Munisipaliteit • U-Masipala • Municipality
OVERSTRAND

ERF 2022, 16 BAUHINIA, VERMONT: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF HJK & E VAN WYK

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

- **departure** in terms of Section 16(2)(b) of the By-Law to relax the street building line from 4,0m to 2,89m and 3,36m respectively to accommodate an existing garage.
- **departure** in terms of Section 16(2)(b) of the By-Law to relax the lateral building line from 2,0m to 1,58m to accommodate the existing dwelling.
- **determination of an administrative penalty** in terms of Section 16(2)(q) for the unauthorised building line encroachments as mentioned above.

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning at 16 Paterson Street, Hermanus and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ .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 / (e) landuse@overstrand.gov.za) on or before **11 December 2026**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H. Olivier** 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 Division: Town and Spatial Planning where a municipal official will assist them in order to formalize their comment.

Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.

ERF 2022, BAUHINIA 16, VERMONT: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS HJK & E VAN WYK

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

- **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die straatboulyn onderskeidelik vanaf 4,0m na 2,89m en 3,36m te verslap om 'n bestaande motorhuis te akkommodeer.
- **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die syboulyn vanaf 2,0m na 1,58m te verslap om die bestaande woning te akkommodeer.
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) vir die ongemagtigde boulynoorskrydings soos hierbo genoem.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weeksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning, Hermanus en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ .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 / (e) landuse@overstrand.gov.za) voor of op **11 Desember 2026**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H. Olivier** 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 Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.

ISIZA 2022, 16 BAUHINIA, VERMONT: ISICELO SOKUTENXA NGOKUSISIGXINA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE EGAMENI HJK KUNYE E VAN WYK

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe soku kulandelayo:

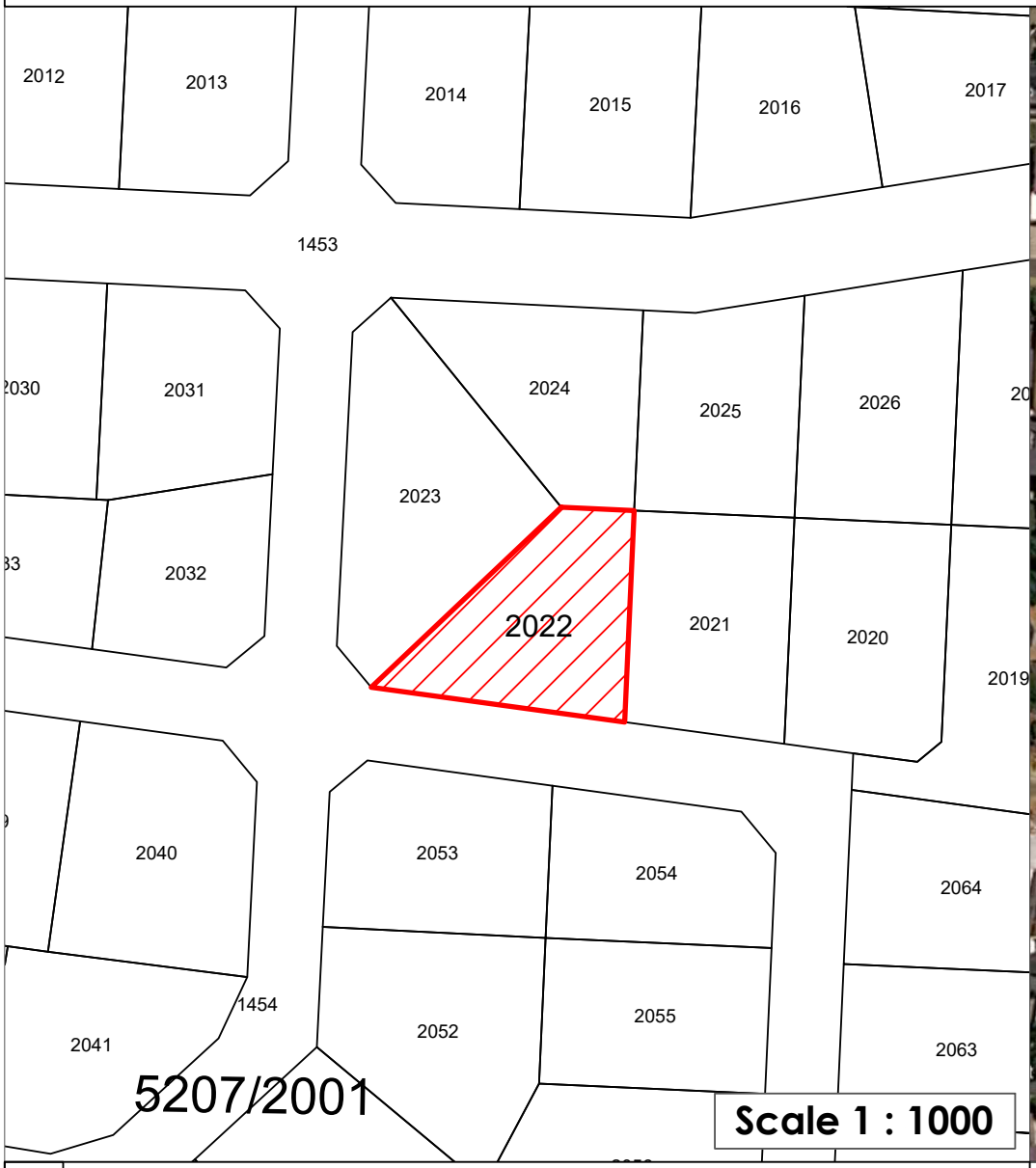
- Utyeshelo lomqathango ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuze kucuthwe umda wesakhiwo osuka kwisitalato ukusuka kwi-4,0m ukuya kwi-2,89m kunye ne-3,36m ngokulandelelanayo ukuze kuhlaliswe igaraji ekhoyo.
- Utyeshelo lomqathango ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuze kucuthwe umda wesakhiwo osecaleni ukusuka kwi-2,0m ukuya kwi-1,58m ukuze kuvumeleke indawo yokuhlala ekhoyo.
- **Ukumiselwa kwesohlwayo solawulo** ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha eveki phakathi kwentsimbi ye-08:00 kunye ne-16:30 kwiCandelo: loCwangciso lweDolophu noMhlaba kwa-16 Paterson Street, Hermanus nakwiphepha lewebhu likamasipala kweli khonkco lilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications ICandelo lama-51 nelama-52 lalo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye phambi kowama-**11 EyoMnga 2026,** ucaphula igama lakho, idilesi neenkcukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zokuvakalisa izimvo. Imibuzo ngomnxeba ingenziwa **kuMnu. H. Olivier** kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda okanye ukubhala angandwendwela iCandelo: loCwangciso lweDolophu kunye noMhlaba apho igosa likamasipala liya kuthi limncede ukuze abhale ngokusesikweni izimvo zakhe.

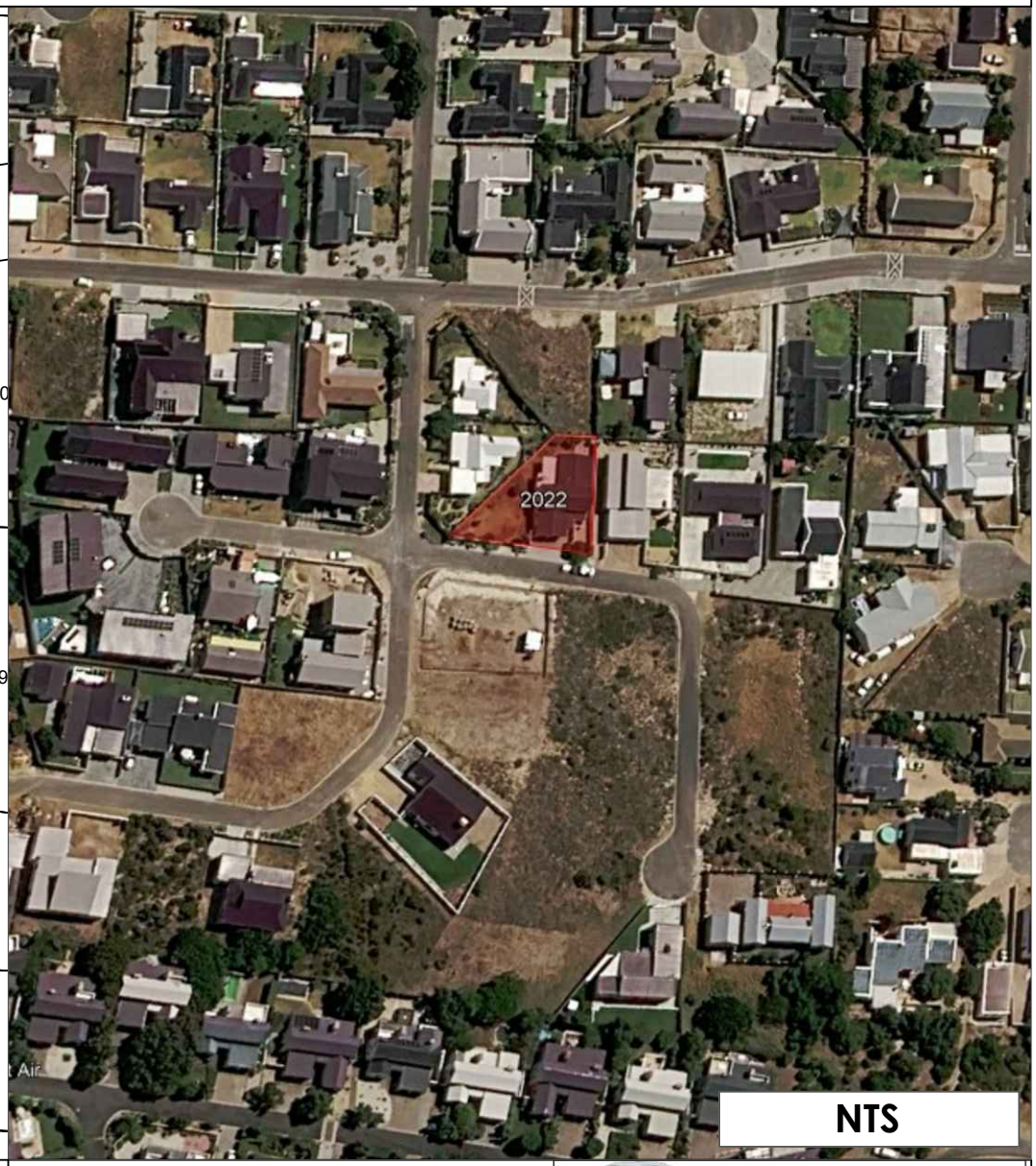
Nceda uqaphele ukuba ngokoMthetho woKhuseleko lweNgcaciso yoMntu (POPIA), uya kuba ungena kwinkqubo kawonke-wonke kwaye uyavuma kwaye uvuma igama lakho, ifani, iinkcukacha zoqhagamshelwano kunye ne(ii) izimvo zinokubhengezwa / zisetyenziswe kwinkqubo (yesicelo).

Plan 1 - Locality Plan

Erf 2022 - Vermont



Scale 1 : 1000



NTS

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WRAP Project Office
Town Planning & Project Management

ERF 2022 VERMONT

APPLICATION FOR PERMANENT DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY

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Submitted
July 2026

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1. PROPERTY DETAILS

Erf Number	Erf 2022 Vermont
Extent	636m²
Zoning	Residential Zone 1: Single Residential

2. EXECUTIVE SUMMARY

The subject property, Erf 2022 Vermont, is situated at 16 Bauhinia Street, Vermont. The location of the property is illustrated in **Plan 1: Locality Plan.** The current owners acquired the property in 2024 and intend undertaking alterations and additions to the existing dwelling. To facilitate these proposed improvements, architectural plans were prepared for submission to the Overstrand Municipality for approval.

As part of the design process, and to ensure that the proposed building plans accurately reflected the existing improvements on the property, a registered Professional Land Surveyor was appointed to undertake a detailed survey of the erf and all existing structures. The purpose of the survey was to establish the precise location of the existing buildings relative to the cadastral boundaries and applicable building lines.

The survey revealed that the existing dwelling was not constructed in accordance with its intended position on the property. Instead, the building appears to have been constructed at a slight angle towards the eastern boundary and positioned further forward than originally envisaged. Consequently, portions of the existing dwelling, including the garage, encroach into the prescribed building lines applicable to the property.

The encroachments relate to the position of the existing building rather than the recent proposals prepared by the architect. The proposed alterations are based on the current footprint and location of the existing dwelling, making it necessary to first regularise the existing encroachments before the amended building plans can be considered by the Municipality.

Accordingly, this application seeks approval for the existing encroachments resulting from the as-built position of the dwelling. The application forms part of the process required to regularise the existing development on the property, thereby enabling the owners to proceed with the submission and consideration of the proposed building plans. The owners appointed WRAP Project Office, to submit the application on their behalf, see **Annexure A** (**Power of Attorney**).

3. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

WRAP compiled this report to ensure that the property owners' requirements are met. The following is proposed:

3.1 Permanent Departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, in order to:

- Relax the 4m street building line to 2,89m – 3,36m to allow the existing garage; and
- Relax the 2m side building line to 1,58m to allow the existing dwelling.

Street Building Line

The application seeks approval to permanently relax the prescribed **4.0m street building line** to **between 2.89m and 3.36m** to regularise the position of the existing garage.

As confirmed by the land survey undertaken on the property, the encroachment did not arise because of the current owners' proposed alterations but forms part of the original construction of the dwelling. The survey established that the building was constructed further forward than originally intended, resulting in the garage extending into the required street building line.

The garage has existed in its current position for a considerable period and forms an integral component of the dwelling. This application therefore seeks to regularise an existing situation rather than facilitate new development within the street building line.

From a planning perspective, the requested departure is considered appropriate. The application relates solely to an existing structure and does not propose any further encroachment into the street building line. The existing garage has become part of the established development pattern of the property and does not adversely affect the streetscape, traffic visibility or pedestrian movement. Furthermore, approval of the departure will enable the owners to regularise the existing development and proceed with the submission of amended building plans that accurately reflect the built form on the property.

In terms of the OMLUS, 16.1.2 (a) states that the Municipality will also take the following principles into account:

Principle	Response
(i) The Municipality may permit the construction of a garage over a street building line if, in the Municipality's opinion, the garage cannot reasonably be sited at the prescribed distance due to the slope of the land unit or for other reasons provided.	**N/A** The owners were not aware of the encroachment and is applying to rectify the situation which they adopted.
(ii) The height of such garage from the natural ground level to the top of the structure does not exceed 4,5 m.	**Comply**, refer to figure 1 below.
(iii) The front elevation of the garage may not be closer than 5,0 m to the road kerb or surface.	**Comply**, the garage is set back at 5,5m.

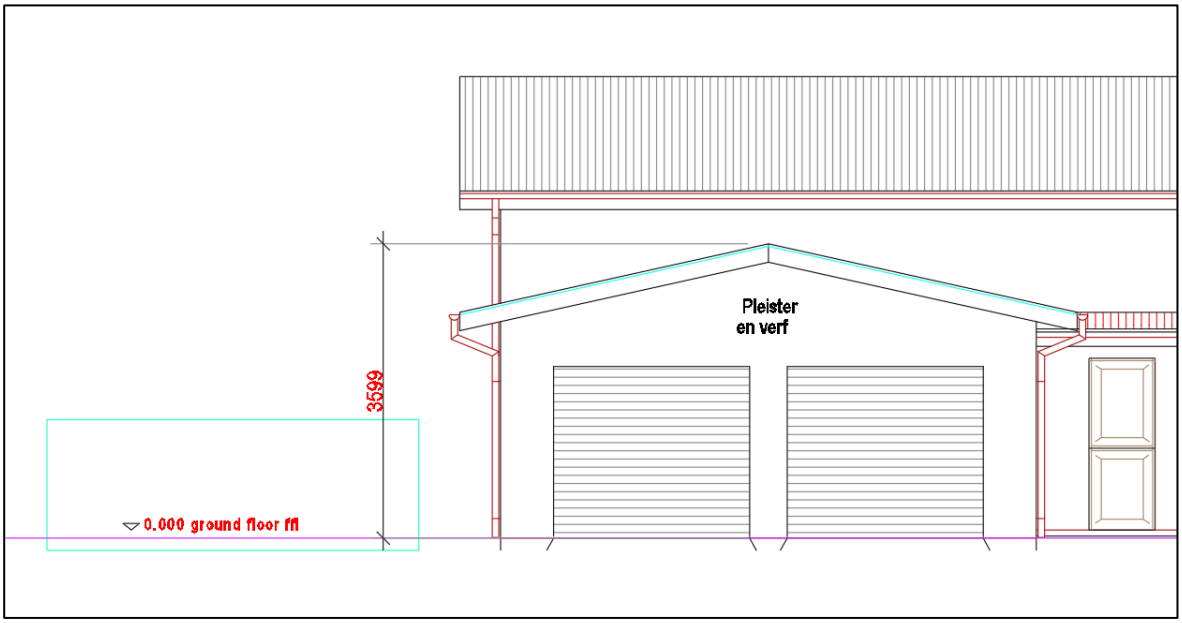


Figure 1 – Existing garage

Side Building Line

The application further seeks approval to permanently relax the prescribed **2.0m side building line** to **1.58m** to regularise a portion of the existing dwelling.

The encroachment was identified during the detailed land survey and results from the original positioning of the dwelling rather than any recent alterations or additions. The survey indicates that the dwelling was constructed at a slight angle towards the eastern boundary, giving rise to a limited encroachment over the side building line.

This application does not seek approval for new building work within the side building line but instead aims to regularise the existing position of the dwelling. The extent of the encroachment is relatively minor and the dwelling remains substantially compliant with the prescribed setback requirements.

There is no evidence that the existing building has resulted in unacceptable impacts on neighbouring properties through loss of privacy, overshadowing or visual intrusion. Approval of the departure will therefore allow the planning approvals and future building plans to accurately reflect the existing development on the property while promoting sound planning administration.

The requested permanent departures arise from the existing position of the dwelling and garage. They are not intended to facilitate additional encroachments but rather to regularise structures that have existed in their current position for many years.

The encroachments are limited in extent, do not materially affect the surrounding area or neighbouring properties, and will enable the owners to submit building plans that accurately reflect the existing development. From a planning perspective, approval of the departures will promote orderly development and provide certainty regarding the lawful status of the existing buildings.

3.2 Determination of an administrative penalty in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

To ensure full compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, this application includes a request for the determination of an administrative penalty in respect of the existing dwelling and garage, which were constructed in contravention of the prescribed building lines without the necessary land use approval.

The current owners respectfully request that the Municipality consider waiving, or alternatively reducing, the administrative penalty. This request is based on the following circumstances:

- The existing encroachments were only identified after the current owners appointed a registered Professional Land Surveyor to accurately survey the property in preparation for proposed alterations and the submission of amended building plans.
- The encroachments form part of the original construction of the dwelling and garage and were not created by the current owners. There is no evidence to suggest that the owners intentionally contravened the applicable planning legislation.
- Upon becoming aware of the encroachments, the owners immediately took steps to regularise the existing development by appointing the necessary professionals and submitting the appropriate land use application to the Municipality.
- The owners have acted in good faith throughout the process and have demonstrated a genuine commitment to ensuring that the property complies with the applicable planning legislation before proceeding with any further building work.

The current owners have therefore taken proactive measures to rectify a historical non-compliance that only became apparent during the preparation of accurate survey information and amended building plans. Rather than allowing the matter to remain unresolved, they have elected to follow the appropriate statutory process to regularise the existing development.

In light of the above, it is respectfully submitted that the circumstances warrant favourable consideration and that the Municipality exercise its discretion in terms of the By-Law to waive, or where deemed appropriate, reduce the administrative penalty.

Section 90(3) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 requires the following information:

The nature, duration, gravity and extent of the contravention

Section 3.1 of this report indicates the nature and gravity of the additions that were constructed without prior approval. The total extent of the building line encroachments is:

1. Garage	±5,65m²
2. Dwelling	±3m²

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

The current owners were not aware of the unlawful conduct. Upon becoming aware of the irregularities, the owner immediately took steps to regularise the matter by appointing WRAP Project Office to submit the necessary land use application. The owners have therefore acted responsibly and transparently throughout the process.

A report by a quantity surveyor in matters of unauthorised building/construction
Given the limited scale of the historic encroachments, the appointment of a quantity surveyor was not necessary. The encroachments relate to minor building line deviations and not to large-scale unlawful construction. The existing structures have been in place for many years, and the regularisation process is administrative in nature rather than remedial.

Whether the unlawful conduct was stopped
The structures in question have already been constructed and form part of the long-standing-built fabric of the property. No ongoing unlawful conduct is occurring.

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 current owners did not take part in any other contraventions.

4. LAND USE ENVIRONMENT

The subject property is located in Vermont, and the property is surrounded by other Residential Zone 1: Single Residential properties and Public Streets. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

5. TITLE DEED

Title deed 77133/2024 (refer to **Annexure B**) was perused and there are no restrictive conditions that prohibits the approval of the proposal being made.

6. 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.

The primary use of the property as a dwelling house is permitted within the SR1 zoning. No additional dwelling units or intensified land uses are currently proposed.

Residential Zone 1: Single Residential – Development parameters			
	Allowed	**Proposed**	
Coverage	50%	31.3%	Comply
Building lines	Street building line = 4m Side and rear building lines = 2m	Refer to Sections 3.1	**Deviate, applied for and motivated.**
Height	8,0 m.	5,5m	Comply
Parking	Dwelling Unit: 2 Parking bays	Double Garage	Comply

7. 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 municipal engineering service networks, including electricity, potable water and sewerage. The application seeks to regularise the existing position of the dwelling and garage and does not propose any additional land use rights or an increase in the development intensity of the property. Consequently, the proposal is not expected to place any additional demand on the existing municipal infrastructure or services.

Solid waste removal is undertaken by the Overstrand Municipality as part of its routine municipal service delivery.

Access and Egress

Vehicular and pedestrian access to the property is obtained from Bauhinia Street, an existing public road serving the surrounding residential neighbourhood. The application does not propose any changes to the existing access arrangements, and no additional traffic impacts are anticipated as a result of the proposal.

8. NEED AND DESIRABILITY

The need and desirability of the proposal, as contemplated in Section 66(1)(c) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, is assessed below.

Need and desirability.

The need for this application arises from the requirement to regularise the existing position of the dwelling and garage, which were identified during a detailed land survey as encroaching over the prescribed building lines. The encroachments form part of the original construction of the dwelling and only became apparent when the current owners commenced the process of preparing amended building plans for proposed alterations.

The application therefore serves a regulatory purpose by ensuring that the existing development can be lawfully approved and accurately reflected on municipal records. It also enables the owners to proceed with the submission of building plans while ensuring compliance with the applicable planning legislation.

Socio-economic impact	The proposal is not expected to have any adverse socio-economic impacts. The application does not introduce a new land use, increase the residential density of the property or intensify the existing use. The property will continue to function as a single residential dwelling, and the regularisation of the existing buildings will have no measurable impact on the surrounding community or local economy.
Compatibility with surrounding uses	The proposal remains fully compatible with the surrounding land uses. The property is zoned Residential Zone 1 and will continue to be utilised as a single residential dwelling. The application relates solely to the regularisation of the existing dwelling and garage and does not alter the established residential character of the property or the surrounding neighbourhood.
Impact on the external engineering services	The proposal will not increase the demand on municipal engineering services or infrastructure. The application does not create additional development rights or permit an increase in

	the intensity of land use. Existing municipal water, sewerage, electricity and stormwater services remain adequate to serve the property.
Impact on safety, health and wellbeing of the surrounding community	The proposal is not expected to negatively affect the safety, health or wellbeing of the surrounding community. The application regularises existing structures that have been established on the property for many years and does not introduce any activities or development that could adversely affect neighbouring properties or the public.
Impact on heritage	The proposal is not expected to have any impact on heritage resources. The application relates to the regularisation of existing structures on a developed residential erf and does not involve the demolition of heritage resources or development that would adversely affect the cultural significance of the area.
Impact on the biophysical environment	The proposal will not have any significant impact on the biophysical environment. No additional development footprint is proposed as part of this application, and no environmentally sensitive areas, indigenous vegetation or watercourses will be affected.
Traffic impacts, parking, access and other transport related considerations	The proposal will not generate additional traffic or increase parking demand. The property will continue to function as a single residential dwelling, with existing access from Bauhinia Street remaining unchanged. No alterations to the existing access arrangements are proposed, and no adverse transport-related impacts are anticipated.

Impact on views, sunlight and character of the area

The proposal is not expected to result in any adverse impact on views, access to sunlight or the established character of the surrounding area. The application does not seek approval for additional building bulk or new structures but rather for the regularisation of the existing dwelling and garage in their current positions.

The existing buildings have formed part of the streetscape for many years and have become integrated into the established residential character of the neighbourhood. The requested departures are limited in extent and do not result in a development that is visually out of scale or incompatible with surrounding residential properties.

Similarly, the existing buildings have not resulted in unacceptable impacts on neighbouring properties through overlooking, overshadowing or visual intrusion. The proposal therefore maintains the residential amenity of the area while promoting the orderly regularisation of existing development.

Economic impact

The proposal is not expected to generate any short- or long-term economic impacts.

9. POLICIES AND REGULATIONS

Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)
The property is not located within the EMOZ.

Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)
The property is not located within the HPOZ.

Spatial Planning Policies
The proposal is consistent with the relevant spatial planning policies applicable to the property and is not in conflict with the objectives of the Western Cape Provincial Spatial Development Framework (2014) or the Overstrand Municipal Spatial Development Framework (2020).

The application does not seek to introduce a new land use, increase the residential density, or alter the established development pattern of the surrounding neighbourhood. Instead, it seeks to regularise the existing position of the dwelling and garage.

The requested departures are limited in extent and relate solely to existing structures that have formed part of the residential environment for many years. The proposal will not alter the established character of the area, place additional pressure on municipal services, or result in any intensification of the existing residential use. Accordingly, the application is considered consistent with the applicable spatial planning policies and supports the principles of orderly, sustainable and efficient land use planning.

10. PLANNING PRINCIPLES

Chapter 2 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ("SPLUMA") sets out five development principles that must guide all land use and development decisions. The proposed application has been assessed against these principles as follows:

Spatial justice
The principle of spatial justice seeks to redress past spatial inequalities while ensuring fair and equitable access to land use opportunities. The application relates to the regularisation of the existing position of the dwelling and garage following the identification of historical building line encroachments. The proposal does not alter the existing residential land use, restrict access to opportunities or prejudice neighbouring properties. Accordingly, the application has no adverse implications for spatial justice.

Spatial sustainability
Spatial sustainability promotes the efficient use of existing urban land while protecting environmental and social resources. The application does not propose the expansion of the existing development footprint or any increase in residential density. Instead, it seeks to regularise existing structures on an already developed residential property, thereby promoting the efficient use of land within the established urban area. The proposal is therefore consistent with the principle of sustainable and orderly development.

Efficiency
The principle of efficiency encourages the optimal use of existing land, infrastructure and municipal services. The property is fully serviced by existing municipal infrastructure, and the application does not introduce any additional development rights or intensify the existing

residential use. Approval of the application will facilitate the regularisation of the existing development without placing additional demands on municipal services, thereby supporting the efficient utilisation of existing resources.

Spatial resilience

Spatial resilience seeks to promote adaptable, functional and well-managed settlements. By regularising the existing position of the dwelling and garage, the application improves planning certainty and ensures that the property's planning approvals accurately reflect the existing built environment. The proposal contributes to effective land use management and supports the long-term sustainability of the established residential neighbourhood.

Good administration

The principle of good administration promotes transparent, accountable and consistent decision-making in land use planning. The current owners identified the historical building line encroachments during the preparation of amended building plans and have proactively initiated the necessary statutory process to regularise the existing development. The application has been prepared in accordance with the provisions of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, and will be processed in accordance with the prescribed public participation and decision-making procedures. The proposal therefore supports the principles of fairness, transparency and sound planning administration.

In conclusion, the proposed permanent departures are limited in extent and are required solely to regularise the existing position of the dwelling and garage. The application does not introduce additional land use rights, increase the intensity of development or alter the established residential character of the area. It is consistent with the development principles contained in Chapter 2 of SPLUMA and promotes orderly, sustainable and efficient land use planning.

11. CONCLUSION

The application seeks approval for permanent departures to regularise the existing position of the dwelling and garage, which were identified during the preparation of amended building plans. The encroachments result from the original positioning of the buildings and are not attributable to the current owners.

The proposal does not introduce a new land use, increase the residential density or intensify the use of the property. The requested departures are limited in extent and relate solely to existing structures that have formed part of the residential environment for many years. The application will enable the existing development to be regularised and accurately reflected on the approved building plans, thereby promoting legal certainty and sound planning administration.

Having regard to the applicable provisions of SPLUMA, the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, the Overstrand Municipal Land Use Scheme, and the relevant spatial planning policies, the proposal is considered desirable and will not give rise to unacceptable impacts on neighbouring properties, municipal services or the character of the surrounding area.

It is therefore respectfully submitted that the application is consistent with the principles of good planning and that the requested permanent departures, together with the determination of the administrative penalty, should be approved.

12. RECOMMENDATION

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

12.1. **Permanent Departure** in terms of section 16(2)(b) of the Overstrand Municipality amendment by-law on municipal land use planning, 2020 in order to:
- **Relax** the 4m street building line to 2,89m – 3,36m to allow the existing garage; and
- **Relax** the 2m side building line to 1,58m to allow the existing dwelling.

12.2. **Determination of an administrative penalty** in terms of Section 90(5) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

Plan 3: Site Plan

Erf 2022 Vermont

EXISTING GARAGE ENCROACHMENT ±5,65m²

EXISTING HOUSE ENCROACHMENT ±3m²

SCALE 1 : 100

SCALE 1 : 200

SCALE 1 : 100

Plan prepared by: Thian Jansen on 21/07/2026
Based on plans from J Brits - DesignAtiljee

Plan Number - 26/88 (001)

All distances are approximate and subject to a survey

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WRAP Project Office Town Planning & Project Management