



ERF 2440, 12 DUIKER CRESCENT, SANDBAAI, HERMANUS: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF A.J. & I VAN DER MERWE

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 By-Law read with Section 6.1.2. (c)(i) of the Overstrand land Use Scheme Regulations (2020) to relax the height restriction from 8m to 8.54m to accommodate the existing roof pitch.
- **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

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 **11 October 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. B Minnaar** 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 2440, DUIKER SINGEL 12, SANDBAAI, HERMANUS: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE PLAN ACTIVE STADS & STREEKS BEPLANNERS NAMENS A.J & I VAN DER MERWE

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

- **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening saamgelees met Artikel 6.1.2. (c)(i) van die Overstrand grondgebruik skemaregulasies (2020) vir die verslapping van die hoogte beperking van 8m tot 8.54m om die bestaande dak helling te akkommodeer.
- **Bepaling van administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening.

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 **11 Oktober 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. B Minnaar** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA ESINGU-ERF 2440, 12 DUIKER CRESCENT, SANDBAAI, HERMANUS: ISICELO SOKWAHLULA NENGIKELELO YOBHALISO LOMDLIWO: ABANUM BAKWAPLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKA-A.J. & I VAN DER MERWE

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 loMthethwana kaMasipala wase-Overstrand OsisiHlomelo NgeZicwangciso ZokuSetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana) nosebenza kokulandelayo:

- **Ukwahlula** ngokwemiba yeSoloty le16(2)(b) loMthethwana ofundeka neSoloty 6.1.2. (c)(i) Lemiqathango YeSkim NgokuSetyenziswa koMhlaba kaMasipala wase-Overstrand (2020) ukunyenyisa imiqobo nesithintelo sobude ukusuka kwiimitha ezi-8m ukuya kwi-8.54m ukulungiselela ukuphakama kophahla osele lukhona.
- **Inggikелеlo yobhaliso lomdliwo** ngokwemiba yeSoloty le16(2)(q) loMthethwana.

Iinkcukacha eziphelelyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Lezicwangciso ZeDolophu, Paterson Street, Hermanus. Naziphi na izimvo mazibhalwe zingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi **komhla 11 eEyedwarha 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa **kuMchwangcisi weDolophu, Mnu. B Minnaar kwa**028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe LeziCwangciso zeDolophu apho igosa likaMasipala lizakumncedisa ukuhlomla ngokusemthethweni.



 The site

PLAN Active
 Stads- en Streeksbeplanners
 Town & Regional Planners

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

Property Description:
**ERF 2440
 SANDBAAI**

Plan Description:
LOCALITY MAP

Scale: NTS
 Drawing Nr: sand2440L.drw
 Date: JULY 2024



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

ERF 2440 SANDBAAI

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by A.J. & I. van der Merwe, the owners of erf 2440 Sandbaai, to apply for an administrative penalty and departure of the subject property.

The subject property is developed with a double storey dwelling and double and single garages. Our client obtained municipal building plan approval for the residential structures on the subject property on 3 September 2021, indicating the maximum permissible height of the roof pitch to be 52,458m (copy of the approved building plan attached). Upon completion of construction of the approved structures Geomatics Africa Land Surveyors were appointed to undertake a height survey and issue a height restriction certificate to confirm the "As Built" height of the structures. Refer to the height restriction certificate dated 17 October 2023. The certificate indicated that one of the two roof pitches encroaches the maximum permissible height of 8m for Residential Zone 1: Single Residential (SR1) zoned properties. The height encroachment of the dwelling came about as a result of a building plan calculation error and the consequent use of the building plan during construction.

This application intends to address the unlawful height encroachment of the As Built structures.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an **administrative penalty** for erf 2440 Sandbaai;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure (height deviation)** of erf 2440 Sandbaai.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 2440 Sandbaai is situated at 12 Duiker Crescent, Sandbaai. Refer to the locality plan attached. Erf 2440 Sandbaai is 774m² in extent and is held by title deed no. T41244/2020.

The subject property is level sloped. There is an existing double storey dwelling with double and single garages situated on the subject property.

3.2 ZONING

Erf 2440 Sandbaai has the following land use rights:

ERF NUMBER	ZONING
Erf 2440 Sandbaai	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, public road and public open space purposes.

3.3 LAND USE

There is an existing double storey dwelling with double and single garages situated on the subject property. The subject property is therefore used for single residential living purposes. Land uses that surround the subject property are single and double storey dwellings, public open spaces and public roads.

3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for erf 2440 Sandbaai to accommodate the As Built dwelling's roof structure (pitch) that encroaches the maximum permissible height in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **departure** of erf 2440 Sandbaai in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020:
 - to deviate from the maximum permissible height allowed for SR1 zoned properties of 8m as stipulated in the Overstrand Land Use Scheme Regulations (2020), section 6.1.2 c)(i) to 8,54m to accommodate one of the As Built dwelling's roof pitches (roof pitch no. 2).

The property owners want to legalize all existing As Built structures. No new additions or alterations are proposed. This application will address the height encroachment of the existing As Built roof structure. Herewith follows the detail of the proposed application for consideration:

3.4.1 Rectification of contravention

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

As the application is for the rectification of a contravention of the By-Law, an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee. In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

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

Our client obtained municipal building plan approval for the residential structures on the subject property on 3 September 2021, indicating the maximum permissible height of the roof pitch to be 52,458m (copy of the approved building plan attached). Upon completion of construction of the approved structures Geomatics Africa Land Surveyors were appointed to undertake a height survey and issue a height restriction certificate to confirm the "As Built" height of the structures. Refer to the height restriction certificate dated 17 October 2023. The certificate indicated that one of the two roof pitches encroaches the maximum permissible height of 8m for Residential Zone 1: Single Residential (SR1) zoned properties.

There is an existing double storey dwelling with double and single garages situated on the subject property. The height encroachment of the dwelling came about as a result of a building plan calculation error and the consequent use of the building plan during construction. There was a small typo error on the Site Plan submitted to the municipality, indicating that the roof pitch was 25 degrees instead of the 20 degrees shown on the sections and elevations.

The construction plans issued to the contractors did specify the roof pitch as 20 degrees. However, the contractor and the roof manufacturers only followed the Site Plan and did not refer to the elevations or sections. As a result, the roof was manufactured and built at the incorrect pitch. The 5-degree difference in pitch caused one part of the roof to exceed the height restriction.

The error was only noticed when the final height was taken by the surveyor and the height certificate issued. The floor heights were taken during the construction process, and everything was in order in that regard; it was just the 5-degree difference in the roof slope that caused the exceedance.

No role players in the chain of events, from the municipality approving the plans, NHBRC, engineer, building contractor and roof manufacturers, paid attention to or noticed the discrepancy, and as a result, the roof trusses were then made with the incorrect pitch. Our clients were completely unaware of the situation at the time.

The height encroachment information as confirmed by the land surveyors on the height certificate is as follows:

A topographic survey was completed in March 2021 before construction.

The height restriction had been taken from the architect's plan.

The two highest roof pitches as well as the chimney were surveyed.

The results are as follow:

<i>Highest natural ground level</i>	<i>44.74m</i>
<i>Lowest natural ground level</i>	<i>44.26m</i>
<i>Base Level</i>	<i>44.50m</i>
<i>Maximum allowable height (8.00m restriction)</i>	<i>52.50m</i>
<i>Roof Pitch 1</i>	<i>52.44m (complies)</i>
<i>Roof Pitch 2</i>	<i>53.04m – encroachment</i>
<i>Top of chimney</i>	<i>53.00m – (complies)</i>

The chimney is not more than 1.00m above the height restriction.

Refer to the latest site development plan (including elevation plans). The elevation plans are also included in the departure section in the report indicating the height

deviation. The site development plan indicates that 8m² of the roof exceeds the height restriction. This works out to approximately 1,5% of the coverage of the existing building.

An application is submitted for a departure to deviate from the maximum permissible height of 8m for SR1 zoned properties to accommodate the As Built dwelling (roof pitch no. 2) as follows:

- From 8m to 8,54m (52,50m to 53,04m).

It is understood that landowners may be tempted to exceed permissible building heights to secure certain benefits for themselves, such as improved views, etc. The purpose of administrative penalties is essentially to discourage property owners from deliberately ignoring regulations to benefit themselves.

The additional height of the one roof structure has no material impact on any of the landowners in the area. The floor levels and wall plate heights were all built according to the approved plans. Therefore, there is no benefit in the extended height of the roof pitch for the owners in terms of a better view.

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

The landowners derived no real benefit or other advantage from unknowingly exceeding the permitted building / roof height. It all came about as a result of a bona fide typo error on the building plan. There was no intention on the part of the applicant to wilfully fail to comply with applicable height restrictions.

- **Whether the unlawful conduct was stopped**

The dwelling and double and single garages are As Built. The owners are now attempting to rectify the contravention by submitting the administration penalty application and subsequent departure application in order to legalise all the As Built structures on the subject property.



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

The site development plan indicates that 8m² of the roof exceeds the height restriction. This works out to approximately 1,5% of the coverage of the existing building.

The total roof costs amounted to R270 000.00, excluding the ceilings, etc. This is for the entire roof, not just the part that exceeds.

To rectify the roof to comply would be expensive. The house is already completed, so this would involve redoing the ceilings, new insulation, waterproofing, and new roof sheets.

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

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

- **Summary**

The landowners derived no real benefit or other advantage from unknowingly exceeding the permitted building height. It all came about as a result of a bona fide typo error on the building plan (site plan). There was no intention on the part of the property owners to wilfully fail to comply with the applicable height restriction.

The floor levels and wall plate heights were all built according to the approved plans. Therefore, there is no benefit for the owners in terms of a better view. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owners for the reasons given above.



3.4.2 Departure (height deviation)

The building positions on erf 2440 Sandbaai were surveyed as well as the various roof pitches and chimney height.

The height encroachment information as confirmed by the land surveyors on the height certificate dated 17 October 2023 is as follows:

A topographic survey was completed in March 2021 before construction.

The height restriction had been taken from the architect's plan.

The two highest roof pitches as well as the chimney were surveyed.

The results are as follow:

Highest natural ground level	44.74m
Lowest natural ground level	44.26m
Base Level	44.50m

Maximum allowable height (8.00m restriction)	52.50m
Roof Pitch 1	52.44m (complies)
Roof Pitch 2	53.04m – encroachment
Top of chimney	53.00m – (complies)

The chimney is not more than 1.00m above the height restriction.

Refer to the elevation plans below (and attached) indicating the height deviation:

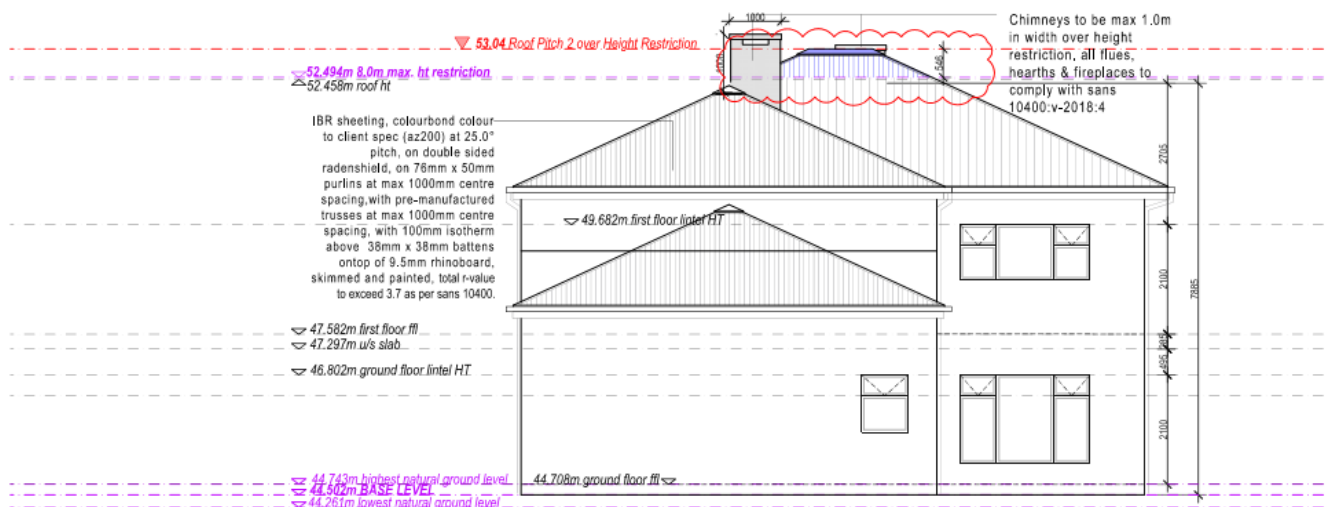


Image 1: North elevation

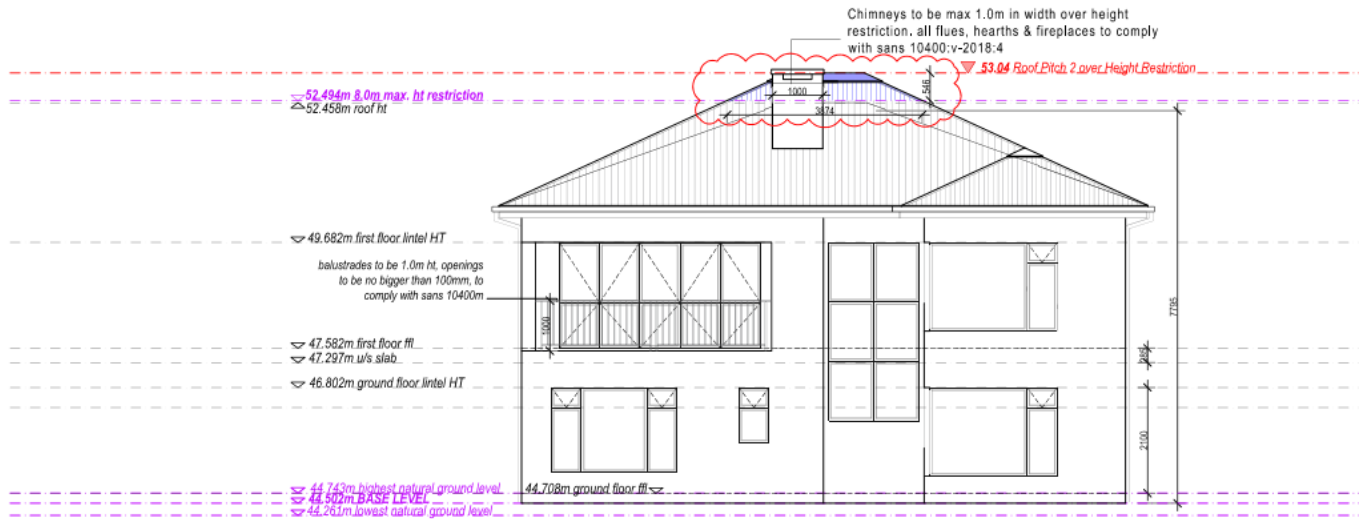


Image 2: South elevation



Image 3: East elevation

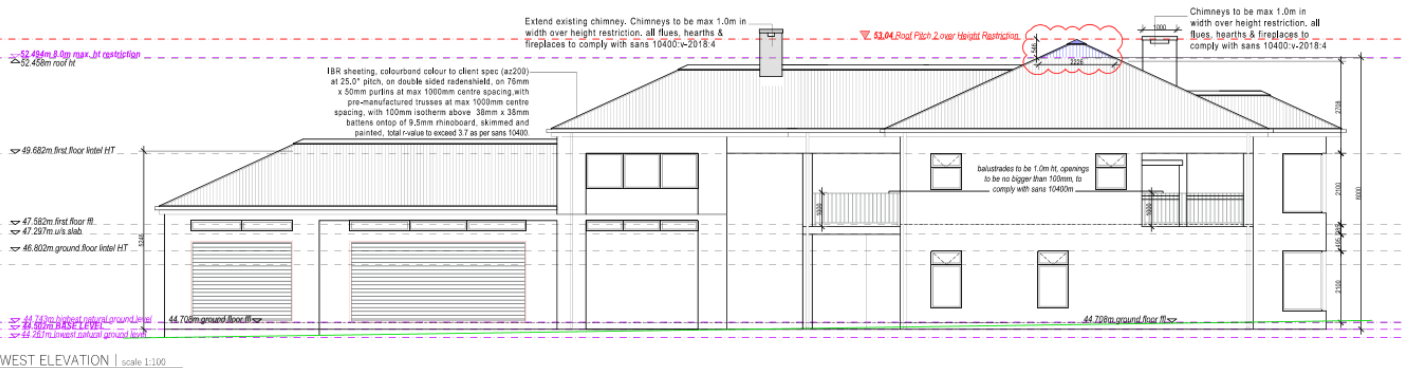


Image 4: West elevation



An application is submitted for a departure to deviate from the maximum permissible height of 8m for SR1 zoned properties to accommodate the As Built dwelling (roof pitch no. 2) as follows:

- From 8m to 8,54m (52,50m to 53,04m).

Refer to the site development plan. The additional height of the structure has no material impact of any of the landowners in the area.

The architect, Janeske Brits from Design Ateljee, confirmed the following:

- To rectify the roof to comply would be expensive. The house is already completed, so this would involve redoing the ceilings, new insulation, waterproofing, and new roof sheets;
- There was a small error on the Site Plan submitted to the municipality, indicating that the roof pitch was 25 degrees instead of the 20 degrees as shown on the sections and elevations;
- The construction plans issued to the contractors did specify the roof pitch as 20 degrees. However, the contractor and the roof manufacturers only worked according to the Site plan and did not refer to the elevations or sections. The roof was manufactured and built at the wrong pitch. The 5-degree difference in pitch caused one part of the roof to exceed the height restriction;
- The floor levels and wall plate heights were all built according to the approved plans. Therefore, there is no benefit for the owners in terms of a better view;
- The error was only noticed when the final height was taken by the surveyor; the floor heights were taken during the construction process and everything was in order, except for the 5-degree difference in the slope that caused the exceedance.

As a result, the street scape is not affected, and the building does not detract from the surrounding buildings in the area.

From the above it is evident that the height encroachment will not have a negative impact on the neighbouring properties or the area.

The following should be noted when considering the height encroachment:



- The visual impact of the As Built structures is considered minimal as confirmed by the architect in the previous paragraphs.
- To demolish and / or alter the roof structure to make it compliant to the relevant height requirement will diminish the aesthetic and property value of the dwelling.

Refer to the As Built site plan with heights compiled by Design Ateljee Architects attached.

The area schedule of the As Built dwelling is as follows:

<u>SURFACE AREA</u>	
ERF SIZE	= 774.0m ²
GARAGES	= 90.0m ²
GROUND FLOOR	= 180.7m ²
FIRST FLOOR	= 163.5m ²
<u>SUBTOTAL</u>	<u>= 434.2m²</u>
COVERED BRAAI AREA	= 23.5m ²
BALCONIES	= 40.7m ²
<u>TOTAL SURFACE AREA</u>	<u>= 498.4m²</u>
<u>COVERAGE</u>	
ALLOWABLE 50 %	= 387.0m ²
GARAGES	= 11.63%
GROUND FLOOR	= 23.35%
FIRST FLOOR (n/a)	= 21.12%
COVERED BRAAI AREA	= 3.04%
BALCONIES (n/a)	= 5.26%
<u>TOTAL COVERAGE</u>	<u>= 37.72%</u>

The coverage of 37,72% is within the maximum permissible coverage of 50% allowed for SR1 zoned properties. The proposed application does not have any impact on the character or property values of the surrounding properties since all structures already exist on the subject property.

The existing structures on the subject property do not create an infringement to any passing traffic or public activity due to the position of the As Built structures on site. It is submitted that the massing and height of the existing structures are compatible with the character of the area, regardless of the departure being applied for.

The zoning of erf 2440 Sandbaai will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes). The As Built structure complies with all other land use scheme regulations and title deed



parameters for SR1 zoned properties. The structure that encroaches the applicable maximum permissible height as indicated on the site plan already exists and the application addresses the existing structure that encroaches the height requirement (no new additions are proposed). Consequently, the proposed departure will not have a greater visual impact on the surrounding properties. The impact on the adjacent property owners and the passers-by will therefore be marginally higher than if the structure did not exist.

It is submitted that the existing structures are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application.

The proposed departure of erf 2440 Sandbaai is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only (such as bed-and-breakfast establishments, day care, guest house and home occupation uses). The proposed departure will not hinder any possible future land use applications on erf 2440 Sandbaai.

The position and height of the dwelling have not received complaints up to date and are aesthetically pleasing. All existing structures meet all other land use regulations and title deed requirement for SR1 zoned properties as depicted on the site plan.

The visual impact is minimal. The As Built roofs form an integral part of the design of the dwelling and thus to demolish / alter the roof to make it compliant with the relevant height restriction will diminish the aesthetic and property value of the dwelling.



The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the departure. Good quality materials were used when the existing structures were built.

3.6 ECONOMIC IMPACT

The proposed departure is to accommodate an existing roof structure. The proposed departure will allow the owners to address the roof pitch height encroachment, and this will favour the resale of the property in the future.

The approval of the As Built structures will save the owners the cost of demolishing / altering these structures.

3.7 SOCIAL IMPACT

The proposed departure will have no impact on the social status quo of the area. The height deviation will however allow the owners to keep the existing As Built structures on the subject property.

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

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.



The surrounding properties are developed with single and double storey dwellings and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the structures on erf 2240 Sandbaai merges well with the scale of the surrounding dwellings in the immediate area.

In addition, to accommodate (legalise) the existing As Built structure that encroaches the relevant height restriction will contribute towards the value of the subject property and consequently have a positive impact on the area. The use of the subject property will remain for residential purposes (main dwelling with garages). There is a low impact on the streetscape with no impact on passers-by.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The As Built structures will have no impact on the usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that one family will continue to occupy the subject property.

Since the proposed departure is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.



3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 2440 Sandbaai is not situated within the Heritage Protective Overlay Zone as determined by the Overstrand Municipality's Land Use Scheme Heritage Overlay Zone (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010). The dwelling on the subject property is not older than 60 years. The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of Sandbaai.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The subject property is not situated within the Overstrand Municipality's Land Use Scheme Environmental Overlay Zone (2020).

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 2440 Sandbaai will remain unchanged and will be from Duiker Crescent. Refer to the site plan. No new access points are proposed.



The Overstrand Municipality Land Use Scheme Regulations (2020) stipulate that a minimum of two parking bays are required for a dwelling house. The subject property is developed with a double and single garage (approved). Provision is therefore made for three parking bays on site. The dwelling house on erf 2440 Sandbaai therefore complies with the minimum parking requirements for SR1 zoned properties.

The subject property will still be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed no. T41244/2020 has no restrictive title deed conditions that need to be removed to accommodate the departure of the maximum permissible height. A conveyancer's certificate is not included with this application since the title deed is straight forward.

There is a bond registered against erf 2440 Sandbaai. The bondholder's consent dated 1 August 2024 is attached.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The ***Overstrand Spatial Development Framework (2020)*** earmarks the area where erf 2440 Sandbaai is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The ***Overstrand Municipal Growth Management Strategy (OMGMS, 2010)*** specifies that erf 2440 Sandbaai forms part of Planning Unit no. 8. This planning unit

stipulates that the density status quo for the area should remain. No additional portions or second dwelling units are proposed with this application. The status quo of the area (low density residential) will remain unchanged. The land use application for the subject property therefore falls within the existing planning for the Hermanus West area.

The proposal will promote land development in a location that is sustainable. The proposed departure is to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment. The impact on the overall density of this part of Sandbaai will therefore be kept to a minimum since the proposed application still promotes a low-density residential area.

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

3.16 **PLANNING PRINCIPLES**

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

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 2011.

The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing Sandbaai Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.



Spatial sustainability: The proposed departure will have no impact on the visual elements of the subject property and surroundings since all the structures already exist. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the height has no impact on the massing of the buildings and the impact on the streetscape or passers-by. The As-Built unlawful structure merge well with the surrounding buildings. The impact on the biophysical environment will also be kept to a minimum since the structures already exist.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the existence of the structures on the subject property without any complaints, etc. allow for the consideration and approval of the proposed deviation without having an adverse impact on the spatial sustainability of the area. To accommodate the As Built structures is to an improved erf within an established residential area will not impact on urban sprawl, or upon a sensitive environment.

The proposed height departure has no impact on the protection of agricultural land, plays no noteworthy role in the effective and equitable functioning of land markets, has no impact on the provision of infrastructure and social services and will not contribute (or detract from) viable communities.

The application is considered spatially sustainable (neutral) as the existing property will be optimally utilised without affecting natural vegetation. The property (dwelling) is compatible with the character of the area and does not impact negatively on the rights of any adjacent property owner.

Efficiency: The subject property is easily accessible and conveniently located in an ideal position close to the Sandbaai and Hermanus business areas and the beach. It proves to be resourceful to approve the As Built structures since it is compatible with the existing built environment and the way the design was done by the architect is aesthetically pleasing.



It proves to be efficient to accommodate the existing structures and its uses by approving the proposed departure of erf 2440 Sandbaai instead of demolishing / altering the structure (roofs) and as a result negatively impact on the whole look and feel of the subject property. It is noteworthy that the additional height came about by mistake and was not intentional. The approval of the departure will not detract from the principle of efficiency but, if anything, contribute to promote same.

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

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

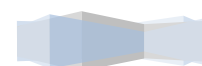
4. RECOMMENDATION

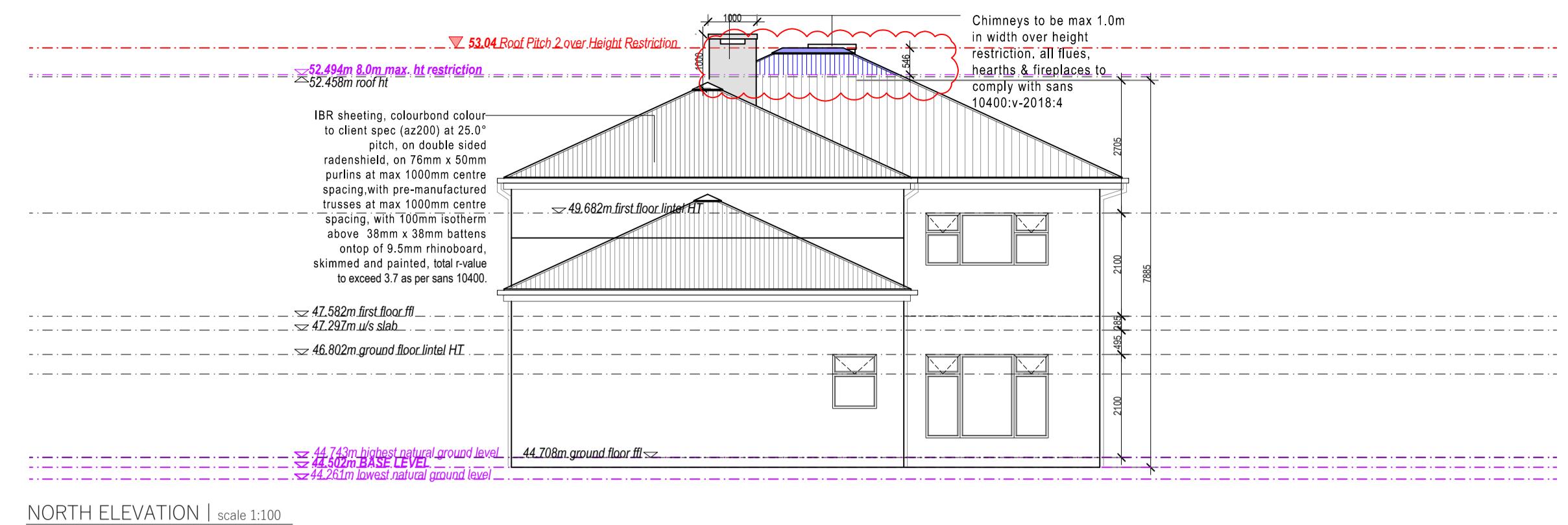
When this application is evaluated, it is important to take note of the following:

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- No densification is proposed;
- The As Built roof is considered a low impact height encroachment, and the height was encroached by mistake (unintentionally);
- The zoning and primary land use of the subject property will remain unchanged;

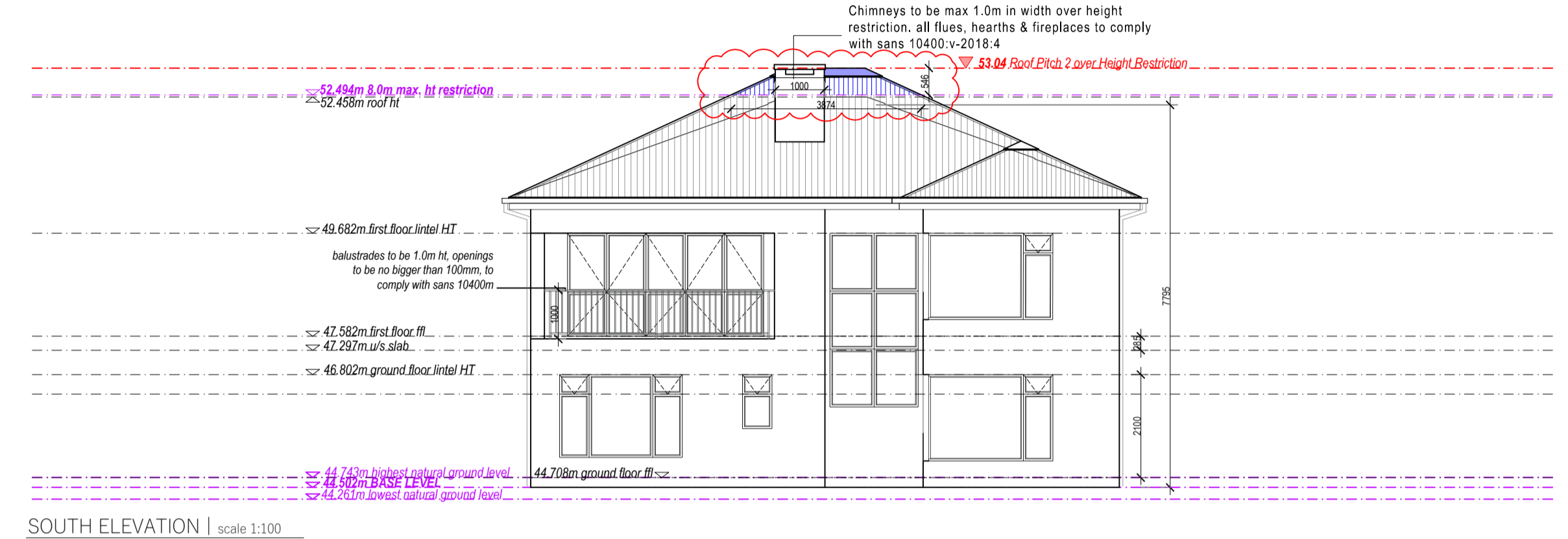
- The deviation from the applicable scheme regulations' height restriction is to accommodate an As Built structure only;
- The proposal is compatible with the existing built character of the area;
- There will be no impact on the traffic flow and services;
- Ample parking bays are provided on site;
- There are no heritage and environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013);
- We request that a penalty fee not be imposed.

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

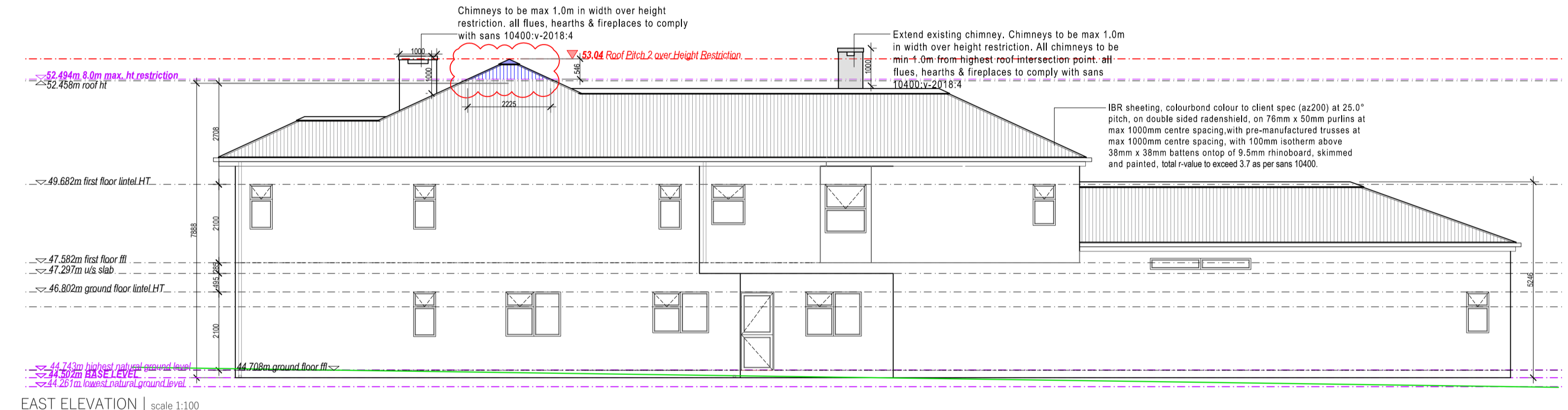




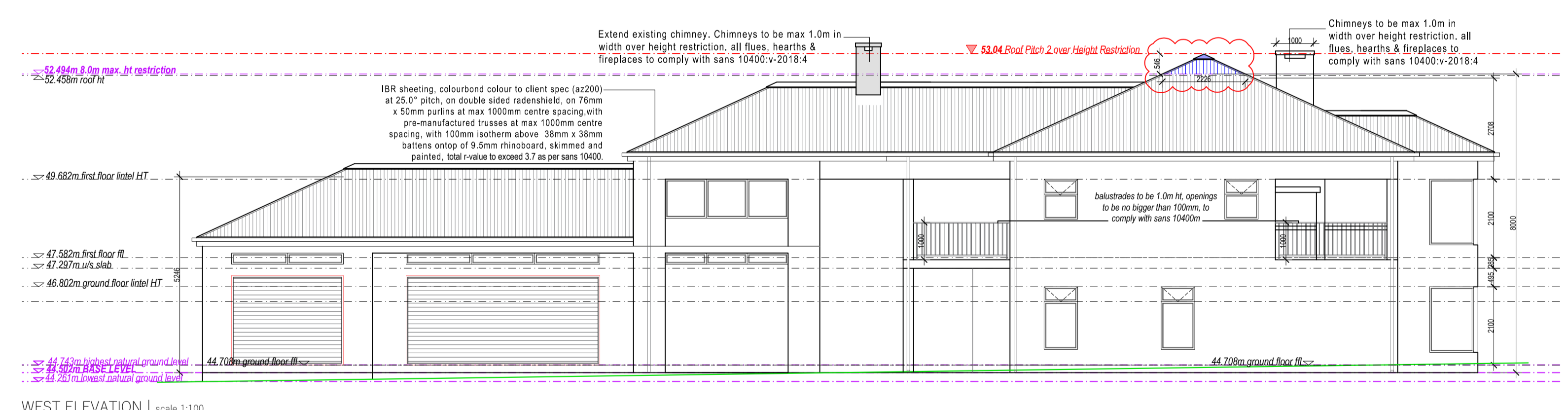
NORTH ELEVATION | scale 1:100



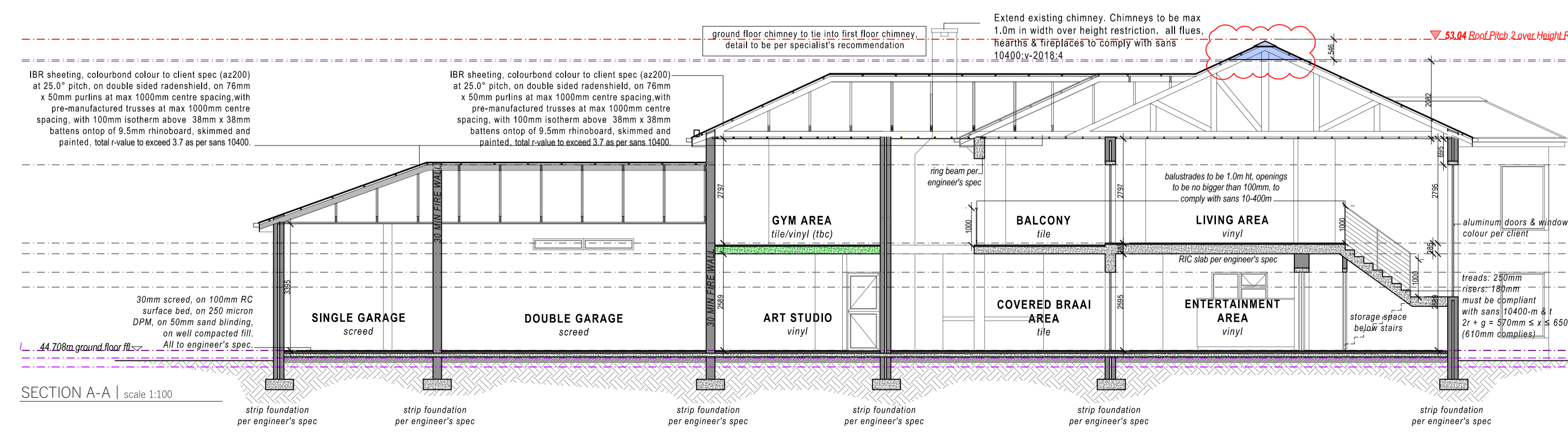
SOUTH ELEVATION | scale 1:100



EAST ELEVATION | scale 1:100



WEST ELEVATION | scale 1:100



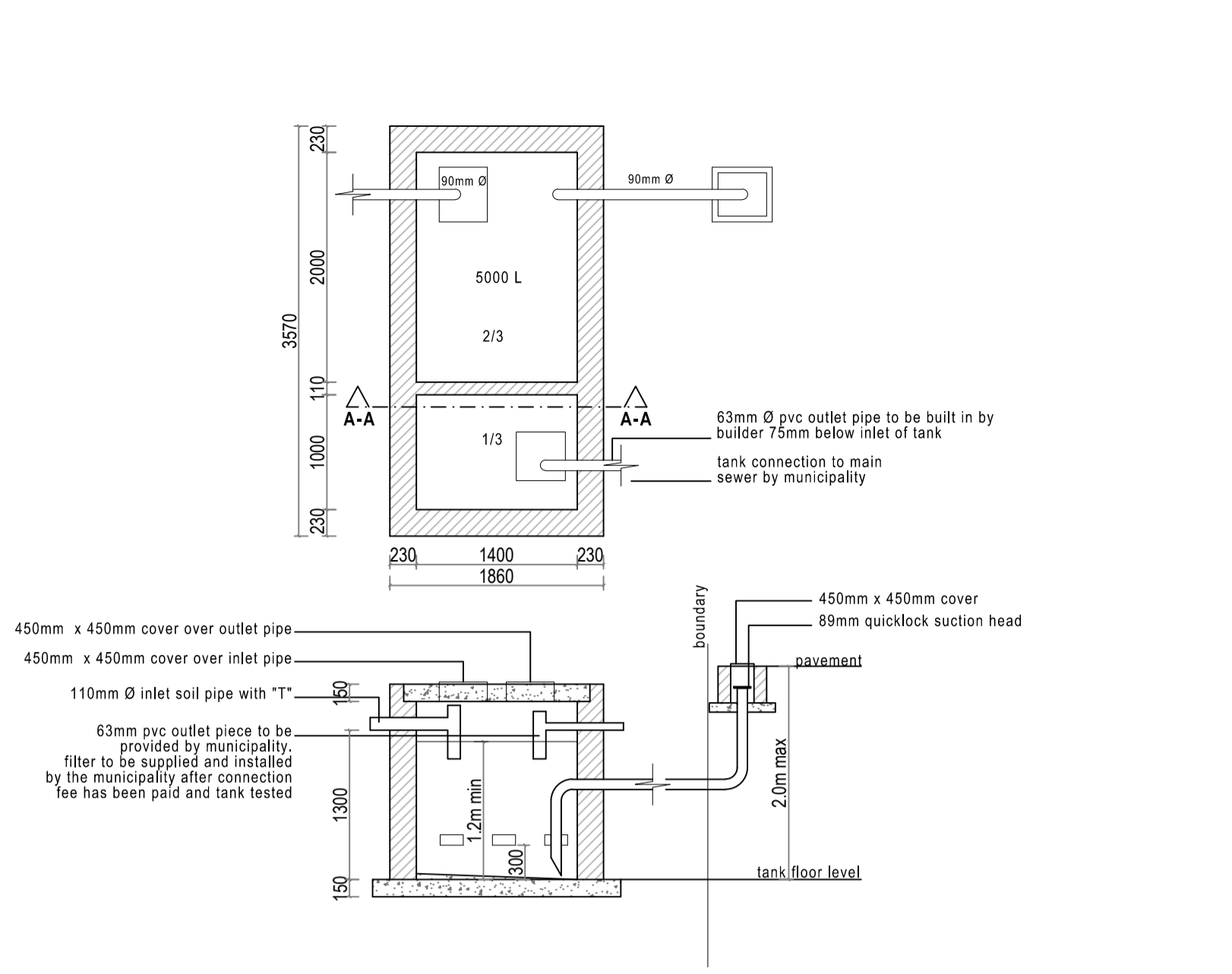
SECTION A-A | scale 1:100

SPECIFICATIONS

Floor: 150mm concrete slab with 1:30 fall to suction pipe base.
 Roof: 150mm reinforced concrete slab with reinforcement from 617 MESH or R12 bars at 200mm c/c in both directions.
 Concrete: 1:2:5 mix
 Walls: 230mm brick in weatherbond. Note no concrete building blocks.
 Plaster: Waterproof mix for internal walls.
 Suction Pipe: 90mm high pressure class 4 blue pipe with suction head.

Note:

- Location of tank to be within 1m of connection point (connection point available from town planning department).
- A gate valve will be required if the suction pipe slopes below the tank water level.
- Shape of tank may be changed with permission only, shape of tank may be changed with permission only.
- Battle-wall to be 60% of length of tank, away from inlet.
- 53mm PVC outlet pipe to be 75mm lower than inlet level.



5000L SMALL BORE DETAIL | scale 1:50

HOUSE WIND | ERF 2440 | ONRUS

SANS 10400 XA CALC 2021

AREA OF GLAZING ELEMENT (m²)	SHGC	SHGC MAX ALLOWANCE - SHADED	SHGC MAX ALLOWANCE - NON-SHADED
156.44	0.48	0.44	0.35
NETT FLOOR AREA (Excl GARAGE) (m²)			
194.6			
GLAZING NETT FLOOR AREA			
35.86%			
U-VALUE SOLUTION: 3.30 required			
U-VALUE SOLUTION: 3.30 required			
NO GLAZING ELEMENT TO HAVE LOW-E GLAZING			

ROOM/STOREY DESCR.	Net Floor Area (m²)	Max allowable Conductance U-VALUE	Max allowable Solar Heat Gain
GROUND FLOOR	154.6	3.30	0.44(SHADED), 0.35(NON-SHADED)

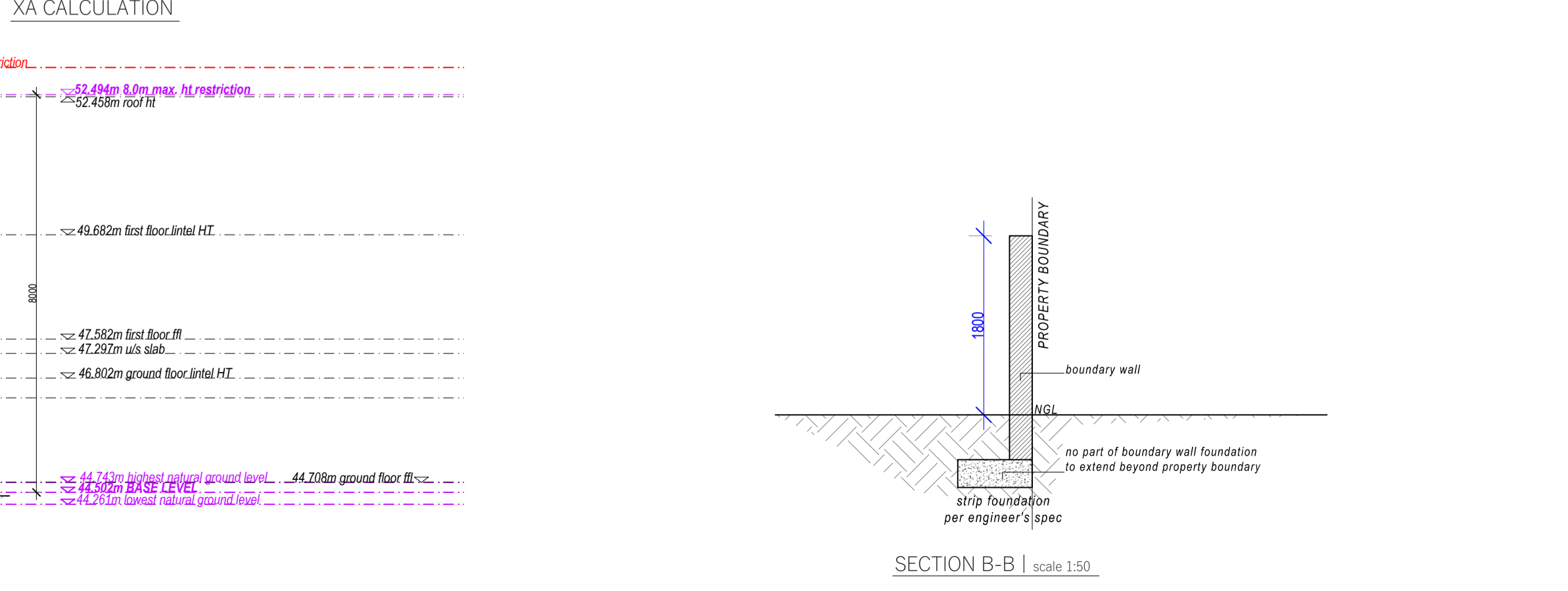
SIZES OF GLAZING ELEMENTS	CONDUCTANCE	SOLAR HEAT GAIN
WINDOW DOOR Orientation Width Height A m²	Glass Type 1 to 9 Glass Description U-Value COMPLIANCE	P Hor. dim shade device H Vert dim base of glazing element to bot shade device TABLE 3 MULTIPLIER (PG19) SHADED ELEMENT S SHGC COMPLIANCE
V1 E 5 1.1 6.60 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 2.485 0.54 1.8419 NONE 0.35 YES		
V2 E 5 1.1 6.60 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 2.485 0.54 1.8419 NONE 0.35 YES		
V3 E 1.5 1.188 1.78 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 1.693 0.54 0.9882 NONE 0.35 YES		
V4 E 0.9 2.1 1.89 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 2.595 0.54 1.4013 NONE 0.35 YES		
V5 E 1.5 1.1 1.65 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 1.465 0.54 2.4111 NONE 0.35 YES		
V6 E 1.47 1.19 1.75 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 4.555 0.54 2.4557 NONE 0.35 YES		
V7 E 0.6 1.2 0.72 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 4.565 0.54 2.4651 NONE 0.35 YES		
V8 S 2.58 1.75 4.45 5 5 DBL-INT (ALLUM) 3.1 ANY SOLUTION 0.45 5.125 0.54 2.7675 NONE ANY SOLUTION ANY SOLUTION		
V9 W 1.18 1.75 2.06 5 5 DBL-INT (ALLUM) 3.1 ANY SOLUTION 0.45 5.125 0.54 2.7675 NONE ANY SOLUTION ANY SOLUTION		
V10 S 1.8 3.54 6.37 5 5 DBL-INT (ALLUM) 3.1 ANY SOLUTION 0.45 4.025 0.54 2.1735 NONE ANY SOLUTION ANY SOLUTION		
V11 S 0.6 1.1 0.66 5 5 DBL-INT (ALLUM) 3.1 ANY SOLUTION 0.45 4.465 0.54 2.4111 NONE ANY SOLUTION ANY SOLUTION		
V12 S 2.5 1.69 4.23 5 5 DBL-INT (ALLUM) 3.1 ANY SOLUTION 0.45 5.065 0.54 2.7267 NONE ANY SOLUTION ANY SOLUTION		
V13 W 0.9 1.68 1.51 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 5.045 0.54 2.7243 NONE 0.35 YES		
V14 W 0.9 1.68 1.51 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 5.045 0.54 2.7243 NONE 0.35 YES		
V15 N 3.5 1.675 4.18 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 5.04 0.54 2.7218 NONE 0.35 YES		
V16 N 4.5 2.1 9.45 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 2.595 0.54 1.4013 SHADED ELEMENT 0.35 YES		
V17 S 0.9 1.5 1.35 5 5 DBL-INT (ALLUM) 3.1 ANY SOLUTION 0.45 2.885 0.54 1.5579 NONE ANY SOLUTION ANY SOLUTION		
V18 W 3.3 0.3 0.99 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 0.485 0.54 0.2619 NONE 0.35 YES		
V19 W 3.2 0.3 0.96 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 0.485 0.54 0.2619 NONE 0.35 YES		
V20 W 3 0.3 0.90 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 0.485 0.54 0.2619 NONE 0.35 YES		
V21 N 0.9 1.1 0.99 5 5 DBL-INT (ALLUM) 3.1 YES 0.45 2.485 0.54 1.3419 NONE 0.35 YES		

FENESTRATION % CALCULATION

AREA OF GLAZING ELEMENT (m²)	SHGC	SHGC MAX ALLOWANCE - SHADED	SHGC MAX ALLOWANCE - NON-SHADED
29.08	0.48	ANY SOLUTION	ANY SOLUTION
NETT FLOOR AREA (Excl GARAGE) (m²)			
145.53			
GLAZING NETT FLOOR AREA			
19.98%			
U-VALUE SOLUTION: ANY SOLUTION required			
U-VALUE SOLUTION: ANY SOLUTION required			
NO GLAZING ELEMENT TO HAVE LOW-E GLAZING			

ROOM/STOREY DESCR.	Net Floor Area (m²)	Max allowable Conductance U-VALUE	Max allowable Solar Heat Gain
FIRST FLOOR	145.53	ANY SOLUTION	ANY SOLUTION (SHADED), ANY SOLUTION (NON-SHADED)

SIZES OF GLAZING ELEMENTS	CONDUCTANCE	SOLAR HEAT GAIN
WINDOW DOOR Orientation Width Height A m²	Glass Type 1 to 9 Glass Description U-Value COMPLIANCE	P Hor. dim shade device H Vert dim base of glazing element to bot shade device TABLE 3 MULTIPLIER (PG19) SHADED ELEMENT S SHGC COMPLIANCE
V22 N 2.5 1.0 2.50 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 1.55 1.55 0.54 0.8343 NONE ANY SOLUTION ANY SOLUTION		
V23 N 3.5 2.1 7.35 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 3.5 2.595 0.54 1.3959 SHADED ELEMENT ANY SOLUTION ANY SOLUTION		
V24 S 0.9 0.6 0.54 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 2.225 1.095 0.54 0.5859 NONE ANY SOLUTION ANY SOLUTION		
V25 W 3.3 1.05 3.47 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.73 1.565 0.54 0.8289 NONE ANY SOLUTION ANY SOLUTION		
V26 E 0.6 1.2 0.72 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.695 0.54 0.9059 NONE ANY SOLUTION ANY SOLUTION		
V27 E 0.87 1.08 0.94 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.565 0.54 0.8451 NONE ANY SOLUTION ANY SOLUTION		
V28 E 0.6 1.08 0.65 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.565 0.54 0.8451 SHADED ELEMENT ANY SOLUTION ANY SOLUTION		
V29 E 0.6 1.08 0.65 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.565 0.54 0.8451 NONE ANY SOLUTION ANY SOLUTION		
V30 E 0.6 1.08 0.65 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.565 0.54 0.8451 NONE ANY SOLUTION ANY SOLUTION		
V31 E 0.6 1.08 0.65 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.565 0.54 0.8451 NONE ANY SOLUTION ANY SOLUTION		
V32 S 2.5 1.75 4.38 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 2.225 0.54 1.2099 NONE ANY SOLUTION ANY SOLUTION		
V33 W 1.15 1.75 2.01 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 2.225 0.54 1.2099 NONE ANY SOLUTION ANY SOLUTION		
V34 S 1.47 2.1 3.09 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 2.585 0.54 1.3959 NONE ANY SOLUTION ANY SOLUTION		
V35 W 0.9 1.07 0.96 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.565 0.54 0.8397 NONE ANY SOLUTION ANY SOLUTION		
V36 W 0.9 1.07 0.96 1 1 SNGL-clear(ALLUM) 5.5 ANY SOLUTION 0.45 1.565 0.54 0.8397 NONE ANY SOLUTION ANY SOLUTION		



SECTION B-B | scale 1:50

BUILDING NOTES:
 All work to comply with SANS 10400 and Building regulations. All works to be in accordance with local municipal authorities' regulations. Figured dimensions to be taken in preference to scaled dimensions. All levels and dimensions to be checked on site before building work commences. Contractors shall be deemed to have acquainted themselves with site conditions prior to commencement of work.

LEVELS: Levels and dimensions. The building are to be laid out and erected in the position and to the levels as indicated on the plan & site layout plan.
 The contractor, sub-contractors and suppliers must verify all dimensions and levels on-site before commencing any work.

Land surveyor to confirm all boundary pegs and to check all levels before construction commences.
 Top soil shall be removed from the area to be built upon, all grading leveling to be done by contractor.

MATERIALS: Material used in the erection of the building shall be suitable for the purpose for which it is to be used.

TIMBER: All timber used in the erection of a building shall be treated against termite and wood borer attack and fungal decay in accordance with the requirements of SANS 10005 and shall bear the product certification mark of a body certified by the south african national accreditation system.

BUILDING ELEMENTS: The construction of any building element shall be such that building element as constructed does not compromise the design intent of any design solution that satisfies the design requirement of a functional regulation.

FINISH FLOOR LEVEL: Finished floor level of dwelling to be min. of 25mm above back of footway level at sewer connection. It is recommended that garage floor level min of 170mm above back of footway level at driver entrance if any.

OTHER: Floors in any laundry, kitchen, shower room, bathroom or room containing a toilet pan or urinal must comply with sans 10400.1. Any combustible material to be 200mm away from chimney flue. The requirements of the national by-laws and any other applicable authority must be complied with. The Builders must comply with the NBRIC by-laws.

All reinforced concrete slabs and stairs are to be cast strictly to structural engineer's specifications and details.
 All stairs are to be reinforced concrete with risers not exceeding 180mm and treads not less than 195mm wide.

PAINT: All painted colours to external side of dwelling must first be applied to wall with a 1sqm sample and be approved by client before applying to wall.

HOT WATER: Hot water heating requirement: at least 50% of the annual average hot water heating requirement shall be provided by means other than electrical resistance heating is to be a HEAT PUMP in accordance with SAN 10400: PART XA ED2.

HOT WATER PIPING INSULATION: Provided and install Armaflex piping insulation on all hot water services pipes in accordance with SANS 10400: Part XA ED2. Install Armaflex pipe insulation of 25mm thickness for Nominal ID of 15mm with a R-Value of 1.32 (A min R-Value of 1.00 is required for internal dia = 80mm)

ROOF INSULATION: All roofs shall achieve a minimum R-Value of 3.7 in accordance with SANS 10400: PART XA ED2 Table 7 and SANS 204:2011 for typical R-Values for roof and ceiling construction. Direction of heat flow for Climatic zone 4 = Up. Add 1 x layer of 100mm Isotherm with a R-Value of 2.2 between trusses above ceiling. Add 1 layer of Siltation 405 with a R-Value of 1.26 between cladding & battens.

SURFACE AREA
 ERF SIZE = 774.0m²
 GARAGES = 90.0m²
 GROUND FLOOR = 180.7m²
 FIRST FLOOR = 163.5m²
 SUBTOTAL = 434.2m²
 COVERED BRAAI AREA = 23.5m²
 BALCONIES = 40.7m²
TOTAL SURFACE AREA = 498.4m²
 COVERAGE = 64.27%
 ALLOWABLE 50 % = 387.0m²
 GARAGES = 11.63%
 GROUND FLOOR = 23.35%
 FIRST FLOOR (a) = 21.25%
 COVERED BRAAI AREA = 3.04%
 BALCONIES (b) = 5.26%
TOTAL COVERAGE = 37.72%

PROJECT HOUSE WIND
 ERF 2440 | 12 dukker crescent
 sandbaai | hermanus | 7200

OWNERS: AJ & IVAN DER MERWE

ADDITIONS & ALTERATIONS

THIS DOCUMENT SHOULD NOT BE USED FOR ANY OTHER PURPOSE THAN THAT WHICH PREPARED FOR AND WHICH COMMISSIONED FOR D

DRAWING
 elevations, sections, small bore detail, xa calculations

see labels do not scale when printing (A1)
 DATE: 09 June 2024
 DRAWN: mg & se
 CHECKED: jb
 DWG No: 2120 REV 06
FOR MUNICIPAL APPROVAL PG 2/2

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