

PORTION 4 OF THE FARM OUDE BOSCH NO 637, CALEDON DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE AND DEPARTURE: MESSRS WARREN PETERSON PLANNING ON BEHALF OF GRANTON PROPERTY TRUST

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received applicable to the above-mentioned property, namely:

- **consent use** in terms of Section 16(2)(o) of the By-Law, to allow for the construction of 2 (two) additional dwelling units on the property, and
- **departure** in terms of Section 16(2)(b) of the By-Law, to relax the western building line from 30m to 10m, in order to accommodate the location of one of the additional dwellings.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and at the Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **14 October 2022**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

GEDEELTE 4 VAN DIE PLAAS OUDE BOSCH NR. 637, AFDELING CALEDON, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSVERBRUIK EN AFWYKING: MNRE WARREN PETERSON PLANNING NAMES GRANTON PROPERTY TRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek van toepassing op die bogenoemde eiendom ontvang is vir die volgende:

- **vergunninggebruik** in terme van Artikel 16(2)(o) van die Verordening, om die konstruksie van 2 (twee) addisionele wooneenhede toe te laat op die eiendom, en
- **afwyking** in terme van Artikel 16(2)(b) van die Verordening, ten einde die westelike boulyn te verslap vanaf 30m na 10m, ten einde die ligging van een van die bykomende wonings te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar op die voorstel moet skriftelik ingedien word ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **14 Oktober 2022**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

IYENXALENYE 4, YEFAMA OUDE BOSCH 637, ECALDEDON, UMMANDLA KAMASIPALA WE-OVERSTRAND: ISICELO SEMVUME YOKUSETYENZISWA: WARREN PETERSON EGAMENI LIKA GRANTON PROPERTY TRUST

Esi sisaziso ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo kaMasipala we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe sisebenza kule ndawo ikhankanywe ngasentla, eyile:

- Imvume yokusetyenziswa ngokweCandelo le-16(2)(o) loMthetho kaMasipala, ukuvumela ulwakhiwo lweendawo zokuhlala ezi-2 (ezimbini) ezongezelweyo kwipropati,
- Isindululo ngokweCandelo le-16(2)(b) loMthetho kaMasipala, ukucuthwa komda wesakhiwo osentshona ukusuka kwi-30m ukuya kwi-10m; ukuze kulungiselelwe indawo yokuhlala enye yeendawo zokuhlala ezongezelweyo.

linkcukacha ngokwemiba yesi sindululo ziyafumaneka ukuze zihlolwe ngulowo nalowo ufuna ukuzifundela kwentsimbi yesi-08:00 ne-16:30 kwiCandelo: Zicwangciso ngeDolophu kwa-16 Paterson Street, Hermanus nakuManejala weNgingqi Main Road, Gansbaai. Naziphi na izimvo ezibhaliweyo zingangeniswa kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngokwezibonelelo zamaSolotyama-51 nama-52 laloMthethwana nge **14 uOktobha 2022** okanye ngaphambi, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa Umchwangciso Wedolophu, **uMnu. P Roux** ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

1 INTRODUCTION/BACKGROUND

This application aims to establish 2 additional dwelling units on Portion 4 of The Farm 637, Oude Bosch. In addition, permanent departure is applied for to allow one of the proposed units to be within 30m of the boundary of Portion 3 of The Farm 637, Oude Bosch (letter of no-objection from the neighbor is submitted herewith – Annexure G). Refer to the locality map below for context.

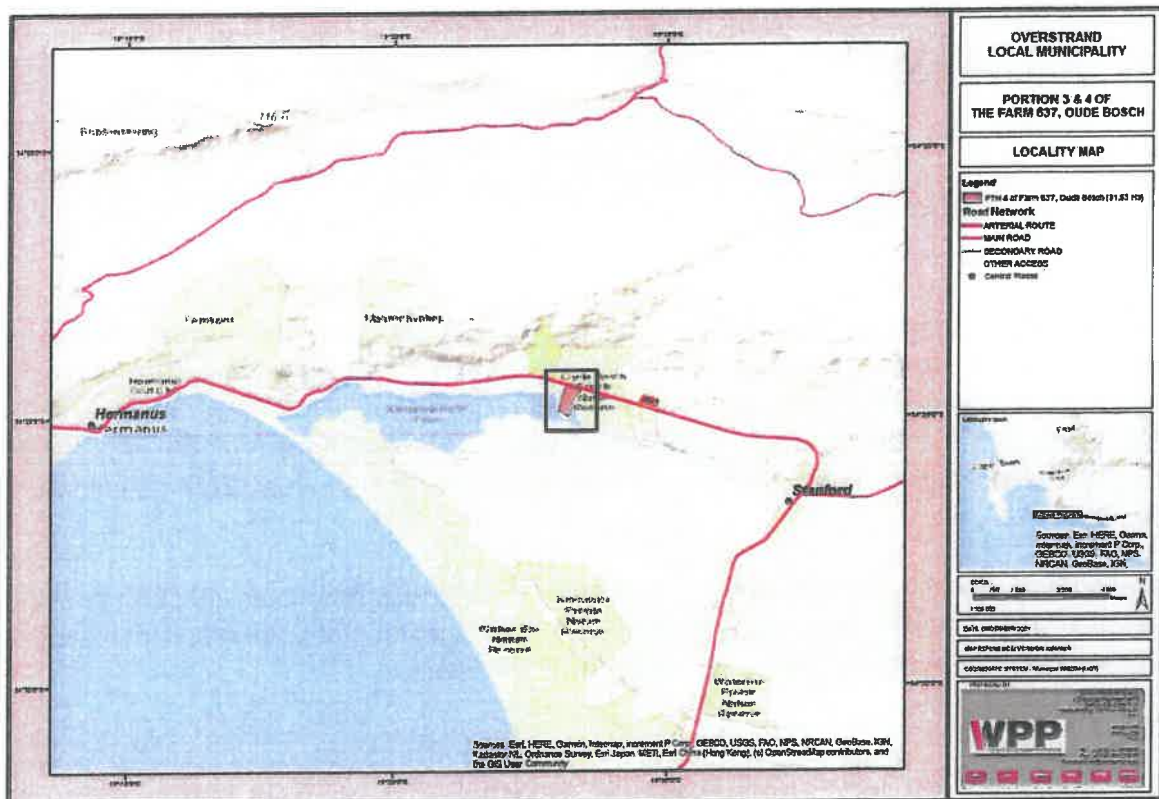


Figure 1: Locality Map

The subject property is located approximately 12km east of Hermanus and 8km northwest of Stanford.

1.1 THE APPLICATION

Application is hereby made for the following:

- ✓ **Permanent Departure** in terms of Section 16 (2) (b) of the Overstrand By-Law on Municipal Land Use Planning, 2020, on Portion 4 of The Farm 637, Oude Bosch.
- ✓ **Consent Use** in terms of Section 16 (2) (o) of the Overstrand By-Law on Municipal Land Use Planning, 2020, to allow for two additional dwellings on Portion 4 of The Farm 637, Oude Bosch.

1.2 DETAILS OF THE SUBJECT PROPERTY

Table 1: Details of the Development Area

TITLE DEED DESCRIPTION	PTN 4	Portion 4 of The Farm 637, Oude Bosch
TITLE DEED NUMBER	PTN 4	T14888/2020
TITLE DEED RESTRICTIONS	PTN 4	Refer to conveyancer certificate
PROPERTY SIZE (m²)	PTN 4	31.53 Ha
CURRENT ZONING (per ZS)	PTN 4	Agricultural Zone 1: Agriculture
OWNER OF PROPERTY	PTN 4	Granton Property Trust

2 THE APPLICANT

The property is registered in the name of **Granton Property Trust**. Warren Petterson Planning (WPP) was appointed by Granton Property Trust to conduct the permanent departure and consent use application to allow for 2 additional dwelling units on Portion 4 of The Farm 637, Oude Bosch. The R&E Ivey Family Trust (owner of Portion 3 of The Farm 637, Oude Bosch) have signed a letter of no objection pertaining to the 30m building line departure – **Annexure G**.

Furthermore, the title deed of PTN 4 of The Farm Oude Bosch refer to the property as being part of a Home Owners Association. Submitted herewith (**Annexure L**) are the Constitution of the Granton Homeowners' Association, refer to clause 6.2.1.

3 DESCRIPTION OF PROPERTY

Portion 4 of The Farm 637, Oude Bosch is located approximately 11km east of Hermanus. The land parcel gain access from the old R43 along northern boundary of the farm portion. The southern boundaries of the farm portions forms part of the Klein River Lagoon. The subject farm is zoned Agricultural Zone 1, although, it is not being utilized for agricultural purposes, except for a couple of beehives. Access to the property and both planned additional dwellings exist, therefore no additional access will be necessary.

4 SURROUNDING AREA

The land parcel is in the rural area between Hermanus and Stanford, (approximately 12km east of Hermanus). All properties surrounding the subject property are zoned Agricultural Zone 1 whilst Open Space Zones 1 and Industrial Zones can be found in the broader vicinity. See Figure 2 and 3 below.



Figure 2: Surrounding zonings of Portion 4 of The Farm 637, Oude Bosch



Figure 3: Aerial map of Portion 4 of The Farm 637, Oude Bosch, and its surroundings

5 PROPOSAL AND MOTIVATION

Herewith we apply for the permanent departure and consent use on Portion 4 of The Farm 637, Oude Bosch, in terms of Section 16 (2) (b) & (o) of the Overstrand By-Law on Municipal Land Use Planning, 2020. The goal is to establish 2 additional dwelling units on Portion 4 of The Farm 637, Oude Bosch at the desired positions (indicated on the SDP – Annexure D), permanent departure is applied for in addition to the consent use application.

5.1 CONSENT USE

An application for consent use provided for in the zoning scheme is applied for on Portion 4 of The Farm 637, Oude Bosch. The application is made in terms of **Section 16 (2) (o)** of the Overstrand By-Law on Municipal Land Use Planning, 2020. This consent will allow for the construction of 2 additional dwellings on the farm, as stipulated in the Overstrand Land Use

Management Scheme, 2020. The requirements for additional dwelling units are summarised in the table below.

Table 2: Summary of requirements for additional dwelling units

Requirement for Additional Dwelling Units (Section 16.10.1)	Compliant?
a) the additional dwelling units shall remain on the same cadastral boundary as the primary dwelling unit;	Yes. Both proposed additional dwelling units will be located on the same cadastral boundary as the primary dwelling unit (PTN 4 of The Farm 637, Oude Bosch).
b) the number of additional dwelling units shall not exceed the 1 unit per 10,0 ha, up to a maximum of 5 additional dwelling units per land unit;	Yes. The farm measures approximately 31.53 Ha, therefore allowing for at least 3 additional dwelling units.
c) One additional dwelling unit will also be considered for land units less than 10,0 ha;	N/A
d) no additional dwelling units may be erected within 100 m of the high-water mark on the coast, other than where additional dwelling units are provided as an integral part of an existing farmstead with special consent of the Municipality;	N/A.
e) the total floor area of the dwelling is limited to 250 m ² ; and	Yes. Building plans will be submitted once the land use application has been finalised which will be compliant with this requirement.
f) no sectional title or alienation of units.	N/A

5.2 PERMANENT DEPARTURE

Permanent departure is applied for in addition to the above-mentioned consent use to allow for one of the additional dwellings to be located within the 30m building line along the western boundary of the consolidated farm (a letter of no-objection from the neighbour is submitted herewith as **Annexure G**).

The position for the western additional dwelling (within the 30m building line) is desired due to the following:

- Access to the proposed position exists – No additional access roads will be required
- It will be located at least 32m from the nearest drainage lines and wetlands, see figure 4 below
- The additional dwelling will be completely screened by the gum trees from the neighbouring farm (PTN 3) and the R43 (main road).
- Privacy for each dwelling (existing and proposed)
- The neighbours have indicated that they have no objection to the proposed dwelling in its proposed position
- The ground cover of the proposed additional dwelling has no agricultural potential as it is located amongst alien invasive gum trees.
- The coordinate of the proposed additional dwelling is:
LAT: -34.410372°
LONG: 19.384889°
- It should be noted that a suitable qualified land surveyor will be appointed to survey and peg the site to ensure adherence to the farm boundaries and 32m buffers of the drainage lines and wetlands, as illustrated on the SDP.

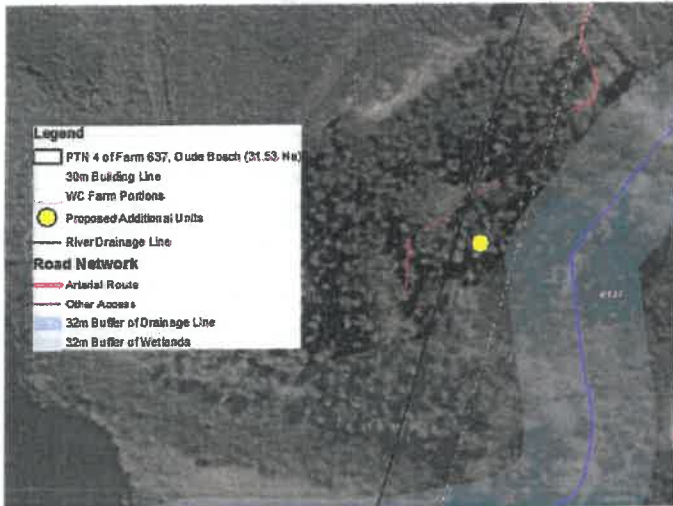


Figure 4: Illustration of western proposed dwelling in context

Refer to the figure below for an illustration of the 30m building line (white dashed line) and the position of both proposed additional dwelling units (two yellow dots). The additional dwelling along the western boundary will be located a minimum distance of 10m from the boundary farm boundary whilst the additional dwelling along the eastern boundary will remain a minimum distance of 30m from the farm boundary. All other structures are also indicated on the figure below and on the update site development plan.

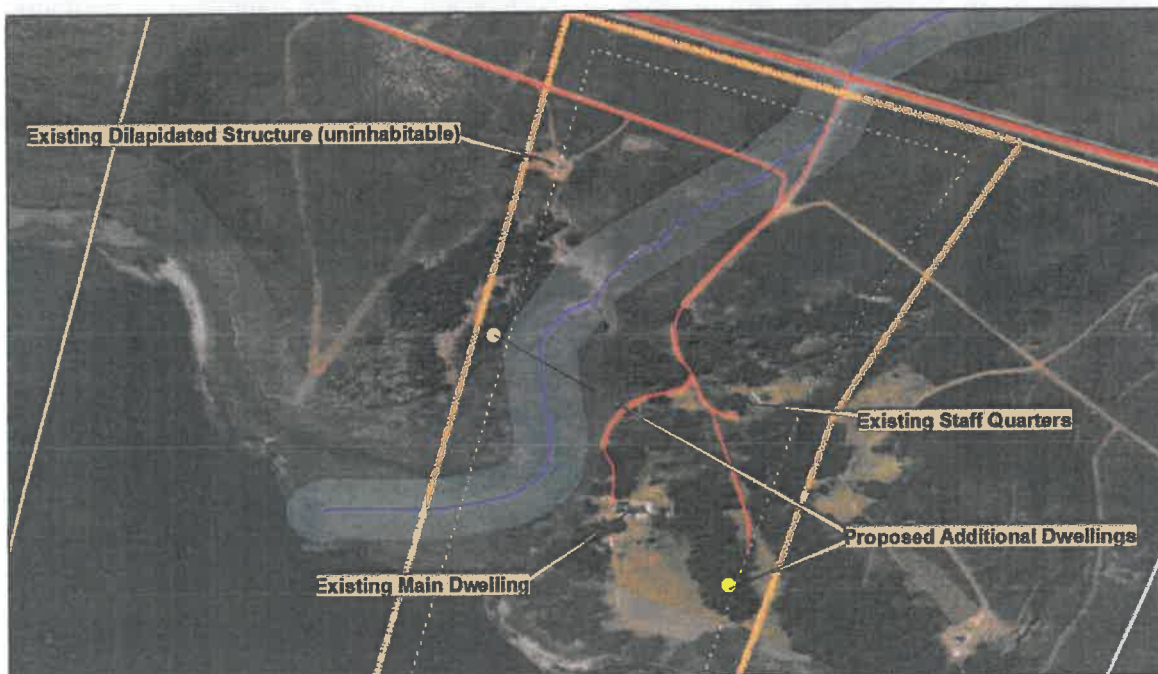


Figure 5: 30m Building Line & Existing Structures

5.3 SERVICES

Access:

Access to PTN 4 of The Farm 637, Oude Bosch is obtained from the R43 which runs along the northern boundary of the farm. Access to each additional dwelling unit already exist by means of existing roads. Therefore, no additional access roads will be required.

Stormwater:

Stormwater will be channelled to be discharged in the Klein River Lagoon. The farm has a natural slope which makes stormwater management easy and efficient. Mitigation measures will be put in place to prevent any erosion.

Sanitation:

The existing dwelling makes use of an existing septic tank and French drain which have proven to be effective over the years. It is proposed that the two additional dwellings make use of a similar system whilst keeping the wastewater a fair distance from the Klein River Lagoon.

Electricity:

Portion 4 of The Farm 637, Oude Bosch has an existing power connection. Both additional dwelling units will tap into the existing supply. Should any upgrades be necessary, this will be done at the expense of the developer / owner.

5.4 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2020

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the MSA, is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

The SDF assesses various spatial aspects to recommend and illustrate the desired spatial pattern of future development and expansion. Some of these aspects include threatened ecosystems, land cover, HPOZ etc. Refer to the figures below for context in terms of these aspects.

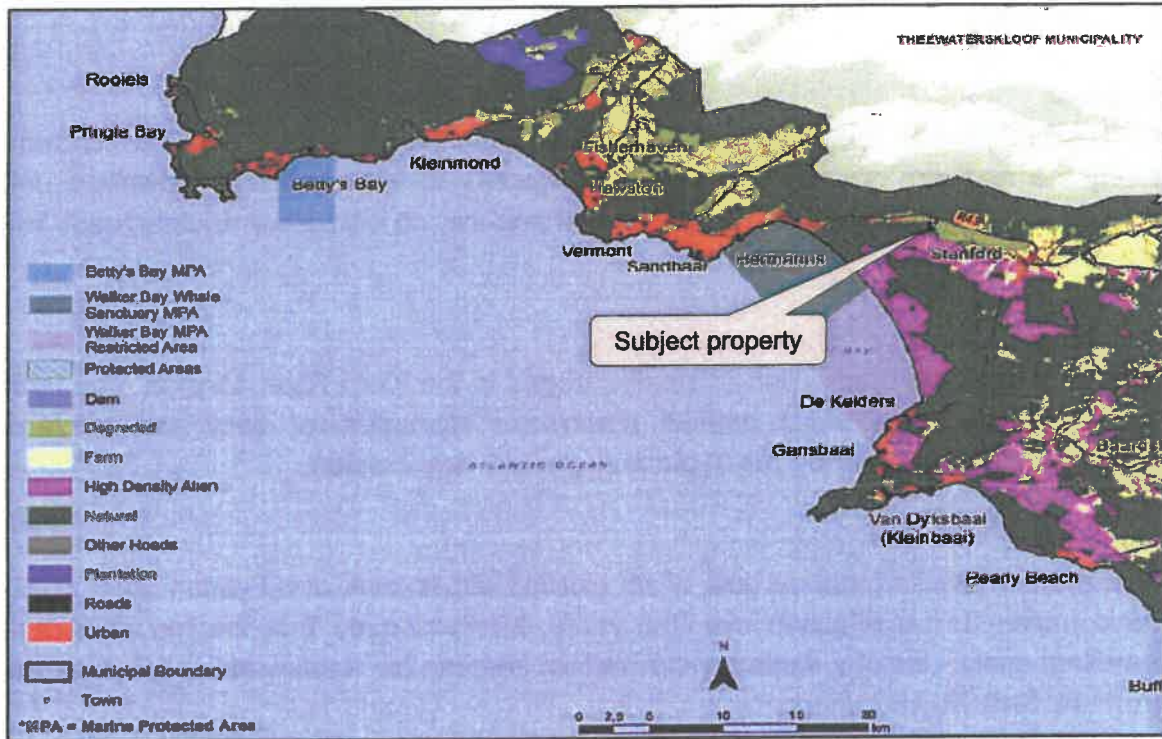


Figure 6: Landcover

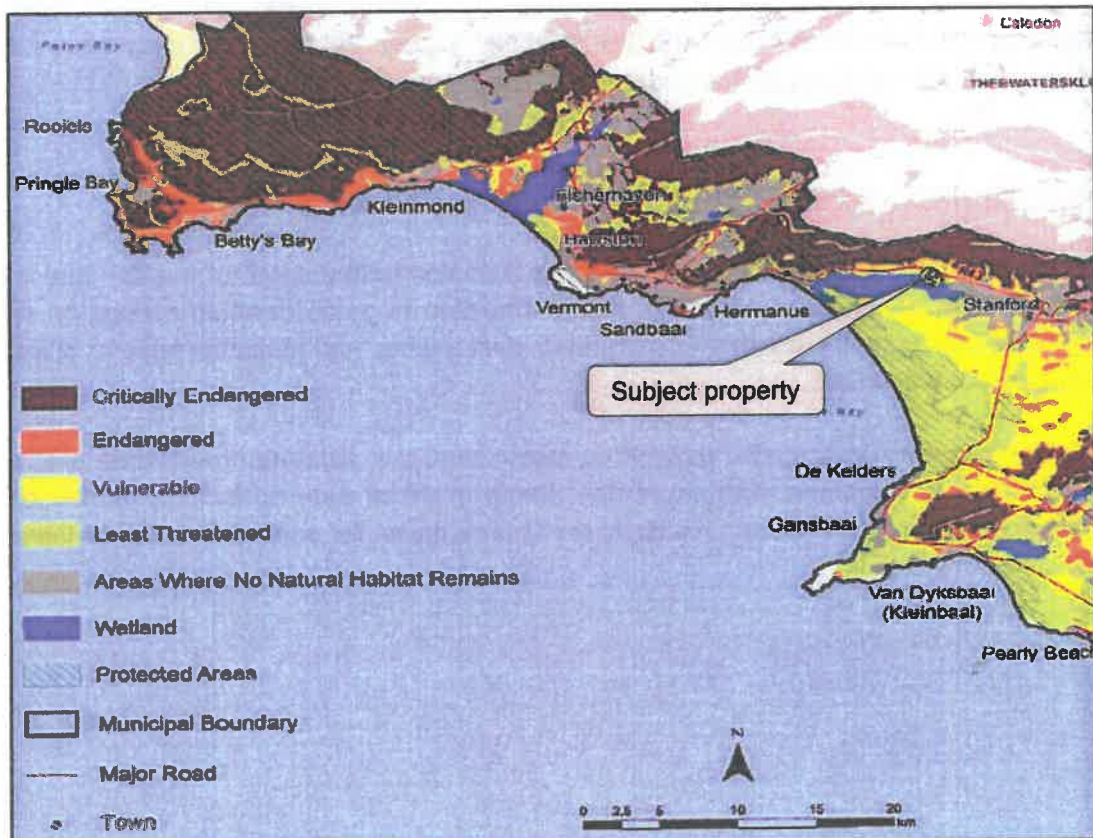


Figure 7: Threatened ecosystems

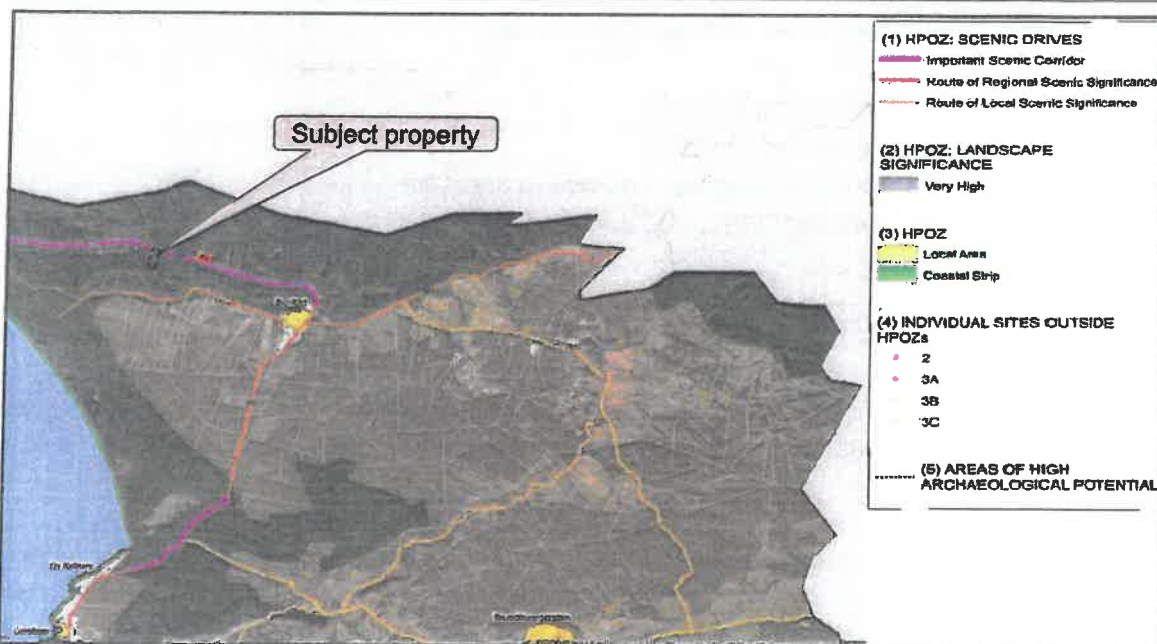


Figure 8: HPOZ and scenic drives

The following is a summary of the 3 figures above.

Landcover: The subject properties form part of natural and degraded landcover. It should be noted that the natural landcover forms part of the estuary in which absolutely no development will take place. The footprint of the proposed additional units will be limited to the degraded landcover. No natural vegetation will be removed as a result of the additional units.

Threatened ecosystems: The subject properties (south of the R43) are located in an area that is regarded as least threatened. It is safe to assume that the relevant ecosystem obtained this status due to the numerous alien invasive vegetation present on site.

HPOZ and Scenic Drives: The R43 is classified as a scenic drive and the subject property obtains its access from this road. It should be noted that both additional units will not be visible from the R43 due to their location between large existing trees, which will be retained to form a visual barrier. The impact on the scenic drive can therefore be regarded as low to none.

A survey in terms of the availability of vacant land was undertaken in 2019. A total of 1241 vacant residential erven were identified. A total amount of 92 343 additional people will need to be accommodated from 2019 to 2031, based on the population total. Based on an average household size of 2.6 persons per household, this amounts to a total requirement of 35 517 additional dwelling units by 2031.

This proposal is therefore in line with the SDF as it will:

- provide 2 additional dwelling units
- will not impact on the scenic drive
- is located on a position which is regarded as least threatened
- the additional dwellings will be located on degraded landcover.

5.5 OVERSTRAND INTEGRATED DEVELOPMENT PLAN (2014/2015)

The Overstrand IDP's mission is to create sustainable communities by delivering optimal services to support economic, social, and environmental goals in a politically stable environment.

This application / proposal is in line with this mission as it will contribute towards creating sustainable communities by means of job creation during construction and maintenance phases and will not result in the removal of any natural indigenous vegetation and is therefore compliant with reaching environmental goals.

5.6 SPATIAL PLANNING LAND USE MANAGEMENT ACT, (ACT 16 of 2013) (SPLUMA):

This application complies with the land development principles (Chapter 2, SPLUMA, 2013) as referred to in Section 42 of the *Spatial Planning Land Use Management Act, 2013, (Act 16 of 2013)* (SPLUMA):

Table 3: Compliance of application with the principles 7a-7e of SPLUMA, 2013

	HOW DOES THIS APPLICATION COMPLY WITH THIS PRINCIPLE?
<i>Principle 7a:</i> <i>Spatial Justice</i>	In terms of spatial justice from a planning perspective, this principle is there to provide flexibility towards land development procedures for incremental upgrading. The proposed additional dwellings can be seen as incremental upgrading by adding value to the existing farm. The Overstrand zoning scheme makes specific provision for additional dwellings on agriculturally zoned properties to promote incremental upgrading.

<p><u>Principle 7b:</u> <i>Spatial Sustainability</i></p>	<p>The additional units will contribute to the following points of Spatial Sustainability:</p> <ul style="list-style-type: none"> (i) "Promote land development that is within the fiscal, institutional, and administrative means of the Republic. (ii) Uphold consistency of land use measures in accordance with the land use management scheme and environmental management instruments. (iii) Promote and stimulate the effective and equitable functioning of land markets. (iv) Promote land development in locations that are sustainable and limit urban sprawl. (SPLUMA, 2013)
<p><u>Principle 7c:</u> <i>Spatial Efficiency</i></p>	<p>The additional units will contribute towards the principle of efficiency by / through:</p> <ul style="list-style-type: none"> (i) "Land development optimises the use of existing resources and infrastructure; (the additional units will make use of existing infrastructure) (ii) Decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts; and (iii) Development application procedures are efficient and streamlined and timeframes are adhered to by all parties." (SPLUMA, 2013)
<p><u>Principle 7d:</u> <i>Spatial Resilience</i></p>	<p>Spatial resilience can be defined as the ability of a region to withstand possible arising shocks (e.g., economic crisis, social disruptions etc.). Additional dwellings provide the flexibility aspect to shocks as mentioned under Principle 7(a). Additional dwellings add value to the subject property which ultimately contributes to the ability to withstand shocks and/or sudden change in the economic environment like COVID-19 for example.</p>
<p><u>Principle 7e:</u> <i>Good administration</i></p>	<p>This application will be lawful and reasonable, following an equal and fair public participation process to incorporate the views and opinions of all interested and affected parties.</p>

In terms of Section 49 of SPLUMA regarding the provision of engineering services, the applicant will be responsible for the installation of all internal engineering services as a result of the application, whilst the municipality are responsible for the provision of external engineering services.

An applicant may, in agreement with the municipality or service provider, install any external engineering service instead of payment of the applicable development charges, and the fair and reasonable cost of such external services may be set off against development charges payable.

If external engineering services are installed by an applicant instead of payment of development charges, the provision of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), pertaining the procurement and the appointment of contractors on behalf of the municipality does not apply.

5.7 NEMA (National Environmental Management Act)

An environmental enquiry was submitted to the Department of Environmental Affairs and Development Planning on 7 July 2021 to confirm the applicability of NEMA on the proposed development. Feedback was received on 6 September 2021, in which DEADP stated that the two additional dwelling units will not trigger any Listed Activities in terms of the EIA Regulations, 2014 (as amended). A copy of this correspondence is submitted herewith as **Annexure E**. It should be noted that a safe buffer of at least 32m will be maintained from any drainage lines and wetlands.

5.8 HERITAGE

During a pre-application meeting with the Overstrand Local Municipality, we were advised that the application will be circulated to Stanford Heritage Committee for comment. SHC were notified of the proposal, and they have indicated that they have no objection, see **Annexure I** for a copy of their letter and email correspondence.

A further in-depth Heritage Impact Assessment is currently being undertaken, although, there is no reason to believe that any heritage will be significantly impacted. Please refer to Annexure M for a copy of the Heritage specialist letter. We hereby ask that this application be processed and HWC approval will be provided as soon as possible.

6 CONCLUSION

The applicant has proved that it is desirable from a town planning perspective to allow for the additional dwelling units on the subject property. It has been demonstrated that the impact on the receiving environment will be negligible and that the proposal aligns positively with all the relevant adopted policy guidelines of the Municipality.

Based on the above, we feel that this proposal should be considered positively and have the benefit of your support.

Yours faithfully



Andries du Plessis
Professional Planner (A/2551/2017)

**OVERSTRAND
LOCAL MUNICIPALITY**

**PROPOSED ADDITIONAL
DWELLING UNITS**

**SITE DEVELOPMENT PLAN
PTN 4 OF THE FARM 637**

Legend

-  Proposed Additional Units
-  30m Building Line
-  PTN 4 of The Farm 637, Oude Bosch
-  ARTERIAL ROUTE
-  OTHER ACCESS
-  River Drainage Line
-  Farm Portion
-  32m Buffer of Drainage Line
-  32m Buffer of NFEPA Wetlands

LOCALITY MAP:



SCALE:

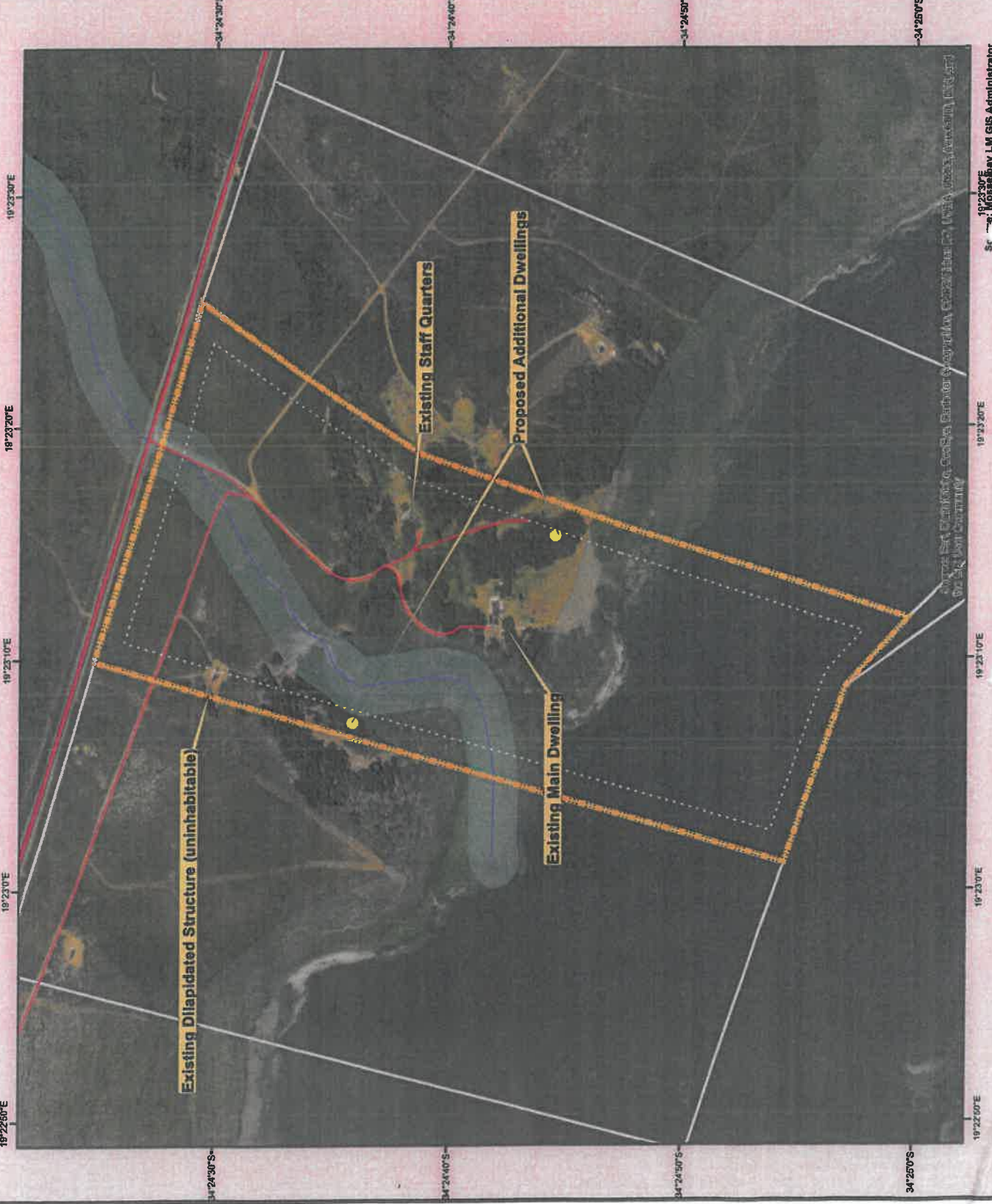


DATE: JANUARY 2022 / JULY 2022

MAP REFERENCE/VERSION NUMBER:

COORDINATE SYSTEM: Municipal WGS84 (Luz 1)

PREPARED BY:



Sr: Moselbay LM GIS Administrator