

**ERF 3946, 276 EIGHTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF D & C BEKKER**

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 street building line from 4m to 3.29m, to accommodate the existing garage; and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing garage.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 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 / (f) 0283132093/ (e) [alida@overstrand.gov.za](mailto: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 the **Town Planner, Mr. P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 3946, AGTSTESTRAAT 276, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE INTERACTIVE STAD & STREEKSBEPLANNING NAMENS D & C BEKKER**

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, om:
  - die straatboulyn vanaf 4m na 3.29m te verslap, om die bestaande motorhuis te akkommodeer; en
- ❖ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, om die bestaande motorhuis te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. 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 / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **Vrydag, 24 Januarie 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA 3946, 276 EIGHTH STREET, VOËLKLIP, HERMANUS, KUMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA D & C BEKKER**

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

- ❖ **ukunyenysiswa** ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kwenziwe oku:
  - kunyenysiswe umgca wesakhiwo kwicala elingasesitalatweni ukusuka ku-4m ukuya ku-3.29m ukuze kuvunyelwe igaraji esele ikho; kwakunye
- ❖ **ukugqitywa kwesohlwayo emasibhatalwe** ngokweCandelo 16(2)(q) loMthetho kaMasipala ukulungiselela igaraji esele ikho.

Inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi wama-**uLwesihlanu, 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 Umchwangcisi **Wedolophu uMnu. P Roux** kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhalelizimvo zakhe.

PROJECT

Erf 3946 Voëlkliip

TITLE

Locality Plan  
Local Context



Application Area



INDICATE TOWN & REGIONAL PLANNING MARKS NO  
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INCIDENTAL OR CONSEQUENTIAL DAMAGES IN CONNECTION  
WITH OR ARISING OUT OF THIS DATA. THE DATA REMAINS THE  
PROPERTY OF INTERACTIVE TOWN & REGIONAL PLANNING  
FOR THE PURPOSES OF A PROJECT WITH THE PRIOR WRITTEN  
APPROVAL OF THE CLIENT.

CLIENT

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Author

CHECKED BY  
Checker

DATE  
2024/01/11

SCALE (B/A)  
As Indicated

PROJECT NUMBER  
0001

DRAWING NUMBER  
R04

Interactive Town & Regional Planning

9 Avia St (Town and Regional Planning)  
Cape Town, South Africa  
Tel: +27 (0)21 448 8833  
E-Mail: info@itrp.com



Local Context  
A4 Scale 1 : 2000

# 1. Introduction

<p><b>a. Brief</b></p> <p>Refer to <b>Annexure B</b> for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning was appointed by the owners of the property Darren &amp; Candice Bekker to prepare and submit an application for a building line departure and the determination of an administrative penalty for Erf 3946, Voëlklip in terms of the relevant legislation.</p>
<p><b>b. Background</b></p>	<p>The application area accommodates an existing dwelling house with a garage which was erroneously constructed 3.29m from the street boundary.</p> <p>The existing garage thus exceeds the 4m zoning scheme street building line.</p>

**c. Development Objective & Application Proposal**

The **development objective** is to allow for the existing garage exceeding the street building line.

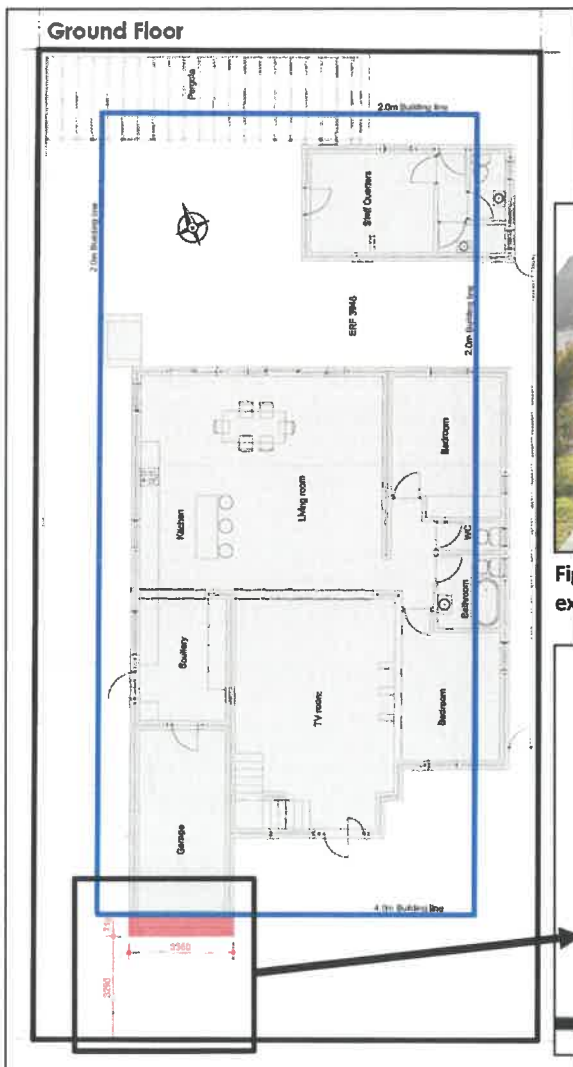


Figure 1: Google Street View image of the existing dwelling

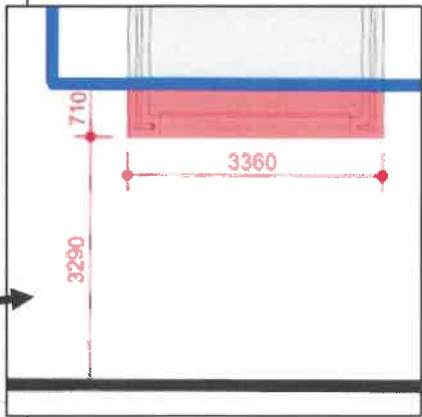


Figure 2: Building plan overlays

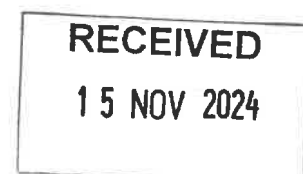
Subsequently the **application proposal** is for:

- A departure to relax the street building line from 4m to 3.29m to allow for the existing garage.
- The determination of an administrative penalty for the existing garage exceeding the street building line.

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## 2. The Application

<p><b>a. Analysis: Title Deed</b> Refer to <b>Annexure D</b> for the Conveyancer Certificate.</p>	<p>The conveyancer Amelia Galvin from Virtual Lawyers provided a conveyancer certificate confirming that no title deed conditions exist which restricts the development proposal.</p>				
<p><b>b. Analysis: Development Criteria:</b></p> <p>The development parameters for Erf 3946 Hermanus as per the Overstrand Municipality Land Use Scheme, 2020 are summarised as follows:</p>	<p><b>Parameters</b></p>	<p><b>Existing Zoning:</b></p>	<p><b>Proposal:</b></p>	<p><b>Comments</b></p>	
	<p><b>Zoning</b></p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Consistent</p>	
	<p><b>Primary Use</b></p>	<p>Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering</p>	<p>Dwelling house</p>	<p>Consistent</p>	
	<p><b>Consent Uses</b></p>	<p>Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture</p>	<p>None</p>	<p>Consistent</p>	
	<p><b>Coverage</b></p>	<p>50%</p>	<p>42.2%</p>	<p>Consistent</p>	
	<p><b>Height</b></p>	<p>8m</p>	<p>7m</p>	<p>Consistent</p>	
	<p><b>Building lines</b></p>	<p><b>Street</b></p>	<p>4m</p>	<p>3.29m west 4m south</p>	<p><b>Application is for a departure</b></p>
		<p><b>Side</b></p>	<p>2m</p>	<p>2m</p>	<p>Consistent</p>
		<p><b>Rear</b></p>	<p>2m</p>	<p>2m</p>	<p>Consistent</p>
<p><b>Parking</b></p>	<p>Dwelling house: 2 bays</p>	<p>Dwelling house: 2 bays</p>	<p>Consistent</p>		
<p><b>c. Application:</b></p> <p>The application form is attached as <b>Annexure A</b>.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:</p> <ul style="list-style-type: none"> <li>• A departure to relax the street building line from 4m to 3.29m to allow for the existing garage in terms of Chapter IV, Section 16(2)(b).</li> <li>• The determination of an administrative penalty for the existing garage exceeding the street building line in terms of Chapter IV, Section 16(2)(q).</li> </ul>				



### 3. Contextual Site Information

**a. Property Description**

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 3946 Voëklip.

Property	Extent	Title Deed	Registered Owner
Erf 3946 Voëklip, Hermanus	495m <sup>2</sup>	T21222/2023	Darren & Candice Bekker

The following Surveyor General Plans reflect the application site:

**DAVID HELLIG & ABRAHAMSE, Land Surveyors** **OFFICE COPY**

SIDES Metres	ANGLES DIRECTION	CO-ORDINATES System L019°	
		Y	X
AB 15,74	A 90.00.00	A - 27192,24	- 3809089,34
BC 58,26	B 90.00.00	B - 27206,85	- 3809095,19
CD 15,74	C 90.00.00		
DA 58,26	D 90.00.00		

S.G. No.  
**4093/82**

Approved  
*[Signature]*  
Surveyor-General  
1982-06-29

**BEACON DESCRIPTION**  
A,B....12mm Iron Peg.

**Note:** (1) The figure AByx represents the Remainder of Erf 3953 Hermanus vide Diagram No. 3437/1937 annexed to D/T. 1945.145.7234.  
(2) The figure xyCD represents Erf 3946 Hermanus, vide Diagram No. 3430/1937 annexed to D/T 1945.145.7234.

Scale 1:750

The figure A . B . C . D represents 916 ~~000~~ square metres of land, being ERF 6211 Hermanus, comprising (1) and (2) above. situate in the Municipality of Hermanus.

Administrative District of Caledon Province of Cape of Good Hope.  
Surveyed in compiled in June 1982.  
by me, *Abrahamse* Land Surveyor

This diagram is annexed to No. dated i.f.o.	The original diagrams are as quoted above. No. <u>                    </u> annexed to <u>Transfer/Grant</u> No. <u>                    </u>	File No. S/2479/167 S.R. No. Compiled Comp. AI-3DA/X24(469)
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Registrar of Deeds

Ref. W 324 Waltons Stationery Co. P.O. Box 11358 Cape Town

Figure 3: Extracts of the Surveyor General Plans of the application site

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**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. Voëlklip is located on the Eastern side of Hermanus.

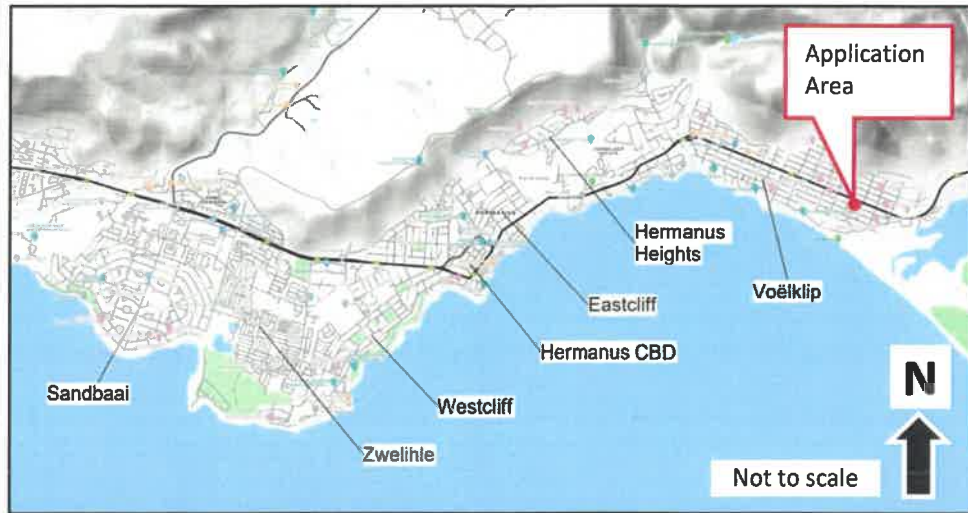


Figure 4: Locality Plan – Regional Context

**Local Context:**

Within the local context the application area is a single residential property within Voëlklip and accommodates an existing dwelling house. The application area is located at number 276 Eighth Street.



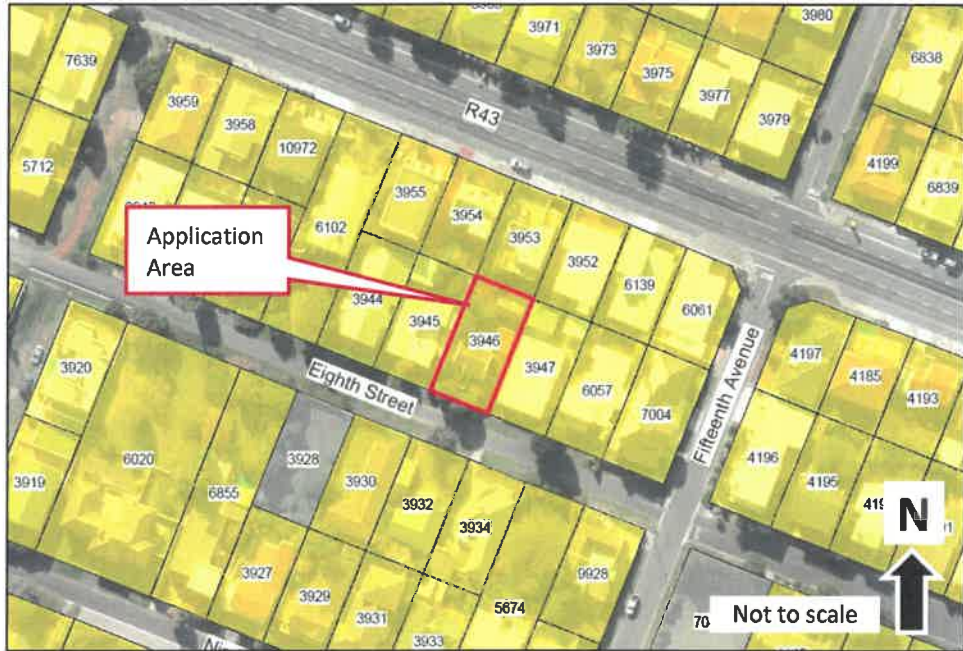
Figure 5: Locality Plan – Local Context

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**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.

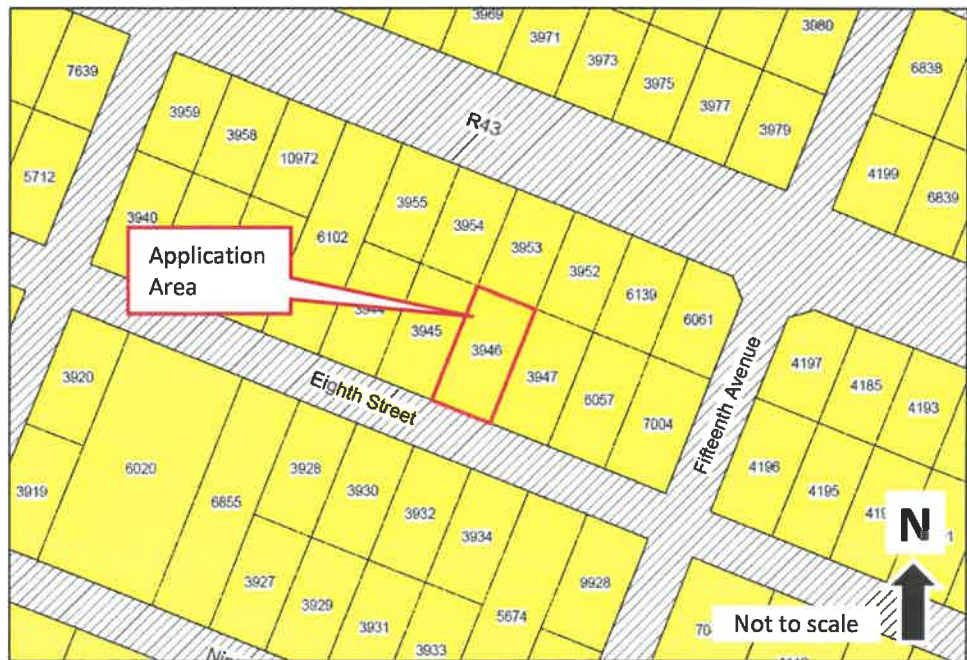


**Figure 6: Aerial Image illustrating the residential land-use activities of the application area and surrounding properties**

**d. Zoning:**

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

The application area, Erf 3946, 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 7: Extract from the Overstrand Municipality: Online zoning viewer**

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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.

**i. Overstrand Municipal Spatial Development Framework, 2020**

The SDF is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.

The application area falls within an Urban Development area and within the Urban Edge.



Figure 8: 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 Overstrand Growth Management Strategy defines, explains, and uses densification as a growth management tool to positively redress and counteract the effects of urban sprawl to promote the longer-term sustainability of the Overstrand Municipality and its sub-regions environmental quality.

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.

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



Figure 9: Extract from the Overstrand Municipality Growth Management Strategy, 2020 reflecting the envisaged land-uses for the area.

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## 4. Motivation

### Motivation for the application:

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

#### a. Introduction and Background

The application area accommodates an existing dwelling house within the residential suburb, Voëlkop.

During construction in January 2024, the existing garage was erroneously constructed over the 4m street building line.

#### b. Proposal

The **development objective** is to legalise the existing garage exceeding the 4m street building line.

The dimensions of the portion of the existing garage exceeding the 4m street building line are 0.71m by 3.36m and with a height of 3.35m.

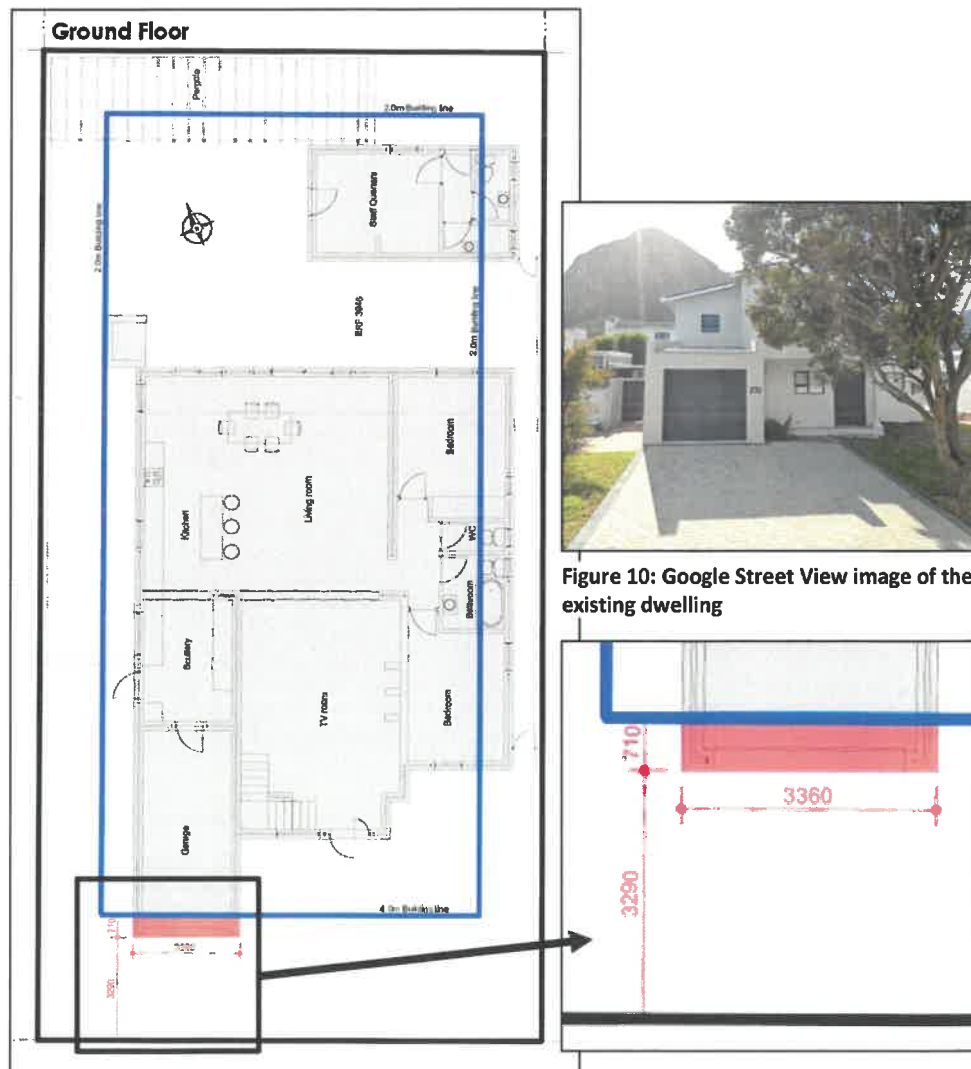
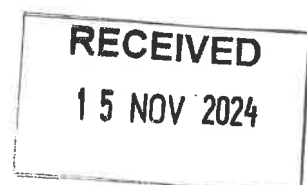
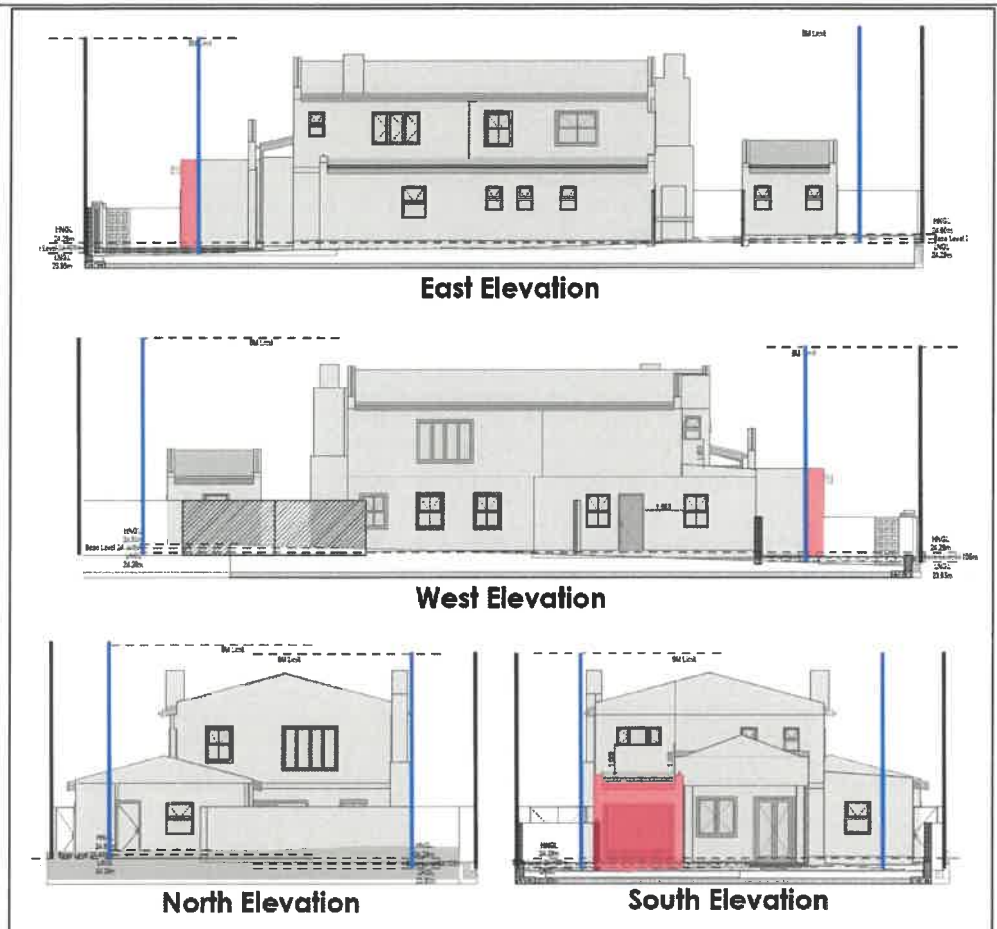


Figure 11: Ground floor illustration



Figure 10: Google Street View image of the existing dwelling





**Figure 12: Elevations illustration**

Subsequently application is made for:

- A street building line departure.
- The determination of an administrative penalty.

Building line departure

Application is made to relax the street building line from 4m to 3.29m to allow for the existing single garage.

The existing garage does not impact on views, privacy or light of the neighbouring properties.

The existing garage is a neat structure and a distance of 3.29m is still available between the single garage and the erf boundary, while the remainder of the dwelling is set back 6.4m from the street boundary, thus not having a significant visual impact and is therefore consistent with the character of the area.

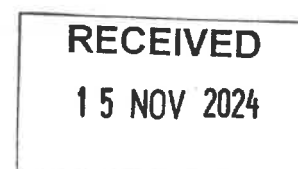
The distance of the garage and the road kerb is 7.2m allowing sufficient space to accommodate stacking distance between the road and the garage, thus not impacting on the low volume Eight Street traffic.

Determination of an administrative penalty

Due to the existing garage that does not comply with the zoning scheme criteria, the application is for a determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, as follows:

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	<p>The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):</p> <p>(a) <u>The nature, duration, gravity and extent of the contravention;</u></p> <p>The garage was constructed in January 2024. The dimensions of the portion of the existing garage exceeding the 4m street building line are 0.71m by 3.36m, resulting an area of 2.4m<sup>2</sup>. The existing garage has a height of 3.35m.</p> <p>(b) <u>The conduct of the person (allegedly) involved in the contravention;</u></p> <p>The garage was erroneously constructed over the street building line.</p> <p>(c) <u>Report by a quantity surveyor in matters of unauthorised building/construction;</u></p> <p>No report by a quantity surveyor has been obtained, but will be provided on the request of the municipality.</p> <p>(d) <u>Whether the unlawful conduct was stopped</u></p> <p>The existing garage still stands as application is made for a building line departure to legalise the existing garage.</p> <p>(e) <u>Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law</u></p> <p>We are not aware of any previous contraventions other than stated in this application.</p>
	<p><b>c. Desirability</b></p> <p>The application proposal is considered desirable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The application proposal is consistent with the character of the area.</li> <li>• The application proposal does not negatively impact on the neighbouring properties in terms of privacy, light, views, noise or safety.</li> <li>• The legalisation of the existing garage is the most resource efficient solution to the garage which exceeds the street building line.</li> </ul>
	<p><b>d. Planning Principles</b></p> <p>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:</p> <p>1) <b>Spatial Justice</b> 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.</p> <p><b>Possible results of the development</b></p> <p>The application proposal relates to the legalisation of an existing structure and will not impact on spatial justice.</p> <p>The application proposal is <b>consistent with spatial justice.</b></p> <p>2) <b>Spatial Sustainability</b> 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.</p> <p><b>Possible results of the development</b></p> <p>The application proposal is to legalise and existing garage and will not impact on valuable agricultural land, environmentally sensitive or biodiversity rich areas, scenic or cultural landscapes.</p> <p>The application proposal is <b>consistent with spatial sustainability.</b></p>



3) **Spatial 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 application proposal does not affect land use, the layout or structure of the town and will therefore not impact on spatial justice.

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 is for the amendment of a dwelling unit and 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**

Consultive 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.

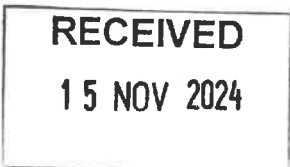
The application proposal is **consistent** with the principle of **good administration**.

## 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.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:

- A departure to relax the street building line from 4m to 3.29m to allow for the existing garage in terms of Chapter IV, Section 16(2)(b).
- The determination of an administrative penalty for the existing garage exceeding the street building line in terms of Chapter IV, Section 16(2)(q).



PROJECT  
**Erf 3946 Voëlklip,  
 Hermanus**

TITLE  
**Locality Plan  
 Regional Context**

Application Area



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CLIENT

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 AM

CHECKED BY  
 AM

DATE  
 20/01/19

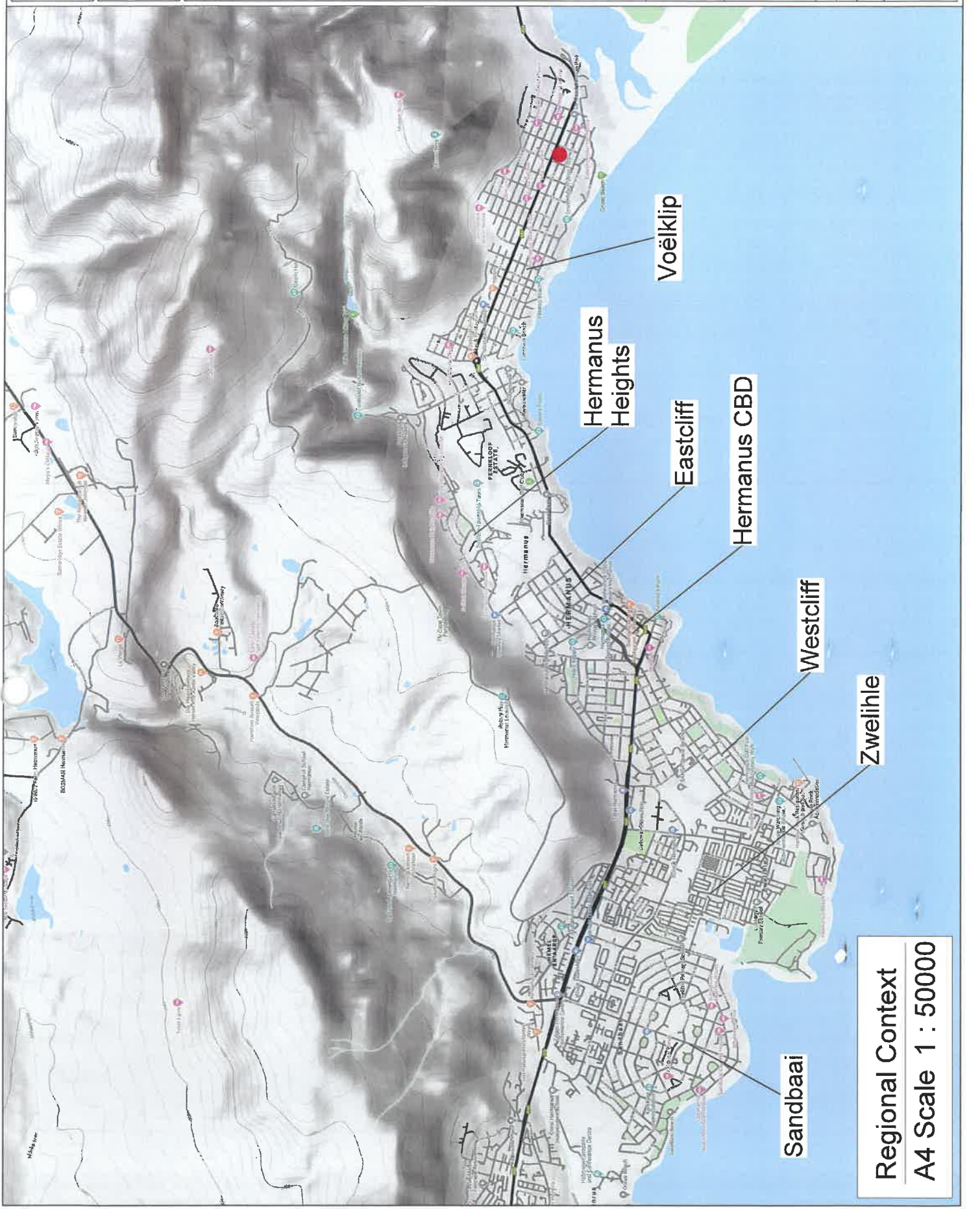
SCALE (B:M)  
 1:50000

PROJECT NUMBER  
 0001

DRAWING NUMBER  
 01

**Interactive Town & Regional Planning**

Address: 101  
 6144 45 St (Corner Regional Planning)  
 Telephone: 073317 1668  
 Cell phone: 082 486 0499  
 E-Mail: info@intown.planning.com



**Regional Context**  
**A4 Scale 1 : 50000**

PROJECT  
Erf 3946 Voëlklip

TITLE  
Land Use Plan

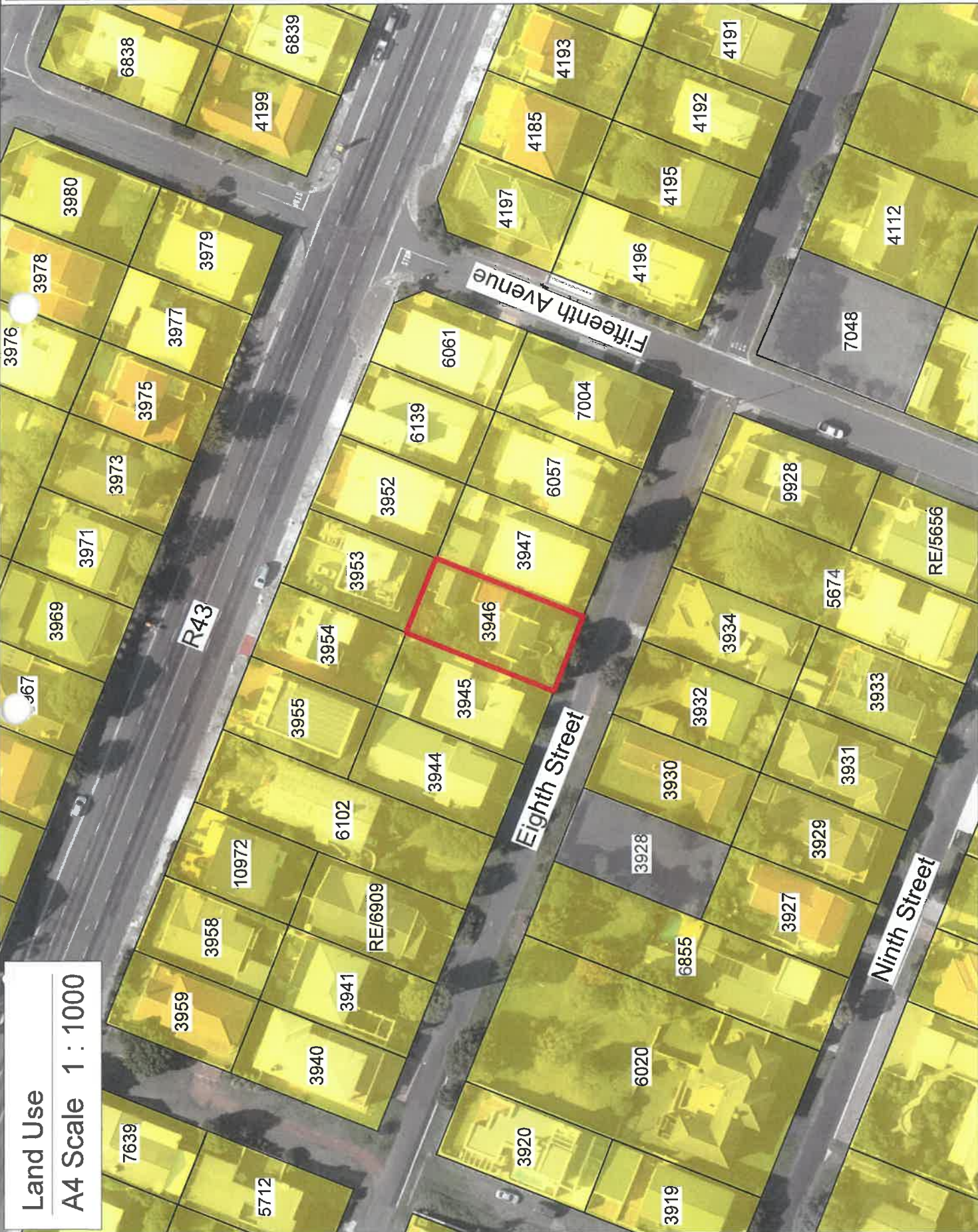
Application Area  
Single Residential  
Vacant



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DRAWN BY	CHECKED BY	DATE
SCALE (B/A)	DATE	REVISION
PROJECT NUMBER	PROJECT NUMBER	PROJECT NUMBER
DRAWING NUMBER		

InterActive Town & Regional Planning  
Area: 1141 St. (Town and Regional Planning)  
Telephone: 082 313 1688  
Cell phone: 082 348 6099  
E-mail: info@interactiverp.com



Land Use  
A4 Scale 1 : 1000





NOTES:

DRAUGHTSMAN: Reg No. D2404  
 Signed: *Bester*  
 Date: 08-10-2024  
 CLIENT


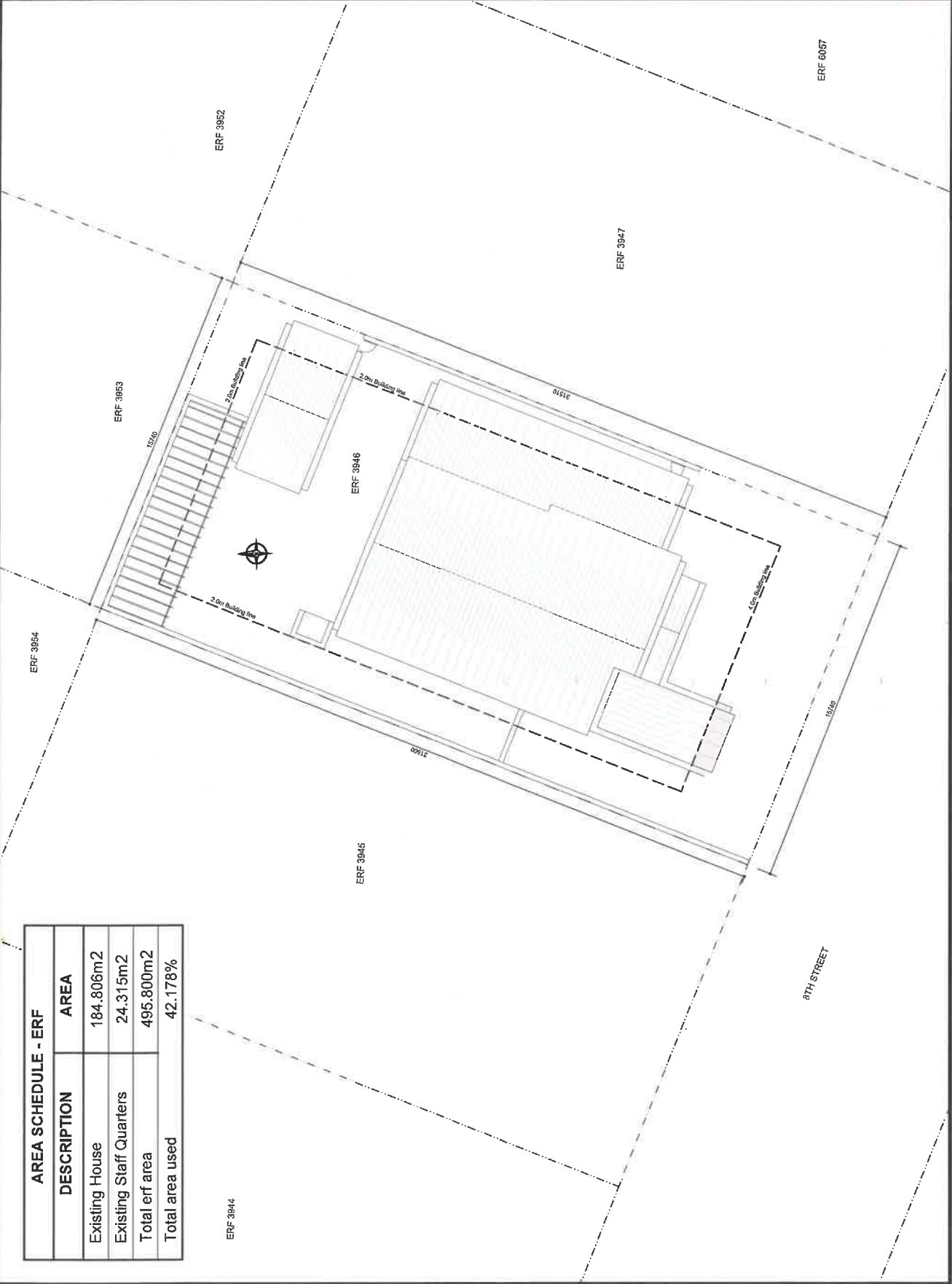
Signed: .....  
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Signed: .....  
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 CLIENT

PROJECT  
 ERF 3946,  
 VOELKLIP

PLAN DESCRIPTION  
 SITE PLAN

SCALE: 1:250 (A4)  
 DATE: OCTOBER 2024  
 PLAN NUMBER: PN33/01

AREA SCHEDULE - ERF	
DESCRIPTION	AREA
Existing House	184.806m <sup>2</sup>
Existing Staff Quarters	24.315m <sup>2</sup>
Total erf area	495.800m <sup>2</sup>
Total area used	42.178%