

ERF 1771, 3 SECOND STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY AND DEPARTURE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE LABIA FAMILY TRUST

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:

- the determination of an administrative penalty in terms of Section 16(2)(q), in order to legalize the unlawful shed/wendy house on the property;
- departure in terms of Section 16(2)(b) for the following:
 - relaxation of the eastern lateral building line from 2m to 0m and the rear building line from 2m to 0.27m to accommodate the existing shed/wendy house; and
 - relaxation of the eastern lateral building line from 2m to 0m to accommodate the change of use of the existing single garage to a storeroom with gardener's bathroom.

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) on or before **14 April 2022**, quoting your name, address and contact details, interest in the application and reasons for comment. 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 1771, TWEDE STRAAT 3, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK VIR BEPALING VAN 'N ADMINISTRATIEWE BOETE EN AFWYKING: MNRE PLAN ACTIVE STAD- EN STREEKSBEPLANNERS NAMENS DIE LABIA FAMILY TRUST

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:

- die bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) ten einde die onwettige stoor/wendyhuis op die eiendom te wettig;
- afwyking ingevolge Artikel 16(2)(b) vir die volgende:
 - verslapping van die oostelike lateraleboulyn vanaf 2m na 0m en die agterboulyn vanaf 2m na 0,27m om die bestaande stoor/wendyhuis te akkommodeer; en
 - verslapping van die oostelike lateraleboulyn vanaf 2m na 0m om die gebruiksverandering van die bestaande enkelmotorhuis na 'n stoorkamer met tuinierbadkamer 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) voor of op **14 April 2022**, 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.

ISIZA ESINGUERF 1771, 3 SECOND STREET, VOËLKLIP, HERMANUS, KUMMANDLA KAMASIPALA WASEOVERSTRAND: ISICELO SOKUQINISEKISA IPENALTHI/UMDLIWO WOBHALISO NOKWAHLULA: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS EGAMENI LELABIA FAMILY TRUST

Kukhutshwe isaziso esimayela nemiba yeSoloty lama48 loMthethwana kaMasipala waseOverstrand ongeziHlomelo ngeZicwangciso Zokusetyenziswa koMhlaba ku2020 (Umthethwana) isaziso esi sifunyenwe sinale miba ilandelayo:

- Ukuqinisekisa noqikelelo lwepenalthi/umdlwiwo yobhaliso ngokwemiba yobhaliso lweSoloty le16(2)(q), ukuze kumiselwe ngokusemthethweni ishedhi/indlu yokudla abantwana engekho mthethweni kwesi siza okanye kulo mhlaba;
- ukwahlula ngokwemiba yeSoloty le16(2)(b) ngokwezi ndlela ezilandelayo:
 - ukunyenya umgca wesakhiwo kwicala elimelene nelingqamene nomgca wesakhiwo ukusuka kwiimitha ezi2m ukuya kwezi 0m nomgca omelene okwicala elingasemva komgca wesakhiwo ukusuka kwiimitha ezi2m ukuya kwiimitha ezi 0.27m ukulungiselela isakhiwo esesikhona esiyishedi/indlu yokudlala abantwana; kunye
 - nokunyenya umgca wesakhiwo okwicala elisempuma elimelene nomgca wesakhiwo ukusuka kwiimitha ezi2m ukuya kwiimitha ezi0m ukulungiselela ukutshintsha igumbi elisetyenziswa njengegaraji esele ikhona neyindawo eligumbi lokugcina impahla kunye negumbi lokuhlambela lomsebenzi osebenza egadini.

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka kwiintsuku zaphakathi ukusuka phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Lezicwangciso zeDolophu, 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo angazingenisa ngokwezibonelelo zeSoloty lamaSections 51 nelama52 loMthethwana ochazwe ngentla, kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye phambi komhla **14 uAprili 2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa ku**Mnu P Roux** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso ngeDolophu apho igosa likamasipala liza kumncesa afake izimvo ngokusemthethweni.

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**PROPOSED DETERMINATION OF AN ADMINISTRATIVE
PENALTY APPLICATION
AND PROPOSED DEPARTURE**

ERF 1771 HERMANUS

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by N. Lloyd, on behalf of The Labia Family Trust, the owner of erf 1771 Hermanus, to apply for the determination of an administrative penalty and departure of the subject property.

Erf 1771 Hermanus is 495m² in extent and is held by title deed no. T405/2014.

There is an existing double storey dwelling, single garage, swimming pool and shed (Wendy house) situated on the subject property.

Firstly, the existing shed in the south-east corner on the subject property encroaches the 2m eastern lateral and rear building lines. Although the shed is not considered a permanent structure (and can easily be moved), the owner intends to retain the shed in its current position. Secondly, the owner intends to convert the existing single garage into a storeroom with gardener's bathroom. The change of use of the outbuilding (from approved single garage to storeroom and gardener's bathroom) will be within the eastern lateral building line. Hence, an application is submitted for a departure to accommodate the change of use of the garage and related alterations within the applicable eastern lateral building line.

The owner also intends to construct a new deck on the ground floor level next to the existing living room. The proposed deck will encroach the eastern lateral building

line; however, the structure will be less than 1m high above adjacent ground levels. Hence a building line relaxation is not required to accommodate the new east deck.

To allow the property owner to keep the existing As Built structure (shed / Wendy house) and to allow for the change of use of the existing single garage, this application intends to address the following structures that deviates / will deviate from the Land Use Scheme Regulations (2020):

- Existing shed / Wendy house positioned on the 0m eastern lateral building line and the 0,27m rear building line;
- Change of use of the existing single garage to storeroom and gardener's bathroom on the 0m eastern lateral building line.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an administrative penalty for the unlawful shed / Wendy house.
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, for the departure from the Land Use Scheme Regulations' (2020) building lines.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 1771 Hermanus is situated at 3 Second Street, Voëlklip. Refer to the locality plan attached.

Erf 1771 Hermanus is 495m² in extent and is held by title deed no. T405/2014.

The subject property gently slopes from north to south and is characterized by residential structures (double storey dwelling, single garage, swimming pool and shed / Wendy house) and a garden area.

3.2 ZONING

Erf 1771 Hermanus has the following land use rights:

ERF NUMBER	ZONING
Erf 1771 Hermanus	Residential Zone 1: Single Residential

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

3.3 LAND USE

There is an existing double storey dwelling, single garage, swimming pool and shed / Wendy house and garden area situated on erf 1771 Hermanus. The subject property is therefore used for single residential living purposes.

Land uses that surround the subject property are single residential dwellings, public open spaces, Fernkloof Nature Reserve and public roads.

3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** to accommodate the existing shed / Wendy house in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;

2. The **departure** of erf 1771 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:

- Relax the eastern lateral building line from 2m to 0m and the rear building line from 2m to 0,27m to accommodate the existing shed / Wendy house.
- Relax the eastern lateral building line from 2m to 0m to accommodate the conversion / change of use of the existing single garage to a storeroom with gardener's bathroom.

3.4.1 Rectification of contravention

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law (due to the existing shed / Wendy house not being permitted by the current zoning scheme regulations), an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

- **The Nature, duration, gravity and extent of the contravention**

There is an existing shed / Wendy house on the subject property that the owner intends to retain. The shed is used for the storage of gardening tools and is $\pm 7\text{m}^2$ in extent. The shed has been on the property for a few years and is not considered a permanent structure. In addition, a building plan approval is not required for a shed

smaller than 10m² in extent. The owners were therefore not aware that any approvals were required to accommodate the shed in its current position.

The position and nature of shed / Wendy house on the property are unobtrusive in nature and do not impact negatively on the surrounding properties, and no complaint from surrounding property owners has been received up to date. A building line departure application to accommodate the shed / Wendy House on the 0m eastern lateral building line and the 0,27m rear building line is included in this application.

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

The current unlawful structure was placed on the site without prior approvals since the owner was unaware that the shed / Wendy house is not permitted in its current position. The property owner immediately appointed the relevant consultants once they were informed of the illegal structure to ensure that the structure is addressed with the land use application and the building plan submission to follow.

- **Whether the unlawful conduct was stopped**

The shed / Wendy house already exists on the subject property. The owner now attempts to rectify the contravention by submitting the administration penalty application in order to legalise the position of the structure on the subject property.

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

If the Overstrand Municipality finds it necessary that an administrative penalty fee needs to be enforced for the unauthorised building works, we will submit a report from a quantity surveyor with reference to the unauthorised building works. The reason being that if there is a chance that no penalty fee is imposed the report from a quantity surveyor will be unnecessary at this stage. It is important to note that the shed is not considered a permanent structure.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowner, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration that there is no impact of the existing shed / Wendy house on the surrounding area. It should also be considered that no complaints from surrounding properties have been submitted with regards to the shed / Wendy house. We therefore respectfully request that a minimal penalty fee not be imposed on the property owner for the reasons given above.

3.4.2 Departure (building line relaxations)

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

Firstly, the existing shed in the south-east corner on the subject property encroaches the 2m eastern lateral and rear building lines. Although the shed is not considered a permanent structure (and can easily be moved), the owner intends to retain the shed in its current position. An application is submitted for a departure to:

- relax the eastern lateral building line from 2m to 0m; and
- to relax the rear building line from 2m to 0,27m to accommodate the existing shed / Wendy house in its current position on the property.

The shed is single storey and $\pm 7\text{m}^2$ in extent. The dimensions of the shed are 2,9m x 2,4m. Since the shed is smaller than 10m^2 in extent, a building plan is not a requirement. However, the position of the structure must be indicated on the site plan. The shed encroaches the relevant lateral and rear building lines, hence a land use application (building line deviation) applies. The shed is mainly used for gardening tool storage purposes.

Secondly, the owner intends to convert the existing single garage into a storeroom with gardener's bathroom. The change of use of the outbuilding (from approved single garage to storeroom and gardener's bathroom) will be within the eastern lateral building line. An application is submitted for a departure to accommodate the change of use of the garage and related alterations within the applicable eastern lateral building line as follows:

- Relaxation of the eastern lateral building line from 2m to 0m to accommodate the storeroom and gardener's bathroom and related alterations within the existing single garage structure.

The storeroom and gardener's bathroom will be accommodated within the approved single garage footprint and will remain single storey. Dry walls will be used to create a separate bathroom section, while the only structural change will be to the existing garage door that will be replaced with a new door and window as indicated on the ground floor plan. The storeroom with gardener's bathroom will be $\pm 19,72\text{m}^2$ in extent.

There is an existing window within the southern wall (rear end) of the single garage structure that will remain unchanged for the purposes of converting the single garage to a storeroom with gardener's bathroom. Refer to the southern elevation plan and ground floor plan indicating the position of the existing window to remain. No windows or doors exist or are proposed for the wall on the eastern boundary of the subject property facing erf 6242 Hermanus. The roof will remain a flat roof.

Although one parking bay will be lost with the conversion of the single garage for storage purposes, the property can still provide ample (two) parking bays on site as per the parking requirements for SR1 zoned properties. Refer to the site plan.

3.4.3 General

The owner also intends to construct a new deck on the ground floor level next to the existing living room. The deck will be 1,065m over the 2m eastern lateral building line and 0,935m from the erf boundary and less than 1,0m high (approximately

750mm high). The proposed deck will encroach the eastern lateral building line; however, the structure will be less than 1m high above adjacent ground levels. Hence a building line relaxation is not required to accommodate the new east deck.

A topographical survey was done of the subject property prior to the compilation of the site development plan. Refer to a copy of the Topographical Survey undertaken by Van Dyk Land Surveyors dated May 2021. The height restriction for erf 1771 Hermanus was calculated by the land surveyors as follows:

Height restriction calculation

Lowest natural ground of house : 33,25m
Highest natural ground of house : 33,75m
Average : 33,50m
+ allowable building height : 8,00m
Building height restriction : 41,50m

The site development plan (site plan, ground floor and first floor layout plan) and elevations plan attached were compiled in line with the Topographical Survey. The existing and new structures meet the maximum height requirement of 8m from base level to top of roof as indicated on the elevation plans.

The proposed application has a nominal impact on the character and property values of the surrounding properties. The position and nature of the shed and change of use of the garage to storeroom and gardener's bathroom on the property are unobtrusive in nature and do not impact negatively on the surrounding properties, as no complaint from surrounding property owners has been received up to date.

The existing shed and change of use of the single garage to storeroom and gardener's bathroom on the subject property do not create an infringement to any passing traffic or public activity due to the position of the structures on the site, the use of the structures that encroaches the eastern lateral and rear building lines, etc.

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

The zoning of erf 1771 Hermanus will remain unchanged (Residential Zone I: Single Residential) as well as the primary land use (single residential purposes).

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The area schedule and coverage for the subject property are as follows:

AREAS

Site Area - 495m² (Erf 1771)

BUILDINGS:

Ground Floor - 144.84m² ***
 First Floor - 105.18m²
 Covered Stoep - 49.69m² ***

OUTBUILDINGS:

Garage - 19.72m² ***
 Wendy House (new) - 6.96m² * ***

SITE WORKS:

North Deck - 25.77m²
 West Deck - 15.94m²
 East Deck (new) - 11.44m² **
 Pool - 7.37m²

* New Work Covered
 ** New Work Uncovered
 *** Coverage

Total Buildings - 299.71m²
 Total Outbuild. - 19.72m²
 Total Site Works - 60.7m²

COVERAGE:

144.84 + 49.69 + 19.72 + 6.96 = 221.21m²

NEW WORK COVERED:
 6.96m²

NEW WORK UNCOVERED:
 11.44m²

A maximum coverage of 50% is allowed on SR1 zoned properties. The total coverage of 45% (221,21m²) does not exceed the maximum permissible coverage of 50% for SR1 zoned properties.

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

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

The proposed departure of erf 1771 Hermanus is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. The location of the subject property within a single residential area allows the property to be developed for low impact land uses only in future (such as bed-and-breakfast establishments, day care, guest house and home occupation uses). The proposed departure will not hinder any possible future land use applications on erf 1771 Hermanus.

The structures (shed and storeroom with gardener's bathroom) will be used mainly for storage purposes and are not considered habitable areas. No windows are proposed on the eastern erf boundary and both the structures will be single storey. In addition, the structures are positioned in the south-eastern corner of the subject property at the lowest point on the subject property. The slope of the property therefore favours the position of the respective structures.

The scale of the surrounding built environment, the low impact on the streetscape, the use of the respective structures, the compliant coverage (in line with the land use requirements), the slope of the subject property, etc. are factors that have to be considered when contemplating the potential of the property to accommodate the departure. The following factors confirm the potential of the property to accommodate the proposed lateral building line deviations:

- good quality materials are and will be used;
- the architectural style of respective structures on the subject property is similar (the shed is not visible from the street);
- The dwelling will be used for residential purposes only;
- The alterations / additions will add value to the subject property as well as the area.

3.6 ECONOMIC IMPACT

The proposed Land Use Scheme relaxation of the eastern lateral and rear building lines are to accommodate the existing shed / Wendy house and the conversion of the existing garage to a storeroom with gardener's bathroom. The proposed departure will allow the owner to keep all structures on the subject property while simultaneously meeting their storage needs. Addressing the unlawful structure (shed) will favour the resale of the property in the future and have a positive impact on the adjacent properties. By accommodating the shed and conversion of the single garage to a storeroom with gardener's bathroom the need for storage space on the subject property is met. By approving the proposal, the aesthetical value of the subject property will remain. Both the structures do not have a negative impact on the surrounding property owners as previously discussed.

The proposed deviations will have a low but positive impact on the local economy. One family will continue to reside on the property who will continue to invest in the local economy of the area.

3.7 SOCIAL IMPACT

The proposed departure will have no impact on the social status quo of the area. The deviations will however allow the owner to retain all existing structures on the subject property while simultaneously changing the use of the single garage for storage and gardener's bathroom purposes. All other alterations and additions will be done in line with the relevant land use scheme regulations.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the property will be compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing low-density residential area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The surrounding properties are developed with single and double storey dwellings and the use of the surrounding properties is for permanent residences and holiday houses. The scale of the structures on erf 1771 Hermanus (and the respective uses thereof) merges well with the scale of the surrounding dwellings in the immediate area.

In addition, to accommodate the As Built alterations / additions will contribute towards the value of the subject property and consequently have a positive impact on the area. The use of the subject property will primarily remain for residential purposes (dwelling with outbuildings).

There is no substantial impact on the streetscape as discussed in detail in Sections 3.4, 3.5 and 3.11 of this report.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

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

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

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure will have no impact on the general safety and wellbeing of the surrounding community. It is anticipated that a maximum of one family will continue to occupy the subject property. The structures to be accommodated with a departure will not be used as habitable areas and thus the impact on the adjacent properties will be kept to a minimum. The proposed coverage complies with the maximum permissible coverage.

The proposal meets the needs of the owner without compromising the safety and privacy of the adjacent property owners. All existing structures and proposed alterations / additions still ensure that the dwelling remains aesthetically pleasing.

Since the proposed departure is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for the departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 1771 Hermanus is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality's Zoning Scheme Heritage Overlay Zone (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010).

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

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the Hermanus area.

3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

The subject property is not situated within the Overstrand Municipality's Zoning Scheme Environmental Overlay Zone (2020).

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 1771 Hermanus will remain unchanged and will be from Second Street, Voëlklip. Refer to the site development plan.

The Overstrand Municipality Land Use Scheme (2020) stipulates that a minimum of two parking bays are required for a dwelling house. Although one parking bay will be lost with the conversion of the single garage for storage purposes, the property can still provide ample (two) parking bays on site as per the parking requirements for SR1 zoned properties. Refer to the site plan. The dwelling house on erf 1771 Hermanus will therefore comply with the minimum parking requirements for SR1 zoned properties.

The subject property will still be used primarily for single residential purposes and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed no. T405/2014 has no restrictions that need to be removed for this application for the departure of the prescribed building lines to be approved. A conveyancer's certificate is being compiled by Mr H.L. van Zyl at Van Zyl Kruger Attorneys and a copy will follow.

There is no bond registered against erf 1771 Hermanus.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 1771 Hermanus is situated, for urban development purposes. The zoning and use of the subject property will remain unchanged (Residential Zone 1: Single Residential). As a result, the impact of the proposed departure on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erf 1771 Hermanus forms part of Planning Unit no. 3 for Hermanus East. Refer to the *OMGMS Proposal Plan (2010): Hermanus East* attached. Densification from 11du to 14,3du is proposed for this planning unit. No additional portions or second dwelling units are proposed with this application. The status quo of the area (low density residential) will remain unchanged. The land use application for the subject property therefore falls within the existing planning for the Hermanus East area.

The proposal will promote land development in a location that is sustainable. The proposed departure is to an improved erf within an established residential area and will not impact on urban sprawl or upon a sensitive environment.

The impact on the overall density of this part of Hermanus will therefore be kept to a minimum since the proposed application still promotes a low-density residential area.

From the above it is evident that the proposed development **adheres and complies** with the relevant municipal spatial planning policies.

3.16 **PLANNING PRINCIPLES**

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application ties in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject property has been in existence since 1936.

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

Spatial sustainability: The proposed departure will have no impact on the visual elements of the subject property and surroundings since the shed / Wendy house and single garage to be converted to a storeroom with gardener's bathroom, already exist. It is submitted that the structures (with new use where applicable) are compatible with the character of the area (as motivated in previous sections of this report). The encroachment of the eastern lateral and rear building lines has no impact on the massing of the buildings and the impact on the streetscape or passers-by is considered minimal. The shed and storeroom with gardener's bathroom will merge well with the area. The impact on the biophysical environment will also be kept to a minimum since the structures already exist.

Factors such as the good quality materials used, the overall layout of the structures on the subject property, the scale of the surrounding built environment, the low impact on the streetscape, the uses of the respective structures, the slope of the subject property, etc. allow for the consideration and approval of the proposed deviations without having an adverse impact on the spatial sustainability of the area. The existing shed and converted garage to storeroom with gardener's bathroom are to an improved erf within an established residential area and therefore will not impact on urban sprawl, or upon a sensitive environment.

The application is considered spatially sustainable as the existing property will be more optimally utilised. The structures (with new uses where applicable) are compatible with the character of the area and do not impact negatively on the rights of any adjacent property owner.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus CBD and major routes. It proves to be resourceful to consider the proposal since it is compatible with the existing built environment and it will be aesthetically pleasing.

It proves to be efficient to accommodate the shed and storeroom with gardener's bathroom since the impact on the whole look and feel of the subject property will add value to the property and the area as a whole.

The proposed departure proves to be efficient since it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource and infrastructure use and sustainable development. Furthermore, the proposal is efficient in that it optimizes existing resources and infrastructure and continues the existing suburban development typology.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient,

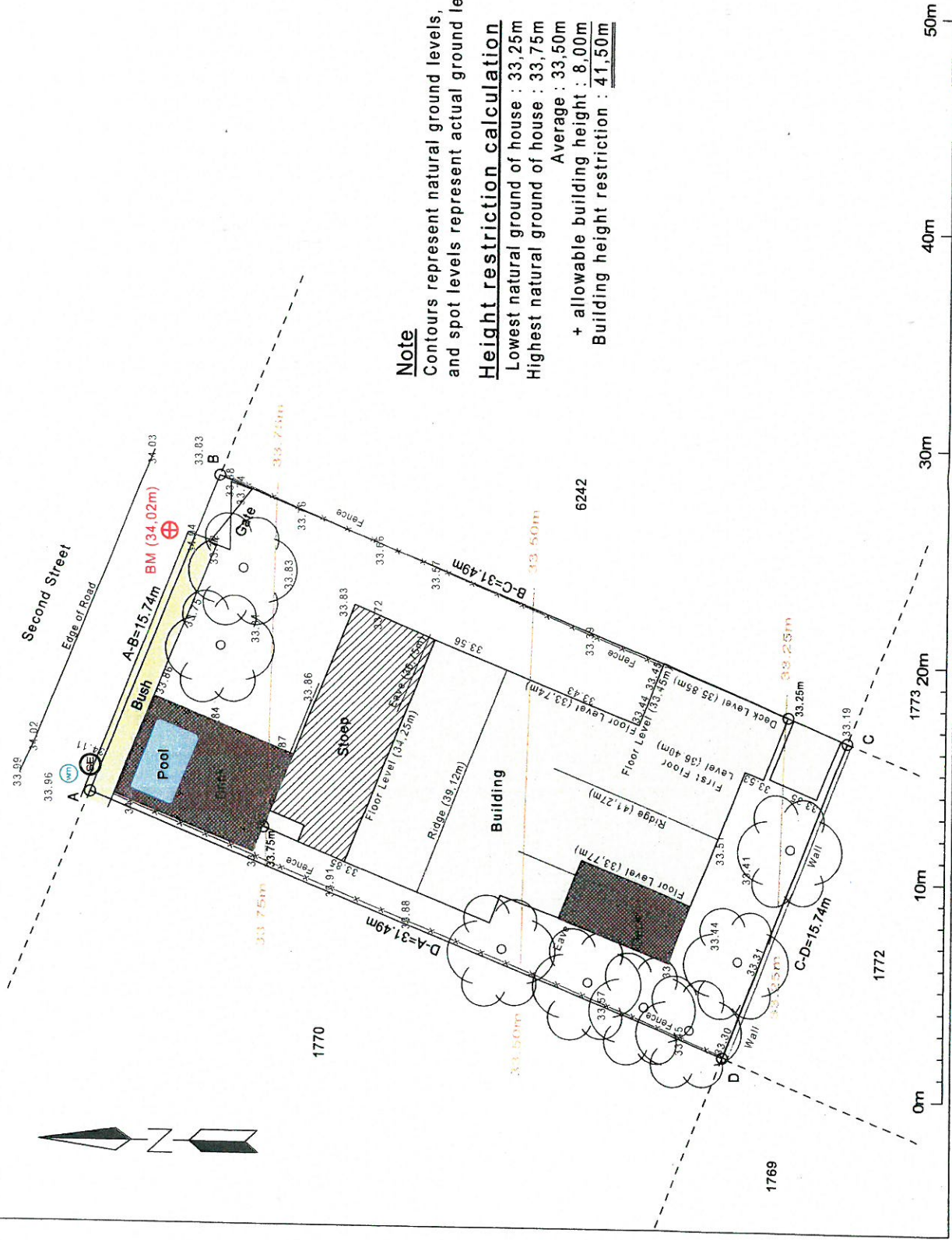
uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- The owner intends to legalise the existing shed that encroaches the eastern lateral and rear building lines. The single garage already exists on the 0m eastern lateral building line and a change of use of this structure for storage purposes and a gardener's bathroom is proposed;
- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The densification status quo of the area will remain unchanged;
- The zoning and primary land use of the subject property will remain unchanged;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic and services will be kept to a minimum;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The impact on the heritage value of the area will be minimal;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013);
- We request that a minimal penalty fee not be imposed.

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.



Note
 Contours represent natural ground levels,
 and spot levels represent actual ground levels.

Height restriction calculation
 Lowest natural ground of house : 33,25m
 Highest natural ground of house : 33,75m
 Average : 33,50m
 + allowable building height : 8,00m
 Building height restriction : 41,50m

Beacon Certificate	
Beacon Description:	
A, B	12mm Iron peg
C	Building Corner
D	Wall Corner
BM	Roofing Screw in Paving
L.A. van Dyk PLS 1069 Professional Land Surveyor	
Nicolette Lloyd/Antonia Labia	
VAN DYK & ASS. inc.	
P.O. Box 2025 HERMANUS 7200 SOUTH AFRICA TEL. (028) 313 0077 info@vand/keurvey.co.za	
SYSTEM	WGS 84 (Lo 19)
HEIGHT SYSTEM	Local
SCALE	1 : 250
DATE	May 2021
Project Title:	
ERF 1771 HERMANUS	
Title:	
TOPOGRAPHICAL SURVEY	
Project Number:	
Drawing Number:	V2192
Drawn By:	DWF
Vol	1
Sheet	1
of	1

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CONTRACT INFORMATION
 This drawing is prepared for the use of the client and is not to be used for any other purpose without the written consent of the architect. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client.

GENERAL NOTES
 1. All dimensions are in millimeters unless otherwise specified.
 2. All work is to be in accordance with the current edition of the National Building Code of Canada.
 3. All materials and workmanship are to be in accordance with the current edition of the National Building Code of Canada.
 4. All work is to be in accordance with the current edition of the National Building Code of Canada.

FOUNDATION NOTES
 1. All foundations are to be in accordance with the current edition of the National Building Code of Canada.
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 3. All foundations are to be in accordance with the current edition of the National Building Code of Canada.

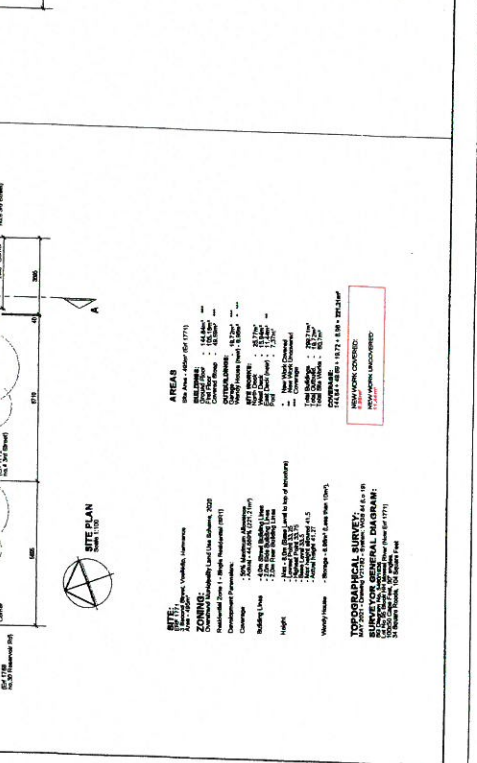
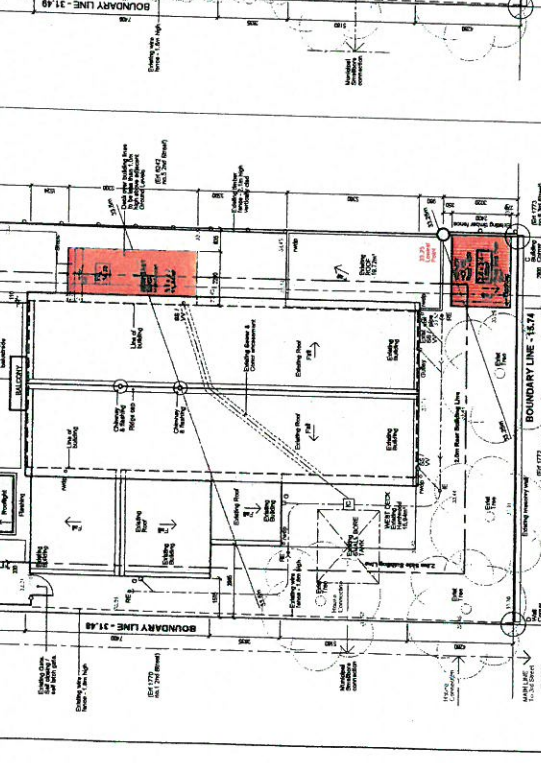
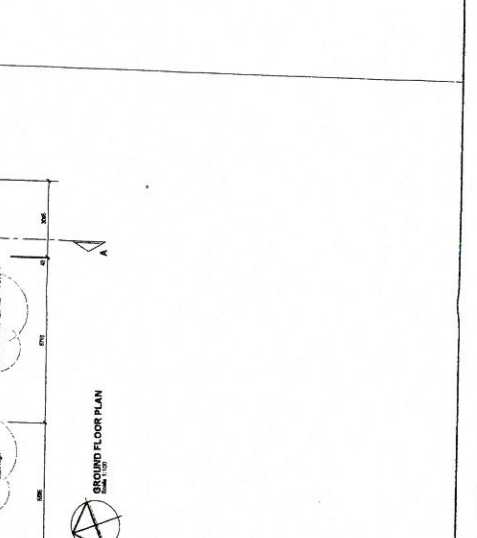
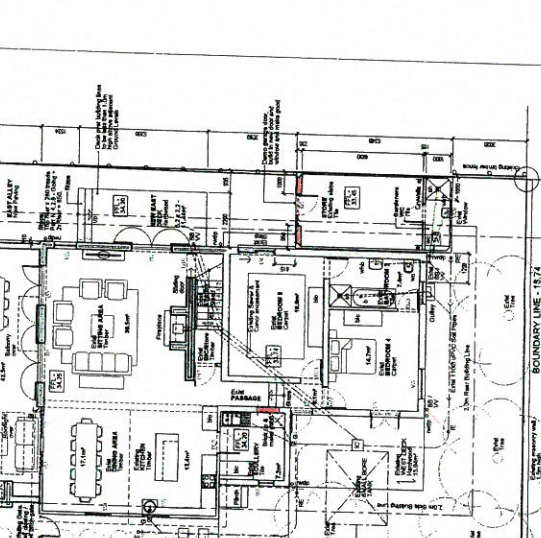
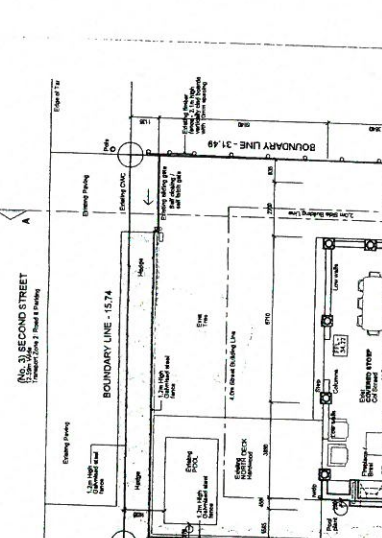
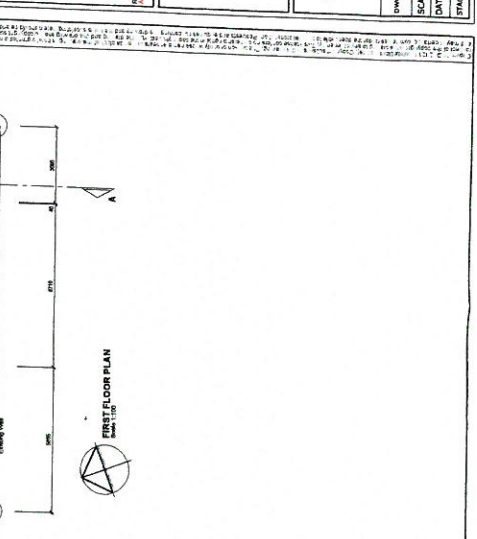
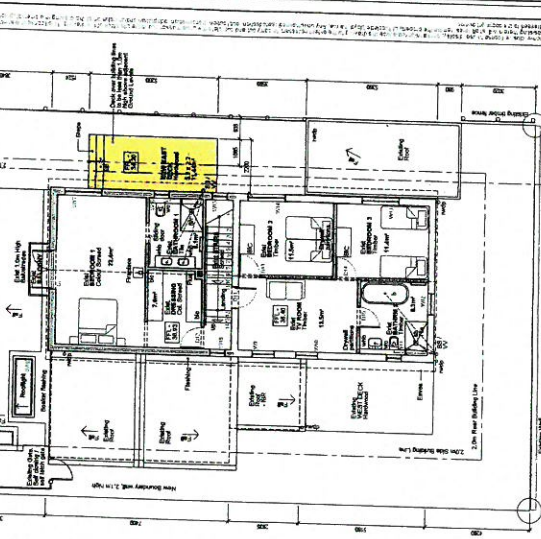
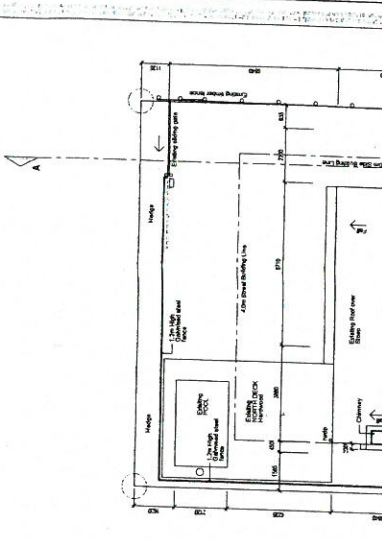
ROOFING NOTES
 1. All roofing is to be in accordance with the current edition of the National Building Code of Canada.
 2. All roofing is to be in accordance with the current edition of the National Building Code of Canada.
 3. All roofing is to be in accordance with the current edition of the National Building Code of Canada.

MECHANICAL NOTES
 1. All mechanical work is to be in accordance with the current edition of the National Building Code of Canada.
 2. All mechanical work is to be in accordance with the current edition of the National Building Code of Canada.
 3. All mechanical work is to be in accordance with the current edition of the National Building Code of Canada.

ELECTRICAL NOTES
 1. All electrical work is to be in accordance with the current edition of the National Building Code of Canada.
 2. All electrical work is to be in accordance with the current edition of the National Building Code of Canada.
 3. All electrical work is to be in accordance with the current edition of the National Building Code of Canada.

PLUMBING NOTES
 1. All plumbing work is to be in accordance with the current edition of the National Building Code of Canada.
 2. All plumbing work is to be in accordance with the current edition of the National Building Code of Canada.
 3. All plumbing work is to be in accordance with the current edition of the National Building Code of Canada.

FINISHES
 1. All finishes are to be in accordance with the current edition of the National Building Code of Canada.
 2. All finishes are to be in accordance with the current edition of the National Building Code of Canada.
 3. All finishes are to be in accordance with the current edition of the National Building Code of Canada.



AREAS
 1. All areas are to be in accordance with the current edition of the National Building Code of Canada.
 2. All areas are to be in accordance with the current edition of the National Building Code of Canada.
 3. All areas are to be in accordance with the current edition of the National Building Code of Canada.

TOPOGRAPHICAL SURVEY
 1. All topographical survey work is to be in accordance with the current edition of the National Building Code of Canada.
 2. All topographical survey work is to be in accordance with the current edition of the National Building Code of Canada.
 3. All topographical survey work is to be in accordance with the current edition of the National Building Code of Canada.

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HOUSE SALE
 URBAN PACIFIC FRONT
ERF 1771
 3 Edward Street, Newcastle,
 New South Wales

DRAWING
 CONCEPT SUBMISSION
 Proposed Alterations and Additions
ELEVATIONS & SECTIONS

Drawn by: 855/CD202 rev A
 SCALE: 1:100 @ A1
 DATE: SEPTEMBER 2011
 DRAWN: COWI 2 | DRAWN: JMS

REVISIONS:
 1. 11/09/2011 - Drawing Issues

PROJECT SUMMARY:
 The project consists of the proposed alterations and additions to the existing house at 3 Edward Street, Newcastle, NSW. The alterations include the removal of the existing front porch and the addition of a new front porch and a new rear porch. The sections show the proposed alterations to the existing structure.

GENERAL NOTES:
 1. All work to be done in accordance with the NSW Building Code of Practice (BCoP) and the NSW Building Regulation 2006.
 2. The proposed alterations and additions are shown in red.
 3. The existing structure is shown in black.
 4. The proposed alterations and additions are shown in red.
 5. The proposed alterations and additions are shown in red.

STRUCTURE:
 1. All concrete work to be done in accordance with the NSW Building Code of Practice (BCoP) and the NSW Building Regulation 2006.
 2. The proposed alterations and additions are shown in red.
 3. The existing structure is shown in black.
 4. The proposed alterations and additions are shown in red.
 5. The proposed alterations and additions are shown in red.

FINISHES:
 1. All finishes to be done in accordance with the NSW Building Code of Practice (BCoP) and the NSW Building Regulation 2006.
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 3. The existing structure is shown in black.
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PLUMBING:
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 3. The existing structure is shown in black.
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 5. The proposed alterations and additions are shown in red.

