

**ERF 6711, 306 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF PERSAT PROPERTY (PTY) LTD**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) for the following:

**Departure** in terms of Section 16(2)(b) of the Bylaw for the following:

- Relaxation of the western street building line from 5m to 0m to accommodate the proposed generator room, storeroom and existing water tanks,
- Relaxation of the maximum permissible length of an outbuilding (storeroom) from 9m to 12.19m on the western street building line.

**Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law in order to accommodate the unlawful construction of the foundation portion of the proposed outbuilding and existing water tanks additions to the property.

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 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 / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **08 August 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **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 6711, HOOF STRAAT 306, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING & BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS- EN STREEK BEPLANNERS NAMENS PERSAT PROPERTY (PTY) LTD**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) vir die:

**Departure** in terms of Section 16(2)(b) of the Bylaw for the following:

- Verslapping van die westelike straat bou lyn vanaf 5m tot 0m om 'n voorgestelde krag opwekkerkamer, stoorkamer en bestaande water tenke te akkommodeer.
- Verslapping van die maksimum toelaatbare lengte van 'n buitegebou (stoorkamer) van 9m tot 12.19m op die westelike straat bou lyn te akkommodeer.

**Bepaling van Administratiewe Boete** ingevolge Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete om die onwettige konstruksie van die fondamentgedeelte van die voorgestelde buitegebou en bestaande watertenk-aanbouings aan die eiendom te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. 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 / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **08 Augustus 2024**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, 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 Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA ESINGU-ERF 6711, 306 MAIN ROAD, EASTCLIFF, HERMANUS, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULA NOMDLIWO WOBHALISO: NGABAKWAPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LE-PERSAT PROPERTY (PTY) LTD**

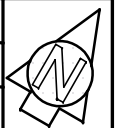
Kukhutshwe isaziso ngokwemiba yeSoloty lama-48 esingokuHlomela uMthethwana kaMasipala waseOverstrand ongeZicwangciso zokuSetyenziswa koMhlaba kaMasipala ku2020 singale mib ailandelayo:

**Ukwahlula** ngokwemiba yeSoloty le16(2)(b) loMthethwana ongale miba ilandelayo:

- Ukunyenya umgca wesakhiwo kwicala elisentshona lesitrato ukusuka kwiimitha ezi-5m ukuya kwezi-0m ukulungiselela isiphakamsio sokwakha igumbi lejanareyitha, igumbi lokugcina impahla namatanki amanzi asele ekhona,
- Ukunyenya ngokobude obuvumelekileyo kwisakhiwo esingaphandle (igumbi lokugcina impahla) ukusuk akwiimitha ezi-9m ukuya kwezi-12.19m kumgca wesakhiwo omelene nesitrato kwicala elisentshona.

**Inggikelelo yobhaliso lomdlwiwo** ngokwemiba yeSoloty le16(2)(q) loMthethwana ukuze kulungiselelwe ukwakhiwa okungekho mthethweni kwenxalenye yesiseko sesakhiwo esingaphandle namatanki asele ekhona njengezongezo kwesi sakhiwo sinezi ziphakamsio.

Iinkcukacha eziphelileyo ngesi siphakamsio ziyafumaneka ukuzeze zihlolwe kwiintsuku zaphakathi evekini phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe leZicwangciso ngeDolophu, Paterson Street, Hermanus. HNaziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51nelama-52 loMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla **08 EyeThupha 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingathunyelwa **kuMchwangcisi weDolophu, Mnu. P Roux kwa-** 028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Naban na ongakwazi ukufunda nokubhala angandwendwela kwiSebe LeZicwangciso zeDolophu apho igosa likamasipala liza kumnceda ahlomle ngokusemthethweni.



**PROPOSED DEPARTURE AND DETERMINATION OF AN  
ADMINISTRATIVE PENALTY**

**ERF 6711 HERMANUS**

**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Plan Active Town & Regional Planners has been appointed by G.J Jordaan, on behalf of Persat Property Pty Ltd, the owner of erf 6711 Hermanus, to apply for the determination of an administrative penalty and departure of the subject property.

There is an existing approved guesthouse (Abalone Lodge Hermanus) situated on the subject property. All structures on the subject property have approved building plans and were constructed accordingly. The ongoing loadshedding has necessitated the lodge to provide generators to make provision for the requirements of the guests and to keep the establishment running efficiently. Currently the generators are accommodated in the existing storeroom on site. The latter poses challenges and therefore an alternative is proposed to accommodate the generators. In addition, more storage is required that cannot be accommodated in the existing lodge building.

Since the property is developed (with limited space available for additions) and due to the nature of the use of the proposed buildings, our client has commenced with the construction of the storeroom in encroaching the western street building line without the necessary land use and building plan approvals. A notice to stop building work was issued by Ms. Liezl Lubbe of the Building Development Management Department of Overstrand Municipality on 10 May 2024 (copy attached). In addition, a request for additional information was issued by Mr Petrus Roux (Town & Spatial

Planning Department) per email on 14 May 2024 to address the unlawful As Built structures only.

Our client made a strategic decision to schedule construction of the storeroom during the lower demand months for the guesthouse. This decision was made to minimize disruption to guests while also addressing the urgent need to reduce the noise levels from the generators and to also improve safety.

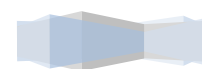
Starting construction straight away in April, May and June 2024 was essential to make the most of these quieter months. By not taking bookings for these months, they would have ensured that construction can proceed smoothly without safety concerns and disturbance for the guests. Since a notice to stop illegal building work was issued, only the foundation of the storeroom was unlawfully constructed.

The existing water tanks on the subject property will simultaneously be moved next to the new storeroom – also encroaching the western street building line. This application proposes to address the unlawful construction already undertaken for the storeroom and the deviation of the western street building line to accommodate the new storeroom and water tanks in its new position.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- 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** for erf 6711 Hermanus;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure** of erf 6711 Hermanus.



### **3. NEED AND DESIRABILITY**

#### **3.1 PROPERTY DESCRIPTION**

Erf 6711 Hermanus is situated at 306 Main Road, Eastcliff, Hermanus. Refer to the locality plan attached. Erf 6711 Hermanus is 2751m<sup>2</sup> in extent and is held by title deed no. T50929/2000.

The subject property gently slopes in a south-easterly direction and is characterized by a guest house structure and associated outbuildings. The existing guesthouse has a footprint of 567,50m<sup>2</sup> in extent. The subject property is surrounded by streets on all four erf boundaries (built and unbuilt) and as a result street building lines apply to all erf boundaries of erf 6711 Hermanus.

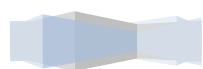
The 4-star Abalone Guest Lodge is part of the Shell Lodges Portfolio and is situated on this property at Sievers Point in Hermanus.

#### **3.2 ZONING**

Erf 6711 Hermanus has the following land use rights:

<b>ERF NUMBER</b>	<b>ZONING</b>
Erf 6711 Hermanus	General Residential Zone 1 (guesthouse with SR1 zoning parameters)

Refer to a copy of the zoning certificate dated 14 January 2014 with a copy of the Department of Environmental Affairs & Development Planning's decision letter dated 14 December 2010 attached thereto. Surrounding properties are zoned for single residential, public road and public open space purposes.



### 3.3 LAND USE

There is a double storey guesthouse (Abalone Lodge Hermanus) situated on the subject property. The subject property is therefore used for tourist accommodation purposes. Abalone Lodge Hermanus is part of the Shell Lodges group.

Our client confirmed that the guesthouse on the subject property was constructed in line with the approved building plans and land use rights. The foundation for the storeroom was however constructed without the necessary building and land use planning approvals.

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

### 3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for erf 6711 Hermanus to accommodate the unlawful construction work undertaken for the new storeroom in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **departure** of erf 6711 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
  - relax the western street building line from 5m to 0m to accommodate the proposed storeroom and existing water tanks in its new position;
  - deviate from the maximum permissible length of 9m to 12,19m to accommodate the outbuilding (storeroom) on the 0m western street building line.

There is an existing approved guesthouse (Abalone Lodge Hermanus) situated on the subject property. The guesthouse on the subject property has approved building

plans and was constructed accordingly. The ongoing loadshedding has necessitated the lodge to provide generators to make provision for the requirements of the guests and to keep the establishment running efficiently. Currently the generators are accommodated in the existing storeroom on site. The latter poses challenges and therefore an alternative is proposed to accommodate the generators. In addition, more storage is required that cannot be accommodated in the existing lodge building.

Since the property is developed (with limited space available for additions) and due to the nature of the use of the proposed buildings, our client commenced with the construction of a new storeroom encroaching the western street building line without the necessary land use and building plan approvals. A notice to stop building work was issued by Ms. Liezl Lubbe of the Building Development Management Department of Overstrand Municipality on 10 May 2024 (copy attached). In addition, a request for additional information was issued by Mr Petrus Roux (Town & Spatial Planning Department) per email on 14 May 2024 to address the unlawful As Built structures only.

The existing water tanks on the subject property will also be moved next to the new storeroom – also encroaching the western street building line.

Herewith the detail of the unlawful construction of the storeroom and the deviation of the western street building line to accommodate the new storeroom and water tanks in its new position.

#### **3.4.1 Rectification of contravention**

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law, an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-

law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

- **The nature, duration, gravity and extent of the contravention**

Our client made a strategic decision to schedule construction of the storeroom during the lower demand months for the guesthouse. This decision was made to minimize disruption to guests while also addressing urgent need to reduce noise levels from the generators and to improve guest safety. Starting construction straight away in April, May and June 2024 was essential to make the most of these quieter months. By not taking bookings for these months, they would have ensured that construction can proceed smoothly without safety concerns and disturbance for the guests.

Since a notice to stop illegal building work was issued, only the foundation of the storeroom was unlawfully constructed. Our client mistakenly believed they could continue with construction work while the administrative penalty and departure application were being processed. It was never their intention to disregard the legislation.

The storeroom will consist of three rooms as indicated on the floor layout plan. One room will be used to accommodate the generator/s as indicated on the plan. The second and third rooms in the storeroom will be used as linen storerooms for the guesthouse. The existing water tanks on the property will be relocated to a new position next to the new storeroom (also encroaching the western street building line).

The foundation is 37,6m<sup>2</sup> in extent (12,224m x 3,080m) and consists of concrete mix, cement and reinforce steel. The proposed storeroom will be 3,060m high from natural ground level to top of roof (i.e. single storey). The dimensions of the storeroom will be 12,19m x 3,08m and will be 37,5m<sup>2</sup> in extent. The position and layout as well as the design specifications of the storeroom and materials used are described on the site development plan. The storeroom will be brick wall – plastered and painted. The total extent of the storeroom and water tanks will encroach the western street building line.

There will be no windows placed on the 0m western building line / erf boundary line. Provision will be made for louvers as indicated on the western elevation. No windows will be placed in the storeroom facing Main Road – only a louver brick opening as indicated on the north elevation and 3D view.

The guesthouse's electricity is mostly generated through existing solar panels with the generator only used during bad weather days. Shell Lodges continue to attempt to minimize their guesthouses' ecological burden.

The Abalone Lodge is a key player in the tourism market of Hermanus and our client is actively working to reduce their ecological footprint. Relying mostly on solar panels for electricity generation at the lodge is a significant step towards sustainability, with the generator serving as a backup during bad weather days. This demonstrates our client's commitment to eco-friendly practices and reducing environmental impact. By implementing sustainable energy solutions like solar panels and minimizing the use of generators, the guesthouse is not only reducing its carbon footprint but also setting an example for responsible tourism practices.

Creating a new storeroom is a practical solution to address the noise and safety concerns associated with the generators and creates the additional storage space required by the guesthouse. Having a designated space for the generators will not only reduce noise pollution but also enhance safety measures.

It's always challenging to balance business operations with necessary renovations or construction work, and our client has taken the necessary steps to handle this situation effectively. By prioritizing the needs of the guesthouse and its guests, they continue to set a solid foundation for future success.

It should be noted that the timeframe for the consideration and construction of the storeroom is of utmost importance to avoid postponing the project. There is a sense of urgency to the project, emphasizing the need for timely completion.

In addition, our client took the responsible step by obtaining consent from the neighbour prior to proceeding with construction. Even though there are no direct neighbours on the property boundary (as it abuts a street), ensuring good

communication and potentially addressing any concerns from neighbouring properties will prevent future conflicts or delays.

With these factors in mind, there was a tight timeline and a need to move forward swiftly and efficiently with the construction of the storeroom – hence the construction without the necessary building control and land use approvals.

The position and nature of the storeroom is unobtrusive in nature and do not impact negatively on the surrounding properties. A building line departure application to accommodate the new storeroom is included in this application.

- **The conduct of the person involved in the contravention**

The current owner has never contravened the land use planning By-law in the past. They have addressed the matter related to the unlawful construction work by appointing the relevant consultants (architect and town planner) to assist them to obtain the necessary approvals. They have submitted the necessary building plans for approval by the Building Control Department in the interim for consideration and approval once the application procedure has been dealt with. The comment from the Fire Department was also considered and the site development plan was updated accordingly.

- **Whether the unlawful conduct was stopped**

The owner would like to rectify the contravention by submitting the administration penalty application and subsequent departure application in order to legalise the As Built construction work of the storeroom (foundation) on the subject property. The construction work was stopped immediately once the notice to stop building work was received.

Our client's decision to schedule construction during lower demand months shows careful planning and consideration for both guest satisfaction and operational needs. To proceed with the construction work was a proactive approach - it was never the intention to disregard the legislation.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

A construction cost estimate from the building contractor (S.D. Gillion) dated 3 May 2024 is attached to confirm the unauthorised building work construction fees. The construction cost of the foundation for the proposed storeroom was R28 019.88. Refer to the cost estimate attached.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowners, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration the low impact the storeroom will have on the surrounding area. All effort was taken to discuss the proposal with the neighbour most affected by the deviation and to ensure the construction of an aesthetically pleasing structure. The neighbour consents to the proposal – refer to the consent letter dated 29 February 2024 attached. It is noted that all neighbours will be notified of the proposed application according to the discretion of the case officer.

The owner never hesitated to immediately give instruction to the consultants to assist in the matter to address the contravention by submitting a complete (and fully motivated) departure and determination of an administrative penalty application. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owner for the reasons given above.

### **3.4.2 Departure**

It was decided to position the new storeroom and relocate the water tanks to the western erf boundary due to the position of the existing structures on the subject



property. The existing generators on site meet the noise requirements for generators on a residential property. The generators were placed in the existing storeroom to assist with noise levels that continued to be a nuisance to guests visiting the lodge. Although accommodating the generators in the existing storeroom on site proved to reduce the noise levels, other issues were still of concern. The generators were still prone to corrosion and the fuel consumption could not be dealt with in an environmentally friendly manner.

It is therefore proposed to construct a storeroom on the western erf boundary. The storeroom will consist of three rooms as indicated on the floor layout plan. Only one room will be used to accommodate the generator/s as indicated on the plan. The new generator room will ensure:

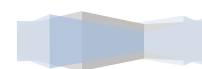
- Less corrosion to the generator/s;
- Reduction in noise levels;
- Better (environmentally friendlier) management of fuel use for the generators on site.

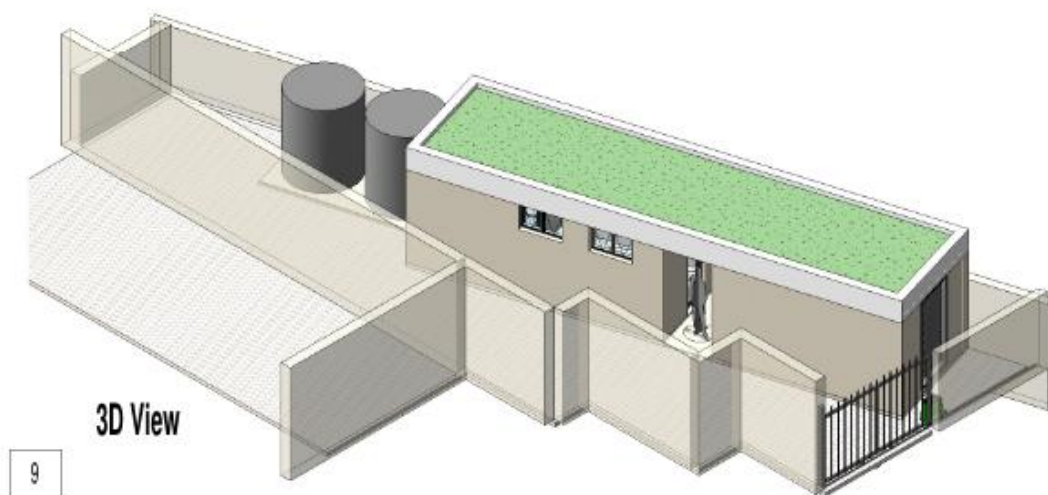
The second and third rooms in the storeroom will be used as linen storerooms for the guesthouse. In addition, the existing water tanks on the property will be relocated to a new position next to the new storeroom.

To accommodate the storeroom (generator and linen room) and tanks in the new position an application is submitted for a departure to:

- relax the western street building line from 5m to 0m to accommodate the proposed storeroom and water tanks.

The storeroom will be brick wall – plastered and painted. The position and layout of the storeroom are indicated on the site development plan. There will be no windows placed on the 0m western building line / erf boundary line. No windows will be placed in the storeroom facing Main Road – only a louver brick opening as indicated on the north elevation and 3D view (see image below):





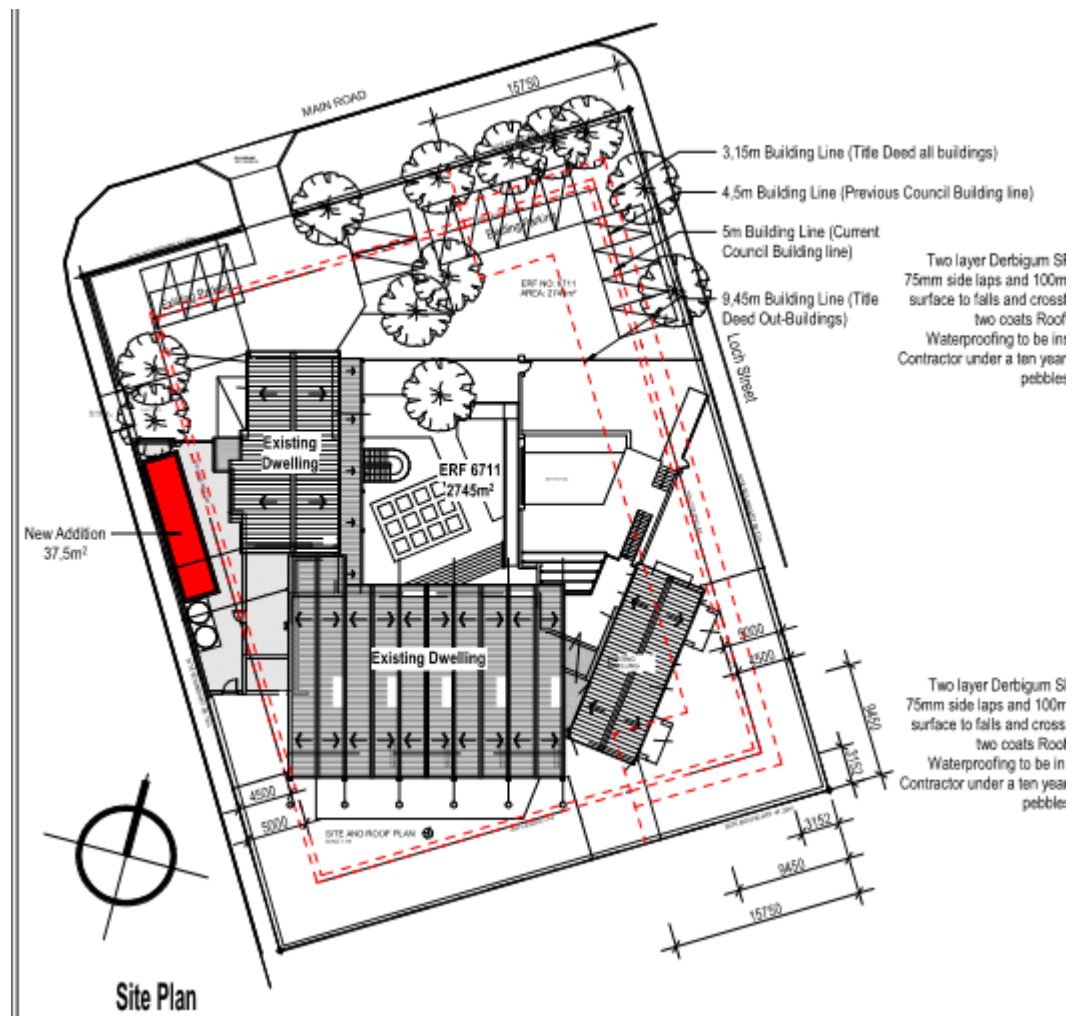
*Image 1: 3D view of storeroom and water tanks at its new position*

The storeroom will be 3,060m high from natural ground level to top of roof (i.e. single storey). The dimensions of the storeroom will be 12,19m x 3,08m and will be 37,5m<sup>2</sup> in extent. The design specifications of the storeroom and materials used are described on the site development plan. The height of the storeroom meets the maximum height requirement of 3,5m for the consideration of the outbuilding on the 0m western street building line. The length of 12,19m exceeds the maximum length of 9m and a departure is submitted to accommodate the longer length outbuilding.

The water tanks are currently situated on the subject property (current position shown on the SDP). The structures will however be moved to the new position indicated on the site development plan and therefore the street building line deviation applies to these structures as well.

The existing boundary wall to the north lowers the visual impact of the new storeroom on the passers-by and properties opposite Main Road. The existing boundary wall on the western erf boundary also mitigates the visual impact on the neighbours to the west. Refer to the SDP below indicating the position of the storeroom, layout and elevations:





Site Plan

Image 2: Site plan





Image 3: Floor layout

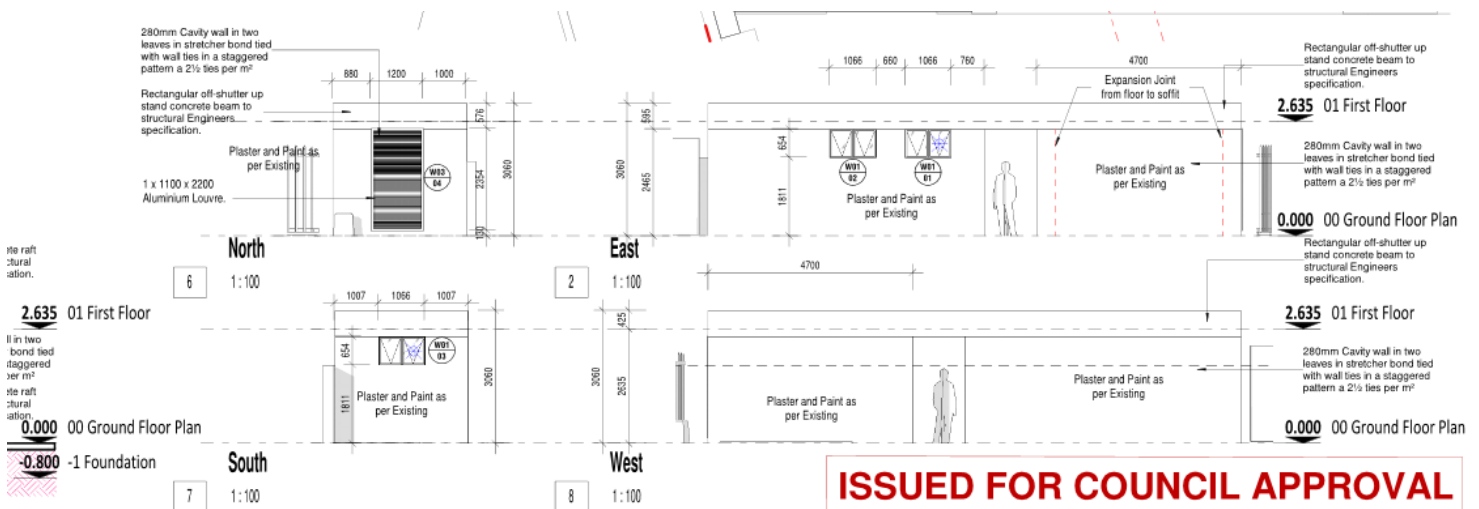


Image 4: Elevations

The following should be noted when considering the proposed new storeroom and relocation of the water tanks:

- Outbuildings are lower impact uses that are generally positively considered

over building lines.

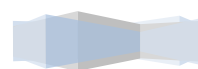
- The visual impact is considered minimal.
- The materials used are aesthetically pleasing.
- The need to provide electricity in a safer and quieter manner forms an integral part of the successful operation of the Abalone Lodge. Continuous loadshedding necessitates these types of establishments to address the matter in an effective, aesthetically pleasing manner to avoid losing business.

The proposed application does not have any impact on the character or property values of the surrounding properties. The proposed structures on the subject property do not create an infringement to any passing traffic or public activity due to the position of the proposed structures on site in relation to the existing structures on the neighbouring properties and the low impact use of the respective structures.

It is submitted that the massing and height of the existing structures are compatible with the character of the area, regardless of the departure being applied for.

The zoning of erf 6711 Hermanus will remain unchanged as well as the primary land use (guesthouse purposes with SR1 zoning coverage, height and bulk restrictions). The height, bulk and coverage of all the structures on the subject property complies with the permissible height requirements for SR1 zoned properties. The application is to approve a new storeroom and new position of the water tanks – no additions or alterations to the guesthouse building is proposed. Consequently, the proposed departure will not have a greater visual impact on the surrounding properties. The impact on the adjacent property owners and the passers-by will therefore be marginally higher than if these structures did not exist.

The area schedule and coverage for the subject property are as follows:



### Area Schedule

Area of ERF	2745m <sup>2</sup>
Coverage Allowed	50%
Existing Coverage	32,04%
New Additional Coverage	1,36%
<b>Total Coverage</b>	<b>33,4%</b>
Existing Ground Floor Area	567,50m <sup>2</sup>
New Ground (Addition)	37,54m <sup>2</sup>
Total Ground	605,04m <sup>2</sup>
Existing 1st Floor	615,30m <sup>2</sup>
<b>Total Area</b>	<b>1220,34m<sup>2</sup></b>

The total coverage of 33,4% does not exceed the maximum permissible coverage of 50% for SR1 zoned properties (SR1 zoned coverage parameters apply to the subject property as per previous guesthouse approval).

It is submitted that the proposed storeroom will be compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application. When considering the proposed street building line deviation, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed departure of erf 6711 Hermanus is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

### **3.5 THE POTENTIAL OF THE PROPERTY**

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only. The proposed departure will not hinder any possible future land use applications on erf 6711 Hermanus.

The following should be noted when considering the potential of the site:



- The visual impact will be kept to a minimum since the As Built boundary walls help mitigate the visual impact the new storeroom and existing water tanks in the new position might have.
- The subject property has limited available space to accommodate the storeroom and water tanks elsewhere on site without compromising the aesthetic value and parking area of the lodge.
- The massing and scale of the structures are compatible with the area.
- Except for the building line deviation, all other land use parameters are met.
- The new storeroom will form an integral part of the operations and success of the Abalone Lodge in a time where loadshedding has become the new normal.

The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the departure. The following factors confirm the potential of the property to accommodate the proposed building line deviation:

- good quality materials will be used for the construction of the storeroom;
- the storeroom will meet the requirements of an outbuilding and will not be a habitable space. No windows will be placed facing the northern or western boundaries;
- The new storeroom will add value to the subject property;
- The proposed storeroom and water tanks in its new position about a street boundary and not a common erf boundary with a neighbouring property.

### **3.6 ECONOMIC IMPACT**

The proposed departure is to accommodate the new storeroom and existing water tanks in its new position only. This will also favour the guesthouse operations on the subject property.

The approval of the storeroom will ensure that the generator/s are better protected against corrosion and will save our client the cost of ongoing maintenance and



replacement of the generators. The architectural style and materials used will merge well with the existing Abalone Lodge and favour the resale of the property in future. The proposed building line deviation will have a low but positive impact on the local economy.

### **3.7 SOCIAL IMPACT**

The proposed departure will have no impact on the social status quo of the area. The building line deviation will allow the owner to better accommodate the generators on site and provide them with an additional storeroom for linen.

The existing generators on site meet the noise requirements for generators on a residential property. The generators were placed in the existing storeroom to assist with noise levels that continued to be a nuisance to guests visiting the lodge. To relocate the generators to a storeroom positioned farther away from the lodge in a better designed structure will further reduce noise levels of the generators. The latter will not only favour guests visiting the lodge, but also neighbouring properties.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the existing developed property is compatible with the character of the area and does not impact negatively on the rights of anyone else.

### **3.8 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 mostly double storey dwellings and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the As Built and proposed new structures on erf 6711 Hermanus (and the respective uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

In addition, to accommodate the new storeroom and relocation of the existing water tanks that encroaches the western street building line will contribute towards the value of the subject property and consequently have a positive impact on the area. The use of the subject property will remain for guesthouse purposes – no additions or alterations to the existing guesthouse buildings or uses are proposed.

The encroachment of the street building line is further mitigated by the fact that the street on the western side of the subject property is a low order road that merely gives access to Sievers Point. The road also creates an additional mitigation measure where the storeroom is not positioned on the common erf boundary with a neighbouring property, but further away because of the road in between the two erven. In addition, the dwelling on the subject property opposite the road (erf 11022 Hermanus) is not located on the eastern erf boundary but positioned further west.

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

All services on the subject property already exist. The new storeroom 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.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

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

The proposed departure will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that the subject property will continue to be used for guesthouse purposes (Abalone Lodge).

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.

### 3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m<sup>2</sup>. Consequently, the proposed application for the departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 6711 Hermanus is situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). Building plans for all As Built structures were previously approved on erf 6711 Hermanus. The subject property is positioned in a Heritage Management Overlay Zone (HMOZ, 2020) and forms part of the Coastal Strip. The purpose of the Coastal Strip HPOZ is to ensure that any land use application resulting in additional rights complies with the existing character and contextual significance:

- *To protect and enhance the nature of the transition zone between the built fabric along the coastal strip, including the first line of erven facing the coast, the coastal walkway and the coastline;*
- *To protect the natural, environmental and scenic qualities along the coastal strip;*
- *To protect lateral views between the mountain and coastline by ensuring the continuation of existing view lines and by controlling the massing and form of buildings adjacent to the coastal strip;*
- *To ensure the retention of the relatively fine-grain form of development characteristic of the Overstrand holiday home vernacular evident along the coastal strip; and*
- *To ensure the retention of the existing structures identified as having intrinsic and contextual significance.*

This application only proposes to construct a new detached storeroom building and to relocate the existing water tanks to a new position (next to the storeroom) on the western erf boundary. Aesthetically the overall development of erf 6711 Hermanus contributes and will continue to contribute towards the pattern of the area. The subject property is already developed and the proposed structure that will encroach the street building line is considered an ancillary building and use to the existing

approved use and structures. The proposal has no impact on the transition zone between the built fabric and coastal strip, has no impact on natural, environmental or scenic qualities along the coastal strip and the proposal has no impact on the views between mountain and coastline (massing and form of new building is compatible with existing structures and the area).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the Eastcliff or Greater Hermanus area.

### **3.12 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 situated within the Overstrand Municipality's Zoning Scheme Environmental Management Overlay Zone (EMOZ, 2020) – Coastal Protection Zone EMOZ. The subject property also forms part of the Protected Area Buffer.

The Coastal Protection EMOZ stipulates that design and development of new buildings, infrastructure and utility services within development nodes must complement the natural character of the coastal reserves or improve the sense of place when existing development is replaced.

The purpose of the Protected Area Buffer EMOZ is to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures / impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation. The Protected Area Buffer EMOZ limits and / or prohibits inappropriate land uses in the buffer zone of National, Provincial and / or Municipal Nature Reserves in the Overstrand. In addition, appropriate land use is fundamental

in this EMOZ.

The design of the proposed storeroom is in line with the existing architectural style of the As Built guesthouse. The new addition is considered a supplementary low impact building and use and complements the already developed property. The proposal has no impact on the natural areas south of the subject property and the sense of place of the area. The proposal will not limit public access to the coastline.

It is therefore submitted that the proposal has no impact on conservation worthy areas and is compatible with the strategies of the Coastal Protection and Protected Area Buffer EMOZ (2020).

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

Access to erf 6711 Hermanus will remain unchanged and will be from Main Road. There is also an existing access point from the street to the west. Refer to the site development plan. No new access points are proposed.

The Overstrand Land Use Scheme (2020) stipulates that a minimum of two parking bays for the owner / manager and one parking bay per guestroom are required for a guesthouse establishment. The existing As Built parking area for the Abalone Lodge will remain unchanged as indicated on the site development plan. The position of the new storeroom does not compromise the As Built parking bays or the manoeuvre space on site. No additional parking is required to accommodate the proposed storeroom.

The subject property will still be used primarily for guesthouse (tourist accommodation) purposes and therefore the impact on the traffic flow in the area will remain unchanged.



### 3.14 TITLE DEED

Title Deed No. T50929/2000 has no restrictions that need to be removed to accommodate the proposed departure of erf 6711 Hermanus. A conveyancer's certificate is not included with this application since the title deed is straight forward.

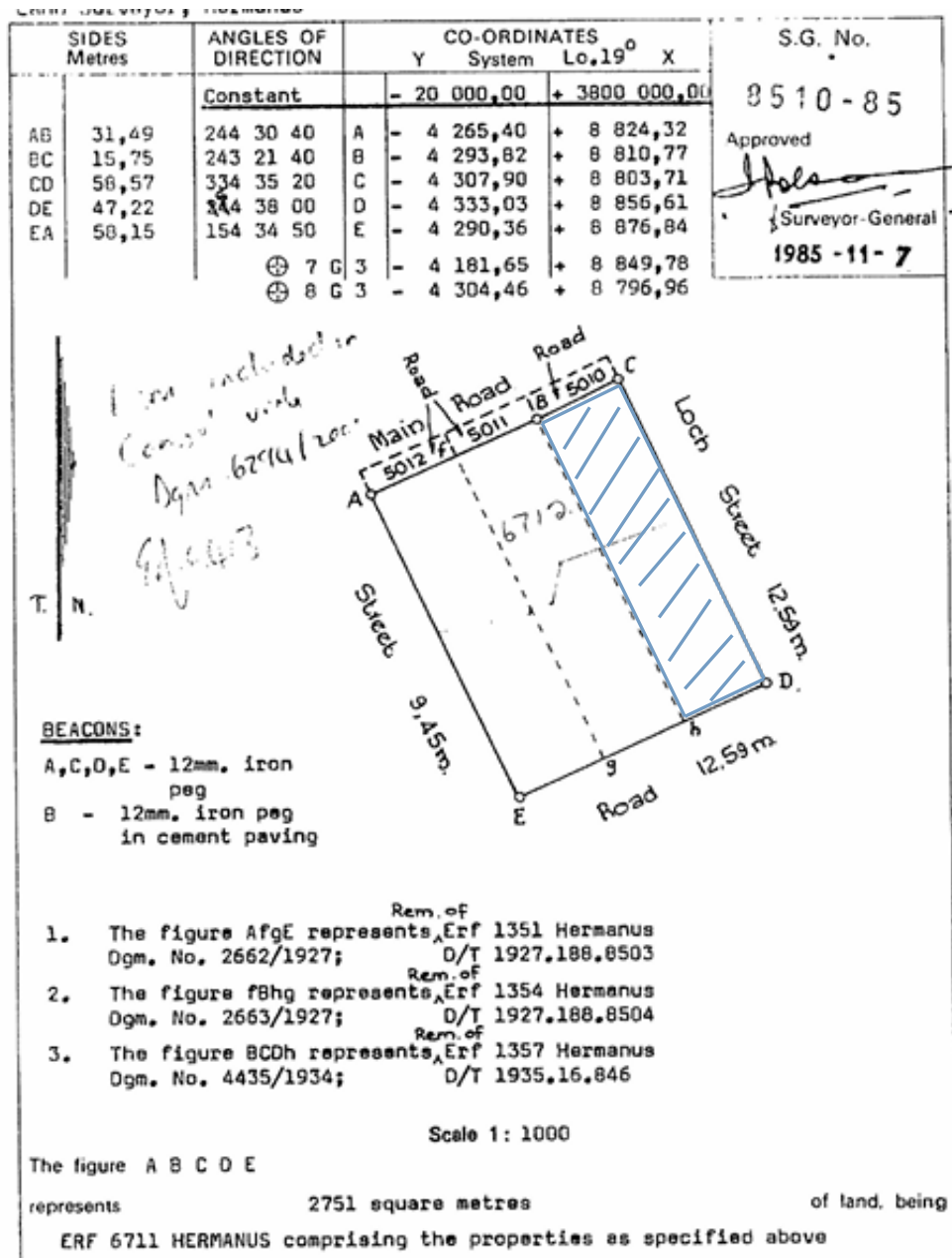
Paragraphs I and II in the title deed (with the listed conditions) do not list any title deed building lines applicable to the subject property. Paragraph III on page 5 does however list title deed building lines that has to be adhered to. However, the conditions refer to a specific area on the subject property's diagram as described in the title deed:

- 5 -

III. As regards the figure BCDh on the said Diagram S.G. NO.8510/85:

The line BCDh on the diagram is indicated as the eastern section of the subject property only – refer to SG diagram no. 8510/85 below:





The title deed street building lines mentioned in the title deed therefore only applies to the eastern section of the subject property. The proposed addition (storeroom) will be positioned on the western erf boundary. As a result, the street building lines mentioned in the title deed do not apply to the proposal. The title deed street building lines are indicated on the site development plan.

There is no bond registered against the subject property.

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

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 6711 Hermanus is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged. 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)* specifies that erf 6711 Hermanus forms part of Planning Unit no. 8. Refer to the *OMGMS Proposal Plan: Hermanus East*, attached. This planning unit indicates that the status quo for the area must be maintained. The existing status quo will remain since the proposed development will be in line with the existing land use developments in the area. No deviation from this policy will be required to accommodate the building line deviation. The impact on the overall density of the Eastcliff area will therefore be kept to a minimum since the proposed application still promotes a low-density residential area.

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.

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

### 3.16 **PLANNING PRINCIPLES**

The planning principle of spatial resilience does not apply to this application.

Spatial justice: 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. The impact on the biophysical environment will be low as the subject property has been in existence since 1927. The proposed application will not promote spatial

development imbalances. This application is for an erf as per the establishment of the existing Hermanus 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 proposed departure will have no impact on the visual elements of the subject property and surroundings as described in Section 3.4 of the application. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the building line has no impact on the massing of the buildings and the impact on the streetscape or passers-by. The proposed storeroom merges well with the approved structures. The impact on the biophysical environment will also be kept to a minimum as motivated in previous sections of this report.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the position next to the low order road, the use of the structures that will encroach the western street building line, compliance with all other land use parameters, etc. allow for the consideration and approval of the proposed deviations without having an adverse impact on the spatial sustainability of the area. To accommodate the additions is to an improved erf within an established residential area will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The property is compatible with the character of the area and do not impact negatively on the rights of any adjacent property owners.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus CBD and major routes. The massing and height of the property will be in line with the relevant zoning scheme regulations and approval conditions. It proves to be resourceful to approve the new storeroom and new position of the water tanks on the subject property since it is compatible with the existing built environment and the additions will be done in an aesthetically pleasing manner.



The proposed departure proofs to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

#### **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 deviation from the applicable scheme regulations' street building line is to accommodate a storeroom and the new position of the water tanks only (no habitable structures);
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic will be kept to a minimum;
- 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 densification status quo of the area will remain unchanged;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

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



<b>DOOR TYPE PLAN</b> SD01	<b>DOOR SIZE</b> 1000x2030mm
Scale 1:50	Qty: 1
<b>DOOR FRAME</b>	<b>DOOR</b>
As supplied by manufacturer.	Z profile Louvre aluminium single door with louvred side panel and removable top panels. Finish: Anthracite grey coating as per manufacturer. <b>louvers to have min 60% free air flow</b>
<b>IRONMONGERY AND FURNITURE</b>	<b>SIGNAGE</b>
Door locksets, lever sets and accessories as per existing.	By specialist
	<b>DOOR ACCESSORIES</b>
	By specialist
	<b>GLAZING</b>
	None

<b>DOOR TYPE PLAN</b> D01	<b>DOOR SIZE</b> 813x2032mm
Scale 1:50	Qty: 2
<b>DOOR FRAME</b>	<b>DOOR</b>
As supplied by manufacturer.	Aluminium single door with safety glass panel with opaque vinyl on inside. Finish: White Powder coating as per manufacturer.
<b>IRONMONGERY AND FURNITURE</b>	<b>SIGNAGE</b>
Door locksets, lever sets and accessories to Ironmongery schedule as prepared by specialist.	By specialist
	<b>DOOR ACCESSORIES</b>
	By specialist
	<b>GLAZING</b>
	Safety Glass

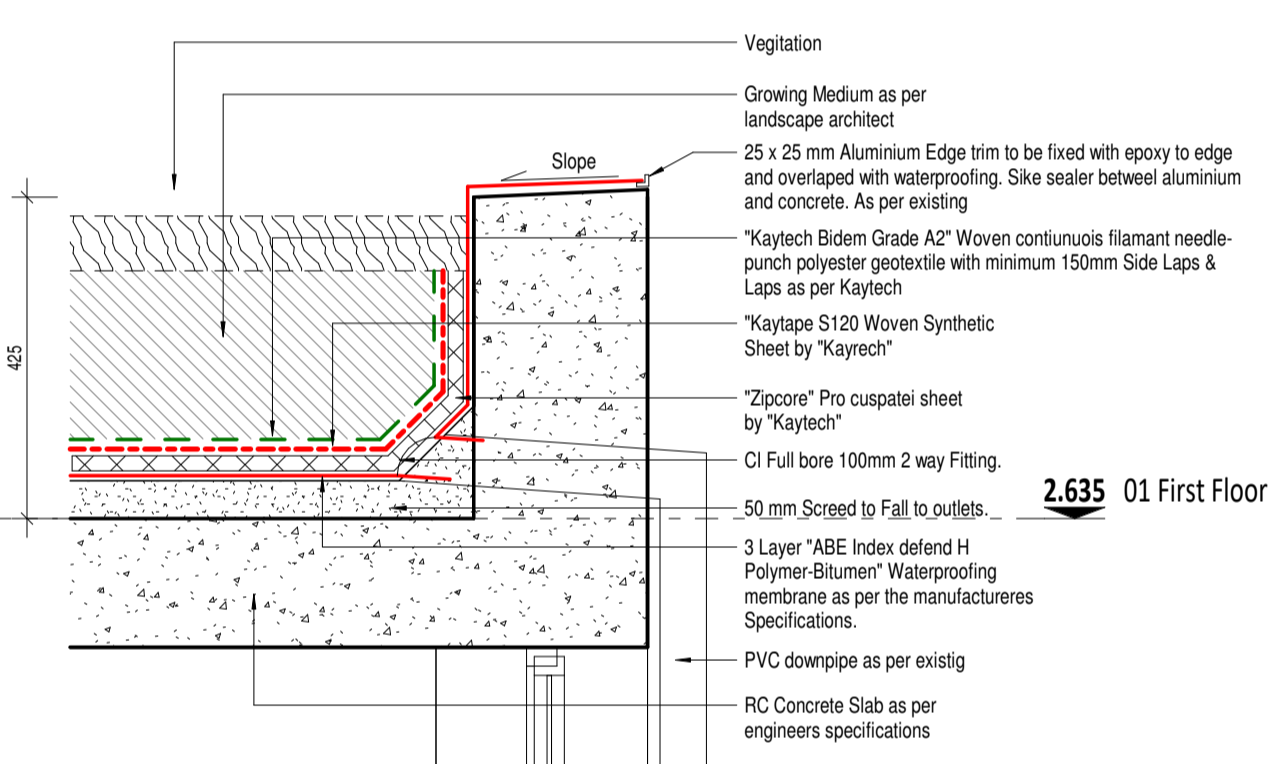
<b>WINDOW TYPE</b> W01	<b>WINDOW SIZE</b> 654x1066mm
Scale 1:50	Qty: 3
<b>WINDOW</b>	<b>LOUVER</b>
Aluminium top-hung window, complete with polycarbonate burglar bars. Plugged and screwed to brickwork or concrete. Fitted strictly in accordance with manufacturer's specifications.	Z profile Aluminium Louvre. Finish: Anthracite grey Powder coating as per manufacturer. <b>louvers to have min 60% free air flow</b>
<b>FURNITURE &amp; ACCESSORIES</b>	<b>FURNITURE &amp; ACCESSORIES</b>
Window ironmongery to be supplied with window as per window manufacturer.	None
<b>FINISH</b>	<b>FINISH</b>
Finish: White Powder coating as per manufacturer.	Finish: Anthracite grey Powder coating as per manufacturer.
<b>GLAZING</b>	<b>GLAZING</b>
According to SANS standards.	None

<b>WINDOW TYPE</b> W02	<b>WINDOW SIZE</b> 1100x1200mm
Scale 1:50	Qty: 1
<b>WINDOW</b>	<b>LOUVER</b>
Aluminium top-hung window, complete with polycarbonate burglar bars. Plugged and screwed to brickwork or concrete. Fitted strictly in accordance with manufacturer's specifications.	Z profile Aluminium Louvre. Finish: Anthracite grey Powder coating as per manufacturer. <b>louvers to have min 60% free air flow</b>
<b>FURNITURE &amp; ACCESSORIES</b>	<b>FURNITURE &amp; ACCESSORIES</b>
Window ironmongery to be supplied with window as per window manufacturer.	None
<b>FINISH</b>	<b>FINISH</b>
Finish: White Powder coating as per manufacturer.	Finish: Anthracite grey Powder coating as per manufacturer.
<b>GLAZING</b>	<b>GLAZING</b>
According to SANS standards.	None

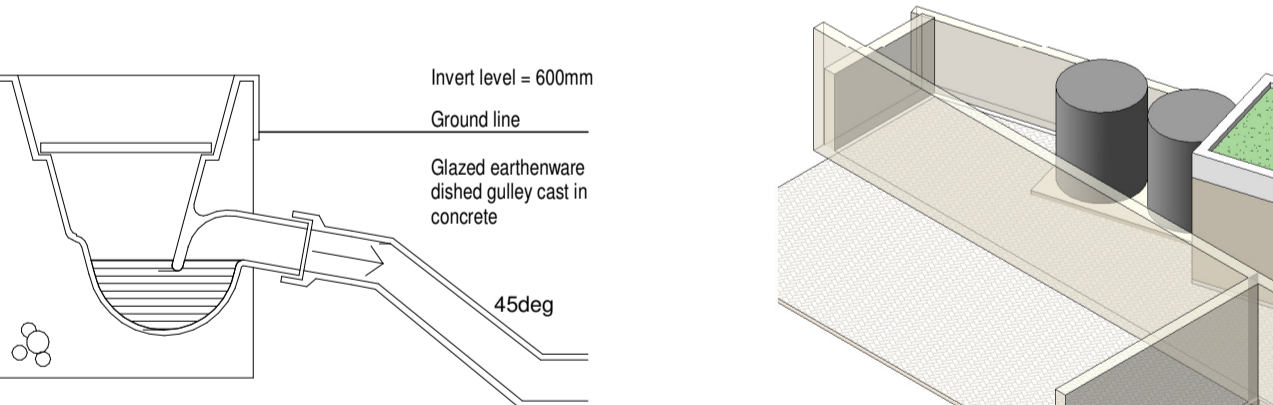
### ELECTRICAL LEGEND

- double floor level plug
- weatherproof plug
- double counter level plug
- Power Skirting
- distribution board
- wall mounted light (AS PER EXISTING)
- extraction fan
- ceiling surface mounted light
- fluorescent lights
- single lever light switch
- 2 lever light switch
- 100mm Sleeves

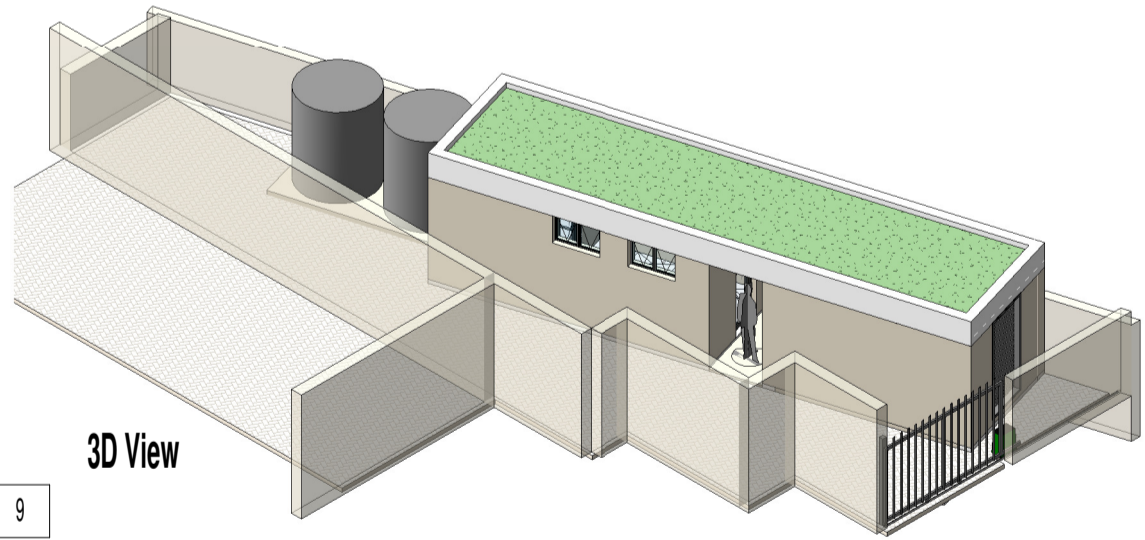
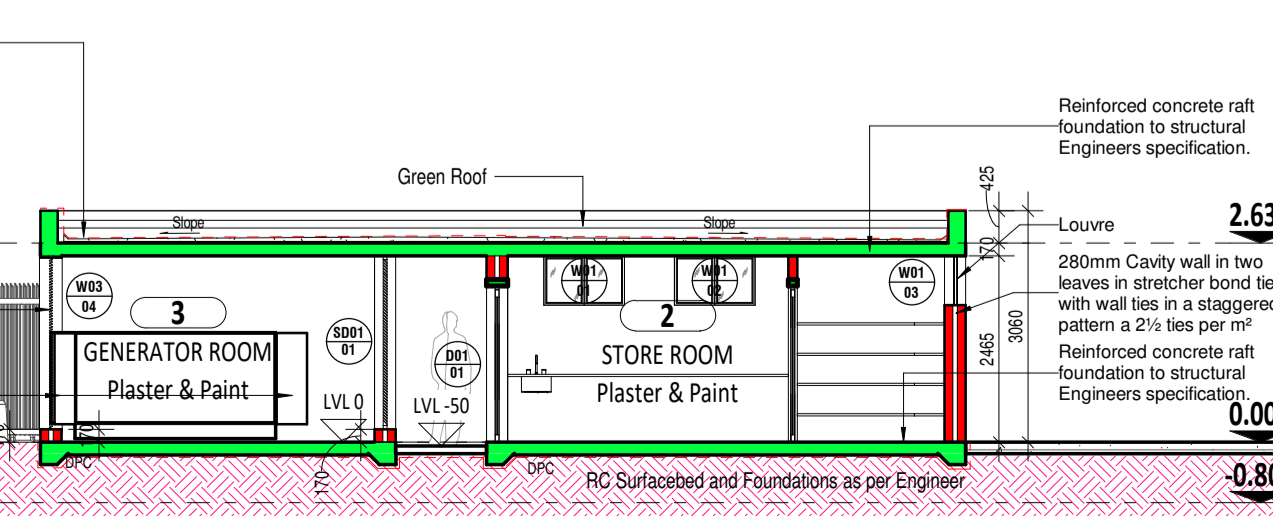
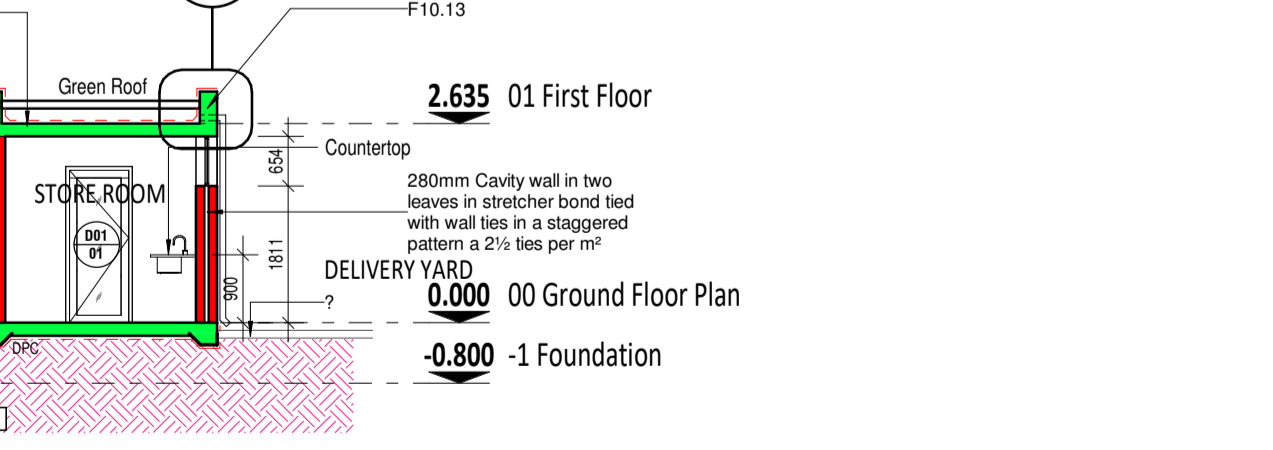
### Adjustments after fire chief comments received 2024-05-09



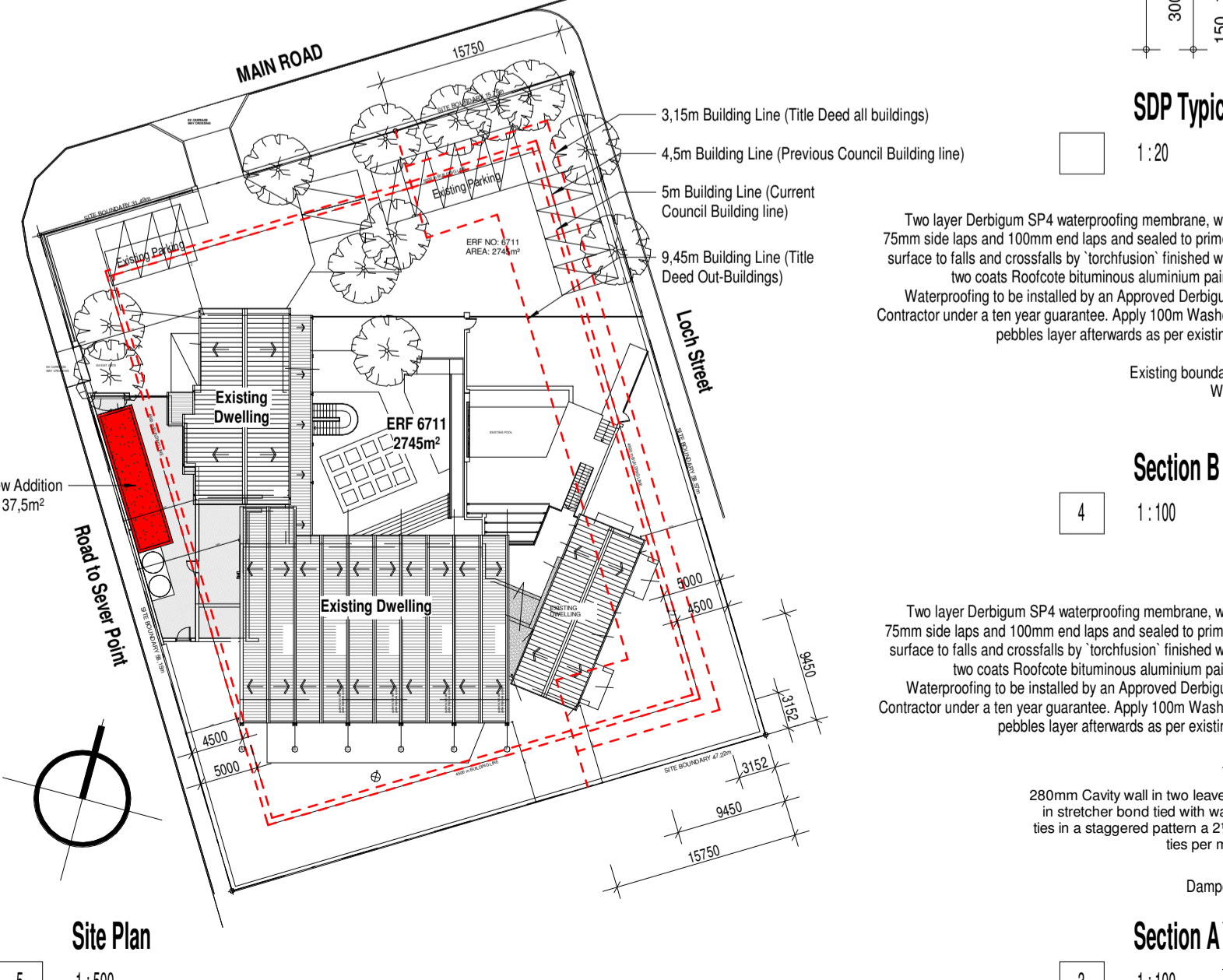
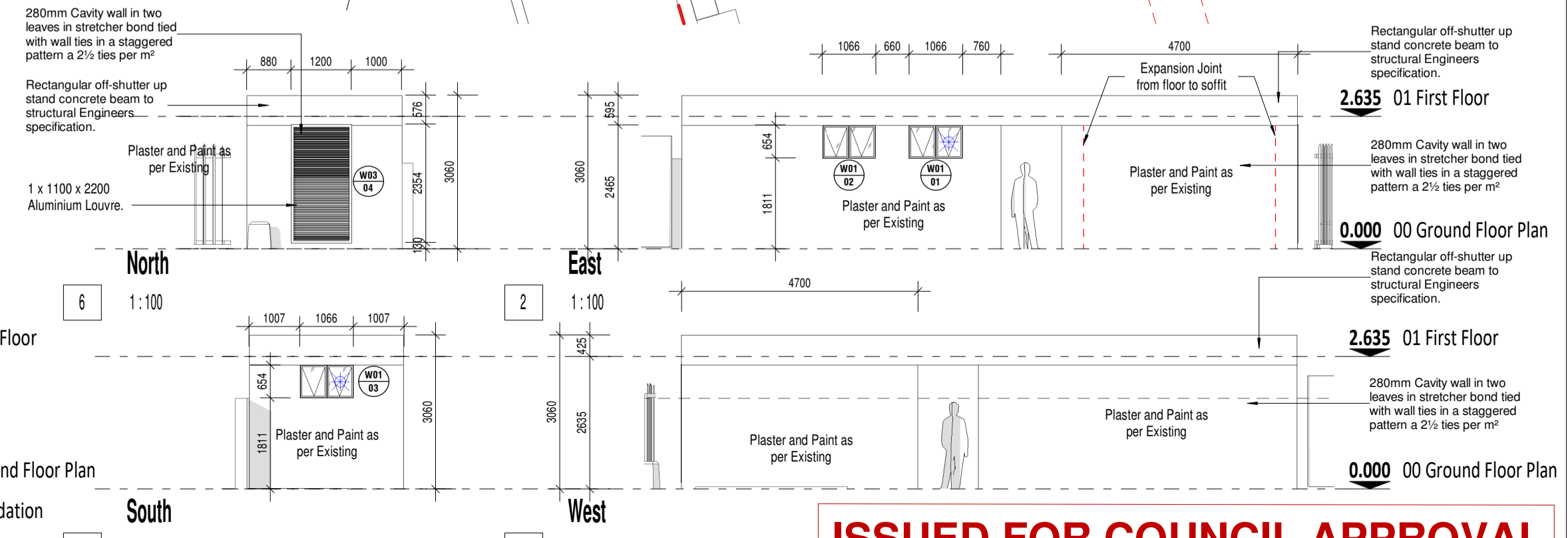
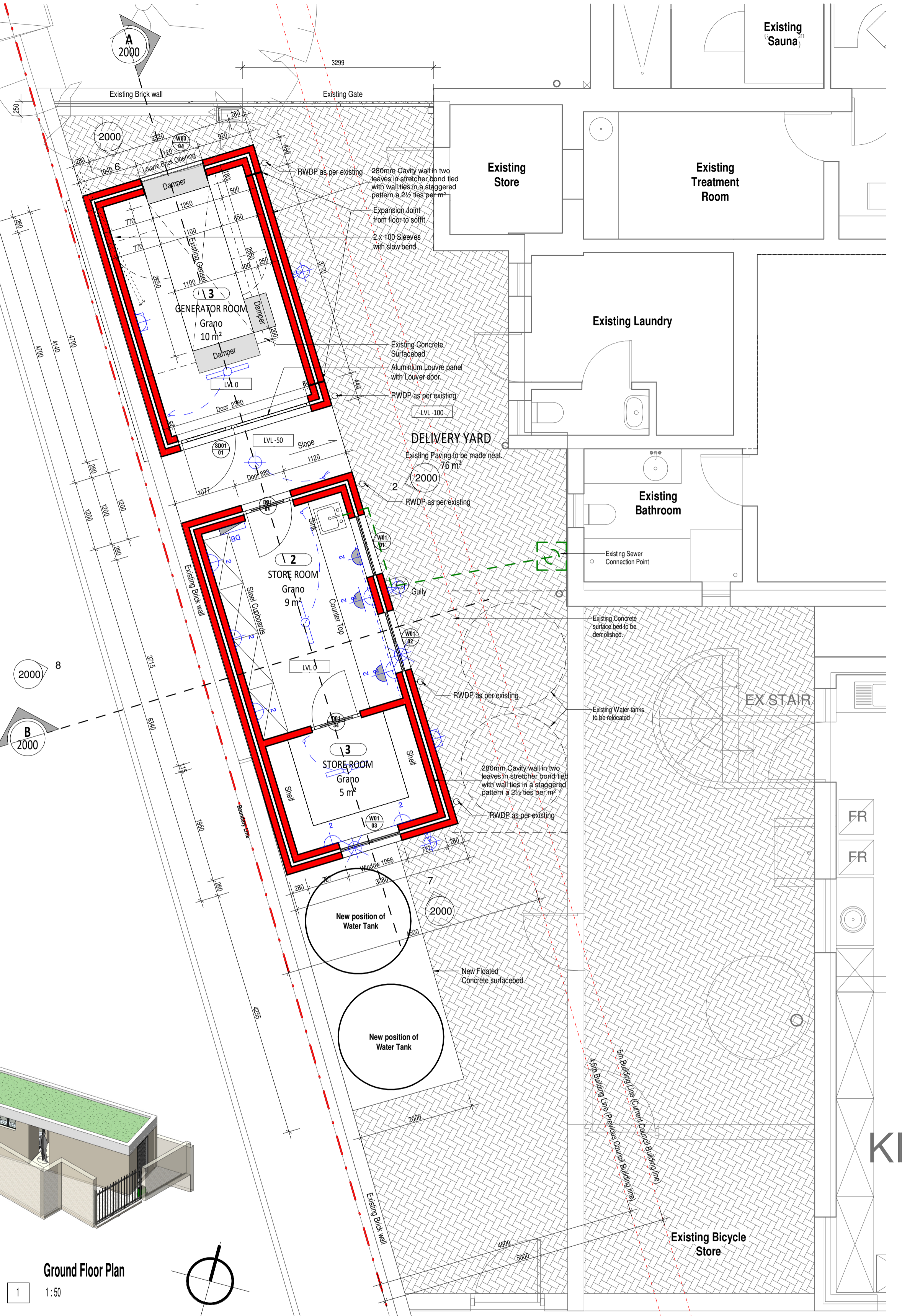
Green Roof - Sub Soil Drainage Detail  
1:10



SDP Typical Gully Detail  
1:20



3D View



Site Plan  
1:500

**GENERAL NOTES:**  
ALL MATERIALS AND CONSTRUCTION MUST COMPLY WITH THE NATIONAL BUILDING REGULATIONS (ACT NO 103 OF 1977) INCLUDING ALL AMENDMENTS AS WELL AS THE BY-LAWS OF THE LOCAL AUTHORITIES.  
ALL LEVELS DIMENSIONS AND STEPS ARE TO BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING WITH ANY WORK.  
ANY INDISTINCTNESS OR INDISCREPANCIES MUST IMMEDIATELY BE POINTED OUT TO THE ARCHITECT FOR RECTIFICATION OR EXPLANATION BEFORE ANY CONSTRUCTION CAN COMMENCE.  
DRAWINGS ARE NOT TO BE SCALED FOUNDATIONS TO ALL BOUNDARY WALLS ARE NOT TO ENVOUCH BOUNDARY ALL ELECTRICAL AND PLUMBING WORK IS TO BE CARRIED OUT BY A REGISTERED TRADESMAN  
BRICKWORK IS TO BE INSTALLED EVERY 5 COURSES OF BRICKWORK PROVIDE DPC TO WALL AT SLAB LEVEL, UNDER ALL CILLS AND TO ALL CHANGES IN FLOOR LEVELS  
**DRAINAGE NOTES:**  
ALL PLUMBING AND DRAINAGE WORK AND INSTALLATION OF SANITARY FITTINGS TO COMPLY WITH THE RELEVANT LOCAL AUTHORITY BY-LAWS, REGULATIONS AND REQUIREMENTS.  
PROVIDE I.E.'S TO ALL BENDS AND JUNCTIONS WITH SUITABLE MARKERS AT GROUND LEVEL MINIMUM FALL TO ALL DRAIN PIPES TO BE 1:40. PROVIDE APPROVED RESEAL TRAPS TO ALL WASTE FITTINGS. PROVIDE A.E. TO FOOT OF ALL SOIL STACKS. I.E.'S TO WASTE PIPES TO BE FULLY ACCESSIBLE AT ALL TIMES.  
ALL DRAIN PIPES PASSING UNDER BUILDING OR FOOTINGS TO BE ENCASED IN CONCRETE OF MINIMUM 100mm THICKNESS ALL ROUND PIPE.  
**GLASS NOTES:**  
0 - 0.75 SQM 3mm GLASS  
0.75 - 1.5 SQM 4mm GLASS  
1.5 SQM 6mm GLASS  
WINDOWS AND SIDELIGHTS LOWER THAN 300mm FROM FLOOR 6MM SAFETY GLASS. SLIDING OR FRENCH DOORS 6MM SAFETY GLASS WITH SAFETY INDICATORS

**NOTES:**

<b>Area Schedule</b>	
Area of ERF	2745m²
Coverage Allowed	50%
Existing Coverage	32.04%
New Additional Coverage	1.36%
<b>Total Coverage</b>	<b>33.4%</b>
Existing Ground Floor Area	567.50m²
New Ground (Additional)	37.54m²
<b>Total Ground</b>	<b>605.04m²</b>
Existing 1st Floor	615.30m²
<b>Total Area</b>	<b>1220.34m²</b>

CLIENT: PERSAT PROPERTIES (PTY) LTD	SIGNATURE:
TITLE-DEED No: 00050929/2000	
DATE: 2024-01-17	
ARCHITECT: JR Jordaan	SIGNATURE:
SACAP REG.No: PrArch33293255	
DATE: 2024-01-17	
ENGINEER: Design and Supply	SIGNATURE:
REG.No:	
DATE:	
G Adjustments made after fire chief comments received 2024-05-09	2024-05-13
F UPDATED AND ISSUED FOR COUNCIL APPROVAL	2024-04-16
E UPDATED AND ISSUED FOR COSTING	2024-03-08
D ISSUED FOR COSTING	2024-03-04
C UPDATED AND ISSUED FOR COUNCIL APPROVAL	2024-02-22
B ISSUED FOR COUNCIL APPROVAL	2024-02-14
A ISSUED FOR COUNCIL APPROVAL	2024-01-17
rev:	description: date:

## NEWURBAN

Architects and Urban Designers

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PO BOX 1852  
GROENWALDPOORT 0027

TEL: (012) 480 3267/8  
FAX: (012) 545 4168  
EMAIL: admin@newurban.co.za

### PERSAT PROPERTIES PTY LTD

### PROPOSED ADDITION TO GUESTHOUSE

PROJECT ADDRESS  
**306 MAIN RD (ERF 6711 HERMANUS)**

### NEW STORE ROOM - GROUND FLOOR

SCALE	DATE
As indicated	2024-01-17

DRAWING NUMBER	REVISION NO.
2000	G
PROJECT ARCHITECT	PROJECT NUMBER
JJ	20 239

**ISSUED FOR COUNCIL APPROVAL**