



ERF 825, 133 MAIN ROAD, DE KELDERS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE, DEPARTURE, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: JJK WHITEMAN ON BEHALF OF WALKERVIEW APARTMENTS BODY CORPORATE

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

- ❖ **Consent use** in terms of Section 16(2)(o) of the By-Law, to accommodate the existing flats on ground floor.
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law, for the provision of 17 parking bays in lieu of 17.5 parking bays on the property.
- ❖ **Amendment of the Site Development Plan** in terms of Section 16(2)(l) of the By-Law to accommodate the proposed amendments to the approved site development plan.
- ❖ **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the By-Law to legalize the existing unlawful structures on the property.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and at the Gansbaai Library, Main Road, Gansbaai. Any comments must be in writing in terms of the provisions of Sections 51 and 52 of the By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Friday, 20 December 2024**, quoting your name, address, contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. P Roux** 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 comment.

ERF 825, HOOFWEG 133, DE KELDERS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM VERGUNNINGSGEBRUIK, AFWYKING, WYSIGING VAN DIE TERREINONTWIKKELINGSPLAN EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: JJK WHITEMAN NAMENS WALKERVIEW APARTMENTS BODY CORPORATE

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruiksbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir die volgende:

Vergunningsgebruik ingevolge Artikel 16(2)(o) van die Verordening, om die bestaande woonstelle op grondvloer te akkommodeer.
Afwyking ingevolge Artikel 16(2)(b) van die Verordening, ten einde 17 parkeervakke in plaas van 17.5 parkeervakke op die eiendom te voorsien.
Wysiging van die Terreinontwikkelingsplan ingevolge Artikel 16(2)(l) van die Verordening om die voorgestelde wysigings tot die goedgekeurde terreinontwikkelingsplan te akkommodeer.
Bepaling van 'n Administratiewe Boete ingevolge Artikel 16(2)(q) van die Verordening om die bestaande onwettige strukture op die eiendom te wettig.

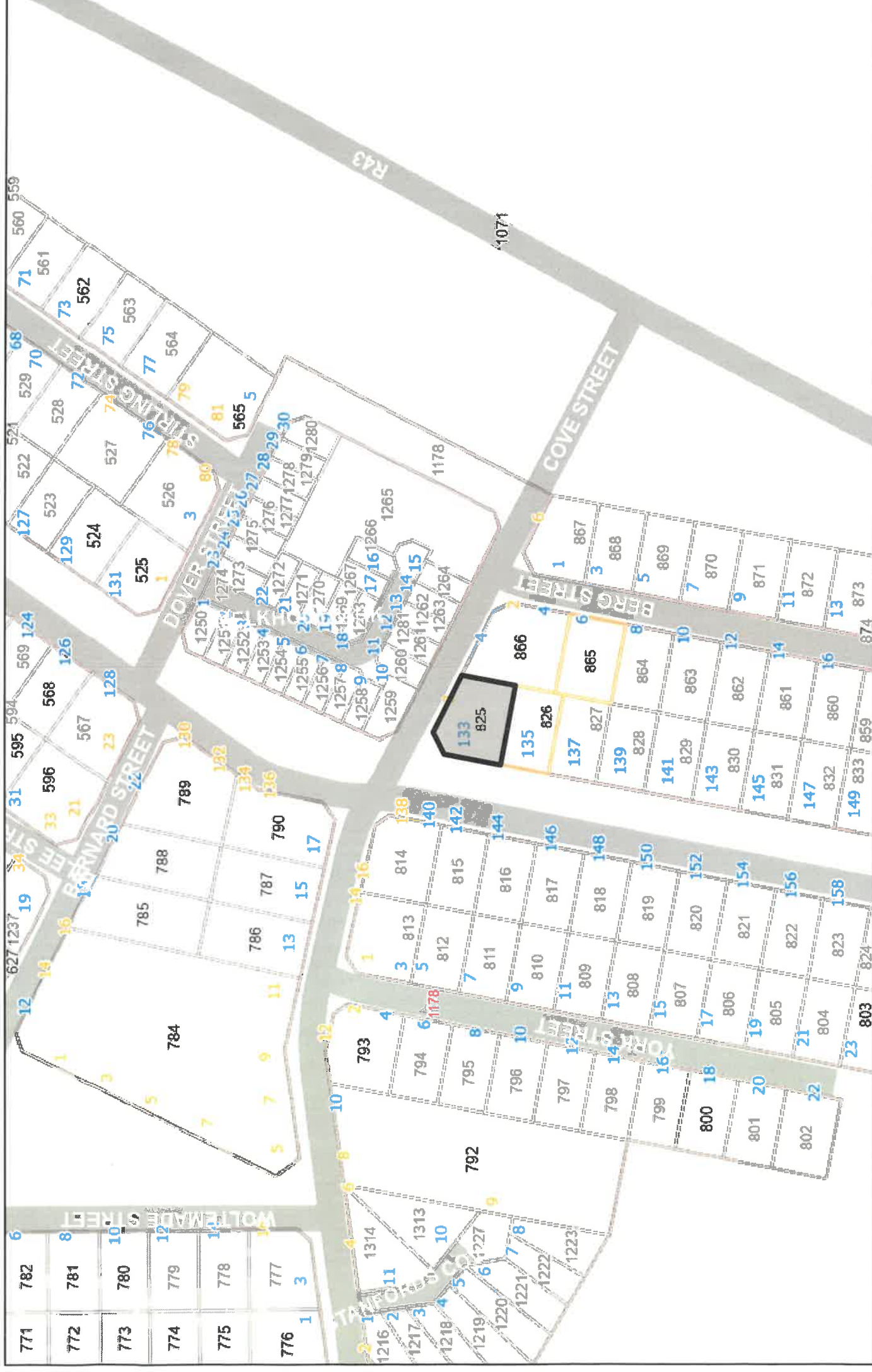
Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by die Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik wees ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 20 Desember 2024**, met u naam, adres, kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. P Roux** 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 ten einde hul kommentaar te formuleer.

ISIZA 825, 133 MAIN ROAD, E-DE KELDERS: ISICELO SOKUSETYENZISWA KWEMVUME, UPHUHLISO, ULUNGISELELO LWESICWANGCISO SOPHUHLISO LWESIZA NOMISELO LWESOHLWAYO SOLAWULO: JJK & LP WHITEMAN EGAMENI LE-WALKERVIEW APARTMENTS BODY CORPORATE

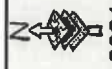
Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe soku kulandelayo:

Isicelo semvume ngokweCandelo le-16(2)(o) loMthetho kaMasipala, ukulungiselela ii-flethi ezikhoyo kumgangatho ophantsi.
Isicelo sokuphambuka Ukufakwa kwesicelo ngokweCandelo le-16(2)(b) loMthetho kaMasipala, ukulungiselela ubonelelo lwee-ndawo zokupaka ezili-17 endaweni yokupaka ezili-17.5 kwipropati.
Ukulungiswa kweSicwangciso soPhuhliso lweSiza Isicelo ngokwemiGaqo yeCandelo 16(2)(l) loMthetho kaMasipala ukulungiselela ulungiso olucetywayo kwi-plani yophuhliso lwesiza eyamkelweyo.
Ukumiselwa kwesohlwayo soLawulo Isicelo ngokwemiGaqo yeCandelo le-16(2)(q) loMthetho kaMasipala sokwenza ngokusemthethweni izakhiwo ezikhoyo ezingekho mthethweni kwipropati.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, 16 Paterson Street, eHermanus kunye nakwiThala lwenwadi laseGansbaai, Main Road, e-Gansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kaMasipala yaye mazifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla we- **20 EyoMnga 024**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafitsalela umnxeba u**Mcwangcisi weDolophu, Mnu. P Roux** kule nombolo 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loCwangciso lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.



ERF 825, 133 MAIN ROAD, DE KELDERS



MEMORANDUM

APPLICATIONS FOR CONSENT USE; APPLICATION FOR A DEPARTURE; APPLICATION FOR THE AMENDMENT OF THE SITE DEVELOPMENT PLAN AND AN APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY ON ERF 825, DE KELDERS: OVERSTRAND MUNICIPALITY: DIVISION CALEDON: WESTERN CAPE PROVINCE

1. INTRODUCTION:

This introduction serves as a short summary of the application before the necessary proposals and motivations are presented.

- 1.1 Applicant: ME Planners Town and Regional Planner
P.O. Box 757
Heilbron
9650
- 1.2 Power of Attorney: Power of Attorney has been rendered to ME Planners Town and Regional Planner to lodge these Applications:
Application for Consent Use; Application for a Departure; Application for the Amendment of the Site Development Plan and an Application for the Determination of an Administrative Penalty on Erf 825, De Kelders: Overstrand Municipality: Division Caledon: Western Cape Province in terms of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2020.
- 1.3 Property: Erf 825 De Kelders, Gansbaai, (hereafter referred to as "the site of application" or "the property")
- 1.4 Street address: 2 Cove Street, De Kelders.
- 1.5 Locality: Erf 825 is situated on the south-eastern corner of Main Road and Cove Street, De Kelders, adjacent to Erf 866 on the eastern side and Erf 826 on the southern side.

2. OVERVIEW OF APPLICATIONS:

2.1 APPLICATION FOR CONSENT USE IN TERMS OF SECTION 16(2) (o) OF THE OVERSTRAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING (2020)

The 'Application for Consent Use' is done in order to allow for flats on the ground floor.

2.2 **APPLICATION FOR DEPARTURE IN TERMS OF SECTION 16(2) (b) OF THE OVERSTRAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING (2020)**

The 'Application for a Departure' is done to depart from 17.5 required parking spaces to 17 provided parking spaces.

The departure is fully motivated in paragraph 5.6 of the memorandum.

2.3 **APPLICATION FOR AMENDMENT OF SITE DEVELOPMENT PLAN IN TERMS OF SECTION 16(2)(l) OF THE OVERSTRAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING (2020).**

The reason for this application is discussed in Paragraph 6 of this memorandum.

2.4 **APPLICATION FOR THE DETERMINATION OF AN ADMINISTRATIVE PENALTY IN TERMS OF SECTION 16(2) (q) OF THE OVERSTRAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING (2020).**

The 'Application for an Administrative Penalty' is done in order to address any contravention on a property.

This issue is discussed in full in Paragraph 10 of this memorandum.

3. **GENERAL INFORMATION:**

3.1 **Property Description:**

Refer to paragraph 1.5 of the introduction above and according to the Deed of Transfer No. T000084443/2004 which refer to:
ERF 825, DE KELDERS, Situate in the Municipality of Overstrand, Division of Caledon, Province of the Western Cape.

3.2 **Size:**

The property is 790m² in extent.

3.3 **Ownership:**

In terms of Deed of Transfer No. T 50275/94 the owners are:

Johannes Jacobus Kunz Whiteman
Identity Number 5107225198082
and

Leona Patricia Whiteman
Identity Number 5006040168082
Married in community of property to each other

their Heirs, Executors, Administrators or Assigns, in full and free property.

3.4 **Legal matters:**

- (a) In the said Title Deed, conditions E. (a), (b), (c), and (d) were removed in terms of 'Removal of Restrictions Act, 1967 (Act 84 of 1967)'. The notice was published in the Government Gazette dated 20 August 2021. The Deeds office was however not satisfied with the wording of the advertisement. It was advertised a second time on 28 January 2022.
- ***See 'Attachment A'***
- (b) A Sectional Title Scheme was registered in 2017. The name of the Scheme is "Walker View Apartments"
- ***The diagrams consisting of 6 sheets was attached to the document submitted on 21 September 2021: See "Attachment B"***
- (c) The owner sold 2 units to private owners.
- i. Section 2 was sold to:
Constandino Kalis and Magaretha Magdalena Kalis.
- ***See a copy of the Title Deed ST 17903/2017 as 'Attachment C'***
- ii. Section 7 was sold to Veronica McLaren.
Up to now, it was not possible to obtain a copy of the Deed or a Power of Attorney from the person, due to bad blood between Me McLaren and the majority owners, Mr and Mrs Whiteman.
- (d) The establishment of a 'Body Corporate' is currently in process and is handled by Ms Renate van Dyk of the firm VDS.

4. **ZONING:**

4.1 **Present Zoning:**

The property is zoned "Business Zone 3: Local Business (B3)" with, inter alia, the following use restrictions applicable to it:

- (a) Primary uses: shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.
- (b) Consent uses: bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor) in accordance with 6.3.2, flats (on ground floor), town housing in accordance with 6.3.2, tourist accommodation, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (subject to the provisions of Chapter 16.10).

4.2 **Definitions:**

Definition of "flats"

means, a building containing two or more dwelling units, together with such outbuildings as are ordinarily associated therewith;

Definition of 'dwelling unit'

means a unit containing one or more inter-leading rooms with adequate sanitary facilities and a kitchen, used for the accommodation and housing of a single family, and may be included in or separate from the main building on the property.

4.3 **Land use:**

The property is currently developed with a double-storeyed building providing for flats.

5. **DEVELOPMENT PARAMETERS:**

5.1 **Coverage:**

The coverage on the erf is only 63.37% and the allowable coverage is 75%.

5.2 **Floor factor:**

The floor factor is 1.3 – allowable floor factor is 1.5

5.3 **Height:**

The number of storeys is 2 – as prescribed in the Zoning Scheme.

5.4 **Building lines:**

- i) All the building lines are in accordance with the requirements of the Scheme.
- ii) In terms of the attached Title Deed (T50275/94) a restriction of 3.15m is placed on the street building line and 1.57m on the lateral building line. However, this condition has been removed. Refer here to the notice in the Government Gazette dated 28 January 2022.

➤ *See 'Attachment A'*

5.5 **Access:**

- i) The primary access to the property is from 2 Cove Street and will provide safe access to and exit from the proposed development.
- ii) 133 Main Road gives access to 4 parking spaces as indicated on the submitted Site Plan.

5.6 **Parking:**

5.6.1 **History of the parking layout is as follows:**

The building plans previously approved on 31 May 2006, show the following:

- i. 3 street parking spaces in Cove Street and 4 parking spaces on the road reserve in Main Road, De Kelders.
- ii. 2 Parking spaces have been approved on the road reserve in the driveway from Main Road, but are not acceptable for the new development on the 'site of application', and have therefore been omitted on the new SDP. The reason for this can possibly be attributed to the fact that the manoeuvring space is insufficient.
- iii. 12 Parking Spaces were approved on the property itself. The reason for the high number of parking spaces, was the fact that a large part of the building was used as offices that trigger 6 bays per 100m² GLA in terms of the Overstrand Municipality Zoning Scheme, 2013.

5.6.2 Present parking layout:

The land uses on the property have changed greatly. The fact that the total building is used for flats and according to the attached building plans, the number of parking bays will have to be as follows:

- i. 1.5 bays per 1-bedroom dwelling unit; and
- ii. 2 bays per 2 and more bedroom dwellings - in terms of the Overstrand Municipality Land Use Scheme, 2020. (Chapter 17).
 - Provision is made for 10 flats of which 5 will contain 2 bedrooms each (Flat Numbers 1 to Flat Number 4 plus Flat Number 9).
 - 5 Flats will contain 1 bedroom each. (Flat Numbers 5, 6, 7, 8 and Flat Number 10).
 - This will mean that a total of 17.5 parking spaces are needed. According to the attached plans and the Site Plan provision is made for 17 parking spaces, which means a shortage of 0,5 parking spaces.

Due to the above-mentioned reason, an application for the departure from the parking requirements is done as described in Paragraph 2.2.

- Manoeuvring space is adequately indicated. With regard to the mentioned manoeuvring space for all parking spaces, 6 plans have been prepared for clarification.

➤ *See 'Attachment D'*

6. APPLICATION FOR THE AMENDMENT OF THE SITE DEVELOPMENT PLAN

The reason for the changing of the Site Development plan is fully discussed in Paragraph 5 of this memorandum. It clearly sets out the history of the development as of 31 May 2006 and the current changes that result in the SDP having to be changed.

It is necessary to mention that the current planning on the plot will in no way detract from the character of the environment.

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The planned land uses together with the parking issues on the SDP do not contradict any of the Forward Planning and other Land Use documents. The proposed new SDP will have no adverse impact on the society and the environment.

7. **NEED AND DESIRABILITY:**

7.1 **Need:**

- a) The **need** in this instance centres mainly on the fact that the applicant wishes to make better use of the existing building as there is a greater demand for residential uses in the area.
- b) Because of the size of the property and the existing placing of the building, the applicant observed the potential to apply for the consent use where space for parking is available on the erf.
- c) The property was purchased by the applicant with the idea of developing a block of flats to be changed to sectional title deed units to be sold off, whilst keeping one unit for himself to be used as his home.

7.2 **Desirability:**

- a) The **area**, in which the site is located, is characterized by predominantly residential uses such as blocks of flats, two blocks of self-catering flats, a medical practice and a group housing scheme. The proposed development of flats on the ground floor will merely be an extension of and/or similar to the existing character of the area.
- b) The **existing position of the building** is not regarded as being undesirable and will not have any detrimental impact on the rights of surrounding property owners nor the existing built environment in future.
- c) The proposed flats on the ground floor will have **no negative impact** on the surrounding areas, due to the fact that the structural changes to the building is of such a nature that it impacts more to the inside of the building than on the outside.
- d) The site is **fully serviced** as it is located in an existing township and all municipal services are available.

The approved Growth Management Strategy indeed confirms that for future opportunities there will be sufficient water source capacity, sufficient treatment works, sufficient solid waste capacity as well as sufficient sewerage treatment works.

- e) **Standards and Conditions:**
Land uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme, 2020. Building plans will be submitted to the satisfaction of the Overstrand Local Municipality, as the controlling authority.

The said Town Planning Scheme together with the proposals in the

Provincial Spatial Development Framework 2014 (PSDF), the Overstrand Spatial Development Framework (2020), and the Overstrand Municipality: Growth Management Strategy, 2020, makes provision for “flats on the ground floor” applied for in this application.

The aims and objectives of the foregoing frameworks and strategy will be summarised and discussed in Paragraph 8 of the memorandum.

- f) The low **level of traffic** generated by this planned kind of development will have no significant effect on the existing and surrounding street network and the traffic flow patterns around the site will not be affected at all. Because of the foregoing, no traffic impact assessment or environmental impact assessment is necessary with this application
- g) In the light of what has been mentioned as far as the need is concerned for this application, the desirability needs no further motivation, and in **summary** the following is relevant:
 - i) The existing as well as the future character of the area will not be adversely affected should the application be approved.
 - ii) The traffic flow pattern in the area will not be affected.
 - iii) Services will not be affected adversely.
 - iv) The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of the application.

8. FORWARD PLANNING & OTHER LAND USE DOCUMENTS:

As already mentioned, Land Uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme of 2020.

The said Town Planning Scheme together with the proposals in the Provincial Spatial Development Framework 2014 (PSDF), the Overstrand Spatial Development Framework (2020) and the Overstrand Municipality: Growth Management Strategy, 2020 makes provision for consent uses such as applied for in this application.

The aims and objectives of the foregoing frameworks and strategies can be summarised as follows:

8.1 WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (March 2014)

The purpose of the PSDF is to give expression to the national and provincial development agendas for land development and serves as a basis for coordinating, integrating and aligning national and provincial programs. It also aims to communicate the spatial development intentions of the government to the private sector.

The following aims underpin the PSDF, together with explanations of how the proposed development will be in line therewith.

- ***“Capitalize and preserve unique local built form and natural typologies, character and heritage.”***

The application will not disturb the local built form much as it aims to only upgrade the area.

- ***“Promote urban rather than suburban model: avoid further fragmentation of townships.”***

The proposed development will not lead to a fragmentation of the area.

- ***“Focus on creating connections to economic and social opportunity to promote spatial and socio-economic integration.”***

The development of housing on the property is an excellent example of the promotion of spatial and socio-economic integration.

- ***“Cluster all social facilities and complementary activities.”***

As a business concern with a basic social background, this development will be a complementary addition to the nearby cluster of various business activities.

8.2 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2020)

The objective of the SDF is to formulate strategic policy guidelines and proposals which are spatially based, through which the needs, changes and growth in the area can be managed to the benefit of the inhabitants and the environment of the Overstrand Municipality.

The Overstrand Spatial Development Framework (May 2020) earmarks the area where Erf 825 De Kelders 46 Gansbaai is situated, for mixed residential and low-key business premises. The current access will also remain as is. The proposal will, therefore, be in line with spatial planning guidelines for the area.

The following objectives are used to test whether the proposed development will be in line with the aims of the SDF:

- ***“To provide an environmentally and economically sustainable bulk service infrastructure and road transport network.”***

The proposed development is already connected to all services and no extra services will be required.

- ***“To ensure that on-going pressure and its spatial implications are managed in a sustainable way that protects the unique character of the***

existing cultural landscapes and the place-specific character and form of the existing settlement pattern."

The proposal will not change anything in the existing cultural landscape and the character and form of the existing settlement pattern.

- ***"Restrict development within the carrying capacity limitation of the natural resources."***

The proposal will not change anything in the carrying capacity limitation of the natural resources.

- ***"To improve the aesthetic quality of the built environment."***

The proposed development will definitely lead to the improvement of the aesthetical quality of the built environment.

8.3 GROWTH MANAGEMENT STRATEGY

- a) The purpose of the GMS (May 2020) is to improve the Overstrand Municipality's overall environmental sustainability by enhancing the quality and efficiency of the built environment.
 - b) The following core objectives of the strategy will be used to test the suitability of the proposed development.
- ***"Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land."***

The proposal seeks to make optimal use of the erf and will result in more efficient use of the infrastructure.

- ***"Contribute to place making and the development of attractive and safe urban environments."***

The proposed development will contribute to place making and a more attractive property and environment.

- ***"Ensure that the scale and character (in terms of bulk, height and architectural styling) of the higher density areas are appropriate to the immediate context."***

The proposed development will change nothing in the scale and character of the area.

8.4 OVERSTRAND INTEGRATED DEVELOPMENT FRAMEWORK

The IDF makes provision for the long-term spatial development and planning towards 2050. De Kelders forms part of the urban conservation within the urban fabric of coastal towns or slightly beyond the urban edge. Properties / areas

should be judiciously managed, as they form integral parts of the Overstrand Municipality's ecological capital, in terms of their aesthetic value and delivery of ecosystem services. Judicious management of these urban conservation areas is also required in order to reduce risks to the surrounding area.

8.5 **HERITAGE OVERLAY ZONE (Part of the Overstrand Municipality Growth Management Strategy)**

Erf 825 De Kelders is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing building situated on Erf 825 De Kelders is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

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 it is evident that the proposed consent use will not have a negative impact on the heritage value of the subject property or the Greater area of Gansbaai.

8.6 **ENVIRONMENTAL IMPACT**

The proposed departure for Erf 825 De Kelders does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

9. **PLANNING PRINCIPLES**

The application has also been analysed for consistency with the planning principles prescribed by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and also, the Western Cape Land Use Planning Act, 2014 (LUPA) and the following conclusions were made:

(a) Spatial Justice which refers to the need for redressing the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposed consent use will not in any way contribute to the perpetuation of past apartheid spatial development imbalances as the development of the proposed business will open up the provision of all the above to all persons in the Republic. The right of owners to develop land in accordance with current use rights must be recognized as is the case with this application.

(b) Spatial Sustainability which refers to the fact that 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 landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposed development will take place within the urban edge and will therefore have no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas. The application can thus be deemed to be spatially sustainable.

(c) Efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposed development is not intended as a new settlement development and caters specifically for users from far and near.

(d) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The proposed development will not lead to any economical and/or environmental shocks as the business to be conducted will not differ basically from the existing use on the erf.

(e) Good Administration which, in the context of land uses planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.

The applicant is committed to the principle of good administration and will co-operate with the Overstrand Municipality to ensure a time efficient and will ensure that timeframes are adhered to.

10. ADMINISTRATIVE PENALTY

Application for Administrative Penalty in terms of Section 16(2) (q) of the Overstrand Municipality read together with Section 90 of the Bylaw on Municipal Land Use Planning (November 2020).

It is stated in Section 90 (1) of the said Bylaw that the applicant may rectify any contravention on a property by applying to the Municipality to pay an Administrative Penalty. In this case, no formal application is made for the payment of such an administrative penalty.

The reasons are dealt with by discussing them in accordance with Section 90 (3) of the same Bylaw.

- a) Section 90 (3) (a) refers to the nature, duration, gravity and extent of the contravention. In order to address this, it is important to motivate that the owner does not violate any regulation.
- b) The nature of the development on the erf does not impose on the privacy of any of the surrounding owners and has no negative effect on the surrounding built environment. There has never been any complaint about the existence of the buildings (Section 87 of the Amendment Bylaw on Municipal land Use Planning, 2020)
- c) Section 90 (3) (b): The application and the submission of the 'as built' plans, proves that the owner is not deliberately involved in any contravention. The owner has plans drawn up in order to legalise the flats on the ground floor of the property.

The approved site plan (2006) was approved. It is then for these reasons that 'as built' plans have been drawn up for submission to the Municipality.

- d) Section 90 (3) (d): There is no sign of any unlawful conduct. The use of the erf is primarily for housing purposes and flats on the ground floor, as is the case with this application. The purpose of the application then, is the legalisation of the flats on the ground floor.
- e) Section 90 (3) (e): The registered owner has never deliberately contravened this By-Law or any previous planning law.

11. RECOMMENDATION

- 11.1 Land uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme. (2020)
- 11.2 The application is made for the purpose of helping to ensure that orderly planning as far as the Town Planning and building regulations are concerned will be in place for future reference.
- 11.3 The proposed development, apart from monetary reasons, is an attempt by the client to bring about a development that will add value to the area.
- 11.4 Finally, the application adheres to the criteria of the Overstrand Municipality Zoning Scheme 2020. The proposed development will contribute positively to the economy and character of the area in which it is situated as well as the Overstrand as a whole.
- 11.5 From the contents of this report it is apparent that the proposed consent use on Erf 825 De Kelders will have no negative impacts in general, and it is thus requested that the Municipality favour the application as set out in this motivation report.
- 11.6 Attached are the updated building plans for the development on Erf 825, De Kelders.

Please note that the number of units for the development on Erf 825 De Kelders has been reduced to ensure that the parking on site is adequate.

➤ *See 'Attachment E'*

END OF MOTIVATION REPORT:
APRIL 2022

28 APR 2022

"Without underlying ideas informing their buildings, architects are merely space planners. Space planning with decor sensibility that infuses its whole" - Frederick, 2007:14

NOTAS :

Alle versiers van die tekening is ontwerp deur die ontwerper. Die tekening is nie verbindend nie, en die munisipale regulasies moet daarop in ag geneem word. Die tekening is nie verbindend nie, en die munisipale regulasies moet daarop in ag geneem word. Die tekening is nie verbindend nie, en die munisipale regulasies moet daarop in ag geneem word. Die tekening is nie verbindend nie, en die munisipale regulasies moet daarop in ag geneem word.

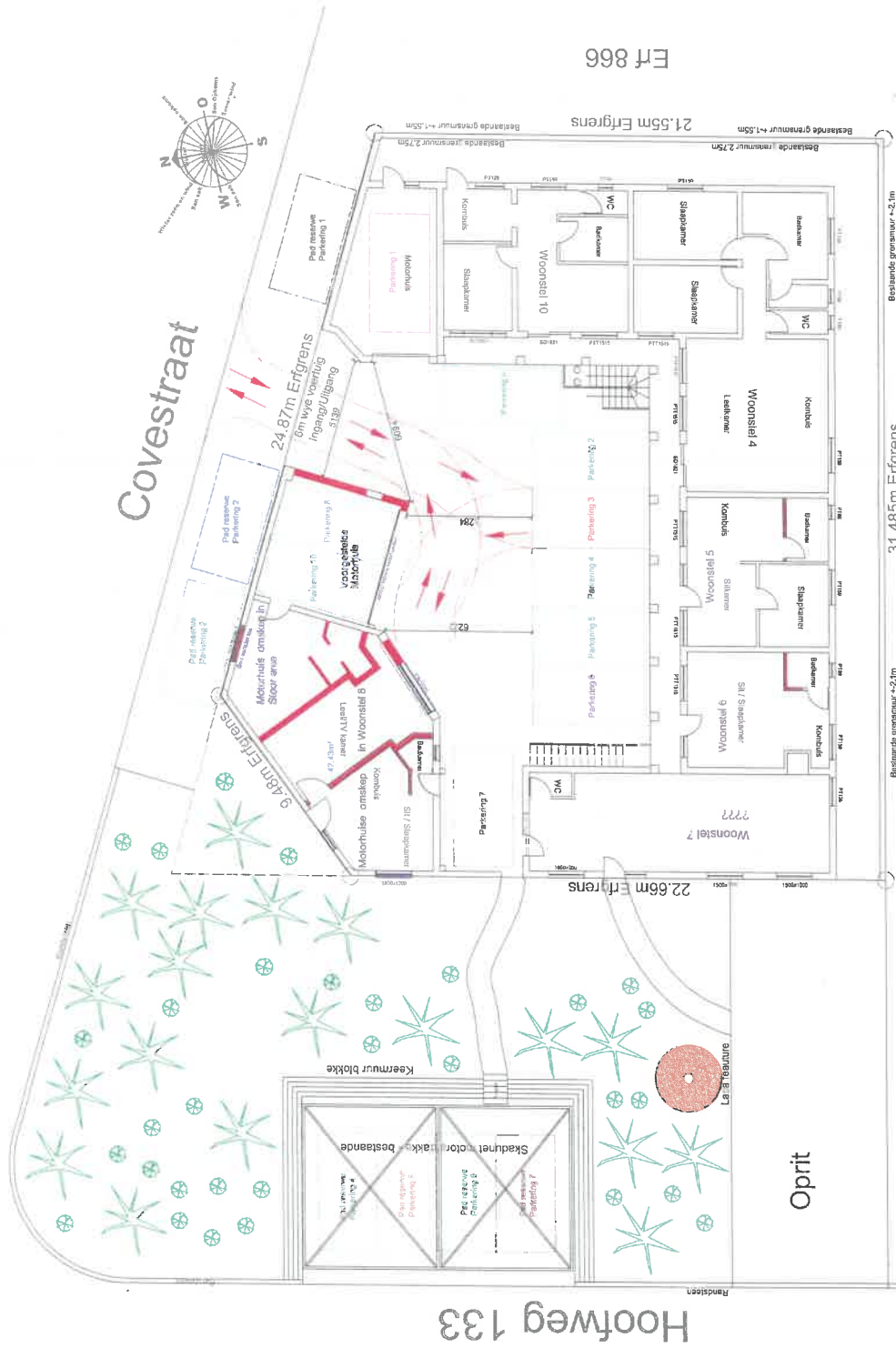
Oppervlakte: 466,30m²
Grondverdieping: 500,59m²
Eerste verdieping: 57,55m²
EV Woonstel 9:

Totaal: 1024,44m²
Erf: 790,00m²
Dekking: 63,37%

Gerieke Argitektoniese Dienste
 Johan Gerieke
 Pr. Arch Draught. (D2888)
 Postbus 392, Gansbaai, 7220
 Telf: 028 384 1659 Sel: 082 453 8554
 ged@axvess.co.za
 Lid van SAIT : S07023

Beskrywing:
 Voorgestelde Aanbouing /
 Wysigings
 Mnr. J. Whiteman
 Erf 826, Hoofweg 133,
 De Kelders,
 Overstrand Munisipaliteit.

Plan nagaan deur:
 J.L.S. Gerieke Datum: 25 Nov 2021
 Okkupasie SANS10400:
H3
 Tekenling: Terreinplan - Parkering
 Doel: Munisipale goedkeuring
 Projek #: 03/JW/19
 Skaal: 1:200 4 van 6
 Bladsy: 4 van 6
 Datum: 03 Februarie 2022



Erf 826

Terreinplan

Skaal 1 : 200



Parkeervereistes: 2020 Skema regulasies
 Woonstelle =
 1.5 Parkeerplekke per 1 Slaapkamer eenheid en 2
 parkeerplekke vir 2 slaapkamer eenhede.
 Aantal 1 Slaapkamer woonstelle = 5 (7.5)
 Aantal 2 Slaapkamer woonstelle = 5 (10)
 VERLANGDE PARKERING = 17.5
 VOORSIEN PARKERING OP PADRESERWE = 7
 VOORSIEN PARKERING OP PERSEEL = 10
 TOTAAL PARKEERPLEKKE VOORSIEN = 17

NOTAS :

Alle veranderinge aan die planne en tekening moet skriftelik bevestig word deur die oorspronklike ontwerper. Die oorspronklike ontwerper aanvaar aanspreeklikheid vir die inhoud van hierdie tekening en is nie aanspreeklik vir enige ander veranderinge aan die planne en tekening. Hierdie tekening is slegs bedoel om die algemene konsep van die projek te illustreer en is nie 'n finale tekening nie. Die oorspronklike ontwerper aanvaar aanspreeklikheid vir die inhoud van hierdie tekening en is nie aanspreeklik vir enige ander veranderinge aan die planne en tekening. Hierdie tekening is slegs bedoel om die algemene konsep van die projek te illustreer en is nie 'n finale tekening nie.

Aangestelde Ingenieur :

Oppervlakte: 466.30m²
 Grondverdieping: 500.59m²
 Eerste verdieping: 57.55m²
 EV Woonstel 9: 57.55m²

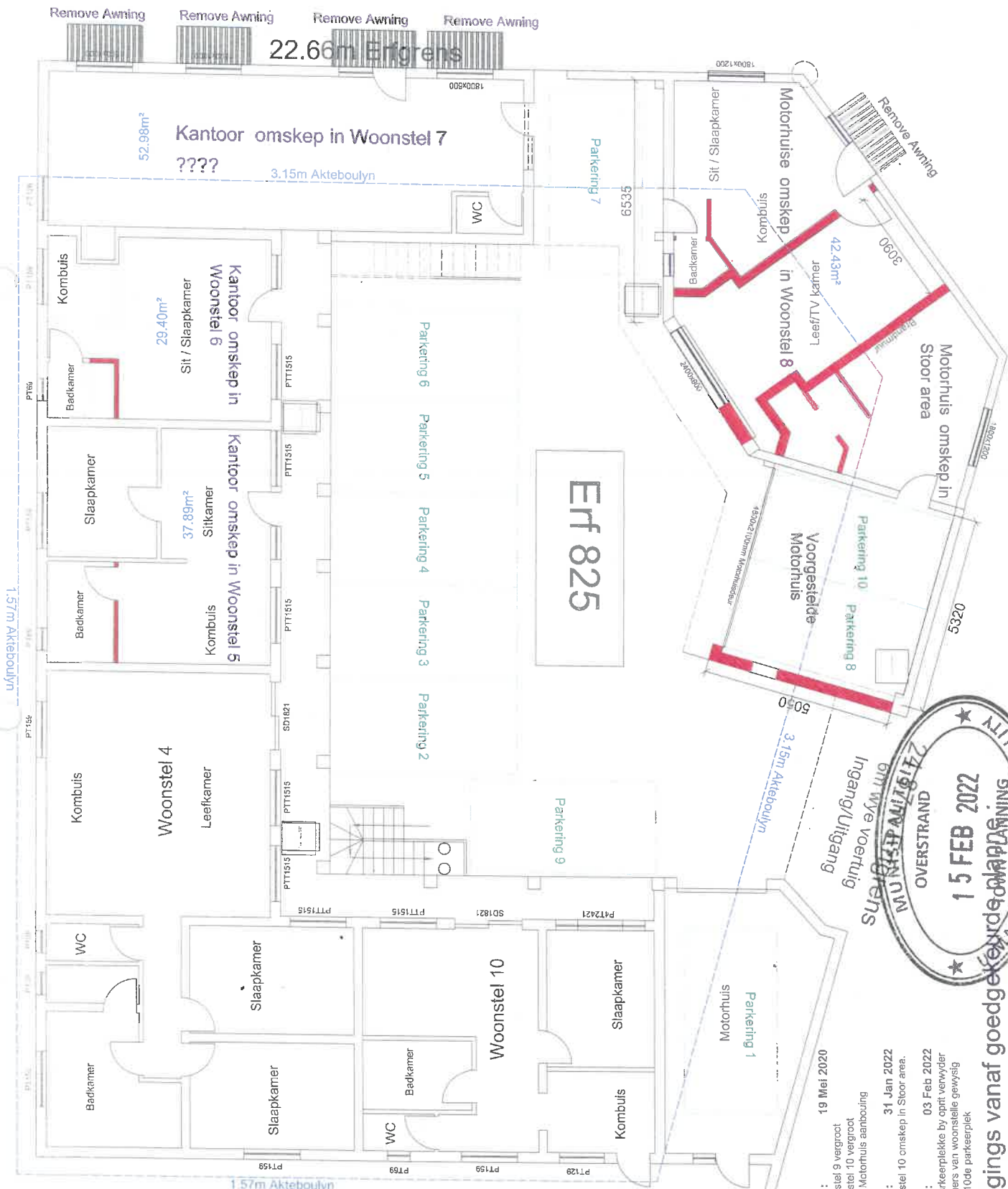
Totaal: 1024.44m²
 Erf: 790.00m²
 Dekking: 63.37%

Gerlcke Argitektoniese Dienste
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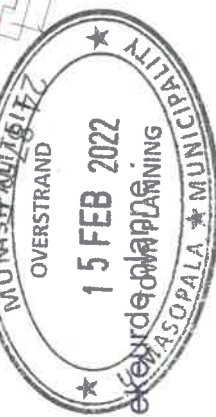
Beskrywing :
 Voorgestelde Aantbouing / Wysigings
 Mnr. J. Whiteman
 Erf 825, Hoofweg 133,
 De Kelders,
 Overstrand Munisipaliteit.

Plan ingesien deur: Datum: 19 Mei 2020
 JLS Gerlcke
 15 Feb 2022
 of 03 Feb 2022

Okkupasie SANS:0400 : H3
 Tekening: Grondverdieping
 Doel: Munisipale goedkeuring
 Projek #: 03/JW/19
 Skaal: 1:100 A3
 Bladsy: 2 van 4
 Datum: 03 Februarie 2022



- Wysigings :** 19 Mei 2020
1. Woonstel 9 verhoog
 2. Woonstel 10 verhoog
 3. Nuwe Motorhuis aantbouing
- Wysigings :** 31 Jan 2022
1. Woonstel 10 omskep in Stoor area.
- Wysigings :** 03 Feb 2022
1. 2 x Parkeerplekke by oprit verwyder
 2. Nommers van woonstelle gewysig
 3. Skep 10de parkeerplek



Wysigings vanaf goedgekeurde oopstelling

Hierdie Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143

