



ERF 5095, 29 OLD MAIN ROAD, ONRUSTRIVIER OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE ON BEHALF OF D PROWSE

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 for the following:
 - relaxation of the street building line from 4m to 2.4m to accommodate a portion of the covered entrance stoep, and
 - relaxation of the western lateral building line from 2m to 1.5m to accommodate a portion of the existing outdoor toilet facilities.
- **Determination of an administrative penalty** in terms of Section 90(5) 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 **14 March 2025**, 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 5095, OU HOOF PAD 29, ONRUSTRIVIER, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING & BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE NAMENS D PROWSE

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 vir die volgende:
 - Verslapping van die straat boulyn vanaf 4m na 2.4m om 'n gedeelte van die bestaande onderdak stoep te akkommodeer, en
 - Verslapping van die westelike laterale boulyn vanaf 2m na 1.5m 'n gedeelte van die bestaande buite toiletgeriewe te akkommodeer,
- **Bepaling van 'n administratiewe boete** ingevolge Artikel 90(5) van die Verordening

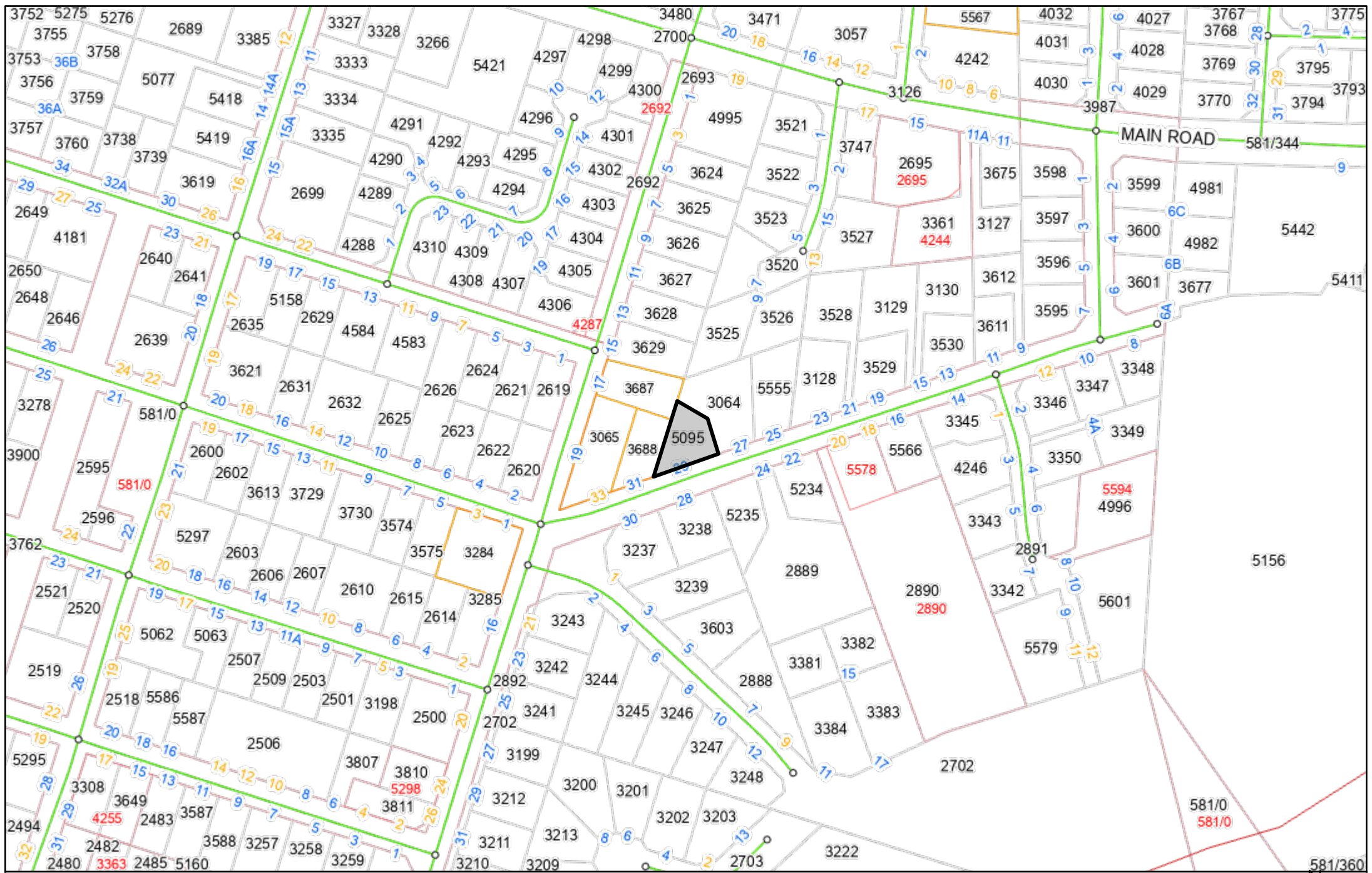
Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) loretta@overstrand.gov.za) voor of op **14 March 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. 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 5095, 29 OLD MAIN ROAD, ONRUSTRIVIER UMASIPALA WASE OVERSTRAND: ISICELO SONDLUKO KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS ENGELBRECHT & SCORGIE ARCHITECTURAL OFFICE EGAMENI LIKA-D PROWSE

Isaziso sinikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba isicelo sifunyenwe soku kulandelayo

- **Unduluko** ngokwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala ngoku kulandelayo
 - Ukunyenysiswa komda kwisakhiwo kwisitalato ukusuka ku 4mitha ukuya ku 2.4mitha ukulungiselela ingxenye yendawo yokunyathela egqunyiweyo ekungenwa kuyo kunye
 - Ukunyenysiswa komda wesakhiwo esibucala ukusuka ku2mitha ukuya ku 1.5mitha ukulugiselela ingxenye yamagumbi angasese angaphandle akhoyo
- **Ukumiselwa kwesohlwayo solawulo** ngokwemiqathango yeCandelo 90(5) walo Mthetho

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: UCwangciso lweDolophu, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama **14 eyoKwindla 2025**, uchaze igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMwangcisi weDolophu, **.H. Olivier** kule nombolo yomnxeba 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala



1. INTRODUCTION TO THE DEPARTURE APPLICATION:

1.1 BACKGROUND:

The owner of the property, Ms. D. Prowse has instructed Brandon Scorgie from the firm Engelbrecht & Scorgie Architectural office to apply for a building line departure from the Overstrand Municipality's Zoning Scheme Regulations. Refer to Annexure E for the enclosed Power of Attorney.

Erf 5095, referred to in this document as the application area, measures 500m² in extent and is held by Title Deed no. T000004273/2024. Refer to annexure C for the enclosed Title Deed.

1.2 APPLICATION DETAIL:

1.2.1 PERMANENT BUILDING LINE DEPARTURE APPLICATIONS:

The Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b), 2020, state that an owner of an erf may apply to the Overstrand Municipality for a permanent departure from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefore, an application is made in terms of;

Section 6.1.2 (b)(i) of the Overstrand Municipality's Zoning Scheme Regulations for the permanent departure from the street building lines applicable to the application area.

According to the Overstrand Municipality's Zoning Scheme Regulations, the street building line is determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Street building line
400m ² and greater	4.0m

Section 6.1.2 (b)(ii) of the Overstrand Municipality's Zoning Scheme Regulations for the permanent departure from the lateral and rear building lines applicable to the application area.

According to the Overstrand Municipality's Zoning Scheme Regulations, the lateral and rear building lines are determined in accordance with the net erf area, as listed in the table below:

Net erf area:	Side and rear building line
400m ² and greater	2.0m

1.2.2 DETERMINATION OF AN ADMINISTRATIVE PENALTY:

The Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, state that a person who is in contravention of this By-laws, and submits an application to rectify the contravention must apply to the Municipality for the determination of an administrative penalty; therefore, an application is made for the determination of an administrative penalty for the unauthorized, as-built structures that currently encroach on the Municipal Street Building Line and the Municipal Lateral Building Line, as raised later in this Departure Application Document.

1.3 PROPERTY DESCRIPTION, ZONING AND PROPERTY ANALYSIS:

1.3.1 PROPERTY DESCRIPTION:

The application area of 500m² in extent is situated at 29 Old Main Road, Onrust River. Refer to Annexure H for the enclosed Locality plan.

The Erf 5095, the application area is surrounded by erven zoned as Single Residential erven and Business Zone 3: Local Business. All erven to the East and South of the application area, which are zoned as Single Residential erven, have been developed with either single-or double-storey dwellings. These properties serve as either permanent residences or holiday houses. All erven to the West of the application area have been developed for business uses. These businesses include a coffee shop and smaller retail shops such as a mini market, a gift shop, and a beauty salon.

All properties to the front, rear, and lateral sides of the application area are relatively level due to the natural topography of this particular section of Onrust River, with minimal to fair views towards the Onrus Mountain Range and no sea views.

The existing double-storey dwelling on Erf 5095, the application area, is characterized by residential structures comprising typical family-type living accommodation. The ground-floor level comprises of two single garages, open plan kitchen, dining and lounge area, a master bedroom with an en-suite bathroom, a covered patio and outdoor toilet facilities. The first-floor level comprises of three bedrooms and two bathrooms, with one bathroom being an en-suite.

Refer to Annexures K and L for the enclosed drawings indicating the as-built dwelling along with the unauthorized, as-built structures on the application area.

The footprint of the existing dwelling on the application area along with the unauthorized, as-built structures on the application area comprise the following:

EXISTING GROUND FLOOR AREAS:

Existing ground floor area	= 108.20m ²
Existing covered patio	= 20.20m ²
Existing garage 1	= 23.90m ²
Existing garage 2	= 21.00m ²

Total existing ground floor area = 173.30m²

NEW GROUND FLOOR AREAS:

New entrance stoep = 18.80m²

Total new ground floor area = 18.80m²

EXISTING FIRST FLOOR AREAS:

Existing first floor area = 76.80m²

Total existing first floor area = 76.80m²

COVERAGE CALCULATIONS:

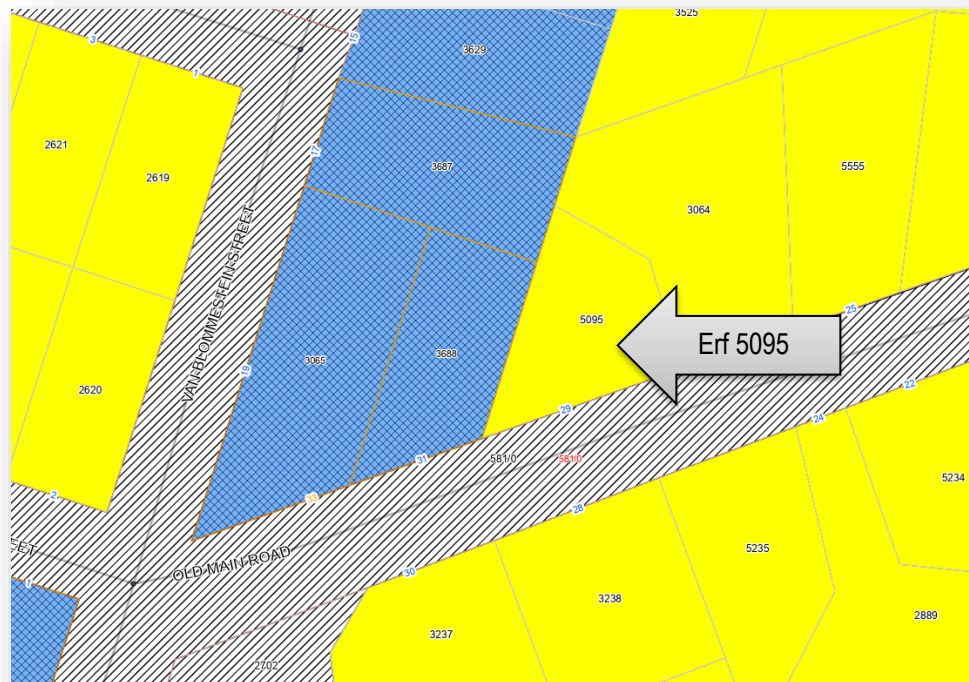
Erf size = 500.00m²
Total covered area (m²) = 192.10m²
Total covered area (%) = 38.42%

1.3.2 **ZONING:**

Erf 5095, the application area, has the following land use rights:

Erf number:	Zoning:
Erf 5095, Onrust River	Residential Zone 1: Single Residential

The application area is surrounded by Residential Zone 1: Single Residential erven, Business Zone 3: Local Businesses, and the surrounding roadway zoned as Transport Zone 2: Road and Parking. Please refer to the zoning map abstract provided below.






-  Residential Zone 1: Single Residential
-  Transport Zone 2: Road and Parking
-  Business Zone 3: Local Business

Figure 1: Zoning, an extract from the Overstand Public Viewer – NOT TO SCALE

1.3.3 **PROPERTY ANALYSIS AS PER THE OVERSTRAND MUNICIPALITY'S ZONING SCHEME REGULATIONS:**

The development parameters for the application area as per the Overstrand Municipality Land Use Scheme, 2020 can be summarized as follows:

Design parameters:		Overstrand Municipality's Zoning Scheme Regulations:	Proposal:	Comments:
Zoning		Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Unchanged
Primary Use		Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self - catering	Dwelling house	Unchanged
Consent Use		Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Unchanged
Coverage		50%	38.42%	Unchanged
Height Restriction		8.0m	8.0m	Unchanged
Building lines	Street	4.0m	2.4m	Application for a departure
	Side (West)	2.0m	1.5m	Application for a departure
	Side (East)	2.0m	2.0m	Unchanged
	Rear	2.0m	2.0m	Unchanged
Parking		Dwelling house: 2 bays	Dwelling house: 2 bays	Unchanged

1.3.4 **PROPERTY ANALYSIS AS PER THE TITLE DEED OF THE APPLICATION AREA:**

Refer to Annexure C for the enclosed Title Deed for Erf 5095, Onrust River.

Title Deed No. T 000004273/2024 was reviewed and contains a clause in favour of the Western Cape Roads Department which states the following;

"No building or any structure whatsoever shall be erected within a distance of 18.90m from the center line of Main Road No. 6 from Bot River to Hermanus, which passes along the Northern boundary, and within a distance of 11.02 meters from the center line of the Main

Road which passes along the South Eastern boundary, without the written approval of the Controlling Authority as defines in Act 21 of 1940.” Refer to page 2, paragraph 3.

Following a pre-consolation meeting with Henk Olivier, the Onrust River Town Planner, it was advised that our office obtain comment from the Western Cape Roads Department in this regard for inclusion in this Departure Application Document. Please refer to Annexure D for the enclosed comment letter from the Western Cape Government Department of Infrastructure

There is no bond registered against Erf 5095.

2. CONTEXTUAL SITE INFORMATION:

2.1 LOCATION:

2.1.1 APPLICATION AREA WITHIN A REGIONAL CONTEXT:

Within a regional context, the application area is located in Onrust Rivier.

Refer to Annexure H for the enclosed Locality layout



Figure 2: Erf 5095 within a Regional Context, an extract from Google Maps – NOT TO SCALE

2.1.2 APPLICATION AREA WITHIN A LOCAL CONTEXT:

Within a local context, the application area is located at 29 Old Main Road, Onrust River.



Figure 3: Erf 5095 within a Local Context, an extract from the Overstrand Public Viewer – NOT TO SCALE

3. BACKGROUND AND INTRODUCTION TO THE APPLICATION AND THE ACTUAL APPLICATION:

3.1 BACKGROUND AND INTRODUCTION TO THE APPLICATION:

In mid-2024, our firm, Engelbrecht & Scorgie Architectural Office, was appointed by Ms. D. Prowse, who recently purchased the property for a fair sum, to prepare drawings for a few minor additions and alterations to the existing dwelling on Erf 5095.

When copies of the previously approved drawings were obtained from the Overstrand Municipality's Building Control Department (to serve as a foundation for assessing the existing and approved dwelling, and to use mainly as a basis for measuring up the existing dwelling on the application area), we identified two minor discrepancies between the approved dwelling on record at the Overstrand Municipality's Building Control Department and the dwelling we assessed and measured up on site. These minor discrepancies comprise the following:

1. The previously appointed Architect, Nic Botha Architects, who was responsible for designing and drawing up the initial new dwelling on the application area, indicated an unusual step in the outdoor toilet facilities to ensure that the dwelling does not protrude over the 2.0m Western Municipal Lateral Building Line. Notably, despite the unusual step in the design, the constructed dwelling does not include this subject step.
2. On the same drawings, the previously appointed Architect, Nic Botha Architect, who was responsible for designing and drawing up the initial new dwelling on the application area, indicated a cantilever entrance roof over a similar sized stoep of $\pm 1.6\text{m}$ (as measured on the approved drawings). This cantilever entrance stoep was approved in 2005 by the Overstrand Municipality, despite not complying with the Overstrand Municipality's Zoning Scheme Regulations, which state that eaves, awnings, and canopies projecting over Municipal Building Lines may not extend more than 1.0m from the wall of the building.

This incongruity necessitated further examination and was brought to our client, Ms. D. Prowse's attention, who expressed astonishment at our findings. Having only recently purchased the property, Ms. Prowse conducted a survey herself to ensure that all structures on the property were legal prior to purchasing the property. However, as an individual without any architectural and construction experience, her survey concluded that the as-built dwelling is in accordance with the plans on record at the Overstrand Municipality, as no major discrepancies were evident.

Subsequently, we advised Ms. Prowse that it would be necessary to appoint a Land Surveyor to conduct a survey of the existing dwelling on the application area. This survey would include determining the precise encroachment of the as-built cantilever entrance stoep, as well as the precise encroachment of the as-built outdoor toilet facility.

Upon receiving the Land Surveyor's diagram (refer to Annexure N for the enclosed Land Surveyor's diagram), we noted that during the initial construction of the dwelling, the dwelling was not positioned and constructed in accordance with the approved plans on record at the Overstrand Municipality. The approved plans indicated that that the dwelling is supposed to be built parallel to the 29.960m Street Erf Boundary Line and the 16.080m Lateral Erf Boundary Line. However, the survey diagram revealed that this was not the case.

As the appointed firm responsible to further examining the above-mentioned incongruity, we made the following **assumptions**:

1. The setting-out discrepancy may have arisen due to an inadvertent setting-out error made by the contractor appointed by the former property owners, Mr. & Mrs. Malan, during the construction of the initial dwelling on the application area. This assumption is based on the irregular shape of the erf, and an easy setting out mistake to make.
2. During the construction phase, the appointed contractor deviated from the original approved plans by constructing the outdoor toilet facility's walls at 90° instead of diagonal, despite the approved plans indicating an unusual shape, as mentioned earlier in this Departure Application Document.
3. The cantilever entrance stoep roof structure of ±1.6m (as measured on the approved plans) could not easily cantilever so far, and it was most probably decided on site that support posts will be needed mainly for structural purposes.

Our firm's, services were then further extended to include the preparation and submission of a Departure Application to rectify the above-mentioned discrepancies on behalf of my client, Ms. D. Prowse, as well as preparing and submitting an application for the determination of an Administrative Penalty for the incongruities as mentioned and highlighted throughout this Departure Application Document.

3.2 THE ACTUAL APPLICATION:

3.2.1 PERMANENT BUILDING LINE DEPARTURE APPLICATIONS:

As stated elsewhere in this Departure Application Document, the Overstrand Municipality's By-Laws on Municipal Land Use Planning, Chapter 4, Section 16(2)(b), 2020, state that an owner of an erf may apply to the Overstrand Municipality for a **permanent building line departure** from the provisions as stated in the Overstrand Municipality's Zoning Scheme Regulations; therefore, an application is made for:

3.2.1.1 The relaxation of the Municipal Street Building Line from 4.0m to 2.4m:

The subject relaxation is necessary to accommodate a portion of the existing entrance stoep's footprint that encroaches the subject building line. *Although the existing entrance stoep was approved in 2005 by the Overstrand Municipality, the structure is now seen as **unauthorized** because of the support posts for structural purposes.*

3.2.1.2 The relaxation of the Western Municipal Lateral Building Line from 2.0m to 1.5m:

The subject relaxation is necessary to accommodate a portion of the existing outdoor toilet facilities' footprint that encroaches the subject building line. *The subject encroachment is **unauthorized** as a result of an inadvertent setting-out error during the construction of the initial dwelling on the application area,*

3.2.2 DETERMINATION OF AN ADMINISTRATIVE PENALTY:

The Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, state that a person who is in contravention of this By-laws, and submits application to rectify the contravention, must apply to the Municipality for the **determination of an administrative penalty**; therefore, an application is made for the determination of an administrative penalty for the unauthorized, as-built structures constructed within the subject building line(s), as highlighted throughout this Departure Application Document.

Refer to Annexure I for the enclosed administrative penalty application form.

3.2.2.1 BACKGROUND AND SUMMARY OF THE CONTRAVENTION:

As mentioned elsewhere in this Departure Application Document, our firm, Engelbrecht & Scorgie Architectural Office, was appointed in mid-2024 by Ms. D. Prowse, who recently purchased the property for a fair sum, to prepare drawings for a few minor additions and alterations to the existing dwelling on Erf 5095. Please refer to point 3.1 *"Background and introduction to the application"*.

When copies of the previously approved drawings were obtained from the Overstrand Municipality's Building Control Department (to serve as a foundation for assessing the existing and approved dwelling, and to use mainly as a basis for measuring up the existing dwelling on the application area), we identified two minor discrepancies between the approved dwelling on record at the Overstrand Municipality's Building Control Department and the dwelling we assessed and measured up on site. These minor discrepancies comprise the following:

1. The previously appointed Architect, Nic Botha Architects, who was responsible for designing and drawing up the initial new dwelling on the application area, indicated an unusual step in the outdoor toilet facilities to ensure that the dwelling does not protrude over the 2.0m Western Municipal Lateral Building Line. Notably, despite the unusual step in the design, the constructed dwelling does not include this subject step.
2. On the same drawings, the previously appointed Architect, Nic Botha Architect, who was responsible for designing and drawing up the new dwelling on the application area, indicated a cantilever entrance roof over a similar sized stoep of $\pm 1.6\text{m}$ (as measured on the approved drawings). This cantilever entrance stoep was approved in 2005 by the Overstrand Municipality, despite not complying with the Overstrand Municipality's Zoning Scheme Regulations, which state that eaves, awnings, and canopies projecting over Municipal Building Lines may not extend more than 1.0m from the wall of the building.

This incongruity necessitated further examination and was brought to our client, Ms. D. Prowse's attention, who expressed astonishment at our findings. Having only recently purchased the property, Ms. Prowse conducted a survey herself to ensure that all structures on the property were legal prior to purchasing the property. However, as an individual without any architectural and construction experience, her survey concluded that the as-built dwelling is in accordance with

the plans on record at the Overstrand Municipality, as no major discrepancies were evident.

Upon receiving the Land Surveyor's diagram (refer to Annexure N for the enclosed Land Surveyor's diagram), we noted that during the initial construction phase, the dwelling was not positioned and constructed in accordance with the approved plans on record at the Overstrand Municipality. The approved plans indicated that the dwelling is supposed to be built parallel with the 29.960m Street Erf Boundary Line and the 16.080m Lateral Erf Boundary Line. However, the survey diagram revealed that this was not the case.

As the appointed firm responsible to further examining the above-mentioned incongruity, we made the following **assumptions**:

1. The setting-out discrepancy may have arisen due to an inadvertent setting-out error made by the contractor appointed by the former property owners, Mr. & Mrs. Malan, during the construction of the initial dwelling on the application area. This assumption is based on the irregular shape of the erf.
2. During the construction phase, the appointed contractor deviated from the original approved plans by constructing the outdoor toilet facility's walls at 90° instead of diagonal, despite the approved plans indicating an unusual shape, as mentioned earlier in this Departure Application Document.
3. The cantilever entrance stoep roof structure of ±1.6m (as measured on the approved plans) could not cantilever so far, and it was decided on site that support posts will be needed mainly for structural purposes.

In line with the above-mentioned background and summary of the contraventions, the contraventions can be summarized as follows:

- A portion of the existing entrance stoep's footprint extends beyond the 4.0m Municipal Street building Line. *Although the existing entrance stoep was approved in 2005 by the Overstrand Municipality, the structure is now considered as **unauthorized** due to the support posts required for structural purposes.*
- A portion of the existing outdoor toilet facilities' footprint extends beyond the 2.0m Western Municipal Lateral Building Line. *The subject encroachment is **unauthorized** as a result of an inadvertent setting-out error during the construction of the initial dwelling on the application area.*

3.2.2.2 NATURE, DURATION, GRAVITY AND EXTENT OF THE CONTRAVENTION:

As contemplated in the Overstrand Municipality's amended By-laws on Municipal Land Use Planning, Chapter 10, Section 90, 2020, the following factors must be considered when determining an appropriate administrative penalty:

1. Nature of the unauthorized, as-built structures;

The nature of the unauthorized, as-built structures as highlighted throughout this Departure Application Document, but can be summarized as follows:

- A portion of the existing entrance stoep's footprint extends beyond the 4.0m Municipal Street building Line.
- A portion of the existing outdoor toilet facilities' footprint extends beyond the 2.0m Western Municipal Building Line.

2. Duration of the unauthorized, as-built structures;

As mentioned earlier in this Departure Application Document, the unauthorized, as-built structures on the application may have come about due to the following factors;

- A setting-out discrepancy caused by an inadvertent setting-out error made by the contractor appointed by the former property owners, Mr. & Mrs. Malan, during the construction of the dwelling on the application area.
- During the construction phase, the appointed contractor deviated from the original approved plans by constructing the outdoor toilet facility's walls at 90° instead of diagonal, despite the approved drawings indicating an unusual shape
- The cantilever entrance stoep roof structure of $\pm 1.6\text{m}$ (as measured on the approved plans) could not cantilever to such a great extent, and it was decided on site that support posts will be needed mainly for structural purposes.

The exact date on which the contravention occurred is unknown, but it can be noted that the initial dwelling on the application area was approved in November 2005, and construction could have started in early 2006.

Our client, Ms. D. Prowse purchased the property in 2024 and was never served with a notice with regards to the transgression.

3. Gravity of the unauthorized, as-built structures;

The gravity of the contravention is not considered serious insofar as its extent is limited to a footprint of 18.61m^2 . See calculation provided below.

When determining the gravity of the unauthorized, as-built structures, it is important the take note of the following:

- The unauthorized, as-built structures that currently encroaches the 4.0m Municipal Street Building Line and the 2.0m Western Municipal Lateral Building Line, as highlighted throughout this Departure Application Document, constitute common residential components typically found on

any residential property. With the above being said, it can be assured that the unauthorized, as-built structures are unnoticeable to adjacent property owners and any passersby, do not have a negative impact on the character of the area, do not have a negative impact on the environment, do not have a negative impact on the streetscape, and do not have a negative impact on any of the surrounding properties, as discussed and highlighted later in this Departure Application Document.

4. Extent of the unauthorized, as-built structures;

The extent of the unauthorized, as-built structures calculates to a total of 18.61m², refer to the calculation below:

- Footprint of the existing entrance stoep currently encroaching the 4.0m Municipal Street building Line

= 17.84m²
= (includes only the section of the footprint encroaching the 4.0m Municipal Street Building Line)

- Footprint of the existing outdoor toilet facilities' footprint currently encroaching the 2.0m Western Municipal Lateral Building Line

= 0.77m²
= (includes only the section of the footprint encroaching the 2.0m Western Municipal Lateral Building Line)

5. Conduct of the person involved in the contravention:

The unauthorized, as-built structures were not the wrongdoing of our client, Mrs. D Prowse, but rather the wrongdoing of the contractor appointed by the former property owners, Mr. & Mrs. Malan during the construction of the initial dwelling on the application area. With this being said, our client, Mrs. D. Prowse seeks to rectify and legalize the existing encroachment as highlighted throughout this Departure Application Document.

6. Whether the unlawful conduct was stopped:

The unauthorized structures, as highlighted throughout this Departure Application Document, are as-built structures. The Overstrand Municipality did not stop the building work and has also not issued a notice with regards to the transgression.

7. Whether the person involved in the contravention has previously contravened this By-law or previous planning law:

To the knowledge of this office, it is unknown whether the person involved in the contravention has previously contravened this By-Law or any other previous planning law.

8. A report by a quantity surveyor in matters of the unauthorized building / construction work:

Due to the small-scale nature of the encroachment, no Quantity Surveyor was involved. Our firm, Engelbrecht & Scorgie Architectural Office, consulted with a local, reputable contractor to provide us with an estimating cost report on the unauthorized structures, at current building rates.

Refer to Annexure O for the enclosed costing report in matters of the unauthorized building / construction work.

3.2.2.3 RECOMMENDATION FOR THE DETERMINATION OF THE ADMINISTRATIVE PENALTY:

In light of the above assessment, we appeal to the Overstrand Municipality that the administrative penalty be waived, as this application serves as a method to rectify the contraventions, which were not the wrongdoing of our client, Mrs. D. Prowse, but rather the wrongdoing of the appointed contractor who was appointed to construct the initial dwelling on the application area.

4. GENERAL:

4.1 CHARACTER OF THE ENVIRONMENT IN WHICH THE APPLICATION AREA IS LOCATED:

The application area is situated at 29 Old Main Road, Onrust River. Refer to Annexure H for the enclosed Locality plan.

Due to the natural topography of this particular section of Onrust River, which has a minimal gradient, all properties to the front, and rear sides of the application area have minimal to fair views towards the Onrust Mountain Range in a Northern direction with no change of sea views.

Onrust River, and more specifically, this particular area in which the application area is situated, is renowned for its diverse range of different architectural styles and designs.

The area in which the application area is situated, specifically Old Main Road, has no historical architecture or conservation-worthy areas.

The application area is surrounded by erven zoned as Single Residential erven and Business Zone 3: Local Business. All erven to the East and South of the application area, which are zoned as Single Residential erven, have been developed with either single-or double-storey dwellings. These properties serve as either permanent residences or holiday houses. All erven to the West of the application area have been developed for business uses. These businesses include a coffee shop and smaller retail shops such as a mini market, a gift shop, and a beauty salon.

4.2 EFFECTS OF THE UNAUTHORIZED, AS BUILT STRUCTURES IN RELATION TO THE CHARACTER OF THE AREA, THE ENVIRONMENT, THE STREETScape, AND SURROUNDING PROPERTIES:

The unauthorized, as-built structures that currently encroaches the 4.0m Municipal Street Building Line and the 2.0m Western Municipal Lateral Building Line, constitute common residential components typically found on any residential property. With the above being said, it can be assured that the unauthorized, as-built structures:

- Is unnoticeable to adjacent property owners and any passersby,
- Do not have a negative impact on the character of the area,
- Do not have a negative impact on the environment,
- Do not have a negative impact on the streetscape,
- Do not have a negative impact on any of the surrounding properties.

4.3 COMPATIBILITY AND IMPACT OF THE UNAUTHORIZED, AS-BUILT STRUCTURES ON IMMEDIATE SURROUNDING PROPERTIES:

The compatibility and impact that the unauthorized, as-built structures on the immediate surrounding properties were assessed based on the following five factors:

- **Location and proximity:**
The position and proximity of the affected surrounding properties in relation to the application area.
- **Land use compatibility:**
This revolves around evaluating how well the unauthorized, as-built structures align with the existing zoning and the current land use in the area.
- **Views:**
This revolves around how the unauthorized, as-built structures affect the visual landscape of the immediate surrounding properties.
- **Privacy:**
This revolves around evaluating how the unauthorized, as-built structures affect the privacy of the immediate surrounding properties.
- **Gravity and visual aesthetics:**
This revolves around evaluating how the unauthorized, as-built structures harmonize with the immediate surrounding properties.

The aerial photo below reveals the properties potentially affected by the proposed development on the application area, which are the following:



Figure 4: Potentially affected property owners, an extract from the Overstrand Public Viewer – NOT TO SCALE

4.3.1 Erf 3238, 28 Old Main Road, Onrust River:

Erf 3238 is **located** directly to the South of the Application area, across Old Main Road, and comprises an existing dwelling that stands as one of the properties farthest in **proximity** to the existing dwelling on Erf 5095, the Application area. The distance between these two subject properties surpasses that on any of the immediate surrounding properties, primarily due to Old Main Road Street separating the two properties.

Erf 3238 is zoned as Residential Zone 1: Single Residential and is exclusively developed for residential use. With this being said, the unauthorized, as-built structures, as mentioned and highlighted throughout this Departure Application Document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the above-mentioned structures on the Application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single-storey dwelling on Erf 3238 is situated to the South of the Application area and has limited to no **views** of the Onrus Mountain Range in a Northern direction due to the existing double-storey dwelling on the Application area. Considering the above-mentioned point, it can be assured that the visual landscape of the owners of Erf 3238 will not be affected in any way, as the unauthorized, as-built structures on the application area are confined to the ground floor only.

The impact on **privacy** resulting from the unauthorized, as-built structures on Erf 5095 in relation to the subject erf, Erf 3238, is considered negligible. This conclusion is based on the following three factors:

- the current layout of the existing single-storey dwelling on Erf 3238 ensures that it lives out towards the South (back) of the erf,
- the presence of an existing large tree on the Street Boundary of Erf 3238,
- the two erven are separated by Old Main Road, which runs between them.

As outlined throughout this Departure Application Document, an application is made for the relaxation of the 4.0m Municipal Street Building Line to accommodate a portion of the existing entrance stoep's footprint that extends beyond the subject building line and the relaxation of the 2.0m Western Municipal Lateral Building Line to accommodate a portion of the existing outdoor toilet facility's footprint that extends beyond the subject building line.

It is important to note that the above-mentioned unauthorized, as-built structures on Erf 5095 form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the above-mentioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

4.3.2 Erf 5235, 26 Old Main Road, Onrust River

Erf 5235 is **located** South East of the Application area, across Old Main Road, and comprises an existing dwelling that stands as one of the properties farthest in **proximity** to the existing dwelling on Erf 5095, the Application area. The distance between these two subject properties surpasses that on any of the immediate surrounding properties, primarily due to Old Main Road Street separating the two properties.

Erf 5235 is zoned as Residential Zone 1: Single Residential and is exclusively developed for residential uses. With this being said, the unauthorized, as-built structures, as mentioned and highlighted throughout this Departure Application Document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the above-mentioned structures on the Application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single-storey dwelling on Erf 5235 is located South East of the Application area and enjoys partial to fair views of the Onrus Mountain Range in a Northern direction. These views are primarily through open spaces between the existing double-storey dwelling on the application area and the existing dwelling on Erf 3064 to the North. Considering the above-mentioned point, it can be assured that the visual landscape of the owners of Erf 5235 will not be affected in any way, as the unauthorized, as-built structures on the application area are confined to the ground floor only.

The impact on **privacy** resulting from the unauthorized, as-built structures on Erf 5095 in relation to the subject erf, Erf 5235, is considered negligible. This conclusion is based on the following four factors:

- the current layout of the existing single-storey dwelling on Erf 5235 ensures that it lives out towards the South (back) of the erf,
- the presence of dense vegetation on the Street Boundary of Erf 5235
- the two erven are separated by Old Main Road, which runs between them,
- the subject erf, Erf 5235 is "closed off" by an existing high, solid street boundary wall on the property.

As outlined throughout this Departure Application Document, an application is made for the relaxation of the 4.0m Municipal Street Building Line to accommodate a portion of the existing entrance stoep's footprint that extends beyond the subject building line and the relaxation of the 2.0m Western Municipal Lateral Building Line to accommodate a portion of the existing outdoor toilet facility's footprint that extends beyond the subject building line.

It is important to note that the above-mentioned unauthorized, as-built structures on Erf 5095 form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the above-mentioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

4.3.3 Erf 3064, 27 Old Main Road, Onrust River:

Erf 3064 is **located** North East of the Application area and comprises an existing single-storey dwelling that stands as one of the closest properties in **proximity** to the existing dwelling on Erf 5095, the Application area.

Erf 3064 is zoned as Residential Zone 1: Single Residential and is exclusively developed for residential uses. With this being said, the unauthorized, as-built structures, as mentioned and highlighted throughout this Departure Application Document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the above-mentioned structures on the Application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single-storey dwelling on Erf 3064 is situated South East of the Application area and enjoys fair **views** of the Onrus Mountain Range in a Northern direction. Considering the above-mentioned point, it can be assured that the visual landscape of the owners of Erf 3064 will not be affected in any way, as the unauthorized, as-built structures on the application area are located South West of Erf 3064

The impact on privacy resulting from the unauthorized, as-built structures on Erf 5095 in relation to the subject erf, Erf 3064, is considered negligible. This conclusion is based on the following factor;

- The current layout of the existing single-storey dwelling on Erf 3064 ensures that it lives out towards the North and North Eastern sides of the erf, with only the driveway located to the South of the property. Considering this, it can be assured that the unauthorized, as-built structures will not intrude on the privacy of the property owners of Erf 3064, as these structures are located to the South and West of the Application area.

As outlined throughout this Departure Application Document, an application is made for the relaxation of the 4.0m Municipal Street Building Line to accommodate a portion of the existing entrance stoep's footprint that extends beyond the subject building line and the relaxation of the 2.0m Western Municipal Lateral Building Line to accommodate a portion of the existing outdoor toilet facility's footprint that extends beyond the subject building line.

It is important to note that the above-mentioned unauthorized, as-built structures on Erf 5095 form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the above-mentioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

4.3.4 **Erf 3237, 30 Old Main Road, Onrust River:**

Erf 3237 is **located** South West of the Application area, across Old Main Road, and comprises an existing dwelling that stands as one of the farthest properties in close **proximity** to the existing dwelling on Erf 5095, the Application area. The distance between these two subject properties surpasses that on any of the immediate surrounding properties, primarily due to Old Main Road Street separating the two properties.

Erf 3237 is zoned as Residential Zone 1: Single Residential and is exclusively developed for residential uses. With this being said, the unauthorized, as-built structures, as mentioned and highlighted throughout this Departure Application Document, are also for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the above-mentioned structures on the Application align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing single-storey dwelling on Erf 3237 is situated South West of the Application area and has no **views** of the Onrus Mountain Range in a Northern direction due to the existing double-storey building on Erf 3688. Considering the above-mentioned point, it can be assured that the visual landscape of the owners of Erf 3237 will not be affected in any way, as the unauthorized, as-built structures on the application area are located to the North East of Erf 3237.

The impact on **privacy** resulting from the unauthorized, as-built structures on Erf 5095 in relation to the subject erf, Erf 3237, is considered negligible. This conclusion is based on the following two factors:

- the presence of dense vegetation on the Street Boundary of Erf 3237
- the two erven are separated by Old Main Road, which runs between them,

As outlined throughout this Departure Application Document, an application is made for the relaxation of the 4.0m Municipal Street Building Line to accommodate a portion of the existing entrance stoep's footprint that extends beyond the subject building line and the relaxation of the 2.0m Western Municipal Lateral Building Line to accommodate a portion of the existing outdoor toilet facility's footprint that extends beyond the subject building line.

It is important to note that the above-mentioned unauthorized, as-built structures on Erf 5095 form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the above-mentioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

4.3.5 Erf 3688, 31 Old Main Road, Onrust River:

Erf 3688 is **located** West of the Application area and comprises an existing double-storey building that stands as one of the closest properties in **proximity** to the existing dwelling on Erf 5095, the Application area.

Erf 3688 is zoned as Business Zone 3: Local Business and is exclusively developed for commercial uses, but is situated in a predominantly residential area. With this being-said, the unauthorized, as built structures, as mentioned and highlighted throughout this Departure Application Document, are for residential purposes and adhere to the relevant provisions outlined in the Overstrand Municipality's Zoning Scheme Regulations. Consequently, the above-mentioned structures on the Application area align seamlessly with the existing **zoning** and the prevailing **land use** within the area.

The existing double-storey building on Erf 3688 is situated West of the Application area and enjoys fair **views** of the Onrus Mountain Range in a Northern direction. Considering the above-mentioned point, it can be assured that the visual landscape of the owners of Erf 3688 will not be affected in any way, as the unauthorized, as-built structures on the application area are located East of Erf 3688.

The impact on **privacy** resulting from the unauthorized, as-built structures on Erf 5095 in relation to the subject erf, Erf 3688, is considered negligible. This conclusion is based on the following two factors:

- the presence of dense vegetation on Erf 5095
- the existing building on Erf 3688 is exclusively developed for commercial purposes

As outlined throughout this Departure Application Document, an application is made for the relaxation of the 4.0m Municipal Street Building Line to accommodate a portion of the existing entrance stoep's footprint that extends beyond the subject building line and the relaxation of the 2.0m Western Municipal Lateral Building Line to accommodate a portion of the existing outdoor toilet facility's footprint that extends beyond the subject building line.

It is important to note that the above-mentioned unauthorized, as-built structures on Erf 5095 form part of common residential components found on typical residential properties. With this being said, it can be assured that the **gravity** of the above-mentioned structures is considered negligible, as they do not have a greater **visual impact** than any other surrounding dwellings within the area. Moreover, they seamlessly integrate with the existing residential context and enhance the visual aesthetics of the neighborhood.

4.4 GENERAL IMPACT OF THE UNAUTHORISED, AS-BUILT STRUCTURES:

4.4.1 Economic impact:

The Overstrand Municipality's Land Zoning Scheme Regulations govern structures and the uses thereof on properties. The unauthorized, as-built structures, as highlighted throughout this Departure Application Document, form part of common residential components one would find on any typical residential erf. With this being said, the unauthorized, as-built structures on Erf 5095 add value to the property on the application area as well as the area in which it is located.

4.4.2 Social impact:

The unauthorized, as-built structures on Erf 5095 will have no impact on the social status of the area in which the application area is located. As mentioned, and highlighted throughout this Departure Application Document, the unauthorized, as-built structures are compatible with the character of the area and do not negatively impact the rights of any of the adjacent properties in the area.

4.4.3 Compatibility with surrounding land uses:

The application area is situated in an existing developed area within Onrust River. The Departure Application does not propose to change the current zoning or the current land use of the application area, and therefore the current land use is compatible with the surrounding land uses. With this being said, the scale of the unauthorized, as-built structures on the application area merges well with the scale of the existing building on the application area, along with the surrounding buildings and dwellings in the immediate area.

4.4.4 Impact on Municipal Engineering services:

All services on the application area already exist.

The unauthorized, as-built structures on the application area have no negative impact on the usage of the existing available municipal services, such as electricity, water, or sewerage, since no additional loading of the existing municipal services is needed.

4.4.5 Impact on health, safety and the wellbeing on the surrounding community:

The unauthorized, as-built structures on the application area have no impact on the general safety and wellbeing of the surrounding community. The application area will continue to be used for residential purposes.

4.4.6 Impact on heritage and heritage value:

Erf 5095, the application area, is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality's Heritage Overlay Zone. With the above being said, it is evident that the

unauthorized, as-built structures for which this Departure Application is being submitted for do not have a negative impact on heritage or heritage value of the Onrust River area.

4.4.7 **Impact on traffic, parking and access:**

No new **access** points are proposed and therefore the existing established access to Erf 5095 will remain unchanged.

The Overstrand Municipality's Zoning Scheme Regulations stipulates that two on-site **parking** bays per dwelling unit must be provided for erven exceeding 400m². With this being said, there are ample parking space available to the South Western corner of the property.

The unauthorized, as-built structures have no impact on the number of vehicles traveling on Old Main Road. The use of the subject property will remain unchanged and therefore the impact on the **traffic** flow in the area will remain unchanged.

5 **PLANNING PRINCIPLES**

Policies, principles, planning, development norms, and criteria as set out in Section 42 of the Spatial Planning and Land Use management Act (SPLUMA) and Chapter VI of the Land Use Planning Act (LUPA) were considered and the proposed Departure Application is in compliance with this. The principles are defined and recorded below:

5.1.1 **Spatial justice:**

Spatial justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services, and land. In the broadest sense, it seeks to promote the integration of communities and the creation of settlements that allow the poorest of the poor to access opportunities.

The primary objective of this application is to enable the owner of Erf 5095, the application area, to legalize and rectify the unauthorized, as-built structures on the application area. With this being said, it is not predicted that the unauthorized, as-built structures on the application area is set to influence any past spatial injustices.

5.1.2 **Spatial sustainability**

Spatial sustainability refers to a sustainable form of development. This means promoting less resource consuming development typologies that promote compaction, pedestrianization and mixed-use urban environments which allow for the development of a functional public transport system and space economy.

The encroachment of the 4.0m Municipal Street Building Line and the 2.0m Western Municipal Lateral Building Line constitute common residential components typically found on any residential property and therefore it can be assured that the unauthorized, as-built structures is unnoticeable to adjacent property owners and any passersby, do not have a negative impact of the character of the environment, do not have a negative impact on the environment, do not have a negative impact on the streetscape, and do not have a negative impact on any of the surrounding properties.

5.1.3 **Efficiency**

Efficiency refers to the need to create settlements that optimize the use of space, energy, infrastructure, resources, and land.

The proposed Departure Application, as mentioned above, is intended to logically maximize the use of space of the subject property within a developed residential area.

5.1.4 **Spatial resilience**

Spatial resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e. communities that are more likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaption in order to ensure increased resilience in terms of future shocks.

With the above being said, we are of the opinion that the principle of Spatial Resilience is not applicable to this Departure Application.

5.1.5 **Good administration**

Good administration 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 a joint planning approach is pursued. Furthermore, it is critical that decisions made in terms of land use planning seek to minimize the negative financial, social, economic, and environmental impacts of a development. Furthermore, good administration in the context of land use planning, refers to a system which is efficient, well run, and where the timeframe requirements are adhered to.

Engelbrecht & Scorgie Architectural Office:

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

Overstrand Municipality:

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

6 RECOMMENDATION AND CONCLUSION:

With the above being said, it is therefore recommended that the application be approved in terms of the Overstrand Municipality's Amended By-Lay on Municipal Land Use Planning, 2020.

Your sincerely

A handwritten signature in black ink, appearing to read 'Brandon Scorgie', is written over a horizontal line. The signature is stylized and cursive.

BRANDON SCORGIE

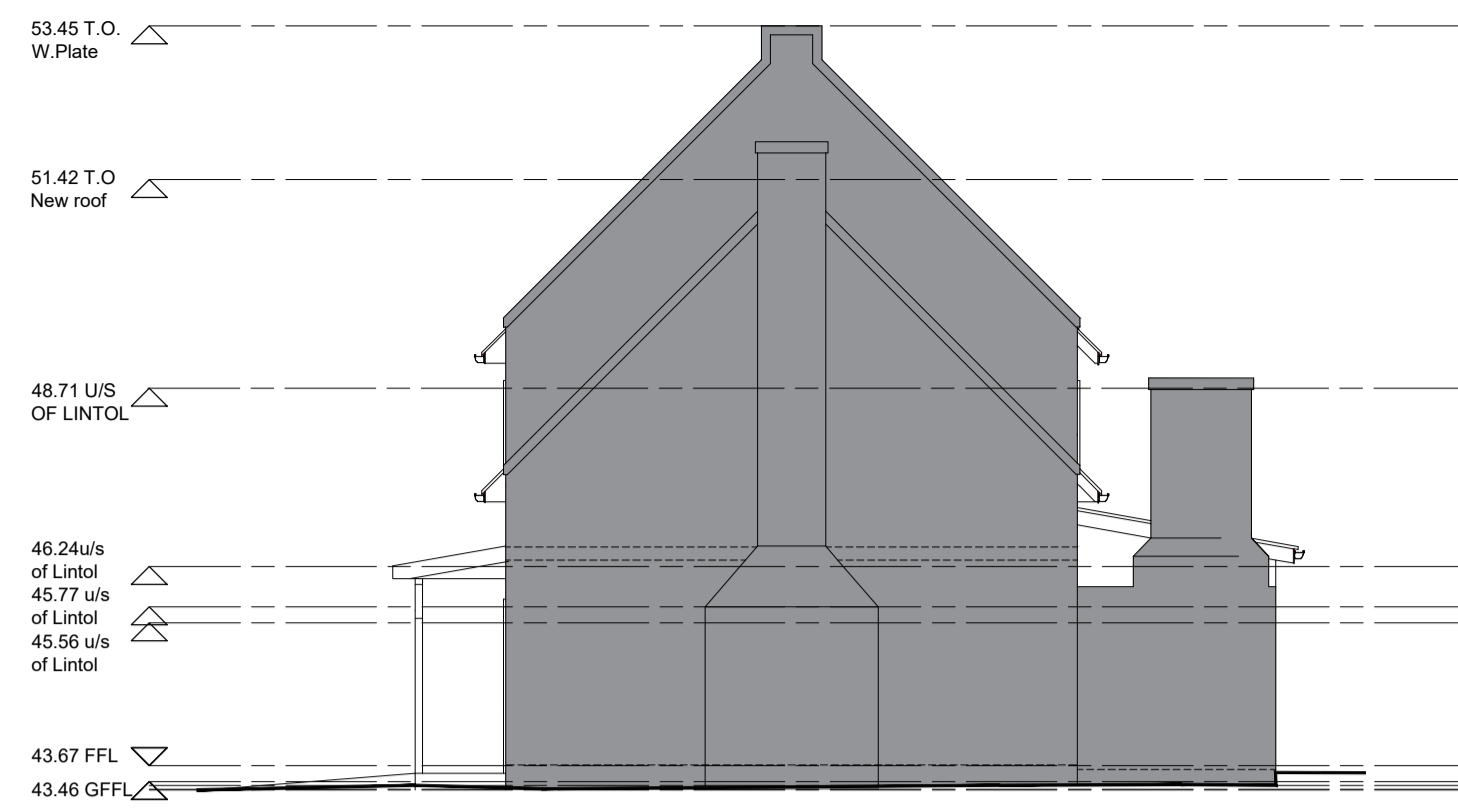
for Engelbrecht & Scorgie Architectural Office.



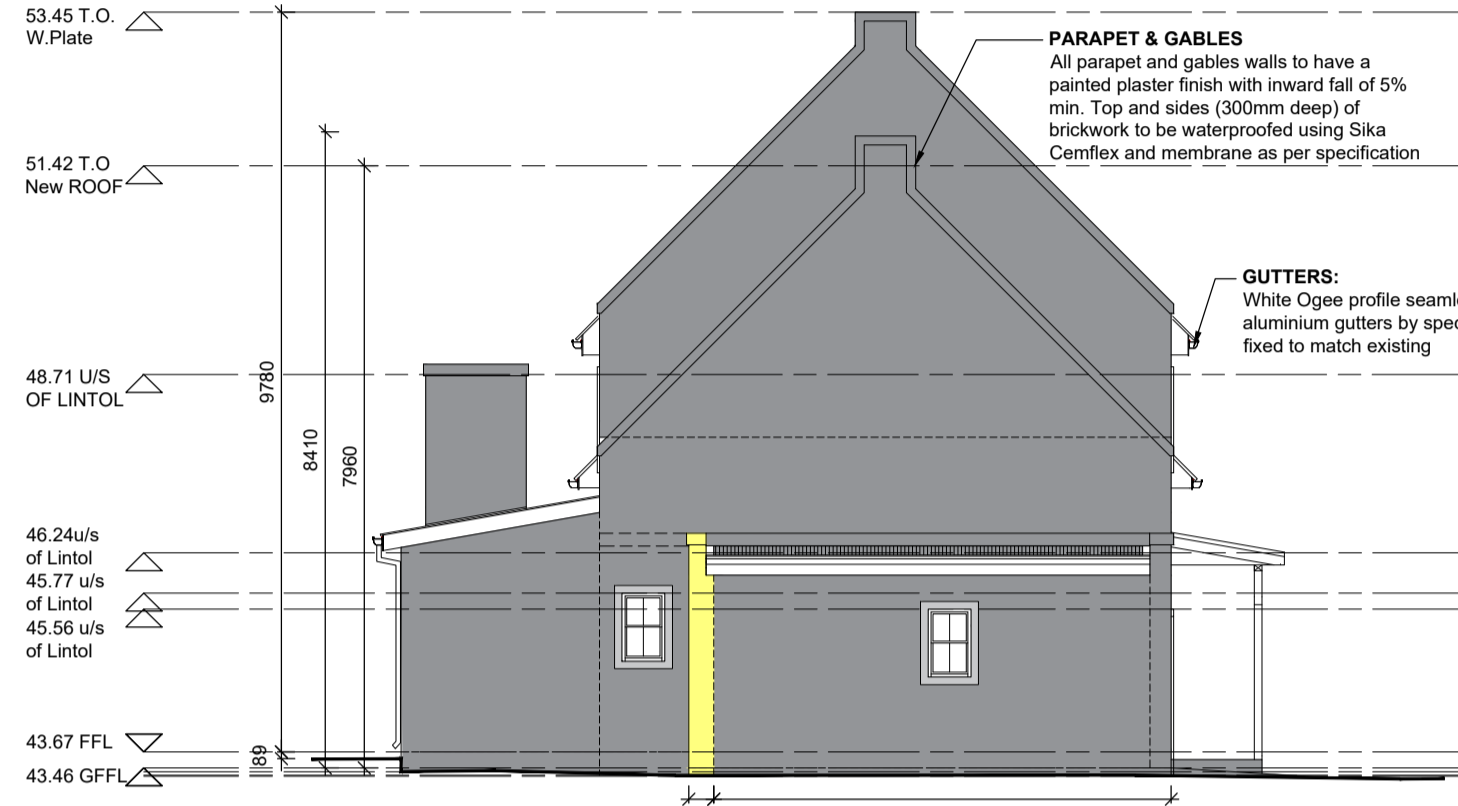
NORTH WEST SCALE 1:100



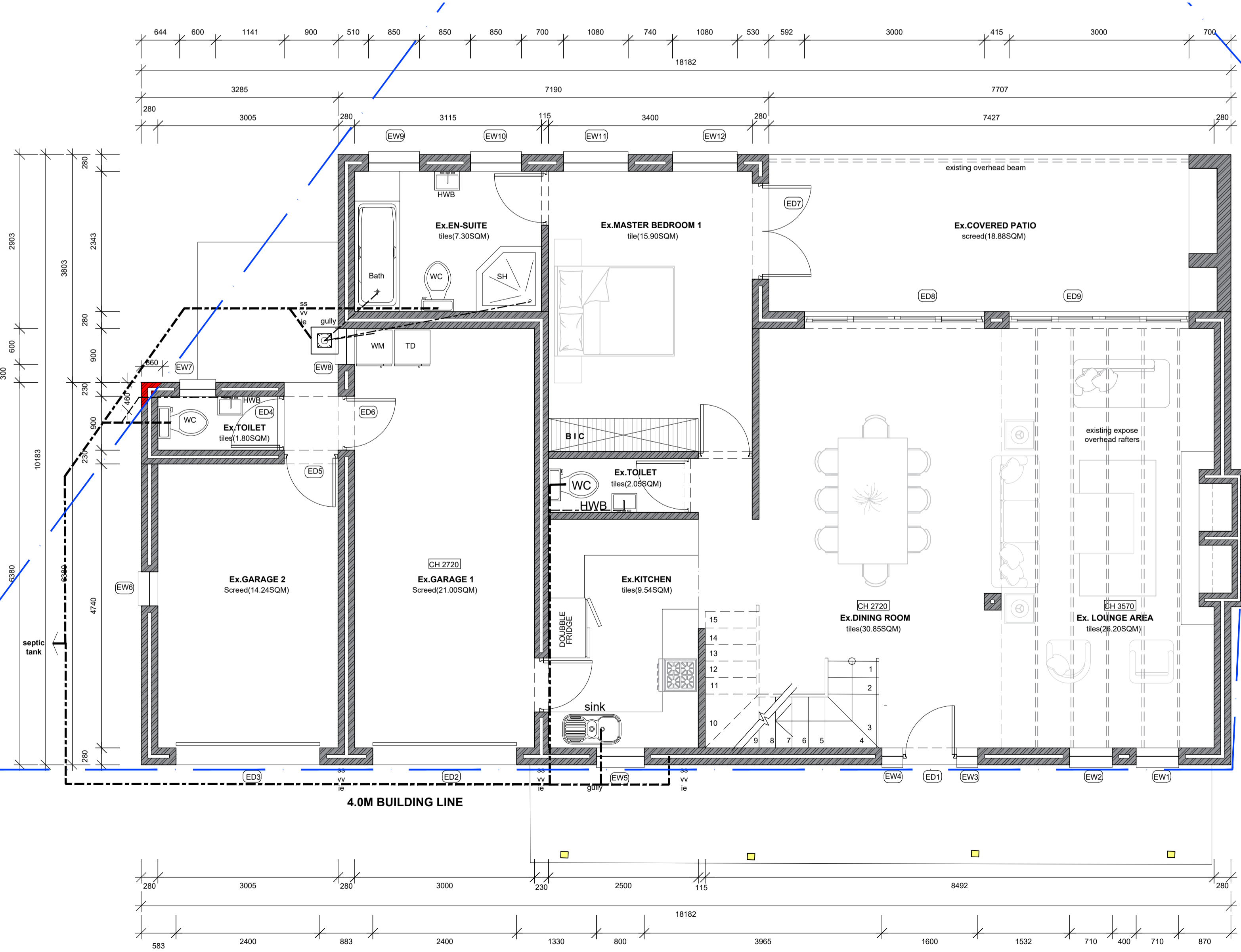
SOUTH EAST SCALE 1:100



NORTH EAST SCALE 1:100



SOUTH WEST SCALE 1:100



GROUND FLOOR PLAN SCALE 1:50

GENERAL NOTES

- 1) All building, electrical, and drainage work to be in strict accordance with SABS 10400 Standards or meet the National Building Regulations. (All building materials to be S.A.B.S approved)
- 2) All dimensions and levels to be checked on site before commencement of any construction
- 3) All openings less than 3000mm to have P.C. ide stresso lintols over and min. of four courses of brick force laid above lintols to manufacturers specifications.
- 4) All structural timber to be v4:5 S.A. pine or SABS approved, otherwise as required by council authorities
- 5) All DPM's (375micron) to be stepped with weep holes at 1200 cts. positioned min.150 above paving or natural ground level.
- 6) Excavate to a depth to provide a solid and uniform foundation to all footings. No concrete footing to project beyond any site boundary.
- 7) All external openings to have vertical DPC's all round
- 8) All safety glazing to be as per SANS 10400 PART N regulation
- 9) Light areas are min. 10% of floor area as per NBR requirements
- 10) Ventilation areas are min. 5% of floor areas as per NBR requirements
- 11) All external walls to be Plaster & painted (x2 coat undercoat pva) or equally approved by owner / builder
- 12) All internal walls to be plastered & painted (or equally approved by owner/builder)
- 13) All windows and doors as per schedule.

1. BOUNDARY PEGS :

To be pointed out to Building Inspector before construction commences. All levels and dimensions to be checked on site prior to commencement of any building work. Read figured dimensions in preference scaling. All work to comply with SANS 10400

2. FOUNDATIONS :

Foundations to be mass concrete and have a compressive strength of 15mPa. Brick walls to be built on 750x250 strip footings. Foundation walls to be filled with concrete up to floor level. Foundation walls higher than 1,000m to be 340mm thick. Provide 1,000x1,000x300 concrete base to all freestanding columns. Cast 412 steel re-inforcing bars spaced 200mm apart continuous in foundation trenches where applicable. Where any surface differences in strip foundation occur, the highest section must be extended over the lowest for a distance as thick as the foundation. Foundation excavations as well as the full surface area below all decks must be treated with SABS approved poison with a 10 year guarantee and must be applied as indicated according to SABS 0124. All as per NBR & SANS 10400 PART H.

3. SURFACE BEDS :

Floor finish as indicated on plan on 30mm screed on 100mm concrete surface slab (30mPa) with ref 193 mesh matt on 250mic USB green damp proof course (Sans 925-1985 type C) laid with min 150mm overlaps sealed with gurlaps tape. All installed on 50mm clean sand/bed on well compacted filling (150mm layers) Finished floor level to be minimum 150mm above NGL. Filling under surface beds and concrete paving must be of an acceptable material and must be compacted up to 90 MOD A.A.H.T.O. in layers not exceeding 150mm. Filling must be treated with termite poison as indicated above. Compaction tests must be provided by contractor. All as per NBR & SANS 10400 PART J.

4. EXTERNAL WALLS :

230mm Cavity walls(unless otherwise annotated) tied with butterfly GMS wire ties at a rate 5 wire ties/2.5sqm of wall face to exterior of building. Brickwork to every 2nd course of brickwork. Cavity not to be less than 50mm. Cavity to be filled with concrete between foundations and ground floor DPC and 3 brick course below wallplate. Weepholes at maximum 600c/c. DPC to all external door & window openings. Walls to be plastered and painted. Walls tied back to roof structure with GMS roof straps at 650mm c/c, embedded minimum 300mm into wall, bent over and fixed to rafters. All as per NBR & SANS 10400 PART K.

5. INTERNAL WALLS :

280/115mm Thick brickwork partition walls(unless otherwise annotated) as per NBR and SANS 10400 PART K.

6. LINTOLS :

Lintols to be built in over openings in brickwork less than 3,000mm in length with minimum 4 courses brickwork above lintol and to have minimum 230mm bearing. All openings in excess of 3,000mm in length to have RC beams to engineers detail. Provide brickwork reinforcement as follows:
span 2.100 - 3.000m (4 layers brickforce)
span 3.000 - 3.900m (5 layers brickforce)
span 3.900 - 5.100m (6 layers brickforce)
All as per NBR & SANS 10400-Part K.

7. DPM :

All DPM to be SABS approved & to be installed to manufacturers specification.

8. ROOF :

As specified on sections. Roof to comply with NBR and SANS 10400-PART L. Rafters to be tied down to walls with 1,2x30mm GMS straps at 760mm c/c and 600mm deep and tied back to 3 rafters. Wallplates fixed with 1,2x20mm GMS straps at 760mm c/c and 600mm deep. Gable end walls to be secured & anchored to roof structure by means of GMS straps(3x30mm) at 600mm c/c embedded 300mm into wall bent over and fixed to 3 rafters. Top 3 courses below wallplate rising walls up to floor level and walls above window lintol height to be solid plus 3 courses brickforce plus brickwork over.

RAFTER BRACING :

114x38mm Diagonal end bracing at 40deg nailed to underside of rafters at both ends of roof and in both planes.

ROOF INSULATION :

Radenshield Climasential double sided reinforced aluminium foil insulation as per approved supplier installed across rafters. Allow 150mm overlaps all as per manufacturers specification. Install compact roll at ridges as per approved supplier all in accordance with SANS 1381-4:2009

FASCIAS/BARGEBOARDS :

Timber fascia boards to match existing. Size and cuts to match existing (facia depth may not exceed 220mm). Sanded and painted to match existing

RAINWATER GOODS :

Gutters to be half-round PVC gutters to match existing fixed to fascia at rafter ends. Round PVC downpipes fixed to walls as per manufacturer. Refer to plan for positions of downpipes. Rainwater goods colour - Brilliant White. Paved areas to be graded to the on site storm water system. Swimming pool backwash to sewer system.

Stormwater to be taken to road via surface channels. Allow for the installation of 2 garden taps - positions to be confirmed on site. Supply 20mm water connection. Supply 25mm pipe with draw wire from dwelling to front boundary

9. CEILINGS :

10mm Rhinoboard flush screw fixed @ 150mm c/c to 38x38mm SAP timber brandering at 400mm C/C max. Joints covered with fatapate, skimmed level and smooth, all as per manufacturer by specialist.

10. WINDOWS & GLAZING :

To be ALUMINIUM as coded on Floor Plan and as per NBR & SANS 10400-PART N and SANS 10400 PART XA. Access doors and side lights, windows lower than 500mm from floor, windows lower than 1,800mm above pitch line of stairs to be safety glazed. Glazing to doors and windows to be strictly in accordance with SANS 10400-PART N and SANS 10137

11. LIGHT & VENTILATION :

Natural lit and ventilated dwelling to comply with SANS 10400-Part O. Apertures in external walls to provide 10% and 5% of floor area natural ventilation to comply with SANS 10400-XA. Enclosed usable areas to be mechanically ventilated to outside wall.

12. DRAINAGE :

Plumbing items and drainage to comply with NBR and SANS 10400-Part P. Invert levels to be minimum 450mm. Rodding eye at every bend and minimum every 25m. Branch lines exceeding 6,000m in length should be vented with dia50mm vent pipe. All drain pipe excavations must be treated with termite poison for 1500mm from any building according to SABS 0124. Drainage pipe to be encased in 300mm concrete surround where underneath constructed floor or driveway. Drainage to suit site conditions.

- NOTE:**
All final measurements to be taken on site, before construction
- NOTE:**
No combustible material to be closer than 200mm from chimney flues
- NOTE:**
Flashing and counter flashing as per specialist. All head wall and side wall flashing purpose made by specialist.
- NOTE:**
Drainage to have min invert level 450mm
Vent valve @ highest point
Overflow gully @ lowest point

PLEASE NOTE:
All plug points to be 300mm AFFL unless otherwise indicated. All lighting switches, ac controllers to be colour white.
Allow for south african standard power outlets.

PLEASE NOTE:
No floor finishes are to be substituted with alternatives or procured from suppliers other than those specified, unless agreed via email with Client

All vinyl floor tiles to be sealed in accordance with manufacturer's instructions

Contractor to install pavers or similar as required to ensure flush finished level of all adjacent floor finishes. All flooring to be laid in accordance with manufacturer's instructions

All floor finishes at door junction to continue to the centre line of the door, unless otherwise noted.

All services ducts and/or sleeves(plumbing, electrical, air conditioning, water supply, pool heating) may not be visible and must be concealed in the walls or ducts

ALL NEW WORK SHALL COMPLY WITH THE LATEST VERSIONS OF SANS 10400:

Part A: General Principles and Requirements	
Part B: Structure Design	76.80 sq m
Part C: Dimensions	20.20 sq m
Part D: Public Safety	
Part E: Site operations	
Part G: Excavations	
Part H: Foundations	
Part J: Floors	
Part K: Walls	
Part L: Roofs	
Part M: Stairways	
Part N: Glazing	
Part O: Lighting and Ventilation	
Part P: Drainage	
Part Q: Stormwater Disposal	
Part T: Fire Protection	
Part W: Space Heating	
Part W: Fire Installation	
Part XA: Energy Efficiency	

WHICH ARE APPLICABLE TO THE WORK SPECIFIED:
Contractor shall be responsible for ascertaining the "deemed to satisfy" requirements of SANS 10400 as described and listed. Contractor must ensure that all these requirements are complied with as work proceeds.

AREA CALCULATIONS FOR MUNICIPAL APPROVAL:

Existing Ground Floor:	108.20 sq m
Existing First Floor:	76.80 sq m
Existing Patio:	20.20 sq m
Garage 1:	23.90 sq m
Garage 2:	21.00 sq m
Total Existing:	231.90 sq m

Entrance stoep: 18.80 sq m
Sub-total: 43.60 sq m

TOTAL: 275.50 sq m

ERF: 500.00 sq m

COVERAGE 38.42 %

OCCUPANCY CLASSIFICATION OF BUILDING:

Occupancy	H4
Tot Nett Floor Area: GROUND	136.00sqm
Tot Nett Floor Area: FIRST FLOOR	55.70 sqm
Design Occupancy Time	24hrs /day / 7 d /w
Building Orientation	EAST



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DRAWN BY: M.Tobias
CHECKED BY: Brandon Scorgie ST 1939

PROJECT DESCRIPTION: Proposed new Alterations

PAGE CONTENT: Ground Floor & Elevations

CLIENT: E Prowse
ADDRESS: 29 Old Main Road
ERF: 5095
DRAWING No.: J1276_MUN_02

PROJECT NUMBER J1276	SCALE 1:50 / 1:100	PAGE SIZE A1
DATE 10 October, 2024	PAGE No. 02	REV A

