

ERF 3341, 20 ELEVENTH AVENUE AND ERF 3343, 201 SIXTH STREET, VOËLKLIP, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF PK & E HAUPT

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:

- ❖ **consolidation** in terms of Section 16(2)(e) of the By-Law of Erven 3341 and 3343, Hermanus to create one erf of approximately 990m² in extent;
- ❖ **departure** in terms of Section 16(2)(b) of the By-Law in order to:
 - relax the street building line (11th Avenue) from 4m to 0m to accommodate the existing guard house, covered patio and storage room;
 - relax the street building line (6th Street) from 4m to 0m to accommodate the existing guard house;
 - relax the lateral building line from 2m to 0m to accommodate the existing guard house and second dwelling unit with a laundry room; and
 - relax the permissible boundary wall height from 2.4m to 3.2m, and
- ❖ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law to legalize 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, 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 / alida@overstrand.gov.za) on or before **8 March 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr P Roux** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 3341, ELFDELAAN 20 EN ERF 3343, SESDESTRAAT 201, VOËLKLIP, HERMANUS, OVERSTRAND MUNISIPALE AREA: AANSOEK OM KONSOLIDASIE, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE FUTURE PLAN TOWN AND REGIONAL PLANNERS ON BEHALF OF PK & E HAUPT

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

- ❖ **konsolidasie** ingevolge Artikel 16(2)(e) van die Verordening van Erve 3341 en 3343, Hermanus om een erf van ongeveer 990m² te skep;
- ❖ **afwyking** in terme van Artikel 16(2)(b) van die Verordening ten einde:
 - die straatboulyn (11de Laan) vanaf 4m na 0m te verslap om die bestaande waghuis, onderdakstoep en stoorkamer te akkommodeer;
 - die straatboulyn (6de Straat) vanaf 4m na 0m te verslap om die bestaande waghuis te akkommodeer;
 - die lateraleboulyn vanaf 2m na 0m te verslap om die bestaande waghuis en tweede wooneenheid met 'n waskamer te akkommodeer; en
 - die toelaatbare grensmuurhoogte vanaf 2,4m na 3,2m te verslap;
- ❖ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening om 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 / alida@overstrand.gov.za) voor of op **8 Maart 2024**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr P Roux** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 3341, 20 ELEVENTH AVENUE KUNYE NESIZA 3343, 201 SIXTH STREET, VOËLKLIP, EHERMANUS, KUMMANDLA WOMASIPALA WASE-OVERSTRAND: ISICELO SOKUHLANGANISWA, SOPHAMBUKO NOKUMISELWA KWESOHLWAYO SOLAWULO: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS FUTURE PLAN TOWN AND REGIONAL PLANNERS EGAMENI LEPK & E HAUPT

Esi saziso sikhutshwa ngokwemiqathango yeCandelo 48 loMthetho oLungisiweyo kaMasipala wase-Overstrand ongoCwancio lokuSetyenziswa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), sokokuba isicelo sokulandelayo:

- ❖ **ukuhlanganiswa** ngokuhambelsns neCandelo 16(2)(e) loMthetho kaMasipala kweZiza 3341 kunye no-3343, eHermanus ukwenza isiza esinye esimalunga nama-990m² ubukhulu;
- ❖ **ukuphambuka** ngokuhambelana neCandelo 16(2)(b) loMthetho kaMasipala ukulungiselela:
 - ukunyeniswa komda ongasesitalatweni wesakhiwo (11th Avenue) ukususela kwi-4m ukuya kwi-0m ukulungiselela indlu yonogada esele ikho, ibala eligqunyweyo elingaphambi kwendlu kunye negumbi elisisitoro;
 - ukunyeniswa komda wesakhiwo ongasesitalatweni (6th Street) ukususela kwi-4m ukuya kwi-0m ukulungiselela indlu kanogada esele ikho;
 - ukunyeniswa komda wesakhiwo esisecaleni ukususela kwi-2m ukuya kwi-0m ukulungiselela indlu kanogada esele ikho kunye neyunithi esisakhiwo sesibini esinegumbi lokuhlambela impahla; kunye
 - nokunyeniswa komphakamo wodonga lothango ukususela kwi-2.4m ukuya kwi-3.2m, kunye
- ❖ **ukumiselwa kwesohlwayo solawulo** ngokuhambelana neCandelo 16(2)(q) loMthetho kaMasipala ukusenza sibe semthethweni isakhiwo esele sikho kwipropati.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlole ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwanciso lweDolophu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zamaCandelo 51 nelama-52 alo Mthetho kaMasipala zithonyelwe kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye ngaphambi komhla **8 uMatsi 2024** unike igama lakho, idilesi neenkukacha zonxibelelwano nawe, umdia wakho kwesi sicelo nezizathu zokunika izimvo. Xa ufuna ukubuza into malunga nesi saziso ungatsalela, u**Mnu P Roux** kule nombolo 028-313 8900. UMasipala angala ukuzamkela izimvo ezifike emva komhla wokuvulwa. Nabani na ongakwaziyo ukufunda okanye ukubhala makaye kwiSebe loYilo lweDolophu apho igosa likamasipala liya kumncedisa azibhale izimvo zakhe.

Locality Plan



FUTURE PLAN
TOWN AND REGIONAL PLANNING

Project Title

Erven 3341 & 3343, Voëlklip

Client Name

P K & E Haupt

Street Address

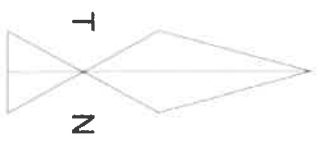
20 Eleventh Avenue & 201 Sixth Street

Property Particulars

Erf Numbers 3341 & 3343

Area Voëlklip

Extent 990m²





2. THE APPLICATION

2.1. Departures from the Provisions of the Zoning Scheme

An application is hereby made in terms of Section 16 (2) (b) for the relaxation of the building lines below for the dwelling on Erf 7795 as depicted on the attached **Plan 3: Site Development Plan (SDP)** for the -

- Relaxation of street building line (11th Avenue): 4m to 0m
Relaxation of the street boundary building line from 4m to 0m to permit the existing guard house, covered patio and storage room.
- Relaxation of street building line (6th Street): 4m to 0m
Relaxation of street boundary building line from 4m to 0m from permit the existing guard house.
- Relaxation of side building line (Erf 3344): 2m to 0m
Relaxation of the side boundary building from 2m to 0m to permit the existing guard house and second dwelling unit with a laundry room.

2.2. Consolidation of Land

It is further proposed to consolidate Erf 3341 and 3343 with one another to create one cadastral property.

Please note that this property has an interesting tale to tell pertaining to the history of the existing dwelling and uncommon architectural features. These two erven was once owned by late President FW De Klerk. This factor would explain the existing guard houses situated on two sides of the subject erven and the substantially higher than normal boundary walls that range between 2.4m and 3.2m in height. These features were constructed to keep the late president safe during his holiday trips.

Please note that according to the National Building Regulations Act of 1977, National Keypoints were exempted from building plan submission, as was ordinarily required. In other words, the late president's building plans were exempted from the submission of building plans at the local authority.

This would provide the Authorised Official with an explanation of the existing dwelling being constructed over the two separate cadastral boundaries. Please refer to the attached **Annexure D** for the previous plans this office obtained from the current owners. Please refer to *Drawing Number 560.5*, which was approved on 22/3/1990 for the construction of the existing boundary walls and guard houses.





2.3. Determination of an Administrative Penalty

Application is hereby made in terms of Section 90 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning, 2020 for the determination of an administrative penalty. An administrative penalty is a direct contravention of the Overstrand Municipal Planning By-Law on Land Use Planning. The following measures must be addressed to the satisfaction of the Municipality to determine whether the imposition of an administrative penalty is applicable. The information required is stipulated as follow:

The nature, duration, gravity, and extent of the contravention.

The administrative penalty application pertains to the conversion of the existing garage to a second dwelling unit. The owners were not aware that the conversion of the structure will have such a detrimental impact and has subsequently made all efforts to rectify the contravention. The owner immediately made use of the services of an architect and the services of a town planner to compile the required plans and for the town planner to apply for the relevant applications, to the authorities.

- *The conduct of the person (allegedly) involved in the contravention.*

The property owner realised that his actions were not considered to be favourable and should have been done in a different manner. The property owner has immediately made use of the services of professionals to assist in this matter. The purpose of the conversion is twofold- there is a need for an additional bedroom to the dwelling house for when relatives visit during the holiday periods. The existing pergola/carport structure provides sufficient cover against the elements that a garage would thus not be deemed a crucial aspect to the dwelling.

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

Please refer to the attached Annexure F for the report conducted by the Quantity Surveyor.

- *Whether the unlawful conduct was stopped.*

Upon completion of the construction work, it was conveyed to the property owner that the conducted undertaken was of an illegal nature. The property owner immediately contacted the relevant professionals to rectify the situation and has indicated that no further construction will take place prior to any further approvals.





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

To our knowledge, the current owners have not been in contravention of this By-Law or any other previous planning law.

This office respectfully requests that a penalty be not imposed on the owners of Erven 3341 & 3343, due to the following reasons:

- The property owner was not duly informed on the required processes to follow and has subsequently complied with all procedures that are deemed necessary to rectify the contravention.
- No complaints have been received from the abutting neighbours, or surrounding community.
- To the best of our knowledge, no previous contravention has been done by the property owners.
- The conversion of the garage inevitably contributes to the existing dwelling.
- The intended use of the second dwelling is not of financial gain, merely to add to the existing dwelling and for when relatives visit during holiday periods.
- The conversion can be seen as fitting with the surrounding area and that of a residential community. In other words, the second dwelling is not out of character for the surrounding area.

We respectfully request your favourable consideration with this matter.

2.4. Photos of the Application Site



Photo 1:

Existing guard house on
Sixth Street





Photo 2:

Existing guard house on Eleventh Avenue



Photo 3:

Existing covered patio
over the 4m boundary
building line.



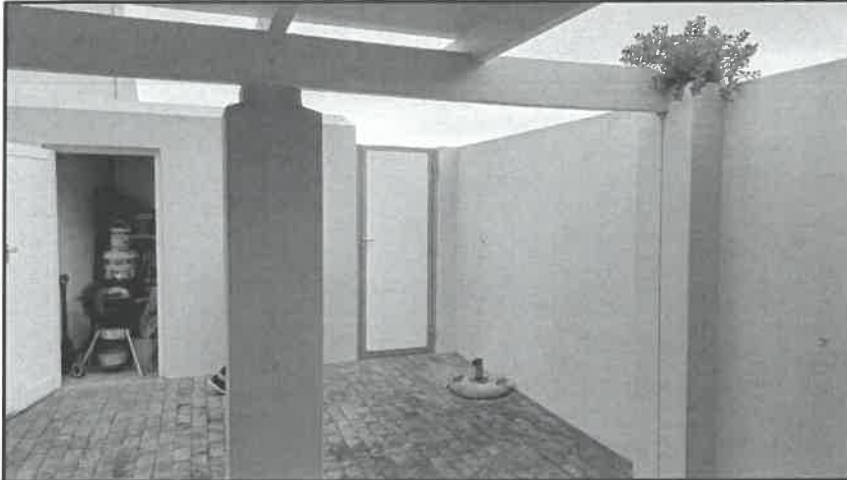


Photo 4:

Photo depicts a store room that is over the prescribed street boundary building line.

Please note that the existing garage was converted into a second dwelling, which, according to the OMLUS is considered a primary right of the Single Residential Zone 1 zoning.





3. CHARACTER OF ENVIRONMENT

3.1. Current Utilisation of Subject Erf & Zoning:

Erven 3341 and 3343 is currently zoned as Single Residential Zone 1 (SR1) and utilised for residential purposes as intended by the zoning.

3.2. Location and Surrounding Land Uses:

Erf 3341 is located on the corner of Eleventh Avenue (20 Eleventh Avenue) and Sixth Street and Erf 3343 is located at 201 Sixth Street, Voëlklip, Overstrand Municipal jurisdiction.

3.3. Land Uses in the Area:

The area surrounding the application site is predominantly residential in nature and a popular tourist destination.

3.4. Ownership Details

A perusal of the title deed revealed that no restrictive conditions would prohibit the approval of this land use planning application.

| | |
|----------------------|--|
| Property Description | Erven 3341 and 3343 Hermanus, Overstrand Municipality, Division Caledon, Western Cape Province |
| Ownership | Phillip Karl Haupt and Elsa Haupt |
| Extent | 495m ² and 495m ² |
| Title Deed Number | T56696/2016 |

Table 1 – Property Information

3.5. Municipal Services, Access, and Parking

The application site is well-serviced in terms of municipal services. Therefore, the proposal is not deemed to have a negative impact on the existing services network. Furthermore, access to the application site will not be altered. Two parking bays can be provided in front of the second dwelling unit (under the carport and pergola). It is proposed that a third parking bay be provided as depicted on the Site Development Plan, with an additional access from Eleventh Avenue.



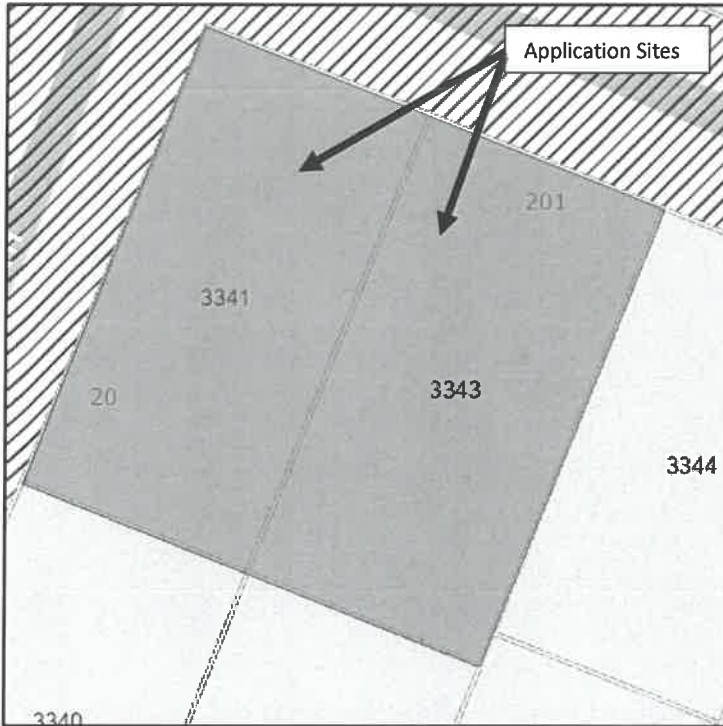


Figure 1:
Existing zoning of subject Erven.

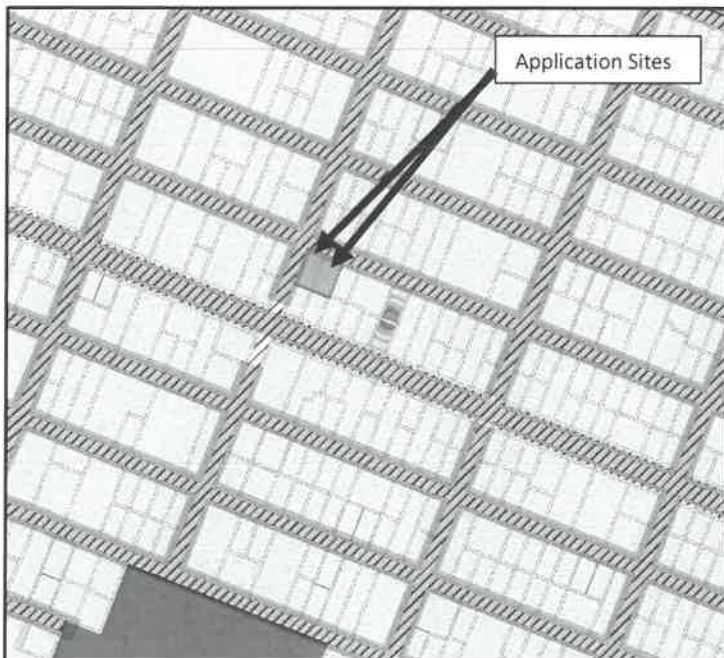


Figure 2:
Surrounding zonings in the surrounding area.

From the Figures above, it is evident that the application sites and surroundings are predominately residential. The Yellow demarcated blocks indicated that the erven are zoned Single Residential Zone 1 (SR1).





4. NEED & DESIRABILITY

For an informed decision to be made by the Authorised Official, it is crucial to address the need and desirability of an application. Therefore, this office has summarised a few key aspects that are site-specific and should be considered before a decision is made. Herewith is the need for the proposal:

- The owners bought the dwelling as is. The dwelling is situated over two properties (Erven 3341 and 3343) and is thus not normally allowed. The owners therefore expressed their wishes to consolidate the two erven to create a uniform erf that is in line with the surrounding area.
- The existing buildings on the application site does not conform to the building lines and therefore requires formal application to the Overstrand Municipality for their approval of such structures over the building lines.
- The current application is thus to legalise the buldings as on site and for future references to either additions or alternations to these buildings.

The proposal is deemed desirable due to the following reasons:

- The proposal is not deemed to impact negatively on the line of sight/sight distances of Eleventh Avenue or Sixth Street. Although high boundary walls are existent, it still provides for a safe line of sight as adequate setback has been maintained as was deemed required by the Overstrand Municipality. Please refer to Section 2.3 of this Report.
- The proposal will add value to the existing property and dwelling.
- The proposal is in line with any residential neighbourhood. Please refer to Section 3 of this Report.
- It is not deemed that the proposal will negatively impact the streetscape of the existing dwelling.
- The proposal will not detract from the abutting neighbours in terms of privacy and loss of sunlight.
- No additional Municipal services will be required for the proposal.
- The application site is situated within an existing residential area and thus is not deemed to impact any environmentally sensitive areas negatively.
- Surrounding erven range between 420m² to 4957m² in extent. The proposed consolidation of the two erven will have a total extent of 990m². It thus deemed that it is not out of character for the surrounding area to have larger erven.

The following aspects are also crucial to take into consideration when determining the desirability of an application:

Section 66 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning of 2020:

- *When the Authorised Official or Municipal Planning Tribunal considers an application, it must have regard to the following:*
 - *the application submitted in terms of this By-law;*
 - *the procedure followed in processing the application;*
 - *the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses;*
 - *the comments in response to the notice of the application and the comments received from organs of state and internal departments;*
 - *the response by the applicant to the comments referred to in paragraph (d);*
 - *investigations carried out in terms of other laws which are relevant to the consideration of the application;*





- a registered planner, or a planner eligible for registration, written assessment, which includes:
 - an amendment of a Spatial Development Framework or land use scheme
 - an approval of an overlay zone contemplated in the land use scheme
 - a phasing, amendment or cancellation of a subdivision plan or part thereof
 - a determination of a zoning
 - a rezoning
- the integrated development plan and Municipal Spatial Development Framework;
- the applicable Local Spatial Development Frameworks adopted by the Municipality;
- the applicable policies of the Municipality that guide decision-making;
- the Provincial Spatial Development Framework;
- where applicable, the regional spatial development framework;
- the policies, principles, planning and development norms and criteria set by the national and provincial government;
- the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;
- the principles referred to in Chapter VI of the Land Use Planning Act; and
- the relevant provisions of the land use scheme.
- An Authorised Official or Municipal Planning Tribunal must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—
 - is consistent with the development parameters of the zoning;
 - is consistent with the development parameters of the overlay zone;
 - complies with the conditions of approval; and
 - complies with this By-law.
- When a site development plan is required in terms of development parameters or conditions of approval—
 - the Municipality may not approve a building plan if the site development plan has not been approved, and
 - the Municipality may not approve a building plan that is inconsistent with the approved site development plan.

The proposal is not deemed to be in contradiction with the aforesaid as the proposal and supporting documents conform to the aspects pertaining to the determination of desirability.

Section 49 of the Western Cape Land Use Planning Act of 2014:

When a municipality considers and decides on a land use application, the municipality must have regard to at least—

- the applicable spatial development frameworks;
- the applicable structure plans;
- the principles referred to in Chapter VI;
- the desirability of the proposed land use, and
- guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

It is the opinion of this office that the proposed application is well motivated in terms of the legislation as provided for in this motivation report and is not deemed to impose an unusual risk to the surrounding community due to the following reasons:





- The proposal is not deemed to impact negatively on the traffic flow of 9th Street.
- No negative visual impact on the abutting neighbours.
- The extension is of the same architectural style as the existing dwelling.
- Vistas and other rights, such as privacy, remain intact.
- The proposal will add value to the property and the surrounding area.
- No threat to the health and safety of the surrounding community is envisaged.

Thus, this office believes that the proposal can be deemed desirable.





5. LEGISLATION

Overstrand Municipality Spatial Development Framework (May 2020)

The Municipal Spatial Development Framework is a sectoral component of the IDP that, in terms of the Municipal Systems Act, 2000 (Act No. 32 of 2000), is aimed at providing general direction to guide decision-making on an ongoing basis, aiming at the creation of integrated, sustainable, and habitable regions, cities, towns and residential areas.

The key statutory requirements of the SDF are as follows:

- Give effect to the principles, norms, and standards.
- Include a written and spatial representation of a five-year spatial development plan for the Municipality.
- Include a longer spatial development vision statement.
- Identify current and future structuring elements of the Municipal spatial form (i.e., development corridors, activity spines, economic nodes, etc.).
- Include population growth estimates for the next five years.
- Include estimates for the demand for housing units and the planned location and density of future housing developments.
- Include estimates of economic activity, employment trends, and locations in the Municipality for the next five years.
- Identify, quantify, and provide location requirements for the next five years of engineering infrastructure and services.
- Identify the designated areas where a national or provincial inclusionary housing policy may be applicable.
- Include a strategic assessment of the environmental pressures.
- Create opportunities (incl. spatial location of environmental sensitivities, high potential agricultural land, and coastal strips).
- Identify areas where more detailed local plans must be developed and shortened land use procedures may apply.
- Provide spatial expression of integration of municipal sectoral policies.
- Determine a capital expenditure framework for the Municipal development programmes depicted spatially.
- Include an implementation.

The proposal is not deemed to be in contravention of the Overstrand SDF as it does not contradict the abovementioned statutory requirements of the SDF. Further to those mentioned above, the application site





is in an urban development area within the urban edge of Hermanus. The proposal is thus not in contravention of the SDF.

Overstrand Integrated Development Plan (May 2020)

The Overstrand Municipality Integrated Development Plan (IDP) aims to address our communities' development needs with clearly defined strategic objectives and performance indicators. These strategic objectives are as follows:

- The provision of democratic, accountable, and ethical governance
- The provision and maintenance of municipal services
- The encouragement of structured community participation in the matters of the municipality
- The creation and maintenance of a safe and healthy environment
- The promotion of tourism and economic and social development.

The IDP is crucial to take into consideration in any planning-related application. It is the opinion of this office that the proposal promotes social development and creates a safe and healthy environment, not only for the property owner but also for the surrounding residents of the area.

Overstrand Municipal Growth Management Strategy (2010)

The Growth Management Strategy does not refer to individual erven but provides a guideline for densification and additional community facilities. This proposal does not entail the densification of Erven 3341 and 3343 and would thus not be in contradiction with the Growth Management Strategy. Furthermore, the proposal adds to the character and natural landscape of the surrounding area as a holiday destination. It would thus not negatively impact the promotion of tourism, economic development, and job creation.

The application site is not within a Heritage Overlay Zone defined in the Growth Management Strategy and will thus not constitute any heritage-related aspects.

Overstrand Municipality Amended By-Law on Municipal Land Use Planning (2020)

It is essential to consider Section 66 of the Overstrand Municipality Amended By-Law on Municipal Land Use Planning in terms of the "General criteria for consideration of applications":

- When the Authorised Official or Municipal Planning Tribunal considers an application, it must have regard to the following:
 - the application submitted in terms of this By-law;
 - the procedure followed in processing the application;





- the desirability of the proposed utilisation of land and any guidelines issued by the Provincial Minister regarding proposed land uses;
- the comments in response to the notice of the application and the comments received from organs of state and internal departments;
- the response by the applicant to the comments referred to in paragraph (d);
- investigations carried out in terms of other laws which are relevant to the consideration of the application;
- a registered planner, or a planner eligible for registration, written assessment, which includes:
 - an amendment of a Spatial Development Framework or land use scheme
 - an approval of an overlay zone contemplated in the land use scheme
 - a phasing, amendment or cancellation of a subdivision plan or part thereof
 - a determination of a zoning
 - a rezoning
- the integrated development plan and Municipal Spatial Development Framework;
- the applicable Local Spatial Development Frameworks adopted by the Municipality;
- the applicable policies of the Municipality that guide decision-making;
- the Provincial Spatial Development Framework;
- where applicable, the regional spatial development framework;
- the policies, principles, planning and development norms and criteria set by national and provincial government;
- the matters referred to in Section 42 of the Spatial Planning and Land Use Management Act;
- the principles referred to in Chapter VI of the Land Use Planning Act; and
- the relevant provisions of the land use scheme.
- An Authorized Official or Municipal Planning Tribunal must approve a site development plan submitted to the Municipality for approval in terms of applicable development parameters or conditions of approval if the site development plan—
 - is consistent with the development parameters of the zoning;
 - is consistent with the development parameters of the overlay zone;
 - complies with the conditions of approval; and
 - complies with this By-law.
- When a site development plan is required in terms of development parameters or conditions of approval—
 - the Municipality may not approve a building plan if the site development plan has not been approved; and





- the Municipality may not approve a building plan that is inconsistent with the approved site development plan.

The proposal is not considered a deviation from the requirements described above; however, it is substantially in accordance with any residential neighbourhood and is not deemed to pose a significant threat to the surrounding community.

Planning Principles

The proposed development supports the principles of Chapter VI (Article 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Article 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows:

Spatial Justice

Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services, and land.

The proposed application will not contribute to perpetuating past apartheid spatial development imbalances.

Spatial Sustainability

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.

The proposed development will continue to protect environmentally sensitive areas and cultural landscapes, as it is in an already developed residential area. It will thus not alter any environmentally sensitive areas.

Efficiency

Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources, and land.

The proposed development will optimally harness the potential that sustainably exists on the subject property, as is evident in the proposed SDP.





Spatial Resilience

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to be able to resist, absorb and accommodate economic and environmental shocks and to recover from these shocks in a timely and efficient manner.

The proposed development is well aligned with the spatial plans and policies, enabling the subject property to resist, absorb and accommodate environmental and economic shocks and recover from shocks in a timely and efficient manner.

Good Administration

Good administration 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 a joint planning approach is pursued.

The proposed development will promote consultative planning as the Municipality will advertise the proposal to the public to allow the comments of the public to be taken into consideration. In addition, *Future Plan Town and Regional Planners* will also respond to the comments of the public and take the comments into consideration in the planning of the project.

This section outlines how the proposed development aligns with the core planning principles outlined in SPLUMA and LUPA. The proposal can therefore encompass and promote all planning principles.





6. CONCLUSION & RECOMMENDATION

The motivation report has provided a clear and complete analysis of the land use proposal. It was proven that the application is desirable and will not adversely impact the existing landscape. The proposal was also proven well aligned with the spatial planning initiatives.

The following factors should also be taken into consideration when evaluating the feasibility of the proposed application:

- The proposal will not negatively impact the abutting neighbours in terms of privacy and loss of sunlight.
- The proposal is in line with the character of the surrounding area and community.
- It can be argued that the proposal will not negatively impact the health and safety of the surrounding community.
- The proposal is consistent with any residential property.
- The proposal will add value to the existing dwelling and neighbouring properties.
- There are other big (in size) properties within the same residential area and thus provide a precedent to the consolidation of these two properties.

Considering the above, it is recommended that the following applications:

- *Section 16 (2) (b) - Permanent departure from the provisions of the zoning scheme*
 - Relaxation of street building line (11th Avenue): 4m to 0m
Relaxation of the street boundary building line from 4m to 0m to permit the existing guard house, covered patio and storage room.
 - Relaxation of street building line (6th Street): 4m to 0m
Relaxation of street boundary building line from 4m to 0m from permit the existing guard house.
 - Relaxation of side building line (Erf 3344): 2m to 0m
Relaxation of the side boundary building from 2m to 0m to permit the existing guard house and second dwelling unit with a laundry room.
 - *Section 16 (2) (e) – Consolidation of Land (Erven 3341 & 3343, Voëklip, Hermanus),*
 - *Section 90 (5) – Determination of an Administrative Penalty*
- be approved in terms of Section 16 of the OMLUS.



