



ERF 2412, 23 BEYERS STREET, ONRUSTRIVIER: APPLICATION FOR DEPARTURE AND DETERMINATION OF ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF J KOTZE

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for the following:

- ✚ **departure** in terms of Section 16(2)(b) of the By-Law to exceed the maximum allowable site coverage of 50% to 53,4% to accommodate an existing study and enclosed entrance.
- ✚ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised encroachment as mentioned above.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning at 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 written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before **24 July 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H. Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Division: Town and Spatial Planning where a municipal official will assist them in order to formalize their comment.

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.

ERF 2412, BEYERSSTRAAT 23, ONRUSTRIVIER: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS- EN STREEKBEPANNERS NAMENS J KOTZE

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek soos volg ontvang is:

- ✚ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die maksimum toelaatbare terreindekking vanaf 50% tot 53,4% te oorskry om 'n bestaende studeerkamer en onderdak-ingang te akkommodeer.
- ✚ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir die ongemagtigde oorskreiding soos bo genoem.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning, 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 op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / landuse@overstrand.gov.za) voor of op **24 Julie 2026**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H. Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

U aandag word gevestig op die Bepalings 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.

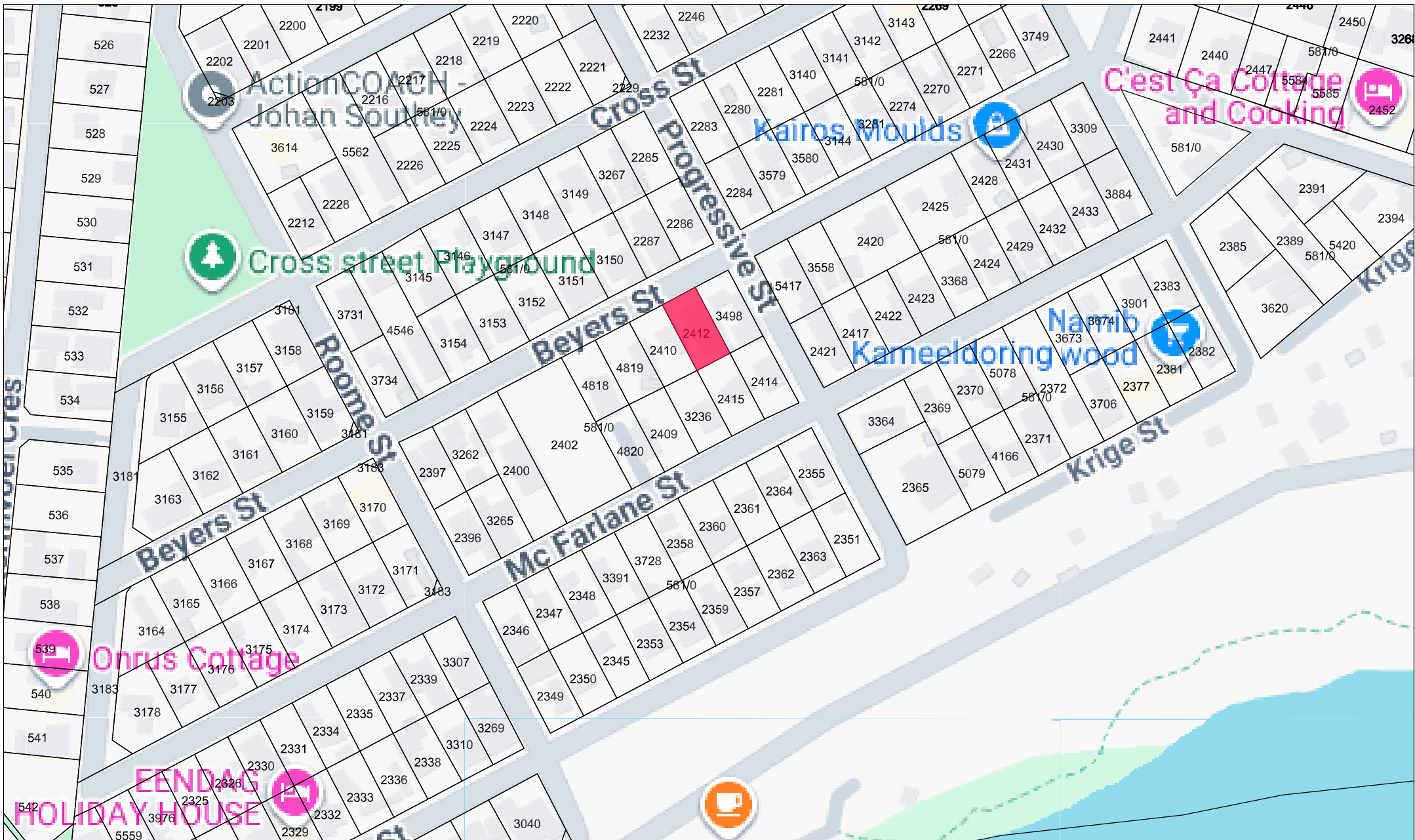
ISIZA ESINGU ERF 2412, 23 BEYERS STREET, ONRUSTRIVIER: ISICELO SOKWAHLULA NENGQIKELELO YOMMDLIWO WOBHALISO: NGABAKWAPLAN ACTIVE TOWN NABACWANGCISI BENGINGQI EGAMENI LIKA-F J KOTZE

Kukhutshwe isaziso esingemiba emayela neSoloty lama-48 loMthethwana kaMasipala wasOverstrand eliSisiHlomelo soMthethwana kaMasipala OngaZicwangciso zoMhlaba kaMasipala ku2020, esi saziso sithi kufunyenwe isicelo esingemiba elandelayo:

- ✚ **ukwahlula** ngokwemiba yeSoloty le16(2)(b) loMthethwana ukudlula ngaphaya kumlinganiselo wesayithi ovumelekileyo othatha ipesenti ezingama-50% ukuya kuma- 53,4% ukulungiselela igumbi lokufundela esele likhona nendawo yokungena evalekileyo.
- ✚ **ingqikelelo yomdliwo wobhaliso ngokwemiba** yeSoloty le16(2)(q) loMthethwana wokugqithela ngaphaya komlinganiselo omisiweyo ongagunyaziswanga njengoko kuchazwe ngentla.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini Phakathi kwentsimbi ye- 08:00 neye16:30 kwiSebe: LeZicwangciso zeDolophu noBume beNdawo kwa16 Paterson Street, Hermanus nakwiwebhpheji kamasipala kweliqhakamshela lilandelayo <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Naziphi na izimvo ezibhaliweyo mazingeniswe kwaMasipala ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana ochazwe ngentla (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye naphambi komhla wama-**24 Julayi 2026**, uchaze igama lakho, idilesi yakho neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingabuzwa k**Mnu. H. Olivier** kwa 028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda ukubhala nokubhala angaya kwiCandelo: LeDolophu noBume beNdawo apho igosa likamasipala liza kumnceda ahlomle ngokusemthethweni.

Nceda uqaphele ukuba ngokoMthetho OKhusela Inxelo NgoMntu (POPIA), uza kube ungena kwinkqubo kawonkewonke ngoko ke uyavuma kwaye uvumelelana nokuba igama lakho, ifani yakho, iinkcukacha zakho noluvo/nezimvo zakho zingadizwa /zingasetyeniziswa kwinkqubo(kwisicelo) yesicelo.



MOTIVATION REPORT

Departure from Maximum Allowable Site Coverage & Administrative Penalty

ERF 2412 | ONRUSTRIVIER | DIVISION: CALEDON | OVERSTRAND MUNICIPALITY

Property	Erf 2412 Onrustrivier
Street Address	23 Beyers Street, Onrustrivier
Title Deed	T39/2015
Registered Owner	Johann Kotze
Extent	495 m ²
Zoning	Residential Zone 1 — Single Residential
Municipality	Overstrand Municipality
Application Type	Coverage Departure Administrative Penalty
Bylaw Reference	Chapter 4, Section 16(2)(b) & 16(2)(q) — Overstrand Municipal Land Use Planning Bylaw, 2020
Bond	No bond registered against the property
Applicant/Planner	Plan Active Town and Regional Planners

1. BACKGROUND

On behalf of Mr. Johann Kotze, the registered owner of Erf 2412 Onrustrivier, Plan Active Town and Regional Planners has been appointed to apply for a departure from the maximum allowable site coverage and the determination of an administrative penalty, in terms of the Overstrand Municipality’s Bylaw on Municipal Land Use Planning, 2020.

Mr. Kotze is the original owner of the property, having had a dwelling constructed on Erf 2412 Onrustrivier in 2014. The dwelling was constructed in accordance with Approved Building Plan No. BP 26531/2014. During the course of construction, the owner instructed the builder to add a study adjacent to the double garage and to enclose the entrance of the dwelling. These additions were incorporated into the structure during the building process but were not included on the approved building plan.

Construction of the dwelling, including the two unapproved additions, was completed in February 2015. The property was transferred to Mr. Kotze by way of Deed of Transfer No. T39/2015, registered on 6 January 2015, and the dwelling was occupied from March 2015.

The unapproved additions, shown in light green hatching on the As Built building plan (Drawing No. KOT-2025A.1 Rev D, dated 16 March 2026, prepared by T. Dillon, SACAP No. D0231), collectively amount to approximately 23 m² of additional covered floor area. The Overstrand Municipal Land Use Scheme

Regulations, 2020 prescribe a maximum site coverage of 50% for Residential Zone 1 properties. The total coverage of the dwelling, including the two unapproved additions, amounts to 267 m², equating to 53.4% of the erf area — exceeding the permissible maximum by 3.4% (19.5 m² net). Both structures comply with the applicable building line requirements, and no building line departure is required.

The contravention came to light during the preparation of updated building plans for a proposed first-floor hobby room addition in 2025. In order to proceed with the new building plan submission, it is necessary to first regularise the unapproved as-built structures through applications for a coverage departure and the determination of an administrative penalty.

2. APPLICATION DETAILS

This application is submitted in accordance with the Overstrand Municipality’s Bylaw on Municipal Land Use Planning, 2020, as follows:

- Chapter 4, Section 16(2)(b): Application for a departure from the maximum allowable site coverage (50%) in terms of the Overstrand Municipal Land Use Scheme Regulations, 2020.
- Chapter 4, Section 16(2)(q): Application for the determination of an administrative penalty in respect of the study and enclosed entrance constructed during the 2014 building process without being included on the approved building plan.

Reference	Section	Description
Coverage Departure	Section 16(2)(b), Chapter 4	Departure from the prescribed maximum site coverage of 50% to 53.4%.
Administrative Penalty	Section 16(2)(q), Chapter 4	Determination of an administrative penalty for the study and enclosed entrance constructed in 2014 without being included on the approved building plan.

3. DESIRABILITY

3.1 Property Location

The subject property is located at 23 Beyers Street, Onrustrivier. Erf 2412 Onrustrivier is situated within a well-established single residential neighbourhood in the coastal village of Onrustrivier, which falls under

the jurisdiction of the Overstrand Municipality. The property is accessed from Beyers Street and is surrounded by comparable single residential erven.



Figure 1: Locality Plan — Erf 2412 Onrustrivier

Onrustrivier is a popular seaside village in the Western Cape, characterised by a mix of permanent and holiday residences. The subject property is located in a predominantly residential area that reflects the typical development pattern of the village.

3.2 Zoning

Erf 2412, Onrustrivier is zoned Residential Zone 1 (Single Residential) in terms of the Overstrand Municipal Land Use Scheme, 2020. The surrounding properties are similarly zoned for single residential use. The property is utilised in accordance with its current zoning.

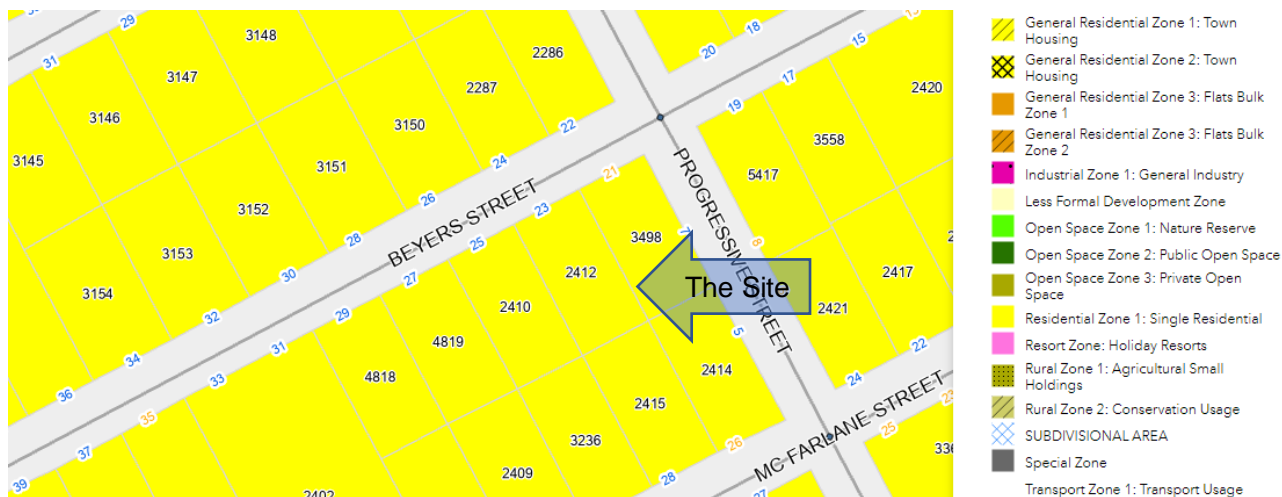


Figure 2: Zoning Extract — Erf 2412 Onrustrivier (Residential Zone 1)

The residential zoning and land use of Erf 2412 Onrustrivier will be retained in full after the proposed application has been concluded. No change of land use is sought.

3.3 Existing Land Use

Erf 2412, Onrustrivier is developed with a single-storey dwelling house, constructed in 2014 and occupied from March 2015. The residence comprises the following:

- Double garage
- Study (constructed in 2014, not included on approved building plan)
- Living room
- Dining room
- Enclosed entrance (constructed in 2014, not included on approved building plan)
- Kitchen and pantry
- Main bedroom with en-suite bathroom
- Bathroom 2
- Bedrooms 2 and 3
- Covered patio with braai

The surrounding area consists primarily of single-family residential properties and public roads, situating Erf 2412 Onrustrivier within a well-established and cohesive residential neighbourhood consistent with the character of Onrustrivier.

4. PROPOSAL

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

- Departure from Maximum Allowable Site Coverage
- Determination of Administrative Penalty

4.1 Departure from Maximum Allowable Site Coverage

The Overstrand Municipal Land Use Scheme Regulations, 2020 prescribe a maximum site coverage of 50% for properties zoned Residential Zone 1. Erf 2412 Onrustrivier has a total extent of 495 m², yielding a permissible coverage of 247.5 m².

The dwelling, constructed in 2014 in accordance with Approved Building Plan No. BP 26531/2014, was extended during the course of construction to include a study adjacent to the double garage and an enclosed entrance. These two additions were not included on the approved building plan and resulted in the total site coverage increasing to 267m², equivalent to 53.4% of the erf area. This exceeds the permissible maximum by 3.4%, representing a net excess of approximately 19.5 m². Both as-built additions

are positioned within the prescribed building lines applicable to the property and do not give rise to any building line encroachment. we are therefore applying for the departure from the allowable coverage that is 50% to 53.4%.

The unapproved additions are clearly indicated in light green hatching on the As Built building plan (Drawing No. KOT-2025A.1 Rev D, dated 16 March 2026, prepared by T. Dillon, SACAP No. D0231).

Description	Prescribed Maximum	As Built
Erf Extent	—	495 m ²
Permissible Coverage (50%)	247.5 m ²	—
Total As-Built Coverage	—	267 m ² (53.4%)
Excess Coverage Requiring Departure	19.5 m ² (3.4%)	—
Study (constructed 2014, not on approved plan)	—	±15 m ²
Enclosed Entrance (constructed 2014, not on approved plan)	—	±8 m ²

4.1.1 Study (Adjacent to Garage)

During the construction of the dwelling in 2014, the owner instructed the builder to add a study alongside the double garage. The study, measuring approximately 15 m², is an enclosed room with tile flooring and was incorporated into the structure as the building progressed. It was not included on Approved Building Plan No. BP 26531/2014. The building plan notes this structure as “As Built Study: 15m²”. The structure is positioned within the applicable building lines.

4.1.2 Enclosed Entrance

During the same construction period in 2014, the owner also instructed the builder to enclose the entrance of the dwelling to form a covered entrance area measuring approximately 8 m². This addition, which provides weather protection and enhanced security at the main entry point, was similarly incorporated into the structure during construction but was not included on the approved building plan. The building plan notes this as “Entrance enclosed: 8m²”. The structure is positioned within the applicable building lines.

Both the study (±15 m²) and the enclosed entrance (±8 m²) were constructed during the 2014 building process at the instruction of the owner but were not included on the approved building plan. The resulting total site coverage of 267 m² (53.4%) exceeds the permissible 50% maximum by 19.5 m². Both structures comply with the applicable building line requirements. A coverage departure of 3.4% above the prescribed maximum is accordingly sought.

The excess coverage does not negatively affect neighbouring properties with respect to views, sunlight, natural ventilation, or access. The structures have formed part of the dwelling since its completion in February 2015 and no complaints have been received from adjoining owners. The additions are well-constructed, form an integral part of the dwelling, and are consistent with the residential character of the area.

4.2 Determination of Administrative Penalty

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

This application accordingly includes a request in terms of Chapter 4, Section 16(2)(q) of the Bylaw for the determination of an administrative penalty relating to the construction of the study and enclosed entrance during the 2014 building process without those structures being included on the approved building plan for the dwelling.

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

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

4.2.1 Nature, Duration, Gravity and Extent of the Contravention

The contravention relates to the construction of two additions to the dwelling during the 2014 building process — a study adjacent to the double garage and an enclosed entrance — without those structures being included on the approved building plan. The additions are wholly residential in nature, consistent with the single residential use and character of the property and comply with all applicable building line requirements.

Construction of the dwelling and the unapproved additions was completed in February 2015, and the property has been occupied since March 2015. The contravention has accordingly existed for approximately ten years. The extent of the contravention is, however, considered minor: the two structures

together cover approximately 23 m², resulting in a site coverage of 53.4% against the permissible 50% maximum — an excess of 3.4%. No demolition notice or compliance directive has been issued in respect of these structures.

Structure	Extent	Date Constructed	Status
Study (adjacent to double garage)	±15 m ²	February 2015	Not on approved plan
Enclosed entrance	±8 m ²	February 2015	Not on approved plan
Total	±23 m ² (19.5 m ² net excess)	—	—

4.2.2 Conduct of the Person Involved

Mr. Kotze is the original owner of the property and was responsible for commissioning the construction of the dwelling in 2014. During the building process, he instructed the builder to incorporate the study and to enclose the entrance. While the owner was aware of these additions at the time of construction, it is evident that the significance of obtaining amended plan approval for these changes was not fully appreciated, and the additions were made in good faith as practical improvements to the dwelling during its construction.

Upon becoming aware of the non-compliance during the preparation of building plans for the proposed first-floor hobby room addition in 2025, Mr. Kotze immediately took steps to regularise the situation by appointing Plan Active Town and Regional Planners to prepare and submit the necessary land use applications. The owner has cooperated fully and proactively with this process.

4.2.3 Whether the Unlawful Conduct Was Stopped

The unapproved building work was completed in February 2015 as part of the original construction of the dwelling. No further unlawful construction has taken place on the property since that date. The owner is not seeking to intensify or expand the as-built footprint beyond what was constructed in 2015, but rather to regularise the existing situation through the appropriate statutory process. The proposed first-floor hobby room addition, which forms part of the same building plan submission, has been designed to comply fully with all applicable coverage and building line requirements.

4.2.4 Impact on Adjacent Properties and the Surrounding Area

The unapproved additions have not materially impacted adjoining properties or the surrounding residential environment during the approximately ten years in which the dwelling has been occupied. The study and enclosed entrance are contained entirely within the boundaries of Erf 2412 Onrustvriër, comply with all applicable building lines, and do not encroach onto neighbouring erven or the public street. Both structures

are fully integrated into the existing dwelling and are indistinguishable from the balance of the building in terms of architectural character and materials.

No complaints have been received from adjoining property owners at any point since the dwelling was occupied in March 2015, and the structures do not obstruct views, natural light, ventilation, or access for any neighbouring property. The minor excess coverage of 3.4% is not discernible from the street or from neighbouring properties.

4.2.5 Cost Estimate and Indicative Administrative Penalty

In support of this application, a construction cost estimate has been prepared by Homecraft Building Solutions (dated 5 January 2026 (Quote No. 1006). The estimate covers the unapproved study, constructed as an extension measuring 6360 mm × 2330 mm, with itemised costs as follows. As only the net excess coverage of 19.5 m² (3.4%) constitutes the contravention — rather than the full extent of both unapproved structures (±23 m²) — the indicative administrative penalty is calculated on a pro-rata basis, being 19.5/23 of the total estimated construction cost:

Component	Estimated Cost
Wet work — foundation, brickwork and plaster (R1 600/m ²)	R24 000.00
Windows: 1.2 m × 2.0 m and 1.2 m × 1.3 m aluminium white	R5 200.00
Roof structure, sheets, waterproofing and ceiling	R14 000.00
Electrical	R1 450.00
Paint and finishing	R3 100.00
Total estimated construction cost (excl. VAT)	R47 750.00
Pro-rata cost: net excess coverage only (19.5 m ² ÷ 23 m ² × R47 750.00)	R40 483.70
VAT (0%)	R0.00
Pro-rata total (incl. VAT)	R40 483.70
Indicative administrative penalty (5%)	R2 024.18

The above calculation is provided as a guideline to assist the MPT in determining a reasonable and proportionate administrative penalty. The penalty base has been limited to the net excess coverage of 19.5 m² (3.4%), being the pro-rata proportion of the total estimated construction cost (19.5/23 × R47 750.00 = R40 483.70), rather than the full extent of both unapproved structures. The penalty percentage applied (5%) is consistent with prevailing municipal practice for minor residential contraventions of this nature. It is respectfully submitted that no penalty, or a minimal penalty, is warranted given that the

additions have been in place since 2015 without any adverse impact on surrounding properties, and that the owner has acted promptly and in good faith upon becoming aware of the non-compliance.

4.2.6 History of Previous Contraventions

To the best knowledge of the applicant and as confirmed by the registered owner, Mr. Johann Kotze has no history of previous planning contraventions associated with this property or any other property. This is the first and only instance of non-compliance identified in respect of Erf 2412 Onrustrivier, and it arose in the context of the original construction of the dwelling rather than from any deliberate or ongoing disregard for municipal planning regulations.

5. ACCESS AND PARKING

Vehicular and pedestrian access to Erf 2412 Onrustrivier is provided via Beyers Street. Parking for the dwelling is accommodated by the existing double garage on the ground floor. No changes to access or parking arrangements are proposed as part of this application. The existing access arrangements are adequate and comply with municipal requirements.

6. MUNICIPAL SERVICES

All municipal services — including water, sewerage, stormwater, and electricity — are already in place and serving the subject property. The unapproved additions form part of the completed dwelling and do not require any additional or upgraded services. The proposal will therefore not have a negative impact on the existing services infrastructure provided by the Overstrand Municipality.

With reference to the As-Built plan, an existing 5 000-litre small-bore sewer tank is installed on the property, connecting to the existing sewer system. A water meter and fibre manhole are located at the street boundary. All services are functional and adequate for the existing and proposed use of the property.

7. TITLE DEED

The property is held under Deed of Transfer No. T39/2015 and is owned by Mr. Johann Kotze,

The property is subject to the following conditions registered against the title deed:

Condition A — Deed of Transfer No. T7336/1922

Subject to the conditions referred to in Deed of Transfer No. T7336/1922.

Condition B — Amended Crown Grant, 19 February 1904

“The land thus granted being further subject to all such duties and regulations as either are already or shall in future be established respecting lands granted on similar tenure.”

Condition C — Annexure “A” to Deed of Transfer No. T7336, 22 August 1922 (Onrust River Syndicate)

The following special conditions were imposed by the Onrust River Syndicate:

- (b) The above property is sold for residential purposes only.
- (c) The purchaser and his successors in title shall have no right to open or allow any hotel, canteen, shop, restaurant or any other place of business whatsoever on the property.
- (d) The Seller reserves the sole and only right at any time to sell erven free of either or both conditions (b) and (c).

The application for a coverage departure and administrative penalty determination is fully consistent with Condition B(b) of the Title Deed, as the property is and has always been used exclusively for residential purposes. The study and enclosed entrance are residential in nature and do not in any way constitute a commercial or business use.

There is no bond registered against the property. Accordingly, no bondholder’s consent is required for this application.

8. FORWARD PLANNING

8.1 Overstrand Municipal Wide Spatial Development Framework (2020)

In terms of the Overstrand Municipal Wide Spatial Development Framework (2020), the subject property falls within an area earmarked for urban residential development. The residential zoning and single residential land use of Erf 2412 Onrustrivier will be retained in full after the conclusion of this application. No change to the land use character or intensity of development is proposed.

8.2 Overstrand Growth Management Strategy (2010)

With reference to the Overstrand Growth Management Strategy (2010), Erf 2412 Onrustrivier falls within Planning Unit 1, which predominantly consists of the existing developed Vermont and Onrus residential suburbs.

In respect of residential densification, the Growth Management Strategy notes that, given the nature and current character of the area as well as the heritage context, no densification is proposed for Planning Unit 1. The area along the coast is furthermore subject to a coastal management zone requiring special development criteria, and the Onrus Punt area — within which the subject property is situated — forms part of a heritage area where specific heritage development criteria apply.

The present application does not propose any densification, additional dwelling units, or intensification of land use. It is limited to the regularisation of unapproved structures forming part of the original 2014 dwelling construction. The proposal is fully consistent with the Growth Management Strategy's intent for Planning Unit 1, as the established single residential character of the property and the surrounding neighbourhood is preserved. The existing potable water, sewerage, and stormwater infrastructure already serves the property, and no additional civil services capacity is required.

9. OTHER RELEVANT LEGISLATION

9.1 Heritage Value

Erf 2412 Onrustrivier is not situated within a Heritage Overlay Zone as determined by the Overstrand Municipality's Growth Management Strategy (2010) or the Overstrand Heritage Survey Report (2009). The property is not associated with any important persons, groups, events, or activities, and is not used for living heritage purposes. According to the Overstrand Municipal GIS system, the subject property is not located within any Heritage Protection Overlay Zone. The proposed application will accordingly not have any negative impact on the heritage value of the property or the broader Onrustrivier area.

9.2 Biophysical Environment

The proposed departure from the maximum allowable site coverage and determination of an administrative penalty do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998). No further environmental assessments or approvals are required for this application. The unapproved additions form part of the completed dwelling and are contained within the existing developed footprint of the property.

10. PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency, and spatial resilience are addressed as follows in relation to this application:

Spatial Justice

This application seeks to regularise structures that have formed part of the dwelling since its completion in February 2015, are fully residential in character, comply with all applicable building lines, and are in keeping with the surrounding built environment. The coverage departure is minor (3.4%) and does not unfairly prejudice adjoining property owners. No neighbouring properties have been adversely affected by the additions during the approximately ten years the dwelling has been occupied.

Spatial Sustainability

The proposed regularisation promotes sustainability by retaining and legalising functional residential structures that have been part of the dwelling for a decade, rather than requiring demolition or costly alterations. The existing residential zoning is maintained, and no additional pressure is placed on municipal infrastructure or services.

Spatial Efficiency

The application demonstrates planning efficiency by addressing a minor coverage exceedance without requiring structural alteration or demolition. The study and enclosed entrance make productive and functional use of the available space on the erf and have done so since 2015. The proposal optimises the residential utility of the property within a compact 495 m² footprint, consistent with efficient land use principles.

Spatial Resilience

By regularising the existing situation, the application ensures that the property is legally compliant and will not become a liability in the event of future sale, bonding, or redevelopment. The structures are an integral part of the dwelling and are compatible with surrounding properties, ensuring their continued contribution to the neighbourhood's character and resilience over time.

Good Administration

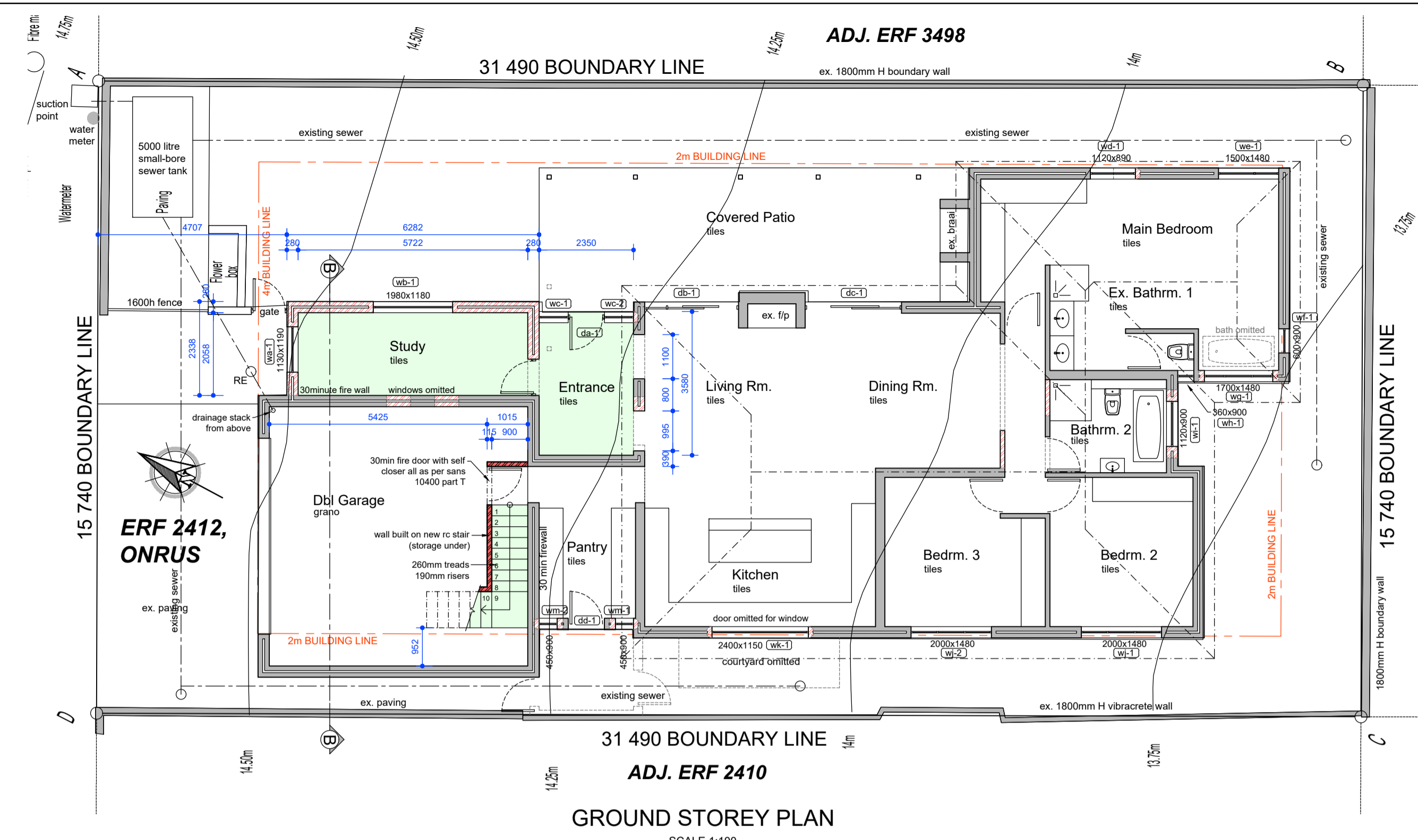
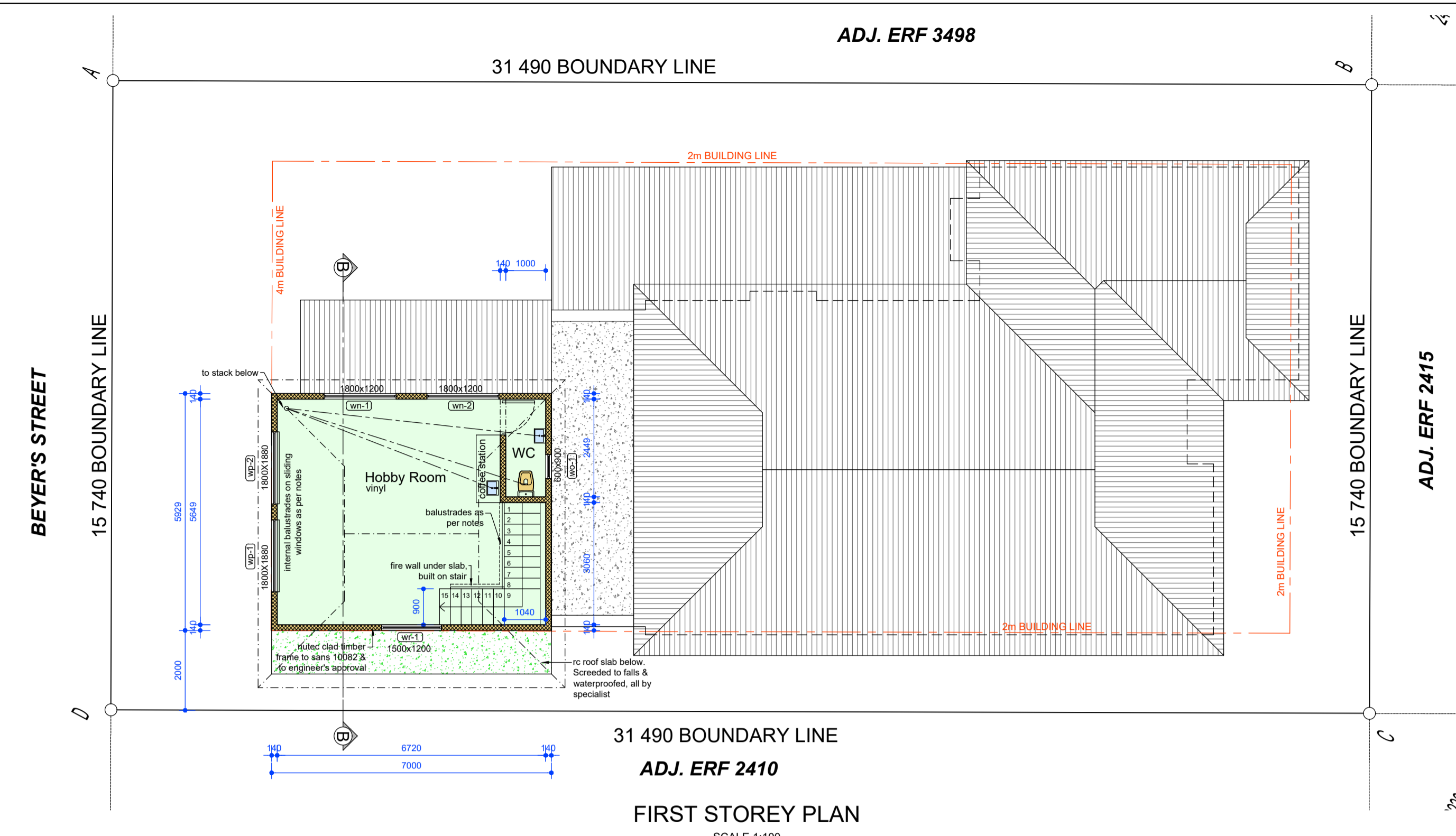
Plan Active Town and Regional Planners is committed to the principle of good administration and will cooperate fully with the Overstrand Municipality to ensure a time-efficient and transparent land use planning process. This application follows due process as stipulated in the Overstrand Municipality's Bylaw on Municipal Land Use Planning, 2020, and all relevant provincial and national land use planning legislation.

11. RECOMMENDATION

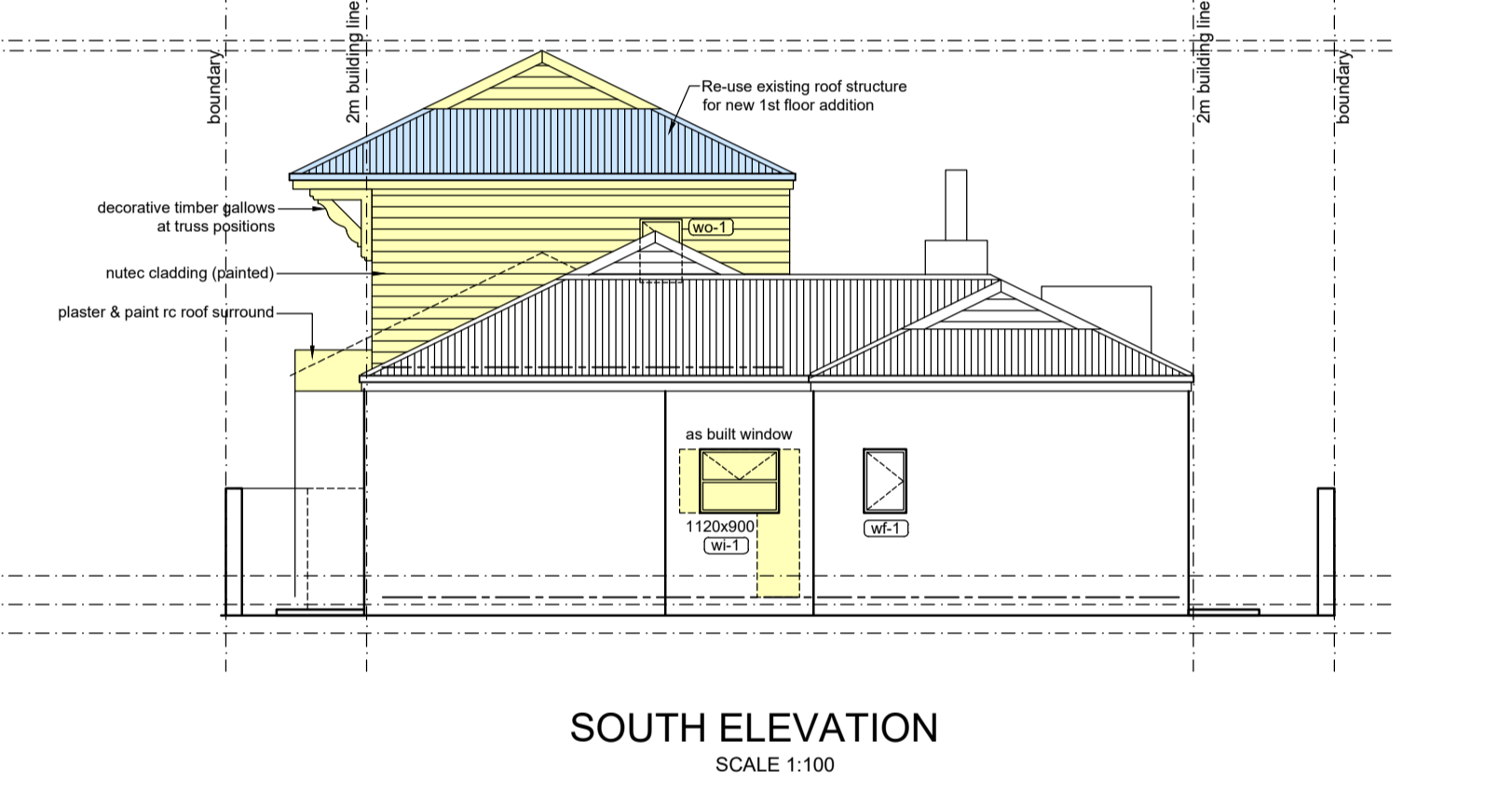
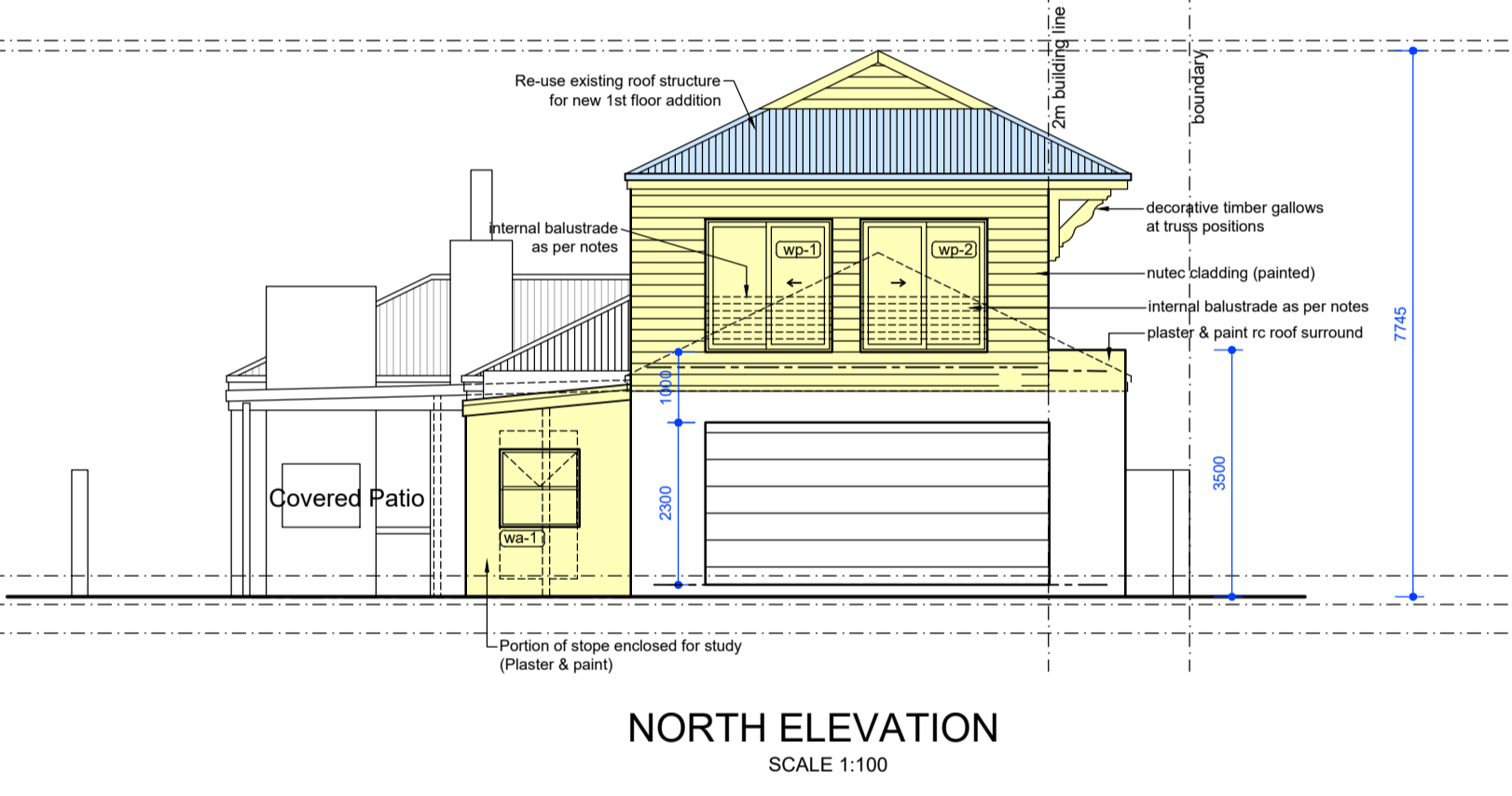
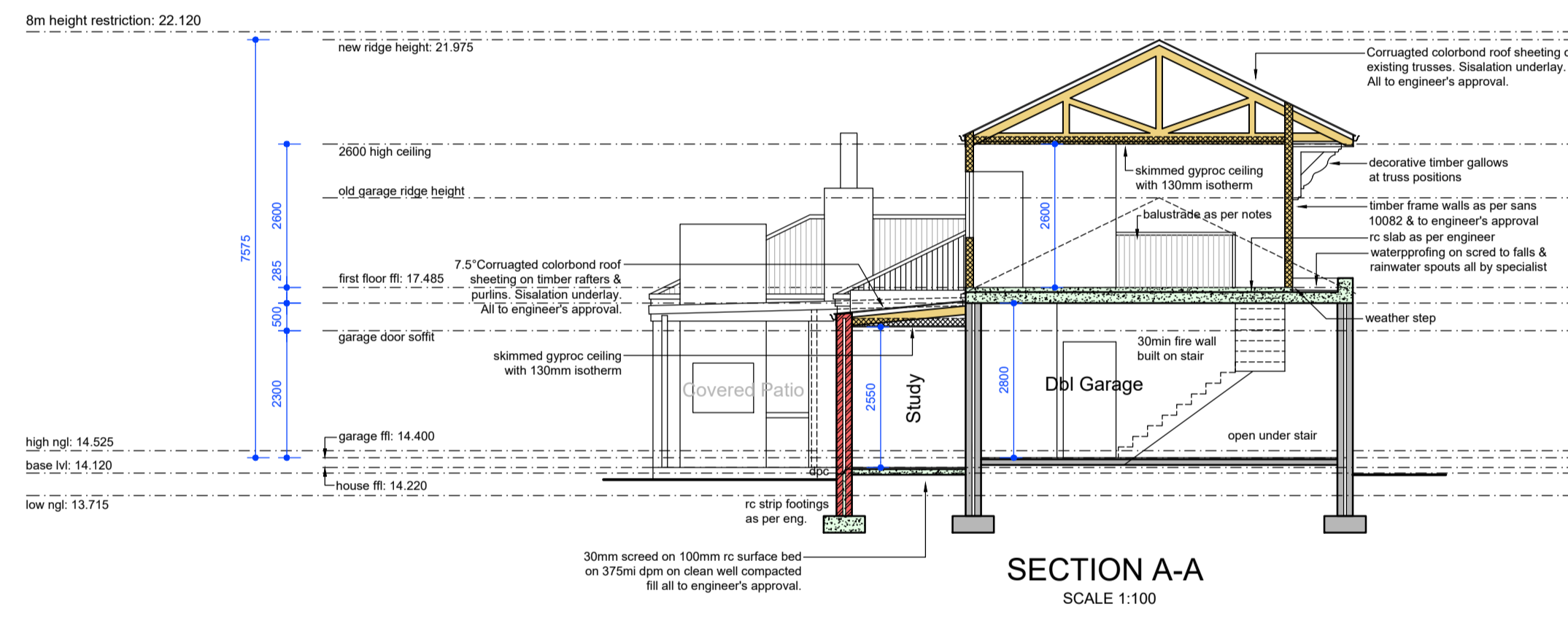
Based on the information provided regarding the departure from the maximum allowable site coverage and the determination of an administrative penalty, Plan Active Town and Regional Planners respectfully recommends approval of the application. The following reasons support this recommendation:

- The study and enclosed entrance were constructed during the 2014 building process at the instruction of the registered owner and have formed an integral part of the dwelling since its completion in February 2015.
- The excess coverage of 3.4% above the prescribed maximum of 50% is modest and does not materially alter the character of the property or the surrounding neighbourhood.
- Both structures comply with the applicable building line requirements. No building line departure is required or sought.
- The structures are contained entirely within the boundaries of Erf 2412 Onrustrivier and do not encroach onto neighbouring properties or the public street.
- No complaints have been received from adjoining property owners at any point during the approximately ten years the dwelling has been occupied.
- The structures do not negatively impact neighbouring properties in terms of views, natural light, ventilation, or privacy.
- The application is consistent with the Title Deed conditions, as the property has at all times been used exclusively for residential purposes.
- No bond is registered against the property, and therefore no bondholder's consent is required.
- All municipal services are in place and adequate for the existing use.
- The owner acted in good faith during the construction process and has responded promptly and cooperatively upon becoming aware of the non-compliance in 2025.
- A construction cost estimate (Homecraft Building Solutions, Quote No. 1006, dated 5 January 2026) confirms a total estimated construction cost of R47 750.00 for the unapproved study. The indicative administrative penalty is calculated on a pro-rata basis limited to the net excess coverage of 19.5 m² ($19.5/23 \times R47\,750.00 = R40\,483.70$), with a 5% penalty of R2 024.18, which is considered reasonable and proportionate having regard to the nature and circumstances of the contravention.
- The application aligns with the Overstrand Municipality's Spatial Development Framework and the broader objectives of orderly residential development in Onrustrivier.

It is therefore respectfully recommended that the Overstrand Municipality approve: (1) the departure from the maximum allowable site coverage from 50% to 53.4% in terms of Section 16(2)(b); and (2) the determination of an administrative penalty in terms of Section 16(2)(q) of the Amended Bylaw on Municipal Land Use Planning, 2020, for Erf 2412 Onrustrivier.



GENERAL NOTES:
FOUNDATIONS:
To be taken to safe load bearing ground, and to structural engineer's design & spec following a geotechnical investigation. No footings to project beyond site boundary.
WALLS:
270: 110/50/110 Brick cavity wall construction: wall ties to be built in accordance with SANS 10400. A minimum of 3 ties per m². All in accordance with SANS 10400. Weepholes to be provided to all external walls.
All openings in walls or wall supports up to 2700mm to have prestressed pc lintels over and 4 course brickwork & brickforce over or as per engineer, larger openings as per engineer.
FLOORS:
Flinth min 150mm above fgl. 30mm cementitious screed on 100mm concrete surface bed on 375mic. DPM on 50mm clean builders sand, on well compacted clean homogenous fill.
BALUSTRADES:
Around all openings with more than 600mm drop offs. All as per SANS 10400 Part m, min 1m high with max 100mm openings.
WATER PROOFING:
By specialist contractor.
GLAZING:
See specs on fenestration calcs. All glazing to comply with requirements of SANS 10137 & SANS 10400 part N - Access doors and side lights - windows lower than 500mm from floor, windows lower than 1800mm above pitch line of stairs and shop fronts to be safety glass and clearly indicated as such on glass at eye level.
CEILING:
Ceilings as per energy calculations
TIMBER:
All construction timber is to be tanitish pressure treated grade 5 sa pine wrapped in pvc membrane when enters masonry work.
ROOFS:
As per sections & layouts. Rafters to adhere to table 5 part L of SANS 10400.
Rafters tied down min 600mm into brick walls with 30x1.2 galv hoop iron straps at each rafter. tiled roofs to have under batten/coverland under-site membrane.
RAINWATER GOODS:
Ensure sufficient height of plinths to prevent flooding. Site levels and surface drainage to be finally determined on site by contractor & to engineer's approval. Aluminium seamless gutters and downpipes.
DRAINAGE:
Under building to be encased in concrete as per rule pp24 of sams 10400.



SANS 10400 Part XA Compliance:
SANS 10400 4.4.5.4
Climatic Zone 2
Water heating: Solar water heaters for 50% demand of hot water. (Supplied non-resistive means: complies)
Sheeted Roof Assembly: (Flat)
Moving Air R-value = 0.03
Metal roof sheets R-Value = 0.00
Roof space: 0.18
135mm isotherm R-value = 3.14
Sisalation = 1.30
6.4mm gyproc R-Value = 0.030
Total R-value = 4.66 > 3.7 = complies

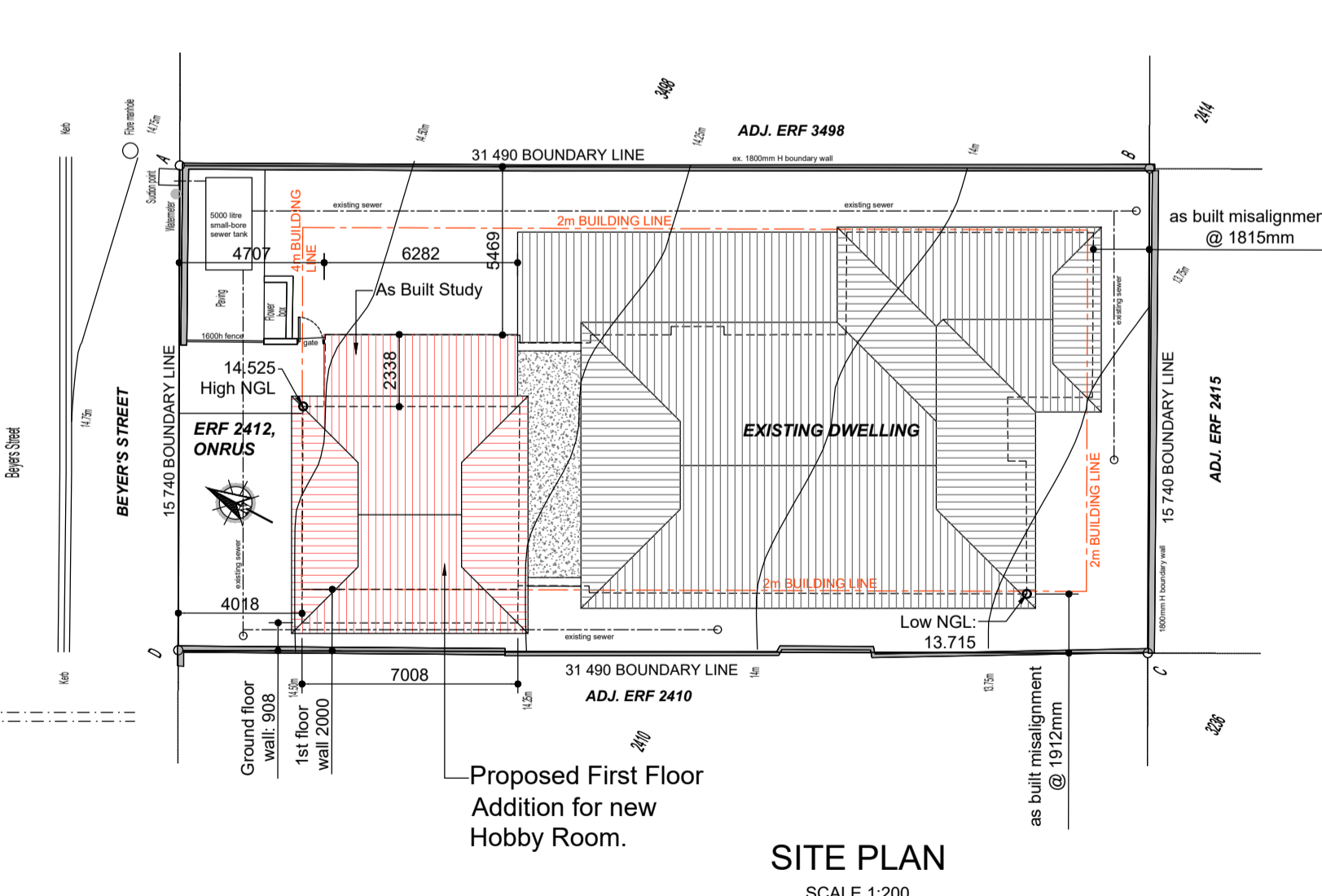
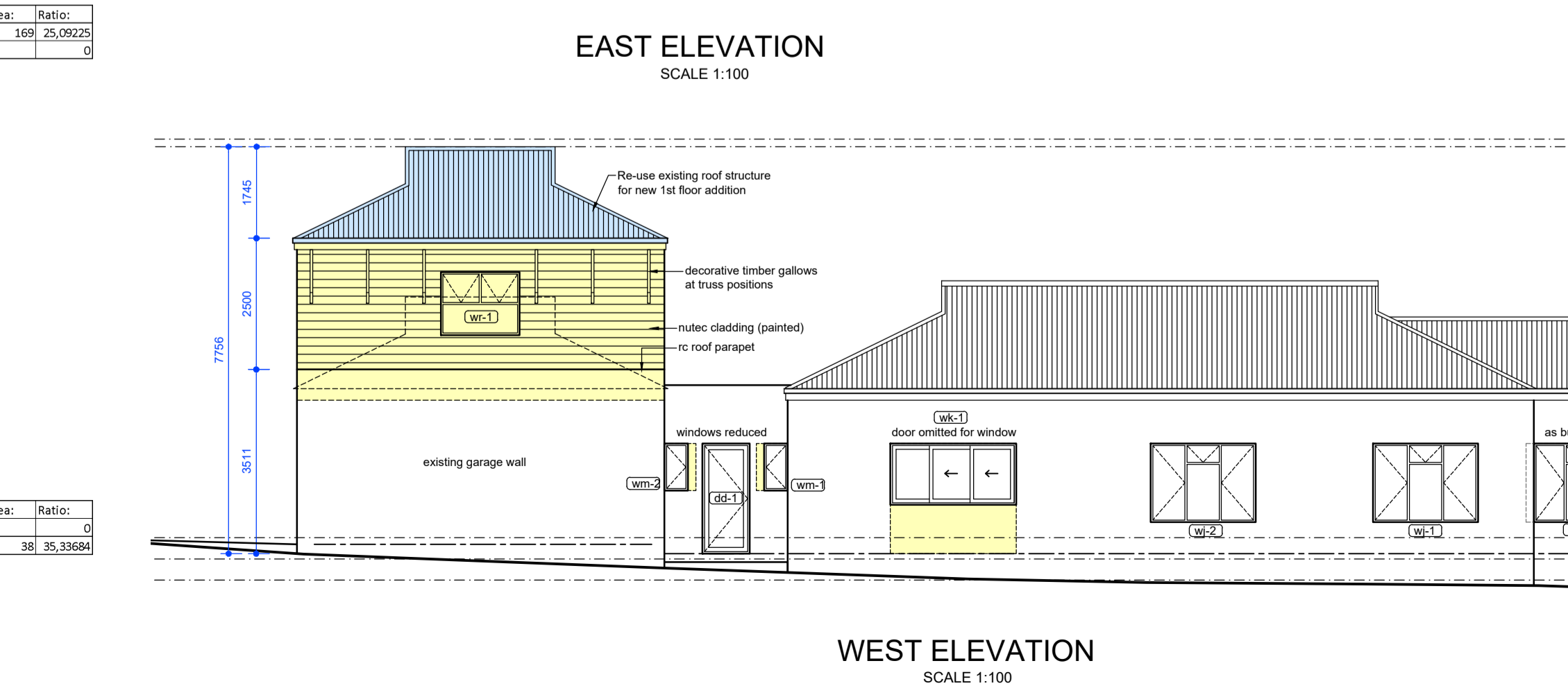
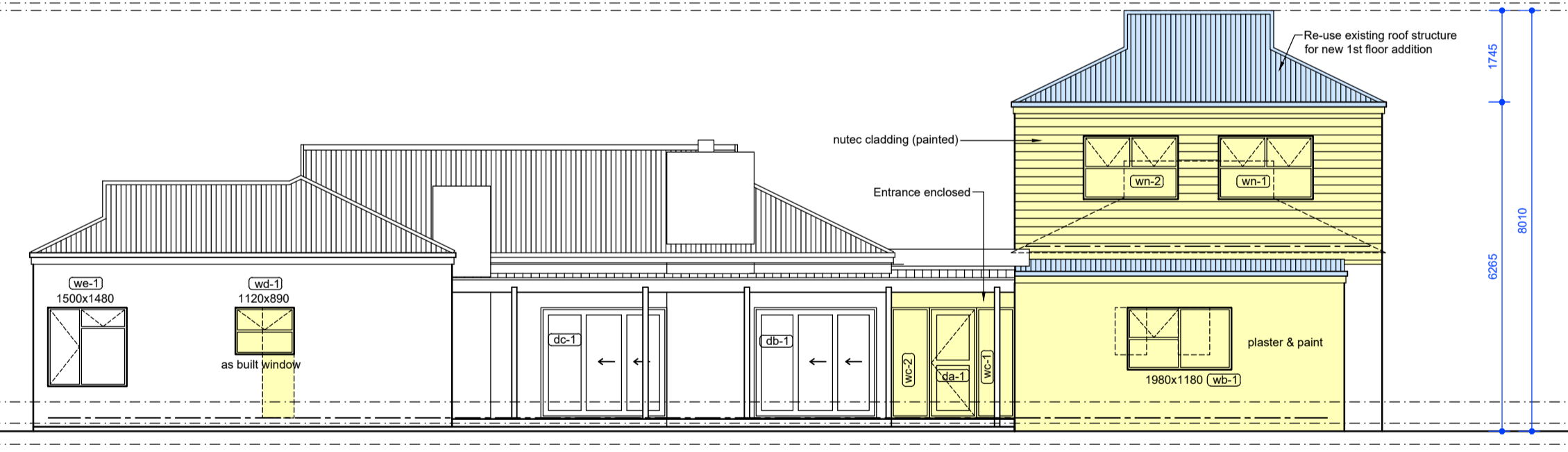
Concrete Roof Assembly:
Concrete Roof (200mm) R-Value = 0.14
Outdoor Airfilm R-Value = 0.03
Indoor Airfilm R-Value = 0.11
Waterproofing R-Value = 0.03
75mm isotherm R-Value = 1.53
Isoboard 50mm R-Value = 2.083
Total R-value = 3.923 > 3.7 = complies

GROUND FLOOR FENESTRATION:

Orientation	Storey Level	Door/Win Number	Quantity	Width (m)	Height (m)	Area	Proposed Material and Glass
North	Ground Storey	WA1	1	1.13	1.19	1.3440	ALU_SINGLE
East	Ground Storey	WB1	1	1.98	1.18	2.3364	ALU_SINGLE
East	Ground Storey	WC1	1	1.7	2.1	3.57	ALU_SINGLE
East	Ground Storey	WA2	1	0.9	2.1	1.89	ALU_SINGLE
East	Ground Storey	WC2	1	1.7	2.1	3.57	ALU_SINGLE
East	Ground Storey	DB1	1	2.3	2.1	4.83	ALU_SINGLE
East	Ground Storey	DC1	1	2.4	2.1	5.04	ALU_SINGLE
East	Ground Storey	WD1	1	1.12	0.89	0.9968	ALU_SINGLE
East	Ground Storey	WF1	1	1.5	1.48	2.22	ALU_SINGLE
South	Ground Storey	WF1	1	0.6	0.9	0.54	ALU_SINGLE
South	Ground Storey	WF1	1	1.12	0.9	1.008	ALU_SINGLE
West	Ground Storey	WH1	1	0.36	0.9	0.324	ALU_SINGLE
West	Ground Storey	WG1	1	1.7	1.48	2.516	ALU_SINGLE
West	Ground Storey	WJ1	1	2	1.48	2.96	ALU_SINGLE
West	Ground Storey	WZ1	1	2	1.48	2.96	ALU_SINGLE
West	Ground Storey	WK1	1	2.4	1.5	3.6	ALU_SINGLE
West	Ground Storey	WM1	1	0.45	0.9	0.405	ALU_SINGLE
West	Ground Storey	WD1	1	0.9	2.1	1.89	ALU_SINGLE
West	Ground Storey	WM2	1	0.45	0.9	0.405	ALU_SINGLE

FIRST FLOOR FENESTRATION:

Orientation	Storey Level	Door/Win Number	Quantity	Width (m)	Height (m)	Area	Proposed Material and Glass
North	First Storey	WP1	1	1.8	1.88	3.384	ALU_SINGLE
North	First Storey	WP2	1	1.8	1.88	3.384	ALU_SINGLE
East	First Storey	WN1	1	1.8	1.2	2.16	ALU_SINGLE
East	First Storey	WN2	1	1.8	1.2	2.16	ALU_SINGLE
West	First Storey	WR1	1	1.5	1.2	1.8	ALU_SINGLE
South	First Storey	WD1	1	0.6	0.9	0.54	ALU_SINGLE



Areas:
Erf: 495m²
Cover: 267m² = 53.4%
Additions (Total): 64.5m²
As built Study: 15m²
Entrance enclosed: 8m²
Proposed 1st Floor addition: 41.5m²

General Notes:
This plan remains the property of The Author.
This plan is not to be reproduced in any way without written consent of it's author
These plans are for council approval purposes only. All dimensions to be checked on site before commencement of work
Do not scale this plan, use written dimensions
All work to be carried out in accordance with SANS 10400



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Project: House Kotze
Alterations to Existing
Council Approval drawing only

Address: 23 Beyers st.
Erf 2412, Onrus

Date: 16 March 2025
Drawing No: KOT-2025A 1 Rev D
File Name: Kotze, Johann

T Dillon (SACAP No.: 00231)

Client: