

## 4.4

**ERVEN 2295 AND 2296, 76 AND 78 LONGSTREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, DEVIATION FROM THE OVERSTRAND MUNICIPALITY GROWTH MANAGEMENT STRATEGY (2010), REZONING, SUBDIVISION AND DEPARTURES: MESSRS FJC CONSULTING ON BEHALF BAJAK INVESTMENTS (PTY) LTD**

**2295 & 2296 HSB (3705)**

**H van der Stoep**

**18 July 2019**

**(028) 313 8900**

**Hermanus Administration**

### 1. EXECUTIVE SUMMARY

An application was received on 26 September 2018 (final amended) from Messrs FJC Consulting on behalf of Bajak Investments (Pty) Ltd applicable to Erven 2295 and 2296, Sandbaai for the following:

- Consolidation of the above properties in terms of Section 16.(2)(e) of the By-Law;
- Deviation from the Overstrand Municipality Growth Management Strategy, 2010, in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2002 (Act 32 of 2000), for the increase of the development density of the above properties as a site-specific deviation from ten (10) – twenty (20) dwelling units per hectare to thirty two (32) dwelling units per hectare in order to accommodate six (6) General Residential Zone 1: Town Housing erven, one (1) Transport Zone 2: Road and Parking (private road) erf, and one (1) Open Space Zone 3: Private Open Space erf on the properties;
- Rezoning in terms of Section 16.(2)(a) of the By-Law of the above consolidated property from Residential Zone 1: Single Residential to Subdivisional Area Zone;
- Subdivision in terms of Section 16.(2)(d) of the By-Law of the above consolidated property in six (6) General Residential Zone 1: Town Housing erven, one (1) Transport Zone 2: Road and Parking (private road) erf, and one (1) Open Space Zone 3: Private Open Space erf;
- Departure in terms of Section 16.(2)(c) of the By-Law in order to develop the above Open Space Zone 3 erf for the storage of refuse;
- Departures in terms of Section 16.(2)(b) of the By-Law to (refer to the Subdivisional Plan) in order to:
  - accommodate the proposed building for the storage of refuse on the above Open Space Zone 3 erf that is to be built up to the external street boundary of the proposed town housing scheme;
  - relax the external street building line of the proposed town housing scheme from 5m to 4,5m to accommodate the proposed dwelling units on Portions 1 and 6 thereof;
  - relax the lateral building line applicable to the external lateral boundary of the proposed town housing scheme from 3m to 1m to accommodate portions of the proposed dwelling units on Portions 2 and 3 thereof;

- relax the setback with regard to garages from the curb of the internal private road of the proposed group housing scheme from 5m to 3,48m and 0m, to respectively accommodate the proposed garages on Portions 1, 2 and 6 thereof; and
- the relaxation of the width of the internal private road reserve of the proposed group housing scheme from 8m to 6m.

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

## **2. DECISION AUTHORITY**

Municipal Planning Tribunal

## **3. BACKGROUND / SITE HISTORY**

Both erven are zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipality Zoning Scheme Regulations and measures a total of 1875m<sup>2</sup> in extent. The properties are currently vacant and underutilised.

## **4. SUMMARY OF APPLICANT'S MOTIVATION**

Due to the comprehensive nature of the Motivation Report only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- The properties on the opposite side of Long and Jimmy Smith Streets are typically residential in nature with erf sizes ranging from ±700m<sup>2</sup> to ±1500m<sup>2</sup>, which represents a very low-density residential area with a much higher residential density north of End Street.
- The application is conforming with and giving effect to the densification strategies put forward at local, as well as provincial level that calls for the integration of different densities and house types.
- A total of six (6) town house units will be developed. Should the two (2) properties be consolidated it can be subdivided into three (3) portions and each portion having a main and a second dwelling unit. This approach does not allow for a consistent architectural style and would be associated with six (6) carriageway crossings as is potentially the case with Erven 2297, 2298 and 2299. The development of a six (6) unit town house development is a much more attractive option.
- The owner intends to develop the property with the six (6) town house units and not to dispose of vacant land parcels.
- Many of the properties in the immediate vicinity are vacant or underdeveloped. Undeveloped properties have been specifically identified as an attractive means of densification into areas as it is not associated with an existing structure which must be converted to accommodate additional dwellings. In these cases the units can be purposely designed.
- There are no restrictive conditions in the Title Deeds which conflict with the proposed development.

- General Residential Zone 1 would ordinarily permit a total of 6,5 units in this instance, which is in keeping with the proposed six (6) units.
- The proposed coverage for the site area is 28,4%.
- A maximum height of 6,539m is proposed.
- The dwelling units on Portions 1 and 6 will be 4,5m from the external road in lieu of 5m. The proposed refuse room will be on Portion 8 to be zoned Open Space Zone 3. Application is made to accommodate the refuse room on (0m) the external street boundary.
- Further application is made for the departure to permit the proposed town house units on Portion 2 and Portion 3 to be 1m from the side boundary in lieu of the required 3m.
- The garages on Portions 1 and 2 will be 3,48m from the internal road boundary and the garage on Portion 6 at 0m in lieu of the required 5m. However no tip up doors will be used, which will not encroach onto the roadway.
- The maximum height of the dwelling units are proposed at 6,539m in lieu of the allowable 8m.
- Garages of Portions 1, 5, and 6 are proposed on the internal side boundary. Notwithstanding this, the applicant confirms that none of the proposed garages account for more than 50% of the length of the affected boundary, and thus no departure application is required.
- The proposed development proposes one (1) covered garage and one (1) uncovered parking bay for Portions 2 to 4; and double garages for Portions 1 and 6.
- Application for departure is herewith submitted to permit the proposed internal road width of 6m in lieu of the required width of 8m.
- Improved private open spaces within the residential portions concerned tend to be more optimally utilised, well-maintained and results in reduced levies to the home owner's association.
- As stipulated in UR 12 of the PSDF, public transport is available in Main Road, which is approximately 270m from the properties concerned. Recreation is available along the coast line which is  $\pm 570$ m from the properties concerned. Shopping and potential employment opportunities are available in Long Street  $\pm 250$ m from the properties concerned. There are additional potential employment opportunities in the industrial sector, which is located  $\pm 670$ m from the subject properties concerned.
- The MSDF states the provision of a range of residential types and appropriate densification strategies should be promoted.
- The MSDF further states that the urban footprint of Greater Hermanus should be contained within a well-defined urban edge. Residential/housing uses must be viewed as a priority. In addition, urban sprawl must be reduced by increasing residential densities in an accepted urban growth management principle.
- Spatial Justice – the proposal can make a direct contribution to by way of increasing access to the area concerned in the increased density associated with it.
- Spatial Sustainability – the proposal seeks to accommodate the demand for housing within the urban edge, in residential densification in established well-located central urban areas. Renewable natural resources will be explored. Materials that will not require frequent maintenance / replacement will be utilised. Employment and materials will be sourced locally, during the construction and operational phases.
- Efficiency – the proposal will result in the optimised use of existing resources and infrastructure.

- Spatial Resilience – a different house type is explored and introduced into the area, which demonstrates rigidly defined areas which cater for static forms of residential accommodation in low-density single dwelling units on separate plots.
- Good administration – forward planning informants in the PSDF, MSDF as well as the Overstrand Sectoral Densification Strategy, which were addressed in the compilation of the motivation, collectively confirm the consistency of this application.
- There are no building located close to the common boundaries of Erf 2295 and Erf 2296, Sandbaai. Therefore, the proposed side building line departure on the boundary shared with Erf 2825, Sandbaai will not have any material impact on the abutting property.
- All of the departures applied for do not have any material adverse impact on any of the surrounding properties. All internal departures are only relevant to the future residents of the proposed town house units on the subject properties, in that the proposed departures do not impact on properties or persons outside of the proposed development.
- Any potential impact on the streetscape is controlled by only having two (2) of the proposed units will front directly onto Long Street. The natural and built environment will be improved by the proposed landscaped areas which the layout plan proposes.
- The subject properties are currently zoned Residential Zone 1. The reason for the application is to ensure a combined access arrangement, the collection of refuse with a gated development is more organised and to ensure an attractive and consistent architectural style with landscaping.
- It is recommended that the above application be approved.

##### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	6/12/2018	25/01/2019
Notices	Yes	4/12/2018	25/01/2019
Ward councillor	Yes	4/12/2018	4/01/2019
Total comments	<b>TWO (2)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 47 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?			<b>N/A</b>

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

Name	Date received	Summary of comments	Recommendation
Building Control	19/12/2018	Referred to Heritage and Aesthetics Committee.	No comment
Overstrand Heritage and Aesthetics Committee	22/01/2019	Supported. Submit to Heritage Western Cape.	Supported
Environmental Officer	15/02/2019	No objection.	Supported
Fire Department	9/01/2019	See Annexure F.	Supported
Engineering Services	5/03/2019	See Annexure G.	Supported
Telkom	6/02/2019	See Annexure H.	Supported

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) objections were received, whereby one (1) objection was received ten (10) working days after the closing date for public comment. However, the same points were raised in both objections and are evaluated below.

Objections received from Mr Blair Milne and Mr Ian Buckland (attached as Annexure D) can be summarised as follows:

- (a) The applicant states that Erf 2297, Sandbaai is vacant and undeveloped, which is untrue.
- (b) How can a developer deviate or depart from Municipal legislation and state in 2.7 of the motivation that there are no restrictive conditions which are in conflict with the proposed development, since they are subject to the Building Regulations, By-Law and Acts?
- (c) The proposed development does not take into consideration the impact it will have on the rights of the surrounding property owners. The proposed height of the dwelling units will create light and viewing restrictions to the surrounding properties. It will impinge upon the privacy of the owner of Erf 2297, Sandbaai.
- (d) All around the Sandbaai area it is one (1) erf, with one (1) dwelling unit, all in accordance with the Municipality's By-Laws, acts and building regulations. How can the applicant argue that it will be the correct and better way to utilise the erven?
- (e) If approved, the proposal will set a precedent for future developers to exploit and cite as motivation for the same type of "high density" development.

## 8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant's response to the comments / objections can be summarised as follows (attached as Annexure E):

- (a) The applicant concedes that Erf 2297, Sandbaai is developed. However, all aerial imagery available for Sandbaai shows it as vacant.
- (b) With regards to 2.7 of the motivation, the applicant states as part of the land use assessment that there are no restrictive title deed conditions, which are in conflict with the proposal.
- (c) The objector fails to specify the impact on the neighbours and surrounding area. No comment is offered in this regard. In terms of the current zoning (Residential Zone 1: Single Residential) a building measuring 8m in height is permissible. Erf 2299, Sandbaai is ±70m from the subject properties. The proposed maximum height of the proposed dwelling units is 6,539m. No windows / openings are proposed on the first floor facing directly onto Remainder Erf 572 and Erf 2297, Sandbaai. As a result, no opportunity for overlooking of either objector's properties is foreseen.
- (d) The subject properties could be consolidated and subdivided into three (3) separate portions, similar to that of Erven 2297, 2298, and 2299, Sandbaai. Second dwelling units are permitted as of right in terms of Residential Zone 1: Single Residential. However, aspects such as architectural style, access, landscaping, etc. are better controlled with the current proposal. In addition, one (1) additional parking bay is required with second dwelling units and two (2) parking bays are required for each dwelling unit within a town housing development.
- (e) For all intents and purposes, the application concerned aims to achieve an arrangement, which already exists on Erven 2297, 2298, and 2299, Sandbaai where each of these erven can develop two (2) units with the end result being six (6) units in total.

## 9. MUNICIPAL ASSESSMENT OF COMMENTS

The Town Planner's response to the comments / objections received is as follows:

- (a) The concerns raised by the objectors are noted, as well as the comments from the applicant.
- (b) The Town Planner supports the applicant's response in this instance as a Conveyancer's Certificate was submitted as part of the application, which confirms that no restrictions exist in the Title Deeds that will prohibit the approval of this application. It should be noted that the proposal is to deviate from the Overstrand Growth Management Strategy, which is a strategic policy approved by Council.
- (c) The concerns raised by the objectors are noted, as well as the comments from the applicant. As a result of the proposal more restrictive building lines will be

applicable on the outer perimeter, in addition to more parking requirements in terms of the Zoning Scheme Regulations.

- (d) Town housing is located  $\pm 300\text{m}$  to the west of the properties and approximately sixteen (16) town housing developments are situated to the north of End Street. However, the majority of the core urban area of Sandbaai is made up of properties zoned Residential Zone 1: Single Residential. Although second dwelling units are included as a primary use right, second dwelling units are restricted to a total floor area of  $120\text{m}^2$ , which in turn minimises the impact it might have on the surrounding area. Dwelling units and second dwelling units must be located on the same erf. The zoning and land use proposed is residential in nature, which is compatible with the surrounding area. However, the density and number of units proposed is not compatible with the character of surrounding area, which will be discussed later in the report.
- (e) Each land use application submitted in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, is evaluated on its own merits. However, applications of this nature can alter developer expectations for potential developments in the area.

## **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 not completely in line with the planning objectives applicable to this application as set out below. The objectives relating to:

#### Spatial Justice

The application will not perpetuate spatial injustices.

#### Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No negative influence on the natural environment or prime and unique agricultural land will occur.

#### Efficiency

The application will optimise the use of existing municipal services and infrastructure.

#### Spatial resilience

The application will ensure that the existing resource (land) is utilised to its maximum in an affordable manner, but it is not in line with the Overstrand Municipality's forward planning documents.

#### Good administration

The application was processed in accordance with the applicable timeframes stipulated in the relevant planning legislation.

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

Partially the same as Point 10.2 above.

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

Consistent with the Zoning Scheme, but inconsistent with the Spatial Development Framework and the Overstrand Municipal Spatial Growth Management Strategy.

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

N/A

**10.6 Impact on Municipal engineering services**

The existing services are available and are viewed positively by the Engineering Department.

**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 not in line with the Overstrand Spatial documents.

**10.9 THE DESIRABILITY OF THE PROPOSAL****Development Proposal**

The purpose of this application is to establish six (6) residential units with a private road and a refuse room. No communal open spaces are proposed and all six (6) units will gain access from a private road in the development that links onto Long Street. In order to accommodate the residential units, the application includes a series of departures.

The application for Consolidation, Rezoning, Subdivision and series of Permanent Departures will result in a development consisting of the following:

- 6 x General Residential Zone 1: Town Housing (GR1) erven (measuring from  $\pm 240\text{m}$  to  $\pm 340\text{m}$  in extent);
- 1 x Transport Zone 2: Road and Parking (TR2) for a private road (measuring  $\pm 242\text{m}^2$  in extent); and
- 1 x Open Space Zone 3: Private Open Space (OS3) to accommodate a refuse room (measuring  $\pm 11\text{m}^2$  in extent).

It should be noted that the incorrect section, in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, was quoted in the notice/advertisement for the departure to accommodate the refuse room on proposed Portion 8. However, this can be deemed an administrative error and

does not materially alter the merits and/or intent of the application submitted. The initial notice quoted "... *Section 16(2)(c)*", whereas application was made in terms of *Section 16(2)(b)* of the By-Law. This is corrected in the recommendation below.

### **Locational Context**

The surrounding area is characterised predominantly by residential uses and ancillary activities with a town hall located  $\pm 200\text{m}$  to the west. Local businesses are situated  $\pm 250\text{m}$  to the north-west. Access will be gained directly from Long Street, which links onto Main Road and subsequently the R43 to the north.

### **Impact on Existing Rights**

Erf 2825, Sandbaai abuts the subject properties, is currently vacant and measures  $\pm 2,7\text{ha}$  in extent. The boundary shared between the subject properties and Erf 2825, Sandbaai is where the departure application of the perimeter building line of the side boundary is applicable for a portion of proposed Unit 2 and Unit 3. The applicant wishes to encroach onto the 5m street building line, applicable on the outer perimeter of the development, by 0,5m. This is a 10% deviation and can be seen as having a minimal impact on the surrounding area. Due to the scale and context of the proposal, the applicant wishes to depart from the minimum internal road width, from 8m to 6m. It is not foreseen that this deviation will have a negative impact on road users, traffic volume and type of vehicles that will make use of the road. However, considering all the applications for departure (in its entirety), it can be viewed the developer is trying to establish a development not suited for the site concerned.

Emergency services (such as the Fire Department, ambulance services, etc.) shall enjoy unobstructed access to all portions of the proposed development. The rights and privacy enjoyed by the surrounding area will not be negatively impacted on.

The purpose of the departure is to allow the refuse room on the street boundary, where a 5m street building line is applicable. This will have a minimal negative impact on the streetscape, and considering the scale and footprint of the refuse room can be deemed a minor deviation from the development parameters of the Zoning Scheme. Engineering Services required that the refuse room be easily accessible from the street. The refuse room can be restricted to a height of 2,1m or not exceed the height of the boundary wall, whichever is more restrictive. This will further preserve the current streetscape and minimise the impact the development might have on the surrounding environment.

The proposed residential units are uniform in design and architectural form and will utilise an internal private road and refuse room. A Home Owner's Association must be established to ensure the upkeep of the communal facilities and internal services.

### **Zoning Scheme Requirements**

The proposed zonings are General Residential Zone 1, Transport Zone 2 (private road) and Open Space Zone 3 (refuse room). Adequate parking is provided as required in terms of the Zoning Scheme regulations and space is available for additional parking if the need arises. The proposal adheres to all other provisions of the Zoning Scheme besides the departures which are applied for. It should also be noted that the uses proposed in the portions to be zoned Transport Zone 2 and Open Space Zone 3 can all be accommodated under General Residential Zone 1.

The applicant compares this proposal with the development potential of Erven 2297, 2298, and 2299, Sandbaai. These erven are zoned Residential Zone 1: Single Residential in terms of the Zoning Scheme and second dwelling units are permitted as of right. This means that a total of 6 dwelling units are permissible on these erven. The same amount of dwelling units the applicant proposes. However, the key difference is that second dwelling units are limited to a maximum floor space of 120m<sup>2</sup>, may not be alienated in terms of the Sectional Title Act, and requires 1 additional parking bay in terms of the Zoning Scheme. The aforementioned inherently lowers the impact second dwelling units may have on the surrounding character of the area as opposed to a Town Housing Scheme.

Another key aspect the applicant fails to address is Section 6.2.2(e)(iv) of the Zoning Scheme, regarding the 2.0 metre side space between buildings on adjacent land units. It is clear that the proposed garages on Unit 3 and Unit 4 do not comply with this restriction and no application to depart from this restriction is applied for.

### **Impact on Engineering Services**

A Preliminary Civil Engineering Services Report was done by Cape Spectrum Engineering in February 2018. The report concluded in saying that all internal water, sewage, and stormwater reticulation can be connected to the existing municipal network. That all internal minimum design requirements be in accordance with the "Guidelines for Human Settlement Planning and Design" (Red Book), "Geometric Design of Urban Local Residential Streets", "TRH4, Structural Design of Flexible Pavements for Interurban and Rural Roads". Engineering Services confirmed that adequate capacity is available to accommodate the proposed development and it is supported subject to certain conditions contained in their report attached as Annexure G.

### **Public Participation Process**

All other relevant organs of state the application was circulated to did not provide any negative comments. The objections submitted from interested and affected parties were addressed in point 7., 8., and 9.

### **Strategic Documents and Council Policies**

The applicant proposes a higher density than what is designated to the area in the Growth Management Strategy, 2010 (GMS). The application area falls

within an area identified as Planning Unit 7 as stipulated in the GMS, which falls within the Densification Zone of 10 – 20 du/ha. The development will result in a density of 32 du/ha, which is higher than what is earmarked for the area. It can be considered C2 housing unit type topology as stipulated in the GMS. This housing type contains land units measuring  $\pm 300\text{m}^2$  and a typical density of 22 du/ha. As a densification consideration, 20% (of the 30% Assumed Residential Developable Area) within Planning Unit 7 can be made up of C2 housing unit type typology with the residential development on Erf 2847, Sandbaai fulfilling a large portion of that percentage. The target gross density within Planning Unit 7 is at 16,5 du/ha. The proposal is considered undesirable for the following reasons:

- the proposed deviation is deemed too extensive and not in line with the above mentioned as highlighted in the GMS;
- it is an increase almost double (93,9%) to that of the target gross density for Planning Unit 7; and
- the development will result in six (6) residential units measuring an average  $\pm 270\text{m}^2$ , which is in contrast with the average erf size in the immediate; thus, not in line with the character of the area.

In view of the above, the proposed deviation from the Overstrand Municipal Growth Management Strategy, 2010, in order to accommodate the proposed density of 32 du/ha, in lieu of 10 – 20 du/ha, is recommended for refusal and be referred to Council for consideration.

As stipulated in Section 7.7.1.(iv) of the Overstrand Municipal Wide Spatial Development Framework (SDF), the urban footprint must be contained within an urban edge. Section 7.7.3.(a) LPL 2 states: “...*the need to provide for integration and a balanced mix of housing types for the full range of income groups must also inform decision-making*”. The properties are centrally located in the settlement of Sandbaai within the approved Urban Edge. However, it is considered too dense and not in line with Section 7.7.3.(a) as mentioned above.

The concerns regarding the excessive density proposed were discussed with the applicant and it was advised to amend the application to lower the density. The applicant then requested that the application be processed in its current form.

In view of the above, the proposed rezoning is deemed desirable. However, the proposed consolidation, subdivision and series of departures, which results in the increased density is deemed too extensive and is in contrast with the character of the surrounding area

## 11. RECOMMENDATION

1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the consolidation of Erven 2295 and 2296, Sandbaai to form one (1) cadastral unit measuring  $\pm 1875\text{m}^2$  in extent, **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)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the rezoning of the consolidated erf, from Residential Zone 1: Single Residential to Subdivisional Area Zone (SA), **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, for the subdivision of the consolidated erf to create the following:
  - Six (6) Residential Zone 1: Single Residential Zone (SR1) erven ( $\pm 1619\text{m}^2$  in extent);
  - One (1) Transport Zone 2: Road and Parking erf for a private road ( $\pm 242\text{m}^2$  in extent); and
  - One (1) Open Space Zone 3: Private Open Space erf to accommodate a refuse room ( $\pm 11\text{m}^2$ );

**not be approved**, in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of the Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, for a series of permanent departures to:
  - permit the proposed refuse room 0m from the perimeter street boundary;
  - permit Unit 1 and Unit 6 4,5m from the perimeter street boundary in lieu of 5m;
  - permit Unit 2 and Unit 3 1,0m from the perimeter lateral boundary in lieu of 3m;
  - permit Unit 6 0m from the internal road kerb in order to accommodate a garage;
  - permit Unit 2 and Unit 1 3,48m from the internal road kerb in order to accommodate a garage; and
  - relax the width of the internal road reserve from 8m to 6m;

**not be approved**, in terms of the provisions of Section 61 of the By-Law.
5. that the applicant and objectors 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 decision.

#### RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010, for the increase of the development density of Erf 2295 and Erf 2296, Sandbaai as a site-specific deviation from ten (10) – twenty (20) dwelling units per hectare to thirty two (32) dwelling units per hectare, in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **not be approved**.

**12. REASONS FOR NON-APPROVAL**

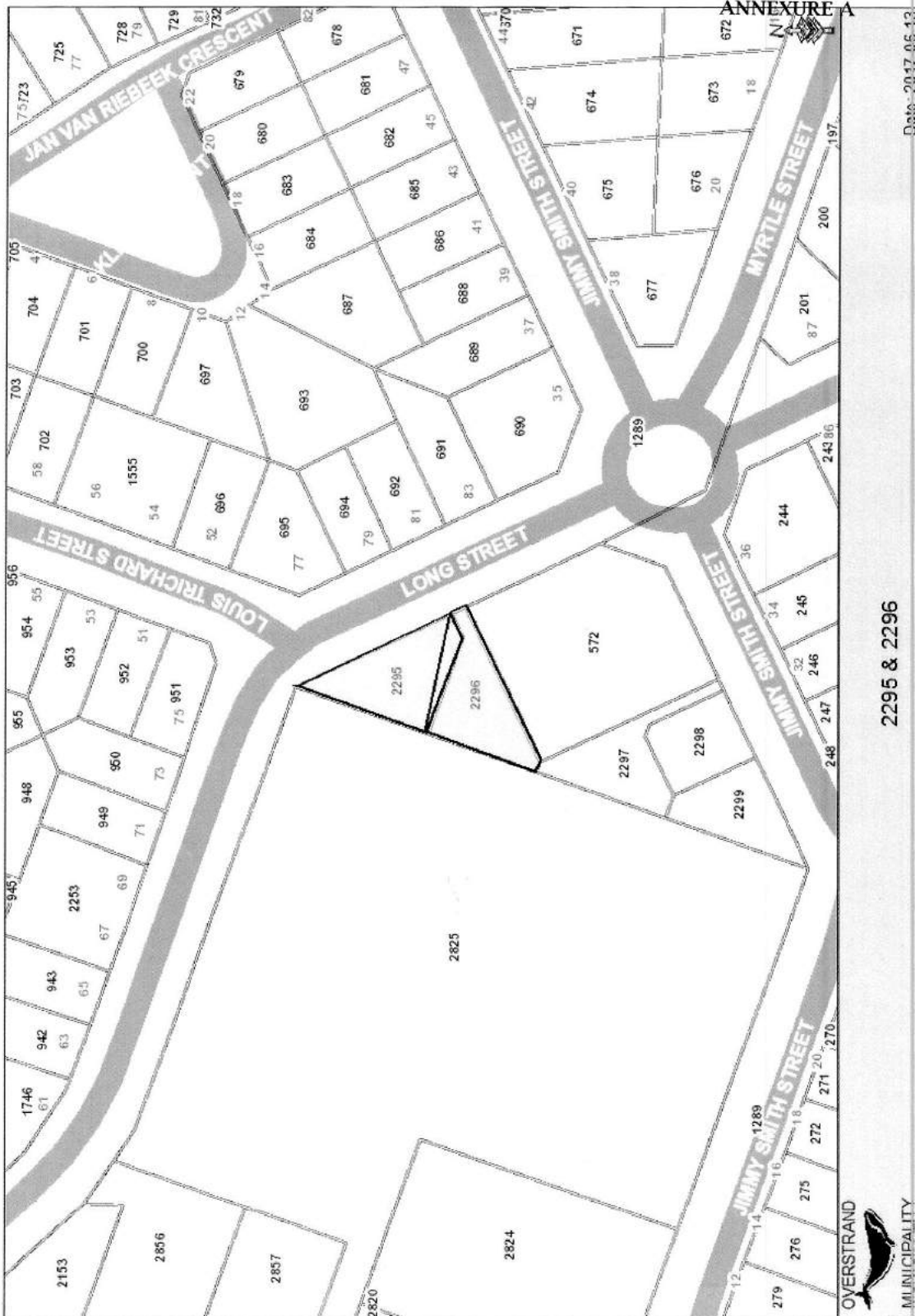
- ❖ The application is in contrast with the character of the surrounding area as a result of the higher density proposed.
- ❖ The number of departures required to accommodate the proposal in its current form is a clear indication that the number of units cannot be accommodated on the proposed consolidated erf and is not in line with the character of the neighbourhood.

**13. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans / Subdivisional Plan
Annexure D:	Objections received
Annexure E:	Applicant's Response to objections received
Annexure F:	Fire Department
Annexure G:	Engineering Services
Annexure H:	Telkom

**SIGNATURES****REGISTERED PLANNER:**

Name :	<b>H VAN DER STOEP</b>
SACPLAN Reg No:	<b>A/1708/2013</b>
Signature :	_____
Date:	_____



2295 & 2296



Date: 2017-06-13

ANNEXURE A

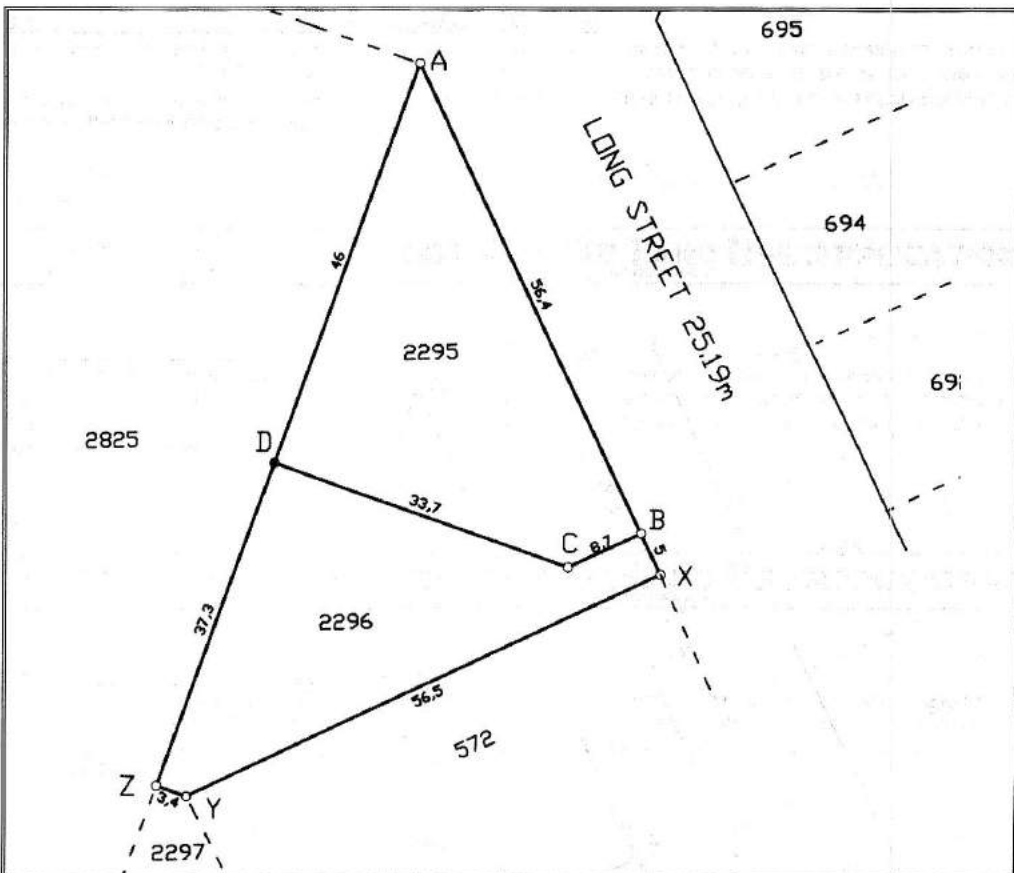
## SECTION III – THE LAND USE APPLICATION

### 3.1 Proposed Consolidation

The Client concerned (i.e. Bajak Investments (Pty) Ltd) as owner of the two constituent subject properties has resolved to ensure the consolidation of the subject properties so as to enable its subsequent development with a residential development at a density higher than is ordinarily possible in terms of the two independent land units.

The mentioned consolidation will see the amalgamation of Erf 2295 and Erf 2296 Sandbaai into a single land unit.

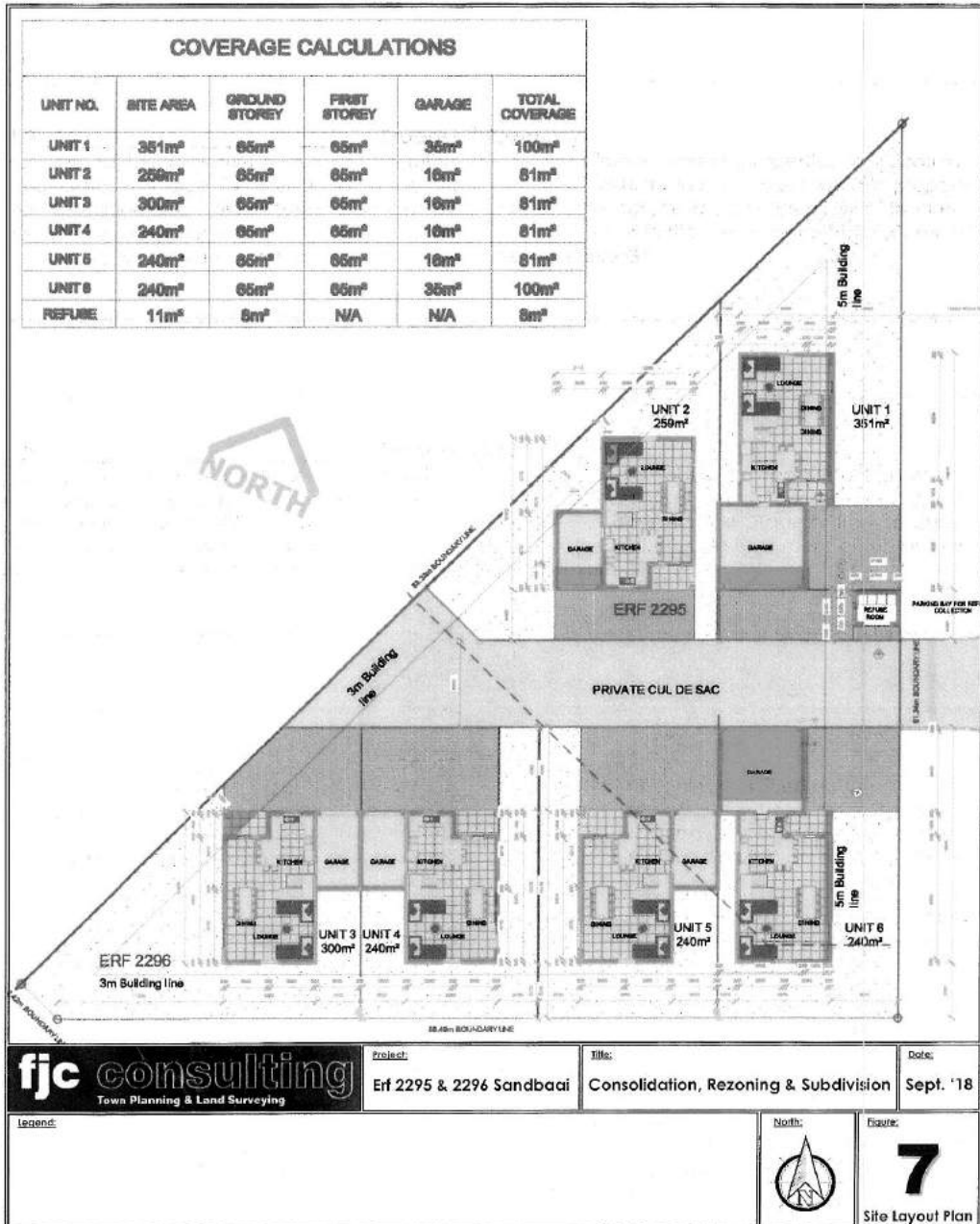
The combination of Erf 2295 and Erf 2296 Sandbaai will realise a single land unit with an extent of 1875m<sup>2</sup>, as reflected in the Plan of Consolidation attached as **Annexure F**.



<b>fjc consulting</b> <small>Town Planning &amp; Land Surveying</small>	<small>Project:</small>	Erf 2295 & 2296 Sandbaai	<small>Title:</small>	Consolidation, Rezoning & Subdivision	<small>Date:</small>	Sept. '18
	<small>Legend:</small>	<ol style="list-style-type: none"> <li>1. Figure A<sup>8</sup>BCD represents Erf 2295 Sandbaai, which measures ±1019m<sup>2</sup>.</li> <li>2. Figure DCBXYZ represents Erf 2296 Sandbaai, which measures ±855m<sup>2</sup>.</li> <li>3. Figure AXYZ represents the proposed Consolidation of Erf 2295 with Erf 2296 Sandbaai, which will measure 1875m<sup>2</sup>.</li> </ol>		<small>North:</small> 	<small>Figure:</small> <div style="font-size: 2em; font-weight: bold; margin: 5px 0;">6</div> Consolidation Plan	

**3.2 Proposed Rezoning**

Pursuant to the aforementioned consolidation of the constituent subject properties, application is simultaneously made for the approval by the Overstrand Municipality in favour of the proposed rezoning application which seeks to amend the zoning of the consolidated property from its current Residential Zone I status to that of Subdivisional Area, so as to enable the development of the property concerned with a 6-unit town house development (see **Annexure G**).



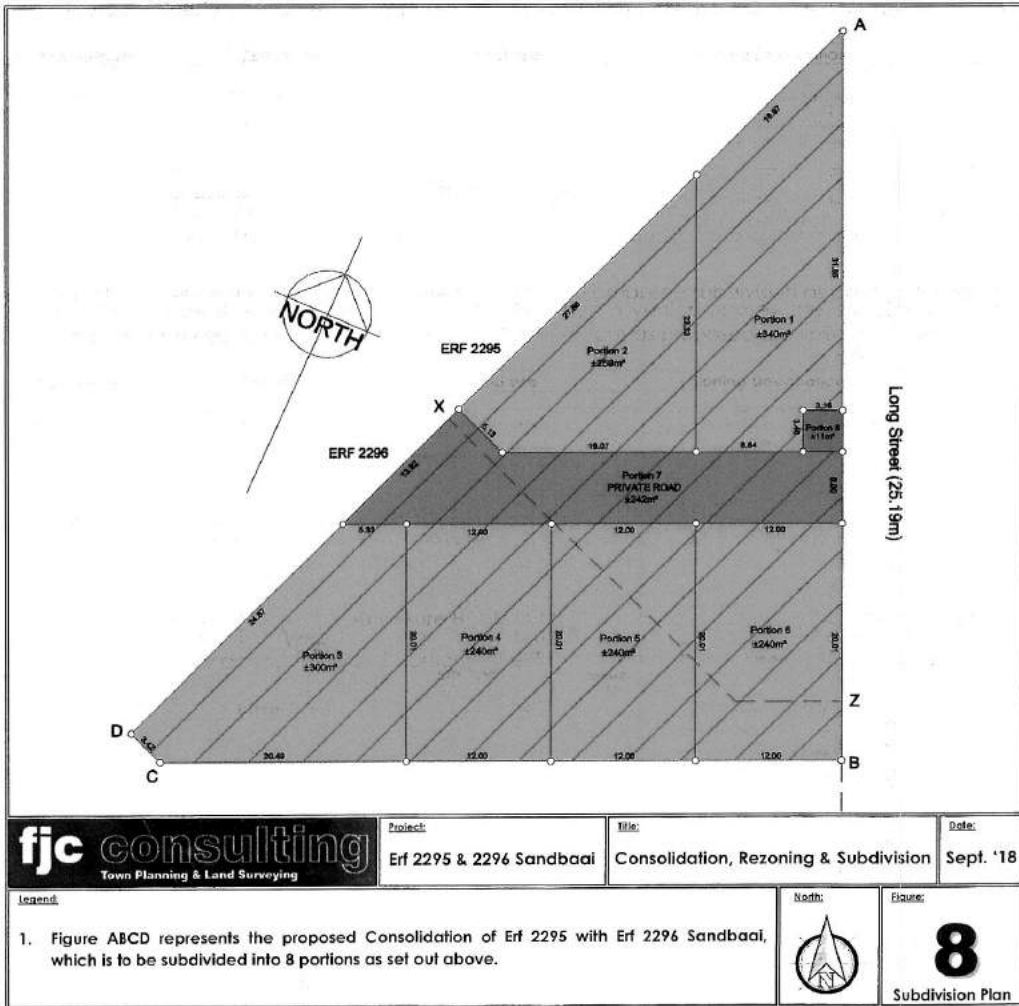
**3.3 Proposed Subdivision**

It is proposed to subdivide the consolidated and rezoned property in terms of the proposed development thereof with a 6-unit town housing scheme as set out in the associated Site Development Plan.

The Site Development Plan which informs the subdivision layout proposes the subdivision of the consolidated property concerned into 7 portions. The 7 portions as proposed are split as follows:

Portion Number	Extent (±m <sup>2</sup> )	Land Use	Zoning Designation
Portion 1	340m <sup>2</sup>	Town House	General Residential Zone 1
Portion 2	259 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 3	300 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 4	240 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 5	240 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 6	240 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 7	242m <sup>2</sup>	Private Road	Transport Zone 2
Portion 8	11m <sup>2</sup>	Refuse Room	Open Space Zone 3

The Plan of Subdivision attached as **Annexure H** sets out the proposed subdivision as applied for herein.



**fjc consulting** Town Planning & Land Surveying  
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North: Figure: **8**  
 Subdivision Plan

### **3.4 Development Controls**

This component of the application involves the **physical aspects** of the proposed buildings associated with the development of the subject properties with the 6 town houses.

The zoning scheme prescribes certain development controls, which serve to limit development within the various zones identified in the scheme.

In this regard we will assess the implications of the proposed town house development of the property concerned in terms of the following development controls of the General Residential Zone 1 (GR1):

- 3.4.1 Density**
- 3.4.2 Coverage**
- 3.4.3 Height**
- 3.4.4 Building Lines on the Perimeter of a Town Housing Development**
- 3.4.5 Building lines within the town housing development**
- 3.4.6 Parking**
- 3.4.7 Internal Roads**

Compliance of the above development rules will be tested against the Site Development Plan (see **Annexure G**), and where non-compliance is identified, the relevant departures will be applied for.

#### **3.4.1 Density**

In terms of General Residential Zone 2, the property concerned at 1875m<sup>2</sup> would be permitted to be developed with nine (9) town houses.

However, based on the location and context of the property concerned, the Applicant resolved that reducing the number of units makes for a more legible and open layout, which would ensure the creation of a better environment for the eventual owners. This is particularly realised through the increased areas of private open space for each individual plot. As a result thereof, the decision was made to rather seek to rezone the consolidated property to General Residential Zone 1, where the allowable density would ordinarily permit a total of 6.5 units, which is in keeping with the proposed development proposal of 6 town house units.

Based on the above assessment of the proposed density, it is confirmed that no departure is required.

#### **3.4.2 Coverage**

In terms of the provisions of the zoning scheme, a maximum coverage of 50% is permissible.

To this end, and based on the attached site layout plan, we are able to determine that the total proposed covered footprint associated with the 6 town house units and refuse room measures 532m<sup>2</sup>.

The proposed coverage represents a coverage of 28,4% of the site area.

Based on the above assessment of the proposed coverage, it is confirmed that no departure is required.

#### **3.4.3 Height**

In terms of the provisions of the zoning scheme, General Residential Zone 1 properties are permitted to be built to a maximum of 8,0m in height (from the base level to the top of the roof).

To this end and based on the elevations included in the attached site layout plan, we are able to determine that the maximum proposed height is 6,539m.

Based on the above assessment of the proposed height, it is confirmed that no departure is required.

### 3.4.4 Building Lines on the Perimeter of a Town Housing Development

#### 3.4.4.1 Street Boundary Building Line

In terms of the provisions of the zoning scheme, a street boundary building line of 5,0m is applicable.

From the attached Site Layout Plan, we can determine that the refuse room proposed on the Open Space 3 portion is set 0,0m from the external street boundary. In addition thereto, we also note that portions of the dwelling units on Portion 1 and Portion 6 are proposed to be 4,5m from the street boundary.

As a result of the above, application is also made herewith for a Departure to permit the proposed refuse room on the OS3 portion (i.e. Portion 8) to be 0,0m and the affected portions of the proposed dwelling units on Portion 1 and Portion 6 to be 4,5m from the External Street Boundary in lieu of the required 5,0m.

#### 3.4.4.2 Side Boundary Building Line

In terms of the provisions of the zoning scheme, a side boundary building line of 3,0m is applicable along the external side boundaries.

From the attached Site Layout Plan, we can determine that the town house units on Portion 2 (on the Ground Floor and First Floor) and Portion 3 (on the First Floor only) are proposed to be within the 3,0m building line.

As a result of the above, application is also made herewith for a Departure to permit the proposed town house units on Portion 2 and Portion 3 to be 1,0m from the side boundary in lieu of the required 3,0m.

### 3.4.5 Building Lines within the Town Housing Development

#### 3.4.5.1 Street Boundary Building Line

In terms of the provisions of the zoning scheme, the street boundary building line on internal roads is 1,0 m provided that garages must be set back at least 5,0 m from the road kerb.

From the attached Site Layout Plan, we can determine that the garages on Portion 1 and 2 are 3,48m from the internal road boundary, whilst the garage on Portion 6 is 0,0m from the internal road in lieu of the required 5,0m. To this end, the Applicant qualifies that tip up doors will not be utilised, thus there will be no encroachment of the garage doors into the road way.

As a result, application is also made herewith for a Departure to permit the garage on Portion 1 and 2 to be 3,48m and the garage on Portion 6 to be 0,0m from the internal street boundary in lieu of the required 5,0m.

#### 3.4.5.2 Rear Boundary Building Line

In terms of the provisions of the zoning scheme, a rear boundary building line of 1,0m is applicable.

Notwithstanding the above 1,0m rear boundary building line, we note that the scheme regulations proceed to qualify that:

*A building may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary;*

Based on the above allowance made, we confirm that no departures are required in terms of the internal rear boundary building line.

#### 3.4.5.2 Side Boundary Building Line

In terms of the provisions of the zoning scheme, a rear boundary building line of 1,0m is applicable.

In terms of the provisions of the zoning scheme regulations, buildings may be constructed at 0,0m on one internal side boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary.

From the attached Site Layout Plan, we can determine that the garages of Portions 1, 5 and 6 are proposed on the side boundary. Notwithstanding the above, we confirm that none of the proposed garages account for more than 50% of the length of the affected boundary, and thus no departure is required.

#### 3.4.6 Parking

In terms of the provisions of the zoning scheme regulations, parking for town houses is to be provided at a rate of 2 bays per unit – i.e. *1 bay per dwelling unit plus 1 bay per dwelling for visitors.*

The development concerned proposes the provision of two parking bays per unit (1 covered garage and 1 uncovered bay) for Portions 2-4, and Portions 1 and 6 having double garages.

Based on the above assessment of the parking provision, it is confirmed that no departure from Parking is required.

#### 3.4.7 Internal Roads

In terms of the provisions of the zoning scheme regulations, the minimum internal road reserve width is 8,0m.

From the attached Site Layout Plan, we can determine that the width of the internal road which provides access and services to the 6 town house units is proposed to be 6,0m.

As a result of the above, application is also made herewith for a Departure to permit the proposed internal road width of 6,0m in lieu of the required width of 8,0m.

#### 3.4.8 Open Space

Notwithstanding the fact that the Zoning Scheme regulations do not prescribe a minimum open space requirement for town house developments in the General Residential Zone 1 use zone, the Applicant gave this aspect due consideration and found that improved private open spaces within the residential portions concerned tend to be more optimally utilised as opposed to a common open area; also the maintenance and care that such space is better managed as part of the privately owned portions as opposed to being included in the administration and management by the homeowners association, which also means a reduced levy is to be paid.

As a result of the above, the Applicant resolved to forego the communal open space and rather include such space in the respective plot sizes of the town house portions.

### 3.5 Services

With regard to the potential demand that the proposed higher density development is associated with, the Applicant has instructed Consulting Engineers to produce a Preliminary Services Report.

The said report which deals with the Water Reticulation, Sewage, Storm Water, Roads and Access is attached hereto – see **Annexure J**.

Notwithstanding the attached Preliminary Report, the Applicant anticipates that in the course of assessing the application concerned that the affected services branches of the Municipality will be approached for their comment. In the event that any of the affected services branches is of the considered opinion that their network does not have the necessary carrying capacity to

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accommodate the additional demand represented by the additional four dwelling units, then such concern will be relayed to the Applicant for consideration and response.

Whilst we trust that the densification objectives of the Municipality are associated with the necessary services capacity upgrades needed to facilitate such density increases, we will nevertheless await comment from the affected branches of the Municipality.

## SECTION IV – MOTIVATION

### 4.1 Provincial Spatial Development Framework (2005)

The Provincial Spatial Development Framework (2005), which was recently confirmed by the Department of Environmental Affairs and Development Planning in their Provincial Circular 10/2009 as being approved as a Structure Plan in terms of Section 4(6) of the Land Use Planning Ordinance. The effect of this approval serves to render the provisions of the PSDF as binding as opposed to just guiding. To this end, the prescription of the attainment of higher densities where appropriate in metropolitan areas, as long as they have not been identified as biodiversity priority or priority open spaces must be seen to actively encouraged and facilitated. The relevant policies state as follows:

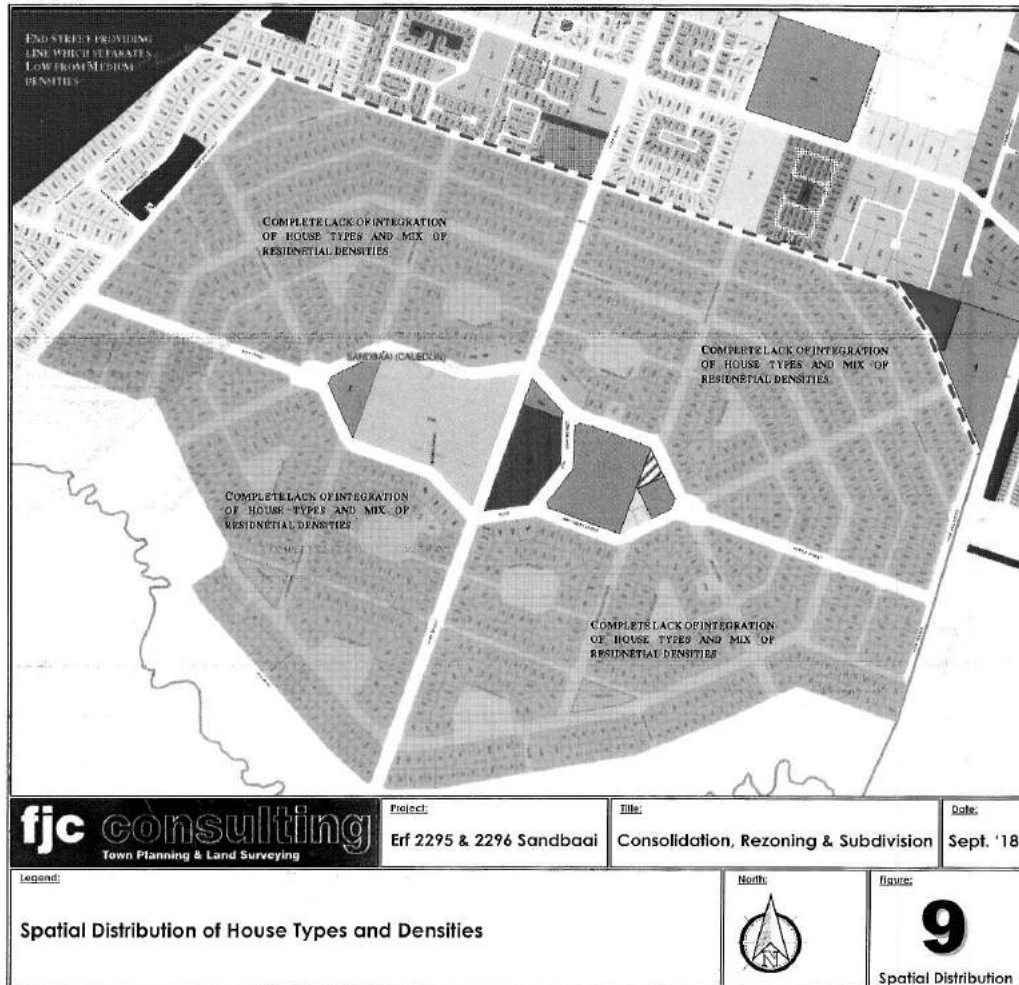
UR 2 *The average gross residential density in urban settlements experiencing urban growth shall be encouraged to increase to 25 du/ha before further extensions to the Urban Edge are considered. (M) The term "average" implies that densities may be as low as 3 – 6 du/ha on the urban periphery but should increase to 40 – 60 du/ha at or near the centre or other highly accessible nodal points or other identified nodal centres in the urban areas. The general pattern is that densities should be higher towards the core and lower towards the periphery after taking heritage, environment and other constraints such as services capacities into account. Densification should only occur in strategic parts of urban settlements such as along major routes, around open spaces or well located pieces of land or in under developed areas whose good location warrants increased development. Heritage resources should be taken into account so that these are not inappropriately destroyed.*

UR 12 *50% of the five major urban activities; public transport, residence, recreation, shopping, and employment should be accessible within walking distance (1000m) of residential dwellings.*

In terms of the five (5) major urban activities concerned, an assessment of the application and property concerned served to provide the following observations:

- ♦ Public Transport: Public transport is available in Hoof Street which is approximately 270m from the property concerned.
- ♦ Recreation: Recreation is available along the coast line which is a mere ±520m walk from the property concerned.
- ♦ Shopping and Employment: Shopping and potential employment opportunities are available in Lang Street approximately 250m walk from the property concerned. There are additional potential employment opportunities available at the industrial sector which is approximately 670m from the property concerned.

It should also be noted that in keeping with the principle and objective of greater access to facilities, the property concerned immediately abuts an area which is zoned Special Zone – a zone in terms of the zoning scheme which requires the Consent of Council and is for a special usage, which means any other use determined by Council when approving a Special Zone and which is not catered for under a primary or consent use contained in the scheme. This use zone designation intimates a potentially unique development for which no provision has been made in the other use zones, a development which our application will provide greater access to via the greater threshold represented by the application concerned. Easier access to any potential institution or otherwise would augur well for a development which proposed an increase in density, which in turn would suggest increased access to such facilities.



#### 4.2 Overstrand Sectoral Densification Strategy

The Overstrand Densification Strategy also serves to confirm both the need and desirability of development that is able to sensitively bring about increases in density, without severely impacting on the character of the affected areas.

The mentioned strategy identifies certain salient points, which include:

- 4.2.1 Objectives of the Study
- 4.2.2 Spatial Concerns
- 4.2.3 Defining Densification
- 4.2.4 Dealing with Misconceptions of Densification
- 4.2.5 Advantages of Densification
- 4.2.6 How to Realise Densification

The Strategy concerned looked at the above aspects in more detail. Extracts of the presentation are quoted below:

#### 4.2.1 Objectives of the Study

The overall objective of this initiative will be to provide a set of appropriate area specific policy guidelines which can be used by the Council to proactively direct and manage the implementation of urban densification measures in a manner that is sensitive to the character of the various towns and settlements within the Overstrand Municipality.

Such a Sectoral Densification Strategy will, inter alia:

- promote a more compact, denser, efficient and environmentally sustainable;
- protect sensitive environments and resources within and outside the urban edge; and
- rationalise bulk infrastructure and service capacity to ensure that the bulk capacity is provided in the urban areas where growth and development is considered desirable

The effective implementation of an appropriate and area specific densification policy for the towns within the Overstrand Municipal Area has many advantages, viz:

- It will serve to direct growth inwards and provide a workable alternative to urban sprawl;
- It will ensure that the mechanisms and interventions required to effectively implement the densification strategy are sensitive to the unique character and diversity of the various urban environments within the municipal area
- It will encourage the provision of an appropriate range of housing types for all sectors of society

#### 4.2.2 Spatial Concerns

These concerns include:

- Growth Pressures;
- Urban Sprawl;
- Housing Need;
- Integration of Urban Areas
- Traffic Congestion

#### 4.2.3 Defining Densification

Before we can begin to understand the concept of densification, it is important to first define it. The strategy concerned defines densification as follows:

***"Densification is the process whereby residential densities (the number of dwelling units per hectare) are increased in a planned and meaningful way within the existing boundaries of a specific area"***

(CMC, 2000)

#### 4.2.4 Dealing with Misconceptions of Densification

The term densification often conjures up certain misinformed ideas of what the concept entails. The strategy deals with some of the more common misconceptions that are often held with regard to densification. These misconceptions include:

- Single-dwelling Residential Use is not compatible with High Density
- High-density means High Rise
- High-density developments are unattractive and will impact negatively on the quality of Lower-density Residential areas
- High-density development is responsible for negative social conditions

These misconceptions as have been expended upon in the strategy are similarly quoted below:

- Single-dwelling residential use is not compatible with high density residential development  
There are many situations where low-rise, high density development is compatible with single dwelling residential development. It is generally a case of good overall design and keeping development to a compatible scale and height.
- High-density development means high-rise  
High-density does not necessarily imply high-rise development. Acceptable levels of densification can be achieved through well-designed, low and medium rise development and by the creation of smaller erven (ground-floor development). The height of developments should be appropriate to the scale and context of the surrounding urban environment.
- High-density developments are unattractive and impact negatively on the quality of lower-density residential areas  
The perception has been fueled by examples of unattractive and poorly designed development in low income areas. High-density developments that are well designed and integrated into the surrounding environment will be more attractive, both in low-income and high-income areas. There are many examples of acceptable high density developments that have not negatively impacted on the quality of residential areas
- High-density development is responsible for negative social conditions  
There is no evidence to support a direct causal relationship between high-density living and negative sociological impact. The social problems associated with high density housing estates on the Cape Flats are not as a result of high density, but rather, economic circumstances, poor unit and building design, and the under-provision and poor management of public spaces and community facilities.

#### 4.2.5 Advantages of Densification

Some of the Advantages of Densification include:

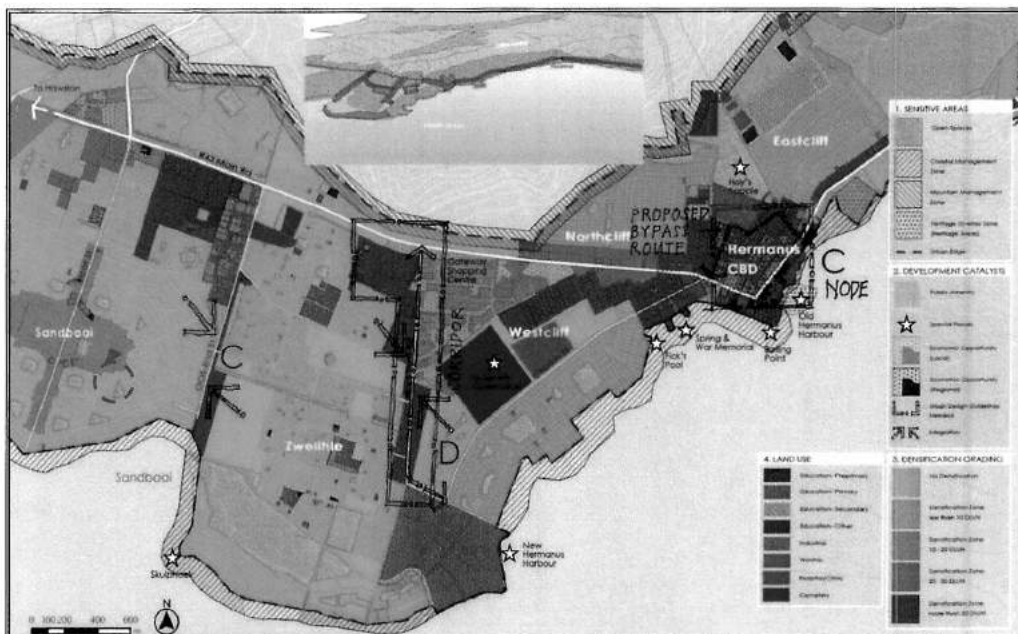
1. Increased economic efficiency by increasing threshold populations and decreasing the range in which they are accommodated.
2. Improve access to opportunities and facilities in the urban system.
3. Prevention of urban sprawl and the promotion of the densification and integration of the existing urban fabric.
4. Provision of housing for a range of income and age groups in an efficient, sustainable and equitable manner.
5. Address the spatial inadequacies of past planning which resulted in the segregation of land-uses and hence the reliance on the motor car.
6. Protect valuable agricultural, natural and cultural resources.
7. Minimize cost related inefficiencies in terms of infrastructural provision within the Overstrand municipal areas- achieve economy of scale

#### 4.2.6 How to Realise Densification

The Strategy identifies three basic mechanisms to be employed in seeking to realise the densification envisaged. These mechanisms are:

- Intensification
- Infilling

- Containment
- Intensification
  - Second Dwelling
  - Subdivision
  - Density Control
  - Conditional Rezoning
  - Incentive Zoning
  - Property Taxation
  - Planning Guidelines
- Infilling
  - Transfer of Development Rights
  - Land Swaps
  - Public Housing Programs
  - Vacant Land Taxation
  - Financial Incentives
- Containment
  - Urban Edge
  - Infrastructure Moratoria
  - Purchase of Development Rights
  - Development Timing
  - Development Contributions
  - Development Gains Taxation



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Legend:		North:	Scale:
Strategic Growth Management Strategy Interventions			10
		Growth Management Strategy	

#### **4.3 Overstrand Municipal Wide Spatial Development Framework**

Section 7.7 of Volume II of the Overstrand Municipal Wide SDF deals specifically with the Greater Hermanus Area, of which Sandbaai is a part of.

The mentioned Development Framework also identifies certain key Local Spatial Development Principles for the Greater Hermanus Area, certain of which find particular relevance to the application concerned which reads:

- **Promote**  
*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 populations housing needs;*
- **Contain**  
*the urban footprint of Greater Hermanus within a well-defined urban edge.*

The Greater Hermanus Local Growth Management Strategy of the Development Framework acknowledges the importance / significance of strategically ensuring that the Greater Hermanus area has the capacity to sustainably accommodate the population growth rates projected for the area concerned. In this regard, the Management Strategy identifies the associated importance that bulk service and traffic infrastructure be similarly geared to address growth in the form of appropriate residential densification in the established well-located central urban areas.

The mentioned Development Framework also identifies certain Land Use Proposals at the Local Planning Level (LPL). The relevant and applicable proposals have been extracted and include:

##### **LPL 2 Balanced Housing Provision**

*The ongoing provision of land and / or redevelopment opportunities for residential / housing uses, within the urban edge, must be viewed as priority. This together with the need to provide for integration and a balanced mix of housing types for the full range of income groups must also inform decision-making.*

##### **LPL3 Densification**

*Residential land use is the primary consumer / user of urban land. The strategic need to reduce urban sprawl by increasing residential densities is an accepted urban growth management principle. In this regard, it is recommended that an area specific densification policy is compiled for the greater Hermanus to ensure that appropriate are specific densification is promoted in a sustainable manner.*

##### **Recommendations**

*Address the current housing backlog and future growth needs through applying densification principles within existing urban areas.*

*Compile an area-specific densification policy for Greater Hermanus to ensure appropriate and sustainable densification.*

*The above extracts from the SDF serve to confirm and reinforce the objectives and principles as identified in the PSDF and the Densification Strategy. These important urban growth management tools advocate and encourage (PSDF makes it binding) the implementation of densification as a means of addressing the growth demands placed on urban areas, as well as the pressures placed on peripheral areas beyond the urban edge.*

#### **4.4 SPLUMA Development Principles**

The Spatial Planning and Land Use Management Act, provides that all principles as contained in the Act apply to all aspects of spatial planning, land development and land use management.

In the above regard we note that the Act identifies the following Development Principles:

- 4.4.1 The Principle of Spatial Justice
- 4.4.2 The Principle of Spatial Sustainability
- 4.4.3 The Principle of Efficiency
- 4.4.4 The Principle of Spatial Resilience
- 4.4.5 The Principle of Good Administration

The application of these principles to the application concerned, is communicated in the below section:

##### **4.4.1 The Principle of Spatial Justice**

In a broad sense, spatial justice refers to a deliberate and focused emphasis on the spatial or geographical aspects of justice and injustice. As a starting point, this involves the fair and equitable distribution in space of socially valued resources and the opportunities to use them. It is acknowledged that in South Africa where spatial planning was used as an implementing agent to realise the segregation principles of Apartheid Planning that this must similarly be used in the redress.

In terms of the opportunity for the application and the development associated therewith to make a contribution towards such redress, the application is noted as having the ability, albeit limited, to make a direct contribution by way of increasing access to the area concerned in the increased density associated with the application concerned.

In the above regard it is considered noteworthy that certain of the primary objectives motivating the application and development include increased capacities and improved access.

In this regard, we reiterate that the development proposals have been shown to be consistent with the Policy Proposals made particularly applicable to the Greater Hermanus Area.

##### **4.4.2 The Principle of Spatial Sustainability**

Key global and regional sustainability principles are instructive for the design process and have been implemented in this project to assist in the development of the proposals concerned. These include:

- Ecological Planning – appreciate the pressures being placed on the natural and pristine areas surrounding the core developed areas of Greater Hermanus and acknowledge its importance to the attraction of the area, and as a result, prioritise its conservation and protection. This objective is supported by the application concerned which seeks to accommodate the demand for housing within the urban edge, in residential densification in established well-located central urban areas.
- Spatial Planning – assessment of appropriate fit with local and regional planning, and the measure of the architectural language of the area and the complementary role which the proposed development can have.
- Minimise Consumption of Resources – electricity, water fuel, passive energy design (PED) principles provide for appropriate level of consumption, energy efficient design, energy efficient lighting, appliances, etc.

- Use of Renewable Natural Resources – harvest rain water, use of solar and wind power, natural light, natural vegetation. These initiatives will be explored, so as to potentially achieve as limited an impact by the development on the current carrying capacity of the municipal network.
- Economic Sustainability – provide quality accommodation and outdoor areas with durable sustainable materials, which will not require frequent maintenance and / or replacement.
- Local materials and labour – sourced from local communities and businesses, benefit local economy, reduce energy consumption, creation of employment construction and operational phases.

It is further noted that the application concerned speaks directly to one of the key objects of this principle, and that is to promote land development in locations that are sustainable and limit urban sprawl.

#### 4.4.3. The Principle of Efficiency

With regard to this Development Principle, much of the ability to satisfy the objects of this principle rest with the Municipality, in so far as the decision-making and the associated time-frames are concerned.

With regard to the objective seeking land development which optimises the use of existing infrastructure and resources. To this end, the proposed development application makes a definite contribution.

#### 4.4.4 The Principle of Spatial Resilience

The principle of spatial resilience as set out in the Act, is considered to be especially necessary in the case of the application concerned in that it seeks flexibility to enable the introduction of a different house type into an area which appears to demonstrate rigidly defined areas which cater for static forms of residential accommodation in low-density single dwelling units on separate plots, as highlighted in **Figure 9** above.

#### 4.4.5 The Good Administration

The forward planning informant's in the Provincial Spatial Development Framework, the Overstrand Municipal Wide Spatial Development Framework as well as the Overstrand Sectoral Densification Strategy, which have been drawn on in the construction of this application report, collectively serve to confirm the consistency of the application concerned.

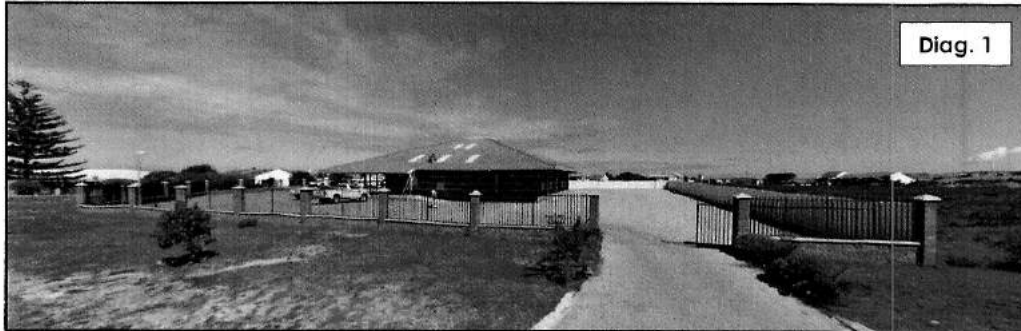
In the above regard, the Applicant is confident that the objects of the application are consistent with some of the challenges which the above planning references have identified as requiring particular spatial and density responses to.

### 4.5 Departures

In terms of the subject property, it is important to acknowledge that there are no buildings located close to the common boundaries of Erf 2295 or Erf 2296 Sandbaai. In fact, the building on Remainder Erf 572 Sandbaai is set in excess of 10m from the common boundary – see **Diag. 1** below, whilst Erf 2825 remains undeveloped. Therefore, the proposed side building line departure on the boundary shared with Erf 2825 will not have any material impact on the abutting property.

The Applicant also acknowledges that all of the departures applied for do not have any material adverse impact on any of the surrounding properties.

The internal departures are only relevant to the future residents of the proposed town house units on the subject properties, in that the departures do not impact on properties or persons outside of the proposed development.



As has been observed, the development layout proposed for the property concerned has taken into account the number and frequency of units within the area concerned and attempting to accommodate the increase in density as well as control any potential impact on the streetscape, the layout resolved to limit the number of dwelling units that would front onto the public road (directly or indirectly). To this end, the layout has achieved a situation where only two dwelling units will front directly onto Long Street, whilst the remaining four units are located on the either side of the internal road which is accessed between the two units which front on to Long Street. This serves to further reduce any potential influence the number of units could have on the local streetscape.

The natural and built environment will be improved by the landscaped areas which the layout plan proposes.

In so far as the deviation from the Growth Management Strategy is concerned, it is worth noting that in terms of the permissible minimum erf sizes allowed for in the area concerned, that the subject property could have been consolidated and subdivided into three separate single residential dwelling units as was achieved by Erven 227, 228 and 229 – see **Diag. 2** below.

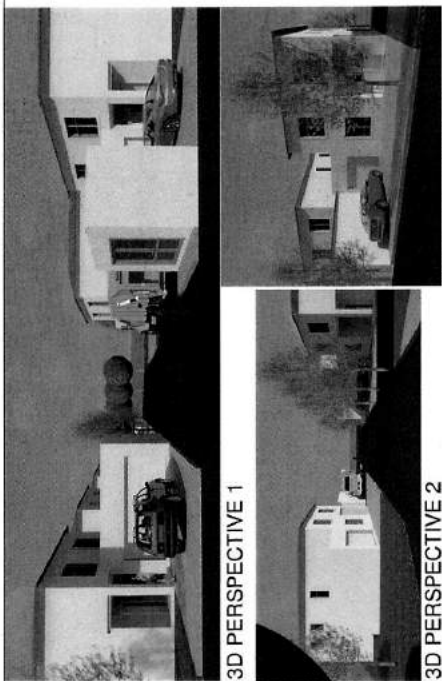
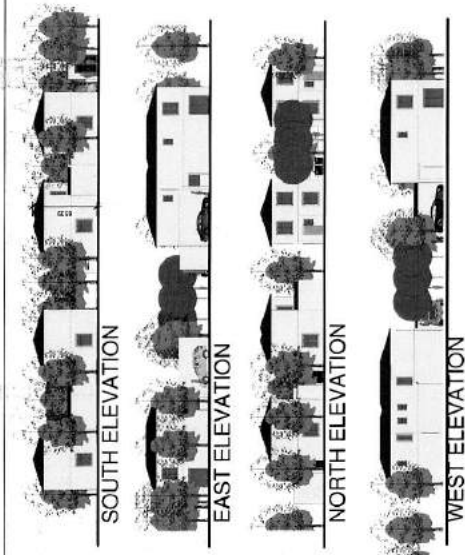


Pursuant thereto, it is noted that the zoning scheme concerned permits a second dwelling unit within the SRI use zone as a primary right. Moreover, only one additional parking bay is required for the second dwelling unit. Therefore, from a density perspective, a total of six dwelling units could be achieved without affecting the zoning of the subject properties. However, this course of action, would not realise a combined access arrangement for the majority of the units, the collection of refuse would not be as organised as with a gated development, also, the ability to ensure an attractive and consistent architectural style and landscaping across the subject property would be otherwise rendered close to impossible.

All of these attributes which make for a much more desirable end product are realised through proposed rezoning and subdivision application (with departures). Given that we have the fortunate ability to consider the proposed application against the example of Erf 2297, Erf 2298 and Erf 2299, and determine which would serve the render a more pleasing aesthetic and complementary function to the receiving environment, the Applicant would argue that the application concerned would be the better option.

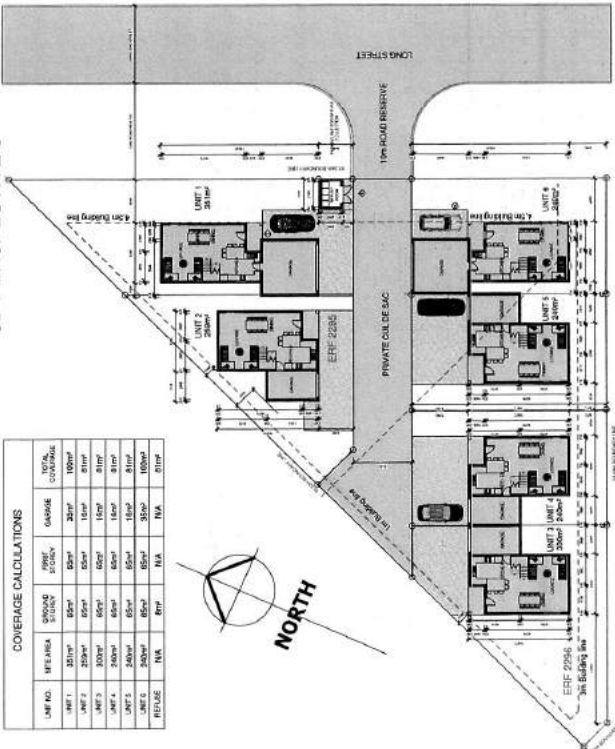
**NOTES**

Ground elevations are the property of the architect. Discrepancies to be reported to the Authority.  
The contractor to verify all dimensions and levels on site prior to construction. All ground elevations to be specified and indicated to be used in the contract documents. All dimensions to be specified in this document and shall be shown to the appropriate scale and units as indicated in the contract documents. All dimensions shall be in accordance with the latest issue of the SABS.



**COVERAGES CALCULATIONS**

UNIT NO.	NET AREA	SHOULDER SURVEY	PREL. SURVEY	TOTAL COVERAGE
UNIT 1	251m <sup>2</sup>	251m <sup>2</sup>	251m <sup>2</sup>	1000m <sup>2</sup>
UNIT 2	229m <sup>2</sup>	229m <sup>2</sup>	229m <sup>2</sup>	917m <sup>2</sup>
UNIT 3	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 4	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 5	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 6	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 7	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 8	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 9	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 10	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 11	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 12	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 13	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 14	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 15	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 16	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 17	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 18	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 19	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
UNIT 20	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>
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UNIT 100	200m <sup>2</sup>	200m <sup>2</sup>	200m <sup>2</sup>	767m <sup>2</sup>



**ANNEXURE C**

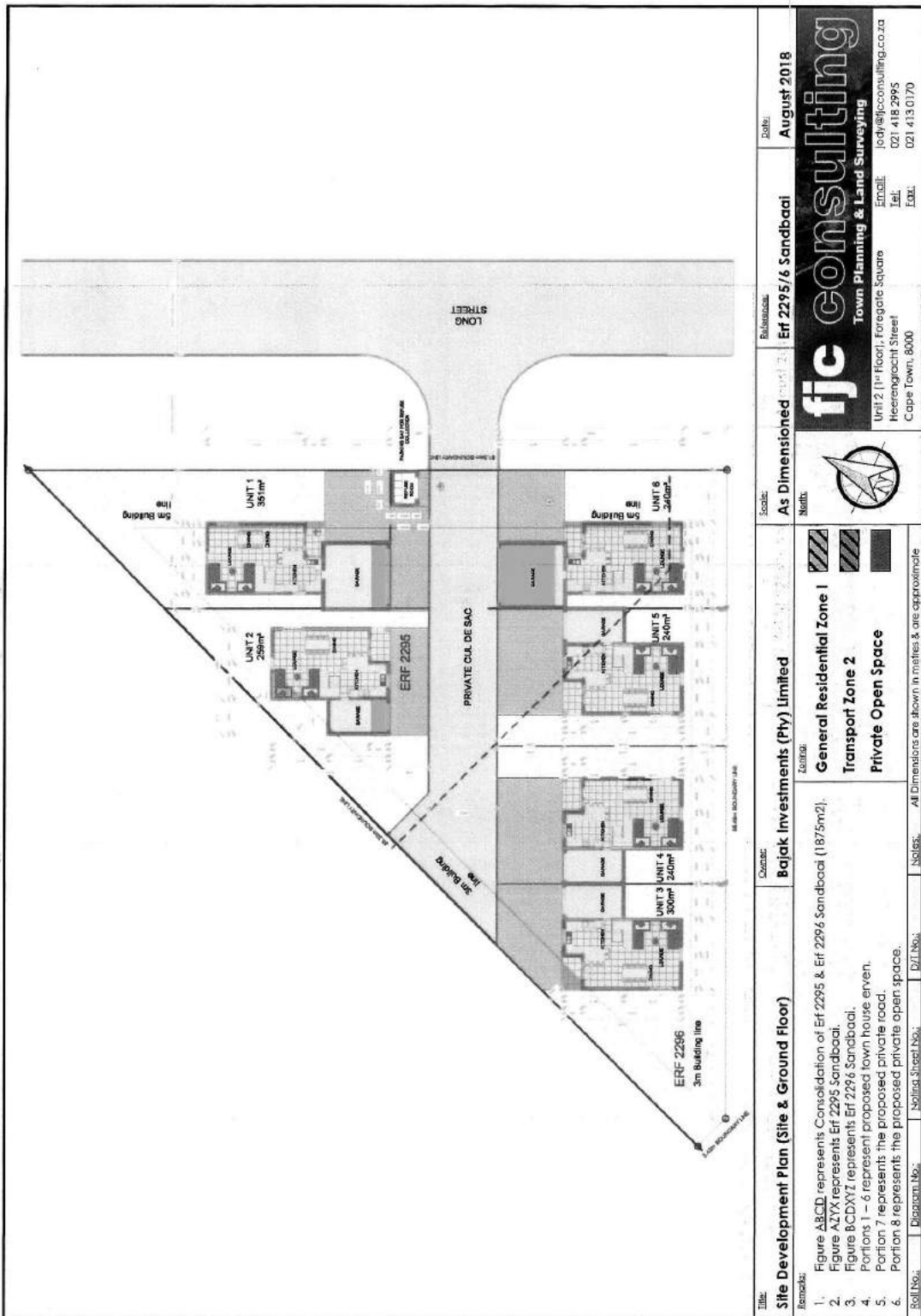
**GROUND & FIRST STOREY PLAN WITH ELEVATIONS**  
SCALE 1:200


**CLIENT PRESENTATION**

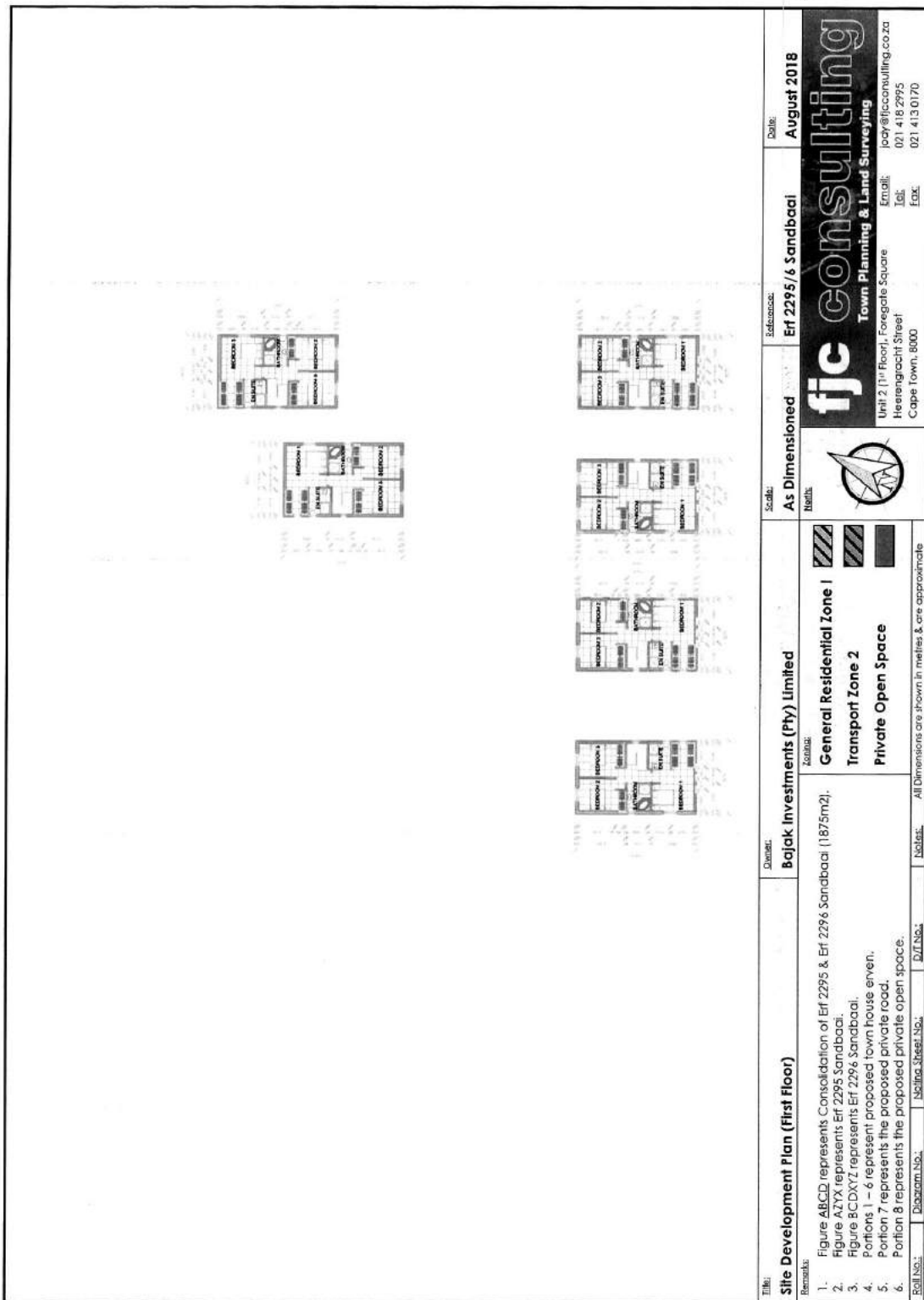
NEW HOUSING UNITS  
SANDBAALI VILLAGE

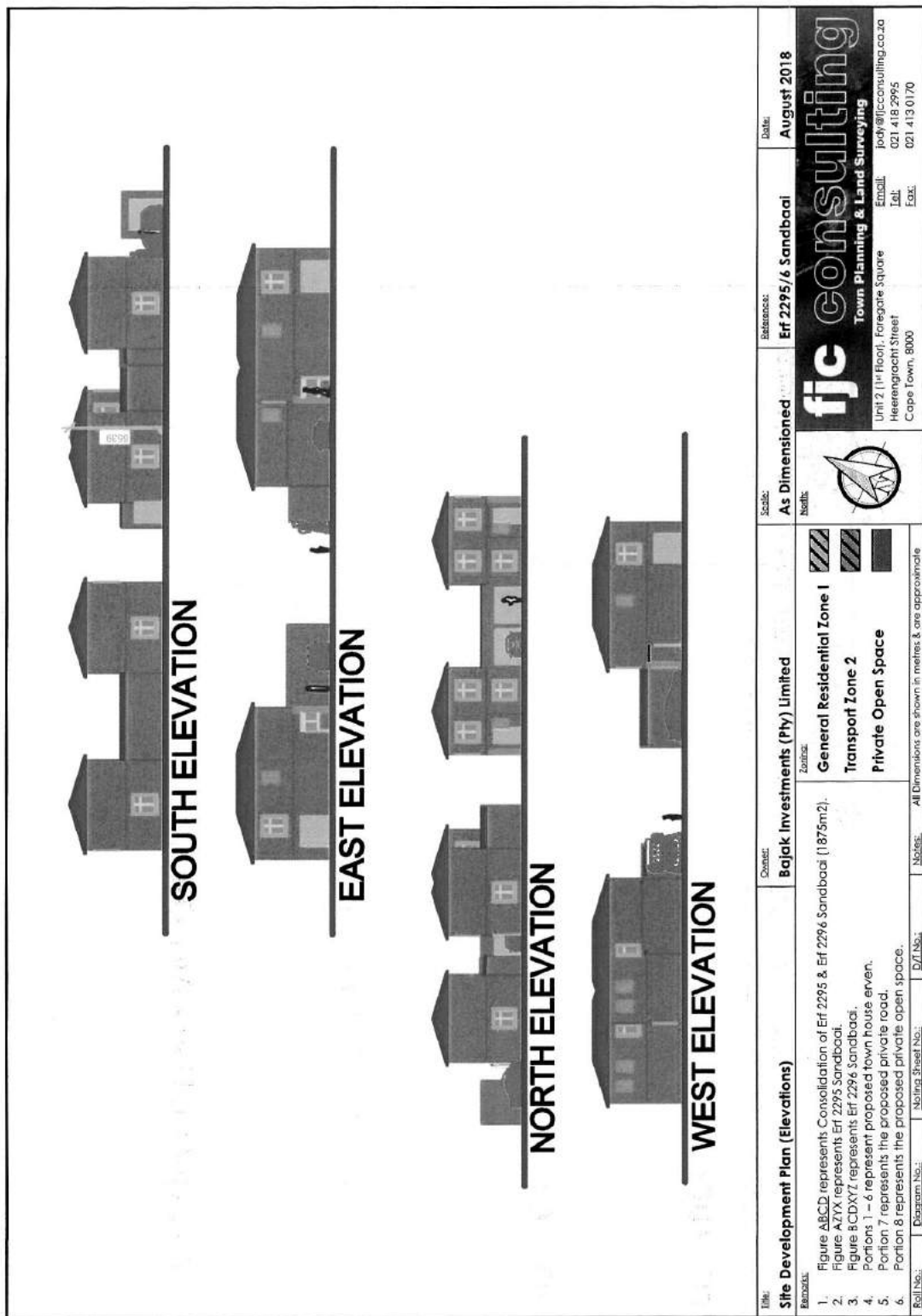
PROJECT NO. 1111  
PROJECT M.D. ANTHONY  
DESIGNED BY Y. HANSEN  
ISSUE DATE 13 FEBRUARY 2012

SITE AREA ERF 2256	1038m <sup>2</sup>
PROPOSED SITE COVERAGE	288m <sup>2</sup>
PERCENTAGE COVERED	28%
BLANK FACTOR	0.48
SITE AREA ERF 2248	854m <sup>2</sup>
PROPOSED SITE COVERAGE	230m <sup>2</sup>
PERCENTAGE COVERED	27%
BLANK FACTOR	0

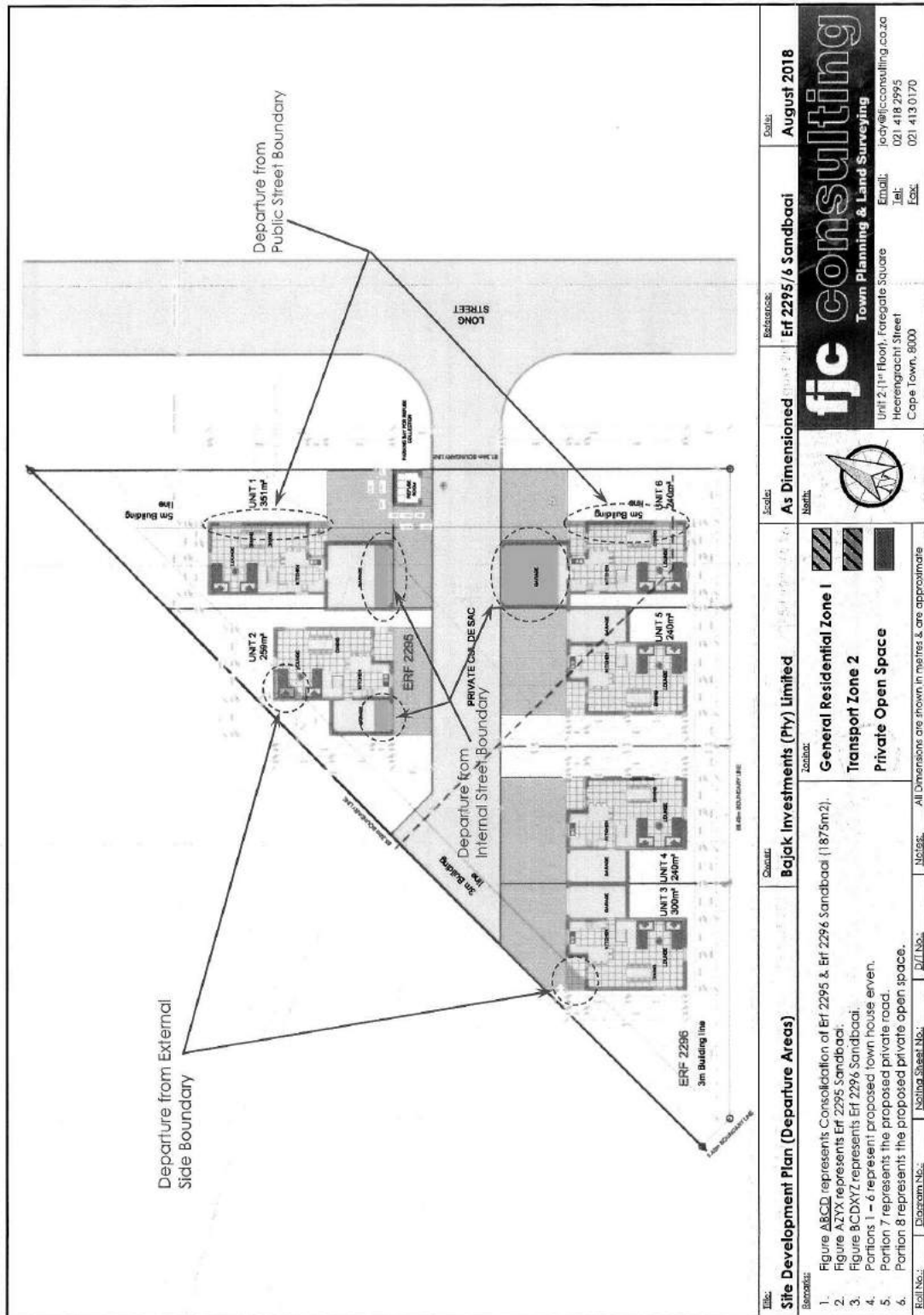


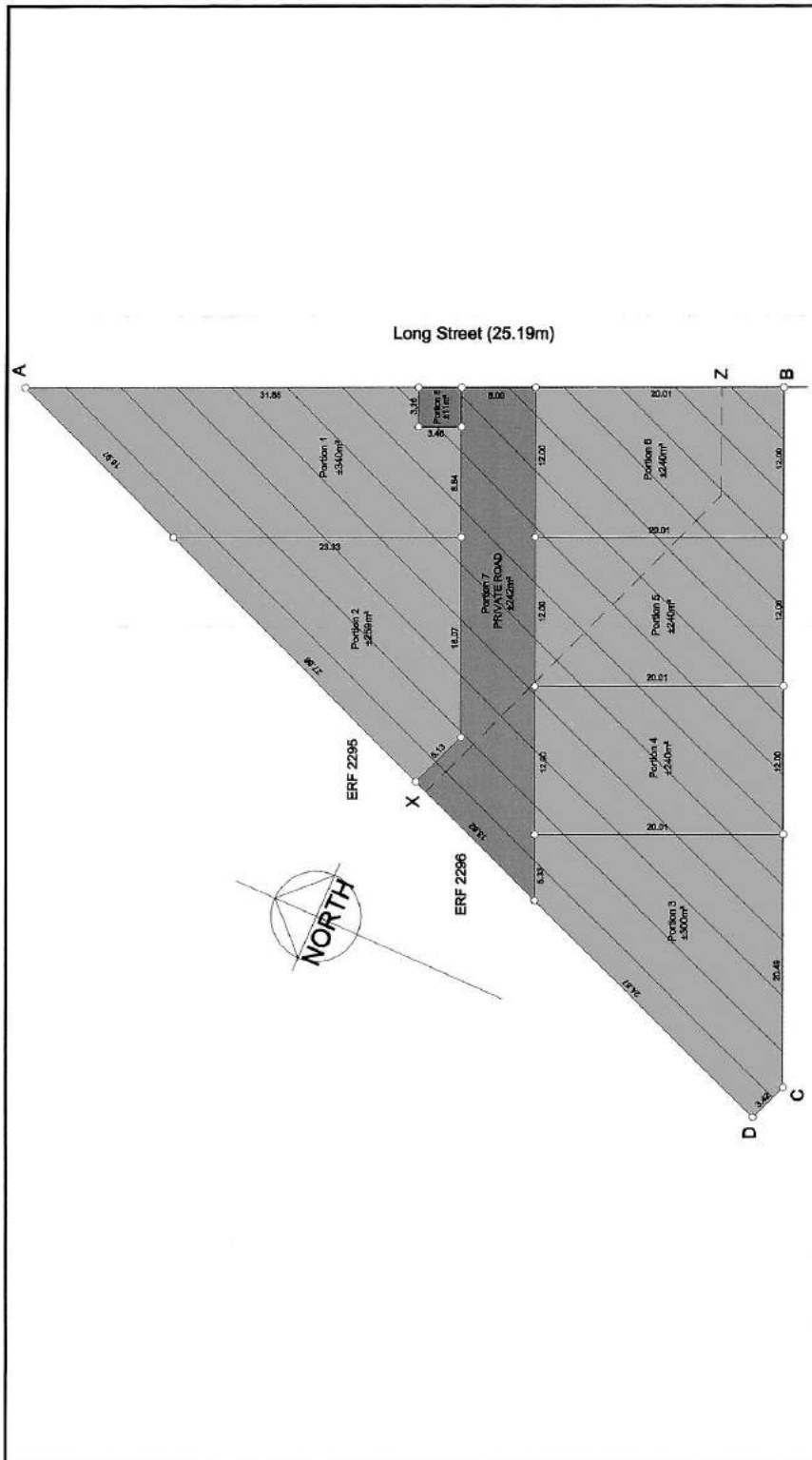
<b>Title:</b> Site Development Plan (Site & Ground Floor)	<b>Client:</b> Bajak Investments (Pty) Limited	<b>Scale:</b> As Dimensioned	<b>Reference:</b> Erf 2295/6 Sandbaai	<b>Date:</b> August 2018
<b>Remarks:</b> 1. Figure ABCD represents Consolidation of Erf 2295 & Erf 2294 Sandbaai (1875m <sup>2</sup> ). 2. Figure AZYX represents Erf 2295 Sandbaai. 3. Figure BCDXYZ represents Erf 2294 Sandbaai. 4. Portions 1 – 6 represent proposed town house erven. 5. Portion 7 represents the proposed private road. 6. Portion 8 represents the proposed private open space.	<b>Zone:</b> General Residential Zone 1 Transport Zone 2 Private Open Space	<b>Notes:</b> All Dimensions are shown in metres & are approximate	 <p><b>fjc consulting</b> Town Planning &amp; Land Surveying</p> <p>Unit 12, 1<sup>st</sup> Floor, Foregate Square Heerengracht Street Cape Town, 8000</p> <p>Email: jody@fjcconsulting.co.za Tel: 021 418 2995 Fax: 021 413 0170</p>	
<b>Roll No.:</b>	<b>Diagram No.:</b>	<b>DT No.:</b>		





<b>Title:</b> Site Development Plan (Elevations)		<b>Client:</b> Bajak Investments (Pty) Limited		<b>Scale:</b> As Dimensioned		<b>Reference:</b> Erf 2295/6 Sandbaai		<b>Date:</b> August 2018	
<b>Remarks:</b> Figure ABCD represents Consolidation of Erf 2295 & Erf 2296 Sandbaai (1875m <sup>2</sup> ). Figure A7YX represents Erf 2295 Sandbaai. Figure 8CDY77 represents Erf 2296 Sandbaai. Portions 1 – 6 represent proposed town house erven. Portion 7 represents the proposed private road. Portion 8 represents the proposed private open space.		<b>Zoning:</b> General Residential Zone 1 Transport Zone 2 Private Open Space		<b>North:</b> 		<b>fjc consulting</b> Town Planning & Land Surveying Unit 2 1 <sup>st</sup> Floor, Foregate Square Heerengracht Street Cape Town, 8000 Email: <a href="mailto:fjc@fjcconsulting.co.za">fjc@fjcconsulting.co.za</a> Tel: 021 418 2995 Fax: 021 413 0170			
<b>Roll No.:</b>	<b>Diagram No.:</b>	<b>Matr. No.:</b>	<b>D/T No.:</b>	<b>Notes:</b> All Dimensions are shown in metres & are approximate					



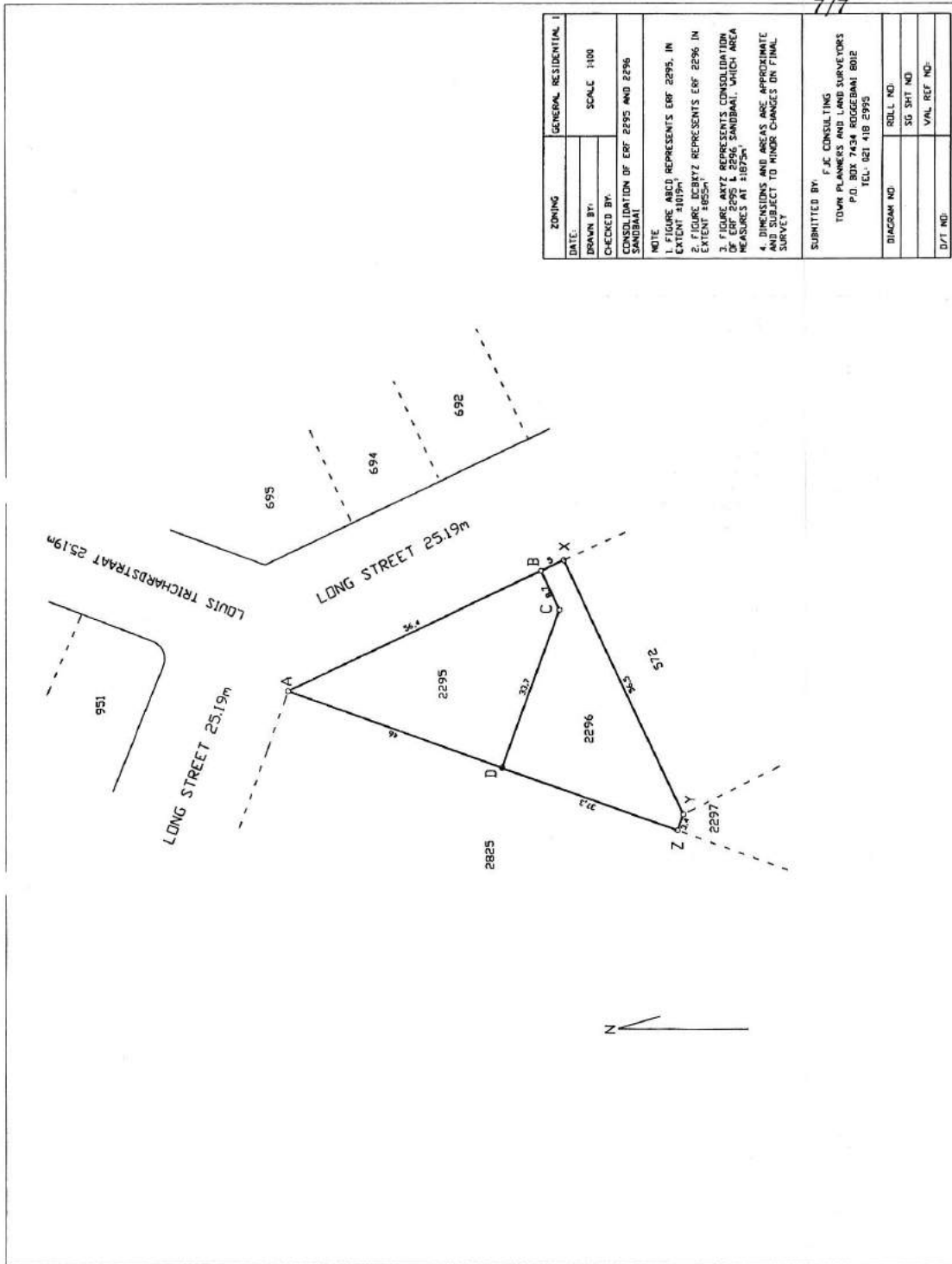


<b>Title:</b>	<b>Subdivision of Consolidated Erf 2295/6 Sandbaai</b>	<b>Owner:</b>	<b>Bajak Investments (Pty) Limited</b>	<b>Scale:</b>	<b>As Dimensioned</b>	<b>Reference:</b>	<b>Erf 2295/6 Sandbaai</b>	<b>Date:</b>	<b>September 2018</b>
<b>Remarks:</b>	<ol style="list-style-type: none"> <li>Figure ABCD represents Consolidation of Erf 2295 &amp; Erf 2296 Sandbaai (1875m<sup>2</sup>).</li> <li>Figure A7YX represents Erf 2295 Sandbaai.</li> <li>Figure BCDXYZ represents Erf 2296 Sandbaai.</li> <li>Portions 1 - 6 represent proposed town house erven.</li> <li>Portion 7 represents the proposed private road.</li> <li>Portion 8 represents the proposed private open space (refuse room).</li> </ol>								
<b>Zone:</b>	<p><b>General Residential Zone 1</b></p> <p><b>Transport Zone 2</b></p> <p><b>Private Open Space</b></p>								
<b>Notes:</b>	All Dimensions are shown in metres & are approximate								
<b>Drawn No.:</b>		<b>Notified Sheet No.:</b>		<b>Drawn No.:</b>		<b>Notified Sheet No.:</b>		<b>Drawn No.:</b>	

**fjc consulting**  
 Town Planning & Land Surveying

Unit 12 (1st Floor), Foregate Square  
 Heerengracht Street  
 Cape Town, 8000

Email: jody@fjcconsulting.co.za  
 Tel: 021 418 2995  
 Fax: 021 413 0170



ZONING	GENERAL RESIDENTIAL 1
DATE:	
DRAWN BY:	SCALE 1:100
CHECKED BY:	
CONSOLIDATION OF ERF 2295 AND 2296 SANDHAI	
NOTE	
1. FIGURE ABCD REPRESENTS ERF 2295, IN EXTENT 1803M	
2. FIGURE DEBZY REPRESENTS ERF 2296 IN EXTENT 1853M	
3. FIGURE ABYZ REPRESENTS CONSOLIDATION OF ERF 2295 AND 2296 SANDHAI, WHICH AREA MEASURES AT 11875M <sup>2</sup>	
4. DIMENSIONS AND AREAS ARE APPROXIMATE AND SUBJECT TO FINAL CHANGES ON FINAL SURVEY	
SUBMITTED BY: F.J.E CONSULTING TOWN PLANNERS AND LAND SURVEYORS P.O. BOX 7434 ROOIBOSBOS TEL: 021 418 2995	
DIAGRAM NO.	ROLL NO.
	SS SHIT NO.
	VNL REF NO.
D/T NO.	

7/7

FILE NO:	Even 2295/6
SCAN NO:	Sandbaai
COLLABORATION NO:	HSB 2295
Loretta Gillion - Re: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018	
124994	

ANNEXURE D 1/5

TPA Theat  
(Moliner)

**From:** Blair Milne <bmilne62@webmail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/01/2019 05:00 PM  
**Subject:** Re: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018

Dear Sir/Madam

My name is Mr. BM Milne and I am the co-owner with my wife, Mrs TE Milne of ERF 2299 and the house built on this plot at 27 Jimmy Smith St. Contact number 0829028944

I wish to state and make clear my objections regarding this proposed development and it's application to depart from the municipalities Bylaws and Acts which are in place and have been adhered to - to date.

Firstly I would point out that in Section II - Property Details, Point 2.5 Existing Land Use, it is stated that " as can be established from the aerial photo provided in figure 5, the constituent properties are currently vacant, as well as the abutting ERF 2825 and ERF 2297", in actuality this is not true, as there is a house built and people residing on plot 2297.

Secondly in consideration of the deviation or more properly the disregard for the existing Bylaws and Acts, namely consolidation, deviation, rezoning, sub division and departures - why when all other residents have conformed to building issues on their respective plots can a developer come along and totally depart from the Municipal Acts and use Point 2.7 " Title Deed / Restrictive Tittle Conditions" as a means of making a statement that there are no "Restrictive Conditions Herein or which conflict with the proposed development", there may not be in the Title Deed, but surely they are still subject to Building Regulations, Bylaws and Acts?

In respect of Section III - The Land Use Application, Point 3.4.1 Density - it is stated the proposed layout "would ensure the creation of a better environment for the eventual owners", this proposed development has not taken into account or considered the impact it will have on the existing neighbouring residents or surrounds.

Point 3.4.3 Height, the proposal of High Density 2 Storey Buildings will create light and viewing restrictions to surrounding properties. The elevation drawings presented do not show the positions of the first floor windows to these units in relationship to the South and East boundaries, i.e. as seen from the actual boundaries and not depicted as building elevations.

Section IV - Motivation - Point 4.1 Provincial Spatial Development Framework (2005)

Although this framework is both admirable and correct, the interpretation stated is " the attainment of higher densities where appropriate in metropolitan areas" the working phrase is "where appropriate".

TP

25 JAN 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5C489DA2HermanusMunpo... 2019/01/25

Point 4.2.3 Defining Densification Again the concept is totally correct, however, the working phrase in this point is "in a planned and meaningful way"

Point 4.5 Departures

ERF 572 is a church and is set 10 metres from the boundaries but this departure is so that it can facilitate parking for the attending parishioners.

ERF 2825 was this not intended as an 'open space' or 'green zone' due to the varieties of Western Cape Fynbos present and not as a potential development site.

In response to the very last paragraph (at last they have admitted to the existence of ERF 2297), how can the applicant argue that their application would be the correct and better way to utilise plots when all around the surrounding Sandbaai area it has been 1 plot, 1 dwelling all in accordance with the municipalities bylaws, acts and building regulations. As for "being a more pleasing, aesthetic and complimentary function to the receiving environment" it is more likely to stick out like a sore thumb and not in keeping with the dwellings within it's curtilage.

Sandbaai has a unique and endearing quality of being individual and expressive and from it's beginnings has always been so.

To end, I am of the opinion that this application has been worded in such a way that it appears to be doing good for others whereas I believe it sees only an opportunity to build and sell as many properties as possible from the initial cost of 2 plots and if allowed to carry out all the applied for Consolidation, Deviation, Rezoning, Subdivision and Departure **will set a precedent for future developers to exploit**. All future developers will be able to cite this approval as motivation to get approval to build there own "high density" accommodation. Surely this is not what we want for Sandbaai?

**Please will you confirm receipt of this E-mail and the lodging of these comments**

Yours Sincerely  
Blair Milne

3/5

**Loretta Gillion - FW: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018**

**From:** IAN BUCKLAND <ianbuckland@hotmail.co.uk>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 07/02/2019 05:35 PM  
**Subject:** FW: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018



TR A Theart  
CH Olivier

Loretta,

As you can see, I sent the following E-mail in relation to this referenced proposal to you on 15th January, but it seems you might not have received it, as my neighbour Mr. Blair Milne has received his confirmation from you and he had mailed later than I.  
 Could you please confirm that my E-mail will be taken into consideration, logged and passed on to the relevant parties.

Thank you and best regards

Ian Buckland

FILE NO:	Even 2295+2296 Sandbaai ✓
SCAN NO:	HSB 2295
COLLABORATOR NO:	1254865

**From:** IAN BUCKLAND <ianbuckland@hotmail.co.uk>  
**Sent:** 15 January 2019 06:59  
**To:** lorretta@overstrand.gov.za  
**Subject:** FW: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018

Dear Sirs,

My name is Mr. I. W. Buckland and I am the owner of ERF 2297 and of the property/residence built and completed on this plot, 31 Jimmy Smith Str. which has an adjoining boundary to ERF 2296.

I have not received a "Notice to Affected Persons" but I do have a copy sent to my neighbour at ERF 2299, 27 Jimmy Smith Str.

I wish to state and make clear my comments regarding this proposed development and it's application to depart from the municipalities Byelaws and Acts, which are in place and have been adhered to date.

Firstly I would point out that in Section II - Property Details, Point 2.5 Existing Land Use, it is stated that " as can be established from the aerial photo provided in figure 5, the constituent properties are currently vacant, as well as the abutting ERF 2825 and ERF 2297", in actuality this is not true, as I have stated my property and dwelling is abutting the boundary of ERF 2296 and proven by my ADpay monthly to the Overstrand Municipality for rates, utilities, services etc. ref. account number 900000436794. This statement of vacancy proves that the

TP 8 - FEB 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5C5C6C4AHermanusMunpo... 2019/02/08

information gathered has not been verified at best or has been presented in a way favourable to the developers.

Secondly in consideration of the deviation, or more properly the disregard for the existing Byelaws and Acts, namely consolidation, deviation, rezoning, sub division and departures - why when all other residents have conformed to building issues on their respective plots can a developer come along and totally depart from the Municipal Acts and use Point 2.7 " Tittle Deed / Restrictive Tittle Conditions" as a means of making a statement that there are no "Restrictive Conditions Herein or which conflict with the proposed development", there may not be in the Tittle Deed, but they are still subject to Building Regulations, Byelaws and Acts.

In respect of Section III - The Land Use Application, Point 3.4.1 Density - it is stated the proposed layout "would ensure the creation of a better environment for the eventual owners", this proposed development has not taken into account or considered the impact it will have on the existing neighbouring residents or surrounds.

Point 3.4.3 Height, the proposal of High Density 2 Storey Buildings will create light and viewing restrictions to surrounding properties and in the case ERF 2297 the overlooking and privacy aspects from the proposed units 3, 4, 5 & 6. The elevation drawings presented do not show the positions of the first floor windows to these units in relationship to the South and East boundaries, i.e. as seen from the actual boundaries and not depicted as building elevations. Point 3.5 Services, Although it is for the Municipality Service Branches to comment, I would like to add that when building on ERF 2297 it was found that when connecting the sewage overflow to the Municipal system the terrain made it very tight to gain the required outfall into the system, if 6 dwellings are to run overflows into the existing system they would need to be closely monitored so as not to back fill existing septic tanks connected to the line, instead of flowing away.

Section IV - Motivation - Point 4.1 Provincial Spatial Development Framework (2005) Although this framework is both admirable and correct, the interpretation stated is " the attainment of higher densities where appropriate in metropolitan areas" the working phrase is "where appropriate".

Point 4.2.3 Defining Densification Again the concept is totally correct, however, the working phrase in this point is "in a planned and meaningful way"

Point 4.5 Departures

As stated previously ERF 2297 has been totally disregarded, or it's presence ignored within this application.

ERF 572 is a church and is set 10 metres from the boundaries, but this departure is so that it can facilitate parking for the attending parishioners.

ERF 2825 was this not intended as an 'open space' or 'green zone' due to the varieties of Western Cape Fynbos present and not as a potential development site.

In response to the very last paragraph (at last they have admitted to the existence of ERF 2297), how can the applicant argue that their application would be the correct and better way to utilise plots when all around the surrounding Sandbaai area it has been 1 plot, 1 dwelling all in accordance with the municipalities byelaws, acts and building regulations. As for "being a more pleasing, aesthetic and complimentary function to the receiving environment" it is more likely to stick out like a sore thumb and not in keeping with the dwellings within it's curtilage. Sandbaai has a unique and endearing quality of being individual and expressive and from it's beginnings has always been so.

5/5

To end, I am of the opinion that this application has been worded in such a way that it appears to be doing good for others whereas I believe it sees only an opportunity to build and sell as many properties as possible from the initial cost of 2 plots and if allowed to carry out all the applied for Consolidation, Deviation, Rezoning, Subdivision and Departure **will set a precedence for future developers to exploit .**

**Please will you confirm receipt of this E-mail and to the lodging of these comments**

Yours Sincerely  
Ian Buckland

## ANNEXURE E 1/4

<b>To:</b> Overstrand Municipality (Town & Spatial Planning)	<b>From:</b> Mr. J. Francis
<b>Alt:</b> Ms. L. Gillion	<b>Cell No:</b> (084) 789 9932
<b>Tel:</b> 028 313 8900	<b>Email:</b> jody@ficconsulting.co.za
<b>Email:</b> loretta@overstrand.gov.za	<b>Page(s):</b> 4 pages
<b>Re:</b> Erf 2295 and Erf 2296 Sandbaai – Response to Comment	<b>Date:</b> 20 <sup>th</sup> February 2019



## Email Correspondence

Dear Loretta,

TP - A Theart  
(H Olivier)

Your emails of 6<sup>th</sup> February 2019 and 19<sup>th</sup> February 2019, in the above regard, refers. Your said emails served to confirm that there were only two letters of comment / objection received from the public.

The relevant comments received from the two property owners and the Applicants response thereto is provided below:

**Blair Milne & Ian Buckland**

FILE NO: <u>Even 2295 + 2296</u> <u>Sandbaai</u>
SCAN NO: <u>HSB 2295</u>
COLLABORATOR NO: <u>1258070</u>

Comment	Response
1. The Objector points out that contrary to the Applicants report which states that Erf 2295, Erf 2296, Erf 2297 and Erf 2825 are all vacant, that in fact Erf 2297 has since been developed.	1. The Applicant concedes that Erf 2297 Sandbaai may well have been developed subsequent to the initial submission of the land use application. Although all aerial imagery available for Sandbaai show Erf 2299 as having been developed and Erf 2298 and Erf 2297 as still vacant.
2. The Objector questions why when all other residents have conformed to building issues on their respective plots can a developer come along and totally depart from the Municipal Acts and use Point 2. 7" Title Deed / Restrictive Title Conditions" as a means of making a statement that there are no "Restrictive Conditions Herein or which conflict with the proposed development", there may not be in the Title Deed, but surely they are still subject to Building Regulations, Bylaws and Acts?	2. The Applicants wishes to clarify that in Point 2.7 the Applicant merely confirms as part of the land use assessment, that there are no conditions of title which conflict with the proposed development of the subject property with a six-unit town house development.  This qualification, is not meant to be justification for any development, it is rather a statement of fact.
3. The Objector states that this proposed development has not taken into account or considered the impact it will have on the existing neighbouring residents or surrounds.	3. The Objector omits to mention the impacts being referred to. In the absence of a motivated objection, the Applicant would have to assume what impacts the Objector

TP

20 FEB 2019

21 FEB 2019

	could be referring to. For this reason, no further response to this comment is offered.
<p>4. The proposal of High Density 2 Storey Buildings will create light and viewing restrictions to surrounding properties. The elevation drawings presented do not show the positions of the first-floor windows to these units in relationship to the South and East boundaries, i.e. as seen from the actual boundaries and not depicted as building elevations.</p>	<p>4. The Applicant would like to point out that in terms of the current SR1 zoning of the property, that a building of 8,0m could be developed.</p> <p>In this regard the proposed maximum height of the dwelling units in the town house development is only 6,539m.</p> <p>With regard to the issue of overlooking, we point out that the Objector's (B. Milne) property is located some 70m from the subject property, with two erven located between the properties as well as the existing building on Rem. Erf 572 Sandbaai. Therefore, the controlled height at 6,539m, the distance between the properties and the potential for the abutting properties to be developed up to 8,0m in height serve to confirm that no overlooking can threaten the privacy of Erf 2299. Such a concern would be better directed at the possible development of Erf 2298.</p> <p>With regard to the Site Development Plan attached to the Motivation Report, we can clearly establish from the First Storey Floor Plan as well as from the South Elevation provided, that the development has no windows facing / opening towards Rem. Erf 572 or Erf 2297 – again no opportunity for overlooking of either of the Objectors properties.</p>
<p>5. In response to the very last paragraph, how can the applicant argue that their application would be the correct and better way to utilise plots when all around the surrounding Sandbaai area it has been 1 plot, 1 dwelling all in accordance with the municipality's bylaws, acts and building</p>	<p>5. The improvement referred to by the Applicant refers to the fact that as with Erf 2297, Erf 2298 and Erf 2299, the subject property could be consolidated and subdivided into three, which will result in a situation very similar not that of the mentioned three erven.</p>

<p>regulations. As for "being a more pleasing, aesthetic and complimentary function to the receiving environment" it is more likely to stick out like a sore thumb and not in keeping with the dwellings within its curtilage.</p> <p>Sandbaai has a unique and endearing quality of being individual and expressive and from its beginnings has always been so.</p>	<p>In terms of the current zoning scheme regulations, each of the subdivided SR1 plots could in turn be developed with two dwelling units. This amounts to six dwelling units – however the architectural style, spatial arrangement, accesses, landscaping and boundary wall treatment could not be controlled. Whereas, in the application concerned which will result in the same quantum of dwelling units, we have an opportunity to ensure that only one carriage-way-crossing is associated with the development. Also, where a second dwelling unit in the SR1 use zone requires only one additional parking bay, all dwelling units in the proposed town house development requires the provision of two parking bays. This ensures that there will not be overspill onto public roads, as is more likely the case with the SR1 two dwelling unit scenario.</p> <p>In lieu of the above, the Applicant maintains that the proposed development does in fact provide for the better end product.</p>
<p>6. I am of the opinion that this application has been worded in such a way that it appears to be doing good for others whereas I believe it sees only an opportunity to build and sell as many properties as possible from the initial cost of 2 plots and if allowed to carry out all the applied for Consolidation, Deviation, Rezoning, Subdivision and Departure will set a precedent for future developers to exploit . All future developers will be able to cite this approval as motivation to get approval to build their own "high density" accommodation. Surely this is not what we want for Sandbaai?</p>	<p>6. The Applicant reiterates that the application concerned seeks to achieve an arrangement which for all intents and purposes already exists on Erf 2297, Erf 2298 and Erf 2299, where each of these erven can develop two units with the end result being six units in total.</p> <p>It is also worth considering and understanding the reason for the Municipality adding second dwelling units in the SR1 zoning category as a Primary Right. This was intended to be an administratively expedient method of realising sensitive increases in density within developed areas, where existing services infrastructure capacities are not being optimised.</p>

In terms of the above, the Applicant is satisfied that the application proposes a town house development at a density which is commensurate with that which the municipality considers appropriate for SR1 area concerned.

The Applicant is satisfied that the Objectors to the application will be extensively unaffected by the proposed development based largely on their proximity to the subject property, as well as the fact that the Site Development Plan intentionally sought not to have any windows opening or facing in the direction of the objecting properties – thus their privacy is not threatened.

The Applicant is satisfied that the Town House Development route versus the SR1 route (Consolidation and Subdivision) which would not require a deviation, is the preferred route especially from the point of view of the receiving environment, notwithstanding the fact that it comes with the added cost of providing a private road and refuse room, which the SR1 route does not require.

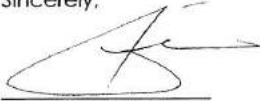
#### **Conclusion**

The Applicant is of the considered opinion that the above response has addressed the comments of the two commenting property owners.

In the above regard, we request that the Municipality proceed to finalise the application as applied for, as no amendments are considered necessary to address any comments / objections raised.

The Applicant remains available, should the Municipality require additional information pertaining to the above.

Sincerely,



**Jody Francis**

**FJC Consulting (Town Planners & Land Surveyors)**

**021 418 2995 / 084 789 9932**

## ANNEXURE F

Municipaliteit • U-Maxipela • Municipality

**OVERSTRAND**

File reference:	2295 & 2296 HSB (3705)
Date:	04 December 2018

**INTERNAL MEMORANDUM**

From	: Town Planning Department
Town Planner	: Helgaardt Boshoff

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Aid. D Botha)</u>	<u>Waste Management</u>

Applicant	FJC CONSULTING (obo BAJAK INVESTMENTS)
Property Details	ERVEN 2295 & 2296, LONG STREET, SANDBAAI
Application Description	PROPOSED DEPARTURE, CONSOLIDATION, REZONING & SUBDIVISION

**ATTACHMENTS:**

1. Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2. Locality Plan	
3. Site Development Plan	
4. Motivation	

**YOUR DEPARTMENT'S COMMENTS:**

1) ALL STRUCTURAL DEVELOPMENT MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION REGULATIONS SANS10400T:2011.	
2) THE DEVELOPER MUST ENSURE THAT FIRE HYDRANTS ARE PROVIDED IN COMPLIANCE WITH SECTION 4.35.4 OF NATIONAL FIRE PROTECTION REGULATIONS SANS10400T:2011.	
Signature:	 MUNICIPALITEIT OVERSTRAND MUNICIPALITY FIRE BRIGADE / BRANDWEER APPROVED / GOEDGEKEUR
Date:	09 JAN 2019 2018

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo **by not later than the date stipulated below**. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

<b>COMMENTS REQUIRED BY:</b>	<b>4 January 2019</b>
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE, CONSOLIDATION, REZONING &  
SUBDIVISION: ERVEN 2295 & 2296, SANDBAAL (3705)**

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

**Conditions:**

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

**1.1 Developments containing Sectional Title Units/ Commercial Buildings** (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

**1.2 Developments with free standing properties** (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2018/2019) is as follows:

**Freehold erven:**

Water	R 21 688.60 x 2.8 =	R 60 728.08
Sewerage	R 14 623.16 x 2.8 =	R 40 944.85
Roads	R 6 557.01 x 4 =	R 26 228.04
Stormwater	R 7 565.79 x 1.25 =	R 9 457.24
Solid Waste	R 1 311.40 x 4 =	R 5 245.60
<b>TOTAL (inclusive of VAT)</b>	=	<b>R 142 603.81</b>

**Note:**

- 1.3 The above figures are estimates  
1.4 The above figures do not include connection fees

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be proved;
  - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
  - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
  - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
  - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
  - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
  - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
  - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;

5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
  - 5.1 way-leaves must be obtained from the Operational Manager;
  - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
  - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
  - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
  - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and

11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
13. that the above stormwater management plan include the following:
  - 13.1 pre-development run-off from the catchment area;
  - 13.2 post-development run-off from catchment area;
  - 13.3 existing stormwater reticulation system and the capacity thereof;
  - 13.4 connection of internal stormwater reticulation system;
  - 13.5 overland escape routes
14. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
15. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
16. that the proposed consolidated erf be provided with an adequate small-bore tank , which must comply with the standards and specifications of the Department: Operational Services.
17. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grase trap, which must comply with the standards and specification of the Department: Operational Services;
18. 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*
19. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;

20. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
  - a. properly ventilated;
  - b. a cement floor;
  - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
  - d. is a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
21. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
22. that the electricity reticulation and supply be provided according to the master plan by the developer;
23. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
24. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
25. that the developer may apply for a temporary water connection at Overstrand Municipality's Finance Department, before commencement of construction;
24. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Hermanus;
25. that the connection to the main water line only be done by the Operational Department, after payment of the connection fee, by the developer;
26. 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
27. that no on-street parking will be allowed;

28. that on-site parking facilities be provided as per Planning Schedule and to the satisfaction of the Department: Operational Services.
29. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer

*p.p. R. Lodge*  
DENNIS HENDRIKS  
SENIOR MANAGER: ENGINEERING SERVICES

*05/03/2019*  
DATE

ANNEXURE H 1/4



FILE NO:	Erven 2295/6 Sandbaai ✓
SCAN NO:	HSB 2295
COLLABORATOR NO:	1254146

TP-A Theart  
(Holivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

**Candice Spammer**  
Tel: 021 414 5582  
Fax: 086 480 0617  
Email: spammec1@telkom.co.za

**Our Ref.:** WWIP\_WHMN0226\_19  
**Your Ref.:** Erven 2295 and 2296 HSB 3705

05 February 2019

Attention: S Muller

Overstrand Municipality  
HERMANUS

**PROPOSED DEPARTURE, SUBDIVISION, REZONING AND CONSOLIDATION: ERVEN 2295 AND 2296, LONG STREET, SANDBAAI**

With reference to your letter received December 2018.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per the drawing supplied, Open Serve infrastructure **will not be affected**. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative **Frederik Swart** at telephone number **028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za**

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001


- 5 FEB 2019

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

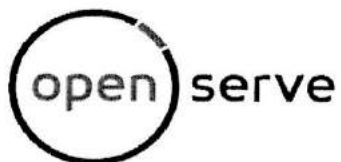
  
\_\_\_\_\_  
pp Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

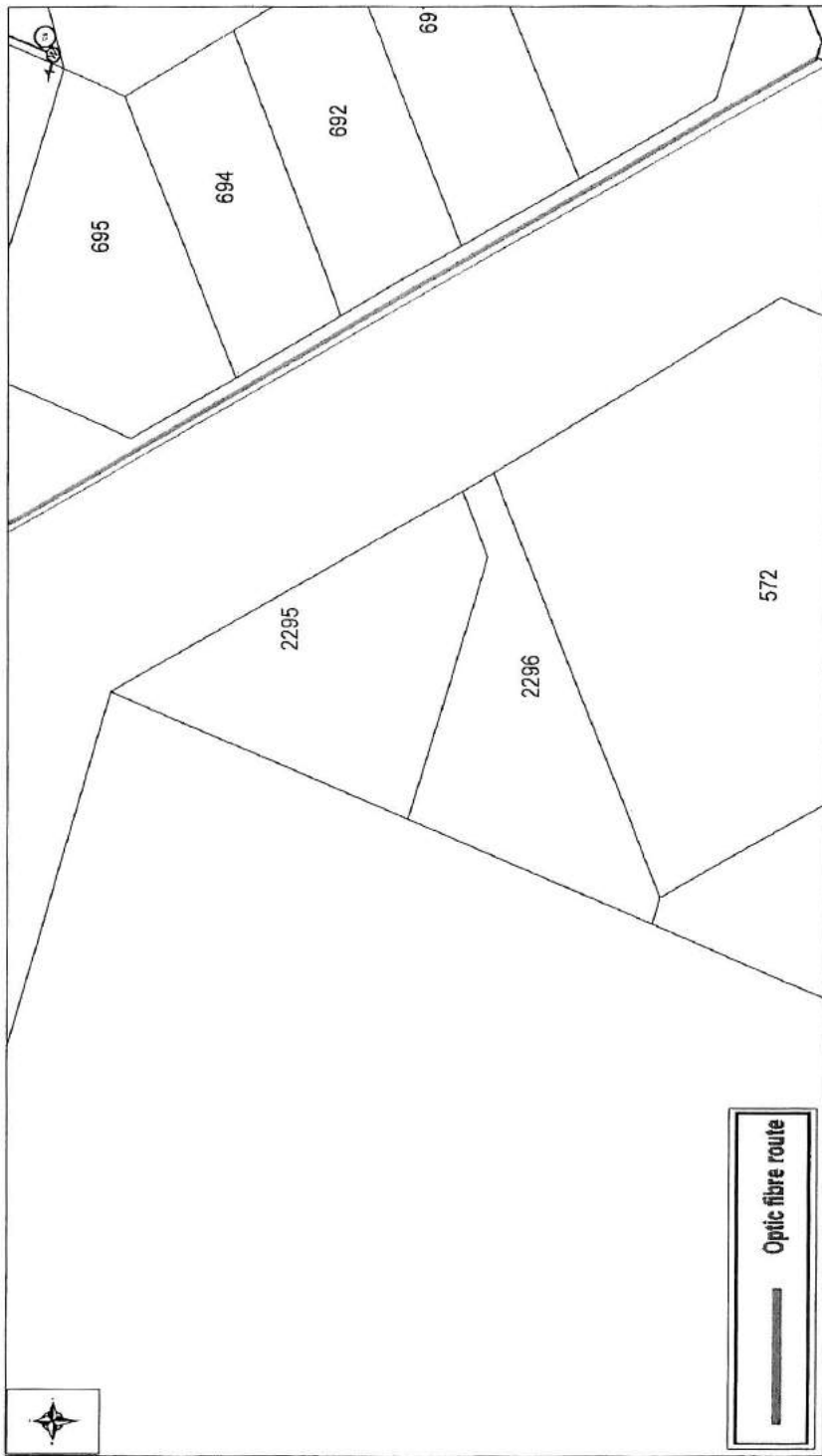
**PLANT NOT AFFECTED**

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Frederik Swart

081 363 7815

Reference number  
WWIP\_WHMN0226\_19Marked Up  
Candice SpammerDate  
05-Feb-19



<b>TELKOM REGIONAL EXECUTIVE</b>	
Completed By	K. Scammier
Client	
Client ref	OpenServe.net
Details	NO SERVICES AFFECTED - Note Services Nearby!
Date	05/02/2019
WWIP	WWIP_WHM00226_19
Page Size	A4
Sheet No	1 of 5

**Legend**

	Existing SDC		Existing Indoor DP		Existing Underground Route
	Planned SDC		Planned Indoor DP		Planned Underground Route
	To Be Recovered SDC		To Be Recovered DP		To Be Abandoned Underground Route
	Existing DLC		Existing DP		Existing Overhead Route
	Planned DLC		Planned DP		Planned Overhead Route
	To Be Recovered DLC		To Be Recovered DP		To Be Recovered Overhead Route
	Existing PAB		Existing Pole		Existing Mini OMDP
	Planned PAB		Planned Pole		Planned Mini OMDP
	To Be Abandoned PAB		To Be Recovered Pole		Existing Strut and Stay

**Optic fibre route**

## 4.4

**ERVEN 2295 AND 2296, 76 AND 78 LONGSTREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, DEVIATION FROM THE OVERSTRAND MUNICIPALITY GROWTH MANAGEMENT STRATEGY (2010), REZONING, SUBDIVISION AND DEPARTURES: MESSRS FJC CONSULTING ON BEHALF BAJAK INVESTMENTS (PTY) LTD**

**2295 & 2296 HSB (3705)**

**H van der Stoep**

**18 July 2019**

**(028) 313 8900**

**Hermanus Administration**

### 1. EXECUTIVE SUMMARY

An application was received on 26 September 2018 (final amended) from Messrs FJC Consulting on behalf of Bajak Investments (Pty) Ltd applicable to Erven 2295 and 2296, Sandbaai for the following:

- Consolidation of the above properties in terms of Section 16.(2)(e) of the By-Law;
- Deviation from the Overstrand Municipality Growth Management Strategy, 2010, in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2002 (Act 32 of 2000), for the increase of the development density of the above properties as a site-specific deviation from ten (10) – twenty (20) dwelling units per hectare to thirty two (32) dwelling units per hectare in order to accommodate six (6) General Residential Zone 1: Town Housing erven, one (1) Transport Zone 2: Road and Parking (private road) erf, and one (1) Open Space Zone 3: Private Open Space erf on the properties;
- Rezoning in terms of Section 16.(2)(a) of the By-Law of the above consolidated property from Residential Zone 1: Single Residential to Subdivisional Area Zone;
- Subdivision in terms of Section 16.(2)(d) of the By-Law of the above consolidated property in six (6) General Residential Zone 1: Town Housing erven, one (1) Transport Zone 2: Road and Parking (private road) erf, and one (1) Open Space Zone 3: Private Open Space erf;
- Departure in terms of Section 16.(2)(c) of the By-Law in order to develop the above Open Space Zone 3 erf for the storage of refuse;
- Departures in terms of Section 16.(2)(b) of the By-Law to (refer to the Subdivisional Plan) in order to:
  - accommodate the proposed building for the storage of refuse on the above Open Space Zone 3 erf that is to be built up to the external street boundary of the proposed town housing scheme;
  - relax the external street building line of the proposed town housing scheme from 5m to 4,5m to accommodate the proposed dwelling units on Portions 1 and 6 thereof;
  - relax the lateral building line applicable to the external lateral boundary of the proposed town housing scheme from 3m to 1m to accommodate portions of the proposed dwelling units on Portions 2 and 3 thereof;

- relax the setback with regard to garages from the curb of the internal private road of the proposed group housing scheme from 5m to 3,48m and 0m, to respectively accommodate the proposed garages on Portions 1, 2 and 6 thereof; and
- the relaxation of the width of the internal private road reserve of the proposed group housing scheme from 8m to 6m.

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

## **2. DECISION AUTHORITY**

Municipal Planning Tribunal

## **3. BACKGROUND / SITE HISTORY**

Both erven are zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipality Zoning Scheme Regulations and measures a total of 1875m<sup>2</sup> in extent. The properties are currently vacant and underutilised.

## **4. SUMMARY OF APPLICANT'S MOTIVATION**

Due to the comprehensive nature of the Motivation Report only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- The properties on the opposite side of Long and Jimmy Smith Streets are typically residential in nature with erf sizes ranging from ±700m<sup>2</sup> to ±1500m<sup>2</sup>, which represents a very low-density residential area with a much higher residential density north of End Street.
- The application is conforming with and giving effect to the densification strategies put forward at local, as well as provincial level that calls for the integration of different densities and house types.
- A total of six (6) town house units will be developed. Should the two (2) properties be consolidated it can be subdivided into three (3) portions and each portion having a main and a second dwelling unit. This approach does not allow for a consistent architectural style and would be associated with six (6) carriageway crossings as is potentially the case with Erven 2297, 2298 and 2299. The development of a six (6) unit town house development is a much more attractive option.
- The owner intends to develop the property with the six (6) town house units and not to dispose of vacant land parcels.
- Many of the properties in the immediate vicinity are vacant or underdeveloped. Undeveloped properties have been specifically identified as an attractive means of densification into areas as it is not associated with an existing structure which must be converted to accommodate additional dwellings. In these cases the units can be purposely designed.
- There are no restrictive conditions in the Title Deeds which conflict with the proposed development.

- General Residential Zone 1 would ordinarily permit a total of 6,5 units in this instance, which is in keeping with the proposed six (6) units.
- The proposed coverage for the site area is 28,4%.
- A maximum height of 6,539m is proposed.
- The dwelling units on Portions 1 and 6 will be 4,5m from the external road in lieu of 5m. The proposed refuse room will be on Portion 8 to be zoned Open Space Zone 3. Application is made to accommodate the refuse room on (0m) the external street boundary.
- Further application is made for the departure to permit the proposed town house units on Portion 2 and Portion 3 to be 1m from the side boundary in lieu of the required 3m.
- The garages on Portions 1 and 2 will be 3,48m from the internal road boundary and the garage on Portion 6 at 0m in lieu of the required 5m. However no tip up doors will be used, which will not encroach onto the roadway.
- The maximum height of the dwelling units are proposed at 6,539m in lieu of the allowable 8m.
- Garages of Portions 1, 5, and 6 are proposed on the internal side boundary. Notwithstanding this, the applicant confirms that none of the proposed garages account for more than 50% of the length of the affected boundary, and thus no departure application is required.
- The proposed development proposes one (1) covered garage and one (1) uncovered parking bay for Portions 2 to 4; and double garages for Portions 1 and 6.
- Application for departure is herewith submitted to permit the proposed internal road width of 6m in lieu of the required width of 8m.
- Improved private open spaces within the residential portions concerned tend to be more optimally utilised, well-maintained and results in reduced levies to the home owner's association.
- As stipulated in UR 12 of the PSDF, public transport is available in Main Road, which is approximately 270m from the properties concerned. Recreation is available along the coast line which is  $\pm 570$ m from the properties concerned. Shopping and potential employment opportunities are available in Long Street  $\pm 250$ m from the properties concerned. There are additional potential employment opportunities in the industrial sector, which is located  $\pm 670$ m from the subject properties concerned.
- The MSDF states the provision of a range of residential types and appropriate densification strategies should be promoted.
- The MSDF further states that the urban footprint of Greater Hermanus should be contained within a well-defined urban edge. Residential/housing uses must be viewed as a priority. In addition, urban sprawl must be reduced by increasing residential densities in an accepted urban growth management principle.
- Spatial Justice – the proposal can make a direct contribution to by way of increasing access to the area concerned in the increased density associated with it.
- Spatial Sustainability – the proposal seeks to accommodate the demand for housing within the urban edge, in residential densification in established well-located central urban areas. Renewable natural resources will be explored. Materials that will not require frequent maintenance / replacement will be utilised. Employment and materials will be sourced locally, during the construction and operational phases.
- Efficiency – the proposal will result in the optimised use of existing resources and infrastructure.

- Spatial Resilience – a different house type is explored and introduced into the area, which demonstrates rigidly defined areas which cater for static forms of residential accommodation in low-density single dwelling units on separate plots.
- Good administration – forward planning informants in the PSDF, MSDF as well as the Overstrand Sectoral Densification Strategy, which were addressed in the compilation of the motivation, collectively confirm the consistency of this application.
- There are no building located close to the common boundaries of Erf 2295 and Erf 2296, Sandbaai. Therefore, the proposed side building line departure on the boundary shared with Erf 2825, Sandbaai will not have any material impact on the abutting property.
- All of the departures applied for do not have any material adverse impact on any of the surrounding properties. All internal departures are only relevant to the future residents of the proposed town house units on the subject properties, in that the proposed departures do not impact on properties or persons outside of the proposed development.
- Any potential impact on the streetscape is controlled by only having two (2) of the proposed units will front directly onto Long Street. The natural and built environment will be improved by the proposed landscaped areas which the layout plan proposes.
- The subject properties are currently zoned Residential Zone 1. The reason for the application is to ensure a combined access arrangement, the collection of refuse with a gated development is more organised and to ensure an attractive and consistent architectural style with landscaping.
- It is recommended that the above application be approved.

##### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	6/12/2018	25/01/2019
Notices	Yes	4/12/2018	25/01/2019
Ward councillor	Yes	4/12/2018	4/01/2019
Total comments	<b>TWO (2)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 47 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?			<b>N/A</b>

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

Name	Date received	Summary of comments	Recommendation
Building Control	19/12/2018	Referred to Heritage and Aesthetics Committee.	No comment
Overstrand Heritage and Aesthetics Committee	22/01/2019	Supported. Submit to Heritage Western Cape.	Supported
Environmental Officer	15/02/2019	No objection.	Supported
Fire Department	9/01/2019	See Annexure F.	Supported
Engineering Services	5/03/2019	See Annexure G.	Supported
Telkom	6/02/2019	See Annexure H.	Supported

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) objections were received, whereby one (1) objection was received ten (10) working days after the closing date for public comment. However, the same points were raised in both objections and are evaluated below.

Objections received from Mr Blair Milne and Mr Ian Buckland (attached as Annexure D) can be summarised as follows:

- (a) The applicant states that Erf 2297, Sandbaai is vacant and undeveloped, which is untrue.
- (b) How can a developer deviate or depart from Municipal legislation and state in 2.7 of the motivation that there are no restrictive conditions which are in conflict with the proposed development, since they are subject to the Building Regulations, By-Law and Acts?
- (c) The proposed development does not take into consideration the impact it will have on the rights of the surrounding property owners. The proposed height of the dwelling units will create light and viewing restrictions to the surrounding properties. It will impinge upon the privacy of the owner of Erf 2297, Sandbaai.
- (d) All around the Sandbaai area it is one (1) erf, with one (1) dwelling unit, all in accordance with the Municipality's By-Laws, acts and building regulations. How can the applicant argue that it will be the correct and better way to utilise the erven?
- (e) If approved, the proposal will set a precedent for future developers to exploit and cite as motivation for the same type of "high density" development.

## 8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant's response to the comments / objections can be summarised as follows (attached as Annexure E):

- (a) The applicant concedes that Erf 2297, Sandbaai is developed. However, all aerial imagery available for Sandbaai shows it as vacant.
- (b) With regards to 2.7 of the motivation, the applicant states as part of the land use assessment that there are no restrictive title deed conditions, which are in conflict with the proposal.
- (c) The objector fails to specify the impact on the neighbours and surrounding area. No comment is offered in this regard. In terms of the current zoning (Residential Zone 1: Single Residential) a building measuring 8m in height is permissible. Erf 2299, Sandbaai is ±70m from the subject properties. The proposed maximum height of the proposed dwelling units is 6,539m. No windows / openings are proposed on the first floor facing directly onto Remainder Erf 572 and Erf 2297, Sandbaai. As a result, no opportunity for overlooking of either objector's properties is foreseen.
- (d) The subject properties could be consolidated and subdivided into three (3) separate portions, similar to that of Erven 2297, 2298, and 2299, Sandbaai. Second dwelling units are permitted as of right in terms of Residential Zone 1: Single Residential. However, aspects such as architectural style, access, landscaping, etc. are better controlled with the current proposal. In addition, one (1) additional parking bay is required with second dwelling units and two (2) parking bays are required for each dwelling unit within a town housing development.
- (e) For all intents and purposes, the application concerned aims to achieve an arrangement, which already exists on Erven 2297, 2298, and 2299, Sandbaai where each of these erven can develop two (2) units with the end result being six (6) units in total.

## 9. MUNICIPAL ASSESSMENT OF COMMENTS

The Town Planner's response to the comments / objections received is as follows:

- (a) The concerns raised by the objectors are noted, as well as the comments from the applicant.
- (b) The Town Planner supports the applicant's response in this instance as a Conveyancer's Certificate was submitted as part of the application, which confirms that no restrictions exist in the Title Deeds that will prohibit the approval of this application. It should be noted that the proposal is to deviate from the Overstrand Growth Management Strategy, which is a strategic policy approved by Council.
- (c) The concerns raised by the objectors are noted, as well as the comments from the applicant. As a result of the proposal more restrictive building lines will be

applicable on the outer perimeter, in addition to more parking requirements in terms of the Zoning Scheme Regulations.

- (d) Town housing is located  $\pm 300\text{m}$  to the west of the properties and approximately sixteen (16) town housing developments are situated to the north of End Street. However, the majority of the core urban area of Sandbaai is made up of properties zoned Residential Zone 1: Single Residential. Although second dwelling units are included as a primary use right, second dwelling units are restricted to a total floor area of  $120\text{m}^2$ , which in turn minimises the impact it might have on the surrounding area. Dwelling units and second dwelling units must be located on the same erf. The zoning and land use proposed is residential in nature, which is compatible with the surrounding area. However, the density and number of units proposed is not compatible with the character of surrounding area, which will be discussed later in the report.
- (e) Each land use application submitted in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, is evaluated on its own merits. However, applications of this nature can alter developer expectations for potential developments in the area.

## **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 not completely in line with the planning objectives applicable to this application as set out below. The objectives relating to:

#### Spatial Justice

The application will not perpetuate spatial injustices.

#### Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No negative influence on the natural environment or prime and unique agricultural land will occur.

#### Efficiency

The application will optimise the use of existing municipal services and infrastructure.

#### Spatial resilience

The application will ensure that the existing resource (land) is utilised to its maximum in an affordable manner, but it is not in line with the Overstrand Municipality's forward planning documents.

#### Good administration

The application was processed in accordance with the applicable timeframes stipulated in the relevant planning legislation.

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

Partially the same as Point 10.2 above.

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

Consistent with the Zoning Scheme, but inconsistent with the Spatial Development Framework and the Overstrand Municipal Spatial Growth Management Strategy.

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

N/A

**10.6 Impact on Municipal engineering services**

The existing services are available and are viewed positively by the Engineering Department.

**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 not in line with the Overstrand Spatial documents.

**10.9 THE DESIRABILITY OF THE PROPOSAL****Development Proposal**

The purpose of this application is to establish six (6) residential units with a private road and a refuse room. No communal open spaces are proposed and all six (6) units will gain access from a private road in the development that links onto Long Street. In order to accommodate the residential units, the application includes a series of departures.

The application for Consolidation, Rezoning, Subdivision and series of Permanent Departures will result in a development consisting of the following:

- 6 x General Residential Zone 1: Town Housing (GR1) erven (measuring from  $\pm 240\text{m}$  to  $\pm 340\text{m}$  in extent);
- 1 x Transport Zone 2: Road and Parking (TR2) for a private road (measuring  $\pm 242\text{m}^2$  in extent); and
- 1 x Open Space Zone 3: Private Open Space (OS3) to accommodate a refuse room (measuring  $\pm 11\text{m}^2$  in extent).

It should be noted that the incorrect section, in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, was quoted in the notice/advertisement for the departure to accommodate the refuse room on proposed Portion 8. However, this can be deemed an administrative error and

does not materially alter the merits and/or intent of the application submitted. The initial notice quoted "... *Section 16(2)(c)*", whereas application was made in terms of *Section 16(2)(b)* of the By-Law. This is corrected in the recommendation below.

### **Locational Context**

The surrounding area is characterised predominantly by residential uses and ancillary activities with a town hall located  $\pm 200\text{m}$  to the west. Local businesses are situated  $\pm 250\text{m}$  to the north-west. Access will be gained directly from Long Street, which links onto Main Road and subsequently the R43 to the north.

### **Impact on Existing Rights**

Erf 2825, Sandbaai abuts the subject properties, is currently vacant and measures  $\pm 2,7\text{ha}$  in extent. The boundary shared between the subject properties and Erf 2825, Sandbaai is where the departure application of the perimeter building line of the side boundary is applicable for a portion of proposed Unit 2 and Unit 3. The applicant wishes to encroach onto the 5m street building line, applicable on the outer perimeter of the development, by 0,5m. This is a 10% deviation and can be seen as having a minimal impact on the surrounding area. Due to the scale and context of the proposal, the applicant wishes to depart from the minimum internal road width, from 8m to 6m. It is not foreseen that this deviation will have a negative impact on road users, traffic volume and type of vehicles that will make use of the road. However, considering all the applications for departure (in its entirety), it can be viewed the developer is trying to establish a development not suited for the site concerned.

Emergency services (such as the Fire Department, ambulance services, etc.) shall enjoy unobstructed access to all portions of the proposed development. The rights and privacy enjoyed by the surrounding area will not be negatively impacted on.

The purpose of the departure is to allow the refuse room on the street boundary, where a 5m street building line is applicable. This will have a minimal negative impact on the streetscape, and considering the scale and footprint of the refuse room can be deemed a minor deviation from the development parameters of the Zoning Scheme. Engineering Services required that the refuse room be easily accessible from the street. The refuse room can be restricted to a height of 2,1m or not exceed the height of the boundary wall, whichever is more restrictive. This will further preserve the current streetscape and minimise the impact the development might have on the surrounding environment.

The proposed residential units are uniform in design and architectural form and will utilise an internal private road and refuse room. A Home Owner's Association must be established to ensure the upkeep of the communal facilities and internal services.

### **Zoning Scheme Requirements**

The proposed zonings are General Residential Zone 1, Transport Zone 2 (private road) and Open Space Zone 3 (refuse room). Adequate parking is provided as required in terms of the Zoning Scheme regulations and space is available for additional parking if the need arises. The proposal adheres to all other provisions of the Zoning Scheme besides the departures which are applied for. It should also be noted that the uses proposed in the portions to be zoned Transport Zone 2 and Open Space Zone 3 can all be accommodated under General Residential Zone 1.

The applicant compares this proposal with the development potential of Erven 2297, 2298, and 2299, Sandbaai. These erven are zoned Residential Zone 1: Single Residential in terms of the Zoning Scheme and second dwelling units are permitted as of right. This means that a total of 6 dwelling units are permissible on these erven. The same amount of dwelling units the applicant proposes. However, the key difference is that second dwelling units are limited to a maximum floor space of 120m<sup>2</sup>, may not be alienated in terms of the Sectional Title Act, and requires 1 additional parking bay in terms of the Zoning Scheme. The aforementioned inherently lowers the impact second dwelling units may have on the surrounding character of the area as opposed to a Town Housing Scheme.

Another key aspect the applicant fails to address is Section 6.2.2(e)(iv) of the Zoning Scheme, regarding the 2.0 metre side space between buildings on adjacent land units. It is clear that the proposed garages on Unit 3 and Unit 4 do not comply with this restriction and no application to depart from this restriction is applied for.

### **Impact on Engineering Services**

A Preliminary Civil Engineering Services Report was done by Cape Spectrum Engineering in February 2018. The report concluded in saying that all internal water, sewage, and stormwater reticulation can be connected to the existing municipal network. That all internal minimum design requirements be in accordance with the "Guidelines for Human Settlement Planning and Design" (Red Book), "Geometric Design of Urban Local Residential Streets", "TRH4, Structural Design of Flexible Pavements for Interurban and Rural Roads". Engineering Services confirmed that adequate capacity is available to accommodate the proposed development and it is supported subject to certain conditions contained in their report attached as Annexure G.

### **Public Participation Process**

All other relevant organs of state the application was circulated to did not provide any negative comments. The objections submitted from interested and affected parties were addressed in point 7., 8., and 9.

### **Strategic Documents and Council Policies**

The applicant proposes a higher density than what is designated to the area in the Growth Management Strategy, 2010 (GMS). The application area falls



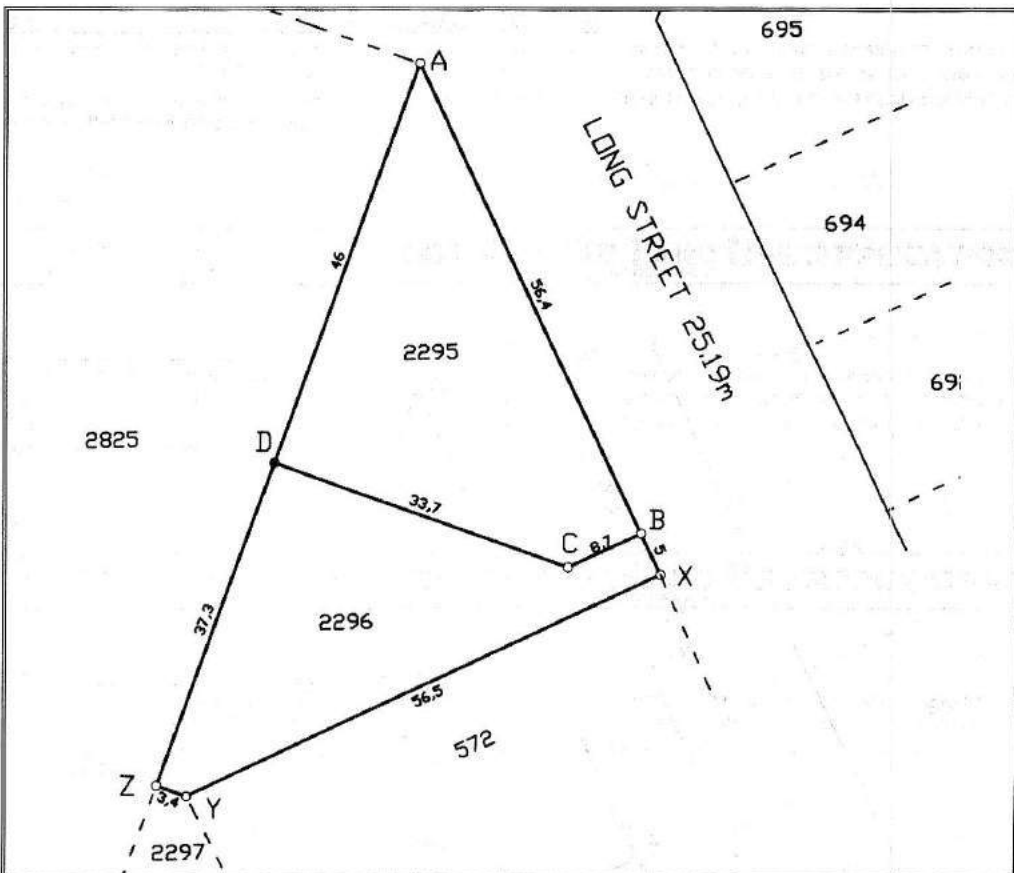
## SECTION III – THE LAND USE APPLICATION

### 3.1 Proposed Consolidation

The Client concerned (i.e. Bajak Investments (Pty) Ltd) as owner of the two constituent subject properties has resolved to ensure the consolidation of the subject properties so as to enable its subsequent development with a residential development at a density higher than is ordinarily possible in terms of the two independent land units.

The mentioned consolidation will see the amalgamation of Erf 2295 and Erf 2296 Sandbaai into a single land unit.

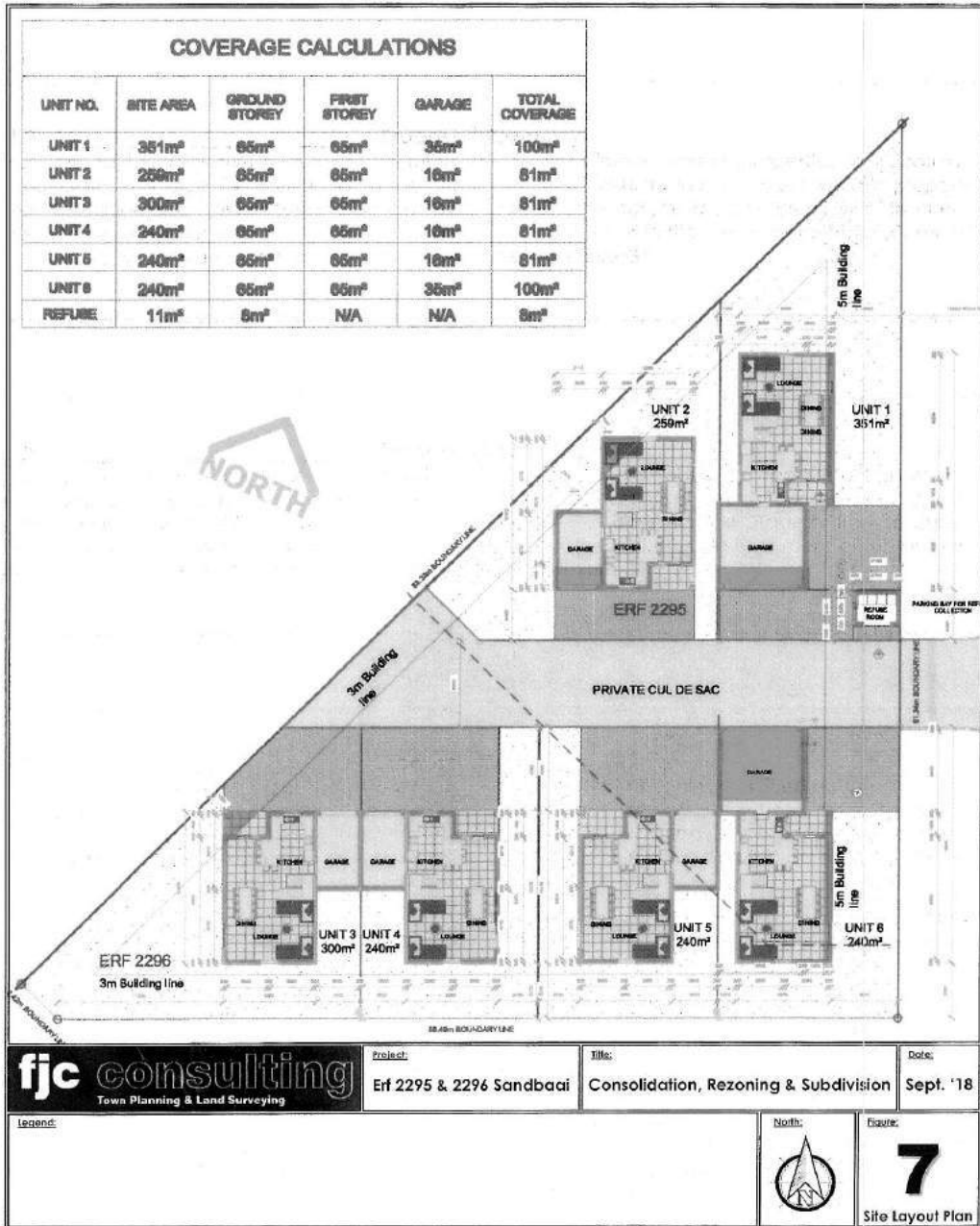
The combination of Erf 2295 and Erf 2296 Sandbaai will realise a single land unit with an extent of 1875m<sup>2</sup>, as reflected in the Plan of Consolidation attached as **Annexure F**.



<b>fjc consulting</b> <small>Town Planning &amp; Land Surveying</small>	<small>Project:</small>	Erf 2295 & 2296 Sandbaai	<small>Title:</small>	Consolidation, Rezoning & Subdivision	<small>Date:</small>	Sept. '18
	<small>Legend:</small>	<ol style="list-style-type: none"> <li>1. Figure A<sup>8</sup>BCD represents Erf 2295 Sandbaai, which measures ±1019m<sup>2</sup>.</li> <li>2. Figure DCBXYZ represents Erf 2296 Sandbaai, which measures ±855m<sup>2</sup>.</li> <li>3. Figure AXYZ represents the proposed Consolidation of Erf 2295 with Erf 2296 Sandbaai, which will measure 1875m<sup>2</sup>.</li> </ol>				
			<small>North:</small> 	<small>Plan:</small> <b style="font-size: 2em;">6</b> Consolidation Plan		

**3.2 Proposed Rezoning**

Pursuant to the aforementioned consolidation of the constituent subject properties, application is simultaneously made for the approval by the Overstrand Municipality in favour of the proposed rezoning application which seeks to amend the zoning of the consolidated property from its current Residential Zone I status to that of Subdivisional Area, so as to enable the development of the property concerned with a 6-unit town house development (see **Annexure G**).



**fjc consulting**  
Town Planning & Land Surveying

Project: Erf 2295 & 2296 Sandbaai

Title: Consolidation, Rezoning & Subdivision

Date: Sept. '18

Legend:



Figure:

**7**

Site Layout Plan

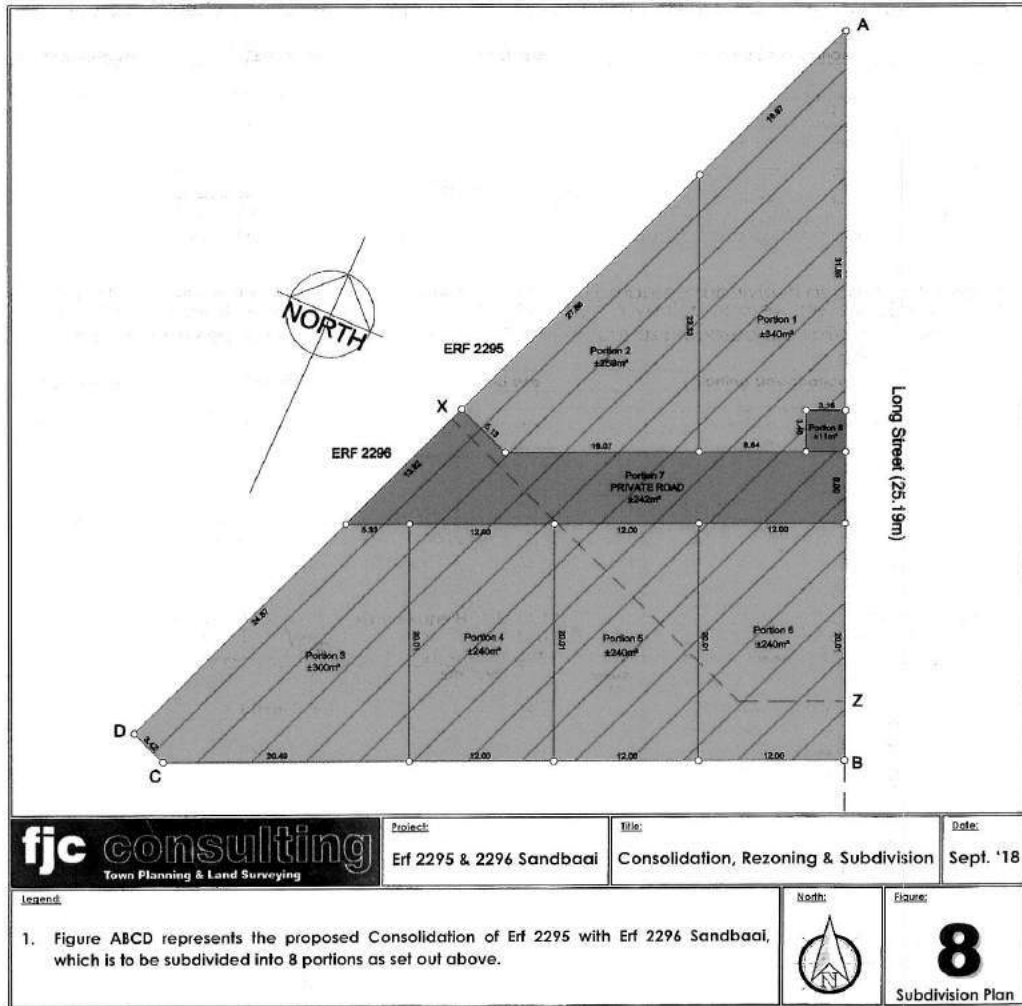
**3.3 Proposed Subdivision**

It is proposed to subdivide the consolidated and rezoned property in terms of the proposed development thereof with a 6-unit town housing scheme as set out in the associated Site Development Plan.

The Site Development Plan which informs the subdivision layout proposes the subdivision of the consolidated property concerned into 7 portions. The 7 portions as proposed are split as follows:

Portion Number	Extent (±m <sup>2</sup> )	Land Use	Zoning Designation
Portion 1	340m <sup>2</sup>	Town House	General Residential Zone 1
Portion 2	259 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 3	300 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 4	240 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 5	240 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 6	240 m <sup>2</sup>	Town House	General Residential Zone 1
Portion 7	242m <sup>2</sup>	Private Road	Transport Zone 2
Portion 8	11m <sup>2</sup>	Refuse Room	Open Space Zone 3

The Plan of Subdivision attached as **Annexure H** sets out the proposed subdivision as applied for herein.



### **3.4 Development Controls**

This component of the application involves the **physical aspects** of the proposed buildings associated with the development of the subject properties with the 6 town houses.

The zoning scheme prescribes certain development controls, which serve to limit development within the various zones identified in the scheme.

In this regard we will assess the implications of the proposed town house development of the property concerned in terms of the following development controls of the General Residential Zone 1 (GR1):

- 3.4.1 Density**
- 3.4.2 Coverage**
- 3.4.3 Height**
- 3.4.4 Building Lines on the Perimeter of a Town Housing Development**
- 3.4.5 Building lines within the town housing development**
- 3.4.6 Parking**
- 3.4.7 Internal Roads**

Compliance of the above development rules will be tested against the Site Development Plan (see **Annexure G**), and where non-compliance is identified, the relevant departures will be applied for.

#### **3.4.1 Density**

In terms of General Residential Zone 2, the property concerned at 1875m<sup>2</sup> would be permitted to be developed with nine (9) town houses.

However, based on the location and context of the property concerned, the Applicant resolved that reducing the number of units makes for a more legible and open layout, which would ensure the creation of a better environment for the eventual owners. This is particularly realised through the increased areas of private open space for each individual plot. As a result thereof, the decision was made to rather seek to rezone the consolidated property to General Residential Zone 1, where the allowable density would ordinarily permit a total of 6.5 units, which is in keeping with the proposed development proposal of 6 town house units.

Based on the above assessment of the proposed density, it is confirmed that no departure is required.

#### **3.4.2 Coverage**

In terms of the provisions of the zoning scheme, a maximum coverage of 50% is permissible.

To this end, and based on the attached site layout plan, we are able to determine that the total proposed covered footprint associated with the 6 town house units and refuse room measures 532m<sup>2</sup>.

The proposed coverage represents a coverage of 28,4% of the site area.

Based on the above assessment of the proposed coverage, it is confirmed that no departure is required.

#### **3.4.3 Height**

In terms of the provisions of the zoning scheme, General Residential Zone 1 properties are permitted to be built to a maximum of 8,0m in height (from the base level to the top of the roof).

To this end and based on the elevations included in the attached site layout plan, we are able to determine that the maximum proposed height is 6,539m.

Based on the above assessment of the proposed height, it is confirmed that no departure is required.

### 3.4.4 Building Lines on the Perimeter of a Town Housing Development

#### 3.4.4.1 Street Boundary Building Line

In terms of the provisions of the zoning scheme, a street boundary building line of 5,0m is applicable.

From the attached Site Layout Plan, we can determine that the refuse room proposed on the Open Space 3 portion is set 0,0m from the external street boundary. In addition thereto, we also note that portions of the dwelling units on Portion 1 and Portion 6 are proposed to be 4,5m from the street boundary.

As a result of the above, application is also made herewith for a Departure to permit the proposed refuse room on the OS3 portion (i.e. Portion 8) to be 0,0m and the affected portions of the proposed dwelling units on Portion 1 and Portion 6 to be 4,5m from the External Street Boundary in lieu of the required 5,0m.

#### 3.4.4.2 Side Boundary Building Line

In terms of the provisions of the zoning scheme, a side boundary building line of 3,0m is applicable along the external side boundaries.

From the attached Site Layout Plan, we can determine that the town house units on Portion 2 (on the Ground Floor and First Floor) and Portion 3 (on the First Floor only) are proposed to be within the 3,0m building line.

As a result of the above, application is also made herewith for a Departure to permit the proposed town house units on Portion 2 and Portion 3 to be 1,0m from the side boundary in lieu of the required 3,0m.

### 3.4.5 Building Lines within the Town Housing Development

#### 3.4.5.1 Street Boundary Building Line

In terms of the provisions of the zoning scheme, the street boundary building line on internal roads is 1,0 m provided that garages must be set back at least 5,0 m from the road kerb.

From the attached Site Layout Plan, we can determine that the garages on Portion 1 and 2 are 3,48m from the internal road boundary, whilst the garage on Portion 6 is 0,0m from the internal road in lieu of the required 5,0m. To this end, the Applicant qualifies that tip up doors will not be utilised, thus there will be no encroachment of the garage doors into the road way.

As a result, application is also made herewith for a Departure to permit the garage on Portion 1 and 2 to be 3,48m and the garage on Portion 6 to be 0,0m from the internal street boundary in lieu of the required 5,0m.

#### 3.4.5.2 Rear Boundary Building Line

In terms of the provisions of the zoning scheme, a rear boundary building line of 1,0m is applicable.

Notwithstanding the above 1,0m rear boundary building line, we note that the scheme regulations proceed to qualify that:

*A building may be constructed at 0 m on one internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary;*

Based on the above allowance made, we confirm that no departures are required in terms of the internal rear boundary building line.

#### 3.4.5.2 Side Boundary Building Line

In terms of the provisions of the zoning scheme, a rear boundary building line of 1,0m is applicable.

In terms of the provisions of the zoning scheme regulations, buildings may be constructed at 0,0m on one internal side boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary.

From the attached Site Layout Plan, we can determine that the garages of Portions 1, 5 and 6 are proposed on the side boundary. Notwithstanding the above, we confirm that none of the proposed garages account for more than 50% of the length of the affected boundary, and thus no departure is required.

#### 3.4.6 Parking

In terms of the provisions of the zoning scheme regulations, parking for town houses is to be provided at a rate of 2 bays per unit – i.e. *1 bay per dwelling unit plus 1 bay per dwelling for visitors.*

The development concerned proposes the provision of two parking bays per unit (1 covered garage and 1 uncovered bay) for Portions 2-4, and Portions 1 and 6 having double garages.

Based on the above assessment of the parking provision, it is confirmed that no departure from Parking is required.

#### 3.4.7 Internal Roads

In terms of the provisions of the zoning scheme regulations, the minimum internal road reserve width is 8,0m.

From the attached Site Layout Plan, we can determine that the width of the internal road which provides access and services to the 6 town house units is proposed to be 6,0m.

As a result of the above, application is also made herewith for a Departure to permit the proposed internal road width of 6,0m in lieu of the required width of 8,0m.

#### 3.4.8 Open Space

Notwithstanding the fact that the Zoning Scheme regulations do not prescribe a minimum open space requirement for town house developments in the General Residential Zone 1 use zone, the Applicant gave this aspect due consideration and found that improved private open spaces within the residential portions concerned tend to be more optimally utilised as opposed to a common open area; also the maintenance and care that such space is better managed as part of the privately owned portions as opposed to being included in the administration and management by the homeowners association, which also means a reduced levy is to be paid.

As a result of the above, the Applicant resolved to forego the communal open space and rather include such space in the respective plot sizes of the town house portions.

### 3.5 Services

With regard to the potential demand that the proposed higher density development is associated with, the Applicant has instructed Consulting Engineers to produce a Preliminary Services Report.

The said report which deals with the Water Reticulation, Sewage, Storm Water, Roads and Access is attached hereto – see **Annexure J**.

Notwithstanding the attached Preliminary Report, the Applicant anticipates that in the course of assessing the application concerned that the affected services branches of the Municipality will be approached for their comment. In the event that any of the affected services branches is of the considered opinion that their network does not have the necessary carrying capacity to

accommodate the additional demand represented by the additional four dwelling units, then such concern will be relayed to the Applicant for consideration and response.

Whilst we trust that the densification objectives of the Municipality are associated with the necessary services capacity upgrades needed to facilitate such density increases, we will nevertheless await comment from the affected branches of the Municipality.

## SECTION IV – MOTIVATION

### 4.1 Provincial Spatial Development Framework (2005)

The Provincial Spatial Development Framework (2005), which was recently confirmed by the Department of Environmental Affairs and Development Planning in their Provincial Circular 10/2009 as being approved as a Structure Plan in terms of Section 4(6) of the Land Use Planning Ordinance. The effect of this approval serves to render the provisions of the PSDF as binding as opposed to just guiding. To this end, the prescription of the attainment of higher densities where appropriate in metropolitan areas, as long as they have not been identified as biodiversity priority or priority open spaces must be seen to actively encouraged and facilitated. The relevant policies state as follows:

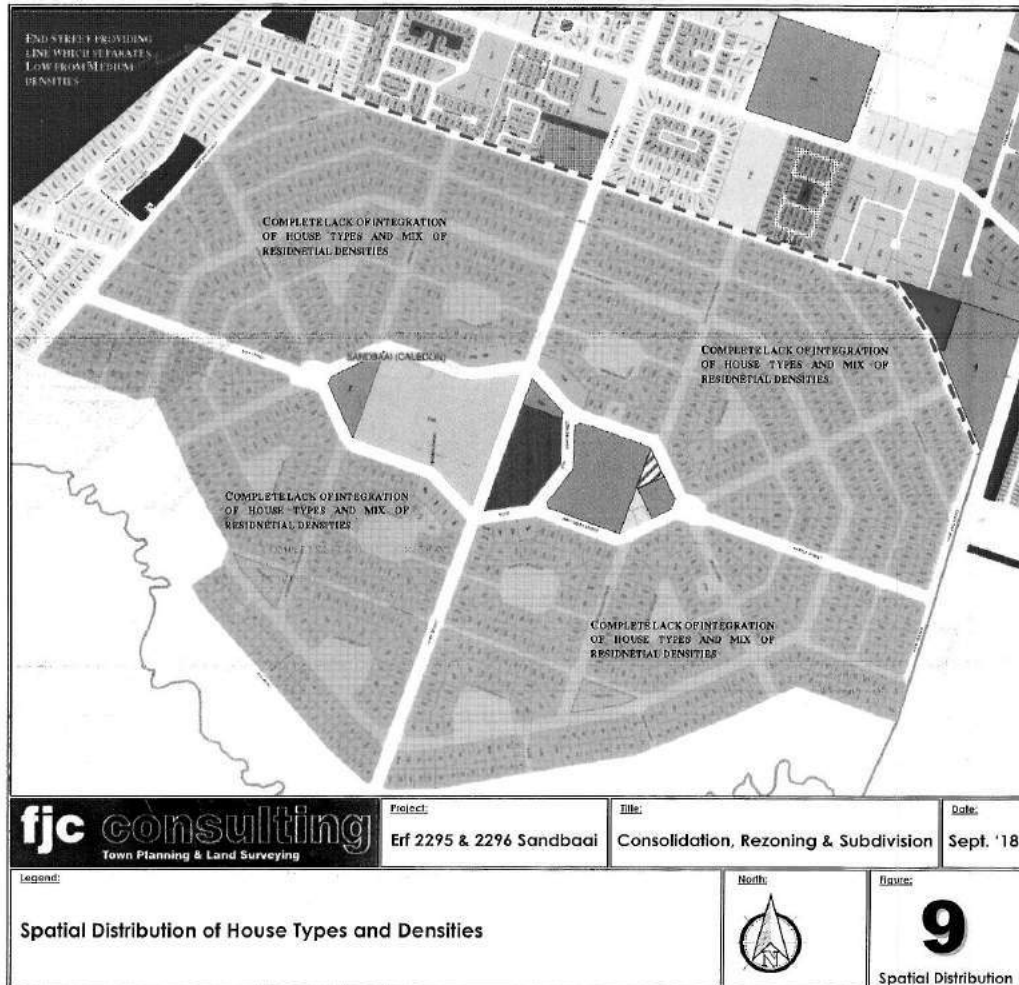
UR 2 *The average gross residential density in urban settlements experiencing urban growth shall be encouraged to increase to 25 du/ha before further extensions to the Urban Edge are considered. (M) The term "average" implies that densities may be as low as 3 – 6 du/ha on the urban periphery but should increase to 40 – 60 du/ha at or near the centre or other highly accessible nodal points or other identified nodal centres in the urban areas. The general pattern is that densities should be higher towards the core and lower towards the periphery after taking heritage, environment and other constraints such as services capacities into account. Densification should only occur in strategic parts of urban settlements such as along major routes, around open spaces on well located pieces of land or in under developed areas whose good location warrants increased development. Heritage resources should be taken into account so that these are not inappropriately destroyed.*

UR 12 *50% of the five major urban activities; public transport, residence, recreation, shopping, and employment should be accessible within walking distance (1000m) of residential dwellings.*

In terms of the five (5) major urban activities concerned, an assessment of the application and property concerned served to provide the following observations:

- ♦ Public Transport: Public transport is available in Hoof Street which is approximately 270m from the property concerned.
- ♦ Recreation: Recreation is available along the coast line which is a mere ±520m walk from the property concerned.
- ♦ Shopping and Employment: Shopping and potential employment opportunities are available in Lang Street approximately 250m walk from the property concerned. There are additional potential employment opportunities available at the industrial sector which is approximately 670m from the property concerned.

It should also be noted that in keeping with the principle and objective of greater access to facilities, the property concerned immediately abuts an area which is zoned Special Zone – a zone in terms of the zoning scheme which requires the Consent of Council and is for a special usage, which means any other use determined by Council when approving a Special Zone and which is not catered for under a primary or consent use contained in the scheme. This use zone designation intimates a potentially unique development for which no provision has been made in the other use zones, a development which our application will provide greater access to via the greater threshold represented by the application concerned. Easier access to any potential institution or otherwise would augur well for a development which proposed an increase in density, which in turn would suggest increased access to such facilities.



#### 4.2 Overstrand Sectoral Densification Strategy

The Overstrand Densification Strategy also serves to confirm both the need and desirability of development that is able to sensitively bring about increases in density, without severely impacting on the character of the affected areas.

The mentioned strategy identifies certain salient points, which include:

- 4.2.1 Objectives of the Study
- 4.2.2 Spatial Concerns
- 4.2.3 Defining Densification
- 4.2.4 Dealing with Misconceptions of Densification
- 4.2.5 Advantages of Densification
- 4.2.6 How to Realise Densification

The Strategy concerned looked at the above aspects in more detail. Extracts of the presentation are quoted below:

#### 4.2.1 Objectives of the Study

The overall objective of this initiative will be to provide a set of appropriate area specific policy guidelines which can be used by the Council to proactively direct and manage the implementation of urban densification measures in a manner that is sensitive to the character of the various towns and settlements within the Overstrand Municipality.

Such a Sectoral Densification Strategy will, inter alia:

- promote a more compact, denser, efficient and environmentally sustainable;
- protect sensitive environments and resources within and outside the urban edge; and
- rationalise bulk infrastructure and service capacity to ensure that the bulk capacity is provided in the urban areas where growth and development is considered desirable

The effective implementation of an appropriate and area specific densification policy for the towns within the Overstrand Municipal Area has many advantages, viz:

- It will serve to direct growth inwards and provide a workable alternative to urban sprawl;
- It will ensure that the mechanisms and interventions required to effectively implement the densification strategy are sensitive to the unique character and diversity of the various urban environments within the municipal area
- It will encourage the provision of an appropriate range of housing types for all sectors of society

#### 4.2.2 Spatial Concerns

These concerns include:

- Growth Pressures;
- Urban Sprawl;
- Housing Need;
- Integration of Urban Areas
- Traffic Congestion

#### 4.2.3 Defining Densification

Before we can begin to understand the concept of densification, it is important to first define it. The strategy concerned defines densification as follows:

***"Densification is the process whereby residential densities (the number of dwelling units per hectare) are increased in a planned and meaningful way within the existing boundaries of a specific area"***

(CMC, 2000)

#### 4.2.4 Dealing with Misconceptions of Densification

The term densification often conjures up certain misinformed ideas of what the concept entails. The strategy deals with some of the more common misconceptions that are often held with regard to densification. These misconceptions include:

- Single-dwelling Residential Use is not compatible with High Density
- High-density means High Rise
- High-density developments are unattractive and will impact negatively on the quality of Lower-density Residential areas
- High-density development is responsible for negative social conditions

These misconceptions as have been expended upon in the strategy are similarly quoted below:

- Single-dwelling residential use is not compatible with high density residential development  
There are many situations where low-rise, high density development is compatible with single dwelling residential development. It is generally a case of good overall design and keeping development to a compatible scale and height.
- High-density development means high-rise  
High-density does not necessarily imply high-rise development. Acceptable levels of densification can be achieved through well-designed, low and medium rise development and by the creation of smaller erven (ground-floor development). The height of developments should be appropriate to the scale and context of the surrounding urban environment.
- High-density developments are unattractive and impact negatively on the quality of lower-density residential areas  
The perception has been fueled by examples of unattractive and poorly designed development in low income areas. High-density developments that are well designed and integrated into the surrounding environment will be more attractive, both in low-income and high-income areas. There are many examples of acceptable high density developments that have not negatively impacted on the quality of residential areas
- High-density development is responsible for negative social conditions  
There is no evidence to support a direct causal relationship between high-density living and negative sociological impact. The social problems associated with high density housing estates on the Cape Flats are not as a result of high density, but rather, economic circumstances, poor unit and building design, and the under-provision and poor management of public spaces and community facilities.

#### 4.2.5 Advantages of Densification

Some of the Advantages of Densification include:

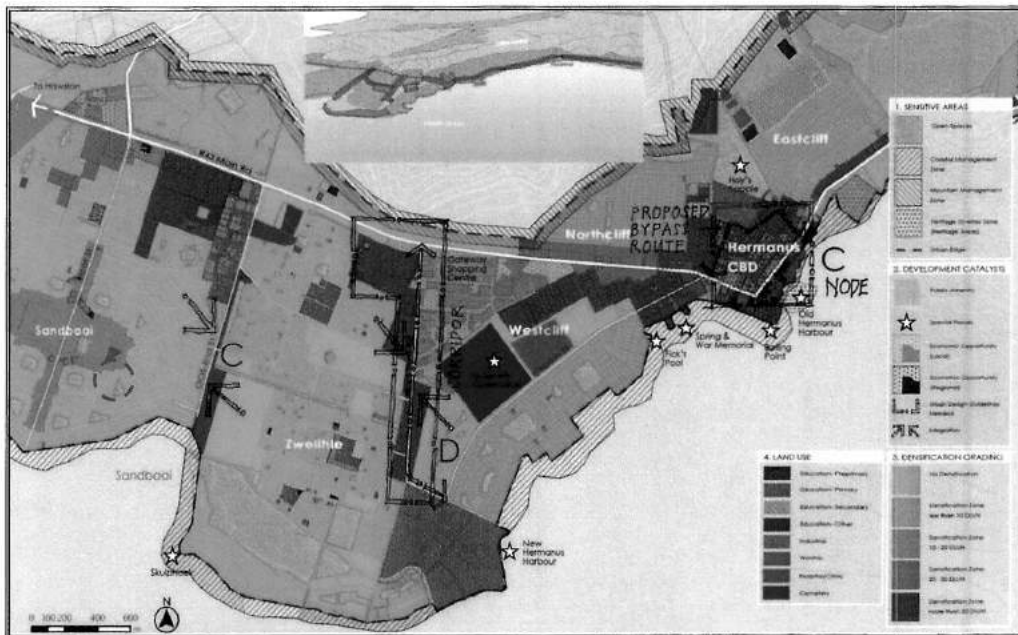
1. Increased economic efficiency by increasing threshold populations and decreasing the range in which they are accommodated.
2. Improve access to opportunities and facilities in the urban system.
3. Prevention of urban sprawl and the promotion of the densification and integration of the existing urban fabric.
4. Provision of housing for a range of income and age groups in an efficient, sustainable and equitable manner.
5. Address the spatial inadequacies of past planning which resulted in the segregation of land-uses and hence the reliance on the motor car.
6. Protect valuable agricultural, natural and cultural resources.
7. Minimize cost related inefficiencies in terms of infrastructural provision within the Overstrand municipal areas- achieve economy of scale

#### 4.2.6 How to Realise Densification

The Strategy identifies three basic mechanisms to be employed in seeking to realise the densification envisaged. These mechanisms are:

- Intensification
- Infilling

- Containment
- Intensification
  - Second Dwelling
  - Subdivision
  - Density Control
  - Conditional Rezoning
  - Incentive Zoning
  - Property Taxation
  - Planning Guidelines
- Infilling
  - Transfer of Development Rights
  - Land Swaps
  - Public Housing Programs
  - Vacant Land Taxation
  - Financial Incentives
- Containment
  - Urban Edge
  - Infrastructure Moratoria
  - Purchase of Development Rights
  - Development Timing
  - Development Contributions
  - Development Gains Taxation



<p><b>fjc consulting</b> Town Planning &amp; Land Surveying</p>	Project:	Title:	Date:
	Erf 2295 & 2296 Sandbaai	Consolidation, Rezoning & Subdivision	Sept. '18
Legend:		North:	Scale:
Strategic Growth Management Strategy Interventions			
		10	
		Growth Management Strategy	

#### **4.3 Overstrand Municipal Wide Spatial Development Framework**

Section 7.7 of Volume II of the Overstrand Municipal Wide SDF deals specifically with the Greater Hermanus Area, of which Sandbaai is a part of.

The mentioned Development Framework also identifies certain key Local Spatial Development Principles for the Greater Hermanus Area, certain of which find particular relevance to the application concerned which reads:

- **Promote**  
*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 populations housing needs;*
- **Contain**  
*the urban footprint of Greater Hermanus within a well-defined urban edge.*

The Greater Hermanus Local Growth Management Strategy of the Development Framework acknowledges the importance / significance of strategically ensuring that the Greater Hermanus area has the capacity to sustainably accommodate the population growth rates projected for the area concerned. In this regard, the Management Strategy identifies the associated importance that bulk service and traffic infrastructure be similarly geared to address growth in the form of appropriate residential densification in the established well-located central urban areas.

The mentioned Development Framework also identifies certain Land Use Proposals at the Local Planning Level (LPL). The relevant and applicable proposals have been extracted and include:

##### **LPL 2 Balanced Housing Provision**

*The ongoing provision of land and / or redevelopment opportunities for residential / housing uses, within the urban edge, must be viewed as priority. This together with the need to provide for integration and a balanced mix of housing types for the full range of income groups must also inform decision-making.*

##### **LPL3 Densification**

*Residential land use is the primary consumer / user of urban land. The strategic need to reduce urban sprawl by increasing residential densities is an accepted urban growth management principle. In this regard, it is recommended that an area specific densification policy is compiled for the greater Hermanus to ensure that appropriate are specific densification is promoted in a sustainable manner.*

##### **Recommendations**

*Address the current housing backlog and future growth needs through applying densification principles within existing urban areas.*

*Compile an area-specific densification policy for Greater Hermanus to ensure appropriate and sustainable densification.*

*The above extracts from the SDF serve to confirm and reinforce the objectives and principles as identified in the PSDF and the Densification Strategy. These important urban growth management tools advocate and encourage (PSDF makes it binding) the implementation of densification as a means of addressing the growth demands placed on urban areas, as well as the pressures placed on peripheral areas beyond the urban edge.*

#### **4.4 SPLUMA Development Principles**

The Spatial Planning and Land Use Management Act, provides that all principles as contained in the Act apply to all aspects of spatial planning, land development and land use management.

In the above regard we note that the Act identifies the following Development Principles:

- 4.4.1 The Principle of Spatial Justice
- 4.4.2 The Principle of Spatial Sustainability
- 4.4.3 The Principle of Efficiency
- 4.4.4 The Principle of Spatial Resilience
- 4.4.5 The Principle of Good Administration

The application of these principles to the application concerned, is communicated in the below section:

##### **4.4.1 The Principle of Spatial Justice**

In a broad sense, spatial justice refers to a deliberate and focused emphasis on the spatial or geographical aspects of justice and injustice. As a starting point, this involves the fair and equitable distribution in space of socially valued resources and the opportunities to use them. It is acknowledged that in South Africa where spatial planning was used as an implementing agent to realise the segregation principles of Apartheid Planning that this must similarly be used in the redress.

In terms of the opportunity for the application and the development associated therewith to make a contribution towards such redress, the application is noted as having the ability, albeit limited, to make a direct contribution by way of increasing access to the area concerned in the increased density associated with the application concerned.

In the above regard it is considered noteworthy that certain of the primary objectives motivating the application and development include increased capacities and improved access.

In this regard, we reiterate that the development proposals have been shown to be consistent with the Policy Proposals made particularly applicable to the Greater Hermanus Area.

##### **4.4.2 The Principle of Spatial Sustainability**

Key global and regional sustainability principles are instructive for the design process and have been implemented in this project to assist in the development of the proposals concerned. These include:

- Ecological Planning – appreciate the pressures being placed on the natural and pristine areas surrounding the core developed areas of Greater Hermanus and acknowledge its importance to the attraction of the area, and as a result, prioritise its conservation and protection. This objective is supported by the application concerned which seeks to accommodate the demand for housing within the urban edge, in residential densification in established well-located central urban areas.
- Spatial Planning – assessment of appropriate fit with local and regional planning, and the measure of the architectural language of the area and the complementary role which the proposed development can have.
- Minimise Consumption of Resources – electricity, water fuel, passive energy design (PED) principles provide for appropriate level of consumption, energy efficient design, energy efficient lighting, appliances, etc.

- Use of Renewable Natural Resources – harvest rain water, use of solar and wind power, natural light, natural vegetation. These initiatives will be explored, so as to potentially achieve as limited an impact by the development on the current carrying capacity of the municipal network.
- Economic Sustainability – provide quality accommodation and outdoor areas with durable sustainable materials, which will not require frequent maintenance and / or replacement.
- Local materials and labour – sourced from local communities and businesses, benefit local economy, reduce energy consumption, creation of employment construction and operational phases.

It is further noted that the application concerned speaks directly to one of the key objects of this principle, and that is to promote land development in locations that are sustainable and limit urban sprawl.

#### 4.4.3. The Principle of Efficiency

With regard to this Development Principle, much of the ability to satisfy the objects of this principle rest with the Municipality, in so far as the decision-making and the associated time-frames are concerned.

With regard to the objective seeking land development which optimises the use of existing infrastructure and resources. To this end, the proposed development application makes a definite contribution.

#### 4.4.4 The Principle of Spatial Resilience

The principle of spatial resilience as set out in the Act, is considered to be especially necessary in the case of the application concerned in that it seeks flexibility to enable the introduction of a different house type into an area which appears to demonstrate rigidly defined areas which cater for static forms of residential accommodation in low-density single dwelling units on separate plots, as highlighted in **Figure 9** above.

#### 4.4.5 The Good Administration

The forward planning informant's in the Provincial Spatial Development Framework, the Overstrand Municipal Wide Spatial Development Framework as well as the Overstrand Sectoral Densification Strategy, which have been drawn on in the construction of this application report, collectively serve to confirm the consistency of the application concerned.

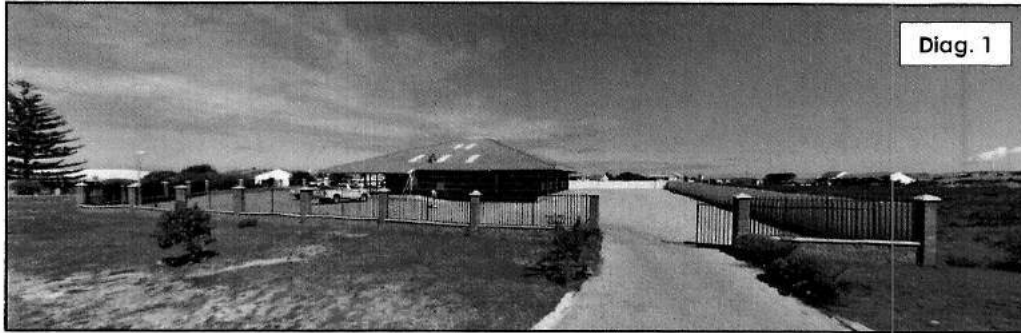
In the above regard, the Applicant is confident that the objects of the application are consistent with some of the challenges which the above planning references have identified as requiring particular spatial and density responses to.

### 4.5 Departures

In terms of the subject property, it is important to acknowledge that there are no buildings located close to the common boundaries of Erf 2295 or Erf 2296 Sandbaai. In fact, the building on Remainder Erf 572 Sandbaai is set in excess of 10m from the common boundary – see **Diag. 1** below, whilst Erf 2825 remains undeveloped. Therefore, the proposed side building line departure on the boundary shared with Erf 2825 will not have any material impact on the abutting property.

The Applicant also acknowledges that all of the departures applied for do not have any material adverse impact on any of the surrounding properties.

The internal departures are only relevant to the future residents of the proposed town house units on the subject properties, in that the departures do not impact on properties or persons outside of the proposed development.



As has been observed, the development layout proposed for the property concerned has taken into account the number and frequency of units within the area concerned and attempting to accommodate the increase in density as well as control any potential impact on the streetscape, the layout resolved to limit the number of dwelling units that would front onto the public road (directly or indirectly). To this end, the layout has achieved a situation where only two dwelling units will front directly onto Long Street, whilst the remaining four units are located on the either side of the internal road which is accessed between the two units which front on to Long Street. This serves to further reduce any potential influence the number of units could have on the local streetscape.

The natural and built environment will be improved by the landscaped areas which the layout plan proposes.

In so far as the deviation from the Growth Management Strategy is concerned, it is worth noting that in terms of the permissible minimum erf sizes allowed for in the area concerned, that the subject property could have been consolidated and subdivided into three separate single residential dwelling units as was achieved by Erven 227, 228 and 229 – see **Diag. 2** below.



Pursuant thereto, it is noted that the zoning scheme concerned permits a second dwelling unit within the SRI use zone as a primary right. Moreover, only one additional parking bay is required for the second dwelling unit. Therefore, from a density perspective, a total of six dwelling units could be achieved without affecting the zoning of the subject properties. However, this course of action, would not realise a combined access arrangement for the majority of the units, the collection of refuse would not be as organised as with a gated development, also, the ability to ensure an attractive and consistent architectural style and landscaping across the subject property would be otherwise rendered close to impossible.

All of these attributes which make for a much more desirable end product are realised through proposed rezoning and subdivision application (with departures). Given that we have the fortunate ability to consider the proposed application against the example of Erf 2297, Erf 2298 and Erf 2299, and determine which would serve the render a more pleasing aesthetic and complementary function to the receiving environment, the Applicant would argue that the application concerned would be the better option.

**AH CONSORTIUM**  
ARCHITECTS  
PROJECT MANAGER

**NOTES**

Ground elevations are the property of the architect. Dimensions to be reported in the schedule.

The contractor to verify all dimensions and levels on site prior to construction. All dimensions to be reported in the schedule. All dimensions to be reported in the schedule. All dimensions to be reported in the schedule.

Dimensions and materials to be used shall be as specified in the schedule. All dimensions to be reported in the schedule. All dimensions to be reported in the schedule. All dimensions to be reported in the schedule.

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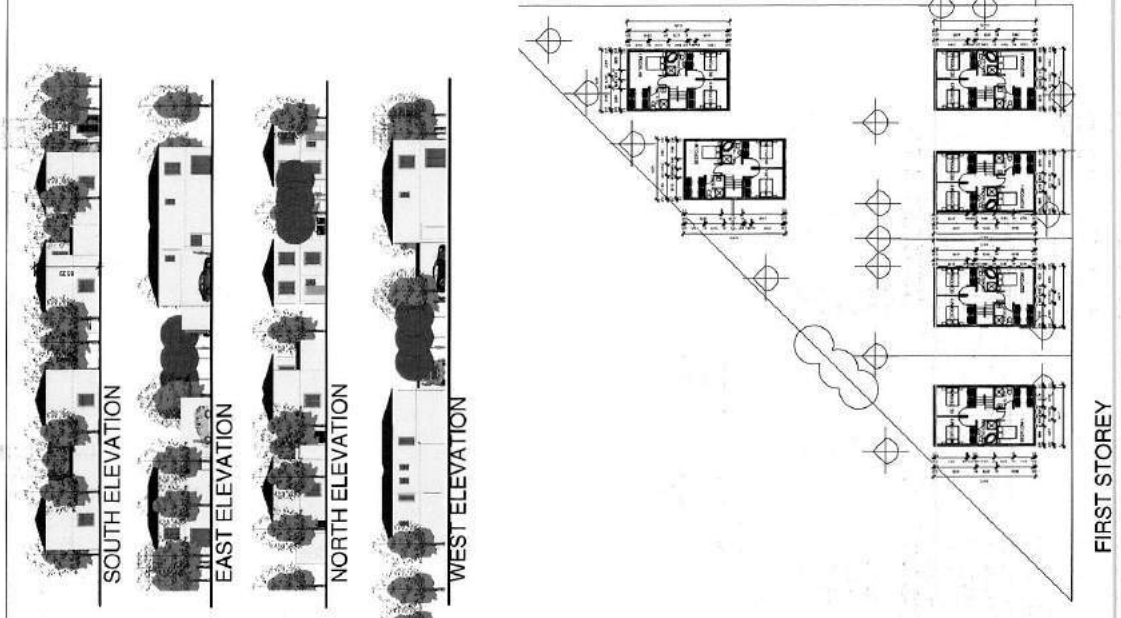
**ANNEXURE C**

GROUND & FIRST STOREY  
PLAN WITH ELEVATIONS  
SCALE 1:200

CLIENT PRESENTATION  
NEW HOUSING UNITS  
SANDBAANI VILLAGE

MAPS DATE | DESCRIPTION  
PROJECT NO. | ADDRESS  
DRAWING FILE | NUMBER  
DRAWN BY | Y. HANDESHI  
ISSUE DATE | 13 JUNE 2022

SITE AREA ERF 2296	10387m <sup>2</sup>
PROPOSED SITE COVERAGE	2887m <sup>2</sup>
PERCENTAGE COVERED	28%
BLANK FACTOR	0.48
SITE AREA ERF 2296	8547m <sup>2</sup>
PROPOSED SITE COVERAGE	2305m <sup>2</sup>
PERCENTAGE COVERED	27%
BLANK FACTOR	0

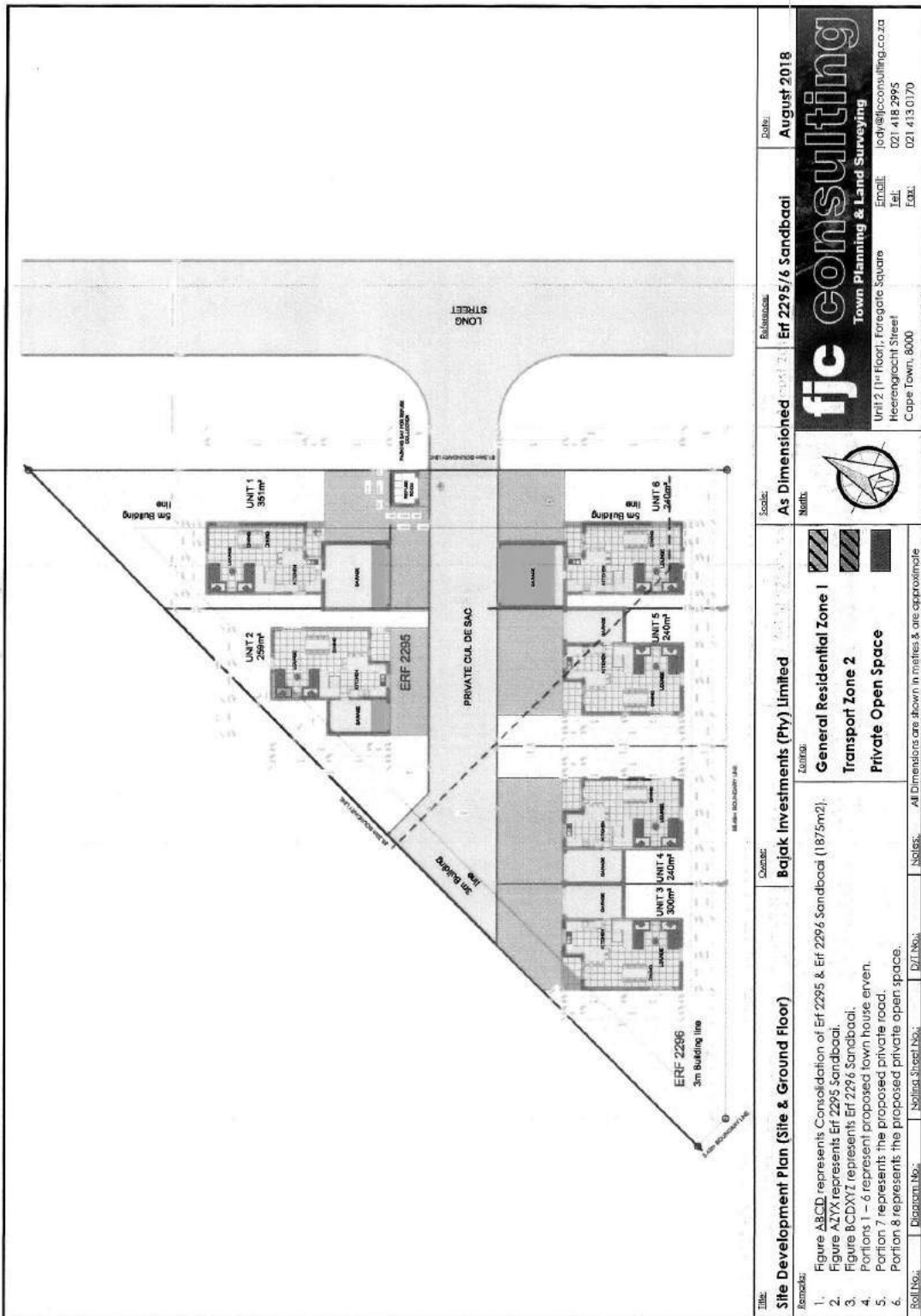


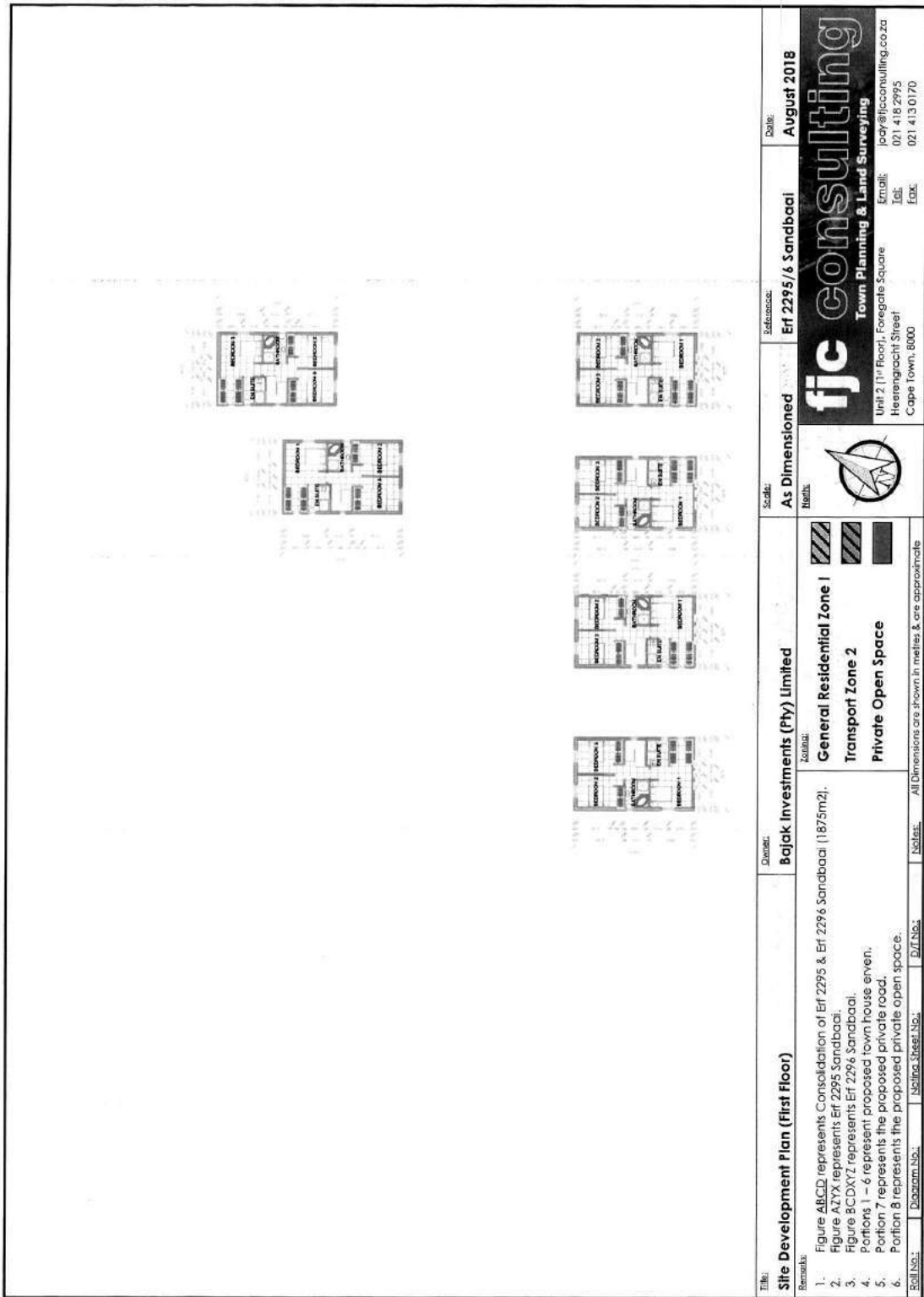
**3D PERSPECTIVE 1**

**3D PERSPECTIVE 2**

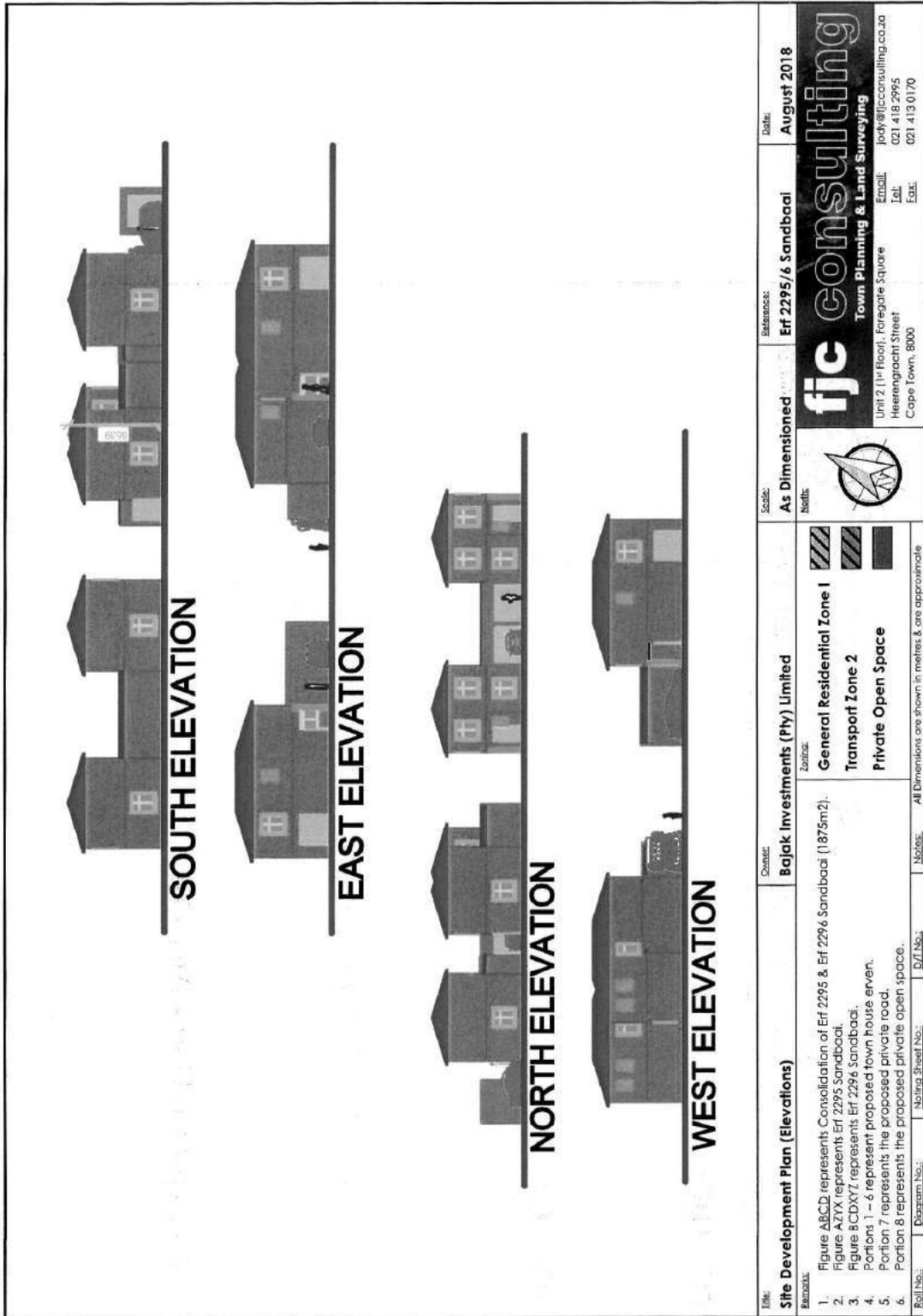
**3D PERSPECTIVE 3**



UNIT NO.	MT AREA	GROUND SURVEY	PROB. SURVEY	GARAGE COVERAGE	TOTAL COVERAGE
UNIT 1	251m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	261m <sup>2</sup>	1000m <sup>2</sup>
UNIT 2	228m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	157m <sup>2</sup>	517m <sup>2</sup>
UNIT 3	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 4	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 5	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 6	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 7	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 8	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 9	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 10	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 11	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 12	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 13	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 14	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 15	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 16	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 17	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 18	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 19	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 20	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 21	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 22	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 23	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 24	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 25	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 26	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 27	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 28	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 29	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
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UNIT 32	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 33	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 34	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
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UNIT 42	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
UNIT 43	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
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UNIT 97	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>
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UNIT 100	200m <sup>2</sup>	85m <sup>2</sup>	85m <sup>2</sup>	142m <sup>2</sup>	417m <sup>2</sup>



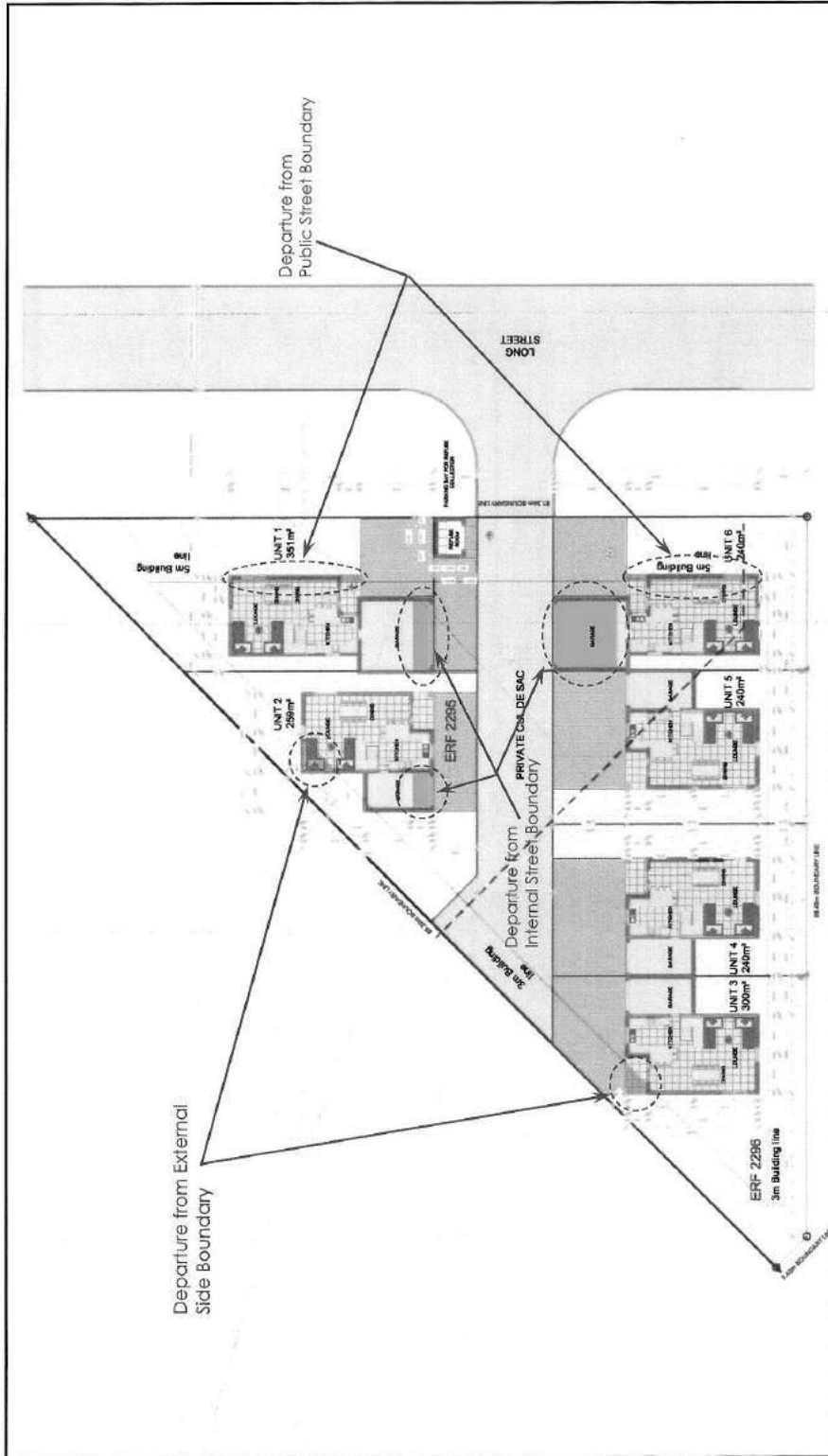


<b>Title:</b> Site Development Plan (First Floor)	<b>Owner:</b> Bajak Investments (Pty) Limited	<b>Scale:</b> As Dimensioned	<b>Reference:</b> Erf 2295 /s Sandbaai	<b>Date:</b> August 2018
<b>Remarks:</b> 1. Figure ABCD represents Consolidation of Erf 2295 & Erf 2296 Sandbaai (1187,5m <sup>2</sup> ). 2. Figure AZYX represents Erf 2295 Sandbaai. 3. Figure BC DXTZ represents Erf 2296 Sandbaai. 4. Portions 1 – 6 represent proposed town house erven. 5. Portion 7 represents the proposed private road. 6. Portion 8 represents the proposed private open space.	<b>Zoning:</b> General Residential Zone 1 Transport Zone 2 Private Open Space	<b>North:</b> 	<b>fjc consulting</b> Town Planning & Land Surveying Unit 2 (1 <sup>st</sup> Floor), Foregate Square Heerengracht Street Cape Town, 8000 Email: jocky@fjcconsulting.co.za Tel: 021 415 2995 Fax: 021 415 0170	
<b>Roll No.:</b>	<b>Diszamen. No.:</b>	<b>Notitie. Street No.:</b>	<b>Plot No.:</b>	<b>Notes:</b> All Dimensions are shown in metres & are approximate

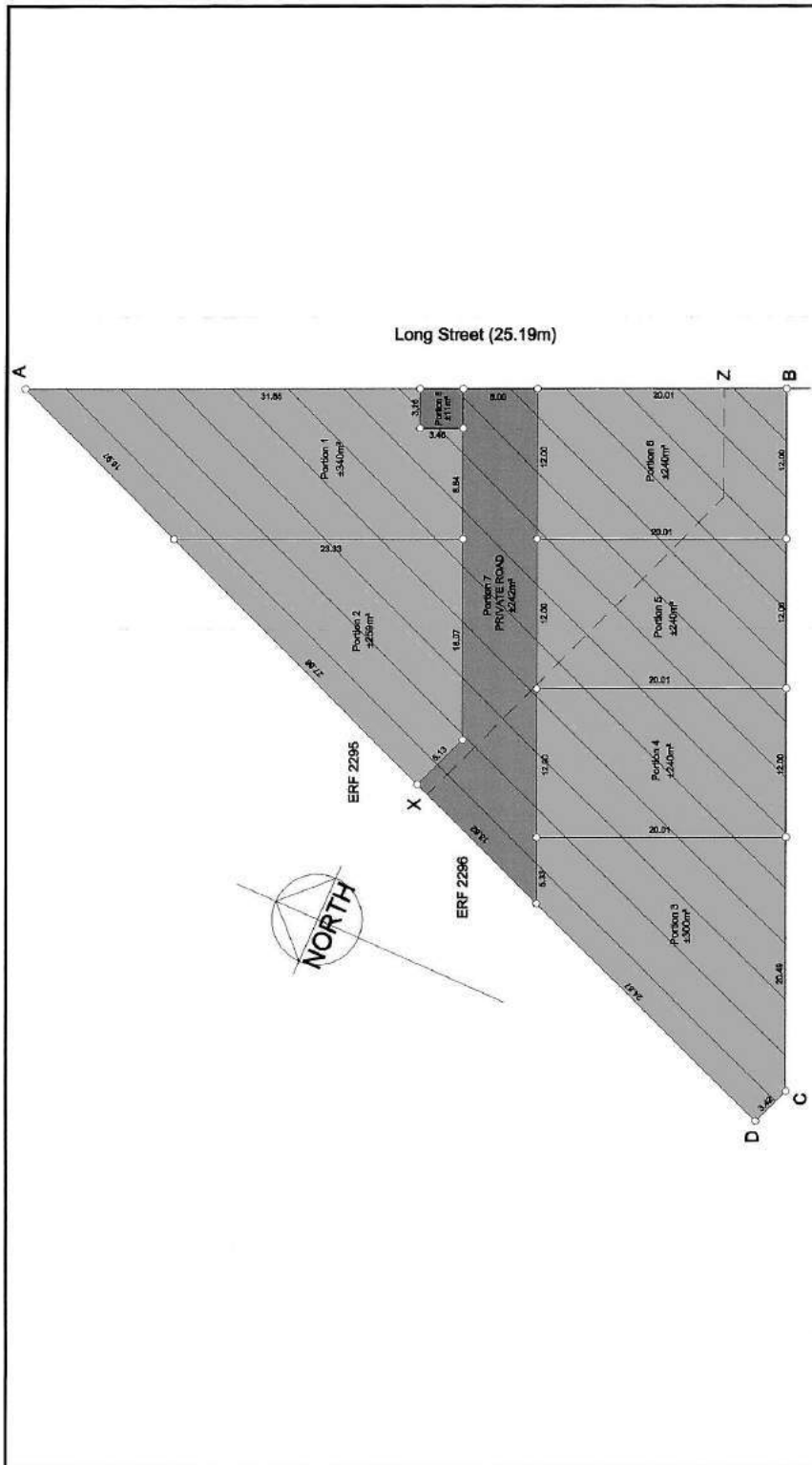


<b>Title:</b> <b>Site Development Plan (Elevations)</b>		<b>Client:</b> Bajak Investments (Pty) Limited		<b>Scale:</b> As Dimensioned		<b>Reference:</b> Erf 2295/6 Sandbaai		<b>Date:</b> August 2018	
<b>Remarks:</b> Figure ABCD represents Consolidation of Erf 2295 & Erf 2296 Sandbaai (1875m <sup>2</sup> ). Figure A7YX represents Erf 2295 Sandbaai. Figure 8CDY7 represents Erf 2296 Sandbaai. Portions 1 – 6 represent proposed town house erven. Portion 7 represents the proposed private road. Portion 8 represents the proposed private open space.		<b>Zoning:</b> General Residential Zone 1 Transport Zone 2 Private Open Space		<b>North</b> 					
<b>Roll No.:</b>		<b>Plotting Sheet No.:</b>		<b>D/T No.:</b>		Unit 2 1 <sup>st</sup> Floor, Foregate Square Heerengracht Street Cape Town, 8000 Email: jocky@fjcconsulting.co.za Tel: 021 418 2995 Fax: 021 413 0170			

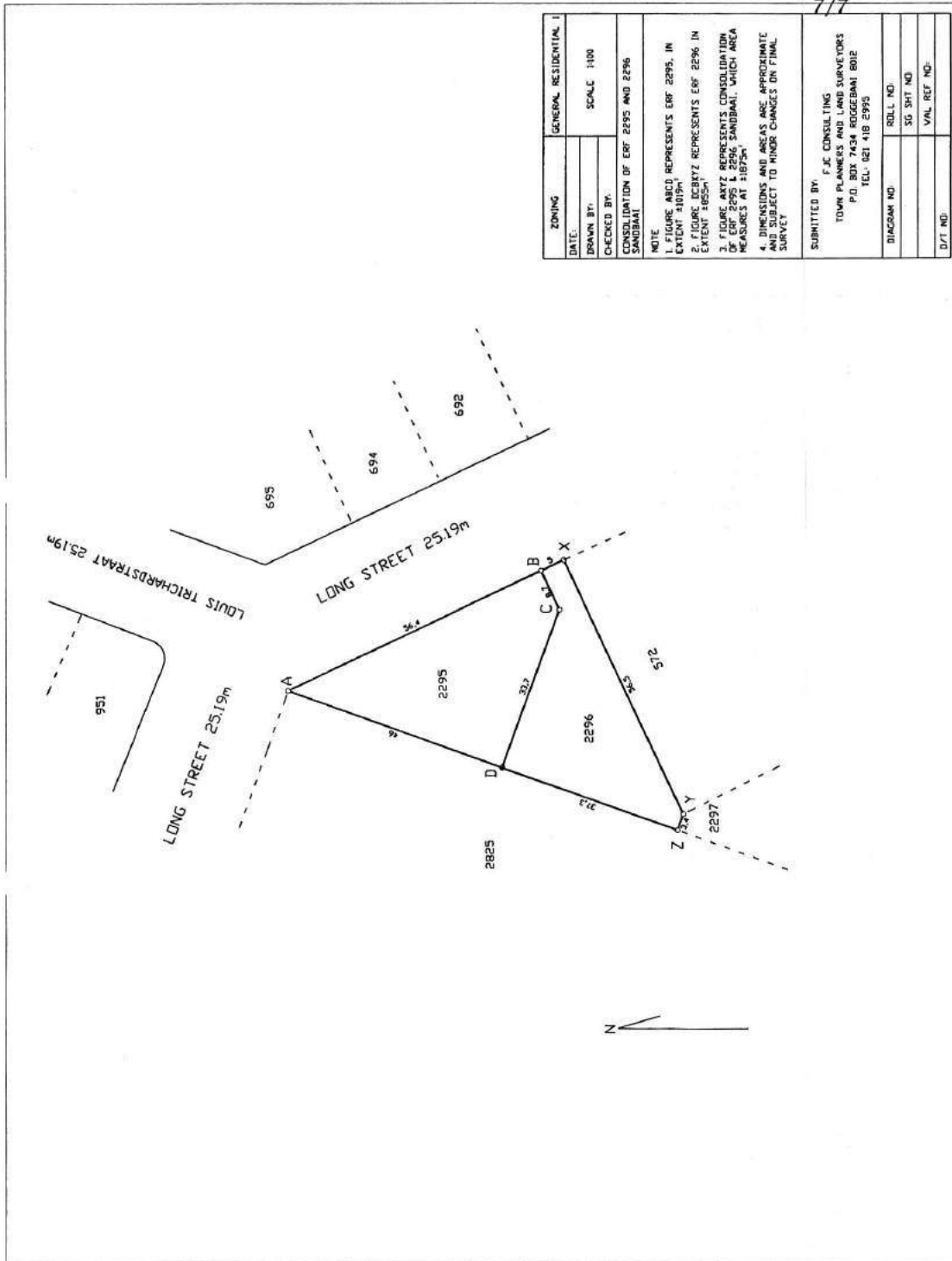
All Dimensions are shown in metres & are approximate



<b>Title:</b> Site Development Plan (Departure Areas)	<b>Quantity:</b> Bajak Investments (Pty) Limited	<b>Scale:</b> As Dimensioned	<b>Reference:</b> Erf 2295/6 Sandbaai	<b>Date:</b> August 2018
<b>Remarks:</b> 1. Figure ABCD represents Consolidation of Erf 2295 & Erf 2296 Sandbaai (1875m <sup>2</sup> ). 2. Figure AYZX represents Erf 2295 Sandbaai. 3. Figure BCDYZ represents Erf 2296 Sandbaai. 4. Portions 1 - 6 represent proposed town house erven. 5. Portion 7 represents the proposed private road. 6. Portion 8 represents the proposed private open space.	<b>Zone:</b> General Residential Zone 1 Transport Zone 2 Private Open Space	<b>North:</b> 	<b>Project Info:</b> fjc consulting Town Planning & Land Surveying Unit 2, 1 <sup>st</sup> Floor, Foregate Square Hecrengachti Street Cape Town, 8000	<b>Contact:</b> Email: jfj@fjcconsulting.co.za Tel: 021 418 2995 Fax: 021 413 0170
<b>Drawn No.:</b>	<b>Scale:</b>	<b>Notes:</b>	All Dimensions are shown in metres & are approximate	



<b>Title:</b> Subdivision of Consolidated Erf 2295/6 Sandbaai	<b>Owner:</b> Bajak Investments (Pty) Limited	<b>Scale:</b> As Dimensioned	<b>Reference:</b> Erf 2295/6 Sandbaai	<b>Date:</b> September 2018
<b>Remarks:</b> 1. Figure ABCD represents Consolidation of Erf 2295 & Erf 2296 Sandbaai (1875m <sup>2</sup> ). 2. Figure A7YX represents Erf 2295 Sandbaai. 3. Figure BCDXYZ represents Erf 2296 Sandbaai. 4. Portions 1 – 6 represent proposed town house erven. 5. Portion 7 represents the proposed private road. 6. Portion 8 represents the proposed private open space (refuse room).	<b>Zone:</b> General Residential Zone 1 Transport Zone 2 Private Open Space	<b>North:</b> 	<b>Project:</b> Erf 2295/6 Sandbaai	<b>Client:</b> Bajak Investments (Pty) Limited
<b>Boil No.:</b>	<b>Clearance No.:</b>	<b>D/L No.:</b>	<b>Notes:</b> All Dimensions are shown in metres & are approximate	<b>Surveyor:</b> Joe Joubert
<p><b>fjc consulting</b> Town Planning &amp; Land Surveying</p> <p>Unit 12 (1st Floor), Foregate Square Heerengracht Street Cape Town, 8000</p> <p>Email: <a href="mailto:joe@fjcconsulting.co.za">joe@fjcconsulting.co.za</a> Tel: 021 418 2995 Fax: 021 413 0170</p>				



ZONING	GENERAL RESIDENTIAL 1
DATE:	
DRAWN BY:	SCALE 1:100
CHECKED BY:	
CONSOLIDATION OF ERF 2295 AND 2296 SANDHILL	
NOTE	
1. FIGURE ABCD REPRESENTS ERF 2295, IN EXTENT 1019m	
2. FIGURE DEBZY REPRESENTS ERF 2296 IN EXTENT 1055m	
3. FIGURE ABYZ REPRESENTS CONSOLIDATION OF ERF 2295 AND 2296 SANDHILL, WHICH AREA MEASURES AT 11075m <sup>2</sup>	
4. DIMENSIONS AND AREAS ARE APPROXIMATE AND SUBJECT TO FINAL CHANGES ON FINAL SURVEY	
SUBMITTED BY: F.J.E. CONSULTING TOWN PLANNERS AND LAND SURVEYORS P.O. BOX 7434 ROOIBOSBOS TEL: 021 418 2995	
DIAGRAM NO.	ROLL NO.
	SS SHIT NO.
	VNL REF NO.
D/T NO.	

FILE NO:	Even 2295/6
SCAN NO:	Sandbaai
COLLABORATION NO:	HSB 2295
Loretta Gillion - Re: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018	
124994	

ANNEXURE D 1/5

TPA Theat  
(Moliner)

**From:** Blair Milne <bmilne62@webmail.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 23/01/2019 05:00 PM  
**Subject:** Re: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018

Dear Sir/Madam

My name is Mr. BM Milne and I am the co-owner with my wife, Mrs TE Milne of ERF 2299 and the house built on this plot at 27 Jimmy Smith St. Contact number 0829028944

I wish to state and make clear my objections regarding this proposed development and it's application to depart from the municipalities Bylaws and Acts which are in place and have been adhered to - to date.

Firstly I would point out that in Section II - Property Details, Point 2.5 Existing Land Use, it is stated that " as can be established from the aerial photo provided in figure 5, the constituent properties are currently vacant, as well as the abutting ERF 2825 and ERF 2297", in actuality this is not true, as there is a house built and people residing on plot 2297.

Secondly in consideration of the deviation or more properly the disregard for the existing Bylaws and Acts, namely consolidation, deviation, rezoning, sub division and departures - why when all other residents have conformed to building issues on their respective plots can a developer come along and totally depart from the Municipal Acts and use Point 2.7 " Title Deed / Restrictive Tittle Conditions" as a means of making a statement that there are no "Restrictive Conditions Herein or which conflict with the proposed development", there may not be in the Title Deed, but surely they are still subject to Building Regulations, Bylaws and Acts?

In respect of Section III - The Land Use Application, Point 3.4.1 Density - it is stated the proposed layout "would ensure the creation of a better environment for the eventual owners", this proposed development has not taken into account or considered the impact it will have on the existing neighbouring residents or surrounds.

Point 3.4.3 Height, the proposal of High Density 2 Storey Buildings will create light and viewing restrictions to surrounding properties. The elevation drawings presented do not show the positions of the first floor windows to these units in relationship to the South and East boundaries, i.e. as seen from the actual boundaries and not depicted as building elevations.

Section IV - Motivation - Point 4.1 Provincial Spatial Development Framework (2005)

Although this framework is both admirable and correct, the interpretation stated is " the attainment of higher densities where appropriate in metropolitan areas" the working phrase is "where appropriate".

TP

25 JAN 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5C489DA2HermanusMunpo... 2019/01/25

Point 4.2.3 Defining Densification Again the concept is totally correct, however, the working phrase in this point is "in a planned and meaningful way"

Point 4.5 Departures

ERF 572 is a church and is set 10 metres from the boundaries but this departure is so that it can facilitate parking for the attending parishioners.

ERF 2825 was this not intended as an 'open space' or 'green zone' due to the varieties of Western Cape Fynbos present and not as a potential development site.

In response to the very last paragraph (at last they have admitted to the existence of ERF 2297), how can the applicant argue that their application would be the correct and better way to utilise plots when all around the surrounding Sandbaai area it has been 1 plot, 1 dwelling all in accordance with the municipalities bylaws, acts and building regulations. As for "being a more pleasing, aesthetic and complimentary function to the receiving environment" it is more likely to stick out like a sore thumb and not in keeping with the dwellings within it's curtilage.

Sandbaai has a unique and endearing quality of being individual and expressive and from it's beginnings has always been so.

To end, I am of the opinion that this application has been worded in such a way that it appears to be doing good for others whereas I believe it sees only an opportunity to build and sell as many properties as possible from the initial cost of 2 plots and if allowed to carry out all the applied for Consolidation, Deviation, Rezoning, Subdivision and Departure **will set a precedent for future developers to exploit**. All future developers will be able to cite this approval as motivation to get approval to build there own "high density" accommodation. Surely this is not what we want for Sandbaai?

**Please will you confirm receipt of this E-mail and the lodging of these comments**

Yours Sincerely  
Blair Milne

3/5

**Loretta Gillion - FW: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018**

**From:** IAN BUCKLAND <ianbuckland@hotmail.co.uk>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 07/02/2019 05:35 PM  
**Subject:** FW: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018



TR A Theart  
CH Olivier

Loretta,

As you can see, I sent the following E-mail in relation to this referenced proposal to you on 15th January, but it seems you might not have received it, as my neighbour Mr. Blair Milne has received his confirmation from you and he had mailed later than I.  
 Could you please confirm that my E-mail will be taken into consideration, logged and passed on to the relevant parties.

Thank you and best regards

Ian Buckland

FILE NO:	Even 2295+2296 Sandbaai ✓
SCAN NO:	HSB 2295
COLLABORATOR NO:	1254865

**From:** IAN BUCKLAND <ianbuckland@hotmail.co.uk>  
**Sent:** 15 January 2019 06:59  
**To:** lorretta@overstrand.gov.za  
**Subject:** FW: ERF 2295 & 2296 Long Street, Sandbaai - Proposed Departure, Sub Division, Rezoning & Consolidation - Municipal Notice No. 167/2018

Dear Sirs,

My name is Mr. I. W. Buckland and I am the owner of ERF 2297 and of the property/residence built and completed on this plot, 31 Jimmy Smith Str. which has an adjoining boundary to ERF 2296.

I have not received a "Notice to Affected Persons" but I do have a copy sent to my neighbour at ERF 2299, 27 Jimmy Smith Str.

I wish to state and make clear my comments regarding this proposed development and it's application to depart from the municipalities Byelaws and Acts, which are in place and have been adhered to date.

Firstly I would point out that in Section II - Property Details, Point 2.5 Existing Land Use, it is stated that " as can be established from the aerial photo provided in figure 5, the constituent properties are currently vacant, as well as the abutting ERF 2825 and ERF 2297", in actuality this is not true, as I have stated my property and dwelling is abutting the boundary of ERF 2296 and proven by my ADpay monthly to the Overstrand Municipality for rates, utilities, services etc. ref. account number 900000436794. This statement of vacancy proves that the

TP  
8 - FEB 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5C5C6C4AHermanusMunpo... 2019/02/08

information gathered has not been verified at best or has been presented in a way favourable to the developers.

Secondly in consideration of the deviation, or more properly the disregard for the existing Byelaws and Acts, namely consolidation, deviation, rezoning, sub division and departures - why when all other residents have conformed to building issues on their respective plots can a developer come along and totally depart from the Municipal Acts and use Point 2.7 " Tittle Deed / Restrictive Tittle Conditions" as a means of making a statement that there are no "Restrictive Conditions Herein or which conflict with the proposed development", there may not be in the Tittle Deed, but they are still subject to Building Regulations, Byelaws and Acts.

In respect of Section III - The Land Use Application, Point 3.4.1 Density - it is stated the proposed layout "would ensure the creation of a better environment for the eventual owners", this proposed development has not taken into account or considered the impact it will have on the existing neighbouring residents or surrounds.

Point 3.4.3 Height, the proposal of High Density 2 Storey Buildings will create light and viewing restrictions to surrounding properties and in the case ERF 2297 the overlooking and privacy aspects from the proposed units 3, 4, 5 & 6. The elevation drawings presented do not show the positions of the first floor windows to these units in relationship to the South and East boundaries, i.e. as seen from the actual boundaries and not depicted as building elevations. Point 3.5 Services, Although it is for the Municipality Service Branches to comment, I would like to add that when building on ERF 2297 it was found that when connecting the sewage overflow to the Municipal system the terrain made it very tight to gain the required outfall into the system, if 6 dwellings are to run overflows into the existing system they would need to be closely monitored so as not to back fill existing septic tanks connected to the line, instead of flowing away.

Section IV - Motivation - Point 4.1 Provincial Spatial Development Framework (2005) Although this framework is both admirable and correct, the interpretation stated is " the attainment of higher densities where appropriate in metropolitan areas" the working phrase is "where appropriate".

Point 4.2.3 Defining Densification Again the concept is totally correct, however, the working phrase in this point is "in a planned and meaningful way"

Point 4.5 Departures

As stated previously ERF 2297 has been totally disregarded, or it's presence ignored within this application.

ERF 572 is a church and is set 10 metres from the boundaries, but this departure is so that it can facilitate parking for the attending parishioners.

ERF 2825 was this not intended as an 'open space' or 'green zone' due to the varieties of Western Cape Fynbos present and not as a potential development site.

In response to the very last paragraph (at last they have admitted to the existence of ERF 2297), how can the applicant argue that their application would be the correct and better way to utilise plots when all around the surrounding Sandbaai area it has been 1 plot, 1 dwelling all in accordance with the municipalities byelaws, acts and building regulations. As for "being a more pleasing, aesthetic and complimentary function to the receiving environment" it is more likely to stick out like a sore thumb and not in keeping with the dwellings within it's curtilage. Sandbaai has a unique and endearing quality of being individual and expressive and from it's beginnings has always been so.

5/5

To end, I am of the opinion that this application has been worded in such a way that it appears to be doing good for others whereas I believe it sees only an opportunity to build and sell as many properties as possible from the initial cost of 2 plots and if allowed to carry out all the applied for Consolidation, Deviation, Rezoning, Subdivision and Departure **will set a precedence for future developers to exploit .**

**Please will you confirm receipt of this E-mail and to the lodging of these comments**

Yours Sincerely  
Ian Buckland

## ANNEXURE E 1/4

<b>To:</b> Overstrand Municipality (Town & Spatial Planning)	<b>From:</b> Mr. J. Francis
<b>Alt:</b> Ms. L. Gillion	<b>Cell No:</b> (084) 789 9932
<b>Tel:</b> 028 313 8900	<b>Email:</b> jody@ficconsulting.co.za
<b>Email:</b> loretta@overstrand.gov.za	<b>Page(s):</b> 4 pages
<b>Re:</b> Erf 2295 and Erf 2296 Sandbaai – Response to Comment	<b>Date:</b> 20 <sup>th</sup> February 2019



## Email Correspondence

Dear Loretta,

*TP - A Theart  
(H Olivier)*

Your emails of 6<sup>th</sup> February 2019 and 19<sup>th</sup> February 2019, in the above regard, refers. Your said emails served to confirm that there were only two letters of comment / objection received from the public.

The relevant comments received from the two property owners and the Applicants response thereto is provided below:

**Blair Milne & Ian Buckland**

FILE NO: <i>Even 2295 + 2296 Sandbaai ✓</i>
SCAN NO: <i>HSB 2295</i>
COLLABORATOR NO: <i>1258070</i>

Comment	Response
1. The Objector points out that contrary to the Applicants report which states that Erf 2295, Erf 2296, Erf 2297 and Erf 2825 are all vacant, that in fact Erf 2297 has since been developed.	1. The Applicant concedes that Erf 2297 Sandbaai may well have been developed subsequent to the initial submission of the land use application. Although all aerial imagery available for Sandbaai show Erf 2299 as having been developed and Erf 2298 and Erf 2297 as still vacant.
2. The Objector questions why when all other residents have conformed to building issues on their respective plots can a developer come along and totally depart from the Municipal Acts and use Point 2. 7" Title Deed / Restrictive Title Conditions" as a means of making a statement that there are no "Restrictive Conditions Herein or which conflict with the proposed development", there may not be in the Title Deed, but surely they are still subject to Building Regulations, Bylaws and Acts?	2. The Applicants wishes to clarify that in Point 2.7 the Applicant merely confirms as part of the land use assessment, that there are no conditions of title which conflict with the proposed development of the subject property with a six-unit town house development.  This qualification, is not meant to be justification for any development, it is rather a statement of fact.
3. The Objector states that this proposed development has not taken into account or considered the impact it will have on the existing neighbouring residents or surrounds.	3. The Objector omits to mention the impacts being referred to. In the absence of a motivated objection, the Applicant would have to assume what impacts the Objector

*TP*

20 FEB 2019

21 FEB 2019

	could be referring to. For this reason, no further response to this comment is offered.
<p>4. The proposal of High Density 2 Storey Buildings will create light and viewing restrictions to surrounding properties. The elevation drawings presented do not show the positions of the first-floor windows to these units in relationship to the South and East boundaries, i.e. as seen from the actual boundaries and not depicted as building elevations.</p>	<p>4. The Applicant would like to point out that in terms of the current SR1 zoning of the property, that a building of 8,0m could be developed.</p> <p>In this regard the proposed maximum height of the dwelling units in the town house development is only 6,539m.</p> <p>With regard to the issue of overlooking, we point out that the Objector's (B. Milne) property is located some 70m from the subject property, with two erven located between the properties as well as the existing building on Rem. Erf 572 Sandbaai. Therefore, the controlled height at 6,539m, the distance between the properties and the potential for the abutting properties to be developed up to 8,0m in height serve to confirm that no overlooking can threaten the privacy of Erf 2299. Such a concern would be better directed at the possible development of Erf 2298.</p> <p>With regard to the Site Development Plan attached to the Motivation Report, we can clearly establish from the First Storey Floor Plan as well as from the South Elevation provided, that the development has no windows facing / opening towards Rem. Erf 572 or Erf 2297 – again no opportunity for overlooking of either of the Objectors properties.</p>
<p>5. In response to the very last paragraph, how can the applicant argue that their application would be the correct and better way to utilise plots when all around the surrounding Sandbaai area it has been 1 plot, 1 dwelling all in accordance with the municipality's bylaws, acts and building</p>	<p>5. The improvement referred to by the Applicant refers to the fact that as with Erf 2297, Erf 2298 and Erf 2299, the subject property could be consolidated and subdivided into three, which will result in a situation very similar not that of the mentioned three erven.</p>

<p>regulations. As for "being a more pleasing, aesthetic and complimentary function to the receiving environment" it is more likely to stick out like a sore thumb and not in keeping with the dwellings within its curtilage.</p> <p>Sandbaai has a unique and endearing quality of being individual and expressive and from its beginnings has always been so.</p>	<p>In terms of the current zoning scheme regulations, each of the subdivided SR1 plots could in turn be developed with two dwelling units. This amounts to six dwelling units – however the architectural style, spatial arrangement, accesses, landscaping and boundary wall treatment could not be controlled. Whereas, in the application concerned which will result in the same quantum of dwelling units, we have an opportunity to ensure that only one carriage-way-crossing is associated with the development. Also, where a second dwelling unit in the SR1 use zone requires only one additional parking bay, all dwelling units in the proposed town house development requires the provision of two parking bays. This ensures that there will not be overspill onto public roads, as is more likely the case with the SR1 two dwelling unit scenario.</p> <p>In lieu of the above, the Applicant maintains that the proposed development does in fact provide for the better end product.</p>
<p>6. I am of the opinion that this application has been worded in such a way that it appears to be doing good for others whereas I believe it sees only an opportunity to build and sell as many properties as possible from the initial cost of 2 plots and if allowed to carry out all the applied for Consolidation, Deviation, Rezoning, Subdivision and Departure will set a precedent for future developers to exploit . All future developers will be able to cite this approval as motivation to get approval to build their own "high density" accommodation. Surely this is not what we want for Sandbaai?</p>	<p>6. The Applicant reiterates that the application concerned seeks to achieve an arrangement which for all intents and purposes already exists on Erf 2297, Erf 2298 and Erf 2299, where each of these erven can develop two units with the end result being six units in total.</p> <p>It is also worth considering and understanding the reason for the Municipality adding second dwelling units in the SR1 zoning category as a Primary Right. This was intended to be an administratively expedient method of realising sensitive increases in density within developed areas, where existing services infrastructure capacities are not being optimised.</p>

In terms of the above, the Applicant is satisfied that the application proposes a town house development at a density which is commensurate with that which the municipality considers appropriate for SR1 area concerned.

The Applicant is satisfied that the Objectors to the application will be extensively unaffected by the proposed development based largely on their proximity to the subject property, as well as the fact that the Site Development Plan intentionally sought not to have any windows opening or facing in the direction of the objecting properties – thus their privacy is not threatened.

The Applicant is satisfied that the Town House Development route versus the SR1 route (Consolidation and Subdivision) which would not require a deviation, is the preferred route especially from the point of view of the receiving environment, notwithstanding the fact that it comes with the added cost of providing a private road and refuse room, which the SR1 route does not require.

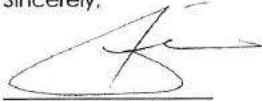
#### **Conclusion**

The Applicant is of the considered opinion that the above response has addressed the comments of the two commenting property owners.

In the above regard, we request that the Municipality proceed to finalise the application as applied for, as no amendments are considered necessary to address any comments / objections raised.

The Applicant remains available, should the Municipality require additional information pertaining to the above.

Sincerely,



**Jody Francis**

**FJC Consulting (Town Planners & Land Surveyors)**

**021 418 2995 / 084 789 9932**

## ANNEXURE F

Municipaliteit • U-Maxipela • Municipality

**OVERSTRAND**

<b>File reference:</b>	2295 & 2296 HSB (3705)
<b>Date:</b>	04 December 2018

**INTERNAL MEMORANDUM**

<b>From</b>	: Town Planning Department
<b>Town Planner</b>	: Helgaardt Boshoff

TO:


<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Aid. D Botha)</u>	<u>Waste Management</u>

<b>Applicant</b>	FJC CONSULTING (obo BAJAK INVESTMENTS)
<b>Property Details</b>	ERVEN 2295 & 2296, LONG STREET, SANDBAAI
<b>Application Description</b>	PROPOSED DEPARTURE, CONSOLIDATION, REZONING & SUBDIVISION

**ATTACHMENTS:**

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Site Development Plan	
4.	Motivation	

**YOUR DEPARTMENT'S COMMENTS:**

1) ALL STRUCTURAL DEVELOPMENT MUST BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION REGULATIONS SANS10400T:2011.	
2) THE DEVELOPER MUST ENSURE THAT FIRE HYDRANTS ARE PROVIDED IN COMPLIANCE WITH SECTION 4.35.4 OF NATIONAL FIRE PROTECTION REGULATIONS SANS10400T:2011.	
MUNICIPALITEIT OVERSTRAND MUNICIPALITY	
FIRE BRIGADE / BRANDWEER	
APPROVED / GOEDGEKEUR	
Signature:	
Date:	09 JAN 2019 2018

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo **by not later than the date stipulated below**. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

<b>COMMENTS REQUIRED BY:</b>	<b>4 January 2019</b>
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE, CONSOLIDATION, REZONING &  
SUBDIVISION: ERVEN 2295 & 2296, SANDBAAI (3705)**

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

**Conditions:**

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

**1.1 Developments containing Sectional Title Units/ Commercial Buildings** (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

**1.2 Developments with free standing properties** (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2018/2019) is as follows:

**Freehold erven:**

Water	R 21 688.60 x 2.8 =	R 60 728.08
Sewerage	R 14 623.16 x 2.8 =	R 40 944.85
Roads	R 6 557.01 x 4 =	R 26 228.04
Stormwater	R 7 565.79 x 1.25 =	R 9 457.24
Solid Waste	R 1 311.40 x 4 =	<u>R 5 245.60</u>
<b>TOTAL (inclusive of VAT)</b>	=	<b>R 142 603.81</b>

**Note:**

- 1.3 The above figures are estimates  
1.4 The above figures do not include connection fees

2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be proved;
  - 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
  - 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
  - 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
  - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
  - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
  - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
  - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;

5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
  - 5.1 way-leaves must be obtained from the Operational Manager;
  - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
  - 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
  - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
  - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and

11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
12. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
13. that the above stormwater management plan include the following:
  - 13.1 pre-development run-off from the catchment area;
  - 13.2 post-development run-off from catchment area;
  - 13.3 existing stormwater reticulation system and the capacity thereof;
  - 13.4 connection of internal stormwater reticulation system;
  - 13.5 overland escape routes
14. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2004, of 12 months, and
15. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
16. that the proposed consolidated erf be provided with an adequate small-bore tank , which must comply with the standards and specifications of the Department: Operational Services.
17. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grase trap, which must comply with the standards and specification of the Department: Operational Services;
18. 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*
19. that the Home Owners Association be responsible for the operational costs and maintenance of street lighting, electrical reticulation and metering and all internal services;

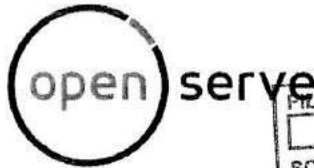
20. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
  - a. properly ventilated;
  - b. a cement floor;
  - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
  - d. is a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
21. that the refuse room be completed prior to occupation of the first unit, to the satisfaction of the Director: Infrastructure and Planning;
22. that the electricity reticulation and supply be provided according to the master plan by the developer;
23. that the developer appoint a consulting electrical engineer to determine the electricity demand for the development and pay a fee to Overstrand Municipality to determine the capacity in the existing electricity network;
24. that the developer provide bulk meters for water and electricity at approved positions as well as individual meters at each consumption point;
25. that the developer may apply for a temporary water connection at Overstrand Municipality's Finance Department, before commencement of construction;
24. that the developer apply for a bulk water connection on the prescribed application form, at Overstrand Municipality's Finance Department and that the installation of the bulk water meter, by the developer, be done under the supervision of the Operational Manager, Hermanus;
25. that the connection to the main water line only be done by the Operational Department, after payment of the connection fee, by the developer;
26. 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
27. that no on-street parking will be allowed;

28. that on-site parking facilities be provided as per Planning Schedule and to the satisfaction of the Department: Operational Services.
29. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer

*p.p. R. Lodge*  
DENNIS HENDRIKS  
SENIOR MANAGER: ENGINEERING SERVICES

*05/03/2019*  
DATE

ANNEXURE H 1/4



FILE NO:	Erven 2295/6 Sandbaai ✓
SCAN NO:	HSB 2295
COLLABORATOR NO:	1254146

TP-A Theart  
(Holivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

**Candice Spammer**  
Tel: 021 414 5582  
Fax: 086 480 0617  
Email: spammec1@telkom.co.za

**Our Ref.:** WWIP\_WHMN0226\_19  
**Your Ref.:** Erven 2295 and 2296 HSB 3705

05 February 2019

**Attention: S Muller**

Overstrand Municipality  
HERMANUS

**PROPOSED DEPARTURE, SUBDIVISION, REZONING AND CONSOLIDATION: ERVEN 2295 AND 2296, LONG STREET, SANDBAAI**

With reference to your letter received December 2018.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per the drawing supplied, Open Serve infrastructure **will not be affected**. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative **Frederik Swart** at telephone number **028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za**

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001


- 5 FEB 2019

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

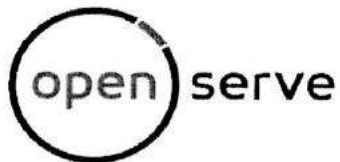
Yours faithfully

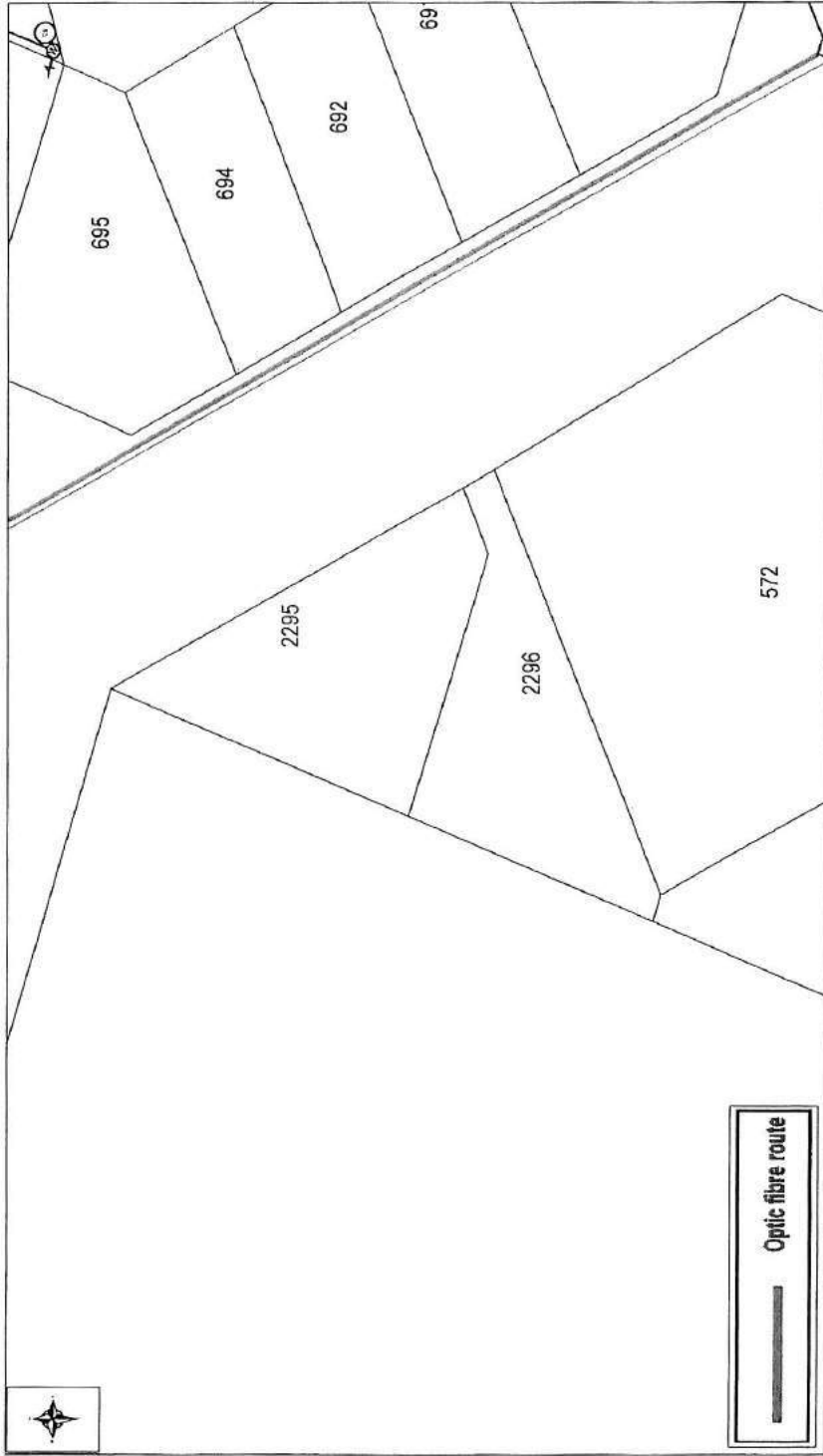
  
\_\_\_\_\_  
pp Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

**PLANT NOT AFFECTED**

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Frederik Swart		081 363 7815	
<u>Reference number</u> WWIP_WHMN0226_19	<u>Marked Up</u> Candice Spammer	<u>Date</u> 05-Feb-19	





Legend	
	Existing SDC
	Planned SDC
	To Be Recovered SDC
	Existing DLC
	Planned DLC
	To Be Recovered DLC
	Existing Pillar Joint
	Planned Pillar Joint
	To Be Recovered Pillar Joint
	Existing Indoor DP
	Planned Indoor DP
	To Be Recovered DP
	Existing DP
	Planned DP
	To Be Recovered DP
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Underground Route
	Planned Underground Route
	To Be Recovered Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Mkt OMDP
	Planned Mkt OMDP
	Existing Strut and Stay

<b>Optic fibre route</b>	
—————	

<b>TELKOM REGIONAL EXECUTIVE</b>	
Completed By	K. Scammier
Client	
Client ref	OpenServe.net
Details	NO SERVICES AFFECTED - Note Services Nearby!
Date	05/02/2019
WWIP	WWIP_WHM00226_19
Page Size	A4
Sheet No	1 of 5