

**ERF 1278, 19 KLEINE STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, CONSENT USE DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF THE FYNBOS COMMUNITY FOUNDATION**

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

- ❖ **subdivision** in terms of Section 16(2)(d) of the By-Law, to subdivide Erf 1278, Stanford into (2) two portions, namely Portion A approximately 1500m<sup>2</sup> in extent and a Remainder approximately 3500m<sup>2</sup> in extent;
- ❖ **consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate a place of instruction (school) on the property;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to permit the utilising of urban agriculture on Portion A; and
- ❖ **determination of an administrative penalty** in terms of section 16(2)(q) of the By-Law, to legalize previous contraventions.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and at the Stanford Library, Queen Victoria Street, Stanford. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **8 March 2024**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 1278, KLEINESTRAAT 19, STANFORD, OVERSTRAND MUNISIPALE AREA: AANSOEK OM ONDERVERDELING, VERGUNNINGSGEBRUIK, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS THE FYNBOS COMMUNITY FOUNDATION**

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

- ❖ **onderverdeling** ingevolge Artikel 16(2)(d) van die Verordening, om Erf 1278, Stanford in (2) twee gedeeltes te onderverdeel naamlik Gedeelte A ongeveer 1500m<sup>2</sup> groot en 'n Restant ongeveer 3500m<sup>2</sup> groot;
- ❖ **vergunningsgebruik** ingevolge Artikel 16(2)(o) van die Verordening, om 'n plek van onderrig (skool) op die eiendom te akkommodeer;
- ❖ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om die benutting van stedelike landbou op Gedeelte A toe te laat; en
- ❖ **bepaling van 'n administratiewe boete** ingevolge artikel 16(2)(q) van die Verordening, om vorige oortredings te wettig.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by Stanford Biblioteek, Queen Victoriastraat, Stanford. Enige kommentaar op die voorstel moet skriftelik ingedien word ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **8 Maart 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.


**I-ERF 1278, 19 KLEINE STREET, STANFORD, UMMANDLA KAMASIPALA WE-OVERSTRAND: ISICELO SOKWAHLULWA, IMVUME YOKUSETYENZIS, UKUTENXA NOKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA THE FYNBOS COMMUNITY FOUNDATION**

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand ngo. UCwangciso lokuSetyenziswa koMhlaba lukaMasipala, 2020 (uMthetho kaMasipala), ukuba isicelo sifunyenwe soku kulandelayo:

- ❖ ulwahlulo ngokweCandelo le-16(2)(d) loMthetho kaMasipala, ukuze kucandele iSiza 1278, eStanford sibe (2) izahlulo ezibini, ezizezi, iSahlulo A esimalunga ne-1500m<sup>2</sup> ngokomlinganiselo kunye neNtsalela emalunga nama-3500m<sup>2</sup> ngobubanzi;
- ❖ imvume yokusetyenziswa ngokweCandelo 16(2)(o) loMthetho kaMasipala, ukulungiselela indawo yokufundisa (yesikolo) kwipropathi;
- ❖ utyeshelo lomqathango ngokweCandelo le-16(2)(b) loMthetho kaMasipala, ukuze kuvumeleke ukusetyenziswa kolimo lwasezidolophini kwiSahlulo A; kwaye
- ❖ ukumiselwa kwesohlwayo solawulo ngokwemiqathango yecandelo 16(2)(q) loMthetho kaMasipala, ukwenza kube semthethweni utyeshelo lwangaphambili.

linkcukacha eziphelileyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha eveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangciso ngeDolophu, 16 Paterson Street, Hermanus nakwiThala leencwadi laseStanford, kwiSitalato iQueen Victoria, eStanford. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokungqinelana nezibonelelo zeCandelo lama-51 kunye nelama-52 lalo Mthetho kaMasipala oxeliweyo kwaye zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) kule nombolo okanye ngaphambili **8 uMatshi 2024**, ucapuhla igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa ku**Mnu. P Roux** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.

# Locality Plan Erf 1278 - Stanford

 Subject property

Plan prepared by: Thian Jansen

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Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management





## MOTIVATION

### 1. ABBREVIATIONS

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

### 2. PROPERTY DETAILS

<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 1278, Stanford
<b>Extent</b>	5000m <sup>2</sup>
<b>Zoning</b>	Industrial Zone 1: General Industry

### 3. BACKGROUND AND INTENT

Erf 1278 Stanford, hereafter referred to as the subject property (Refer to **Plan 1** for the locality), has been recently transferred to the property owner, Langverwacht Bedrywe Pty Ltd. The property owner appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney**).

The intention of this application is twofold, the first is the current use of the property as it is being used as a place of instruction for which approval for consent use was received in May 2015 to allow the operation of a school. The approval received stated that the consent use was valid for only five (5) years which has lapsed.

The school has continued to operate without a consent use being in place, but it was never the intention of the property owners. The proposal is to apply for a consent use to allow a place of instruction to allow the school to continue normal operation and not disrupt a vital part of the education of their scholars. There is also a proposed expansion of the school by adding three new classrooms to ensure a lower number of students per classroom.

In addition to requiring consent use for the place of instruction, the property owners also have the intention to subdivide the property into two portions. The subdivided portion has been used for urban agriculture which also requires approval from the municipality. The intention is to apply for a departure to permit the property owners to continue utilising that portion for urban agriculture to continue while simultaneously subdividing the section of the property, enabling the owners to sell it if they desire.





**4. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT**

**4.1 Subdivision** of the Erf 1278, Stanford in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners have the intention to subdivide the property into two portions. The remainder of the property will accommodate the place of Instruction while the subdivided portion (Portion A) will accommodate the urban agriculture.

Proposed Subdivision of Erf 1278, Stanford	
Erf 1278, Stanford	5000m <sup>2</sup>
Remainder of Erf 1278, Stanford	±3500m <sup>2</sup>
Portion A (A portion of Erf 1278, Stanford)	±1500m <sup>2</sup>

The intention is to allow these two uses to function independently from each other. The property owners do however intend to continue providing the school with fresh produce and landscaping plants, as motivated in Section 4.3 below from Portion A.

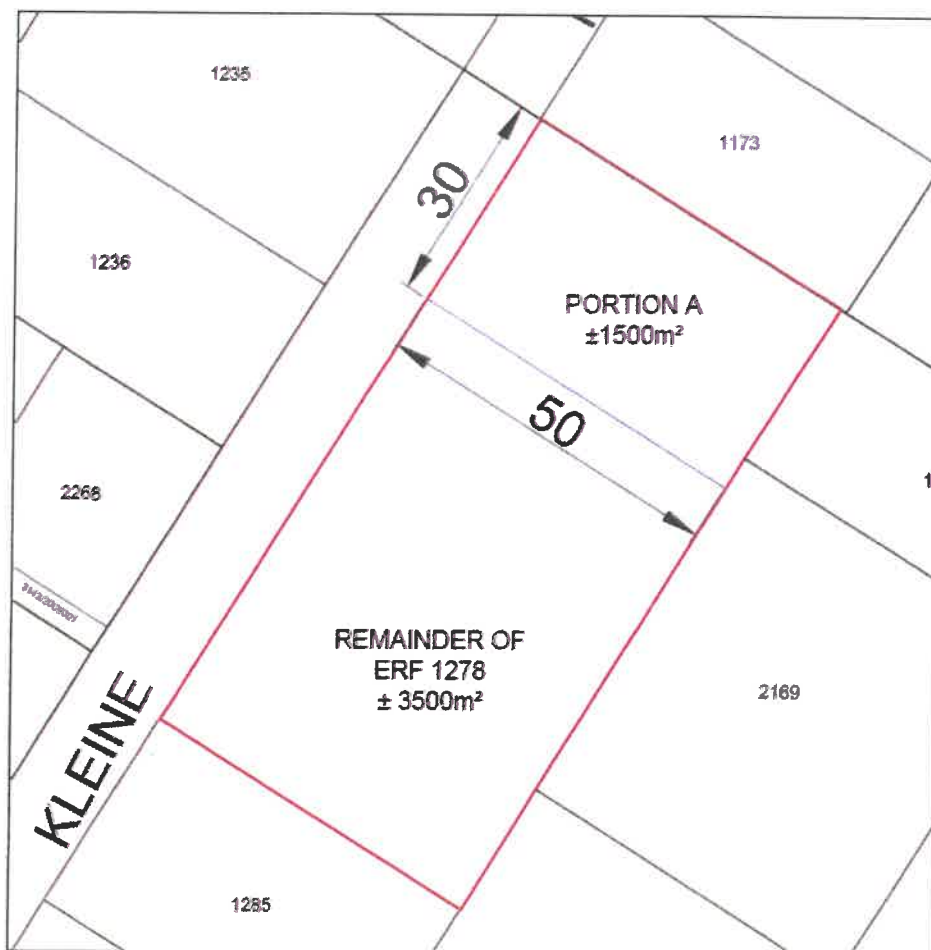


Figure 1: Proposed subdivision





## MOTIVATION

### 4.2 Consent Use for a Place of Instruction on Erf 1278 Stanford in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The proposal is to apply for a consent use to allow a place of instruction that will allow the school to continue normal operation and not disrupt the vital education of the scholars. The property owners were unaware of the lapsed consent use and this application is submitted to address the lapsed consent use.

Except for reinstating the historic consent use, no additional uses are proposed.

According to the OMLUS a "place of instruction" is defined as:

*'means a place for education at **pre-school, school** or post-school levels (including a day care centre, a crèche, a farm school, a nursery school, a primary school, a secondary school, a college, a lecture hall, a university, a research institute, an environmental research or other educational centre) and associated uses such as boarding hostels or a civic facility for the promotion of knowledge to the community such as a convent, a monastery, a public library, a public art gallery or museum or a place of instruction in sport or other physical discipline where the main objective is instruction (as opposed to participation by the public sector as competitors or spectators) but excludes a reformatory, industrial school, commercial conference facility, institution, health centre or in-house business training centre.'*

There is also a proposal to expand on the current footprint of the school and a new parking layout with three new additional classrooms are being proposed. By including the new classrooms, it would allow the school to appoint new teachers and accommodate more children than what was previously capable.

Children attending the centre receive further instruction and education after normal school hours, as well as meals. Each classroom accommodates 15 scholars, and the proposal is to expand the school up to 8 classrooms, including the preschool area. The new additional classrooms will increase the current number of scholars to 120.

The subject property is located close to the lower income areas of Stanford. Transport is however provided for children attending the school.

The remainder of Erf 1278 Stanford has a total extent of 3500m<sup>2</sup> which is sufficient to accommodate the proposed additions, parking and drop off facility. There is currently 9 classrooms and 1 office which equates to 10 parking bays that are required in terms of the parking requirements of the OMLUS:

- School – 1 parking bay per classroom/office.

A total of 17 parking bays are being provided.





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### 4.3 Temporary Departure for urban agriculture on the proposed subdivided portion of the current Erf 1278 Stanford in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As mentioned in Section 4.1 above (Portion A), the subdivided area is proposed for urban agriculture. Since the current zoning regulations do not permit urban agriculture, we request permission for property owners to temporarily use the land for this purpose. The OMLUS defines urban agriculture as follows:

*““urban agriculture” means the **cultivation of crops** and/or keeping of animals and poultry (which may be sold in neighbouring markets) on relatively small demarcated areas **within urban areas**, provided that cultivation of a garden by an occupant shall not be regarded as urban agriculture for the purposes of control in terms of this land use scheme;”*

The property owners intend to use the property for crop cultivation, in alignment with the OMLUS definition. This cultivation aims to provide crops for local apiculture farmers to support their operations. Promoting and utilizing the property for urban agriculture represents a forward-thinking and multifaceted approach that offers a host of benefits, extending beyond a mere additional use of the property. By dedicating Portion A of the subject property to urban agriculture, the property owners can harness a range of advantages that contribute positively to the local community.

The idea of incorporating urban agriculture into the property usage stems from a genuine desire to enhance the property's efficiency. Beyond the traditional notion of maximizing economic returns, this approach recognizes that property can serve as a dynamic platform for education, empowerment, and environmental stewardship.

One of the primary motivations for adopting urban agriculture is its potential to serve as an invaluable educational tool to individuals that will be employed on the property. Through hands-on involvement in cultivating crops and nurturing plants, individuals gain practical insights into the food production process. This experiential learning goes beyond theoretical knowledge, instilling a deeper understanding of where food comes from, and the effort required to produce it.

Moreover, the benefits of urban agriculture extend far beyond the realm of education. The decision to dedicate a portion of the property to this endeavour reflects a strong commitment to social responsibility. By utilizing the additional space to teach and cultivate crops, the property owners directly address the needs of underprivileged children.

From an environmental standpoint, urban agriculture brings a range of positive impacts. By converting underutilized spaces into thriving gardens, property owners contribute to the mitigation of urban heat islands, improve air quality, and promote biodiversity within the urban fabric. The act of cultivating food locally reduces the carbon footprint associated with transportation and storage, promoting a more sustainable and environmentally conscious lifestyle. This approach aligns with a growing global emphasis on sustainable practices and responsible resource management.





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In conclusion, the decision to incorporate urban agriculture into the property's usage is a testament to the innovative thinking of the property owners. This initiative goes beyond mere property optimization, weaving together education, community support, and environmental consciousness. By providing a space for hands-on learning, fostering food security among underprivileged children, and contributing to a greener urban landscape, urban agriculture emerges as a compelling and vital addition to the property's purpose.

In addition to the crops that will be grown for the local apiculture farmers, some shrubs and trees will also be grown on the property which are used to landscape all the properties owned by the school for instance Langverwacht farm and Wellington. It should be noted that no livestock will be allowed on the property and strictly only crops will be cultivated.

#### **4.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The subject property has been used for a place of instruction for which approval for consent use was received in May 2015 to allow the operation of a school. The approval received stated that the consent use was valid for only five (5) years which has lapsed. There was never any intention to contravene or operate without the necessary approval.

In addition, the eastern part of the property has also functioned as a space for urban agriculture since mid-2021 (cultivation of crops). In addition to the property being used partially for urban agriculture, the addition of permeable shade cloth structures to protect the crops have also been built without prior approval. These structures were donated, and they were erected by the property owner themselves meaning the cost thereof were close to zero.

However, to ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 it is of importance to include the determination of an administrative penalty in this application.

We would like to request that the administrative penalty be waived as this application serves as method to rectify the contraventions and that the property owners are applying to ensure they have municipal approval again.

Section 90(3) of the By-law requires the following information:

#### **The nature, duration, gravity and extent of the contravention**

Refer to section 4.2 and 4.3 and the plans for the nature, duration and extent of the contravention.

The two temporary structures used for the urban agriculture has an extent of approximately 250m<sup>2</sup> and 200m<sup>2</sup> as mentioned both structures were donated to the property owners and erected the structures themselves.





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### The conduct of the person (allegedly) involved in the contravention

The intention was never to knowingly contravene the provisions of the OMLUS. The property owners are providing a valuable service to the community there was never any malintent.

### A report by a quantity surveyor in matters of unauthorised building/construction

Due to the nature of the contravention no quantity surveyor was involved. As mentioned above the structures were donated, and they were erected by the property owner themselves meaning the cost thereof were close to zero.

### Whether the unlawful conduct was stopped

The school operates as normal as it is a valuable resource being added to the community providing schooling to children normally not able to access these services. The reason for continuation is also motivated in Section 4.2 and 4.3.

### Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

To the knowledge of this office, the property owners have not previously contravened the By-Law.

## 5. APPLICATION

Considering the mentioned, the application is made for the following:

- 5.1 Subdivision** of the Erf 1278, Stanford in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 5.2 Consent Use** for a place of instruction in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 5.3 Temporary Departure** for urban agriculture on the proposed subdivided portion of the current Erf 1278 Stanford in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 5.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

## 6. LAND USE ENVIRONMENT

The subject property is located within the industrial area in Stanford and is zoned Industrial Zone 1: General Industry and is also surrounded by other Industrial Zone 1: General Industry zoned properties. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

No noxious trade or heavy industrial activities are allowed in the area. Therefore, industrial activities of the surrounding properties will not have any negative impact on the operations of the facility that has been in operation for more than 5 years. Considering the extensive premises that are needed for the development of educational facilities, it is no surprise that land available for such land use is limited. Locating such a land use in





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a light industrial area, with extensive erven, is therefore a logical and desirable alternative. The subject property is located close to the lower income areas of Stanford. However, the provision of transporting children attending the center to and from the premises will continue.

The character of the surrounding area can be described as light industrial. As motivated above, the proposed land use is regarded as compatible with existing land uses in the area. The approval of this application will furthermore not have any negative impact on existing land use rights. All activities will be limited to the subject property, which is fenced, and access controlled.

It should furthermore be kept in mind that the underlying zoning of the subject property will remain unchanged. The land use will only be allowed as a consent use on the existing zoning of the erf. Should the facility discontinue operations in the future, the land use rights associated with the zoning, Industrial Zone I, will be the remaining land use rights on the property.

## 7. TITLE DEED

The title deed of the subject property was perused (T33252/2023, refer **Annexure B**) and it contains no restrictive conditions.

## 8. ZONING

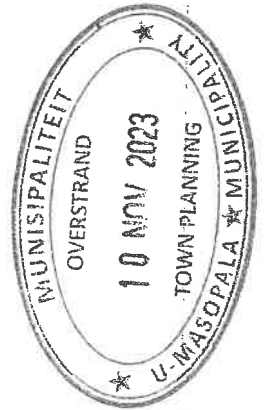
The following zoning parameters were assessed in conjunction with the IND1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:





**MOTIVATION**

<b>INDUSTRIAL ZONE 1: GENERAL INDUSTRY (IND 1)</b>	
<b>Land Use Restrictions</b>	
<b>Primary use</b>	Industry, Agricultural Industry, Builder's Yard, Caretaker's Accommodation, Factory Shop, Funeral Parlour, Heavy Vehicle Service Station, Industrial Café (Subject to The Provisions of Chapter 16.10), Motor Repair Garage, Service Trade, Service Station, Transmission Apparatus (Subject to the Provisions of Chapter 16.10), Transport Use, Utility Services, Warehouse and Workshop.
<b>Consent that use may be applied for</b>	N/A  <b>Consent Use:</b> Place of Instruction (School) <b>Temporary Departure:</b> Urban Agriculture
<b>Comply</b>	Comply
<b>Comply</b>	Comply
<b>Development parameters</b>	
<b>Parameters</b>	<b>Proposal</b>
<b>Floor factor</b>	0.18
<b>Coverage</b>	Remainder of Erf 1278 (3500m <sup>2</sup> ) – 26.16% (915.6m <sup>2</sup> ) Portion A (1500m <sup>2</sup> ) – Temporary structures of 450m <sup>2</sup> .  <b>Take note, the urban agriculture structure is made from shade cloth which is not considered as a roof and not included into the coverage.</b>
<b>Comply/ deviate</b>	Comply
<b>Comply</b>	Comply





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<p><b>Building lines</b></p>	<p>(i) The street building line shall be 5,0 m.          (ii) The side and rear building line shall be 0 m.          (iii) Where a land unit abuts a zone that is not an industry zone, the building lines of the particular zone, whichever is the greater, shall apply.          (iv) Notwithstanding the above, the Municipality may stipulate greater building lines for considerations of public health and safety, fire control and in order to enforce any law or right.          (v) The general building line exemptions in 16.1 apply.</p>		<p>Comply</p>
<p><b>Height</b></p>	<p>The maximum height of any building measured from the base level to the top of the structure is 12,0 m, provided that where a structure of greater height is required for the industrial function of the property, the Municipality may grant approval for such greater height.</p>		<p>Comply</p>
<p><b>Setback</b></p>	<p>(i) A setback of 8,0 m from the centreline of the road applies.          (ii) Notwithstanding the above, the Municipality may stipulate a setback for considerations of public health and safety, fire control and in order to enforce any law or right.          (iii) The provisions of 16.2 apply.</p>		<p>Comply</p>
<p><b>Boundary walls</b></p>	<p>A wall of 2,1 m high must be erected where a land unit has a common boundary with another land unit that is not zoned General Industry (IND1) or Risk Industry (IND2) or when hazardous substances are stored on site.</p>	<p>This is noted</p>	





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### 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, these include electricity, water and sewage. The proposal of this application will not have a large impact on existing network.

Solid waste is collected every week by the OM.

#### **Access and Egress**

The subject property currently obtains access and egress from Kleine Street, an on-site drop off facility is proposed.

### 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 land use application arose from the property owners realising that the historic consent use had lapsed. The desirability is to ensure that the place of instruction may continue to operate and create a place where education is the primary focus. While being able to provide adequate sustenance and practical education through the use of urban agriculture.

To achieve their vision, the property owners have appointed WRAP Project Office to submit this application to ensure the proposed consent use is not in contradiction to any policies, legislation, or title deed conditions.

#### **Impact on views, sunlight, and character of the area**

The proposal is not intended to have an impact of the views, sunlight, and character of the area. Only a small portion of the entire property (18%) is proposed to be covered by buildings.

The place on instruction will be accommodated in two separate single storey buildings. The proposal is not predicted to be out of the ordinary as the entire area has large industrial buildings and it will conform to the surrounding area. The urban agriculture has two temporary 'structures' which are covered by shade cloth which protects the crops from adverse sun expose and increase the humidity in the area.

#### **Economic impact**

The proposed expansion will add additional job opportunities as new classrooms are proposed to be added. In addition, the construction phase of the proposal will also have a short-term economic impact as local builders and local material will be used.





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### **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 only to continue the operations of the existing school on the subject property, and it is predicted that it will not negatively affect the area.

### **Impact on heritage**

The subject property is not listed in the OM Heritage Register.

### **Environmental impact**

The subject property is not located within an environmentally important area.

## **11. POLICIES AND REGULATIONS**

### **11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The subject property is not located within this zone.

### **11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The subject property is not located within this zone.

### **11.3 Spatial Planning Policies**

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

## **MSDF**

### **Policy Preface**

The SDF's intention is to ensure compliance with national, provincial, and district legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

### **Consistency of the proposal with the policy**

The policy illustrates the increase in the population of the entire Overstrand Area, including Stanford. The increase in Stanford population needs to be addressed and the small addition to an existing educational facility will benefit not only the Stanford area but also the Overstrand Municipality as it aids the municipality with educational facility provisions.





## **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 will aid historically marginalised individuals as equal and fair education is required to be provided for all.

### **Spatial sustainability**

Spatial sustainability refers to planning proposals that result in communities that are viable. The proposal to utilise a property in a historically industrial dominated area shows mixed use areas are capable to co-exist and also indicates spatial sustainability as it allows a place of instruction on the subject property.

### **Efficiency**

This proposal is intended to maximise the usage of the subject property and ensure the place of instruction is capable of continuing its operation while utilising the available space on the subject property.

### **Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

### **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 suggestion that may result in an enhance outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.





**13. EVALUATION**

The proposal needs to be evaluated on the basis that the use on the Remainder will not change. The proposal is only to reinstate the historic approval as the previous consent use was only valid for 5 years. The only change proposed is to the expansion on the subject property and addition of three additional classrooms that will aid in ensuring the classrooms do not get overcrowded and each scholars receives adequate attention. While the property will be subdivided to allow the urban agriculture to operate separately from the remainder while providing practical education to the property and greatly required sustenance.

In terms of the policies and guidelines of the OM the application adheres to these relevant spatial planning documents. The property has been used for the purposes proposed and the proposal is in harmony with the surrounding area and all relevant spatial planning policies.

**14. RECOMMENDATION**

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

- 14.1 **Subdivision** of the Erf 1278, Stanford in terms of Section 16(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 14.2 **Consent Use** for a place of instruction in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 14.3 **Temporary Departure** for urban agriculture on the proposed subdivided portion of the current Erf 1278 Stanford in terms of Section 16(2)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 14.4 **Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



Proposed Subdivision Plan  
Erf 1278 Stanford

Plan number: 22.007(1)

Plan date by: 24/10/2023

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,

Corner of Royal and Dikkie Uys

Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management

SCALE 1:500



1173

1279

2169

1282

PORTION A  
±1500m<sup>2</sup>

REMAINDER OF  
ERF 1278  
± 3500m<sup>2</sup>

30

50

1235

1236

2268

267

1287

37

1285

KLEINM

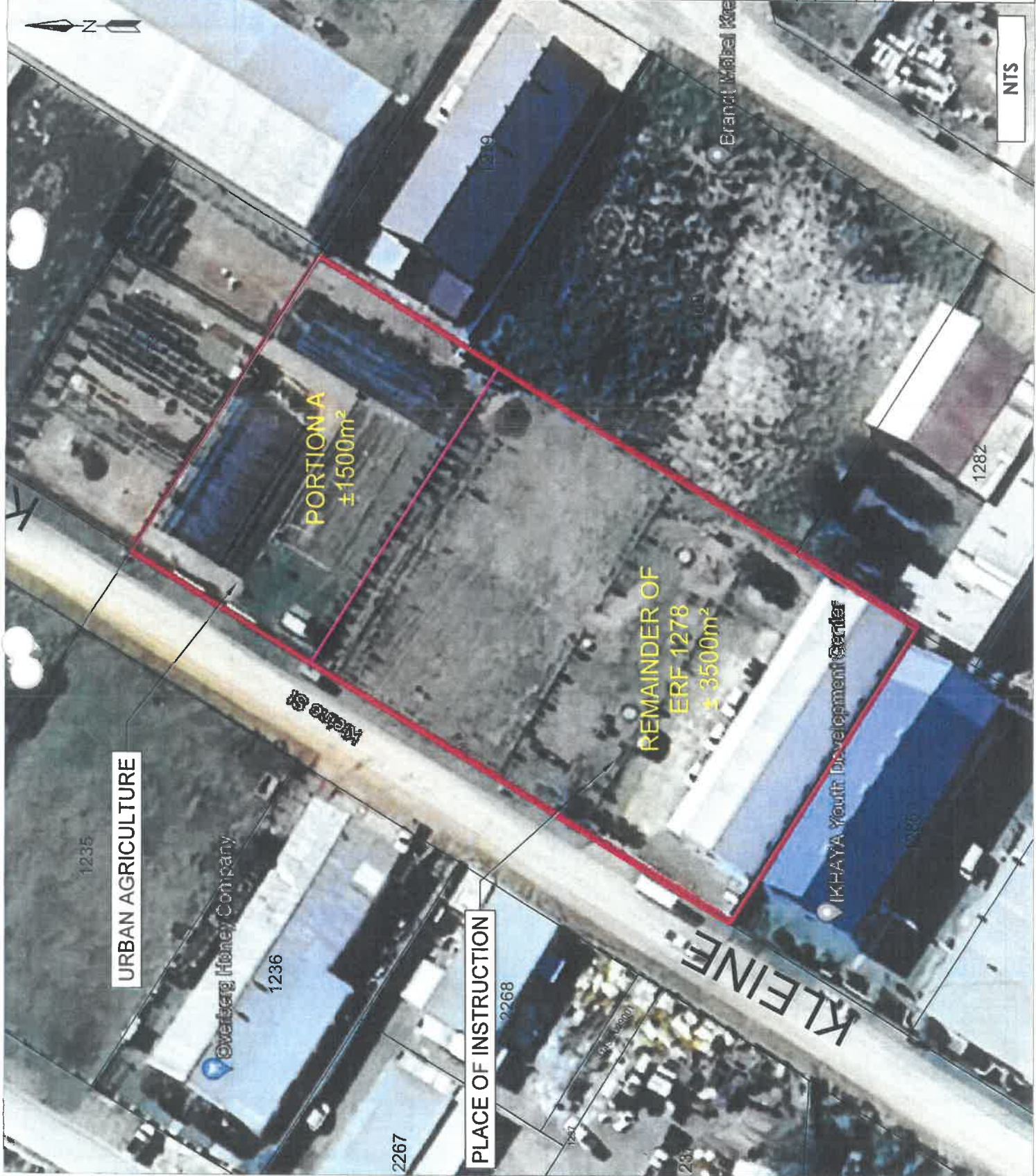
3148/2008001

Site Plan  
Incl Urban Agriculture  
Erf 1278 Stanford

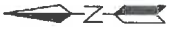
Plan prepared by: Thian Jansen  
All distances are approximate  
and subject to a survey  
Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Unit B, Standard House,  
Corner of Royal and Dikkie Lys  
Street Hermanus, 7200



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Site Plan -  
Place of Instruction  
Erf 1278 Stanford

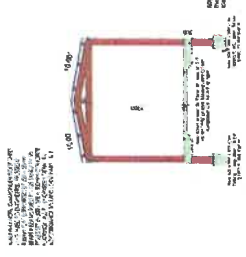


**GENERAL NOTES:**

1. ALL DISTANCES SHOWN TO BE MEASURED FROM THE CENTERLINE OF THE ROAD UNLESS OTHERWISE SPECIFIED.
2. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.
3. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.
4. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.
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6. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.
7. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.
8. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.
9. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.
10. ALL DISTANCES SHOWN TO BE APPROXIMATE AND SUBJECT TO A SURVEY.

**COVERED AREA CALCULATIONS (Erf 1278)**

Site Area	= 5000 m <sup>2</sup>
Open Area	= 1750 m <sup>2</sup>
Roof Area	= 244 m <sup>2</sup>
Roof Area	= 213 m <sup>2</sup> (10%)
Coverage	



Scale 1:250

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