



ERF 5573, 57 MOSSOP STREET, ONRUSTRIVIER: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF A VAN ROOYEN

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 52,91% to accommodate the existing enclosed braai and patio area.
- ✚ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised land use 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 **20 November 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 5573, MOSSOPSTRAAT 57, ONRUSTRIVIER: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS- EN STREEKBEPANNERS NAMENS A VAN ROOYEN

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 52,91% te oorskry om die bestaande onderdak-braai en patio te akkommodeer.
- ✚ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir die ongemagtigde grondgebruik 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 **20 November 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 Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.

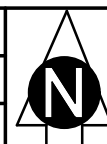
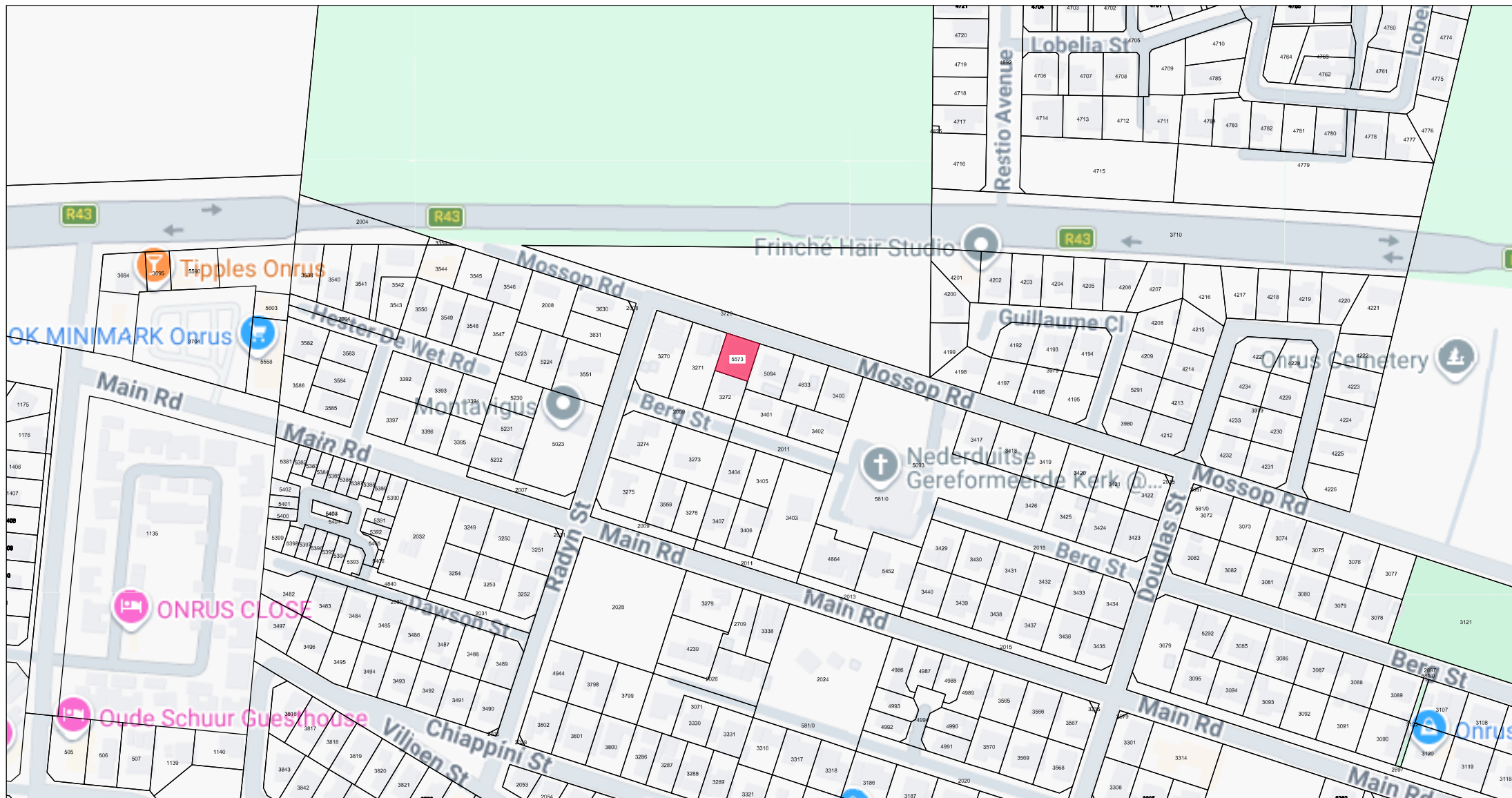
ISIZA ESINGU-ERF 5573, 57 MOSSOP STREET, ONRUSTRIVIER: ISICELO SOKWAHLULA NENGQIKELELO YOMDLIWO WOBHALISO: NGABAKWAPLAN ACTIVE TOWN NABACWANGCISI BENGINGQI EGAMENI LIKA A VAN ROOYEN

Kukhutshwe isaziso ngokwemiba yeSoloty lama-48 loMthethwana kaMasipala waseOverstrand Ngeziwangcisi ZokuSetyenziswa koMhlaba kaMasipala ku2020 isaziso esi sithi kufunyenwe isicelo esimayela nale miba ilandelayo:

- ✚ **Ukwahlula** ngokwemiba yeSoloty le16(2)(b) loMthethwana ongokudlula kumlinganiselo oqingqiweyo wobubanzi besiza ukusuka kwiipesenti ezinagama-50% - 52,91% ukulungiselela indawo yokubhaya evallekileyo nendawo yokotth ilanga/iphethiyo.
- ✚ **ingqikelelo yomdlivo wobhaliso** ngokweSoloty le16(2)(q) loMthethwana nokuseteyenziswa komhlaba ongagunyaziswanga njengoko kuchazwe ngentla.

Iinkcukacha ezipheleleyo mayela nesis isphakamiso ziyafumaneka ukzue zihlolve kwiintsuku zaphakathi evekini ukususela kwentsimbi ye-08:00 neye-16:30 kwiCandelo: LeziCwangcisi ZeDolophu noBume BeNdawo kwa 16 Paterson Street, Hermanus nakwiwebhpheji kwiqhakamshela ilandelayo, <https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/>. Naziphi na izimvo mazibhalwe phantsi zifike kwaMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama **20 Novemba 2026**, uchaze igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa ku**Mnu H. Olivier**, kwa-028-3138900. Umasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiCandelo: LeziCwangcisi zeDolophu noBume BeNdawo apho igosa likamasipala liza kumnceda afake izimvo zakhe ahlomle ngokusemthethweni.

Nceda uqaphele ukuba ngokwemiba yoMthetho WezoKhuseleko Lwengxelo YoMntu (POPIA), uza kube ungena kwinkqubo yoluntu nowonkewonke kangangokuba uyavumela kwaye uvuma igama lakho, ifani, iinkcukacha ofumanka kuzo noluvo/nezimvo zidizwe/zisetyenziswe (kwisicelo) kwinkqubo yesicelo.



MOTIVATION REPORT

Proposed Departure (Coverage) and Determination of an Administrative Penalty

ERF 5573 ONRUSTRIVIER | OVERSTRAND MUNICIPALITY

Property	Erf 5573 Onrustrivier
Physical Address	57 Mossop Road, Onrus
Extent	458 m ²
Title Deed	T35530/2019, registered 28 August 2019
Zoning	Residential Zone 1: Single Residential
Registered Owner	André van Rooyen
Applications	Departure (coverage) — Section 16(2)(b); Determination of an administrative penalty — Section 16(2)(q)
Prepared By	Plan Active Town & Regional Planners

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Mr. André van Rooyen, the owner of Erf 5573 Onrustrivier, to apply for a departure in respect of the subject property, together with the determination of an administrative penalty.

The owner enclosed an existing open braai and patio area. As the area was previously open and was accordingly excluded from the site coverage calculation, its enclosure has resulted in the total building coverage on the property increasing to 52.91%, exceeding the 50% maximum coverage permitted for erven zoned Residential Zone 1: Single Residential. The building work associated with the enclosure was undertaken prior to the necessary land use approval being obtained. The applicant therefore seeks approval for a departure to relax the maximum permissible coverage from 50% to 52.91%, together with the determination of an administrative penalty in order to regularise the building work concerned.

These alterations are intended to enhance the functionality and usability of the dwelling while maintaining compatibility with the surrounding built environment. This submission serves to motivate the approval of the proposed departure to accommodate the enclosure of the existing braai/patio area, and the determination of an administrative penalty to regularise the work, with due consideration of applicable planning principles, the potential impact on adjacent properties, and alignment with the broader intent of the Overstrand Land Use Scheme provisions.

2. APPLICATION DETAILS

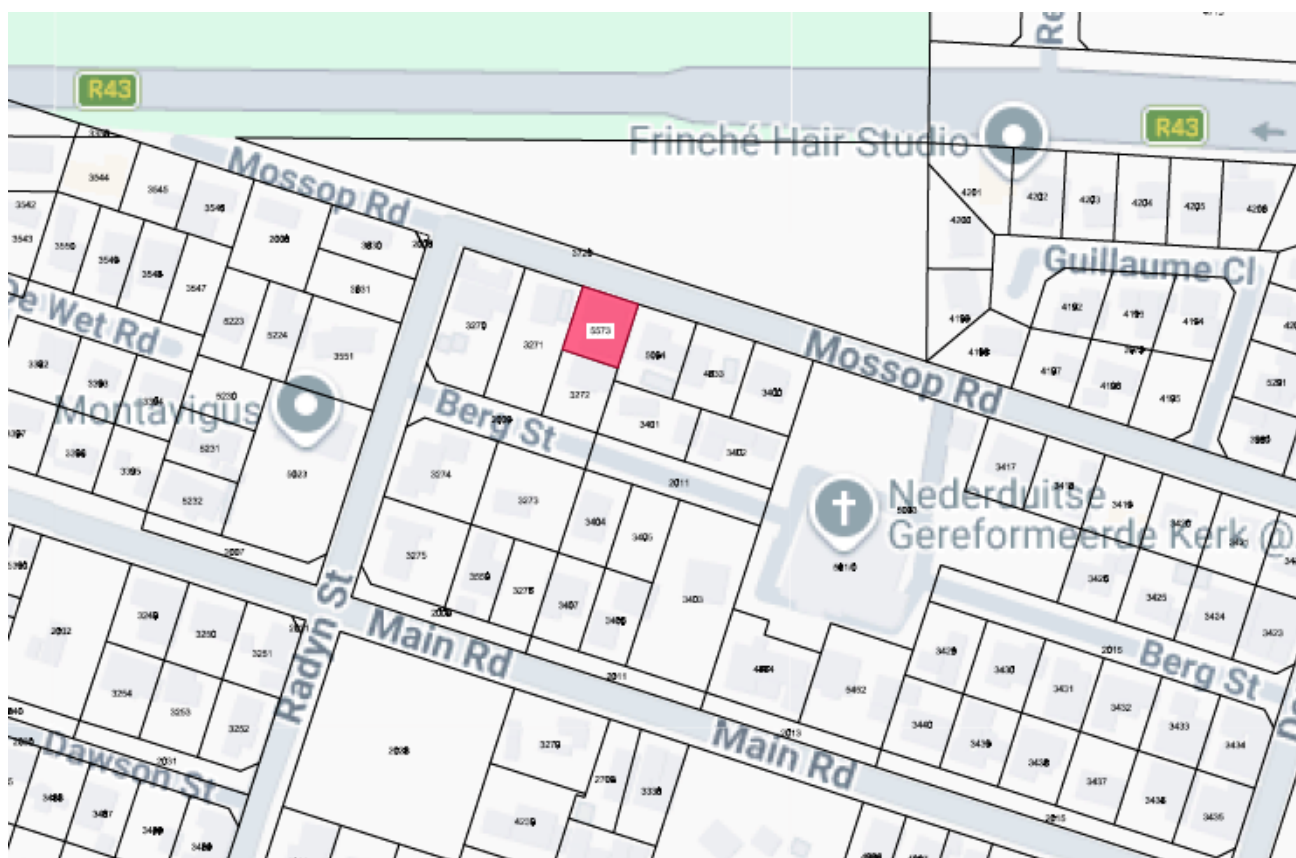
Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the **departure (coverage)** of Erf 5573 Onrustrivier; and
- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the **determination of an administrative penalty** in respect of the building work undertaken on Erf 5573 Onrustrivier without the necessary approval.

3. NEED AND DESIRABILITY

3.1 Property Description

Erf 5573 Onrustrivier is situated at 57 Mossop Road, Onrus, Hermanus. Refer to the locality plan attached and the abstract below.



Erf 5573 Onrustrivier is 458 m² in extent and is held by Title Deed No. T35530/2019, registered on 28 August 2019.

The subject property is characterised by a residential building within an established residential suburb of Onrus, and is bounded by Mossop Road to the north, Erf 5094 to the east, Erf 3271 to the west, and the remainder of Erf 3272 Onrusttrivier to the south.

3.2 Zoning

Erf 5573 Onrusttrivier has the following land use rights:

ERF NUMBER	ZONING
Erf 5573 Onrusttrivier	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential purposes.

3.3 Land Use

There is a single-storey residential dwelling, together with a garage and an enclosed patio/braai area, situated on the subject property.

Land uses that surround the subject property are single residential dwellings and public roads.

3.4 Proposal

The following is proposed:

- The **departure** of Erf 5573 Onrusttrivier in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, to relax the maximum permissible coverage from 50% to 52.91% to accommodate the enclosure of the existing braai/patio area; and
- The **determination of an 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, in respect of the building work associated with the enclosure of the existing braai/patio area, which was undertaken without the necessary approval. Refer to Section 3.5 below.

The owner's intent was to enclose the existing open braai and patio area in order to enhance the functionality, weather protection and usability of this space. The existing braai/patio area was previously open and did not count towards the site coverage of the property. Its enclosure has resulted in the site coverage of the property increasing beyond the maximum permissible coverage of 50%.

The building work comprises the following elements:

- Installation of a new aluminium hinged door (D1) with an upstand sliding window on the northern elevation of the enclosed area.
- Installation of new aluminium windows (W1–W3) to enclose the previously open sides of the patio/braai area.
- Installation of two new openable aluminium skylights within the enclosed roof area.
- The enclosed space will continue to be used solely as a private patio/braai area, ancillary to the main dwelling.
- All new walls, doors and windows are finished to match the existing dwelling, ensuring visual continuity.
- No additional storeys, height increases, or changes to roof form are proposed.
- No change in land use or intensity of use is proposed; the development remains residential in nature.

The enclosure improves weather protection, security and amenity while maintaining the character of the property. A departure is therefore submitted for the relaxation of the maximum permissible coverage from 50% to 52.91% to accommodate the enclosure of the existing braai/patio area. Refer to the as-built ground floor plan, roof plan and elevations below and attached:

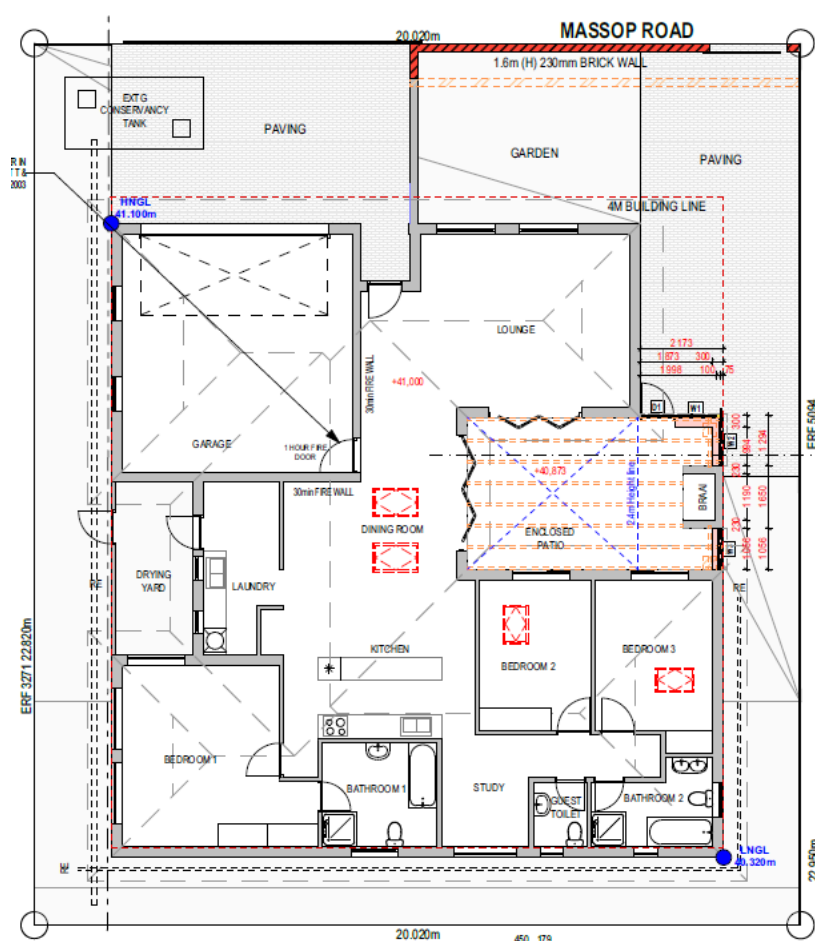


Figure 2: As-built ground floor plan, roof plan and elevations — Erf 5573 Onrustrivier

The enclosed patio/braai area measures 26.43 m² and is contained entirely within the pre-existing roofed footprint of the dwelling. The height of all structures on the property, including the enclosed area, remains within the 8m height restriction applicable to Residential Zone 1: Single Residential erven (base level 40.710m, height restriction 48.710m, as reflected on the approved plans).

The enclosure is set back as reflected on the approved building plans, and does not encroach on any building line. The proposed departure relates solely to site coverage, and no other zoning parameter is affected.

The total coverage of 52.91% remains a modest 2.91% above the maximum permissible coverage of 50%, with the enclosure designed to integrate seamlessly with the existing dwelling. The area schedule and coverage for the subject property, before and after the enclosure, are set out below:

Description	Area (m ²)	Coverage (%)
Existing ground floor	174.66	—
Existing garage	41.24	—
Subtotal prior to enclosure	215.90	47.14%
New enclosed patio (braai area)	26.43	—
Total as-built coverage	242.33	52.91%
Maximum permissible coverage (50%)	229.00	50.00%
Extent of the departure	13.33	2.91%

The zoning of Erf 5573 Onrusttrivier will remain as Residential Zone 1: Single Residential, and the primary land use will remain for single residential purposes. The area schedule indicates the total as-built coverage of the property to be 52.91%, which exceeds the maximum permissible coverage of 50% allowed for SR1-zoned properties by 2.91 percentage points (13.33 m²).

The proposed application will have a minimal visual impact on both the streetscape and adjoining properties. The enclosure is limited to the conversion of an existing open patio/braai area within the current building footprint, with no increase in building height, bulk or overall floor area beyond the pre-existing roofed area. External materials and finishes are compatible with the existing dwelling, ensuring visual continuity and consistency with the surrounding residential character. As no new structure is introduced beyond the existing roofed patio area and the established building lines are maintained, the proposal will not result in any additional visual intrusion when viewed from the street or neighbouring erven.

Refer to the attached site development plan inclusive of the roof layout, floor layouts and elevations.

The proposed application will not adversely affect the character or property values of the surrounding area. The enclosure of the patio does not obstruct any views, access or amenity enjoyed by neighbouring erven, given its location within the existing footprint and its position away from the shared boundaries.

It is submitted that the alterations to the property are compatible with the character of the area, do not negatively impact the rights of neighbouring property owners, and that there is no valid reason to deny approval of this application. In considering the proposed coverage departure, it is important to acknowledge the broader objective of discouraging urban sprawl while promoting the efficient use of existing residential erven. This approach aligns with responsible resource use and supports sustainable growth.

The proposed departure for Erf 5573 Onrustrivier is consistent with the prevailing land use trends in the surrounding area, and therefore, we do not anticipate any adverse effects or issues arising from the approval of this application.

3.5 Administrative Penalty

3.5.1 Basis for the Application

The building work associated with the enclosure of the existing braai/patio area was undertaken prior to the necessary land use approval and building plan approval being obtained. In terms of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, building work undertaken without the required approval constitutes a contravention of the By-law, and such work may only be regularised once an administrative penalty has been determined and paid.

Application is accordingly made in terms of Chapter 4, Section 16(2)(q) of the By-law for the determination of an administrative penalty in respect of the building work concerned. The contravention is limited to the following:

- **Enclosed patio/braai area — site coverage:** The enclosure of the existing open braai/patio area on the northern side of the dwelling, of which 13.33 m² of the resultant covered floor area causes the site coverage of the property to exceed the 50% maximum permissible coverage (the subject of the departure application in terms of Section 16(2)(b)).

It is emphasised that the building work is confined entirely to the existing development footprint of the erf, comprises the enclosure of an existing open patio/braai area only, and is fully capable of approval in terms of the applicable zoning parameters, subject to the granting of the coverage departure applied for herein.

3.5.2 Value of the Building Work and Penalty Calculation

The value of the building work is substantiated by the quotations accepted by the owner for the construction of the enclosure, comprising the accepted quotation of TGA Glass & Aluminium (Hermanus) (Quote No. 15191, dated 10 June 2020) in the amount of R18,719.70 (VAT included) for the aluminium windows, door and glazing, together with an accepted amount of R15,000.00 for poly-carbonate IBR roof sheeting, giving a total accepted construction cost of R33,719.70. A copy of the quotation is attached. The scope of the quoted works comprises the supply and installation of aluminium windows, a hinged door with sliding window, roof sheeting, sealing and installation.

The quoted amount relates to the enclosure of the full braai/patio area of 26.43 m². The construction value of the building work situated within the coverage over-provision, being the extent by which the property's coverage exceeds the maximum permissible 50%, is accordingly calculated pro rata as follows:

ITEM	EXTENT	VALUE
Total value of building work (accepted quotations)	26.43 m ²	R33,719.70
Construction value per m ² (R33,719.70 ÷ 26.43 m ²)	per m ²	R1,275.81
Building work within the coverage over-provision	13.33 m ²	R17,006.57
Total value of building work within the coverage over-provision	13.33 m²	R17,006.57

The total extent of the building work contributing to the coverage over-provision is limited to 13.33 m², with a pro rata construction value of R17,006.57, out of a total accepted construction value of R33,719.70. It is respectfully requested that the administrative penalty be determined at the minimum, with reference to the limited extent and value of the contravention and the mitigating factors set out below.

3.5.3 Criteria for the Determination of the Penalty

In determining an appropriate administrative penalty, the Municipality must have regard to the relevant factors prescribed in the By-law. These factors are addressed as follows:

- **Nature, gravity and extent of the contravention:** The contravention is technical and limited in nature. The building work comprises the enclosure of an existing open patio/braai area within the established building footprint that includes the patio, and no increase in height. The excess coverage is limited to 13.33 m² (2.91 percentage points).
- **Conduct of the persons involved and degree of cooperation:** The owner has proactively appointed an architect and professional town planning consultancy and has voluntarily submitted

this application to regularise the building work. The owner has cooperated fully with the Municipality and undertakes to comply with any conditions of approval that may be imposed.

- **Whether the contravention can be authorised:** The building work is fully capable of approval. The coverage over-provision is addressed by the departure applied for in terms of Section 16(2)(b). All other zoning parameters (height and building lines) are complied with.
- **Benefit derived from the contravention:** No commercial or financial benefit has been derived from the contravention. The enclosed area serves a private domestic purpose ancillary to the main dwelling, and its use as a patio/braai area remains unchanged.
- **Effect on the surrounding area:** The building work has no adverse effect on the streetscape, neighbouring properties or public safety. The enclosure is contained within the existing footprint and maintains the established character of the area.
- **Previous contraventions:** To the best of our knowledge, the owner has not previously contravened the By-law.

Having regard to the above, it is submitted that the contravention is of a minor and technical nature, that the owner has acted in good faith in seeking to regularise the position, and that the administrative penalty falls to be determined at the minimum applicable amount.

3.6 The Potential of the Property

Erf 5573 Onrustvriër measures 458 m² in extent and is zoned Residential Zone 1: Single Residential (SR1). The SR1 zoning permits the construction of a dwelling house and associated outbuildings, with a maximum coverage of 50% and a height restriction of 8m.

Erf 5573 Onrustvriër is a well-established residential property located along Mossop Road, in the established residential suburb of Onrus. The existing development footprint on the property is clearly defined and consistent with the surrounding pattern of development.

The enclosure of the existing braai/patio area is fully contained within this footprint and does not alter the established building placement or spatial relationship to adjoining properties. The property has sufficient capacity to absorb the improvement without resulting in overdevelopment, while enhancing functionality in a manner that remains compatible with the residential character of the area and the intent of the planning controls.

The enclosure of the patio/braai area represents an optimal utilisation of the existing structure rather than an expansion of the building footprint. This approach makes effective use of the site's development rights while substantially maintaining compliance with height and building line restrictions, subject only to the modest coverage departure applied for herein.

The development therefore represents a responsible realisation of the property's inherent potential, ensuring functional improvement and long-term value enhancement while remaining consistent with municipal planning policies and surrounding land uses.

3.7 Economic Impact

The enclosure of the existing braai/patio area is expected to have a positive, albeit limited, economic impact. The improvement enhances the functional utility, weather protection and overall value of the property without intensifying land use or increasing demand on municipal services. The proposal represents a modest private investment in the improvement of the existing residential building stock and contributes to the long-term sustainability and desirability of the area. Furthermore, the upgrading of the property has the potential to positively contribute to the municipal rates base over time, while no negative economic impacts on surrounding properties are anticipated.

3.8 Social Impact

The proposed application will have no impact on the social status quo of the area.

The enclosure of the existing braai/patio area is anticipated to have a neutral to positive social impact. The development improves on-site amenity, weather protection and functionality for the occupants while maintaining the existing residential use and character of the property. As the proposal does not introduce additional dwelling units, increase occupancy, or alter land use rights, it will not place additional pressure on social infrastructure or services. The improvement supports the ongoing maintenance and enhancement of established residential neighbourhoods, contributing to overall neighbourhood stability and amenity without adversely affecting surrounding properties or the broader community.

3.9 Compatibility with Surrounding Land Uses

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with single residential dwellings, and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the alterations on Erf 5573 Onrusttrivier merges well with the scale of the surrounding dwellings in the immediate area.

The enclosure of the existing braai/patio area is fully compatible with the surrounding land uses and the planning framework applicable to the area. Enclosed patios and braai areas are a common ancillary feature

of single residential dwellings in Onrus, and the proposal does not introduce a new land use, increase residential density or intensify activity on the site.

The development is consistent with the intent of the Overstrand Municipal Planning Scheme, which promotes orderly development, efficient use of land and the protection of residential amenity. As such, the proposal is compatible with both the surrounding land uses and the prevailing residential character of the area.

3.10 Impact on External Engineering Services

All services on the subject property already exist. The proposed departure will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated, as the enclosure does not increase the number of bedrooms or occupants of the dwelling. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.11 Impact on Safety, Health and Wellbeing of the Surrounding Community

The proposed departure will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that one family will continue to occupy the subject property.

Since the proposed departure is not associated with a noxious trade with polluting air emissions, the impact on the health of the community will be kept to a minimum.

3.12 Impact on Heritage

The proposed departure and associated building alterations on Erf 5573 Onrustvriër do not have any heritage-related implications. The property is not situated within the Heritage Protection Overlay Zone as designated in the Overstrand Municipality's Zoning Scheme (2020).

The application involves a site of 458 m², which is significantly smaller than the 5 000 m² threshold specified in Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Consequently, the proposal does not trigger a formal heritage impact assessment in terms of the Act.

The property is currently developed for single residential use, and the building work, namely, the enclosure of the existing braai/patio area, occurs entirely within the existing built form. No demolition, expansion onto undeveloped land, or alteration of a heritage structure is proposed.

Accordingly, the development will not alter or detract from any heritage resources, historical character or architectural integrity of the surrounding area. The visual and contextual impact remains negligible, and

the application is therefore fully compliant with the provisions of the National Heritage Resources Act and the Overstrand Municipality's heritage management policies.

3.13 Impact on the Biophysical Environment

The proposed departure does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998). The subject property is not situated within the Overstrand Municipality's Environmental Management Overlay Zone (EMOZ, 2020). The work giving rise to this application is contained entirely within the existing, previously developed and roofed footprint of the dwelling, with no clearing of natural vegetation or other impact on the biophysical environment.

3.14 Traffic Impact, Parking and Access

Access to Erf 5573 Onrustvriër will remain unchanged and will be from Mossop Road. No new access points are proposed.

In terms of the Overstrand Municipality Land Use Scheme, 2020, a minimum of two on-site parking bays are required for a dwelling house on erven of 400 m² or larger. The subject property includes an existing garage (41.24 m²) and a paved driveway, which together provide the required off-street parking. The dwelling on Erf 5573 Onrustvriër will accordingly continue to comply with the minimum parking requirements applicable to properties zoned Single Residential 1 (SR1).

The property will remain single residential use, and as such, the proposal will not generate any additional traffic or have a measurable impact on the existing traffic flow or road network in the surrounding area.

3.15 Title Deed

The property is held under Deed of Transfer No. T35530/2019, registered on 28 August 2019, and is subject to the following conditions:

Condition D(a): "The said transferee and his successors in title of the above land shall only have the right to erect residences with necessary outbuildings and accessories on the said land."

Condition D(b): "The said Transferee and his successors in title shall not have the right to open or allow or cause to be opened upon the above land any hotel, canteen, restaurant, shop or place of business without the written consent of the seller..."

The Title Deed contains no restrictive conditions that require removal or amendment in order to accommodate the proposed departure application for Erf 5573 Onrustrivier. The enclosed patio and braai area forms an integral, ancillary part of the residential dwelling and does not constitute a departure from the residential use permitted under Condition D(a). No condition in the Title Deed regulates the permissible site coverage of the property, this being a matter regulated by the Overstrand Municipality Land Use Scheme, 2020. As the Title Deed is straightforward and free of restrictive clauses relevant to the proposal, a conveyancer's certificate has not been included with this application.

3.16 Forward Planning and Land Use Documents

The Overstrand Spatial Development Framework (2020) earmarks the area where Erf 5573 Onrustrivier is situated for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020). The Overstrand Municipal Growth Management Strategy (OMGMS, 2010) identifies Erf 5573 Onrustrivier as falling within Planning Unit 3 of the Hermanus West precinct. Planning Unit 3 predominantly consists of the developed Sandbaai and Hemel-en-Aarde residential areas, and further extends to include a portion of Onrustrivier north of the Main Road, as well as an area towards the mountainside. No residential densification is proposed for this Planning Unit.

Although no densification is proposed for Planning Unit 3, the OMGMS notes that the area lacks certain community facilities, and provision for four additional Pre-Primary Schools and nine additional Worship facilities is proposed to service the Planning Unit as it develops over time. A single dwelling house is currently developed on the property, and no additional dwelling units, densification, or increase in residential density are proposed as part of this application. The proposal is limited to the enclosure of an existing braai/patio area within the established building footprint, and the current residential land use and density will therefore remain unchanged. Accordingly, the application is fully consistent with the applicable planning framework and the intent of the OMGMS for Planning Unit 3.

The proposal will promote land development in a location that is sustainable. The proposed departure is to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment. There is no impact on the overall density of Onrus and therefore the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development adheres and complies with the relevant municipal spatial planning policies.

3.17 Planning Principles

The development on Erf 5573 Onrustrivier aligns with the five spatial planning principles contained in the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013), as follows:

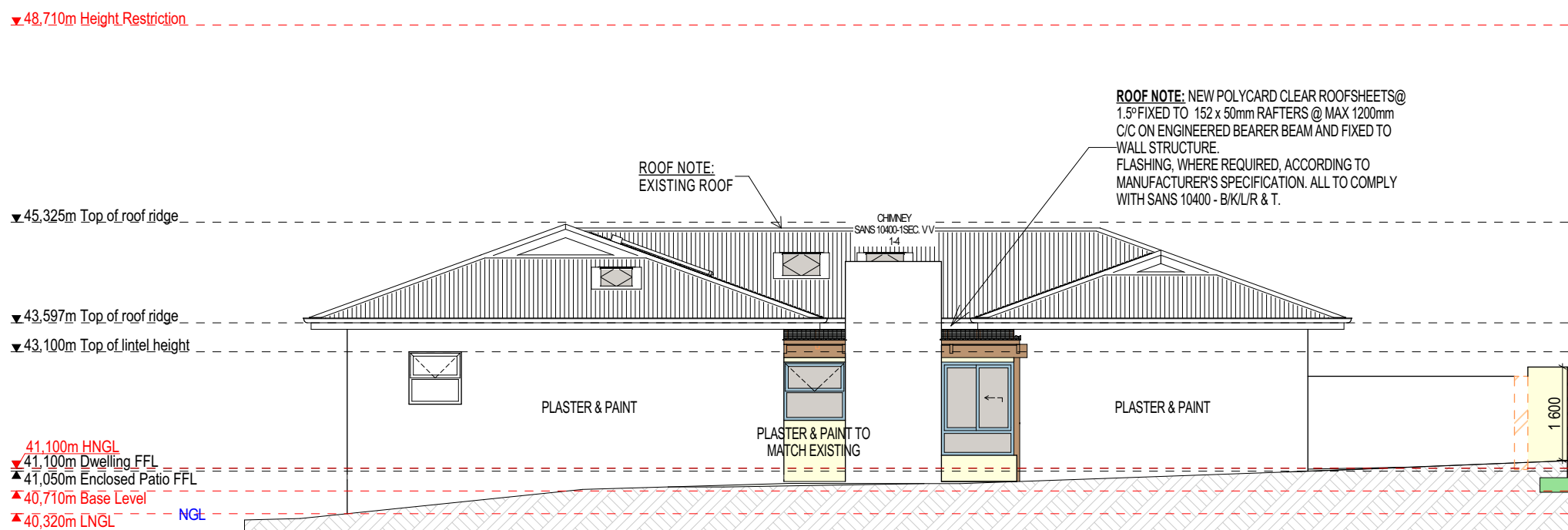
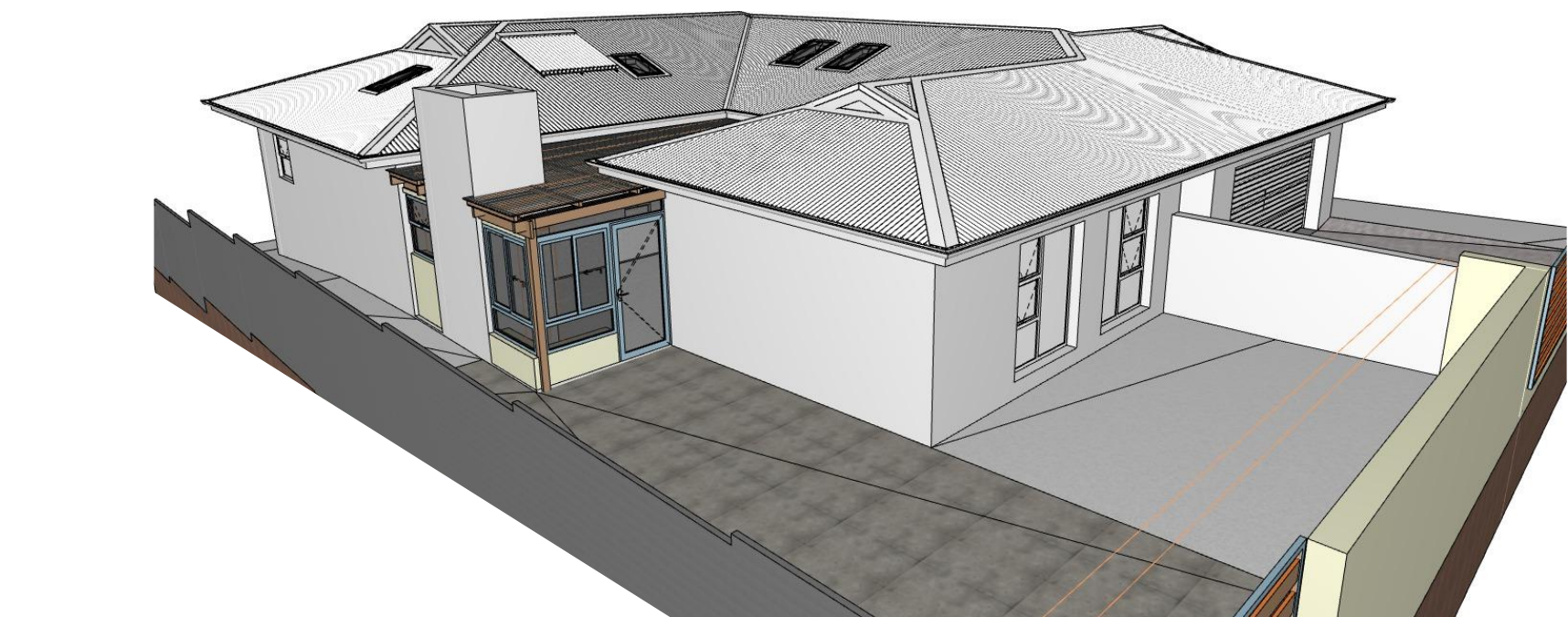
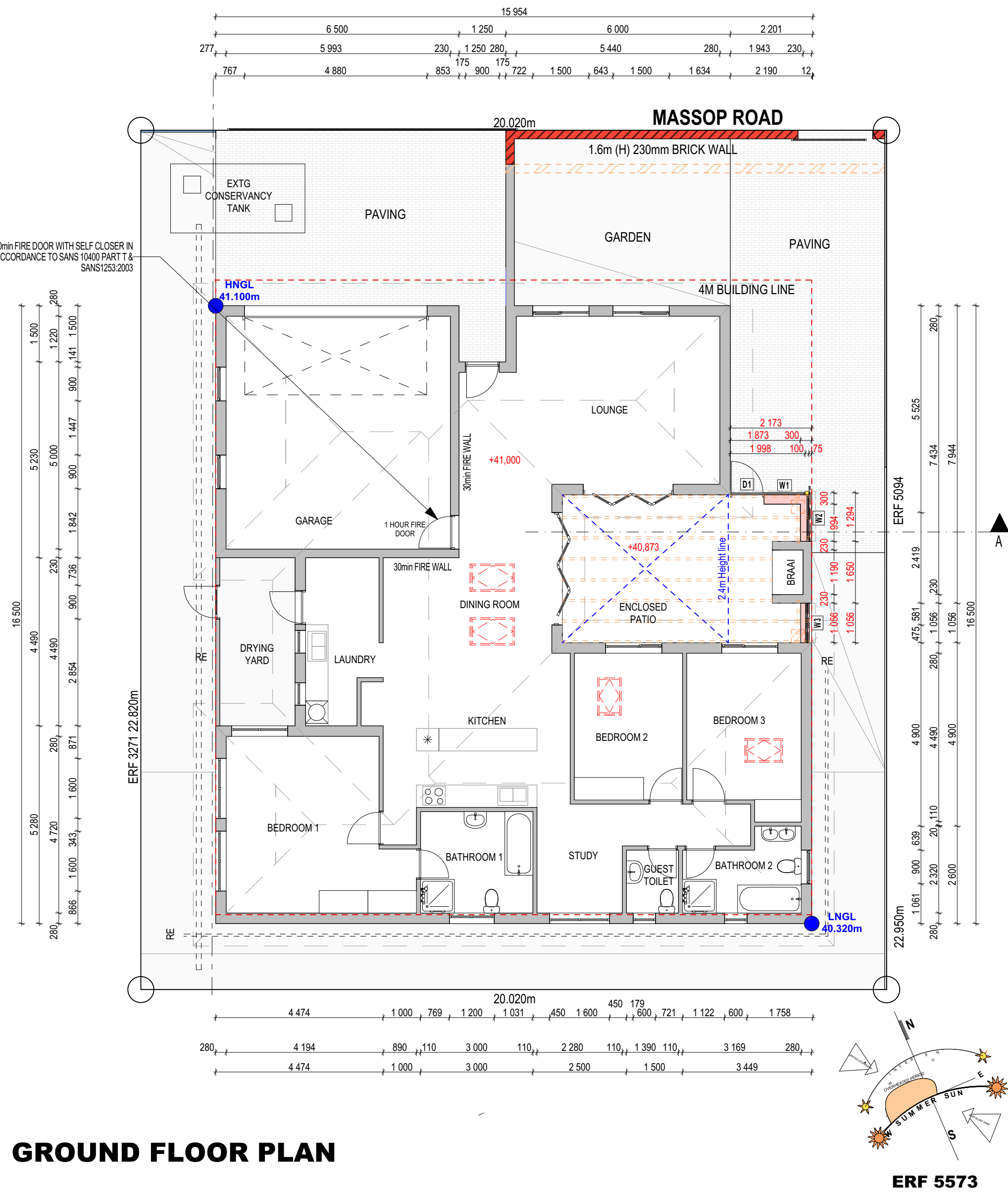
- **Spatial Justice:** The proposal promotes equitable access to property use rights by allowing the property owner to optimise the use of an existing residential erf within the formal urban area. The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. This application is for an erf as per the establishment of the existing Onrustrivier Township. The proposed application is in character with the existing area, where similar applications have been approved in the past, and therefore, the approval of the proposed application will not be spatially biased.
- **Spatial Sustainability:** The proposal represents the efficient use of existing urban land and municipal infrastructure, supporting compact urban form and sustainable residential development. No additional land consumption or infrastructure expansion is required. The impact on the biophysical environment will also be kept to a minimum since the development neither triggers any listed activities in terms of NEMA nor is it positioned within the Overstrand Municipality's EMOZ. The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation or heritage resources.
- **Efficiency:** The development utilises the existing structure efficiently by enclosing the existing braai/patio area within the current building footprint. This optimises land use and reduces unnecessary resource expenditure. The subject property is easily accessible and conveniently located in Onrus. The massing and height of the property will remain in line with the relevant land use scheme regulations. It proves to be resourceful to approve the proposal since it is compatible with the existing built environment, and the way the dwelling was designed and constructed proves to be aesthetically pleasing.
- **Spatial Resilience:** The proposal enhances the adaptability and long-term functionality of the dwelling by allowing it to respond to evolving residential needs without compromising environmental or planning objectives.
- **Good Administration:** The application is submitted in accordance with the Overstrand Municipality Land Use Planning By-law (2020) and follows due process, ensuring transparent and consistent land use management in line with statutory procedures. The voluntary submission of the administrative penalty application further demonstrates the owner's commitment to due process and the regularisation of the building work in accordance with the By-law.

4. RECOMMENDATION

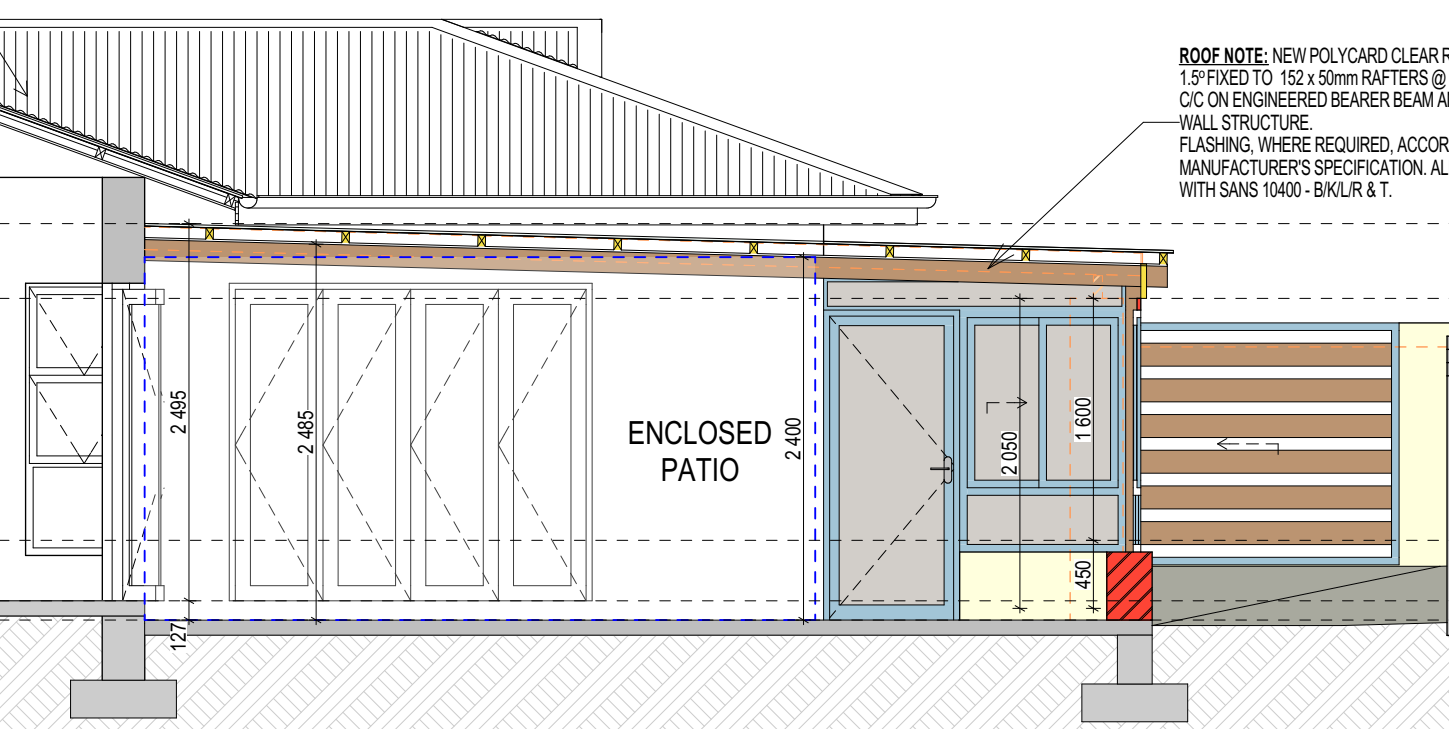
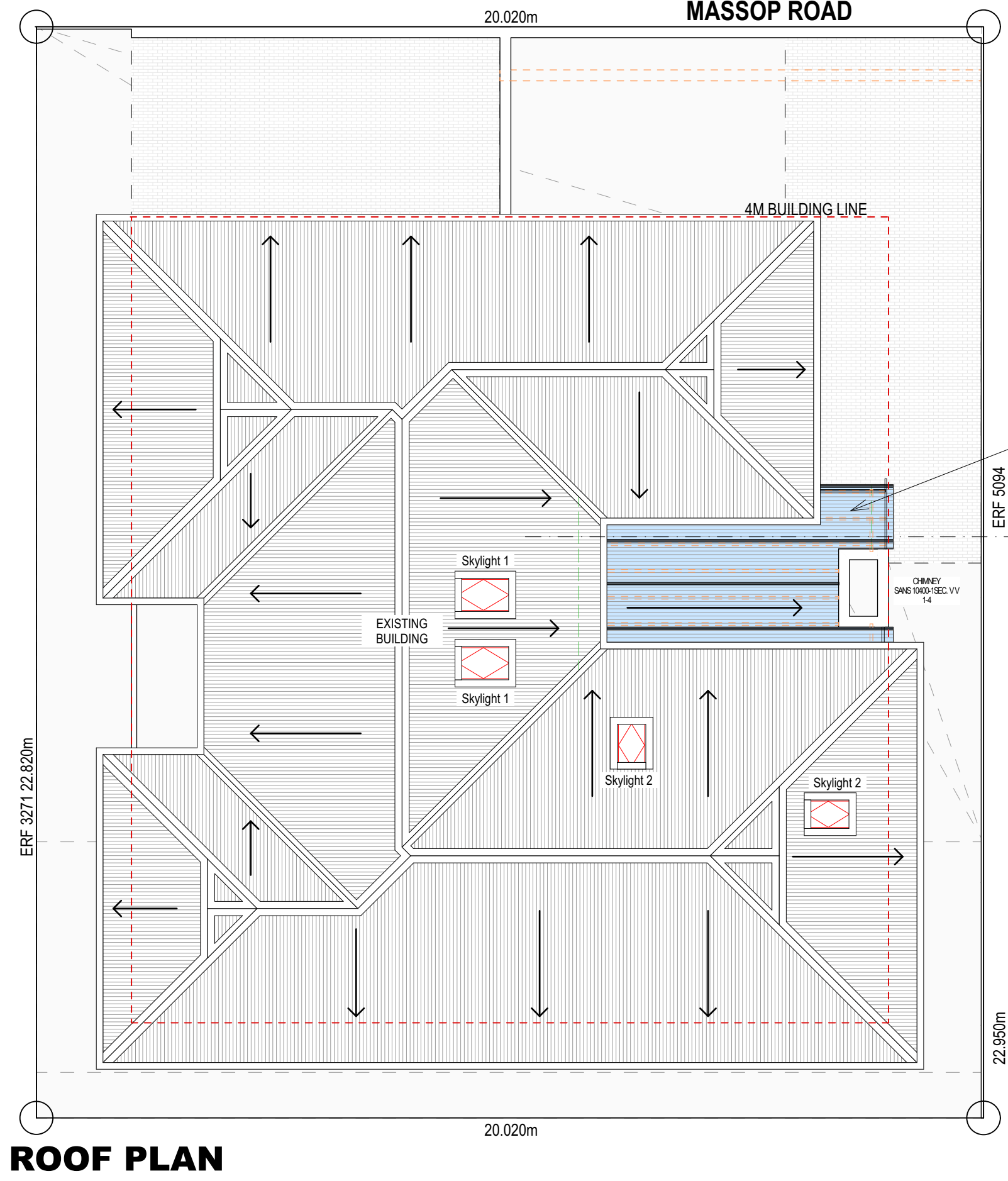
When this application is evaluated, it is important to take note of the following:

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The zoning and primary land use of the subject property will remain unchanged;
- The proposed deviation from the applicable scheme regulations' maximum coverage is to accommodate the enclosure of the existing braai/patio area only, and does not affect any other zoning parameter;
- The administrative penalty application in terms of Section 16(2)(q) serves to regularise building work that is limited in extent (13.33 m² of coverage over-provision, with a pro rata construction value of R17,006.57 out of a total accepted construction value of R33,719.70), fully contained within the existing building footprint, and capable of approval;
- The owner has acted in good faith and has voluntarily applied to regularise the building work, and it is requested that the administrative penalty be determined at the minimum;
- The proposal is compatible with the existing built character of the area;
- No impact on traffic;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

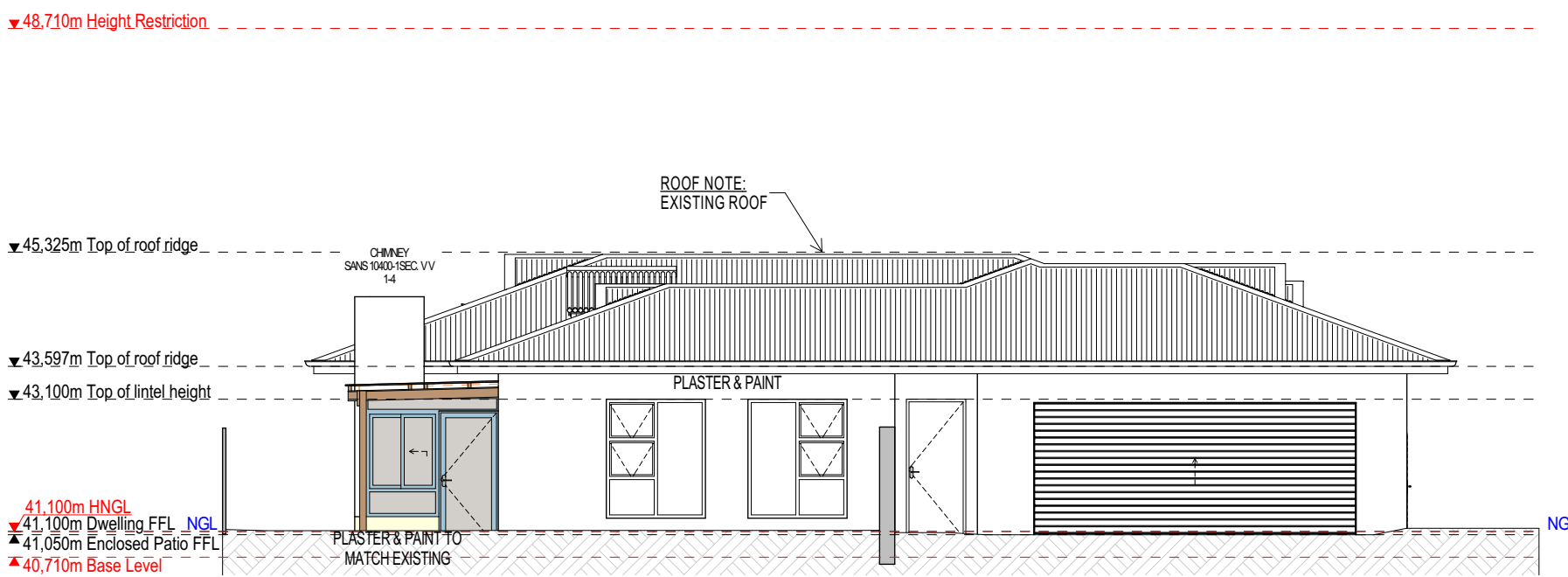
The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area. The application can be supported for your favourable evaluation.



SOUTH ELEVATION



SECTION A-A 1:50



NORTH ELEVATION

Erf 5573 (458m²)	
Residential Dwelling H4	
EXISTING GROUND FLOOR	174.660m²
EXISTING GARAGE	41.24m²
NEW ENCLOSED PATIO	26.43m²
TOTAL NEW AREA	26.43m²
TOTAL AREA	242.33m²
FOOTPRINT	242.33m²
COVERAGE	(52.91%)

NOTE:
ALL DRAWINGS, DIMENSIONS AND QUANTITIES MUST BE CHECKED BEFORE ANY MATERIALS ARE ORDERED, OR ANY BUILDING WORK COMMENCES. ANY DISCREPANCY MUST BE BROUGHT UNDER THE ATTENTION OF THE ARCHITECT IMMEDIATELY. COPYRIGHT RESERVED ON ALL DRAWINGS AND/OR DESIGNS. ALL MATERIALS AND CONSTRUCTION MUST COMPLY WITH THE NATIONAL BUILDING REGULATIONS INCLUDING ALL AMENDMENTS AS WELL AS THE BYLAWS OF ANY LOCAL AUTHORITIES. ALL MATERIALS MUST BE FIXED AND FINISHED STRICTLY ACCORDING TO MANUFACTURER'S SPECIFICATIONS.

NOTE:
ALL WORK EXECUTED ON SITE SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE HEALTH AND SAFETY ACT NO. 85 OF 1993 AND THE CONSTRUCTION REGULATIONS OF 2003 IN TERMS OF SECTION 43 OF THE ACT

GLASS:
GLASS OF WHICH THE TOTAL AREA EXCEEDS THAT OF 1m² AND/OR WHICH IS AT A HEIGHT OF LESS THAN 800mm FROM THE FLOOR LEVEL HAS TO BE FITTED WITH SAFETY GLASS. ALL GLASS TO COMPLY WITH THE MINIMUM CU VALUE REQUIRED AND WITH A.A.M.S.A GLASS/ALUMINIUM AS SPECIFIED IN SANS 10400. NO CHANGES MAY BE MADE TO GLASS/ALUMINIUM SPECIFICATIONS. (SEE DOOR AND WINDOW SCHEDULES)

SANS XA:CLIMATE ZONE 4 SKYLIGHT FENESTRATION
AFFECTED FLOOR AREA BEDROOM 2: NET FLOOR AREA = 11.34m² TOTAL AREA OF GLAZED ELEMENTS = 0.567m² WINDOW TO FLOOR RATIO = 5% WINDOW TO FLOOR AREA FALLS INTO THE >3 TO <5% RATIO THEREFORE: REQUIRED MINIMUM U-VALUE = 5.8 REQUIRED MINIMUM SHGC = 0.50 TO COMPLY WITH SANS 10400 PART XA:2021 SKYLIGHTS TO RECEIVE COMPASS GLASS - ENVIRO SOL RANGE - DOUBLE GLAZING NC45 PROVIDED U-VALUE = 2.74 PROVIDED SHGC = 0.41

SANS XA:CLIMATE ZONE 4 SKYLIGHT FENESTRATION
AFFECTED FLOOR AREA BEDROOM 3: NET FLOOR AREA = 12.00m² TOTAL AREA OF GLAZED ELEMENTS = 0.8m² WINDOW TO FLOOR RATIO = 5% WINDOW TO FLOOR AREA FALLS INTO THE >3 TO <5% RATIO THEREFORE: REQUIRED MINIMUM U-VALUE = 5.8 REQUIRED MINIMUM SHGC = 0.50 TO COMPLY WITH SANS 10400 PART XA:2021 SKYLIGHTS TO RECEIVE COMPASS GLASS - ENVIRO SOL RANGE - DOUBLE GLAZING NC45 PROVIDED U-VALUE = 2.74 PROVIDED SHGC = 0.41

SANS XA:CLIMATE ZONE 4 SKYLIGHT FENESTRATION
AFFECTED FLOOR AREA KITCHEN/DINING ROOM: NET FLOOR AREA = 33.60m² TOTAL AREA OF GLAZED ELEMENTS = 1.68m² WINDOW TO FLOOR RATIO = 5% WINDOW TO FLOOR AREA FALLS INTO THE >3 TO <5% RATIO THEREFORE: REQUIRED MINIMUM U-VALUE = 5.8 REQUIRED MINIMUM SHGC = 0.50 TO COMPLY WITH SANS 10400 PART XA:2021 SKYLIGHTS TO RECEIVE COMPASS GLASS - ENVIRO SOL RANGE - DOUBLE GLAZING NC45 PROVIDED U-VALUE = 2.74 PROVIDED SHGC = 0.41

Schedule				
ELEMENT ID	D1	W1	W2	W3
QUANTITY	1	1	1	1
DOOR/ WINDOW DESCRIPTION	Aluminium Door	Aluminium Window	Aluminium Window	Aluminium Window
GLAZING	To Client	To Client	To Client	To Client
WINDOW/ DOOR FINISH	To Match existing	To Match existing	To Match existing	To Match existing
IRONMONGERY	To Client	To Client	To Client	To Client
GENERAL NOTES				

Schedule		
ELEMENT ID	SKYL-001	SKYL-002
QUANTITY	2	2
DOOR/ WINDOW DESCRIPTION	Aluminium Operable Skylight	Aluminium Operable Skylight
GLAZING	COMPASS GLASS - ENVIRO SOL RANGE - DOUBLE GLAZING NC45	COMPASS GLASS - ENVIRO SOL RANGE - DOUBLE GLAZING NC45
WINDOW/ DOOR FINISH	To Match existing	To Match existing
IRONMONGERY	To Client	To Client
GENERAL NOTES		

No.	Revision/Issue	Date

ALTERATIONS & ADDITIONS

AS SHOWN

HOUSE VAN ROOYEN

ERF. 5573
57 MOSSOP ROAD
ONRUS HERMANUS

Project VRO / 026	DWG.NO. 1.1
Date 29 / 05 / 2026	
Scale 1 : 100	