

POLICY ON GUIDELINES AND REQUIREMENTS IN RESPECT OF APPLICATIONS FOR THE ERECTION/ESTABLISHMENT OF ADDITIONAL DWELLING UNIT/S AND ACCOMMODATION FOR FARM WORKERS/STAFF ON AGRICULTURAL LAND UNITS WITHIN THE JURISDICTIONAL AREA OF THE OVERSTRAND MUNICIPALITY

Introduction

The Overstrand Municipality is the authority in terms of delegation of powers by the Provincial Government of the Western Cape to rule on applications for the erection/establishment of additional dwelling units on agricultural land units within its area of jurisdiction.

Owners of agricultural land units, especially in the Overberg Region, have in the light of South Africa's expanding tourism industry, become conscious of the opportunity to generate an additional income from their land units other than from bona fide farming activities, amongst others by means of developing short term rental accommodation establishments for tourists.

The following guidelines and requirements will enable the Overstrand Municipality to properly assess applications of this nature and eventually to be able to make a well-informed decision. It is also the aim to make applicants aware of the factors that they should take into account when considering applications for submission and the consequent compilation thereof for final submission to the municipality.

(Except for the standard requirements for the submission of planning applications, the following are additional requirements when submitting applications for additional dwelling units on agricultural land units.)

1. The official comment of CapeNature must be obtained and submitted together with the relevant application. CapeNature must also comment on the position of the proposed units.
2. Written confirmation from the provincial Department of Agriculture to the effect that the position of the proposed units are not located on high potential agricultural land, must accompany the relevant application.
3. The co-ordinates of the unit/s in the following format (example):-

Latitude: 33° 22' 14.56" S

Longitude: 19° 08' 37.33" E

4. A proper site development plan (SDP) in terms of the requirements of the municipality, must be submitted together with the relevant application. If required, the 1:10 and 1:50 year flood lines must be determined and indicated on the SDP. The distribution of alien vegetation and species present on the property must also be indicated on the SDP. The SDP must indicate all buildings and structures (proposed and existing) on the cadastral land unit, as well as a description of its usages.

5. Written confirmation must be obtained from the Department of Water Affairs and Forestry to the effect that the sewage infrastructure to be installed, as well as the disposal of sewage, is acceptable.
6. Proper aerial photos indicating the exact position of the proposed unit/s, must be submitted together with the relevant application.
7. Substantial proof is required that adequate household water (complying with national required standards), can be supplied on a sustainable basis.
8. The purpose for which the additional dwelling unit/s will be used for, must be fully motivated, and should other planning applications be triggered, such applications must accompany the relevant application.
9. With regard to dwelling units for the accommodation of farm workers/staff, the council shall approve more than the maximum permissible dwelling units on a land unit, **only if proof**, to the satisfaction of the municipality, is submitted that the units are indeed essential for the accommodation of farm workers/staff. In this regard proof, such as the farming activities, and importantly the sustainability of such activities in order to qualify for more than the maximum number of units, must be submitted.
10. The dwelling units (new units to be erected) for farm workers/staff may not exceed 60m² in extent and are restricted to single storey, and the municipality may restrict the number of dwelling units for farm workers/staff as deemed fit

11. Notwithstanding paragraph (9) above. Except the right to erect a primary dwelling unit on a land unit, one additional dwelling unit will be allowed in all cases and further units with a density of one unit per 10ha up to a maximum of five additional dwelling units may be allowed on a cadastral land unit, provided that the units shall remain on the same cadastral unit as the primary unit. (In other words, a maximum of 5 additional dwelling units may be allowed on a cadastral land unit of 50ha or more in extent.
12. Should a land unit consisting of the maximum dwelling units be subdivided, it may not be less than 50ha in extent.
13. Should permission be granted for the utilization of the unit/s for tourism purposes, the municipality's policy regarding accommodation establishments, must be strictly adhered to. (Where and when applicable the necessary land use rights must also be obtained.)
14. Road access points to the land unit must be upgraded to the satisfaction of the Roads Authority as well as the municipality.
15. The unit/s must be located in such a manner that the development is compact and unobtrusive and that the local vernacular is respected, and if placed within or peripheral to the farmstead precinct, the unit/s should reflect the farmstead style.

16. If the unit/s is to be placed away from the periphery of the farmstead precinct, it must be of the same architectural design and be of such a nature that it completely blends in with the natural environment (comment from an esthetical committee may be required by the municipality.)
17. The unit/s and accompanying outbuildings (garage and store facilities), may only be single storey and may not exceed a total footprint of 250m² each.
18. The unit/s must be located in such a manner that it:-
 - i) be clustered together;
 - ii) do not result in excessive expansion and encroachment of the existing development of the land unit and surrounding land units;
 - iii) is placed on localities where it will not interfere in the daily agricultural activities (e.g. the plough and harvest routes of farming implements);
 - iv) do not impact on the farming unit and surrounding farming units (e.g. in regard to dust generation or product security), and do not impact on surrounding agricultural practices (e.g. through spray drift);

- v) is placed in localities where it will not contribute to the loss of Critical Biodiversity Areas (CBA's), Critical Ecological Support Areas, or Buffer Areas to CBA's. - if the units are placed on localities near to the coastline, rivers and ecological corridors or endangered or critically endangered vegetation types, the listed activities in terms of the National Environmental Management Act No. 107 of 1998, or as amended, as well as principles of the Western Cape Provincial Spatial Development Framework must be noted - in Critical Biodiversity Areas, additional dwelling units will not be considered on parcels of land which are smaller than 20 hectares in extent, unless indicated to the contrary by a detailed botanical assessment and supported by CapeNature;
- vi) do not contribute to soil erosion (location in terms of soil conservation works e.g. contour banks must be noted in order to avoid erosion - care must be taken not to break existing contour banks;
- vii) is placed on localities where no new roads need to be constructed and should be informed by the existing on-line services network;
- viii) is not placed in high visually exposed areas, and
- ix) is placed in localities where a building line departure is not required.

19. The unit/s may not be independently alienated from the land unit by any means other than by an approved subdivision application i.t.o. the applicable planning legislation.
20. When use is made of existing structures, the activities/development may not lead to the illegal removal of farm workers/staff.
21. Permits for the extraction and use of groundwater must be obtained from the Department of Water Affairs and Forestry.
22. The municipality will not render any services, except those that might be agreed upon.
23. Should the property or any portion thereof be registered for nature conservation purposes at CapeNature (whether because of rezoning or not), the municipality must be informed accordingly.
24. Sufficient fire protection measures around buildings are a requirement of the National Veld and Forest Fire Act and must be adhered to.
 - a) Fire protection measures and infrastructure must be indicated on building plans.
 - b) Defendable space must be indicated on building plans. Defendable space must consist of a cul-de-sac which should preferably enclose the cluster of buildings. This will enable response vehicles to turn around and defend all buildings on the property, as well as to evacuate occupants in case of an emergency.

- c) Access roads in terms of fire response must have a minimum width of 4m. Access and egress roads should not exceed a grading of 10%. Dead-end roads must have a cul-de-sac with a minimum of a 15m radius. Parking shall be allowed only where and additional 2,7m for improved road width is provided and only within that improved width.
- d) All buildings shall have a driveway to the building to allow emergency vehicles to approach the building.
- e) Land owners will be required to become members of local fire protection agencies.
- f) Additional dwelling units must be constructed of fire retardant material.
- g) Gates to the property must swing inwards from the external approach side in order to provide easy access for response vehicles.
- h) Isolated buildings should have elevated water tanks installed to provide an emergency water supply for fighting fires. Emergency water tanks must be fitted with standard firefighting hose connections.

25. The relevant approval does not absolve the land owner/s from compliance with any other relevant legislation (i.e. environmental legislation, submission of building plans, erection of advertising signs, etc.).

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