

OVERSTRAND MUNISIPALITEIT
ERF 10323, MOSSELPAD 2, HERMANUS: AANSOEK
OM OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDES, AFWYKING & BEPALING
VAN 'N ADMINISTRATIEWE BOETE: MINRE WRAP
PROJECT OFFICE NAMENS JURDEN SCHUURMAN
PROPERTIES (PTY) LTD

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 10323, Hermanus naamlik:

Opheffing van 'n Beperkende Titelaktevoorwaarde

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes D.5. (b), (c) & (d), soos vervat in Titelakte T123919/2004 van die eiendom ten einde die bestaande kragopwekkers in hul huidige posisie te akkommodeer.

Afwyking

Aansoek ingevolge Artikel 16(2)(b) van die Verordening vir die verslapping van die suidelike straatboulyn vanaf 5m na 0m en 2.5m om die bestaande onderdak bystand kragopwekkers te akkommodeer.

Bepaling van 'n administratiewe boete

Aansoek ingevolge Artikel 16(2)(q) van die Verordening vir die bestaande strukture op die eiendom.

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

Enige kommentaar op die voorstel moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en moet die Munisipaliteit (Patersonstraat 16, Hermanus / (e) loretta@overstrand.gov.za) bereik voor of op **13 Desember 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, **Mev. H van der Stoep** by 0283138900.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 173/2024

OVERSTRAND MUNICIPALITY
ERF 10323, 2 MUSSEL ROAD, HERMANUS,
OVERSTRAND MUNICIPAL AREA: APPLICATION FOR
REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT
OFFICE ON BEHALF OF JURDEN SCHUURMAN
PROPERTIES (PTY) LTD

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 10323, Hermanus namely:

Removal of a Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions D.5. (b), (c) & (d), as contained in Title Deed T123919/2004 of the property in order to accommodate the existing generators to remain in their current position.

Departure

Application in terms of Section 16(2)(b) of the By-Law to accommodate the relaxation of the southern street building line from 5m to 0m and 2.5m to allow the existing covered backup generators.

Determination of an administrative penalty

Application in terms of Section 16(2)(q) of the By-Law for the existing structures on the property.

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

Any comments on the proposal must be in writing in accordance with Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before, **13 December 2024**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Senior Town Planner, **Mrs. H van der Stoep** at 0283138900.

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

Municipal Notice No. 173/2024

UMASIPALA WEOVERSTRAND
ISIZA 10323, 2 MUSSEL ROAD, HERMANUS,
UMMANDLA WOMASIPALA WASE-OVERSTRAND:
ISICELO SOKUSUSWA KWEZITHINTELO
NGOKWEMIGAQQ, SOKUNYENISWA
NOKUGQITYWA KWESOHLWAYO: WRAP PROJECT
OFFICE EGAMENI LIKA JURDEN SCHUURMAN
PROPERTIES (PTY) LTD

Isaziso sinikwe apha ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), kwezi cicelo zilandelayo zisebenza ku-isiza 10323, eHermanus ezizezi:

Ukususwa kweMiqathango yeSivumelwano soBunini esiThintelweyo

Isicelo ngokweCandelo le-16(2)(f) loMthetho kaMasipala wokususwa kwemiqathango yesiqinisekiso setayitile engu-D.5. (b), (c) & (d). njengoko kuqulethwe kwi-itayitile T123919/2004 sepropati ukuze kuhlaliswe ijenereryitha ezikhoyo ukuze zihlale kwindawo ezikuyo ngoku.

Ukutenxa

Isicelo ngokweCandelo le-16 (2)(b) loMthetho kaMasipala ukulungiselela ukunyenyiswa komgca wokwakha isitalato esisemazantsi ukusuka kwi-5m ukuya kwi-0m kunye ne-2.5m ukuvumela ijenereryitha ezikhoyo ezigqunyiweyo.

Ukumiselwa kwesohlwayo solawulo

Isicelo ngokweCandelo le-16(2)(q) loMthetho kaMasipala wezakhiwo ezikhoyo kwipropati.

Iinkcukacha ngesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxsha eveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu kwa-16 Paterson Street, Hermanus.

Naziphi na izimvo ezibhaliweyo zingangeniswa ngokungqinelana nemigaqo yeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi koko **13 EyoMnga 2024**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa, **kuMrs. H van der Stoep** apha 0283138900.

uMphathi kaMasipala, Umasipala iOverstrand, Ibhokisi yePosi 20, HERMANUS, 7200

Inombolo yesaziso 173/2024



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
MSDF	Overstrand Spatial Development Framework, 2020
IND1	Industrial Zone 1: General Industry

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 10323 Hermanus
Extent	5 066m ²
Zoning	Industrial Zone 1: General Industry

3. BACKGROUND AND INTENT

Erf 10323 Hermanus, hereafter referred to as the subject property, is located at 2 Mussel Road, Hermanus (refer to **Plan 1 - Locality Plan**). The property owners have appointed WRAP Project Office to submit a land use application on their behalf (refer to **Annexure A - Power of Attorney**).

The property contains an industrial building that is divided into smaller industrial units, which are rented out. Due to the ongoing electricity inconsistency in the country, two of these tenants have installed backup generators to the property to assist during loadshedding.

These generators were placed in areas that are out of the way and do not affect the daily operations of the property. However, their locations fall within the building line restrictions stipulated by both the title deed and the Overstrand Municipality Land Use Scheme (OMLUS). Therefore, it is necessary to approach the municipality to obtain consent for the generators to remain in their current positions.

As mentioned, the generators are located within the street building line. The title deed restricts any building or part thereof within the street building lines, which is why the removal of this restrictive condition is being proposed.

As a result, approval of the following applications is required:

- Removal of the restrictive title deed conditions D(5)(b), D(5)(c) and D(5)(d);
- Permanent departure from the street building line to allow the existing covered generators; and
- Determination of an administrative penalty.



4. PROCEDURE TO ACHIEVE THE OWNERS' INTENT

WRAP compiled this report to ensure that the owners' requirements are met the following is proposed:

4.1 Removal of restrictive title deed conditions to accommodate the placement of the backup generators.

There are three title deed conditions that restrict the land use rights of the property and are more restrictive than the development parameters of the OMLUS. The rationale for the removal of these conditions is discussed below:

Restrictive Title Deed Condition
<p>Condition D(5)</p> <p><i>"This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose –"</i></p> <p><i>"(b) this erf shall be used for industrial purposes only save that in connection with such purposes accommodation may be provided for use by any caretaker. No noxious, offensive, unhealthy or dangerous trade or industry shall be conducted on this erf."</i></p> <p><i>"(c) (1) not more than three-quarters of the area of this erf be built upon (2) for the purpose of loading or unloading vehicles there shall be left on this erf a space or spaces amounting to not less than –</i></p> <p style="padding-left: 40px;"><i>(i) 20% of the total floor area of the building, or (ii) 25% of the area of the erf on which the building is to be erected, whichever is the lesser, and the linear dimensions of such space or spaces shall be such that the shortest distance measured at right angles between any two sides thereof is in no case less than 7,78 metres;</i></p> <p style="padding-left: 40px;"><i>Such space or spaces shall have vehicular access to a street which form of access shall not be less than 4, 72 metres wide and, if carried through a building, not less than 3,05 metres in height."</i></p> <p><i>"(d) no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 7,87 metres to the street line which forms a boundary of this erf."</i></p>

The abovementioned conditions prohibit the property from being developed as permitted by the OMLUS, as they are more restrictive. The rationale for removing the restrictive title deed conditions is to enable the owners to keep the generators in their current positions, as highlighted in Section 3 of this report. The reasoning for the removal of these restrictive title deed conditions will be discussed in detail in Section 7 of this report.

4.2 Permanent Departure from the 5m southern street building line to 0m & 2,5m to allow the existing covered backup generators.

As discussed in Section 3 of the motivational report, the industrial property is divided into separate units that are being rented out. Due to the ongoing electricity crisis, two of the tenants were required to install backup generators. Although the situation has improved in the past few months, it is unclear if normal electricity supply will resume. Refer to the figure below that illustrates the position of the covered generators:

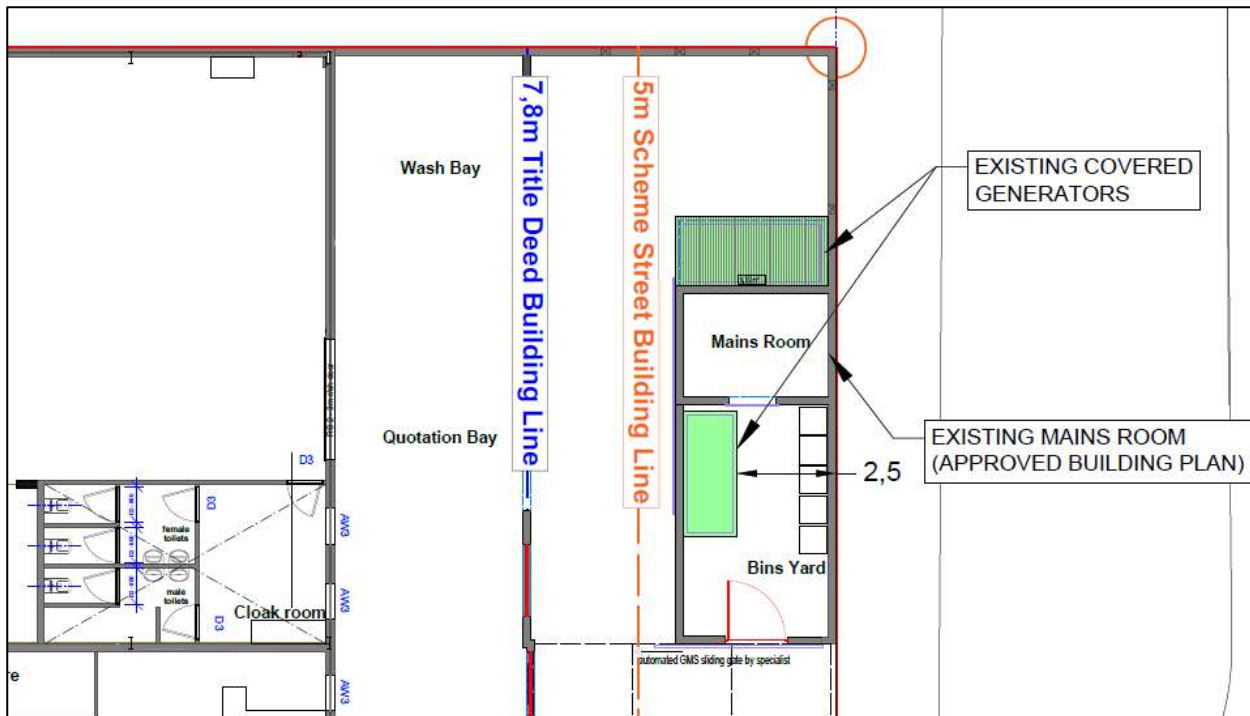


Figure 1: Existing generator positions (Extract Plan 3)

The generators were placed within the building line as it was considered the best position and essential due to the space constraints and functional requirements of the industrial property. The property is fully utilised, leaving limited available space for additional installations.

The designated area within the building line offers the most practical and accessible location for the generators, ensuring they can be efficiently maintained and serviced. Furthermore, this placement allows the generators to be positioned near the units they serve, minimising the length of cabling and reducing energy loss. This proximity enhances the reliability of power supply during outages, ensuring continuous operations for the tenants.

Additionally, locating the generators within the building line minimises disruption to the daily operations of the property. The generators are positioned away from high-traffic areas and loading zones, which reduces the risk of interference with activities and ensures the safety of workers and the equipment. By keeping the generators out of these critical operational zones, the property can maintain its functionality without compromising on safety or efficiency.



In terms of impact on the surrounding area, modern generators have noise reduction technology and vibration dampening features. Visually, the generators are placed in a location that minimizes their visibility from the street and surrounding properties, with the existing boundary walls and walls of the refuse area screening the generators.

The installation of the generators was also done by professionals to ensure they comply with all relevant safety standards and regulations, ensuring there is no risk to the surrounding area from emissions, electrical hazards, or fire risks. Regular maintenance schedules are followed to further reduce any potential concerns. Moreover, by ensuring that the industrial units remain operational during power outages, the generators contribute to the economic stability of the area. This benefits not only the tenants but also the broader community by maintaining jobs and services.

Lastly, the generators are considered a temporary and reversible solution. Should the electricity situation stabilise in the future, they can be easily relocated or removed, further reducing any long-term impact on the surrounding area. This flexibility, combined with the other mitigating factors, supports the case for allowing the generators within the building line without negatively affecting the local environment.

4.3 Determination of an administrative penalty

The owners, as mentioned in Section 3 of this report, are currently in the process of rectifying the contravention by submitting this application. During the process of submitting building plans, it was discovered that approval is required for the generators inside the building line.

In addition to the above, there have been no complaints from neighbouring property owners regarding the existing generators or its use. This indicates that the contravention is not causing any significant harm or disruption to the surrounding neighbours.

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is of importance to include an application for the determination of an administrative penalty. It is however requested that the administrative penalty be waived. The owners are actively engaged in rectifying the contravention that occurred prior to their knowledge about it being unlawful. Their proactive approach demonstrates a commitment to compliance with regulations and rectifying any issues promptly. Waiving the penalty would acknowledge and encourage such responsible behaviour.

Furthermore, as previously mentioned, it is not predicted to have a negative impact on the surrounding properties as their owners have become accustomed to the placement and position of the structure.

Section 90(3) of the By-law requires the following information:

The nature, duration, gravity and extent of the contravention

Section 4.1 indicates the nature and gravity of the additions that were added without prior approval. The total extent of the unlawful use of the generators are:

Existing generators	±11m ²
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It should be noted that the existing generators were installed in a time when the electricity problem was at its worst, coming as a big expense to ensure the operation of the tenants are not disrupted.

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

The owners were responsible for ensuring that there were no contraventions in terms of the By-Law, but it is important to note that no malicious intent was found in their actions and the owners aim to rectify the contravention by obtaining consent for the generators being placed over the building line and removing the restrictive title deed conditions.

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

Due to the small-scale nature of the use change, no quantity surveyor was involved.

Whether the unlawful conduct was stopped

The generators have been installed and the purpose of the application is to obtain approval for the applications to legalise their placement.

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

To the knowledge of this office, the property owners have not previously contravened the By-Law.

5. LAND USE ENVIRONMENT

The subject property is located in the established Hermanus industrial area. The property is surrounded by other Industrial properties and adjacent to Residential Zone 1: Single Residential properties and Public Streets. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

6. TITLE DEED

Title deed T123919/2004 (refer **Annexure B**) was perused and there are three restrictive conditions that require removal to allow the existing generators to remain in their current position.

Title deed restrictions

Condition D(5)

"This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after consultation with the Townships Board and the Local Authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose –"

"(b) this erf shall be used for industrial purposes only save that in connection with such purposes accommodation may be provided for use by any caretaker. No noxious, offensive, unhealthy or dangerous trade or industry shall be conducted on this erf."



“(c) (1) not more than three-quarters of the area of this erf be built upon
(2) for the purpose of loading or unloading vehicles there shall be left on this erf a space or spaces amounting to not less than –

- (i) 20% of the total floor area of the building, or
- (ii) 25% of the area of the erf on which the building is to be erected, whichever is the lesser, and the linear dimensions of such space or spaces shall be such that the shortest distance measured at right angles between any two sides thereof is in no case less than 7,78 metres;

Such space or spaces shall have vehicular access to a street which form of access shall not be less than 4, 72 metres wide and, if carried through a building, not less than 3,05 metres in height.”

“(d) no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 7,87 metres to the street line which forms a boundary of this erf.”

Motivation

The rationale for the proposed removal

The subject property is currently utilized as an industrial site, with the space divided into smaller, separate industrial units that are rented out. Given that the property is regulated by the OMLUS, which has clear and defined development parameters, the need for the more restrictive title deed conditions is redundant.

Title deed condition background

The restrictive title deed conditions were originally intended to protect the industrial character of the area ensuring that the type of uses is being limited. Any amendment or removal of these conditions require the consent of the Administrator. This authority now vests with the Overstrand Municipality.

Status quo

The OMLUS already controls and provides sufficient guidelines for the development and use of the property, making the additional restrictions imposed by the title deed unnecessary. Therefore, removing these restrictive conditions would allow for more efficient use of the property while still adhering to the municipality's regulations.

It is the current owners' responsibility to ensure that the property complies with the applicable legislation and the conditions of the title deed to be able to use the property as they intend to.

In terms of the requirements of Section 39(5)(a-f) of LUPA, the following is addressed

LUPA, Section 39(5) (a-f)	
<i>(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</i>	No person or entity will be affected financially by the removal of these restrictive title deed conditions.



MOTIVATION

<i>in the person as the owner of a dominant tenement;</i>	
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is personally benefitting from this condition as this condition is only restricting the owners.
<i>(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;</i>	The owners will benefit from the removal of the restrictive conditions, as it will allow the property to be regulated solely by the development parameters of the OMLUS.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i> <i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	These restrictive conditions do not provide social benefits.
<i>(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.</i>	There is no specific beneficiary of these conditions, and no person or entity will be affected if this is removed.

7. ZONING

The following zoning parameters were assessed in conjunction with the IND1 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(q) of the OM By-Law:



MOTIVATION

INDUSTRIAL ZONE 1: GENERAL INDUSTRY			
	Parameters	Proposal	Comply/ deviate
Primary use	Industry , Agricultural Industry, Builder's Yard, Caretaker's Accommodation, Factory Shop, Funeral Parlour, Heavy Vehicle Service Station, Industrial Café (Subject to the provisions of chapter 16.10), Motor Repair Garage, Service Trade, Service Station , Transmission Apparatus (Subject to the provisions of Chapter 16.10), Transport Use, Utility Services, Warehouse and Workshop .	<ul style="list-style-type: none"> • Industry • Motor Repair Garage • Service Trade • Service Station • Workshop 	Comply
Consent use	Abattoir, Adult Entertainment Business, Aquaculture, Business Premises, Crematorium, Dwelling Unit, Mining, Noxious Trade, Place of Assembly, Place of Entertainment, Place of Instruction, Recreational Facilities, Restaurant, Sale of Alcoholic Beverages and Scrap Yard.	N/A	N/A
Development parameters			
Floor factor	The maximum floor factor on the land unit shall not exceed 2.	0.5	Comply
Coverage	The maximum coverage for all buildings on the land unit shall not exceed 75%.	<u>Existing Structures</u> 2510.80m ² <u>Existing Coverage</u> 49.51%	Comply
Building lines	(i) The street building line shall be 5,0 m. (ii) The side and rear building line shall be 0 m. (iii) Where a land unit abuts a zone that is not an industry zone, the building lines of the particular zone, whichever is the greater, shall apply. (iv) Notwithstanding the above, the Municipality	(i) Permanent Departure from the 5m southern street building line to 0m & 2,5m to allow the existing covered backup generators. (ii) Comply (iii) N/A (iv) Noted	Deviate, motivated and applied for.



MOTIVATION

	<p>may stipulate greater building lines for considerations of public health and safety, fire control and in order to enforce any law or right.</p> <p>(v) The general building line exemptions in 16.1 apply.</p>	(v) Noted	
Height	<p>The maximum height of any building measured from the base level to the top of the structure is 12,0 m, provided that where a structure of greater height is required for the industrial function of the property, the Municipality may grant approval for such greater height.</p>	The existing dwelling adheres to the 12,0m height restriction.	Comply
Boundary walls	<p>A wall of 2,1 m high must be erected where a land unit has a common boundary with another land unit that is not zoned General Industry (IND1) or Risk Industry (IND2) or when hazardous substances are stored on site.</p>	N/A	
Setback	<p>(i) A setback of 8,0 m from the centreline of the road applies.</p> <p>(ii) Notwithstanding the above, the Municipality may stipulate a setback for considerations of public health and safety, fire control and in order to enforce any law or right.</p> <p>(iii) The provisions of 16.2 apply.</p>	Comply	Comply

8. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services. Solid waste is collected every week by the OM.



Access and Egress

Access and egress to the property is gained from Mussel Road and Industria Road.

9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66(1)(c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the owners. To achieve this, the owners are required to apply for a permanent departure from the building line and removal of restrictive title deed conditions.

Socio-economic impact	The permanent departure and removal of the restrictive title deed conditions are not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The proposal is to ensure the property complies with the OMLUS. It is not predicted that the proposal is out of line with the surrounding area as it has been present for some time.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health, and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

Impact on views, sunlight and character of the area

The subject property is located in a residential setting and the structure is existing. The adjacent property owners are accustomed to the structures, and it is not predicted to affect any surrounding property owners. As motivated above, the generators are being screened by the existing boundary walls and refuse area walls.

Economic impact

The proposal is expected to have a long-term economic impact enabling the tenants to operate even when the electricity system is not consistent.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties.

Environmental impact

The subject property is not located within an environmentally important area.



10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

10.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to rectify a past contravention of the existing generator, is not predicted to influence past spatial injustices.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The proposed departure and removal of the restrictive conditions intend to ensure the subject property is utilised to its maximum capabilities.

Efficiency

This proposal is intended to maximise the usage of the subject property while also not being forced to remove the existing generators.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



12. EVALUATION

The purpose of submitting this application is to ensure that the necessary approvals are obtained for the placement of the backup generators within the building line, allowing the property to be compliant with the parameters of the OMLUS.

This application seeks to address the existing situation where the generators were installed in response to the electricity crisis, and their placement, while practical and necessary, currently contravenes the restrictive title deed conditions and OMLUS.

By removing these restrictions, the owners aim to align the property's use with the current regulatory framework while minimizing any impact on the surrounding area. Ultimately, this application balances the operational needs of the property with the legal requirements, ensuring continued functionality without compromising compliance.

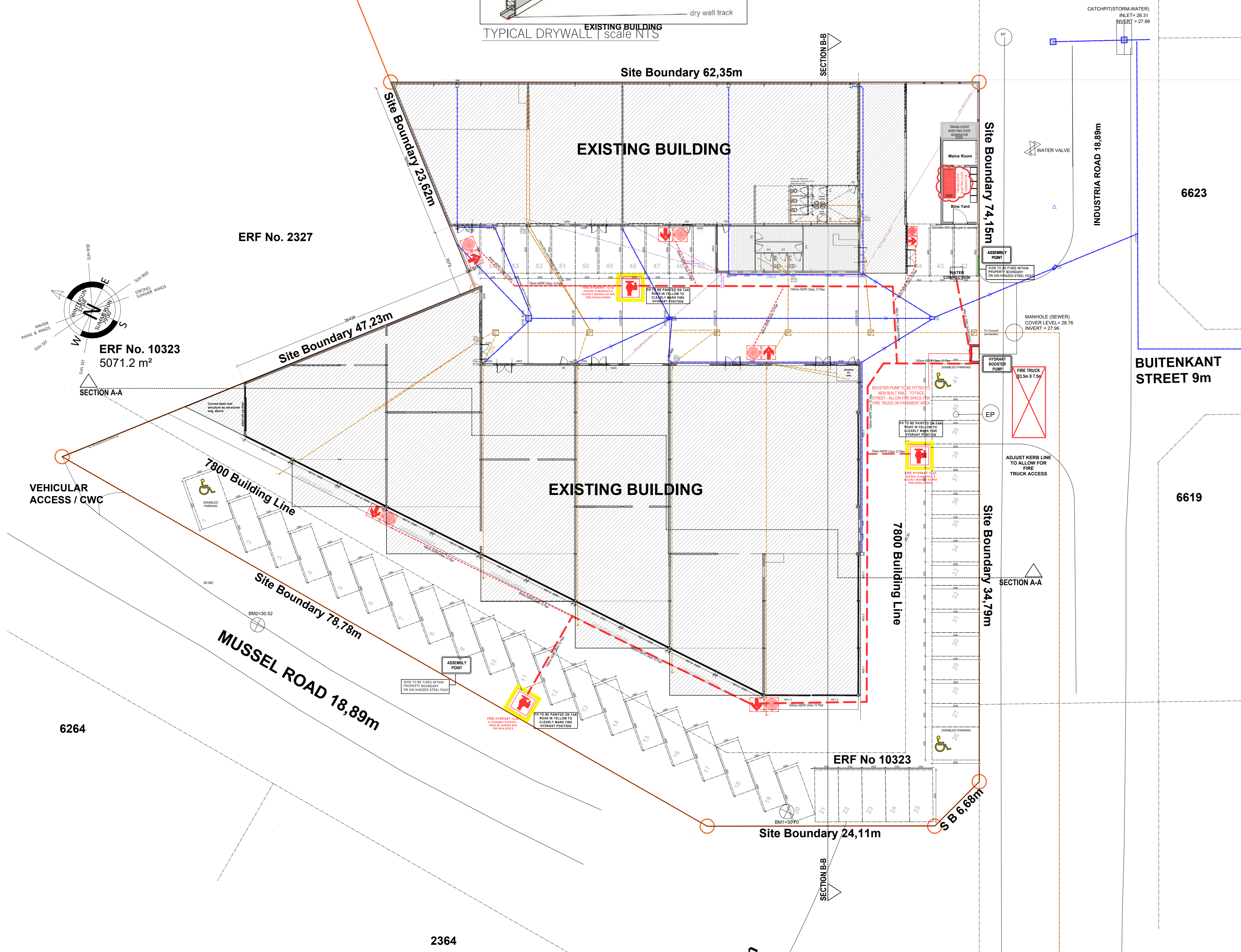
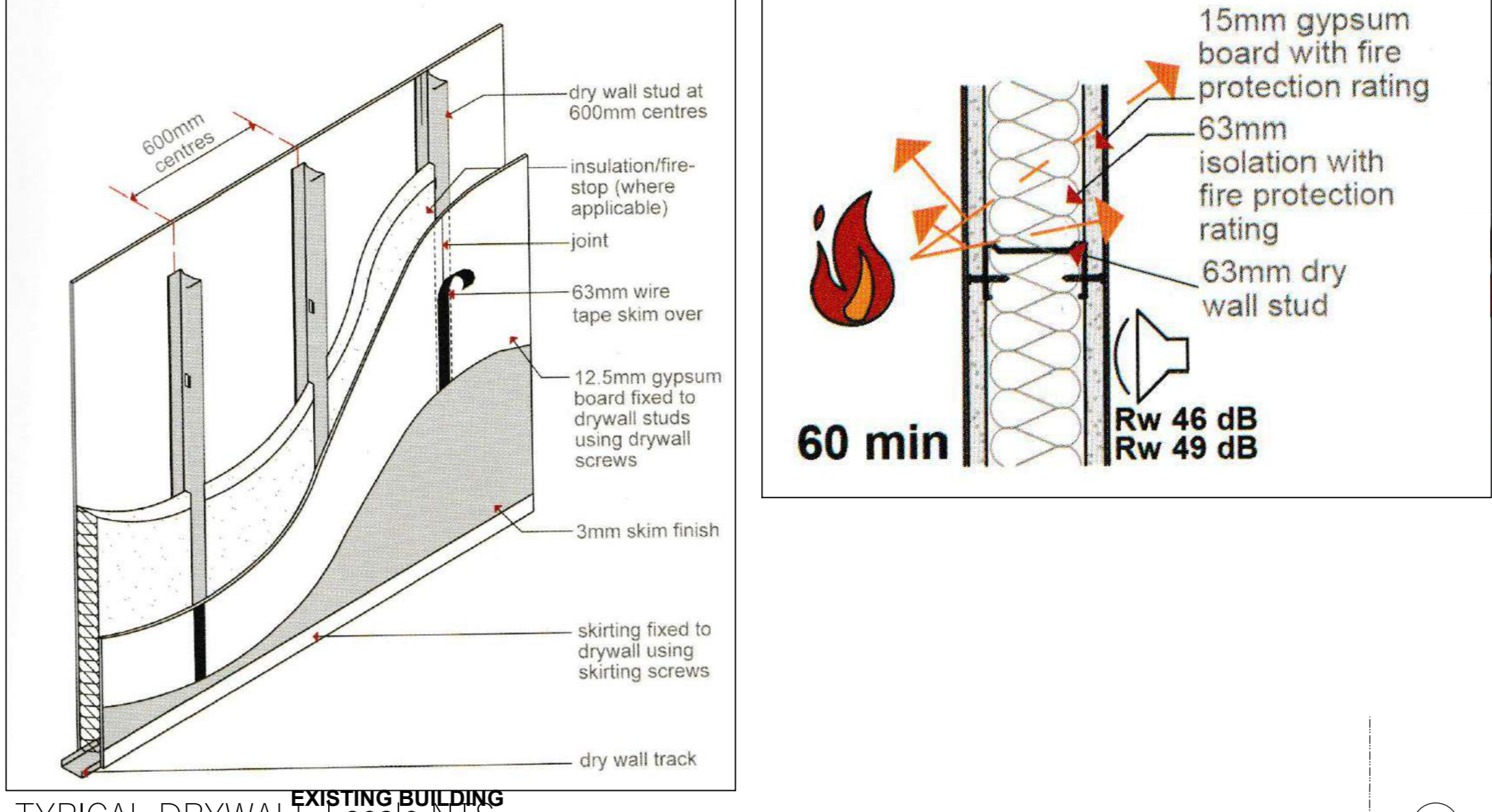
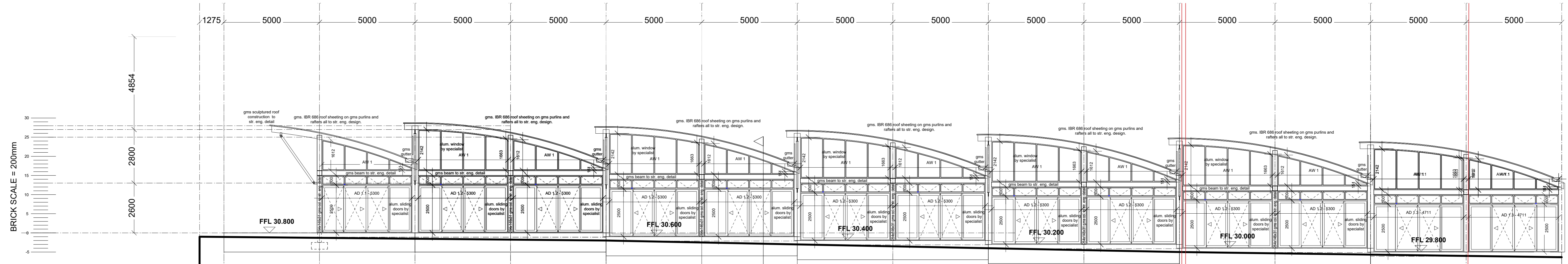
13. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

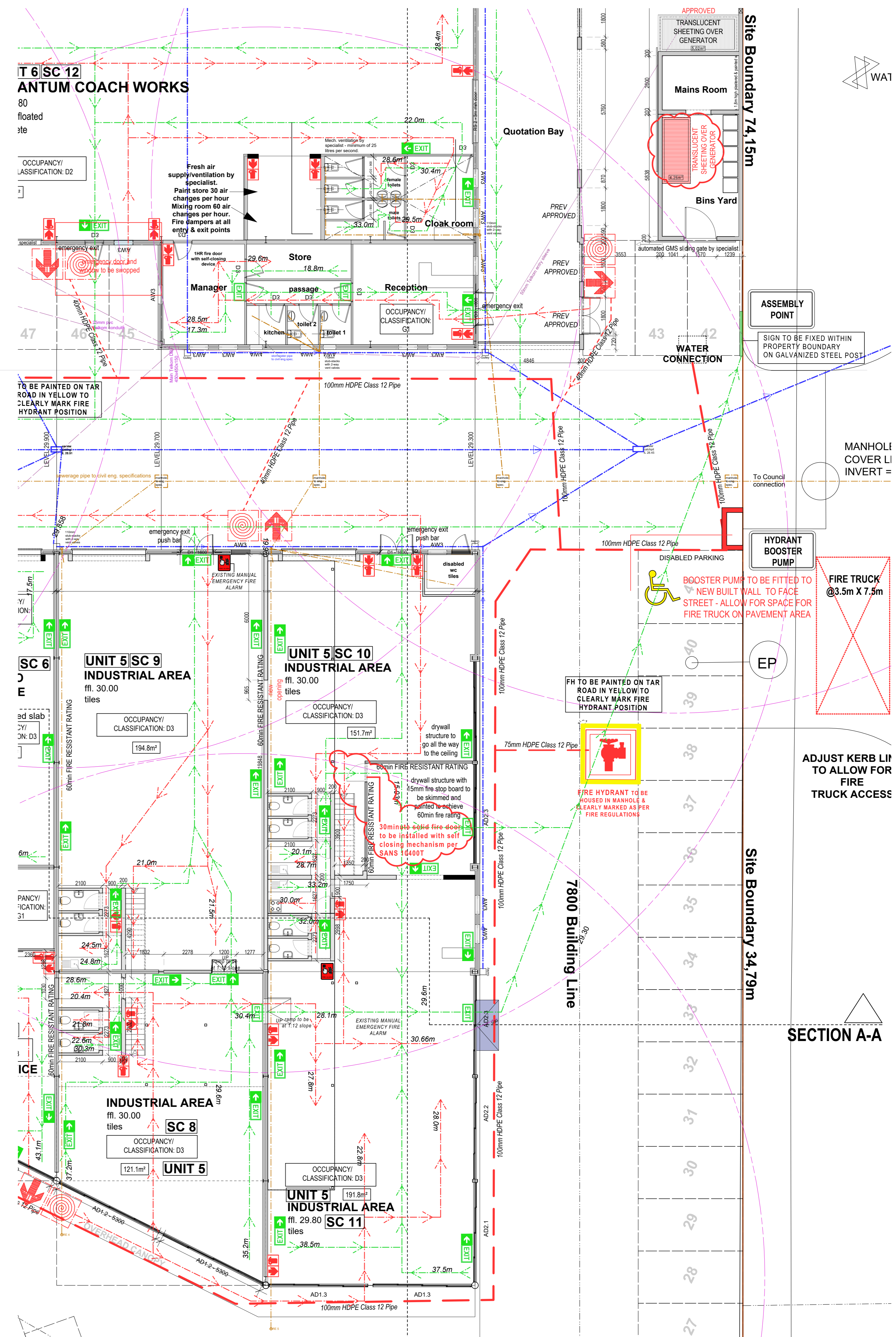
- 13.1 Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent Departure** from the 5m southern street building line to 0m & 2,5m to allow the existing covered backup generators in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



LOCALITY PLAN | scale: 1:500



SITE PLAN | scale 1:200



GROUND FLOOR PLAN | scale 1:100

All work to be carried out in accordance with the Model Planning for Trades as recommended and published by the Association of South African Quality Supervisors. (latest available edition) and shall be deemed to be incorporated herein.

All demolition to be carried out as indicated on drawings.

EARTHWORKS: Trenches for foundations etc. shall be excavated to the lengths, depths and widths as directed, by the engineer to ensure good foundation. Provision for the cut and fill on slopes to be carried out as per levels indicated on drawings to engineer's specifications.

FOUNDATIONS: All RC foundations and retaining wall foundations to engineer's specifications. NO FOOTINGS TO PROJECT BEYOND SITE BOUNDARY.

STAIRS: Staircases to mechanize floors to structural engineer's detail and specifications.

CONCRETE FLOOR SLABS: Floor finish as indicated on plans on min. 30mm cement screed on RC slab to engineer's detail. Provision for the made for openings in slab for water reticulation, drainage and electrical points. All RC columns and beams to be cast in place.

ROOF SLABS: Floor finish as indicated on plans on applied waterproofing membrane on RC slab. 30mm cement screed to 150 falls on RC slab to engineer's design.

BRICKWORK: Provide 2 bricks to all habitable rooms.

LINTELS: Pre-cast concrete lintels as specified by structural engineer's detail and specifications. To be used over openings no more than 3000mm wide. Min. 4 brick courses above all openings. Concrete lintels Type A.P.S. as supplied by 'Alfred Concrete' (or similar) to be used above all openings more than 3000mm wide. Lintels shall be 300mm longer than the width of the opening unless otherwise specified.

BRICKWORK: Provide 2 bricks to all habitable rooms.

INTERNAL WALLS: To be 230mm cavity walls built with (100x) X 100 (X) 500 type MA 90 cement bricks) and 150mm (X 150) X 100 (X) 500 type MA 100 cement bricks) walls. Unless otherwise specified and as indicated on plan. Expansion joints to eng. specification.

EXTERNAL WALLS: To be 230mm cavity walls built with (100x) X 100 (X) 500 type MA 90 cement bricks) and 150mm (X 150) X 100 (X) 500 type MA 100 cement bricks) walls. Unless otherwise specified and as indicated on plan. Expansion joints to eng. specification.

RETAINING WALLS: All retaining walls to be constructed and waterproofed in accordance with structural engineer's design.

WEAPONES: Min 150mm wide weepholes to be provided below all sills and above all openings and other bridges to cavity. To be neat and evenly spaced at max. 600mm c/c.

WIRE: CMS wire shall be used for all wiring in any cavity wall at a rate of 2.5 lbs per sq.

WATERPROOFING: 375 micron Polyethylene Stepped waterproofing to be used on all walls and floors. To be applied to cavity walls and other bridges to cavity walls and other bridges to cavity walls. To be applied to cavity walls and other bridges to cavity walls. To be applied to cavity walls and other bridges to cavity walls.

ROOF FLASHINGS: Min. 300x300mm painted GMS. Side wall, top wall and valley flashings and ridge cappings to be installed in accordance with manufacturer's specification and recommendations.

GENERAL: All timber shall be sawn de square, planed smooth and free from knots, blemishes and other imperfections. All timber to be light sanded prior to painting.

PLASTERBOARD CEILING: Shimmur and painted 6mm plasterboard to be used on all ceilings greater than 10m x 10m. To be supported by 30x30mm 50 pipe ceiling brackets at max. 300mm c/c.

RC CEILING: Shimmur and painted soffits below RC. cast.

PLUMBING & DRAINAGE: GLAZING: Glass shall be used in accordance with structural engineer's design. To comply with part P of SANS 1040. R. But pipes to be min. 110 dia. uPVC. Waste pipes to be min. 40mm dia. uPVC. Subsoil to be 110mm dia. uPVC. Open vent pipe to be 20mm dia. uPVC. 75mm deep seal traps to be installed in accordance with manufacturer's specification and recommendations. All pipes to have min. 1:50 falls. All pipes to be supported by 30x30mm 50 pipe ceiling brackets to be to civil engineer's design and specification.

SURFACE AREA	= 0,0128m²
GROUND FLOOR	= 2,2368m²
MEZANINE	= 488,96m²
TOTAL SURFACE AREA	= 7,2985m²
COVERAGE	= 8,6%
GROUND FLOOR	= 45,1%
MEZANINE	= 5,9%
TOTAL COVERAGE	= 8,5%
PARKING SPACES	= 14 BAYS

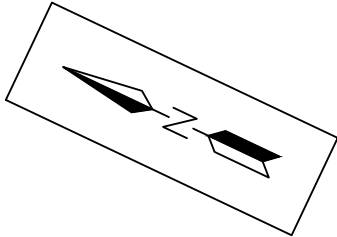
COUNCIL SUBMISSION pg 01

PROJECT: MUSSEL STREET CENTRE
ERF 10323
2 mussel street
new industrial | humanus | 7200

ADDITIONAL ALTERATIONS:
This document should not be used for any other purpose.
The user should refer to the relevant drawings and specifications.

DRAWING: Locality plan, site plan, ground floor plan, elevations, sections.
see labels do not scale when printing (A2)
DATE: 12 JULY 2014
DRAWN: J-mmg
CHECKED: REV: 11
DWG No: 2014

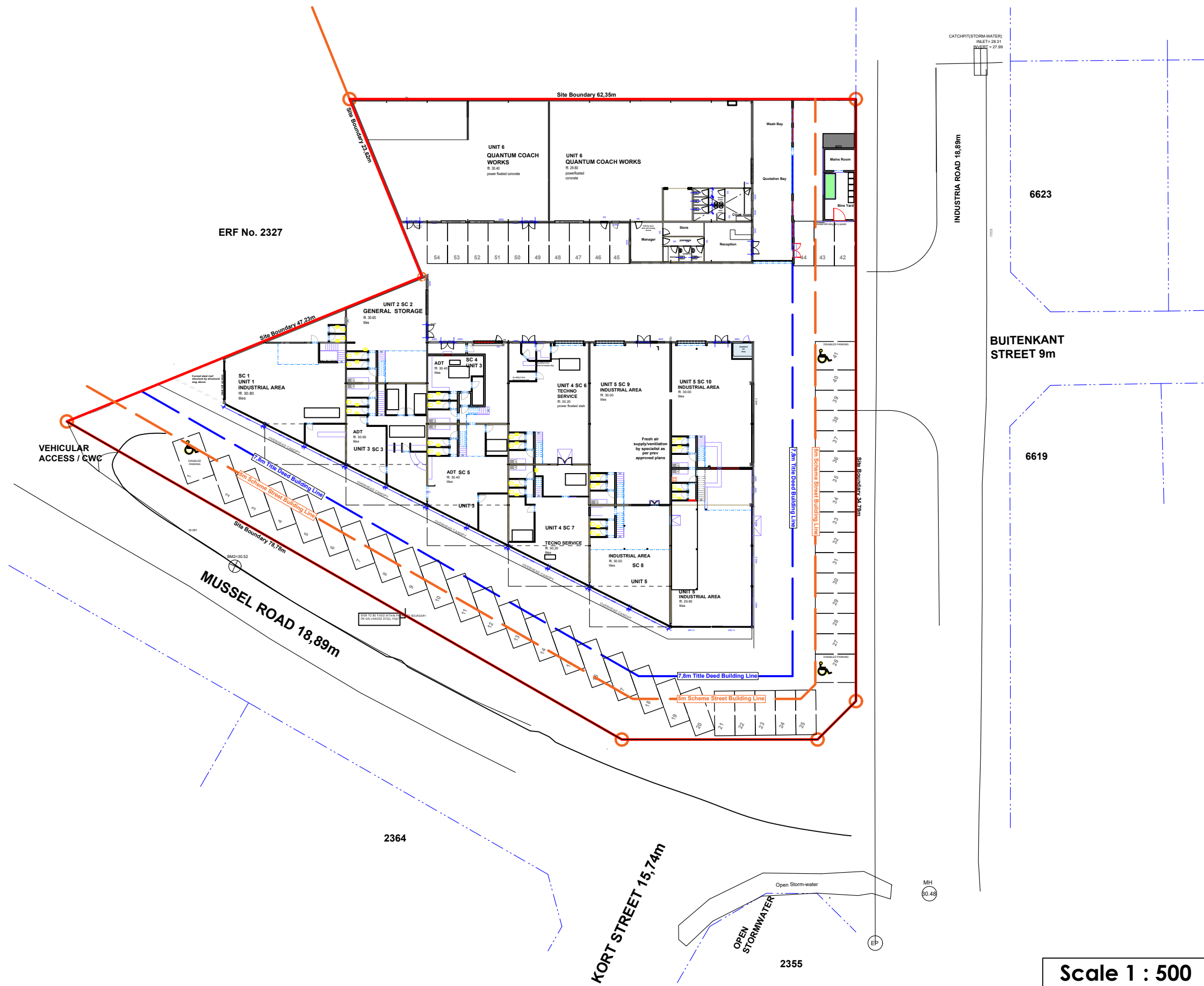
SIGNATURE: DATE



3.1 Site Plan
Erf 10323 - Hermanus

Property Extent - 5071.20m²

Building Extents - 2510.8m²
Existing Coverage - 49,51%



Plan date: 23/08/2024
Plan Number: 24.118(001)

Plan prepared by: Thian Jansen
Based on plans from DesignAteljee

All distances are approximate
and subject to a survey

Tel: 028 313 1411

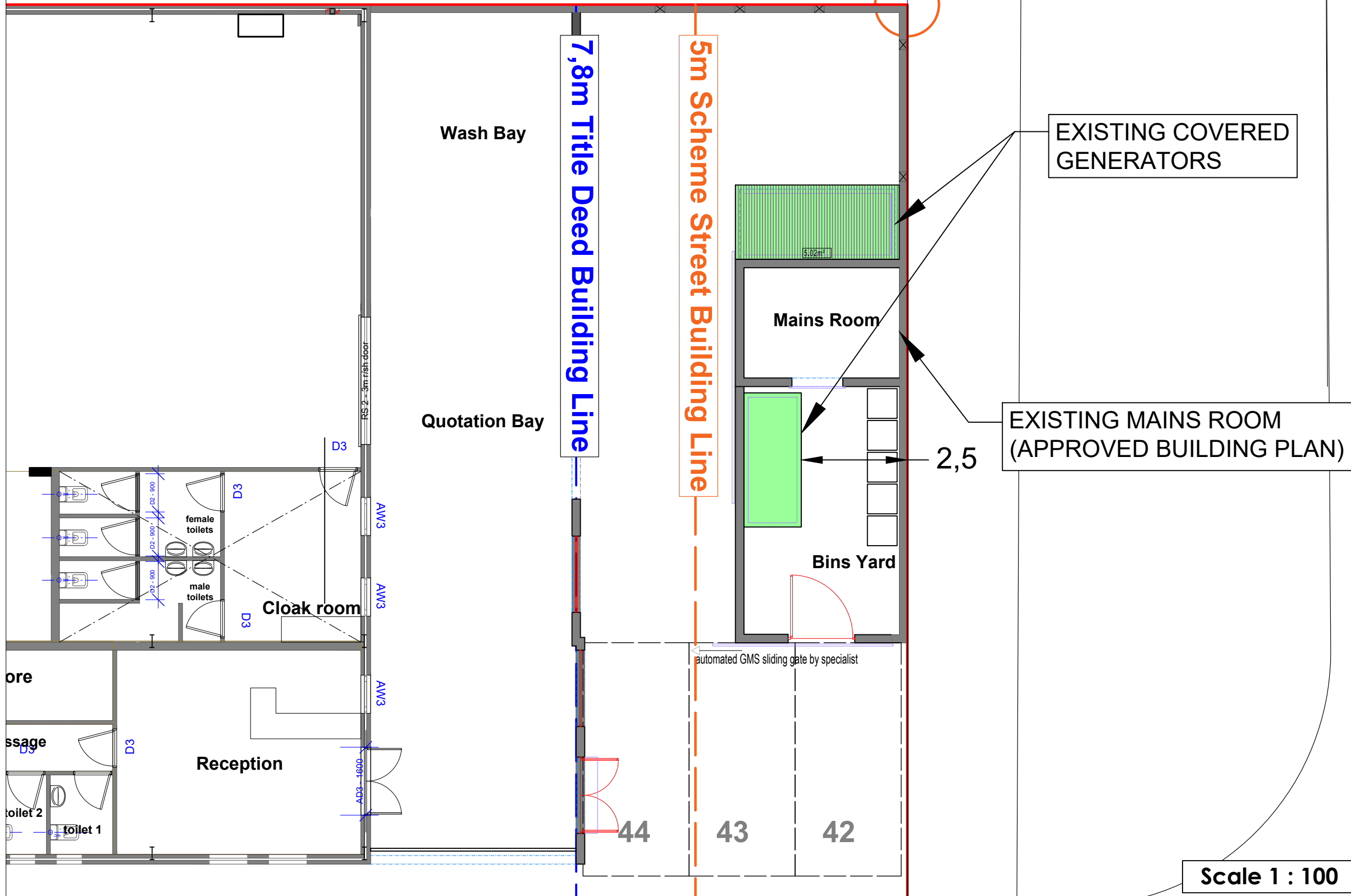
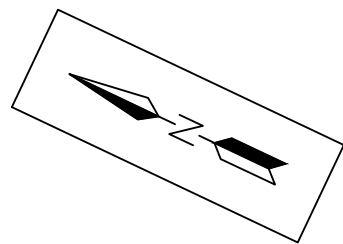
Email: admin@wrapgroup.co.za

Unit B, Standard House, Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management

Scale 1 : 500



3.2 Inset - Site Plan
Erf 10323 - Hermanus

Property Extent - 5071.20m²

Building Extents - 2510.8m²
Existing Coverage - 49,51%

Proposed Departures

- Permanent Departure of the Southern Street building Lines from 5,0m to 0m to allow the existing covered generator
- Permanent Departure of the Southern Street building Lines from 5,0m to 2,5m to allow the existing covered generator

EXISTING COVERED GENERATORS

EXISTING MAINS ROOM (APPROVED BUILDING PLAN)

2,5

7,8m Title Deed Building Line

5m Scheme Street Building Line

Wash Bay

Quotation Bay

Mains Room

Bins Yard

Cloak room

Reception

automated GMS sliding gate by specialist

44

43

42

Scale 1 : 100

Plan date: 23/08/2024
Plan Number: 24.118(001)

Plan prepared by: Thian Jansen
Based on plans from DesignAteljee

All distances are approximate
and subject to a survey

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Email: admin@wrapgroup.co.za

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Street Hermanus, 7200

