

## 4.2

**ERF 5851, 18 RAED-NA-GAEL, HERMANUS, OVERSTRAND MUNICIPAL AREA:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: MESSRS SMART SOLUTION ARCHITECTURE ON BEHALF OF GP LOUW**

5851 HHH (4543/2023)

P Roux

17 July 2024

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 06 December 2023 from Messrs Smart Solutions Architecture on behalf of GP Louw, the owner of Erf 5851, Hermanus Heights for the following:

❖ **departure** in terms of Section 16(2)(b) of the By-Law to:

- relax the 1m height restriction for any structure over the building line from 1.0m to 2.039m read with Overstrand Municipality Land Use Scheme, 2020 clause 16.1.1 (a);
- relax the street building line from 4.0m to 3.80m to accommodate the new external stairs;
- relax the eastern lateral building line from 2.0m to 0.0m to accommodate a new proposed garden loggia, and
- the height restriction from 8m to 8.15m to accommodate the existing roof.

❖ **determination of an administrative penalty** in terms of Section 90 of the By-Law, in order to accommodate unauthorised building line encroachments.

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, and the Site Development Plan is attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

Erf 5851, Hermanus Heights is zoned Single Residential Zone 1 and is developed with a double storey main dwelling, a balcony at the rear of the property and an elevated stair entrance at the front of the property. The current owner purchased the property in 2015 and was unaware that the existing footprint differs from the footprint of the previously approved building plan. The current owner has also constructed new external timber decks and timber stairs, new pool, enclosed the existing open balcony and a new solarium. With plans of erecting new structures, the owner appointed a land surveyor and with the receipt of the land surveyor report the encroachments which include building line and roof height encroachments caused by the building work of the previous owner became apparent. Thus, an application has been submitted in order to legalize existing encroachments and proposed encroachments which include a new external staircase and garden loggia.

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

Only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B).

##### DEPARTURE

The external staircase at the front of the property were constructed over the street building without the necessary approval. The staircase also exceeds the height restriction of 1m for entrance steps above exiting ground level. The roof of the existing dwelling also encroaches the 8m height restriction as imposed by the current zoning scheme, as measured on the existing plan the dwelling is constructed correctly however to the dwelling being shifted on the property the height is increased due to the way the height is measured on the current base level. Therefore, before new plans and alterations are proposed the illegal structures and placement of the existing dwelling needs to be addressed.

The structures are in place for more than 33 years. The encroachments are not obtrusive in nature and does not adversely impact adjoining and surrounding neighbours. The applicant also proposed new structures which include a new garden loggia and a new external staircase both which will be over two respective building lines. The proposed new external staircase will be less invasive and does not affect any views from adjoining neighbours. The proposed new garden loggia will not negatively affect any exterior communal spaces of direct adjoining properties or the surrounding neighbours and will have a minimal visual impact due to its strategic placement and the tree coverage prevalent on the subject property.

The proposed structures will add value to the dwelling and will be used within the residential ambit. The uses do not negatively affect the character of the area.

No municipal services will be affected.

No additional vehicular access is required. The land use will remain residential.

##### DETERMINATION OF AN ADMINISTRATIVE PENALTY

##### (a) nature, duration, gravity and extent of the contravention

All current encroachments are a result of work done by a previous owner. This includes the encroachments of height restriction of 8m, and the height restriction of 1m for the staircase at the front of the property. The current owner cannot be held responsible for unauthorised work done by the previous owner.

Sizes and value of the structures are provided below:

Room/area	Area over building line	Construction cost
Existing main roof	4,62m <sup>2</sup>	R24 174,15
Existing staircase	13m <sup>2</sup>	R 59,941.80

**(b) the conduct of the person (allegedly) involved in the contravention**

The applicant only stated who the current owner is but did not state what role the owner played in the construction.

**(c) a report by a quantity surveyor in matters of unauthorised building/construction**

Construction cost as given in application has been calculated according to current construction costs with similar specifications.

**(d) whether the unlawful conduct was stopped**

All building works done by previous owner/s / building was done between 1991 and prior to 2015 when our client purchased the property.

**(e) whether the person allegedly involved in the contravention has previously contravened this by-law or a previous planning law.**

Unknown, all construction by previous owner/builder.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Notices	Yes	28 February 2024	05 April 2024
Internal Departments	Yes	28 February 2024	05 April 2024
Ward councillor	Yes	28 February 2024	05 April 2024
Total objections	<b>ONE</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below)			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments
Waste Management Services	29/02/2024	No objection.
Building Department	29/02/2024	No objection. The building plan application must comply with all applicable law.

Local Heritage	29/02/2024	Supported.
Engineering Services	13/03/2024	Attached as Annexure F.
Fire Services	25/03/2024	No objection, subject to compliance with the provisions of SANS 10400-A:2016, 10400-T:2020 and the By-Law relating to fire safety.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One objection was received from the adjacent property owner on Erf 5868, with regards to the building line and height encroachments. The objector is of the opinion that there are sound reasons why these restrictions were put in place and that the approval of applications in order to encroach these restrictions will lead to a big increase in similar request (applications). The objector also mentions that other applications cannot be denied if there were already approval for previous applications that are similar, and this will negatively impact the neighbourhood.

## 8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant acknowledges the objection by Mr Groenewald and provides the following response:

The comments that were received are general concerns and not specifically related to the subject application. The applicant is also of the opinion that that the objection in its entirety is not relevant and that the proposals are for improvements of the street scape, existing dwelling, and surrounding properties.

With reference to the objector regarding this application as a precedent for similar and or future application, the applicant recognises the objectors concerns but insists that each application should be evaluated on its own merit.

## 9. MUNICIPAL ASSESSMENT OF COMMENTS

The Municipality cannot refuse an applicant's right to apply for an encroachment. The Municipal by-law further provides scope of for a property owner to apply in order to rectify the situation caused by the structures. It should be noted, as pointed out by the applicant, the building has been in existence for more than 33 years. And could therefore reasonably be considered part of the urban fabric of the suburb. Further each application is considered in terms of the character and impact on the adjacent property owners.

## 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 considered consistent in the following manner from a town planning perspective:

Spatial Justice

The application will not prolong or contribute to spatial development injustices.

Spatial sustainability

The application is located within the urban edge and will not lead to urban sprawl. The property is already developed, and no natural habitat is impacted upon.

Efficiency

The application will not have additional impact on municipal services and infrastructure.

Spatial resilience

The structures on the property will ensure that the existing resource (land) is used more efficiently.

Good administration

The application followed the required planning procedures, and the required 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 primary uses are in line with the land uses in terms of the Land Use Scheme. The proposed structures are inconsistent with the development parameters (building lines) as set out in the land use scheme. The structures and use of the property and proposed development is consistent with the Spatial Development Framework.

**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 Department, thus no additional services will be required.

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

The application does not trigger any listed activities in terms of local or national legislation.

**10.8 Existing and proposed zoning comparisons and considerations**

The subject property is zoned Residential Zone 1: Single Residential and the parameters as prescribed in the Overstrand Land Use Scheme, 2020 applies; this includes a street building line of 4m, and 2m lateral- and rear building lines apply.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

**12. THE DESIRABILITY OF THE PROPOSAL****DEPARTURES**

The building was originally approved in 1991 and the current owner purchased the property in 2015. The property owner recently proposed property-enhancing alterations and additions and appointed professionals to assist with the preparation and submission for the proposed alterations and additions. After a survey done by a registered land surveyor, it was discovered that the placement of the existing building's footprint differs from the previously approved building plan.

Firstly, the external staircase located at the front of the property exceeds the 1.0m in height over the 4.0m street building line. The applicant has however indicated that it is the intention of the property owner to demolish the existing staircase and construct a new external staircase that is compliant with the relevant development parameters. It was noted at the time of writing this report that the existing staircase was not demolished, and the applicant is first awaiting the outcome of this application. Therefore, the existing staircase will also be evaluated in terms of the penalty fee. Application is also made to relax the 4m street building line to 3,80m to accommodate a new external staircase. The proposed external staircase will be less invasive in nature and will only encroach the street building line a mere 0,20m. The proposed staircase will not impose on the privacy of any adjoining or surrounding properties and will provide access from the garden gate and the driveway. The proposed staircase will not negatively impact the street scape but will be in harmony with the built form of the existing dwelling and will blend in with the aesthetic of the dwelling.

Secondly, the existing main roof exceeds the 8m height restriction as imposed by current land use scheme and application is made to depart from the 8m by 0,15m to accommodate the existing main roof. The structure was bought "as is" with the existing roof already encroaching the height restriction. From the proposed plans provided the dwelling was built in accordance with the height definition as per the previous scheme, however due to the placement of the dwelling being 'shifted' a new Highest Natural Ground Level and Lowest Natural Ground Level had to be determined and therefore also a new base level. The existing dwelling is still compliant with the 7,5m height restriction as per the original approval but due to the 8m height restriction calculation (from base level) the roof exceeds the height restriction.

The main roof has existed for several years with no complaint from any surrounding properties, and it can be motivated that surrounding properties have become accustomed to the encroaching main roof. Only one objection was received, it is noted that the objector resides on a property south ward from the subject property and the roof which encroaches the height is more than 14m away from the objector's boundary. Further, the objector's main sea views are also southward towards the seam while large trees and shrubs blocks the northern mountain views and views of the subject property. The existing roof is therefore considered not to have a negative impact on the objector. While the objector's main concern is that a precedent will be created and not one which is regarding the impact of the retention of the structure. Lastly, due to the slope of the ground the neighbouring properties situated to the north is not affected by the retention of the encroachment as from their levels the subject dwelling looks more like a single dwelling. Given the site-specific circumstances and the historical approvals the proposal to retain the existing roof can be supported.

The third aspect of the application is to relax the eastern lateral building line from 2.0m to 0m to accommodate a proposed garden loggia. The proposed garden loggia will be strategically placed in order not to affect any exterior communal spaces of direct adjoining properties. Due to the position of the loggia it will not be visible from the street and thus not influence the streetscape. The proposed structure will not jeopardize the character of the area and will be aesthetically in harmony with the exiting dwelling.

Although the current owner is applying for this proposed alterations and additions there are existing encroachments on the property which are subject to the determination of an administrative penalty as explained below.

#### APPLICATION FOR EXEMPTION OF ADMINISTRATIVE PENALTY

##### **(a) nature, duration, gravity and extent of the contravention**

As discussed previously two structures (existing main roof and external staircase) are being applied for and the size and area of the structures as contained in the table below:

Room/area	Area over building line
Existing main roof	4,62m <sup>2</sup>
Existing staircase	13m <sup>2</sup>

##### **(b) the conduct of the person (allegedly) involved in the contravention**

The applicant confirms that the current structures which encroach the relevant development parameters were constructed by the previous property owner and was purchased with the encroachments by the current owner. When the current property owner found out about the existing encroachments, they applied to legalise these structures on their own volition.

**(c) a report by a quantity surveyor in matters of unauthorised building/construction**

The applicant provided quotes from local construction companies to estimate the construction cost for the existing encroachments.

The maximum cost for the structures could therefore be as follow:

Room/area	Area over building line	Construction cost
Existing main roof	4,62m <sup>2</sup>	R24 174,15
Existing staircase	13m <sup>2</sup>	R59,941,80

In evaluating the cost of penalty, the historical approval of the structure must be considered as the dwelling was built in accordance with the 7,5m height restriction clause of the previous scheme, but inevitably cannot comply with the current land use scheme requirements. Considering this it is proposed that no penalty fee be imposed in terms of the height restriction encroachment.

Regarding the existing staircase it is noted that the intent by the applicant is clear, and that the existing external staircase will be demolished to make way for a new proposed staircase which will be less invasive. It is therefore recommended that a small penalty fee be imposed for the staircase with a condition that the staircase be demolished, and plans be submitted for the new staircase. The penalty fee to be imposed is 5% of the value as provided by the applicant, which equates to R2 997,09.

**(d) whether the unlawful conduct was stopped**

The building work has been completed.

**(e) whether the person allegedly involved in the contravention has previously contravened this by-law or a previous planning law.**

No evidence is provided that the property owner has previously contravened this By-law or a previous planning law.

**Conclusion**

The opinion is held that the application be supported subject to conditions and that an administrative penalty fee should be imposed.

### 13. RECOMMENDATION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), applicable to Erf 5851, Hermanus Heights to:

- relax the 1m height restriction for any structure over the building line from 1.0m to 2.039m read with Overstrand Municipality Land Use Scheme, 2020 clause 16.1.1 (a);
- relax the street building line from 4.0m to 3.80m to accommodate the new external stairs;
- relax the eastern lateral building line from 2.0m to 0.0m to accommodate a new proposed garden loggia, and
- the height restriction from 8m to 8.15m to accommodate the existing roof.

**be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 5851, Hermanus Heights for the unauthorised building work over building lines on the property, **not be exempt** from the payment of an administrative penalty;
3. that the recommendation under paragraphs 1. and 2. is subject to the following conditions:
  - (a) that the approvals are for the development as indicated on *Drawing No. I 0485/A1/04* dated 23/11/2023 as submitted with the application;
  - (b) that the existing external staircase be demolished as discussed in the application;
  - (c) that building plans be submitted to the Building Control Department for approval and that all conditions of the Building- and Fire Department be complied with;
  - (d) that an administrative penalty of R2 997,09 for the encroachment of the existing staircase, be payable within thirty (30) days of the decision;
  - (e) that existing staircase be replaced with the new staircase as per *Drawing No. I 0485/A1/04*;
  - (f) that all the conditions in the Services Report (attached as Annexure F), be complied with;
  - (g) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (h) that all other applicable development parameters as prescribed in the relevant Land Use Scheme be complied with.

4. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

#### 14. REASONS FOR RECOMMENDATION

- ❖ The retention of the existing main roof will not have a negative impact on the adjacent property owners or the character of the area as the dwelling was constructed in line with the height restriction as per the previous zoning scheme.
- ❖ The loggia and proposed new staircase are considered minor structures which adheres to the character of the area.
- ❖ The application has followed due procedure.
- ❖ The proposal is in line with the relevant policy documents.
- ❖ The structures proposed are not invasive in nature and results in better utilization of space on the subject property.

#### 15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objection received
Annexure E:	Response to objection
Annexure F:	Service Report

#### SIGNATURES

##### AUTHOR

Name: **P ROUX**

SACPLAN Reg No: **A2246/2015**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

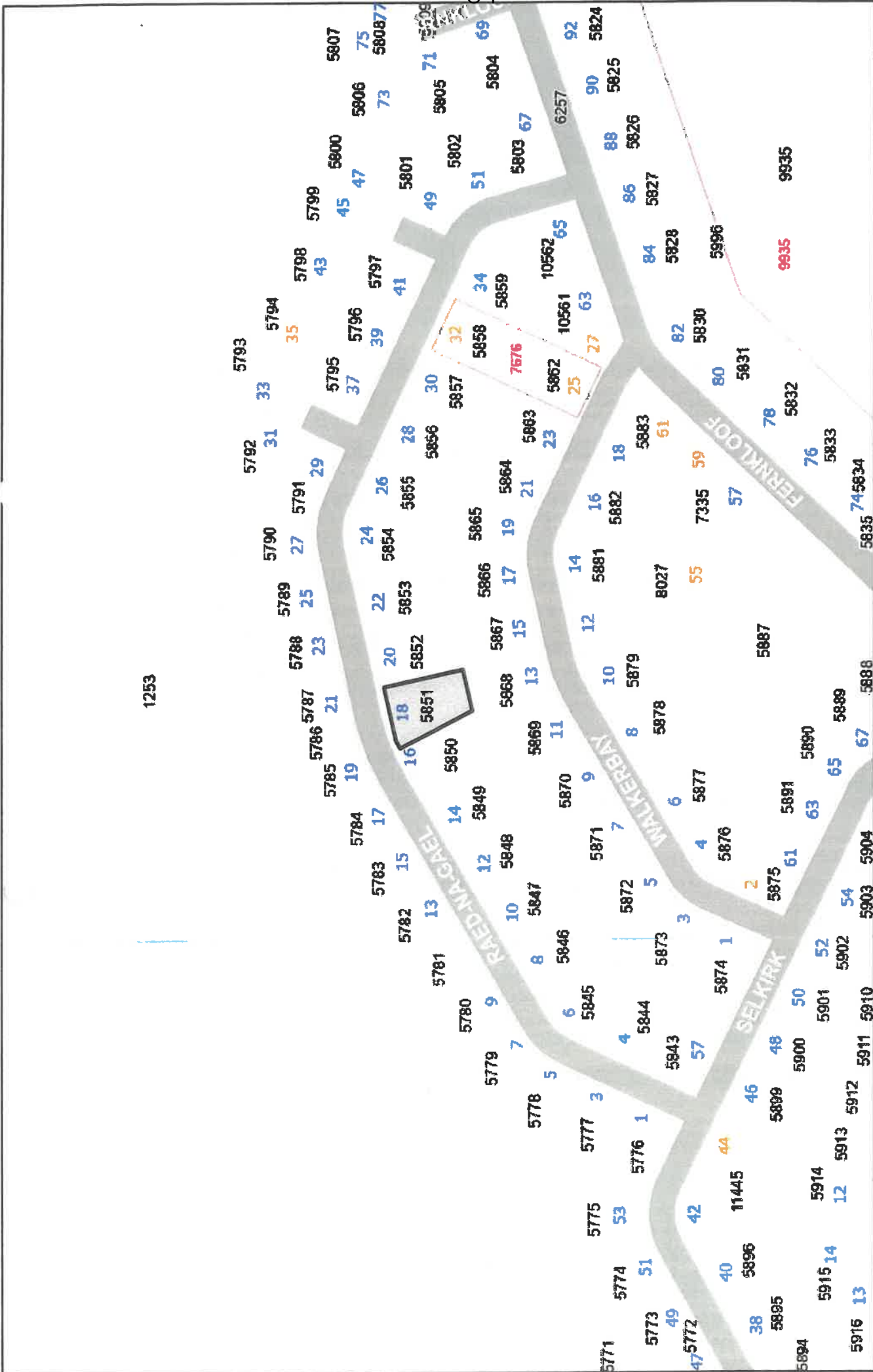
##### REGISTERED PLANNER

Name: **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# SMART SOLUTION ARCHITECTURE

## and Architectural Consultants

PRINCIPAL: Ian Smith / Smart Solution Architecture

Members of SACAP / CIA / and SAIAT

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Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200



16.01.2024 (REV 01)

OVERSTRAND MUNICIPALITY  
16 PATERSON STREET  
PO BOX 20  
HERMANUS  
7200

TO WHOM IT MAY CONCERN:

### LETTER OF MOTIVATION

<b>Pre-consultations</b>	n/a
<b>Property location:</b>	Erf 5851 18 Read-na-Gael Street Hermanus 7200
<b>Property size:</b>	805m <sup>2</sup>
<b>Coverage permitted:</b>	50.00%
<b>Proposed coverage:</b>	26.97% (217.09m <sup>2</sup> )
<b>Property zoning:</b>	Single Residential zone (SR1)
<b>Title Deed number:</b>	T000069096/2015

#### A) PROPOSED DEVELOPMENT:

With reference to drawings (dd. **23-11-2023**) attached to this application:

- 1 5851/A3/01 - SG Diagram
- 1 5851/A3/02 - Locality Plan
- 1 5851/A3/03 - Site photos
- 1 5851/A1/04 - Site, roof and ground storey layout
- 1 5851/A1/05 - First storey layout, elevations, and sections
- 1 5851/A3/06 - Legalize existing building footprint.
- 1 5851/A3/07 - New stairs
- 1 5851/A3/08 - New loggia
- 1 5851/A3/09 - Legalize 8.m height restriction encroachment.

#### Background:

The property (Erf 5851) was purchased by Mr GP Louw, in 2015 without any prior knowledge that the existing building footprint differs from the previously approved position (Plan no. 91221, dated 26.07.1991) and the existing main external staircase which extends over the property boundary (street boundary) onto the sidewalk. After some consideration the owner of the property has decided to make property-enhancing alterations and additions, at that stage we were appointed to assist with the preparations and submission for the proposed alterations and additions.

On appointment we requested a survey to be done by registered land surveyor, only after receipt of the survey we were made aware of the following:

- deviation in building footprint – not as per previously approved building plan
- the existing main external staircase extends over the property boundary.
- existing main roof exceeds the 8.0m height restriction as imposed by latest zoning scheme. *(Take note, the existing roof exceeds the 8.0m height restriction calculated from on the previously approved building footprint. – see drawing I 0485/A3/06). Thus, the existing roof wouldn't have complied even if the building was construction in position as per previously approved building plan.*

Our client, Mr GP Louw now wishes to legalize the above and apply for

- Street building line relaxation to accommodate portion of new proposed external staircase exceeding 1.0m in height over the 4.0m street building line. The proposed staircase only exceeds the 1.0m in height from tread no. 9, see Section B-B on drawing I 0485/A3/07.
- East lateral building line relaxation for proposed new garden loggia as shown, see drawing I 0485/A3/08.
- Exemption on administrative penalty for all unauthorised building works.

## **B) CHARACTER OF THE ENVIRONMENT:**

Erf 5851 is a Single Residential (SR1) property situated in Hermanus Heights, Hermanus.

The building lines according to current imposed municipal zoning scheme regulations:

Overstrand Municipality land use scheme 2020 (Single residential zone (SR1):

Street building line	4.0m
Lateral building lines	2.0m
Rear building line	2.0m
Height restriction	8m from base level
Coverage permitted:	50%
Title Deed restrictions:	n/a

The adjoining and surrounding dwellings are single and double story dwellings, with no heritage significance and have average erf sizes of 800m<sup>2</sup> - 900m<sup>2</sup>.

With the imposed 50% coverage permitted (for single residential properties) on most of the properties, the area is seen as a low to medium density area.

## **C) DESIRABILITY OF THE PROPOSED UTILISATION**

The proposed alterations and additions to the existing dwelling have no negative impact on any of the adjoining and surrounding properties. The unauthorized building work (as mentioned below) also had no negative impact to date on any of the adjoining neighbour's and or surrounding properties in the area.

### **Legalize unauthorised building work.**

Our client wishes to legalize all unauthorised building work.

Done by previous owner's / builder/s.

- Building footprint
- Demolished existing external staircase extending over property boundary, construct new staircase as per drawings attached to application.
- Yard / screen walls and garden gates.
- Existing main roof extends over the 8.0m height restriction as imposed by latest zoning scheme. *(Take note, the existing roof also exceeds the 8.0m height restriction calculated from on the previously approved building footprint. – see drawing I 0485/A3/06).*

Building works done by our client. (between 2015 – 2022)

- New external timber decks and timber stairs
- New pool
- New Solarium – Ground storey
- Enclosing of existing open balcony on first storey together with new open balcony extension.
- Minor internal changes – Ground and first storey

### **New proposed alterations and additions.**

- New aluminum doors and windows
- New garden loggia adjacent to timber deck
- New external staircase to have access from entrance gate to main dwelling (existing staircase extending over property boundary to be demolished)

None of the above-mentioned alterations and additions, unauthorized or new proposed have any negative impact on any of the direct adjoining or surrounding properties.

The new proposed external staircase will be far less invasive than the existing illegal staircase extending over the property boundary onto sidewalk. The proposed staircase does not affect any views from adjoining neighbours and or will it impose on the privacy of any of the adjoining and or surrounding neighbours / properties. Proposed new stairs will provide access from pedestrian garden gate as well as from driveway, the topography of the site calls for a staircase that has a split level (landing). Various options were considered, this being the best solution with as less impact on the existing building and neighbours.

The proposed garden loggia that encroaches over eastern 2.0m side building will not affect any exterior communal spaces of the direct adjoining neighbour (ERF 5852) and or any other surrounding neighbours/properties. The ineffectual impact of new garden loggia on the social or economic wellbeing of others advocates the proposed position of the new garden loggia.

### **D) INVESTIGATIONS CARRIED OUT IN TERMS OF OTHER LAWS WHICH ARE RELEVANT TO THE CONSIDERATION OF THE APPLICANT.**

No other laws/regulations, other than the current Overstrand Zoning Scheme 2020, National building regulations and SANS10400 regulations are applicable to the current application.

**E) THE IMPACT OF THE PROPOSED LAND DEVELOPMENT ON MUNICIPAL ENGINEERING SERVICES.**

- No additional services will be required.
- No alterations to existing services supplied by the municipality to the dwelling are required.
- Alterations/additions have no impact on existing municipal services or future planning services.

**F) CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS**

The current application has no influence on forward planning for the property and/or surrounding properties.

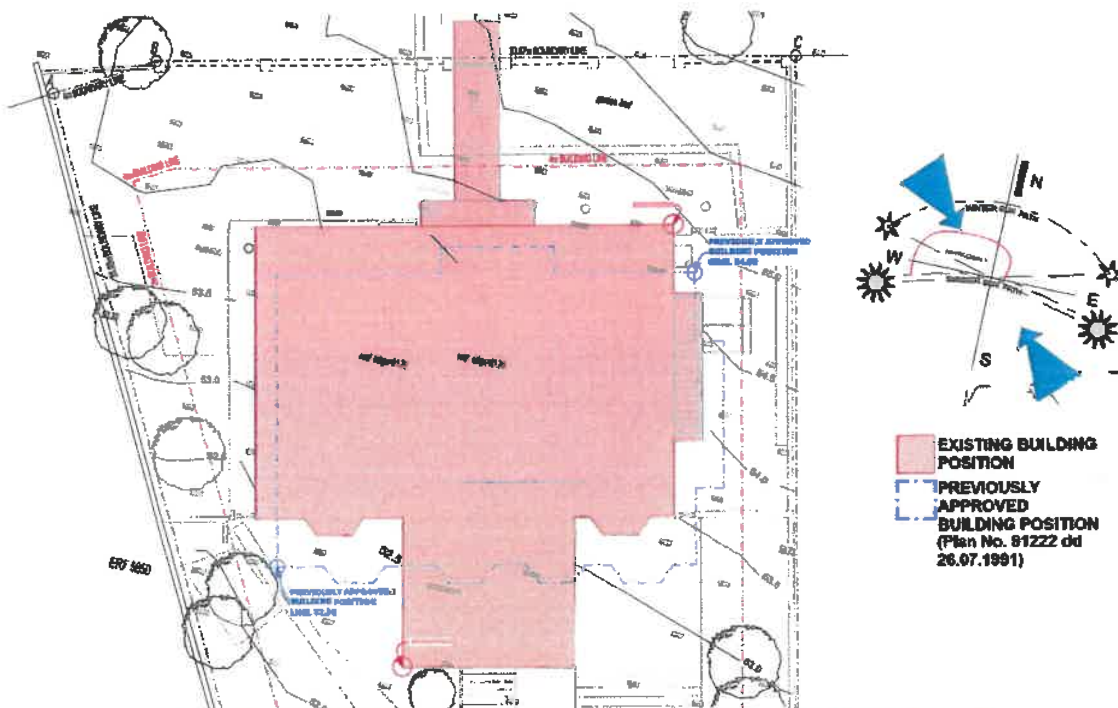
**G) PLANNING PRINCIPLES**

Not applicable to current application.

I / we would like to obtain approval and permission as required from Overstrand Town Planning Department to proceed with submission to Building Control Department for building plan approval for the building work as per drawings attached.

**Application:**

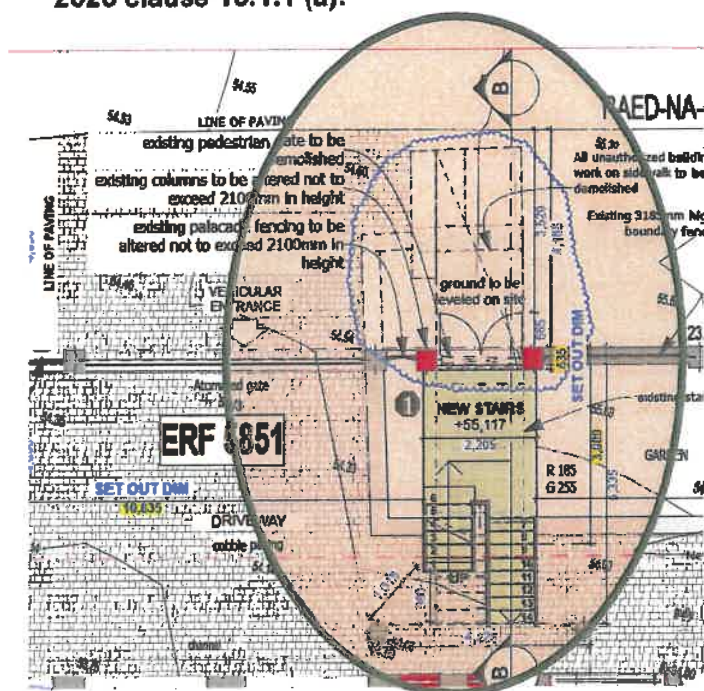
**1. Legalize existing building footprint position.**



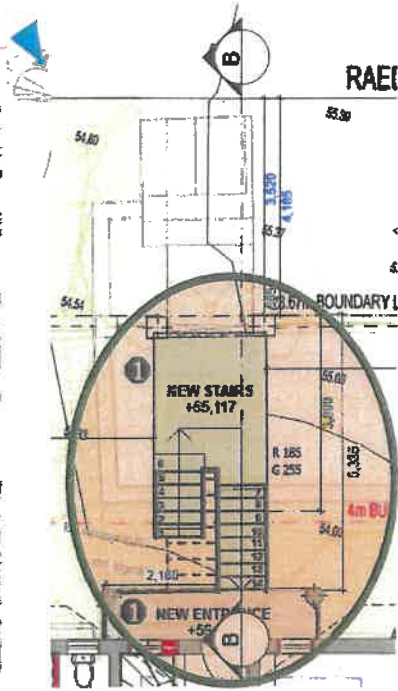
Existing Building Position		Previously Approved Building Position	
LOWEST LEVEL	52.240	LOWEST LEVEL	52.900
HIGHEST LEVEL	54.900	HIGHEST LEVEL	54.800
BASE LEVEL	53.570	BASE LEVEL	53.600
8.0m HEIGHT RESTRICTION	61.570	8.0m HEIGHT RESTRICTION	61.600
EXISTING ROOF STRUCTURE HEIGHT	61.750	EXISTING ROOF STRUCTURE HEIGHT	61.750

**EXISTING BUILDING POSITION (SHOWING EXISTING POSITION IN RELATION TO PREVIOUSLY APPROVED POSITION)**

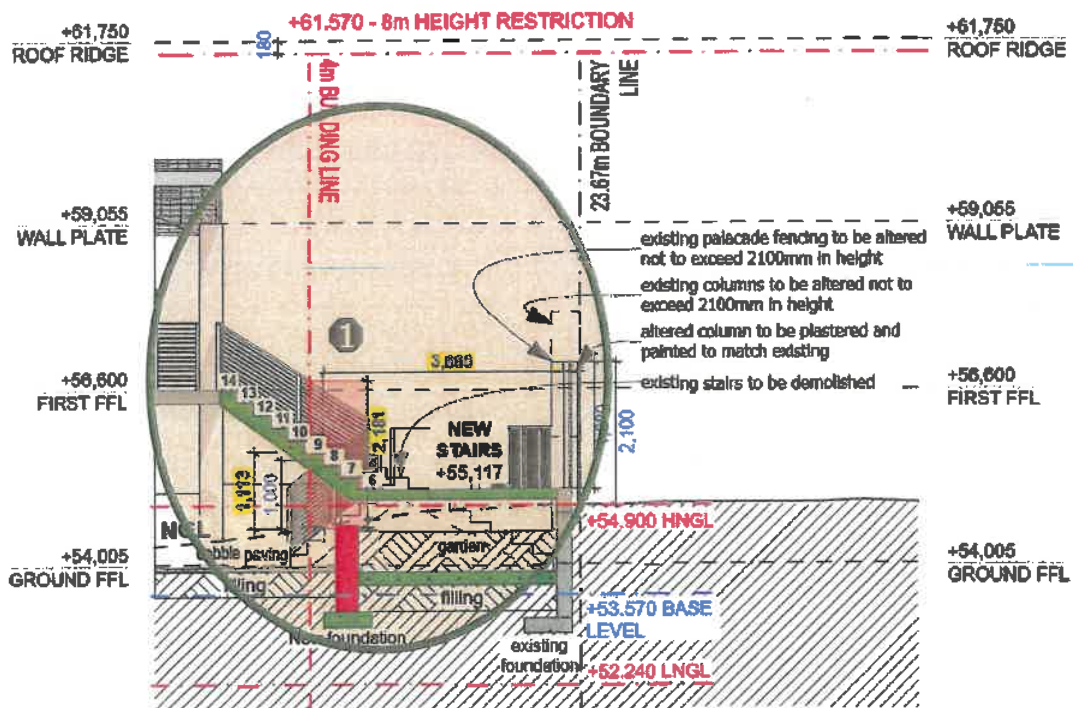
- Permanent relaxation on the 1.0m height restriction for any structure over the building line from 1.0m to 2.039m (refer to Overstrand Municipality land use scheme, 2020 clause 16.1.1 (a)).



**PARTIAL GROUND STOREY LAYOUT (SHOWING THE PROPOSED NEW STAIRS).**



**PARTIAL FIRST STOREY LAYOUT (SHOWING THE PROPOSED NEW STAIRS).**

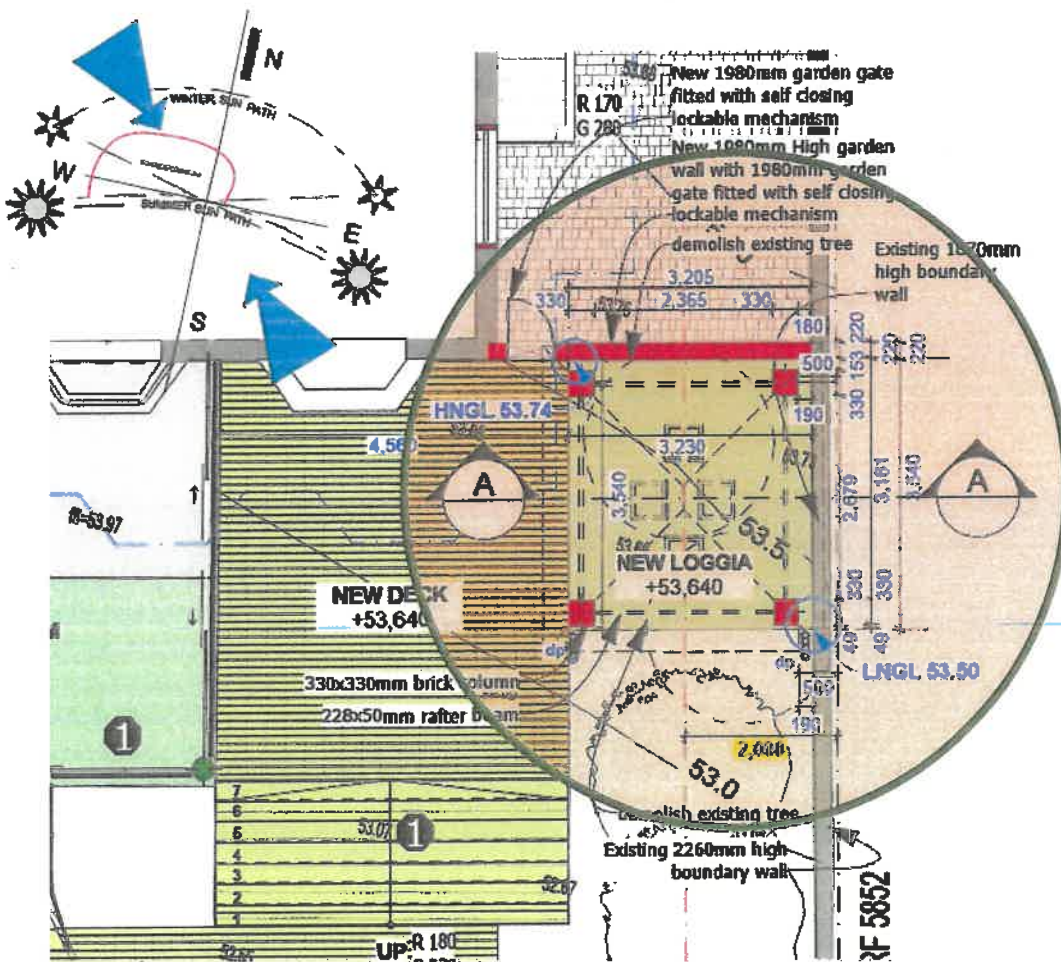


**SECTION B-B (SHOWING THE PROPOSED NEW STAIRS).**

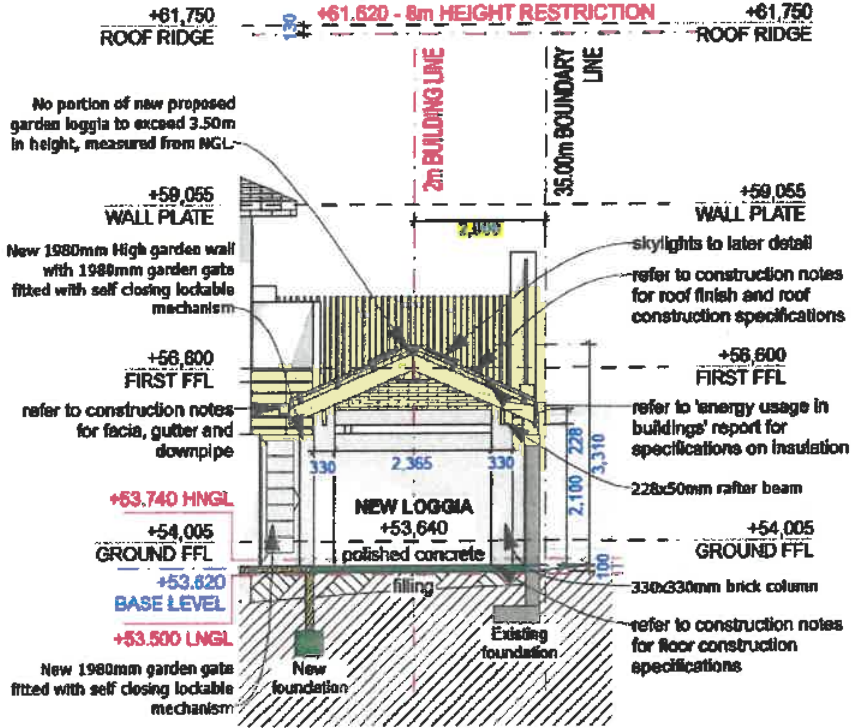


PHOTOS OF THE EXISTING STAIRCASE TO BE DEMOLISHED AND PROPOSED POSITION FOR THE NEW STAIRCASE

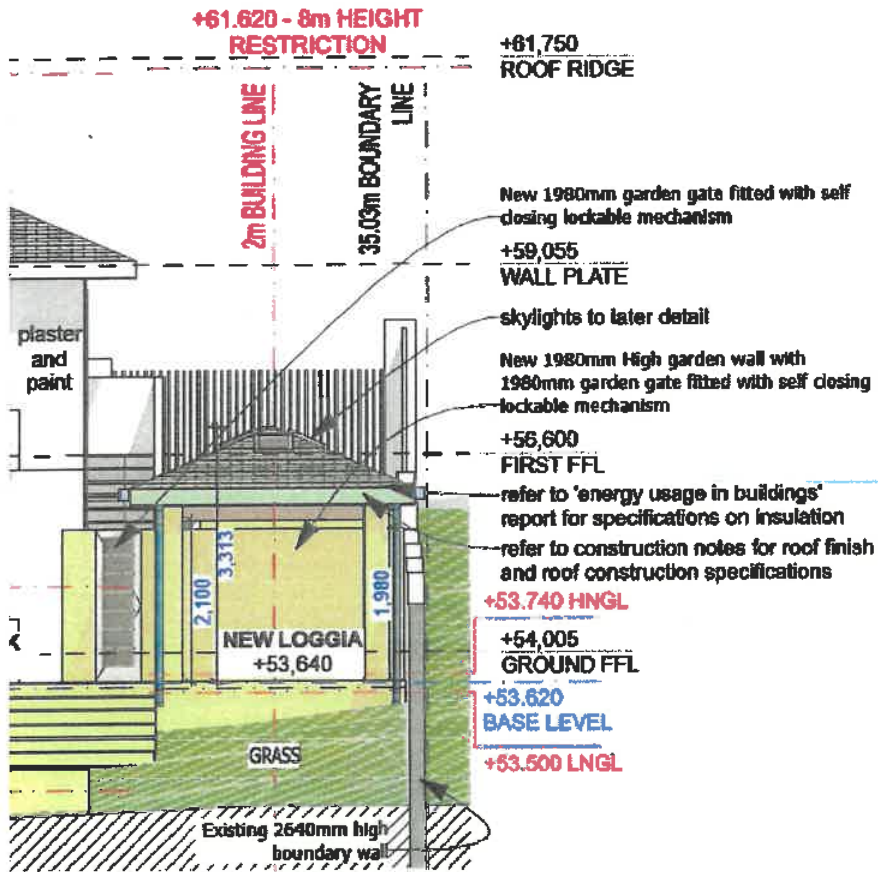
3. Permanent relaxation on the 2.0m lateral building line from 2.00m to 0.00m



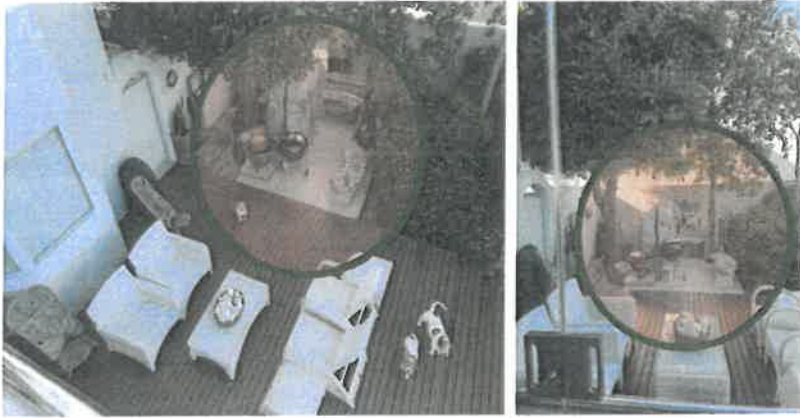
PARTIAL GROUND STOREY LAYOUT (SHOWING NEW GARDEN LOGGIA)



**SECTION A-A (SHOWING NEW GARDEN LOGGIA)**

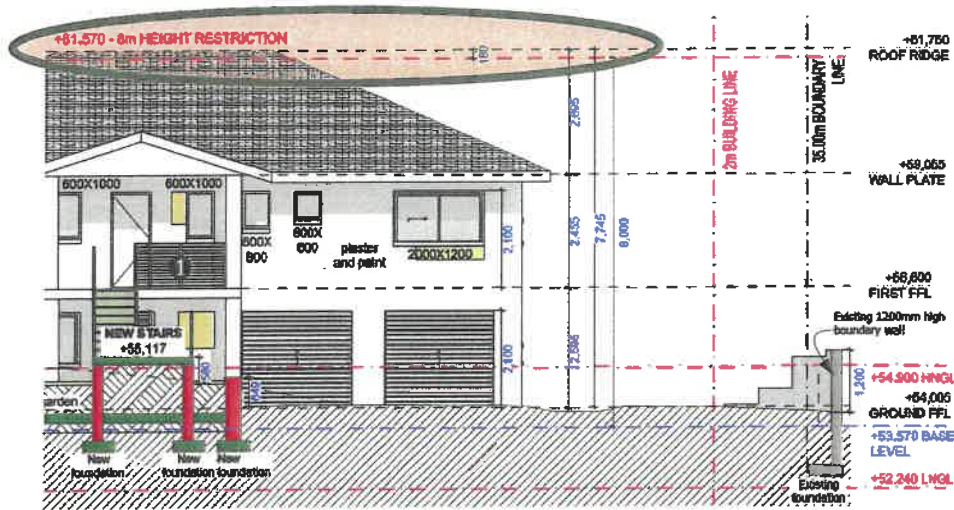


**PARTIAL SOUTH ELEVATION (SHOWING NEW GARDEN LOGGIA)**

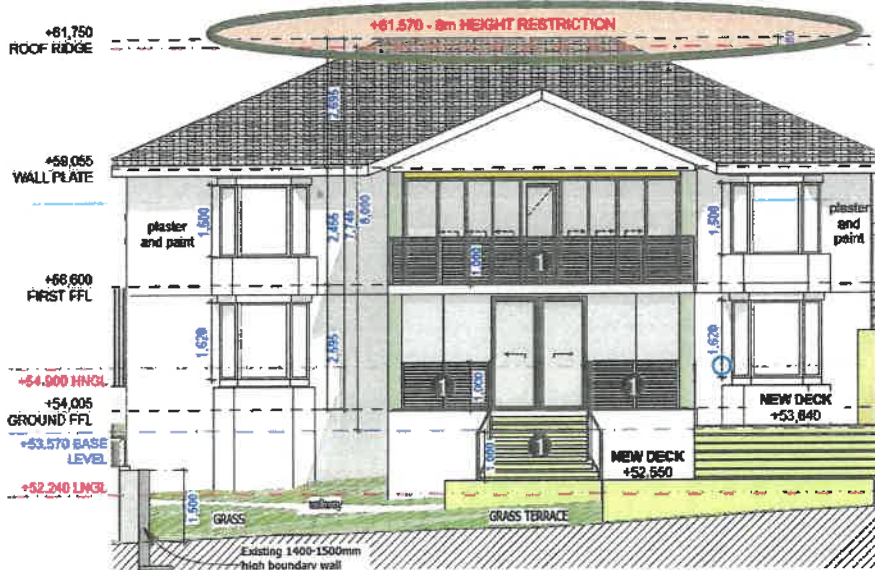


PHOTOS SHOWING PROPOSED POSITION FOR NEW GARDEN LOGGIA

4. Legalize existing roof structure encroaching 8m height restriction.



PARTIAL NORTH ELEVATION (SHOWING 8.M HEIGHT RESTRICTION ENCROACHMENT).



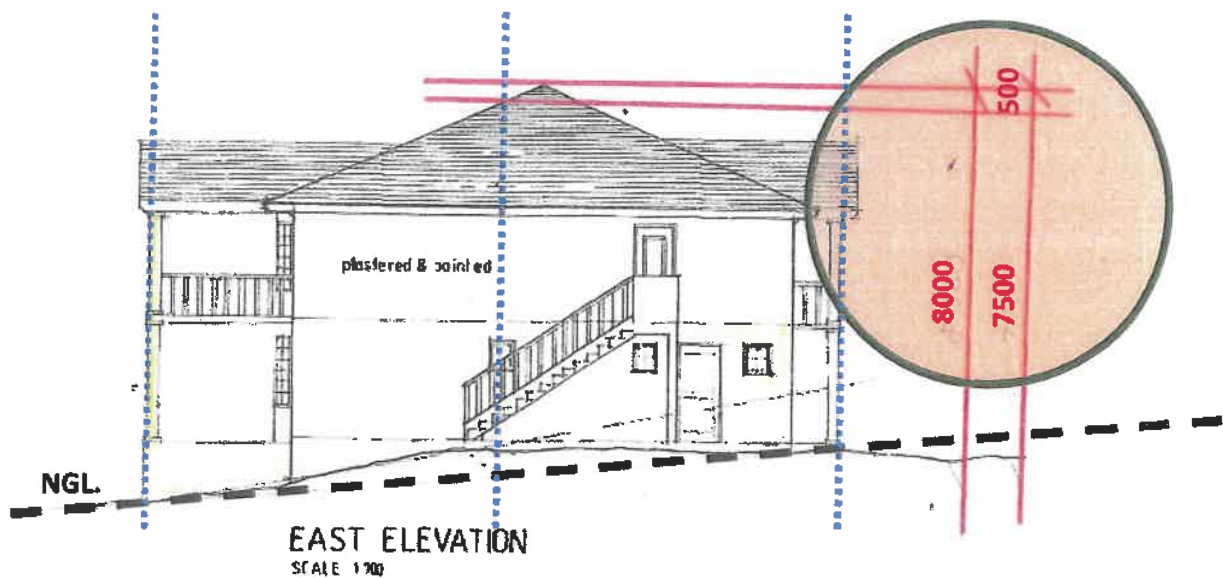
PARTIAL SOUTH ELEVATION (SHOWING 8.M HEIGHT RESTRICTION ENCROACHMENT).

**5. Application for administrative penalty on Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 – Article 90, clause (3):**

(a) *Nature, duration, gravity, and extent of the contravention.*

Done by previous owner's / builder/s.

- Building footprint
- Existing main roof extends over the 8.0m height restriction as imposed by latest zoning scheme. *(Take note, the existing roof also exceeds the 8.0m height restriction calculated from on the previously approved building footprint. – see drawing I 0485/A3/06).*



**Height encroachment on previously approved building plans**

The previously approved building plans (Plan no. 91221, dated 26.07.1991) encroaches the 7.5m height restriction condition of approval imposed by the Overstrand municipality - indicated on the approved plans. The encroachment of the 8.0m height restriction, enforced by Overstrand Municipal Land use scheme, 2020 was encroached during construction of the by the previous owners / contractor.

All work done by previous owner/s / contractors, our client Mr GP Louw can't be held responsible as he purchased the property as is and would like to legalize all the unauthorised work. Therefore, would like to apply for exemption on the administrative penalty for all works done by previous owner/s / contractors.

Construction cost for unauthorised building work:

Existing main roof portion extending over the 8.0m height restriction.

Construction cost:

**Material:** 4,62m<sup>2</sup> x R 2 750.00 + VAT  
R 12 705.00 + VAT  
R 14 610.75

**Labour:** 4,62m<sup>2</sup> x R 1 800.00 + VAT  
R 8 316.00 + VAT  
R 9 563.40

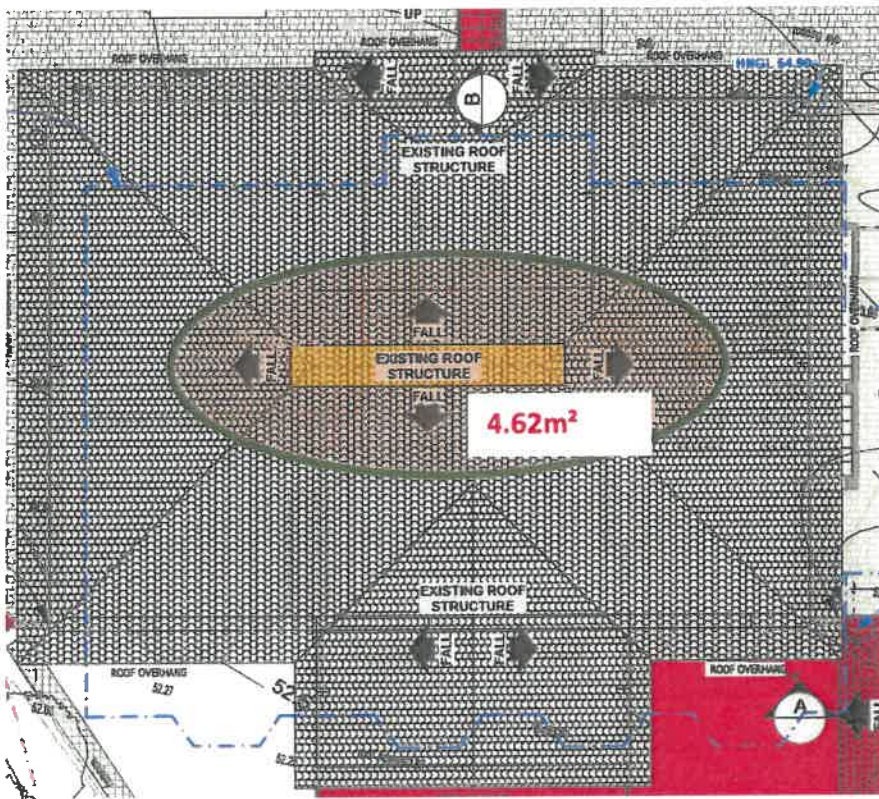


Illustration of the area exceeding the 8.0m height restriction

*The above fees are based on recent projects completed October – December 2023.*

**Total construction cost for unauthorized building work = R 24 174.15 (VAT incl.)**

*(b) The conduct of the person (allegedly) involved in the contravention:*

- Building footprint
- Existing main roof extends over the 8.0m height restriction as imposed by latest zoning scheme.

(c) *A report by a quantity surveyor in matters of authorized building/construction.*

n/a – Construction cost as given above (5(a)) has been calculated according to current construction costs with similar specifications.

(d) *Whether the unlawful conduct was stopped; and*

1. All building works done by previous owner/s / builders was done between 1991 and prior to 2015 when our client purchased the property.

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

Unknown, all construction by previous owner/builder.

Since the building has been purchased this way, without any prior knowledge of the structure's illegality, we would like to apply for the legalization of the existing structures as is together with all unauthorised building work.

We, on behalf of the client would like to apply for an **exemption** on any administrative penalties related to existing main roof height, legalise all structures on site together with new proposed alterations and additions.

On behalf of our client, we hope you find the application favourable.

Yours truly,



D Swart / T: 028 125 0019 / C: 079 694 1728

[dian@ssarc.co.za](mailto:dian@ssarc.co.za) / [www.ssarc.co.za](http://www.ssarc.co.za)

<p><b>MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.</b></p>	
<p>VARIAIONS:</p>	<p>DESCRIPTION:</p>
<p>REV NO.   DATE:</p>	<p>COUNCIL APPLICATION</p>
<p>02   23.11.2023</p>	<p>COUNCIL APPLICATION</p>
<p>DRAWING STAGE:</p>	
<p>COUNCIL SUBMISSION</p>	
<p>DEPARTURE APPLICATION</p>	
<p>SKETCH PROPOSAL</p>	
<p>TENDER DRAWING</p>	
<p>WORKING DRAWING</p>	
<p>SITE RESTRICTIONS:</p>	
<p>STREET BUILDING LINE 4,000mm</p>	
<p>LATERAL BUILDING LINE 2,000mm</p>	
<p>REAR BUILDING LINE 2,000mm</p>	
<p>HEIGHT RESTRICTION 8,000mm</p>	
<p>TITLE DEEP BUILDING LINES (see drawings) N/A</p>	
<p>ZONE APPLICABLE:</p>	
<p>SINGLE RESIDENTIAL (SR1)</p>	
<p>TOWN HOUSING - ZONE 1 (GR1)</p>	
<p>TOWN HOUSING - ZONE 2 (GR2)</p>	
<p>FLATS - ZONE 3 (GR3 and GR4)</p>	
<p>LESS FORMAL DEVELOPMENT (LFD)</p>	
<p><b>SMART SOLUTION ARCHITECTURE</b></p>	
<p>and Architectural Consultants</p>	
<p>Members of SACAP / CIA / and SAIAI</p>	
<p>PRINCIPAL: Ian Smith / Ian Smith Architects Architecture</p>	
<p>Office 028 125 0019   admin@ssarc.co.za</p>	
<p>I Smith 082 879 6749   ian@ssarc.co.za</p>	
<p>D Swart 079 694 1728   dlan@ssarc.co.za</p>	
<p>Mell Collection 104, Hemel &amp; Aarde Estate, Hermanus, 7200</p>	
<p><b>PROJECT NAME:</b></p>	
<p>PROPOSED ADDITIONS AND ALTERATIONS FOR GP LOUW</p>	
<p>ERF 5861</p>	
<p>18 RAED - NA - GAEL STREET HERMANUS HEIGHTS, HERMANUS</p>	
<p>DWG TITLE: SITE PHOTOS</p>	
<p>DATE: 23.11.2023</p>	
<p>DRAWN BY: RUCHELLE TALJAARD</p>	
<p>CHECKED BY: SACAP REG. PSAT24749037</p>	
<p>D SWART</p>	
<p>DRAWING SCALE: PRINT A3 LANDSCAPE</p>	
<p>AS SHOWN</p>	
<p>DRAWING NO. 1 04861/A3/03</p>	
<p>REV NO. 02</p>	



EXISTING GARDEN AND DECK



EXISTING GARDEN AND DECK

<p>MUNICIPAL APPROVAL STAMP</p>
---------------------------------



EXISTING STAIRCASE FROM STREET VIEW (NORTH ELEVATION)



EXISTING STAIRCASE





MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

REV NO.	DATE	DESCRIPTION
02	23.11.2023	COUNCIL APPLICATION

COUNCIL SUBMISSION	DRAWING STAGE:
DEPARTURE APPLICATION	
SKETCH PROPOSAL	
TENDER DRAWING	
WORKING DRAWING	

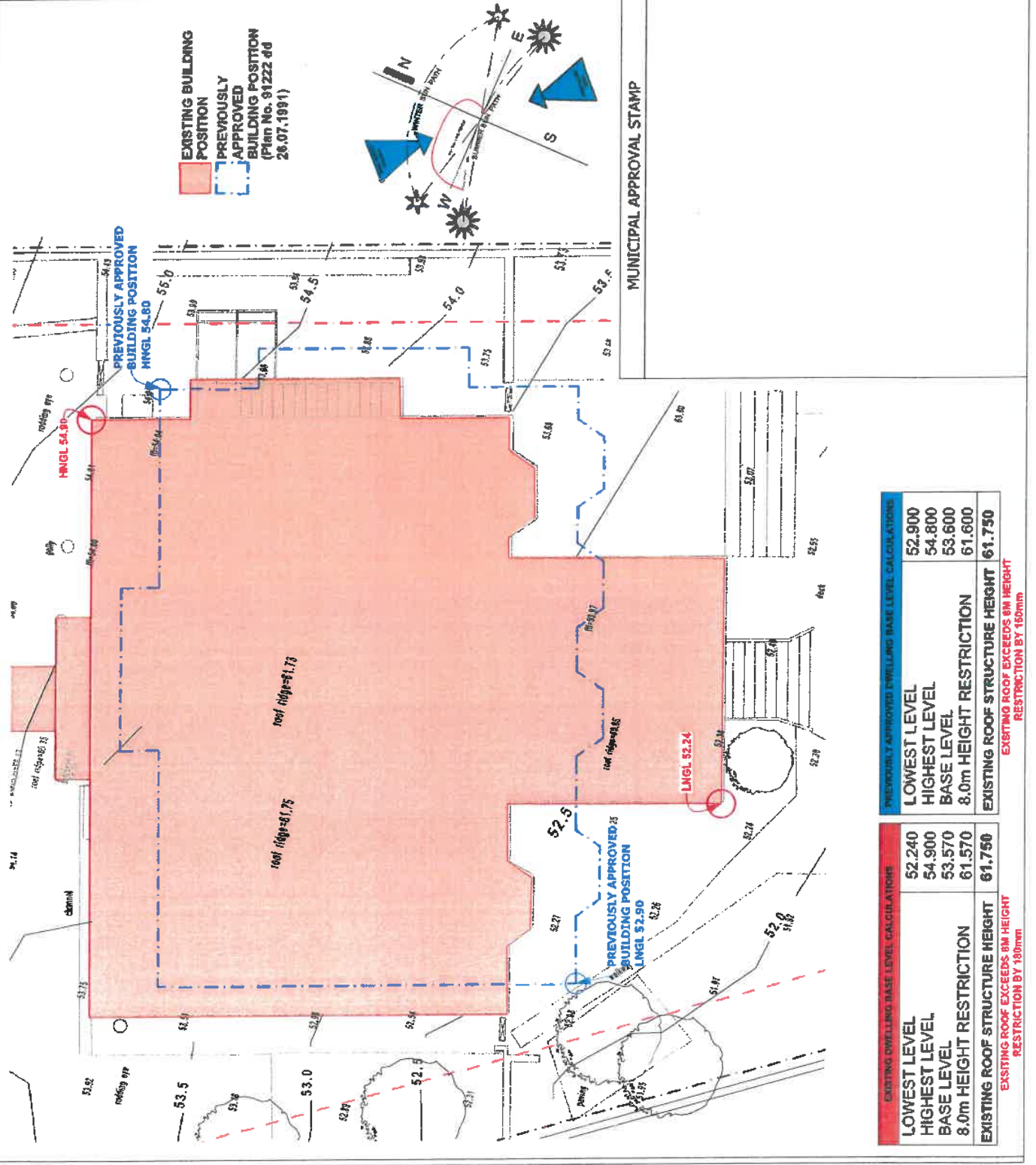
SITE RESTRICTIONS:	
STREET BUILDING LINE	2,000m
LATERAL BUILDING LINE	2,000m
REAR BUILDING LINE	2,000m
HEIGHT RESTRICTION	6,000m
TITLE DEED BUILDING LINES (see drawings)	N/A

ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SR1)	
TOWN HOUSING - ZONE 1 (GR1)	
TOWN HOUSING - ZONE 2 (GR2)	
FLATS - ZONE 3 (GR3 and GR4)	
LESS FORMAL DEVELOPMENT (LFD)	

**SMART SOLUTION ARCHITECTURE**  
and Architectural Consultants  
Members of SACAP / CIA / and SAAT  
PRINCIPAL: Ien Smit Ltd Smart Solution Architecture  
Office 028 125 0019 admin@ssarc.co.za  
I Smit 082 879 6749 ian@ssarc.co.za  
D Smit 079 694 1728 dian@ssarc.co.za  
Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

<b>PROJECT NAME:</b>	
PROPOSED ADDITIONS AND ALTERATIONS FOR GP LOUW	
ERF 5851	
18 RAED - NA - GAEL STREET HERMANUS HEIGHTS, HERMANUS	
<b>DWG TITLE:</b> LEGALIZE EXISTING BUILDING FOOTPRINT	

<b>DATE:</b>	23.11.2023
<b>DRAWN BY:</b>	RUCHELLE TALJAARD
<b>CHECKED BY:</b>	D SWART
<b>DRAWING SCALE:</b>	AS SHOWN
<b>DRAWING NO.:</b>	10485/A3/06
<b>REV NO.:</b>	02



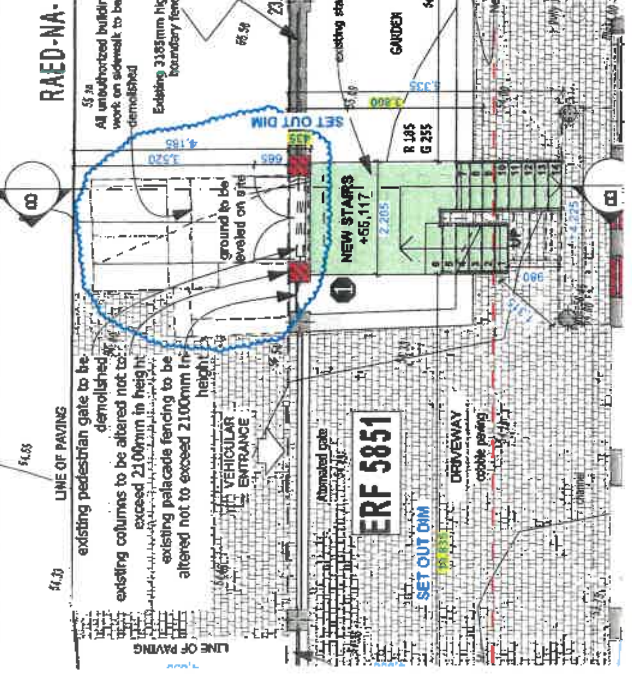
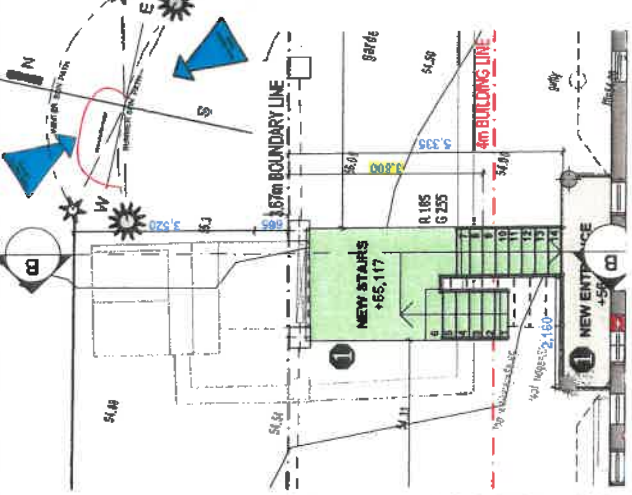
<p><b>MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB-CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSEDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.</b></p>	
VARIATIONS:	
REV NO.	DATE:
02	23.11.2023
DESCRIPTION: COUNCIL APPLICATION	
DRAWING STAGE:	
COUNCIL SUBMISSION	
DEPARTURE APPLICATION	
SKETCH PROPOSAL	
TENDER DRAWING	
WORKING DRAWING	
SITE RESTRICTIONS:	
STREET BUILDING LINE	4,000mm
LATERAL BUILDING LINE	2,000mm
REAR BUILDING LINE	2,000mm
HEIGHT RESTRICTION	6,000mm
TITLE DEED BUILDING LINES (see drawing)	N/A
ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SR1)	
TOWN HOUSING - ZONE 1 (GR1)	
TOWN HOUSING - ZONE 2 (GR2)	
FLATS - ZONE 3 (GR3 and GR4)	
LESS FORMAL DEVELOPMENT (LFD)	

**SMART SOLUTION ARCHITECTURE**  
 and Architectural Consultants  
 Members of SACAP / CIA / and SAIAI  
 PRINCIPAL: Mr. Smit 1/4 Smart Solution Architecture  
 Office 028 125 0019 adm@ssarc.co.za  
 I Smit 082 879 5749 iam@ssarc.co.za  
 D Swart 079 694 1726 dian@ssarc.co.za  
 Mail Collection 104, Hernel & Aarde Estate, Hermanus, 7200

PROJECT NAME:	
PROPOSED ADDITIONS AND ALTERATIONS FOR GP LOUW	
ERF 5851	18 RAED - NA - GAEL STREET
HERMANUS HEIGHTS, HERMANUS	
DWG TITLE:	
NEW STAIRS	
DATE:	23.11.2023
DRAWN BY:	
RUCHELLE TALJAARD	
CHECKED BY:	D SWART
DRAWING SCALE	
AS SHOWN	
DRAWING NO.	I 0465/A3/07
SACAP REG. PSAT24749037	
PRINT A3 LANDSCAPE	
REV NO. 02	



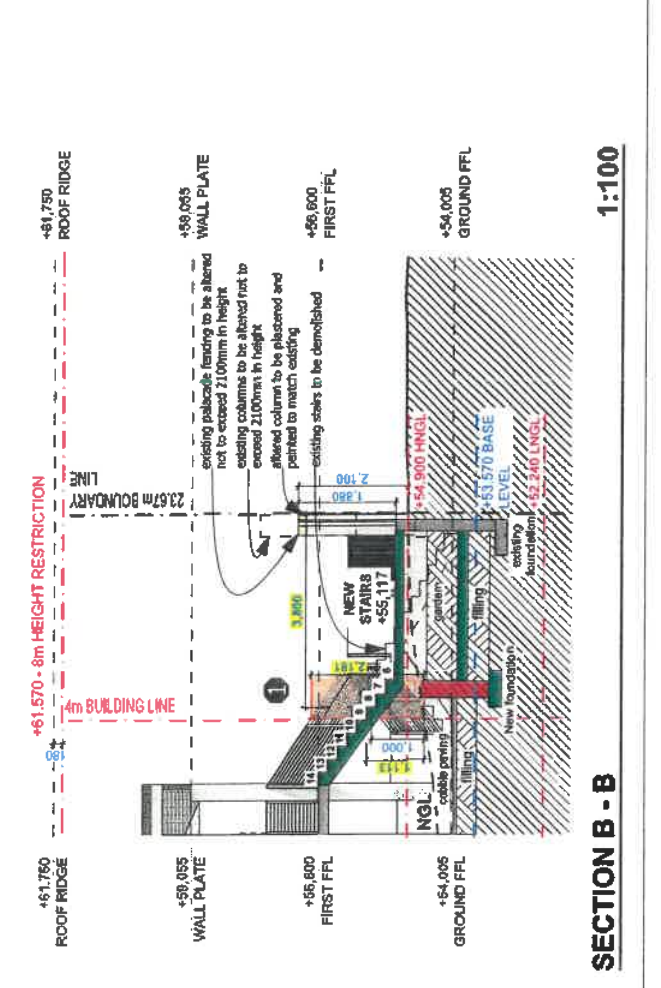
**PHOTOS OF EXISTING STAIRCASE**



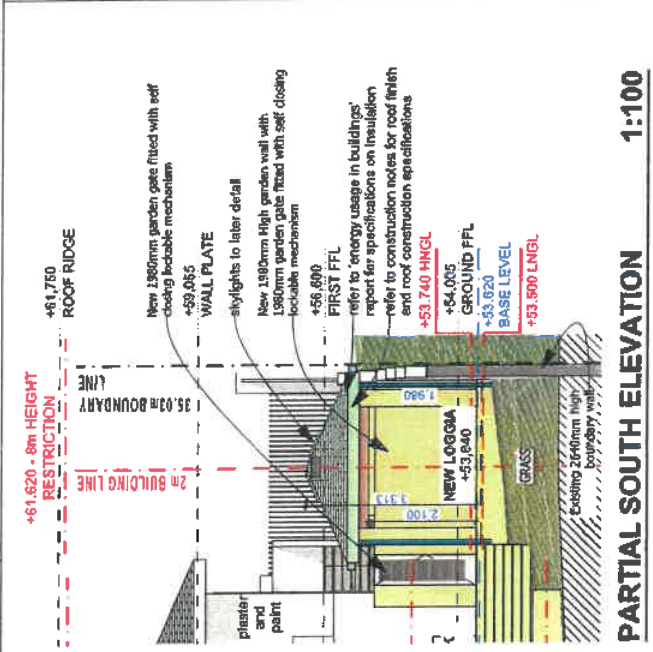
**PARTIAL SITE AND FIRST STOREY LAYOUT 1:100**

**PARTIAL SITE AND GROUND STOREY LAYOUT 1:100**



**MUNICIPAL APPROVAL STAMP**



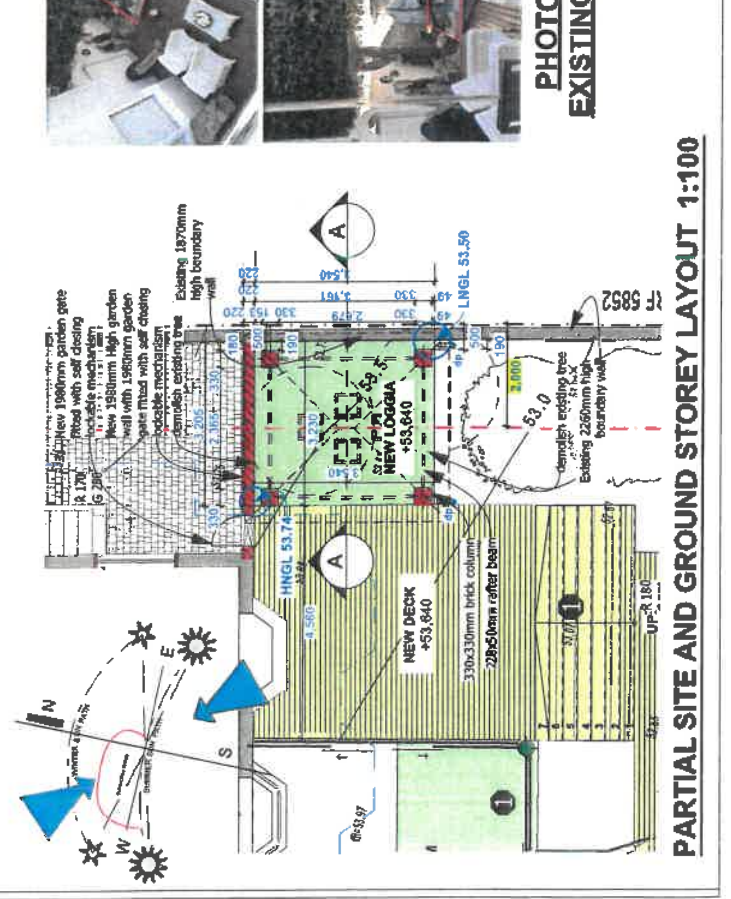
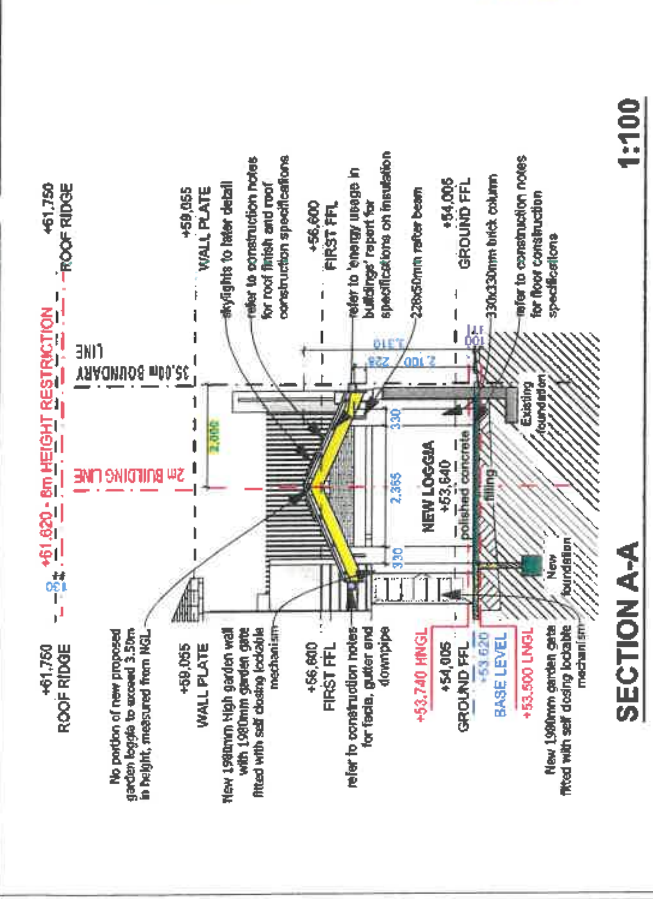
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<p>VARIATIONS:</p>	<p>DESCRIPTION:</p>
<p>REV NO. DATE:</p>	<p>23.11.2023</p>
<p>02</p>	<p>COUNCIL APPLICATION</p>
<p>DRAWING STAGE:</p>	
<p>COUNCIL SUBMISSION</p>	
<p>DEPARTURE APPLICATION</p>	
<p>SKETCH PROPOSAL</p>	
<p>TENDER DRAWING</p>	
<p>WORKING DRAWING</p>	
<p>SITE RESTRICTIONS:</p>	
<p>\$ STREET BUILDING LINE</p>	<p>0.00m</p>
<p>LATERAL BUILDING LINE</p>	<p>2.00m</p>
<p>REAR BUILDING LINE</p>	<p>2.00m</p>
<p>HEIGHT RESTRICTION</p>	<p>3.00m</p>
<p>TITLE DEED BUILDING LINES (see drawings)</p>	<p>N/A</p>
<p>ZONE APPLICABLE:</p>	
<p>SINGLE RESIDENTIAL (SR1)</p>	
<p>TOWN HOUSING - ZONE 1 (GR1)</p>	
<p>TOWN HOUSING - ZONE 2 (GR2)</p>	
<p>FLATS - ZONE 3 (GR3 and GR4)</p>	
<p>LESS FORMAL DEVELOPMENT (LFD)</p>	
<p><b>SMART SOLUTION ARCHITECTURE</b></p>	
<p>and Architectural Consultants</p>	
<p>Members of SACAP / CIA / and SAIAI</p>	
<p>PRINCIPAL: <i>Van Smal Vm Smart Solution Architecture</i></p>	
<p>Office 028 125 0019</p>	<p>admin@ssarc.co.za</p>
<p>I Smit 082 879 6749</p>	<p>hr@ssarc.co.za</p>
<p>D Swart 079 694 1728</p>	<p>di@ssarc.co.za</p>
<p>Mail Collection 104, Hermal &amp; Aarde Estate, Hermanus, 7200</p>	
<p><b>PROJECT NAME:</b></p>	
<p>PROPOSED ADDITIONS AND ALTERATIONS FOR GP LOUW</p>	
<p>ERF 5851</p>	
<p>18 RAED - NA - GAEL STREET HERMANUS HEIGHTS HERMANUS</p>	
<p><b>DWG TITLE:</b></p>	
<p>NEW LOGGIA</p>	
<p>DATE:</p>	<p>23.11.2023</p>
<p>DRAWN BY:</p>	<p>RUCHELLE TALLJAARD</p>
<p>CHECKED BY:</p>	<p>D SWART</p>
<p>DRAWING SCALE</p>	<p>AS SHOWN</p>
<p>DRAWING NO.</p>	<p>1 0485/A3/06</p>
<p>REV NO.</p>	<p>02</p>
<p>SACAP REG.</p>	<p>PSAT24749037</p>
<p>PRINT A3</p>	<p>LANDSCAPE</p>



**MUNICIPAL APPROVAL STAMP**

**PHOTOS OF EXISTING DECK**



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VARIATIONS:	DESCRIPTION:
REV NO.	DATE
02	23.11.2023
COUNCIL APPLICATION	

DRAWING STAGE:	
COUNCIL SUBMISSION	
DEPARTURE APPLICATION	
SKETCH PROPOSAL	
TENDER DRAWING	
WORKING DRAWING	

SITE RESTRICTIONS:	
STREET BUILDING LINE	4,000m
LATERAL BUILDING LINE	2,000m
REAR BUILDING LINE	2,000m
HEIGHT RESTRICTION	8,000m
TITLE DEED BUILDING LINES (see drawings)	(N/A)

ZONE APPLICABLE:	
SINGLE RESIDENTIAL (SR1)	<input checked="" type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	
TOWN HOUSING - ZONE 2 (GR2)	
FLATS - ZONE 3 (GR3 and GR4)	
LESS FORMAL DEVELOPMENT (LFD)	

**SMART SOLUTION ARCHITECTURE**  
and Architectural Consultants

Members of SACAP / CIA / and SAAT  
PRINCIPAL: Ivo Smit / Ivo Smit Stellenbosch Architecture

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I Smit 082 879 6749 ian@sasarc.co.za  
D Swart 079 894 1728 dlan@sasarc.co.za

Mail Collection 104, Hermal & Aarde Estate, Hermanus, 7200

**PROJECT NAME:**  
PROPOSED ADDITIONS AND ALTERATIONS FOR GP LOUW ERF 5851

**18 RAED - NA - GAEL STREET HERMANUS HEIGHTS, HERMANUS**

**DWG TITLE:**  
LEGALIZE 8.00m HEIGHT RESTRICTION ENCROACHMENT

**DATE:**  
23.11.2023

**DRAWN BY:**  
RUCHELLE TALJAARD

**CHECKED BY:**  
D SWART

**DRAWING SCALE:**  
AS SHOWN

**DRAWING NO.:**  
1 0465/A3/09

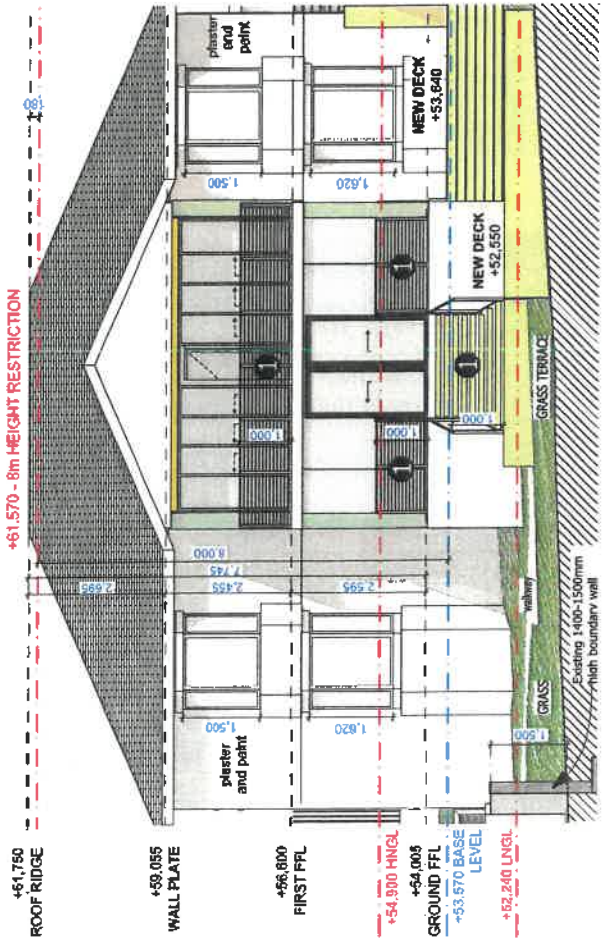
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02

**SACAP REG.:**  
PSAT24749037

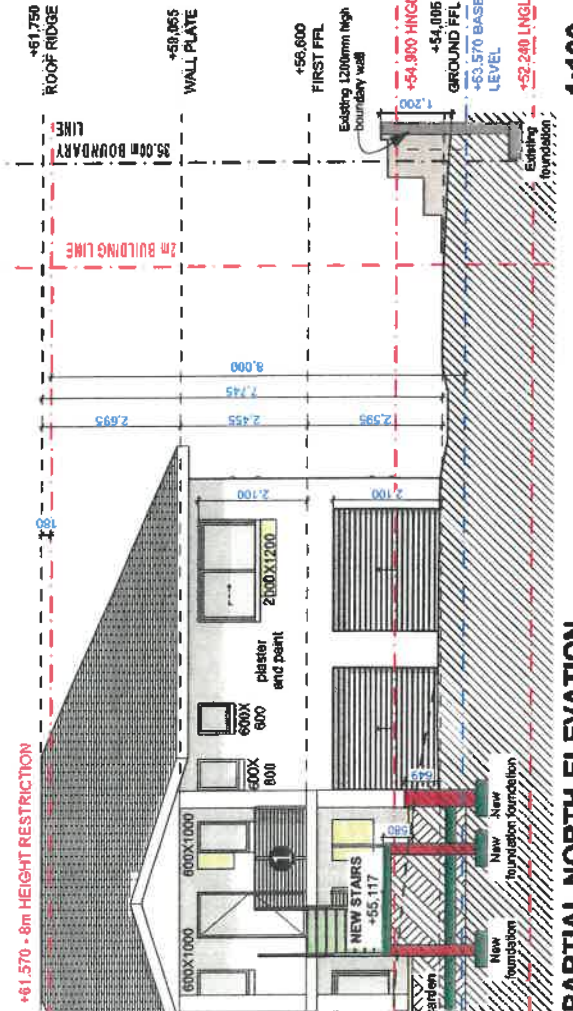
**PRINT A3 LANDSCAPE**



STREET VIEW (NORTH)



PARTIAL SOUTH ELEVATION 1:100



PARTIAL NORTH ELEVATION 1:100

MUNICIPAL APPROVAL STAMP

**Alida Conradie**

---

**From:** Chris Groenewald  
**Sent:** Tuesday, 26 March 2024 10:08  
**To:** Alida Conradie  
**Cc:** Heidi Groenewald; Chris Groenewald  
**Subject:** Objection - Erf 5851, 18 Raed-Na-Gael, Hermanus – PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner.

We hereby notify that we object the proposed contravention of the building guidelines in respect of the above.

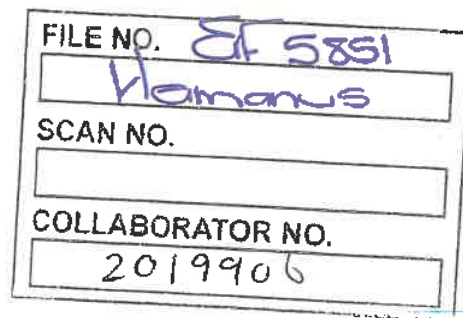
This includes the height restrictions that are exceeded as well as the proposed crossing/breach of the building line.

We believe there are sound reasons for these restrictions to be in place and such approvals could lead to a deluge of similar requests, which could then not be denied, thus negatively impacting the neighbourhood.

Kind regards

Chris and Heidi Groenewald  
13 Walkerbay Crescent

*TP n. Theak (M. Olivia)*



*TP*

*TP. A. Aheart  
(H. Oliver)*



# SMART SOLUTION ARCHITECTURE

and Architectural Consultants

028 125 0019 / 079 694 1728  
dian@ssarc.co.za  
www.ssarc.co.za

OVERSTRAND MUNISIPALITEIT  
MEMBERS OF SAACA, SAIA, and SAATA

REKORDBEHEER

18 APR 2024

DOCUMENT CONTROL

OVERSTRAND MUNICIPALITY

17.04.2024

OVERSTRAND MUNICIPALITY  
16 PATERSON STREET  
PO BOX 20  
HERMANUS  
7200

**RESPONSE TO NOTICE OF OBJECTION RECEIVED  
ERF 5851, 18 RAED-NA-GAEL STREET, HERMANUS HEIGHTS, HERMANUS**

To whom it may concern,

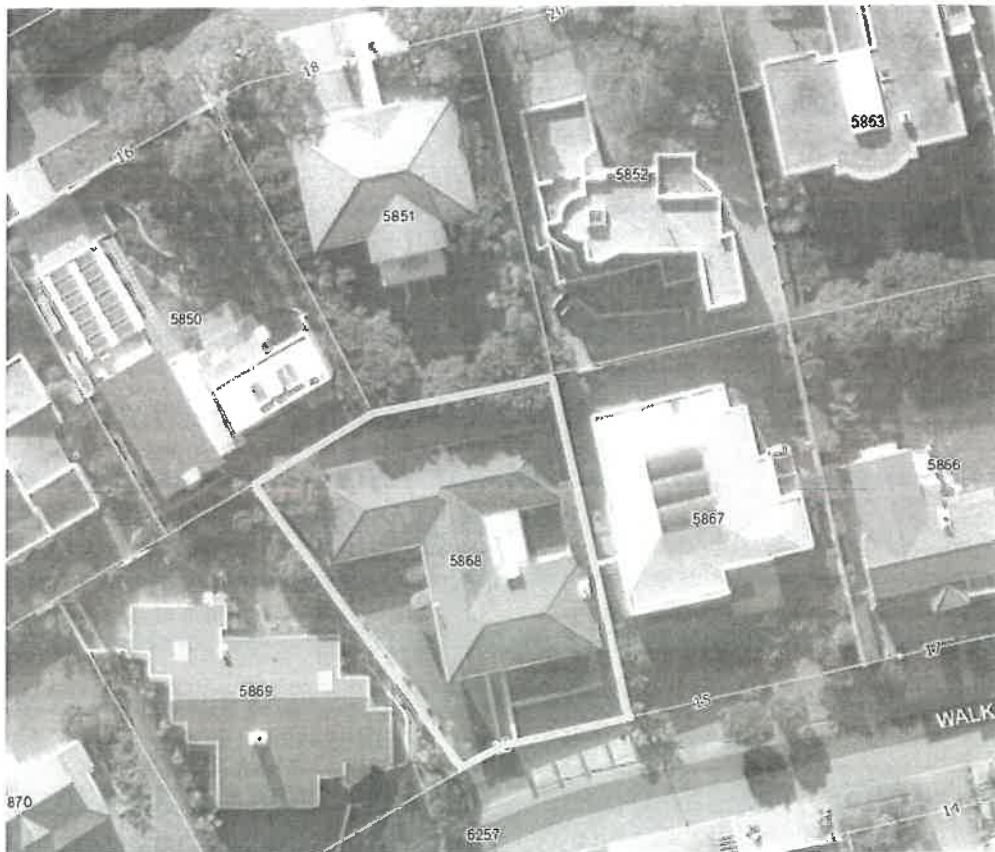
With reference to objection received from

Mr & Mrs Groenewald,  
Erf 5868  
13 Walkerbay Street  
Hermanus Heights  
Hermanus  
7200

FILE NO. *Erf 5851 ✓*  
*Hermanus Heights*

SCAN NO.  
HHH 5851

COLLABORATOR NO.  
2033208



*TP 17 APR 2024*

**Comments received - email dd: 26 March 2024:****Alida Conradie**

**From:** Chris Groenewald  
**Sent:** Tuesday, 26 March 2024 10:08  
**To:** Alida Conradie  
**Cc:** Heidi Groenewald; Chris Groenewald  
**Subject:** Objection - Erf 5851, 18 Raed-Na-Gael, Hermanus - PUBLIC PARTICIPATION - You are regarded as a potentially affected property owner.

We hereby notify that we object the proposed contravention of the building guidelines in respect of the above.

This includes the height restrictions that are exceeded as well as the proposed crossing/breach of the building line.

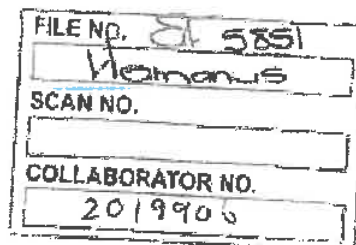
We believe there are sound reasons for these restrictions to be in place and such approvals could lead to a deluge of similar requests, which could then not be denied, thus negatively impacting the neighbourhood.

Kind regards

Chris and Heidi Groenewald  
 13 Walkerbay Crescent



TP n/Heidi  
 (M. Olivier)



Comments received are general concerns and not specifically related to our application submitted for Erf 5851, 18 Raed-na-Gael Street, Hermanus. Our application submitted was for the following:

1. To legalize the existing footprint of the building which was built in 1991-1992. Thus, the existing building has been standing in the same position for the past 41-42 years.

- *Objection received not relevant.*

2. To demolish an existing illegal staircase, as purchased by the current owner, our client. We propose a new staircase to provide access as needed to the existing dwelling. The proposed new staircase is far less intrusive on the street scape as the existing staircase that was constructed on the sidewalk (by previous owner).

- *Thus, we propose an improvement on the street scape, existing dwelling, and surrounding properties.*

3. Propose a new garden loggia, which is not even visible from street level due to site slope will have no negative impact on any of the direct and or surrounding properties.

The dwelling of Mr & Mrs Groenewald who objected to the proposal, are estimate 18.50m away from the proposed garden loggia, the proposed position of the loggia will not impose onto their private space, will not affect their property value, and will not affect them at all for that matter. With the current trees between erf 5851 & 5868 the proposed loggia will not be visible, without the trees the loggia will only be visible if they stand right next to the boundary wall and look over the wall into erf 5851.

- We understand their concern regards to setting a precedent for similar and or future applications, hence the application for permanent departure (building line relaxation) to evaluate each application on their own merit.

4. To legalize the existing roof of the building which was built in 1991-1992. The existing roof ridge line has been the same height for the past 41-42 years.

- *Objection received not relevant.*

We hereby acknowledge the comments / concerns received but feel that we have considered all surrounding and direct adjoining neighbours. We do not wish to set a precedent but do hope that our application will be evaluated on merit.

Kind Regards,



D Swart  
 T: 028 125 0019  
 C: 079 694 1728  
[dian@ssarc.co.za](mailto:dian@ssarc.co.za)  
[www.ssarc.co.za](http://www.ssarc.co.za)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE  
PENALTY: ERF 5851, HERMANUS (4543/2023)**

Stormwater (SW)	:	Refer to conditions
Electricity	:	Refer to conditions
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Roads and traffic	:	Refer to conditions

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
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 owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – 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 Area Manager: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that no reservation of on-street parking be allowed;
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.

  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

  
**DATE**