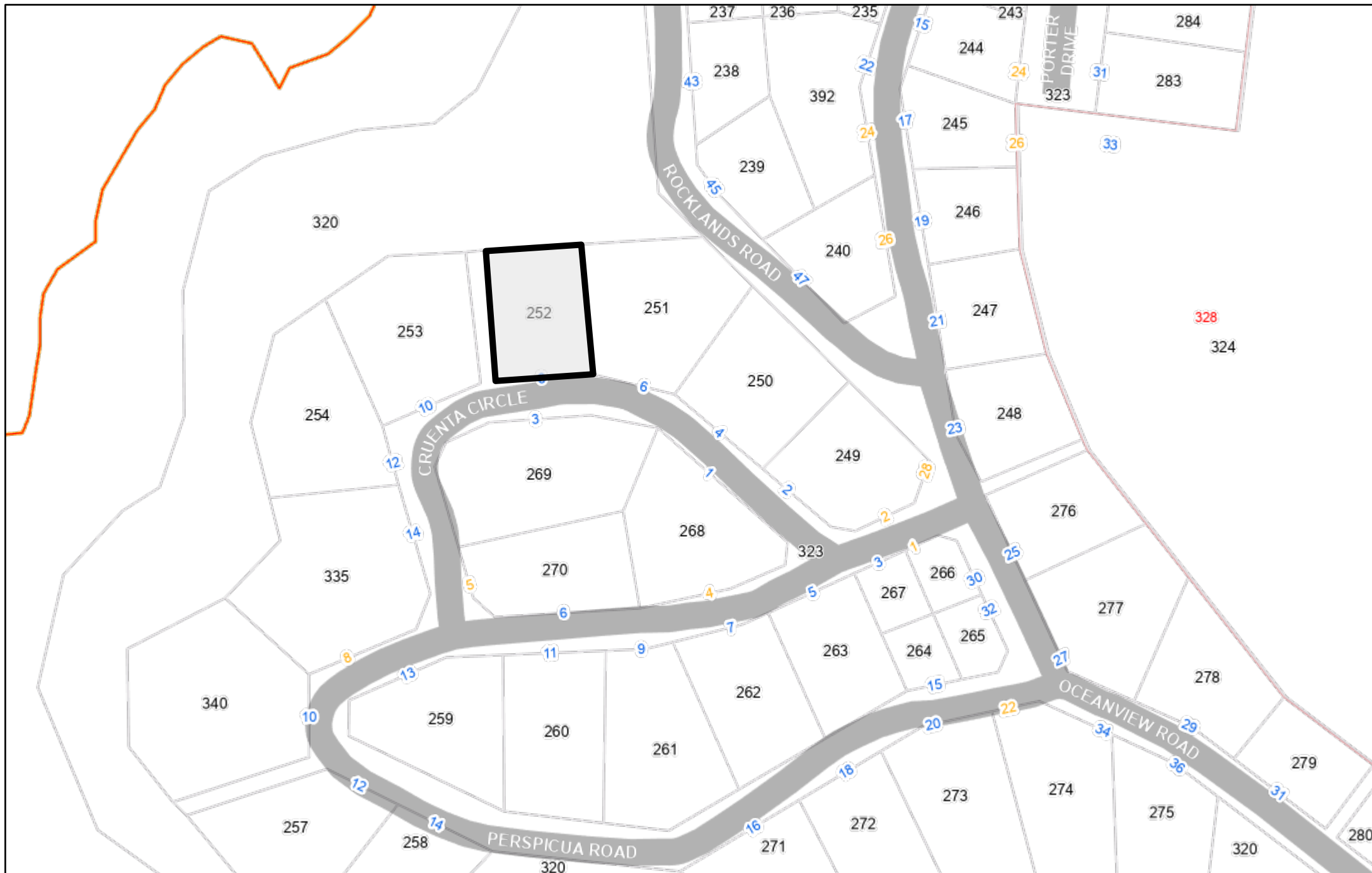




OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
RE-ADVERTISEMENT ERF 252, 8 CRUENTA CIRCLE, ROOI ELS: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: OLDEN & ASSOCIATES ON BEHALF OF THE TRUSTEES FOR THE TIME BEING OF THE FIREFLY TRUST 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 252, Rooi Els (the property), namely: Removal of a Restrictive Title Deed Condition Application in terms of Section 16(2)(f) of the By-Law for the removal of a restrictive title deed condition F.4.(d) as contained in Title Deed T2814/2018 of the property to legalize the existing building line encroachments. Departure Application in terms of Section 16(2)(b) of the By-Law to relax the following: - Western street building line from 4m to 2,62m to accommodate the existing use change of the garage into en-suite bedrooms 3 & 4. - Northern lateral building line from 2m to 1,33m to accommodate the existing deck and the proposed extension. Determination of an Administrative Penalty Application in terms of Section 16(2)(q) of the By-Law to accommodate the unlawful building line 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, at the Betty's Bay Library, Clarence Drive, Betty's Bay 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 25 September 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Principal Town Planner, Mrs. H. van der Stoep 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>	HERADVERTENSIE ERF 252, CRUENTASINGEL 8, ROOI ELS: AANSOEK OM OPHEFFING VAN 'N BEPERKENDE TITELAKTEVOORWAARDE, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: OLDEN & VENNOTE NAMENS DIE TRUSTEES VIR TYD EN WYL VAN DIE FIREFLY TRUST Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoeke van toepassing op Erf 252, Rooiels (die eiendom), naamlik: Opheffing van 'n Beperkende Titelaktevoorwaarde Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van 'n beperkende titelaktevoorwaarde F.4.(d) soos vervat in Titelakte T2814/2018 van die eiendom om die bestaande boulyn oorskreidings te wettig. Afwyking Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die volgende te verslap: - Weselike straatboulyn vanaf 4m tot 2,62m om die gebruikverandering van die bestaande motorhuis na en-suite slaapkamers 3 & 4 te akkommodeer. - Noordelike syboulyn vanaf 2m tot 1,33m om 'n bestaande dek te akkommodeer en die voorgestelde uitbreiding. Bepaling van 'n Administratiewe Boete Aansoek ingevolge Artikel 16(2)(q) van die Verordening om die onwettige boulyn oorskreidings te akkommodeer. 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, by die Betty'sbaai Biblioteek, Clarencerylaan, Betty'sbaai 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 25 September 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Hoofstadsbeplanner, Me. H. van der Stoep 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>	RE-ADVERTISEMENT ERF 252, 8 CRUENTA CIRCLE, ROOI ELS: ISICELLO SOKUSUSWA KWESITYEBHU ESINOKUTHINTELA UMGAQO, UKUHAMBA NOKUQINISEKISWA KWESOHLWAYO SOKULAWULA: I-OLDEN NAMAHLANGANISI EGAMENI LABATHENGISI NGOKU NGEXESHA LE-FIREFLY TRUST Isaziso sinikezelwa ngokweCandelo 47 kunye nelama-48 loMthetho woLungiso lweDolophu kaMasipala wase-Overstrand malunga noCwangciso loSetyenziso loMhlaba kaMasipala, ka-2020 (uMthetho), malunga nezicelo ezilandelayo ezisebenza kwiSiza 252, iRooi Els (ipropati), ezizezi: Ukususwa kweMqathango weTayitile yeSivumelwano esiThintelweyo Isicelo ngokweCandelo 16(2)(f) loMthetho kaMasipala sokususwa komqathango wetayitile ethintelweyo F.4.(d) njengoko kuqulethwe kwiTayitile T2814/2018 yepropati ukuze kube semthethweni ukugqobhoza komgca wesakhiwo okhoyo. Ukuhamba Isicelo ngokweCandelo 16(2)(b) loMthetho kaMasipala sokunciphisa oku kulandelayo: - Umgca wesakhiwo sesitalato saseNtshona ukusuka kwi-4m ukuya kwi-2,62m ukulungiselela utshintsho olukhoyo lokusetyenziswa kwegaraji ukuya kumagumbi okulala angaphakathi 3 kunye no-4. - Umgca wesakhiwo esisecaleni esiseMantla ukusuka kwi-2m ukuya kwi-1,33m ukulungiselela idekhi ekhoyo kunye nolwandiso olucetywayo. Ukugqitywa kweSohlwavo soLawulo Isicelo ngokweCandelo 16(2)(q) loMthetho kaMasipala sokulungiselela ukugqobhoza komgca wesakhiwo ngokungekho mthethweni. Iinkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evelini phakathi kwentsimbi ye-08:00 neye-16:30kwiSebe: Lezicwangciso Zedolophu neNdawo, 16 Paterson Street, Hermanus nakwiThala leeNcwadi lase-Betty's Bay, Clarence Drive, e-Betty's Bay nakwiwebhpeyiji kamasipala kweli qhakamshela lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na izimvo ezibhaliweyo mazifike kwaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-25 EyoMsintsi 2026, zibe negama lakho idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingathunyelwa kuMcwangcisi Omkhulu weDolophu, Nkskz. H. van der Stoep ku-028-3138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu neNdawo apho baza kuncedwa ligosa likamasipala ukwakha uluvo nokubhala izimvo zakhe. <i>Nceda uqaphele ukuba le miba imayela NoMthetho Okhusela Inxalo Ngomntu(POPIA), uza kungena kwinkqubo yokawonkwenke ngolo hlobo ke uvumelana nokunika igama lakho nemvume yokusebenzisa igama lakho, ifani, iinkcukacha ofumaneka kuzo nokuhlomla izimvo eziza kudizwa/eziza kusetyenziswa kwinkqubo (yokufaka isicelo).</i>
Dr DGI O'Neill Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		

Notice no. / Kennisgewing nr. / Inothi si yeNomb: 165/2026





**APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS,
PERMANENT DEPARTURES, AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY, ON ERF 252, ROOI ELS**

JUNE 2025

(Amended September 2025)

(Amended April 2026)

(Amended May 2026)

1 Introduction

1.1 Background Information

The subject property, Erf 252, Rooi Els, is located at number 8 Crucenta Circle. The property is currently being used as a dwelling house.

The owner of the property, the Firefly Trust, wished to make additions and alterations to the existing property. The trust appointed Rennie Scurr Addendorff Architects to draw up the necessary plans and submit them for approval. During this process a land surveyor was hired to survey the location and position of the existing structures on site (as these were constructed before the current owner purchased the property). This assessment resulted in the discovery that the building on site were located within the setbacks as prescribed by the by law and the title deed and not in the position indicated on the approved building plans. The architects office submitted a land use application to address these inconsistencies under Case ID 4805/2025 to rectify these contraventions and were advised by the municipality to hire a professional planner.

The owner accordingly hired Olden & Associates to take over the application and prepare and lodge this revised application and report detailing the specifics of the application and to provide an assessment and motivation in respect of the proposal on their behalf. Please refer to the attached Annexure B - power of attorney for confirmation of appointment in this regard.

Given the above, purpose of this land use application is to apply for an administrative penalty for the unauthorised building work that is located within the street and common boundary setbacks of the property to regularise the existing buildings on site. To ensure the property and buildings on site are entirely compliant application will also be made for the removal of title deed restrictions to ensure that the built structures on site are no longer in contravention of the title deed setbacks. Lastly application for permanent departures is made to allow for the existing structures and the proposed additions and alteration to be regularised.

The details of this application are set out below and are as follows

1.2 Planning Brief

Taking the aforesaid into consideration, application is hereby made in terms of Section 16 of the Overstrand Municipality By-Law on Municipal Land Use Planning for the following:

- Section 16 (2)(b) - Permanent departure from the provisions of the Land Use Scheme
- Section 16(2)(f) – Amendment, suspension or deletion of restrictive conditions in respect of a land unit
- Section 16(2)(q) – Determination of an Administrative Penalty

Please refer to the following annexures for the Application Form and Power of Attorney

- Annexure A – Application Form
- Annexure B – Power of Attorney

2 Property Details

2.1 Site Details

Erf no	Erf 252, Rooi Els
Extent of property	1983 m ² (as per Title Deed)
Title Deed no.	T2814/2018
Current Zoning	Residential Zone 1: Single Residential
Current Land Use	Residential
Special/Conservation area overlay zone	No

2.2 Title Deed and Ownership

The property is held under Title Deed No T2814/2018. The Title Deed reflects the owner as being The Firefly Trust (please refer to the title deed for confirmation in this regard). Please see the conditions which hinder the proposed development (and the existing structures) and are therefore proposed to be removed as seen below:

- Section 16 (2)(f) of the Overstrand Municipal Land Use Planning By-Law to permit the removal of the following condition:
 - **F. 4 (d)** *No building or structure, except boundary walls and fences, shall be erected near than 4.72 metres to the street line which forms a boundary of this erf, nor within 3.15 metres of the rear or 1.57 metres of the lateral boundary common to any adjoining erf provided that, with consent of the local authority, an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall place and no portion which will be used for human habitation, may be erected within the above prescribes rear space and provide further that a garage may be erected up to such street line if, in the opinion of the local authority, the levels of the erf is such as to make necessary.*

2.3 Locality

The subject property, Er 252, is located at number 8 Crucenta Circle in the coastal town of Rooi Els, in the Overberg District of the Western Cape Province. Rooi Els is located approximately 75km east of Cape Town on the southern coast of the Western Cape.

Rooi Els is a small settlement in the Overberg region of the Western Cape Province of South Africa. It was named after the red Adler tree know and Rooiels in Afrikaans. It is located beside the Kogelberg Biosphere Nature Reserve and settlement is a registered conservancy. The town is characterised by the Klein Hangklip mountain and is home to a range of local fauna including baboons, African clawless otters and small antelope. Rooi Els is a very small settlement with a population of approximately 125 people. The town roads are narrow and largely untarred and with minimal street lighting.



Figure 1: Locality Plan - Cape Farm Mapper (red box showing the location of Erf252 within Rooi Els)

2.4 Character of the surrounding area

The subject property is located towards the southwest of the settlement of Rooi Els. Crucenta Circle is linked to Clarence Drive through a series of local roads. Clarence Drive connects Rooi Els to Pringle

Bay and Betty's Bay. The subject property as well as the immediate surrounding erven are zoned as Residential Zone 1: Single Residential and is a predominantly residential area (as is most of Rooi Els). The residential units are used as permanent houses, but many are holiday homes or Airbnb's for seasonal visitors.

3 Motivation

3.1 The Application

- Application is hereby made in terms of Section 16 (2) (f) of the Overstrand Municipal Land Use Planning By-Law for the following :

"Amendment, suspension or deletion of restrictive conditions in respect of a land unit":

Application is hereby made for the removal of a restrictive Title Deed condition:

- **Condition F. 4 (d)** *No building or structure, except boundary walls and fences, shall be erected near than 4.72 metres to the street line which forms a boundary of this erf, nor within 3.15 metres of the rear or 1.57 metres of the lateral boundary common to any adjoining erf provided that, with consent of the local authority, an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall place and no portion which will be used for human habitation, may be erected within the above prescribes rear space and provide further that a garage may be erected up to such street line if, in the opinion of the local authority, the levels of the erf is such as to make necessary.*

- Application is hereby made in terms of Section 16 (2) (q) of the Overstrand Municipal Planning By Law for the following:

"Determination of an Administrative Penalty"

Application is made for the determination of an administrative penalty in terms of the Section 90 of the Overstrand Municipality Amended By-law on Municipal Land Use Planning.

- Application is hereby made in terms of Section 16 (2) (b) of the Overstrand Municipal Planning By Law for the following:

"Permanent Departure"

Application is hereby made for permanent departure from the provisions of the Land Use Scheme

3.2 The Proposal

The previous owner of the property submitted building plans and had them approved in 1997. These plans included the main dwelling with a 2nd dwelling labelled 'cottage' in an L-shape below and a garage in the south west of the property (see extract from the plans below).

The dwelling was then constructed around 2005 (as per arial images on google earth) based on the approved building plans from 1997. The construction included a main dwelling with a deck, 2nd dwelling (made up of one bedroom and a single garage) and a garage/shed located towards the south-west of the site.

However there were some key differences in the construction when compared to what was approved. All the buildings were constructed slightly to the north east of what was approved on the plans (see key plan 1). Additionally, the 2nd dwelling labelled 'cottage' was constructed in a different shape and location (not the L-shape that was approved). The garage that was approved was constructed in an error within the title deed and municipal setbacks towards the south west of the site. Lastly the main dwelling was constructed with a deck towards the northern common boundary which was constructed higher than the 1m above EGL permitted by the by-law. The approved plans from 1997 and the as-built main dwelling and cottage both are located slightly within the title deed and municipal common boundary setback on the west of the site. The site was surveyed in 2022 and these discrepancies came to light.

The current owner now wishes to regularise the existing buildings on site in their state and make the following changes:

Alterations to 2nd dwelling's use and internal alteration

The 2nd dwelling with its current footprint was constructed with the main dwelling in 2005. The 2nd dwelling is made up of a bedroom (bedroom 3) and a single garage. The owner now wishes to convert this previous single garage into a 4th bedroom. The footprint of the cottage is not being altered. This development will consist of a change in use with a few internal walls and windows being added to make the garage a habitable bedroom. As such, the development will not result in the 2nd dwelling being located any closer to the western street boundary and the departures triggered are merely to regularise the existing structure and the change in use.

Link the 2nd dwelling and main dwelling

The proposal is to extent the existing kitchen in the main dwelling out southwards and add a new passage which will connect the main dwelling and 2nd dwelling. The new kitchen and passage additions will not be located in either the title deed or municipal boundary setbacks and will not trigger any new departures. The 2nd dwelling (3rd and 4th bedrooms) will become part of the main dwelling and gain access to the dwelling through the passage linking to the kitchen.

Previous garage and new garage

The proposal also includes a new garage in the centre of the site to provide sufficient parking bays on site. The new garage is not proposed within the setbacks and will not trigger any departures. The previously existing as built garage/shed towards the southwest of the site was demolished at the beginning of 2025.

Extension to the deck

Lastly, the owner wishes to add extension to the existing a deck to the north of the site, which will trigger a departure from the northern common boundary setback. The extension will merely permit the owner to access the existing 2nd sliding door off the dining room.



Therefore, the departures will largely regularise the existing building work that was constructed in 2005. The only new building work being proposed in the setbacks is the extension deck at the north of the property and the change in use of the single garage into a bedroom. Given the above we respectfully request these minor departures be granted.

3.3 The Administrative Penalty

The application is hereby made in terms of section 90 of the Overstrand Municipality Amended By-Law on the Municipal Land use Planning 2020 for the determination of an administrative penalty. An administrative penalty is a direct contravention of the Overstrand Municipal Planning By- Law on Land Use Planning. The following measures must be addressed to the satisfaction of the Municipality to determine whether the imposition of an administrative penalty is applicable. The information require is stipulated as follows:

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

When the application for new building work was being put forward a surveyor was hired to survey the existing buildings and found that while there were approved plans, the buildings were not entirely compliant and were constructed in the incorrect locations on the property which resulted in them triggering departures from the building setback requirements from the street boundary, common boundary and rear boundary. The extent of the unauthorised building work located in the required setbacks is 27.65, which makes up 6% of the building work on site. The building was constructed in 2005 according to arial photography.

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

As touched on above, the original buildings were believed to be approved when the current owner, the Firefly Trust, purchased the property. The owner was unaware that they were in contravention and were made aware when they chose to make alterations to their building and hired a surveyor. Once they were made aware on advice of council, they hired Olden & Associates to make the necessary applications to regularise the authorised building work and apply for an administrative penalty.

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

A surveyor has been hired to survey the property, please see their report as part of the appendixes submitted.

- *Whether the unlawful conduct was stopped.*

The unlawful building work has not been removed and the unlawful conducts has not been stopped. However, the applicant is making all the required applications to regularise the unauthorised building work and ensure their compliance with the Land Use Planning By Law.

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

To our knowledge, the applicant has never previously been in contravention of this by law or previous planning laws.

This office respectfully request that a penalty not be imposed on the owners, due the following reasons:

- The building work was constructed in 2005 and has been part of the Rooi Els Streetscape for this long without issue.
- No complaints have been received from the abutting neighbours or surrounding community. established without complaint over this time

- The current owner is not responsible for the work and was unaware of the contravention until they made application for new building work.
- To the best of our knowledge, no previous contravention has been done by the property owners.

We respectfully request your favourable consideration with this matter.

3.4 Removal of Restrictive Title Deed Conditions

To reiterate Section 3.1. of this motivation report, application is made for the removal of a restrictive title deed condition, contained in the subject title deed.

In terms of Section 35 of the Amendment By-Law on Municipal Land Use Planning, 2020, the Municipality must take into consideration a few aspects upon approving or refusing the removal, suspension or amendment of a restrictive condition. The subject title deed contains a restrictive condition that will have to be removed. The condition is as follows:

- **Condition F. 4 (d)** *No building or structure, except boundary walls and fences, shall be erected near than 4.72 metres to the street line which forms a boundary of this erf, nor within 3.15 metres of the rear or 1.57 metres of the lateral boundary common to any adjoining erf provided that, with consent of the local authority, an outbuilding not exceeding 3.05 metres in height, measured from the floor to the wall plate and no portion which will be used for human habitation, may be erected within the above prescribes rear space and provide further that a garage may be erected up to such street line if, in the opinion of the local authority, the levels of the erf is such as to make necessary.*

In order for the application to be considered, the following aspects have to be taken into consideration. The Municipality must have regard to the following;

- *The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights or vest in the person as the owner of a dominant tenement*
The restrictive conditions sets out building lines for the property. This condition was relevant when the Municipal Planning by Law was not in place to ensure that building was limited in the setbacks. However, how since the promulgation of the By Law this condition is outdated and defunct and is superseded by the By Law. The removal of the condition will not alter character of the area and is considered an academic exercise, as most of the building is already in place since 2005.
- *The personal benefits which accrue to the holder of the rights in terms of the restrictive condition*

There are no real personal benefits as the condition is old and defunct and has been superseded by the new By Law which prescribes setbacks from the common and the street boundary.

- *The personal benefits which will accrue to the person seeking removal of the restrictive condition if it's removed.*

The applicant will be permitted to regularise the building that has been in place since 2005 and to make minor amendments to enhance the value of their property.

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

There is no social benefit of condition remaining in place as the setbacks are controlled by recent setbacks that have been approved in terms of the By law.

- *The social benefit of the removal or amendment of the restrictive condition remaining*

Same as above, there is no social benefit as new updated setback lines have been promulgated in the new By law.

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

Not entirely as indicated above, the setback in terms of the By law is 4.0m for the street and 2m for the common boundary, which is similar to the title deed condition. In fact the common boundary is more onerous than the common boundary setback in the title deed.

As per the above, the removal of **Condition F 4 (d)** of the subject Title deed is not deemed to impact negatively on the surrounding community or the abutting properties. Therefore, this office requests the favourable consideration of this application.

3.5 Need and Desirability of the Proposed Utilisation

The proposed application will regularise the location of existing structures on the property and ensure that the current dwelling unit is compliant with land use requirements. The application will additionally allow for the owners to make small scale alterations which will increase the value of the property but not impact functionality of the property as a residential site or surrounding property owners.

3.5.1 Compatibility of the proposal with the surrounding area

The proposed small scale alterations to the existing building will not impact the function of the site.

The property has historically been and is currently used for residential purposes and is home to one main dwelling unit, a 2nd dwelling and garage. The proposed renovations will not alter the base use and the proposal includes building a new garage which does not trigger any setback departures and adding a passage, in this manner reducing the number of residential dwellings on site to 1. There will be one additional bedroom and the site will merely be more accessible and well serviced in terms of parking. The property is located in a residential area and is zoned accordingly. This application will not change the use and the site will continue to be aligned with the surrounding small scale residential properties.

3.5.2 Impact on Heritage and Design

The previously approved building plans submitted with this application show that the dwelling unit, bedrooms and garage were approved in 1997 and constructed (not entirely to plan) in 2005. As noted above the buildings were not constructed in the correct location and layout which has necessitated the administrative penalty application. However, as the buildings were constructed in 2005, the property has little to no heritage significance. The slight extension to the deck will merely make the property more accessible and convenient for the owner in old age. Additionally, the renovations are small scale and will not impact the design style and look of the architecture of the building and will leave the majority of the building design the same and compatible with the neighbourhood.

3.5.3 Impact on Environment and Natural Assets

Rooi Els is located in the Kogelberg Biosphere which is of significance on an environmental level. However, the proposed slight increases in coverage triggered by the renovations are minimal and within the urban development edge of Rooi Els.

3.5.4 Impact on Municipal Engineering Services

The proposal is not deemed to have a negative impact on the municipal engineering services. The application site is well serviced, and the proposal is not deemed to have an additional impact on municipal services. The proposal is merely minor renovations and applications to regularise existing structures that were constructed in the incorrect position, as such there will be no increase in requirements for services. Access to the site is currently from Cruenda Circle and will not be affected or changed as part of the application.

3.5.5 Potential alternative uses

The property is zoned for small scale residential use in the quiet town of Rooi Els, We put forward that the intended continued used as a residential space is the only appropriate one.

3.5.6 Benefit of the proposed utilisation for surrounding property owners

The application will allow for the regularisation of the current dwelling which has been on site since 2005. The benefit of the renovations to the neighbours will be an increase in onsite parking which will ensure any residents and visitors do not need to park on the public road and as such free up the public road for safer driving and parking. The built form is congruent with the architectural narrative for the neighbourhood and the alterations will increase value of the property hence contributing towards increase of value of the immediate precinct.

4 Legislation

4.1 Forward Planning

4.1.1 Overstrand Municipality Spatial Development Framework (May 2020)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas

The proposal is not changing the residential character or zoning of the property. The proposed alterations will allow for a passageway to connect the main dwelling and 2nd dwelling and proposes more parking in the renovated garage. Additionally, the application site is in a urban development area, within the urban edge of Rooi Els. The proposal is thus not in contravention with the SDF

4.1.2 Overstrand Integrated Development Plan (2020)

The Overstrand Municipality Integrated Development Plan(IDP) is aimed towards addressing the development needs of our communities with clearly defined strategic objections and performance indicators. These strategic objectives are as follows:

- The provision of democratic, accountable and ethical governance
- The provision and maintenance of municipal services
- The encouragement of structures community participation in the matters of the municipality
- The creation and maintenance of a safe and healthy environment
- The promotion of tourism, economic and social development

The IDP is crucial to take into consideration in any planning related application. It is the opinion of this office that the proposal promotes social development and creates a safe and healthy environment as it will permit the regularisation of an existing structure and the renovation and improvement of this property. This will have a positive impact on the property owner and he surrounding residents

4.1.3 Overstrand Growth Management Strategy (2010)

The Growth Management Strategy does not refer to individual erven, however it does provide a guideline in terms of densification and additional community facilities. This proposal does not entail densification, merely slight alterations to the existing dwelling. The proposal does not entail the densification of Erf 252 and would thus not be in contradiction with the Growth Management Strategy. This proposal adds to the character and natural landscape of the surrounding area as it permit the renovation and upgrade of an existing established dwelling in Rooi Els, the proposal will allow for the existing dwelling o be improved and regularised and contribute to the residential stock of Rooi Els.

The application is not within a Heritage Overlay Zone as defined in the Growth Management Strategy and will thus not constitute any heritage related aspects.

4.1.4 Overstrand Municipality Amended By-Law on Municipal Land Use Planning (2020)

Development controls	Land Use Scheme Requirements	Applied to the site	Departure required
Height	8 m to Top of Roof	7.1m	No
Street Building line setback (Western and Southern)	4.0 m	West: 2.62m South: 24.32 m	Yes, to permit a street setback of 2.62m in lieu of 4m on the western street boundary (as triggered by the existing 2nd dwelling which will be changing use) No
Common boundary building line	2.0 m	North: 1.33m East: 14.76m	Yes, to permit a common boundary setback of 1.33m in lieu of 2m on the northern common boundary (as triggered by the existing and new deck) No
Coverage	50%	23%	No

Parking	2 bays for dwelling house	5 bays	No
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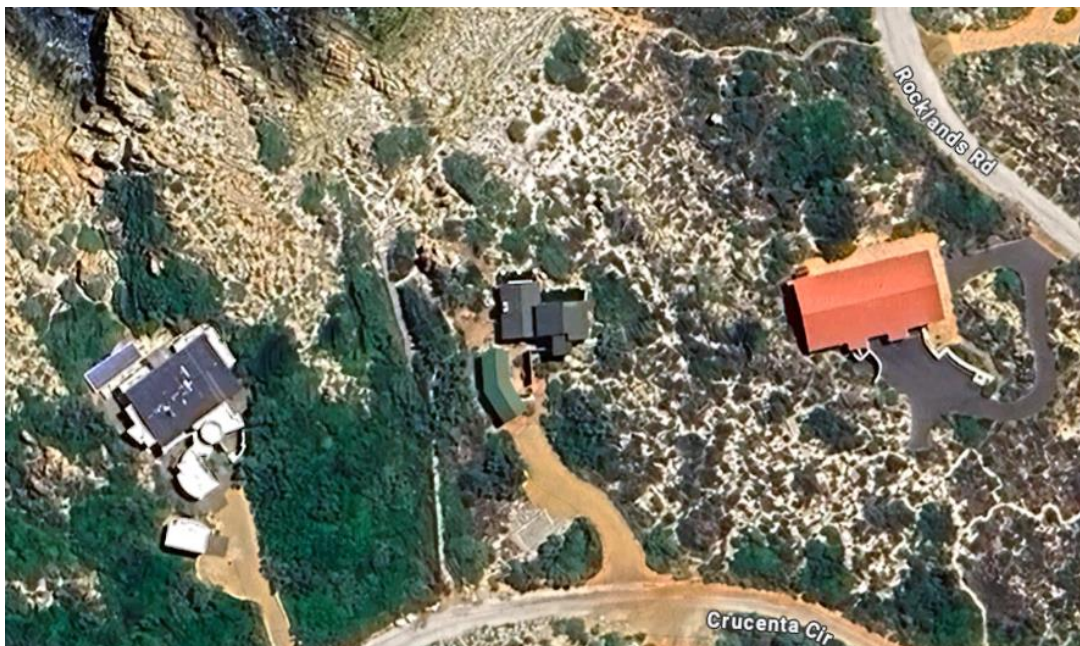
Departures triggered

- To permit a setback of 2.62m in lieu of 4m on the western street boundary
- To permit a setback of 1.33m in lieu of 2m on the northern common boundary

Motivation

The departures are triggered largely by the existing as-built structures constructed in 2005. The 2nd dwelling which will be converted from a garage to a 4th bedroom and linked to the main dwelling through a passage will be altered slightly by the addition of internal walls and windows to permit the change in use. Additionally the deck (and the departure it triggers: 1.3m from the northern boundary) was built with the house in 2005 and the extension of this deck will not trigger any new departures (as the extension towards the western street boundary will result in the deck still being setback 4m as is required by the municipal setback).

As can be seen in the google image below the subject property has significant distance to its neighbours, this area is also well vegetated. These factors will ensure that the change of use to a bedroom and deck extension will not have a significant impact on the neighbours and their privacy.



4.1.5 SPLUMA and LUPA

Spatial Justice

This site is not subject to redress, nor is characterised by informality or underdevelopment. As such, it is not the direct object of this principle. However, the renovation of this dwelling and regularisation of the existing dwelling will improve the use of this site and accessibility to this area in the long term.

Spatial Sustainability

This proposal promotes spatial sustainability to the extent that it is allowing renovation on an already development residential area and will thus not alter or impact any environmentally sensitive areas.

Spatial Efficiency

This regularisation and renovation promotes efficiency to the extent that the site makes use of already existing infrastructure and promotes more efficient use of resources in the form of land.

Spatial Resilience

The proposed removal of restrictive title deed conditions will increase the viability of this neighbourhood in the long-term, as it will remove outdated and redundant setbacks, as the council setbacks have been put in place to serve the same purpose. This will allow for future developments not be encumbered by old setback requirements that are no longer relevant.

Good Administration

This application complies with all the relevant forward planning policies for the area.

5 Conclusion

The applicant submits that the above-mentioned application will not adversely affect the surrounding area but will in fact make several positive contributions as set out herein. It is accordingly requested that the Overstrand Municipality, grant its approval.

Reasons for Approval

1. No additional services will be required
2. The proposal is compliant with forward planning policies
3. The proposal is in line with any residential neighbourhood and is compatible with the Rooi Els area
4. The proposal will regularise the existing dwelling
5. The proposal is deemed to add value to the application site as it will increase its resell value
6. The proposal will ensure the safety and security of the owners property (through the creation of new garage space and extension of the deck).

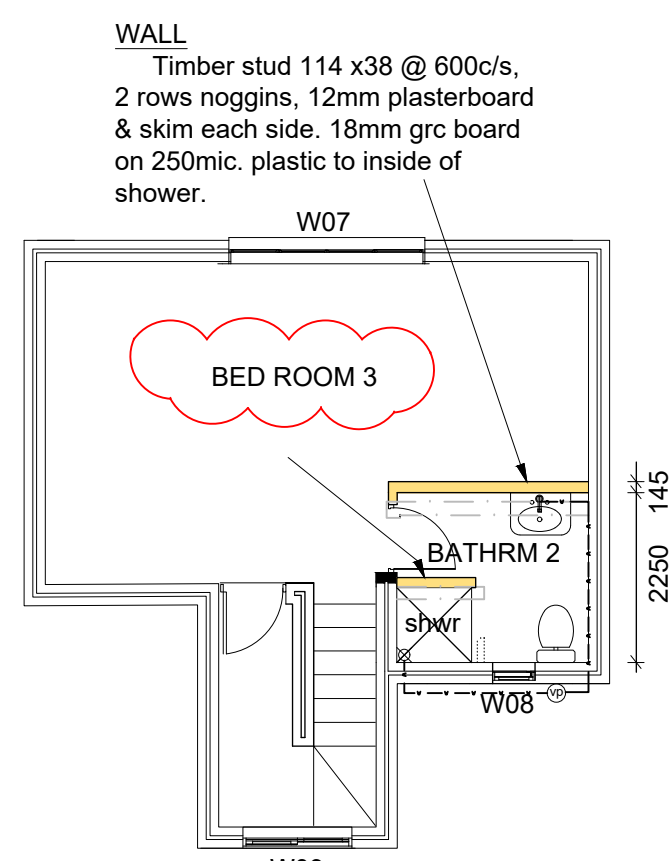
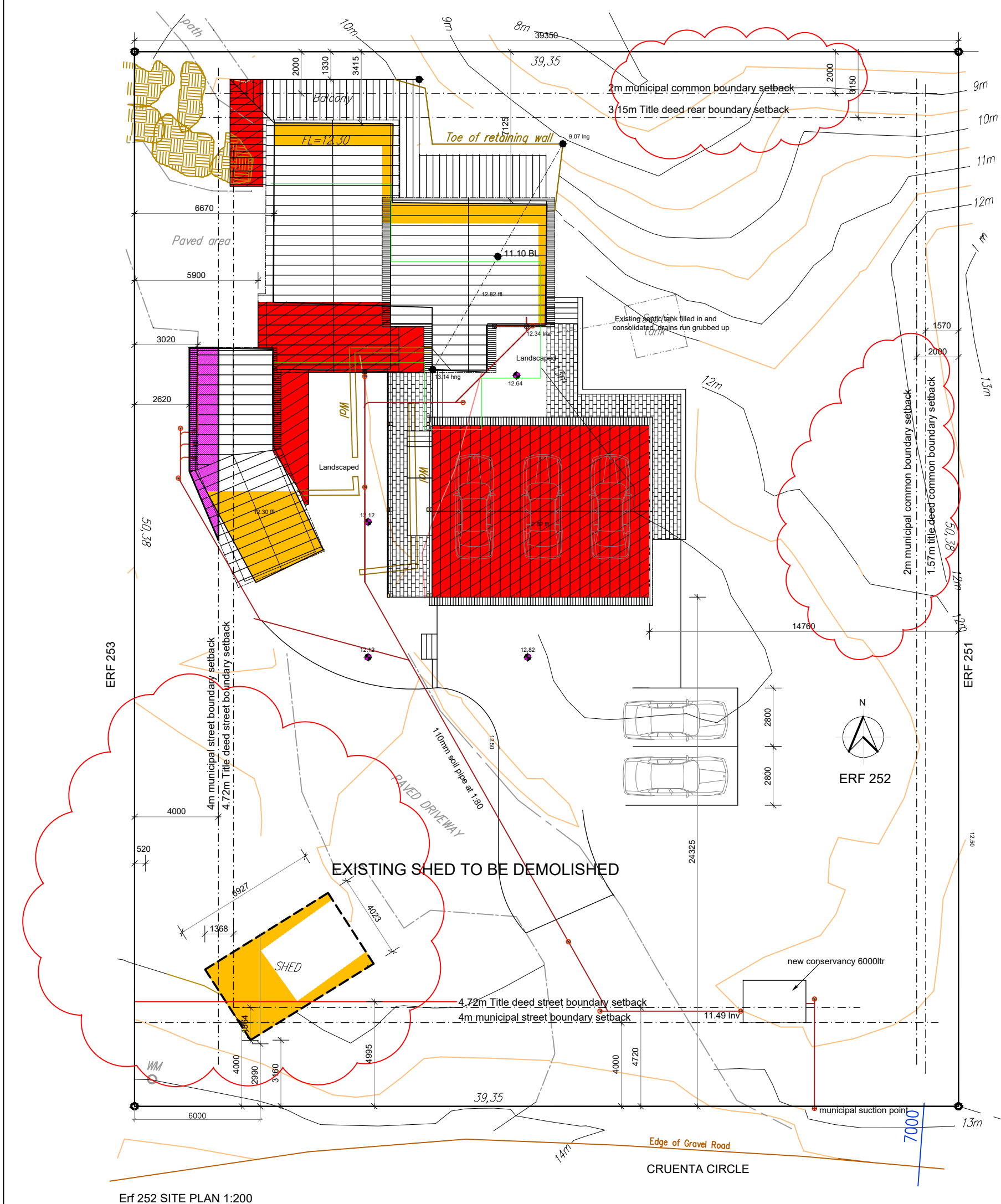
Considering the above information council is respectfully requested to favourable consider the application for approval.

Olden and Associates

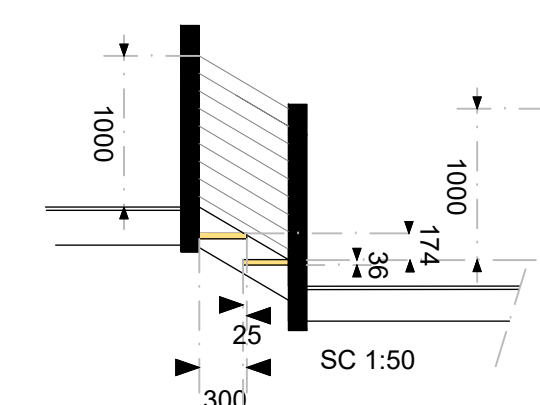
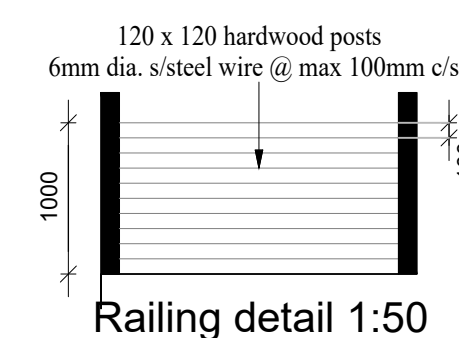
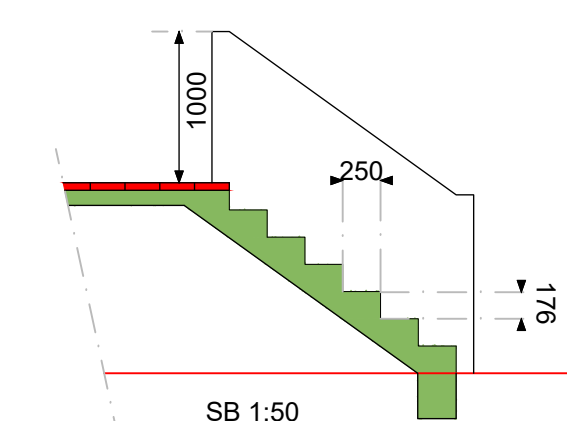
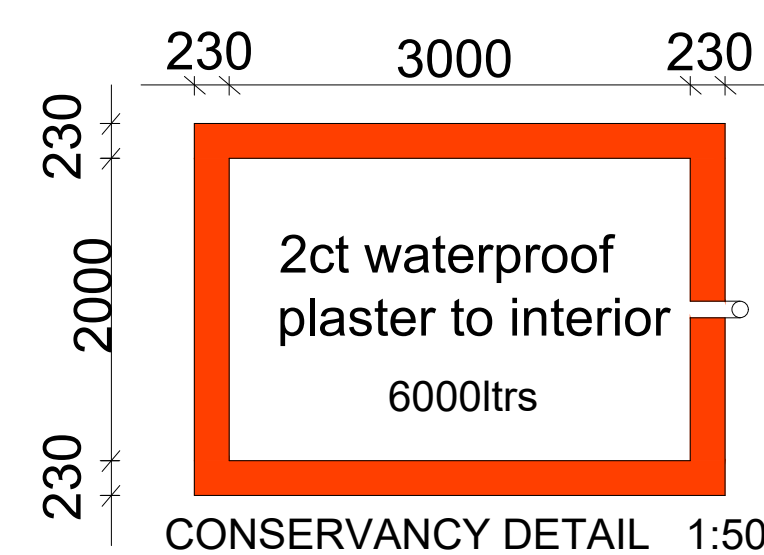
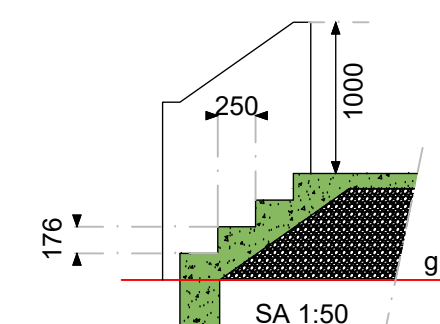
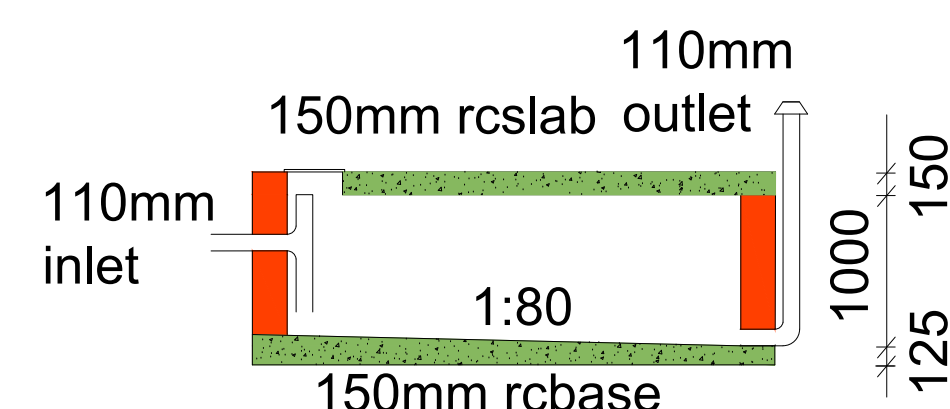
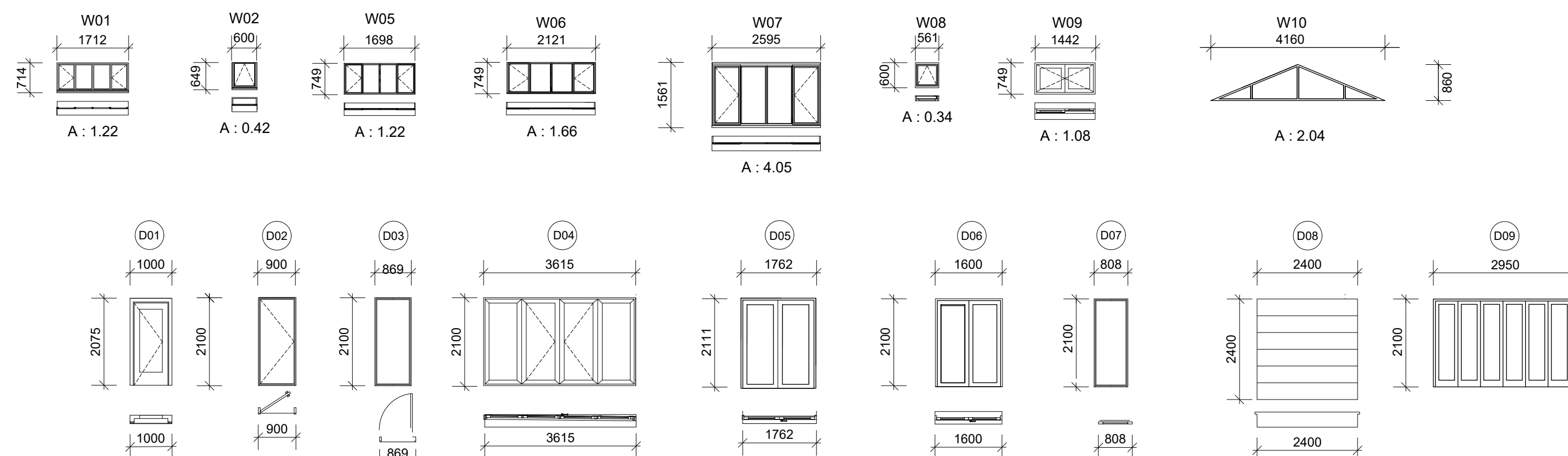
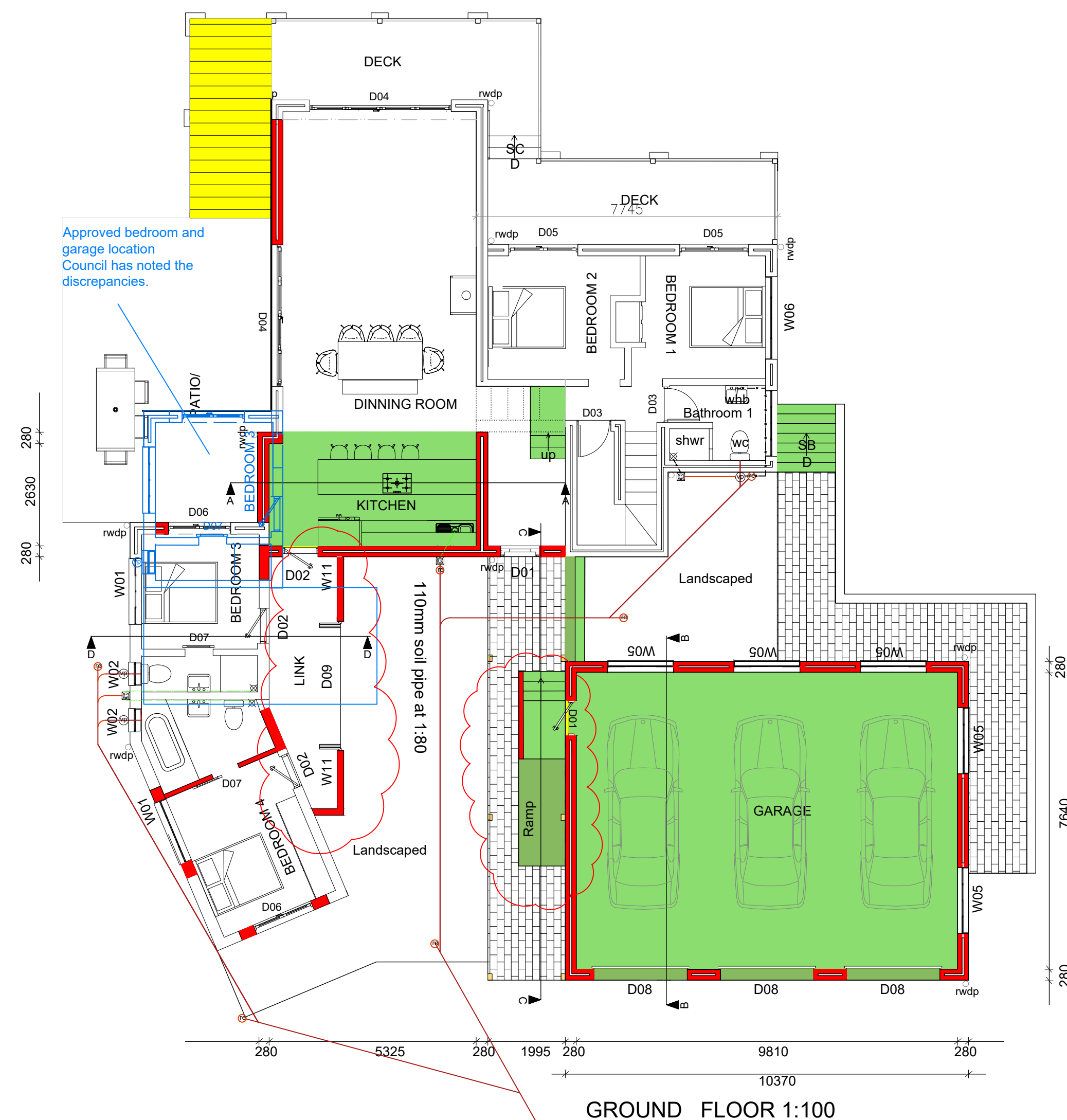
June 2025

(September 2025)

(April 2026)



ZONING REQUIREMENTS :	
ZONING : (PRIVATE)	SR1
FACTOR: FLOOR	n/a
TOTAL AREA ALLOWED:	991.5m ²
MAX. HEIGHT ABOVE EGL	8m TO TOP OF ROOF
COVERAGE ALLOWED:	50%
ACTUAL COVERAGE	19.6%
SITE AREA :	1983m ²
GROUND STOREY AREA :	170m ²
GARAGE AREA	85m ²
WALKWAY AREA	51m ²
DECKS	85m ²
SHED (remove)	-55m ²
TOTAL BUILT AREA	390m²
BUILT UP AREA ALLOWED IS 50% OF 1983m ² = 991.5m²	
ACTUAL BIRD'S EYE VIEW OF BUILDING IS 390m²	
THIS IS UNDER THE ALLOWED 991.5m ²	
BUILDING SETBACK LIMITS:	
STREET SET BACK 4M (t/d 4.72m)	
COMMON SETBACK 2M (t/d 1.570m)	
REAR SETBACK 2M (d/t 3.150m)	
Parking Bays provided in garage =	3
Additional parking Bays on site =	2
TOTAL PARKING PROVIDED	5 BAYS
Unauthorised work indicated on Drawing 12239/C-3001	
Admin penalty.	
Total area = 31.45m²	
Proposed new work within setbacks.	
Total area = 10.65m²	



GENERAL NOTES

- Refer to drawings XXXXXXX
- This drawing is the copyright of the Architects.
- All dimensions and levels must be checked on site prior to setting out.
- All design decisions are to be reported to the Architects immediately.
- All work is to be done in accordance with the National Building Regulations.
- Prestressed concrete lintels to all external and internal openings less than 3 metres.
- Light and ventilation areas are to conform to regulations :
 - Light area to be min 10% and ventilation area to be min 5% of the floor area of all habitable rooms.
 - All glazing to comply with Part 'W' of the National Building Regulations.
- Vertical and horizontal depths to conform to SANS 10400 with regard to quality and positioning.
- All portions of structural timber built into walls to be wrapped in damp proof membrane.
- All steps to have a tread of min. 250mm and riser of max. 200mm.
- All stairs to be min. 1000mm high and max. spacing between balusters at 100mm.

CONSTRUCTION NOTES

ROOF
Refer to detail drawings

CEILINGS

WALLS

All external walls to be XXXXXXXX as per drawing.
All internal walls to be XXXXXXXX as indicated.
Top 3 courses below wallplate height, foundation walls up to floor level and gable end walls above window lintol height to be solid plus 3 courses brickforce (to cavity walls only)
Pre-stressed concrete lintols to all external and internal openings up to 3000mm max. with min. 4 courses brickforce above.
All retaining walls to End's detail.

FLOORS

Floor finish as indicated on plan on 30mm screed on concrete surface bed to Engineer's detail on DPM on 50mm clean sand blinding on compacted fill on hardcore.
All floor slabs to Engineer's details.

FOUNDATIONS

280mm walls to have min. 700 x 230mm foundations.
230mm walls to have min. 700 x 230mm foundations.
110mm walls to have min. 600 x 230mm foundations.
Foundation sizes to be checked and specified by Engineer.

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REVISIONS

R.	DATE	DESCRIPTION

Client: _____

Architect: [Signature]

Client: _____

TAYLOR

Project:
PROPOSED ALTS AND ADDS TO EXISTING
DWELLING AT ERF 252 CRUCENTA CIRCLE,
ROOI ELS, OVERBERG

Drawing type:

COUNCIL SUBMISSION:

PLANS

Date:	Scale	
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Date:	Scale	
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Designed:	Drawn:	Checked:	
SA	IB	SA	

SA	JB	SA	
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SA	JB	SA	
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SA	JB	SA	
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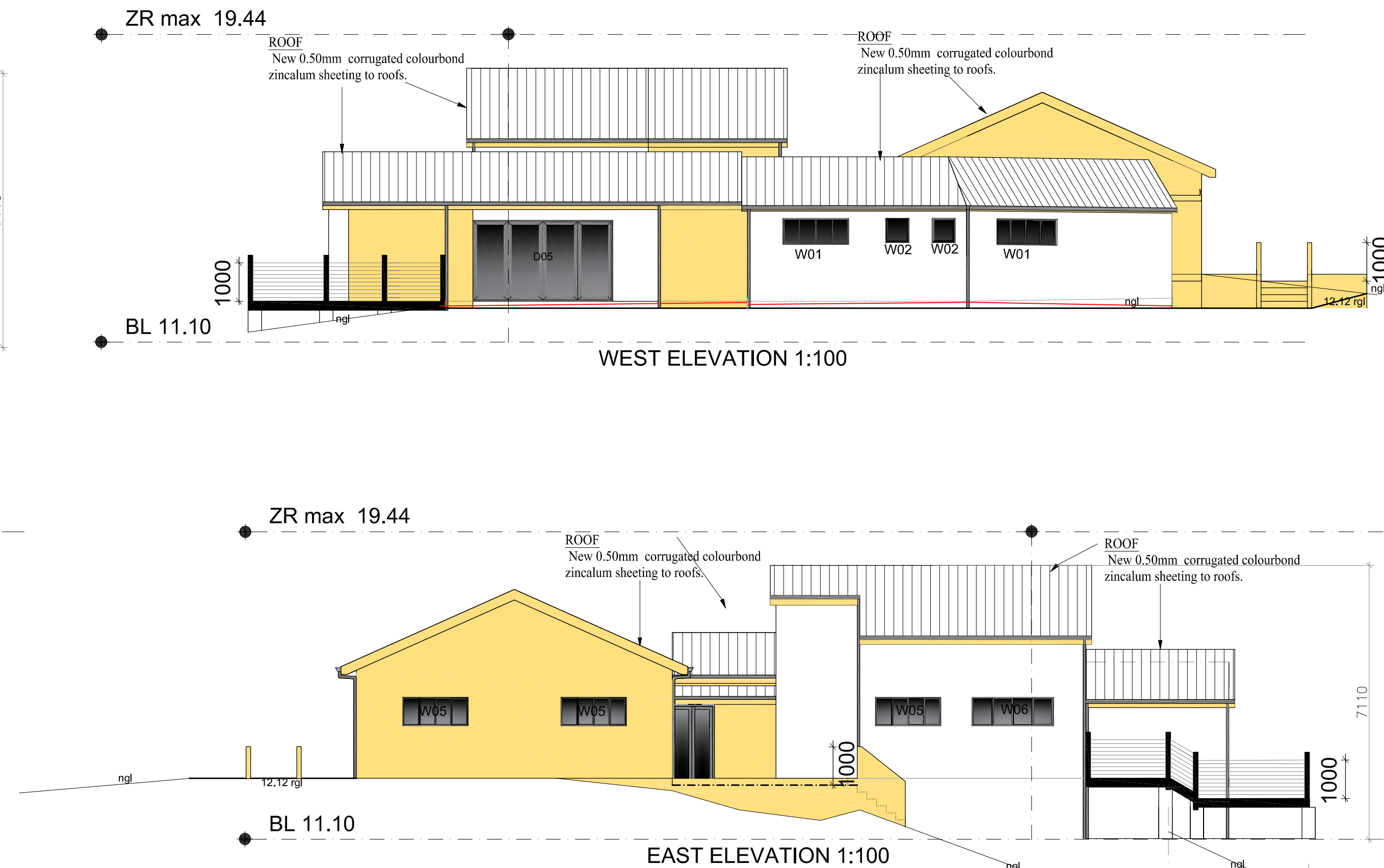
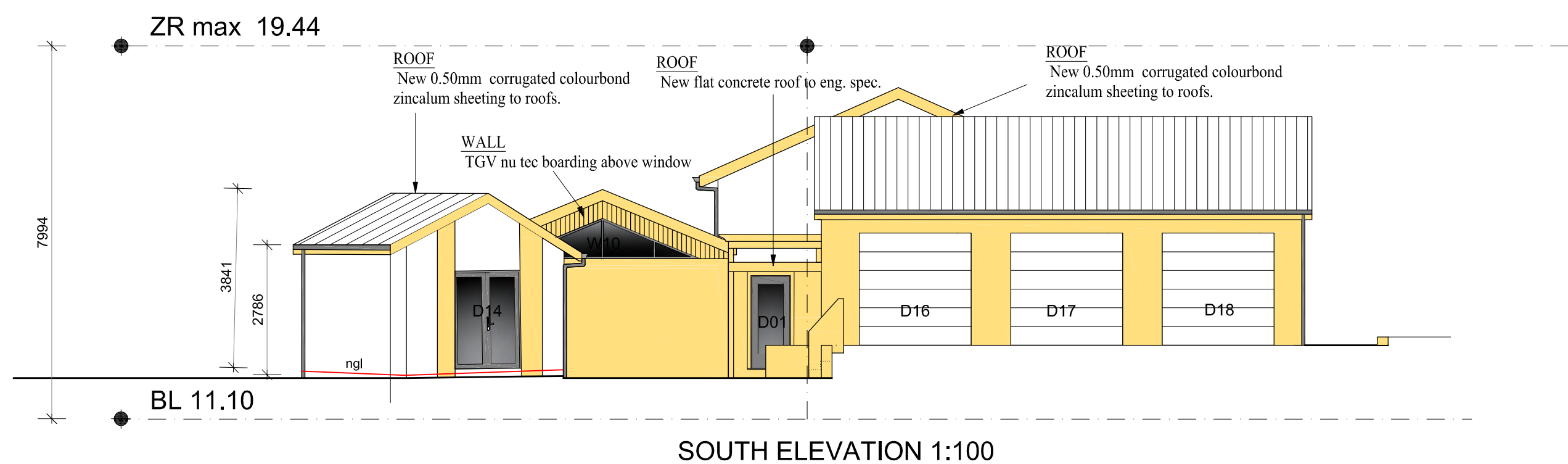
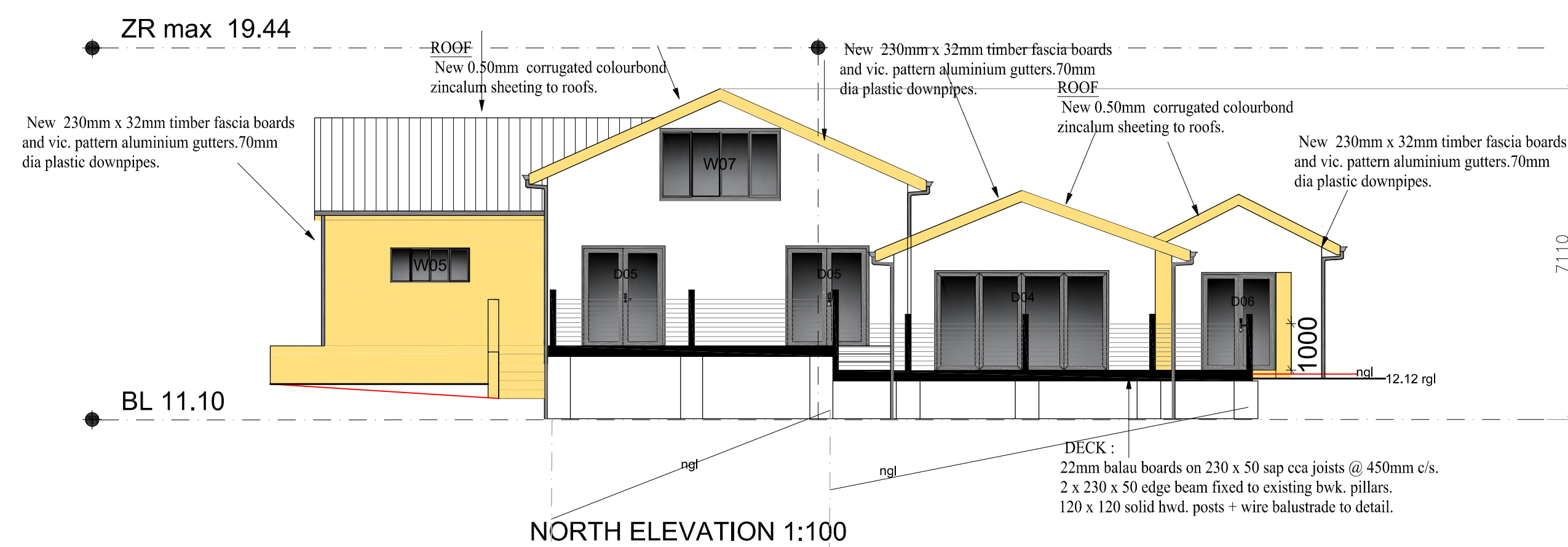
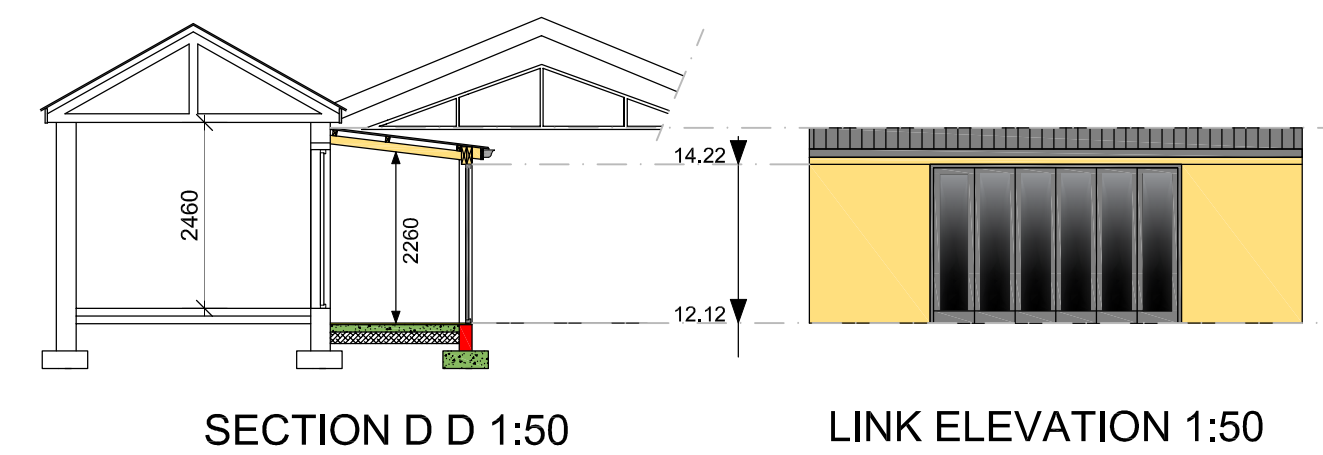
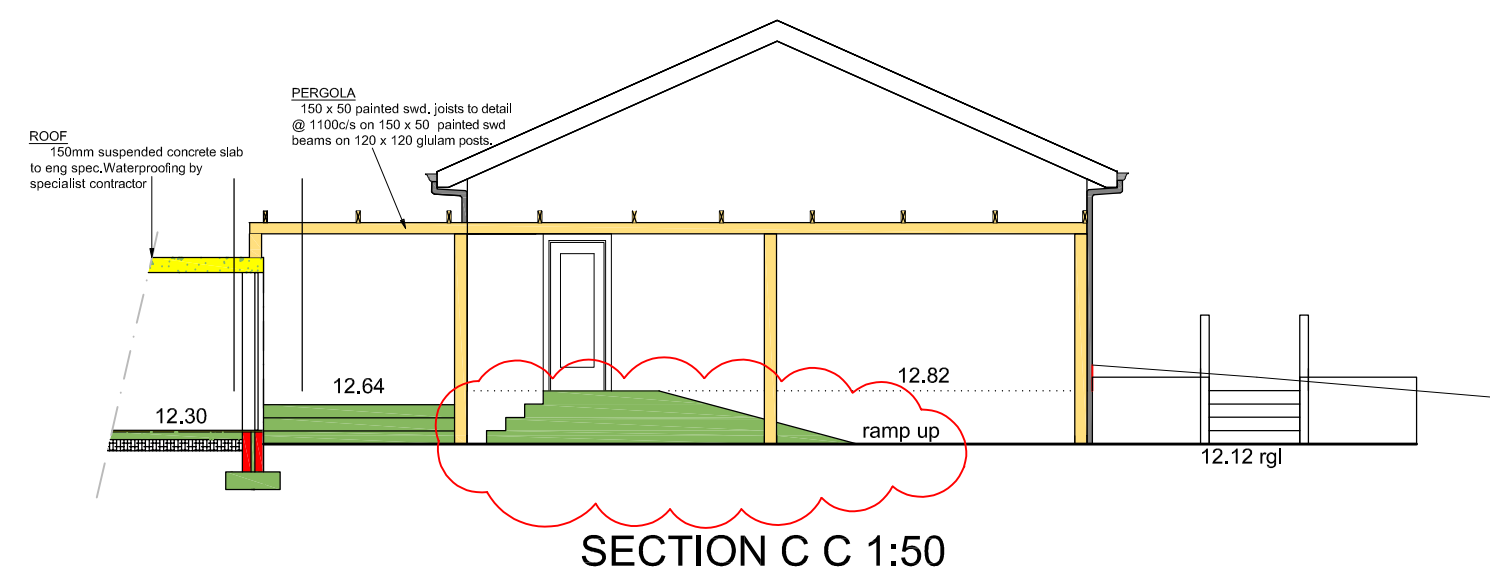
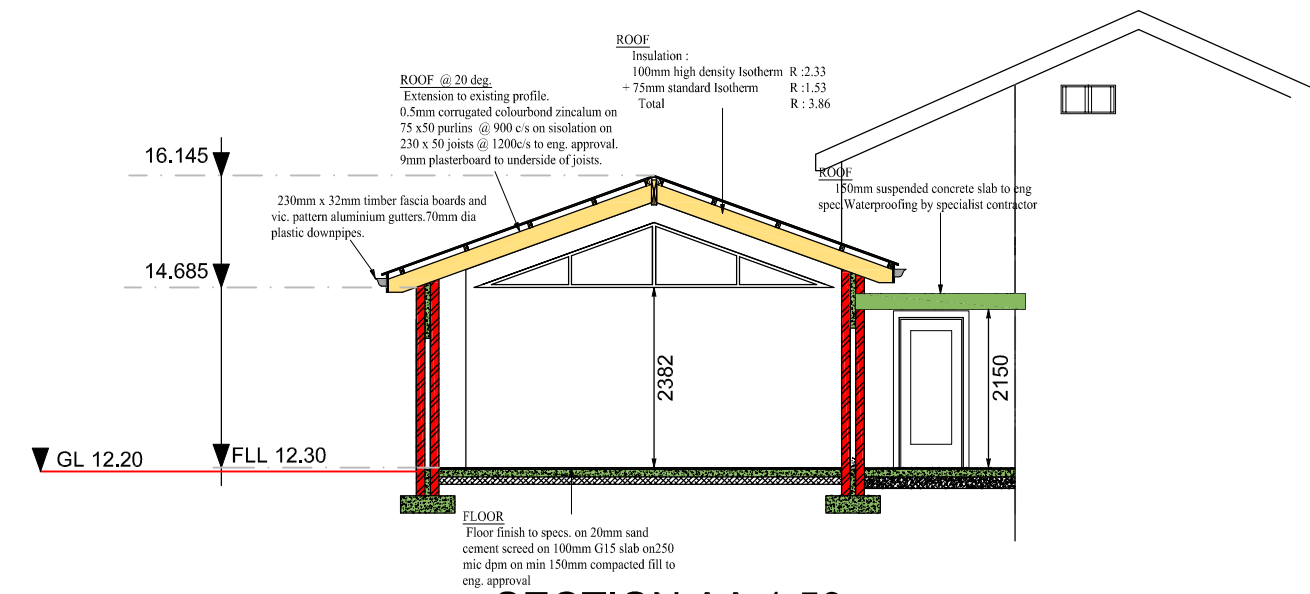
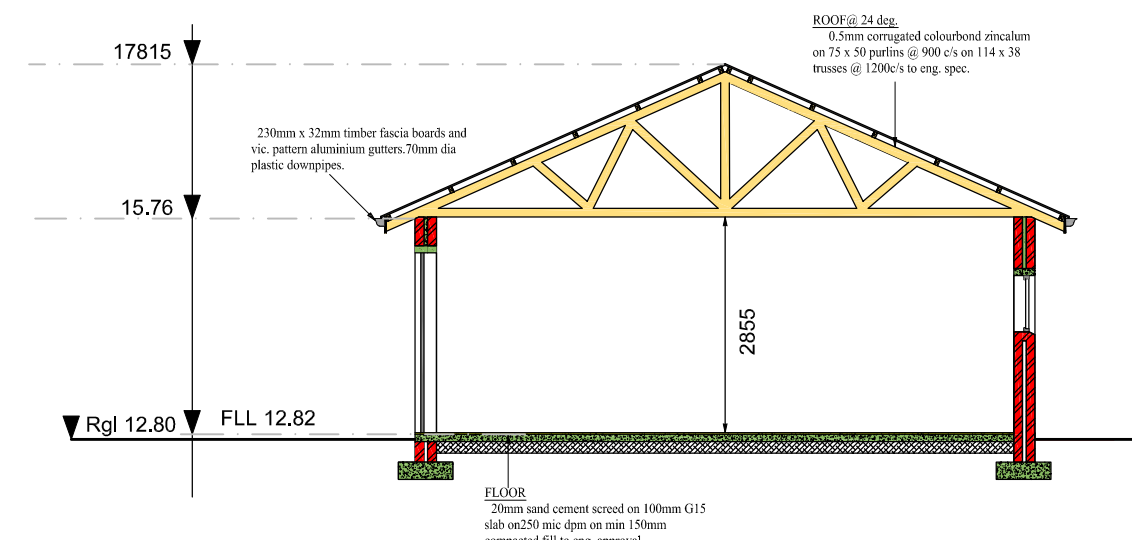
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RENNIE | SCURR | ADENDORFF

75 Morningside Road Ndabeni 7405

T +27 (0) 21 423 0328 F +27 (0) 21 424 9396 E cape@archrsa.com



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CONSTRUCTION NOTES

ROOF

Refer to detail drawings

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R E V I S I O N S

R.	DATE	DESCRIPTION
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Client:

Architect:

Client:

TAYLOR

Project:
PROPOSED ALTS AND ADDS TO EXISTING
DWELLING AT ERF 252 CRUCENTA CIRCLE,
ROOI ELS, OVERBERG

Drawing type:

COUNCIL SUBMISSION:
SECTIONS AND ELEVATIONS

Date: 2023-10-19	Scale: 1:100 @ A1	
Designed: CA	Drawn: IP	

8: ARCHRSA/Current Jobs/Taylor/12239 Root B/Drawings and Specifications/03 (C) Council Submission/0000 Master Issue

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