



MUNISIPALITEIT OVERSTRAND
ERF 108, 6 PRIESTLEYA STRAAT, ROOI ELS,
OVERSTRAND MUNISIPALE AREA: AANSOEK
OM OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDES, AFWYKING EN
BEPALING VAN 'N ADMINISTRATIEWE BOETE:
FVS STAD -EN STREEKSBEPLANNERS NAMENS J
& I ORD

Kennis word hiermee gegee ingevolge Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoeke van toepassing op Erf 108, Rooi Els, naamlik:

Opheffing van Beperkende Titelaktevoorwaarde

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde E.(4)(e) soos vervat in Titelakte Nr. T28335/2021 van die eiendom om 'n voorgestelde buite leef area en braai op die eerste vloer asook die nuwe badkamer op die grond vloer te akkommodeer.

Afwyking

Aansoek ingevolge Artikel 16(2)(b) van die Verordening ten einde :

- Verslapping van die noordelike laterale bou lyn van 2m na 1.57m om die nuwe 1.6m hoë muur en die nuwe badkamer op die grond vloer te akkommodeer.
- Verslapping van die oostelike straat bou lyn vanaf 4m na 2.742m om die nuwe ensuite op die grondvloer asook 'n nuwe braai en buite leef area op die eerste vloer te akkommodeer

Bepaling van 'n Administratiewe Boete

Aansoek ingevolge Artikel 16(2)(q) van die Verordening vir die ongemagtigde boulynoorskredings soos bo uiteengesit.

Besonderhede aangaande die voorstel lê ter insae gedurende weeksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus, by die Betty's Baai Biblioteek, Clarencerylan, Betty'sbaai, en by die RESA Kantoor, Anemoneweg, Rooi Els.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) bereik voor of op **14 April 2023**, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Me. H van der Stoep by 028-3138900. Die Munisipaliteit mag weier om kommentare 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 om hul kommentare te formuleer.

DGI O'Neill, Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 47/2023

OVERSTRAND MUNICIPALITY
ERF 108,6 PRIESTLEYA ROAD, ROOI ELS,
OVERSTRAND MUNICIPAL AREA: APPLICATION
FOR REMOVAL OF A RESTRICTIVE TITLE DEED
CONDITION, DEPARTURE & A
DETERMINATION OF AN ADMINISTRATIVE
PENALTY: FVS TOWN AND REGIONAL
PLANNERS ON BEHALF OF J & I ORD

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to Erf 108, Rooi Els, namely:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition E.(4)(e) as contained in Title Deed No. T28335/2021 of the property to accommodate the proposed outdoor living area and braai on the first floor as well as a proposed bathroom on the ground floor.

Departure

Application in terms of Section 16(2)(b) of the By-Law in order to:

- Relax the northern lateral building line from 2m to 1.57m to accommodate the new 1.6m high wall and new outdoor bathroom on the ground floor.
- Relax the eastern street building line from 4m to 2.742m to accommodate the new ensuite on the ground floor as well as the new braai and new outdoor living area on the first floor.

Determination of an Administrative Penalty

Application in terms of Section 16(2)(q) of the By-Law for the unauthorized building line encroachments as stipulated above.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus, at the Betty's Bay Library, Clarence Drive, Betty's Bay, and at the RESA Office, Anemone Road, Rooi Els.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **14 April 2023**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the Senior Town Planner, Ms. H van der Stoep at 028-313 8900. The Municipality may refuse to accept comment 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 comments.

DGI O'Neill, Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 47/2023

KUMASIPALA WASE- OVERSTRAND
ISIZA SE-108, 6 PRIESTLEYA ROAD, EROOI ELS,
UMMANDLA KAMASIPALA WASE-OVERSTRAND
ISICELO SOKUSUSWA KWESITHINTELO
SEMIQATHANGO ETAYITILE, UKUPHAMBUKA
NOKUMISELA KWESOHLWAYO SOLAWULO: FVS
TOWN AND REGIONAL PLANNERS EGAMENI LIKA J &
I ORD

Esi saziso sikhutshwe ngokuvumelana neCandelo- 47 nele 48 loMthetho kaMasipala wase- Overstrand Otshintshiweyo omalunga Nokuceba Kokusetyenziswa Komhlaba kaMasipala (2020) ukuba kufunyenwe ezi zicelo zilandelayo eziqukiweyo kwi- Siza 108, Rooi Els, ngale ndlela:

Ukususwa kwesithintelo semiqathango etayitile

Isicelo ngokuphathalele kwiCandelo le-16(2)(f) loMthetho kaMasipala wokususwa kwesithintelo somqathango wetayitile E.(4)(e) njengoko kuqulathwe kwiTayitile enguNombolo. T28335/2021 yomhlaba ukulungiselela indawo yokuhlala yangaphandle neyokosa ezindululwayo kumgangatho wokuqala negumbi lokuhlambela elindululwayo kumgangatho osezantsi.

Ukuphambuka

Isicelo ngokuphathalele kwiCandelo le-16(2)(b) somThetho kaMasipala ukuze:

- Ukunyenya umda wokwakhiwa osemacaleni agentla ukusuka kwisi- 2m ukuya kwisi- 1.57m ukulungiselela udonga olutsha olumalunga nesi- 1.6m ubude negumbi lokuhlambela elingaphandle elitsha kumgangatho osezantsi.
- Ukunyenya umda wokwakhiwa kwesitalato esisempuma ukusuka kwisi- 4m ukuya kwisi- 2.742m ukulungiselela igumbi lokuhlambela elikwigumbi lokulala kumgangatho osezantsi kunye nendawo yokosa entsha nendawo yokuhlala entsha kumgangatho wokuqala.

Ukumiselela isohlwayo solawulo

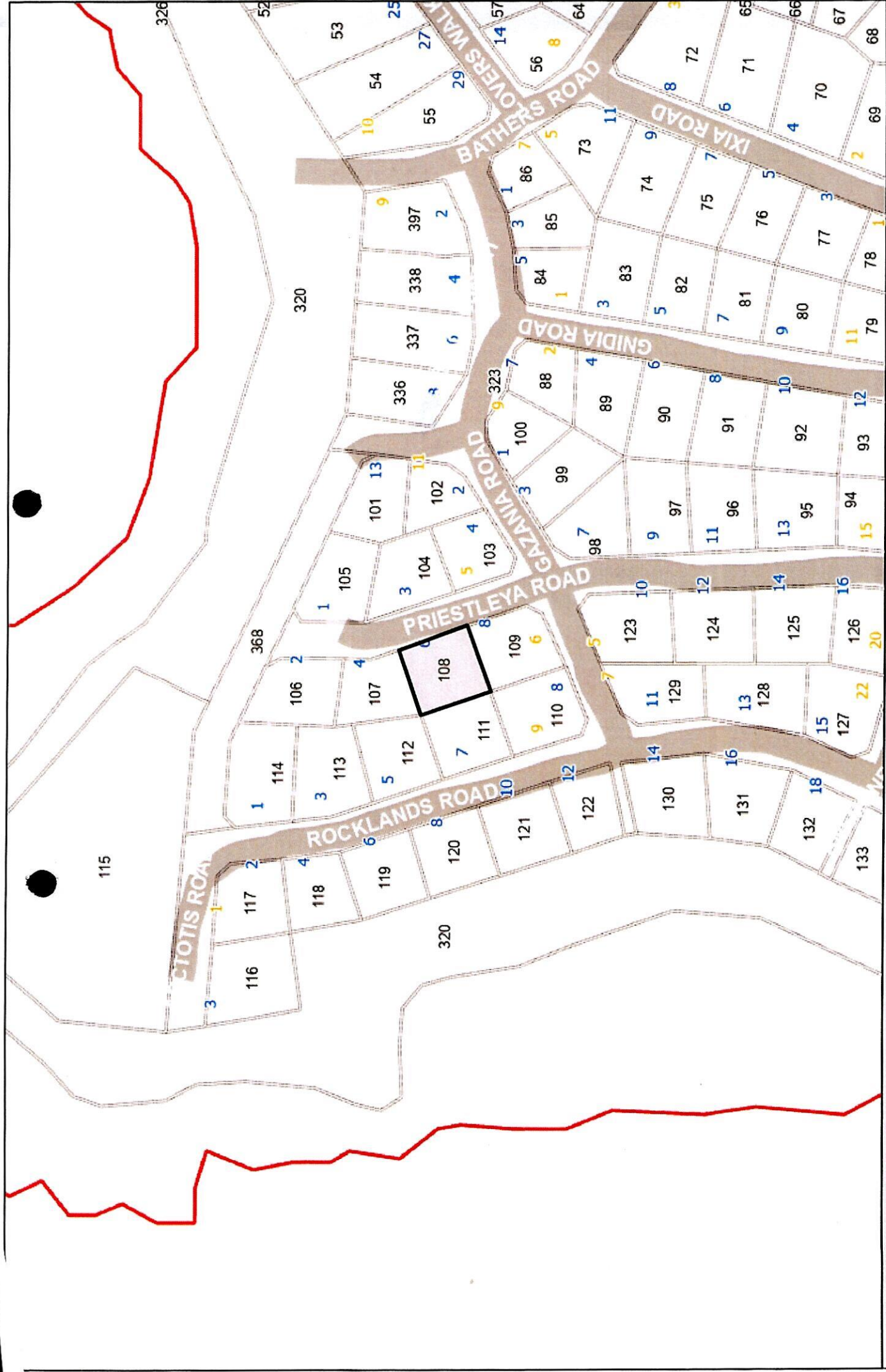
Isicelo ngokuphathalele kwiCandelo le-16(2)(q) loMthetho kaMasipala zezakhekho zomda wokwakhiwa ezingangunyaziswanga njengoko kuchazwe ngasentla.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi eveleni ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus nakwiThala leeNcwadi laseBetty's Bay, Clarence Drive, eBetty's Bay kunye neRESA Office, Anemone Road, Rooi Els.

Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaSolotyama-51 nama-52 kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngolwesihlanu okanye ngaphambi koLwesihlanu, **27 eyoMqungu 14 uAprili 2023**, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa UMcwangciso weDolophu oMkhulu, uNksz H van der Stoep ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

DGI O'Neill, Umlawuli kaMasipala, Masipala waseOverstrand, P.O. Box 20, HERMANUS, 7200

Isaziso Sikamasipala No. 47/2023



Locality Map
Erf 108, 6 Priestleya Road, Rooiels





Town and Regional Planners

October 2022

~~July 2022~~

Town Planning
Overstrand Municipality
16 Paterson Street / PO Box 20
Hermanus
7200

Attention: Municipal Manager

APPLICATION FOR BUILDING LINE RELAXATION, REMOVAL OF RESTRICTIVE TITLE DEED CONDITION AND DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF SECTION 16 OF THE OVERSTRAND MUNICIPALITY LAND USE PLANNING BY-LAW, ON ERF 108, ROOI ELS.

Dear Municipal Manager,

Please find attached hereto, with the motivation report, the following for your department:

- Application Form
- Power of Attorney
- Title Deed
- Locality Plan
- Site Development Plan
- Surveyor General Diagram

Client: James & Lindsey Ord

Consultants: FVS Town and Regional Town Planners

Author:

Jaco van Schalkwyk (C/8702/2018)

Principal Planner:

Jan A Visagie (A/1080/1999)

Kind Regards,

Jaco van Schalkwyk

Director of FVS Town and Regional Planners

Revision 1: 10 October 2022



Town and Regional Planners

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Motivation Report

Annexure A:	Application Form
Annexure B:	Power of Attorney
Annexure C:	Title Deed
Annexure D:	Locality Plan
Annexure E:	Site Development Plan (SDP)
Annexure F:	Surveyor General Diagram



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1. SECTION 1: INTRODUCTION

FVS Town and Regional Planners is a professional town planning consultancy based in the Western Cape of South Africa, with project experience throughout the country. We strive to deliver town planning services to individuals, companies, and communities to create sustainable environments.

We have a combined experience of 10 years in both public sector and private sector. We can assist with all varieties of land - use related issues. With a dynamic and efficient team, we can assist with the management of both large and small-town planning projects and will be able to provide our consultation services where necessary.

1.1. BACKGROUND INFORMATION

The property owners, James and Lindsey recently bought the subject property in Rooi Els. The property owners bought the subject erf voetstoots. During consultation with the architects (Ampersand Architects) for additions and alterations to the existing dwelling, it was noticed that the existing dwelling is over the 4m street boundary building line and a new proposed screening wall that is over the lateral boundary building line, as defined in the Overstrand Municipality Land Use Scheme of 2020.

It was further advised that the property owners obtain the professional services of a Town and Regional Planner to assist with the application for submission to the Overstrand Municipality.

1.2. PLANNING BRIEF

Taking the aforesaid into consideration, application is hereby made in terms of Section 16 of the Overstrand Municipality By-law on Municipal Land Use Planning for the following:

1.2.1. *"Section 16 (2) (b) – Permanent departure from the provisions of the zoning scheme"*

1.2.2. *"Section 16 (2) (f) – Amendment, suspension or deletion of restrictive conditions in respect of a land unit"*

1.2.3. *"Section 90 (5) – Determination of an administrative penalty"*

Please refer to the following annexures for the Application Form and Power of Attorney:

Annexure A – Application Form

Annexure B – Power of Attorney

Section 3 of this motivation report will provide the reader with a full description of the proposed additions and alterations.

2. SECTION 2: PROPERTY DETAILS

Section 2 of this report consists of the details pertaining to the subject property, such as its locality and ownership details and the property.

2.1. OWNERSHIP DETAILS

A perusal of the title deed revealed that there are restrictive conditions registered that could prohibit the approval of this land-use planning application.

Below are the details of the title deeds of the Properties.

Property Description	Erf 108, Rooi Els, in the Overstrand Municipality, Division of Caledon, Western Cape Province
Deed Number	T28335/2021
Ownership	James Ord & Lindsey Ord
Extent	943m ²

Please refer to **Annexure C** for a complete copy of the Title Deed.

As mentioned, the subject title deed contains restrictive conditions that will have to be removed to obtain approval.

The restrictive condition reads as follow:

Condition 4. (e): No buildings or structure except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3, 15 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear space, and provided further that a garage may be erected up to such street line if the opinion of the local authority of the erf is such to make that necessary.

The existing dwelling is over the above stated street boundary building line and will thus have to be removed. The removal of the restrictive condition will be discussed in detail under Section 3 of this motivation report.

2.2. LOCALITY

The application site is situated on Priestleya Road in the coastal town of Rooi Els, in the Overberg District of the Western Cape Province. Rooi Els is approximately 62km west of Hermanus on the southern coast of the Western Cape. Rooi Els was previously a farming entity was the town (as we know it today) was named after the river and the farm.

Please refer to **Annexure D** for the Locality Plan.

2.3. CHARACTER OF THE SURROUNDING AREA

Rooi Els is a popular holiday destination, as is with numerous towns located on the R44 (Clarence Drive). The town has very limited economic activities in the form of businesses. Most of the economic activities either take place in Somerset West or Kleinmond and Hermanus, which adds to the tranquillity of the town. Taking the aforesaid into consideration, most part of the town is zoned for Single Residential 1 purposes with a small Business zoned area (Central Business District (CBD)), which offers a few restaurants and shops.

Please refer to Figure 1 and 2 on the following pages.

2.4. ZONING

Erf 108, Rooi Els is currently zoned as Single Residential Zone 1 in terms of the Overstrand Municipality Land Use Scheme 2020.

2.5. IMPACT ON MUNICIPAL SERVICES

All services already exist, and the proposal will not require any additional services for the approval of this application. The subject erf was previously used and operated as a guest house facility without any negative impact on the existing services network.

2.6. ACCESS AND PARKING

Access to the application site will not be altered and is to remain the same, i.e., from Priestleya Road.

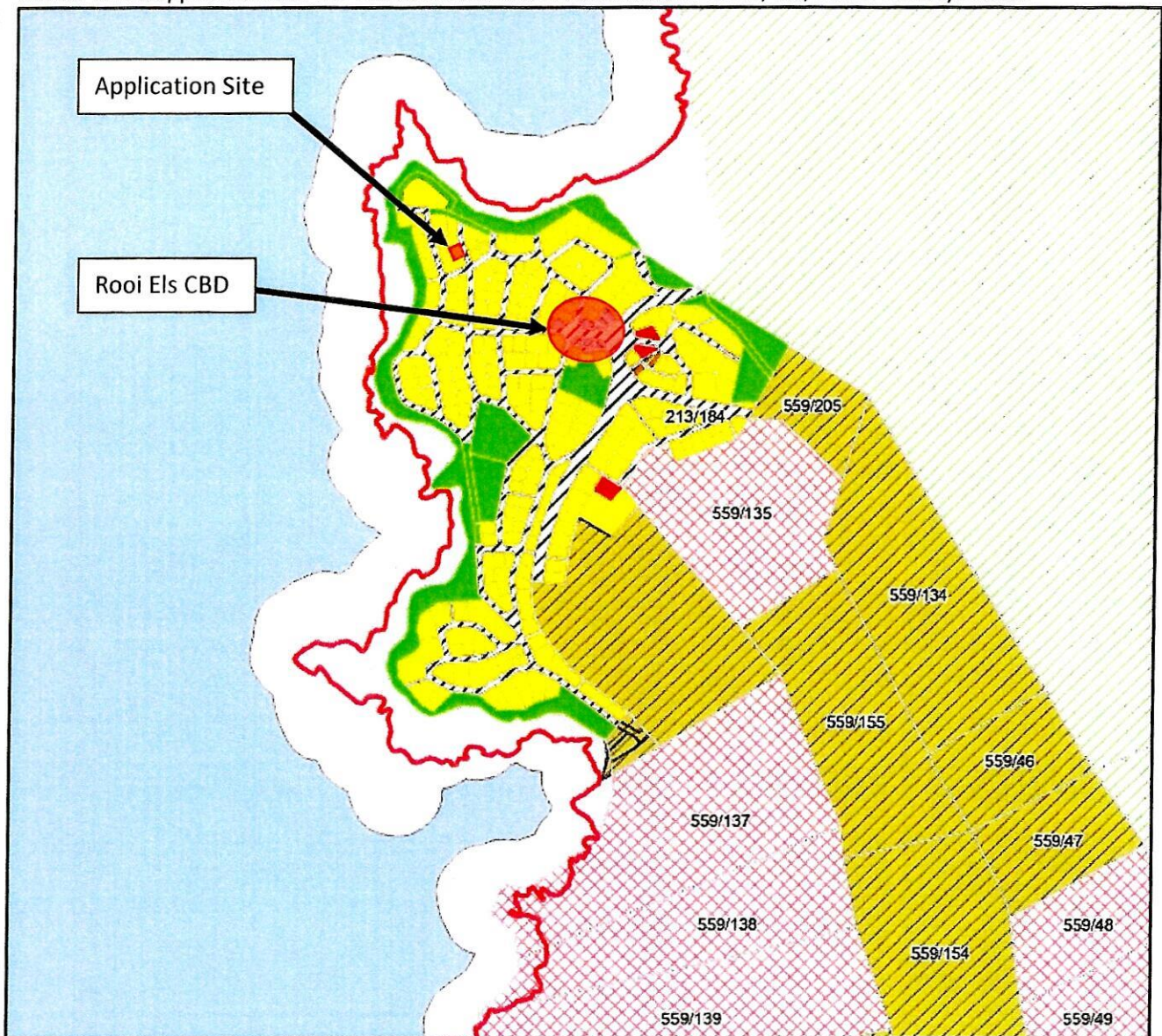


Figure 1: Surrounding Zonings (Overstrand Public Viewer, April 2022)

The figure above should provide the reader with a relative understanding of the surrounding area. Figure 1 provides the reader with a simple zoning extract, while Figure 2 provides the reader with an aerial photograph of the application site and surrounding properties.

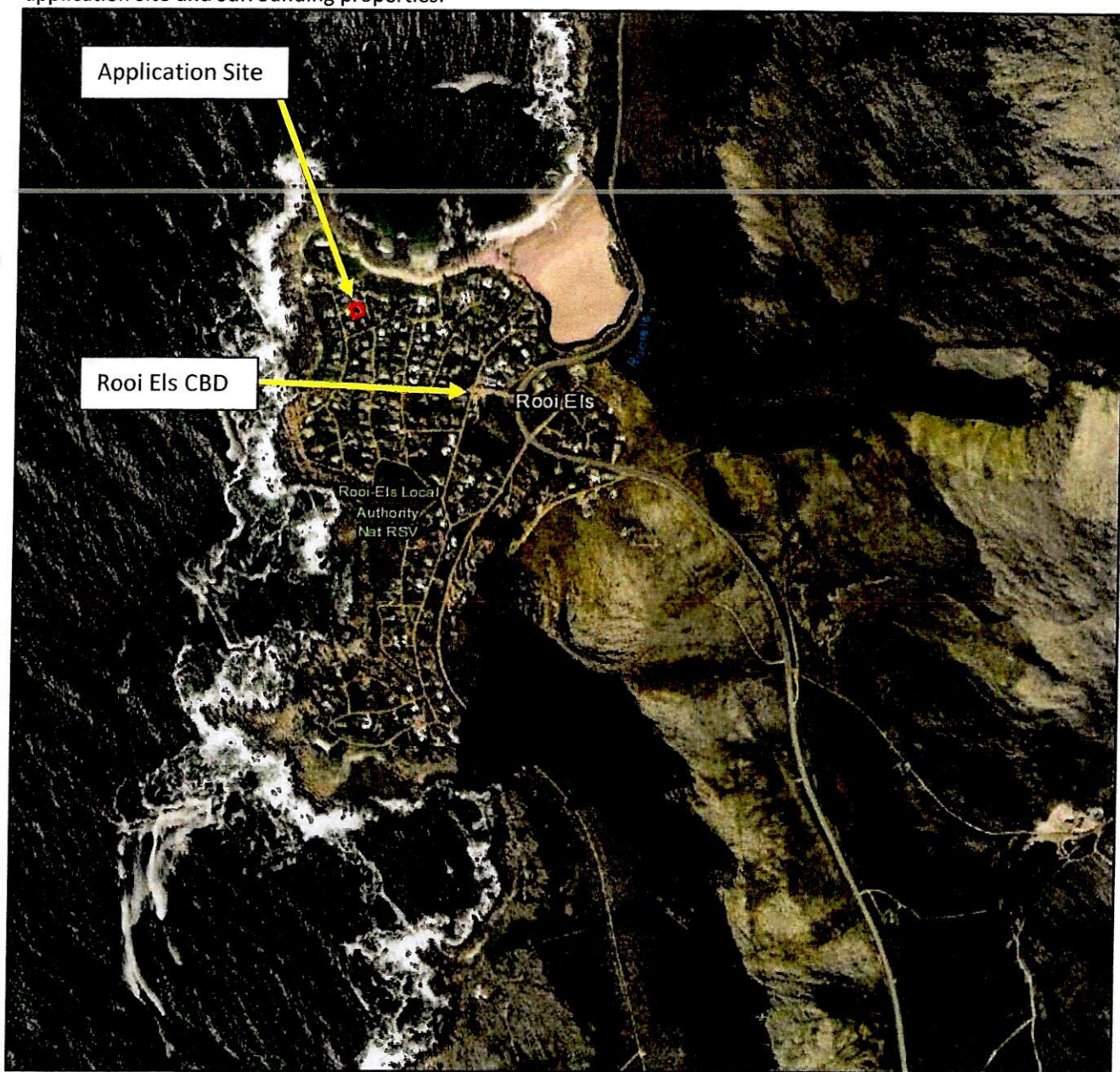


Figure 2: Aerial Photograph of application site and surrounding area (Cape Farm Mapper, April 2022)

3. SECTION 3: MOTIVATION

Section 3 of the motivation report deals specifically with the type of application and what will be applied for, as well as the development particulars.

3.1. THE APPLICATION

Application is hereby made in terms Section 16 of the Overstrand Municipal Land Use Planning By-Law for the following:

- *"Section 16 (2) (b) – Permanent departure from the provisions of the zoning scheme"*

Application is hereby made for the relaxation of the street boundary building line from 4m to 2.472m and the relaxation of the lateral building line from 2m to 1.570m to accommodate the existing dwelling, new bedroom and a new 1.6m high screen wall.

- *"Section 16 (2) (f) – Amendment, suspension or deletion of restrictive conditions in respect of a land unit"*

Application entails the removal of restrictive Condition 4. (e) as will be discussed under Section 3.4.

- *"Section 90 (5) – Determination of an administrative penalty"*

Lastly, application is made for the determination of an administrative penalty as will be discussed under Section 3.5.

The property owners bought Erf 108, Rooi Els in early 2021 as it is (voetstoots). Upon compilation of the plans by the architects (internal and external alterations) it was noticed that the existing building is over the 4m street boundary building line and 2m lateral boundary building line as prescribed in the Overstrand Municipal Land Use Scheme. For the plans to be updated and approved the property owners will have to apply for the relaxation of the street boundary building line.

3.2. THE PROPOSAL

To reiterate, application is made for the relaxation of the street boundary building line from 4m to 2.472m to allow for additions and alterations to the existing dwelling. The alterations include the following:

- Demolishing of external balcony with roof and demolishing of external stairs and landing.
- Demolishing of an existing domestic quarters and roof.
- Demolishing of an existing Wendy house.
- Construction of a new garage.
- Internal changes as per the attached Site Development Plan.

The proposed building line relaxation consists of the following:

- Relaxation of the street boundary building line from 4m to 2.472m.
- Relaxation of the lateral boundary building line from 2m to 1.570m.

Please refer to the figures below for extracts from the proposed Site Development Plan (SDP), attached hereto as Annexure E.

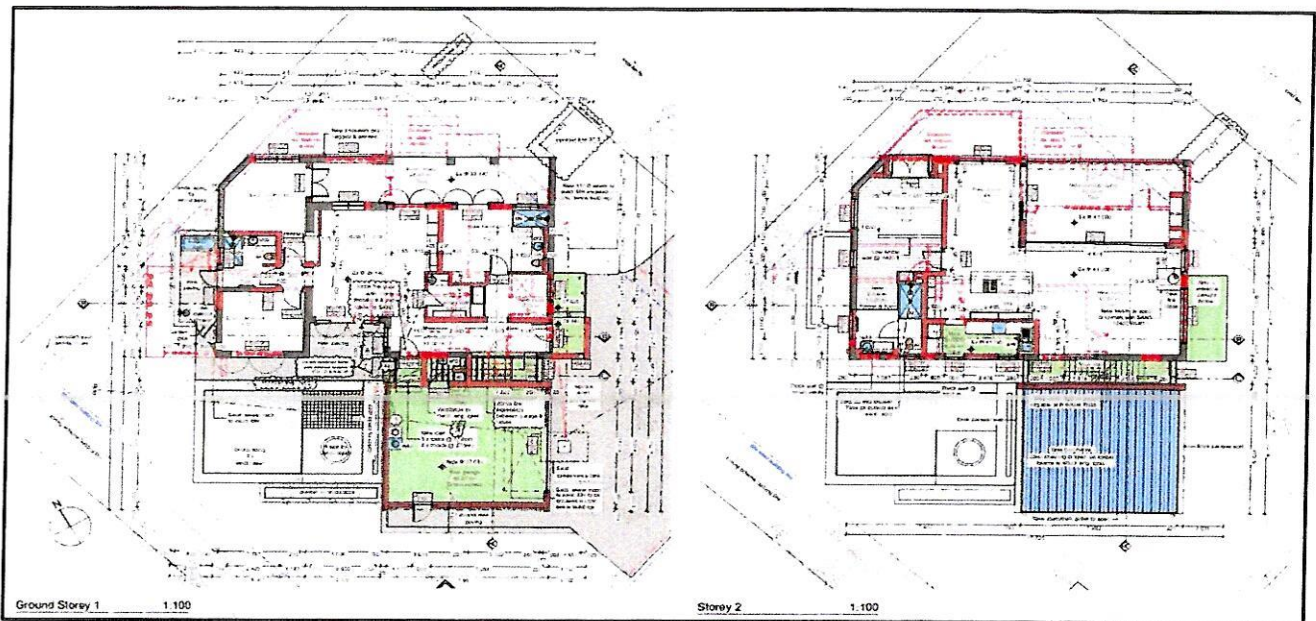


Figure 3: Ground and First Floor Plans

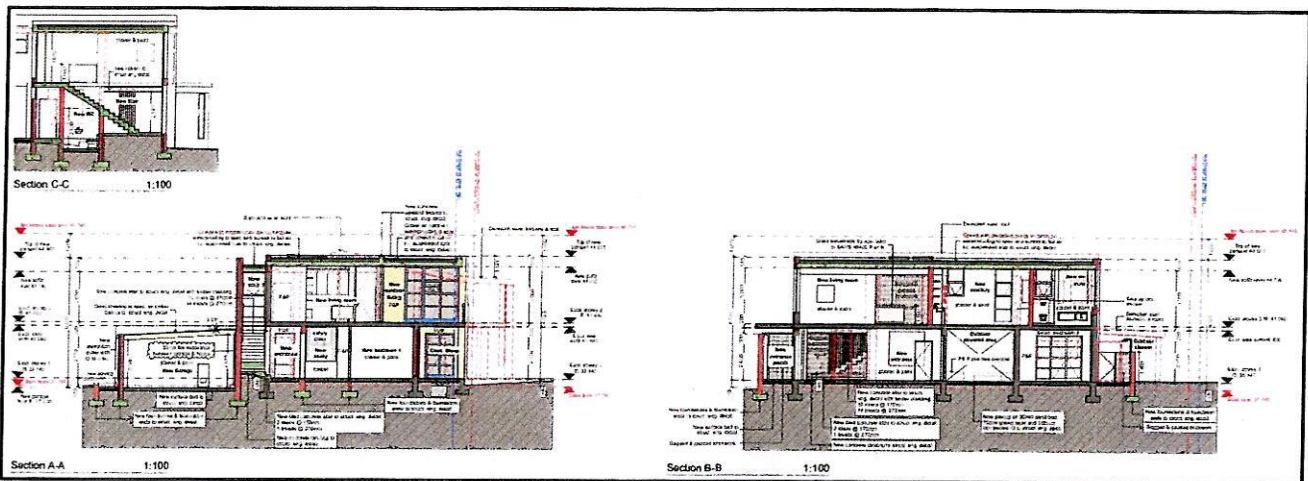


Figure 4: Sections

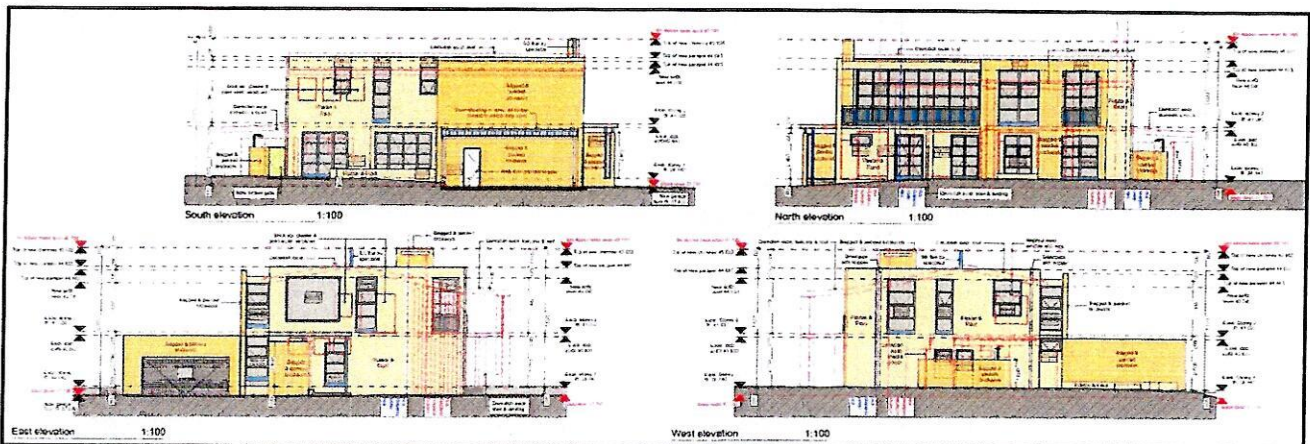
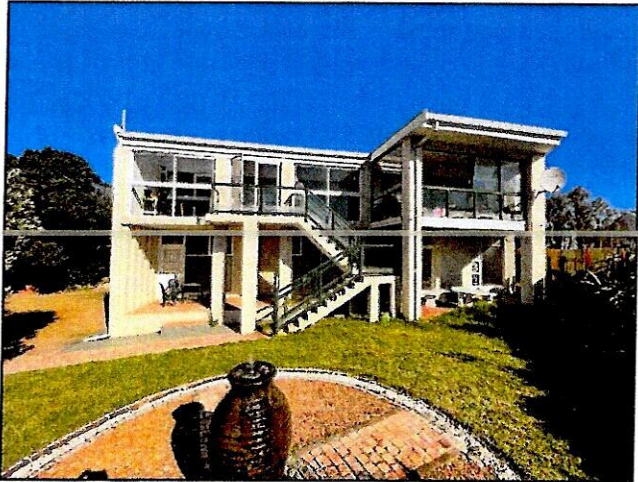


Figure 5: Elevations

3.3. PHOTOS OF THE SITE

This office took photos during a site visit at the application site. The photos are for information purposes to assist the reader and to provide a feel for the proposed application. Please see the photos below:



Photos 1 & 2: Northern View

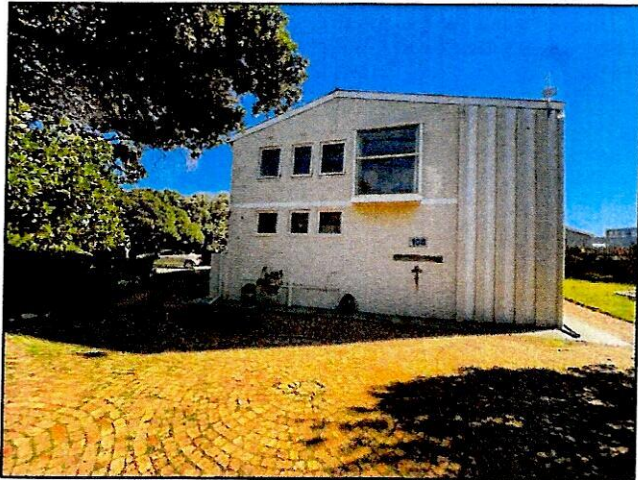
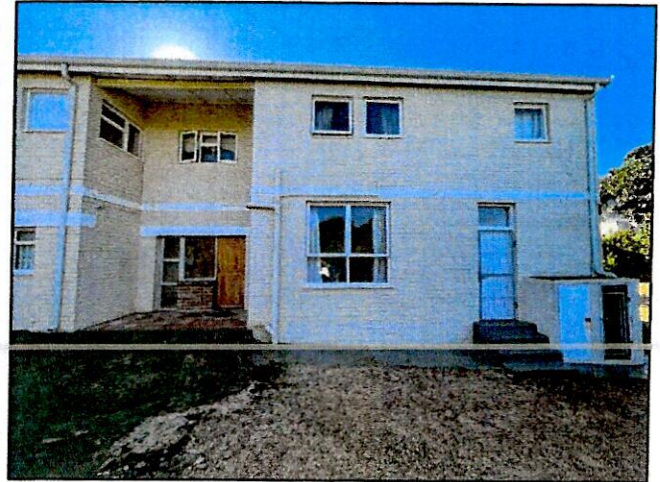
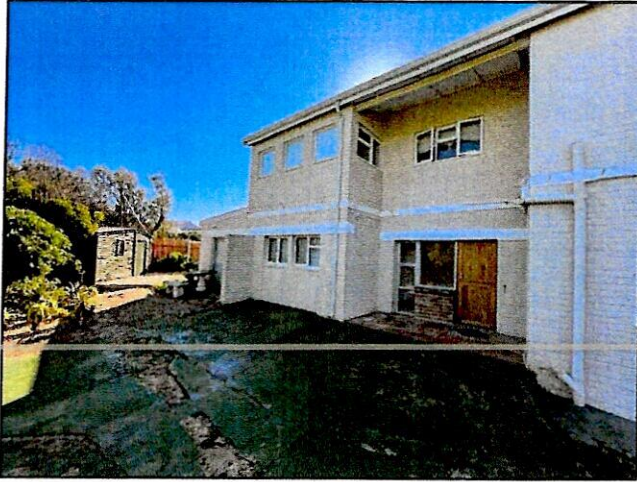


Photo 3: Eastern View (from Priestleya Road)



Photos 4 & 5: Southern View

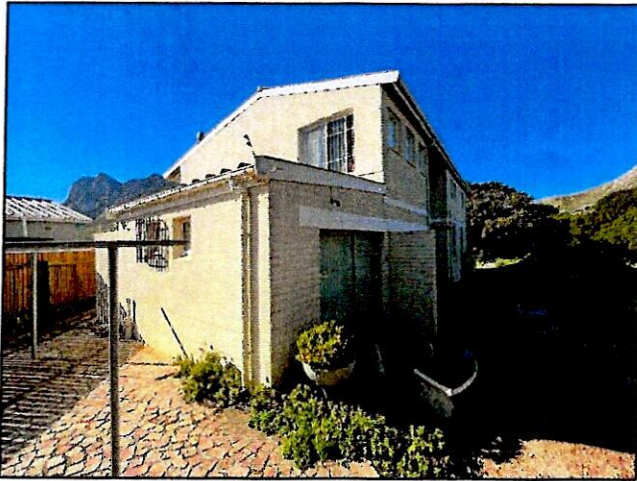


Photo 6: Western View

3.4. REMOVAL OF RESTRICTIVE TITLE DEED CONDITION

To reiterate Section 3.1 of this motivation report, application is made for the removal of a restrictive title deed condition, contained in the subject title deed.

In terms of Section 35 of the Amendment By-Law on Municipal Land Use Planning, 2020, the Municipality must take into consideration a few aspects upon approving or refusing the removal, suspension, or amendment of a restrictive condition. The subject title deed contains a restrictive condition that will have to be removed. The condition reads as follow:

Condition 4. (e): No buildings or structure except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3, 15 metres of the lateral boundary common to any adjoining erf provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear space, and provided further that a garage may be erected up to such street line if the opinion of the local authority of the erf is such to make that necessary.



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The owners bought the subject property very recently and upon starting with renovations it was pointed out that the existing dwelling has been altered somewhere between 1984 and present, without prior approval from the Local Authority. This was unknown to the new buyers but has nonetheless agreed to proceed with the removal of restrictive condition as per Council's instruction.

The Municipality must have regard to the following for the application to be considered:

- *The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.*
The subject restrictive conditions do not have any significant value to a person or entity, nor is it deemed that the removal of this condition will alter the character of the surrounding area as the proposal will remain residential in nature.
- *The personal benefits which accrue to the holder of rights in terms of the restrictive condition.*
The building was constructed by previous owners and was done without approval from Council. The application is to rectify and obtain approval for the contravention made by previous owners. The new owners will only enjoy the benefit of approved plans and a dwelling that is compliant in terms of the proposal.
- *The personal benefits which will accrue to the person seeking the removal of the restrictive condition if it is removed.*
The property owner will possibly enjoy the benefit of an increase in property value which will then be in line with the retail prices of properties in the surrounding area.
- *The social benefit of the restrictive condition remaining in place in its existing form.*
There is no social benefit to be enjoyed should the restrictive conditions remain in place. The restrictive condition serves no purpose in terms of the health, safety, and wellbeing of the surrounding community. The restrictive condition does not deter a change in land use, or similar deterrence that could have a detrimental impact on the surrounding community. In essence, the removal of the restrictive condition only limits the property owner in terms of development on their property.
- *The social benefit of the removal or amendment of the restrictive condition.*
The subject restrictive condition holds no social benefit besides from the property owner being able to obtain approved plans for an existing dwelling house.
- *Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.*
This application entails the removal of a restrictive conditions and will not attempt to alter the additional conditions as pertained in the subject Title Deed. Therefore, not all restrictive conditions will be removed.

As per the above, the removal of Condition 4. (e) of the subject Title Deed is not deemed to impact negatively on the surrounding community or the abutting properties. This office requests the favourable consideration of this application.



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3.5. DETERMINATION OF AN ADMINISTRATIVE PENALTY

Application is hereby made in terms of Section 90 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 for the determination of an administrative penalty. An administrative penalty is a direct contravention of the Overstrand Municipal Planning By-Law on Land Use Planning. The following measures must be addressed to the satisfaction of the Municipality to determine whether the imposition of an administrative penalty is applicable. The information required is stipulated as follow:

- *The nature, duration, gravity, and extent of the contravention.*

The administrative penalty application pertains to the illegal structure being built the specified boundary building lines and per the attached Site Development Plan. His office scrutinised previously approved building plans on the subject erf to which it became evident that the previous owners have undertaken construction work to the existing dwelling without submitted plans to Council for consideration. This must have taken place anytime between 1984 and 2021. The new owners took occupancy in 2021.

- *The conduct of the person (allegedly) involved in the contravention.*

The new owners took immediate action by allowing this office to apply for the determination of an administrative penalty. It should be noted that the property owners have no knowledge of the processes involved and was not aware of the fact that the subject dwelling does not have updated/approved plans. This was only brought forward once they made use of an architect for the proposed additions and alterations.

- *A report by a quantity surveyor in matters of unauthorised building/construction.*

This office is of the opinion that a report by a quantity surveyor is not required at this stage. Should the Local Authorities, MPT, or any other governing body require a report by the quantity surveyor it will be requested and made available upon request, should a penalty be requested.

- *Whether the unlawful conduct was stopped.*

The new owners have stopped all construction work (internal alterations) and have indicated that they will only resume upon approval of this land use application and subsequent building plan approval.

- *Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.*

To our knowledge, the current owners have not been in contravention of this By-Law or any other previous planning law.

This office respectfully requests that a penalty be not imposed on the owners of Erf 108, due to the following reasons:

- The property owner was not duly informed on the required processes to follow.
- No complaints have been received from the abutting neighbours, or surrounding community.
- To the best of our knowledge, no previous contravention has been done by the property owners.

We respectfully request your favourable consideration with this matter.



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3.6. NEED AND DESIRABILITY

The desirability of the application can be determined in the following aspects:

- The proposal is not deemed to impact negatively on the abutting neighbours in terms of privacy or loss of sunlight.
- Proposal is in line with any residential neighbourhood and residential property.
- It should be noted that the subject dwelling was approved in the current position and can be proven by the previously approved plans that should be in the archives of Council. Earliest plan date back to 1969.
- The proposal is not deemed to impact negatively on the health and safety of the surrounding community.
- The building line relaxations are not a result of construction work being undertaken by the new property owners and were done so by previous owners.
- The proposal will add value to the existing dwelling and subsequently influence the property market of the surrounding properties in a positive manner.
- The proposal will not have a negative impact on the character of the surrounding area and does not entail a change in land use. Therefore, is still in accordance with the surrounding area.
- It is not deemed to have a negative cumulative impact on the surrounding area.
- The application site is in an already developed residential area and will thus not impact negatively on the environment.

From the above it is clear that the proposal is not deemed to be out of character for that of the surrounding area and the greater Rooi Els area. It is the opinion of this office that the proposal can thus be deemed desirable in terms of the aforesaid points.



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4. SECTION 4: LEGISLATION

Section 4 of this report consists of the applicable Legislation pertaining to this application.

4.1. FORWARD PLANNING

Overstrand Municipality Spatial Development Framework (May 2020)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

The key statutory requirements of the SDF are as follow:

- Give effect to the principles, norms, and standards.
- Include a written and spatial representation of a five-year spatial development plan for the Municipality.
- Include a longer spatial development vision statement.
- Identify current and future structuring elements of the Municipal spatial form (i.e., development corridors, activity spines, economic nodes, etc.).
- Include population growth estimates for the next five years.
- Include estimates for the demand of housing units and the planned location and density of future housing developments.
- Include estimates of economic activity and employment trends and locations in the Municipality for the next five years.
- Identify, quantify, and provide location requirements of engineering infrastructure and services provision for the next five years.
- Identify the designated areas where a national or provincial inclusionary housing policy may be applicable.
- Include a strategic assessment of the environmental pressures.
- Create opportunities (incl. spatial location of environmental sensitivities, high potential agricultural land, and coastal strips).
- Identify areas in which more detailed local plans must be developed and shortened land use procedures may be applicable.
- Provide spatial expression of integration of municipal sectoral policies.
- Determine a capital expenditure framework for the Municipal development programmes depicted spatially.
- Include an implementation.

The proposal is not deemed to be in contravention with the Overstrand SDF as it is not in contradiction with the abovementioned statutory requirements of the SDF. Further to the aforesaid is that the application site is in an urban development area, within the urban edge of Rooi Els. The proposal is thus not in contravention with the SDF.

Overstrand Integrated Development Plan (May 2020)

The Overstrand Municipality Integrated Development Plan (IDP) is aimed towards addressing the development needs of our communities with clearly defined strategic objectives and performance indicators. These strategic objectives are as follows:

- The provision of democratic, accountable, and ethical governance
- The provision and maintenance of municipal services



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- The encouragement of structured community participation in the matters of the municipality
- The creation and maintenance of a safe and healthy environment
- The promotion of tourism, economic and social development.

The IDP is crucial to take into consideration in any planning related application. It is the opinion of this office that the proposal promotes social development and creates a safe and healthy environment, not only for the property owner, but also for the surrounding residents of the area.

Overstrand Municipal Growth Management Strategy (2010)

The Growth Management Strategy does not refer to individual erven, however it does provide a guideline in terms of densification and additional community facilities. This proposal does not entail the densification of Erf 108 and would thus not be in contradiction with the Growth Management Strategy. The proposal adds to the character and natural landscape of Rooi Els

The application site is not within a Heritage Overlay Zone as defined in the Growth Management Strategy and will thus not constitute any heritage related aspects.

Overstrand Municipality Amended By-Law on Municipal Land Use Planning (2020)

It is important to consider Section 66 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning in terms of the "General criteria for consideration of applications":

- When the Authorised Official or Municipal Planning Tribunal considers an application, it must have regard to the following:
 - the application submitted in terms of this By-law;
 - the procedure followed in processing the application;
 - the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses;
 - the comments in response to the notice of the application and the comments received from organs of state and internal departments;
 - the response by the applicant to the comments referred to in paragraph (d);
 - investigations carried out in terms of other laws which are relevant to the consideration of the application;
 - a registered planner, or a planner eligible for registration, written assessment, which includes:
 - an amendment of a Spatial Development Framework or land use scheme
 - an approval of an overlay zone contemplated in the land use scheme
 - a phasing, amendment or cancellation of a subdivision plan or part thereof
 - a determination of a zoning
 - a rezoning
 - the integrated development plan and Municipal Spatial Development Framework;
 - the applicable Local Spatial Development Frameworks adopted by the Municipality;
 - the applicable policies of the Municipality that guide decision-making;
 - the Provincial Spatial Development Framework;
 - where applicable, the regional spatial development framework;

- the policies, principles, planning and development norms and criteria set by national and provincial government;
- the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;
- the principles referred to in Chapter VI of the Land Use Planning Act; and
- the relevant provisions of the land use scheme.
- An Authorised Official or Municipal Planning Tribunal must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—
 - is consistent with the development parameters of the zoning;
 - is consistent with the development parameters of the overlay zone;
 - complies with the conditions of approval; and
 - complies with this By-law.
- When a site development plan is required in terms of development parameters or conditions of approval—
 - the Municipality may not approve a building plan if the site development plan has not been approved; and
 - the Municipality may not approve a building plan that is inconsistent with the approved site development plan.

The proposal is not considered to be a deviation from the aforesaid requirements, however, is substantially in accordance with any residential neighbourhood, and is not deemed to pose a significant threat to the abutting property.

4.2. PLANNING PRINCIPLES

The proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, 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 opportunities, facilities, services, and land.

The proposed application will not contribute to the perpetuation of past apartheid spatial development imbalances.

Spatial Sustainability

A spatially sustainable settlement will be one which has an equitable land market while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity-rich areas, as well as scenic and cultural landscape and ultimately limits urban sprawl.

The proposed development will continue to protect any environmentally sensitive areas and cultural landscapes, as it is in an already developed residential area, and will thus not alter any environmentally sensitive areas.



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Efficiency

Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land.

The proposed development will optimally harness the potential that sustainably exists on the subject property as it utilises the existing footprint of a residential dwelling and will not require additional service capacity.

Spatial Resilience

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to be able to resist, absorb and accommodate economic and environmental shocks and to recover from these shocks in a timely and efficient manner.

The proposed development is well aligned with the spatial plans and policies and that will enable the subject property to be able to resist, absorb and accommodate environmental and economic shocks and recover from shocks in a timely and efficient manner.

Good Administration

Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued.

The proposed development will promote consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. FVS Town and Regional Planners will also respond to the comments of the public and take the comments into consideration in the planning of the project.

This section outlines how the proposed development is aligned with the core planning principles as outlined in SPLUMA and LUPA. The proposed can therefore be viewed as encompassing and promoting all planning principles.



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5. SECTION 5: CONCLUSION

5.1. REASONS FOR APPROVAL

- *No additional Municipal Services will be required. The application site is already serviced and will thus not require the creation of additional services capacity.*
- *The proposal is deemed desirable in terms of the Overstrand Municipality Land Use Scheme of 2020, as set out under Section 3 of this Motivation report.*
- *No negative impact is foreseen on the abutting neighbours in terms of privacy.*
- *The proposal is in line with any residential neighbourhood, and similar instances can be found throughout the town of Rooi Els and surrounds.*
- *The proposal is further deemed to add value to the application site as it will increase the resell value, keeping it in line with the surrounding erven.*
- *The proposed building line relaxation is not deemed to impact negatively on the abutting neighbour as the proposed screening wall is more than 1.5m from the common boundary.*

Considering the above information, Council is respectfully requested to favourably consider the application for the following:

Approval for the proposed street and lateral boundary building line relaxation in terms of the Overstrand Municipality Land Use Planning By-law on Erf 108, Rooi Els.

Kind Regards,

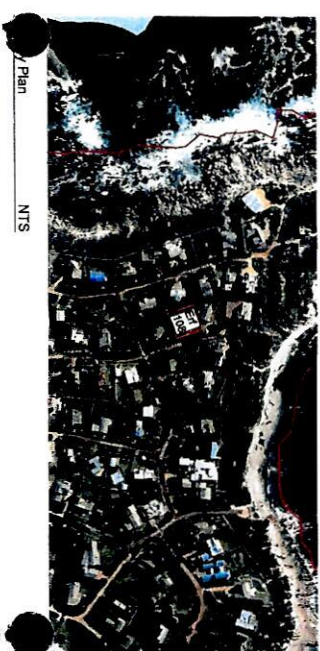
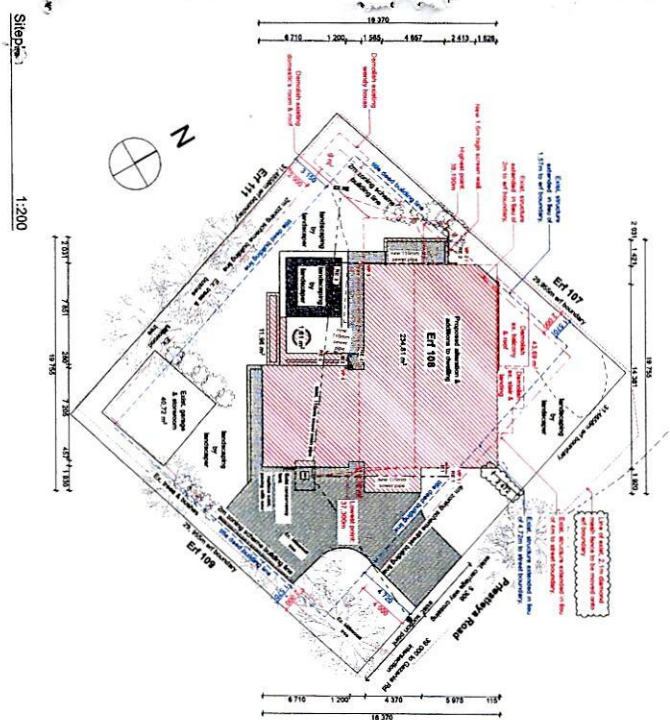
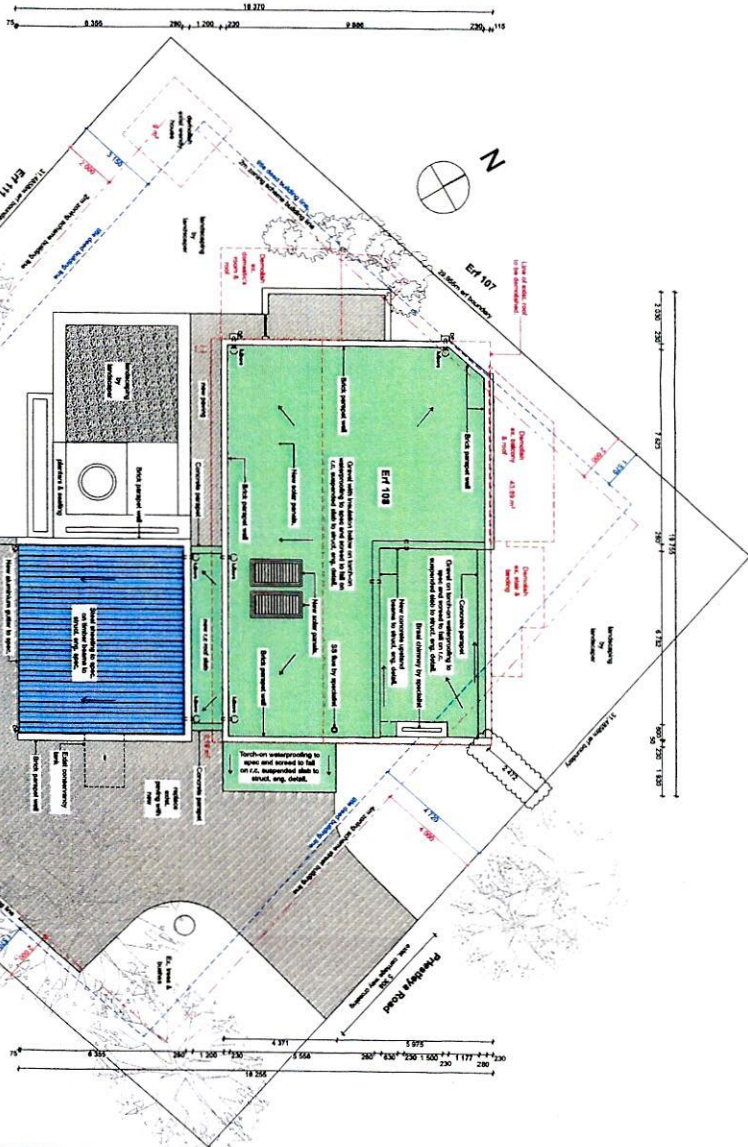
Jaco van Schalkwyk

Director of FVS Town and Regional Planners

[illegible]

XA compliance values - roof

202



This drawing is subject to Copyright © held by ALLEN JENNARD ARCHITECTS

1.1 Check all dimensions on site prior to connecting

- construction. Please reply (signed documents and do not include any disbursements) to be reported to the Arbitrator prior to continuing work.
- 1.2 The contractor is solely responsible for compliance with all SANS 10400 standards in respect of the full scope of the work. This requirement will not be deemed to be superseded by the provision of any other contract documents.
- STRUCTURAL**
- 2.1 All independent concrete slabs, concrete beams, columns

2.5 All milk should be hot dipped (pasteurized) and poured to market/bottles.

- 2.6 Measurement points are to be provided in walls, floors and at junctions where required.
- 2.7 All microphones are to be fixed using 20 x 3mm grey steel clips embedded 80mm into the ceiling concrete support.
- 2.8 Generally, unless specified otherwise, cables to be 11kV/5mm practical conductor with individual conductors insulated above to suit loading and span in accordance with BS4153:1992.
- 2.9 Each line to be a constant breakdown stress break cover (openings given 2m dia).
- 2.10 All positions of structural member loads shall be increased

O.P.U. at base of all with main 180mm across H&A, and
fracture all windows with 100mm of 180mm 180mm.

- 5.2 All used and used waste to be processed in accordance with SABS 0124.
- 5.3 All glazing to part H of SABS 10400. All glazing less than 500mm above floor level or exceeding 1800 in down and up travel shall be safety glazing in accordance with SABS 10400. The following are minimum standards apply:
- 3mm glass max 0.75m² area
 - 4mm glass max 1.5m² area
 - 5mm glass max 1.5m² area

LIGHTING & VENTILATION

- 5.1. Laying out conditions in Part D of SAAR 15100. All responses have been provided with a non-PV marked worksheet and 10% marked right.

6.5 No electrical conduits or buses to be exposed on external

- surface of article with unless agreed with the architect.
- TENDER**
- 7.1 All tender to be COAST/TA tendered unless otherwise specified.
- STAIRS & BALUSTRADES**
- 6.1 Treads & risers as shown on Architect's drawings. Risers to be metal 170mm, treads to be with 250mm, metal risers to be max. 2100mm.

3	2022.07.04	(Casting from mixed raw boundary, but notes indicate it is a mixture of 2022.07.04 and 2022.07.05)
2	2022.06.12	(Casting from mixed raw boundary, but notes indicate it is a mixture of 2022.06.12 and 2022.06.13)
1	2022.03.29	(Casting from mixed raw boundary, but notes indicate it is a mixture of 2022.03.29 and 2022.03.30)
revisions		

client/ representative	James S. Lindsay, CMAA
architect/ or arch. mg.	Arch. Services/ Parsons 7943

**AMPERSAND
ARCHITECTS**
The Collective 83 148 Upper Canterbury St Cape Town

Alterations to Eri 108 Priestleya
Road, RoostsProperty information table,
locality plan, roofplan & siteplan

COUNCIL SUBMISSION

2022/07/07	Scale 1:100, 1:200, 1:1
job number 2104	drawing number 100
	revision 3



1:100



1:100



1:100



1:10C



1:100

COUNCIL SUBMISSION		
2022/07/07		Scale 1:100
job number	drawing number	revision
2104	101	3

- 1.1 Check all dimensions in the prior to commencing construction. Material supplied dimensions and do not scale. Any discrepancies to be reported to the Architect prior to continuing work.
- 1.2 The contractor is solely responsible for compliance with all SABS 1500 standards is required of the full scope of the work. This requirement shall not be deemed to be absconded by the provisions of any other contract document.

- 2.1 As suspended concrete slabs, concrete beams, retaining walls and foundations to structural engineers' detail.
- 2.2 All structural steel, timber and glazing to structural engineers' specifications and details.
- 2.3 Structural design of all buildings to BS449:1969.
- 2.4 All buildings to comply with Part D of BS449:1969.
- 2.5 Cladding to not exceed 150mm dia.
- 2.6 All steel to be hot dipped galvanized and painted to specification.

- 2.7 All participants are to be fed down with 20% *Stem* after the first 10% of the feed is consumed.
- 2.8 All large emaciated goats that are underweight should be fed down with 20% *Stem* after the first 10% of the feed is consumed.
- 2.9 All goats that are underweight should be fed down with 20% *Stem* after the first 10% of the feed is consumed.
- 2.10 All goats that are underweight should be fed down with 20% *Stem* after the first 10% of the feed is consumed.

3.1 250 electron D:P44 under all surface loads in Part 7 of SA455 154001.

3.2 D:P/C at base of all depth runs 150mm above HCL and below all undercuts with Part 9 of SA455 154001.

3.3 All end under butt runs to be positioned in accordance with SA455 0132.

3.4.2.2.2

[illegible]

1. Labeled and ventilation is Part O of SANS 10400. All rooms have been provided with a min 5% natural ventilation and 100% natural light

[illegible]

¹ All binder to the CCA/TS is treated unless otherwise specified.

3. **Labels** or **tags** provided as pointers of a change in level shall not have any opening that permits the passage of a 100mm diameter ball to comply with SANS 10400:PAFET D.

2022.05.12	confirmed by submajor Prat's conspiracy (dark shadow, glow submajor) change and increase noted as "Darker the flow, dark- C added this set, 6 stars"
2022.03.29	First issue for submajor

Representative	Jarman & Lindsey Ltd
Cost per each mg	Acute Sarinowski Product 7543

Collective BS 149 Upper Canterbury St Cape Town

Iterations to Erf 108 Priestleya
road, Rooiels

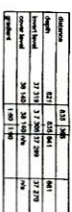
around storey plan, Storey 2 plan
and Sections

22/07/07	Scale 1:100	
number	drawing number	revision
104	101	3



▶ **March 20**





South elevation - Drainage section 1:100



East elevation	1:10
----------------	------



West elevation 1:100

Notes

- 1.1 Check all documents *in the prior to commencing construction*. Read and sign all documents and do not start. Any document to be signed is the document prior to commencing work.
- 1.2 The contractor is fully responsible for compliance with SANS 10400 standards if required of the full list of the work. This requirement shall not be deemed to be superseded by the provisions of any other contract documents.

STRUCTURE

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... (Lignin) ...

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- [illegible]

- AMPERSAND
ARCHITECTS**
Collective B3 148 Upper Canterbury St Cape Town

- | | | | | | |
|--------|--|----------------|--|----------|--|
| number | | drawing number | | revision | |
| 04 | | 102 | | 3 | |