

**ERF 5696, 152 TENTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE OF BUILDING LINES AND THE AMENDMENT OF APPROVED SITE DEVELOPMENT PLAN: MESSRS WRAP PROJECT OFFICE ON BEHALF OF VOËLKLIPHUIS BODY CORPORATE (SECTIONAL TITLE SCHEME NO 75/2012)**

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, applicable to Erf 5696, Hermanus has been received for the following:

- ❖ departure from the south eastern building line from 3m to 2,13m to accommodate the proposed balcony in terms of Section 16(2)(b), and
- ❖ amendment of an approved Site Development Plan in terms of Section 16(2)(l).

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 / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **Friday 26 Maart 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 5696, TIENDESTRAAT 152, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING VAN BOULYNE EN DIE WYSIGING VAN DIE GOEDGEKEURDE TERREINONTWIKKELINGSPLAN: MNRE WRAP PROJECT OFFICE NAMENS VOËLKLIPHUIS BODY CORPORATE (SECTIONAL TITLE SCHEME NO 75/2012)**

Kennis geskied hiermee in terme van Artikel 48 van die Overstrand Munisipaliteit Wysigings Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek, van toepassing op Erf 5696, Hermanus, ontvang is vir die volgende:

- ❖ afwyking van die suid-oostelike boulyn vanaf 3m na 2,13m om die voorgestelde balkon in terme van Artikel 16(2)(b) te akkommodeer; en
- ❖ wysiging van 'n goedgekeurde Terreinontwikkelingsplan ingevolge Artikel 16(2)(l).

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 / [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **Vrydag 26 March 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.

**ISIZA 5696, 152 TENTH STREET EVOËLKLIP, EHERMANUS, UMASPALA WASE OVERSTRAND: ISICELO SOKUPHAMBUKA KUMCA WOKWAKHA, NOKUHLENGHLENGISWA KWESICWANGCISO SOPHULISO LWESIZA ESIVUNYIWEYO: WRAP PROJECT OFFICE EGAMENI LIKA VOËLKLIPHUIS BODY CORPORATE (INKQUBO YETAYITILE YECANDELO INOMBOLO 75/2012)**


Kukhutshwe isaziso ngokwemiba yeSoloty- 48 loMthethwana kaMasipala wase-Overstrand weSicwangciso soYilo lokuSetyenziswa koMhiaba, sonyaka wama-2020 (uMthethwana) ukuthi kufunyenwe isicelo, esicapazela iSiza 5696, eHermanus soku kulandelayo:

- ❖ ukuphambuka kumca wokwakha emazantsi empuma ukusuka ku 3m ukuya ku 2,13m ukulungiselela ibhalkhoni ecetywayo ngokwemiqathango yeSoloty 16(2)(b); kwaye
- ❖ nokuhlengahlengiswa kwesicwangciso sophuhliso lwesiza esivunyiweyo ngokwemiqathango yeSoloty 16(2)(l).

linkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusuka phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Lezicwangciso ZeDolophu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo kufuneka zingeniswe ngokwezibonelelo zeSoloty lama-51 nama-52 loMthethwana kaMasipala zifike (kwa16 Paterson Street, eHermanus / (f) 0283132093 / [aconradie@overstrand.gov.za](mailto:aconradie@overstrand.gov.za)) ngomhla okanye ngaphambi komhla wama **26 uMatshi 2021** uchaze igama lakho, idilesi kunye neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo, nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mnu. P Roux** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angaya kwiSebe Lezicwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukuze akwazi ukufaka izimvo zakhe ngokusemthethweni.

# Plan 1: Locality Plan

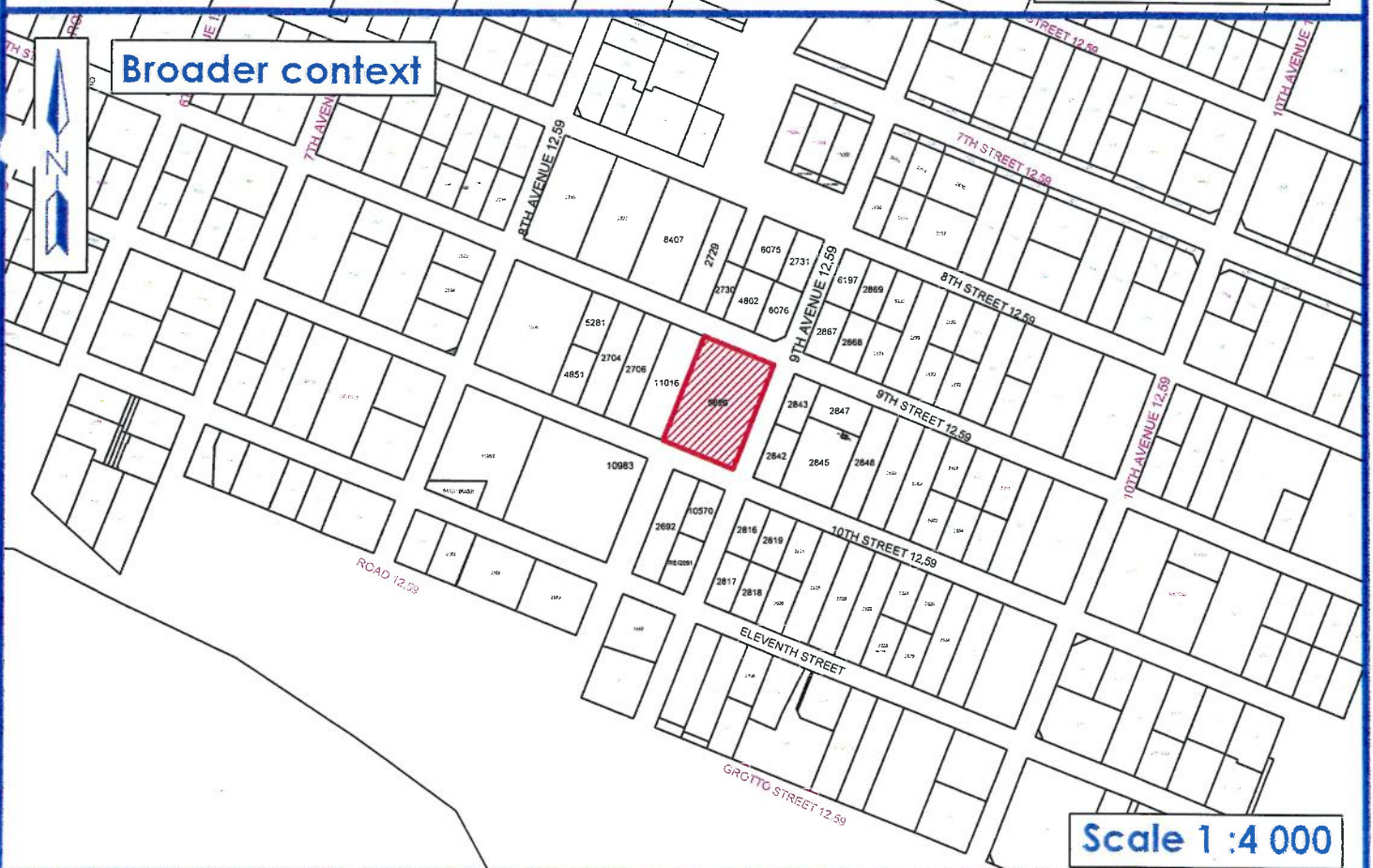
## Erf 5696 Hermanus

 Erf 5696 Hermanus (2696m<sup>2</sup>)

Tel: 028 313 1411  
Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)  
Plan 1.1  
Unit B, Corner of Royal and Dirkie Uys  
Street Hermanus, 7200  
Plan prepared by: Reatlehle Jankie  
All distances are approximate  
and subject to a survey



**Project Office**  
Town Planning & Project Management





**1. ABBREVIATIONS**

1.1	<b>OM</b>	Overstrand Municipality
1.2	<b>OMLUS</b>	Overstrand Municipality Land Use Scheme, 2020
1.3	<b>OM By-Law</b>	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.4	<b>SDP</b>	Site Development Plan
1.5	<b>GR1</b>	General Residential Zone 1: Town Housing

**2. SUMMARY OF STATUS QUO PROPERTY DETAILS**

2.1	<b>Consultant</b>	WRAP Project Office
2.2	<b>Restrictive title deed conditions</b>	None
2.3	<b>Erf extent</b>	2696m <sup>2</sup>
2.4	<b>Current zoning</b>	General Residential Zone 1: Town Housing
2.5	<b>Primary rights</b>	Town housing, private road and private open space.
2.6	<b>Consent uses which may be applied for</b>	Crèche, day care centre, dwelling house in accordance with 6.1.2, flats, green house, home occupation, residential building, retirement village and tourist accommodation.
2.7	<b>Current land use</b>	Town housing

**3. BACKGROUND**

Erf 5696 Hermanus is the subject property of a sectional title scheme which comprises of 11 sections which are collectively registered as the Voëlklihuis Sectional Title Scheme (Scheme Nr 75/2012) (refer **Plan 6**). This application is submitted on behalf of the Voëlklihuis Body Corporate, but the owner of Section 11 of the Sectional Title Scheme will have the exclusive use of the proposed balcony to be constructed on the height of the first floor of the building and will eventually forms part of the exclusive use area of the Section. The proposed balcony will encroach on the OMLUS, 2020 street building line.

As the balcony is proposed to be located on the common property of which the owner of Section 11 owns an undivided share in proportion to the participation quota of the Scheme, the Voëlklihuis Body Corporate granted a power of attorney for the submission of this application (refer **Annexure A**).

**4. APPLICATION INTENT AND RATIONALE**

- 4.1 The owner of Sectional Title 11 envisages constructing a balcony along the south eastern boundary line, which is located 2,13m from the street boundary and encroaches on the 3m building line. The balcony would be located on the common property under the jurisdiction of the Voëlklihuis Body Corporate and owned in undivided shares by the Section owners and will be registered as an exclusive use area in favour of Sectional Title Unit 11;
- 4.2 The rationale for the proposed location of the balcony is to enable the owner of Section 11 to have some ocean view from the balcony;



## MOTIVATION

- 4.3 The architectural styling of the proposed balcony is the same as an existing approved balcony located in front of Sectional Title Unit 9 and therefore it will be in keeping with the visual aesthetics on the property; and
- 4.4 The width of the proposed balcony in front of Sectional Title Unit 11 is 1,9m measured from the wall of the building which is the same distance as the balcony located in front of Sectional Title Unit 9. This is to ensure the scale of the proposed balcony conforms to the scale of the existing balcony.

---

### 5. PROCEDURE TO ACHIEVE THE OWNERS INTENT

---

5.1 WRAP was appointed to compile and submit a land use planning application to materialise the envisaged intent highlighted in Section 4 of this report. The following is proposed:

5.2 **Departure from the 3m south eastern street building line to 2.13m to accommodate the proposed balcony in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and**  
**Amendment of an approved site development plan in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.**

5.2.1 The purpose of this application is for the owner of Sectional Title 11 to have some view of the ocean which is 180m away from the subject property. The proposed location as depicted in Plan 3 is the only feasible location which offers a sea view and is located on the same side of the building where there is an existing balcony in front of Unit 9.

5.2.2 This proposed balcony will have a timber balustrade and to be painted white, which has intentionally been designed to be in harmony with the existing approved balcony located in front of Unit 9 (refer **Plan 6**). The orientation of the building on the subject erf and the proposed balcony, width of 1,9m measured from the existing building will not obstruct the ocean view which is enjoyed by other owners of units in the building.

5.2.3 The approval and implementation of this proposal also has the potential to improve the comfort with which the owner of Sectional Title 11 occupies the property. The presence of balconies is a common phenomenon on double storey residential properties in Voëklip and is in conformity with the character of the area. The proposed balcony is regarded as a building as it conforms to the following definition.

5.2.3.1 *"building", in addition to its ordinary meaning, includes:*

- (i) any structure with or without a roof;*
- (ii) any gallery, canopy, balcony, stoep, verandah, porch or similar feature of a building;*
- (iii) any walls or railings enclosing any feature referred to in (ii); and*
- (iv) any other portion of a building."*



**7. LAND USE ENVIRONMENT**

All properties within the vicinity of the subject property are single residential dwellings and some are improved with double storey dwellings with balconies. This proposal for a balcony on the first floor is therefore not a detraction from the prevailing surrounding land use fabric.

**8. TITLE DEED**

**8.1** The sectional title unit which will benefit from the departure is Section 11 which has a floor area of 115m<sup>2</sup> according to the sectional title plans (refer **Plan 6**).

**8.2** The previous title deed T80584/2005 in the name of Rachelle Familietrust (refer **Annexure B**) contained the following restrictive conditions:

**8.2.1** "1.C.(i) That all buildings shall stand back at least 3,15 meters from the line of the street or avenue on which the lot or lots herein mentioned my front.

1.C.(j) That all outbuildings shall stand back at least 9,45 meters from any street or 6,30 meters from any avenue on which the lot or lots herein mentioned my front."

**8.3** This title deed contains an endorsement referring to notarial deed K199/2012 (refer **Annexure B**) which has the implication that the abovementioned restrictive title deed conditions have been removed.

**8.4** No restrictive title deed conditions are present which may prohibit the building line departures which are sought to accommodate the proposed balcony, to be approved.

**9. ZONING**

The following zoning parameters were assessed in conjunction with the GR1 zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

<b>General Residential Zone 1: Town Housing (GR1)</b>			
<b>Land Use Restrictions</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	town housing, private road and private open space.	Town housing units	N/A
<b>Consent use</b>	crèche, day care centre, dwelling house in accordance with 6.1.2, flats, green house, home occupation, residential building, retirement village and tourist accommodation.	Flats	Comply



## MOTIVATION

<b>Development parameters</b>			
<b>Density</b>	(i) The maximum gross density in this zone is 35 units per hectare; and (ii) A minimum erf size of 3000 m <sup>2</sup> is applicable for densification.	(i) 40 dwelling units per hectare which have been approved; (ii) N/A	N/A
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is 65%.	33,58%	Comply
<b>Height</b>	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	8m	Comply
<b>Building lines</b>	(i) The building line on the perimeter of the property is 3,0 m.	The proposal is for the balcony to be located 2,13m from the south eastern street boundary; There is an existing approved balcony which is the same width as the proposed balcony and the same distance from the boundary line. The registration as exclusive use area of the existing balcony as part of the Sectional Title Scheme is evidence of the legality thereof (refer <b>Plan 6</b> ).	Applied for and motivated
	(ii) The general building line exemptions of 16.1 apply.	N/A	N/A
<b>Site development plans</b>	The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.	A site development plan is submitted with this application.	Comply
<b>Open space provision</b>	The following requirements to the satisfaction of the Municipality is applicable: Communal open space of at least 10% of the whole property must be provided as outdoor recreational/garden area as one functional space.	The communal open space exceeds 10%.	Comply



---

## 10. SERVICES

---

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

### 10.1 Electricity

The existing building is connected to the electricity network in Voëlkliip and the proposed balcony will not require an additional electricity connection.

### 10.2 Water

The existing building is connected to the reliable water network provided by the OM in Voëlkliip and the proposed balcony will not require an additional water connection.

### 10.3 Sewage

The existing building is connected to sewage network provided by the OM in Voëlkliip and the proposed balcony will not require an additional sewer connection.

### 10.4 Access, egress, and parking

Vehicular access and egress to the subject property is gained from 9<sup>th</sup> Street and the approval and implementation of this proposal will not alter this.

---

## 11. NEED AND DESIRABILITY

---

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

### 11.1 Need and desirability

Desirability also refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the type of land use/activity being proposed? The owners of Sectional Title 11 have owned the property since 2005 and seek to make some improvements to the appearance of the sectional title unit. The construction of a balcony as proposed in this application is the only external appearance improvement which can be made which would be in harmony with the character of the existing building. The balcony is proposed at the right place as it is in alignment with the existing and approved balcony which is located in front of Sectional Title 9 and cannot be regarded as bringing about architectural disharmony.

### 11.2 Impact on views, sunlight and character of the area

The proposed balcony only measures 11,39m<sup>2</sup> and will increase the footprint of the existing building by 1,26% which is insignificant and not projected to impact on existing views and sunlight. The character of the area is also not projected to be derogated from.

### 11.3 Economic impact

The proposed balcony will undeniably increase the value of Sectional Title Unit 11 due to the added advantage which the occupants will have in terms of sea view which will be enjoyed therefrom. This will increase the resale value of the property which can potentially increase the rates which are payable to the OM.



### **11.4 Opportunity cost**

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or forgoing valued land use rights of interested and affected parties when an application is approved. The use of the balcony is not projected to attract noise generating activities as the property owner and guests will primarily use the structure to relax and enjoy the breeze and tranquillity of the ocean.

### **11.5 Impact on heritage**

The subject property is not listed on the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal.

### **11.6 Environmental impact**

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

---

## **12. POLICIES AND REGULATIONS**

---

### **12.1 Overstrand Municipality Environmental Protection Overlay Zone**

The subject property is not located within this zone.

### **12.2 Heritage Protection Overlay Zone**

The subject property is not located within this zone.

### **12.3 Spatial Planning Policies**

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014, Overstrand Municipal Growth Management Strategy, 2010 and Overstrand Spatial Development Framework, 2020.

---

## **13. PLANNING PRINCIPLES**

---

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

### **13.1 Spatial justice**

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for a balcony does not perpetuate apartheid spatial development imbalances.

### **13.2 Spatial sustainability**

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal is intended to increase the comfort with which the owner of Sectional Title 11 occupy the subject premises which contributes to increasing the viability of the Sectional Unit.

### **13.3 Efficiency**

This proposal is intended to maximise on the ocean view which is enjoyed by the owner of Sectional Title 11 while using minimal air space which is a hallmark of efficiency.



### **13.4 Spatial resilience**

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

### **13.5 Good administration**

The OM has a credible track record of good administration regarding the method of public participation which 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.



## RECOMMENDATION

---

### 14. EVALUATION

---

- 14.1** This proposal has motivated the rationale for the construction of a balcony for the use by the owner of Sectional Title 11; and
- 14.2** This proposal would increase the footprint of the existing building by 11,39m<sup>2</sup> and cannot be regarded as visually intrusive.

---

### 15. RECOMMENDATION

---

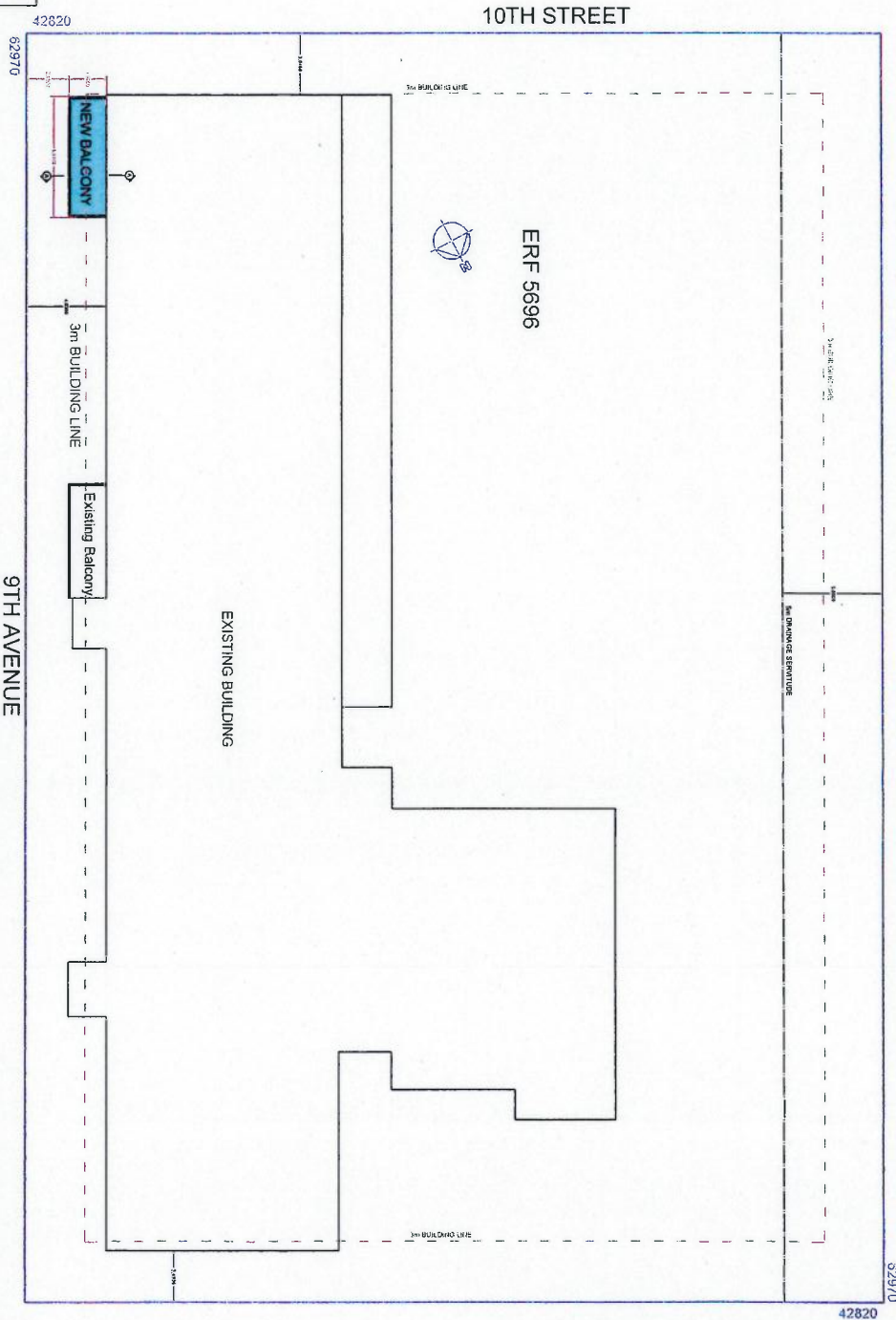
Considering the merits of this motivation, it is recommended that the following be approved:

- 15.1 Departure** from the 3m south eastern street building line to 2,13m to accommodate the proposed balcony in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 15.2 Amendment** of an approved site development plan in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



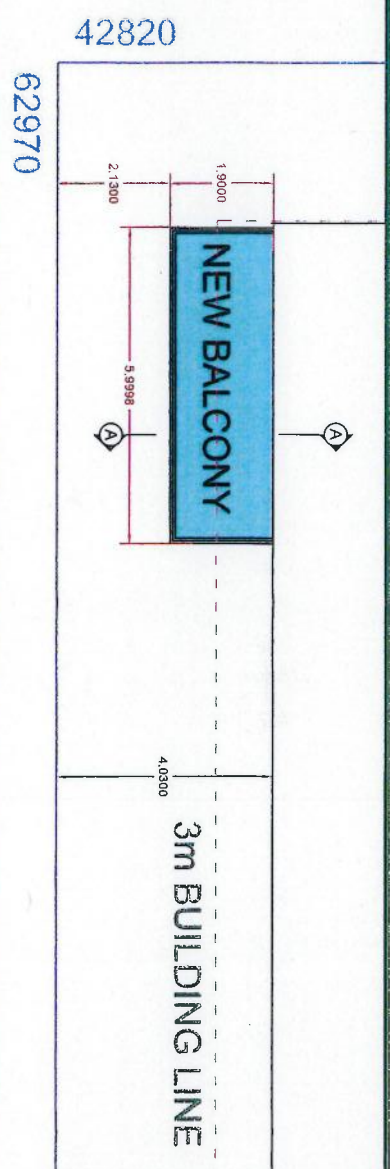
Site Plan

Scale 1 : 250



Application inset drea

Scale 1 : 100







62970

42820

### Plan 3: Site

## Development Plan Erf 5696 Hermanus

-  Erf 5696 Hermanus (2696m<sup>2</sup>)
-  3m Building Line
-  Proposed Balcony

 Subject property  
 2696m<sup>2</sup>  
 Permissible coverage 65%  
 Proposed coverage 33,58%

Based on a Plan by LA Studio

Tel: 028 313 1411

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

Plan 3.1

Unit B, Corner of Royal and Dikie Uys  
Street Hermanus, 7200

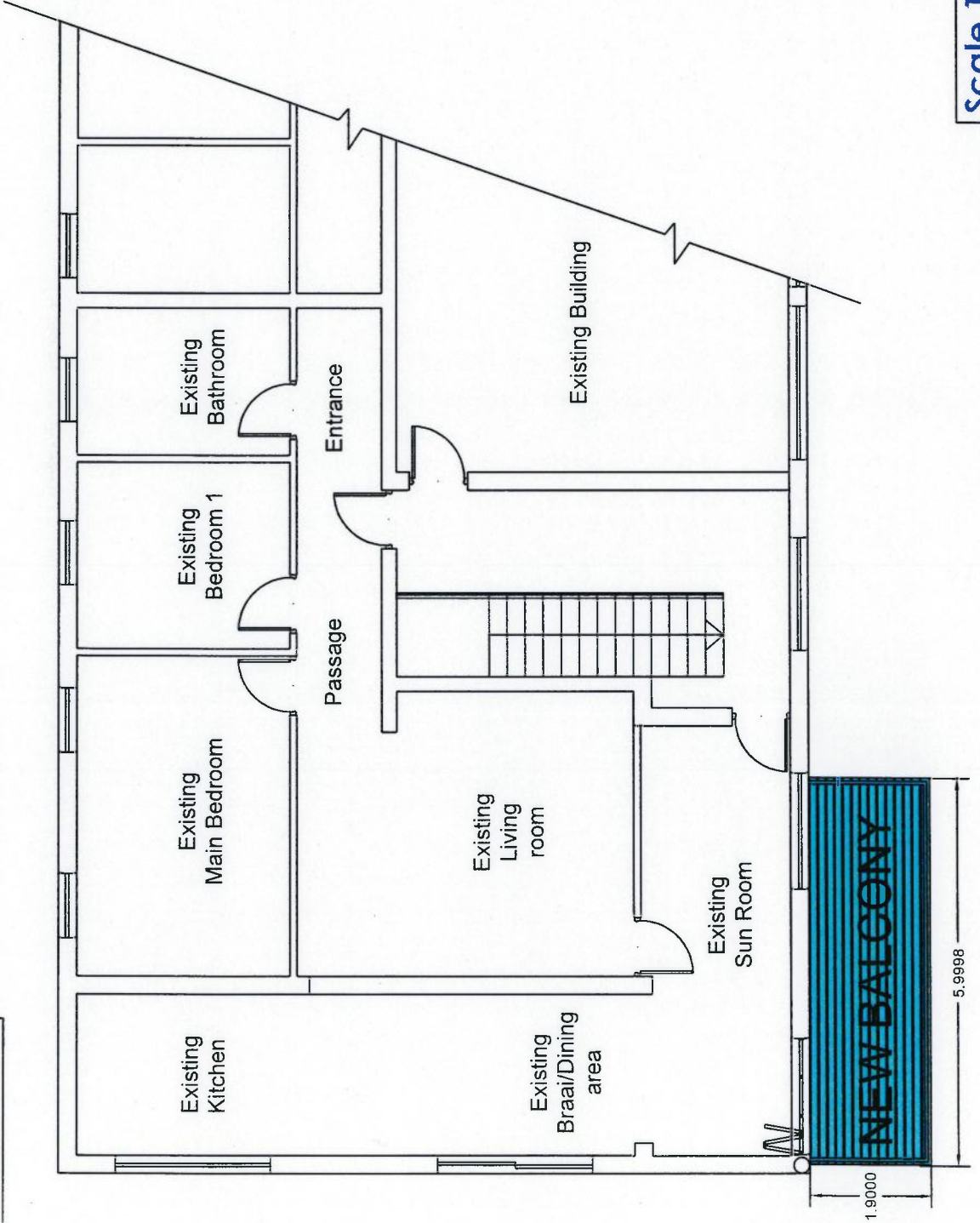
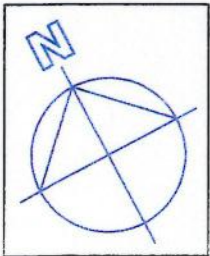
Plan prepared by: Reetlehlle Jankle  
All distances are approximate  
and subject to a survey



**Project Office**  
Town Planning & Project Management

**Plan 4: Floor Plan of  
Unit 11 on  
Erf 5696 Hermanus**

Proposed Balcony




**Scale 1 : 100**

Based on a Plan by LA Studio  
Tel: 028 313 1411  
Email: admin@wrapgroup.co.za  
Plan 4.1  
Unit B, Corner of Royal and Dirkie Uys  
Street Hermanus, 7200  
Plan prepared by: Reatlehle Jankie  
All distances are approximate  
and subject to a survey



**Project Office**  
Town Planning & Project Management

**Plan 5: Elevations**  
**Erf 5696 Hermanus**

 Proposed balcony



**EAST ELEVATION**

**SECTION A-A**

**Scale 1 : 100**

Based on a Plan by LA Studio  
Tel: 028 313 1411  
Email: [admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za)  
Plan 5.1

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

Plan prepared by: Reatlehlle Jankie  
All distances are approximate  
and subject to a survey



**Project Office**  
Town Planning & Project Management

**ERVEN 2842 & 2843**

Vanki (Pty) Ltd  
PO Box 121  
**SPRINGBOK**  
8240

**ERF 2816**

Elphinstone Family Trust  
26 Hillside Village  
Ferkloof Drive  
7200

**ERF 2691**

E Kummer-van Eck  
11 Forlibuckrain  
8942 Oberrieden  
**SWITZERLAND**

**ERF 10570**

HR & A Malan  
PO Box 3582  
**PAARL**  
7620

Hermanus Ratepayers Association

PO Box 134  
**HERMANUS**  
7200

Telkom SA Soc Limited

10 Jan Smuts Drive  
**PINELANDS**  
7405