

**ERF 4070, 309 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF CD AND GE BAYLEY**

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 in order to:
  - relax the lateral building line from 2m to 1,2m to accommodate the As-Built kitchen extension (first floor) and internal alterations (kitchen on ground floor), and
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize the unauthorised building line encroachment.

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](mailto:landuse@overstrand.gov.za)) on or before **10 July 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. P. Roux** 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 4070, TIENDESTRAAT 309, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS- EN STREEKBEPANNERS NAMENS CD EN GE BAYLEY**

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 ten einde die:
  - lateraleboulyn vanaf 2m na 1.2m te verslap om die "As-Built" kombuis aanbouing (eerste vloer) en interne veranderinge (kombuis op grondvloer) te akkommodeer, en
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening om die onwettige boulynoorskryding te wettig.

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](mailto:landuse@overstrand.gov.za)) voor of op **Vrydag, 10 Julie**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. P. Roux** 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.*

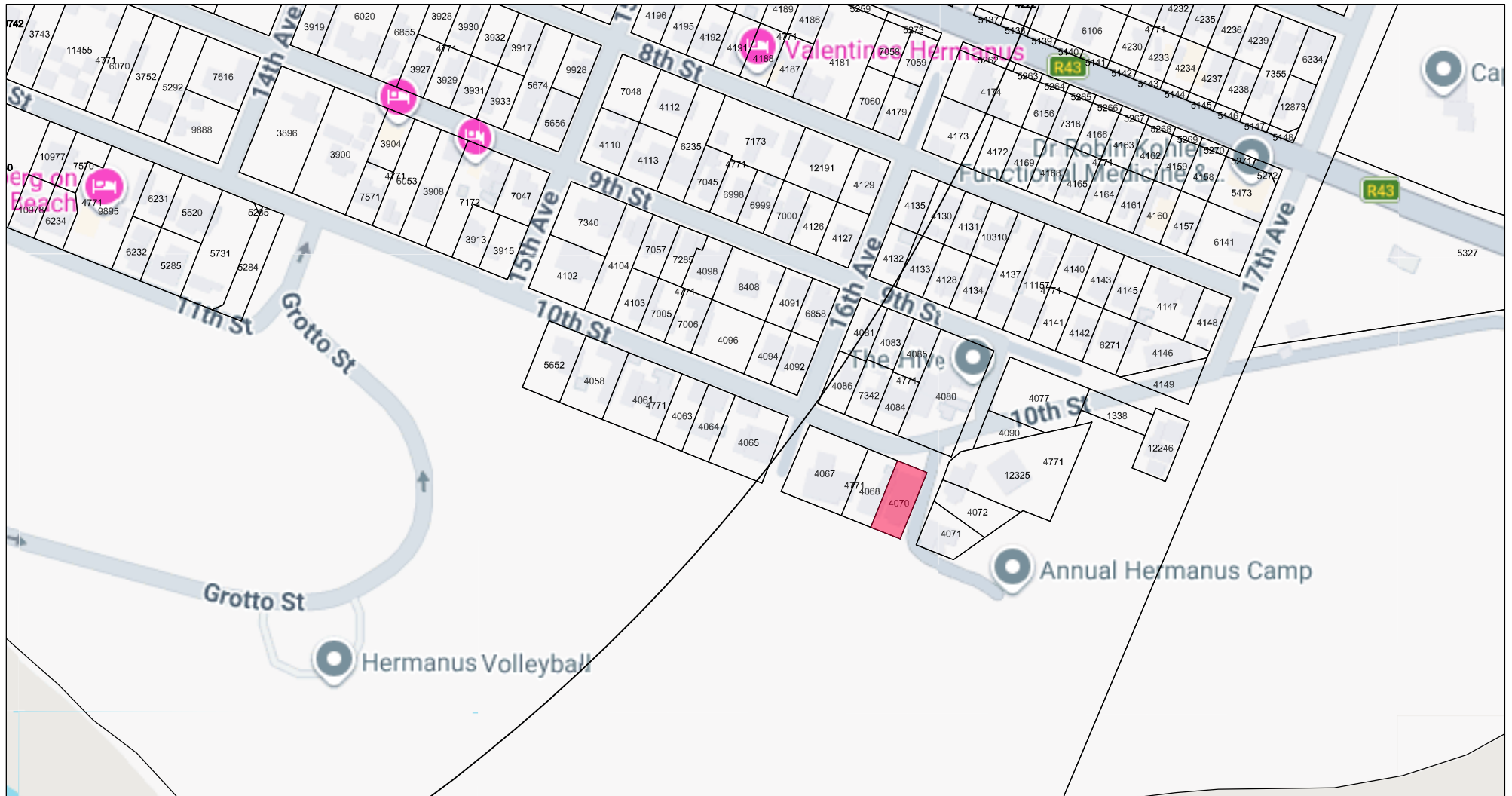
**ISIZA ESINGUERF 4070, 309 TENTH STREET, VOËLKLIP, HERMANUS, KUMMANDLA KAMASIPALA WASEOVERSTRAND: ISICELO SOKWAHLULA NENGQIKELELO YOBHALISO LOMDLIWO: NGABAMNUM BAKWAPLAN ACTIVE TOWN- NABACWANGCISI BENGINGQI EGAMENI LIKA CD AND GE BAYLEY**

Kukhutshwe isaziso esingemiba yeSoloty lama-48 likaMasipala waseOverstrand ngoMthethwana OsisiHlomelo soMthethwana OngeZicwangciso zikaMasipala ku2020 isaziso sithi kufunyenwe isicelo esingale miba ilandelayo:

- ❖ **Ukwahlula** ngokwale miba yeSoloty le16(2)(b) loMthethwana:
  - Ongokunyenya umgca wesakhiwo ukusuka kwiimitha ezi-2m ukuya kwi-1,2m ukulungiselela ikhitshi i-As-Built esisandiso (umgangatho osezantsi) nokuguqulwa kwezinto zangaphakathi (ikhitshi elikumgangatho osezantsi), ne
- ❖ **Ngqikelelo yomdlwiwo wobhaliso** ngokwemiba ngokweSoloty le6(2)(q) loMthethwana ogunyazisa umgca wesakhiwo ongenelela ngokungekho mthethweni.

Naziphi na iinkcukacha ezipheleleyo mayela nesi siphakamsio ziyafumaneka ukuze zihlolwe kwiintsuku zaphathi evekini kusukela kwintsimbi ye08:00 neye16:30 kwiCandelo: Izicwangciso zeDolophu noBume BeNdawo kwa16 Paterson Street, Hermanus nakwiwebhphoyiji kaMasipala kweli qhakamshela lilandelayo <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Naziphi na izimvo miazingeniswe ngokwezibonelelo zeSoloty lama51 nelama 52 loMthethwana ochazwe kuMasipala (16 Paterson Street, Hermanus / (e) [landuse@overstrand.gov.za](mailto:landuse@overstrand.gov.za)) ngomhla okanye ngaphambi **10 eyeKhala 2026**, uchaze igama lakho, idilesi neenkukacha zakho, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mnu. P. Roux** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabanai na ongakwazi ukufunda nokubhala angahambela kwiCandelo: LeziCwangciso zeDolophu noBume BeNdawo apho igosa likamasipala liza kumnceda akwazi ukuhlomla ngokusemthethweni.

*Nceda uqaphele ukuba ngokwemiba yoMthetho Wokhuselo Lwengxelo ngoMntu (POPIA), uza kube ugena kwinkqubo kawonkewonke ngoko ke uvumelana ukwavumela ukudizwa kwegama lakho, ifani, iinkcukacha ofumaneka kuzo kwaye uluvo/(izimvo) zakho zingadizwa/zingasetyenziswa kwinqubo(kwisicelo) yesicelo.*



## MOTIVATION

### PROPOSED BUILDING LINE DEPARTURES & DETERMINATION OF AN ADMINISTRATIVE PENALTY

#### ERF 4070 HERMANUS

#### OVERSTRAND MUNICIPALITY

### 1. BACKGROUND

Plan Active Town and Regional Planners has been appointed by Mr C.D. Bayley and Mrs G.E. Bayley, the registered owners of Erf 4070 Hermanus, to prepare and submit an application for building line departures and the determination of an administrative penalty.

The property is developed with a double-storey dwelling, a double garage, and a swimming pool. Smart Solution Architecture was appointed to prepare as-built drawings, which included the commissioning of a land survey by Geomatics Africa. The survey confirmed that the existing dwelling is correctly positioned on the property, with a setback of 1.2 m from the western lateral boundary. It is noted that, at the time of the original building plan approval, the applicable lateral building line was 1.2 m, as opposed to the current requirement of 2.0 m.

Subsequent to the original approval, both the current and previous owners undertook internal alterations to the dwelling and extended the kitchen without obtaining the necessary building plan approvals. These unauthorised works now require regularisation in terms of the current land use and building control framework, including compliance with the prevailing building line requirements applicable to single residential properties.

Accordingly, this application seeks approval for the following:

- A lateral building line departure to accommodate the internal alterations and the kitchen extension; and



- The determination of an administrative penalty in respect of building work undertaken without approved plans.

Further details regarding the extent and nature of the encroachments are provided in the sections that follow in this motivation report.

## **2. APPLICATION DETAILS**

This application is submitted in terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, and specifically includes the following:

- Chapter 4, Section 16(2)(b): Application for a departure from the applicable western lateral building line on Erf 4070 Hermanus; and
- Chapter 4, Section 16(2)(q): Application for the determination of an administrative penalty in respect of unauthorised building work undertaken on Erf 4070 Hermanus.

## **3. NEED AND DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

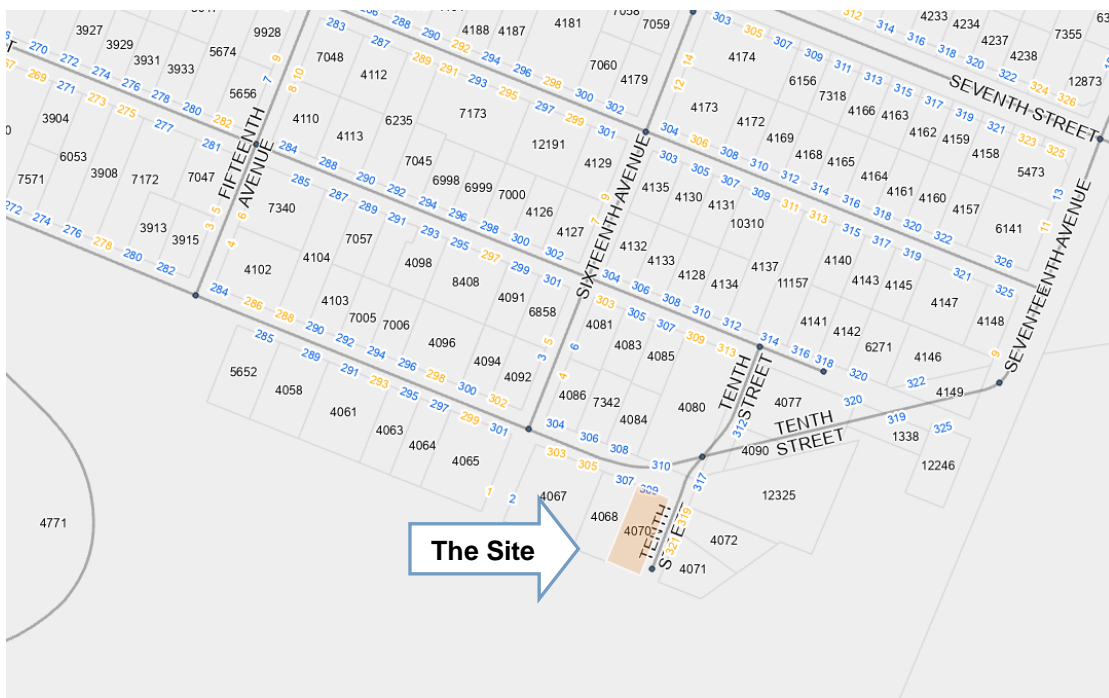
Erf 4070 Hermanus is situated at 309 Tenth Street, Voëlklip, a well-established and sought-after residential neighbourhood within the coastal town of Hermanus. The area is characterised by its scenic setting, proximity to the coastline, and convenient access to a range of amenities, recreational facilities, and tourist attractions.

The property has an extent of 681 m<sup>2</sup> and is held under Title Deed No. T5235/2021. It is zoned Single Residential in terms of the Overstrand Municipality's zoning scheme.

The erf is developed with a double-storey dwelling designed to take advantage of the site's surrounding views. Ancillary improvements include a double garage and a swimming pool, which enhance the overall functionality and residential amenity of the property.

The existing development is in keeping with the prevailing residential character of Voëlklip. However, certain internal alterations and the extension of the kitchen were undertaken without the necessary approvals. This application therefore seeks to regularise these non-compliances through the appropriate statutory planning processes.

A locality plan and site development plan are included in the annexures to illustrate the property’s position within the broader urban context of Hermanus.



**3.2 ZONING**

Erf 4070 Hermanus is zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipality’s zoning scheme. This zoning permits the use and development of the property for residential purposes, including a primary dwelling house and associated outbuildings and structures, subject to the applicable development parameters.

The surrounding properties are predominantly zoned Residential Zone 1, which reinforces the established low-density residential character of the Voëlklip neighbourhood. In addition,

adjoining land parcels are zoned for public roads and public open spaces, contributing to pedestrian connectivity, recreational opportunities, and the overall amenity of the area, particularly given the property's proximity to Voëlklip Beach.

This combination of residential and public land uses supports a well-balanced and cohesive neighbourhood character, offering both residential privacy and access to shared public amenities.

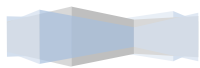
A zoning map extract is included in the annexures to provide a spatial representation of the zoning context.



### 3.3 LAND USE

Erf 4070 Hermanus is currently utilised in accordance with its Residential Zone 1: Single Residential zoning. The property is developed with a primary double-storey dwelling, which serves as the main residential structure, consistent with the primary land use rights associated with this zoning. These rights permit a single dwelling house together with customary ancillary uses.

In addition to the main dwelling, the property includes a swimming pool and a double garage, which are typical and complementary to residential use.



While the existing and intended land use remains compliant with the zoning provisions, certain minor deviations have occurred. These include the extension of the kitchen and internal alterations undertaken without prior building plan approval. The deviations are limited in extent and do not materially alter the use or function of the property. They are being addressed and regularised through the current application process and are not expected to adversely impact the residential character of the property or the surrounding area.

The surrounding land uses reflect a well-established residential environment, characterised predominantly by single residential dwellings, with some guesthouse accommodation that supports local tourism. The area is further supported by public road infrastructure and public open spaces, contributing to accessibility, recreational opportunities, and the overall amenity of Voëlklip and its proximity to the coastline.

Accordingly, the current and proposed land use of Erf 4070 Hermanus is considered to be fully compatible with both its zoning designation and the prevailing land use pattern within the area.

### 3.4 **PROPOSAL**

The following land use applications are proposed for Erf 4070 Hermanus:

#### **Departures from Development Parameters:**

In accordance with Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, a departure is requested from the prescribed development parameters for Residential Zone 1 (SR1) properties. The departure relates specifically to:

- Lateral building line encroachments to address an extension of the kitchen and minor internal changes to the dwelling without approved building plans.



- **Administrative Penalty:**

In terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality’s Amended By-law on Municipal Land Use Planning, 2020, an administrative penalty is sought in respect of the existing "As Built" dwelling. This is to address the building line encroachments.

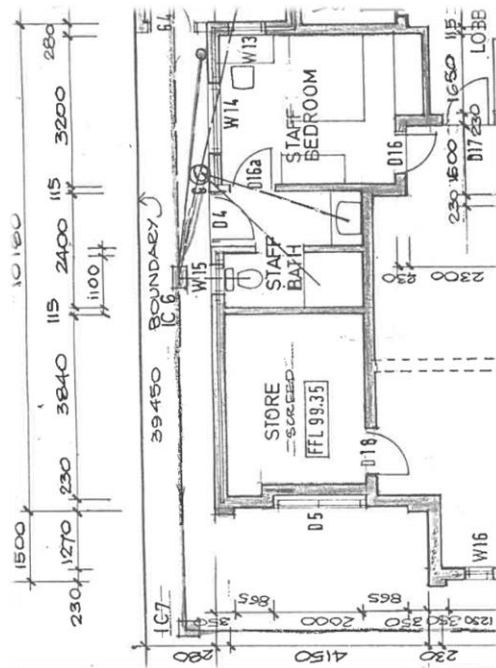
Further technical details and supporting documentation are provided in the following sections of this report.

### 3.4.1 Departure (Building Line Encroachments)

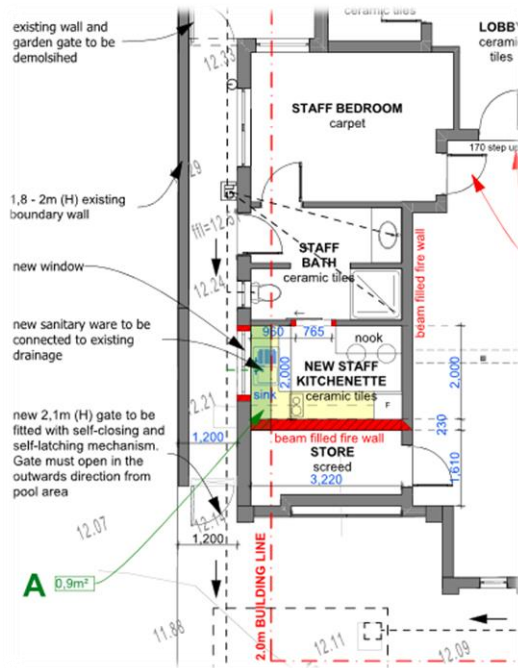
The as-built building plans were prepared by Smart Solution Architecture following the completion of a land survey undertaken. The purpose of the survey was to verify the position of the existing structures in relation to the approved building plans and cadastral boundaries.

All identified encroachments are clearly indicated on the accompanying building plan set and are labelled as Encroachments A, B, and C. Each of these encroachments is described and assessed in detail in the sections that follow, in the corresponding order.

#### Encroachment A:



Approved Building Plan Abstract



As-built Building Plan Abstract

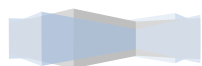
A storeroom was originally approved at a setback of 1.2 m from the western lateral boundary, with no window openings facing west. At the time of approval and construction, the applicable lateral building line was 1.2 m, not the current 2.0 m requirement.

Subsequently, internal alterations were undertaken within this approved structure. These included the subdivision of the storeroom through the construction of an internal wall, resulting in the creation of an additional space utilised as a staff kitchenette. In addition, a window measuring approximately 0.990 m x 1.385 m was installed in the western-facing wall of the newly created kitchenette. A door was also introduced in the southern internal wall of the staff bathroom, providing internal connectivity between the staff bedroom, bathroom, and kitchenette.

Although these alterations were undertaken within the footprint of the originally approved structure, they now fall within the current 2.0 m lateral building line requirement. As such, a building line departure is required to regularise the existing condition.

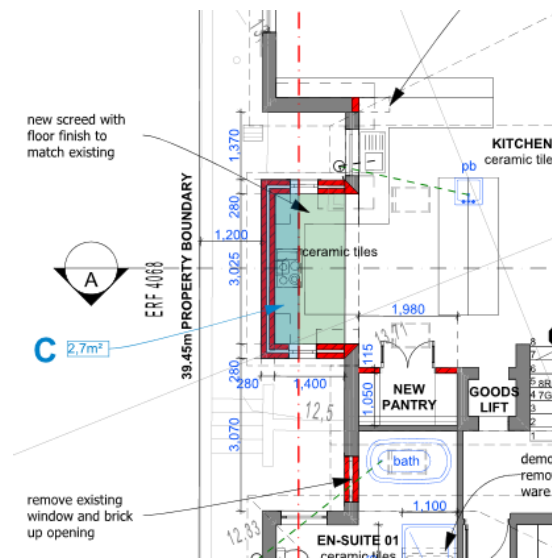
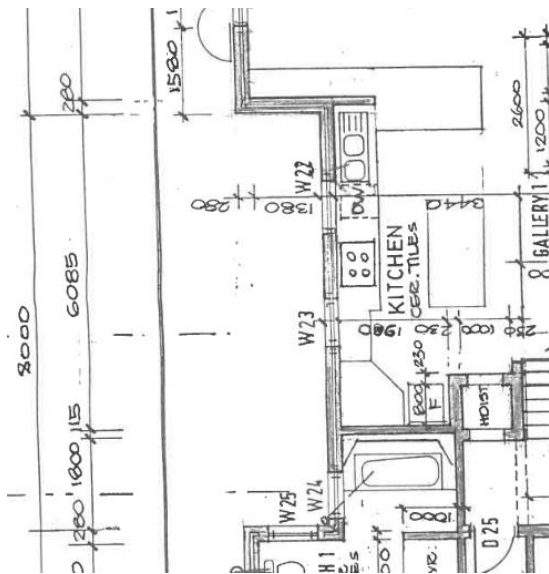
Accordingly, application is made for a relaxation of the western lateral building line from 2.0 m to 1.2 m to accommodate the following:

- The change of use from a storeroom to a staff kitchenette;
- The construction of an internal wall; and
- The installation of a window in the western-facing wall.





**Encroachment C:**



**Approved Building Plan Abstract**

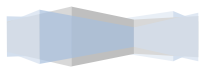
**As-built Building Plan Abstract**

On the first floor, the majority of the dwelling was originally approved at a setback of 1.2 m from the western lateral boundary, with the exception of the kitchen, which was set back approximately 1.66 m from the boundary.

The kitchen has subsequently been partially extended to align with the main building line of the dwelling, as reflected in the as-built building plan drawings. While the original kitchen included two windows facing west, the extension does not incorporate any west-facing windows. Instead, new window openings have been introduced on the northern and southern elevations, thereby avoiding any direct overlooking of the adjacent property.

The use of the kitchen remains unchanged; however, the extension now results in the structure being positioned at 1.2 m from the western boundary, which encroaches into the current 2.0 m lateral building line. Accordingly, application is made for a relaxation of the western lateral building line from 2.0 m to 1.2 m to accommodate the following:

- The extension of the kitchen to align with the existing dwelling at a setback of 1.2 m from the western boundary; and
- The construction of window openings on the northern and southern elevations, portions of which fall within the 2.0 m building line.



**Conclusion:**

The identified encroachments (A, B and C) are minor in extent and arise primarily from internal alterations and a limited extension to the existing dwelling, much of which was originally approved in accordance with a 1.2 m lateral building line applicable at the time of initial construction. Importantly, the external building footprint remains largely consistent with the original approval, and the deviations do not result in any material intensification of use or adverse impact on the surrounding properties.

The proposed departures relate mainly to internal reconfigurations, built-in elements, and a kitchen extension that has been sensitively designed to avoid overlooking, with no west-facing windows introduced. As such, issues of privacy, visual intrusion, and amenity are not compromised.

Given the historical context, the limited scale of the encroachments, and the absence of any negative impact on the character of the area or adjoining properties, the requested relaxation of the western lateral building line from 2.0 m to 1.2 m is considered reasonable and justifiable.

It is therefore respectfully submitted that the application for the building line departures and associated administrative penalty be favourably considered.

**3.4.2 Rectification of contravention**

In terms of Chapter 5, Section 90(1) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning (2020), any person who has contravened the provisions of the By-law and wishes to rectify such contravention is required to submit an application to the Municipality for the determination of an administrative penalty. This process may only be initiated provided that no demolition directive has been issued in terms of Section 85 in respect of the land, building, or any portion thereof that is in contravention.

This mechanism enables property owners to formally regularise unauthorised structures or deviations in a lawful and structured manner, thereby addressing non-compliance and mitigating the risk of further enforcement action.

As this application seeks to rectify contraventions associated with unauthorised building work, it includes a request for the determination of an administrative penalty in terms of Chapter 4, Section 16(2)(q) of the By-law.

It is noted that the Municipal Planning Tribunal (MPT) is the competent authority responsible for determining whether an administrative penalty is warranted and, if so, the appropriate quantum thereof.

In accordance with Section 90(3) of the By-law, the MPT is required to consider a range of factors in assessing the penalty, including but not limited to:

- The nature and extent of the contravention;
- The duration of the contravention;
- Whether the contravention was committed wilfully or in good faith;
- The impact of the contravention on surrounding properties and the broader environment;
- Any steps taken by the applicant to remedy the contravention or prevent recurrence; and
- Whether the landowner has a history of non-compliance with applicable planning legislation or conditions of approval.

These considerations ensure that any administrative penalty imposed is fair, proportionate, and responsive to the specific circumstances of the case.

- **The Nature, Duration, Gravity and Extent of the Contravention**

The contraventions relate to minor internal alterations and a limited extension to the existing dwelling, all of which are contained within, or closely aligned to, the original building footprint. These include the conversion of a storeroom to a staff kitchenette (Encroachment A – approximately 0.9 m<sup>2</sup>), the reconfiguration of a dressing area (Encroachment B – approximately 0.9 m<sup>2</sup>), and a small kitchen extension (Encroachment C – approximately 2.7 m<sup>2</sup>).

The majority of the structure was originally approved at a 1.2 m lateral building line, which was compliant at the time of approval. The current non-compliance arises primarily due to the application of the updated 2.0 m building line standard and historical plan discrepancies.

In terms of duration, Encroachments B (0.9 m<sup>2</sup>) and C (2.7 m<sup>2</sup>) date back to the original construction period (circa 2001/2002), while Encroachment A (0.9 m<sup>2</sup>) was undertaken more recently in 2022. The gravity of the contraventions is considered low, as they do not result in any intensification of land use, do not alter the external bulk significantly, and do not give rise to overlooking or privacy concerns. The extent of the contraventions is minimal, with all works being limited in scale and largely internal in nature.

- **The Conduct of the Person Involved in the Contravention**

The current owners purchased the property in 2021 with certain non-compliant elements already in place, specifically Encroachments B (0.9 m<sup>2</sup>) and C (2.7 m<sup>2</sup>), which originated during the initial construction of the dwelling. These were therefore inherited and not created by the current owners.

Encroachment A (0.9 m<sup>2</sup>), undertaken in 2022, consisted of internal alterations carried out without prior approval. However, this was done without intent to contravene the By-law, as the owners were unaware that building plan approval was required for such internal works.

Importantly, upon becoming aware of the non-compliance, the owners acted in good faith by appointing qualified professionals to assess the situation and initiate the necessary processes to regularise the contraventions.

- **Whether the Unlawful Conduct Was Stopped**

No further unauthorised building work has been undertaken since the owners became aware of the contraventions. All work, including those relating to Encroachments A (0.9 m<sup>2</sup>), B (0.9 m<sup>2</sup>), and C (2.7 m<sup>2</sup>), have ceased, and the property owners have taken proactive steps to regularise the existing conditions through the submission of this application.

- **A Report by a Quantity Surveyor or Cost Estimate**

A cost estimate has been prepared by Smart Solution Architecture, based on recent comparable construction projects with similar finishes, and is considered to be market-related.



The estimated costs associated with the unauthorised work, relative to their limited extent, are as follows:

- Encroachment A (0.9 m<sup>2</sup> – staff kitchenette and window): R 26,880.00
- Encroachment B (0.9 m<sup>2</sup> – dressing room alterations): R 5,850.00
- Encroachment C (2.7 m<sup>2</sup> – kitchen extension): R 59,400.00

This results in a total construction cost of R 91,130.00 (VAT inclusive), which is to be used as the basis for determining the administrative penalty.

The relatively small floor areas and corresponding costs further confirm the limited scale and impact of the contraventions.

- **Whether the Person Involved Has Previously Contravened this By-Law or Any Prior Planning Law**

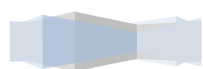
There is no evidence to suggest that the current owners have previously contravened the Overstrand Municipality's planning By-law or any other applicable planning legislation. The contraventions identified are isolated to this property and are partly historic in nature.

- **Summary**

The contraventions are minor in scale—being limited to 0.9 m<sup>2</sup> (Encroachments A and B) and 2.7 m<sup>2</sup> (Encroachment C)—and are largely internal or contained within the existing building footprint. They are, in part, historic and have no material impact on neighbouring properties or the surrounding environment.

The current owners acted in good faith, inherited certain non-compliant elements, and have taken proactive and responsible steps to regularise the situation upon becoming aware of the issues.

The total construction value associated with the unauthorised work is limited, further supporting the proportionality of a reduced or waived administrative penalty.



It is respectfully submitted that the Municipal Planning Tribunal consider a substantial reduction, or alternatively a full waiver, of the administrative penalty in this instance, based on the following key considerations:

- **Minimal Scale and Impact of the Contraventions**

The unauthorised works are limited in extent, comprising only 0.9 m<sup>2</sup> (Encroachments A and B respectively) and 2.7 m<sup>2</sup> (Encroachment C). These minor areas are largely internal in nature or contained within the existing building footprint. The deviations do not result in any significant increase in bulk, coverage, or intensity of use, and do not adversely affect neighbouring properties in terms of privacy, overlooking, or visual impact.

- **Historical Nature of the Contraventions**

Encroachments B and C date back to the original construction of the dwelling (circa 2001/2002) and were therefore inherited by the current owners upon purchase of the property in 2021. These contraventions were not created by the current owners and have existed for over two decades without giving rise to complaints or enforcement action.

- **Good Faith and Conduct of the Current Owners**

The current owners always acted in good faith. The internal alterations associated with Encroachment A (0.9 m<sup>2</sup>) were undertaken without knowledge that approval was required. Upon becoming aware of the non-compliance, the owners acted promptly and responsibly by appointing qualified professionals and initiating this application to regularise the situation. This demonstrates a clear willingness to comply with statutory requirements.

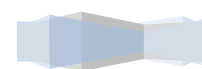
- **Absence of Harm or Prejudice**

The contraventions have no discernible negative impact on the surrounding area or adjoining properties. Notably, no west-facing windows have been introduced in sensitive locations, and the alterations do not give rise to overlooking or loss of privacy. The character of the area remains unchanged, and the development remains fully compatible with the zoning and surrounding land uses.

- **Proportionality Relative to Construction Value**

The total construction value of the unauthorised work amounts to R 91,130.00 (VAT inclusive), which is relatively low and reflective of the minor nature of the work.

In this context, the imposition of a significant administrative penalty would be disproportionate to both the scale of the contraventions and their impact.



**Conclusion:**

In light of the minor scale of the contraventions, their largely internal and historic nature, the absence of any adverse impact, and the good faith conduct of the current owners, it is submitted that the imposition of a substantial administrative penalty would not be justified.

It is therefore respectfully requested that the Municipal Planning Tribunal consider either:

- A full waiver of the administrative penalty; or
- Alternatively, the imposition of a significantly reduced penalty, reflective of the limited extent, low impact, and contextual circumstances of the contraventions.

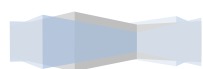
**3.5 THE POTENTIAL OF THE PROPERTY**

Erf 4070 Hermanus is well-positioned within the established residential suburb of Voëlklip, an area characterised by high amenity value, scenic surroundings, and close proximity to the coastline and associated recreational facilities. The property's location within a fully serviced urban area, together with its Residential Zone 1 zoning, supports its continued use and development as a single residential dwelling.

The property measures 681 m<sup>2</sup> in extent. In terms of the applicable zoning scheme, a maximum coverage of 50% is permitted. The existing dwelling has a coverage of approximately 47.62%, which remains comfortably within the permissible threshold. This confirms that the property has not been overdeveloped and that sufficient open space is retained on site.

The existing development already realises the majority of the property's residential potential, comprising a well-designed double-storey dwelling, associated outbuildings, and leisure amenities such as a swimming pool. The development is consistent with the surrounding built form and represents an efficient yet appropriate utilisation of the erf.

The minor internal alterations and limited extension that form part of this application do not seek to intensify or expand the land use beyond its current residential function. Instead, they serve to improve the internal functionality and liveability of the dwelling, ensuring that the property continues to meet the needs of its occupants in a practical and efficient manner.



Importantly, the property retains sufficient capacity to comply with all other applicable development parameters, and the requested building line departures do not compromise the orderly development of the area. The proposal therefore represents an appropriate optimisation of the property within its existing zoning framework, without detracting from the character or amenity of the surrounding neighbourhood.

In this context, the application supports the continued and sustainable use of the property, while ensuring that existing minor non-compliances are regularised in a manner that is both practical and aligned with sound planning principles.

### **3.6 ECONOMIC IMPACT**

The proposed application is not anticipated to have any negative economic impact on the surrounding area. On the contrary, it supports the continued lawful use and optimal functioning of an existing residential property within a well-established neighbourhood.

The application primarily seeks to regularise minor internal alterations and a limited extension, thereby ensuring compliance with applicable planning and building regulations. This process contributes positively to the local economy by maintaining property values, supporting municipal revenue streams, and reinforcing regulatory certainty.

The improvements to the dwelling, including the enhanced functionality of internal spaces, contribute to the overall value of the property. This, in turn, has a positive effect on the broader property market within Voëlklip, as well-maintained and compliant properties uphold the desirability and stability of the area.

Furthermore, the regularisation of unauthorised work ensures that the Municipality is able to appropriately assess and levy any applicable rates, taxes, and administrative penalties, thereby contributing to municipal income.

Given the limited scale of the work and the residential nature of the property, no significant employment generation or broader economic stimulation is associated with the proposal. However, the application does support small-scale economic activity through professional services (such as architectural, planning, and surveying inputs) required to facilitate compliance.

In summary, the application has a neutral to mildly positive economic impact, primarily through the formalisation of existing development, protection of property value, and contribution to municipal revenue.

### **3.7 SOCIAL IMPACT**

The proposed application is not expected to result in any negative social impacts on the surrounding community. The property is utilised for single residential purposes, consistent with the prevailing land use pattern within the Voëlklip area, and the application does not introduce any new or incompatible land uses.

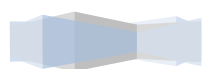
The proposed departures relate to minor internal alterations and a limited extension, which do not alter the overall use, density, or occupancy of the property. As such, the development will continue to function as a single residential dwelling, maintaining the low-density residential character of the neighbourhood.

Importantly, the encroachments do not give rise to overlooking, loss of privacy, or visual intrusion, particularly given the absence of new west-facing windows in sensitive areas. The proposal therefore does not negatively affect the amenity of adjoining properties or the broader community.

The regularisation of the unauthorised work contributes positively from a social perspective by ensuring compliance with planning legislation and reinforcing orderly development. This promotes fairness, transparency, and consistency in land use management, which are essential for maintaining public confidence in the planning system.

Furthermore, the improvements to the internal layout enhance the functionality and liveability of the dwelling, supporting the wellbeing and quality of life of the occupants without detracting from the surrounding environment.

In summary, the application is considered to have a neutral to positive social impact, with no adverse effects on the surrounding community or neighbourhood character.



### **3.8 COMPATIBILITY WITH SURROUNDING LAND USES**

The proposed application is fully compatible with the surrounding land uses within the Voëlklip area. Erf 4070 Hermanus is situated within a well-established residential neighbourhood characterised predominantly by single residential dwellings, with occasional guesthouse accommodation that supports local tourism.

The property is zoned Residential Zone 1: Single Residential and continues to be utilised strictly in accordance with this zoning. The proposed departures relate only to minor internal alterations and a limited extension, and do not introduce any new land uses or intensify the existing residential use.

The scale and form of the existing development, including the areas affected by Encroachments A (0.9 m<sup>2</sup>), B (0.9 m<sup>2</sup>), and C (2.7 m<sup>2</sup>), remain consistent with the surrounding built environment. The dwelling maintains a similar building line pattern to neighbouring properties, particularly considering that the original 1.2 m lateral building line was applicable at the time of construction.

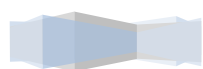
Importantly, the proposal does not result in any adverse impacts on adjacent properties. There is no overlooking, loss of privacy, or visual intrusion, particularly as no additional west-facing windows have been introduced in sensitive locations. The residential character, scale, and amenity of the area are therefore preserved.

In addition, the property remains well within the permissible coverage parameters, further confirming that the development is not excessive or out of character with the surrounding neighbourhood.

In summary, the proposed development and associated departures are entirely compatible with the existing land use pattern and built form of the area and will not detract from the character or amenity of the Voëlklip neighbourhood.

### **3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES**

The proposed application is not expected to have any impact on external engineering services. The property is already fully developed and connected to all required municipal



services, including water supply, sewerage, electricity, and stormwater infrastructure.

The application relates solely to the regularisation of minor internal alterations and a limited extension (Encroachments A, B, and C), which do not result in any increase in bulk services demand or intensification of land use. The dwelling will continue to function as a single residential unit, with no change in occupancy or usage that would place additional strain on existing infrastructure.

Furthermore, the scale of the unauthorised work—being limited to 0.9 m<sup>2</sup>, 0.9 m<sup>2</sup>, and 2.7 m<sup>2</sup> respectively—is negligible and does not warrant any upgrades or modifications to the existing engineering services network.

Stormwater management patterns remain unchanged, as the extension forms part of the existing building envelope and does not significantly alter impermeable surface coverage. Similarly, there is no anticipated impact on access, traffic generation, or municipal road infrastructure.

In summary, the proposal will have no adverse impact on external engineering services, and the existing municipal infrastructure is considered adequate to accommodate the development in its current and proposed form.

### **3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY**

The proposed application is not expected to have any negative impact on the safety, health, or wellbeing of the surrounding community. The property will continue to be utilised as a single residential dwelling, consistent with the existing land use pattern and zoning of the area.

The application pertains to the regularisation of minor internal alterations and a limited extension (Encroachments A, B, and C), which do not introduce any hazardous activities, increased occupancy, or changes in use that could adversely affect the surrounding community.

From a safety perspective, the formalisation of the unauthorised work through this application ensures that all structures can be assessed and approved in accordance with

applicable building regulations and standards. This contributes positively to overall structural safety and compliance.

In terms of health and wellbeing, the development does not generate noise, pollution, or any other environmental impacts that could negatively affect neighbouring properties. The absence of additional overlooking or privacy intrusion further ensures that the amenity and quality of life of adjacent residents are maintained.

The improvements to the internal layout of the dwelling enhance the functionality and liveability of the property for its occupants, without compromising the surrounding environment. The proposal therefore supports both individual and community wellbeing within the established residential context.

### **3.11 IMPACT ON HERITAGE**

The application for the proposed departures on Erf 4070 Hermanus does not involve any development on a site exceeding 5,000 m<sup>2</sup> in extent and therefore does not trigger the provisions of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Furthermore, Erf 4070 is not located within a Heritage Protection Overlay Zone as defined in the Overstrand Municipality's Land Use Scheme (2020), nor is it identified as a site of heritage significance in the Overstrand Municipal Growth Management Strategy (2010).

The existing dwelling on the property is a relatively modern structure, being less than 60 years old, and does not possess any recognized cultural, historical, architectural, or aesthetic heritage value. The property is not associated with any notable persons, historical events, or cultural practices of significance.

The proposed departures, which relate to minor internal alterations and a limited extension within the existing residential context, will not impact on any heritage resources or cultural landscapes. The scale and nature of the work are such that they do not alter the character of the built environment or the broader heritage context of the area.

In light of the above, the proposal is not anticipated to have any impact on heritage resources as defined in applicable legislation or local policy frameworks, and no further heritage-related studies or approvals are required.

### **3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed departures on Erf 4070 Hermanus do not trigger any listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and its associated Environmental Impact Assessment Regulations. The scope of the application is limited to the regularisation of minor internal alterations and a small extension and therefore does not require environmental authorisation.

Furthermore, the property is not located within an Environmental Overlay Zone as defined in the Overstrand Municipality's Land Use Scheme (2020). The site is fully developed for residential purposes and does not contain any sensitive environmental features such as natural habitats, watercourses, wetlands, or protected vegetation.

The extent of the unauthorised work—being limited to 0.9 m<sup>2</sup> (Encroachments A and B) and 2.7 m<sup>2</sup> (Encroachment C)—is negligible and does not result in any meaningful increase in impermeable surface area or alteration of natural ground conditions. As such, there is no impact on stormwater runoff patterns, soil stability, or local ecological processes.

Given the urbanised context of the site and the minor nature of the work, the proposal will not result in any loss of biodiversity or degradation of the natural environment. No environmental constraints have been identified that would preclude the approval of the application.

In conclusion, the proposed departures are considered to have no adverse impact on the biophysical environment.

### **3.13 TRAFFIC IMPACT, PARKING AND ACCESS**

The proposed application is not expected to have any impact on traffic, parking, or access arrangements. The property will continue to function as a single residential dwelling, with no change in land use or increase in intensity that would generate additional traffic.

Vehicular access to the property is currently obtained via Tenth Street, Voëlklip, with a double garage providing adequate on-site parking. This arrangement will remain

unchanged. The existing parking provision is sufficient to accommodate the needs of the household and complies with the requirements for single residential properties.

The application relates solely to the regularisation of minor internal alterations and a limited extension (Encroachments A, B, and C), which do not affect access points, driveway configuration, or parking capacity.

No increase in traffic generation is anticipated as a result of the proposal, and the surrounding road network has sufficient capacity to accommodate existing conditions. Furthermore, there will be no impact on pedestrian movement or road safety.

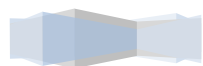
In summary, the proposal will have no adverse impact on traffic flow, parking provision, or access, and the existing arrangements are considered adequate and appropriate.

### **3.14 TITLE DEED**

The property is registered under Title Deed No. T5235/2021.

A review of the Title Deed confirms that there are no restrictive conditions that would prohibit or conflict with the proposed departures, including the relaxation of the applicable lateral building line. Given the absence of any restrictive conditions requiring removal or amendment, a conveyancer's certificate has not been included as part of this application.

It is further noted that no mortgage bond is registered against Erf 4070 Hermanus, and accordingly, no bondholder consent is required in support of this application.



### **3.15 FORWARD PLANNING AND LAND USE DOCUMENTS**

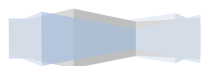
This application seeks approval for the relaxation of the western lateral building line, as well as the determination of an administrative penalty, in order to regularise minor internal alterations and a limited extension to the existing dwelling on Erf 4070 Hermanus.

In terms of the Overstrand Spatial Development Framework (SDF), 2020, Erf 4070 Hermanus is located within an area designated for urban development. The proposal does not involve any change in land use or zoning, and the property will remain classified as Residential Zone 1: Single Residential. The application is therefore consistent with the SDF's objective of supporting context-sensitive development within established urban areas. The proposed departures are minor in nature and will have no impact on the spatial structure or integrity of the area.

Furthermore, the Overstrand Municipal Growth Management Strategy (OMGMS), 2010 identifies the property as falling within Planning Unit 6, where incremental densification is encouraged, particularly through subdivision and the development of second and third dwelling units. While this application does not propose any increase in density or additional dwelling units, it aligns with the broader principle of optimising land use within the urban edge in a sustainable and efficient manner.

The proposal represents an appropriate and responsible use of land, ensuring that existing minor non-compliances are regularised without compromising planning policy objectives or the character of the area.

In conclusion, the application is fully aligned with the Overstrand SDF (2020) and OMGMS (2010) and is consistent with the Municipality's forward planning objectives aimed at promoting sustainable, well-managed urban development.



### 3.16 PLANNING PRINCIPLES

The proposed departures on Erf 4070 Hermanus, which relate to the relaxation of the western lateral building line and the determination of an administrative penalty to regularise minor internal alterations and a limited extension, are assessed against the planning principles as contained in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA).

**Spatial Justice:** The proposal does not perpetuate or create any spatial inequities. It relates to an existing residential property within a well-established urban area and seeks to regularise minor, largely internal non-compliances. The application ensures fair and equitable application of planning legislation by bringing the property into compliance through due process, without conferring undue advantage or causing prejudice to surrounding properties.

**Spatial Sustainability:** The proposal supports spatial sustainability by promoting the continued and efficient use of land within the urban edge. The development remains within the existing residential footprint and does not contribute to urban sprawl or place additional pressure on undeveloped land. The minor nature of the encroachments—being limited to 0.9 m<sup>2</sup> (Encroachments A and B) and 2.7 m<sup>2</sup> (Encroachment C)—ensures that the environmental and spatial impacts are negligible.

**Efficiency:** The application promotes efficient land use by optimising the functionality of an already developed property without increasing demand on municipal infrastructure or services. The property remains within permissible coverage limits (47.62% of a maximum 50%) and continues to operate as a single residential dwelling. The regularisation of the existing structures further contributes to administrative and land use efficiency by ensuring alignment between the approved plans and the as-built condition.

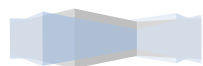
**Good Administration:** Our firm is committed to the principle of good administration and will cooperate fully with the Overstrand Municipality to ensure an efficient and uncomplicated land use planning process. This application has been prepared in accordance with the relevant municipal by-law, as well as applicable provincial and national planning legislation.

All required documentation has been submitted to facilitate a streamlined assessment process within the prescribed timeframes set out in the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

#### **4. RECOMMENDATION**

It is respectfully recommended that the Overstrand Municipal Planning Tribunal approve the application on Erf 4070 Hermanus, subject to any reasonable conditions, for the following reasons:

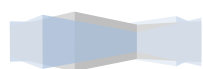
- The application seeks to regularise minor building line encroachments (A: 0.9 m<sup>2</sup>, B: 0.9 m<sup>2</sup>, C: 2.7 m<sup>2</sup>) and unauthorised building work, all of which are limited in scale and largely internal in nature.
- The majority of the dwelling was originally constructed in accordance with a 1.2 m lateral building line, which was compliant at the time of approval, and the current non-compliance arises primarily due to updated development parameters.
- The proposal does not introduce any new land use, and the property will continue to function as a single residential dwelling, consistent with its zoning (Residential Zone 1) and the surrounding area.
- The development remains within permissible coverage limits (47.62% vs. 50% allowable), confirming that the property is not overdeveloped.
- The encroachments do not result in overlooking, loss of privacy, or visual intrusion, particularly as no new west-facing windows have been introduced in sensitive areas.
- The proposal is fully compatible with the surrounding residential character of Voëlklip and will not negatively impact neighbouring properties or the amenity of the area.
- The application aligns with the Overstrand Spatial Development Framework (2020) and the Growth Management Strategy (2010), supporting appropriate and efficient use of land within the urban edge.



- There are no impacts on engineering services, traffic, environmental resources, or heritage, and the site is not subject to any environmental or heritage constraints.
- The contraventions are partly historic (dating back to 2001/2002) and were partially inherited by the current owners, with no prior enforcement action or complaints recorded.
- The current owners have acted in good faith, have ceased all unauthorised work, and have proactively appointed professionals to regularise the situation in accordance with the applicable legislation.
- The total construction value of the unauthorised works (R 91,130.00 VAT inclusive) confirms the limited scale and impact of the contraventions.
- The application is consistent with the SPLUMA planning principles, including spatial sustainability, efficiency, and good administration.
- The approval of this application will formalise compliance, ensure alignment between approved plans and the as-built structure, and support orderly development.
- It is further recommended that the Municipal Planning Tribunal consider the imposition of a reduced administrative penalty or a full waiver, given the minor nature, historical context, and absence of negative impacts associated with the contraventions.

In light of the above, the application for the relaxation of the western lateral building line and the determination of an administrative penalty is considered to be well-founded and justifiable. The identified contraventions are minor in scale, partly historical in nature, and do not negatively impact the surrounding properties or the character of the area.

It is therefore respectfully recommended that the application be approved, and that the Municipal Planning Tribunal / Authorised Official consider the imposition of a reduced administrative penalty, or alternatively a waiver, in light of the specific circumstances of the case.



**CONSTRUCTION NOTES:**

**FOUNDATIONS: (SANS 10400, PART H)**  
 FOUNDATIONS MASS CONCRETE IN-SITU 1:4:5 NOMINAL MIX HAVING A COMPRESSIVE STRENGTH OF 10MPa AT 28 DAYS, CONSISTING OF ORDINARY PORTLAND CEMENT, SAND AND 20MM STONE FOOTINGS, FOR LOAD-BEARING WALLS, FOUNDATIONS WALLS TO BE FILLED WITH CONCRETE UP TO FLOOR LEVEL.

**MINIMUM REQUIREMENTS-**  
 LOAD BEARING WALLS = MIN. 300 x 800mm  
 NON LOAD BEARING WALLS = 300 x 770mm

FOUNDATIONS WALLS HIGHER THAN 1 METER TO BE 340mm THICK.  
 FOUNDATIONS WALLS HIGHER THAN 1.5 METER TO BE IN ACCORDANCE WITH ENGINEERS SPECIFICATIONS.  
 PROVIDE MIN. 300x850x850mm CONCRETE FOOTING TO ALL FREE STANDING COLUMNS

CONCRETE STRIP FOUNDATIONS TO BE LAID IN A SOLID AND UNIFORM TRENCH AND MUST COMPLY WITH SANS 10400-B AND SANS 1044-H

**GROUND FLOOR CONSTRUCTION: (SANS 10400, PART J)**  
 FLOOR FINISH AS ON PLAN ON 25MM CEMENT SCREED ON 100MM CONCRETE SLAB ON 250MM DPM WITH MIN. 250MM OVERLAY ON 50MM CLEAR SAND LAYER ON WELL COMPACTED & SELECTED BACKFILL (150MM AT A TIME TO 93% MOD. AASTHO). FINISH FLOOR LEVEL MUST BE MIN. 170MM ABOVE NATURAL OR FINISH GROUND FLOOR LEVEL.

ALL REINFORCED CONCRETE SLABS AND STAIRS TO BE CASTED STRICTLY TO STRUCTURAL ENGINEER'S SPECIFICATIONS AND DETAILS.

**FLOOR SKIRTINGS: (SANS 10400, PART J)**  
 TO BE FINALISED, DEPENDING ON FLOOR FINISH CHOSEN BY CLIENT

**WALL CONSTRUCTION: (SANS 10400, PART K)**  
 ALL WALL CONSTRUCTION AND BRICK WORK TO COMPLY WITH SANS 10400 PART K, PART B & PART T. ALL STRUCTURAL WORK TO CONFORM WITH NHRBC REGULATION.

EXTERNAL: LOAD BEARING BRICKWORK IN SUPER STRUCTURE TO BE 110MM ROK CLAY BRICKS. 270MM CAVITY WALL WITH EXTERNAL AND INTERNAL 110MM ROK CLAY BRICK. CAVITY SHALL BE NOT LESS THAN 50MM WIDE AND CLEAR OF ANY GROUT. THE INTERNAL AND EXTERNAL COIRS TO BE TIED TOGETHER WITH BUTTERFLY WALL TIES AT 5 / 2.5 SQM INTERVALS WITH BRICKFORCE EVERY 4TH BRICK COURSE. CAVITY SHALL BE FILLED WITH CONCRETE BETWEEN FOUNDATIONS AND GROUND FLOOR DPC AND 3 BRICK COURSES BELOW WALL PLATE. WEEPHOLES AT FLOOR LEVEL AT 450MM CENTRES AND ABOVE WINDOWS AT 450MM CENTRES.

INTERNAL: LOAD BEARING BRICKWORK IN SUPER STRUCTURE TO BE 110MM ROK CLAY BRICK WITH PLASTERED AND PAINTED FINISH.

NO VERTICAL FACE SHALL BE HIGHER THAN 6.50 METERS MEASURED EXTERNALLY FROM THE NGL VERTICALLY BELOW IT.

EXTERNAL AND INTERNAL FINISH, EXTERNAL AND INTERNAL TO BE PLASTERED AND PAINT FINISH AS PER OWNERS APPROVAL TO FUTURE DETAIL.

**CONCRETE OR PLASTER MIXTURE:**  
 STRUCTURAL CONCRETE MIX MUST BE: 1 PART CEMENT, 4 PARTS SAND AND 5 PARTS 19MM GRAVEL STONE. A CONCRETE STRENGTH OF 10 MPa ON 28 DAYS REQUIRE. PLASTER CEMENT MUST BE MIX 1 PART CEMENT, 1.5 PARTS LIME AND 6 PARTS SAND. SAND FOR PLASTER MUST BE CLEAN WITH NO VEGETABLE MATERIAL LIKE SEEDS, ETC.

**DOORS:**  
 ALL INTERNAL AND EXTERNAL DOORS TO BE TIMBER AS PER SWARTLAND CAPE CULTURE CATALOGUE OR SIMILAR APPROVED BY CLIENT WITH PAINTED WHITE FINISH. SAMPLES TO BE PROVIDED FOR CLIENT APPROVAL. INTERNAL DOOR SPECIFICATIONS TO BE CONFIRMED WITH CLIENT. ALL TO BE FROM SWARTLAND CAPE CULTURE CATALOGUE OR SIMILAR APPROVED IN TIMBER FRAMES TO BE PAINTED TO CLIENT'S CHOSEN COLOUR. DOOR BETWEEN GARAGE AND DWELLING TO MATCH PROFILE OF OTHER INTERNAL DOORS, TO BE 40MM THICK SEMI SOLID 1/2 HOUR FIRE DOOR FITTED WITH SELF-CLOSING DEVICE.  
**REFER TO SANS 10400-XA:2021 RATIONAL DESIGN BY APPOINTED ENERGY CONSULTANT FOR FINAL GLAZING SPECIFICATIONS.**

**WINDOWS:**  
 ALL WINDOWS TO BE TIMBER AS PER SWARTLAND CAPE CULTURE CATALOGUE OR SIMILAR APPROVED BY CLIENT WITH PAINTED WHITE FINISH. SAMPLES TO BE PROVIDED FOR CLIENT APPROVAL.  
**REFER TO SANS 10400-XA:2021 RATIONAL DESIGN BY APPOINTED ENERGY CONSULTANT FOR FINAL GLAZING SPECIFICATIONS.**

**CEILING CONSTRUCTION:**  
 CEILING: KNOTTY-PINE CEILING WITH WHITE WASH FINISH (NEW KITCHEN EXTENSION TO MATCH). UNDER SIDE OF CONCRETE SLAB TO BE SKIMMED, PRIME AND PAINTED.

**INSULATION:**  
 NOTE: REFER TO RATIONAL DESIGN BY APPOINTED ENERGY CONSULTANT FOR FINAL INSULATION & SISALATION SPECIFICATIONS REQUIRED.

**WATERPROOFING:**  
 ALL WATERPROOFING SPECIFICATIONS TO BE OVERSEEN AND APPROVED BY SPECIALIST CONTRACTOR.

**OVERHANGS AND EAVES:**  
 TO MATCH THAT OF EXISTING

**RAINWATER GOODS & DOWNPIPES (SANS 10400, PART R):**  
 PROVIDE SABS APPROVED TREATED STANDARD NUTEC 12.5x250mm FASCIA AND BARGE BOARD FROM EVERITE. FASCIAS AND BARGE BOARDS TO BE FIXED TO TIMBER RAFTERS WITH 12 X 40MM COUNTERSUNK BRASS SCREWS.

**WATER TIE CUTTING OR SIMILAR APPROVED DOMESTIC OGEE PROFILE ALUMINIUM SEAMLESS GUTTER, COLOUR TO MATCH THAT OF TIMBER DOORS AND WINDOWS WITH 75 X 50MM ALUMINIUM DOWNPIPES, RIVETED AND SILICON SEALED TO GUTTER OUTLETS, INCLUDING ALL NECESSARY BENDS, ELBOWS, SHOES, ETC.**

**BRAAI / CHIMNEY: (SANS 10400 - V-2010)**  
 IT SHALL BE DESIGNED AND ERECTED FROM NON COMBUSTIBLE MATERIALS SUCH AS MASONRY THAT IT WILL NOT CAUSE A FIRE HAZARD TO THE ADJACENT MATERIAL. IT SHALL NOT BE INSTALLED IN SHAFT OR DUCT IN WHICH SERVICES WHICH MIGHT BE ADVERSELY AFFECTED BY THE HEAT ARE SITUATED.

COMBUSTIBLE MATERIAL SHALL NOT BE BUILT WITHIN 200MM OF THE INSIDE OF THE CHIMNEY. CHIMNEY OPENINGS MUST BE AT LEAST 1 METER ABOVE THE NEAREST ROOF LINE.

**DRAINAGE (SANS 10400, PART P):**  
 ANY DRAINAGE SYSTEM INSTALLATION MUST BE ABLE TO WITHSTAND AN INTERNAL WATER PRESSURE OF 50kPa AND AN EXTERNAL PRESSURE OF 30kPa WITH LEAKING. IT MUST REMAIN WATER TIGHT IN ACCORDANCE WITH THE REQUIREMENTS OF 4.24 OF SANS 10400-P, UNDER NORMAL WORKING CONDITIONS.

ALL UNDERGROUND DRAINAGE PIPES ARE TO BE 110MM PVC AND LAID TO FALL TO MANHOLE DRAIN, WHICH COMPLY TO LOCAL AUTHORITY'S REGULATIONS.

THE WATER SUPPLY OUTLET TO ANY WASTE FIXTURE SHALL BE SITUATED NOT LESS THAN 20MM ABOVE THE FLOOD-LEVEL RIM OF FIXTURE.

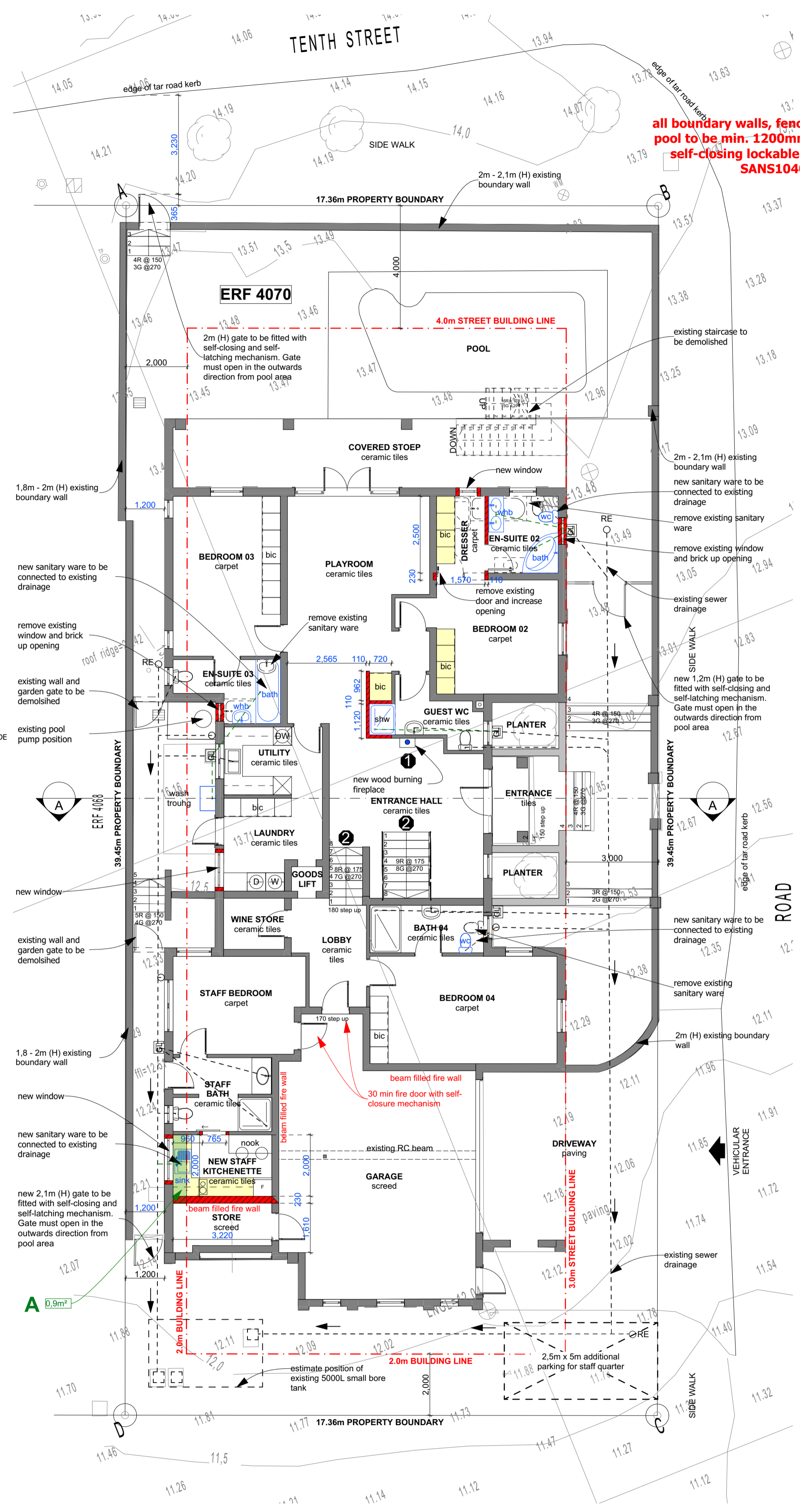
DRAINS WITH LESS THAN 300MM COVER TO BE ADEQUATELY PROTECTED. REFER TO TYPICAL SEWER DETAIL. MAX LENGTH OF DRAIN LINE NOT TO EXCEED 25 METERS WITHOUT A ROOFING EYE. FITTURE TO ANTI-SYPHONED OR DEEP SEALED TRAPS TO BE PROVIDED WHERE APPLICABLE. MIN. 1 OPEN GULLY TO BE PROVIDED TO EACH DRAINAGE INSTALLATION. MIN INVERT LEVEL SHALL BE 450MM. NO PERSON SHALL PERFORM THE TRADE OF PLUMBING AS CONTAINED IN COVERNMENT NOTICE NO.R.1875 OF 31 AUGUST 1979 UNLESS HE IS A TRAINED PLUMBER OR APPROVED COMPETENT PERSON. N.B. DRAINAGE GRADIENT IS 1:60.

110mm dia. UPVC DRAINPIPE CONNECTED TO EXISTING MANHOLE TO MIN. 150 AND MAX 1.5 FALL AS INDICATED ON SITE AND GROUND FLOOR PLAN. EACH DRAIN LINE TO VENTILATE WITH 50mm DIA. VENTPIPE. NO VISIBLE PIPES ON OUTSIDE OF BUILDING AND ALL PIPEWORK TO BE BUILT INTO WALL.

**HOT WATER SUPPLY:**  
 EXISTING 3x 200L KWIKOT GEYSER SUPPLIES HOT WATER TO ALL SINKS, BASINS, SHOWERS AND BATHS.

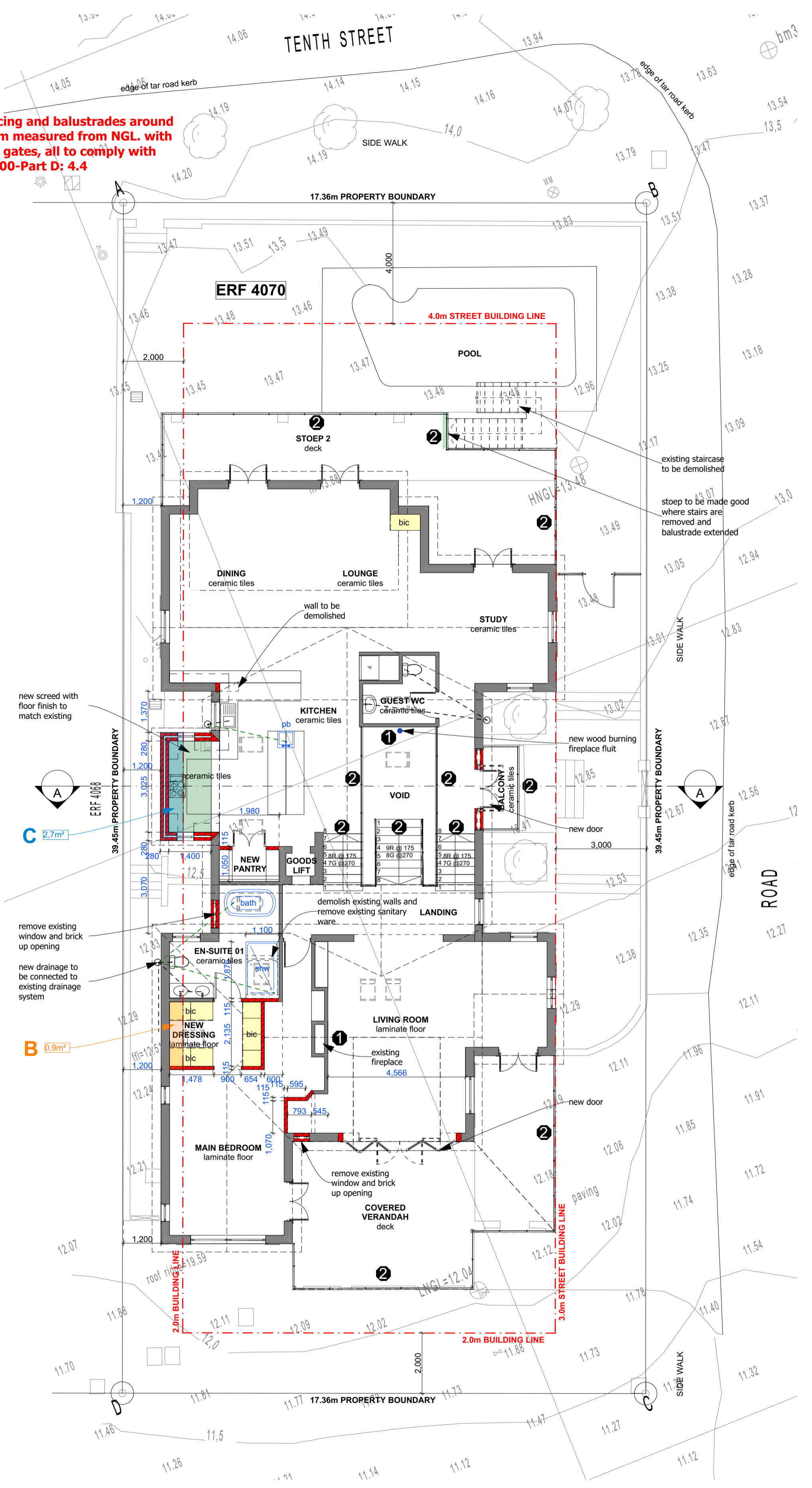
**WATER CONNECTION:**  
 SUPPLY 25MM DIA. WATER CONNECTION PIPE WITH APPROVED WATER METER AS PER LOCAL AUTHORITY SPECIFICATIONS.

ANY SANITARY FIXTURES SHALL BE MADE ON IMPERMEABLE, NON-CORROSIVE MATERIAL. SHALL HAVE SMOOTH AND READILY CLEANABLE SURFACE AND SHALL BE SO CONSTRUCTED AND FITTED AS TO DISCHARGE THROUGH A TRAP INTO A SOIL PIPES OR WASTE PIPS, AS THE CASE MIGHT BE.



**SITE AND GROUND STOREY LAYOUT** 1:100

**all boundary walls, fencing and balustrades around pool to be min. 1200mm measured from NGL, with self-closing lockable gates, all to comply with SANS10400-Part D: 4.4**



**SITE AND FIRST STOREY LAYOUT** 1:100

**EXISTING STRUCTURE AREAS**

A	0,9m <sup>2</sup>
B	0,9m <sup>2</sup>
C	2,7m <sup>2</sup>

**NOTE:**  
 HERMANUS FALLS WITHIN THE SOUTHERN CAPE CONDENSATION PROBLEM AREA (SCCP area), THUS NO SINGLE LOW-E EMISSIVITY GLAZING PERMITTED

**CONSTRUCTION NOTES:**

**LINTELS:**  
 LINTELS SHALL BE PROVIDED ABOVE ALL WINDOWS AND DOORS OPENINGS IN ACCORDANCE WITH THE REQUIREMENTS OF 4.2.9 OF SANS 10400-K.

PRECAST LINTELS OVER DOOR AND WINDOW OPENINGS MUST BE BUILT IN AS PER SPECIFICATION OF THE MANUFACTURE WITH A MIN. OVERLAP OF 250MM BOTH SIDES.

**REINFORCED BRICK LINTELS:**  
 OPENING TO 1000MM - 1 COURSE REINFORCING  
 OPENING 1000-2000MM - 2 COURSES REINFORCING  
 OPENING 2100-3000MM - 4 COURSES REINFORCING  
 OPENING 3100-3900MM - 5 COURSES REINFORCING  
 OPENING 3900-5100MM - 6 COURSES REINFORCING

CAVITY WALLS MUST BE ANCHOR WITH 2.5 WIRE WALL TIES PER SQ.METER

LINTELS OVER DOUBLE GARAGE OPENINGS WHICH DO NOT EXCEED 5 METERS SHALL BE REINFORCED IN ACCORDANCE WITH FIG. 31 AND TABLE 28 OF THE REQUIREMENTS OF SANS 10400-K CLAUSE 4.2.9.4.1.

**SILLS:**  
 EXTERNAL BRICK SILLS AT MIN. 5 DEGREE ANGLE, PLASTERED AND PAINTED. INTERNAL BRICK SILLS WITH 90 DEG ANGLE, PLASTERED AND PAINTED.

**GLAZING (SANS 10400, PART N):**  
 STANDARD 4mm CLEAR FLOAT GLASS THROUGHOUT, EXCEPT SAFETY GLASS TO ALL PANELS BELOW 1.00 METER ABOVE SPL AND PANELS LARGER THAN 1.00sqm. DOORS AND SIDE LIGHTS SHALL BE GLAZED WITH SAFETY GLAZING MATERIAL. WINDOW AREA TO BE MIN 10% OF FLOOR AREA WITH 5% OPENABLE SECTIONS.

GLAZING MATERIAL SHALL COMPRISE EITHER GLASS THAT COMPLIES WITH THE REQUIREMENTS OF PARTS 1 TO 5 OF SANS 50572, OR POLYCARBONATED SHEETING. FRAMES TO RECEIVE GLAZING MATERIALS SHALL EITHER COMPLY WITH THE REQUIREMENTS OF SANS 727 OR SANS 1553-2, OR BE CAPABLE OF WITHSTANDING THE WIND AND IMPACT LOAD DETERMINED IN ACCORDANCE WITH THE REQUIREMENTS OF SANS 10400-B WITHOUT DEFLECTING MORE THAN 1/175th OF THEIR SPAN. A WINDOW THAT HAS A SILL HEIGHT LOWER THAN 500MM FROM THE FLOOR MUST BE SAFETY GLAZING MATERIAL, THAT COMPLIES WITH THE REQUIREMENTS OF SANS 1263-1.

**REFER TO SANS 10400-XA:2021 RATIONAL DESIGN BY APPOINTED ENERGY CONSULTANT FOR FINAL GLAZING SPECIFICATIONS.**

**BRICKFORCE:**  
 BRICKFORCE SHALL BE PLACED ABOVE WINDOWS AND DOORS WITHIN BETWEEN EXIST. LAYER OF BRICK AND SHALL BE IN ACCORDANCE WITH SANS 933 FOR A GRADE 2 COATING.

**DAMP-PROOF COURSE:**  
 ANY MATERIAL USED AS A DAMP-PROOF COURSE SHALL COMPLY WITH THE RELEVANT REQUIREMENTS CONTAINED IN SANS 248, SANS 298 OR SANS 952-1 OR SHALL BE THE SUBJECT OF AN AGREEMENT CERTIFICATE IF THE PRODUCT IS NOT COVERED BY THESE STANDARDS.

IN CASE OF A CAVITY WALL THE DAMP PROOF COURSE SHALL EXTEND THE FULL THICKNESS OF SUCH LEAF, IN WHICH THE CAVITY SHALL EXTEND 150MM BELOW THE DAMP PROOF COURSE.

ALL WALL FINISHES SHALL COMPLY WITH THE REQUIREMENTS OF 4.15 OF SANS 10400-T.

**ELECTRICITY:**  
 ALL ELECTRICAL WORK IS TO COMPLY TO LOCAL AUTHORITY'S BY-LAWS. REFER TO "ENERGY USAGE IN BUILDING REPORT"

**REFER TO SANS 10400-XA:2021 RATIONAL DESIGN BY APPOINTED ENERGY CONSULTANT FOR MAX. WATTS PERMITTED PER M<sup>2</sup>**

**GENERAL NOTES:**  
 BUILDING WORK:  
 ALL WORK TO COMPLY TO SANS 10400 AND NATIONAL BUILDING REGULATIONS. ALL WORK TO BE IN ACCORDANCE TO LOCAL AUTHORITY'S REGULATIONS AND BY-LAWS. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ALL LEVELS AND DIMENSIONS TO BE CHECKED ON SITE BEFORE BUILDING WORK COMMENCES. CONTRACTOR SHALL BE DEEMED TO HAVE ACQUIRED THEMSELVES WITH SITE CONDITIONS AND MADE ALLOWANCES IN THEIR TENDERS FOR ALL SITE DEVELOPMENT WORK.

**LEVELS:**  
 LEVELS AND DIMENSIONS, THE BUILDING IS TO BE LAID OUT AND ERECTED IN THE POSITION AND AT THE LEVELS AS INDICATED ON THE PLAN & SITE LAYOUT PLAN.

THE CONTRACTOR, SUB-CONTRACTORS AND SUPPLIERS MUST VERIFY ALL DIMENSIONS AND LEVELS ON-SITE BEFORE COMMENCING ANY WORK. ALL BUILDING WORK TO COMPLY WITH SANS 10400 EDITION 3 AND MUNICIPAL BY-LAWS.

LAND SURVEYOR TO CONFIRM ALL BOUNDARY PEGS AND TO CHECK ALL LEVELS BEFORE CONSTRUCTION COMMENCES.

TOP SOIL SHALL BE REMOVED FROM THE AREA TO BE BUILT UPON. ALL GRADING AND LEVELING TO BE DONE BY CONTRACTOR.

**MATERIALS:**  
 MATERIAL USED IN THE ERECTION OF A BUILDING SHALL BE SUITABLE FOR THE PURPOSE FOR WHICH IT IS TO BE USED.

**TIMBER:**  
 ALL TIMBER USED IN THE ERECTION OF A BUILDING SHALL BE TREATED AGAINST TERMITE AND WOOD BORER ATTACK AND FUNGAL DECAY IN ACCORDANCE WITH THE REQUIREMENTS OF SANS 10005 AND SHALL BE THE PRODUCT CERTIFICATION MARK OF A BODY CERTIFIED BY THE SOUTH AFRICAN NATIONAL ACCREDITATION SYSTEM.

**BUILDING ELEMENTS:**  
 THE CONSTRUCTION OF ANY BUILDING ELEMENT SHALL BE SUCH THAT BUILDING ELEMENT AS CONSTRUCTED DOES NOT COMPROMISE THE DESIGN INTENT OF ANY DESIGN SOLUTION THAT SATISFIES THE DESIGN REQUIREMENT OF A FUNCTIONAL REGULATION.

**FINISH FLOOR LEVEL:**  
 FINISHED FLOOR LEVEL OF DWELLING TO BE MIN. OF 25mm ABOVE BACK OF FOOTWAY LEVEL AT SEWER CONNECTION. IT IS RECOMMENDED THAT GARAGE FLOOR LEVEL MIN. OF 170MM ABOVE BACK OF FOOTWAY LEVEL AT DRIVER ENTRANCE IF ANY.

**OTHER:**  
 FLOORS IN ANY LAUNDRY, KITCHEN, SHOWER ROOM, BATHROOM OR ROOM CONTAINING A TOILET PAN OR URINAL, MUST COMPLY WITH SANS 10400-3-2.

ANY COMBUSTIBLE MATERIAL TO BE 200MM AWAY FROM CHIMNEY FLUE.

THE REQUIREMENTS OF THE NATIONAL BY-LAWS AND ANY OTHER APPLICABLE AUTHORITY MUST BE COMPLIED WITH. THE BUILDERS MUST COMPLY WITH THE NHRBC BY-LAWS.

ALL REINFORCED CONCRETE SLABS AND STAIRS ARE TO BE CASTED STRICTLY TO STRUCTURAL ENGINEER'S SPECIFICATIONS AND DETAILS.

HOA/MUNICIPAL APPROVAL STAMP

DWG TITLE:  
 SITE WITH FLOOR PLAN LAYOUTS AND CONSTRUCTION NOTES

DATE:  
 4/24/2026

DRAWN / CHECKED BY:  
 D SWART

SACAP REG.  
 PSAT24749037

PROFESSIONAL SENIOR ARCHITECTURAL TECHNOLOGIST  
 DIANN CORNELIUS SWART

DRAWING SCALE AS SHOWN  
 PRINT A1 LANDSCAPE

DRAWING NO. 1 0599 - A1 - 01  
 REV NO. 02

MUNICIPAL REQUIREMENTS AND THOSE OF OTHER AUTHORITIES MUST BE ADHERED TO. CONTRACTORS AND SUB- CONTRACTORS ARE TO CHECK ALL DIMENSIONS AND LEVELS ON THE BUILDING SITE BEFORE COMMENCING WORK. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED MEASUREMENTS AND LARGE SCALE DETAILS SUPERSIDE SMALL SCALE DRAWINGS. THE DESIGN ON THIS DRAWING IS THE PROPERTY OF SMART SOLUTION ARCHITECTURE AND ARCHITECTURAL CONSULTANTS AND COPYRIGHT THEREOF IS RESERVED BY THEM.

**VARIATIONS:**

REV NO	DATE	DESCRIPTION:
00	31.03.2026	As-built preparation
01	07.04.2026	LUMS APPL.
02	24.04.2026	Additional parking added for staff quarter

**THE BUILDINGS**

DESCRIPTION	TOTAL
GROUND STOREY	313.54(m <sup>2</sup> )
EXIST. DWELLING	289.76m <sup>2</sup>
EXIST. COVERED STOEP & ENTRANCE	32.78m <sup>2</sup>
FIRST STOREY	324.34(m <sup>2</sup> )
EXIST. DWELLING	231.00m <sup>2</sup>
EXIST. COVERED VERANDHA	45.34m <sup>2</sup>
EXIST. OPEN STOEP & BALCONY	42.00m <sup>2</sup>
NEW EXTENSION	6m <sup>2</sup>
TOTAL COVERED FOOTPRINT	341.30m <sup>2</sup>
TOTAL COVERED FLOOR AREA	643.51m <sup>2</sup>

**THE SITE**

ERF SIZE	681m <sup>2</sup>
COVERAGE PERMITTED	50.00%
PROPOSED COVERAGE	47.62%
BASE LEVEL CALCULATIONS	
LOWEST LEVEL	+29.15
HIGHEST LEVEL	+30.17
BASE LEVEL	+29.66
8.0m HEIGHT RESTRICTION	+37.66

OWNER SIGNATURE:  
 ARCHITECTURAL PROFESSIONAL SIGNATURE:

**DRAWING STAGE:**

COUNCIL SUBMISSION	<input checked="" type="checkbox"/>
LUMS APPL.	<input checked="" type="checkbox"/>
SKETCH PROPOSAL	<input type="checkbox"/>
TENDER DRAWING	<input type="checkbox"/>
WORKING DRAWING	<input type="checkbox"/>

**SITE RESTRICTIONS:**

STREET BUILDING LINE	3.0/4.0m
LATERAL BUILDING LINE	2.0m
REAR BUILDING LINE	2.0m
HEIGHT RESTRICTION (from sea level)	8.0m
TITLE DEED BUILDING LINES (see drawings)	n/a

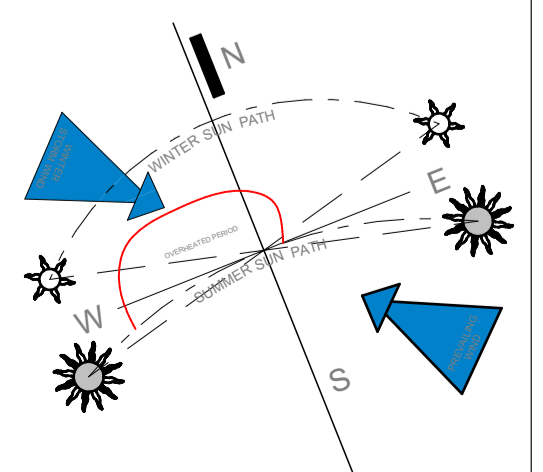
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SINGLE RESIDENTIAL (SR1)	<input checked="" type="checkbox"/>
TOWN HOUSING - ZONE 1 (GR1)	<input type="checkbox"/>
TOWN HOUSING - ZONE 2 (GR2)	<input type="checkbox"/>
FLATS - ZONE 3 (GR3 and DR4)	<input type="checkbox"/>
LESS FORMAL DEVELOPMENT (LFD)	<input type="checkbox"/>

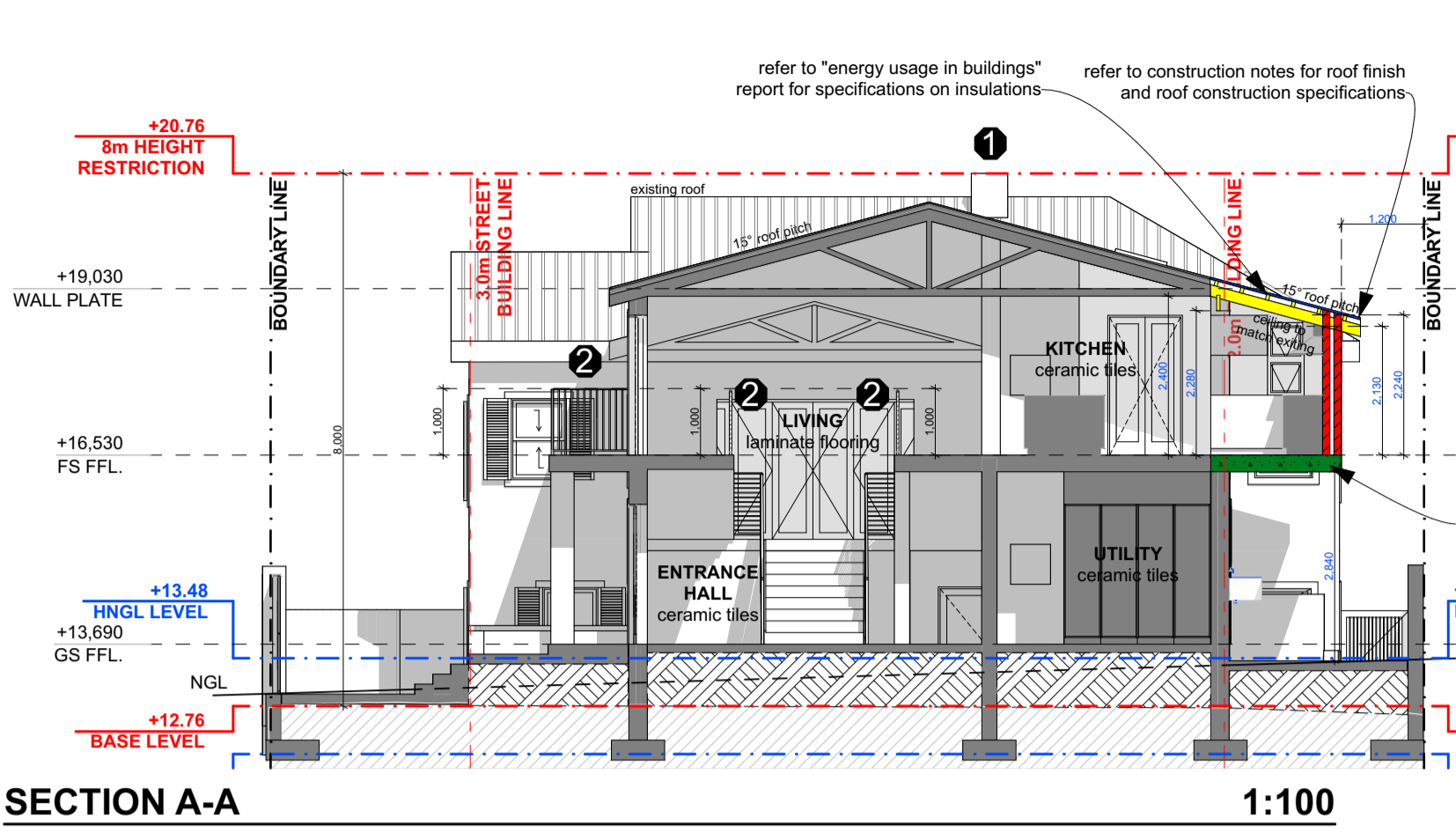
**SMART SOLUTION ARCHITECTURE**  
 and Architectural Consultants  
 Members of SACAP / CIA / and SAIAI  
 PRINCIPAL: Ian Smid 1/3 Smart Solution Architecture  
 Office 028 125 0019 admin@ssarc.co.za  
 1 Smit 082 879 6749 ian@ssarc.co.za  
 D Swart 079 694 1728 dian@ssarc.co.za  
 Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

**PROJECT NAME:**  
 PROPOSED ALTERATIONS AND ADDITIONS FOR MR C & G BAYLEY

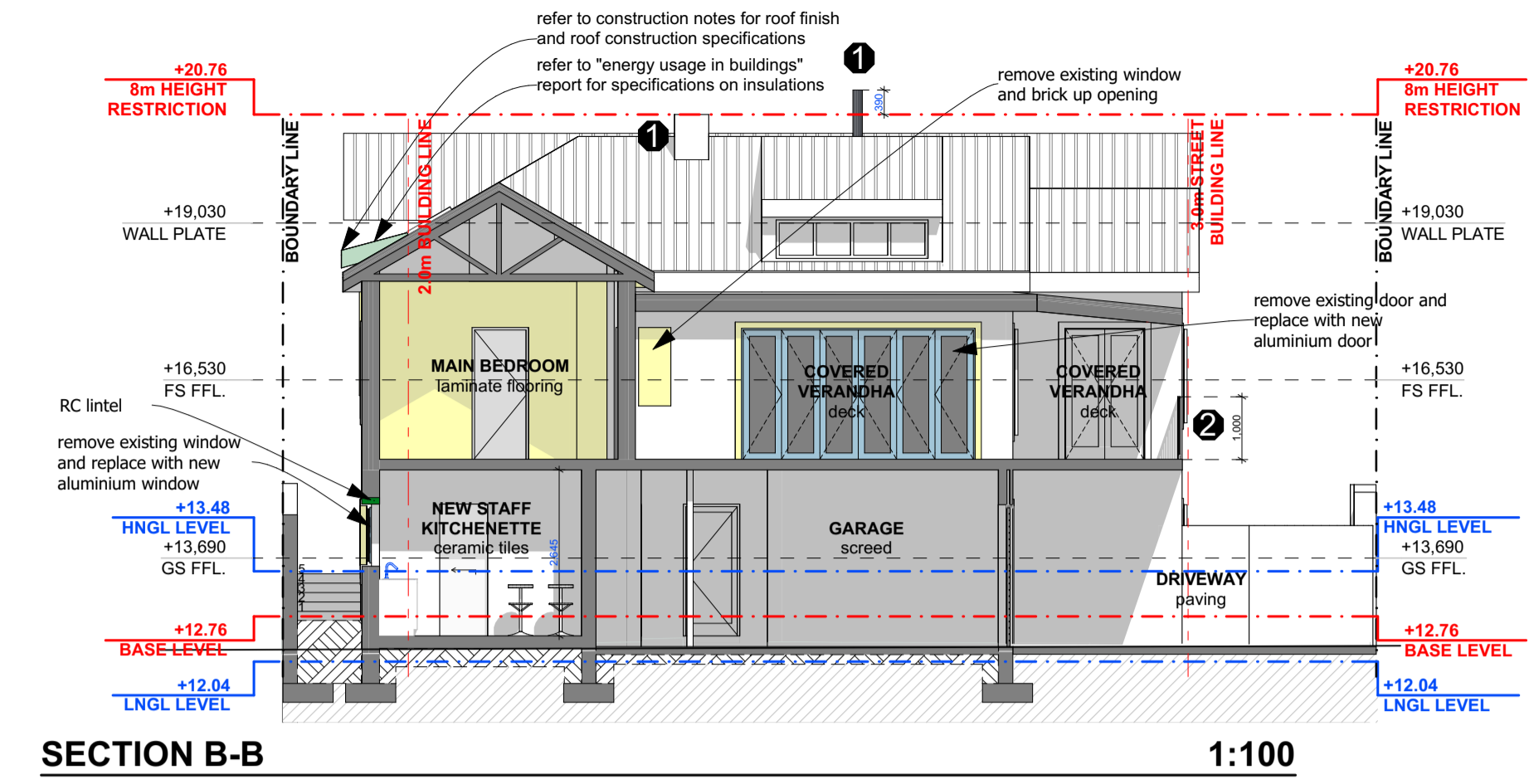
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 309, 10TH AVENUE  
 VOELKLIP  
 HERMANUS  
 7200



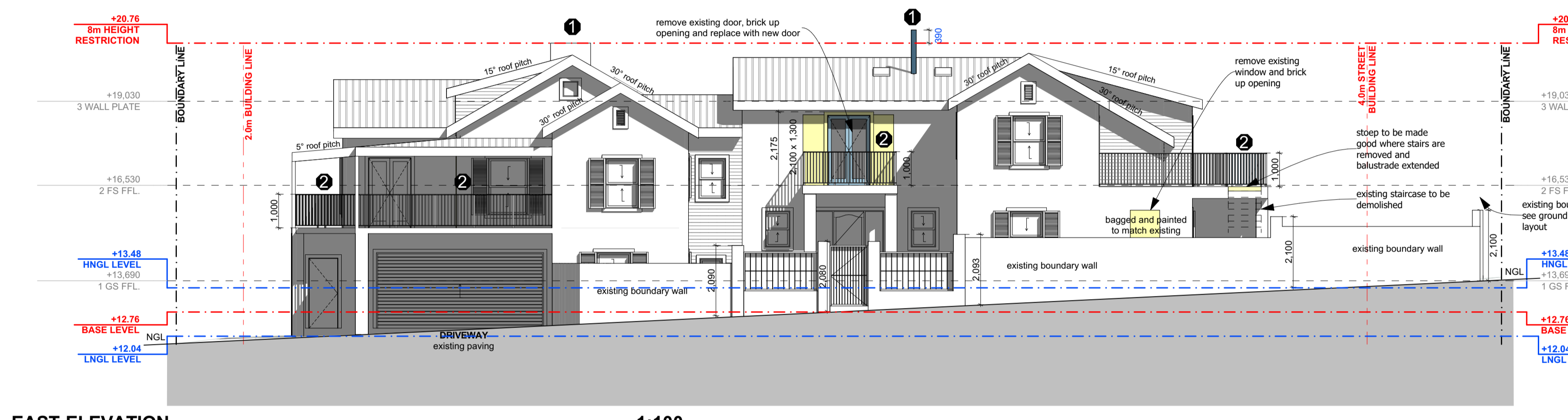
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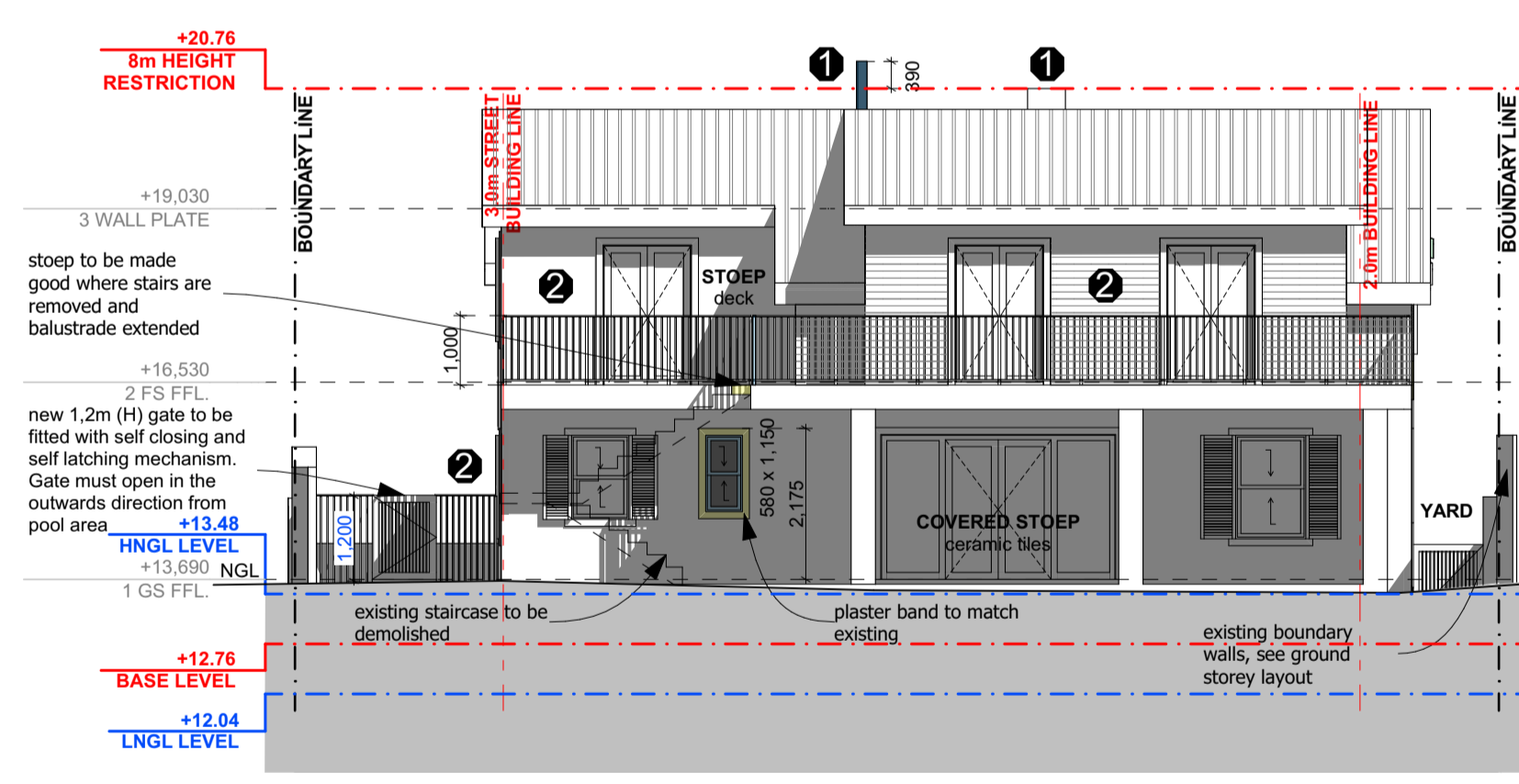
SECTION A-A 1:100



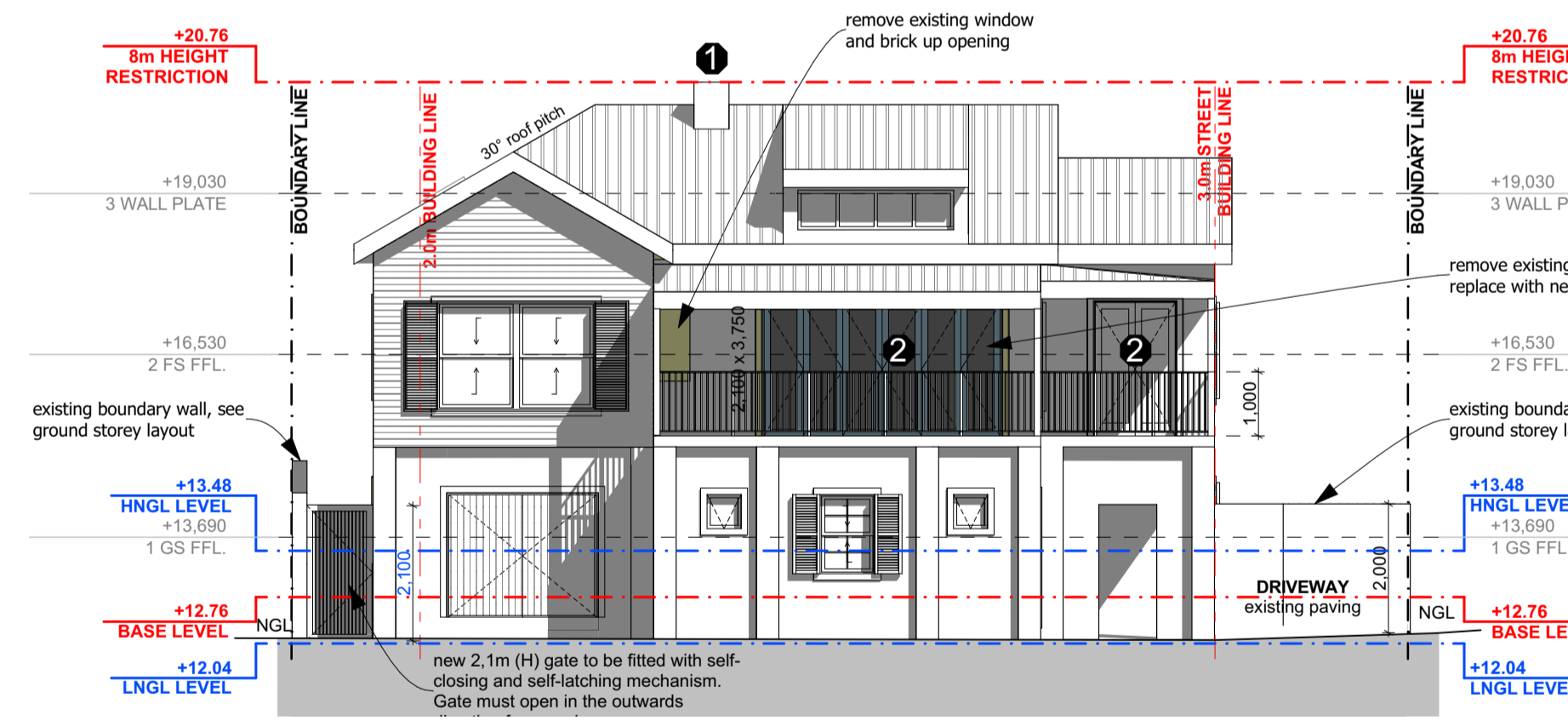
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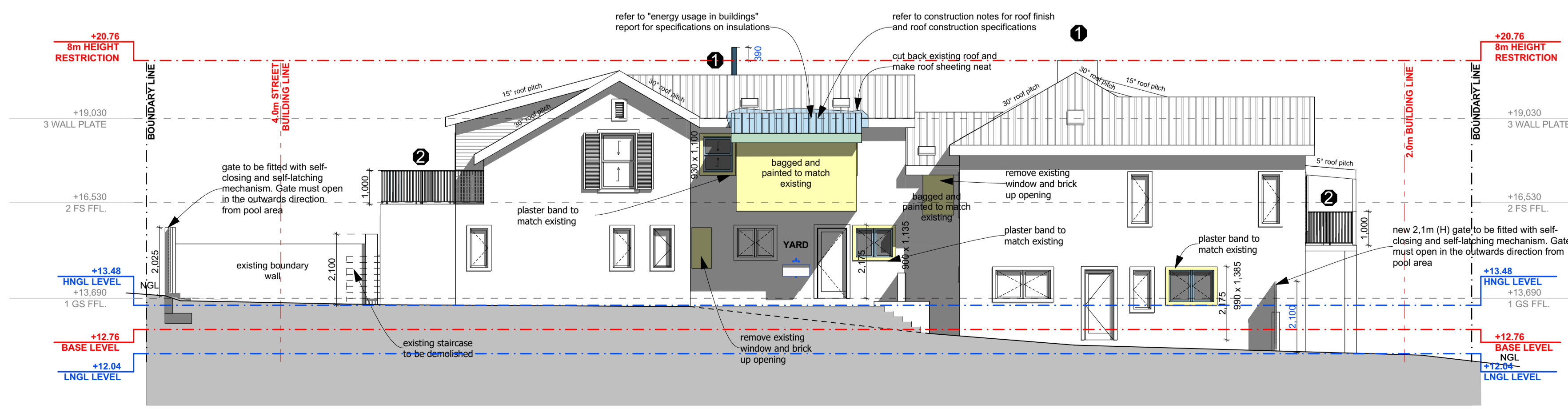
EAST ELEVATION 1:100



NORTH ELEVATION 1:100

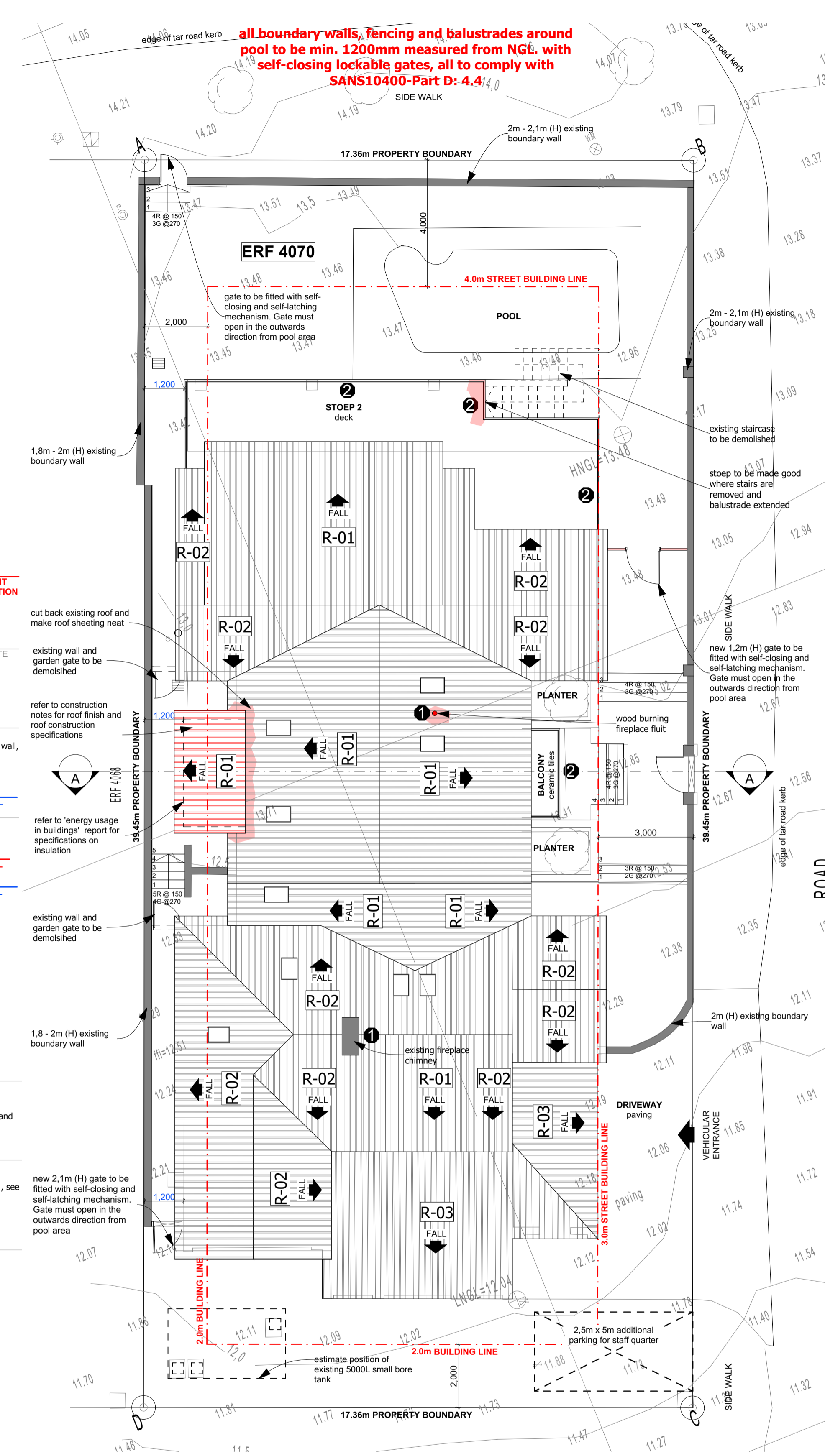


SOUTH ELEVATION 1:100



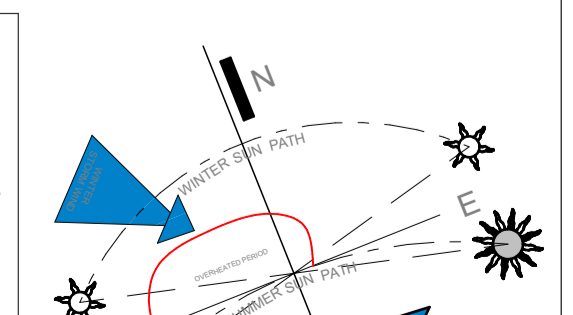
WEST ELEVATION 1:100

ALL CONCRETE WORKS TO ENGINEER'S DETAILS AND SPECIFICATIONS. ENGINEERS' DRAWINGS SUPERSEDE THESE DRAWINGS AND SPECIFICATIONS



SITE AND ROOF PLAN LAYOUT 1:100

- Space heating: all braai's & fireplaces to comply with SANS10400 - V.2010
- stairs / balustrades: min. 1000mm high balustrade & handrail, no opening permitted to be 100mm in dia or greater. All to comply with SANS 10400 - Part M.2018.
- solar panel as per guidelines and to comply with SANS 10400 and SANS 10252-01, proposed positions only, final positions to be determined by specialist
- Drainage under buildings to be adequately protected. Refer to Typical Encasement Detail.



NOTE:  
HERMANUS FALLS WITHIN THE SOUTHERN CAPE CONDENSATION PROBLEM AREA (SCCP area), THUS NO SINGLE LOW-E EMISSIVITY GLAZING PERMITTED

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DRAWING STAGE:

COUNCIL SUBMISSION	<input checked="" type="checkbox"/>
LUMS APPL.	<input checked="" type="checkbox"/>
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STREET BUILDING LINE	3.0/4.0m
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SMART SOLUTION ARCHITECTURE  
and Architectural Consultants  
Members of SACAP / CIA / and SAIAI  
PRINCIPAL: Ian Smit / SAIAI Smart Solution Architecture

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D Swart 079 694 1728 dian@ssarc.co.za  
Mail Collection 104, Hemel & Aarde Estate, Hermanus, 7200

PROJECT NAME:  
PROPOSED ALTERATIONS AND ADDITIONS  
FOR MR C & G BAYLEY

ERF 4070  
309, 10TH AVENUE  
VO&KLIP  
HERMANUS  
7200

HOA/MUNICIPAL APPROVAL STAMP

DWG TITLE:  
ELEVATIONS, SECTIONS AND  
ROOF LAYOUT

DATE:  
4/24/2026

DRAWN / CHECKED BY: SACAP REG.  
D SWART PSAT24749037

PROFESSIONAL SENIOR ARCHITECTURAL  
TECHNOLOGIST  
DIANN CORNELIUS SWART

DRAWING SCALE AS SHOWN PRINT A1 LANDSCAPE

DRAWING NO. 1 0599 - A1 - 02 REV NO. 02