

OVERSTRAND MUNISIPALITEIT
ERF 4710, DOLFYN STRAAT 32, NORTHCLIFF,
HERMANUS: AANSOEK OM OPHEFFING VAN
BEPERKENDE TITELAKTEVOORWAARDE, AFWYKING
EN BEPALING VAN 'N ADMINISTRATIEWE BOETE EN:
WRAP PROJECT OFFICE NAMENS KOTZE FAMILIE
TRUST

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoek van toepassing op Erf 4710, Northcliff (die eiendom), naamlik:

Opheffing van beperkte titelaktevoorwaarde

Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaarde C.4. soos vervat in titelakte T96754/2004 van die eiendom om die bestaande motorafdak en motorhuis akkommodeer.

Afwyking

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

- Verslapping van die westelike sy- en agter boulyn vanaf 2m na 1.07m en 0.7m, onderskeidelik om die bestaande motorhuis te akkommodeer, en
- Verslapping van die westelike syboulyn vanaf 2m na 0.84m om die bestaande motorafdak te akkommodeer.

Bepaling van 'n administratiewe boete

Aansoek om 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.

Enige kommentare op die voorstel moet skriftelik wees in ooreenstemming met Artikels 51 en 52 van die Verordening en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) loretta@overstrand.gov.za) bereik voor of op Vrydag, **14 Maart 2025**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H van der Stoep** by 028-3138900. Die Munisipaliteit mag weier om kommentare wat na die sluitingsdatum ontvang word, te aanvaar. 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.16/2025

OVERSTRAND MUNICIPALITY
ERF 4710, 32 DOLPHIN STREET, NORTHCLIFF,
HERMANUS, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE
DEED CONDITION, DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY:
MESSRS WRAP PROJECT OFFICE ON BEHALF OF
KOTZE FAMILIE TRUST

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 Erf 4710, Northcliff (the property), namely:

Removal of restrictive title deed condition

Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed condition C.4 as contained in the title deed T96754/2004 of the property to accommodate the existing carport and garage.

Departure

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

- Relaxation of the western side and rear building lines from 2m to 1.07m and 0.7m, respectively to accommodate the existing garage, and
- Relaxation of the western side building line from 2m to 0.84m to accommodate the existing carport.

Determination of an administrative penalty

Application for 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.

Any comments on the proposal must be in writing in accordance with Sections 51 and 52 of the By-Law to reach the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before Friday, **14 March 2025**, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Mrs. H van der Stoep** at 028-3138900. 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.

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

Municipal Notice No.16/2025

UMASIPALA WASE-OVERSTRAND
ISIZA 4710, 32 DOLPHIN STREET, NORTHCLIFF,
HERMANUS: UKUSUSWA KOMQATHANGO
WETAYITILE ETHINTELWEYO, UKUTENXA KUNYE
UKUMISELWA KWESOHLWAYO SOLAWULO: WRAP
PROJECT OFFICE EMAGENI LIKA KOTZE FAMILIE
TRUST

Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) kwezi zicelo zilandelayo zisebenza kwiSiza-4710, eNorthcliff (kwiropati), ezizezi:

Ukususwa komqathango wetayitile ethintelweyo

Isicelo ngokweCandelo le-16 (2)(f) loMthetho kaMasipala wokususwa komqathango wetayitile ethintelayo C.4 njengoko kuqulethwe kwisivumelwano setayitile T96754/2004 yepropati ukulungiselela i-carport ekhoyo kunye negaraji.

Ukutenxa

Isicelo ngokweCandelo le-16(2)(b) loMthetho kaMasipala koku kulandelayo:

- Ukuphumla kwecala elingasentshona kunye nemigca yokwakha yangasemva ukusuka kwi-2m ukuya kwi-1.07m kunye ne-0.7m, ngokulandelayo ukulungiselela igaraji ekhoyo, kunye
- Ukuphumla komgca wesakhiwo wecala lasentshona ukusuka kwi-2m ukuya kwi-0.84m ukulungiselela i-carport ekhoyo.

Ukumiselwa kwesoahlwayo solawulo

Isicelo sokumiselwa kwesoahlwayo solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

linkcukacha ngesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha eveki phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu kwa-16 Paterson Street, Hermanus.

Nawaphi na amagqabantshintshi ngesindululo kufuneka abhalwe ngokungqinelana neCandelo lama-51 nelama-52 loMthetho kaMasipala ukuze afikelele kuMasipala (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) ngoLwesihlanu okanye ngaphambi kwalo, **14 eyoKwindla 2025**, ucaphula igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, umdla kwisicelo, kunye nezizathu zokuphawula. Imibuzo yomnxeba inokwenziwa kuMchwangciso **weDolophu oMkhulu, uNksk. H van der Stoep** ngo-028-3138900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.

Umphathi kamasipala, Umasipala iOverstrand, Ibhokisi yePosi 20, **HERMANUS, 7200**

Inombolo yesaziso. 16/2025

1. Locality Plan Erf 4710 - Hermanus

Plan prepared by: Thian Jansen

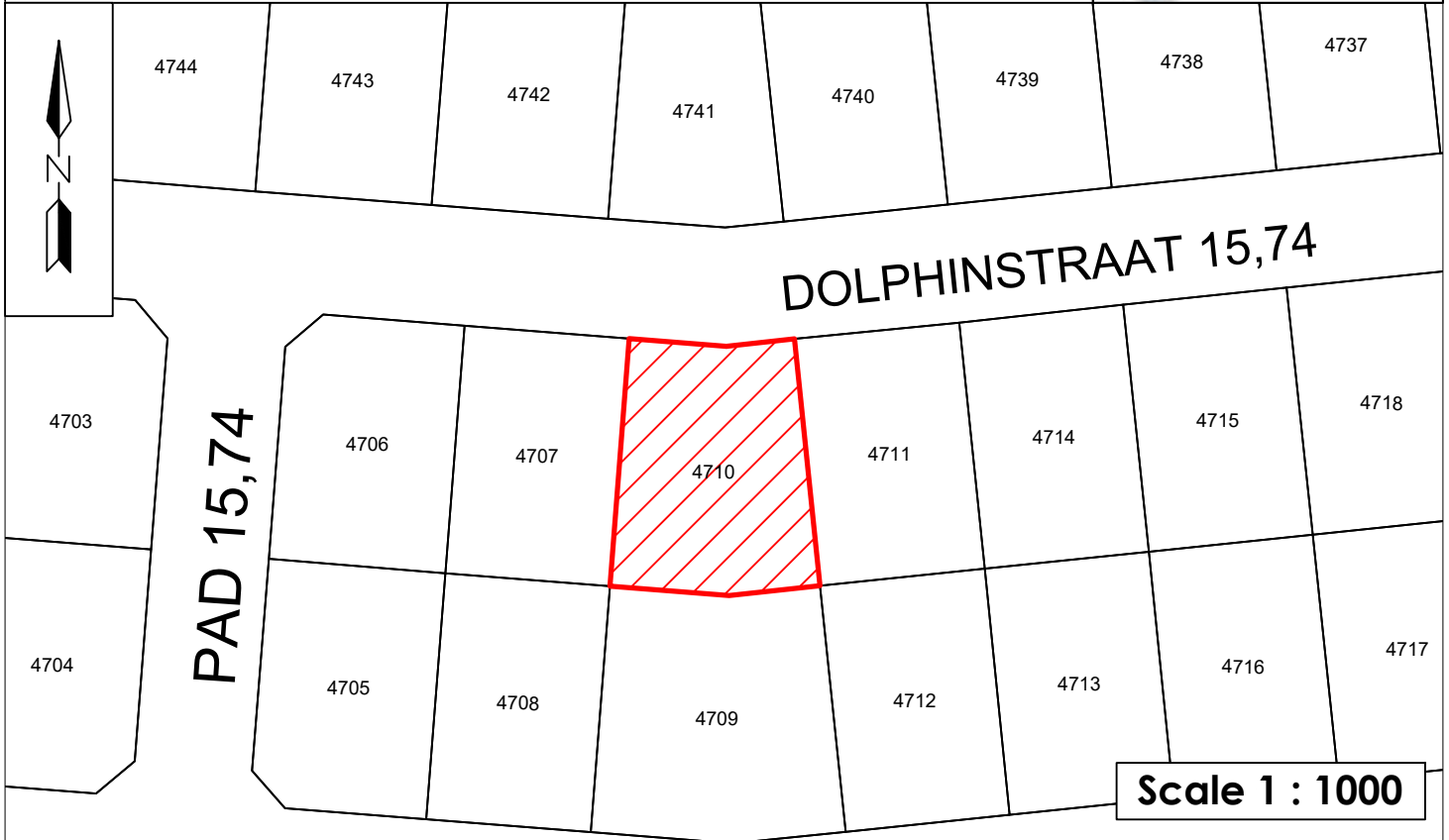
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management





1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 4710 Hermanus
Extent	833m ²
Zoning	Residential Zone 1: Single Residential

3. BACKGROUND AND INTENT

Erf 4710, Hermanus, hereafter referred to as the subject property, is located at 32 Dolphin Street, Northcliff, Hermanus (refer to **Plan 1 - Locality Plan**). The owners have appointed WRAP Project Office to submit a land use application on their behalf (refer to **Annexure A - Power of Attorney**).

The property has been in the owners' family since 2024. During this time, it has been inherited and passed on to the current generation. Over the course of their ownership, several structures were added to the property to accommodate the family's evolving needs and to enhance their enjoyment of the space. Unfortunately, these additions were made without obtaining the necessary approvals, resulting in certain structures being in contravention of the restrictive title deed conditions.

To address these contraventions and rectify these historical irregularities, the owners are required to follow the necessary processes to ensure compliance with the applicable regulations and title deed conditions. This application seeks to regularise the unapproved structures, thereby aligning the property with the relevant statutory and municipal requirements.

As a result, approval of the following applications is required:

- Removal of the restrictive title deed condition C(4);
- Permanent departure from the rear and side building lines; and
- Determination of an administrative penalty.



4. PROCEDURE TO ACHIEVE THE OWNERS' INTENT

WRAP compiled this report to ensure that the owners' requirements are met.

The following is proposed:

4.1 Removal of the restrictive title deed condition to accommodate the existing garage and carport.

A title deed condition currently prohibits the land use rights required for the approval of the existing garage and carport. The rationale for the removal of this condition is discussed in detail below, highlighting its necessity to regularise the existing structures and ensure the property's compliance with applicable land use regulations and development principles.

Restrictive Title Deed Condition
<i>Condition C(4) – "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 2,38 metres of the lateral boundary common to any adjacent erf."</i>

The abovementioned condition prohibits any structure within specific distances from the street and common boundaries of the property. It is important to note that, in terms of the Overstrand Municipality Land Use Scheme (OMLUS), structures are generally permitted up to 2 metres from the side and rear boundaries and 4 metres from the street boundary on a single residential zoned property of this size. Consequently, this title deed condition imposes more restrictive limitations than those prescribed by the OMLUS.

The rationale for the removal of this restrictive title deed condition is to allow the owners to fulfil their intended objectives, as outlined in Section 3 of this report. A detailed discussion of the reasoning behind the removal of this condition is provided in Section 7 of this report, considering its alignment with current planning principles and the development potential of the property.

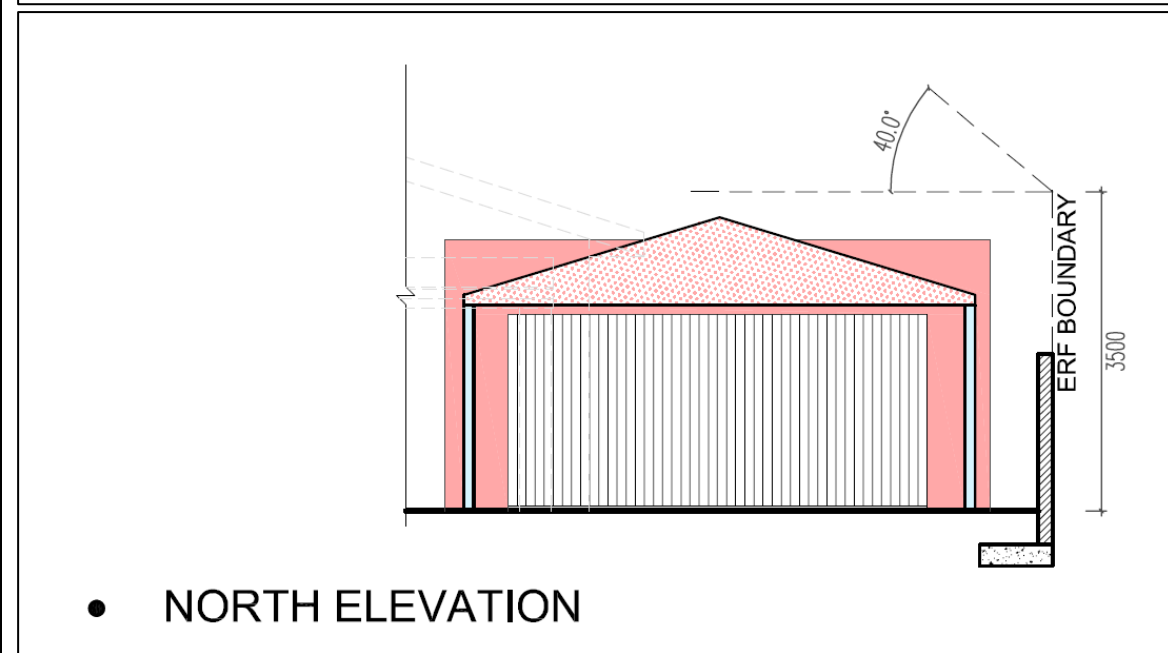
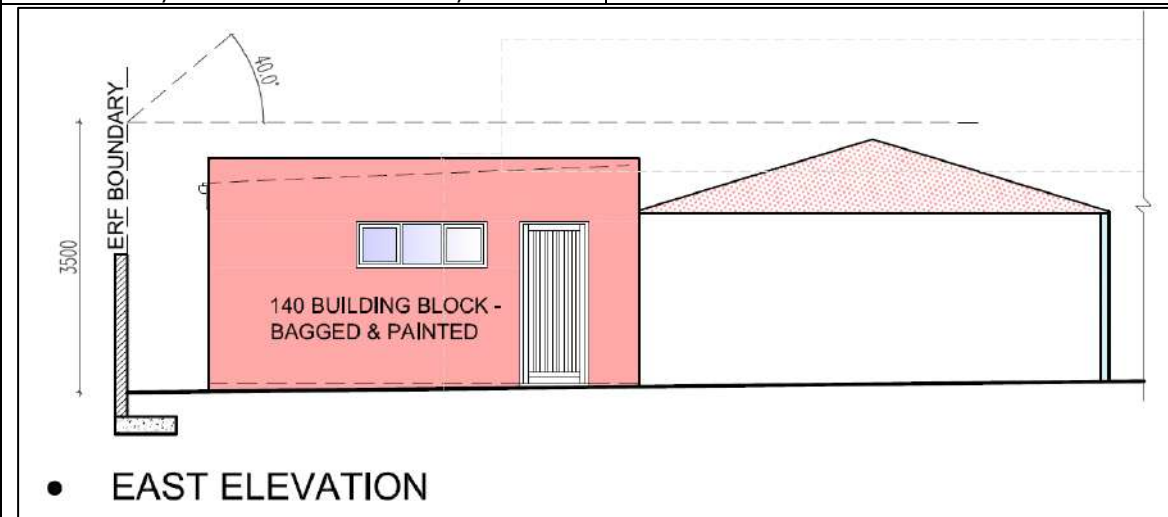
4.2 Permanent departure from the western side and rear building lines from 2m to 1.07m and 0.7m, respectively, to accommodate the existing garage; and

4.3 Permanent Departure from the western side building line from 2m to 0.84m to accommodate the existing carport.

The property owner, as mentioned in Section 3 above, constructed a double garage and carport that encroach upon both the restrictive title deed and scheme building lines. Section 4.1 addresses the removal of the restrictive title deed condition, whereas this section proposes a departure from the scheme building lines.

Generally, a garage is a structure primarily designated for housing vehicles and is typically permitted within the building line according to OMLUS, Section 16.1.1. This section outlines specific conditions that must be adhered to, as indicated below:

(i) written consent from the immediate neighbours is obtained;	Consent was not obtained
(ii) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40-degree angle away from such boundary;	The garage has a flat roof. The garage will be below 3,5m refer to Annexure C - Architect Building Plans and the figures below.



(iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);	<p>The length of the garage is 5,6m and it has a width of 5,98m.</p> <p>The length of the carport is 6,01m and it has a width of 5,8m.</p> <p>The total length is 11,7m.</p>
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(iv) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;	This is not applicable.
(v) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;	No doors or windows are proposed along the side and rear boundary lines.
(vi) a 1,0 m wide access may be required to the satisfaction of the Fire Department;	There is a 0,7m wide access to the rear of the property, with the opposite side being completely open.
(vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;	No runoff of rainwater will be able to discharge onto the adjoining property.
(viii) the garage/carport shall be included in the calculation of coverage on the land unit; and	Complied with.
(ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.	The application will be circulated to the municipal fire department for comment.

Since the garage and carport extend beyond the allowable 9.0m threshold, it is necessary to submit this application. It is anticipated that the existing garage will not cause any nuisance or adversely affect the neighbouring property, as the neighbours are already accustomed to its position, and no alterations are being proposed.

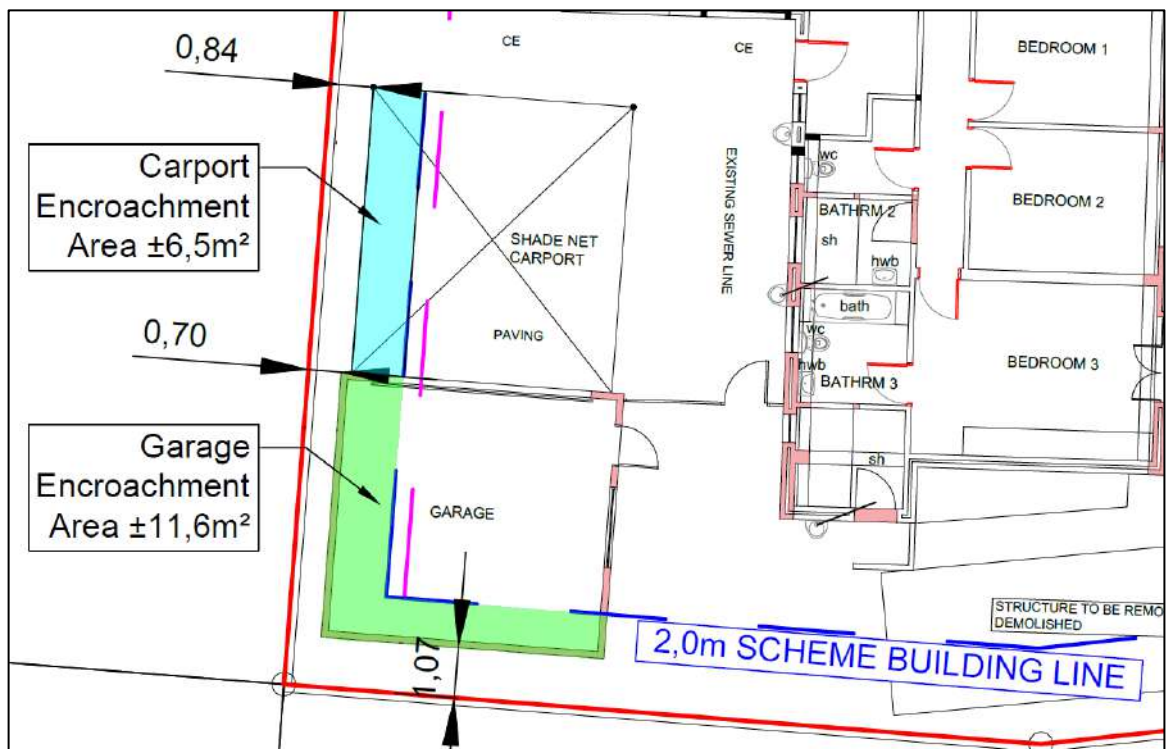


Figure 1: Extract from Plan 3 – Site Plan



Figure 1 illustrates the extent of the encroachments and neither of these structures are considered habitable as the garage and carport have been designed and constructed solely to provide safe and secure parking for vehicles, which is a standard requirement for residential properties. These structures ensure that vehicles are parked off the street, thereby reducing congestion and maintaining the visual and functional integrity of the neighbourhood. Their intended use as parking facilities aligns with the typical needs of a single residential property and does not involve any activities that could generate noise, traffic, or disturbances for neighbouring properties.

The existing structures fit well within the character of the surrounding area, as garages and carports are common features in similar residential neighbourhoods. The scale and design of the garage and carport are in keeping with the architectural style of the property and do not detract from the aesthetic appeal of the area. Furthermore, the structures are discreetly positioned, minimising their visibility from the street and ensuring they blend seamlessly into the surrounding built environment.

It is important to note that these structures have been in place for some time, and owners of neighbouring properties have become accustomed to their presence. The lack of objections related to their current position or use further supports the argument that they do not negatively impact the surrounding properties. Allowing the garage and carport to remain as they are, will maintain the functional use of the property while avoiding unnecessary disruption to the neighbourhood.

In addition, as these structures are exclusively used for vehicle parking, they do not involve any activities that would contribute to excessive noise, pollution, or traffic. Their purpose ensures that the property's use remains consistent with the zoning and character of the area. Approval of this application will regularise the current situation without introducing any new or unforeseen impacts, thereby upholding the harmonious use and enjoyment of the surrounding properties.

4.4 Determination of an administrative penalty;

The property owner, as mentioned in Section 3 of this report, are currently in the process of ensuring their property complies with the development parameters of the OMLUS. As a result, several additions that occurred over the past few years need to be rectified and approved by the municipality. To ensure compliance with the By-Law, it is of importance to include an application for the determination of an administrative penalty. It is however requested that the administrative penalty be waived in total.

Section 90(3) of the By-law requires that the following information be provided:

The nature, duration, gravity and extent of the contravention

Section 4.2 & 4.3 indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building line encroachments is:

Existing Garage	±11,6m ²
Existing Carport	±6,5m ²
TOTAL	±18,1m²



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

The owner was responsible for ensuring that there were no contraventions in terms of the By-Law.

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

Due to the small-scale nature of the encroachment no quantity surveyor was involved.

Whether the unlawful conduct was stopped

The structure has already been constructed.

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

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

5. LAND USE ENVIRONMENT

The subject property is located in Northcliff, an established residential area. The property is surrounded by other Residential Zone 1: Single Residential properties, Public Open Spaces and Public Streets. The surrounding area's zonings are illustrated in **Plan 2 - Zoning Plan**.

6. TITLE DEED

Title deed T96754/2004 (refer to **Annexure B**) was perused and there is one restrictive condition that requires removal to allow the existing carport and garage to be compliant.

Title deed restriction

Condition C(4) – “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 2,38 metres of the lateral boundary common to any adjacent erf.”

Motivation

The rationale for the proposed removal

The subject property is currently being used as a single dwelling house. Due to the historic contravening extensions not complying with the development parameters of the OMLUS and one restrictive condition of the title deed, they are unable to ensure compliance with the provisions of OMLUS in order to receive approval for the building plans.

Title deed condition background

The restrictive title deed condition was originally intended to protect the residential character of the area. Any amendment or removal of these conditions require the



consent of the Administrator. This authority now vests with the Overstrand Municipality.

Status quo

The current OMLUS has clear development guidelines in place to ensure the whole of the Overstrand Area's residential properties are managed in a similar manner. Title deed condition C(4) is more restrictive with regards to the street- and common boundary building lines than the development parameters of the OMLUS. The development parameters of the OMLUS allows structures up to 2 meters from the rear boundary- and 4 meters from the street boundary of the property.

This condition made sense prior to the OMLUS but is now more restrictive than the provisions of the OMLUS. Therefore, removal of condition C(4) is proposed to allow the existing carport and garage on the property.

In terms of the requirements of LUPA, the following is addressed in terms of Section 39(5)(a-f):

LUPA, Section 39(5) (a-f)	
<i>(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;</i>	No person or entity will be affected financially by the removal of the restrictive title deed condition.
<i>(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;</i>	No person is personally benefitting from this condition as this condition is only restricting the owners.
<i>(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;</i>	The owners will be gaining from the removal of the restrictive condition as it will allow them to submit building plans and have their property compliant with the relevant development parameters.
<i>(d) the social benefit of the restrictive condition remaining in place in its existing form;</i> <i>(e) the social benefit of the removal, suspension or amendment of the restrictive condition; and</i>	The restrictive condition does not provide social benefits.
<i>(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.</i>	There is no specific beneficiary of these conditions, and no person or entity will be affected if this is removed.

7. ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(q) of the OM By-Law:



RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House, Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	N/A	N/A
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area: 400m ² and greater = 50%	Existing Structures = 250,9m ² Existing Coverage = 30,12%	Comply
Building lines	(i) The street building line is determined in accordance with the net erf area: <ul style="list-style-type: none"> 400 m² and greater = 4m (ii) The side and rear building lines are determined in accordance with the net erf area: <ul style="list-style-type: none"> Greater than 400 m² = 2m 	(i) The street building line is being adhered to. (ii) Permanent departure from the western side and rear building lines from 2m to 1.07m and 0.7m, respectively, to accommodate the existing garage; Permanent Departure from the western side building line from 2m to 0.84m to accommodate the existing carport.	Deviate, motivated and applied for.
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.	The existing dwelling adheres to the 8,0m height restriction.	Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.	There is an existing garage with additional parking options on the property.	Comply



8. SERVICES

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

Electricity, Water, Sewage and Solid Waste

The subject property is connected to the existing networks in the area, which include electricity, water and sewage. The proposal of this application is not anticipated to impact on existing services.

Solid waste is collected every week by the OM.

Access and Egress

Access and egress to the property is gained from Dolphin Street.

9. NEED AND DESIRABILITY

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

Need and desirability.

The need for the land use application was a result of addressing all the land use requirements and ensuring the property meets the requirements of the owners. To achieve this, the owners are required to apply for a permanent departure from the building line and removal of a restrictive title deed condition.

Socio-economic impact	The permanent departure and removal of the restrictive title deed condition are not predicted to have a socio-economic impact.
Compatibility with surrounding uses	The proposal is to ensure the property complies with the OMLUS. It is not predicted that the proposal is out of line with the surrounding area as it will still be used for residential purposes.
Impact on the external engineering services	Refer to <i>Section 8</i> of this report.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health, and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal will not have an impact on traffic, parking or access.

Impact on views, sunlight and character of the area

The subject property is situated in a residential setting with an existing dwelling, where garages and carports encroaching on building lines are not uncommon in the surrounding area. These structures are typical features within the neighbourhood,



reflecting a consistent development pattern that supports the functional needs of residents. The presence of similar encroachments indicates that the garage and carport on the subject property are in keeping with the established character of the area and do not appear out of place.

Economic impact

The proposal is not expected to have an economic impact.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties.

Environmental impact

The subject property is located within an environmentally important area.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located in the HPOZ.

10.2 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located in the EMOZ.

10.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020.

11. PLANNING PRINCIPLES

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

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal to ensure the property complies with the development parameters of the OM, it is not predicted that to influence past spatial injustices.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. The proposed departure and removal of the restrictive condition intend to ensure the subject property is utilised to its maximum capabilities.

Efficiency

This proposal is intended to maximise the usage of the subject property.



Spatial resilience

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

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



12. EVALUATION

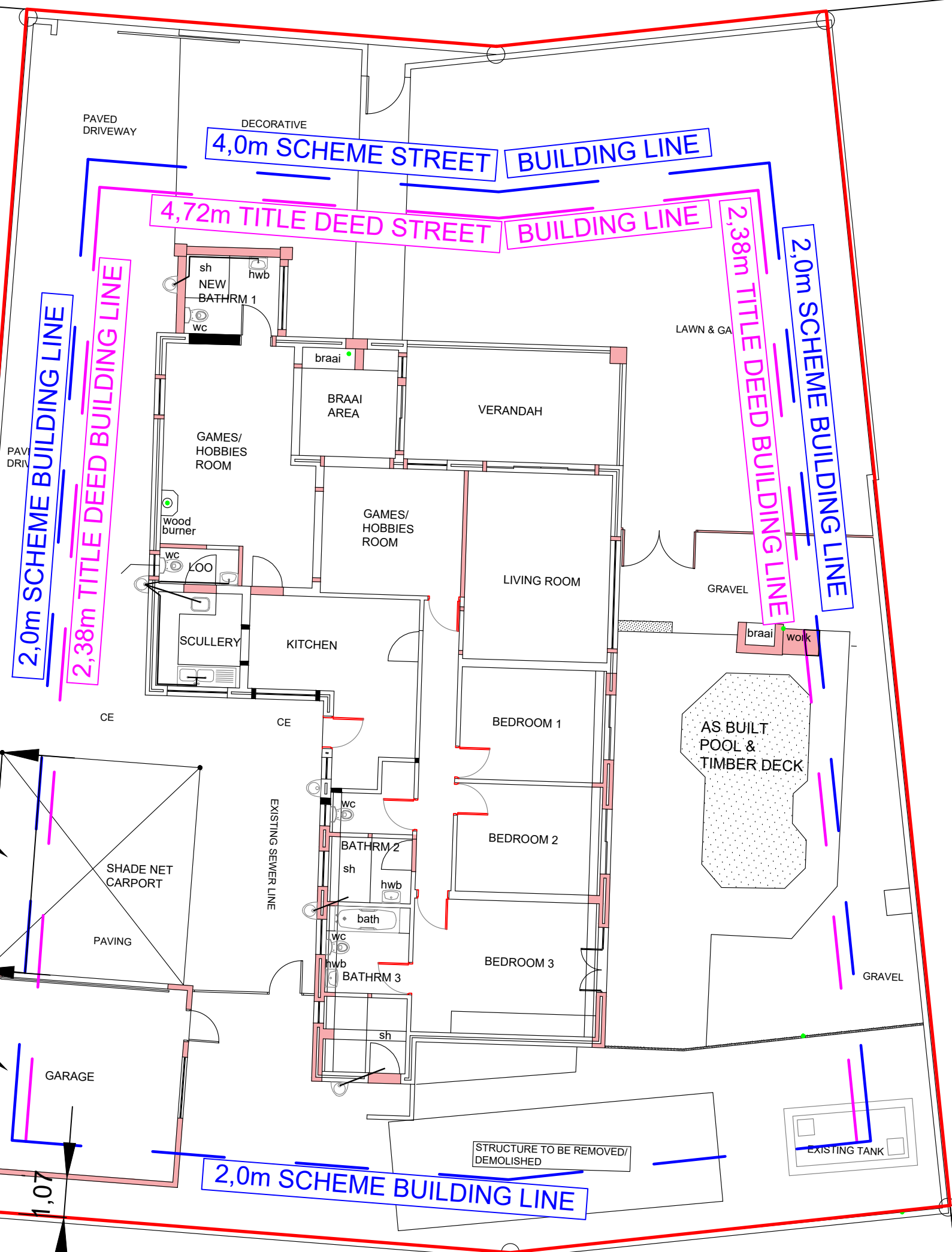
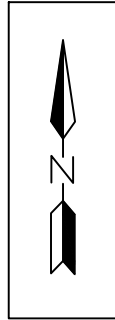
In conclusion, the approval of this application is essential to regularise the existing garage and carport, which have been in place for some time and serve the functional purpose of providing safe and secure parking for the property owners' vehicles. These structures align with the established character of the neighbourhood, where similar encroachments are not uncommon, and their continued use will not negatively impact the surrounding properties or cause any nuisance.

Granting this approval will ensure compliance with the applicable land use regulations while preserving the practical and aesthetic value of the property. It will also allow the owners to maintain the intended use of their garage and carport, contributing to the efficient use of the property in a manner consistent with its residential zoning. For these reasons, the application should be approved as submitted.

13. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 Removal of restrictive title deed conditions** in terms of Section 16(2)(f) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Permanent Departure** from the western side and rear building lines from 2m to 1.07m and 0.7m, respectively, to accommodate the existing garage in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Permanent Departure** from the western side building line from 2m to 0.84m to accommodate the existing carport in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.4 Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



Carport Encroachment Area ±6,5m²

Garage Encroachment Area ±11,6m²

3. Site Plan
Erf 4710 - Hermanus

Existing Structures

Existing Footprint - 250,98m²

Coverage - 30,12%

Plan date: 20/11/2024
Plan Number: 23.119(001)

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

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Scale 1 : 125

