

4.2

ERF 4286, CHANTECLAIRE AVENUE AND ERF 4443, 27 CHANTECLAIRE AVENUE, ONRUS MANOR, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, EXEMPTION OF REGISTRATION OF A RIGHT OF WAY SERVITUDE AND AMENDMENT OF SITE DEVELOPMENT PLAN: WRAP PROJECT OFFICE ON BEHALF OF ONRUS MANOR BODY CORPORATE AND WESTERN OCEAN INVESTMENTS 161 CC

4286 & 4443 HON (4290/2022)

H Olivier

8 December 2023

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 11 November 2022 from WRAP Project Office on behalf of the Onrus Manor Body Corporate and Western Ocean Investments 161 CC on Erven 4286 and 4443, Onrustrievier in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Rezoning** in terms of Section 16(2)(a) of the By-Law from Residential Zone I: Single Residential (SR1) to General Residential Zone: Town Housing (GR1), applicable to Erf 4443, Onrustrievier to develop five (5) units.
- ❖ **Consent Use** in terms of Section 16(2)(o) of the By-Law to allow a retirement village on Erf 4443, Onrustrievier.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to relax the following on Erf 4443, Onrustrievier:
 - northern perimeter building line applicable to Unit 1 from 3,0m to 2,68m to accommodate a portion of the pergola;
 - eastern perimeter building line applicable to Unit 1 from 3,0m to 0,76m to accommodate a portion of the bedroom and bathroom;
 - north-western perimeter building line applicable to Unit 2 from 3,0m to 2,68m to accommodate a portion of the pergola;
 - eastern perimeter building line applicable to Unit 3 from 3,0m to ±0,75m to accommodate a portion of the bedroom and bathroom;
 - western perimeter building line applicable to Unit 5 from 3,0m to 0,74m to accommodate a portion of the bedroom and bathroom; and
 - to depart from the minimum erf size of 3000m² to 2296m² for the rezoning of a site to General Residential Zone: Town Housing (GR1).
- ❖ **Subdivision** in terms of Section 16(2)(d) of the By-law to create a right-of-way access servitude over Erf 4286 Onrustrievier in favour of Erf 4443, Onrustrievier i.e., Exemption of Registration of a Right of Way Servitude.
- ❖ **Amendment of Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate extensions to the roads over Erf 4286, Onrustrievier.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 4286, Onrusrivier is zoned Residential Zone I and is developed with a dwelling, outbuilding, and pool. The erf measures 2296m² in extent. It is situated next to the Onrus Manor Retirement complex and the managing agent and Body Corporate wants to rezone the property and apply for a consent use to develop five (5) additional sectional title units on the property, which will form part of Onrus Manor.

Application is also made for some minor building line departures for the new proposed units.

Erf 4443, Onrusrivier is zoned General Residential Zone I and developed with a retirement village. The proposal is that the units proposed on Erf 4286 will make use of the main gate in Onrus Manor and access the units over the existing development. The Site Development Plan for Onrus Manor will thus also have to be amended and a servitude right-of-way registered.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The proposal is to rezone Erf 4443 to General Residential Zone 1 and apply for a consent use to develop five (5) retirement units. The units will be used as life right units, will have access to all the retirement village facilities in Onrust Manor (on Erf 4286, Onrustrivier).
- ❖ Access will be obtained over Erf 4286 by way of a servitude right-of-way to be registered over such erf. The existing access gate of Onrus Manor will be used.
- ❖ Application is also made for departure of the building line between the new units and existing Erf 4286 and to amend the Site Development Plan of Onrus Manor to accommodate the access road to the five (5) new units.
- ❖ Due to the presence of a sectional title scheme on Erf 4286, Erf 4443 cannot be consolidated with Erf 4286, and the only option is a notarial agreement between the two properties. The process to extend the existing sectional title scheme would be too costly and onerous.
- ❖ If the properties would have been consolidated the 3m building line would not have been applicable. The units will be positioned closer to the internal boundary line, thus is a departure application submitted.
- ❖ The building line encroachments is for portions of bedrooms, bathrooms and pergolas.
- ❖ Application is also made for a permanent departure from the minimum size of 3000m² required for rezoning to General Residential Zone 1: Town Housing to develop the site of 2296m².
- ❖ The properties will also be notarial tied, and the Overstrand Municipality will be a party to the agreement, and it cannot be cancelled or amended without the approval of the Municipality.
- ❖ A servitude will be registered over all common areas, which includes the roads, open spaces, and retirement facilities. This will ensure that the existing gate for Onrus Manor can be used for access and the new units will have access to the retirement facilities and refuse holding facilities.
- ❖ The application then also includes an application to amend the Site Development Plan for Onrus Manor. This is due to the physical road that must be amended and extended to provide access to the five units.

- ❖ Surrounding properties are mostly zoned for residential purposes.
 - ❖ There are no restrictive Title Deed conditions in the Title Deed.
 - ❖ Access will be gained from Chanteclair Drive through the existing Onrus Manor gate, and a servitude will ensure the residents of the five (5) units can access over Onrus Manor.
 - ❖ The development will address the need for housing without having a negative impact on the surrounding area.
 - ❖ There will be no negative impact on views, sunlight, and character of the area.
 - ❖ The development will have a positive economic impact as the construction phase will create jobs.
- ❖ **Services**
- Electricity supplied by Eskom.
 - The units will link into the existing water and sewerage systems.
 - The solid waste will make use of the existing Onrus Manor refuse area for accumulated waste.

❖ **Planning Principles**

Spatial Justice

Will not contribute to historic spatial imbalances.

Spatial and Efficiency

It complies as it would utilize the property to its maximum and it does not increase the need for more land.

Good Administration

The Overstrand Municipality has a good public participation process to the benefit of all parties.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	12 May 2023	19 June 2023
Notices (original)	Yes	12 May 2023	19 June 2023
Ward councillor	Yes	12 May 2023	19 June 2023
Notices (amended)	Yes	22 September 2023	27 October 2023
Total comments	One (1) conditional approval		
Total letters of support	None		
Was public participation undertaken in accordance with Section 46 – 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Municipal: Environmental Management Services	15/05/2023	No objection.
Building Control Branch	12/05/2023	No objection.
Fire Department	15/05/2023	No objection.
Engineering Services	29/05/2023	See Annexure F.
Telkom	08/06/2023	See Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

One (1) letter of objection was received from the Onrus River Homeowners Association during the public participation process. See Annexure D.

The applicant was also provided with an opportunity to respond to the objections. The applicant consulted with the objector and the objection was withdrawn conditionally. The comment will thus still be dealt with as an objection. See Annexure E.

The objection, applicant's response (with objector's conditional approval letter) and Municipal Town Planner's response can be summarized as follows:

OBJECTION 1

Fair Cape only allows for life right in Onrus Manor and thereby effectively gained outright control over the Body Corporate and Body has lost its purpose. The five additional units would just further aid and abet their objective.

APPLICANT'S RESPONSE

Only provided a letter of withdrawal from the objector and did not provide any further comments on the conditions of support.

TOWN PLANNER'S RESPONSE

This is an internal matter. The withdrawal letter makes this point not applicable anymore.

OBJECTION 2

The extension of the cul-de-sac road would remove casual parking and trees and plants in front of dwellings, which forms part of communal outdoor spaces at Orrus Manor. This could adversely affect the value of investment.

APPLICANT'S RESPONSE

Only provided a letter of withdrawal from the objector and did not provide any further comments on the conditions of support.

TOWN PLANNER'S RESPONSE

This was to a certain extent addressed as part of the conditions of withdrawal, and that there is an understanding that some trees will be re-located and that an informal parking bay or two, depending on the space available will be placed close to the objector's unit.

OBJECTION 3

The increase in traffic in front of my unit will adversely affect my lifestyle and impact on peace and quiet.

APPLICANT'S RESPONSE

Only provided a letter of withdrawal from the objector and did not provide any further comments on the conditions of support.

TOWN PLANNER'S RESPONSE

The mitigating factors in objection 2 above address this concern.

It is to be noted that after the public participation process and dealing with the objector the application was amended. It is however only the units that were moved slightly and only the building line departure application part that was affected.

The new departures for building lines were amended as follows:

- Northern perimeter building line applicable to Unit 1 from 3,0m to 2,335m to accommodate a portion of a patio;
- Eastern perimeter building line applicable to Unit 1 from 3m to 0,685m to accommodate a portion of the bedroom and bathroom;
- Northern perimeter building line applicable to Unit 2 from 3,0m to 2,335m to accommodate a patio;
- Eastern perimeter building line applicable to Unit 3 from 3,0m to 1,04m to accommodate a portion of the bedroom and bathroom;
- Southern and eastern perimeter building line for Unit 3 from 3m to 0m to accommodate a garage; and
- South-Western perimeter building line for Unit 5 from 3,0m to 1,73m to accommodate a bedroom.

The application was again sent out by registered mail to all surrounding property owners that could possibly have been affected by the amendment and building line departures. No additional comments or objections were received.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

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

See Paragraph 7 above.

Internal and external departments

The application was supported by all internal municipal departments and external provincial and semi-state institutions.

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

10.1 Background

N/A

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

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

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The application is within the urban edge and will not impact on agricultural land or environmentally sensitive areas. It will also help to alleviate urban sprawl by way of infill planning.

Efficiency

The property is surrounded by an existing road network and services infrastructure and will help with the maximum utilization of such infrastructure and upgrade thereof.

Spatial Resilience

The approval of this development will ensure additional rates will be obtained by the Municipality to maintain existing infrastructure, thereby lowering the financial pressure on surrounding property owners and the Municipality. It will also provide for different types of housing.

Good Administration

Good procedure was followed and with a good public participation process.

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

Same as Point 10.2 above.

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

The area is indicated for urban development in terms of the Overstrand Municipal Wide SDF, 2020 and is also indicated as a *status quo* area in terms of the Overstrand Municipality Spatial Growth Management Strategy, 2010, (OMSGMS) which is a guideline document.

The *status quo* for this area is group housing and retirement villages south and east of Chanteclair Avenue and Single Residential erven to the north. The vacant area to the west is also earmarked for residential development with densities between 10 to 20 units/ha.

Onrus Manor has a density of 27,3 units/ha whilst this new portion will have a density of 21,77 units/ha.

This development is therefore in line with the SDF and the OMSGM and surrounding developments.

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

N/A

10.6 Impact on Municipal engineering services

The area is already serviced, and sufficient bulk capacity exists to accommodate the development. The application is supported by the Engineering Services Department.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

There are already a mix of Residential Zone I and General Residential Zoned developments in the area.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The Onrus Manor Retirement complex managing agent and Body Corporate wants to rezone Erf 4286 to General Residential Zone 1: Group Housing and apply for a Consent Use to use the property for retirement village purposes. They want to develop five (5) retirement units to be utilized as life right units on the property.

The fact that Onrus Manor is a Sectional Title development makes it very onerous and expensive to consolidate Erf 4286 with Erf 4443, the property on which Onrus Manor is situated. It is the full intention to obtain access via the Onrus Manor access gate and use the facilities on Erf 4443. They thus propose to notarial tie the two properties, and this notarial tie can only be amended with municipal approval. A servitude area will also be registered over all internal roads, open spaces, and facilities in favour of the five (5) proposed units.

The fact that the property will still be a single cadastral unit (Erf 4286) means that an application also had to be made for departure to depart from the 3000m² area required to apply for a rezoning to General Residential Zone 1. Application is also made for some minor building line departures for the new proposed units. Since the cadastral borders are staying in place, a 3m building line is applicable to surrounding units in the development.

The application also requires the amendment of the Site development Plan of Onrus Manor (Erf 4443). This is due to the extensions proposed for the existing internal private roads.

The rezoning of Erf 4286 and the Consent Use to develop five (5) retirement village units fits in with the surrounding area being retirement villages and group housing developments. The units will form part of the existing Onrus Manor Retirement Village and would not impact negatively on the character of an area. The density of the development will be approximately 22 units per ha, which is well in line with the density of surrounding developments. An overgrown property with single dwelling which is not in a good state will be replaced with new buildings, which should positively impact the surrounding area.

The notarial tie of the two relevant properties and the registration of a servitude over Erf 4443 Onrus Manor, will ensure that all retirement amenities is available to the five (5) new units. This also address the fact that a cadastral unit Erf 4286 of less than 3000m² in size that will be rezoned for group housing purposes, will form part of a much greater retirement village complex and is not a small non-viable development. The servitude over Erf 4443 will also ensure that the existing access/egress point for vehicles to Onrus Manor will be used to access the five (5) units, with limited impact on the road infrastructure.

The area is a fully serviced and all services are available and was confirmed by the Municipal Engineering Services Branch.

The amendment of the SDP of Onrus Manor is also only for minor road extensions. The conditional support letter from the one resident in Onrus Manor did direct concerns regarding parking next to the roads to be extended and vegetation which must be re-located. This is however an internal issue and does not proof the extensions to the internal roads and use thereof with slightly more vehicles to be undesirable.

The application also includes building line departures for the proposed units over the 3m building line applicable to Erf 4286. As previously indicated in this report minor amendments were made to the position of the five (5) units, and therefore the building line departure application changed slightly. An additional public participation process was followed to address these changes.

The proposed departures to the building lines are as follows:

UNIT 1

Northern perimeter building line applicable to unit 1 from 3,0m to 2,335m to accommodate a portion of a patio and the eastern perimeter building line from 3m to 0,685m to accommodate a portion of the bedroom and bathroom.

The patio portion will still be 2,335m from the street boundary line and will be much lower than Chanteclair Avenue. It is also a minor structure with no real impact on the street facade.

The proposed portion of the bedroom and on-suite over the eastern building line will still be approximately 6m from the closest unit in Onrus Manor, with no real impact.

UNIT 2

Northern perimeter building line applicable to Unit 2 from 3,0m to 2,335m to accommodate a patio.

The patio portion will still be 2,355m from the street boundary line and will be much lower than Chanteclair Avenue. It is also a minor structure with no real impact on the street facade.

UNIT 3

Eastern perimeter building line applicable to Unit 3 from 3,0m to 1,04m, to accommodate a portion of the bedroom and bathroom, and the southern and eastern building line from 3m to 0m to accommodate the garage.

The proposed bedroom and bathroom would still be approximately 10m from the units in Onrus manor and would not have an impact on these units.

The proposed garage over the southern and eastern building line will be approximately 5,5m from units in Onrus manor to the south. The garage is not a habitable space and would have a limited impact on the units in Onrus Manor.

UNIT 4

No encroachments.

UNIT 5

South-Western perimeter building line for Unit 5 from 3,0m to 1,73m to accommodate a bedroom.

The proposed bedroom will be approximately 3m from the unit in Onrus Manor to the west. No windows will be placed over the 3m applicable building line, ensuring the adjacent unit to the west's privacy will not be impacted on.

Considering the above, the departures for building lines are desirable.

The application is in line with the Planning Principles, and it is spatial sustainable and complies with efficiency, as it would densify development and not lead to urban sprawl. Existing services will also be utilized more efficiently.

Considering the above, the application is considered desirable and is supported.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4286, Onrusrivier to rezone the said property from Residential Zone I: Single Residential (SR1) to General Residential Zone 1: Group Housing to develop five (5) units on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law,
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for a Consent Use to allow a retirement village on Erf 4443, Onrusrivier, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 4443, Onrusrivier to relax the following:
 - Northern perimeter building line applicable to Unit 1 from 3,0m to 2,335m to accommodate a portion of a patio;
 - Eastern perimeter building line applicable to Unit 1 from 3m to 0,685m to accommodate a portion of the bedroom and bathroom;
 - Northern perimeter building line applicable to Unit 2 from 3,0m to 2,335m to accommodate a patio;
 - Eastern perimeter building line applicable to Unit 3 from 3,0m to 1,04m to accommodate a portion of the bedroom and bathroom;
 - Southern and eastern perimeter building line for Unit 3 from 3m to 0m to accommodate a garage; and
 - South-Western perimeter building line for Unit 5 from 3,0m to 1,73m to accommodate a bedroom;
 - The minimum erf size of 3000m² to 2296m² for the rezoning of a site to General Residential Zone: Town Housing (GR1)

be approved in terms of the provisions of Section 61 of the By-Law.

4. that the application in terms of Section 16(2)(d) of the Overstrand Municipal Amendment By-Law on Municipal Land Use Planning, 2020 for subdivision (exemption) to create a right-of-way access servitude over Erf 4286, Onrusrivier in favour of Erf 4443, Onrusrivier, **be approved**.

5. that the application in terms of Section 16(2)(l) of the By-Law for the Amendment of the Site Development Plan of Onrus Manor to accommodate extensions to the roads over Erf 4286, Onrusrivier, as indicated on plan number 22.52/003 dated 29/08/2023, **be approved**, in terms of the provisions of Section 61 of the By-Law.
6. that the approvals in Points 1. to 5. above in terms of the provisions of Section 61 of the By-law, be subject to the following conditions:
 - (a) that development be in line with Site Development Plan 22.52/003 dated 29/08/2023;
 - (b) that a minimum of 2 (two) parking bays be provided at each unit each erf, to municipal standards and satisfaction;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (d) that the Architectural Design Guidelines be submitted for the development to address the style of the houses in line with the surrounding Onrus Manor style of units, in consultation with the Building Control department;
 - (e) that all the conditions imposed by Telkom (attached as Annexure G), be complied with;
 - (f) that all conditions in the Services Report (attached as Annexure F), be complied with;
 - (g) that a Body Corporate be established with compulsory membership for all property owners within the development;
 - (h) that the Constitution of the Body Corporate be submitted for approval by the Municipality (which reserves the right to impose conditions in this regard), and that the following aspects inter alia be addressed in this document:
 - o the approval of building plans by an “estate architect” prior to submission thereof to the Municipality, and
 - o that the Constitution clarifies at what stage that the responsibility would be transferred from the developer to the Homeowners’ Association to deal with approval of plans.
 - (i) that the units on Erf 4443 may only access the property over Erf 4286, and no direct access may be obtained from Chanteclair Avenue;
 - (j) that the servitude be registered over the roads, open spaces, and amenities on Erf 4286 in favour of Erf 4443, Onrusrivier, prior to the construction of the first unit on Erf 4443, Onrusrivier;
 - (k) that the notarial tie between Erf 4443 and Erf 4286, Onrusrivier must be registered prior to the construction of the first unit on Erf 4443, Onrusrivier;

- (l) that the owner submits an operational plan to be approved by the Area Manager before construction commences;
 - (m) that building plans be submitted to the Building Control Department of the Municipality in accordance with the amended Site Development Plan, and that any requirements by the Fire- and Building Departments at that stage be complied with;
 - (n) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with.
7. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 with regard to the above decisions.

14. REASONS FOR RECOMMENDATION

- ❖ The proposal for is in line with the Overstrand Municipality Spatial Growth Management Strategy, 2010 (Guideline document) and Overstrand Municipal Wide SDF, 2020.
- ❖ All relevant municipal departments and external departments/institutions support the application.
- ❖ Concerns/objections raised about the possible impact on traffic, parking and gardens have been considered. The scale of the development is such that it is the opinion that the concerns are unfounded as this proposed development will be in line with the character of surrounding developments, and due to the small scale have a low impact on the internal roads and parking.
- ❖ The application is in line with the general principles of SPLUMA and LUPA as this development will be spatially sustainable as it will not lead to urban sprawl or be developed on agricultural land or environmentally sensitive areas. In terms of efficiency, it will utilize existing road networks and services.
- ❖ In terms of the character of Chanteclair area directly north of the R43 Provincial Road developments consist of a mixture of General Residential Zone I erven utilized as Group Housing Developments and Retirement Villages.
- ❖ The relaxations of building lines mostly relate to building lines adjacent to other units within the Onrus Manor development. Only two pergolas traverse the building line with Chanteclair Avenue, and this is only a minor encroachment with no real negative impact.
- ❖ The property to be developed with five (5) units will be notarial tied with Onrus Manor and a servitude will be registered over the Onrus Manor development that the five (5) units is developed as part of Onrus Manor and share in their amenities, roads, open spaces etc. This limits the impact on the surrounding area.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Objection received
- Annexure E: Applicant's letter with withdrawal of objection
- Annexure F: Services Report
- Annexure G: Comments: Telkom

SIGNATURES**AUTHOR:**Name: **HENK OLIVIER**SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNERName: **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

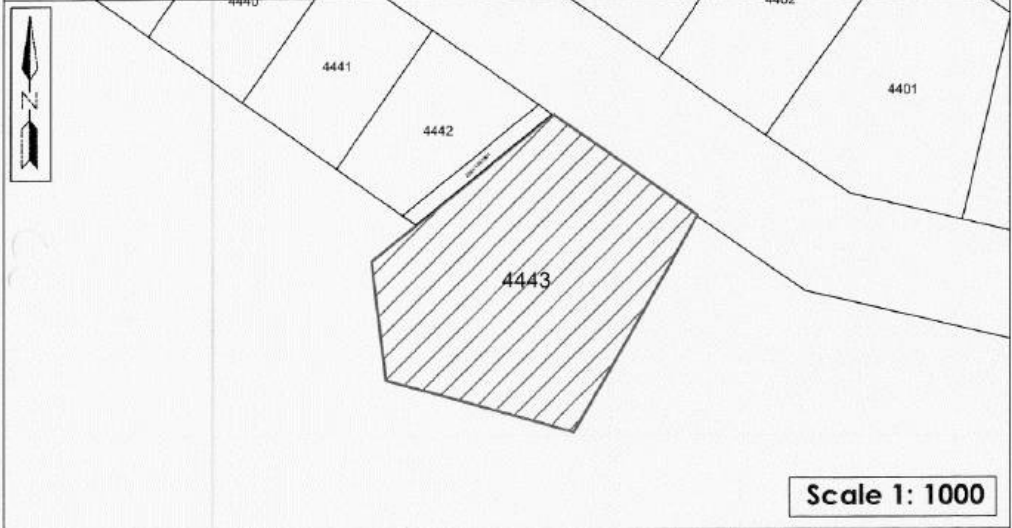
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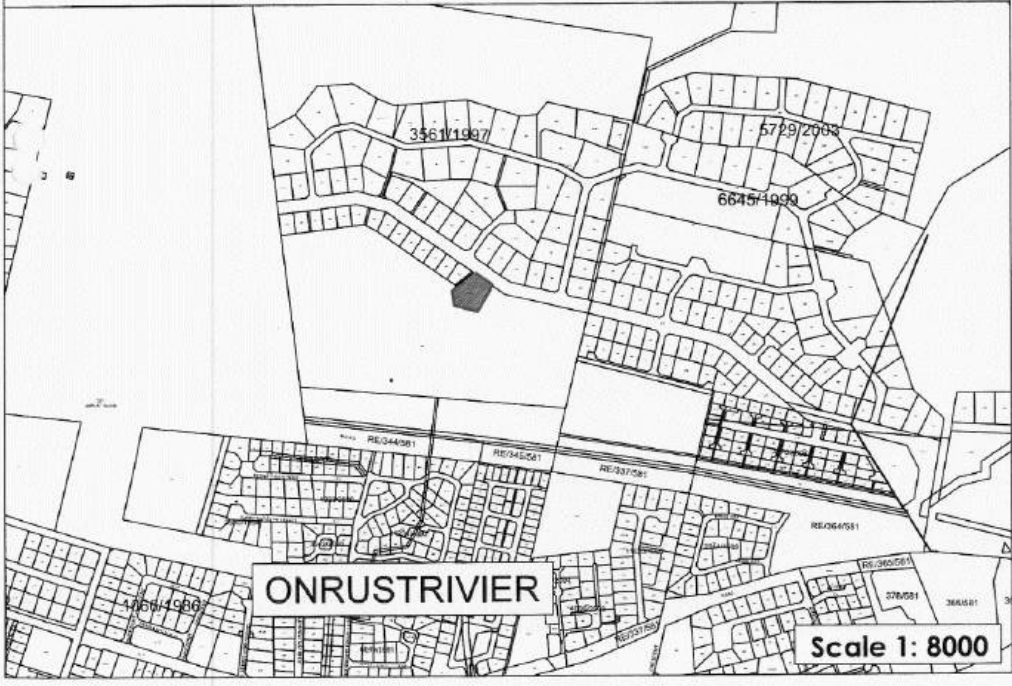
Annexure A

LOCALITY PLAN
ERF 4443 ONRUSTRIVIER

Plan prepared by: Thian Jansen
All distances are approximate
and subject to a survey
Tel: 028 313 1411
admin@wrapgroup.co.za
Unit B, Standard House
Corner of Royal and
Dirkie Uys Street
Hermanus, 7200



Scale 1: 1000



ONRUSTRIVIER

Scale 1: 8000



MOTIVATION

1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Consultant	WRAP Project Office	
Erf Number	Erf 4443 Onrustrivier	Erf 4286 Onrustrivier
Extent	2296m ²	10,9627 Ha
Current Zoning	Residential Zone 1: Single Residential (SR1)	General Residential Zone 1: Town Housing (GR1)
Proposed Zoning	General Residential Zone 1: Town Housing (GR1)	-

3. BACKGROUND AND INTENT

Erf 4443 Onrustrivier, hereafter referred to as the subject property, is located at 27 Chanteclair Avenue, Onrustrivier (refer **Plan 1**). An offer to purchase was made on the property by the Faircape Life Right Trust ("Faircape") who also owns a number of properties and also manage Onrus Manor, subject to the approval of the rezoning of the subject property.

The intent of Faircape is, to rezone Erf 4443 Onrustrivier, to General Residential Zone 1: Town Housing, and apply for a consent use for a retirement village, but "a range of care and other facilities" as required by the OMLUS, will not be provided on site, but on the adjacent Erf 4286 Onrustrivier, the existing Onrus Manor Retirement Village.

A sectional title scheme will be registered for the 5 retirement town houses to be constructed on Erf 4443 Onrustrivier and a housing development scheme will be registered in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988, in terms of which retired persons will be able to acquire the exclusive right to occupy a retirement town house, which has access to the retirement facilities at Onrus Manor.

The occupancy right is based on an agreement between the beneficiary of the housing interest and the grantor, in this case the owner of the accommodation who will be Faircape, and thus a personal right between the beneficiary and the grantor.

In terms of the agreement, the beneficiary is entitled to occupy the accommodation for the duration of his or her lifetime unless terminated earlier, as agreed upon with the grantor.



MOTIVATION

The content of the contract for the alienation of the housing interest is prescribed in the Housing Development Schemes for Retired Persons Act 65 of 1988 and, amongst other requirements, needs to provide a **'statement of the location, nature and extent of any facilities and services that are to be provided or rendered in connection with the housing interest; the rights and obligations of the purchaser in connection with the utilisation of the facilities and services; whether any of the facilities and services provide for the care of debilitated persons and the date by which the facilities and services will be rendered.'**

The facilities and services to be provided will be the existing facilities located on Erf 4286 Onrustrivier, (Onrus Manor).

Onrus Manor is a retirement village that provides access to several activities and facilities which includes:

- A coffee shop, clubhouse with lounge, dining room and bar, gym and games room facilities;
- Enclosed heated swimming pool;
- Access to support staff for assessment and temporary assistance (including CMR, Occupational Therapist and Social Worker);
- A clinic, available for residents at set times daily;
- Shuttle service offering weekly trips to nearby shopping centres;
- Healthcare;
- Long term care; and
- Library.

Refer to the figure below for a site map of Onrus Manor located on Erf 4286 Onrustrivier.



Figure 1: Onrus Manor Site Map



MOTIVATION

As illustrated within Figure 1, Onrus Manor is home to 298 retirement dwelling units that are owned either individually or owned by Faircape. Onrus Manor is fully developed and there is no space for expansion. The proposal is to acquire an adjacent property and to rezone it to accommodate 5 additional dwelling units with a consent use to allow a retirement village. Erf 4443 Onrustrivier, was identified and an offer to purchase was accepted, on condition that approval for the rezoning is obtained.

The existing access from Chanteclair Drive to Erf 4443 Onrustrivier, will be closed and a right of way servitude will be registered over the Onrus Manor property (Erf 4286 Onrustrivier) in favour of the subject property.

WRAP Project Office was appointed to submit this land use application (refer **Annexure A – Power of Attorney**).

Approval of the following applications is required:

- Rezoning of Erf 4443 Onrustrivier to General Residential Zone 1: Town Housing (GR 1);
- Consent Use to allow a Retirement Village on Erf 4443, Onrustrivier.
- Departure from building lines to accommodate the proposed units on Erf 4443 Onrustrivier;
- Departure from the minimum erf size for rezoning to General Residential Zone 1: Town Housing (GR 1);
- Registration of a servitude over the common areas on Erf 4286 Onrustrivier in favour of Erf 4333 Onrustrivier; and
- Amendment of the Site Development Plan of Erf 4286 Onrustrivier.

The way forward with the development can be described as follows:

1.	Application for rezoning and consent use is submitted;
2.	Once approved, Faircape takes transfer of Erf 4443 Onrustrivier;
3.	Faircape constructs the 5 retirement townhouses as well as roads, boundary wall, landscaping, services etc.
4.	Once the retirement townhouses are complete, a sectional title plan is compiled, a sectional register opened, and a body corporate is registered.
5.	A housing development scheme is registered in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988.
4.	Retired persons to acquire the exclusive right to occupy a town house on a life right basis.

The option to extend the sectional title scheme on Erf 4286 Onrustrivier was considered, but the following challenges were encountered:

1. Due to the presence of a section title scheme on Erf 4286 Onrustrivier, Erf 4443 Onrustrivier cannot be consolidated with Erf 4286 Onrustrivier, and the only option would be a notarial agreement between the two properties.
2. In order to extend the sectional title scheme on Erf 4443 Onrustrivier, the existing scheme needs to be amended, the participation quote needs to be recalculated, etc.

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MOTIVATION

The impact on the existing sectional title scheme and the owners and the cost involved was considered and it was decided that it would be too onerous and expensive and that it would be much easier to establish a separate sectional title scheme on Erf 4443 Onrustvriër with a notarial agreement registered between Erven 4286 and 4443 Onrustvriër, securing the use of the retirement facilities on Erf 4286 Onrustvriër by the residents of Erf 4443 Onrustvriër.

The need for an "overarching, master homeowners association or body corporate" was also investigated, but it was however found that it was unnecessary and that the relationship with Onrus Manor and the sharing of their retirement services can be arranged and secured in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988, which provides the required protection to the life right holders to the retirement town houses on Erf 4443 Onrustvriër, strengthened by a notarial agreement registered in the title deeds of the two erven.

4. APPROVAL OF APPLICATION REQUIRED TO ACHIEVE THE DEVELOPER'S INTENT

WRAP compiled this report to ensure the developer's vision is achieved. The following is proposed:

4.1 Rezoning of Erf 4443, Onrustvriër from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1) from in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.2 Consent Use to allow a retirement village on Erf 4443 Onrustvriër in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As mentioned in Section 3 above, the property will be a sectional title town house and retirement development on which a life right housing scheme will be registered in terms of the Housing Development Schemes for Retired Persons Act 65 of 1988, with access to the retirement facilities and retirement services available on the premises of Onrus Manor secured by means of a notarial agreement, registered in the title deed of the two properties.

In addition to the Retired Persons Act 65 of 1988, a consent use for a retirement village is also being applied for to ensure that usage of the subject property is aligned with the uses being proposed. In terms of the OMLUS a retirement village is defined as the following:

"retirement village" means a development for the purposes of accommodating retired persons and associated facilities and conforms to the following conditions:

- i. other than staff accommodation, each dwelling unit shall be occupied by at least one person and must comply with the applicable legislation;*
- ii. a range of care and other facilities shall be provided to the satisfaction of the Municipality; and*
- iii. additional development management provisions may be determined by the Municipality in respect of a retirement village;"*



MOTIVATION

The proposal is that the five group housing retirement units utilise the retirement facilities available at Onrus Manor. These units will enjoy full access to the same facilities as the residents of Onrus Manor. With the proposed notarial agreement in place, no retirement facilities will be required to be developed on Erf 4443 Onrustvriër.

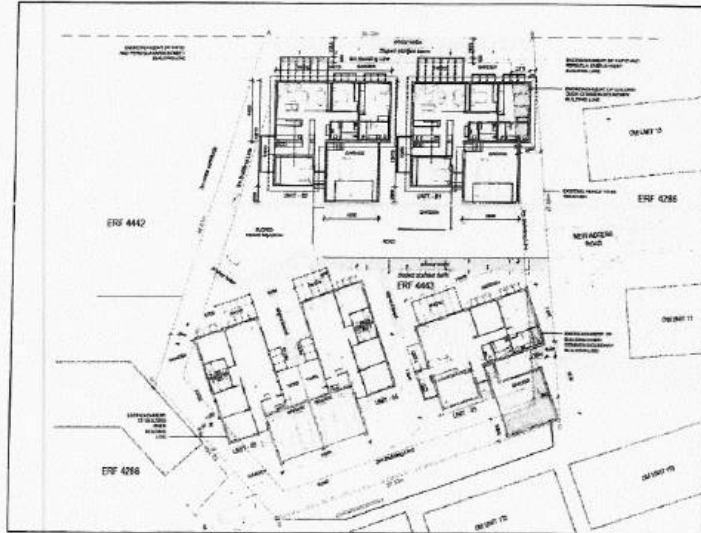


Figure 2: Proposed development on Erf 4443 - Onrustvriër

Erf 4443 Onrustvriër has an extent of 2 296m² and with the proposed 5 dwellings, the density will be 21,77 du/ha (dwelling units per hectare) which is lower than the existing density of Onrus Manor, being approximately 27,3du/ha. The proposed zoning (GR1) allows for a maximum density of 35 du/ha.

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MOTIVATION

- 4.3 Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 0,685m$ to allow the proposed bedroom and en-suite bathroom for Unit 1 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 4.4 Permanent Departure** from the northern 3,0m perimeter building line to $\pm 2,335m$ allow the proposed patio for Unit 1 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 4.5 Permanent Departure** from the northern 3,0m perimeter building line to $\pm 2,335m$ allow the proposed patio for Unit 2 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 4.6 Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 1,04m$ and $\pm 0m$ to allow the proposed bedroom, en-suite bathroom and garage for Unit 3 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 4.7 Permanent Departure** from the southern 3,0m perimeter building line to $\pm 0m$ to allow the proposed garage for Unit 3 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 4.8 Permanent Departure** from the south-western 3,0m perimeter building line to $\pm 1,730m$ to allow the proposed bedroom for Unit 5 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As Erf 4443 Onrustvriër will not be consolidated with Erf 4286 Onrustvriër (the Onrus Manor property) and therefore function primarily as a townhouse development; 3,0m perimeter building lines are applicable. The units are positioned closer to the perimeter which necessitates the approval of a departure from the building line. Refer to the Site Development Plan and Insets attached as **Plan 4**.



MOTIVATION

Unit 1:

Unit 1 is located on the north-eastern side of the subject property and is located on the boundary with Onrus Manor. The proposal is to locate Unit 1, $\pm 2,335\text{m}$ from the street boundary and $\pm 0,685\text{m}$ from the common boundary between Erven 4286 and 4443. The encroachment of the street building line is only a pergola which is less obtrusive than a building.

Unit 1 is positioned next to the boundary line which will only be a single storey town house which will ensure that no privacy is being impeded upon due to the encroachment on the building line. The total footprint of the unit will be 197m^2 . Refer to the Plan 4 of the inset for Unit 1 that illustrates the proposed departure.

The area within the building line will be utilised as a lounge and the area of the encroachment is only $\pm 20,7\text{m}^2$ and it is not predicted to have a negative impact on the surrounding properties as the building is set back $2,335\text{m}$ and $0,685\text{m}$ from the boundary line.

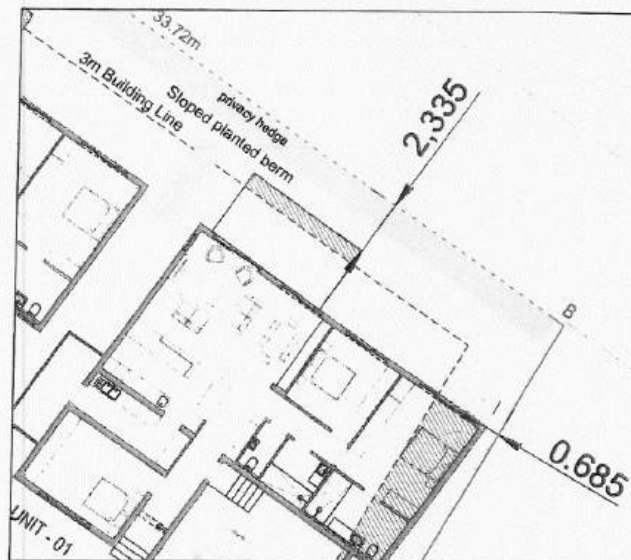


Figure 3: Proposed encroachments of Unit 1



MOTIVATION

Unit 2:

Unit 2 is proposed to be located in the western corner and adjacent to a residential property. Unit 2 is set to be improved with a pergola located approximately 2,335m from the boundary line. The encroachment is minimal, covering only a small area of around 4m².

The town houses' design has been created to reflect an inclusionary approach, ensuring that the five units blend seamlessly with Onrus Manor and not appear as an afterthought. The proposed pergola will further enhance this seamless integration. In terms of size, Unit 2 is a single-story townhouse spanning 197m².

For more details on the proposed changes, please refer to Plan 4 of the Unit 2 inset.

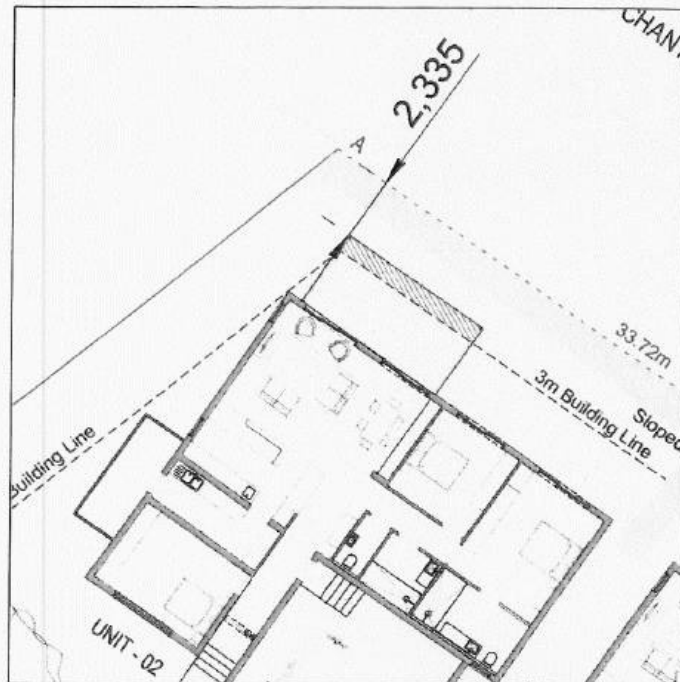


Figure 4: Proposed encroachment of Unit 2



MOTIVATION

Unit 3:

Unit 3 is also located on the eastern boundary next to Onrus Manor. The unit will be located only $\pm 1,04\text{m}$ from the property boundary line and approval for a building line departure is required. In addition to the above-mentioned encroachment the garage is proposed to be located in the corner located $\pm 0\text{m}$ from the boundary line.

Unit 3 is also only a single storey unit that is 190m^2 in extent and the main bedroom and main bedroom en-suite is being proposed to encroach on the side eastern perimeter building line. The proposal is that an area of $\pm 37,8\text{m}^2$ encroaches on the building line with only $\pm 10\text{m}^2$ of habitable space located over the eastern building line. Refer to the Plan 5 of the inset for Unit 3 that illustrates the proposed departure.

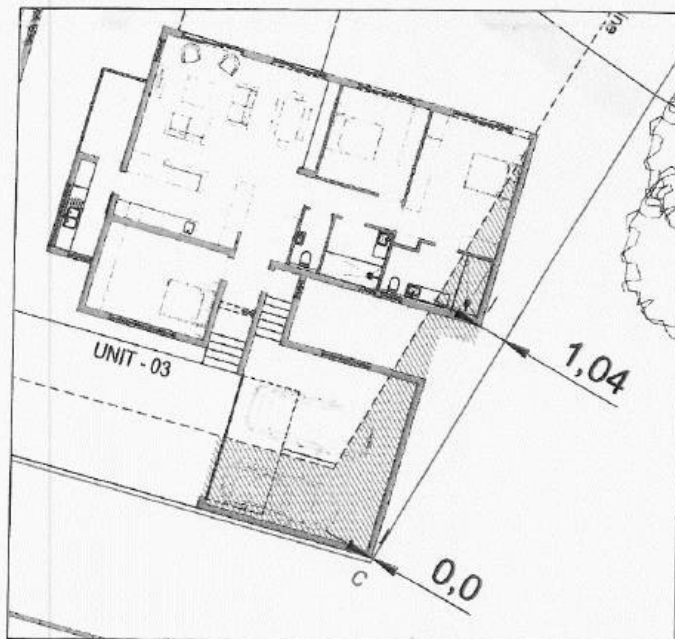


Figure 5: Proposed encroachment of Unit 3



MOTIVATION

Unit 4 & 5:

No encroachments are proposed for Unit 4.

Unit 5 however is located along the western boundary adjacent Onrus Manor (Erf 4286), the unit has three bedrooms with two bathrooms one of which is being proposed to encroach on the 3m perimeter building line. The building is located approximately 1,730m from the property boundary line, which requires approval of a departure from the building lines.

Both Unit 4 and 5 will also only be a single storey town houses that are each 148m² in extent. Refer to the Plan 4 of the inset for Unit 5 that illustrates the proposed departure. These units will have a double garage.



Figure 6: Proposed encroachment of Unit 5



MOTIVATION

4.9 Permanent Departure from the minimum erf size of 3000m² to 2296m² required for rezoning to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subject property has an extent of 2296m² that requires a departure from the development parameters of the proposed zoning, General Residential Zone 1: Town Housing, to ensure compliance with the provisions of the OMLUS and further to ensure that the property owners' intent is achieved.

This permanent departure will unlock the true potential of the subject property by improving it with 5 retirement townhouses. With the departure, the property may be developed to its full potential and contribute to the densification targets of the Overstrand Spatial Development Framework.

The Overstrand Municipality will also be a party to the Notarial Agreement and the agreement cannot be cancelled or amended without the consent of the Overstrand Municipality. (Refer to **Annexure C: Notarial Agreement**)

4.10 Registration of a servitude over the common areas (which includes roads, open spaces and retirement facilities) on Erf 4286 Onrustvriër in favour of Erf 4443 Onrustvriër in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

It is proposed that the existing access for Erf 4443 Onrustvriër from Chanteclair Drive be closed and access to Erf 4443 Onrustvriër will be provided via servitude to be registered over Erf 4286 Onrustvriër in favour of Erf 4443 Onrustvriër. The right of way servitude will include the right by the residents of Erf 4443 Onrustvriër to use all the internal roads on Erf 4443 Onrustvriër within the Onrus Manor Development to enable them to access the retirement facilities on the common area. The servitude will further include access to all common areas on Erf 4443 Onrustvriër, which include roads, open spaces, retirement facilities and refuse holding facilities.

To ensure that the development on Erf 4443 Onrustvriër can never be operated or alienated separately, a notarial agreement will be registered between Erven 4443 and 4286 Onrustvriër. The agreement will allow the residents on Erf 4443 Onrustvriër the following:

- a) A servitude right of way over Erf 4286 Onrustvriër in respect of the common property, for purposes of access and egress and to access and use and enjoy the common facilities (which includes the retirement facilities) at Onrus Manor on the terms and conditions as agreed between Fair Cape Life and the life right holders;
- b) The servitude will also include the use of the refuse holding facility on Erf 4286 Onrustvriër to prevent that solid waste facilities are duplicated. Refer to Annexure E – Proposed Servitude Area.



MOTIVATION

5. APPLICATION

Considering the above, application is made for the following:

- 5.1 Rezoning** of Erf 4443, Onrustrivier from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.2 Consent Use to allow a retirement village** on Erf 4443 Onrustrivier in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.3 Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 0,685m$ to allow the proposed bedroom and en-suite bathroom for Unit 1 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 Permanent Departure** from the northern 3,0m perimeter building line to $\pm 2,335m$ allow the proposed patio for Unit 1 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.5 Permanent Departure** from the northern 3,0m perimeter building line to $\pm 2,335m$ allow the proposed patio for Unit 2 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.6 Permanent Departure** from the eastern 3,0m perimeter building line to $\pm 1,04m$ and $\pm 0m$ to allow the proposed bedroom, en-suite bathroom and garage for Unit 3 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.7 Permanent Departure** from the southern 3,0m perimeter building line to $\pm 0m$ to allow the proposed garage for Unit 3 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.8 Permanent Departure** from the south-western 3,0m perimeter building line to $\pm 1,730m$ to allow the proposed bedroom for Unit 5 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.9 Permanent Departure** from the minimum erf size of $3000m^2$ to $2296m^2$ required for rezoning to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.10 Registration of a servitude** over the common areas (which includes roads, open spaces and retirement facilities) on Erf 4286 Onrustrivier in favour of Erf 4443 Onrustrivier in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

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**MOTIVATION**

5.11 Amendment of an approved SDP of Erf 4286 in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The properties surrounding the subject property are predominantly zoned for residential purposes. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

Title deed T74895/2006 (refer **Annexure B**) was perused and there are no restrictive title deed conditions that may prohibit the rezoning, consent use, departures or registration of servitudes applied for. This was confirmed by a conveyancer in a conveyancer's certificate (Refer **Annexure D**).



MOTIVATION

8. ZONING

The following zoning parameters were assessed in conjunction with the GR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

GENERAL RESIDENTIAL ZONE 1: TOWN HOUSING (GR1)		
	Use of the property	Proposal
Primary use	Town Housing, Private Road and Private Open Space	Town Housing
Consent uses which may be applied for	Crèche, Day Care Centre, Dwelling House in accordance with 6.1.2, Flats, Green House, Home Occupation, Residential Building, Retirement Village and Tourist Accommodation.	Retirement Village
Density	<p>Development Parameters</p> <ul style="list-style-type: none"> i. The maximum gross density in this zone is 35 units a hectare. ii. A minimum erf size of 3000 m² is applicable for densification. 	<ul style="list-style-type: none"> i. The subject property has an extent of 0.2296ha. The result if the maximum density is applied 0.2296 x 35 units = 6.8 units that may be allowed in terms of the zoning. Only 5 dwelling units are proposed, which equates to a density of 21.77 dwelling units per hectare. ii. The subject property has an extent of 2296m² that does not meet the minimum requirement of 3000 m².
Coverage	The maximum coverage for all buildings on the land unit is 65%.	Property Extent - 2296m ²
		<ul style="list-style-type: none"> i. Comply ii. Applied for and motivated
		Comply



MOTIVATION

		<p>NEW DWELLING UNITS Unit 1 - 197m² Unit 2 - 197m² Unit 3 - 190m² Unit 4 - 148m² Unit 5 - 148m² Total Units - 880m²</p> <p>COVERAGE 880m² / 229.6m² = 38.33%</p> <p>None of the proposed buildings will be higher than 8m. Only single storey dwellings are proposed i.e. a maximum of 5.5m.</p>	
<p>Height</p>	<p>The maximum height of a building (other than flats), measured from the base level to the top of the structure, is 8.0 m, provided that the maximum height for flats, measured from the base level to the top of the structure, is 9.0 m.</p>		<p>Comply</p>
<p>Building lines on the perimeter of a town housing development</p>	<p>i. The building line on the perimeter of the property is 3.0 m; and ii. The general building line exemptions of 1.6.1 apply.</p>	<p>i. Permanent Departure from the eastern 3.0m perimeter building line to ±0.685m to allow the proposed bedroom and en-suite bathroom for Unit 1. Permanent Departure from the northern 3.0m perimeter building line to ±2.335m allow the proposed patio for Unit 1. Permanent Departure from the northern 3.0m perimeter building line to ±2.335m allow the proposed patio for Unit 2. Permanent Departure from the eastern 3.0m perimeter building line to ±1.04m and ±0m to allow the proposed bedroom, en-suite bathroom and garage for Unit 3.</p>	<p>Comply</p>

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MOTIVATION

<p>Building lines within the town housing site</p>	<p>i. 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; ii. The lateral and rear building line is 1,0 m; iii. A garage may be constructed at 0 m on the internal side boundary and 0 m on the internal rear boundary, provided that the building does not occupy more than 50% of such internal side or rear boundary; and iv. The general building line exemptions of 1.6.1 apply.</p>	<p>Permanent Departure from the southern 3,0m perimeter building line to ±0m to allow the proposed garage for Unit 3. Permanent Departure from the south-western 3,0m perimeter building line to ±1,730m to allow the proposed bedroom for Unit 5.</p>	<p>Comply</p>
<p>Parking</p>	<p>i. Parking and access shall be provided on the land unit in accordance with 17.1; and ii. Parking may be provided at the group house concerned, or form part of a communal parking or a combination of the two. window shall be permitted in the wall concerned.</p>	<p>All units will have double garages.</p>	<p>Comply</p>
<p>Open space provision</p>	<p>The following requirement to the satisfaction of the Municipality is applicable: Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden areas as one functional space.</p>	<p>A total of 42,8% of the property is provided as Open Space.</p>	<p>Comply</p>



MOTIVATION

9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the OM's networks, which include a water- and sewer connections. Electricity is supplied by Eskom. The position will remain the same with the connections to the proposed 5 town houses.

With Erf 4443 Onrustrivier proposed to be rezoned to General Residential Zone 1: Town Housing (GR1), a refuse facility will be required. The total extent of the town houses proposed on Erf 4443 Onrustrivier is 700m².

In terms of the OMLUS, a refuse facility with an extent, calculated at 0,5 m² per 100m² GLA will be required, which equates to a facility of 3.5 m².

In terms of the registered servitude proposed, Erf 4443 Onrustrivier will have access to the refuse holding facility on Erf 4286 Onrustrivier which means that the solid waste of the 5 retirement town houses will be accumulated in the refuse area at Onrus Manor and removed on days that refuse is removed by the Overstrand Municipality. There is sufficient space to accommodate the additional 3,5m².

Access and Egress

Access and egress to Erf 4443 Onrustrivier will be gained from Chanteclair Drive through the gate of Onrus Manor utilising existing roads and a small extension to the roads required to be constructed. This access and egress and use of all other internal roads will be secured by means of a registered servitude over Erf 4826 Onrustrivier in favour of Erf 4443 Onrustrivier as described in the proposed Notarial Agreement.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the development proposal arose from Faircape's vision to respond to the need set out within the OMSDF to address the increased housing demand. It is important to note, that even though the current housing demand may not be critical, the future demand as projected by the OMSDF, holds a different reality.

To only address the housing demand once it becomes a problem is not feasible and requires a proactive response. Faircape identified the subject property as an opportunity to develop additional housing and is willing to make the investment to be able to accommodate more retired persons in the Onrus area.

The proposed development is deemed to be desirable with no negative impact on any adjacent properties.

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MOTIVATION

The following considerations are amongst other things relevant to the assessment of the proposed land use to determine if it would be desirable and should therefore be properly motivated in an application:

Socio-economic impact	The rezoning, consent use and departures are not proposed to have any socio-economic impact. The proposed use is not out of the ordinary for the community and it will increase the income that the municipality will be able to collect in terms of rates and taxes.
Compatibility with surrounding uses	The proposal is not out of character for the surrounding area and there are several town housing developments in the area. No additional, non-residential uses are being proposed.
Impact on the external engineering services	The new property owner will be required to make a development contribution to the OM, which contribution may be used to contribute to the upgrading/maintaining of the external engineering services.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The subject property is located in the urban edge, and it is not predicted that the proposed development will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	It is not expected that the proposal will have an impact on parking or access. The impact on traffic is proposed to be small as only 5 additional units are being added that will utilise the access and internal roads of Onrus Manor.

The 5 additional town houses will also increase the tax base of the Overstrand Municipality as the owners will be paying rates and taxes to the OM, which may contribute towards the upgrade of public infrastructure.

Impact on views, sunlight and character of the area

The subject property is located in a residential setting and the proposed buildings will comply with the OMLUS's development parameters ensuring no views, sunlight, or the character of the area is affected. The proposed town houses will also be single storey, minimising the impact on any view or sunlight of neighbouring properties.

Economic impact

In the short term, once the approval has been received, the construction phase will commence, creating construction jobs and providing income to several employees of the construction industry.



MOTIVATION

Long term economic impact will be in terms of the additional rates and taxes that will be payable to the Overstrand Municipality and an additional 5 families spending money in the Overstrand.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties as it is an extension to Onrus Manor which is a retirement village.

Environmental impact

The subject property is not located within an environmentally important area and located within the urban edge.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within the EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the HPOZ.

11.3 Spatial Planning Policies

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK - PSDF

Consistency of the proposal with the policy

Throughout the framework, the process of infill planning is emphasized. Section 3.3.7 states that densification should take place using infill planning and should be the first choice when densification is proposed.

The proposal to create additional town house accommodation that is in line with the proposal to densify an existing area. By densifying through infill, no urban sprawl is created, and the maximisation of the existing urban area is promoted. By densifying existing areas, these areas can benefit from higher economic activity.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – MSDF

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan the OMSDF was synthesised through the influence of these policies and frameworks.

The proposed residential development is aligned with the OMSDF to ensure that policy requirements are met. The OMSDF focusses on the increasing pressure to provide adequate housing options to the increasing population. This includes the Onrus area. Refer to Table 1 for an indication of the population growth within the Hermanus area.



MOTIVATION

The increase in population is based on the growth indicated by Table 2.7 p25 of the OMSDF. The proposed development will add 5 residential units to the area. Although it may not be seen as much of an increase, the SDF promotes the containment of the footprint of OM within the well-defined urban edge. The subject property is located within the urban edge of OM and this proposal contains urban development within this footprint as prescribed.

The application is aligned with the OMSDF as the proposal would assist the OM to be able respond to the future housing demand and ensure adequate residential options are available.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial Justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal is not predicted to contribute towards the historic spatial imbalances.

Spatial and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to utilise the property for more than just a single dwelling unit, will allow the property owners to utilise their property to its maximum potential. The use of a property to increase the housing opportunities for the property should be supported as it does not increase the need for additional land and will be utilising the entire property to provide additional housing in the area.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



EVALUATION & RECOMMENDATION

13. EVALUATION

The proposal needs to be evaluated on the basis that the extent of the subject property is currently not utilised efficiently. Faircape has the vision to acquire the subject property and develop it with 5 additional retirement town houses which will have access to the retirement facilities at Onrus Manor. The residential capabilities of the subject property will be quadrupled.

The development will not add any land use rights to the area that are not compatible with the surrounding area as it is aligned with the zoning with Onrus Manor and is set to be utilised for retirement town housing. This proposal is in harmony with all relevant spatial planning policies.

Through the entire process, various role players will be employed to aid the applicant to achieve their vision. From Town planners, Architects, Land Surveyors, demolition personnel, rubble removal companies and finally construction companies. With each role player, having a function in the proposed development of these two residential properties.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Rezoning of Erf 4443, Onrustrivier from Residential Zone 1: Single Residential (SR1) to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.2 Consent Use to allow a retirement village on Erf 4443 Onrustrivier in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.3 Permanent Departure from the eastern 3,0m perimeter building line to $\pm 0,685\text{m}$ to allow the proposed bedroom and en-suite bathroom for Unit 1 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.4 Permanent Departure from the northern 3,0m perimeter building line to $\pm 2,335\text{m}$ allow the proposed patio for Unit 1 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.5 Permanent Departure from the northern 3,0m perimeter building line to $\pm 2,335\text{m}$ allow the proposed patio for Unit 2 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

File 22/52

ERYEN 4286 & 4443 ONRUSTRIVIER
AMENDED AUG 2023

Page | 22

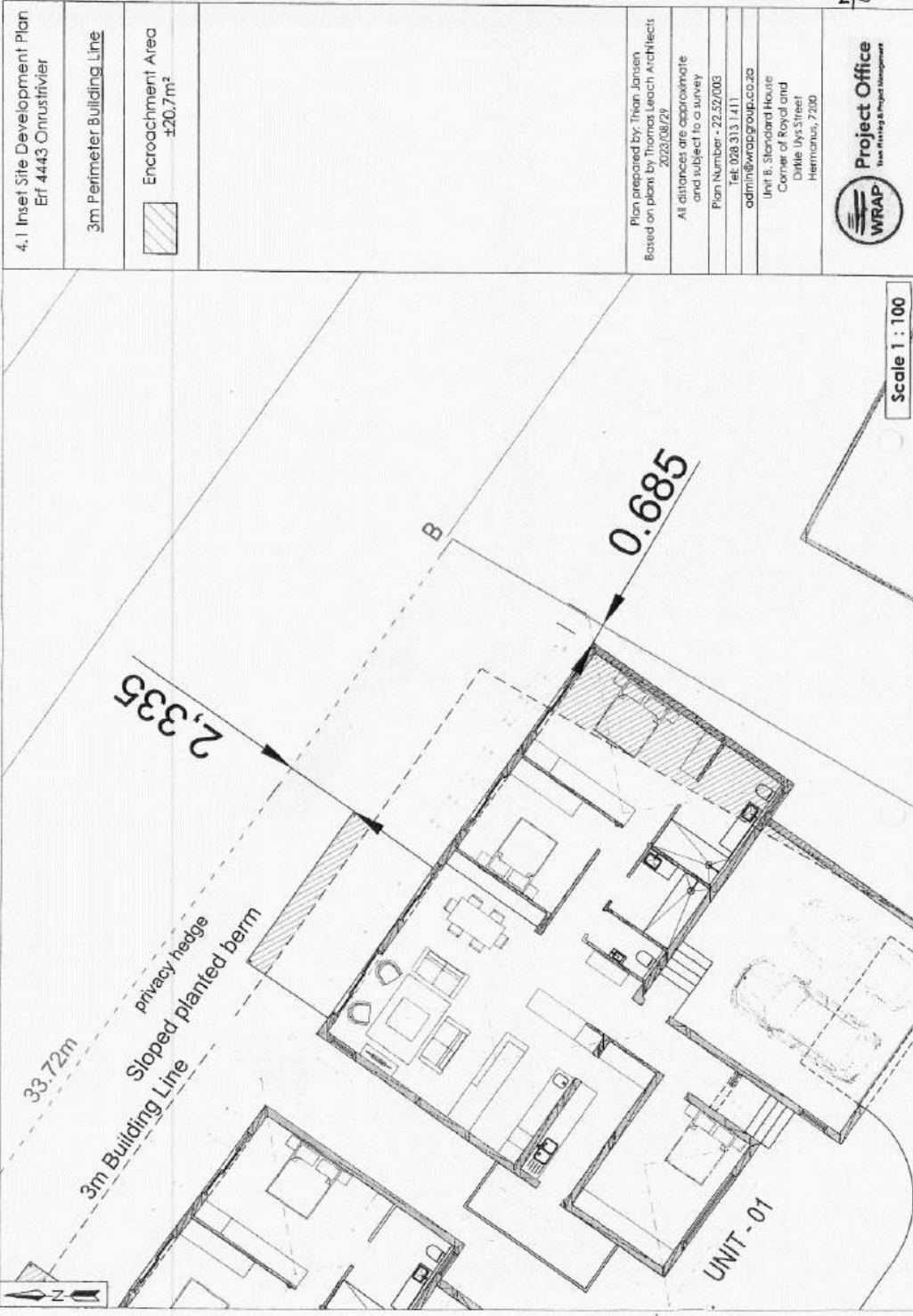



EVALUATION & RECOMMENDATION

- 14.6 Permanent Departure from the eastern 3,0m perimeter building line to $\pm 1.04m$ and $\pm 0m$ to allow the proposed bedroom, en-suite bathroom and garage for Unit 3 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.7 Permanent Departure from the southern 3,0m perimeter building line to $\pm 0m$ to allow the proposed garage for Unit 3 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.8 Permanent Departure from the south-western 3,0m perimeter building line to $\pm 1.730m$ to allow the proposed bedroom for Unit 5 in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.9 Permanent Departure from the minimum erf size of 3000m² to 2296m² required for rezoning to General Residential Zone 1: Town Housing (GR1) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.10 Registration of a servitude over the common areas (which includes roads, open spaces and retirement facilities) on Erf 4286 Onrustrivier in favour of Erf 4443 Onrustrivier in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.11 Amendment of an approved SDP of Erf 4286 in terms of Section 16(2)(L) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.


<p>4. Site Development Plan Erf 4443 Onrustvriër</p>	
<p>AREA SUMMARY</p> <p>Property Extent - 2296m²</p>	<p>NEW DWELLING UNITS</p> <p>Unit 1 House and garage - 197m² Patio - 17m² Yard - 8m²</p> <p>Unit 2 House and garage - 197m² Patio - 17m² Yard - 8m²</p> <p>Unit 3 House and garage - 190m² Patio - 17m² Yard - 8m²</p> <p>Unit 4 House and garage - 148m² Patio - 15m² Yard - 12m²</p> <p>Unit 5 House and garage - 148m² Patio - 15m² Yard - 12m²</p> <p>Total Units - 880m²</p>
<p>COVERAGE</p> <p>880m² / 2296m² = 38.33%</p>	<p>Plan prepared by: Thian Jansen Based on plans by: Thomas Leach Architects 2023/08/29</p> <p>All distances are approximate and subject to a survey</p> <p>Plan Number - 22.52/003 Tel: 028 313 1411 admin@wrapgroup.co.za</p> <p>Unit B, Standard House Corner of Royal and Dittie Uys Street Hermans, 7200</p>

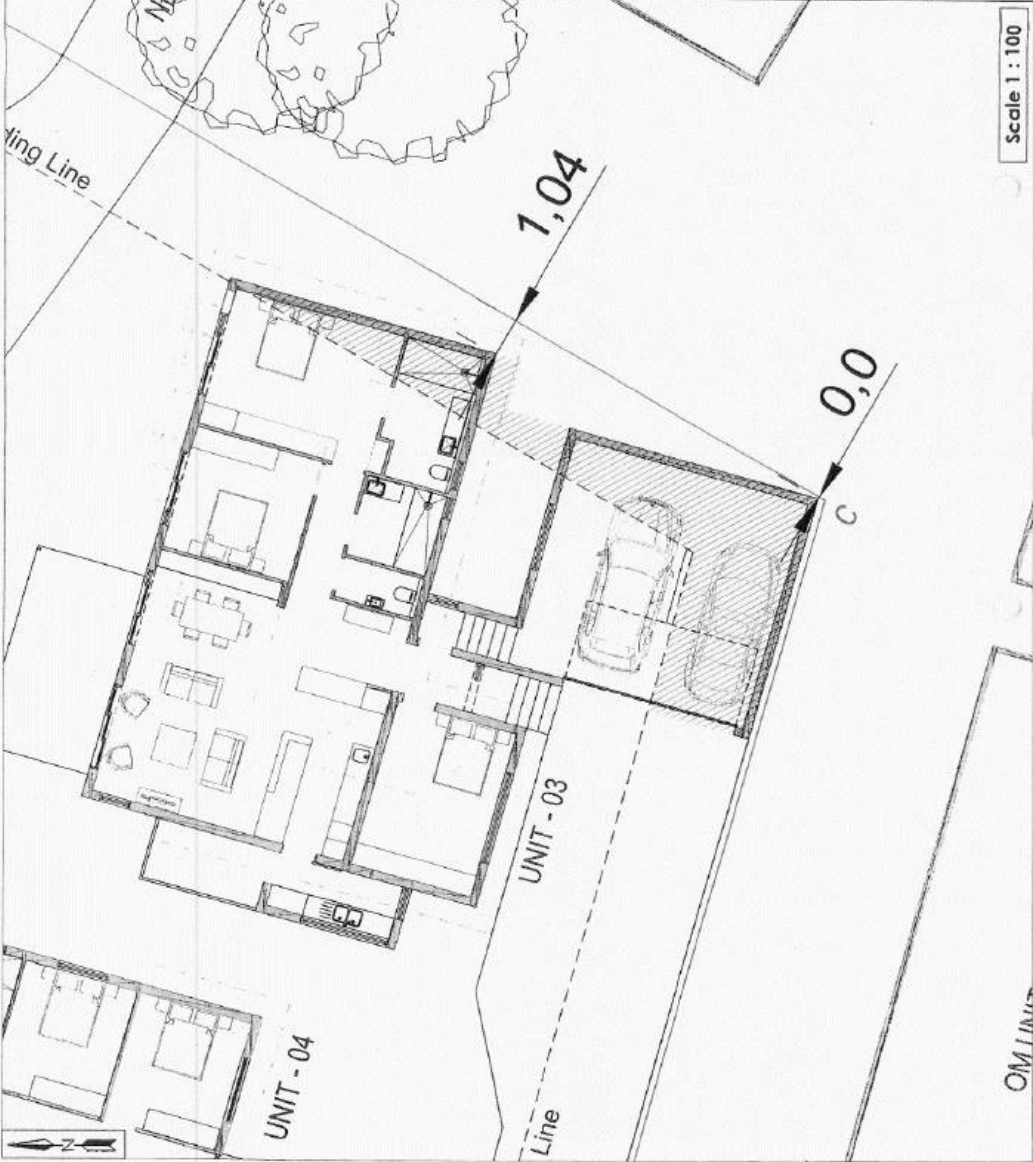




4.2 Inset Site Development Plan Erf 4443 Onrustvriër	3m Perimeter Building Line	Encroachment Area ±4m ²		Plan prepared by: Thion Jansen Based on plans by Thomas Leach Architects 2023/08/29	All distances are approximate and subject to a survey	Plan Number - 22.52/003 Tel: 028 313 1411 admin@wrapgroup.co.za	Unit 8, Standard House Corner of Royal and Dirck Uys Street Heimatus, 7200	 Project Office <small>Real Estate & Project Management</small>
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<p>4.3 Inset Site Development Plan Erf 4443 Onrustvliet</p>	<p>3m Perimeter Building Line</p>	<p>Encroachment Area ±37,8m²</p>	<p>Plan prepared by: Thion Jansen Based on plans by: Theonck Leach Architects 2023/08/29</p> <p>All distances are approximate and subject to a survey</p> <p>Plan Number: 22.52/003</p> <p>Tel: 023 313 1411 admin@wopgroup.co.za</p> <p>Unit B, Standard House Corner of Royal and Dikke Lys Street Hermanus, 7200</p>	 <p>Project Office Best Planning & Project Management</p>
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4.4 Inset Site Development Plan
Erf 4443 Onrustvler

3m Perimeter Building Line

Encroachment Area
±2.2m²



Plan prepared by: Thom Jansen
Based on plans by: Thomas Leach Architects
2023/08/26

All distances are approximate
and subject to a survey

Plan Number - 22.52/003

Tel: 028 313 1411

admin@wrapgroup.co.za

Unit B, Standard House
Corner of Koyal and
Dikke Lys Street
Hermannus, 7200



Project Office
Town Planning & Project Management



Scale 1 : 100

Annexure D 1/2

Loriaan Isaacs

From: Chairman O.R.H.A.- Voorsitter <onrusratepayers@gmail.com>
Sent: Thursday, 25 May 2023 13:11
To: Loretta Gillion
Cc: Celia Jacobs; Paul DeVilliers; Loriaan Isaacs
Subject: Fwd: Erven 4286 & 4443, Onrus River (Rez_Dep_Consent_Amend SDP_Servitude): request for comment
Attachments: letter of objection to FairCapes application for rezoning erven 444x.jpg

Dear Loretta, I attach a letter from one of our members who is an affected party the content of which ORHA fully endorses and supports.
 Kindly acknowledge receipt of this email.



Namens OnrusRivier Huiseienaars Assosiasie
 On behalf of Onrus River Homeowners Association

PLEASE NOTE OUR NEW EMAIL ADDRESS
NEEM ASB. KENNIS VAN ONS NUWE E-POS ADRES
info@orha.co.za

----- Forwarded message -----

From: Loriaan Isaacs <loriaanisaacs@overstrand.gov.za>
Date: Fri, 12 May 2023 at 11:09
Subject: Erven 4286 & 4443, Onrus River (Rez_Dep_Consent_Amend SDP_Servitude): request for comment
To: info@orha.co.za <info@orha.co.za>, Paul de villiers <paul.devilliers55@gmail.com>, Celia Jacobs <cajacinfo@orha.co.za>
Cc: Loretta Gillion <loretta@overstrand.gov.za>

Dear Sir / Madam

Attached please find a copy of the application for your attention. Kindly provide the Ratepayer Association's comments directly to Loretta Gillion (loretta@overstrand.gov.za) on or before **19 June 2023**.

NB: Kindly provide all comments in English. Your comments, as received, are copied straight into the Land Use Planning Reports.

Also note that notice will be available on the municipal webpage at the following link:
<https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

TP 25 MAY 2023



TP - A Theart
 (Hollivier)

FILE NO.	Erven 4286 & 4443 - HON
SCAN NO.	HON 4286
COLLABORATOR NO.	1860714

Concerns and Objections to the proposed rezoning of Erven 4443 and 4286 Onrustrivier. File22/55

R. Bouwer
 11 Onrus Manor
 Chanteclair Ave
 Onrus
 7200

To Whom it May Concern

I wish to lodge my concerns and objections to the abovementioned rezoning as I feel it will negatively impact on my rights and privileges and wellbeing as a Section Title holder within the Onrus Manor Retirement Village.

Preamble and Concern 1.

With reference to Point 3. BACKGROUND AND INTENT, I feel strongly that Fair Cape's application is in contravention of the prescriptions and requirements of the **Housing Development Schemes for retired Persons Act 65 of 1988**. Having purchased all the properties in Onrus manor and by purposely removing all other options but *life right* from the table, Fair Cape effectively gained outright control over the Body Corporate and the intention of having such governing body has lost its purpose.

Ultimately all decisions affecting the rights and wellbeing of the residents, now effectively lie with Fair Cape.

At the most recent AGM, it was stated by Fair Cape that having only 2 (two) Fair Cape representatives present, a quorum was formed as they now own the majority units. This flies in the face of democracy and of the intentions of the Act. By allowing five more town houses to be added under guise of the Sectional Title Act, I believe, will further aid and abet Fair Cape in their objective.

Objection 2: Refer point 9. SERVICES - Access and Egress

The internal road to be established means extending my Cul De Sac street, thus removing my casual parking as well as established plants and trees directly in front of my dwelling which forms part of the communal outdoor spaces at Onrus Manor, one of the advantages offered me by Sectional Title holder. This is unacceptable and most disturbing and could adversely affect the value of my investment.

Objection 3. Point 10 Need and Desirability.

Through traffic in front of my house will adversely affect my lifestyle as I am a keen gardener who will now have to forfeit that area of peace and quiet to facilitate a road which will result in increased traffic flow.

Signed: R. Bouwer

R. Bouwer

Date:

22 May 2023

25 MAY 2023

Loretta Gillion

Annexure E 1/2

From: WRAP <admin@wrapgroup.co.za>
Sent: Thursday, 13 July 2023 08:52
To: Loretta Gillion
Subject: RE: Applicant to reply to objection - Erven 4286 & 4443 Onrustrivier (4290/2022)
Attachments: SKMBT_36323071216540.pdf

Good morning Loretta

Attached please find the withdrawal of the objector.

Regards

Salomé Kotzé
 ADMINISTRATION

Email: admin@wrapgroup.co.za
 T: +27 (28) 313 1411 | M: +27 (82) 951 7868
 Unit B, Standard House, Cnr Royal and Dirkie Uys Street
 P O Box 1247, Hermanus, 7200
 www.wrapgroup.co.za



Project Office 20
 Town Planning & Project Management



TP. A. Ahoak
 (M. Olivier)

FILE NO.	Erven 4443 d
	4286 Onrustrivier
SCAN NO.	
	HON 4443
COLLABORATOR NO.	
	1886522

From: Loretta Gillion <loretta@overstrand.gov.za>
Sent: Thursday, June 22, 2023 2:57 PM
To: admin@wrapgroup.co.za
Subject: Applicant to reply to objection - Erven 4286 & 4443 Onrustrivier (4290/2022)

Dear Thian

ERF 4286, CHANTECLAIRE AVENUE AND ERF 4443, 27 CHANTECLAIRE AVENUE, ONRUS RIVER: APPLICATION FOR ZONING, CONSENT USE, DEPARTURE, EXEMPTION OF REGISTRATION OF A RIGHT OF WAY SERVITUDE AND AMENDMENT OF SITE DEVELOPMENT PLAN: WRAP PROJECT OFFICE ON BEHALF OF ONRUS MANOR BODY CORPORATE AND WESTERN OCEAN INVESTMENTS 161 CC

Your application submitted on 11 November 2022 refers.

Attached please find a copy of one (1) objection forthcoming the public participation process:

✚ **Onrustrivier Homeowners Association (R Bouwer - member)**

Kindly provide this Municipality with a written reply within 30 days of this email.

Arrangements can be made, prior to the 30 days lapsing, for a further period agreed upon with the Municipality for the submission of your response to the comment received.

Regards

19 JUL 2023

1

R. Bouwer
11 Onrus Manor
Chanteclair Ave
Onrus
7200

To Whom it May Concern

With reference to my Concerns and Objections to the proposed rezoning of Erven 4443 and 4286 File22/55, Onrustvriev, dated 22 May 2023, lodged in my capacity as Section Title holder within the Onrus Manor Retirement Village.

Upon consultation with Faircape, it was agreed that:

1. Faircape will make their best attempts to relocate the Liquid Amber tree that is in the planned road way, with the understanding that transplanting may have a 50% chance of success only.
2. Faircape will make provision for 1 informal parking space and if reasonably possible a second parking space within close proximity to unit 11 (section Number 7). It is acknowledged that such parking shall not be formally demarcated or registered as exclusive use areas but shall be capable of informally accommodating a vehicle or two.

I hereby wish to advise you that I retract my objections to the proposed rezoning of Erven 4443 and 4286 Onrustvriev, File22/55, based upon the above agreed allowances.

Signed: R Bouwer

R Bouwer

Date: 12-7-23

Annexure F 1/3

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, EXEMPTION OF
REGISTRATION OF A RIGHT OF WAY SERVITUDE & AMENDMENT OF SITE
DEVELOPMENT PLAN: ERVEN 4286 & 4443, ONRUS RIVER (4290/2022)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (**2022/2023**) is as follows:

Freehold erven:

Water	R 26 036.00 x 3	= R 78 108.00
Sewerage	R 17 555.00 x 3	= R 52 665.00
Roads	R 7 872.00 x 4	=R 31 488.00
Stormwater	R 9 082.00 x 1.53066	= R 13 901.45
Solid Waste	R 1 574.00 x 4	= <u>R 6 296.00</u>
TOTAL (inclusive of VAT)		= <u>R 182 458.45</u>

Note:

- a) **The above figures are estimates**
 - b) **The cost exclude investigation and connection fees.**
2. that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided;

3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:
 - 4.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 4.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 4.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
5. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;
6. that no on-street parking will be allowed;
7. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
8. that only the existing municipal service connections will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
9. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
10. that on-site parking facilities be provided as per Planning Schedule, and to the satisfaction of the Department: Operational Services;
11. that any additional and / or extended vehicle entrances will be for the owner's account;
12. that the proposed development on Erven 4286 & 4443 be provided with a central refuse collection facility, which must comply with the standards of the Department Services (Hermanus)
13. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be provided with the following is provided:
 - a. properly ventilated;
 - b. a cement floor;

- c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
14. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval.

p.p. *D. Hendriks*
DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES

29/05/2023
DATE

Annexure G 1/4



10 Jan Smuts Drive
Pinelands
7404

Gideon Rossouw
Cell: 0614193857
Email: Gideonr@openserve.co.za

YOUR REF : WWIP WONR1966 23
YOUR REF : Erf 4443

08 June 2023

Attention: Loriaan Isaacs
Overstrand municipality
16 Paterson Street
Hermanus
7200

Dear Sir /Madam

SERVICES AFFECTED

APPLICATION FOR WAYLEAVE : Rezoning, consent use, departure, exemption of registration of a right of way servitude and amendment of site plan - 27 Chanteclair ave, Onrus River

With reference to your application dated **12 May 2023**

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

2/4

As important cables are affected, please contact our representative Melt van As at telephone numb 0813637873/MeltVA@openseve.co.za at least 48 hours prior of commencement on construction work.

I hereby inform you that Openseve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

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

Approval is granted, subject to the following conditions.

As per sketch attached, Openseve infrastructure **will be affected**, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

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

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

All Openseve rights remain reserved.

Yours faithfully
Gideon Rossouw
FOR
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

PLANT AFFECTED : FIBRE AND COPPER

This wayleave, Reference Number WWIP_WONR1966_23 valid for 06 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Openserve plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and Melt van As/0813637873/MeltVA@openserve.co.za must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Openserve Plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Openserve immediately should the applicant locate any Openserve plant which is not indicated on the plans.
5. Should the applicant expose any Openserve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

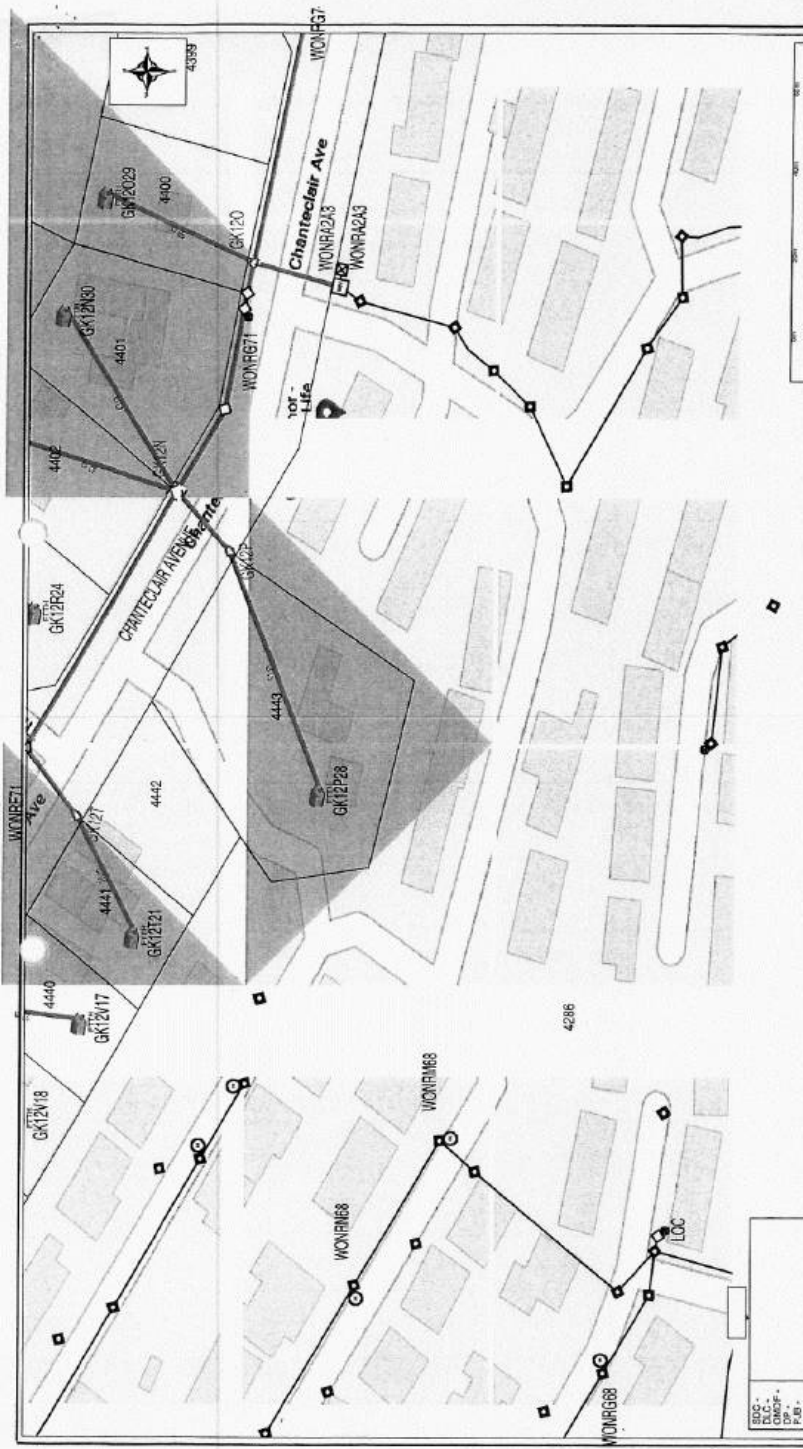
Date: 08 June 2023

By: Gideon Rossouw
For Regional General Manager

Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	
Optic Fibre Indicated in PINK on the plan	

The pipeline indicated (in Pink) contains OPTIC FIBRE cables.





Legend	
<input checked="" type="checkbox"/> Existing Manhole	<input checked="" type="checkbox"/> Existing SDC
<input checked="" type="checkbox"/> Planned Manhole	<input checked="" type="checkbox"/> Planned SDC
<input checked="" type="checkbox"/> To Be Abandoned Manhole	<input checked="" type="checkbox"/> To Be Recovered SDC
<input checked="" type="checkbox"/> Existing Jointing PJ	<input checked="" type="checkbox"/> Existing DLC
<input checked="" type="checkbox"/> Planned Jointing PJ	<input checked="" type="checkbox"/> Planned DLC
<input checked="" type="checkbox"/> To Be Abandoned Jointing PJ	<input checked="" type="checkbox"/> To Be Recovered DLC
<input checked="" type="checkbox"/> Existing PJ/J	<input checked="" type="checkbox"/> Existing P/Jay Joint
<input checked="" type="checkbox"/> Existing Indoor DP	<input checked="" type="checkbox"/> Existing Underground Route
<input checked="" type="checkbox"/> Planned Indoor DP	<input checked="" type="checkbox"/> Planned Underground Route
<input checked="" type="checkbox"/> To Be Recovered DP	<input checked="" type="checkbox"/> To Be Abandoned Underground Route
<input checked="" type="checkbox"/> Existing DP	<input checked="" type="checkbox"/> Existing Overhead Route
<input checked="" type="checkbox"/> Planned DP	<input checked="" type="checkbox"/> Planned Overhead Route
<input checked="" type="checkbox"/> To Be Recovered DP	<input checked="" type="checkbox"/> To Be Recovered Overhead Route
<input checked="" type="checkbox"/> Existing Pole	<input checked="" type="checkbox"/> Existing Mini OMD/J

Region	
Exchange area	Chris River
Drawn By	Gideon Roseau
Checked By	
Approved	
Details	

TELKOM REGIONAL EXECUTIVE	
Scale: 1:1000	
Date	06/05/2023
Project No.	RF 4443

44