

It is evident that the proposal to subdivide erf 1539 in Sandbaai being located in the Central Hermanus urban development area is aligned with the Spatial initiative of densification although incremental it will still address the provision of housing and the acquisition of ownership by dividing an existing building already utilized as two separate dwellings into two new sustainable dwellings. It will also support the creation of linkages between the central Sandbaai area and the areas to the east there for promoting integration.

Pierre Jordaan



## *Active Planning Solutions*

- It supports rejuvenation by creating an opportunity for new investment
- It supports the renovation of the built environment by utilizing an existing built form and creating two new own title units with the opportunity for new ownership and younger buyers to invest in a relative old suburb.
- It further promotes densification at an accessible location with ease of access to the CBD to the north and within walking distance of the natural areas along the coastline.
- It can there for be seen as an attractive and desirable opportunity for providing additional housing.

### **Integrated Development Framework (2014)**

According to this Strategic Policy document the following directives apply;

- A liveable Overstrand;
- An environmentally sustainable and resilient Overstrand;
- A memorable and distinctive Overstrand;
- Vibrant and exciting urban areas;
- An accessible and connected Overstrand; and
- An Overstrand that enables a prosperous and diverse economy.

The development proposal conforms to these directives in terms of the following supporting criteria;

- Ensuring housing provision for different lifestyle choices, income groups, life stages and household sizes.
- Increase liveability by implementing land use planning principles promoting densification in close proximity to existing opportunities, hence increasing accessibility.
- Ensuring densification is achieved there for managing urban growth.
- Ensuring that new development reflects and enhances the distinct built and natural environmental and heritage context in which it is located.
- Ensuring that development is confined within urban edges and growth is managed based on sustainable densification principles
- Encouraging densification within and adjacent to urban, suburban and rural centres.

*Pierre Jordaan*

# Active Planning Solutions

## **Western Cape Provincial Spatial Development Framework (2014)**

It is also supported by the Provincial Spatial Development Framework (PSDF) with regards to the following:

- It supports urban densification ensuring the best economic return on investment for younger investors.
- It supports the provision of housing in the middle income market there for supporting urban restructuring within older settlement areas.
- It supports the optimal utilization of available services.
- It provides an opportunity for the acquisition of additional property taxes.

## **11. RESTRICTIONS**

According to the title deed (**Addendum 2**) there are no restrictive conditions that will influence the proposed application and the subsequent subdivision of the property. This is further confirmed by the pre submission consultation with Mr Boshoff attached as **Addendum 4**. Although the reference to a conveyance's certificate is noted it is the opinion of this firm based on experience that if any development restrictions existed it would have been brought forward to the 2016 deed. Based on the fact that the pivot deed dates back to 1915 it is highly unlikely that that deed contained any conditions restricting this subdivision proposal.

### **Physical restrictions:**

No physical restrictions exist that would affect the viable implementation of the proposal largely due to the fact that the status quo will be maintained and no natural or garden features will need to be removed or altered to implement the proposal.

### **Built restrictions:**

None exist due to the fact that the existing building is already operating as two separate dwelling units. The building in its current form actually provides the opportunity for the subdivision by means of the party wall and garages being linked.

## **12. REQUIRED CONSULTATION**

Pre- consultation was done by means of email correspondence with Mr Helgaardt Boshoff, the area planner. See proof of pre consultation attached as **Addendum 4**.

*Pierre Jordaan*

# Active Planning Solutions

## 13. ADMINISTRATIVE PENALTY DETERMINATION

Due to the unlawful use of  $\pm 9\text{m}^2$  of the existing building the following is required in terms of the By-law in order to rectify the contravention;

➤ **SECTION ADMINISTRATIVE PENALTY IN TERMS OF Section 90 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020**

*A person who is in contravention of this By-Law, and who wishes to rectify the contravention in terms of section 90, may apply to the City for the determination of an administrative penalty if the City has not issued a demolition directive in respect of the land or building or part thereof concerned.*

### **THE UNLAWFUL USE BASED ON THE ALLOWANCES OF THE MPBL;**

This application for the determination of an Administrative Penalty is applicable to:

- Approximately a total of  $9\text{m}^2$  of the total building footprint of  $417\text{m}^2$  is seen as the area being unlawfully utilized in contravention with the DMS for which a permanent departure is being applied for in accordance with section 14(b) below. This area is depicted on the site layout below as the attached **Plan 2**. The contravention there for only equates to **2%** of the building footprint and less than **1%** of the total property area.

Taking the above mentioned DMS contravention, in terms of the encroachment of the en-suite and storeroom area over the 2m shared building line, into account a fair and justified penalty amount calculated as follows is presented for consideration;

Total area of the property	= 1465m <sup>2</sup>
Area of contravention (manufacture)	= $\pm 9\text{m}^2$
Area of contravention as %	= 0,006%
Total value of the property	= R2 685 000.00 (as per latest municipal account attached)
0,006% of R2 685 00.00	= R16110.00
Penalty calculated @	= <b>R16110.00</b>

**Irrespective of the above calculation to determine a fair penalty in accordance with section 90(5) of the MPBL this firm is of the opinion that my client should not pay anything based on the fact that these building alterations were not undertaken by her but by the previous owner. My client bought the property and building as it is currently being implemented in 2016 and she was until this application and**

Pierre Jordaan

# Active Planning Solutions

**subsequent consultation with municipal officials unaware that any parts of the building were contravening the Development Management Scheme prescriptions.**

A R0 penalty amount is therefore presented due to the the following determination factors as per **Section 90(3)**:

**(a) the nature, duration, gravity and extent of the contravention;**

**The nature:**

As mentioned in this report the nature of the unlawful land use is limited to the use of a **±9m<sup>2</sup>** of the total erf building area relating to only 0,006% of the total property area being illegally utilized fir any use other than a garage.

**The duration:**

The duration is from date of transfer being 22 July 2016 to present being 6 years 6 months.

**Gravity:**

The gravity is deemed low to the fact that the impact is limited to a very small portion of the total property. The areas encroaching the building line are also not habitable areas (see further mitigation under section 14(b)). The gravity is qualified in terms of impact and in this instance no impact exist on neighbors or the built environment.

**Extent:**

The extent of the use on the entire site is indicated on the Plan of Subdivision attached as **Plan 2**. The precise location and extent of the illegal use in contravention (parts of the en-suite and storeroom) are clearly indicated on this plan in relation with the other allowed use.

**(b) the conduct of the person involved in the contravention;**

The land owner is trying to rectify the unlawful land use by following the By-law procedures afforded to her in an effort to successfully subdivide the property as per the Plan of Subdivision. She purchased the property not aware of the fact that the alterations as per the as- built plan attached are contravening the zoning scheme regulations. This is in all fairness an easy mistake to make if you do not know the limitations as prescribed by the By-law or if you do not appoint a professional to inform you. That is also the reason she approached this firm and appointed a Professional person to handle this issue in an effort to comply and successfully subdivide the property with a permanent departure to allow the contravention.

*Pierre Jordaan*

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

# Active Planning Solutions

**(c) whether the unlawful conduct was stopped;**

Yes, the dwelling on the proposed Portion 2 is currently not being rented out and uninhabited. This means that the building is in fact one dwelling where these areas in contravention are allowed.

**(d) whether a person involved in the contravention has previously contravened this By-Law or a previous planning law.**

No.

**The following additional mitigation factors are offered for consideration of a fair and just Administrative Penalty:**

- My client was never aware of the contravention until now.
- The area in contravention is a small percentage of the total property.
- My client is trying to rectify the situation.
- The permanent departure being applied for will allow the areas to be used in accordance with the current use without negatively affecting the sustainable functioning of two dwelling units.
- The resultant R0 penalty amount and successful subdivision with a permanent departure will support the Local Authority's growth and densification strategy.

## **14. THE PROPOSED SUBDIVISION**

This application to ensure the right to subdivide the property to create 2 (two) new portions (See Plan of Subdivision attached as **Plan 2**) is further supported by the fact that erf 1539 was historically subdivided in accordance with the diagram below where erf 596 and 597 were consolidated in 1988 to form erf 1539. The new proposal will however differ slightly with the line of subdivision following the middle of the garage party wall as per the Plan of Subdivision. The diagram however proves that the property can viably be subdivided with no to minimal impact on the surrounding land use and housing densities.

*Pierre Jordaan*

# Active Planning Solutions

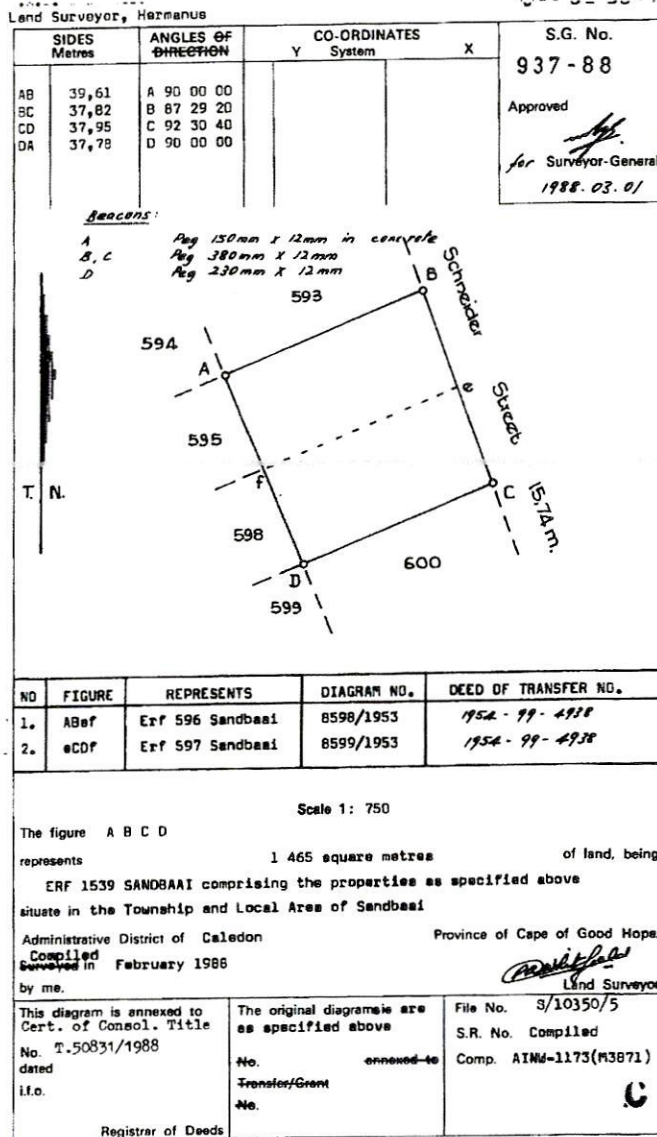


Figure 6: 188 diagram indicating previous subdivision

The new portions and sizes are as follows (also see the Plan of Subdivision attached as Plan 2):

Portion:	Approximate area (m <sup>2</sup> ):
1	708m <sup>2</sup>
2	757m <sup>2</sup>

Pierre Jordaan

# Active Planning Solutions

## a. DEVELOPMENT SCHEME PARAMETERS

The development parameters in the Residential zone 1 for Single Residential for Portion 1 and 2 (both bigger than 400m<sup>2</sup>) are as follows:

**(If the development proposal conforms it will be Yes or No)**

### **By- Law regulation:**

#### **Maximum Coverage:**

50%

#### **Building lines:**

Street building line

4m

Side building line (shared boundary)

2m

Garages

0m

#### **Height:**

8m to top of structure

#### **Parking**

2 bays per unit larger than 400m<sup>2</sup>

### **Proposal conform:**

#### **Yes**

Ptn. 1 = 31%

Ptn. 2 = 24%

#### **Yes**

Ptn 1 = 26.80m setback from Schneider street (house) & 5.08m for the outbuilding

Ptn 2 = 23.20m setback from Schneider street

#### **No**

Ptn 1 = 0m (for wc area)

Ptn 2 = 0m (for storeroom area)

#### **Yes**

Ptn 1 = 0m on common boundary with Ptn 2 and set back 26.21m from Schneider street

#### **Yes**

5m maximum (single storey)

#### **Yes**

both new portions have ample parking space in front of the garages

# Active Planning Solutions

## **b. PERMANENT DEPARTURE**

This building line departure to allow the proposed dwelling units on portion 1 & 2 on a 0m common boundary setback in lieu of the prescribed 2m can be mitigated in terms of the following supporting criteria;

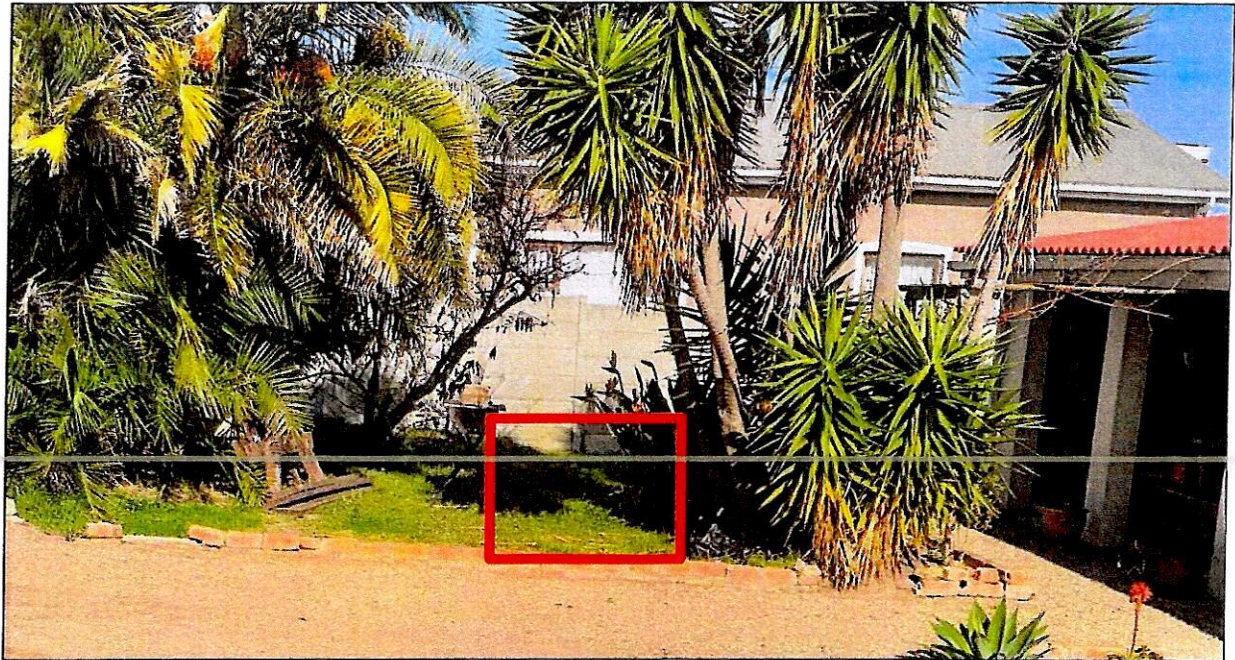
- The departure does not entail any habitable spaces, it is only applicable to the toilet / en-suite area on Portion 1 and the storeroom on Portion 2.
- The departure is only applicable to a shared dimension of 2.24m and an area of 9m<sup>2</sup> which is negligible (see areas of departure indicated on the Plan of Subdivision).
- The reciprocal impact is negligible due to the fact that both units have operated as self-sustainable units for a period of approximately 7 years.
- No impact exists that would involve other neighbours on the outer boundaries.
- Such a semi-detached situation is common among higher density town housing complexes or sectional title developments where the impact is usually very much mitigated by the fact that the residents / tenants know what they buy / rent and in many cases it is acceptable due to the fact that it means optimal use of space and no creation of dark and unpractical areas prone to neglect.

## **c. SERVICES**

Currently the units on portion 1 and 2 have shared water connections. With the subdivision it is proposed that Portion 1 obtains a new connection along the northern boundary to connect to the waterline in Schneider street as indicated on the Plan of Subdivision. Both units currently connect to the meter in Schneider street as per the below photo. It is further recommended that the current sewer connection situation be retained where Portion 1 connects to the septic tank on Portion 2. It is however proposed that the length of the line in favour of Portion 1 over Portion 2 be protected by a 2m wide servitude to ensure legal adherence. Currently the two units utilize the same electricity meter and it is proposed that Portion 2 gets its own separate metering system.

*Pierre Jordaan*

## *Active Planning Solutions*



**Photo 5:** View of the existing driveway to the unit on proposed Portion 2 with the septic tank manhole visible



**Photo 6:** Shared water meter on Portion 2

Pierre Jordaan

Cell: 079 528 9179

Email: [pierre@activeplanning.co.za](mailto:pierre@activeplanning.co.za)

# Active Planning Solutions

## d. ACCESS

Access to both portions will be obtained in accordance with the proposal on **Plan 2** where they each get individual access from Schneider street by means of two separate carriageway crossing leading to the driveways onto the two portions. Portion 1 has a carriage way crossing width of  $\pm 3.20\text{m}$  and Portion 2 a CWC width of  $\pm 7.70\text{m}$ . These two crossings are a distance of  $\pm 11.34\text{m}$  apart.

## e. PLANNING PRINCIPLES

### Viability;

The subdivision proposal is deemed viable due to the following supporting factors:

- It creates an opportunity to provide quality housing in a growing middle income housing market.
- It supports the Local and Provincial Planning strategies with regards to infill and densification.
- It supports the rejuvenation strategy needed to maintain older residential neighbourhoods.
- It does not impact negatively on the built or natural environment but it rather fits perfectly into the residential nature of the area in terms of size, scale, density and access provision.

### Sustainability

The proposal is considered sustainable due to the following supporting factors:

- It will add value to the area by providing opportunity for individual ownership and this value adding will not decrease due to the fact that the demand is increasing.
- It will support the future infill, densification and expansion opportunities on similar large residential stands with units with a low coverage.
- It will support the upgrade and expansion of the municipal infrastructure and will support the optimal utilization of this infrastructure.
- The proposal is a cost effective method of incremental densification due to the fact that no new structures are proposed. This means that potential buyers can obtain a deed with the added advantage of a house with an existing value adding benefit.

*Pierre Jordaan*

# Active Planning Solutions

- The fact that the property was historically subdivided is further proof of the proposal's sustainability.

## **Desirability**

The following criteria are deemed as desirability factors to be considered in the motivation of the subdivision proposal:

- economic impact;

***The proposal will ensure implementation at a time when the housing economy in the Overstrand region is growing and therefore will be seen as having a positive impact on the economy. It will furthermore cater for the needs of a growing tier of the housing market.***

- social impact;

***It will have a social impact as it provides an opportunity for housing at a time when the need for medium income housing in an established residential area is growing. It will provide opportunity for own title ownership which gives potential buyers the peace of mind of acquiring a property, obtaining a deed and securing the biggest asset of their life in the form of a dwelling unit.***

- scale of the capital investment;

***The return far outweighs the scale if the investment due to the fact that no construction is needed or proposed so the potential buyer buys an existing structure with all the amenities of a fully self-sufficient house without the cost implications usually associated with construction.***

- compatibility with surrounding uses;

***As said before the proposed development fits perfectly into the relative low density nature of the surrounding residential area and the existing coverage and footprints are aligned with the norm in the area.***

- impact on the external engineering services;

***The impact is negligible due to the fact that both units exist and are serviced although from one water and sewer connection it is easy to cost effectively split the water connection and providing a separate electricity meter with its own feed to the nearest electrical kiosk in Schneider street.***

- impact on safety, health and wellbeing of the surrounding community;

Pierre Jordaan

## **Active Planning Solutions**

**The implementation of the proposal will add to the safety, health and wellbeing of the community in so far as it will support the built area and add numbers to the community which in itself aids community safety in terms of increased surveillance. It is also a general fact that owners tend to be more vigilant than tenants which supports the proposal to create individual title properties for the purpose of selling it in the residential market.**

– impact on heritage;

**No impact exists due to the fact that the proposal not involving a structure older than 60 years. This is supported by the fact that the consolidation of erf 596 and 597 occurred in 1988 which is probably when the intention was to construct across the common separating boundary.**

– impact on the biophysical environment;

**The development proposal is in an area of mixed residential densities with various different housing typologies which underlines the growing urban nature and the biophysical environment is rapidly changing to a complete built environment with no natural elements remaining in the built area.**

– traffic impacts, parking, access and other transport related considerations;

**No impact exist as this proposal is merely a formalization of an existing use implementation where an additional living unit exist on the same property as allowed by the By-law as a primary right.**

– whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

**The conditions of the approval will be the result of due process and all the necessary requirements in terms of relevant legislation will be adhered to as required by the process. The notion is held that the proposal is of a small scale incremental densification nature with no adverse impact on the receiving environment.**

Pierre Jordaan

Cell: 079 528 9179

Email: pierre@activeplanning.co.za

# *Active Planning Solutions*

## **15. SUMMARY**

This application for subdivision with a determination of administrative penalty and permanent departure on erf 1539 is therefore deemed favourable as it will have no negative impact on the surrounding built environment but will ensure the most viable implementation of a small scale incremental densification opportunity.

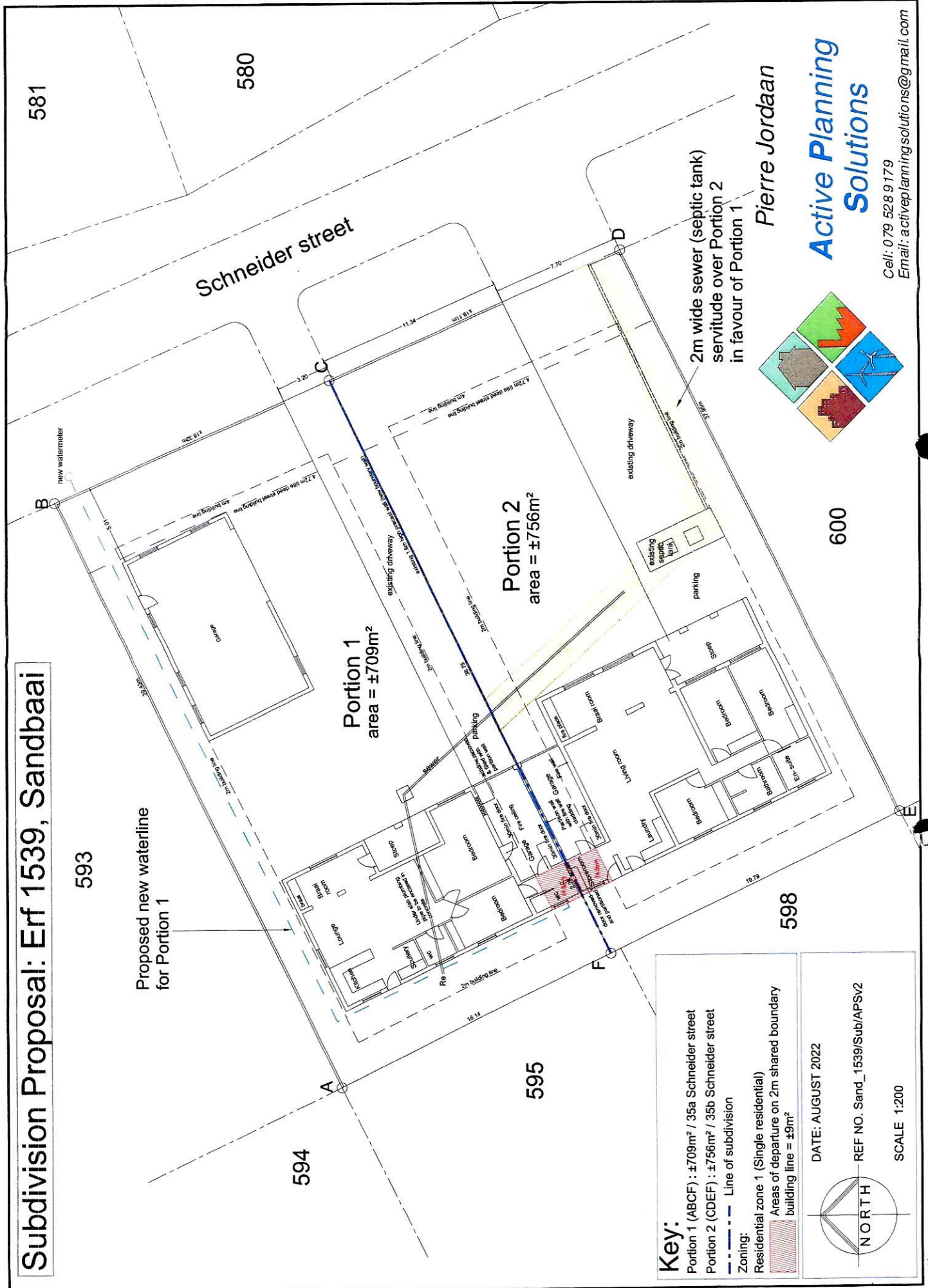
It will create a financially lucrative opportunity for the owner to use this asset as well as providing the opportunity for a potential buyer to acquire ownership and invest in a housing opportunity at a favourable location. This will ensure the best economic return on investment for both parties. The facts that the property was previously successfully implemented as two and consist of two separate dwellings further supports the viability and long term sustainability of the application. It is therefore encouraged and recommended for approval.

*Pierre Jordaan*

*Cell: 079 528 9179*

*Email: pierre@activeplanning.co.za*

# Subdivision Proposal: Erf 1539, Sandbaai



**Key:**

Portion 1 (ABCF) : ±709m<sup>2</sup> / 35a Schneider street  
 Portion 2 (CDEF) : ±756m<sup>2</sup> / 35b Schneider street

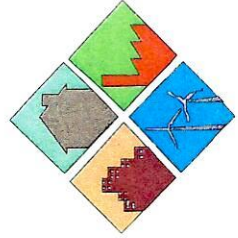
--- Line of subdivision

**Zoning:**

Residential zone 1 (Single residential)  
 Areas of departure on 2m shared boundary building line = ±9m<sup>2</sup>

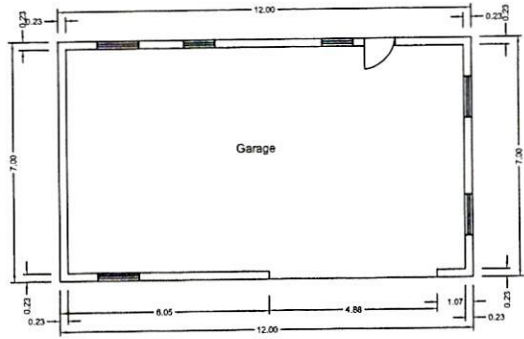
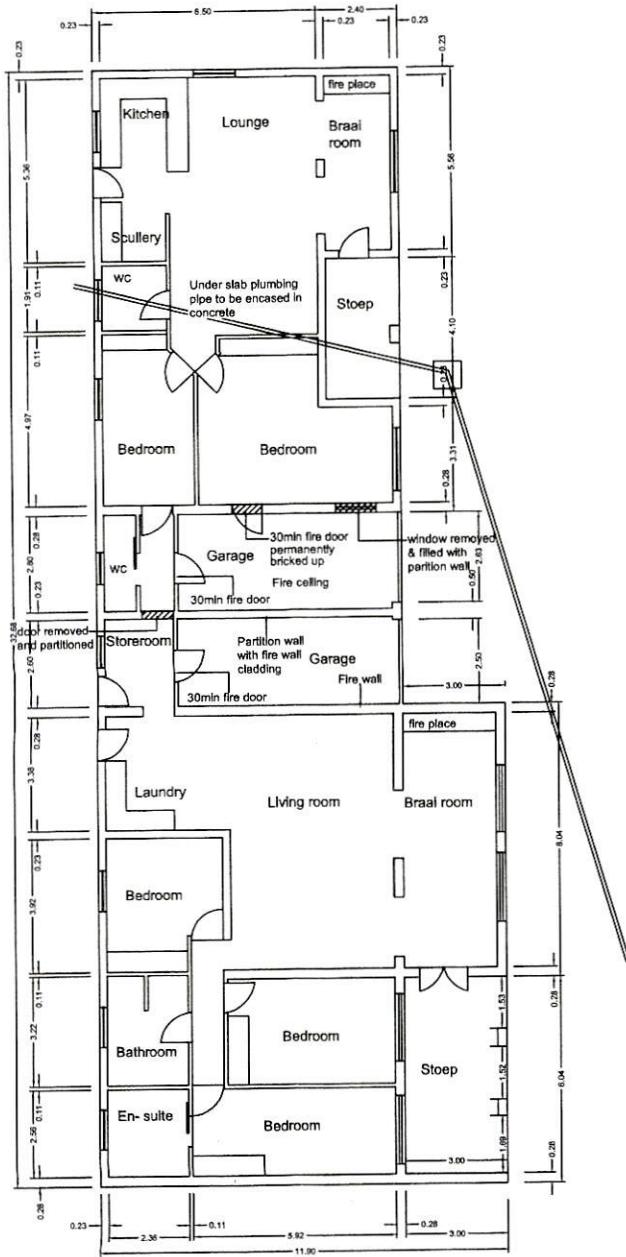
DATE: AUGUST 2022  
 REF NO. Sand\_1539/Sub/APSV2  
 SCALE 1:200

**Pierre Jordaan**  
**Active Planning Solutions**



Cell: 079 528 9179  
 Email: [activeplanningolutions@gmail.com](mailto:activeplanningolutions@gmail.com)

As- built Floor Plan: Erf 1539, Sandbaai



DATE: FEBRUARY 2023  
 REF NO. Sand\_1539/Asb/APSv2  
 SCALE 1:150



Pierre Jordaan  
**Active Planning Solutions**

Cell: 079 5289179  
 Email: activeplanningsolutions@gmail.com

48 MAR 2023