

ERF 669,86 JAN VAN RIEBEEK CRESCENT, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MBPLAN TOWN PLANNING ON BEHALF OF P.S. AND M.M VAN EEDEN

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

Departure in terms of Section 16(2)(b) of the Bylaw for the following:

- relaxation of the southern side building line from 2m to 0m to accommodate the existing outdoor shower, outdoor braai and table,
- relaxation of the southern side building line from 2m to 1m to accommodate the existing pantry,
- relaxation of the southern side building line from 2m to 1.3m to accommodate the existing storeroom,
- relaxation of the southern side building line from 2m to 0.5m to accommodate the existing garden shed
- relaxation of the western side building line from 2m to 0.5m to accommodate the existing garden shed, and
- relaxation of the northern side building line from 2m to 0m to accommodate the braai room,

Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law.

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 / (e) alida@overstrand.gov.za) on or before **29 November 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. B. Minnaar** 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 669, JAN VAN RIEBEEK SINGEL 86, SANDBAAI, HERMANUS, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING & BEPALING VAN 'N ADMINISTRATIEWE BOETE: MBPLAN STADS BEPLANNING NAMENS P.S EN M.M VAN EEDEN

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) vir die:

Afwyking ingevolge Artikel 16(2)(b) van die verordening vir die volgende:

- verslapping van die suidelike sy boulyn vanaf 2m tot 0m om 'n bestaande buite stort, buite braai en tafel te akkommodeer,
- verslapping van die suidelike sy boulyn vanaf 2m tot 1 m om 'n bestaande spens te akkommodeer,
- verslapping van die suidelike sy boulyn vanaf 2m tot 1.3m om 'n bestaande stoor kamer te akkommodeer,
- verslapping van die suidelike sy boulyn vanaf 2m tot 0.5m om 'n bestaande tuinskuur te akkommodeer,
- verslapping van die westelike sy boulyn vanaf 2m tot 0.5m om 'n bestaande tuinskuur te akkommodeer, en
- verslapping van die noordelike sy boulyn vanaf 2m tot 0m om 'n bestaande braaikamer te akkommodeer.

Bepaling van Administratiewe Boete ingevolge Artikel 16(2)(q) van die Verordening vir die bepaling van 'n administratiewe boete.

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 (e) alida@overstrand.gov.za) voor of op **29 November 2024**, 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. B. Minnaar** 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 669, 86 JAN VAN RIEBEEK CRESCENT, E-SANDBAAI, HERMANUS, KUMASIPALA WASE-OVERSTRAND: ISICELO SOPHAMBUKO KWAKUNYE UKUMISELWA KWESOHLWAYO SOLAWULO: MBPLAN TOWN PLANNING EGAMEMI LIKA-P.S. AND M.M VAN EEDEN

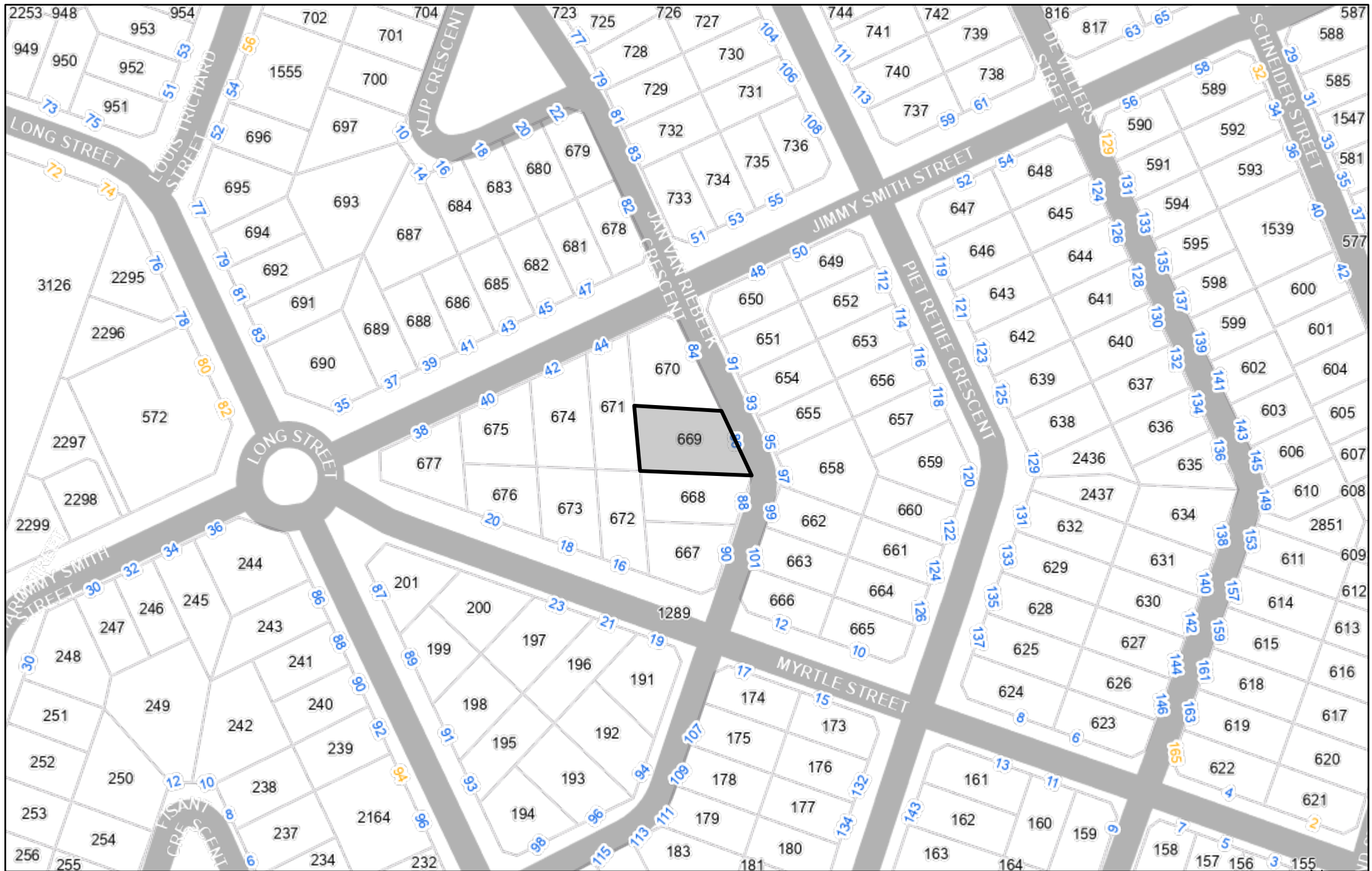
Isaziso sinikezelwa ngokwemiqathango yeCandelo 48 loMthetho kaMasipala oLungisiweyo woMasipala wase-Overstrand ongoCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020, ngoku kulandelayo:

Uphambuko kumqathango ngokweCandelo 16(2)(b) loMthetho kaMasipala ukulungiselela oku kulandelayo:

- Ukunyenisiswa komda wesakhiwo osemazantsi ukusuka kwii-mitha eziyi-2m ukuya kwii-mitha eziyi-0m ukulungiselela ishawari yangaphandle ekhoyo, ibrayi yangaphandle kunye netafle;
- Ukunyenisiswa komda wesakhiwo osecaleni osemazantsi ukusuka kwii-mitha eziyi-2m ukuya kwii-mitha eziyi-1m ukulungiselela indawo yokugcina izinto zase khitshini esele ikhona,
- Ukunyenisiswa komda wesakhiwo osecaleni osemazantsi ukusuka kwii-mitha eziyi-2m ukuya kwii-mitha eziyi-1.3m ukulungiselela indawo yokugcina impahla,
- Ukunyenisiswa komda wesakhiwo osemazantsi ukusuka kwii-mitha eziyi-2m ukuya kwii-mitha eziyi-0.5m ukulungiselela ishedhi yegadi ekhoyo.
- Ukunyenisiswa komda wesakhiwo okwicala elingasentshona ukusuka kwii-mitha eziyi-2m ukuya kwii-mitha eziyi-0.5m ukulungiselela ishedhi yegadi ekhoyo, kunye
- Ukunyenisiswa komda wesakhiwo osemantla ukusuka kwii-mitha eziyi-2m ukuya kwii-mitha eziyi-0m ukulungiselela igumbi lokubraya inyama;

Ukumiselwa kwesohlwayo solawulo ngokweCandelo le-16(2)(q) loMthetho kaMasipala.

Iinkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi yesi-08:00 neye-16:30 kwiSebe: UCwangciso lweDolophu, eHermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokuhambelana nezibonelelo zeCandelo lama-51 kunye nelama-52 alo Mthetho kaMasipala oxeliweyo kuMasipala (16 Paterson Street, Hermanus / alida@overstrand.gov.za) ngomhla okanye ngaphambi kuka **November 2024**, uchaze igama lakho, idilesi kunye neenkukacha zohagamshelelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo ngomnxeba ingenziwa kuMchwangcisi weDolophu, **UMzn. B. Minnaar** kule nombolo yomnxeba 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe emva komhla wokuvalwa. Nabani na ongakwaziyo ukufunda okanye



1. Introduction

1.1 Brief

MB Plan Town Planning was appointed by the registered owners, Pieter and Marie Van Eeden, to prepare and submit an application for Building Line Departures and the Waiving/Determination of an Administrative Penalty for Erf 669, Sandbaai, in terms of the relevant legislation.

Refer to Annexure B for Power of Attorney.

1.2 Background

The application area in Sandbaai was recently sold by the owners, Pieter and Marie Van Eeden, but has not yet been registered to the new owner/s. As soon as transfer has taken place and the amended title deed has been issued, this will be provided to the municipality.

The application area was purchased by the current owners as a vacant erf in 2003. The original dwelling on the application area was approved during November, 2004. Refer to Figure 1 below for the 2004 approved building plans. Over the years, various building structures were added without further municipal approval. The owners were under the impression that special permission for "improvements" to the subject property were not a requirement. Furthermore, the title deed only refers to a street building line and as a result, the owners assumed that no other building lines were applicable to their property.

However, at the end of 2008/beginning of 2009, the owners became aware of the Scheme building lines when a municipal notice circulated, mentioning that landowners with unapproved structures over the building lines should update their building plans accordingly to avoid penalties. The owner immediately requested that a new set of plans be drawn up, of which a copy was provided to the owners. The owners also entrusted the submission of the building plans to the architect.

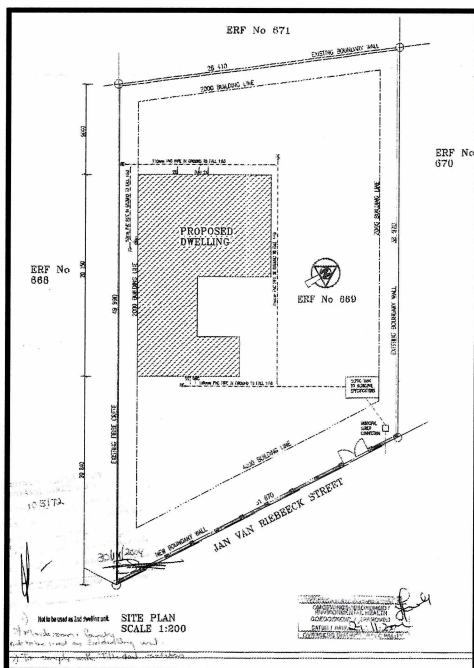


Figure 1: Extract from Latest Approved Building Plans (November, 2004)

Refer to Annexure G for the approved building plans.

During 2023 when the owner again contacted the same architect, this time to indicate a proposed jacuzzi on the building plans, it became apparent that the architect had never submitted the 2009 building plans for approval.

Subsequently, the owners wish to rectify all unapproved structures on the application area, some of which exceed building lines.

Important to note is that the owners are pensioners earning only a small monthly nett pension. In this regard, their children contribute to supporting them financially.

Refer to Annexure K for the Pensioner's Payslip

1.3 Summary of Development Objective and Application Proposal

The development objective therefore, is to legalise the following existing unapproved structures exceeding the building lines namely, a garden shed which exceeds the southern side and western rear building lines, a pantry, a store, an outdoor shower as well as an outdoor braai and table which exceed the southern side building line, and a braai room which exceeds the northern side building line.

Therefore the application proposal is for building line departures as well as for waiving/ determining an administrative penalty for the existing unapproved structures which exceed the building lines.

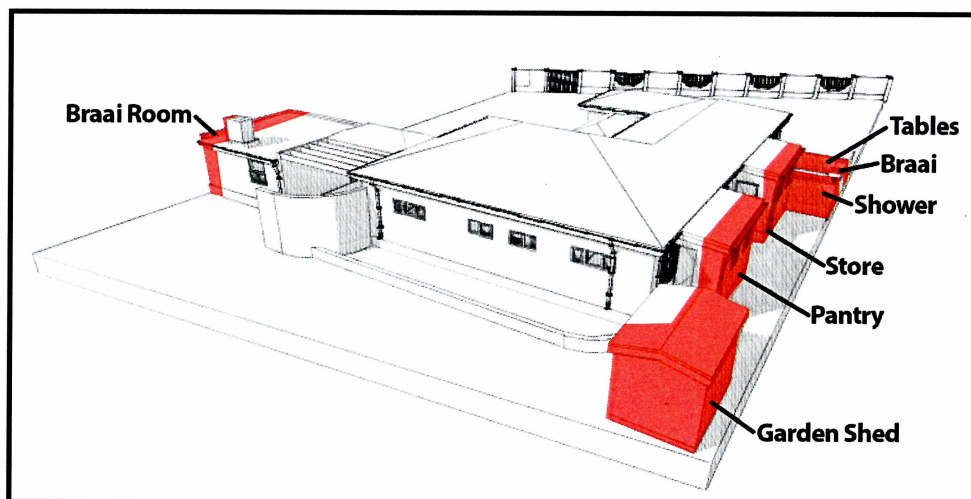


Figure 2: 3D Image Illustrating Building Line Contraventions to be Legalised
Refer to Annexure A for Completed and Signed Application Forms.

2. Contextual Information

2.1 Property Description & Ownership

Property Description: Erf 669, Sandbaai

Owners: Pieter & Marie Van Eeden

Title Deed: T10465/2003

Area: 1252m²

2.1.1 Title Deed

The Conveyancer, Tiaan Esterhuysen from STBB, issued a certificate confirming that there are no title deed conditions restricting the application proposal.

Refer to Annexure C for a copy of the Title Deed and the Conveyancer certificate.

2.1.2 Surveyor General Diagram

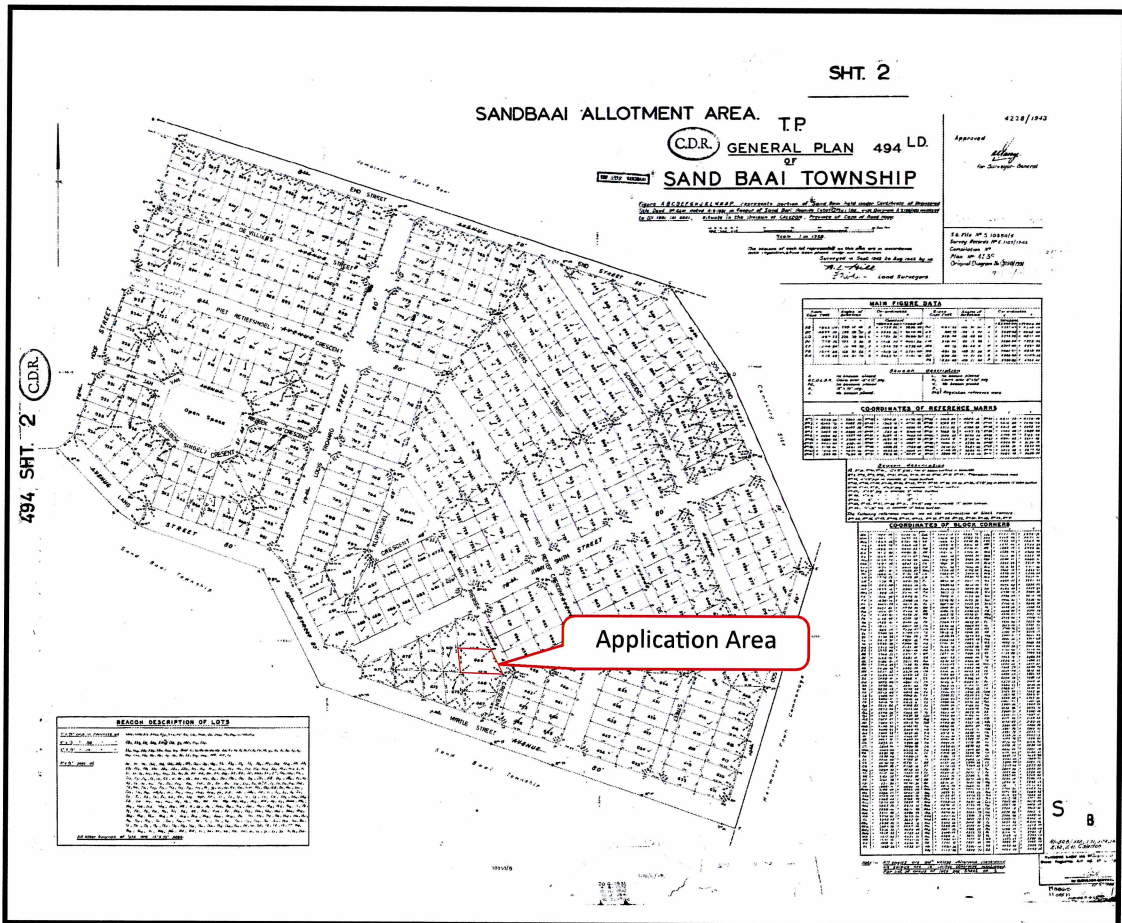


Figure 3: Surveyor General Diagram

Refer to Annexure D for the Surveyor General Diagram.

2.2 Locality

2.2.1 Regional Context

Within the regional context, the application area is located within Sandbaai residential suburb, within the Overstrand Municipal area. Sandbaai is 4km to the west of the Hermanus CBD.

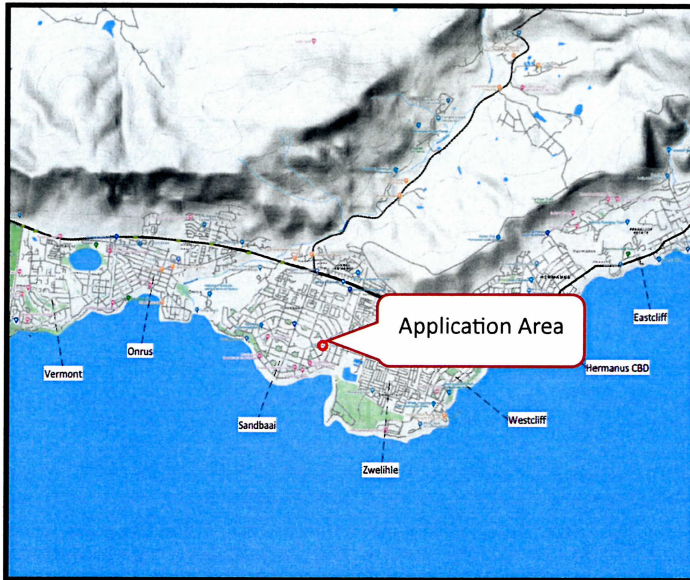


Figure 4: Regional Locality Plan
Refer to Annexure E for Locality Plan.

2.2.2 Local Context

From a local perspective, the application area street address is 86 Jan Van Riebeeck Crescent.

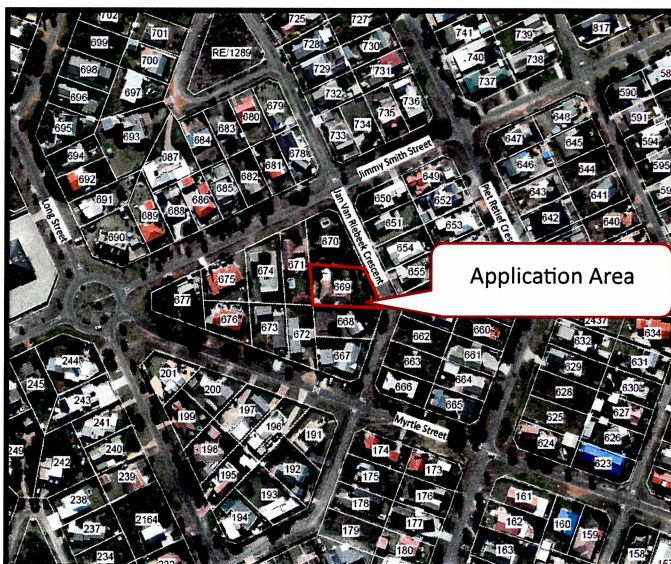


Figure 5: Local Locality Plan
Refer to Annexure E for Locality Plan.

2.3 Zoning

2.3.1 Zoning Plan

The application area is zoned Single Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1 with an Open Space Zone 2: Public Open Space erf and a Community Zone 1: Community Facilities erf in close proximity to the application area. No change in zoning is proposed.

The application area is **consistent** with the zoning of the area.

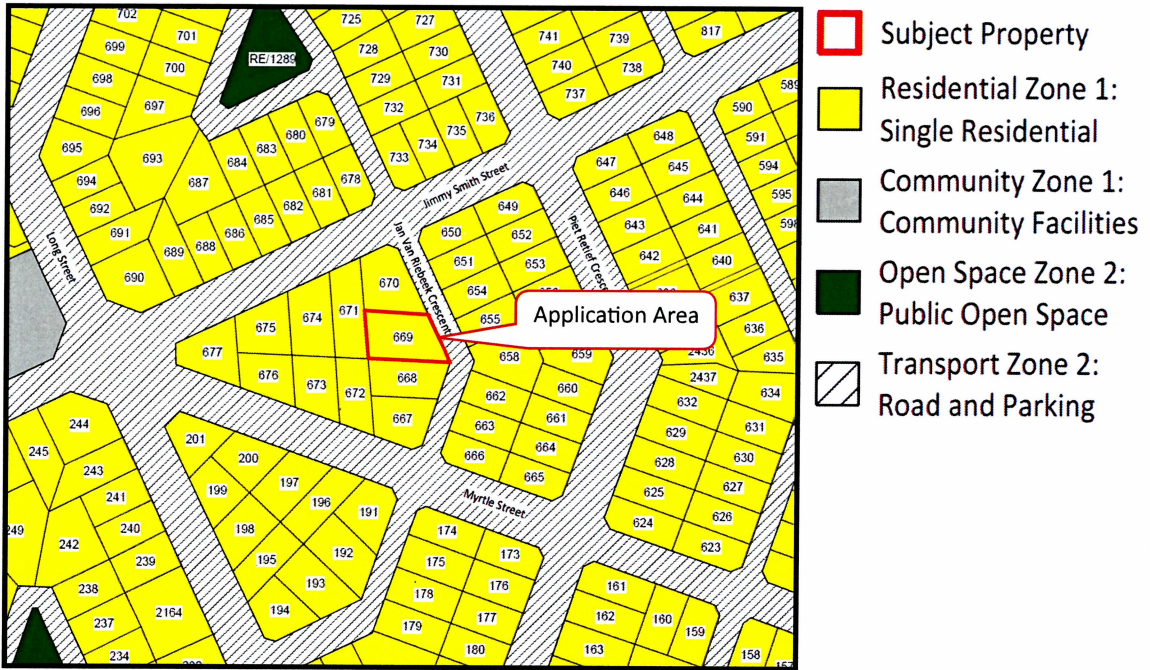


Figure 6: Zoning Map

Refer to Annexure F for Zoning Map.

2.3.2 Zoning Criteria

The Zoning Criteria are presented in the table below and indicate that all Scheme criteria are adhered to, except for the northern and southern side as well as western rear building lines which are exceeded up to 0m at the sides and 0.5m at the rear.

Criteria	Existing Zoning	Proposal	Comments
Zoning	Residential Zone 1: Single Residential	Residential Zone 1: Single Residential	Consistent
Primary Uses	Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering	Dwelling house	Consistent
Consent Uses	Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture	N/A	Consistent
Coverage	50%	26.43%	Consistent
Height	8m	4.59m	Consistent
Building lines	4m street 2m sides and rear	4m street 0m sides and 0.5m rear	Application includes departure
Parking	2 bays per dwelling unit	2 bays	Consistent

2.4 Laws and Policies Applicable to the Application

2.4.1 Overstrand Municipal Spatial Development Framework, 2020

According to the OMSDF, 2020, the application area is located within an urban development area within the urban edge.

The application proposal is thus considered compatible with the Overstrand Municipal Spatial Development Framework, 2020.

2.4.2 Overstrand Municipal Growth Management Strategy, 2010

In terms of the Overstrand Municipal Growth Management Strategy, 2010, the subject property is located within a No Densification zone.

No densification is proposed.

The application proposal is thus considered compatible with the Overstrand Municipal Growth Management Strategy, 2010.

2.4.3 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.”

3 Motivation

3.1 Proposal

3.1.1 Development Objective

The development objective is to legalise the existing unapproved structures exceeding the 2m northern side, southern side and western rear building lines, as follows:

Structures Exceeding 2m Southern Side Building Line:

- 9.7m² Garden Shed up to 0.5m from southern erf boundary
- 11.5m² Pantry up to 1m from southern erf boundary
- 12.4m² Store up to 1.3m from southern erf boundary
- Outdoor Shower up to 0m from southern erf boundary
- Outdoor Braai and Table up to 0m from southern erf boundary

Structures Exceeding 2m Northern Side Building Line:

- 33.5m² Braai Room up to the 0m from the northern erf boundary

Structures Exceeding 2m Western Rear Building Line:

- 9.7m² Garden Shed up to 0.5m from the western erf boundary

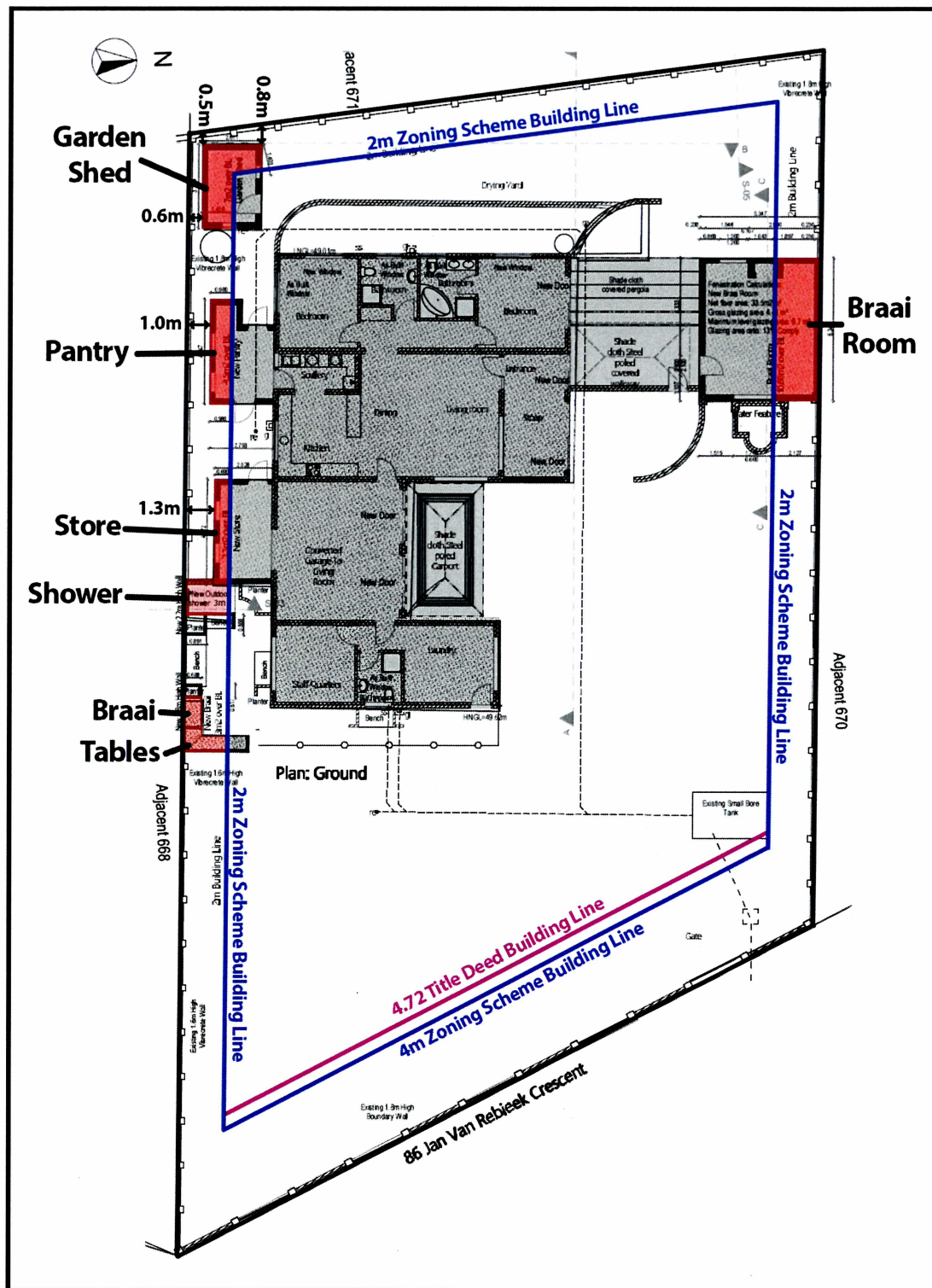


Figure 7: Development Proposal
 Refer to Annexure I for Departure Plan

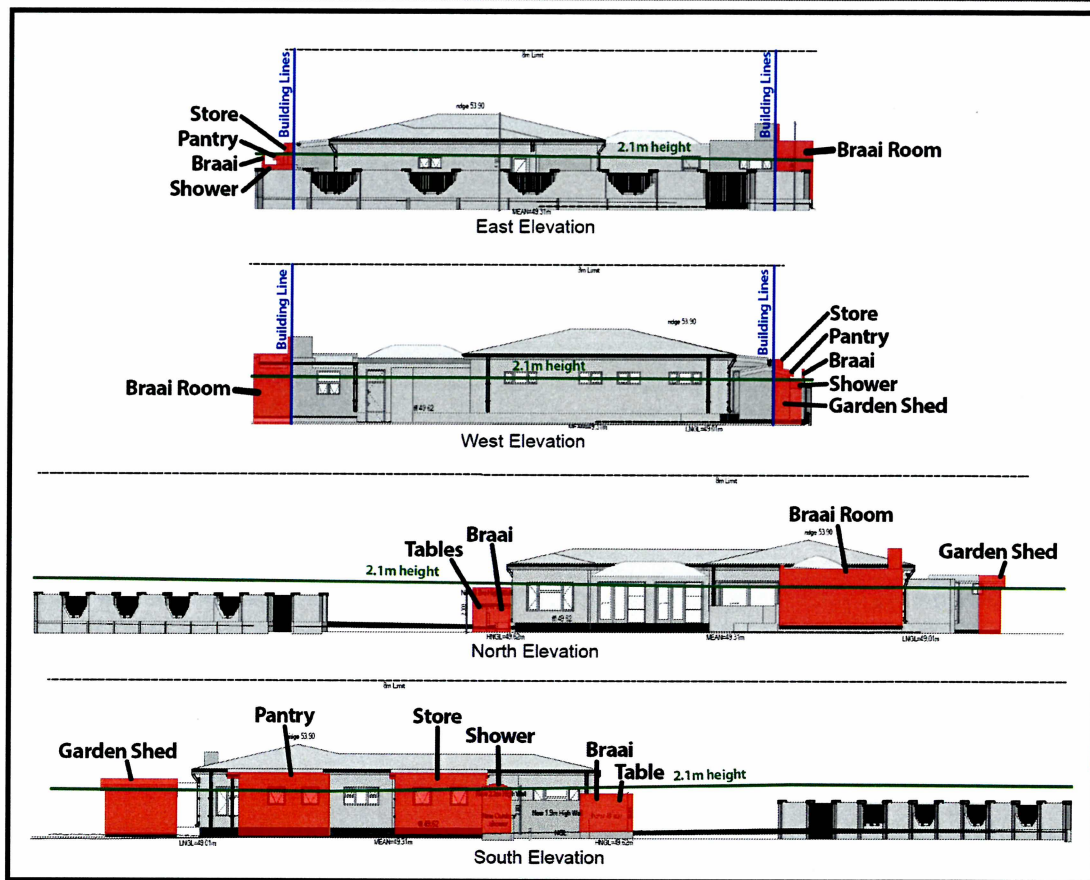


Figure 8: Elevations Illustrating Building Line Contraventions to be Legalised
Refer to Annexure H for proposed building plans

3.1.2 The Application

Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 for the following:

- Building Line Departure to relax the southern side building line from 2m to 0m to allow for the new existing structures namely, Garden Shed, Pantry, Store, Outdoor Shower and Pantry, and Outdoor Braai and Table exceeding this building line, in terms of Chapter IV, Section (16)(2)(b).
- Building Line Departure to relax the western rear building line from 2m to 0.5m to allow for the new existing Garden Shed exceeding this building line, in terms of Chapter IV, Section (16)(2)(b).
- Building Line Departure to relax the northern side building line from 2m to 0m to accommodate the new existing Braai Room exceeding this building line, in terms of Chapter IV, Section (16)(2)(b).
- Waiving/Determination of the Administrative Penalty in terms of Chapter IV, Section 16(2)(q) for the existing unapproved structures exceeding the building lines.

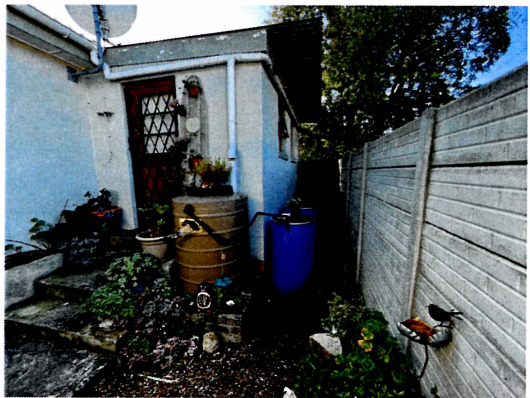
3.1.3 Photos



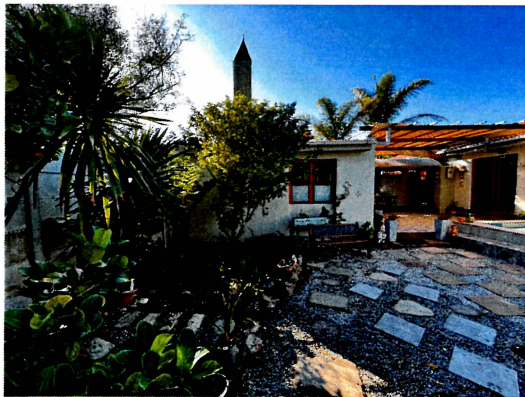
Garden Shed



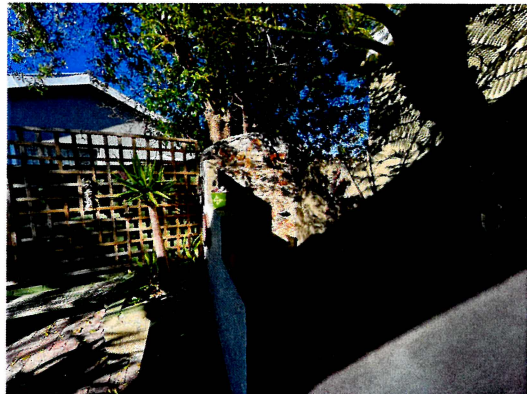
Pantry



Store



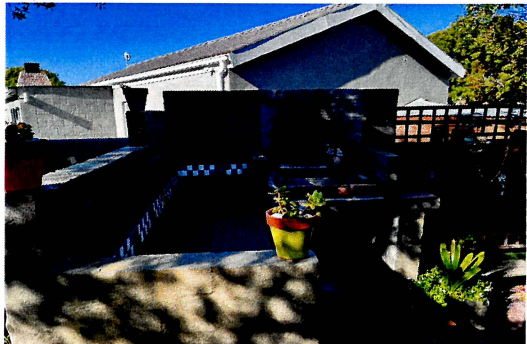
Rear View of Braai Room



Outdoor Shower



Front View of Braai Room



Outdoor Braai & Table

3.1.4 Southern Side Building Line Departure

The garden shed which exceeds the southern side building line up to 0.6m from the southern erf boundary is utilised for secure storage of garden equipment. Therefore the garden shed does not cause any potential noise or privacy impacts. The structure is fairly low with an extent of less than 10m² and is hidden away in the southwestern corner at the back of the erf. This ensures that there is no notable visual impact on the southern neighbouring property.

The pantry and store which exceed the southern side building line up to 1.0m and 1.3m respectively serve as storage space for food products and other household items. Due to the nature of the storage area which does not represent habitable space, no noise or privacy impacts are applicable. There is also still access along the southern boundary for emergency purposes.

The outdoor shower is used only for short periods at a time and not during inclement weather or during the winter months. The shower is screened off by a fairly high wall as well as trees located on the neighbouring property, thus ensuring privacy.

The outdoor braai and table ensure a recreational area for socialising while connecting with nature, therefore enhancing the mental well-being of the residents. The southern neighbours have provided their support for the outdoor braai and no complaints have been lodged in this regard. The southern neighbours have sufficient space on their property to ensure that the outdoor braai does not encroach on their own outdoor activities.

3.1.5 Western Rear Building Line Departure

The existing garden shed which exceeds the western rear building line up to 0.5m is a fairly low structure which is screened off by trees on the western neighbour's property, therefore not causing a material negative visual impact on the western neighbours.

No potential privacy or noise related impacts are applicable to the proposed western building line departure due to the nature of a garden shed as a storage facility for garden equipment.

The western neighbour has provided consent for the garden shed exceeding the rear building line, which confirms that this proposed departure will not materially impact on the neighbour. *Refer to Annexure J for Neighbour's Consent.*

There is still a 0.5m distance at the closest point between the garden shed and the western boundary wall, thus allowing access for emergency purposes.

3.1.6 Northern Side Building Line Departure

The existing braai room provides an indoor recreational area when the outdoor braai cannot be used as a result of inclement weather.

The braai room exceeds the northern side building line up to the northern erf boundary.

The northern neighbour has provided his consent for the proposed building line departure to accommodate the braai room. This indicates that the existing contravention does not cause any material impact on the northern neighbours. *Refer to Annexure J for Neighbours' Consent.*

The wall of the braai room up against the northern erf boundary consists of a solid wall without any windows or doors. This reduces potential noise and preserves the privacy of the neighbouring property. The braai room also consists of a flat roof which reduces the visual impact on the northern neighbours. Trees on the neighbouring property partly screen off the northern side of the braai room which further reduces the visual impact on the neighbours to the north.

As the braai room is partly screened off by a tree on its northern side, the building line contravention is hardly noticeable from the street and therefore the proposed building line departure has no material impact on the character of the area.

3.1.7 Conclusion

The unapproved additions on the subject property represent improvements to the application area to provide satisfactory storage and recreational spaces.

No material impact on the surroundings in terms of privacy, noise/disturbance or negative visual impact due to the proposed building line departures is evident or foreseen.

The building line contraventions are located to the side and at the back of the subject property and are mostly not visible from the street, thus ensuring that there is no material impact on the character of the area either.

The relevant adjacent neighbours support the building line departure applications.

Except for the braai room and western outdoor shower wall, the other building line contraventions allow access for emergency purposes.

3.1.8 Determination of an Administrative Penalty

Determination/Waiving of administrative Penalty in terms of Chapter IV, Section 16(2)(q) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020:

3.1.8.1 The Nature, Duration, Gravity and Extent of the Contravention

The extent of the unapproved structures exceeding the various building lines, are as follows:

- 9.7m² Garden Shed of which 7m² exceeds the southern side and western rear building lines and for which current owner is responsible since 2018
- 11.5m² Pantry of which 4.5m² exceeds the southern side building line and for which current owner is responsible since 2022
- 12.4m² Store of which 3.3m² exceeds the southern side building line and for which current owner is responsible since 2007
- Outdoor Shower exceeding southern side building line by 3m² for which current owner is responsible since 2007
- Outdoor Braai and Table exceeding southern side building line by 3m² for which current owner is responsible since 2007

- 33.5m² Braai room of which 10.88m² exceeds the northern side building line and for which current owner is responsible since 2008

The total extent of the building line contraventions is 31.68m².

3.1.8.2 The Conduct of the Persons (Allegedly) Involved in the Contravention

To be duly noted, is the owner's attempt at rectifying the building line transgressions as soon as becoming aware of the contraventions during 2009. However, unfortunately the architect never submitted the building plans for approval.

This application indicates the owners' co-operation and willingness to rectify the existing contraventions by following the correct statutory procedures.

3.1.8.3 Report by a Quantity Surveyor in Matters of Unauthorised Building/ Construction

Application is made to waive or else to minimise the administrative penalty, and therefore a report by a Quantity Surveyor is considered non-applicable in this instance.

The following reasons are presented for waiving or minimising the administrative penalty namely:

- Nature, scale and immaterial impact of the contraventions
- Financial position of the elderly owners receiving only a small nett pension
- Owners' previous attempt at rectifying the building line transgressions
- Neighbours' support for departure applications
- Owners' co-operation and willingness to rectify the contraventions

3.1.8.4 Whether the Unlawful Conduct was Stopped

Due to the nature of the contraventions, stopping the unlawful conduct would imply demolishing the sections of the structures which exceed the building lines. This would be considered extreme, costly and unreasonable, not allowing the optimal use of the application area to provide a satisfactory residential environment.

Approval of this application to legalise the contraventions will enable the residents to fully utilise the garden shed, the pantry, the store, the outdoor shower, the outdoor braai and table as well as the braai room.

Therefore, the most reasonable, effective and cost-efficient approach in dealing with the unlawful conduct would be to legalise the contraventions which cause no material impact on the surroundings or on the character of the area.

3.1.8.5 Whether the Persons Allegedly Involved in the Contravention has Previously Contravened this By-Law or a Previous Planning Law

No, the current owner has not previously contravened this by-law or a previous planning law.

3.2 Desirability

To summarise, the proposal is therefore considered **desirable** for the following reasons, namely:

- It is in accordance with the relevant spatial planning legislation, policies and frameworks for the area.
- All neighbours who could potentially be affected by the building line departures support this application indicating that they do not experience any material impact from these existing structures which exceed the building lines.
- The owners are co-operative and willing to rectify the existing contraventions by following the correct statutory procedures.
- The proposal contributes to addressing the **essential needs** of the residents for storage and recreational spaces.
- The proposal adds value to the property.
- The proposal will not have a material impact on the surroundings or on the character of the area.
- Legalisation of the building contraventions is considered the most reasonable, cost-effective and efficient solution to the existing contraventions.
- The property, including the unapproved structures, was recently purchased by new owners.
- All other Scheme criteria are adhered to by the proposal.

Therefore, the land will be optimally utilised to provide a satisfactory residential environment which caters for the full range of residential needs on the application area.

3.3 Planning Principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

3.3.1 Spatial Justice

Spatial Justice which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible Results of the Development

The proposal will in no way contribute to the perpetuation of past apartheid spatial development imbalances as it will merely legalise the existing unapproved structures exceeding the building lines on a single residential erf.

The application proposal is **consistent** with spatial justice.

3.3.2 Spatial Sustainability

Spatial Sustainability which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable

agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible Results of the Development

The proposal will permit the existing unapproved structures which exceed the building lines on a single residential erf within the urban edge.

Therefore, no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal can thus be deemed to be spatially sustainable.

3.3.3 Spatial Efficiency

Spatial efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible Results of the Development

Approval of the application will allow for the optimal use of the application area to provide a satisfactory residential environment for the residents.

The proposal for legalisation is considered the most reasonable, cost-effective and efficient approach to the existing contraventions, considering that no material impact on the surrounding land or on the character of the area is evident or foreseen.

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

3.3.4 Spatial Resilience

Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible Results of the Development

The application proposal will not cause any economic or environmental shocks to the community.

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

3.3.5 Good Administration

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.

3.3.6 Planning Principles Conclusion

The application proposal is therefore considered fully **consistent** with the planning principles of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration.

4 Conclusion

The development proposal allows for the optimal use of the application area to provide for the essential needs of the residents for indoor and outdoor recreational areas as well as for practical and secure storage spaces. This contributes to a more satisfying residential environment and the mental well-being of the residents.

The scope of the application as motivated in this report is considered the most reasonable, cost-effective and efficient approach to rectify the contraventions for which no material impact on the surrounding properties or on the character of the area is evident or foreseen.

The application is considered **desirable** within its local context and **well-integrated** within the existing community land-use activities and it is therefore recommended that the application be approved as follows:

- Building Line Departure to relax the southern side building line from 2m to 0m to allow for the new existing structures namely, Garden Shed, Pantry, Store, Outdoor Shower and Outdoor Braai and Table exceeding this building line, in terms of Chapter IV, Section (16)(2)(b).
- Building Line Departure to relax the western rear building line from 2m to 0.5m to allow for the new existing Garden Shed exceeding this building line, in terms of Chapter IV, Section (16)(2)(b).
- Building Line Departure to relax the northern side building line from 2m to 0m to accommodate the new existing Braai Room exceeding this building line, in terms of Chapter IV, Section (16)(2)(b).
- Waiving/Determination of the Administrative Penalty in terms of Chapter IV, Section 16(2)(q) for the existing unapproved structures exceeding the building lines.