

**PORTION 8 OF THE FARM DE DRAAY NO 563, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: WRAP (obo NJ HOSSACK – APPOINTED EXECUTRIX OF ESTATE OF LATE WCJ MITCHELL)**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received in terms of Section 16(2)(b) of the By-Law for a departure to relax the rear building line from 30m to 12m to accommodate the proposed extension of the existing dwelling.

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 and at the Kleinmond Library, Fifth Avenue, Kleinmond. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **22 October 2021**, quoting your name, address and contact details, interest in the application, and reasons for comment. Telephonic enquiries can be made to **Ms. H. van der Stoep** 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.

**GEDEELTE 8 VAN DIE PLAAS DE DRAAY NR 563, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING: WRAP (nms NJ HOSSACK – AANGESTELDE EKSEKETRISIE VAN BOEDEL VAN WYLE WCJ MITCHELL)**

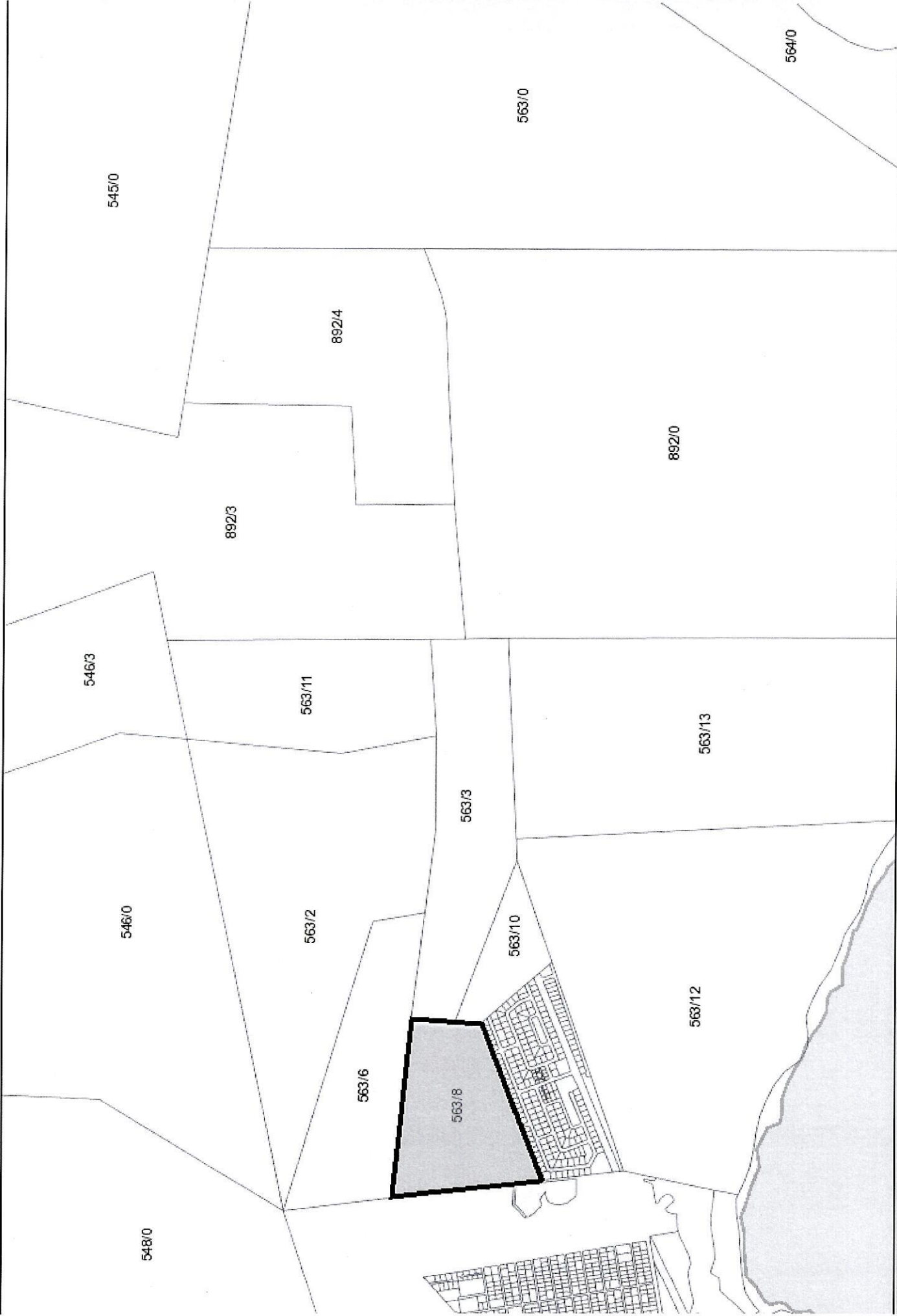
Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek ontvang is ingevolge Artikel 16(2)(b) van die Verordening vir 'n afwyking om die agterboullyn vanaf 30m na 12m te verslap ten einde die voorgestelde aanbouings aan die bestaande woonhuis te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond. Enige skriftelike kommentaar moet ingevolge die bepaling van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) bereik voor of op **22 Oktober 2021** met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** 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.

**SAHLULO 8 YEFAMA DE DRAAY NO 563; KWISAHULO SASE CALEDON, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKUPHAMBUKA: WRAP (EGAMENI LIKA NJ HOSSACK OMISELWE UKWABA ILIFA LIKA-WCJ MITCHELL)**

Isaziso sinikwe ngokwemiqathango yeCandelo 48 loMthetho oYilwayo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala 2020, ukuba isicelo samkelwe ngokweCandelo 16. (2) (b) Ukuphambuka kumda wokwakha osemva ukusuka ku 30m ukuya ku 12m ukuze kulungiselelwe isicelo esifakiweyo sokwandisa isakhiwo esikhoyo.

Inkcukacha ezipheleleyo ziyafumaneka ukuba zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus kunye nakwi Tala lwencwadi lase Kleinmond, eFifth Avenue, Kleinmond. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla **wama 22 EyeDwarha 2021**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **Nksk. H. van der Stoep** kule nombolo yomxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.



**1. ABBREVIATIONS**

1.1	<b>OM</b>	Overstrand Municipality
1.2	<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
1.3	<b>OM By-Law</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.4	<b>HPOZ</b>	Overstrand Municipality Heritage Protection Overlay Zone, 2020
1.5	<b>EMOZ</b>	Overstrand Municipality Environmental Management Overlay Zones, 2020
1.6	<b>DEADP</b>	Western Cape Department of Environmental Affairs and Development Planning
1.7	<b>SDF</b>	Overstrand Municipality Spatial Development Framework, 2020
1.8	<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
1.9	<b>SDP</b>	Site Development Plan
1.10	<b>AGR1</b>	Agricultural Zone 1: Agriculture (AGR1)

**2. SUMMARY OF STATUS QUO PROPERTY DETAILS**

2.1	<b>Consultant</b>	WRAP Project Office
2.2	<b>Restrictive title deed conditions</b>	None
2.3	<b>Property extent</b>	36.2668 ha
2.4	<b>Current zoning</b>	Agricultural Zone 1: Agriculture (AGR1)
2.5	<b>Current land use</b>	Dwelling House and agriculture.

**3. BACKGROUND**

- 3.1 The subject property's current building lines were approved on the 8<sup>th</sup> of August 2017, reference number 8/563 RCAL (3583). The applicant envisages an extension of the existing dwelling indicated on the attached plans, refer to Plan 4 & 5.
- 3.2 The proposed extension encroaches on the building line and to ensure compliance with the OM By-Law, a permanent departure is required to be obtained.
- 3.3 The proposed extension will not increase the footprint of the existing dwelling to more than 250m<sup>2</sup>, to ensure compliance with the OM By-law.
- 3.4 The application serves as method to allow the existing dwelling to be extended to accommodate a new bedroom, a new bathroom and a new lobby area.

**4. PROCEDURE TO ACHIEVE THE OWNERS INTENT**

The following application is submitted for the applicant to achieve the brief discussed in Section 3 of this report:

- 4.1 **Permanent Departure** from the 30m Northern building line to 12m to accommodate the proposed extension of the existing dwelling in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



## MOTIVATION

- 4.1.1** The existing dwelling unit is located approximately 9.12m from the farm boundary. This was approved on the 8<sup>th</sup> of August 2017. Since then, the applicant has had the vision to add a new addition to the existing dwelling. The current footprint of the dwelling unit is 196.3m<sup>2</sup> and the entire building is inside the 30m building line. The new addition will add another 49.5m<sup>2</sup> to the footprint of the building increasing it to a total of 245.8m<sup>2</sup>, with the external staircase being 4.2m<sup>2</sup> - increasing it the total footprint to 250m<sup>2</sup>.
- 4.1.2** The use of the building will be that of residential purposes and the new addition will also not change the current use of the building.
- 4.1.3** Visually illustrated by Plan 5, the extension is shown encroaching on the building lines and the addition will add another 49.5m<sup>2</sup> of 'habitable space' to the subject site.

## 5. APPLICATION

Considering the applicant's intent highlighted in Section 4, the following is applied for:

- 5.1 Permanent Departure** from the 30m Northern building line to 12m to accommodate the proposed extension of the existing dwelling in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

## 6. LAND USE ENVIRONMENT

The properties surrounding the subject property are of varying zonings, to the north, east and west more agriculturally zoned properties are located.

To the south is a neighborhood of predominantly Residential Zone 1: Single Residential with some open spaces inside the area. The zoning plan illustrated in Plan 2, shows the surrounding area.

## 7. TITLE DEED

The title deed – T876/2018 – was perused to determine if there were any restrictive conditions which may prohibit this application. No restrictive title deed conditions are present which may prohibit the building line departure which is sought to accommodate the addition to the existing dwelling, to be approved.

## 8. ZONING

The following zoning parameters were assessed in conjunction with the AGR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

<b>Agricultural Zone 1: Agriculture (AGR1)</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Agriculture, Crèche, <b>Dwelling House</b> , Guest Rooms and Home Occupation.	Dwelling House	Comply
<b>Consent use</b>	Additional Dwelling Units, Agricultural Industry, Animal Care Centre, Aquaculture, Day Care Centre, Farm	None	Comply

**File 21/78**

Portion 8 of the Farm the Draay 563, Caledon

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**MOTIVATION**

	Shop/Stall, Fertiliser Plant, Guest House, Hotel, Institution, Intensive Animal Farming, Intensive Horticulture, Lodge, Mining, Place of Assembly, Place of Entertainment, Place of Instruction, Plant Nursery, Riding Stables, Service Trade, Tourist Accommodation, Tourist Facilities, Transmission Apparatus, Utility Services, Wellness Centre and 4x4 Trail.		
<b>Development parameters</b>			
<b>Floor space</b>	The total floor space of all buildings on the land unit may not exceed 5 000 m <sup>2</sup> , provided that the Municipality may relax this requirement if it is satisfied that such buildings are required for bona fide farming activities on the land unit.	Current floor space - 883 m <sup>2</sup> Proposed floor space (after addition) - 929 m <sup>2</sup>	Comply
<b>Building lines</b>	Street and common boundary building lines are all 30m.	12.0m Rear building line	Departure motivated
<b>Height</b>	<ul style="list-style-type: none"> <li>i. The maximum height of a building, measured from the base level to the top of the roof is 8,0 m, provided that;</li> <li>ii. Agricultural buildings other than dwelling units shall not exceed a height of 12,0 m measured from the base level to the top of the roof; and where Council is satisfied that a greater height is necessary for the agricultural function of the building, it may permit such greater height; and</li> <li>iii. Earth banks and retaining structures shall comply with 16.6, provided that earth banks and retaining structures, which in the opinion of Council are associated with the bona fide agricultural activities, are exempt from the requirements of 16.6.</li> </ul>	<ul style="list-style-type: none"> <li>(i) The buildings are lower than 8m and will be addressed during building plan submission process;</li> <li>(ii) Future agricultural buildings will be lower than 12m; and</li> <li>(iii) N/A.</li> </ul>	Comply
<b>Parking</b>	The provision of parking is provided in accordance with Section 17.1.3 of the OMLUS: Dwelling unit = 1 bay per unit	2 Parking bays will be provided at the subject dwelling unit.	Comply



## MOTIVATION

<b>Loading</b>	The minimum off-street loading must be provided to the satisfaction of the Engineering Department.	Loading bays will be provided if required, but with the subject property being a farm, there is ample space for loading and off-loading purposes.	Comply
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## 9. SERVICES

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

### 9.1 Electricity

The existing building is connected to the Eskom electricity network in the Kleinmond area, and the new addition will utilise the current connection to gain access to electricity network.

### 9.2 Water

The existing building is connected to the reliable water network and the proposal will only add a small demand on the network.

### 9.3 Sewage

The existing building is connected to sewage network provided by the OM in Kleinmond area, and the addition will connect to the current network and with only 1 small ensuite bathroom being added no implications are foreseen.

### 9.4 Access, egress, and parking

Vehicular access and egress will be gained through Heuningklip Road that leads straight to the existing dwelling and implementation of this proposal will not alter this.

## 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 follows:

### 10.1 Need and desirability

The need for the development arose from the applicant's vision to have one of the subject property's existing dwellings to be extended to increase the comfort of the occupants.

The desirability is more often a personal feeling of the applicant that may in the future benefit others, through the increase of the property value as an important factor. For example, in the future the subject site may pay more property tax and it will benefit the OM.

To achieve their desire the applicant has appointed WRAP Project Office to submit this application, to ensure the application is in line with the policies and other legislation.



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### 10.2 Impact on views, sunlight and character of the area

The existing dwelling unit has been standing for quite some time and it not projected that the small addition will affect any other property owner's views. The addition measures only 53m<sup>2</sup> and increases the coverage of the subject property from 17.66% to 18.58% which is a very small impact on what is allowed on the subject property.

### 10.3 Economic impact

The addition of the existing dwelling will increase the value of subject site due to the added advantage of an additional bedroom and bathroom on the subject property. This will increase the market value of the subject property which may potentially increase the rates and taxes which are payable to the OM.

### 10.4 Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or forgoing valued land use rights of interested and affected parties when an application is approved. The use of the addition will not affect any surrounding neighbours as there are no adjacent neighbours to the subject property that may be affected.

### 10.5 Impact on heritage

The subject property is not listed on the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal.

### 10.6 Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

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## 11. POLICIES AND REGULATIONS

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### 11.1 EMOZ

11.1.1 The subject property falls within the Urban Conservation Category of the Environmental Management Overlay Zone and the land use activities which may be conducted only with the consent of the OM are listed and motivated below.

11.1.1.1 Staying overnight is prohibited. The dwelling on the subject property is already existing and this proposal does however not unlock a new staying overnight land use right apart, but only entails an addition to the existing dwelling unit.

11.1.1.2 The removal or destruction of vegetation which is protected and/or of conservation concern. Some vegetation will be removed but the area has already been cleared to accommodate a garden and lawned area for the existing dwelling. The footprint for vegetation clearance which is required is low.



11.1.1.3 Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits). Some excavations will be done for the foundations of the additions to the existing dwellings, but this will not be excessive.

### 11.2 HPOZ

The subject property is not affected by this zone.

### 11.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

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## 12. PLANNING PRINCIPLES

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

### 12.1 Spatial justice

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. The proposed addition to the dwelling unit does not perpetuate apartheid spatial development imbalances.

### 12.2 Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposed addition intends to increase the habitable space on the subject dwelling unit. This will add value to the resale of the property.

### 12.3 Efficiency

This proposal intends to maximise the usage of the subject dwelling house that in turn will increase the usage of the subject property.

### 12.4 Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

### 12.5 Good administration

The OM has a credible track record of good administration regarding the method of public participation which accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



## RECOMMENDATION

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### 13. EVALUATION

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- 13.1** This proposal has motivated the rationale for the construction of an addition to an existing dwelling house;
- 13.2** This proposal will increase the footprint of the existing dwelling with 49.5m<sup>2</sup> by adding a new lobby, bedroom, and bathroom to the dwelling; and
- 13.3** The encroachment of the addition will increase the dwelling to its maximum size, that indicates no further encroachment will occur.

None of the abovementioned is seen as not being desirable.

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### 14. RECOMMENDATION

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Considering the merits of this motivation, it is recommended that the following be approved:

Permanent departure from the 30m Northern building line to 12m to accommodate the proposed extension to an existing dwelling in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

# Locality Plan

## Portion 8 of the Farm the Draay 563, Caledon



Subject property (Portion 8 of the Farm the Draay 563, Caledon)

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

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



**Project Office**  
Town Planning & Project Management

2/563



8/563

RE/10/563

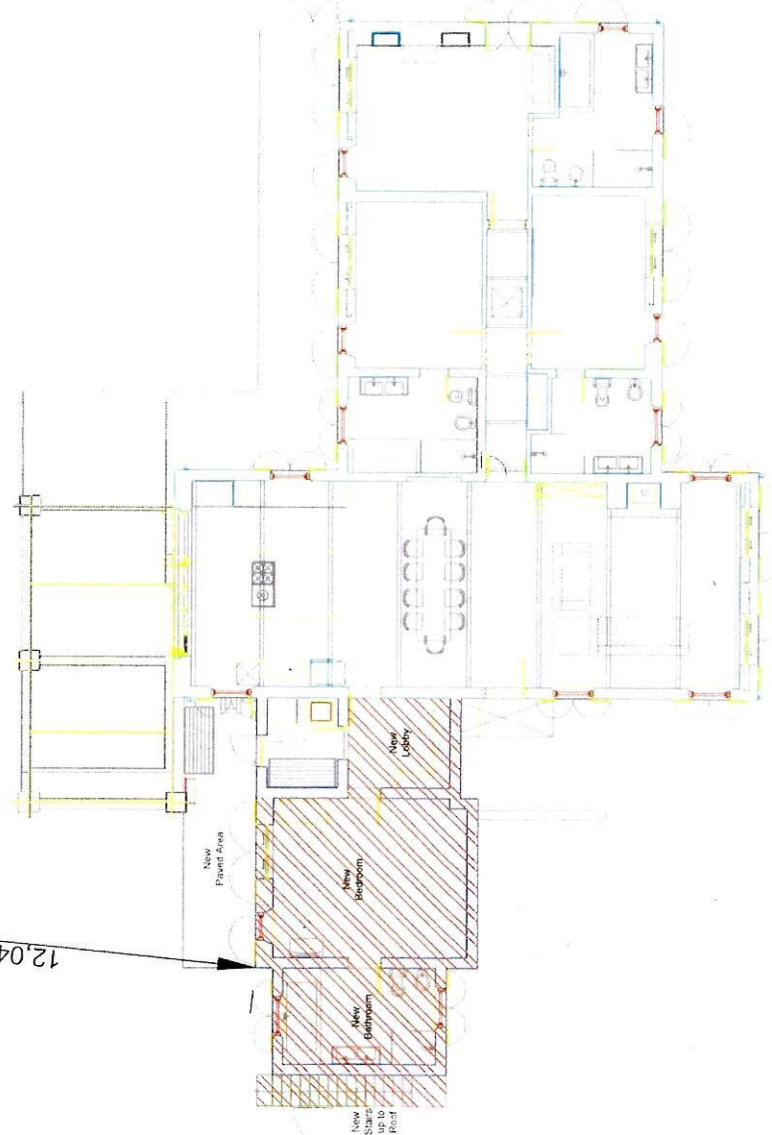
Scale 1 : 8000






Farm Boundary Line

12.04



30m Building Line

Scale 1 : 125

<p><b>Inset Area of Site Development Plan</b></p>	<p><b>Dwelling Unit 3</b> Existing Footprint - 196.3m<sup>2</sup> <u>Proposed Additions</u> Lobby, Bedroom and Bathroom - 49.5m<sup>2</sup> Outside Staircase - 4.2m<sup>2</sup> <b>New Total Footprint - 250.0m<sup>2</sup></b></p>
<p><b>Subject Property Floor Space</b> Total Floor Space allowed - 5000m<sup>2</sup> Current Floor Space - 883m<sup>2</sup> After Additions - 929m<sup>2</sup></p>	<p><input type="checkbox"/> Subject property</p> <p>Plan prepared by: Peter Johnson All distances are approximate and subject to a survey</p> <p>Tel: 028 313 1411 Email: admin@wrapgroup.co.za Unit 5, Corner of Royal and Dilke 195, Street Heilmann, 7200</p>
<p align="right">  <b>Project Office</b>  <small>Team Planning &amp; Project Management</small> </p>	



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King process

New Extension to Enclosed Garden

Areas:  
 Existing footprint : 196.3 sq.m  
 Addition (Lobby, Bedroom & Bathroom) : 49.5 sq.m  
 External Staircase : 4.2 sq.m  
**TOTAL FOOTPRINT : 250.0 sq.m**

New Paved Area



Existing House

New Parking Area

**BARRY GOULD ARCHITECT**  
 architecture • landscapes • interior design  
 P.O. Box 7, Blair, 7-7-60 Tel: Fax: 321 848 9188  
 Email: [barry@barrygoould.com.au](mailto:barry@barrygoould.com.au)  
 Website: [www.barrygoould.com.au](http://www.barrygoould.com.au)

**Additional Bedroom / Bathroom 2021**  
 Sketch Plan 3 - Site Plan - with Proposed Addition  
 Scale 1:100 (A3)  
 2 July 2021

0 1 2 5 metres



