



MUNISIPALITEIT OVERSTRAND

ERF 67, NAUDÉSTRAAT 58, FRANSKRAAL
OVERSTRAND MUNISIPALE AREA: AANSOEK OM
OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDES, AFWYKING,
WYSIGING VAN GOEDKEURINGSVOORWAARDES,
EN BEPALING VAN 'N ADMINISTRATIEWE BOETE:
ATLAS TOWN PLANNING (EDMS) BPK NAMENS J
& LJ GAMBO

Kennis word hiermee gee ingevolge Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoek van toepassing op die bogenoemde erf, naamlik:

- opheffing van beperkende titelaktevoorwaarde C.20(d), soos vervat in Titelakte T30094/2020 ingevolge Artikel 16(2)(f) van die Verordening, ten einde 'n woning op die straatgrens te akkommodeer;
- afwyking ingevolge Artikel 16(2)(b) van die Verordening, ten einde die straatboulyn vanaf 3m tot 0m en die westelike lateraleboulyn van 3m tot 1.5m te verslap ten einde die woning te akkommodeer.
- wysiging van goedkeuringsvoorwaardes ingevolge Artikel 16(2)(h) van die Verordening, ten einde die woning in die huidige ligging te akkommodeer;
- bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q) van die Verordening.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en by Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik ingedien word in terme van Artikels 51 en 52 van die bogenoemde Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za voor of op 26 Mei 2023, vergesel van u naam, adres, kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die Senior Stadsbeplanner, Mnr SW van der Merwe 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.

Munisipale Bestuurder, Overstrand Munisipaliteit,
Posbus 20, HERMANUS, 7200

Munisipale Kennisgewing Nr. 67/2023

OVERSTRAND MUNICIPALITY

ERF 67, 58 NAUDÉ STREET, FRANSKRAAL:
APPLICATION FOR REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS, DEPARTURE,
AMENDMENT OF CONDITIONS OF APPROVAL,
AND DETERMINATION OF AN ADMINISTRATIVE
PENALTY: ATLAS TOWN PLANNING (PTY) LTD ON
BEHALF OF J & LJ GAMBO

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following applications applicable to the above-mentioned erf, namely:

- application for removal of restrictive title deed condition C.20(d), as contained in Title Deed T30094/2020 in terms of Section 16(2)(f) of the By-Law, in order to accommodate a dwelling on the street boundary;
- departure in terms of Section 16(2)(b) of the By-Law, to relax the street building line from 3m to 0m and the western lateral building line from 3m to 1.5m, in order to accommodate the dwelling.
- amendment of conditions of approval in terms of Section 16(2)(h) of the By-Law, to accommodate the dwelling in the current position.
- determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law.

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 and Gansbaai Library, Main Road, Gansbaai. Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za on or before 26 May 2023 quoting your name, address, contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the Senior Town Planner, Mr SW van der Merwe 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.

Municipal Manager, Overstrand Municipality, P.O.
Box 20, HERMANUS, 7200

Municipal Notice No. 67/2023

UMASIPALA WASE-OVERSTRAND

ISIZA SAMA-67, 58 NAUDÉ STREET, EFRANSKRAAL:
ISICELO SOKUSUSA IMIQATHANGO YETAYITILE
ETHINTELWEYO, UKUPHAMBUKA, ISILUNGISO
SEMIQATHANGO YEMVUME NOKUMISELA
ISOHLWAYO SOLAWULO : ATLAS TOWN PLANNING
(PTY) LTD EGAMENI J & LJ GAMBO

Isaziso sinikwe ngokuphathelele kwiCandelo lama-48 - lomThetho kaMasipala wesiLungiso wase-Overstad kuYilo lokuSetyenziswa koMhlaba kaMasipala , 2020, (UmThetho kaMasipala) kwizicelo ezilandelayo ezichazwe kwisiza ezingasentla ezisezi:

- isicelo sokususa umqathango wetayitile ethintelayo C.20(d), njengoko iqulethwe kule nombolo yeTayitile T30094/2020 ngokuphathelele kwicandelo le- 16(2)(f) lomThetho kaMasipala ukuze kulungiselelwe ukuhlala kumda wesitalato;
- ukuphambuka ngokuphathelele kwicandelo le-16(2)(b) lomThetho kaMasipala ukunyenyesisa umda wokwakhoiwa wesitalato ukusuka kwisi-3m ukuya kwi-0m nomda wokwakha osemacaleni asentshona ukusuka kwisi-3 ukuya kwisi- 1.5m, ukuze kulungiselelwe ukuhlala.
- Isilungiso semiqathango yemvume ngokuphathelele kwiCandelo le-16(2)(h) of lomThetho kaMasipala ukulungiselela ukuhlala kwindawo yakutsha-nje
- Ukumisela isohlwayo solawulo ngokuphathelele kwiCandelo le-16(2)(q) of lomThetho kaMasipala.

Iinkcukacha ezihambelana nesi siphakamiso ziyafumaneka kwiintsuku zaphakathi evekini ukuze zihlolwe phakathi kwentsimbi ye-08:00 ne- 16:30 kwiSebe: Izicwangciso ngeDolophu kwa16 Paterson Street, Hermanus nakwithala leencwadi lase Gansbaai. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 lomThethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za ngomhla okanye ngaphambi komhla we 26 uMeyi 2023 uchaze igama lakho, idilesi, neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa kuMnu. SW van der Merwe kwa- 028-313 8900. UMasipala angala ukwamkela izimvo emva kokuvala. Nabani na ongakwazi ukufunda nokubhala angandwendwela kwiSebe leziCwangciso zeDolophu acele igosa limncede ukufaka uluvo lwakhe ngokusemthethweni.

UMphathi kaMasipala, Overstrand Municipality, P.O.
Box 20, HERMANUS, 7200

Inothisi kaMasipala iNomb. 67/2023

UNKNOWN STREET

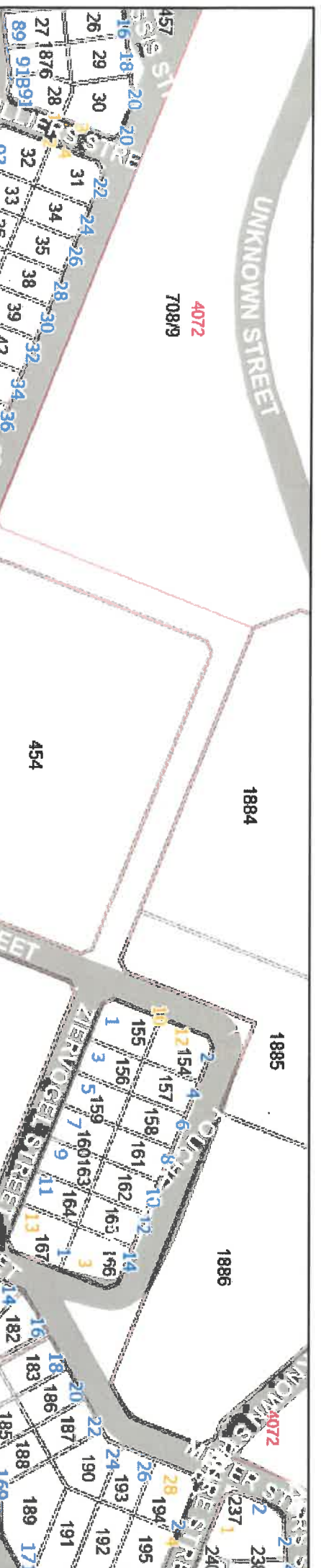
4072
708/M9

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VEAL STREET

LE GRANGES STREET

ROBERT STREET

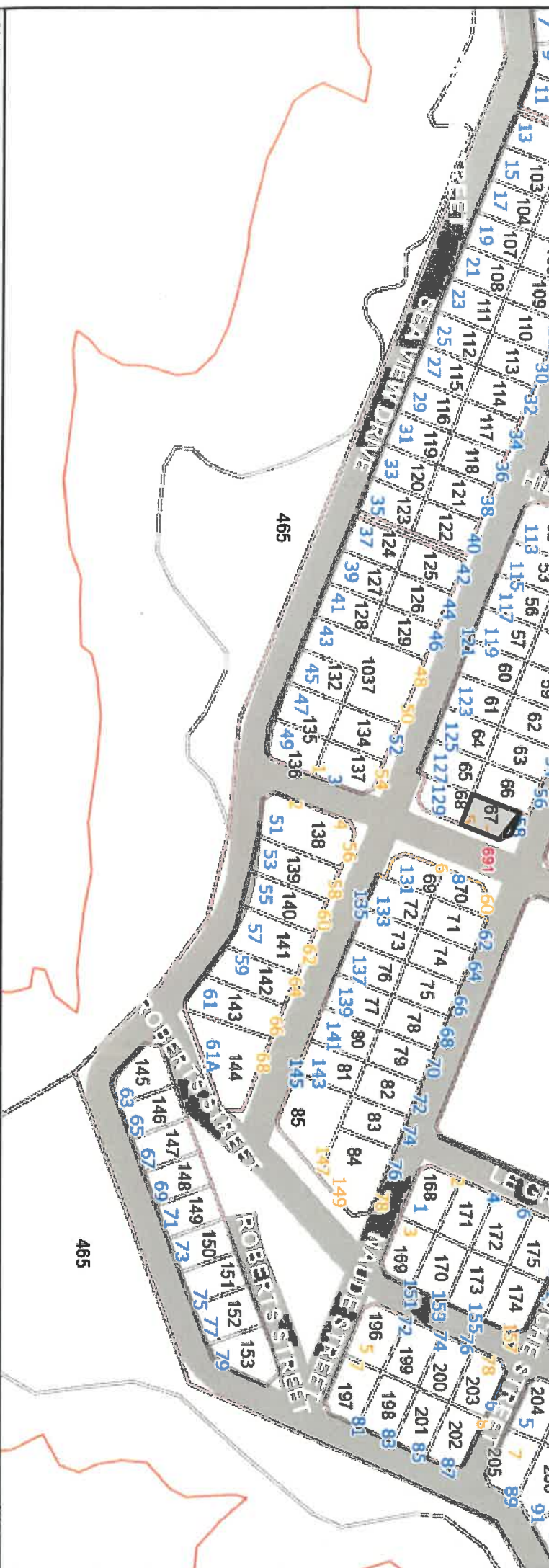
ROBERT'S STREET

465

454

453

465



24 February 2023

Overstrand Municipality
P.O.Box 20
HERMANUS
7200

<h1>ATLAS</h1>		
<h2>Town Planning</h2>		
Koos Olivier : 083 446 0762 <i>BTech T&P (CPUT)</i>		
<ul style="list-style-type: none">• Rezoning & Subdivisions• Land Use Departures	<ul style="list-style-type: none">• Consent Uses• Site Development Plans	
P.O.Box 380 KUILSRIVIER 7579	Tel : 021 801 7446 Fax : 086 668 5601 E-mail: koos@atlasplanning.co.za	

Attention: Mr Schalk van der Merwe / Ms Alida Conradie


**ADMINISTRATIVE PENALTY, REMOVAL OF RESTRICTIVE TITLE DEED CONDION,
AMENDMENT OF CONDITIONS AND REGULATION DEPARTURES – ERF 67,
FRANSKRAAL**

The application submitted and consequent communications with the owner, Mr Jerome Gambo in the above regard, have reference. As per the department's recommendation, the owners appointed Atlas Town Planning to act on their behalf. A power of attorney to this affect is attached herewith together with updated application forms.

Application and advertising fees in the amount of R21 002.00 has already been paid. The necessary supporting documentation has been submitted and as per the communications with the owner, the department is awaiting an updated motivation report that addresses the necessary planning principles. Please find attached herewith the report with a departure plan depicting the relevant encroachments and unauthorised building works. It is evident that the dwelling (as per the approved building plan) was constructed in an incorrect position nearer to the Naude Street boundary line.

It is trusted that the application will meet the department's requirements and that it will therefore enjoy the necessary support. I would like to extend a friendly invitation to not hesitate in contacting me should there be any enquiries or should more information be required.

Your's truly



Koos Olivier
ATLAS TOWN PLANNING

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Introduction

1.1 Background

The subject property is Erf 67, Franskraal. The property is one of four erven in the immediate area that was earmarked for commercial use during the initial township establishment. The area is viewed as a contemporary neighbourhood. Three of these erven (Erven 68, 69 & 70) has since been developed for residential use. Planning permission was also obtained during April 2022 to permit the construction of a dwelling on the subject property. Building plans were officially approved during June 2022 and construction was commenced with towards the back end of 2022.

It became apparent that the building was not constructed in the position as indicated on the approved building plan. The building was shifted +/- 4,5m closer to Naude Street and Overstrand Municipality issued a notice to seize building work on the 28th of November 2022. Building work was stopped on the same day and the owner has been trying to rectify the matter since. It is apparent where the mistake in the setting out the building came about. A 15 feet (approximately 4,572m) strip of land was set aside along the perimeter of the commercial erven, likely for parking purposes, and the incorrect property beacon was consequently used to set out the building.

The owner would either have to demolish the works carried out to date or apply to have this rectified. The latter entails amongst others applying for an administrative penalty and subsequent planning permissions. In this particular instance, the title deed of the subject property contains a condition pertaining to a street building line which is relevant to this application.

1.2 Brief and application

ATLAS Town Planning was requested to assist with the applications to address the unlawful building work on the property and to obtain the necessary planning approval to proceed with the construction of the dwelling in the particular position.

Application is herewith made:

- i) In terms of Section 16(2)(q) of the Overstrand Municipal Planning By-Law of 2015 for the determination of an administrative penalty pertaining to unlawful building work on Erf 67, Franskraal;

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- ii) In terms of 16(2)(f) of the Overstrand Municipal Planning By-Law of 2015 for the removal of Condition C.20(d) in Deed of Transfer T30094/2020 in order to permit the construction of a building closer than 2,36m from the street boundary;
- iii) In terms of 16(2)(h) of the Overstrand Municipal Planning By-Law of 2015 for the amendment of the approval granted (letter dated 13 April 2022) insofar as this approval restricts the development of the property as per the approved Site Development Plan at the time;
- iv) In terms of Section 16(2)(b) of the same By-Law for permanent departures from zoning scheme namely:
 - a) Relaxation of the street building line from 3m to 0m
 - b) Relaxation of the western lateral building line from 3m to 1,5m

Property Details

2.1 Property Description

This application has bearing on Erf 67, Franskraal, Overstrand Municipality, Division Caledon, Western Cape Province. The property measures 452m² and is registered in the names of *Jerome & Lorna Judy Gambo*. The property is held in Deed of Transfer T30094/2020 and it is evident that Condition C.20 (d) requires removal for the development proposal to be considered.

2.2 Locality

The subject property is located on the corner of Naude and Veal Streets, Franskraal. Franskraal is a sea side town located in the Overstrand area approximately 2 hours drive from Cape Town. Erf 67, Franskraal is located in a contemporary neighbourhood, diagonally across the road from the bowling courts and less than 200m from the sea.

2.3 Existing land use and zoning

Erf 67, Franskraal is zoned as Business Zone 3: Local Business (B3) in terms of the Overstrand Zoning Scheme Regulations. Whilst the primary use in this zone is shops, a consent was granted during 2022 to allow the construction of a dwelling on ground floor level. In lieu of the property being developed for residential use, the pa-

parameters pertaining to Town Housing in the said zoning scheme is deemed to be applicable to this property. The dwelling is partially constructed and construction was halted as a result of the notice served on the owners at the end of November 2022.

2.4 Physical characteristics

The subject property is located just north of a small crest sloping away from the ocean in a northerly direction. The site slopes approximately 3m over a distance of 27m. It should be noted that the slope is away from the ocean, with the current position of the building having less impact on views than before. The erf was partially cleared in preparation for construction. There are no physical constraints restricting the development of this property.

2.5 Unauthorised building works

As stated earlier in this report, consent was granted for the development of a dwelling on this property in accordance with an approved site development plan and a building plan was subsequently approved. The construction of this dwelling per say is therefore not unlawful, but the building was constructed in the incorrect position.

Erven 67, 68, 69 & 70, Franskraal are located adjacent to Veal Street between Marais and Naude Streets. Having been earmarked for commercial use during township establishment, a 15 feet (+/- 4,572m) strip was created along the perimeter. This was a common planning principle at the time as this area was generally reserved for use as parking. The error in setting out the position of the dwelling came to affect when the north-western property beacon of Erf 67 was incorrectly mistaken with that of the north-eastern property beacon of Erf 66. The builder appear to have been unaware of the setback between these two properties.

As a result of the above, the dwelling encroaches on building lines, both in terms of the Overstrand Zoning Scheme Regulations and the street building line as per the title deed. A departure plan was prepared indicating the extent of these encroachments. The plan shows the encroachment on both storeys with the area encroaching on building lines measuring 43,90m² per storey. As is evident from the below picture taken when the construction was stopped, the building has not reached first storey level yet and the unlawful building work is thus deemed to be an area measuring 43,90m².

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Picture 1: Dwelling under construction as viewed from Naude Street

The impact of these encroachments will be discussed further in this report, but it is evident that this was a bonafide error with no malicious intent. The owners immediately instigated actions to rectify the contravention. It is further contested that the building works in itself is not unlawful as due process was followed and building plans approved. The unlawful building work relates to the position of this building and those parts of the building already constructed and encroaching on the permissible development parameters. This area measures 43,90m².

In terms of the By-Law, the following information should be provided to assess the gravity of penalties to be imposed, if any:

a) Nature, duration, gravity and extent of the contravention

A notice to seize construction was issued on the 28th of November 2022. This is the date when building works were stopped. The nature and extent of the contravention is as discussed above. As stated, the extent of the building which encroaches on the permissible development parameters is measured as 43,90m². The gravity of the contravention can be assessed in more ways than one. From the owners perspective, this was a bonafide error with no malicious intent. It is clear that they have been following due process and is now in this position as a result of the mistake made by the builder. Albeit that this happened on their watch, they too are suffering damages due to the costs to rectify the contravention and the escalation in building costs whilst this process is ongoing. The external impact of this transgression will be discussed

in more detail, but it is believed that this too is negligible. The revised position of the building still conforms to the general built environment and does not impact on views etc. The below picture shows the garage under construction to be set back more or less at the same distance from the street, albeit that it will be on a 0m building line on this particular property.



Picture 2: Garage under construction at similar setback as the adjacent dwelling

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

The property is owned by Jerome and Lorna Judy Gambo and to our knowledge neither has been found guilty of a contravention of the By-Law in the past. Their general conduct to date shows that they follow due process and first obtained the necessary approvals before they commenced with the building project. They have also acted immediately once they were made aware of the contravention of the By-Law.

c) A report by a quantity surveyor in matters of unauthorised building / construction

The extent of the contravention is very small and relates to unlawful building works of 43,90m². Below depicts a calculation of the value of the unauthorised building work based on the municipality's applied rates for construction in the area:

$$43,90\text{m}^2 \times \text{R}18026.50 = \text{R}791\ 363$$

The By-Law states that a penalty of not more than 100% of this value may be imposed. It should be stated that the building cost tariff used for this calculation is not deemed to be appropriate in this instance as the unlawful building work at the time that the works were stopped related to wet works only (foundations and brick laying up to nearly first storey level and includes mostly a garage and stoep area). Section 90(3) of the By-Law provides for an option to provide a report by a quantity surveyor. At this scale it wasn't deemed necessary to obtain a formal report, but a quantity surveyor was consulted and estimated that the realistic building cost rate for the wet works carried out to date would be in the region of +/- R 3 500/m², thus equating to roughly R150 000. The owners would still like to appeal to the municipality to be lenient when considering imposing a penalty in lieu of the facts mentioned before.

d) Whether the unauthorised conduct has stopped

The notice to cease with construction was issued on the 28th of November 2022 and no building work had taken place since. The owners are eager to address the contravention and to obtain approval for the amendment of the plans in order to proceed lawfully.

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

As stated, the owners have to our knowledge not previously contravened the current or previous planning By-Laws.

In view of the aforementioned, the owners would appeal to the municipality to be lenient when assessing the imposition of an administrative penalty. It is evident that, whilst the mistake was made under their watch, this is in fact a bonafide error with no malicious intent. It is clear that the owners are law abiding citizens and they have immediately acted to rectify the matter.

Planning context

3.1 Surrounding land uses

The subject property is located in residential suburb and the majority of the properties are developed for residential use. The land to the north is still undeveloped and is earmarked for community use. The bowling courts is also located diagonally across

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the road from Erf 67, Franskraal. The nearest shops / restaurants are located in Rossouw Street, at least a kilometre to the west of the subject property.

3.2 Existing forward planning and policy frameworks

The Overstrand Spatial Development Framework is applicable to this area. The scale and nature of this application will have limited impact on this forward planning document with the objective being to preserve the neighbourhood character and residential amenity. The proposal to develop the property for residential use remains consistent with objectives of the SDF, as was confirmed in the letter of Overstrand Municipality dated 13 April 2022. The said proposal also included relaxations of the same building lines and hence it is clear that the same principles will apply in this instance.

3.3 Legal aspects

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014), the Spatial Planning and Land Use Management Act of 2013 and consequent Municipal Planning By-Laws. Application is made in terms of Sections 16(2)(b), (f), (h) and (q) of the Overstrand Municipal Planning By-Law of 2015.

The application does not trigger listed activities in terms of neither the National Environmental Management Act (Act 107/1998) nor the National Heritage Resources Act (Act 25 of 1999).

4. Development Proposal

Approval was granted for the construction of a double storey residential dwelling on Erf 67, Franskraal. The aforementioned approval included a consent use to permit the construction of a dwelling on ground floor level on a property zoned for business use as well as building line departures. The application for consideration relates to the same dwelling and coverage, floor factor and height remains unchanged. The building was set out in the incorrect position and this triggers additional building line encroachments, requires amendment of the previously approved site plan and the removal of a restrictive title deed condition.

The building line relaxations sought is for the dwelling to be set back at 1,5m in lieu of 3m w.r.t the north-western lateral building line and 0m in lieu of 3m required for the

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street building line. The building was effectively shifted approximately 4,5m towards the street boundary at the same setback from the north-western boundary as before. It was motivated that the relaxation of the lateral building line to 1,5m will still be at a comfortable distance to allow for privacy to surrounding properties and the opinion is held that this will still be the case.

With regards to the street building line encroachment - it was discussed earlier in this report and illustrated in the pictures of the dwelling under construction, that the building is in fact positioned at a similar setback from Naude Street as the adjacent dwelling. This is due to the fact that the erven was previously earmarked for business use with an additional set back of 15 feet from the actual road as opposed to the conventional residential erven. The street boundary is therefore more or less in line with the street building line of the adjacent erf. The northern views are towards the mountains and these properties do not have sea views as a result of the natural contours of the area. The opinion is therefore held that the revised position will not have any impact on the adjacent properties in terms of views and that the building is in fact setback at a similar distance from the street as the adjacent Erf 66, Franskraal.

4.1 Title Deed Conditions

The application to amend the site plan requires the removal of Condition C. 20 (d) contained in Deed of Transfer T30094/2020. This condition stipulates that no building or structure may be erected closer than 2,36m of the street boundary. Section 39 of the Land Use Planning Act (Act 3 of 2014) requires that the decision taker must at least have regard to the following when assessing an application for removal, suspension or amendment of a restrictive title deed condition:

(a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity

The said building line condition was likely imposed on all properties within the particular township establishment. In lieu of the fact that the erven earmarked for business use was already set back an additional 15 feet from the street and will now be developed for residential use, the opinion is held that the particular conditions holds little if any financial value to anyone other than the person wishing to build in this area. The development of this property will however increase the value of the property and this will be beneficial for both the owners as well as residents in the area.

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- (b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition;

The owners of this property will benefit from the use of the dwelling once constructed and them being able to occupy the structure. It should be noted that the dwelling was permitted before and the removal of the restrictive condition is as a result of the position of the building. The owners would not accrue any material benefit as a result of this other than the fact that it would save time and money to not demolish and commence with the project from the start.

- (c) The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended

The material benefit would be to improve the development potential of the property by being able to build in the particular building line area. The amendment of the particular title deed condition is not likely to have any other direct personal benefit.

- (d) The social benefit of the restrictive condition remaining in place in its existing form

As stated, the particular condition albeit seemingly imposed in favour of all persons within the township, does in fact hold little if any value to anyone other than the person(s) wishing to build within the said building line area. As such, the retention of the condition in the current form is not deemed to have any material social benefit.

- (e) The social benefit of the removal, suspension or amendment of the restrictive condition

The removal or retention of the particular condition is not likely to have any material impact for the reasons mentioned before.

- (f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

It is not clear that the particular condition really benefits any particular party. An argument could be made that the 2,36m setback might benefit the owner of Erf 66, Franskraal insofar as this relates to potential views in a north-easterly direction, but this too is not significant. The opinion is held that the processes as per the Municipal

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Planning By-Law and Overstrand Zoning Scheme should be deemed sufficient to deal with a matters relating to building line relaxations.

4.3 Basic planning principles

The Spatial Planning and Land Use Management Act (Act 16 of 2013) stipulates that the following basic development principles must be considered when dealing with spatial planning, land development and land use management:

a) Spatial justice

The opinion is held that this is not relevant to the application at hand as the application deals with the development of a private residence. The development of a dwelling on the property in question was previously approved and this application merely deals with the position of the said structure on the property.

b) Spatial sustainability

The property is located within an established residential area and the use of the property was deemed to be compatible with the built environment. Development at this scale will not have a material impact on infrastructure, in fact the scale of development is unchanged from what was approved before. The planning permissions sought will have no environmental impact, will not result in urban sprawl nor loss of valuable agricultural land. Development on this property is viewed as maximising the potential of this scarce resource and hence will contribute to sustainable development.

c) Efficiency

The application will not result in any additional impact on infrastructure whilst the development of the property will maximise the potential of the land and this too will have added financial benefit.

d) Spatial resilience

Spatial resilience deals mostly with adaptive policy making and land use management systems to ensure sustainable livelihoods within communities. This is not relevant to this application.

e) Good administration

The said principle applies mainly to the processing of applications within the legislative frameworks by the various government spheres. It does however help

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the cause when applications are submitted that is technically sound as this helps with the processing thereof.

Other basic planning principles includes socio-economic impacts, the safety health and wellbeing of the surrounding community, consistency w.r.t surrounding land uses, traffic and parking related aspects, impacts on engineering services as well as environmental and heritage impacts.

The proposal to shift the dwelling slightly to the north will have no material impact on any of these planning principles with the possible exception being the provision of on-site parking. On-site parking for two vehicles is required and this is provided in a double garage. It is not foreseen that parking will be a concern or that vehicles will have to park in the adjacent streets. Being a corner stand, the possibility even exists to consider a second carriage way crossing in Veal Street in future as many residents owns boats and other vehicles that may require safe storage.

5. **Conclusion**

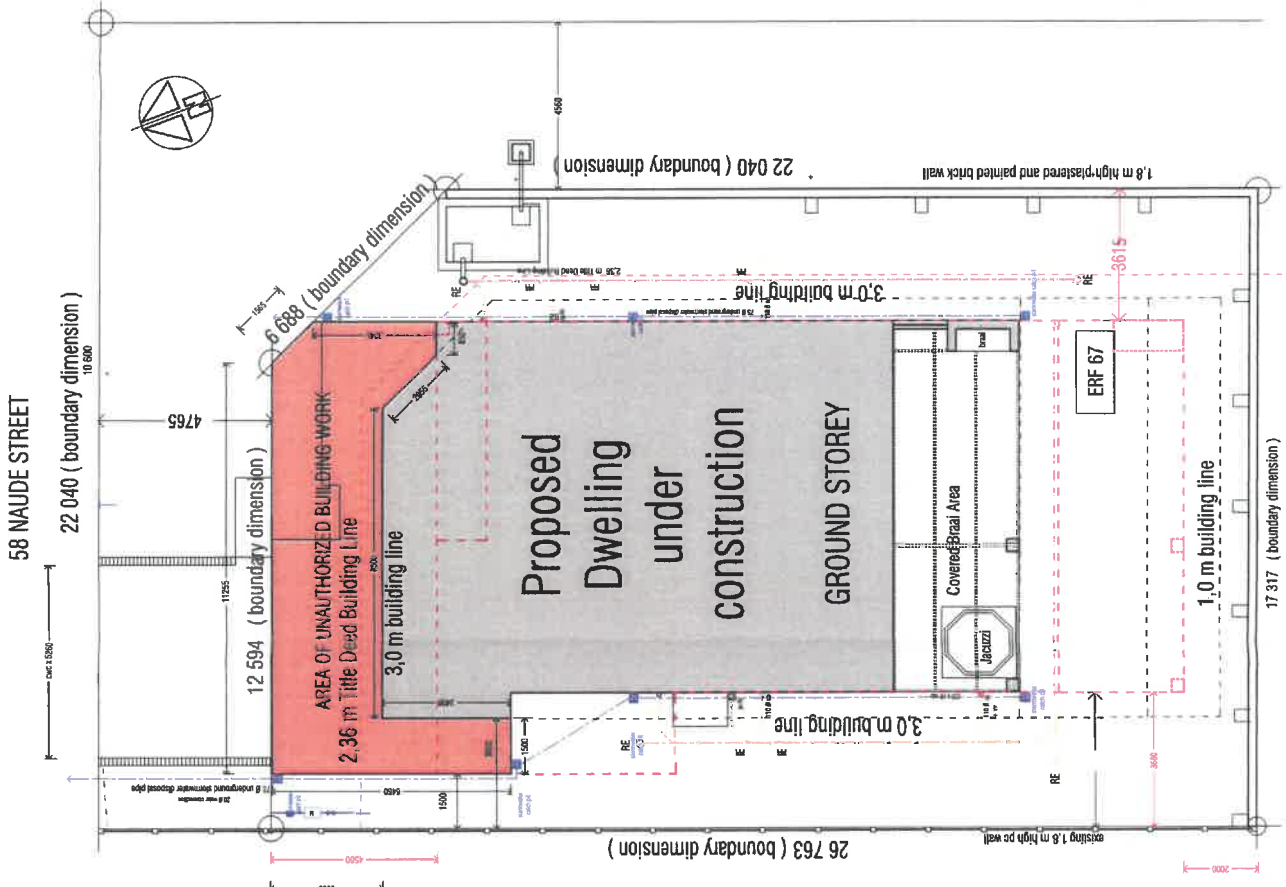
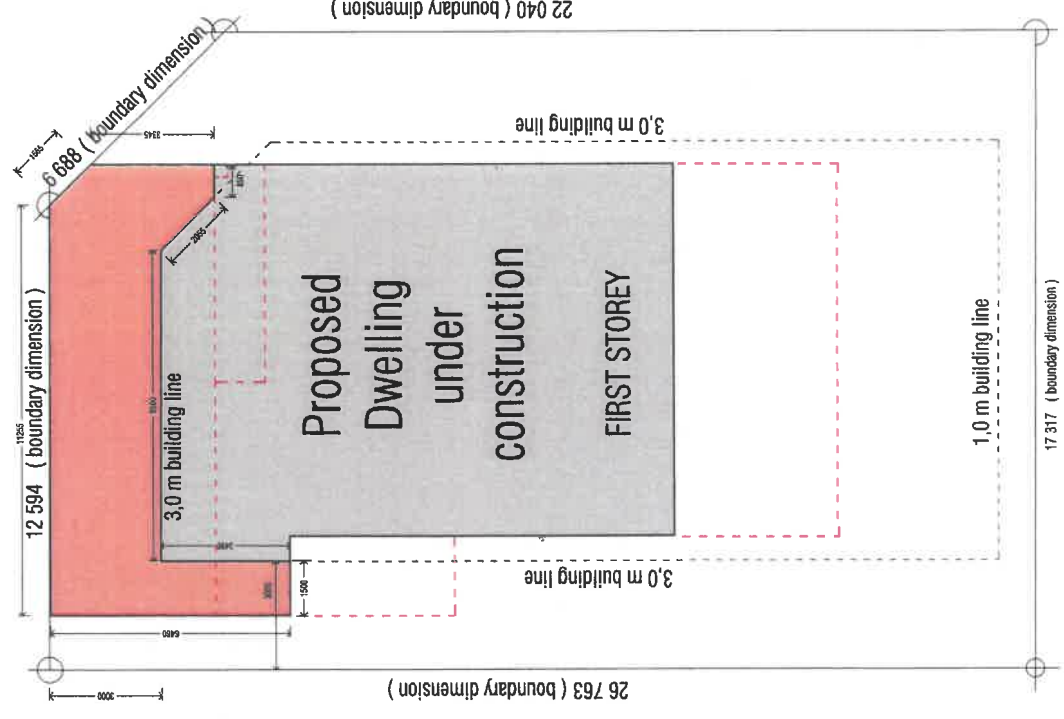
The opinion is held that the proposed development will not have any negative impact on surrounding properties and that all technical requirements can be met. The removal of the restrictive title deed condition will not have any negative impact on the vested rights of any member of the community. The proposal is deemed to be consistent with the relevant forward planning policy and objectives for the area. It is therefore trusted that this application will receive the necessary support.

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LEGEND

- AREA ENCRoACHING BUILDING LINES
- BUILDING UNDER CONSTRUCTION
- OUTLINE OF APPROVED POSITION OF BUILDING

ADJOINING PROPERTY
ERF 66



VEAL STREET

AREAS ENCRoACHING BUILDING LINES

GROUND STOREY : 43,90 m²
FIRST STOREY : 43,90 m²

TOTAL : 87,80 m²

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DEPARTURE PLAN FOR UNAUTHORIZED
BUILDING WORK ON ERF 67
58 NAUDE STREET
FRANSKRAALSTRAND
OVERSTRAND MUNICIPALITY

OWNER : J & L J GAMBO
SCALE : 1 : 100
DATE : FEBRUARY 2023

SITE PLAN 1 : 200