

4.2**ERF 3506, 45 VILJOEN STREET, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA :
DEPARTURE AND CONSENT USE : MESSRS WRAP ON BEHALF OF V GROVE****3506 HON (3710)****H Olivier****24 May 2018****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 8 June 2017 from Messrs WRAP on behalf of V Grove on Erf 3506, Onrustrivier in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for a departure in order to relax the eastern lateral building line and the rear building line from 2m to 0m and 0,8m respectively to accommodate the use change of a garage into a second dwelling.

Application is also made in terms of Section 16(2)(c) of the same By-Law for a consent use in order to utilise the second dwelling unit as tourist accommodation.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 495m² in extent and is zoned Residential Zone I.

There is an existing main dwelling on the property. The former garage and outbuilding were illegally changed into a second dwelling. This application is to legalise the second dwelling, and also apply to utilize it for tourist accommodation.

In terms of old records it appears that the relevant building was still a garage in 1987. From affidavits from a previous owner it appears that the garage was changed into a second dwelling prior to 2004.

It is to be noted that part of the old garage (now second dwelling) traverse over the boundary with Erf 2572. This was dealt with by an insertion in both properties' Title Deeds in 1987, that such encroachment for a garage wall was allowed. Should the use change be allowed, the Title Deed description can be dealt with obtaining the consent of the neighbour, and to amend the Title Deeds.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The departure of the building line relaxation to accommodate the second dwelling is in harmony with the valued character and land use of Onrustrivier.
- ❖ The insertion of the encroachment of the garage wall in the Title Deed can be amended with consent of the neighbour.

- ❖ It is in line with the assessment points of desirability in terms of Section 55(b) and (c) of the Land Use Planning Act, 2014.
- ❖ The property is already fully services.
- ❖ Three (3) parking bays are provided in line with the requirements of the Zoning Scheme.
- ❖ The application for tourist accommodation is in line with the Overstrand Municipality Policy on Accommodation Establishments.
- ❖ A long terms tenant will stay in the main dwelling.
- ❖ In line with Overstrand Municipality SDF.
- ❖ In line with Planning Principles as follows:

Spatial Justice

No impact.

Spatial Sustainability

Will not impact on valuable agricultural land, environmentally sensitive areas or biodiversity rich areas.

Efficiency

Will optimise on the residential development potential.

Spatial Resilience

In line with existing spatial policies, and therefore considered spatially resilient.

Good Administration

The Municipality followed a good public process.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	N/A	N/A	N/A
Notices	Yes	15 December 2017	26 January 2018
Ward councillor	Yes	15 December 2017	26 January 2018
Total comments	ONE (1)		
Was public participation undertaken in accordance with Section 45 - 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
Fire Department	1/02/2018	No objection, provided that the structure wall encroaching on the	Positive

		boundary is a 60 minute fire wall in terms of Table 5 of SANS 10400 T : 2011	
Building Control	28/12/2017	Supported, subject to compliance with SANS 10400.	Positive
Engineering Services	21/02/2018	See Annexure E.	Positive
District Health	20/02/2018	Comply	Positive
Operational Manager	4/01/2018	See Annexure F.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

One (1) letter was received from the owners of Erf 2572. It is not an objection. It is only to indicate they support the application, but that the applicant must after the process provide them with a copy of the amended Title Deed dealing with the amendment of the wording of the encroachment over their common boundary.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The consultant indicated that the land owners will deal directly with the neighbour on the matter after the finalization of the application.

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

N/A

Internal Departments

All internal departments support the application.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

N/A

Spatial sustainability

The application is within the urban edge and will not impact on agricultural land or environmental areas.

Efficiency

The land owner wants to use the property to its full potential.

Spatial Resilience

The application is in line with local policies which promote tourism in this area. The application will enable the applicant to optimise his assets, should it be necessary due to economic and/or financial reasons.

Good administration

Good procedure was followed and with a good public participation.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

Same.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal engineering services

Existing services will be used and where not available it will have to be installed at the cost of the developer.

10.7 Outcomes of investigations/applications i.t.o other legislation

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The application is to legalize an existing situation.

In terms of the Overstrand Municipality Zoning Scheme it is a primary right under the Residential Zone I zone to construct a second dwelling.

The Zoning Scheme also makes provision that by applying for a consent use, the second dwelling can be operated for tourist accommodation (holiday rental) purposes.

In terms of the above, the application is in line with Policies and the Zoning Scheme.

The area used as the second dwelling was however previously approved for garage purposes, and the outbuilding were allowed onto property boundaries due to its minimal impact. The use change to a second dwelling, however trigger a departure application to accommodate the second dwelling over a building line and onto a boundary of another residential erf. Applications to allow dwellings and second dwellings on boundaries could impact negatively on neighbours and also could create a precedent for more such applications and thereby creating a high density residential character.

It is noted that this is a historic situation and that the directly adjacent neighbour support the legalization of the second dwelling on the property boundary. However, the consideration of dwellings and second dwellings on property boundaries is not good planning practise, as it could on the long term change the character of the area providing it with the character of more density populated areas, with the same negative impacts such as loss of privacy, etc. The fact that application is made for a consent use for tourist accommodation creates a further concern with regard to the second dwellings on a boundary, as tourist accommodation is usually associated with much more movement by residents and also increased noise levels.

With the construction of a second dwelling the parking requirement is two (2) on-site parking bays for the main dwelling, and one (1) for the second dwelling. This requirement stays unchanged should the second dwelling be utilized for tourist accommodation. The parking layout in terms of the site plan show two (2) tandem parking bays next to the eastern property boundary. This is the existing situation serving the main dwelling. The proposal is to place a third parking in the north-western corner, parallel with Viljoen Street. Considering the placement of the third parking bay a vehicle will have to reverse from the property. The parking for the second dwelling (which will be used as tourist accommodation) must be as such that street access can easily be obtained and the vehicles must be able to manoeuvre on-site to leave the site in first gear. The tandem parking already creates a situation that one vehicle will be parked in, which is less than ideal. The fact that there is also not a good alternative for a third manoeuvrable parking bay, is not desirable.

Considering the above, the application is not considered desirable.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 3506, Onrustrivier for a departure to relax the eastern lateral building line from 2m to 0m and the

rear building line from 2m to 0,8m to legalize the use change of a garage to a second dwelling, **not be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application in terms of Section 16(2)(o) of the same By-Law as above for a consent use in order to utilize the second dwelling unit as tourist accommodation, **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the applicant be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

14. REASONS FOR NO APPROVAL

- ❖ The approval of portions of dwellings on property boundaries lead to the change in character of the single residential area by creating the character of a higher density residential area.
- ❖ Tourist accommodation has a greater impact on neighbours in regard to impact such as noise and privacy, and by allowing such establishments in buildings on property boundaries, would worsen such impact.
- ❖ The three (3) on-site parking bays that must be provided are not in line with municipal practice, as two (2) bays are in a tandem format, and the third is not manoeuvrable on-site to leave the property in first gear.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Site Development Plan
Annexure C:	Motivation Report
Annexure D:	Comment received
Annexure E:	Services Report
Annexure F:	Comment: Operational Manager

SIGNATURE

AUTHOR:

Name: **HENK OLIVIER**

Signature: _____

Date: _____

REGISTERED PLANNER

Name : **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature : _____

Date: _____

**Site Development
Plan of
Erf 3506 Onrustrivier**

Erf 3506 Onrustrivier
(495m²)

Proposed tourist accommodation

Car movement

ROOM SUMMARY

MAIN DWELLING

1	LOUNGE	28m ²
2	WASH ROOM	10m ²
3	BATHROOM	10m ²
4	PASSAGE	5m ²
5	BEDROOM #1	20m ²
6	BEDROOM #2	20m ²
7	PATIO #1	11m ²
8	PATIO #2	11m ²
9	PATIO #3	14m ²

COTTAGE

11	BEDROOM #1	11m ²
12	LOUNGE	17m ²
13	KITCHEN	10m ²
14	BATHROOM	7m ²
15	DINING ROOM	10m ²
16	WASH ROOM	5m ²
17	STAIRS	2m ²

TOTAL SITE AREA 495m²
TOTAL BUILDING FOOTPRINT 267m²
TOTAL % COVER 41.8%

Plan 4

Scale 1:125

Plan prepared by: Realehile Jankie

All distances approximate and subject to survey.

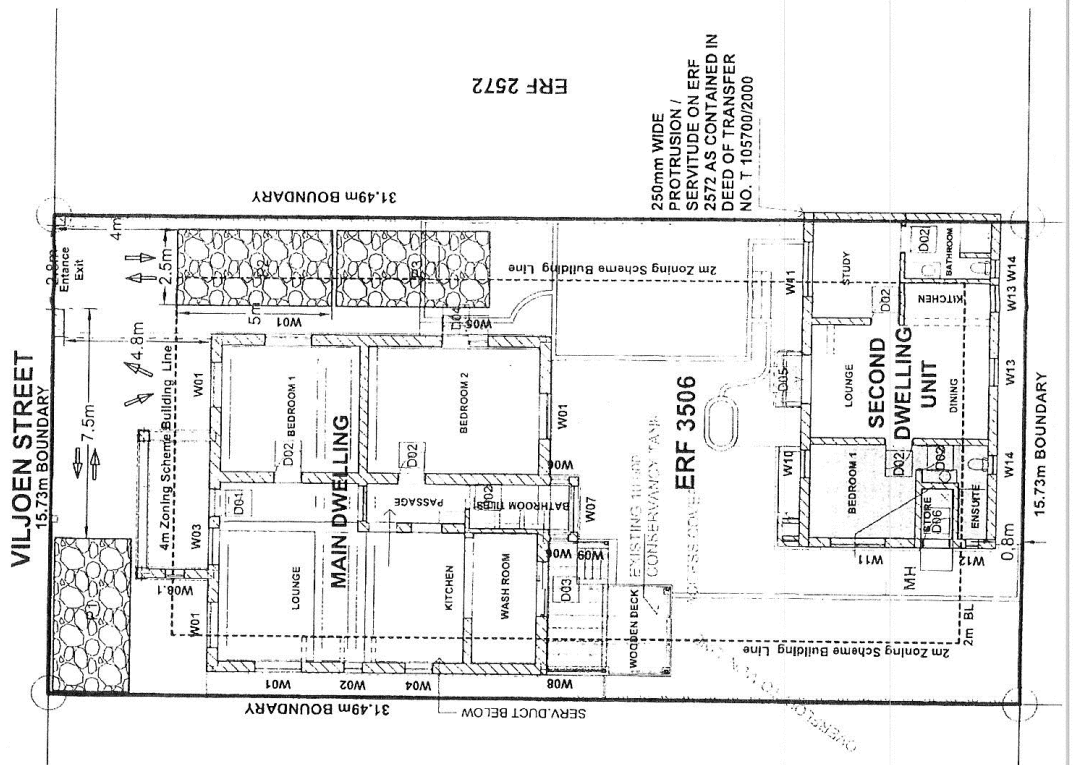
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ANNEXURE B

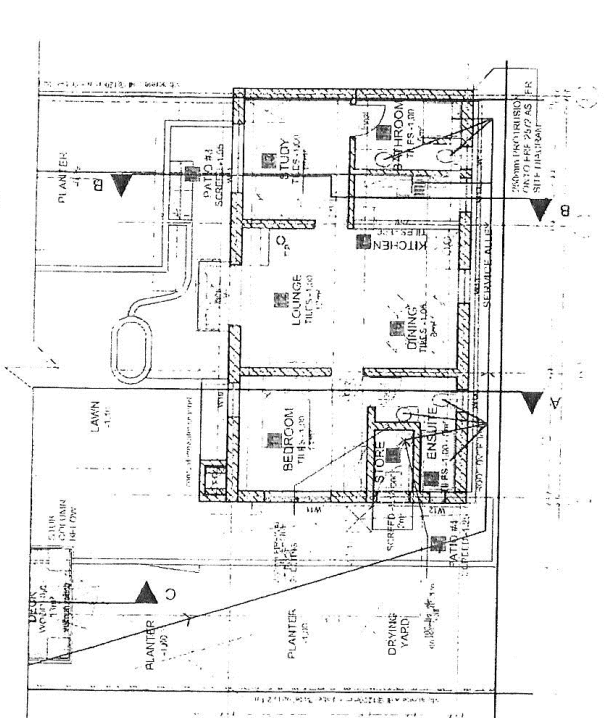
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ANNEXURE B

NOTES:	HOUSE GROVE ERF 3506 45 VILLOIN STREET UNRUSMIVET
PROJECT TITLE	HOUSE GROVE ERF 3506 45 VILLOIN STREET UNRUSMIVET
CLIENT DETAILS	
DRAWING NAME	COTTAGE GROUND FLOOR PLAN + DOOR SCHEDULE
DRAWING TAGS	
DATE	17-06-2016
DESIGNER	JWL
DATE OF DESIGN	17-06-2016
DATE OF ACTION	17-06-2016
DATE OF ISSUE	17-06-2016
DATE OF REVISION	
DRAWING NO.	104-02
REVISION	



COTTAGE - GROUND FLOOR PLAN
SCALE: NTS



REF. CODE	D01	D02	D03	D04	D05	D06
ELEVATION						
SPEC.	STANDARD TIMBER W/F	STANDARD TIMBER W/F	STANDARD TIMBER SLIDING	ALUMINIUM BIFOLD DOOR	ALUMINIUM DOUBLE DOOR	STAND. TIMBER SOLID DOOR
QUANTITY	1	1	1	1	1	1
DIMENSIONS	900 X 2100	900 X 2100	1800 X 2000	500 X 1900	1600 X 1900	1800 X 2100
GLAZING	1m ²	1m ²	3.5m ²	1.2m ²	2.5m ²	
ADDITIONAL	Specify Gate open to outside		Colour: Forest Green, P.104	Colour: Timber, P.105		

DOOR SCHEDULE
SCALE: NTS

ANNEXURE B

<p>NOTES</p> <p>ALL DRAWINGS AND DIMENSIONS MUST BE APPROVED FOR THE PROJECT BY THE ARCHITECT PRIOR TO CONSTRUCTION.</p> <p>ANY REFERENCES MADE IN THE DRAWING TO OTHER DRAWINGS OR SPECIFICATIONS SHALL BE TO THE LATEST EDITION UNLESS OTHERWISE SPECIFIED.</p> <p>CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.</p> <p>REVISIONS</p>	<p style="text-align: center; font-size: 2em; font-weight: bold;">ACO</p> <p style="text-align: center;">ARCHITECTS</p>	<p>PROJECT TITLE</p> <p>HOUSE GROVE ERE 3506 45 VILJOEN STREET ONRUSRIEVER</p>	<p>CLIENT DETAILS</p>
<p style="text-align: center;">COTTAGE - NORTH ELEVATION SCALE: 1:100</p>		<p style="text-align: center;">ELEVATIONS 2</p>	
<p style="text-align: center;">COTTAGE - SOUTH ELEVATION SCALE: 1:100</p>		<p>DRAWING NAME</p>	
<p style="text-align: center;">MAIN HOUSE - NORTH ELEVATION SCALE: 1:100</p>		<p>DRAWING STAGE</p>	
<p style="text-align: center;">MAIN HOUSE - SOUTH ELEVATION SCALE: 1:100</p>		<p>DATE 17-06-2016</p> <p>DESIGNER JWL</p> <p>SCALE 1:100</p> <p>PROJECT MC GETTING WATER</p> <p>LOCATION 45 VILJOEN STREET, ONRUSRIEVER</p> <p>CONTACT 021 233 3333</p>	
<p>DRAWING REF.</p> <p>104-04</p>			<p>REVISION</p>

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EXECUTIVE SUMMARY

2. BACKGROUND

Erf 3506 Onrustrivier is 495m² in extent and is located at 45 Viljoen Street. Onrustrivier, (hereafter referred to as the subject property). The subject property is zoned Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme, 2013 (hereafter referred to as the OMZS).

The subject property is improved with a dwelling house and a second dwelling. The second dwelling unit has two bathrooms, a bedroom, lounge, kitchen and study. A section of the building (0.25m) slightly encroaches on the eastern lateral boundary. At the time of the subdivision the building was used as a garage/outbuilding. In later years the use of the building was converted to that of a second dwelling. The change in the land use from an outbuilding to a second dwelling unit therefore triggers the need for a departure from the 2m lateral building line in terms of the OMZS. A building line departure from the 2m lateral building line to 0m will therefore be applied for.

The second dwelling unit also encroaches on the rear building line and the part of the building which encroaches is a kitchen, dining area and a bathroom. A building line departure from the 2m building line in terms of the OMZS, to 0,8m to accommodate this encroachment is also required.

After the subdivision was approved it was discovered that the outbuilding is encroaching on the eastern lateral boundary by 0,25m.

To correct this error the owner of Erf 3506 Onrustrivier agreed with the owner of the Remainder of Erf 2572 Onrustrivier that a servitude would be registered to accommodate the part of the building which encroaches on the boundary line. The servitude is a real right and is contained in the title deed of Erven 3506 and Remainder of Erf 2572 Onrustrivier subject to the following conditions (refer **Annexure B**).

"E Entitled to the use of a servitude area 0.25 meters wide over the Remainder of Erf 2572 Onrustrivier held by the Transferor by Deed of Transfer No. T.20364 1980, the western boundary of which is represented by the line bc on Diagram N 587.87 annexed hereto on the following conditions as contained in Deed of Transfer Np. T 105700 2000.

1. Entitled to retain the existing garage which encroaches onto the servitude area."

The proposed change of land use for a second dwelling unit to accommodate a self-catering unit for tourist accommodation is therefore in contravention of the conditions of the servitude. The owner of Erf 2572 Onrustrivier agreed in writing that they have no objection in the change of use of the outbuilding. Both parties agreed to instruct a lawyer to amend the conditions of the servitude in both title deeds to accommodate a second dwelling unit used for self-catering and tourist accommodation, once the departure and consent use is approved. (refer **Annexure C**)

The application for the building line departure also encompasses a deviation from the provisions of 16.1. (b) of the OMZS which contains "The Council may approve the erection of an outbuilding, which encroaches into the side and rear boundary" and 16.1. (b) (iii) of the OMZS: "The length of the structure does not exceed one third of the boundary concerned or 9,0m, whichever is the lesser distance".

In addition to the building line departure, the property owner envisages renting out the second dwelling as tourist accommodation. Renting out two rooms to guests is a primary right under

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WRAP**EXECUTIVE SUMMARY**

Residential Zone 1: Single Residential (SR1). The second dwelling unit is intended to function as a self-catering unit, therefore necessitating an application for a consent use for tourism accommodation. The main dwelling is currently let by the owner on a long-term basis and is not intended to be used to for short term renting.

Considering the above, WRAP has been appointed to compile an application for the following:

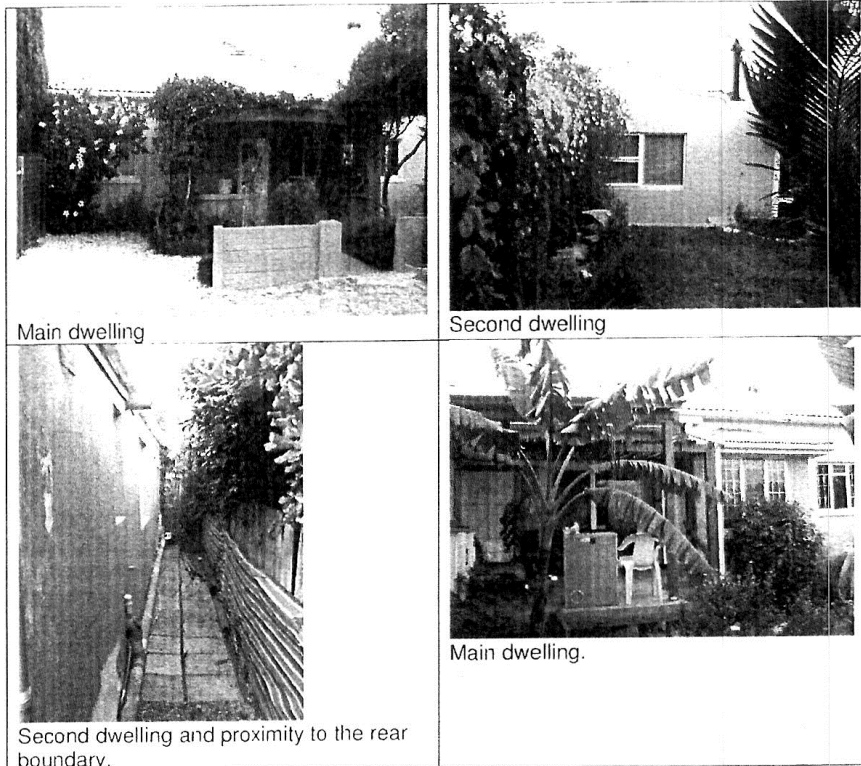
- **Departure** from the 2m eastern lateral building line to 0m to accommodate the second dwelling unit in terms 16(2)(b) of the Overstrand Municipality By-Law on Municipal Planning 2015;
- **Departure** from the 2m rear building line to 0,8m to accommodate the second dwelling unit in terms 16(2)(b) of the Overstrand Municipality By-Law on Municipal Planning 2015; and
- **Consent use to utilise a second dwelling as** tourist accommodation in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Planning, 2015.


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3. CHARACTER OF ENVIRONMENT

The subject property is located at 45 Viljoen Street, Onrustrivier. As indicated on the zoning plan (refer **Plan 2**) and the land use plan (refer **Plan 3**) the surrounding land uses are residential. The proposed building line departure for a second dwelling unit is therefore in harmony with the valued character and land use of Onrustrivier.

4. PHOTOS



5. TITLE DEED AND PROPERTY DETAILS

A copy of the title deed has been attached to this report (refer **Annexure B**).

Property description	Erf 3506 Onrustrivier, in the Overstrand Municipality, Division Caledon, Province Western Cape
Ownership	Vasti Grové
Extent	495m ²
Title Deed Number	T38387/2009

A study of the deed revealed that there is servitude registered over Erf 2572, Onrustrivier in favour of Erf 3506, Onrustrivier to accommodate a section of the existing outbuilding that encroaches on Erf 2572, Onrustrivier. The conditions to which the servitude is subject, specifically refers to the encroachment of an existing garage.

Condition E (1) states:

Entitled to retain the existing garage which encroaches onto the servitude area.

Both parties agreed to instruct a lawyer to amend the conditions of the servitude in both title deeds to accommodate a second dwelling unit used for self-catering and tourist accommodation, once the departure and consent use is approved.

6. DESIRABILITY

In terms of Section 55 (b) and (c) Land Use Planning Act 2014 an application can be refused based on it being undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, applicable structure plans, the principles referred to in Chapter VI and guidelines issued by the Provincial Minister regarding the desirability of the proposed development.

This application for a building line departure and tourist accommodation needs to be desirable and be consistent with the logic character of the town and add value to the owner and the community. The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. Although this application does not include an environmental authorization application, the desirability guidelines set out in the document are also applicable in planning.

In terms of the above, a number of questions need to be asked with regard to the need and desirability of a proposal, which include the following:

Need and desirability measure	Yes Or No	Applicability to the subject property
Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority?	Yes	The proposed building line departure is not in collusion with any provisions of the SDF and the proposed tourism accommodation is aligned with the SDF as the spatial planning initiatives section of this report will elucidate this.
Does the community/area need the activity and the associated land use concerned?	Yes	Considering urbanisation there is need for appropriate densification on residential properties in Onrustrivier in the form of second dwelling units. The property owner therefore seeks to promote appropriate densification without adversely impacting on the rights of other property owners in the suburb and preserving the existing residential character. The Greater Hermanus is also a popular tourist

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WRAP

MOTIVATION

		destination and the property owner seeks to capitalise on this.
Are the necessary services with adequate capacity currently available. or must additional capacity be created to cater for the development?	Yes	There are adequate services on the subject property and the services section of this report will elucidate this in detail.
Is this development the best practicable environmental option for this land/site?	Yes	The subject property is not located on environmentally sensitive land and is therefore the most practical environmental option.
Would the approval of this application compromise the integrity of the existing approved and credible municipal IDP and SDF as agreed to by the relevant authorities?	No	This application will not compromise the integrity of the existing and approved IDP and SDF.
Do location factors favour this land use?	Yes	The subject property is located within a predominantly residential area and the building line departure and consent use for tourist accommodation will not depart from this character.
How will the activity or the land use associated with the activity applied for. impact on sensitive natural and cultural areas?		The proposed land use will not in any way compromise the sensitive, natural and cultural areas.
Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?	No	The proposed change in land use will not in any way result in unacceptable opportunity cost.
Will the proposed land use result in unacceptable cumulative impact?	No	The proposed change in land use will not in any way create an unacceptable cumulative impact.

6.1 Services

For the proposed use of the second dwelling for tourist accommodation to be viable, it is necessary for services such as water, sewage, electricity and roads to be available. The subject property is already connected to all municipal services with adequate capacity.

6.2 Water

The water to the subject property is provided by the Overstrand Municipality.

6.3 Traffic impact, parking access and other transport related considerations

In terms of the OMZS 3 parking bays are required and 3 parking bays are provided which have dimensions of 2.5m by 5m and comply with Municipal requirements.

6.4 Electricity

Electricity on the subject property is provided by Eskom.

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6.5 Sewage

There is an existing conservancy tank on the subject property as indicated on the SDP (refer Plan 4).

7. ZONING OVERLAY

The zoning of the subject property is Residential Zone 1: Single Residential (SR1) in terms of the Overstrand Municipality Zoning Scheme, 2013.

Use	Parameters	Proposal	Deviate/comply
Primary uses	Day care centre, dwelling house , guest rooms, home occupation, second dwelling unit ;	Second dwelling unit	Comply
Consent uses	Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation .	Tourist accommodation	Deviate/Applied for
Development rules			
Coverage	50%	41.8%	Comply
Building lines	4m street 2m lateral and rear	Departure from the 2m eastern boundary building line to 0m. Departure from the 2m rear building line to 0.8m	Deviate/Applied for
Height	(i) The maximum height of a building measured from the base level to the top of the roof is 8.0 m; and (ii) Earth banks and retaining structures shall comply with 16.6.	(i) 5.9m (ii) Comply	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with 16.1.2.	N/A	N/A
Parking	2 Parking bays for the main dwelling.	3 Parking bays provided	Comply

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MOTIVATION

	1 Parking bay for the second dwelling unit	P2 and P3 tandem parking will be for the exclusive use of the manager and P1 will be for the guests (refer Plan 4)	
Second dwelling unit	(a) The total floor area of the second dwelling units shall not exceed 120m ² ; (b) The same development rules apply as for the primary dwelling unit; (c) One on-site parking bay must be provided to the satisfaction of Council; and (d) Confirmation of the availability of services shall be obtained from the Director of Infrastructure and Planning or his successor in title.	(a) 60m ² (b) Comply (c) Three onsite parking bays are provided. (d) Will be obtained.	Comply

8. OVERSTRAND MUNICIPALITY POLICY ON ACCOMMODATION ESTABLISHMENTS

The Overstrand Municipality Policy on Accommodation Establishments provides a set of guidelines for accommodation establishments. It is essential for the proposed tourist accommodation to be aligned with the guidelines and promote a sound short term rental facility for guests.

Guideline	Consistency of the application with the guideline
Up to 5 rooms need to apply for Special Consent or a Departure from the Zoning Regulations. All rooms to be interleading with the main dwelling.	This application is for the second dwelling unit (self-catering unit) to be utilised as tourist accommodation. The long-term tenant of the /owner currently reside in the main dwelling and this application is not intended to alter this.
Approved or proposed building plan, showing all B & B rooms	The SDP submitted with this application is to scale and clearly depicts where the existing second dwelling and dwelling house are located.
A proper site plan, also indicating the parking layout, to scale.	The SDP shows the positioning of the buildings with a parking layout. The parking layout dimensions are compliant with the

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MOTIVATION

	requirements of the Overstrand Municipality Zoning Scheme.
Copy of the Title Deed.	A copy of the title deed is attached to the application. There is a servitude registered, subject to certain conditions and this report proposes a solution to this.
Meals/liquor may be served to residents only.	All meals in the second dwelling unit will be prepared by the guests in the kitchen.
If meals are prepared and provided to guests a Certificate of Acceptability must be obtained from the municipal Health Department. (See Annexure B)	The guests will be responsible for the preparation of meals.
Liquor may only be sold to residents of the guesthouse.	N/A in this application.
The owner manager must occupy the premises personally.	The tenant of the owner currently occupies the main dwelling and this application does not seek to alter that.
An approved un-illuminated advertising sign to a maximum size of 2000 cm ² may be displayed. Any other signage not on the property must be applied for separately at the Tourism Bureau.	The subject property will comply with the Overstrand Municipality By-Law Relating to Outdoor Advertising and signage.
One or more fire extinguishers must be provided to the satisfaction of the municipal Head of the Fire Department. Obtain specifications regarding fire extinguishers.	There will be one or more fire extinguishers on the subject property and will be to the satisfaction of the Head of the Fire Department.

9. SPATIAL PLANNING INITIATIVES

Spatial planning initiatives

The proposed building line departure and consent use application was assessed for consistency with the existing spatial planning initiatives. This is to ensure that the development does not deviate from the spatial planning initiatives and is in line with the structure form that is envisaged by Local and Provincial Authorities.

Provincial Spatial Development Framework 2014 (PSDF)

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society

The spatial logic following, refers to the physical and socio-economic manifestation of activity within a neighbourhood.

Spatial logic	Alignment of the proposal with the spatial logic.
"Capitalise and preserve unique local built form and natural typologies, character and heritage"	The character of this part of Onrustrivier is predominantly single residential and this proposal will maintain the residential character and look of the subject property. The location of the subject property would also contribute to making the Onrustrivier a popular destination for tourists who seek a tranquil holiday environment. The proposed

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	tourist accommodation will therefore blend in with the character of the area.
“Promote urban rather than suburban model: avoid further fragmentation of townships.”	The subject property is located within a well-defined urban edge and the proposed tourist accommodation will maintain the character of the town and not fragment it in any way.
“Focus on creating connections to economic and social opportunity to promote spatial and socio-economic integration”	The tourism industry is one of the dominant economic drivers of the Overstrand Municipality. The proposed tourist accommodation seeks to capitalise on this tourism opportunity by contributing to socio-economic integration by unlocking employment opportunities within the broader tourism value chain in Onrustrivier.
“Cluster all social facilities and complementary activities”	The location of the subject property is within a residential area will ensure that the proposed tourist accommodation creates a complementary linkage with the surrounding environment.

Overstrand Municipality Spatial Development Framework (OMSDF)

The objective of the OMSDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The OMSDF is guided by a set of objectives and the consistency of the proposed land use will be assessed with these core objectives.

According to the OMSDF the future detailed planning for the area must provide a sustainable balanced land use pattern which would provide future residents with a desirable environment in which to “live, work and play”. The intention of the proposed development is for tourism accommodation that fits in with the character of the Onrustrivier suburb.

Local spatial development principles for the Greater Hermanus	Alignment of the proposal with the local spatial development principles
Conservation of cultural heritage resources, including the character of the historical fishing/holiday settlement areas of Hermanus and Onrust, the number of buildings of historical, architectural and social value.	The subject property is also highly accessible as it is located approximately 1km from the R43 which is the gateway to the Greater Hermanus. The main dwelling and second dwelling unit proposed for tourist accommodation in the single residential area will maintain the existing cultural heritage, architectural and social value in Onrustrivier.
The provision of a range of residential housing types and appropriate densification strategies in order to retain the character of Greater Hermanus, while ensuring appropriate growth to address the growing population housing needs.	This proposal seeks to contribute to creating a harmonious integrated permanent and short-term rental environment in Onrustrivier and is within the immediate densification context of surrounding properties. This will ensure that the proposal contributes to providing the residents and tourists with a wider variety of accommodation options within the growing and dynamic suburb of Onrustrivier.
Promote Greater Hermanus as a tourism destination.	The intention of the proposed tourist accommodation in the second dwelling unit

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	is to contribute to promoting the greater Hermanus as a popular and viable tourist destination.
Contain the urban footprint of Greater Hermanus within a well defined urban edge.	This proposal is within a well-defined urban edge and will contribute to combating urban sprawl.

The Spatial Proposal Plan of the OMSDF earmarks the subject property for residential development. This proposal does not seek to alter the residential zoning on the subject property.

Overstrand Municipal Growth Management Strategy (OMGMS 2010)

The purpose of the Growth Management Strategy is to improve the Overstrand Municipalities' overall environmental sustainability by enhancing the quality and efficiency of the built environment. It will be outlined how the proposed development will contribute towards the aims and objectives of this strategy.

Objectives	Alignment of the proposal with the objectives
Protect, manage and enhance the natural and built environment and landscapes.	The proposal seeks to protect the residential character in Onrustrivier. The operation of the proposed tourist accommodation will also require the property owner to continually maintain and make improvements to the subject property to make it appealing to guests and neighbours and that will contribute to enhancing the streetscape and built environment.
Support the development of mixed land uses, providing for vitality, opportunities, opportunities and integrated living environments.	This proposal essentially seeks to contribute to a mixed permanent- and short term renting residential accommodation in Onrustrivier. This in turn will contribute to integrated living environments.
Ensure that the scale and character (in terms of bulk, height, and architectural styling) of the higher density areas are appropriate to the immediate context.	The scale, height, character and architectural styling of the subject property are within the immediate context and character of the street and will preserve the existing character of the area.
Contribute to place making and the development of attractive and safe urban environments.	The proposed tourist accommodation fits into the place making characteristics of Viljoen Street. The additional surveillance by the guests will also contribute to safer urban environments.
Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land.	This application seeks to efficiently utilise the services and infrastructure that is available on the property.

Consistency with the various planning principles

The analysis of the spatial planning initiatives has provided a clear and complete explanation of the alignment of the proposal with the relevant guidelines. The proposal is consistent with the PSDF, OMSDF and OMGMS and can be deemed as encompassing the core objectives of planning as set out in the documents.

WRAP

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10. PLANNING PRINCIPLES

An analysis of the applications' consistency with the planning principles was analysed. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and Chapter VI of the Land Use Planning Act, 2014.

Planning principles	Consideration and impact
Spatial Justice "Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."	This application will not in any way contribute to perpetuating the spatial imbalances caused by apartheid spatial planning.
Spatial Sustainability "A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscape and ultimately limits urban sprawl."	This application will not in any way compromise valuable agricultural land, environmentally sensitive areas and biodiversity rich areas as well as the cultural landscape.
Efficiency "Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land."	This application seeks to optimise on the residential development potential of the erf by having a second dwelling unit which is within the development parameters of the OMZS.
Spatial Resilience Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner.	The Department of Environmental Affairs and Development Planning (DEADP) and the Overstrand Municipality have compiled spatial policies that promote resilience in land use management. As the motivation in the spatial planning initiatives has proved, the proposed building line departure and tourist accommodation is well aligned with the different planning development frameworks as set out by the competent authorities and promotes resilience. The fact that the subject property is spatially resilient will enable it to absorb and accommodate shocks whether they are economic or environmental in a timely and efficient manner.
Good Administration Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued.	The Overstrand Municipality has an integrated consultative planning process where the application is advertised to the general public and comments on the application are made by the general public. WRAP will also respond to the comments of the general public and this will ensure that a joint planning approach is pursued.

WRAP

11. EVALUATION

The site-specific circumstances that make the application desirable can be summarised as follows:

Application

- **Departure** from the 2m eastern lateral building line to 0m to accommodate the second dwelling unit in terms 16(2)(b) of the Overstrand Municipality By-Law on Municipal Planning 2015;
- **Departure** from the 2m rear building line to 0.8m to accommodate the second dwelling unit in terms 16(2)(b) of the Overstrand Municipality By-Law on Municipal Planning 2015; and
- **Consent use to utilise a second dwelling as** tourist accommodation in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Planning, 2015.

Character of the environment

The subject property is located at 45 Viljoen Street, Onrustrivier, 7201. As indicated on the zoning plan (refer **Plan 2**) and as indicated on the land use plan (refer **Plan 3**) of the surrounding uses are residential.

Title deed

There is a registered servitude over Erf 2572, Onrustrivier in favour of Erf 3506, Onrustrivier and condition E.1 to which the servitude is subject, is of relevance.

Entitled to retain the existing garage which encroaches onto the servitude area.

Both parties agreed to instruct a lawyer to amend the conditions of the servitude in both title deeds to accommodate a second dwelling unit used for self-catering and tourist accommodation, once the departure and consent use is approved.

Desirability

This proposal does not contradict any provisions in the SDF.

There is a need in Onrustrivier for densification in the form of second dwelling units in the context of urbanisation.

The proposed second dwelling unit will not adversely impact on the rights enjoyed by surrounding property owners.

There are adequate services available on the subject property.

The subject property is not located on environmentally sensitive land.

The proposed building line departure to accommodate a second dwelling unit will not depart from the residential character of the neighbourhood.

Services

- 3 parking bays are required and 3 parking bays are provided.
- The water to the subject property is provided by the Overstrand Municipality.
- Electricity on the subject property is provided by Eskom.
- There is an existing conservancy tank on the subject property.

Zoning overlay

- A dwelling house and a second dwelling unit are primary rights and this application is consistent therewith.
- The application for tourist accommodation which is a consent use.
- The permissible coverage is 50% and this proposal is 41.8%.

- This application is for a departure from the 2m eastern lateral building line to 0m.
- The application is also for a departure from the rear 2m building line to 0.8m.
- 3 Parking bays are required and 3 parking bays are provided.

Overstrand Municipality Policy on Accommodation Establishments

- The second dwelling unit is proposed as self-catering tourist accommodation with one lettable room and the primary dwelling unit is used for the accommodation of the property long term tenant of the owner.
- The SDP and parking layout is to scale and complies with provisions in the Overstrand Municipality Zoning Scheme.
- The second dwelling unit will be for self-catering purposes.
- Signage will be compliant with the Overstrand Municipality By-Law Relating to Outdoor Advertising and signage.

Spatial planning initiatives

Provincial Spatial Development Framework

- The proposal seeks to capitalise on the tourism potential present in Onrustrivier.
- This proposal will not contribute to the fragmentation of the township as it is located within a well-defined urban edge.
- The proposed tourist accommodation will also lead to the tourists contributing to greater economic benefits within the broader tourism value chain in the Greater Hermanus.
- The proposed tourist accommodation will also contribute to creating a complementary linkage with the residential character of the area.

Overstrand Municipality Spatial Development Framework (OMSDF)

- The proposal seeks to contribute to creating a harmonious intergrated living between permanent residents and tourists who will rent out the second dwelling unit on a short term basis.
- This application will also meet the tailored accommodation needs of the growing population of Hermanus.
- The proposal also seeks to contribute to making the Greater Hermanus a viable tourism destination.
- This proposal is within the urban edge and will contribute to combating urban sprawl.
- The proposed development does not seek to alter the residential zoning of the property and the density will remain within the 2 dwelling units permissible on the Residential Zone 1: Single Residential Zoning.
- The proposal is also aligned with the development imperatives as outlined in the Spatial Proposal Plan for the property to be used for residential purposes.

Overstrand Municipal Growth Management Strategy (OMGMS 2010)

- The proposed tourist accommodation and existing main dwelling is within the scale, height, character and architectural styling of the immediate context.
- This proposed tourist accommodation will also efficiently utilise the services on the property.
- The proposed tourist accommodation will also contribute to protecting the residential character of Onrustrivier.
- The approval of the tourist accommodation will provide the property owner with additional incentive to improve the aesthetic look of the property for guests to the benefit of the residents as it will contribute to an enhanced streetscape and built environment.

Planning Principles

- Spatial justice: The building line departure and tourist accommodation will not perpetuate the spatial imbalances caused by apartheid spatial planning.
- Spatial sustainability: This building line departure and tourist accommodation will not in any way compromise on valuable agricultural land and environmentally sensitive areas.
- Spatial resilience: This building line departure and tourist accommodation does not contradict the PSDF, OMGMS and the SDF which are credible documents promoting spatial resilience. This by implication will result in the proposed change in land use being spatially resilient particularly during times of economic and environmental volatility.
- Good administration: This application will follow the prescribed Municipal procedure of public participation and will promote a joint planning approach between the Municipality, WRAP and the general public.

This application took into consideration the site-specific circumstances of the subject property, title deed restrictions, and services connected to the property, various planning policies and the planning principles and the application therefore complies with the requirements of all the essential elements taken into consideration.

ANNEXURE D

43 Viljoen Street
Onrus

15 January 2018

The Director: Infrastructure and Planning
Town Planning Hermanus
Overstrand Municipality
16 Paterson Street, Hermanus



TP A Theart
(C H Olivier)

Dear Mr Muller

ERF 3506, 45 VILJOEN STREE, ONRUS RIVER: PROPOSED DEPARTURE AND CONSENT USE

In response to your notice to Affected Parties regarding the above application, as indicated in our earlier correspondence submitted as part of this application, we have no in principle objection to this application as set out in the documentation provided to us.

We would require a stamped copy of this amended title deed.

Yours sincerely

Phillip G Parsons

Phillippa Parsons

FILE NO:	EL 3506 Onrus River
SCAN NO:	HON 3506
COLLABORATOR NO:	1119757

TP 16 JAN 2018

CP

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 3506, ONRUS RIVER (3710)**

Stormwater (SW) : In order
Electricity : Escom
Water : In order
Sewer : In order
Roads and traffic : In order

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
4. that stormwater be allowed to discharge through Erf 3506, Onrus River, unobstructed;
5. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

21/2/2018

DATE

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: H. Olivier	Van / From:	Department Operational Services
Afskrif / Copy:		Datum / Date:	4 January 2018

Ref: Erf 3506, Onrus River

RE: APPLICATION FOR DEPARTURE (BUILDING LINE) AND CONSENT USE ON ERF 3506, ONRUS RIVER

The request for comment from the Department: Operational Services (Hermanus) dated 14 December 2017 with regard to the abovementioned proposal refers.

The Department: Operational Services (Hermanus) **has no objection to the application for departure with regard to the building line restrictions and consent use on Erf 3506, Onrus River as indicated in the application, subject to the following conditions:**

1. That the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development on Erf 3506, Onrus River.
2. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage.
3. That on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Operational Services.
4. That any additional and / or extended vehicle entrances will be for the owner's account.
5. That, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval.

Yours faithfully



T.I. Marx
Principal Technician: Operational Services
Hermanus



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Hermanus