



OVERSTRAND MUNISIPALITEIT

ERF 23, COWRIESTRAAT 4, SANDBAAL: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: INTERACTIVE TOWN & REGIONAL PLANNING (nms DIE DU TOIT FAMILIETRUST)

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 23, Sandbaai (die eiendom), naamlik:

Opheffing van Beperkende Titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes B.2(c) en B.2(d) soos vervat in Titelakte T70129/2016 van die eindom ten einde 'n tweede wooneenheid op die eiendom te akkommodeer en dit as 'n selfsorgeenheid aan te wend, asook die straatboulyn-oorskryding te akkommodeer.

Bepaling van 'n Administratiewe Boete

Aansoek ingevolge die bepaling van Artikel 90 van die Verordening vir die bepaling van 'n administratiewe boete vir die onwettige oorskryding van die boulyne soos hierbo genoem, asook die onwettige tweede wooneenheid.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **14 April 2023**, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H Boshoff** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word om hul kommentare te formuleer.

DGI O'Neill, Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 48/2023

OVERSTRAND MUNICIPALITY

ERF 23, 4 COWRIE STREET, SANDBAAL: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN & REGIONAL PLANNING (obo DIE DU TOIT FAMILIETRUST)

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 23, Sandbaai (the property), namely:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions B.2(c) and B.2(d) as contained in Title Deed T70129/2016 of the property to accommodate a second dwelling unit on the property and to utilize it as a self-catering unit, as well as to accommodate the street building line encroachment.

Determination of an Administrative Penalty

Application in terms of the provisions of Section 90 of the By-Law for the determination of an administrative penalty for the illegal encroachment of the building lines mentioned above, as well as the illegal second dwelling unit.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus.

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **14 April 2023**, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. H Boshoff** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comments.

DGI O'Neill, Municipal Manager, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 48/2023

UMASIPALA WASOVERSTRAND

ISIZA 23, 4 COWRIE STREET, SANDBAAL: ISICELO SOKUSUSWA KWEMIQATHANGO ENEZITHINTELO KWITAYITILE NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING (egameni lika-DIE DU TOIT FAMILIETRUST)

Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa Nokucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe ezi zicelo zilandelayo ezimayela neSiza 23, Sandbaai (ipropathi), ukuba:

Ukususwa Kwemiqathango Enezithintelo Kwitayitile

Isicelo ngokumayela neCandelo 16(2)(f) loMthetho kaMasipala ukuba kususwe imiqathango enezithintelo umqathango B.2(c) no B.2(d) kwitayitile njengoko iqulethwe kwiTayitile yepropathi enombolo T70129/2016 ukulungiselela indawo yokuhlala yesibini kwipropathi nokuba isetyenziswe njengendawo yokuhlala abantu abaziphekelana ngokwabo kunye nokulungiselela ukugqitha kumgca wesakhiwo ongasesitratweni.

Ukugqitywa Kwesohlwayo

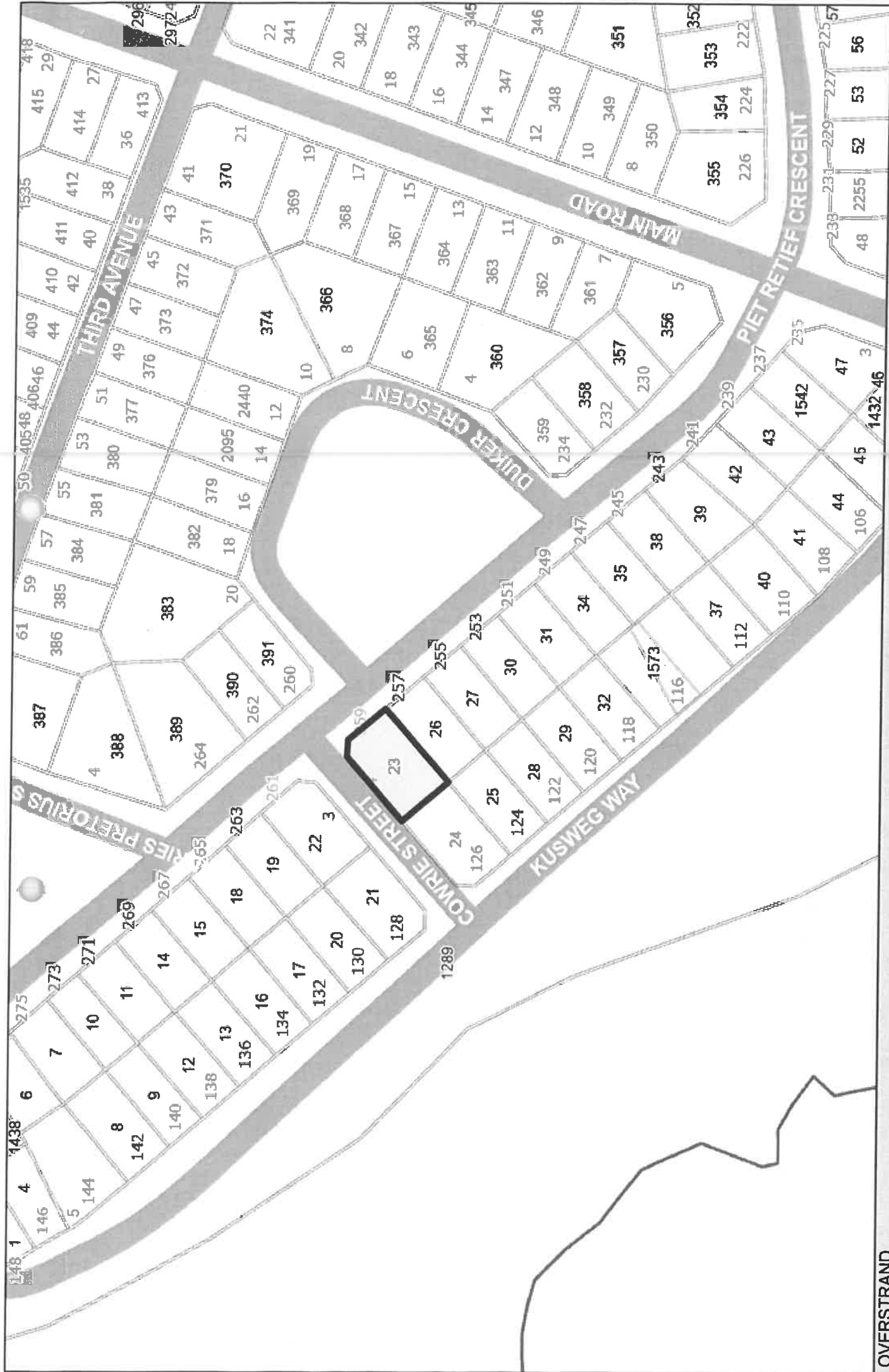
Isicelo ngokumayela nezibonelelo zeCandelo 90 loMthetho kaMasipala ukuze kugqitywe ngesohlwayo ngenxa yokugqitha kumgca wesakhiwo ngokungavumelekanga emthethweni njengoko kuchaziwe ngasentla kwakunye nokwakha indawo yokuhlala yesibini ngaphandle kwemvume esemthethweni.

linkcukacha ezimayela nezi zicelo ziyafumaneka ukuze zihlolewe phakathi evelini phakathi ko 08:00 no 16:30 kwiSebe: Town Planning at 16 Paterson Street, Hermanus.

Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ingadlulanga i-14 iApreli 2023, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingafakwa ku**Mcebi Dolophu, uMnu. H Boshoff** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba iDolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza akhe okuhlomla.

DGI O'Neill, Umphathi kaMasipala, Overstrand Municipality, P.O. Box 20, HERMANUS, 7200

Inothisi kaMasipala Nomb. 48/2023



Locality Map

Erf 23 Sandbaai



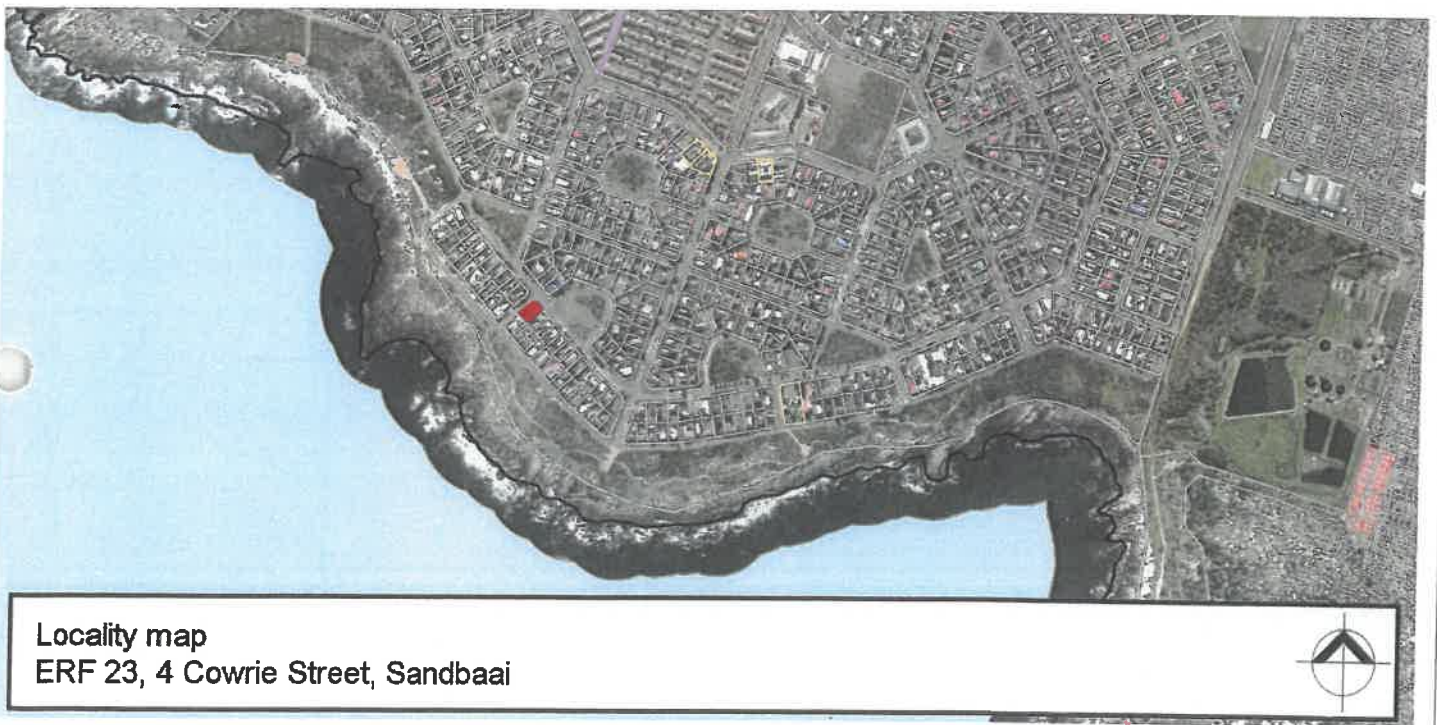
Removal of title deed restrictive conditions
for
ERF 23, 4 Cowrie Street, Sandbaai
2022-06-21

Application is hereby made in terms of the Overstrand Municipality Amendment By-Law for:

- Removal of restrictive title deed condition 2(c) from Title deed T 000070129/2016 in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.
- Removal of restrictive title deed condition 2(d) from Title deed T 000070129/2016 in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.

Application is hereby made in terms of the Overstrand Municipality Amendment By-Law for:

- Application for an Administrative Penalty in terms of Section 16(2) (q) Overstrand Municipality Amendment By-Law.



Locality map
ERF 23, 4 Cowrie Street, Sandbaai

05 DEC 2022

Application is hereby made for the removal of title deed conditions
as well as an
application for the determination of an administrative penalty

ERF 23, 4 Cowrie Street, Sandbaai

2022-06-21

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5. Conclusion

05 DEC 2022



Locality map
ERF 23, 4 Cowrie Street, Sandbaai

1. Introduction

1.1 Applicant: Surita Du Toit

1.2 Property Information: ERF 23, 4 Cowrie Street, Sandbaai

1.3 Background: The existing property has title deed restrictions that the owners were unaware of when they purchased the property. The current owners bought the property in 2016 where the existing dwelling on site was not built straight and already exceeds the title deed street building line. The owners wish to remove these conditions together with one dwelling on site. The owners wish to remove the title deed restrictions mentioned below in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.

2. Application

2.1 Application: Application to remove title deed restrictions in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.

2.2 Application: An application should also be made for determination of an administration penalty

2.3 Title deed: The restrictive title deed conditions in Title deed T 000070129/2016

ERF 23 SANDBAAI,
Located in the Overstrand Municipality
Caledon Division, Province of the Western Cape

Size: 828 (EIGHT HUNDRED TWENTY-EIGHT) Square Meters)

The restrictive title deed conditions in Title deed T 000070129/2016 are:

2 (c) That no more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven and that not more than one-half the area of any one of the above erven be built upon.

2(d) That no building shall be erected on the above erf or erven within 4,72 metre of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.

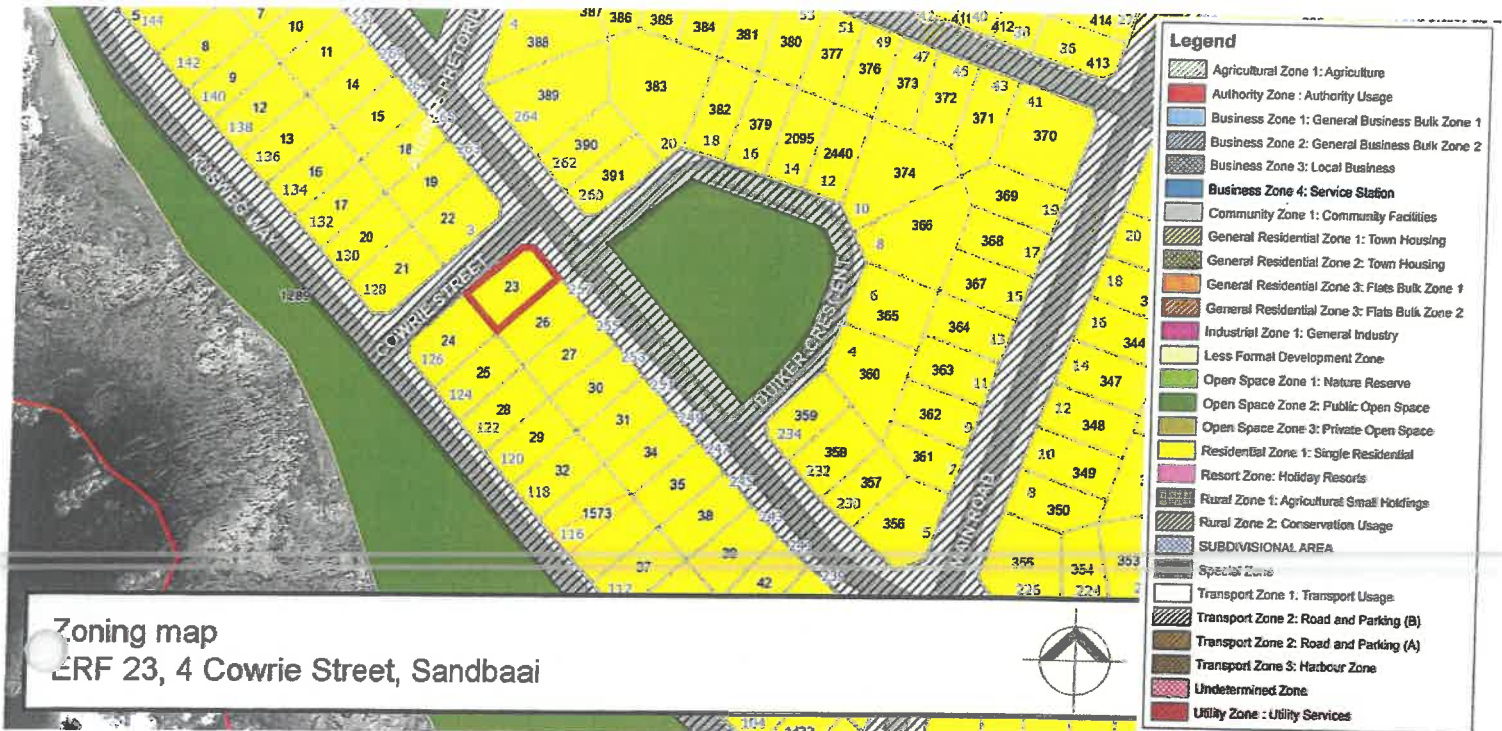
Application is hereby made in terms of the Overstrand Municipality Amendment By-Law for:

- Removal of restrictive title deed condition 2(c) from Title deed T 000070129/2016 in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.
- Removal of restrictive title deed condition 2(d) from Title deed T 000070129/2016 in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.

Application is hereby made in terms of the Overstrand Municipality Amendment By-Law for:

- Application for an Administrative Penalty in terms of Section 16(2) (q) Overstrand Municipality Amendment By-Law.

3. Property Information



ERF 23, 4 Cowrie Street, Sandbaai

As per

OVERSTRAND MUNICIPALITY AMENDMENT BY-LAW ON MUNICIPAL LAND USE PLANNING, 2020

	Permissible	Actual	Proposed
Current Zoning	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential With self-accommodation for two dwelling

Objective of Residential Zone 1: Single Residential:

The objective of this zone is to provide for residential development where the predominant type of accommodation is a dwelling house for a single family, with each dwelling has its own land unit, and adequate outdoor space. Limited employment and additional accommodation opportunities are possible as primary, secondary or consent uses, provided that the dominant use of the property remains residential, and impacts of such uses do not adversely affect the quality and character of the surrounding residential environment.

Primary Uses	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Existing Dwelling House	Dwelling House
Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture.	Existing Dwelling House	Second dwelling unit
	That no more than one dwelling per Title deed	One dwelling	The proposal is to remove the title deed restriction regarding the one dwelling for a second dwelling on site with permission granted.
Coverage	50%	40.36%	40.36%
	Not more than one-half the area of any one of the above even be built upon as per Title deed .	40.36%	The proposal is to remove the title deed restriction regarding the built upon area.
Height	The maximum height of a building measured from the base level to the top of the structure is 8,0m.	Existing roof height 7.93m (Refer to survey)	Existing roof will not change
Street Building line	4m	The existing dwelling is built skew; the dwelling starts at 4.72m and projects till 4.265m. 4.72m Piet Retief Street	The existing dwelling is built skew; the dwelling starts at 4.72m and projects till 4.265m. 4.72m Piet Retief Street
	4.72m Title deed building line	The existing dwelling is built skew; the dwelling starts at 4.72m and exceeds the building 4.265m at Cowrie	The proposal is to remove the title deed restriction regarding the street building line.

		Street. 4.72m Piet Retief Street	
Common Building line	2m	The existing dwelling is built skew; the dwelling starts at 2m and the one parapet wall projects to 1.374m facing Cowrie Street. 2.408m for the common building line facing Piet Retief Street.	No changes to occur to the existing dwelling regarding the common building line with approval.

4. Motivation

The restrictive title deed conditions in Title deed T 000070129/2016 that should be addressed are:

2 (c) That no more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven and that not more than one-half the area of any one of the above erven be built upon.

2(d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon.

One of the reasons for the title deed restrictions to be removed is that they are stricter than the Overstrand Municipality Zoning Scheme Regulations for Single Residential Zoning.

Overstrand Municipality allows 4m Street building line compared to the title deed which is 4.72m. The existing dwelling is built skew over this title deed building line.

That is why the owner applies to remove the title deed restriction.

Single Residential also allows a second dwelling unit where the title deed restricts this possibility.

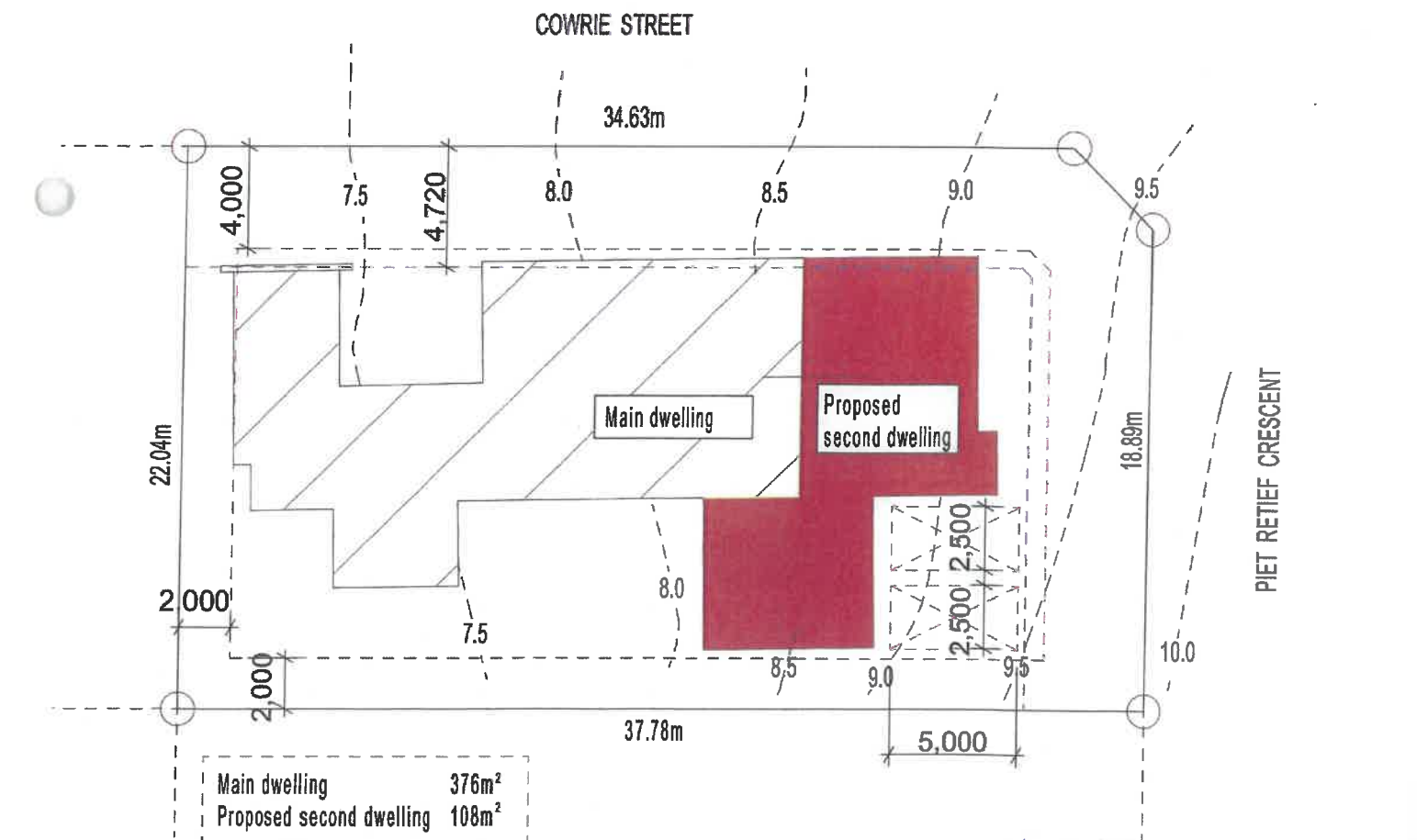
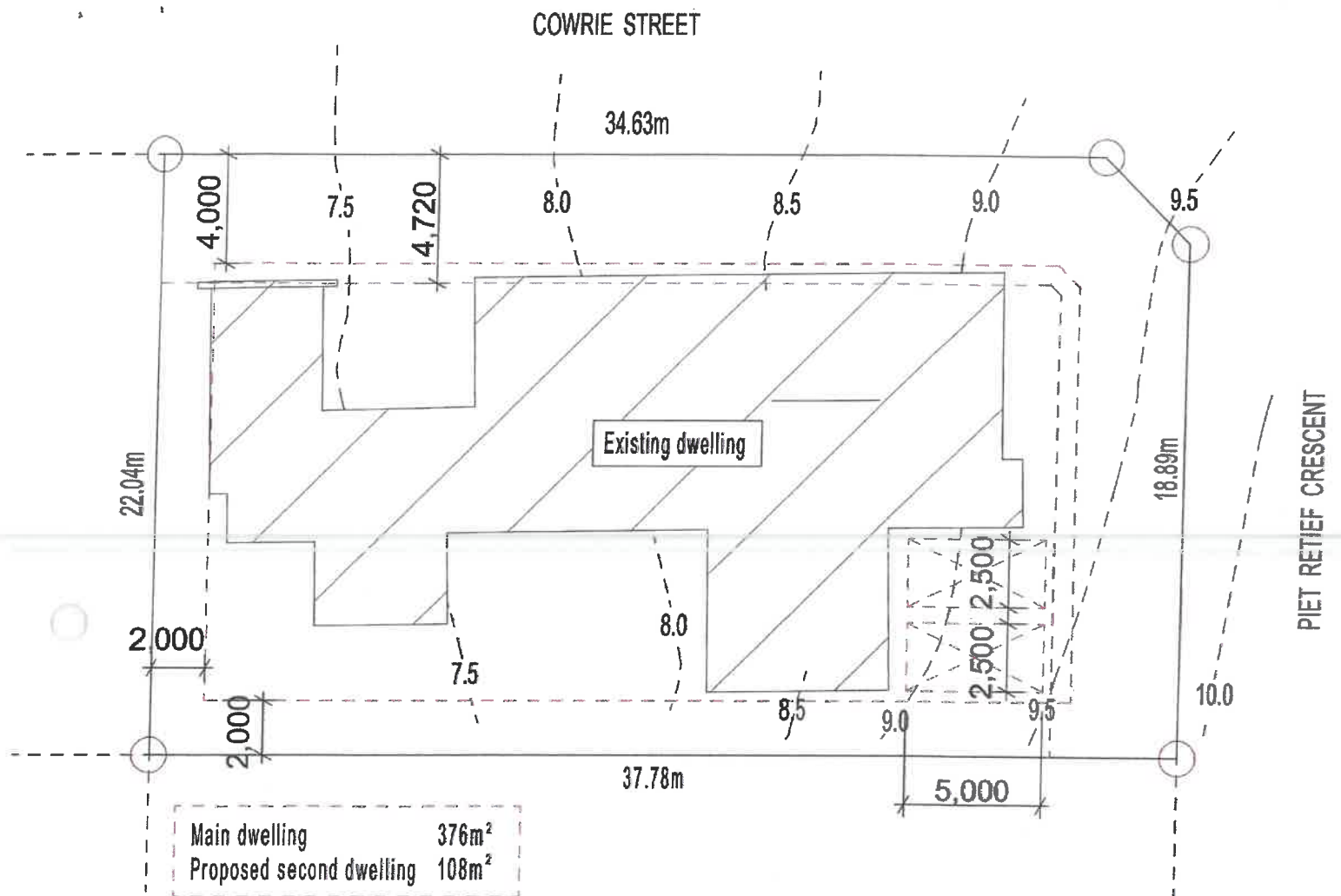
Character of the environment:

The surrounding area is also predominantly residential uses (Single Residential 1). Approval of the conditions being removed the owners will not change the use of the property.

Desirability of the proposal:

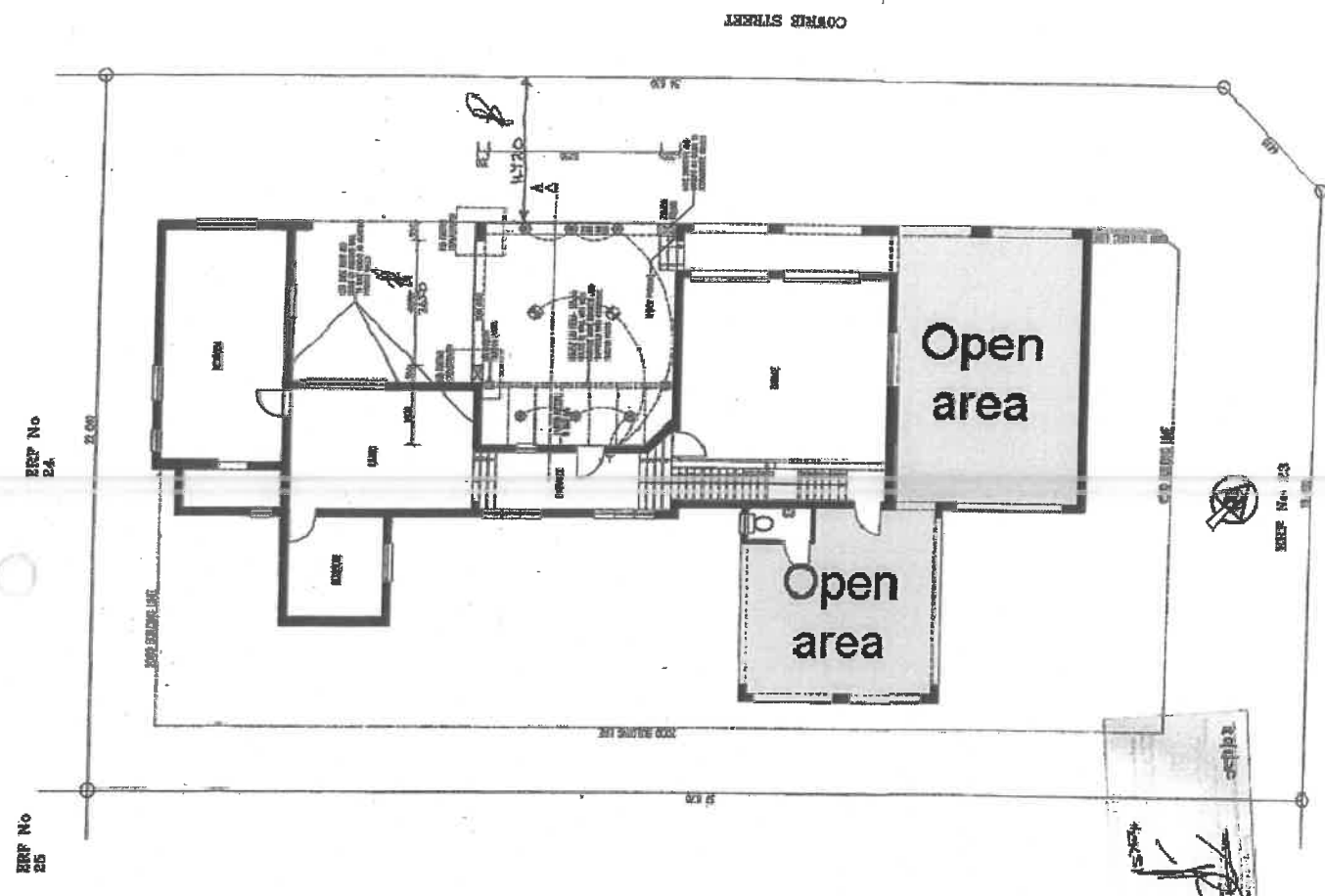
The existing dwelling is already built over the street building line. (Refer below)

The owner wishes to rectify this.



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The existing layout of the dwelling is perfect to have a second dwelling. This provides the owner the opportunity to have permanent residence on the property while also staying on the property.



The existing house was built on brick columns creating a void next to the existing garage which can be perfect for a second dwelling. The owners have since then filled in the gap and wish to use the new altered space as a second dwelling unit.

This will be beneficial for the area and owner. The owner receives security as someone is always watching their property while another family can be able to live close to the beach in a desirable area for less rent than an entire house. This is perfect for families just starting out or even students wanting some garden space and walks on the beach.

The owner does not wish to add additional structures to the property. The current land use will not change but provide another family the opportunity to live close to the beach at Sandbaai. This will also allow the owner security as someone is always on the property.

Administrative Penalty:

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

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

The existing dwelling was erroneously built over the title deed street building line by previous owners of the property. The property was purchased in 2016 and by that time the existing dwelling already exceeded the title deed building lines.

The existing dwelling is up to 4.26m from the north-western street boundary. The area exceeding the title deed building line is 6.8m² on the ground floor and 6.4m² on the first floor including the stoep.

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

The existing dwelling was constructed over the title deed building line by previous owners of the property. The existing owners did not make any changes to structures which exceeded title deed building lines.

The existing owners wish to legalise the existing structures and is cooperative in the process to rectify the matter.

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

Since the dwelling was constructed by a previous owner, we kindly request that the administrative penalty be waived. As a result, a report by a quantity surveyor has not been obtained.

(d) Whether the unlawful conduct was stopped

Since the part of the structure exceeding title deed building lines are mostly loadbearing walls and columns and is an essential structural element of the dwelling, application is made to legalise the existing dwelling.

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

The existing owners have not previously contravened the By-Law. We cannot comment on whether previous owners have previously contravened the By-Law.

Traffic Impact, Parking and Access:

There is sufficient space for parking for the second dwelling. (2.5m x 5m as indicated on the site plan)
Access to the site will not be impacted as there is existing carriage way crossing.

Impact on External engineering services:

The existing area is already developed and approval will not affect the area. The owners are not planning to build any new structures but legalize their existing structures that is built over the building line. No additional services are required for the application.

Heritage Value and Impact:

The existing dwelling is not older than 60 years and not located in a Heritage Protection Overlay Zone. The property has no Heritage value and approval will not impact heritage.

Environmental impact:

The proposal does not trigger any activities listed in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

Overstrand Municipal Spatial Development Framework (2020)

The owners will remain residential zoning with approval.

Spatial Justice:

The application will not perpetuate special injustices.

Spatial Sustainability:

The application is located within the urban edge and will thus not lead to urban sprawl. No Natural habitat is impacted upon and it will have no negative influence on the environment.

Spatial Resilience:

Second dwelling unit will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Efficiency:

The application will optimize the use of the property in terms of municipal services and infrastructure.

Good administration:

The application will follow the required planning procedures and a good public participation process will be followed.

Possible results of the development:

The proposed application will be advertised and provide anyone the opportunity to object. The application is good administration as the public is involved with the decision-making process.

Good Administration:

The application is of good administration to cooperate fully with the Overstrand Municipality through the entire land use planning process in a time efficient manner. The land use application will follow all steps set out in the Overstrand Municipality's Amendment By-law 2020.

Conclusion:

The application is regarded desirable within the Sandbaai surrounding area and land use set out in the Overstrand Municipality's Amendment By-law 2020.

Application is hereby made in terms of the Overstrand Municipality Amendment By-Law for:

Removal of restrictive title deed condition 2(c) from Title deed T 000070129/2016 in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.

Removal of restrictive title deed condition 2(d) from Title deed T 000070129/2016 in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law.

The following points should be considered:

Removing the title deed restrictive conditions will not change the use of the property.

The property follows all the rules and regulations set out in the Overstrand Municipality's Amendment By-law 2020 and approval will not affect this.

The application follows the Spatial Planning Land Use Management Act 2013 (SPLUMA) and the Land Use Planning Act 2014 (LUPA).

The existing property is already built over the restrictive building lines.

Approval will have no negative impact on the environmental/ heritage/ access or existing services.

Removing the restrictive conditions will provide another family the opportunity to live on the property. This will be beneficial for the area and owner. The owner receives security as someone is always watching their property while another family can be able to live close to the beach in a desirable area for less rent than an entire house. This is perfect for families just starting out or even students wanting some garden space and walks on the beach.

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CONTRACTOR

GENERAL NOTES

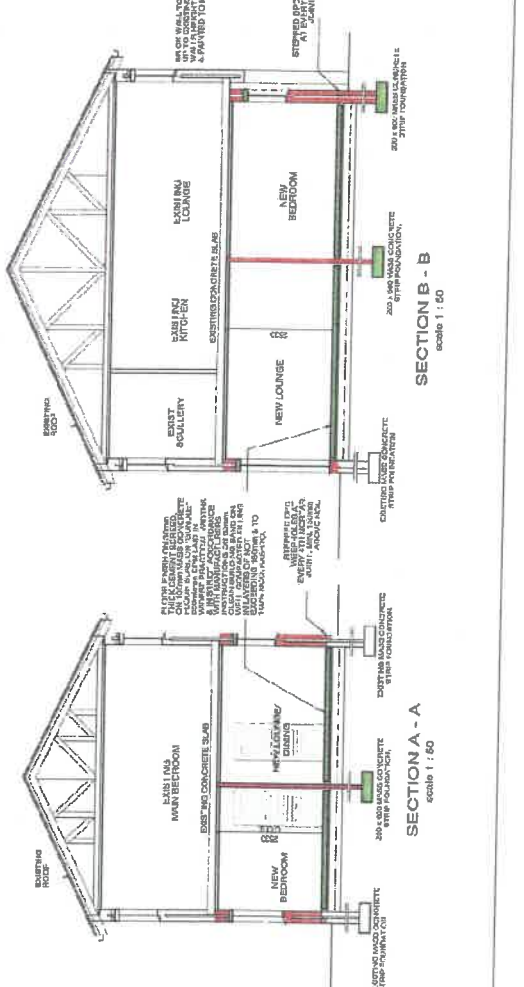
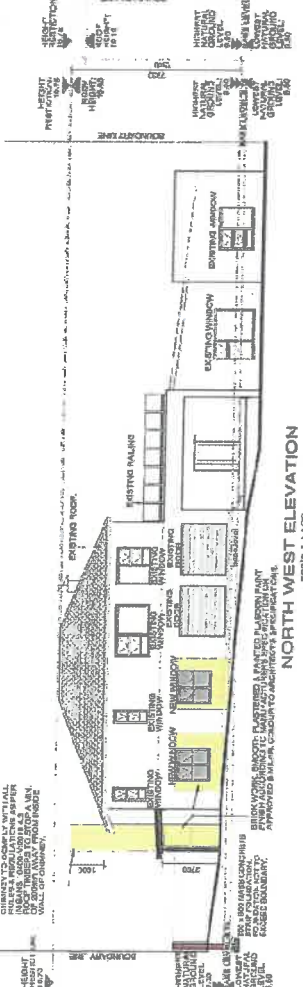
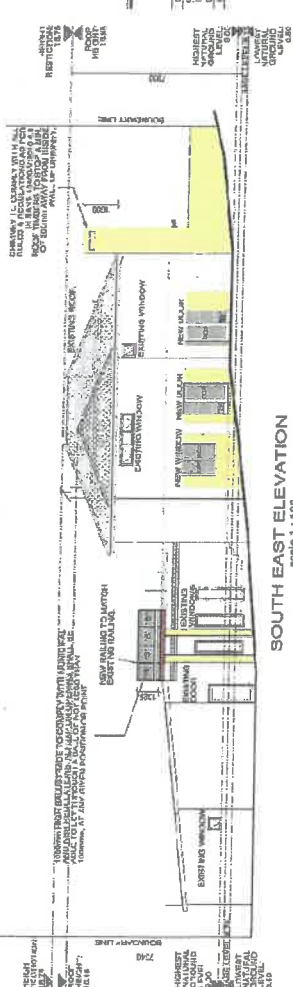
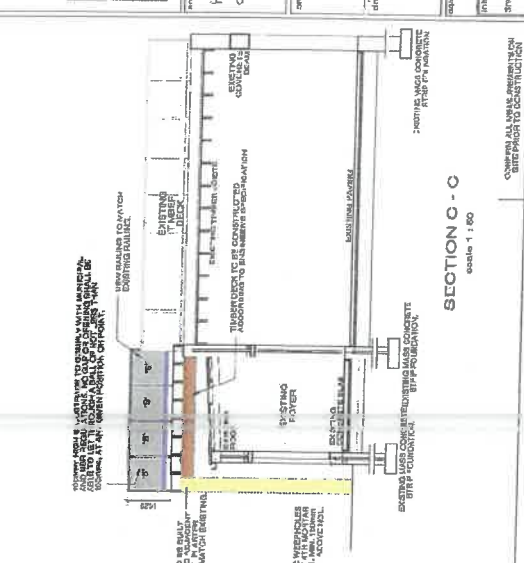
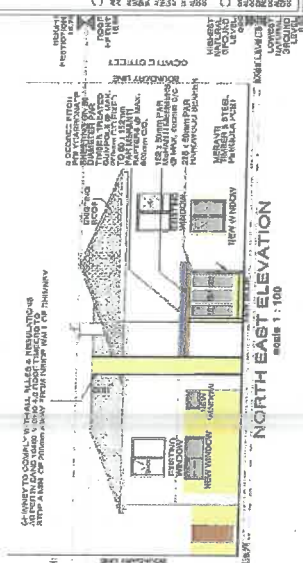
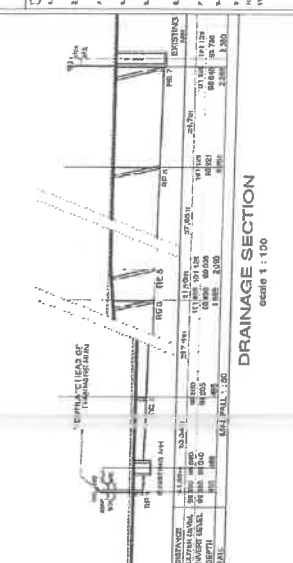
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PROPOSED ALTERATIONS &
ADDITIONS
FOR MR. & MRS. DU TOIT
OVERF 25,
ICHMANUS

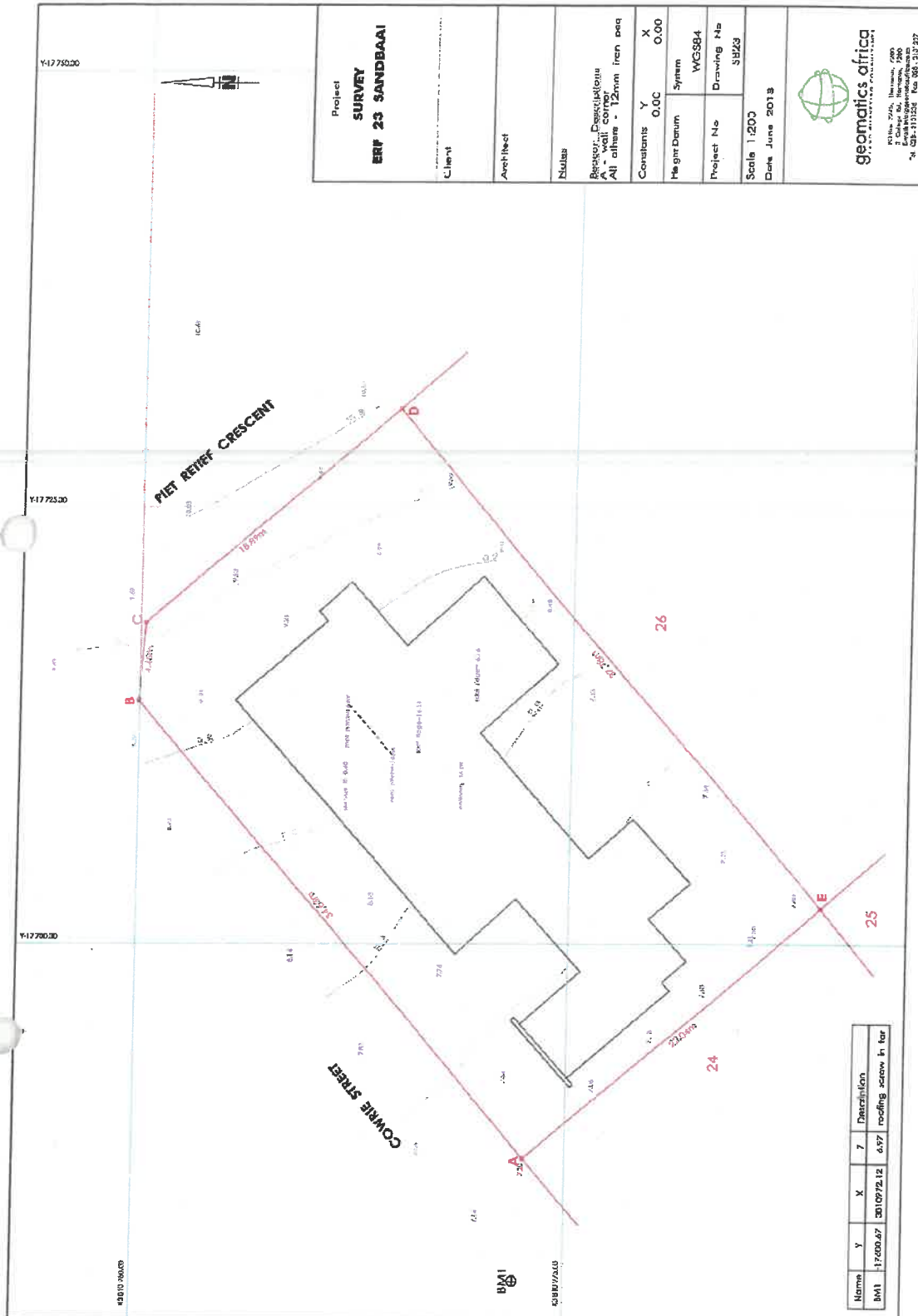
drawing title

MUNICIPAL DRAWINGS:
ELEVATIONS,
DRAINAGE SECTION,
SPECIFICATIONS

107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200
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Annexure C:
Survey



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