

ERF 2859, 3 ARUM STREET, ONRUS RIVER: APPLICATION FOR SUBDIVISION: WRAP PROJECT OFFICE (obo FJG BRITS)

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 for subdivision in terms of Section 16(2)(d) to subdivide Erf 2859, Onrus River into a Portion A ($\pm 542\text{m}^2$) and a Remainder ($\pm 542\text{m}^2$).

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 written comments may 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 **21 January 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **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 in order to formalize their comment.

ERF 2859, ARUMSTRAAT 3, ONRUSRIVIER: AANSOEK OM ONDERVERDELING: WRAP PROJECT OFFICE (nms FJG BRITS)

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om onderverdeling ontvang is ingevolge Artikel 16(2)(d) om Erf 2859, Onrusrivier in 'n Gedeelte A ($\pm 542\text{m}^2$) en 'n Restant ($\pm 542\text{m}^2$), te onderverdeel.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **21 Januarie 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** at 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.

ISIZA 2859, 3 E-ARUM STREET, E-ONRUSRIVIER: ISICELO SOKWAHLULA-HLULA: ABAKWA WRAP PROJECT OFFICE EGAMENI LIKA FJG BRITS

Kukhutshwe isaziso esimayela emiba yeSolotyama 48 loMthethwana kaMasipala waseOverstrand Ngezihlomelo zoMthethwana OngeziCwangciso zokuSetyenziswa koMhlaba ku2020 isaziso eso sithi, kufunyenwe isicelo sokwahlulahlula ngokweSolotyama 16(2)(d) ukwahlula kwakhona isiza 2859 e-Onrusrivier kwiSahlulo A ($\pm 542\text{m}^2$) kunye neNtsalela ($\pm 542\text{m}^2$).

Inkcukacha ezipheleleyo ziyafumaneka ukuba zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama- **21 EyoMqungu 2022**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba ku **Mnu. H. Olivier** kule nombolo yomnxeba 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.

LOCALITY PLAN ERF 2859 ONRUS

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411
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Unit B, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200



Project Office
Town Planning & Project Management



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2859

BEACH ROAD

2860

Scale 1: 500



Scale 1: 4 000



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
DEADP	Western Cape Department of Environmental Affairs and Development Planning
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
SDP	Site Development Plan
SRI	Residential Zone 1: Single Residential

2. SUMMARY OF STATUS QUO AND PROPOSED PROPERTY DETAILS

Consultant	WRAP Project Office
Restrictive title deed conditions	None
Erf extent	1085m ²
Current zoning	Residential Zone 1: Single Residential

3. BACKGROUND

The Remainder of Erf 2859, Onrustrivier, hereafter referred to as the subject property is owned by Francois Johannes Gerhardus Brits. The property is in the process of being transferred to Reojac (Pty) Ltd (the purchaser). Mr Brits authorised Reojac (Pty) Ltd to proceed with the application for subdivision, pending transfer.

The purchaser has the vision to demolish the existing dwelling house on the subject property and to create two new erven ready for development opportunities. These erven have enough space to allow two dwelling houses to be developed and match the surrounding property sizes.

4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

WRAP was appointed to compile and submit a land use planning application to achieve the vision that highlighted in Section 3 of this report. The following is proposed:

4.1 Subdivision of the Remainder of Erf 2859 Onrustrivier into the Remainder, ±542m² and Portion A, ±542m² in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

The subject property has an extent of 1085m². With the demolition of the existing dwelling house, it provides the applicant an opportunity to start on a clean slate.

The proposal is to subdivide the property into two equal parts of ±542m², which allows the applicant to maximise the extent and opportunity of the subject property. These proposed portions could be developed into residential properties that is able to

comfortably accommodate a dwelling house each. Refer to Figure 1 that illustrates the proposed subdivision:

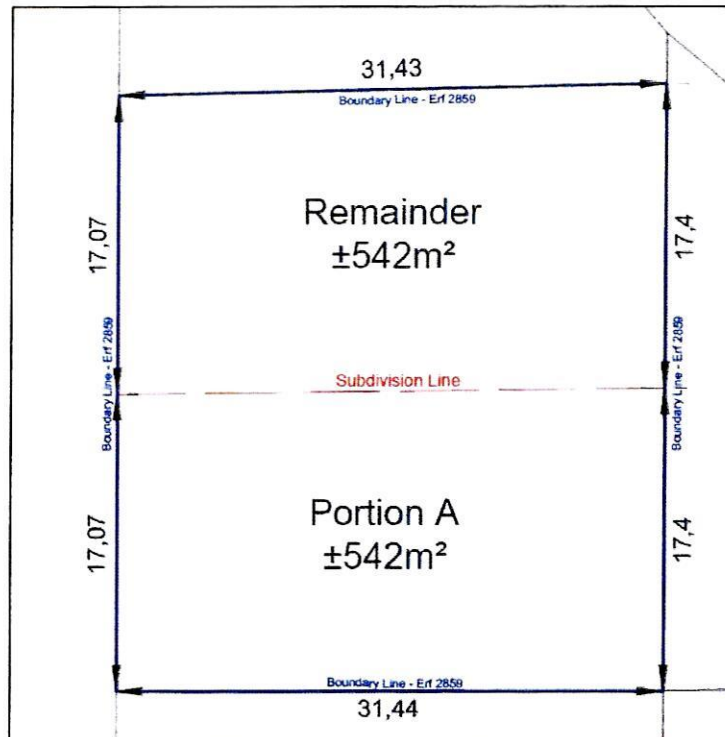


Figure 1: Extract of Plan 4 - Proposed subdivision

With the growth of the population in the Overstrand area, housing opportunities should be welcomed. Referring to the MSDF, Section 2.4.5 the population of Onrustvriër has increased by 50,2% from 2001 – 2011 and if the growth trend continues, the population is set to have doubled from 2001 – 2021.

This increases the pressure on the OM to continue to provide housing opportunities in areas where options are limited. Creating new housing and development opportunities in the Onrustvriër area should be welcomed as the supply of new empty erven in the Onrustvriër area are scarce.

5. APPLICATION

Considering the above, application is made for the following:

5.1 Subdivision of the Remainder of Erf 2859 Onrustvriër into the Remainder, $\pm 542\text{m}^2$ and Portion A, $\pm 542\text{m}^2$ in terms of Section 16(2)(d) 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 also zoned Residential Zone 1: Single Residential. The surrounding area's zoning is illustrated in Plan 2 (zoning plan).



Residential Zone 1: Single Residential			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling Houses	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	None	Not applicable
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%	To be determined	
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	To be determined	
Building lines	(i) The street building line is determined in accordance with the net erf area: 400 m ² and greater = 4m	4m	Comply
	(ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	2m	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	To be determined	
Parking	Two on-site parking bays per dwelling unit, provided	To be determined	



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	that on even less than 400 m ² , only 1 on-site parking bay needs to be provided.		
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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.

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the OM's services network which includes electricity, water, sewage and solid waste. Both properties will be required to connect to the OM's services network, creating an additional connection requirement if the proposal is approved. If the proposal is approved the applicant will make the Bulk Services Contribution to the OM.

Access, Egress, and Parking

Refer to Plan 4 for the proposed subdivision plan, vehicular access, and egress for both proposed properties are proposed from Arum Street.

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 proposed development arose from the applicant's vision to be able to optimise the utilisation of the entire extent of the subject property. This includes the demolition of the existing dwelling house and by doing this, allows the applicant to increase the developable space on the subject property.

Desirability is more often a personal feeling of the applicant that may in the future benefit others, such as increasing the property value that could possibly increase the financial benefit that the Overstrand Municipality may gain in increased rates and taxes from the sale of both properties in the future.

In addition to the above, the applicant is creating a new property that in the future could be the home of a single residence, this creates new housing opportunities in the Onrustvriër area.

To achieve their desire, the applicant has appointed WRAP Project Office to submit this application, to ensure the proposed subdivision is not in contradiction to any policies, legislation or title deed conditions.

Impact on views, sunlight and character of the area

The proposed subdivision does not have an impact on the views, sunlight and character of the surrounding area.



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The proposed subdivision will follow the development parameters set out by the OMLUS, which will ensure that the proposed development will not impact on the views and sunlight of the surrounding area. The proposal is also to develop the two subdivided portions into residential properties that fits into the predominantly residential area.

Economic impact

Section 3 indicated what economic impact this development will have. Various role players will be employed and involved in the whole process. Jobs will be created on a temporary basis for all those role players involved.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or foregoing valued land use rights of interested and affected parties when an application is approved. The proposed subdivision will increase the surrounding property values as more housing opportunities will be created and new development will take place.

Impact on heritage

The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal. There is therefore no impact on heritage.

Environmental impact

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

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

Coastal Protection Zone

The subject property is located within the Coastal Protection Zone and to ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES		
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	N/A



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Development or agriculture on slopes steeper than 1:4.	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	N/A
Placement of religious symbols or memorabilia.	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	N/A
Feeding, disturbing / pursuit of fauna.	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.		N/A
Staying overnight.	X	The application entails the subdivision into two portions and the development thereof into two residential properties.
The discharging of domestic effluent / grey water into all natural systems.	X	This will not occur on the subject property/ies.
Tampering with security / surveillance infrastructure.	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	N/A



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Graffiti, vandalism or damaging of municipal infrastructure.	X	N/A
Littering	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	N/A
Dog walking / exercising of dogs in non-designated zones.	X	N/A

SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES		
A) Activities Only Permitted With Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	N/A
B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	N/A
Commercial filming.	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances	X	N/A



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beyond designated, demarcated and signposted areas.		
Launching of vessels at registered launch sites.		N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	N/A
Commercial Harvesting/collection and removal of any natural resource.	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	The entire subject property is located in this zone.

11.2 Heritage Protection Overlay Zone

The subject property is located within this zone, specifically the Coastal Strip Heritage Protection Overlay Zone.

The purpose of this strip is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance. This specifically includes the 'first line of erven facing the coast' which includes the subject property.

The subject property is located on the edge of the coastal strip and the proposal to subdivide the property is not out of context of the area. The proposal will also not negatively affect the view lines and massing that is being protected by this zone and no further impacts are expected.

11.3 Spatial Planning Policies

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The



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compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK - PSDF

Policy preface

The PSDF is a product of a provincial inter departmental and inter-governmental collaboration under the guidance of the interdepartmental steering committee with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns of urban areas in the province.

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 an additional erf 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 used. By densifying existing areas, these areas can benefit from higher economic activity.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF

Policy Preface

The SDF's intention is to ensure compliance with national, provincial and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which development proposal should ideally attempt to synchronise with.

Consistency of the proposal with the policy

The policy promotes the protection of the character of the OM. The approval and implementation of the proposed subdivision will not undermine the character of the site and surrounding area.

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.

12. PLANNING PRINCIPLES

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:



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Spatial justice

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for the subdivision does not perpetuate apartheid spatial development imbalances.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal to subdivide intends to ensure the subject property is utilised to its maximum capabilities. The proposed infill densification is a sustainable method to create new properties without requiring additional land.

Efficiency

This proposal is intended to maximise the usage of the subject property and ensure the applicant has sufficient space to provide two families with dwelling houses.

Spatial resilience

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

Good administration

The OM has a credible track record of good administration regarding the method of public participation which invites and 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.



13. EVALUATION

The proposal needs to be evaluated on the basis that the current situation is not utilising the space efficiently. The applicant had the vision to subdivide the property which in turn will double the residential capabilities of the subject property.

The new development will not add any new land use rights as the proposed subdivision is set to be utilised for residential properties. This proposal is in harmony with all relevant spatial planning policies which illustrates that the applicant did not arbitrarily invent this application but had due consideration for 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 development of these two proposed residential properties.

14. RECOMMENDATION

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

- 14.1 Subdivision** of the Remainder of Erf 2859 Onrustrivier into the Remainder, $\pm 542\text{m}^2$ and Portion A, $\pm 542\text{m}^2$ in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Proposed Subdivision Plan
Erf 2859 Onrus

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

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



Project Office
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BEACH ROAD

2856

2860

Scale 1 : 250



3898

31,43

Boundary Line - Erf 2859

Remainder
±542m²

Subdivision Line

Portion A
±542m²

Boundary Line - Erf 2859

31,44

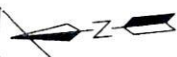
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Boundary Line - Erf 2859

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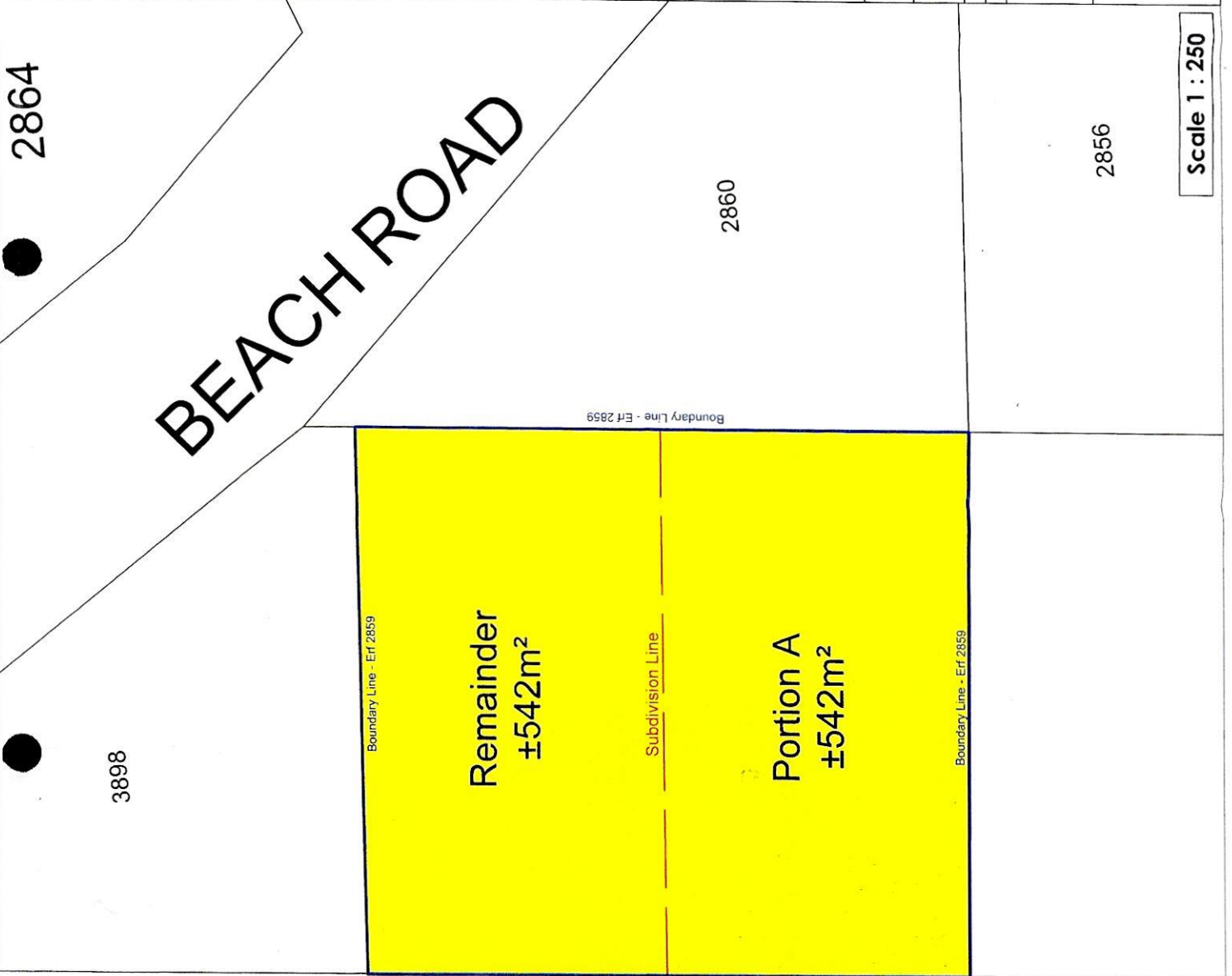
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RE/4240





4240



Proposed Zoning Plan

Residential Zone 1:
Single Residential



Plan prepared by: Thian Jansen

All distances are approximate
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Scale 1 : 250