

OVERSTRAND MUNISIPALITEIT

ERF 5655, MUSSONSTRAAT 20, EASTCLIFF, HERMANUS AANSOEK VIR OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: INTERACTIVE STAD- EN STREEKSBEPLANNERS NAMENS RAYMOND RAATS FAMILIE TRUST

Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Verordening vir Munisipale Grondgebruik-beplanning, 2020 (Verordening) van die volgende aansoek wat ontvang is van toepassing op Erf 5655, Eastcliff, Hermanus, naamlik:

Opheffing Van Beperkende Titelaktevoorwaardes

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde: B.(A)(d) soos opgevat in Titelakte Nr: T42503/2020

Afwyking

Aansoek om afwyking ingevolge Artikel 16(2)(b) van die Verordening vir die volgende:

- verslapping van die straatboulyn vanaf 4m na 0,5m om voorsiening te maak vir 'n bestaande motorafdak;
- verslapping van die straatboulyn vanaf 4m na 0m om voorsiening te maak vir 'n bestaande onderdak ingang;
- verslapping van die straatboulyn vanaf 4m na 0m om voorsiening te maak vir 'n bestaande preeel;
- verslapping van die noordoostelike laterale-boulyn vanaf 2m na 0m om voorsiening te maak vir 'n bestaande pergola;
- verslapping van die suidoostelike syboulyn vanaf 2m na 0m om voorsiening te maak vir 'n bestaande motorafdak; en
- verslapping van die dekking vanaf 50% na 53,65%.

Bepaling van 'n administratiewe boete

Bepaling van 'n administratiewe boete ingevolge artikel 16(2)(q) van die Verordening, om die bestaande die opgerigte motorafdak, onderdak ingang en preele wat die boulyne oorskry en die toegelaatbare dekking.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik ingedien word ingevolge die bepalings van Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus (f) 028 313 2093 / (e) alida@overstrand.gov.za bereik voor of op **Vrydag, 2 Desember 2022**, met u naam, adres en kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mr P Roux** by 028 313 8900. Die Munisipaliteit mag weier om kommentare 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 formuleer.

DGI O'Neill MUNISIPALE BESTUURDER

Overstrand Munisipaliteit
Posbus 20

HERMANUS 7200

Munisipale Kennisgewing Nr. 144/2022

OVERSTRAND MUNICIPALITY

ERF 5655, 20 MUSSON STREET, EASTCLIFF, HERMANUS: APPLICATION OF REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF RAYMOND RAATS FAMILIE TRUST

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020 (By-Law) that the following applications have been received applicable to Erf 5655, Eastcliff, Hermanus, namely:

Removal of Restrictive Title Deed Conditions

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition: B.(A)(d) as contained in Title Deed No: T42503/2020.

Departures

Application for departure in terms of Section 16(2)(b) of the By-Law for the following:

- relaxation of the street building line from 4m to 0.5m to allow for an existing carport;
- relaxation of the street building line from 4m to 0m to allow for an existing covered entrance;
- relaxation of the street building line from 4m to 0m to allow for an existing pergola;
- relaxation of the north-eastern side building line from 2m to 0m to allow for an existing pergola;
- relaxation of the south-western side building line from 2m to 0m to allow for an existing carport; and
- relaxation of the coverage from 50% to 53.65%.

Determination of an administrative penalty

Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law, to accommodate the erected carport, covered entrance and pergolas that exceeds the building lines and allowed coverage.

Details regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department Town Planning at 16 Paterson Street, Hermanus.

Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za on or before **Friday, 2 December 2022**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr P Roux** at 028 313 8900. The Municipality may refuse to accept comment 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.

DGI O'Neill MUNICIPAL MANAGER

Overstrand Municipality
PO Box 20

HERMANUS 7200

Municipal Notice No. 144/2022

UMASIPALA WASE-OVERSTRAND

ISIZA 5655, 20 MUSSON STREET, EASTCLIFF, HERMANUS: ISICELO SOKUSUSWA KWEMIQATHANGO ENEZITHINTELO KWITAYITILE, UKUNYENYISWA KUNYE NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN AND REGIONAL PLANNING EGAMENI LABAKWA-RAYMOND RAATS FAMILIE TRUST

Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho kaMasipala waseOverstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo esimayela nesiza 5655 Eastcliff, Hermanus ngolu hlobo:

Ukususwa Kwemiqathango Enezithintelo Kwitayitile

Isicelo simayela neCandelo 16(2)(f) loMthetho kaMasipala wokususwa kwemiqathango enesithintelo kwitayitile. B.(A)(d) njengoko iqulethwe kwiTayitile eNombolo: T42503/2020.

Ukunyenyiswa

Isicelo sokunyenyiswa ngokumayela neCandelo 16(2)(b) soMthetho kaMasipala kwezi zinto zilandelayo:

- ukunyenyiswa komda wesakhiwo kwicala elingasesitratweni ukusuka ku-4m ukuya ku-0.5m ukuze kuvunyelwe indawo yokumisa imoto esele ikhona;
- ukunyenyiswa komda wesakhiwo ukususela ku-4m ukuya ku-0m ukuze kuvunyelwe indawo yokungena enophahla;
- ukunyenyiswa komda wesakhiwo kwicala elingasesitratweni ukusuka ku-2m ukuya ku-0m ukuze kuvunyelwe iveranda esele ikhona;
- ukunyenyiswa komda wesakhiwo kwicala elingasemntla ntshona ukusuka ku-2m ukuya ku-0m ukuze kuvunyelwe iveranda esele ikhona;
- Ukunyenyiswa komda wesakhiwo okwicala elingasemzantsi ntshona ukusuka ku-2m ukuya ku-0m ukuze kuvunyelwe indawo yokumisa imoto esele ikhona; kunye
- Nokunyenyisa ubukhulu ukususela ku-50% ukuya ku-53.65%.

Ukugqitywa kwesohlwayo

Ukugqitywa kwesohlwayo emasibhatalwe ngokweCandelo 16(2)(q) loMthetho kaMasipala ukuze kwenziwe ibe semthethweni indawo yokumisa imoto, indawo yokungena efakwe uphahla kunye neveranda egqithayo kumda wesakhiwo ovunyelweyo.

linkcukacha mayela nesi sindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe Loyilo Dolophu e-16 Paterson Street, Hermanus.

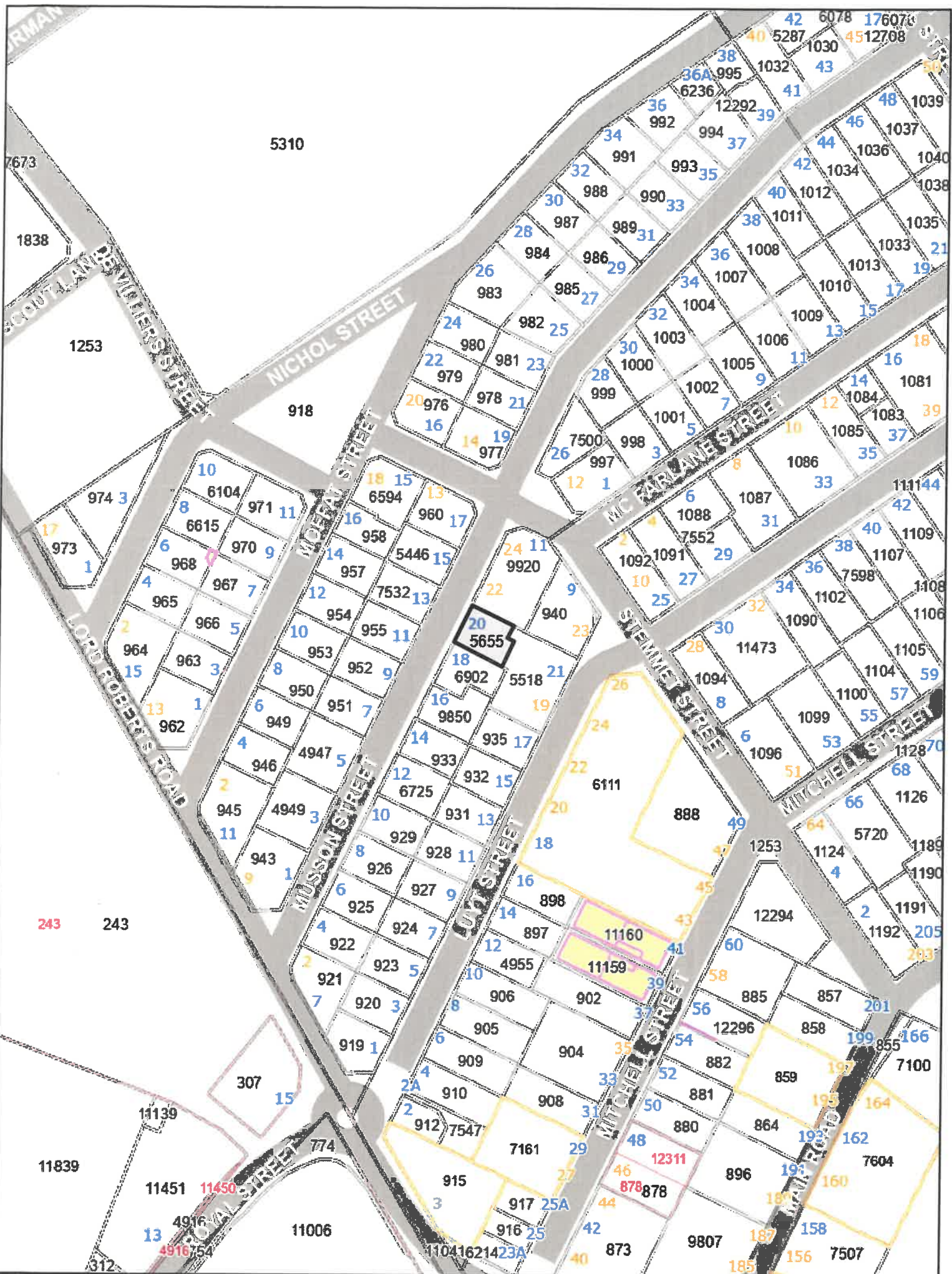
Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 nele-52 loMthetho kaMasipala zize zifike kwaMasipala (16 Paterson Street Hermanus / (f) 028 313 2093 / (e) alida@overstrand.gov.za engadulanga uLwesihlanu 2 eyoMnga 2022, ubhale igama lakho, idilesi yakho kunye neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingafakwa kuMcebisi Dolophu, uMnu P Roux ku 028 313 8900. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvula. Nabani na ongakwazi kufunda okanye ukubhala angatyelala iSebe lokuCeba Idolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.

DGI O'Neill UMLAWULI KAMASIPALA

Umasipala iOverstrand
Ibhokisi yePosi 20

HERMANUS 7200

Inothisi kaMasipala Nomb. 144/2022



Locality Map

Erf 5655, 20 Musson Street, Eastcliff, Hermanus



1. Introduction

<p>a. Brief</p> <p>Refer to Annexure B for the Power of Attorney.</p>	<p>Interactive Town and Regional Planning is appointed by the owner of the property Raymond Raats Familie Trust to prepare and submit an application for the relaxation of a restrictive title deed condition, building line and coverage departures and determination of an administrative penalty on Erf 5655, Eastcliff in terms of the relevant legislation.</p>
<p>b. Background</p>	<p>The application area consists of a 590m² single residential erf located in Musson Street, Eastcliff, Hermanus which accommodates an existing single-story dwelling unit with an attached double-garage.</p> <p>The owner has erected a carport over the driveway in front of the existing double garage to provide sheltered parking for two parked vehicles on the erf.</p> <p>The existing carport exceeds the street and western side zoning scheme building lines and the street title deed building line on the property, requiring building line and coverage departures and the removal of a title deed restrictive condition as well as a determination of an administrative penalty.</p>

<p>c. Development Objective & Application Proposal</p>	<p>The development objective is to <u>legalise</u> the carport which exceeds the title deed and zoning scheme building lines.</p>
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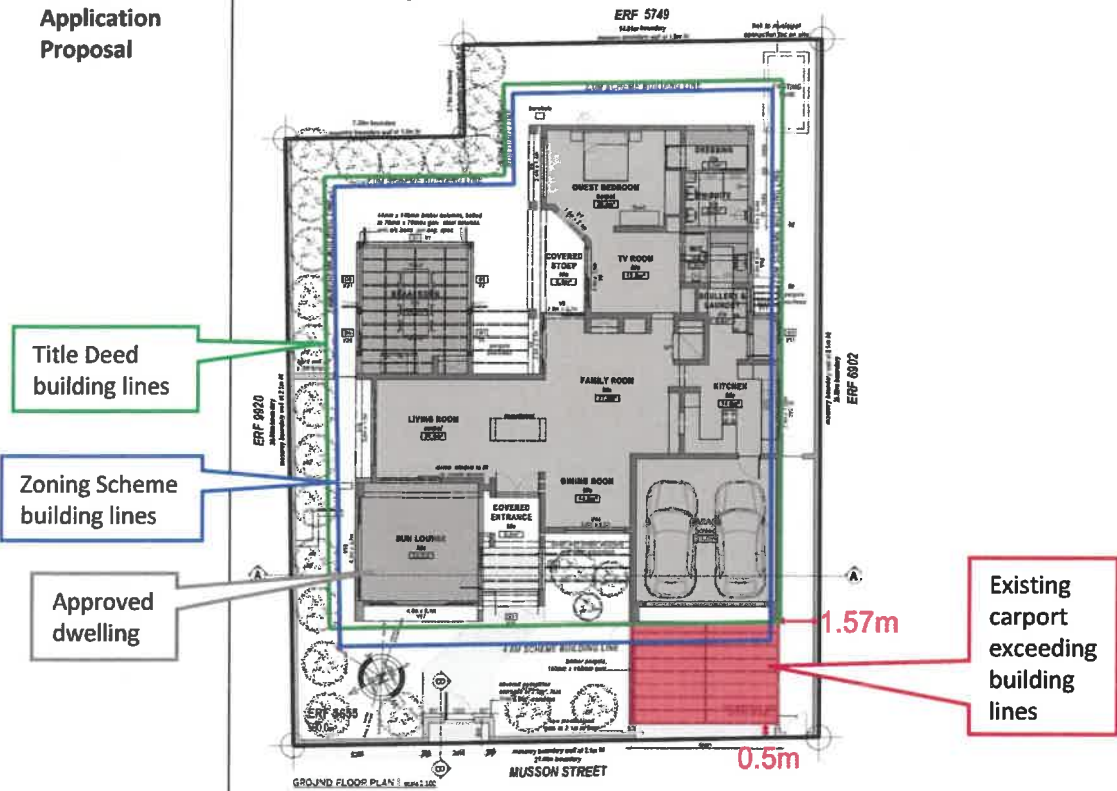


Figure 1: Development Proposal

Subsequently to realize the above development objective, the following applications need to be made:

- a departure to relax the **western street building line** from 4m to 0.5m to allow for an existing carport.
- a departure to relax the **southern side building line** from 2m to 1.57m to allow for an existing carport.
- a departure to relax the **coverage** from 50% to 51.34%.
- **Removal of title deed condition B.(A)(d) from Title Deed T42503/2020 which restricts building lines.**
- **Determination of an administrative penalty for the existing carport.**

2. The Application

<p>a. Analysis: Title Deed Refer to Annexure D for the Conveyancer Certificate.</p>	<p>The Conveyancer Monica Korf issued a certificate confirming that there is a title deed condition in Title Deed: T42503/2020, restricting the development proposal and which is required to be removed to allow for the existing carport. The restrictive condition reads as follows:</p> <p>B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer no 2941/1941.</p> <p>(A) As being in favour of the registered owner of any erf in East Cliff Hermanus Township Extension no I and subject to amendment and alteration by the Administrator in terms of section 18(3) of Ordinance 33 of 1934:</p> <p>(d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.</p>				
<p>b. Analysis: Development Criteria:</p> <p>The development parameters for Erf 5655 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	Parameters	Existing Zoning:	Proposal:	Comments	
	Zoning	Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent	
	Primary Use	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent	
	Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	None	Consistent	
	Coverage	50%	51.34%	Application includes a departure	
	Height	8m	7.1m	Consistent	
	Building lines	Street	4m	0.5m	Application includes a departure
		Side	2m	2m North 1.57m South	Application includes a departure
		Rear	2m	2m	Consistent
	Parking	Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent	
<p>c. Application:</p> <p>The application form is attached as Annexure A.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:</p> <ul style="list-style-type: none"> A <u>departure</u> to relax the western street building line from 4m to 0.5m to allow for an existing carport in terms of Chapter IV, Section 16(2)(b). A <u>departure</u> to relax the southern side building line from 2m to 1.57m to allow for an existing carport in terms of Chapter IV, Section 16(2)(b). A <u>departure</u> to relax the coverage from 50% to 51.34% to allow for existing structures in terms of Chapter IV, Section 16(2)(b). The <u>removal of restrictive title deed condition</u> B.(A)(d) from Title Deed T42503/2020 in terms of Chapter IV, Section 16(2)(f). <u>Determination of an administrative penalty</u> in terms of Chapter IV, Section 16(q). 				

3. Contextual Site Information

a. Property Description

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 5655 Eastcliff.

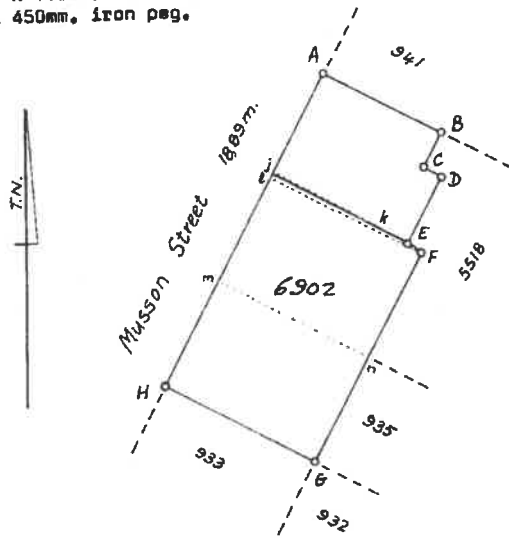
Property	Extent	Title Deed	Registered Owner
Erf 5655 Hermanus	590m ²	T42503/2020	Raymond Raats Familie Trust

The following Surveyor General Plans reflect the application site:

SIDES metres	ANGLES OF DIRECTION	CO-ORDINATES System		S.G. No.
		Y	X	
44,08 31,49	A 90.00.00			8165/75 Approved <i>[Signature]</i> Surveyor-Gr 26-11-1975
	F 92.22.20			
	G 90.00.00			
	H 90.00.00			

Description of Beacons:

- H - 12 x 750mm, iron peg.
- - 12 x 450mm, iron peg.



- 1. The figure ABCDEK represents Remainder Erf 938 Hermanus. Dgm. No. 4268/1941; D./T. 1942.142.7897. 609/41 1941.59.2941
 - 2. The figure JKFGH represents Erf 5582 Hermanus. Dgm. No. 3768/73; D./T. 1974.382.19077.
- Scale 1:1000.

The figure A B C D E F G H represents 1 989 square metres of land ERF 5655 HERMANUS comprising the properties specified above Eastcliff-Hermanus Twp. Ext. No.1 State in Municipality of Hermanus

Administrative District of Caledon Province of Cape of Good Hope
Compiled and Surveyed in November 1975

This diagram is annexed to the original diagram as quoted above.	The original diagrams are as quoted above.	File No. S/2479/91 S.R. No. 100 Comp. AI-3CB/Y52 Gen. Plan TP.15j AINW-1164 (M.3)
Volume 2.	No. annexed to Transfer/Grant No.	

Registrar of Deeds

Figure 2: Extracts of the Surveyor General Plans of the application site

b. Location:

For the Locality Plans refer to Annexure F

Regional Context:

Within the regional context, the application area is located within Eastcliff residential suburb, which forms part of Hermanus Central.

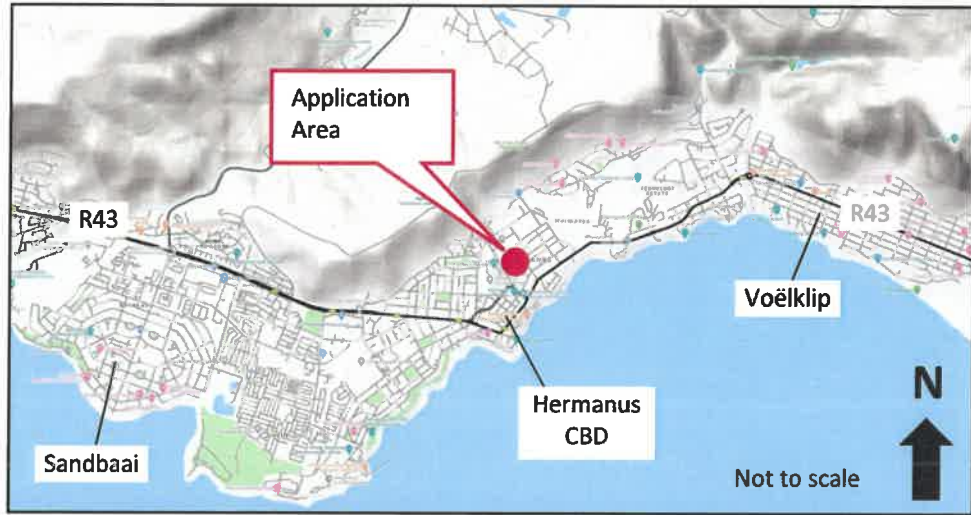


Figure 3: Locality Plan – Regional Context

Local Context:

Within the local context the application area consists of a single residential erf within Eastcliff. The application area is located at number 20 Musson Street.



Figure 4: Locality Plan – Local Context

c. Land Use:

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

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

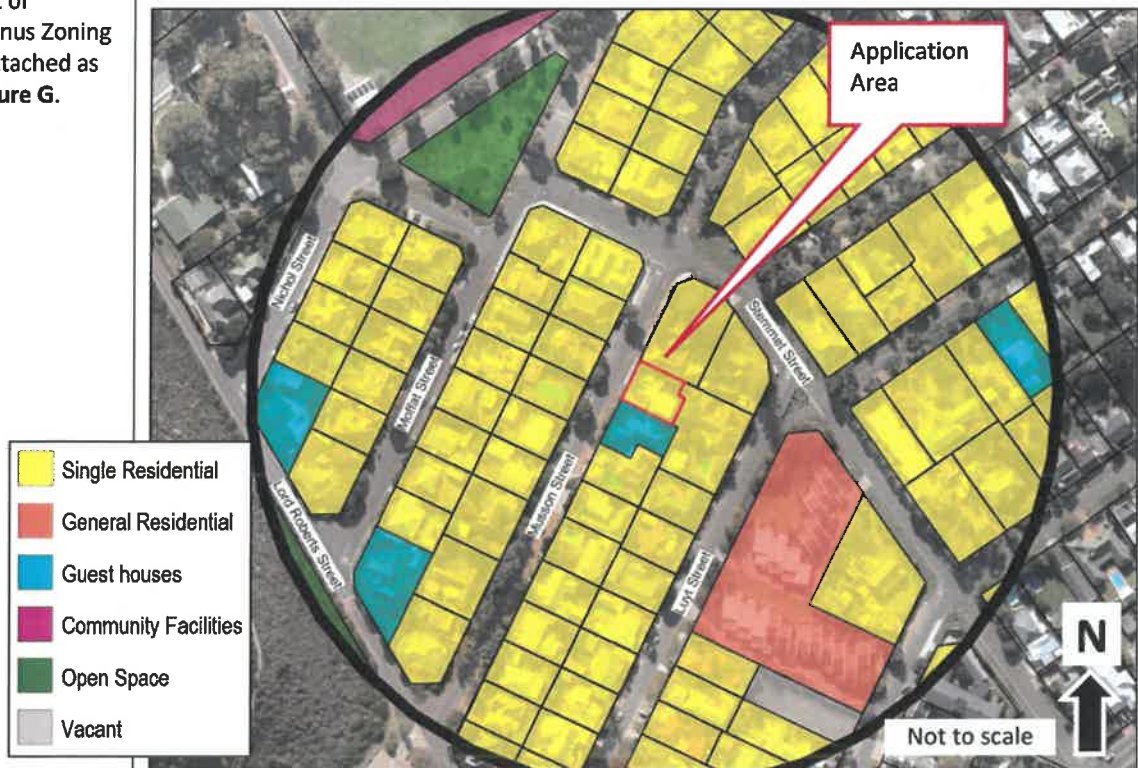


Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties

d. Zoning:

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

The application area, Erf 5655, Eastcliff is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1: Single Residential as well. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

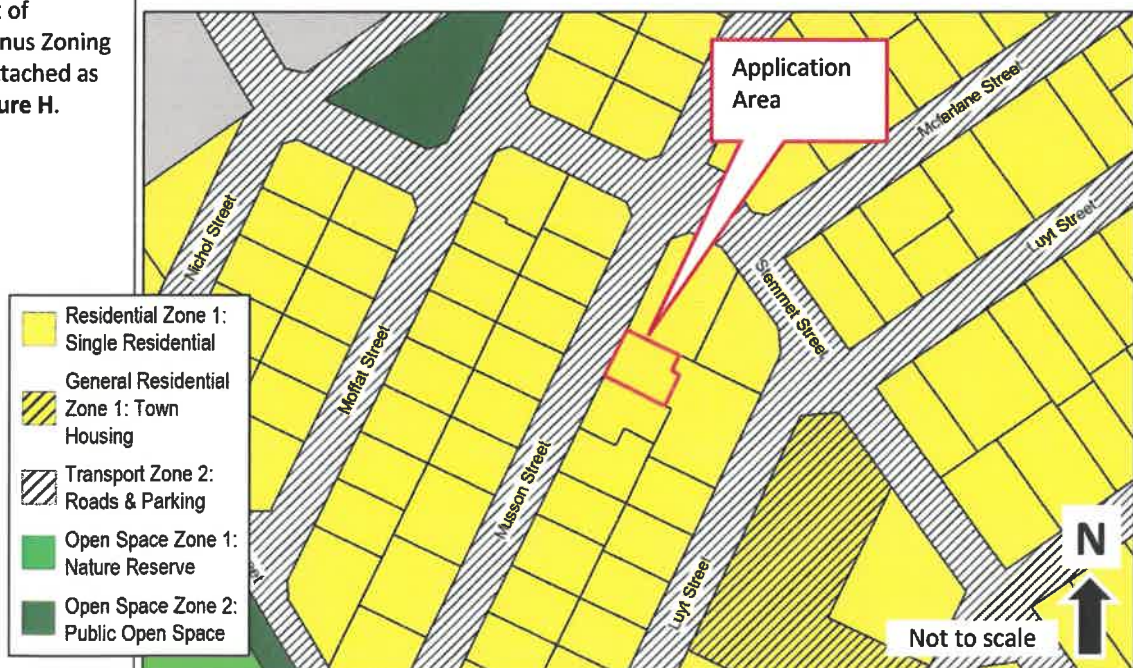


Figure 6: Extract from the Overstrand Municipality: Online zoning viewer

e. Laws and policies relevant to the consideration of the application and forward planning and land use documents

The following policy is applicable to the application area and the development proposal:

i. Overstrand Municipal Spatial Development Framework, 2020

The application area falls within an existing residential area within the Urban Edge.

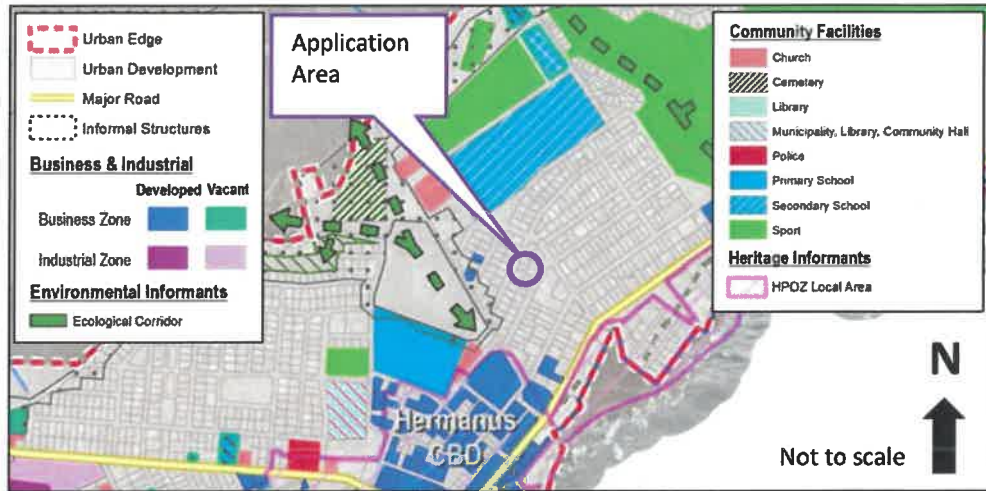


Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan

The application is consistent with the Overstrand Municipal Spatial Development Framework, 2020.

ii. Overstrand Municipal Spatial Wide Development Framework, 2006

In section 5.5.5 (i) it is mentioned that the SDF is inter alia concerned with the optimum use of land. The clause further mentions the need to provide satisfactory residential environments and further that a full range of residential needs must be catered for.

The application is consistent with the Overstrand Municipal Spatial Wide Development Framework, 2006

iii. Overstrand Municipality Growth Management Strategy, 2010

The application area is within an area earmarked for Less Than 10 Dwelling Units Per Hectare Densification Zone.

No further densification is applicable to this application, as the proposal is to allow for an existing carport.

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

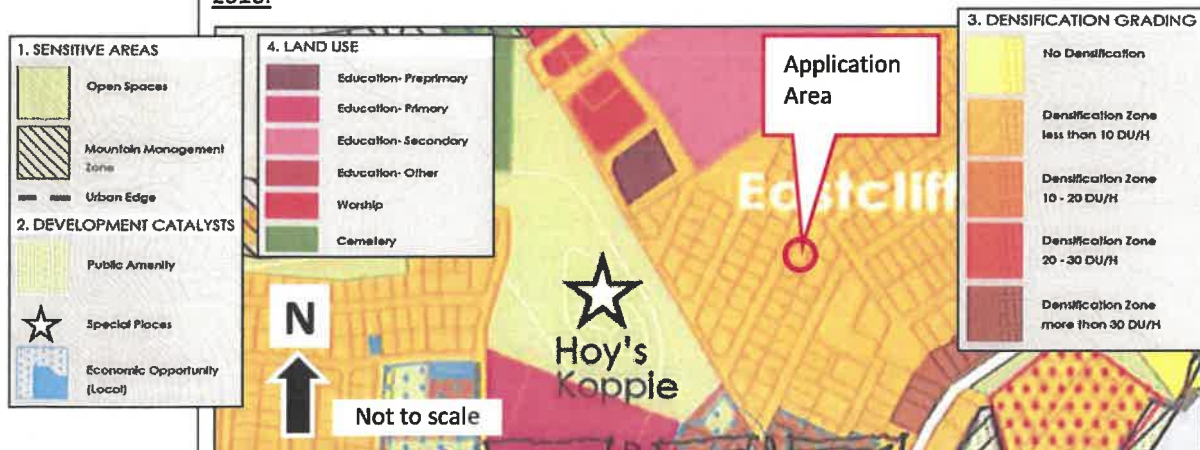


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.

iv. Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020

The owner of the property has erected a carport that exceeds building lines, thus the determination of an administrative penalty is applicable.

90. Application for administrative penalty

- (1) A person who is in contravention of this By-Law, 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.
- (2) A person making an application contemplated in Subsection (1) must –
 - (a) submit an application;
 - (b) pay the prescribed fee;
 - (c) provide the information contemplated in Subsections (3); and
 - (d) comply with the duties of an applicant in Section 84.
- (3) The applicant must, to the satisfaction of the Municipality, provide the following information such as-
 - (a) the nature, duration, gravity and extent of the contravention;
 - (b) the conduct of the person (allegedly) involved in the contravention;
 - (c) a report by a quantity surveyor in matters of unauthorised building/construction;
 - (d) whether the unlawful conduct was stopped; and
 - (e) whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

This application includes the determination of an administrative penalty.

4. Motivation

Motivation for the application:

Refer to Annexure I for the Building Plan

a. Introduction and Background

The application area consists of a 590m² single residential erf located at 20 Musson Street, Eastcliff, Hermanus, which accommodates an existing single-storey dwelling unit with an attached double-garage.

The owner has erected a carport over the driveway in front of the existing double garage to provide sheltered parking for two parked vehicles on the erf. (Refer to Figure 10)

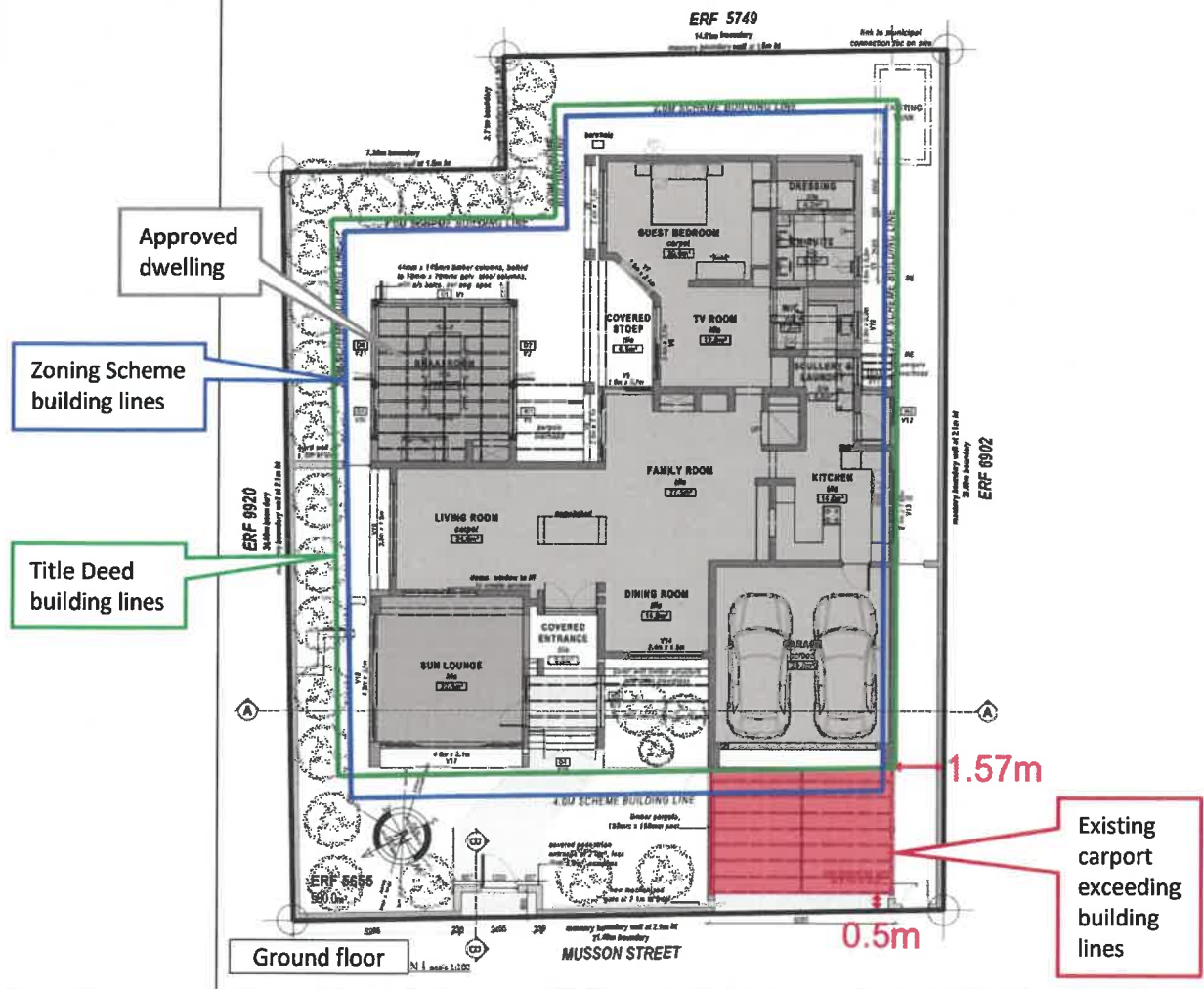
The existing carport exceeds the street and western side zoning scheme building lines and the street title deed building line on the property as well as increased the coverage to exceed the zoning scheme allowable coverage.

Therefore, an application for the removal of a restrictive title deed condition, building line departures and determination of an administrative penalty are required.

b. Proposal

The development objective is to **legalise** an existing carport with a width of 6m and a length of 4.2m over the driveway, adjacent to Musson Street.

The purpose of the carport is to provide shade and shelter from inclement weather for two parked vehicles on site, belonging to residents and or visitors.



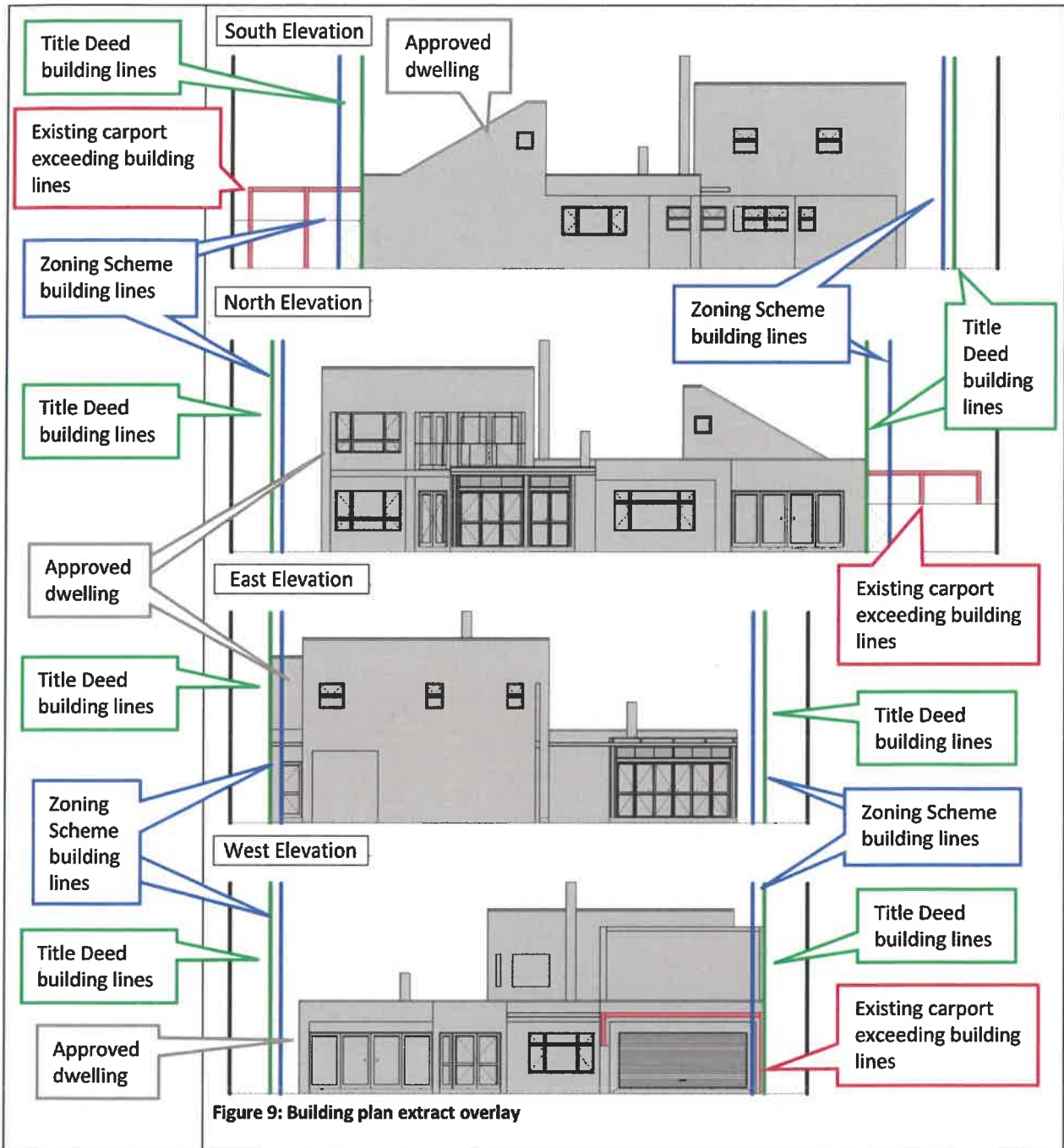




Figure 10: Photos of the existing carport

The existing carport exceeds the western 4m street zoning scheme building line by 3.5m up to 0.5m from the property street boundary. Furthermore, the existing carport exceeds the southern 2m side zoning scheme building line by 0.43m up to 1.57m from the southern property boundary.

The existing carport also exceeds the western 4.72m title deed street building line by 4.22m up to 0.5m from the property street boundary.

The coverage of the application area is 51.34%, exceeding the allowable coverage by 1.34%.

Subsequently, the submission of this application for the following applications/approvals is required to legally allow for the existing carport:

- Departure to relax the western street building line to 0.5m.
- Departure to relax the southern side building line to 1.57m.
- Departure to relax the coverage to 51.34%.
- Removal of restrictive title deed condition to relax the western street building line to 0.5m.
- Determination of an administrative penalty.

Departure to relax the western street building line to 0.5m & Removal of restrictive title deed condition to relax the street building line to 0.5m

As the carport has a flat low-profile roof is partly visible above the entrance gate, building line relaxation does not negatively impact on the street façade. The carport is situated approximately 3.7m from the road kerb and approximately 6.9m from the street surface, behind an entrance gate and thus no unsafe situation for vehicles passing by or for the application area is created by the building line contravention.

Departure to relax the southern side building line to 1.57m

As the existing carport only minimally exceeds the southern side building line, merely accommodating two parked vehicles and further, due to the existence and height of the southern boundary wall, no material impact on the southern neighbours in terms of privacy, visual impact or obstruction of sunlight is currently evident or further foreseen.

Departure to relax the coverage to 51.34%

The proposed coverage departure is approximately one percent and will therefore not have an influence on the character of the area. The property also only has overhangs at some doors, thus having less overhangs than the average property which results in less of an impact in terms of actual covered area. Approximately 80% of the dwelling is on the ground floor and has a low-profile carport and therefore does not appear to be a large house from the road, further mitigating the impact on the character of the area.

Determination of Administrative Penalty

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

(a) The nature, duration, gravity and extent of the contravention;

The nature, duration, gravity and extent of the contravention has been described in detail in this motivation report and includes the following contraventions;

The carport exceeds the western 4m street building line by 3.5m thus up to 0.5m from the property street boundary. Furthermore, the existing carport exceeds the southern 2m side building line by 0.43m up to 1.57m from the southern property boundary.

The existing carport also exceeds the western 4.72m title deed street building line by 4.22m up to 0.5m from the property street boundary.

The carport increased the coverage of the application area to 51.34%.

(b) The conduct of the person (allegedly) involved in the contravention;

It is evident from this application that the applicant/owner is co-operative and willing to rectify the existing contravention and to follow the correct statutory procedure to apply to legally accommodate the existing carport which serves to provide shelter and shade against inclement weather for two parked vehicles on site.

(c) Report by a quantity surveyor in matters of unauthorised building/construction;

Due to the nature and scale of the contravention, a report by a quantity surveyor is not considered applicable.

(d) Whether the unlawful conduct was stopped

Due to the nature of the contravention being building line transgressions not causing a material impact on the environment, the most practical, non-destructive and cost-efficient way to stop the unlawful conduct is by legalising the contraventions, for which the applicant/owner is in the process of applying through this application.

(e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law

No, according to our knowledge, the applicant/owner has not previously contravened this By-Law or a previous planning law.

c. Desirability

The existing carport is considered **desirable** for the following reasons:

- The proposal is functional and improves the quality of life for the residents by efficiently and optimally increasing shelter and shade against inclement weather for two parked vehicles on site.
- The proposal adds value and potentially increases the value of the property.
- It is not evident or foreseen that the relaxation of the building lines cause or will cause any negative visual impact, unsafe conditions, obstruction of sunlight, obstruction of views or obstruction of access for emergency purposes or the intrusion on privacy for the application area, the adjacent properties or for the adjacent street.

Therefore, the land will be used optimally to provide a satisfactory residential environment and to cater for a full range of residential needs, within the statutory requirements of the municipality, while potentially increasing the property value and without any current evident or foreseen negative impact on the surroundings or on the application area.

d. Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as it will legally accommodate the addition of an existing carport to an approved dwelling within a residential area.

The application proposal is **consistent** with the principle of **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposal will allow for an existing carport as a legal addition to an approved dwelling on a single residential erf within the urban edge. Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal is consistent with the principle of **spatial sustainability**.

- 3) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposal is functional and optimizes the property to provide shelter and shade to two parked vehicles against inclement weather while at the same time potentially increasing the property value, all in an efficient manner and without any negative impact on the surrounding area currently being evident or foreseen.

The application proposal is **consistent** with the **efficiency principle**.

	<p>4) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p>Possible results of the development The existing development will not lead to any economical and/or environmental shocks as the application allows for the legal addition of an existing carport to an approved dwelling within a residential suburb, without any material negative impact on the surrounding area currently being evident or foreseen.</p> <p>The application proposal is consistent with the principle of spatial resilience.</p> <p>5) Good Administration which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p>Possible results of the development Consultive practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is consistent with the principle of good administration.</p>
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5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area, providing a satisfactory residential environment and catering for a full range of residential needs, while potentially increasing the land value, without any material negative impact on the surrounding environment or on the application area currently evident or foreseen to result in future.

It is therefore recommended that the application **be approved** for the following:

- A departure to relax the **western street building line** from 4m to 0.5m to allow for an existing carport in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- A departure to relax the **southern side building line** from 2m to 1.57m to allow for an existing carport in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- A departure to relax the **coverage** from 50% to 51.34% in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- The removal of restrictive title deed condition B.(A)(d) from Title Deed T42503/2020 in terms of Chapter IV, Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- Determination of an administrative penalty in terms of Chapter IV, Section 16(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

