

OFFICE OF THE DIRECTOR: INFRASTRUCTURE & PLANNING  
TOWN & SPATIAL PLANNING

Munisipaliteit • U-Masipala • Municipality



ENQUIRIES | NAVRAE: Mr P Roux (Town Planner)  
FILE REF | LEËRVER: 2032 HVK  
APP ID | AANSOEK ID: 44782023  
DATE | DATUM: 26 October 2023

*Att: Interested and Affected Person(s)*

**REGISTERED MAIL**

Dear Sir / Madam

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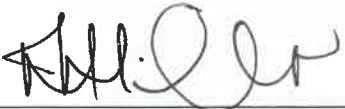
**NOTICE TO AFFECTED PERSONS**

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**ERF 2032, 44 EIGHT STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) ON BEHALF OF R & M THERON FAMILIETRUST**

Attached please find a self-explanatory notice for your attention.

Yours faithfully

  
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**S MÜLLER**  
**DIRECTOR: INFRASTRUCTURE & PLANNING**

**ERF 2032, 44 EIGHT STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) ON BEHALF OF R & M THERON FAMILIETRUST**

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:

- ❖ **Departure** in terms of Section 16(2)(b) of the By-Law, to:
  - relax the eastern lateral building line from 2m to 1.67m, to accommodate an existing scullery;
  - relax the eastern lateral building line from 2m to 1.67m, to accommodate a door proposed to be bricked up;
  - relax the western lateral building line from 2m to 0.81m, to accommodate an existing chimney and its proposed chimney amendment; and
  - relax the western lateral building line from 2m to 1.5m, to accommodate three (3) proposed windows.
- ❖ **Determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law, to legalize the existing structures 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 **1 December 2023**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr P Roux** at 028-313 8900. The Municipality may refuse to accept 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 2032, AGTSTESTRAAT 44, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) NAMENS R & M THERON FAMILIETRUST**

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

- ❖ **Afwyking** ingevolge Artikel 16(2)(b) van die Verordening, om:
  - die oostelike lateraleboulyn te verslap vanaf 2m na 1.67m, om 'n bestaande opwaskamer te akkommodeer;
  - die oostelike lateraleboulyn te verslap vanaf 2m na 1.67m, om 'n deur te akkommodeer wat voorgestel word om opgemesel te word;
  - die westelike lateraleboulyn te verslap vanaf 2m na 0.81m, om 'n bestaande skoorsteen en sy voorgestelde skoorsteenwysiging te akkommodeer; en
  - die westelike lateraleboulyn te verslap vanaf 2m na 1.5m, om drie (3) voorgestelde vensters te akkommodeer.
- ❖ **Bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening, om die bestaande strukture op die eiendom te wettig.

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 **1 Desember 2023**, met die naam, adres en kontakbesonderhede, belang in die aansoek, sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, 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 2032, 44 EIGHT STREET, VOËLKLIP, HERMANUS, KUMASIPALA WASE-OVERSTRAND MUNICIPAL: ISICELO SOKUNYENYISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN & REGIONAL PLANNING (ITRP) EGAMENI LE-R & M THERON FAMILIETRUST**

Kukhutshwa isaziso ngokumayela neCandelo 48 loMthetho Otshintshiweyo woMasipala waseOverstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe isicelo sezi zinto zilandelayo:

- ❖ Ukunyenysiswa ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kwenziwe oku kulandelayo:
  - kunyenysiswe umda wesakhiwo kwicala elingasempuma ukusuka ku-2m ukuya ku-1.67m ukuze kuvunyelwe igumbi elisecaleni kwekhitshi elisele likho;
  - kunyenysiswe umda wesakhiwo kwicala elingasempuma ukususela ku-2m ukuya ku-1.67m ukuze umnyango uvalwe;
  - kunyenysiswe umgca wesakhiwo ongasentshona ukususela kwi-2m ukuya kwi-0.81m ukuze kuvunyelwe itshimini ekhoyo nokutshintshwa kwetshimini ecetywayo; kwakunye
  - nokunyenysiswa komgca wesakhiwo kwicala elingasentshona ukusuka ku-2m ukuya ku-1.5m ukuze kubekho iifestile ezintathu (3) ezicetywayo.
- ❖ Ukugqitywa kwesohlwayo emasibhatalwe ngokweCandelo 16(2)(q) loMthetho kaMasipala ukuze ezi zakhiwo zifakelelweyo zenziwe zibe semthethweni.

Inkukacha mayela nesindululo siyafumaneka ukuze siholwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho uYilwayo yaye mazithunyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) [alida@overstrand.gov.za](mailto:alida@overstrand.gov.za)) ngomhla okanye ngaphambi wama- **1 uDisemba2023** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela umnxeba Umcwangcisi **Wedolophu uMnu. P Roux** kule nombolo 028-313 8900. Umasipala angala ukuzamkela izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

PROJECT

Erf 2032 Voëlklip

TITLE

Locality Plan  
Local Context



Application Area



PROBABILITY  
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, OR ANY OTHER COMMERCIAL LOSS, WHETHER CAUSED IN WHOLE OR IN PART BY THE DATA REMAINS THE SOLE PROPERTY OF THE CLIENT AND MAY ONLY BE USED FOR THE PURPOSES OF A PROJECT WITH THE PRIOR WRITTEN APPROVAL OF THE CLIENT.

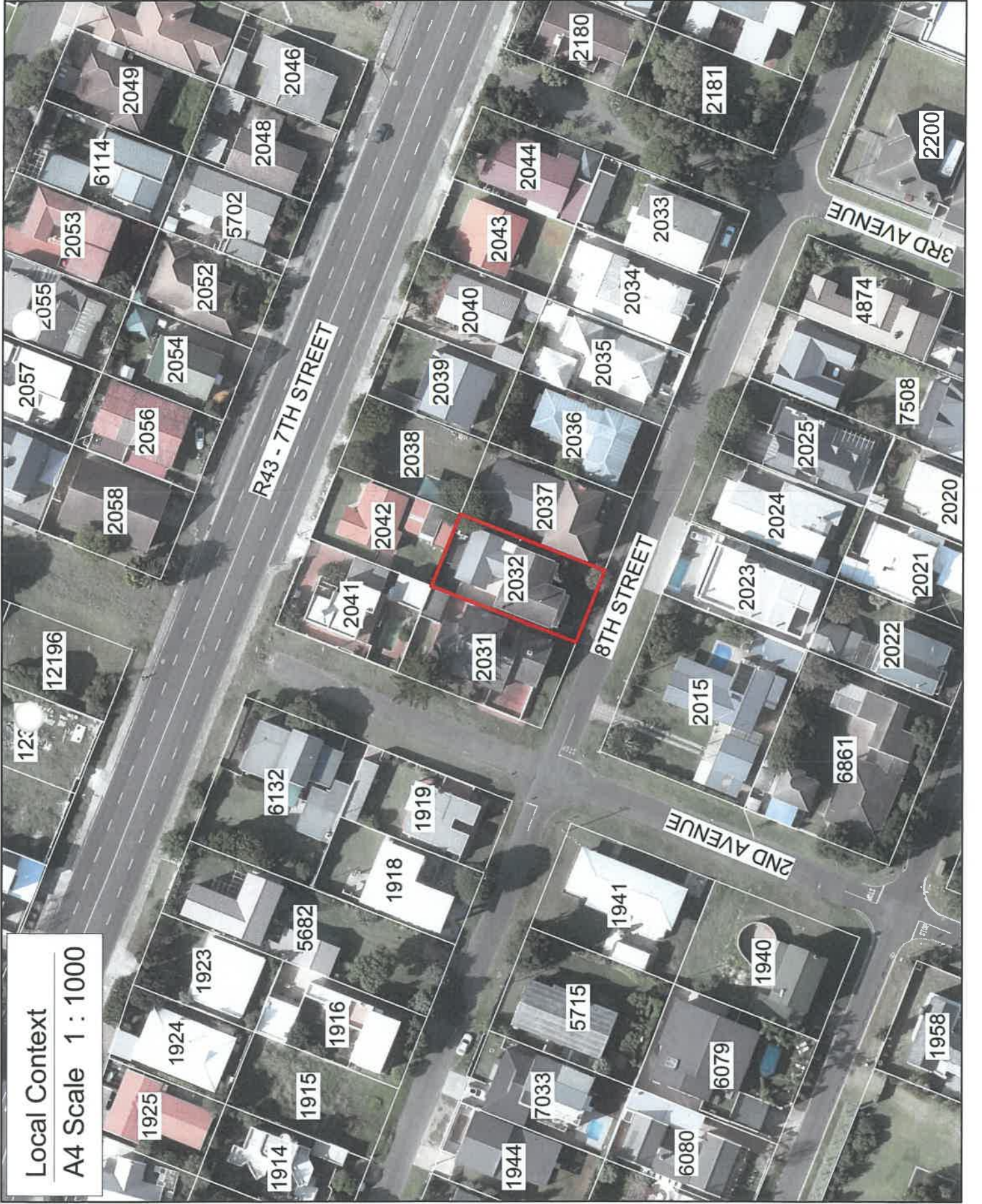
CLIENT

DRAWN BY A/ARCH	CHECKED BY CLIENT	DATE 2024/07/17
SCALE (B1/A4) As shown	PROJECT NUMBER 001	
DRAWING NUMBER A01		

Interactive Town & Regional Planning



Active Members of Prof. #10271896  
(South African Professional Planning)  
Telephone: 021 512 5838  
Cell phone: 082 488 8400  
Email: info@interactiveirp.com



Local Context  
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 R&M Theron Familietrust to prepare and submit an application for building line departures and the determination of an administrative penalty on Erf 2032, Voëlklip in terms of the relevant legislation.

**b. Background**

The application area consisting of a 495m<sup>2</sup> single residential erf with a dwelling house is situated at number 44 Eight Street.

The existing owner purchased the application area in 2013. It was recently discovered that the existing chimney and scullery constructed by a previous owner was not approved, when the architects submitted building plans to the Overstrand building department for proposed dwelling amendments. The Overstrand building department provided a letter dated 03 July 2023 stating the following:

*"The application submitted to Council for the above property has been evaluated and is herewith refused in terms of the relevant legislation.*

**Town Planning**

- New scullery over 2m building line - still not compliant.
- Chimney over building line not previously approved - still not compliant."

**c. Development Objective & Application Proposal**

The **development objective** is to legalise the existing scullery and chimney exceeding building lines as well as the proposed amendment of the chimney pipe, the bricking up of a door on the ground floor and three new windows on the first floor level which exceeds side building lines.

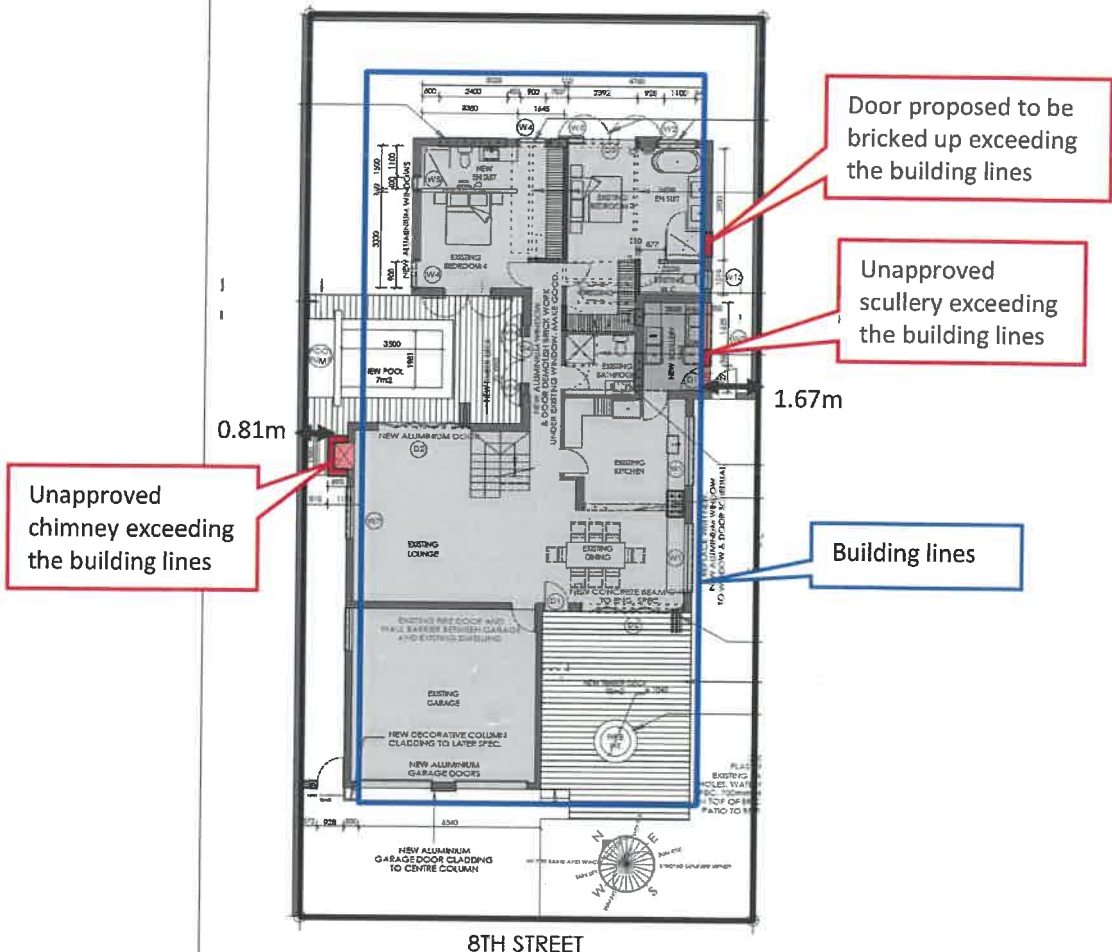


Figure 1: Ground floor plan illustration

Proposed amendment of the chimney exceeding building lines

Proposed windows exceeding the building lines

1.5m

Building lines

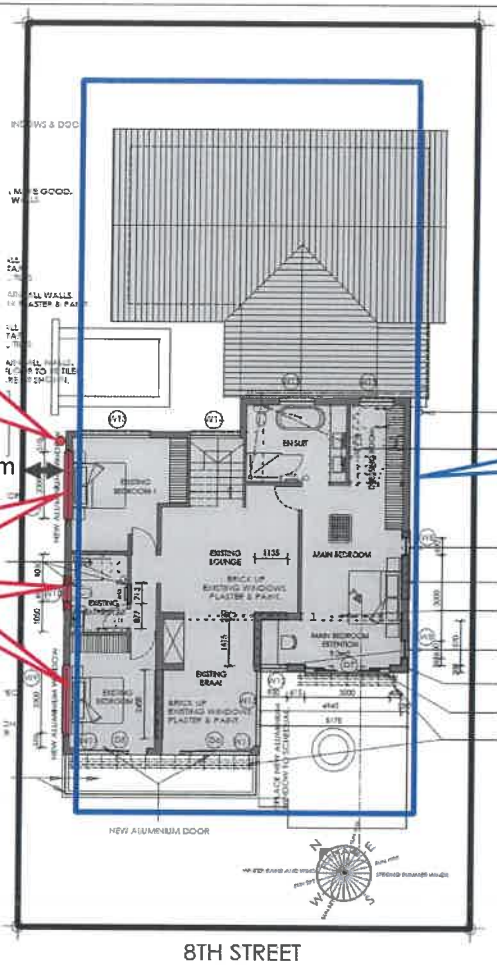


Figure 2: First floor plan illustration

Subsequently the application proposal is for:

- a departure to relax the **eastern side building line** from 2m to 1.67m to allow for an existing scullery.
- a departure to relax the **eastern side building line** from 2m to 1.67m to allow for a door proposed to be bricked up.
- a departure to relax the **western side building line** from 2m to 0.81m to allow for an existing chimney and its proposed chimney amendment.
- a departure to relax the **western side building line** from 2m to 1.5m to allow for three proposed windows.
- a determination of an administrative penalty.

## 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 <u>no</u> restrictive title deed conditions exist against the proposal on Erf 2032 Hermanus.</p>				
<p><b>b. Analysis: Development Criteria:</b></p> <p>The development parameters for Erf 2032 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>42%</p>	<p>Consistent</p>	
	<p><b>Height</b></p>	<p>8m</p>	<p>7.4m</p>	<p>Consistent</p>	
	<p><b>Building lines</b></p>	<p><b>Street</b></p>	<p>4m</p>	<p>4m</p>	<p>Consistent</p>
		<p><b>Side</b></p>	<p>2m</p>	<p>0.81 west 1.67 east</p>	<p><b>Application is for departures</b></p>
<p><b>Parking</b></p>	<p>Dwelling house: 2 bays</p>	<p>Dwelling house: 2 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:</p> <ul style="list-style-type: none"> <li>• a <u>departure</u> to relax the <b>eastern side building line</b> from 2m to 1.67m to allow for an existing scullery in terms of Chapter IV, Section 16(2)(b).</li> <li>• a <u>departure</u> to relax the <b>eastern side building line</b> from 2m to 1.67m to allow for a door proposed to be bricked up in terms of Chapter IV, Section 16(2)(b).</li> <li>• a <u>departure</u> to relax the <b>western side building line</b> from 2m to 0.81m to allow for an existing chimney and its proposed chimney amendment in terms of Chapter IV, Section 16(2)(b).</li> <li>• a <u>departure</u> to relax the <b>western side building line</b> from 2m to 1.5m to allow for three proposed windows in terms of Chapter IV, Section 16(2)(b).</li> <li>• a <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

Property	Extent	Title Deed	Registered Owner
Erf 2032 Hermanus	495m <sup>2</sup>	T65581/2013	R&M Theron Familietrust

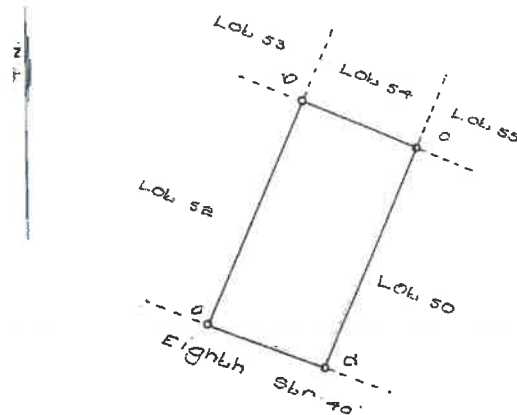
Refer to Annexure E for the SG Diagrams, Annexure C for the Title Deed of Erf 2032 Voëlklip.

The following Surveyor General Plans reflect the application site:

S.G. DGM NO. 5075/1936.

GENERAL PLAN M 56 A.  
 APPROVED.  
 (Sgd) A.C. Parry.  
 for Surveyor-General.  
 22/6/1943.

	Sides.		Angles.
ab	100.00	a	90.0.0
bc	50.00	b	90.0.0
cd	100.00	c	90.0.0
da	50.00	d	90.0.0



Scale: 50 Cape Feet-1 Inch.

\*NOW ERF NO. 2032 HERMANUS.

The above figure a b c d represents 34 Square Roods, 104 Square feet of land, situate in Municipality of Hermanus Division of Caledon, being Lot No. 51 Block S Mossel Rivier, Lots No. 46 to 59 Block S Mossel Rivier transferred to Die Mosselrivier en Voëlklip Sindikaat on 20/2/1935. (1935-21-1129).

Bounded as indicated above.

Surveyed and Beaconsed by me according to Regulations.  
 (Sgd) H. L. Hill.  
 Govt. Land Surveyor.  
 May, 1906.

Transfer 17833

S. 8800

14/12/1945

W. P. de Gladdery.

S  
B  
C

18/9/1957.

CHECKED  
DATA CHECKED

M 3780

H. de K.

2032

Figure 3: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F

**Regional Context:**

Within the regional context, the application area is located within Voëlklip residential suburb. Voëlklip is located on the Eastern side of Hermanus.

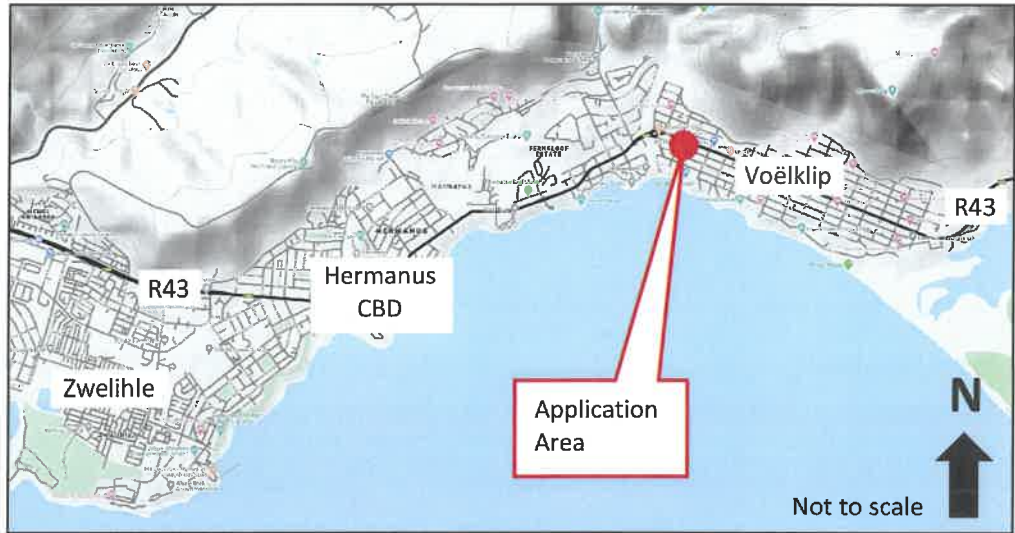


Figure 4: Locality Plan – Regional Context

**Local Context:**

Within the local context the application area consists of a residential erf within Voëlklip. The application area is located at number 44 Eight Street.



Figure 5: 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 consist of single residential dwellings and a vacant erf. No change in land use is proposed. The application proposal is **consistent** with the land use of the area.



Figure 6: 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 2032, Voëlklip is zoned Residential Zone 1: Single Residential. The surrounding erven are similarly zoned Residential Zone 1: Single Residential. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

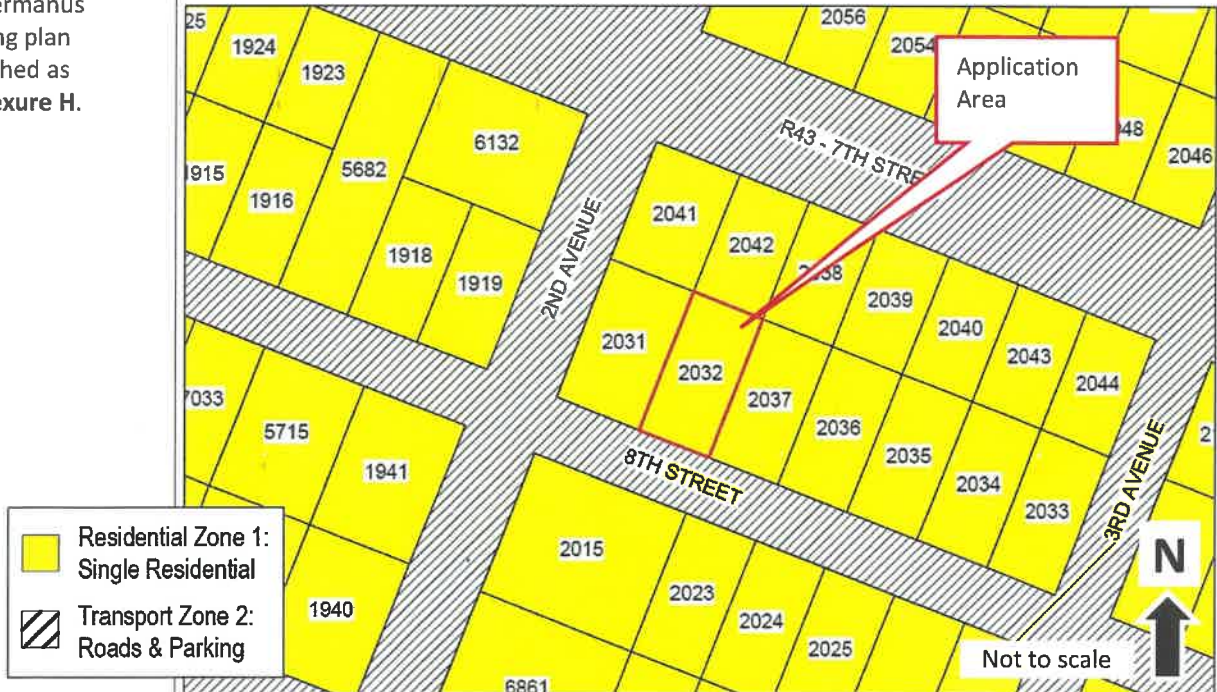


Figure 7: Extract from the Overstrand Municipality: Online zoning viewer

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 Urban Development area.

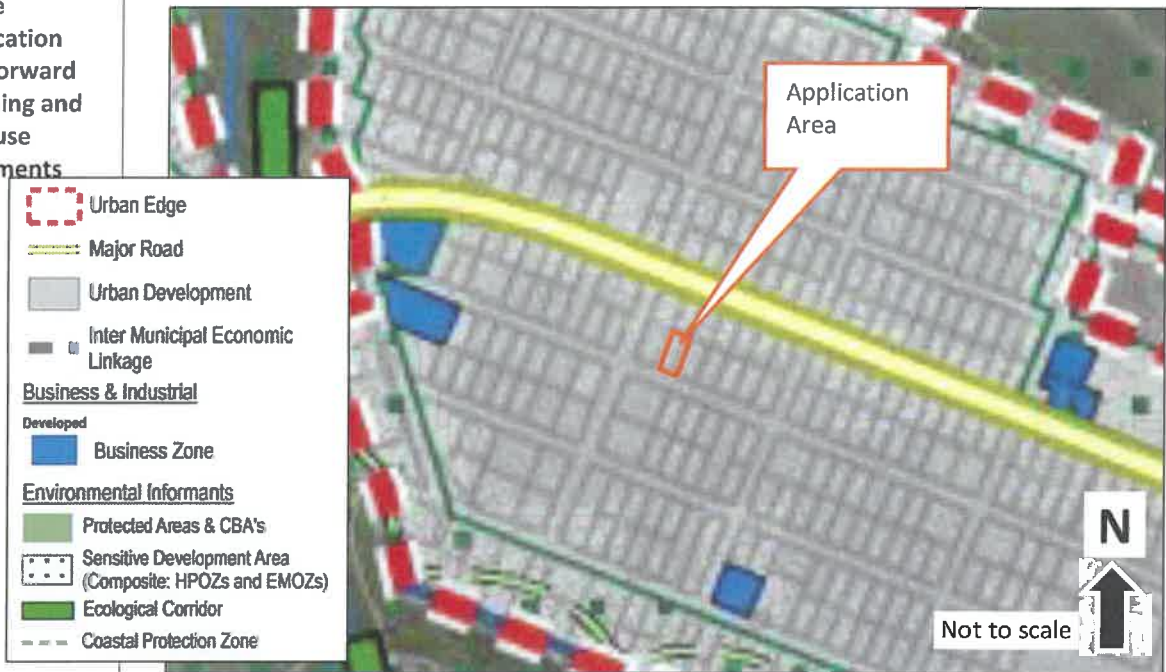


Figure 8: Spatial Development Framework 2020 Spatial Proposals Plan

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

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

The application area is within an area earmarked for More Than 30 Dwelling Units Per Hectare Densification Zone.

No further densification is applicable to this application.

The application<sup>1</sup> is thus consistent with the Overstrand Municipality Growth Management Strategy, 2010.

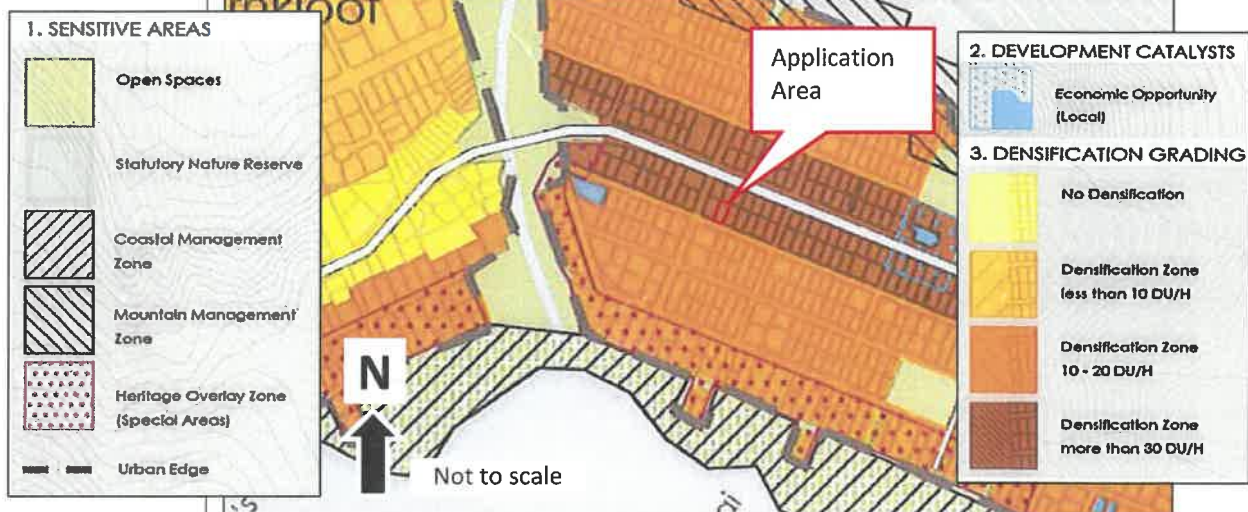


Figure 9: Extract from the Overstrand Municipality Growth Management Strategy, 2010 reflecting the envisaged land-uses for the area.

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

This application includes the determination of an administrative penalty.

## 4. Motivation

### Motivation for the application:

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

#### a. Introduction and Background

The application area consists of a 495m<sup>2</sup> single residential zoned erf accommodating a double storey dwelling house situated at number 44 Eight Street.

The chimney and scullery was constructed without the required approval by previous owners prior to 2013. The existing owners wishes to legalise the existing structures as well as make some amendments which exceeds building lines.

#### b. Proposal

The **development objective** is thus to legalise the following existing chimney and scullery exceeding the side building lines as well as the amendment of the chimney pipe, the bricking up of a door and three new windows which exceeds side building lines.

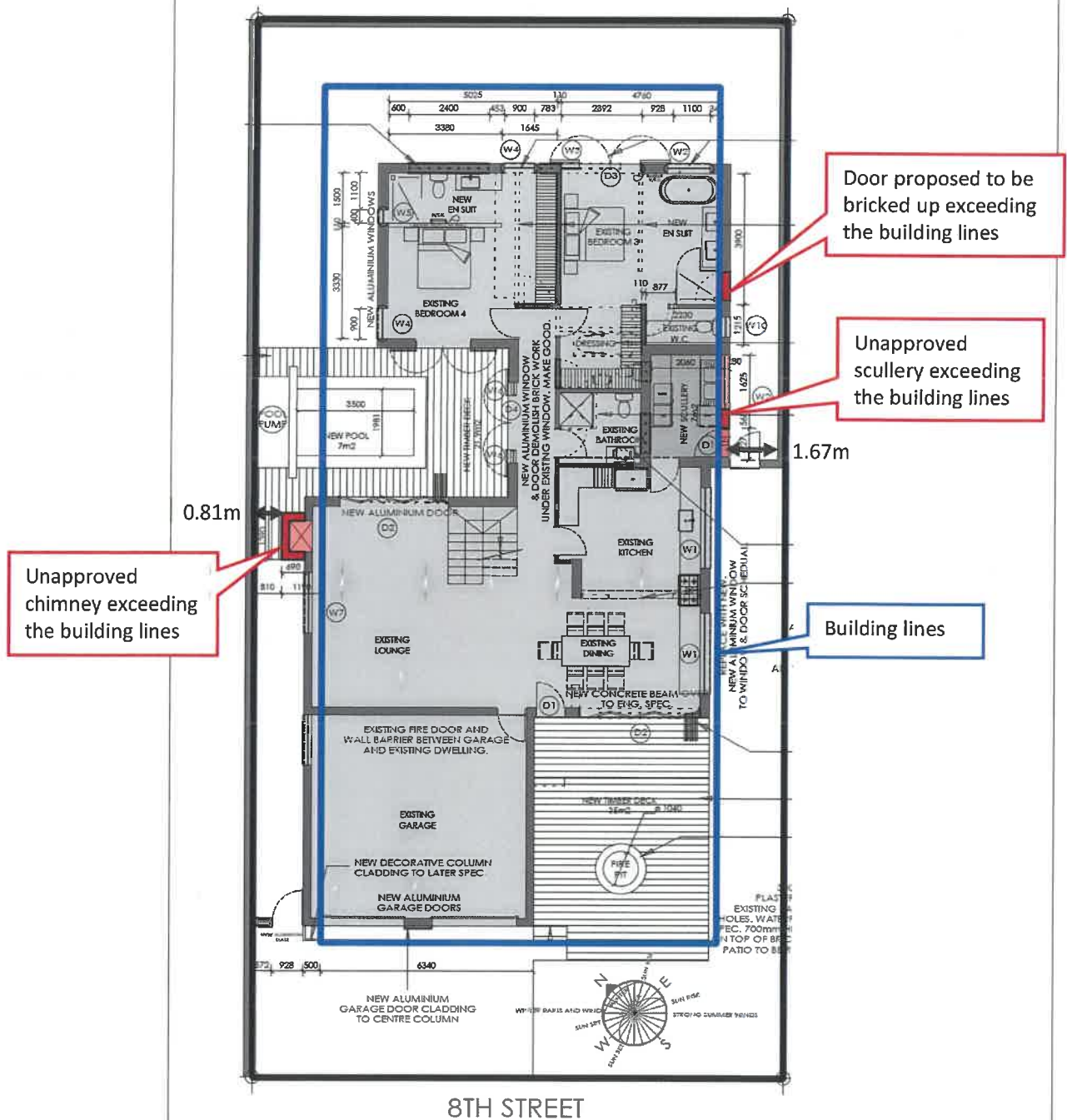


Figure 10: Ground floor illustration

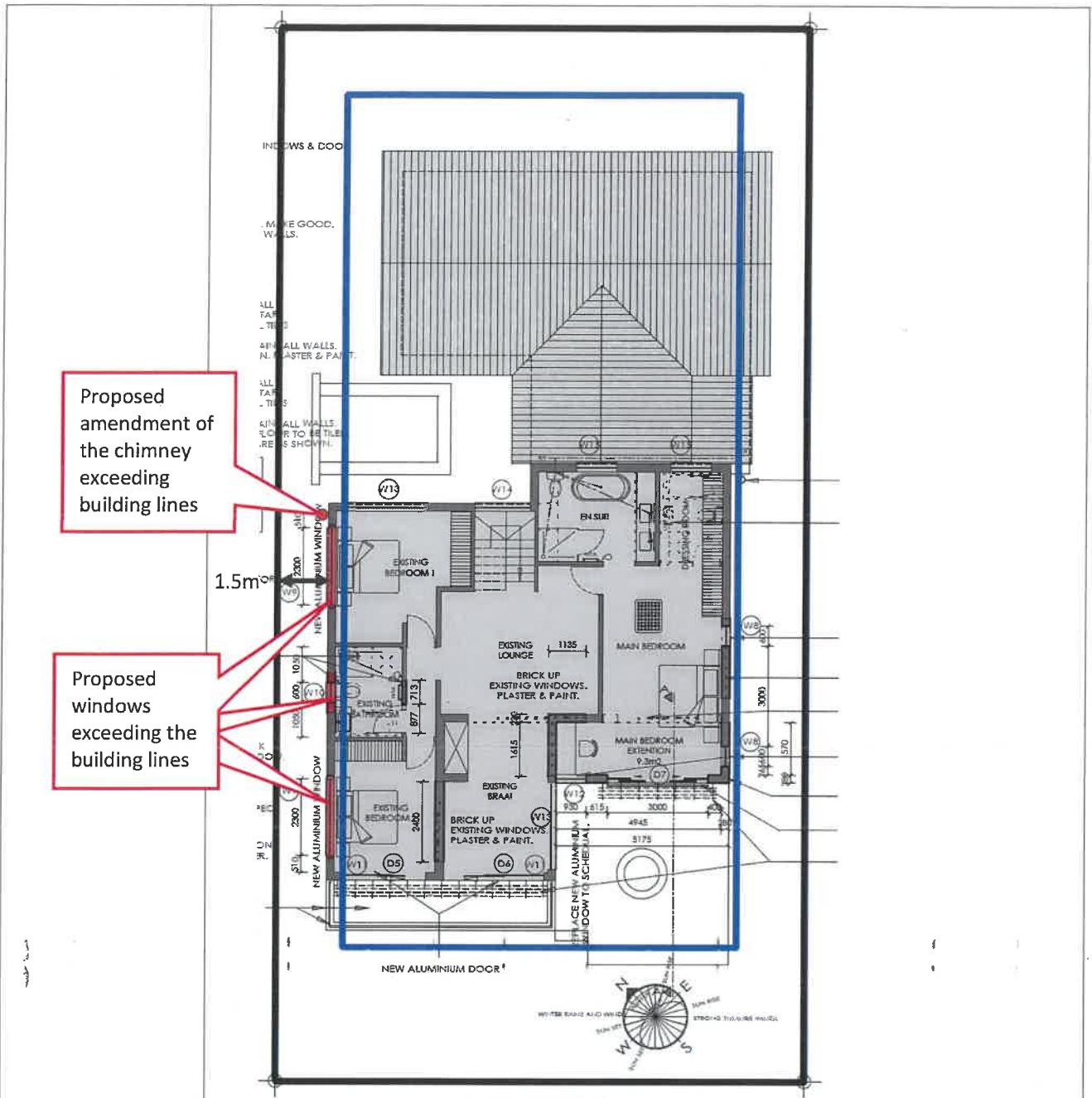
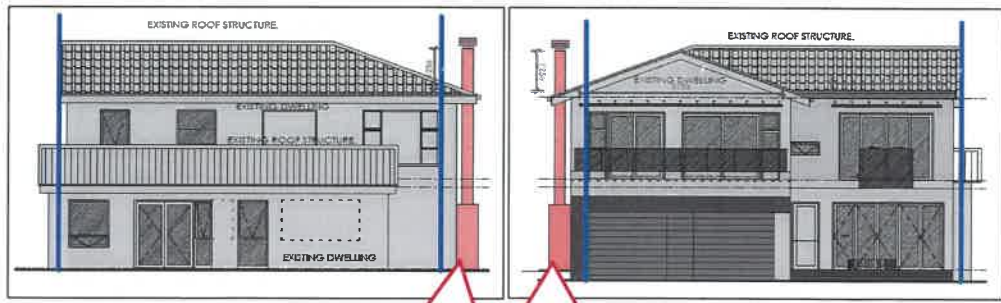


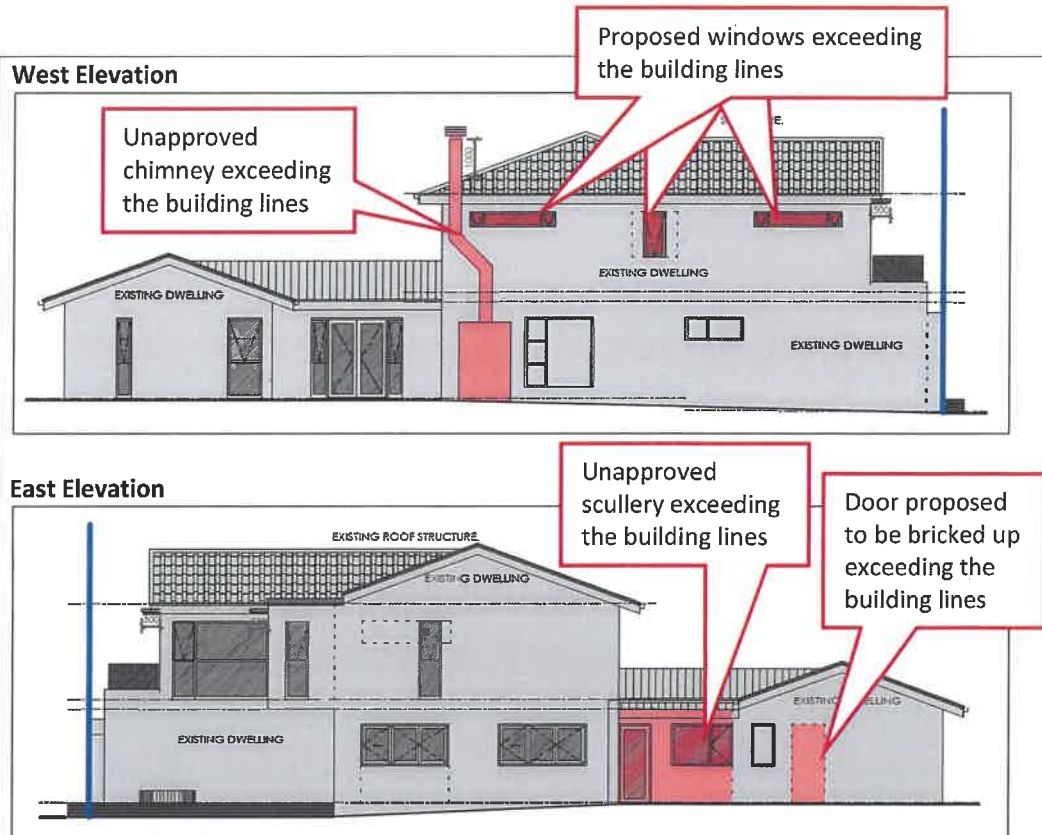
Figure 11: First floor plan

North Elevation

South Elevation



Unapproved chimney exceeding the building lines



**Figure 12: Elevation illustrations**

Departure to relax the western side building line from 2m to 0.81m to allow for an existing chimney and proposed amendment

The non-approved chimney was constructed by a previous owner prior to 2013.

The dimensions of the base of the chimney are 0.69m x 1.39m, thus being relatively small in terms of scale. The zoning scheme also allows for a chimney to project 0.5m from the dwelling wall over building lines. The additional 0.19m is therefore relatively small in terms of scale and will not impact on the character of the area.

Side space of 0.8m is still available between the chimney and the boundary wall for the purposes of access for civil and emergency services.

The chimney pipe is proposed to be amended to bypass the proposed window instead of being in front of the window and thereby contributing to the functionality and the appearance of the dwelling.

The fireplace and chimney improves the functionality of the dwelling without having a negative effect on the character of the environment.

Departure to relax the eastern side building line from 2m to 0.81m to allow for a door proposed to be bricked up.

The door to be bricked up is on the ground floor on the eastern dwelling elevation. The bricking up of the door will not impact on views, privacy, safety, services or access.

Departure to relax the eastern side building line from 2m to 1.67m to allow for an existing scullery

A non-approved scullery was constructed by a previous owner prior to 2013. When the dwelling was originally constructed, 1.2m side building lines were applicable.

The existing non-approved scullery only exceeds the side building line by 0.33m and is in line with the approved dwelling. The scullery is also on the ground floor and not visible from the road. The existing scullery will therefore have no impact on the character of the area.

The scullery is not considered a habitable space. The scullery is also on the ground floor and has no impact in terms of views, light or privacy of the adjacent property.

Sufficient space (1.67m) is available for access around the dwelling for the purpose of civil & emergency services.

The scullery improves the functionality of the dwelling without having a negative effect on the adjacent properties or character of the area.

Departure to relax the western side building line from 2m to 1.5m to allow for three proposed windows.

Two of the three proposed windows are bedroom overhead windows. Since the windows will be above eye level, it will only be to provide additional natural light and will not impact on the privacy of the neighbours.

The third window is the replacement of an existing bathroom window with a smaller window with frosted glass and will also not impact on the privacy of neighbours.

The proposed amendment of the windows will not impact on views, privacy or safety.

#### Determination of Administrative Penalty

Furthermore, due to the proposal representing an existing contravention of the By-Law, the application is for a determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020, as follows:

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 this motivation report and includes the following contraventions;

A chimney and scullery was constructed by previous owners prior to 2013 without permission which exceeds side building lines. The chimney dimensions are 0.69m x 1.39m. The dimensions of the part of the scullery exceeding building lines are 0.33m x 3.12m.

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

The chimney and scullery was constructed by a previous owner and the details thereof are therefore not available.

(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 thus not considered necessary.

(d) Whether the unlawful conduct was stopped

The application is to legalise the existing structures historically built without permission and therefore the conduct has not stopped.

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

We do not know the previous owners who were involved in the contravention and are not aware of any previous contraventions by the current or previous owners.

#### **c. Desirability**

The application proposal is considered desirable for the following reasons:

- The application proposal is considered as practical and functional and which contributes to the quality of the property.
- The application proposal will not have a negative effect on the character of the area.

	<ul style="list-style-type: none"> <li>• The relaxation of the building lines will not cause any negative visual impact, unsafe conditions, obstruction of sunlight, views or intrusion on privacy for the application area or the adjacent properties.</li> <li>• The proposal is in accordance with the relevant spatial planning legislation for the area.</li> <li>• Legalisation is a more cost-efficient solution to the existing building-line transgressions than demolishing solid, neat structures aligned with the character of the area.</li> <li>• Access to the application area for emergency purposes will still be accommodated.</li> </ul>
	<p><b>d. Planning Principles</b></p> <p>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:</p> <p>1) <b>Spatial Justice</b> 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.</p> <p><b>Possible results of the development</b></p> <p>The proposal will not in any way contribute to perpetuation of past apartheid spatial development imbalances as it will legally accommodate amendments to an existing dwelling.</p> <p>Furthermore, the proposal will provide a more satisfactory residential environment catering for a full range of residential needs.</p> <p>The application proposal is <b>consistent</b> with <b>spatial justice</b>.</p> <p>2) <b>Spatial Sustainability</b> 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.</p> <p><b>Possible results of the development</b></p> <p>The proposal will allow for amendments to an 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.</p> <p>The application proposal is <b>consistent</b> with <b>spatial sustainability</b>.</p> <p>3) <b>Spatial Efficiency</b> 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.</p> <p><b>Possible results of the development</b></p> <p>The proposal has no impact on spatial efficiency as it is to legalise dwelling amendments. The proposal will improve the functionality on the application area.</p> <p>The application proposal is <b>consistent</b> with the <b>efficiency principle</b>.</p> <p>4) <b>Spatial Resilience</b> which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p><b>Possible results of the development</b></p> <p>The proposed development will not lead to any economical and/or environmental shocks as the application allows for amendments to an existing dwelling within a residential suburb.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial resilience</b>.</p>

- 5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

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

Furthermore, the application proposal is considered to strike an efficient balance between the optimal use of the application area, providing a satisfactory residential environment and catering for a full range of residential needs while no negative impact on the environment is evident or foreseen.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020:

- a departure to relax the **eastern side building line** from 2m to 1.67m to allow for an existing scullery in terms of Chapter IV, Section 16(2)(b).
- a departure to relax the **eastern side building line** from 2m to 1.67m to allow for a door proposed to be bricked up in terms of Chapter IV, Section 16(2)(b).
- a departure to relax the **western side building line** from 2m to 0.81m to allow for an existing chimney and its proposed chimney amendment in terms of Chapter IV, Section 16(2)(b).
- a departure to relax the **western side building line** from 2m to 1.5m to allow for three proposed windows in terms of Chapter IV, Section 16(2)(b).
- a determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q).

PROJECT

Erf 2032 Voëklip

TITLE

Locality Plan  
Regional Context

Application Area



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JAN

CHECKED BY  
AN

DATE  
2023/07

SCALE (A4)  
A4 (Portrait)

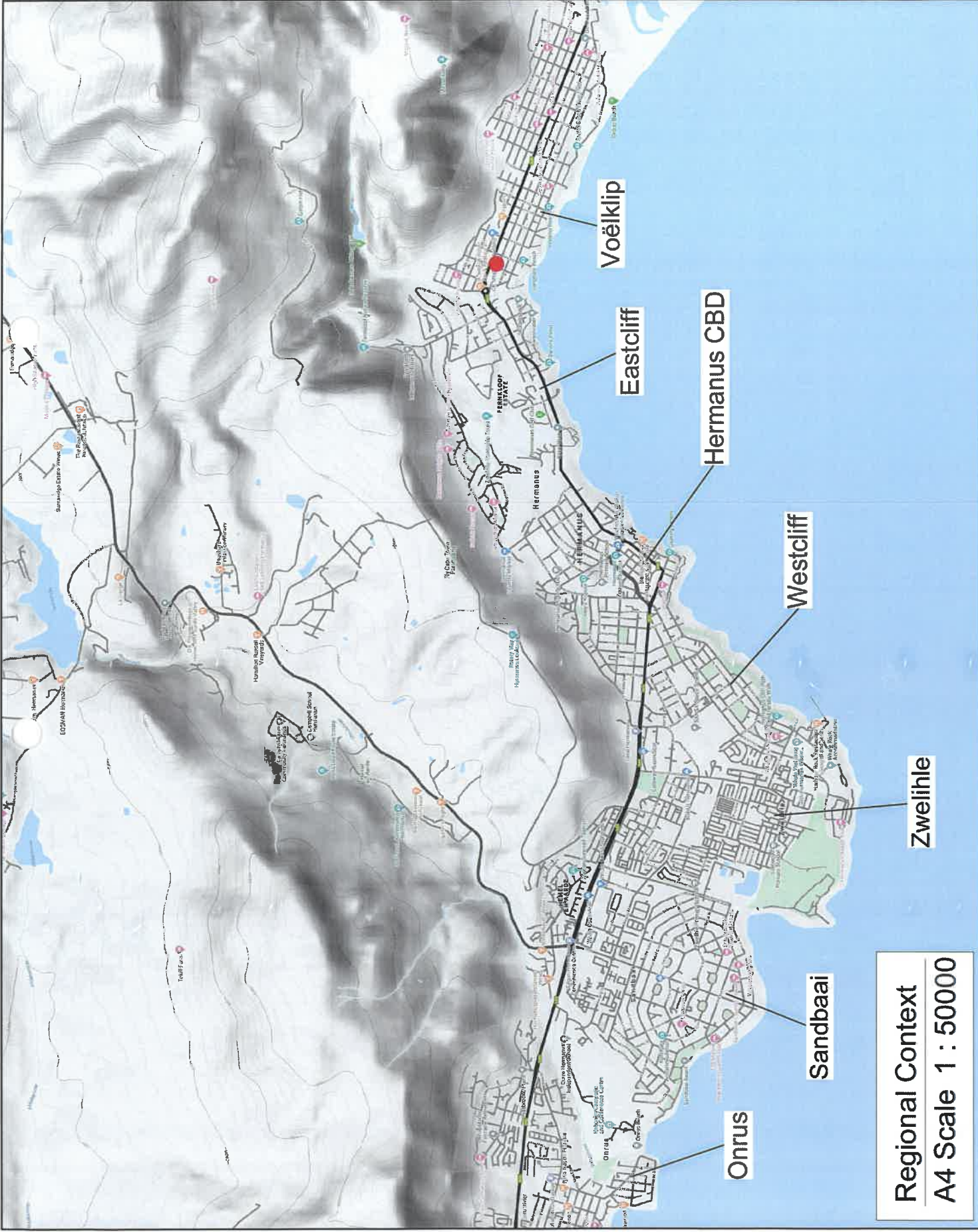
PROJECT NUMBER  
001

DRAWING NUMBER  
101

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Regional Context  
A4 Scale 1 : 50000

PROJECT

Erf 2032 Voëlklip

TITLE

Land Use Plan

- Application Area
- Single Residential
- Vacant



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FORWARDED BY	DATE
SCALE (A4)	PROJECT NUMBER
DATE	DATE
PROJECT NUMBER	PROJECT NUMBER
DRAWING NUMBER	DRAWING NUMBER

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**Land Use**  
**A4 Scale 1 : 1000**



PROJECT  
Erf 2032 Voëlklip

TITLE  
Zoning Plan

- Application Area
- Residential Zone 1: Single Residential
  - Transport Zone 2: Roads & Parking



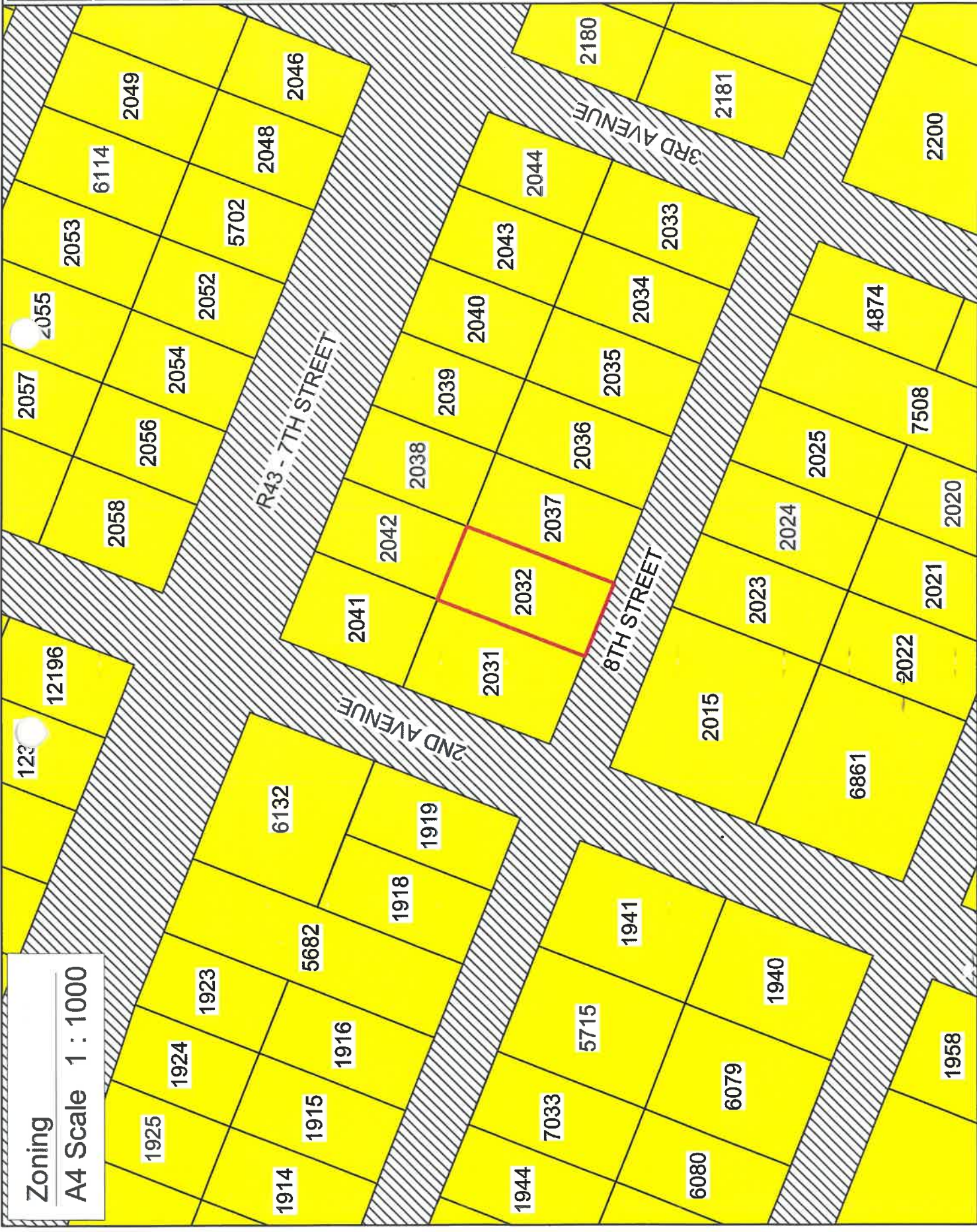
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SCALE (S.A.S. APPROVAL)	PROJECT NUMBER 001	DRAWING NUMBER

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Zoning  
A4 Scale 1 : 1000



