ATTACHMENT 2.

BACKGROUND TO THE PROPOSED DRAFT ROOIELS HERITAGE PROTECTION OVERLAY ZONE (HPOZ) REGULATIONS.

BECAUSE OF ITS EXISTING CHARACTER AND POSITION, RE HAS BEEN SPECIFICALLY DESIGNATED A HERITAGE PROTECTION ZONE, WITH A NUMBER OF OTHER AREAS. RE IS UNIQUELY SITUATED BETWEEN THE CORE KOGELBERG BIOSPHERE RESERVE AND THE BUFFER ZONE OF THE RESERVE.

The Overstrand Municipality has designated Rooiels as a Heritage Protection Overlay Zone with special limits because of both its aesthetic contribution to the Overstrand and Clarence drive and also because of its importance to the Kogelberg Biosphere Reserve. The Rooiels Ratepayers Association Working Group on Legislation affecting Rooiels has discussed the Overlay and this is a brief summary of the suggested outcome.

1. THE MOST RESTRICTIVE CONDITIONS ARE APPLICABLE.

1.1 The most restrictive of the following apply to RE erven:

- Title deed conditions

- Overstrand Scheme Regulations

- HPOZ Regulations, when promulgated.

1.2 Title deed conditions cannot be relaxed by the scheme regulations or by the HPOZ regulations.

1.3 The title deed conditions constitute servitudal rights in favour of the other erf owners of RE.

2. THE AIM OF THE DRAFT HPOZ REGULATIONS.

The Overstrand Scheme Regulations are one-size-fits-all.

Because of its existing character, RE has been designated a Heritage Protection Zone , specifically with a number of other areas.

Special provisions are therefore required through the HPOZ Regulations to protect the natural fynbos character of RE as well as its spatial residential character and as a natural ’corridor’ to the coastline and sea.

3. THE NUMBER OF DWELLINGS ON AN ERF.

3.1 On most erven in RE only a single dwelling may be built. A small number of other erven are restricted to one building instead of one dwelling and certain types of buildings, such as maisonettes and semi-detached dwellings, are specifically not allowed on them.

3.2 The Overstrand Scheme Regulations limit a single dwelling to the housing of one family only. Family would of necessity include the sharing of the dwelling with family and friends.

3.3 The Scheme Regulations allow two dwellings per erf. RERA has specially requested in the past that two dwellings not be allowed in RE and this has already been incorporated in the draft planning documentation of the municipality for RE and included in the growth plans.

3.3 To protect the spatial residential character of RE, it is proposed through the HPOZ to ensure retention of the limit on the number of dwellings to one per erf.

3.4 The title deeds presently cannot be circumvented by building staff quarters as an outbuilding. It is proposed to give effect to the subservient nature of outbuildings, which is expressly required by the Scheme Regulations, by limiting the size of staff quarters in the HPOZ.

4. PROTECTING THE INDIGENOUS FYNBOS CHARACTER OF RE.

4.1 Special provisions are formulated to protect the natural fynbos character of the street reserves in RE and the natural ‘corridor’ this provides to the sea.

5. ENSURING THAT ERVEN ARE USED FOR RESIDENTIAL PURPOSES.

5.1 The title deed conditions restrict the use of erven to residential purposes.

This precludes business uses such as the renting of rooms through Bed-and-Breakfast and Guest House businesses.

The municipality cannot lawfully permit the above uses without first removing or amending the title deed restrictions. It is proposed that removal or amendment of the restrictions be deferred.

5.2 Conversely, short-term renting of a house to a family (which might be accompanied by family and friends) is not restricted by the title deed conditions.

5.3 To ensure the continued enjoyment by the rest of the RE owners of its rural residential character, it is proposed to limit the number of guest rooms that are rented out to two; and that the number of guests that may stay overnight at a short-term rental dwelling be limited.

Such renting will be consent use for a specified period. The prior consent by the immediate neighbours is required.

5.4 To ensure compliance with the orderly and peaceful residential enjoyment of RE, the owner must occupy the dwelling at the time when the rooms are rented out; or an owner or manager must occupy another dwelling in RE at the time of the short-term rental.

0O0