

ERF 2424, 14 MCFARLANE STREET, ONRUS RIVER: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: BOLANDPLAN TOWN AND REGIONAL PLANNING ON BEHALF OF THE TRUSTEES IN TIME OF KRIGE LE ROUX FAMILY TRUST

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for a departure in terms of Section 16(2)(b) to relax the following:

- Eastern lateral building line from 2m to 1,110m to accommodate the encroachments of the new first floor, alterations on the existing ground floor of the dwelling and a new second dwelling.
- Western lateral building line from 2m to 1,4m to accommodate the alterations of the existing ground floor, and encroachment of the new first floor and use change of an outbuilding to a second dwelling.
- Rear building line from 2m to 1m to accommodate the use change of an outbuilding to a second dwelling.

Application has also been received for a determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law for the unauthorised building line encroachments as stipulated above.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) on or before **24 March 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Town Planner, **Mr. H Olivier** 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 2424, MCFARLANESTRAAT 14, ONRUSRIVIER: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: BOLANDPLAN STADS- EN STREEKSBEPLANNERS NAMENS DIE TRUSTEES INDETYD VAN KRIGE LE ROUX FAMILIE TRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om afwyking ontvang is ingevolge Artikel 16(2)(b) om die volgende te verslap:

- Oostelike syboullyn vanaf 2m na 1,110m om die oorskreidings van die nuwe eerstevloer, die veranderinge aan die bestaande grondvloer van die woonhuis, asook 'n nuwe tweede wooneenheid te akkommodeer
- Westelike syboullyn vanaf 2m na 1,4m om die veranderinge van die bestaande grondvloer te akkommodeer, asook die oorskreidings van die nuwe eerstevloer, en die gebruiksverandering van die buitegebou na 'n tweedewooneenheid.
- Agterboullyn vanaf 2m na 1m om die gebruiksverandering van die buitegebou na 'n tweedewooneenheid te akkommodeer.

Aansoek is ook ontvang vir die bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) van die Verordening vir ongemagtigde boulynoorskreidings soos hierbo uiteengesit.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / loretta@overstrand.gov.za) voor of op **24 Maart 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **Mnr. H Olivier** 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.

ISIZA SMAMA-2424, 14 MCFARLANE STREET, E-ONRUS RIVER: ISICELO SOKUPHAMBUKA NOKUMISELA ISOHLWAYO SOLAWULO: EBOLANDPLAN TOWN AND REGIONAL PLANNING ON EGAMENI LABAPHATHISWA NGEXESHA LEKRIGE LE ROUX FAMILY TRUST

Isaziso sinikwe ngokuphathelele kwiCandelo lama-48 - lomThetho kaMasipala wesiLungiso wase-Overstrad kuYilo lokuSetyenziswa koMhlaba kaMasipala, 2020, (UmThetho kaMasipala) ukuba isicelo sifunyanelwe ukuphambuka ngokuphathelele kwicandelo le- 16(2)(b) ukunyenya okulandelayo:

- umda wokwakha osemaceleni aseMpuma ukusuka kwisi-2m ukuya kwisi-1,110m ukulungiselelaungenelo kumgangatho wokuqala omtsha, utshintsho kumgangatho osezantsi okhoyo kunye nokuhlalisa indawo yokuhlala yesibini entsha
- iinguqu kumda wokwakha ukusuka kwisi- 2m ukuya kwisi- 1,4m ukulungiselela iinguqu kumgangatho osezantsi okhoyo nongenelelo kumgangatho wokuqala nokusebenzisa utshintsho lwesakhiwo esingaphandle kwindawo yokuhlala yesibini.
- Umda wokwakha ongasemva ukusuka kwisi-2m ukuya kwisi- 1m ukulungiselela ukusebenzisa utshintsho lwesakhiwo esingaphandla kwindawo yokuhlala yesibini.

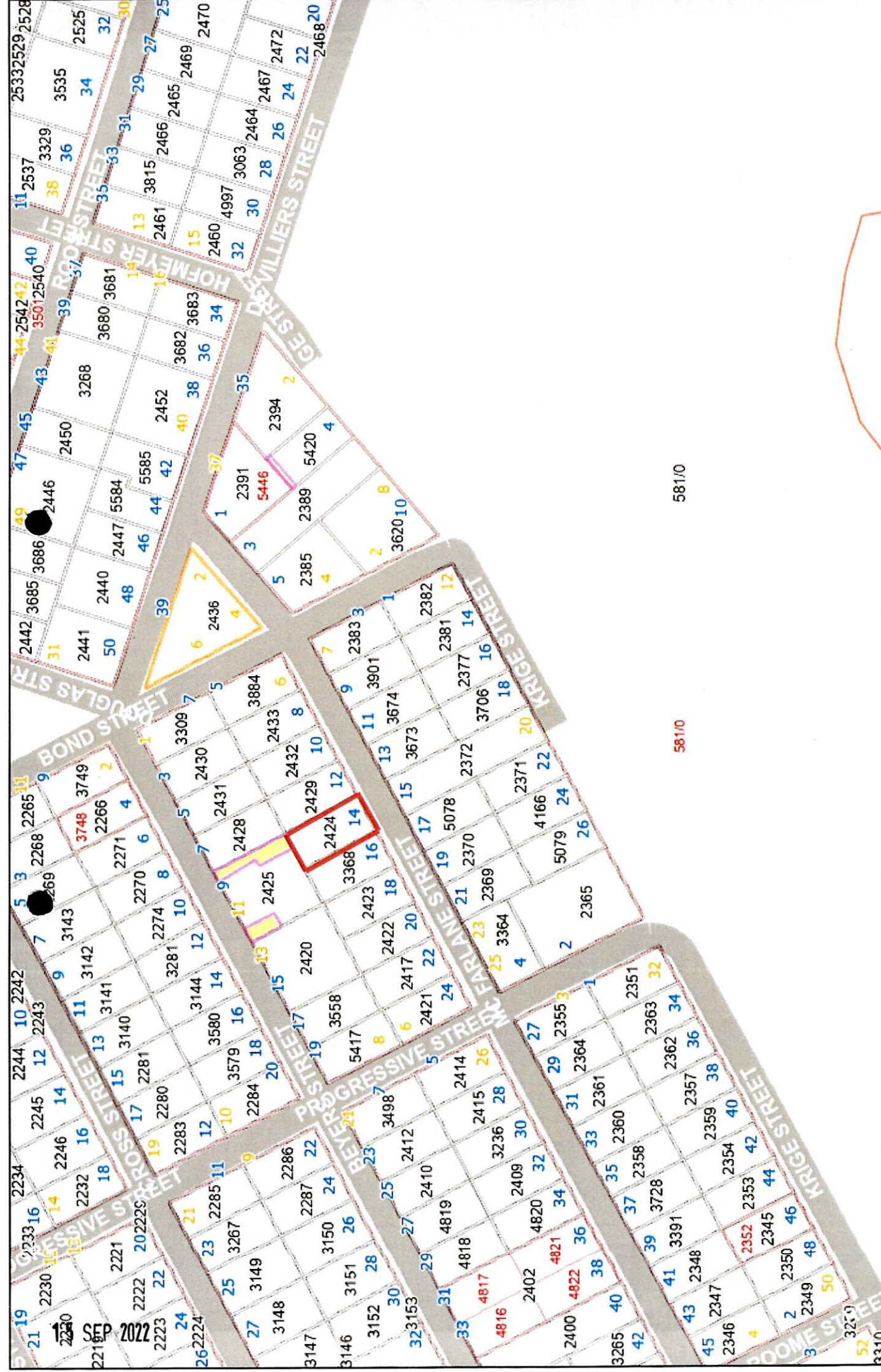
Isicelo sikwafunyanelwe ukumisela isohlwayo solawulo ngokuphathelele kwiCandelo le-16(2)(q) lomThetho kaMasipala ukungenelelo lwemida yokwakha engagunyaziswanga njengoko kuchaziwe ngasentla.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 zalo Mthetho oYilwayo mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla wama-24 kweyoKwindla/ngoMatshi wowama-2023, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba **uMnu. H Olivier** kule nombolo 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumcedisa azibhale izimvo zakhe.

Tel: 028 313 8900 | Fax: 028 313 2093 | E-mail: loretta@overstrand.gov.za

PO Box 20 | **HERMANUS** 7200

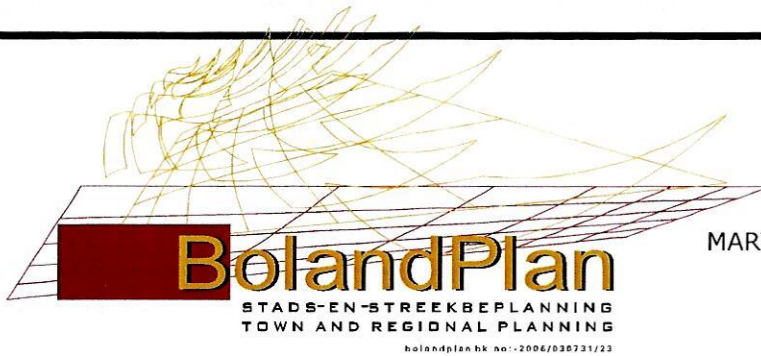
www.overstrand.gov.za



LOCALITY PLAN: Erf 2424, Onrus River



**GEWYSIGDE MOTIVERING 2 VIR AANSOEK OM PERMANENTE
AFWYKING EN KWYTSKELDING VAN 'N ADMINISTRATIEWE BOETE
TEN OPSIGTE VAN BESTAANDE EN VOORGESTELDE KANT- EN
AGTERBOULYN OORSKRYDINGS:- RESTANT ERF 2424, MCFARLANE
STRAAT 14, ONRUSTRIVIER, AFDELING CALEDON**



Posbus / PO Box 963
Worcester
6849

bolandplan@breede.co.za

MARTIN Oosthuizen:- 082 5655 835

**KLIËNT:- DIE TRUSTEES INDERTYD VAN
KRIGE LE ROUX FAMILIE TRUST**

Datum:- JAN2023
Ons verw.:- #ONR/1226
Mun verw.:- 2424 HON
APP ID.:- 4247/2022

INHOUDSOPGAWE:-

#ONR/1226

Motiveringsverslag

1. Inleiding
2. Doel
3. Die eiendom
 - 3.1. Eiendomsbeskrywing
 - 3.2. Ligging
 - 3.3. Oriëntasie
 - 3.4. Totale oppervlakte
 - 3.5. Eienaarskap
4. Huidige grondgebruik en omliggende gebruike
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7. Soneringskema Verordening
8. Ligging en toeganklikheid van die eiendom
9. Oorhoofse Beplanning
10. Dienste
 - 11.1. Watervoorsiening
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14. Geleenthede
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Lys van Planne

1. Streeksplan:- 1:25 000
2. Liggingsplan
3. Terreinplan

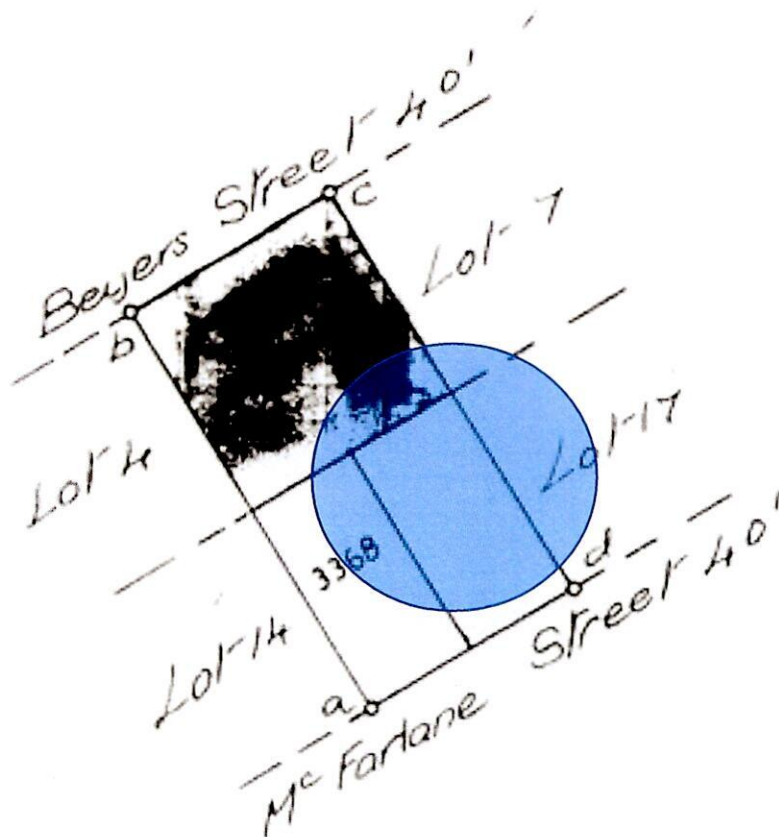
Bylae

- A. Aansoekvorm
- B. Volmag
- C. Transportakte Nommer T 30779/2014
- D. LG diagram

WOORDVERKLARING:-

#ONR/1226

"Wetgewing"	:-	Overstrand Munisipaliteit se Grondgebruik Verordening
"Soneringskema"	:-	Overstrand Munisipaliteit se Soneringskema Verordening
"Permanente Afwyking"	:-	In terme van artikel 16(2)(b) van Overstrand Munisipaliteit se Grondgebruik Verordening
"Kwytskeld van amin boete"	:-	In terme van artikel 90(3) van Overstrand Munisipaliteit se Grondgebruik Verordening
"Grondeienaar"	:-	Die Trustees indertyd van die Krige le Roux Familie Trust
"Terrein"	:-	Restant Erf 2424, McFarlanestraat 14, Onrustrivier, Afdeling Caledon
"Aansoek"	:-	Aansoek om permanente afwyking en kwytskelding van administratiewe boete



LG DIAGRAM:- ERF 2424, McFARLANESTRAAT 14, ONRUSTRIVIER

MOTIVERINGSVERSLAG:-

AANSOEK OM PERMANENTE AFWYKING EN KWYTSKELDING VAN 'N ADMINISTRATIEWE BOETE TEN OPSIGTE VAN BESTAANDE EN VOORGESTELDE KANT- EN AGTERBOULYN OORSKRYDINGS:- RESTANT ERF 2424, McFARLANE STRAAT 14, ONRUSTRIVIER, AFDELING CALEDON

VERW:- #ONR/1226

1. INLEIDING

BolandPlan is in Julie 2022 deur Mnr Krige le Roux die gevolmagtigde namens Die Trustees Indertyd van die Krige le Roux Familie Trust, geregistreerde eienaar van Erf 2424, McGarelanestraat 14, Onrustrivier, Afdeling Caledon aangestel om alle stadsbeplanningsaksies rakende die voorgestelde aansoek om permanente afwyking van die voorgestelde en bestaande kant- en agterboulyn oorskrydings en kwytskelding van administratiewe boete namens die Trust te hanteer.

Die bestaande enkel verdieping strandhuis oorskry beide die erf se 2 meter kant- en agterboulyn.

Die eienaar wil nou bo-op die bestaande grondvloer 'n verdieping plaas, dit gaan dus behels dat formeel aansoek gedoen moet word vir boulyn oorskrydings.

'n Nuwe onwettige huishulp slaapkamer agter die strandhuis oorskry die kantboulyn waar oorskryding verlang word en kwytskelding van 'n administratiewe boete.

Grondeienaar woon op Rawsonville en is plaaslike tekenaar, **De Wet Hills** van DHD PLANS op Worcester aangestel om veranderinge aan die bestaande struktuur aan te bring. Alvorens **De Wet Hills** bouplanne vir die voorgestelde omskepping van die strandhuis by Overstrand Munisipaliteit kan indien moet die Raad eers die afwyking van die boulyn oorskrydings ingevolge Overstrand Munisipaliteit se Grondgebruiksverordening goedkeur.

Die aansoek kan as volg opgesom word vir munisipale prosesseringsdoeleindes:-

VOORGESTELDE AANSOEK OM PERMANENTE AFWYKING EN KWYTSKELDING VAN 'N ADMINISTRATIEWE BOETE TEN OPSIGTE VAN BESTAANDE EN VOORGESTELDE KANT- EN AGTERBOULYN OORSKRYDINGS:- RESTANT ERF 2424, McFARLANE STRAAT 14, ONRUSTRIVIER, AFDELING CALEDON

2. DOEL

Die doel van hierdie aansoek is om aansoek te doen vir die volgende:-

❖ Afwyking:-

Restant Erf 2424, Onrustrivier, afwyking op Enkel Residensiële sone (SR1) vir oorskryding van agterboulyn en kantboulyn, ingevolge die bepalings van artikel 16(2)(b) van Overstrand Munisipaliteit se Grondgebruiksverordening.

❖ Kwytskelding van 'n administratiewe boete:-

Restant Erf 2424, Onrustrivier, kwytskelding van administratiewe boete vir bestaande boulyn oorskrydings, ingevolge die bepalings van artikel 90(3) van Overstrand Munisipaliteit se Grondgebruiksverordening.

Die proses behels prosessering van hierdie formele aansoek om afwyking en kwytstelling van administratiewe boete na die Raad se interne departemente en kennisgewings aan die aanliggende grondeienaars vir kommentaar/beswaar indien enige.

3. DIE EIENDOM

3.1. Eiendomsbeskrywing:-

Die eiendom word formeel in die Transportakte beskryf as:- Restant Erf 2424, Onrustrivier, in die Munisipaliteit Overstrand, Afdeling Caledon, Provinsie van die Wes-Kaap.

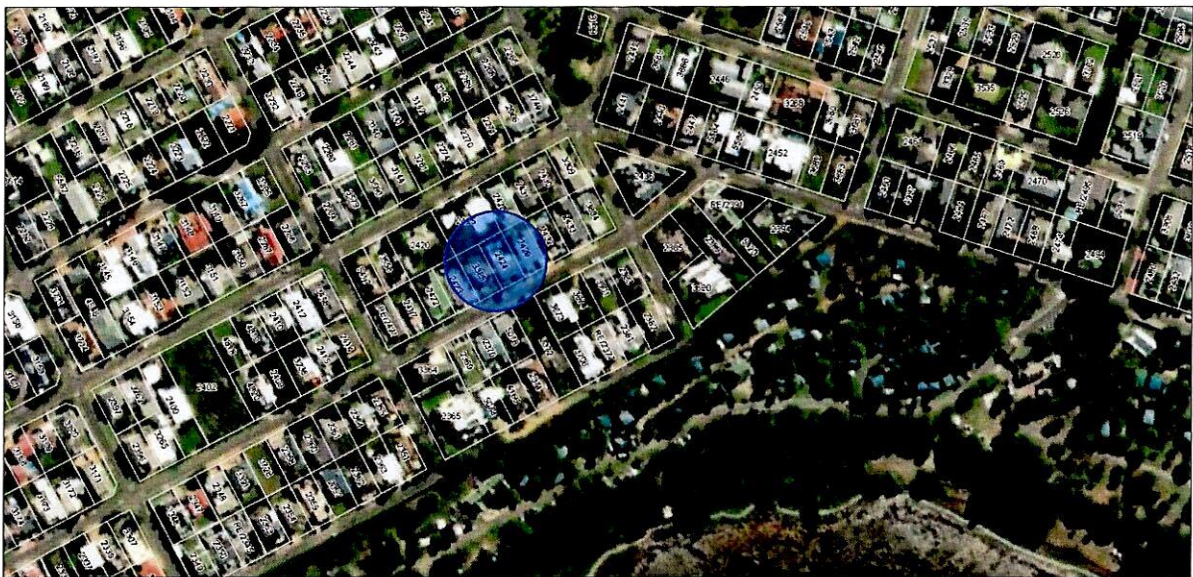
3.2. Ligging:-

Die ondersoek eiendom is geleë in McFarlanestraat 14, Onrus.

Koördinate van plek spesifieke ligging:-

34°24'51.23" S

19°10'05.14" O



LIGGING:- ERF 2424, McFARLANESTRAAT 14, ONRUS

3.3. Oriëntasie:-

Noord:- Erf 2425, Onrustrivier
Oos:- Erf 2429, Onrustrivier
Suid:- McFarlanestraat en Erf 2372, Onrustrivier
Wes:- Erf 3368, Onrustrivier

3.4. Totale oppervlakte:-

Erf 2424, McFarlanestraat 14, Onrus is groot, 496 m².

3.5. Eienaarskap:-

Eiendom behoort aan:- Die Trustees indertyd van Krige le Roux Familie Trust ingevolge Transportakte Nr. T 30779/2014.



GOOGLE ORIËNTASIE:- ERF 2424, McFARLANESTRAAT, ONRUS

4. HUIDIGE GRONDGEBRUIK EN OMLIGGENDE GEBRUIKE

Ondersoek eiendom is gesoneer as Enkel Residensiële sone (SR1:- woonhuis) in terme van Overstrand Munisipaliteit se Soneringskema Verordening soos van toepassing op Onrustrivier se dorpsgebied.

Grondgebruik parameters:-

Dekking:-

Erf oppervlakte is 496 m², dekking dus 50%.

Boulyne:-

Straatboulyn:- **4,0 meter**

Kant- en agterboulyn:- **2,0 meter**

Die primêre gebruike van Enkel Residensiële sone wat 'n impak op die aansoek het is:-

- ❖ Woonhuis / Dwelling house
- ❖ Tweede wooneenheid / Second dwelling unit, welke gedefinieer word as:-

Dwelling house:-

'means a self-contained, inter-leading group of rooms used for the accommodation and housing of a single family (together with adequate sanitary facilities and a kitchen and such outbuildings as are ordinarily used therewith), provided further that a dwelling house may not have more than two kitchens'

Second dwelling unit:-

'means a dwelling unit which may, in terms of this land use scheme, be erected on a land unit where a dwelling house is permitted, and such second dwelling unit may be a separate structure or may be contained in the same structure as the dwelling house, provided that:-

- The second dwelling unit must be situated on the same land unit;
- The second dwelling unit shall comply with the requirements specified in this land use scheme;
- The Municipality may require the payment of a bulk services levy or such other levy as it may determine when permitting the erection of a second dwelling unit;
- Where a wendy house or outbuilding is used for accommodation purposes, such wendy house or outbuilding shall be considered a second dwelling unit for the purpose of this scheme.'

Die agterste gedeelte van die woonhuis is nie intertoeganklik met die res van die huis nie en kan die Raad dit sal sien as 'n tweede wooneenheid, dit is deel van die primêre gebruike n geen beperking in die akte wat dit verhoed nie.

Die woonhuis het twee kombuise wat toelaatbaar is as deel van die primêre gebruik.

Omliggende grondgebruike is soos volg:-

Noord van RE/Erf 2424, Onrustrivier:-

- ❖ Erf 2425, Onrustrivier :- Enkel Residensiële sone (woonhuis)

Suid van RE/Erf 2424, Onrustrivier:-

- ❖ Erf 2372, Onrustrivier :- Enkel Residensiële sone (woonhuis)
- ❖ McFarlanestraat :- Straat

Wes van RE/Erf 2424, Onrustrivier:-

- ❖ Erf 3368, Onrustrivier :- Enkel Residensiële sone (woonhuis)

Oos van RE/Erf 2424, Onrustrivier:-

- ❖ Erf 2429, Onrustrivier :- Enkel Residensiële sone (woonhuis)

5. OORSKRYDINGS + ADMIN BOETE

Die boulyne van toepassing op ondersoek eiendom word soos volg weergegee in Overstrand Munisipaliteit se Soneringskema Verordening:-

Straatboulyn:- 4,0 meter
Kant- en agterboulyn:- 2,0 meter

Die huishulpkamer was eers nie intertoeganklik met die buitegebou nie maar daar word nou voorgestel om dit intertoeganklik te maak met die bestaande buitegebou (tweede wooneenheid), sien gewysigde plan aangeheg en op bladsy 10.

For an English summery on the departures it comes down to:-

- Relax the western building lines from 2m to 1.4m to accommodate internal alternations and alterations to windows on ground floor of the dwelling and a new double storey level on first floor.
- Relax the eastern lateral building line from 2m to 1,11m to accommodate internal changes and windows on ground floor level and a new second storey level.
- Relax the 2m western lateral building line to 1.4m, the 2m rear building line to 1m and the eastern lateral building line from 2m to 1,1m to accommodate the proposed alterations of the outbuilding into a second dwelling and to include the illegal servant's quarter as part of the second dwelling.

BACKGROUND ON ILLEGAL BUILDING ALTERATIONS DONE:-

The property was bought by my client during 2014. Below see referral to the add used when the property was on the market. The property was advertised during 2014 as:- *'...dual living is also possible as there is a large separate flat on the premises, offering a lounge cum dining room with an open plan kitchen, large bedroom and bathroom separate entrance. The main house has....'*

This advert information clearly indicates that a second dwelling (although now part of the primary use) on the property was existing at the time my client bought the property (then illegal). This second dwelling is clearly visible on building plan dated 8/2001 with existing boundary line encroachment. The plan also has a note referring to *'oorskryding van grenslyn was reeds bestaande tydens onderverdeling'*. The subdivision could be one of the reasons for the existing encroachments. The second dwelling had a kitchen but the infrastructure there for was removed, the structure is and will not be used for short term letting purposes and is only used for accommodation for the owner's 3 sons (u/21). Portion of the second dwelling seemed to be over the side cadastral line and it seems as if a portion of the old structure was demolished at some stage. According to neighbours all this building work was done by the previous landowner, JA Baard during 2013.

When my client bought the property, the house had no garage. It seems as if a garage and probably a servant's room were incorporated into part of the existing second dwelling by the previous land owner at some time.

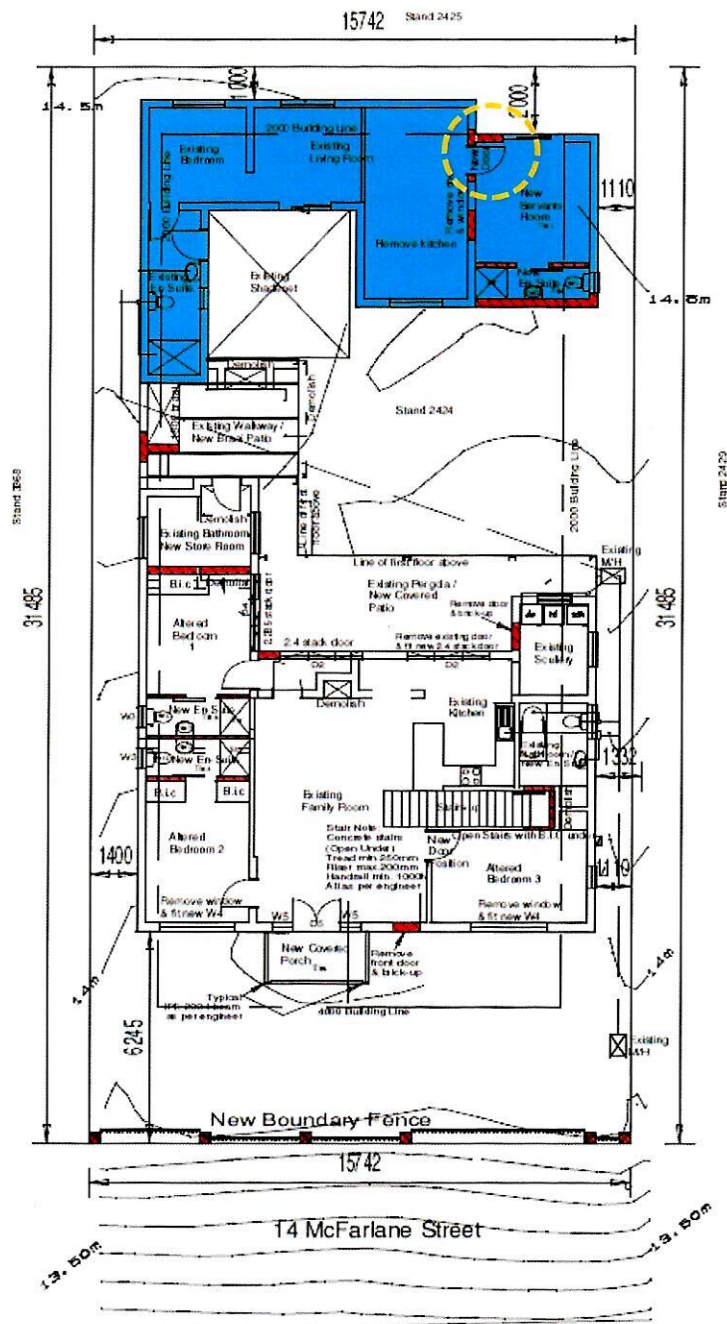
The previous land owner, Mr Baard is dead and we can't get any more historical proof.

The new land owner, demolished an illegal wendy house that the previous owner erected on the 0 m back-boundary line and without knowing illegally replaced this temporary structure with a new one roomed outbuilding called 'new servants' room' on the new building plan. This room is proposed to be interleading and form part of the second dwelling.

Legend



Second dwelling Area = 68m²



Site Plan

Scale 1:200

Sien aangehegte terreinplan vir duidelike verwysing na boulyn oorskrydings.

KWYTSKELDING VAN ADMINSTRATIEWE BOETE:-

Die totale huishulp kamer is onwettig aangebou en is die administratiewe boete daarop van toepassing.

Die struktuur is groot 14,5 m²

Ander onwettige bouwerk is nie gekoppel aan oppervlakte nie dit is houtvensters en deure wat met alluminium vervang is.

According to the owner he did the following illegal building work without prior building plan permission:-

- A new one roomed outbuilding (without a kitchen) as new servant's quarter.
- Replaced old wooden windows and doors with new aluminium windows and doors.
- Existing illegal 'braai' was demolished and moved to a more convenient orientation within the same area.
- New bathrooms were created within the existing bedroom footprints as per new building plan.
- Old polycarb covered pergola was removed at the back of the dwelling.
- Old shade netting carport was removed in front of the dwelling.

I'm not aware of any other illegal building work on the property.

The new 'servants' room' was built over the side building line and thus the trigger for the determination of an admin penalty fee.

MOTIVATION NOT TO PAY AN ADMINISTRATIVE PENALTY IN TERMS OF SECTION 90.3 (a) TO (e) OF THE BY-LAW:-

- The nature, duration, gravity and extent of the contravention:-

Nature:-

wooden windows and doors changed to aluminium, new servants' room, bathrooms within existing bedrooms footprints.

Duration:-

all work done during 2022.

Extent:-

minor building work.

- The conduct of the person (allegedly) involved in the contravention:-
The land owner had no idea that the building work needed Council building plan approval.
- A report by a quantity surveyor in matters of unauthorized building/construction:-
No quantity surveyor was appointment.
Would you like us to determine the value of the illegal building work ?
- Whether the unlawful conduct was stopped:-

The building work is all done, expect for the new proposal of a second floor that will encroach on the boundary lines as per the existing structure on the first floor and the main reason for this application.

- Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law:-
No previous contravention.

Indien van toepassing verneem die eenaar graag of hy vrygestel kan word van 'n administratiewe boete vir die bestaande woning se boulyn oorskrydings. Hy het die eiendom gekoop met die verstande dat die reeds ouer woning bestaande oorskrydingstoestemming het. Die Trust was glad nie bewus van meer beperkende boulyne nie.

In terme van die kriteria van Artikel 90(3) van Overstrand Munisipaliteit se gewysigde Verordening op Grondgebruiksbeplanning, 2020 die volgende:-

Die eenaar het die woonhuis gekoop wat bestaande kantboulyne oorskry, die nuwe buitekamer is opgerig in die plek van 'n wendyuis wat ook reeds daar was toe hulle die eiendom gekoop het. Die eenaar was van opinie dat hulle bloot die wendy vervang het met 'n permanente struktuur. Dit was voordat ons die eenaar ingelig het van die wetlike verantwoordelikheid van bouplanne en grondgebruiksparameters soos boulyne in die geval.

Ons weet dit is nie 'n geldige verskoning nie maar dit is die eenaar se rede vir kwytstelling van 'n administratiewe boete sou die Munisipaliteit anders besluit sal die bepaalde boete betaal word.

6. TITELAKTE

Genoemde titelakte T 30779/2014 is nagegaan en is daar geen beperkings in die titelakte van toepassing op die aansoek nie.

7. SONERINGSKEMAREGULASIES

Ondersoek eiendom resorteer tans onder Overstrand Munisipaliteit as plaaslike owerheid en word die aansoek om afwykende gebruik gedoen in terme van die Soneringskema Verordening, soos van toepassing op Onrustrievier.

Die voorgestelde en bestaande boulyn oorskrydings kan gewettig word deur 'n permanente afwyking toestemming ten opsigte van die boulyne alvorens die bouplanne deur die Munisipaliteit geprosesseer kan word.

8. LIGGING EN TOEGANKLIKHEID VAN DIE EIENDOM

Die boulyn oorskryding het geen negatiewe invloed op die verkeerspatrone van McFarlanestraat in Onrus nie.

9. OORHOOFSE BEPLANNING

Die Ruimtelike Ontwikkelingsraamwerk van Overstrand Munisipaliteit het nie voorskrifte ten opsigte van boulyne nie.

10. DIENSTE

10.1. Watervoorsiening:- Geen impak. Bestaande munisipale infrastruktuur.

10.2. Vaste afval:- Geen impak. Bestaande munisipale infrastruktuur.

10.3. Elektrisiteitsvoorsiening:- Geen impak. Bestaande munisipale infrastruktuur.

10.4. Sanitasie:- Geen impak. Bestaande infrastruktuur.

11. BEBOUDE OMGEWING

Die aansoek om permanente afwyking het ten doel 'n kant- en agterboulyn oorskryding ten einde die bestaande boulyn oorskryding op die grondvloer te wettig en veranderinge aan die bestaande struktuur aan te bring wat die bestaande boulyn oorskrydings sal volg tot op eerste vloer vlak.

BolandPlan is van opinie dat die oorskrydings geensins negatief sal imakteer op die aanliggende grondeienaars nie en wel as gevolg van die volgende redes:-

- ❖ Daar is geen negatiewe impak op seesiglyne nie en dus geen visuele steurnis.
- ❖ Die grondvloer oorskrydings is jare reeds bestaande behalwe vir die huishulp kamer wat onwettig aangebou was.

12. WENSLIKHEID + BEHOEFTE

The following sections is an assessment of the application in terms of the decision-making criteria listed in Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 and serves as the motivation for the approval of this application.

10.1:- CONSISTENCY WITH PLANNING LEGISLATION

10.1.1:- SPLUMA (Spatial Planning and Land Use Management Act, 16 of 2013)

Section 42 of SPLUMA stipulates that, in considering and deciding on an application, a Municipal Planning Tribunal must –

- (a) Be guided by the development principles set out in Chapter 2 (of SPLUMA);*
- (b) Make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; and*
- (c) Take into count –*
 - i. The public interest;*
 - ii. The constitutional transformation imperatives and the related duties of state;*
 - iii. The facts and circumstances relevant to the application;*
 - iv. The respective rights and obligations of all those affected;*
 - v. The state and impact of engineering services, social infrastructure and open space requirements; and*
 - vi. Any factors that may be prescribed, including timeframes for making decisions.*

The application is considered to be in line with the requirements of Section 42 of SPLUMA, due to the following reasons:-

- ❖ The proposed extension to the footprint of the existing main dwelling house as beach house will contribute positively to the principle of spatial justice as it ensures to improve the use of the land.
- ❖ Approval of the application will allow the land to be utilized more efficiently.
- ❖ It contributes positively to the principle of spatial sustainability.
- ❖ The proposed extension does not negatively affect any existing sea view of neighbours.
- ❖ The proposal contributes positively to the principle of efficiency as it optimises the use of existing resources and infrastructure on the property without resulting in negative financial, social, economic or environmental impacts.
- ❖ The proposal supports the principle of spatial resilience as it will ensure flexibility in municipal policies that will ensure economic development and creation of employment opportunities.
- ❖ The proposal takes into account and respects public interest and ensures that rights and obligations of affected parties are not affected and does not impact on engineering services, social infrastructure and open space requirements.
- ❖ The application is compliant with all relevant environmental legislation.

10.1.2:- LUPA (Western Cape Land Use Planning Act, 3 of 2014)

Section 59 of LUPA contains a list of land use principles which should guide land use planning. The application adheres to these principles, as stipulated below:-

Spatial justice:-

The proposal contributes to the principle of spatial justice and redressing of past spatial and other development imbalances as it ensures improved utilization of land.

Spatial sustainability:-

The proposal does not negatively affect any sea view, natural habitat, heritage and tourism resources or ecological corridor and environmentally protected areas.

Efficiency:-

The proposal optimizes the use of existing resources and infrastructure.

Spatial Resilience:-

The existing dwelling is an existing encroachment against municipal policy.

10.2: - CONSISTANCY WITH SPATIAL DEVELOPMENT FRAMEWORKS:-

10.2.1:- Western Cape Provincial Spatial Development Framework (PSDF)

The Western Cape Spatial Development Framework (PSDF) was approved by the executive authority and endorsed by Provincial Cabinet. The PSDF's policy framework covers Provincial spatial planning's three interrelated themes, namely:-

- 10.2.1.1:- Sustainable use of the Western Cape's spatial assets,
- 10.2.1.2:- Opening-up opportunities in the Provincial space-economy, and
- 10.2.1.3:- Developing integrated and sustainable settlements.

The proposed dwelling extension relates to these themes in the following manner:-

10.2.1.1:- Sustainable use of the Western Cape's assets:-

The house is used as holiday house by it's owners with no negative impact on the Western Cape as a world class tourism destination, given the attraction and authenticity of rural landscapes of scenic, cultural and natural splendor and emphasizes that the Province's biodiversity and agricultural resources should be protected.

10.2.1.2:- Opening-up opportunities in Space-economy:-

The proposal has no new opportunity.

10.2.1.3:- Developing Integrated and Sustainable Settlements:-

The house is existing within a build up residential sea side development.

The extension of the existing house will not encourage investment and will not create tourism opportunities.

The renovation will have no negative impact on the area's sense of place and will not damage the existing residential character.

No change in land use.

No impact on biodiversity.

The proposal is therefor considered to be in line with the policies of the PSDF.

10.2.2:- Overberg Municipality's Spatial Development Framework:-

The application complies with the Spatial Development Framework of Overberg Municipality due to the proposed scale of the extension to the existing dwelling that will compliment the aesthetic qualities of the environment.

10.4. **DESIRABILITY OF THE PROPOSED LAND USE / WENSLIKHEID**

❖ **Voorstel in lyn met bestaande Stads- en Streekbeplannings beleidsdokumente en planne.**

Boulyn oorskrydings van die verordening parameters is minimaal met geen negatiewe impak op die aanliggende grondeienaars nie.

❖ **Komplimenterende gebruik tot die area**

Geen gebruiksverandering word voorgestel nie.

Die voorgestelde permanente afwyking van beperkende boulyne het geen negatiewe impak nie. Die residensiële karakter van die area sal baat vind by die voorgestelde estetiese opgradering.

❖ **Die 'sin van plek' gaan behou word**

Die herontwikkeling van die strandhuis gaan nie die karakter of die atmosfeer van die woonbuurt negatief verander nie. Die 'sin van plek' van Onrus gaan geensins negatief beïnvloed word deur die estetiese struktuur opgradering nie.

❖ **Geen negatiewe impak op verkeerskongestie**

Daar word aanvaar dat die voorgestelde boulyn afwykings nie negatief sal impakteer op die verkeersvloei nie.

❖ **Geen negatiewe impak op die estetika van die gebied**

Die onmiddellike beboude omgewing kan baat vind by die voorgestelde estetiese verbetering van die strandhuis.

❖ **Sosio-ekonomiese probleme**

Geen sosio-ekonomiese probleme word voorsien met die voorgestelde aansoek nie.

❖ **Indringing**

Die privaatheid van omliggende grondeienaars word nie negatief beïnvloed deur die afwyking van die boulyne nie.

Publieke deelname:-

Aanliggende grondeienaars sal kennisgewings ontvang van die aansoek vir kommentaar / beswaar indien enige.

13. GELEENTHEDE

Geen geleentheid vir onpenbare belang.

14. SAMEVATTING

Die voorgestelde aansoek om afwykende gebruik en kwytstelling van 'n administratiewe boete doen geensins afbreuk aan die karakter van McFarlanestraat, Onrustrivier nie en het dit ten doel 'n opgradering van 'n bestaande eiendom wat positief sal impakteer op eiendomswaarde in die direkte omgewing.

Voorgehou vir die Raad se gunstige oorweging.

MARTIN Oosthuizen

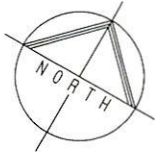
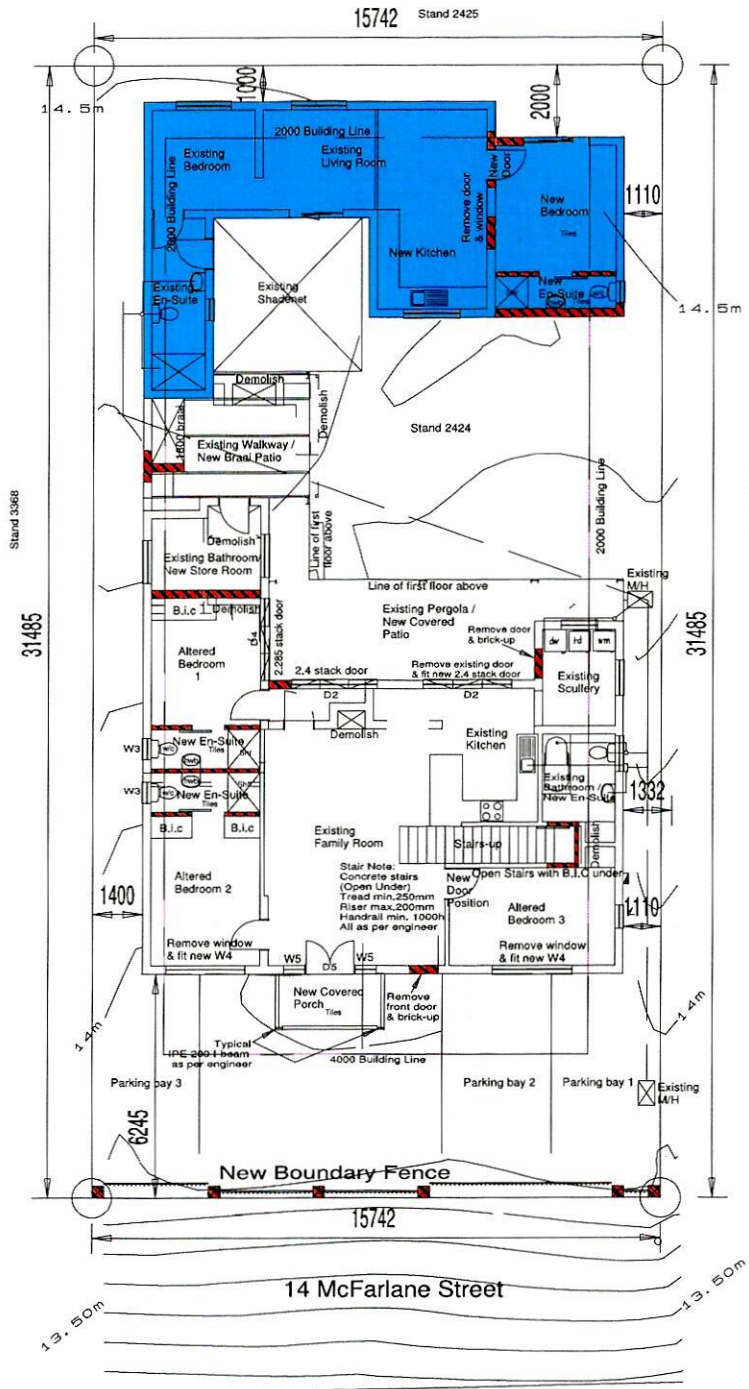
Tch.Pln/B/8270/2014

Legend



Second dwelling Area = 68m²

Date : 06 Feb 2023



Site Plan
Scale 1:200

09 FEB 2023