

**ERF 3575, 5 VILJOEN STREET, ONRUSTRIVIER: APPLICATION FOR CONSENT USE: PLAN ACTIVE (obo MARIANE KEULDER EXECUTRIX IN THE ESTATE OF THE LATE MR ALBERT HERMANN KEULDER)**

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 consent use in terms of Section 16(2)(o) to accommodate a dwelling on ground floor level on the 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) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **8 October 2021**, 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 3575, VILJOENSTRAAT 5, ONRUSTRIVIER: AANSOEK OM VERGUNNINGSGEBRUIK: PLAN ACTIVE (nms MARIANE KEULDER EKSEKTRISE VAN BOEDEL VAN WYLE MNR ALBERT HERMANN KEULDER)**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om vergunningsgebruik ontvang is ingevolge Artikel 16(2)(o) om 'n woning op grondvloer vlak op die eiendom te akkommodeer.

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](mailto:loretta@overstrand.gov.za)) voor of op **8 Oktober 2021**, 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 3575, 5 VILJOEN STREET, ONRUSTRIVIER: ISICELO SOKUVUMELA UKUSEBENZISA: NGABAKWAPLAN ACTIVE (egameni likaMARIANE KEULDER EXECUTRIX IN THE ESTATE OF THE LATE MR ALBERT HERMANN KEULDER)**

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 nguMasipala wase-Overstrand ngokuHlomela Umthethwana Ongezicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 esithi kufunyenwe isicelo sokuvumela okanye ukuvunyelwa kokusetyenziswa komhlaba ngokweSoloty le-16(2)(o) ukulungiselela indawo yokuhlala kumgangatho osezantsi wesakhiwo eso.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwintsuku zaphakathi evekini phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Izicwangciso zeDolophu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zeSoloty lama51 nelama52 zoMthethwana osowuchaziwe ngentla zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi komhla woku-**8 Okhtobha 2021**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMchwancgisi weDolophu, u**Mnu. H Olivier** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe LeziCwangciso zeDolophu apho igosa likaMasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni.



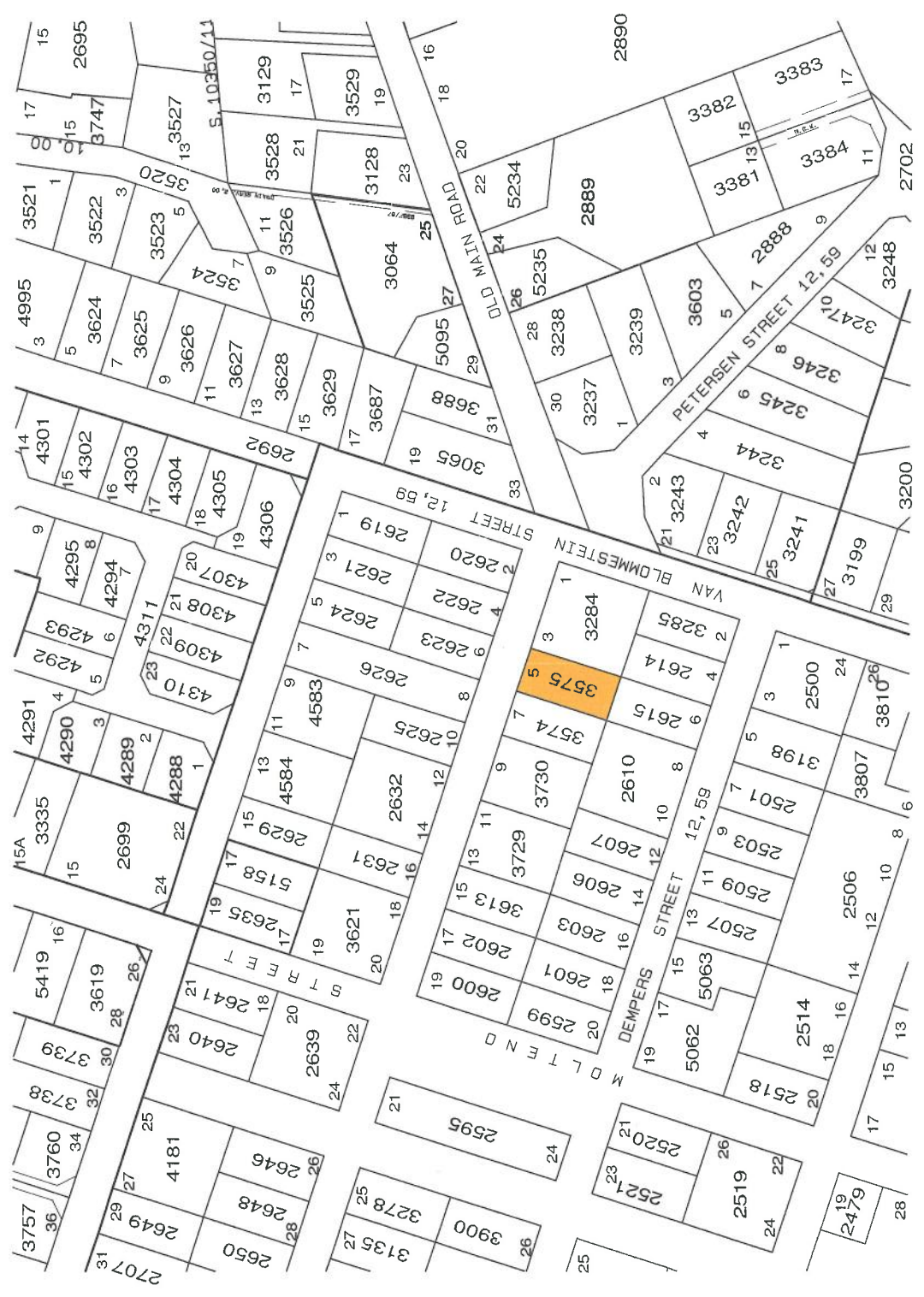
Scale: NTS  
 Drawing Nr: onr3575L.drw  
 Date: 07/2021

Plan Description:  
**LOCALITY MAP**

Property Description:  
**ERF 3575  
 ONRUSTRIVIER**

All distances approximate  
 and subject to survey.  
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 Town & Regional Planners



**PROPOSED CONSENT USE**

**ERF 3575 ONRUSTRIVIER**

**DIVISION: CALEDON**

**OVERSTRAND MUNICIPALITY**

## **MOTIVATION REPORT**

### **1. BACKGROUND**

Mariane Keulder, executrix in the estate of the late Mr. Albert Hermann Keulder, the owner of Erf 3575 Onrustrievier, has instructed the company Plan Active to apply for a consent use in order to construct a dwelling on the ground floor on Erf 3575 Onrustrievier.

The property has a Business Zone 3, Local Business zoning and has been used for the sale of firewood. In terms of the current zoning a dwelling can only be accommodated on the ground floor by means of a consent use. A dwelling or flats are however a primary right if it is constructed on the first floor.

Erf 3575 Onrustrievier is 475m<sup>2</sup> in extent and is held by Title Deed Number T40989/89.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's amended By-law on Municipal Land Use Planning, 2020, for a consent use in respect of Erf 3575 Onrustrivier.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

The subject property is situated at 5 Viljoen Street, Onrustrivier. Please refer to the enclosed locality plan. Erf 3575 Onrustrivier is 495m<sup>2</sup> in extent and it is situated on the border of single residential erven to the west and businesses established alongside Van Blommestein Street to the east.

### **3.2 ZONING**

Erf 3575 Onrustrivier is zoned Business Zone 3, Local Business Zone and is currently used for business purposes. The site is known as Oom Manie's Wood Yard from where firewood is sold. Surrounding properties are zoned for single residential purposes to the west and local business purposes to the east.

### **3.3 LAND USE**

Erf 3575 Onrustrivier is currently used for business purposes for the sale of firewood.

Land uses that surround Erf 3575 Onrustrivier are single dwellings to the west, and businesses to the east, consisting of estate agents, restaurants, public roads and public open spaces. It is therefore evident that Erf 3575 Onrustrivier is located on the boundary of a transitional area between businesses and single residential land uses.

### 3.4 PROPOSAL

Application is made in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's amended By-law on Municipal Land Use Planning, 2020, for a consent use in respect of Erf 3575 Onrustrivier.

It is the intention of the owner of Erf 3575 Onrustrivier to construct a single storey dwelling on the ground floor that will be situated on the southern portion of the property. The sale of wood will continue from the northern section of the site facing Viljoen Street.

Black Pepper Collective designed a preliminary site plan, in order to ascertain if the area required for wood sales and a dwelling can be accommodated on site. Please refer to the enclosed site plan providing a clear indication that the proposed land uses and associated required parking can be provided on site. The site development plan can be described as follows:

An area of  $\pm 9.25\text{m} \times \pm 15.09\text{m}$  that constitutes  $\pm 140\text{m}^2$  has been allocated to accommodate the portion of the site that will be used for business purposes. The sale of wood does not require a lot of infrastructure. It is proposed that the wood be packed in 7 constructed wood bins that have a total coverage of  $\pm 15\text{m}^2$ . A tool shed is also proposed that is  $\pm 6\text{m}^2$  in extent.

In terms of the parking requirement prescribed in the Overstrand Municipality Land Use Scheme Regulations 2020, only 1 parking bay is required but provision has been made for 2 parking bays. The existing access from Viljoen Street will be utilised as access point for both the business and the proposed single storey dwelling. The detail of the access and parking will be dealt with under Section 3.5 below.

The  $\pm 140\text{m}^2$  portion of the site being used for the sale of wood that faces Viljoen Street will be separated from the remaining extent of the Erf 3575 Onrustrivier by means of the construction of a wall and security gate.

The portion of Erf 3575 Onrustrivier on which a single storey dwelling is proposed is  $\pm 22.2\text{m} \times \pm 15.1\text{m}^2$  that constitutes  $\pm 335\text{m}^2$ . With reference to the Overstrand Municipality

Land Use Scheme Regulations, 2020 the southern rear building line and western lateral building line are both 3m. The street and eastern lateral building lines are 0m. With reference to the conceptual site layout it is clear that the applicable building lines will not be encroached. The proposed single storey dwelling is proposed 1.5m from the eastern lateral boundary, 3m from the southern rear boundary and 3.16m from the western lateral boundary. It is also proposed that the proposed single storey dwelling be located 2m from the proposed wall separating the portion being used for the sale of wood and the proposed residential portion.

2 tandem parking bays are proposed for the sole use of the owner of the dwelling and conforms with the Overstrand Municipality Land Use Scheme Regulations parking provision schedule. As mentioned above, the dwelling will also make use of the existing access situated on the western side of the northern street boundary, as indicated on the site plan.

The coverage of the wood yard and the proposed dwelling can be tabled as follows:

Land Use	Coverage m <sup>2</sup> / %
<b>Business Use</b>	
Wood Bins	15m <sup>2</sup> / 3.0%
Tool Shed	6m <sup>2</sup> / 1.2%
<b>Residential Use</b>	
Dwelling	106m <sup>2</sup> / 21.4%
Stoep	17m <sup>2</sup> / 3.4%
<b>TOTAL</b>	<b>144m<sup>2</sup> / 29%</b>

With reference to the above table it is clear that the total coverage of the site would constitute a mere 29%. The current zoning makes provision for 75% coverage.

The subject property will still be partially used as a business site with the addition of a residential component as a consent use, thus creating a transitional use between the established businesses alongside Van Blommestein Street and the established single residential uses west of Van Blommestein Street.

### **3.5 ACCESS, TRAFFIC AND PARKING**

Erf 3575 Onrustrivier is situated in Viljoen Street. The existing access point situated in the western corner of the northern street boundary will be retained with the proposed application. The proposed residential component of the subject property will also make use of the same access as indicated on the enclosed site plan. A formal parking area will be constructed on site for the sole use of the wood yard from where wood is sold. In terms of the Overstrand Municipality Land Use Scheme Regulations the parking requirements are 4 parking bays per 100m<sup>2</sup> GLA of a business. It is therefore calculated that only 1 parking barking bay would be required, but provision has been made for 2 dedicated parking bays as indicated on the site plan. Both of these parking bays are 5m x 2.5m and has a 7.5m manoeuvre space.

Provision is also made for 2 tandem parking bays for the sole use of the dwelling. In terms of the Overstrand Municipality Land Use Scheme Regulations the proposal conforms to the restriction applicable to the provision of on site parking.

### **3.6 SERVICES**

Erf 3575 Onrustrivier is situated in an already developed area where all services exist. This application is for a consent use to make provision for a single storey dwelling on the ground floor. Taking the type of development into consideration that consists mainly of a wood yard from where wood is sold and a single storey dwelling that will be established on a Local Business Zone erf, the services allocated to this erf will be sufficient and no additional services would be required to service the single storey dwelling.

### **3.7 TITLE DEED**

Title Deed T40989/89 has no restrictions that need to be removed in order for this application, for a consent use to accommodate a single storey dwelling on the ground floor, to be approved:

There is no bond registered against Erf 3575 Onrustrivier.

### **3.8 FORWARD PLANNING**

The *Overstrand Spatial Development Framework (2006)* earmarks the area where Erf 3575 Onrustrivier is situated, for residential purposes. It should be noted that Erf 3575 Onrustrivier was rezoned from Residential Zone 1 to Business Zone 3, Local Business Zone, and is utilised as a wood yard.

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 1 that consists mainly of Vermont and Onrustrivier single residential erven. No densification of this planning unit is proposed. Erf 3575 Onrustrivier is however indicated as a Local Business Zone erf and is located within an area earmarked for local economic opportunities.

The Overstrand Municipality Spatial Development Framework. 2020, earmarks the subject erf as being within an area earmarked for urban development. Taking the history of Erf 3575 Onrustrivier into consideration, the fact that it has a Business Zone 3 zoning and that this application constitutes a consent use to accommodate a single storey dwelling on ground floor, is it our opinion that the application can still be supported. The proposed consent use is in line with the above mentioned forward planning documentation and it is also compatible with the current land use trends and character of the area.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

Erf 3575 Onrustrivier is not situated within the Heritage Overlay area and it is not earmarked for heritage conservation purposes. The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned is it obvious that the proposed consent use to construct a single storey dwelling on Erf 3575 Onrustrivier will not have a negative impact on the heritage value of the subject property or the greater area of Onrustrivier.

### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed consent use to accommodate a single storey dwelling on Erf 3575 Onrustrivier does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### **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** refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by the practice of apartheid spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas. The principle of Spatial Justice is not relevant to the subject application.

**Spatial sustainability:** The proposed consent use in order to accommodate a single storey dwelling on Erf 3575 Onrustrivier is in line with the current character of the area where the subject property is located. The proposed application will have no impact on the conservation worthy areas of Onrustrivier.

**Efficiency** Refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land. Inherent in this statement is the need to promote densification and urban (as opposed to suburban) development typologies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities and opportunities. Efficiency also refers to decision making procedures which are designed to minimise negative financial, social, economic or environmental impacts. In addition, efficiency refers to the need for development application procedures that are efficient and streamlined. In this case it is proposed that rights be obtained to construct a single storey dwelling on a property being used for business purposes. Therefore the business owner will now reside on the same property and therefore he will not have to travel to and from work. The proposed consent use further more is in line with the character of the area and will create an acceptable transition use between established business uses and an established single residential neighbourhood.

**Spatial Resilience** in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). In our opinion the principle of 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, 2015.

#### 4. RECOMMENDATION

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

- The proposed consent use to construct a single storey dwelling on Erf 3575 Onrustrivier falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing land uses in the area;
- The impact on services will be minimal;
- The proposed consent use will not have a negative impact on the current character and land values of the surrounding erven.
- The proposed application will not have any additional impact on the current traffic flow;
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the consent use of Erf 3575 Onrustrivier.

