



**ERF 1141, 3 SLABBER STREET, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF C JOUBERT**

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 street building line from 4m to 3m, to accommodate the proposed extension of the garage and the eastern lateral building line from 2m to 0m, to accommodate a carport.

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 and Gansbaai Library, Main Road, Gansbaai. 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, 6 December 2024**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Senior Town Planner, Mr. SW van der Merwe** 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 1141, SLABBERSTRAAT 3, VAN DYKSBAAI (KLEINBAAI), OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING: MNRE WRAP PROJECT OFFICE ON BEHALF OF C JOUBERT**

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 straatboulyn te verslap vanaf 4m na 3m, om die voorgestelde aanbouings aan die motorhuis op die eiendom te akkommodeer en die oostelike lateraleboulyn vanaf 2m na 0m te verslap, om 'n motorafdak 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 en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige skriftelike kommentaar moet ingevolge die bepalings 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, 6 Desember 2024**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Senior Stadsbeplanner, Mnr SW van der Merwe** 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 1141, 3 SLABBER STREET, VAN DYKSBAAI (KLEINBAAI), KUMASIPALA WASE-OVERSTRAND: ISICELO UKUTENXA: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA C JOUBERT**

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loLungiso lukaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala, ukukhulula umgca wesakhiwo sesitrato ukusuka kwi-4m ukuya kwi-3m, ukulungiselela ukwandiswa okucetywayo kwegaraji kunye nomgca wesakhiwo osecaleni osepuma ukusuka kwi-2m ukuya kwi-0m, ukulungiselela i-carport.

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 kwaye nakwiThala leencwadi eGansbaai, Main Road, eGansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye mazithunyelwe kuMasipala ngomhla okanye ngaphambi wama- **Ulwesihlanu, 6 EyoMnga 2024** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicele nezizathu zokunika izimvo. Imibuzo ngomnxeba ingenziwa kuMawangcisi **weDolophu oPhezulu, Mr. SW van der Merwe** 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 azibhalezimvo zakhe.



# 1. Locality Plan Erf 1141 - Van Dyksbaai

Plan prepared by: Thian Jansen

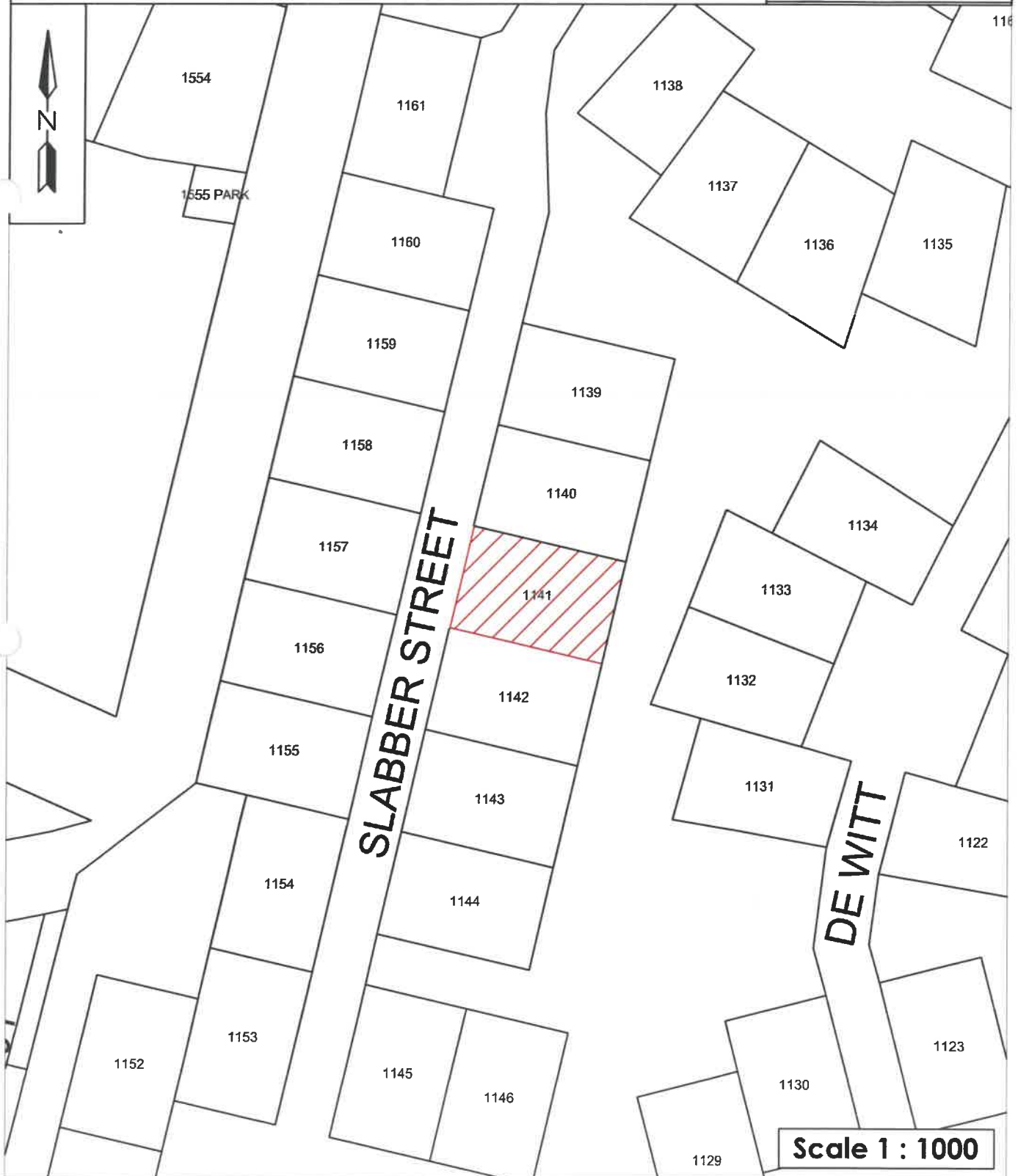
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**Project Office**  
Town Planning & Project Management



**Scale 1 : 1000**



**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>SR1</b>	Residential Zone 1: Single Residential

**2. PROPERTY DETAILS**

<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 1141 Van Dyksbaai
<b>Extent</b>	600m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

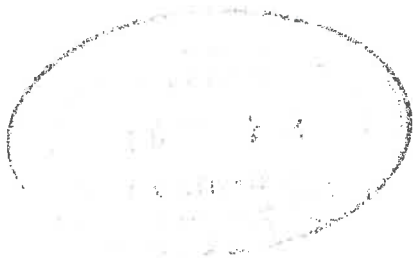
**3. BACKGROUND AND INTENT**

Erf 1141 Van Dyksbaai, hereafter referred to as the subject property, is located at 3 Slabber Street, Van Dyksbaai (refer to **Plan 1 - Locality Plan**). The owner appointed WRAP Project Office to submit a land use application on her behalf, refer to **Annexure A - Power of Attorney**. She owns the property since 2023 and has since come to the realisation that their family car does not fit into the garage and together with this challenge came the need to store their boat in the garage as well, which led to the need for extending the garage and simultaneously raise the garage door. Due to the size of the garage, their trailer can also not also fit into the garage and the need arose to build a carport outside for the trailer.

The development parameters of the OMLUS regarding building lines on single residential properties prohibits any structures within the 2-meter side building line and within 4 meters from the street boundary. The proposed carport is situated within the said side building line and the extension of the garage will be situated within the street building line.

As a result, approval of the following application is required:

- Permanent Departure from the street building line to allow the proposed extension of the garage; and
- Permanent Departure from the side building line to allow the proposed carport.





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

WRAP compiled this report to ensure that the property owner's requirements are met.

The following is proposed:

**4.1 Permanent departure** from the 4m street building line to 3m to allow the proposed extension of the garage.

The owner only has a double garage and owns a Land Cruiser together with a boat for fishing which does not fit into the existing garage. The owner envisions a minimal extension of the garage while simultaneously raising the garage door to be able to fit the Land Cruiser and boat into the garage. Presently, there are no other space on the property to accommodate the storing of the boat in a safe and secure manner.

The extent of the extension is 1m and therefore, results in the garage encroaching the 4m street building line with 1m, refer to *Figure 1* below.

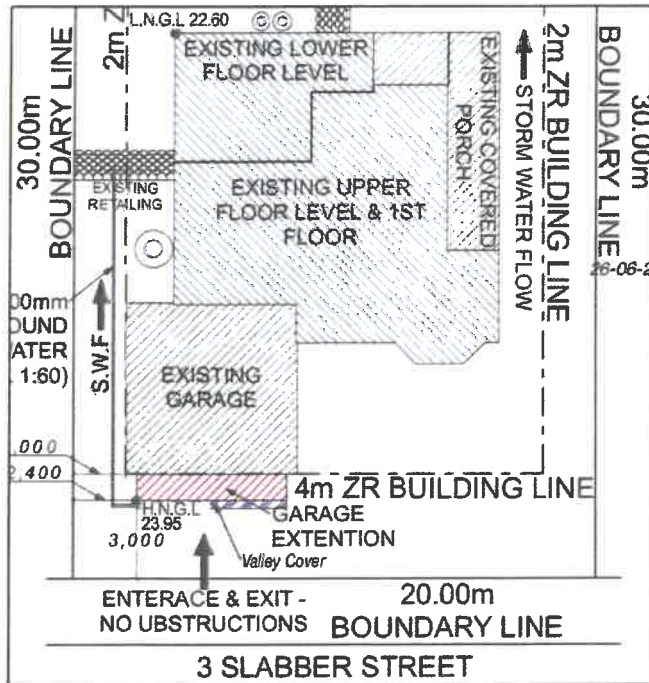
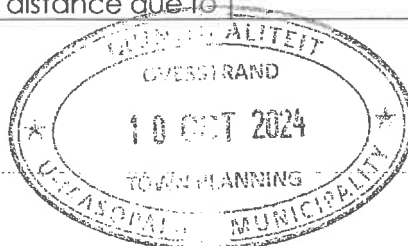


Figure 1: Garage extension encroachment on the street building line

In terms of the OMLUS, a garage is allowed to be built over the street building line with permission from the OM if the following is complied with:

Section 16.1.2(a) - OMLUS	Comply or deviate
The Municipality may permit the construction of a garage over a street building line if, in the Municipality's opinion, the garage cannot reasonably be sited at the prescribed distance due to	<u>Comply</u> , the garage is existing and is only proposed to be extended by 1 meter.



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 August & amended October 2024



**MOTIVATION**

the slope of the land unit or for other reasons provided	
(ii) The height of such garage from the natural ground level to the top of the structure does not exceed 4,5 m.	<u>Comply</u> , the proposed extension of the garage has a maximum height of 2,65 m from the natural ground level to the top of the structure. Refer to <b>Annexure C</b> .
(iii) The front elevation of the garage may not be closer than 5,0 m to the road kerb or surface.	<u>Comply</u> , the garage extension is further than 5,0 m from the road curb.

**4.2 Permanent departure** from the 2m eastern side building line to 0m to allow the proposed carport for a trailer.

The owner would like to store their trailer in a covered area to protect it from the elements, due to the garage extension only going to fit the boat and Land Cruiser as motivated in Section 4.1, a carport is proposed for the trailer.

Due to the extent of the erf being 600m<sup>2</sup> and the house already built in its position, the carport is proposed to be situated to encroach on the eastern side building line. The eastern side of the property where the carport is proposed, is adjacent to a public open space and the height of the carport is proposed to be only 2,68m, refer to Figure 2 below and **Annexure C – Architect Building Plan**. Therefore, it is not predicted that the proposed carport will have a negative impact on the surrounding area.

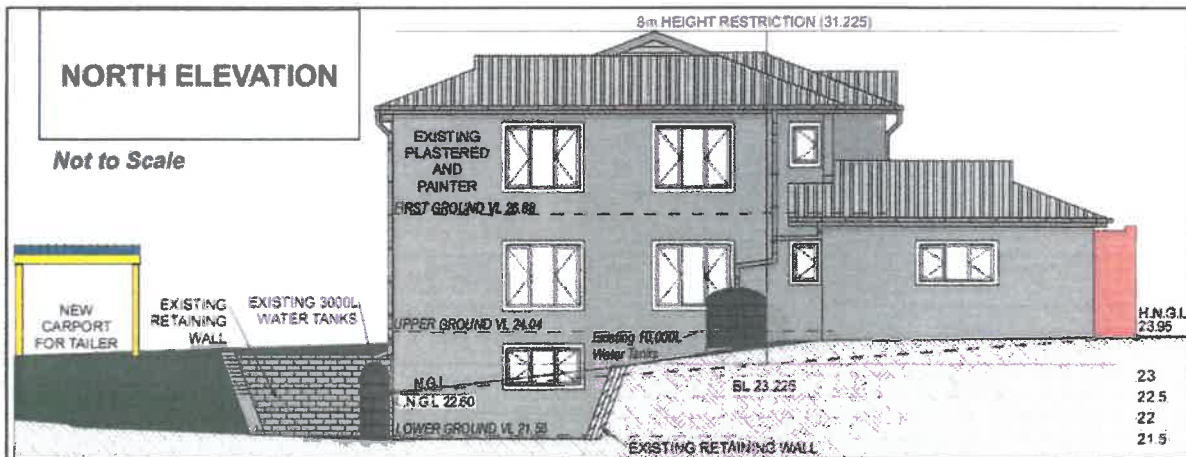
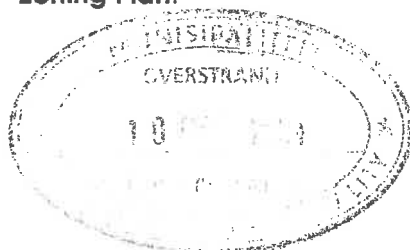


Figure 2: Height of the proposed carport in relation to the existing dwelling

The carport is not proposed to be enclosed on any of the sides. Once completed, the carport will provide the owner with shelter to protect her trailer from the elements.

**5. LAND USE ENVIRONMENT**

The subject property is located in Van Dyksbaai, an established residential area in the Overstrand. The property is surrounded by other Residential Zone 1: Single Residential properties and a Public Open Space. The surrounding area’s zonings are illustrated in the attached **Plan 2 - Zoning Plan**.



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**6. TITLE DEED**

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The title deed of the subject property (T26574/2023) attached as **Annexure B**, does not contain any restrictive conditions which may prohibit the approval of the permanent departures.

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**7. ZONING**

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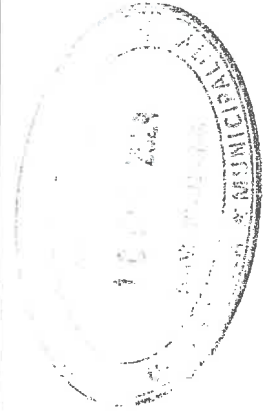
The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(q) of the OM By-Law:





**MOTIVATION**

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>		
<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Comply
<b>Consent use</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A
<b>Development parameters</b>		
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m <sup>2</sup> and greater = 50%	Proposed structures = 17,76m <sup>2</sup> Proposed coverage = 33,35%
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> <li>• 400 m<sup>2</sup> and greater = 4m</li> </ul> (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> <li>• Greater than 400 m<sup>2</sup> = 2m</li> </ul>	<ul style="list-style-type: none"> <li>• Permanent departure from the 4m street building line to 3m to allow the proposed extension of the garage.</li> <li>• Permanent departure from the 2m eastern side building line to 0m to allow the proposed carport.</li> </ul>
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	The existing dwelling adheres to the 8,0m height restriction.
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	There is an existing garage proposed to be extended by 1m. The proposed carport which will be 4m by 3m and have a maximum height of 2,681m for a trailer to be situated on the eastern boundary of the property.





**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 existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the property is gained from Slabber Street.

**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 is to ensure the property meets all the needs of the owner. The owner has a need to build a carport and extend the existing garage. The structures will not benefit any other users or person other than the property owner, but it will however increase the property value and in the future, may yield income for the OM.

Socio-economic impact	The permanent departures are not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The proposal is to ensure the property complies with the OMLUS. It is not predicted that the proposal is out of line with the surrounding area.
Impact on the external engineering services	Refer to Section 8.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on 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.





## MOTIVATION

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

The subject property is located in a residential setting and the proposed structures will not be out of the ordinary for the area. Although the proposed carport will encroach the side building line adjacent a public open space and the extension of the garage will encroach the street building line, it is not anticipated that these structures will affect any views, sunlight, or character of the area.

### **Economic impact**

There is little to no impact on the economy. The building of the proposed structures will temporarily employ a contractor that will use workers to assist in the construction phase.

### **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 development will not affect the property values of surrounding properties.

### **Environmental impact**

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

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## **10. POLICIES AND REGULATIONS**

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

The property is not located within the EMOZ.

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

The property is not located within the HPOZ.

### **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.

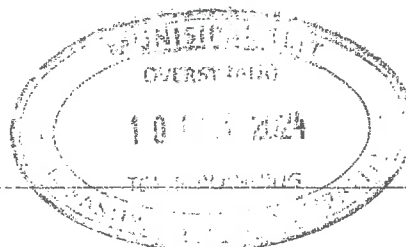
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## **11. PLANNING PRINCIPLES**

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. This proposal is not predicted to influence past spatial injustices.



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**Spatial sustainability**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to construct a carport and to extend the garage will ensure the subject property meets the requirements of the owner.

**Efficiency**

This proposal is intended to maximise the usage of the subject property and ensure the owner's requirements are met.

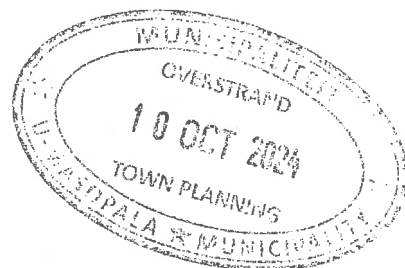
**Spatial resilience**

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

**Good administration**

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.





## EVALUATION & RECOMMENDATION

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### 12. EVALUATION

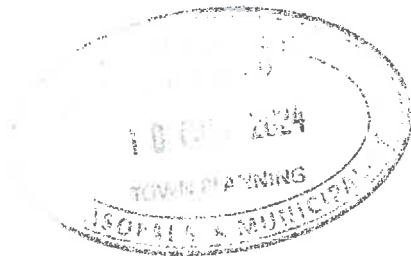
The proposed extension to the garage and carport is not out of context for the surrounding area. The abovementioned departures will also not impede on views, sunlight or negatively affect the character of the area. The proposal is in harmony with all relevant spatial planning policies.

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### 13. RECOMMENDATION

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

- 13.1 **Permanent departure** from the 4m street building line to 3m to allow the proposed extension of the garage in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.2 **Permanent departure** from the 2m eastern side building line to 0m to allow the proposed carport for a trailer in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and



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3. Aerial Plan  
Erf 1141 - Van Dyksbaai

Plan prepared by: Veronica Jansen

All distances are approximate  
and subject to a survey

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**Project Office**  
Town Planning & Project Management



NTS

## 2. Zoning Plan Erf 1141 - Van Dyksbaai

-  Residential Zone 1: Single Residential
-  Transport Zone 2: Road and Parking (Public)
-  Agricultural Zone 1: Agriculture
-  Open Space Zone 2: Public Open Space
-  General Residential Zone 3: Flats Bulk Zone 2
-  Authority Zone: Authority Usage

Plan prepared by: Veronica Jansen

All distances are approximate and subject to a survey

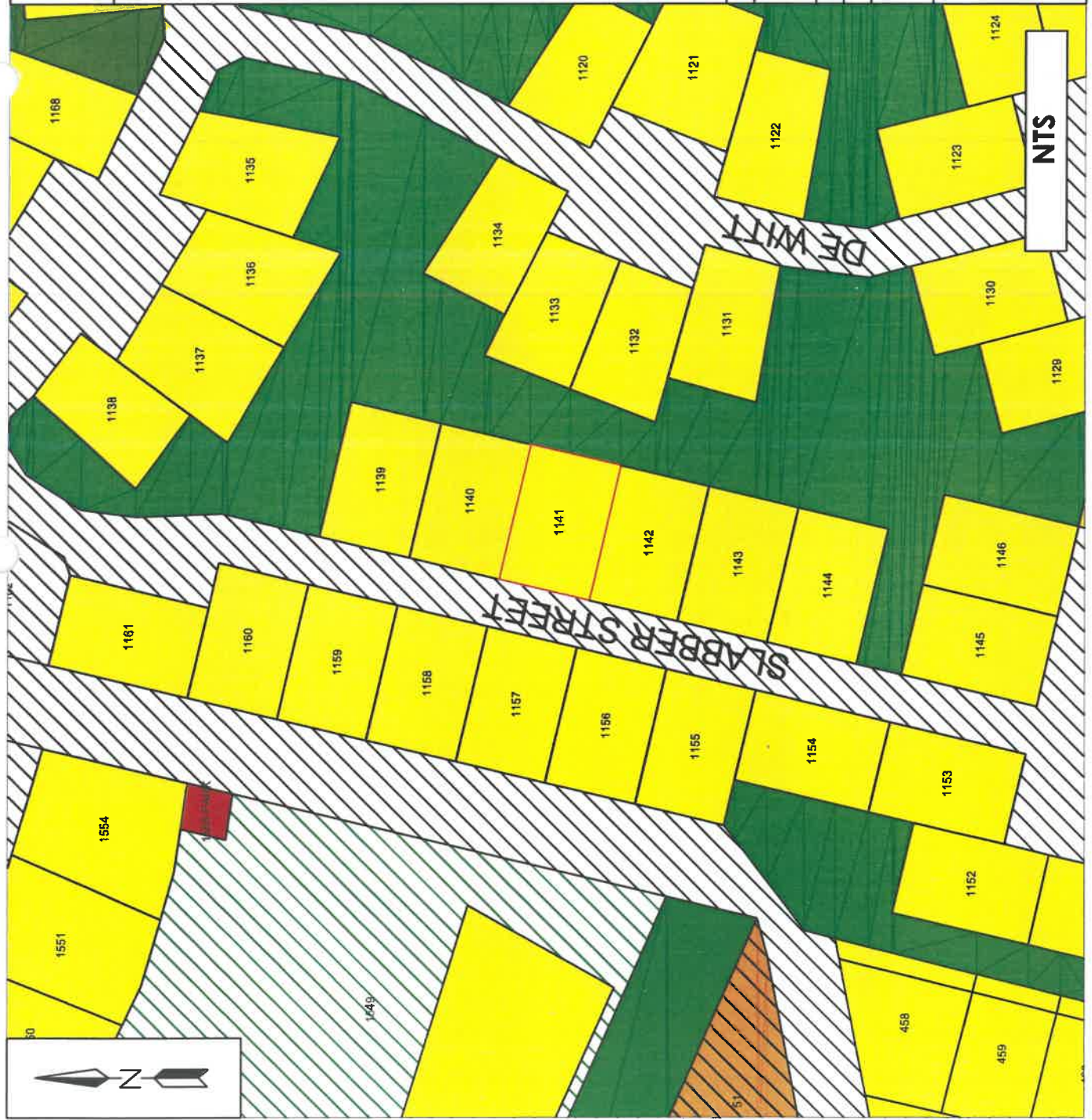
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Street Hermanus, 7200



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4. Site Plan  
Erf 1141 Van Dyksbaai

Proposed coverage: **36,49%**

**Proposed Departures:**

- Eastern Side Building line from 2m to 0m to allow the proposed covered carport for a trailer.
- Street Building line from 4m to 3m to allow the proposed extension of the garage.



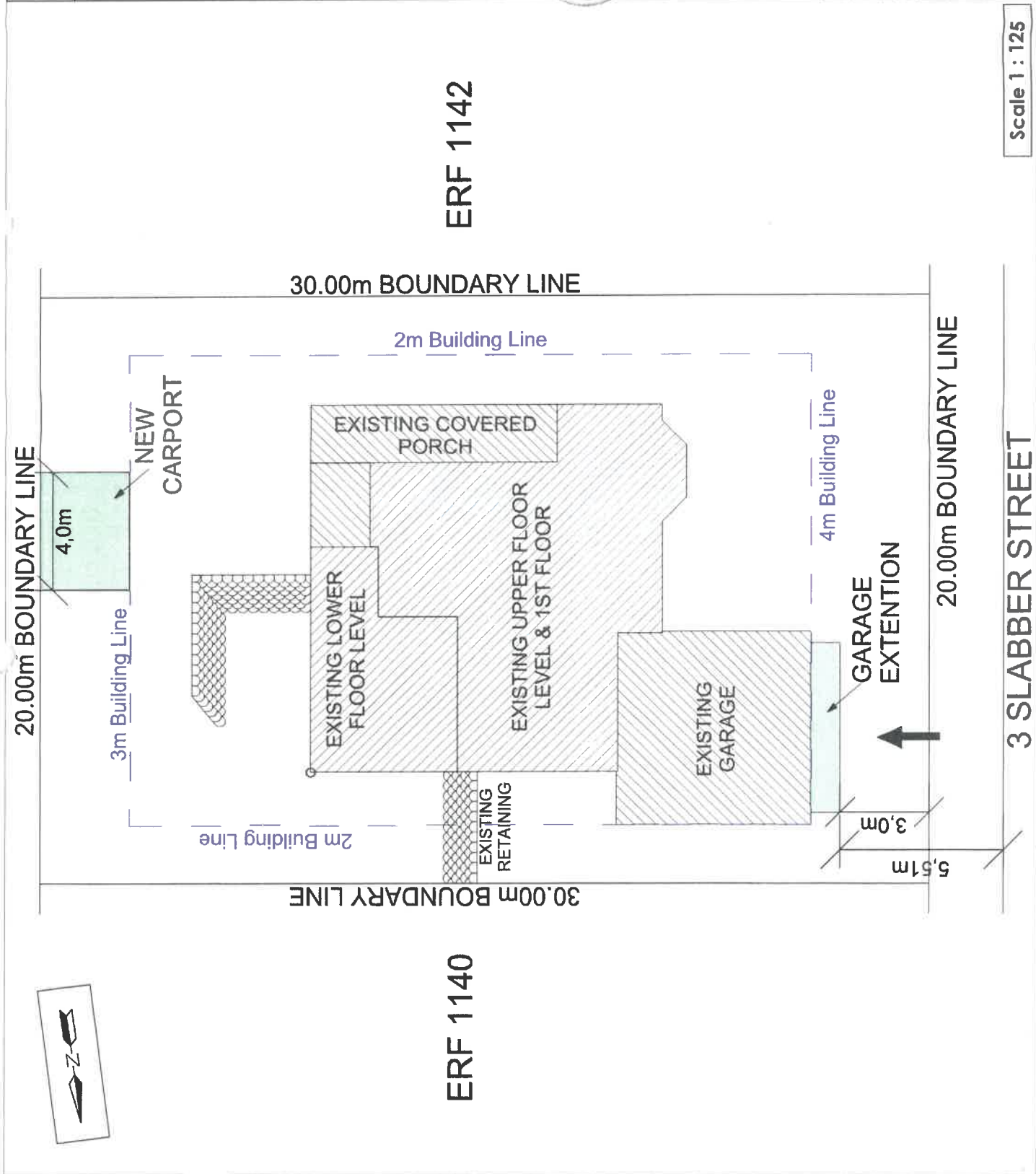
Plan prepared by: Veronika Jansen on 22/08/2024 based on plans by Frinsloo Architects and subject to a survey

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Scale 1 : 125

