

**OVERSTRAND MUNISIPALITEIT**  
**ERF 3326, RIVIERSIDELAAN 3, ONRUSTRIVIER:**  
**AANSOEK OM OPHEFFING VAN BEPERKENDE**  
**TITELAKTEVOORWAARDE EN AFWYKING:**  
**MNRE WRAP PROJECT OFFICE NAMENS P.A. &**  
**N FINLAYSON**

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 3326, Onrustrivier naamlik:

**Opheffing van 'n Beperkende Titelaaktevoorwaarde**

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde E.(6)(a) soos vervat in Titelakte T10719/2017 van die eiendom die voorgestelde verbouings te akkommodeer.

**Afwyking**

Aansoek ingevolge Artikel 16(2)(b) van die Verordening vir die verslapping van die noord-westelike syboullyn vanaf 2m na 1.5m om die voorgestelde eerste verdieping te akkommodeer.

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](mailto:loretta@overstrand.gov.za)) bereik voor of op **04 April 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, **Mnr. H Olivier** by 0283138900.

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

**Munisipale Kennisgewing Nr. 37/2025**

**OVERSTRAND MUNICIPALITY**  
**ERF 3326, 3 RIVERSIDE LANE, ONRUSTRIVIER,**  
**OVERSTRAND MUNICIPAL AREA: APPLICATION**  
**FOR REMOVAL OF RESTRICTIVE TITLE DEED**  
**CONDITION AND DEPARTURE: MESSRS WRAP**  
**PROJECT OFFICE ON BEHALF OF P.A. & N**  
**FINLAYSON**

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 3326, Onrustrivier namely:

**Removal Of a Restrictive Title Deed Condition**

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition E.(6)(a) as contained in Title Deed T10719/2017 of the property in order to accommodate the proposed alterations.

**Departure**

Application in terms of Section 16(2)(b) of the By-Law to accommodate the relaxation of the north-western side building line from 2m to 1.5m for the proposed first storey.

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](mailto:loretta@overstrand.gov.za)) on or before, **04 April 2025**, 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 Town Planner, **Mr. H Olivier** at 0283138900.

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

**Municipal Notice No. 37/2025**

**OVERSTRAND MUNICIPALITY**  
**ISIZA 3326, 3 RIVERSIDE LANE, ONRUSTRIVIER,**  
**KUMASIPALA WASE-OVERSTRAND: ISICELO**  
**SOKUSUSWA KWEMIQATHANGO YETAYITILE**  
**ETHINTELWEYO KUNYE UKUTENXA: MESSRS**  
**WRAP PROJECT OFFICE EGAMENI LIKA P.A. & N**  
**FINLAYSON**

Isaziso sinikwe apha ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), kwezi zicelo zilandelayo zisebenza kwi-Erf 3326, i-Onrustrivier ezizezi:

**Ukususwa koMqathango weSivumelwano seSitayitela esiThintelweyo**

Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa komqathango wetayitile ethintelayo u-E.(6)(a) njengoko kuqulethwe kwiSiquendo seSiquendo T10719/2017 sepropati ukuze kuhlangatyezwane notshintsho olucetywayo.

**Ukutenxa**

Isicelo ngokweCandelo le-16 (2)(b) loMthetho kaMasipala ukulungiselela ukunyeniswa komgca wokwakha wecala lomntla-ntshona ukusuka kwi-2m ukuya kwi-1.5m kumgangatho wokuqala ocetywayo.

Iinkcukacha malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu e-16 Paterson Street, eHermanus.

Nawaphi na amagqabantshintshi ngesindululo kufuneka abhalwe ngokungqinelana neCandelo lama-51 nelama-52 loMthetho kaMasipala ukuze ufikelele kuMasipala (16 Paterson Street, Hermanus / (e) [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) ngomhla okanye ngaphambi koko, **04 kuTshazimpuzi ka-2025**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo, kunye nezizathu zokuphawula. Imibuzo yomnxeba inokwenziwa kuMchwangcisi weDolophu, **uMnu. H Olivier** ngo-0283138900.

UMphathi kaMasipala, uMasipala waseOverstrand, PO Box 20, **HERMANUS**, 7200

**Isaziso sikaMasipala esinguNombolo. 37/2025**

# 1. Locality Plan Erf 3326, Onrustrivier

Plan prepared by: Veronica Jansen

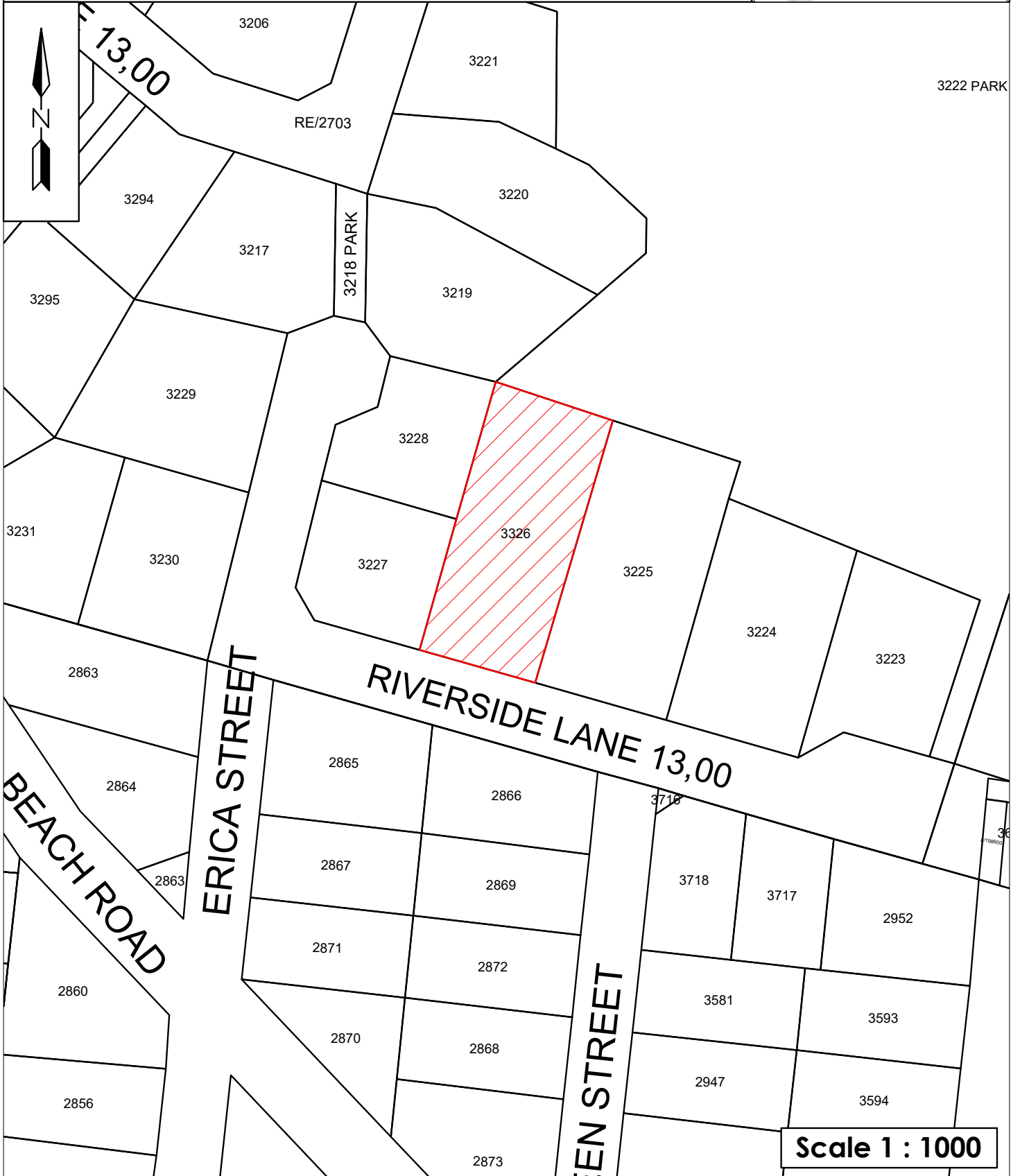
Tel: 028 313 1411

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 : 1000**



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### 1. ABBREVIATIONS

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<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020
<b>SR1</b>	Residential Zone 1: Single Residential

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### 2. PROPERTY DETAILS

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<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 3326 Onrustrivier
<b>Extent</b>	1 223m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

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### 3. BACKGROUND AND INTENT

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Erf 3326 Onrustrivier, hereafter referred to as the subject property, is located at 3 Riverside Lane, Onrus. (refer to **Plan 1 - Locality Plan**). The owners appointed WRAP Project Office to submit a land use application on their behalf, refer to **Annexure A - Power of Attorney**.

The owners wish to add an extension to their dwelling by building one en-suite bedroom on top of two existing bedrooms and include a Wendy house on the property. There is a title deed condition that relates to this application which prohibits any structures within 5 meters from the street boundary. The owners are proposing a Wendy house at the front of their dwelling which is located within the street title deed building line.

In addition, the existing house was originally approved within the 2m side building line up to 1,5m from the property boundary. As a rule, the Overstrand Municipality does not easily support building line departures for any habitable structures within the 2-meter side building line. Historically, structures were allowed up to 1,5m from the side boundary of the property, but in terms of the OMLUS, the building line is now 2m from the side boundary. Due to the proposed en-suite bedroom to be situated on top of two existing bedrooms, approval of a departure from the building line is required. This application therefore includes the removal of the restrictive title deed conditions and the permanent departure from the side building line to allow the proposed first storey.

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

- Removal of the restrictive title deed condition E(6)(a); and
- Permanent departure from the side building line.



**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 the restrictive title deed condition** to accommodate the proposed Wendy house.

There is a title deed condition that prohibits the land use rights necessary for the proposed Wendy house and the rationale for the removal of this condition is discussed below:

<b>Restrictive Title Deed Condition</b>
<p><i>Condition E(6)(a) – “No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator be erected nearer than 5 m to the street line which forms a boundary of this erf nor within 5m of the rear or 1,5m of the lateral boundary common to any adjoining erf provided that with the consent of the local authority.</i></p> <p><i>(i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wallplate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 m measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 m shall be measured from the point furthest from the streets abutting the erf.</i></p> <p><i>(ii)An outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary. ”</i></p>

The abovementioned condition prohibits any structure within 5 meters from the street- and rear boundaries of the property. It is important to note that structures are allowed up to 2m from the rear boundary and 4m from the street boundary in terms of the OMLUS on a single residential zoned property of this extent. Therefore, this condition is more restrictive than what is allowed in terms of the OMLUS.

The rationale for the removal of the restrictive title deed conditions is to enable the owners to achieve their intent highlighted in Section 3 of this report. The reasoning for the removal of this restrictive title deed condition will be discussed in detail in Section 7 of this report.

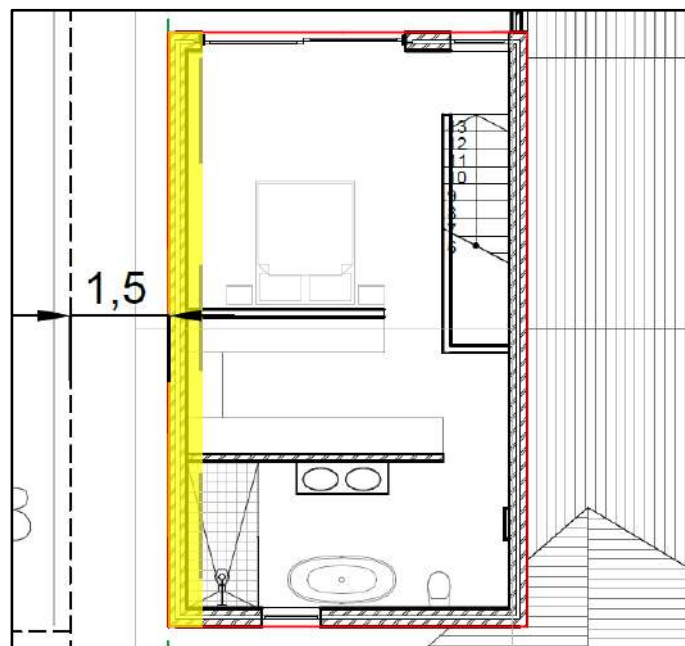
**4.2 Permanent Departure** from the 2m north-western side building line to 1,5m to accommodate the proposed first storey.

The dwelling is an existing structure that the owners want to extend to include a first storey with a new en-suite bedroom. As the first storey will be built on top of existing

bedrooms, which was built in line with the historic 1,5m side building line of Hermanus at the time, the first storey will be situated within the existing 2m side building line.

With the addition of a first storey, it is important for the owners to not create a nuisance with the surrounding neighbours and therefore, the design of the first storey was done to avoid windows facing the neighbours on the north-western side of the property.

The total encroachment measures 4,5 m<sup>2</sup>, but only ±1.87 m<sup>2</sup> of this is habitable space with the remaining 2.63 m<sup>2</sup> accounted for by the walls as illustrated in yellow in *Figure 1* below. Therefore, it is evident that the encroachment consisting of habitable space is minimal.



*Figure 1: Encroachment of the proposed first floor in yellow*

This design is proposed to ensure that the proposed new first storey is not causing any significant disturbance or inconvenience to the surrounding neighbours. Allowing the extension of the house to include a first storey while using the existing walls of the dwelling to remain in its current position would maintain the status quo. This approach would avoid the unnecessary demolition of the property in its current state.

The owners permanently occupy the main dwelling and want the proposed en-suite bedroom to be used as the master bedroom. Relaxing the building line to accommodate the proposed first storey is a pragmatic solution that balances regulatory compliance with practical considerations.

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## **5. LAND USE ENVIRONMENT**

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The subject property is located in Onrus, an established residential area. The property is surrounded by other Residential Zone 1: Single Residential properties, Public Open Spaces and Public Streets. The surrounding area's zonings are illustrated in **Plan 2 - Zoning Plan**.



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**6. TITLE DEED**

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Title deed T10719/2017 (refer to **Annexure B**) was perused and there is one restrictive condition that requires removal to allow the proposed Wendy house to be compliant.

**Title deed restrictions**

*Condition E(6)(a) – “No building or structure or any portion thereof except boundary walls and fences, shall except with the consent of the Administrator be erected nearer than 5 m to the street line which forms a boundary of this erf nor within 5m of the rear or 1,5m of the lateral boundary common to any adjoining erf provided that with the consent of the local authority.*

*(i) an outbuilding used solely for the housing of motor vehicles and not exceeding 3m in height, measured from the ground floor of the outbuilding to the wallplate thereof, may be erected within such side and rear spaces, and any other outbuilding of the same height may be erected within the rear space and side space for a distance of 12 m measured from the rear boundary of the erf, provided that in the case of a corner erf the distance of 12 m shall be measured from the point furthest from the streets abutting the erf.*

*(ii) An outbuilding in terms of subparagraph (i) may only be erected nearer to a lateral or rear boundary of a site than the above prescribed spaces, if no windows or doors are inserted in any wall facing such boundary. ”*

**Motivation**

**The rationale for the proposed removal**

The subject property is currently being used as a single dwelling house. Due to the proposed extensions not complying with the development parameters of the OMLUS and one restrictive condition of the title deed, they are unable to ensure compliance with OMLUS legislation in order to receive approval for the building plans.

**Title deed condition background**

The restrictive title deed condition was originally intended to protect the residential character of the area. Any amendment or removal of these conditions require the consent of the Administrator. This authority now vests with the Overstrand Municipality.

**Status quo**

The current OMLUS has clear development guidelines in place to ensure the whole of the Overstrand Area's residential properties are managed in a similar manner. The title deed condition E(6)(a) is more restrictive with regards to the street- and rear boundary building lines than the development parameters of the OMLUS. The development parameters of the OMLUS allows structures up to 2 meters from the rear boundary- and 4 meters from the street boundary of the property.



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This condition made sense prior to the OMLUS, however, is now more restrictive than the provisions of the OMLUS. Removal of condition E(6)(a) is therefore proposed to allow the proposed Wendy house on the property.

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

<b>LUPA, Section 39(5) (a-f)</b>	
<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 in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of the restrictive title deed condition.
<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 be gaining from the removal of the restrictive condition as it will allow them to build their proposed Wendy house on the property.
<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>	The restrictive condition does 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 SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(q) of the OM By-Law:

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply



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<b>Consent use</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m <sup>2</sup> and greater = 50%	<u>Ground Storey:</u> Existing dwelling = 283m <sup>2</sup> Proposed addition = 9,8m <sup>2</sup> Wendy house = 11,3m <sup>2</sup>  <u>Total Covered Area:</u> 304m <sup>2</sup> / 1223m <sup>2</sup> = <b>24.9%</b>	Comply
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> <li>400 m<sup>2</sup> and greater = 4m</li> </ul> (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> <li>Greater than 400 m<sup>2</sup> = 2m</li> </ul>	(i) The street building line is being adhered to.  (ii) Permanent departure from the 2m south-western side building line to 1,5m to accommodate the proposed first storey.	<b>Deviate, motivated and applied for.</b>
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	The existing dwelling adheres to the 8,0m height restriction.	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	There is an existing garage with additional parking options on the property.	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.

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Erf 3326 Onrustvriev  
September 2024, Amended January 2025



**Access and Egress**

Access and egress to the property is gained from Riverside Lane.

**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 may 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 a restrictive title deed condition.

Socio-economic impact	The permanent departure and removal of the restrictive title deed condition 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 will still be used for residential purposes and there are many two storey homes in the area.
Impact on the external engineering services	Refer to <i>Section 8</i> of this report.
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 dwelling is existing, however two storey dwellings are not uncommon within the surrounding area. The area is surrounded by large trees. The proposed first storey is not predicted to affect any surrounding property owners.

**Economic impact**

The proposal is not expected to have a long-term economic impact, but a short-term economic impact may occur when the building work is being done.

**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 located within an environmentally important area, refer to Section 10 below.

**10. POLICIES AND REGULATIONS**

**10.1 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The subject property is located within the 'Coastal Protection Zone' EMOZ.

**Coastal Protection**

The subject property is located within the 'Coastal Protection' EMOZ. The purpose thereof is managing the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes and biodiversity within Coastal Reserves.

To ensure compliance with the guidelines set out in the EMOZ the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES		
Prohibited Activity	Coastal Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	N/A
Placement of religious symbols or memorabilia.	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated,	X	N/A



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demarcated and signposted by the Municipal Council for such purposes.		
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	N/A
Feeding, disturbing / pursuit of fauna.	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.		N/A
Staying overnight.	X	Residential property
The discharging of domestic effluent / grey water into all natural systems.	X	N/A
Tampering with security / surveillance infrastructure.	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	N/A
Littering	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	N/A
Dog walking / exercising of dogs in non-designated zones.	X	N/A

**SCHEDULE B  
ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL  
OVERLAY ZONES**

<b>A) Activities Only Permitted With Council Consent</b>	<b>Coastal Environmental Management Overlay Zone (EMOZ)</b>	<b>Applicable to the application or not</b>
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into	X	N/A



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open spaces without the necessary approval from the Municipality.		
<b>B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff</b>	<b>Coastal Environmental Management Overlay Zone (EMOZ)</b>	<b>Applicable to the application or not</b>
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	The property has access to the open space.
Commercial filming.	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	N/A
<b>C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable</b>	<b>Coastal Environmental Management Overlay Zone (EMOZ)</b>	<b>Applicable to the application or not</b>
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	The entire property is located in the EMOZ area.
Commercial Harvesting/collection and removal of any natural resource.	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	The entire property is located in the EMOZ area.



It is not predicted that the proposed permanent departure from the building line, will have a negative effect on the EMOZ.

### **10.2 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

The subject property is located within the 'Coastal Strip' HPOZ. The proposal will not have an impact on this Heritage Protection Overlay Zone.

### **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.

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## **11. PLANNING PRINCIPLES**

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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 build on top of the existing ground floor of the dwelling, and to remove the restrictive title deed condition in order to allow a Wendy house, 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 condition 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.

### **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.



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### 12. EVALUATION

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The purpose of submitting this application is to enable the owners to build an extension to their house on top of the existing dwelling to allow a new en-suite bedroom on the existing footprint of the dwelling while also allowing a new Wendy house. The permanent departure of the side building line is only required due to the existing house historically built in its current position. The removal of the restrictive title deed condition is as a result of the condition being more restrictive than the parameters of the OMLUS for a SR1 zoned property.

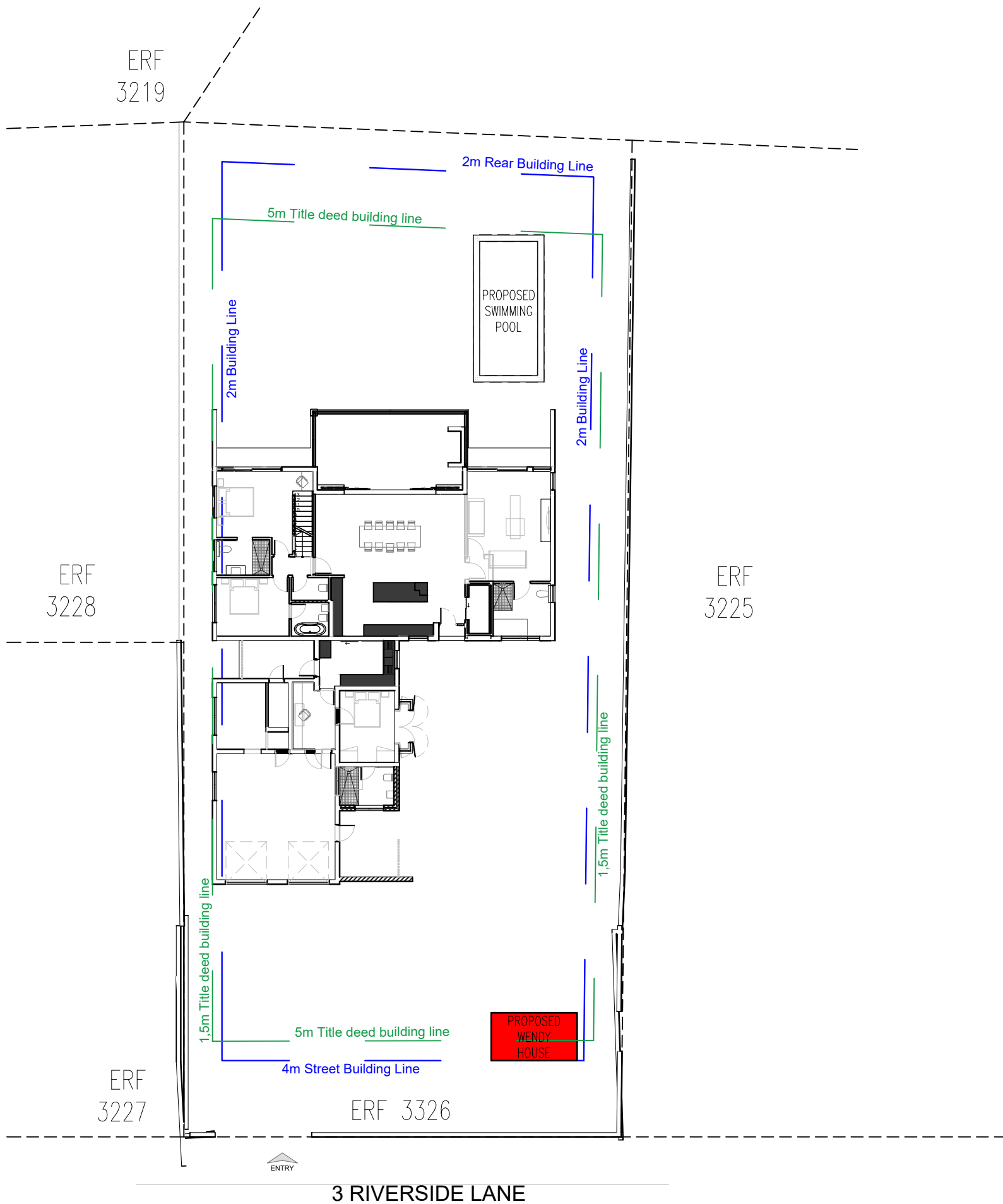
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### 13. RECOMMENDATION

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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; and
- 13.2 Permanent Departure** from the 2m south-western side building line to 1,5m to accommodate the proposed first storey in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



**4. Site Plan**  
Erf 3326 - Onrustrivier

Property Extent = 1 223m<sup>2</sup>

Ground Storey  
Existing dwelling = 283m<sup>2</sup>  
Proposed addition = 9,8m<sup>2</sup>  
Wendy house = 11,3m<sup>2</sup>

Total Covered Area = 304m<sup>2</sup> / 24.9%

First Storey  
Proposed addition = 50,1m<sup>2</sup>

- Removal of a restrictive title deed condition to accommodate the proposed Wendy house.
- Permanent Departure from the side building line from 2m to 1,5m to accommodate the proposed first storey.

Plan prepared by: Veronica Jansen on 03-10-2024 (001),  
amended 20-01-2025 (002)  
Based on plans prepared by Finlayson Van Der Merwe  
Architects

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

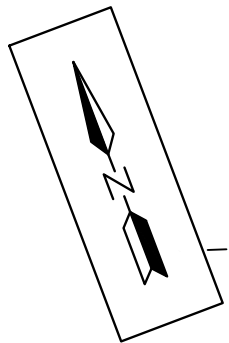
Email: admin@wrapgroup.co.za

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

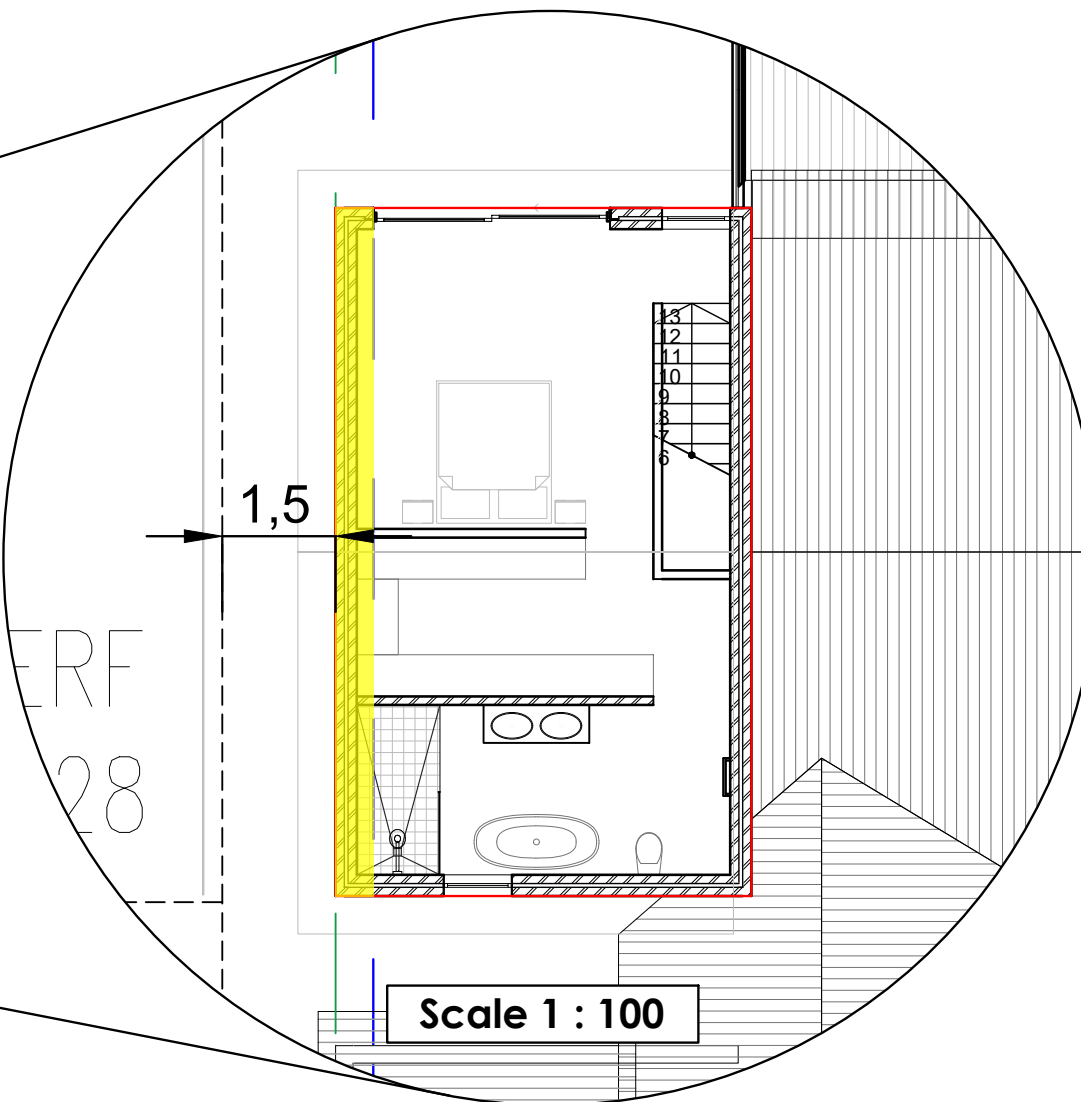
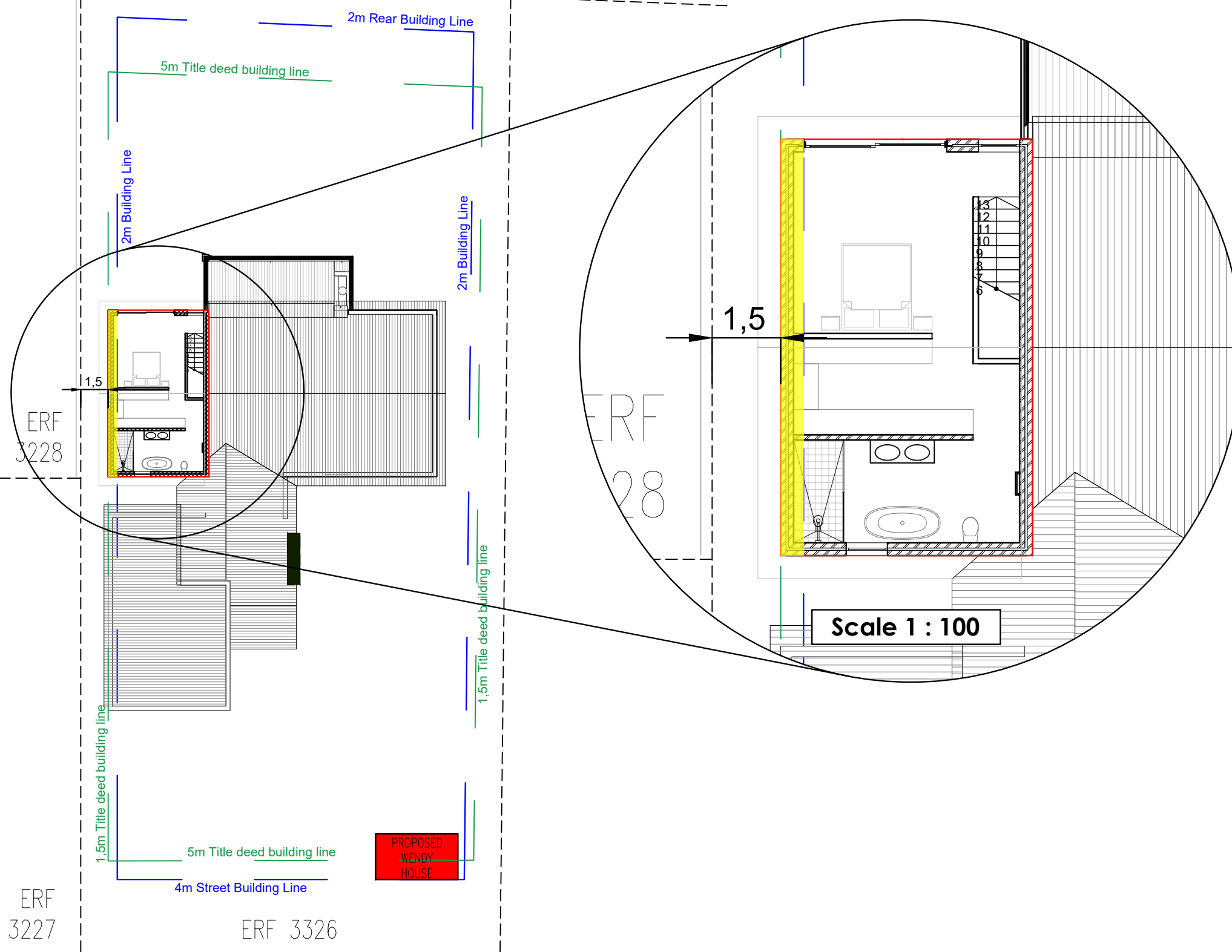


**GROUND STOREY**

**Scale 1 : 250**



ERF 3219



Scale 1 : 100

**PROPOSED FIRST STOREY**

**Scale 1 : 250**

**4.1 Site Plan  
Erf 3326 - Onrustrivier**

Property Extent = 1 223m<sup>2</sup>

Ground Storey  
Existing dwelling = 283m<sup>2</sup>  
Proposed addition = 9,8m<sup>2</sup>  
Wendy house = 11,3m<sup>2</sup>

Total Covered Area = 304m<sup>2</sup> / 24.9%

First Storey  
Proposed addition = 50,1m<sup>2</sup>

 Encroachment area = 4,5m<sup>2</sup>

- Removal of a restrictive title deed condition to accommodate the proposed Wendy house.
- Permanent Departure from the side building line from 2m to 1,5m to accommodate the proposed first storey.

Plan prepared by: Veronica Jansen on 03-10-2024 (001),  
amended 20-01-2025 (002)  
Based on plans prepared by Finlayson Van Der Merwe  
Architects

All distances are approximate  
and subject to a survey

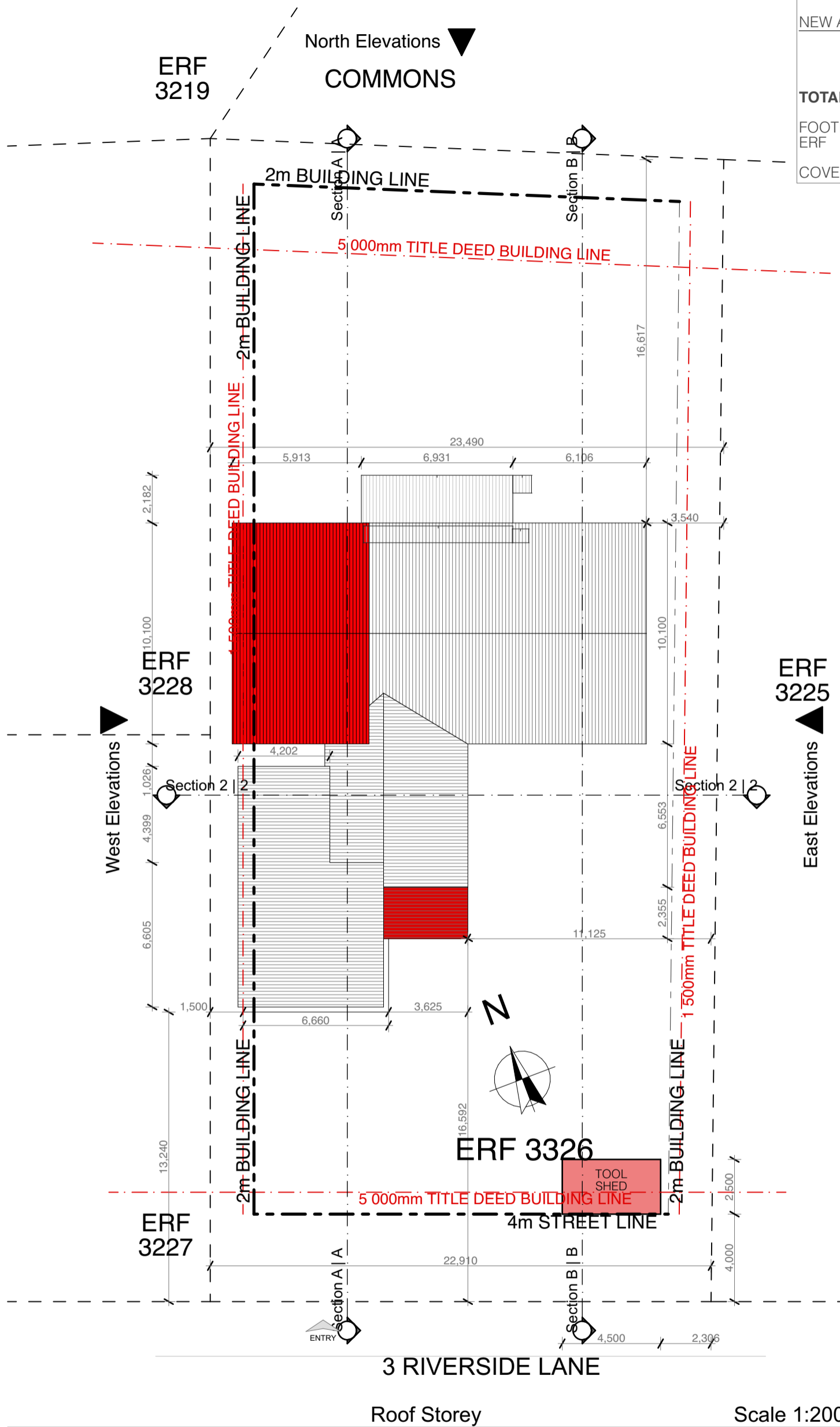
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



AREAS:	
EXISTING:	
Garage:	45m <sup>2</sup>
Ground Storey:	206m <sup>2</sup>
Covered Stoep:	32m <sup>2</sup>
NEW ADDITION:	
Ground Storey:	9,8m <sup>2</sup>
First Storey:	50,1m <sup>2</sup>
Wendy House:	11,3m <sup>2</sup>
<b>TOTAL</b>	<b>354,2m<sup>2</sup></b>
FOOTPRINT ERF	304m <sup>2</sup> 1223m <sup>2</sup>
COVERAGE	24,9%



RIVERSIDE LANE ROOF / LOCATION

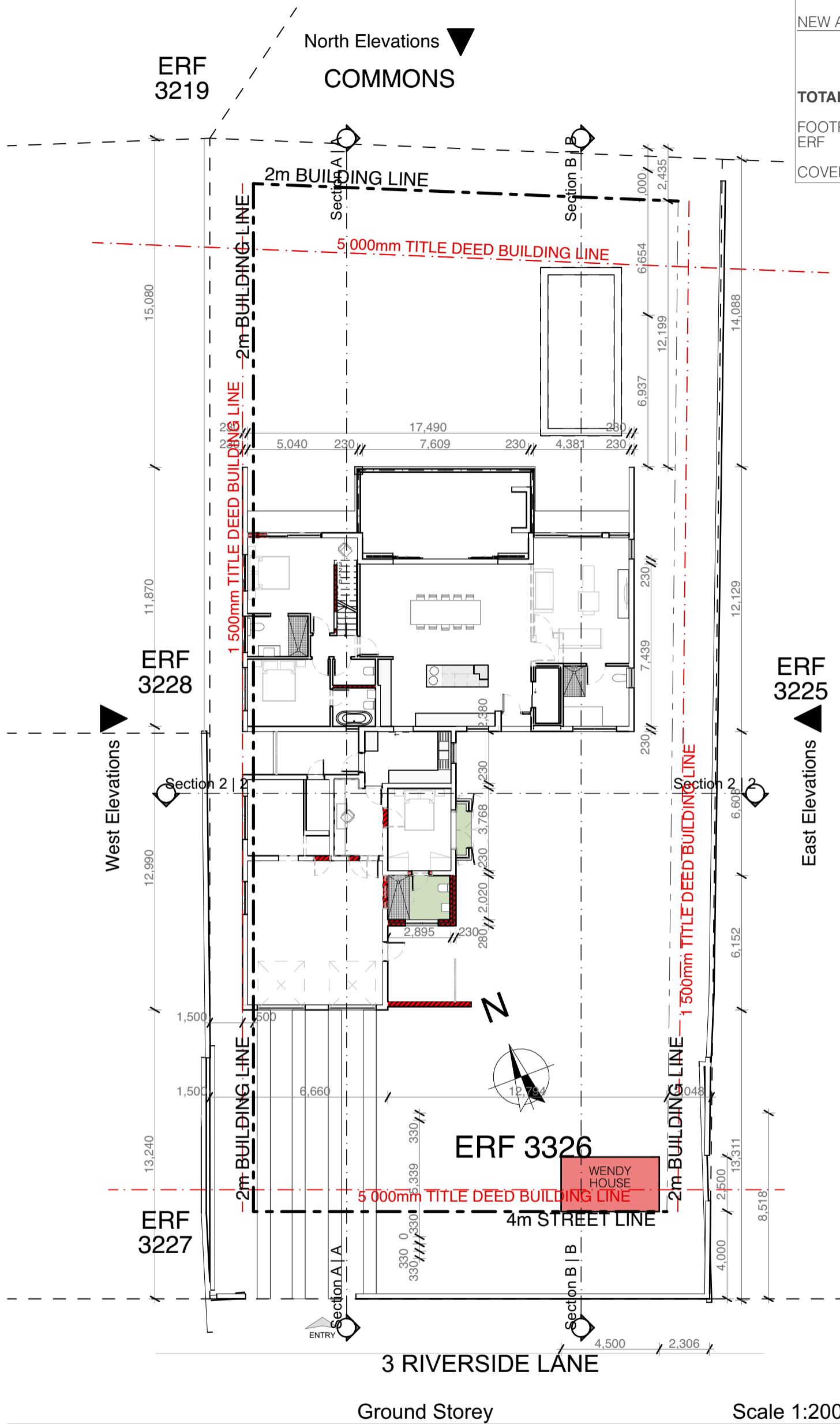
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Hemel en Aarde Village, Unit 5G Wine Village Hermanus Western Cape 7200 South Africa



Drawing No: 2025/01/21 - REF E

AREAS:	
EXISTING:	
Garage:	45m <sup>2</sup>
Ground Storey:	206m <sup>2</sup>
Covered Stoep:	32m <sup>2</sup>
NEW ADDITION:	
Ground Storey:	9,8m <sup>2</sup>
First Storey:	50,1m <sup>2</sup>
Wendy House:	11,3m <sup>2</sup>
<b>TOTAL</b>	<b>354,2m<sup>2</sup></b>
FOOTPRINT ERF	304m <sup>2</sup>
COVERAGE	24,9%



RIVERSIDE LANE GROUND STOREY

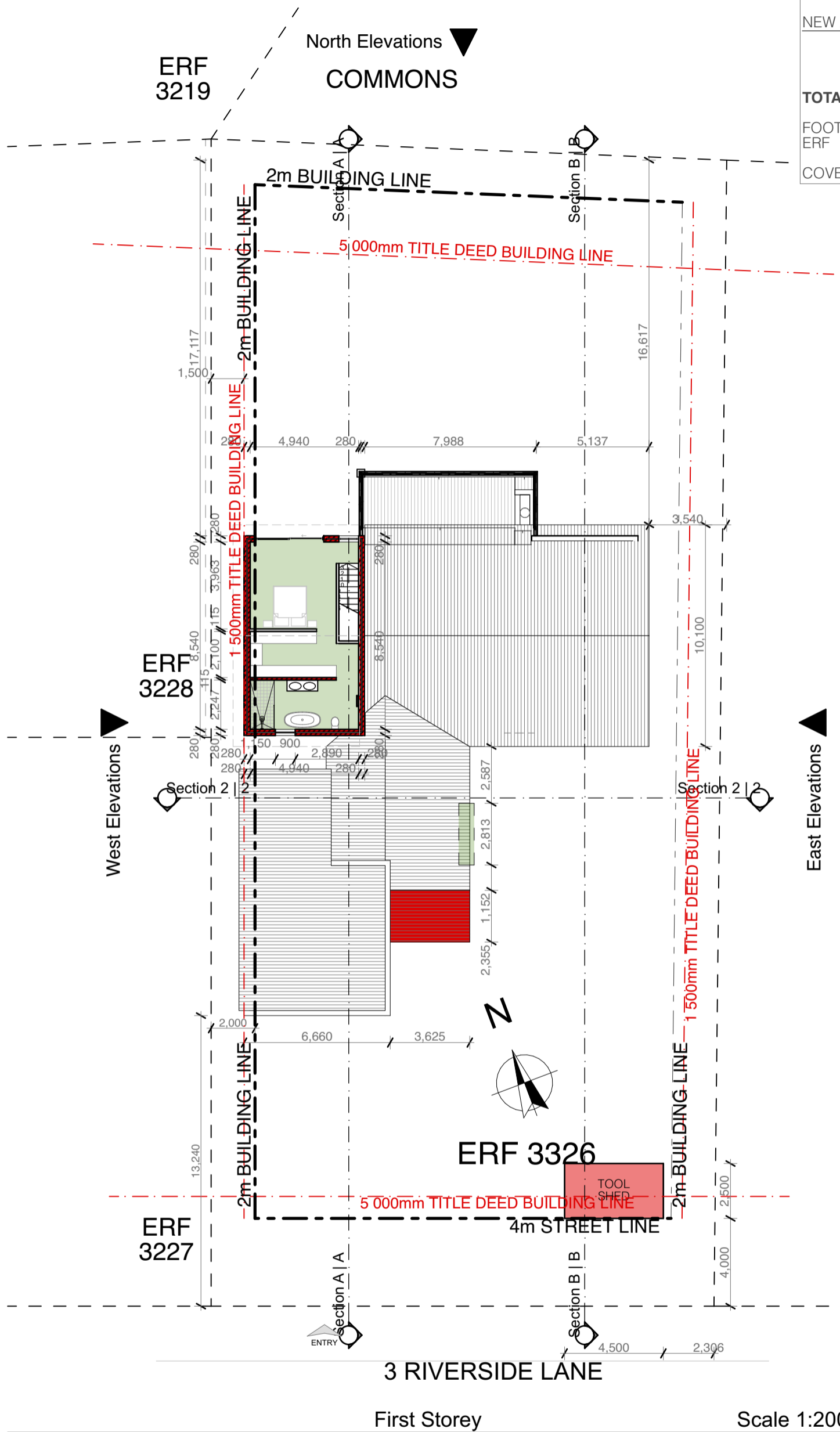
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Hemel en Aarde Village, Unit 5G Wine Village Hermanus Western Cape 7200 South Africa



Drawing No: 2025/01/21 - REF E

AREAS:	
EXISTING:	
Garage:	45m <sup>2</sup>
Ground Storey:	206m <sup>2</sup>
Covered Stoep:	32m <sup>2</sup>
NEW ADDITION:	
Ground Storey:	9,8m <sup>2</sup>
First Storey:	50,1m <sup>2</sup>
Wendy House:	11,3m <sup>2</sup>
<b>TOTAL</b>	<b>354,2m<sup>2</sup></b>
FOOTPRINT ERF	304m <sup>2</sup> 1223m <sup>2</sup>
COVERAGE	24,9%



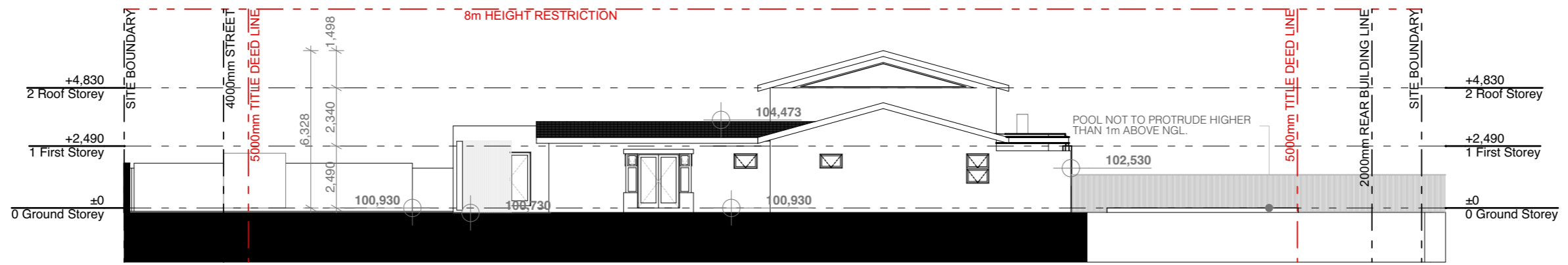
RIVERSIDE LANE | FIRST STOREY

Scale: 1:200

Hemel en Aarde Village, Unit 5G Wine Village Hermanus Western Cape 7200 South Africa

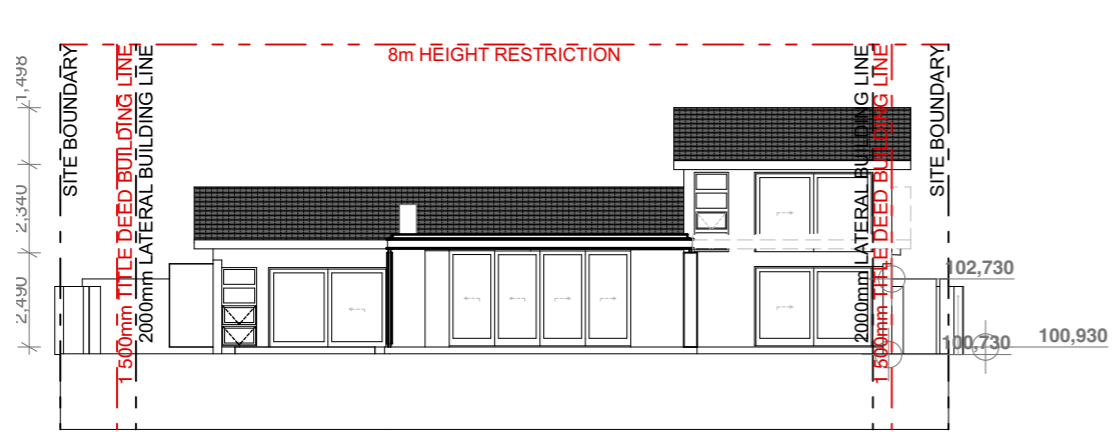


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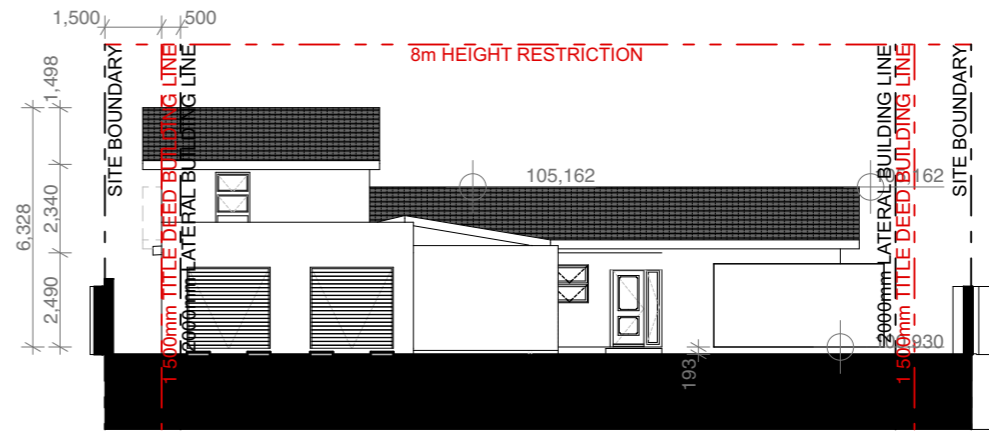
East Elevations

Scale 1:200



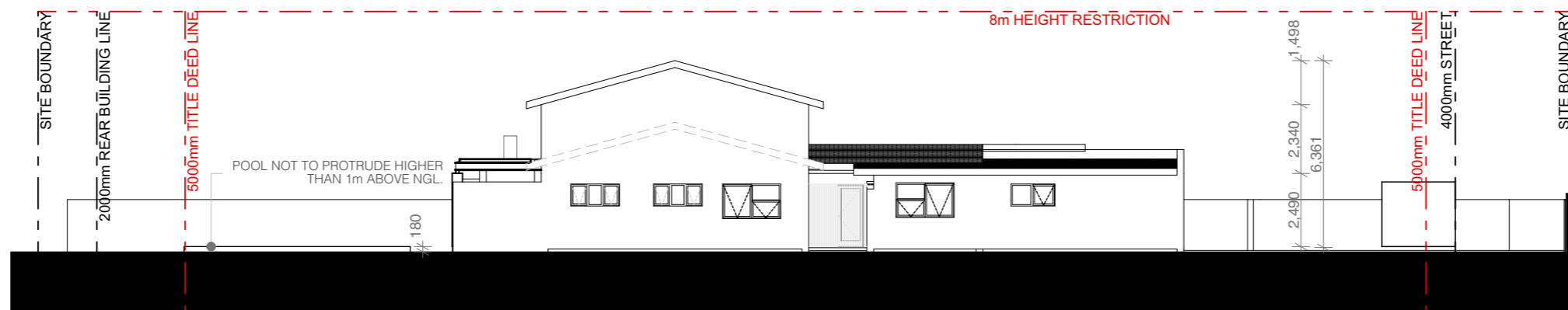
North Elevations

Scale 1:200



South Elevations

Scale 1:200



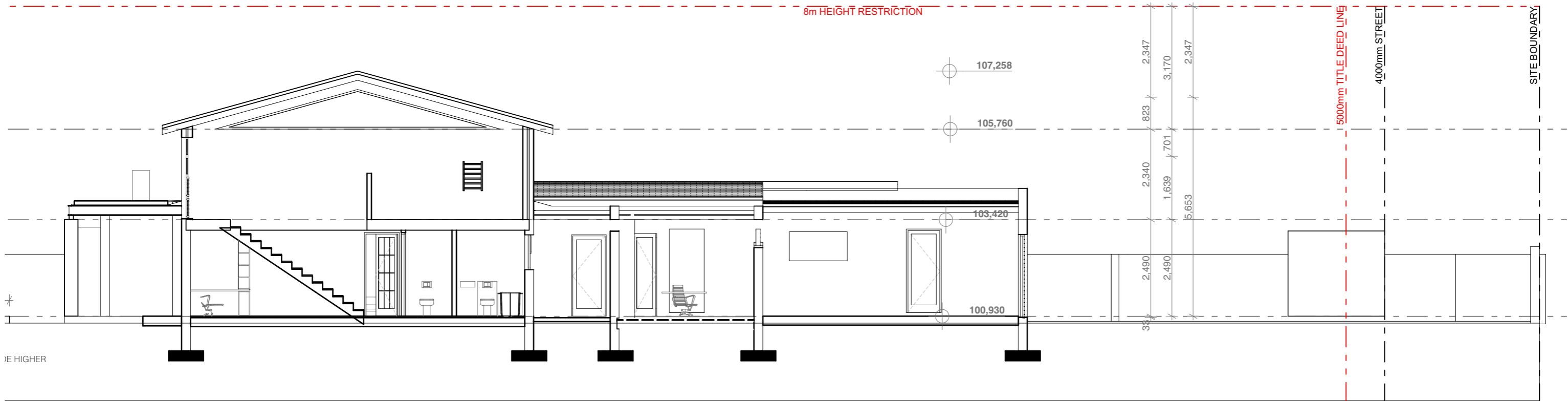
West Elevations

Scale 1:200

RIVERSIDE LANE ELEVATIONS

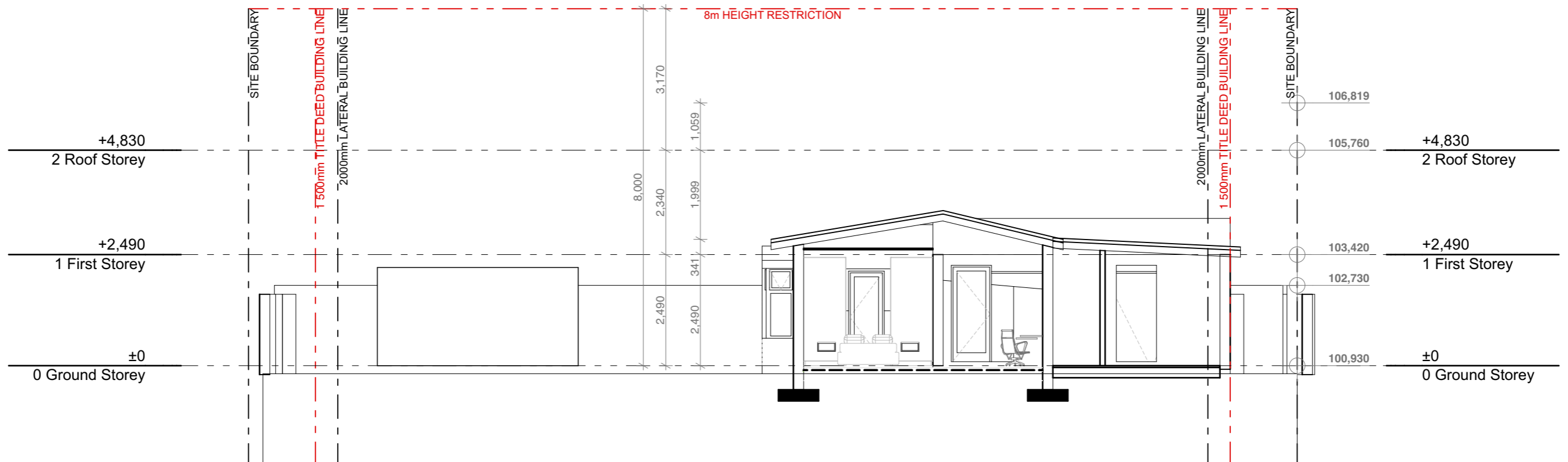
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Hemel en Aarde Village, Unit 5G Wine Village Hermanus Western Cape 7200 South Africa



Section A | A

Scale 1:100



Section 2 | 2

Scale 1:100

RIVERSIDE LANE SECTION

Scale: 1:100

Hemel en Aarde Village, Unit 5G Wine Village Hermanus Western Cape 7200 South Africa