

ERF 12872, 314 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF A LOUBSER

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 relaxation of the maximum permissible boundary wall height of 2.1m by ± 2.01 m.
- **Departure** in terms of Section 16 (2)(b) of the Bylaw for the relaxation of the rear building line from 2m to 0m to accommodate filling of more than 1m.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the existing boundary wall on 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 / (e) alida@overstrand.gov.za) on or before **27 September 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 12872, HOOF STRAAT 314, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING & BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS A LOUBSER

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

- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening vir die verslapping van die maksimum toelaatbare grensmuur hoogte van 2.1m met ± 2.01 m.
- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening vir die verslapping van die agterste boulyn vanaf 2m tot 0m om vulling van meer as 1m te akkommodeer.
- **Bepaling van Administratiewe Boete** ingevolge Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete vir die vir die bestaande grens muur op die eiendom.

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 / (e) alida@overstrand.gov.za) voor of op **27 September 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 12872, 314 MAIN ROAD, EASTCLIFF, HERMANUS, INDAWO KAMASIPALA OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: WRAP PROJECT OFFICE EGAMENI A LOUBSER

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) ngoku kulandelayo:

- **Ukutenxa** ngokweCandelo le-16 (2)(b) loMthetho kaMasipala ukuze kuphumle owona mphakamo uphezulu ovumelekileyo wodonga lomda we-2.1m nge- ± 2.01 m.
- **Ukutenxa** ngokweCandelo le-16 (2)(b) loMthetho kaMasipala ukuze kuphumle umgca wokwakha ongasemva ukusuka kwi-2m ukuya kwi-0m ukulungiselela ukuzaliswa okungaphezulu kwe-1m.
- **Ukumiselwa kwesohlwayo solawulo** ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu, ePaterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokungqinelana nemigaqo yeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / alida@overstrand.gov.za) ngomhla okanye ngaphambi koko **27 Eyomsintsi 2024**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa **kuMnu. P Roux** apha 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 12872 Hermanus
Extent	1 983m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

The subject property, Erf 12872 Hermanus, is located in the Main Road, Hermanus, refer to **Plan 1 - Locality Plan**. The property owner appointed WRAP Project Office to submit a land use application on her behalf, refer to **Annexure A - Power of Attorney**.

The owner bought the property to retire in Hermanus and purchased a portion of the neighbouring property to consolidate with their property which is now known as Erf 12872 Hermanus. This consolidation has paved the way for new construction aimed at expanding the living space and amenities. The owner is in process of building on the consolidated portion. The property is situated adjacent to the renowned cliff path. The intent is to construct a retaining wall together with a fence which will be multifaceted, encompassing security, safety, and structural integrity. The fence/boundary wall will however be higher than the allowable 2,1m which requires the approval of the municipality.

A small section of the boundary wall has already been built and it has come to the owners' attention that it is higher than the allowable 2,1m. Approval of the following applications are required:

- Permanent Departure to exceed the maximum permissible boundary wall height;
- Permanent Departure of the rear building line accommodate filling of more than 1m; and
- Determination of an administrative penalty.

Refer to the figure below:



Figure 1: Aerial view indicating the cliff path in relation to the subject property

4. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

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

The following is proposed:

- 4.1 Permanent Departure** to exceed the maximum permissible boundary wall height of 2,1m by $\pm 2,01$ m.
- 4.2 Permanent Departure** of the rear building line from 2m to 0m to accommodate filling of more than 1m; and

As mentioned in Section 3 of this report, the property owner is currently in the process of expanding the living space and amenities on their property. The intention is to add a boundary wall that is higher than the permissible boundary wall height. The property owners are responsible to ensure their property is compliant in terms of the OMLUS and building regulations which is the reason an application is being submitted to ensure their vision is achieved.

It needs to be reiterated that the boundary wall varies in height of which the highest point will be a total of 4,11m. Refer to *Figure 2* on the following page.

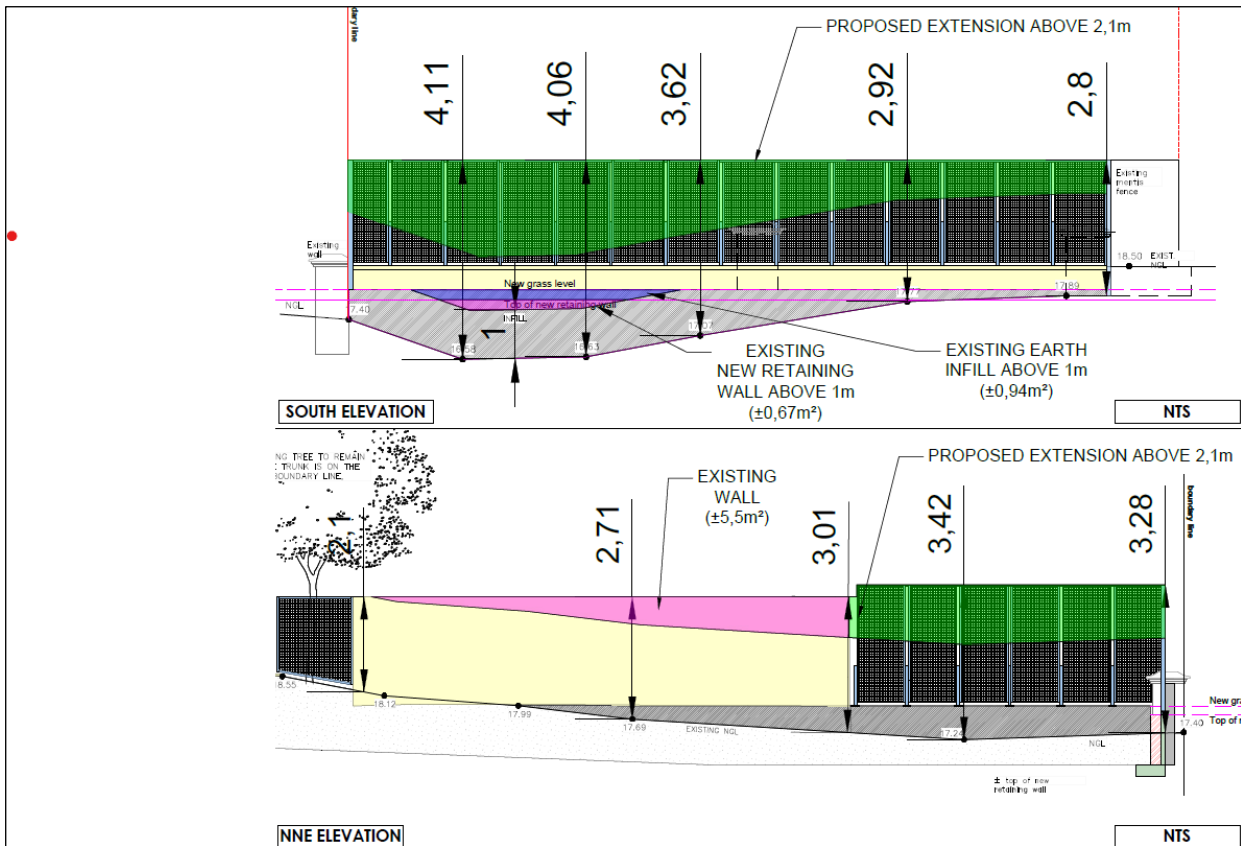


Figure 2: Varying height of the boundary wall

The primary motivation for the construction of the retention wall and accompanied fence are multifaceted, encompassing security, safety, and structural integrity. Security concerns are paramount, prompted by recent thefts on the property. The owners have an existing fence, and the proposal is to retain the new boundary wall at the same height on the newly consolidated portion of erf. Additionally, enhanced security measures, including a retention wall accompanied by a fence, are deemed necessary to deter potential intruders and ensure the safety of both the property, building material and the inhabitants. Refer to **Plan 4 - Site Plan**. Moreover, post-construction, access to certain areas, particularly the southern boundary, will be restricted, necessitating the establishment of a secure boundary to prevent unauthorized entry and ensure privacy.

Safety measures are also a significant driving force behind the construction of the retaining wall and fence. Given the property's proximity to the famous cliff path, a popular tourist attraction, ensuring the safety of residents and visitors walking on the cliff path is imperative. Consequently, the construction of a retaining wall and fence is deemed critical to prevent accidental falls and mitigate potential hazards associated with the cliff path. Additionally, the southern boundary's significant slope poses challenges that must be addressed to manage possible erosion and landslides effectively. The proposed retaining wall will provide essential support to the land, thereby enhancing safety and minimizing environmental risks. The owners have filled more than

1m to create a level and stable base, this however was done without the prior knowledge it would be more than 1m in height.

Furthermore, the construction of the retaining wall and fence aims to achieve structural stability and aesthetic integration. The retaining wall's functionality is paramount as the newly consolidated portion of the property had a major dip that was filled which in return levelled the subject property and stabilized the slope. The height of the wall is proposed to be at the same height as the existing mentis fence as illustrated in the *Figure 2*.

The departure of the wall height is required as it is measured from the natural ground level, which is clearly illustrated in *Figure 2*. This structural support is crucial for maintaining the integrity of the land and preventing soil displacement. However, the retaining wall itself will not have enough height to ensure no intruders enter the property, refer to *Figure 3*.



Figure 3: Existing retaining wall height

Additionally, efforts have been made to ensure aesthetic continuity by selecting design elements and materials that complement the existing structures and retaining wall - the fence will be see-through to ensure an unobstructed viewscape. This includes plastering and painting the boundary wall to harmonize with the main house and incorporating steel and timber elements for both durability and visual appeal. Refer to **Annexure C** - Architect Building Plan.

Overall, the motivation behind the wall and fence construction on the property are driven by the need to address security concerns, enhance safety measures, and integrate structural stability with aesthetic considerations.



4.3 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is important to include an application for the determination of an administrative penalty. However, it is requested that a reduction in the administrative penalty be considered as the existing section of wall that was built without any malintent and it is not expected to have a negative impact on any neighbours. The property owner expressed genuine remorse for having to have built a section of the wall prior to approval. It is important to recognise that the omission was not an attempt to bypass regulations.

Section 90(3) of the By-law requires the following information:

The nature, duration, gravity and extent of the contravention

Section 4.1 indicates the nature and gravity of the additions that were constructed without prior approval. The total area of the height encroachments are:

Area exceeding the 2,1m maximum permissible boundary wall height with $\pm 2,1\text{m}$ to $\pm 3,01\text{m}$. Refer to figure 2 and Plan 4 – Site Elevations	$\pm 5,5\text{m}^2$
Existing earth infill extent that had occurred above 1m. Refer to Plan 4 – Site Elevations	$\pm 0,94\text{m}^2$
Existing new retaining wall above 1m. Refer to Plan 4 – Site Elevations	$\pm 0,67\text{m}^2$

The conduct of the person (allegedly) involved in the contravention

The owner is responsible for ensuring that there are no contraventions in terms of the by-law; however, it is important to note that no malicious intent is found in her actions, and she aims to rectify the contravention.

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

Due to the small-scale nature of the encroachment no quantity surveyor was involved.

Whether the unlawful conduct was stopped

The retaining wall and fence have already been constructed.

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

To the knowledge of this office, the property owner has not previously contravened the By-Law.



5. LAND USE ENVIRONMENT

The subject property is located on the Main Road of Hermanus. The property is surrounded by other Residential Zone 1: Single Residential properties and Public Streets. The surrounding area's zonings are illustrated in **Plan 2** - Zoning Plan.

6. TITLE DEED

Title deed T53546/2023 (refer to **Annexure B**) was perused and there are no restrictive conditions that prohibits the approval of the proposal being made.

7. ZONING

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:



RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%	Existing Structures = 401m ² Proposed Additions = 239m ² Total = 640m ² Proposed Coverage = 32%	Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> • 400 m² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> • Greater than 400 m² = 2m 	All building lines are being adhered to.	Comply
Height	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.	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	N/A	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 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 by the OM weekly.

Access and Egress

Access and egress to the property is gained from Main Road, Hermanus.

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 property owner. To achieve this, the property owner is required to apply for a permanent departure from the maximum permissible boundary wall height.

Socio-economic impact	The permanent departure is not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The proposal is to ensure the property complies with the OMLUS. It not predicted that the proposal is out of line with the surrounding area.
Impact on the external engineering services	Refer Section 8.
Impact on safety, health and wellbeing of the surrounding community	The implementation of safety measures, such as the construction of a retaining wall to prevent accidents near the cliff path, ensures the protection of residents and visitors, thereby promoting physical wellbeing. Additionally, the structural stability brought about by the project minimizes environmental risks like erosion and landslides, contributing to the overall health and stability of the community's surroundings.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	The implementation of safety measures, such as the construction of a retaining wall to manage slopes, will help prevent erosion and landslides,

File 24/66
ERF 12872 HERMANUS
Amended August 2024



MOTIVATION

	thereby preserving soil quality and maintaining habitat integrity for local flora and fauna. Additionally, the owner's consideration of aesthetic integration ensures minimal disruption to natural landscapes, fostering a harmonious coexistence between human development and the surrounding 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 construction of a retaining wall and fence on the property is anticipated to have minimal impact on the area's views, sunlight, and character. Primarily motivated by security concerns following recent thefts, the pre-emptive construction aims to safeguard inhabitants and materials without obstructing views or sunlight. Safety measures, including the retaining wall near the cliff path, prioritize protection without compromising aesthetics, ensuring seamless integration with the surroundings.

Economic impact

The proposal is expected to have both a short- and long-term economic impact. In the short term, the project will stimulate economic activity through job creation and local spending on materials and labour. In the long term, the enhanced security and safety measures, coupled with the proposal's contribution to the aesthetic appeal of the area, may possibly increase property values and attract tourism which in return fosters sustainable economic growth and development in the area.

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 proposal is not predicted to have a negative impact on surrounding properties.

Environmental impact

The subject property is located within an environmentally important area. Refer to *Section 10* of this report.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

Protected Area Buffer

The subject property is located within the 'Protected Area Buffer' EMOZ. The purpose thereof 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.

File 24/66
ERF 12872 HERMANUS
Amended August 2024



Coastal Protection

The subject property is located within the 'Coastal Protection' EMOZ. The purpose thereof is managing the integrity of coastal ecosystems, ecosystem services, coastal dynamic processes and biodiversity within Coastal Reserves.

To ensure compliance with the guidelines set out in the EMOZ the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES			
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	X	N/A
Placement of religious symbols or memorabilia.	X	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	X	N/A
Feeding, disturbing / pursuit of fauna.	X	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated	X	X	N/A



MOTIVATION

and signposted by the Municipal Council from time to time.			
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.			N/A
Staying overnight.	X	X	Residential property.
The discharging of domestic effluent / grey water into all natural systems.	X	X	N/A
Tampering with security / surveillance infrastructure.	X	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	X	N/A
Littering	X	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	X	N/A
Dog walking / exercising of dogs in non-designated zones.	X	X	N/A

**SCHEDULE B
ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES**

A) Activities Only Permitted With Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X		N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X		N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	X	N/A
B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	

**File 24/66
ERF 12872 HERMANUS
Amended August 2024**



MOTIVATION

Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	X	The property has access to the open space.
Commercial filming.	X	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	X	N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	X	The entire property is located in the EMOZ areas.
Commercial Harvesting/collection and removal of any natural resource.	X	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	X	The entire property is located in the EMOZ areas.

It is not predicted that the proposed permanent departure from the maximum permissible height of the boundary wall, will have a negative effect on the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

File 24/66
ERF 12872 HERMANUS
 Amended August 2024



The subject property is located within the 'Scenic Corridor' HPOZ and the 'Costal Strip' HPOZ. The proposal will not have an impact on these Heritage Protection Overlay Zones.

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.

11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains five 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 to rectify a contravention is not predicted to influence past spatial injustices.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The proposed departure intends to ensure the subject property is utilised to its maximum capabilities which includes security, safety and structural integrity.

Efficiency

This proposal is intended to maximise the usage of the subject property.

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 AND RECOMMENDATION

12. EVALUATION

The purpose of submitting this application is to enable the owners to rectify the contravention that had occurred and to ensure that the property has the necessary approvals to be compliant with the OMLUS. The application for exceeding the maximum permissible height of the boundary wall on the subject property presents a comprehensive plan aimed at addressing security, safety, and structural integrity concerns while minimizing negative impacts on the surrounding environment and community.

Motivated primarily by recent thefts and safety hazards near the cliff path, the proposal outlines measures that demonstrates a proactive approach to property management. Additionally, the consideration of aesthetic integration and the selection of appropriate materials suggest a commitment to preserving the area's visual appeal. However, while the proposal addresses immediate needs, such as security and safety, potential long-term economic impacts, such as increased property values, could be further emphasized. Overall, the proposal demonstrates a well-rounded approach to addressing various concerns while striving to maintain harmony with the natural and built environment of the area.

13. RECOMMENDATION

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

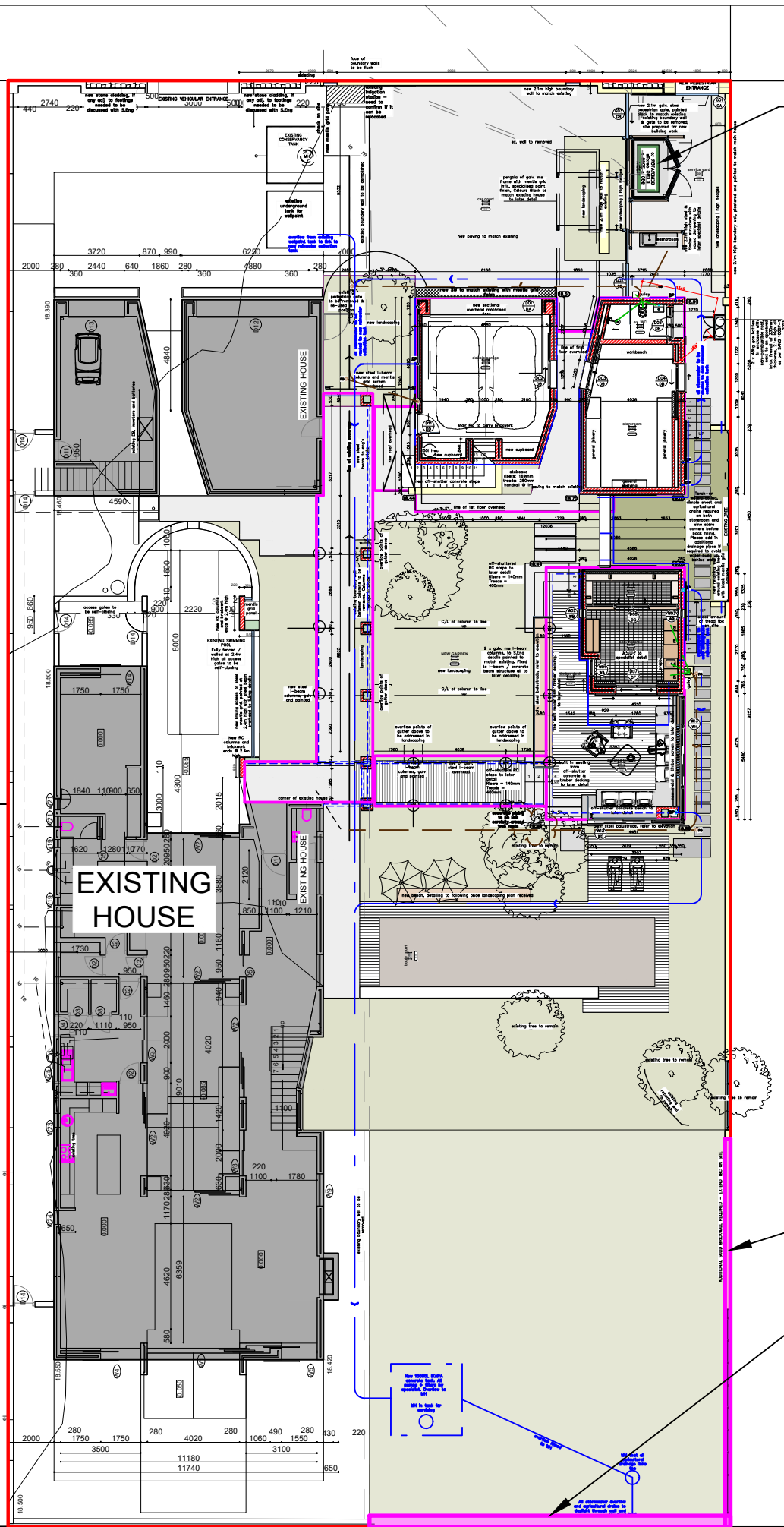
- 13.1 Permanent Departure** to exceed the maximum permissible boundary wall height of 2,1m by $\pm 2,01$ m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent Departure** of the rear building line from 2m to 0m to accommodate filling of more than 1m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4.1 Site Plan
Erf 12872 - Hermanus

Erf 12872 - Hermanus
Extent = 1983m²

Existing Dwelling - 401m²
Proposed Addition - 239m²
Total - 640m²

Proposed Coverage = 32%



PROPOSED GENERATOR
<1m in height from NGL

PROPOSED DEPARTURES
OF THE ALLOWABLE
BOUNDARY WALL HEIGHTS

Scale 1 : 250

Plan date: 2024/06/05

Plan prepared by: Thian Jansen
Plans based on designs from Onyx Architecture

All distances are approximate
and subject to a survey

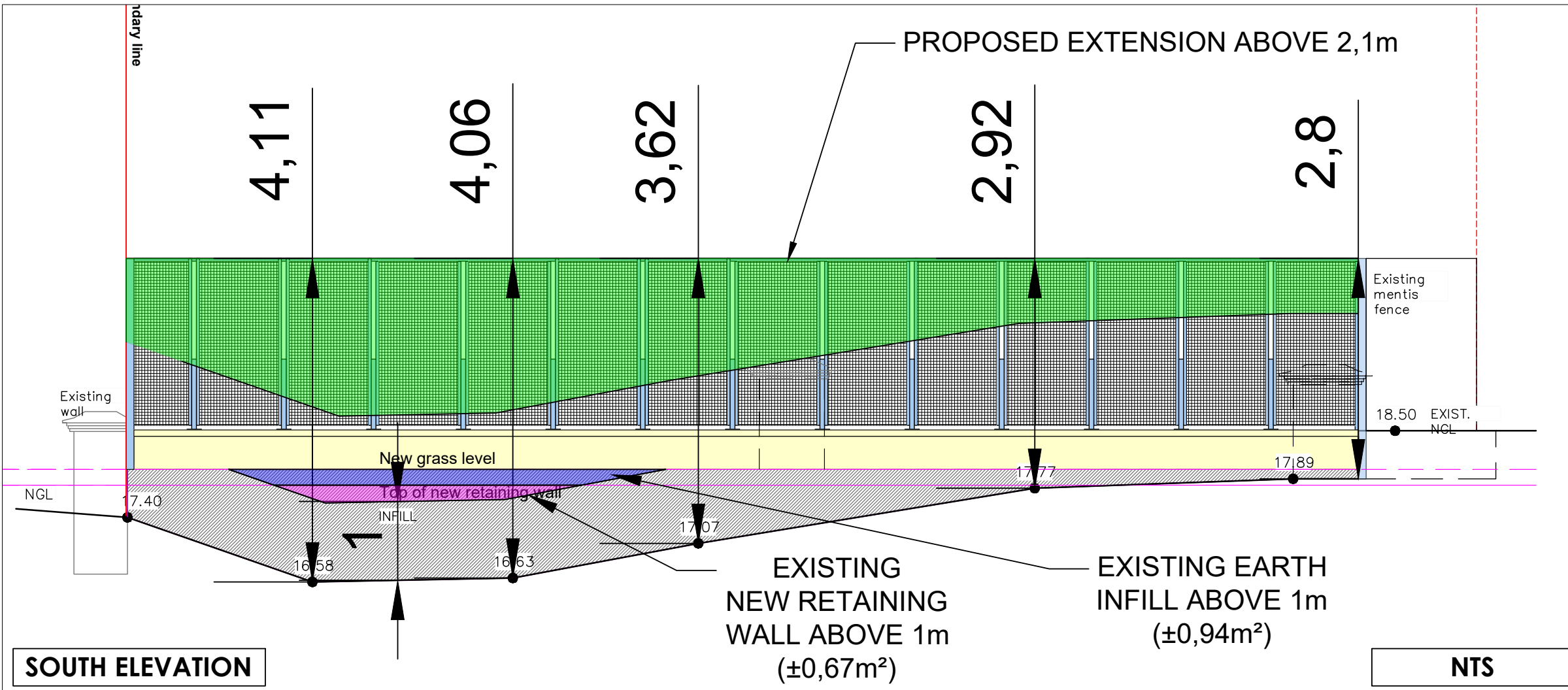
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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

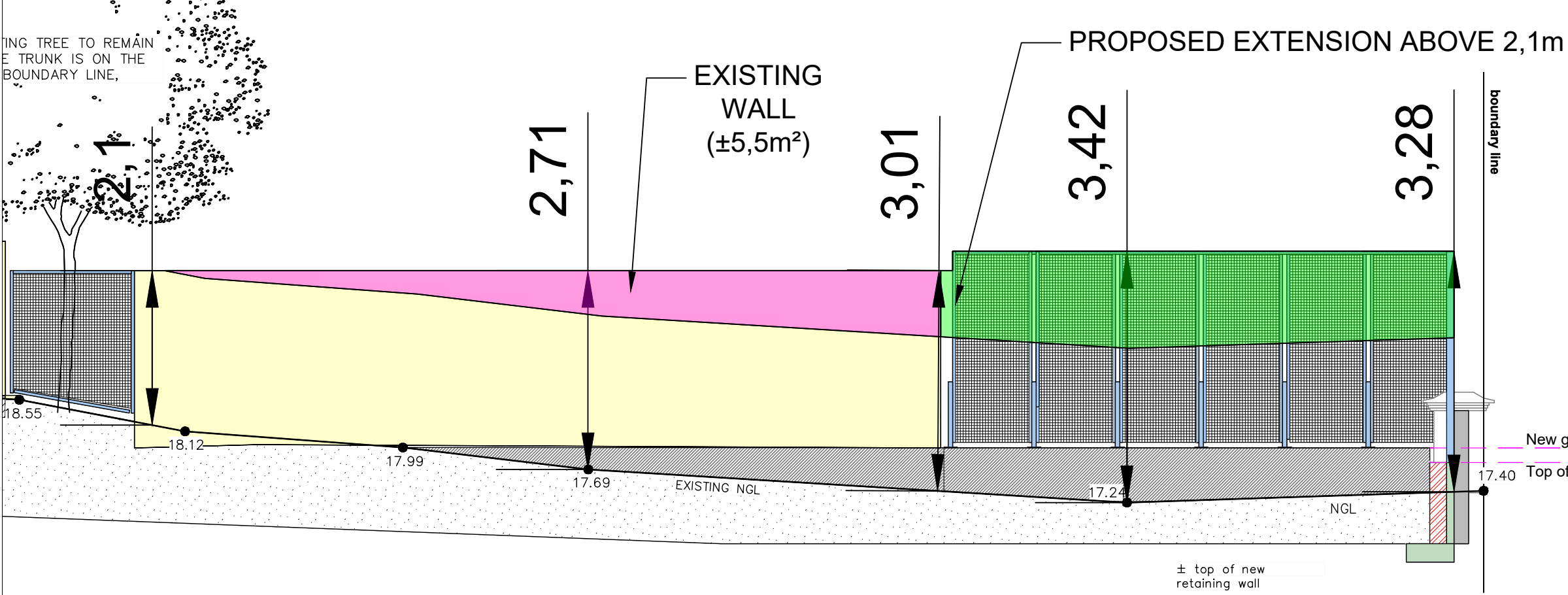


Project Office
Town Planning & Project Management



SOUTH ELEVATION

NTS



NNE ELEVATION

NTS

4.2 Elevations
Erf 12872 - Hermanus

Erf 12872 - Hermanus
Extent = 1983m²

Existing Dwelling - 401m²
Proposed Addition - 239m²
Total - 640m²

Proposed Coverage = 32%

Plan date: 2024/08/02

Plan prepared by: Thian Jansen
Plans based on designs from Onyx Architecture

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 Dirkie Uys
Street Hermanus, 7200

