

## REMAINDER ERF 2761, 145 FIFTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF H SMIT

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 eastern lateral building line from 2m to 0m to accommodate the conversion of the carport into a garage;
  - relax the eastern lateral building line from 2m to 0m to accommodate the conversion of the existing bedroom, bathroom and laundry into a sunroom/studio with a bathroom, and
  - relax the rear building line from 2m to 0m to accommodate the existing storerooms.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize the unauthorised building line encroachments.

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 **28 August 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.*

## RESTANT ERF 2761, VYFDESTRAAT 145, VOËLKLIP, HERMANUS: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: INTERACTIVE STADS- EN STREEKBEPLANNING NAMENS H SMIT

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:
  - oostelike lateraleboulyn vanaf 2m na 0m te verslap om die verandering van die motorafbak in 'n motorhuis te akkommodeer;
  - oostelike lateraleboulyn vanaf 2m na 0m te verslap om die verandering van die bestaande kamer, badkamer en waskamer in 'n sonkamer/ateljee met 'n badkamer te akkommodeer, en
  - agterboulyn vanaf 2m na 0m te verslap om die bestaande stoorkamers te akkommodeer.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening om die onwettige boulynoorskrydings te wettig.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae 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 **28 Augustus 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. 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 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.*

## INTSALELA YESIZA 2761, 145 FIFTH STREET, VOËLKLIP, HERMANUS: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA-H SMIT

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020 ukuba kufunyenwe isicelo sezi zinto zilandelayo:

- ❖ **Ukunyenyiswa** ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kwenziwe oku kulandelayo:
  - ukunyenyiswa komgca wesakhiwo omde ukusuka ku-2m ukuya ku-0m ukulungiselela ukuguqulwa kwendawo yokumisa imoto ibe yigaraji.
  - ukunyenyiswa komgca wesakhiwo ongakwicala elisempuma ukusuka ku-2m ukuya ku-0m ukulungiselela ukutshintshwa kwegumbi lokulala elikhoyo, igumbi lokuhlambela nendawo yokuhlambela iimpahla ibe sisitudiyo sokuhlala size sibe negumbi lokuhlambela kunye
  - nokunyenyiswa komgca wesakhiwo ongasemva ukusuka ku-2m ukuya ku-0m ukulungiselela iindawo zokugcina esele zikhona.
- ❖ **Ukugqitywa kwesohlwayo emasihlawulwe** ngokumayela neCandelo 16(2)(q) loMthetho kaMasipala ukuze kwenziwe zibe semthethweni izakhiwo nokugqitha emgceni wokwakha.

Inkcazelo ephelileyo mayela noku kucetywayo ziafumaneka ukuze ihlolwe phakathi evelini phakathi ko 08:00 no 16:30 kwiSebe: 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/>. Naziphi na izimvo ezibhaliweyo zimelwe zingeniswe ngokumayela nezibonelelo zeCandelo 51 neCandelo 52 laloMthetho kaMasipala (16 Paterson Street, Hermanus / (e) [landuse@overstrand.gov.za](mailto:landuse@overstrand.gov.za)) ngomhla okanye ungalulanga umhla **28 EweThypha 2026**, ubhale igama lakho, idilesi, iinkcukacha zohagamshehlwano, umdla kwisicelo nezizathu zokufaka izimvo. Imibuzo ngefowuni ingabhekiswa ku**Mnu. P. Roux** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvula. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: leTown and Spatial Planning apho igosa lakwamasipala liza kumnceda ukuze afake amagqabaza akhe.

*Nceda uphawule ukuba ngokumayela noMthetho Wokukhuselwa kweNkcazelo yoBuqu (POPIA), uza kungena kwinkqubo yokuthatha inxaxheba koluntu ibe ngenxa yoku uyavuma ukuba igama, ifani yakho, iinkcukacha zakho zohagamshehlwano namagqabaza akho angadizwa / asetyenziswa kwinkqubo (yokufaka isicelo).*



PROJECT

Erf 2761 Voëlklip,  
Hermanus

TITLE

Locality Plan  
Local Context

Application Area

INDEMNITY

INTERACTIVE TOWN & REGIONAL PLANNING MAKES NO WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, WITH REGARD TO THE DATA AND SHALL NOT BE LIABLE IN ANY EVENT FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH OR ARISING OUT OF THIS DATA. THE DATA REMAINS THE SOLE PROPERTY OF THE CLIENT AND MAY ONLY BE USED FOR THE PURPOSES OF A PROJECT WITH THE PRIOR WRITTEN APPROVAL OF THE CLIENT.

CLIENT

DRAWN BY

CHECKED BY

DATE

JM

AW

2026/02/09

SCALE (B A4)

PROJECT NUMBER

As indicated

0001

DRAWING NUMBER

Rev 1

InterActive Town & Regional Planning

Andre Wiehahn Pr Pln A/927/1996

B Art et Sc (Town and Regional Planning)

Telephone 028 312 1688

Cell phone: 082 446 0490

E-Mail: wiehahn.a@gmail.com

Local Context  
A4 Scale 1 : 2000

## 1. Introduction

### a. Brief

Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning was appointed by the owners of the property Henrietta Smit to prepare and submit an application for a building line departure and the determination of an administrative penalty for Erf 2761, Voëlklip in terms of the relevant legislation.

### b. Background, Development Objective & Application Proposal

The objective of this application is to regularise an unauthorised structure on the property and to obtain approval for proposed alterations to buildings on the property, all of which fall within the eastern property building lines.

Storerooms were historically constructed along the rear boundary by previous owners without the necessary municipal approval. This application therefore seeks inter alia to retrospectively regularise this structure.

The proposed amendments of the structures along the eastern boundary, as illustrated in the sketch below, are as follows:

- The amendment of the sunroom/studio (outbuilding),
- The conversion of the existing carport into a garage.

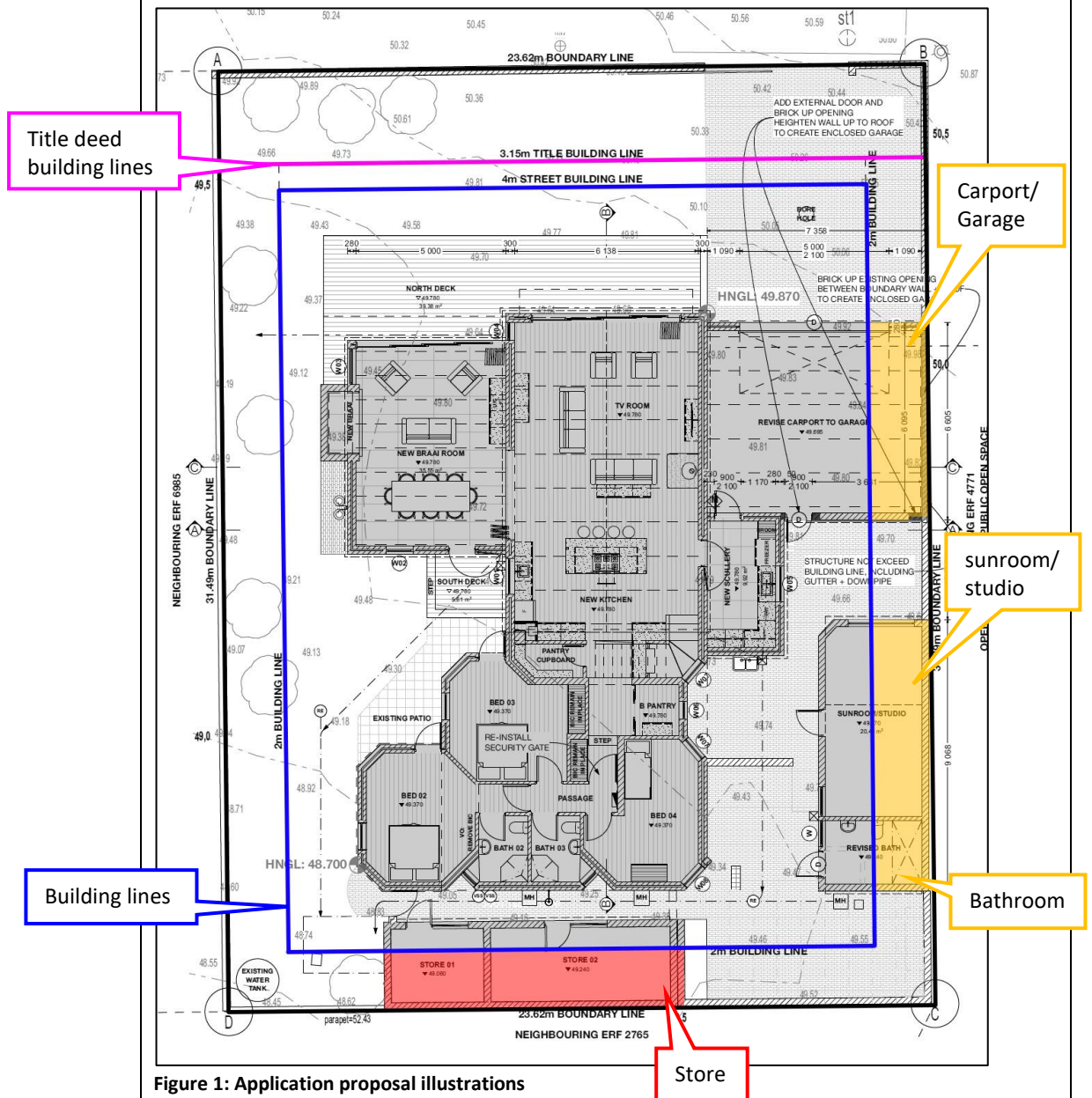


Figure 1: Application proposal illustrations

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Subsequently the <b>application proposal</b> is for:</p> <ul style="list-style-type: none"> <li>• A departure to relax eastern side building line from 2m to 0m to allow for proposed amendments to the existing outbuilding and garage on the eastern side boundary.</li> <li>• A departure to relax the rear building line from 2m to 0m to allow for the existing store rooms on the rear boundary.</li> <li>• The determination of an administrative penalty for the existing store rooms exceeding the building lines.</li> </ul> |
|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 2. The Application

|                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |               |                                                                                                                                                             |                                              |                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------|
| <b>a. Analysis: Title Deed</b><br>Refer to <b>Annexure D</b> for the Conveyancer Certificate.                                                                                         | The conveyancer Amelia Galvin from Virtual Lawyers provided a conveyancer certificate confirming that no title deed conditions exist which restricts the development proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |                                                                                                                                                             |                                              |                                         |
| <b>b. Analysis: Development Criteria:</b><br><br>The development parameters for Erf 2761 Hermanus as per the Overstrand Municipality Land Use Scheme, 2020 are summarised as follows: | <b>Parameters</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |               | <b>Existing Zoning:</b>                                                                                                                                     | <b>Proposal:</b>                             | <b>Comments</b>                         |
|                                                                                                                                                                                       | <b>Zoning</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |               | Residential Zone 1: Single Residential (SR1)                                                                                                                | Residential Zone 1: Single Residential (SR1) | Consistent                              |
|                                                                                                                                                                                       | <b>Primary Use</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |               | Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering                                                                | Dwelling house                               | Consistent                              |
|                                                                                                                                                                                       | <b>Consent Uses</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |               | Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture | None                                         | Consistent                              |
|                                                                                                                                                                                       | <b>Coverage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |               | 50%                                                                                                                                                         | ±40%                                         | Consistent                              |
|                                                                                                                                                                                       | <b>Height</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |               | 8m                                                                                                                                                          | 8m                                           | Consistent                              |
|                                                                                                                                                                                       | <b>Building lines</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Street</b> | 4m                                                                                                                                                          | 4m                                           | Consistent                              |
|                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Side</b>   | 2m                                                                                                                                                          | 2m west<br><b>0m east</b>                    | <b>Application includes departure</b>   |
|                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Rear</b>   | 2m                                                                                                                                                          | <b>0m</b>                                    | <b>Application includes a departure</b> |
|                                                                                                                                                                                       | <b>Parking</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               | Dwelling house: 2 bays                                                                                                                                      | Dwelling house: 2 bays                       | Consistent                              |
| <b>c. Application:</b><br><br>The application form is attached as <b>Annexure A</b> .                                                                                                 | Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020: <ul style="list-style-type: none"><li>• A departure to relax eastern side building line from 2m to 0m to allow for proposed amendments to the existing outbuilding and garage on the eastern side boundary in terms of Chapter IV, Section 16(2)(b).</li><li>• A departure to relax the rear building line from 2m to 0m to allow for the existing store rooms on the rear boundary in terms of Chapter IV, Section 16(2)(b).</li><li>• The determination of an administrative penalty for the existing store rooms exceeding the building lines in terms of Chapter IV, Section 16(2)(q).</li></ul> |               |                                                                                                                                                             |                                              |                                         |

### 3. Contextual Site Information

#### a. Property Description

Refer to **Annexure E** for the SG Diagrams, **Annexure C** for the Title Deed of Erf 2761 Voëlklip.

| Property                    | Extent            | Title Deed | Registered Owner |
|-----------------------------|-------------------|------------|------------------|
| Erf 2761 Voëlklip, Hermanus | 744m <sup>2</sup> | T2537/2009 | Henrietta Smit   |

The following Surveyor General Plans reflect the application site:

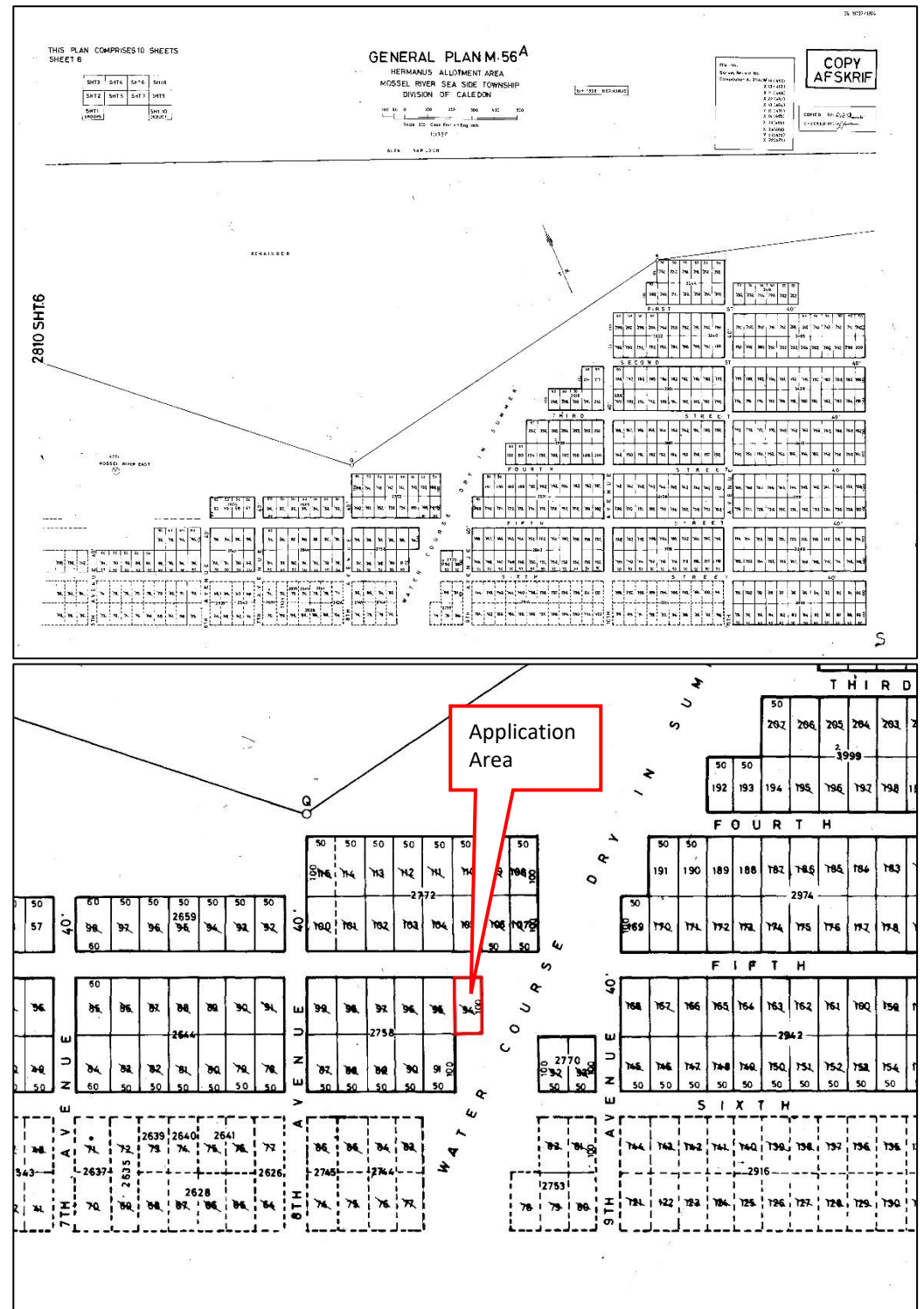


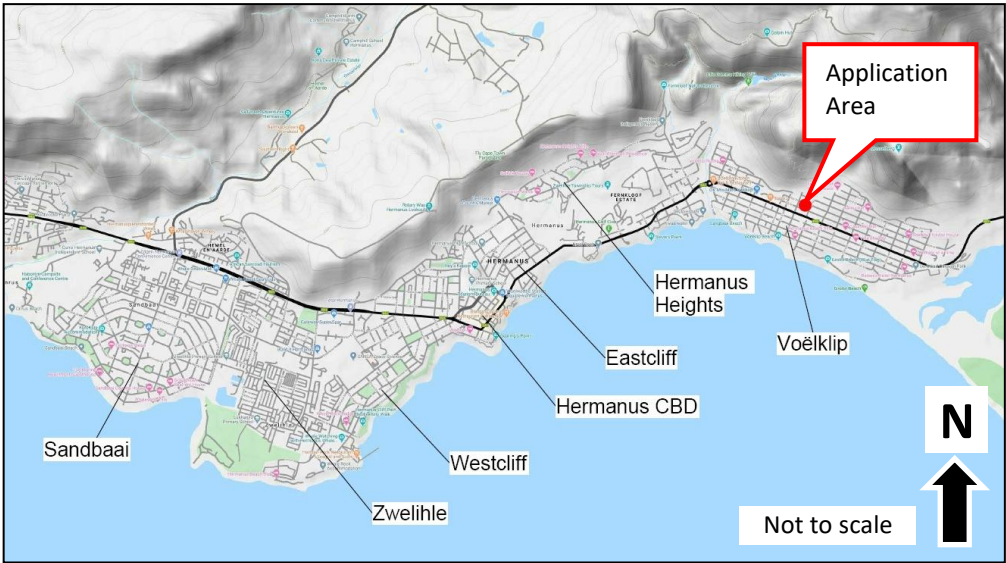
Figure 2: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F

**Regional Context:**

Within the regional context, the application area is located within Voëlklip residential suburb. Voëlklip is located on the Eastern side of Hermanus.



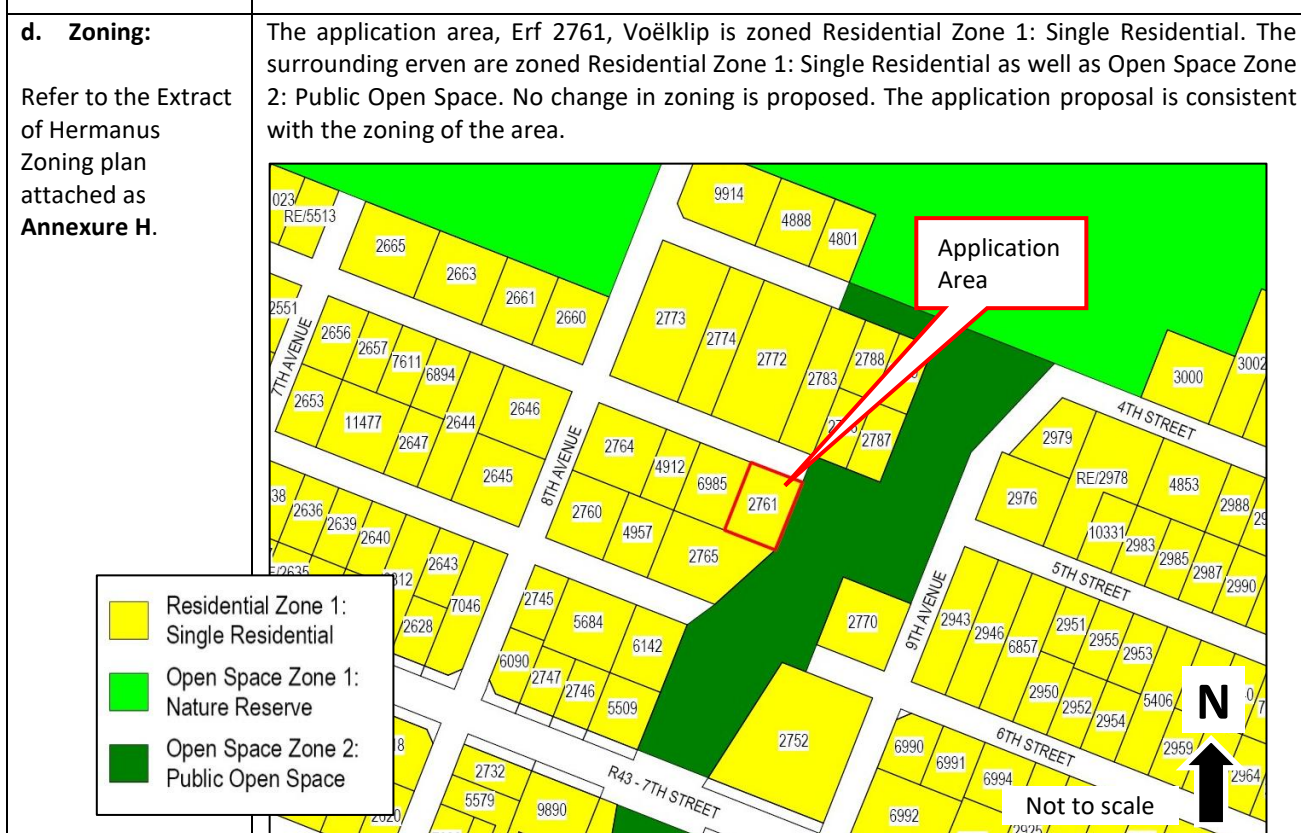
**Figure 3: Locality Plan – Regional Context**

**Local Context:**

Within the local context the application area is located at number 145 Fifth Street.



**Figure 4: Locality Plan – Local Context**



|                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>e. <b>Laws and policies relevant to the consideration of the application and forward planning and land use documents</b></p> | <p>The following policy is applicable to the application area.</p> <p><b>i. Overstrand Municipal Spatial Development Framework, 2020</b></p> <p>The SDF is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.</p> <p>The application area falls within an Urban Development area and within the Urban Edge.</p> <p><u>The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.</u></p> <div data-bbox="229 524 1444 1039"> </div> <p><b>Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan extract</b></p> <p><b>ii. Overstrand Municipality Growth Management Strategy, 2010</b></p> <p>The Overstrand Growth Management Strategy defines, explains, and uses densification as a growth management tool to positively redress and counteract the effects of urban sprawl to promote the longer-term sustainability of the Overstrand Municipality and its sub-regions environmental quality.</p> <p>The application area is within an area earmarked for 10 to 20 Dwelling Units Per Hectare Densification Zone.</p> <p>No further densification is applicable to this application.</p> <p><u>The application is thus consistent with the Overstrand Municipality Growth Management Strategy, 2020.</u></p> <div data-bbox="189 1482 1444 1986"> </div> <p><b>Figure 8: Overstrand Municipality Growth Management Strategy, 2010 extract</b></p> |
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## 4. Motivation

### Motivation for the application:

Refer to **Annexure I** for the Building Plan

#### a. Introduction and Background

The application area accommodates an existing dwelling house within the residential suburb of Voëlklip. The current owners purchased the property in 2009. The owners discovered that the store rooms on the rear boundary were not approved by the previous owners.

The owners also wish to convert the existing carport into a garage as well as do minor changes to the existing outbuilding to accommodate an altered sunroom / studio and bathroom.

#### b. Proposal

The **development objective** is to legalise existing non-approved store rooms exceeding the rear building line as well as to allow for proposed amendments to the outbuilding (sunroom / studio and bathroom) and for the existing carport to be converted to a garage on the eastern side boundary.

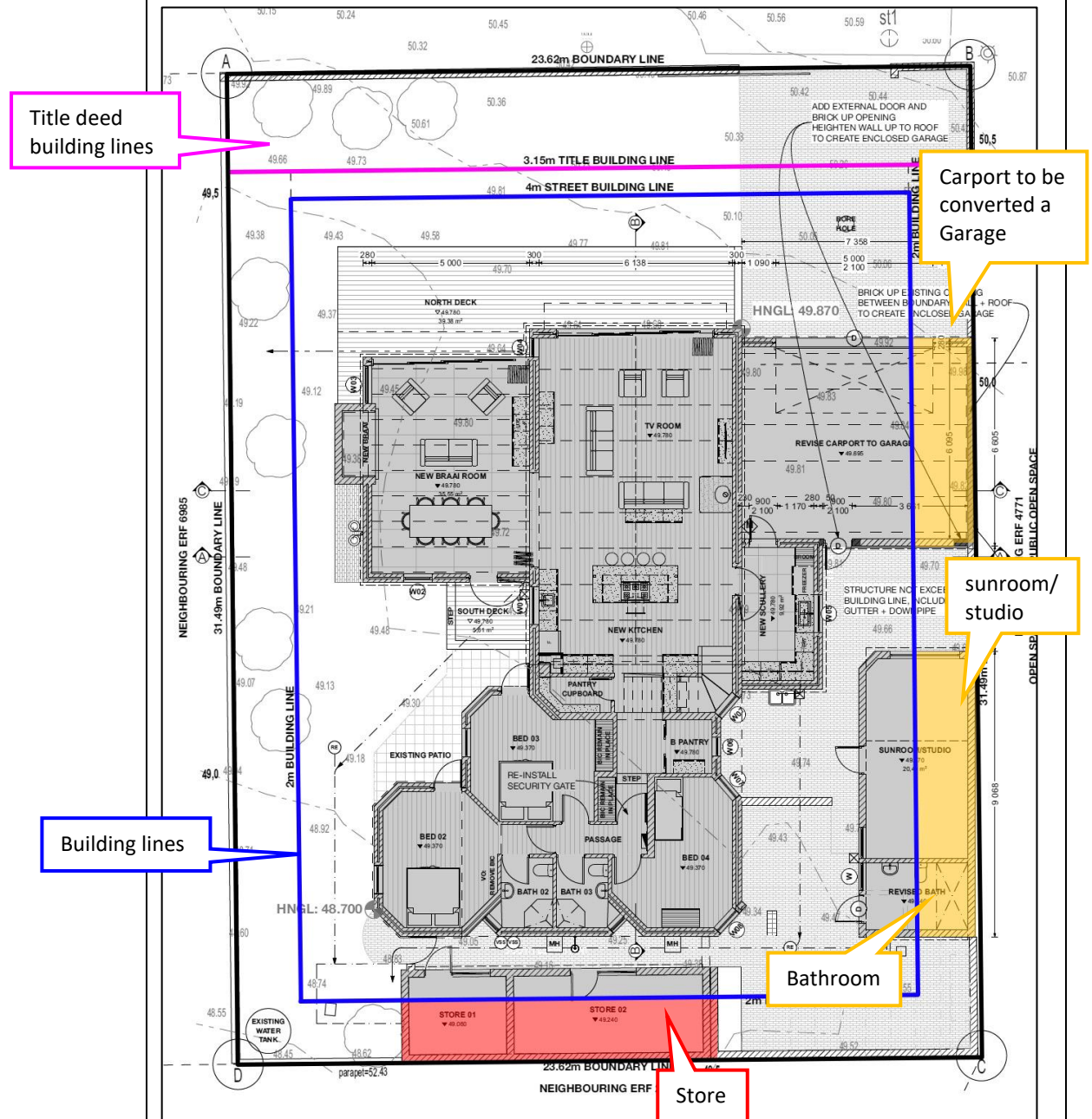


Figure 9: Application proposal illustration

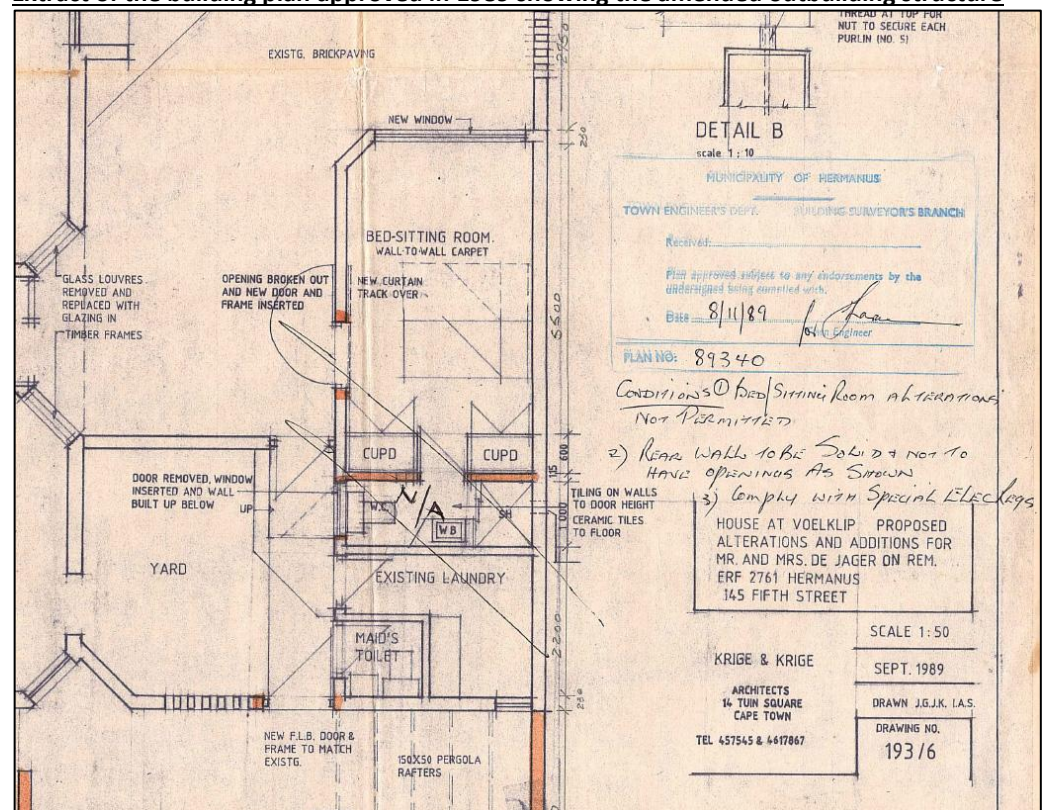
- A departure to relax eastern side building line from 2m to 0m to allow for proposed amendments to the existing outbuilding and garage on the eastern side boundary.
- A departure to relax the rear building line from 2m to 0m to allow for the existing store rooms on the rear boundary.
- The determination of an administrative penalty for the existing store rooms exceeding the building lines.

The proposed amendments to the existing approved outbuilding and carport, together with the unauthorised storerooms, necessitate town planning departures from the eastern side and rear building lines.

Building plans approved in 1983 permitted an outbuilding accommodating a sunroom/studio, bathroom, and toilet on the eastern side boundary.

Therefore the most recent approved land use for the outbuilding remains for a sunroom/studio.

**Extract of the building plan approved in 1989 showing the amended outbuilding structure**



SEE FOOT-NOTE.  
Break through 4 install 1515 #3 (x2) window  
3000 x 600 sliding glass aluminum door.

Remove garage door.  
Install four light.  
Stick up eave good.

Existing garage to become  
Sun. room / studio.

Break through 4 install  
swinging door.

Install Rhinoceros ceiling on S.W. of bathroom  
Rhinoceros.  
Mowat's staining.

Break through 4 install  
1515 #3 window  
3000 x 600 sliding glass  
aluminum door.

Replace door  
with aluminum  
door, glass.

Install N.Y.

18. Break through 4 install  
N55 2x12 window.

The walls  
65' high

MUNICIPALITY OF BEAUMONT  
TOWN ENGINEERS DIV. CIVIL ENGINE SURVEYORS BRANCH  
Road address: 29-6-83  
File returned to: [blank] for review by the  
undersigned on: 11/13/83  
Date: 11/13/83  
RENTED: 831605

The following serves as motivation for these changes:

The existing outbuilding was approved with sunroom / studio room and bathrooms, thus the land uses remains the same.

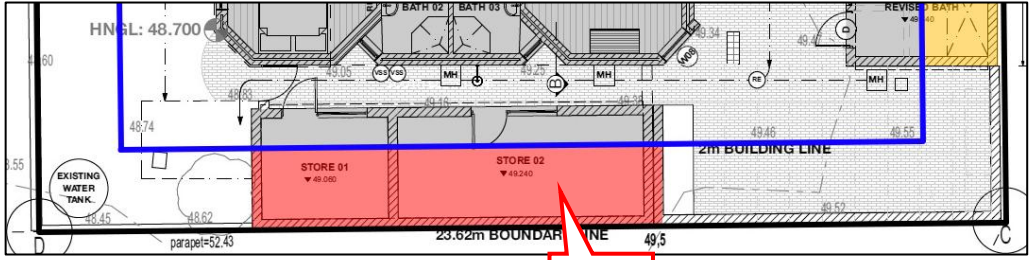
The eastern boundary borders a public open space area and therefore there are no homeowners on the eastern boundary that would be affected.

### Existing structures on eastern boundary

The architectural floor plan illustrates a residential unit with several rooms and proposed modifications. The plan is divided into a carport/garage area at the top, a sunroom/studio in the middle, and a bathroom and laundry area at the bottom. Key features and annotations include:

- Carport/Garage:** Located at the top of the plan, with a 2m building line. It includes a channel and a note to "REVIS CARPORT TO GARAGE".
- Sunroom/Studio:** A large room in the middle, with a note to "STRUCTURE NOT EXCEED BUILDING LINE, INCLUDING GUTTER + DOWN PIPE".
- Bathroom:** Located at the bottom, with a note to "REVIS BATH".
- Laundry:** A small room adjacent to the bathroom.
- Structural Annotations:** Includes "NEW SCULLERY" and "HNGLI 49.870 TO CREATE ENCLOSED GARAGE".
- Dimensions and Elevations:** Various dimensions (e.g., 49.81, 49.83, 49.80, 49.86, 49.71, 49.74, 49.43, 49.39, 49.34, 49.4, 49.5) and elevations (e.g., 49.81, 49.83, 49.80, 49.86, 49.71, 49.74, 49.43, 49.39, 49.34, 49.4, 49.5) are provided throughout the plan.
- Boundary Lines:** A 31.49m boundary line is indicated on the right side of the plan.

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|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                      | <p><b>Existing non approved structures exceeding building lines proposed to be legalised</b></p> <p>Store rooms was constructed on the southern rear boundary by previous property owners which is proposed to be retained.</p> <p>The store rooms are on the ground floor, therefore not impacting on privacy, views or light of neighbouring properties.</p> <p>Store rooms are not habitable areas.</p> <p>The non-approved store rooms are not visible from the road and are on the ground floor, thus not significantly impacting on the character of the area.</p> <p><u>Existing structures on the southern boundary</u></p>  <p><b>Figure 12: Non-approved structures illustration</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p><b>Annexure J – cost estimate for unauthorised structures</b></p> | <p><u>Determination of an administrative penalty</u></p> <p>Due to the existing store rooms exceeding zoning scheme building lines without the required approvals, the application is for a <u>determination of an administrative penalty</u> in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, as follows:</p> <p>The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):</p> <ol style="list-style-type: none"> <li><u>The nature, duration, gravity and extent of the contravention;</u><br/>A store rooms were built up to the rear boundary by previous owners in approximately 2001.<br/>The store rooms have a footprint of 30m<sup>2</sup>.</li> <li><u>The conduct of the person (allegedly) involved in the contravention;</u><br/>The structures exceeding building lines were constructed by previous property owners and therefore the details are not known.</li> <li><u>Report by a quantity surveyor in matters of unauthorised building/construction;</u><br/>A cost estimate for the illegal structures is attached as Annexure J.</li> <li><u>Whether the unlawful conduct was stopped</u><br/>The existing store rooms still stand as application is made for building line departure to legalise the existing store rooms.</li> <li><u>Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law</u><br/>We are not aware of any contraventions by the existing owner.</li> </ol> <p><b>c. Desirability</b></p> <p>The application proposal is considered desirable for the following reasons:</p> <ul style="list-style-type: none"> <li>The application proposal is considered compatible with the character of the area.</li> <li>The application proposal does not negatively impact on the neighbouring properties in terms of privacy, light, views, noise or safety.</li> </ul> |

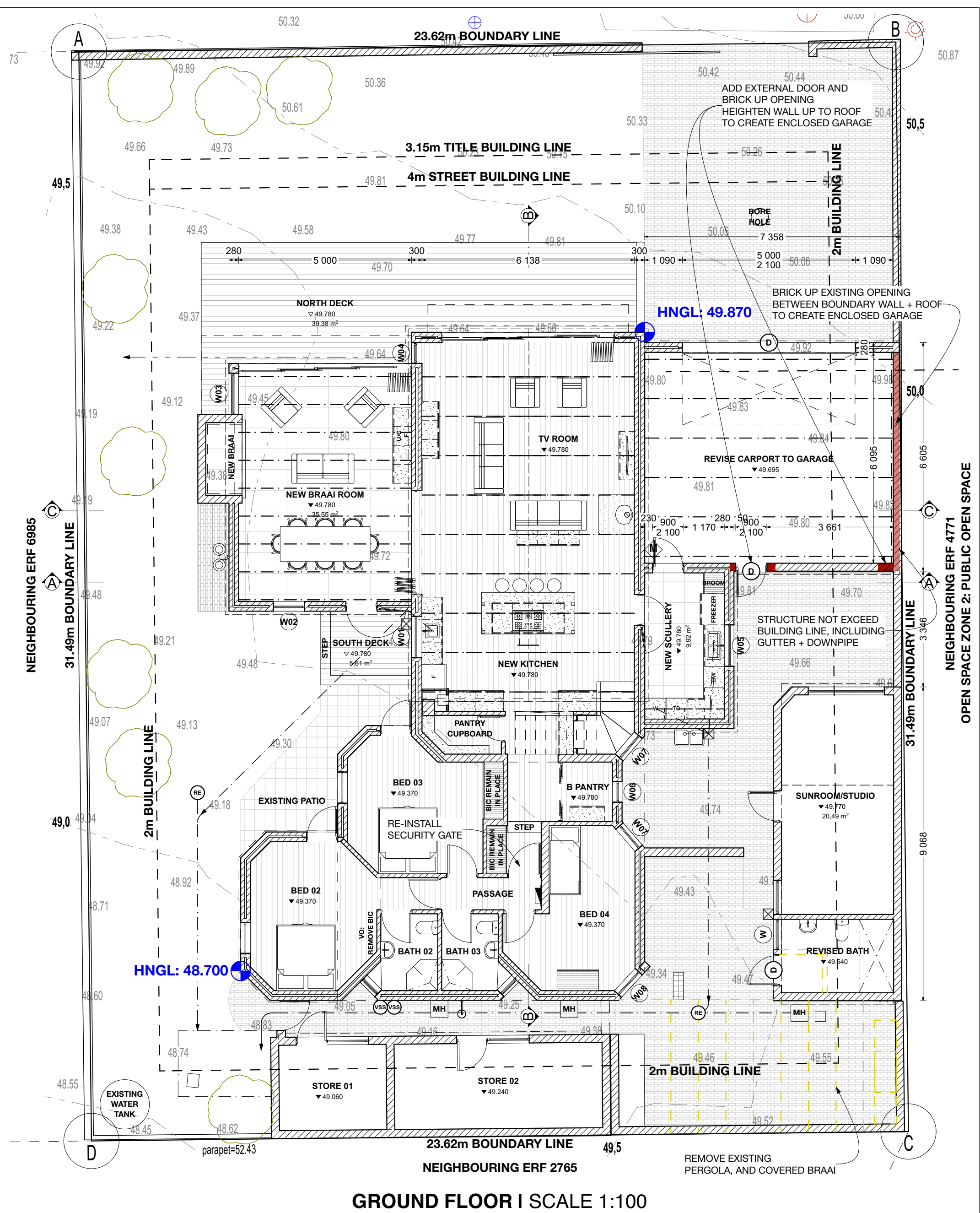
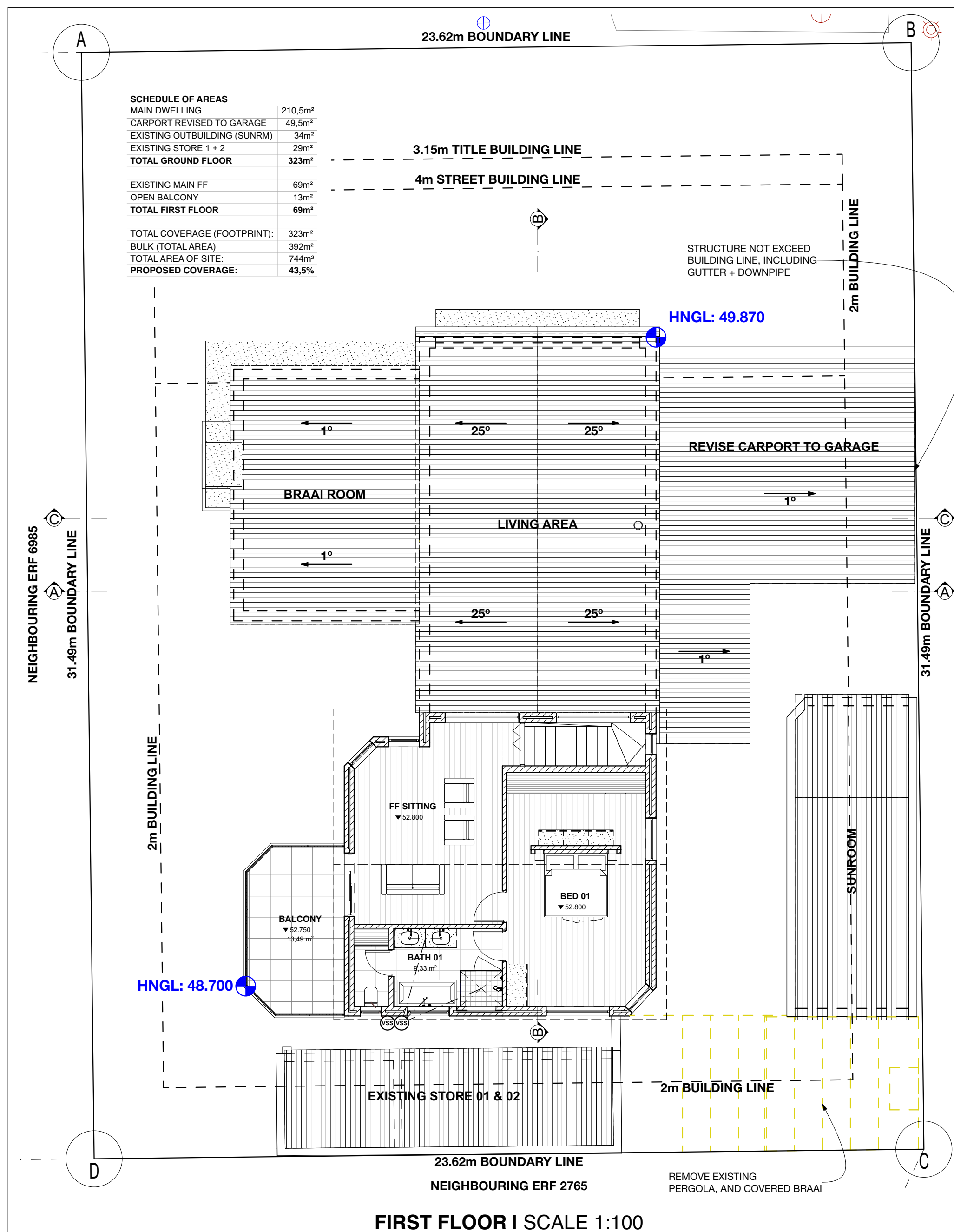
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|  | <ul style="list-style-type: none"> <li>• The legalisation of the existing store rooms is the most resource efficient solution to the existing store rooms that exceeds the rear building line.</li> <li>• The proposed additions will improve the functionality of the application area.</li> </ul> <p><b>The application proposal is consistent with spatial justice.</b></p> <p><b>d. Planning Principles</b></p> <p>In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:</p> <ol style="list-style-type: none"> <li>1) <b>Spatial Justice</b> which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land. <p><b>Possible results of the development</b><br/>The application proposal relates to structures amendments and additions on a single residential property and will not impact on spatial justice.</p> </li> <li>2) <b>Spatial Sustainability</b> which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl. <p><b>Possible results of the development</b><br/>The application proposal relates to existing and proposed structures on an existing developed single residential property and will not impact on valuable agricultural land, environmentally sensitive or biodiversity rich areas, scenic or cultural landscapes.</p> <p>The application proposal is <b>consistent</b> with <b>spatial sustainability</b>.</p> </li> <li>3) <b>Spatial Efficiency</b> which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities. <p><b>Possible results of the development</b><br/>The application proposal does not affect land use, the layout or structure of the town and will therefore not impact on spatial justice.</p> <p>The application proposal is <b>consistent</b> with the <b>efficiency principle</b>.</p> </li> <li>4) <b>Spatial Resilience</b> which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner. <p><b>Possible results of the development</b><br/>The application proposal is for the amendment of a dwelling unit and will not impact on spatial resilience.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial resilience</b>.</p> </li> <li>5) <b>Good Administration</b> which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued. <p><b>Possible results of the development</b><br/>Consultive practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>good administration</b>.</p> </li> </ol> |
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## 5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities.

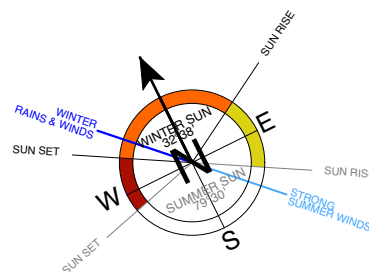
It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:

- A departure to relax eastern side building line from 2m to 0m to allow for proposed amendments to the existing outbuilding and garage on the eastern side boundary in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the rear building line from 2m to 0m to allow for the existing store rooms on the rear boundary in terms of Chapter IV, Section 16(2)(b).
- The determination of an administrative penalty for the existing store rooms exceeding the building lines in terms of Chapter IV, Section 16(2)(q).



GENERAL NOTES:

- ALL GENERAL NOTES APPLY TO ALL DRAWINGS, DETAILS, SPECIFICATIONS & SUPPLEMENTARY INFORMATION: **ALL CONTRACTUAL CONDITIONS APPLY.**
- THIS DRAWING IS NOT TO BE SCALED, ONLY FIGURED DIMENSIONS TO BE USED.
3. ALL BUILDING WORK TO COMPLY WITH ALL APPLICABLE SANS 10400-, SABS 0400 STANDARDS, MANUFACTURER'S INSTALLATION INSTRUCTIONS, LOCAL AUTHORITY RECOMMENDATIONS & LOCAL AUTHORITY REGULATIONS. THIS REQUIREMENT SHALL NOT BE DEEMED TO BE SUPERSEDED BY ANY OTHER.
4. THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL LEVELS & DIMENSIONS ON SITE PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CONSTRUCTION & CROSS CHECKING ALL BUILDING DIMENSIONS DURING THE CONSTRUCTION.
5. THE CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION PROCEDURES & METHODOLOGY BEING CARRIED OUT & IMPLEMENTED IN STRICT ACCORDANCE WITH ALL APPLICABLE SAFETY HEALTH & SAFETY ACT & REGULATIONS.
6. THE CONTRACTOR IS RESPONSIBLE FOR
- PRIOR TO THE CONSTRUCTION, MANUFACTURE & INSTALLATION OF ALL ITEMS, ANY DISCREPANCIES ARE TO BE REPORTED IN WRITING TO THE ARCHITECT PRIOR TO CONTINUATION OF WORK.
7. ALL STRUCTURAL WORK IS TO BE DESIGNED, DETAILLED, SPECIFIED & SUPERVISED BY THE STRUCTURAL ENGINEER & IS TO BE CARRIED OUT IN ACCORDANCE WITH THE STRUCTURAL WORK IS TO BE BUILT FROM THE ENGINEER'S DRAWINGS AND THE STABILITY IS TO BE MAINTAINED BY THE STRUCTURAL ENGINEER AT ALL TIMES DURING THE COMPLETION OF THE WORKS.



PROJECT NAME:

|              |                             |
|--------------|-----------------------------|
| ERF NO:      | 2761                        |
| ADDRESS:     | 145 5th STREET   HERMANUS   |
| DESCRIPTION: | ADDITIONS + ALTERATIONS     |
| STATUS:      | PROPOSED PHASE 02   REV: 09 |
| CLIENT:      | Henrietta Smit              |

HOUSE SMIT

|              |                       |
|--------------|-----------------------|
| DESCRIPTION: | <b>GROUND + FIRST</b> |
| DRAWN:       | LF [PrArch 2475 0719] |
| DATE:        | 2026/01/19            |
| SCALE:       | AS INDICATED          |
| DRAWING NO:  | 2761.2                |

ARCH:TECH STUDIO

Lize Fick | lizethearchitect@gmail.com | 082 940 3118  
whatsapp business 065 997 0469

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