

**PORTION 57 OF THE FARM BAARDSCHEERDERS BOSCH NO. 213, BREDASDORP DIVISION, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: EVN ARCHITECTS ON BEHALF OF RG PRATT AND LJ DE VILLIERS**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for the following:

- **departure** in terms of Section 16(2)(b) of the By-Law, to relax the lateral building line from 4m to 2m in order to accommodate the existing bathroom and wendy houses, and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, 16 Paterson Street, Hermanus and at the Gansbaai Library, Main Road, Gansbaai. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **27 January 2023**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**GEDEELTE 57 VAN DIE PLAAS BAARDSCHEERDERS BOSCH NR. 213, AFDELING BREDASDORP, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: EVN ARCHITECTS NAMENS RG PRATT EN LJ DE VILLIERS**

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

- **afwyking** in terme van Artikel 16(2)(b) van die Verordening, om die lateraleboulyn te verslap vanaf 4m na 2m ten einde die bestaande badkamer en wendy huise te akkommodeer, en
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en by die Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **27 Januarie 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr SW van der Merwe** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

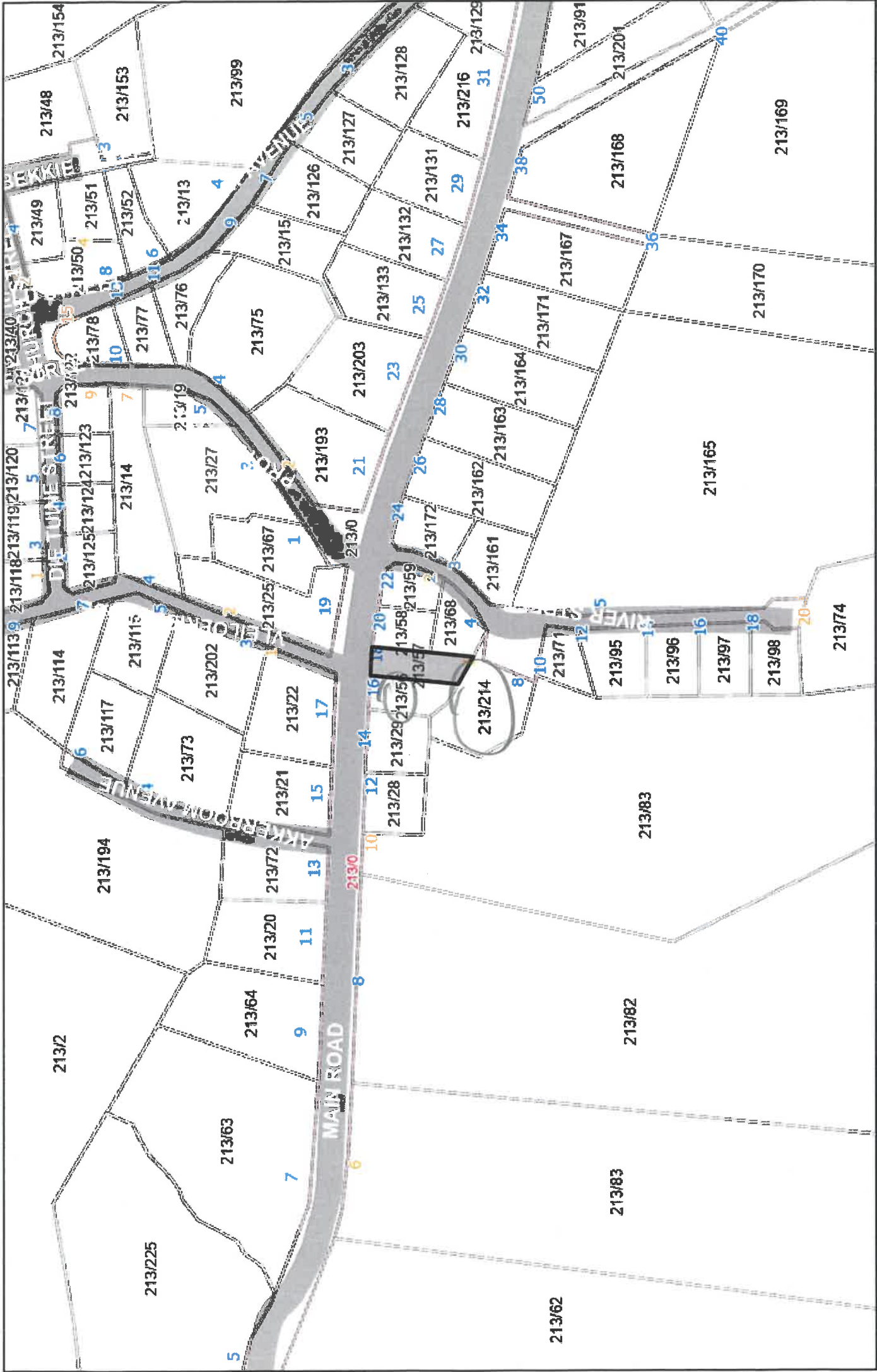
**ISAHLULO SAMA-57 SEFAMA I-BAARDSCHEERDERS BOSCH NO. 213, ICANDELO LASEBREDASDORP, UMMANDLA KAMASIPALA WASEOVERSTRAND: ISICELO SOKUHAMBA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: ABAYILI BEEVN EGAMENI LIKARG PRATT KUNYE NOLJ DE VILLIERS**

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe soku kulandelayo:

- Utyeshelo lomqathango ngokweCandelo le-16(2)(b) loMthetho kaMasipala, ukucuthwa komda wesakhiwo osecaleni ukusuka kwi-4m ukuya kwi-2m ukuze kulungiselelwe igumbi lokuhlambela esele likho kunye nezindlu ezinewendy;
- Ukumiselwa kwesohlwayo solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwangciso lweDolophu, Paterson Street, Hermanus, kunye neThala lencwadi, Stanford, Queen Victoria Street, Stanford.

Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kaMasipala zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama- **27 EyeDwarha (EyoMqungu) 2023** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela, **uMnu SW van der Merwe** kule nombolo 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.



DOCUMENT NAME: Overstrand Municipality | Town Planning Application | Motivation  
DATE: 2022\_08\_04  
REF.: 2245/48  
REVISION: B



**ATTENTION:**

Mr. Schalk van der Merwe | Senior Town Planner | Overstrand Municipality | Email: [svdmerwe@overstrand.gov.za](mailto:svdmerwe@overstrand.gov.za)

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**ADDENDUM TO ADMINISTRATIVE PENALTY APPLICATION:**

**Motivation in terms of Section 90.(3) of the By-Law**

Dear Mr. van der Merwe,

With respect to our application and for your kind consideration, we would like to motivate for the relaxation of one of the side building lines of Portion 57 Farm - Baardskeerdersbos No. 213. As it stands, there are two illegal structures on the premises that transgress the same side-boundary Building Line of 4m by 2m respectively.

One of the illegal structures is a Wendy House and the other a bathroom. The previous owner is responsible for the erection of the second Wendy House and is built in line with the approved Wendy House next to it up to 2m away from the Boundary Line. For reference kindly refer to the decision letter Ref. 57/213 GRBRE (4164) as dated 5 March 2019.

The current owner's transgression entails only the bathroom which is in line with the Wendy Houses up to 2m away from the Boundary Line.

As noted in our application, the owners have erroneously made an addition to their home which comprises a 5.4 sqm bathroom being under the impression that the provided resolution granted to the previous owners were applicable. The resolution included a relaxation of the four meter side building line to two meters. For reference kindly refer to Ref. 57/213 GRBRE (4164) as dated 5 March 2019.

We therefore acknowledge that the provided relaxation as referred to above unfortunately does not apply to the extensions made by the current owner and is therefore encroaching on the four meter building line rendering the bathroom non-compliant. Kindly refer to the attached drawings indicating the extent of the development that encroaches the four meter building line.

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**ATTENTION:**

Mr. Schalk van der Merwe | Senior Town Planner | Overstrand Municipality | Email: [svdmerwe@overstrand.gov.za](mailto:svdmerwe@overstrand.gov.za)

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We would please like to rectify the matter and would appreciate your understanding. Should you have any queries, please do not hesitate to contact me in this regard.

Kind Regards,

A handwritten signature in black ink, appearing to be 'E. van Niekerk', written over a faint circular stamp.

**Eduard van Niekerk** | Director  
M.Arch (UPE) Pr.Arch SACAP  
E | [eduard@evnarchitect.com](mailto:eduard@evnarchitect.com)  
T | +27 6 55 44 99 45

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Mr. Schalk van der Merwe | Senior Town Planner | Overstrand Municipality

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**MOTIVATIONAL REPORT: AS REQUIRED BY ANNEXURE B**

**Relaxation of one of the side building lines of Portion 57 Farm -  
Baardskeedersbos No. 213**

Dear Mr. van der Merwe,

As requested, kindly find below our report with respect to the various items as required by Annexure B.

**1. GENERAL INFORMATION**

**a. Proposed development.**

The applicant wishes to apply for a relaxation of one of the side building lines applicable to two structures on the property as delineated above. The two illegal structures on the premises transgress the same side-boundary Building Line of 4m by 2m respectively.

One of the structures include a single Wendy House and the other a bathroom. The previous owner is responsible for the erection of the second Wendy House and it is built in line with the approved Wendy House next to it up to 2m away from the Boundary Line. For reference kindly refer to Ref. 57/213 GRBRE (4164) as dated 5 March 2019 as well as the drawings attached.

A minor extension (the bathroom) was then made by the current owner and it is built in line with the approved Wendy House next to it up to 2m away from the Boundary Line without the prior consent of Overstrand Municipality.

**ATTENTION:**

Mr. Schalk van der Merwe | Senior Town Planner | Overstrand Municipality

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The current owners have erroneously made this addition to their home which comprises a 5.4 sqm bathroom being under the impression that the provided resolution granted to the previous owners were applicable. The resolution included a relaxation of the four meter side building line to two meters. For reference kindly refer to Ref. 57/213 GRBRE (4164) as dated 5 March 2019.

Furthermore, the impact of the encroachment on the existing dwelling and surrounding dwellings proves to be minor as an existing resolution as mentioned above has already been granted.

The scale of the development or encroachment is in line with the current urban fabric being a minor. The bathroom being a lean-to addition to the existing dwelling fitting to the scale and the wendy house being of the same size and scale matching the approved wendy house adjacent to it.

The accessibility of the property remains unchanged and has no impact on the existing road network or any other infrastructure. Furthermore it has no impact on the existing vehicular traffic load of this area.

**b. Character of environment.**

The encroachment is compatible with the current land-use instances of the surrounding area and no change to the current land-use rights are required.

The encroachment does not affect the density of the development and remains similar to the surrounding properties.

The encroachment does not affect the privacy of the neighboring properties.

**ATTENTION:**

Mr. Schalk van der Merwe | Senior Town Planner | Overstrand Municipality

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The encroachment being on the side boundary of the property means that the street scene and views remain unaffected.

The property in question does fall within a heritage overlay zone and the heritage status is to be confirmed by the owner.

**c. Desirability of the proposed utilization.**

The desirability and value of the dwelling has been improved by providing a bathroom facility and wendy house for the use of the gardener or guest.

**d. Investigations carried out in terms of other laws which are relevant to the considerations of the application.**

None of the following legislative items are triggered by the encroachment -

The National Heritage Resources Act, Environmental Management: Air Quality Act, National Environmental Integrated Coastal Management Act, National Environmental Management Act, Subdivision of Agricultural Land Act, Occupational Health and Safety Act, Management: Waste and the National Water Act.

**e. The impact of the proposed development on municipal engineering services.**

No additional services were required, hence there is no adverse financial or environmental impact.

Access to the property from the road remains unchanged.

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**f. Consideration of forward planning and land use documents.**

The encroachment or development is in line with the current zoning scheme regulations and forward planning documentation does not need to be considered.

**g. Planning principles.**

In consultation with the Town and Spatial Planning Department it was established that the encroachment or development is compliant with the policies, principles and planning and development norms and criteria as set out in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) and that the principles of 'Spatial Justice', 'Spatial Sustainability', 'Efficiency', 'Spatial Resilience' and 'Good Administration' remain applied.

Kind Regards,

A handwritten signature in blue ink, appearing to read 'Eduard van Niekerk'.

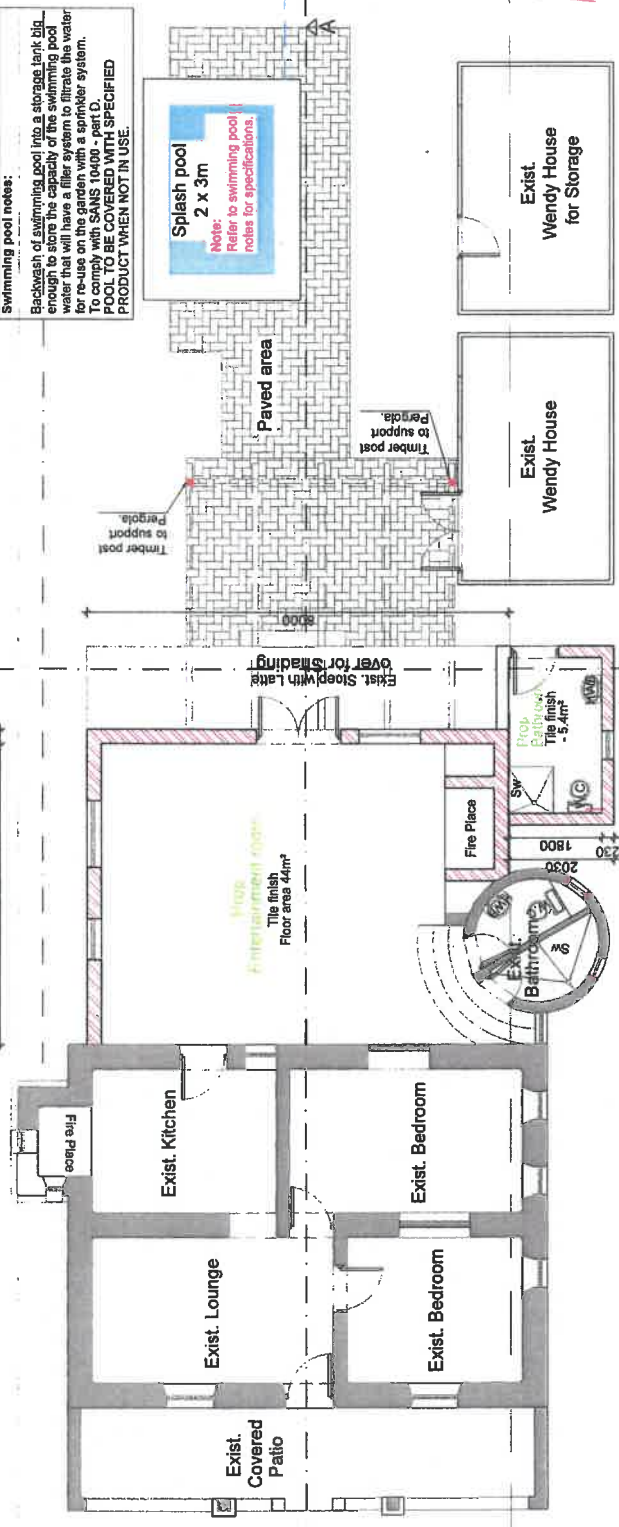
**Eduard van Niekerk** | Director  
M.Arch (UPE) Pr.Arch SACAP  
E | [eduard@evnarchitect.com](mailto:eduard@evnarchitect.com)  
T | +27 6 55 44 99 45



Exist. Wired Fence around Property

2.5 x 5m Parking Bay

6110  
5830



Exist. Conservancy Tank

Garden

Timber post to support Pergola

Exist. Wendy House  
Exist. Wendy House for Storage

Swimming pool back wash tank with filter system for garden use.

110mm Ø uPVC Sewer Pipe @ 1:80 Fall laid in 150mm Sand Bed to Exist. Conservancy tank

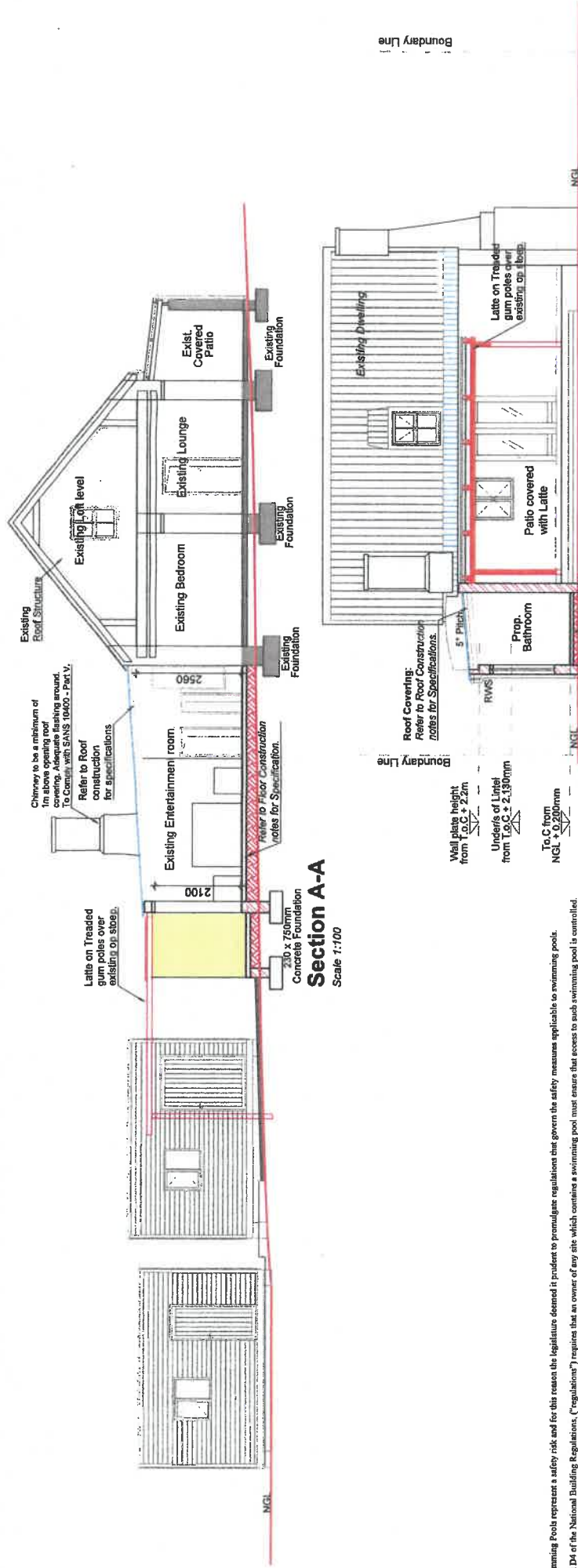
230 3000 230 3460  
2000 1800 230 2030  
230 230 230

Exist. Wired Fence around Property

# Ground Storey Layout

Scale 1:100

<b>Tyrone Engel</b>	
<b>Pr. Arch. Draughtsman:</b> tyroneengel85@gmail.com	
082 509 3721	
PAD 24750627	
SAIAT 22265	
PROJ. DESCRIP:	<b>Prop. Alterations &amp; Additions to</b>
LOCATION:	Main Road
REF. NO.:	Baardskeersbos
CLIENT:	Portion 57/213
	R. Piatt, L. de Villiers, B. Henderson, B. Grabe
<b>Ground Storey Layout</b>	
SCALE	DATE
1:100 on A3 Sheet	Sept. 2022
DRAWN	CHECKED
T. E. E	T.E.E
PROJ. NO.	DRAWING NO.
2020_106	02_01_706
	REV
	00



**Section A-A**  
Scale 1:100

**Section B - B**  
Scale 1:100

Swimming Pools represent a safety risk and for this reason the legislature deemed it prudent to promulgate regulations that govern the safety measures applicable to swimming pools. Part D4 of the National Building Regulations, ("regulations") requires that an owner of any site which contains a swimming pool must ensure that access to such swimming pool is controlled. The regulations also provide that any owner who fails to comply with this requirement shall be guilty of an offence. Additionally, a license owner can also be used for negligence should someone drown in their swimming pool, depending on whether negligence was present.

A pool that does not meet the required safety standards, or where those measures are not effective can, provide the necessary grounds for allowing negligence on the part of the owner.

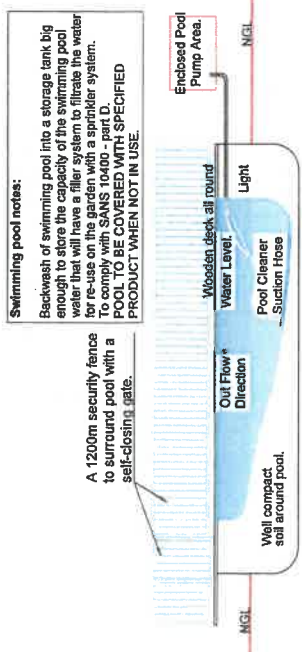
In addition, Part D5 of the regulations further also provides that an owner shall be deemed to have satisfied the necessary control requirements where access to the swimming pool complies with the relevant South African National Standards ("SANS"), as published by the South African Bureau of Standards(SABS).

In terms of SANS 10400-D the following requirements must be met for swimming pools and swimming baths:

- A well or fence must be provided by the owner of a site which contains a swimming pool or a swimming bath to ensure that no person can have access to such pool or bath from any street or public place or from any street or public place or anywhere within the complex
- A building where such building forms part of such well or fence,
- A well or fence shall be provided in any interconnected complex which contains a swimming pool or swimming bath to ensure that no person can have access to such pool or bath from any street or public place or anywhere within the complex other than through a self-closing and self-latching gate with provision for locking to such well or fence.
- Such well or fence and any such gate therein shall be not less than 1.2 metres high, measured in SANS 1390,
- The constructional requirements of any steel fence or gate must comply with the requirements in SANS 1390.
- Extra protection, such as pool covers, pool nets and warning devices can also be used in addition to a fence, with such protective measures having to meet certain SANS compliance standards.

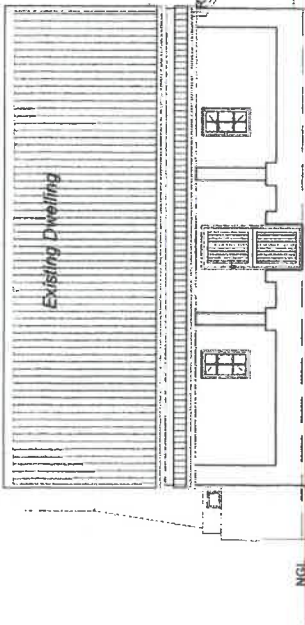
Owners should be aware that some municipalities may have imposed by-laws that govern, and may even provide for stricter safety measures regarding a private swimming pool, and the requirements of these bylaws will have to be adhered to.

Finally, it is important that any pool owner ensures that the safety measure in place are adhered to i.e. that the gate latches works and that the pool cover is secured, etc. Negligence can still exist where reasonable efforts are not taken to ensure that the safety measures are effective.

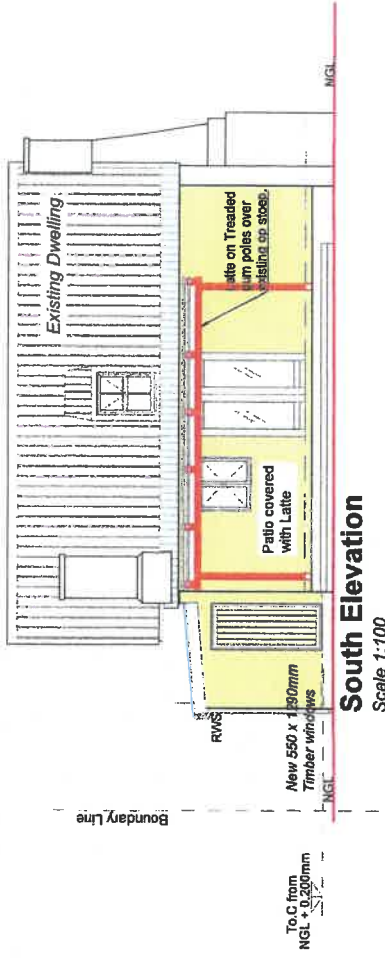


**Swimming Pool Section**

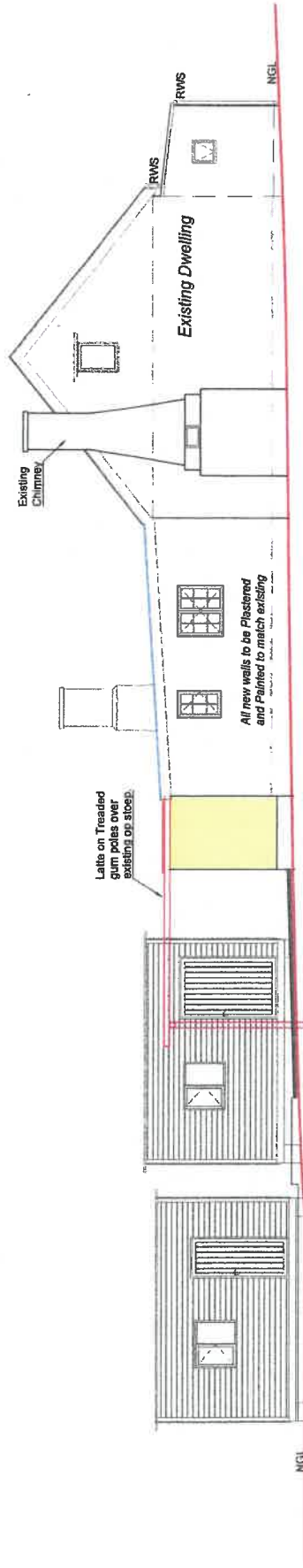
<b>Tyrone Engel</b> Pr. Arch. Draughtsman: tyroneengel85@gmail.com 082 509 3721 PAD 24750627 SAIAT 22265	
PROJ. DESIGN: <b>Prop. Alterations &amp; Additions to</b>	LOCATION: <b>Main Road</b> <b>Baardskeedersbos</b> <b>Portion 57/213</b>
REF. NO: <b>T. E. E</b>	CLIENT: <b>R. Pratt, L. de Villiers, B. Henderson, B. Grebe</b>
<b>Sections</b> <small>DRAWING</small>	
SCALE: <b>1:100 on A3 Sheet</b>	DATE: <b>Sept. 2022</b>
DRAWN: <b>T. E. E</b>	CHECKED: <b>T. E. E</b>
PROJ. NO. <b>2020_106</b>	DRAWING NO. <b>03_01_706</b>
	REV. <b>00</b>



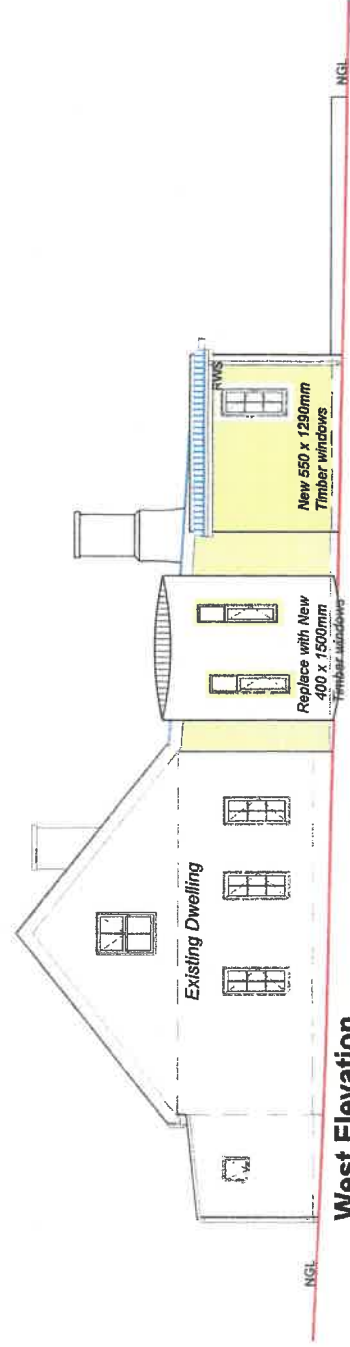
**North Elevation**  
Scale 1:100



**South Elevation**  
Scale 1:100



**East Elevation**  
Scale 1:100



**West Elevation**  
Scale 1:100

**Tyrone Engel**  
**Pr. Arch. Draughtsman:**  
tyroneengel85@gmail.com  
082 509 3721  
PAD 24750627  
SAIAT 22265

<b>Prop. Alterations &amp; Additions to</b>	
LOCATION: Main Road	DATE: Sept. 2022
REF NO: Baardskeerderbos	SCALE: 1:100 on A3 Sheet
CLEAR: R. Pratt, L. de Villiers, B. Henderson, B. Grebe	DRAWN: T. E. E.
<b>Elevations</b>	
DRAWING	
PROJ. NO. 2020_106	REV. 00
DRAWING NO. 04_01_706	CHECKED: T. E. E.