

**REMAINDER ERF 6249, 343 MAIN ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF J.P. LOTZ**

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 Rem. Erf 6249, Eastcliff, Hermanus, has been received for the following:

- ❖ **Departure** in terms of Section 16(2)(b) of the Bylaw to relax the eastern lateral building line from 2m to 0.33m to accommodate the existing concrete staircase and portion of the landing,
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the determination of an administrative penalty.

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 **30 August 2024**, 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.

**REMANANT ERF 6249, HOOF STRAAT 343, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING & BEPALING VAN 'N ADMINISTRATIEWE BOETE: PLAN ACTIVE STADS- EN STREEK BEPLANNERS NAMENS J.P. LOTZ**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek van toepassing op Restant Erf 6249, Eastcliff, Hermanus, ontvang is vir die volgende:

- ❖ **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die oostelike boulyn vanaf 2m na 0.33m te verslap om die bestaande beton trap en gedeelte van die landing te akkommodeer.
- ❖ **Bepaling van Administratiewe Boete** ingevolge Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete.

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 **30 Augustus 2024**, 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.

**INTSALELA YESIZA U-ERF 6249, 343 MAIN ROAD, EASTCLIFF, HERMANUS, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULA NENGQIKELELO YOMDLIWO/YEPENALTHI YOBHALISO: NGABAKWAPLANACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKAJ.P. LOTZ**

Kukhutshwe isaziso esimayela nemiba yeSoloty lama-48 likaMasipala waseOverstrand loMthethwana Osishlomeleo esisebenza Ngezicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020 (Umthethwana) isaziso esi sithi kufunyenwe isicelo esisebenziseka kwiRem. Erf 6249, Eastcliff, Hermanus, sisebenza ngokulandelayo:

- ❖ **Ukwahlula** ngokwemiba yeSoloty le-16(2)(b) loMthethwana ngokunyenyisa umgca wesakhiwo omelene nesakhiwo kwicala elisempuma ukusuka kwiimitha eziyi-2m ukuya kwi-0.33m ukulungiselela izitephsi ezenziwe ngekonkriithi nenxalenye yomhlaba,
- ❖ **Ingqikelelo yobhaliso lomdlwiwo/lwepenalthi** ngokwemiba yeSoloty le16(2)(q) loMthethwana wengqikelelo yomdlwiwo/yepenalthi yobhaliso.

Iinkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwintsimbi ye 08:00 neye-16:30 kwiSebe: Lezicwangciso ngeDolophu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngowezibonelelo zeSoloty lama-51 nelama-52 loMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi **30 Agasti 2024**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa ku**Mcwangcisi weDolophu, Mnu. P Roux kwa-028-313 8900**. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso ngeDolophu apho igosa likaMasipala liza kumncedisa ukuhlomla ngokusemthethweni.



- **PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY**
    - **DEPARTURE**
- REMAINDER ERF 6249 HERMANUS**
- OVERSTRAND MUNICIPALITY**

## MOTIVATION REPORT

### 1. **BACKGROUND**

Plan Active Town & Regional Planners has been appointed by Mr. J.P. Lotz, the owner of Remainder Erf 6249 Hermanus, to apply for an administrative penalty and a building line departure for the subject property.

The property currently features a single-storey dwelling with a double garage and an outbuilding with a single garage. The building plans for these structures were approved on 15 October 2014.

The owner has erected a concrete staircase and landing, located 33 cm from the lateral boundary line, without prior approval. This staircase provides access to the existing concrete roof, intended for maintenance purposes. Additionally, the owner plans to utilize this concrete roof as a viewing deck and use the unauthorised staircase and landing for access.

This application seeks to retain the "As-built" structure in its current position. The encroachment, as detailed on the attached site development plan, includes the concrete staircase and landing leading to the existing concrete slab intended to be used as a viewing deck. The proposal addresses the encroachment and requests approval to maintain the staircase and landing in their existing positions for the intended use.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an **administrative penalty** for Remainder Erf 6249 Hermanus;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure** of Remainder Erf 6249 Hermanus in terms of the lateral building line.

## **3. NEED AND DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

Remainder Erf 6249 Hermanus is situated at 343 Main Road, Hermanus. Refer to the locality plan attached. Remainder Erf 6249 Hermanus is 891m<sup>2</sup> in extent and is held by title deed no. T49729/2013.

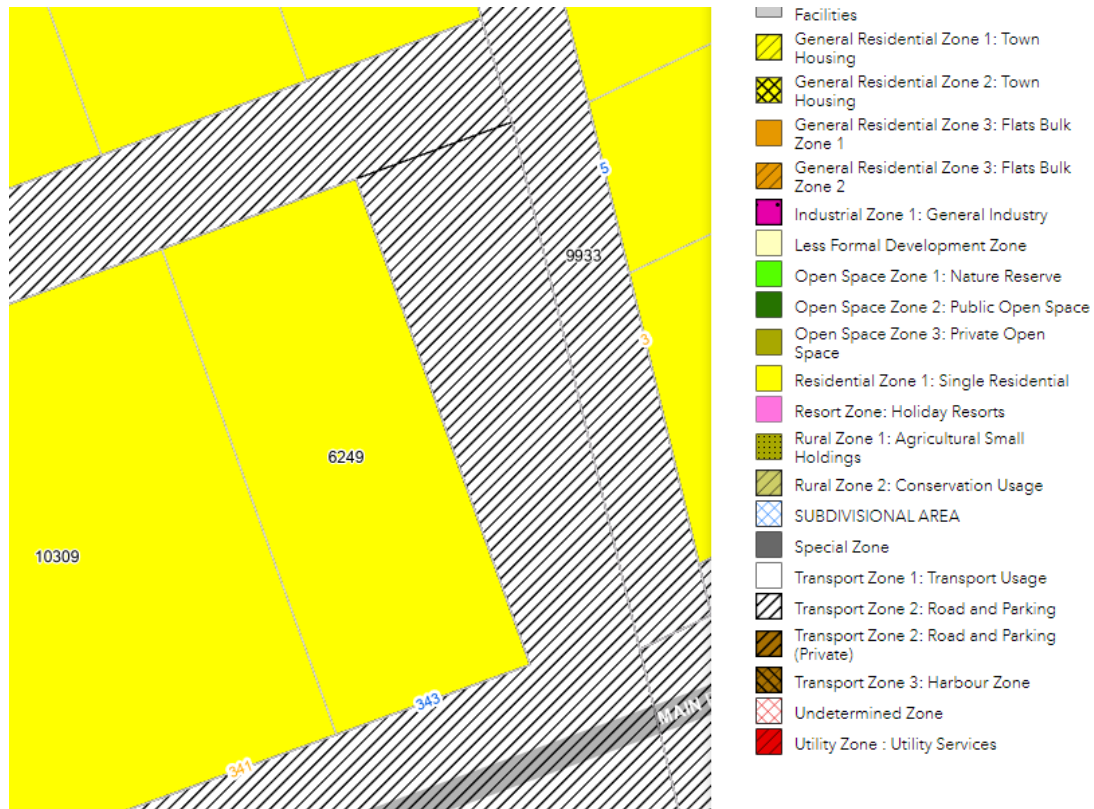
The subject property is characterized by residential structures (single storey dwelling with a double garage, outbuilding with a bedroom, bathroom, living room and single garage) and a garden area. The existing dwelling inclusive of the illegal staircase has a footprint of 330m<sup>2</sup> in extent.

### **3.2 ZONING**

Remainder Erf 6249 Hermanus has the following land use rights:

<b>ERF NUMBER</b>	<b>ZONING</b>
Remainder Erf 6249	Residential Zone 1: Single Residential

Surrounding properties are zoned for single residential, public road and public open space purposes.



Abstract of Zoning map indicating that Remainder Erf 6249 Hermanus is surrounded on 3 sides by Transport Zone 2 public road.

### 3.3 LAND USE

Remainder Erf 6249 Hermanus features a well-established single-storey dwelling that includes a double garage, providing ample parking space for residents. The dwelling is designed for comfortable living, comprising two bedrooms, two bathrooms, and an open-plan kitchen and living room. This configuration ensures a cohesive and functional living space, ideal for family life.

The double garage, which includes a drive-through option, allowing convenient vehicle access to the outbuilding at the rear and the garden area. This enhances the utility and flexibility of the property, catering to the needs of modern residential living. Consequently, the subject property is utilized exclusively for single residential living purposes.

The land uses surrounding Remainder Erf 6249 Hermanus are primarily characterized by single residential dwellings, similar to the subject property. This residential neighbourhood creates a cohesive and harmonious living environment, promoting a sense of community and stability.

In addition to residential properties, the area includes public open spaces, which provide recreational opportunities and contribute to the overall quality of life for residents. Furthermore, the subject property is bordered by public roads, ensuring accessible transportation routes for residents. These roads facilitate convenient access to and from the property, connecting it to the broader Hermanus area and beyond. The presence of well-maintained public roads supports the residential use of the area by providing essential infrastructure for daily commuting, service deliveries, and emergency access.

Overall, the subject property's integration into a predominantly single residential area, complemented by public open spaces and accessible road networks, emphasises its suitability for continued residential use. The harmonious blend of residential, recreational, and transportation elements contributes to the attractiveness and functionality of Remainder Erf 6249 Hermanus as a residential property.

### 3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for Remainder Erf 6249 Hermanus to accommodate the existing as built concrete staircase and a portion of the landing giving access to the existing concrete roof slab to be used in the future as a viewing deck in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **departure** of Remainder Erf 6249 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
  - relax the eastern lateral building line as follows:
    - from 2m to 0.33m to accommodate the as built concrete staircase and portion of the landing;

The potential of the subject property is discussed in detail in *Section 3.5 Potential of the property*.

There is an existing single storey dwelling with a double garage, and an outbuilding with a single garage established on the subject property. The building plans for the existing dwelling and outbuilding situated on the subject property were approved on 15 October 2014. A staircase with the landing was unlawfully erected to give access to an existing concrete roof slab for maintenance purposes. The encroachment is indicated on the attached site development plan. The owner would like to keep the as built structure in the existing position. This application therefore proposes to address the as built encroachment being the concrete staircase with the landing to give access to an existing concrete roof slab as indicated on the site plan.

Here follows the detail of the proposed application for consideration:

#### **3.4.1 Rectification of contravention**

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law (concrete staircase to give access to an existing concrete roof slab, within 2m from the boundary line, partially situated on the existing double garage), an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:



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

The previously approved building plan for Remainder Erf 6249 Hermanus does not include the concrete staircase and landing that provides access to the existing concrete roof slab. This slab is intended to be used as a future viewing deck and is partially situated on the double garage within the building lines. Consequently, this structure was constructed without an approved building plan and encroaches on the relevant lateral building line.

The concrete staircase and a portion of the landing encroach upon the 2-meter eastern lateral building line at the ground floor level. Specifically:

- The staircase encroaches by 1.67 meters over a width of 70 cm at the ground floor level.
- The entire length of the encroachment is 3.7 meters.
- Thus, the landing itself encroaches the building line by 1.67 meters.

However, the existing concrete roof slab, which will be used as a viewing deck, is situated 2 meters from the lateral building line and does not encroach upon the building lines applicable to the subject property.

The position and nature of the as-built concrete staircase and landing are unobtrusive and do not negatively impact the surrounding properties. To date, no complaints have been received from neighbouring property owners regarding this structure. This application includes a request for a building line departure to accommodate the As-built structure, ensuring compliance with town planning regulations and maintaining the harmonious use of the property.

- **The conduct of the person involved in the contravention**

The current owner has never contravened the land use planning By-law in the past. The matter related to the unlawful structure was addressed as soon as the owner was made aware of the fact and appointed Plan Active to assist him to obtain the necessary approvals.



- **Whether the unlawful conduct was stopped**

The owner now attempts to rectify the contravention by submitting the administration penalty application and subsequent departure application in order to legalise the as built structure on the subject property.

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

In the event that the Overstrand Municipality determines the necessity of imposing an administrative penalty fee for the unauthorised building work, we are prepared to submit a detailed report from a qualified quantity surveyor or building contractor. This report will provide a comprehensive assessment of the unauthorised work.

However, we propose deferring the submission of this report unless a penalty fee is definitively required. This approach avoids unnecessary expenditure and effort if the Municipality decides not to impose a penalty.

The encroachment is minimal, and we believe it has no significant impact on the surrounding properties. Therefore, we respectfully recommend that no penalty fee be imposed in this case.

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

To the best knowledge of the applicant and as confirmed by the landowner, he has never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to consider the minimal impact of the As-Built concrete staircase and landing, which provides access to the existing concrete roof slab for maintenance purposes. This structure is partially situated on the existing double garage and has been carefully assessed to ensure it poses no significant impact on the surrounding area, as detailed in the building line relaxation application below.

The as-built structure minimally impacts the directly affected neighboring property, which is owned by the Overstrand Municipality. The adjacent portion of Erf 1253 Hermanus (commonage) is zoned as Transport Zone 2 (public road), further minimizing any potential adverse effects.

Additionally, no complaints have been received from other property owners regarding the staircase and landing. This lack of opposition from the community highlights the structure's negligible impact on the area.

Upon discovering the contravention, the owner promptly instructed consultants to rectify the issue by submitting a comprehensive and well-motivated departure application, including a request for the determination of an administrative penalty.

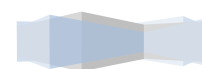
In light of these factors, we respectfully request that the Municipality consider imposing a minimal or no penalty fee on the property owner. The owner's proactive efforts to address the contravention and the structure's low impact on the surrounding area justify this consideration.

### **3.4.2 Departure**

It is proposed to retain the as-built concrete staircase and landing in their current position. This structure provides access to the existing concrete slab for maintenance purposes, which is situated on a portion of the existing garage roof.

The concrete staircase and landing encroach upon the eastern lateral building line by 1.67 meters. The existing double garage, constructed according to approved building plan no. 26631 dated 15 October 2014, is situated on the 0-meter eastern lateral Land Use Scheme building line.

Given these circumstances, we seek approval to maintain the current position of the as-built staircase and landing, ensuring compliance and continued utility.

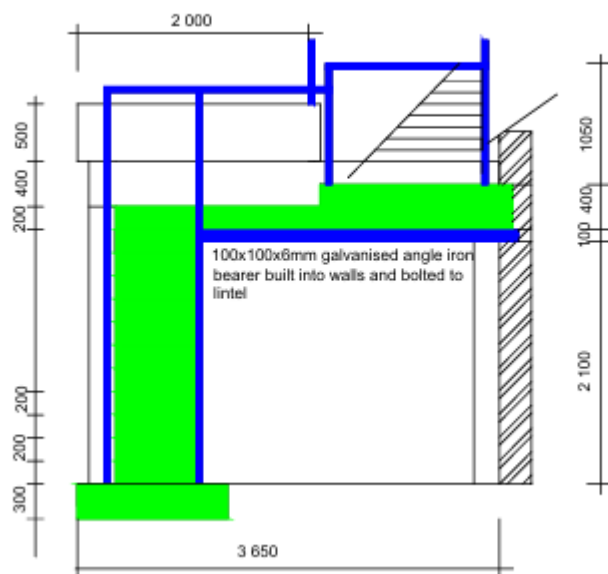




To accommodate the As-built concrete staircase and landing giving access to the existing concrete roof slab for maintenance purposes situated partially on the existing double garage an application is submitted for a departure to:

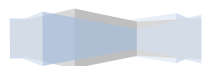
- relax the eastern lateral building line from 2m to 0.33m.

1. Staircase and a portion of the landing within the building line viewed from the back of the property (not visible from Main Road)



The proposal is to retain the As-Built concrete staircase and landing in their current position. These elements provide access to the existing concrete roof slab, which is intended to be used as a viewing deck and is situated over a portion of the existing garages and house.

The existing concrete staircase (steps) is approximately 0.7 meters wide and



encroaches the 0.33-meter eastern lateral building line for a length of 3.7 meters. The staircase has a height of 2.48 meters within the 2-meter building line and meets the maximum height requirements as indicated on the eastern elevation plan.

The existing concrete roof slab above a portion of the garages and house will be used as a viewing deck. This roof slab will be enclosed by a 1.050-meter high stainless steel balustrade, featuring a 50mm tubular handrail. The staircase is also fitted with a stainless steel balustrade, as indicated on the site plan.

Only the as-built concrete staircase and a portion of the landing encroach upon the eastern lateral building line. The existing concrete roof slab itself, to be used as a viewing deck, does not encroach this building line.

When evaluating the retention of the As-Built structure, the following points should be noted:

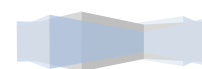
- The visual impact of the staircase and landing is considered minimal. The structure is already in place, and due to its location, it is not visible from the adjacent property (Portion of Erf 1253 Hermanus, Commonage), which is zoned as Transport Zone 2. This zoning minimizes the impact on surrounding areas.
- Only a section of the balustrade is visible, as indicated in the attached photograph. The balustrade is installed on the staircase, positioned 1.03 meters from the boundary line.





The following points highlight the rationale for retaining the As-Built structure:

- The materials used for the staircase and landing are aesthetically pleasing and blend seamlessly with the approved structures, maintaining the visual coherence of the property.
- The as-built structure is an integral part of the property. Demolishing it to comply with the respective building line would diminish both the aesthetic appeal and property value.
- The proposed application does not affect the character or property values of the surrounding properties. The structure does not infringe upon any passing traffic or public activity due to its position relative to neighbouring properties, which are zoned Transport Zone 2 (Erf 1253 Hermanus, Commonage). The structure's low impact is further evidenced by the absence of any complaints from neighbouring property owners.
- The massing and height of the existing structure are compatible with the character of the area, irrespective of the building line departure. The zoning of Remainder Erf 6249 Hermanus will remain unchanged (Residential Zone I: Single Residential), as will its primary land use for single residential purposes. All structures on the property comply with the permissible height requirements for SR1 zoned properties. The staircase and landing that encroach upon the applicable building line are



addressed in this application.

- The proposed departure will not result in a greater visual impact on the surrounding properties. The existing structure's impact on the adjacent property and passers-by is marginally higher than if the structure did not exist.

The area schedule and coverage for the subject property are as follows:

COVERAGE	
Existing Outbuilding	84 m <sup>2</sup>
Existing Main Residence	171 m <sup>2</sup>
Proposed additions	75 m <sup>2</sup>
Total area	330 m <sup>2</sup>
Erf size	893 m <sup>2</sup>
Coverage	37 %

The total coverage of 37% does not exceed the maximum permissible coverage of 50% for SR1 zoned properties.

In conclusion, the As-Built concrete staircase and landing are non-intrusive and maintain a minimal visual and physical impact on the surrounding properties. The materials and design are aesthetically integrated with the existing structures, and demolishing the staircase would negatively affect the property's value and appearance. The structure's position relative to neighbouring properties ensures that it does not impede traffic or public activity. Therefore, retaining the existing structure in its current position is a viable and reasonable solution, and we respectfully request approval for this proposal.

### **3.5 THE POTENTIAL OF THE PROPERTY**

The zoning and primary land use of the subject property, Remainder Erf 6249 Hermanus, will remain unchanged. The proposed departure will not hinder any potential future land use applications on the property.

The subject property is well-suited for the requested departure, as the as-built structure has existed for some time without any complaints from neighbouring property owners.



All existing structures meet the maximum height requirement of 8 meters for SR1 zoned properties, as depicted in the site development plan.

When evaluating the potential of the site to accommodate the proposed departure, the following points should be noted:

- The visual impact of the As-Built structure is minimal, as it has been present on the property for an extended period.
- The massing and scale of the As-Built structures are compatible with the surrounding area.
- Except for the departure of the eastern lateral building line, all other land use parameters are met.
- The as-built structure is an integral part of the property. Demolishing it to comply with the scheme building lines would negatively impact the property's value.

The scale of the surrounding built environment and the low impact on the streetscape also support the property's capacity to accommodate the proposed building line deviation. The following factors further confirm the property's suitability for the requested departure:

- High-quality materials were used in the construction of the existing structure.
- The as-built structure has been in existence without any complaints from neighbours.
- The as-built structure adds value to the subject property.

In conclusion, the subject property can accommodate the proposed building line departure without detriment to its value or the character of the surrounding area. The existing structures comply with height requirements and are compatible with the neighbourhood. Given the use of quality materials, lack of complaints, and the structure's contribution to the property's value, we respectfully request approval for the proposed building line departure.



### **3.6 ECONOMIC IMPACT**

The proposed departure is to accommodate an existing staircase and partial landing and use thereof. The proposed departure will allow the owner to legalise the existing structure. This will also favour the resale of the property in the future.

The approval of the existing structure will save our client the cost of demolishing the structure. The proposed building line deviation will have a low but positive impact on the local economy.

### **3.7 SOCIAL IMPACT**

The proposed departure will have no impact on the social status quo of the area. The building line deviation will however allow the owner to keep the existing As-built structure on the subject property.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the existing developed property is compatible with the character of the area and does not impact negatively on the rights of anyone else.

### **3.8 COMPATIBILITY WITH SURROUNDING LAND USES**

The subject property is located within an established low-density residential area. The proposed application maintains the current zoning and land use of the property, ensuring compatibility with its surroundings.

Surrounding properties consist predominantly of single and double storey dwellings, utilized as permanent residences. The scale and function of structures on Remainder Erf 6249 Hermanus align well with neighbouring dwellings in the immediate vicinity.

Legalizing the existing as-built structure that encroaches upon the eastern lateral building line will enhance the value of the subject property and the functionality of the future sun deck. This regularization is anticipated to have a positive impact on the area, reinforcing its residential character.

The primary use of the subject property will continue to be residential, featuring a dwelling with an outbuilding, maintaining harmony with the existing fabric of the neighbourhood.

### **3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES**

All services on the subject property already exist. The as-built staircase and portion of the landing will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

### **3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY**

The proposed departure will have no impact on the general safety and wellbeing of the surrounding community.

Since the proposed departure is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

### **3.11 IMPACT ON HERITAGE**

The application does not involve changing the character of a site larger than 5 000m<sup>2</sup>. Consequently, the proposed application for the departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Remainder Erf 6249 Hermanus is not situated within the Heritage Protection Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the Greater Hermanus area.

### **3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed departure does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Management Overlay Zone (2020).

### **3.13 TRAFFIC IMPACT, PARKING AND ACCESS**

Access to Remainder Erf 6249 Hermanus will remain unchanged and will be from Main Road as indicated on the site development plan. No new access points are proposed.

The Overstrand Municipality Land Use Scheme (2020) stipulates that a minimum of two parking bays are required for a dwelling house. There is an approved single garage situated in the outbuilding as well as a double garage on Remainder Erf 6249 Hermanus and therefore the dwelling on Remainder Erf 6249 Hermanus complies with the minimum parking requirement for SR1 zoned properties. It should be noted that the access to the garage situated within the existing outbuilding (as per the approved building plan) is via the garage situated on Main Road.

The subject property will still be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

### **3.14 TITLE DEED**

Title Deed No. T49729/2013 has no restrictive Title Deed conditions that need to be addressed with this application. A conveyancer's certificate is not included with this application since the title deed uncomplicated.

There is a bond registered against the subject property, but the outstanding balance has been settled.

### 3.15 **FORWARD PLANNING AND LAND USE DOCUMENTS**

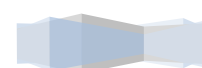
The ***Overstrand Spatial Development Framework (2020)*** earmarks the area where Remainder Erf 6249 Hermanus is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The ***Overstrand Municipal Growth Management Strategy (OMGMS, 2010)*** specifies that Remainder Erf 6249 Hermanus forms part of Planning Unit No. 8. Density increase is not proposed for this planning unit. No additional portions or second dwelling units are proposed with this application. The status quo of the area (low density residential) will remain unchanged. The land use application for the subject property therefore falls within the existing planning for the Hermanus East area.

The proposal will promote land development in a location that is sustainable. The proposed departure is to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment.

The impact on the overall density of this part of Hermanus will therefore be kept to a minimum since the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.



### 3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application is consistent with the existing character of the area and will not adversely affect the surrounding neighbors. It aligns with the spatial development policies and does not promote imbalances.

This application pertains to an erf within the established Hermanus Township. The proposed use is in harmony with the existing area, where similar applications have been approved previously. Consequently, approving this application will not introduce any spatial biases.

Spatial sustainability: The proposed departure will have no adverse impact on the visual elements of the subject property and its surroundings, as the encroaching structure already exists. This application is compatible with the character of the area, as detailed in previous sections of this report.

The building line encroachment does not affect the massing of the buildings or significantly impact the streetscape or passers-by. The as-built structure integrates well with the approved structures on the property. Additionally, the impact on the biophysical environment will be minimal since the structure is already in place.

Factors such as the high-quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, and the low impact on the streetscape support the consideration and approval of the proposed deviation without adversely affecting the spatial sustainability of the area.

Accommodating the as-built structure within an established residential area will not contribute to urban sprawl or impact sensitive environments. The application is considered spatially sustainable as it allows for more optimal use of the existing property without affecting natural vegetation. The property will remain compatible with

the character of the area and will not negatively impact the rights of any adjacent property owner.

Efficiency: The subject property is easily accessible and conveniently located in Hermanus, close to major routes. The massing and height of the property comply with the relevant zoning scheme regulations. Approving the as-built structure and its proposed use is resourceful, as it is compatible with the existing built environment and is aesthetically pleasing.

It is efficient to accommodate the existing structure and its use by approving the proposed departure for Remainder Erf 6249 Hermanus, rather than demolishing the structure, which would negatively impact the functionality of the viewing deck. Furthermore, the proposal optimizes existing resources and infrastructure, maintaining the existing suburban development typology.

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

#### **4. RECOMMENDATION**

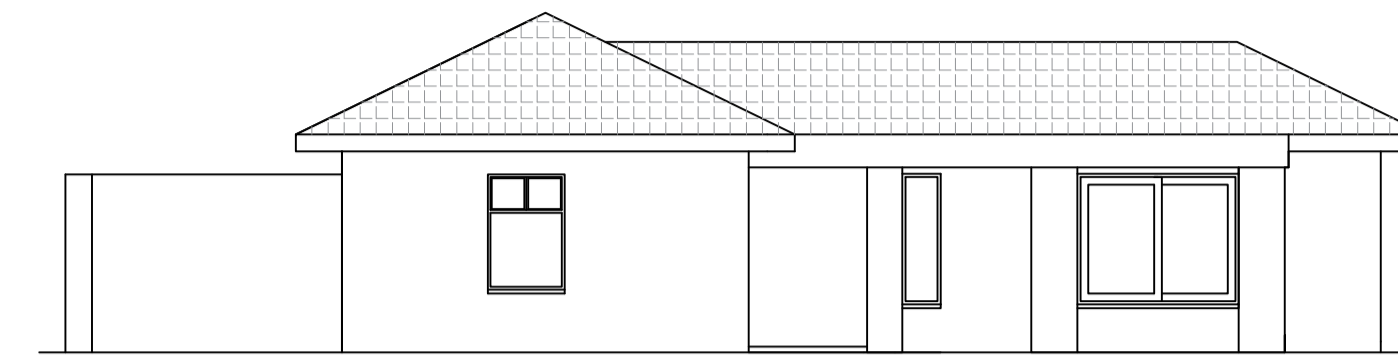
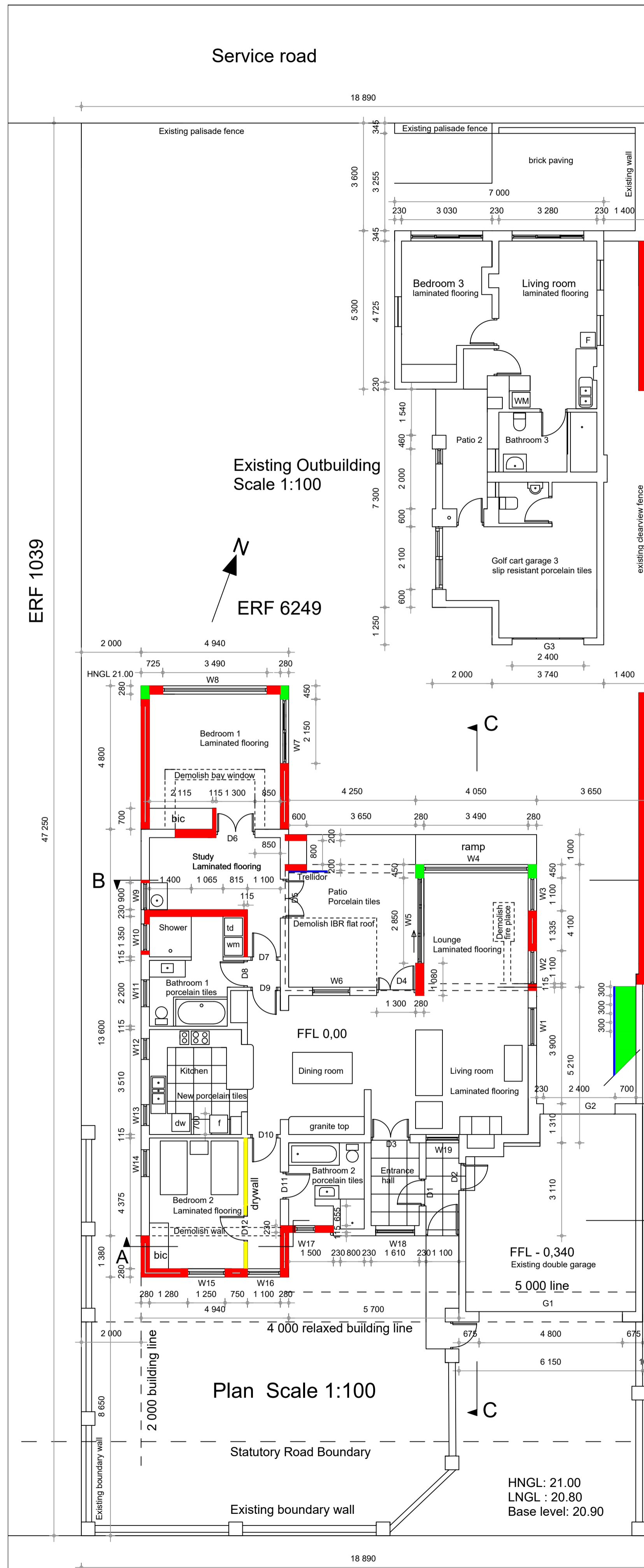
When this application is evaluated, it is important to take note of the following:

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The densification status quo of the area will remain unchanged;
- The zoning and primary land use of the subject property will remain unchanged;
- The deviation from the applicable scheme regulations' building line is to accommodate an as-built staircase and a portion of the landing only;
- The proposal is compatible with the existing built character of the area;
- There will be no Impact on the traffic;

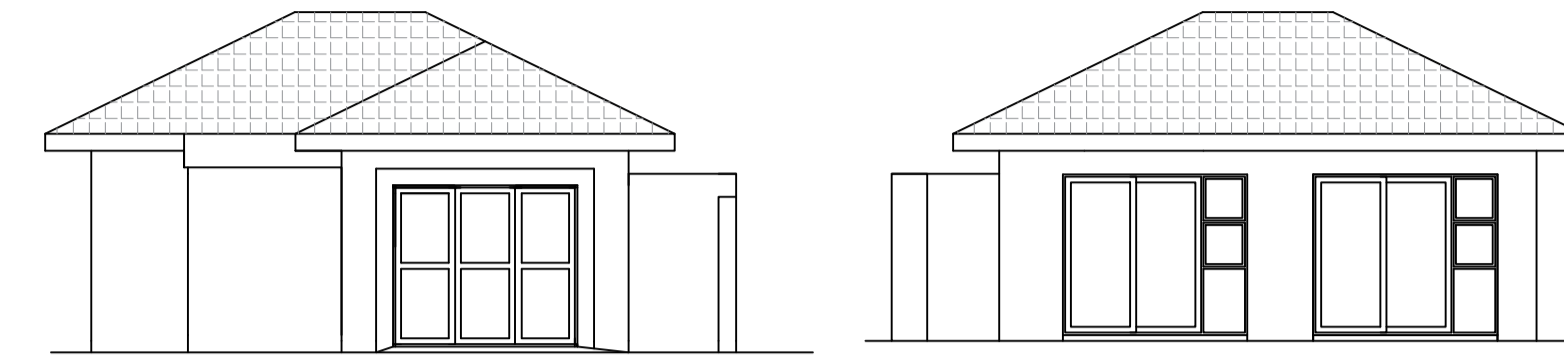
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013);
- We request that a penalty fee not be imposed.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.

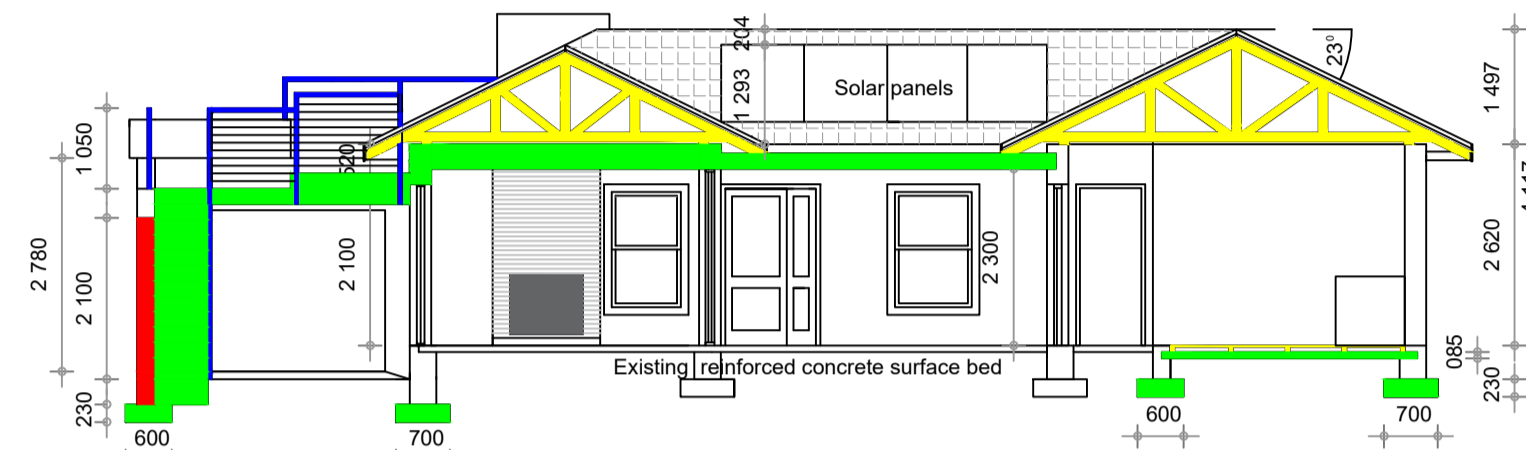




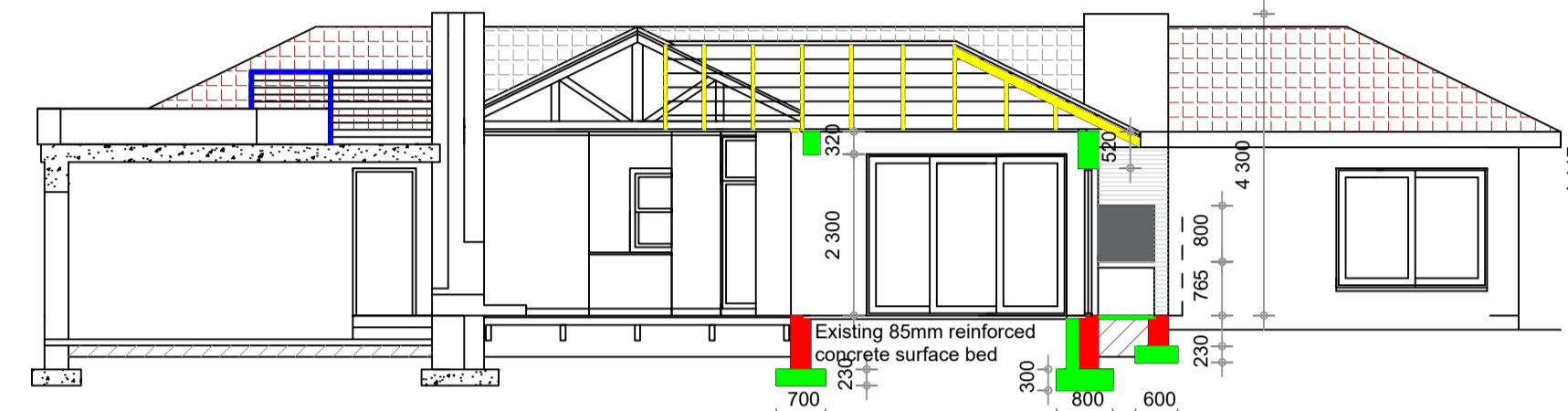
Existing Outbuilding West Elevation



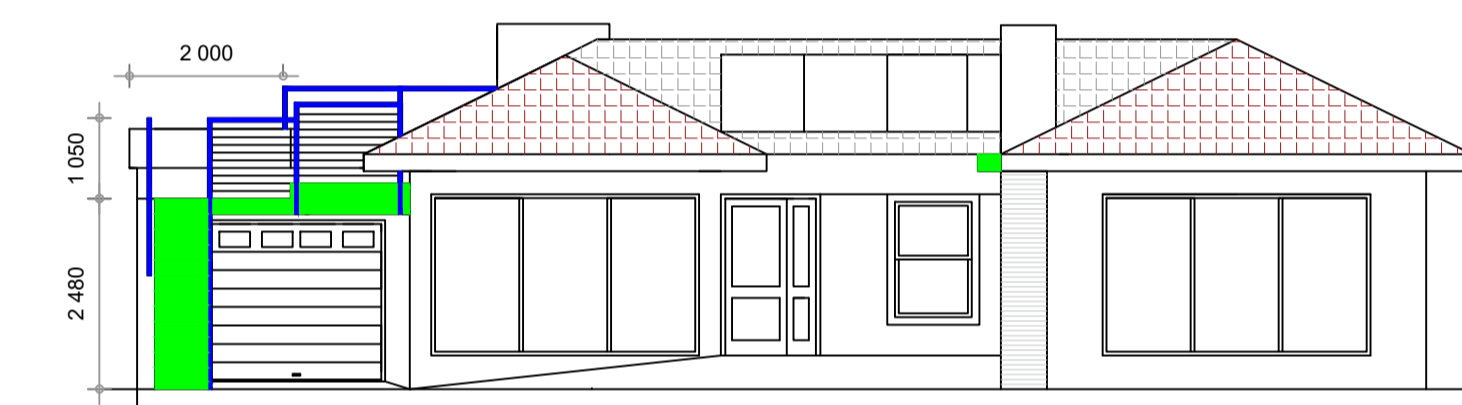
Existing Outbuilding South Elevation Existing Outbuilding North Elevation



Section B - B Scale 1:100



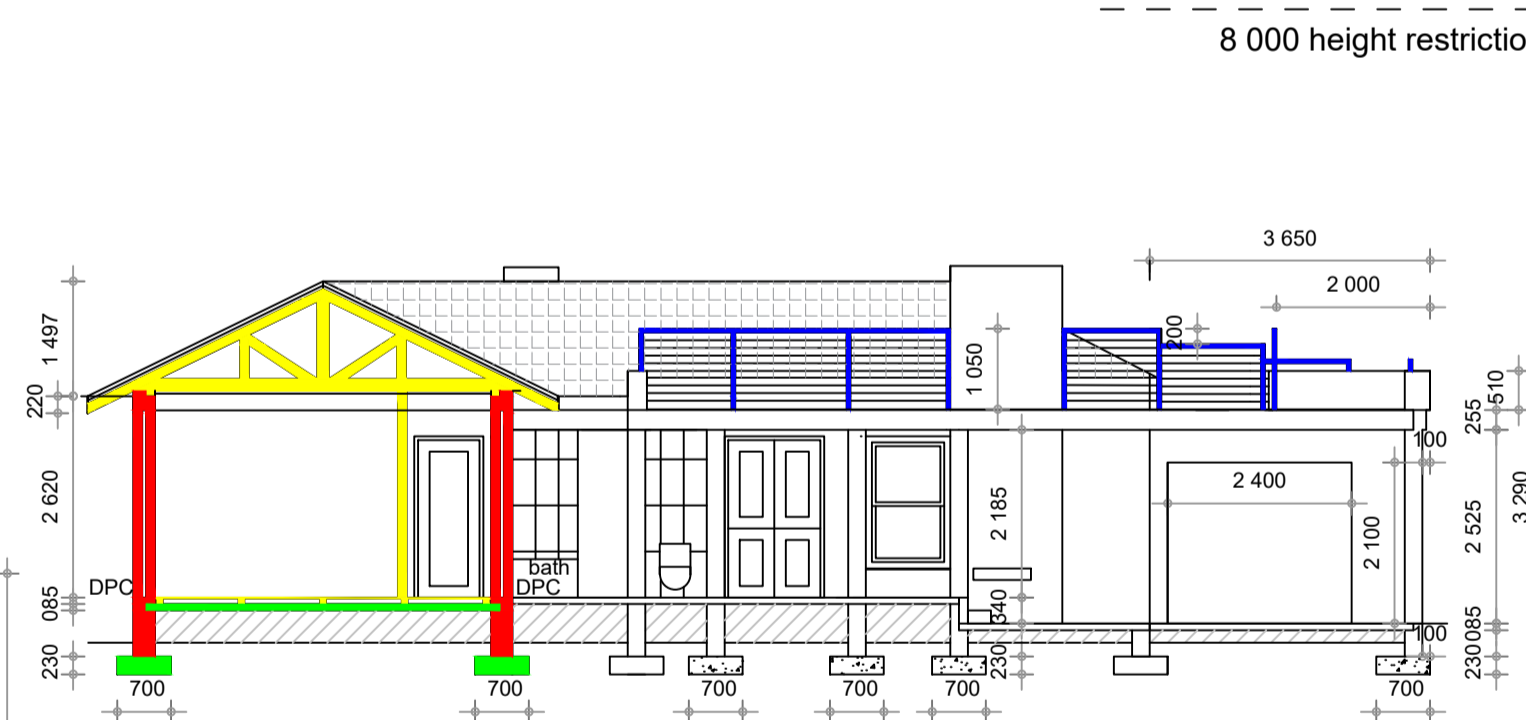
Section C - C Scale 1:100



North Elevation



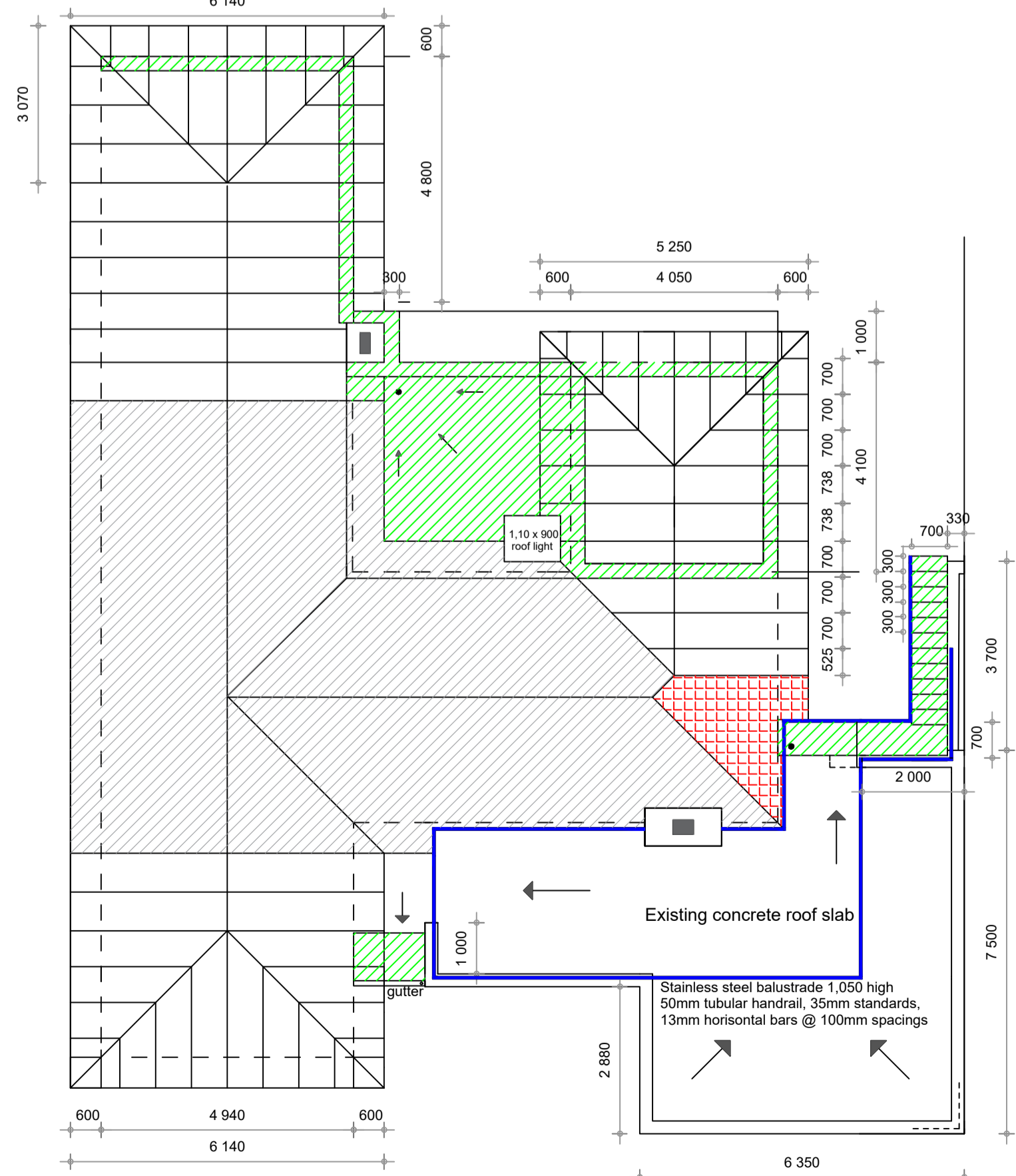
East Elevation



Section A - A Scale 1:100



South Elevation



Roof Plan Scale 1:100

- GENERAL SPECIFICATION**  
Construction work to be in accordance with Engineer's specification and relevant SANS 10400-A:2022 Edition 4 Building regulations
- EARTHWORKS & FOUNDATIONS**
    - 1.1 Allowable ground bearing pressure assumed to be 150KPa
    - 1.2 Filling under floors shall be compacted to 90% Mod. AASHTO
    - 1.3 Remove large tree trunk and roots and fill with G6 material
    - 1.4 All foundations to be inspected by Municipal Building Inspector and Engineer before casting of concrete
  - CONCRETE**
    - 2.1 All concrete works to comply with SABS 1200G, SABS 0100-1 and SABS 0100-2
    - 2.2 Concrete surface bed: 85mm thick 20 MPA steel floated concrete on 250 micron Dampseal on compacted filling treated with ant poison.
    - 2.3 25 MPA Reinforced concrete slab and beams on load bearing brickwork according to Engineer's design and specification
    - 2.4 30 MPA Reinforced concrete columns.
    - 2.5 Concrete strength cube test results according to SABS 1200G
    - 2.6 On completion obtain a certificate of compliance from the Engineer for submission to the Municipal Building Inspector.
  - BRICKWORK**
    - 3.1 The structural stability and strength of walls shall be in accordance with SANS 10400-B, SANS 10400-T and SANS 10400-K
    - 3.2 Masonry: Burnt clay bricks shall be in English bond with class 11 mortar. Brick gauge 85mm. 4 courses = 340mm.
    - 3.3 Loadbearing brickwork according to Engineer's specification
    - 3.4 Window sills: 15mm Thick Everite Nutec sills fixed with lugs
    - 3.5 Paving: The sub-grade shall be prepared by scarifying to a depth of 150mm and compacted to a density of 95% Mod. AASHTO, including trimming to the correct levels and gradients.
  - PLASTER AND TILER**
    - 4.1 Cement plaster shall be composed of one part cement and five parts sand. External plaster shall be finished with a wooden float and sponge and internal plaster with a steel trowel.
    - 4.2 Screeds shall be 1:5 mix and finished with a steel trowel
    - 4.3 Granolithic in garage shall be 1:4 mix and finished with a steel trowel to a polished surface including dividing into panels with deep V-joints.
    - 4.4 Lightweight screed to concrete roofs to falls
    - 4.5 600 x 600 Porcelain tiles on walls and floors with 3mm joints fixed with Superbond porcelain tile adhesive.
  - WATERPROOFING**
    - 5.1 Roof coverings and waterproofing systems must be in accordance with the detailed requirements of SANS 10400-K
    - 5.2 250 micron Dampseal under surface beds
    - 5.3 375 micron Brickgrip DPC under walls and sills
    - 5.4 Radenshield double sided membrane under roof tiles
    - 5.5 Waterproofing system to concrete roofs with a 10 year guarantee
  - ROOFS AND TRUSSES**
    - 6.1 The design of the roof trusses is in accordance with the following codes of practice: SANS 10160 & SANS 10163 Part 2, SANS 10243 & SANS 10400. Truss centres @ 760mm c/c max.
    - 6.2 Coverland Cupola Kalahari Farmhouse roof tiles fixed on 38 x 38mm battens @ 320mm c/c max including storm clips.
    - 6.3 The Engineer must approve the erection of the trusses before the roof tiles may be fixed.
    - 6.4 On completion a certificate of compliance must be obtained from the Engineer for submission to the Municipal Building Inspector.
  - CEILINGS**
    - 7.1 Suspended ceilings: 9mm Rhinolit plasterboard ceiling screwed onto 38 x 38mm battens @ 450mm c/c max including plastic H-strips
    - 7.2 19mm x 110mm SA Pine tongue and groove ceiling boards fixed to trusses with concealed clout nails.
    - 7.3 2 Coat cement plaster to concrete soffits finished with Creststone to obtain a polished finish
  - PAINTER**
    - 8.1 Plastered surfaces: One coat plaster primer and 2 coats Acrylic paint
    - 8.2 SA Pine: Pink primer, one undercoat and 2 coats white enamel paint
    - 8.3 Doors and door frames: One undercoat and 2 coats white Velvagio
  - PLUMBER**
    - 9.1 The design of the drainage system is in accordance with the detailed requirements of SANS 10400-T.
    - 9.2 Underground water supply pipes and sewer pipes shall be at least 400mm below surface
    - 9.3 Waste pipes: 50mm PVC waste pipes. Water supply pipes 22mm
    - 9.4 Geyser 150litre Kwikhot geyser with 400 kpa valve including drip tray
    - 9.5 TeP valve overflow must be class O copper terminating on outside of building not over entrance doors or windows.
    - 9.6 On completion the Plumbing Contractor must provide a certificate of compliance which must include copies of all the relevant inspections.
  - GLAZIER**
    - 10.1 In accordance with SANS 10400-B and SANS 10400-N
  - FIRE REGULATIONS**
    - 11.1 SANS 10400 Part T
  - RELAXATION OF BUILDING LINE**
    - 12.1 Main Residence and outbuildings. Approved 29 July 2004  
Main Residence garage on east boundary line  
Outbuildings 1.40 from east boundary line
    - 12.2 Main Residence double garage relaxation of 5.00 building line to 4.00 building line from Statutory road boundary. Approved 5/08/2014. Municipal approval for additions and alterations for double garage and boundary wall 15 October 2014.
  - COVERAGE**

Existing Outbuilding	84 m <sup>2</sup>
Existing Main Residence	171 m <sup>2</sup>
Proposed additions	75 m <sup>2</sup>
Total area	330 m <sup>2</sup>
Erf size	893 m <sup>2</sup>
Coverage	37 %
- Kwena River NPD Projects  
C: +27 082 4599955 E: paullotz@icloud.com  
Professional Architectural Draughtsperson. C Apton D0993  
Date: 21 May 2024  
Revisions:  
1. Demolished work in dotted lines. Roof light.  
2. Staircase and balustrade.
- Erf 6249, Hermanus. 7200. Western Cape.  
343 Main Road, Kwaiwater, Hermanus.  
Additions and Alterations to existing residence

