

**ERF 5559, 243 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON
BEHALF OF KIEPERSOL BELEGGINGSTRUST**

Notice is hereby given in terms of Section 48, read with Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for a departure in order to relax the height restriction from 8m to 8,7m.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **2 July 2021**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **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 5559, VYFDE STRAAT, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA:
AANSOEK VIR AFWYKING: MNRE INTERACTIVE TOWN & REGIONAL PLANNING NAMENS
KIEPERSOL BELEGGINGSTRUST**

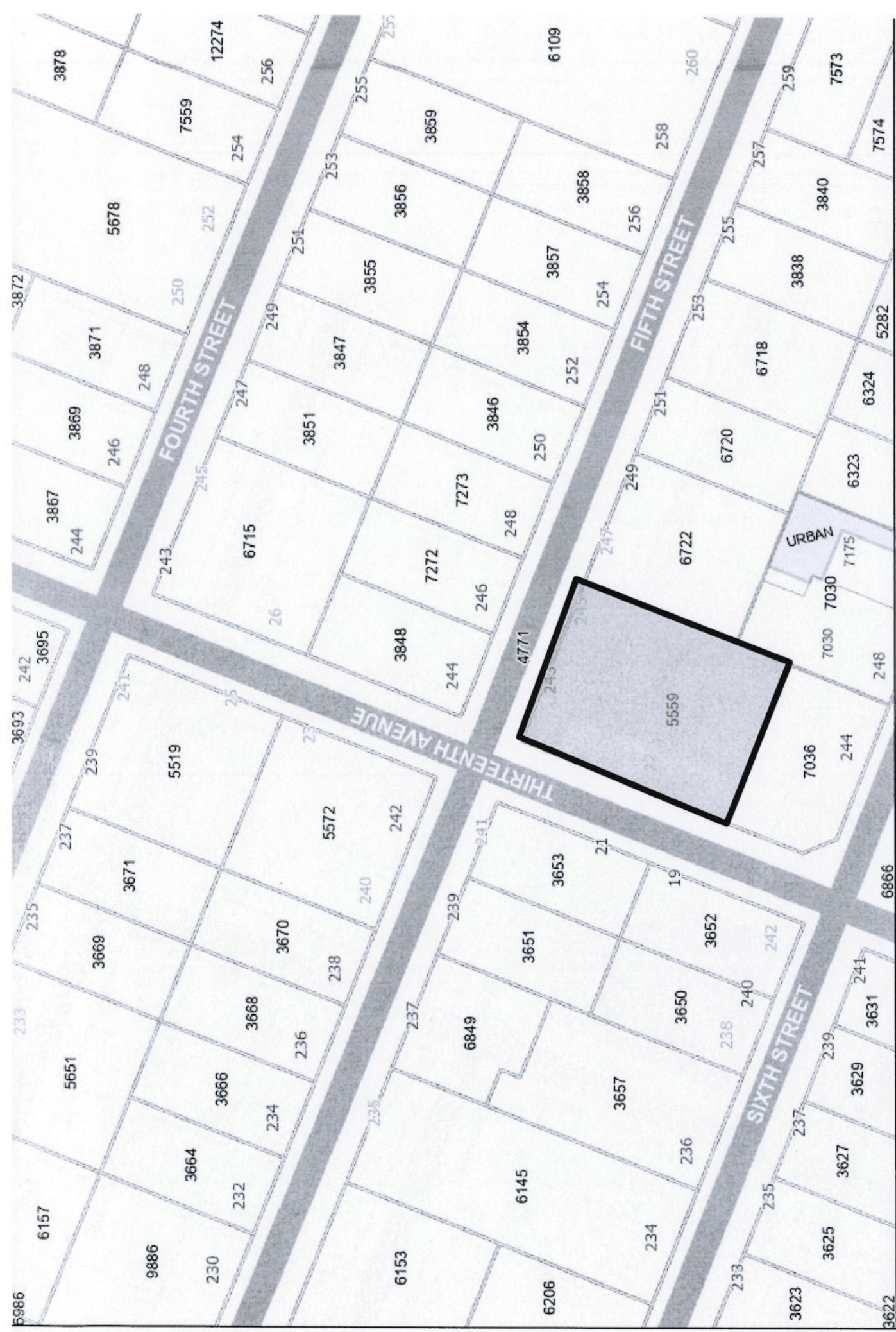
Kennis word hiermee gegee ingevolge Artikel 48, saamgelees met Artikel 16(2)(b) van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is vir 'n afwyking ten einde die hoogtebeperking van 8m tot 8,7m te verslap.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende **weeke** 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) voor of op **2 Julie 2021**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **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 5559, 243 5TH STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND
MUNICIPAL: ISICELO SOKUNYENYISWA: I-INTERACTIVE TOWN & REGIONAL PLANNING
(ITRP) EGAMENI LE-KIEPERSOL BELEGGINGSTRUST**

Kukhutshwa isaziso ngokumayela neCandelo 48, xa lifundwa neCandelo 16(2)(b) loMthetho Otshintshweyo woMasipala waseOverstrand ongokuSetyenziswa koMhlaba kaMasipala, 2020 sokokuba kufunyenwe isicelo sokunyeniswa isithintelo sobude besakhiwo ukususela kwi-8m ukuya kwi-8.7m

Iinkcukacha 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 Mthethwana zithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) aconradie@overstrand.gov.za) ngolu suku okanye ngaphambi kwalo koLwesihlanu, **2 uJulayi 2021**, unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdlia wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungafonela **Mnu. P Roux** ku-028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.



1. Introduction	
<p>a. Brief</p> <p>Refer to Annexure B for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning was appointed by the owner of the property Kiepersol Beleggingstrust to prepare and submit an application for a height departure on Erf 5559, Voëlklip in terms of the relevant legislation.</p>
<p>b. Development Objective & Application Proposal</p>	<p>The development objective is to legalize the unapproved height of the roof ridge to allow for the existing dwelling on the application area.</p> <div style="text-align: center;"> <p style="text-align: center;">49.97m Roof Ridge</p> <p style="text-align: center;">8.7m</p> <p style="text-align: center;">8m</p> <p style="text-align: center;">7.2m</p> <p style="text-align: center;">Ground Floor</p> <p style="text-align: center;">41.30m Mean/Base Level</p> </div> <p>Figure 1: Building plan extract</p> <p>Subsequently the application proposal is for:</p> <ul style="list-style-type: none"> • a <u>departure</u> to relax the roof ridge height from 8m to 8.7m to allow for the existing dwelling on the application area in terms of Chapter IV, Section 16(2)(b) of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020.
<p>c. Background</p>	<p>The application area consists of a double-storey single residential dwelling with an <u>unapproved roof ridge height of 8.7m</u> and a separate approved loggia at nr 243 Fifth Street, Voëlklip.</p> <p>Resulting from a site inspection by ITRP, the analysis of the 2014 building plan and current measurements on the erf by the architect, it is concluded that the building contractor committed a calculation error regarding the physical mean level/ average natural ground level on site during the cut and fill phase and that the dwelling was therefore built too high.</p>

2. The Application

<p>a. Analysis: Title Deed Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The Conveyancer Monica Korf issued a certificate confirming that no restrictive title deed conditions exist against the proposal on Erf 5559 Voëlklip.</p>				
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 5559 Voëlklip, Hermanus as per the Overstrand Municipality Land Use Scheme Regulations, 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		Day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;	Dwelling house	Consistent
	Consent Uses		Crèche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.	None	Consistent
	Coverage		50%	30%	Consistent
	Height		8m	8.7m	Application is for a departure
	Heights	Street	4m	4m north 3m west	Departure already approved Consistent
		Side	2m	2m	Consistent
		Rear	2m	2m	Consistent
Parking		Dwelling house: 2 bays	Dwelling house: 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 Amendment By-law on Municipal Land-use Planning, 2020, for:</p> <ul style="list-style-type: none"> a <u>departure</u> to relax the roof ridge height from 8m to 8.7m to allow for an existing dwelling on the application area in terms of Chapter IV, Section 16(2)(b). 				

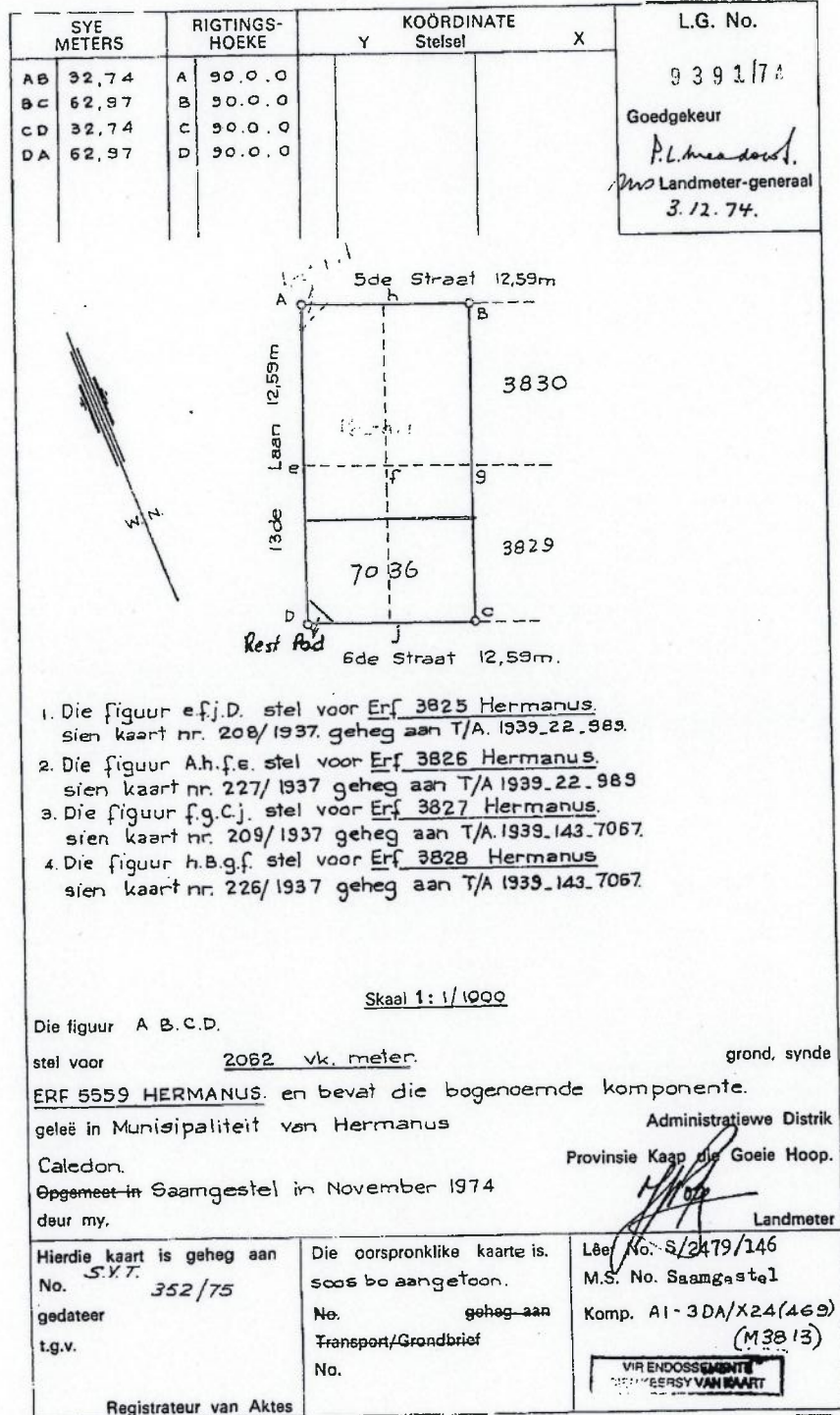
3. Contextual Site Information

a. Property Description

Property	Extent	Title Deed	Registered Owner
5559 Voëlklip	1400 m ²	T75591/2012	Kiepersol Beleggingstrust

Refer to Annexure E for the SG Diagrams, Annexure B for the Title Deed of Erf 5559 Voëlklip.

The following Surveyor General Plans reflect the application site:



5559

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 Voëlklip residential suburb. Voëlklip is located on the Eastern side of Hermanus.

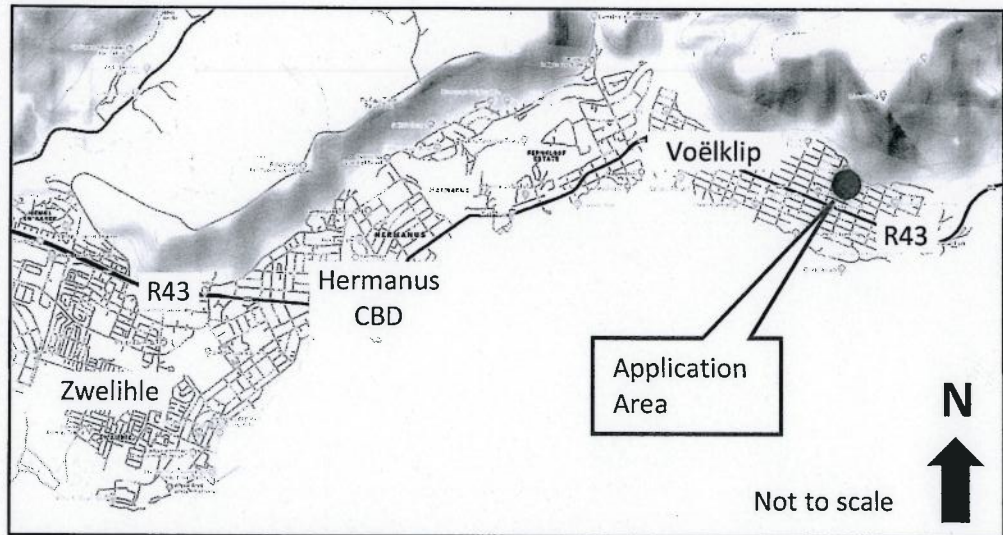


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a residential erf within Voëlklip that forms part of the larger Hermanus West area. The application area is located at number 243 Fifth Street.

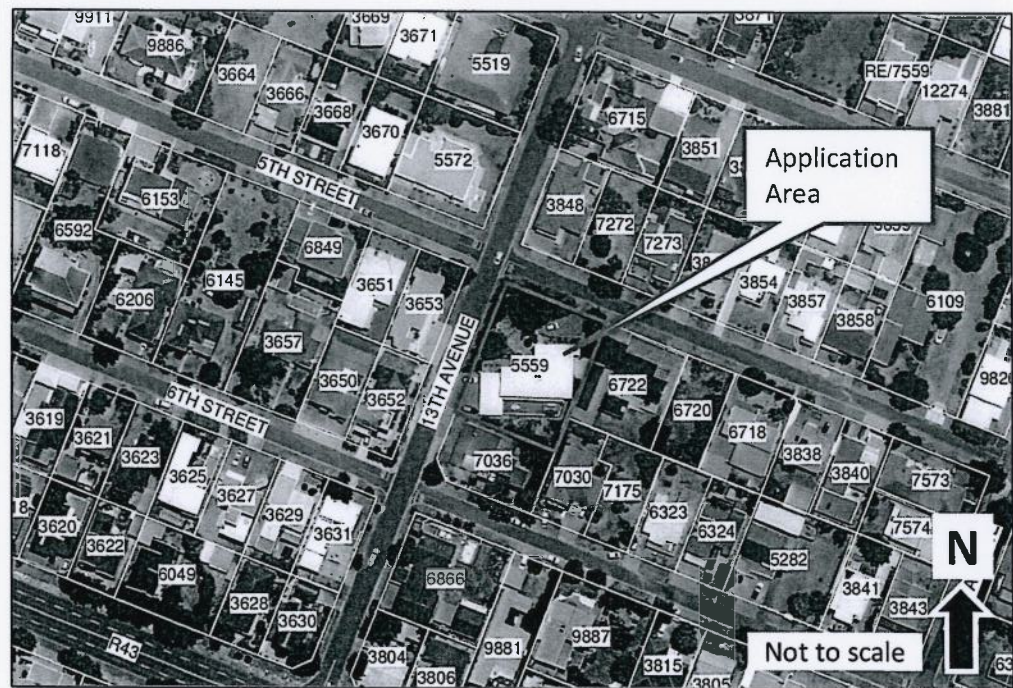


Figure 4: Locality Plan – Local Context

c. Land Use:

Refer to the Land Use Plan attached as Annexure H.

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

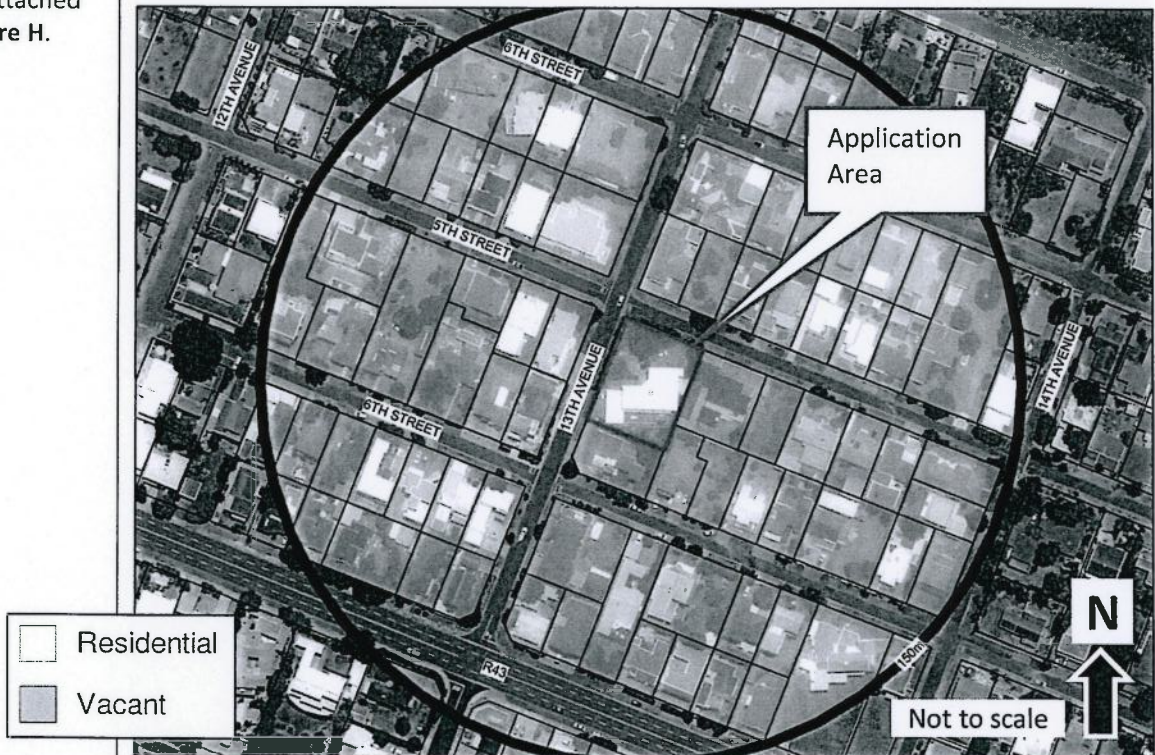


Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

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

The application area, Erf 5559, Voëlklip is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

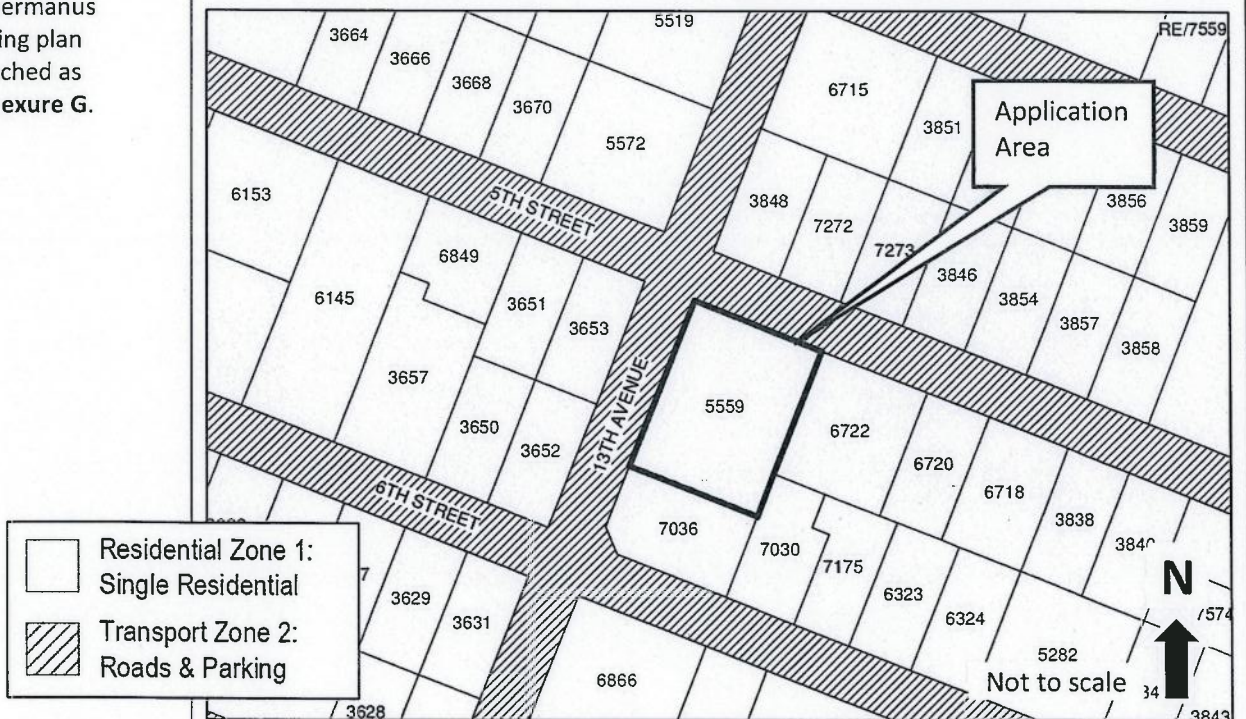


Figure 6: Zoning Map

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.

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

The application area falls within a core urban residential area.

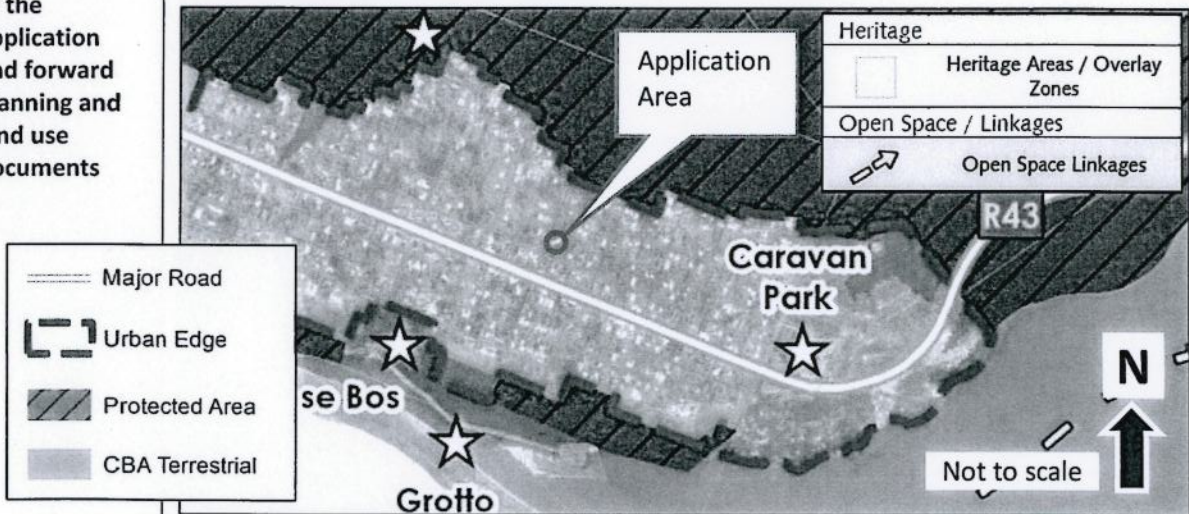


Figure 7: Spatial Development Framework Spatial Proposals Plan

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 a 10 to 20 Dwelling Units Per Hectare Densification Zone.

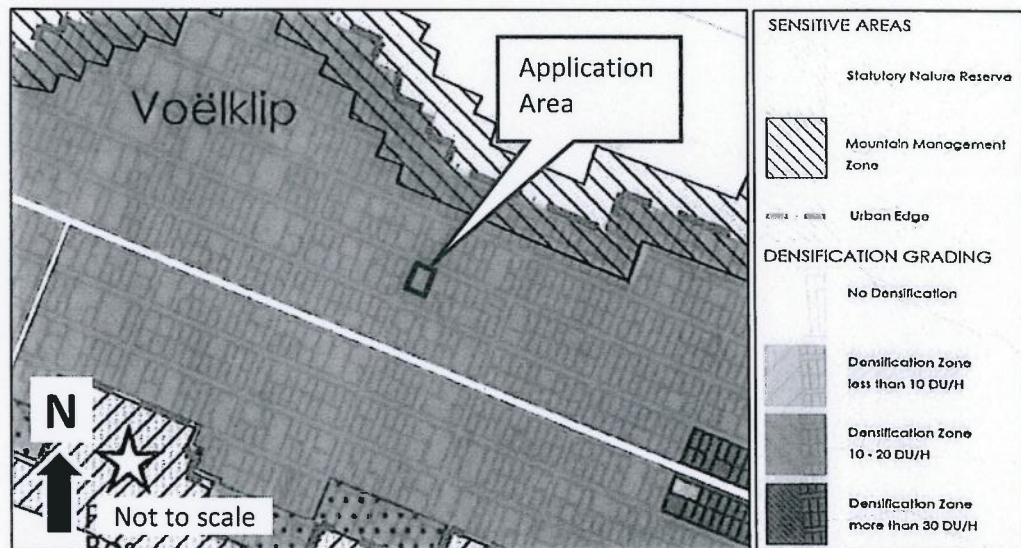


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.

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

4. Motivation

Motivation for the application:

Refer to **Annexure I** for the Building Plan and **Annexure K** for the southern neighbour's consent.

a. Introduction and Background

The application area consists of a double-storey single residential dwelling with an unapproved roof ridge height of 8.7m and a separate approved loggia at nr 243 Fifth Street, Voëlklip.

The architect appointed by the owner to draw up plans for the approval of additions on the application area, found the existing roof ridge height of the residential building to exceed the maximum permitted height of 8m by 0.7m, thus resulting in a height of 8.7m.

According to the architect, the original plans for the residential dwelling submitted in 2014 by a previous architect and subsequently approved, indicated the height of the roof ridge to be lower than the permitted 8m maximum height namely 7.98m but the residential building was constructed higher than the height indicated on the plans as well as a further 0.7m over the maximum permitted 8m height.

According to the Height Restriction Certificate extract in Figure 9 below, the highest natural ground-level for the house is 42.20m and the lowest natural ground-level is 40.40m, thus resulting in a mean natural ground level of 41.30m.



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Date: 31 March 2020

To Whom It May Concern:

Height Restriction of Erf 5559 Hermanus

A topographic survey was completed to determine natural ground level. The building has been surveyed and various levels taken.

The results are as follows:

House	
Highest natural ground level	42.20m
Lowest natural ground level	40.40m
Mean Natural Ground Level	41.30m
Maximum allowable height (8.0m restriction)	49.30m
Roof Pitch	49.97m

Figure 9: Height Restriction Certificate

According to the 41.30m mean natural ground-level, the maximum height allowable for the roof pitch would be 49.30m. The actual roof pitch is 49.97m, thus exceeding the maximum allowable height by 0.7m.

It is thus concluded that the building contractor committed a calculation error regarding the physical mean level/ average natural ground level on site during the cut and fill phase and that the dwelling was therefore built too high.

b. Proposal

The objective therefore includes to legalize the existing non-approved 8.7m roof ridge height of the residential dwelling, which is not only higher than on the approved 2014 building plans but furthermore exceeds the maximum permitted height of 8m by 0.7m, all due, as is concluded, to a calculation error during the construction phase.

The proposal is thus for a departure to relax the height from 8m to 8.7m to legally accommodate the existing single residential dwelling on the application area.

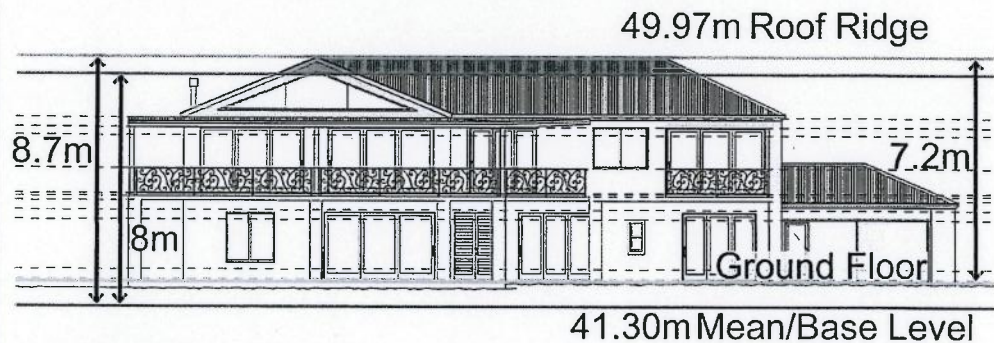


Figure 10: Development Proposal

c. Desirability

The application is considered desirable, for the following reasons:

- The transgression is concluded to be a result of a calculation error by the building constructor of the physical mean level/ average natural ground level on site during the cut and fill phase
- The owner wishes to bring the dwelling in line with the statutory requirements
- The proposal is considered to be the most cost-effective, practical and least destructive solution to the calculation error
- To the best of our knowledge no objections have ever been lodged by neighbours regarding the potential obstruction of ocean views by the proposal
- The white colour of the roof blends in well with the skyline and therefore supports the aesthetical value of the environment
- It is concluded that no material impact on the environment is caused by the proposal

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 proposed height relaxation will not in any way contribute to perpetuation of past apartheid spatial development imbalances as the application proposal will accommodate the legalization of a statutory requirement of an existing house. Furthermore, the previous Overstrand Municipal Spatial Wide Development Framework, 2006 is concerned with the optimal use of land and mentions the need to provide satisfactory residential environments and that a full range of residential needs be catered for.

The application proposal is **consistent with 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 the legalization of an existing single residential dwelling within the urban edge and will therefore have no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas.

The application proposal can thus be deemed to be **spatially sustainable**.

- 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 represents the most practical, cost-efficient and least destructive solution to the roof ridge height which exceeds the maximum permitted height for a single residential dwelling, without causing any material impact on the environment.

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 proposed development will not lead to any economical and/or environmental shocks as the application allows for an existing building within a residential suburb.

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

Consultative 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 relevant government tiers 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 proposal represents the most practical, cost-efficient and least destructive solution to the roof pitch which exceeds the maximum allowable height, without causing any material impact on the environment.

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. It is therefore recommended that the application **be approved** in terms of the Overstrand Amendment By-law on Municipal Land-use Planning, 2020, as follows:

- a departure to relax **the roof ridge height** from 8m to 8.7m to allow for an existing dwelling on the application area in terms of Chapter IV, Section 16(2)(b).

GENERAL NOTES:

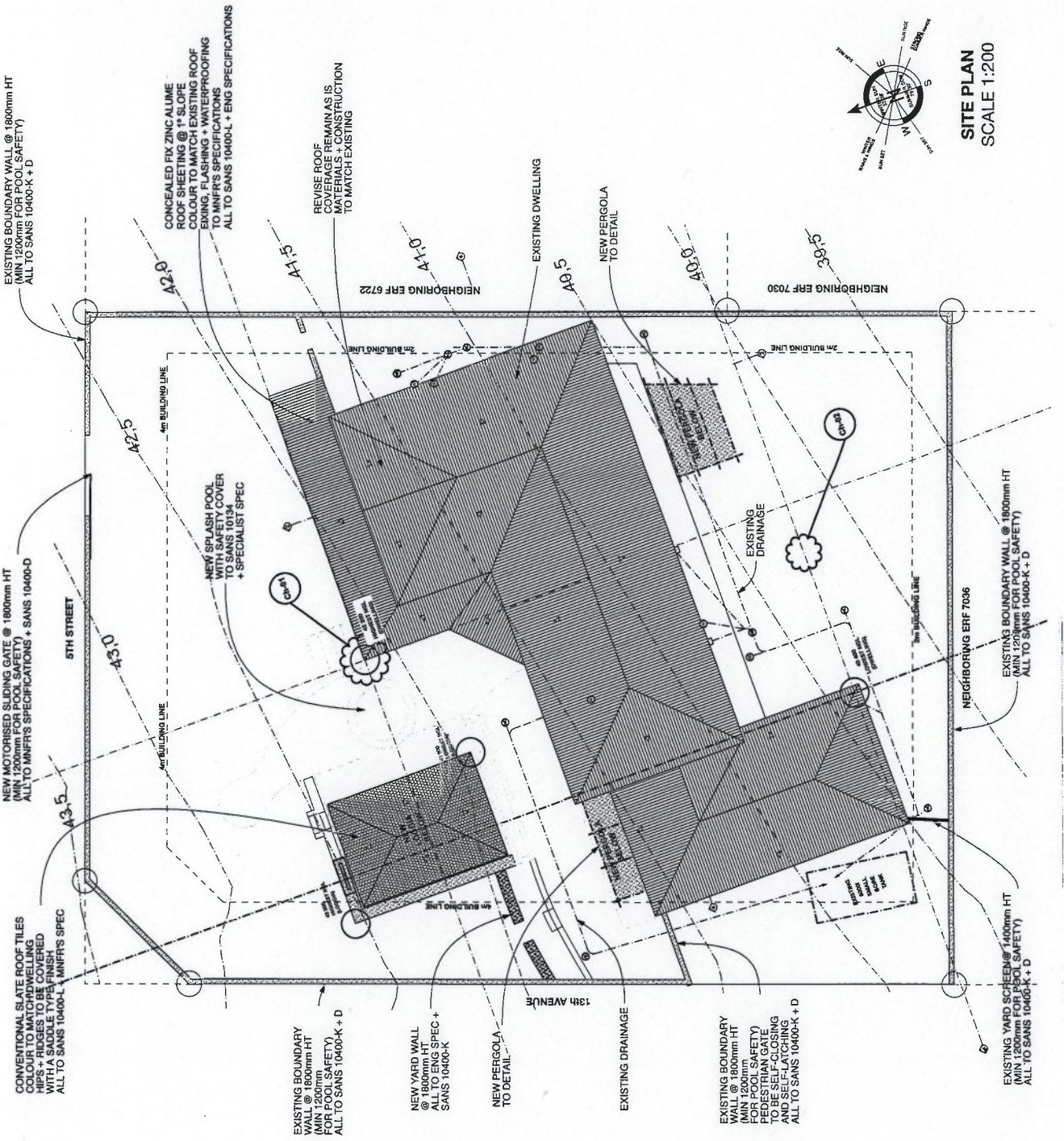
1. ALL GENERAL NOTES APPLY TO ALL DRAWINGS, DETAILS, SPECIFICATIONS & ANY SUPPLEMENTARY INFORMATION. ALL CONTRACTUAL DOCUMENTATION.
2. THIS DRAWING IS NOT TO BE SCALED. ONLY FIGURED DIMENSIONS TO BE USED.
3. ALL BUILDING WORK TO COMPLY WITH ALL APPLICABLE SABS REGULATIONS, PROCEDURES & RECOMMENDATIONS & LOCAL AUTHORITY REGULATIONS. THIS REQUIREMENT SHALL NOT BE DEEMED TO BE SUPERSEDED BY THE PROVISIONS OF ANY OTHER CONTRACT DOCUMENT.
4. THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL BUILDING DIMENSIONS PRIOR TO COMMENCING CONSTRUCTION & CROSS-CHECKING ALL BUILDING DIMENSIONS DURING THE CONSTRUCTION PROCESS.
5. THE CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION PROCEDURES & METHODOLOGY BEING CARRIED OUT IN ACCORDANCE WITH THE LATEST OCCUPATIONAL HEALTH & SAFETY ACT & REGULATIONS.
6. THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL OPENING SIZES & VERTICAL & HORIZONTAL POSITION PRIOR TO THE CONSTRUCTION, MANUFACTURE & INSTALLATION OF FITTED OPENINGS. ALL FITTINGS & FIXINGS TO BE CARRIED OUT IN ACCORDANCE WITH THE ARCHITECT PRIOR TO COMMENCING CONSTRUCTION.
7. ALL STRUCTURAL WORK IS TO BE DESIGNED, DETAILED, CALCULATED & CHECKED IN ACCORDANCE WITH THE SABS REGULATIONS & TO BE CARRIED OUT IN STRICT ACCORDANCE WITH THIS. ALL STRUCTURAL WORK IS TO BE BUILT FROM THE ENGINEER'S SPECIFICATIONS & TO BE COMPLETED TO THE STANDARD OF A STRUCTURAL ENGINEER'S SUPERVISION OF THE WORKS.

PROJECT NAME: HOUSE SEVENSTER
ERF NO.: 5559
ADDRESS: 243 FIFTH STREET | HERMANUS
DESCRIPTION: ADDITIONS + ALTERATIONS
STATUS: MUNICIPAL SUBMISSION | REV. 01 - WIP
CLIENT: ANSIE SEVENSTER FOR KIEPERSOL BELEGINGSTRUST

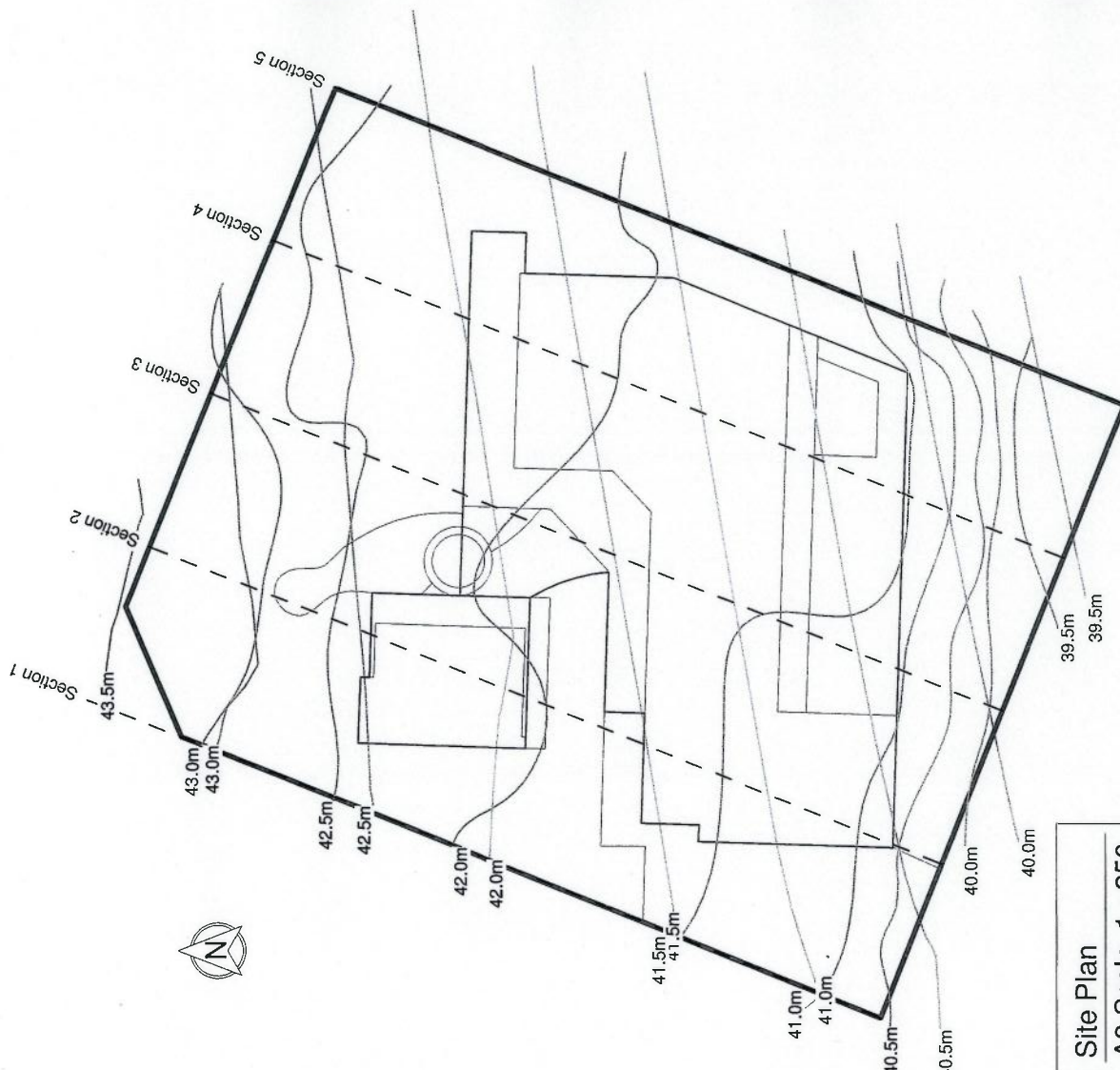
SDP:
DESCRIPTION: LNF (PSAT 2475 0719)
DRAWN:
DATE: 2019/11/20
SCALE: AS INDICATED
DRAWING NO.: 5559.3

ARCH: TECH STUDIO
 Linc Pot: lincpot@gmail.com | 082 840 3115
 whatsapp: 065 997 0469

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SITE PLAN
SCALE 1:200



Site Plan
A3 Scale 1 : 250

29 MAR 2021

Section 1
A3 Scale 1 : 250

Section 2
A3 Scale 1 : 250

Section 3
A3 Scale 1 : 250

Section 4
A3 Scale 1 : 250

Section 5
A3 Scale 1 : 250

PROJECT	Erf 5559 Voëlkop
TITLE	Contours

- Application Area
- Geomatics Africa surveyors survey contours
- Arch: Tech Studio building plan contours
- Arch: Tech Studio building plan ground floor height

DRAWN BY	CHECKED BY	DATE
Author	Checker	18/02/2021
SCALE (if A3)	PROJECT NUMBER	
As indicated	0001	
DRAWING NUMBER		
A101		
CLIENT		

INTERACTIVITY
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