

## ERF 2064, 48 SIXTH STREET, VOËLKLIP, HERMANUS: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF THE TRUSTEES OF MULLER FAMILIETRUST

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 the following:

- ✚ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the following:
  - western lateral building line from 2m to 0m to accommodate the existing covered stoep.
  - western lateral building line from 2m to 0m to accommodate a proposed new carport.
  - rear building line from 2m to 0m to accommodate the change of use from an existing garage to a storage and laundry room.
  - eastern lateral building line from 2m to 0m to accommodate the change of use from an existing servant's quarters to a guest suite.
  - eastern lateral building line from 2m to 1m to accommodate the existing fireplace and stacking door cavity.
- ✚ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to ensure compliance.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town & Spatial Planning, 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 / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **27 June 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town & Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

## ERF 2064, SESDESTRAAT 48, VOËLKLIP, HERMANUS: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS DIE TRUSTEES VAN MULLER FAMILIETRUST

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek soos volg ontvang is:

- ✚ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die volgende te verslap:
  - westelike syboullyn vanaf 2m na 0m om die bestaande onderdak stoep te akkommodeer.
  - westelike syboullyn vanaf 2m na 0m om om die voorgestelde nuwe motorafdak te akkommodeer.
  - agterboullyn vanaf 2m na 0m om die gebruiksverandering vanaf 'n bestaande motorhuis na 'n stoor- en waskamer te akkommodeer.
  - oostelike syboullyn vanaf 2m na 0m om die gebruiksverandering vanaf 'n bestaande bediendekamer na 'n gastekamer te akkommodeer.
  - oostelike syboullyn vanaf 2m na 1m om die bestaande kaggel en stapeldeurholte te akkommodeer.
- ✚ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening om voldoening te verseker.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, 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 / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **27 Junie 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

## ISIZA 2064, 48 SIXTH STREET, VOËLKLIP, HERMANUS: ISICELO UKUTENXA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE EGAMENI LIKA THE TRUSTEES OF MULLER FAMILIETRUST

Isaziso sinikwe apha ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo we-Overstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, wowama-2020 (uMthetho kaMasipala), sokuba isicelo sifunyenwe koku kulandelayo:

- ✚ **ukutenxa** ngokweCandelo le-16(2)(b) loMthetho kaMasipala, ukunyenya oku kulandelayo:
  - umgca wesakhiwo osecaleni waseNtshona ukusuka kwi-2m ukuya kwi-0m ukulungiselela i-stoep ekhoyo egqunyiweyo.
  - umgca wesakhiwo osecaleni waseNtshona ukusuka kwi-2m ukuya kwi-0m ukulungiselela i-carport entsha ecetywayo.
  - umgca wokwakha ongasemva ukusuka kwi-2m ukuya kwi-0m ukulungiselela utshintsho lokusetyenziswa ukusuka kwigaraji ekhoyo ukuya kwindawo yokugcina kunye negumbi lokuhlamba impahla.
  - umgca wesakhiwo osecaleni waseMpuma ukusuka kwi-2m ukuya kwi-0m ukulungiselela utshintsho lokusetyenziswa ukusuka kwindawo yokuhlala yezicaka esele ikhona ukuya kwindawo yeendwendwe.
  - umgca wesakhiwo osecaleni waseMpuma ukusuka kwi-2m ukuya kwi-1m ukulungiselela indawo yomlilo ekhoyo kunye nomngxuma wodonga apho ucango olusongwayo lugoqa khona.
- ✚ **ukumiselwa kwesohlwayo solawulo** ngokweCandelo le-16 (2)(q) loMthetho kaMasipala ukuqinisekisa ukuthotyelwa.

Iinkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu neSithuba, eHermanus. Naziphi na izimvo ezibhaliweyo zinokungeniswa ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo (16 Paterson Street, Hermanus / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla **wama-27 uJuni 2025**, ucaphula igama lakho, idilesi kunye iinkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ye-Telephonic inokwenziwa **kuMnu P Roux** kwi-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvula. Nawuphi na umntu ongakwaziyo ukufunda nokubhala unokwendwela iSebe leDolophu noCwangciso lweMihlaba apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.

# Plan 1. Locality Plan Erf 2064 - Hermanus



Subject property

Plan prepared by: Veronica Jansen

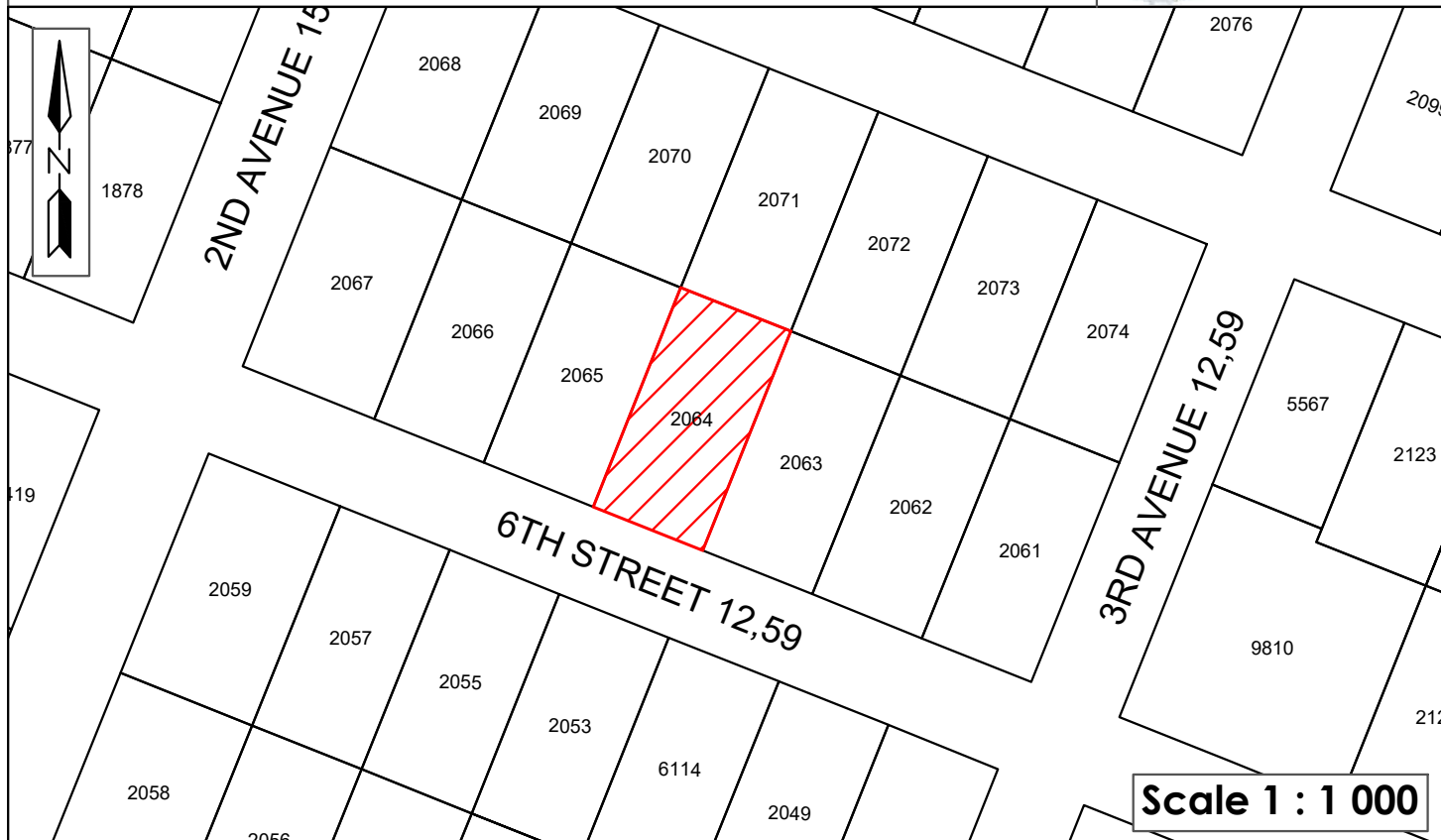
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



**Project Office**  
Town Planning & Project Management





## **ERF 2064 HERMANUS**

### APPLICATION FOR PERMANENT DEPARTURE AND THE DETERMINATION OF AN ADMINISTRATIVE PENALTY

**Application prepared for:**

Muller Familietrust

**Application prepared by:**

WRAP Project Office  
PostNet Hermanus Suite 170  
Private Bag X16  
Hermanus 7200  
Tel: 028 313 1411  
Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)  
Web: [www.wrapgroup.co.za](http://www.wrapgroup.co.za)

**Author**

Veronica Jansen (A/3184/2022)

**Submitted and amended**

April 2025



**TABLE OF CONTENTS**

OVERSTRAND MUNICIPALITY APPLICATION FORM

1. ABBREVIATIONS .....	1
2. PROPERTY DETAILS.....	1
3. BACKGROUND AND INTENT .....	1
4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT .....	1
5. LAND USE ENVIRONMENT .....	8
6. TITLE DEED .....	8
7. ZONING.....	8
8. SERVICES.....	9
9. NEED AND DESIRABILITY .....	10
10. POLICIES AND REGULATIONS .....	11
11. PLANNING PRINCIPLES.....	12
12. EVALUATION.....	<b>Error! Bookmark not defined.</b>
13. RECOMMENDATION .....	14

**LIST OF PLANS**

- PLAN 1:** LOCALITY PLAN
- PLAN 2:** ZONING PLAN
- PLAN 3:** DEPARTURE PLAN
- PLAN 4:** SURVEYOR GENERAL DIAGRAM

**LIST OF ANNEXURES**

- ANNEXURE A:** POWER OF ATTORNEY
- ANNEXURE B:** COPY OF THE TITLE DEED
- ANNEXURE C:** ARCHITECT BUILDING PLAN
- ANNEXURE D:** APPROVED BUILDING PLANS



---

### 1. ABBREVIATIONS

---

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

---

### 2. PROPERTY DETAILS

---

<b>Erf Number</b>	Erf 2064 Hermanus
<b>Extent</b>	495m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

---

### 3. BACKGROUND AND INTENT

---

Erf 2064 Hermanus, referred to as the subject property, is located at 48 Sixth Street, Voëlklip, Hermanus (refer to **Plan 1 – Locality Plan**). The owner appointed WRAP Project Office to submit this land use application on their behalf (refer to **Annexure A – Power of Attorney**).

The property was transferred to the current owner in November 2024. Upon taking occupation, they converted the existing garage into a storage room and the servant's quarters into a guest suite, unaware that this change in use would require land use approval.

The owner submitted building plans to the Overstrand Municipality for the proposed carport and existing covered stoep, fireplace and stacking door cavity. Subsequently, they were informed that the proposed- and existing structures including the change of use for the garage and servant's quarters, would require land use approval. As a result, this application for permanent departure and determination of an administrative penalty is required.

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

- Permanent departure from the building lines;
- Permanent departure to accommodate a use-change; and
- Determination of an administrative penalty.

---

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

---

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

**4.1 Permanent departure** from the 2m western side building line to 0m to allow the existing covered stoep.

The subject property is relatively small, measuring only 495m<sup>2</sup>, and the efficient use of space is essential for creating a functional and practical living environment. The existing covered stoep, which encroaches approximately 10.88m<sup>2</sup> over the building line, is a minor deviation that allows the owner to maximize their outdoor living area while maintaining the character of the neighbourhood.

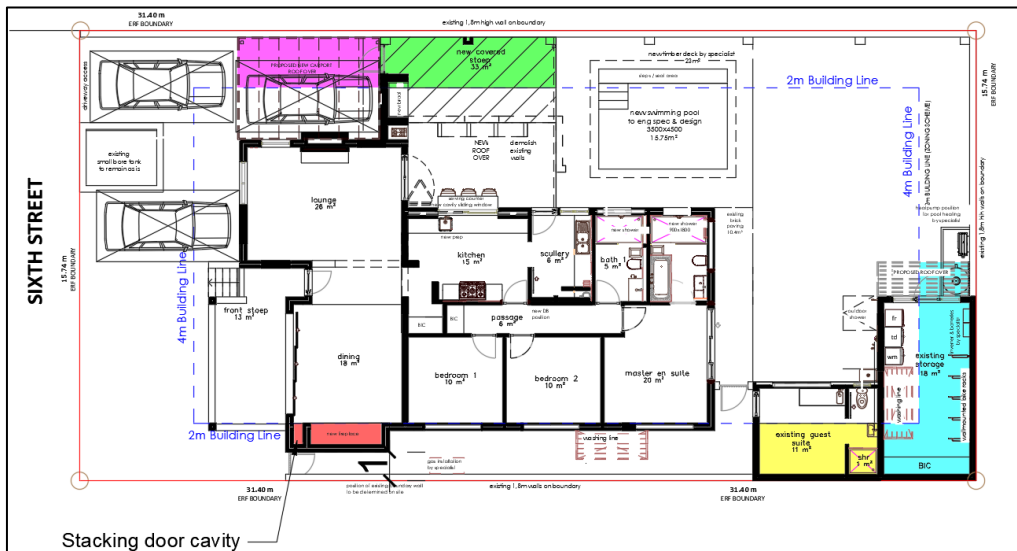


Figure 1: Existing covered stoep indicated in green

The covered stoep is designed as an extension of the kitchen and entertainment area, providing a sheltered space for social gatherings and braais while offering protection from natural elements such as sun and rain. This addition will enhance the usability of the outdoor space, particularly in relation to the pool area, without negatively affecting the surrounding properties. Given that many homes in Voëlkop incorporate similar entertainment spaces, the proposal is in keeping with the established character of the area and does not introduce any visual or functional inconsistencies.

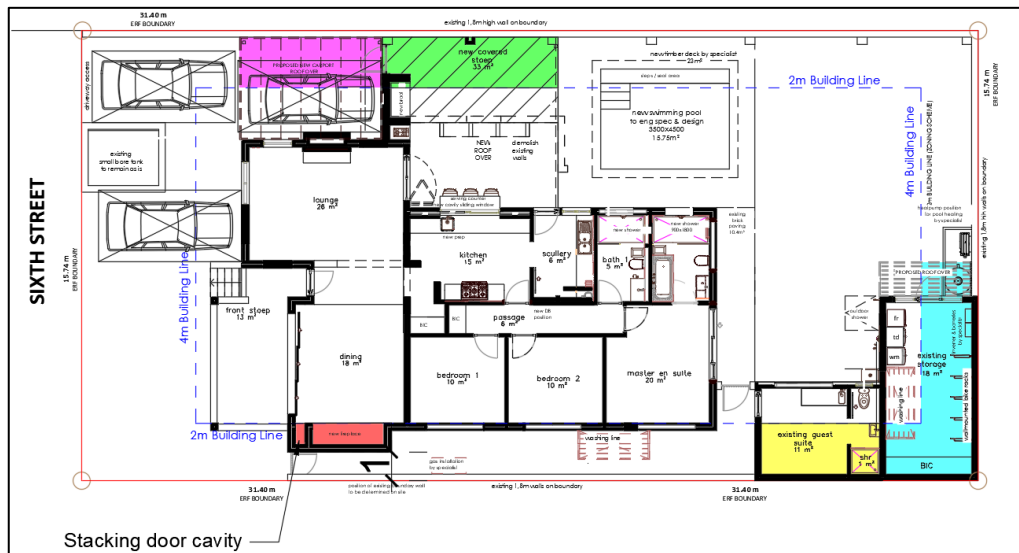
Furthermore, the proposed encroachment will not pose any adverse impact on the surrounding properties in terms of privacy, access to natural light, or ventilation. The covered stoep is visually unobtrusive and ensures that the overall aesthetic appeal of the property is preserved. Considering the small size of the erf and the minor nature of the encroachment, the approval of an application for a permanent departure will allow the owner to make optimal use of their property while maintaining harmony with the surrounding built environment.

**4.2 Permanent departure** from the 2m western side building line to 0m to allow the proposed carport.

This departure is necessary to allow for the construction of a carport at the front of the property. This adjustment is essential due to the practical challenges posed by the current layout of the erf. The existing garage, which was originally intended for vehicle parking, has been converted into a storage and laundry room, leaving the owner without

covered parking for their vehicles. Given the garage's location at the rear of the property, accessing it daily used to be inconvenient, making a front-positioned carport a more practical solution. The carport will also eliminate the need to daily reverse down a narrow driveway.

Figure 2: Proposed carport indicated in purple



The proposed carport will serve a critical function in protecting the owner's vehicles from the elements, particularly in Voëlkliip's coastal environment, where sun, rain, and wind can cause significant wear and tear over time. Without adequate shelter, vehicles are exposed to accelerated deterioration, leading to higher maintenance costs and reduced lifespan. The carport's placement at the front of the property ensures ease of access, eliminating the need to navigate through the entire erf each time a vehicle is parked or retrieved.

From a spatial and aesthetic perspective, the carport's design is intentionally for low impact. It will be an open-sided, lightweight structure rather than an enclosed building, ensuring it does not dominate the streetscape or obstruct views. Its minimal footprint means it will not interfere with municipal services such as stormwater drainage or sewer lines, nor will it negatively affect the surrounding properties. The proposed structure is purely functional and does not introduce any privacy or overshadowing concerns that might arise with a more substantial development.

Furthermore, this departure aligns with broader urban planning principles, where minor relaxations in building lines are often permitted for non-invasive, ancillary structures like carports. The request is specific to the unique circumstances of this property, namely the conversion of the garage and the impracticality of rear parking and does not set an unreasonable precedent. The proposal balances the owner's needs with the municipality's planning regulations.

The permanent departure for the carport is a reasonable and necessary adjustment that will enhance the property's functionality without causing any adverse impacts on the surrounding area. The departure will allow for the efficient and practical use of the land.



### **4.3 Permanent departure** from the 2m rear building line to 0m to allow the use change of the existing garage to a storage and laundry room.

The departure is essential to formalize the change in use of the existing garage to a combined storage and laundry room. This adjustment is necessary to accommodate the practical needs of the owner while ensuring compliance with municipal regulations. The conversion of the garage has already taken place, and this application seeks to rectify the oversight of not obtaining prior approval, ensuring that the property's use aligns with the Overstrand Municipality's requirements.

The existing garage, which is located at the rear of the property, has been repurposed to better suit the owner's daily living needs. Given the limited space within the main dwelling, the garage's conversion into a storage and laundry room provides a functional and efficient solution. Storage space is crucial for maintaining an organized household, particularly in this case where the owner owns a number of bicycles which are large in size and needs to be locked up. Additionally, locating the laundry facilities in this room helps free up space inside the main house, improving overall liveability. This change does not introduce any new structures but rather adapts an existing one to better serve the occupants' needs.

The proposed use change has minimal impact on the surrounding environment. The garage's existing footprint remains unchanged, meaning there is no additional encroachment beyond what was already approved on the original building plans and the surrounding properties have become accustomed to the structure in its current place. The activities associated with storage and laundry are low impact, generating no significant noise, traffic, or environmental disturbances that would affect the surrounding properties. Furthermore, the positioning of the structure at the rear of the property ensures that the change in use does not alter the streetscape or the visual character of the area.

It is important to note that a storage room and a laundry is non-habitable space of which only  $\pm 17,69\text{m}^2$  is located over the 2m building line. The footprint is not proposed to change, only the use. The departure from the 2m rear building line is motivated given the structure's existing placement and the absence of adverse effects on municipal services or adjacent properties. The proposal is for a minor deviation to be permitted to accommodate reasonable and practical modifications of an existing building.

To conclude, the permanent departure for the use change of the garage to a storage and laundry room is a sensible and necessary adjustment that enhances the functionality of the property without compromising municipal planning objectives. The conversion supports efficient household management while maintaining the integrity of the surrounding environment. The proposed use does not involve any new structural additions but simply a change in use of the existing structures as motivated throughout this report.

### **4.4 Permanent departure** from the 2m eastern side building line to 0m to allow the use change of the servant's quarters to a guest suite.

This departure is necessary to formalize the change in use of the existing servant's quarters to a guest suite. The current owner has converted the servant's quarters as they do not have a housekeeper that resides on-site which would have resulted in wasted



space if it was not converted. This use change reflects contemporary living needs, where modern homeowners increasingly require dedicated, private accommodation for family and friends that visit. The use change therefore aligns with current residential trends while maintaining the structural integrity and character of the property.

The existing servant's quarters, originally designed for domestic staff, have been repurposed as a self-contained guest suite to better serve the owner's needs. Modern homes often incorporate such spaces to provide privacy for both hosts and guests which is a practical solution that avoids the disruption of accommodating visitors within the main dwelling. The guest suite consists of a bedroom and bathroom, offering essential amenities without the need for extensive alterations. This change of use enhances the property's functionality and aligns with the evolving demands of residential living, where flexibility and comfort are prioritized.

From a planning perspective, the proposed use change has no adverse impact on the surrounding environment or surrounding properties. The existing structure's footprint remains unchanged, ensuring no additional bulk or encroachment beyond the originally approved building lines. The guest suite's use is low impact, generating no additional noise, traffic, or strain on municipal services as it will only be occupied occasionally as compared to a servant's quarters.

The relaxation of the eastern building line is further motivated by the structure's existing placement and the absence of negative impacts on public spaces or adjacent properties. The guest suite's design respects the privacy of neighbours, with no windows or doors positioned to cause overlooking or nuisance. This adaptation is consistent with the Overstrand Municipality's broader planning goals, which encourage the efficient and practical use of existing buildings while maintaining residential amenity.

The servant's quarters is proposed to be converted into a guest suite and will be used independently by family and friends who visits the owner. Therefore, no additional habitable space (8,92m<sup>2</sup> over the building line) is created as the footprint of the building remains the same and only the use is proposed to be changed.

Therefore, the permanent departure for the use change to a guest suite is a reasonable and forward-thinking adjustment that meets modern living standards without compromising municipal regulations. It supports the property's utility and value while respecting the character of the area. The proposed use does not involve any new structural additions but simply a change in use of the existing structures as motivated throughout this report.

**4.5 Permanent Departure** from the 2m eastern side building line to 1m to allow the existing fireplace and stacking door cavity.

This permanent departure is requested to allow for the existing fireplace and stacking door cavity as part of the internal modifications aimed at improving the overall functionality and comfort of the home. The encroachment is modest in extent ( $\pm 3,67\text{m}^2$ ) and represents a targeted design solution to optimise the use of available space on a relatively small erf of 495m<sup>2</sup>.



The fireplace and stacking doors form part of a wider enhancement of the internal living area and serve both a functional and aesthetic purpose. The fireplace contributes to indoor climate control, improving comfort during the colder winter months, while the stacking doors create a seamless transition between indoor and outdoor living areas, increasing the sense of space and natural light penetration. This is especially beneficial for smaller properties, where thoughtful spatial planning significantly improves liveability.

The encroachment does not result in any additional habitable floor area, nor does it negatively affect the privacy, sunlight access, or ventilation of the neighbouring property. The structure will remain single-storey and visually unobtrusive, ensuring that the established character and streetscape of the area are preserved. Furthermore, similar minor encroachments are common in the Voëlklip area, particularly where property sizes are limited, and functional space optimisation is necessary.

In light of the limited impact of the encroachment and the benefits it offers in terms of improved energy efficiency, usability, and architectural integration, this departure is requested. Approval of the departure will enable the owners to make practical use of their property without compromising the integrity of the surrounding built environment.

#### **4.6 Determination of an administrative penalty** in terms of Section 90(5).

The existing garage was converted into a storage and laundry room, while the servant's quarters were repurposed as a guest suite, both changes occurring in December 2024, immediately after the owner's took transfer of the property. These alterations did not involve any structural expansion or additional building work but rather constituted a simple change in the use of existing spaces. The encroachments are minimal (17.69m<sup>2</sup> and 8.92m<sup>2</sup>, respectively – refer to **Plan 3**), and the new uses are ancillary to the primary residential function of the property, posing no adverse impact on the surrounding erven or municipal services. Given the non-invasive nature of the changes and their short duration, a reduced penalty is requested. The nature, duration, gravity, and extent of the contravention are minor and do not warrant a severe administrative penalty.

The conduct of the property owner demonstrates good faith and a willingness to comply with municipal regulations. There was no intention to deliberately contravene the OMLUS. The owner, being new to the property, were unaware that repurposing existing structures required prior approval. Upon being informed of the oversight by the Municipality, they immediately ceased further modifications and initiated this application to rectify the situation. Their proactive approach underscores their commitment to adhering to legal requirements.

Furthermore, the unlawful use has not been discontinued, as the storage and laundry room and guest suite remain functional. However, this is not due to defiance but rather necessity as the main dwelling lacks alternative storage and laundry space, and the guest suite is only used occasionally by visiting family and friends. Reverting these spaces to their original use would impose undue hardship on the owner given that the changes improve the liveability of the property without negatively affecting the public interest.

As previously mentioned, the owner constructed the covered stoep, fireplace and stacking door cavity over the building line without prior approval from the OM. The encroachments were not a deliberate act of non-compliance but rather a



misunderstanding of the approval process. The covered stoep (approximately 10,88m<sup>2</sup>) as well as the fireplace and stacking door cavity (approximately ±3,67m<sup>2</sup>) is a minor encroachment that does not negatively affect the neighbouring properties in terms of privacy, access to sunlight, or ventilation. The owner has not received any complaints with regard to the encroachments. The structure is visually unobtrusive and aligns with the established character of Voëlklip, where similar entertainment spaces are common. The owner has no history of previous non-compliance and has demonstrated a proactive approach in resolving the matter.

To the knowledge of this office, the owner has no prior record of contravening municipal planning laws, further supporting the case for a reduced penalty. This is their first violation, and it stems from a lack of awareness rather than negligence or deliberate non-compliance. The Overstrand Municipality's bylaws aim to ensure orderly development while allowing for pragmatic solutions in cases where no harm is caused. Imposing a nominal penalty would align with this principle, recognizing the owner's cooperation.

The contravention was unintentional, promptly addressed, and of minimal consequence to the broader planning framework. In light of the above, it is requested that the administrative penalty be reduced.

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 it is of importance to include the determination of an administrative penalty into this application. We would however like to request that the administrative penalty be reduced as this application serves as method to rectify contravention that had occurred.

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

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

The nature, gravity and extent are explained in **Section 3, 4.3 and 4.4** above and summarised below:

- The existing covered stoep was constructed in December 2024 when the owner took transfer of the property.
- The existing garage was converted to a storage- and laundry room in December 2024 when the owner took transfer of the property.
- The existing servant's quarters was converted to a guest suite in December 2024 when the owner took transfer of the property.
- The existing fireplace and stacking door cavity were constructed in December 2024 when the owner took transfer of the property.

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

The intention was never to knowingly contravene the provisions of the OMLUS. The property owner had a vision and executed this vision and there was never any malintent planned by the property owner.

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

Due to the small scale of the contravention, a quantity surveyor was not involved.



**Whether the unlawful conduct was stopped**

The storage and laundry room as well as the guest suite is still used for such purpose. There is no laundry room or storage area in the home for the owner to use and therefore it is still being used for such purpose and as previously mentioned, the guest suite is only used occasionally.

The covered stoep, fireplace and the stacking door cavity are still used for such purposes as the construction had already been completed before the owner became aware that municipal approval was required, and reversing the work would be financially unviable, making rectification through the land use application the most reasonable solution.

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

**6. TITLE DEED**

Title deed T71875/2024 (refer to **Annexure B**) was perused and there are no restrictive conditions that prohibit the proposal.

**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:

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	Crèche, <b>Dwelling House</b> , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
<b>Consent use that may be applied for</b>	Day Care Centre, Green House, <b>Guest House</b> , House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.		<b>Applied for and motivated</b>
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is	Proposed Coverage = <b>42,3%</b>	Comply



**MOTIVATION**

	determined in accordance with the net erf area: 400m <sup>2</sup> and greater = 50%		
<b>Building lines</b>	<p>(i) The street building line is determined in accordance with the net erf area: 400 m<sup>2</sup> and greater = 4m</p> <p>(ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m<sup>2</sup> = 2m</p>	<p>(i) Comply</p> <p>(ii) Permanent departure:</p> <ul style="list-style-type: none"> <li>• From the 2m western side building line to 0m to allow the existing covered stoep.</li> <li>• Permanent departure from the 2m western side building line to 0m to allow the proposed carport.</li> <li>• Permanent departure from the 2m rear building line to 0m to allow the use change of the existing garage to a storage and laundry room.</li> <li>• Permanent departure from the 2m eastern side building line to 0m to allow the use change of the servant's quarters to a guest suite.</li> <li>• Permanent departure from the 2m eastern side building line to 1m to allow the existing fireplace and stacking door cavity.</li> </ul>	<b>Applied for and motivated</b>
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Existing single storey.	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	Proposed carport. Parking is provided as illustrated on <b>Plan 3 - Departure Plan.</b>	Comply

**8. SERVICES**

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



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

The subject property is connected to the OM's networks, which include electricity, water and sewage. The proposal of this application is not expected to put excessive amount of pressure on these networks.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the subject property is gained from Sixth Street and the proposal will not affect this.

**9. NEED AND DESIRABILITY**

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

**Need and desirability**

The need for the land use application is a result of addressing all the land use requirements and ensuring the property meets the requirements of the owner. To achieve this, the owner is required to apply for a permanent departure and a determination of an administrative penalty.

Socio-economic impact	The proposal enables efficient use of the property while maintaining the character of the neighbourhood, the benefits include: Improved living standards for the owner by protecting their vehicle from the elements, having storage as well as a separate room for visiting family and friends. Practical upgrades will preserve the property value and will not result in additional traffic, noise or visual disruption.
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 as the property is designed to maintain its residential feel, ensuring it does not disrupt the tranquillity of the neighbourhood. The property use is consistent with the local residential atmosphere, and it provides a quiet and comfortable environment for the owner and neighbours alike.
Impact on the external engineering services	Refer to <i>Section 8</i> of this report.
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	The proposal will not have an impact on traffic, parking or access as all will remain the same with a proposed carport on the property for parking for the owner's vehicle.



transport related considerations	
----------------------------------	--

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

The subject property is located in a residential neighbourhood and the existing buildings are compliant with the OMLUS's development parameters ensuring no views, sunlight, or the character of the area is affected. The additions were designed in such a way to ensure it does not take away from the character of the area. It is not predicted that the proposal will have any impact on the views, sunlight, and character of the area.

**Economic impact**

The proposal will enhance the property's functionality. By formalizing these minor, non-disruptive improvements, the application contributes to sustainable property utilization without imposing costs on municipal infrastructure or surrounding properties.

**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 the surrounding properties.

**Impact on heritage**

As previously mentioned, the subject property is not listed in the OM Heritage Register.

**Environmental impact**

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

---

**10. POLICIES AND REGULATIONS**

---

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

The subject property is not located within the EMOZ.

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

The subject property is not located within the HPOZ.

**10.3 Spatial Planning Policies**

**PSDF**

The objective of the policy is to create an enabling policy environment and prioritises the creation of employment opportunities, social inclusion and improvement of the quality of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies which are aimed at creating a policy alignment between different spheres of government.

**Consistency of the proposal with the policy**

The proposal embodies the PSDF's focus on improving quality of life through pragmatic, low-impact spatial interventions.

The proposal supports the PSDF's goals of sustainable development and improved quality of life. The approval of the permanent departures from building lines (covered stoep,



fireplace, stacking door cavity, carport, storage/laundry conversion, and guest suite) enable efficient use of the compact 495m<sup>2</sup> property. These minor adjustments optimize existing structures without physical expansion of buildings, aligning with the PSDF's principles of managed densification and spatial efficiency.

The storage and laundry improvements enhance residential functionality, directly contributing to quality-of-life objectives. All changes maintain the character of the neighbourhood and results in no environmental impact.

The administrative penalty application demonstrates good governance alignment, as it proactively addresses unintentional non-compliance through proper channels. This regularization process upholds the PSDF's emphasis on policy coordination across government levels while applying reasonable redress for minor, good-faith contraventions.

To conclude, the proposal represents a balanced approach that aligns with objectives of the PSDF, such as promoting sustainable urban living and maintaining effective spatial governance, all through minimal, pragmatic adjustments to an existing residential property.

### **MSDF**

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban area. Development proposals should also capitalise on the unique sense of place which urban areas in the Overstrand are renowned for. The SDF promotes developments that enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

### **Consistency of the proposal with the policy**

The proposal aligns with the Overstrand MSDF's strategic focus on sustainable development and efficient land use within urban areas. The permanent departures support the MSDF's emphasis on optimizing existing residential properties through minor, low-impact adaptations. By converting underutilized spaces into functional areas, the application demonstrates the MSDF's principle of enhancing property utility without expanding built footprints.

The covered stoep and carport improvements reflect the framework's allowance for practical residential upgrades. All changes maintain the character and scale of the neighbourhood which is consistent with the MSDF's urban design guidelines.

Collectively, the proposal aligns with key MSDF objectives such as promoting sustainable residential development, supporting local tourism needs, and maintaining orderly urban management - all through reasonable, minimal adjustments to an existing property.

---

## **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 contribute to past spatial injustices.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal fits in with the character of the neighbourhood as the proposal optimizes the use of the existing erf with an extent of 495m<sup>2</sup> through minor, low-impact additions and alterations that improve liveability without expanding the built footprint or disrupting the character of the neighbourhood.

### **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.

---

## **12. EVALUATION**

---

The applications present reasonable and proportionate solutions to enhance the property's functionality while respecting its urban context. The minor departures represent sensible use changes of existing structures and additions, improving liveability without compromising the character of the surrounding area or the municipal planning objectives. The proposal is justified by the practical needs of the owner and demonstrates minimal impact on the surrounding properties. The conversions optimize underutilized spaces, while the building line relaxations address specific site constraints without creating undesirable precedents.

The application serves as a mitigation measure to determine the administrative penalty, as there has been no malintent and no complaints have been received regarding the use changes. The owner has also taken corrective steps to submit this application to ensure the property is compliant. The owner now understands the land use process and will ensure that all buildings adhere to the provisions of OMLUS in the future. The proposal is not out of context with the surrounding area and is in harmony with all relevant spatial planning policies.



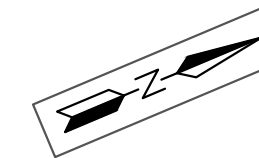
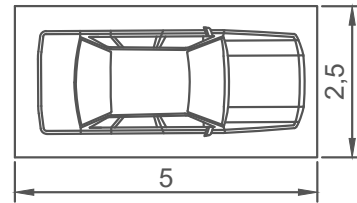
---

### 13. RECOMMENDATION

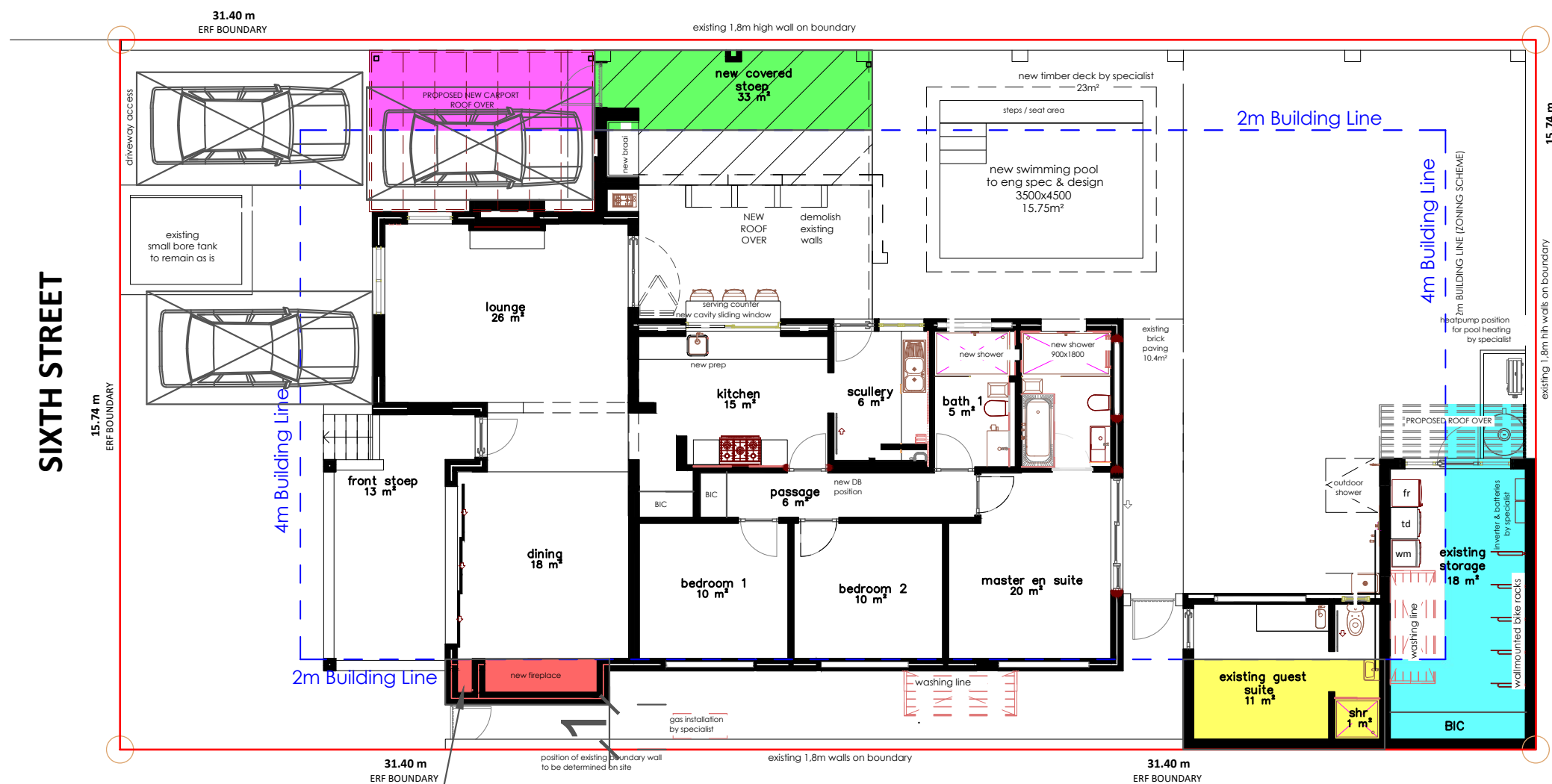
---

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

- 13.1 Permanent departure** from the 2m western side building line to 0m to allow the existing covered stoep in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent departure** from the 2m western side building line to 0m to allow the proposed carport in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Permanent departure** from the 2m rear building line to 0m to allow the use change of the existing garage to a storage and laundry room in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.4 Permanent departure** from the 2m eastern side building line to 0m to allow the use change of the servant's quarters to a guest suite in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.5 Permanent departure** from the 2m eastern side building line to 1m to allow the existing fireplace and stacking door cavity in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.6 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



### ERF 2065 HERMANUS



Stacking door cavity

### ERF 2063 HERMANUS

### ERF 2071 HERMANUS

## Plan 3.1 Departure Plan Erf 2064 Hermanus

Permanent departure from the **2m** western side building line to **0m** to allow the proposed covered stoep.

Permanent departure from the **2m** western side building line to **0m** to allow the proposed carport.

Permanent departure from the **2m** rear building line to **0m** to allow the use change of the existing garage to a storage & laundry area.

Permanent departure from the **2m** eastern side building line to **0m** to allow the use change of the servant's quarters to a guest suite.

Permanent departure from the **2m** eastern side building line to **1m** to allow the proposed fireplace and stacking door cavity.

- Proposed carport: ± 8,84m<sup>2</sup>
- Existing covered stoep: ± 10,88m<sup>2</sup>
- Existing storage & laundry area: ± 17,69m<sup>2</sup>
- Existing guest Suite: ± 8,92m<sup>2</sup>
- Proposed fireplace & stacking door cavity: ± 3,67m<sup>2</sup>

Plan prepared by: Veronica Jansen on 23/04/2025  
Based on plans from Skep Studio

Plan Number - 24/177 (002)

All distances are approximate and subject to a survey

Tel: 028 313 1411

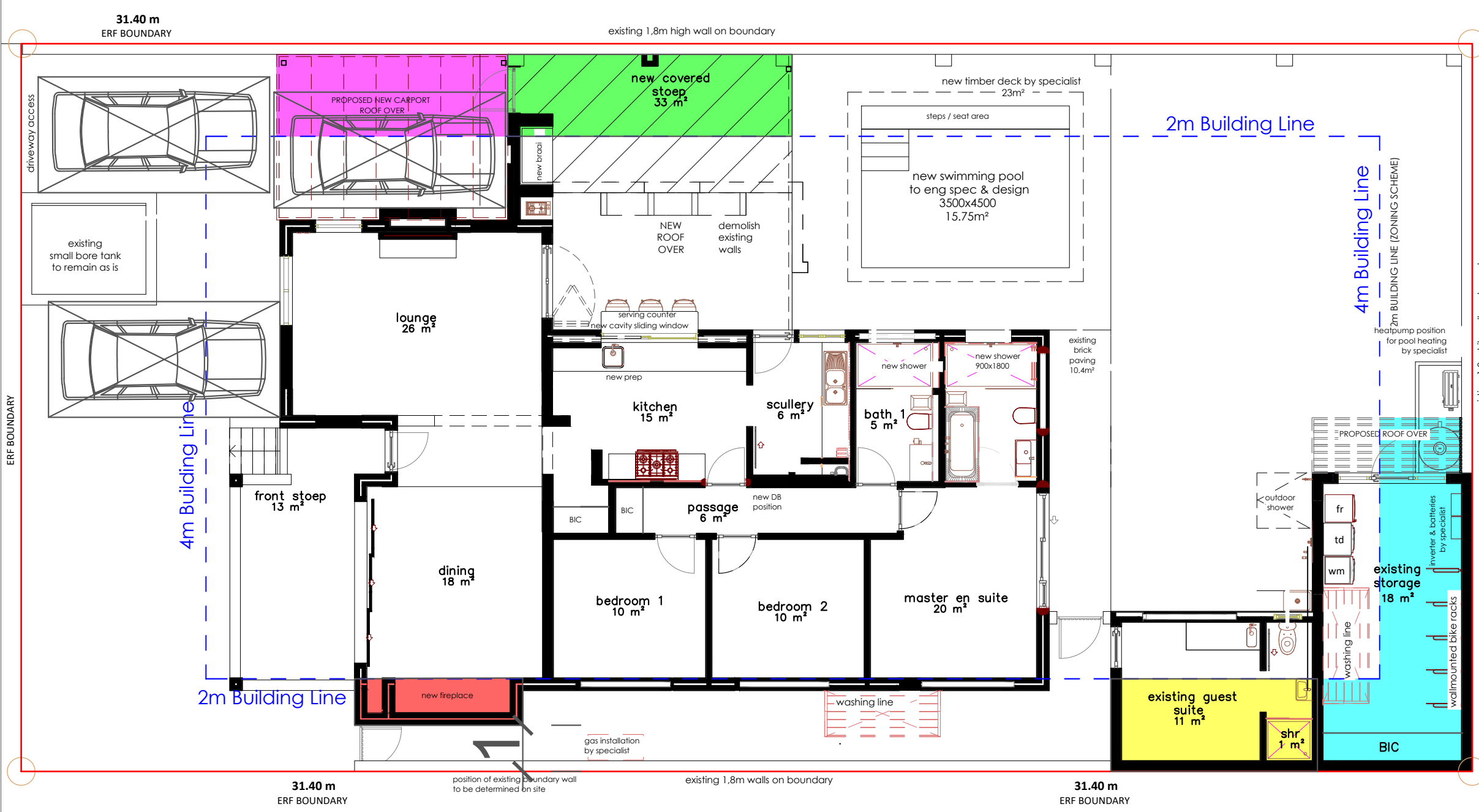
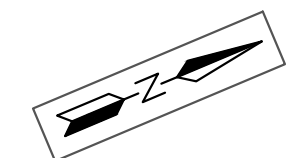
Email: admin@wrapgroup.co.za

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

SCALE 1 : 250



# ERF 2065 HERMANUS



**Plan 3.2 Departure Plan**  
**Erf 2064 Hermanus**

Permanent departure from the **2m** western side building line to **0m** to allow the proposed covered stoep.

Permanent departure from the **2m** western side building line to **0m** to allow the proposed carport.

Permanent departure from the **2m** rear building line to **0m** to allow the use change of the existing garage to a storage & laundry area.

Permanent departure from the **2m** eastern side building line to **0m** to allow the use change of the servant's quarters to a guest suite.

Permanent departure from the **2m** eastern side building line to **1m** to allow the proposed fireplace and stacking door cavity.

- Proposed carport:  
± 8,84m<sup>2</sup>
- Existing covered stoep:  
± 10,88m<sup>2</sup>
- Existing storage & laundry area:  
± 17,69m<sup>2</sup>
- Existing guest Suite:  
± 8,92m<sup>2</sup>
- Proposed fireplace & stacking door cavity:  
± 3,67m<sup>2</sup>

Plan prepared by: Veronica Jansen on 23/04/2025  
 Based on plans from Skep Studio  
 Plan Number - 24/177 (002)

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

# ERF 2063 HERMANUS

**SCALE 1 : 100**

