



ERF 5986, 6 FYNBOS STREET, HERMANUS HEIGHTS, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JL CALLENDER-EASBY

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, applicable to Erf 5986, Hermanus, has been received in terms of Section 16(2)(b) of the By-Law for the following:

- Relaxation of the street building line from 4m to 0m to accommodate a proposed covered carport.
- Relaxation of the western lateral building line from 2m to 1.88m to accommodate a proposed covered carport.
- Relaxation of the street building line from 4m to 0m to accommodate a proposed covered pedestrian entrance.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before **Friday, 29 November 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 5986, FYNBOS STRAAT 6, HERMANUS HEIGHTS, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK VIR AFWYKING: MNRE WRAP PROJECT OFFICE NAMENS JL CALLENDER-EASBY

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek, van toepassing op Erf 5986, Hermanus, ingevolge Artikel 16(2)(b) ontvang is vir die volgende:

- Verslapping van die straatboulyn vanaf 4m na 0m om 'n voorgestelde motorafdak te akkommodeer.
- Verslapping van die westelike lateraleboulyn vanaf 2m na 1.88m om 'n voorgestelde motorafdak te akkommodeer.
- Verslapping van die straatboulyn vanaf 4m na 0m om 'n voorgestelde onderdak voetganger ingang te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / ((e) alida@overstrand.gov.za) voor of op **Vrydag, 29 November 2024** met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 5986, 6 FYNBOS STREET, HERMANUS HEIGHTS, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA JL CALLENDER-EASBY

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo esisetyenziswa kwiSiza 5986, eHermanus, sifunyenwe ngokweCandelo le-16(2)(b) loMthetho kaMasipala ngoku kulandelayo:

- Ukuphumla komgca wesakhiwo sesitrato ukusuka kwi-4m ukuya kwi-0m ukulungiselela i-carport ecetywayo egqunyiweyo.
- Ukuphumla komgca wesakhiwo osecaleni osentshona ukusuka kwi-2m ukuya kwi-1.88m ukulungiselela i-carport ecetywayo egqunyiweyo.
- Ukuphumla komgca wesakhiwo sesitrato ukusuka kwi-4m ukuya kwi-0m ukulungiselela indawo yokungena yabahambi ngeenyawo ecetywayo enophahla.

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) alida@overstrand.gov.za) ngomhla okanye ngaphambi wama- **Ulwesihlanu, 29 EyeNkanga 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 **uMnu. P Roux** kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

1. Locality Plan Erf 5986 - Hermanus

Plan prepared by: Thian Jansen

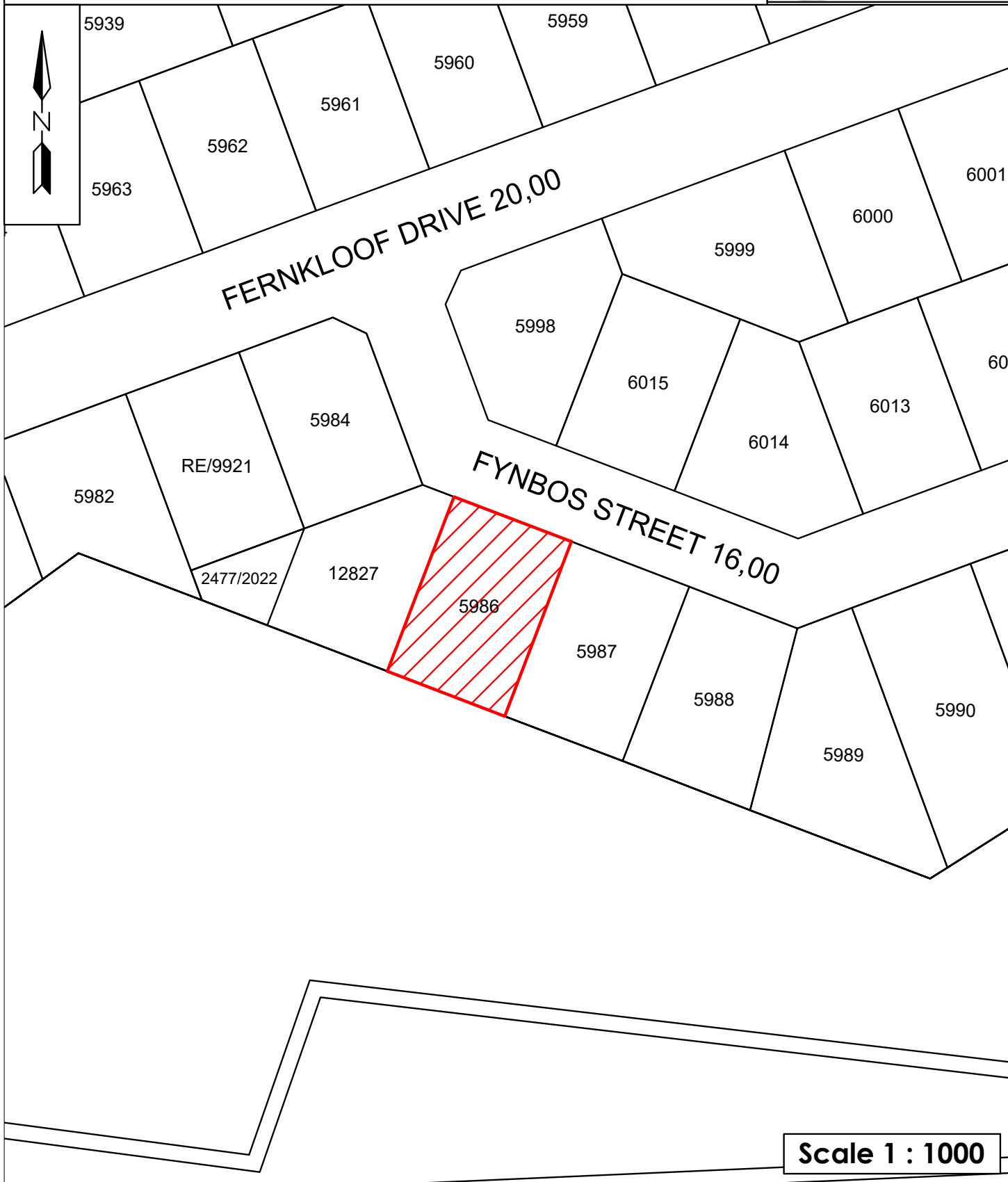
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management



Scale 1 : 1000



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 5986 Hermanus
Extent	852m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

Erf 5986 Hermanus, hereafter referred to as the subject property, is located at 6 Fynbos Street, Eastcliff (refer to **Plan 1 - Locality Plan**). The property owner appointed WRAP Project Office to submit a land use application on her behalf, refer to **Annexure A - Power of Attorney**. She owned the property since 2014 and has since improved the property over time. She now wants to add a covered carport to the front of her garage to protect her cars together with a covered pedestrian entrance for visitors.

The development parameters of the OMLUS regarding building lines on single residential properties also prohibits any structures within the 2-meter side building line and within 4 meters from the street boundary. The proposed covered carport is situated within the said side- and street building line and the covered pedestrian entrance is situated within the street building line.

As a result, approval of the following application is required:

- Permanent Departure from the side- and street building line to allow the proposed covered carport; and
- Permanent Departure from the street building line to allow the proposed covered pedestrian entrance.



4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

WRAP compiled this report to ensure that the property owner's requirements are met.

The following is proposed:

- 4.1 Permanent departure** from the 4m street building line to 0m to allow the proposed covered carport; and
- 4.2 Permanent departure** from the 2m northern side building line to 1,88m to allow the proposed covered carport.

The owner only has a double garage and owns more than two vehicles, resulting in the vehicles located outside being exposed to sun, wind and all other natural elements that are undesired.

The owner envisions building a covered carport in front of her garage encroaching on the street- and side building line. In terms of the OMLUS, a carport is allowed to be built over the street building line with permission from the OM if the following is complied with:

Section 16.1.2(b) - OMLUS	Comply or deviate
The width of such carport shall not exceed 6,5 m;	<u>Comply</u> , the covered carport is 6,5m, but the covered pedestrian entrance is 2,09m wide which is covered by the same roofing.
(ii) the roof of the carport shall be supported by a metal or timber post or brick, concrete or masonry pillars;	<u>Comply</u> , the proposed covered carport will be supported by brick pillars.
(iii) the carport shall not be enclosed on any side, except by: - a boundary fence or wall; - a wall which forms the external wall of a building; or - a security or automated gate.	<u>Comply</u> , the covered carport is proposed to be enclosed only on one side by the automated sliding gate.
The height of such carport, measured from the natural ground level to the highest point of the structure over the building line, may not exceed 3,0 m on the street boundary, but the height may increase at a 40-degree angle away from such boundary (roof).	<u>Comply</u> , the carport is proposed to be 3m high.

Due to the width of the proposed carport, a departure is required from the side building line. *Figure 1* on the following page illustrates the proposed carport, and the width of the carport is proposed to be 6,5m. The reason for this is that the owner wants to be able to park two cars next to each other. The minor encroachment on the side building line is due to the existing automated sliding gate's position. The encroachment is not predicted to have a negative impact on the surrounding area as it is a minor encroachment of 0,12m.

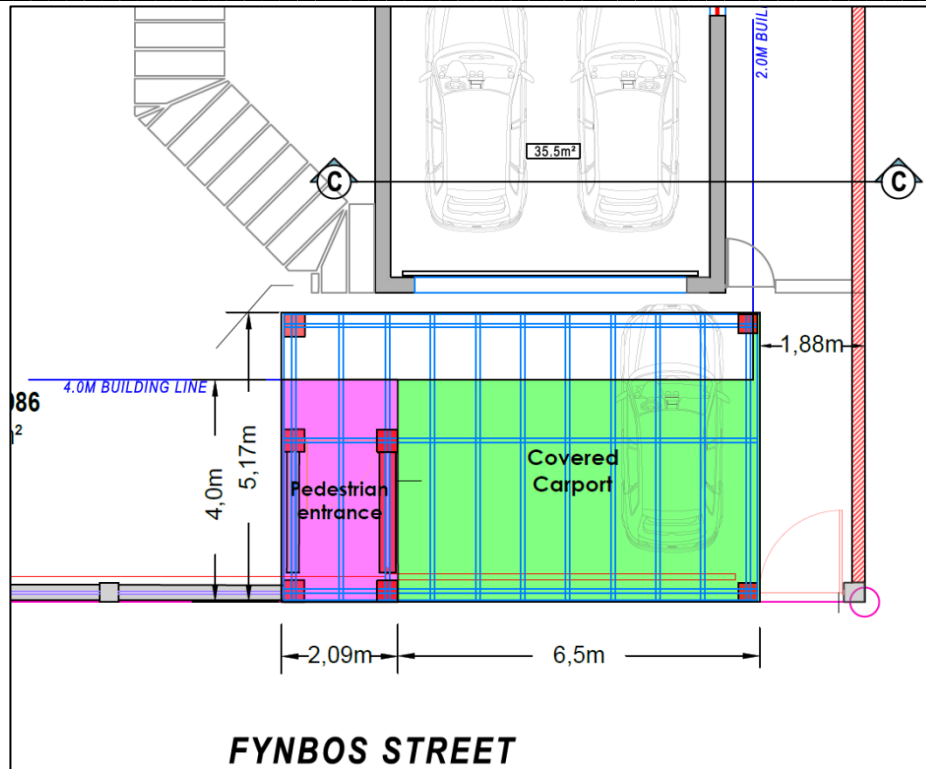


Figure 1: Width of the proposed carport

The covered carport is not proposed to be enclosed, except for the automated sliding gate which will enclose the carport on the street boundary. Once completed, the carport will provide the owner with shelter to protect her vehicles from the elements.

4.3 Permanent departure from the 4m street building line to 0m to allow the proposed covered pedestrian entrance.

The owner envisions a covered pedestrian entrance for visitors and for completing the aesthetic appeal of the property. The pedestrian entrance will be approximately 2 meters wide and will be adjacent to the covered carport, utilizing the same roofing.

According to the OMLUS, some identified structures may be erected over the prescribed building lines, provided that they do not extend beyond the boundaries of the land unit. This includes a covered and uncovered pedestrian entrance constructed on the street boundary which has a roof area not exceeding 5,0m² and a height not exceeding 3,0m. The proposed pedestrian entrance does not exceed the height of 3m but has a roof area which exceeds 5,0m². The total extent of the covered pedestrian entrance which encroaches the street building line, is ±8,36m², therefore the departure is required. This encroachment is not predicted to have a negative impact on the surrounding area.



5. LAND USE ENVIRONMENT

The subject property is located in Eastcliff, an established residential area in Hermanus. The property is surrounded by other Residential Zone 1: Single Residential properties and a Private Open Space (Hermanus Golf Club). The surrounding area's zonings are illustrated in the attached **Plan 2 - Zoning Plan**.

6. TITLE DEED

The title deed of the subject property (T66265/2014) attached as **Annexure B** does not contain any restrictive conditions which may prohibit the approval of the permanent departures.

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:



MOTIVATION

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
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%	Proposed structures = 44,75m ² Proposed coverage = 41,84%	Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> 400 m² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> Greater than 400 m² = 2m 	<ul style="list-style-type: none"> Permanent departure from the 4m street building line to 0m to allow the proposed covered carport. Permanent departure from the 2m northern side building line to 1,88m to allow the proposed covered carport. Permanent departure from the 4m street building line to 0m to allow the proposed covered pedestrian entrance. 	Deviate, motivated and applied for.
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	The existing dwelling adheres to the 8,0m height restriction.	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	There is an existing garage with additional parking options on the property. The proposed covered carport which will be 6,5m wide and have a maximum height of 3m to be situated in front of the existing garage is applied for.	Motivated and applied for.



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 is collected every week by the OM.

Access and Egress

Access and egress to the property is gained from Fynbos Street.

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 land use application is to ensure the property meets all the needs of the owner. The desirability is more often a personal feeling of the owner, and the owner has a need to build a covered- carport and pedestrian entrance. The structures will not benefit any other users or person other than the property owner, but it will however increase the property value and in the future, may yield income for the OM.

Socio-economic impact	The permanent departures are not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The proposal is to ensure the property complies with the OMLUS. It is not predicted that the proposal is out of line with the surrounding area.
Impact on the external engineering services	Refer to Section 8.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on 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 subject property is located in a residential setting and the proposed structures will not be out of the ordinary for the area. Although the proposed carport will encroach both the side and street building lines and the covered pedestrian entrance will encroach the street building line, it is not anticipated that these structures will affect any views, sunlight, or character of the area.

Economic impact

There is little to no impact on the economy. The building of the proposed structures will temporarily employ a contractor that will use workers to assist in the construction phase.

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 development will not affect the property values of surrounding properties.

Environmental impact

The subject property is not located within an environmentally important area.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

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 by 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 is not predicted to influence past spatial injustices.



Spatial sustainability

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to construct a carport and a covered pedestrian entrance will ensure the subject property meets the requirements of the owner.

Efficiency

This proposal is intended to maximise the usage of the subject property and ensure the owner's requirements are met.

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

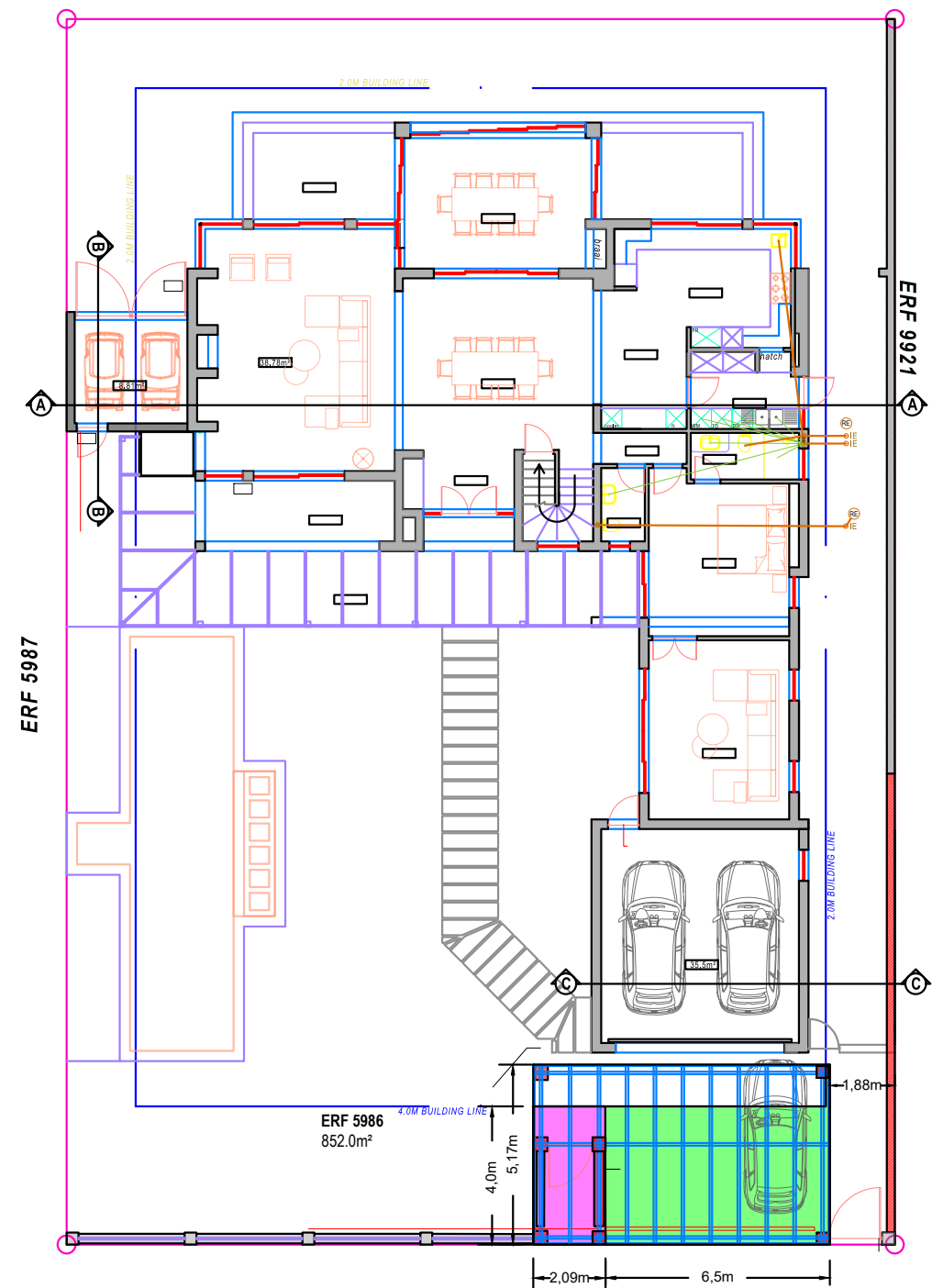
The proposed- carport and covered pedestrian entrance is not out of context for the surrounding area. The abovementioned departures will also not impede on views, sunlight or negatively affect the character of the area. The proposal is in harmony with all relevant spatial planning policies which illustrates that the owner did not arbitrarily invent this proposal but had due consideration for relevant spatial planning policies.

13. RECOMMENDATION

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

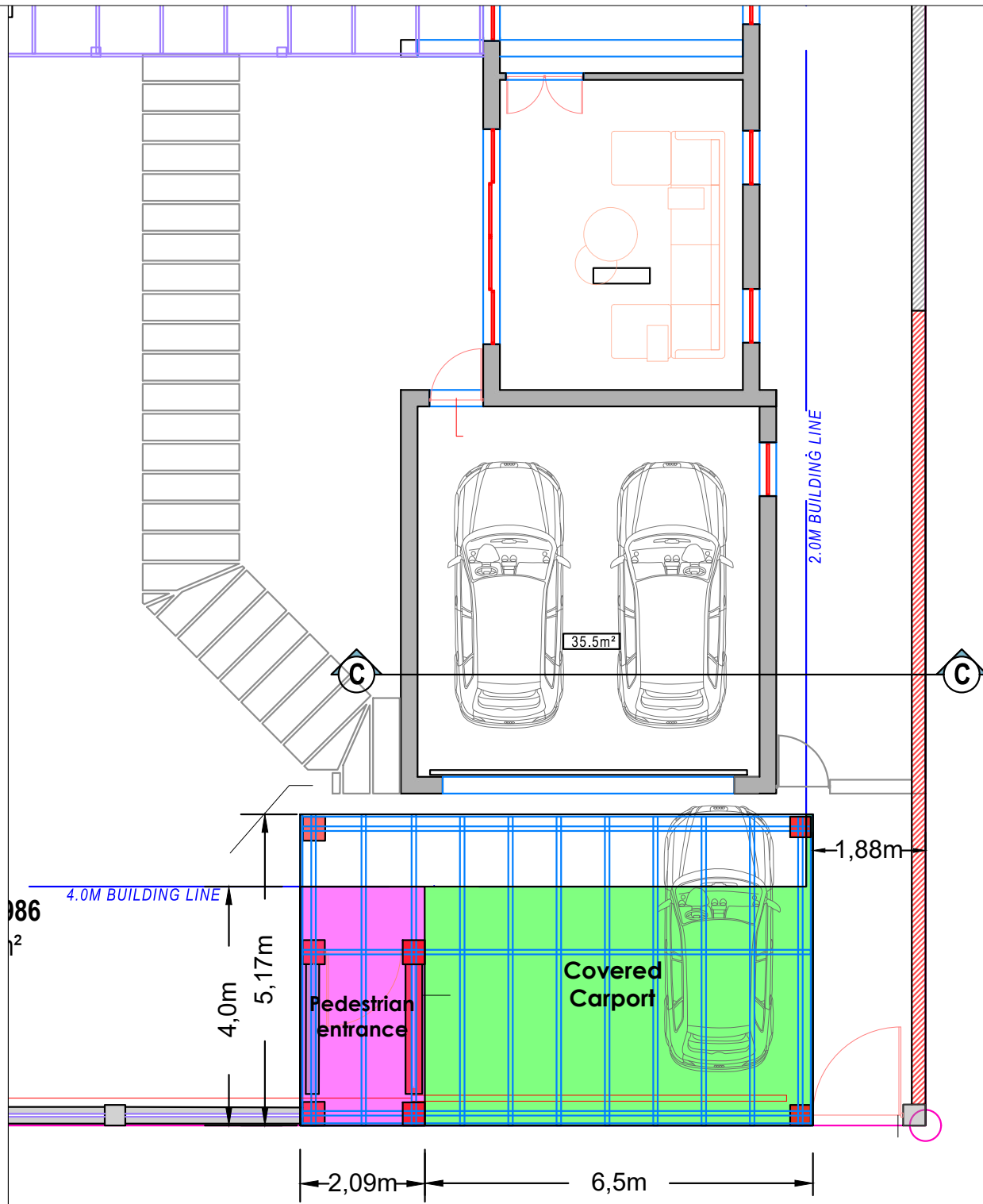
- 13.1 Permanent departure** from the 4m street building line to 0m to allow the proposed covered carport in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.2 Permanent departure** from the 2m western side building line to 1,88m to allow the proposed covered carport in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Permanent departure** from the 4m street building line to 0m to allow the proposed covered pedestrian entrance in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

HERMANUS GOLF CLUB - ERF 9935



FYNBOS STREET

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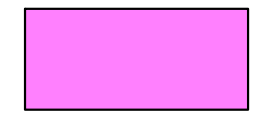
FYNBOS STREET

Scale 1 : 100

4. Site Plan
Erf 5986 - Hermanus



Covered Carport encroachment
on street- and side building line
± 26.14m²



Pedestrian entrance
encroachment on street building
line ± 8,36m²

Permanent Departure from the
4m street building line to 0m to
allow the covered carport.

Permanent departure from the
2m northern side building line to
1,88m to allow the covered
carport

Permanent departure from the
4m street building line to 0m to
allow the pedestrian entrance

Plan date: 22024/08/07

Plan prepared by: Veronica Jansen
Plans based on designs from Designateljee

All distances are approximate
and subject to a survey

Tel: 028 313 1411

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