

ERF 4999, 27 BERGHOF DRIVE, ONRUS RIVER: APPLICATION FOR DEPARTURE: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF GH KAYAT

Notice is hereby given in terms of Section 48 that an application in terms of Section 16(2)(b) of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received for a departure in terms of Section 16.8.2(b) of the Land Use Scheme, to exceed the permissible amount of privately owned motor vehicles on a residential property.

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) 028-313 2093 / (e) loretta@overstrand.gov.za) on or before **21 April 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 4999, BERGHOFRYLAAN 27, ONRUSRIVIER: AANSOEK OM AFWYKING: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS GH KAYAT

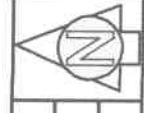
Kennis word hiermee ingevolge Artikel 48 gegee dat 'n aansoek ingevolge Artikel 16(2)(b) van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), ontvang is om afwyking ingevolge Artikel 16.8.2(b) van die Grondgebruikskema, om die toelaatbare hoeveelheid motorvoertuie in privaat besit op 'n residensiële eiendom te oorskry.

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) 028-313 2093 / (e) loretta@overstrand.gov.za) voor of op **21 April 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 ESINGU-ERF 4999, 27 BERGHOF DRIVE, ONRUS RIVER: ISICELO SOKWAHLULA: PLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKAGH KAYAT

Kukhutshwe izaziso esimayela nemiba yeSoloty lama48 esithi kufunyenwe isicelo esiphathelene nemiba yeSoloty le16(2)(b) elihambelana neSoloty le16.8.2(b) elingeSkim Sokutyenziswa koMhlaba, isicelo esingokuvumela ukusetyenziswa koMhlaba okanye indawo egcina izithuthi zomnini wabucala kwindawo ehlala abantu.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwintsimbi ye08:00 ukuya kwe16:30 kwiSebe: Izicwangciso zeDolophu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe kwamasipala ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala (16 Paterson Street, Hermanus / (f) 028-313 2093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-**21 Epreli 2023**, euMwangcisi weDolophu, uMnu. H. Olivier kwa-028-313 8900. UMasipala angala ukwamkela izimvo emva womhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu apho igosa likamasipala liza kumnceda ukuhlomla ngokusemthethweni.



Scale: NTS
 Drawing Nr: ONR4999L.dwg
 Date: 02/2023

Plan Description:
LOCALITY MAP

Property Description:
**ERF 4999
 ONRUSTRIMIER**

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

PLAN Stads- en Streeksbeplanners
 Town & Regional Planners
Active

PROPOSED DEPARTURE
ERF 4999 ONRUSTRIVIER
DIVISION: CALEDON
OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Mr. Gary Kayat, the owner of erf 4999 Onrustrivier, has instructed the company Plan Active to apply for a permanent departure in order to exceed the number of vehicles parked on a single residential property within a garage or on the property.

Erf 4999 Onrustrivier is 1 971m² in extent and it is held by Title Deed number T22210/2018.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a permanent departure to exceed the number of privately owned motor vehicles on a residential property.

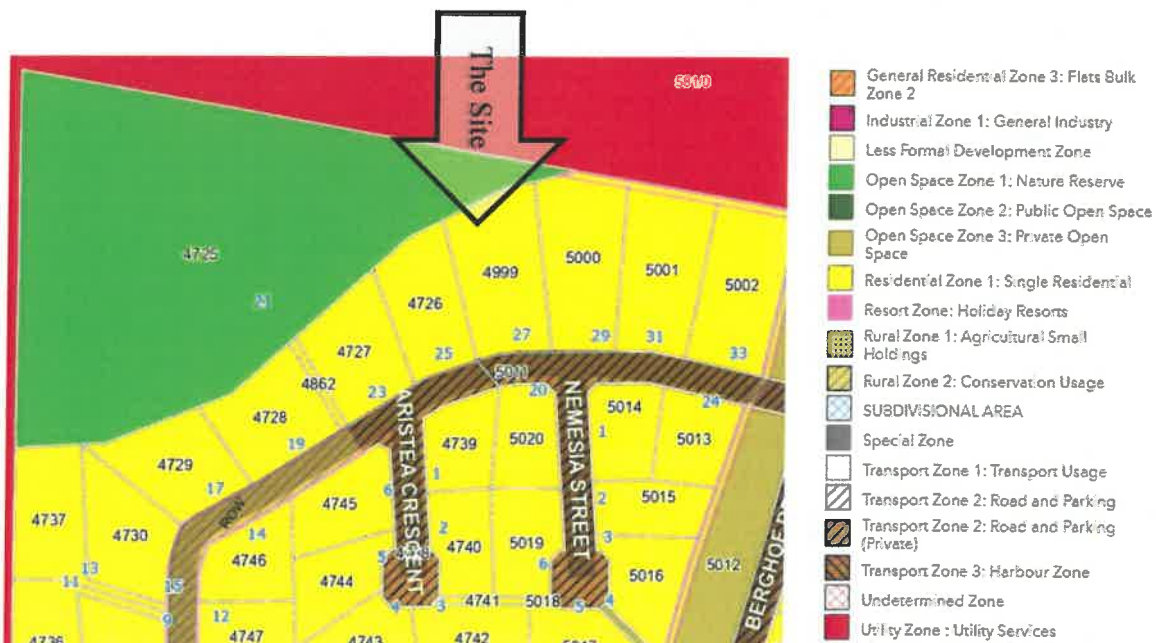
3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

The property is situated at 27 Berghof Drive, Onrus. Please refer to the enclosed locality map.

3.2 ZONING

Erf 4999 Onrustrivier is located within the Berghof Estate development and is zoned Residential Zone 1 and it is currently vacant. Surrounding properties are primarily zoned for single residential purposes and the subject erf abuts an open space to the north. Please refer to the abstract from the Zoning Map below:



3.3 LAND USE

Erf 4999 Onrustrivier is currently vacant. The owner intends to construct a dwelling on the subject erf as per the enclosed set of building plans. The dwelling will be of high quality and will be in line with the built character of Berghof Estate.

Land uses that surround erf 4999 Onrustrivier are predominantly residential uses and it is therefore evident that erf 4999 Onrustrivier is located within and established single residential area.

3.4 PROPOSED DEVELOPMENT

Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for a permanent departure to exceed the number of privately owned motor vehicles on a residential property.

3.4.1 PROPOSED DEPARTURE

Mr. and Mrs. Kayat are avid, passionate motor vehicle enthusiasts and collectors of classic cars and motorcycles and own a number of motor vehicles that they would like to house and display at their proposed dwelling on Erf 4999 Onrustrivier. The vehicles currently in their collection are:

- 1958 Split Window VW Bus
- 1967 VW Beetle converted & restored into a Herbie
- 1998 Land Rover Defender
- 2017 Ford Mustang
- and a selection of Harley Davidson, Triumph and BMW motorcycles.

Please refer to the photocollage below:





They are members of the Ford Mustang Club of South Africa and they have also been part of VW days in Pretoria and Johannesburg. Retiring to Onrustrivier will give them more time to enjoy multiple attendance opportunities for more such events in the Western Cape. They are also looking forward to being part of the George Old Car Show in the near future.

The cars and motorcycles that they own are mostly driven by them and therefore the mileage per year on these vehicles are very low and sometimes not even exceeding 1000km per year per vehicle. The proposed garages to accommodate all their vehicles are not the common take on a garage for the storage of vehicles but rather an extension of their home that are tastefully decorated as can be seen in the photograph below.



The Overstrand Municipal Land Use Scheme Regulations, 2020 restrict the number of vehicles that may be parked inside a garage or on a property. The restrictions read as follow:

“The following development parameters apply to the placement of vehicles in the Single Residential Zones and General Residential Zones:

- a) A motor vehicle owned by an occupant of a dwelling unit and used for commercial activities conducted away from the dwelling unit may be parked on the property where the occupant resides, provided that:
 - (i) there is adequate space on the property concerned;
 - (ii) no more than one commercial vehicle per dwelling unit shall be parked on the property; and
 - (iii) the gross weight of any such commercial vehicle shall not exceed 3 500 kg.
- b) Placement of private motor vehicles shall not exceed more than five, inside a garage or on the property, including motor vehicles used for recreational purposes.”

The proposed dwelling makes provision for 2 double garages and a garage with 3 single garage doors providing parking space for 4 cars. In total the garages can accommodate 8 cars that exceed the maximum number of private vehicles that may be parked on a site by 3 cars. This calculation is based on cars alone and in terms of the restriction mentioned above motorcycles should also be accounted for. Subsequently provision has to be made for 4 motorcars and 7 motorcycles that will exceed the maximum number of 5 motor vehicles by 6. A total number of 11 privately owned motor vehicles will therefore be accommodate on Erf 4999 Onrustvriev.

With reference to the enclosed set of building plans, it is clear that the dwelling and outbuilding would be of high quality and that it would fit in with the existing built character of the Berghof Estate. Please refer to the rendered image below received from Palin & Smit Architects of the proposed dwelling and garages as seen from Berghof Drive:



3.5 CHARACTER OF THE ENVIRONMENT

The subject property is situated within a primarily residential area within the Berghof Estate, Onrus. Erf 4999 Onrustrivier is located at 27 Berghof Drive, Onrus. The subject erf is situated in the most northern, highest row of residential erven within the estate overlooking the town of Onrus and the Ocean.

The primary land use of Erf 4999 Onrustrivier will be single residential with the exception that provision will be made for more than the average number of garages. The garages are well designed, matching the dwelling and will be of high quality.

With reference to the above, the proposed development of Erf 4999 Onrustrivier will have no negative impact on the residential character of the area and will be compatible.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The zoning of the subject property and land use will remain unchanged and the property will be used for its intended purposes. The application constitutes a permanent departure to have more than 5 privately owned motor vehicles on a single residential erf as prescribed in the Overstrand Municipal Land Use Scheme Regulations, 2020. As mentioned above, the departure will not have a negative impact on the surrounding landowners and the property values of surrounding erven will also not be negatively affected by the proposed application.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist. Additional services are not required and therefore the proposal will not have a negative impact on existing services that are provided by the Overstrand Municipality.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

A single access driveway will be provided to access the proposed garages from Berghof Drive. The proposed dwelling makes provision for 2 double garages and a garage with 3 single garage doors providing parking space for 4 cars. Garaged parking space for cars calculates to 8 cars. The owners have a total of 4 cars and 7 motorcycles that will be accommodated in the proposed garages. Please refer to the enclosed set of building plans.

In terms of the Chapter 17, Minimum Off-Street Parking Requirements, 2 parking bays must be provided per dwelling. The minimum requirement is met but, in this instance, the maximum number of cars that are privately owned, parked in a garage or on the

property may not exceed 5. We are therefore applying for a departure from this land use restriction.

As mentioned earlier in this motivation, the motor vehicles are privately owned and driven by the owners. Subsequently the impact on traffic will not be increased or negatively influenced by the proposed departure from the land use restriction.

3.8 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.8.1 HERITAGE VALUE

From a heritage perspective, the proposal for a departure applicable to Erf 4999 Onrustrivier has no relevance.

3.8.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure does not trigger any listed activities in terms of the National Environmental Management Act (NEMA).

3.9 FORWARD PLANNING AND LAND USE DOCUMENTS

The land use of Erf 4999 Onrustrivier will be for what the property was intended for and the zoning that it has. The zoning is Single Residential and a dwelling with an associated outbuilding will be constructed that are in line with the primary uses under the current zoning. In terms of a land use restriction under Section 16.8.2 of the Overstrand Municipality Scheme Regulations the placement of private motor vehicles shall not exceed more than 5, inside a garage or on the property.

The *Overstrand Spatial Development Framework (2006)*, the Overstrand Municipal Growth Management Strategy (OMGMS) and the Overstrand Municipality Spatial Development Framework 2020 does not apply to this application.

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: Spatial justice does not apply to this application.

Spatial sustainability: The proposed application promotes compaction and is in line with the current built form and residential character of the Berghof Estate.

Efficiency: Erf 4999 Onrustrivier will be utilised to its fullest potential keeping the character and land uses into consideration and to ensure that the surrounding erven will not be negatively impacted.

Spatial Resilience: Spatial resilience is not applicable to this application.

Good Administration: Our company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning.

4. RECOMMENDATION

When this application is evaluated, it is important to take note of the following:

- The application is merely to exceed the number of private motor vehicles that may be accommodated inside a garage;
- All services on the subject properties already exist and no additional services will be required;

Motivation report

- The proposed departure falls within the existing land use tendencies in the area;
- There will be no impact on the traffic and services if this application is approved;
- The proposed departure will not have a negative impact on the existing built character and land values of the surrounding erven and the property will be utilised for its intended single residential land use.
- The property is large enough to make provision for the proposed garages without exceeding the prescribed coverage.

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the proposed departure for Erf 4999 Onrustrivier.

FARM ON RUSTRIVIER NR 581

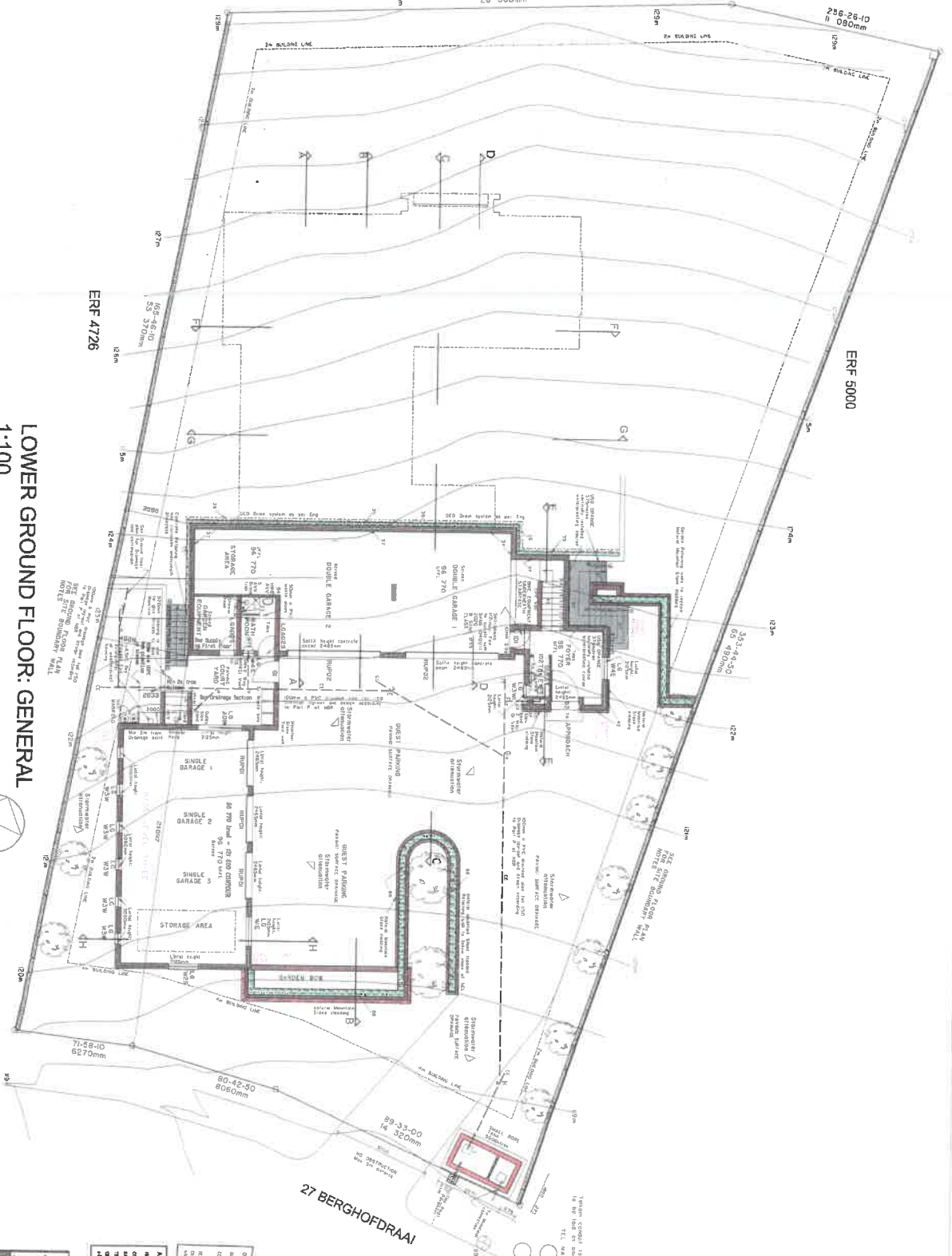
243-02-00
26 860mm

256-26-10
11 080mm

ERF 4726

ERF 5000

LOWER GROUND FLOOR: GENERAL
1:100



27 BERGHOFDRAAI

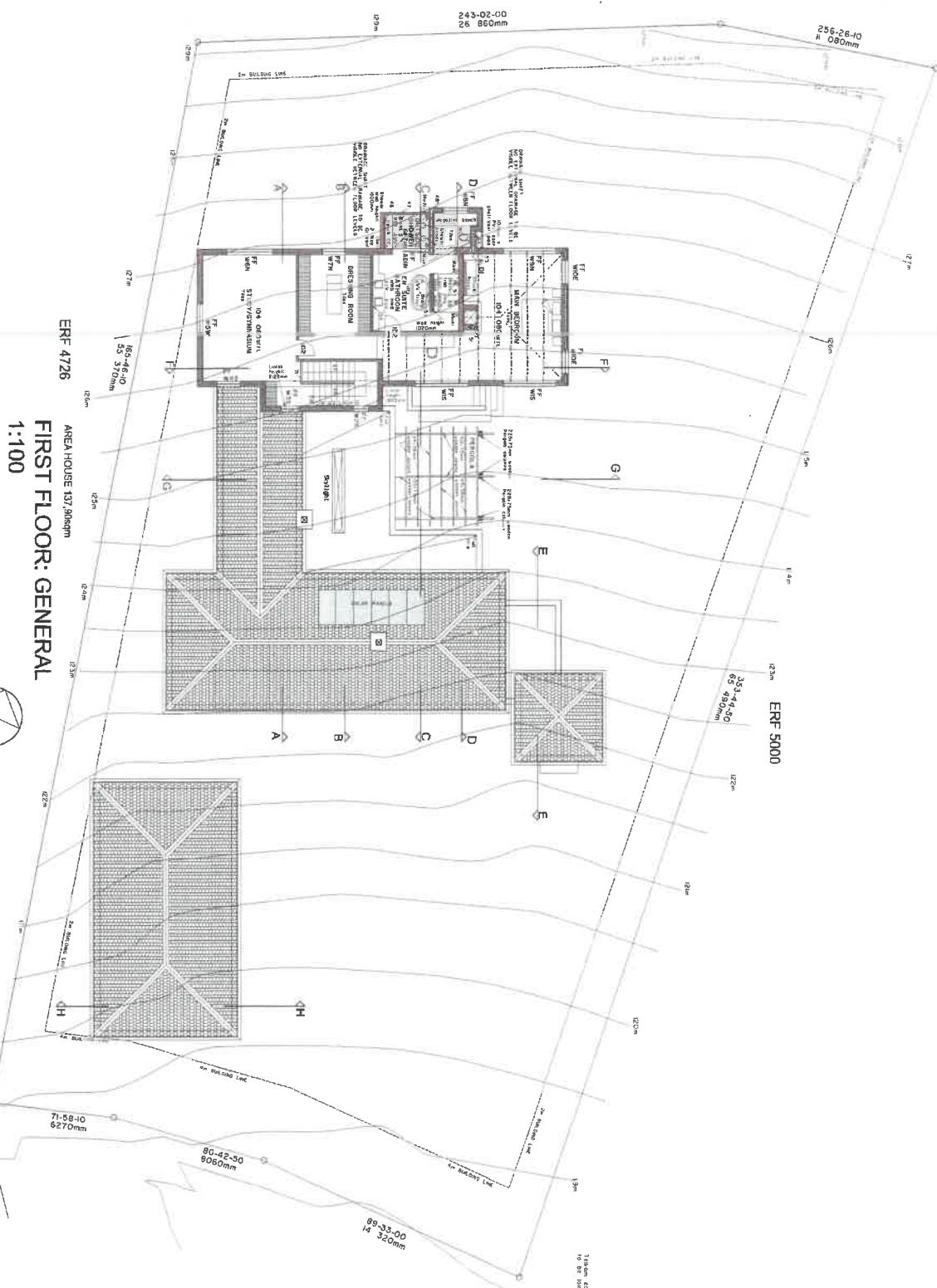
System comply to Town Section Bsp
is the best to have at Site Establishment
TEL: 082 446 6198

<p>PROJECT DETAILS</p> <p>OWNER: G-DAVE GENERAL CONTRACTOR: G-DAVE ARCHITECT: P. S. (P. S. ARCHITECTS) ADDRESS: 256-26-10 TEL: 082 446 6198</p>	
<p>DATE 2024/02/18</p>	
<p>SCALE 1:100</p>	
<p>PROJECT NO. 2024/02/18</p>	
<p>CLIENT NO. 082 415 3803</p>	
<p>CLIENT NO. 082 446 6198</p>	
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<p>CLIENT NO. 082 446 6198</p>	

FARM ONRUSTRIVIER NR 581

243-02-00
26 860mm

256-26-10
H 080mm



ERF 4726

AREA HOUSE 137,98sqm

FIRST FLOOR: GENERAL
1:100



ERF 5000

354-44-10
85 430mm

89-33-00
H 320mm

80-42-50
8080mm

71-58-10
6270mm

Taken care to them unless
to be lost or new or crossing
TEL. MANUEL



OWNER
Name: D. J. J. J.
Address: 10111
Tel: 082 416 3803
Fax: 082 445 5168
Cell: 082 445 5168

ARCHITECTURE
Name: P. S. J. J.
Address: 10111
Tel: 082 416 3803
Fax: 082 445 5168
Cell: 082 445 5168

PS
P. S. J. J.
082 416 3803
082 445 5168

NO.	DATE	REVISION
1	1/1/2000	ISSUE FOR PERMIT
2	1/1/2000	ISSUE FOR PERMIT



HOUSE KAYAT

ERF 4999 ONRUISTRIVIER OVERSTRAND



HOUSE KAYAT

ERF 4999 ONRUSTRIVIER OVERSTRAND