

**MUNISIPALITEIT OVERSTRAND**  
**ERF 3710, BERGHOFVRYLAAN 2, ONRUSTRIVIER:**  
**AANSOEK OM ONDERVERDELING, HERSONERING,**  
**VERGUNNINGSGEBRUIK, AFWYKING EN BEPALING**  
**VAN 'N ADMINISTRATIEWE BOETE: INTERACTIVE**  
**STADS- EN STREEKSBEPLANNERS NAMENS PHD DE**  
**KOCK AND CM GUARRERA**

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 3710, Onrustrivier (die eiendom), vir die:

- **herosnering** ingevolge Artikel 16(2)(a) van die Verordening vanaf Gemeenskapone I na onderverdelings area om die volgende te skep:
  - Gedeelte A tot Gemeenskapone 1: Gemeenskapfasiliteite (CO1) doeleindes.
  - Gedeelte B tot Residensiële Sone 1: Enkelresidensiële (SR1) doeleindes.
  - Restant tot Vervoersone 2: Pad en Parkering (TR2) doeleindes.
- **onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening van die eiendom in 3 gedeeltes naamlik, 'n Gedeelte A (± 8212m<sup>2</sup>), 'n Gedeelte B (± 5016m<sup>2</sup>) en 'n Restant (± 9870m<sup>2</sup>).
- **vergunninggebruik** ingevolge Artikel 16(2)(o) van die Verordening om die bestaande transmissie apparaat op die eiendom te akkommodeer.
- **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die volgende te verslap:
  - noordelike boulyn van voorgestelde Gedeelte A vanaf 5m na 1m om die bestaande skool geboue te akkommodeer.
  - oostelike straatboulyn van voorgestelde Gedeelte A vanaf 5m na 2,8m om die bestaande transmissie apparaat te akkommodeer.
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir ongemagtigde grondgebruike soos hierbo genoem.

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

Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) voor of op **17 Januarie 2025**, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Olivier** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

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

Munisipale Kennisgewing nr 204/2024

**OVERSTRAND MUNICIPALITY**  
**ERF 3710, 2 BERGHOF DRIVE, ONRUST RIVER:**  
**APPLICATION FOR SUBDIVISION, REZONING,**  
**CONSENT USE, DEPARTURE AND DETERMINATION OF**  
**AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN &**  
**REGIONAL PLANNERS ON BEHALF OF PHD DE KOCK**  
**AND CM GUARRERA**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 3710, Onrust River (the property) for the:

- **rezoning** in terms of Section 16(2)(a) of the By-Law from Community Zone I to subdivisional Area to create the following:
  - Portion A to Community Zone 1: Community Facilities (CO1) purposes.
  - Portion B for Residential Zone 1: Single Residential (SR1) purposes.
  - Remainder for Transport Zone 2: Road and Parking (TR2) purposes.
- **subdivision** in terms of Section 16(2)(d) of the By-Law to subdivide the property into 3 portions namely; a Portion A (± 8212m<sup>2</sup>), a Portion B (± 5016m<sup>2</sup>) and a Remainder (± 9870m<sup>2</sup>).
- **Consent use** in terms of Section 16(2)(o) of the By-Law to accommodate the existing transmission apparatus on the property.
- **departure** in terms of Section 16(2)(b) of the By-Law to relax the following:
  - northern building line of proposed Portion A from 5m to 1m to accommodate the existing school buildings.
  - eastern street building line of proposed Portion A from 5m to 2,8m to accommodate the existing transmission apparatus.
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorized land uses as mentioned above.

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

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **17 January 2025**, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the **Town Planner, Mr. H. Olivier** at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Town Planning Department where they will be assisted by a municipal official in formulating their comments.

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

Municipal Notice No 204/2024

**UMASIPALA WASE-OVERSTRAND**  
**ISIZA 3710, 2 BERGHOF DRIVE, ONRUST RIVER:**  
**ISICELO SOKWAHLULA, UKUCANDWA NGOKUTSHA,**  
**IMVUME YOSETYENZISO, UKUNYENYISWA**  
**NOKUGQITYWA KWESOHLWAYO: ABAKWA-**  
**INTERACTIVE TOWN & REGIONAL PLANNERS**  
**EGAMENI LIKA-PHD DE KOCK NO-CM GUARRERA**

Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa Nokucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe ezi zicelo zilandelayo ngokumayela neSiza 3710, Onrust River (ipropathi) ukuze kwenziwe oku:

- **ukucanda ngokutsha** ngokutsha ngokweCandelo 16(2)(a) loMthetho kaMasipala ukusuka kwiNgingqi Yoluntu I ukuya kuMmandla owahlulahluliweyo ukuze kwenziwe oku kulandelayo:
  - Inxalenye A ukuya kwiNgingqi Yoluntu 1: Iinjongo ezenzelwe Izakhiwo Zoluntu (CO1):
  - Inxalenye B ukuze ibe yiNgingqi Yokuhlala 1: Iinjongo ezenzelwe Iindawo Zokuhlala (SR1).
  - Indawo eshiyekileyo ibe yiNdawo Yothutho 2: Iinjongo zokwenza Indlela Nendawo Yokumisa Izithuthi (TR2);
- **ukwahlulahlula** ngokumayela neCandelo 16(2)(d) loMthetho kaMasipala ukuze kwahlulwe ipropathi ibe zinxalenye ezi-3 ezime ngolu hlobo; Inxalenye A (± 8212m<sup>2</sup>), Inxalenye B (± 5016m<sup>2</sup>) ize iNtsalela ibe (± 9870m<sup>2</sup>).
- **Isicelo sokusebenzisa** ngokumayela neCandelo 16(2)(o) loMthetho kaMasipala ukulungiselela izixhobo zosasazo esele zikhona kwipropathi.
- **ukunyenysiswa** ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenysiswe oku kulandelayo:
  - umgca wesakhiwo okwicala elingasemntla ekucetywa ukuba ibe yiNxalenye A ukusuka ku-5m ukuya ku-1m ukulungiselela izakhiwo zesikolo esele zikhona.
  - umgca wesakhiwo okwicala elingasempuma ekucetywa ukuba ibe yiNxalenye A ukusuka ku-5m ukuya ku-1m ukulungiselela izixhobo zosasazo esele zikhona.
- **ukugqitywa kwesohlwayo emasibhatalwe** ngokweCandelo 16(2)(q) loMthetho kaMasipala ngenxa yokusetyenziswa komhlaba ukwenza izinto ekungavumelekanga ukuzenza njengoko kuchaziwe ngasentla.

Iinkukacha ezimayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evelkini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: LeZicwangciso zeDolophu kwa-16 Paterson Street, Hermanus.

Naziphi na izimvo ezimayela nesi siphakamiso mazibhalwe ngokwezibonelelo zeSolotya lama51 nelama52 loMthethwana zifike kwaMasipala (16 Paterson Street, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi kolwesihlanu, **17 EyoMqungu 2025**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo, kunye nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMchwangcisi weDolophu, uMnu. H. Olivier kwa-028-3138900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe LeZicwangciso zeDolophu apho igosa likamasipala liza kumnceda ukubhala izimvo nokuhlomla ngokusemthethweni.

uMphathi kaMasipala, Umasipala iOverstrand, Ibhokisi yePosi 20, HERMANUS, 7200

Inombolo yesaziso 204/2024



## 1. Introduction

**a. Brief**  
Refer to **Annexure A** for the Power of Attorney.  
Interactive Town and Regional Planning was appointed by the owner of the property, Pieter Hendrik De Chatillon De Kock & Cecily May Guarrera to prepare and submit an application for subdivisions, rezoning, consent use, departures and the determination of an administrative penalty in terms of the relevant legislation.

**b. Background & Development Objective**  
The application area consists of two unconnected components. The one component (north) accommodates an existing school (Northcliff House College), three dwelling units, a transmission apparatus and associated structures and the second (southern) component consists of a portion of the R43 provincial road.  
  
The development objective is to separate the application area into three portions. Portion A is proposed to accommodate the existing school, a (1) dwelling and a security transmission tower and associated structures. Portion B is proposed to accommodate two existing dwelling units with outbuildings. The remainder portion accommodates a portion of the regional road.  
  
Subsequently application is inter alia made for the subdivision and the rezoning of the application area as follows:

Portion	Area	Land Use	Zoning
Portion A	8212m <sup>2</sup>	Place of instruction, dwelling & transmission apparatus	Community Zone 1: Community Facilities
Portion B	5016m <sup>2</sup>	Dwelling House & second dwelling (±100m <sup>2</sup> )	Residential Zone 1: Single Residential
Remainder	±9870m <sup>2</sup>	Regional Road	Transport Zone 2: Road and Parking



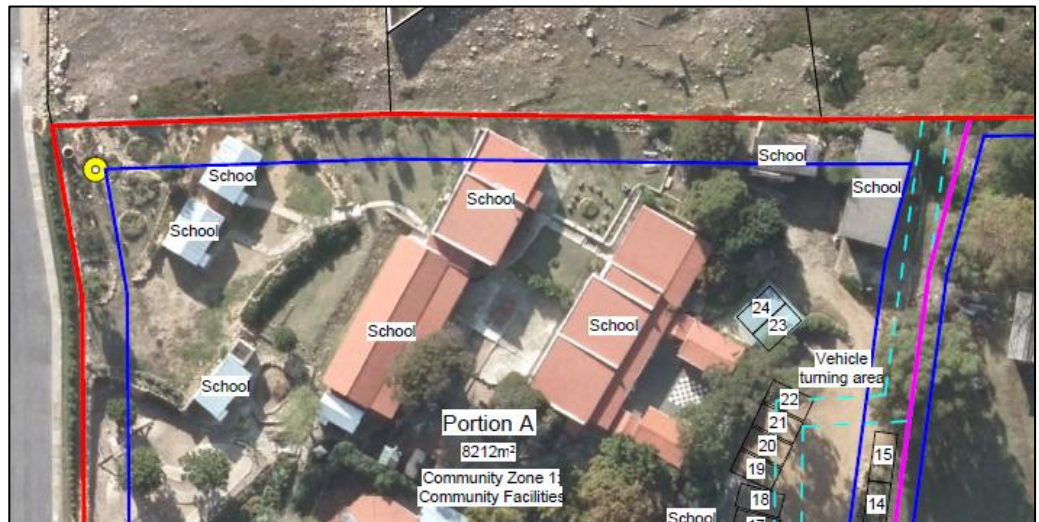
**Figure 1: Subdivision and rezoning illustration**



Pieter Hendrik De Chatillon De Kock & Cecily May Guarrera inherited the property without any records of approved building plans. No building plans are available at the local authority as well.

The proposed subdivided Portion A contains an existing transmission security tower as well as several existing buildings exceeding building lines.

As the local authority does not have building plans available for the subject property, the statutory status of buildings exceeding building lines as well as approval of the transmission tower could not be verified. This application therefore include an application for a consent use for the transmission security tower as well as for building line departures for the existing buildings encroaching the building lines, in order to ensure the legality of all existing structures.



**Figure 2: Building line departure and consent use illustration**

**c. Application Proposal**

Application is made for the following:

- Rezoning of the Remainder Erf 3710 Onrus from Community Zone 1 and Transport Zone 2 to Subdivisional Area.
- Subdivision of the Remainder Erf 3710 Onrus into 3 portions as follows:
  - Portion A: 8212m<sup>2</sup>
  - Portion B: 5016m<sup>2</sup>
  - Remainder: 9870m<sup>2</sup>
- Rezoning of subdivided Portion A from Subdivisional Area to Community Zone 1: Community Facilities.
- Rezoning of subdivided Portion B from Subdivisional Area to Residential Zone 1: Single Residential.
- Rezoning of the subdivided Remainder from Subdivisional Area to Transport Zone 2: Road and Parking.
- Consent use for a transmission apparatus on subdivided Portion A to accommodate a transmission security tower.
- Departure to relax the northern common building line of subdivided Portion A from 5m to up to 1m to allow for the existing school buildings.
- Departure to relax the eastern street building line of subdivided Portion A from 5m to 2.8m to allow for the existing transmission apparatus.
- The determination of an administrative penalty for the transmission apparatus and school structures exceeding building lines.

## 2. The Application

<b>a. Analysis: Title Deed</b>  Refer to <b>Annexure D</b> for the Conveyancer Certificate.	The Conveyancer Amelia Galvin from Virtual Lawyers issued a certificate confirming that no restrictive title deed conditions exist against the proposal on the Remainder of Erf 3710 Onrusrivier.
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<b>b. Analysis: Development Criteria:</b>  The development parameters for Erf 3710 Onrusrivier, Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:
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### Portion A

Parameters		Existing Zoning:	Proposal	Comments
<b>Zoning</b>		Community Zone 1: Community Facilities	Community Zone 1: Community Facilities	Consistent
<b>Primary Use</b>		Clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction and place of worship	Place of instruction	Consistent
<b>Consent Uses</b>		Dwelling units, cemetery, conference facility, dwelling house, hospital, institution, recreational facilities, residential building, transmission apparatus and urban agriculture.	Dwelling units & transmission apparatus	Consent use already approved  Consistent
<b>Floor Factor</b>		2	± 0.16	Consistent
<b>Coverage</b>		60%	±16%	Consistent
<b>Height</b>		10,5	>10.5m	Consistent
<b>Building lines</b>	<b>Street</b>	5m	>5m  2.8m for transmission apparatus	<b>Application includes a departure</b>
	<b>Common</b>	5m	±1m	<b>Application includes departures</b>
<b>Parking</b>		1 bay per classroom or office plus a stop-and-drop facility  2 bays per dwelling unit	1 bay per classroom or office plus a stop-and-drop facility &  2 bays per dwelling unit  1 dwelling, 3 offices & 18 classrooms  23 bays required & 24 bays provided	Consistent

Portion B					
Parameters	Existing Zoning:	Proposed Zoning	Proposal	Comments	
Zoning	Community Zone 1: Community Facilities	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential	Application includes a rezoning	
Primary Use	Clinic, crèche, day care centre, multi-purpose centre, place of assembly, place of instruction and place of worship	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering.	Dwelling house	Consistent	
Consent Uses	Dwelling units, cemetery, conference facility, dwelling house, hospital, institution, recreational facilities, residential building, transmission apparatus and urban agriculture.	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture.	N/A	Consistent	
Floor Factor	2	N/A	±0.12	Consistent	
Floor Area	N/A	120m <sup>2</sup> for a second dwelling unit	±103m <sup>2</sup> for the second dwelling unit	Consistent	
Coverage	60%	50%	±12%	Consistent	
Height	10,5	8m	>8m	Consistent	
Building lines	Street	5m	4m	>4m	Consistent
	Side	5m	2m	>2m	Consistent
	Rear	5m	2m	2m	Consistent
Parking	2 bays per dwelling house 1 bay per second dwelling	2 bays per dwelling house 1 bay per second dwelling	1 dwelling house & 1 second dwelling 3 bays required 3 bays provided	Consistent	
Remainder					
Parameters	Existing Zoning:		Proposal	Comments	
Zoning	Transport Zone 2: Road and Parking		Transport Zone 2: Road and Parking	Consistent	
Primary Use	Public road and public parking		Public Road	Consistent	
c. Application:  The application form is attached as Annexure D.	<p>Application is subsequently made in terms of Chapter IV, Sections 16(2)(a),(b),(d)&amp;(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, for:</p> <ul style="list-style-type: none"> <li>• Rezoning of the Remainder Erf 3710 Onrus from Community Zone 1 and Transport Zone 2 to subdivisional area.</li> <li>• Subdivision of the Remainder Erf 3710 Onrus into 3 portions as follows: <ul style="list-style-type: none"> <li>○ Portion A: 8212m<sup>2</sup></li> <li>○ Portion B: 5016m<sup>2</sup></li> <li>○ Remainder: 9870m<sup>2</sup></li> </ul> </li> <li>• Rezoning of subdivided Portion A from Subdivisional Area to Community Zone 1: Community Facilities.</li> </ul>				

	<ul style="list-style-type: none"><li>• Rezoning of subdivided Portion B from Subdivisional Area to Residential Zone 1: Single Residential.</li><li>• Rezoning of the subdivided Remainder from Subdivisional Area to Transport Zone 2: Road and Parking.</li><li>• Consent use for a transmission apparatus on subdivided Portion A.</li><li>• Departure to relax the northern common building line of subdivided Portion A from 5m to up to 1m to allow for the existing school buildings.</li><li>• Departure to relax the eastern street building line of subdivided Portion A from 5m to 2.8m to allow for the existing transmission apparatus.</li><li>• The determination of an administrative penalty for the transmission apparatus and school structures exceeding building lines.</li></ul>
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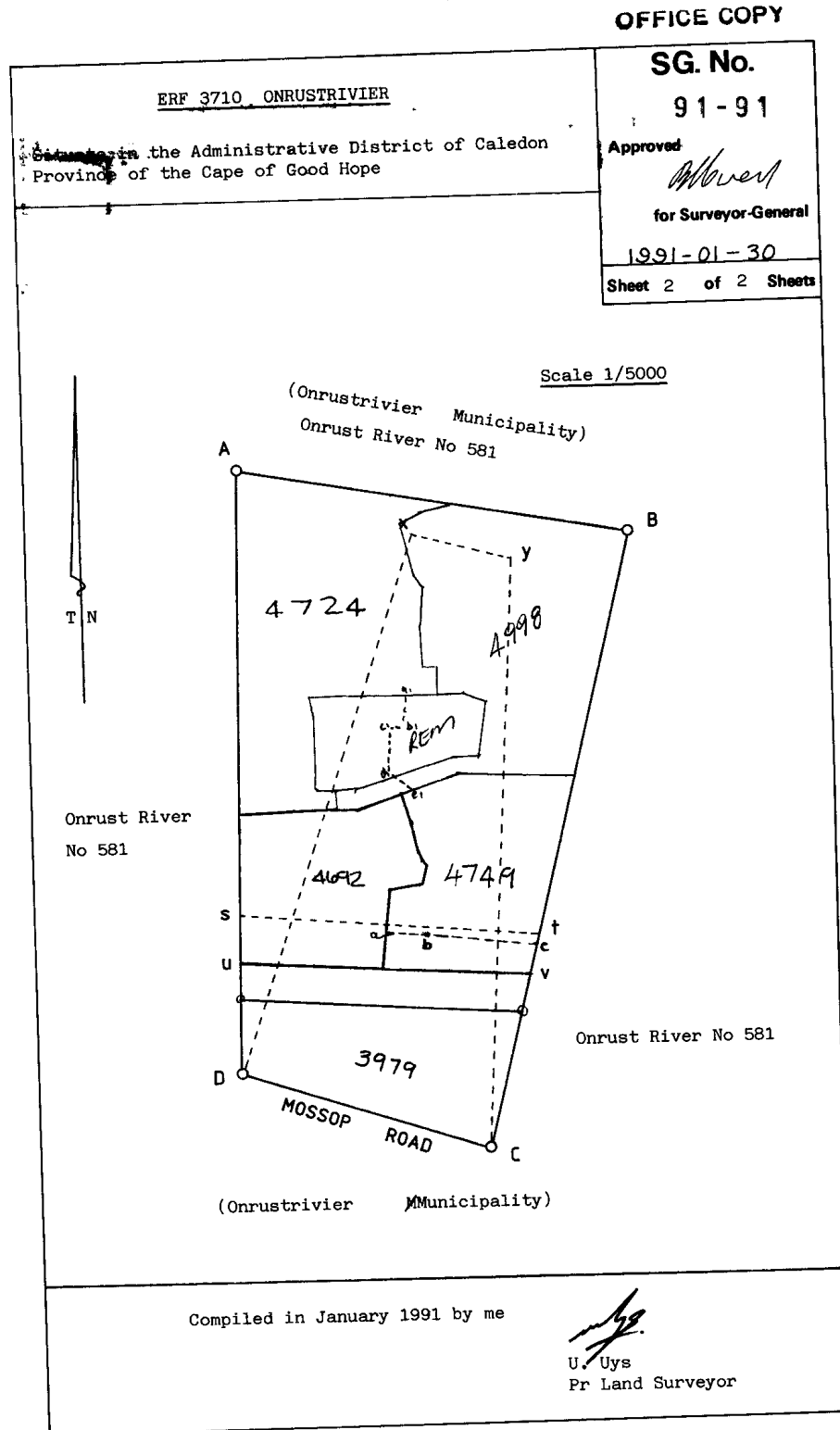
### 3. Contextual Site Information

a. **Property Description**

Refer to **Annexure E** for the SG Diagrams, **Annexure B** for the Title Deed of Erf 3710 Onrusriver and **Annexure M** for the title deeds and list of owners of Milkwood Estate.

Property	Extent	Title Deed	Registered Owner
Remainder of Erf 3710 Onrusriver	1.326ha	T57672/2022	Pieter Hendrik De Chatillon De Kock & Cecily May Guarrera

The following Surveyor General Plans reflect the application site:





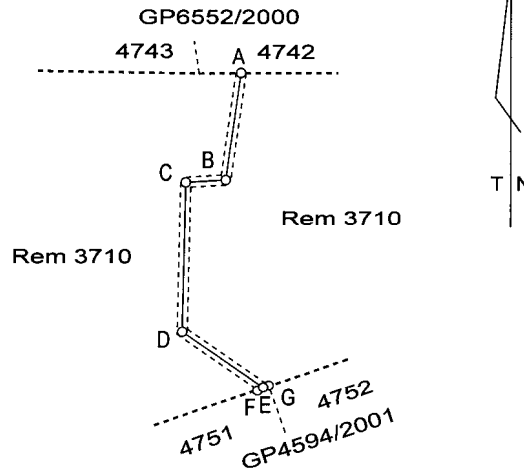
SPRONK LAND SURVEYORS

SERVITUDE DGM.

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES Y System: WG19° X		S.G. No.
		Constants:		± 0,00	+3800 000,00	2358/2003
AB	32,43	7 58 30	A	-15 701,86	+8 560,36	Approved <i>[Signature]</i> for SURVEYOR- GENERAL 2003-07-02
BC	11,95	87 21 50	B	-15 697,36	+8 592,48	
CD	44,98	1 05 40	C	-15 685,42	+8 593,03	
DE	29,25	304 51 00	D	-15 684,56	+8 638,00	
			E	-15 708,56	+8 654,71	
INDICATORY DATA						
EF	1,18	70 53 50	F	-15 707,45	+8 655,10	
EG	1,47	250 53 50	G	-15 709,95	+8 654,23	
		1AC19Φ		-15 035,06	+8 933,17	
		42AC19Φ		-18 197,60	+9 346,86	

Description of Beacons

- A, F, G : 12mm Round Iron Peg
- B, C, D : Centre of manhole cover.
- E : Not beacons



Scale 1:1500

The line A B C D E represents the middle of a 3.00m wide sewer servitude over the Remainder of Erf 3710 Onrustrivier as shown situate in the Overstrand Municipality

Administrative District of Caledon  
Province of Western Cape

Surveyed in April-May 2003  
by me

P.F.SPRONK. *[Signature]*  
Professional Land Surveyor  
Registration Number PLS-0779

APPROVED IN TERMS OF SECT. 25  
OF ORD. 15/1953  
REF. ON 15/3/3  
DATE 2 June 2003

EXEMPT FROM PROVISIONS OF ACT  
70 OF 1970  
SECTION 1(a)

This diagram is annexed to No. d.d. i.f.o. Registrar of Deeds	The original diagram is S.G. No. 91/1991 Transfer 2260/1995 Grant	File S/10350/8 S.R. E.1153/2003 G.P. Comp. AI-3CB/X24(438) AI-3CBA (3369) LPI C0130016
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Figure 3: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F.

**Regional Context:**

Within the regional context, the application area is located within Onrus North. Onrus is located approximately 5km west of the Hermanus CBD.

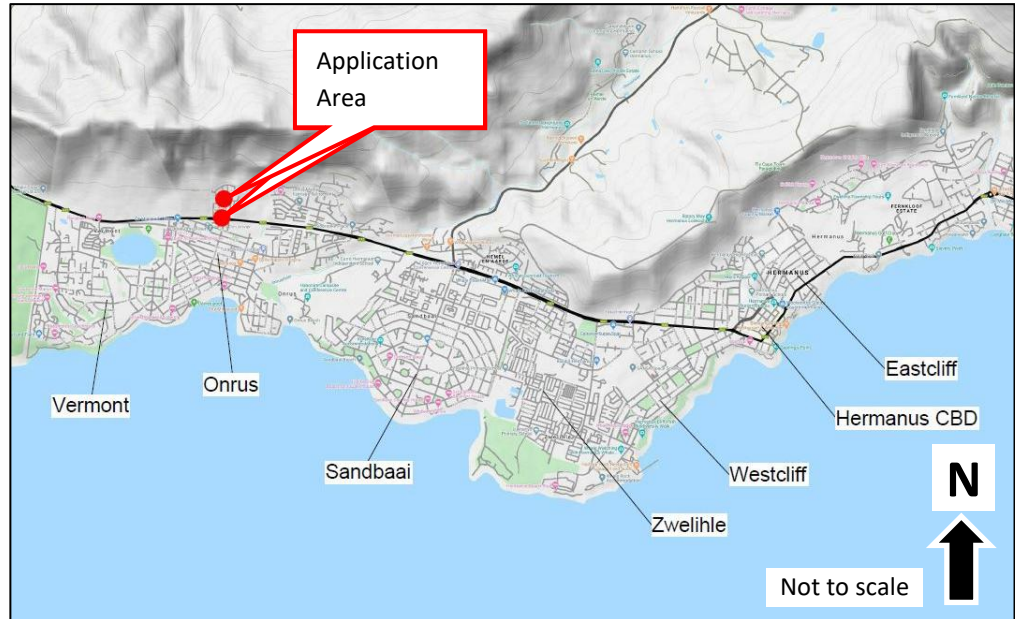


Figure 4: Locality Plan – Regional Context

**Local Context:**

Within the local context the application area consists of a previous subdivisional remainder with two components. The one component accommodates a school and dwelling units which is located at 2 Berghof Drive. The other component consists of a portion of the R43 regional road.

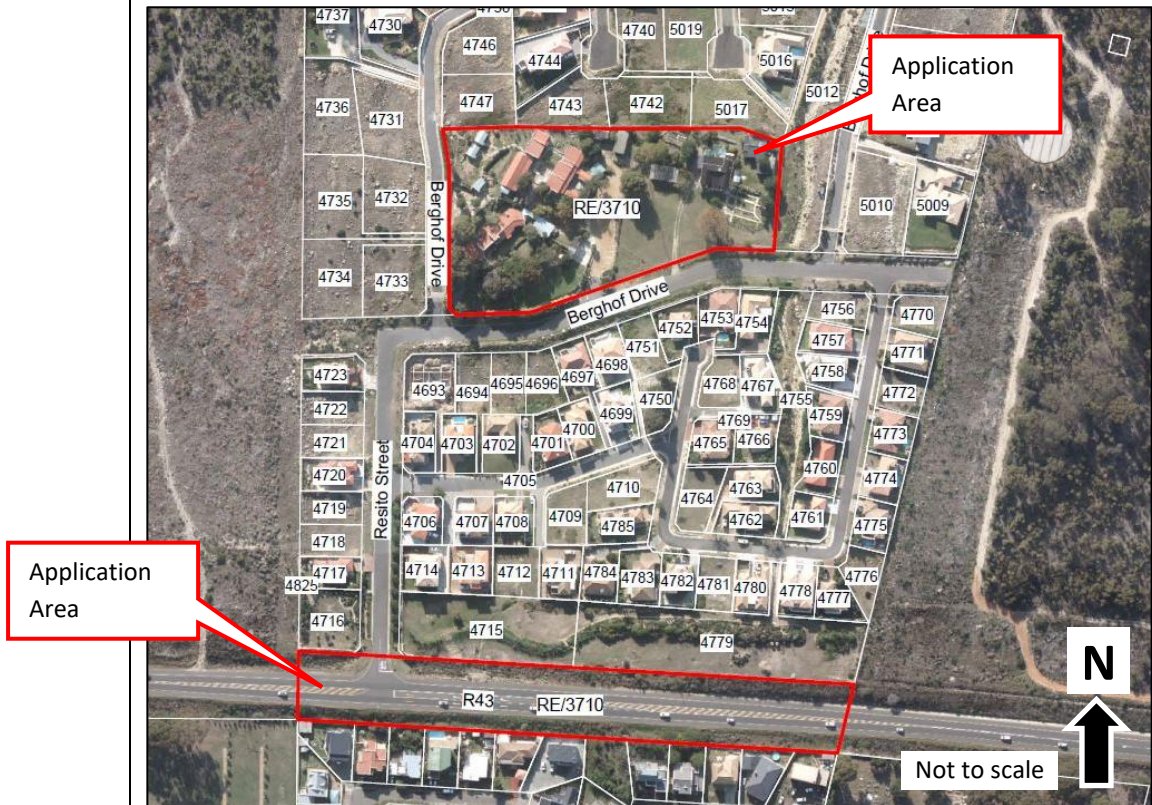


Figure 5: Locality Plan – Local Context



**c. Land Use:** The land-uses located on northern part of the Remainder of Erf 3710 Onrusrivier is used for a school, dwelling units with outbuildings as well as security transmission tower. The western side of this northern component is used for a school, a dwelling unit and a transmission tower whilst the eastern side is used for residential purposes. The surrounding land uses consist of residential erven, some with dwellings and other vacant erven. The southern component is a road. No change in land use is proposed. The proposal is consistent with the land use off the area.

Refer to the Land Use Plan attached as **Annexure H**.



**Figure 6: Land Use Plan extract**

**d. Zoning:** The northern component of the application area is zoned Community Zone 1: Community Services, while the southern component is zoned Transport Zone 2: Road and Parking. The erven surrounding the northern component are zoned Residential Zone 1: Single Residential. The proposal is to rezone a portion of the northern component to Residential Zone 1: Single Residential but retaining the remainder of the northern component as Community Zone 1: Community Services and the southern component as Transport Zone 2. The proposal is consistent with the zoning of the area.



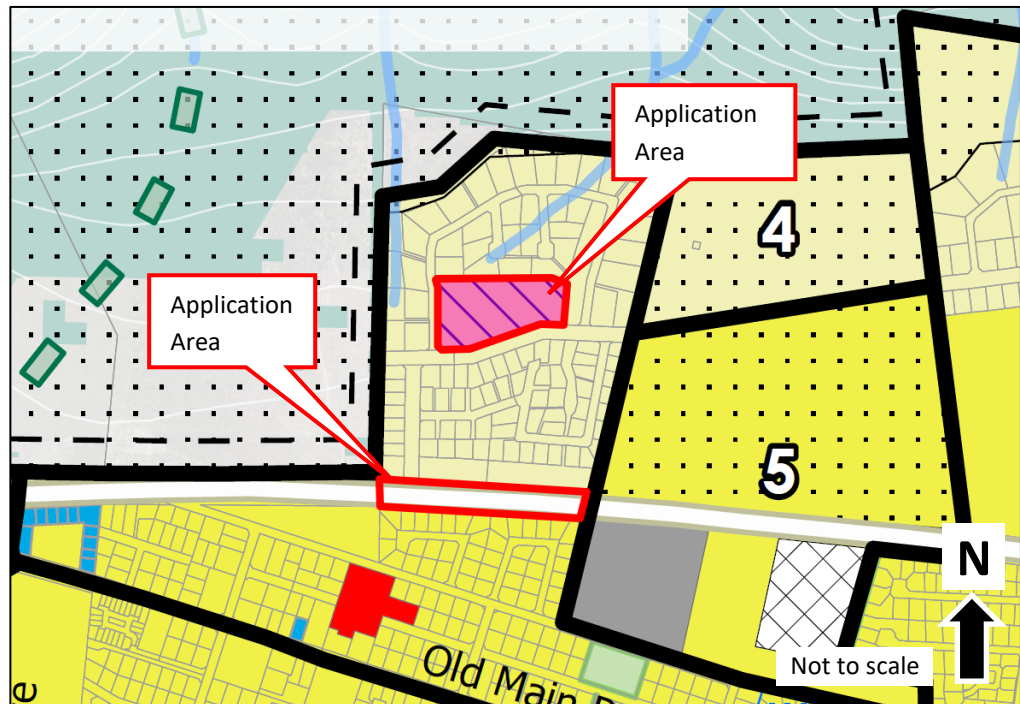
**Figure 7: Zoning map extract**

**e. Spatial Planning Policy**

The application area is subject to inter alia the following planning policies:

**i. Overstrand Growth Management Strategy, 2020**

In terms of the Overstrand Growth Management Strategy, the northern component is a “Primary & Secondary School”, within a “Densification Zone less than 10 dwelling units per hectare”. The southern component consists of an existing road. The density of the proposed residential erf is consistent with the Overstrand Growth Management Strategy, 2020 at 4 dwelling units per hectare.



**Figure 8: Growth Management Strategy 2020 extract**

**1. SENSITIVE AREAS**

- CBAs (Composite)
- Sensitive Development Area (Composite: HPOZ and EMOZ)
- Ecological Corridor
- Open Spaces
- Non-Perennial River

**2. DEVELOPMENT CATALYSTS**

- Commercial (Developed)

**3. DENSIFICATION GRADING**

- Densification Zone less than 10 DU/H
- Densification Zone 10-20 DU/H
- Densification Zone 20-30 DU/H
- Densification Zone more than 30 DU/H

**4. COMMUNITY FACILITIES**

- Cemetery
- Worship
- Government, Municipality, Utility
- Primary & Secondary School

**5. OTHER**

- Planning Unit (1-12)
- Road
- Cadastral
- Urban Edge

**II. Overstrand Municipal Spatial Development Framework, 2020**

The application is located in an urban development area. No change in land use is proposed.



Figure 9: Overstrand Municipal Spatial Development Framework, 2020 extract

**Conclusion:**

Subsequently the proposed development is considered consistent with the requirements of the spatial development policies of the Overstrand Municipality.

**f. Services**

As no new structures or additional land uses are proposed and this application does not increase the services demand. The following in terms of services should be noted:

- The proposed development doesn't need any additional service capacity as the current land uses and their usage are already accommodated within the current municipal services networks.
- Water – The development is already connected to the municipal water network. Separate and individual service connections are possible from Berghof Street.
- Sewer- The development is already connected to the municipal sewer network. Separate and individual service connections are possible from Berghof Street.
- Stormwater – The current stormwater run-off system will remain in place. No additional upgrades are required.



## 4. Motivation

### Motivation for the application:

Refer to **Annexure I** for the Site Plan.

#### I. Introduction:

The application area consists of two unconnected erven which both consists of remainders of a previous subdivision. The northern erf is the primary focus of this application and accommodate an existing school, three dwelling units, a transmission security tower (transmission apparatus) and associated structures. The southern remainder consists of a portion of the R43 public regional road.

#### II. Proposal

The development objective is to separate the application area into three portions. Portion A is proposed to accommodate the school, a (1) dwelling unit and a transmission security tower and also associated and school related structures. Portion B is proposed to accommodate two dwelling units with outbuildings and the remainder is proposed to accommodate a portion of the R43 regional road. The regional road portion is proposed to be transferred to Province.

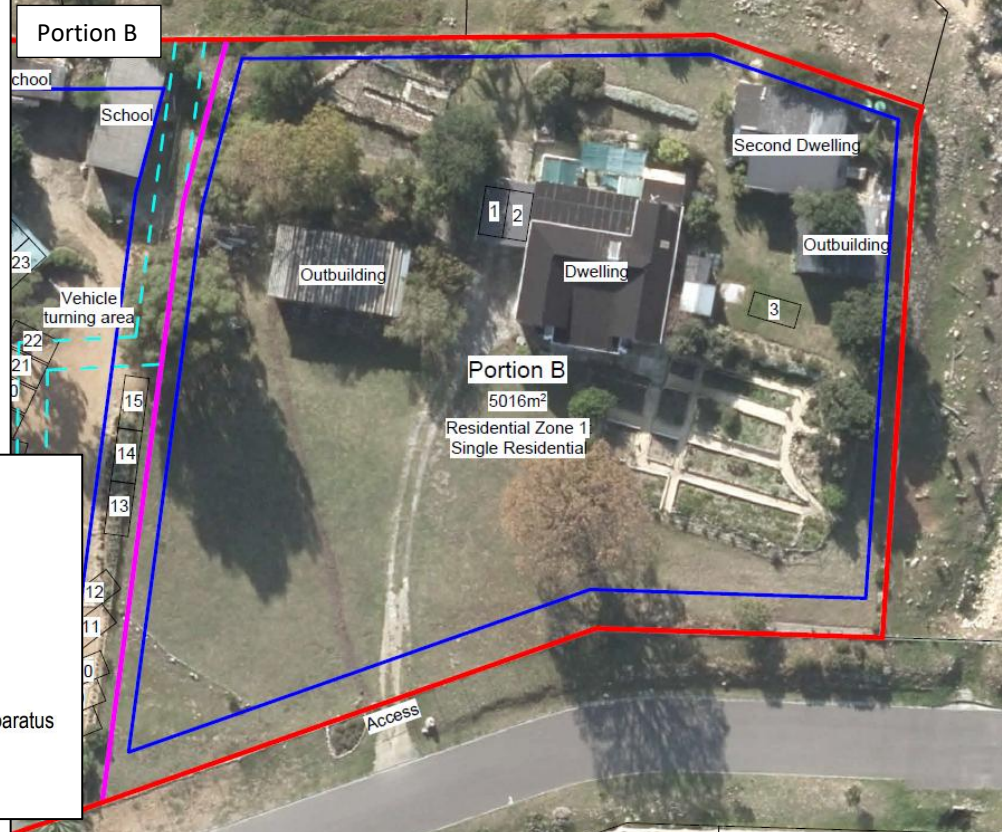
Subsequently application inter alia made for the subdivision and the rezoning of the application area as follows:

Portion	Area	Land Use	Zoning
Portion A	8212m <sup>2</sup>	Place of instruction, dwelling & transmission apparatus	Community Zone 1: Community Facilities
Portion B	5016m <sup>2</sup>	Dwelling House & second dwelling (±100m <sup>2</sup> )	Residential Zone 1: Single Residential
Remainder	±9870m <sup>2</sup>	Regional Road	Transport Zone 2: Road and Parking



Figure 10: Application Proposal illustration





- Application Area
- Subdivision Lines
- Building Lines
- Servitude
- Transmission Apparatus
- Parking bays

Figure 11: Site Plan extract

**Subdivision into 3 portions**

The application includes the subdivision of the application area into three portions, namely Portion A, being 8212m<sup>2</sup>, Portion B, being 5016m<sup>2</sup> and the Remainder which is 9870m<sup>2</sup>.

The proposed remainder to the south contains a portion of the existing R43 regional road which is proposed to be transferred to province. This portion is the result of historical subdivisions of previous erven.

Both the two northern proposed portions are larger than the average erven in the area. The erven to the south of the northern component are approximately 500m<sup>2</sup> and the erven to the north, east and west are approximately 1000m<sup>2</sup>.

This application does not include a change of building structures and will therefore not impact on density.

Both proposed northern portions obtain existing direct access from Lobelia Street in Berghof. The subdivision will therefore also not impact on the access to these proposed subdivided erven.

The existing structures on the application area are serviced and the proposed subdivision will not have an impact on the services.

The subdivision line on the northern component is proposed adjacent to a services servitude that serves the properties to the north of the application area.

Sufficient parking is proposed on both Portions A & B.

**Proposed Rezoning**

The application includes the rezoning of subdivided Portion B from Community Zone 1: Community Facilities to Residential Zone 1: Single Residential.

The existing land use on proposed subdivided Portion B consists of a dwelling house and second dwelling with outbuildings which was historically accordingly approved. The second dwelling is approximately 103m<sup>2</sup>, thus complying with the criteria of a second dwelling.

The surrounding residential properties are zoned Residential Zone 1. The proposed rezoning to Residential Zone 1 is the most appropriate zoning and is consistent with the zoning of the area.

The proposed subdivided Portion A will remain Community Zone 1, since it contains a school (Place of Instruction) which is accommodated under the existing zoning.

The proposed remainder will also remain Transport Zone 2.

**Consent Use for a transmission apparatus**

Application includes a consent use for an existing transmission apparatus for the purposes of a transmission security tower.

The transmission security tower apparatus is approximately 10m in height accommodating dishes and devices (refer to the adjacent photograph) serving the local Berghof community and surrounding suburbs by providing wireless transmission for home security purposes.

The transmission tower is 5m from the northern side boundary and 2.8m from the street boundary.

The tower was installed in 2018 by a local security company.





**Building line departures**

The application includes building line departures to allow for the existing school buildings and transmission security tower.

Application for the Departure to relax the northern common building line of subdivided Portion A from 5m to up to 1m to allow for the existing school buildings.

According to the owners, the majority of the school buildings were constructed over 20 years ago, prior to the surrounding residential developments, including three of the four school buildings exceeding the northern side building line. A classroom was also added in 2016 which exceeds the northern side building line.

All school buildings exceeding building lines are single storey and are on a steep slope, thus not having a negative effect on views or privacy of neighbouring properties.

The building closest to the side boundary is still 1m from the boundary and buildings are at a non-perpendicular angle, thus allowing access around all buildings for maintenance, potential services and emergency access.

The school buildings exceeding building lines significantly contributes to the functionality of the school and thus the education of various students.

2016 Classroom



Figure 12: Arial image overlay showing structures exceeding building lines





**Figure 13: Photos of buildings exceeding building lines**

Departure to relax the eastern street building line of subdivided Portion A from 5m to 2.8m to allow for the existing transmission apparatus.

The existing transmission security tower is located 2.8m from the eastern private road boundary and 5m from the northern side boundary.

The tower is made of a grey, mostly permeable triangular truss transmission tower, approximately 10m in height, containing white and grey dishes and devices.

The transmission tower serves the surrounding community by providing wireless connection to various security devices such as security cameras and sensors.



**Figure 14: Aerial image overlay showing transmission tower location**

**Determination of an administrative penalty**

The owners inherited the property in 2022, without any records of approvals or building plans. The Municipality does not have building plans available, thus the approvals of buildings and structures could not be verified.

The application area contains an existing transmission tower as well as 4 buildings exceeding building lines.

Due to the existing structures that do not comply with the zoning scheme criteria, the application is for a determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, as follows:

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

(a) The nature, duration, gravity and extent of the contravention;

Three of the four school buildings exceeding the building lines were built over 20 years ago prior to the surrounding development. A classroom was added in 2016 which exceeds the northern side building line which is approximately 1m from the boundary line. The area of the classroom constructed in 2016 exceeding the side building line is approximately 9m<sup>2</sup>.

The transmission tower is a grey truss tower of approximately 0.5m in diameter and approximately 10m in height.

The transmission tower was erected in 2018 according to the owners.

(b) The conduct of the person (allegedly) involved in the contravention;

The structures exceeding building lines were erected by a previous owner and therefore the conduct and circumstances thereof could not be determined.



	<p>(c) <u>Report by a quantity surveyor in matters of unauthorised building/construction:</u></p> <p>The structures were erected by a previous owner and approvals could not be verified. The waiving of an administrative penalty is therefore requested. As a result a quantity surveyor report has not been obtained.</p> <p>(d) <u>Whether the unlawful conduct was stopped</u></p> <p>This application includes a consent use and building line departures to legalise the potentially unlawful conduct and therefore the conduct / structures remains and is in use.</p> <p>(e) <u>Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law</u></p> <p>We are not aware of any previous contraventions other than stated in this application.</p> <p><b>III. Desirability</b></p> <ul style="list-style-type: none"> <li>• This application does not impact on the existing land use or structures as no changes are proposed.</li> <li>• The proposed erf sizes are compatible with the erf sizes of the area.</li> <li>• The proposed zoning is compatible and consistent with the zoning of the area.</li> <li>• The proposal does not impact on access.</li> <li>• The proposal does not impact on services.</li> <li>• Sufficient parking is proposed.</li> <li>• The buildings exceeding building lines does not affect the privacy or views of the neighbouring properties.</li> <li>• The structures exceeding building lines do not negatively impact on access, services, safety or noise.</li> <li>• The structures exceeding building lines provides valuable services to the community, namely communication and internet services as well as education for primary and secondary school children.</li> </ul> <p><b>IV. Planning Principles</b></p> <p>In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles has been applied to the application site:</p> <p>1) <b>Spatial Justice</b> which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.</p> <p><b>Possible results of the development</b></p> <p>No additional land uses or structures are proposed by this application and therefore this application will not impact on spatial justice.</p> <p>The proposal is consistent with the principle of spatial justice.</p> <p>2) <b>Spatial Sustainability</b> which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.</p> <p><b>Possible results of the development</b></p> <p>The application proposal is for the subdivision and rezoning of an existing developed property and therefore will not impact on valuable agricultural land, environmentally sensitive and biodiversity rich areas or scenic and cultural landscapes.</p> <p>The proposal is consistent with the principle of spatial sustainability.</p> <p>3) <b>Spatial Efficiency</b> which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.</p>
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	<p><b>Possible results of the development</b>  The application does not impact on spatial efficiency and since this application does not include new structures or land uses.</p> <p>The proposal is consistent with the principle of spatial efficiency.</p> <p>4) <b>Spatial Resilience</b> which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p><b>Possible results of the development</b>  The application proposal will improve the development potential of the property which will contribute to the ability to absorb shocks.</p> <p>The proposal is consistent with the principle of spatial resilience.</p> <p>5) <b>Good Administration</b> which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p><b>Possible results of the development</b>  Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is consistent with the principle of good administration.</p>
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## 5. Conclusion

The application as motivated in this report is regarded desirable within its local context and well-integrated within the existing community land-use activities. It is therefore recommended that this rezoning application in terms of Chapter IV, Sections 16(2)(a),(b),(d)&(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020 be approved:

- Rezoning of the Remainder Erf 3710 Onrus from Community Zone 1 and Transport Zone 2 to subdivisational area.
- Subdivision of the Remainder Erf 3710 Onrus into 3 portions as follows:
  - Portion A: 8212m<sup>2</sup>
  - Portion B: 5016m<sup>2</sup>
  - Remainder: 9870m<sup>2</sup>
- Rezoning of subdivided Portion A from Subdivisational Area to Community Zone 1: Community Facilities.
- Rezoning of subdivided Portion B from Subdivisational Area to Residential Zone 1: Single Residential.
- Rezoning of the subdivided Remainder from Subdivisational Area to Transport Zone 2: Road and Parking.

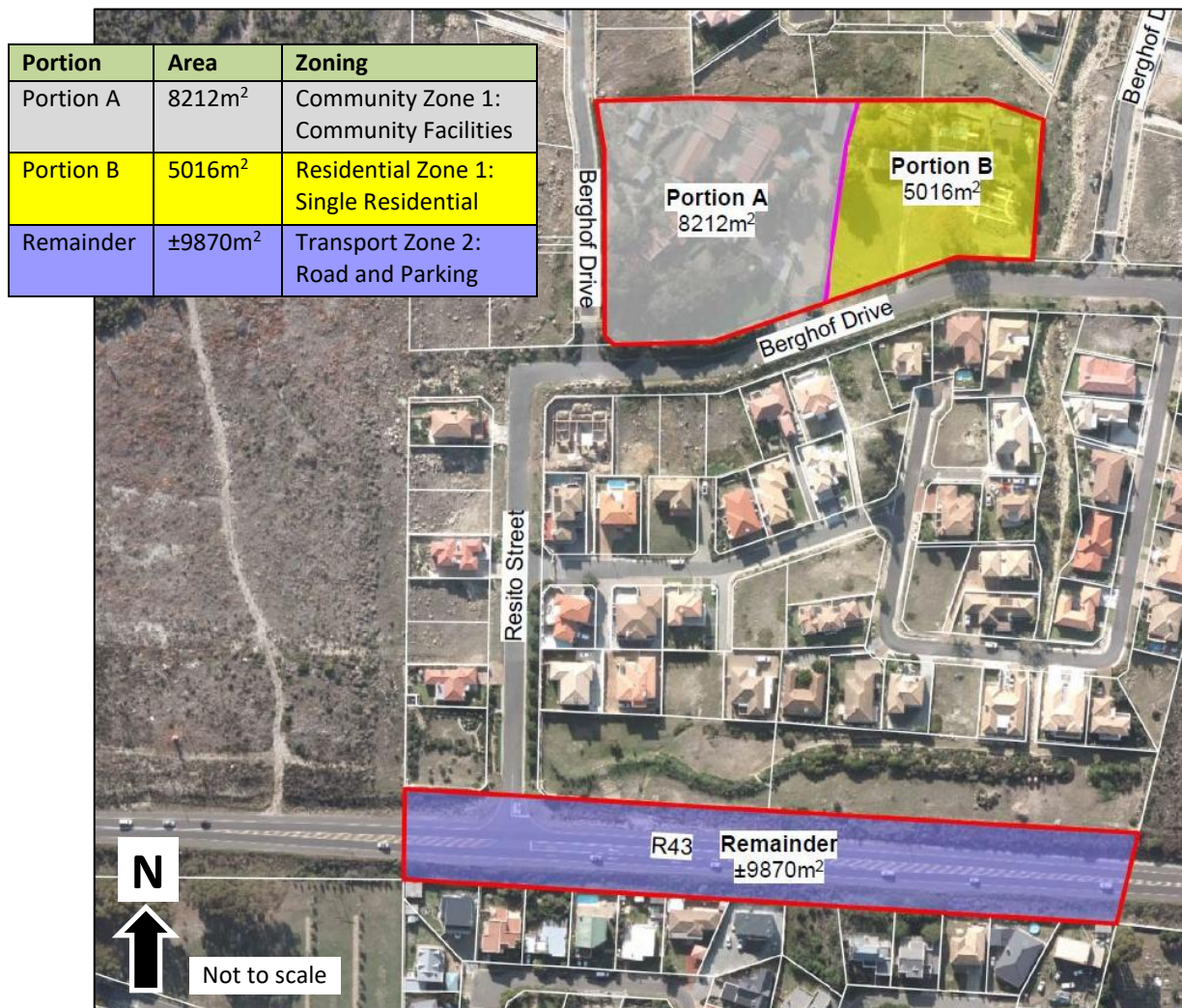


Figure 15: Subdivision and rezoning illustration

- Consent use for a transmission apparatus on subdivided Portion A.
- Departure to relax the northern common building line of subdivided Portion A from 5m to up to 1m to allow for the existing school buildings.

- Departure to relax the eastern street building line of subdivided Portion A from 5m to 2.8m to allow for the existing transmission apparatus.

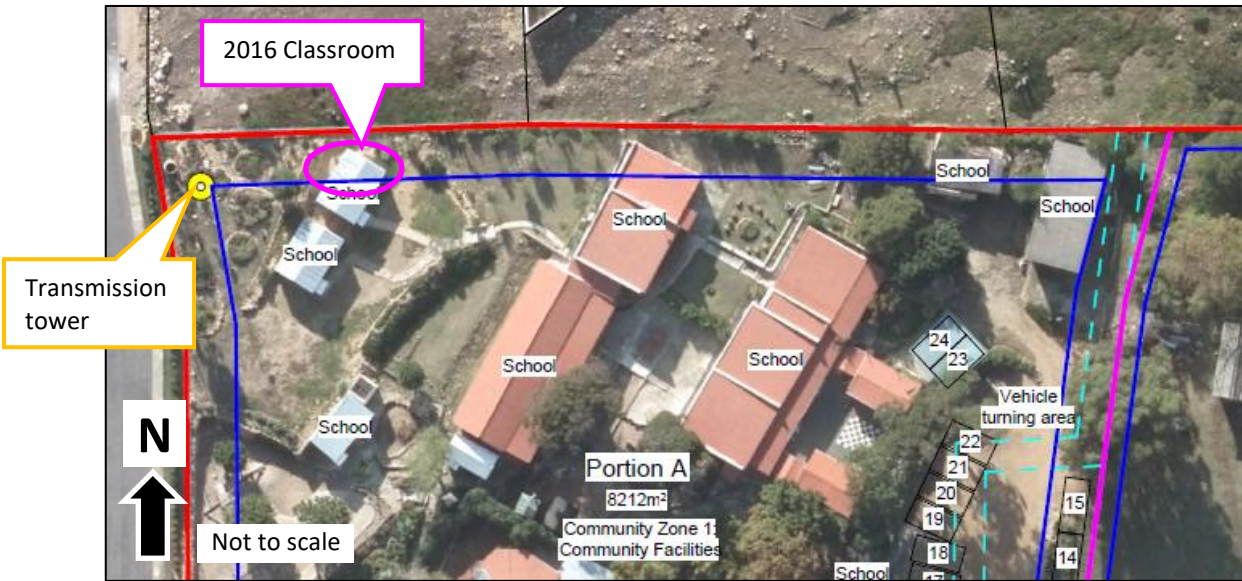


Figure 16: Aerial photos overlay showing the structures exceeding building lines.

- The determination of an administrative penalty for the transmission apparatus and school structures exceeding building lines.

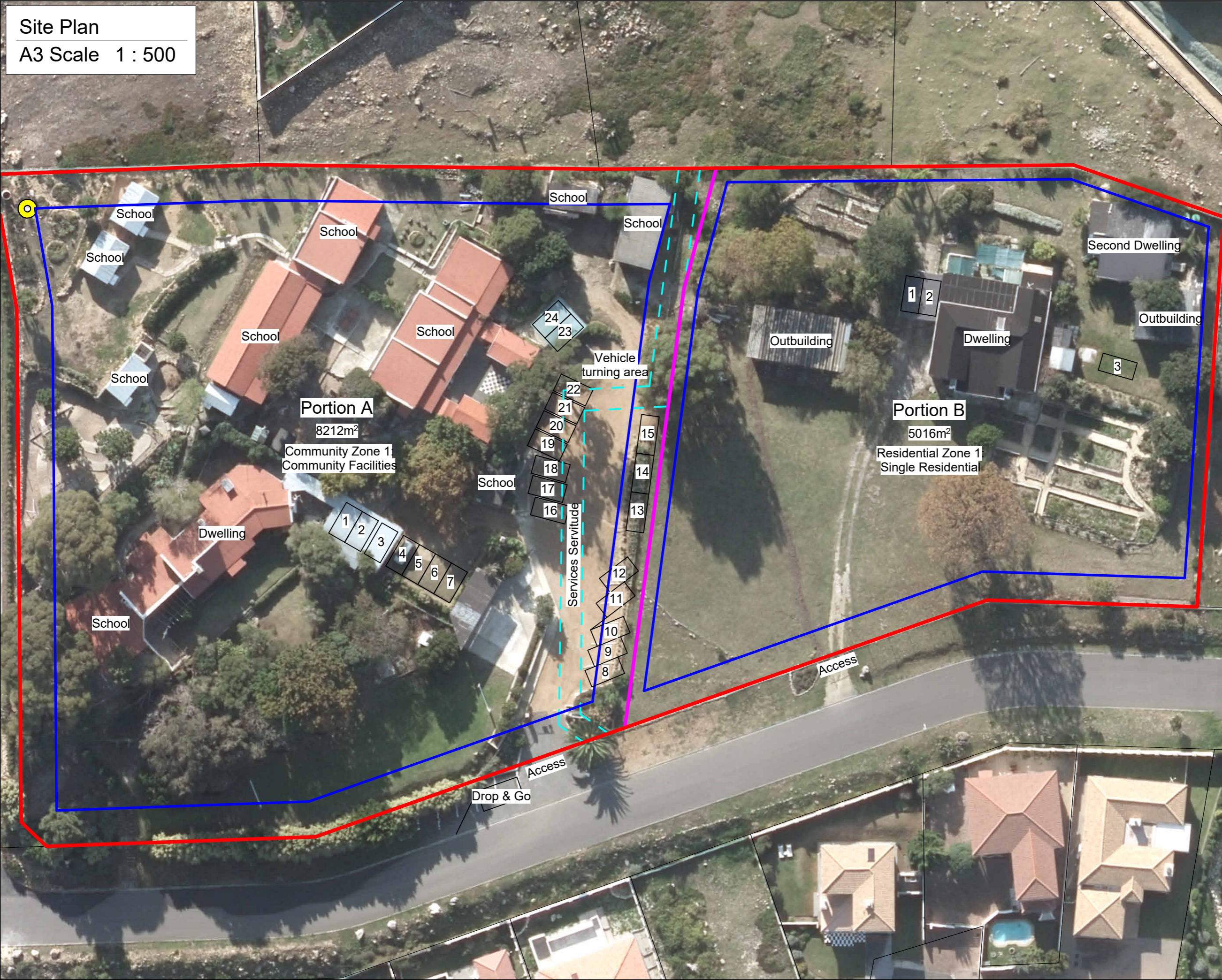


Site Plan  
A3 Scale 1 : 500

PROJECT  
Erf 3710 Onrus North

TITLE  
Site Plan

- Application Area
- Subdivision Lines
- Building Lines
- Servitude
- Transmission Apparatus
- Parking bays



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Rezoning Plan  
A4 Scale 1 : 1000

PROJECT  
Remainder of Erf 3710  
Onrus North

TITLE  
Subdivision &  
Rezoning Plan

- Application Area
- Subdivision Lines
- Community Zone 1:  
Community Facilities
- Residential Zone 1:  
Single Residential
- Transport Zone 2:  
Road and Parking

**Portion A** is represented by figure ABCDEFGHIJ, with an area of 8212m<sup>2</sup>.

**Portion B** is represented by figure HIJKLMNPO, with an area of 5016m<sup>2</sup>.

The **Remainder** has an area of approximately 9870m<sup>2</sup>.



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DRAWING NUMBER  
Rev 5

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