Munisipaliteit • U-Masipala • Municipality
OVERSTRAND

OVERSTRAND MUNICIPALITY

ERF 4438, 14 TALANA ROAD, NORTHCLIFF, HERMANUS: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF P & CM STRAUSS

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 4438, Northcliff, Hermanus (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 C.(c) as contained in Title Deed T16281/2020 of the property to accommodate the existing covered stoep, pergola, carport and storage area (to be used as proposed golf cart garage) on the property.

Departure
Application in terms of Section 16(2)(b) of the By-Law to relax the eastern lateral building line from 2m to 0m to accommodate the existing covered stoep and pergola on the property.

Departure
Application in terms of Section 16(2)(b) of the By-Law to relax the western lateral building line from 2m to 0m to accommodate the existing carport and storage area (to be used as proposed golf cart garage) on the property.

Determination of an Administrative Penalty
Application in terms of Section 16(2)(q) of the By-Law to accommodate the unauthorized building line encroachments as mentioned above.

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 **4 December 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.

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.

OVERSTRAND MUNISIPALITEIT

ERF 4438, TALANAWEG 14, NORTHCLIFF, HERMANUS: AANSOEK OM OPHEFFING VAN 'N BEPERKENDE TITELAKTEVOORWAARDE, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: INTERACTIVE STADS- EN STREEKBEPLANNING NAMENS P & CM STRAUSS

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 4438, Northcliff, Hermanus (die eiendom), naamlik:

Opheffing van 'n Beperkende Titelaktevoorwaarde
Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van 'n beperkende titelaktevoorwaarde C.(c) soos vervat in Titelakte T16281/2020 van die eiendom om die bestaande onderdak stoep, pergola, motorafdak en stoorarea (om as voorgestelde gholfkar-motorhuis gebruik te word) op die eiendom te akkommodeer.

Afwyking
Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die oostelike syboulyn vanaf 2m tot 0m te verslap om die bestaande onderdak stoep en pergola op die eiendom te akkommodeer.

Afwyking
Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die westelike syboulyn vanaf 2m tot 0m te verslap om die bestaande motorafdak en stoorarea (om as voorgestelde gholfkar-motorhuis gebruik te word) op die eiendom te akkommodeer.

Bepaling van 'n Administratiewe Boete
Aansoek ingevolge Artikel 16(2)(q) van die Verordening om die ongemagtige boulynoorskrydings soos hierbo genoem te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weeksdae 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 **4 Desember 2026**, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Hoof Stadsbeplanner, 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.

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.

UMASIPALA WASE-OVERSTRAND

ISIZA 4438, 14 TALANA ROAD, NORTHCLIFF, HERMANUS: ISICELO SOKUSUSWA KOMQATHANGO ONESITHINTELO KWITAYITILE KUNYE, UKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA-P & CM STRAUSS

Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho ka-2020 Ohlonyelweyo woMasipala waseOverstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala (uMthetho kaMasipala) ukuba kufunyenwe ezi zicelo zilandelayo zimalunga neSiza 4438, eNorthcliff, eHermanus (ipropathi),, ukuba:

Kususwe Umqathango Onesithintelo Kwitayitile
Isicelo ngokumayela neCandelo 16(2)(f) loMthetho kaMasipala ukuba kususwe imiqathango enezithintelo kwitayitile, umqathango C.(c) njengoko uqulathwe kwiTayitile T16281/2020 yepropathi ukulungiselela iveranda eyogqunyiweyo, ipegola, indawo yokupaka imoto negaraji indawo yokugcina izinto (eza kusetyenziswa njengendawo yokupaka iinqwelo zegalfu, njengoko kuphakanyisiwe) kwipropathi.

Ukunyenyiswa
Isicelo ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenyiswe umgca wesakhiwo okwicala elingasempuma ukusuka ku-2m ukuya ku-0m ukulungiselela iveranda eyogqunyiweyo nepegola ekwipropathi.

Ukunyenyiswa
Isicelo ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyenyiswe umgca wesakhiwo okwicala elingasentshona ukusuka ku-2m ukuya ku-0m ukulungiselela indawo yokumisa imoto nendawo yokugcina ezisele zikhona (iza kusetyenziswa njengegaraji yeenqwelo zegalufa ecetywayo) kwipropathi.

Ukuqgitywa Kwesohlwayo
Isicelo ngokumayela neCandelo 16(2)(q) loMthetho kaMasipala ukulungiselela ukwakhiwa okungagunyaziswanga nokudlula kumgca wesakhiwo njengoko kuchaziwe ngasentla.

Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus nakwiwebhusayithi kamasipala kule linki ilandelayo https:www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/

Naziphi na izimvo zimele zibhalwe zize zingeniswe kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngaphambi okanye ingadlulanga **4 kaDisemba 2026**, ubhale igama lakho, idilesi yakho neenkcukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabhekiswa ku**Principal Town Planner, uNkskz. H. Van der Stoep** ku 028-3138900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: Town and Spatial Planning. Igosa likamasipala liya kumnceda akwazi ukufaka izimvo zakhe.

Nceda uqaphele ukuba Uthetho omayela noMthetho Wokhuseleko Lwengxelo Ngomntu (POPIA), uza kuba ungena kwinkqubo yoluntu ngoko ke uvumela kwaye uvumelana nokusetyenziswa kwegama lakho, ifani, iinkcukacha ofumaneka kuzo kunye noluvo(nezimvo) zakhe zingadizwa / zingasetyenziswa (kwisicelo) kwinkqubo.

EW JANTJIES
Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala Obambeleyo
PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200

Notice No / Kennisgewing nr / Inombolo yesaziso: **225/2026**

#overstrand4all

We belong We care We serve



PROJECT

Erf 4438 Northcliff, Hermanus

TITLE

Loclity Plan
Local Context

Application Area

INDEMNITY

INTERACTIVE TOWN & REGIONAL PLANNING MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, WITH REGARD TO THE DATA AND SHALL NOT BE LIABLE IN ANY EVENT FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THIS DATA. THE DATA REMAINS THE SOLE PROPERTY OF THE CLIENT AND MAY ONLY BE USED FOR THE PURPOSES OF A PROJECT WITH THE PRIOR WRITTEN APPROVAL OF THE CLIENT.

CLIENT

DRAWN BY	CHECKED BY	DATE
JM	AW	2026/06/04 08:12:34

SCALE i@ A4)	PROJECT NUMBER
As indicated	0001

DRAWING NUMBER
Rev 1

InterActive Town & Regional Planning

Andre Wiehahn Pr Pln A/927/1996
B Art et Sc (Town and Regional Planning)
Telephone 028 312 1668
Cell phone: 082 466 0490
E-Mail: wiehahn.a@gmail.com

InterActive Town & Regional Planning
PO Box 980
Hermanus
7200

Reference: Erf 4438, Northcliff, Hermanus

Date: 3 September 2026

ERF 4438, NORTHCLIFF: DEPARTURES, REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION & THE DETERMINATION OF AN ADMINISTRATIVE PENALTY – ADDITIONAL INFORMATION

As requested in the additional information letter dated 3 September 2026, please find attached the updated motivational report for the application of Erf 4438, Northcliff.

Kind Regards

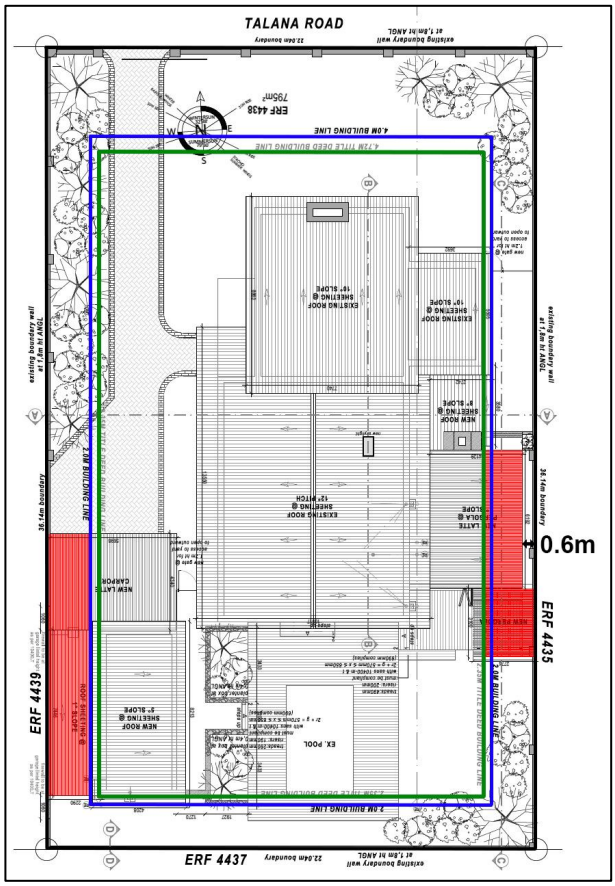


Andre Wiehahn Pr Pln A/927/1996
B Art et Sc (Town and Regional Planning)

ERF 4438 NORTHCLIFF, HERMANUS

14 Talana Road

Departures, removal of a restrictive title deed condition & the determination of an administrative penalty application



Andre Wiehahn Pr Pln A/927/1996
B Art et Sc (Town and Regional Planning)
Cell phone: 082 466 0490
E-mail: info@iatrp.co.za

September 2026

Table of Contents

1. Introduction 1
   a. Brief 1
   b. Background, Development Objective & Application Proposal 1
2. The Application 2
   a. Analysis: Title Deed 2
   b. Analysis: Development Criteria: 2
   c. Application: 3
3. Contextual Site Information 4
   a. Property Description 4
   b. Location: 5
   c. Land Use: 6
   d. Zoning: 6
   e. Laws and policies relevant to the consideration of the application and forward planning and land use documents 7
      i. Overstrand Municipal Spatial Development Framework, 2020 7
      ii. Overstrand Municipality Growth Management Strategy, 2010 8
4. Motivation 9
   a. Introduction and Background 9
   b. Proposal 9
   c. Desirability 15
   d. Planning Principles 16
5. Conclusion 17

Figures

Figure 1: Proposal illustrations 1
Figure 2: Extracts of the Surveyor General Plans of the application site 4
Figure 3: Locality Plan – Regional Context 5
Figure 4: Locality Plan – Local Context 5
Figure 5: Arial Image illustrating the residential land-use activities of the application area 6
Figure 6: Extract from the Overstrand Municipality: Online zoning viewer 6
Figure 7: Spatial Development Framework 2020 plan extract 7
Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 8
Figure 9: Proposal illustrations 11
Figure 10: Photograph of the application area 11
Figure 11: Photographs of structures exceeding the eastern side building line 12
Figure 12: Photograph of structures exceeding the western side building line 13

Annexure

Annexure A: Application form .....
Annexure B: Power of Attorney.....
Annexure C: Title Deed .....
Annexure D: Conveyancer Certificate.....
Annexure E: SG Diagram.....
Annexure F: Locality Plan.....
Annexure G: Land Use Plan .....
Annexure H: Zoning Map.....
Annexure I: Building Plans .....
Annexure J: Title Deed condition to be removed .....

Notes

1. Introduction

a. Brief Refer to **Annexure B** for the Power of Attorney.	Interactive Town and Regional Planning is appointed by the owners of the property Pieter & Ciska Strauss to prepare and submit an application for building line departures of Erf 4438, Northcliff, the removal of a restrictive title deed condition and the determination of an administrative penalty in terms of the relevant legislation.
b. Background, Development Objective & Application Proposal	The application area accommodates a dwelling house on a 798m² erf with a non-approved covered stoep, pergola, carport and storage area exceeding side title deed and zoning scheme building lines. The **objective** of the application is to legalise the non-approved structures exceeding side zoning scheme and title deed building lines as well as a proposed change of land use to allow for a garage on the western side boundary.

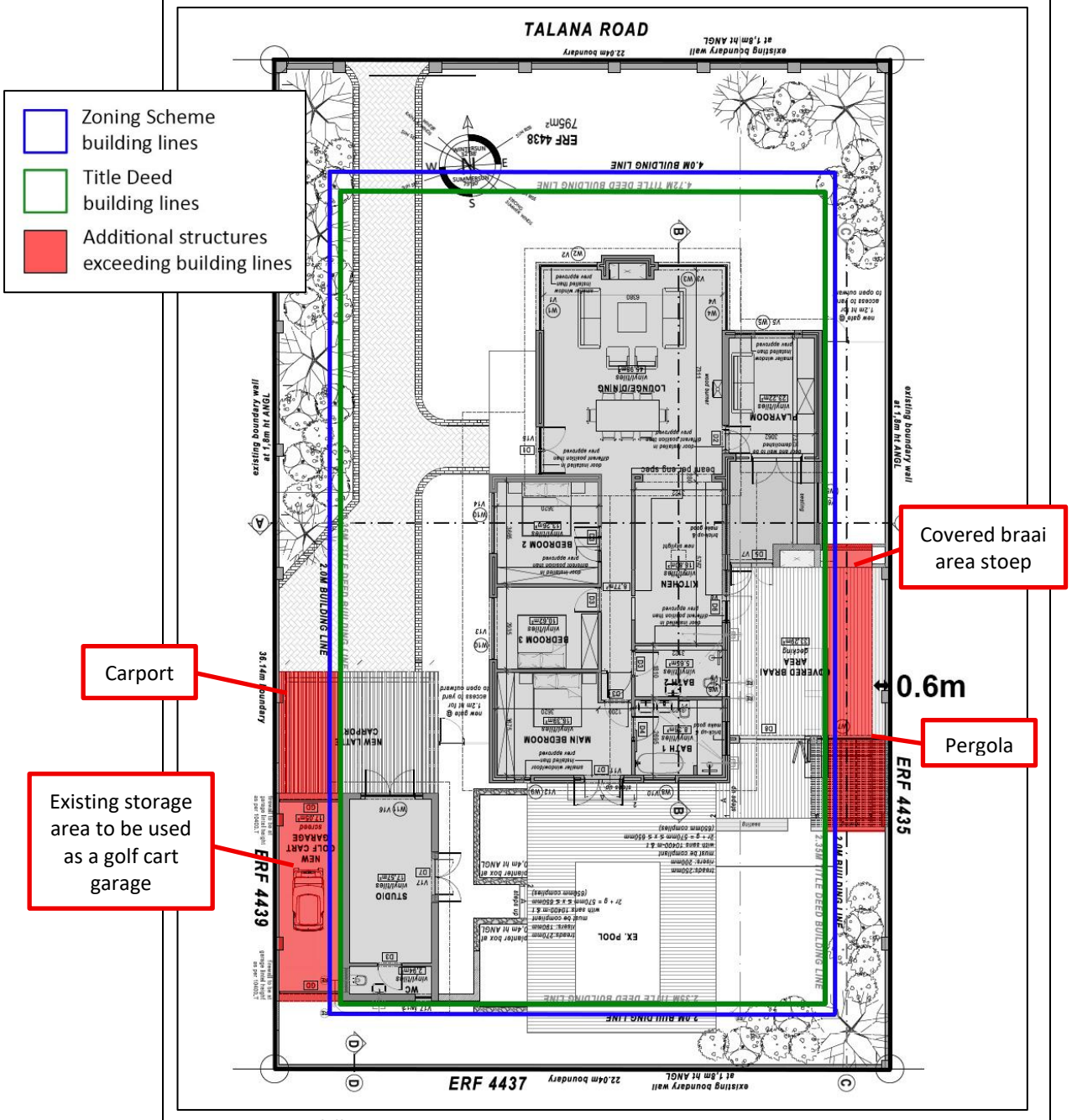


Figure 1: Proposal illustrations

2. The Application

a. Analysis: Title Deed Refer to **Annexure D** for the Conveyancer Certificate.	The conveyancer Amelia Galvin from Virtual Lawyers provided a conveyancer certificate confirming Condition C.(c) on Title Deed T16281/2020, restricts the application proposal. Condition C.(c) of Title Deed T16281/2020 reads as follows: *C. ONDERHEWIG aan die volgende voorwaardes genoem in gesegde Transportakte nr. T 17646/1969 opgelê deur die Administrateur met goedkeuring van die stigting van Hermanus Dorp Uitbreiding nr. 4, naamlik: -* *AS being in favour of the registered owner of any Erf in the Township and subject to amendment by the Administrator under the provisions of Section 18(3) of Ordinance no 33/1934. –* *(c) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,35 metres of the lateral boundary common to any adjoining erf;"*

b. Analysis: Development Criteria:

The development parameters for Erf 4438 Hermanus as per the Overstrand Municipality Land Use Scheme, 2020 are summarised as follows:

Parameters		Existing Zoning:	Proposal:	Comments
Zoning		Residential Zone 1: Single Residential	Residential Zone 1: Single Residential	Consistent
Primary Use		Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent
Consent Uses		Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building & intensive horticulture	None	Consistent
Coverage		50%	27.3%	Consistent
Height		8m	4.6m	Consistent
Building lines	**Street**	4m	4m	Consistent
	Side	2m	**East: 0m for pergola & 0.6m for covered braai stoep** **West: 0m for carport & garage** 2m for the dwelling	**Application includes departures**
	Rear	2m	2m	Consistent
Parking		Dwelling house: 2 bays	2 bays	Consistent

c. Application: The application form is attached as **Annexure A**.	Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following: • A permanent departure to relax the eastern side building line from 2m to 0m to allow for an existing covered stoep and pergola in terms of Chapter IV, Section 16(2)(b). • A permanent departure to relax the western side building line from 2m to 0m to allow for an existing carport and garage in terms of Chapter IV, Section 16(2)(b). • The removal of Condition C.(c) from Title Deed T16281/2020 in terms of Chapter IV, Section 16(2)(f). • The determination of an administrative penalty in terms of Chapter IV, Section 16(2)(f).

3. Contextual Site Information

a. Property Description

Refer to **Annexure E** for the SG Diagrams, **Annexure C** for the Title Deed of Erf 4438 Northcliff.

Property	Extent	Title Deed	Registered Owner
Erf 4438 Hermanus	798m²	T16281/2020	Pieter & Ciska Strauss

The following Surveyor General Plans reflect the application site:

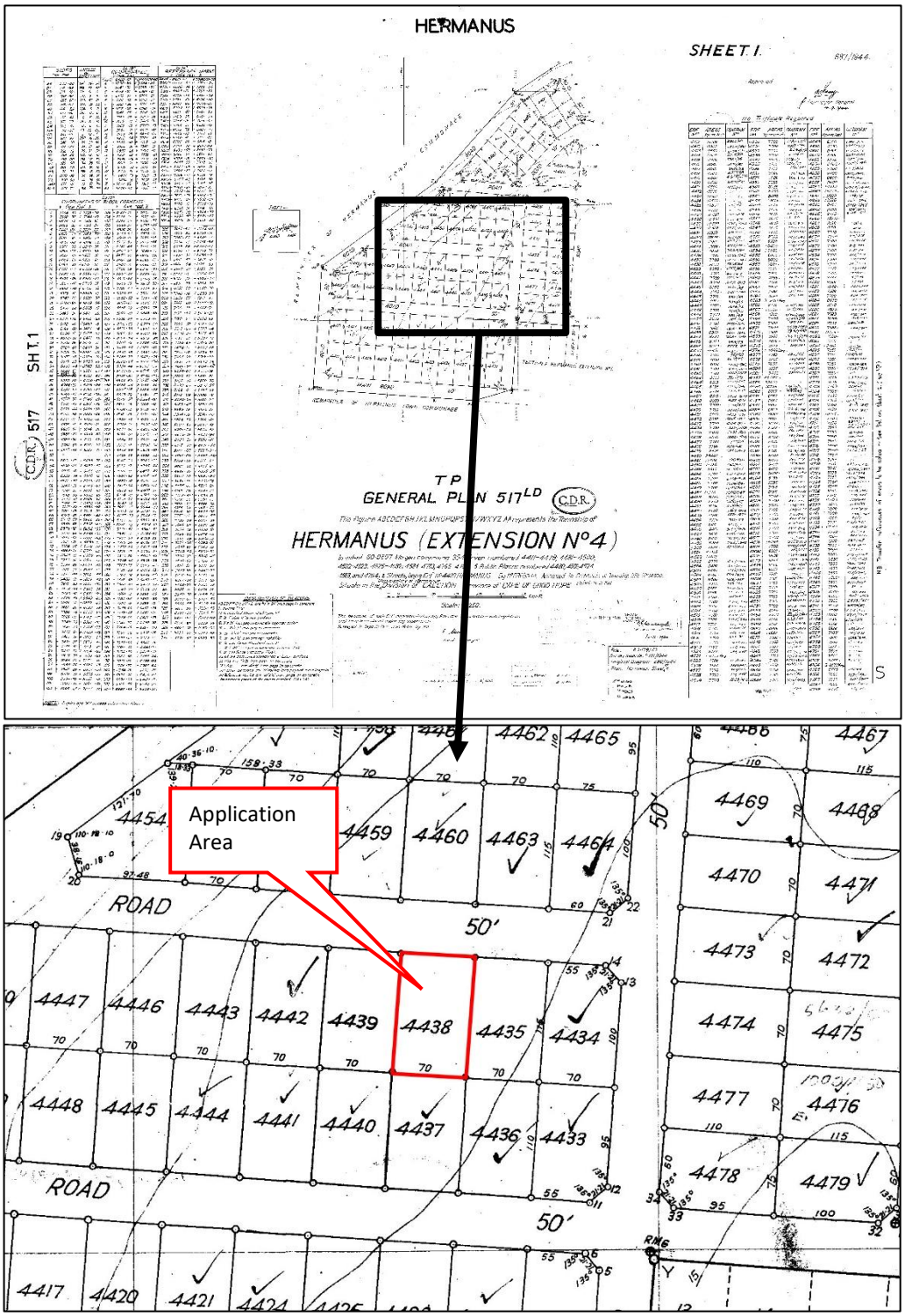
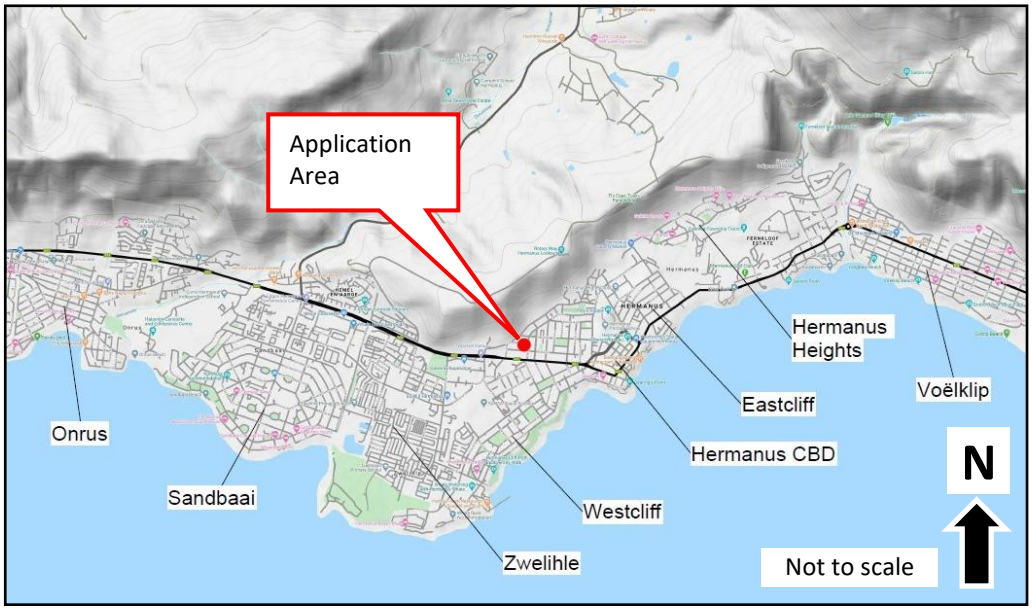


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location: For the Locality Plans refer to **Annexure F**	**Regional Context:** Within the regional context, the application area is located within Northcliff residential suburb, which forms part of Hermanus Central.  **Figure 3: Locality Plan – Regional Context**
	Local Context: Within the local context the application area consists of a single residential erf within Northcliff. The application area is located at number 14 Talana Road.  **Figure 4: Locality Plan – Local Context**

c. Land Use:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G**.

The application area accommodates a dwelling house on the property. The surrounding land-uses consist of single residential dwellings. No change in land use is proposed. The application area is consistent with the land use of the area.



Figure 5: Arial Image illustrating the residential land-use activities of the application area

d. Zoning:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure H**.

The application area, Erf 4438, Northcliff is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed. The application area is consistent with the zoning of the area.



Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies relevant to the consideration of the application and forward planning and land use documents	The following policy is applicable to the application area and the development proposal: **i. Overstrand Municipal Spatial Development Framework, 2020** The application area is within an urban development area. No change in land use or spatial structure is proposed. The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

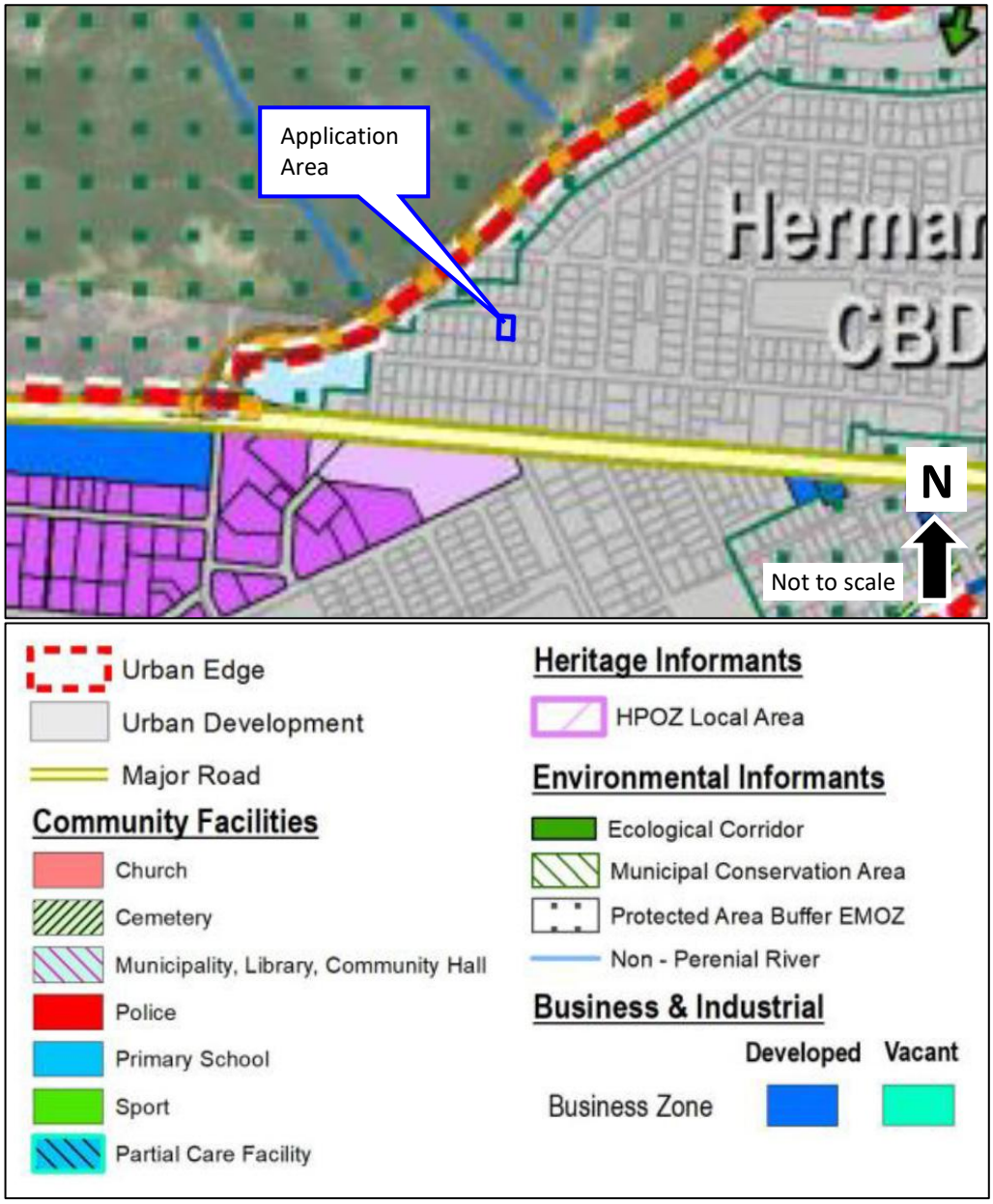


Figure 7: Spatial Development Framework 2020 plan extract

ii. Overstrand Municipality Growth Management Strategy, 2010

The application area is within a less than 10 dwelling units per hectare densification zone. No densification is proposed. The application proposal is consistent with the Overstrand Municipality Growth Management Strategy, 2010.

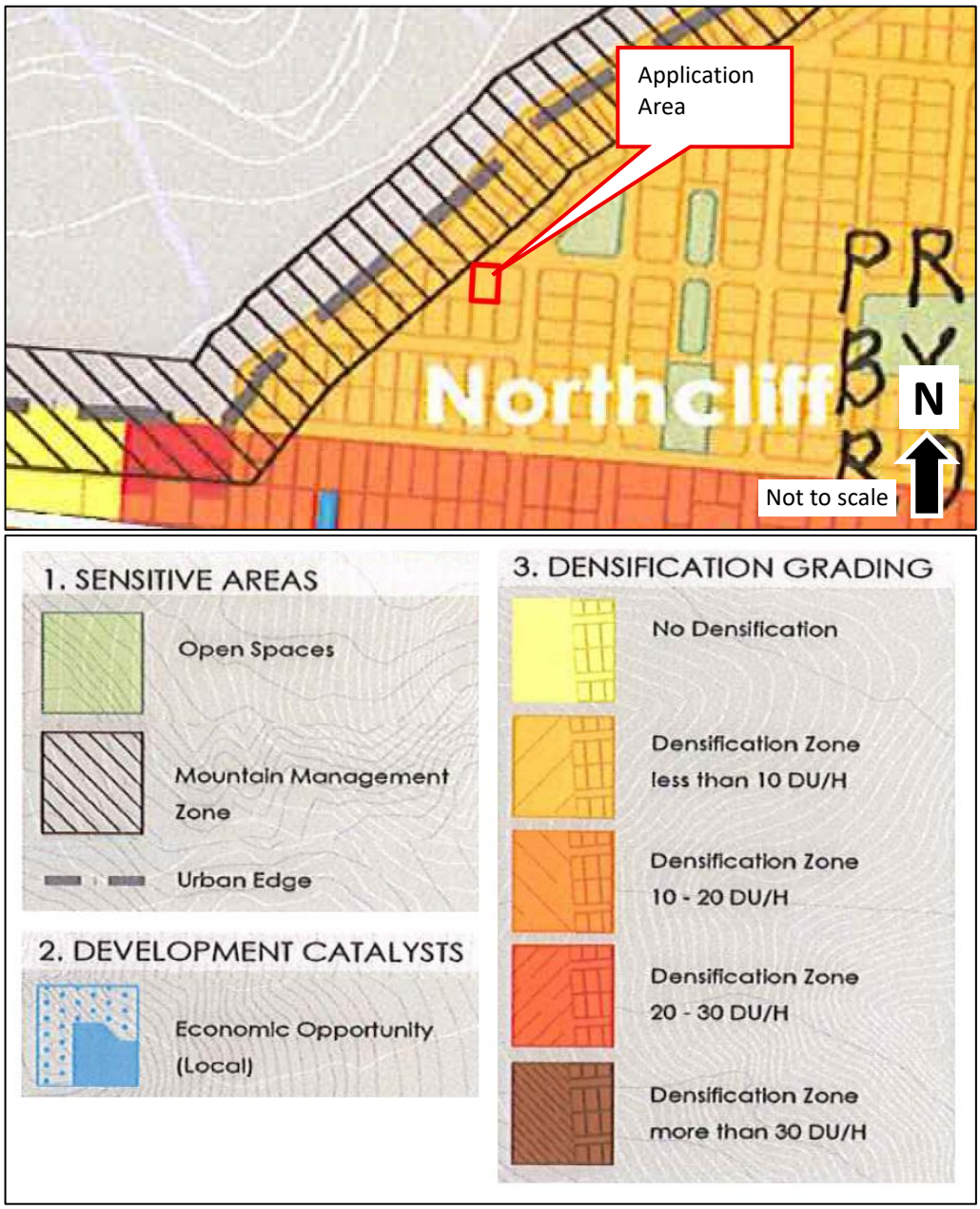


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010

4. Motivation

Motivation for the application:

Refer to **Annexure I** for the Building Plan

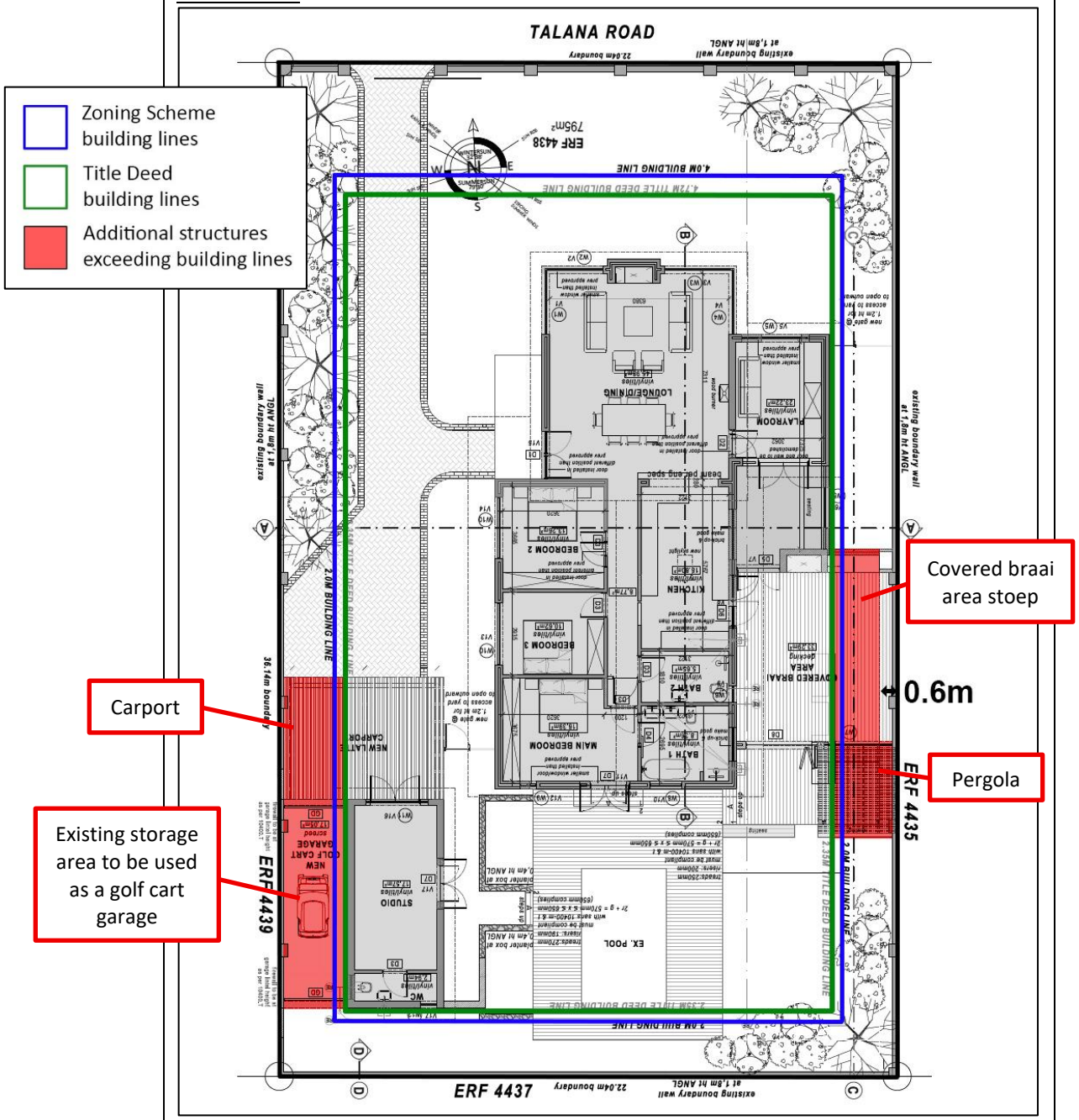
a. Introduction and Background

The application area accommodates a dwelling house on a 798m² erf with a non-approved covered stoep, pergola, carport and storage area exceeding side title deed and zoning scheme building lines.

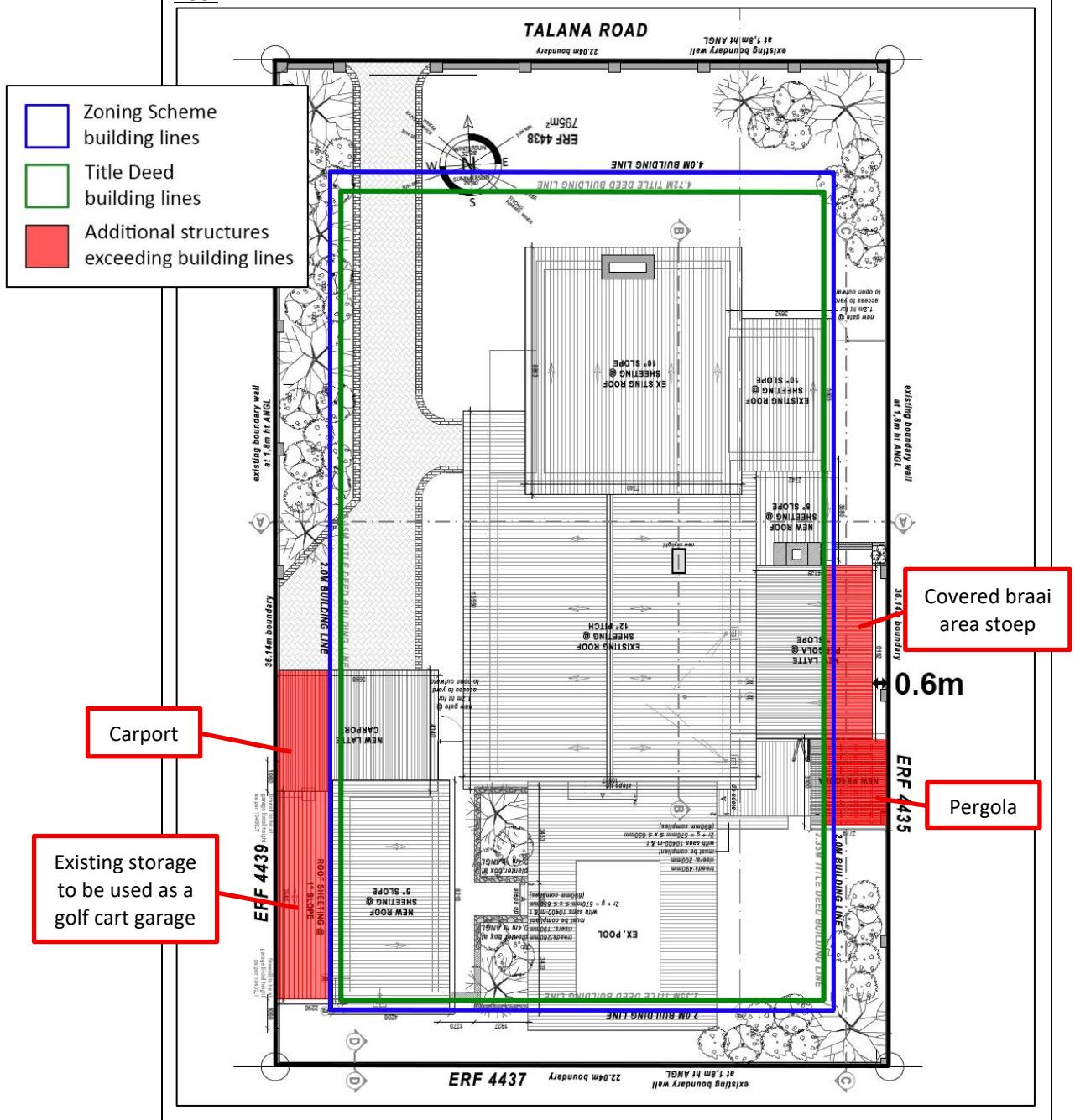
b. Proposal

The **objective** of the application is to legalise the non-approved structures exceeding title deed and zoning scheme side building lines as well as a proposed change of land use to allow for a garage on the western side boundary.

Ground Floor



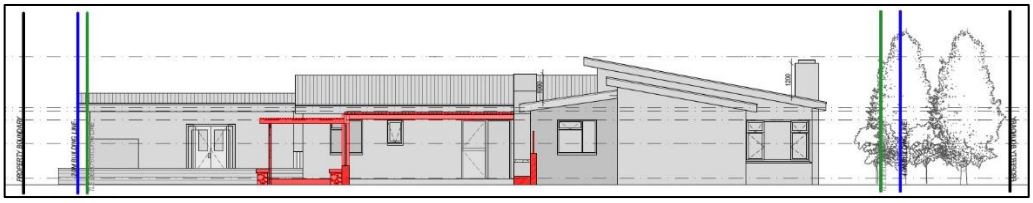
Roof



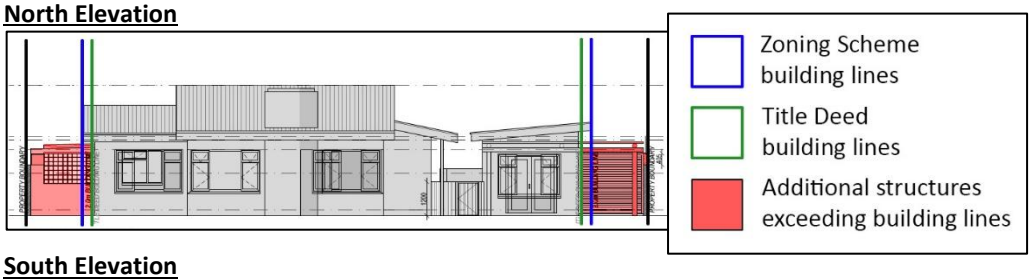
West Elevation



East Elevation



North Elevation



South Elevation



Figure 9: Proposal illustrations

Subsequently application is made for:

- A permanent departure to relax the eastern side building line from 2m to 0m to allow for an existing covered stoep and pergola.
- A permanent departure to relax the western side building line from 2m to 0m to allow for an existing carport and storage area, proposed to be used as a golf cart garage.
- The removal of Condition C.(c) from Title Deed T16281/2020.
- The determination of an administrative penalty.

Character of the area and visual impact

The properties on both sides as well as directly across the road, as well as other properties in the area have structures on side and rear property boundaries and therefore the application proposal is consistent with the character of the area.

The non-approved structures are also to the rear of the property and mostly screened from the road by trees.



Figure 10: Photograph of the application area

Eastern side building line departure

Application includes a departure to relax the eastern side building line from 2m to 0m to allow for an existing covered stoep and pergola.

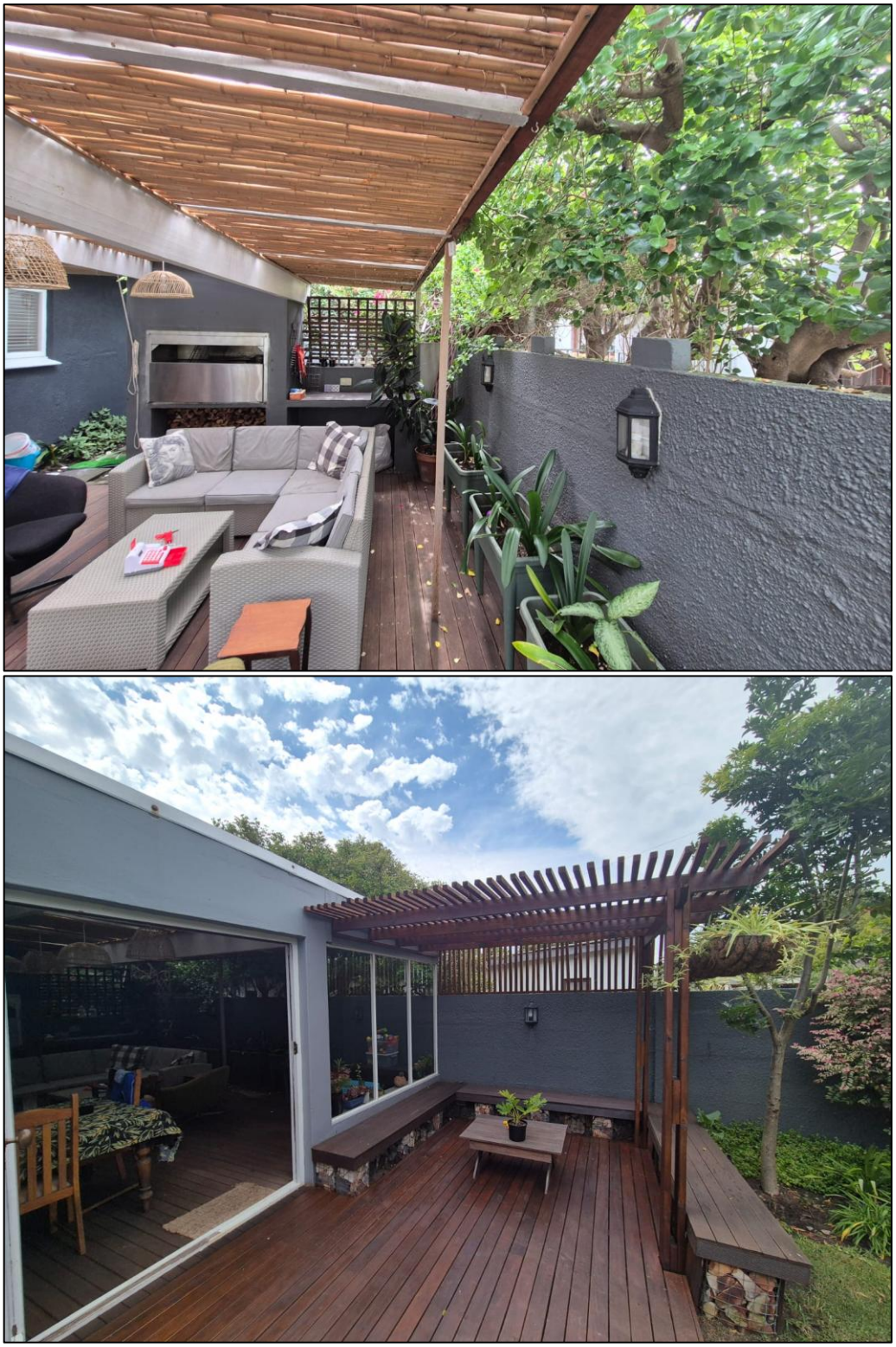


Figure 11: Photographs of structures exceeding the eastern side building line

Several surrounding properties have structures on side and rear boundaries. The application proposal is consistent with the character of the area.

The covered stoep and pergola are on the ground floor and therefore does not impact on privacy, light, shadows or views of the adjacent property owner.

The covered stoep is open to the elements on two sides and is therefore not a habitable structure.

The covered stoep and pergola improves the usage of the application area. The covered stoep is used as a braai area and provides protection from the sun. The pergola provides partial protection from the sun as well as aesthetic and recreational value to the property.

Western side building line departure

Application includes a departure to relax the western side building line from 2m to 0m to allow for existing carport and an existing storage area proposed to be used as a golf cart garage.



Figure 12: Photograph of structures exceeding the western side building line

Several surrounding properties have structures on side and rear boundaries. The adjacent property has a garage against the existing storage area on the application area which is proposed to be used as a garage. The application proposal is consistent with the character of the area.

The existing carport and proposed garage are on the ground floor and therefore does not impact on privacy, light, shadows or views of the adjacent property owner.

The carport protects vehicles from the sun, reducing sun damage as well as make the vehicles significantly more comfortable to use after being parked under the carport.

The garage and the carport improve the functionality of the application area.

The carport and garage are not habitable structures.

Removal of Restrictive Title Deed Conditions

The application proposal includes the removal of a restrictive title deed building line restriction.

Clause C.(c) of Title Deed T16281/2020 reads as follows:

C. ONDERHEWIG aan die volgende voorwaardes genoem in gesegde Transportakte nr. T 17646/1969 opgelê deur die Administrateur met goedkeuring van die stigting van Hermanus Dorp Uitbreiding nr. 4, naamlik: -

AS being in favour of the registered owner of any Erf in the Township and subject to amendment by the Administrator under the provisions of Section 18(3) of Ordinance no 33/1934. –

(c) That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 2,35 metres of the lateral boundary common to any adjoining erf;"

Clause C.(c) consists of building lines as part of township establishment conditions. At the time zoning criteria was managed by the Administrator which is provincial government. The regulation of zoning criteria has since been transferred to municipalities. Spatial planning theory and policy has since the establishment of the township evolved significantly.

Land use rights with associated building restrictions on the property will continue to be governed by the Overstrand Municipality Land Use Scheme, 2020. The removal of Clause C.(c) will not result in uncontrolled development, as municipal planning regulations and systems will still provide the framework for building restrictions.

The removal of the restrictive title deed condition will allow for the building lines to be determined by the municipal zoning scheme and municipal procedures, thus reflecting the current procedures.

The existing covered stoep, pergola, carport and storage area proposed to be used as a garage on the application area exceeds the title deed building line restrictions, thus Clause C.(c) needs to be removed from T16281/2020 in order to allow for the existing structures.

"35. Requirements for amendment, suspension or removal of restrictive conditions

(4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:

(a) 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 are personal or vest in the person as the owner of a dominant tenement;"

Clause C.(c) of Title Deed T16281/2020 proposed to removed does not grant any rights, but rather a land use restriction with the purpose of managing building lines. The clause originated in 1969 and the Administrator was originally Provincial Government, but has since been replaced by the Municipality. Building lines are now controlled by the municipal Land Use Scheme. Since building lines is still managed by the municipality, the proposed removal of the restrictive title deed condition does not have adverse impacts. Clause C.(c) of Title Deed T16281/2020 does not have a direct financial value. The removal of Clause C.(c) from Title Deed T16281/2020 will allow for existing covered stoep, pergola, carport and storage area (proposed garage) to be retained.

"(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;"

The restrictive condition, Clause C.(c) of Title Deed T16281/2020 is in favour of the township as a whole and manages building lines which protects the character of the area. Building lines are now controlled by the municipality, thus Clause C.(c) is considered redundant and procedurally cumbersome.

"(c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;"

The proposed removal of Clause C.(c) from Title Deed T16281/2020 will allow for the existing covered stoep, pergola, carport and storage (proposed garage) area to be retained.

"(d) the social benefit of the restrictive condition remaining in place in its existing form;"

Clause C.(c) of Title Deed T16281/2020 restricts building lines and thus manages the character of the area. The application proposal for a covered stoep, pergola, carport and garage on the application area side boundary is consistent with the character of the area. Building lines are also managed by the municipality, thus still protecting the character of the area and therefore there are no social benefit of the restrictive condition remaining in place.

"(e) the social benefit of the removal or amendment of the restrictive condition; and"

The removal of Clause C.(c) of Title Deed T16281/2020 will allow for an existing covered stoep, pergola, carport and storage area (proposed garage) on the application area which is a private property and does not impact on social benefits.

"(f) 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."

Clause C.(c) of Title Deed T16281/2020 is proposed to be completely removed, but does not grant any rights and does therefore not affect any rights.

<u>The determination of an administrative penalty</u>

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

(a) <u>The nature, duration, gravity and extent of the contravention</u>;

Additional areas exceeding building lines are as follows:

- Pergola: 6,2m^2
- Covered braai stoep: 9,5m^2
- Storage area: 18,8m^2
- Carport: 24,7m^2

(b) <u>The conduct of the person (allegedly) involved in the contravention</u>;

The contraventions were done by previous owners, therefore the details are not known. The unapproved structures appear to be present in 2016 satellite imagery.

(c) <u>Report by a quantity surveyor in matters of unauthorised building/construction;</u>

The quantity surveyor MS Consult provided as cost estimate for the structures exceeding building lines with a total cost of R122,437.

(d) <u>Whether the unlawful conduct was stopped</u>

The covered braai stoep, pergola, carport and storage area are still in place hence the application for the legalisation thereof.

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

We are not aware of any contraventions by the existing owner.

c. Desirability

The application proposal is considered desirable for the following reasons:

- The application proposal is compatible with the character of the area.
- The application proposal does not impact on views, privacy or light of neighbouring properties.

- The application proposal is considered consistent with the relevant policy documents with the exception of building lines which is being applied for.
- The legalisation of the existing covered stoep, pergola, carport and storage area (proposed to be used as a garage) exceeding the side building line is the most cost effective and resource efficient solution.

d. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

   Possible results of the development
   The application proposal is to legalise an existing covered stoep, pergola, carport and storage area (proposed garage) on a single residential property and will not impact on spatial justice.

   The application proposal is **consistent** with the principle of **spatial justice**.

2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

   Possible results of the development
   The application proposal is to legalise existing structures on a single residential property and will not impact on valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic or cultural landscapes.

   The application proposal is **consistent** with the principle of **spatial sustainability.**

3) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

   Possible results of the development
   The application proposal will allow for existing structures on a single residential property and will not impact on spatial structure or efficiency.

   The application proposal is **consistent** with the **efficiency principle**.

4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

   Possible results of the development
   The approval of the existing non-approved structures will avoid property and financial loss by the property owners.

   The application proposal is **consistent** with the principle of **spatial resilience.**

5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

   Possible results of the development
   Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.

   The application proposal is **consistent** with the principle of **good administration**.

5. Conclusion

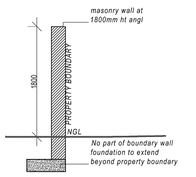
The application as motivated in this report is regarded **desirable** and consistent with the character of the area.

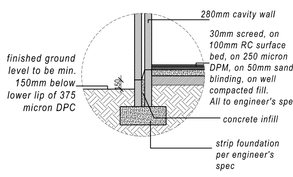
It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for the following:

- A permanent departure to relax the eastern side building line from 2m to 0m to allow for an existing covered stoep and pergola in terms of Chapter IV, Section 16(2)(b).
- A permanent departure to relax the western side building line from 2m to 0m to allow for an existing carport and propose garage in terms of Chapter IV, Section 16(2)(b).
- The removal of Condition C.(c) from Title Deed T16281/2020 in terms of Chapter IV, Section 16(2)(f).
- The determination of an administrative penalty in terms of Chapter IV, Section 16(2)(f).



LOCALITY PLAN | scale: nts





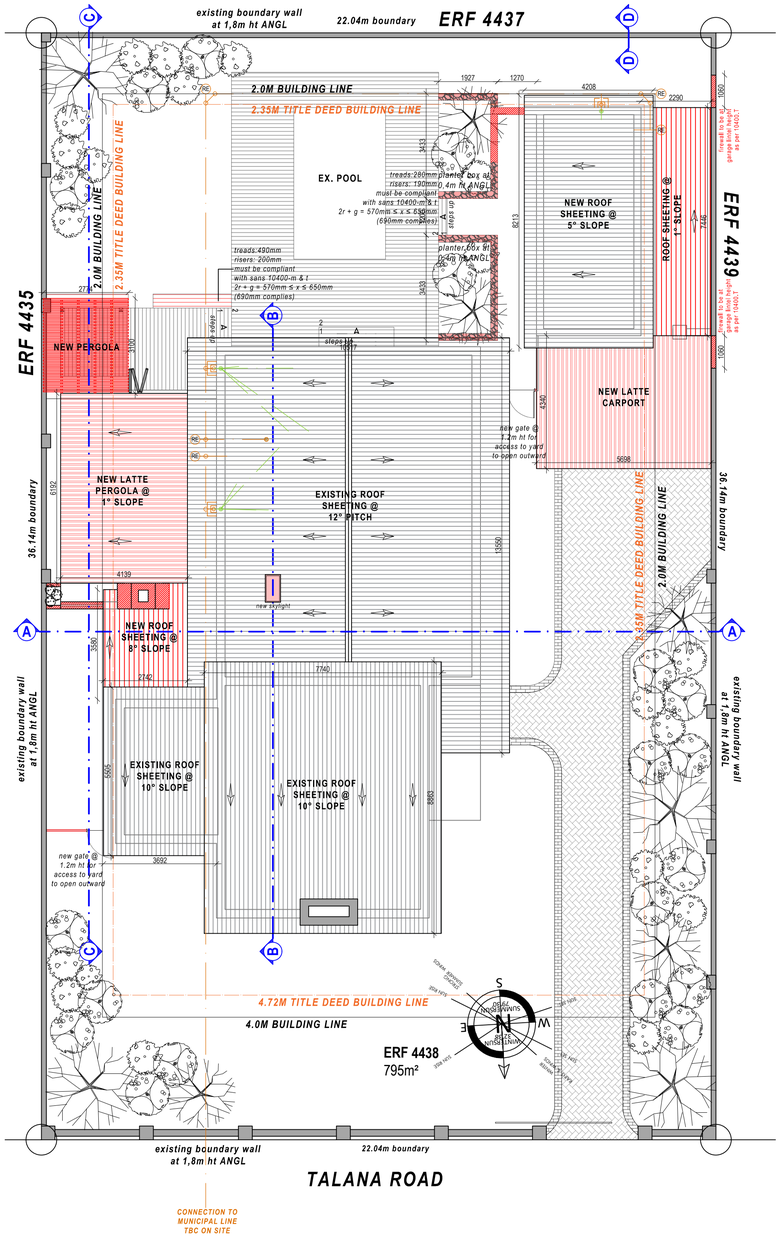
BOUNDARY WALL SECTION DD
scale 1:50

FOUNDATION DETAIL | scale 1:50

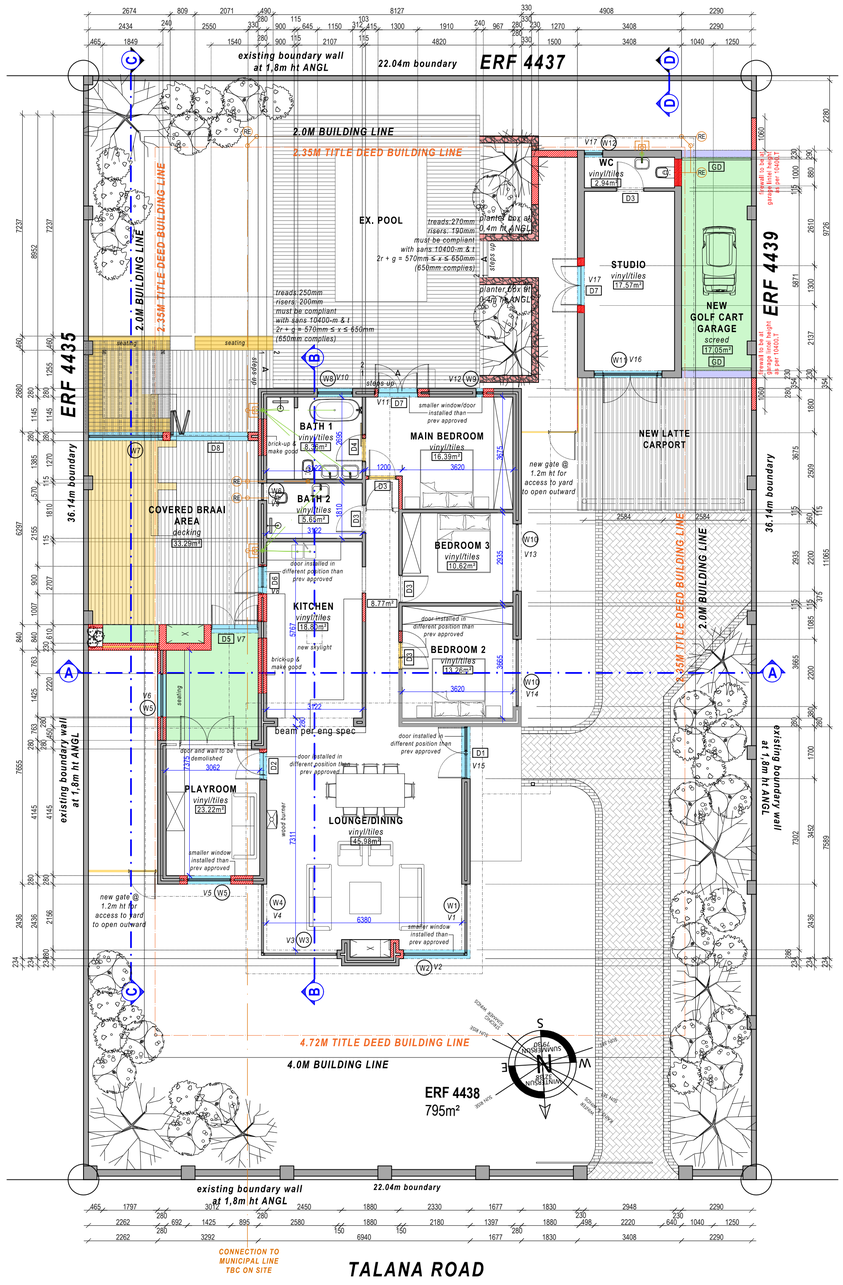


CONCEPT 3D VISUALS (not for construction) | scale:NTS

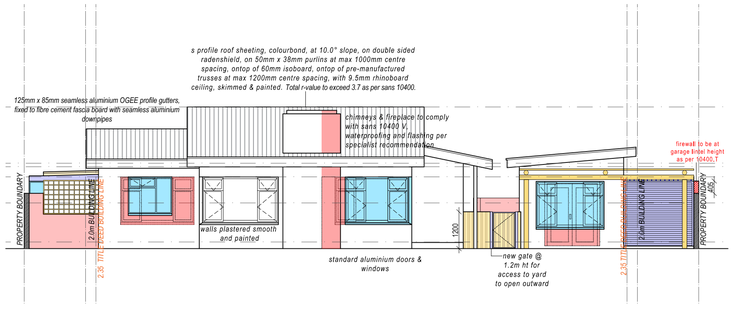




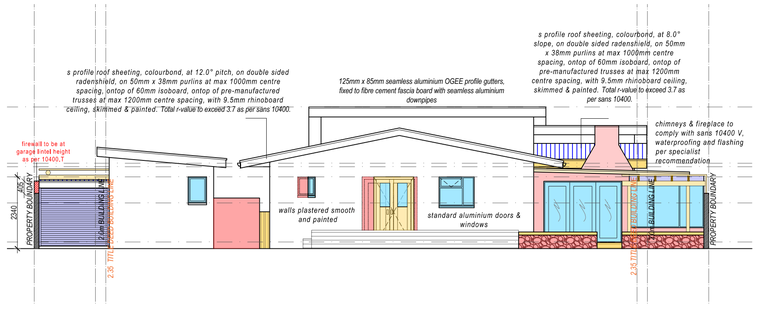
SITE PLAN LAYOUT | scale 1:100



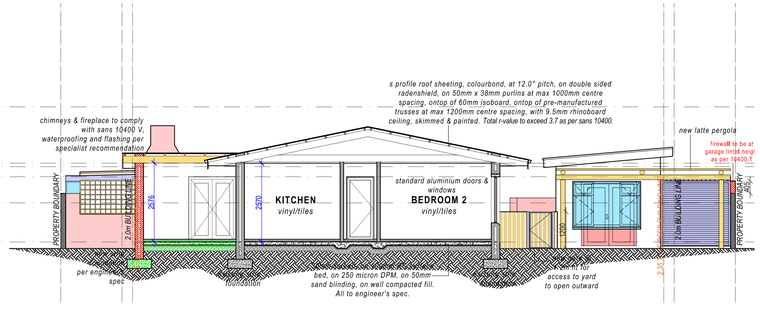
FLOOR PLAN LAYOUT | scale 1:100



NORTH ELEVATION | scale 1:100



SOUTH ELEVATION | scale 1:100



SECTION A-A | scale 1:100

BUILDING NOTES:
All work to comply with SANS 10400 and Building regulations. All works to be in accordance with local municipal authorities' regulations.
Figured dimensions to be taken in preference to scaled dimensions. All levels and dimensions to be checked on site before building work commences. Contractors shall be deemed to have acquainted themselves with site conditions prior to Commencement of work.

LEVELS: Levels and dimensions: The building are to be laid out and erected in the position and to the levels as indicated on the plan & site layout plan.
The contractor, sub-contractors and suppliers must verify all dimensions and levels on-suite before commencing any work.

Land surveyor to confirm all boundary pegs and to check all levels before construction commences.
Top soil shall be removed from the area to be build upon, all grading leveling to be done by contractor.

MATERIALS: Material used in the erection of a building shall be suitable for the purpose for which it is to be used.

TIMBER: All timber used in the erection of a building shall be treated against termite and wood borer attack and fungal decay in accordance with the requirements of SANS 10005 and shall bear the product certification mark of a body certified by the south african national accreditation system.

BUILDING ELEMENTS: The construction of any building element shall be such that building element as constructed does not comprise the design intent of any design solution that satisfies the design requirement of a functional regulation.

FINISH FLOOR LEVEL: Finished floor level of dwelling to be min. of 250mm above back of footway level at sewer connection. It is recommended that garage floor level min of 170mm above back of footway level at driver entrance if any.

OTHER: Floors in any laundry, kitchen, shower room, bathroom or room containing a toilet pan or urinal must comply with sans 10400 J. Any combustible material to be 200mm away from chimney flue.

The requirements of the national by-laws and any other applicable authority must be complied with. The builders must comply with the NHBRC by-laws.

All reinforced concrete slabs and stairs are to be cast strictly to structural engineer's specifications and details. All stairs are to be reinforced concrete with risers not exceeding 180mm and treads not less than 195mm wide.

PAINT: All painted colours to external side of dwelling must first be applied to wall with a 1sqm sample and be approved by client before applying to wall.

ROOF INSULATION: All roofs shall achieve a minimum R-Value of 3.7 in accordance with SANS 10400: PART XA ED2

SHOULD PV SYSTEM BE INSTALLED: PV SYSTEM TO BE FLUSH WITH ROOF SHEETING.

SURFACE AREA

ERF SIZE	=	795m²
MAIN DWELLING	=	174.95m²
COVERED BRAAI AREA	=	38.34m²
STUDIO	=	25.37m²
GOLF CART GARAGE	=	17.05m²
TOTAL SURFACE AREA	=	**255.71m²**

COVERAGE

PERMITTED COVERAGE (50%)	=	397.5m²
MAIN DWELLING	=	22%
COVERED BRAAI AREA (N/A)	=	4.82%
STUDIO	=	3.19%
GOLF CART GARAGE	=	2.14%
TOTAL SURFACE AREA	=	**27.33%**
TOTAL ADDITIONS	=	**51.28m²**

PROJECT HOUSE STRAUSS
ERF 4438
14 TALANA ROAD
northcliff | 7200

OWNER: STRAUSS

ADDITIONS & ALTERATIONS

THIS DOCUMENT SHOULD NOT BE USED FOR ANY OTHER PURPOSE THAN THAT WHICH PREPARED FOR AND WHICH COMMISSIONED FOR ©

DRAWING
site locality, site plan, floor plan, elevations, section, details

scale: see labels .
do not scale when printing (A1)

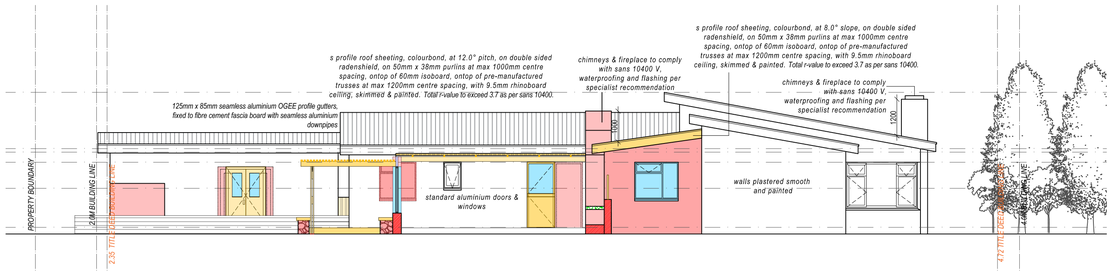
DATE 09 July 2026
DWG NO 2621 **REV** 01
DRAWN avz **CHECKED** jb

signed: date:

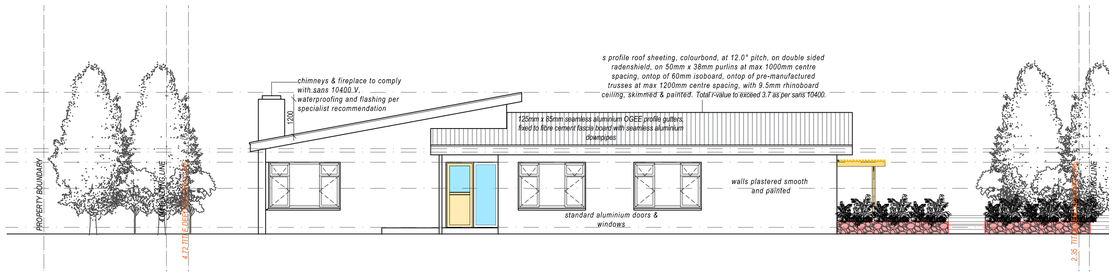
OWNERS: STRAUSS

FOR MUNICIPAL APPROVAL PG 1/2

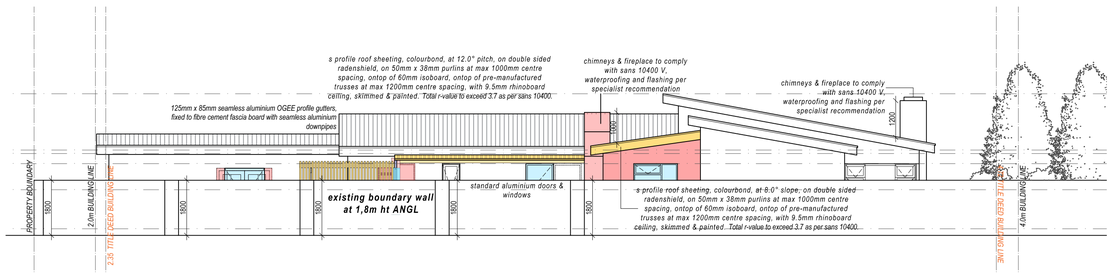
DESIGNATELJEE
(+27) 072 856 6994 | JANESKE@DESIGNATELJEE.CO.ZA
8 FIBANT CRESCENT, SANDBAAI, HERMANUS, 7200
WWW.DESIGNATELJEE.CO.ZA
DIRECTORS: JANESKE BRITS, PAD 4295782/4 (SACAP)
HANNES COETZEE, PR ARCH T 71467 (SACAP)



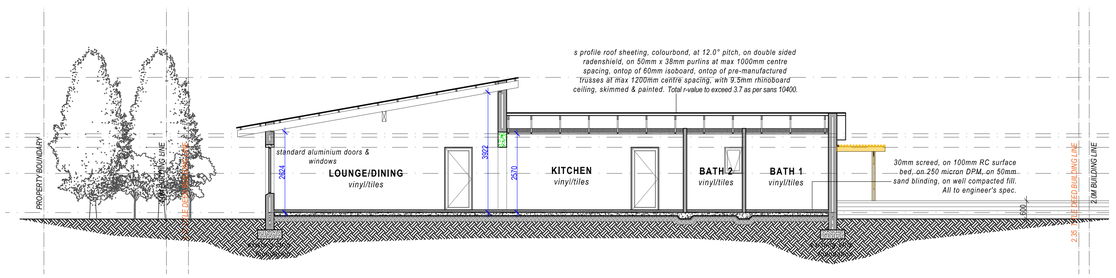
EAST ELEVATION | scale 1:100



WEST ELEVATION | scale 1:100



EAST ELEVATION WITH BOUNDARY WALL | scale 1:100



SECTION C-C | scale 1:100

HOUSE STRAUSS | ERF 4438 | 14 TALANA STREET | NORTHCLIFF

SANS 10400 XA CALC 2021

FENESTRATION % CALCULATION

AREA OF GLAZING ELEMENT (m^2)	31,73
NETT FLOOR AREA (Excl GARAGE) (m^2)	154,9
GLAZING/ NETT FLOOR AREA	**20,48%**
U-VALUE SOLUTION: 4,40 required	**≤25%**

NO GLAZING ELEMENT TO HAVE LOW-E GLAZING

SHGC	
SHGC MAX ALLOWANCE : SHADED	0,66
SHGC MAX ALLOWANCE : NON-SHADED	0,49

1,1 HORIZONTAL CEILING + METAL CLADDING

CODE VALUE (F3 TABLE)	0,38
DBL SIDED RADENSHIELD (SISALATION 420)	1,36
135mm ISOTHERM:	2,33
10mm RHINOBOARD CEILING	0,06
TOTAL R-VALUE	**4,13**

Req = 3.7 R-Value = COMPLIES

ROOM/STOREY DESCRIP.		Net Floor Area (m^2)	154,9	Max. allowable Conductance U-VALUE	5,20	
GROUND FLOOR		Climatic Zone	2	Max. allowable Solar Heat Gain	0,66 (SHADED)	0,49 (NON-SHADED)

SIZES OF GLAZING ELEMENTS | **CONDUCTANCE** | **SOLAR HEAT GAIN**

ID. Window Door	WINDOW DOOR	Orientation	Glazing Element Width	Height	A m^2	Glass Type 1 to 8	Glass Description	U U-Value	COMPLIANCE	P Hor. dim shade devise If lintol to shade device	H Vert dim base of glazing element to bot shade device	TABLE 3 MULTIPLIER (PG19)		SHADED ELEMENT	S SHGC	COMPLIANCE
EXTG	V1	S	2,3	1,5	3,45	1	SNGL- CLEAR (TIMBER)	5,2	PREV APPROVED	0,45	1,85	0,54	0,999	NONE	0,51	PREV APPROVED
NEW	V2	W	2,1	1,5	3,15	1	ENVIROSOL NC60 GREY- CLEAR (TIMBER)	5,2	YES	0,45	1,85	0,54	0,999	NONE	0,47	YES
EXTG	V3	W	2,4	1,5	3,60	1	SNGL- CLEAR (TIMBER)	5,2	PREV APPROVED	0,45	1,85	0,54	0,999	NONE	0,51	PREV APPROVED
EXTG	V4	N	2,3	1,5	3,45	1	SNGL- CLEAR (TIMBER)	5,2	PREV APPROVED	0,45	1,85	0,54	0,999	NONE	0,51	PREV APPROVED
NEW	V5	W	1,425	1,2	1,71	1	ENVIROSOL NC60 GREY- CLEAR (TIMBER)	5,2	YES	0,45	1,55	0,54	0,837	NONE	0,47	YES
NEW	V6	N	1,425	1,2	1,71	1	ENVIROSOL NC60 GREY- CLEAR (TIMBER)	5,2	YES	0,45	1,55	0,54	0,837	NONE	0,47	YES
NEW	V7	E	1,54	1	1,54	1	SNGL- CLEAR (TIMBER)	4,3	YES	6,4	1,35	0,54	0,729	SHADED ELEMENT	0,51	YES
NEW	V8	NE	0,85	1	0,85	1	SNGL- CLEAR (TIMBER)	4,3	YES	5,8	1,35	0,54	0,729	SHADED ELEMENT	0,51	YES
EXTG	V9	NE	0,57	0,85	0,48	1	SNGL- CLEAR (TIMBER)	4,3	PREV APPROVED	5,8	1,2	0,54	0,648	SHADED ELEMENT	0,51	PREV APPROVED
NEW	V10	E	1,15	0,95	1,09	1	ENVIROSOL NC60 GREY- CLEAR (TIMBER)	5,2	YES	0,45	1,3	0,54	0,702	NONE	0,47	YES
NEW	V11	SE	1,3	1	1,30	1	ENVIROSOL NC60 GREY- CLEAR (TIMBER)	5,2	YES	0,45	1,35	0,54	0,729	NONE	0,47	YES
NEW	V12	SE	0,24	0,95	0,23	1	ENVIROSOL NC60 GREY- CLEAR (TIMBER)	5,2	YES	0,45	1,3	0,54	0,702	NONE	0,47	YES
EXTG	V13	S	2,2	1,5	3,30	1	SNGL- CLEAR (TIMBER)	4,3	PREV APPROVED	0,95	1,85	0,54	0,999	NONE	0,51	PREV APPROVED
EXTG	V14	S	2,2	1,5	3,30	1	SNGL- CLEAR (TIMBER)	4,3	PREV APPROVED	0,95	1,85	0,54	0,999	NONE	0,51	PREV APPROVED
NEW	V15	S	1,6	1,6	2,56	1	ENVIROSOL NC60 GREY- CLEAR (TIMBER)	5,2	YES	2,68	1,95	0,54	1,053	SHADED ELEMENT	0,47	YES
					31,73											

m^2

FENESTRATION % CALCULATION

AREA OF GLAZING ELEMENT (m^2)	4,72
NETT FLOOR AREA (Excl GARAGE) (m^2)	20,5
GLAZING/ NETT FLOOR AREA	**23,01%**
U-VALUE SOLUTION:5,20 required	**≤25%**

NO GLAZING ELEMENT TO HAVE LOW-E GLAZING

SHGC	
SHGC MAX ALLOWANCE : SHADED	0,49
SHGC MAX ALLOWANCE : NON-SHADED	0,4

1,1 HORIZONTAL CEILING + METAL CLADDING

CODE VALUE (F3 TABLE)	0,38
DBL SIDED RADENSHIELD (SISALATION 420)	1,36
135mm ISOTHERM:	2,33
10mm RHINOBOARD CEILING	0,06
TOTAL R-VALUE	**4,13**

Req = 3.7 R-Value = COMPLIES

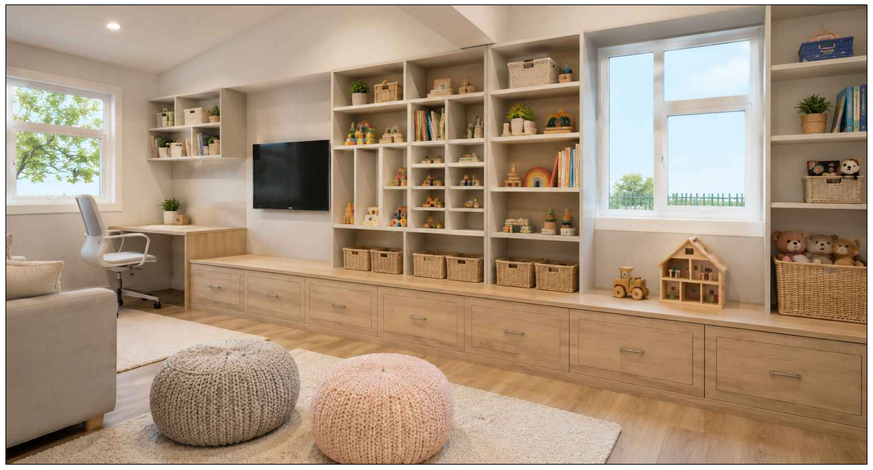
ROOM/STOREY DESCRIP.		Net Floor Area (m^2)	20,5	Max. allowable Conductance U-VALUE	3,80	
STUDIO		Climatic Zone	2	Max. allowable Solar Heat Gain	0,49 (SHADED)	0,40 (NON-SHADED)

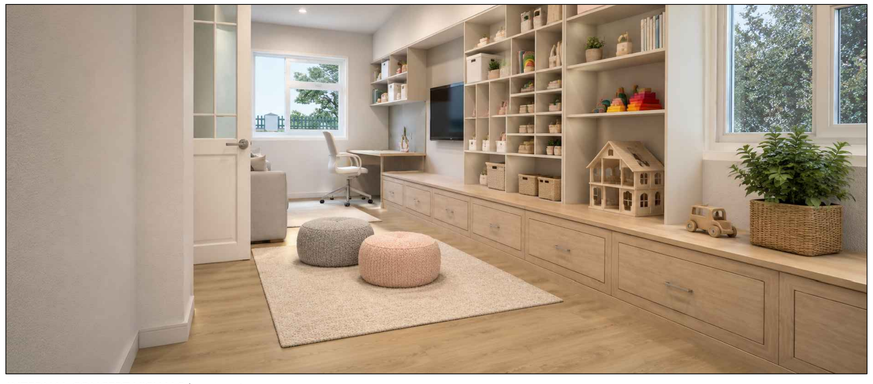
SIZES OF GLAZING ELEMENTS | **CONDUCTANCE** | **SOLAR HEAT GAIN**

ID. Window Door	WINDOW DOOR	Orientation	Glazing Element Width	Height	A m^2	Glass Type 1 to 8	Glass Description	U U-Value	COMPLIANCE	P Hor. dim shade devise If lintol to shade device	H Vert dim base of glazing element to bot shade device	TABLE 3 MULTIPLIER (PG19)		SHADED ELEMENT	S SHGC	COMPLIANCE
NEW	V16	W	2,22	1,4	3,11	2	SNGL- CLEAR (ALLUM)	5,2	YES	4,42	1,55	0,54	0,837	SHADED ELEMENT	0,47	YES
NEW	V17	N	1,1	1	1,10	2	SNGL- CLEAR (ALLUM)	5,2	YES	0,4	1,45	0,54	0,783	NONE	0,47	YES
NEW	V18	S	0,6	0,85	0,51	2	SNGL- CLEAR (ALLUM)	5,2	YES	0,4	1,3	0,54	0,702	NONE	0,47	YES
					4,72											

m^2

XA CALCULATIONS | scale: nts





INTERNAL CONCEPT VISUALS | scale: nts

BUILDING NOTES:
All work to comply with SANS 10400 and Building regulations. All works to be in accordance with local municipal authorities' regulations.
Figured dimensions to be taken in preference to scaled dimensions. All levels and dimensions to be checked on site before building work commences. Contractors shall be deemed to have acquainted themselves with site conditions prior to Commencement of work.

LEVELS: Levels and dimensions: The building are to be laid out and erected in the position and to the levels as indicated on the plan & site layout plan.
The contractor, sub-contractors and suppliers must verify all dimensions and levels on-suite before commencing any work.

Land surveyor to confirm all boundary pegs and to check all levels before construction commences.
Top soil shall be removed from the area to be build upon, all grading leveling to be done by contractor.

MATERIALS: Material used in the erection of a building shall be suitable for the purpose for which it is to be used.

TIMBER: All timber used in the erection of a building shall be treated against termite and wood borer attack and fungal decay in accordance with the requirements of SANS 10005 and shall bear the product certification mark of a body certified by the south african national accreditation system.

BUILDING ELEMENTS: The construction of any building element shall be such that building element as constructed does not comprise the design intent of any design solution that satisfies the design requirement of a functional regulation.

FINISH FLOOR LEVEL: Finished floor level of dwelling to be min. of 255mm above back of footway level at sewer connection. It is recommended that garage floor level min of 170mm above back of footway level at driver entrance if any.

OTHER: Floors in any laundry, kitchen, shower room, bathroom or room containing a toilet pan or urinal must comply with sans 10400 J. Any combustible material to be 200mm away from chimney flue.

The requirements of the national by-laws and any other applicable authority must be complied with. The builders must comply with the NHBRC by-laws.

All reinforced concrete slabs and stairs are to be cast strictly to structural engineer's specifications and details. All stairs are to be reinforced concrete with risers not exceeding 180mm and treads not less than 195mm wide.

PAINT: All painted colours to external side of dwelling must first be applied to wall with a 1sqm sample and be approved by client before applying to wall.

ROOF INSULATION: All roofs shall achieve a minimum R-Value of 3.7 in accordance with SANS 10400: PART XA ED2

SHOULD PV SYSTEM BE INSTALLED: PV SYSTEM TO BE FLUSH WITH ROOF SHEETING.

SURFACE AREA

ERF SIZE	=	795m²
MAIN DWELLING	=	174.95m²
COVERED BRAAI AREA	=	38.34m²
STUDIO	=	25.37m²
GOLF CART GARAGE	=	17.05m²
TOTAL SURFACE AREA	=	**255.71m²**

COVERAGE

PERMITTED COVERAGE (50%)	=	397.5m²
MAIN DWELLING	=	22%
COVERED BRAAI AREA (N/A)	=	4.82%
STUDIO	=	3.19%
GOLF CART GARAGE	=	2.14%
TOTAL SURFACE AREA	=	**27.33%**
TOTAL ADDITIONS	=	**51.28m²**

PROJECT HOUSE STRAUSS
ERF 4438
14 TALANA ROAD
northcliff | 7200

OWNER: STRAUS

ADDITIONS & ALTERATIONS

THIS DOCUMENT SHOULD NOT BE USED FOR ANY OTHER PURPOSE THAN THAT WHICH PREPARED FOR AND WHICH COMMISSIONED FOR ©

DRAWING
site locality, site plan, floor plan, elevations, section, details

scale: see labels .
do not scale when printing (A1)

DATE 09 July 2026
DWG NO 2621 **REV** 01
DRAWN avz **CHECKED** jb

signed: date:

OWNERS: STRAUSS

FOR MUNICIPAL APPROVAL PG 2/2

DESIGNATELJEE
(+27) 072 856 6994 | JANESKE@DESIGNATELJEE.CO.ZA
8 FISANT CRESCENT, SANDBAAI, HERMANUS, 7200
WWW.DESIGNATELJEE.CO.ZA
DIRECTORS: JANESKE BRITS, PAD 4295824 (SACAP)
HANNES COETZEE, PR.ARCH T 71467 (SACAP)