



ERF 6820, 32 MCFARLANE STREET, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF CM PELSER

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 south-eastern rear building line from 2m to 0.69m to accommodate the existing laundry, and
 - relax the south-western lateral building line from 2m to 0m to accommodate the existing outside bathroom.
- ❖ **Determination of an administrative penalty** in terms of Section 90(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) on or before **11 April 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 6820, MCFARLANESTRAAT 32, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS CM PELSER

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

- ❖ **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening om:
 - die suid-oostelike agterboulyn vanaf 2m na 0.69m te verslap om bestaande opwaskamer te akkommodeer, en
 - die suid-westelike lateraleboulyn vanaf 2m na 0m te verslap om bestaande buite badkamer te akkommodeer.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 90(q) van die Verordening

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) alida@overstrand.gov.za) voor of op **11 April 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 6820, 32 MCFARLANE STREET, EASTCLIFF, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO UKUTENXA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: MESSRS WRAP PROJECT OFFICE EGAMENI LIKA CM PELSER

Isaziso sinikwe apha ngokweCandelo lama-48 loMthetho kaMasipala oLungisiweyo waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala) wokuba isicelo sifunyenwe koku kulandelayo:

- ❖ **Ukutenxa** ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuya:
 - nciphisa umgca wokwakha ongasemva kumzantsi-mpuma ukusuka kwi-2m ukuya kwi-0.69m ukulungiselela indawo yokuhlamba impahla ekhoyo, kunye
 - phumla umgca wesakhiwo osecaleni komzantsi-ntshona ukusuka kwi-2m ukuya kwi-0m ukulungiselela igumbi lokuhlambela elikhoyo langaphandle.
- ❖ **Ukumiselwa kwesoahlwayo solawulo** ngokweCandelo lama-90(q) loMthetho kaMasipala.

linkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu, ePaterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zinokungeniswa ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo (16 Paterson Street, Hermanus / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi kuka- **11 UTshaziimpuzi 2025**, ucaphula igama lakho, idilesi. kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo yomnxeba inokwenziwa **kuMchwangcisi weDolophu, uMnu. P Roux** ngo-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.

1. Locality Plan Erf 6820 - Hermanus



Subject property

Plan prepared by: Veronica 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 : 1 000



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
PSDF	Western Cape Provincial Spatial Development Framework, 2014
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 6820 Hermanus
Extent	446m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

The subject property, Erf 6820 Hermanus, is located in McFarlane 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 **Annexure A - Power of Attorney**.

The owner bought the property to retire in Hermanus and as the property needed some renovations, she also had some additions done to the property which included a laundry and an outside bathroom. The main objective was to suit their family's needs.

As the additions have not been approved by the municipality, the owner instructed WRAP to submit this application on her behalf. The owner built the existing laundry and the outside bathroom encroaching the building line without the necessary approvals and now wants to remedy this contravention to align with OM legislation.

Approval of the following applications are required:

- Permanent Departure from the side building line to allow the existing outside bathroom;
- Permanent Departure from the rear building line to allow the existing laundry room; and
- Determination of an administrative penalty.



4. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' 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 2m south-eastern rear building line to 0,69m to allow the existing laundry.

4.2 Permanent Departure from the 2m south-western side building line to 0m to allow the existing outside bathroom.

As mentioned in *Section 3* of this report, the owner is currently in the process of rectifying the past contraventions that occurred under her ownership of the property. As these structures have not been approved, the owner is responsible to ensure her property is compliant in terms of the OMLUS and building regulations.

While it is crucial to adhere to OMLUS, there are compelling reasons why this application should be favourably considered:

- **Functional necessity:**
The laundry and outside bathroom are integral components of modern living. These spaces contribute significantly to the functionality and efficiency of a home, enhancing the overall quality of life for the residents.
- **Minimal impact on surroundings:**
The renovation and construction had already been completed. It is evident that the additions do not impose any adverse effects on the immediate environment. The structures seamlessly blend with the existing architecture and landscaping, maintaining the overall aesthetic harmony of the Eastcliff neighbourhood.

The structures can also not be seen from the street and is not expected to have a visual impact from the streetscape. Additionally, there have also not been any complaints submitted as the neighbours have become accustomed to their position.

- **Contributions to Local Economy:**
The construction activities associated with the laundry and outside bathroom have stimulated economic growth by providing work opportunities for local contractors and suppliers. Approving the application will further encourage property owners to invest in their homes, thereby encouraging economic development within the community.

The structures add value and functionality to the property while also optimising space on a smaller than normal erf.



4.3 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is important to include an application for the determination of an administrative penalty. This application serves as method to rectify the contraventions that occurred by the current owner while they were constructing additions. The owner expressed genuine remorse for the oversight in obtaining prior approval for the additions that took place. It is important to recognise that the omission was not an attempt to bypass regulations and was done unintentional.

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

The nature, duration, gravity and extent of the contravention

Section 4.1 and 4.2 of this report indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building line encroachments is:

Existing laundry	±6,01m ²
Existing outside bathroom	±3,24m ²

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

The owner was responsible for ensuring that there were no contraventions in terms of the by-law, but it is important to note that no malicious intent was found in her actions, and she aims to rectify the contravention.

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

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

Whether the unlawful conduct was stopped

The structures have already been constructed.

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

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

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 Public Streets. The surrounding area's zonings are illustrated in **Plan 3** (zoning plan).

6. TITLE DEED

Title deed T47990/2021 (refer to **Annexure B**) was perused and there are no restrictive conditions that prohibits the approval of the proposal being made.



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

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%	47,6%	Comply
Building lines	(i) The street building line is = 4m (ii) The side and rear building lines are = 2m	<ul style="list-style-type: none"> The street building lines are being adhered to. Permanent Departure from the 2m rear building line to 0,69m to allow the existing laundry. Permanent Departure from the 2m side building line to 0m to allow the existing outside bathroom. 	Deviate 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 structure adheres to the 8,0m height.	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	N/A	Comply



8. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services.

Solid waste is collected by the OM weekly.

Access and Egress

Access and egress to the property is gained from McFarlane 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 was a result of addressing all the land use requirements and ensuring the property meets the requirements of the property owners. To achieve this, the property owner is required to apply for a permanent departure from the building line.

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 not predicted that the proposal is out of line with the surrounding area.
Impact on the external engineering services	Refer to <i>Section 8</i> of this report.
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 structures are existing, meaning that the adjacent property owners have become accustomed to the structures, and it is not predicted to have any impact on surrounding owners.



Economic impact

The proposal is not expected to have a short- or long-term 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.

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 five 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 rectify past contraventions is not predicted to influence past spatial injustices.

Spatial sustainability

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

Efficiency

This proposal is intended to maximise the usage of the subject property.

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 purpose of submitting this application is to enable the owner to rectify the contravention that had occurred under her ownership and to ensure the property has the necessary approvals to be compliant with the OMLUS. This application aims to balance the functional necessity of these essential facilities - that include a laundry and outside bathroom - while ensuring compliance with the required conditions outlined in the OMLUS. This includes the dimensions and other specifications of the structure.

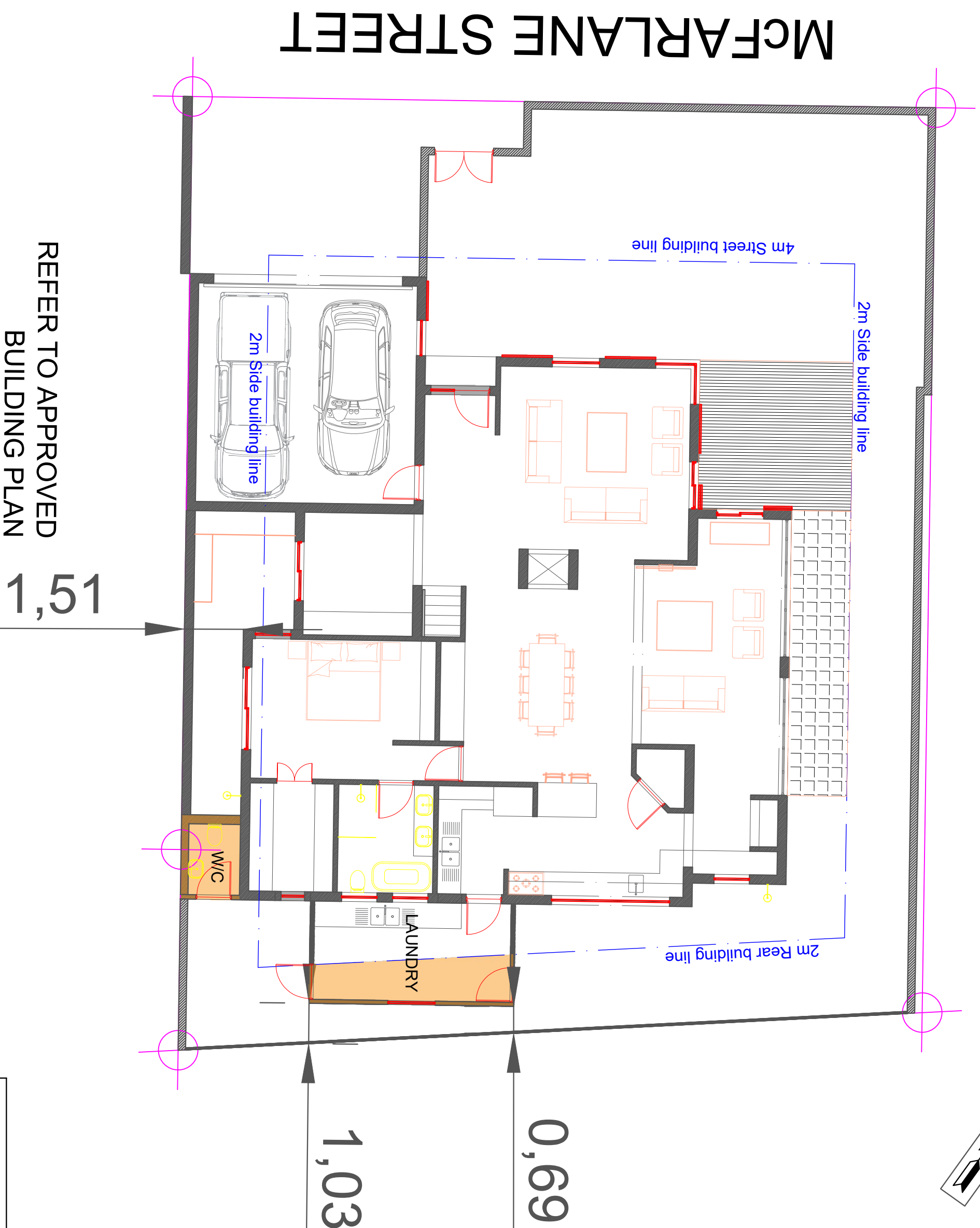
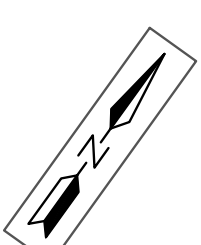
13. RECOMMENDATION

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

- 13.1 Permanent Departure** from the 2m south-eastern rear building line to 0,69m to allow the existing laundry in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent Departure** from the 2m south-western side building line to 0m to allow the existing outside bathroom in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.3 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

4. Departure Plan
Erf 6820 Hermanus

1. Permanent departure from the **2m** south-eastern rear building line to **0,69m** to allow the existing laundry; and
2. Permanent departure from the **2m** south-western side building line to **0m** to allow the existing outside bathroom.



McFARLANE STREET

REFER TO APPROVED
BUILDING PLAN

1,51

1,03

0,69

SCALE 1 : 125

Plan prepared by: Veronica Jansen on 18/02/2025

Based on plans from Design Atejlee

Plan Number - 24/190 (001)

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



