

MUNISIPALITEIT OVERSTRAND
ERF 273, 57 CLIFF STRAAT, DE KELDERS,
OVERSTRAND MUNISIPALE AREA:
AANSOEK OM OPHEFFING VAN
BEPERKENDE TITELAKTEVOORWAARDES,
AFWYKING EN BEPALING VAN 'N
ADMINISTRATIEWE BOETE: PLAN ACTIVE
STAD -EN STREEKSBEPLANNERS NAMENS
MELINDA NELL

Kennis word hiermee gegee ingevolge Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoeke van toepassing op Erf 273, De kelders, naamlik:

Opheffing van Beperkende Titelaktevoorwaarde

Aansoek ingevolge Artikel 16.(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes E.(b), (c) en (d) soos vervat in Titelakte Nr. T34164/2020 ten einde bestaande strukture op die eiendom te wettig.

Afwyking

Aansoek ingevolge Artikel 16.(2)(b) van die Verordening ten einde die bestaande strukture op die eiendom te wettig.

Bepaling van 'n Administratiewe Boete

Aansoek ingevolge die bepalings van Artikel 90 van die Verordening vir die bepaling van 'n administratiewe boete.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za moet bereik voor of op **10 Maart 2023** Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr P Roux** by 028 313 8900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr.9/2023

OVERSTRAND MUNICIPALITY
ERF 273, 57 CLIFF STREET, DE KELDERS,
OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: PLAN ACTIVE
TOWN AND REGIONAL PLANNERS ON
BEHALF OF MELINDA NELL

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to Erf 273, De Kelders, namely:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16.(2)(f) of the By-Law for the removal of restrictive title deed conditions E.(b), (c) and (d) as contained in Title Deed No. T34164/2020 to legalize the existing structures on the property.

Departure

Application in terms of Section 16(2)(b) of the By-Law in order to legalize the existing structures on the property.

Determination of an Administrative Penalty

Application in terms of the provisions of Section 90 of the By-Law for the determination of an administrative penalty.

Details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus.

Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **10 March 2023**. Telephonic enquiries can be made to the **Town Planner, Mr P Roux** at 0283138900. The Municipality may refuse to accept comments received after the closing date. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Municipal Notice No. 9/2023

UMASIPALA WASE-OVERSTRAND
ISIZA ESINGU-ERF 273, 57 CLIFF STREET,
DE KELDERS, KUMMANDLA KAMASIPALA
WASE-OVERSTRAND: ISICELO
SOKUSHENXISA IIMEKO EZIYIMIQOBO
KWIITAYITILE ZOBUNINI, UKWAHLULA
NENGIKELELO YOBHALISO
LWEPENALTHI: NGABAKWAPLAN ACTIVE
TOWN AND REGIONAL PLANNERS
EGAMENI LIKAMELINDA NELL

Kukhutshwe isaziso esihambelana nemiba yeSolotya lama-47 nelama-48 loMthethwana Osisihlomelo Somthethwana ongeZicwangciso Zokusetyenziswa koMhlaba kaMasipala waseOverstrand ku2020 (uMthethwana) esi saziso simayela nezi zicelo zilandelayo ezisebenza kwisiza esinguErf 273, De Kelders, nezaziwa ngolu hlobo:

Ukushenxiswa kweMeko eziyiMiqobo kwiitayitile zoBunini

Iisicelo esingemiba yeSolotya le16.(2)(f) loMthethwana wokushenxisa iimeko eziyimiqobo kwiitayitile zobunini E.(b), (c) no(d) njengoko ziqulethwe kwiitayitile yoBunini Nomb. T34164/2020 ukumisela ngokusemthethweni izakhiwo esezikhona kulo mhlaba.

Ukwahlula

Iisicelo esimayela nemiba yeSolotya le16.(2)(b) loMthethwana ukuze kumiselwe emthethweni izakhiwo esezikhona kulo mhlaba.

Inkqikelelo yePenalithi yobhaliso

Iisicelo singemiba emayela nezibonelelo zeSolotya lama90 loMthethwana ojqikelela ipenalithi yokubhalisa.

Iinkcukacha ezimayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwintsuku zaphakathi evekini ukusukela phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Izicwangciso ngeDolophu kwa16 Paterson Street, Hermanus.

Naziphi na izimvo mazibhalwe phantsi, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, kunye nomdla wakho kwesi sicelo nezizathu zokuhlomla, izimvo zakho mazifike kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi kwenyanga ka **10 EyoKwindla2023**. Imibuzo ngefowuni ingabhekiswa ku**Mcwangcisi weDolophu, Mnu P Roux** kwa0283138900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ukufunda nokubhala makaye kwiSebe likaMasipala ochanekileyo apho igosa likaMasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni.

Umlawuli Oyintloko, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Inothisi kaMasipala Nomb. 9/2023



All distances approximate
 and subject to survey.

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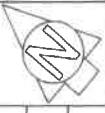
Property Description:
ERF 273
DE KELDERS

Plan Description:
LOCALITY PLAN

Scale: NTS

Drawing Nr:
 dekliders273i.drw

Date:
 OCTOBER 2022



**PROPOSED DETERMINATION OF AN ADMINISTRATIVE
PENALTY, DEPARTURE & REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS**

ERF 273 DE KELDERS

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by Malinda Nell, the owner of erf 273 De Kelders, to apply for the administrative penalty, departure and removal of the title deed conditions of the subject property.

Erf 273 De Kelders is 595m² in extent and is held by title deed no. T34164/2020.

There is an existing dwelling, second dwelling and three garages situated on the subject property. The subject property with the original dwelling with double garages and second dwelling was owned by three or four previous owners. Mr R. Lourens, bought the subject property in 2004 and sold the property to Mrs. Nell in 2020. It was a condition of the sale agreement of the subject property that approved building plans be provided indicating all the As Built structures on the subject property and it became evident that there are existing encroachments on the subject property. An As Built survey confirmed the latter. As part of the sales agreement the previous owner, Mr R Lourens, must address all encroachments and provide the new owner with the approved building plans for all the As Built structures on the subject property.

The current property owner wants to legalize all existing As Built structures. No new additions or alterations are proposed.

The application intends to address the unlawful structures and uses thereof, the building line and scheme regulation deviations and the removal of restrictive title deed conditions.

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 erf 273 De Kelders;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the departure (building lines, maximum width of a garage encroaching the building line and coverage)** of erf 273 De Kelders;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the **removal of restrictive title deed conditions** of erf 273 De Kelders.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 273 De Kelders is situated at 57 Cliff Street, De Kelders. Refer to the locality plan attached. Erf 273 De Kelders is 595m² in extent and is held by title deed no. T34161/2020.

The subject property gently slopes in a north-westerly direction and is characterized by residential structures (dwelling, second dwelling and three garages). There is an existing lower ground floor ($\pm 122,56\text{m}^2$) and ground floor ($\pm 290,44\text{m}^2$). The As Built balcony is 27,76m² in extent and the garage deck is 32,31m² in extent.

The dwelling on the subject property has spectacular sea views to the north, north-east and north-west.

3.2 ZONING

Erf 273 De Kelders has the following land use rights:

ERF NUMBER	ZONING
Erf 273 De Kelders	Residential Zone 1: Single Residential

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

3.3 LAND USE

There is an existing dwelling, second dwelling (flatlet) and three garages situated on erf 273 De Kelders. The subject property is therefore used for single residential living purposes.

A copy of the latest approved building plan is attached. The elevations on the latest approved building plan indicate the double garage and the flatlet on lower ground floor level. The building department in Gansbaai confirmed that this section of the dwelling (lower ground floor level) is therefore deemed approved.

Land uses that surround the subject property are double storey dwellings, guest houses, public open spaces, public roads and the Atlantic Ocean to the north.

3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for erf 273 De Kelders to accommodate the existing concrete balcony / garage deck, single garage, the street fronting balcony, the built braai and the kitchen that was converted to an en-suite bedroom that encroaches the relevant lateral and street building lines and the new living room addition outside of the relevant building lines 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 erf 273 De Kelders 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 street building line (Cliff Street) from 4m to 1,934m to accommodate the existing balcony on ground floor level;
 - relax the eastern lateral building line from 2m to 0m to accommodate the existing single garage on lower ground floor level and garage deck / balcony on top of the single garage on ground floor level;
 - relax the eastern lateral building line from 2m to 1,57m to accommodate the change of use of the kitchen to en-suite bedroom on ground floor level;
 - relax the western lateral building line from 2m to 1,57m to accommodate the As Built braai and the balcony on ground floor level;
 - to deviate from the Overstrand Land Use Scheme Regulations (2020), section 16.1.1 c)(iii) to accommodate the As Built single garage with a length of 9,886m;
 - to deviate from the maximum permissible coverage of the As Built structures from 50% to 58,96%.
3. The **removal of restrictive title deed conditions** of erf 273 De Kelders in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to remove conditions E.(b), (c) and (d) on page 4 of title deed no. T34164/2020 to:
 - Accommodate the balcony on ground floor level and a portion of the

existing dwelling units and garages on lower ground and ground floor levels that encroach the 4,72m title deed street building line (Cliff Street);

- Accommodate the As Built single garage on lower ground floor level and the garage deck / balcony on ground floor level that encroach the 1,57m lateral title deed building line;
- Accommodate the existing second dwelling unit on lower ground floor level;
- Accommodate the existing coverage of the As Built structures of 58,96% in lieu of the allowable 50%.

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

The current property owner wants to legalize all existing As Built structures. No new additions or alterations are proposed.

This application will address the encroachments of the existing As Built structures and where applicable the change of use of these structures.

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, 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**

There is an existing dwelling, second dwelling and three garages situated on the subject property. The original dwelling was owned by three or four previous owners. Mr R. Lourens bought the subject property in 2004 and sold the property to Mrs. Nell in 2020. It was a condition of sale of the subject property that building plans be approved to accommodate all the As Built structures on the subject property. It became evident that there are existing encroachments on the subject property and an As Built survey confirmed the latter. As part of the sales agreement the previous owner must address all encroachments and provide the new owner with the approved building plans for all the As Built structures on the subject property.

It was confirmed by the architect that the following structures are considered unlawful (based on the information obtained from the latest approved building plan):

- The concrete balcony / garage deck that was built over the single open (approved) parking bay with the simultaneous conversion of the open parking bay to a single garage;
- The balcony / concrete deck facing Cliff Street;
- The As Built braai;
- Approved kitchen was converted to an en-suite bedroom no. 1;
- Approved bedroom was converted to an office area (study);
- New en-suites were added to bedroom no. 2 and 3 with a guest lavatory in the middle;
- New living area addition.

A copy of the latest approved building plan is attached. The elevations on the latest approved building plan indicate the double garage and the bedroom / living area (flatlet) on lower ground floor level. The building department in Gansbaai confirmed that this section of the dwelling (lower ground floor level) is therefore deemed approved. It should be noted that the office area, en-suite bedrooms no. 2 and 3 and the guest lavatory are internal alterations done within the approved footprint that do

not encroach any building lines. The hall and laundry area footprint on the western erf boundary side are also indicated on the approved building plan.

Most of the As Built structures (inclusive of the balcony on the street front, the single garage as well as the second dwelling / flatlet on lower ground floor level) existed when the previous owner, Mr Lourens, bought the subject property in 2004. The aforementioned As Built structures and the subsequent uses thereof have therefore been in existence for at least the past ± 20 years. Mr Lourens indicated that these additions and alterations to the subject property were made by Mr J.J.K. Whiteman, who owned the property from 1982 until 2004.

The internal alterations to the As Built structures namely the new living area and the change of use of the bedroom to office (not encroaching any building lines), the braai, the change of use of the kitchen to en-suite bedroom no. 1 and adding an en-suite to bedroom no. 2 and 3 as well as a separate guest lavatory (all done within the approved structure footprint) were done by the current owner, Mrs M. Nell, in 2021, as improvements to the dwelling. Materials used for the new structures and / or additions were bricks that were plastered and roof sheets. Internal changes / alterations included the improvement of the floor and replacing the kitchen cupboards.

The concrete balcony / garage deck that was built over the single open (approved) parking bay is 32,31m². The new single garage beneath the garage deck / balcony is 29,39m². The zoning scheme regulations allow a structure for the housing of vehicles to be positioned within the side building lines, subject to certain conditions. The As Built concrete balcony / garage deck and single garage on the eastern erf boundary encroach the relevant lateral building lines and maximum permissible length for the consideration of the garage within the eastern lateral building line. A departure and removal of restrictive title deed conditions application is submitted simultaneously to address the building line encroachment.

The As Built street facing balcony is 27,76m² in extent. The balcony encroaches the relevant street building lines and the western lateral land use scheme building line. A departure and removal of restrictive title deed conditions application is submitted simultaneously to address the building line encroachment.

The new braai was added to the approved building footprint. A departure and removal of restrictive title deed conditions application is submitted to address the change of use within the western lateral building line.

The approved kitchen that was converted to an en-suite bedroom no. 1, the approved bedroom conversion to an office area (study) and the new en-suites that were added to bedrooms no. 2 and 3 with a guest lavatory in the middle were all change of uses done within the approved building footprint. The living room addition does not encroach any building lines. Only the change of use from kitchen to en-suite bedroom no. 1 and the built braai undertaken by the current owner are within the eastern lateral building line.

The total extent of the existing unlawful (or change of use) structures that encroach the relevant building lines is as follows:

	Land use scheme building line encroachment
Concrete balcony / garage deck	±19,79m ² (±61,25% of the garage deck encroaches the eastern lateral building line)
Single garage	±20,34m ² (±62,88% of the single garage encroaches the eastern lateral building line)
Balcony (Cliff Street)	±17,96m ² (±54,73% of balcony encroaches the street and western lateral building line)
En-suite bedroom no. 1	±1,44m ² (±31,37% of en-suite bedroom no. 1 encroaches the eastern lateral building line)
Braai	±1,03m ² (±49,28% of braai encroaches the western lateral building line)

The floor area of the existing As Built main dwelling is ±318,16m² in extent. The structures / portions that encroach the land use scheme building lines therefore takes up ±19% of the total extent of the dwelling.

Except for the single garage on the eastern erf boundary (used for vehicle storage purposes), all other structures are considered habitable spaces or form part of existing habitable areas (braai).

The position and nature of the As Built structures and the subsequent uses thereof are unobtrusive in nature and do not impact negatively on the surrounding properties, as no complaint from surrounding property owners has been received up to date. A building line departure application to accommodate the As Built structures is included in this application.

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

As previously mentioned, Mr Lourens sold the property to Mrs Nell in 2020. It was a condition of sale of the subject property that building plans be approved to accommodate all As Built structures on the subject property. When the architect started with the updating of the building plans, it became evident that there are existing encroachments on the subject property. It was therefore already known and acted upon in 2020 to correct these encroachments. There was however miscommunication between the existing and previous owners and the instruction to the architectural design firm over the past two years. The aforementioned caused some delay, but as soon as the previous owner confirmed that the matter requires urgent attention, the architect finalized the drawings.

Mrs Nell (existing owner) innocently (and unknowingly) undertook the internal alterations to the subject property in 2021 under the impression that the building plans were approved. The draughtsman (previously employed at the same architectural firm) and the contractor informed her that the building plans were finalized and approved before construction commenced on the subject property.

- **Whether the unlawful conduct was stopped**

The previous owner (Mr Lourens) was unaware that the As Built structures described above were never previously approved. The current owner became aware of the unlawful structures when she bought the subject property and planned the improvements to the dwelling. The previous and current owner are now attempting to rectify the contravention by submitting the administration penalty application and

subsequent departure and removal of restrictive title deed conditions application in order to legalise the As Built structures on the subject property.

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

If the Overstrand Municipality finds it necessary that an administrative penalty fee needs to be enforced for the unauthorised building work, we will submit a report from a quantity surveyor / building contractor with reference to the unauthorised building work. The reason being that if there is a chance that no penalty fee is imposed the report from a quantity surveyor will be unnecessary at this stage.

The architect has confirmed that the As Built single garage with garage deck / balcony and street front balcony's estimated construction cost in 2022 will be ±R124 000.00 (62m² x R2 000.00 / m²).

Mrs Nell confirmed that the internal changes to the existing main dwelling and the new living area addition's construction cost amounted to ±R1 000 000.00. The aforementioned includes the new floors and kitchen cupboards.

- **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 and previous owner, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration the low impact the As Built single garage with garage deck / balcony, the street front balcony and second dwelling (constructed by previous owners) have had and will continue to have on the surrounding area (as further motivated in the building line and removal of title

deed conditions application below). The internal alterations to the dwelling and change of use of certain areas of the dwelling as undertaken by the current owner were done within the existing approved building footprint. In addition, the new living area addition added by the current owner does not encroach the relevant building lines. The As Built structures have a minimal impact on the neighbouring properties since the footprint of the structures will remain unchanged.

It should also be considered that no complaints from surrounding property owners were submitted with regards to the As Built structures.

The previous and current owner have agreed on the way forward to address the unlawful structures and never hesitated to immediately give instruction to the consultants to assist in the matter to rectify the contravention by submitting a complete (and fully motivated) departure and removal of restrictions application and submitting a determination of an administrative penalty application. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owner for the reasons given above.

3.4.2 Departure (building line relaxations)

3.4.2.1 Existing single garage and garage deck / balcony

There was an open parking bay on the eastern erf boundary. This parking bay was converted to a single garage with a concrete balcony / garage deck on top of the single garage. The structure is positioned on the eastern erf boundary.

The concrete balcony / garage deck that was built over the single open (approved) parking bay is 32,31m² in extent. The new single garage situated under the garage deck / balcony is 29,39m². The zoning scheme regulations allow a structure for the housing of vehicles to be positioned within the side building lines, subject to certain conditions. The As Built concrete balcony / garage deck and single garage on the eastern erf boundary encroach the relevant lateral building lines and maximum permissible length for the consideration of the garage within the eastern lateral building line. A departure and removal of restrictive title deed conditions application is submitted simultaneously to address the building line encroachment.

An application is submitted for a departure to deviate from the eastern lateral building line of 2m to 0m to accommodate the existing single garage on lower ground floor level and the concrete balcony / garage deck on ground floor level. The single garage is 9,886m long. An application is submitted to deviate from the Overstrand Land Use Scheme Regulations (2020), section 16.1.1 c)(iii) to accommodate the As Built single garage on ground floor level with garage deck / balcony on top with a length of 9,886m.

The single garage is positioned $\pm 4,963\text{m}$ from the erf boundary (street front) with at least another 1m of tarred sidewalk followed by the Cliff Street tar road's edge. The single garage meets the street building line requirement. In addition, the front elevation of the garage is not closer than 5,0m to the road kerb or surface.

The As Built single garage and concrete balcony / garage deck were constructed within the 1,57m title deed lateral building line as well. It is proposed to remove the restrictive title deed condition to accommodate the As Built structure (refer to Section 3.14).

3.4.2.2 Existing single garage and garage deck / balcony

The existing balcony facing Cliff Street encroaches the Land Use Scheme street and western lateral building lines. As previously mentioned, the As Built street facing balcony is 27,76m² in extent. A departure and removal of restrictive title deed conditions application is submitted simultaneously to address the building line encroachment.

An application is submitted for a departure to accommodate the As Built street fronting balcony on ground floor level as follows:

- Street building line deviation from 4m to 1,934m (nearest point);
- Western lateral building line deviation from 2m to 1,57m.

The balcony is 3,18m high measured from the natural ground level, with a balustrade of 1m high. Refer to the north elevation of the dwelling. The design of the balcony meets all SANS10400 requirements. The balcony is considered an extension of the open plan kitchen / dining / lounge area and used as habitable space.

The As Built balcony facing the street front was also constructed within the 4,72m title deed street building line. It is proposed to remove the restrictive title deed condition to accommodate the As Built structure (refer to Section 3.14).

3.4.2.3 Existing braai area

The current owner added a braai area as part of the improvements done to the dwelling in 2021. The braai encroaches the Land Use Scheme western lateral building line. The braai is 1,075m x 2,385m in extent. An application is submitted for a departure to accommodate the As Built braai in the lounge area on ground floor level as follows:

- Western lateral building line deviation from 2m to 1,57m.

The braai was placed within the existing approved dwelling footprint. The height of the braai chimney is 7,081m measured from the base level and therefore meets the maximum height requirements for SR1 dwellings and braai chimneys.

3.4.2.4 Change of use within building footprint encroaching building lines: En-suite bedroom no. 1

The approved kitchen was converted to en-suite bedroom no. 1. Other internal alterations were also made as described in the administrative penalty section above; however, these alterations were done outside of the applicable building lines. Only the change of use from kitchen to en-suite bedroom no. 1 falls within the eastern lateral building line.

An application is submitted for a departure to accommodate the change of use from kitchen to As Built en-suite bedroom no. 1 as follows:

- Eastern lateral building line deviation from 2m to 1,57m.

The change of use occurred within the approved building footprint.

3.4.2.5 General

The following should be noted when considering the single garage with concrete balcony / garage deck and the balcony facing Cliff Street within the relevant building lines (constructed by previous owners):

- The structures have existed for ± 20 years without any complaints from neighbours.
- The visual impact of the As Built structures is considered minimal. All properties situated in Cliff Street enjoy unobstructed ocean views. In addition, the As Built structures meet the height requirements and the slope of the subject property minimalizes the impact on the views of the adjacent properties (keeping the impact on the properties at the back to a minimum).
- The single garage is positioned largely below the base level (refer to the east elevation) and the height of the garage deck / balcony is 2,915m measured from the base level. As a result, the single (lower ground) garage with garage deck meets the maximum height requirement of 3,5m for the approval of the structure on the 0m lateral building line.
- The As Built single garage, garage deck and street facing balcony are considered an integral part of the design and value of the subject property. In addition, the single garage is the third parking bay required to accommodate the existing second dwelling unit on the subject property. Thus, to demolish the structures to make it compliant to the relevant building lines, will diminish the aesthetic and property value of the dwelling.

The following should be noted when considering the braai and change of use from kitchen to en-suite bedroom no. 1 within the relevant building lines (undertaken by current owner):

- The braai area was placed within the existing lounge area within the existing approved dwelling footprint. The use of the lounge is already for socializing and entertainment purposes. Hence the braai addition will not change the use of this section of the dwelling. As a result, the impact of the proposed braai is considered low.
- The braai chimney does not exceed the maximum permissible height.
- The change of use from kitchen to en-suite bedroom no. 1 occurred within the approved building footprint. The approved building plan already indicates a window facing the neighbours to the east. The windows were altered as

indicated on the site development plans but are still situated 1,57m away from the erf boundary.

Refer to the site development plan attached for the site plan, roof plan, floor layout plans, elevation plans and sections. Take note that the double garage and en-suite bedroom with open plan lounge / kitchen / dining area on lower ground floor level were approved in the past. The en-suite bedroom with open plan lounge / kitchen / dining area is now used as a second dwelling unit as indicated on the plans. The latter use is considered a primary use for SR1 zoned properties, and the change of use is within an approved structure outside of the applicable building lines.

The removal of the restrictive title deed condition application is addressed in Section 3.14.

The proposed application does not have any impact on the character or property values of the surrounding properties since all structures and uses thereof already exist on the subject property.

The existing structures on the subject property do not create an infringement to any passing traffic or public activity due the position of the As Built structures on site in relation to the existing structures on the neighbouring properties and the road reserve of Cliff Street.

It is submitted that the massing and height of the existing structures are compatible with the character of the area, regardless of the departure being applied for.

The zoning of erf 273 De Kelders will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes). The height of all As Built structures complies with the permissible height requirements for SR1 zoned properties. All buildings and uses thereof that encroach the applicable building lines as indicated on the site development plan already exist and the application addresses existing structures that encroach the building lines. Consequently, the proposed departure and removal of restrictive title deed conditions will not have a greater visual impact on the surrounding properties. The impact on the adjacent property owners and the passers-by will therefore be marginally higher than if these structures did not exist.

The schedule of rights for the subject property is as follows:

SCHEDULE OF RIGHTS	
PROPERTY DESCRIPTION	
Erf Number: 273	Site Area: DE KELDERS
Erf size: 595m ²	
ZONING INFORMATION	
Town planning Scheme: OVERSTRAND	
Use Zone: GENERAL RESIDENTIAL ZONE	
DEVELOPMENT CONTROL MEASURES	
Existing Ground Floor	: 88.50m ²
New Garage	: 34.06m ²
Existing First Floor	: 237.72m ²
New First Floor Addition	: 52.72m ²
New Balcony	: 27.76m ²
New Garage Deck	: 32.31m ²
TOTAL	: 473.07m²
Coverage	58.96%
PRIMARY DWELLING	: 318.16m²
SECONDARY DWELLING	: 38.70m²
The information provided above is hereby certified to be correct & precise	
Name: JLS GERICKE	Signature:
Date: 04 AUG 2022	Plan No: 57/RL/22

The total coverage of 58,96% exceeds the maximum permissible coverage of 50% for SR1 zoned properties. An application is therefore submitted for a departure to deviate from the provisions of Chapter 6, section 6.1.2 (a) to deviate from the maximum permissible coverage of 50% to 58,96% to accommodate all As Built structures on the subject property. The subject property is 595m² in extent, but larger dwellings in this area of De Kelders are the norm. The exceeding coverage is the result of previous owners merely adding to the building on the property without the necessary approvals. In addition, the current owner also unknowingly added to and improved the dwelling without the necessary approvals in place. We request that the deviation from the maximum permissible coverage be considered favourably to keep the redeveloped and improved dwelling unchanged.

It is submitted that the existing structures are compatible with the character of the area, do not impact negatively on the rights of anyone else and that no good reason exists for not approving this application.

When considering the proposed building line deviations and removal of restrictive title deed conditions, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed departure and removal of restrictive title deed conditions of erf 273 De Kelders are not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only (such as bed-and-breakfast establishments, day care, guest house and home occupation uses). The proposed departure and removal of restrictive title deed conditions will not hinder any possible future land use applications on erf 273 De Kelders.

The subject property has the potential and allows for the deviations being applied for since most of the As Built structures have been on the subject property for a considerable period without any complaints from neighbours. The additions and improvements undertaken in 2021 have also not received complaints up to date and are aesthetically pleasing. All existing structures meet the maximum of 8m height requirement for SR1 zoned properties as depicted on the site development plan.

The following should be noted when considering the potential of the site:

- The visual impact will be kept to a minimum since the structures have been on the property for a few years now and no new additions / alterations are proposed.
- The massing and scale of the As Built structures are compatible with the area.
- The slope of the subject property favours the As Built redeveloped dwelling

since it minimalizes the impact on the views of the adjacent properties (keeping the impact on the properties at the back to a minimum).

- All As Built structures form an integral part of the design of the dwelling thus to demolish the structures to make it compliant with the relevant building lines and coverage will diminish the aesthetic and property value of the dwelling.

The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the departure and the removal of the title deed conditions. The following factors confirm the potential of the property to accommodate the proposed building line deviations:

- Good quality materials were used when the existing structures were built;
- The architectural style of the As Built structures matches the architectural style of the approved structures;
- The height of the As Built and approved structures will remain unchanged;
- The As Built structures add value to the subject property;
- The position of the structures from the edge of the tar road keeps the impact on views from the adjacent properties towards the ocean unobstructed.

3.6 ECONOMIC IMPACT

The proposed departure and removal of restrictive title deed conditions are to accommodate existing structures and uses thereof. The proposed departure and removal of restrictive title deed conditions will allow the owner to legalise the existing structures, and this will favour the resale of the property in the future and have a positive impact on the adjacent properties.

The approval of the As Built structures will save the owner the cost of demolishing these structures. The proposed building line deviations, regulation departures and removal of the subsequent restrictive title deed conditions will have a low but positive impact on the local economy.

3.7 SOCIAL IMPACT

The proposed departure and removal of restrictive title deed conditions will have no impact on the social status quo of the area. The building line deviations, regulation departures and removal of restrictive title deed conditions will however allow the owner to keep the existing As Built structures 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 situated in an existing sea front, low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with mostly double storey dwellings and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the structures on erf 273 De Kelders (and the respective uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

In addition, to accommodate (legalise) the existing As Built structures that encroach the relevant building lines and deviate from the scheme regulations will contribute towards the value of the subject property and consequently have a positive impact on the area. The use of the subject property will primarily remain for residential purposes (main dwelling, second dwelling and outbuildings / garages).

There is no impact on the streetscape as discussed in detail in Sections 3.4 and 3.5 of this report.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The As Built structures will have no impact on the usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure and removal of restrictive title deed conditions will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that a maximum of two families (one family in the main dwelling and one person / small family in the second dwelling unit) will continue to occupy the subject property.

Since the proposed departure and removal of restrictive title deed conditions are 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 000m². Consequently, the proposed application for departure and removal of restrictive title deed conditions does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 273 De Kelders is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme Heritage Overlay Zone (2020). The subject property is also not earmarked for heritage conservation purposes with

reference to the Overstrand Municipal Growth Management Strategy (2010). It is also not demarcated as part of a Heritage Protective Overlay Zone (2020) for the area.

The dwelling on the subject property is not older than 60 years. The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure and removal of restrictive title deed conditions will not have a negative impact on the heritage value of the De Kelders or Greater Gansbaai area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure and removal of a title deed conditions do 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 Overlay Zone (2020).

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 273 De Kelders will remain unchanged and will be from Cliff Street. Refer to the site development plan. No new access points are proposed.

The Overstrand Municipality Land Use Scheme Regulations (2020) stipulate that a minimum of two parking bays are required for a dwelling house and an additional parking bay for a second dwelling unit. The subject property is developed with a

double garage (approved) and a single garage (As Built). Provision is therefore made for three parking bays on site. The dwelling house and second dwelling on erf 273 De Kelders therefore comply with the minimum parking requirements for SR1 zoned properties.

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. T34164/2020 has restrictive title deed conditions that need to be removed to accommodate the departure of the prescribed building lines and deviations from the land use scheme regulations as well as the As Built second dwelling unit on the subject property. Refer to a copy of the conveyancer's certificate compiled by Mr H.L. van Zyl of Van Zyl Kruger Attorneys dated 18 October 2022 attached.

It is proposed to remove the following restrictive title deed conditions registered by the Administrator (now the Overstrand Municipality) to accommodate the proposed departure and existing primary land uses of erf 273 De Kelders:

Title deed no. T34164/2020, page 4, paragraph E.(b), (c) and (d) that read as follow:

"E. SUBJECT FURTHER to the conditions imposed by the Administrator pursuant to the provisions of Ordinance Number 33 of 1934 and contained in said Deed of Transfer Number T1236 dated 20th February 1941, namely:-

*IN FAVOUR OF THE REGISTERED OWNER OF ANY ERF IN DE KELDERS
EXTENSION NO 1 TOWNSHIP:*

(b) That not more than one-half the area of this erf be built upon.

(c) That not more than one dwelling together with the necessary outbuildings and appurtenances be erected on this erf.

(d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf or within 1,57 metres of the boundary of any

adjoining erf provided that this latter restriction shall not apply to the common boundary of erven held as one under consolidated title.

The reasons for the removal of the conditions specified above are as follow:

- The coverage of the As Built structures is 58,96%. It is proposed to retain all the As Built structures. As a result, more than half of the area of the subject property is already built upon and condition E.(b) is therefore deemed restrictive;
- Condition E.(c) restricts the use of the subject property to one dwelling with associated outbuildings only. A second dwelling unit is a primary right in terms of the SR1 zoning. The subject property is already developed with a second dwelling unit on the lower ground floor level (en-suite bedroom with open plan lounge / dining / kitchen area). Provision is also already made on site for an additional parking bay for the second dwelling unit (As Built single garage on lower ground floor level). It is therefore proposed to remove this condition to allow the owner to retain the second dwelling unit;
- The street building line restriction / condition E.(d) in Title Deed no. T34164/2020 is more restrictive (4,72m) than the land use restrictions prescribed in the Overstrand Municipality Land Use Scheme, 2020 (4m). Although the lateral building lines prescribed in the title deed are less restrictive, the Land Use Scheme now governs land use planning in De Kelders. The largest extent of the As Built dwelling, second dwelling and outbuildings (garages) meets the 4,72m street building line and 1,57m lateral building lines, except for the following structures:
 - The As Built single garage and garage deck / concrete balcony are positioned on the 0m eastern lateral building line and as a result encroach the 1,57m title deed lateral building line requirement;
 - The street facing balcony is positioned 1,934m from the street boundary and therefore encroaches the 4,72m title deed street building line;
 - Although the existing main dwelling, second dwelling and double garage meet the 4m Land Use Scheme street building line requirement, the aforementioned As Built structures slightly encroach

the 4,72m Title Deed building line as indicated on the site development plan.

Section 39(5) of the Land Use Planning Act (LUPA), 2014, stipulates that a Municipality should have regard to the following factors when considering the "removal, suspension or amendment of a restrictive condition":

- ***The financial or other value of the rights in terms of the restrictive conditions enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement***

The removal of the restrictive conditions intends to increase the use rights of the property to permit the As Built structures that were constructed by the previous property owners, the uses thereof (second dwelling) and exceeding coverage described above. The value of the rights is vested in the owners of the properties of Extension 1 of De Kelders.

Property owners not seeking that the title deed building line restrictions should be in line with the zoning scheme regulations' restrictions will favour the restrictive title deed conditions since the conditions impede the development of a residential property in line with the zoning scheme. As previously mentioned all As Built structures, except for the single garage and garage deck / concrete balcony on the eastern erf boundary, meet the 1,57m title deed lateral building line requirement.

The existing As Built development (and its encroachments) is not an unusually large-scale form of development that encroaches the building lines. The street building line condition is more restrictive than the zoning scheme regulations' building lines. And where scheme building lines are encroached, it is to address the existing structures. Furthermore, the primary use for SR1 zoned erven includes a second dwelling. Removing the "one dwelling only" condition will allow the owner to continue to exercise her primary land use right.

- ***The personal benefits which accrue to the holder of rights in terms of the restrictive conditions***

The conditions were imposed by the Administrator for the benefit of Extension 1 of De Kelders. The only personal benefit to each holder is that the property is more restricted in terms of developing any structures on the subject property. However, all structures addressed in this application are As Built and no additions or alterations are proposed. The Administrator is now the Overstrand Municipality, who governs land use applications in line with the existing Land Use Scheme Regulations and relevant spatial planning policies. To keep the title deed conditions will neither have any personal benefit to the Administrator / Overstrand Municipality nor the properties in whose favour the conditions were registered.

- ***The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if they are removed***

The removal of the restrictive title deed conditions will bring about personal benefits to the current landowner since it will allow her to legalise the existing structures and the uses thereof that will in turn benefit the resale value of the property in future. The 4,72m street building line as stipulated in the title deed has a negative impact on the developable area of the land since it shrinks it with $\pm 13,6\text{m}^2$ (18,89m x 0,72m).

The existing property owner will be able to enjoy the personal benefits of the existing structures instead of demolishing the structures. The latter will have a great financial burden on the current property owner. To remove the title deed restrictions will allow the property owner to keep the existing structures and uses thereof as indicated on the site development plan. It will also imply that the building plans for erf 273 De Kelders can be approved and in turn the conditions of the sale of erf 273 De Kelders will be met.

- ***The social benefit of the restrictive conditions remaining in place in its existing form***

The social benefit if the title deed conditions were to remain unchanged and enforced on the existing As Built structure will be minimal. If the conditions remain unchanged, the owner must adhere to the title deed's stricter street building line, the second dwelling unit will have to be altered to form part of the main dwelling unit and a large extent of the As Built dwelling and / or

outbuildings will have to be demolished to comply with the 50% coverage requirement. The impact on the neighbouring properties with regards to privacy, noise, impact on the street scape, etc. will be marginally lower since the title deed's street building line is more restrictive than the scheme regulations' street building line; and since a lower coverage will imply a lesser floor area and changed massing of the buildings on site.

To keep the 4,72m title deed street building line and the 50% maximum coverage requirement will have no benefit to neither the property owner nor the adjacent properties since the existing structures already encroach the street building line and coverage and no complaints have been received from the immediate property owners over the years.

- ***The social benefit of the removal or amendment of the restrictive conditions***

The removal of the restrictive title deed conditions will allow the scheme regulations' building lines to set the rules for future development on the subject property. The social benefit will therefore only be to the property owner of erf 273 De Kelders since it will allow her to keep the existing As Built structures that encroach onto the title deed street building line on the subject property and allow future additions to be constructed in line with the zoning scheme regulations' building lines only. In addition, it will allow the property owner to keep all As Built structures with the coverage as it currently stands. It will also allow the property owner to retain the second dwelling unit and continue to benefit from the social and financial gain such a unit brings to a SR1 zoned property.

- ***Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights***

The removal of the restrictive conditions will not remove all rights enjoyed by the beneficiaries, but only some rights and will instead expand the value of these rights to accommodate the existing structures with departures where applicable. The latter is more desirable for the zoning and extent of the subject property without having a detrimental impact on the rights of anyone else or the character of the area. All other title deed conditions not mentioned in this report will be retained.

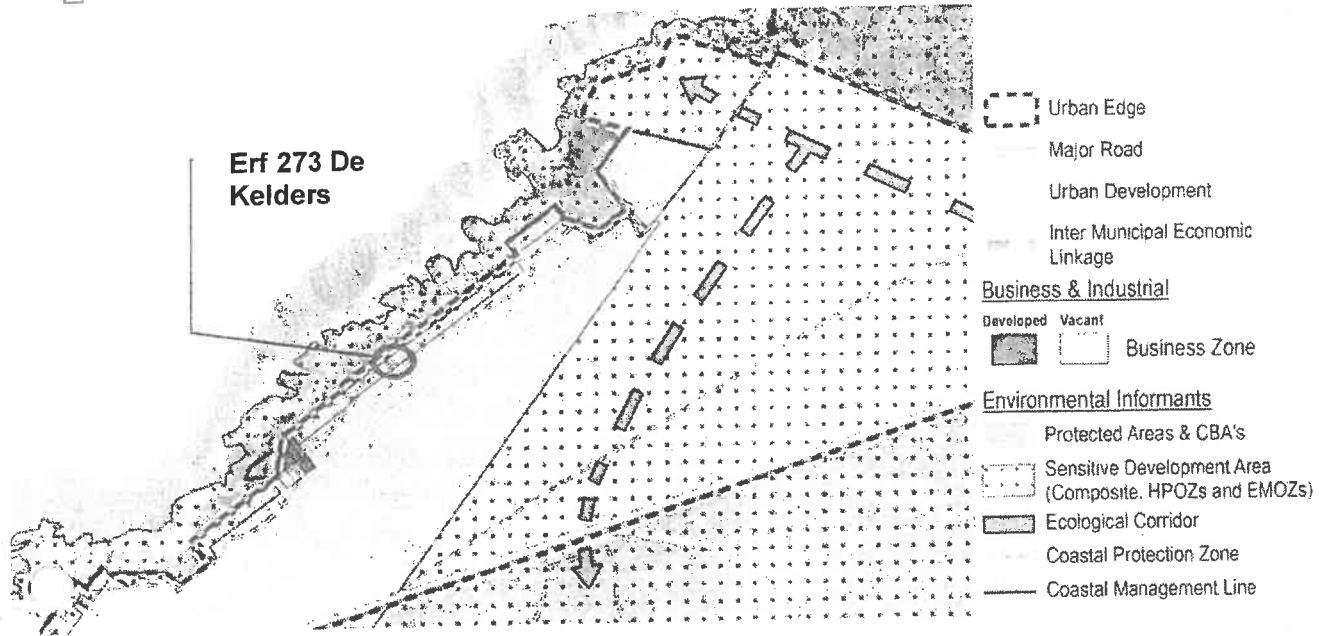
There is no bond registered against erf 273 De Kelders.

From the above as well as the motivation in Sections 3.4 and 3.5 of this report it is evident that the removal of the restrictive title deed conditions can be favourably considered.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 273 De Kelders is situated, for urban development purposes. The subject property falls within the Coastal Protection Zone as indicated by the green dotted line - refer to the Spatial Development Framework Plan (2020) below. No new development is proposed (all structures to be accommodated already exist). A large extent of the development footprint has approved building plans and therefore the application is merely to an improved erf within the urban edge with no impact on the biophysical environment.

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 and removal of the restrictive title deed conditions 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 erf 273 De Kelders forms part of Planning Unit no. 1. This planning unit stipulates an increase in density from 11,3du/ha to 14,7du/ha. Part of the application is to accommodate an existing second dwelling unit on the subject property. The slight increase in density for the area by means of second dwellings is a preferred choice of densification for the area. The land use application for the subject property therefore falls within the existing planning for the De Kelders area.

The proposal will promote land development in a location that is sustainable. The proposed departure and removal of restrictive title deed conditions are 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 De Kelders 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 ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1904.

The proposed application will not promote spatial development imbalances. This application is for an erf as per the establishment of the existing De Kelders Township. The proposed application is in character with the existing area where similar applications have been approved in the past and therefore, the approval of the proposed application will not be spatially biased.

Spatial sustainability: The proposed departure and removal of restrictive title deed conditions will have no impact on the visual elements of the subject property and surroundings since all the structures already exist. It is submitted that the proposed application is compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the building lines has no impact on the massing of the buildings and the impact on the streetscape or passers-by. The As-Built unlawful structures and the uses thereof merge well with the approved structures. The impact on the biophysical environment will also be kept to a minimum since the structures already exist.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the location of the subject property, the existence of the structures on the subject property for the past few years, etc. allow for the consideration and approval of the proposed deviations and removal of restrictive title deed conditions without having an adverse impact on the spatial sustainability of the area. To accommodate the As Built structures and the subsequent uses thereof is to

an improved erf within an established residential area will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The property will be compatible with the character of the area and does not impact negatively on the rights of any adjacent property owner.

Efficiency: The subject property is easily accessible and conveniently located close to Gansbaai, Hermanus and major routes. The massing and height of the property will be in line with the relevant zoning scheme regulations. It proves to be resourceful to approve the As Built structures and the uses thereof since it is compatible with the existing built environment and the way the additions and alterations were done by the previous and current property owners is aesthetically pleasing.

It proves to be efficient to accommodate the existing structures and its uses by approving the proposed departure and removal of restrictive title deed conditions of erf 273 De Kelders instead of demolishing the structures and as a result negatively impact on the whole look and feel of the subject property.

The proposed departure and removal of restrictive title deed conditions prove to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues 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 in the form of a second dwelling unit is in line with the relevant densification policies for the area;
- The zoning and primary land use of the subject property will remain unchanged;
- The deviations from the applicable scheme regulations' building lines are to accommodate As Built structures only;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic and services will be kept to a minimum;
- Ample parking bays are provided on site for both the main dwelling and second dwelling;
- 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.

ALL WORK IS EXISTING
AND TO BE LEGALIZED

SCHEDULE OF RIGHTS	
PROPERTY DESCRIPTION Erf No: 273 Erf Size: 595m ²	Site Area: DE KELDERS
ZONING INFORMATION	
Town Planning Scheme: OVERSTRAND Use Zoning: GENERAL RESIDENTIAL ZONE	
DEVELOPMENT CONTROL MEASURES	
Existing Ground Floor	: 85.50m ²
New Garage	: 34.06m ²
Existing Flat Floor	: 237.72m ²
New Flat Floor Addition	: 52.78m ²
New Balcony	: 27.78m ²
New Carriage Deck	: 35.31m ²
TOT Covered Area	: 55.96m ²
PRIMARY DWELLING	: 318.16m ²
SECONDARY DWELLING	: 38.70m ²

The information provided above is hereby certified to be correct & precise

Name: JLS GERICKE Signature: _____
Date: 04 AUG 2022 Plan No: 57/RU22

IMPORTANT NOTE:
THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING:
1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS
2. ISOTHERM INSULATION IN ROOF VOID
3. SOLAR GETSERGAS GETSER

PREBROISED ADDITIONS & AS BUILD FOR MR R LOURENS ON ERF 273, DE KELDERS, OVERSTRAND MUNICIPALITY.

DESCRIPTION:
CONTOUR SITE PLAN & ROOF PLAN

SHEET FORMAT: AZ
SCALE: As indicated
PAGE #: 1
DRAWING DATE: 05 AUG 2022
PLLOT DATE: 11-Oct-22 3:47:42 PM

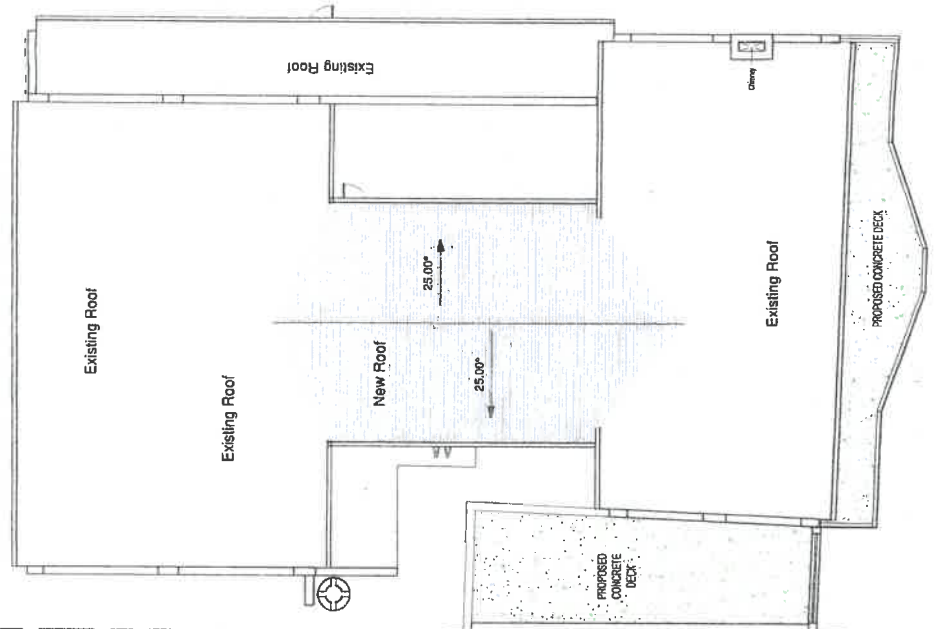
OCUPATION: H4
DRAWING #: 57/RU22

DRAWN: Johan Gericke
SIGNATURE: _____

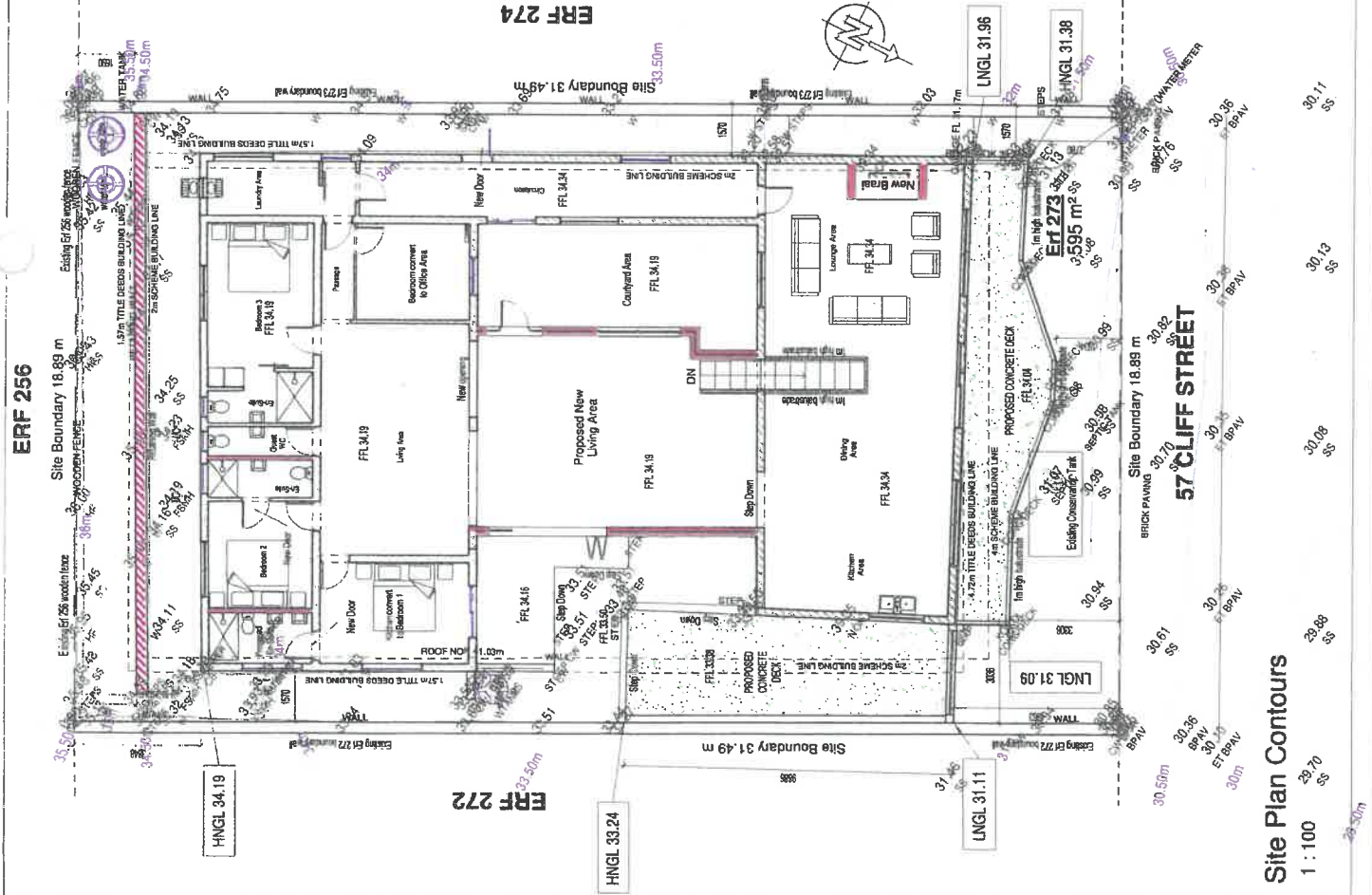
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Roof Plan Layout
1 : 100



Site Plan Contours
1 : 100

ALL WORK IS EXISTING AND TO BE LEGALIZED

LEGEND:	
SITE PLAN VIEW:	All New Work
PLAN VIEW:	New Brickwork
	New Timberwork
	New Steel Elements
	New Foundation/Concrete work
	Existing building/structures
	Dismantled work
ELEVATIONS:	New Brickwork
	New Timberwork
	New Plan/Protection Elements
	Existing building/structures
SECTIONS:	New Timberwork
	New Plan/Protection Elements
	Existing building/structures

IMPORTANT NOTE:

THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING!

1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS
2. BOTHERM INSULATION IN ROOF VOID
3. SOLAR GEYSER/GAS GEYSER

PREPROPOSED ADDITIONS & AS BUILD FOR MR R LOURENS ON ERF 273, DE KELDERS, OVERSTRAND MUNICIPALITY.

DESCRIPTION:

SITE PLAN & GROUND FLOOR

SHEET FORMAT: AZ

OCCUPATION: H4

SCALE: As indicated

DRAWING #: 57/RL/22

PAGE #: 2

PLOT DATE: 05 AUG 2022

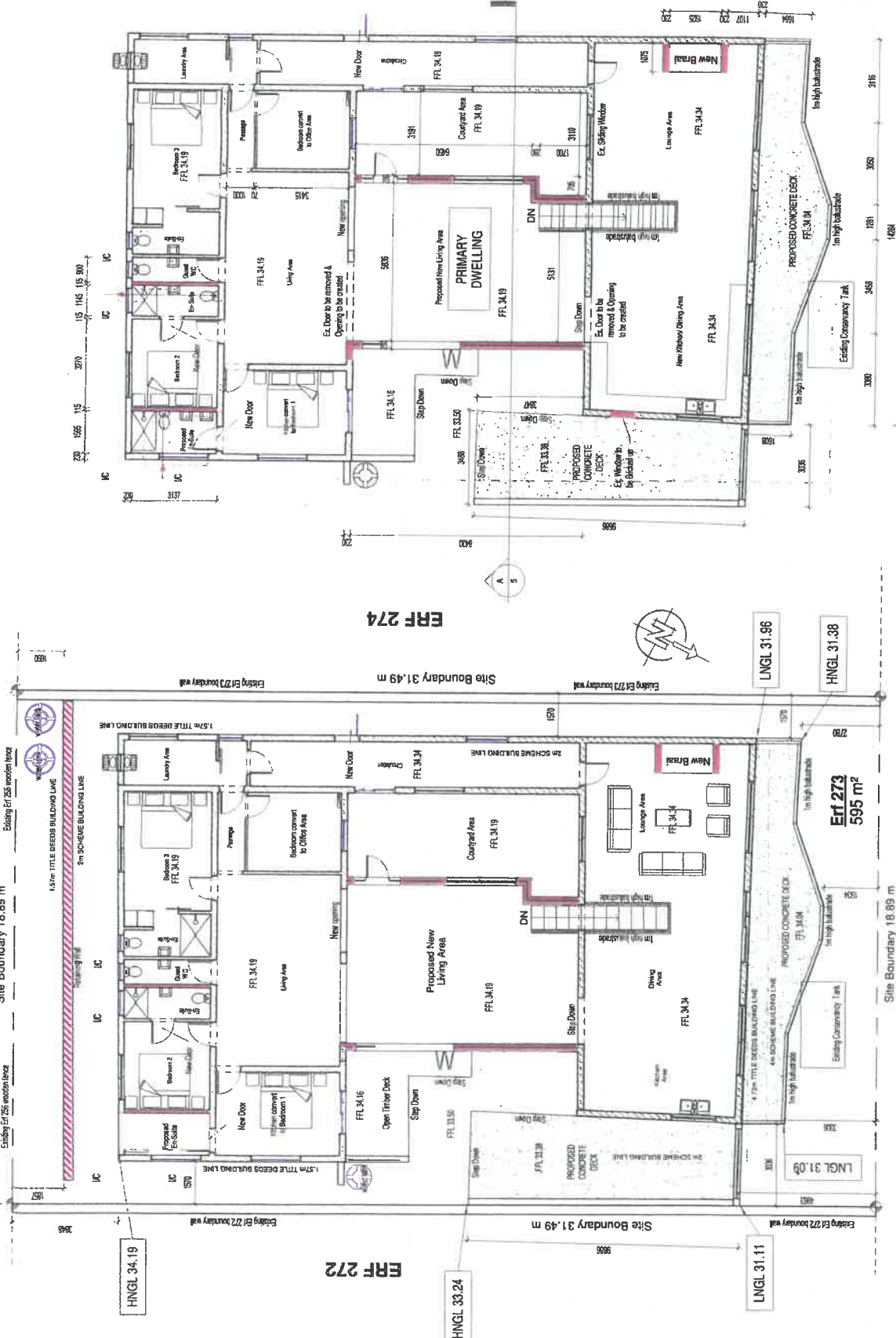
DRAWING DATE: 11-Oct-22 3:47:44 PM

DRAWN: Johan Gerlicke

SIGNATURE: *Johan Gerlicke*

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 S: 06669 Prof Arch Draught



Ground Floor
1 : 100

57 CLIFF STREET
1 : 100

Site Plan No Contours
1 : 100

ERF 256

Site Boundary 18.89 m

1.57m TITLE DEEDS BUILDING LINE
2m SCHEME BUILDING LINE

ERF 274
Site Boundary 31.49 m

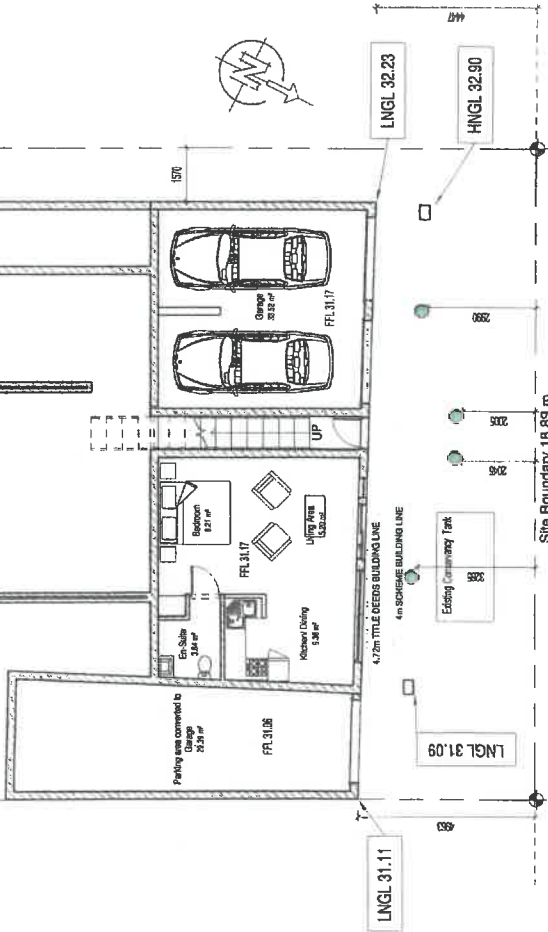
1.57m TITLE DEEDS SUB-DIVISION LINE
2m SCHEME BUILDING LINE

ERF 273
595 m²

1.57m TITLE DEEDS BUILDING LINE
2m SCHEME BUILDING LINE

ERF 272

Site Boundary 31.49 m



Lower Ground - Garage

1 : 100

LEGEND:

SITE PLAN VIEW:

All New Work

PLAN VIEW:

- New Brickwork
- New Masonry
- New Steel Elements
- New Foundation/Concrete work
- Existing building/substructure
- Demolished work

ELEVATIONS:

- New Brickwork
- New Plasterwork
- New Timberwork
- Existing building/substructure

SECTIONS:

- New Timberwork
- New Fire Protection Elements
- Existing building/substructure

IMPORTANT NOTE:

THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING!

1. ALL GLAZING ACCORDING FENESTRATION CALCULATIONS
2. ISO THERM INSULATION IN ROOF VOID
3. SOLAR GEYSER/GAS GEYSER

PROPOSED ADDITIONS & AS BUILT FOR MR R LOURENS OVERSTRAND KELDERS, OVERSTRAND MUNICIPALITY.

DESCRIPTION:

SITE PLAN & LOWER GROUND FLOOR

SHEET FORMAT: H4

OCCUPATION: H4

SCALE: As indicated

DRAWING #: 57/RL/22

PAGE #: 3

DRAWING DATE: 05 AUG 2022

PLAT DATE: 11-Oct-22 3:47:45 PM

DRAWN: Johan Gericke

SIGNATURE:

A 3 ARCHITECTURE
www.a3architecture.co.za
14, Oude Oos 1950, Cape Town, 7701
SACAP : DBESA Group Arch Draught

SCHEDULE OF RIGHTS

PROPERTY DESCRIPTION
Site Area: DE KELDERS
Erf Number: 273
Erf size: 595m²

ZONING INFORMATION

Town planning Scheme: OVERSTRAND
Use Zone: GENERAL RESIDENTIAL ZONE

DEVELOPMENT CONTROL MEASURES

Existing Ground Floor : 88.50m²
New Garage : 34.08m²
Existing First Floor : 237.72m²
New First Floor Addition : 52.72m²
New Balcony : 27.76m²
New Garage Deck : 32.31m²
TOTAL : 473.07m²
Coverage : 59.95%

PRIMARY DWELLING : 318.16m²
SECONDARY DWELLING : 38.70m²

The information provided above is hereby certified to be correct & precise

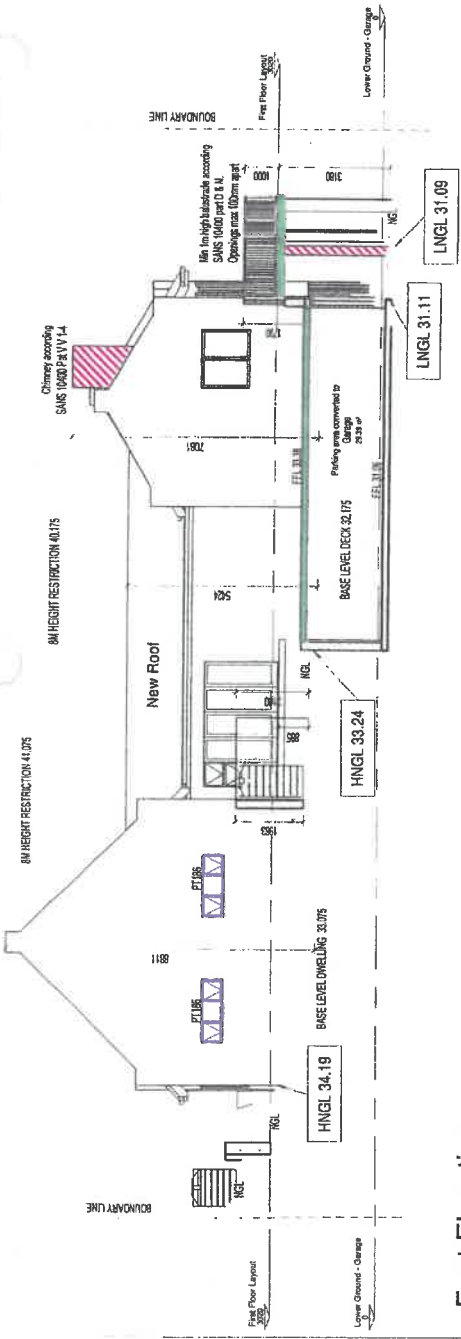
Name: JLS GERICKE Signature:
Date: 04 AUG 2022 Plan No: 57/RL/22

LINESHIPS:

- New Sewerage line Above Slab/Wall - 110mm PVC
- New Waste line Above Slab/Wall - 50mm PVC
- New Waste line Under Slab - 110mm PVC
- New Waste line Under Slab - 50mm PVC
- Existing sewer line
- New Stormwater Lines
- New Gas line
- New Cold water line
- New Hot water line

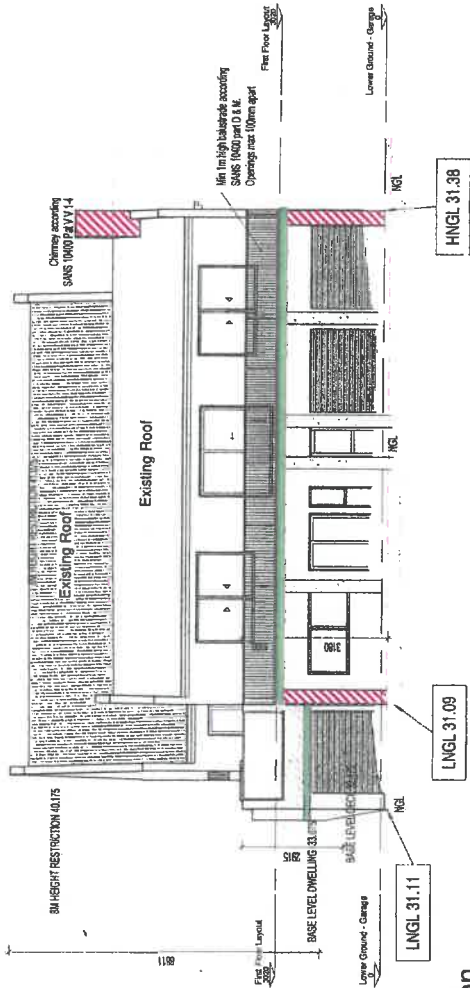
PLUMBING WORK

RE	Roofing Eye	NGL	Natural Ground Level
IE	Inspection Eye	FGL	Finished Ground Level
VP	Vent pipe	FFL	Finish Floor Level
WP	Waste pipe	IL	Invert level
SP	Soil pipe	RC	Reinforced Concrete
IC	Inspection chamber	FC	Fibre cement
CE	Cleaning Eye	SNP	Stormwater pipe
TP	Toilet Pan	RMP	Roofwater pipe
UB	Urinal Basin	SC	Stormwater channel
U	Unit	FA	From above
SW	Shower	FB	From below
G	Gully	TA	To above
B	Bath	TB	To below
GT	Grates trap	IN	In wall
MH	Mainhole	USB	Under surface bed
S	Sink		
WT	Wash Trough		
BT	Bidet		



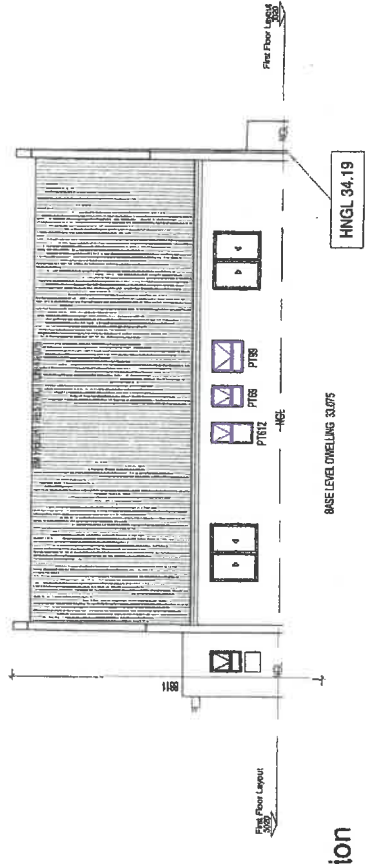
East Elevation

1 : 100



North Elevation

1 : 100



South Elevation

1 : 100

IMPORTANT NOTE

THE FOLLOWING MUST BE STRICTLY ADHERED TO AND INSTALLED BEFORE SIGN OFF OF DWELLING!

1. ALL GLAZING ACCORDING PENETRATION CALCULATIONS
2. ISOTHERM INSULATION IN ROOF VOID
3. SOLAR GEYSER/GAS GEYSER

PREPROPOSED ADDITIONS & AS BUILD FOR MR R LOURENS ON ERF 273, DE KELDERS, OVERSTRAND MUNICIPALITY.

DESCRIPTION:

ELEVATIONS

SHEET FORMAT: A2	OCCUPATION: H4
SCALE: 1 : 100	DRAWING #: 57/RL/22
PAGE #: 4	PLOT DATE: 11-Oct-22 3:47:47 PM
DRAWING DATE: 05 AUG 2022	SIGNATURE: <i>[Signature]</i>
DRAWN: John Gerlicke	ARCHITECTURE: GERLICKE
<p>www.gericke-architecture.co.za info@gericke-architecture.co.za Tel : 082 894 1859 Fax : 082 153 0554 SBCAP : 0265 Prof Arch Draught</p>	



