

DIRECTORATE: PLANNING & DEVELOPMENT
TOWN & SPATIAL PLANNING



ENQUIRIES | NAVRAE: Mr. P Roux (Town Planner)
FILE REF | LEËRVERW: 2914 HVK
APP ID | AANSOEK ID: 4714/2024
DATE | DATUM: 5 December 2024

NOTIFICATION VIA E-MAIL

To whom it may concern

NOTIFICATION TO POTENTIALLY AFFECTED PROPERTY OWNER

**ERF 2914, 175 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) ON
BEHALF OF RJ SWARTS**

You are regarded as a potentially affected property owner.

Attached please find a self-explanatory notice for your attention.

Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) requires that notice must be given, and Section 49 allows for a period of not less than 30 days from the date on which notice was given to affected persons to submit comments, objections or representations in respect of a land use planning applications. Council, during a meeting held on 30 November 2023, resolved that such notice be given via e-mail in accordance with the provisions of the Electronic Communications and Transactions Act, 25 of 2002. Due to ongoing difficulties in service delivery experienced by the South African Post Office, and as per the aforesaid Council resolution, **NO** registered mail/letters will be forwarded in the interim period.

Kindly regard this email as your formal notification of such land use application. Kindly provide your comment, objection or representations, if any, directly to Alida Conradie (alida@overstrand.gov.za) on or before **24 January 2025**.

Also note that the notice will be available at the Town & Spatial Planning Department, and on the municipal webpage at the following link: <https://www.overstrand.gov.za/en/documents/town-planning/land-use-planning-applications>

Yours faithfully

R KUCCHAR
DIVISIONAL MANAGER: TOWN & SPATIAL PLANNING



ERF 2914, 175 SEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) ON BEHALF OF RJ SWARTS

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 in order to:

- ❖ relax the western lateral building line from 2m to 1.3m, to accommodate a proposed garage and alterations to the existing dwelling; and
- ❖ relax the eastern lateral building line from 2m to 1.26m, to accommodate alterations to the existing dwelling.

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 must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **Friday, 24 January 2025**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to **Town Planner, Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 2914, SEWENDESTRAAT 175, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING: MNRE INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) NAMENS RJ SWARTS

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

Afwyking ingevolge Artikel 16(2)(b) van die Verordening ten einde die:

- ❖ westelike lateraleboulyn vanaf 2m na 1.3m te verslap, om die voorgestelde motorhuis en veranderinge tot die bestaande woning akkommodeer; en
- ❖ oostelike lateraleboulyn vanaf 2m tot 1.26m te verslap, om verandering tot die bestaande woning te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weekdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige skriftelike kommentaar moet ingevolge die bepalinge van Artikels 51 en 52 van die Verordening ingedien word en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 24 Januarie 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Stadsbeplanner, Mnr P Roux** 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 2914, 175 SEVENTH STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND MUNICIPAL: ISICELO SOKUNYENYISWA: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) EGAMENI LIKA RJ SWARTS

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo sezi zinto zilandelayo:

Ukunyenyiswa ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kwenziwe oku kulandelayo:

- ❖ kunyenyiswe umgca wesakhiwo ongasentshona ukususela kwi-2m ukuya kwi-1.3m ukuze kuvunyelwe igaraji nokutshintsha indlu esele ikhona; kunye
- ❖ nokunyenyiswa komgca wesakhiwo kwicala elingasempuma ukusuka ku-2m ukuya ku-1.26m ukuze kuvunyelwe ukuba kwenziwe utshintsho kwisakhiwo esele sikhona.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure yesi-08:00 neye-16:30 kwiSebe: loCwangciso lweDolophu, Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kaMasipala mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla u**Lwesine, 24 EyoMqungu 2025**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba ku**Mcwangcisi oPhezulu weDolophu uMnu P Roux** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

PROJECT

Erf 2914 Voelklip,
Hermanus

TITLE

Locality Plan
Local Context



Application Area



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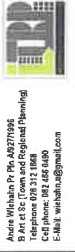
CLIENT

PREPARED BY: Author
CHECKED BY: Checker
DATE: 2024/05/09

SCALE (A4): A4: 1:500
PROJECT NUMBER: 001

DRAWING NUMBER: AP1

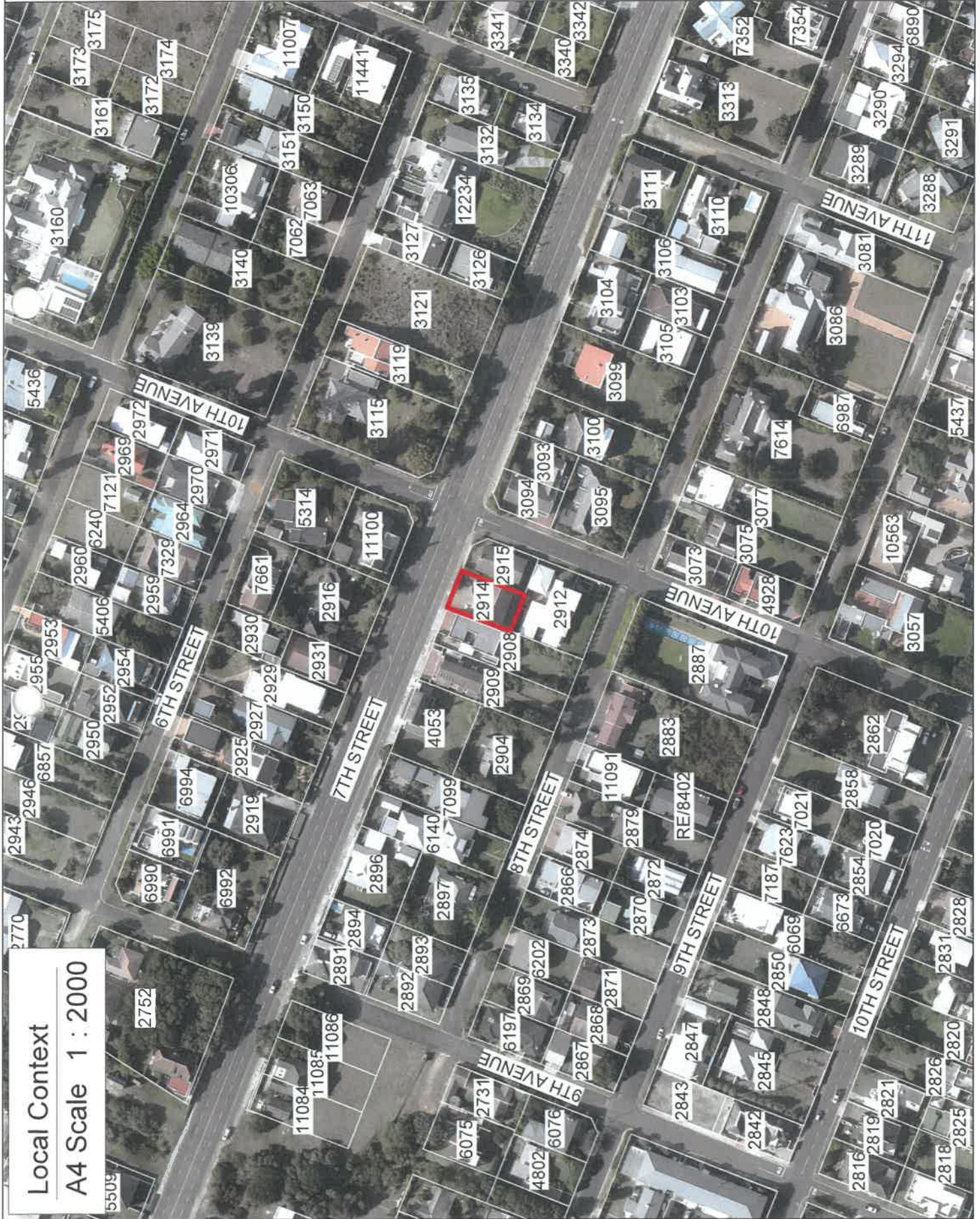
InterActive Town & Regional Planning



Avenue 11th Street, P.O. Box 4877198
B. Ave. St. (Town and Regional Planning)
Telephone: 083 312 1888
E-Mail: info@iactive.com

Local Context

A4 Scale 1 : 2000



1. Introduction

a. Brief
Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning is appointed by the owner of the property Ryno Jacobus Swarts & Herschel Zetler to prepare and submit an application for a building line departure on Erf 2914, Voëlklip in terms of the relevant legislation.

b. Background, Development Objective & Application Proposal

The application area is located on a single residential zoned erf accommodating an existing double storey dwelling house within Voëlklip. The existing approved dwelling exceeds the current zoning scheme side building lines.

The **development proposal** in essence involves the construction of a new garage, the extension of the dwelling above the proposed garage, the extension of the dwelling towards the back of the property and an enclosed balcony. The proposal also involves changes to doors and windows of the existing dwelling, replacement of the roof and internal changes.

The **application objective** is to allow for additions and amendments to the as shown in Figure 1 below:

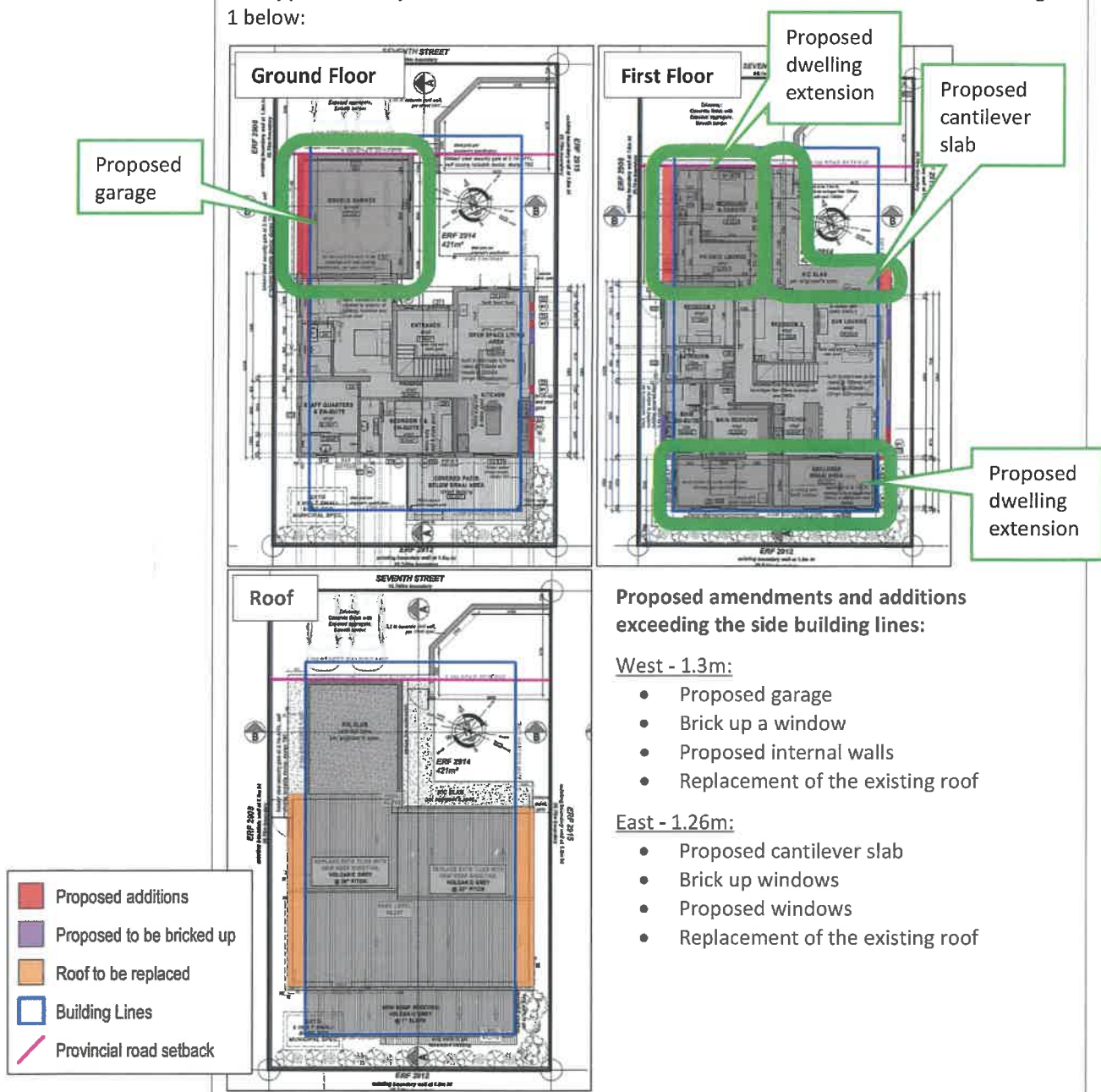


Figure 1: Floor plans

Subsequently to realize the above development objective, the following applications need to be made:

- A departure to relax the **western side building line** from 2m to 1.3m to allow for a proposed garage, the bricking up of a window, the replacement the existing roof and proposed internal walls.
- A departure to relax the eastern **side building line** from 2m to 1.26m to allow for a proposed cantilever slab, proposed windows, the bricking up of existing windows and the replacement the existing roof.

2. The Application

a. Analysis: Title Deed
Refer to **Annexure D** for the Conveyancer Certificate.

The conveyancer Amelia Galvin from Virtual Lawyers has provided a conveyancer certificate confirming that no title deed conditions exists which restricts the development proposal.

	Parameters	Existing Zoning:	Proposal:	Comments	
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 2914 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	Zoning	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential	Consistent	
	Primary Use	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent	
	Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Consistent	
	Coverage	50%	44.4%	Consistent	
	Height	8m	5.5m	Consistent	
	Building lines	Street	4m	4m	Consistent
		Side	2m	2m 1.3m west and 1.26m east for existing structures previously approved 1.3m west and 1.26m east for proposed additions and amendments	Application is for departures
		Rear	2m	2m	Consistent
Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent		

c. Application:

The application form is attached as **Annexure A**.

Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- A departure to relax the **western side building line** from 2m to 1.3m to allow for a proposed garage, the bricking up of a window, the replacement the existing roof and proposed internal walls in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the eastern **side building line** from 2m to 1.26m to allow for a proposed cantilever slab, proposed windows, the bricking up of existing windows and the replacement the existing roof in terms of Chapter IV, Section 16(2)(b).

3. Contextual Site Information

a. Property Description

Property	Extent	Title Deed	Registered Owner
Erf 2914 Hermanus	421m ²	T8937/2023	Ryno Jacobus Swarts & Herschel Zetler

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 2914 Voëlkop.

The following Surveyor General Plans reflect the application site:

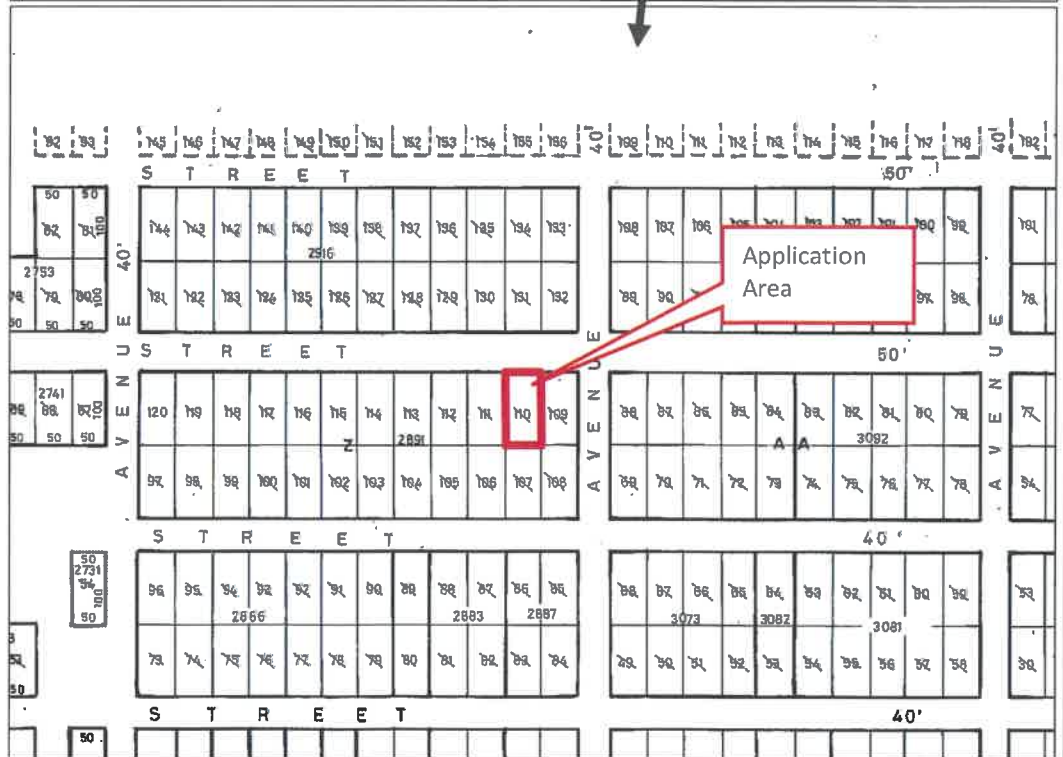
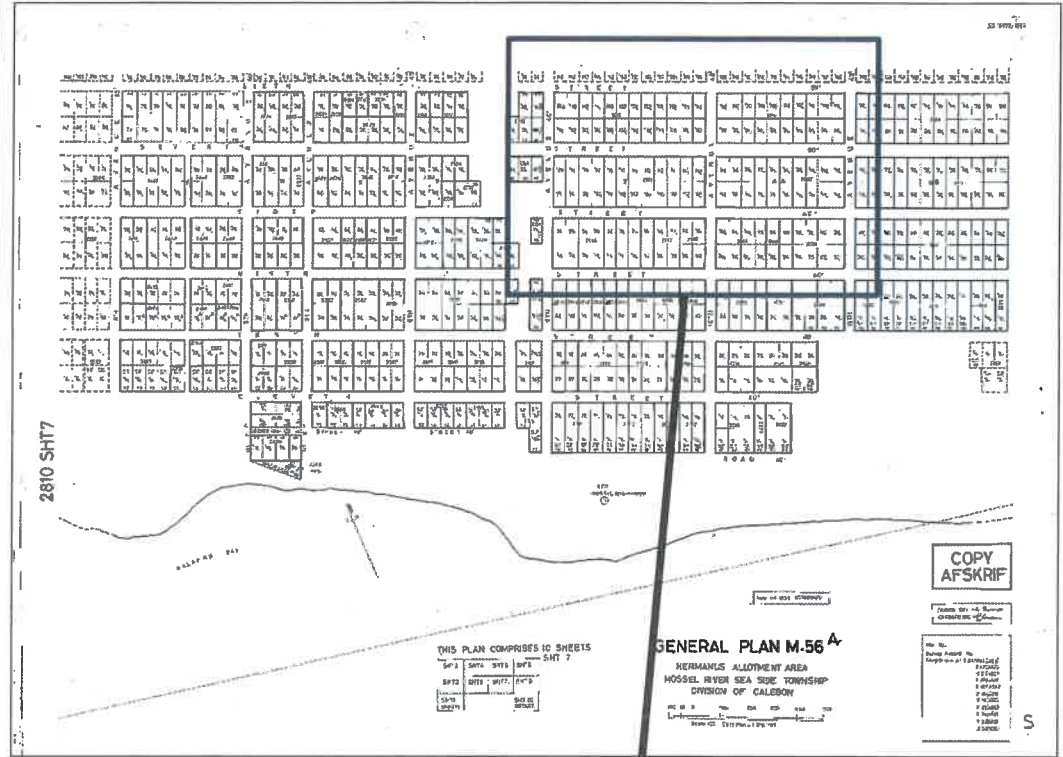


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F

Regional Context:

Within the regional context, the application area is located within Voëlklip residential suburb on the eastern side of Hermanus.

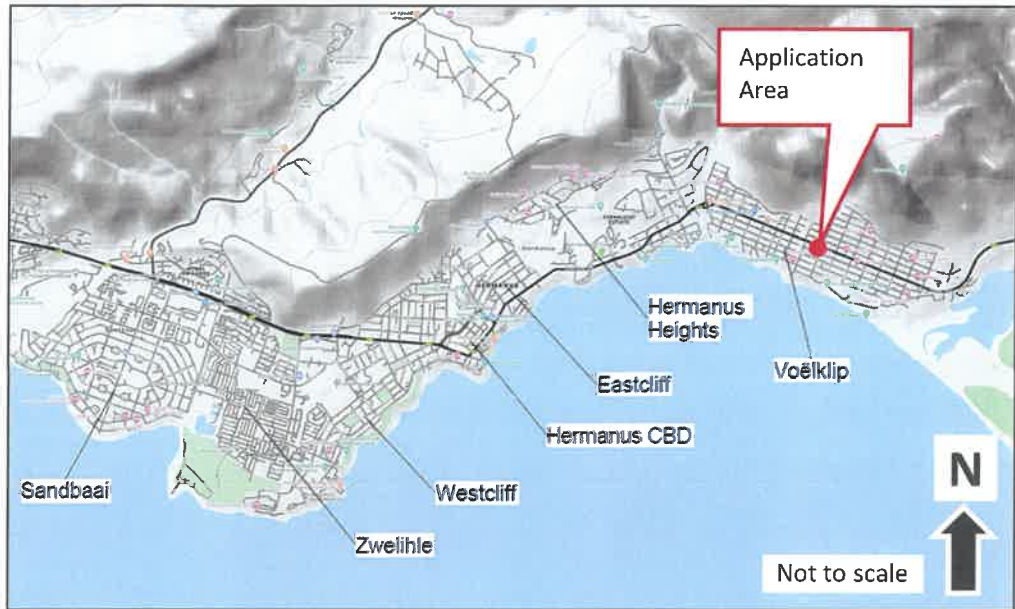


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a single residential zoned erf within Voëlklip. The application area is located at number 175 Seventh Street.



Figure 4: Locality Plan – Local Context

c. Land Use:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G.**

The application area accommodates a dwelling house on the property. The surrounding land-uses consist of single residential dwellings. No change in land-use is proposed. The application proposal is **consistent** with the land-use of the area.



Figure 5: Aerial image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

Refer to the Extract of Hermanus Zoning plan attached as **Annexure H.**

The application area, Erf 2914, Voëlkop is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

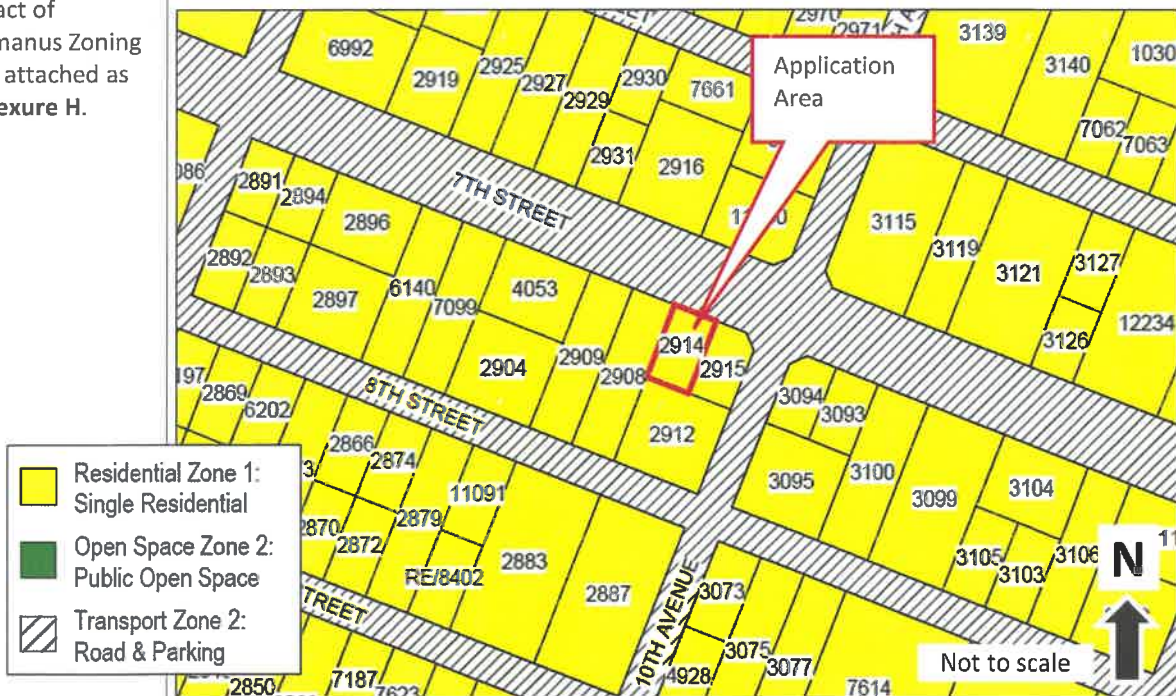


Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies relevant to the consideration of the application and forward planning and land use documents

The following policy is applicable to the application area and the development proposal:

i. Overstrand Municipal Spatial Development Framework, 2020

The application area falls within an Urban Development area within the Urban Edge and adjacent to a major road.

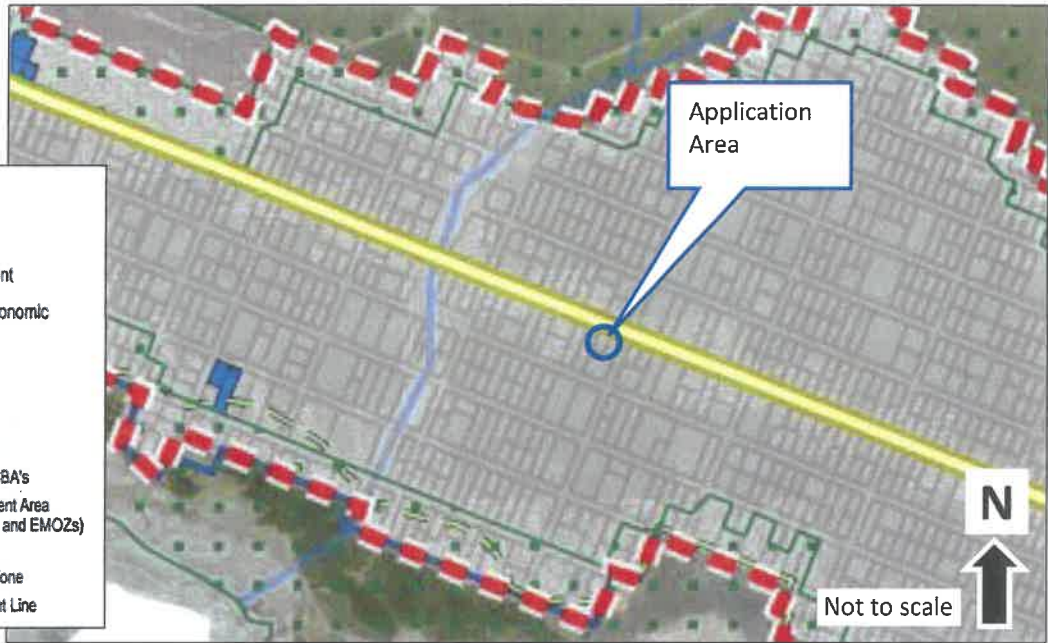


Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan

The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

ii. Overstrand Municipality Growth Management Strategy, 2020

The application area is within an area earmarked for Less Than 10 Dwelling Units Per Hectare Densification Zone.

No further densification is applicable to this application, as the proposal is to allow for a proposed carport.

The application is consistent with the Overstrand Municipality Growth Management Strategy, 2020.

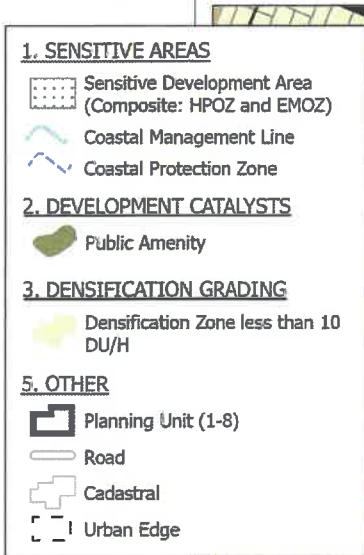


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2020

4. Motivation

Motivation for the application:

Refer to **Annexure I** for the Building Plan

a. Introduction and Background

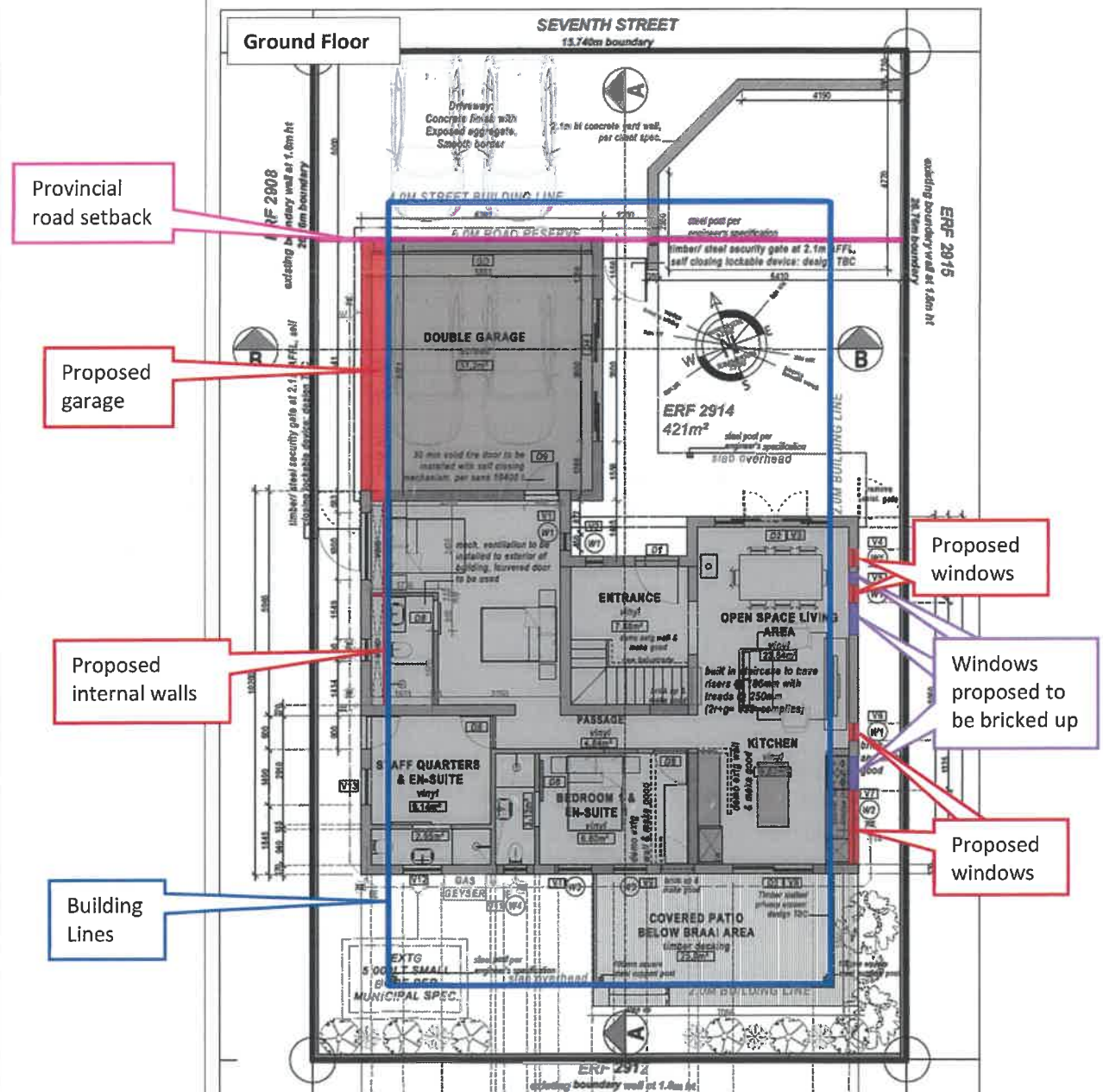
The application area is located on a single residential zoned erf within Voëlkop accommodates an existing double storey dwelling house. The erf is located on 7th Street and also part of the R43 provincial through road towards Stanford.

The building plans for the existing dwelling house was originally approved in terms of a previous zoning scheme resulting that the existing dwelling house and now also the some of the additions, exceed the current Overstrand Municipal Planning By-Law Zoning Scheme, 2020 lateral building lines.

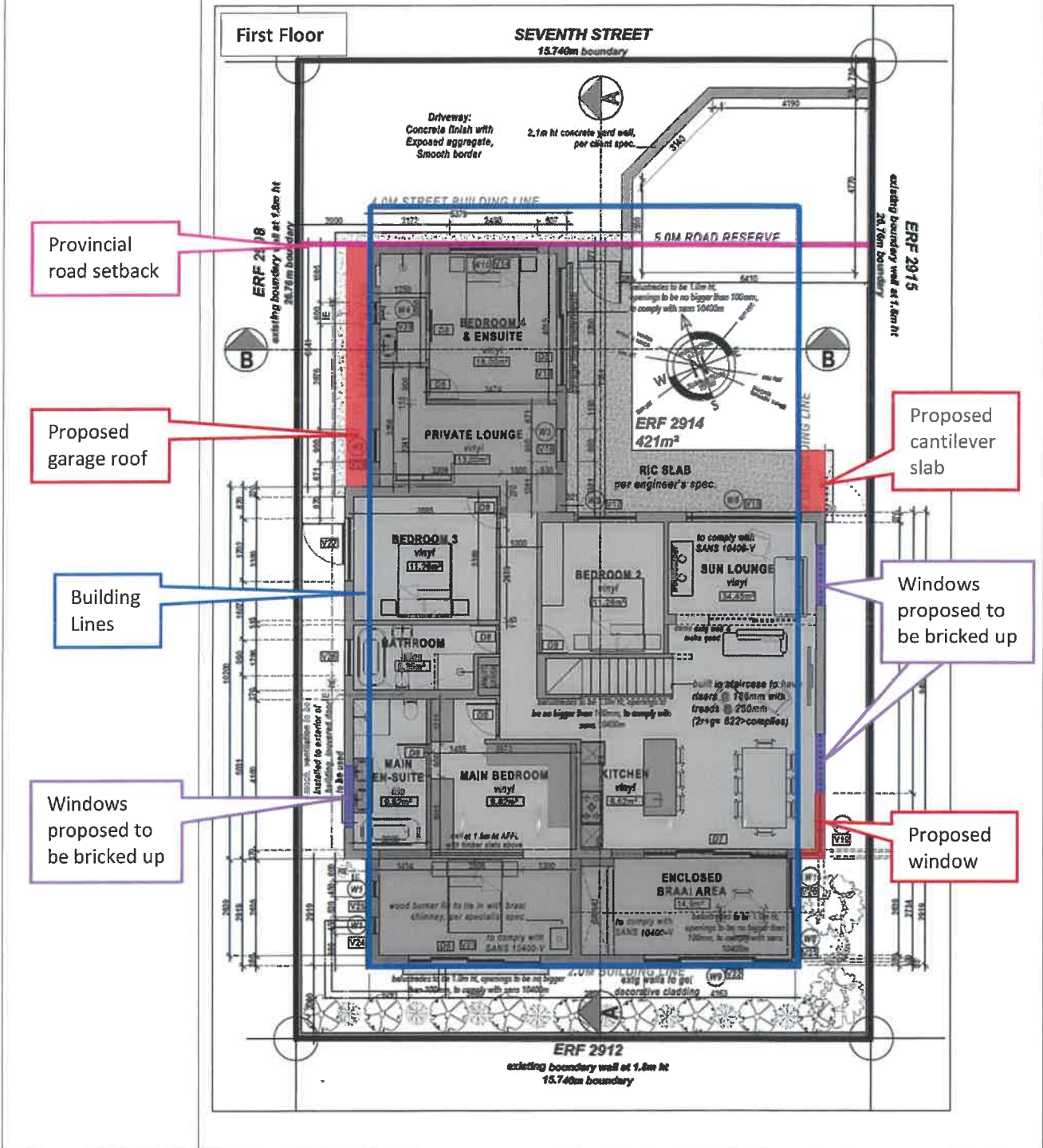
b. Proposal

The **development objective** is to allow for proposed amendments and additions to the existing dwelling house exceeding side building lines.

The ground floor amendments and additions include a proposed garage and internal walls on the western side and bricking up existing windows and also proposed alternative windows on the eastern side.



The first floor amendments and additions include a roof for the garage proposed and the bricking up of a window on the western side and a cantilever slab (RIC Slab) which faces east and north, bricking up windows and a proposed alternative window on the eastern side.



The proposal is to replace the tiles of the existing roof with roof sheets, which will partially exceed side building lines.

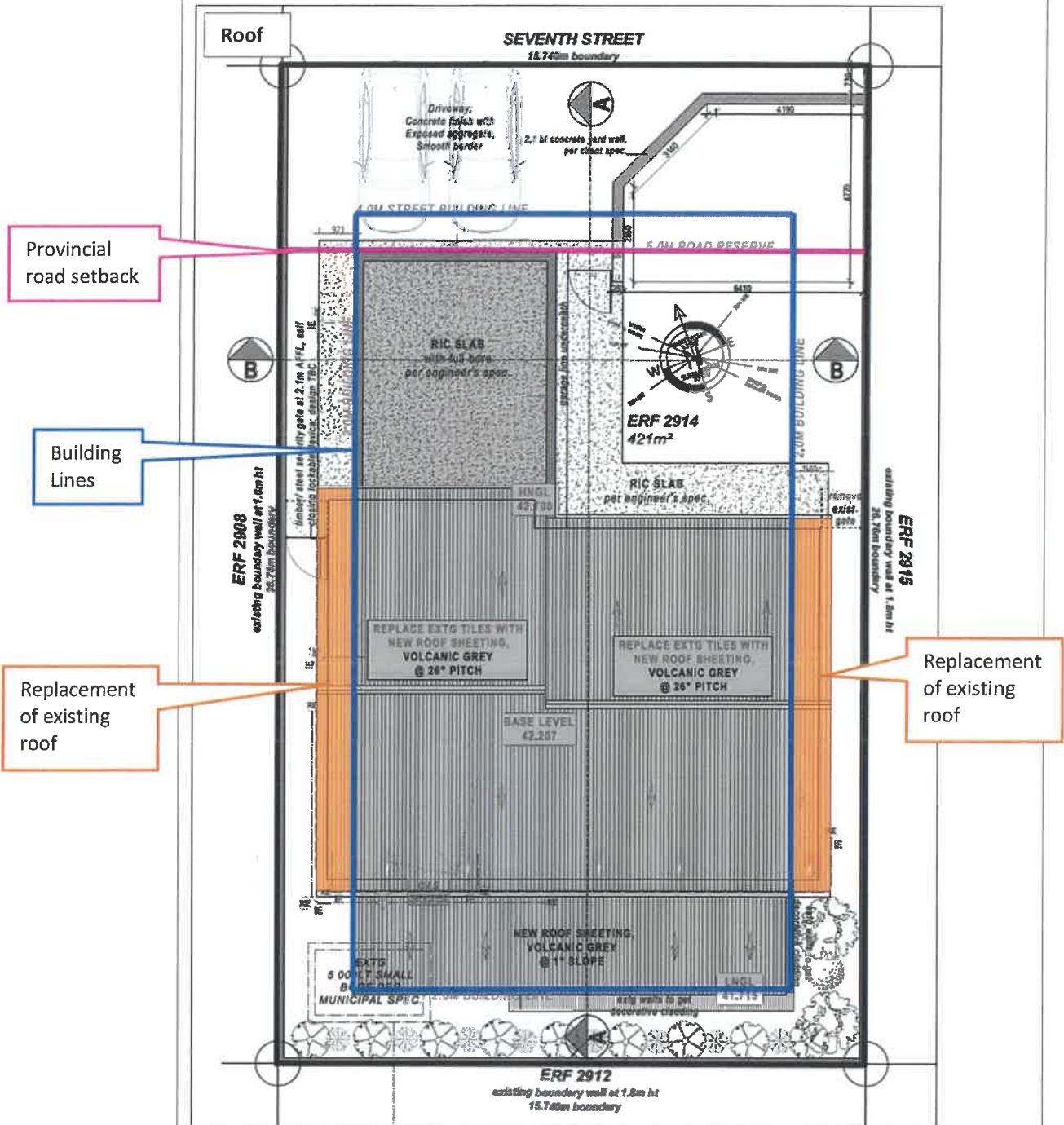


Figure 9: Floor Plans

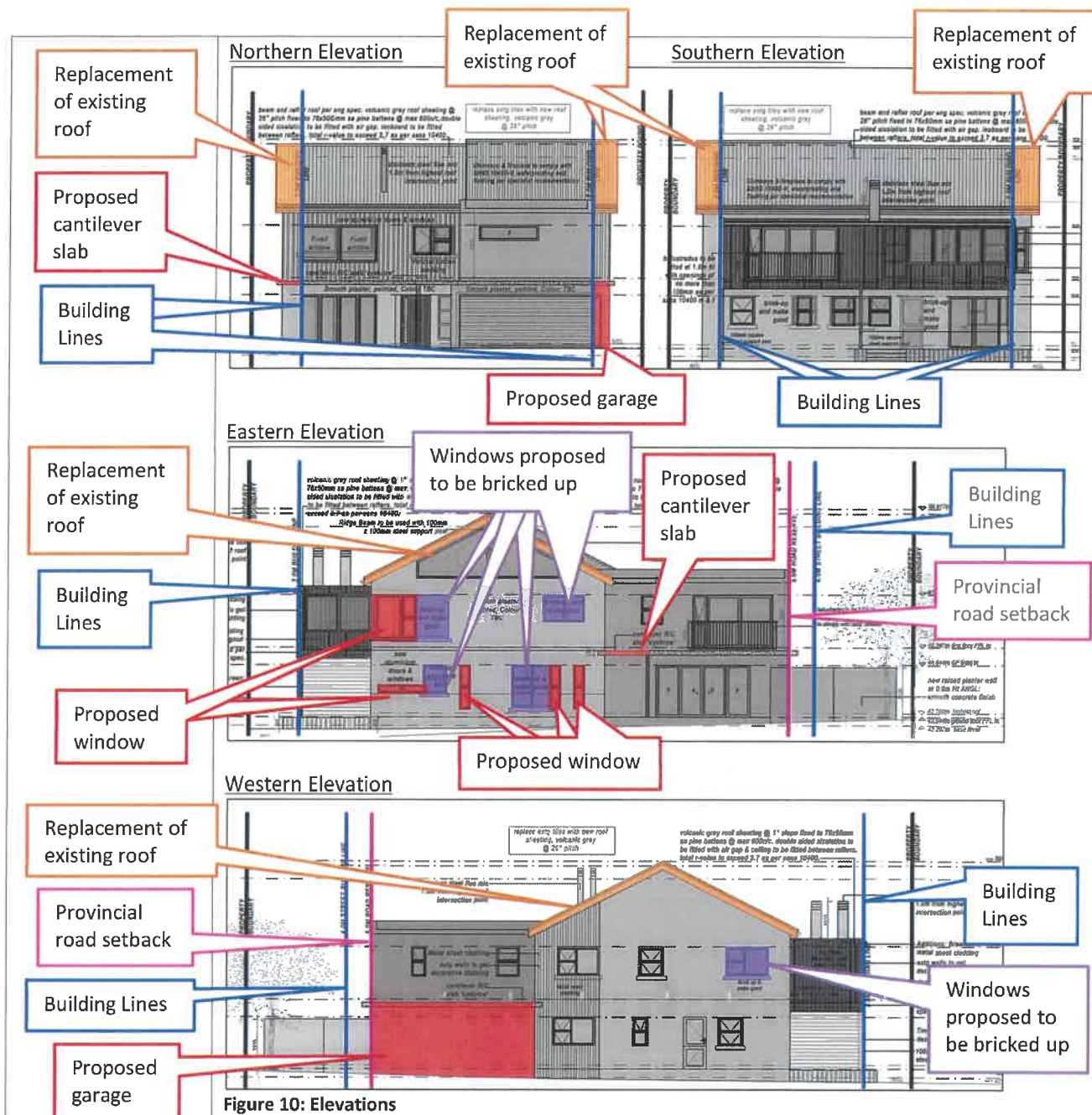


Figure 10: Elevations

c. Desirability

The proposed additions and amendments are considered **desirable** for the following reasons:

- All proposed additions and amendments are in line with the existing approved dwelling, thus not being closer to the side boundaries than the existing dwelling.
- The total glass surface and number of windows on the first floor, exceeding building lines, facing the side boundaries are proposed to be reduced.
- The proposed additions and amendments exceeding building lines will not negatively impact on privacy, views or light of neighbouring properties.
- The proposed additions and amendments will still allow for access around the dwelling for civil services and emergency services.
- No additional habitable spaces are proposed to exceed building lines.
- The proposal is consistent with the relevant policy and forward planning documents.
- The proposed additions and amendments will improve the functionality of the dwelling.

d. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as it only relates to additions and amendments to an existing dwelling.

The application proposal is **consistent** with the principle of **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposal will allow for structures on a single residential erf within the urban edge. Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal is consistent with the principle of **spatial sustainability**.

- 3) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposal does not have an impact on the layout or efficiency of the town as it only relates to additions and amendments of an existing dwelling.

The application proposal is **consistent** with the **efficiency principle**.

- 4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The application proposal will not impact on spatial resilience.

The application proposal is **consistent** with the principle of **spatial resilience**.

- 5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.

The application proposal is **consistent** with the principle of **good administration**.

5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area, providing a satisfactory residential environment and catering for a full range of residential needs, while potentially increasing the land value, without any material negative impact on the surrounding environment or on the application area currently evident or foreseen to result in future.

It is therefore recommended that the application **be approved** for the following:

- A departure to relax the **western side building line** from 2m to 1.3m to allow for a proposed garage, the bricking up of a window, the replacement the existing roof and proposed internal walls in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the eastern **side building line** from 2m to 1.26m to allow for a proposed portion of a cantilever slab, proposed windows, the bricking up of existing windows and the replacement the existing roof in terms of Chapter IV, Section 16(2)(b).

PROJECT
**Erf 2914 Voëklip,
 Hermanus**

TITLE
**Locality Plan
 Regional Context**

● Application Area

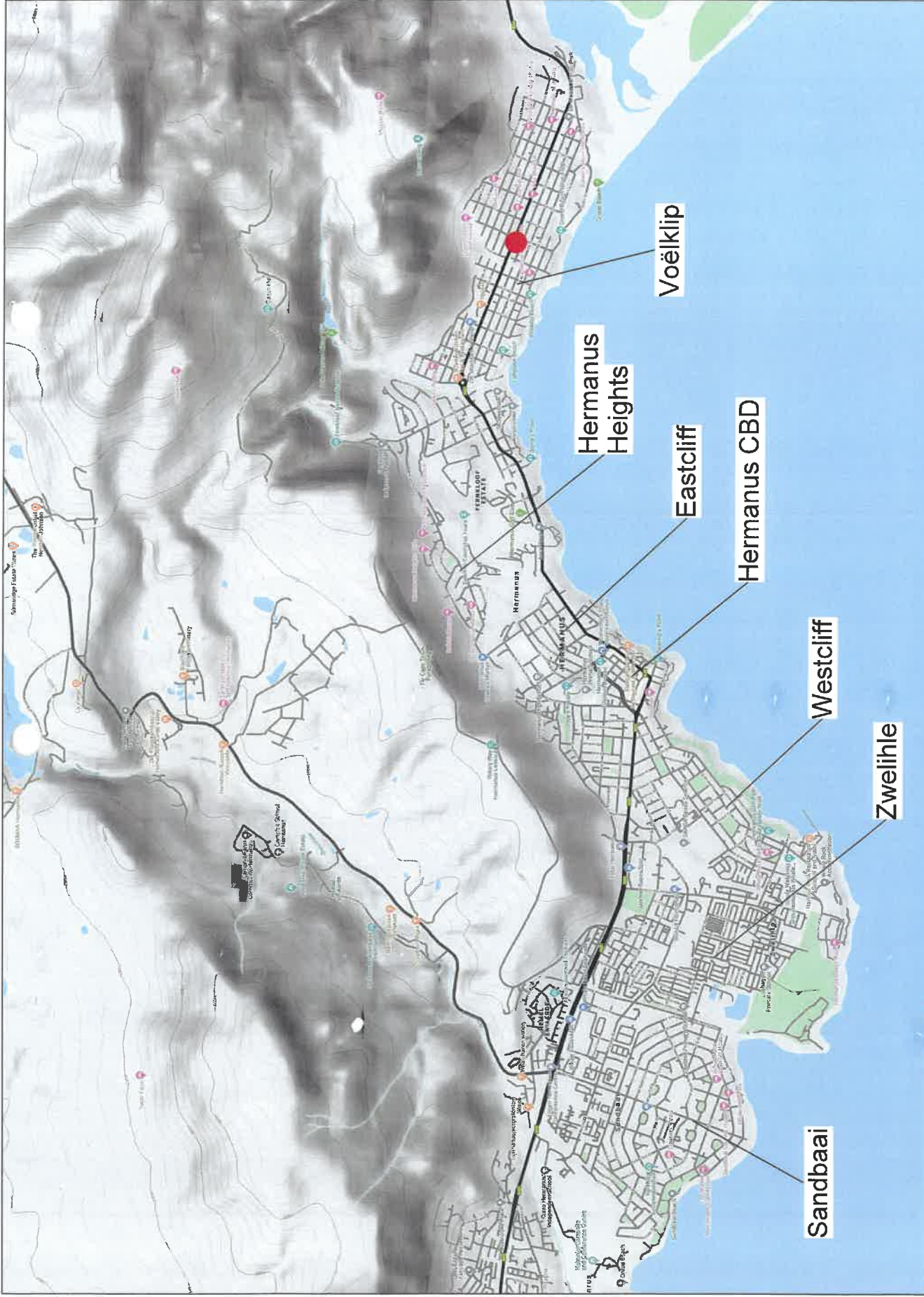


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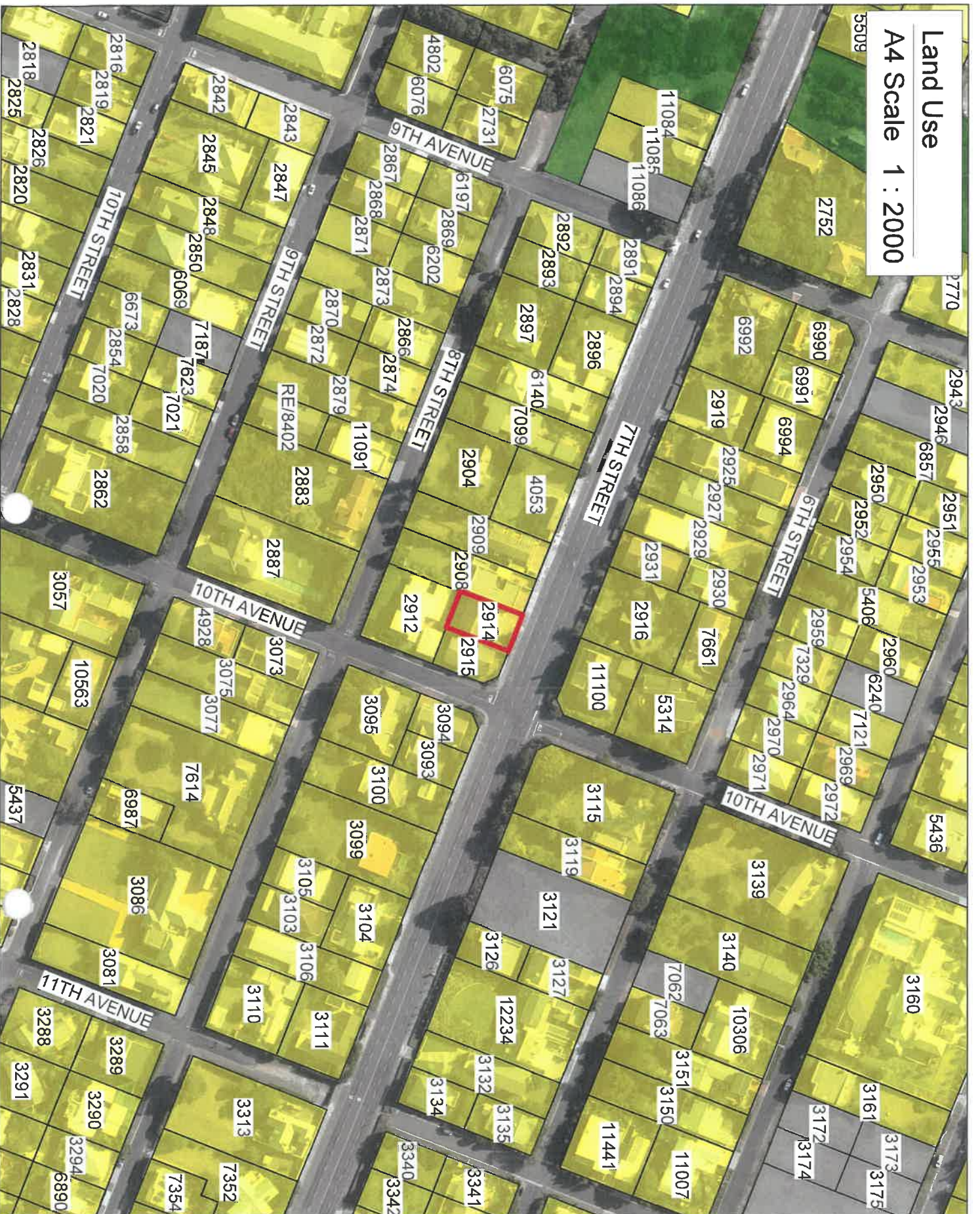
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InterActive Town & Regional Planning
 1001 West Street, Cape Town
 Telephone: 021 312 1662
 Cell phone: 082 496 0406
 Email: i.t.r.p@gmail.com



Regional Context
A4 Scale 1 : 50000

Land Use
A4 Scale 1 : 2000



PROJECT
Erf 2914 Voelklip,
Hermanus

TITLE
Land Use Plan

- Application Area
- Single Residential
- Public Open Space
- Vacant



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As Issued	2007	
DRAWING NUMBER		
A/101		

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 Author: Michèle Pieterse
 E: art@itrp.co.za
 Telephone: 022 712 1188
 Cell: 082 381 48100
 Fax: 022 712 1189
 Website: www.itrp.co.za

PROJECT
Erf 2914 Voëlkliip,
Hermanus

TITLE
Zoning Plan

- Application Area
- Residential Zone 1: Single Residential
 - Open Space Zone 2: Public Open Space
 - Transport Zone 2: Road & Parking



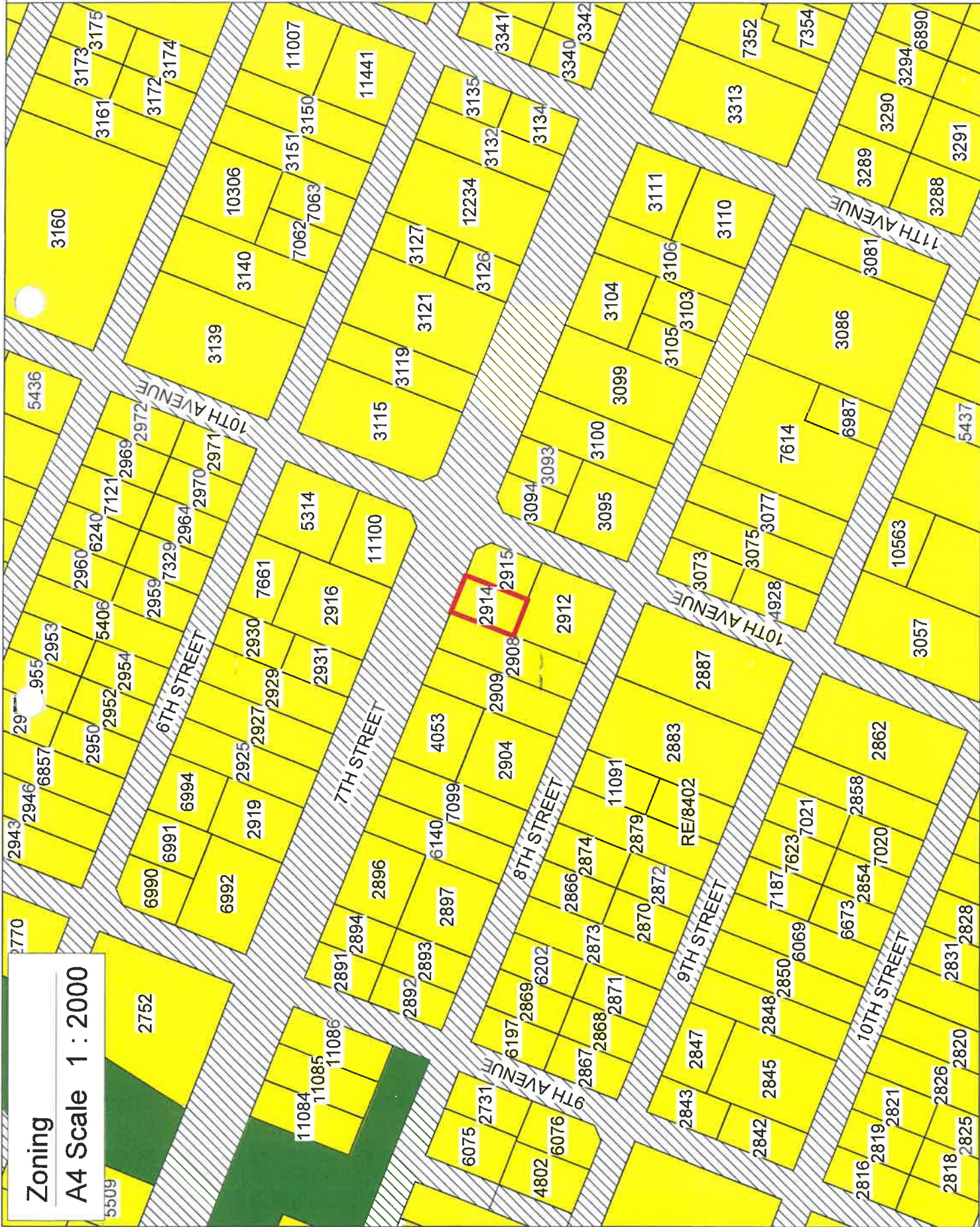
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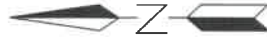
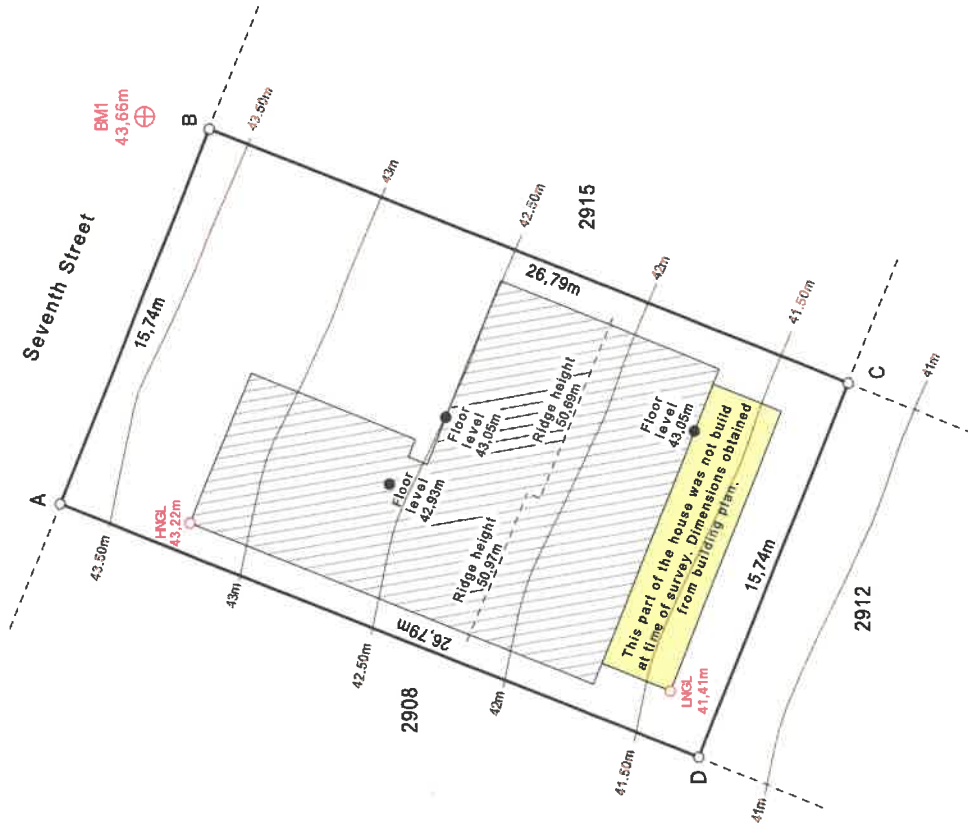
Contours represent Natural Ground Levels

Note

Contours represent natural ground levels, and not actual ground levels.

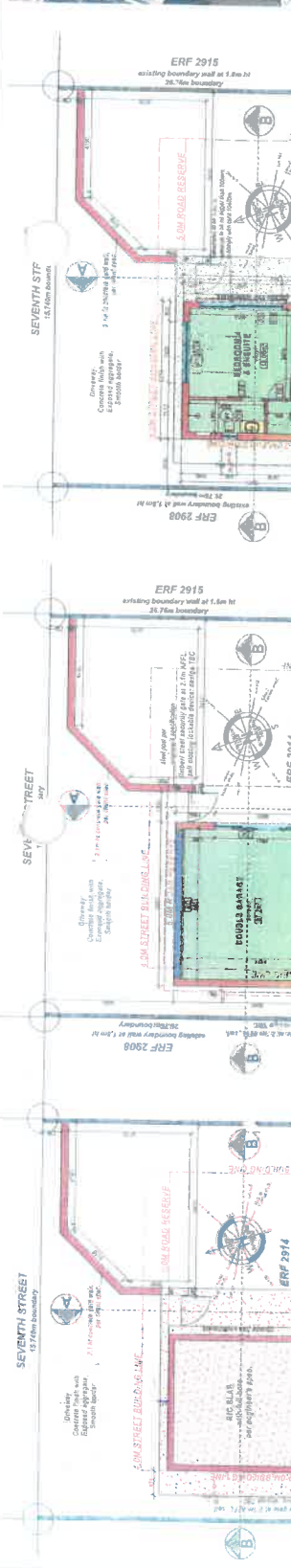
Height restriction calculation

Lowest Natural ground level (LNGL) : 41,41m
 Highest Natural ground level (HNGL) : 43,22m
 Baseline : 42,32m
 + allowable building height : 8,00m
 Building height restriction : 50,32m

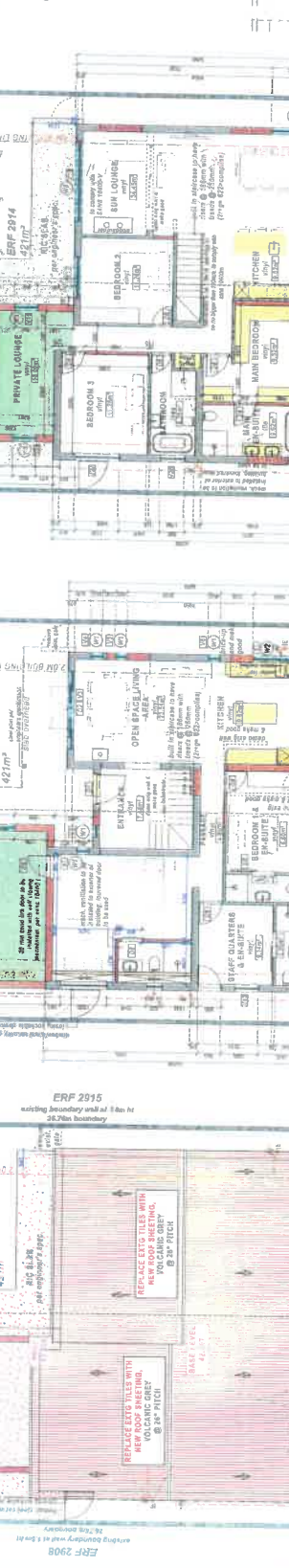
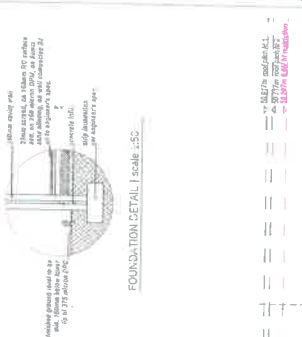


Beacon Certificate:	
Beacon Description:	
A ...	12mm iron peg next to wall
B, C ...	Drill hole in wall
D ...	Wall corner
Benchmark Description:	
BM1 ...	12mm iron peg next to kerb
L.A. van Dyk PLS 1069 Professional Land Surveyor	
VAN DYK & ASS. inc.	
P.O. Box 2025 HERMANUS 7200 SOUTH AFRICA	
VAN DYK & ASS. INC. Tel: (028) 313 0077 E-MAIL: info@vandyksurvey.co.za	
System:	WGS84 / Lo 19
Hoogte Stelsel:	Mean Sea Level
Hoogte Systeem:	
Skaal:	1 : 200
Scale:	
Date:	June 2024
Date:	
Client:	The Owner
Project Title:	ERF 2914 HERMANUS
HEIGHT RESTRICTION SURVEY	
Tekenings Nommer: V24253	
Getekende deur: DJP	
Val	van
Sheet	1 of 1

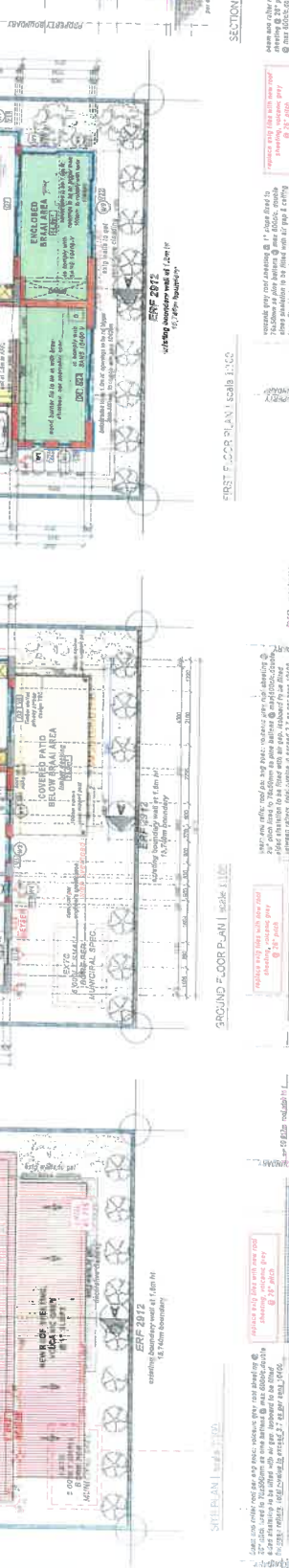
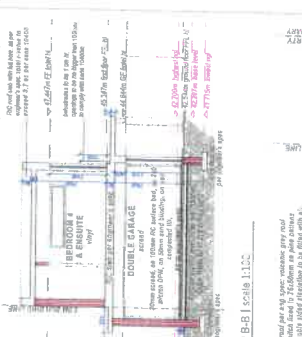
GENERAL NOTES:
 1. All work to be done in accordance with the City of Toronto Building Code, 1997, as amended.
 2. The drawings are prepared on the basis of information provided by the client and are not to be used for any other purpose without the written consent of the architect.
 3. The drawings are not to be used for any other purpose without the written consent of the architect.
 4. The drawings are not to be used for any other purpose without the written consent of the architect.
 5. The drawings are not to be used for any other purpose without the written consent of the architect.



FOUNDATION DETAIL (Scale 1:50)
 1. Foundation to be cast in situ concrete.
 2. Foundation to be cast on compacted fill.
 3. Foundation to be cast on compacted fill.
 4. Foundation to be cast on compacted fill.
 5. Foundation to be cast on compacted fill.



SECTION B-B (Scale 1:100)
 1. Section through the building showing the roof structure, walls, and foundation.
 2. Section through the building showing the roof structure, walls, and foundation.
 3. Section through the building showing the roof structure, walls, and foundation.
 4. Section through the building showing the roof structure, walls, and foundation.
 5. Section through the building showing the roof structure, walls, and foundation.



SECTION A-A (Scale 1:100)
 1. Section through the building showing the roof structure, walls, and foundation.
 2. Section through the building showing the roof structure, walls, and foundation.
 3. Section through the building showing the roof structure, walls, and foundation.
 4. Section through the building showing the roof structure, walls, and foundation.
 5. Section through the building showing the roof structure, walls, and foundation.



PROJECT: HOUSE #110
110 SEVENTH STREET
4300 BAYVIEW AVE
SCARBOROUGH, ONTARIO
OWNER: M. HART
DATE: 2017
SCALE: 1/8" = 1'-0"
CHECKED: P
FOR MUNICIPAL APPROVAL: FIG. 1

