

Rezoning Application Erf # 919

3 Main Street, GREYTON

REF: GRE/919 NOTICE: KOR78/2016



WARD 2 FORUM
SERVING THE COMMUNITY TOGETHER

Report produced by the Ward 2 Forum
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INTRODUCTION

This document attempts to define the implications of the above development application (Erf # 919 - 3 Main Road) for the immediate neighbours and the general community. The zoning scheme was established to apply architectural and environmental standards for property owners that are agreeable to the vast majority of the community, and which will promote sustainable and harmonious development. There is provision for the community to object to any development on the basis that it is inappropriate and undesirable for Greyton.



The Notice

The Notice for rezoning was published in the local Gazette on 20 December 2016, thereby limiting the required public participation time because of the holiday period, and preventing suitable consideration of the implication of the proposed development. Circulation of the Gazette to interested parties, and its availability at municipal offices for public scrutiny. The notice in the Western Cape Provincial Gazette was only published in issue # 54313 on **13 January 2017**. There is also no Notice on the municipal notice boards in Greyton.

Section 46 of the By-law on Municipal Land Use Planning requires notice to be served on:

- each person whose rights or legitimate expectations will be affected by the approval of the application; and
- every owner of land adjoining the land concerned;

The purpose of the notice is to invite members of the public to submit written comments in respect of the application (section 47).

The application may be considered highly contentious, as it is clearly admitting that the triangular Erf and its existing structures are such that the shape of a subdivision would be unsuitable, and the Erf density would be 560 and 577

m²respectively, compared to the prescribed minimum of 700 m² for this specific area of Greyton. This seems to be the main justification for the application.

It is regretted that sufficient information is not presented in the Notice, other than the new zone being applied for is General Residential Zone 2 (GR2), for which the primary Uses are town housing, retirement village, and flats by consent – height 3 stories maximum. Town housing, is a row or group of linked or attached houses, which are cadastrally subdivided.

This development is a sectional title, the two dwelling units to be individually owned, and the common parts of the property are owned in common. The reasoning for this is assumed to relate to maximising development investment. There is no doubt that the application is **not** made in order to satisfy the legitimate needs of a single residential household, or to provide premises for business purposes.

We believe that there are good and valid reasons to apply for a 2 week extension to the deadline of 31 January 2017, in order to allow sufficient time for all interested parties to consider the implications of the proposals.

Affect on Interested Parties

The implications of the proposed new zoning, for the whole community, besides the immediate neighbours, are considered significant:

- Effectively, this scheme permits non-compliant ‘subdivision’ by the back door;
- The gross housing density could allow Erf sizes down to 200 m² minimum, compared to the current Single Residential zone 1 (SR1) minimum of 700 m²;
- Total disregard for the development policies in the Spatial Development Framework (SDF);
- Despite stated intentions, the new zoning would allow a 3-storey block of flats by Consent;
- Despite denial, there are valid Heritage issues, as the 2016 Survey of Greyton’s heritage resources proposes that this property should be graded 3B, and therefore the buildings cannot be altered without approval of Heritage Western Cape; the buildings are over 60 years old;
- It is considered inadequate just to state that the application is ‘desirable’ in terms of the Provincial SDF, the TWKM SDF and the Integrated Development Plan (IDP). The stated need for the application to be “*consistent with the logic character of the town*” is not understood;
- Section 10.3 of the application states that the impact of the proposed development after rezoning will be *identical to a second dwelling unit on the existing Erf, retaining the same SR1 zoning*. If this was true, one must question why rezoning is considered so necessary. In fact, it is spurious;
- There is no adequate plan, showing dimensions, services, and mature trees. There are no details of the alterations to the existing structures;
- There is no reference to compliance with aesthetic Guidelines as detailed in the SDF and as approved by DEA&DP.

Section 50 of the By-law permits a person to comment on the development application, giving reasons in sufficient detail to:

- indicate the facts and circumstances that explain the comments;
- where relevant, demonstrate the undesirable effect the application will have if approved;
- where relevant, demonstrate any aspect of the application that is not considered consistent with applicable policy;
- Enable the applicant to respond to the comments.

Site Development Plan

Section 6.2.3 of the Integrated Zoning Scheme (IZS) requires a mandatory site development plan to be approved in terms of section 16.5. Plan 4 of the application claims to be such a plan, but omits all details of architectural design, aesthetic considerations and services connections. Plan 4 fails to show the position of the Scholtz River. It also indicates that the site will be overdeveloped, confirmed by a visual inspection as it is now.

Section 16.5.2 of the By-law states that the Site Development Plan shall not depart from the zoning requirements, ***unless a departure application has first been approved.***

Decision making by the Municipality

Section 69(1) of the By-law allows the Municipality to categorise applications for consideration and determination by an authorised employee and must delegate the powers and duties to decide on those applications to that authorised employee. There is no reference in the application relating to such categorisation, or indeed if this application will be considered instead by the TWKM Planning Tribunal. There has been no notification of the establishment of this Tribunal or of its membership.

It is considered that the implications of this application, if approved, will be harmful to the community and have potential effects on property prices in general. Any development policy that permits or encourages increased density of housing throughout Greyton must be assessed against the increased services that would be required – these are already severely stretched, some excessively.

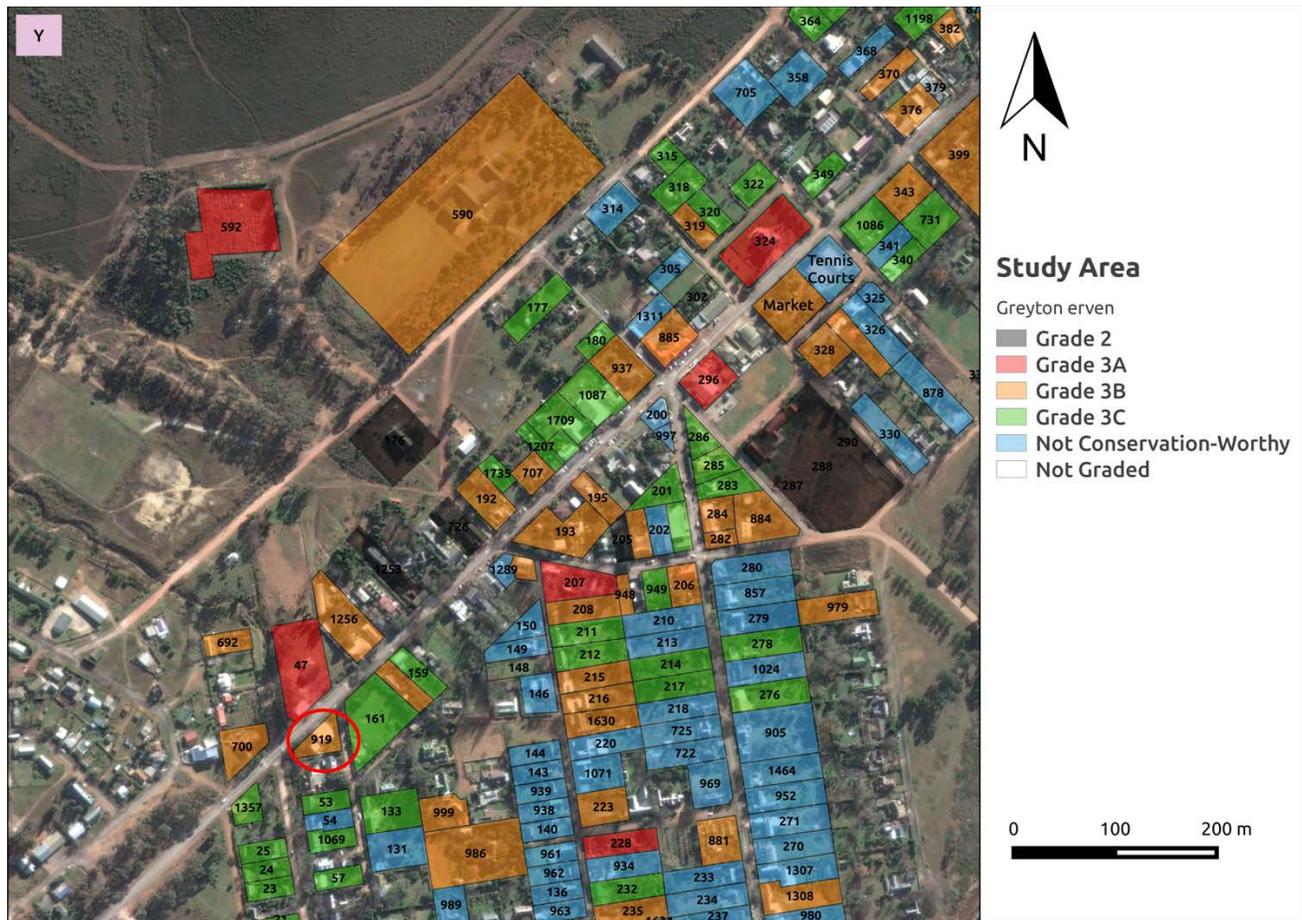
Compliance with the SDF

Section 8 of the application lists a number of claimed instances of conformity with the SDF:

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| <ul style="list-style-type: none"> • Job creation for the building work • Visual enhancing of the property • Optimising of development opportunities • The Erf shown as a tourism focal point • New building design sensitive to Greyton • Redresses past apartheid policies • Promoting less consumption of resources • Ability of community to resist shocks • Promotion of consultative planning | <ul style="list-style-type: none"> recent trends indicate non-local employment; unrelated to rezoning; permitting too high housing density; irrelevant; inadequate information provided; unrelated to rezoning; spurious, as additional household planned; unintelligible comment; Notice issued 5 days before Christmas; |
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Despite the above, which cannot be described as relevant and important factors, the following references in the SDF (2012) indicate a degree on non-compliance:

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| Section 17.5.3. (ii) | Promote low density residential development; |
| Section 17.9.2. (i) | The low density level contributes towards the unique quality of the streetscapes and historic village character; |
| Section 17.9.2. (ii) | The policy is to restrict any subdivisions of the historic town plan; |



Erf # 919 has been provisionally graded as 3B, which is described as a resource that might have similar significances to those of a Grade III A resource, but to a lesser degree. The 3B is considered a heritage resource, which is significant in the context of a *townscape*, neighbourhood, settlement or community. Importantly, there would be strict controls on any development or alterations, subject to approval by Heritage Western Cape.

Aesthetic Considerations

As Greyton Aesthetics Advisory Committee (GAAC) do not reveal to the public the advice that they provide for TWKM Planning, we cannot comment on this aspect.

Alternative possible developments

Single Residential Zone 1 (SR1) includes provisions for development:

- Consent Use for a second dwelling Unit 120 m² max, compatible in design to the main house;
- Consent Use for a double dwelling house, designed as a single architectural entity;

In either case, both buildings remain on a single Erf and are not cadastrally subdivided.