

**ERF 6117, 153 ELEVENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF K2018307671 (SA) 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), that an application has been received for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law to:
  - relax the northern street building line from 4m to 3.29m, to accommodate the renovations on the lower ground- and ground floor;
  - relax the northern street building line from 4m to 2.55m, to accommodate the proposed balconies on the ground- and first floor; and
  - to exceed the 2.1m permissible boundary wall height restriction with 0.72m ( $\pm 2.82$ m);
- ❖ **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, 16 Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093/ (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday, 15 December 2023**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 6117, ELFDESTRAAT 153, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS K2018307671 (SA) LTD**

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

- ❖ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om:
  - die noordelike straatboulyn te verslap vanaf 4m na 3.29m te verslap, om die verbetering op die onderste laer- en grondvloer te akkommodeer;
  - die noordelike straatboulyn te verslap vanaf 4m na 2,55m, om die voorgestelde balkonne op die grond- en eerste vloer te akkommodeer; en
  - om die 2m toelaatbare grensmuur hoogtebeperking met 0.72m ( $\pm 2.82$ m) te oorskry;
- ❖ **bepaling van 'n 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 / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **Vrydag, 15 Desember 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek, sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA 6117, 153 ELEVENTH STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: WRAP PROJECT OFFICE EGAMENI LIKA K2018307671 (SA) LTD**

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

- ❖ **Ukutenxa ngokuhambelana** malunga Candelo 16(2)(b) malunga noku kulandelayo:
  - ukunciphisa umda wesitrato kwicala elingasentla lesakhiwo ukusuka kwi-4m ukuya kwi-3.29m, ukuze kuhlaliswe ukulungiswa komgangatho ophantsi nophantsi;
  - ukunciphisa umda wesitrato kwicala elingasentla lesakhiwo ukusuka kwi-4m ukuya kwi-2.559m, ukulungiselela iibhalkhoni ezicetywayo kumgangatho osezantsi kunye nowokuqala; kwaye
  - ukogqitha i-2.1m yesithintelo sobude bodonga obuvumelekileyo bomda nge-0.72m ( $\pm 2.82$ m);
- ❖ 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 / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi wama- **Ulwesihlanu, 15 Eyomnga 2023** 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 azibhalezimvo zakhe.

# 1. Locality Plan Erf 6117 - Hermanus

Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

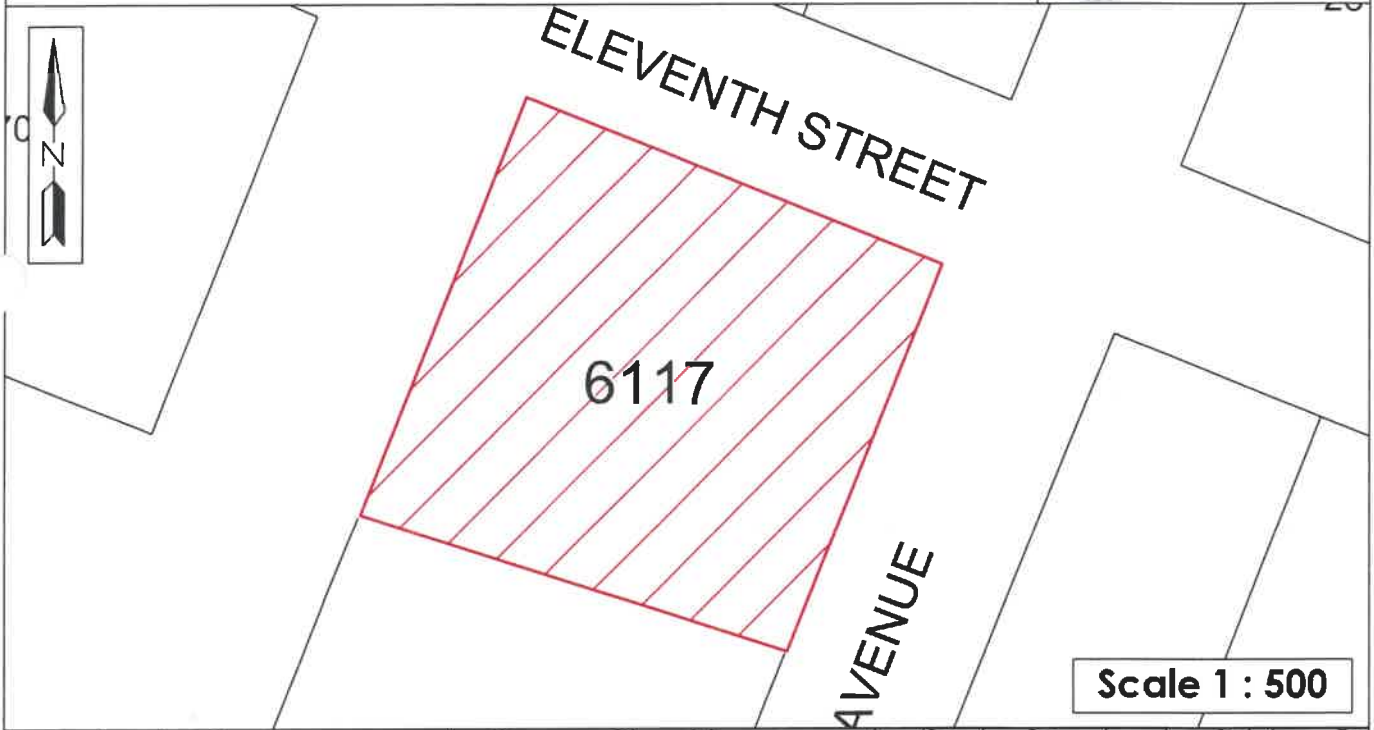
Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



Subject property





## MOTIVATION

### 1. ABBREVIATIONS

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

### 2. PROPERTY DETAILS

<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 6117 Hermanus
<b>Extent</b>	929m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

### 3. BACKGROUND AND INTENT

Erf 6117 Hermanus, hereafter referred to as the subject property, is a corner plot and is located on Eleventh Street and Ninth Avenue in Voëlklip (refer **Plan 1 – Locality Plan**). The property owners (K2018307671 (South Africa) Pty Ltd) have appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney**).

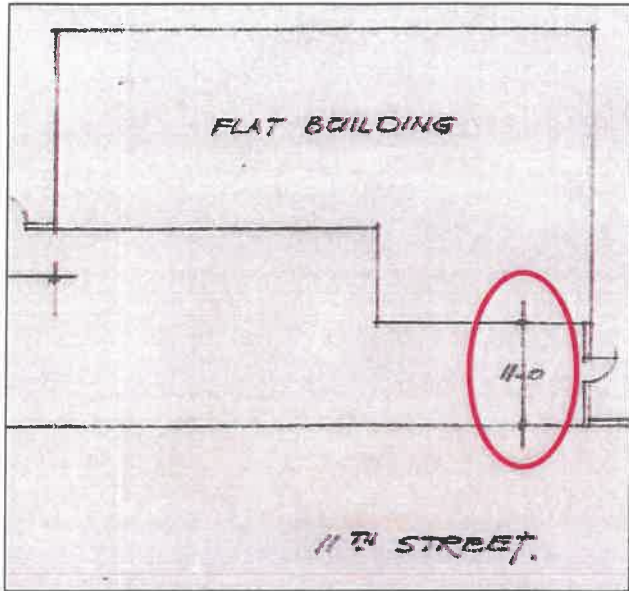
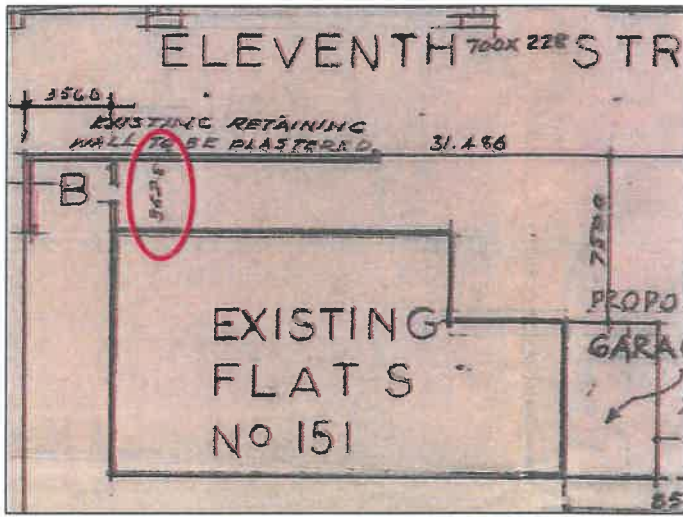
The subject property was bought by the current owners in 2012. The property is improved with a two-storey dwelling house with a lower ground floor, utilising the elevation of the property. To meet their needs, the property owners are in the process of altering the dwelling house. There are alterations that require consent from the OM which include adding two balconies on the ground floor and two balconies on the first floor both of which are proposed to encroach on the northern street building line.





## MOTIVATION

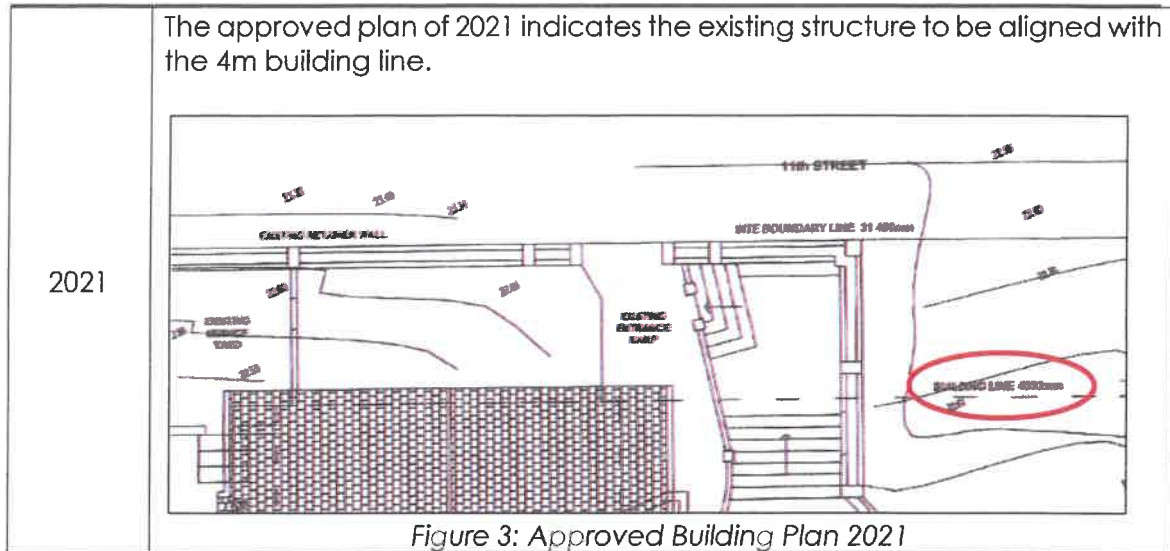
It was also discovered that several approved building plans were not accurately submitted and indicated the structure incorrectly from the street boundary on 11<sup>th</sup> Street.

1969	<p>The approved plan of 1969 indicates the existing structure to be setback 11 cape feet from the boundary, which is 3,463m.</p>  <p>Figure 1: Approved Building Plan 1969</p>
1989	<p>The approved plan of 1989 indicates the existing structure to be setback 3,628m from the boundary.</p>  <p>Figure 2: Approved Building Plan 1989</p>





## MOTIVATION



As the previous building plans were contradictory, it was determined that a survey would provide the most accurate information. The survey reveals that the structure is located 3,29m from the boundary, refer **Plan 5 – Topographical Survey**. This indicates that the existing structure encroaches upon the current applicable street building line. Consequently, due to internal additions that have been completed within the 4m building line, a departure is also required for these additions and renovations.

The property owners are also required to apply for a determination of an administrative penalty as these alterations have already taken place. To ensure compliance with the OMLUS, approval of the following applications is required:

- Permanent Departure from the street building lines to accommodate the existing boundary wall and existing renovations; and
- Determination of an administrative penalty.





4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

WRAP compiled this report to ensure the property owner's requirements are met. The following is proposed:

4.1 **Permanent Departure** from the 4m northern street building line to 3,29m to accommodate the renovations on the lower ground- and ground floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners had completed internal alterations to the dwelling house to meet their needs and improve the overall property. As a result, these internal renovations extended beyond the 4m building line due to the survey that conducted and indicated the correct position of the dwelling house.

The property owners have also modified the layout of two bathrooms on the lower ground floor. Since these changes occurred within the building line and are habitable, consent from the municipality is required. However, these changes are not expected to impact the use of these area within the building line. Refer to the figure below for more details:

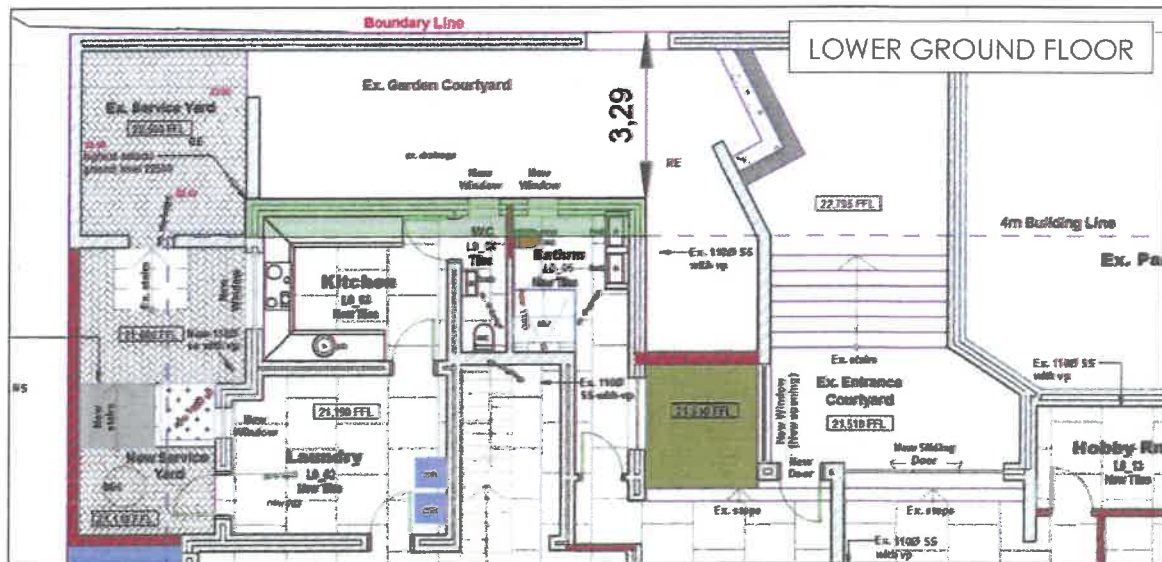


Figure 4: Lower ground floor encroachments





## MOTIVATION

In addition to the renovation of the bathrooms on the lower ground floor, the ground floor was also renovated to create a new entrance and a bedroom was converted to a lounge and the bathroom was reconfigured to allow access to the proposed balconies.

Refer to the figure below for more details:

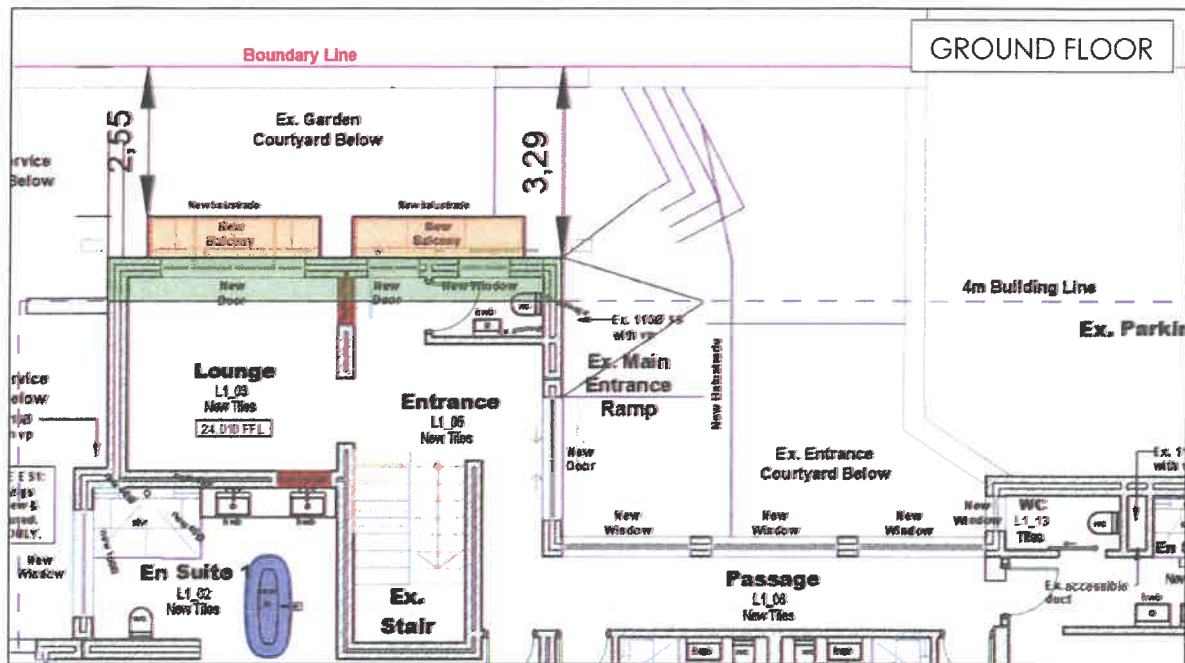


Figure 5: Ground floor encroachments

The property owners completed internal alterations to the dwelling house to meet their needs and improve the overall property. As a result, these internal renovations extended beyond the 4m building line due to the correct positioning of the dwelling house.

It is not expected that these renovations will have a negative impact on the neighbouring area. The vested rights of the surrounding properties will not be affected, as the changes are confined within the existing footprint of the building. These alterations aim to enhance the liveability of the property for the current owners without encroaching on or disrupting the rights and privileges of neighbouring properties.

In addition to the above-mentioned additions the property owners have also renovated the below ground floor and added new bathrooms/change room and enclosed the home gym which can be noisy from the rest of the home. The space is ideal for hobbies and activities usually not ideally linked to the main dwelling. Additionally, one could enjoy the home gym use the showers and be fresh to join the rest of the family in the house.





## MOTIVATION

**4.2 Permanent Departure** from the 4m northern street building line to 2,55m to accommodate the proposed balconies on the ground- and first floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners have a vision to alter the dwelling house to meet their needs, while improving the overall property. The proposal is to add balconies on both the ground and first floor that will be encroaching on the northern street building line as the existing building was built encroaching on the 4m building line. Refer to the figures below:

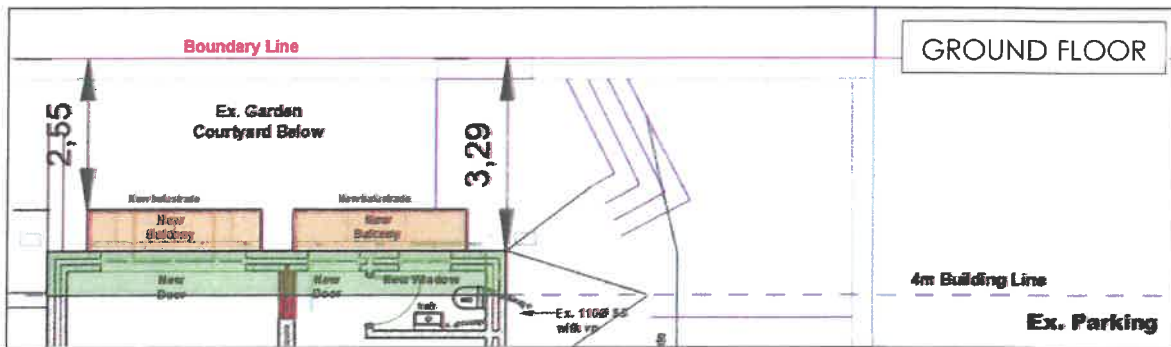


Figure 6: Proposed ground floor encroachments

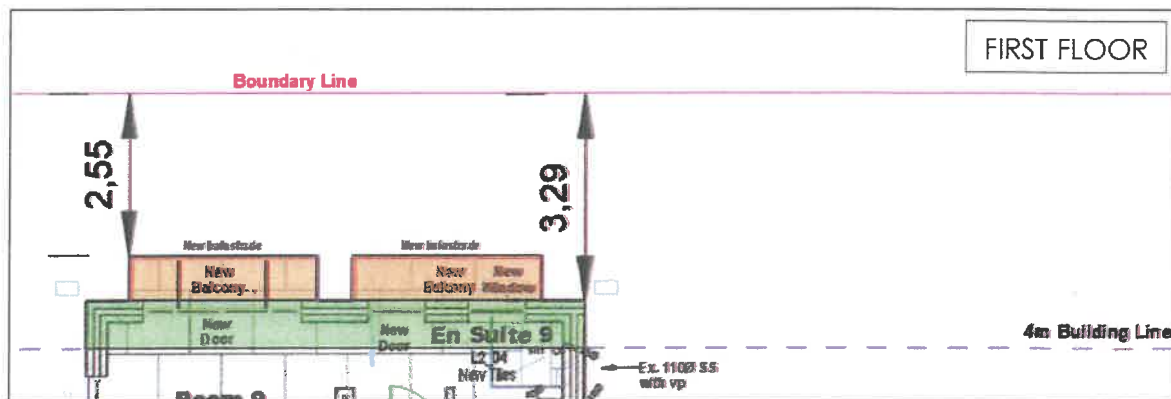


Figure 7: Proposed first floor encroachments

Both the ground and first floors will be enhanced with two balconies, all four balconies will however encroach on the street building line. The combined area of the four balconies across the two floors is only approximately 8.4m<sup>2</sup>, with each individual balcony having an area of around 2.1m<sup>2</sup>.

These areas are not considered habitable as they are only proposed to be occupied for short periods. The OMLUS states:

*"Interpretation of words not defined in the schedule will have the meanings assigned to them in the "New Shorter Oxford English Dictionary" published by Oxford University Press, except where a contrary interpretation is clear from the context."*





## MOTIVATION

"Habitable space" is not defined by the OMLUS and as mentioned above, the *Oxford English Dictionary* need to be consulted to correctly define the phrase.

"Habitable = Suitable or good enough to live in."

A balcony cannot be considered as habitable as it is not "suitable or good enough to live in". The balcony will occasionally be used by the owners of the dwelling house and does not comply with the definition of habitable space. The balcony is not proposed to be enclosed or roofed. There is only an encroachment of **1,45m** of the street building line, which is not habitable space and is not expected to negatively affect any person, refer **Plan 4 – Site Development Plans**. The area of encroachment is calculated below:

Area	Extent
4 x Proposed Balconies	±8,4m <sup>2</sup>

The balconies are planned as it would be architecturally pleasing and add an option to open the balcony doors and have access to the mountain views and have access to the outdoors from the ground and first floor.

**4.3 Permanent Departure** to exceed the maximum permissible boundary wall height of 2,1m with 0,72 m (±2,82m) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

After completion of the renovations to the existing boundary wall it was discovered that the wall was higher than initially determined. This was not done intentionally and after reviewing, the slope of the area around the wall was determined to be the cause of the contravention. Due to the contravention that had occurred, the property owners are taking the necessary steps to ensure municipal approval is obtained for the boundary wall. The maximum permissible boundary wall height in terms of Section 16.1.1(a)(i) of OMLUS is 2,1m. Currently the maximum height of the boundary wall is ±2,82m. Refer to figure below which is an extract of Plan 4.5 for an illustration of the wall height.

"(i) boundary walls, retaining walls, screen walls, fences and gates not exceeding 2,1 m in height above the existing ground level abutting such wall".

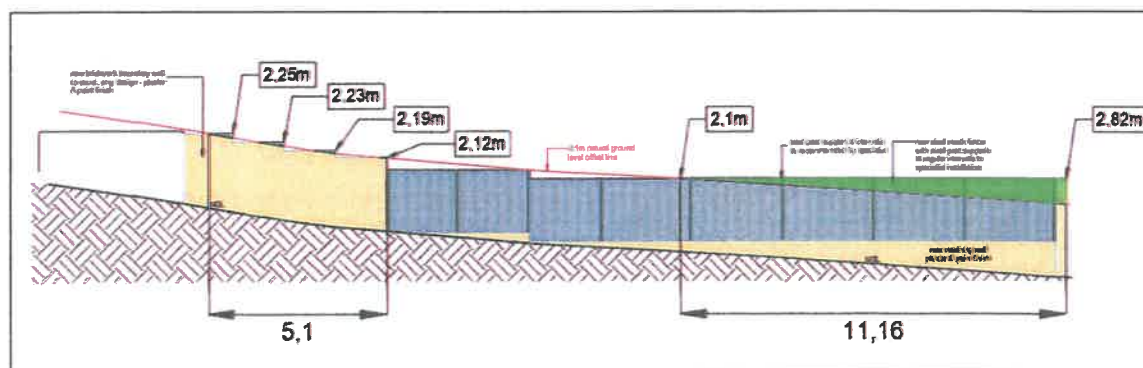


Figure 5: Proposed boundary wall height encroachments





## MOTIVATION

Several segments of the boundary wall exceed the permissible height restriction. This heightened wall was constructed to ensure the safety and privacy of the property, given its proximity to an open public space lacking any fencing. Allowing a higher boundary wall is essential to maintain the security and seclusion of the property, safeguarding both the property and its inhabitants from potential threats and intrusions.

### 4.4 Determination of an administrative penalty in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

These contraventions indicated above is required to be addressed and to ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 it is of importance to include the determination of an administrative penalty in this application.

The property owners are aware of the contravention and were required to ensure the building work being completed is compliant with the By-law. Section 90(3) of the By-law requires the following information:

#### **The nature, duration, gravity and extent of the contravention**

The nature, gravity and extent are explained in Sections 4.1 & 4.3 above. Only small sections of the boundary wall are encroaching on the allowable height. Area above the allowable 2,1m permissible wall height = 4,1518m<sup>2</sup>

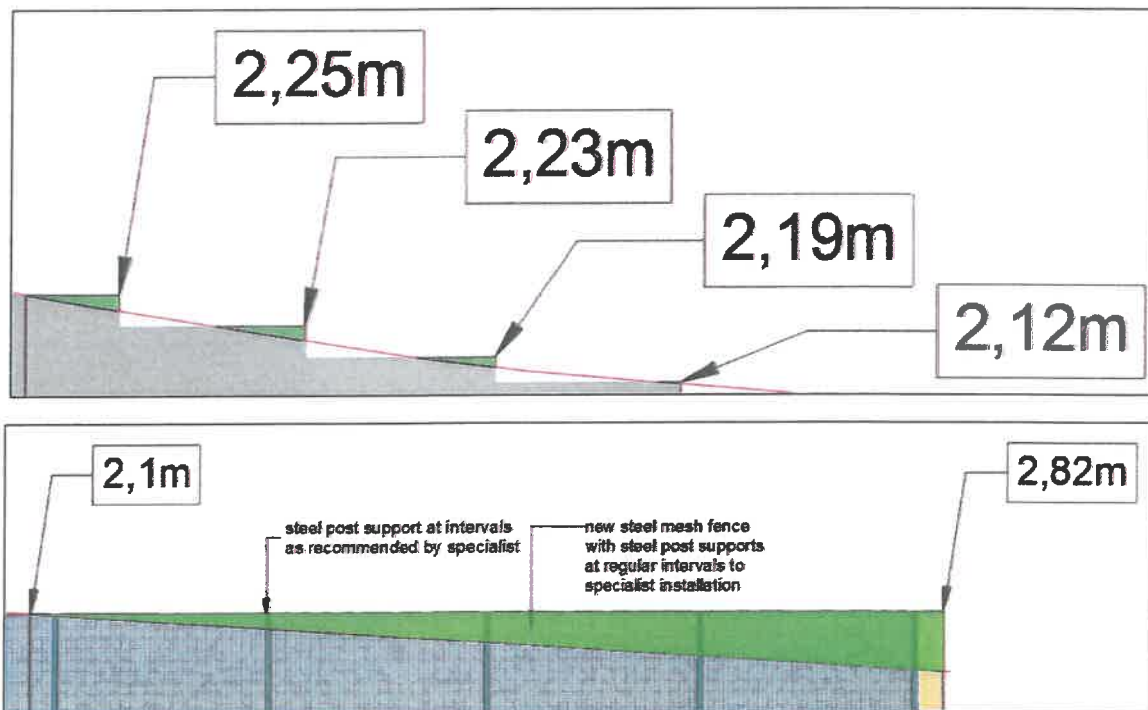


Figure 6: Proposed boundary wall height encroachments

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

The property owners are required to ensure that their current building work is complaint, including the boundary wall and the internal alterations.





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

Due to the small-scale nature of the unauthorised building work.

**Whether the unlawful conduct was stopped**

The boundary wall has been built and the renovations are being completed.

**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. APPLICATION**

Considering the above, application is made for the following:

**5.1 Permanent Departure** from the 4m northern street building line to 3,29m to accommodate the renovations on the lower ground- and ground floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**5.2 Permanent Departure** from the 4m northern street building line to 2,55m to accommodate the proposed balconies on the ground- and first floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**5.3 Permanent Departure** to exceed the maximum permissible boundary wall height of 2,1m with 0,72 m ( $\pm 2,82m$ ) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**5.4 Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**6. LAND USE ENVIRONMENT**

The properties surrounding the subject property are predominantly zoned for single residential purposes. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

**7. TITLE DEED**

Title deed T24233/2023 (refer **Annexure B – Title Deed**) was perused and there are no restrictive conditions that prohibit the departure of the building lines.

**8. 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:

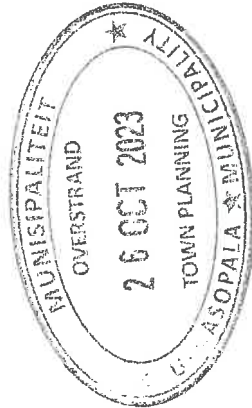






**MOTIVATION**

	Greater than 400 m <sup>2</sup> = 2m		
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	<ul style="list-style-type: none"><li>• <b>Permanent Departure</b> from the 4m northern street building line to 2,55m to accommodate the proposed balconies on the ground- and first floor.</li></ul>	
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	Existing – Two storeys and a lower ground.  3 Parking Bays	Comply  Comply





**9. 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 OM's networks, which include electricity, water and sewage. The proposal of this application is not anticipated to place a substantial load on the existing services.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the subject property is gained from 11<sup>th</sup> Street and the proposal will not affect this.

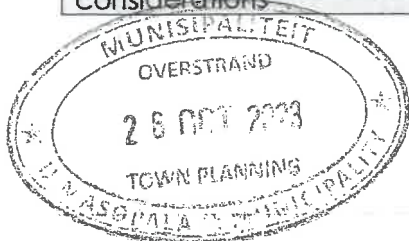
**10. NEED AND DESIRABILITY**

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 was a result of addressing all the land use requirements and ensuring the property meets the requirements of the property owners. In order to achieve this, the property owner is required to address the non-compliance and illegal encroachments on the building lines.

Socio-economic impact	It is not expected that the departure will have a socio-economic impact. The proposal is to rectify contradictions and ensure that the property is compliant with the provisions of the OMLUS.
Compatibility with surrounding uses	The proposal is not out of character with the surrounding area and the encroachments are not predicted to have a negative impact on 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 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.





## MOTIVATION

To meet their requirements, the property owners have appointed WRAP Project Office to submit this application to ensure the additions are not in contradiction with any policies, legislation, or title deed conditions.

### **Impact on views, sunlight and character of the area**

The subject property is located in a residential setting and the proposed balconies and internal alterations are not predicted to have any impact on views, sunlight, or the character. Most houses have been improved with boundary walls and it is not expected that the height of the western boundary wall will have a negative impact on any of the surrounding properties.

The balconies are not being proposed to be used permanently and will only allow occasional use of the outside area and not considered as habitable space.

### **Economic impact**

The proposal does not have an economic impact.

### **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 and the addition will have a positive impact on the property itself.

### **Environmental impact**

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

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## 11. POLICIES AND REGULATIONS

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### 11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

#### **Coastal Protection Zone**

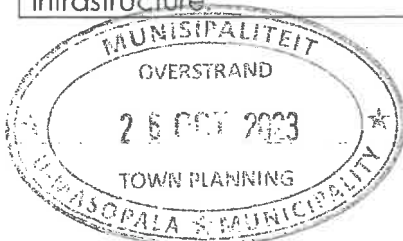
The subject property is located within the 'Protected Area Buffer' and proportionally in the 'Coastal Protection Zone' EMOZ. The purpose thereof is to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.

To ensure compliance with the guidelines set out in the EMOZ the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:





<b>SCHEDULE A</b>			
<b>PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES</b>			
<b>Prohibited Activity</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	X	N/A
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	X	N/A
Placement of religious symbols or memorabilia.	X	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	X	N/A
Feeding, disturbing / pursuit of fauna.	X	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	X	N/A





**MOTIVATION**

Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.			N/A
Staying overnight.	X	X	N/A
The discharging of domestic effluent / grey water into all natural systems.	X	X	N/A
Tampering with security / surveillance infrastructure.	X	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	X	X	N/A
Littering	X	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	X	N/A
Dog walking / exercising of dogs in non-designated zones.	X	X	N/A

<b>SCHEDULE B</b>			
<b>ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES</b>			
<b>A) Activities Only Permitted With Council Consent</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>		<b>Applicable to the application or not</b>
	<b>Coastal</b>	<b>Protected Area Buffer</b>	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	-	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X	-	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	X	There is a pool on the subject property, but no water is discharged on open spaces.





**MOTIVATION**

B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	X	N/A
Commercial filming.	X	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	X	N/A
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	X	N/A
Launching of vessels at registered launch sites.	-	-	N/A
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable	Applicable Environmental Management Overlay Zone (EMOZ)		Applicable to the application or not
	Coastal	Protected Area Buffer	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	X	The entire property is





## MOTIVATION

			located inside of the buffer.
Commercial Harvesting/collection and removal of any natural resource.	X	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	X	The entire property is located inside of the buffer.

It is not expected that the proposed departure will have an impact on either of the EMOZ applicable to the subject property.

### 11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the HPOZ.

### 11.3 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.





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## 12. PLANNING PRINCIPLES

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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 to depart from the building line is not predicted to contribute to past spatial injustices.

### **Spatial sustainability and Efficiency**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to utilise the property to its maximum extent. The property owners has a vision to add outdoor space to their dwelling house that will allow them to utilise their property to its maximum.

### **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.





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**13. EVALUATION**

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The application is being submitted to obtain consent to allow the existing and proposed additions that have taken place, including the internal alterations, and the boundary wall that exceeds the permissible height.

Additionally, the property owners are required to apply for a determination of an administrative penalty since the alterations have already taken place. Due to the property owners' proactive steps to ensure compliance with the requirements of the OMLUS, we kindly request that the administrative penalty not be imposed to its maximum extent. We propose that the majority of the penalty be waived, considering there has been no malintent, and no complaints have been received.

The proposed changes are in alignment with the surrounding area and do not constitute nuisance land uses. Furthermore, the proposal is in harmony with all relevant spatial planning policies.

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**14. RECOMMENDATION**

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

- 14.1 Permanent Departure** from the 4m northern street building line to 3,29m to accommodate the renovations on the lower ground- and ground floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.2 Permanent Departure** from the 4m northern street building line to 2,55m to accommodate the proposed balconies on the ground- and first floor in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.3 Permanent Departure** to exceed the maximum permissible boundary wall height of 2,1m with 0,72m ( $\pm 2,82m$ ) in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 14.4 Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



3. Aerial Plan  
Erf 6117 Hermanus

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)


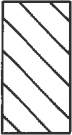


Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management



2. Zoning Plan  
Erf 6117 - Hermanus

-  Residential Zone 1: Single Residential
-  Transport Zone 2: Road and Parking (Public)
-  Open Space Zone 2: Public Open Space
-  Open Space Zone 1: Nature Reserve

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

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



**Project Office**  
Town Planning & Project Management





4.2 Site Plan  
Erf 6117 Hermanus

Property Extent - 929m<sup>2</sup>

Coverage - 29%

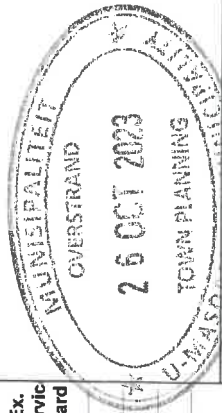
Existing Building Area

Lower Ground Floor  
268m<sup>2</sup>

Ground Floor  
266m<sup>2</sup>

First Floor  
235m<sup>2</sup>

TOTAL  
769m<sup>2</sup>



Plan Prepared by: Ithabekwa on 2023/10/05

Based on plans from Robyn Hewlett Architect

Plan Number - 22/162 [002]/4.2

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,

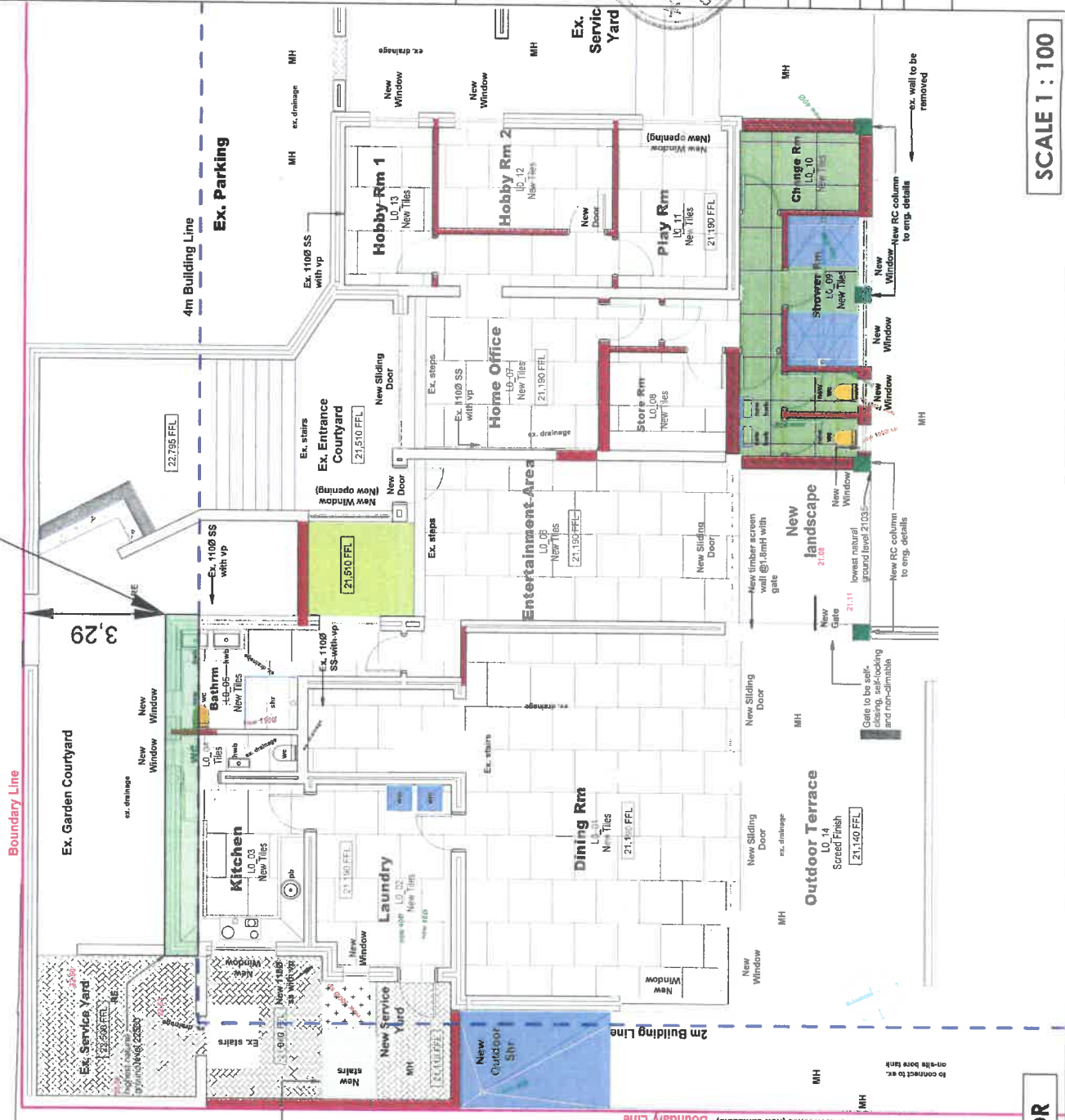
Corner of Royal and Dirkie Uys

Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management

APPROVED AS PER BUILDING PLANS  
NEW INTERNAL ALTERATIONS



stair nos @ 170mmH  
4x nos @ 310mm  
material = paving  
stairs to comply SANS  
1000-M:4.2.8



LOWER GROUND FLOOR

SCALE 1 : 100

4.3 Site Plan  
Erf 6117 Hermanus

Property Extent - 929m<sup>2</sup>

Coverage - 29%

Existing Building Area

Lower Ground Floor  
268m<sup>2</sup>

Ground Floor  
266m<sup>2</sup>

First Floor  
235m<sup>2</sup>

TOTAL  
769m<sup>2</sup>



Plan prepared by: Thian Jansen on 2023/10/05  
Based on plans from Rabyrn Hewlett Architect  
Plan Number - 22/162 (001)/4.3

All distances are approximate and subject to a survey

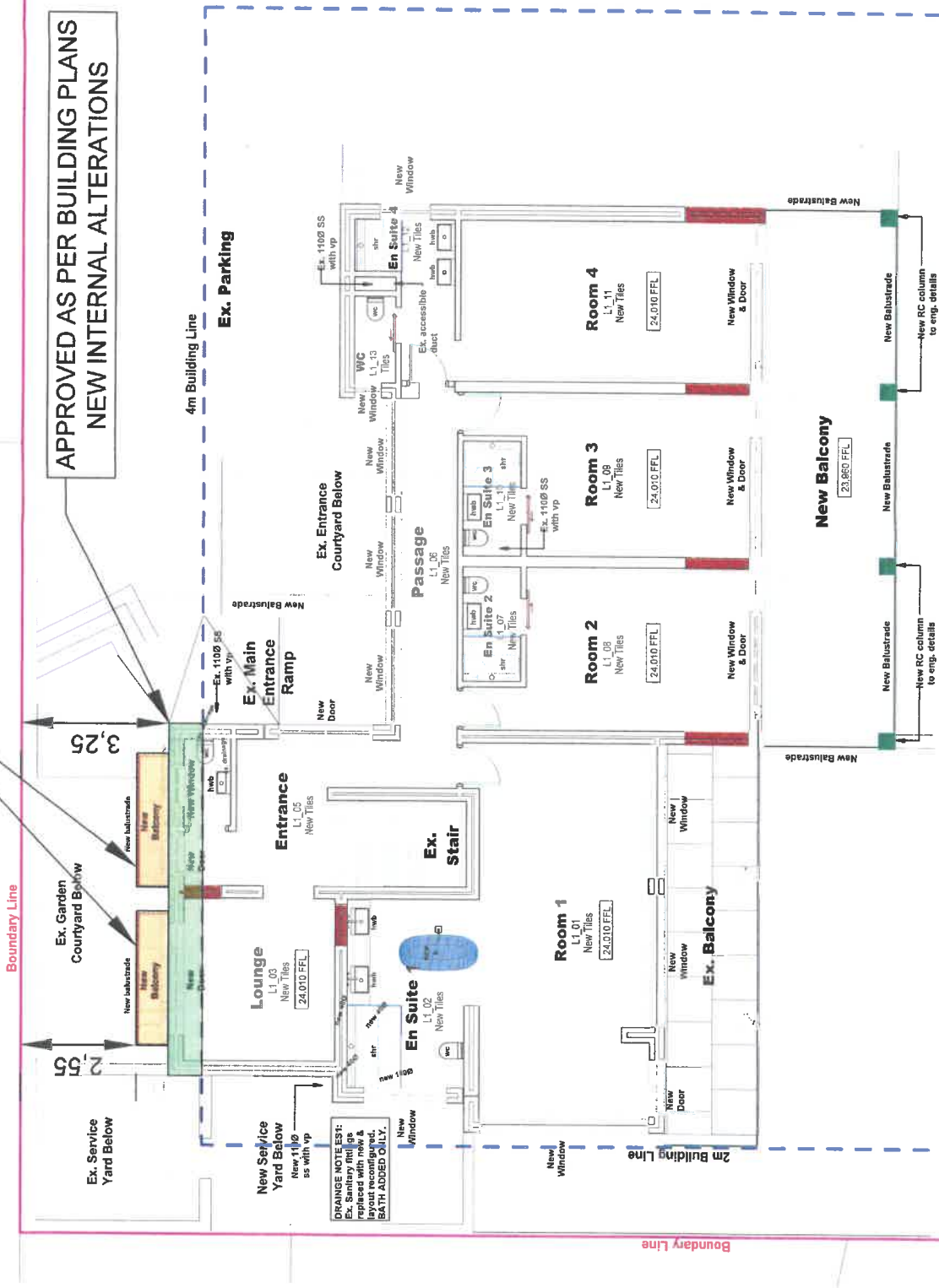
Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Unit 1, Standard House,  
Corner of Royal and Dikke Lys  
Street Hermanus, 7200



ENCROACHING BALCONIES  
2,1m<sup>2</sup> EACH  
(4,2m<sup>2</sup>)

APPROVED AS PER BUILDING PLANS  
NEW INTERNAL ALTERATIONS

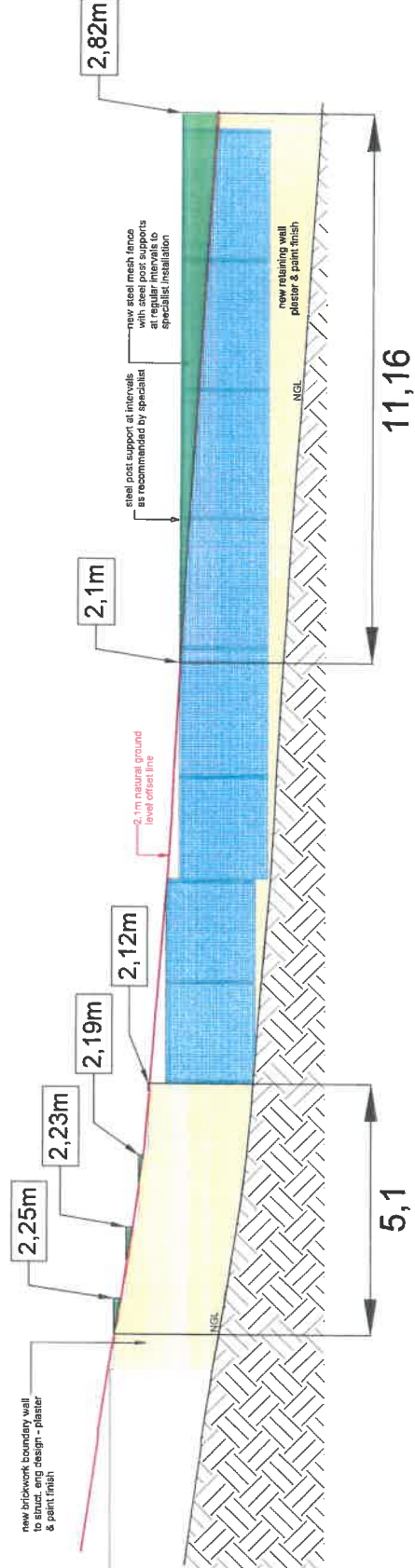
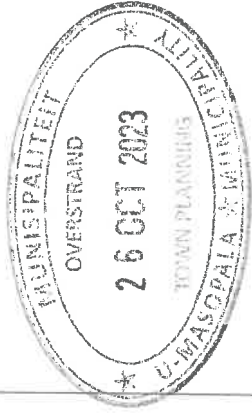
SCALE 1 : 100



GROUND FLOOR



4.5 Boundary Wall  
Erf 6117 Hermanus



Plan prepared by: Thian Jansen on 2023/10/05  
Based on plans from Robyn Hewlett Architect  
Plan Number - 22/162 (002)/4.2

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



SCALE 1 : 100

West Boundary Wall + Fence



DATE	BY	DESCRIPTION
2023-10-26	J. J. J. J.	ISSUED FOR PERMIT
2023-10-26	J. J. J. J.	ISSUED FOR PERMIT
2023-10-26	J. J. J. J.	ISSUED FOR PERMIT

**Project:** TOPOGRAPHIC SURVEY RRF 6117 HERMANUS

**Client:** THE SKEE FAMILY TRUST

**Author:** [Name]

**Scale:** 1:1000

**Date:** September 2020

**geomatics africa**

LEGEND	
[Symbol]	Intersection corner
[Symbol]	Electric box
[Symbol]	Lump base
[Symbol]	Road sign
[Symbol]	Tree
[Symbol]	Stop valve
[Symbol]	Catchpit
[Symbol]	Manhole
[Symbol]	Fire hydrant
[Symbol]	Fence
[Symbol]	Edge of cutting
[Symbol]	Area and adjacent
[Symbol]	Central boundary
[Symbol]	Edge of bar

**M.A.**  
 Mr. M. A. J. J. J. J.  
 PROFESSIONAL LAND SURVEYOR

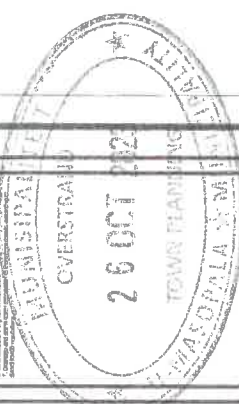


1:1000

31 OCT 2023

31 OCT 2023

General Notes  
 1. All work shall be in accordance with the relevant parts of the Building Regulations and the relevant parts of the National Building Code of South Africa.  
 2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.  
 3. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.  
 4. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.



COMPLIANT: LOCATION WITHIN PROTECTED AREA BUFFER ZONE AND CONSERVATION RESTRICTED ZONE. CONSTRUCTION HAS NO IMPACT ON BU ZONE.

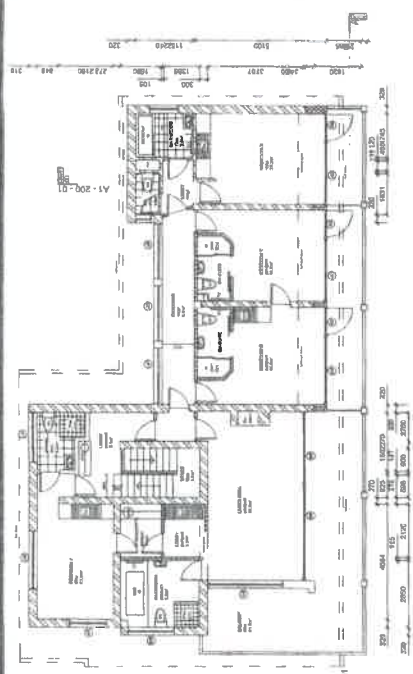
OVERSTRAND MUNICIPALITY  
 Building Plan No. 44321  
 1:100  
 15.04.2021  
 E. Smit  
 15.04.2021

B	UNLAWFUL EXISTING BUILDINGS	44321
A	CONTRACT	15.12.20
Ng	Revised/Issue	01
Bo	Date	15.04.2021

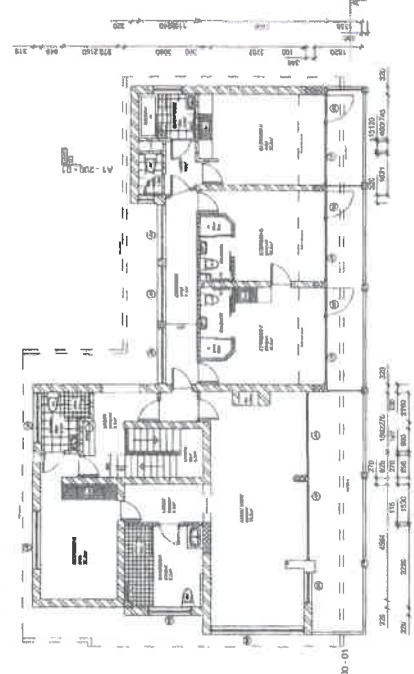
**GRENBUM**  
 9 WARREN STREET, TABORSKLOOF  
 CAPE TOWN  
 T: 021 437 0721  
 E: info@grenblum.com  
 P: 021 437 0653

AS-BUILT  
 ERF 6117  
 151 ELEVENTH STREET  
 VOELKLUIP, HERMANUS

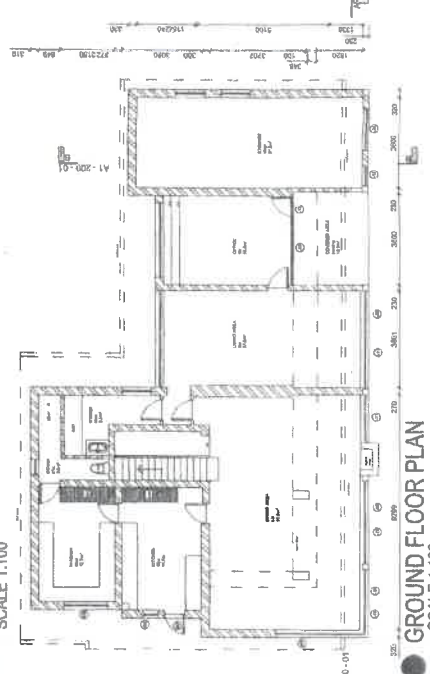
Project: A1-100-01  
 Date: 15.04.2021  
 Issue: AS Noted  
 Scale: A1



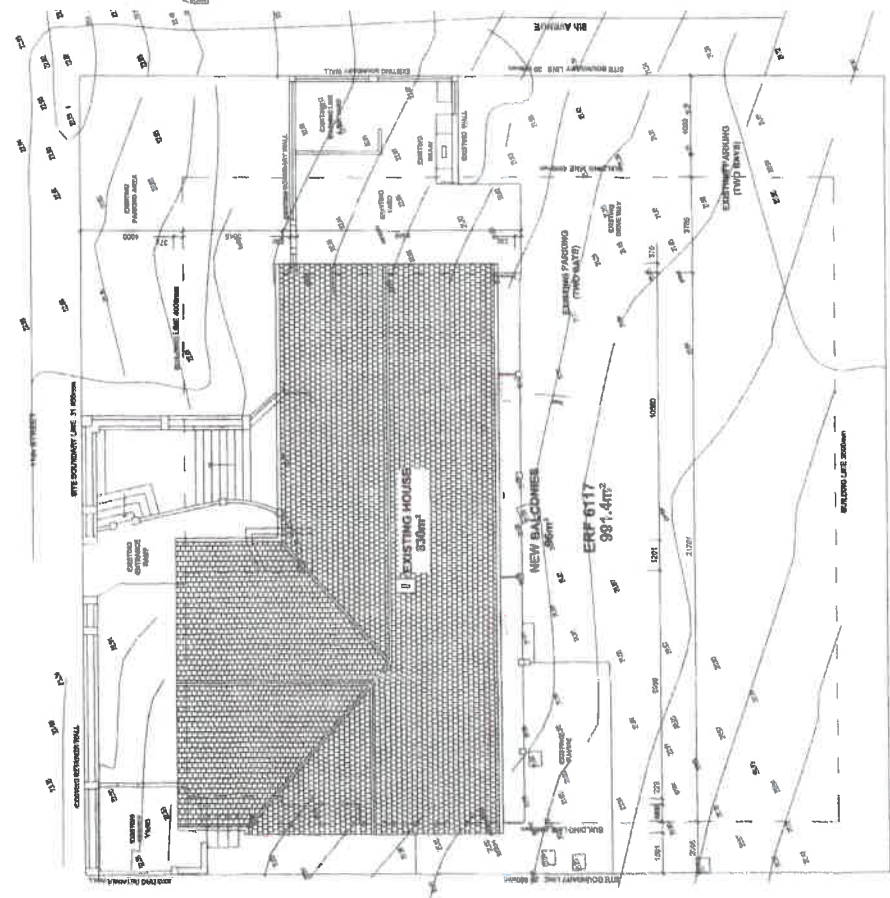
SECOND FLOOR PLAN  
 SCALE 1:100



FIRST FLOOR PLAN  
 SCALE 1:100



GROUND FLOOR PLAN  
 SCALE 1:100



SITE PLAN  
 SCALE 1:100

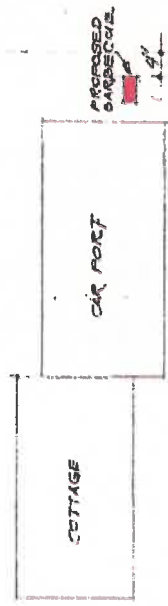


991.4m<sup>2</sup>  
 630.0m<sup>2</sup>  
 96.0m<sup>2</sup>  
 242.0m<sup>2</sup>  
 726.0m<sup>2</sup>  
 24.4%

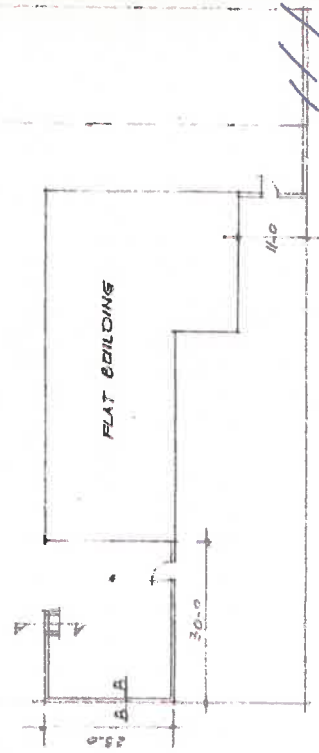
ERF M<sup>2</sup>  
 EXISTING HOUSE  
 NEW BALCONIES  
 NEW FOOTPRINT  
 NEW TOTAL M<sup>2</sup>  
 NEW COVERAGE

BARBECUE

~~BARBECUE~~ ON PLOT 4908 MOSSEL RIVER FOR  
MR. P. J. VANDER MERWIE

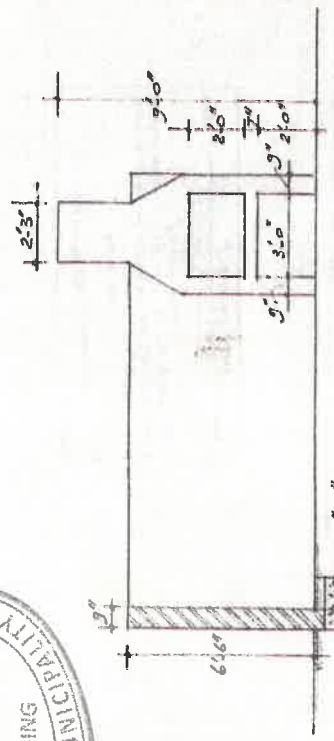


PROPERTY LINE



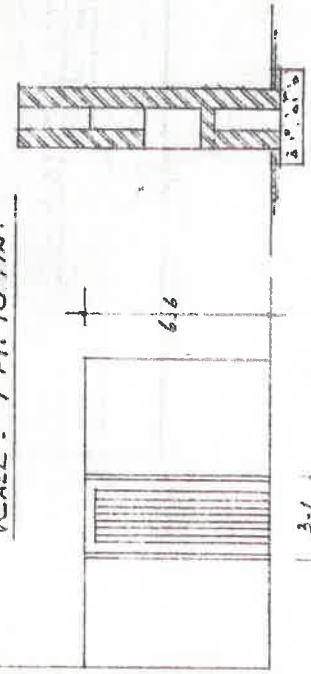
11.7 STREET

PLAN  
SCALE: 20 FT. TO 1 IN.



SECTION B-B

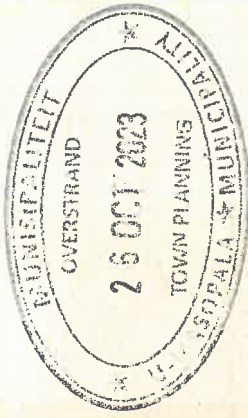
SCALE: 4 FT. TO 1 IN.



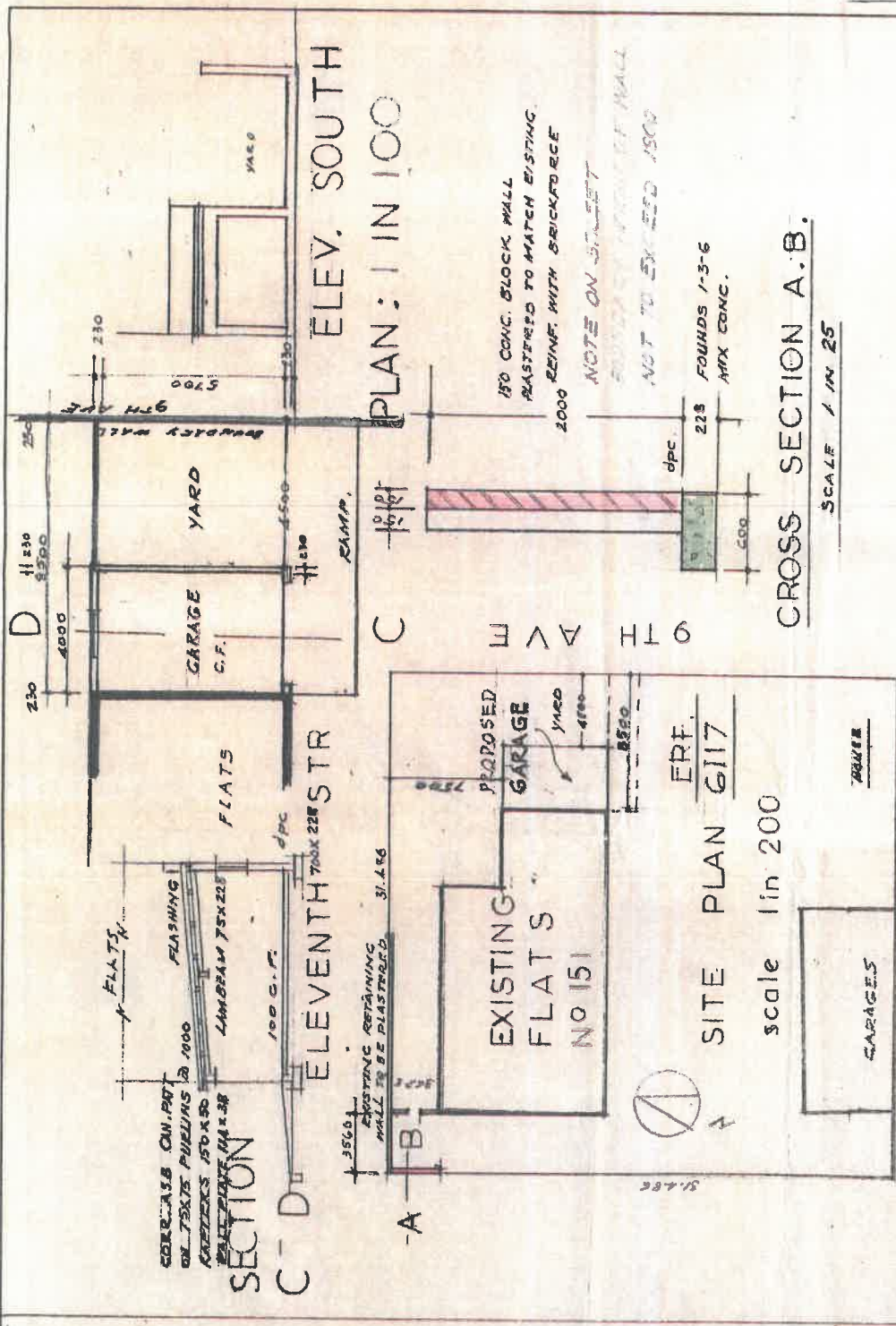
ELEVATION

SECTION A-A

H. T. VAN SENDEN, 2 APRIL 1969 HERMANCIS.  
(AMENDED 14 OCT. 1969)



MUNICIPALITY OF OVERSTRAND  
 TOWN ENGINEERS DEPT. BUILDING SURVEYORS BRANCH  
 Date 14/02/1959  
 This approved subject to any amendments by the undersigned being complied with.  
 PLAR NO: S 1043



CWLER & OTHERS.

PLAN PROPOSED GARAGE & EXTN TO  
 BOUNDARY WALL AT 151 11TH STR VOELKLIP  
 J. G. LOUISER  
 1802/1-5-6