



OVERSTRAND MUNISIPALITEIT
ERWE 2295 EN 2296, LANGSTRAAT 76 EN 78,
SANDBAAI: AANSOEK OM KONSOLIDASIE,
DEVIASIE VAN DIE OVERSTRAND
MUNISIPALITEIT GROEIBESTUURSSTRATEGIE
(2010), HERSONERING, ONDERVERDELING EN
AFWYKING : FJC CONSULTING (nms BAJAK
INVESTMENTS (PTY) LTD)

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erwe 2295 en 2296, Sandbaai (eiendom/me), vir die:

1. **konsolidasie** ingevolge Artikel 16(2)(e) van die Verordening van die eiendomme;
2. **hersonering** ingevolge Artikel 16(2)(a) van die Verordening van bogenoemde gekonsolideerde eiendom vanaf Residensiële sone 1: Enkelresidensiële (SR 1) na **Onderverdelingsgebied**;
3. **deviasie** ingevolge Artikel 10 van die Verordening, asook die bepaling van die Munisipale Stelselwet, 2000 (Wet 32 van 2000) van die Overstrand Munisipaliteit Ruimtelike Groeibestuurstrategie (2010) om die aanbevole digtheid van wooneenhede per hektaar vir die spesifieke area te verhoog vanaf 10 tot 20e/ha na 26,7e/ha ten einde 'n groepbehuisingkompleks bestaande uit 5 wooneenhede op bogenoemde gekonsolideerde eiendom te akkommodeer.
4. **onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening van bogenoemde gekonsolideerde eiendom in 5 Algemene Residensiële sone 1: Dorpsbehuising (GR 1) erwe, 1 Vervoersone 2: Pad en Parkering (TR 2 A, privaat pad) erf wat 'n vulliskamer insluit, en 1 Oopruimtesone 3: Privaat Oopruimte (OS 3) erf; en
5. **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om:
 - a) af te wyk van die voorgeskrewe minimum grootte van 'n grondeenheid vir verdigting vanaf 3000m² na 1875m² (die bogenoemde gekonsolideerde erf); en
 - b) sekere interne laterale boulyne te verslap vanaf 1m na 0m om motorhuise vir die groephuiswooneenhede te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) voor of op **17 September 2021**, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Boshoff** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr. **106/2021**

OVERSTRAND MUNICIPALITY
ERVEN 2295 & 2296, 76 & 78 LONG STREET,
SANDBAAI: APPLICATION FOR
CONSOLIDATION, DEVIATION FROM THE
OVERSTRAND MUNICIPAL GROWTH
MANAGEMENT STRATEGY (2010), REZONING,
SUBDIVISION AND DEPARTURE : FJC
CONSULTING (obo BAJAK INVESTMENTS
(PTY) LTD)

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erven 2295 and 2296, Sandbaai (the property/s) for the:

1. **consolidation** of the properties in terms of Section 16(2)(e) of the By-Law;
2. **rezoning** in terms of Section 16(2)(a) of the By-Law of the above consolidated property from Residential Zone 1: Single Residential (SR 1) to Subdivisional Area;
3. **deviation** from the Overstrand Municipality Spatial Growth Management Strategy (2010) in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), to increase the recommended dwelling units per hectare for the specific area from 10 to 20 units/ha to 26,7u/ha to accommodate a group housing complex consisting of 5 dwelling units on the above consolidated property;
4. **subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide the above consolidated property in 5 General Residential Zone 1: Town Housing (GR 1) erven, 1 Transport Zone 2: Road and Parking (TR2 A, private road) erf that, includes a refuse room, and 1 Open Space Zone 3: Private Open Space (OS 3) erf; and
5. **departure** in terms of Section 16(2)(b) of the By-Law to:
 - a) deviate from the prescribed minimum size of a land unit for densification from 3000m² to 1875m² (the above consolidated erf); and to
 - b) relax certain internal lateral building lines from 1m to 0m to accommodate garages for the grouphouse dwelling units.

Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus.

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **17 September 2021**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the **Town Planner, Mr. H. Boshoff** at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town Planning Department where they will be assisted by a municipal official in formulating their comments.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Municipal Notice No. **106/2021**

UMASIPALA WASE-OVERSTRAND
IZIZA 2295 & 2296, 76 & 78 LONG STREET, SANDBAAI:
ISICELO SOKUDITYANISWA, UKUPHAMBUKA
KWISICWANGCISO-QHINGA SOLAWULO
LUKAMASIPALA SOKUHLUMA (2010), UKUCANDWA
NGOKUTSHA, UKWAHLULWA KUNYE NOKUHAMBA:
FJC CONSULTING (ebameni lika BAJAK
INVESTMENTS (PTY) LTD)

Isaziso sokhutshwe ngokwemiqathango yamaCandelo 47 nelama-48 loMthetho oYilwayo oLungisiweyo woMasipala wase-Overstrand esingoCwangciso sokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) sezicelo ezilandelayo ezisebenza kwiSiza 2856, eSandbaai, ezizezi:

1. **ukudityaniswa** kweepropati ngokweCandelo 16 (2) (e) loMthetho kaMasipala;
2. **ukucandwa kwakhona** kwemihlaba ngokweCandelo le-16 (2) (a) loMthetho kaMasipala wale ndawo idibeneyo ingentla ukusuka kwiNdawo yokuHlala engu-1: Indawo yokuhlala eyodwa (SR 1) iye kwiNdawo yoLwahlulo;
3. **Ukuphambuka** kwiQhinga loLawulo lweNdawo yokuKhula koMhlaba kaMasipala wase-Overstrand (2010) ngokweCandelo le-10 loMthetho kaMasipala, ngokunjalo nezibonelelo zoMthetho weeNkqubo zikaMasipala, 2000 (uMthetho 32 ka-2000), ukwandisa iindawo zokuhlala ezicetywayo ngehektare nganye. Kommandla othile osusela kwiiyunithi ezili-10 ukuya kwezingama-20 ngehektare ukuya kwi-26,7u / ha ukulungiselela indawo yokuhlala yamaqela enezindlu zokuhlala ezi-5 kulo mhlaba uhlanganisiweyo ungentla;
4. **Ulwahlulwa-hlulo** ngokweCandelo 16 (2) (d) loMthetho kaMasipala wokwahlula lo mhlaba uhlanganisiweyo ngentla apha kwiZowuni yokuHlala eyi-5: iZindlu zeDolophu (GR 1), iZowuni yoThutho yesi-2: Indlela nokuPaka (TR2 A, indlela yabucala) isiza esiquka igumbi lokuhlala inkunkuma, nesiza esi-1 soMmandla oVulekileyo 3: Indawo evulekileyo yabucala kwaye
5. **ukushenxa** ngokweCandelo 16 (2) (b) loMthetho kaMasipala:
 - (a) uphambuke kubungakanani obumiselweyo beyunithi yomhlaba yoxinaniso ukusuka ku-3000m² ukuya ku-1875m² (isiza esidityanisiweyo ngentla); nakwi
 - (b) phumlisa imigca engaphakathi yokwakha esecaleni ukusuka kwi-1m ukuya kwi-0m ukulungiselela igaraji zeendawo zokuhlala igrouphouse.

Iinkcukacha eziphathelelene nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zomsebenzi phakathi kwentsimbi yesi-08:00 ne-16:30 kwiSebe: leCwangciso lweDolophu kwi-16 Paterson Street, Hermanus.

Naziphi na izimvo ezibhaliweyo kufuneka zingeniswe ngokwezibonelelo zamaCandelo elama-51 nelama-52 oMthetho kaMasipala yaye kufuneka zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla **wama17 uSeptember 2021**, ubhale igama lakho, idilesi yakho, iinkcukacha zoqhagamshelwano, umdla kwisicelo nezizathu zokufaka izimvo. Imibuzo ngomnxeba ingabhekiswa kuMwangciso weDolophu oPhezulu, **uMnu. H. Boshoff** kule nombolo 028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvula. Nabani na ongakwaziyo kufunda okanye ukubhala angatyelela iSebe loCwangciso lweDolophu apho igosa lakwamasipala liya kubanceda ukuba baqulunqe izimvo zabo

Umlawuli kaMasipala, woMasipala wase-Overstrand, P.O. Box 20, **HERMANUS**, 7200

INombolo yeSaziso sikaMasipala **106/2021**

AMENDED APPLICATION.

Prepared By
FJC Consulting
(Mr. J. Francis)

Prepared For
Overstrand Local Municipality
(Hermanus – Mr. H. Boshoff)

Prepared on Behalf of
The Bajak Investments (Pty) Ltd
(Mr. N. Ghiwala)

Date
March 2021
(revised 25.05.21)

ERF 2295 & ERF 2296 SANDBAAI APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION, PERMANENT DEPARTURE & AMENDMENT / DEVIATION

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DEFINITIONS

For the purpose of this application, and unless it appears otherwise in the text, the terms used herein are as follows:

Property Concerned

The property concerned is constituted by the Consolidation of **Erf 2295** and **Erf 2296 Sandbaai**.

Client

The Client being represented in this matter is **Bajak Investments (Pty) Ltd**, represented herein by Mr. N. J. Gihwala.

Consultants / Applicants

FJC Consulting (Mr Jody Francis), acting for the Client in this matter.

Application

Application is hereby made for:

- **Consolidation** of the properties in terms of Section 16(2)(e) of the By-Law;
- **Deviation** from the Overstrand Municipality Spatial 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), in order to allow for the increase of the area specific prescribed density of dwelling units per hectare from 10 – 20u/ha to 26,7u/ha to accommodate 5 grouphousing dwelling units on the consolidated property;
- **Rezoning** in terms of Section 16(2)(a) of the By-Law of the above consolidated property from Residential Zone 1: Single Residential (SR1) to Subdivisional Area;
- **Subdivision** in terms of Section 16(2)(d) of the By-Law of the above consolidated property in 5 General Residential Zone 1: Town Housing (GR 1) erven, 1 Transport Zone 2: Road and Parking (TR2 A, private road) erf that includes a refuse room, and 1 Open Space Zone 3: Private Open Space (OS 3) erf; and
- **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - deviate from the prescribed minimum size of a land unit for densification from 3000m² to 1875m² (the above consolidated erven); and
 - to relax certain internal lateral building lines from 1m to 0m to accommodate garages for the grouphouse dwelling units.

Zoning Scheme

The Overstrand Municipality Land Use Scheme, 2020, being the zoning scheme applicable to the property concerned.

By-Law

Overstrand Municipality: Amendment By-Law on Municipal Land Use Planning, 2020

Local Authority / Council

The Overstrand Municipality

EXECUTIVE SUMMARY

Date: March 2021

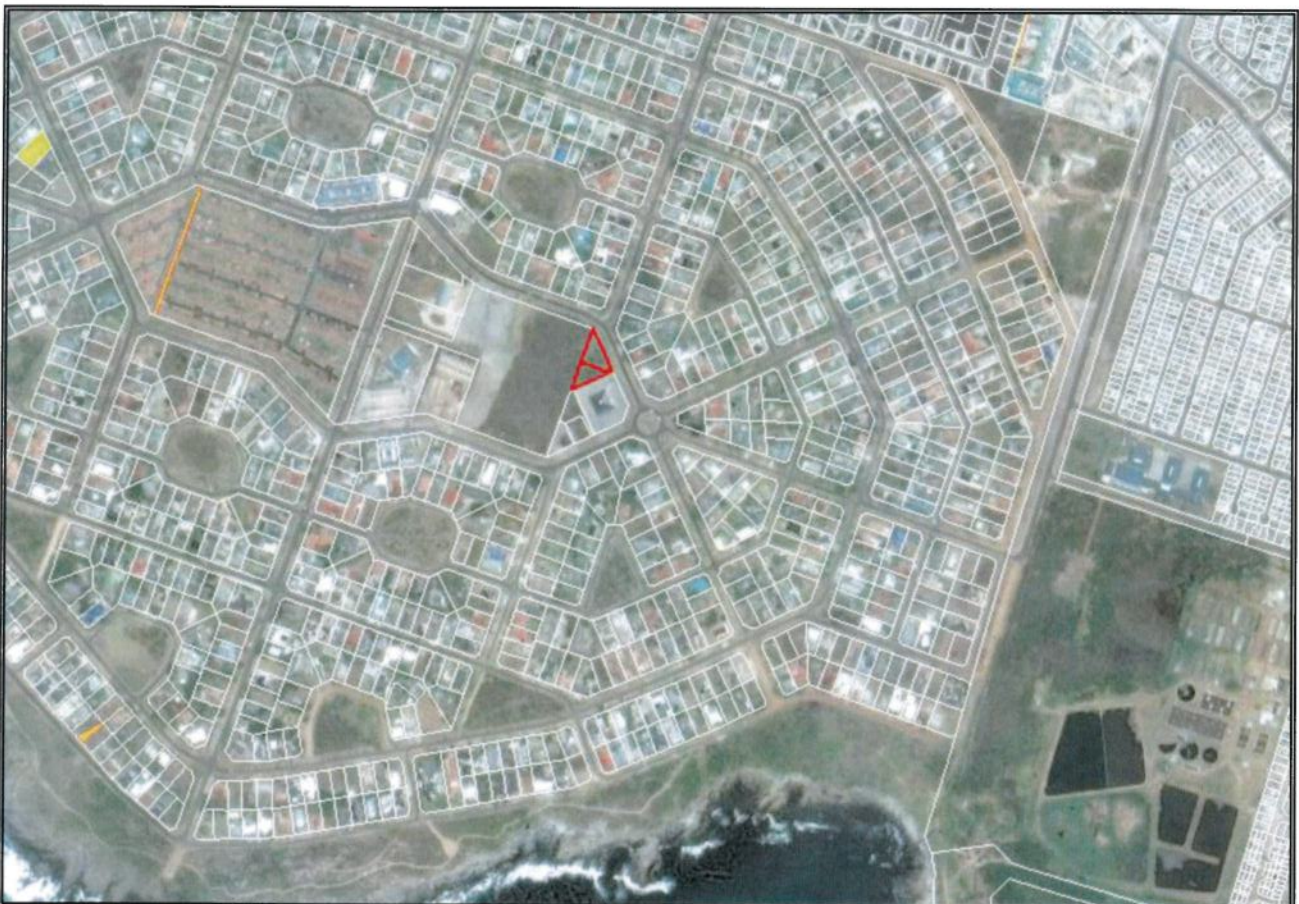
To:

Subject: Application in terms of the Section 16(2)(e), Section 16(2)(a), Section 16(2)(d) and Section 16(2)(b) for the Consolidation, Rezoning, Subdivision, Permanent Departures and Growth Management Strategy Amendment / Deviation associated with the proposed development of the subject properties with a 5-unit town housing scheme.

1. Application Summary

- 1.1 Existing Zoning: Residential Zone I – Single Residential
- 1.2 Proposed Zoning: Subdivisional Area
- 1.3 The Application: Application is for the Consolidation, Rezoning, Subdivision, Permanent Departures and Deviation so as to enable the development of a 5-unit town housing scheme.
- 1.4 Date of Application: March 2021
- 1.5 Recommendation:
- 1.6 Other Approvals:

All original documentation will be available to your committee.



Properties Consulted

Objecting Properties

Supporting properties

SECTION I – INTRODUCTION

1.1 Background Information

The property concerned is located off Lang Street in Sandbaai. The property owners in bringing this application seek to realise a sensitive increase in the density of the permissible development on the property concerned. To realise this increased density, it is necessary to rezone the property concerned from its current Residential Zone I status to that of General Residential Zone I, which is for town house purposes.

An analysis of the surrounding area serves to confirm that the residential properties on the opposite side of Lang Street and Jimmy Smith Street are typically single residential in nature with erf sizes which range from $\pm 700\text{m}^2$ to $\pm 1500\text{m}^2$. These erf sizes represent a very low-density residential area with much of the higher density residential dwelling units located north of End Street. In fact, End Street serves to clearly define the line between the low density single residential units and the higher density group and town house developments.

Whilst this application may not be seen as conforming to this compartmentalisation of the different densities, it is however seen as conforming with and giving effect to the densification strategies put forward at a local as well as a provincial level, which calls for the integration of different densities and house types.

There are numerous other aspects of the proposed development which are seen to comply with the development frameworks and policies which serve to guide future development of towns and cities to becoming more compact and sustainable. These aspects will be dealt with in the remainder of this application.

In addition to the above, it must be noted that the Applicant previously made application for the development of the subject property with six town houses. The assessment and evaluation of this development proposal by the Municipality was that the development as proposed represented an overdevelopment of the subject property, which was evidenced by the number of permanent departures triggered by the said development. In addition to the above, the evaluation also considered that the extent to which the development proposal needed to deviate from the density requirements of the Growth Management Strategy was excessive. For these reasons, the previous application for a six-unit town house development was refused. Based on the evaluation and findings of the municipality in the processing of the previous application, the Applicant resolved to reduce the number of units proposed as well as ensure compliance, as far as could be achieved, with the applicable development parameters so as to not trigger excessive departures.



The measured effects of the reduction in the density of the proposed development as well as the sensitising of the proposal to the applicable departures will be tested in the below assessment of the application in terms of the applicable development parameters.

1.2 The Client

The Applicant acts under Special Power of Attorney (see **Annexure A**) for the registered owners of Erf 2295 and Erf 2296 Sandbaai, being:

Bajak Investments (Pty) Ltd



 Town Planning & Land Surveying	Project: Erf 2295/6 Sandbaai	Title: Consolidation, Rezoning & Subdivision	Date: Mar. '21
	Legend:	North: 	Figure: 1 Locality Plan

1.3 The Consultants

The Consultants in this matter are:

FJC CONSULTING

Town Planners & Land Surveyors

Tel: (021) 403 6449 ♦ Fax: (021) 413 0170 ♦ Cell: (084) 789 9932
 Spaces V&A, Dock Road Junction, Cnr Stanley & Dock Roads, Cape Town, 8000
 P. O. Box 7434, Roggebaai, 8012 ♦ jody@fjcconsulting.co.za

Represented herein by Mr. Jody Francis.

1.4

The Application

Pursuant to the above, application is herewith made for the approval, by the Overstrand Municipality in favour of Erf 2295 and Erf 2296 Sandbaai of the following applications:

1. **Consolidation** of the properties in terms of Section 16(2)(e) of the By-Law;
2. **Deviation** from the Overstrand Municipality Spatial 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), in order to allow for the increase of the area specific prescribed density of dwelling units per hectare from 10 – 20u/ha to 26,7u/ha to accommodate 5 grouphousing dwelling units on the consolidated property;
3. **Rezoning** in terms of Section 16(2)(a) of the By-Law of the above consolidated property from Residential Zone 1: Single Residential (SR1) to Subdivisional Area;
4. **Subdivision** in terms of Section 16(2)(d) of the By-Law of the above consolidated property in 5 General Residential Zone 1: Town Housing (GR 1) erven, 1 Transport Zone 2: Road and Parking (TR2 A, private road) erf that includes a refuse room, and 1 Open Space Zone 3: Private Open Space (OS 3) erf; and
5. **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - a) deviate from the prescribed minimum size of a land unit for densification from 3000m² to 1875m² (the above consolidated erven); and
 - b) to relax certain internal lateral building lines from 1m to 0m to accommodate garages for the grouphouse dwelling units.

1.5

The Purpose of the Report

The purpose of this report is to inform Council, officials and interested parties of the application submitted in favour of the properties concerned.

This report also serves to provide a motivation in support of the proposals envisaged, as well as identify the specifics of such application, so as to facilitate for easier and more efficient processing of the application by the administration concerned.

SECTION II – PROPERTY DETAILS

2.1 Property Description

With regard to the description of the property concerned, title deed T28502/2009 (see **Annexure B**), describes the one constituent property as follows:

**Erf 2295 Sandbaai in the Overstrand Municipality,
Division of Caledon, Western Cape Province**

Title deed T7487/2008 (see **Annexure B**), describes the other constituent property as follows:

**Erf 2296 Sandbaai in the Overstrand Municipality,
Division of Caledon, Western Cape Province**



fjc consulting
Town Planning & Land Surveying

Project:

Erf 2295/6 Sandbaai

Title:

Consolidation, Rezoning & Subdivision

Date:

Mar. '21

Legend:

Subject Property



North:



Figure:

2

Site in Context

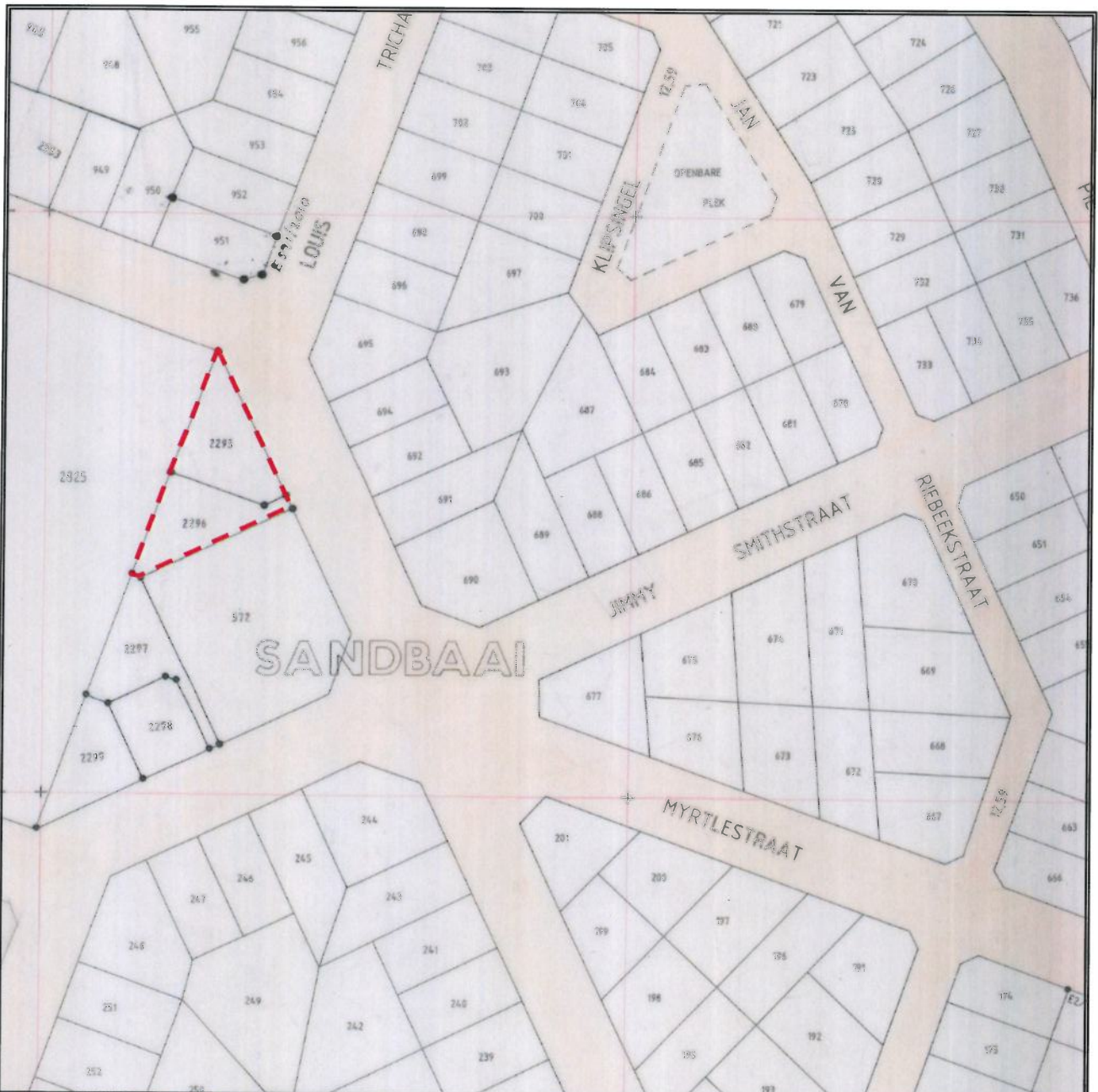
2.2

Ownership

With regard to the ownership of the registered properties identified in 2.1 above, as confirmed by respective title deeds the registered owner is:

**Bajak Investments (Pty) Limited
(Registration No. 1983/008635/07)**

Represented herein by Mr. N. J. Gihwala.



fjc consulting Town Planning & Land Surveying	Project: Erf 2295/6 Sandbaai	Title: Consolidation, Rezoning & Subdivision	Date: Mar. '21
	Legend:	North: 	Figure: 3 Noting Sheet

2.3 **Extent**

Regarding the extent of the subject properties, SG Diagram No. 91/2005 for Erf 2295 Sandbaai (see **Annexure C**) confirms the extent to measure:

1019m²
One Thousand and Nineteen Square Meters

SG Diagram No. 92/2005 for Erf 2296 Sandbaai (see **Annexure C**) confirms the extent to measure:

856m²
Eight Hundred and Fifty-Six Square Meters

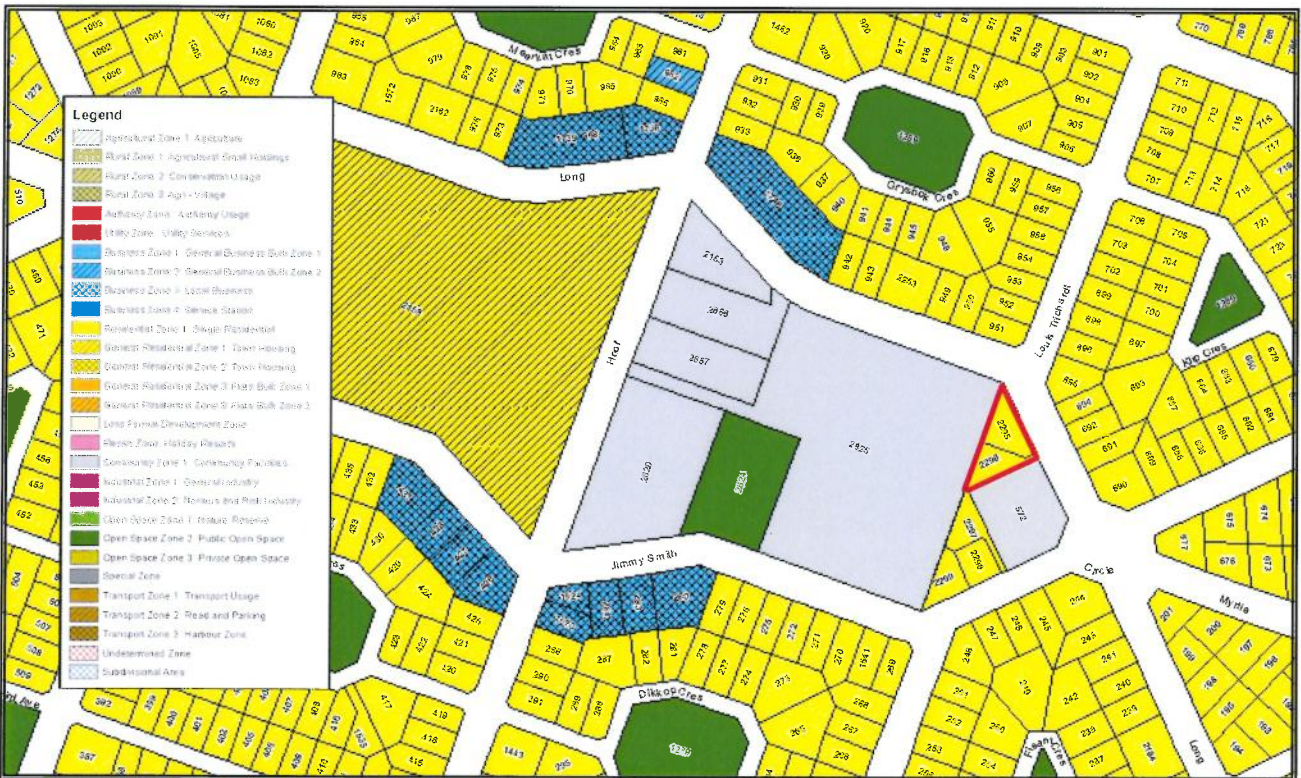
As a result, the proposed consolidation of the subject properties will measure:

1875m²
One Thousand Eight Hundred and Seventy-Five Square Meters

2.4 **Zoning**

In terms of the zoning of the subject properties concerned, investigation with the Overstrand Municipality (see **Figure 4**), revealed that in terms of the Overstrand Municipality Zoning Scheme Regulations the subject properties are zoned:

Residential Zone I – Single Residential (SR1)



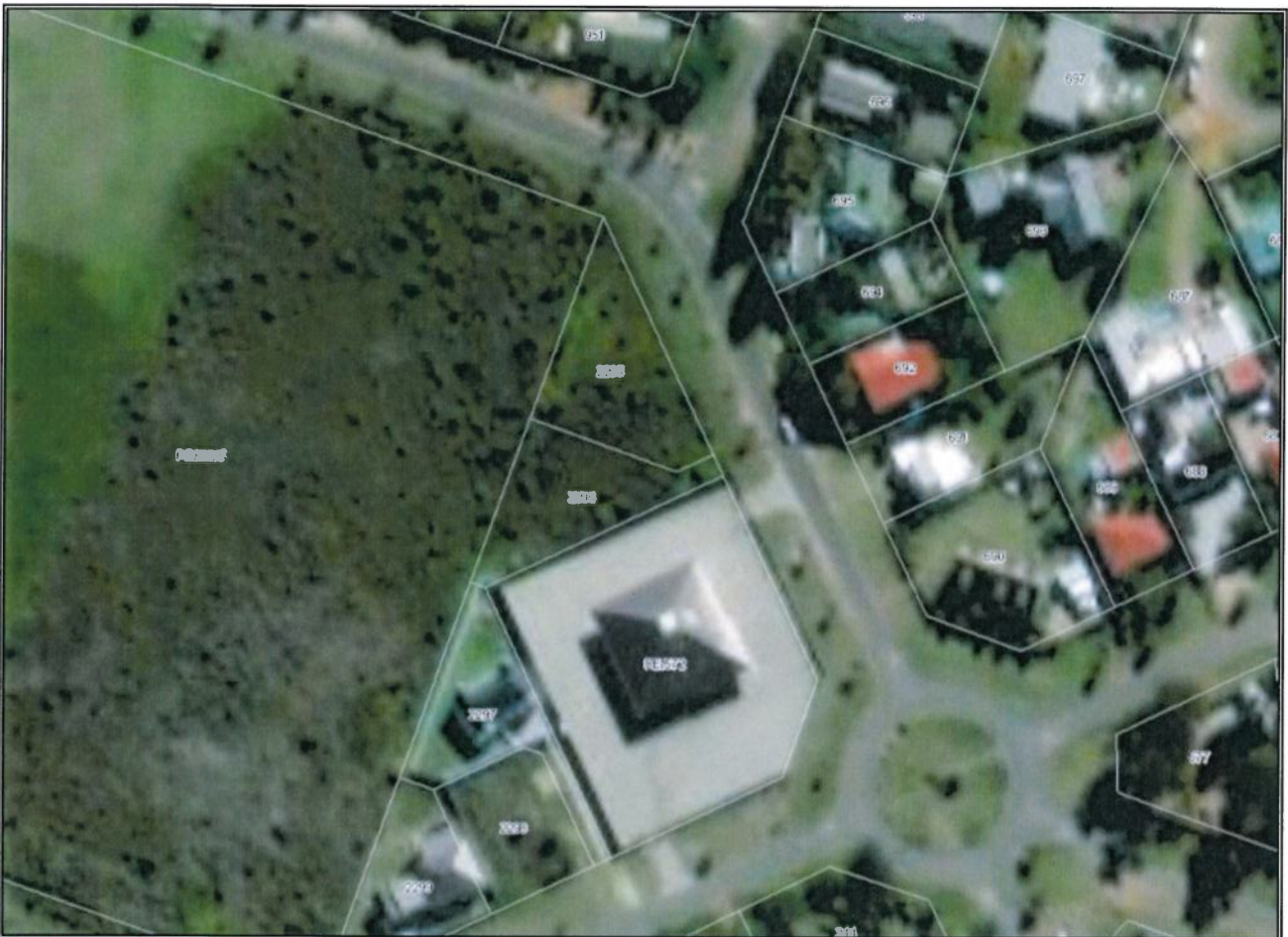
<p>fjc consulting Town Planning & Land Surveying</p>	Project: Erf 2295/6 Sandbaai	Title: Consolidation, Rezoning & Subdivision	Date: Mar. '21
	Legend:		

2.5 Existing Land Use

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.

From the aerial photo provided, it can be clearly established that much of the properties in the immediate vicinity of the consolidated property concerned remain vacant or underdeveloped. Undeveloped (vacant) properties have been specifically identified as an attractive means of introducing 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.

Figure 5 above indicates the current state of development on the affected portion of the property concerned.



fjc consulting Town Planning & Land Surveying	Project:	Title:	Date:
	Erf 2295/6 Sandbaai	Consolidation, Rezoning & Subdivision	Mar. '21
Legend:	North:		Figure:
			5 Land Use

2.6 Access

Both of the constituent properties enjoy access directly off Long Street.

2.7 Title Deed / Restrictive Title Conditions

When regard is had to the title deeds concerned, and the existence of any restrictive conditions contained therein, which are potentially in conflict with the proposed development of 6 town house on the subject properties concerned, it is confirmed via the Conveyance's Certificate as prepared by Jan Johan Van Blerk of Bill Tolken Hendrikse Inc. Attorneys (see **Annexure E**) that there are no conditions of title which conflict with the proposed development.

2.8 Services

The subject properties are both serviced sites, so the necessary services connection points ought to be in place. It is also noted that in terms of the zoning of the property concerned, each of the constituent properties may be developed with a main and second dwelling unit (120m²), therefore, the subject properties may currently demand the capacity necessary to service a total of four dwelling units.

In addition to the above, we confirm that with the properties being vacant that they currently do place any demand on the current services networks of the municipality.

2.9 Servitudes

No record of any servitudes having been registered against the title of the subject properties could be found in the title deed or reflected on the General Plan / Noting Sheet.

2.10 Heritage

Given that the constituent properties are all vacant, there are no buildings that could be heritage worthy by virtue of its age – therefore no implication on heritage is possible.

In addition to the above, the Applicant is not aware of any burial grounds within close proximity to the subject properties which would require special care or caution to be taken during the development process.

2.11 Environmental Management

In assessing the potential environmental impact associated with the development application concerned, as well as seeking to identify whether the proposed development triggers any listed activity in terms of the National Environmental Management Act, a brief desktop assessment served to confirm that none of the listed activities are triggered by the development application concerned. Based thereon, the Applicant did not consider it necessary to undertake an Applicability Checklist.

SECTION III – THE LAND USE APPLICATION

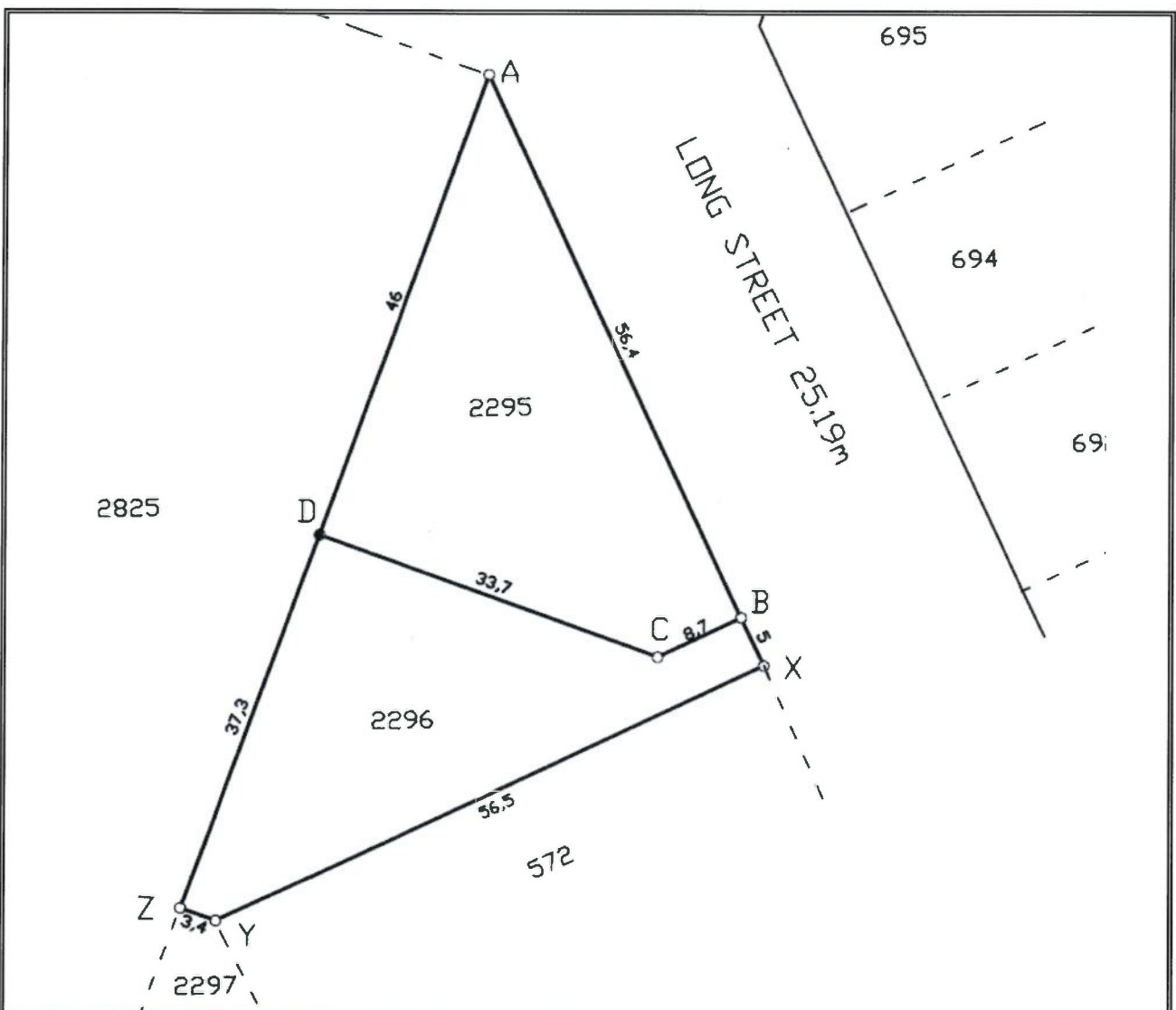
3.1 Proposed Consolidation

This component of the application deals with the proposal to Consolidate Erf 2995 with Erf 2996 Sandbaai.

The two erven currently measure as follows:

- Erf 2995 Sandbaai – 1019m²
- Erf 2996 Sandbaai – 856m²

The Consolidation concerned proposes the creation of a single land unit which will measure **1875m²** - as reflected in the Draft Consolidation Diagram below and attached as **Annexure F**.



fjc consulting
Town Planning & Land Surveying

Project:
Erf 2295/6 Sandbaai

Title:
Consolidation, Rezoning & Subdivision

Date:
Mar. '21

Legend:

1. Figure ABCD represents Erf 2295 Sandbaai, which measures ±1019m².
2. Figure DCBXYZ represents Erf 2296 Sandbaai, which measures ±856m².
3. Figure XYZ represents the proposed Consolidation of Erf 2295 with Erf 2296 Sandbaai, which will measure 1875m².



Figure:

6

Consolidation Diag.

3.2**Proposed Rezoning**

This aspect of the land use application is concerned with securing the appropriate land use rights necessary to enable the development of the consolidated property with a town house development.

It has been previously established that the subject properties are currently zoned **Residential Zone 1: Single Residential (SR1)**, this zoning designation permits the following uses:

Use Zone	Buildings Permitted	Buildings Permitted only with the Consent of Council
Single Residential	<ul style="list-style-type: none"> • Crèche, • Dwelling House, • Guest Rooms, • Home Occupation, • Second Dwelling Unit • Self-Catering 	<ul style="list-style-type: none"> • Day Care Centre, • Green House, • Guest House, • House Shop, • Institution, • Place of Instruction, • Place of Worship, • Residential Building • Intensive Horticulture.

The requirement for the rezoning is informed by the current zone of the subject property, which as can be established from the above table extracted from the Overstrand Municipality Land Use Scheme (2020), no provision is made for town house developments in either the list of primary uses, or the list of consent uses.

In lieu of the above, it is confirmed via initial discussions with the Municipality that the appropriate mechanism will be the Rezoning of the consolidated property to Subdivisional Area, to enable the following development / use of the subdivided portions: Portions 1 - 5 to General Residential Zone 1: Town Housing erven to permit the development thereof with town houses; Portion 6 – Open Space Zone 3: Private Open Space (OS3); Portion 7 – Transport Zone 2: Road and Parking (TR2 A – Private Road) which includes a refuse room.

Use Zone	Buildings Permitted	Buildings Permitted with Consent
Gen. Residential Zone 1	<ul style="list-style-type: none"> • Town Housing • Private Road • Private Open Space 	<ul style="list-style-type: none"> • Crèche • Day Care Centre • Dwelling House in accordance with 6.1.2 • Flats • Green House • Home Occupation • Residential Building • Retirement Village • Tourist Accommodation
Open Space Zone 3	<ul style="list-style-type: none"> • Private Open Space 	<ul style="list-style-type: none"> • Cemetery, • Environmental Facilities, • Recreational Facilities, • Rooftop • Base Station, • Tourist Accommodation, • Tourist Facilities, • Transmission Tower, • Urban Agriculture, • Utility Service, • Any Other Related Use Permitted By Council
Transport Zone 2	<ul style="list-style-type: none"> • Private Parking, • Private Road, • Public Parking, • Public Road 	<ul style="list-style-type: none"> • Informal Trading, • Rooftop Base Station, • Transmission Tower, • Any Other Uses Determined by Council

It is in this regard that the primary component of the land use application is informed, i.e., an application for the Rezoning to Subdivisional Area of the subdivided portions of the property concerned to permit their development and use for Town Houses, Private Open Space and Private Road purposes. As a result, an application for the rezoning of the subject property to Subdivision Area is applied for.

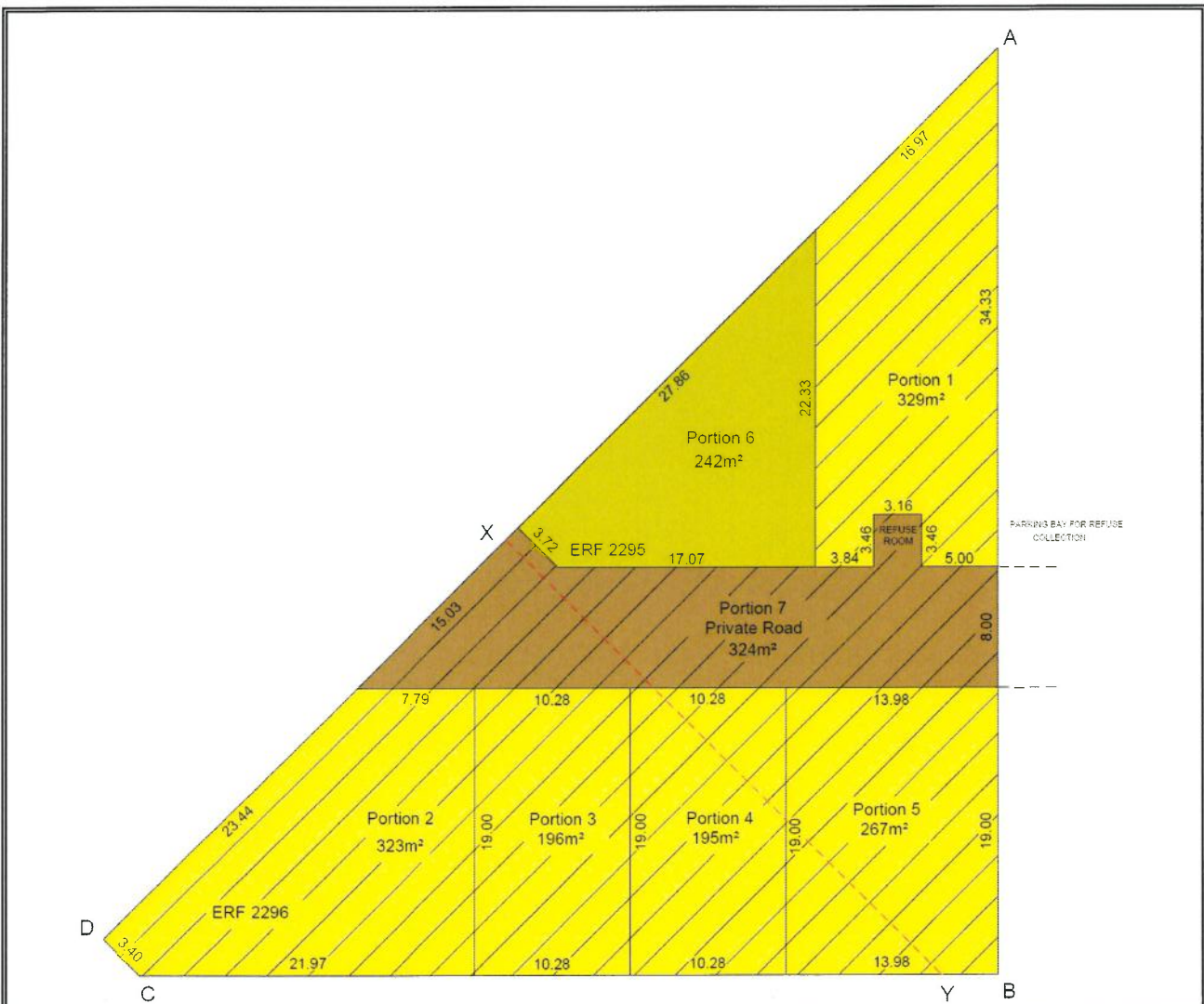
3.3 Proposed Subdivision



It is proposed to subdivide the consolidated and rezoned property in terms of the proposed development thereof with a 5-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 ²)	Land Use	Zoning Designation
Portion 1	329m ²	Town House	General Residential Zone 1
Portion 2	323m ²	Town House	General Residential Zone 1
Portion 3	196 m ²	Town House	General Residential Zone 1
Portion 4	195 m ²	Town House	General Residential Zone 1
Portion 5	267 m ²	Town House	General Residential Zone 1
Portion 6	242 m ²	Private Open Space	Open Space Zone 3
Portion 7	324m ²	Private Road & Refuse Room	Transport Zone 2

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



	Project: Erf 2295/6 Sandbaai	Title: Consolidation, Rezoning & Subdivision	Date: Mar. '21
	Legend:		North: 

3.4 Development Controls – Town Housing Scheme

This land use application is concerned with developing the consolidated subject property with a 5-unit town house development (see **Figure 8** and **Annexure H**).

The zoning scheme regulations define a town housing / town housing scheme as:

“town housing” and “town housing scheme” mean a row or group of linked, attached or detached dwelling units which are designed and built as a harmonious architectural entity of which every dwelling unit has a ground floor; such dwelling units may be cadastrally subdivided or be sold individually in some other manner.

In terms of assessing such town housing scheme development, the land use scheme provides that its development must be assessed in terms of the following development parameters:

- 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
- 3.4.8 Open Space Provision

This section of the motivation report will conduct an assessment of the development plan in terms of the development parameters referred to above.

Where any of the development parameters are exceeded, application will be made for the necessary permanent departure.

3.4.1 Density

In terms of General Residential Zone 1, properties developed in terms of this use zone may be developed at a maximum density of 35 units per hectare.

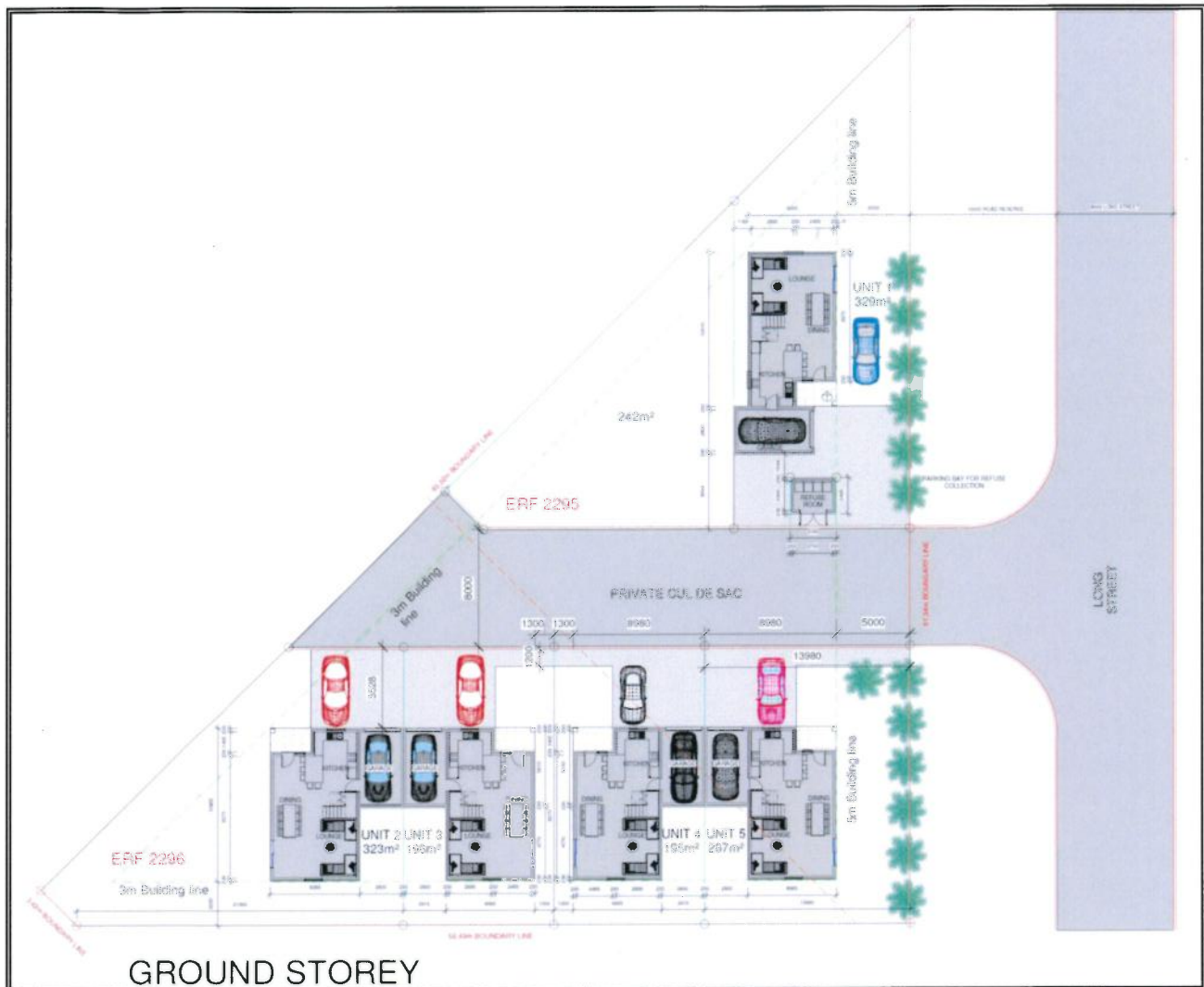
The above translates into a rate of 1 unit per 286m². In the case of the subject property, that would translate into a total of 6,5 units. In this regard we confirm that the proposed 5 units to be developed as part of the scheme is within the maximum density allowed for within this use zone,

As a result of the above, no departure from Density is triggered.




The land use scheme further provides that a minimum erf size of 3000m² is applicable for densification.

In this regard, we acknowledge that the consolidated erf size will measure 1875m². This erf size is less than the minimum erf size prescribed within the zoning scheme regulations for the GR1 zone. As a result, it will be necessary to depart from the 3000m² minimum erf size in order to permit the town house development on a site which measures 1875m².

As a result of the above, a permanent departure from the Minimum Erf Size is triggered.



GROUND STOREY

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		Site Development Plan	

3.4.2 Coverage

In terms of General Residential Zone 1, properties developed in terms of this use zone may be developed with a maximum coverage of 65%.

In terms of the land use scheme regulations, properties zoned General Residential Zone 1 are permitted a maximum coverage which is 65% of the site area, which in this case would permit a coverage of **1218,75m²** (Site Area x 65%). Based on the attached Site Development Plan (see **Annexure H**), we calculate that the total building footprint will be **±416.07m²**, including the garages and refuse room. A coverage of 417m² represents a total covered footprint of 22% of the site area.

When the coverage of the individual erven is measured, we note that the covered footprint of the individual units which is roughly 82m², is also well below the permitted coverage of 65%.

In terms of the above, we confirm that the proposed covered footprint of all buildings on the property, as informed by the attached Site Development Plan is calculated to be well within the permitted maximum.

As a result of the above assessment, no departure from the Coverage is required.

3.4.3 Height

In terms of the land use scheme regulations, properties zoned General Residential Zone 1 may be developed with a maximum height of 8,0m, measured from the base level to the top of the structure.

From the heights as informed by the attached Site Development Plan drafted by the AH Consortium (see **Annexure H**), we acknowledge that the maximum height will be 6,509m which is well within the maximum permissible height of 8,0m.

As a result of the above assessment, no departure from the Height is required

3.4.4 Building Lines on the Perimeter of a Town Housing Development

In terms of the land use scheme regulations concerned, on properties zoned General Residential Zone 1, the building line for buildings from the perimeter of a town housing scheme is 3,0m.

Based on the attached Site Development Plan, we observe that the proposed dwelling units are all to be set at least 3,0m from the perimeter of the town housing development, be it a street or a common boundary.

As a result of the above assessment, no departure from the Perimeter Building Lines is required.

3.4.5 Building Lines within the Town Housing Development

In terms of the land use scheme regulations concerned, town housing development on properties zoned General Residential Zone 1, are subject to the following building lines within the town housing site:

3.4.5.1 The street building lines on internal roads are 1,0 m, provided that garages must be set back at least 5,0 m from the road kerb.

Based on the attached Site Development Plan, we observe that the proposed dwelling units as well as the garages are all to be set in excess of 5,0m from the internal road. This provision ensures that the proposed development is compliant with the internal street building lines for both dwelling units and garages.

As a result of the above assessment, no departure from the Internal Street Building Line is required.

3.4.5.2 The lateral and rear building line is 1,0.

Based on the attached Site Development Plan, we observe that the garages of the proposed dwelling units on portions 2 and 3 have a 0,0m lateral building line, and that the proposed garages on portions 4 and 5 also have a 0,0m lateral building line.

In the above regard, the garages on portions 2, 3, 4 and 5 trigger the need for a permanent departure from the internal lateral building line.

As a result of the above assessment, a departure from the Internal Lateral Building Line is required.

3.4.5.3 Lateral and rear building lines for Garages.

Section 6.2.2(e)(iii) provides that contrary to the requirements of Section 6.2.2(e)(ii), that a garage may be constructed at 0,0m on one internal side boundary and 0,0m on the

internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary.

In this regard and based on the conditional allowance made for garages to be 0,0m from the internal lateral boundary, we confirm that the layout as reflected in the Site Development Plan complies, in that the garages concerned occupy roughly 28% of the internal lateral boundary.

As a result of the above assessment, no departure from the Internal Lateral Building Line as applicable to garages is required.

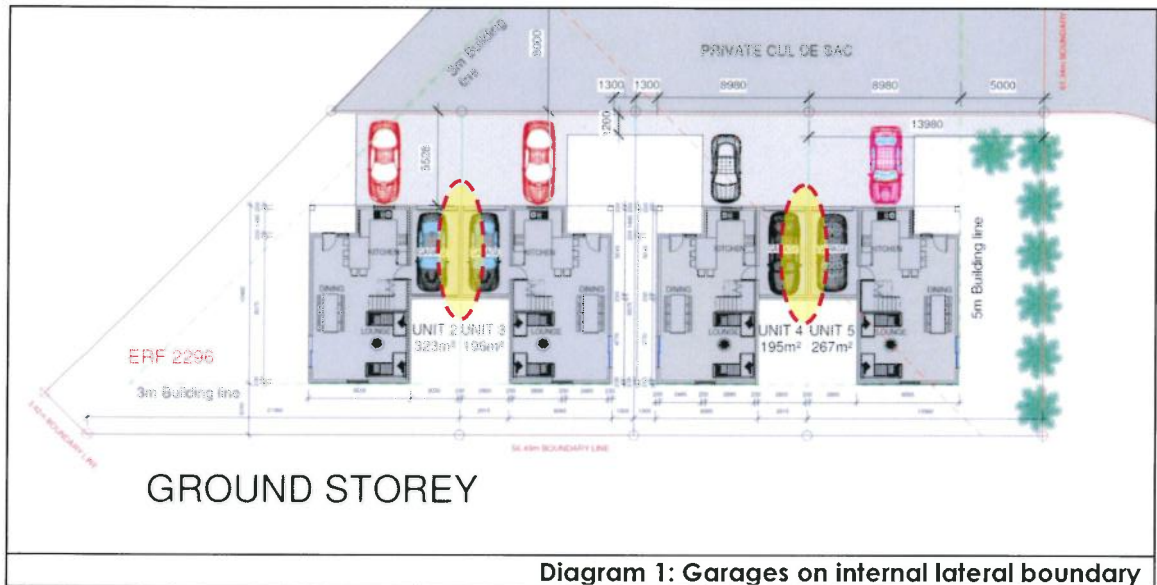


Diagram 1: Garages on internal lateral boundary

3.4.5.4 The General Building Line Exemptions of 16.1 apply.

Section 6.2.2(e)(iv) serve to advise that the building line exemptions as set out in Section 16.1 apply.

3.4.6 Parking

In terms of the land use scheme regulations concerned, parking within town housing developments must be provided in accordance with the following regulations:

3.4.6.1 Parking and Access in terms of Section 17.1

According to Section 17.1 of the land use scheme, parking for town house development must be provided at the following rate:

1 bay per dwelling unit plus 1 bay per dwelling for visitors.

Application of the above parking ration to the 5-unit town sing scheme as proposed requires a total on-site parking provision for 10 vehicles.

As can be established from the Site Development Plan concerned, the layout can easily provide for 2 parking bays per unit, with the additional option of a third bay per unit, with the third parking bay being tandem to the garage.

Therefore, a total of 15 cars can comfortably park on the property concerned.

As a result of the above assessment, no departure from Parking is required.

3.4.6.2 Parking to be provided at the units or at a communal parking area or both.

According to Section 6.2.2(f)(ii) parking may be provided at the town house concerned, form part of a communal parking, or be a combination of the two.

As can be established from the Site Development Plan concerned, all parking is to be provided at the individual portions concerned.

As a result of the above assessment, no departure from this regulation is required.

3.4.7 Internal Roads

In terms of the land use scheme regulations concerned, internal roads within town housing scheme must have a minimum internal road reserve width of 8,0 m, provided that the Municipality may require a greater road reserve width where it is of the opinion that the vehicular use or length of the road requires a greater road reserve width.

In the above regard, and as can be established from the Site Development Plan concerned, the internal road reserve width is 8,0m.

As a result of the above assessment, no departure from the Internal Road Reserve width is required.

3.4.8 Open Space Provision

In terms of the land use scheme regulations concerned, the Municipality requires the provision of communal open space of at least 10% of the entire property to be made available for outdoor recreation / garden area. This is to be provided as one functional space.

With the consolidated site area of the subject property measuring 1875m², the 10% communal open space sought, would require the provision of an area of at least 187,5m² to be made available.

In this regard, we note that the Site Development Plan concerned makes provision for an open space portion of 242m², for outdoor recreation / garden. It is also noted that this is provided as one functional space.

As a result of the above assessment, no departure from the Open Space Provision is required.

3.5 Services

With regard to the potential demand that the proposed 5-unit town housing scheme is associated with, the Applicant 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 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 linked with the necessary services capacity upgrades needed to facilitate such density increases, we will nevertheless await comment from the affected branches of the Municipality.

3.6

Motivation

The motivation in support of the Land Use Application associated with the proposed consolidation, rezoning, subdivision, permanent departure, and deviation, will be addressed below. The motivation in support of the application is based on the following aspects as set out in Section 66 of the by-law.

To this end, the By-Law in Section 66 provides that when an Authorised Official or Municipal Planning Tribunal considers an application it must have regard to the following:

- 3.6.1 the application submitted in terms of this By-law.
- 3.6.2 the procedure followed in processing the application.
- 3.6.3 the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses.
- 3.6.4 the comments in response to the notice of the application and the comments received from organs of state and internal departments.
- 3.6.5 the response by the applicant to the comments referred to in paragraph (3.5.4).
- 3.6.6 investigations carried out in terms of other laws which are relevant to the consideration of the application.
- 3.6.7 a registered planner, or a planner eligible for registration, written assessment, which includes:
 - (i) an amendment of a Spatial Development Framework or land use scheme
 - (ii) an approval of an overlay zone contemplated in the land use scheme
 - (iii) a phasing, amendment or cancellation of a subdivision plan or part thereof
 - (iv) a determination of a zoning
 - (v) a rezoning
- 3.6.8 Municipal Spatial Development Framework.
- 3.6.9 Local Spatial Development Frameworks adopted by the Municipality.
- 3.6.10 Policies of the Municipality
- 3.6.11 The Provincial Spatial Development Framework.
- 3.6.12 The Spatial Planning and Land Use Management Act & Land Use Planning Act
- 3.6.13 The Land Use Scheme.
- 3.6.14 Summary

Our motivation in support of the application is detailed below based on the above assessment criteria.

3.6.1 Application submitted in terms of the by-law.

The application is submitted in accordance with the provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, where it was identified that the proposed development of the subject property, triggered certain land use applications that require approval prior to the commencement of the development as proposed.

3.6.2 Procedure followed in processing the Application.

The relevant processes and procedures, which will include public participation, will be carried out as prescribed in the By-Law.

In the event of any comments / objections being received, it is anticipated that the application will need to be referred to the Municipal Planning Tribunal for a decision.

No Administrative Penalty is considered necessary with this application, as the property is currently vacant and undeveloped, and thus does not contravene any of the regulations of the applicable by-law.

3.6.3 Desirability of the proposed land use & Provincial Guidelines

The desirability of the land use application concerned is assessed in terms of the following criteria:

- 3.6.3.1 Socio-economic impact.
- 3.6.3.2 Compatibility with surrounding uses.
- 3.6.3.3 Impact on the external engineering services.
- 3.6.3.4 Impact on safety, health, and wellbeing of the surrounding community.
- 3.6.3.5 Impact on heritage.
- 3.6.3.6 Impact on the biophysical environment.
- 3.6.3.7 Traffic impacts, parking, access, and other transport related considerations.
- 3.6.3.8 Conditions that can mitigate an adverse impact of the proposed land use:

3.6.3.1 Socio-economic impact

The Applicant considers the object of an assessment of the potential socio-economic impact of a development application, essentially to be to establish how (if at all) a proposed development will change the lives of current and future residents of a community. The indicators used to measure the potential socio-economic impacts of a development could include the following:

- 3.6.3.1.1 Changes in the community demographics.
- 3.6.3.1.2 Demand for public services.
- 3.6.3.1.3 Changes in employment and income levels; and
- 3.6.3.1.4 Changes in the aesthetic quality of the community

3.6.3.1.1 Changes in the community demographics

In terms of this criterion, we seek to measure whether as a result of the land use application concerned, there will be any changes in the demographics of the community concerned.

The application proposes the creation of 5 residential opportunities within this town housing scheme. Based on the fact that the current constituent properties may

each be developed with a main and second dwelling unit (max.120m²), we acknowledge that four dwelling units may be developed on the property. In this regard, we note that the application concerned thus represent the addition of one more unit than is currently permitted. To this end, the development application would not be associated with any noticeable changes in the local community demographics.

As a result of the above, we are of the view that the introduction of an additional dwelling unit to the receiving community would not serve to unreasonably alter the general demographics of the area concerned.

3.6.3.1.2 Demand for public services

As established above, the development application is effectively associated with the addition of one more dwelling unit than is currently permitted.

As a result of the application concerned, the measure of additional demand on available services needs to be limited to that which is represented by the additional dwelling unit which is ±138m² in extent, and which extent includes a garage of ±15m² - thus the additional demand is to be based on an additional dwelling unit of ±123m² (excluding the garage). The said dwelling unit is a three-bedroomed unit which includes one en-suite room (shower and toilet) and one guest bathroom (full bathroom).

In terms of the above, the Applicant is of the considered view that the proposed addition of a dwelling unit as described above represents a limited demand for services.

3.6.3.1.3 Changes in employment and income levels

Development applications have the potential to influence changes in employment and income opportunities within communities.

Such changes may be more or less temporary (e.g., construction projects, or seasonal employment) or may constitute a permanent change in the employment and income profile of the community should the development project bring long-term job opportunities for community residents (e.g., establishment of a light industrial, manufacturing, or commercial establishment).

In the case of the application concerned, the proposed development of the subject properties with 5 dwelling units will definitely create a number of additional employment opportunities during the associated construction period, with a limited number of permanent employment opportunities will be created after the construction is complete which will be associated with the maintenance and upkeep of the units.

Overall, the application concerned definitely represents an opportunity for an improvement in employment and income levels.

3.6.3.1.4 Changes in the aesthetic quality of the community

Impacts on the aesthetic quality of a community are often the most obvious sign of development. Shopping malls and subdivisions in the rural landscape are one example of the impact development has on the aesthetic quality of a community.

In the case of the application concerned, it can be qualified that the application concerned will definitely make a positive aesthetic contribution to the local street scape, in that the currently undeveloped properties make no contribution to the street scape other than occasionally being overgrown. The properties have no relationship with the road or the public realm.

The development as proposed will bring life onto the property, with such on-site activity having a direct relationship with the road thereby contributing to the social space concerned - this is particularly the case with units 1 and 5. This activity will also serve to improve the passive surveillance along the road.

Therefore, in this regard the development application will make a positive contribution to the aesthetic quality of the community concerned.

3.6.3.2 Compatibility with surrounding uses

The surrounding area is characterised predominantly by residential uses and related 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.



Diagram 2 – Surrounding Uses

3.6.3.3 Impact on the external engineering services

As has been stated above, the measure of additional demand on available services needs to be limited to that which is represented by the additional dwelling unit concerned. This limited additional demand is not considered to be unreasonable, and as with the confirmations received from the Municipal Engineering Branches in terms of the previous development applications which proposed the development of six units, the Applicant anticipates that these affected branches will again confirm that adequate capacity is available to accommodate the proposed development of the 5 units proposed.

3.6.3.4 Impact on safety, health, and wellbeing of the surrounding community

With regard to the potential implication which the proposed development has on safety, we consider it relevant to point out that contrary to the current situation where there is a sense of abandonment on the property with the said properties being vacant, the proposed development with dwelling units much closer to the road which units have windows and sliding doors opening toward the road, will provide for improved monitoring and surveillance in the area.

All parking requirements associated with the proposed development are satisfied on site with surplus parking being provided, so there should not be any on-street parking which has the potential to impede traffic movement.

Based on the above, and notwithstanding the permanent departures that are triggered, the application concerned is considered to represent an improvement in the wellbeing of the surrounding community.

In addition to the above, the ability for the community to sustain these modest increases in density, whilst in doing so reduce pressure to develop currently untouched areas, makes an even greater contribution to the wider sense of wellbeing associated with the application.

3.6.3.5 Impact on heritage

As qualified above, and in lieu of the fact that the subject properties are vacant, as well as the fact that the area concerned does not appear to fall into any heritage protection area, added to the fact that there are no burial grounds or sites of historic cultural significance in the vicinity, the assessment is that the application has no implication on heritage.

3.6.3.6 Impact on the biophysical environment

The property is located in an established urban area and the proposal will not have any material impact on the biophysical environment.

As referred to above, the indirect consequence of the application, is that not only will it not have any material negative impact on the biophysical environment of this area, but it also has an inverse (i.e., positive) impact on the remaining undeveloped areas of Sandbaai, and beyond, in that it ensures that the biophysical environments of these pristine undeveloped areas continue to thrive without the pressure and impact of urban sprawl.

3.6.3.7 Traffic impacts, parking, access, and other transport related considerations

As has been demonstrated in the earlier paragraphs of this submission, the proposed development is in keeping with the street boundary building line, it seeks to rationalise the access of the two

existing land units via the consolidation and subsequent development, and it provides for surplus on-site parking.

In addition to the above, the development proposal is associated with the additional traffic that will be generated by an additional dwelling unit, which will be minimal.

Based on the above, no onerous traffic impacts are associated with the development application concerned.

3.6.3.8 Conditions that can mitigate an adverse impact of the proposed land use:

Depending on whether the public or the municipality consider any one aspect of the proposed development application to potentially be beyond the threshold of what the area can reasonably sustain, it may be necessary to consider the imposition of conditions to deal with / address / control / limit the element giving rise to such concern.

From the Applicants perspective, no such unreasonable impact is anticipated, based on the current development proposal and thus no conditions in mitigation of the development concerned are proposed.

3.6.4 Comments in response to the application

It is anticipated that the Municipality will cause the application to be circulated to their internal branches, to interested and affected parties which they deem to be potentially impacted, as well as those impacted government departments for their comments on the application concerned.

3.6.5 Response by the Applicant to comments received

It is anticipated that the comments received in response to the circulation of the application referred to in 3.5.3 above thereto will be forwarded to the Applicant for a formal response.

3.6.6 Other Laws relevant to the application

In the above sections of the application, the Applicant in assessing the merits thereof has paid due regard to the potential for the proposals to trigger any of the requirements in other laws, such as that which pertains to Heritage or Environmental Authorisation.

Whilst the Applicant could not identify any other laws that was triggered by the development proposals concerned, it is suspected that if any application in terms of other applicable laws is triggered, that the Municipality will confirm this to the Applicant so that the necessary applications may be submitted.

3.6.7 Written Assessment by Registered Planner

The By-law provides that when application which is submitted for any of the below applications that the assessment must be written by a Registered Planner or a planner eligible for registration.

The type of application referred to include:

- (i) an amendment of a Spatial Development Framework or land use scheme
- (ii) an approval of an overlay zone contemplated in the land use scheme
- (iii) a phasing, amendment or cancellation of a subdivision plan or part thereof
- (iv) a determination of a zoning
- (v) a rezoning**

In terms of the above types of applications, it is confirmed that this land use application would require a written assessment by a registered planner or planner eligible for registration due to the proposed rezoning of the subject properties.

3.6.8 Municipal 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 area 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.

3.6.9 Local Spatial Development Frameworks adopted by the Municipality

The Site Development Plan concerned proposes the development of the subject properties at a slightly higher density than what is designated for 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 as proposed will result in a density of 26.7 du/ha, which is admittedly higher than what was earmarked in 2010 for the area.

In terms of Planning Unit 7 of the GMS provides that this unit is located in the heart of Sandbaai along the collector road, Hoof Street, giving access to Sandbaai. The proposal for this Planning Unit follows the existing development trend for this area.

With regard to residential densification, it provides as below:

A wide variety of development forms are proposed for this Planning Unit ranging from incremental development, site development and site consolidation (housing typologies 82, 83, C2, C3 and D6) for approximately 30% of the area of the Planning Unit. Potentially this proposal can contribute to approximately 279 additional dwelling units at a density of almost 16.5 dwelling units per hectare.

Based on the above, and subject to the assessment of the previous land use application (i.e., for 6 units), it is stated that much of the targeted densification of the 279 additional dwelling units will be satisfied with the residential development on Erf 2847.

When Planning Unit 7 is considered we note that it is essentially fully developed, with very few vacant plots which would serve to enable development at increased densities with a view to meeting the targeted 279 additional dwelling units. We also note that Erf 2847 has been fully developed, thus it no longer represents any opportunity for adding to the number of dwelling units within this Planning Unit. There are some vacant land units within Planning Unit 7, but these are designated for community facilities development. It is noted that a library is proposed in terms of the GMS for this planning unit. This could mean that part of Erf 2825 could also be developed for residential purposes.

Given the scarcity of available land for the development of additional dwelling units, in order to meet with the targeted 279 units, together with the fact that Erf 2847 has been fully developed as a retirement village which provides limited access to entry (i.e. only older residents qualify), the development of the subject property with 5 dwelling units, albeit at a slightly higher density than what has been identified for this planning unit, will make an appropriate and sensitive contribution in the pursuit for the number of additional dwelling units earmarked.

Based on the above, the Applicant acknowledges the inconsistency of the proposed density with the GMS but considers the deviation to be reasonable.

3.6.10 Policies of the Municipality

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:

- 3.6.10.1 Objectives of the Study
- 3.6.10.2 Spatial Concerns
- 3.6.10.3 Defining Densification
- 3.6.10.4 Dealing with Misconceptions of Densification
- 3.6.10.5 Advantages of Densification
- 3.5.10.6 How to Realise Densification

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

3.6.10.1 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

3.6.10.2 Spatial Concerns

These concerns include:

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

3.6.10.3 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)

3.6.10.4 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.

3.6.10.5 Advantages of Densification

Some of the Advantages of Densification include:

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

3.6.10.6 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

3.6.11 The Provincial Spatial Development Framework

The Provincial Spatial Development Framework (2005), which was 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 underdeveloped 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 coastline 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.

3.6.12 The Spatial Planning and Land Use Management Act & Land Use Planning Act

The Spatial Planning and Land Use Management Act, as well as the Land Use Planning Act, provide 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:

- 3.6.12.1 The Principle of Spatial Justice
- 3.6.12.2 The Principle of Spatial Sustainability
- 3.6.12.3 The Principle of Efficiency
- 3.6.12.4 The Principle of Spatial Resilience
- 3.5.12.5 The Principle of Good Administration

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

3.6.12.1 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.

3.6.12.2 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 rainwater, 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 the key objects of this principle, and that is to promote land development in locations that are sustainable and limit urban sprawl.

3.6.12.3 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 timeframes 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.

3.6.12.4 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.

3.6.12.5 The Good Administration

The forward planning informants 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.

It is also noted that the development application requires the authorisation for the deviation from the density thresholds prescribed in the GMS.

3.6.13 The Land Use Scheme

The assessment as undertaken in Section 3.4 above has served to critically assess the proposed Site Development Plan against the development parameters that apply to the desired use zone, and in this regard, it was established that one permanent departure is required from the minimum erf size in order to permit the development concerned.

3.6.14 Summary

The motivation provided has highlighted the fact that whilst the development application meets with many of the objectives of the PSDF, the MSDF and the Densification Strategy, it requires deviation from the Growth Management Strategy.

The assessment of the application has also acknowledged the consistency of the development proposal with the parameters as are applicable to the General Residential Zone (GR1) for the development of town housing schemes, save for the minimum erf size.

SECTION IV – CONCLUSION

In the circumstances as fully detailed in this report, the Applicant submits that the proposed residential development has been shown to meet with the criteria as set out in the By-Law, for deciding land use applications, including the desirability thereof.

To this end, the Applicant strongly recommends that the authorities concerned, approve the following applications:

1. **Consolidation** of the properties in terms of Section 16(2)(e) of the By-Law;
2. **Deviation** from the Overstrand Municipality Spatial 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), in order to allow for the increase of the area specific prescribed density of dwelling units per hectare from 10 – 20u/ha to 26,7u/ha to accommodate 5 grouphousing dwelling units on the consolidated property;
3. **Rezoning** in terms of Section 16(2)(a) of the By-Law of the above consolidated property from Residential Zone 1: Single Residential (SR1) to Subdivisional Area;
4. **Subdivision** in terms of Section 16(2)(d) of the By-Law of the above consolidated property in 5 General Residential Zone 1: Town Housing (GR 1) erven, 1 Transport Zone 2: Road and Parking (TR2 A, private road) erf that includes a refuse room, and 1 Open Space Zone 3: Private Open Space (OS 3) erf; and
5. **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - a) deviate from the prescribed minimum size of a land unit for densification from 3000m² to 1875m² (the above consolidated erven); and
 - b) to relax certain internal lateral building lines from 1m to 0m to accommodate garages for the grouphouse dwelling units.

PROPOSED CONSOLIDATION/SUBDIVISION PLAN

CHECKED	JODY FRANCIS	COPYRIGHT RESERVED
DRAWN BY	IMITYYAAZ AHMED	
APPROVED		
DATE	MAY 2021	
SCALE	N/A	
PLAN NO.	001	
REVISIONS		
REFERENCE	ERF 2295 / 96 SANDBAALI	

PORTION	LAND-USE	ZONING	AREA (m ²)
1-5	TOWN HOUSING	GENERAL RESIDENTIAL 1	1310m ²
6	PRIVATE OPEN SPACE	OPEN SPACE 3	242m ²
7	PRIVATE ROAD	TRANSPORT 2: ROAD AND PARKING (A)	324m ²
TOTAL			1976m ²

NOTES:

- FIGURE ABXX REPRESENTS ERF 2295 SANDBAALI.
- FIGURE XTCD REPRESENTS ERF 2296 SANDBAALI.
- FIGURE ABCD REPRESENTS PROPOSED CONSOLIDATION OF ERF 2295 AND ERF 2296 SANDBAALI.
- THE CONSOLIDATED PROPERTY IS TO BE REZONED FROM SR1 TO SUBDIVISIONAL AREA (GR1, OS3 and TR2 A), TO BE DEVELOPED WITH A 5-UNIT TOWN HOUSING SCHEME.

PROJECT:
PROPOSED CONSOLIDATION AND SUBDIVISION
ERF 2295/2296 SANDBAALI

ZONING:
SUBDIVISIONAL AREA
(GEN. RESIDENTIAL, OPEN SPACE & TRANSPORT)

CLIENT:

INDEMNITY

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