

**ERF 7314, 8 PROTEA ROAD, EASTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY AND DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF SEDGE HAVEN LIMITED**

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) for the following:
  - relaxation of the northern lateral building line from 2m to 1.332m to accommodate the existing bathroom;
  - relaxation of the northern side building line from 2m to 1.332m to accommodate the proposed use change (pool room to bedroom); and
  - relaxation from the western street building line from 4m to 2.005m & southern 2m lateral building line from 2m to 0.187m to accommodate the proposed use change (lounge to storage room, and bedroom to bathroom).
- determination of an administrative penalty in terms of Section 16(2)(q), in order to legalize the existing encroachments on the property.

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) 028-313 2093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **17 June 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 7314, 8 PROTEASTRAAT, EASTCLIFF, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK VIR AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS SEDGE HAVEN LIMITED**

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) vir die volgende:
  - verslapping van die noordelike lateraleboulyn vanaf 2m na 1.332m om die bestaande badkamer te akkommodeer;
  - verslapping van die noordelike lateraleboulyn vanaf 2m na 1.332m om die voorgestelde veranderingsgebruik te akkommodeer (swembad kamer na slaapkamer); en
  - verslapping vanaf die westelike straatboulyn vanaf 4m na 2,005m en suidelike 2m-lateraleboulyn vanaf 2m na 0,187m om die voorgestelde veranderingsgebruik te akkommodeer (sitkamer na stoorkamer, en slaapkamer na badkamer).
- bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) ten einde die bestaande onwettige oortredings te wettig op die eiendom.

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) 028-313 2093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **17 Junie 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 7314, 8 PROTEASTRAAT, EASTCLIFF, HERMANUS, UMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: IOFISI YAKWA MESSERS WRAP PROJECT EGAMENI EGAMENI LIKA SEDGE HAVEN LIMITED.**

Esi saziso sikhutshwa ngokwemiqathango yeSoloty 48 loMthethwana kaMasipala waseOverstrand Otshintshweyo woYilo lokuSetyenziswa kuMhlaba (uMthethwana) wowama-2020 ngokwezicelo ezichazwe:

- Ukuphambuka: Isicelo sokuphambuka ngokweSoloty 16(2)(b) lalo Mthethwana ukuvumela okulandelayo:
  - ukunyenya umgca wesakhiwo ongasentla ukusuka ku-2m ukuya ku-1.332m ukulungiselela igumbi lokuhlamba esele likho;
  - ukunyenya umgca wesakhiwo ongasentla ukusuka ku-2m ukuya ku-1.332m ukulungiselela utshintsho loucetywayo (indlu ebinepuli itshintshwe ibe ligumbi lokulala); kunye
  - nokunyenya umgca wesakhiwo okwicala lesitrato ngasentshona ukusuka ku-4m ukuya ku-2.005m kunye nomgca wesakhiwo ongasezantsi ukusuka ku-2m ukuya ku 0.187m ukulungiselela utshintsho lokusebenzisa olucetyiwyto (igumbi lokuphumla libe ligumbi lokugcina izinto, kwaye igumbi lokulala libe ligumbi lokuhlamba).
- Ukumiselwa kwesohlwayo solawulo ngokweCandelo le-16(2)(q) ukuze kube semthethweni ungenelelo olukhoyo kwipropati.

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 Mthetho uYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi **17 Juni 2022** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba uMnu. P Roux kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokulawula. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

# Locality Plan Erf 7314 - Hermanus

 Subject property

Plan prepared by: Thian Jansen

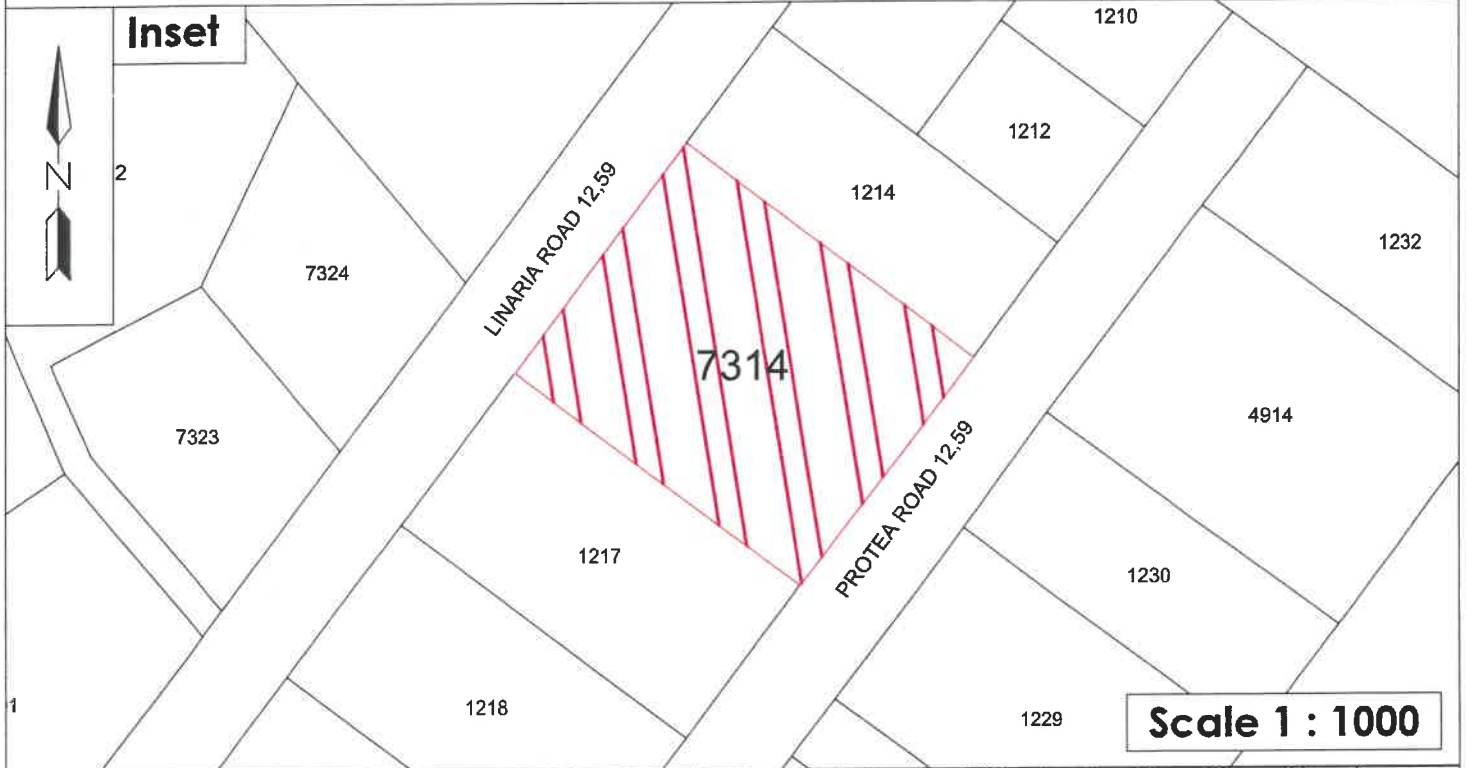
Tel: 028 313 1411

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



**Project Office**  
Town Planning & Project Management





**1. ABBREVIATIONS**

<b>OM</b>	Overstrand Municipality
<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
<b>BY-LAW</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
<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>SDP</b>	Site Development Plan
<b>SR1</b>	Residential Zone 1: Single Residential

**2. PROPERTY DETAILS**

<b>Consultant</b>	WRAP Project Office
<b>Erf Number</b>	Erf 7314, Hermanus
<b>Extent</b>	1784m <sup>2</sup>
<b>Zoning</b>	Residential Zone 1: Single Residential

**3. BACKGROUND AND INTENT**

Erf 7314 Hermanus, hereafter referred to as the subject property, is located at 6 Protea Road, Hermanus (refer **Plan 1**). The property owner (Sedge Haven (Pty) Ltd) – hereafter referred to as the applicant, is in the process of altering the subject property and adding additional features, some of which have already been built. They improved the property with a new bathroom which encroaches on the side building line.

In addition to the building line encroachment, the applicant is improving their property by altering existing approved structures, changing the uses on two external buildings. These two building's uses are proposed to be changed amongst them. These buildings were approved historically when the side building lines applicable were still 1,5m. In addition to these departure applications required, an application for the determination of administrative penalty is also submitted as these contraventions have already occurred. (Refer **Plan 4** for the SDP).

As a result, the following applications are required:

- Departure from the northern 2m side building line to 1,332m to allow the existing bathroom;
- Departure from the northern 2m side building line to 1,332m to allow the use change;
- Departure from the western 4m street building line to 2,005m & southern 2m side building line to 0,187m to allow the use change; and
- Determination of an administrative penalty.

**4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT**

WRAP compiled this report to ensure the past transgressions are legalised. The following is proposed:

**4.1 Departure** from the 2m northern side building line to 1,332m to accommodate the existing bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended:

The applicant improved the subject property with additional bathrooms. The existing approved building adjacent to the bathroom is located 1,332m from the side boundary line. The rationale for the bathroom's location and it being located 1,332m from the side boundary, is to be aligned with the existing approved building. Further to retain the current building massing and form of structure and will consequently contribute towards increasing the architectural integrity of the building.

Only 2,37m<sup>2</sup> are encroaching on the 2m building line with 1,11m<sup>2</sup> of the 2,37m<sup>2</sup> being contained in the exterior walls, creating only 1,26m<sup>2</sup> that will be accessible to the inhabitants of the second dwelling units, meaning only 53,16% of the encroachment will be accessible.

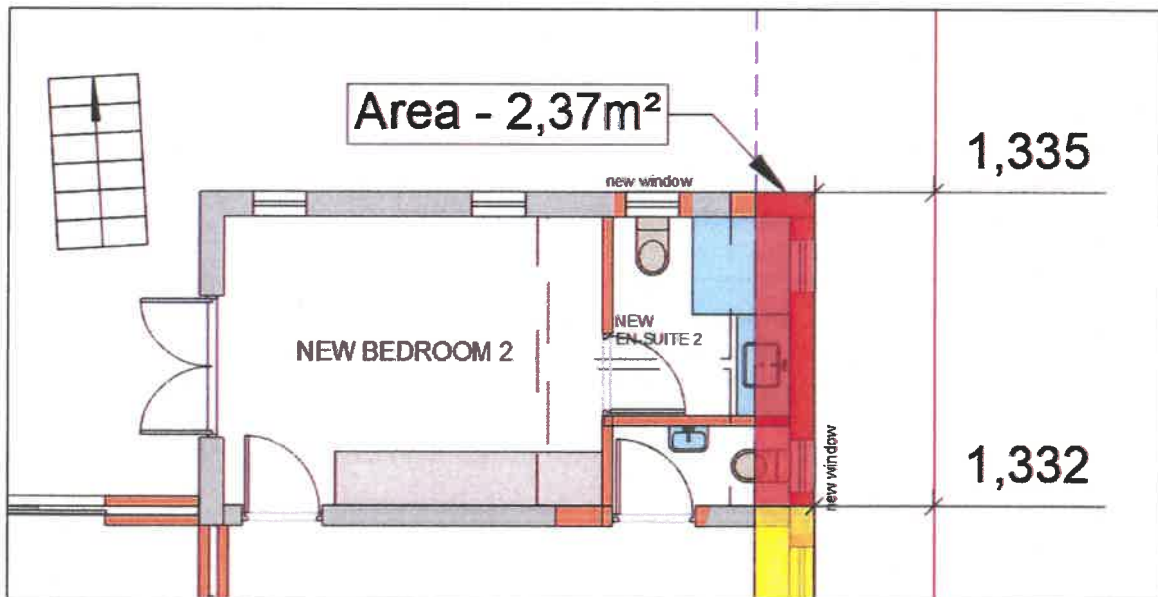


Figure 1: Encroaching bathrooms

**4.2 Departure** from the 2m northern side building line to 1,332m to accommodate the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended:

The building connected to the encroaching bathrooms is an approved building. It was approved as a pool room, used for recreational purposes. The proposal is to change the approved use to a second dwelling unit. The building is also encroaching at 1,322m which has been approved historically.



## MOTIVATION

The second dwelling unit will consist of a new kitchen and sitting room, change of the existing pool room into a bedroom and lounge is proposed. Only internal alterations are proposed where the building encroaches on the building line with use changes from a pool room to a lounge and an en-suite bathroom. (refer figure below):

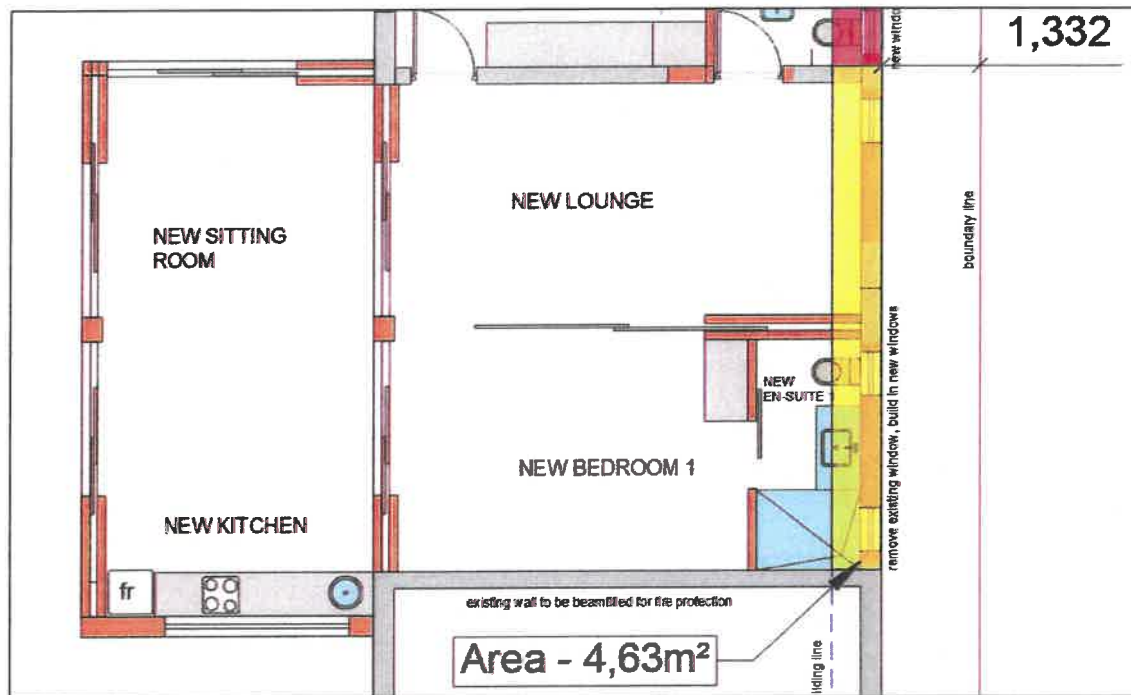


Figure 2: Proposed use change and encroachment area

Only 4,63m<sup>2</sup> of the approved building is encroaching on the 2m building line with 2,15m<sup>2</sup> of the 4,63m<sup>2</sup> being contained in the walls, creating only 2,48m<sup>2</sup> that will be accessible to the inhabitants of the second dwelling unit, meaning only 53,57% of the encroachment will be accessible.

Please take note no additional building line encroachment is proposed. Only the use is changing, and it is not proposed to have a negative effect on the surrounding property owners.

(Refer **Plan 4** for a detailed site development plan).

**4.3 Departure** from the western 4m street building line to 2,005m & southern 2m side building line to 0,187m to accommodate the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended:

There is an existing cottage on the subject property, that is currently being used as a second dwelling. This cottage has been historically approved, but it was however built in the wrong position and at a wrong angle. It was approved to be approximately 0,5m away from the subject property's southern boundary line, but was built 0,187m at the closest point to the boundary. There is no major external alteration proposed, only small additions, such as closing of an existing sliding door.

The existing cottage's use is proposed to be 'switched' with the existing pool room and storage. The new use (alteration of use) is proposed to be a poolroom, bathroom and pool storage area for miscellaneous items.

Although encroaching on the side and street building lines by an area of 21,1m<sup>2</sup>, the building has been approved historically as previously mentioned. The only change proposed currently is the use of the building. Historically it has been used as a cottage/second dwelling, which in our opinion is more intrusive than a pool store, pool room and bathroom, refer to the **Figure 3** below.

The proposed use is seen as an occasional use, which are not permanently occupied as a second dwelling. The pool store, pool room and bathroom will be used on occasions when the applicants want to swim, use the pool, and have a relaxing day. Due to the nature of the uses, it is proposed that the current use is more intrusive, and the use change will inevitably create a more desirable situation for the property owners adjacent to the proposed pool store, pool room and bathroom.

It is important to note that no additional bulk or square meterage is being proposed, but only internal alterations. Also, no complaints have ever been received from the adjacent property owners on the position or use of the existing approved buildings on the subject property.

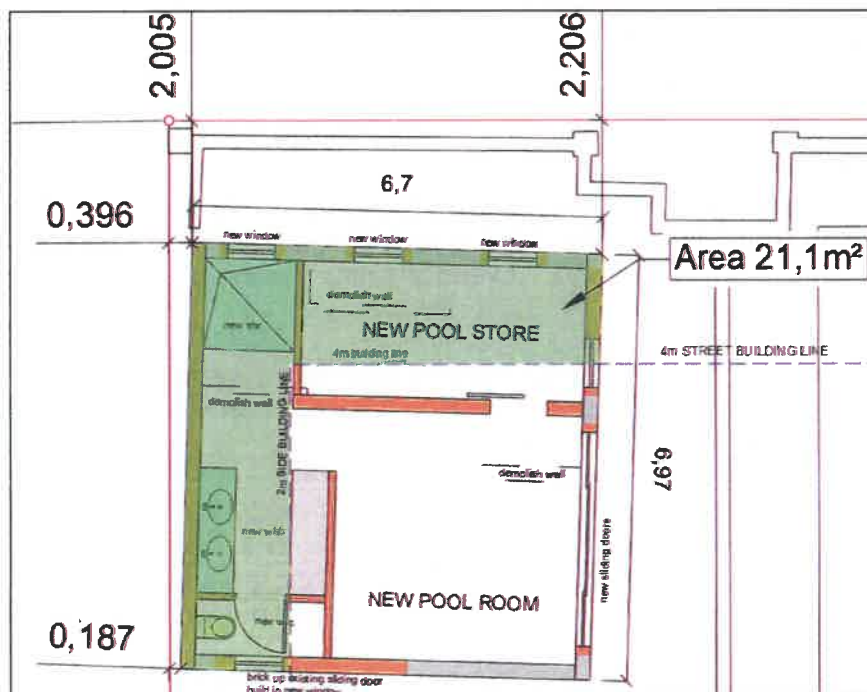


Figure 3: Proposed use change and encroachment area

Only 21,1m<sup>2</sup> of the approved building is encroaching on the 2m side building line and 4m street building line, with no additional building line encroachment proposed, only the use is changing, and it is not proposed to have a negative effect on the surrounding property owners.

(Refer **Plan 4** for a detailed site development plan).



## MOTIVATION

### **4.4 Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended:

Due to the applicants having already improved the subject property with the two bathrooms as described in Section 4.1 within this report, compliance with the Overstrand Municipality By-Law on Municipal Land Use Planning 2015 as amended, is required. It is necessary to include an application for the determination of an administrative penalty.

We however request that the administrative penalty be waived as the encroachments are not intrusive in nature and does not pose a nuisance to any other property owner in the area. The encroachment is small in nature with only, 2,37m<sup>2</sup> encroaching on the 2m building line, 1,11m<sup>2</sup> of the 2,37m<sup>2</sup> is contained in the exterior walls, creating only 1,26m<sup>2</sup> of the encroachment that will be accessible to the inhabitants of the second dwelling units, meaning only 53,16% of the encroachment will be accessible.

Also, important to note that none of the direct neighbours complained about or objected to the encroachments.

#### **The nature, duration, gravity and extent of the contravention**

The nature, duration, gravity and extent of the contravention are explained in Section 4.2 and 4.3 above.

#### **The conduct of the person (allegedly) involved in the contravention**

The construction and placement were approved and completed by the applicant, but it was however done without any malintent, and the applicant only attempted to minimise the architectural integrity of the proposed second dwelling's bathrooms.

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

Due to the scale of the contraventions, a report from a quantity surveyor was not obtained.

#### **Whether the unlawful conduct was stopped**

The construction has been concluded and after the land-use processes were explained to the applicants there will be no additions being added to the property without the required consents (departures).

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

To the knowledge of this office, the applicant has not previously contravened the By-Law.



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## 5. APPLICATION

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Considering the above, application is made for the following:

- 5.1 Departure** from the 2m northern side building line to 1,332m to accommodate the existing bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 5.2 Departure** from the 2m northern side building line to 1,332m to accommodate the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 5.3 Departure** from the western 4m street building line to 2,005m & southern 2m side building line to 0,187m to accommodate the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 5.4 Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

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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). These encroachments are not out of the ordinary and is allowed in terms of the OMLUS with consent from the OM, which this application is attempting to obtain.

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## 7. TITLE DEED

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Title deed T37572/2009 (refer **Annexure B**) was perused and there are no restrictive conditions that prohibit the departures sought by the applicant.

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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) (q) of the OM By-Law:



**MOTIVATION**

<b>RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL</b>			
<b>Land Use Restrictions</b>			
<b>Primary use</b>	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
	Crèche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House and Second Dwelling Unit	Comply
<b>Consent use</b>	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
<b>Development parameters</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area:  Greater than 400m <sup>2</sup> = 50%	Subject Property Extent = 1784m <sup>2</sup> Existing Dwelling = 387.43m <sup>2</sup> Proposed Pool Room = 46.68m <sup>2</sup> Proposed Second Dwelling Unit & garage = 146.47m <sup>2</sup>  Proposed Coverage = 580.58m <sup>2</sup> / <b>32.54%</b>	Comply
<b>Building lines</b>	(i) The street building line is determined in accordance with the net erf area:  Greater than 400m <sup>2</sup> = 4m  (ii) The side and rear building lines are determined in accordance with the net erf area:  Greater than 400m <sup>2</sup> = 2m	<b>Departures Required:</b> <ul style="list-style-type: none"> <li>Western street building line to 2,005m to accommodate the use alteration;</li> <li>Northern side building line to 1,332m to accommodate the existing bathrooms;</li> <li>Northern side building line to 1,332m to accommodate the use alteration; and</li> <li>Southern side building line to 0,187m to accommodate the use alteration.</li> </ul>	<b>Deviation required: Applied for and motivated</b>



**MOTIVATION**

<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	Existing – Single Storey	Comply
<b>Garages and carports</b>	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	Garages	Comply



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**9. SERVICES**

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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 implementation of this application will not affect these networks as no additional uses are proposed.

Solid waste is collected every week by the OM.

**Access and Egress**

Access and egress to the subject property is gained from Protea Road and the proposal will not affect this.

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**10. NEED AND DESIRABILITY**

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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 resulted from a requirement to legalise a past contravention and to ensure that future additions and use changes are approved by the OM. To achieve this rectification and approval of the proposed use changes, the applicant has appointed WRAP Project Office to submit this application to ensure the proposed development is not in contradiction to any policies, legislation, or title deed conditions.

**Impact on views, sunlight and character of the area**

The subject property is located in a residential setting and the encroachments are not out of the ordinary and will not affect the character of the area. We are of the opinion that there will be little to no impact on any person's views and sunlight as there will be no additional buildings being built on the boundary of the subject property.

The bathrooms were built and installed without any malintent, the existing massing was followed, and no complaints have been received, indicating the impact is not of an intrusive nature. In addition to the bathrooms, the use changes proposed will not be affecting the surrounding property owners as mentioned previously with the 'switching' of uses it is proposed to have a lessened impact on the adjacent properties. These buildings are also not out of character or will not affect the view and sunlight of the area.

**Economic impact**

The departure application will have little to no impact on the economy.

**Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The departures will not affect the property values of surrounding properties.



**Impact on heritage**

The subject property is not listed in the OM Heritage Register, although the buildings on the property may be older than 60 years. The architects on the project will submit a Notice of Intent to Develop to Heritage Western Cape. The outcome thereof will be shared with the Overstrand Municipality.

**Environmental impact**

The subject property is not located within an environmentally important area.

**11. POLICIES AND REGULATIONS**

**11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)**

**Coastal Protection Zone**

A portion of the subject property is located within the Coastal Protection Zone and to ensure compliance with the guidelines set out in the EMOZ, the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES		
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not
	Coastal	
Agricultural practices within this EMOZ which may cause water logging and siltation.	X	N/A
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



**MOTIVATION**

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	N/A
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
Graffiti, vandalism or damaging of municipal infrastructure.	X	N/A
Littering	X	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	X	N/A
Dog walking / exercising of dogs in non-designated zones.	X	N/A

<b>SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES</b>		
<b>A) Activities Only Permitted With Council Consent</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>	<b>Applicable to the application or not</b>
	<b>Coastal</b>	
Permission for the utilization of access routes to permitted kelp / seaweed harvesting sites.	X	N/A
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A
Dune maintenance on private land as per approved dune maintenance management plans.	X	N/A
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	N/A
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open spaces without the necessary approval from the Municipality.	X	There is a pool on the subject property, but no water is



**MOTIVATION**

		discharged on open spaces.
<b>B) Permit Upon Approval By Delegated Authority and / Receipt of Tariff</b>	<b>Applicable Environmental Management Overlay Zone (EMOZ)</b>	<b>Applicable to the application or not</b>
	<b>Coastal</b>	
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	N/A
Commercial filming.	X	N/A
Construction or placement of any temporary object, building, shelter, path or structure.	X	N/A
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>Coastal</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
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 property is located inside of the buffer.
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 property is located inside of the buffer.



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

The subject property is not located within this zone.

**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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**12. PLANNING PRINCIPLES**

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Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

**Spatial justice**

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for departures will not contribute to past spatial injustices.

**Spatial sustainability**

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal to construct a more viable second dwelling will ensure housing opportunities into the Hermanus area, densifying an existing property,

**Efficiency**

This proposal is intended to maximise the usage of the subject property and ensure the applicant's requirements are met.

**Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

**Good administration**

The OM has a credible track record of good administration regarding the method of public participation which invites and accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



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### 13. EVALUATION

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The subject property has been improved over the course of 2021 with new bathrooms and it was never the intention of the applicant to contravene in terms of the By-Law. This application's main goal is to ensure that the necessary consent is obtained from the OM for the contraventions. The application also includes the determination of an administrative penalty. The applicants are aware of the land use process and will in the future ensure all structures adhere to the provisions of OMLUS.

The use changes are not anticipated to have any additional impact on the surrounding property owners. As mentioned, the use of the existing cottage that is encroaching on the building lines is proposed to be altered and be changed into an occasional use, in the form of a pool store, pool room and bathroom.

These land uses are not out of the context with the surrounding area and are not seen as nuisance land uses. The encroachments are also not impeding on views, sunlight or negatively affect the character of the area as they are existing buildings.

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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 Departure** from the 2m northern side building line to 1,332m to accommodate the existing bathrooms in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 14.2 Departure** from the 2m northern side building line to 1,332m to accommodate the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 14.3 Departure** from the western 4m street building line to 2,005m & southern 2m side building line to 0,187m to accommodate the proposed use change in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 14.4 Determination of an administrative penalty** in terms of Section 16(2)(q) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Site Development Plan  
Erf 7314- Hermanus

 Existing unapproved encroachment  
(2,73m<sup>2</sup>)

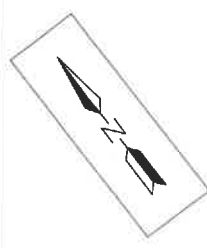
These two bathrooms were constructed in 2021, encroaching on the building line.

 Existing approved encroachment  
(4,63m<sup>2</sup>)

The area's use is proposed to be changed, currently this space is used as a pool storage area and it is proposed to be converted into a second dwelling.

 Existing approved encroachment  
(21,1m<sup>2</sup>)

This area's use is proposed to change, it is currently being used as a second dwelling. It is proposed to be converted into a pool storage area, pool room and bathroom.



Plan prepared by: Thian Jansen  
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



LINARIA ROAD

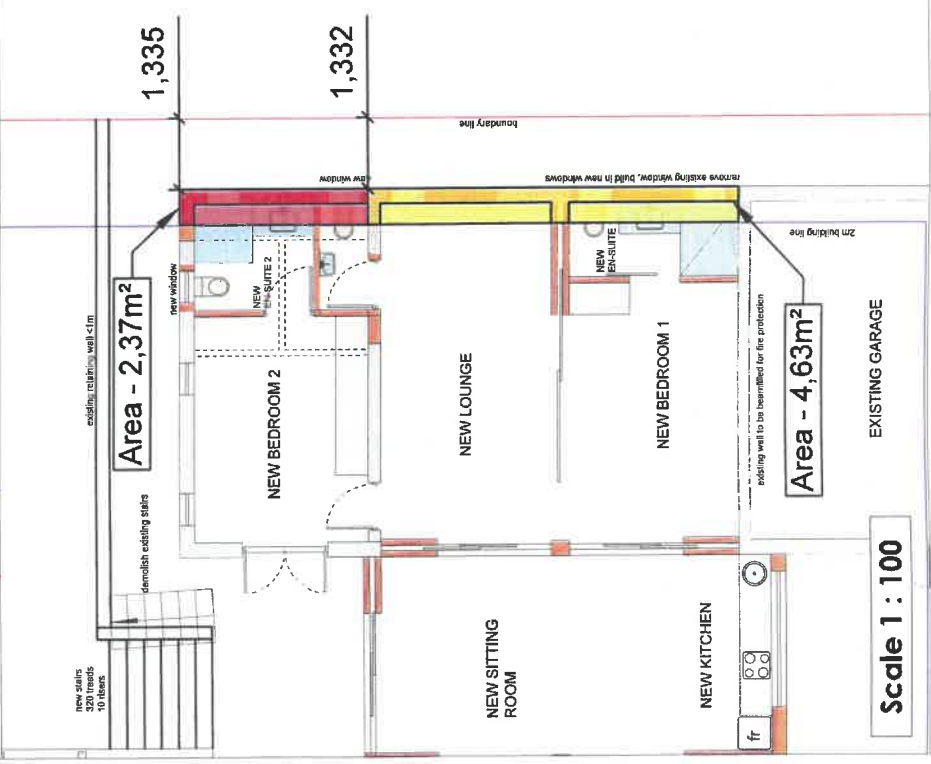


PROTEA ROAD

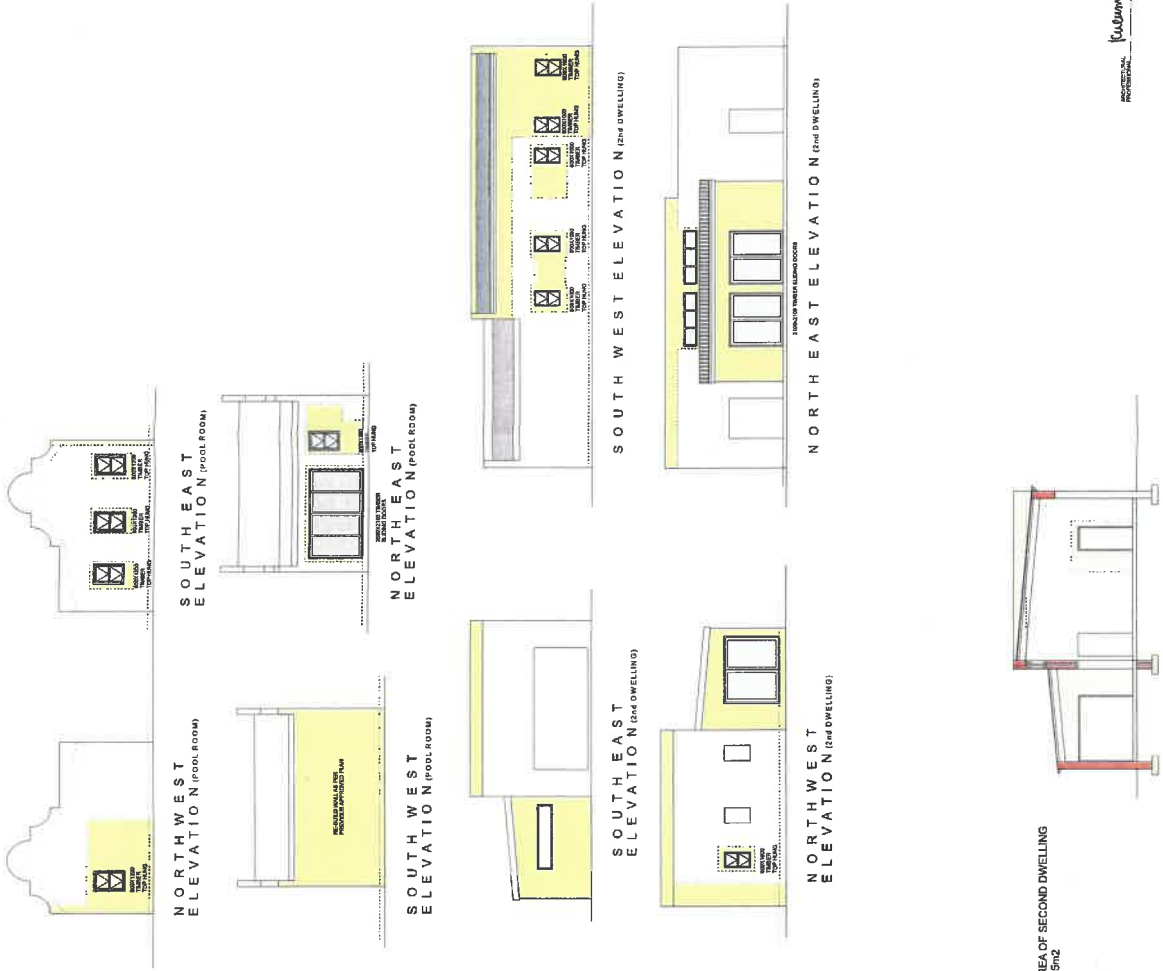
Scale 1 : 250



Scale 1 : 125



Scale 1 : 100



<b>NEWMAN ARCHITECTURE AND DESIGN</b> 100/102/104/106/108/110/112/114/116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000	
OWNER:	KIRK
PROJECT:	ALTERATIONS AND ADDITIONS ERF 7314 8 PROTEA ROAD CASTLEPP HERMANUS
COUNCIL:	COUNCIL SUBMISSION PLANS
DATE:	NOV. 2021
SCALE:	1:100
DRAWING NO.:	WD 01

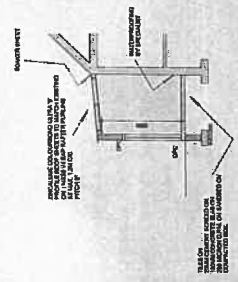


GROUND STOREY AND SITE PLAN

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 2. ALL WALLS ARE TO BE CONCRETE BLOCKWORK WITH A MINIMUM OF 100MM THICKNESS.  
 3. ALL ROOFS ARE TO BE GABLE ROOFS WITH A MINIMUM OF 12% PITCH.  
 4. ALL ROOFING IS TO BE ASBESTOS FREE.  
 5. ALL WINDOWS ARE TO BE DOUBLE GLAZED.  
 6. ALL DOORS ARE TO BE SOLID CORE WITH 40MM MINIMUM THICKNESS.  
 7. ALL FLOORS ARE TO BE CONCRETE WITH A MINIMUM OF 100MM THICKNESS.  
 8. ALL CEILING ARE TO BE GYPSUM BOARD WITH A MINIMUM OF 12.5MM THICKNESS.  
 9. ALL SERVICES ARE TO BE CONCEALED.  
 10. ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.  
 11. ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.  
 12. ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.  
 13. ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.  
 14. ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.  
 15. ALL SERVICES ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.

LINARIA ROAD

SOUTH WEST ELEVATION NORTH WEST ELEVATION



SECTION AA

**ENERGY EFFICIENCY (E) NOTES**

**DOORS:**

- ALL DOORS ARE TO BE SOLID CORE WITH A MINIMUM OF 40MM THICKNESS.
- ALL DOORS ARE TO BE DOUBLE GLAZED.
- ALL DOORS ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.
- ALL DOORS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.

**WINDOWS:**

- ALL WINDOWS ARE TO BE DOUBLE GLAZED.
- ALL WINDOWS ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.
- ALL WINDOWS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.

**ROOFS:**

- ALL ROOFS ARE TO BE GABLE ROOFS WITH A MINIMUM OF 12% PITCH.
- ALL ROOFING IS TO BE ASBESTOS FREE.
- ALL ROOFS ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.
- ALL ROOFS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.

**FLOORS:**

- ALL FLOORS ARE TO BE CONCRETE WITH A MINIMUM OF 100MM THICKNESS.
- ALL FLOORS ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.
- ALL FLOORS ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.

**CEILING:**

- ALL CEILING ARE TO BE GYPSUM BOARD WITH A MINIMUM OF 12.5MM THICKNESS.
- ALL CEILING ARE TO BE INSTALLED IN ACCORDANCE WITH THE SANS STANDARDS.
- ALL CEILING ARE TO BE INSTALLED IN ACCORDANCE WITH THE NHBRC STANDARDS.

**OVERSTRAND MUNICIPALITY**

ERF 7314 is intended for use as a residential property. The proposed development is in accordance with the provisions of the Overstrand Municipality Zoning Scheme, 2011. The proposed development is in accordance with the provisions of the Overstrand Municipality Zoning Scheme, 2011.

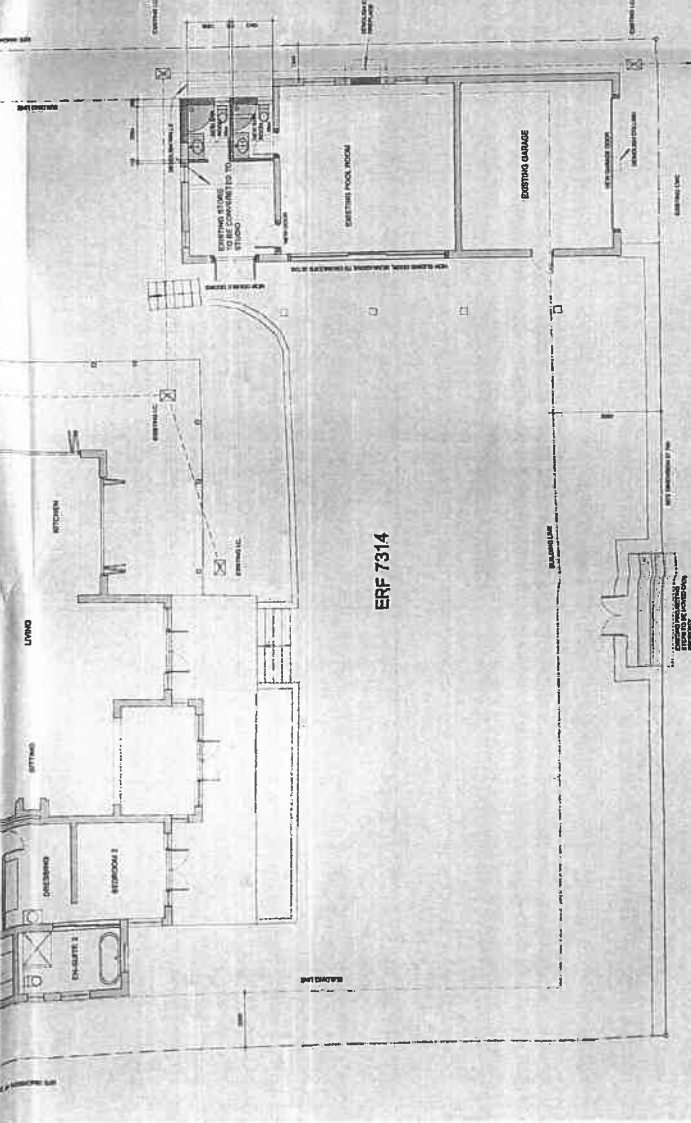
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 DATE: 11 DEC 2021



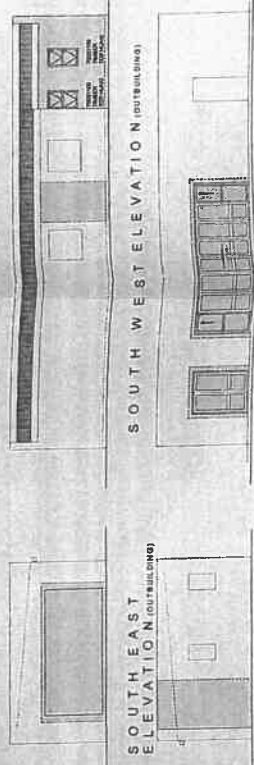
<b>MEDWAY ARCHITECTURE AND DESIGN</b>	
NEW SHOWER ROOM ERF 7314 BOND EASTLOUF HEERMAN	
DATE: 03 DEC 2021	SCALE: 1:100
PROJECT NO: WD 01	CLIENT: [Name]



NORTH WEST ELEVATION (COTTAGE)  
 SOUTH WEST ELEVATION (COTTAGE)



GROUND STOREY AND SITE PLAN



SOUTH WEST ELEVATION N (OUTBUILDING)  
 NORTH EAST ELEVATION N (OUTBUILDING)

WD 01