

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
17 November 2015
(Also the agenda for the Mayoral Committee Meeting : 25 November 2015)**

**9.
ERF 11456 (PORTION OF ERF 243), 1 MOUNTAIN DRIVE, HERMANUS :
PROPOSED REZONING : OVERSTRAND MUNICIPALITY**

11456 HNC (2126)

H vd Stoep

(028) 313 8900

Hermanus Administration

12 October 2015

1. Executive Summary

To obtain approval for the rezoning of Erf 11456 (a portion of Erf 243), Hermanus from Municipal Zone to Single Residential Zone and simultaneously the subdivision thereof.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 18 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

6. Background/Discussion/Evaluation/Conclusion

Background

The Council resolved on 30 May 2012 as follows:

- "1. that the subdivision of a portion of Erf 243 into two portions namely Portion A, ±800m² in extent, known as 1 Mountain Drive, Northcliff, Hermanus and the remainder thereof, be approved in principle;*

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
17 November 2015
(Also the agenda for the Mayoral Committee Meeting : 25 November 2015)**

2. *that the rezoning of Portion A of Erf 243 from Commonage to Residential Zone I, be approved in principle;*
3. *that a departure on Portion A of Erf 243 for a structure that encroaches the applicable 5m building line of the property, be approved in principle, and*
4. *that in accordance with Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the property may only be used for residential purposes and not for operating a business.”*

The Council Resolution in 2012 can now be implemented, since the impasse on whether applications can be sold out of hand or a tender has been resolved. The tender for the applicable erf has been dealt with during 2015 and is still in the process of finalization. The aforementioned action has led to the process of finalization of this matter and the application can be dealt with.

Discussion

The erf has been used for residential purposes for Overstrand personnel. The erf has been put out on tender to be sold and therefore the application. This will ensure that the land use acquire the correspondent zoning applicable to the erf.

The Department of Transport and Public Works has finalized the widening of the Trunk Road known as the R43, which road will be widened up to the south-eastern boundary of Portion A of Erf 243. With the widening of the road and consequently the road reserve, a 5m building line is applicable to Portion A of Erf 243, now Erf 11456. As the buildings have been erected more than 25 years ago, and does not transgress the 5m building line. Therefore the departure application is not applicable anymore.

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to all surrounding affected property owners. No objections were received against the proposal.

The application was also circulated to all relevant municipal departments and no objections were received against the application.

Evaluation

The erf is being utilized for residential purposes and is fully serviced. The house was built to accommodate the supervisor for the reservoirs and the maintenance thereof. The adjacent erf has in the past been used as water storage dams and retention ponds. Presently it is used for storage of bulk pipes and other civil engineering material.

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
17 November 2015
(Also the agenda for the Mayoral Committee Meeting : 25 November 2015)**

The property is surrounded by Main Road (the R43) on a portion of its southern boundary, newly constructed by-pass road (unnamed) on its northern side and Mountain Drive on its eastern boundary. The Jehovah Witness Church is adjacent.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure D.

10. Annexures

- Annexure A: Locality plan
- Annexure B: Zoning Plan
- Annexure C: Motivation Report
- Annexure D: Services Report
- Annexure E: Comment from Western Cape Government : Transport and Public Works

RECOMMENDATION:

that, in terms of Section 18 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 11456 (Portion of Erf 243), Hermanus from Municipal Zone to Single Residential Zone, **be approved**, subject to the following conditions:

- (a) that the property may only be **used for residential purposes and not for operating a business**;
- (b) that this approval does not absolve the applicant from compliance with any other relevant legislation;
- (c) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
- (d) that all conditions imposed in the Services Report (attached as Annexure D), be complied with; and

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
17 November 2015
(Also the agenda for the Mayoral Committee Meeting : 25 November 2015)**

(e) that the existing access be utilised.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	9 DECEMBER 2015
TARGET DATE TO INFORM APPLICANT :	9 DECEMBER 2015
TARGET DATE TO INFORM OBJECTOR :	N/A

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
17 November 2015
(Also the agenda for the Mayoral Committee Meeting : 25 November 2015)**

**9.
ERF 11456 (PORTION OF ERF 243), 1 MOUNTAIN DRIVE, HERMANUS :
PROPOSED REZONING : OVERSTRAND MUNICIPALITY**

11456 HNC (2126)

H vd Stoep

12 October 2015

(028) 313 8900

Hermanus Administration

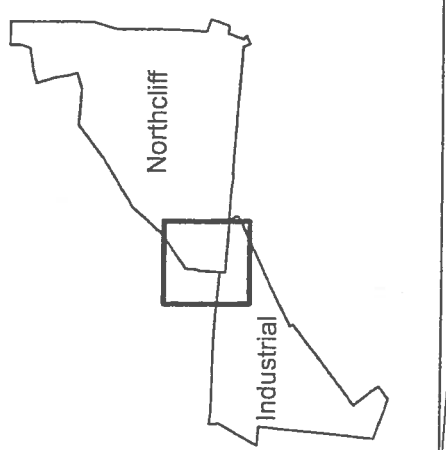
**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
17 NOVEMBER 2015, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL : H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION : 9 DECEMBER 2015

TARGET DATE TO INFORM APPLICANT : 9 DECEMBER 2015

TARGET DATE TO INFORM OBJECTOR : N/A



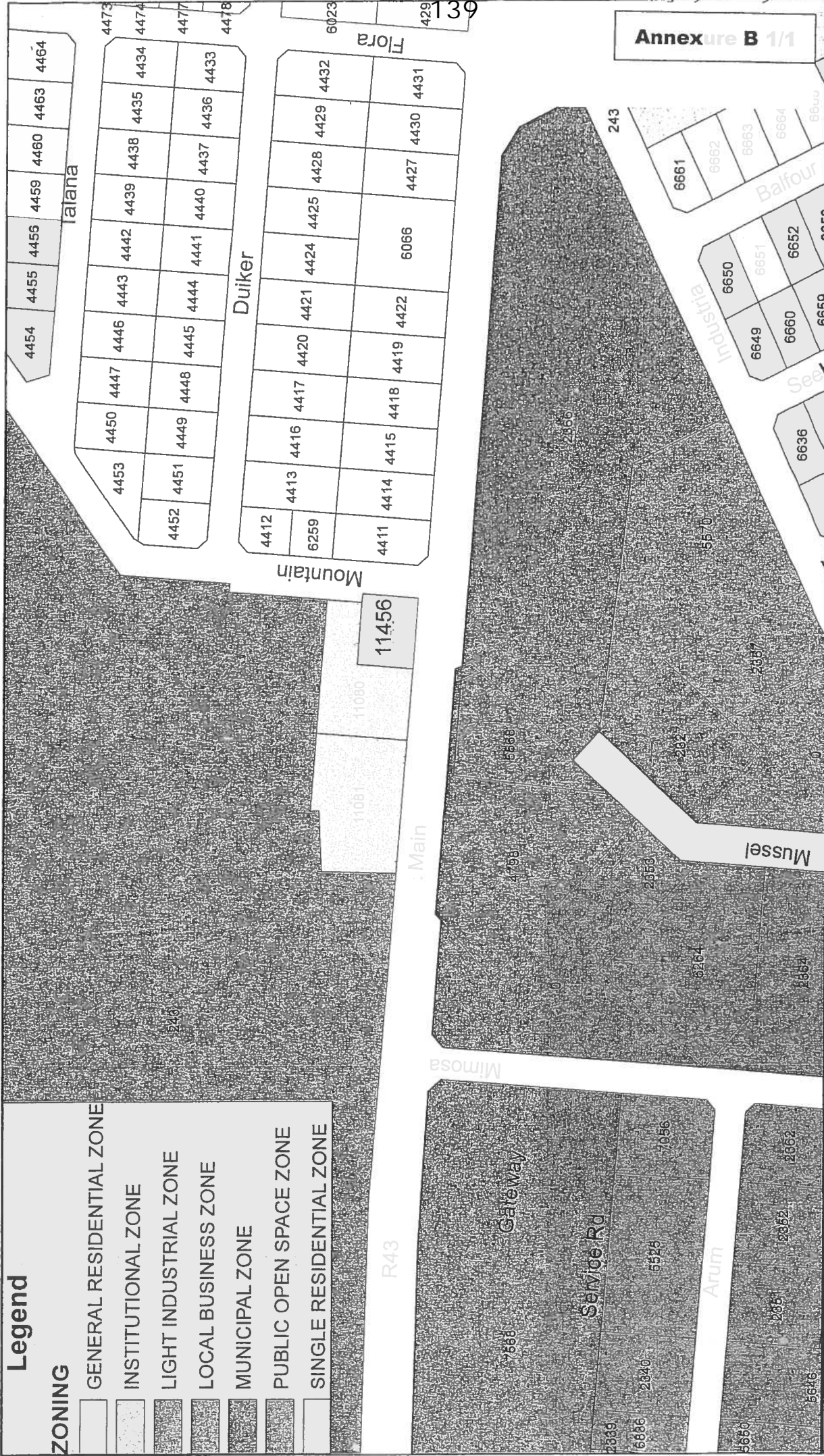
Locality Map
Portion 11456 of Erf 243
Hermanus



Legend

ZONING

- GENERAL RESIDENTIAL ZONE
- INSTITUTIONAL ZONE
- LIGHT INDUSTRIAL ZONE
- LOCAL BUSINESS ZONE
- MUNICIPAL ZONE
- PUBLIC OPEN SPACE ZONE
- SINGLE RESIDENTIAL ZONE



Annexure B 1/1



Zoning Map
Portion 11456 of Erf 243
Hermanus



MOTIVATING MEMORANDUM**REZONING OF ERF 11456 (PORTION OF ERF 243), NORTHCLIFF, HERMANUS****1. Introduction:**

The rezoning of Erf 11456 (Portion of Erf 243), Hermanus from Municipal Zone to Single Residential Zone.

2. Background:

The erf is being utilized for residential purposes. The house was built to accommodate the supervisor for the reservoir dams and the maintenance thereof. The adjacent erf has been used as water storage dams and retention ponds in the past. Presently it is used for storage of bulk pipes and other civil engineering material.

The residential house has been utilized as a residential dwelling for Municipal employees and is fully serviced. Mr. Havenga has been employed by the Municipality in the maintenance field and has recently retired.

3. The Application:

Application is hereby made in terms of the following legislation:

3.1 Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985):

Section 18 : Rezoning from Municipal Zone to Single Residential Zone.

4. General Information:**4.1: Property Details:****4.1.1 Zoning:**

Municipal Zone

4.1.2 Land Use:

Residential dwelling and associated outbuildings

4.1.3 Title Deed:

Crown Grant CAF3-8/1922

4.1.4 SG Diagram:

SG. 1672/2012

4.1.5 Ownership:

Overstrand Municipality

5. Locality:

The property is located approximately 1km west of the Hermanus CBD and adjacent the R43, Mountain Drive.

6. Surrounding Land Uses:

The erf forms an island as it is surrounded by the existing road and street network. In terms of the wider area, the erf is surrounded by vacant erven, residential erven, business complex and an institutional erf.

7. Planning Development Parameters:

Zoning :	Single Residential Zone
Coverage :	50%
Height :	As per Scheme Regulations 7
Parking :	As per Scheme Regulations 7
Building Lines :	Street Building Line : 5m from Main Road (R43)
Side building line :	As per Scheme Regulations 7

8. Existing engineering services:

- 8.1 Water : Municipal
- 8.2 Sewerage : Municipal
- 8.3 Electricity : Municipal.
- 8.4 Storm water : Storm water is connected to the existing storm water system.
- 8.5 Road network : Access will be obtained from Mountain Drive.

9. Physical Features:**9.1 Geology:**

Based on the Map, Simplified Geology, compiled by the Council of Geosciences, 2003, the site is underlain by:

The Table Mountain Group of the Cape Super Group.

9.2 Soil:

In terms of the Department of Agriculture, Western Cape, Map on Agricultural Potential, the application site is classified as Marginal Potential Arable Land, earmarked for urban development.

The property soil conditions clearly indicates that it has no agricultural potential and should be developed for a land use in order to cater for the existing soil conditions to make the erven a viable proposition.

9.3 Climate:

The application property is located in a winter rainfall area. The average rainfall for the Hermanus area as measured by the SAWA Station, the annual precipitation is 626mm per year.

9.4 Topography:

The Topocadastral Map, 1:50 000, Grid 3419AC20 indicates the flowing aspects pertaining to the application property.

9.5 Fauna and Flora:

Erf 11456 is developed.

9.6 Archaeological Value:

The erf has no archaeological value.

9.7 Heritage value:

The erf is developed and has not been earmarked of any heritage value as per The Heritage Survey, dated December 2009.

10. Desirability:

The application erf is surrounded by the Main Road, the R43 on a portion of its southern boundary, newly constructed by-pass road (unnamed) on its northern side and Mountain Drive on its eastern boundary. The Jehovah Witness Church is adjacent. The road and street system has isolated the erf to form an island separate from the residential neighbourhood of Northcliff. It is a highly disturbed portion of land.

The erf has been utilized for single residential purposes by Mr. Havenga, which will continue to use the erf for residential purposes and provide housing for the individual concerned.

11. General Principles for Land Development:

All land use applications and developments are evaluated in terms of the guiding principles contained in Chapter 1 of the Development Facilitation Act, 1995 (Act 67 of 1995). These guiding principles are also being used in the Provincial Spatial Development Framework applicable in the Western Province. It is therefore imperative to ensure that the same guiding legislation is used for new developments.

The following guiding principles are applicable to this application:

- o Promote the integration of the physical, economical, institutional and physical aspects of land development;
- o Promote integrated land development in rural and urban areas in support of each other;
- o Optimize the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities;

- o Promote a diverse combination of land uses, also at the level of individual erven of subdivisions of land;
- o Discourage the phenomenon of "urban sprawl" in urban areas and contribute to the development of more compact towns and cities;
- o Contribute to the correction of historically distorted spatial patterns of settlement, and to the optimum use of existing infrastructure in excess of current needs; and
- o Encourage environmentally sustainable development practices and processes.

In addition hereto the following may be of importance to note as per provision of **Section 3(1) of the Development Facilitation Act, 1995, (Act 67 of 1995)**:

(b) Policy, administrative practice and laws should promote efficient and integrated land development in that they:

(i) Promote the integration of the social, economic, institutional and physical aspects of land development.

- The development as promoted, does take cognizance of the physical characteristics of the area, in favour of land development as proposed.

(ii) Promote integrated land development in rural and urban areas in support of each other.

- The area in question is ideally located with opportunity to be utilized well, for land development in a urban area and to bring integration between the needs of rural [residential townships] and urban areas, in support of each other.

(iii) Optimize the use of existing resources including resources relating to land, bulk infrastructure, transportation and social facilities.

- The development as envisaged does fit in well with the development pattern of the area, so to utilize the use of existing resources available.
- The development as proposed, will make use of the available bulk infrastructure, thus optimally utilizing existing infrastructure

(iv) Promote a diverse combination of land uses.

- The application is question has the opportunity and can provide a diverse combination of land uses in the immediate area.

(v) Discourage the phenomenon of "Urban Sprawl" in urban areas and contribute to the development of more compact towns and cities.

- The development area is not located on the "urban fringe".
- The application is not a result of "urban sprawl" in an urban area.
- The application will lead to infill development as promoted by the provincial Spatial Development Framework, e.g. compacting existing towns.

- (vi) *Contribute to the correction of the historically distorted patterns of settlement in the Republic and to the optimum use of infrastructure in excess of current needs.*
 - Economic sustainability and investment as such, should result in opportunity to past historically distorted patterns of settlement can be neutralized.
- (vii) *Encourage environmentally sustainable land development practices and processes.*
 - The development a proposed, allows for integration within an environmental area.
- (e) *The skills and capacities of disadvantaged persons involved in land development should be developed.*
 - Employment opportunities in the area where employment is a scarce commodity, can allow for skill building and capacity building, disadvantaged persons.
- (h) *Policy, administrative practice and laws should promote sustainable land development at the required scale in that they should.*
- (ii) *Promote the establishment of viable communities.*

The development envisaged, is a development to integrate into the greater area, so also to the benefit of the area community, existing and proposed.

It is important to note that the application adhere to the principles of Local Agenda 21 and the Integrated Development Plan, thus ensuring that urban sustainability be attained.

It is imperative to realize that the erf has been utilized for its intended purposes and does not constitute a new development.

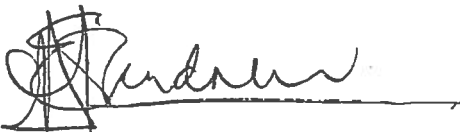
Conclusion:

The proposed application will only be beneficial for the area and the application to change policy documents are to be in line with the economic trends and needs of a town that is growing. The income generated by the proposed development for the Municipality will assist to alleviate various social economic aspects within the Hermanus community.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR ALIENATION OF MUNICIPAL PROPERTY AND REZONING
ERF 11456, WESTCLIFF (2126)**

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

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available and that, should additional capacity be required, an investigation be conducted with regard to the capacity required and that available, at the owner's cost
3. that stormwater be allowed to discharge through Erf 11456, Northcliff, unobstructed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

5/9/2012
DATE



ROAD NETWORK MANAGEMENT
 Email: Grace.Swanepoel@westerncape.gov.za
 tel: +27 21 483 4669
 Rm 335, 9 Dorp Street, Cape Town, 8001
 PO Box 2603, Cape Town, 8000

TP-ATheart
 CH Olivier

REFERENCE: 16/9/6/4-21/11 (Job 22538)

ENQUIRIES: Ms GD Swanepoel

DATE: 8 September 2015

The Municipal Manager
 Overstrand Municipality
 PO Box 20
HERMANUS
 7200

FILE NO:	ER 11456 - HM
SCAN NO:	28
COLLABORATOR NO:	840245

Attention: Ms H van der Stoep

Dear Madam

ERF 11456 (PORTION OF ERF 243) 1 MOUNTAIN DRIVE, HERMANUS: TRANSFER AND REZONING OF MUNICIPAL PROPERTY

1. The following refer:-
 - 1.1 Your letter Erf 11456 dated 27 August 2014;
 - 1.2 This Branch's even-numbered letter dated 16 October 2014 as well as e-mail correspondence dated 18, 22 September 2014 and 14 October 2014 and
 - 1.3 Your e-mails dated 3 November 2014, 26 February 2015 and 30 June 2015.
2. Erf 11456 is located adjacent to Main Road 28, however it takes access off Mountain Drive.
3. This application is for the rezoning of the property from Municipal Zone to Single Residential Zone and for a departure of the 5m building line to 0m.
4. As previously stated this Branch offers no objection to the rezoning of the property in terms of the land Use Planning Ordinance, No 15 of 1985, however with respect to the departure, this Branch is presently reviewing Main Road 28, and until this work is completed it would be premature to consider the relaxation of the 5m building line.

5. The proclaimed width of Main Road 28 in the vicinity of Erf 11456 is 25m. The house on the subject erf is some 6.9m from the erf boundary (according to the information P Roux from your municipality submitted).
6. Thus it remains our view that it is premature to relax the 5m building line to 0m as it appears to be unaffected by the current development on Erf 11456.

Yours faithfully



ML WATTERS

For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT