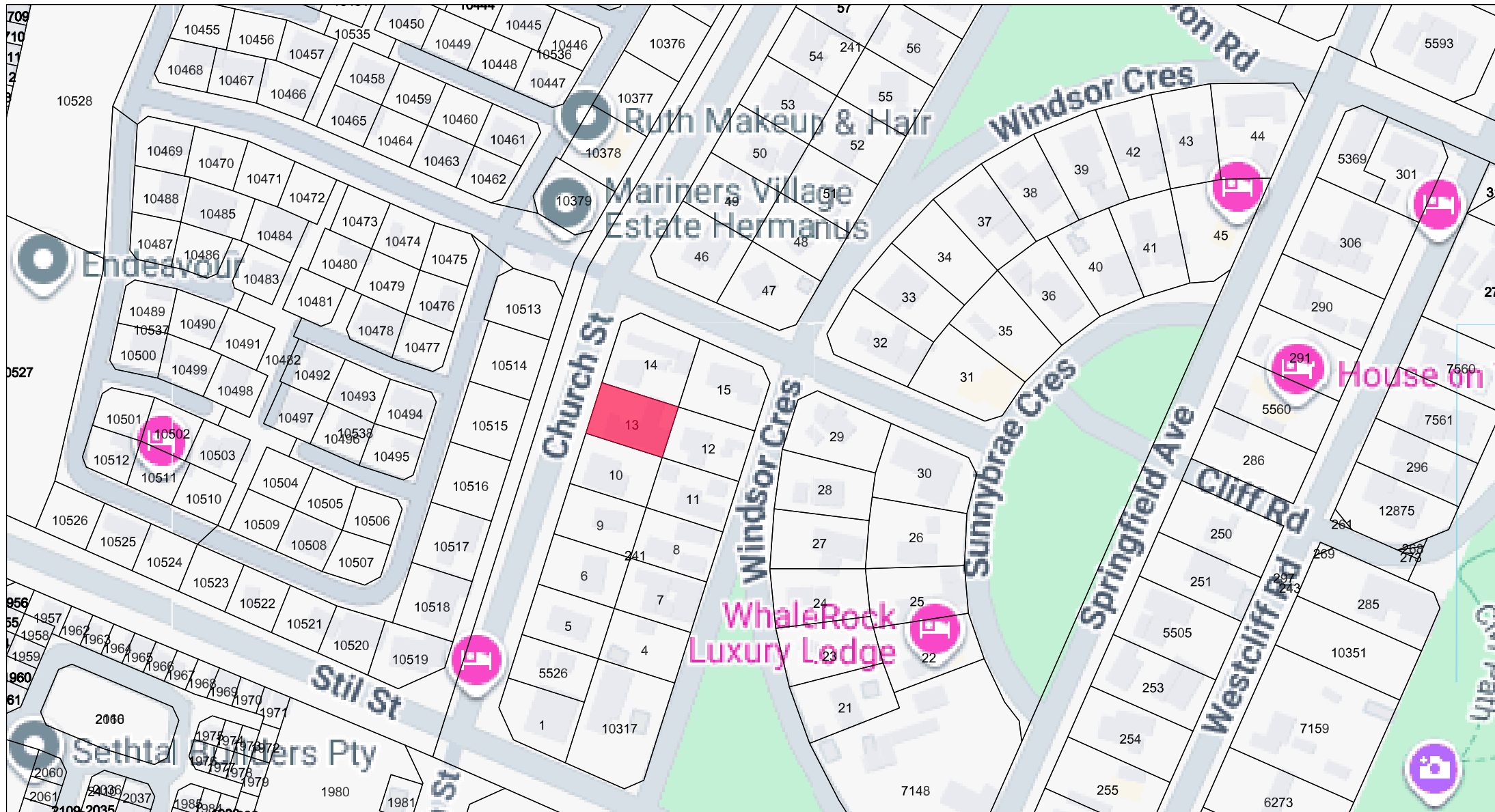


OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
ERF 13, 145 CHURCH STREET, WESTCLIFF, HERMANUS: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF JC KOTZE 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 an application received for the following: Removal of a restrictive title deed condition Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition A.(d) as contained in Title Deed T48943/2024. Departure Application in terms of Section 16(2)(b) of the By-Law in order to: - encroach the lateral building line from 2m to 0m to accommodate a portion of the existing garage, and - exceed the height restriction applicable to garages from 3,5m to 3,605m to accommodate the existing garage. Determination of an administrative penalty Application in term of Section 16(2)(q) of the By-Law to legalise the existing encroachments. Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 21 August 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Town Planner, Mr. B Minnaar at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments. <i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i>	ERF 13, KERKSTRAAT 145, WESTCLIFF, HERMANUS: AANSOEK OM OPHEFFING VAN 'N BEPERKENDE TITELAKTEVOORWAARDE, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS- EN STREEKBEPLANNERS NAMENS JC KOTZE Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van 'n aansoek ontvang vir die volgende: Opheffing van 'n beperkende titelakte voorwaarde Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelvoorwaarde A.(d) soos vervat in die Titelakte T48943/2024. Afwyking Aansoek ingevolge Artikel 16(2)(b) van die Verordening ten einde die: - syboullyn vanaf 2m na 0m te verslap om die bestaande motorhuis te akkommodeer; - hoogtebeperking van toepassing op motorhuise vanaf 3,5m na 3,605m te verslap om die bestaande motorhuis te akkommodeer. Bepaling van 'n administratiewe boete Aansoek ingevolge Artikel 16(2)(q) van die Verordeninge om die bestaande oorskrydings te wettig. Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 21 Augustus 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. B Minnaar 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 Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer. <i>U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i>	ERF 13, 145 CHURCH STREET, WESTCLIFF, HERMANUS: ISICELO SOKUSHENXISA KWEEMKO EZIYIMIQOBO KWIITAYITILE ZOBUNINI, UKWAHLULA NENGQIKELELO YOMDLIWO WOBHALISO: NGABAKWAPLAN ACTIVE TOWN NABACWANGCISI BENGINGQI EGAMENI LIKA JC KOTZE Kukhutshwe isaziso ngokwemiba yeSolotya lama-47 nelama-48 nguMasipala waseOverstrand esingoMthethwana osisiHomelo soMthetho ongeZicwangciso ZokuSetyenziswa koMhlaba ku2020 (UMthethwana) esi saziso sifunyenweyo singesicelo esingemiba elandelayo: Ukushenxisa iimeko eziyimiqobo kwiitayitile zobunini Isicelo esimayela nemiba yeSolotya le16(2)(f) loMthethwana ungokushenxisalimeko eziyimiqobo kwiitayitile zobunini A.(d) njengoko ziquhlathweTayitile YoBunini T48943/2024. Ukwahluka Isicelo esingemiba yeSolotya le16(2)(b) loMthethwana ukuze: - kudluliswe kugqithelwe ngaphaya komgca omelene nesakhiwo ukuusuka kwiimitha ez-2m ukuya ku- 0m ukulungiselela isohlulo esiynxalenye yegaraji esele ikhona, kunye - nokugqithela ngaphaya komphakamo ovunyelweyo nosebenziseka kwiigarazi esele zikhona ukusukela kwiimitha ezili-3,5m ukuya kwi-3,605m ukulungiselela iigarazi esele zikhona. Inggikelelo yomdlwio wobhaliso Isicelo ngokwemiba yeSolotya le16(2)(q) loMthethwana ukugunyazisa ngokusemthethweni kongeneliso nokugqitha ngaphaya komda omiselweyo. Iinkcukacha ezipheleleyo mayela nezi ziphakamiso zingentla ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini kwiintsuku eziphakathi kwentsimbi ye 08:00 neye16:30 kwiCandelo: LeDolophu noBume beNdawo, 16 Paterson Street, Hermanus nakwiwebhpheji kamasipala kweliqhakamshela lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na ezibhalwe phantsi mazingeniswa zifike kwaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla 21 Agasti 2026, uchaze igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhloma. Imibuzo ngefowuni ingathunyelwa kuCwangciso weDolophu, Mnu. B Minnaar kwa-028-3138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiCandelo: LeziCwangciso zeDolophu noBume beNdawo apho igosa likamasipala liza kunceda ukwakha izimvo zakho uhlomle ngokusemthethweni. <i>Nceda uqaphele ukuba le miba imayela noMthetho Okhusela Ingxelo Ngomntu(POPIA), iza kungena kwinkqubo kawonkewonke ngoko ke uvumelana kwaye unika imvume yokusebenzisa igama lakho, ifani, iinkcukacha ofumaneka kuzo ezinokudizwa/eziza kusetyenziswa kwinkqubo.</i>
Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		

Notice no. / Kennisgewing nr. / Inothi siyeNomb: 144/2026



MOTIVATION REPORT

Removal of Restrictive Title Deed Condition, Building Line Departures & Administrative Penalty

ERF 13 | HERMANUS | OVERSTRAND MUNICIPALITY

Property	Erf 13 Hermanus
Physical Address	145 Church Street, Westcliff, Hermanus
Erf Extent	654 m ²
Zoning	Residential Zone 1
Title Deed	T48943/2024
Bond	No bond registered
Owner	Mr Jon Carrol Kotze
Applicant	Plan Active Town & Regional Planners
Application Type	Building Line Departure Title Deed Restriction Removal Administrative Penalty

1. BACKGROUND

Plan Active has been appointed by Mr Jon Carrol Kotze, the registered owner of Erf 13 Hermanus, to prepare and submit applications for the removal of a restrictive Title Deed condition, building line departure, and the determination of an administrative penalty. The owner acquired the property, together with its existing improvements, from the Deceased Estate of the late Mr Anthony Burke.

The property is improved with a single-storey dwelling house and a single garage. The owner subsequently appointed Engelbrecht and Scorgie Architectural Office to prepare building plans for proposed internal alterations to the existing dwelling.

During the preparation of the building plans, it was identified that the existing garage had been constructed directly on the lateral boundary of the property, contrary to the building line restrictions contained in both the Title Deed and the Overstrand Municipality Land Use Scheme. Furthermore, the garage does not fully comply with Section 16.1.1(c)(ii) of the Land Use Scheme, as the structure exceeds the maximum permissible height of 3.5 metres applicable to garages constructed on a boundary. The existing height exceeds the prescribed limit by approximately 105 mm.

In order to regularise the existing encroachment and associated non-compliance, applications are required for the removal of the restrictive Title Deed condition, a departure from the prescribed lateral building line, and the determination of an administrative penalty.

The property measures 654 m² in extent, is situated in Westcliff, Hermanus, and is held under Title Deed No. T48943/2024. No bond is registered against the property.

2. APPLICATION DETAILS

This application is submitted in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, and comprises the following components:

Reference	Section	Description
Building Line Departure	Section 16(2)(b), Chapter 4	Departure from the prescribed lateral building line to regularise the existing garage encroachment.
Title Deed Restriction Removal	Section 16(2)(f), Chapter 4	Removal of restrictive conditions relating to the prescribed lateral building line.
Administrative Penalty	Section 16(2)(q), Chapter 4	Determination of an administrative penalty in respect of the identified unauthorised building work.

3. NEED AND DESIRABILITY

3.1 Property Description

Erf 13 Hermanus is located at 145 Church Street, Westcliff, Hermanus, and measures 654 m² in extent. The property is improved with a primary single-storey dwelling house and a single garage. For spatial context and orientation, reference is made to the locality plan below.

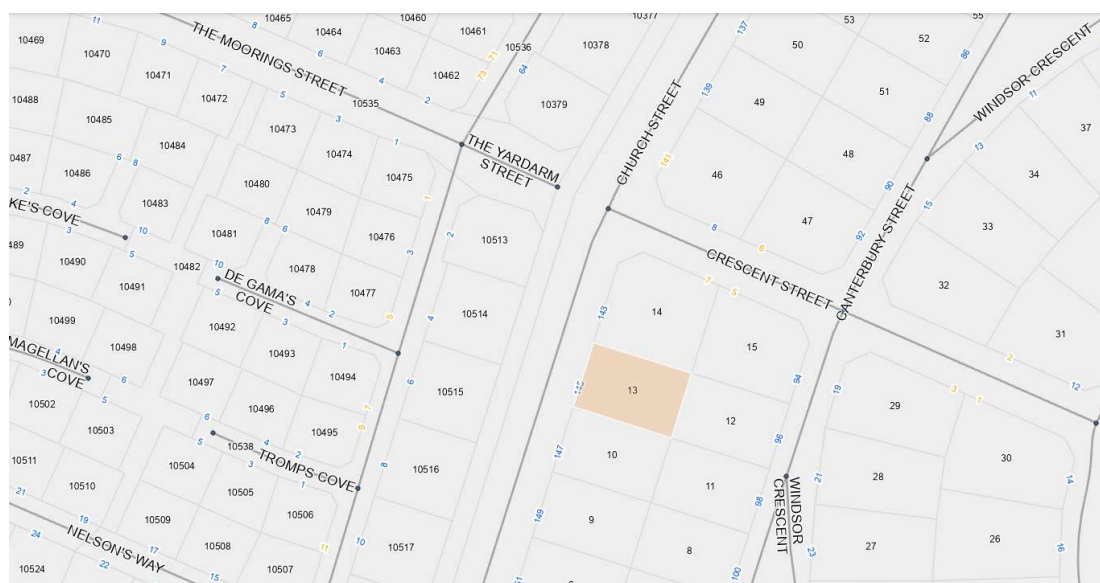


Figure 1: Locality Plan — Erf 13 Hermanus, 145 Church Street, Westcliff

3.2 Zoning

Erf 13 Hermanus is zoned Residential Zone 1 in terms of the Overstrand Municipality Land Use Scheme. This zoning permits the use of the property for residential dwelling purposes and associated ancillary uses, which is consistent with the existing development on the property.

The surrounding properties are predominantly zoned for residential purposes, with portions of the area designated as public open space and public roads. A zoning map extract is provided below for spatial context.

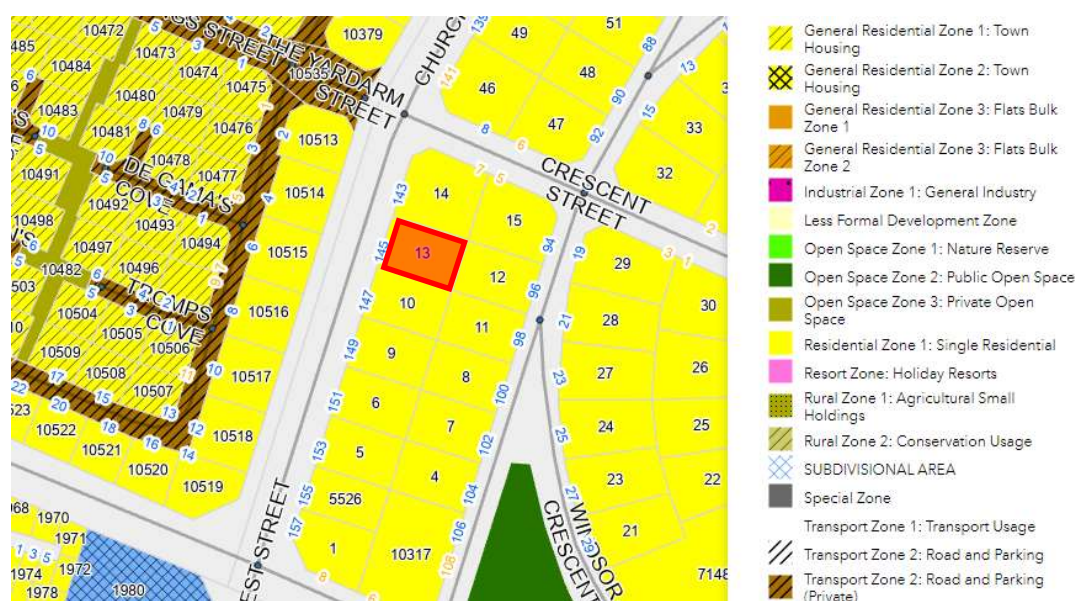


Figure 2: Zoning Map Extract — Erf 13 Hermanus

3.3 Existing Land Use

Erf 13 Hermanus, situated at 145 Church Street, Westcliff, is utilised for single residential purposes in accordance with its Residential Zone 1 zoning. The dwelling comprises a kitchen, lounge, study, three bedrooms, a walk-in closet, two bathrooms, a swimming pool, and a single garage.

The Residential Zone 1 zoning permits the establishment of a single dwelling house, a second dwelling unit, and associated ancillary structures. The surrounding erven are similarly zoned and developed for single residential purposes, reinforcing the established residential character of the neighbourhood.

3.4 Property Potential

Erf 13 Hermanus demonstrates strong residential and investment potential due to its favourable erf size, established improvements, and strategic location within Hermanus. The property is situated within a well-established residential neighbourhood in close proximity to the Hermanus town centre, medical facilities, coastal amenities, and public open spaces.

Given its location, zoning, existing improvements, and established residential context, the property constitutes a sound and valuable residential holding. It remains appropriately suited to continued single residential use and retains the potential for future improvements and enhancements, subject to compliance with applicable planning and development controls.

4. PROPOSAL

The application comprises three interrelated components, addressed in the following sequence:

- Building Line Departure
- Removal of Restrictive Title Deed Condition
- Determination of Administrative Penalty

4.1 Building Line Departure

The existing single garage on Erf 13 Hermanus has been constructed directly along the northern lateral boundary of the property. In terms of the Overstrand Municipality Land Use Scheme, garages may encroach onto a lateral boundary subject to compliance with the provisions of Section 16.1.1(c).

During the assessment of the existing structure, it was identified that the garage exceeds the maximum permissible height of 3.5 metres prescribed in Section 16.1.1(c)(ii) for garages constructed on a common boundary. The existing garage measures approximately 3.605 metres in height along the northern lateral boundary, thereby exceeding the permitted restriction by approximately 105 mm. Accordingly, a building line departure is required to regularise the existing encroachment from the prescribed 2.0-metre lateral building line to 0 metres.

The garage extends approximately 6.560 metres along the northern lateral boundary and is generally consistent with the dimensional limitations contemplated by the Land Use Scheme. The structure also complies with several of the remaining requirements applicable to boundary garages:

- No windows or doors are provided within the northern lateral wall adjoining the common boundary.
- The garage is constructed with a mono-pitch roof sloping toward the main dwelling on the southern side of the property.
- Rainwater runoff is directed internally onto Erf 13 Hermanus by means of a box gutter positioned on the southern side of the structure, thereby preventing runoff onto the adjoining property.
- A parapet wall conceals the roof structure, creating the visual appearance of a flat roof and reducing the overall visual impact when viewed from the adjoining property.

The proposed departure is limited in nature and relates solely to the minor height exceedance of approximately 105 mm. The encroachment has an established and permanent character and does not materially detract from the amenity of the surrounding area.

4.2 Removal of Restrictive Title Deed Condition

Title Deed No. T48943/2024 applicable to Erf 13 Hermanus contains restrictive building line provisions that require removal in order to regularise and permit the continued existence of the existing single garage constructed along the northern lateral boundary.

The relevant restrictive condition, contained on page 2, paragraph (A)(d) of the Title Deed, reads as follows:

“That no building shall be erected within 4.72m of any street line which forms the boundary of this erf. No building shall be situated within 2.36m of the lateral boundary common to any adjoining erf.”

The existing garage encroaches upon the prescribed lateral building line contained in the Title Deed. Although the Overstrand Municipality Land Use Scheme makes provision for garages to encroach onto lateral boundaries under specific circumstances, the Title Deed restriction remains more restrictive and therefore requires formal removal in order to align the title conditions with the applicable planning framework and the as-built development on the property.

The removal of the restrictive Title Deed condition is considered necessary and appropriate in order to:

- Regularise the existing development on the property.
- Align the Title Deed restrictions with the provisions of the Overstrand Municipality Land Use Scheme.
- Facilitate lawful land use and development rights applicable to the property.
- Enable the approval of the as-built garage structure and associated building line departure.

4.2.1 Legislative Consideration: Section 39(5) of LUPA

In terms of Section 39(5) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (“LUPA”), a municipality must have due regard to the following considerations when evaluating an application for the removal, suspension, or amendment of a restrictive condition. Each criterion is addressed in turn below.

(a) The Financial or Other Value of the Restrictive Condition to Any Person

The restrictive condition does not hold any identifiable financial or material value to neighbouring property owners or any other person. The proposed removal relates solely to the lateral building line applicable to the existing garage structure and will not diminish the use, enjoyment, or development potential of adjoining properties.

(b) The Purpose of the Restrictive Condition

The purpose of the restrictive building line condition is to regulate the siting of buildings, maintain appropriate spatial separation between structures, and protect the amenity and character of the surrounding area. In this instance, the purpose of the condition is not undermined, as the encroachment relates to a minor residential garage that does not materially impact neighbouring properties or the character of the area.

(c) The Period During Which the Condition Has Been Applicable

The restrictive condition has been registered against the title of the property for a considerable period and predates the current ownership. The existing garage structure has similarly existed for an extended period and forms part of the established built form of the property and surrounding neighbourhood.

(d) Whether the Condition Is Still Enforceable

Although the restrictive condition remains legally enforceable, the Overstrand Municipality Land Use Scheme provides more contemporary and flexible development controls relating to garages constructed on boundaries. The proposed removal will therefore align the historical title restriction with the current planning and development framework.

(e) Whether the Removal Will Materially Affect the Rights or Legitimate Expectations of Any Person

The proposed removal will not materially affect the rights or legitimate expectations of any neighbouring owner or interested party. The garage structure is existing, limited in scale, and compatible with the residential character of the area. No adverse overlooking, privacy, access, or stormwater impacts are associated with the encroachment.

(f) Whether the Removal Will Be in the Public Interest

The removal of the restrictive condition is considered to be in the public interest as it facilitates the regularisation of an existing development anomaly in a lawful and transparent manner. The application

promotes sound land use management principles and administrative certainty without creating any detrimental impact on the broader community or surrounding environment.

(g) Whether the Removal Will Conflict With Any Applicable Spatial Development Framework, Land Use Scheme, or Legislation

The proposed removal does not conflict with any applicable Spatial Development Framework, municipal policy, Land Use Scheme, or other relevant legislation. On the contrary, the application seeks to align the Title Deed restrictions with the provisions of the Overstrand Municipality Land Use Scheme and to regularise the existing development in accordance with the applicable statutory framework.

In light of the above criteria, the proposed removal of the restrictive Title Deed condition is considered reasonable, desirable, and consistent with sound planning principles. It is respectfully submitted that approval can be supported and granted by the Overstrand Municipality.

4.3 Determination of Administrative Penalty

In terms of Chapter 5, Section 13(1) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, any person who has contravened a provision of the By-law and seeks to rectify such contravention is required to apply for the determination of an administrative penalty. This process may only proceed where no compliance notice or demolition order has been issued in terms of Section 85 of the By-law in respect of the relevant property or structures.

This application accordingly includes a request in terms of Chapter 4, Section 16(2)(q) of the By-law for the determination of an administrative penalty relating to unauthorised building work and associated building line encroachments identified on Erf 13 Hermanus.

The identified contravention comprises the construction of a single garage directly along the northern lateral boundary, thereby encroaching into the prescribed lateral building line and exceeding the permissible height applicable to garages constructed on a boundary.

The Municipal Planning Tribunal ("MPT") is the competent authority responsible for determining whether an administrative penalty is warranted and, if so, determining an appropriate amount. In terms of Section 13(3) of the By-law, the MPT must have regard to the following factors:

- The nature, duration, gravity, and extent of the contravention.
- Whether the contravention occurred wilfully or in good faith.
- The impact of the contravention on adjacent properties and the surrounding environment.
- The remedial measures taken by the applicant to address and regularise the contravention.

- Whether the applicant or landowner has a history of previous planning contraventions.

4.3.1 Nature, Duration, Gravity and Extent of the Contravention

The contravention relates to an existing single garage constructed directly on the northern lateral boundary. Although the Land Use Scheme permits garages to encroach onto side boundaries under certain conditions, the existing structure exceeds the maximum permissible boundary height by approximately 105 mm. The garage predates the current owner's acquisition of the property in 2024 and was not initiated by the current owner.

The extent of the contravention is considered minor and limited in both physical and functional terms. The encroachment relates solely to the garage structure, which extends approximately 6.560 metres along the northern boundary and comprises an area of approximately 13.2 m².

4.3.2 Conduct of the Person Involved

The current landowner has acted in good faith throughout the process and has taken proactive steps to regularise the identified non-compliance. Upon discovery of the contravention during the preparation of updated building plans, the owner appointed qualified professional consultants to investigate the matter and prepare the necessary land use applications. The owner did not intentionally undertake unlawful building work and inherited the existing structure upon acquiring the property.

4.3.3 Whether the Unlawful Conduct Was Stopped

The unauthorised building work relates to an existing completed structure, and no further unlawful construction activities are taking place on the property. The owner is not seeking to intensify or expand the encroachment but rather to regularise the existing as-built situation through the appropriate statutory process.

4.3.4 Impact on Adjacent Properties and the Surrounding Area

The contravention does not materially impact adjoining properties or the surrounding residential environment. The garage contains no windows or doors facing the adjoining property, thereby protecting privacy and limiting any visual intrusion. Rainwater is managed internally through a box gutter system to prevent runoff onto neighbouring properties. The structure maintains a low-scale residential appearance, visually softened by the parapet wall treatment.

4.3.5 Cost Estimate and Indicative Administrative Penalty

In support of this application, two independent construction cost estimates have been obtained from registered contractors to establish a credible and current market-related valuation of the unauthorised component of the garage structure. Both contractors are registered with the National Home Builders Registration Council (NHBRC). The estimates are dated 02 June 2026 and are attached to this application as supporting documentation.

The estimates were obtained from the following contractors:

- Van Vliet Bouers Pty Ltd (JN Builders) — NHBRC Reg. 30615
- 360 Home Developers CC — NHBRC Reg. 3000151001

Both estimates are based on the portion of the garage that encroaches over the building line, comprising an area of 13.1 m², and include all relevant construction elements being regularised, namely roof structure, masonry, foundations, floor slab, roof beams and covering, and associated finishes. The comparative cost summary is presented in the table below:

Component	Van Vliet Bouers (JN Builders)	360 Home Developers CC
Contractor	Van Vliet Bouers Pty Ltd (JN Builders)	360 Home Developers CC
NHBRC Registration	NHBRC Reg. 30615	NHBRC Reg. 3000151001
Basis of Estimate	Rate per m ²	Material + Labour
Garage area	13.1 m ²	13.1 m ²
Rate / Material Cost	R7,670.00/m ²	R67,557.00 (material)
Labour	— (included in rate)	R41,920.00
Total Estimated Cost	R100,477.00	R109,477.00
Average (2 quotes)	R104,977.00	
Indicative Penalty @ 5%	R5,248.85	

The first estimate, submitted by Van Vliet Bouers Pty Ltd, calculates the cost of the encroaching garage portion at a rate of R7,670.00/m², yielding a total estimated construction cost of R100,477.00 for 13.1 m². This rate-based estimate encompasses all relevant construction elements including roof, masonry, foundations, floor slab, roof beams and covering, garage door apportionment, and painting.

The second estimate, submitted by 360 Home Developers CC, provides a detailed breakdown of material and labour costs. The material component amounts to R67,557.00, which includes structural elements, electrical work, and finishes. The labour component amounts to R41,920.00, covering all general building works. The combined total estimated construction cost is R109,477.00.

The average of the two independent estimates amounts to R104,977.00. Based on this average, an administrative penalty calculated at 5% of the average estimated construction cost would amount to:

Average construction cost: R104,977.00 | Indicative penalty (5%): R5,248.85

It is respectfully submitted that this calculation, based on two independent market-related quotations from NHBRC-registered contractors, provides a sound and verifiable basis for the determination of a reasonable

and proportionate administrative penalty by the Municipal Planning Tribunal. The penalty range implied by the two individual estimates (R5,023.85 to R5,473.85 at 5%) is consistent with the minor nature of the contravention and the limited physical extent of the encroachment.

4.3.6 History of Previous Contraventions

To the best knowledge of the applicant and owner, there is no history of previous planning contraventions associated with the current owner of Erf 13 Hermanus. The present application arises from a historic non-compliance inherited upon transfer of the property.

5. ACCESS AND PARKING

The proposed application will not have any adverse impact on traffic generation, parking provision, or access arrangements within the surrounding area. The application relates solely to the regularisation of an existing garage structure and does not involve any increase in residential density, additional dwelling units, commercial activities, or any other form of land use intensification.

The existing garage will continue to serve its intended residential parking function, while vehicular access to the property will remain unchanged via the established access point from Church Street. Adequate on-site parking is provided through the existing single garage and associated driveway area, which remains sufficient for the needs of a single residential dwelling in accordance with the Overstrand Municipality Land Use Scheme.

6. MUNICIPAL SERVICES

The proposed application will not place any additional demand on existing external engineering services or municipal infrastructure. The property is already fully serviced with the necessary municipal infrastructure, including water supply, sewerage, electricity, stormwater management, and access from the existing public road network.

No additional bulk infrastructure upgrades or extensions to municipal services will be required as a result of the application. Stormwater runoff from the garage roof is managed internally on Erf 13 Hermanus through the existing roof design and box gutter system, ensuring that no runoff is discharged onto adjoining properties or public infrastructure.

7. TITLE DEED

Erf 13 Hermanus is held under Title Deed No. T48943/2024. No bond is registered against the property. The Title Deed prescribes a lateral building line of 2.36 metres from the common boundary shared with adjoining erven. The relevant restrictive condition, contained in paragraph (A)(d), reads as follows:

“That no building shall be erected within 4.72m of any street line which forms the boundary of this erf. No building shall be situated within 2.36m of the lateral boundary common to any adjoining erf.”

The existing single garage has been constructed directly along the northern lateral boundary and therefore encroaches upon the restrictive lateral building line contained in the Title Deed. Accordingly, this application includes a request for the removal of the restrictive Title Deed condition insofar as it relates to the prescribed lateral building line, in order to regularise the existing development and align the Title Deed provisions with the applicable Land Use Scheme provisions.

8. FORWARD PLANNING AND LAND USE DOCUMENTS

The proposal is consistent with the applicable forward-planning instruments of the Overstrand Municipality.

In terms of the Overstrand Spatial Development Framework (SDF), 2020, Erf 13 Hermanus falls within the established urban footprint earmarked for urban development purposes. The SDF promotes the efficient utilisation of existing serviced urban land, context-sensitive infill development, and the optimisation of land within mature residential neighbourhoods. The present application does not introduce additional density or a new land use but seeks to regularise minor building line encroachments and remove an outdated restrictive Title Deed condition that no longer aligns with the prevailing Land Use Scheme.

Further policy support is found in the Overstrand Municipal Growth Management Strategy (OMGMS), 2010, which identifies the property within Planning Unit 16, comprising the established Westcliff residential area. Although this application does not propose subdivision, additional dwelling units, or increased density, it is aligned with the strategic intent of the OMGMS insofar as it facilitates the optimisation and lawful regularisation of existing residential properties within a serviced and well-integrated area.

The removal of the restrictive Title Deed condition does not create additional development rights beyond those already permitted under Residential Zone 1. It merely reconciles historic deed restrictions with the contemporary planning framework, thereby supporting regulatory clarity, investment certainty, and orderly land use management within the designated urban area.

The proposal is fully consistent with the Overstrand SDF (2020), the OMGMS (2010), and the broader spatial and growth management objectives of the municipality.

9. OTHER RELEVANT LEGISLATION

9.1 Heritage Value

The proposed application will not negatively impact any heritage resources or areas of recognised cultural significance. Erf 13 Hermanus is developed with a single-storey dwelling house and an ancillary garage structure of conventional residential design and construction. The existing improvements are not considered heritage resources as contemplated in the National Heritage Resources Act, 1999 (Act 25 of 1999), and do not possess identified architectural, historical, aesthetic, or cultural significance.

The property is situated within an established residential area and does not fall within a declared conservation area, heritage overlay zone, or formally designated heritage precinct. The application relates solely to the regularisation of an existing garage encroachment and does not involve substantial alterations to the existing built form or demolition of historically significant structures.

9.2 Biophysical Environment

The proposed application will not have any adverse impact on the biophysical environment. Erf 13 Hermanus is a fully transformed and improved residential property situated within the established urban area of Westcliff, Hermanus. No natural vegetation, environmentally sensitive areas, watercourses, wetlands, or ecological corridors occur on the property.

The application does not propose any additional development footprint, increase in coverage, excavation, earthworks, or vegetation clearance. The property does not fall within a Critical Biodiversity Area (CBA), Environmental Management Overlay Zone, coastal setback area, protected environment, or any other environmentally sensitive designation requiring environmental authorisation. The proposal is therefore considered environmentally neutral in nature.

10. PLANNING PRINCIPLES

The proposed application is aligned with the development principles contained in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), as addressed below.

Spatial Justice

The application promotes spatial justice by enabling fair and equitable land use management through the lawful regularisation of a historic and minor building line encroachment. The proposal does not prejudice neighbouring properties or restrict access to land use rights enjoyed by surrounding property owners.

Spatial Sustainability

The proposal is considered spatially sustainable as it relates to the continued use and regularisation of existing development within an already established urban area supported by existing municipal infrastructure and services. No urban sprawl, environmental degradation, or inefficient land consumption will result from the application.

Spatial Efficiency

The application promotes spatial efficiency by optimising the use of an existing residential property and associated infrastructure within the urban edge of Hermanus. No additional municipal infrastructure investment or expansion of public services is required.

Spatial Resilience

The proposal supports spatial resilience through the regularisation of an existing and established residential structure within a fully developed urban area. The application does not introduce inappropriate land uses or development patterns that may compromise the long-term functionality or adaptability of the surrounding neighbourhood.

Good Administration

The applicant and professional team are committed to full cooperation with the Overstrand Municipality to ensure a transparent, efficient, and procedurally compliant land use planning process. The application follows the due process prescribed by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, LUPA, and SPLUMA.

11. RECOMMENDATION

It is respectfully recommended that the Overstrand Municipality approve the application for Erf 13 Hermanus, having regard to the following:

- The application relates solely to the regularisation of an existing single residential garage structure.
- The proposed building line departure is minor in extent and limited to the northern lateral boundary.
- The garage exceeds the permissible boundary height by only approximately 105 mm.

- The structure has an established and permanent character and predates the current ownership of the property.
- No windows or doors are provided within the northern boundary wall, thereby protecting neighbouring privacy and amenity.
- Stormwater runoff is managed internally on Erf 13 Hermanus and does not affect adjoining properties.
- The proposal will not negatively impact the character of the surrounding residential neighbourhood.
- The application does not introduce additional dwelling units, increased density, or intensified land uses.
- No adverse impacts on traffic, parking, access, engineering services, public safety, or surrounding properties are anticipated.
- The proposal will not negatively affect heritage resources or the biophysical environment.
- The application aligns with the Overstrand Municipality Land Use Scheme and promotes orderly and lawful land use management.
- The removal of the restrictive Title Deed condition will align historical title restrictions with the current planning framework.
- The owner has acted in good faith by appointing professional consultants and proactively seeking to regularise the existing non-compliance.
- The application is consistent with the development principles of SPLUMA, including spatial justice, sustainability, efficiency, resilience, and good administration.

It is therefore recommended that approval be granted for:

- The building line departure in terms of Section 16(2)(b);
- The removal of the restrictive Title Deed condition in terms of Section 16(2)(f); and
- The determination of an administrative penalty in terms of Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

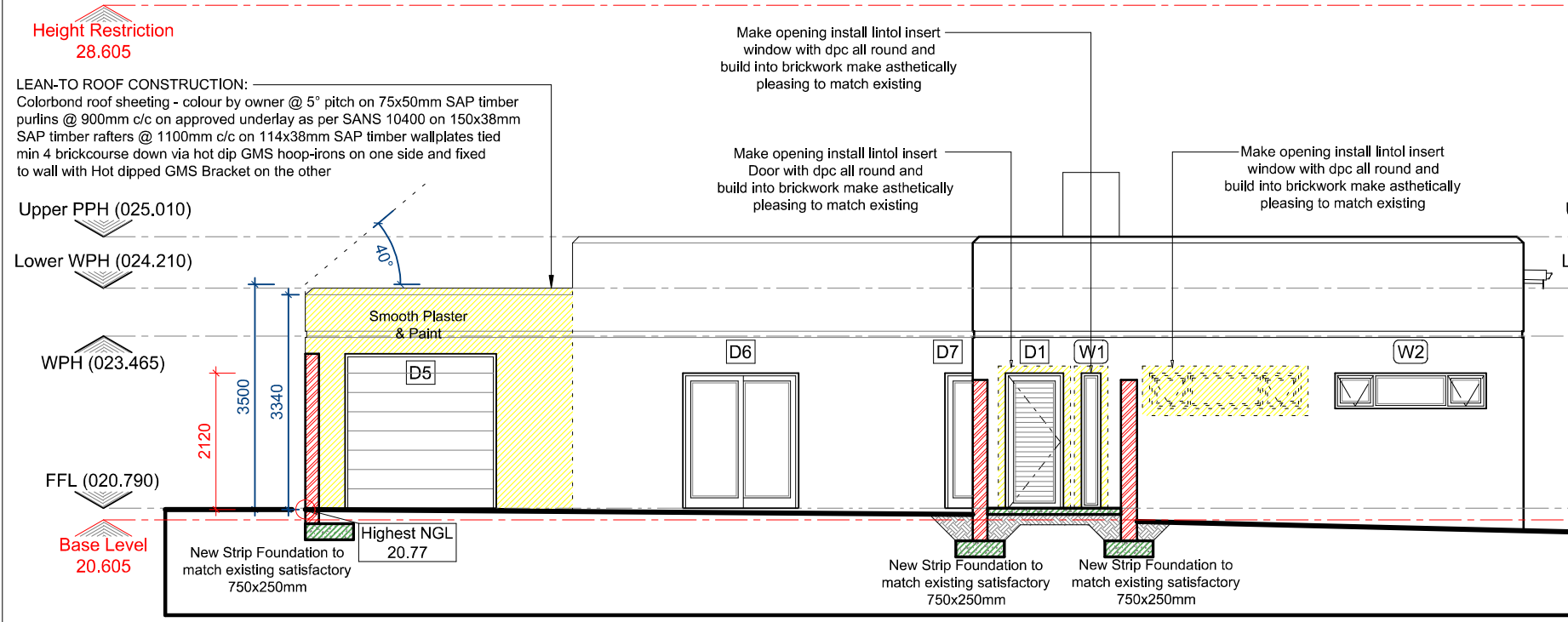
This architectural floor plan illustrates a residential property with various rooms and proposed modifications. The plan is bounded by a 1,8 HIGH BOUNDARY WALL and includes several key features:

- Rooms and Areas:**
 - NEW POOL:** A new pool with floor finish, located near the top left.
 - NEW GARAGE:** A new garage with floor finish, located on the left side.
 - MASTER BEDROOM:** Located at the top right, featuring a walk-in closet and floor finish.
 - BEDROOM 1 & 2:** Located in the center, both with floor finish.
 - STUDY:** Located on the right side, with floor finish.
 - EN-SUITE:** Attached to the Master Bedroom, with floor finish.
 - W/C:** A water closet located near the Study.
 - Demolish Existing POOL & Pergola:** Indicated in the center-right area.
 - EXT KITCHEN INTO LOUNGE:** A proposed extension on the right side.
 - Garage into Entrance:** A proposed extension at the bottom center.
 - EXT Garage into KITCHEN:** A proposed extension at the bottom right.
 - Open Porch & Open Patio:** Located at the bottom, both with screed floors.
- Boundaries and Dimensions:**
 - BOUNDARY LINE 20.780m:** The main boundary line, with a total length of 15590m.
 - BOUNDARY LINE 31.490m:** A side boundary line.
 - BOUNDARY LINE 31.490m:** A side boundary line.
 - BOUNDARY LINE 20.780m:** The main boundary line, with a total length of 15590m.
 - BOUNDARY LINE 31.490m:** A side boundary line.
 - BOUNDARY LINE 20.780m:** The main boundary line, with a total length of 15590m.
- Other Features:**
 - NEW 2.4m High Fire wall:** Two locations, one near the New Pool and one near the New Garage.
 - NEW Self Closing self Latching mechanism:** Located near the New Garage.
 - 10,000L EXT. CONSERVANCY TANK TO MUNICIPAL SPECS.:** Located near the bottom left.
 - SUCTION:** Located near the bottom left.
 - NEW Boundary wall 2100mm High:** Several locations along the boundaries.

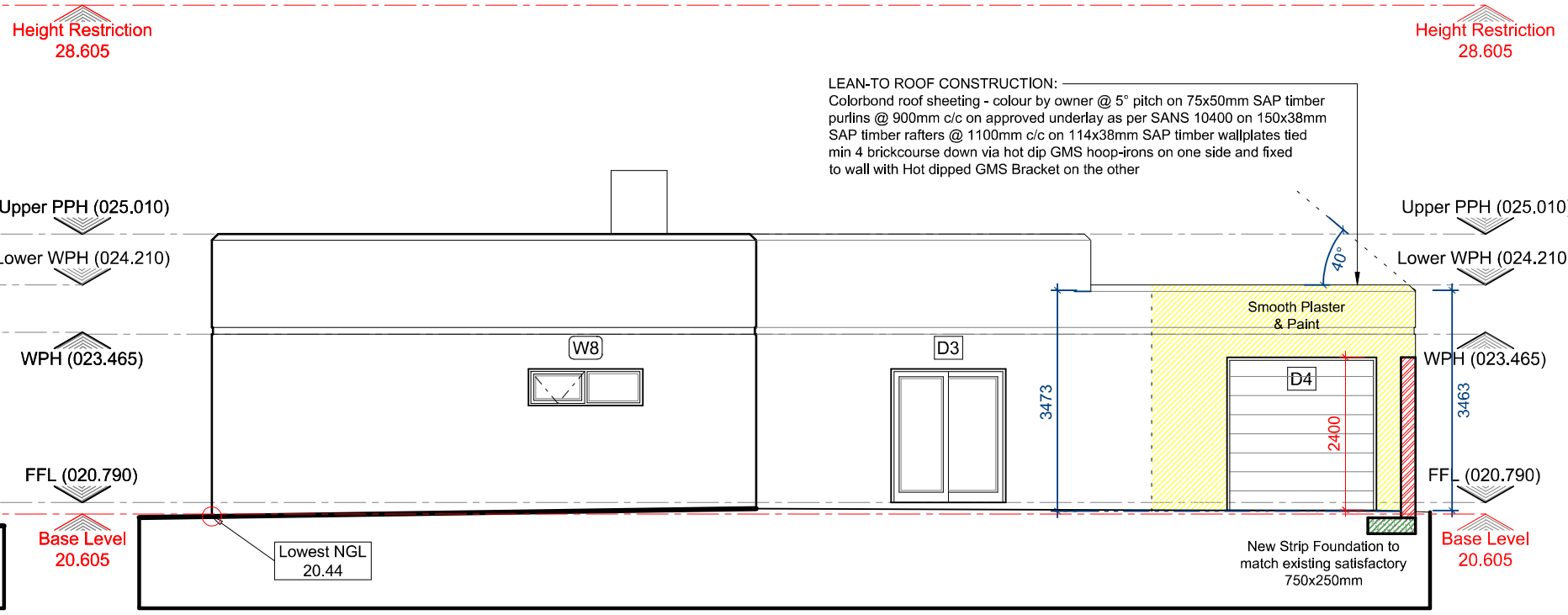
The plan includes numerous dimensions, room labels, and notes regarding existing and proposed structures, ensuring a comprehensive understanding of the property's layout and intended modifications.

(SCALE: 1:100)

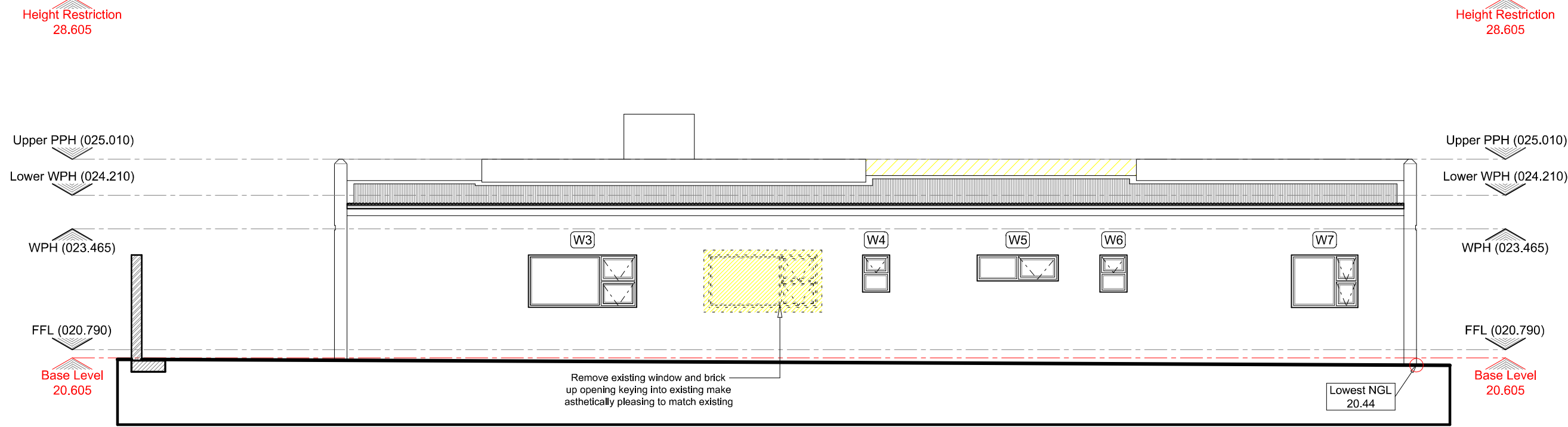
PROJECT NUMBER & PAGE No.
J1039 - 01 / 04



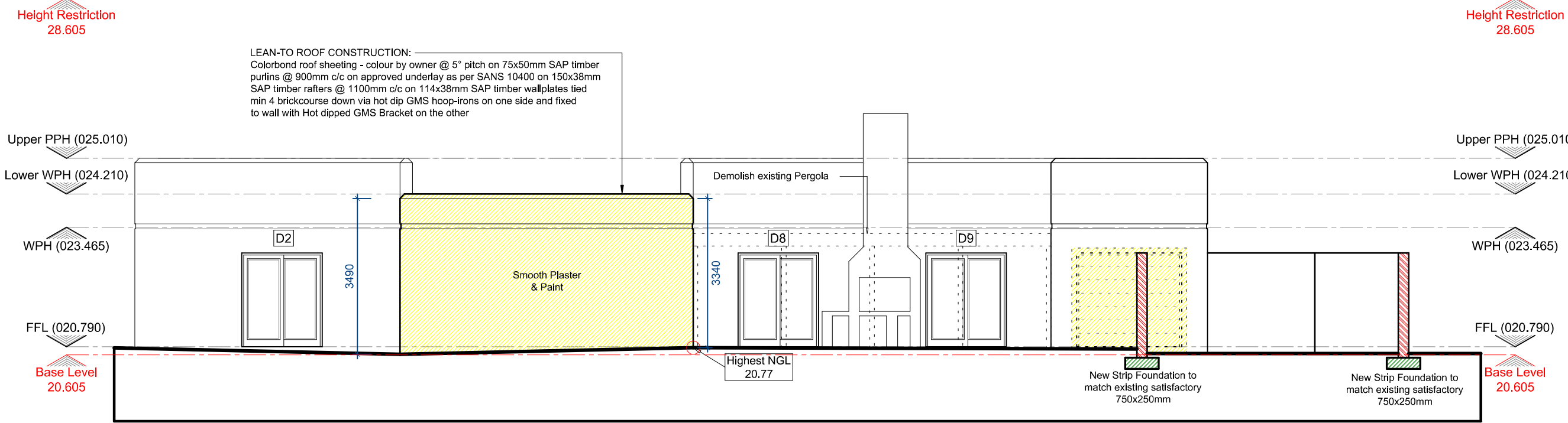
WEST ELEVATION
Scale 1:100



EAST ELEVATION
Scale 1:100



SOUTH ELEVATION
Scale 1:100



NORTH ELEVATION
Scale 1:100

NOTES:

AREA CALCULATIONS:	
Ground - Storey Area's -	
EXT. Ground Storey -	230.157m ²
EXT. Garage to Kitchen -	
New Garage -	27.224m ²
Total Covered area -	257.381m ²
ERF -	654m ²
Coverage -	39.354%



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DRAWN BY: Keagan Forster
CHECKED BY: **Brandon Scorgie ST 1939**

PROJECT DESCRIPTION: **Proposed additions and alterations**

PAGE CONTENT: **Elevations**

CLIENT: Kotze Jon
ADDRESS: **145 Church Street**
ERF: **13 Westcliff**
DRAWING No.: **Project Number; A101; Current Revision**

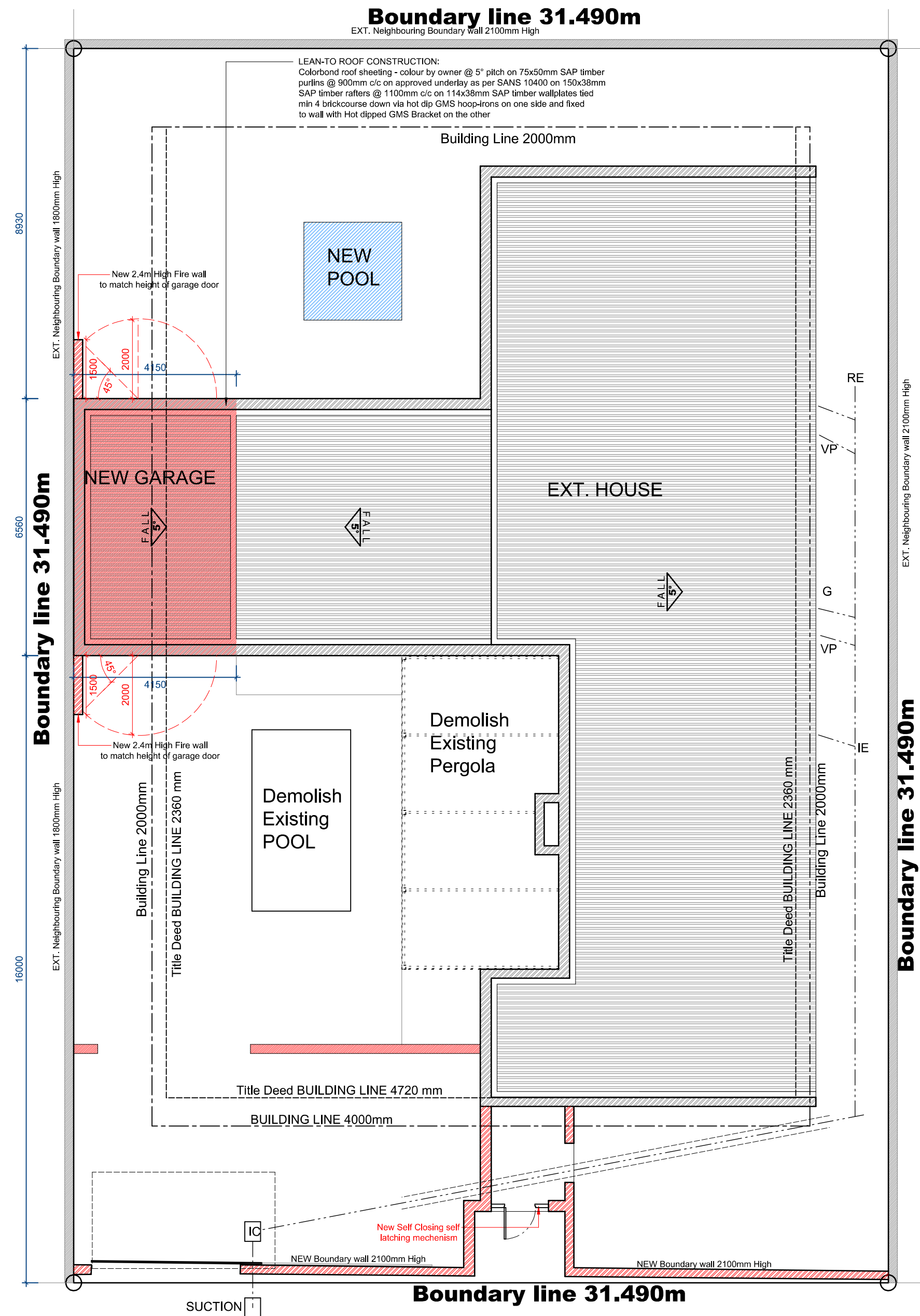
DATE: **28 Oct 2022** SCALE: **1 : 100** PAGE SIZE: **A2**

PROJECT NUMBER & PAGE No. **J1039 - 02 / 04** REV: **.**

DOOR POSITION No.		D1
QUANTITY		1
DOOR	DESCRIPTION / CAT No.	900x2100 mm Solid timber pivot door
	FINISH	Sanded and Varnished
FRAME	DESCRIPTION / CAT No.	as per manufacturer
	FINISH	Sanded and Varnished
GLAZING		NA
IRONMONGERY		To be specified by client
AREA		8.4m²
ADDITIONAL INFO		

WINDOW SCHEDULE

WINDOW POSITION No.	W7
QUANTITY	1
DESCRIPTION / CAT No.	1471x 1166mm Aluminium frame window (6.8mm Toughened safety glass) single glazing
GLAZING	
WINDOW FINISH	Powder coated - colour: Matt Stone Gray
IRONMONGERY	According to window manufactures specification
AREA	1.715m ²
ADDITIONAL INFO	



ROOF / SITE PLAN
(SCALE: 1:100)

C H U R C H S T R E E T

NOTES:

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DRAWN BY: Keagan Forster

CHECKED BY: **Brandon Scorgie ST 1939**

PROJECT DESCRIPTION:	Proposed additions and alterations
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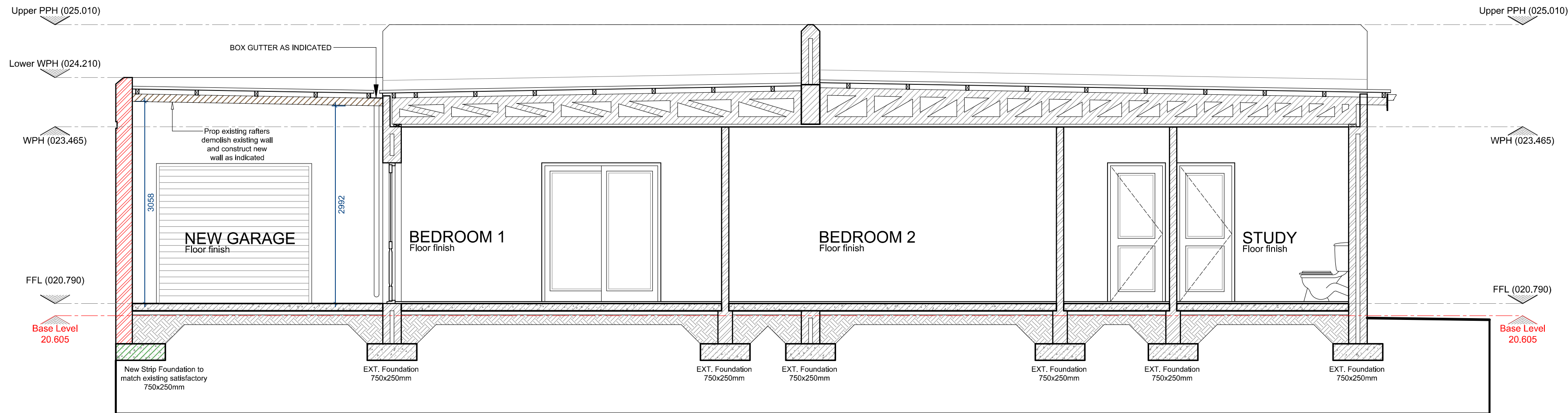
PAGE CONTENT:

Windoor and Site Plan

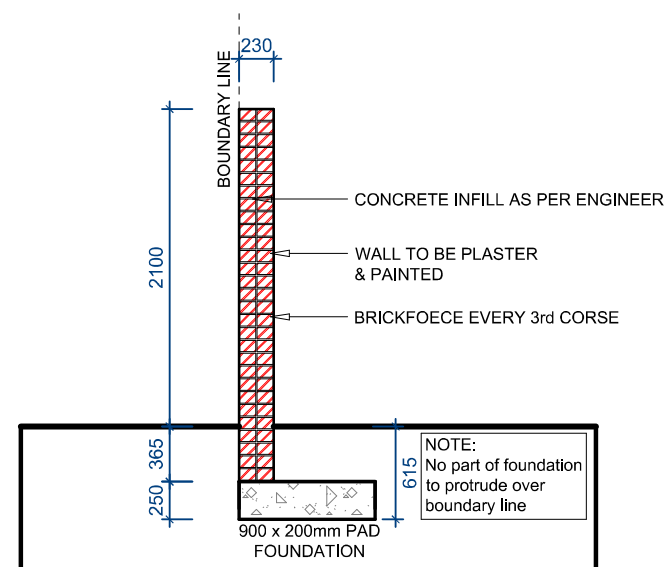
CLIENT	Kotze Jon
ADDRESS:	145 Church Street
ERF:	13 Westcliff
DRAWING No.:	Project Number; A101; Current Revision

DATE 28 Oct 2022	SCALE 1 : 100	PAGE SIZE A2
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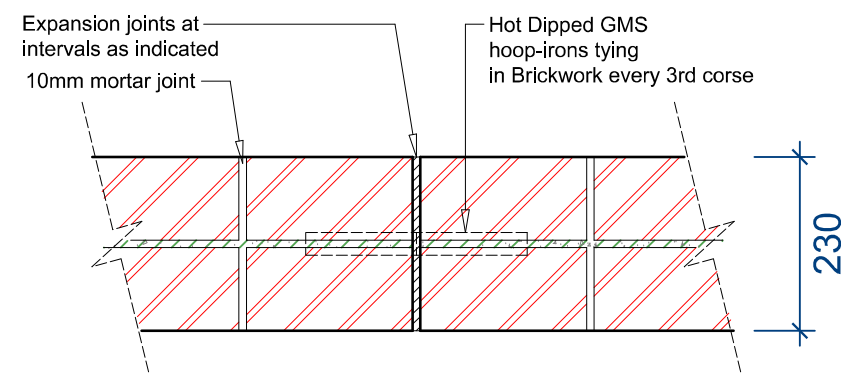
PROJECT NUMBER & PAGE No. J1039 - 03 / 04	REV .
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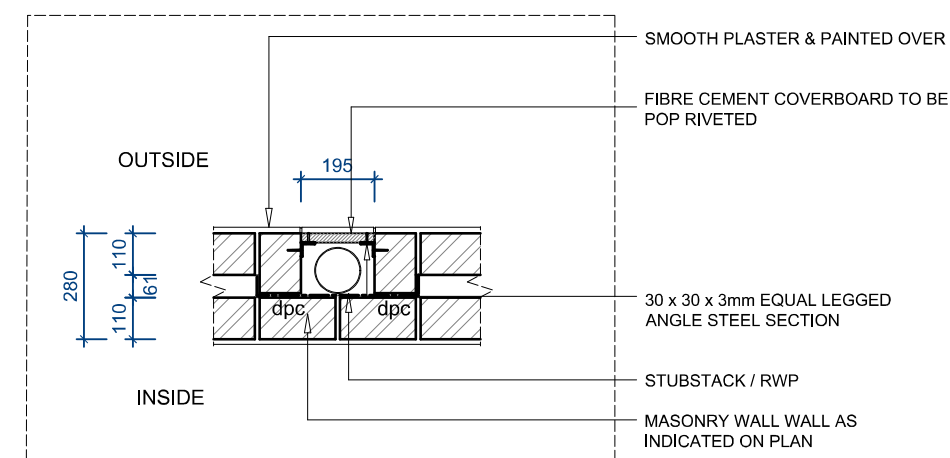
SECTION A-A
Scale 1:50



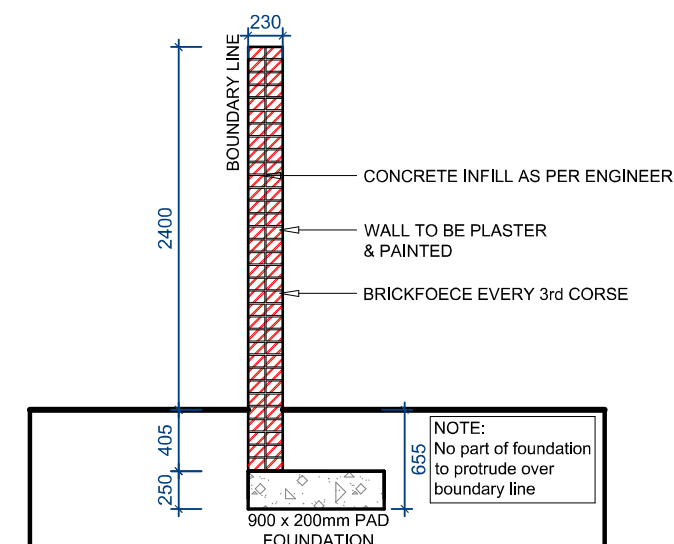
COMMON BOUNDARY WALL SECTION
Scale 1:50



BOUNDARY WALL EXPANSION JOINT DETAIL
Scale 1:10



STUBSTACK DETAIL
Scale 1:20



FIRE-WALL / BOUNDARY WALL SECTION
Scale 1:50

NOTES:

AREA CALCULATIONS:

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DRAWN BY: Keagan Forster

CHECKED BY: Brandon Scorgie ST 1939

PROJECT DESCRIPTION: Proposed additions and alterations

PAGE CONTENT: Details and Section

CLIENT: Kotze Jon

ADDRESS: 145 Church Street

ERF: 13 Westcliff

DRAWING No.: Project Number; A101; Current Revision

DATE
28 Oct 2022

SCALE
1 : 100

PAGE SIZE
A2

PROJECT NUMBER & PAGE No.
J1039 - 04 / 04

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