



OVERSTRAND MUNISIPALITEIT
ERF 987, MOFFATSTRAAT 30, EASTCLIFF,
HERMANUS: AANSOEK OM OPHEFFING VAN
BEPERKENDE TITELAKTEVOORWAARDES,
AFWYKING EN BEPALING VAN N
ADMINISTRATIEWE BOETE: INTERACTIVE TOWN
AND REGIONAL PLANNERS NAMENS PM HEYNS

Kennis word hiermee gegee ingevolge Artikels 47 van die Overstrand Munisipaliteit Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoek wat ontvang is van toepassing op Erf 987, Eastcliff, Hermanus, naamlik:

Opheffing Van Beperkende Titelaktevoorwaardes
Ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes: B.(A)(d) soos opgevat in Titelakte Nr: T48386/2017.

Afwyking

Ingevolge Artikel 16(2)(b) van die Verordening vir die verslapping van die suid-oostelike laterale boulyn vanaf 2m na 0m en die agterste boulyn vanaf 2m na 0m ten einde die motorhuis te omskep in 'n stokperdjiekamer en stoorkamer toe te laat.

Bepaling van 'n administratiewe boete

Ingevolge artikel 16(2)(q) van die Verordening, ten einde die bestaande 33.9m² omgeboude stokperdjiekamer en stoorkamer te wettig wat die titelakte en soneringskema agterboulyne oorskry.

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

Enige kommentare moet skriftelik ingedien word ingevolge die bepaling van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za bereik voor of op **Vrydag, 22 Julie 2022**, met u naam, adres en kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mr P Roux** by 028-3138900. Die Munisipaliteit mag weier om kommentare 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 formuleer.

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

Munisipale Kennisgewing Nr. 71/2022

OVERSTRAND MUNICIPALITY
ERF 987, 30 MOFFAT STREET, EASTCLIFF,
HERMANUS : APPLICATION OF REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS,
DEPARTURE AND DETERMINATION OF AN
ADMINISTRATIVE PENALTY: INTERACTIVE TOWN
AND REGIONAL PLANNING ON BEHALF OF PM
HEYNS

Notice is hereby given in terms of Sections 47 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) that the following applications have been received applicable to Erf 987, Eastcliff, Hermanus, namely:

Removal of Restrictive Title Deed Conditions

In terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition: B.(A)(d) as contained in Title Deed No: T48386/2017.

Departures

In terms of Section 16(2)(b) of the By-Law for the relaxation of the south-eastern lateral building line from 2m to 0m and the rear building line from 2m to 0m, in order to allow for the conversion of the garage into a hobby room and storage room.

Determination of an administrative penalty

In terms of Section 16(2)(q) of the By-Law, in order to legalise the existing 33.9m² converted hobby room and storage room exceeding the title deed and zoning scheme rear building lines.

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

Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za on or before **Friday, 22 July 2022**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comment 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.

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

Municipal Notice No. 71/2022

UMASIPALA WASE-OVERSTRAND
ISIZA 987, 30 MAIN ROAD, EASTCLIFF,
HERMANUS : ISICELO SOKUSUSWA
KWEMIQATHANGO ENEZITHINTELO KWITAYITILE,
UKUNYENYISWA KUNYE NOKUPHELISWA
KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN
& REGIONAL PLANNING EGAMENI LIKA PM
HEYNS

Kukhutshwa isaziso ngokumayela neSoloty 47 loMthetho kaMasipala waseOverstrand ongokuSetyenziswa nKucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo esimayela nesiza 987 Eastcliff, Hermanus ngolu hlobo:

Ukususwa Kwemiqathango Enezithintelo Kwitayitile

Ngokumayela neSoloty 16(2)(f) loMthetho kaMasipala ukuba kususwe imiqathango enesithintelo kwitayitile: B.(A)(d) njengoko iquathwe kwiTayitile eNombolo: T48386/2017.

Ukunyenyiswa

Ngokumayela neSoloty 16(2)(b) loMthetho kaMasipala, ukuba kunyenyiswe umgca wesakhiwo ongasemzantsi-mpuma ukususela ku-2m ukuya ku-0m kunye nomgca wesakhiwo ongasemva ususele ku-2.0m uye ku-0m ukuze igaraji itshintshwe ibe ligumbi lezinto zokonwaba kunye negumbi lokugcina iimpahla.

Ukugqitywa kwesohlwayo

Ngokumayela neSoloty 16(2)(q) loMthetho kaMasipala ukuze kwenziwe igumbi elikhoyo eliyi-33.9m² nellitshintshiweyo laba yindawo yokonwaba kunye negumbi lokugcina lamkeleke ngokusemthethweni nangona lidlule kwimigca yesakhiwo ekwitayile kunye naleyo ikulwabiwo lwemihlaba.

Iinkcukacha mayela nesi sindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe Loyilo Dolophu e-16 Paterson Street, Hermanus.

Amagqabaza okuhlomla abhaliweyo amele afakwe kuMasipala ngokomiselwe weSoloty 51 neSoloty 52 lalo Mthetho kaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngo **okanye ngaphambi koLwesihlanu wo-22 Julayi 2022**, ubhale igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla kwisicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingafakwa ku**Mcebi Dolophu, uMnu P Roux** ku 028-313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvula. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.

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

Isaziso sikaMasipala No. 71/2022



**ERF 987
EASTCLIFF,
HERMANUS**

30 Moffat Street

Application for removal of a restrictive title deed condition, building line departures and determination of an administrative penalty



Andre Wiehahn Pr Pln A/927/1996
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February 2022

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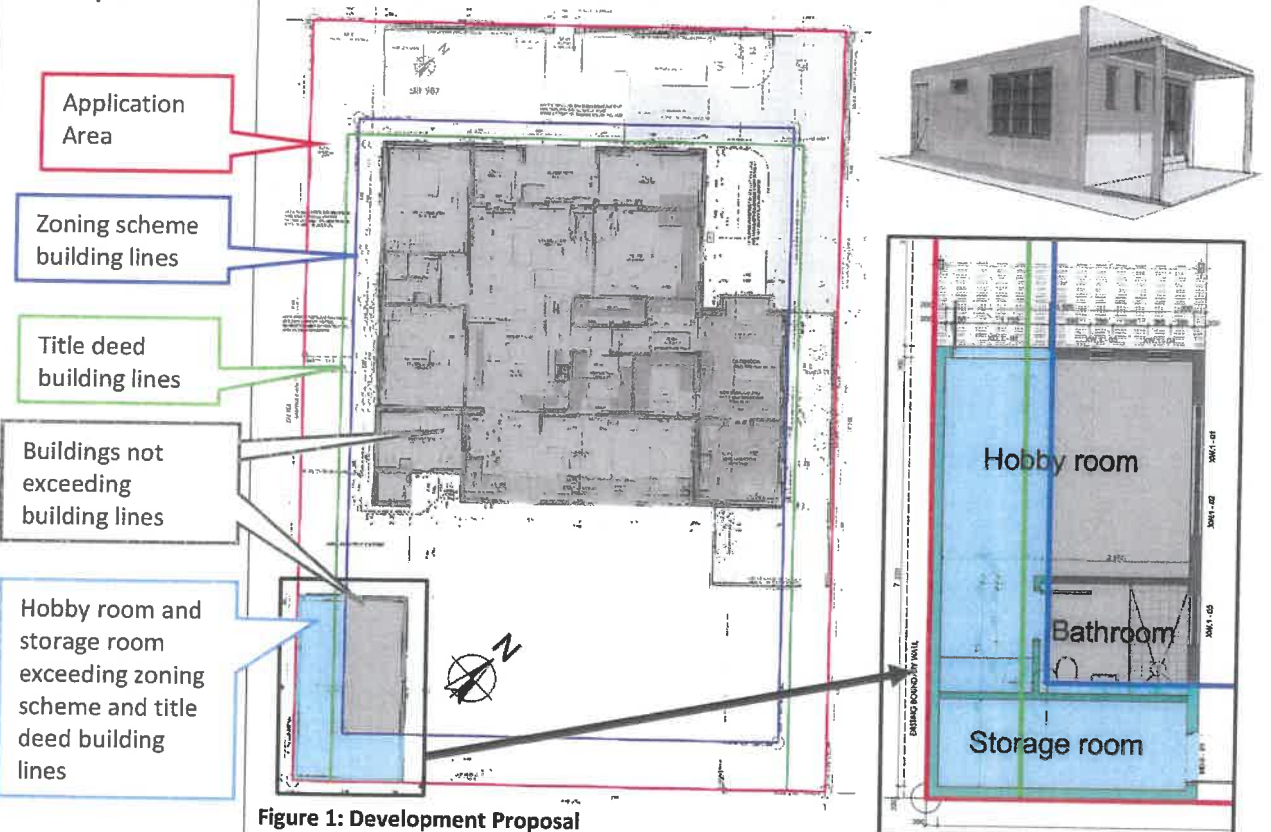
Notes

1. Introduction

<p>a. Brief</p> <p>Refer to Annexure B for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning is appointed by the owner of the property Pieter Mohr Heyns to prepare and submit an application for the relaxation of a restrictive title deed condition, building line departures and determination of an administrative penalty on Erf 987, Eastcliff in terms of the relevant legislation.</p>
<p>b. Background</p>	<p>A previously approved 33.9m² garage outbuilding, is converted into a hobby room and a storage room of which the previous footprint area remains unchanged.</p> <p>The converted outbuilding exceeds the zoning scheme and title deed building lines.</p> <p>The owner wishes to legalise the <u>building line encroachments</u> in accordance with the applicable municipal legislation.</p>
<p>c. Definitions</p>	<p>“outbuilding” means a structure, whether attached or separate from the main building, which is ancillary and subservient to the main building on a land unit and includes a building designed to be used for the garaging of motor vehicles, for storage purposes and any normal activities in so far as these are usually and reasonably required in the connection with the main dwelling as well as the accommodation of recreational activities such as a pool room, braai room, lapa and gazebo and the <u>practising of hobbies (which may not cause a nuisance and/or disturbance and/or noise and/or damage to a neighbouring property or properties or premises)</u>; 29 outbuildings are primary uses under each zoning except in open space zones where the Municipality may permit outbuildings should it be deemed necessary;</p>

d. Development Objective & Application Proposal

The **development objective** is to **legalise** a converted hobby room and storage room which exceeds the title deed and zoning scheme building lines, as illustrated in Figure 1 below.



Subsequently the **application proposal** is for:

- A departure to relax the **south-eastern side building line** from 2m to 0m to allow for a hobby room and storage room.
- A departure to relax the **south-western rear building line** from 2m to 0m to allow for a hobby room and storage room.
- The removal of restrictive title deed condition B.(A)(d) from Title Deed T48386/2017.
- Determination of an administrative penalty for the existing building line encroachments.

2. The Application

<p>a. Analysis: Title Deed Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The Conveyancer Mónica Korf issued a certificate confirming that there is a title deed condition in Title Deed: T48386/2017, restricting the development proposal and which is required to be removed to allow for a hobby room and storage. The restrictive condition reads as follows:</p> <p style="margin-left: 20px;">B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No T14334/1944, imposed by the Administrator of the Capé Province, namely:-</p> <p style="margin-left: 20px;">A. AS BEING in favour of the registered owner of any Erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No 33/1934:-</p> <p style="margin-left: 20px;">(d) <u>That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 4.72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1.57 metres of the lateral boundary common to adjoining erf.</u></p>			
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 987 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	Parameters	Existing Zoning:	Proposal:	Comments
	Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent
	Primary Use	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent
	Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Consistent
	Coverage	50%	37.5%	Consistent
	Height	8m	Less than 8m	Consistent
	Building lines	Street 4m 4.72m title deed	5m	Consistent
Side 2m 1.57m title deed		0m south-west 2m north-east	Application includes departures & removal of restrictive title deed conditions	
Rear 2m		0m		
	Parking	Dwelling house: 2 bays	2 bays	Consistent
<p>c. Application:</p> <p>The application form is attached as Annexure A.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:</p> <ul style="list-style-type: none"> A <u>departure</u> to relax the south-eastern side building line from 2m to 0m to allow for a hobby room and storage room in terms of Chapter IV, Section 16(2)(b). A <u>departure</u> to relax the rear building line from 2m to 0m to allow for a hobby room and storage room in terms of Chapter IV, Section 16(2)(b). The <u>removal of restrictive title deed condition B.(A)(d)</u> from Title Deed T48386/2017 in terms of Chapter IV, Section 16(2)(f). <u>Determination of an administrative penalty</u> in terms of Chapter IV, Section 16(q). 			

3. Contextual Site Information

a. Property Description

Property	Extent	Title Deed	Registered Owner
Erf 987 Hermanus	694m ²	T48386/2017	Pieter Mohr Heyns

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 987 Eastcliff.

The following Surveyor General Plans reflect the application site:

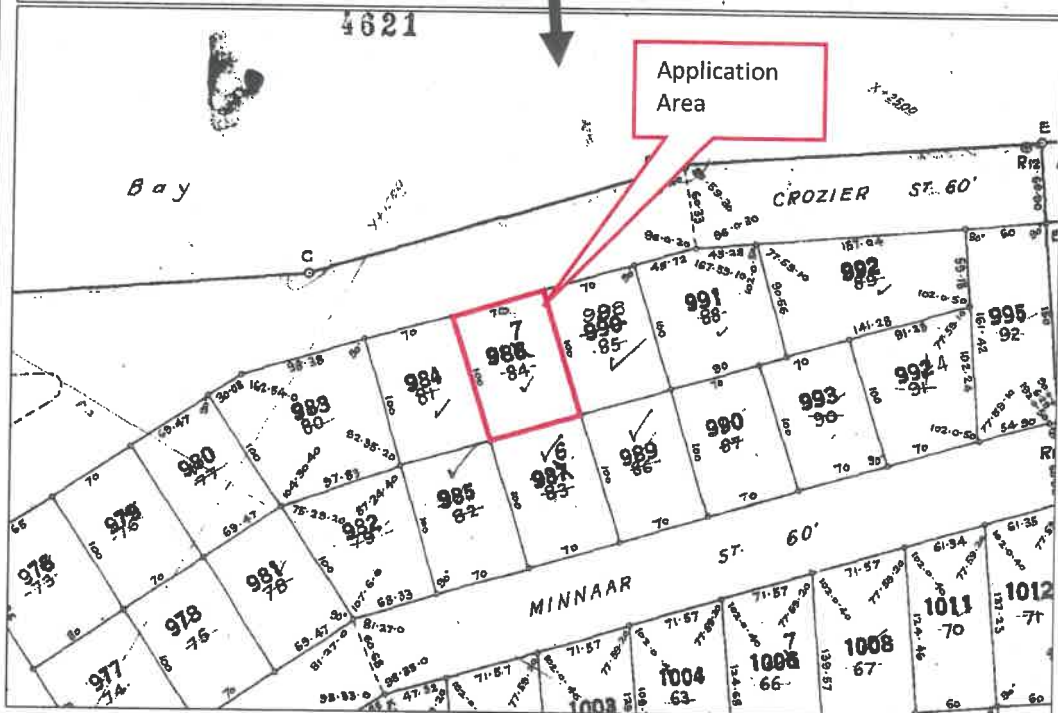
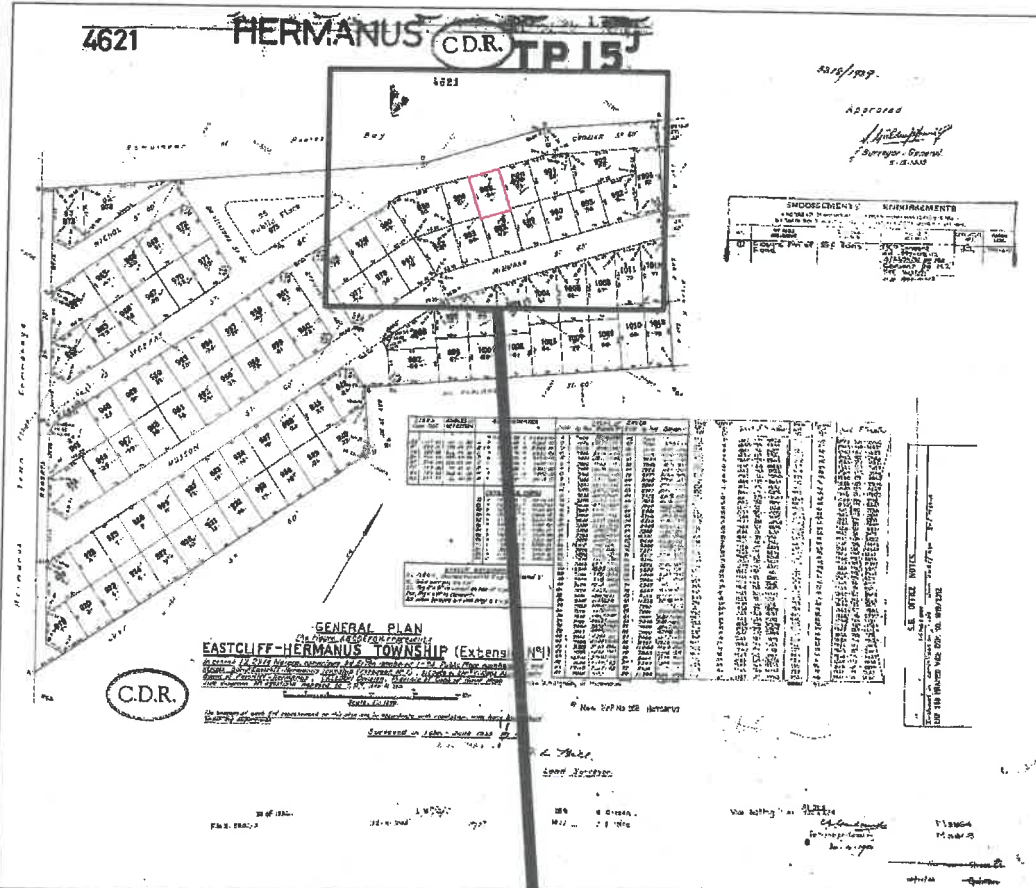


Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F

Regional Context:

Within the regional context, the application area is located within Eastcliff residential suburb, which forms part of Hermanus Central.

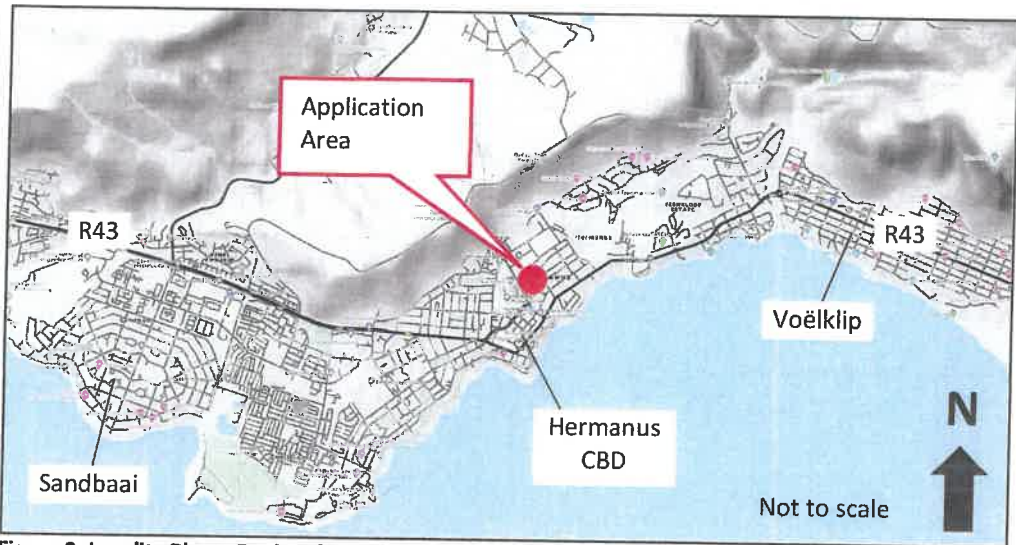


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a single residential erf within Eastcliff. The application area is located at number 30 Moffat Street.

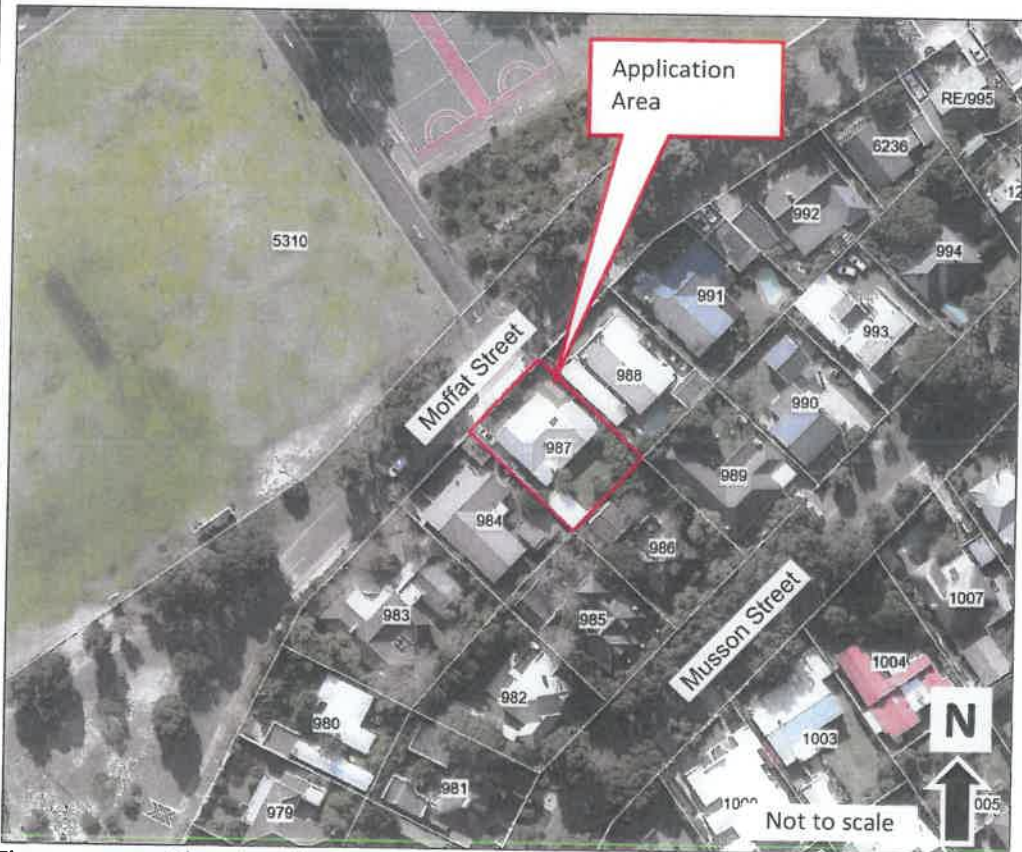


Figure 4: Locality Plan – Local Context

c. Land Use:

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

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



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

d. Zoning:

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

The application area, Erf 987, Eastcliff is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential and Community Zone 1: Community Facilities. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

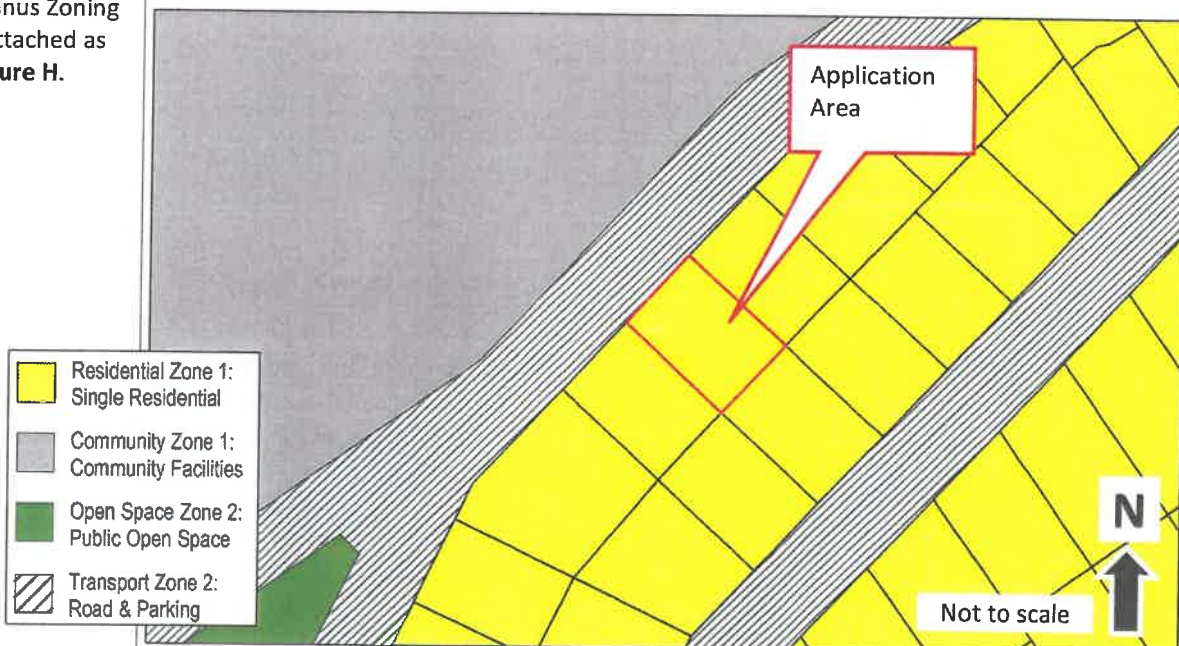


Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies relevant to the consideration of the application and forward planning and land use documents

The following policy is applicable to the application area and the development proposal:

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

The application area falls within an urban development area within the Urban Edge.

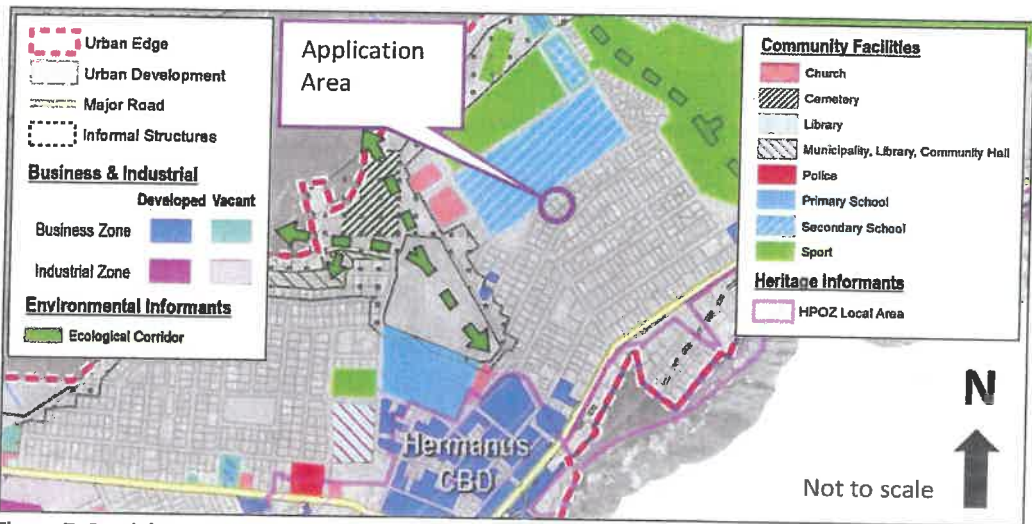


Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan

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

ii. **Overstrand Municipal Spatial Wide Development Framework, 2006**

In section 5.5.5 (i) it is mentioned that the SDF is inter alia concerned with the optimum use of land. The clause further mentions the need to provide satisfactory residential environments and further that a full range of residential needs must be catered for.

The application is consistent with the Overstrand Municipal Spatial Wide Development Framework, 2006

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

The application area is within an area earmarked for Less Than 10 Dwelling Units Per Hectare Density Zone. **No further densification** is applicable to this application.

The application is consistent with the Overstrand Municipality Growth Management Strategy, 2010.

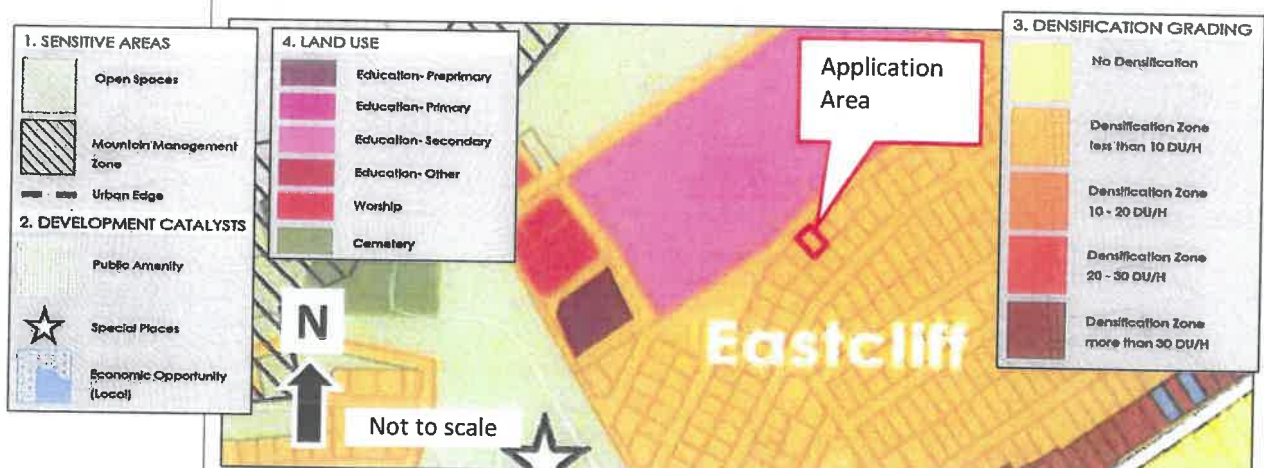


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.

iv. Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020

90. Application for administrative penalty

- (1) A person who is in contravention of this By-Law, 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.
- (2) A person making an application contemplated in Subsection (1) must –
 - (a) submit an application;
 - (b) pay the prescribed fee;
 - (c) provide the information contemplated in Subsections (3); and
 - (d) comply with the duties of an applicant in Section 84.
- (3) The applicant must, to the satisfaction of the Municipality, provide the following information such as-
 - (a) the nature, duration, gravity and extent of the contravention;
 - (b) the conduct of the person (allegedly) involved in the contravention;
 - (c) a report by a quantity surveyor in matters of unauthorised building/construction;
 - (d) whether the unlawful conduct was stopped; and
 - (e) whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

Application for administrative penalty is made in accordance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for the existing contraventions of the zoning scheme and title deed building lines.

35(4) Application for removal, suspension or amendment of a restrictive condition

The following excerpts from the by-law is applicable to the removal of restrictive conditions:

35. (4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:

- (a) the financial or other value of the rights in terms of the restrictive condition 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;
- (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition; (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;
- (d) the social benefit of the restrictive condition remaining in place in its existing form;
- (e) the social benefit of the removal or amendment of the restrictive condition; and
- (f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The application for the removal of restrictive conditions was evaluated according to the above-mentioned criteria and no material personal, social or financial benefits to the restrictive conditions remaining in place were found, whereas personal benefits are foreseen to result from the removal of the restrictive title deed conditions.

Therefore, the application proposal is consistent with the Overstrand Amendment By-law on Municipal Land-use Planning, 2020.

4. Motivation

Motivation for the application:

Refer to **Annexure I** for the Building Plan

a. Introduction and Background

The application area consists of a 694m² single residential erf located at 30 Moffat Street, Eastcliff, Hermanus. The subject erf accommodates an existing single-storey dwelling unit with a separate outbuilding, previously approved as a garage with the following approximate dimensions namely a length of 7.7m and a width of 4.5m.

The garage was approved as shown in the 2018 approved plan attached as Annexure I. The existing garage was thereafter converted to a bedroom with a bathroom and storage area. The owner realised that a bedroom will not be permitted within the building lines and therefore is converted to a hobby room.

The owner subsequently wishes to legalise the planned hobby room, bathroom and storage area which exceeds the title deed and zoning scheme side and rear building lines.

b. Proposal

The **development objective** is to **legalise** an existing 33.9m² converted hobby room and storage room exceeding the title deed and zoning scheme building lines.

The hobby and storage rooms exceed the following building-lines:

- Zoning scheme south-western 2m side building line up to the south-western boundary
- Zoning scheme south-eastern 2m rear building line up to the south-eastern boundary
- Title deed south-western 1.57m side building line up to the south-western boundary

Subsequently the **application proposal** is as follows:

- A departure to relax the **south-eastern side building line** from 2m to 0m to allow for a hobby room and storage room.
- A departure to relax the **rear building line** from 2m to 0m to allow for a hobby room and storage room.
- The removal of restrictive title deed condition B.(A)(d) from Title Deed T48386/2017.
- Determination of an administrative penalty.



Figure 9: Photo of the hobby room taken from the street

Ground floor plan

Half Beavator
Shed Down lot
Moffat Street

ERF 987

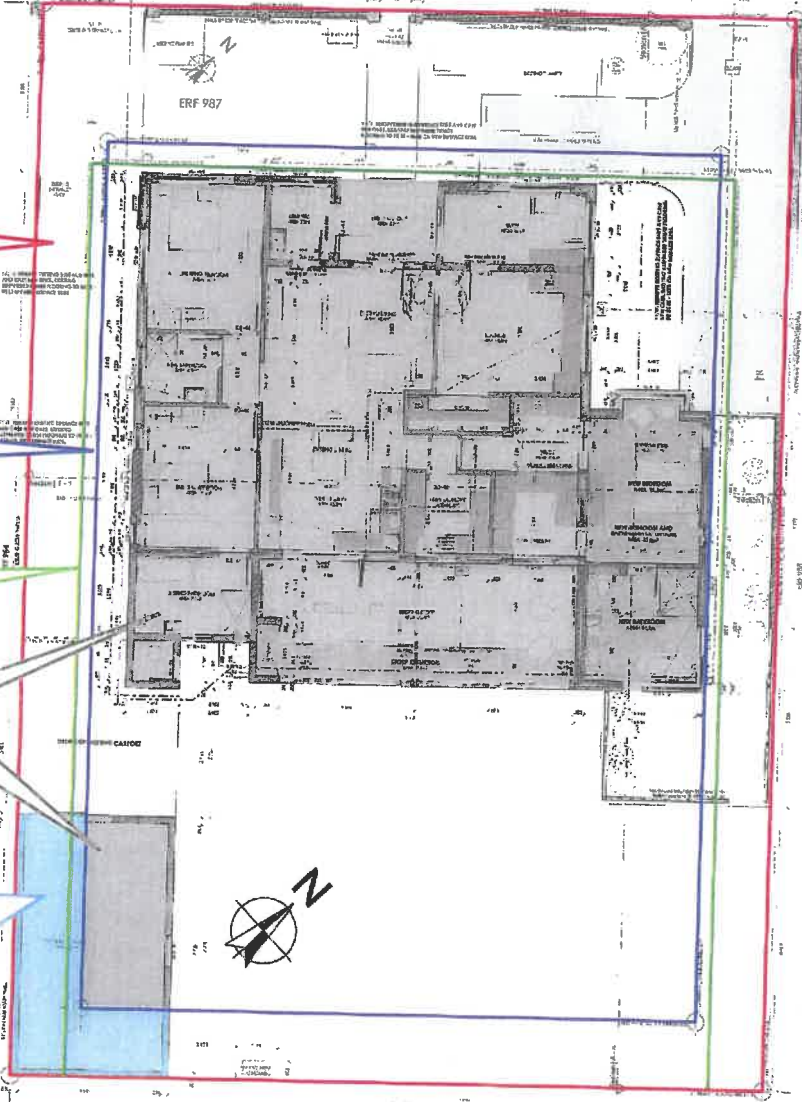
Application Area

Zoning scheme building lines

Title deed building lines

Buildings not exceeding building lines

Hobby room and storage room exceeding zoning scheme and title deed building lines



GENERAL NOTE
The applicant is advised that the proposed development is subject to the provisions of the relevant zoning scheme and title deed. The applicant is responsible for ensuring that the proposed development complies with all applicable regulations and conditions.



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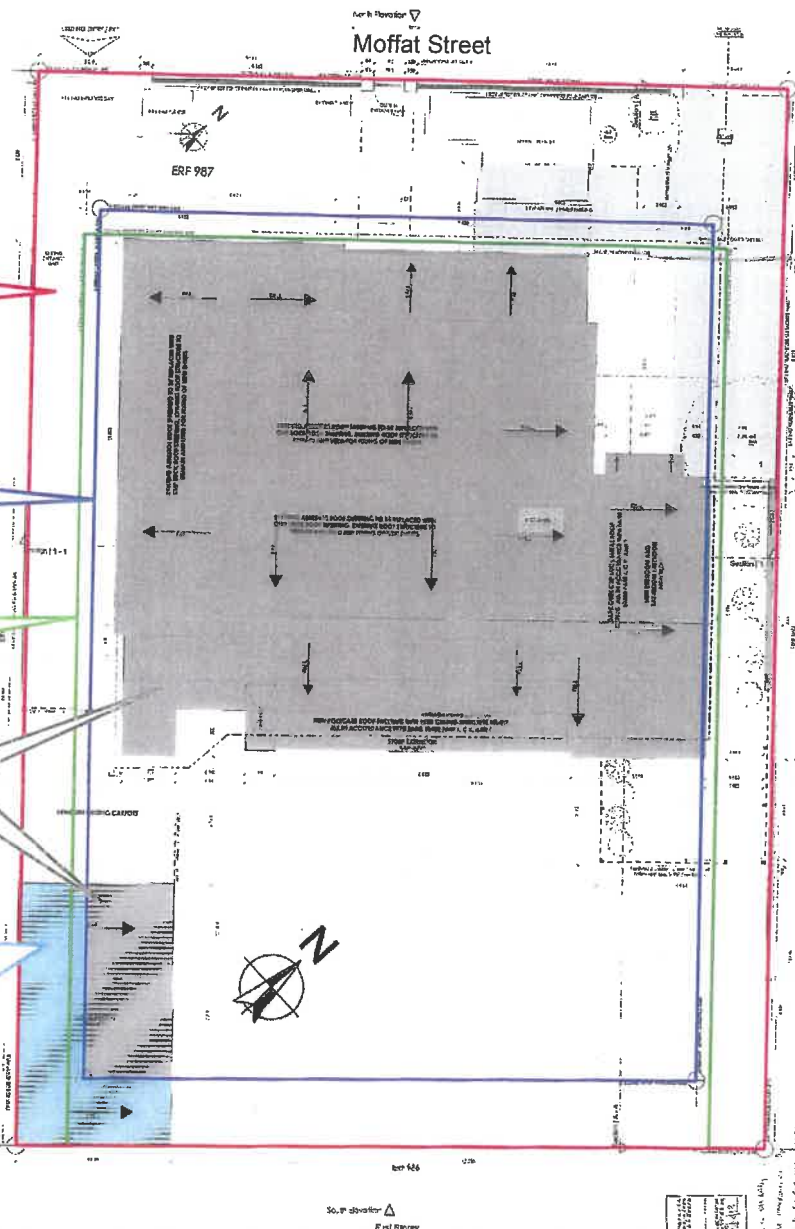
DATE: 15/10/2024
DRAWN BY: [Name]
CHECKED BY: [Name]

HOUSE NUMBER
1234567890

FOR APPROVAL
CONDITIONS
SEE SITE PLAN

NO.	DESCRIPTION	DATE
1	Issue	15/10/2024
2	Revised	15/10/2024
3	Final	15/10/2024

Ground floor plan



Application Area

Zoning scheme building lines

Title deed building lines

Buildings not exceeding building lines

Hobby room and storage room exceeding zoning scheme and title deed building lines

PROVISIONS
 1. The applicant must comply with the provisions of the Resource Management Act 1991 and the Resource Management Act Regulations 1992.
 2. The applicant must comply with the provisions of the Resource Management Act 1991 and the Resource Management Act Regulations 1992.
 3. The applicant must comply with the provisions of the Resource Management Act 1991 and the Resource Management Act Regulations 1992.
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FINLAYSON
 SANITARY ENGINEER

ROOF / EXTRA STOREY

COUNCIL SUBMISSION	
Submitted	28/01/2016
Reviewed	02/02/2016
Approved	02/02/2016
Disputed	
Not Disputed	
Submitted	28/01/2016
Reviewed	02/02/2016
Approved	02/02/2016
Disputed	
Not Disputed	

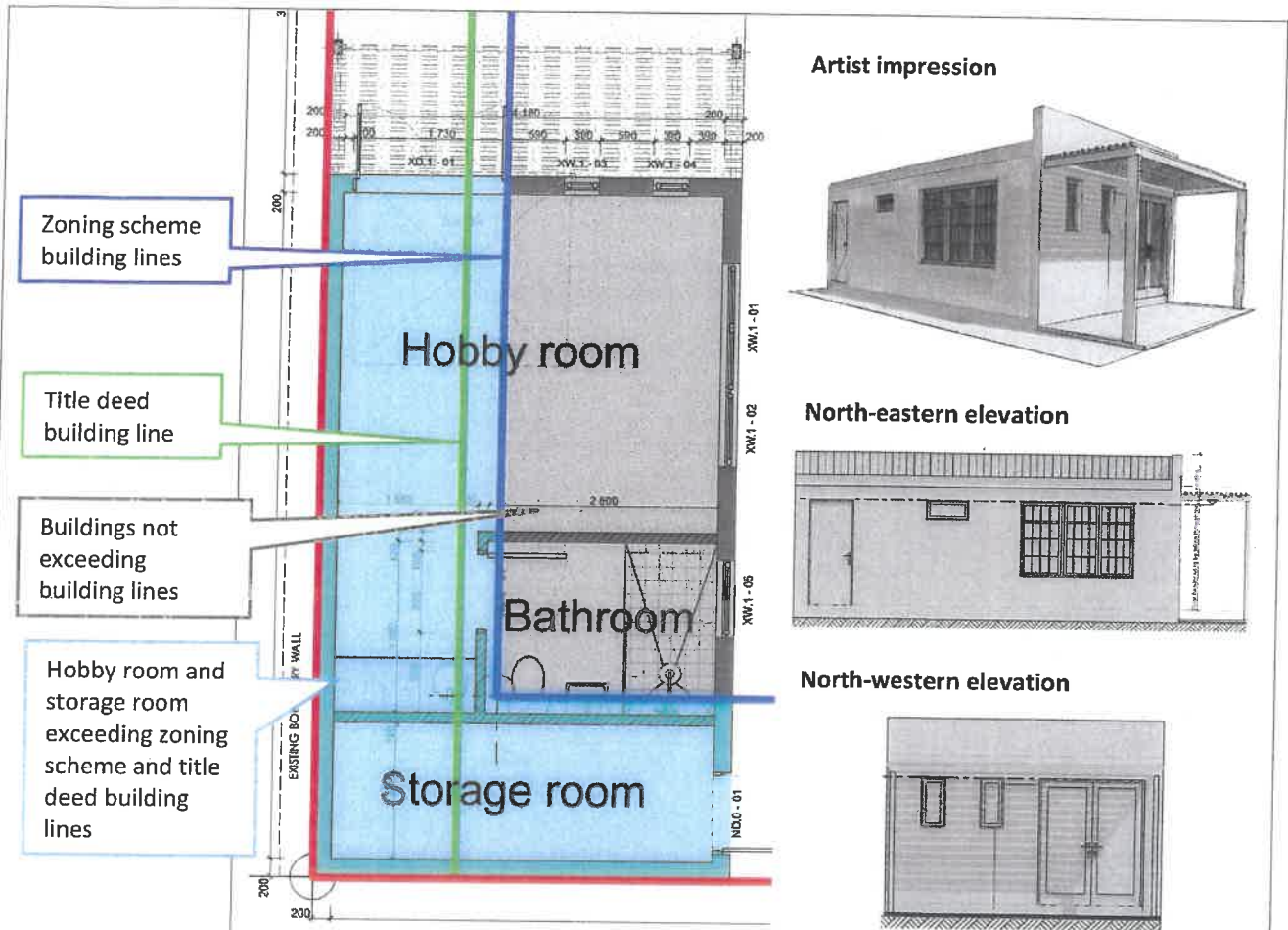


Figure 10: Building plan extract overlay

❖ Evaluation of Proposed Building Line Departures and Removal of Restrictive Title Deed Condition to relax the South-Eastern side and South-Western rear building lines up to 0m

- No negative impact in terms of noise or nuisance is evident or foreseen on the adjoining erven to the south-west and south-east of the application area due to the scale and nature of the proposal.
- As the converted hobby and storage rooms are accommodated within a previously approved garage building, visual and privacy impact as well as access to sunlight on the adjoining erven remain unchanged.
- Access for emergency purposes to the application area remains unchanged and is still available.

❖ Evaluation of the proposal in terms of Section 35(4) of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020

The application proposal has been evaluated in terms of Section 35(4) of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020 regarding personal and social benefits which are foreseen to result from the removal versus non-removal of the restrictive title deed conditions and the following conclusions were made:

- (a) Financial or other value of the rights in terms of the restrictive condition 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

No material financial or other value of the rights in terms of the restrictive condition enjoyed by the owner, are evident.

(b) Personal benefits which accrue to the holder of rights in terms of the restrictive condition

No material personal benefits which accrue to the holder of rights in terms of the restrictive condition, are evident.

(c) Personal benefits which will accrue to the person seeking the removal of the restrictive condition

- Will provide a satisfactory residential environment
- A full range of residential needs will be catered for
- Optimum use of property to increase space for the purposes of storage and practicing a hobby

(d) The social benefit of the restrictive condition remaining in place in its existing form

No material social benefits to the restrictive conditions remaining in place in its existing form, are evident.

(e) The social benefit of the removal or amendment of the restrictive condition

No material social benefits of the removal of the restrictive conditions, are evident.

(f) Will the removal, suspension or amendment of the restrictive condition completely remove all rights enjoyed by the beneficiary or only some of those rights

- The removal will only allow for the legalisation of the conversion of the previous garage building into a hobby room and storage room, inter alia exceeding the title deed south-western 1.57m side building line up to the south-western boundary.
- The hobby room and storage room conversion, subject to approval, will be in accordance with all the relevant Development Management Scheme, 2020 regulations and title deed restrictions, other than the subject building line departures and restrictive condition for which a removal is being applied.
- No material impact **is evident or foreseen** on the adjoining erven to the southwest and southeast in terms of noise, nuisance, negative visual impact, obstruction of sunlight, obstruction of views, obstruction of access for emergency purposes or intrusion on privacy.

❖ Determination of an administrative penalty

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

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

The nature, duration, gravity and extent of the contravention has been described in detail in this motivation report and includes the following contraventions;

- The zoning scheme 2m south western side building line is exceeded by 2m up to the 0m south-western boundary
- The zoning scheme 2m south-eastern rear building line is exceeded by 2m up to the 0m south-eastern boundary
- The title deed 1.57m south-western side building line is exceeded by 1.57m up to the 0m south-western boundary

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

It is evident from this application that the applicant/owner is co-operative and willing to rectify the contraventions and to follow the correct statutory procedure to apply to legally accommodate the hobby room and storage room.

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

Due to the nature and scale of the contravention, a report by a quantity surveyor is non-applicable.

(d) Whether the unlawful conduct was stopped

Due to the nature of the contraventions being building line transgressions not causing a material impact on the environment, the most practical, non-destructive and cost-efficient way to stop the unlawful conduct is by legalising the contraventions. In this regard the applicant/owner is in the process of applying for legalisation by means of this application.

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

No, according to our knowledge, the applicant/owner has not previously contravened this By-Law or a previous planning law.

c. Desirability

The hobby room and storage room is considered **desirable** for the following reasons:

- The proposal is in accordance with the relevant spatial planning legislation for the area.
- The proposal is functional and improves the quality of life for the residents by efficiently and optimally increasing space for the practising of a hobby and for storage purposes.
- It is evident or foreseen that the relaxation of the building lines **is not and will not** cause any of the following negative impacts on the adjoining erven to the southwest and southeast, namely:
 - noise,
 - nuisance,
 - negative visual impact,
 - obstruction of sunlight,
 - obstruction of views
 - obstruction of access for emergency purposes
 - intrusion on privacy

Therefore, the land will be optimally utilized to provide a satisfactory residential environment and to cater for a full range of residential needs, within the statutory framework of the municipality and without any current evident or foreseen negative impact on the surroundings or on the application area.

d. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as it will legally accommodate the hobby and storage rooms within a previously approved garage building, subject to building plan approval for renovations undertaken.

The application proposal is **consistent** with the principle of **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposal will allow for a hobby room and storage room on a single residential erf within the urban edge. Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal is consistent with the principle of **spatial sustainability**.

- 3) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposal is functional and optimizes the property to provide additional space for a storage room and the practising of a hobby, all in an efficient manner and without any negative impact on the surrounding area currently being evident or foreseen.

The application proposal is **consistent** with the **efficiency principle**.

- 4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The development will not lead to any economical and/or environmental shocks as the application legalises the conversion of the previously approved garage into a hobby room and storage room within a residential suburb. Furthermore, no material negative impact on the surrounding area is currently evident or foreseen.

The application proposal is **consistent** with the principle of **spatial resilience**.

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

Possible results of the development

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

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

5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. Furthermore, the application proposal is considered to represent the optimal use of the application area to provide a satisfactory residential environment without causing any material negative impact on the surrounding environment.

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

- A departure to relax the **south-eastern side building line** from 2m to 0m to allow for a hobby room and storage room in terms of Chapter IV, Section 16(2)(b).
- A departure to relax the **rear building line** from 2m to 0m to allow for a hobby room and storage room in terms of Chapter IV, Section 16(2)(b).
- The removal of restrictive title deed condition B.(A)(d) from Title Deed T48386/2017 in terms of Chapter IV, Section 16(2)(f).
- Determination of an administrative penalty in terms of Chapter IV, Section 16(q).

GENERAL NOTES

- The design of the earth retaining wall is subject to the structural engineer's design and is not to be used for any other purpose.
- Excavation shall be carried out in accordance with the relevant standards and specifications.
- Foundation design shall be in accordance with the relevant standards and specifications.
- Structural design shall be in accordance with the relevant standards and specifications.
- Services shall be installed in accordance with the relevant standards and specifications.
- Materials shall be of the highest quality and shall be installed in accordance with the relevant standards and specifications.
- The contractor shall be responsible for obtaining all necessary permits and approvals.
- The contractor shall be responsible for the safety of the site and for the protection of the surrounding environment.
- The contractor shall be responsible for the disposal of any waste materials.
- The contractor shall be responsible for the reinstatement of the site to its original condition.

SPECIFICATIONS

SOIL

- All work to be done by approved geotechnical engineer and to comply with SANS 10257.
- Engineer to approve design and to be necessary foundation on structure and construction to site etc.

WALLS

- New external wall work to be 200mm sturdy masonry of 15mm mortar and 15mm plaster on both sides.
- SOFFIT HAS TO BE FINISHED TOGETHER WITH WALLS EVERY 200mm TO 250mm FROM CORNER JOINTS.
- New internal walls shall comply with the following: Floor joists spaced 400mm on center with 12mm ply on top and 12mm ply on bottom.
- New internal floor beams shall be 120mm x 200mm with 12mm ply on top and 12mm ply on bottom.
- New internal floor beams shall be 120mm x 200mm with 12mm ply on top and 12mm ply on bottom.

FLOOR SLABS

- New ground floor slabs to be 100mm of minimum of 15mm mortar and 15mm plaster on both sides.
- SOFFIT HAS TO BE FINISHED TOGETHER WITH WALLS EVERY 200mm TO 250mm FROM CORNER JOINTS.
- Internal up around the perimeter shall be 100mm of 15mm mortar and 15mm plaster on both sides.
- Internal up around the perimeter shall be 100mm of 15mm mortar and 15mm plaster on both sides.
- Internal up around the perimeter shall be 100mm of 15mm mortar and 15mm plaster on both sides.

ROOFINGS

- All Roofs, walls, columns and beams to be in accordance with design and specifications in the structural drawings.
- All roof loadings are to be in accordance with SANS 10162.
- All roof loadings are to be in accordance with SANS 10162.
- All roof loadings are to be in accordance with SANS 10162.

MEASUREMENTS

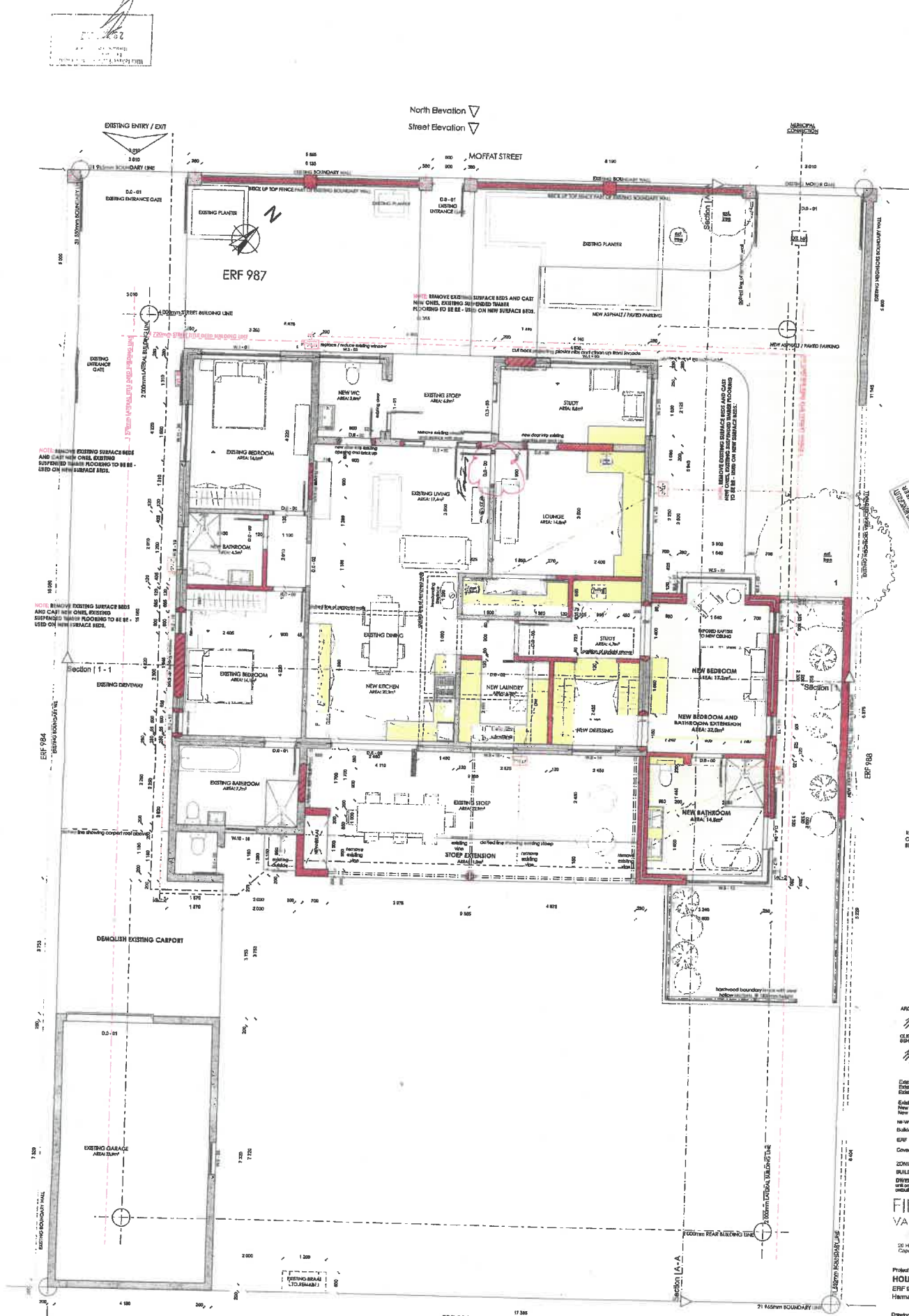
- All material to be installed in accordance with design and specifications in the structural drawings.
- All roof loadings are to be in accordance with SANS 10162.
- All roof loadings are to be in accordance with SANS 10162.
- All roof loadings are to be in accordance with SANS 10162.

COOKING

- House to be installed in accordance with design and specifications in the structural drawings.
- All roof loadings are to be in accordance with SANS 10162.
- All roof loadings are to be in accordance with SANS 10162.
- All roof loadings are to be in accordance with SANS 10162.

NOTES

- REMOVE EXISTING SURFACE BEDS AND CAST NEW ONE. EXISTING SUSPENDED THAMES FLOORING TO BE RE-USED ON NEW SURFACE BEDS.



NOTES:

- REMOVE EXISTING SURFACE BEDS AND CAST NEW ONE. EXISTING SUSPENDED THAMES FLOORING TO BE RE-USED ON NEW SURFACE BEDS.

REVISION:

ARCHITECT'S SIGNATURE

[Signature]

Date: Wednesday, 01 November 2017

CLIENT'S SIGNATURE

[Signature]

Date: Wednesday, 01 November 2017

AREAS:

Existing House	140,00m²
Existing Garage	22,00m²
Existing Driveway	22,00m²
Building Total Covered	184,00m²
New Bedroom Addition	22,00m²
New Stoep Extension	11,00m²
NEW TOTAL COVERED	217,00m²
Building Footprint	200,70m²
ERF	654,00m²
Coverage	37,5%

ZONING: B1 - SINGLE RESIDENTIAL

BUILDING OCCUPANCY CLASSIFICATION: B6

DRAWING INFORMATION: Complete rendering of a dwelling unit on a plot of land, including a garage and other outbuildings.

FINLAYSON VAN DER MERWE

30 Hope Street, Copthall House, Harmondsworth, Cape Town 7800, South Africa (+27) 21 313 4741 | A 17 28 | 31 307 377 | www.fvdm.co.za

Project Name: HOUSE HEYNS
ERF 987, 30 Moffat Street, Eastcliff, Harmondsworth, 7800

Drawing Name: **GROUND STOREY**

**FOR APPROVAL
CONDITIONS
SEE SITE PLAN**



COUNCIL SUBMISSION

Drawing No. **2616**

Date: 2017/11/13

Date: 2017/11/13

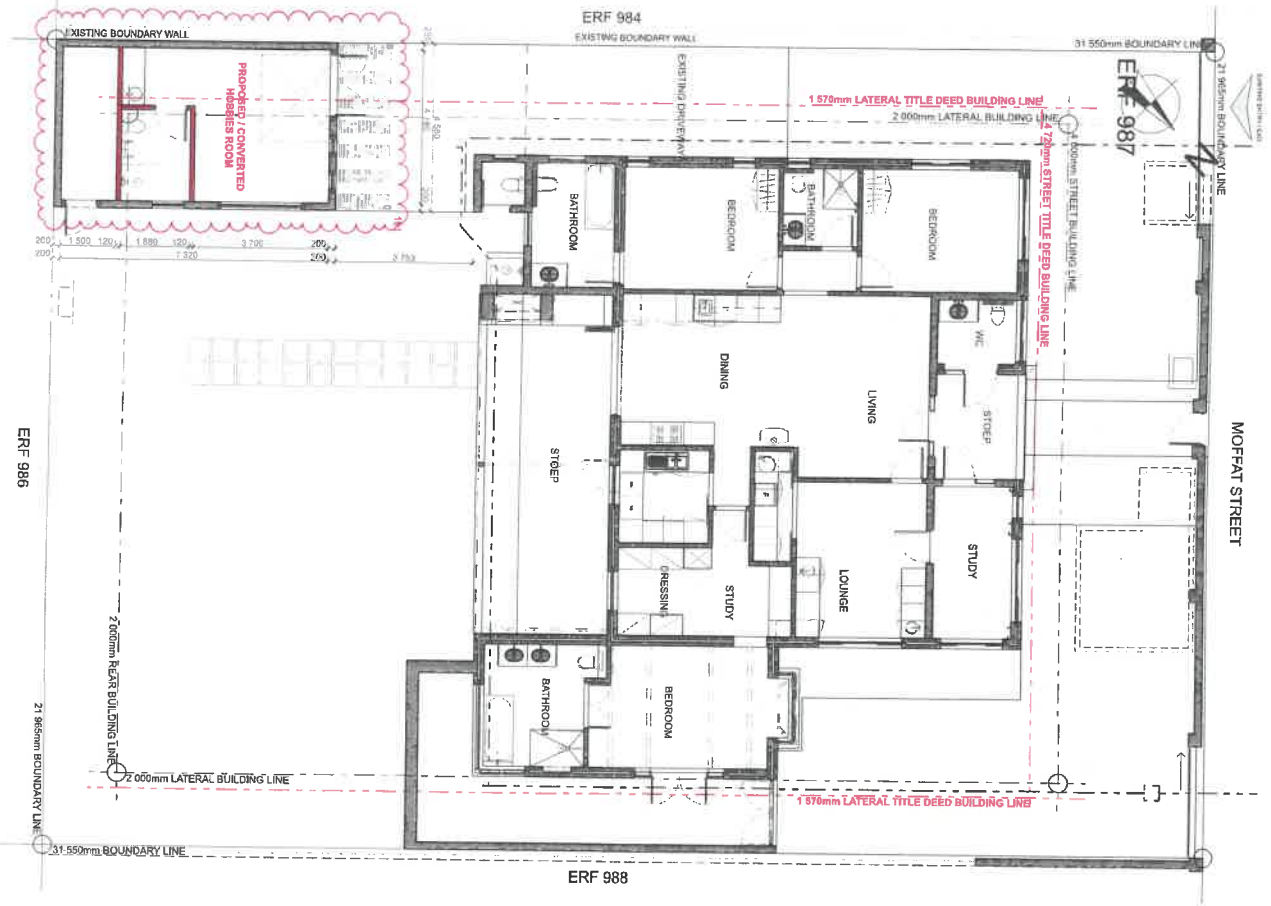
Scale: as shown @ A1

Status: **CS**

Revision: **B**

0.

South Elevation
Ground Storey



100 | Ground Storey | 1:100

GENERAL NOTES

The design of the building includes the provision of the following:
 - All structural steelwork shall be protected with the minimum 100mm fire-rated gypsum board.
 - All electrical and plumbing work shall be installed in accordance with the relevant regulations.
 - All work shall be done in accordance with the relevant standards and specifications.
 - All work shall be done in accordance with the relevant standards and specifications.
 - All work shall be done in accordance with the relevant standards and specifications.
 - All work shall be done in accordance with the relevant standards and specifications.

NOTES

ARCHITECT'S SIGNATURE

Date: 18 February 2022
 CLIENT SIGNATURE: SIGNED BY ARCHITECT ON BEHALF OF CLIENT - POWER OF ATTORNEY ATTACHED
 Date: 18 February 2022

AREAS:

Existing House	192,00m ²
Existing Garage	53,00m ²
TOTAL COVERED	245,00m²
Building Footprint	290,00m ²
ERF	684,00m ²
Coverage	37,25%

ZONING: S1 - SINGLE RESIDENTIAL
BUILDING OCCUPANCY CLASSIFICATION: H4
DWELLING HOUSES: occupancy consisting of a dwelling unit on its own site, including a garage and other domestic outbuildings.

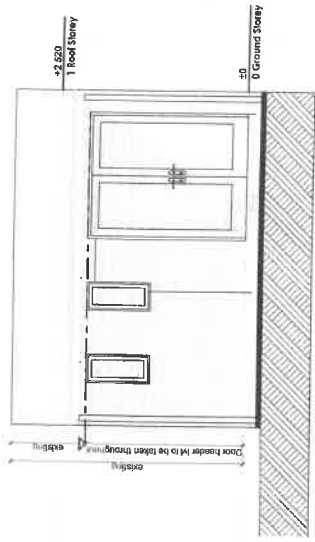
FINLAYSON VAN DER MERWE ARCHITECTS
 20 Lister Street, Opden Hoop, Hermanus, Western Cape 7200
 Cell: 082 920 5200, South: 021 457 457, Fax: 021 457 457
 31307477, www.fvdm.co.za

Project Name
HOUSE HEVENS
 ERF 987, 30 Mofat Street, Eastcoteff, Hermanus, 7200

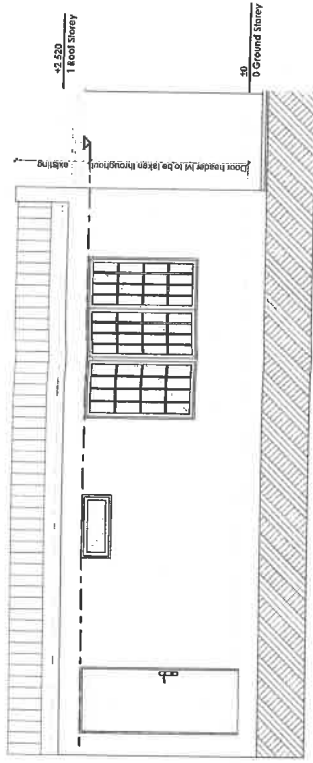
Drawing Name
GROUND STOREY

SUBMISSION DRAWING

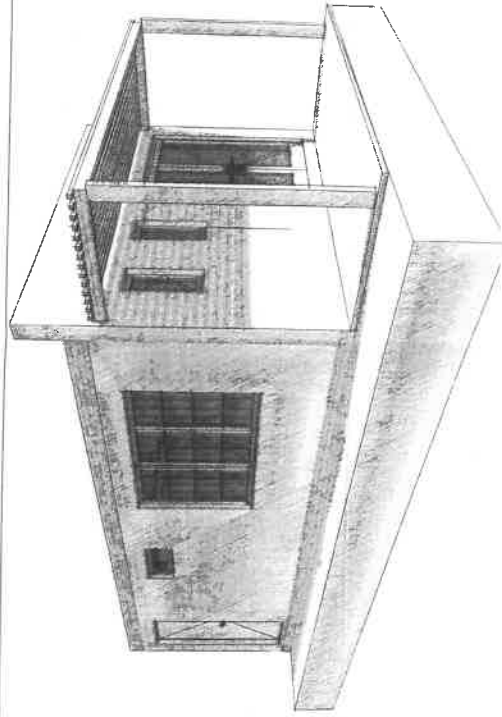
Drawn by	TDI	Date	2022/02/18
Checked by	APL/UDA	Date	2022/02/18
Drawing Scale	As shown @ A2		
Drawing No.	100 I	Status	Revision
			B



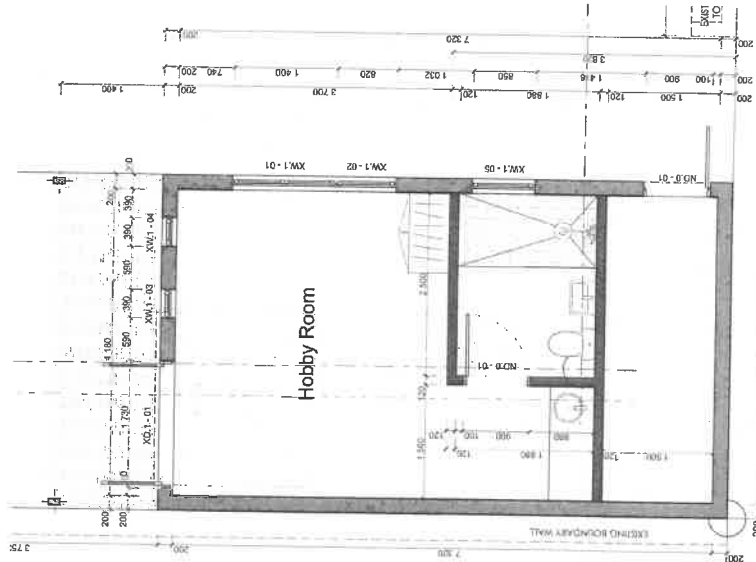
Out House Elevation | 1



Out House Elevation | 2



Out House - Render 1



0. Ground Storey 1:50

ND.0 - 01		XD.1 - 01	
2		1	
700	Door Schedule		1:1

XW.1 - 01		XW.1 - 02		XW.1 - 03		XW.1 - 04		XW.1 - 05	
1		1		1		1		1	
700								Window Schedule	