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ERF 1336, 21 INGANG STREET, DE KELDERS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF PR JACOBS

1336 GDK (4739/2024)

SW van der Merwe

10 April 2026

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 06 August 2024 from Messrs PlanActive Town- and Regional Planners on behalf of PR Jacobs applicable to Erf 1336, De Kelders in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the following:

- ❖ **Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions I.F(c), I.F(d) and II.E(c) and II.E(d) contained in Title Deed T31858/2021 applicable to Erf 1336, De Kelders;
- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law to:
 - relax the north-eastern lateral building line from 2m to 1,41m to accommodate the use change from garage to existing ground floor servant quarters;
 - relax the north-eastern lateral building line from 2m to 1,61m to accommodate alterations to bedrooms 2 and 3 on the ground floor as well as bedroom 7 on the second floor;
 - relax the southwestern lateral building line from 2m to 0m to accommodate the conversion of the carport to the existing garage on the ground floor;
 - relax the street building line from 4m to 0,4m and the northeastern lateral building line from 2m to 0m to accommodate the existing stoep as well as the encroachment of the 1m height restriction varying between 2,018m and 2,91m above natural ground level;
 - relax the 8m height restriction applicable to existing roof up to 8,065m and 8,32m, and
 - relax the height restriction applicable to the existing chimney from 9m to 9,32m.
- ❖ **Determination of an Administrative Penalty** in terms of Section 16(2)(q) of the By-Law to accommodate the existing encroachments on the property.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, the Site Development Plan is attached as Annexure C and the Title Deed as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 1336, De Kelders is a consolidated property measuring 1190m² and is zoned Residential Zone 1.

There is an existing three storey dwelling and a double garage situated on the subject property. Mrs and Mrs Jacobs bought Erven 451 and 466, De Kelders in 1994. The aforementioned erven were consolidated in 2021 and simultaneously transferred into Mrs Jacobs name since the current owner's husband, Jacobus Johannes Swart Jacobs, passed away on 6 April 2017.

The current owner indicated that her late husband was responsible for the unauthorized construction on the property. They believed that proper measures were taken with the assistance of Martin Prinsloo, Jonty Abrahams, and IM Williams to handle additions and alterations made in 2015. The owners, who resided in the Free State, appointed Martin Prinsloo as the Project Manager, and Gawie Krugel was the builder involved.

A land use application was submitted and approved in 2015 for the consolidation of Erven 466 and 451, De Kelders and a departure (building line deviation) to accommodate the as-built bedrooms positioned on the 1,57m north-eastern lateral building lines. Copies of the approved building plans and the decision letter dated 11 November 2016 are attached. The owners were under the impression that by consolidating their two properties and acquiring a portion of the neighbour's land through a registered servitude to widen their driveway, they were acting within permissible limits for accommodating their alterations. However, despite these efforts, it seems there are still issues regarding the legality of the constructions, possibly due to the unauthorized nature of the initial work carried out by our client's late husband.

The application intends to rectify the situation as it address all as built encroachments that will enable the submission of building plans to the municipality.

4. SUMMARY OF APPLICANT'S MOTIVATION

A BRIEF SUMMARY OF THE MOTIVATION IS PRESENTED BELOW; HOWEVER, THE FULL MOTIVATION MUST BE CONSIDERED WITH THE EVALUATION AND IS ATTACHED AS ANNEXURE B TO THIS REPORT.

DEPARTURE

- The application addresses all existing unlawful built structures. No new additions or alterations are proposed.
- The owner's late husband was responsible for the encroachments / unauthorised building work.

Bedrooms 2, 3 & 7

- Approval was granted in 2016 for relaxation of the building line to accommodate bedrooms 2 and 3. Due to alterations / additions made during construction it is included in the departure application.
- Bedroom 7 is not constructed as per the approved plan and slightly encroach the building line.
- At the time the renovations and additions took place the Gansbaai Zoning Scheme provided for a 1,57m lateral building line. Building plans was never submitted and since then the Gansbaai Zoning Scheme has been replaced with the Overstrand Integrated Zoning Scheme / Overstrand Land Use Scheme, that imposed a 2m lateral building line.
- The greater extent of the property is situated on the former 1,57m building line; therefore the impact of the aforementioned encroachments will not be greater than that already approved in the past.
- Following the 2016 departure approval pertaining to the northeastern lateral building line encroachments building plans were not submitted.
- Unauthorised building work for bedrooms 2 & 3 amounts to 2,72m² and bedroom 7 to 1,5m² respectively.

Existing servant quarters

- Approved building plans in 2010 indicate amongst others an approved garage.
- Approved building plans in 2012 dealing with first floor alterations indicates an existing storeroom and servant quarters (i.e. use change) not indicated as proposed alterations on the approved plans.
- The owner intends to retain the use, hence the application for departure from 2m to 1,41m from the north-eastern lateral property boundary.
- The change of use to servant quarter comprises a 1,15m² that encroach the lateral building line.
- The servant quarters is also situated within 1,57m title deed lateral building line and comprises a second dwelling unit. It is therefore proposed to remove the title deed building line and one dwelling unit restriction.

Existing stoep

- 2010 approved plan did not indicate a stoep or swimming pool on the street boundary.
- 2012 and 2014 approved plans indicated the stoep and swimming pool as existing.
- Stoep is higher than 1m above natural ground level and situated 0,4m from the street boundary and on the northeastern property boundary. The departures of the building line and 1m restriction are therefore addressed via the departure application.
- The stoep encroachment over the building line amounts to 33m² (scheme regulations) and 37,60m² (title deed).
- The stoep encroach the title deed building lines, hence the proposal removal of restrictive title deed conditions.

Change of use from carport / garage

- Building plan approval was granted for a carport on the southwest lateral boundary during 2010.
- Carport was converted to a garage, which the owner wants to retain.
- Retention of garage will prevent other costly alterations to the dwelling, thus the proposed departure up to the property boundary.
- Garage is not higher than 3,5m above natural ground level and does not exceed the 9m / one third length restriction on the lateral boundary.
- There is a right of way servitude in favour of Erf 1336 over Erf 465 (adjoining).
- The servitude was registered to allow a wider driveway for access to the garage.
- The garage encroaches the lateral title deed building line, which is proposed for removal.

Roof height encroachment

- As-built concrete roof and braai flue encroach the 8m height restriction applicable in terms of the By-Law.
- Applicant is not sure when the encroachments occurred, most likely when the dwelling was developed into a three-storey building during 2012 / 2013.
- Client was only recently made aware of the encroachments.
- The 8m height restriction from base level was surveyed by the PLS at 77,490m whilst the concrete roof is at 77,810m, i.e. an encroachment of 0,320m.
- The roof height encroachment varies between 0,65m and 0,320m, whilst the chimney flue encroaches the height restriction of 9m with 0,32m as well.
- Existing approved concrete roof encroached the 8,5m height restriction of the previous zoning scheme varying between 8,7m and 8,999m.
- The discrepancy between the height encroachment in terms of the current and former scheme regulations is attributable to changes in the definitions of base level and height between the two schemes.
- The current owner is responsible for the roof height encroachment

REMOVAL OF RESTRICTIVE TITLE CONDITIONSFinancial 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 removal of the restrictive conditions intends to increase the use rights of the property to permit the as-built structures and the uses thereof (servant quarters, uncovered stoep and double garage) as described above. The value of the rights is vested in the owners of the specific extension of the entire De Kelders township.

Property owners not seeking that the title deed building line restrictions should be in line with the land use scheme regulations' restrictions will favour the restrictive title deed conditions since the conditions impede the development of a residential property in line with the zoning scheme and retaining the as-built structures

The as-built development and its encroachments are not an unusually large-scale form of development that encroaches the building lines. The street building line condition is more restrictive than the land use scheme regulations' building lines and

where scheme building lines are encroached, it is to address the existing structures only. Furthermore, the primary use for SR1 zoned erven includes a second dwelling. Removing the “one dwelling only” condition will allow the owners to continue to exercise their primary land use right – i.e. to retain the servant quarters that is considered a second dwelling unit in terms of the land use scheme regulations

The personal benefits which accrue to the holder of rights in terms of the restrictive condition

The conditions were imposed by the Administrator for the benefit of the registered owners of the De Kelders township. The only personal benefit to each holder is that the property is more restricted in terms of retaining as-built structures and developing new structures on the subject property (if any in future). The Administrator is now Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed conditions will neither have any personal benefit to the Administrator / Overstrand Municipality nor the properties in whose favour the conditions were registered. As previously explained the structures have been on the subject property for ±10-14 years with no direct neighbour's views or privacy being threatened.

General

- As-built structures existed for 10 to 12 years without complaints from neighbours and were indicated on approved plans, though changes and additions were made was not specifically applied for.
- No alterations or new additions are proposed.
- Visual impact of the as-built structures considered minimal.
- The slope of the subject property minimises the impact on views of adjacent properties.
- As-built garage provides two parking bays to the main dwelling.
- The servant quarters and double garage encroachment has no windows facing the erf boundaries.
- The as-built en-suite bedrooms, servant quarters and stoep are an integral part of the design and value of the property. Thus, demolition will diminish the aesthetic and property value.
- Although encroaching the height restriction the building does not appear to exceed the height limited nor to be any higher than surrounding buildings.
- Proposal does not impact existing municipal services.
- Proposal will not impact safety and wellbeing of the community.
- No heritage impact.
- No impact on the biophysical environment.
- Access remains unchanged.
- Proposal is not in conflict with the Overstrand SDF and the PSDF.
- Proposal is consistent with the planning principles in terms of LUPA and SPLUMA.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	07 February 2025	14 March 2025
Gazette	Yes	07 February 2025	14 March 2025
Notices (<i>possibly affected property owners</i>)	Yes	03 February 2025	14 March 2025
Notices (<i>persons mentioned in title deed</i>)	Yes	03 February 2025	14 March 2025
Internal Departments	Yes	03 February 2025	14 March 2025
Ward councillor	Yes	03 February 2025	14 March 2025
Total comments	One (1) letters of objection		
Total letters of support	None		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?			Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Waste Management	07/02/2025	No objection.
District Health	07/02/2025	Approved.
Building Control	07/02/2025	No objection. The building plan application must comply with all applicable law including fire safety distances.
Services Report	26/02/2025	Attached as Annexure G.
Fire Department	28/02/2025	No objection subject to compliance with the provisions of SANS 10400-T:2024 and the By-Law relating to fire safety.
Telkom	03/04/2025	Attached as Annexure J.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The public participation included notices sent to the relevant affected neighbours via email, a site notice was displayed as well as an advertisement was placed in the Gansberg newspaper and the Provincial Gazette.

One (1) objection was received during the public participation phase (attached as Annexure E). The applicant was provided the opportunity to respond to the objection (attached as Annexure F).

The objection, applicants' response to objection and the town planner's response is summarised below:

OBJECTOR

 **WRETIEF**

The main grounds of objection are summarised as follows:

Point of objection: Concerns relating to non-compliance with building regulations

RESPONSE FROM APPLICANT

The objector notes that several building regulations were allegedly ignored, expressing concern over potential precedent-setting and a perception of regulatory leniency. It is acknowledged that certain structures were erected without prior formal approval. Accordingly, the applicant has submitted a formal application in terms of the Overstrand Municipality's Amended By-Law on Municipal Land Use Planning,

2020. The purpose of these applications is to ensure that the property is brought into compliance through the correct legal mechanisms, rather than evading accountability. The processes invoked are legally sanctioned and align with municipal and provincial planning frameworks.

RESPONSE FROM TOWN PLANNER

The point of objection and applicant's comment is noted. Despite the history pertaining to non-compliance, the application is to be evaluated on merit in accordance with the applicable legal framework.

Point of objection: Concerns regarding enforcement and misuse

RESPONSE FROM APPLICANT

The objection raises a concern that financially capable individuals may sidestep the rules and that mere penalties are insufficient deterrents. It is submitted that the administrative penalty procedure is specifically intended as a corrective planning tool, not a punitive one. It ensures that unlawful developments are addressed through formal evaluation, including public participation and technical assessment.

This application allows for the full scope of the existing development to be assessed against municipal policies, engineering standards, spatial planning principles, and the rights of surrounding property owners.

RESPONSE FROM TOWN PLANNER

The point of comment and the response from the applicant is noted. As per the above, each application is considered on merit in accordance with the legal framework applicable.

Point of objection: Allegations of unsightliness and scale of development

The objector describes the development as "unsightly" and "too big." It is submitted that the departures sought are within reason and relate to specific elements including:

- Minor building line encroachments to accommodate structural elements such as the stoep, garage conversions, and internal alterations.
- Height departures limited to small deviations (e.g., 8.065m–8.32m for the roof, and 9.32m to include a chimney flue), which are assessed against the character and scale of surrounding properties.
- Consideration of natural ground level (NGL) and site slope in height measurement has been factored in.

RESPONSE FROM APPLICANT

Visual and spatial impacts are subject to professional scrutiny and must meet the municipality's criteria. The application aims to legitimize the current structure through legal and policy-aligned processes.

RESPONSE FROM TOWN PLANNER

The desirability of the application will be further discussed in the evaluation below.

Point of objection: Request for demolition**RESPONSE FROM APPLICANT**

The objector suggests that the building should be demolished to comply with all regulations. It is respectfully submitted that demolition is not warranted in this instance, as the land use planning framework provides for remedial mechanisms through administrative penalties, departures and title deed amendments, where justified. The current application is made in good faith to rectify past transgressions and bring the property into alignment with municipal planning policies.

RESPONSE FROM TOWN PLANNER

The applicants comment is noted and agreed with. In addition it should be noted that only a court of law can instruct a property owner to demolish. Although the municipality may approach the court for a demolition order, usually it will only do so in case of buildings / structures that pose public safety risks. In other words, the alternatives should firstly be exhausted, namely a planning application to consider the merit of the application, which also includes an appeal mechanism to both the property owner and objectors.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

N/A

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**10.1 Background**

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application.

Spatial Justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. The proposal is not considered to impact past spatial injustices being an existing developed property in existence since township establishment.

Spatial Sustainability

The proposal facilitate optimal use of the property and is thus considered spatially sustainable. The property is compatible with the character of the area and does not impact negatively on the rights of any adjacent property owner.

Efficiency

The development maximizes the potential of the existing urban area, utilizing established infrastructure thereby optimizing the use of space and resources, while maintaining the character and functionality of the area.

Spatial Resilience

The proposal is not in conflict with any spatial planning policies that adhere to the principal of spatial sustainability.

Good Administration

The application followed the required planning procedures to ensure that land use activity is in line with municipal By-Laws and the public participation process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The property is situated within De Kelders, inside the urban edge in an area earmarked for urban development. The proposal is considered consistent with the SDF in that it contributes to optimum use of the property within service capacity constraints.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal Engineering Services

The existing services are available and have been viewed positively by the Engineering Services Department, subject to conditions (see attached Annexure G).

10.7 Outcomes of investigations/applications i.t.o other legislation

The proposal does not trigger the provisions of NEMA. Or the National Heritage Resources Act.

10.8 Existing and proposed zoning comparisons and considerations

The zoning of the application property is Residential Zone 1: Single Residential and will not be affected by the proposal. The application for removal of restrictive title conditions and departure to accommodate the existing encroachments will be considered on merit in accordance with the provisions of the planning By-Law.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The title deed T31858/2021 applicable to Erf 1336, De Kelders contains the following restrictions proposed for removal namely:

Pages 3-4 and 6, paragraph I. F. (c) and (d) and paragraph II. E (c) and (d) that read as follow:

"I. As regards the figure CDba on diagram SG No 1973/2015:

F. SUBJECT to the following conditions, contained in Deed of Transfer No. T27638/1982 imposed by the Administrator in Terms of the provisions of Ordinance 33 of 1934, when approving the Township:-

AS BEING IN FAVOUR OF THE REGISTERED OWNER OF EACH ERF IN THE TOWNSHIP:

(c) That not more than one dwelling, together with necessary outbuildings and appurtenances be erected on this erf.

(d) That no building shall be erected within four comma seven two (4,72) metres of any street line which forms a boundary of this erf or within one comma five seven (1,57) metres of the boundary of any adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one erf under consolidated title.

II. As regards the figure ABab on diagram SG No 1973/2015:

E. SUBJECT to the following conditions mentioned in Deed of Transfer No. T52958/1984 imposed by the Administrator in Terms of the provisions of Ordinance 33 of 1934, when approving the Township:-

AS BEING IN FAVOUR OF THE REGISTERED OWNER OF EACH ERF IN THE TOWNSHIP:

(c) That not more than one dwelling, together with necessary outbuildings and appurtenances be erected on this erf.

(d) That no building shall be erected within four comma seven two (4,72) metres of any street line which forms a boundary of this erf or within one comma five seven (1,57) metres of the boundary of any adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one erf under consolidated title."

The removal of the above restrictive conditions will enable the property owner to legalise the building line encroachments and former staff quarters as a second dwelling unit.

In terms of Section 39 (5) of LUPA the application for removal is motivated as follows:

The financial or other value of the rights in terms of the restrictive conditions 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 removal of the restrictive conditions intends to increase the use rights of the property to permit the as-built structures and the uses thereof (servant quarters, uncovered stoep and double garage) as described above. The value of the rights is vested in the owners of the specific extension of the entire De Kelders township.

Property owners not seeking that the title deed building line restrictions should be in line with the land use scheme regulations' restrictions will favour the restrictive title deed conditions since the conditions impede the development of a residential property in line with the zoning scheme and retaining the as-built structures.

The as-built development and its encroachments are not an unusually large-scale form of development that encroaches the building lines. The street building line condition is more restrictive than the land use scheme regulations' building lines and where scheme building lines are encroached, it is to address the existing structures only. Furthermore, the primary use for SR1 zoned erven includes a second dwelling. Removing the "one dwelling only" condition will allow the owners to continue to exercise their primary land use right – i.e. to retain the servant quarters that is considered a second dwelling unit in terms of the land use scheme regulations.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The conditions were imposed by the Administrator for the benefit of the registered owners of the De Kelders township. The only personal benefit to each holder is that the property is more restricted in terms of retaining as-built structures and developing new structures on the subject property (if any in future). The Administrator is now Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed conditions will neither have any personal benefit to the Administrator / Overstrand Municipality nor the properties in whose favour the conditions were registered. As previously explained the structures have been on the subject property for ±10-14 years with no direct neighbour's views or privacy being threatened.

The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended

The removal of the restrictive title deed conditions will bring about personal benefits to the current landowners since it will allow them to legalise the existing structures (and the uses thereof) that will in turn benefit the resale value of the property in future. The 4,72m street building line as stipulated in the title deed makes the developable area of the property smaller. The existing property owner will be able to enjoy the personal benefits of the existing structures instead of demolishing the

structures. The latter will have a great financial burden on the current property owner.

The social benefit of the restrictive condition remaining in place in its existing form

The social benefit if the title deed conditions were to remain unchanged and enforced on the existing as-built structures will be minimal. If the conditions remain unchanged, the owner must adhere to the title deeds' stricter street building line, the servant quarters will have to be altered to form part of the main dwelling unit or revert to an outbuilding and a large extent of the as-built dwelling and / or outbuildings will have to be demolished to comply with the building line requirements. The impact on the neighbouring properties with regards to privacy, noise, impact on the street scape, etc. will be marginally lower since the title deed's street building line is more restrictive than the scheme regulations' street building line.

To keep the 4,72m title deed street building line and the one dwelling only requirement will have no benefit to neither the property owners nor the adjacent properties since the existing structures already encroach the street and lateral building lines and no complaints have been received from the immediate property owners over the years.

The social benefit of the removal, suspension or amendment of the restrictive condition

The removal of the restrictive title deed conditions will allow the scheme regulations' building lines and primary uses to set the rules for future development on the subject property. The social benefit will therefore only be to the property owner of Erf 1336, De Kelders since it will allow them to keep the existing as-built structures that encroach onto the title deed street and lateral building lines on the subject property. It will also allow the property owner to retain the servant quarters (second dwelling unit) and continue to benefit from the social gain such a unit brings to a SR1 zoned property.

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

The removal of the restrictive conditions will not remove all rights enjoyed by the beneficiary, but only some rights and will instead expand the value of these rights to accommodate the existing and new structures with departures where applicable. The latter is more desirable for the zoning and extent of the subject property without having a detrimental impact on the rights of anyone else or the character of the area. All other title deed conditions not mentioned in this report will be retained.

12. THE DESIRABILITY OF THE PROPOSAL

DEPARTURE

By way of background the application property undergone substantial renovations from about 2010 having had regard to approved building plans. At the time the applicable lateral building line was more restrictive, being 1,57m in line with the title deed, whilst the height restriction was less restrictive, being 8,5m above natural

ground level. The adjoining properties as well as the majority of the property in the vicinity is developed up to the 1,57m building line and 8,5m height restriction.

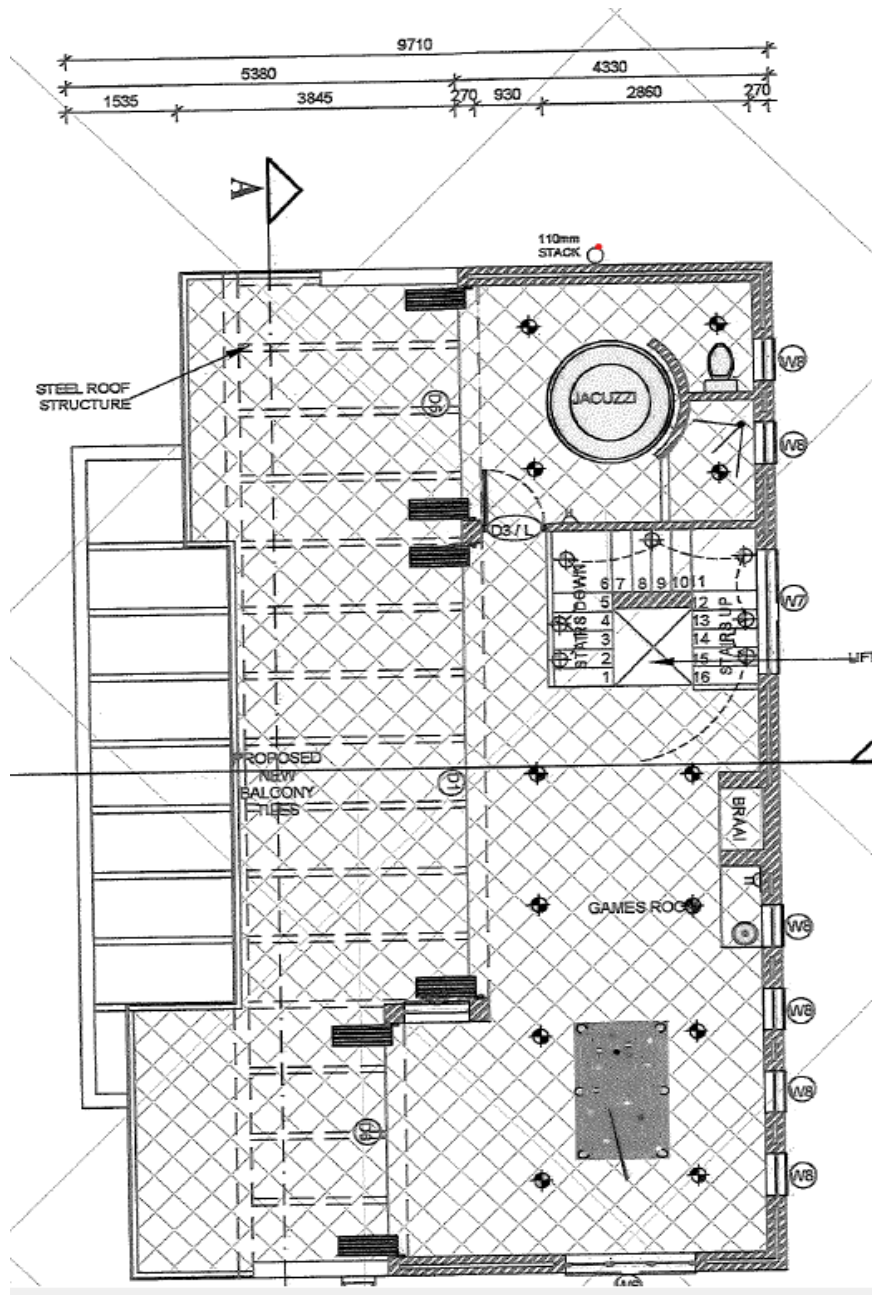
Proposed departures of the northeastern lateral building line

The departures entails the use change of a former outbuilding (garage and store room) to a servant quarter that is situated 1,41m from the lateral property boundary as well as an encroachment to 1,61m from the said boundary to accommodate minor alterations to approved bedrooms 2 and 3 on the ground floor as well as bedroom 7 on the second floor.

The use change from outbuilding to second dwelling will not affect the character of the area or adjoining properties as it relates to internal alterations and does not contain windows or door openings facing the lateral property boundary.

The alterations comprising en-suite bathrooms to bedrooms 2 and 3 is constructed in line with the front and rear portions of the dwellings and situated over the current 2m lateral building line up to 1,6m from the adjoining property.

Bedroom 7 on the second floor was approved as a jacuzzi room, poolroom and internal staircase from the ground and first floor with access on to an open balcony as is evident from the approved building plan below.



Second floor approved building plan, dated 21 May 2012

From the SDP it is evident that the jacuzzi room has been converted into a bedroom and was extended to the west in line with the existing building without prior building plan approval. Being in line with the existing flank elevation of the dwelling, the extension of the bedroom is not significant and not noticeable when viewed from the side and rear. Although first and second floor departures are normally not supported, it is considered having had regard to the site specifics that the proposal to retain the addition 1,61m from the lateral boundary does not impact vested rights and could be supported.

Proposed departures of the southwestern lateral building line from 2m to 0m to accommodate the conversion of the carport to the existing garage on the ground floor

The owners husband obtained building plan approval with written consent for neighbours for a carport situated on western lateral boundary. The building plan approval contained a condition stipulating that the carport may not be enclosed. The carport was converted into a garage disregarding the approval conditions, nor was prior approval obtain in terms of the planning and building legislation.

The proposed garage complies with the requirements pertaining to outbuildings encroaching the lateral building line onto the property boundary (i.e. height and length). The garage is in line with the rear of the dwelling and not considered to have an adverse effect on the character of the area or vested rights of adjoining properties.

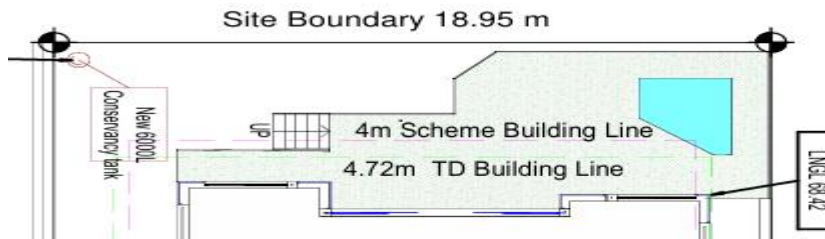
Proposed departure to relax the street building line from 4m to 0,4m and the north-eastern lateral building line from 2m to 0m to accommodate the existing stoep as well as filling more than 1m above natural ground level

Scrutiny of historic building plan records indicates a stoep for the first time as an existing structure on an approved building plan for boundary walls, dated 10 February 1994. The plan is not to scale, it is however evident that the stoep is set back from the street boundary but did encroach the applicable street building lines. Subsequent approved plans dated 7 February 1996 and 21 January 2010 did not indicate the stoep. Approved plans for alterations and renovations dated 21 May 2012 indicates an existing stoep and swimming pool extending over the street building lines. The total extent is not clearly shown but the stoep and swimming pool is over the applicable street building lines in terms of the land use scheme and title deed (although theses were not shown on the site plan).

The stoep and pool encroach the street and title deed building lines in terms of both the title deed and land use scheme. Part of the structure contains filling more than 1m above natural ground level. When viewed from the street the stoep varies between 1,37m and 1,9m in the northwestern corner above natural ground level. In addition, translucent balustrades extend a minimum of 1m above the stoep level.



Street view - Existing stoep and pool

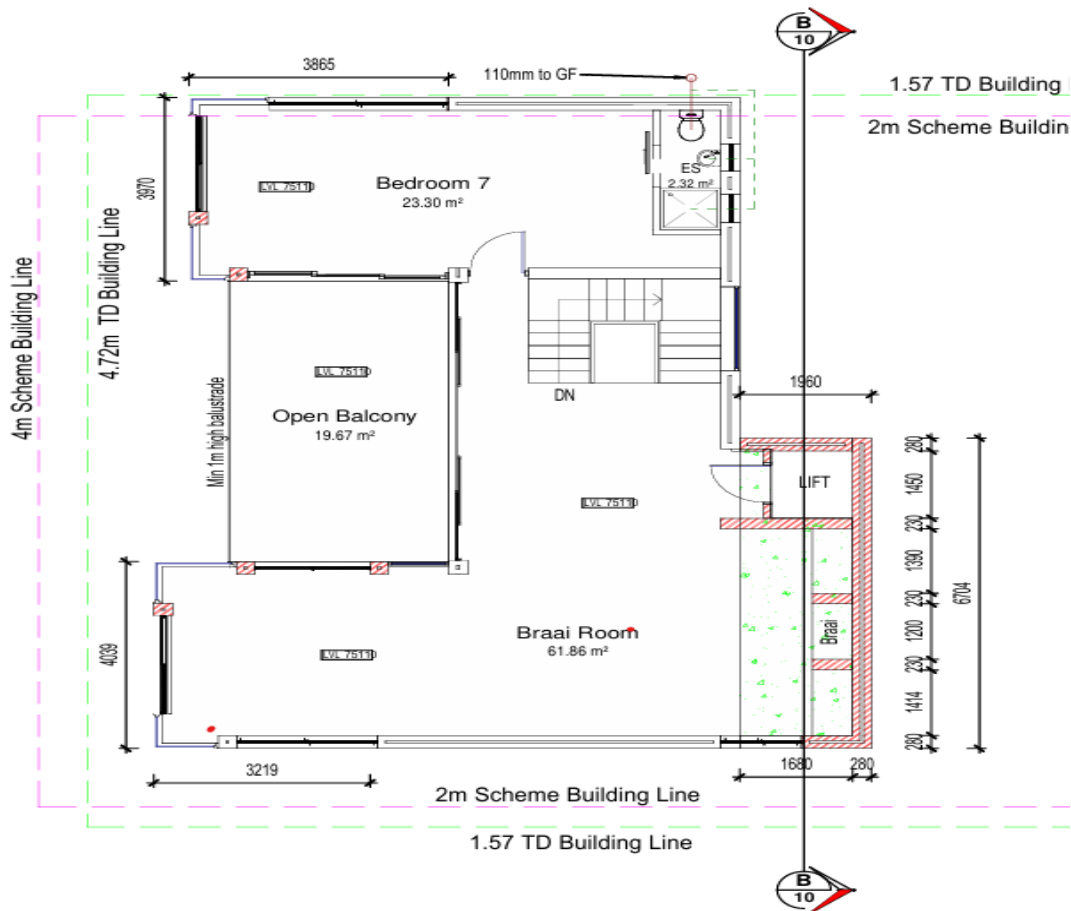


Site plan extract, indicating existing stoep in green

The stoep and pool exists since 2012 without any objection being received. When viewed from the street it is only an 8,63m portion of the stoep that extend more than 1m above NGL that is less than 50% of the width of the property. Given the aforesaid reasons the retention of the as-built stoep does not dominate the street scape or considered to negatively impact vested rights of adjoining properties. Also it must be borne in mind that a boundary wall may be constructed up to 2,1m above NGL on the street and lateral property boundaries. The as-built structure is considered to have a lesser impact opposed to a 2,1m high boundary walls. For the aforesaid reasons the retention is considered desirable.

Proposed departure to relax the 8m height restriction applicable to existing roof up to 8,065m and 8,32m and the height restriction applicable to the existing chimney from 9m to 9,32m

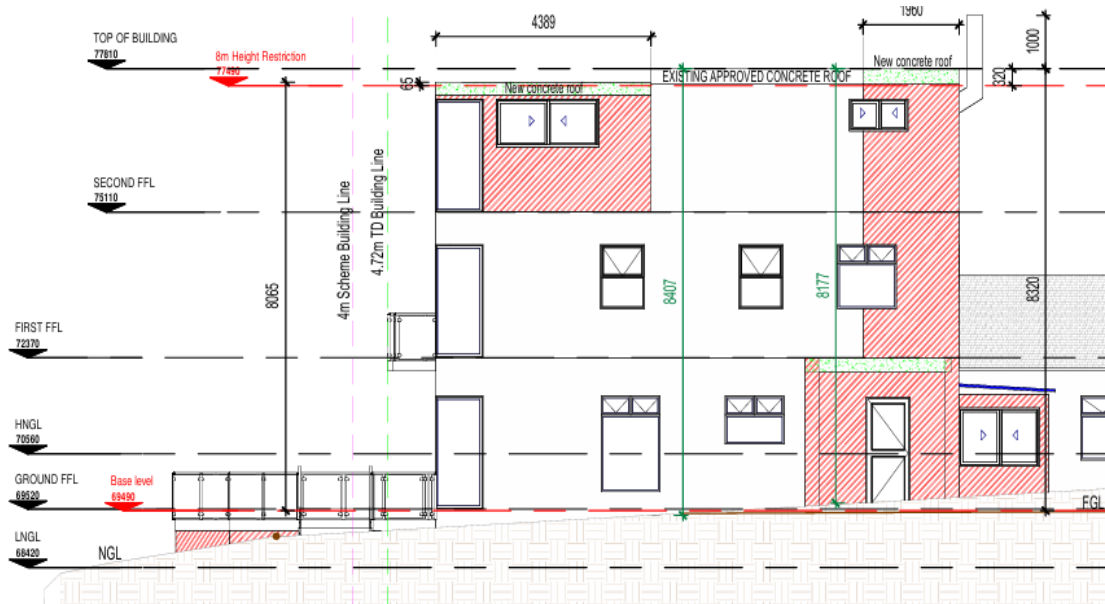
The property was registered in the name of Mr and Mrs Jacobs on 30 March 1994. Since the promulgation of the former Gansbaai Zoning Scheme in 2003 an 8,5m height restriction was applicable measured parallel with natural ground level. From 2014 in terms of the Overstrand Land Use Scheme the applicable height restriction is 8m above base level. For this reason, the 2014 approved building plan contained a condition that a height certificate from a Professional Land Surveyor demonstrating compliance with the 8m height restriction should be submitted.



Floor plan extract, indicating new building work

Comparison of the approved plans pertaining the second floor alterations dated 25 June 2014 with the SDP (see extract above) proves that the approved bedroom and entertainment area (now braai room) were extended in a westerly direction and a lift shaft addition to the east (rear) without building plan approval, which additions extend above the 8m height restriction to 8,065 and 8,32m. Also a portion of the central part of the buildings concrete roof encroach the 8,5m height restriction applicable at the time and now 8,32m above base level.

It only became clear during the survey of the property that the central portion of the existing concrete roof encroach the former 8,5m height restriction up to 8,32m above base level. The further addition to the rear incorporating the lift shaft and braai extend in line and is situated 0,32m above the 8m height restriction. The additions towards the west, is slightly below this roof and encroach the 8m height restriction with 0,065m.



SDP: SW Elevation showing new roofs above 8m height restriction and chimney flue

The application was circulated to all property owners within De Kelders due to the title deed restrictions proposed for removal as part of the application. Only 1 objection was received from a property situated more than 950m² away that is currently vacant. The objection as per the evaluation does not carry merit, nor did the objector demonstrate how the proposal will negatively impact them.

In terms of the historic approved plans, the core of the three-storey concrete portion of the dwelling was approved and developed under the former 8,5m height restriction and must be borne in mind when considered the impact of the height encroachments. The current land use scheme has a more restrictive 8m height restriction from the average natural ground level. Based on the aforesaid the roof height encroachment to the rear portion of 0,32m and the front portion of 0,065m is not significant given the context nor is it considered to detract from the vested rights of adjoining properties or the character of the area. The flue encroachment up to 9,32m being to the rear of the building and due to its small scale will not have a significant impact, if any. The retention of these additions is therefore considered desirable.

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

The removal of the second dwelling restriction from the title deed is not considered out of keeping with the character of the area, or De Kelders at large. Similar removals had been approved in the past in De Kelders. Given that the alterations resulting in the second dwelling is internal no impact onto the area character would result. Being in line with the land use scheme and applicable planning policies that encourage densification the removal of the restrictive title conditions pertaining to a second dwelling and building lines are desirable.

DETERMINATION OF AN ADMINISTRATIVE PENALTY

In terms of Section 90(3) of the By-Law the MPT must consider the following factors when determining an appropriate penalty

The nature, duration, gravity and extent of the contravention

There is an existing three storey dwelling, a servant quarters and a double garage situated on the subject property. Mrs and Mrs Jacobs bought Erven 451 and 466 De Kelders in 1994. Building plans for the subject property were approved in 2010, 2012 and 2014. Copies of the available information is attached. The 2010 approved building plan (that was submitted for the carport addition to the subject property) indicates an existing garage. On the 2012 building plan (that was for alterations / additions on first floor level), the garage use was changed to storeroom and servant quarters but not indicated as proposed alterations / additions (i.e. unlawful change of use). In addition, the 2010 indicated no stoep on the street boundary side of the dwelling. However, on the approved 2012 and 2014 building plans and the draft 2015 plan the stoep was indicated as "existing". The stoep does however not meet the height requirement of a structure allowed to encroach the street building line (the stoep is higher than 1m above NGL) and therefore must be addressed. It is unclear when and how the height deviations occurred – most likely when the dwelling was developed into a three-storey dwelling in 2012 / 2013 and in a time when the 8,5m Gansbaai Zoning Scheme Regulations were thought to still be relevant. Our client was only recently made aware of the height encroachments. The aforementioned erven were consolidated in 2021 and simultaneously transferred into Mrs Jacobs name since the current owner's husband, Jacobus Johannes Swart Jacobs, passed away on 6 April 2017. The owners did not intentionally contravene any regulations and have been eagerly trying to rectify the situation since 2015 in order to be compliant. The consolidation of the stands was however interrupted by the untimely death of Mr. Jacobs as the completion of his estate took almost four years. Thereafter Mrs. Jacobs has been tirelessly trying to conclude this matter. The current owner indicated that her late husband was responsible for the unauthorized construction on the property. They believed that proper measures were taken with the assistance of Martin Prinsloo, Jonty Abrahams, and IM Williams to handle additions and alterations made in 2015. The owners, who resided in the Free State, appointed Martin Prinsloo as the Project Manager, and Gawie Krugel was the builder involved. A land use application was submitted and approved in 2015 for the consolidation of Erven 466 and 451 De Kelders and a departure (building line deviation) to accommodate the as-built bedrooms positioned on the 1,57m north-eastern lateral building lines. The consolidation was registered; however new building plans were not submitted for approval. Copies of the previous approved building plans (2010, 2012 and 2014) and the decision letter dated 11 November 2016 are attached. The owners were under the impression that by consolidating their two properties and acquiring a portion of the neighbour's land through a registered servitude to widen their driveway, they were acting within permissible limits for accommodating their alterations. However, despite these efforts, it seems there are still issues regarding the legality of the constructions, possibly due to the unauthorized nature of the initial work carried out by our client's late husband. The following structures were unlawfully (but unknowingly) constructed over the relevant scheme and title deed building lines:

- ❖ As-built additions to en-suite bedrooms no. 2 and 3 on ground floor level encroaching the north-eastern scheme lateral building line = 2,72m² encroachment (16,75% of the total extent of the bedrooms);
- ❖ As-built additions to en-suite bedroom no. 7 on second floor level encroaching the north-eastern scheme lateral building line = 1,5m² encroachment (4,61% of the total extent of the bedroom);

- ❖ Change of use of the approved garage to a servant quarter encroaching the northeastern scheme and title deed lateral building lines = 1,15m² (4,73% of the total extent of the servant quarters);
- ❖ As-built stoep encroaching the Ingang Street, street building line and the northeastern lateral building line (land use scheme and title deed building lines):
 - Land use scheme building lines: 33,00m² (65,68% of stoep), and
 - Title deed building lines: 37,60m² (74,84%).
- ❖ Change of use of the carport to a double garage encroaching the southwestern lateral building line (land use scheme and title deed building lines):
 - Land use scheme building line: 10,85m² (18,47%), and
 - Title deed building line: 8,15m² (13,88%).
- ❖ As-built concrete roofs and braai flue deviating from the maximum permissible height:
 - Approved and new concrete roofs of 15,344m², 17,73m², 13,14m² and 36,37m² respectively

All encroachments / unlawful additions and alterations are shown on the encroachment plans.

The conduct of the person involved in the contravention

The owners were under the impression that by consolidating their two properties and acquiring a portion of the neighbour's land through a registered servitude to widen their driveway, they were acting within permissible limits for accommodating their alterations. However, despite these efforts, it seems there are still issues regarding the legality of the constructions, possibly due to the unauthorized nature of the initial work carried out by our client's late husband.

Whether the unlawful conduct was stopped

The property owner is now attempting to rectify the contravention by submitting the administration penalty application and subsequent departure and removal of restrictive title deed conditions application in order to legalise the as-built structures on the subject property.

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

If the Overstrand Municipality finds it necessary that an administrative penalty fee needs to be enforced for the unauthorised building work, we will submit a report from a quantity surveyor / building contractor with reference to the unauthorised building work. The reason being that if there is a chance that no penalty fee is imposed the report from a quantity surveyor will be unnecessary at this stage. The owner is not familiar with construction costs, as this was handled by her late husband. However, these alterations were made during the building project and not after its completion. Therefore, the plans were adjusted as the construction progressed, subsequent to the latest approved building plans in 2014, and any

expenses related to this matter were considered part of the building alteration costs. No further changes have been made since then. PQS Africa Quantity Surveyors were appointed to calculate the construction costs pertaining to the encroachments. Refer to the QS report dated 21 November 2024 attached. Their breakdown (QS calculation sheet) of the estimated building costs associated with the encroachments is attached. Please take note that no. 4 on the list "*Proposed covered area between garage and staff quarters*" does not encroach the relevant title deed or scheme regulations' building lines. The total building cost for encroachments must therefore exclude the aforementioned covered area and amounts to R455 744.14 (excluding VAT).

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

To the best knowledge of the applicant and as confirmed by the landowner, they have never previously contravened this By-Law or any other previous planning law.

We appeal to the Overstrand Municipality to take into consideration the low impact the as-built structures have had and will continue to have on the surrounding area (as further motivated in the departure and removal of title deed conditions application below). It should also be considered that no complaints from surrounding property owners were submitted with regards to the as-built structures. The current owner has agreed on the way forward to address the unlawful structures and never hesitated to immediately give instruction to the consultants to assist in the matter to rectify the contravention by submitting a complete (and fully motivated) departure and removal of restrictions application and submitting a determination of an administrative penalty application. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owners for the reasons given above.

Having had regard to the applicants' motivation the following should be borne in mind:

- The owners' late husband was responsible for the encroachments.
- The 2010 building plan approval for the carport contained approval conditions that prohibit the enclosure of the carport, save for the construction of a boundary wall. This was disregarded and the garage was converted without permission.
- A point shown as existing concrete roof on the SDP of the original three storey dwelling exceeds the former 8,5m height restriction up to 8,32m above base level in terms of the current scheme.
- The 2014 building plan approval was conditional subject to the submission of a height certificate demonstrating compliance with the 8m height restriction. The property owner did not comply.
- Additions deviating from the 2014 building plans were conducted without prior approval in terms of the town planning and building legislation.
- Although it is noted that the owners husband passed away in 2017, all of the contraventions having had regard to the building plan history occurred since the Jacobs family bought the property in 2014.
- The fact that the owner is living in a different province is no excuse. The applicant did appoint a project manager who was ultimately responsible for the execution / management of the development resulting in the encroachments. Fact of the matter is that the onus remains on the property owner to ensure compliance and to manage their consultants.

Having had regard to the aforesaid following transfer in the property owners name in 2021 a planning consultant was appointed to deal with the encroachments resulting in the submission of the planning application accompanied by a QS report. Although the current owner was not responsible for the encroachments, the property was owned by both husband and wife and therefore the blame cannot be put purely on the owners' late husband. Considering the above it is recommended that an administrative penalty of 10% the construction cost for the total amount of R445 744,14 as per the QS report (attached as Annexure I) that amounts to R44 574,42 be imposed.

Having had regard to the evaluation above the retention of the as-built additions is not considered to detract from the character of the area being in existence of more than 12 years, nor will it negatively impact vested rights. Subject to the payment of an administrative penalty the application is considered desirable.

13. RECOMMENDATION

1. that the objection be noted;
2. that the application for **removal of restrictive title deed conditions** I.F(c), I.F(d) and II.E(c) and II.E(d) as contained in Title Deed T31858/2021 applicable to Erf 1336, De Kelders in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for **departure** in terms of Section 16(2)(b) of the By-Law in order to
 - relax the north-eastern lateral building line from 2m to 1,41m to accommodate the use change from garage to existing ground floor servant quarters;
 - relax the north-eastern lateral building line from 2m to 1,61m to accommodate alterations to bedrooms 2 and 3 on the ground floor as well as bedroom 7 on the second floor;
 - relax the south western lateral building line from 2m to 0m to accommodate the conversion of the carport to the existing garage on the ground floor;
 - relax the street building line from 4m to 0,4m and the north-eastern lateral building line from 2m to 0m to accommodate the existing stoep as well as the encroachment of the 1m height restriction varying between 2,018m and 2,91m above natural ground level, and
 - relax the 8m height restriction applicable to existing roof up to 8,065m and 8,32m and the height restriction applicable to the existing chimney from 9m to 9,32m,**be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application for **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law **not be exempt** from the payment of an administrative penalty in terms of the provisions of Section 61 of the By-Law;

5. that the decisions in paragraphs 2. to 4. above be subject to the following conditions:
- (a) that an administrative penalty for the amount of R44 574,42 be payable within 90 days from the effective date of the application;
 - (b) that building plans be submitted to the Building Department for approval within 90 days from the effective date of the decision and that all conditions of the Building– and the Fire Department be complied with at that stage;
 - (c) that the conditions in the Services Report (attached as Annexure G), be complied with;
 - (d) that all the conditions imposed by Telkokm (attached as Annexure J), be complied with;
 - (e) that the stoep and swimming pool that encroach the street building line may not be enclosed;
 - (f) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (g) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
6. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above conditions of approval.

14. REASONS FOR RECOMMENDATION

- ❖ Proposal is consistent with the SDF and Overstrand Municipal Growth Management Strategy.
- ❖ The proposal is in line with the applicable municipal planning policy.
- ❖ Proposal is consistent with the Overstrand Municipal Land Use Planning Amendment By-Law that accommodates the proposal to be considered on merit via an application process.
- ❖ The retention of the encroachments will not have a significant impact, if any onto the character of the area or vested rights of adjoining property owners.
- ❖ Proposal is consistent with the Planning Principles in terms of LUPA and SPLUMA.
- ❖ The application was processed having had regard to the requirement of the By-Law, Lupa and SPLUMA.
- ❖ The objector failed to demonstrate how it will be negatively impacted by approval of the application.

15. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Title Deed T31858/2021
Annexure E: Objection received
Annexure F: Comment on objection
Annexure G: Services Report
Annexure H: Previously approved building plans and decision letter dated
11 November 2016
Annexure I: QS Report
Annexure J: Comment: Telkom

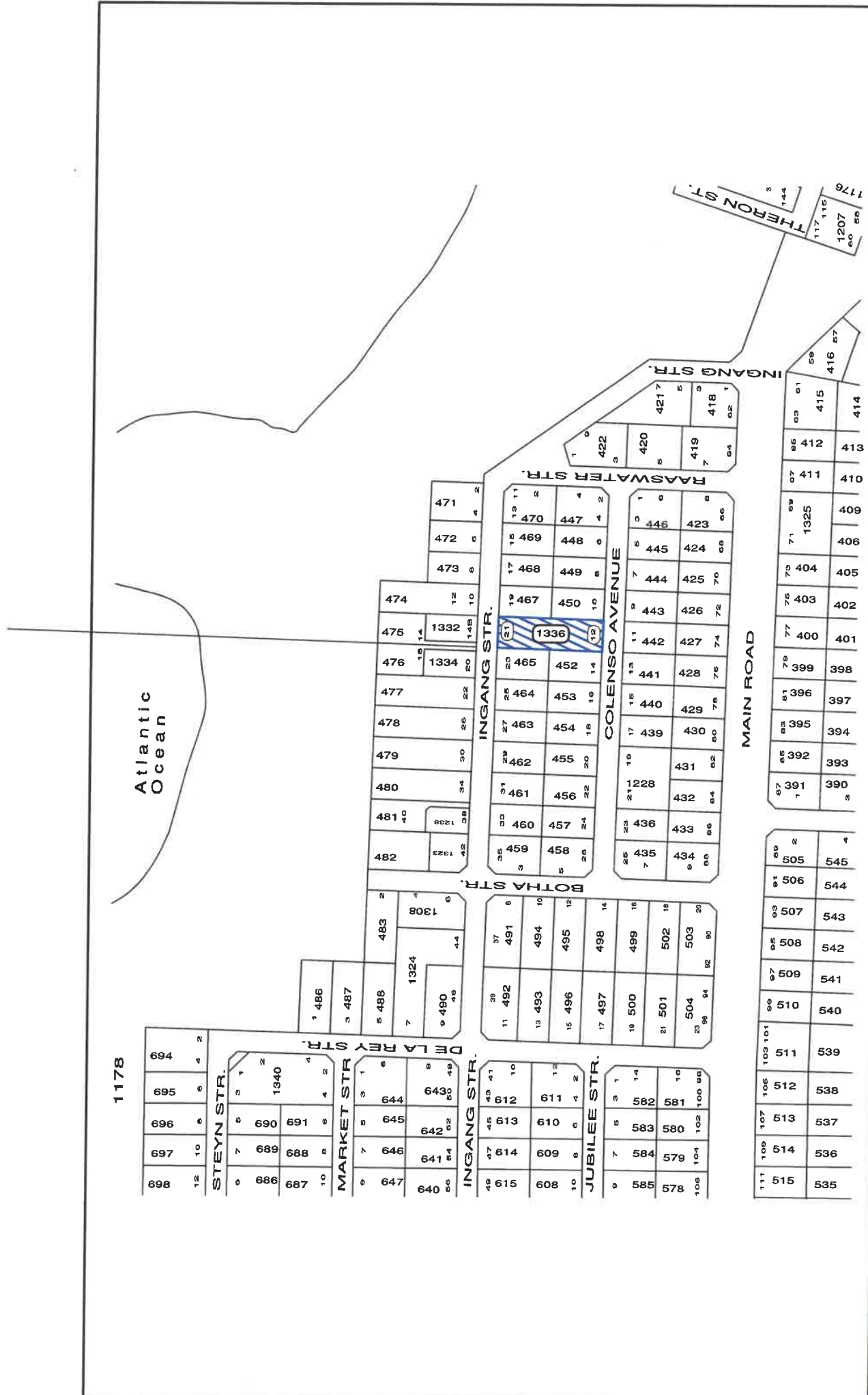
SIGNATURES**AUTHOR**

Name: **SW VAN DER MERWE**

SACPLAN registration number: **A/1850/2014**

Signature: _____

Date: _____



Scale: NTS
 Drawing Nr: dekdeld1336l.drw
 Date: JULY 2024

Plan Description:
LOCALITY MAP

Property Description:
**ERF 1336
 DE KELDERS**

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

Stads- en Streeksbeplanners
 Town & Regional Planners



**DETERMINATION OF AN ADMINISTRATIVE PENALTY,
PROPOSED DEPARTURE & REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS**

ERF 1336 DE KELDERS

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT – Revision 1

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by P.R. Jacobs, the owner of erf 1336 De Kelders, to apply for the administrative penalty, departure and removal of the restrictive title deed conditions of the subject property.

There is an existing three storey dwelling and a double garage situated on the subject property. Mrs and Mrs Jacobs bought erven 451 and 466 De Kelders in 1994. The aforementioned erven were consolidated in 2021 and simultaneously transferred into Mrs Jacobs name since the current owner's husband, Jacobus Johannes Swart Jacobs, passed away on 6 April 2017.

The current owner indicated that her late husband was responsible for the unauthorized construction on the property. They believed that proper measures were taken with the assistance of Martin Prinsloo, Jonty Abrahams, and IM Williams to handle additions and alterations made in 2015. The owners, who resided in the Free State, appointed Martin Prinsloo as the Project Manager, and Gawie Krugel was the builder involved.

A land use application was submitted and approved in 2015 for the consolidation of erven 466 and 451 De Kelders and a departure (building line deviation) to accommodate the As Built bedrooms positioned on the 1,57m north-eastern lateral building lines. Copies of the approved building plans and the decision letter dated 11 November 2016 are attached. The owners were under the impression that by

consolidating their two properties and acquiring a portion of the neighbour's land through a registered servitude to widen their driveway, they were acting within permissible limits for accommodating their alterations. However, despite these efforts, it seems there are still issues regarding the legality of the constructions, possibly due to the unauthorized nature of the initial work carried out by our client's late husband.

Now, our client intends to rectify the situation by addressing all As Built encroachments and submitting building plans for approval in the future. Mrs Jacobs is taking the necessary steps to legalize the unauthorized construction and bring the property into compliance with building regulations.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an **administrative penalty** for erf 1336 De Kelders;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure (building lines and height)** of erf 1336 De Kelders;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the **removal of restrictive title deed conditions** of erf 1336 De Kelders.



3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 1336 De Kelders has two street fronts and therefore has two addresses: 12 Colenso Avenue and 21 Ingang Street, De Kelders. Refer to the locality plan attached. The subject property is 1190m² in extent and is held by title deed no. T31858/2021.

The subject property gently slopes in a north north-westerly direction and is characterized by residential structures (three storey dwelling that consists of a main dwelling with a stoep, balconies, staff quarters, storeroom and double garage). A topographical survey was undertaken by Van Dyk Land Surveyors – copy of the plan dated January 2023 attached.

3.2 ZONING

Erf 1336 De Kelders has the following land use rights:

ERF NUMBER	ZONING
Erf 1336 De Kelders	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, public road and public open space purposes.

3.3 LAND USE

There is an existing three storey dwelling that consists of a main dwelling with stoep, balconies, staff quarters, storeroom and double garage situated on erf 1336 De Kelders. The subject property is therefore used for single residential living purposes. Building plans were approved for erf 466 De Kelders (now consolidated erf 1336 De Kelders) in 2010, 2012 and 2014 respectively.

All As Built structures were indicated on the respective building plan submissions. A land use application was submitted and approved in 2015 for the consolidation of erven 466 and 451 De Kelders and a departure (building line deviation) to accommodate the As Built bedrooms positioned on the 1,57m north-eastern lateral building lines. Copies of the approved building plans and the decision letter dated 11 November 2016 are attached.

Land uses that surround the subject properties are guest houses, dwellings, vacant erven, public open spaces and public roads.

3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for erf 1336 De Kelders to accommodate the existing As Built structures in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **departure** of erf 1336 De Kelders in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - relax the north-eastern lateral building line:
 - from 2m to 1,41m to accommodate the change of use of the approved garage to a servant's quarter (As Built) on ground floor level;
 - from 2m to 0m to accommodate the As Built stoep, and to relax the height restriction thereof from 1m to $\pm 2,018\text{m}$ (1,018m stoep plus 1m balustrade) and $\pm 2,91\text{m}$ (1,91m stoep plus 1m balustrade) above natural ground level (NGL);
 - from 2m to 1,61m to accommodate the alterations to bedrooms no. 2 and 3 on ground floor level (walk-in-closets and bathroom) and to accommodate the alterations to bedroom no. 7 on second floor level;

- relax the south-western lateral building line from 2m to 0m to accommodate the change of use of the approved carport to double garage (As Built) on ground floor level;
 - relax the street building line from 4m to 0,4m to accommodate the As Built stoep, and to relax the height restriction thereof from 1m to $\pm 2,018\text{m}$ (1,018m stoep plus 1m balustrade) and $\pm 2,91\text{m}$ (1,91m stoep plus 1m balustrade) above natural ground level (NGL);
 - deviate from the maximum permissible height allowed for SR1 zoned properties of 8m as stipulated in the Overstrand Land Use Scheme Regulations (2020), section 6.1.2 c)(i) to 8,065m (lowest point) and 8,32m (highest point) respectively to accommodate the As Built dwelling's new and approved concrete roofs and section 16.1.1 b)(i) to 9,32m (1m on top of the 8,32m height of the top of roof) to accommodate the As Built braai flue / chimney.
3. The **removal of restrictive title deed conditions** of erf 1336 De Kelders in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to remove conditions I F.(c) and (d) and II. E. (c) and (d) on pages 3-4 and 6 of title deed no. T31858/2021 to:
- Accommodate the existing servants' quarters (second dwelling) and As Built stoep that encroach the 1,57m north-eastern lateral building line;
 - Accommodate the As Built double garage that encroaches the 1,57m south-western lateral building line;
 - Accommodate the As Built stoep that encroaches the 4,72m title deed street building line.

The current property owner wants to address all existing, unlawful As Built structures. No new additions or alterations are proposed. Here follows the detail of the proposed application for consideration:

3.4.1 Rectification of contravention

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an

administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law, an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee. In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

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

There is an existing three storey dwelling, a servant's quarters and a double garage situated on the subject property. Mrs and Mrs Jacobs bought erven 451 and 466 De Kelders in 1994. Building plans for the subject property were approved in 2010, 2012 and 2014. Copies of the available information is attached. The 2010 approved building plan (that was submitted for the carport addition to the subject property) indicates an existing garage. On the 2012 building plan (that was for alterations / additions on first floor level), the garage use was changed to storeroom and servant's quarters, but not indicated as proposed alterations / additions (i.e. unlawful change of use). In addition, the 2010 indicated no stoep on the street boundary side of the dwelling. However, on the approved 2012 and 2014 building plans and the draft 2015 plan the stoep was indicated as "existing". The stoep does however not meet the height requirement of a structure allowed to encroach the street building line (the stoep is higher than 1m above NGL) and therefore must be addressed.

It is unclear when and how the height deviations occurred – most likely when the dwelling was developed into a three-storey dwelling in 2012 / 2013 and in a time when the 8,5m Gansbaai Zoning Scheme Regulations were thought to still be relevant. Our client was only recently made aware of the height encroachments.

The aforementioned erven were consolidated in 2021 and simultaneously transferred into Mrs Jacobs name since the current owner's husband, Jacobus Johannes Swart Jacobs, passed away on 6 April 2017. The owners did not intentionally contravene any regulations and have been eagerly trying to rectify the situation since 2015 in

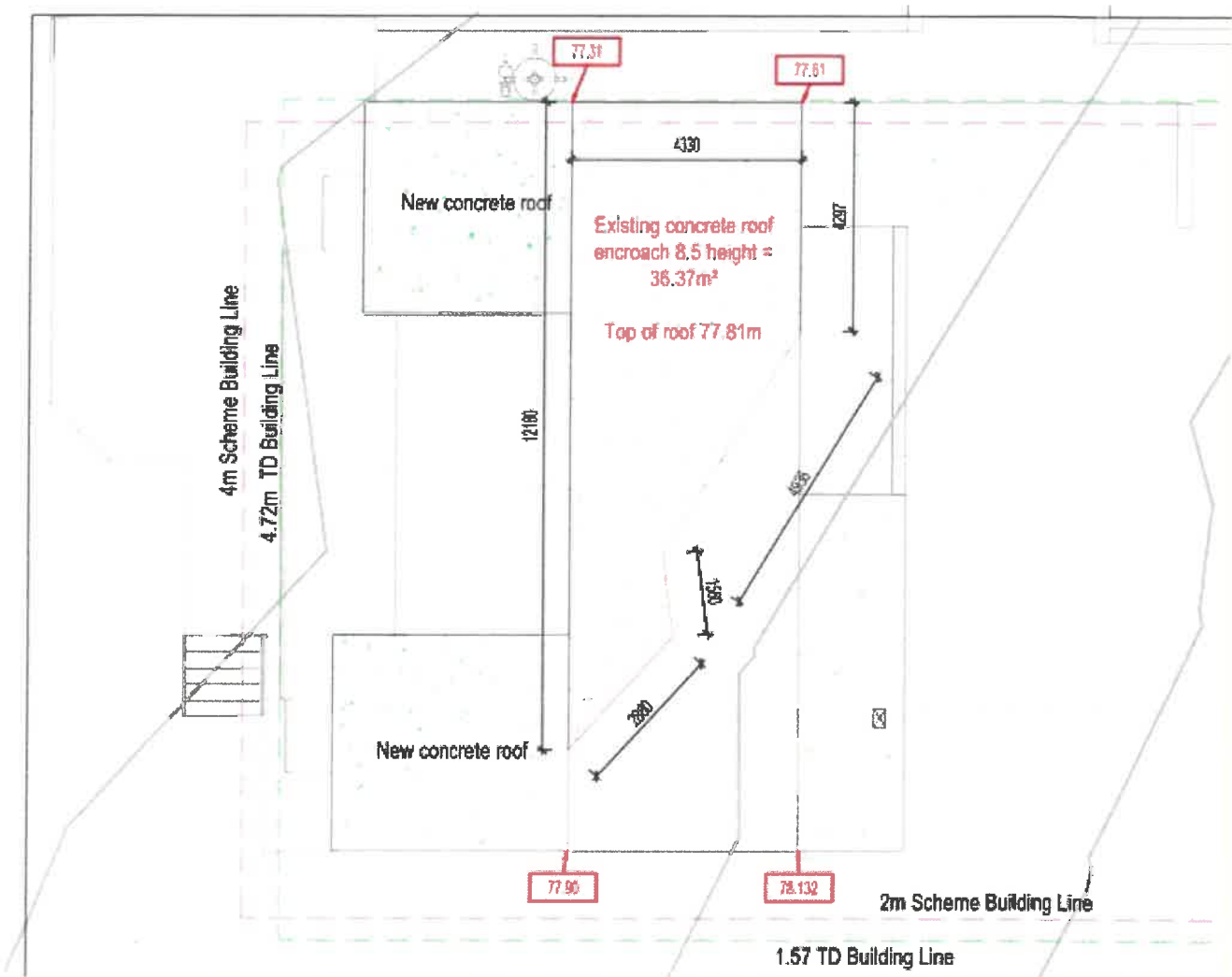
order to be compliant. The consolidation of the stands was however interrupted by the untimely death of Mr. Jacobs as the completion of his estate took almost four years. Thereafter Mrs. Jacobs has been tirelessly trying to conclude this matter.

The current owner indicated that her late husband was responsible for the unauthorized construction on the property. They believed that proper measures were taken with the assistance of Martin Prinsloo, Jonty Abrahams, and IM Williams to handle additions and alterations made in 2015. The owners, who resided in the Free State, appointed Martin Prinsloo as the Project Manager, and Gawie Krugel was the builder involved.

A land use application was submitted and approved in 2015 for the consolidation of erven 466 and 451 De Kelders and a departure (building line deviation) to accommodate the As Built bedrooms positioned on the 1,57m north-eastern lateral building lines. The consolidation was registered; however new building plans were not submitted for approval. Copies of the previous approved building plans (2010, 2012 and 2014) and the decision letter dated 11 November 2016 are attached. The owners were under the impression that by consolidating their two properties and acquiring a portion of the neighbour's land through a registered servitude to widen their driveway, they were acting within permissible limits for accommodating their alterations. However, despite these efforts, it seems there are still issues regarding the legality of the constructions, possibly due to the unauthorized nature of the initial work carried out by our client's late husband.

The following structures were unlawfully (but unknowingly) constructed over the relevant scheme and title deed building lines:

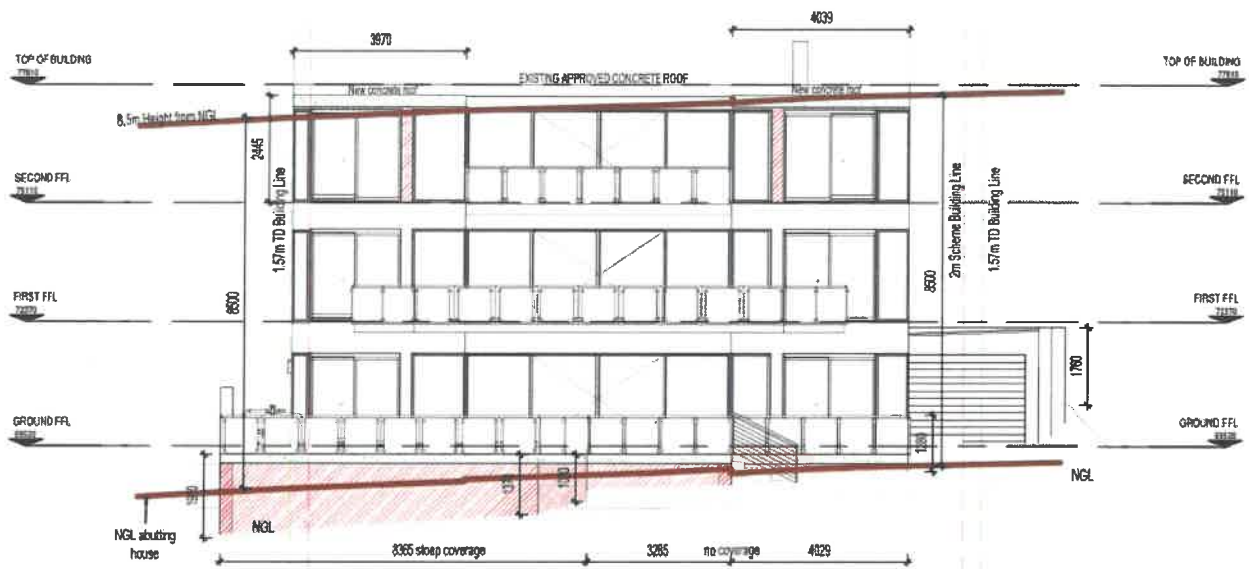
- As Built additions to en-suite bedrooms no. 2 and 3 on ground floor level encroaching the north-eastern scheme lateral building line = 2,72m² encroachment (16,75% of the total extent of the bedrooms);
- As built additions to en-suite bedroom no. 7 on second floor level encroaching the north-eastern scheme lateral building line = 1,5m² encroachment (4,61% of the total extent of the bedroom);
- Change of use of the approved garage to a servant's quarters encroaching the north-eastern scheme and title deed lateral building lines = 1,15m² (4,73% of the total extent of the servant's quarters);



Maps 1 and 2: Site Plan – encroachments

The current landowner was responsible for the existing concrete roof encroachment (roof higher than the permissible 8,5m in terms of the previous zoning scheme). The height of the dwelling on the north-western and north-eastern elevations is 0,32m higher than the previous 8,5m height restriction. Refer to the elevation plans below and attached indicating the deviation from the previous zoning scheme's 8,5m height restriction:

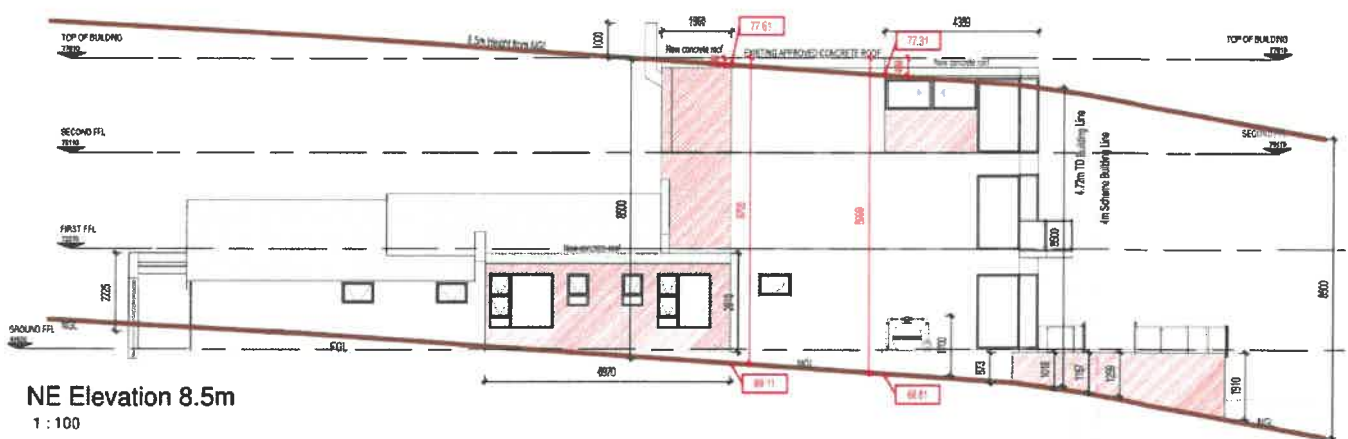




NW Elevation 8.5m

1 : 100

Map 3: North-west elevation plan



NE Elevation 8.5m

1 : 100

Map 4: North-east elevation plan

The construction was completed around 2013, and it appears that there were clear calculation errors regarding the height between the contractor and the draughtsman. This is the only explanation – although the contractors continue to maintain that the structure complies with the height restrictions that were in place at the time. Interestingly, the municipal building inspector at that time was apparently present on-site for most of the work. Thus, it seems that the responsibility for the issue lies between these individuals, since the property owner was residing in the Free State at

the time. The existing concrete roof that exceeds the 8,5m height restriction aligns with the previous zoning scheme's 1,57m building line, although the majority of the roof complies with the current 2m building line requirement.

Other alterations and additions to the dwelling as shown on the As Built site plan were undertaken but do not encroach any land use scheme or title deed development parameters.

A topographical survey was carried out and all structures are As Built. No new structures or additions are proposed.

The owners were not aware or informed that they needed to submit a request for updating the house plans when they converted the garage between 2006 and 2009 (however, the 2010 approved building plans did not show the conversion). It is therefore evident that there might have been a regulatory requirement they missed. However, the 2012 house plans did incorporate the converted areas (servant's quarters and storeroom), as well as the swimming pool and stoep area.

The position and nature of the As Built structures and the subsequent uses thereof are unobtrusive in nature and do not impact negatively on the surrounding properties, and no complaints from surrounding property owners have been received up to date.

- **The conduct of the person involved in the contravention**

The owners were under the impression that by consolidating their two properties and acquiring a portion of the neighbour's land through a registered servitude to widen their driveway, they were acting within permissible limits for accommodating their alterations. However, despite these efforts, it seems there are still issues regarding the legality of the constructions, possibly due to the unauthorized nature of the initial work carried out by our client's late husband.

- **Whether the unlawful conduct was stopped**

The property owner is now attempting to rectify the contravention by submitting the administration penalty application and subsequent departure and removal of restrictive title deed conditions application in order to legalise the As Built structures on the subject property.

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

If the Overstrand Municipality finds it necessary that an administrative penalty fee needs to be enforced for the unauthorised building work, we will submit a report from a quantity surveyor / building contractor with reference to the unauthorised building work. The reason being that if there is a chance that no penalty fee is imposed the report from a quantity surveyor will be unnecessary at this stage.

The owner is not familiar with construction costs, as this was handled by her late husband. However, these alterations were made during the building project and not after its completion. Therefore, the plans were adjusted as the construction progressed, subsequent to the latest approved building plans in 2014, and any expenses related to this matter were considered part of the building alteration costs. No further changes have been made since then.

PQS Africa Quantity Surveyors were appointed to calculate the construction costs pertaining to the encroachments. Refer to the QS report dated 21 November 2024 attached. Their breakdown (QS Calculation sheet) of the estimated building costs associated with the encroachments is attached. Please take note that no. 4 on the list "*Proposed covered area between garage and staff quarters*" does not encroach the relevant title deed or scheme regulations' building lines. The total building cost for encroachments must therefore exclude the aforementioned covered area and amounts to R455 744.14 (excluding VAT).

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

To the best knowledge of the applicant and as confirmed by the landowner, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration the low impact the As Built structures have had and will continue to have on the surrounding area (as further motivated in the departure and removal of title deed conditions application below). It should also be considered that no complaints from surrounding property owners were submitted with regards to the As Built structures.

The current owner has agreed on the way forward to address the unlawful structures and never hesitated to immediately give instruction to the consultants to assist in the matter to rectify the contravention by submitting a complete (and fully motivated) departure and removal of restrictions application and submitting a determination of an administrative penalty application. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owners for the reasons given above.

3.4.2 Departure (building line relaxations)

3.4.2.1 Existing bedrooms

The en-suite bedrooms no. 2 and 3 obtained an approval for the relaxation of the building line in 2016 to accommodate the As Built structures. The layouts of the en-suite bedrooms were slightly altered / additions were made and therefore we include the structures as part of the deviation application. In addition, bedroom no. 7 on second floor is also not as per the approved building plans and slightly encroaches the building line.

Two existing bedrooms on the north-eastern side of the existing dwelling on the subject property were previously renovated and extended and are situated on the 1,57m lateral building line. At the time the renovations and additions took place the previous Gansbaai Zoning Scheme allowed for a 1,57m lateral building line. The building plans were however never submitted for approval and since then the Overstrand Land Use Scheme replaced the Gansbaai Zoning Scheme. A 2m lateral

building line now applies to Residential Zone I: Single Residential erven. Consequently, the two existing bedrooms encroach the north-eastern lateral building line. Since the bedrooms already exist the impact on neighbouring properties will remain unchanged. Furthermore, the greater extent of the existing dwelling is already positioned (and building plans were approved accordingly) on the 1,57m lateral building line, therefore the impact will not be greater than what was already approved in the past.

An application was submitted and approved in 2015 / 2016 for a departure to relax the north-eastern lateral building line from 2m to 1,57m to accommodate the alterations to bedrooms no. 2 and 3 on ground floor level. Building plans were however never submitted thereafter. Application is therefore made to relax the north-eastern lateral building line from 2m to 1,61m to accommodate the alterations to bedrooms no. 2 and 3 on ground floor level and to accommodate bedroom no. 7 on second floor level.

The following structures were unlawfully (but unknowingly) constructed over the relevant scheme and title deed building lines. As Built additions to bedrooms no. 2 and 3 on ground floor level encroaching the north-eastern scheme lateral building line amounts to a 2,72m² encroachment (16,75% of the extent of the bedrooms). The As built additions to bedroom no. 7 on second floor level encroaching the north-eastern scheme lateral building line amounts to a 1,5m² encroachment (4,61% of the extent of the bedroom).

The As Built bedrooms no. 2, 3 and 7 do not encroach the 1,57m lateral title deed building line.

3.4.2.2 Existing servant's quarters

Building plans for the subject property were approved in 2010, 2012 and 2014. Copies of the available information is attached. The 2010 approved building plan (that was submitted for the carport addition to the subject property) indicates an existing garage. On the 2012 building plan (that was submitted for alterations / additions on first floor level), the garage use was changed to storeroom and servant's quarters, but not indicated as proposed alterations / additions (i.e. unlawful change of use). The owner intends to retain the use and therefore an application for departure

is submitted to relax the north-eastern lateral building line from 2m to 1,41m to accommodate the change of use of the approved garage to a servant's quarters (As Built) on ground floor level.

The servant's quarters are 15,08m² in extent. Only a section of the approved garage was converted to the servant's quarters. The remaining extent of the approved garage is now used as a storeroom (household storage as indicated on the plan). The servant's quarters is a single storey unit that consist of an en-suite bedroom. The change of use of the approved garage to a servant's quarters encroaching the north-eastern scheme lateral building line amounts to only 1,15m² of the total extent of the unit (4,73% of servant's quarters) as indicated on the encroachment plan.

The As Built servant's quarters was also constructed within the 1,57m title deed lateral building line. In addition, the servant's quarters constitute a second dwelling. It is proposed to remove the restrictive title deed conditions to accommodate the As Built structure and the use thereof (refer to Section 3.14).

3.4.2.3 As built uncovered stoep

The 2010 approved building plan indicated no stoep on the street boundary side of the dwelling. However, on the approved 2012 and 2014 building plans and the draft 2015 plan the uncovered stoep was indicated as "existing". The stoep does however not meet the height requirements of a structure allowed to encroach the street and lateral building lines (the stoep is higher than 1m above NGL) and therefore must be addressed.

It is therefore proposed to relax the building lines as follows to address the stoep:

- The north-eastern lateral building line from 2m to 0m to accommodate the As Built stoep;
- The street building line from 4m to 0,4m to accommodate the As Built stoep; and
- To relax the height restriction thereof from 1m to ±2,018m (1,018m stoep plus 1m balustrade) and ±2,91m (1,91m stoep plus 1m balustrade) above natural ground level (NGL).

The stoep is 68,16m² in extent. The As Built stoep encroaches the Ingang Street, street building line and the north-eastern lateral building line (land use scheme and title deed building lines):

- land use scheme building lines: encroachment of 33,00m² (65,68% of the total extent of the stoep);
- title deed building lines: encroachment of 37,60m² (74,84% of total extent of the stoep).

The stoep was also constructed over the 1,57m lateral and 4,72m street title deed building lines. It is proposed to remove the restrictive title deed conditions to accommodate the As Built stoep (refer to Section 3.14).

3.4.2.4 Change of use of carport to garage

In 2010 the building plan was approved to construct a carport on the subject property. The carport was converted to a garage and therefore no longer meets the requirements of a carport on the 0m lateral boundary. The owner wants to retain the As Built double garage to avoid making other alterations to the dwelling to retain the storage of vehicle use. It is therefore proposed to relax the south-western lateral building line from 2m to 0m to accommodate the change of use of the approved carport to double garage (As Built) on ground floor level.

The As Built garage that encroaches the lateral building line is not higher than 3,5m above the existing ground level on the common boundary as indicated on the elevation plans. The length and width of the structure does not exceed one third of the lateral boundary concerned or 9,0m. All other requirements as stipulated in the land use scheme for the consideration of the garage on the 0m south-western erf boundary are met.

There is an existing servitude right of way registered over erf 465 De Kelders in favour of erf 1336 De Kelders as indicated on the attached noting sheet. The servitude was registered to allow our client to widen the driveway to access the As Built double garage. The servitude right of way will remain unchanged.

The As Built double garage was constructed within the 1,57m title deed lateral building line. It is proposed to remove the restrictive title deed condition to

accommodate the As Built structure (refer to Section 3.14).

3.4.2.5 As built roof height encroachments

The As Built new and approved concrete roofs and braai flue deviates from the maximum permissible height. It is unclear when these deviations occurred – most likely when the dwelling was developed into a three-storey dwelling in 2012 / 2013. It is unclear how the deviations occurred, and our client was only recently made aware of the height encroachments.

The land surveyor indicated the value for the "top of building" as 77,810 and the calculated value for the 8m height restriction as 77,490. The two "level" lines are indicated on the site development plan.

An application is therefore submitted for a departure to deviate from the maximum permissible height allowed for SR1 zoned properties of 8m as stipulated in the Overstrand Land Use Scheme Regulations (2020), section 6.1.2 c)(i) to 8,065m (lowest point) and 8,32m (highest point) respectively to accommodate the As Built dwelling's concrete roofs (new and approved), and section 16.1.1 b)(i) to 9,32m (1m on top of the 8,32m height of the top of roof) to accommodate the As Built braai flue / chimney.

The existing approved concrete roof encroached the applicable 8,5m height requirement when the dwelling was redeveloped in 2013. The approved concrete roof deviates from the previous zoning scheme's 8,5m height requirement to 8,7m (lowest point) and 8,999m (highest point). In terms of the current land use scheme, the existing approved concrete roof is now at a height of 8,32m (measured from the base level to the top of the structure directly above that point in meters) and is therefore addressed in the height deviation application for all roofs described above. The discrepancy between the height specified in the previous zoning scheme and that in the current zoning scheme is attributable to changes in the definitions of "base level" and "height" between the two schemes.

The roof height encroachments are indicated on the encroachment plans and elevation plans. The extent of the As Built concrete roofs and braai flue deviating from the maximum permissible height is 15,344m², 17,73m², 13,14m² and 36,37m²

respectively.

The current landowner was responsible for the existing concrete roof encroachment (roof higher than the permissible 8,5m in terms of the previous zoning scheme). The height of the dwelling on the north-western and north-eastern elevations is 0,32m higher than the previous 8,5m height restriction. For clarity, the architect has separated the views due to the increasing complexity of the matter (height encroachments in terms of the previous and current zoning scheme). The first set of views illustrates the current 8m height restriction, while the second set reflects the previous zoning scheme's 8,5m height restriction. Additionally, the additional contour values are highlighted in red on the views. The existing approved concrete roof is now at a height of 8,32m (measured from the base level to the top of the structure directly above that point in meters) and is therefore addressed in the height deviation application described above.

All measurements are clearly shown on the site development plan, and the base levels are explicitly marked on all elevations.

3.4.2.6 General

The following should be noted when considering the As Built structures and proposed new additions:

- The As Built structures have existed for ±10-12 years without any complaints from neighbours. Most structures were indicated on approved building plans in the past; however, in most instances the changes / additions were made without specifically applying for / indicating that specific additions / changes.
- No alterations to the As Built structures or new additions are proposed with this application.
- The visual impact of the As Built structures is considered minimal. All properties situated in Ingang Street enjoy unobstructed ocean views. In addition, the slope of the subject property minimalizes the impact on the views of the adjacent properties (keeping the impact on the properties at the back to a minimum).
- The As Built garage provides two parking bays to the main dwelling.
- There are no windows facing the relevant erf boundaries where the servant's

quarters and double garage encroach the north-eastern and south-western lateral building lines.

- The As Built en-suite bedrooms, servant's quarters and stoep are considered an integral part of the design and value of the subject property. Thus, to demolish the structures to make it compliant to the relevant building lines, will diminish the aesthetic and property value of the dwelling.
- While theoretically the building exceeds the calculated height limit, in appearance seen against the current ground level does not appear to exceed the height limit nor to be any higher than the surrounding buildings.

The removal of the restrictive title deed conditions application is addressed in Section 3.14.

The proposed application does not have any impact on the character or property values of the surrounding properties since all structures and uses thereof already exist on the subject property. The existing structures on the subject property do not create an infringement to any passing traffic or public activity due the position of the As Built structures on site in relation to the existing structures on the neighbouring properties. It is submitted that the massing and height of the existing structures are compatible with the character of the area, regardless of the departure being applied for.

The zoning of erf 1336 De Kelders will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes). The impact on the adjacent property owners and the passers-by will therefore be marginally higher than if these structures / encroachments did not exist.

The schedule of rights for the subject property is as follows:



SCHEDULE OF RIGHTS	
PROPERTY DESCRIPTION	
Erf Number: 1336 Site Area: DE KELDERS Erf size: 1193m ²	
ZONING INFORMATION	
Town planning Scheme: OVERSTRAND Use Zone: GENERAL RESIDENTIAL ZONE	
DEVELOPMENT CONTROL MEASURES	
Existing Ground Floor	: 242.29m ²
Existing Carport	: 39.96m ²
Existing First Floor	: 131.84m ²
Existing Second Floor	: 84.84m ²
New Ground Floor Addition	: 28.58m ²
New Ground Floor Stoep	: 68.16m ²
New Covered Area	: 24.68m ²
New First Floor Addition	: 13.14m ²
New Second Floor Addition	: 41.49m ²
TOTAL	: 674.98m²
Coverage 395.61m ²	33.16%
The information provided above is hereby certified to be correct & precise	
Name: JLS GERICKE	Signature:
Date: 10 APRIL 2024	Plan No: 21/DR/24

The total coverage of 33,16% meets the maximum permissible coverage of 50% for SR1 zoned properties.

It is submitted that the existing structures are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application. When considering the proposed departures and removal of restrictive title deed conditions, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed departure and removal of restrictive title deed conditions for erf 1336 De Kelders are consistent with the existing land use patterns in the surrounding area. Therefore, we anticipate no issues with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only (such as bed-and-breakfast establishments, day care, guest house and home occupation uses). The proposed departure and removal of restrictive title deed conditions will not hinder any possible future land use applications on erf 1336 De Kelders.

The subject property has the potential and allows for the deviations being applied for since most of the As Built structures have been on the subject property for a considerable period without any complaints from neighbours. From the building plans submitted and approved since 2010 until 2014 and the land use application that was submitted in 2015, it is evident that our client did not intentionally contravene any regulations and always attempted to meet all requirements.

The proposed additions and improvements since 2010 are aesthetically pleasing as is evident from the 3D images included in the site development plan.

The slope of the subject property and the fact that the proposal adheres to the maximum coverage requirements also mitigate any possible impact that the As Built Structures will have on the neighbouring properties. The position and height of the dwelling, servant's quarters, stoep and garage have not received complaints up to date and are aesthetically pleasing.

The massing and scale of the As Built structures are compatible with the area. All As Built structures form an integral part of the design of the dwelling thus to demolish the structures to make it compliant with the relevant building lines and height requirements will diminish the aesthetic and property value of the dwelling.

The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the departure and the removal of the title deed conditions.

The following factors confirm the potential of the property to accommodate the proposed building line deviations:

- Good quality materials were used when the existing structures were built;
- The architectural style of the additions and alterations made to the dwelling over the years matches the architectural style of the As Built (approved) structures and add value to the subject property;
- The As Built roofs form an integral part of the design of the dwelling and garage thus to demolish / alter the roofs to make it compliant with the relevant height restriction will diminish the aesthetic and property value of the dwelling and garage;
- No new structures or additions / alterations are proposed with this application.

3.6 ECONOMIC IMPACT

The proposed departure and removal of restrictive title deed conditions are to accommodate existing structures and uses thereof on the subject property. The proposed departure and removal of restrictive title deed conditions will allow the owner to legalise the structures and their respective uses. This will have a positive impact on the property value of the site and favour the resale of the property in the future and have a positive impact on the adjacent properties.

The approval of the As Built structures will save the owner the cost of demolishing these structures. The proposed departure and removal of the subsequent restrictive title deed conditions will have a low but positive impact on the local economy.

3.7 SOCIAL IMPACT

The proposed departure and removal of restrictive title deed conditions will have no impact on the social status quo of the area. The deviations and removal of restrictive title deed conditions will however allow the owner to keep the existing As Built structures on the subject property.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the existing developed property is compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing sea front, low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with mostly multiple storey dwellings and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the structures on erf 1336 De Kelders (and the respective uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

The proposed application will contribute towards the value of the subject property and consequently have a positive impact on the area. The use of the subject property will primarily remain for residential purposes (main dwelling, servant's quarters and garages).

There is no impact on the streetscape as discussed in detail in Sections 3.4 and 3.5 of this report.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The As Built structures and new building plan additions will have no impact on the usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure and removal of restrictive title deed conditions will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that one family will continue to occupy the subject property.

Since the proposed departure and removal of restrictive title deed conditions are not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for departure and removal of restrictive title deed conditions does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 1336 De Kelders is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme Heritage Protection Overlay Zone (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

In the light of the above mentioned it is evident that the proposed departure and removal of restrictive title deed conditions will not have a negative impact on the heritage value of the De Kelders or Greater Gansbaai area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure and removal of title deed conditions do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act

no. 107 of 1998). The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Overlay Zone (2020).

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 1336 De Kelders will remain unchanged and will be from Ingang Street. Refer to the site development plan. There is an existing servitude right of way registered over erf 465 De Kelders in favour of erf 1336 De Kelders as indicated on the attached noting sheet and site plan. The servitude was registered to allow our client to widen the driveway to access the As Built double garage. The servitude right of way will remain unchanged.

The Overstrand Municipality Land Use Scheme Regulations (2020) stipulate that a minimum of two parking bays are required for a dwelling house. The subject property is developed with a double garage (carport converted to garage) addressed in this application. The servant's quarters is not used as a second dwelling unit. In addition, it is not a requirement to provide parking for domestic quarters. Provision is therefore made for two parking bays for the main dwelling only on site. The dwelling house on erf 1336 De Kelders therefore complies with the minimum parking requirements for SR1 zoned properties.

The subject property will be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed no. T31858/2021 has restrictive title deed conditions that need to be removed to accommodate the departure of the prescribed building lines and the As Built servants' quarters on the subject property. Refer to a copy of the conveyancer's certificate compiled by Mr H.L. van Zyl of Van Zyl Kruger Attorneys dated 30 July 2024 attached.

It is proposed to remove the following restrictive title deed conditions registered by the Administrator (now the Overstrand Municipality) to accommodate the proposed departure and existing primary land uses of erf 1336 De Kelders:

Title deed no. T31858/2021, pages 3-4 and 6, paragraph I. F. (c) and (d) and paragraph II. E (c) and (d) that read as follow:

I. As regards the figure CDba on diagram SG No 1973/2015:

F. SUBJECT to the following conditions, contained in Deed of Transfer No. T27638/1982 imposed by the Administrator in Terms of the provisions of Ordinance 33 of 1934, when approving the Township:-

AS BEING IN FAVOUR OF THE REGISTERED OWNER OF EACH ERF IN THE TOWNSHIP:

(c) That not more than one dwelling, together with necessary outbuildings and appurtenances be erected on this erf.

(d) That no building shall be erected within four comma seven two (4,72) metres of any street line which forms a boundary of this erf or within one comma five sven (1,57) metres of the boundary of any adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one erf under consolidated title.

II. As regards the figure ABab on diagram SG No 1973/2015:

E. SUBJECT to the following conditions mentioned in Deed of Transfer No. T52958/1984 imposed by the Administrator in Terms of the provisions of Ordinance 33 of 1934, when approving the Township:-

AS BEING IN FAVOUR OF THE REGISTERED OWNER OF EACH ERF IN THE TOWNSHIP:

(c) That not more than one dwelling, together with necessary outbuildings and appurtenances be erected on this erf.

(d) That no building shall be erected within four comma seven two (4,72) metres of any street line which forms a boundary of this erf or within one comma five seven (1,57) metres of the boundary of any adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one erf under consolidated title."

The reasons for the removal of the conditions specified above are as follow:

- Condition I. F (c) and II. E (c) restricts the use of the subject property to one dwelling with associated outbuildings only. The Overstrand Municipality considers a servant's quarters as a second dwelling unit in terms of the land use scheme regulations. The approved garage structure was unlawfully converted to a servant's quarters as explained in the previous sections. Although the servant's quarter is shown on the 2012 approved building plan; however, the title deed condition that prohibits a second dwelling unit (in this case a servant's quarters) was not removed. Both a servant's quarters and second dwelling unit are considered primary land uses on a SR1 zoned property. The specified title deed condition that permits only one dwelling is therefore considered restrictive. It is therefore proposed to remove this condition to allow the owner to retain the servant's quarters;
- The street building line condition is more restrictive (4,72m) than the land use restrictions prescribed in the Overstrand Municipality Land Use Scheme, 2020 (4m). Although the lateral building lines prescribed in the title deed are less restrictive, some of the As Built structures encroach this building line. In addition, the Land Use Scheme now governs land use planning in De Kelders and therefore the building line conditions are considered superfluous. The following As Built structures encroach the title deed lateral and street building lines:
 - Ground floor level:
 - As Built servant's quarters (1,57m north-eastern lateral building line encroachment);
 - As Built stoep (1,57m north-eastern lateral building line and 4,72m street building line encroachment);
 - As Built double garage (1,57m south-western lateral building line encroachment).

There are no windows facing the relevant erf boundaries where the servant's quarters and double garage encroach the north-eastern and south-western lateral building lines.

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the “removal, suspension or amendment of a restrictive condition”:

- ***The financial or other value of the rights in terms of the restrictive conditions 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 removal of the restrictive conditions intends to increase the use rights of the property to permit the As Built structures and the uses thereof (servant’s quarters, uncovered stoep and double garage) as described above. The value of the rights is vested in the owners of the specific extension of the entire De Kelders township.

Property owners not seeking that the title deed building line restrictions should be in line with the land use scheme regulations’ restrictions will favour the restrictive title deed conditions since the conditions impede the development of a residential property in line with the zoning scheme and retaining the As Built structures.

The As Built development and its encroachments are not an unusually large-scale form of development that encroaches the building lines. The street building line condition is more restrictive than the land use scheme regulations’ building lines. And where scheme building lines are encroached, it is to address the existing structures only. Furthermore, the primary use for SR1 zoned erven includes a second dwelling. Removing the “one dwelling only” condition will allow the owners to continue to exercise their primary land use right – i.e. to retain the servant’s quarters that is considered a second dwelling unit in terms of the land use scheme regulations.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The conditions were imposed by the Administrator for the benefit of the registered owners of the De Kelders township. The only personal benefit to each holder is that the property is more restricted in terms of retaining As Built structures and developing new structures on the subject property (if any in future). The Administrator is now the

Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed conditions will neither have any personal benefit to the Administrator / Overstrand Municipality nor the properties in whose favour the conditions were registered. As previously explained the structures have been on the subject property for ±10-14 years with no direct neighbour's views or privacy being threatened.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of the restrictive title deed conditions will bring about personal benefits to the current landowners since it will allow them to legalise the existing structures (and the uses thereof) that will in turn benefit the resale value of the property in future. The 4,72m street building line as stipulated in the title deed makes the developable area of the property smaller.

The existing property owner will be able to enjoy the personal benefits of the existing structures instead of demolishing the structures. The latter will have a great financial burden on the current property owner.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

The social benefit if the title deed conditions were to remain unchanged and enforced on the existing As Built structures will be minimal. If the conditions remain unchanged, the owner must adhere to the title deed's stricter street building line, the servant's quarters will have to be altered to form part of the main dwelling unit or revert to an outbuilding and a large extent of the As Built dwelling and / or outbuildings will have to be demolished to comply with the building line requirements. The impact on the neighbouring properties with regards to privacy, noise, impact on the street scape, etc. will be marginally lower since the title deed's street building line is more restrictive than the scheme regulations' street building line.

To keep the 4,72m title deed street building line and the one dwelling only requirement will have no benefit to neither the property owners nor the adjacent properties since the existing structures already encroach the street and lateral

building lines and no complaints have been received from the immediate property owners over the years.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The removal of the restrictive title deed conditions will allow the scheme regulations' building lines and primary uses to set the rules for future development on the subject property. The social benefit will therefore only be to the property owner of erf 1336 De Kelders since it will allow them to keep the existing As Built structures that encroach onto the title deed street and lateral building lines on the subject property. It will also allow the property owner to retain the servant's quarters (second dwelling unit) and continue to benefit from the social gain such a unit brings to a SR1 zoned property.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive conditions will not remove all rights enjoyed by the beneficiary, but only some rights and will instead expand the value of these rights to accommodate the existing and new structures with departures where applicable. The latter is more desirable for the zoning and extent of the subject property without having a detrimental impact on the rights of anyone else or the character of the area. All other title deed conditions not mentioned in this report will be retained.

There is no bond registered against erf 1336 De Kelders.

From the above as well as the motivation in Sections 3.4 and 3.5 of this report it is evident that the removal of the restrictive title deed conditions can be favourably considered.



3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 1336 De Kelders is situated, for urban development purposes. The subject property falls within the demarcated urban edge but falls outside of the Coastal Management line. A large extent of the development footprint has approved building plans and therefore the application is merely to an improved erf within the urban edge with no impact on the biophysical environment.

The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure and removal of the restrictive title deed conditions on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erf 1336 De Kelders forms part of Planning Unit no. 1. This planning unit stipulates an increase in density from 11,3du/ha to 14,7du/ha. Part of the application is to accommodate an existing servant's quarters (second dwelling) on the subject property. The slight increase in density for the area by means of second dwellings is a preferred choice of densification for the area. The land use application for the subject property therefore falls within the existing planning for the De Kelders area.

The proposal will promote land development in a location that is sustainable. The proposed departure and removal of restrictive title deed conditions are to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment. The impact on the overall density of this part of De Kelders will therefore be kept to a minimum since the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1938 (and consolidated in 2021).

The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing De Kelders Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposed departure and removal of restrictive title deed conditions will have a minimal impact on the visual elements of the subject property and surroundings as motivated in this report. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the building lines has no impact on the massing of the buildings and the impact on the streetscape or passers-by. The As-Built unlawful structures and the uses thereof merge well with the approved structures.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the location of the subject property, the slope of the subject property, the trail of building plans submitted over the years, the existence of the structures on the subject property for the past few years, etc. allow for the consideration and approval of the proposed deviations and removal of restrictive title deed conditions without having an adverse impact on the spatial sustainability of the area. To accommodate the As Built structures and the subsequent uses thereof are

to an improved erf within an established residential area will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing property is optimally utilised. The property is compatible with the character of the area and does not impact negatively on the rights of any adjacent property owner.

Efficiency: The subject property is easily accessible and conveniently located close to Gansbaai, Hermanus and major routes. It proves to be resourceful to approve the As Built structures and the uses thereof since it is compatible with the existing built environment and the way the additions and alterations were by the late Mr Jacobs is aesthetically pleasing.

It proves to be efficient to accommodate the existing structures and its uses by approving the proposed departure and removal of restrictive title deed conditions of erf 1336 De Kelders instead of demolishing the structures and as a result negatively impact on the whole look and feel of the subject property. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm 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 Amendment By-law on Municipal Land Use Planning, 2020.



4. RECOMMENDATION

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

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The densification in the form of a second dwelling unit to accommodate the existing servant's quarters is in line with the relevant densification policies for the area;
- The zoning and primary land use of the subject property will remain unchanged;
- The deviations from the applicable scheme regulations' and title deed building lines and the height requirements are to accommodate As Built structures only;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic and services will be kept to a minimum;
- Ample parking bays are provided on site;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013);
- We request that a penalty fee not be imposed.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.



Erf 467

Erf 450

Erf 452

Erf 465

21 INGAN STREET

COLENSOSTREET

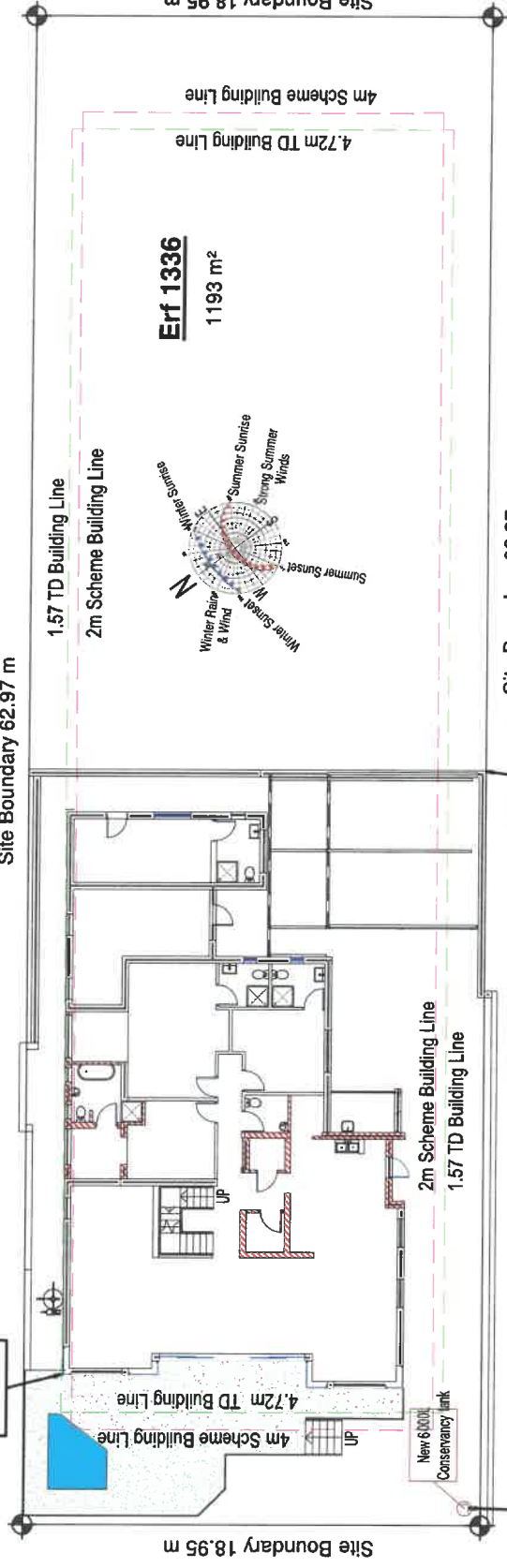
Site Boundary 62.97 m

Site Boundary 18.95 m

Site Boundary 62.97 m

HNGL 70.56

LINEL 68.42



Erf 1336
1193 m²

SITE PLAN - GROUND FFL

1 : 200

SCHEDULE OF RIGHTS	
PROPERTY DESCRIPTION	Town planning Scheme: OVERSTRAND
Erf Number: 1336 Site Area: DE KELDERS	Use Zone: GENERAL RESIDENTIAL ZONE
Erf size: 1193m ²	
ZONING INFORMATION	
Development Control Measures	
Existing Ground Floor	: 242.29m ²
Existing Carport	: 39.96m ²
Existing First Floor	: 131.84m ²
Existing Second Floor	: 84.84m ²
New Ground Floor Addition	: 28.58m ²
New Ground Floor Stoop	: 68.16m ²
New Covered Area	: 24.68m ²
New First Floor Addition	: 13.14m ²
New Second Floor Addition	: 41.49m ²
TOTAL	: 674.98m²
Coverage	33.16%
The information provided above is hereby certified to be correct & precise	
Name: JLS GERICKE	Signature:
Date: 10 APRIL 2024	Plan No: 21/DR/24

PROJECT: PROPOSED ADDITIONS TO DWELLING FOR ON ERF 1336 DE KELDERS.	
DESCRIPTION:	SITE PLAN
SHEET FORMAT: A3	OCCUPATION: H4
SCALE: As indicated	DRAWING #: 21/NVR/24
PAGE #: 1	PLOT DATE: 18-Nov-24 6:25:22 PM
DRAWING DATE: 11 MARCH 2024	SIGNATURE: Johan Gericke
DRAWN: Johan Gericke	ARCHITECTURE: GERICKE
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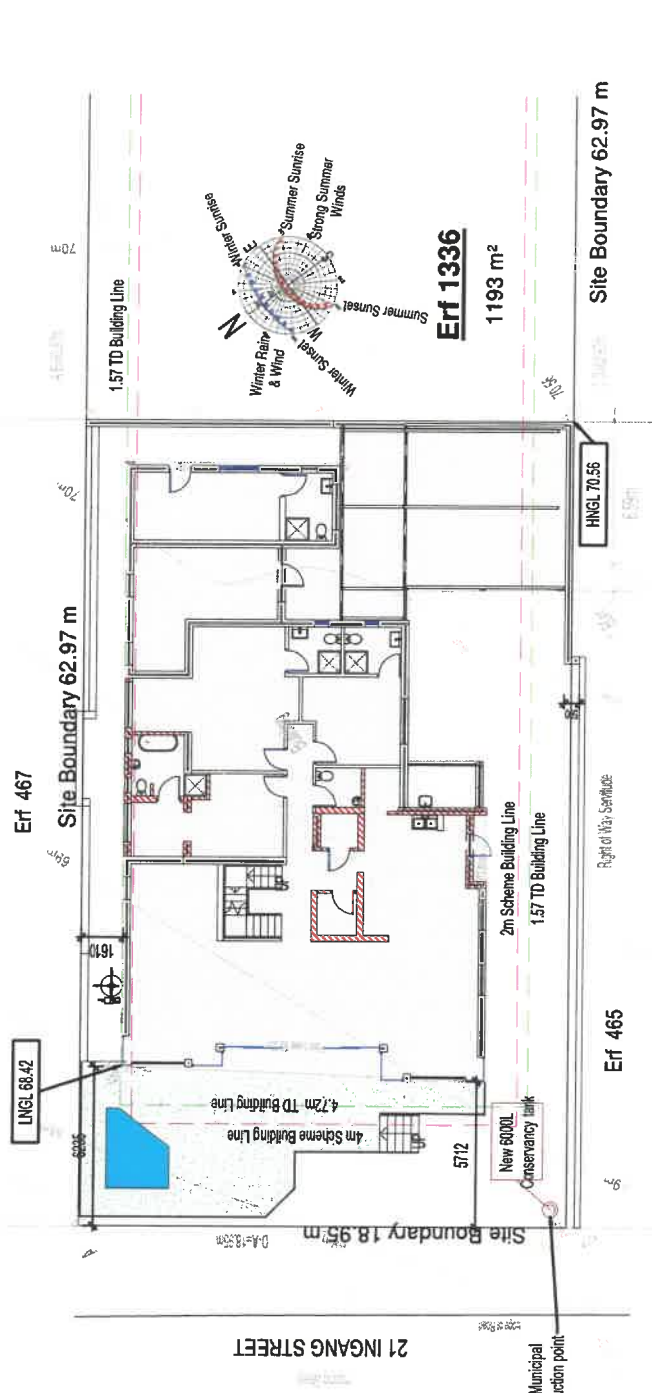
SCHEDULE OF RIGHTS	
PROPERTY DESCRIPTION Erf Number: 1336 Site Area: DE KELDERS Erf size: 1193m ²	
ZONING INFORMATION	
Town planning Scheme:	OVERSTRAND
Use Zone:	GENERAL RESIDENTIAL ZONE
DEVELOPMENT CONTROL MEASURES	
Existing Ground Floor	: 242,28m ²
Existing Carport	: 39,96m ²
Existing First Floor	: 131,84m ²
Existing Second Floor	: 84,84m ²
New Ground Floor Addition	: 28,58m ²
New Ground Floor Stoep	: 68,16m ²
New Covered Area	: 24,68m ²
New First Floor Addition	: 13,14m ²
New Second Floor Addition	: 41,49m ²
TOTAL	: 674,96m²
Coverage	33,16%
The information provided above is hereby certified to be correct & precise	
Name:	JLS GERICKE Signature:
Date:	10 APRIL 2024 Plan No: 21/DR/24

GENERAL:

- ALL WORK TO COMPLY WITH NATIONAL BUILDING REGULATIONS.
- All dimensions and levels to be checked on site before any work commences.
 - This drawing is not to be scaled and only figured dimensions are to be used.
 - All work is to be carried out in accordance with local authority requirements.
 - All levels unless otherwise indicated are finished floor levels.
 - Finished floor levels are to be min. 150mm above N.G.L.
 - Any discrepancies are to be reported to the offices of the Architects.
 - All glazing is to comply with part N of the NBR.
 - Building to comply with National Building Regulations.
 - Structural work to comply strictly with accordance to Erg's specs & details.

COPYRIGHT NOTE

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LEGEND:

[Red Box]	New Brickwork
[Yellow Box]	New Timberwork
[Blue Box]	New Steel Elements
[Green Box]	New Foundation/ Concrete work
[Black Box]	Existing buildings/structures
[White Box]	Demolished work
[Pink Box]	New Fire Protection Elements

SITE PLAN - CONTOURS

1 : 200

SPECIAL NOTE:

All structures are existing.

DRAWN: Johan Gericke	SIGNATURE: <i>Johan Gericke</i>	IMPORTANT NOTE: THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING! 1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS 2. ISOTHERM INSULATION IN ROOF VOID 3. SOLAR GEYSER/GAS GEYSER
OCCUPATION: H4	SHEET FORMAT: A3	

PROJECT: PROPOSED ADDITIONS TO DWELLING FOR ON ERF 1336 DE KELDERS.	SCALE: As indicated
DESCRIPTION: SITE PLAN - CONTOURS	DRAWING DATE: 11 MARCH 2024

DRAWING #: 21/NVR/24	PAGE #: 2
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SACAP : D2869 Prof Arch Draught



LEGEND:

█	New Brickwork
█	New Timberwork
█	New Steel Elements
█	New Foundation/ Concrete work
█	Existing buildings/structures
█	Demolished work
█	New Fire Protection Elements

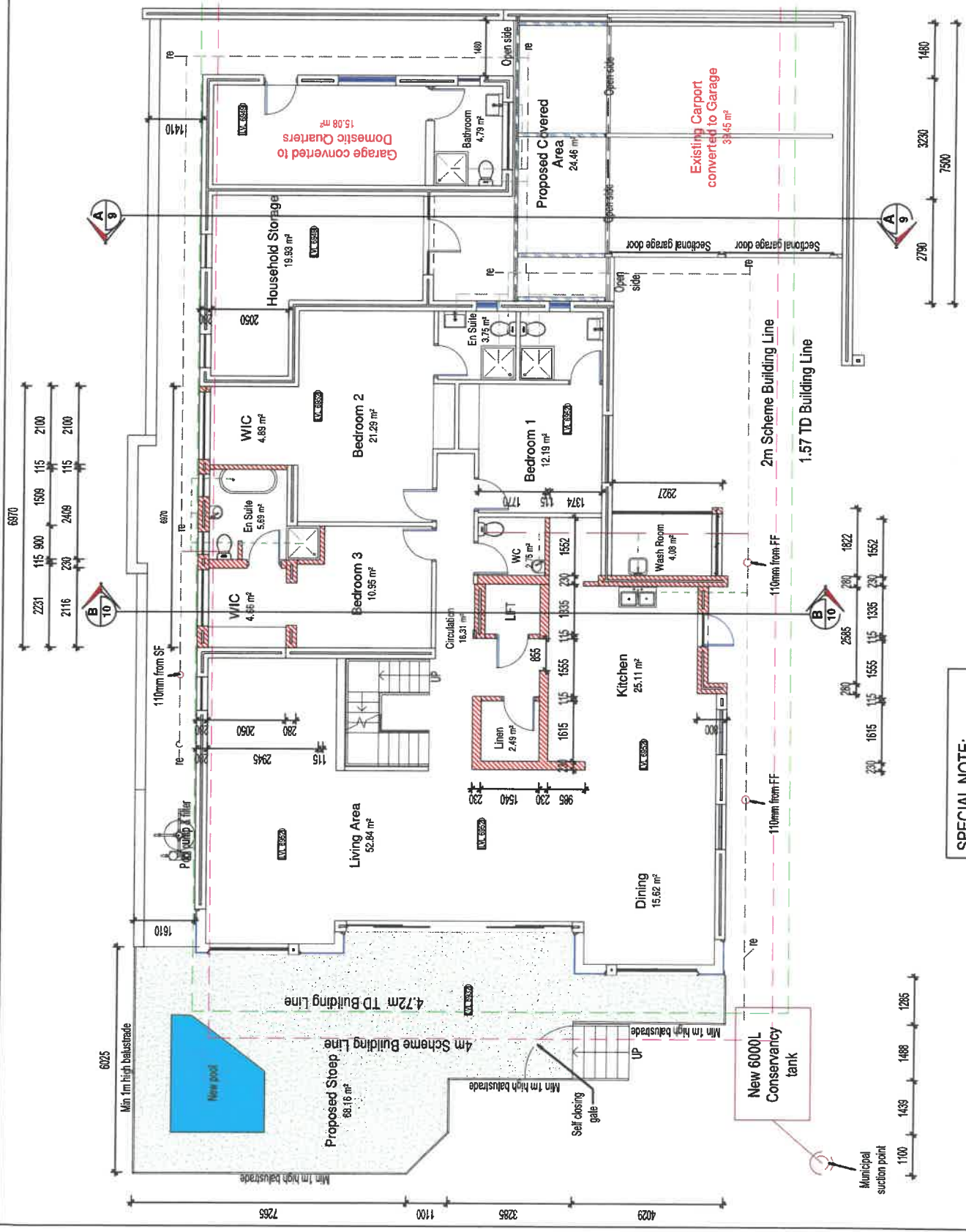
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 PROPOSED ADDITIONS TO DWELLING
 FOR ON ERF 1336 DE KELDERS.

DESCRIPTION: GROUND FLOOR LAYOUT	
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SCALE: As indicated	DRAWING #: 21/NVR/24
PAGE #: 3	DRAWING DATE: 11 MARCH 2024
DRAWING DATE: 11 MARCH 2024	PLOT DATE: 18-Nov-24 6:25:24 PM
DRAWN: Johan Gericke	SIGNATURE: <i>Johan Gericke</i>

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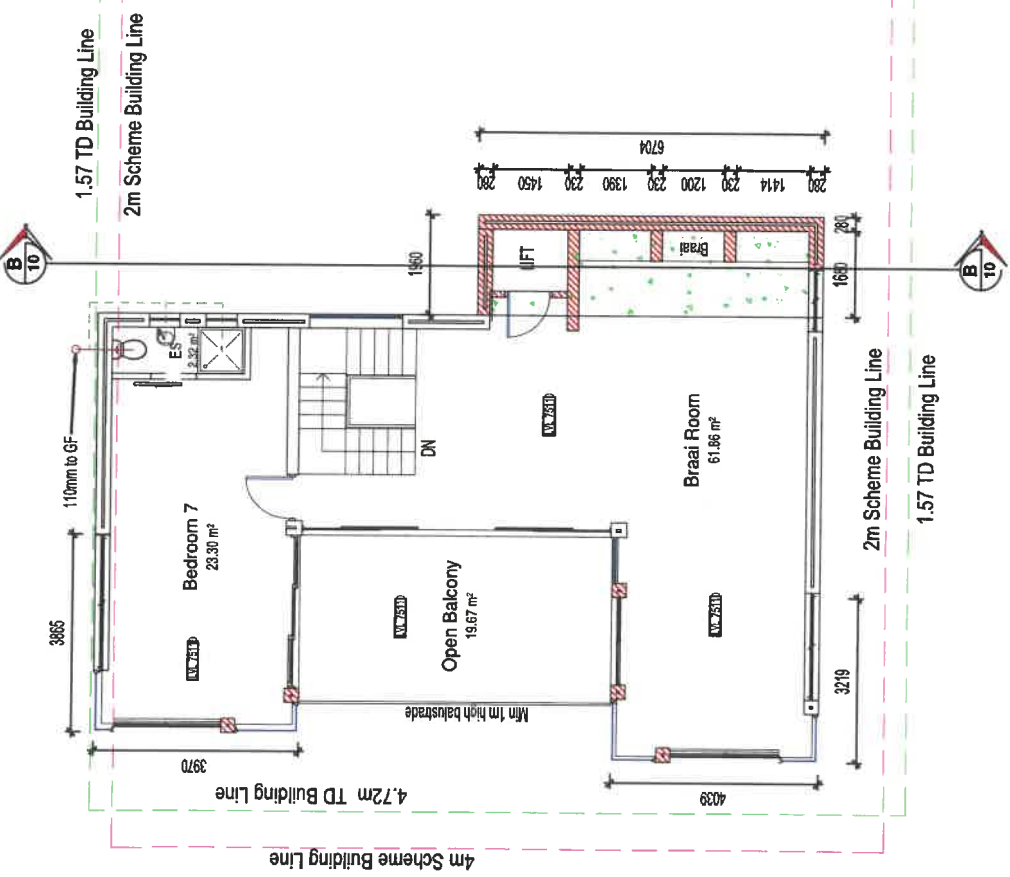
REGISTERED ARCHITECT/TEKNOLOG
 ERKENNTE ARCHITECT/TEKNOLOG
 SOUWALLOEWYK ERKENNTE OORDELS
 18-83-1001 (Pretoria) 18-83-1002 (Cape Town)



SPECIAL NOTE:
 All structures are existing.

GROUND FFL
 1 : 100

SPECIAL NOTE:
All structures are existing.



LEGEND:

█	New Brickwork
█	New Timberwork
█	New Steel Elements
█	New Foundation/ Concrete work
█	Existing buildings/structures
█	Demolished work
█	New Fire Protection Elements

PROJECT:
PROPOSED ADDITIONS TO DWELLING
FOR ON ERF 1336 DE KELDERS.

DESCRIPTION:
SECOND FLOOR PLAN

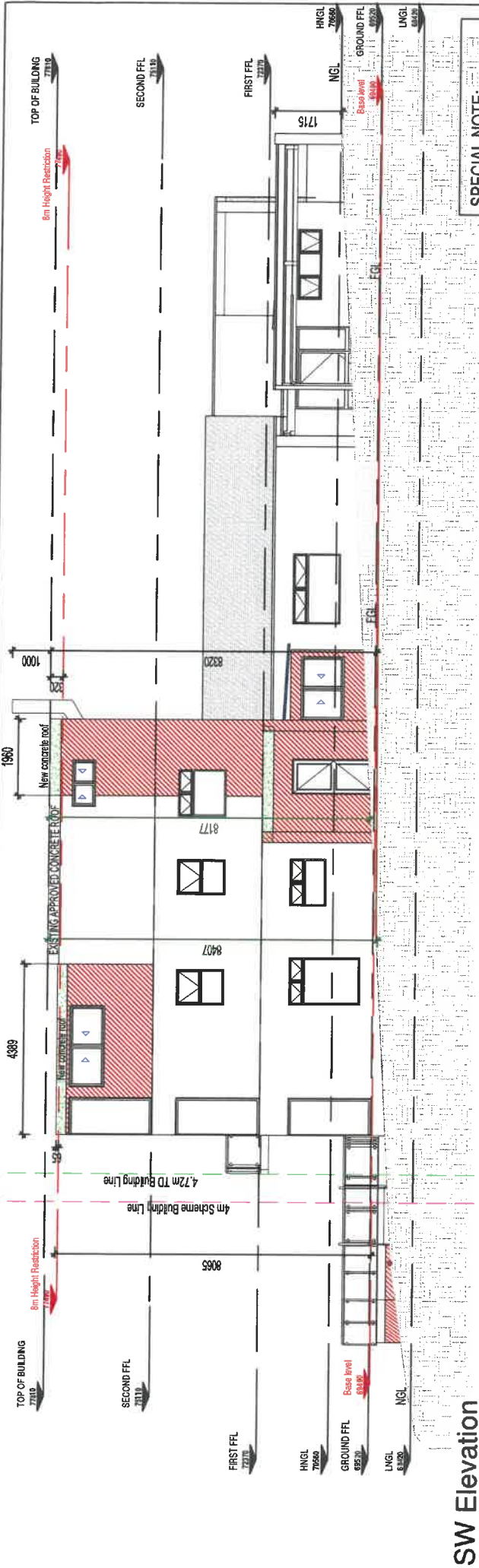
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DRAWN: Johan Gericke	SIGNATURE: <i>Johan Gericke</i>

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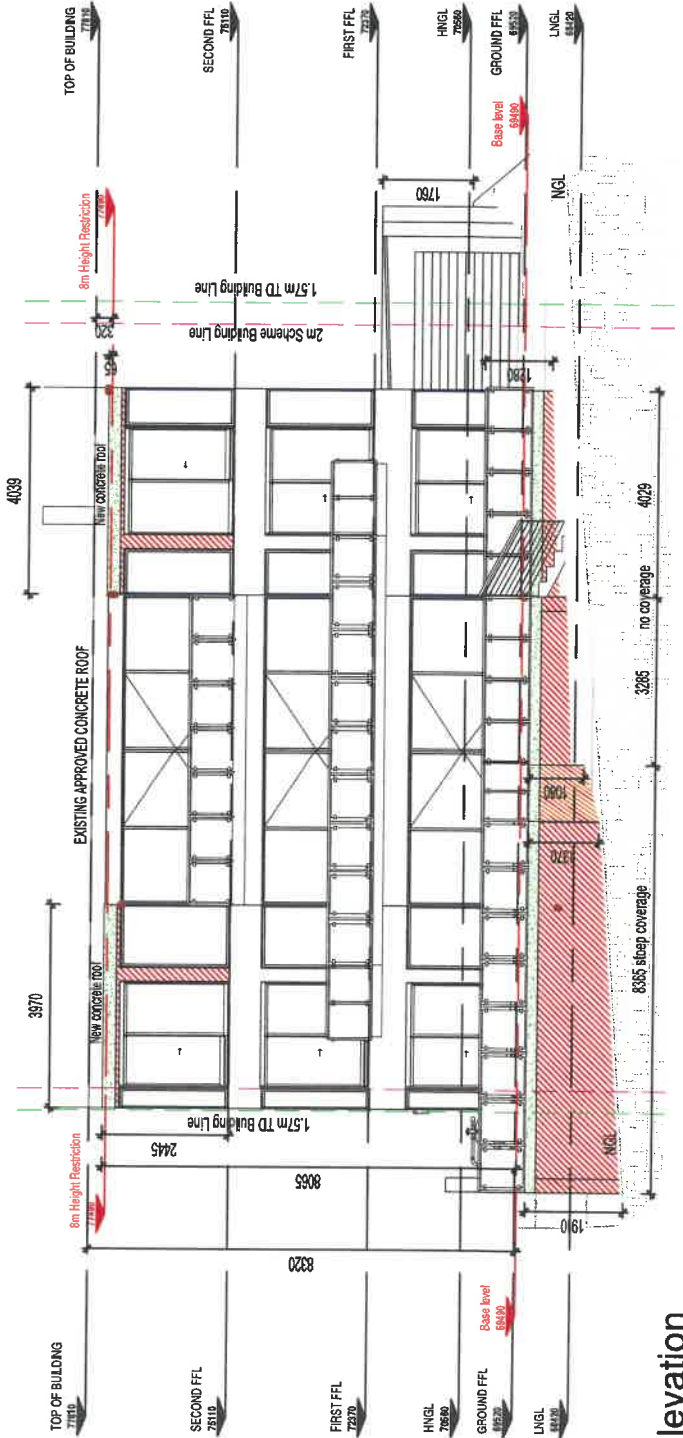
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DRAWING
Johan Gericke, Supervising Architect
15-11-2024 14:28:44 (Drawing) on 31.03.2024

SECOND FFL
1 : 100



SW Elevation

1 : 100



NW Elevation

1 : 100

SPECIAL NOTE:
All structures are existing.

PROJECT: PROPOSED ADDITIONS TO DWELLING FOR ON ERF 1336 DE KELDERS.	
DESCRIPTION: ELEVATIONS 1	SHEET FORMAT: A3
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DRAWING DATE: 11 MARCH 2024	PLOT DATE: 18-Nov-24 6:25:26 PM
DRAWN: Johan Gericke	SIGNATURE: <i>Johan Gericke</i>

ARCHITECTURE
GERICKE

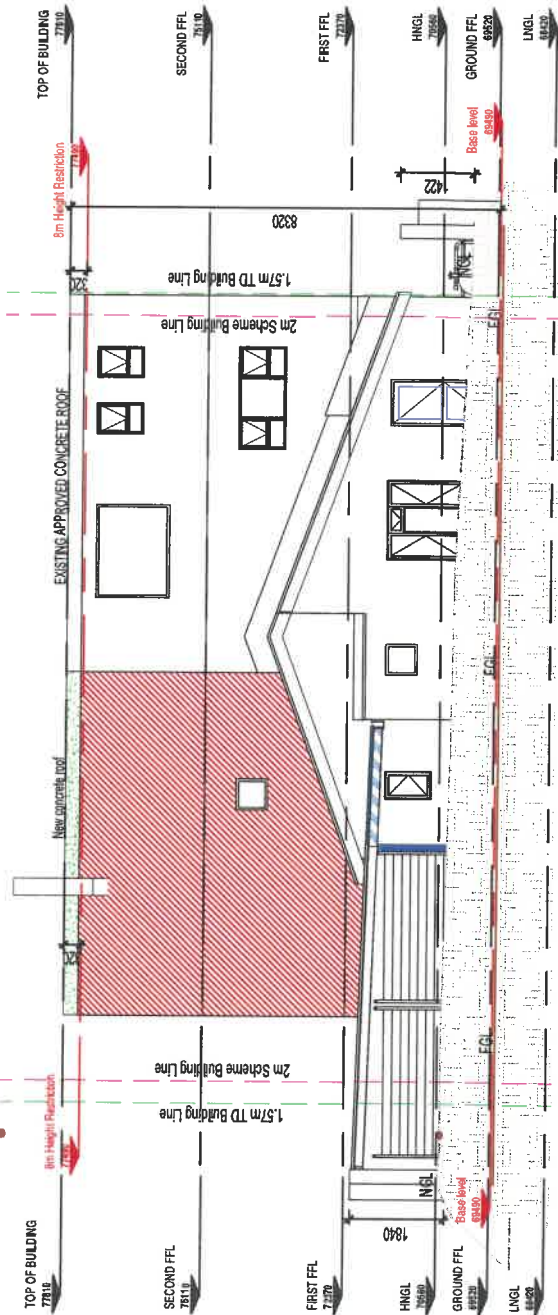
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Tel: 026 384 1659 | Fax: 082 453 8854
SACAP : D2869 Prof Arch Draught

PROFESSIONAL ARCHITECT/ENGINEER
REGISTERED PROFESSIONAL
JOHAN GERICKE ARCHITECTURE

18-81-1101 (Pretoria) 082-453-8854



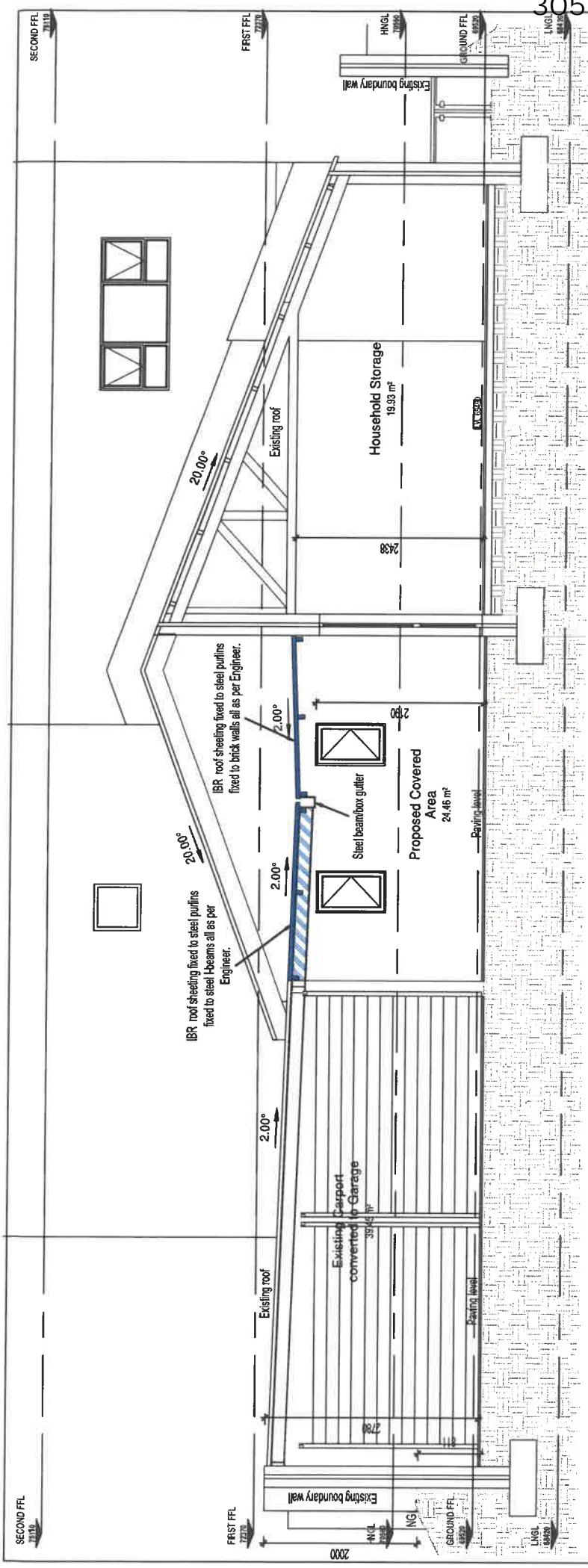
NE Elevation
1 : 100



SE Elevation
1 : 100

PROJECT: PROPOSED ADDITIONS TO DWELLING FOR ON ERF 1336 DE KELDERS.	
DESCRIPTION: ELEVATIONS 2	
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PAGE #: 8	PLOT DATE: 18-Nov-24 6:25:27 PM
DRAWING DATE: 11 MARCH 2024	SIGNATURE: <i>Johan Gericke</i>
DRAWN: Johan Gericke	
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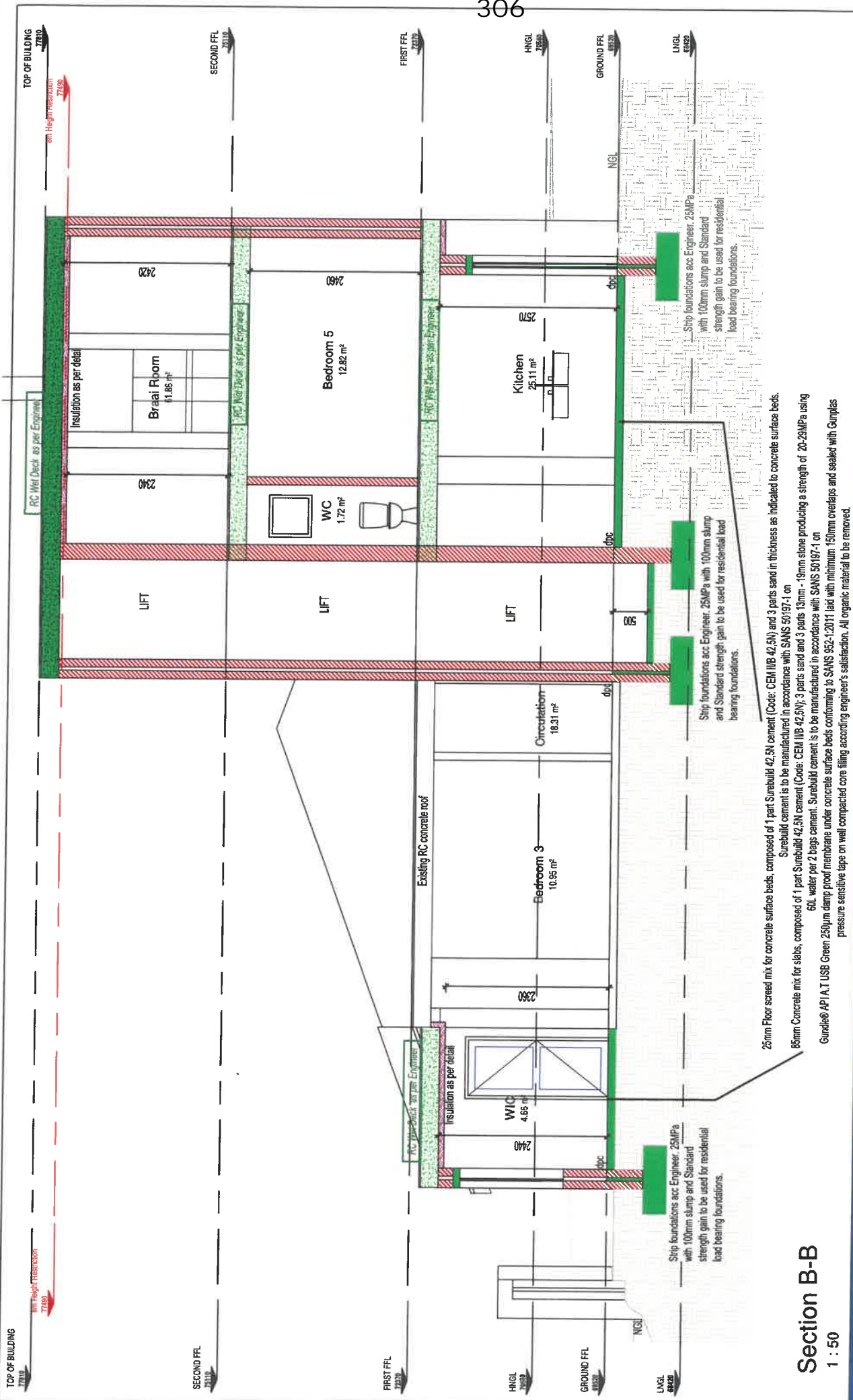


SPECIAL NOTE:
All structures are existing.

Section A-A

1 : 50

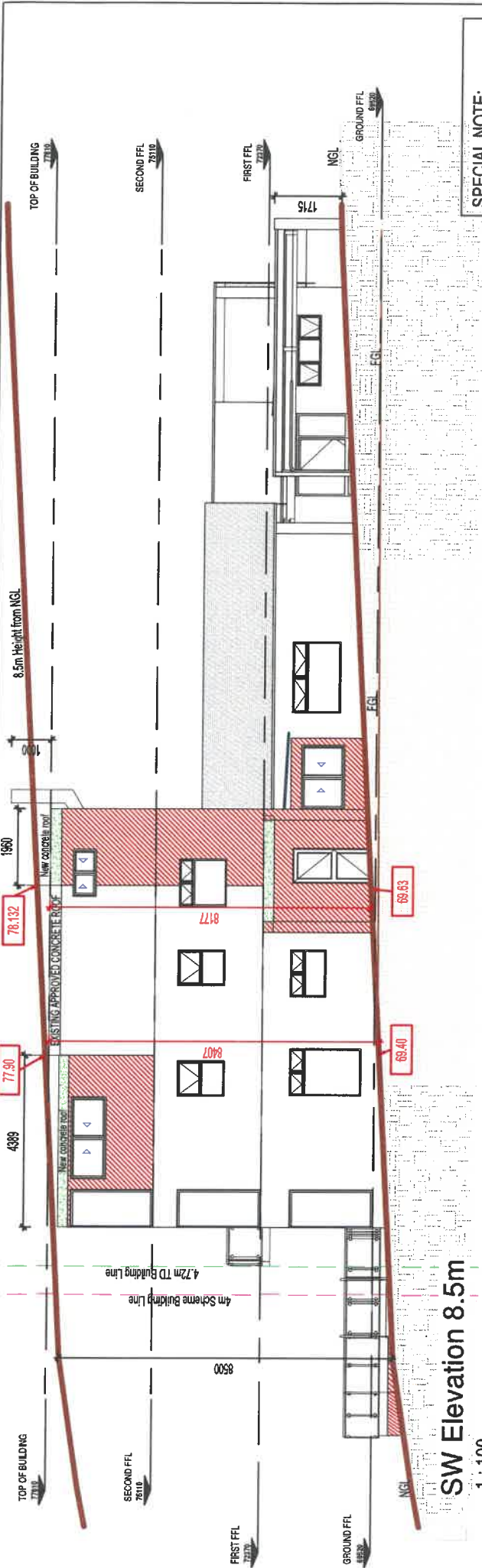
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25mm Floor screed mix for concrete surface beds, composed of 1 part Surebuild 42,5N cement (Code: CEM IIB 42,5N) and 3 parts sand in thickness as indicated to concrete surface beds.
 Surebuild cement is to be manufactured in accordance with SANS 50197-1 on
 65mm Concrete mix for slabs, composed of 1 part Surebuild 42,5N cement (Code: CEM IIB 42,5N); 3 parts sand and 3 parts 10mm - 19mm stone producing a strength of 20-25MPa using 60L water per 2 bags cement. Surebuild cement is to be manufactured in accordance with SANS 50197-1 on
 Gurdie® API A, T USB Green 250µm damp proof membrane under concrete surface beds conforming to SANS 952-1:2011 laid with minimum 150mm overlaps and sealed with Gumples pressure sensitive tape on well compacted core filling according engineer's satisfaction. All organic material to be removed.

Section B-B
1 : 50

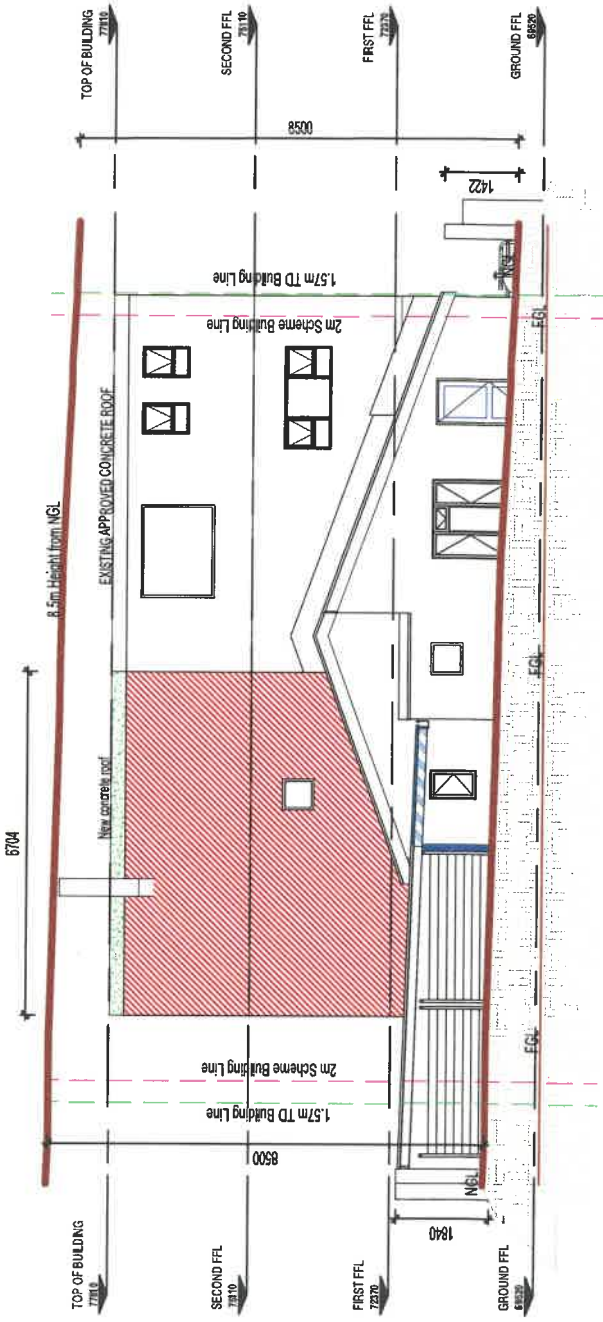
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SPECIAL NOTE:
All structures are existing.

SW Elevation 8.5m

1 : 100



SE Elevation 8.5m

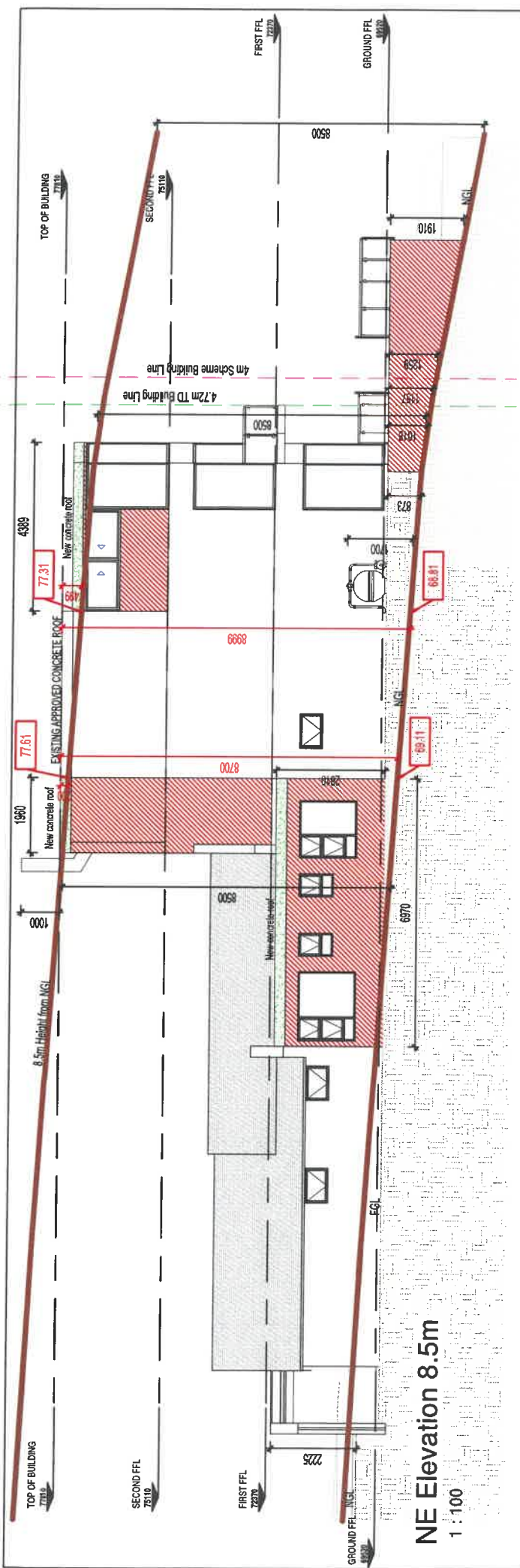
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PROJECT:
PROPOSED ADDITIONS TO DWELLING
FOR ON ERF 1336 DE KELDERS.

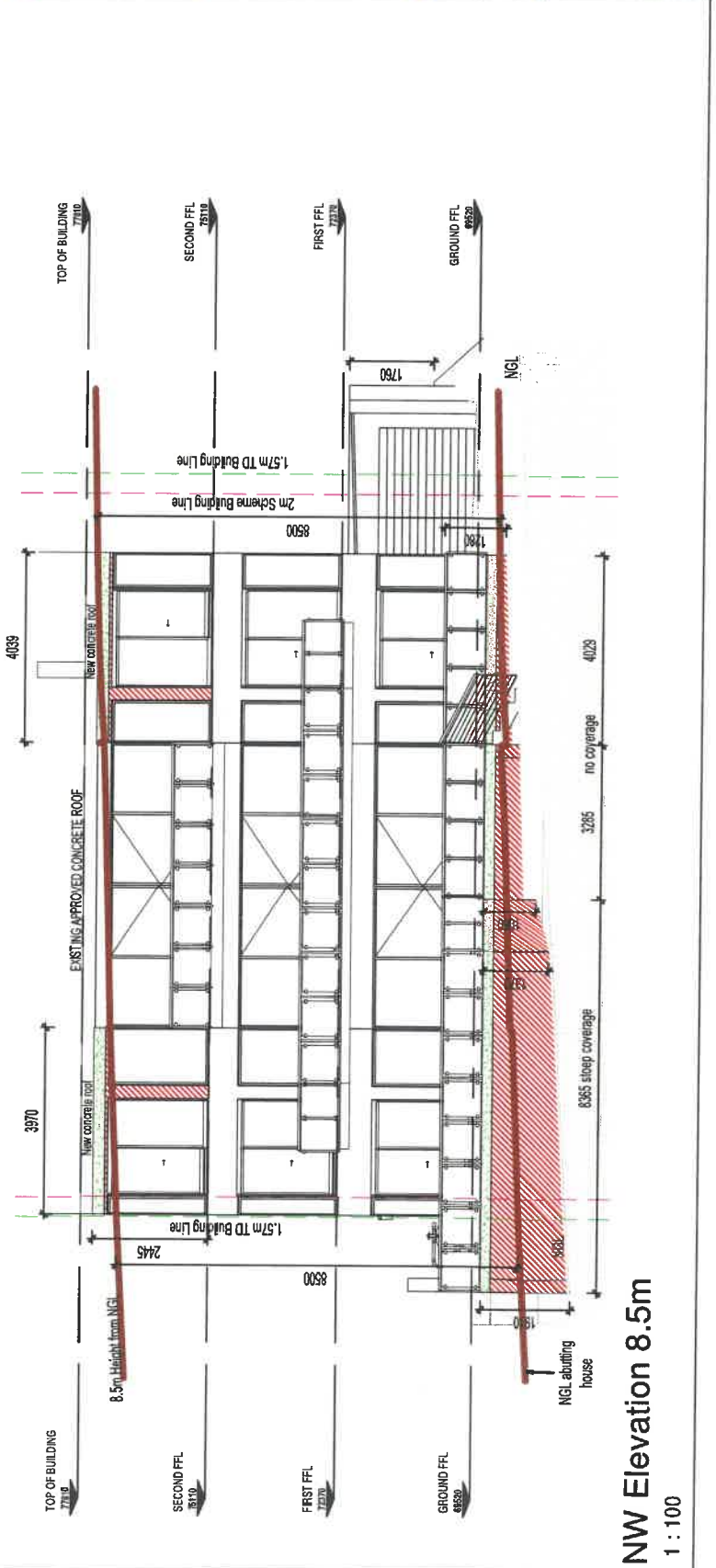
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PAGE #: 14	PLOT DATE: 18-Nov-24 6:25:32 PM
DRAWING DATE: 11 MARCH 2024	SIGNATURE: <i>Johan Gericke</i>
DRAWN: Johan Gericke	ARCHITECTURE: GERICKE
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PROFESSIONAL ARCHITECTURAL
DRAUGHTSMAN
JOHAN GERICKE
14/16 Prof Arch Draughting en LT Reg 1046



PROJECT: PROPOSED ADDITIONS TO DWELLING FOR ON ERF 1336 DE KELDERS.	
DESCRIPTION:	ELEVATIONS 2 - 8.5m
SHEET FORMAT:	OCCUPATION: H4
A3	DRAWING #: 21/NVR/24
SCALE: 1 : 100	PAGE #: 15
DRAWING DATE: 11 MARCH 2024	PLOT DATE: 18-Nov-24 6:25:33 PM
DRAWN: Johan Gericke	SIGNATURE: <i>Johan Gericke</i>



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 Tel : 028 384 1659 Sel : 082 453 8554
 SACAP : D2869 Prof Arch Draught

PROFESSIONAL ARCHITECTURAL
 DRAWING TEMPLATE
 JOHAN LOUBSER, REGISTERED ARCHITECT
 21-05-2016 (info@gericke-architecture.co.za)

HENDRIK
MALHERBE
OOSTHUIZEN

		Office fee 37,00

Prepare by me

Hendrik Malherbe Oosthuizen

Conveyancer

HENDRIK MALHERBE OOSTHUIZEN

No 78695

CERTIFICATE OF CONSOLIDATED TITLE

Issued under the provisions of Section 40(3) of the Deeds Registries Act 1937 (No. 47 of 1937)

WHEREAS

PAULINE RUTH JACOBS

Identity number 5503190093086

Widow

T 000031858 / 2021

has applied for the issue to it of a Certificate of Consolidated Title under the provisions of section 40 of the Deeds Registries Act, 1937;

AND WHEREAS she is the registered owner of:

1. ERF 451 DE KELDERS
IN THE OVERSTRAND MUNICIPALITY
CALEDON DIVISION
WESTERN CAPE PROVINCE

en

2. ERF 466 DE KELDERS
IN THE OVERSTRAND MUNICIPALITY
CALEDON DIVISION
WESTERN CAPE PROVINCE

and which have been consolidated into the land hereinafter described;

Wendy Blais
08 33 2001

GhostConvey 15.8.12.4

WIE ENKONSOLIDEERTE KYK BLAUS
FOR ENCLOSUREMENTS SEE PAGE

NOW THEREFORE, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at Cape Town do hereby certify that the said:

PAULINE RUTH JACOBS
Identity number 5503190093086
Widow

Her executors administrators or assigns is the registered owner of:

ERF 1336 DE KELDERS
 IN THE OVERSTRAND MUNICIPALITY
 CALEDON DIVISION
 WESTERN CAPE PROVINCE

Extent: 1 190 (One thousand one hundred and ninety) square metres

As will appear from diagram SG No 1973/2015 annexed hereto

- I **As regards the figure CDba on diagram SG No 1973/2015:**
- A. **SUBJECT** to such conditions as are referred to in Certificate of Township Title No. 1067/1940;
- B. **SUBJECT** to, and with the benefit of, the Servitude referred to in the endorsement dated 12 June 1939, made on Deed of Transfer No. T3733/1920 (contained in Deed of Transfer No. 12845/1971) reading as follows:-
 "Remainder
 Registration of Servitude
 By Deeds of Transfer No. 5993 gated 12/6/1939, No. 12705 dated 17/11/1939, No. 13657 dated 14/12/1939, certain restrictions over the land thereby conveyed including grazing, water rights, trading and fishing, have been imposed in favour of and against the Remainder held hereunder as will more fully appear on reference to the said Deeds of Transfer."
- C. **ENTITLED** to the benefit of the terms of the endorsement dated 20 February 1941, on Certificate of Township Title No. 1067/1940, relating to certain restrictions including the lighting of fires, right of access for the laying down of wires, repair of pipeline, water rights, and conditions regarding buildings etc.
- D. **SUBJECT** to the Servitude of Water Rights referred to in the endorsement dated 8 October 1974 on Certificate of Township Title No. 1067/1940, reading as follows:-
 "Restant"
 Serwituut van Waterregte gesedeer aan die Afdelingsraad van Caledon deur Akte van Sessie Nr.K659/74S gedateer 8ste Oktober 1974."

E. SUBJECT to and with the benefit of the following conditions contained in Deed of Transfer No T27638/1982, imposed and enforceable by De Kelders Syndicate Limited for its own benefit as owner of the remainder of the land described in Deed of Transfer No. 1255 dated 25/02/1935, Deed of Transfer No. 3733 dated 20/03/1920, Deed of Transfer No. T27638/1982, and Certificate of Township Title No. 1067/1940, and for the benefit of the future owners thereof, or any part thereof, all of them either jointly or singly shall be entitled to enforce such conditions, namely:-

1. No fires shall be lighted on unoccupied spaces within the boundary of lots hereby sold, save by or with the written sanction of the Transferor.
2. The Transferor reserves to itself the right at any time hereafter to the free and undisturbed passage of electric, telegraph or telephone wires over and upon any portion of the above lot with further right of causing them to be affixed to any building or erection not less than Three comma naught Five (3.05) metres from the ground with access at any time to such wires for the purpose of removal or maintenance.
3. The Transferor reserves to itself as owner of any unsold lots in the township and as owner of any land held by it Deed of Transfer No. 3733/1920, the sole and exclusive right to the use of all water rising on or flowing over the said lots or erven, and also to any water to which such lots or erven may be entitled as riparian property or by servitude or agreement, and the Transferee and his successors in the title shall not be entitled to any such water, and the Transferee is hereby deprived of any rights to water as owner of land riparian to any stream flowing over or under the land.
4. That the Transferor reserves to itself and its successors in title the right of free access at all reasonable times to his erf for the purpose of maintaining and repairing piping under any portion of the above erven, together with the right to do all such acts and things on the said land as may be necessary or desirable for the convenience of the inhabitants of this and other erven in the township and to administer such water supply until a Local Authority is established for the township, together with the right to discontinue the supply of water to the abovementioned erven in the event of the refusal of the Transferee or any successors of his to pay such charges for the supply of water as the Transferor shall levy with the approval of the Administrator, or to prevent unnecessary waste of water.
5. That there shall not be erected on any portion of the above lots or any building, the plans and specifications of which have not, prior to the commencement of building operations, been submitted to and approved by the Transferor by writing.

F. SUBJECT to the following conditions, contained in the said Deed of Transfer No. T27638/1982 imposed by the Administrator in Terms of the provisions of Ordinance 33 of 1934, when approving the Township:-

AS BEING IN FAVOUR OF THE REGISTERED OWNER OF EACH ERF IN THE TOWNSHIP:

- (a) That this erf be used for residential purposes only,
- (b) That not more than half the area of this erf be built upon,

- (c) That not more than one dwelling, together with necessary outbuildings and appurtenances be erected on this erf,
- (d) That no building shall be erected within Four comma Seven Two (4,72) metres of any street line which forms a boundary of this erf or within One Comma Five Seven (1,57) metres of the boundary of any adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one erf under consolidated title.

AS BEING IN FAVOUR OF THE ADMINISTRATOR:

- (e) That this erf shall not be subdivided except with the consent in writing of the Administrator.

AS BEING IN FAVOUR OF THE ANY LOCAL AUTHORITY THAT MAY HEREAFTER BE CONSTITUTED FOR THE TOWNSHIP:

- (f) That the owner of this erf, whether the applicant for the establishment of the township or any future owner, shall be obliged to allow the drainage and sewerage of any erf or erven to be conveyed over such erf if deemed necessary by the local authority that may hereafter be constituted for the township and in such manner and in such position as may from time to time be reasonably required by that authority.
- (g) That the owner of this erf, whether the applicant for the establishment of the township or any future owner, shall be obliged without compensation to remove any septic tank installed after one month's notice has been given by local authority that may hereafter be constituted for the township.

II As regards the figure ABab on diagram SG No 1973/2015:

- A. **SUBJECT** to such conditions as are referred to in Certificate of Township Title No. 1067/1940;
- B. **SUBJECT** to, and with the benefit of, the Servitude referred to in the endorsement dated 12 June 1939, made on Deed of Transfer No. T3733/1920 (*contained in Deed of Transfer No. 12845/1971*) reading as follows:-
"Remainder
Registration of Servitude

By Deeds of Transfer No. 5993 dated 12/6/1939, No. 12705 dated 17/11/1939, No. 13657 dated 14/12/1939, certain restrictions over the land thereby conveyed including grazing, water rights, trading and fishing, have been imposed in favour of and against the Remainder held hereunder as will more fully appear on reference to the said Deeds of Transfer."

W

- C. ENTITLED** to the benefit of the terms of the endorsement dated 20 February 1941, on Certificate of Township Title No. 1067/1940, relating to certain restrictions including the lighting of fires, right of access for the laying down of wires, repair of pipeline, water rights, and conditions regarding buildings etc.
- D. SUBJECT** to and with the benefit of the following conditions imposed and enforceable by De Kelders Syndicate Limited for its own benefit as owner of the remainder of the land described in Deed of Transfer No. 1255 dated 25/02/1935, Deed of Transfer No. 3733 dated 20/03/1920, Deed of Transfer No. T27638/1982, and Certificate of Township Title No. 1067/1940, and for the benefit of the future owners thereof, or any part thereof, all of them either jointly or singly shall be entitled to enforce such conditions, together with the conditions imposed by the Administrator in terms of his approval of the application of the establishment of the Township, contained in Deed of Transfer No.12645/1971,namely:-
1. No fires shall be lighted on unoccupied spaces within the boundary of lots hereby sold, save by or with the written sanction of the Transferor.
 2. The Transferor reserves to itself the right at any time hereafter to the free and undisturbed passage of electric, telegraph or telephone wires over and upon any portion of the above lot with further right of causing them to be affixed to any building or erection not less than Three comma naught Five (3.05) metres from the ground with access at any time to such wires for the purpose of removal or maintenance.
 3. The Transferor reserves to itself as owner of any unsold lots in the township and as owner of any land held by it Deed of Transfer No. 3733/1920, the sole and exclusive right to the use of all water rising on or flowing over the said lots or erven, and also to any water to which such lots or erven may be entitled as riparian property or by servitude or agreement, and the Transferee and his successors in the title shall not be entitled to any such water, and the Transferee is hereby deprived of any rights to water as owner of land riparian to any stream flowing over or under the land.
 4. That the Transferor reserves to itself and its successors in title the right of free access at all reasonable times to his erf for the purpose of maintaining and repairing piping under any portion of the above erven, together with the right to do all such acts and things on the said land as may be necessary or desirable for the convenience of the inhabitants of this and other erven in the township and to administer such water supply until a Local Authority is established for the township, together with the right to discontinue the supply of water to the abovementioned erven in the event of the refusal of the Transferee or any successors of his to pay such charges for the supply of water as the Transferor shall levy with the approval of the Administrator, or to prevent unnecessary waste of water.
 5. That there shall not be erected on any portion of the above lots or any building, the plans and specifications of which have not, prior to the commencement of building operations, been submitted to and approved by the Transferor by writing.

- E. **SUBJECT** to the following conditions mentioned in Deed of Transfer No T52958/1984 imposed by the Administrator in Terms of the provisions of Ordinance 33 of 1934, when approving the Township:-

AS BEING IN FAVOUR OF THE REGISTERED OWNER OF EACH ERF IN THE TOWNSHIP;

- (a) That this erf be used for residential purposes only,
- (b) That not more than half the area of this erf be built upon,
- (c) That not more than one dwelling, together with necessary outbuildings and appurtenances be erected on this erf,
- (d) That no building shall be erected within Four comma Seven Two (4,72) metres of any street line which forms a boundary of this erf or within One Comma Five Seven (1,57) metres of the boundary of any adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one erf under consolidated title.

AS BEING IN FAVOUR OF THE ADMINISTRATOR:

- (e) That this erf shall not be subdivided except with the consent in writing of the Administrator.

AS BEING IN FAVOUR OF THE ANY LOCAL AUTHORITY THAT MAY HEREAFTER BE CONSTITUTED FOR THE TOWNSHIP:

- (f) That the owner of this erf, whether the applicant for the establishment of the township or any future owner, shall be obliged to allow the drainage and sewerage of any erf or erven to be conveyed over such erf if deemed necessary by the local authority that may hereafter be constituted for the township and in such manner and in such position as may from time to time be reasonably required by that authority.
- (g) That the owner of this erf, whether the applicant for the establishment of the township or any future owner, shall be obliged without compensation to remove any septic tank installed after one month's notice has been given by local authority that may hereafter be constituted for the township.

- F. **SUBJECT** to the following endorsement on Deed of Transfer No T21561/1994, which reads as follows:

" By virtue of Notarial Deed of Servitude NoK275/2015S dated 3 February 2015 the within property is subject to a servitude right of way as depicted on the annexed diagram SG No 2779/2014 by the figure ABCD, 12square metres wide, over erf 465 De Kelders, extent 595 square metres, held by Deed of Transfer No T75531/2002.

A will more fully appear from the said notarial deed.

And that by virtue of these presents the said

PAULINE RUTH JACOBS,
Widow

Her executors, administrators or assigns

Now is and henceforth shall be entitled thereto, conformably to local custom, the State however, reserving its rights.

In witness whereof I, the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town on
01 / 07 / 2021.



Registrar of Deeds



Names for the transferee, and Condition F (Page 6)

1. Paulene

2 Condition to F to read "The within property is entitled to"

BC 000003165 / 2023

06 FEB 2023

[Handwritten signature]

04 FEB 2025

TP- A Theart
(S vld Merwe)

Alida Conradie

1336 GDK

From: Wendy retief <tsarariaka@gmail.com>
Sent: Monday, 03 February 2025 18:08
To: Loretta Gillion
Subject: Objection erf 1336

I object to this kind of building as too many building regulations were ignored. This can lead to more people getting away with dishonesty and then merely paying a fine and getting away with it as money is not an issue with this type of person.

It is also unsightly as it is too big for the property and should never be passed by the building inspectors.

In our opinion it should be demolished to conform to all the building regulations.

Mrs W Retief
17 Beyers Street
De Kelders
7200
0834583898
tsarariaka@gmail.com

FILE NO. Erf 1336 - GDK
SCAN NO.
COLLABORATOR NO.
2601737



TOWN & REGIONAL PLANNERS
STADS-EN STREEKSBEPLANNERS

ANNEXURE F 1/2

PO Box / Posbus 296

HERMANUS

7200

Tel: (028) 313 1673

Fax / Faks: (028) 312 1351

Email:

planactive@hermanus.co.za

za

Website:

www.planactive.co.za

Our reference: PA24044/ML

Your reference: 1336 GDK

18 June 2025

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY
P.O. BOX 20
HERMANUS
7200

FOR ATTENTION: MR SCHALK VAN DER MERWE

Sir

PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY, DEPARTURE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: ERF 1336 DE KELDERS

- P.R. JACOBS

Reference is made to your email dated 7 May 2025 with objection attached thereto.

One objection was received from Mrs W. Retief per email dated 3 February 2025. The following serves as a formal response to the objection submitted by Mrs W. Retief regarding the land use application for Erf 1336 De Kelders.

1. Concerns relating to non-compliance with building regulations

The objector notes that several building regulations were allegedly ignored, expressing concern over potential precedent-setting and a perception of regulatory leniency. It is acknowledged that certain structures were erected without prior formal approval. Accordingly, the applicant has submitted a formal application in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. The purpose of these applications is to ensure that the property is brought into compliance through the correct legal mechanisms, rather than evading accountability. The processes invoked are legally sanctioned and align with municipal and provincial planning frameworks.

2. Concerns regarding enforcement and potential for misuse

The objection raises a concern that financially capable individuals may sidestep the rules and that mere penalties are insufficient deterrents. It is submitted that the administrative penalty procedure is specifically intended as a corrective planning tool, not a punitive one. It ensures that unlawful developments are addressed through formal evaluation, including public participation and technical assessment.

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr. 10908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

This application allows for the full scope of the existing development to be assessed against municipal policies, engineering standards, spatial planning principles, and the rights of surrounding property owners.

3. Allegations of unsightliness and scale of the development

The objector describes the development as “unsightly” and “too big.” It is submitted that the departures sought are within reason and relate to specific elements including:

- Minor building line encroachments to accommodate structural elements such as the stoep, garage conversions, and internal alterations.
- Height departures limited to small deviations (e.g., 8.065m–8.32m for the roof, and 9.32m to include a chimney flue), which are assessed against the character and scale of surrounding properties.
- Consideration of natural ground level (NGL) and site slope in height measurement has been factored in.

Visual and spatial impacts are subject to professional scrutiny and must meet the Municipality’s criteria. The application aims to legitimize the current structure through legal and policy-aligned processes.

4. Request for demolition

The objector suggests that the building should be demolished to comply with all regulations. It is respectfully submitted that demolition is not warranted in this instance, as the land use planning framework provides for remedial mechanisms through administrative penalties, departures and title deed amendments, where justified. The current application is made in good faith to rectify past transgressions and bring the property into alignment with municipal planning policies.

To conclude, the objection has been noted and addressed in terms of its core concerns. The applicant is committed to regularizing the As Built structures in compliance with applicable legislation and through a transparent process. It is respectfully requested that the Overstrand Municipality consider the merits of the application in light of planning principles, contextual appropriateness, and public input received.

Yours faithfully



M. LERM Pr. PIn. (A/158/2009)
PLAN ACTIVE

COMMENTS FROM THE PROJECT MANAGEMENT DIVISION FOR APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: ERF 1336, DE KELDERS (4739/2024)

Electricity	:	Refer to Conditions
Water	:	Refer to Conditions
Sewer	:	Refer to Conditions
Stormwater	:	Refer to Conditions
Roads and traffic	:	Refer to Conditions

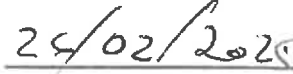
Conditions:

1. that the existing water connection to- and sewer conservancy tank on Erf 1336 shall be used to service Erf 1336;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Principal Technologist: Gansbaai for written approval;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;

- 8. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.



**RICARDO ANDREW
PRINCIPAL TECHNOLOGIST:
DEVELOPMENT CONTROL**



DATE

Levels in red represent existing ground levels and not natural ground levels.

Please note:
Erf dimensions are according to beacons found and previous survey record SRE 1384/2014 and not according to original erf diagram.

Note

Contours represent Natural Ground Levels.

Height restriction calculation
 Lowest Natural Ground Level of house : 68.42m
 Highest Natural Ground Level of house : 70.56m
 Baselevel : 69.49m
 + allowable building height : 6.00m
 Building height restriction : 77.49m
 Parapet height : 77.81m
 Enchroachment : 0.32m

Beacon Certificate

Beacon Description:
 A,B,C ... 12mm Iron peg
 D Drill Hole in paving
 Benchmark Description
 BM1 ... Roofing Screw in Paving
 BM2 ... Roofing Screw in Tar

Nico van Rensburg
 L A van Dyk PLS 1069
 Professional Land Surveyor

Nico van Rensburg

VAN DYK & ASS. inc.

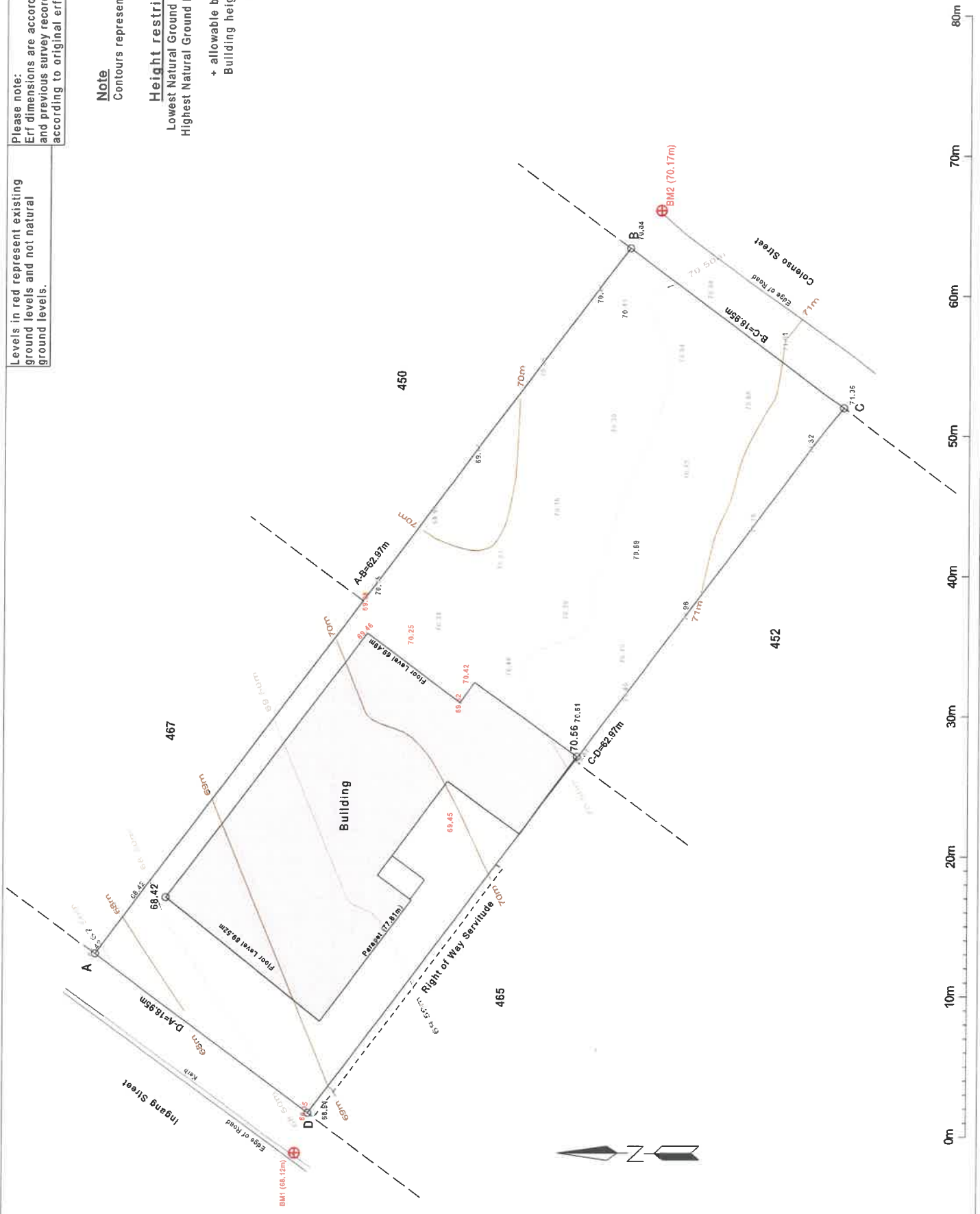
P.O. Box 2025
 HERMANUS
 7200
 SOUTH AFRICA
 VAN DYK & ASS. inc.
 TEL. (028) 313 0077
 info@vandyksurvey.co.za

SYSTEM: WGS 84 (Lo 19)
 HEIGHT SYSTEM: Local
 SCALE: 1 : 250
 DATE: January 2023

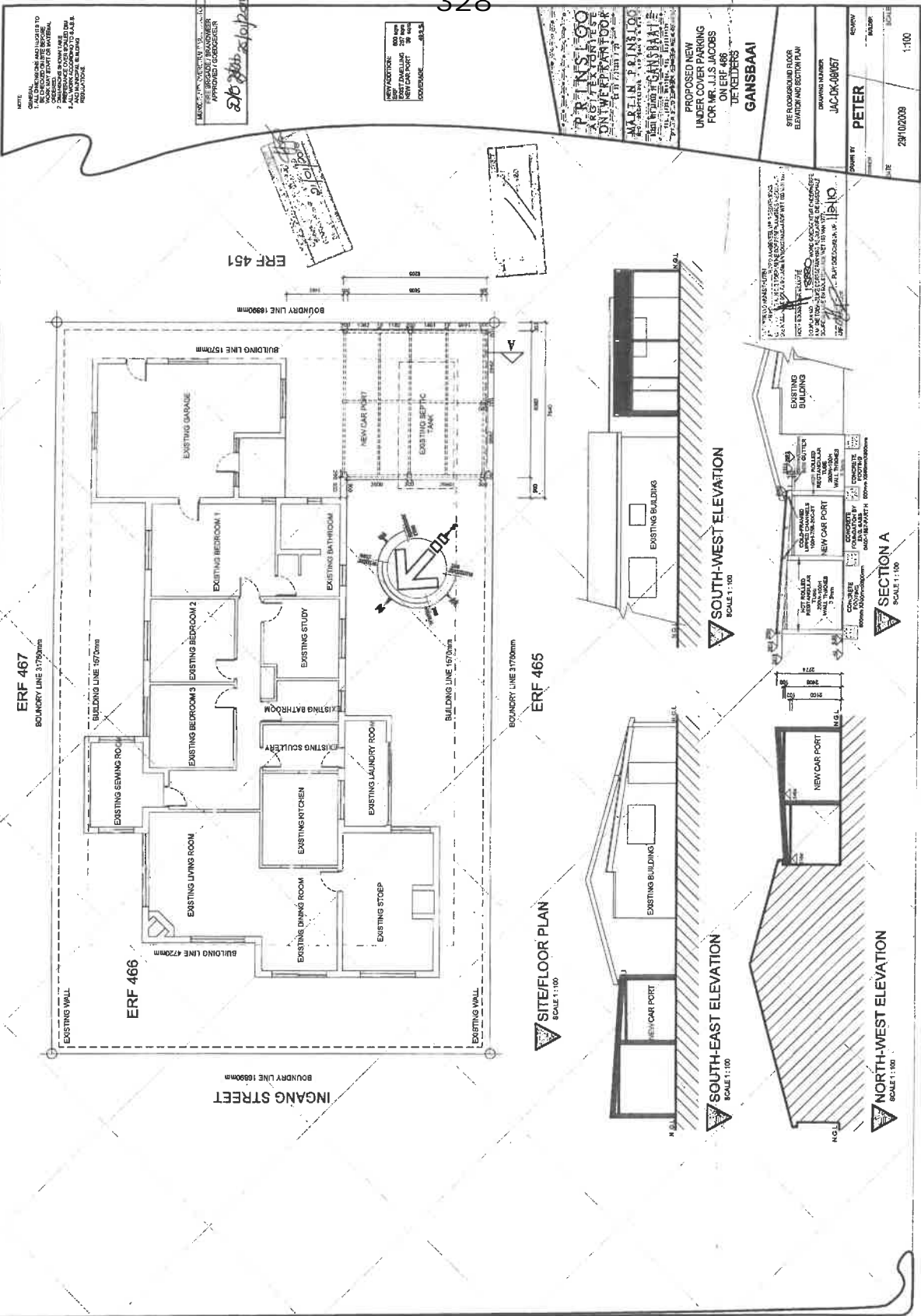
Project Title:
 ERF 1336
 DE KELDERS

Title:
 AS BUILT AND
 HEIGHT CERTIFICATE
 SURVEY

Project Number:	V20044
Drawing No.:	DWF
Vol.:	1
Sheet:	1 of 1



Approved Building Plans 2010



ERF 467
BOUNDARY LINE 31750mm

BOUNDARY LINE 1570mm

ERF 466
BOUNDARY LINE 4720mm

BOUNDARY LINE 1880mm
INGANG STREET

BOUNDARY LINE 1880mm

ERF 451

BOUNDARY LINE 31750mm

ERF 465

SITE/FLOOR PLAN
SCALE 1:100

SOUTH-EAST ELEVATION
SCALE 1:100

SOUTH-WEST ELEVATION
SCALE 1:100

NORTH-WEST ELEVATION
SCALE 1:100

SECTION A
SCALE 1:100

NOTES:
GENERAL:
1. ALL DIMENSIONS AND NOTICES TO BE SHOWN ON THIS PLAN.
2. WORK TO BE DONE BY CONTRACTOR TO BE SHOWN ON THIS PLAN.
3. ALL DIMENSIONS TO BE SHOWN ON THIS PLAN.
4. ALL DIMENSIONS TO BE SHOWN ON THIS PLAN.
5. ALL DIMENSIONS TO BE SHOWN ON THIS PLAN.
6. ALL DIMENSIONS TO BE SHOWN ON THIS PLAN.
7. ALL DIMENSIONS TO BE SHOWN ON THIS PLAN.
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10. ALL DIMENSIONS TO BE SHOWN ON THIS PLAN.

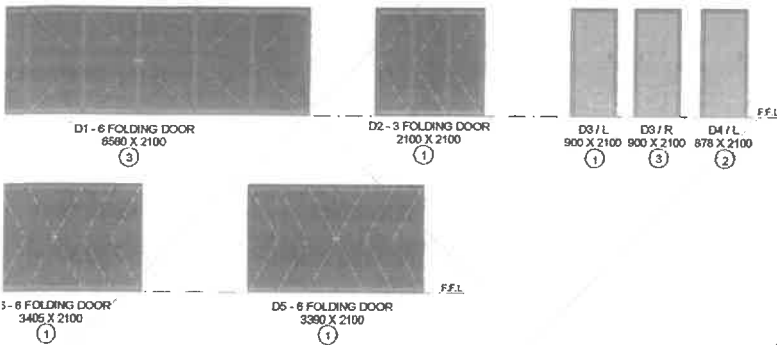
ERF 451
2/2/2010
2/2/2010

NEW FOOTING
NEW WALLING
NEW CAR PORT
DOORWAY

PROPOSED NEW
UNDER COVER PARKING
FOR MR. J.S. JACOBS
DE REINERS
GANSBAAI

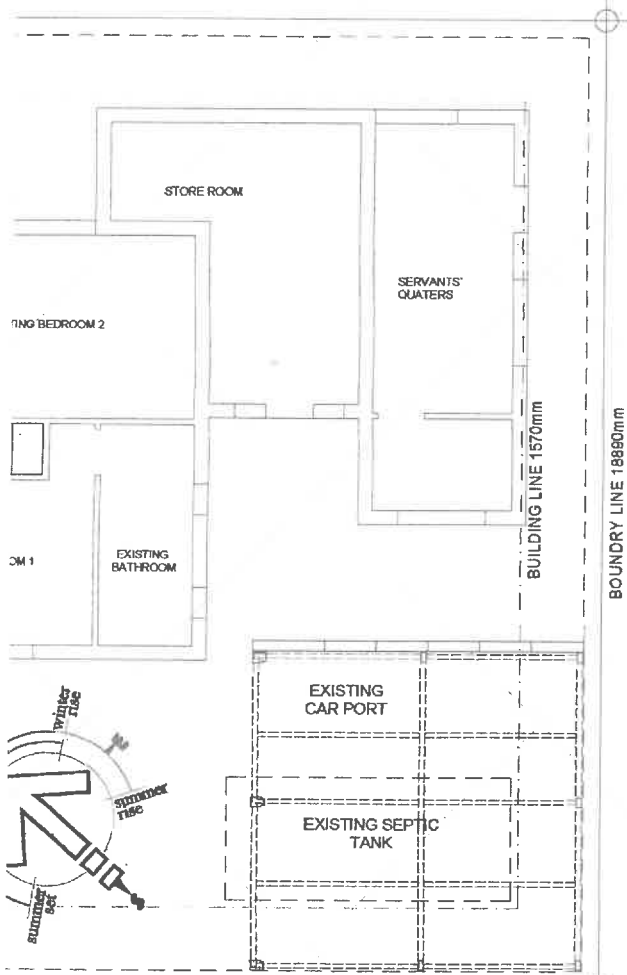
PRINSLIOO
ARGITEKTORE
ONTWERPERS
MARTIN PRINSLIOO
GANSBAAI

DATE: 29/10/2009
SCALE: 1:100
DRAWN BY: PETER
CHECKED BY: JAC. DE KROM
PROJECT: 29/10/2009



DOOR SCHEDULE
SCALE 1 : 100

**HOOGTEBEPERKINGS-
LEEGHT RESTRIKSIES:**
Gedeelte van hierdie gebou mag hoër wees as 8,5m vanaf die natuurlike grondvlak. No portion of this building may exceed 8,5m measured from natural ground level.
GANSBAAI ADMINISTRASIE
GANSBAAI ADMINISTRASIE



ELECTRICAL KEY

- ⊖ LIGHT SWITCH (SINGLE)
- ⊖ TWO WAY LIGHT SWITCH
- ⊖ TREE WAY LIGHT SWITCH
- ⊖ LIGHT SWITCH (DOUBLE)
- ⊖ DIMMER LIGHT SWITCH
- ⊖ ELECTRIC PLUG - SINGLE
- ⊖ ELECTRIC PLUG - DOUBLE
- ⊖ SHAFER & HAIRDRYER PLUG
- ⊖ CEILING LIGHT
- ⊖ 1.2m NEON LIGHT
- ⊖ WALL LIGHT (INSIDE)
- ⊖ WALL LIGHT (OUTSIDE)
- ⊖ WALL LIGHT (OUTSIDE UP)
- ⊖ WALL LIGHT (HEAD RESIST)
- ⊖ 12V DOWNLIGHTER
- ⊖ 12V AUTO SWITCH
- ⊖ 12V FOOT LIGHTS
- ⊖ EXTRACTOR FAN
- ⊖ STAIR LIGHT
- ⊖ MAIN SWITCHBOARD
- ⊖ 150 L WARM WATER CILINDER
- ⊖ HEATED TOWEL RAIL
- ⊖ AIRCON UNITS
- ⊖ T.V. JACK
- ⊖ WATERTIGHT ELECTRIC PLUG

NOTE:
GENERAL:
1. ALL DIMENSIONS AND HEIGHTS TO BE CHECKED ON SITE BEFORE WORK MAY START ON MATERIAL ORDERED.
2. CONSTRUCTION TO COMMENCE WITHIN 30 DAYS OF ISSUE OF THIS DRAWING.
3. ALL WORK ACCORDING TO S.A.S. AND MANUFACTURER'S INSTRUCTIONS.
4. THE DESIGNER'S SHOWING ON THIS DRAWING IS FOR INFORMATION ONLY AND MAY NOT BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

SUB-STRUCTURE:
1. 150mm CONCRETE STRIP FOUND., DIMENSIONS AS SHOWN.
2. FOUNDATIONS NOT LESS THAN 300mm UNDER GROUND LEVEL.
3. FLOOR FINISH ON 30mm COVERED ON 150mm CONCRETE SLAB ON S.A.S. APPLIED FAL ON 30mm SAND ON WELL COMPACTED HARDCORE.
5. S.A.S. APPROVED D.P.C. UNDER ALL WALLS.

MAIN STRUCTURE:
1. BRICKS ACCORDING TO OWNERS CHOICE.
2. 270mm CAVITY WALLS PLASTERED AND PAINTED INSIDE AND OUTSIDE.
3. 110mm WALLS PLASTERED & PAINTED.
4. HORIZONTAL AND VERTICAL D.P.C. AROUND ALL OPENINGS.
5. WALL TILES AS BY OWNERS CHOICE TO PLASTER WITH APPROVED TILE CROUT.
6. PRESTRESSED LINTELS OVER ALL OPENINGS.
7. 6mm WINDOW GLASS FOR PANELS GREATER THAN 0.75m² OR 1.5m² FOR PANELS GREATER THAN 1.5m².
8. SAFETY GLASS FOR ALL DOORS.

ROOF CONSTRUCTION:
1. SEE SECTIONS FOR DETAILS.
PLUMBING:
1. 110mm DIA. SEAMLESS ALUM. CUTTERS & DRAIN PIPES TO FALL 1:40.
2. I.E. AT EVERY JUNCTION.
3. A VENT AT THE HIGHEST POINT OF THE SYSTEM.
4. R.I.E. AT THE BEGINNING OF THE SYSTEM AND AT EVERY CHANGE OF DIRECTION.
5. MIN. DEPTH OF SYSTEM = 450mm.

NEW ADDITION :

NEW GROUND FLOOR:	12sqm
NEW FIRST FLOOR:	110sqm
NEW FF BALCONY:	17sqm
NEW SECOND FLOOR:	61sqm
NEW SF BALCONY:	51sqm
TOTAL NEW:	251sqm
EXISTING DWELLING	227sqm
EXISTING CAR PORT	41sqm
ERF AREA	598sqm
FOOTPRINT	268sqm
COVERAGE	44.81%

PRINSLOO
ARGITEKTONIESE
ONTWERPKANTOOR
CE. 95 / 11206 / 23

MARTIN PRINSLOO
W. O. 021 4011900 / 021 4011901
DIEKIE UITS. STR. 22 GANSBAAI 7210
TEL: (021) 4011900, FAX: 0744372415
PABS (021) 4011917
prins_loo@ialekom.co.za

PROPOSED
ADDITION FOR
MR. J. J. JACOBS
ON ERF 466
DE KELDERS

GANSBAAI

SITE & GROUND STOREY PLAN &
DOOR SCHEDULE

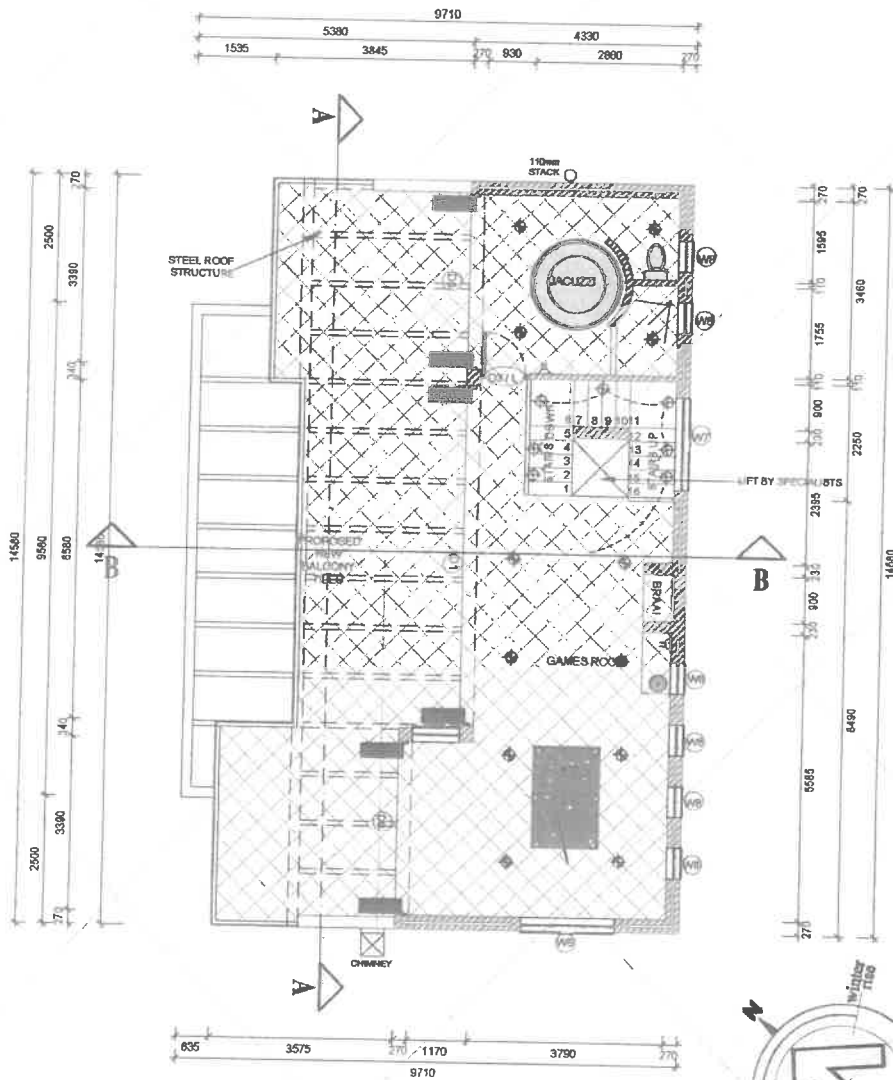
DRAWING NUMBER
JAC-DK-12/002 1 OF 4

DRAWN BY EVELINE TALJAARD 8833753282	REVIEW
OWNER	BUILDER
DATE 08/02/2012	SCALE AS SHOWN

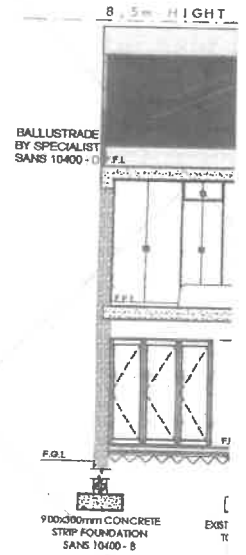
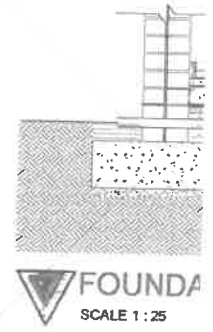
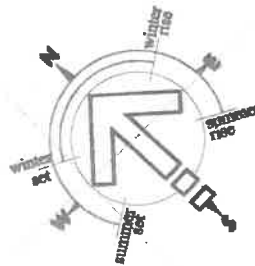
MUNICIPALITY OVERSTRAND MUNISIPALITEIT
EIRE BRIGADE / BRANDWERER
APPROVED / GOEDGEMOED
16-05-2012

2012/11/11
WED. P. DE VRIES
21/5/12

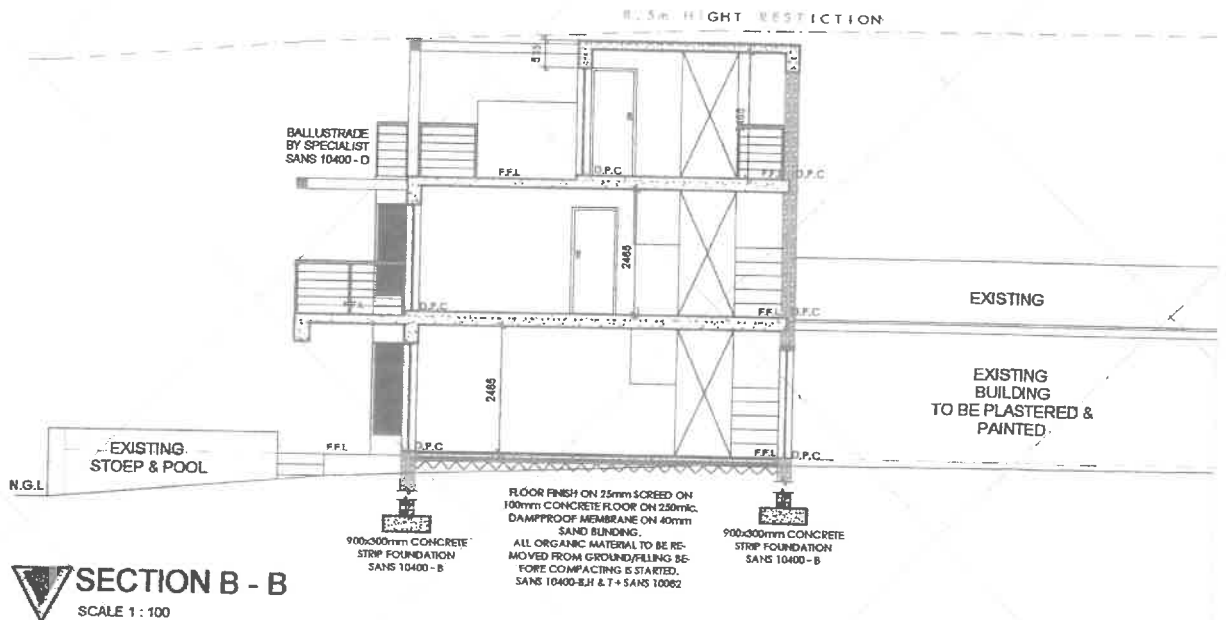
**READ IN CONJUNCTION WITH
JAC-DK-12/002 - 2,3, & 4**



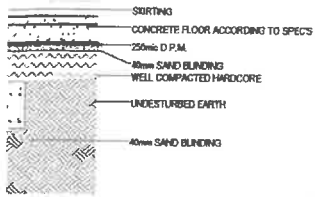
SECOND STOREY PLAN
SCALE 1:100



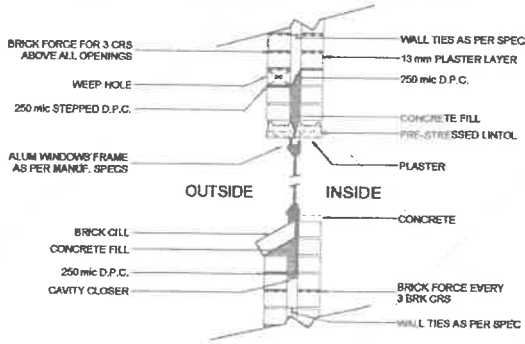
SECTION
SCALE 1:100



SECTION B - B
SCALE 1:100



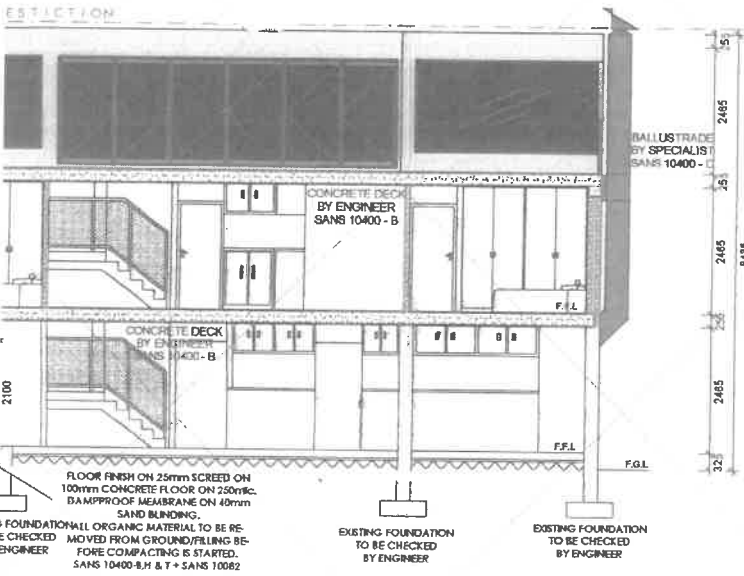
FOUNDATION DETAIL



WALL DETAIL SCALE 1:25

NOTE:
GENERAL:
1. ALL DIMENSIONS AND HEIGHTS TO BE CHECKED ON SITE BEFORE WORK MAY START OR MATERIAL ORDERED.
2. DIMENSIONS SHOWN TAKE PREFERENCE OVER SCALED DIMENSIONS.
3. ALL WORK ACCORDING TO SANS AND MUNICIPAL BUILDING REGULATIONS.
4. THE DESIGNER WORK SHOWN ON THIS DRAWING IS COPYRIGHT, AND MAY NOT BE USED, COPIED OR REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

HOOGETSEPERKINGS HEIGHT RESTRICTIONS
Geen gedeelte van hierdie gebou mag hoër wees as 8,5m vanaf die natuurlike grondvlak
No portion of this building may exceed 8,5m measured from natural ground level
GANSBAAI ADMINISTRASIE
GANSBAAI ADMINISTRATION!



A-A

ELECTRICAL KEY

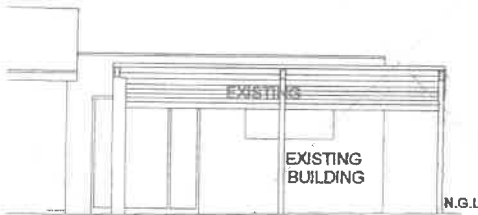
- ⬅ LIGHT SWITCH(SINGLE)
- ↔ TWO WAY LIGHT SWITCH
- ↔ TREE WAY LIGHT SWITCH
- ⬅⬅ LIGHT SWITCH(DOUBLE)
- ⌂ DIMMER LIGHT SWITCH
- ⏏ ELECTRIC PLUG - SINGLE
- ⏏ ELECTRIC PLUG - DOUBLE
- ⏏ SHAFER & HAIRDRYER PLUG
- ⊕ CEILING LIGHT
- ⎓ 1.2m NEON LIGHT
- ⊕ WALL LIGHT(INSIDE)
- ⊕ WALL LIGHT(OUTSIDE)
- ⊕ WALL LIGHT(OUT SIDE UP SHINE)
- ⊕ WALL LIGHT(HEAD RESIS)
- ⊕ 12V DOWNLIGHTER
- ⊕ 12V AUTO SWITCH
- ⊕ 12V FOOT LIGHTS
- ⊕ EXTRACTOR FAN
- ⊕ 'STAR' LIGHT
- ⏏ MAIN SWITCHBOARD
- ⎓ 150 L WARM WATER CILINDER
- ⎓ HEATED TOWEL RAIL
- ⏏ AIRCON UNITS
- ⏏ T.V. JACK
- ⏏ WATERTIGHT ELECTRIC PLUG

PRINSLOO
ARGITEKTONIESE
ONTWERPKANTOOR
CE. 95 / 111204 / 21

MARTIN PRINSLOO
N.O. ARGITEKTONIESE O.P.T. VAN S.A.A.A.
DERKIE UITS-STR 22 GANSBAAI 7111
TEL: (021) 2541324, 254 270027027
FAX: (021) 254 1112
prins_orch@inikom.co.za

MUNICIPALITY OVERSTRAND MUNICIPALITEIT
FIRE BRIGADE / BRANDWEER
APPROVER / GOEDKEURER
10-05-2012

22611... WERK OORSGOUDIG OORDEEL
... 21/5/12



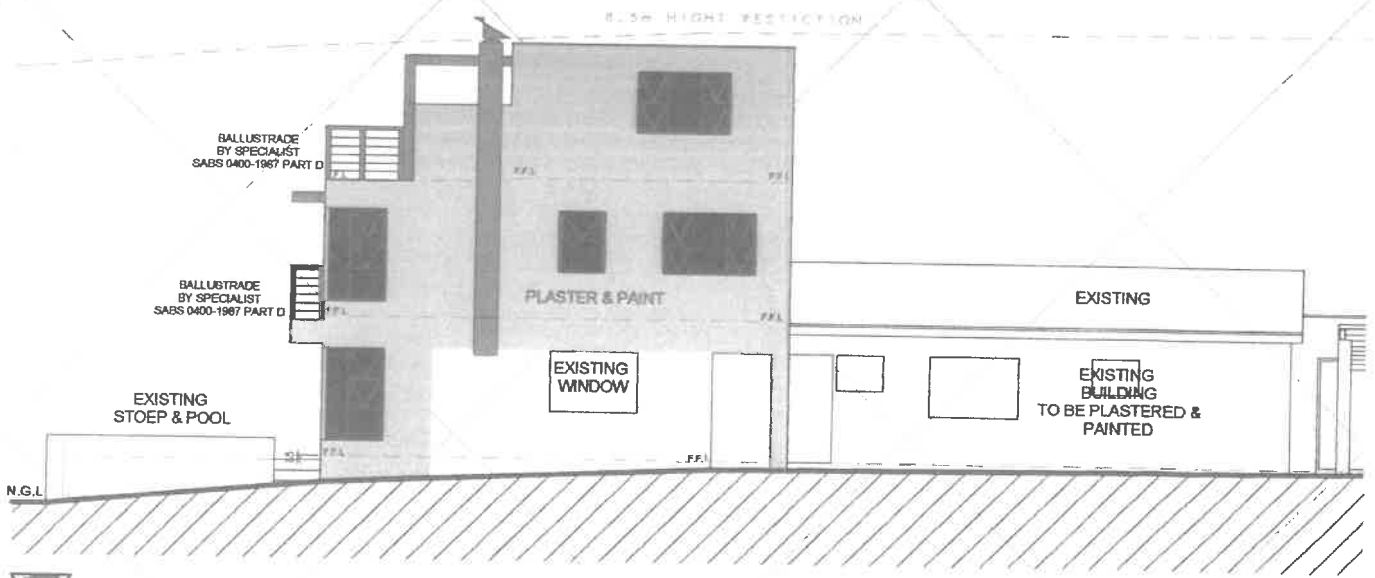
PROPOSED
ADDITION FOR
MR.J.JACOB
ON ERF 466
DE KELDERS
GANSBAAI

SECOND FLOOR PLAN,
SECTION A-A, SECTION B-B &
DETAILS

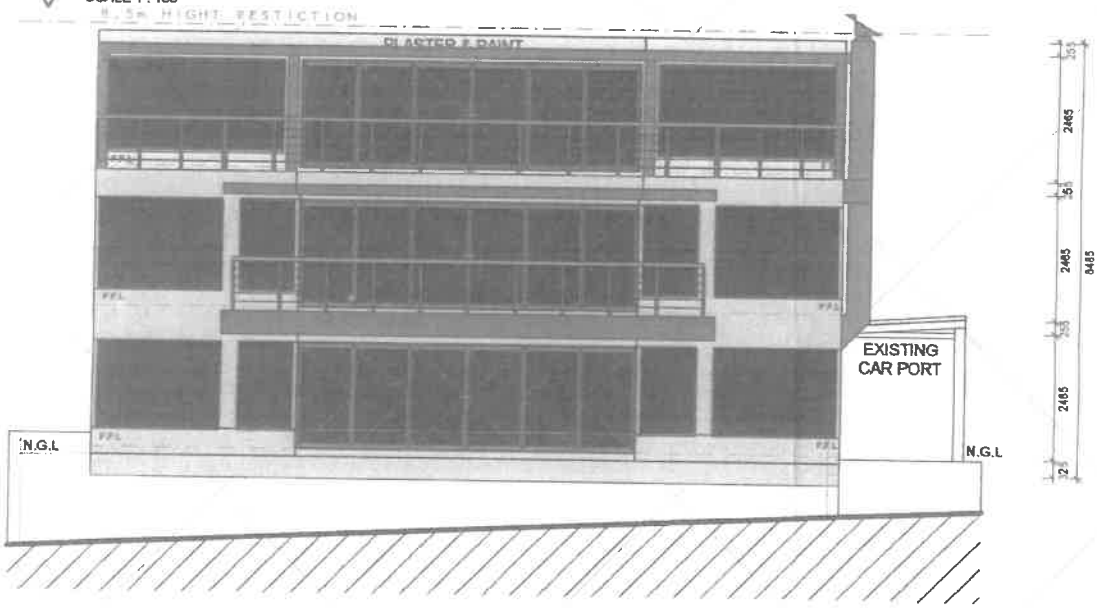
DRAWING NUMBER
JAC-DK-12/002 3 OF 4

DRAWN BY EVELINE TALJAARD 0833752282	REVIEW
OWNER	BUILDER
DATE 08/02/2012	SCALE AS SHOWN

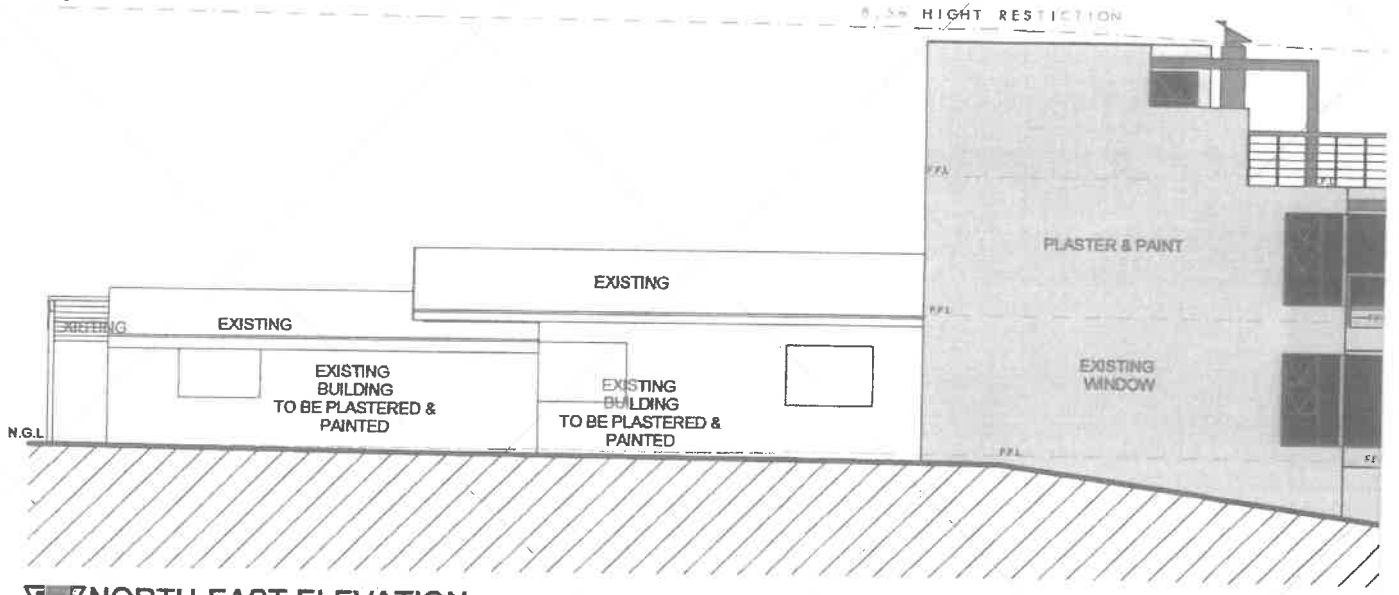
**READ IN CONJUNCTION WITH
JAC-DK-12/002 - 1, 2, & 4**



SCALE 1 : 100



NORTH-WEST ELEVATION
SCALE 1 : 100

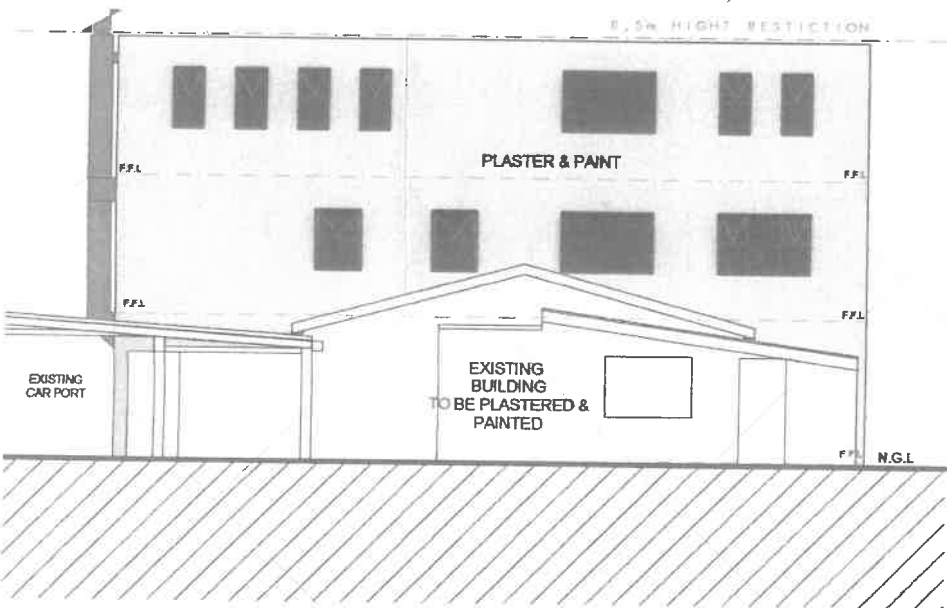


NORTH-EAST ELEVATION
SCALE 1 : 100

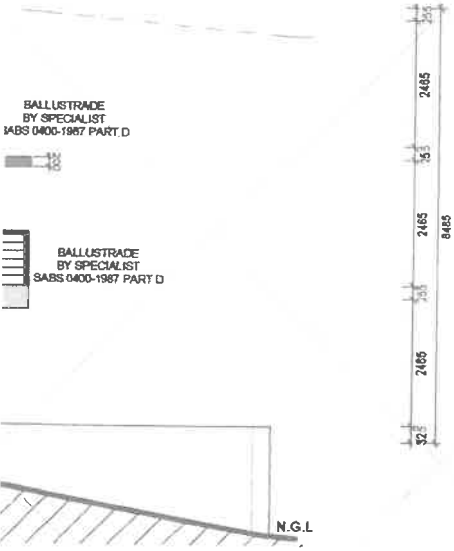


NOTE GENERAL
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 2 DIMENSIONS SHOWN TAKE PREFERENCE OVER SCALED DIMENSIONS.
 3 ALL WORK ACCORDING TO S.A.N.S. AND MUNICIPAL BUILDING REGULATIONS.
 4 THE DIMENSIONS SHOWN ON THIS DRAWING IS COPYRIGHT, AND MAY NOT BE USED, COPIED OR REPRODUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.

HOOGERPERKINGS HEIGHT RESTRICTIONS
 Gansbaai van Hoërde gebied may not exceed 8,5m vanaf die natuurlike oërvlak
 No portion of this building may exceed 8,5m measured from natural ground level
GANSBAAI ADMINISTRASIE
GANSBAAI ADMINISTRATION



SOUTH-EAST ELEVATION
 SCALE 1 : 100



BALLUSTRADE BY SPECIALIST SABS 0400-1987 PART D

BALLUSTRADE BY SPECIALIST SABS 0400-1987 PART D

MUNICIPALITY OVERSTRAND MUNISIPALITEIT
 FIRE BRIGADE TANDWEER
 APPROVED / GOEDGEKUR
 10-05-2012

23611...
 21/5/12

READ IN CONJUNCTION WITH
 JAC-DK-12/002 - 1, 2, & 3

P R I N S L O O
 ARGITEKTONTREKANTOOR

MARTIN PRINSLOO
 N.O. ARGITEKTUUR • 120 VAN S.T.A. R.A.P.
 DIENSTE UITS. STR. 72 GANSBAAI
 TEL: (021) 2045504 FAX: 074670015
 MOB: 08295-100 2912
 prins.arch@telkom.co.za

PROPOSED ADDITION FOR
 MR. J. JACOBS
 ON ERF 466
 DE KELDERS

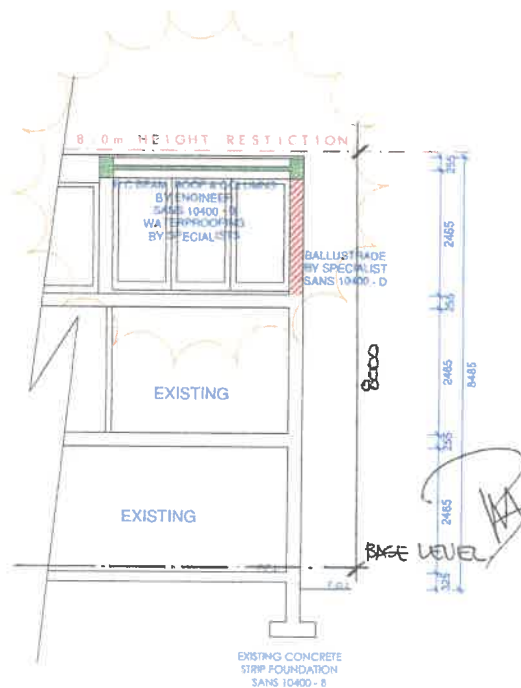
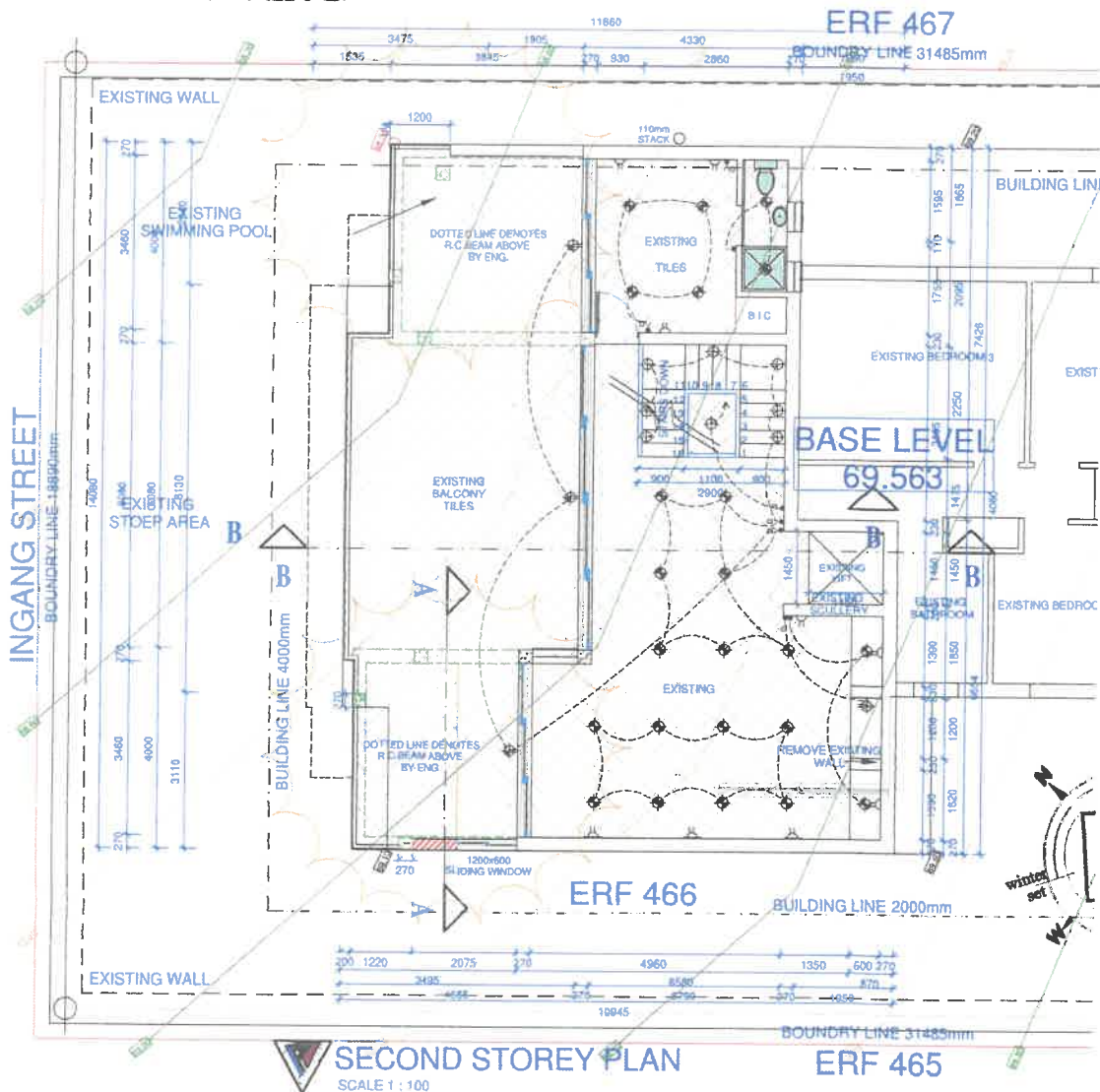
GANSBAAI

ELEVATIONS

DRAWING NUMBER
JAC-DK-12/002 4 OF 4

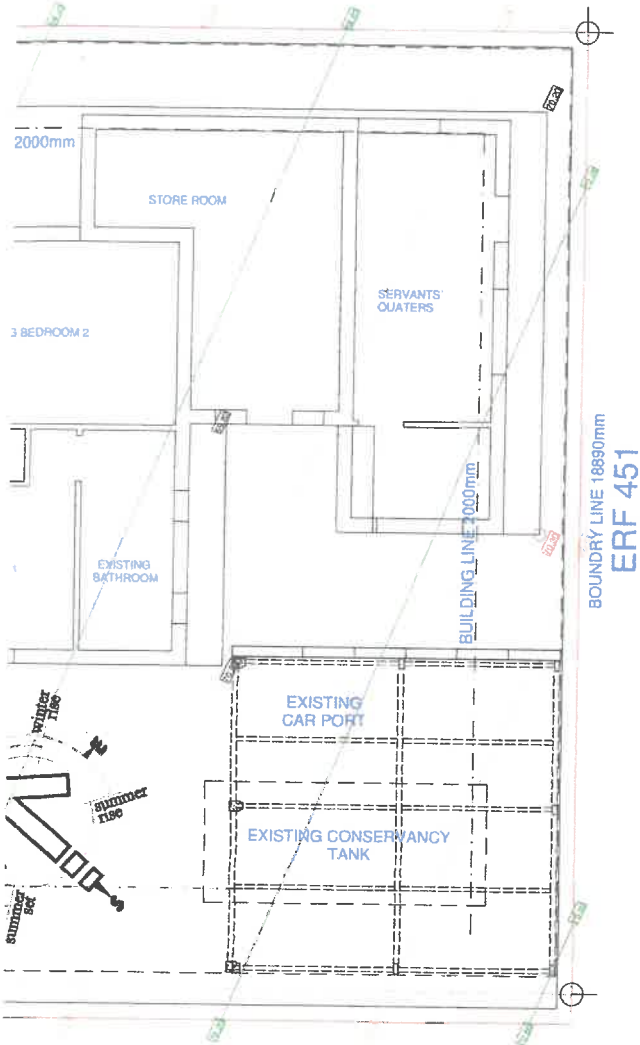
DRAWN BY EVELINE TALJAARD 1833753202	REVIEW
DATE	BUILDER
08/02/2012	SCALE AS SHOWN

APPROVED BUILDING PLANS 2014



SECTION A-A
SCALE 1 : 100

1308
37
491
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40



- NOTE:
1. GENERAL
 2. ALL DIMENSIONS AND POINTS TO BE CHECKED ON SITE BEFORE WORK MAY START OR MATERIAL ORDERED.
 3. DIMENSIONS SHOWN TAKE INTO ACCOUNT DIMERGED DIMENSIONS
 4. ALL WORK ACCORDING TO S.A.N.S. AND MUNICIPAL BUILDING REGULATIONS
 5. THE DESIGN WORK SHOWN ON THIS DRAWING IS CONFIDENTIAL AND MAY NOT BE USED, COPIED OR REPRODUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER

R.C. BEAM, ROOF & COLUMNS
BY ENGINEER
SANS 10400 - B
WATERPROOFING
BY SPECIALISTS

REVISION A:	
DATE:	26/05/2014
CHANGE:	R.C. CONCRETE BEAMS & PILLARS + 1x NEW WINDOWS

NEW ADDITION:	
TOTAL NEW:	26sqm
EXISTING DWELLING:	521sqm
EXISTING CAR PORT:	41sqm
ERF AREA:	598sqm
FOOTPRINT:	308sqm
COVERAGE:	51.5%
FLOORFACTOR:	0.8

OVERBERG DISTRIKSMUNISIPALITEIT
HOOFDSTAD... WORD AANBEVEEL VIR GOEDGEURING
ONDERVAAL... WORD GOEDGEURKUR ONDERWEPPE
AAN DIE TOEGELAAFTE DOORBEPLANNING REGULASIE, DIE N.S.C. DRALIE
BOUREGULASIE EN BOUSTANDAAHDE WET 103 VAN 1977.
HOOFDSTAD... PLAN GOEDGEURKUR OP 14.7.14
MR. J. J. JACOBS

OVERBERG DISTRIKSMUNISIPALITEIT
OMGEWINGSGESONDHEID
ENVIRONMENTAL HEALTH
GOEDGEKEUR / APPROVED
DATUM / DATE: 23/06/14
OVERBERG DISTRICT MUNICIPALITY

PRINSLOO
ARGITEKTONIESE
ONTWERPKANTOOR
CE 95 / 11284 / 23

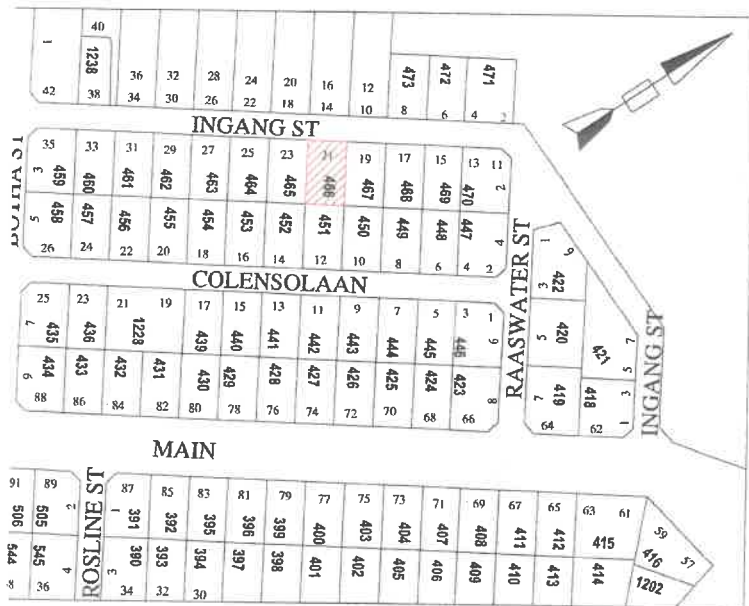
MARTIN PRINSLOO
R.D. ARGITEKTURUS LID VAN S.A.A.A.P.
DIRKIE DYS STR 22 GANSBAAI
TEL: (021) 5041004, 504 072233075
FAX: (021) 284 2917
prins_arch@intskem.co.za

PROPOSED
ADDITION FOR
MR. J. J. JACOBS
ON ERF 466
DE KELDERS
GANSBAAI

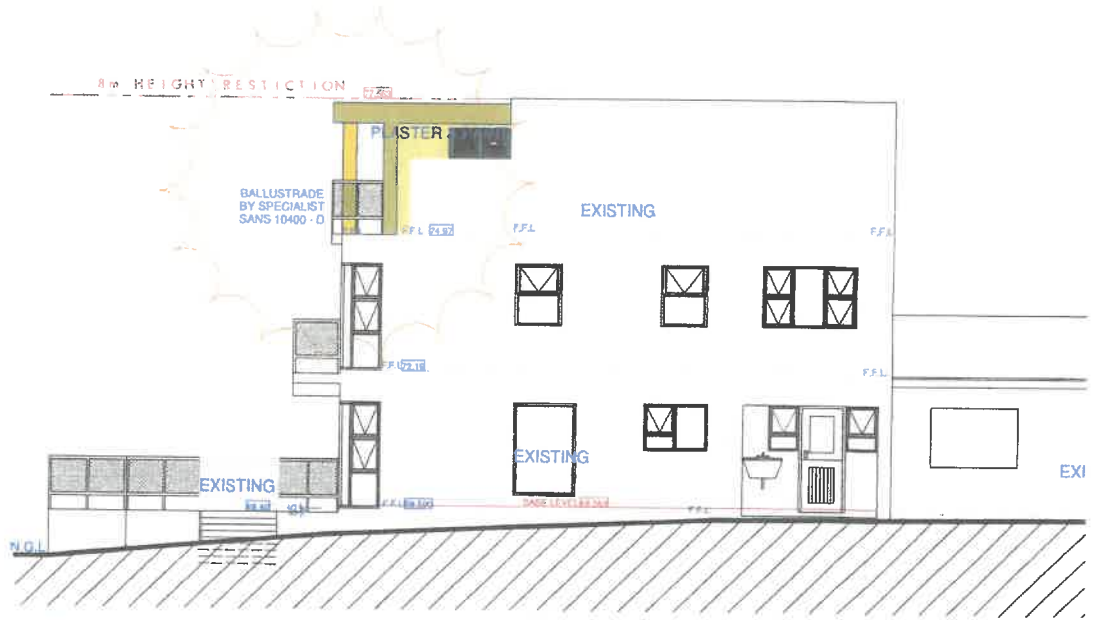
SITE & SECOND STOREY PLAN,
SECTION A - A & LOCATION SITE

DRAWING NUMBER
JAC-DK-14/020 1 OF 2

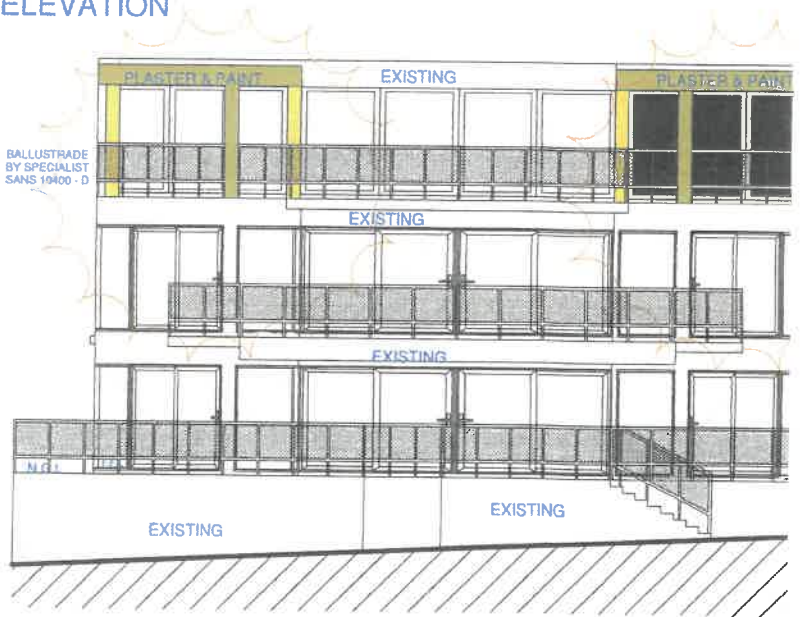
OWNER	REVIEW
DATE	BUILDER
13/05/2014	SCALE
	AS SHOWN



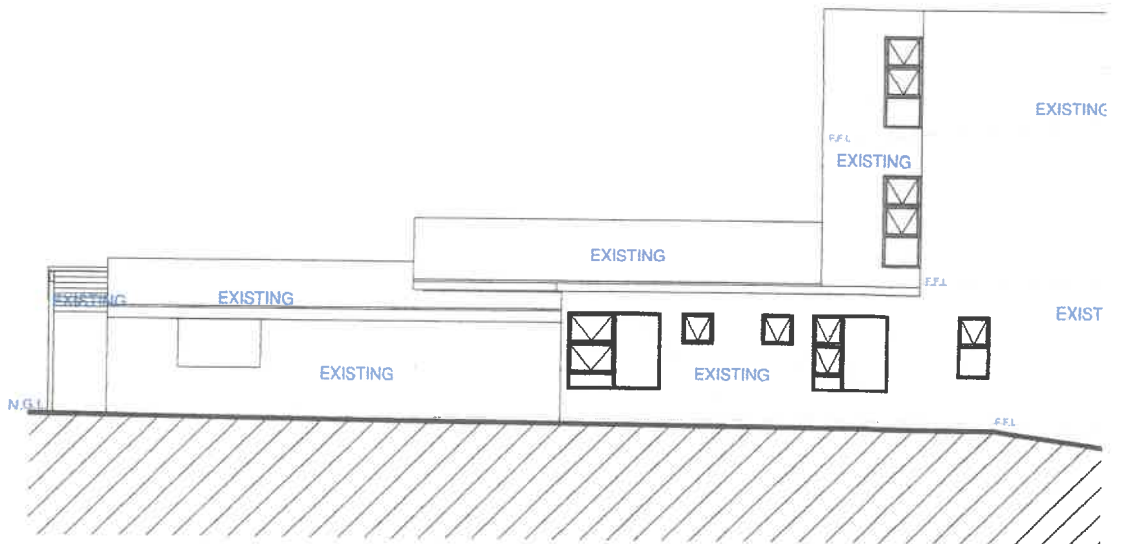
7 LOCATION SITE
NOT TO SCALE



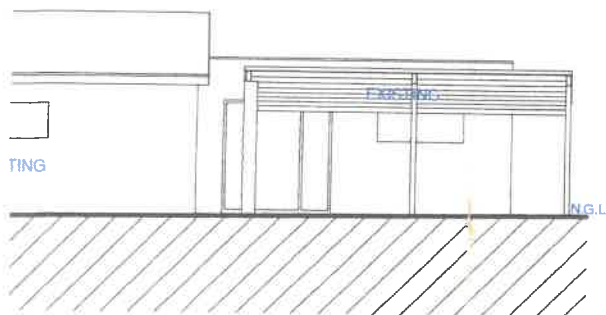
 **SOUTH-WEST ELEVATION**
SCALE 1 : 100



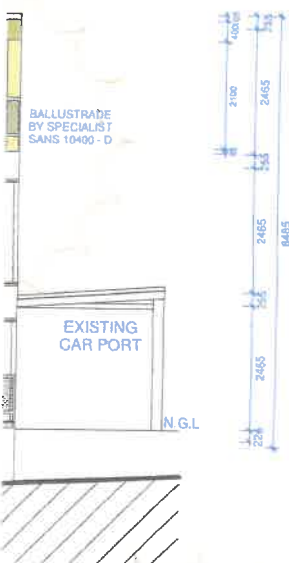
 **NORTH-WEST ELEVATION**
SCALE 1 : 100



 **NORTH-EAST ELEVATION**
SCALE 1 : 100



- NOTE
GENERAL
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 3. ALL WORK SUBJECTIVE TO SANS AND MUNICIPAL BUILDING REGULATIONS.
 4. THE DIMENSIONS SHOWN ON THIS DRAWING IS APPROXIMATE, AND MAY NOT BE USED, COPIED OR REPRODUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF THE DESIGNER.



OMGEGEENDE MUNISIPALITEIT
HOOFDPLAN NO. 24.109 WORD ANBEVEEL VIR GOEDKEURING
ONDER VERBOD VAN DIE TOEPASLIK TOEPASLIKKE DOOPDEPLANNINGS REGULASIES,
DIE N.A.S.G. WET OOR SECUREGULASIE EN BOUSTANDAARDE WET 103 VAN 1977.

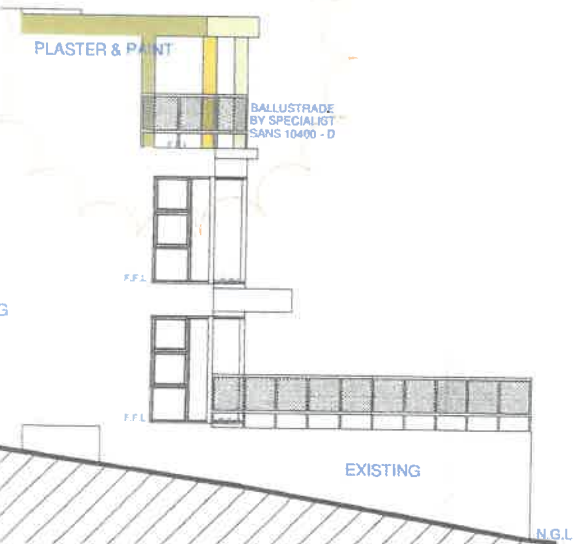
HOOF BOUWMEESTER BENAMTE

BOUPLAN NO. 24.109 WORD GOEDGEKEUR OORWEEPE
AAN DIE TOEPASLIKKE DOOPDEPLANNINGS REGULASIES, DIE N.A.S.G. WET OOR
BOUREGULASIE EN BOUSTANDAARDE WET 103 VAN 1977.

ARBEIDSWOORDER PLAN GOEDGEKEUR OP 14.7.14

VERREKENDE MUNISIPALITEIT
OMGEWINGSGESONDHEID
ENVIRONMENTAL HEALTH
GOEDGEKEUR / APPROVED
DATUM / DATE: 29/06/14
OVERBERG DISTRICT MUNICIPALITY

OMGEGEENDE MUNISIPALITEIT
RIGADE / BRANDWEER
ROUW GOEDGEKEUR
25-06-2014



PRINSLOO
ARGITEKTONIESE
ONTWERPKANTOOR
CE 95 / 11246 / 23

MARTIN PRINSLOO
N. D. ARGITEKTUUR * LID VAN S. A. R. A. P.
DIRKIE UYS STR 22 GANSBAAI
TEL (021) 2041924, SEL 0733273233
FAXS (021) 324 3917
prins.arch@intekom.co.za

PROPOSED
ADDITION FOR
MR. J. J. JACOBS
ON ERF 466
DE KELDERS

GANSBAAI

ELEVATIONS

DRAWING NUMBER
JAC-DK-14/020 2 OF 2

OWNER	REVIEW
EVELINE TALJAARD 0832753287	
DATE	SCALE
13/05/2014	AS SHOWN

DECISION LETTER 11 NOVEMBER 2016

Munisipaliteit • U-Masipala • Municipality

OVERSTRAND

Navrae:
Enquiries: SW van der Merwe (Senior Town Planner)

Lêerverwysing:
File Reference: 451 & 466 GDK (3076)

Datum:
Date: 11 November 2016

**TOWN PLANNING / STADSBEPLANNING
HERMANUS**

PlanActive
PO Box 296
HERMANUS
7200

PER HAND
email:
planactive@hermanus.co.za

Dear Sir

ERVEN 451 & 466, DE KELDERS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSOLIDATION

With reference to your application regarding the above it is hereby confirmed that the matter was considered by the Senior Manager: Town- and Spatial Planning on 9 November 2016, and that it was resolved as follows:

RESOLVED :

1. *that in terms of Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 451 and 466, De Kelders, **be approved;***
2. *that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application to relax the lateral building lines from 2m to 1,57m in order to address the existing encroachments, **be approved;***
3. *that the approvals in paragraphs 1. and 2. above be subject to the following conditions:*
 - (a) *that this approval only has reference to the Consolidation Diagram, Erf 1336, De Kelders and proposed Building Plan No. JAC-DK-12/002 dated 8 February 2012 as submitted with the application;*
 - (b) *that the comments from Operational Services (attached as Annexure D), be adhered to;*
 - (c) *that all the conditions in the Service Report (attached as Annexure E), be complied with;*
 - (d) *that this approval does not absolve the applicant from compliance with any other relevant legislation, and*
 - (e) *that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.*

2. *that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.*

Your attention is drawn to your right of appeal to the Overstrand Municipality in terms of Section 62 of the Act on Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) within 21 days of date of registration of this letter. It needs to be noted, however, that the Council has resolved that all appeals in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) must be accompanied with a deposit of R2,700.00, which deposit is refundable in total should the appeal be upheld.

Yours faithfully



S MÜLLER
DIRECTOR: INFRASTRUCTURE & PLANNING

21 November 2024

To whom it may concern,

ERF 1336, DE KELDERS | ENROACHMENT COSTS

Herewith a breakdown of the estimated building costs associated with the following enroachments:

1. Change of use of garage to staff quarters and storeroom. Costs calculated for additions added for conversion	15.08m ² x R850/m ²	R12,818.00 (excl VAT)
2. Patio exceeding maximum height for consideration inside the building line	33m ² x R4,500/m ²	R148,500.00 (excl VAT)
3. Garage exceeding building line restrictions	1.15m ² x R10,500/m ²	R12,075.00 (excl VAT)
4. "Proposed covered area" between garage and staff quarters (IBR Roof sheeting)	24.46m ² x R1,050/m ²	R25,683.00 (excl VAT)
5. Height of roofs exceeding maximum height restrictions	17.73 + 15.344 + 13.14 = 46.21m ² x R1,850/m ²	R85,496.64 (excl VAT)
6. Building area on Northern side outside of building line	1.50 + 2.72 = 4.22m ² x R14,500/m ²	R61,190.00 (excl VAT)
7. Existing concrete roof encroach 8.5m height	36.37m ² x R2,750/m ²	R100,017.50 (excl VAT)
TOTAL BUILDING COST FOR ENROACHMENTS		R445,744.14 (excl VAT)

ERF 1336, DE KELDERS
ENROACHMENT COSTS
NOVEMBER 2024

Please feel free to contact me should you wish to discuss the above-mentioned.

Kind Regards

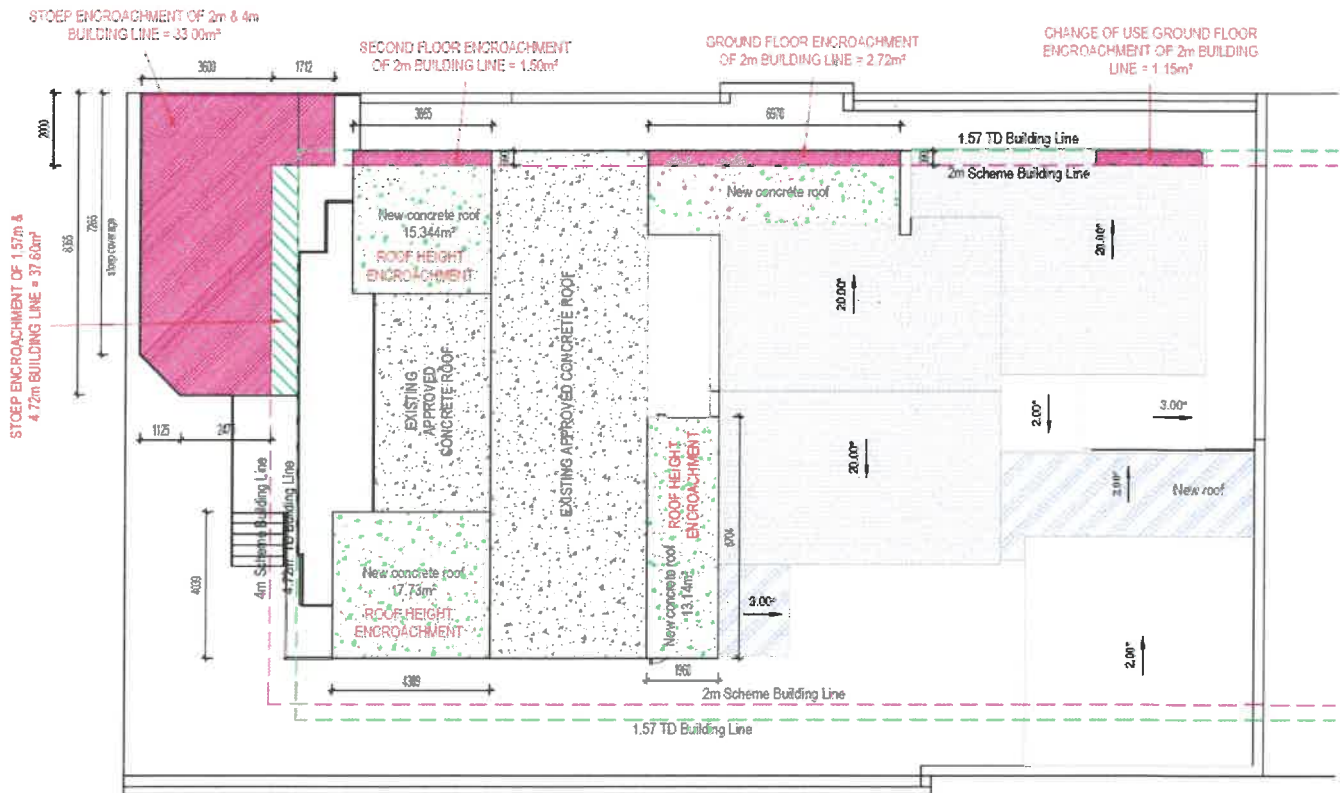
21 November 2024

Date:

M van Niekerk
Director

ANNEXURE A:

Architectural drawing indicating encroachments and areas associated thereto:

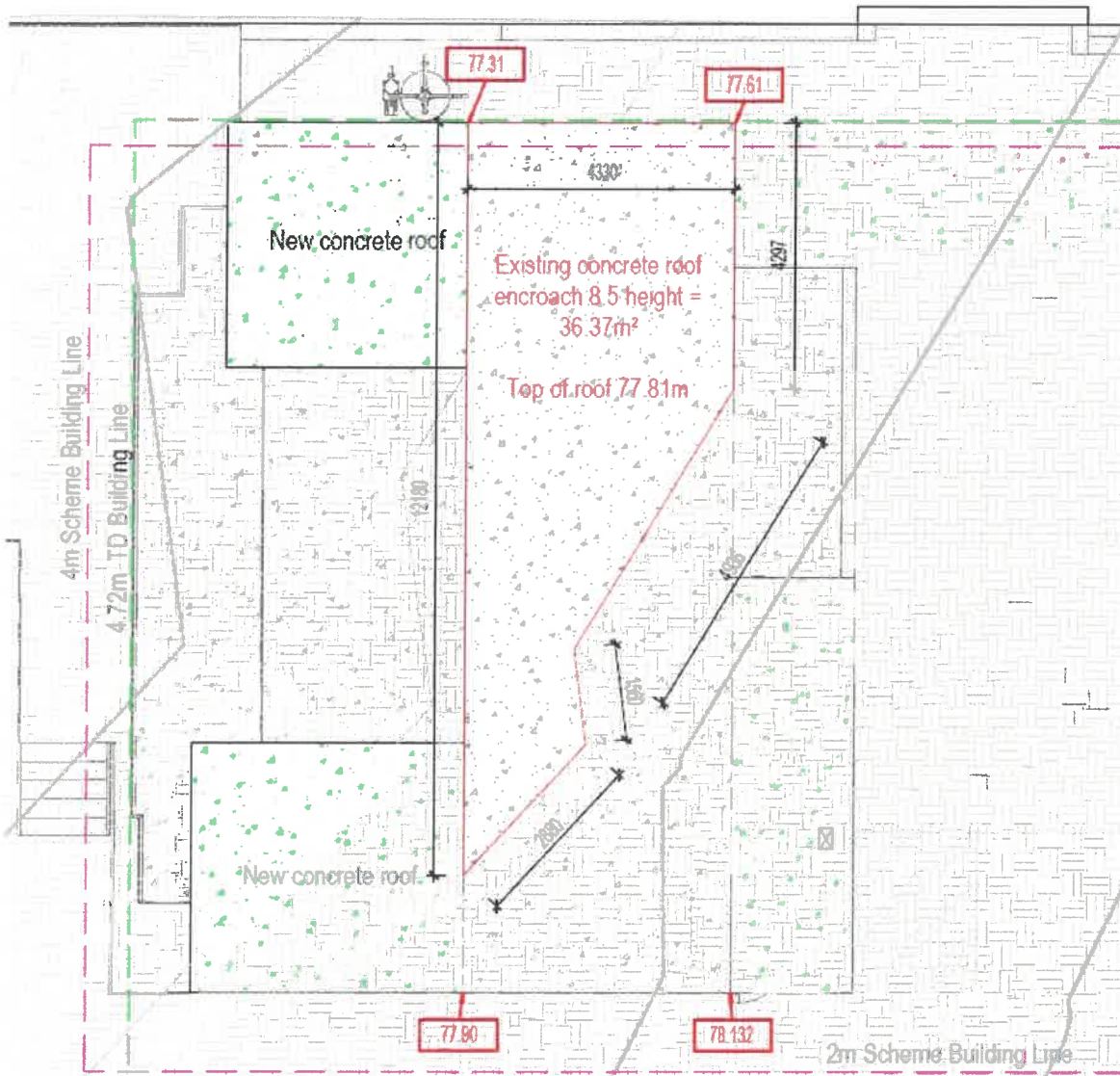


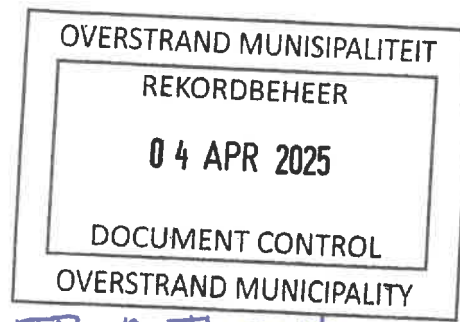
SITE PLAN - ENCROACHMENTS

1 : 100

ANNEXURE B:

Architectural drawing indicating encroachments and areas associated thereto:





TP-A Theart
(S vld merke)

15 Bosmandam Road
Milnerton
Cape Town
7441

Sanet Botha
Tel: 081 4093918
Email: WayleavesSR@Telkom.co.za

Our Ref.: WGNB 0736 25

Your Ref:

3 April 2025

Overstrand Municipality

Dear Sir / Madam

OPTIC FIBRE/COPPER PLANT AFFECTED

WAYLEAVE: 21, INGANG STREET, DE KELDERS.

FILE NO.	Erf 1336
GDK	
SCAN NO.	
COLLABORATOR NO.	2638984

With reference to your application dated 7 February 2025.

As important OPTIC FIBRE cables are affected, please contact our representative Melt van As telephone number 081 3637873 at least 48 hours prior of commencement on construction work.

As per sketch attached, Openserve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

P

- 4 APR 2025

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

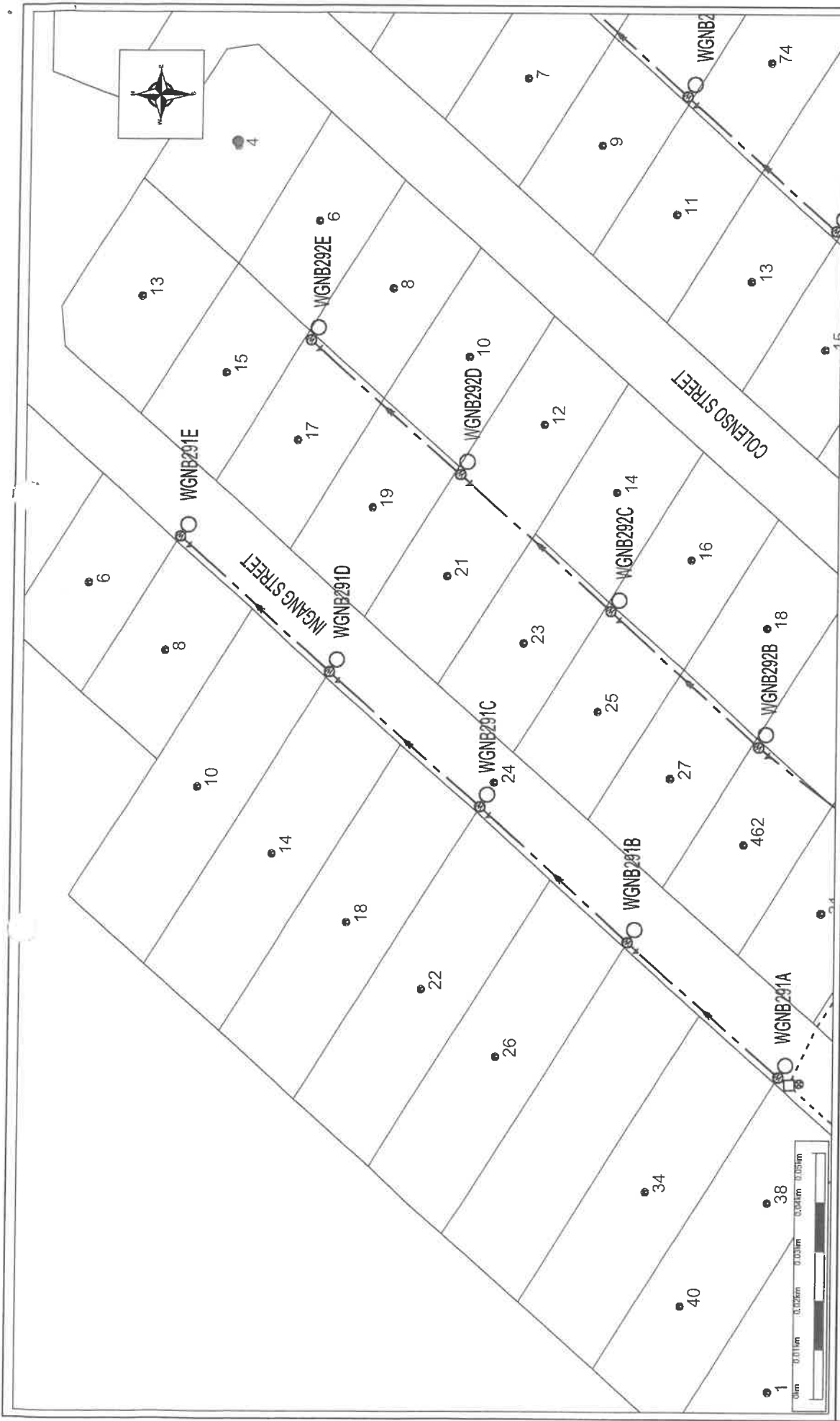
Should Openserve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully



Sanet Botha
for
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region



Region		Title Block	
Region	Exchange area	Region	TELKOM
Drawn By	Checked By	Exchange area	REGIONAL EXECUTIVE
Checked By	Approved	Date	03/04/2023
Approved	Details	Project No.	
Details	Drawing No.	Scale	1:747
Scale	1:747	Page Size	A3
		Sheet No	1 of 1

Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Jointing Pit
	Planned Jointing Pit
	To Be Abandoned Jointing Pit
	Existing Pipe Junction Box
	Planned Pipe Junction Box
	To Be Abandoned Pipe Junction Box
	Existing Street Distribution Cabinet
	Planned Street Distribution Cabinet
	To Be Recovered Street Distribution Cabinet
	Existing Digital Line Concentrator
	Planned Digital Line Concentrator
	To Be Recovered Digital Line Concentrator
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Indoor Distribution Point
	Planned Indoor Distribution Point
	To Be Recovered Indoor Distribution Point
	Existing Distribution Point
	Planned Distribution Point
	To Be Recovered Distribution Point
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Mini Optical Main Distribution Cabinet
	Planned Mini Optical Main Distribution Cabinet
	Existing Strut and Stay