

4.4

**ERF 2908, 51 ATLANTIC DRIVE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE
PENALTY: ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF
LIANRI TRUST**

2908 HON (4437/2024)

H Olivier

8 May 2024

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 18 July 2023 from Messrs Engelbrecht and Scorgie on behalf of Liandri Trust in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2908, Onrustrivier for the following:

- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to relax the western lateral building line from 2m to ,96mm to accommodate proposed alterations to the existing dwelling, alterations to the roof, and the use change of a portion of the carport into a part of a dwelling.
- ❖ **Departure** in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to exceed the permissible coverage from 50% to 51,69%, to accommodate the existing dwelling on the property.
- ❖ **Determination of Administrative Penalty** in terms of Section 16.(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the unauthorized work as mentioned above.

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, while the proposed Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 496m² in extent and is developed with a dwelling with garage and carport below the dwelling. The erf is in a residential area and is zoned Residential Zone I.

4. SUMMARY OF APPLICANT'S MOTIVATION

THE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:

- ❖ The application is for Departures to relax a building line and coverage on the property, and the determination of an administrative penalty.
- ❖ Surrounding erven was constructed of similar scale and properties to the rear have views between the front sea facing properties.

- ❖ The new owner purchased the property in 2019 and now wants to do some alterations and additions to the dwelling.
- ❖ There is no restriction in the title deed impacting this application.
- ❖ The alterations and the additions of the dwelling will not lead to an increase in coverage. The existing coverage will remain.
- ❖ The proposed alterations include:
 - The changes to the **garage/basement** to an internal staircase and lift to link the garage level with the existing ground floor level and proposed first floor level.
 - Changes on **ground floor** of the kitchen, dining and living area, changing the study into an area for the lift and staircase, changing the roof on the existing laundry area, replacing windows, and replacing the existing deck structure.
 - Create a **new first floor** without increasing the footprint of the dwelling.
- ❖ When searching through the old building plans on the Municipal records dating back to 2002, it was established that calculation errors were made on previously historic plans submitted, which was also not identified by the Municipality. On later plans the existing laundry was also not shown on the plans, although it was previously approved.
- ❖ A land surveyor was appointed who then confirmed the existing coverage is 51,69%.
- ❖ Character of the area:
 - The area has a strong residential character.
 - Many of the buildings on properties were constructed 0,9m from property boundaries, as this was the former building lines.
 - Most of the erven in this area next to Atlantic Drive slope towards the ocean, providing them with good views.
 - Most of the properties in this area have been refurbished with a more up market modern appearance.
- ❖ The encroachments over the building line and coverage (8,4m²) are relatively minor and will not impact the environment, streetscape or any surrounding properties.
- ❖ Possible impact on surrounding properties:
 - **Erf 2907, 49 Atlantic Drive**
 - The property is to the west.
 - Views are to the south and privacy and views will not be interrupted with the proposed additions on Erf 2908.
 - The changes over the building line are mostly internal creating a staircase and lift shaft, replacing the laundry roof, and replacing some windows.
 - The impact of the increased coverage will have no impact as the buildings have been there for approximately 20 years.
 - The owners of Erf 2907 consented to the changes.
 - **Erf 2911, 51 Atlantic Drive**
 - The property lies east of Erf 2908.
 - Erf 2911 enjoys views in a southern direction, so their privacy and view will not be interrupted by the additions and alterations on Erf 2908.

- The changes over the building line will not be visible from Erf 2911 due to the existing dwelling.
- The impact of the increased coverage will have no impact as the buildings have been there for approximately 20 years.

Erf 4446, 4 Tuna Street

- Erf 4446 is to the north-west and is elevated and overlooks Erf 2908.
- It has views by looking through the gap between Erf 2908 and Erf 2907.
- The changes over the 2m building line will hardly be visible from Erf 4446.
- The impact of the increased coverage will have no impact as the buildings have been there for approximately 20 years.

Erf 2936, 6 Tuna Street

- Erf 2936 is to the northeast and is slightly elevated.
- It has views looking through the gap between Erf 2908 and Erf 2911.
- The changes over the 2m building line will hardly be visible from Erf 4446.
- The impact of the increased coverage will have no impact as the buildings have been there for approximately 20 years.

ADMINISTRATIVE PENALTY

Application is made for an administrative penalty applicable to coverage, to legalize the 8,4m² encroachment increasing the coverage from 50% to 51, 69%.

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

The 50% maximum coverage is exceeded. The buildings have been constructed more than 20 years ago. The encroachment is 8,4m² in extent.

(b) The conduct of the person involved in the contravention

Previous landowners constructed the buildings.

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

A cost estimate was provided from a building contractor. It indicated cost per m² is R14500-00 and multiplied with the 8,5m², it calculates to a total cost of R123 250-00 (VAT excluded).

(d) Whether the unlawful conduct was stopped

It was already constructed 20 years ago.

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

There is no evidence that the current owner has previously contravened the By-Law.

An architect working on previous plans incorrectly calculated coverage and did not indicate an existing laundry on a plan. The encroachment of coverage does not cause negative impact on nature, environment, the streetscape, or any of the surrounding properties within the area. It is therefore requested that an administrative penalty be imposed on the unauthorized building work, as it is not the existing property owner who created it.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
E-mail notices	Yes	6 December 2023	6 February 2024
Notice on Site	Yes	6 December 2023	6 February 2024
Internal departments	Yes	6 December 2023	6 February 2024
Ward councillor	Yes	6 December 2023	6 February 2024
Total comments	ONE (1)		
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 (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Fire Department	07/12/2023	No objection.
Building Control	07/12/2023	No objection.
Engineering Services	13/12/2023	See Annexure F.
Telkom	06/12/2023	See Annexure G.
Municipal Environmental Management Services	27/03/2024	Located in a Coastal Protection EMOZ, however the departure approval will not impact on EMOZ.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) letter of objection was received from the property owners of Erf 2911, Mr JW Basson.

The applicant was provided with the opportunity to respond to the objection. See Annexures D and E respectively.

The objection, applicant's response thereon and the municipal Town Planners comments thereon can be summarized as follows:

OBJECTION 1

The proposed bedroom and bathroom windows on the eastern side of the proposed first floor will negatively impact the privacy of the pool area on Erf 2911. The bedroom window should be turned horizontally and raised to 1,6m above the first storey floor level and the bathroom window should be raised 1m above the first floor and dusted.

APPLICANT'S RESPONSE

The objector's major concern is that his privacy is affected. The application for relaxation is on the western boundary, and not on the eastern side next to the objector's property boundary. The building extensions and additions on the eastern side of Erf 2908 complies with the Zoning Scheme.

The privacy of both property owners was considered and that is why the width of the bedroom window was reduced to 0,9m wide and the bathroom window to 0,6m wide.

The objector has a view from his bedroom and a balcony overlooking the pool and deck on Erf 2908, which raises the question, what about the privacy of the owner of Erf 2908?

The impact of the objector's windows on the applicant's privacy outweighs the effect that the applicant's narrower window will have on the objector's privacy.

The objector's proposal will not be entertained.

TOWN PLANNER'S RESPONSE

The objection and the applicant's reply are duly noted.

The area of concern for the objector, which is a new proposed first storey portion with some windows is situated approximately 2,9m from the common boundary between Erf 2908 and Erf 2911. In terms of the Overstrand Municipality a 2m lateral building line must be applied next to this boundary. The proposed first storey is therefore not over the building line, and it is within the applicant's development rights to construct this addition with windows in this area of the property.

This point will therefore not be further discussed as the desirability thereof does not have to be proven, it is a primary right.

OBJECTION 2

The Municipality must delineate the building lines on the eastern boundary of the said property. Currently, there exists a garage and swimming pool on the boundary with swimming pool pipes running through Erf 2911.

The owner of Erf 2911 does not recall granting approval for such relaxations.

APPLICANT'S RESPONSE

The issue further raised is that the pipes of the swimming pool on Erf 2908 is running on the objector's property (Erf 2911). This matter will be meticulously examined when construction starts. The pipes will be relocated in a manner that ensures they do not adversely affect the objector's property.

TOWN PLANNER'S RESPONSE

The outbuilding is a historic building and dates to the 1980's. The records show that a departure was approved in 2002 to relax the western and eastern building lines. The structures over the eastern building line were to accommodate a raised stoep and raised facades with sliding doors. The existing garage was then replaced by a new garage and carport, and could only be used for storage purposes.

The owner of Erf 2908 also indicated on his building plan that application is made to legalize a swimming pool on the eastern side of the property. The pool is over the 2m lateral building line and less than 1m above the natural ground level.

In terms of Section 16.1.1 encroachment for pools that is over the building line, but less than 1m above natural ground level, is allowed. If closer than 1m from the boundary an engineer's certificate will have to be provided. In terms of the building plans submitted with this application there is compliance with the Land Use Scheme.

The objector's comment regarding pool piping traversing the common property boundary is noted. As indicated by the applicant's architect, this will have to be rectified on-site after this application has been dealt with and building plans have been approved for the pool.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

See Paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

No negative comments were received.

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.

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

The proposal will promote the alleviation of urban sprawl, and therefore place less pressure on valuable agricultural and sensitive environmental land.

Efficiency

It is more efficient to keep existing buildings and re-use the space more efficiently than to demolish it and rebuilt it at great financial cost.

Spatial Resilience

The application is in line with spatial planning policies which promotes densification.

Good Administration

Procedure as determined by the Municipality has been followed and a good public participation process was followed.

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

The application is consistent with the planning principles.

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

Consistent since it remains Residential.

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

Same as Point 10.4. above.

10.6 Impact on Municipal engineering services

The area is fully serviced.

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

No other legislation is triggered.

10.8 Existing and proposed zoning comparisons and considerations.

The application is in line with the Overstrand Spatial documents.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The property is developed with a dwelling with garage and carport in a basement area, and a large outbuilding at the rear of the property. The new property owner wants to make some alterations and realized that the existing coverage of all buildings is over the maximum allowable coverage of 50%. The proposal is also to create a new first storey and construct an internal staircase and lift in portions of the existing building traversing the western lateral building line.

DEPARTURE - BUILDING LINE

The application is to relax the western lateral building line from 2m to 0,96m to accommodate proposed alterations to the existing dwelling, alterations to the roof, and the use change of a portion of the carport into a part of a dwelling. These changes are to make use changes in the building, create a staircase and lift, accommodate a laundry with a new roof and mostly windows over the building line.

The changes over the building line will not create additional floor area and will be within the existing building height and therefore it will not impact views of surrounding property owners. It is also not foreseen that the new windows will impact the privacy of the owner of the property to the west, as there was consultation with the next-door neighbour.

It is the opinion that the departure to relax the western building line is desirable.

DEPARTURE - COVERAGE

In preparing the building plans the architects realized that there were some discrepancies on the building plan and existing laundry that was previously approved was not indicated on a later building plan, thereby indicating the incorrect coverage. These discrepancies happened in 2002 and nor the existing architect or existing property owner was involved with the property at that stage.

The new property owner now applied to relax the coverage from 50% to 51,69% to only accommodate the existing building footprint. This means the coverage will be 8,4m² over the allowable coverage.

As indicated, the coverage is already 51,69%, and this application is merely to legalize an existing situation. It will have no additional impact on surrounding neighbours or impact on the character of this area.

The objection received relates to privacy of the property owner to the east and concerns of the neighbour that there is encroachment over the eastern building line. As discussed in detail under Point 7 above, the proposed first storey addition is not over building lines, and therefore any comments regarding windows facing to the east and impact on privacy on Erf 2911, cannot be considered.

The objector's comment about an existing outbuilding on the eastern boundary line and a pool over the eastern building line is noted. The outbuilding has already been constructed in the mid-1980, and in 2002 a building plan was approved for a departure to relax the eastern building line to accommodate new structures and the garage was then used for storage purposes. On the building plan submitted with the application it is indicated that application is made for the existing pool. The Land Use Scheme allows for pools over building lines, as long as it is not higher than 1m above natural ground level. The pool complies with such requirement, and therefore does not require an application for departure.

The comment that some of the pool piping traverses the property boundary onto Erf 2911 is noted. This is not part of this application, and the Municipality cannot approve such an encroachment. If this is the case, the pipes will have to be removed from Erf 2911. This will have to be dealt with at construction phase.

The objection was sufficiently addressed by the applicant.

The application was circulated to all relevant Municipal and State Departments/Branches, and no objections were received.

Considering the above, the application will not have a negative impact on the character of this area and is desirable.

APPLICATION FOR EXEMPTION OF ADMINISTRATIVE PENALTY

In terms of the By-Law the applicant must provide the following in terms of Section 90.(3) of the By-Law, namely:

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

The existing coverage is 51,69% which is 1,69% above the allowable maximum 50%. That equates to 8,4m². The footprint of the house was already developed (at least) in 2002.

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

Previous landowner.

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

A quotation was provided from a construction company. It is indicated cost per m² is R14 500-00 and multiplied with the 8,5m², it calculates to a total cost of R123 250-00 (VAT excluded).

(d) whether the unlawful conduct was stopped, and

The construction work has already been concluded more than 20 years ago.

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

The applicant has not previously contravened the By-Law.

The consulting architect motivated that a previous architect mistakenly did not show an existing laundry area, on the plan, and indicated the 50% coverage was complied with. With the survey of the property, it was established that the coverage was higher than 50%. It is further motivated that this happened more than 20 years ago that previous owners were involved, not the existing property owner. It is therefore requested that the penalty fee be waived.

The motivation is noted, but it is still the new property owners' responsibility to make sure all structures are in line with approved building plans. The fact that the existing owner did not contravene the By-law, will be taken in consideration and only a 5% penalty fee of the building cost will be charged.

CALCULATION OF ADMINISTRATIVE PENALTY:

- Area that encroaches 8,5m² (will work with size on quotation) multiply by R14500 (*building cost per 1m² in terms of the quotation*) equates to R123 250 (*VAT excluded*).
- R123 250-00, divided by 100, multiplied by 5, to calculate 5% of the total value of the encroaching structures, which equates to R 6 162-50 (excluding VAT).
- The administrative penalty determined is **R7 086-88** (VAT included).

Considering the above, the application is supported, but an administrative penalty fee will be applicable.

13. RECOMMENDATION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2908, Onrustrivier for a departure to relax the western lateral building line from 2m to 0,96m to accommodate proposed alterations to the existing dwelling, alterations to the roof, and the use change of a portion of the carport into a part of a dwelling, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 2908, Onrustrivier for a departure to exceed the permissible coverage from 50% to 51,69%, to accommodate the existing dwelling on the property, **be approved**, in terms of the provisions of Section 61 of the By-Law;
3. that approvals in Points 1 and 2 above be subject to the following conditions:
 - (a) that this approval is only for the departure of building lines and coverage and is not an approval in terms of any other legislation;
 - (b) that the approval for the departure is only for the development over the building lines as indicated on plan number J1174, A1 – 01 to 09 revision 16 dated 29 November 2022, submitted with the application:

- (c) that building plans be submitted for all new work to the Building Department for approval, and that all conditions of the Building and the Fire Department be complied with at that stage;
 - (d) that the Overstrand Municipality retains the right to enforce any relevant legislation and or By-Laws;
 - (e) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that all the conditions in the Services Report (attached as Annexure F), be complied with;
 - (h) that the conditions imposed by Telkom (attached as Annexure (G), be complied with, and
 - (i) that if any pool piping or any pool structure encroach onto Erf 2911, Onrustrivier, it be removed at construction phase.
4. 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 applicable to Erf 2908, Onrustrivier for the unauthorized exceeding of the coverage over the maximum allowable coverage on the property was considered and that an administrative penalty of **R7 086-88** (including VAT), **be imposed** which penalty must be paid within thirty (30) days from the final date of the decision of the application.
5. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2020 regarding the above conditions of approval.

14. REASONS FOR RECOMMENDATION

POINTS 1 & 2

- ❖ The application has followed due procedure.
- ❖ No new municipal services will be needed.
- ❖ The main objection point relates to impact on privacy. The fact that the objector's concern is regarding a proposed new first storey portion overlooking his pool area and this portion of the building does not contravene the Land Use Scheme building lines, the objection cannot be considered as it is within the applicant's right to construct the first storey.
- ❖ The point of concern regarding the existing outbuilding onto the eastern boundary is considered a historic approval, and the new pool complies with the Land Use Scheme and is allowed over the building line up to a maximum height of 1m above natural ground level, and no departure process is required for the swimming pool. The owner of Erf 2908 will however have to deal with pool piping if it traverses onto Erf 2911 at construction phase.

- ❖ The building line encroachment over the western building line is mostly internal changes and changing of roofs and windows, and will not have a negative effect on views, surrounding property owners and the character of the surrounding area.
- ❖ The application for departure to exceed the maximum allowable coverage is to maintain the existing footprint of the dwelling, and further extension on first floor will only cover a portion of the existing footprint. It is the opinion that the legalization of this historic encroachment will not negatively impact surrounding property owners, as it is an existing situation.

POINT 3

- ❖ The existing landowner did not have part in exceeding of the coverage. However, when purchasing a property new owner should ensure all buildings on their property is legal. A penalty fee is therefore imposed, but of a lower amount since the existing property owner did not create the illegal building work.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Objection received
Annexure E:	Applicant's response to objection
Annexure F:	Services Report
Annexure G:	Comments: Telkom
Annexure H:	Survey diagram indicating coverage

SIGNATURES**AUTHOR:**Name: **HENK OLIVIER**SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNERName: **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____

1. INTRODUCTION:

1.1 Background

The owners of the property, Mr. and Ms. Ribeiro, on behalf of the Lianri Trust, have instructed Gerhard Engelbrecht from the firm Engelbrecht & Scorgie Architectural Office to apply for a building line and coverage departure from the Overstrand Municipality's Zoning Scheme Regulations. Erf 2908, referred to in this document as the application area, measures 496.0m² and is held by Title Deed No. T000017906/2019.

1.2 Application detail

Application is made in terms of the following:

- 1.2.1 The Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4 Section 16(2)(b), 2020 states that an owner of an erf may apply to the Municipality for a permanent departure from the provisions of the Overstrand Municipality's Land Use Scheme.

Relevant sections in the Zoning Scheme Regulations applicable to the departure:

- Section 6.1.2 (a) "Coverage". The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Maximum Permitted Coverage
400m ² and greater	50%

- Section 6.1.2 (b)(ii) "Side and rear building lines". The side and rear building lines is determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Side and rear building lines
400m ² and greater	2.0m

- 1.2.2 The Overstrand Municipality's amended By-laws on Municipal Land Use Planning states that a person who is in contravention of this By-laws, and submit 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.

1.3 Need and desirability

1.3.1 Property description

The application area of 496m² in extent is located within the residential suburb of Onrus River at No. 51 Atlantic Drive. The application area faces Southwards towards the sea, taking access off Atlantic Drive. The application area lies adjacent to similar type double storey dwellings on the Western side and on the Eastern sides of the Application area. All properties to the rear of the application area are all elevated due to the natural topography of the area and generally overlook the application area or alternatively have views towards the sea looking down through the open areas between some of the sea facing properties on Atlantic Drive. All directly adjoining properties West and East of the application area are similar in size, and all have improvements on.

The existing dwelling on the application area is a double story comprising typical family type holiday living accommodation. The current owners, Mr. and Mrs. Ribeiro, purchased this property in 2019 for a considerable sum of money and have been using the property as weekend and holiday accommodation ever since. The current existing dwelling is no longer adequately sized for their family and their associated lifestyle and therefore necessitates a few additions and alterations, as discussed later in this Departure Application Document.

2. THE APPLICATION:

2.1 Analysis - Development Criteria as per the Overstrand Municipality

The development parameters for the application area as per the Overstrand Municipality's Land Use Scheme, 2020 can be summarized as follows:

Design Parameters:	Overstrand Municipality's Zoning Scheme Regulations:	Proposal:	Comments:	
Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Unchanged	
Primary Use	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self - catering	Dwelling house	Unchanged	
Consent Use	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Unchanged	
Coverage	50%	51.69%	Application for a departure	
Height Restriction	8.0m	8.0m	Unchanged	
Building lines	Street	4.0m	4.0m	Unchanged
	Side (West)	2.0m	0.9m	Application for a departure
	Side (East)	2.0m	2.0m	Unchanged
	Rear	2.0m	2.0m	Unchanged
Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Unchanged	

2.2 Analysis – Development Criteria as per the Title Deed

Refer to Annexure C for the Title Deed for Erf 2908, Onrust River.

Title Deed No. T000017908/2019 has no restrictive conditions that prohibit the proposed additions and alterations as discussed throughout this Departure Application Document.

There is a bond registered against Erf 2908. Refer to Annexure E for the enclosed Bondholder's written consent.

2.2 Application

As stated earlier in this Departure Application Document;

2.2.1 the Overstrand Municipality's By-Laws on Municipal Land Use Planning Chapter 4 Section 16(2)(b), 2020 states that an owner of an erf may apply to the Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations.

Therefore, application is subsequently made in terms of the Overstrand Municipality's Amendment By-Law on Municipal Land-use Planning, 2020 for;

- a permanent departure to relax the Western Municipal side building line from 2.0m to 0.9m for reasons as discussed and motivated later in this Departure Application Document,
- a permanent departure to relax the maximum permitted coverage from 50% to 51.69% for reasons as discussed and motivated later in this Departure Application Document.

2.2.2 The Overstrand Municipality's amended By-laws on Municipal Land Use Planning states that a person who is in contravention of this By-laws, and submit 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.

Therefore, application is subsequently made in terms of the Overstrand Amended By-Law on Municipal Land-use Planning, 2020 for the application of an administrative penalty as contemplated in Section 90 in the Overstrand Municipality's amended By-laws on Municipal Land Use Planning

Refer to Annexure A for the application form.

3. **CONTEXTUAL SITE INFORMATION:**

3.1 **Property Description**

Property:	Extent:	Title Deed No:	Registered Owner:
Erf 2908, Onrust River	496.00m ²	T000017908/2019	Lianri Trust

Refer to Annexure C for the Title Deed of Erf 2908, Onrust River

Refer to Annexure G for SG Diagram

The following Surveyor General Plan reflect the application site:

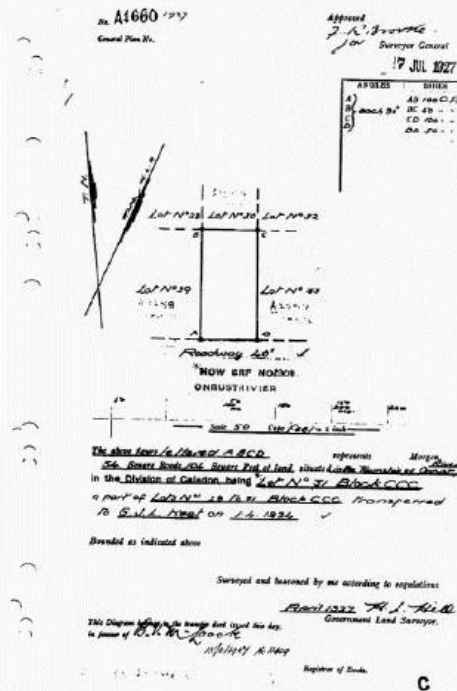


Figure 1: Extract of the Surveyor General Plans of the application site

3.2 Location

A. Regional Context

Within a regional context, the application area is located within Onrust River residential suburb.

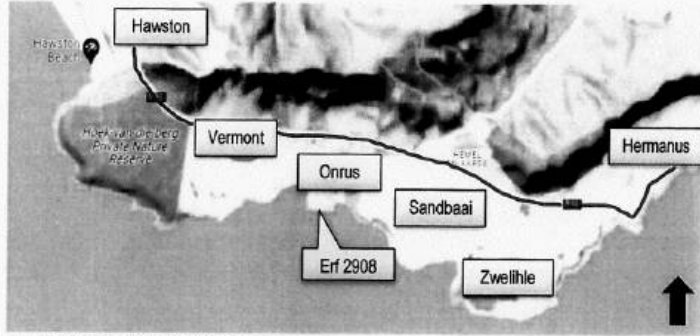


Figure 2: Regional Context – NOT TO SCALE

B. Local Context

Within a local context, the application area is zoned as a Single Residential 1 (SR1) Erf within Onrust River. The application area is located at No. 51 Atlantic Drive.



Figure 3: Local Context, an extract from the Overstrand Public Viewer – NOT TO SCALE

3.3 Land Use:

The application area accommodates a single storey dwelling with a basement / garage level. The existing dwelling on the application area comprise typical family type holiday living accommodation. The property area faces Southwards towards the sea, taking access off Atlantic Drive.

The footprint of the existing dwelling on the application area, according to the drawings approved in 2002, consisted of the following;

Existing outbuildings	- 50.497m ²
Existing dwelling	- 110.142m ²
Existing storage area	- 36.910m ²
Total existing covered area	- 197.549m²
New study (currently existing)	- 14.554m ²
New garage (currently existing)	- 41.557m ²
Total new covered area (currently existing)	- 56.111m²
Total surface area (incl. all improvements)	- 253.660m ²
Total coverage (incl. all improvements)	- 51.141%

As discussed later in this Departure Application Document, the appointed Architectural Firm added another table on their drawings with the following coverage calculations;

Existing outbuildings	- 60.651m ²
Existing dwelling	- 122.473m ²
Total existing covered area	- 183.124m²
New study (currently existing)	- 16.756m ²
New garage (currently existing)	- 43.892m ²
Total new covered area (currently existing)	- 60.648m²
Total surface area (incl. all improvements)	- 243.772m ²
Total coverage (incl. all improvements)	- 49.148%

With the new proposed refurbishment of the dwelling, the existing footprint of the dwelling will be retained by adding a new first floor level with a few internal alterations on the ground floor level.

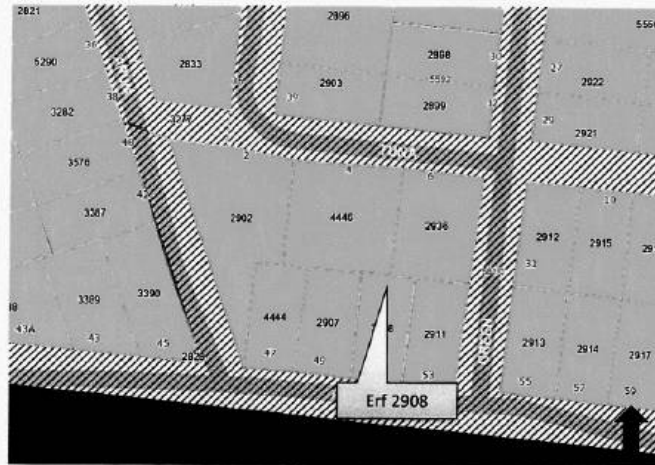
The following information is attached to this Departure Application Document for ease of reference;

- A3 drawings, printed not to scale, of the new proposed additions and alterations to the existing dwelling on Erf 2908 as Annexure K
- A1 drawings, printed to scale, of the new proposed additions and alterations to the existing dwelling on Erf 2908 as Annexure L

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3.4 Zoning

The application area is zoned Residential Zone 1 (SR1). All surrounding properties are zoned Residential Zone 1 (SR1) as shown on Figure 4 below.






-  Residential Zone 1: Single Residential
-  Open Space Zone 2: Public Open Space
-  Transport Zone 2: Road and Parking

Figure 4: Zoning, an extract from the Overland Public Viewer – NOT TO SCALE

4. PROPOSAL

4.1 Background and introduction to the proposal

The current owners of Erf 2908, Mr. and Mrs. Ribeiro, purchased this sought-after property in 2019 for a considerable sum of money. At the time of purchase, the singular idea for the property was to:

- upgrade and renovate the property to create comfortable holiday and weekend accommodation for them and their family,
- to optimize the value of this seafront property.

In order for the existing dwelling on Erf 2908 to become comfortable holiday and weekend accommodation, the property needed a few personal changes as the current layout, size, proportion, and flow of the existing dwelling on the application area are not adequately sized for their family and their associated lifestyle. Mr. and Mrs. Ribeiro appointed our firm, Engelbrecht & Scorgie Architectural Office, in mid-June 2022 to prepare drawings for the following additions and alterations to the existing dwelling on Erf 2908;

- **Existing Garage / Basement level;**
 - Converting a section of the existing and approved carport in the South-Western corner of the dwelling into a circulation area with an internal staircase and lift to link the existing garage / basement level with the existing ground floor.
- **Existing ground floor level;**
 - Numerous internal alterations, including but not limited to the existing kitchen area, dining area, and living area, are being renovated.
 - Converting the existing and approved study in the South-Western corner of the dwelling into a circulation area with an internal staircase and lift to link the existing ground floor level with the existing garage / basement level as well as the new first floor level (as mentioned later in this departure application).
 - Renovating the existing and approved laundry area in the North-Western corner of the property and replacing the existing roof-structure over the subject area as the existing roof structure is in need of replacement.
 - Replacing all the existing timber frame windows, as this is in very poor condition.
 - Replacing the existing timber deck structure approved and constructed on the South-Western corner of the property, as this requires replacing.
- **New proposed first floor level;**
 - Expanding the existing dwelling by retaining the current approved footprint but adding a new proposed first floor level.

When copies of the approved drawings were obtained from the Overstrand Municipality's Building Control Offices, the following was noted on the approved drawings;

- The existing dwelling was approved and constructed during the ruling of the old Onrust River Municipality, when the lateral and rear building lines applicable then were 0.9m measured from the erf boundary line. Numerous, if not all, of the surrounding and adjoining properties have been constructed on the 0.9m lateral and rear building lines.
- The previously appointed Architectural Firm, Henk Manel and Associate Architects CC, must have made some calculation errors with the area and coverage calculations as described later in this Departure Application Document.

Because of our above-mentioned findings, our services were then further extended by preparing and submitting a Departure Application on behalf of our clients, Mr. and Mrs. Ribeiro, for permission to build and to make minor changes within the current 2.0m Municipal side building lines for reasons as mentioned and described below, while simultaneously rectifying the approved area and coverage calculations.

The approval of this Departure Application will result in achieving our mandate, fulfilling our clients' requirements, and achieving the architectural vision for this project.

4.2 Proposal and its details

As mentioned earlier in this Departure Application Document, the Overstrand Municipality's By-Laws on Municipal Land Use Planning Chapter 4 Section 16 (2)(b), 2020 state that an owner of an erf may apply to the Overstrand Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations.

Therefore, based on our findings as mentioned earlier in this Departure Application Document, an application is subsequently made in terms of the Overstrand Municipality's Amended By-Laws on Municipal Land-use Planning, 2020 for the following;

1. The relaxation of the current 2.0m Western Municipal Building Line to 0.9m to accommodate the following minor changes that fall within the subject Municipal Building Line;

1.1 Existing Garage and Basement level;

- Converting a section of the existing and approved carport in the South-Western corner of the dwelling into a circulation area with an internal staircase and lift to link the existing garage / basement level with the existing ground floor.

This convention falls within the 2.0m Western Municipal side building line; therefore, an application is being made for the permanent departure to relax the subject building line to accommodate the above-mentioned circulation area on garage / basement floor.

1.2 Existing ground floor level;

- Numerous internal alterations, including but not limited to the existing kitchen area, dining area, and living area, are being renovated.

These renovations do not exceed the current Municipal building lines in any way, are within the existing and approved dwelling, and therefore do not need to be addressed.

- Converting the existing and approved study in the South-Western corner of the dwelling into a circulation area with an internal staircase and lift to link the existing ground floor level with the existing garage / basement level as well as the new first floor level.

This convention falls within the 2.0m Western Municipal side building line; therefore, an application is being made for the permanent departure to relax the subject building line to accommodate the above-mentioned circulation area on the ground floor.

- Renovating the existing and approved laundry area in the North-Western corner of the property and replacing the existing roof structure over the subject area as the existing roof structure is in need of replacement.

The above-mentioned laundry area falls within the 2.0m Western Municipal side building line, therefore application is being made for the permanent departure to relax the subject building line to accommodate the above-mentioned renovation and roof replacement.

- Replacing all the existing timber frame windows, as this is in very poor condition.

Some of the above-mentioned timber frame windows that require replacing fall within the 2.0m Western Municipal side building line (Western Façade), therefore application is being made for permission to replace the subject timber frame windows with aluminum frame windows.

- Replacing the existing timber deck structure approved and constructed on the South-Western corner of the property, as this requires replacing.

The existing and approved timber deck on the South-Western corner of the property, was approved over the 2.0m Western Municipal side building line, therefore application is being made for permission to replace the subject timber decking. The existing and approved footprint of the deck will remain unchanged.

1.3 New proposed first floor level;

- Expanding the existing dwelling by retaining the current approved footprint but adding a new proposed first floor level.

The proposed addition of a new first floor level is designed and set back within the current Municipal building lines, and therefore does not need to be addressed.

The following information is attached to this Departure Application document for ease of reference;

- A3 drawings, printed not to scale, of the new proposed additions and alterations to the existing dwelling on Erf 2908 as Annexure K
 - A1 drawings, printed to scale, of the new proposed additions and alterations to the existing dwelling on Erf 2908 as Annexure L
2. As mentioned earlier in this Departure Application Document, during the initial stage of this project, when copies of the approved building plans were obtained at the Overstrand Municipality's Building Control Offices, it was noted that the Architectural firm, Henk Mantel and Associate Architect CC, who was appointed by the previous owner of the property, Dr. G. Wyma, in 2002, must have made some calculation error with the area and coverage calculations.

When processing this Departure Application Document, keep in mind that the following owners, as mentioned herein, have the meaning hereinafter assigned to them as follows:

Period:	Owner(s):	Year:
Previous owner	Dr. G. Wyma	Unknown - Unknown
Previous owner	The trustees of the Fairview Trust	Unknown - 2019
Current	Mr. and Mrs. Ribeiro o.b.o Lianri Trust	2019 - Current

We, as the appointed firm to handle this Departure Application on behalf of our clients, Mr. and Mrs. Ribeiro, have made the following **assumptions** in order to make sense of where and when this calculation error could have occurred:

- Henk Mantel and Associate Architect CC were appointed by the previous owner of the property, Dr. G. Wyma, in 2002 for a few internal alterations and the addition of a new double garage and carport on basement level and a new study on the South-Western corner of the application area.
- When the area and coverage calculations were done, the appointed Architectural Firm must have made some calculation errors with the provided area and coverage calculations. The Architectural Firm reflected two separate tables on their drawings, which are completely in contradiction with one another as explained later in this Departure Application Document.
- The above-mentioned assumption was never questioned by the Overstrand Municipality and the drawings was approved in 2002.
- The following table below reflects our above-mentioned **assumptions**;

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Table A – Area calculations:

AREAS SCHEDULE			
FLOOR AREAS	EXISTING	NEW	TOTAL
EXISTING			
HOUSE	110,142 sqm		
OUTBUILDING	59,497 sqm		
STORE	36,910 sqm		197,549 sqm
NEW			
NEW STUDY		14,554 sqm	
NEW GARAGE		41,557 sqm	56,111 sqm
TOTAL	197,549 sqm	56,111 sqm	253,660 sqm
F.A.R.	51,11%		

Table A clearly reflects a "more" accurate indication of the existing and newly proposed structures on site and also reflects that the dwelling would have been over the Overstrand Municipality's maximum permitted coverage of 50%.

In this table, the appointed Architect measured the following:

- The existing dwelling with its out-building and storage area measures a total of 197.549m²,
- The proposed additions (now existing) measure a total of 56.111m².

When adding this up, the dwelling (which includes the existing structures and the new structures) measures a total of 253.660m² with a coverage factor of 51.11%, 1.11% more than the Overstrand Municipality's maximum permitted coverage of 50%.

Table B – Coverage calculations:

COVERAGE:			
SITE	496 sqm		
	PERMISSABLE	ACHIEVED	IN HAND
COVERAGE EXISTING		183,124 sqm	
COVERAGE NEW			
NEW STUDY		16,756 sqm	
NEW GARAGE		43,892 sqm	
		243,772 sqm	
MAXIMUM COVERAGE	248,000 sqm		4,228 sqm
COVERAGE	3.5	0,491	0,000

The appointed Architectural Firm then went further and included another table on their submitted drawings reflecting that the existing dwelling with its associated out-building and storage area measures less;

In this table, the appointed Architect measured the following:

- The existing dwelling with its out-building and storage area measures a total of 183.124m²
- The proposed additions (now existing) measure a total of 60.648m²
- There is still a total of 4.228m² "in hand" should the owner later decide on another addition to the existing dwelling.

When adding this up, the dwelling (which includes the existing structures and the new structures) measures a total of 243.772m² with a coverage factor of 49.148%, 0.852% under the Overstrand Municipality's maximum permitted coverage of 50%

When analyzing both of these two tables (Table A and Table B), it can be concluded that the appointed Architectural Firm must have made some calculation errors with the area and coverage calculations. The reason for the two separate tables reflected on the approved drawings is a mystery and will probably remain so forever. The two separate tables are contradictory and could be an honest mistake or not. Table A clearly reflected a "more" accurate area and coverage calculation which exceeds the Overstrand Municipality's maximum permitted coverage of 50%. This was never questioned by the Overstrand Municipality and the drawings was approved in 2002.

The appointed Architectural Firm also failed to indicate the existing laundry area on the North-Western corner of the property. Needless to say, the footprint of the subject laundry area was also not included on any of the above-mentioned tables which would have added even more to the already exceeding coverage of the property.

When our firm, Engelbrecht & Scorgie Architectural Office, was appointed by the current owners of the property, Mr. and Mrs. Ribeiro, we advised our clients to appoint a Land Surveyor the measure up and reflect the footprint of the existing dwelling with all its associated out-buildings, all related heights of the existing dwelling with its associated out-buildings, and all contours on the application area.

The Land Surveyor, Vickus van Dyk and Associates, was appointed who then confirmed that the existing coverage on the application area measures a total of 51.69%, 1.69% more than the Overstrand Municipality's maximum permitted coverage of 50%. Therefore, an application is made, in terms of the Overstrand Municipality's Amended By-Laws on Municipal Land-use Planning, 2020 for the relaxation of the Maximum permitted coverage of 50% to 51.69%.

The following information is attached to this Departure Application Document for ease of reference;

- Copies of the drawings approved by the Overstrand Municipality in 2002, marked as Annexure I,
- The appointed Land Surveyor's diagram indicating the existing coverage of 51.69%, marked as Annexure J.

4.3 Character of the environment

The property is situated in the old residential section of Onrust River which has a multitude of different Architectural styles and where most of the properties were constructed during the ruling of the old Onrust River Municipality. Lateral and rear Municipal building lines applicable then were 0.9m. Numerous, if not all of the properties have been constructed on the 0.9m lateral and rear Municipal building lines.

Atlantic Drive is situated on the peninsula (island extension) of the Old Onrust River with all the erven on this road boasting a good sea view. Atlantic Drive runs in a semi-half circle starting at the beach (North East) and terminating at the caravan park (North West).

Due to the topography of this particular section of Onrust River, the ground slopes upwards, in other words away from the sea and Atlantic Drive.

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Most, if not all of the erven behind Atlantic Drive have moderate to good sea and mountain views due to the land slope. The properties one block back of the application area mostly overlook the properties on Atlantic Drive and alternatively have views towards the sea looking down through the open areas between the subject sea-facing properties on Atlantic Drive.

Quite a number of the houses on the peninsula were of the earliest houses built in the Old Onrust River and most of these dwellings have been refurbished over the years leaving this section of Onrust River with a more up market modern appearance.

4.4 Effects on nature / environment, streetscape and surrounding properties:

As shown on the attached drawings (Annexure K and Annexure L), the proposed additions and alterations that exceed the 2.0m Western Municipal side building line and the section of the existing dwelling (8.40m²) that exceeds the Overstrand Municipality's maximum permitted coverage, as mentioned and highlighted throughout this Departure Application document, are relatively minor in nature and do not impact negatively on the environment, streetscape, or any of the surrounding properties.

The surrounding properties that will be affected by the above-mentioned 'deviations' from the Overstrand Municipality's Land Use Scheme can be narrowed down to the following properties:

4.4.1 Erf 2907, 49 Atlantic Drive, Onrust River

Erf 2907 lies directly to the West of the application area, Erf 2908. The dwelling constructed on this subject erf is one of the closest in proximity to the existing dwelling on Erf 2908 than any of the surrounding houses and has similarly been constructed on the old 0.9m Municipal building line, which was applicable at the time of ruling of the old Onrust River Municipality as mentioned throughout this Departure Application Document. The subject dwelling on Erf 2907 was constructed so that it enjoys views towards the sea in a Southern direction, so their privacy and their sea views will not be interrupted by the proposed additions and alterations on Erf 2908 in any way.

- The effect the minor changes within the current 2.0m Municipal Building Line will have on Erf 2907:

The minor changes that will be made within the current 2.0m Municipal side building line, as mentioned and highlighted throughout this Departure Application Document are mainly the conversion of the existing carport and the existing study on the South-Western corner of the property into a circulation area, the replacement of the existing roof structure over the laundry area, and the replacement of the existing timber frame windows on the Western façade of the dwelling. The above-mentioned will be visible from Erf 2907, however, as these changes will be minor in nature and in scale and will be done in an architecturally pleasing style that will blend in very well with the surrounding properties and the environment, the impact that this will have on the property and its owners of Erf 2907 is negligible.

- The effect that the 8.40m², which exceeds the Overstrand Municipality's maximum permitted coverage, will have on Erf 2907:
The existing dwelling with its associated out-buildings constructed on the application area, Erf 2908, which exceeds the Overstrand Municipality's maximum permitted coverage of 50%, has been standing in place for approximate 20 years, are minor in

nature and in scale, and therefore the impact that the exceeding coverage has on this subject Erf is insignificant and not worth considering.

The owners of Erf 2907 have been provided with a copy of the plans indicating the proposed new additions and alterations to Erf 2906. They have given their consent to the proposal; please refer to Annexure N.

4.4.2 Erf 2911, 51 Atlantic Drive, Onrus River

Erf 2907 lies directly to the East of the application area, Erf 2908. The dwelling constructed on this subject erf is one of the closest in proximity to the existing dwelling on Erf 2908 than any of the surrounding houses and has similarly been constructed on the old 0.9m Municipal building line, which was applicable at the time of ruling of the old Onrus River Municipality as mentioned throughout this Departure Application Document. The subject dwelling on Erf 2911 was constructed so that it enjoys views towards the sea in a Southern direction, so their privacy and their sea views will not be interrupted by the proposed additions and alterations on Erf 2908 in any way.

- The effect the minor changes within the current 2.0m Municipal Building Line will have on Erf 2911:

The minor changes that will be made within the current 2.0m Municipal side building line, as mentioned and highlighted throughout this Departure Application Document will not be visible from Erf 2911 due to the existing dwelling on the Application area, Erf 2908.

- The effect that the 8.40m², which exceeds the Overstrand Municipality's maximum permitted coverage, will have on Erf 2911:

The existing dwelling with its associated out-buildings constructed on the application area, Erf 2908, which exceeds the Overstrand Municipality's maximum permitted coverage of 50%, has been standing in place for approximate 20 years, are minor in nature and in scale, and therefore the impact that the exceeding coverage has on this subject Erf is insignificant and not worth considering.

4.4.3 Erf 4446, 4 Tuna Street, Onrus River

Erf 4446 lies North-West of the Application area, Erf 2908. Erf 4446 is slightly elevated due to the natural topography of the area and generally overlooks the application area, Erf 2908 and Erf 2907, or alternatively has sea views looking down through the open areas between Erf 2907 and Erf 2908.

- The effect the minor changes within the current 2.0m Municipal Building Line will have on Erf 4446:

The minor changes that will be made within the current 2.0m Municipal side building line, as mentioned and highlighted throughout this Departure Application Document will not be visible from Erf 4446 due to the existing dwelling on the Application area, Erf 2908.

- The effect that the 8.40m², which exceeds the Overstrand Municipality's maximum permitted coverage, will have on Erf 4446:

The existing dwelling with its associated out-buildings constructed on the application area, Erf 2908, which exceeds the Overstrand Municipality's maximum permitted coverage of 50%, has been standing in place for approximate 20 years, are minor in nature and in scale, and therefore the impact that the exceeding coverage has on this subject Erf is insignificant and not worth considering.

4.4.4 Erf 2936, 6 Tuna Street, Onrust River

Erf 2936 lies North-East of the Application area, Erf 2908. Erf 2936 are slightly elevated due to the natural topography of the area and generally overlook the application area, Erf 2908 and Erf 2911, or alternatively have sea views looking down through the open areas between Erf 2908 and Erf 2911.

- The effect the minor changes within the current 2.0m Municipal Building Line will have on Erf 2936:

The minor changes that will be made within the current 2.0m Municipal side building line, as mentioned and highlighted throughout this Departure Application Document will not be visible from Erf 2936 due to the existing dwelling constructed on Erf 2908.

- The effect that the 8.40m², which exceeds the Overstrand Municipality's maximum permitted coverage, will have on Erf 2936:

The existing dwelling with its associated out-buildings constructed on the application area, Erf 2908, which exceeds the Overstrand Municipality's maximum permitted coverage of 50%, has been standing in place for approximate 20 years, are minor in nature and in scale and therefor the impact that the exceeding coverage has on this subject Erf is negligible.

5. APPLICATION FOR ADMINISTRATIVE PENALTY

The Overstrand Municipality's amended By-Laws on Municipal Land Use Planning states that a person who is in contravention on this By-Laws, and submit 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.

Therefore, an application is subsequently made in terms of the Overstrand Municipality's amended By-Law on Municipal Land-use Planning, 2020 for the application of an administrative penalty as contemplated in Section 90 in the Overstrand Municipality's amended By-Laws on Municipal Land Use Planning.

The above-mentioned application for an administrative penalty will only be applicable to the 8.40m² (1.69%) which exceeds the Overstrand Municipality's maximum permitted coverage of 50%.

5.1 Background and site history

- The application area is zoned as Single Residential 1 (SR1) in terms of the Overstrand's Town planning scheme.
- The application area of 496m² in extent is located within the residential suburb of Onrust River at No. 51 Atlantic Drive. The existing dwelling on the application is a typical single-story dwelling comprising a typical family type living accommodation with a double garage on basement / garage level.
- The unauthorized building / construction work is highlighted throughout this Departure Application Document and does not cause any negative impact on nature, the environment, the streetscape, or any of the surrounding properties within the area.
- In total, 8.40m² of the existing dwelling on the application area contravenes the Overstrand Municipality's amended By-Laws on Municipal Land Use Planning

5.2 Summary of the motivation

The motivation and explanation of the existing work that contravenes the Overstrand Municipality's maximum permitted coverage of 50% are highlighted throughout this Departure Application Document, but can be summarized as follows:

- Henk Mantel and Associate Architect CC was appointed by the previous owner of the property, Dr. G. Wyma, in 2002 for a few internal alterations, and the addition of a new double garage and carport on basement level and a new study on the South-Western corner of the application area.

When the area and coverage calculations were done, the appointed Architectural Firm must have made some calculation errors with the provided area and coverage calculations as the square meterage of the new additions to the existing dwelling (as mentioned above) and the total square meterage of the existing dwelling measured more than 248m², the maximum permitted footprint of the dwelling based on the erf size of 596m².

The appointed Architectural Firm also failed to indicate the existing laundry area on the North-Western corner of the property and therefore also failed to include the square meterage of this to their coverage calculations, which would have added even more to the already exceeding coverage of the property.

The above-mentioned was never questioned by the Overstrand Municipality and the drawings was approved in 2002.

- No pervious contraventions were listed.

5.3 Assessment of application

- As mentioned above, the unauthorized building work that contravenes the Overstrand Municipality's amended By-Laws on Municipal Land Use Planning 2020, measures a total of 8.40m², therefore an application on made for the determination of an administrative penalty
- In terms of section 90(5)(b) of the By-Law, an administrative penalty for the building work that contravenes the Overstrand Municipality's Land Use Scheme may not be more than 100% of the total value of the building, construction and engineering work unlawfully carried out.
- Administrative Penalty: Calculation

Unauthorized section that exceeds the Overstrand Municipality's maximum permitted coverage of 50%

Value per m² (R 14 500.00) x Total unlawful area (8.40m²) = R 121 800.00

An amount which is not more than 100% of R 121 800.00 may be imposed as an administrative penalty by the Overstrand Municipality.

5.4 The nature, duration, gravity and extent of the contravention

The following factors need to be considered by the Overstrand Municipality when determining an appropriate administrative penalty, as contemplated by section 90 of the Overstrand Municipality's amended By-laws on Municipal Land Use Planning:

5.4.1 Nature:

The unauthorized building work involves a section of the existing dwelling that exceeds the Overstrand Municipality's maximum permitted coverage of 50%.

5.4.2 Duration:

The drawings were approved by the Overstrand Municipality in 2002, and the exact date of when the proposed construction work was completed is unknown. Our client was not served with a notice, but if a time frame must be allocated, then the structure has been standing in place for approximately 20 years.

5.4.3 Gravity:

The gravity of the contravention is not considered serious insofar as the extent is only limited to 8.40m². The existing footprint on the application area has been in existence for over 20 years and has never caused any negative impact on nature, the environment, the streetscape, or any of the surrounding neighboring properties.

5.4.4 Extent:

8.40m²

5.5 **A report by a quantity surveyor in matters of unauthorized building / construction**

Refer to Annexure M for a cost estimate report in matters of the unauthorized building / construction work that exceeds the Overstrand Municipality's maximum permitted coverage of 50%.

5.6 **Whether the unlawful conduct was stopped**

Overstrand Municipality did not stop the building work and have also not issued a notice with regards to the transgression.

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

As far as can be ascertained, there is no evidence that the owner of the property has previously contravened this By-law

5.8 **Reasons for decision**

Reasons for the recommended decision may be summarized as follows:

- As mentioned, and highlighted throughout this Departure Application Document, when the area and coverage calculations were done, the appointed Architectural Firm must have made some calculation errors with the provided area and coverage calculations as the square meterage of the new additions to the existing dwelling (as mentioned above) and the total square meterage of the existing dwelling measured more than 248m², the maximum permitted footprint of the dwelling based on the erf size of 596m².
- The appointed Architectural Firm also failed to indicate the existing laundry area on the North-Western corner of the property and therefore also failed to include the square meterage of this to their coverage calculations, which would have added even more to the already exceeding coverage of the property.
- The unauthorized building / construction work is highlighted throughout this Application document and does not cause negative impact on nature, the environment, the streetscape, or any of the surrounding properties within the area.

5.9 **Recommendation**

In light of the above assessment, we appeal to your generosity that an administrative penalty of 0% be imposed for the unauthorized as-built structures as this is not the wrong doing of our clients, Mr. and Mrs. Ribeiro.

6. CONCLUSION

6.1 Heritage value

The property is not situated within a heritage overlay zone and has no grading or any heritage value.

6.2 Impact on Municipal Engineering Services

No additional electrical, water or sewerage will be required. The current Municipal provision is adequate to supply the dwelling.

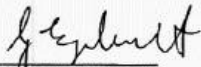
3.9 Forward planning

The Overstrand Spatial Development Framework (SDF) 2006 earmarks the area where Erf 2908 is situated for residential purposes. The structures, for which the departure is required, form part of any typical residential component and the Zoning Scheme Regulations make provision for departure procedures to incorporate structures within the building line zone. The character and zoning of the property will remain unchanged and therefore the property falls within the existing planning for the Onrust River area.

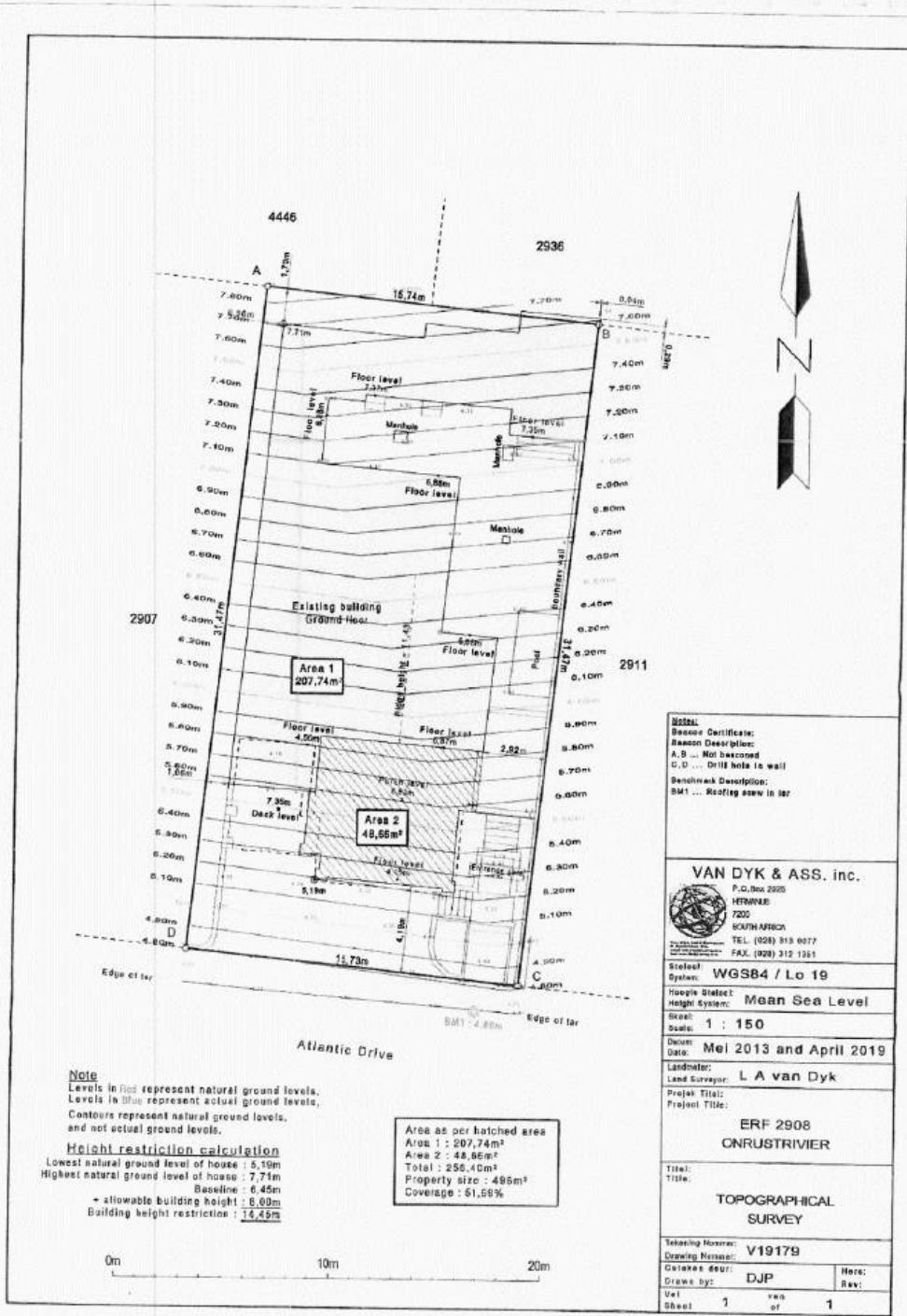
It is therefore recommended that the application be approved in terms of the Overstrand Amendment By-Lay on Municipal Land – use Planning, 2020.

I appeal to your experienced consideration of this Departure Application. I look forward to your correspondence.

Yours sincerely



GERHARD ENGELBRECHT
for Engelbrecht & Scorgie Architectural Office

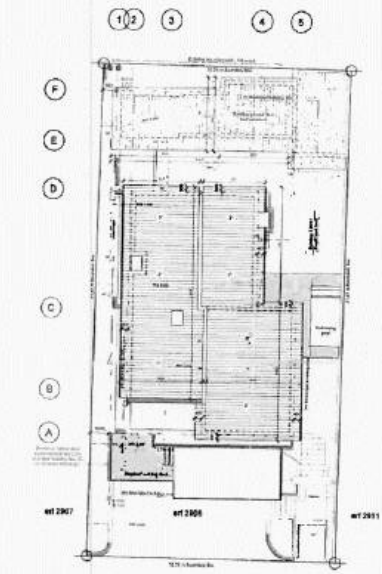


Note
 Levels in blue represent natural ground levels.
 Levels in blue represent actual ground levels.
 Contours represent natural ground levels,
 and not actual ground levels.

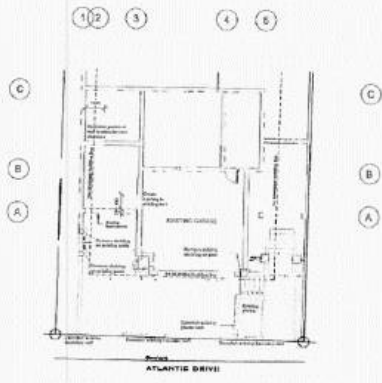
Height restriction calculation
 Lowest natural ground level of house : 5.19m
 Highest natural ground level of house : 7.74m
 Baseline : 6.45m
 = allowable building height : 6.00m
 Building height restriction : 14.45m

Area as per hatched area
 Area 1 : 207.74m²
 Area 2 : 48.66m²
 Total : 256.40m²
 Property size : 496m²
 Coverage : 61.66%

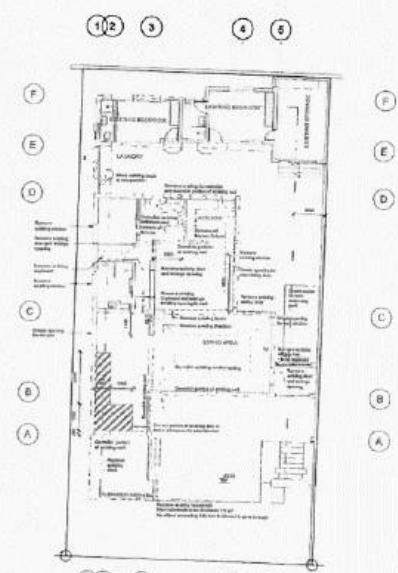
Model: Beacon Certificate: Reason Description: A,B ... Not beared C,D ... Drill hole in wall Benchmark Description: BM1 ... Roofing screw in tar	
VAN DYK & ASS. inc. P.O. Box 2025 HERMANUS 7200 SOUTH AFRICA TEL. (028) 313 0077 FAX. (028) 312 1261	
Station System: WGS84 / Lo 19	Height System: Mean Sea Level
Scale: 1 : 150	Date: Mei 2013 and April 2019
Landmeter: L A van Dyk	Project Title: ERF 2908 CNRUSTRIEVER
Title: TOPOGRAPHICAL SURVEY	Drawing Number: V19179
Created by: DJP	Date:
Drawn by:	Rev:
Sheet 1	of 1



SITE PLAN
1:100



GARAGE ELEVATION PLAN
1:100



GROUND FLOOR ELEVATION PLAN
1:100

NOTES

- 1. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
- 2. FINISH FLOOR LEVEL IS INDICATED BY A DOTTED LINE.
- 3. FINISH FLOOR LEVEL IS 1000 MM ABOVE FINISH GRADE UNLESS OTHERWISE SPECIFIED.
- 4. FINISH GRADE IS 1000 MM ABOVE SEA LEVEL UNLESS OTHERWISE SPECIFIED.
- 5. FINISH GRADE IS 1000 MM ABOVE SEA LEVEL UNLESS OTHERWISE SPECIFIED.
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- 9. FINISH GRADE IS 1000 MM ABOVE SEA LEVEL UNLESS OTHERWISE SPECIFIED.
- 10. FINISH GRADE IS 1000 MM ABOVE SEA LEVEL UNLESS OTHERWISE SPECIFIED.



ENGINEER'S RECORD
 PROFESSIONAL ENGINEER
 No. 12345
 State of Georgia
 License No. 12345
 Exp. Date 12/31/2025
 The State of Georgia is a sovereign state and the seal of the State Engineer is the emblem of the State of Georgia.

Rev	Description	Date
1	Initial Issue	10/10/2024
2	Revised	10/10/2024
3	Revised	10/10/2024
4	Revised	10/10/2024
5	Revised	10/10/2024
6	Revised	10/10/2024
7	Revised	10/10/2024
8	Revised	10/10/2024
9	Revised	10/10/2024
10	Revised	10/10/2024

NOTES:

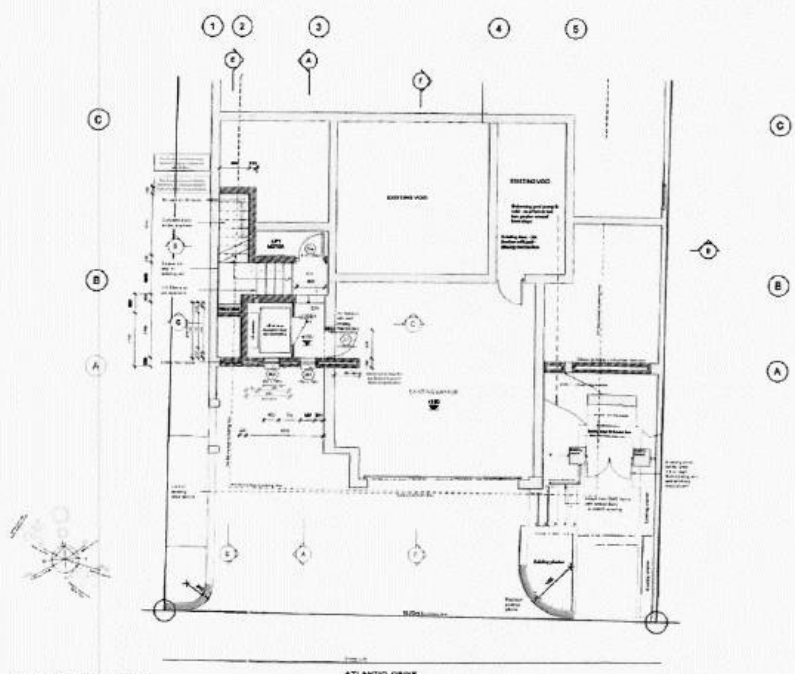
1. All work shall be in accordance with the approved plans and specifications.
2. The contractor shall be responsible for obtaining all necessary permits and licenses.
3. The contractor shall maintain access to all existing utilities and structures.
4. The contractor shall be responsible for the safety of all workers and the public.
5. The contractor shall be responsible for the protection of all existing structures and utilities.
6. The contractor shall be responsible for the removal and disposal of all debris.
7. The contractor shall be responsible for the cleanup of all work areas.
8. The contractor shall be responsible for the final inspection and approval of all work.

GENERAL NOTES:

1. All work shall be in accordance with the approved plans and specifications.
2. The contractor shall be responsible for obtaining all necessary permits and licenses.
3. The contractor shall maintain access to all existing utilities and structures.
4. The contractor shall be responsible for the safety of all workers and the public.
5. The contractor shall be responsible for the protection of all existing structures and utilities.
6. The contractor shall be responsible for the removal and disposal of all debris.
7. The contractor shall be responsible for the cleanup of all work areas.
8. The contractor shall be responsible for the final inspection and approval of all work.

NOTES:

1. All work shall be in accordance with the approved plans and specifications.
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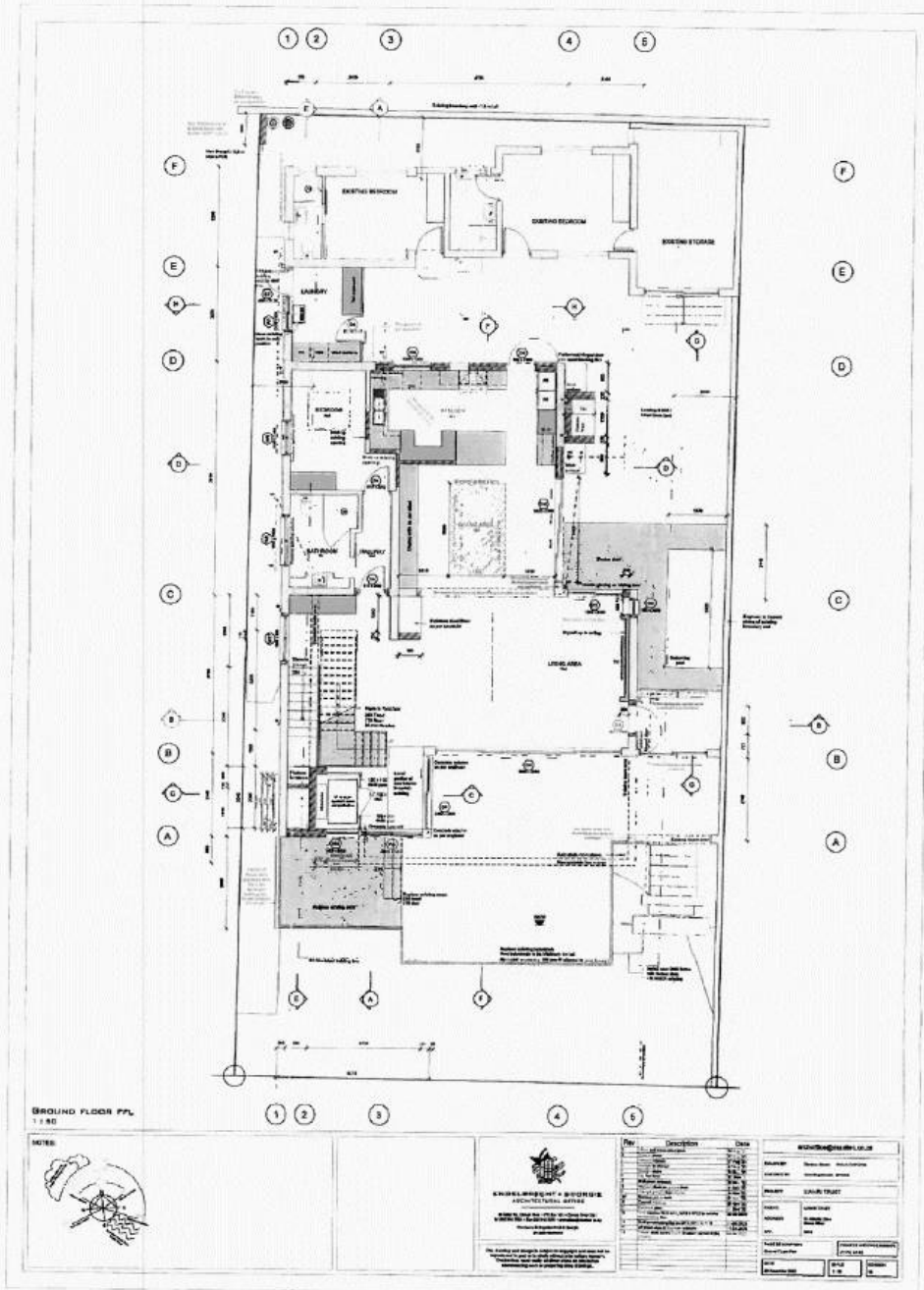


GARAGE / BASEMENT PLAN
1 - 80

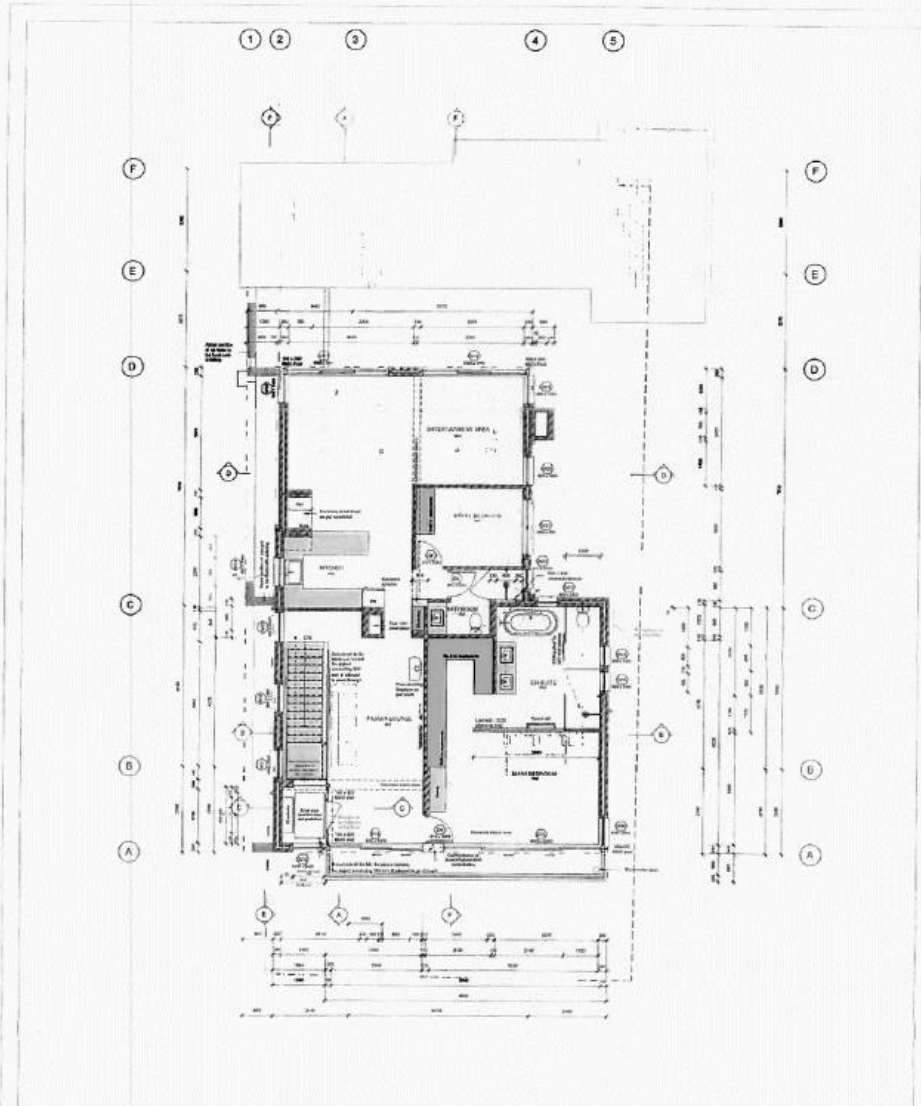
ATLANTIC DRIVE

<p>NOTES:</p>	<p>SPILLNER & SCOBIE RESIDENTIAL, INC.</p> <p>10000 10th Street, Suite 100 Atlanta, Georgia 30328 Phone: 404.525.1234 Fax: 404.525.1235 www.spillnerandscobie.com</p>	<p>REVISIONS:</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Issue for Permit</td> <td>03/10/10</td> </tr> <tr> <td>2</td> <td>Revised for Comments</td> <td>03/15/10</td> </tr> <tr> <td>3</td> <td>Final for Construction</td> <td>03/20/10</td> </tr> </tbody> </table>	No.	Description	Date	1	Issue for Permit	03/10/10	2	Revised for Comments	03/15/10	3	Final for Construction	03/20/10	<p>OWNER: [Name]</p> <p>PROJECT: [Name]</p> <p>DATE: 03/10/10</p> <p>SCALE: 1/8" = 1'-0"</p>
		No.	Description	Date											
1	Issue for Permit	03/10/10													
2	Revised for Comments	03/15/10													
3	Final for Construction	03/20/10													
<p>PROJECT INFORMATION:</p> <p>Project No. [Number]</p> <p>Site No. [Number]</p> <p>Sheet No. [Number]</p>		<p>DESIGNER: [Name]</p> <p>CHECKER: [Name]</p> <p>DATE: 03/10/10</p>													

4/10



5/10



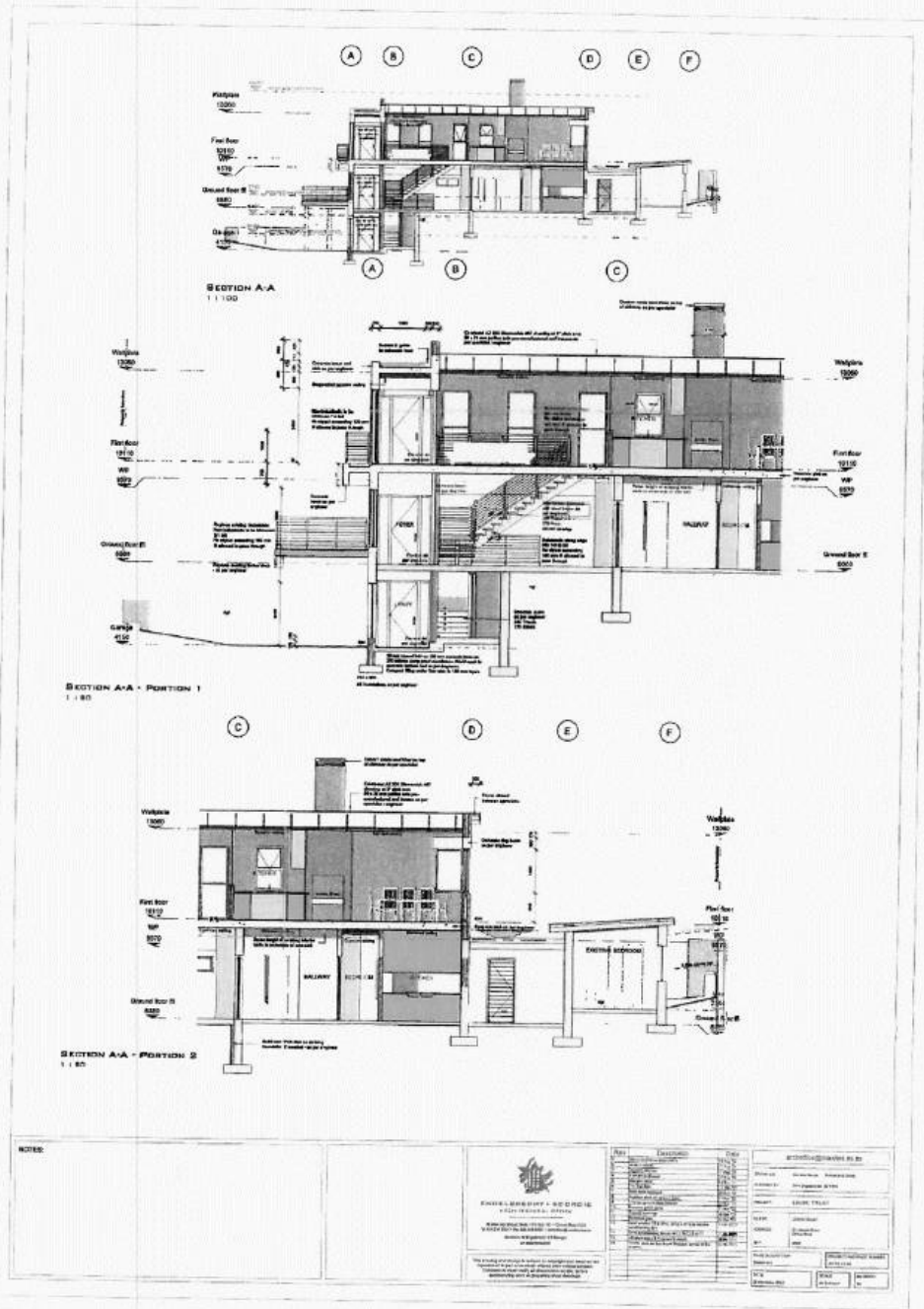
FIRST FLOOR
1:50

NOTES



No.	Description	Date
1	Preparation	5/10/10
2	Revisions	
3	Revisions	
4	Revisions	
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6	Revisions	
7	Revisions	
8	Revisions	
9	Revisions	
10	Revisions	
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6/10



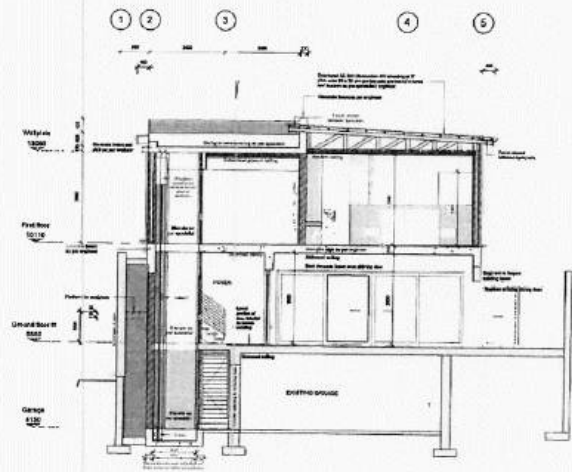
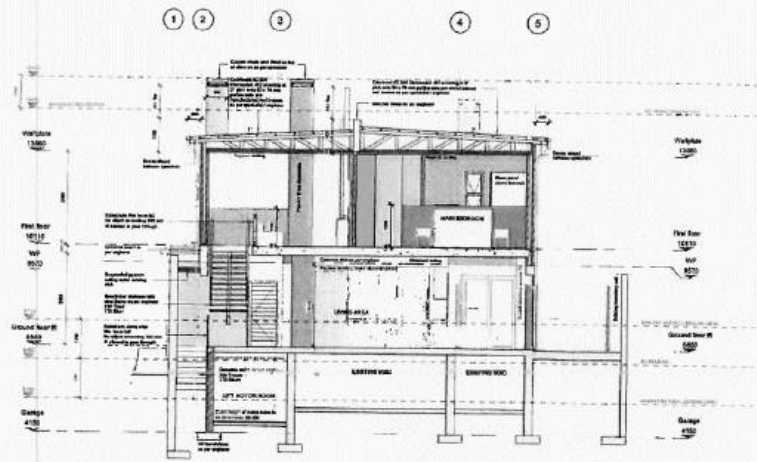
NOTES:

ENGINEERING SOCIETY
REGISTERED ENGINEERS
100, WATERLOO STREET, LONDON, W.C.1

Mr. J. H. [Name] [Title]
[Address]
[City]

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NOTES



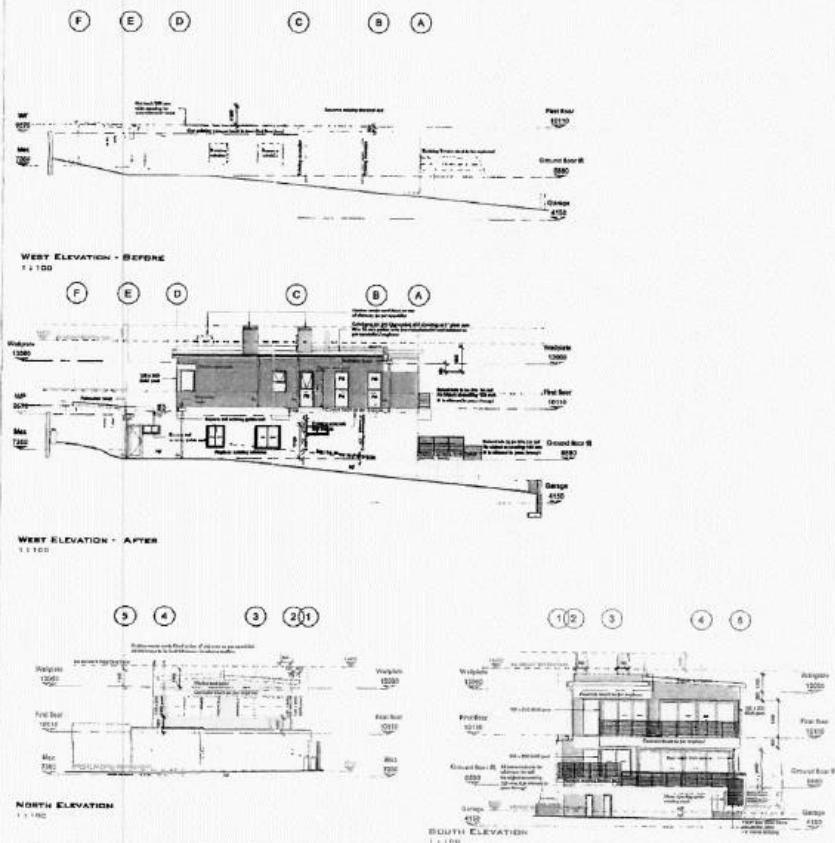
EMPLEVENET & SOGIC
ARCHITECTS & ENGINEERS

Rev	Description	Date
01	Issue for tender	15/07/2010
02	Issue for construction	15/07/2010
03	Issue for construction	15/07/2010
04	Issue for construction	15/07/2010
05	Issue for construction	15/07/2010
06	Issue for construction	15/07/2010
07	Issue for construction	15/07/2010
08	Issue for construction	15/07/2010
09	Issue for construction	15/07/2010
10	Issue for construction	15/07/2010
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48	Issue for construction	15/07/2010
49	Issue for construction	15/07/2010
50	Issue for construction	15/07/2010

www.emevenet.com.au

15/07/2010

9/10



NOTES:

 <p>ENGELBRECHT + WOLFF ARCHITECTS</p>	<p>Project: [Blank]</p> <p>Client: [Blank]</p> <p>Location: [Blank]</p> <p>Date: [Blank]</p>
	<p>Scale: [Blank]</p> <p>Author: [Blank]</p> <p>Reviewer: [Blank]</p> <p>Approved: [Blank]</p>

ANNEXURE D 1/4



J W BASSON

PH 021 444 5711
 CELL +27 (0)82 242 9600
 WB@BASSON.COM



FILE NO.	Er 2908
	Onrus River
SCAN NO.	
	110N 2908
COLLABORATOR NO.	
	1993702

TP. N. Theak
 (11.01.24)

6 February 2024

via email: loretta@overstrand.gov.za

Ms. Loretta Gillion
 Overstrand Municipality - Administrator: Town & Spatial Planning
 Hermanus

Dear Loretta

Re: NOTICE TO AFFECTED PERSONS - ERF 2908, 51 ATLANTIC DRIVE, ONRUS RIVER

I hope this letter finds you well. I am writing in response to the impact assessment outlined in the Departure Application Document for the proposed development on Erf 2908. As the sole director of Onrus Huis (Pty) Ltd with registration number 1999/015528/07, the registered owner of Erf 2911, the eastern neighbouring property to the applicant.

I would like to express my privacy concerns arising from the proposed development on Erf 2908, particularly regarding its potential impact on Erf 2911 swimming pool area and hereby formally lodge my concern.

Attached to this letter, you will find a preliminary sketch outlining the affected windows and a potential solution to address the privacy concerns. My primary concern revolves around the proposed first-floor main bedroom addition, which features a 900 x 2400 window and two 600 x 2400 bathroom windows directly overlooking my swimming pool with the main bedroom entrance and natural walkway aligned towards the window.

We have engaged in discussions with the property owner (Mr Antoni Ribeiro) to find a mutually agreeable solution to these concerns. One proposed remedy involves elevating the main bedroom window by 1.6 meters, altering its orientation to a horizontal position and adjusting the bathroom windows by "dusting" and raising them by 1 meter. These modifications aim to preserve their desired sunlight and airflow into the main bedroom while mitigating the impact on my privacy when enjoying the pool area. The property owner however declined my friendly request.

I genuinely believe that this proposed adjustment strikes a balance between the needs of both properties, ensuring a harmonious coexistence. Should my request to safeguard my privacy not be accommodated, I hereby regret to inform you that we cannot endorse the proposed relaxation of the applied building line and permissible coverage.

Additionally, I hereby request the Overstrand municipality to delineate the building lines on the eastern boundary of the said property. Currently, there exists a garage and swimming pool on the boundary, with swimming pool pipes running through my property.

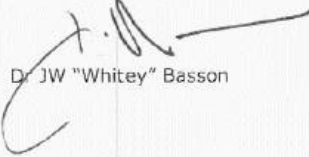
6 FEB 2024

I do not recall granting approval for the relaxation of the eastern building lines in this regard.

I kindly urge for clarification and adherence to the designated building lines to ensure the integrity and privacy of both properties are upheld or I kindly request the property owners to reconsider the solution with their architect and provide their comments.

I appreciate your understanding and cooperation in addressing these privacy concerns.

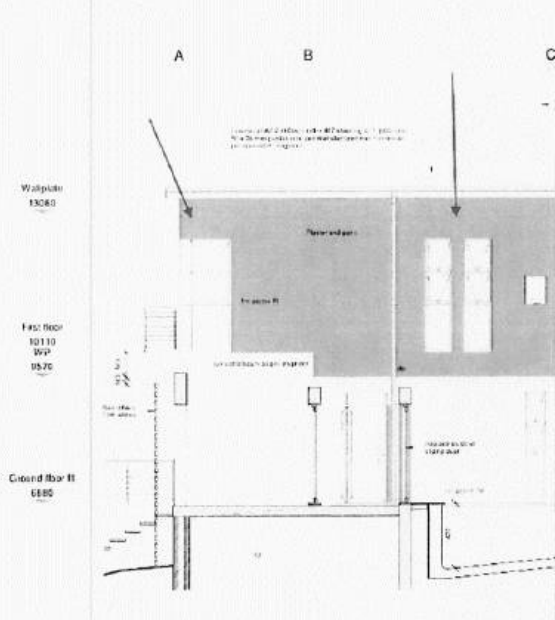
Yours sincerely,

A handwritten signature in black ink, appearing to be 'J.W. Basson', written over a horizontal line.

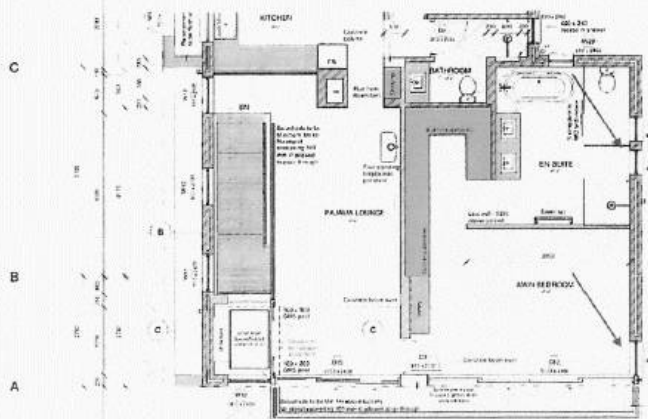
Dr. JW "Whitey" Basson

Annexure A:

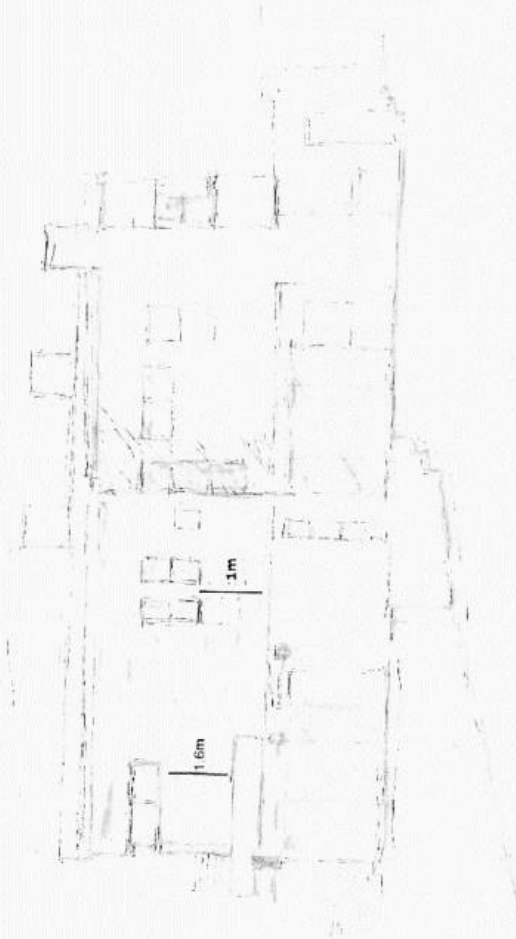
Affected Eastern view:



Affected top view:



Proposed solution:



ENGELBRECHT & SCORGIE
ARCHITECTURAL OFFICE

Tel 028 316 3294 • Fax 028 316 2200 • Email archoffice@maxitec.co.za • 48 Main Rd • PO Box 181 • Onrust River 7201

CR 94/27399/20



20 February 2024

The Town Planner
Overstrand Municipality
P O Box 20
HERMANUS
7200

For attention: Mr H. Olivier

Dear sir

RESPONSE TO THE COMMENTS RECEIVED FROM DR JW BASSON, THE REGISTERED OWNER OF ERF 2911, FORTHCOMING THE PUBLIC PARTICIPATION PROCESS: ERF 2908: LIANRI TRUST: 51 ATLANTIC DRIVE, ONRUST RIVER – OVERSTRAND MUNICIPALITY

When processing our response to the comments received from Dr. JW Basson, it is crucial to keep in mind what exactly we are applying for in the Departure Application, as this will have an impact on whether Dr. Basson has a valid reason to object to our application or not.

Below, please find a concise summary of the Departure Application submitted on the 18th of July 2023.

"The Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b), 2020 states that an owner of an erf may apply to the Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefore, an application was made for:

- *A permanent departure to relax the Western Municipal side building line from 2.0m to 0.9m to accommodate minor changes that fall within the subject Municipal building line, as highlighted throughout our submitted Departure Application.*
- *A permanent departure to relax the maximum permitted coverage of 50% to 51.63% for reasons as highlighted throughout our submitted Departure Application."*

Notwithstanding the above-mentioned summary, Dr. Basson's comments that refer solely to *his* privacy are completely unrelated to the matter at hand. His proposed remedy, which involves elevating the main bedroom window by 1.6m, altering its orientation to a horizontal position, and adjusting the bathroom windows by "dusting" and raising them by 1.0m will not be entertained by our client for the below reasons:

1. The affected area, and the primary reason for the Departure Application submitted in 2023, is related to the **Western Municipal building line**, which requires relaxation. Dr. Basson's property is located to the East of our client's erf, Erf 2908. With this being said, the Eastern side of our client's property adheres to the Zoning Scheme Regulations set forth by the Overstrand Municipality. Consequently, our client is well within their rights to have any size and proportion of windows on this particular side of the property.

2. We, as the appointed Architectural Firm, did take into consideration the privacy of both property owners during the initial design of the proposed additions and alterations. As a result, we intentionally reduced the width of the main bedroom's window to 900mm in width. Alternatively, we could have proposed windows with a similar size and proportion to the corner window in Dr. Basson's main bedroom. See photos attached. The same applies to the two proposed bathroom windows, these windows were intentionally reduced to 600mm in width.
3. Dr. Basson's comments primarily raise his own privacy and protection thereof. However, he neglected to mention that from his main bedroom and balcony, he has a view that overlooks our client's deck and swimming pool entirely. This raises the question: What about our client's privacy?

In summary, the impact of Dr. Basson's windows on our client's privacy significantly outweighs the effect that our client's narrower window will have on Dr. Basson's privacy. Furthermore, our client will not entertain Dr. Basson's "friendly" request. The affected area, and the primary reason for the Departure Application relates to the Western Municipal Building Line, which necessitated relaxation. It is important to note that Dr. Basson's property is situated to the East of our client's property, all parameters with the Overstrand Municipality's Zoning Scheme Regulations are compliant.

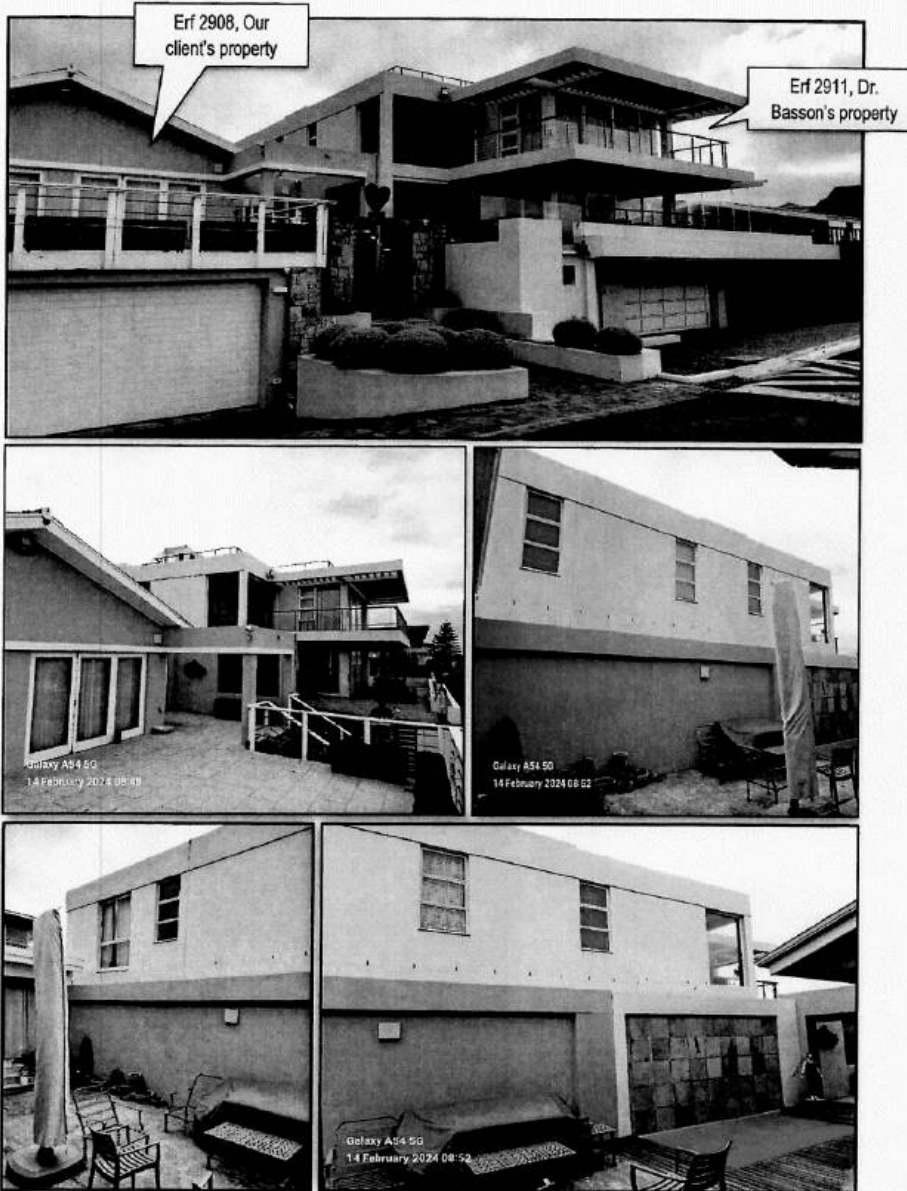
In Dr. Basson's letter to the municipality, he has further raised an issue regarding our client's swimming pool pipes running through his property. I would like to emphasize that this matter will be meticulously examined once construction commences on Erf 2908. Our intention is to relocate these pipes in a manner that ensures they do not adversely affect Dr. Basson in any way.

I trust that the information provided above addresses the concerns raised by the objector, Dr. Basson. Should you require any further details or clarification, please do not hesitate to contact me.

Thank you for your attention to this matter.

Sincerely,


GERHARD ENGELBRECHT
For Engelbrecht & Scorgie Architectural Office



ANNEXURE F

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ERF 2908, ONRUS RIVER (4437/2023)**

Stormwater (SW) : Refer to conditions
Electricity : Eskom Area
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 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*;
3. 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;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed;
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

13/12/2023
DATE



10 Jan Smuts Drive
Pinelands
7404

TP-A Theart
(Holivier)

Gideon Rossouw
Cell: 0614193857
Email: Gideonr@openserve.co.za

YOUR REF : WWIP_WONR4817_23
YOUR REF : Erf 2908

06 December 2023

Attention: Loriaan Isaacs
OVERSTRAND MUNICIPALITY
16 Paterson Street
Hermanus
7200

Dear Sir /Madam

SERVICES AFFECTED

APPLICATION FOR WAYLEAVE : Departure and Determination of an administrative penalty.- 51
Atlantic Drive, Onrus River

With reference to your application dated **06 December 2023**

FILE NO. Erf 2908
HON
SCAN NO.
COLLABORATOR NO.
1964206

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

TP 06 DEC 2023

2/4

As important cables are affected, please contact our representative Melt van As telephone numb 0813637873/MeltVA@openseve.co.za at least 48 hours prior of commencement on construction work.

I hereby inform you that Openseve 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.

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

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.

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

All Openseve rights remain reserved.

Yours faithfully
Gideon Rossouw
FOR
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

PLANT AFFECTED : FIBRE AND COPPER

This wayleave, Reference Number WWIP: WONR4817_23 valid for 06 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Openserve plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and Melt van As/0813637873/MeltVA@openserve.co.za must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Openserve Plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Openserve immediately should the applicant locate any Openserve plant which is not indicated on the plans.
5. Should the applicant expose any Openserve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 06 December 2023

By: Gideon Rossouw
For Regional General Manager

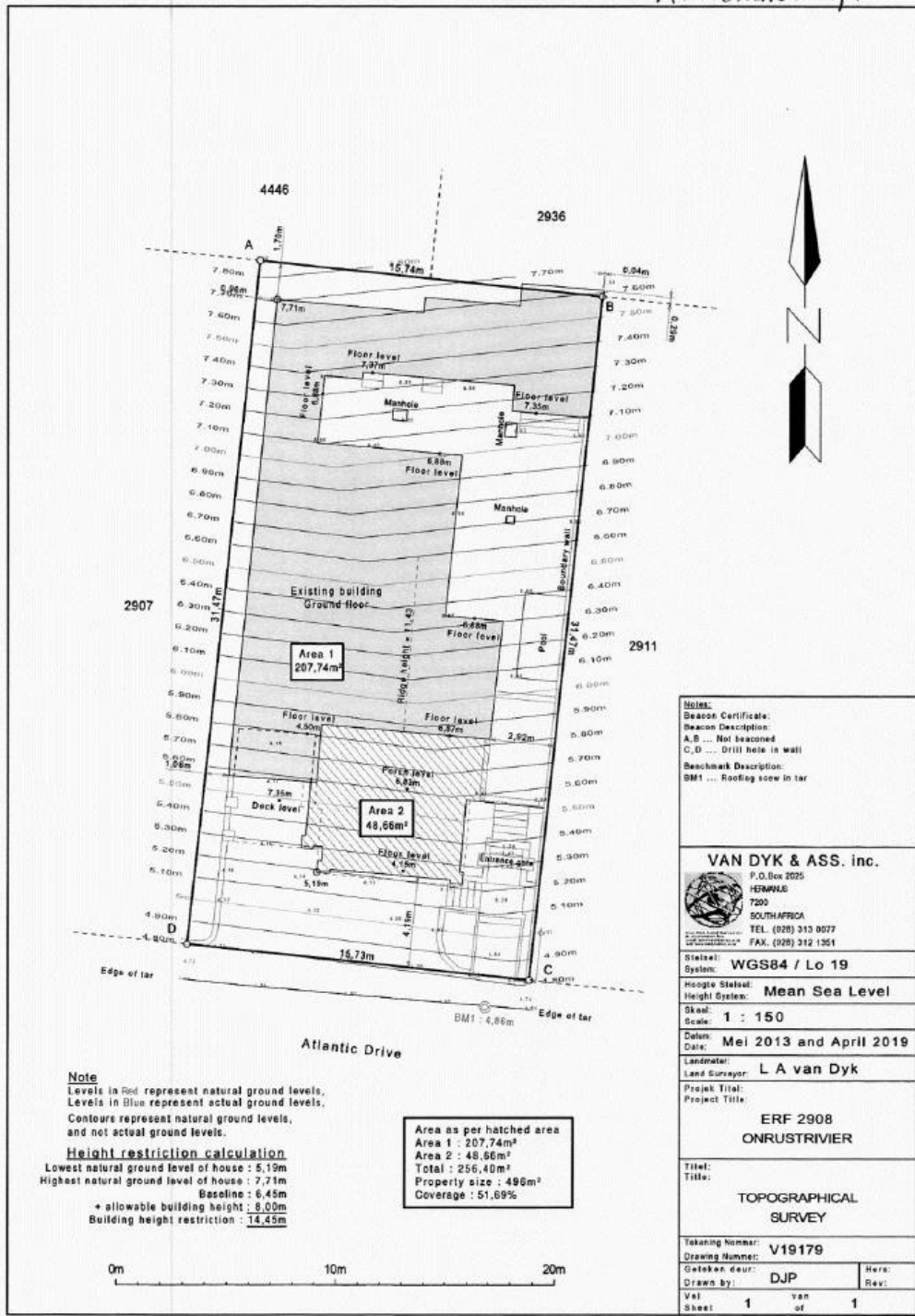
Legend	
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar (PJ)	
7. Pipe Junction Box (B/S)	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable (A/C)	

Optic Fibre indicated in PINK on the plan

The pipeline indicated (in Pink) contains OPTIC FIBRE cables.



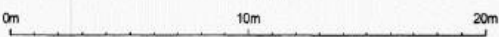
ANNEXURE H



Note
 Levels in Red represent natural ground levels,
 Levels in Blue represent actual ground levels,
 Contours represent natural ground levels,
 and not actual ground levels.

Height restriction calculation
 Lowest natural ground level of house : 5.19m
 Highest natural ground level of house : 7.71m
 Baseline : 6.45m
 + allowable building height : 8.00m
 Building height restriction : 14.45m

Area as per hatched area
 Area 1 : 207.74m²
 Area 2 : 48.66m²
 Total : 256.40m²
 Property size : 496m²
 Coverage : 51.69%



Notes:
 Beacon Certificate:
 Beacon Description:
 A,B ... Not beacons
 C,D ... Drill hole in wall
 Benchmark Description:
 BM1 ... Roofing saw in tar

VAN DYK & ASS. inc.	
P.O. Box 2025 HERMANUS 7200 SOUTH AFRICA TEL. (028) 313 0077 FAX. (028) 212 1351	
State:	WGS84 / Lo 19
System:	
Height System:	Mean Sea Level
Scale:	1 : 150
Date:	Mei 2013 and April 2019
Landmate:	L A van Dyk
Project Title:	ERF 2908 ONRUSTRIVIER
TOPOGRAPHICAL SURVEY	
Taking Number:	V19179
Drawing Number:	
Drawn by:	DJP
Sheet:	1 van of 1