

**ERF 6677, 62 LUYT STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF JNR CALDOW**

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(d) of the By-Law to:
  - relax the southwestern lateral building line from 2m to 0m to accommodate the existing garage,
  - relax the southwestern lateral building line from 2m to 1m to accommodate the proposed scullery, and
  - relax the northern lateral building line from 2m to 1.58m to accommodate the proposed foyer.
- **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) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **16 May 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. 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 6677, LUYTSTRAAT 62, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE INTERACTIVE TOWN & REGIONAL PLANNING NAMENS JNR CALDOW**

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)(d) van die Verordening om:
  - die suidwestelike lateraleboulyn vanaf 2m na 0m te verslap om die bestaande motorhuis te akkommodeer,
  - die suidwestelike lateraleboulyn vanaf 2m na 0m te verslap om die voorgestelde opwaskamer te akkommodeer, en
  - die noordelike lateraleboulyn vanaf 2m na 1.58m te verslap om die voorgestelde voorportaal 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) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **16 Mei 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. P. Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**ISIZA 6677, 62 LUYT STREET, EASTCLIFF, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING EGAMENI LIKA JNR CALDOW**

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

- **ukunyenysiswa** ngokumayela neCandelo 16.2(d) kaMasipala ukuze kwenziwe oku:
  - kunyenysiswe komda wesakhiwo kwicala elingasemzantsi ntshona ukusuka ku-2m ukuya ku-0m ukuze kuvunyelwe igaraji esele ikhona,
  - kunyenysiswe umda wesakhiwo kwicala elingasemzantsi ntshona ukusuka ku-2m ukuya ku-1m ukuze kuvunyelwe igumbi elisecaleni kwekhitshi ekucetywa ukuba lakhiwe, kunye
  - nokunyenysiswa komda wesakhiwo kwicala elingasemntla ukususelwa ku-2m ukuya ku-1.58m ukuze kwakhiwe indawo yokufikela.
- **Ukugqitywa kwesohlwayo** ngokumayela neCandelo 90(5) loMthetho kaMasipala.

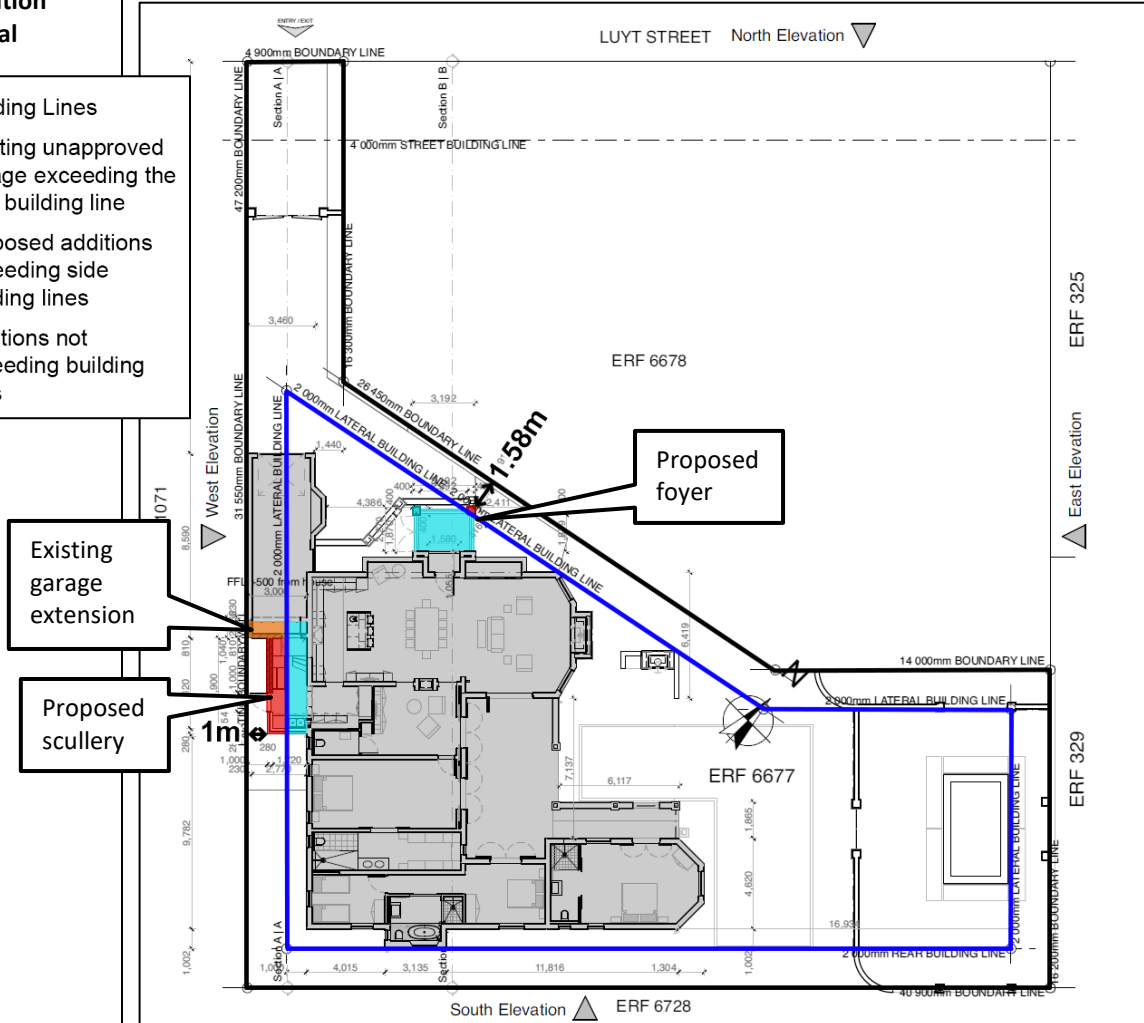
Iinkcukacha ezipheleleyo mayela noku kucetyiweyo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. Nawaphi na amagqabaza okuhlomla abhaliweyo amelwe afakwe ngokuvumelana nezibonelelo zeCandelo 51 neCandelo 52 laloMthetho kaMasipala (16 Paterson Street, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngaphambi okanye **16 Ucanzibe 2025**, ubhale igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla kwisicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingafakwa ku**Mcebi Dolophu, uMnu. P Roux** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.

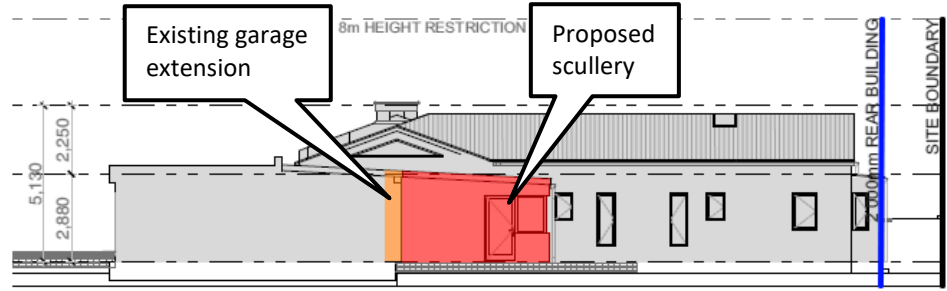


# 1. Introduction

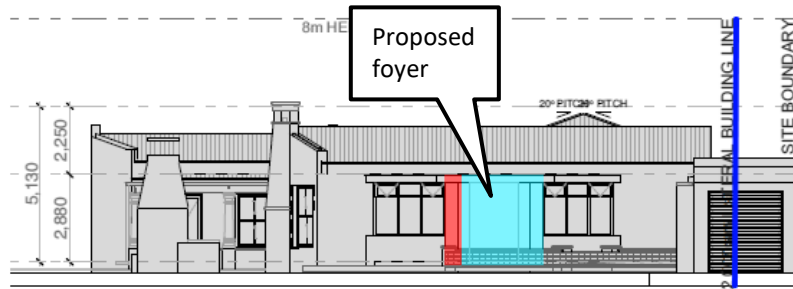
<p><b>a. Brief</b></p> <p>Refer to <b>Annexure B</b> for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning was appointed by the owners of the property, Jonathan Caldwell to prepare and submit an application for building line departures and the determination of an administrative penalty for Erf 6677, Eastcliff in terms of the relevant legislation.</p>
<p><b>b. Background</b></p>	<p>The application area accommodates an existing dwelling house.</p> <p>The existing garage was erroneously extended by 0.8m along the south western erf boundary without the required approvals.</p>
<p><b>c. Development Objective &amp; Application Proposal</b></p>	<p>The <b>development objective</b> is to allow for the existing garage extension as well as the proposed scullery and foyer exceeding building lines.</p>

- Building Lines
- Existing unapproved garage exceeding the side building line
- Proposed additions exceeding side building lines
- Additions not exceeding building lines





West Elevation



North Elevation



South Elevation

Figure 1: Building plan overlays

In response to the above contraventions the **application is made** is for:

- A departure to relax the southwestern side building line from 2m to 0m to allow for the existing garage.
- A departure to relax the southwestern side building line from 2m to 1m to allow for the proposed scullery.
- A departure to relax the northern side building line from 2m to 1.58m to allow for the proposed foyer.
- The determination of an administrative penalty for the existing garage exceeding the street building line.

## 2. The Application

<p><b>a. Analysis: Title Deed</b> Refer to <b>Annexure D</b> for the Conveyancer Certificate.</p>	The conveyancer Amelia Galvin from Virtual Lawyers provided a conveyancer certificate confirming that no title deed conditions exist which restricts the development proposal.				
<p><b>b. Analysis: Development Criteria:</b></p> <p>The development parameters for Erf 6677 Hermanus as per the Overstrand Municipality Land Use Scheme, 2020 are summarised as follows:</p>	<b>Parameters</b>	<b>Existing Zoning:</b>	<b>Proposal:</b>	<b>Comments</b>	
	<b>Zoning</b>	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent	
	<b>Primary Use</b>	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent	
	<b>Consent Uses</b>	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Consistent	
	<b>Coverage</b>	50%	35.1%	Consistent	
	<b>Height</b>	8m	5.1m	Consistent	
	<b>Building lines</b>	<b>Street</b>	4m	4m	Consistent
		<b>Side</b>	2m	2m <b>Southwest: 0m for existing garage &amp; 1m for proposed scullery</b> <b>North: 1.58m for proposed foyer</b>	<b>Application is for departures</b>
		<b>Rear</b>	2m	2m	Consistent
	<b>Parking</b>	Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent	
<p><b>c. Application:</b></p> <p>The application form is attached as <b>Annexure A</b>.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:</p> <ul style="list-style-type: none"> <li>• A departure to relax the southwestern side building line from 2m to 0m to allow for the existing garage in terms of Chapter IV, Section 16(2)(b).</li> <li>• A departure to relax the southwestern side building line from 2m to 1m to allow for the proposed scullery in terms of Chapter IV, Section 16(2)(b).</li> <li>• A departure to relax the northern side building line from 2m to 1.58m to allow for the proposed foyer in terms of Chapter IV, Section 16(2)(b).</li> <li>• The determination of an administrative penalty for the existing garage exceeding the street building line in terms of Chapter IV, Section 16(2)(q).</li> </ul>				

### 3. Contextual Site Information

a. Property Description	Property	Extent	Title Deed	Registered Owner
	Erf 6677 Eastcliff, Hermanus	1003m <sup>2</sup>	T29944/2017	Jonathan Caldwell

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 6677 Eastcliff.

The following Surveyor General Plans reflect the application site:

Land Surveyor, Hermanus

SIDES Metres	ANGLES OF DIRECTION	CO-ORDINATES System		S.G. No.  5525-85
		Y	X	
AB	40,93	A	90 00 00	Approved  Surveyor-General 1985-09-20
BC	47,23	B	90 00 00	
CD	40,93	C	90 00 00	
DA	47,23	D	90 00 00	
BG	29,91	G	45 00 00	
GE	4,72	E	90 00 00	
EH	4,72	H	45 00 00	
HG	6,68			

**BEACONS:**  
 A, B, C, D, G, H - 12mm. x 450mm. iron peg flush  
 E, F, # - not beacons

and EHG the

- The figures AefD represent a Remainder Erf 323 Hermanus Dgm. No. 4200/1952; D/T 1953.1.37
- The figure eBCf represents Erf 328 Hermanus Dgm. No. 4202/1952; D/T 1953.1.39

Scale 1: 1250

The figures A B C D and EHG represents 1944 square metres of land, being ERF 6677 HERMANUS comprising the properties as specified above situate in the Municipality of Hermanus

Administrative District of Caledon Province of Cape of Good Hope.  
 Compiled  
 Surveyed in June 1985  
 by me.   
Land Surveyor

This diagram is annexed to Cert. Consol. Title No. 2.40354/1985 dated if.o.	The original diagrams are as specified above No. annexed to Transfer/Grant No.	File No. S/2479/88 S.R. No. Compiled Comp. AI-3CB/X54 (441)
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Registrar of Deeds

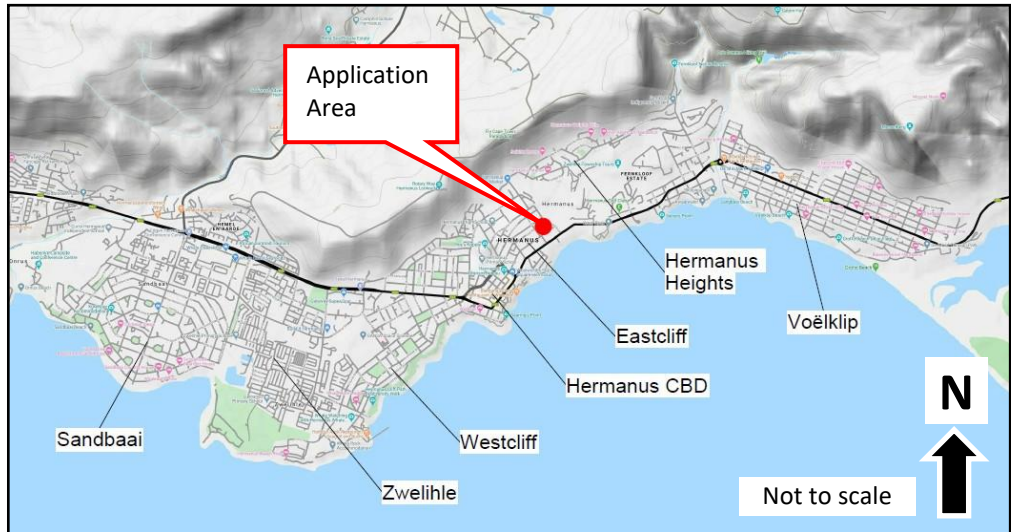
Figure 2: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F

**Regional Context:**

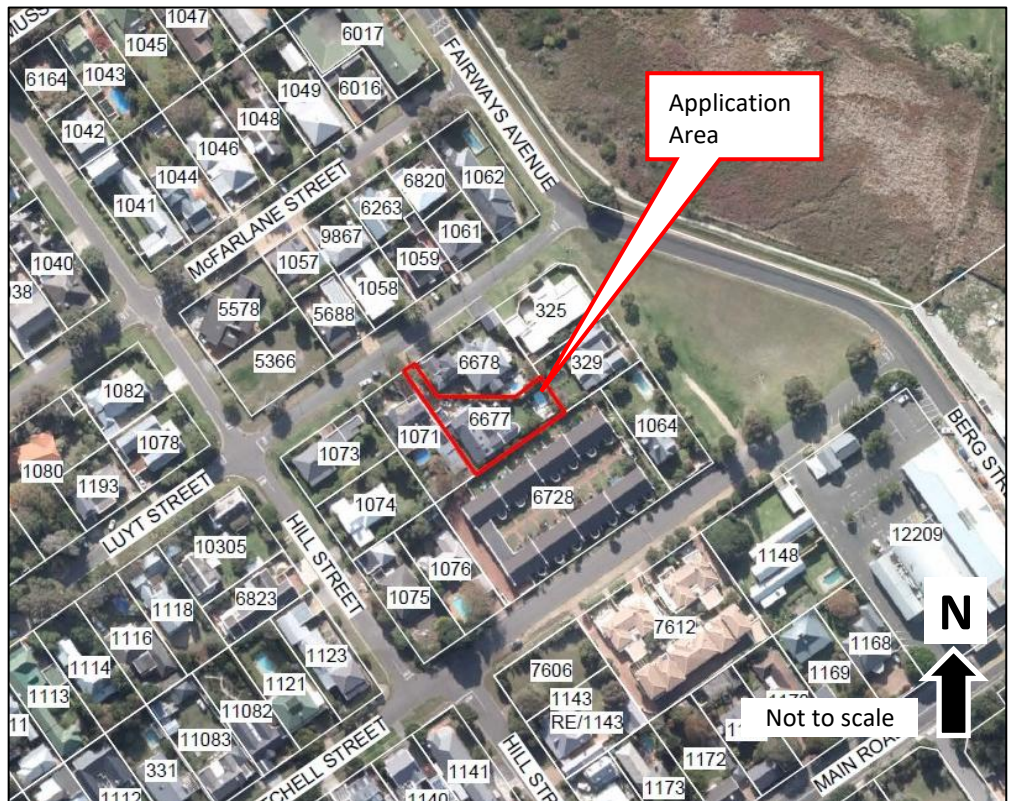
Within the regional context, the application area is located within Eastcliff residential suburb.



**Figure 3: Locality Plan – Regional Context**

**Local Context:**

Within the local context the application area is within Eastcliff located at number 62 Luyt Street.



**Figure 4: Locality Plan – Local Context**

**c. Land Use:**

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

The application area accommodates a dwelling house on the property. The surrounding land-uses consist of single residential dwellings and general residential. No change in land use is proposed. The application proposal is **consistent** with the land use of the area.

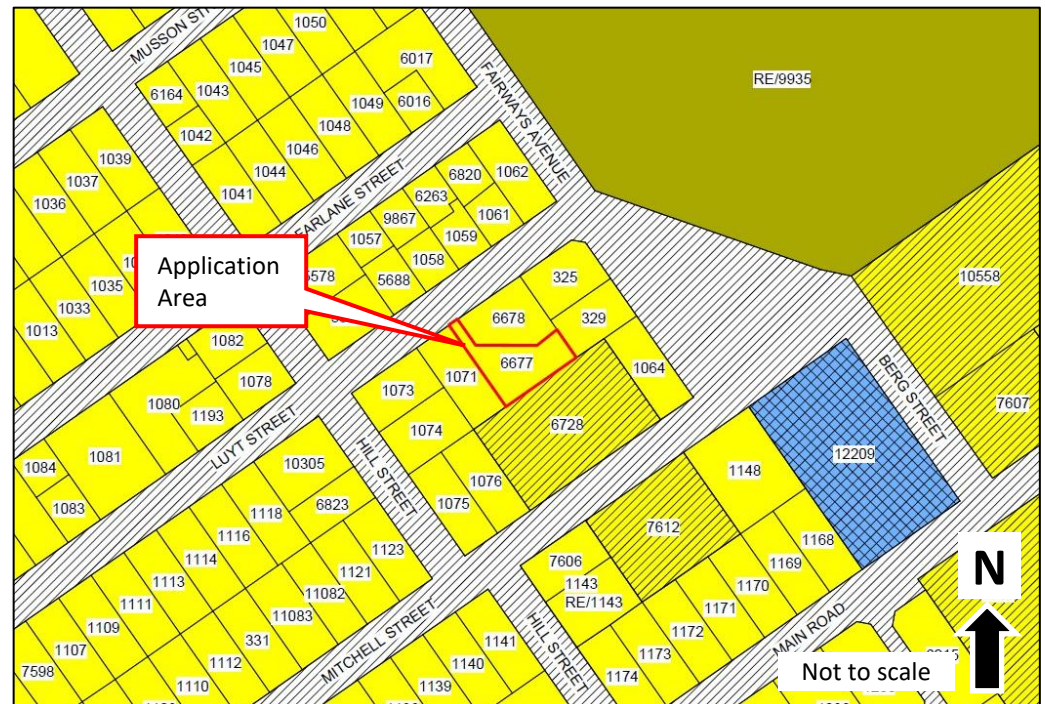


**Figure 5: Aerial Image illustrating the residential land-use activities of the application area and surrounding properties**

**d. Zoning:**

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

The application area, Erf 6677, Eastcliff is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well as General Residential Zone 1: Town Housing on the southern side of the application area. No change in zoning is proposed. The application proposal is consistent with the zoning of the area.



**Figure 6: Extract from the Overstrand Municipality: Online zoning viewer**

**e. Laws and policies, forward planning and land use documents**

The following policy is applicable to the application area.

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

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

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

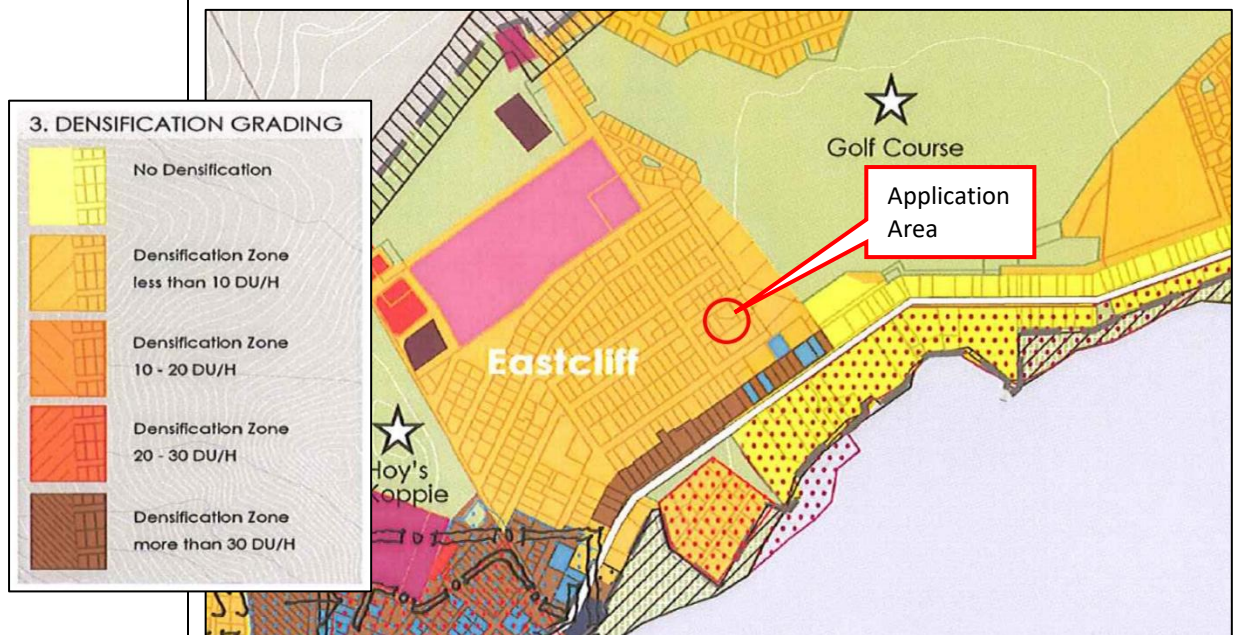


**Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan**

The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

**ii. Overstrand Municipality Growth Management Strategy, 2010**

The application area is located within a zone of less than 10 dwelling units per hectare densification zone.



**Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.**

No densification is proposed. The application proposal is consistent with the Overstrand Municipality Growth Management Strategy, 2010.

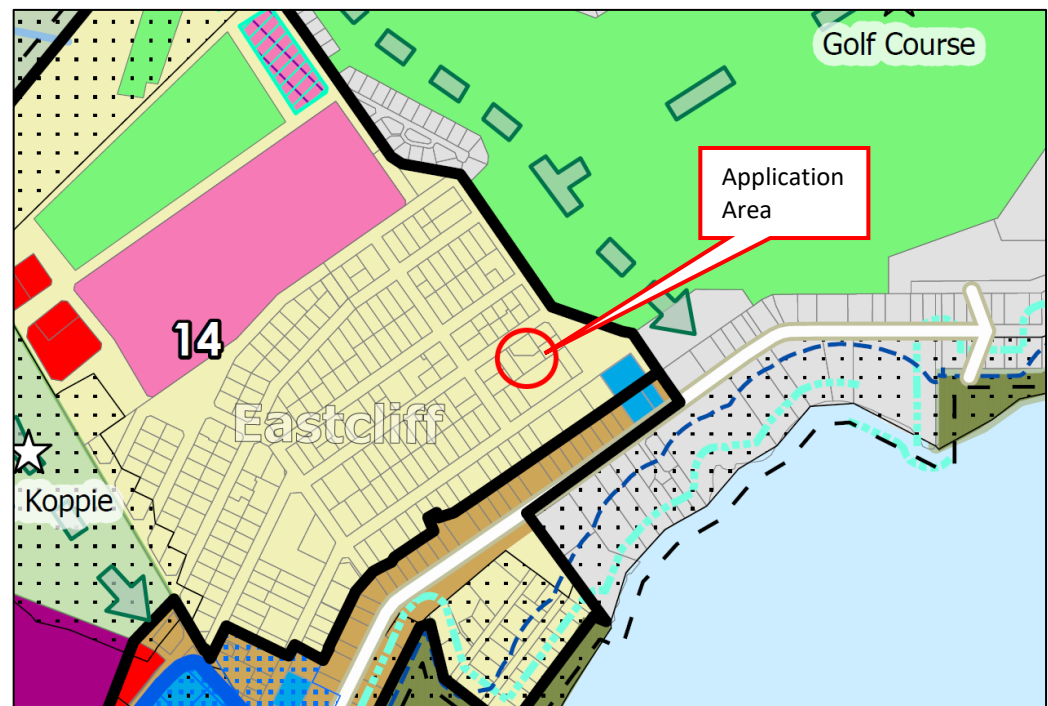
**iii. Overstrand Municipality Growth Management Strategy, 2020**

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

The application area is within an area earmarked for Less Than 10 Dwelling Units Per Hectare Densification Zone.

No further densification is applicable to this application.

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



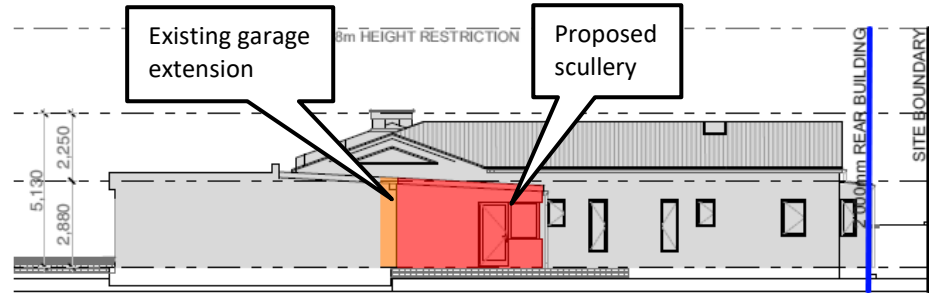
1. SENSITIVE AREAS	3. DENSIFICATION GRADING	5. OTHER
CBAs (Composite)	Densification Zone less than 10 DU/H	Planning Unit (1-16)
Sensitive Development Area (Composite: HPOZ and EMOZ)	Densification Zone 20-30 DU/H	Road
Ecological Corridor	Densification Zone more than 30 DU/H	Cadastral
Coastal Management Line		Urban Edge
Coastal Protection Zone		
Non-Perennial River		
2. DEVELOPMENT CATALYSTS	4. COMMUNITY FACILITIES	
Proposed Economic Opportunity	Worship	
Bulk Zone	Sport	
Commercial (Developed)	Primary & Secondary School	
Public Amenity	Primary School	
	Secondary School	
	Pre Primary School	

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

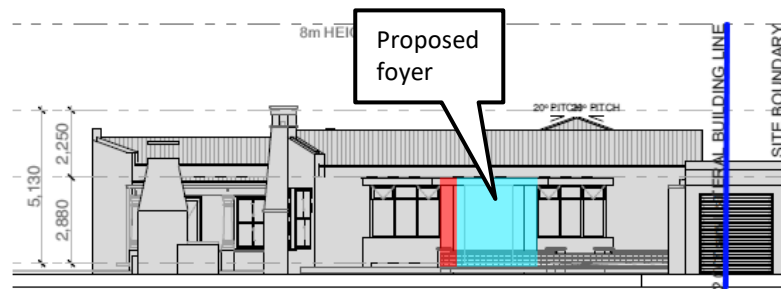




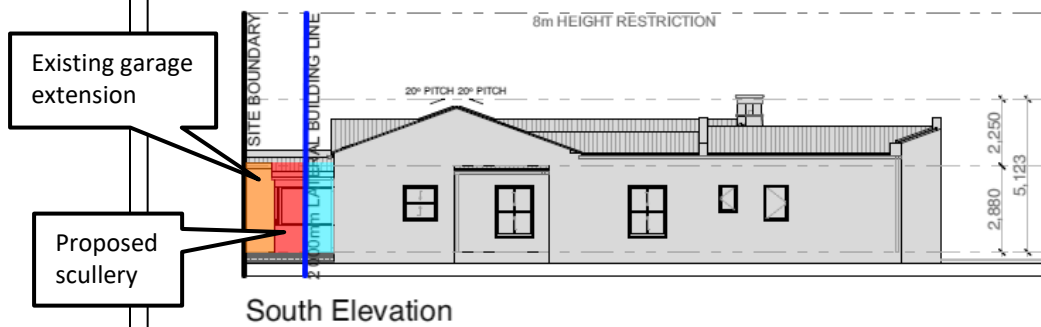
East Elevation



West Elevation



North Elevation



South Elevation

Figure 11: Elevations illustration

Subsequently application is made for:

- A departure to relax the southwestern side building line from 2m to 0m to allow for the existing garage.
- A departure to relax the southwestern side building line from 2m to 1m to allow for the proposed scullery.
- A departure to relax the northern side building line from 2m to 1.58m to allow for the proposed foyer.
- The determination of an administrative penalty for the existing garage exceeding the street building line.

The motivation for the individual applications:

A departure to relax the southwestern side building line from 2m to 0m to allow for the existing garage

The garage on the south western side boundary was approved at 8.6m in length, but erroneously constructed at a length of 9.4m, thus by 0.8m. The additional 0.8m is approximately only 10% of the approved length of the garage along the property boundary, thus not having any significant impact.

The garage extension is also not a habitable space and is on the ground floor and does not impact on views, privacy or light of neighbouring properties.

A departure to relax the southwestern side building line from 2m to 1m to allow for the proposed scullery

The existing scullery is proposed to be extended up to 1m from the southwestern boundary. The scullery extension will also provide direct access from the existing dwelling house to the garage. A door and window facing the boundary is proposed 1m from the boundary. The area of the scullery proposed to exceed the building line is 4.9m<sup>2</sup>.

The proposed scullery extension is on the ground floor and will not impact on light, views or privacy of neighbouring properties. The proposed scullery extension will also not have any significant impact in terms of noise.

A departure to relax the northern side building line from 2m to 1.58m to allow for the proposed foyer.

A corner of a proposed foyer is proposed to exceed the northern side building line by 0.42m and with an area exceeding the side building line by 0.09m<sup>2</sup>.

The encroachment is proposed to provide a functional, practical and aesthetical acceptable structure.

The foyer is only on ground floor level and due to the limited scale will not impact on light, views or privacy of neighbouring properties.

Determination of an administrative penalty

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

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

(a) The nature, duration, gravity and extent of the contravention;

The garage on the south western side boundary was approved at 8.6m in length, but erroneously constructed with a length of 9.4m, thus extending the garage by 0.8m. The area of the non-approved garage extension exceeding building lines is 1.6m<sup>2</sup>. The garage height is up to 3.4m. The garage extension was built June/July 2018.

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

The garage was erroneously constructed over the side building line.

(c) Report by a quantity surveyor in matters of unauthorised building/construction;

No report by a quantity surveyor has been obtained, but will be provided on the request of the municipality.

(d) Whether the unlawful conduct was stopped

The existing garage still stands as application is made for building line departures to legalise the existing garage.

	<p>(e) <u>Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law</u></p> <p>We are not aware of any previous contraventions other than stated in this application.</p> <p><b>c. Desirability</b></p> <p>The application proposal is considered desirable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The application proposal will improve the functionality of the dwelling house.</li> <li>• The existing garage extension and proposed additions are not visible from the road and is consistent with the character of the area.</li> <li>• The application proposal does not negatively impact on the neighbouring properties in terms of privacy, light, views, noise or safety.</li> <li>• The legalisation of the existing garage is the most resource efficient solution to the garage which exceeds the street building line.</li> </ul>
	<p><b>d. Planning Principles</b></p> <p>In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:</p> <p>1) <b>Spatial Justice</b> which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.</p> <p><b>Possible results of the development</b> The application proposal relates to building line departures on a single residential erf and will not impact on spatial justice.</p> <p>The application proposal is <b>consistent with spatial justice</b>.</p> <p>2) <b>Spatial Sustainability</b> which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.</p> <p><b>Possible results of the development</b> The application proposal is building line departures on a single residential and will not impact on valuable agricultural land, environmentally sensitive or biodiversity rich areas, scenic or cultural landscapes.</p> <p>The application proposal is <b>consistent with spatial sustainability</b>.</p> <p>3) <b>Spatial Efficiency</b> which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.</p> <p><b>Possible results of the development</b> The application proposal does not affect land use, the layout or structure of the town and will therefore not impact on spatial justice.</p> <p>The application proposal is <b>consistent with the efficiency principle</b>.</p> <p>4) <b>Spatial Resilience</b> which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p><b>Possible results of the development</b> The application proposal is for amendment to a dwelling house and will not impact on spatial resilience.</p> <p>The application proposal is <b>consistent with the principle of spatial resilience</b>.</p>

5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

**Possible results of the development**

Consultive practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.

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

## 5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities.

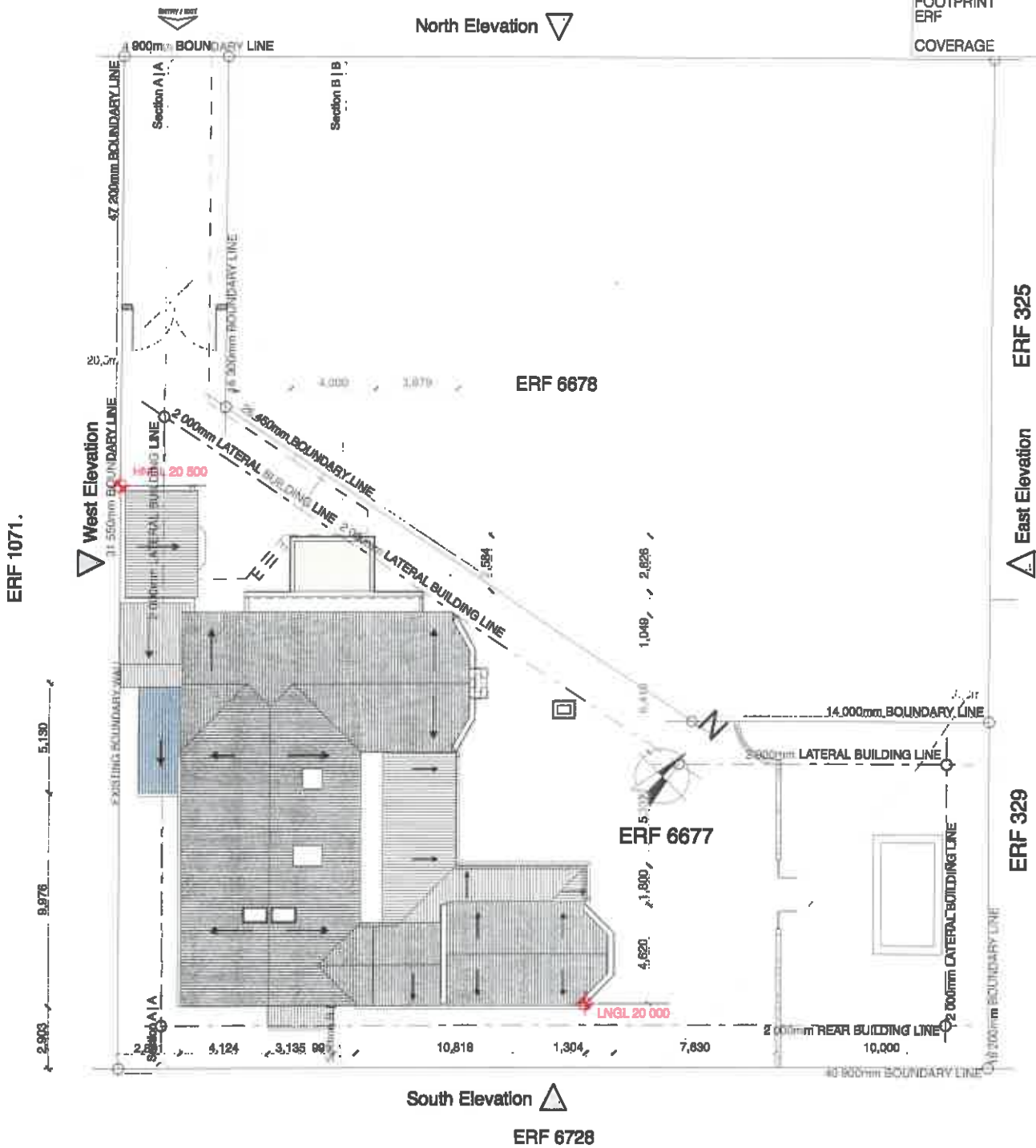
It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:

- A departure to relax the southwestern side building line from 2m to 0m to allow for the existing garage in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the southwestern side building line from 2m to 1m to allow for the proposed scullery in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the northern side building line from 2m to 1.58m to allow for the proposed foyer in terms of Chapter IV, Section 16(2)(b).
- The determination of an administrative penalty for the existing garage exceeding the street building line in terms of Chapter IV, Section 16(2)(q).

EXISTING:	
Garage:	32m <sup>2</sup>
Ground Storey:	245m <sup>2</sup>
Covered Stoop:	49m <sup>2</sup>
NEW ADDITION:	
Entrance:	7m <sup>2</sup>
Kitchen Addition:	10m <sup>2</sup>
TOTAL	343m <sup>2</sup>
FOOTPRINT ERF	343m <sup>2</sup>
ERF	976m <sup>2</sup>
COVERAGE	35,1%

LUYT STREET

North Elevation ▽



101

Roof Storey

1:200

**HOUSE CALDWELL ROOF LAYOUT**

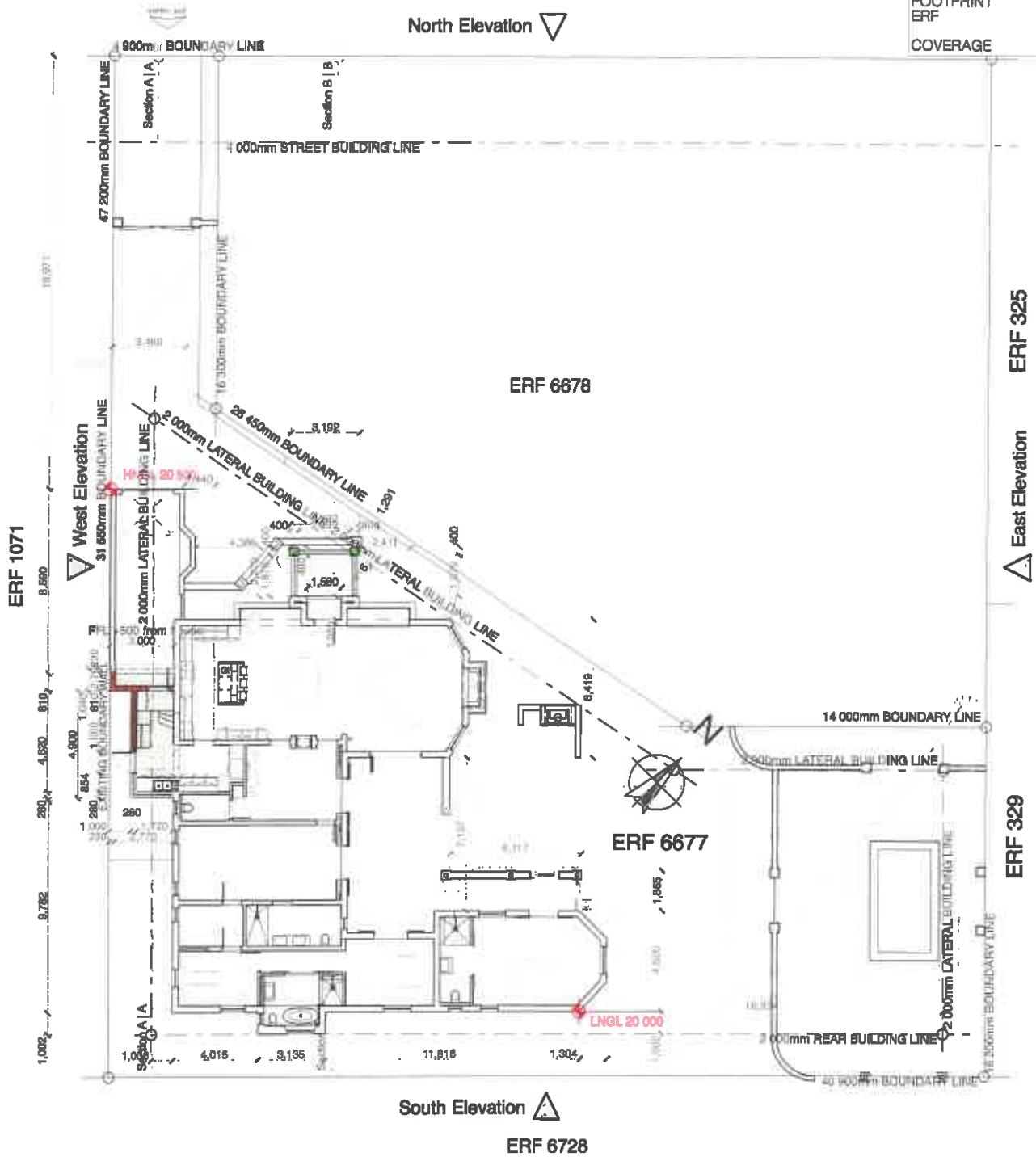
SCALE: 1:200

FINLAYSON VAN DER MERWE ARCHITECTS

EXISTING:		AREAS:	
Garage:	32m <sup>2</sup>		
Ground Storey:	245m <sup>2</sup>		
Covered Stoep:	49m <sup>2</sup>		
NEW ADDITION:			
Entrance:	7m <sup>2</sup>		
Kitchen Addition:	10m <sup>2</sup>		
<b>TOTAL</b>		<b>343m<sup>2</sup></b>	
FOOTPRINT ERF		343m <sup>2</sup>	
		976m <sup>2</sup>	
COVERAGE			35,1%

LUYT STREET

North Elevation ▽



South Elevation ▲

ERF 6728

100

Ground Storey

1:200

HOUSE CALDOW GROUND STOREY

FINLAYSON  
VAN DER MERWE  
ARCHITECTS



