

ERF 4429, 55 CHANTECLAIRE AVENUE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF NAXICORP PROPERTIES (PTY) LTD

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) for the following:

Departure in terms of Section 16(2)(b) of the Bylaw for the following:

- Relaxation of the eastern side building line from 2m to 0.74m to accommodate the garage extension on the ground floor,
- Relaxation of the eastern side building line from 2m to 1.04m to accommodate the existing stairs on the ground floor,
- Relaxation of the eastern side building line from 2m to 0.74m to accommodate the store and staff quarters extension on the lower ground floor,
- Relaxation of the allowable coverage from 50% to 53.4%,
- Relaxation of the maximum allowable boundary wall height from 2.1m to 2.4m, for the western boundary wall.

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) loretta@overstrand.gov.za) on or before **18 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. H. Olivier 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 4429, CHANTECLAIRELAAN 55, ONRUSTRIVIER, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING & BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS NAXICORP PROPERTIES (PTY) LTD

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

Afwyking ingevolge Artikel 16(2)(b) van die Verordening vir die volgende:

- Verslapping van die oostelike sy boulyn vanaf 2m tot 0.74m om die garage aanbouing op die grondvloer te akkommodeer.
- Verslapping van die oostelike sy boulyn vanaf 2m tot 1.04m om 'n bestaande trappe op die grond vloer te akkommodeer.
- Verslapping van die oostelike sy boulyn vanaf 2m tot 0.74m om die stoor en personeelkwartiere op die laer grondvloer te akkommodeer.
- Verslapping van die toelaatbare dekking van 50% na 53.4%.
- Verslapping van die maksimum toelaatbare grensmuurhoogte van 2.1m tot 2.4m, vir die westelike grensmuur

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) loretta@overstrand.gov.za) voor of op **18 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. H. Olivier 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 4429, 55 CHANTECLAIRE AVENUE, ONRUSTRIVIER, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: WRAP PROJECT OFFICE EGAMENI LIKA NAXICORP PROPERTIES (PTY) LTD

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


Ukutenxa ngokuhambelana malunga Candelo 16(2)(b) malunga noku kulandelayo:

- Ukuphumla komgca wesakhiwo wecala elingasempuma ukusuka kwi-2m ukuya kwi-0.74m ukulungiselela ukwandiswa kwegaraji kumgangatho ophantsi,
- Ukuphumla komgca wesakhiwo wecala elingasempuma ukusuka kwi-2m ukuya kwi-1.04m ukulungiselela izitebhisi ezikhoyo kumgangatho ophantsi,
- Ukuphumla komgca wesakhiwo wecala elingasempuma ukusuka kwi-2m ukuya kwi-0.74m ukulungiselela indawo yokugcina kunye nolwandiso lweendawo zokuhlala zabasebenzi kumgangatho osezantsi osezantsi,
- Ukutenxa kokhuselo oluvumelekileyo ukusuka kuma-50% ukuya kuma-53.4%,
- Ukutenxa kowona mphakamo uphezulu uvumelekileyo wodonga ukusuka kwi-2.1m ukuya kwi-2.4m, kudonga lomda osentshona.

Ukumiselwa kwesohlwayo solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

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 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi wama- **18 EyeDwarha 2024**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba Umcwangcisi **Wedolophu**, Mr. H. Olivier 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.

1. Locality Plan Erf 4429 Onrustrivier

 Subject property

Plan prepared by: Thian Jansen

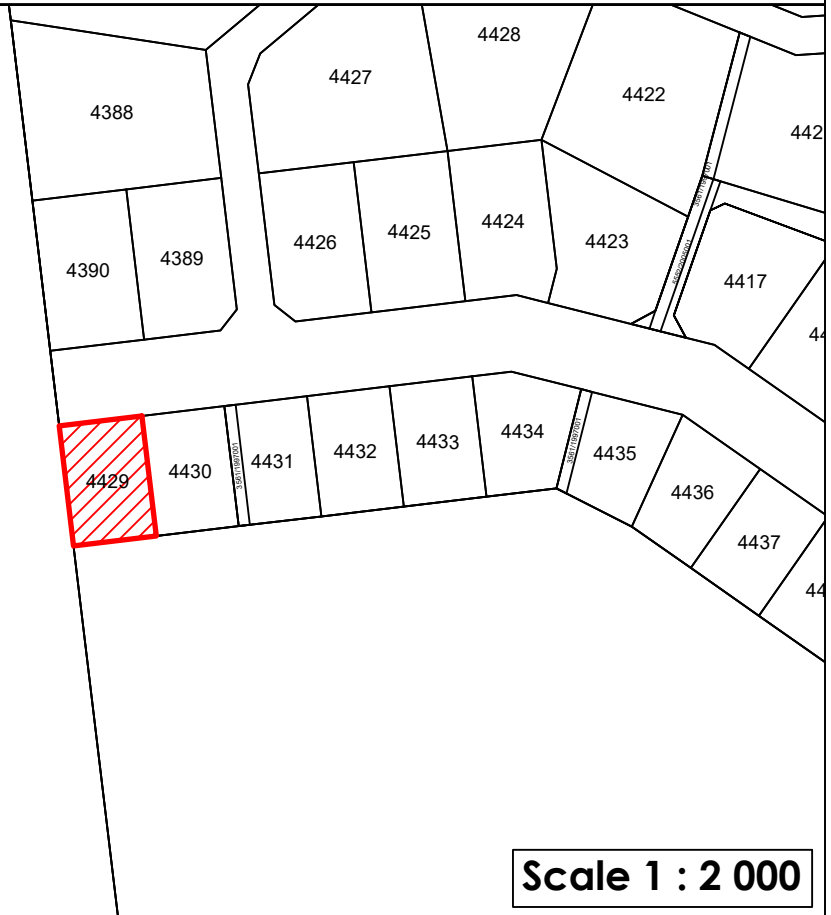
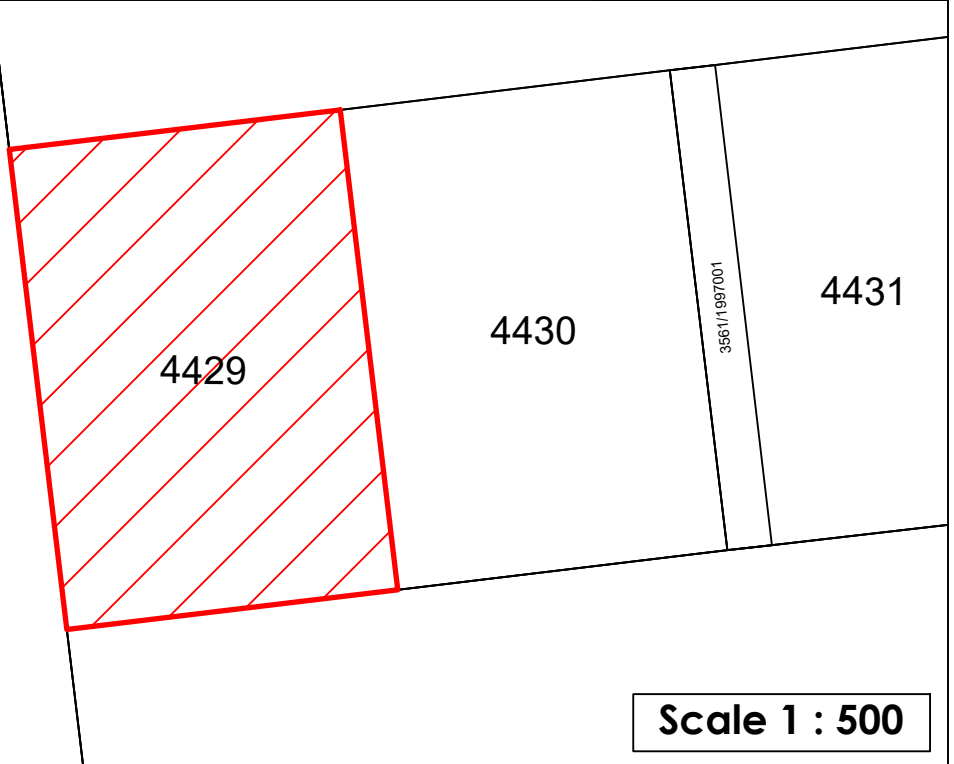
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management





1. ABBREVIATIONS

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

2. PROPERTY DETAILS

Erf extent	704m ²
Current zoning	Residential Zone 1: Single Residential

3. BACKGROUND

Erf 4429, Onrustrivier, hereafter referred to as the subject property, was bought by the owners to be developed into their dream home. This property holds significant personal and financial value for the owners, who have invested considerable time and resources into its development. The vision was to create a residence that not only meets their functional needs but also reflects their aesthetic preferences and lifestyle.

During the construction process, several alterations were made that deviated from the initially approved building plans. These changes, while aimed at enhancing the property's utility and appearance, unfortunately resulted in non-compliance with the OMLUS. Specific instances of these deviations include expansion of the garage across the building as well as increasing the boundary wall height.

Recognising the importance of adhering to municipal regulations and resolving these compliance issues, the owners have taken proactive steps to rectify the situation. They have appointed WRAP Project Office, to handle the necessary administrative procedures. This includes applying to address the unauthorised changes formally. The Power of Attorney, which authorises WRAP Project Office to act on the owners' behalf, is attached as Annexure A.

The owners' vision for the subject property was clear from the outset: to transform it into their primary residence, a place where they could live comfortably. The original design of the dwelling was meticulously planned to align with this vision. However, as is common in many construction projects, practical considerations and on-site realities led to modifications during the construction phase. These alterations, while beneficial from a practical standpoint, were not in alignment with the Overstrand Municipality's Land Use Scheme development parameters.

As a result, an application for the determination of an administrative penalty is required to be submitted. This application aims to address the regulatory breaches and seek the municipality's approval for the as-built modifications. The owners are committed to



resolving this matter in a manner that upholds the integrity of the municipal regulations while allowing them to realize their vision for their home.

By submitting this application, the owners hope to demonstrate their willingness to comply with all necessary regulations and to work collaboratively with the municipality to achieve a satisfactory resolution. They believe that with the expertise of WRAP Project Office, a fair and just outcome can be reached, allowing them to continue developing their dream home within the bounds of the law.

Approval of the following applications is required:

- Permanent Departure from the building lines;
- Permanent Departure from the allowable coverage;
- Permanent Departure from the maximum boundary wall height; and
- Determination of an administrative penalty.

4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

WRAP Project Office was appointed to compile and submit a land use planning application to achieve the vision highlighted in Section 3 of this report. The following is proposed:

4.1 Permanent Departure from Eastern 2,0m Building Line to 0,74m on the ground and lower ground floor.

4.2 Permanent Departure from Eastern 2,0m Building Line to 1,04m on the ground floor.

GROUND FLOOR - GARAGE

The owners planned to construct a double garage on the eastern building line. The proposed garage was approved with a section below the allowable height to be considered a general encroachment, as allowed in Section 16 of the Overstrand Municipality's Land Use Scheme (OMLUS). This approval was granted based on the condition that the garage's design would comply with the municipal regulations, ensuring that the overall aesthetics and structural integrity of the property would be maintained. Refer to the approved building plans attached as **Annexure C**.

However, during the construction process, several alterations were made to the original plan. One of the significant changes was related to the garage. The owners decided to modify the initial design to enhance both the architectural integration and functionality of the garage. Instead of stepping the garage as initially proposed, they chose to retain the same height as the rest of the garage. This decision was made to ensure a seamless architectural appearance, promoting a cohesive and visually appealing design that aligns with the overall vision for the property. Refer to the figure below for a visual representation of the alteration:

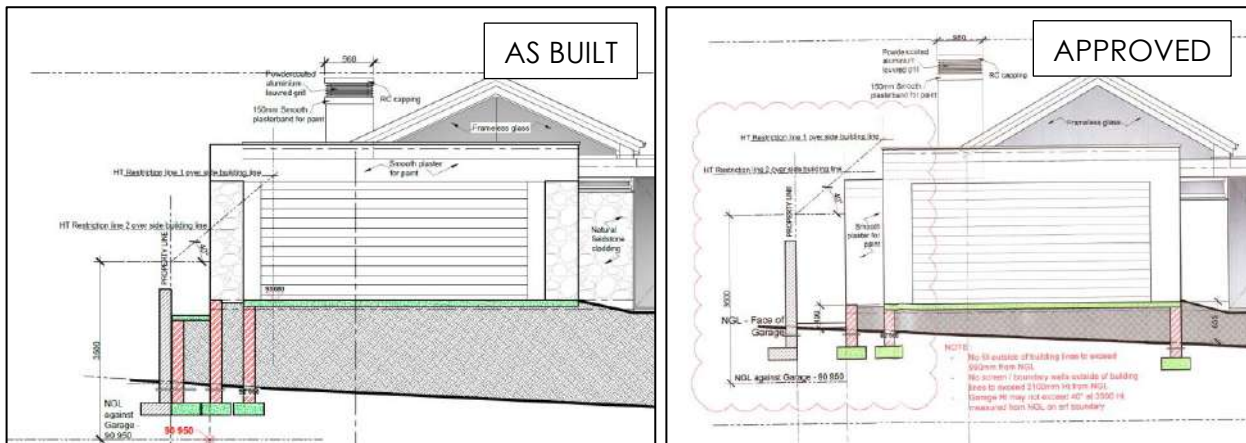


Figure 1: Alteration of the approved garage

In addition to achieving architectural integration, this alteration also significantly improved the functionality of the garage. The original plan included a stepped extension, which would have created varying levels within the garage space. While this design was compliant with the regulations, it was not optimal for the intended use of the garage. By maintaining a consistent height throughout the garage, the owners were able to create a more practical and usable space. This 'unstepped' design allows for better utilisation of the garage area, providing ample room for vehicle storage, storage, and other uses that the owners had envisioned. Refer to the as-built building plans attached as **Annexure D**.

The decision to alter the garage's design was driven by the owners' desire to create a home that not only meets regulatory standards but also fulfils their practical and aesthetic needs. They believe that these modifications, while deviating from the approved plans, ultimately contribute to a better living environment and a more functional home. The owners are committed to working with the Overstrand Municipality to address any compliance issues that have arisen from these changes. They hope to demonstrate that the alterations were made with careful consideration of both regulatory requirements and the practical benefits for their home.

GROUND FLOOR – STAIRS

Due to the natural slope of the property, it was necessary to construct stairs on the side of the dwelling to provide adequate access. These stairs exceed the allowable 1m height within the building line. As a result, approval of an application for departure from the building lines is required for the existing stairs.

The construction of these stairs was essential for ensuring safe and convenient access to different levels of the property. Given the property's topography, the stairs were designed to blend seamlessly with the overall architecture while providing functional access. Despite their necessity, their height surpasses the regulations, prompting the need for formal approval.

The owners are committed to adhering to all regulatory requirements and have taken proactive steps to address this issue. They believe that the constructed stairs are not only

a practical solution to the challenges posed by the property's slope but also an integral part of their vision for a well-designed and accessible home. By submitting this application, they aim to demonstrate their dedication to compliance and to work collaboratively with the Overstrand Municipality to ensure all aspects of their property meet the necessary standards. Refer to the figure below:

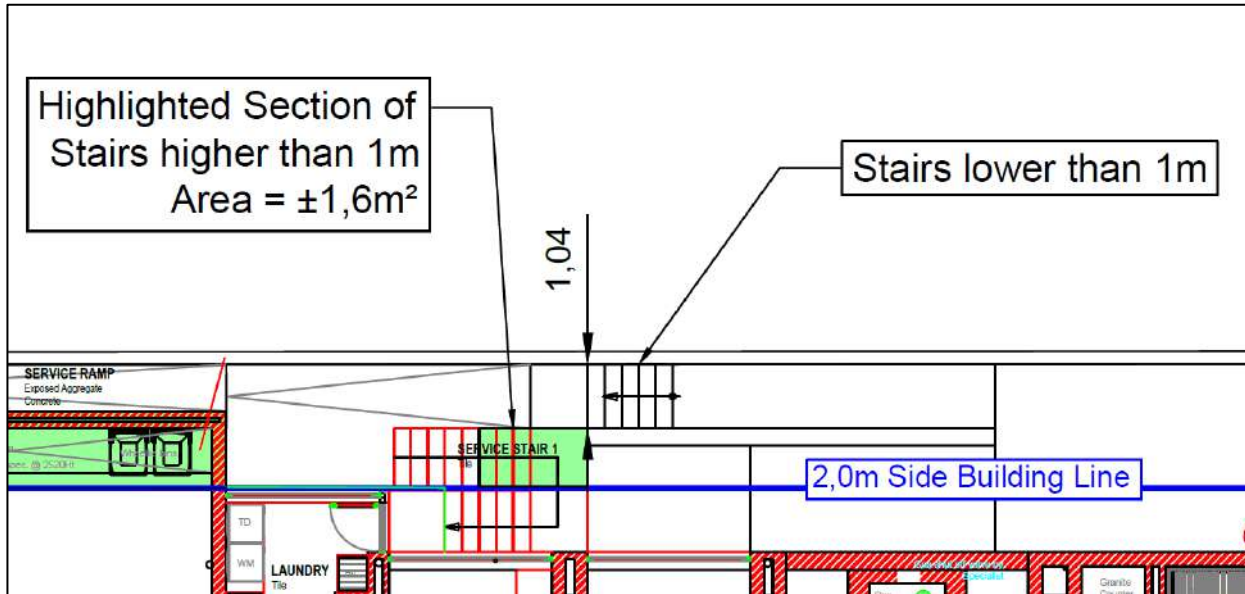


Figure 2: Illustration of the building line encroachment

LOWER GROUND FLOOR – STORAGE & STAFF QUARTERS

With the natural slope of the property, the owners had planned to include a lower ground floor. This lower ground floor is intended for garaging motor vehicles as well as extending the dwelling unit. There is also a staff quarters planned on the east side of the dwelling, situated below the garage.

Since the staff quarters extend more than 1 meter above the natural ground floor, it is considered an additional floor (storey). As a result, approval of an application for departure is required for the section that extends past the building line. Due to the design and fill that has occurred on-site, the lower ground floor will not be visible from the street, thereby minimizing the visual impact of the extension.

The approved plans initially indicated that the section of the staff quarters was a void, which was considered wasted space. To better utilise this area, the owners decided to incorporate this section into the room by removing a wall. This modification ensured that no windows face the neighbours, preserving their privacy and reducing the visual impact of the structure that crosses the building line.

Additionally, this alteration not only maximized the use of space but also enhanced the overall functionality of the staff quarters. By converting the void into a liveable area, the owners have provided a more comfortable and practical living space for their staff. This thoughtful design change aligns with their goal of creating a harmonious and well-integrated home environment.

The owners are committed to ensuring that all modifications comply with municipal regulations and are prepared to work closely with the Overstrand Municipality to address any compliance issues. They believe that these changes, while deviating from the original plans, ultimately contribute to a better and more functional living space.

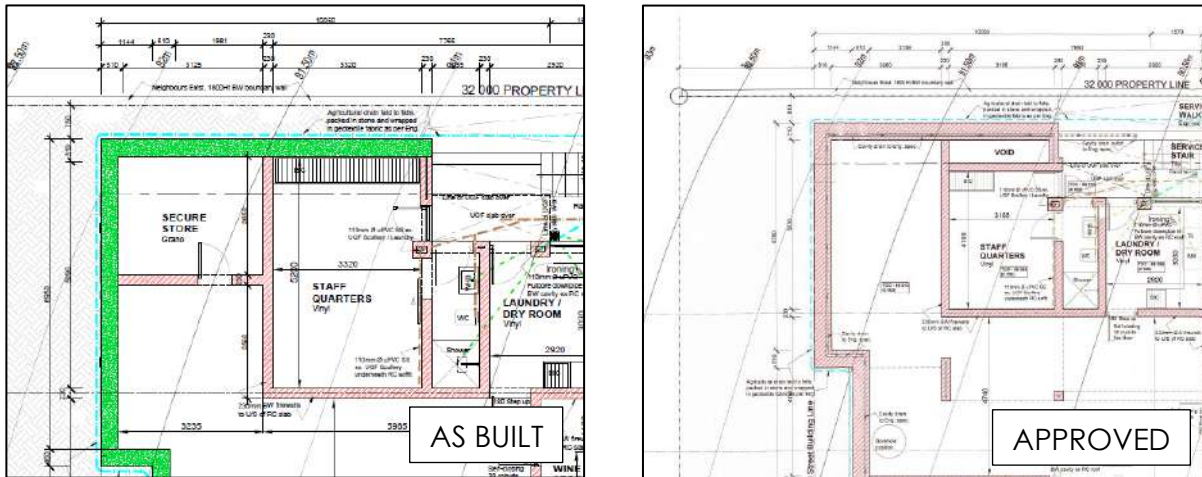


Figure 3: Alteration of the servants' quarters

Only a small section was converted to habitable space refer to figure below:

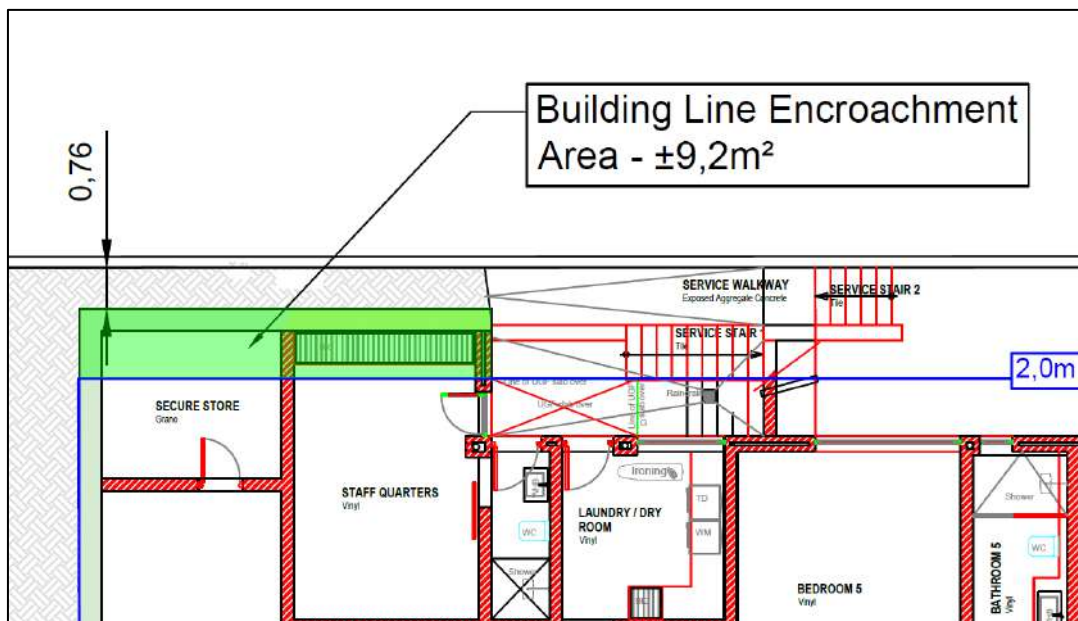


Figure 4: Illustration of the building line encroachment

4.3 Permanent Departure from the allowable coverage.

The approved plans for the property indicated a coverage of 50%, in accordance with the regulations set forth by the OMLUS. However, during the course of construction, the owners made several modifications to the original design. As a result of these changes, the property has been developed with a total coverage of 53.4%, which exceeds the allowable limit established by the OMLUS.



The increase in coverage was primarily due to minor alterations made to the original plans. These alterations, while intended to improve the functionality and aesthetics of the property, inadvertently pushed the coverage beyond the permissible threshold. Such modifications included extension of the front covered patio and other smaller elements.

Given that the final coverage surpasses the allowable limit, it is necessary to seek formal approval for these deviations. If approved the process will involve submitting a revised building plan to the municipality, outlining the nature of the changes.

The owners acknowledge the importance of adhering to municipal regulations and are committed to addressing any compliance issues that arise from these modifications. They have taken proactive steps to ensure that the property remains in line with their vision while also complying with the legal requirements.

By seeking approval for the increased coverage, the owners aim to demonstrate their commitment to working collaboratively with the Overstrand Municipality. They are prepared to provide any additional documentation or information required to facilitate the approval process and ensure that the property is fully compliant with all relevant regulations.

Due to the small-scale nature of these extensions, it is not anticipated that the increased coverage will have a significant impact on the surrounding properties or their owners. The modifications made, while resulting in a slight increase in coverage, are relatively minor in scale and are unlikely to adversely affect the neighbouring properties in terms of visual impact, privacy, or overall environment.

The extensions have been designed with careful consideration of their surroundings, ensuring that they integrate harmoniously with the existing neighbourhood. The changes were made with the aim of enhancing the functionality and aesthetic appeal of the property, without compromising the comfort or privacy of adjacent properties.

Given the slight increase in coverage and the thoughtful approach taken in the design and construction of these extensions, we are of opinion that the impact on the surrounding area will be minimal. The owners remain committed to maintaining positive relations with their neighbours and are open to addressing any concerns that may arise during the approval process.

4.4 Permanent Departure from the maximum permissible boundary wall height of 2,1m by approximately 0,3m.

As mentioned in Section 3 of this report, the property owner is currently in the process of constructing the dwelling unit, which includes the boundary walls. On the western side of the property is a vacant property, which was the historic dumping grounds, and it is owned by the municipality. Due to the undeveloped nature of this adjacent property, the owner increased the boundary wall height on the western side by approximately 0.3 meters.

The primary motivation for constructing the wall is multifaceted, encompassing security, safety, and structural integrity. Security concerns are paramount, prompted by potential thefts on the property. Enhanced security measures, including the increased boundary



wall height, are deemed necessary to deter potential intruders and ensure the safety of the property, building materials, and inhabitants. Refer to **Plan 4 - Site Plan**.

The increased boundary wall height is crucial for several reasons. First, it provides a physical barrier that enhances privacy for the property owners, shielding them from the view of passersby and potential intruders. This is particularly important given the adjacent open land, which lacks natural barriers or surveillance.

Secondly, the higher wall acts as a deterrent against unauthorised access. The presence of a substantial barrier reduces the likelihood of opportunistic thefts and other security breaches, creating a more secure environment for the residents and their belongings.

In summary, the decision to increase the boundary wall height was driven by a combination of security, safety, and structural considerations. The owners are committed to ensuring that their property is both safe and compliant with municipal regulations, and they believe that the enhanced boundary wall is a necessary measure to achieve these goals.

4.4 Determination of an administrative penalty

The property owner, as mentioned in Section 3 of this report, is currently in the process of finalising the development of their property. During this process changes to the plans had occurred which was in contravention of the OMLUS.

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is of importance to include an application for the determination of an administrative penalty.

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

The nature, duration, gravity and extent of the contravention

Section 4.3 indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building line encroachments is:

Building Lines	
Ground Floor - Garage	±9,2m ²
Ground Floor - Stairs	±9,2m ²
Below Ground Floor – Store & Staff quarters	±9,2m ²

Boundary Wall	±32m wall at 2,4m in height
	0,3m (Additional Height) x 0,19m (Width) x 32m (Length) = 1,824m ²
	An area of 1,824m ² of the boundary wall is in contravention of the allowable boundary wall height.

Coverage	Allowed – 50%
	Current – 53,4%
	The coverage is exceeded by 23,9m ² (704m ² x 3,4% = 23,936m ²)



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

Due to construction, the owner was responsible for ensuring that there were no contraventions in terms of the By-Law.

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

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

Whether the unlawful conduct was stopped

The structures have already been constructed.

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

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

5. LAND USE ENVIRONMENT

There is a mixture of zonings surrounding the subject property, although the area is a residential area. The surrounding area's zoning is illustrated in Plan 2 (zoning plan).

6. TITLE DEED

Title deed T21705/2022 (refer **Annexure B**) was perused, indicating there are no restrictive title conditions relevant to this application.

7. ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law: The proposal is to subdivide the property both of which will be zoned SR1 to allow the properties to be used for residential purposes.

Residential Zone 1: Single Residential			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	None	Not applicable



Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%	Allowed – 50% Current – 53,4%	Applied for and motivated
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Comply	Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: 400 m ² and greater = 4m	4m	Comply
	(ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m ² = 2m	<ul style="list-style-type: none"> • Departure required – Eastern Side building line from 2,0m to 0,74m to allow the garage on the ground floor; • Departure required – Eastern Side building line from 2,0m to 1,04m to allow the stairs on the ground floor; • Departure required – Eastern Side building line from 2,0m to 0,74m to allow the store and staff quarters on the lower ground floor; 	Applied for and motivated
Parking	Two on-site parking bays per dwelling unit, provided that on erven less than 400 m ² , only 1 on-site parking bay needs to be provided.	Double garage	Comply

8. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services. Solid waste will be collected every week by the OM.



Access and Egress

Access and egress to the property is gained from Chanteclair Avenue.

9. NEED AND DESIRABILITY

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

Need and desirability

The need for the proposed development arose from the property owners' vision to be able to optimise the utilisation of the entire extent of the subject property.

Socio-economic impact	The permanent departures are not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The properties will be used for residential purposes which is compatible with the surrounding area.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not expected that the proposed departures will have an impact on the safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

Impact on views, sunlight and character of the area

The proposed development of the vacant erf is done in alignment with the use of the surrounding area. The contraventions that have occurred is not expected to have more of an impact due the small-scale nature thereof.

Economic impact

Section 3 indicated what economic impact this development will have. Various role players will be employed and involved in the whole process. Jobs were created on a temporary basis for all those role players involved, while on a more permanent basis more rates and taxes will be collected by the municipality.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties.

Impact on heritage

The subject property is not listed in the OM Heritage Register.



Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Heritage Protection Overlay Zone (HPOZ)

The subject property is located within the 'Landscapes' HPOZ. The proposal will not have an impact on the Heritage Protection Overlay Zone.

10.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to rectify the contraventions is not predicted to influence past spatial injustices.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The proposed departures intend to ensure the subject property is utilised to its maximum capability.

Efficiency

This proposal is intended to maximise the usage of the subject property while also not being forced to remove an existing structure as a result of previous owners.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process. The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



12. EVALUATION

The proposal needs to be evaluated on the basis that the current situation is not utilising the space efficiently and poses several safety and security concerns. The owner's vision for the property includes necessary modifications that enhance its functionality, security, and structural integrity, which are crucial for the well-being of the residents and the sustainability of the dwelling.

The departures being applied for, such as the increased boundary wall height and the slight exceedance of the coverage limit, will not introduce any new land use rights. These changes are intended to improve the existing residential use of the property and align with all relevant spatial planning policies. The modifications have been carefully considered and designed to ensure they meet regulatory standards while addressing the unique challenges posed by the property's topography and surrounding environment.

The enhanced boundary wall height is a critical measure to ensure security, privacy, and structural stability, particularly given the proximity to undeveloped municipal land. This measure is necessary to deter potential intruders, maintain the privacy of the inhabitants, and prevent soil erosion due to the uneven terrain.

Throughout the entire process, various stakeholders, including town planners, architects, land surveyors, and construction companies, have been engaged to assist the owners in realising their vision. Each of these professionals plays a vital role in ensuring that the development is carried out responsibly and in compliance with all relevant regulations.

In conclusion, the proposed departures are essential for the safe and effective utilisation of the property. They address the current inefficiencies and security concerns while enhancing the overall functionality and liveability of the dwelling. Approval of these departures will enable the owners to create a secure, compliant, and aesthetically pleasing home that aligns with municipal regulations and planning policies.

13. RECOMMENDATION

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

13.1 Permanent Departure from the 2,0m Eastern Side Building Line to 0,74m to allow the garage extension on the ground floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

13.2 Permanent Departure from the 2,0m Eastern Side Building Line to 1,04m to allow the stairs on the ground floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

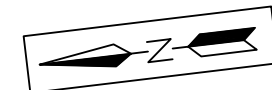
13.3 Permanent Departure from the 2,0m Eastern Side Building Line to 0,74m to allow the extension of the store and staff quarters on the lower ground floor in terms of



RECOMMENDATION

Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

- 13.4 Permanent Departure** from the allowable coverage of 50% to 53,4% in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.5 Permanent Departure** from the allowable boundary wall height of 2,1m to 2,4m in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.6 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



4.1 Site Plan
Erf 4429 Onrusrivier

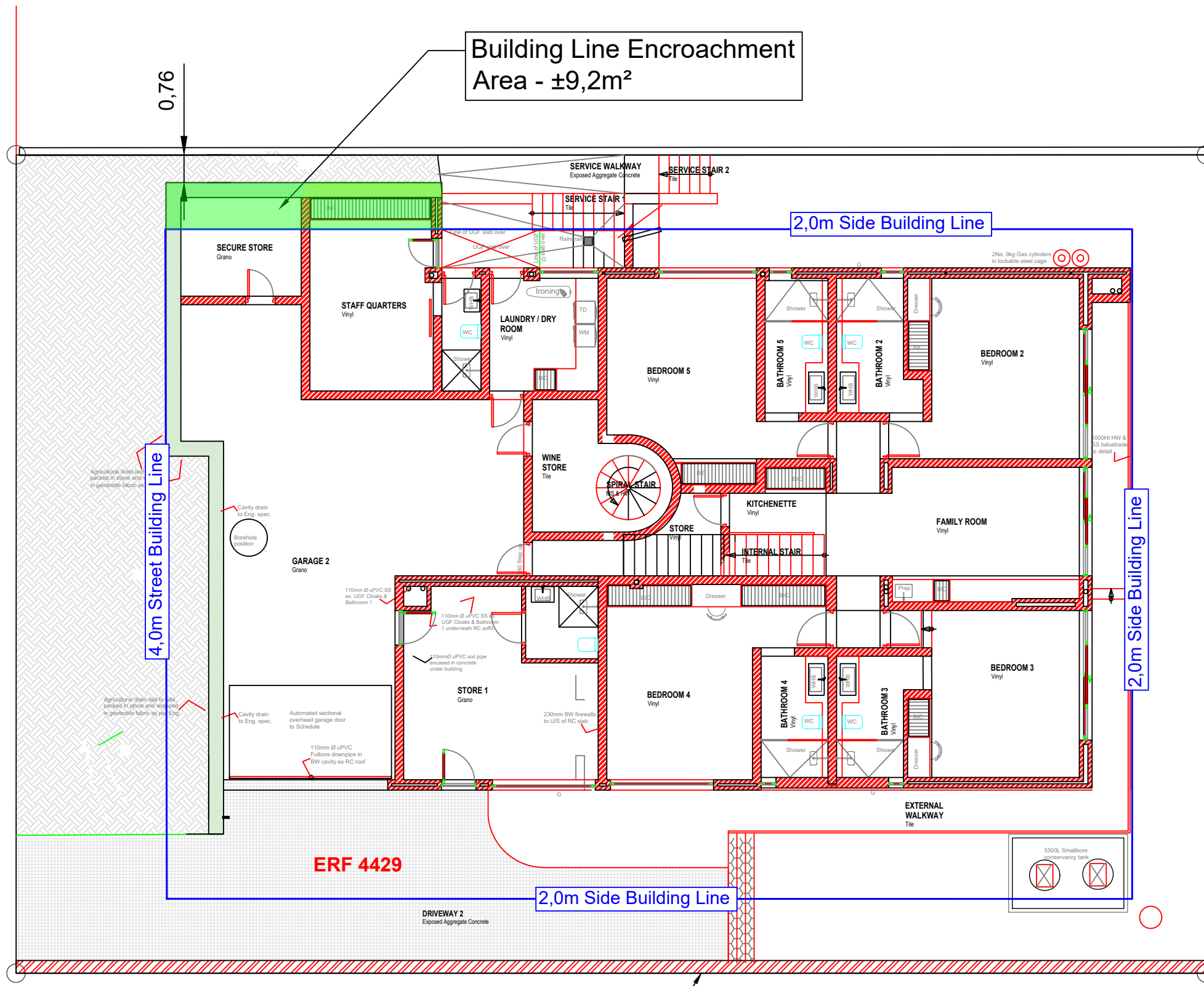
Property Extent - 704m²

Coverage
Allowed - 352m² / 50%

Actual - 376,1m² / **53,4%**

Departures

- Proposed departure of the allowable boundary wall height from 2,1m to 2,4 to allow the existing boundary wall.
- Proposed departure of the side building line from 2m to 0,76m to allow the existing store and servants quarters .



Boundary Wall Exceeding 2,1m allowable height

LOWER GROUND FLOOR

SCALE 1 : 250

Plan Number - 24/61 (001)

2024/07/03

Plan prepared by: Thian Jansen

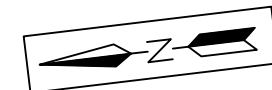
All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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





Garage Extension
Area = ±9,2m²

Highlighted Section of
Stairs higher than 1m
Area = ±1,6m²

Stairs lower than 1m

0,76

1,04

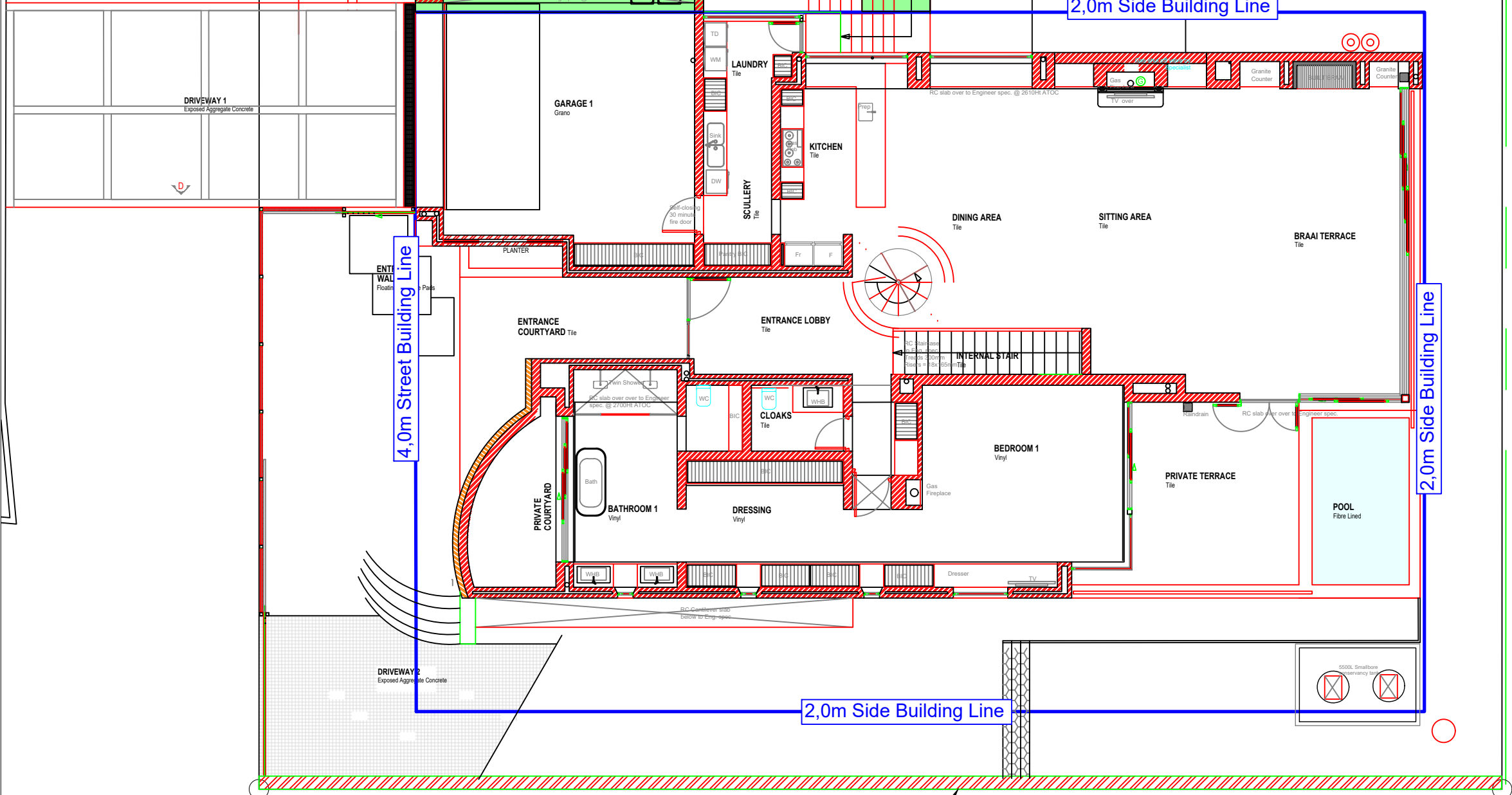
2,0m Side Building Line

4,0m Street Building Line

2,0m Side Building Line

2,0m Side Building Line

Boundary Wall Exceeding 2,1m allowable height



4.2 Site Plan Erf 4429 Onrusrivier

Property Extent - 704m²

Coverage
Allowed - 352m² / 50%

Actual - 376,1m² / **53,4%**

Departures

- Proposed departure of the side building line from 2m to 0,76m to allow the existing garage.
- Proposed departure of the side building line from 2m to 1,04m to allow the existing service stairs.

Plan Number - 24/61 (001)

2024/07/03

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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

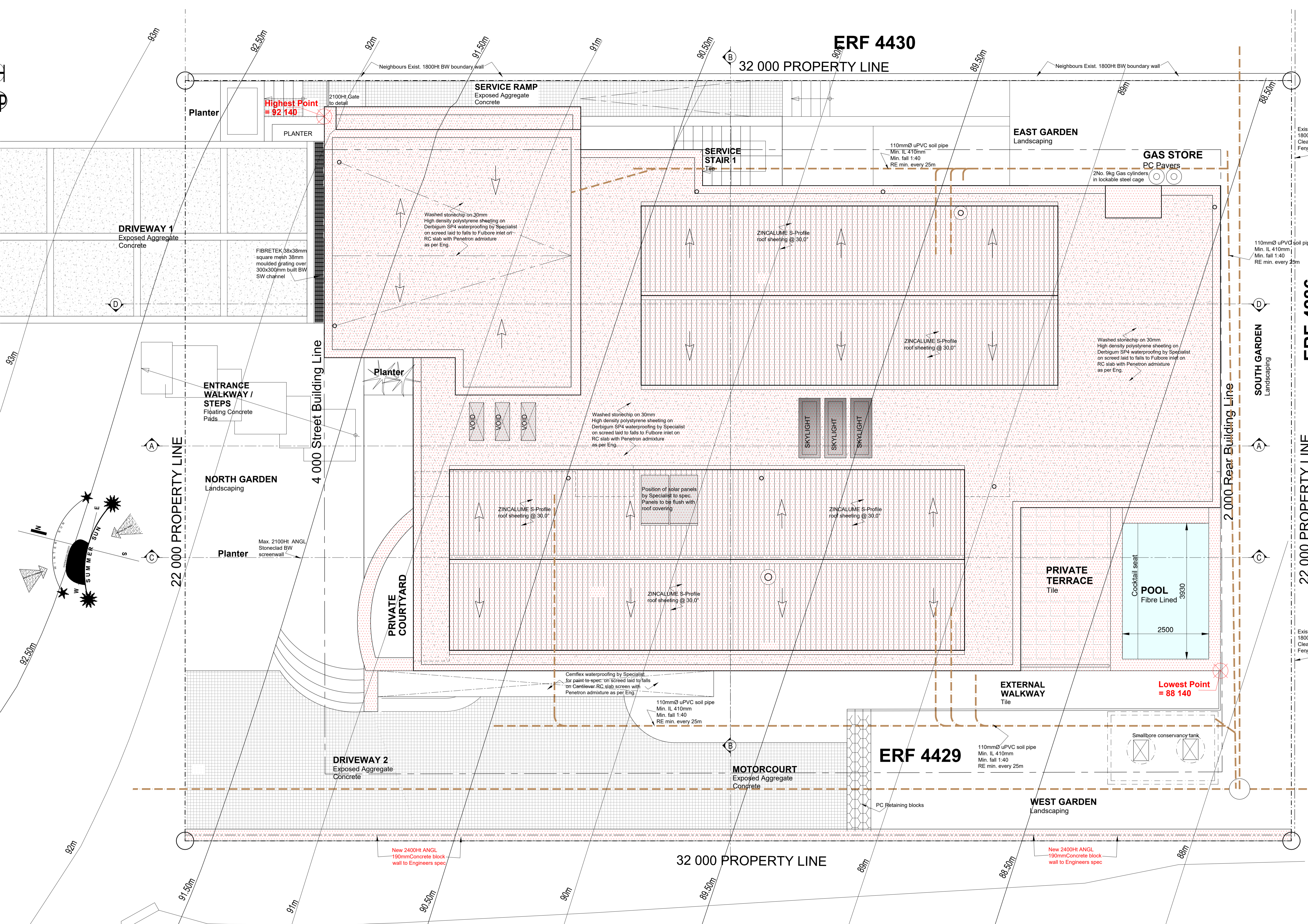
GROUND FLOOR

SCALE 1 : 250



ERF 4430

32 000 PROPERTY LINE



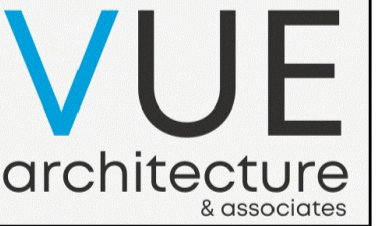
Highest Point = 92 140

Lowest Point = 88 140

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 - CLAY BRICK WALLS OF THICKNESS SHOWN ON PLAN.
 - ALL REINFORCED CONCRETE WORKS TO ENGINEER'S SPEC.
 - ALL GLAZING TO BE STRICTLY IN ACCORDANCE WITH SANS 10400 PART N.
 - FIRE DOOR WITH CLOSER TO BE STRICTLY IN ACCORDANCE WITH SANS 10400 PART T.
 - EXTERIOR ACCESS GATES TO SWIMMING POOL AREA TO BE MIN. 1900MM HT WITH VERTICAL SECTIONS ONLY AT MAX 100MM O.C. GATE TO BE FITTED WITH A SELF-CLOSING GATE. ALL TO BE AS PER SANS 10400 BUILDING REGULATIONS.
 - SOLAR PANELS TO BE PLACED FLUSH WITH ROOF COVERING.

No.	Revision	Date

Client _____
Architect _____



NEW HOUSE FOR
NAXICORP
PROPERTIES (PTY) LTD
ERF 4429
CHANTE CLAIR DRIVE
ONRUS RIVIER
HERMANUS
OVERSTRAND

**NEW DWELLING
RIDER PLAN
FOR APPROVAL**

**PLAN :
SITE / ROOF /
DRAINAGE**

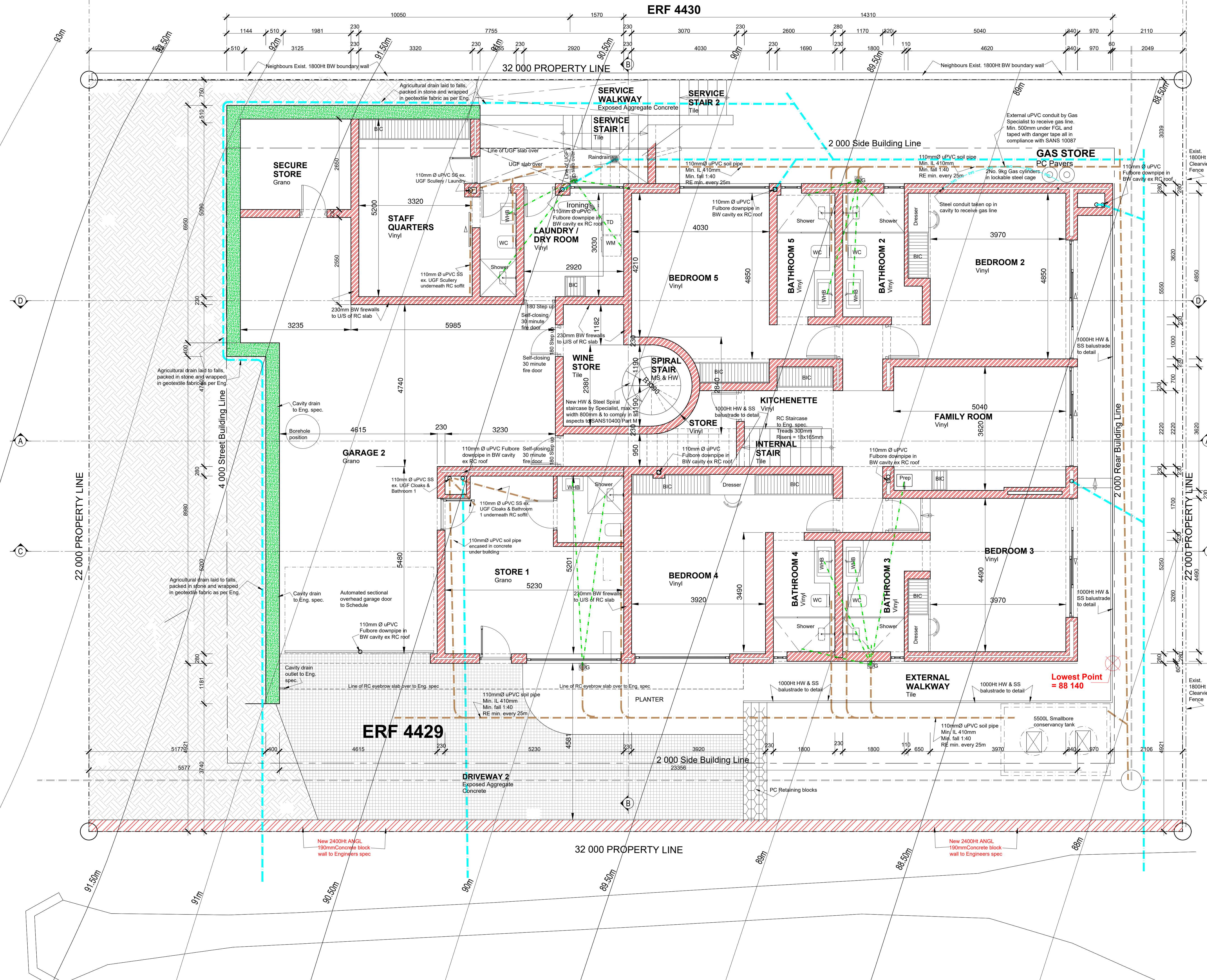
SCALE : 1 : 50
DATE : 06 / 06 / 2024
PAPER SIZE : A1

DRG. NO. 1.1

NOT TO SCALE

AREAS : ERF NO. 4429 HERMANUS OVERSTRAND

UPPER GROUND FLOOR		LOWER GROUND FLOOR		TOTALS				
Garage	56,2 m ²	Garage & Outbuildings	150,0 m ²	Garages & Outbuildings	206,2 m ²			
Dwelling	252,3 m ²	Dwelling	201,4 m ²	Dwelling	453,7 m ²			
Covered Terraces	15,0 m ²	Covered Terraces	14,4 m ²	Covered Terraces	29,4 m ²	Erf	704,0 m ²	
TOTAL BULK UGF	308,5 m ²	TOTAL BULK LGF	351,4 m ²	TOTAL BULK	659,9 m ²	Coverage	376,1 m ² (53,4%)	352,0 m ² (50%)
TOTAL COVERED UGF	323,5 m ²	TOTAL COVERED LGF	365,8 m ²	TOTAL COVERED	689,3 m ²	Zoning		Single Residential

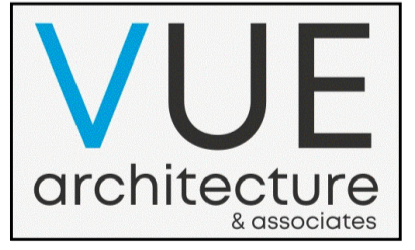


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- ALL REINFORCED CONCRETE WORKS TO ENGINEER'S SPEC.
- ALL GLAZING TO BE STRICTLY IN ACCORDANCE WITH SANS 1040 PART N.
- FIRE DOOR WITH CLOSER TO BE STRICTLY IN ACCORDANCE WITH SANS 1040 PART T.
- EXTERIOR ACCESS GATES TO SWIMMING POOL AREA TO BE MIN. 1200MM HT WITH VERTICAL SECTIONS ONLY AT MAX 100MM CC. GATE TO BE FITTED WITH A SELF CLOSING CATCH ALL TO BE AS PER SANS 1040 BUILDING REGULATIONS.
- SOLAR PANELS TO BE PLACED FLUSH WITH ROOF COVERING.

No	Revision	Date

Client _____
 Architect _____



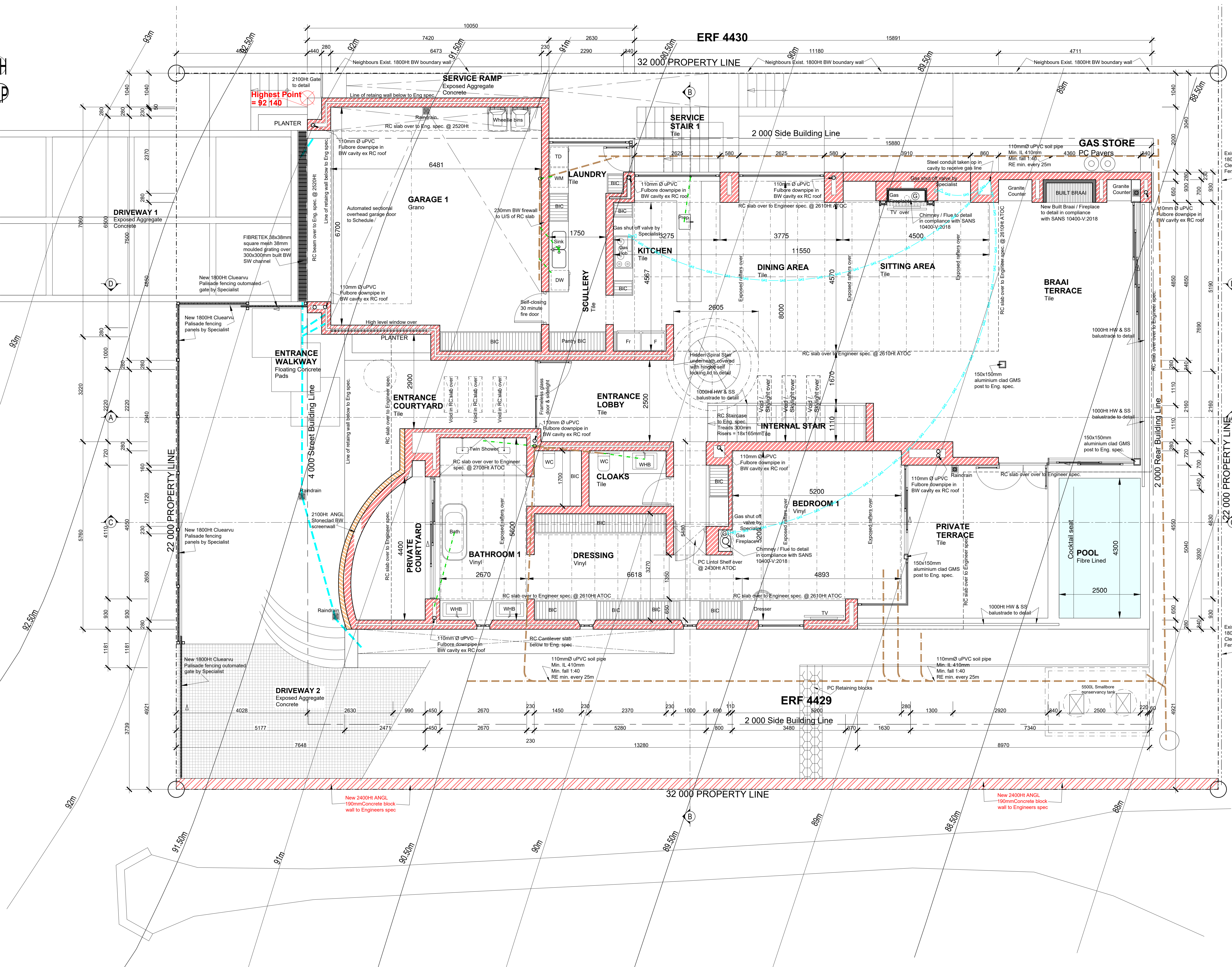
NEW HOUSE FOR
 NAXICORP
 PROPERTIES (PTY) LTD
 ERF 4429
 CHANTE CLAIR DRIVE
 ONRUS RIVER
 HERMANUS
 OVERSTRAND

**NEW DWELLING
 RIDER PLAN
 FOR APPROVAL**

**PLAN :
 LOWER GROUND
 FLOOR**

SCALE : 1 : 50
 DATE : 06 / 06 / 2024
 PAPER SIZE : A1

DRG. NO. 1.2



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- FIRE DOOR WITH CLOSER TO BE STRICTLY IN ACCORDANCE WITH SANS 10400-V:2018.
- EXTERIOR ACCESS GATES TO SWIMMING POOL AREA TO BE MIN. 1200MM HT WITH VERTICAL SECTIONS ONLY AT MAX 100MM DC. GATE TO BE FITTED WITH A SELF CLOSING CATCH. ALL TO BE AS PER SANS 10400 BUILDING REGULATIONS.
- SOLAR PANELS TO BE PLACED FLUSH WITH ROOF COVERING.

No	Revision	Date

Client _____

Architect _____



NEW HOUSE FOR
NAXICORP
PROPERTIES (PTY) LTD
ERF 4429
CHANTE CLAIR DRIVE
ONRUS RIVER
HERMANUS
OVERSTRAND

**NEW DWELLING
RIDER PLAN
FOR APPROVAL**

**PLAN :
UPPER GROUND
FLOOR**

SCALE : 1 : 50
DATE : 06 / 06 / 2024
PAPER SIZE : A1

DRG. NO. 1.3

ROOF SYSTEM:
Zincalume S-profile roof sheeting @ 25°
on RadenShield doublesided insulation membrane
on 76 x 50mm SAP Purlins @ max. 1000mm ccs
with 50mm Isotherm mineral wool blanket on
30mm Lambdaboard IPR insulation sheeting cut between purlins
on 22x140mm SAP T&G boarding
on 69x220mm PAR SAP rafters @ max.1100mm ccs
top end tied to 106x297mm SAP Capelam ridge beam
lower end tied down to RC beam via GMS L-Brackets to Eng. spec.

ROOF SYSTEM:
600x600x50mm PC Pavers to spec with
min. 15mm gap in between
on 30mm SageX EPS sheeting
on Derbigum SP4 waterproofing
by Specialist
on screed laid to falls to Fulbore inlets
on RC slab with Penetron admixture as
per Eng.

ROOF SYSTEM:
600x600x50mm PC Pavers to spec with
min. 15mm gap in between
on 30mm SageX EPS sheeting
on Derbigum SP4 waterproofing
by Specialist
on screed laid to falls to Fulbore inlets
on RC slab with Penetron admixture as
per Eng.

FLOOR SYSTEM:
Min 30mm Granolithic cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

FLOOR SYSTEM:
Min 30mm Granolithic cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

ROOF SYSTEM:
Zincalume S-profile roof sheeting @ 25°
on RadenShield doublesided insulation membrane
on 76 x 50mm SAP Purlins @ max. 1000mm ccs
with 50mm Isotherm mineral wool blanket on
30mm Lambdaboard IPR insulation sheeting cut between purlins
on 22x140mm SAP T&G boarding
on 69x220mm PAR SAP rafters @ max.1100mm ccs
top end tied to 106x297mm SAP Capelam ridge beam
lower end tied down to RC beam via GMS L-Brackets to Eng. spec.

ROOF SYSTEM:
Zincalume S-profile roof sheeting @ 25°
on RadenShield doublesided insulation membrane
on 76 x 50mm SAP Purlins @ max. 1000mm ccs
with 50mm Isotherm mineral wool blanket on
30mm Lambdaboard IPR insulation sheeting cut between purlins
on 22x140mm SAP T&G boarding
on 69x220mm PAR SAP rafters @ max.1100mm ccs
top end tied to 106x297mm SAP Capelam ridge beam
lower end tied down to RC beam via GMS L-Brackets to Eng. spec.

EAVE SYSTEM:
Open profile seamless alu. gutter
by Specialist to spec.
incl. 800 White uPVC downpipes
on 12 x 225 Nutec FC fascia
brass screwed to 38x50 SAP
spacer battens

ROOF SYSTEM:
50mm Layer 19mm Ø Washed Stonechip
on 30mm SageX EPS sheeting
on Derbigum SP4 waterproofing by Specialist
on screed laid to falls to Fulbore inlets
on RC slab with Penetron admixture as per Eng.

ROOF SYSTEM:
Min. 30mm screed to falls with
Penetron waterproofing additive
on RC slab to Eng. spec.
- RC Cantilever slab
to Eng. spec.
25x50mm Natural anodised
aluminium drip angle
Off-shutter
concrete soffit

FLOOR SYSTEM:
Vinyl Flooring
on 30mm cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

FLOOR SYSTEM:
Vinyl Flooring
on 30mm cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

FLOOR SYSTEM:
Tile to spec. on
Min. 30mm cement
screed to falls
on 255mm RC slab
to Eng. spec.

SECTION : A - A
Scale 1:50

SECTION : B - B
Scale 1:50

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 - SOLAR PANELS TO BE PLACED FLUSH WITH ROOF COVERING.

No.	Revision	Date

Client
Architect



NEW HOUSE FOR
NAXICORP
PROPERTIES (PTY) LTD
ERF 4429
CHANTE CLAIR DRIVE
ONRUS RIVER
HERMANUS
OVERSTRAND

NEW DWELLING
RIDER PLAN
FOR APPROVAL

SECTIONS :
A-A & B-B

SCALE : 1:50
DATE : 16 / 05 / 2024
PAPER SIZE : A1

DRG. NO. 2.1

ROOF SYSTEM:
Zincalume S-profile roof sheeting @ 25°
on RadenShield double-sided insulation membrane
on 76 x 50mm SAP Purlins @ max. 1000mm ccs
with 50mm Isotherm mineral wool blanket on
30mm Lambdaboard IPR insulation sheeting cut between purlins
on 22x140mm SAP T&G boarding
on 69x220mm PAR SAP rafters @ max. 1100mm ccs
top end tied to 106x297mm SAP Capelam ridge beam
lower end tied down to RC beam via GMS L-Brackets to Eng. spec.

ROOF SYSTEM:
600x600x50mm PC Pavers to spec with
min. 15mm gap in between
on 30mm Sagex EPS sheeting
on Derbigum SP4 waterproofing
by Specialist
on screed laid to falls to Fulbore inlets
on RC slab with Penetron admixture as
per Eng.

ROOF SYSTEM:
600x600x50mm PC Pavers to spec with
min. 15mm gap in between
on 30mm Sagex EPS sheeting
on Derbigum SP4 waterproofing
by Specialist
on screed laid to falls to Fulbore inlets
on RC slab with Penetron admixture as
per Eng.

FLOOR SYSTEM:
Min 30mm Granolithic cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

FLOOR SYSTEM:
Min 30mm Granolithic cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

FLOOR SYSTEM:
Vinyl Flooring
on 30mm cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

ROOF SYSTEM:
Zincalume S-profile roof sheeting @ 25°
on RadenShield double-sided insulation membrane
on 76 x 50mm SAP Purlins @ max. 1000mm ccs
with 50mm Isotherm mineral wool blanket on
30mm Lambdaboard IPR insulation sheeting cut between purlins
on 22x140mm SAP T&G boarding
on 69x220mm PAR SAP rafters @ max. 1100mm ccs
top end tied to 106x297mm SAP Capelam ridge beam
lower end tied down to RC beam via GMS L-Brackets to Eng. spec.

ROOF SYSTEM:
600x600x50mm PC Pavers to spec with
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on Derbigum SP4 waterproofing
by Specialist
on screed laid to falls to Fulbore inlets
on RC slab with Penetron admixture as
per Eng.

FLOOR SYSTEM:
Min 30mm Granolithic cement screed
on 100mm concrete surface bed
on 250 micron DPM
on 50mm sand blinding
on compacted earth all to Eng. spec.

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- ALL GLAZING TO BE STRICTLY IN ACCORDANCE
WITH SANS 1040 PART N
- FIRE DOOR WITH CLOSER TO BE STRICTLY IN
ACCORDANCE WITH SANS 1040 PART I
- EXTERIOR ACCESS GATES TO SWIMMING POOL
AREA TO BE MIN. 1200MM HT WITH VERTICAL
SECTIONS ONLY AT MAX 100MM OC. GATE TO BE
FITTED WITH A SELF-CLOSING CATCH ALL TO BE
AS PER SANS 1040 BUILDING REGULATIONS.
- SOLAR PANELS TO BE PLACED FLUSH WITH ROOF
COVERING.

SECTION : C - C
Scale 1:50

SECTION : D - D
Scale 1:50

No.	Revision	Date

Client _____
Architect _____

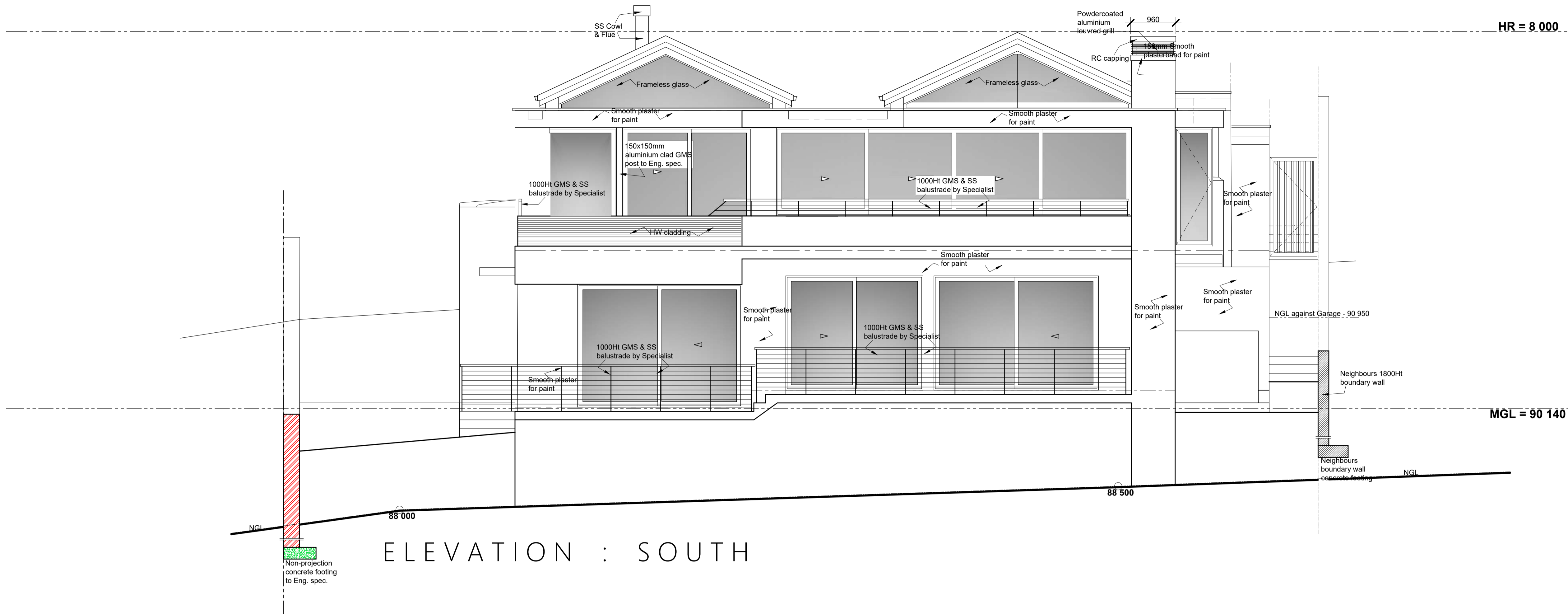


NEW HOUSE FOR
NAXICORP
PROPERTIES (PTY) LTD
ERF 4429
CHANTE CLAIR DRIVE
ONRUS RIVER
HERMANUS
OVERSTRAND

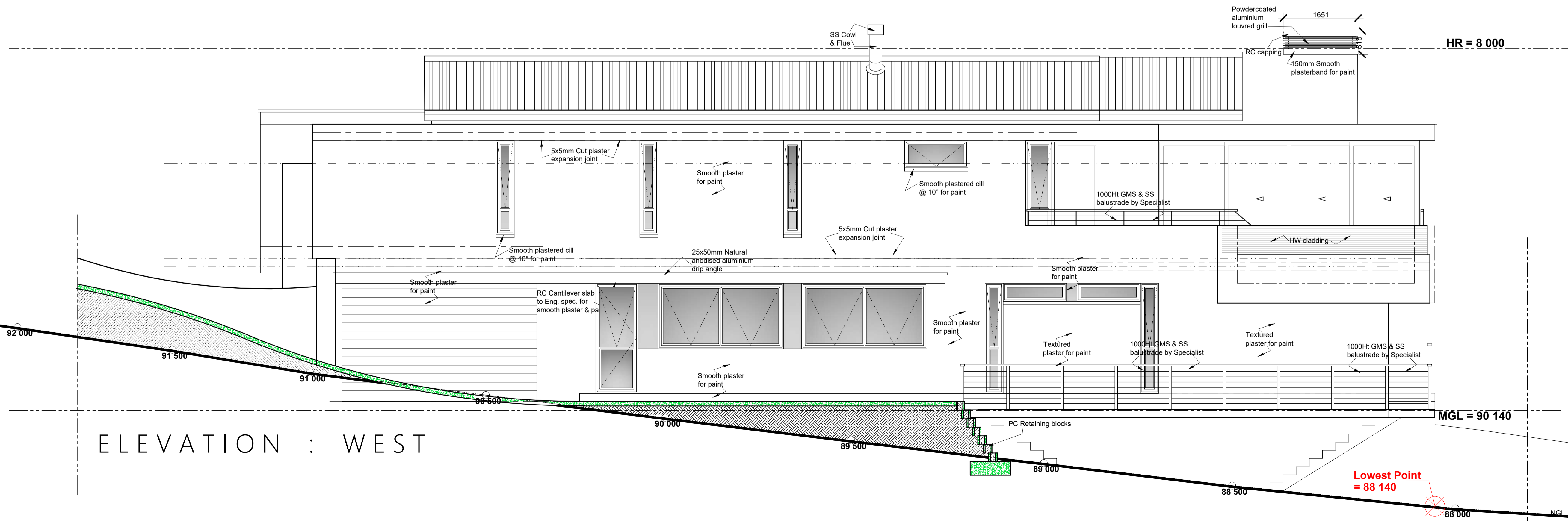
NEW DWELLING
RIDER PLAN
FOR APPROVAL

SECTIONS :
C-C & D-D
SCALE : 1:50
DATE : 16 / 05 / 2024
PAPER SIZE : A1

DRG. NO. 2.2



ELEVATION : SOUTH

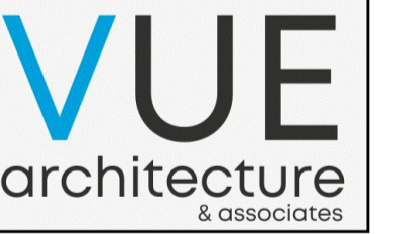


ELEVATION : WEST

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No	Revision	Date

Client _____
 Architect _____



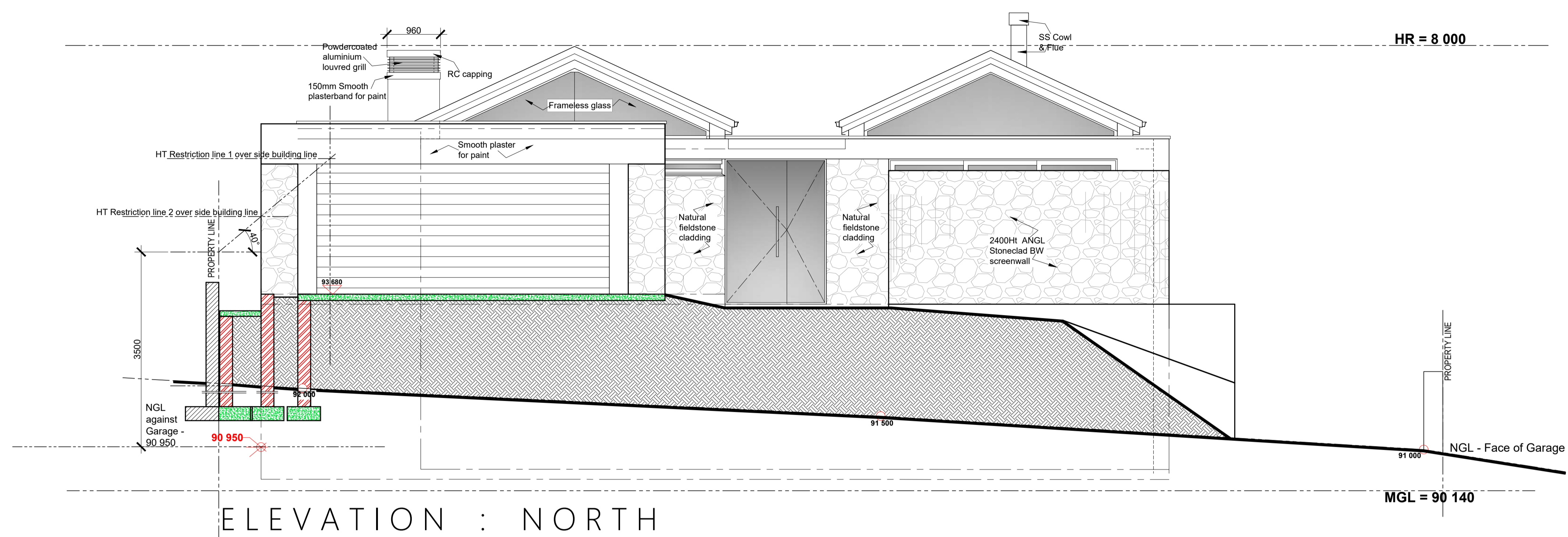
NEW HOUSE FOR
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 CHANTE CLAIR DRIVE
 ONRUS RIVIER
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NEW DWELLING
RIDER PLAN
FOR APPROVAL

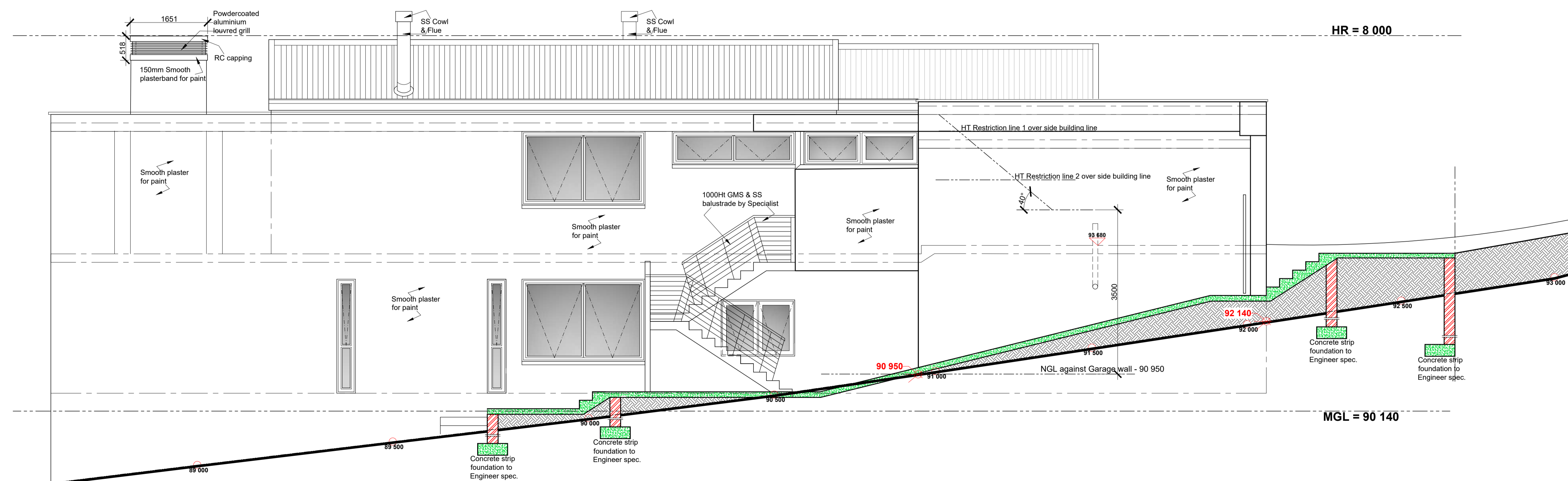
ELEVATIONS :
SOUTH
WEST

SCALE : 1 : 50
 DATE : 06 / 06 / 2024
 PAPER SIZE : A1

DRG. NO. 3.1



ELEVATION : NORTH



ELEVATION : EAST

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- SOLAR PANELS TO BE PLACED FLUSH WITH ROOF COVERING

No.	Revision	Date

Client _____
 Architect _____



NEW HOUSE FOR
 NAXICORP
 PROPERTIES (PTY) LTD
 ERF 4429
 CHANTE CLAIR DRIVE
 ONRUS RIVIER
 HERMANUS
 OVERSTRAND

**NEW DWELLING
 RIDER PLAN
 FOR APPROVAL**

ELEVATIONS :
**NORTH
 EAST**

SCALE : 1 : 50
 DATE : 06 / 06 / 2023
 PAPER SIZE : A1

DRG. NO. 3.2