

**ERF 3488, 273 THIRD STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS WRAP PROJECT OFFICE ON BEHALF OF HJ GROENEWALD**

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

- **departure** in terms of Section 16(2)(b) of the By-Law, to relax the western lateral building line from 2m to 1.288m - 1.326m in order to accommodate the existing main bedroom: and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing structure.

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. 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 **6 April 2023**, 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 comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

**ERF 3488, DERDE STRAAT 273, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE WRAP PROJECT OFFICE NAMENS HJ GROENEWALD**

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

- **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om die westelike lateraleboulyn te verslap vanaf 2m na 1.288m en 1.326m ten einde die bestaande hoofslaapkamer akkommodeer; en
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, ten einde die bestaande struktuur te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **6 April 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

**I-ERF 3488, 273 THIRD STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA WRAP PROJECT OFFICE EGAMENI LETRASTI NGEXESHA LIKA- HJ GROENEWALD**

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe soku kulandelayo: Uphambuko ngokwemiqathango yeCandelo 16(2)(b) loMthetho laMasipala lokunyenyiswa kokulandelayo.

- **Utyeshelo** lwemiqathango yeCandelo 16(2)(b) loMthetho kaMasipala ukunyenyisa umda wesakhiwo osecaleni ongasentshona ukusuka kwisi-2m ukuya kwi-1.288m ukuya kwi-1.326m ukuze kuhlaliswe igumbi lokulala elikhulu elikhoyo; kwaye
- **ukumiselwa kwesohlwayo solawulo** ngokwemiqathango yeCandelo le-16(2)(q) loMthetho kaMasipala ukulungiselela ubume obukhoyo.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: Town Planning, Paterson Street, Hermanus. 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)) ngolu suku okanye ngaphambi komhla **6 UTshazimpuzi 2023**, unike igama lakho, idilesi neencukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafonela **Mnu. P Roux** kule nombolo yomnxeba 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.





**ERF 3488 HERMANUS**  
APPLICATION FOR PERMANENT DEPARTURE AND  
DETERMINATION OF AN ADMINISTRATIVE PENALTY

**Application prepared for:**

HENDRIK JOHANNES GROENEWALD

**Application prepared by:**

WRAP Project Office

PO Box 1247 | Hermanus | 7200

Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

Web: [www.wrapgroup.co.za](http://www.wrapgroup.co.za)

**Author**

Thian Jansen (A/2858/2019)

**Submitted**

February 2023



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### 1. ABBREVIATIONS

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<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
<b>PSDF</b>	Western Cape Provincial Spatial Development Framework, 2014
<b>LUPA</b>	Western Cape Land Use Planning Act, 2014.
<b>MSDF</b>	Overstrand Spatial Development Framework, 2020
<b>SRI</b>	Residential Zone 1: Single Residential

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### 2. PROPERTY DETAILS

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<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 3488 Hermanus
<b>Extent</b>	1039m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

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### 3. BACKGROUND AND INTENT

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Erf 3488 Hermanus, hereafter referred to as the subject property, is situated in the residential area of Voëlklip in 3<sup>rd</sup> Street (refer **Plan 1 – Locality Plan**). The property owner (Johan Groenewald) has appointed WRAP Project Office to submit this land use application on his behalf (refer **Annexure A – Power of Attorney**).

The property owner bought the property in 2021 and after living in the property for the past 2 years, has a better understanding of the property and has a vision to renovate the property. The owner appointed a land surveyor that conducted a site survey, that indicated that a portion of the main bedroom is closer than 2m from the side boundary line and the property owner has the intent to retain this position when the renovation has concluded to save costs and space on the property. Refer **Plan 4 – Status Quo Site Plan** and **Annexure C – Property Survey**. There are approved building plans, however, there has never been a land use application.

As the property owner has not yet begun the renovation work and was not responsible for originally constructing the dwelling closer than 2 meters from the side building line, is of opinion that an administrative penalty is not applicable, however, to ensure compliance application is submitted to waive the administrative penalty.

To ensure compliance with the OMLUS, approval of the following applications is required:

- Permanent Departure from the proposed additions encroaching on the side building line; and
- Waiving of the administrative penalty.

**4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT**

WRAP compiled this report to ensure the property owner's requirements are met. The following is proposed:

**4.1 Permanent Departure** from the 2m western side building line to 1,288 - 1,326m to accommodate the existing main bedroom in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As stated in Section 3, the property owner is planning to renovate the existing dwelling. The plan entails the demolition and reconstruction of the previous overreaching external wall. In order to maintain the position of the external wall it would require consent from the OM to allow the departure.

Refer to the figure below:

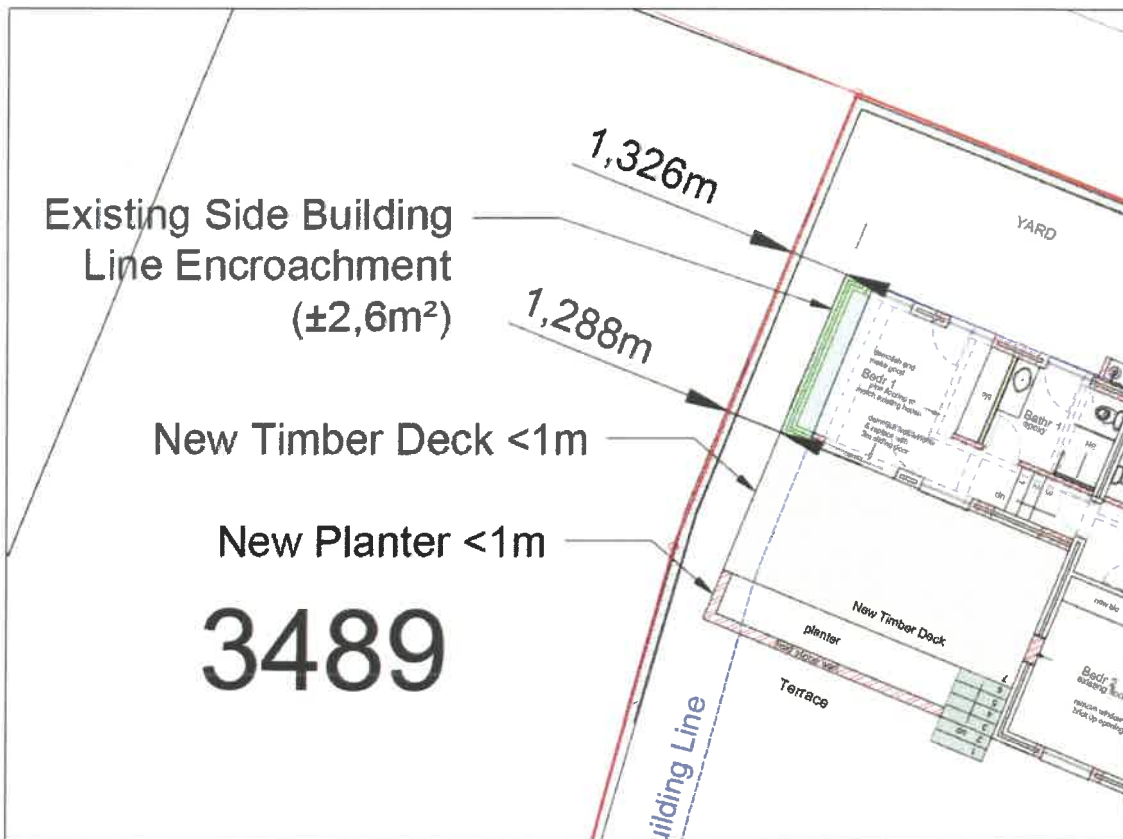


Figure 1: Extract of Plan 5 – Proposed Site Plan

As the proposed alterations within the building line is considered habitable space, the owner would require the OM's consent.



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## 5. APPLICATION

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Considering the above, application is made for the following:

**5.1 Permanent Departure** from the 2m western side building line to 1,288 - 1,326m to accommodate the existing main bedroom in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**5.2 Determination of an Administrative Penalty** made in terms of Section 90 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020.

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## 6. LAND USE ENVIRONMENT

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The properties surrounding the subject property are predominantly zoned for single residential purposes. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

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## 7. TITLE DEED

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Title deed T53094/2021 (refer **Annexure B – Title Deed**) was perused and there are no restrictive conditions that prohibit the departure from the building lines.

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## 8. ZONING

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The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (a) of the OM By-Law:



**9. SERVICES**

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

**Electricity, Water, Sewage and Solid Waste**

The subject property is connected to the OM's networks, which include electricity, water and sewage. The proposal of this application is not anticipated to have an effect on the existing service of the area.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the subject property is gained from 3<sup>rd</sup> Street and the proposal will not affect this.

**10. NEED AND DESIRABILITY**

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

**Need and desirability.**

The need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the property owners. In order to achieve this, the property owner is required to apply for the departure to ensure he is able to keep the existing encroachment.

Socio-economic impact	It is not expected that the departure will have a socio-economic impact. The proposal is to utilise the existing encroachment of the building line.
Compatibility with surrounding uses	The proposal is not out of character with the surrounding area and the encroachments are not predicted to have a negative impact on the surrounding area.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community. The encroachment is existing.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.



## MOTIVATION

Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	N/A
Development or agriculture on slopes steeper than 1:4.	X	N/A
Establishment of Informal settlements or Temporary Relocation Areas.	X	N/A
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	N/A
Placement of religious symbols or memorabilia.	X	N/A
Harvesting /collection of kelp / seaweed in municipal designated "no-take" zones.	X	N/A
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	N/A
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	N/A
Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	N/A
Feeding, disturbing / pursuit of fauna.	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	X	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.		N/A
Staying overnight.	X	The entire subject property is located within the zone.
The discharging of domestic effluent / grey water into all natural systems.	X	N/A
Tampering with security / surveillance infrastructure.	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	N/A



## MOTIVATION

Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	N/A
Launching of vessels at registered launch sites.		N/A
<b>C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as applicable</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>	<b>Applicable to the application or not</b>
	<b>Protected Area Buffer</b>	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	X	N/A
Encroachment of private buildings, structures, infrastructure, access routes.	X	The entire proposed development is within the zone.
Commercial Harvesting/collection and removal of any natural resource.	X	N/A
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	The entire proposed development is within the zone.

It is not expected that the proposed departure will have an impact on the EMOZ applicable to the subject property.

### 11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the HPOZ.

### 11.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.



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### 13. EVALUATION

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The submission of this application seeks approval from the Overstrand Municipality. The property owner intends to renovate the property, which entails rebuilding the external wall that encroaches on the side building line. In order to retain the rights of the existing external wall and ensure compliance with municipal regulations, a permanent departure is being requested.

The proposal aligns with the surrounding context and does not pose any potential land use nuisances. Furthermore, it is consistent with all relevant spatial planning policies.

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### 14. RECOMMENDATION


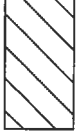

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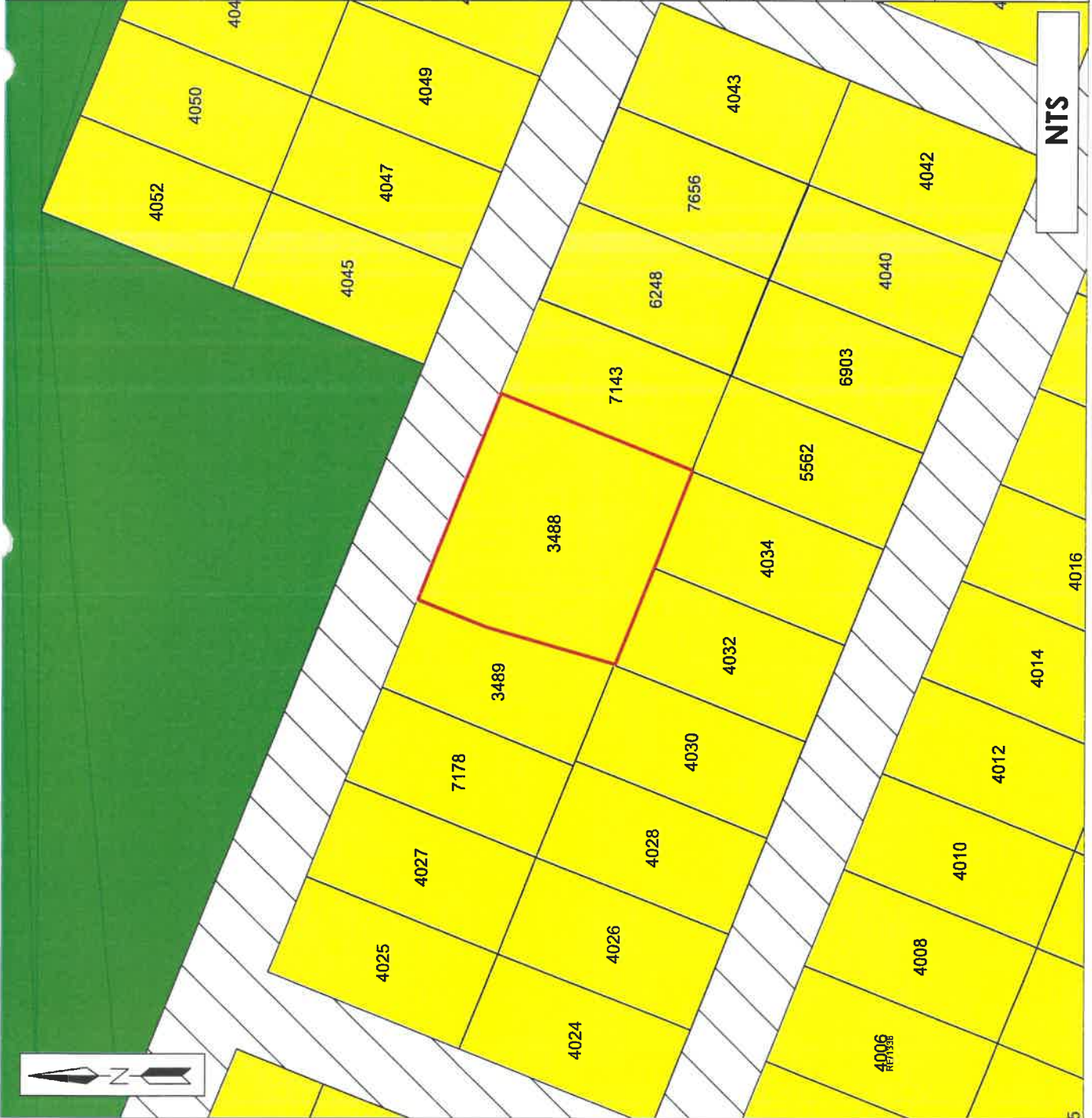
Based on the abovementioned motivation, it is recommended that the following be approved:

**14.1 Permanent Departure** from the 2m western side building line to 1,288 - 1,326m to accommodate the existing main bedroom in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

**14.2 Determination of an Administrative Penalty** made in terms of Section 90 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020.

## 2. Zoning Plan Erf 3488 - Hermanus

-  Residential Zone 1: Single Residential
-  Transport Zone 2: Road and Parking (Public)
-  Open Space Zone 1: Nature Reserve



Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management

NTS

3. Aerial Plan  
Erf 3488 Hermanus



NTS

Plan prepared by: Thian Jansen

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)

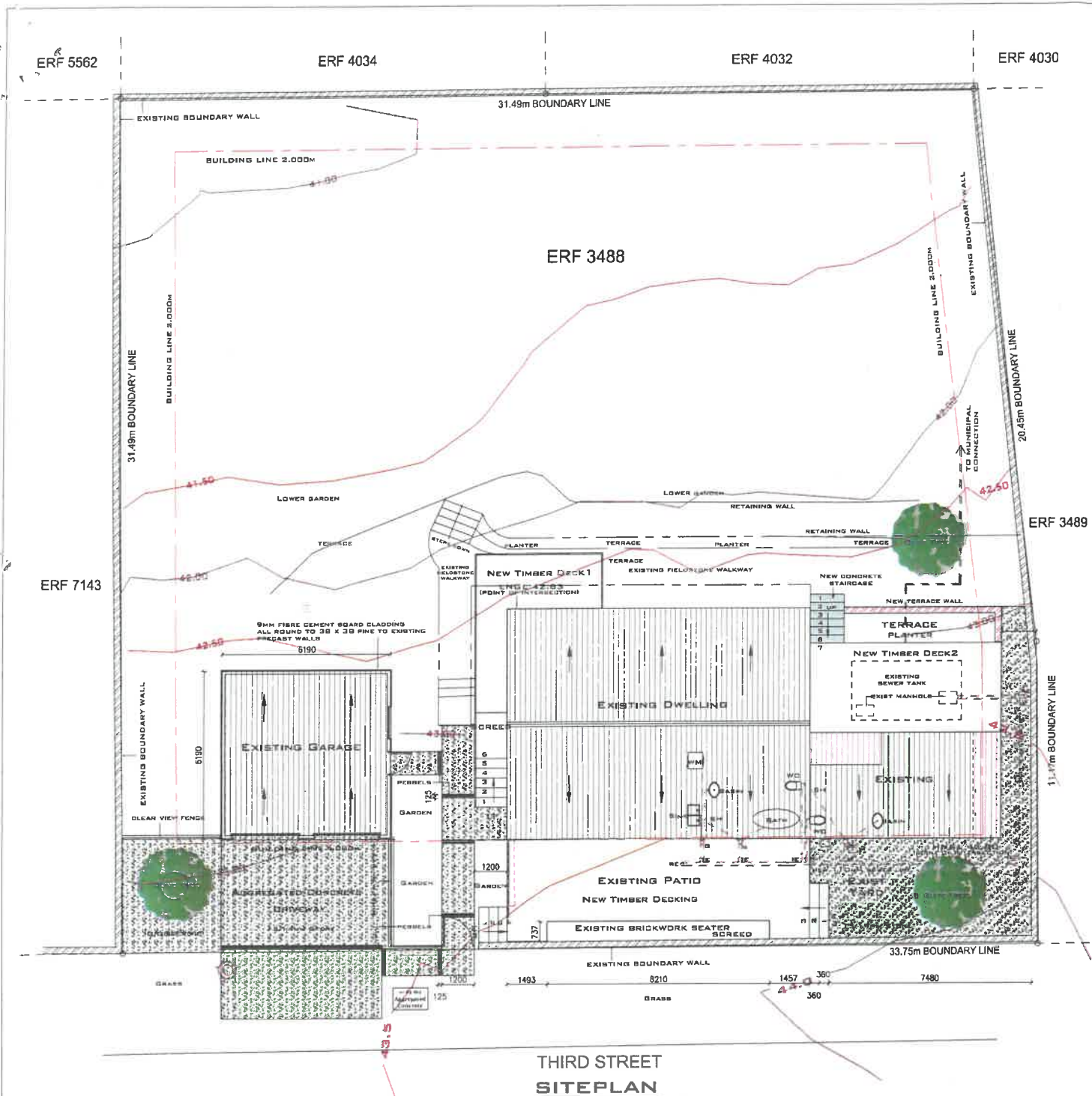
Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Street Hermanus, 7200



**Project Office**

Town Planning & Project Management





Project: HOUSE Groenewald  
 Erf 3488 Voelklip Zoning: HERMANUS  
 Date: January 2023  
Window & Door Fenestration

Energy zone:	2
Zone for Conductance:	1,4
Net ground storey area inside house excluding walls:	107,87
<b>Total Area</b>	<b>45,444</b>
	<b>42,13%</b>

GLAZING ELEMENTS					SHADING				GLAZING PERFORMANCES				SCCP	
Element	Orientation	W	H	Area	Latitude	Multiplier	(P) Length	(H) Height	H x M ÷ P	SHGC shading	SHGC no-shading	U-Value	Glazing Type	SCCP
W1	SW	1,2	2,1	2,52	34,4	0,54	0,77	2,50	1,75		0,72	6,2	D/Clear	YES
W2	SW	1,2	2,1	2,52	34,4	0,54	0,77	2,50	1,75		0,72	6,2	D/Clear	YES
W3	SW	1,2	2,1	2,52	34,4	0,54	0,45	2,10	2,52		0,72	6,2	D/Clear	YES
W4	NE	1,1	2,1	2,31	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W5	NE	1,1	2,1	2,31	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W6	NE	1,1	2,1	2,31	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W7	NE	1,8	2,1	3,78	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W8	NE	1,8	2,1	3,78	34,4	0,54	0,45	2,50	3,00		0,72	6,2	D/Clear	YES
W9	SE	2,14	2,1	4,494	34,4	0,54	0,15	2,10	7,56		0,72	6,2	D/Clear	YES
D1	SW	3	2,1	6,3	34,4	0,54	0,10	2,50	13,50		0,72	6,2	D/Clear	YES
D2	SW	1,8	2,1	3,78	34,4	0,54	0,10	2,10	11,34		0,72	6,2	D/Clear	YES
D3	NE	3	2,1	6,3	34,4	0,54	0,72	2,50	1,88		0,72	6,2	D/Clear	YES
D4	SE	1,2	2,1	2,52	34,4	0,54	0,10	2,10	11,34		0,72	6,2	D/Clear	YES

5. Proposed Floor Plan  
Erf 3488 Hermanus

Plan prepared by: Thian Jansen on 2023/02/10  
Based on survey from Grow Architecture

Plan Number - 23/08

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,

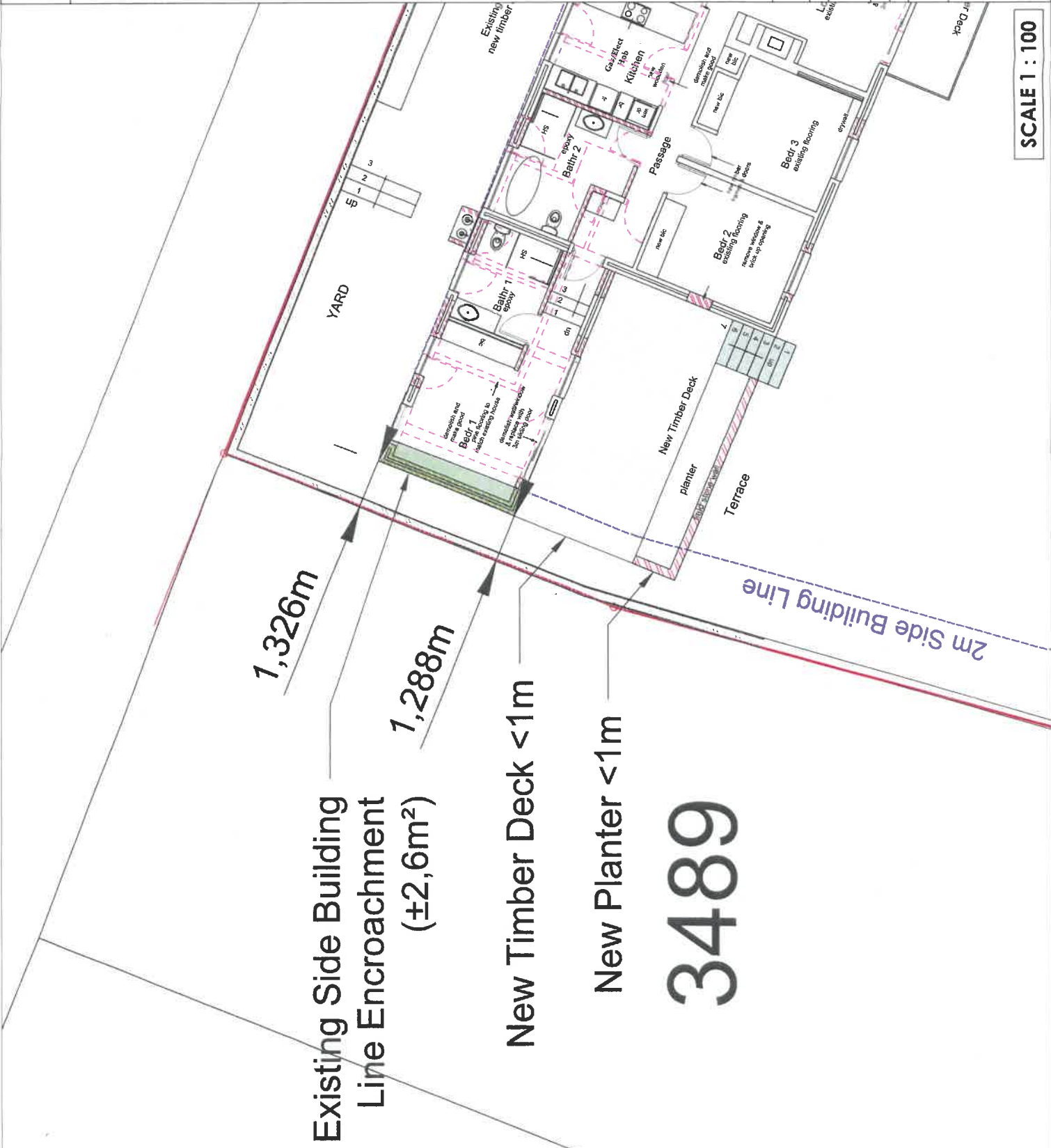
Corner of Royal and Dirkie Uys

Street Hermanus, 7200



**Project Office**  
Town Planning & Project Management

SCALE 1 : 100



Existing Side Building  
Line Encroachment  
(±2,6m<sup>2</sup>)

New Timber Deck <1m

New Planter <1m

**3489**

4. Status Quo Site Plan  
Erf 3488 Hermanus

Plan prepared by: Thian Jansen on 2023/02/10  
Based on survey from Geomatics Africa  
Plan Number - 23/08

All distances are approximate  
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,  
Corner of Royal and Dirkie Uys  
Sireel Hermanus, 7200



**Project Office**  
Town Planning & Project Management



Existing Side Building  
Line Encroachment  
(±2,6m<sup>2</sup>)

1,326m

1,288m

7178

3489

3488

7143

4030

SCALE 1 : 200



**LEGEND:**

[Symbol]	TO BE DEMOLISHED
[Symbol]	EXIST. BRICKWORK
[Symbol]	NEW BRICKWORK
[Symbol]	NEW CONCRETE
[Symbol]	NEW TIMBER
[Symbol]	NEW STEEL

**NOTE:**

- ANY DEVIATION OF THE ABOVE SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- FIGURED DIMENSIONS TAKE PREFERENCE OVER UNFIGURED DIMENSIONS AT ALL TIMES.
- ALL DIMENSIONS TO VERIFY ALL DIMENSIONS ON COMMENCEMENT OF WORK.
- ALL WORK TO COMPLY WITH MRB AND LOCAL REQUIREMENTS.
- ALL DIMENSIONS ARE IN MM.
- ALL DIMENSIONS ARE TO BE CONFIRMED BY THE ENGINEER.
- ALL DRAWINGS TO BE REVISIONED WHERE APPROPRIATE.
- ANY DISCREPANCIES TO BE RESOLVED TO THE ENGINEER'S SATISFACTION.
- ENGINEER TO BE COMMENCED BY WORK COMMENCEMENT.
- LAND SURVEYOR TO BE COMMENCED BY WORK COMMENCEMENT.
- COMMENCEMENT TO BE COMMENCED BY WORK COMMENCEMENT.



**ELECTRICAL LEGEND:**

[Symbol]	CIRCUIT BREAKER
[Symbol]	FLUORESCENT LIGHT
[Symbol]	WALL LIGHT
[Symbol]	DR BOARD
[Symbol]	STONE GLAZED
[Symbol]	SWITCH
[Symbol]	DOUBLE PLUG

**SUBMISSION**

**grow**

PROJECT: HOUSE GROENEWALD

LOCATION: 685 5408 273 300 STREET VOGELKIP

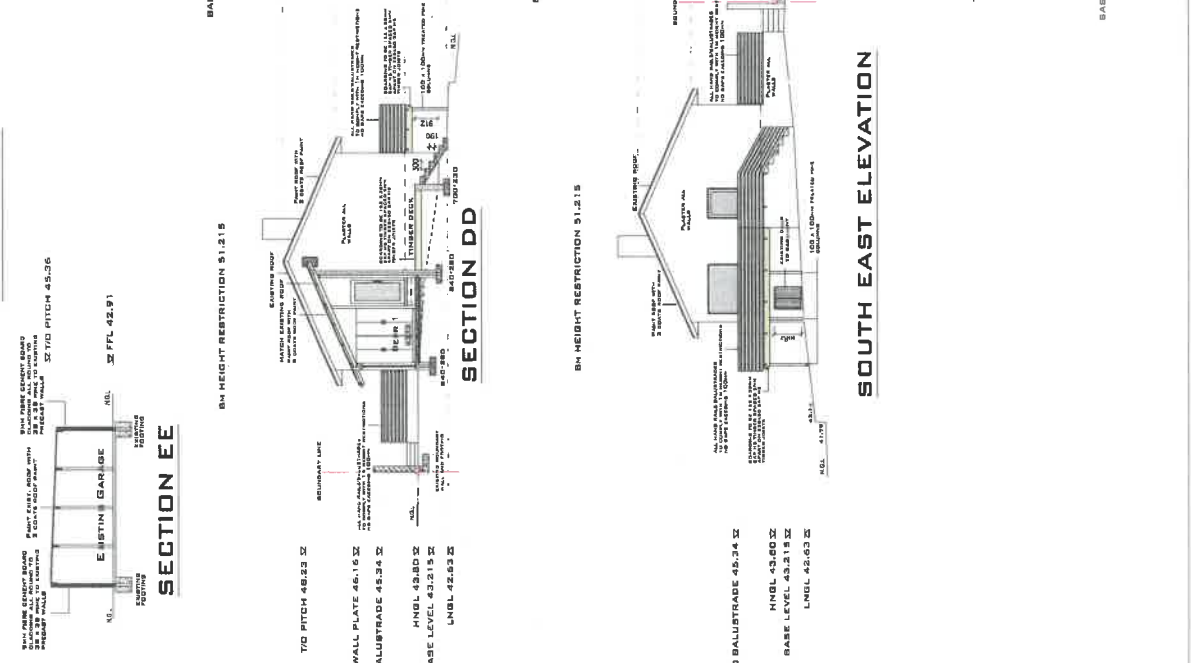
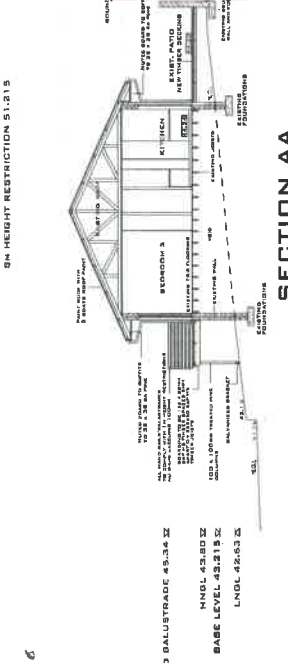
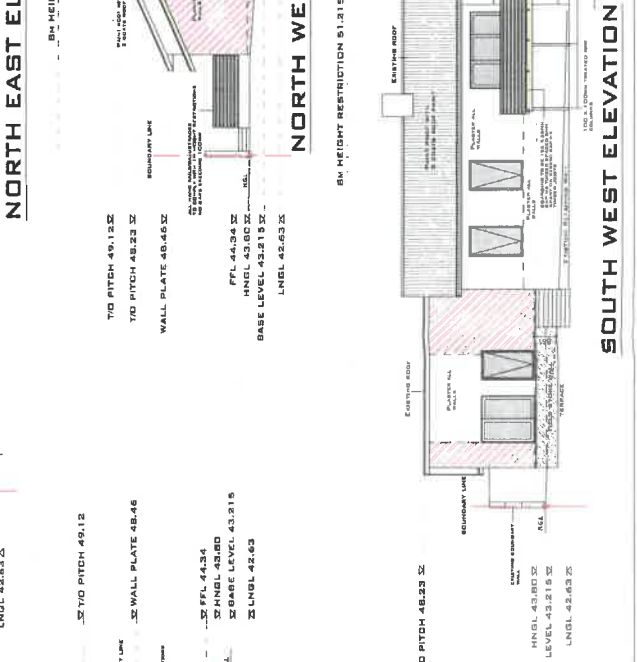
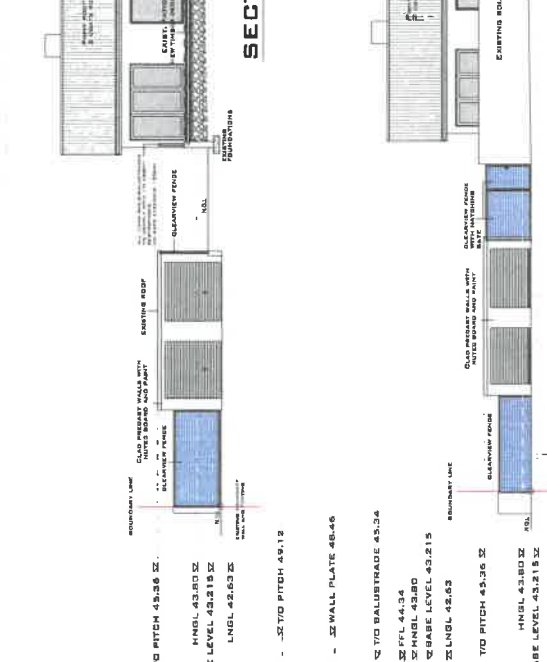
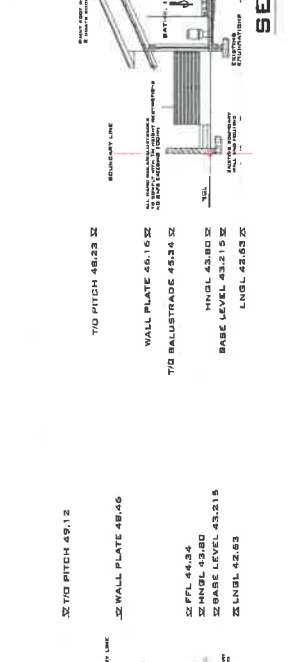
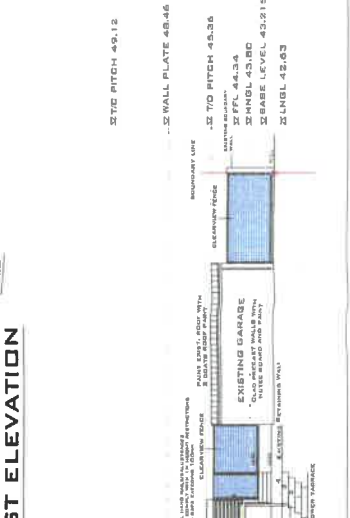
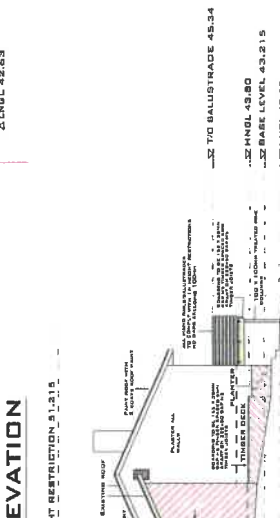
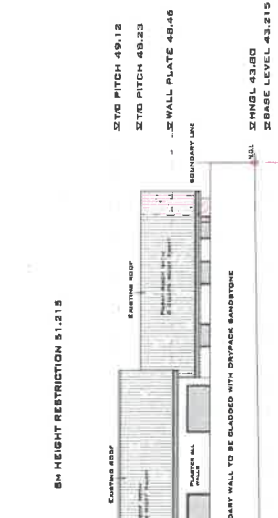
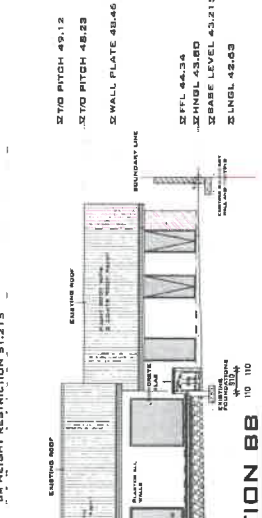
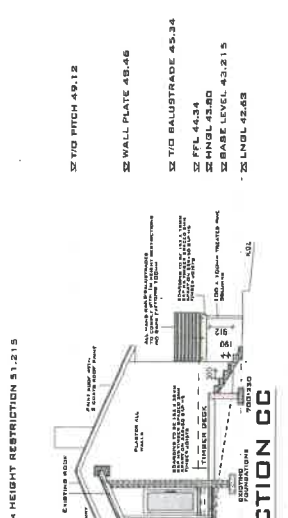
DRAWING: ADDITIONS & ALTERATIONS

DATE: 2024-01-11

SCALE: 1:100 - A1

NO. 06000

ISS. 01





Name	Y	X	Z	Description
s11	-27266.91	3809103.99	42.67	roofing screw in for
s12	-27239.03	3809072.94	43.50	roofing screw in for



Project  
**TOPOGRAPHIC SURVEY**  
**ERF 3488**  
**HERMANNUS**

Client  
**THE OWNER**

Architect  
**I GOOSEN**

Beacon Descriptions:  
 A - 12mm iron peg  
 B - wall corner  
 C/D - drill hole on wall  
 E - notch on wall

Constants	Y	X
Height Datum	0.00	0.00
Project No		WG584
Drawing No		H3488

Scale 1:200  
 Date November 2022



**geomatics africa**  
 A.S. SURVEYING & CONSULTANTS  
 PO Box 2245, Hermanus, 7200  
 3 College Rd, Hermanus, 7200  
 E-mail: info@geomatics.co.za  
 Tel: 028-3131235 Fax: 028-3131237

MATR	HOUSE
HNG1	43.80
LNCE	42.63
BNS2	43.22
MAXIMOR	51.22

*M. Clark*  
 NA CLARK (P/L 1072)  
 PROFESSIONAL LAND SURVEYOR

LEGEND	
	Electric box
	Lamp pole
	Inspection cover
	Fibre
	Electric pole
	Road sign
	Tree
	Stop valve
	Catchpit
	Manhole
	Water meter
	Fence
	Wall
	Kerb
	Kerb and channel
	Cadastral boundary
	Edge of tar