

**ERF 4294, 286 FIFTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DETERMINATION OF AN ADMINISTRATIVE PENALTY AND DEPARTURE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF HMD JOUBERT**

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) that an application has been received for the following:

- the determination of an administrative penalty in terms of Section 16(2)(q);
- departure in terms of Section 16(2)(b) for the following:
  - relaxation of the western lateral building line from 2m to 1.2m to accommodate existing structures, which include a wall and window in the bedroom on the ground floor and existing internal wall between the dining room and family area on the first floor;
  - relaxation of the eastern lateral building line from 2m to 1.2m to accommodate existing structures, which include a bricked up window for the office on ground floor, existing stoep and braai walls and a bricked up window for the living area on the first floor;
  - to encroach the permissible 50% coverage from 50% to 51% to accommodate the existing dwelling 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) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) on or before **11 March 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 4294, VYFDESTRAAT 286, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK VIR BEPALING VAN 'N ADMINISTRATIEWE BOETE EN AFWYKING: MNRE INTERACTIVE STAD EN STREEKBEPANNERS NAMENS HMD JOUBERT**

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek ontvang is vir die volgende:

- die bepaling van 'n administratiewe boete ingevolge Artikel 16(2)(q);
- afwyking ingevolge Artikel 16(2)(b) vir die volgende:
  - verslapping van die westelike laterale boulyn vanaf 2m na 1.2m om bestaande strukture te akkommodeer, wat insluit a muur en venster in die slaapkamer op grondvloer en 'n bestaande interne muur tussen die eetkamer en familie area op eerste vloer;
  - verslapping van die oostelike laterale boulyn van 2m na 1.2m om bestaande strukture te akkommodeer, wat insluit a toegeboue venster vir die kantoor op grondvloer, bestaande stoep en braaimure en 'n toegeboue venster vir die leefarea op eerste vloer;
  - om die toelaatbare dekking van 50% na 51% te oorskry om die bestaande woonhuis op die eiendom te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) voor of op **11 Maart 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 ESINGU-ERF 4294, 286 FIFTH STREET, VOËLKLIP, HERMANUS, KUMMANDLA KAMASIPALA WASEOVERSTRAND: ISICELO SOKUQIKELELA IPENALTHI YOLAWULO NGOKWAHLULA: MESSRS INTER ACTIVE TOWN AND REGIONAL PLANNERS EGAMENI LIKA-HMD JOUBERT**

UMasipala waseOverstrand ukhuphe isaziso esimayela nemiba yeSoloty lama48 Ngokuhlomela Umthethwana kaMasipala waseOverstrand Ngezcwangciso Zokusetyenziswa koMhlaba ku2020 (Umthethwana) isaziso sithi kufunyenwe isicelo esingale miba ilandelayo:

- ukuqikelelwa kwepenalthi yolawulo ngokwemiba yoSoloty le16(2)(q);
- ukwahlula ngokwemiba yeSoloty le16(2)(b) ngoluhlobo lulandelayo:
  - ukunyenyeswa komda wesakhiwo kwicala elingasentshona ukusuka kwi-2m ukuya ku 1.2m ukulungiselela izakhiwo esele zikhona eziquka udonga kunye nefestile ekwigumbi lokulala kumgangatho osezantsi kunye nodonga lwangaphakathi olusele lukho noluphakathi kwegumbi lokutyela kunye negumbi lokuphumla lentsapho kumgangatho wokuqala;
  - ukunyenyeswa komda wesakhiwo kwicala elingasempuma ukusuka kwi-2m ukuya ku 1.2m ukulungiselela izakhiwo esele zikhona eziquka ifestile evingciweyo kwi-ofisi ekumgangatho osezantsi, istuphu esikhoyo kunye nefestile evingciweyo kwindawo yokuphumla kumgangatho wokuqala ;
  - ukudlula ngaphaya komda we-50% ovunyelweyo ukuya ku-51% ukulungiselela isakhiwo esikhoyo kwipropathi.

Inkcukacha ezipheleleyo mayela nesi siphakamiso ziyafumaneka ukuze zihlolwe kwiintsuku eziphakathi evekini ukususela phakathi kwentsimbi ye08:00 neye16:30 kwiSebe: Lezcwangciso ngeDolophu, 16 Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zeSoloty lama-51 nelama-52 Omthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi **11 uMatshi 2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla. Ilimbuzo ngefowuni ingabuzwa ku**Mnu P Roux** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiSebe Lezcwangciso ZeDolophu apho igosa liza kumnceda afake izimvo zakhe ngokusemthethweni.

PROJECT

Erf 4294 Voëlklip

TITLE

Zoning Plan



Application Area

Residential Zone 1:  
Single Residential



Transport Zone 2:  
Road & Parking



NEEDMITY  
INTERACTIVE TOWN & REGIONAL PLANNING MAKES NO  
WARRANTY OF ANY KIND, EXPRESSED OR IMPLIED, WITH REGARD  
TO THE DATA AND SHALL NOT BE LIABLE IN ANY EVENT FOR ANY  
LOSS OR DAMAGE OF ANY KIND, INCLUDING BUT NOT LIMITED TO  
LOSS OF PROFITS, BUSINESS INTERRUPTION, LOSS OF DATA,  
OR ANY OTHER DAMAGES, ARISING OUT OF THIS DATA. THE DATA REMAINS THE  
SOLE PROPERTY OF THE CLIENT AND MAY ONLY BE USED FOR THE  
PURPOSES OF THE PROJECT WITH THE WRITTEN APPROVAL  
OF THE CLIENT.

CLIENT

DRAWN BY  
A/ARCH  
CHECKED BY  
CHECKER  
DATE  
2021/11/05

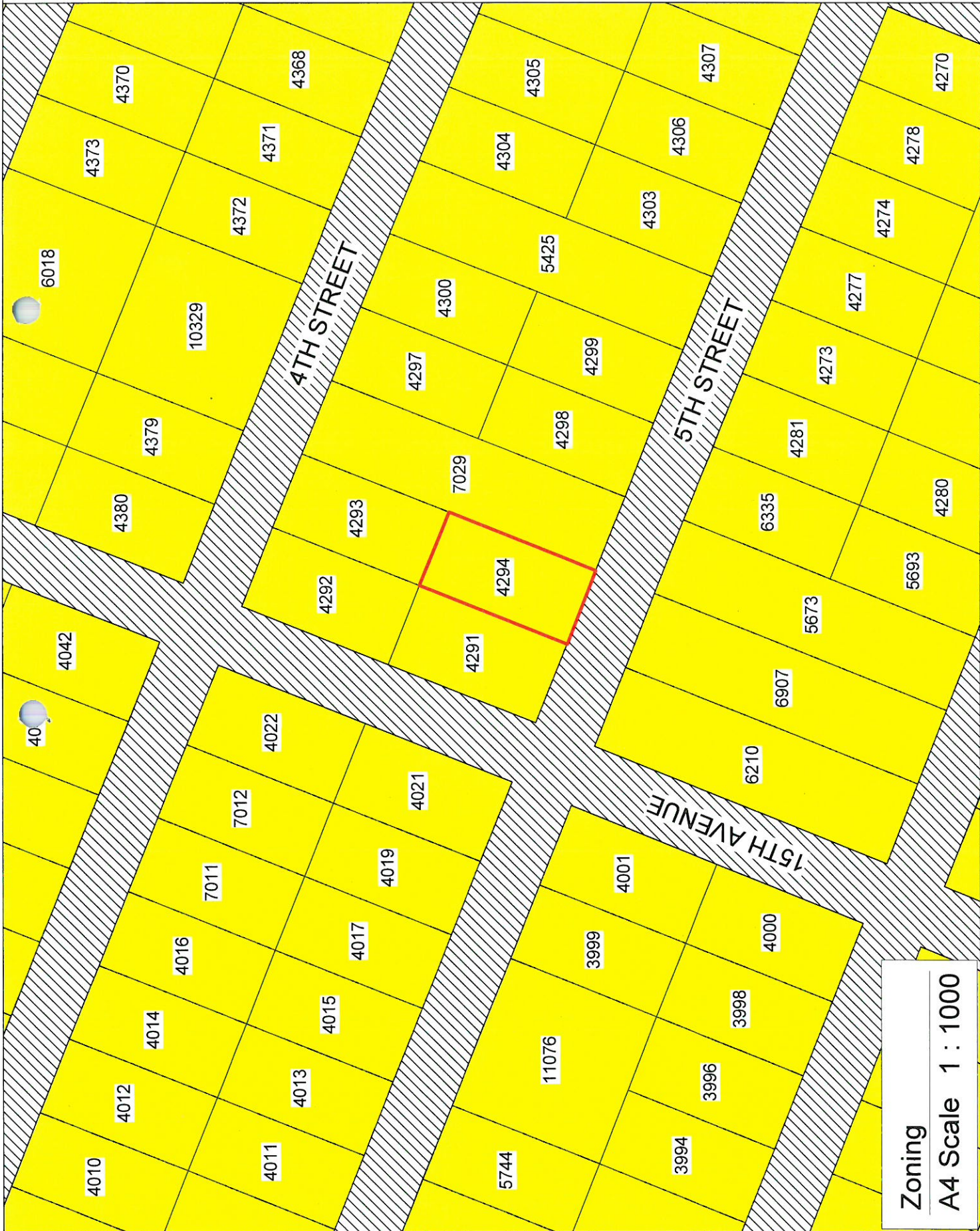
SCALE (AS APPLIED)

PROJECT NUMBER  
0001

DRAWING NUMBER  
A/01

InterActive Town & Regional Planning

Active Website: [www.ia-trp.co.za](http://www.ia-trp.co.za)  
B/Apt 105 (Town and Regional Planning)  
Telephone: 028 312 1168  
Cell: 082 900 1168  
E-Mail: [info@ia-trp.co.za](mailto:info@ia-trp.co.za)



Zoning  
A4 Scale 1 : 1000

# 1. Introduction

**a. Brief**  
Refer to **Annexure B** for the Power of Attorney.

Interactive Town and Regional Planning was appointed by the owner of the property Joubert Hester Magritha Dorethia to prepare and submit an application for building line and coverage departures and determination of an administrative penalty for Erf 4294, Voëlklip in terms of the relevant legislation.

**b. Development Objective & Application Proposal**

The **development objective** is to legalise the non-approved building amendments which exceed the eastern and western building lines as well as the maximum permitted coverage.

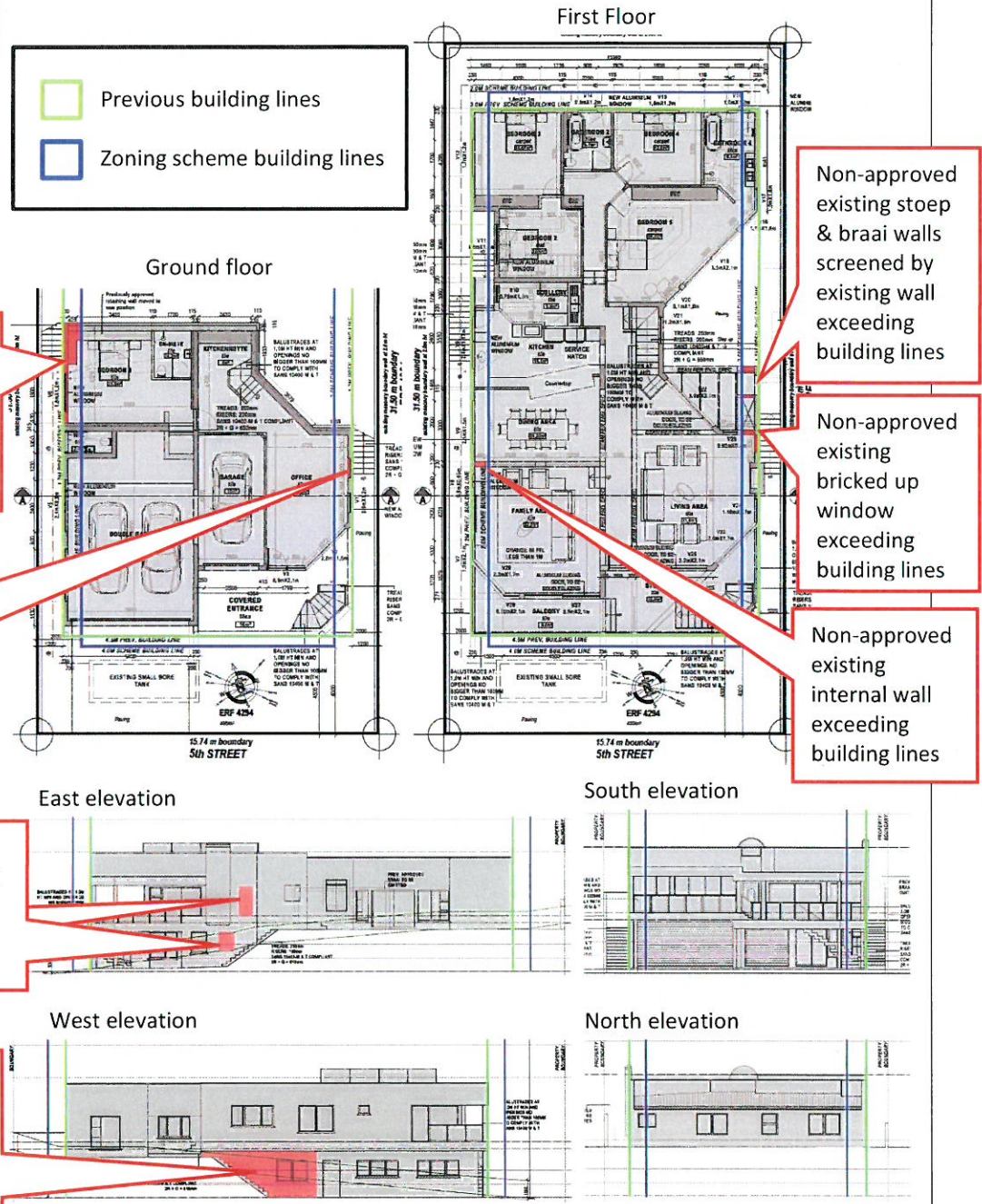


Figure 1: Building plan extract overlays

	<p>Subsequently the <b>application proposal</b> is for:</p> <ul style="list-style-type: none"> <li>• <u>Departure</u> to relax the <b>western side building line</b> from 2m to 1.2m to allow for existing structures exceeding this building line.</li> <li>• <u>Departure</u> to relax the <b>eastern side building line</b> from 2m to 1.2m to allow for existing structures exceeding this building line.</li> <li>• <u>Departure</u> to relax the <b>coverage</b> from 50% to 51% to allow for the existing dwelling exceeding the maximum permitted coverage.</li> <li>• <u>Determination of an administrative penalty.</u></li> </ul>
<p><b>c. Background</b></p>	<p>The application area consists of a 495 m<sup>2</sup> single residential erf accommodating a dwelling with a double-storey section at the front and a single-storey section at the back of the dwelling, located at number 286, Fifth Street, Voëlklip.</p> <p>The dwelling was approved under a previous zoning scheme when the side building line parameters were set at 1.2m.</p> <p>Since the approval of the dwelling, various changes were made to the dwelling within the currently applicable western and eastern 2m building lines, which require legalisation, as follows:</p> <ul style="list-style-type: none"> <li>○ <u>Within the eastern 2m building line</u> <ul style="list-style-type: none"> <li>• New existing bricked up window for the office on the ground floor</li> <li>• New existing bricked up window for the living area on the first floor</li> <li>• New existing stoep &amp; braai walls screened by the existing wall on the first floor</li> </ul> </li> <li>○ <u>Within the western 2m building line</u> <ul style="list-style-type: none"> <li>• New existing wall and window in the bedroom on the ground floor</li> <li>• New existing internal wall between the dining room and family area on the first floor</li> </ul> </li> </ul> <p>Furthermore, the existing dwelling marginally exceeds the maximum permitted coverage of 50% by 1% up to 51%.</p> <p>Accordingly, legalisation of existing contraventions, involves a departure to relax the 2m eastern and western building lines to 1.2m respectively, a departure to relax the 50% coverage to 51% and the determination of an administrative penalty.</p>

## 2. The Application

<p><b>a. Analysis: Title Deed</b> Refer to <b>Annexure D</b> for the Conveyancer Certificate.</p>	<p>The Conveyancer Monica Korf issued a certificate confirming that <b>no</b> restrictive title deed conditions exist against the proposal on Erf 4294 Hermanus.</p>				
<p><b>b. Analysis: Development Criteria:</b></p> <p>The development parameters for Erf 4294 Hermanus as per the Overstrand Municipality Land use Scheme, 2020 are summarised as follows:</p>	<p><b>Parameters</b></p>	<p><b>Existing Zoning:</b></p>	<p><b>Proposal:</b></p>	<p><b>Comments</b></p>	
	<p><b>Zoning</b></p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Residential Zone 1: Single Residential (SR1)</p>	<p>Consistent</p>	
	<p><b>Primary Use</b></p>	<p>Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering</p>	<p>Dwelling house</p>	<p>Consistent</p>	
	<p><b>Consent Uses</b></p>	<p>Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture</p>	<p>None</p>	<p>Consistent</p>	
	<p><b>Coverage</b></p>	<p>50%</p>	<p>51%</p>	<p>Application includes a departure</p>	
	<p><b>Height</b></p>	<p>8m</p>	<p>6.6m</p>	<p>Consistent</p>	
	<p><b>Building lines</b></p>	<p><b>Street</b></p>	<p>2m</p>	<p>4m</p>	<p>Consistent</p>
		<p><b>Side</b></p>	<p>1m</p>	<p>1.2m east 1.2m west</p>	<p>Application includes a departure</p>
		<p><b>Rear</b></p>	<p>1m</p>	<p>2m</p>	<p>Consistent</p>
<p><b>Parking</b></p>	<p>Dwelling house: 2 bays</p>	<p>Dwelling house: 3 bays</p>	<p>Consistent</p>		
<p><b>c. Application:</b></p> <p>The application form is attached as <b>Annexure A</b>.</p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, as follows:</p> <ul style="list-style-type: none"> <li>• <u>Departure</u> to relax the <b>western side building line</b> from 2m to 1.2m in terms of Chapter IV, Section 16(2)(b), to allow for existing structures exceeding this building line.</li> <li>• <u>Departure</u> to relax the <b>eastern side building line</b> from 2m to 1.2m in terms of Chapter IV, Section 16(2)(b) to allow for existing structures exceeding this building line.</li> <li>• <u>Departure</u> to relax the <b>coverage</b> from 50% to 51% in terms of Chapter IV, Section 16(2)(b), to allow for the existing dwelling which exceeds the maximum permitted coverage.</li> <li>• <u>Determination of an administrative penalty</u> in terms of Chapter IV, Section 16(2)(q).</li> </ul>				

### 3. Contextual Site Information

**a. Property Description**

Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 4294 Voëlklip.

Property	Extent	Title Deed	Registered Owner
Erf 4294 Hermanus	495 m <sup>2</sup>	T31094/1991	Joubert Hester Magritha Dorethia

The following Surveyor General Plans reflect the application site:

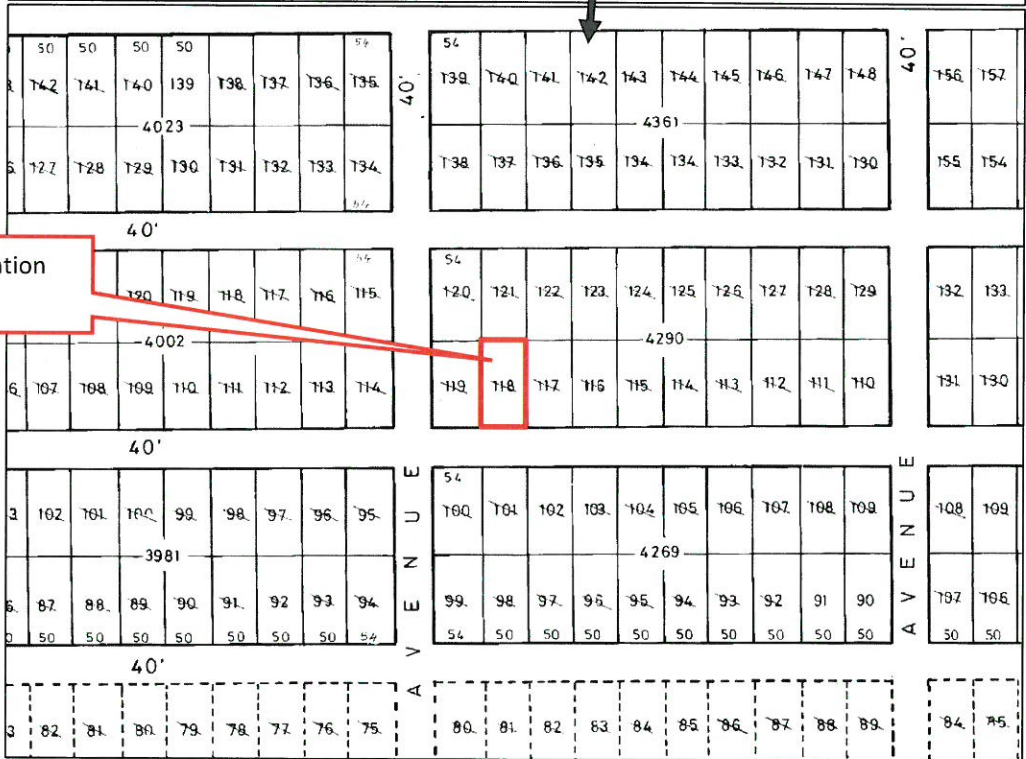
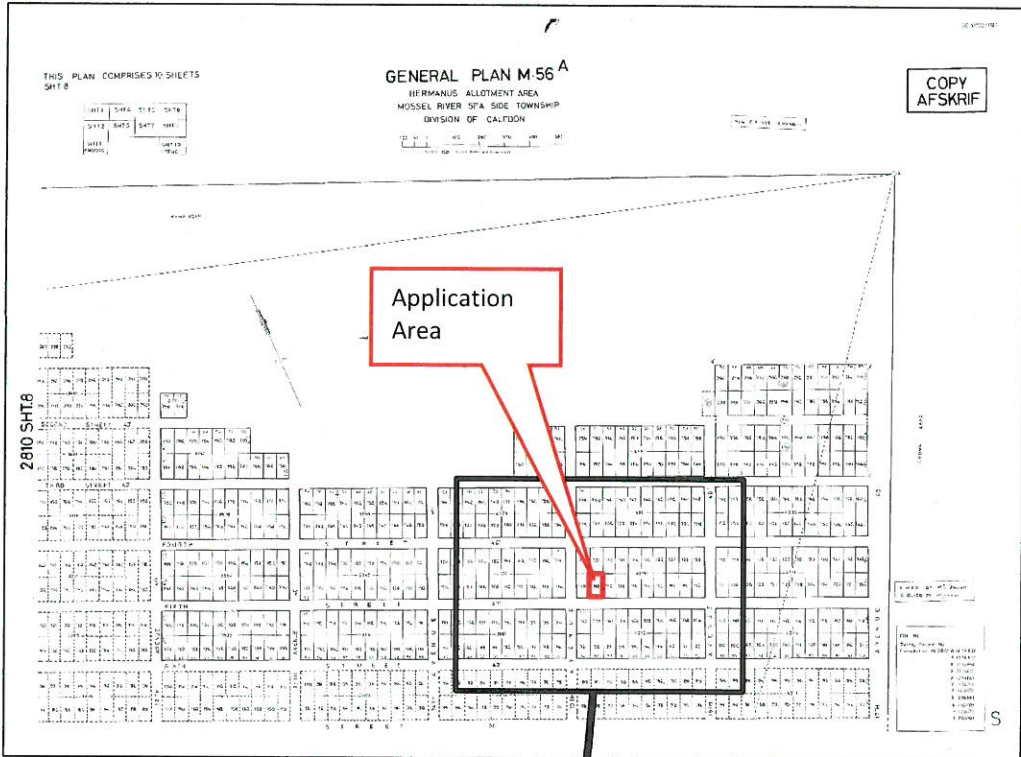


Figure 2: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F

**Regional Context:**

The application area is located within Voëlklip residential suburb. Voëlklip is located approximately 3km east of the Hermanus CBD.

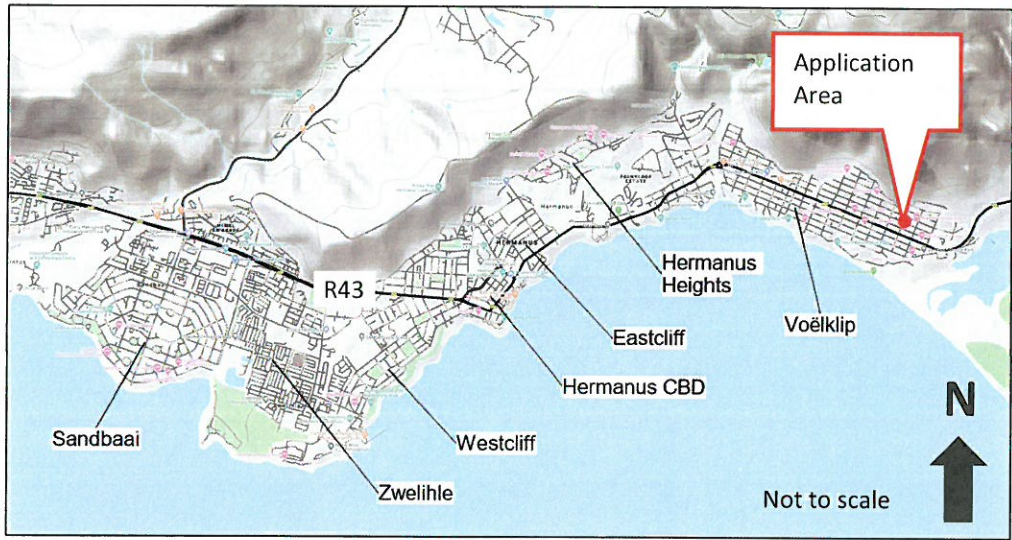


Figure 3: Locality Plan – Regional Context

**Local Context:**

The application area consists of a residential erf within Voëlklip. The application area is located at number 286 Fifth Street.

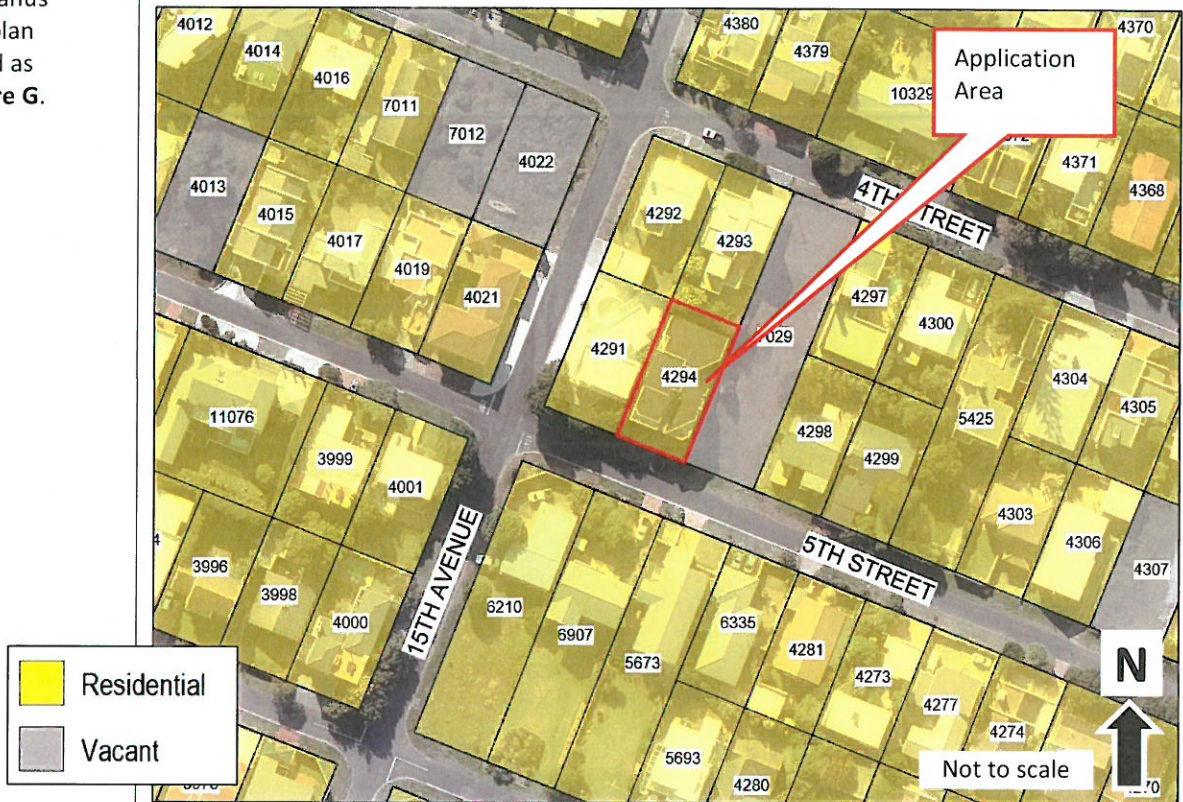


Figure 4: Locality Plan – Local Context

**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 are residential use and vacant. No change in land use is proposed. The application proposal is **consistent** with the land use of the area.

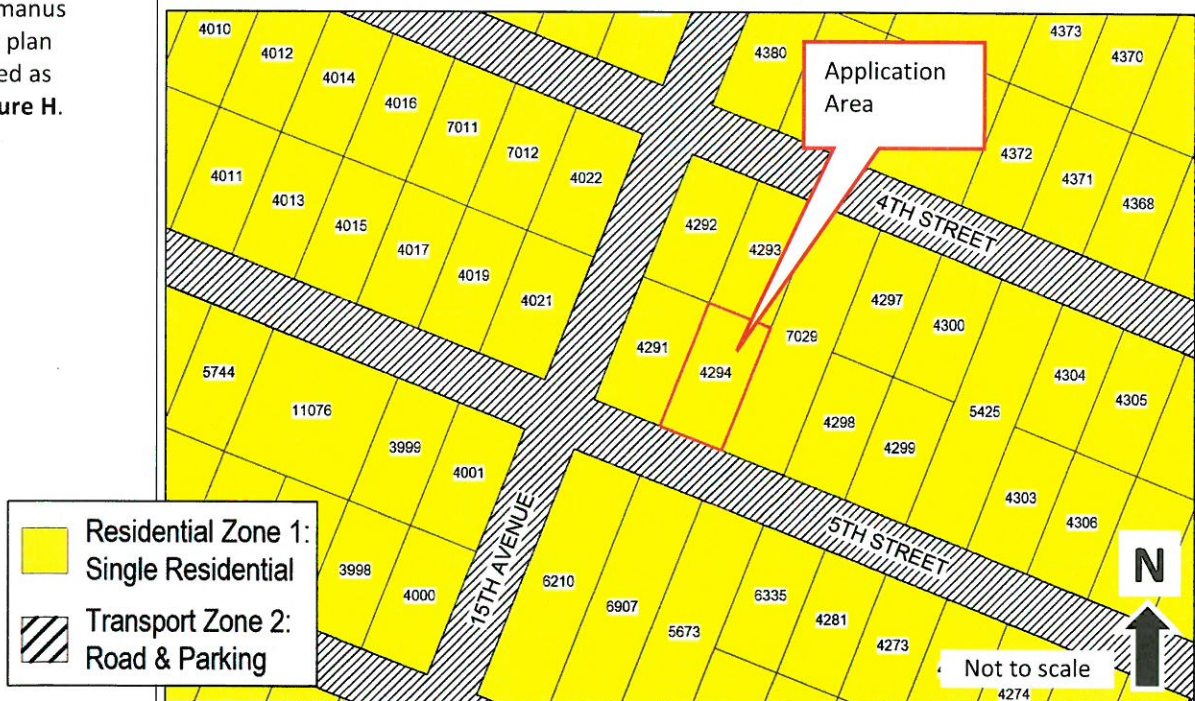


**Figure 5: Google Image illustrating the residential land-use activities of the application area and surrounding properties**

**d. Zoning:**

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

The application area, Erf 4294, Voëlklip 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.

i. **Overstrand Municipal Spatial Development Framework, 2020**

The application area falls within an existing urban development area within the Urban Edge.

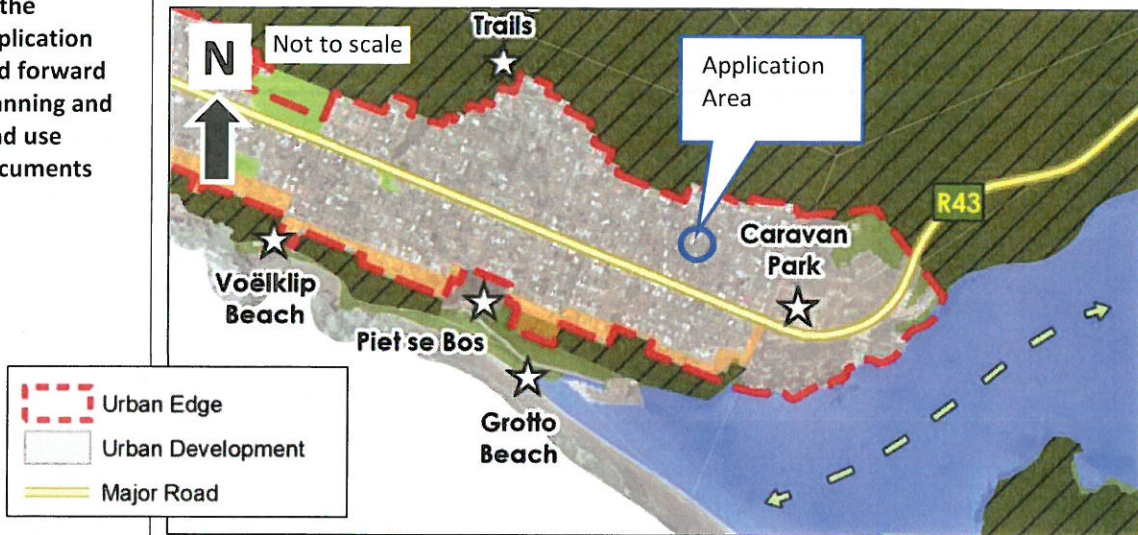


Figure 7: Spatial Development Framework 2020 Spatial Proposals Plan

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

ii. **Overstrand Municipality Growth Management Strategy, 2010**

The application area is within a 10 to 20 Dwelling Units Per Hectare Densification Zone.

No further densification is applicable to this application.

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

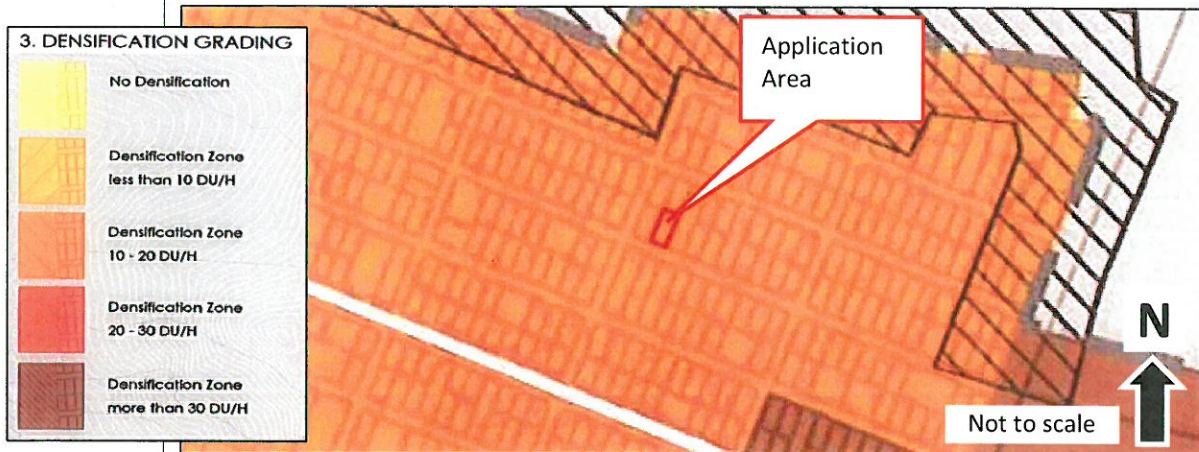


Figure 8: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged densities and land-uses for the area.

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

**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.

	<p>(2) A person making an application contemplated in Subsection (1) must –</p> <ul style="list-style-type: none"><li>(a) submit an application;</li><li>(b) pay the prescribed fee;</li><li>(c) provide the information contemplated in Subsections (3); and</li><li>(d) comply with the duties of an applicant in Section 84.</li></ul> <p>(3) The applicant must, to the satisfaction of the Municipality, provide the following information such as-</p> <ul style="list-style-type: none"><li>(a) the nature, duration, gravity and extent of the contravention;</li><li>(b) the conduct of the person (allegedly) involved in the contravention;</li><li>(c) a report by a quantity surveyor in matters of unauthorised building/construction;</li><li>(d) whether the unlawful conduct was stopped; and</li><li>(e) whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.</li></ul>
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## 4. Motivation

### Motivation for the application:

Refer to **Annexure I** for the Building Plan

### a. Introduction and Background

On the application area, the following contraventions of the existing dwelling are required to be legalized, namely the existing altered non-approved internal and external walls, bricked up windows and the addition of an extra window, which currently exceed the eastern and western side building lines as well as the maximum permitted coverage, which is exceeded.

The existing new structures have resulted in the following benefits namely, potentially increasing security, improving the internal structure and functioning of the dwelling as well as providing a new bedroom with an en-suite bathroom and a satisfactory indoor recreational area of which the roof sheeting is planned to be replaced by a pergola to provide an open-air recreational area in future. These benefits are all foreseen to potentially improve the overall layout and function of the dwelling and increase the land value, without materially affecting the eastern and western neighbours or the existing character of the area.

Legalization will require departures to relax the building lines and coverage, as well as the determination of an administrative penalty.

### b. Proposal

The **development objective** is to legalize the existing structures which exceed the following land use scheme parameters:

- Eastern 2m side building line: New existing bricked up window for the office on the ground floor, new existing stoep & braai walls screened by existing wall on the first floor and new existing bricked up window for the living area on the first floor
- Western 2m side building line: New existing wall and window in the bedroom on the ground floor and new existing internal wall between the dining room and the family area on the first floor
- Maximum coverage of 50% exceeded by 1% up to 51% by the existing dwelling

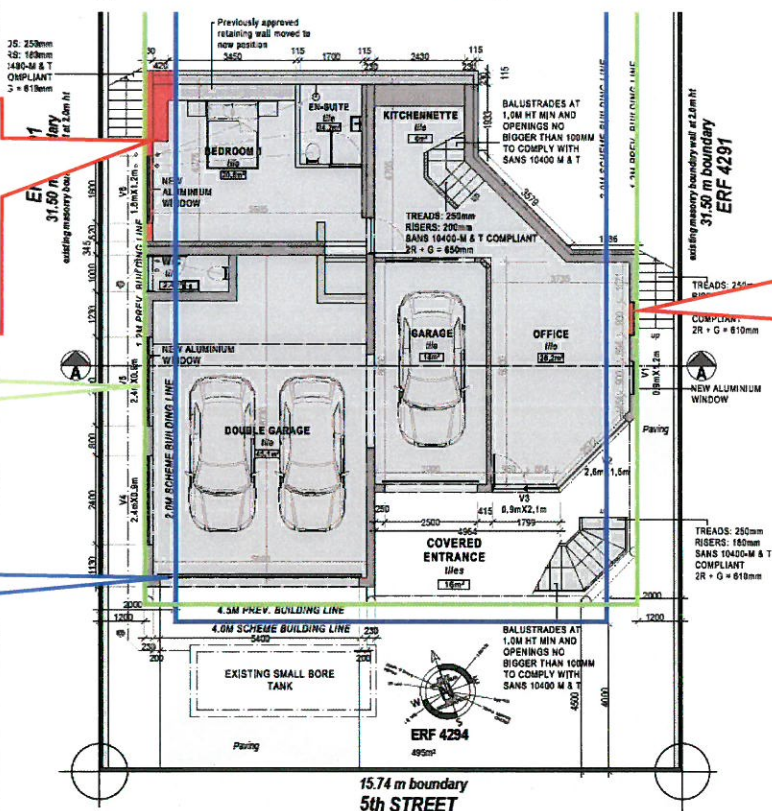
**No material impact** from the legalization application proposed, is currently evident or foreseen on the application area or on the surroundings.

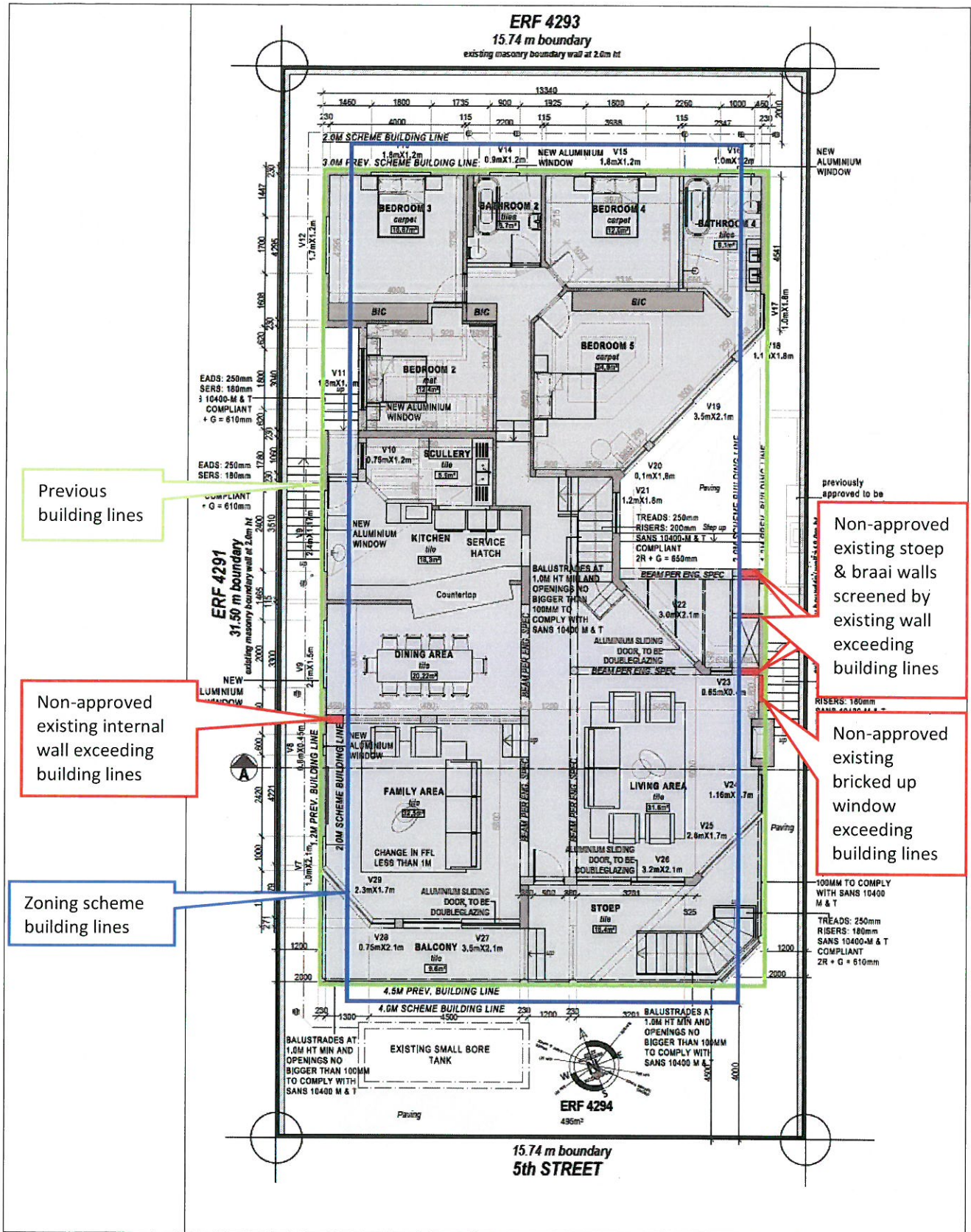
Non-approved existing wall and window exceeding building lines under existing approved building

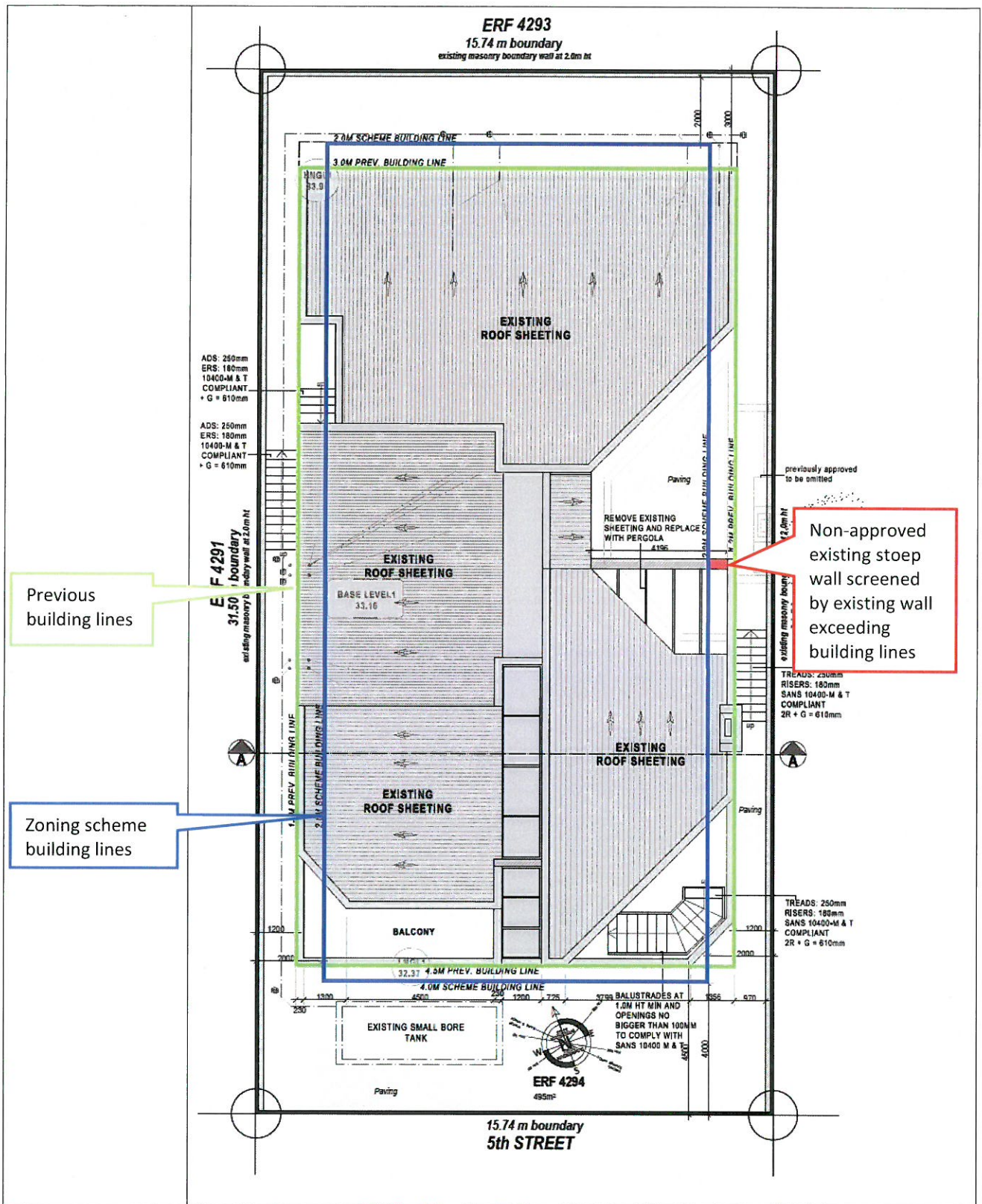
Previous building lines

Zoning scheme building lines

Non-approved existing bricked up window exceeding building lines







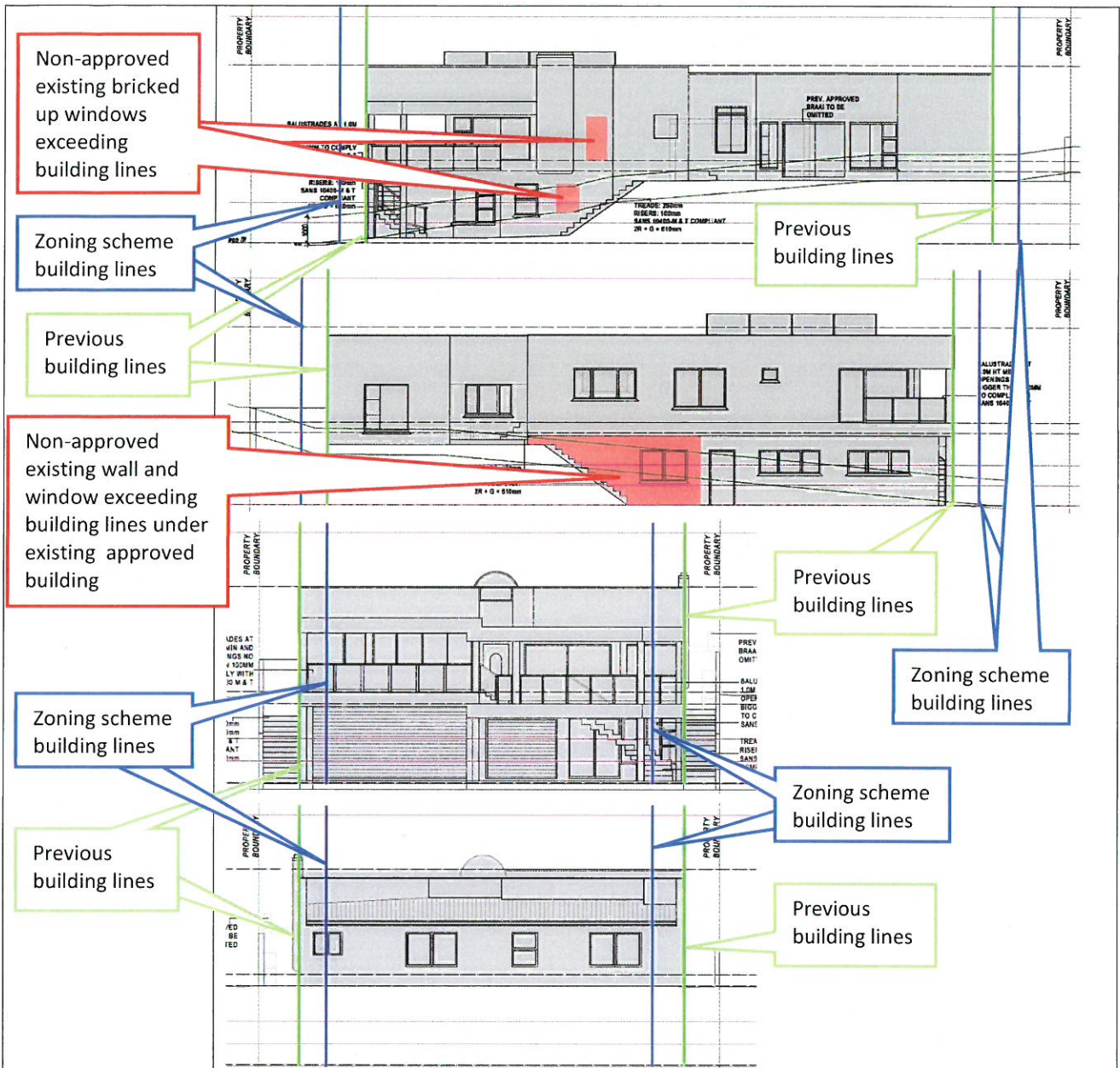


Figure 9: Building plan extract overlays

The existing encroachments as well as the applications required for legalization of encroachments, will be discussed below in more detail:

- **Eastern side building line encroachments**

- New existing bricked up window for the office on the ground floor
- New existing bricked up window for the living area on the first floor
- New existing stoep & braai walls screened by existing wall on the first floor

Subsequently, the following application is required to legalize the existing new building line encroachment:

Departure to relax the eastern side building line from 2m to 1.2m to allow for the existing new walls and bricked up windows

The proposal allows for a satisfactory indoor recreational area with a stoep and a braai as well as increased security with bricked up walls.

The proposed relaxation of the eastern side building line is not foreseen to impact materially on the eastern neighbour's property, currently still vacant, in terms of privacy, visual impact, or obstruction of sunlight or on the emergency access to the application area, for the following reasons:

- A distance of 1.2m still exists which was a previous statutory building line for the dwelling with no further expansion of footprint having occurred
- The eastern boundary wall partly screens the existing new indoor recreational area to the east
- The existing new recreational area to the east is indoor and surrounded by solid wall and stacker doors
- No obstruction of emergency access to the application area exists
- **Western side building line encroachments**
  - New existing wall and window in the bedroom on the ground floor
  - New existing internal wall between dining room and family area on the first floor

Subsequently, the following application is required to legalize the existing new building line encroachment:

Departure to relax the **western side building line** from 2m to 1.2m to allow for the existing new internal and external walls, and extra window

The proposal allows for a new bedroom with en-suite bathroom on the ground floor as well as the division of an area on the first floor to create a separate living and dining room area. These changes potentially improve the interior design & layout and the internal structure and functioning of the dwelling.

No material impact of changes in terms of privacy, visual impact or obstruction of sunlight on the western neighbour's property or obstruction of the emergency access to the application area is evident or foreseen for the following reasons:

- A distance of 1.2m still exists which was a previous statutory building line for the dwelling
- The western 2m boundary wall together with trees planted along this wall on the western neighbour's property, screens the new existing ground floor bedroom wall and window to the east
- The nature of the bedroom use is considered unobtrusive
- No extension of the existing footprint and therefore no external impact by the internal division wall
- No obstruction of emergency access to the application area exists
- **Coverage Contravention**
  - The existing dwelling slightly exceeds the 50% maximum permitted coverage by 1% up to 51%.

Subsequently, the following application is required to legalize the existing coverage contravention:

Departure to relax the coverage from 50 to 51% to accommodate the existing dwelling

The proposed relaxation of coverage is not foreseen to materially impact on the application area or character of the surrounding properties, as the contravention of 1% is marginal.

Furthermore, the coverage relaxation allows to accommodate the existing structures, without materially affecting the eastern and western neighbours or the existing 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;

Within the eastern 2m side building line

- New existing bricked up window for the office on the ground floor
- New existing bricked up window for the living area on the first floor
- New existing stoep & braai walls screened by existing wall on the first floor

Within the western 2m side building line

- New existing external wall and window in the bedroom on the ground floor
- New existing internal wall between dining room and family area on the first floor

Coverage Contravention

- Maximum permitted 50% coverage is exceeded by 1% up to 51% to accommodate the existing dwelling

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

The changes to the dwelling by the owner have resulted in benefits for the application area without any material impact currently evident or foreseen on the application area or on the surroundings.

It is evident from this application that the applicant/owner is co-operative and willing to rectify the existing contraventions and to follow the correct municipal statutory procedure to legally accommodate these contraventions.

(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 considered non-applicable.

(d) Whether the unlawful conduct was stopped

Due to the nature of the contravention being building line and coverage transgressions resulting in benefits for the residents, without causing a material impact on the environment, the most practical, non-destructive and cost-efficient way to stop the unlawful conduct is by legalizing 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 proposal is considered **desirable** for the following reasons:

- In accordance with the relevant spatial planning legislation for the area
- An attempt by the owners to rectify contraventions
- Potentially improves the layout in accordance with the owner's lifestyle and living conditions by efficiently and optimally providing an additional recreational area and bedroom with an en-suite bathroom as well as increased security.
- Functional by potentially improving the internal structure and functioning of the dwelling
- Will potentially increase the value of the property
- No negative visual impact, inconsistency with character of the area, unsafe conditions, obstruction of sunlight, views or emergency access or the intrusion on privacy for the application area, or for the adjacent properties are currently evident or foreseen

Therefore, the land is and 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 and without any current evident or foreseen material impact on the application area or on the surroundings.

**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 existing dwelling within a residential area, without any material impact on the application area or surrounding properties being evident or foreseen.

The application proposal is **consistent** with **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 legally accommodate the existing 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 can thus be deemed to be **spatially sustainable**.

- 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 to legalize the existing dwelling, which is considered to be the most practical, non-destructive and cost-effective solution to the existing contraventions. The proposal is considered to optimize the property to provide a satisfactory indoor recreational area and an additional bedroom and en-suite bathroom and to potentially increase security as well as the internal structure and functioning of the dwelling. At the same time the proposal will potentially increase the value of the property, all in an efficient manner and without any material impact on the surrounding area currently being evident or foreseen.

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

- 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.

**Possible results of the development**

The existing development will not lead to any economical and/or environmental shocks as the application allows for the legalisation of an existing dwelling within a residential suburb, considered to be the most practical, non-destructive and cost-effective solution to the existing contraventions without any material impact on the surrounding area currently being evident or foreseen.

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

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.

**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.

The application proposal is **consistent** with the principle of **good administration**.

## 5. Conclusion

The application proposal is considered to strike an efficient balance between the optimal use of the application area to provide a satisfactory residential environment and to cater for a full range of residential needs without any material impact currently evident or foreseen to result on the application area or on the surrounding environment.

The application as motivated in this report is thus regarded **desirable** within its local context and well-integrated within the existing community land-use activities.

It is therefore recommended that the application **be approved**, as follows:

- Departure to relax the **western side building line** from 2m to 1.2m in terms of Chapter IV, Section 16(2)(b), to allow for existing structures exceeding this building line.
- Departure to relax the **eastern side building line** from 2m to 1.2m in terms of Chapter IV, Section 16(2)(b) to allow for existing structures exceeding this building line.
- Departure to relax the **coverage** from 50% to 51% in terms of Chapter IV, Section 16(2)(b), to allow for the existing dwelling which exceeds the maximum permitted coverage.
- Determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q).





