



**ERF 12816, 229 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF WL GREEFF**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application has been received for a **departure** in terms of Section 16(2)(b) of the By-Law, to relax the allowable floor area of the second dwelling unit on the property from 106m<sup>2</sup> to 166m<sup>2</sup>.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 20 September 2024**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Town Planner, 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 Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 12816, ELFDESTRAAT 229, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING: MNRE WRAP PROJECT OFFICE NAMENS WL GREEFF**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is vir 'n **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om die toelaatbare vloeroppervlakte van die tweede wooneenheid op die eiendom vanaf 106m<sup>2</sup> na 166m<sup>2</sup> te verslap.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige skriftelike kommentaar moet ingevolge die bepaling van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) bereik voor of op **Vrydag, 20 September 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Stadsbeplanner, Mnr P Roux** 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 Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA 12816, 229 ELEVENTH STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUTENXA: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA WL GREEFF**

Isaziso ke ngoko sinikwe ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe sokuhamba ngokweCandelo le-16 (2)(b) loMthetho kaMasipala, ukutenxa indawo evumelekileyo yomgangatho weyunithi yokuhlala yesibini kwipropati ukusuka kwi-106m<sup>2</sup> ukuya kwi-166m<sup>2</sup>.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi wama-**Ngolwesihlanu, 20 EyoMsintsi 2024** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba Umcwangcisi **Wedolophu uMnu. P Roux** kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

# 1. Locality Plan Erf 12816 - Hermanus

 Subject property

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



**Project Office**  
Town & Facility Management





**1. ABBREVIATIONS**

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

**2. PROPERTY DETAILS**

<b>Erf Number</b>	Erf 12816 Hermanus
<b>Extent</b>	1189m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

**3. BACKGROUND AND INTENT**

Erf 12816 Hermanus, referred to as the subject property, is located at 229 Eleventh Street (refer to **Plan 1 – Locality Plan**). The property owner, Wynand Greeff, appointed WRAP Project Office to submit this land use application on his behalf (refer to **Annexure A – Power of Attorney**).

The subject property is currently being redeveloped as his family's home. This redevelopment includes extensive alterations to the existing structure to accommodate the needs and preferences of his family. The renovation aims to enhance the functionality and aesthetic appeal of the home, ensuring it meets modern living standards.

During the course of the redevelopment, the owner identified a necessary change to the floor plan. This change is significant enough to require the consent of the OM as the second dwelling unit is being expanded beyond the allowable extent. The alteration involves modifications to the layout of living spaces to optimise the use of available space and improve the overall flow of the house. These changes are intended to create a more comfortable and efficient living environment.

To ensure compliance with the OMLUS, approval of the following applications is required:

- Permanent Departure from the allowable floor area of a second dwelling unit.



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#### 4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

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WRAP compiled this report to ensure the property owner's vision is achieved. The following is proposed:

##### 4.1 Permanent Departure from the allowable floor area of a second dwelling unit;

As mentioned in Section 3 above, the owner intends to alter the floor plan of the dwelling to better meet his family's needs. The owner intends to use his second dwelling unit, which has been historically approved by the OM, for housing his aging father and a carer.

The OMLUS has general development parameters for a second dwelling unit, which are as follows:

***"Second dwelling unit***

*The following additional development parameters apply to a second dwelling unit:*

- a) ***The total floor area (footprint) of the second dwelling unit shall not exceed 120 m<sup>2</sup>:***
- b) *A second dwelling unit may be contained within the same building as a primary dwelling unit and may be either on the ground or first floor;*
- c) *A second dwelling unit may not be separately alienated in terms of the Sectional Title Act;*
- d) *Parking must be provided on the property as per Chapter 17, Section 17.1.3, to the satisfaction of the Municipality, and*
- e) *A second dwelling must be located within the applicable building lines."*

After reviewing the plans, including the entrance and the functionality of the second dwelling unit, it became apparent that the available space is not being used optimally. As a result, an alteration to the second dwelling unit is being proposed. However, this change increases the extent of the second dwelling above the allowable floor area.

The proposed alteration involves replacing two sections of drywall with sliding doors, which creates an expanded interleaving second dwelling unit. This is a result of the sliding doors opening up to an entrance hallway as well as the gym/study. Refer to **Plan 4 – Site Plan**.

It is important to note that no external alterations are being made to the approved building plans. Only the operational configuration of the second dwelling unit is proposed to be changed. Refer to the figure 1 & 2:

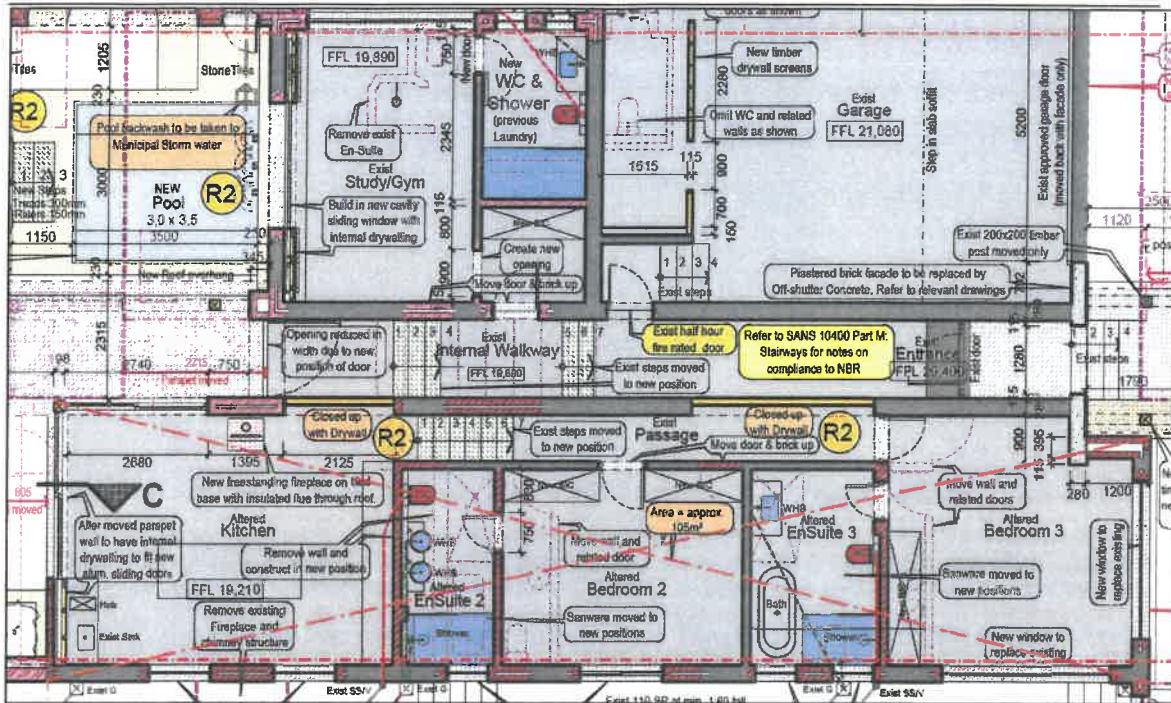


Figure 1: Approved building plan

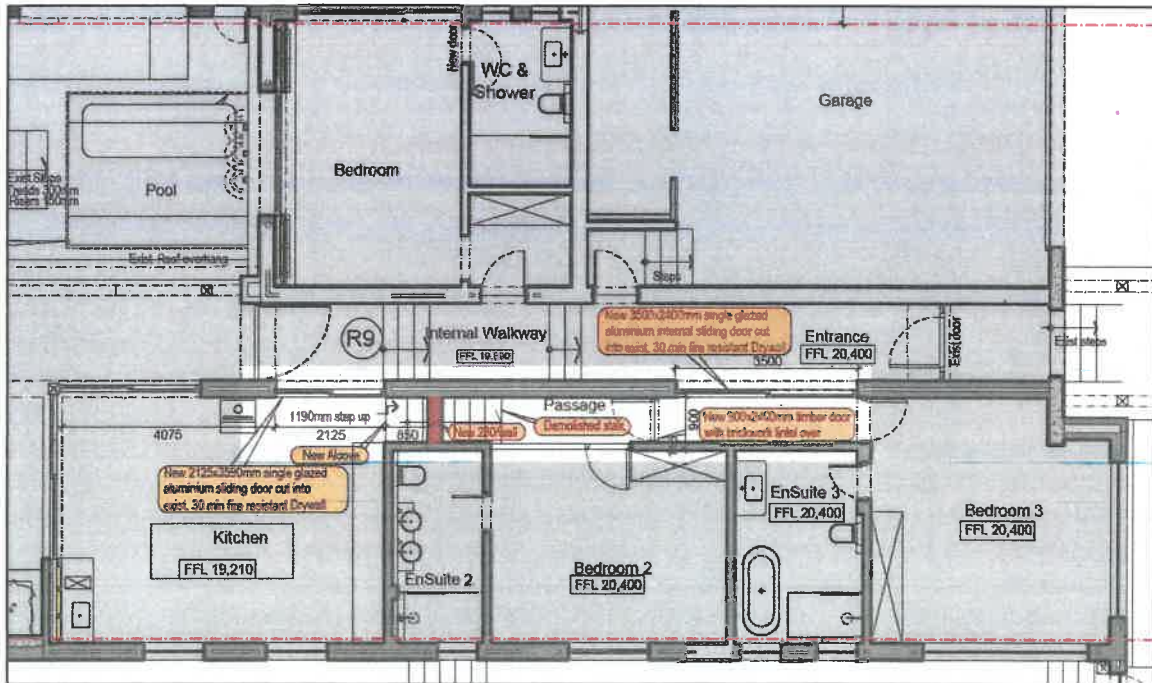


Figure 2: Proposed alterations

As illustrated in the figures above, it is clear that only minor alterations are being proposed. These changes however increase the floor area of the second dwelling unit from approximately 106 m<sup>2</sup> to approximately 166 m<sup>2</sup>, which, as noted, exceeds the allowable extent. It is important to note, the owners are relocating the gym/study to another section of the main dwelling, opening up the possibility of converting the gym/study to a bedroom. Both uses are aligned and considered habitable spaces.



## MOTIVATION

The primary motivation for approving this increase is the significant improvement in functionality it offers. The expanded bedroom will allow for a more efficient and practical layout, better accommodating the needs of the owner and enhancing the overall quality of life for his father. This adjustment is designed to optimise the use of available space, aligning with modern living standards that emphasise comfort and efficiency.

Importantly, the proposed changes do not involve any external alterations to the approved building plans. The modifications are strictly confined to the internal configuration of the second dwelling unit, ensuring that there will be no visual impact on the surrounding area. This approach preserves the character of the neighbourhood while addressing the functional needs of the property.

The increase in floor area will also enable the second dwelling unit to meet contemporary residential standards, reflecting current trends in home design that prioritise spacious and well-planned living environments by not doubling two walkways and two staircases. This enhancement will not only improve the aesthetic appeal of the property but could also positively influence the overall value of the property.

Additionally, these changes are aimed at addressing the specific needs of the property owner's family. By supporting this adjustment, we acknowledge and accommodate the evolving requirements of the residents, ensuring his home remains comfortable and suitable for their lifestyle.

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### 5. LAND USE ENVIRONMENT

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The properties surrounding the subject property are predominantly zoned for single residential purposes. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

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### 6. TITLE DEED

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Title deed (refer **Annexure B**) was perused and there are no restrictive conditions that prohibit the departure sought by the owner.

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### 7. ZONING

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The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (a) of the OM By-Law:



**MOTIVATION**

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>			
<b>Land Use Restrictions</b>			
<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>	
<b>Primary use</b>	Dwelling House	Comply	
<b>Consent use that may be applied for</b>	N/A	N/A	
<b>Development parameters</b>			
<b>Coverage</b>	Subject Property Extent = 1189m <sup>2</sup> Proposed Coverage = 551m <sup>2</sup> / 46,3%	Comply	
<b>Building lines</b>	Historic approvals were obtained for building line departures.	Comply	
<b>Height</b>	Existing – Double Storey with a lower ground storey	Comply	
<b>Garages and carports</b>	Double garages and carport	Comply	



**8. SERVICES**

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

**Electricity, Water, Sewage and Solid Waste**

The subject property is connected to the OM's networks which include electricity, water and sewage. The implementation of this application will not have a significant impact on these networks.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the subject property is gained from 11<sup>th</sup> Street and the proposal will not affect this.

**9. NEED AND DESIRABILITY**

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

**Need and desirability**

The need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the owners.

Socio-economic impact	The permanent departure is not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The properties will be used for residential purposes which is compatible with the surrounding area.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not expected that the proposed departure will have an impact on the safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

**Impact on views, sunlight and character of the area**

The subject property is located in a residential neighbourhood, and the building plans, including the departures, have been approved. The proposed alteration to the second dwelling will not impact the views, sunlight, or character of the surrounding area.

**Economic impact**

The departure application will have little to no impact on the economy. Short term impact in terms of the construction that is required and a possible higher property value



## MOTIVATION

that could increase the property rates payable to the Overstrand Municipality, due to a higher valuation.

### **Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The departure will not affect the property values of surrounding properties.

### **Impact on heritage**

The subject property is not listed in the OM Heritage Register.

### **Environmental impact**

The subject property is not located within an environmentally important area.

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## 10. POLICIES AND REGULATIONS

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

A portion of the subject property is located within the 'Coastal Protection Zone' and also the 'Protected Area Buffer'. The small internal alterations being proposed is not expected to have an impact on the EMOZ.

### **10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)**

The subject property is not located within this zone.

### **10.3 Spatial Planning Policies**

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

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## 11. PLANNING PRINCIPLES

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

### **Spatial justice**

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. It is of opinion that the proposal for departure will not contribute to past spatial injustices.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in communities that are viable. The owner has the vision to utilise the maximum capacity available.

### **Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.



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**Good administration**

The OM has a credible track record of effective administration in managing public participation. Public participation is a crucial component of the land use planning process.

This process offers individuals who may be affected by the proposal an opportunity to provide feedback, raise concerns, or make suggestions that could lead to a better outcome for all parties involved. Comments will be reviewed and considered, and any relevant issues will be addressed accordingly.



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### 12. EVALUATION

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The proposal involves a request to increase the floor area of the second dwelling unit on the property. The property owners are committed to ensuring that this expansion is in full compliance with land use regulations and the provisions of the relevant planning authority.

This application seeks to accommodate the enhanced functionality and improved living environment of the second dwelling unit, while ensuring that the proposed changes do not negatively impact the surrounding area. The increase in floor area has been carefully considered, and the alterations are designed to optimise internal space without affecting external views, sunlight, or the character of the neighbourhood.

The property owners have undertaken this application as a proactive measure to ensure that the additions are complete in line with all applicable regulations. They have demonstrated a clear understanding of the land use process and are committed to adhering to all relevant spatial planning policies.

The proposed alterations are in harmony with the surrounding area and do not introduce any nuisance land uses. They align with spatial planning policies and reflect a thoughtful consideration of both functional needs and community impact. As such, the application aims to enhance the property while maintaining the integrity and character of the residential neighbourhood.

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### 13. RECOMMENDATION

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Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 Permanent Departure from the allowable floor area of a second dwelling unit** in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;

## 2. Zoning Plan Erf 12816, Hermanus

-  Open Space Zone 2: Public Open Space
-  Transport Zone 2: Road and Parking
-  Residential Zone 1: Single Residential
-  General Residential 1: Town Housing

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

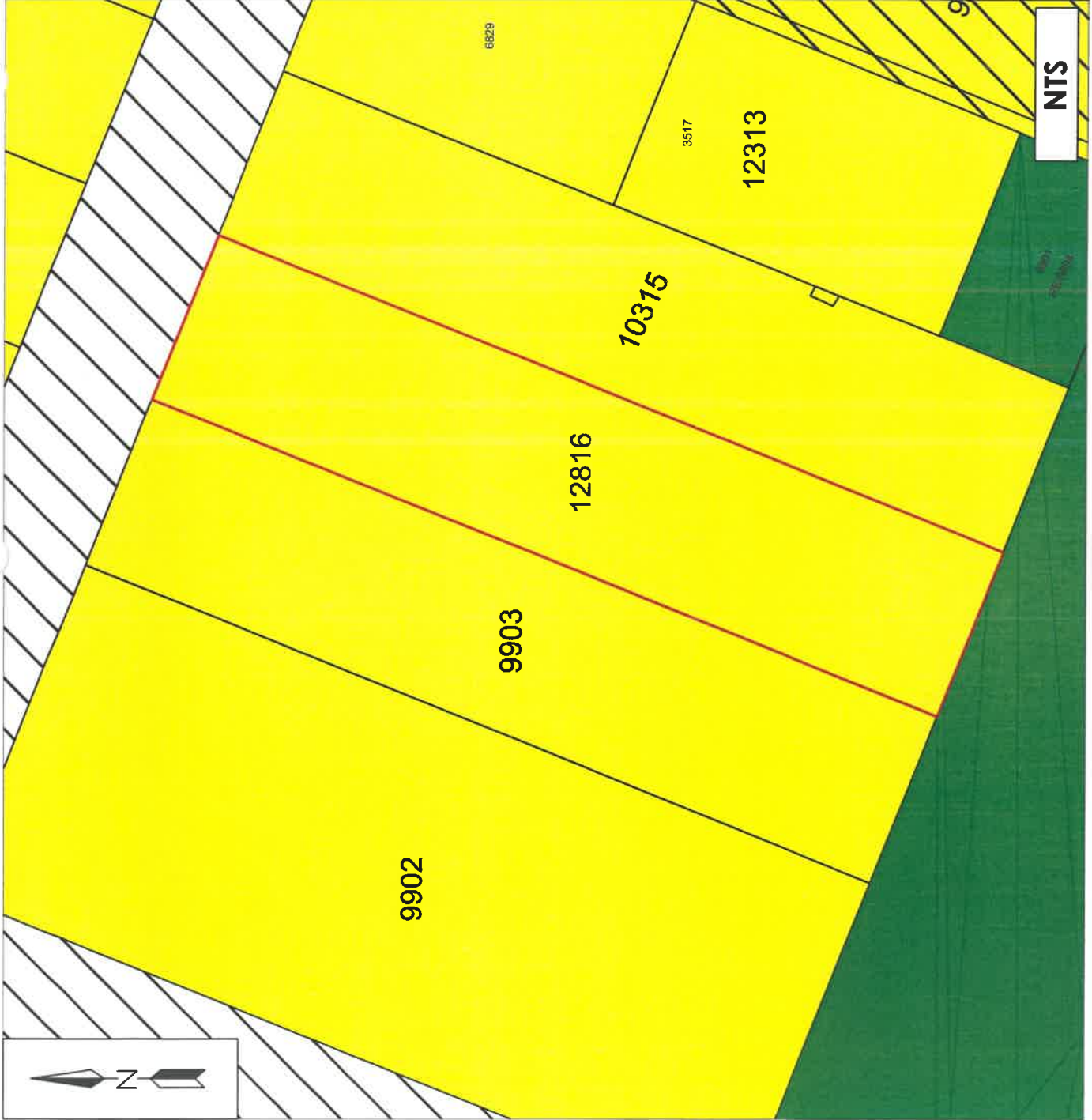
Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

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



**Project Office**  
Town Planning & Project Management



3. Aerial Plan  
Erf 12816 - Hermanus

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

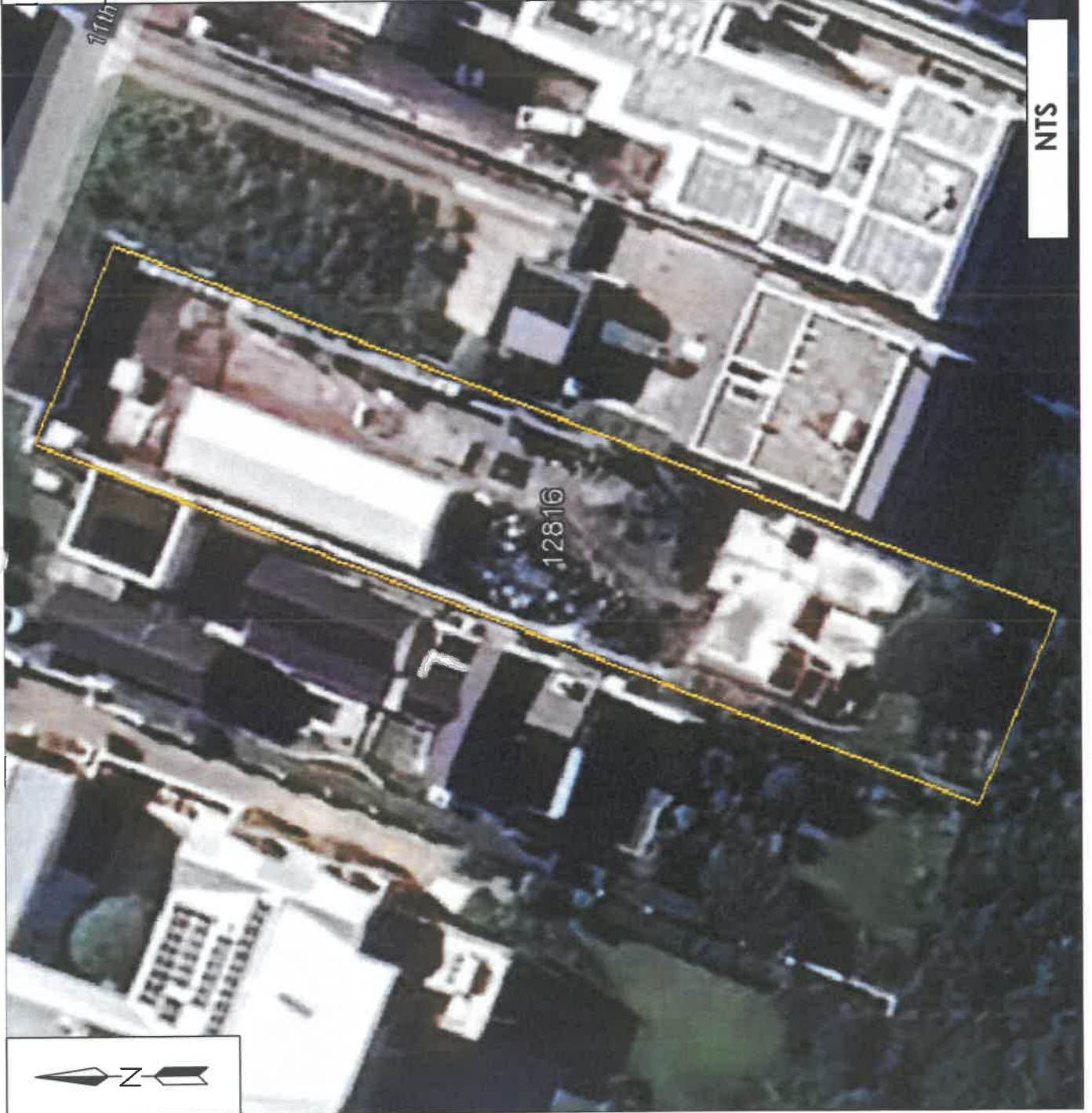
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Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

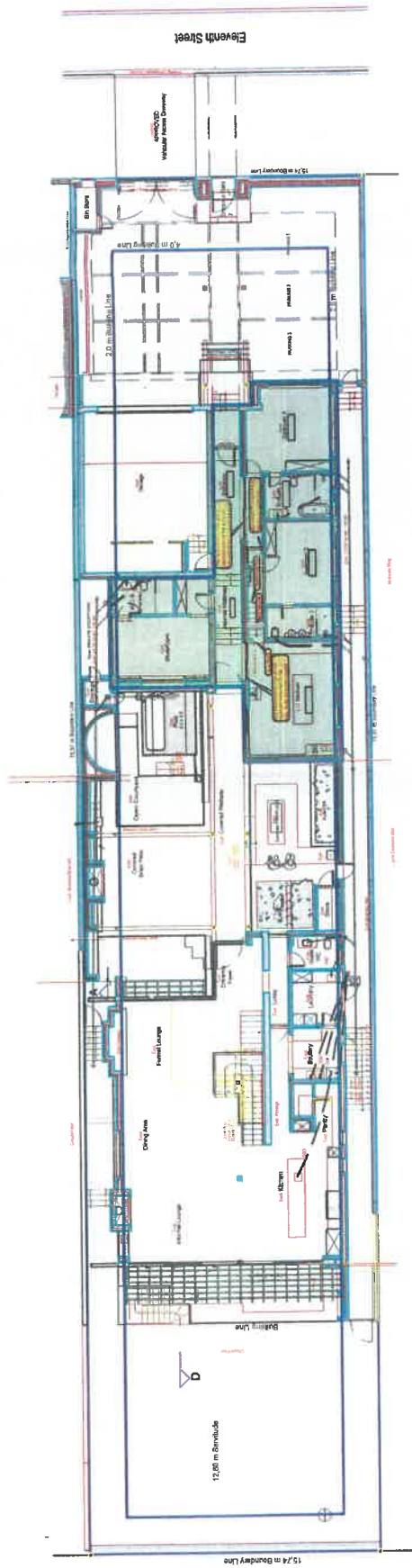
Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



NTS



**SCALE 1 : 250**

**GROUND FLOOR**

### 4.1 Site Plan Erf 12816 - Hermanus

Plan prepared by: Thian Jansen  
Based on Plans from Wynand Wilsenach Architects

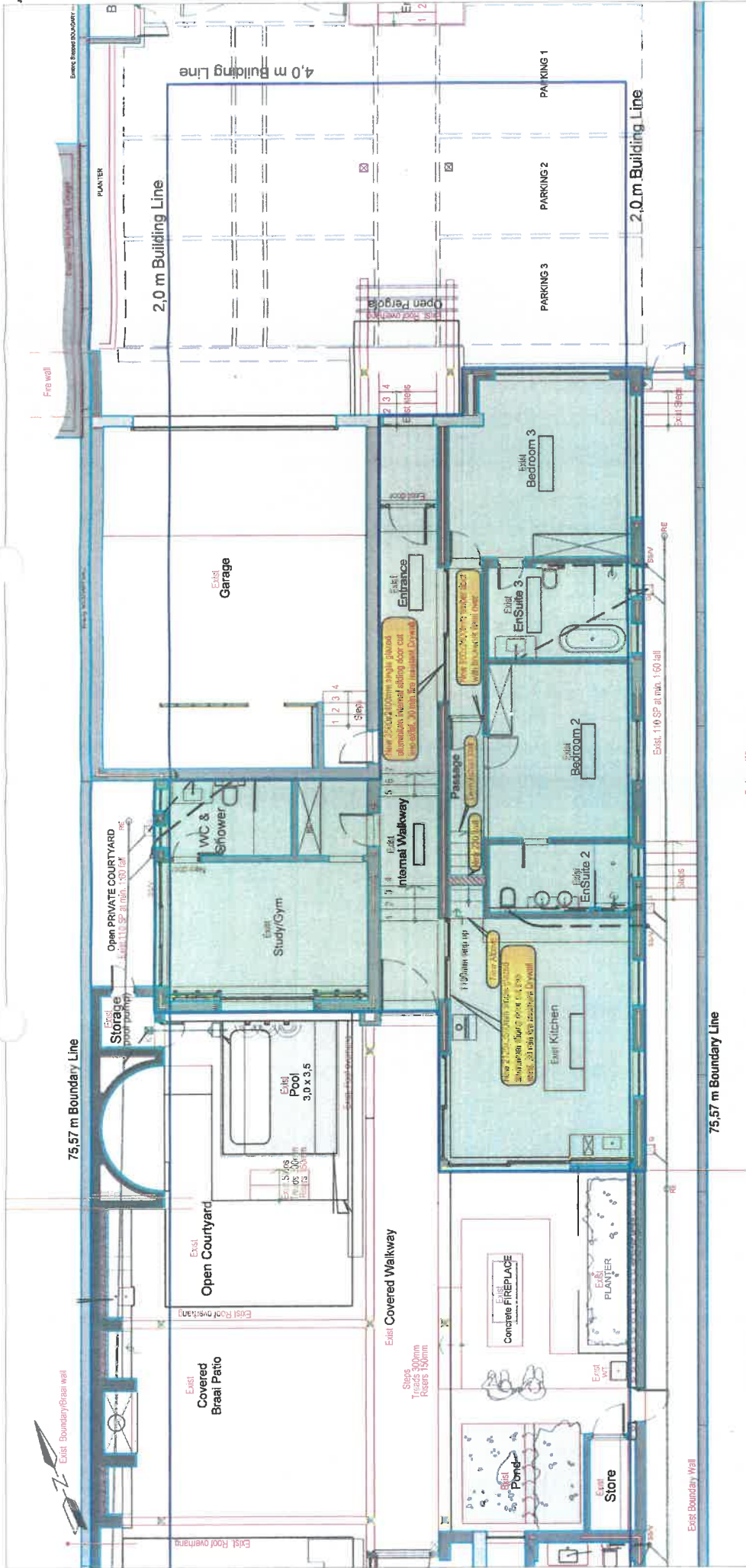
All distances are approximate  
and subject to a survey

Tel: 028 313 1411  
Email: admin@wrapgroup.co.za

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

Proposed enlarged second dwelling





**SCALE 1 : 100**

Plan prepared by: Thlon Jansen  
 Based on Plans from Wynand Willemse Architects  
 All distances are approximate  
 and subject to a survey  
 Tel: 026 313 1411  
 Email: admth@wrapgroup.co.za  
 Unit B, Standard House, Corner of Royal and Dirkie Uys  
 Street Hermanus, 7200



## 4.2 Site Plan Erf 12816 - Hermanus

**GROUND FLOOR**

Proposed enlarged second dwelling