

## 4.3

**ERF 4612, 10 DISA AVENUE, NORTHCLIFF, HERMANUS : REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS ME PLANNERS ON BEHALF OF HBO JONES**

4612 HNC (3626)

H van der Stoep

20 November 2017

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application has been received on 20 March 2017 from Messrs ME Planners on behalf of HBO Jones on Erf 4612, Hermanus for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses C.1., C.3. and C.4. of Title Deed T11169/2008 applicable to Erf 4612, Hermanus in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to utilize the existing dwelling as a home occupation and to accommodate two (2) commercial vehicles on the property.

The restrictive conditions contained in Title Deed T11169/2008 to be removed read as follows:

C.1. - *"That this erf be used for residential purposes only."*

C.3. - *"That not more than half the area of this erf be built upon."*

C.4. - *"That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than four comma seven two metres (4,72m) to the street line which forms a boundary of this erf. No such building or structure shall be situated within two comma three six metres (2,36m) of the lateral boundary common to any adjoining erf."*

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 in order to enable the owner to park an additional commercial vehicle on the property concerned.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report from the applicant in support of the proposal is attached as Annexure C. The Title Deed is attached as Annexure D. The objections and reply as Annexure E and Photographs as Annexure F.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The owner Mr. H Jones received a letter of non-compliance regarding the unauthorized plumbing business and material storage on the property. The Municipal Court ordered Mr Jones to address the transgression, and the result is the application submitted to the Municipality on 20 March 2017.

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

The property was purchased in 2007 and developed in 2008. The applicant runs a plumbing business from his property. A large portion of the garage can be used for storage purposes for plumbing appliances. Other accessories such as water pipes are stored behind the walls of the property.

The motivation for the departure application should also serve as motivation for the removal of the restrictive conditions.

The character of the area is predominantly single residential and public open space. A home occupation is regarded as a primary use in terms of the Overstrand Zoning Scheme. It can thus be stated that the planned future of the character of the area will not be adversely affected, since it is basically an office that is being conducted from the property. The work done by the employees is done on properties affected by the work.

The home occupation will have no impact on the traffic flow due to limited traffic generation. The extra van will have no additional impact on the traffic in the area.

The need for this home occupation centres mainly on the fact that the speedy response to public enquiries can be executed immediately.

The Title Deed conditions to be removed are not in line with the Overstrand Zoning Scheme and thus in order to make use of the primary rights applicable to the erf, the conditions needs to be removed. The business has been in operation for years without having caused any negative impact on the surrounding property owners or the surrounding built environment.

The planning principles can be summarized as follows:

Spatial justice, spatial sustainability and efficiency are not applicable in this case.

In conclusion that the restrictive conditions and the second commercial vehicle will have no negative impact in general.

#### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	9 May 2017	15 June 2017
Gazette	Yes	12 May 2017	15 June 2017
Notices	Yes	1 June 2017	7 July 2017
Ward councillor	Yes	9 May 2017	15 June 2017
Total comments	<b>11 (ELEVEN)</b>		
Was public participation undertaken in accordance with Section 45- 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			<b>Yes</b>

Was the application processed correctly (if no, elaborate below):	<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	<b>Yes</b>

#### 6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
<b>Engineering Services</b>	06/07/2017	See Annexure G.	Supported
<b>Environmental Section</b>	30/06/2017	No objection.	Supported
<b>Fire Department</b>	09/06/2017	No objection. Application does not impact on National Fire Protection Regulations – SANS 10400T:2011.	Supported
<b>Waste Management</b>	08/05/2017	No objection.	Supported
<b>Building Control</b>	17/05/2017	There is no comment – no buildings are envisaged. The material either being stored prior to installation or being removed could result in downgrading the area and should not be supported.	Not supported
<b>Local Heritage Committee</b>	17/05/2017	Supported.	Supported

#### 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Objections were received from eleven (11) individuals. See the objections attached as Annexure E. The applicant's response to the objections received is attached as Annexure F.

The objections can be summarized as follows:

##### 1. NTA Town Planners (on behalf of the owner of Erf 4683, Hermanus):

Objections	Applicant's response
<b>1.1 Home occupation:</b> The main objection seems to centre on the fact that certain plumbing materials are stored from time-to-time on the erf and although it is not the subject of the application as such, the following must be noted from Section 5.1.8 of the	Taking the definition into account, nothing therefore, prohibits the owner from the storage of goods on his property.  The owner has already constructed the

<p>Overstrand Municipality Zoning Scheme with regards to a Home occupation:</p> <p><i>“5.1.8 (f): The storage of products, goods, or supplies connected to the home occupation shall be inside a building or screened from the neighbours and public streets.”</i></p>	<p>necessary required screen walls since the photo in the letter of objection had been taken and it will be made a condition of approval that anything stored behind the screen walls may not be stored in such a way that it can be seen from the street or the side of the neighbours.</p> <p>Furthermore, the stacking is not a regular happening, but something which happens from time to time when new stock are received.</p> <p>Why vermin and pests, originating from the Fernkloof Nature Reserve, would come to flourish on this erf in particular, goes beyond imagination.</p>
<p><b>1.2 Removal of Restrictive Conditions</b> 1.2.1</p> <p>It would appear as if the objector is of the opinion that restrictive title deed conditions can and may be over-ridden by the conditions prescribed in a Town Planning Scheme.</p>	<p>This is not true and the reason why there are provisos in all Town Planning Schemes for the removal of restrictive conditions in title deeds.</p> <p>Title Deeds cannot be changed by changes in planning laws and conditions; they can only be changed to conform to the latest Town Planning Scheme Regulations by the kind of application that is made in this application.</p>
<p>1.2.2</p> <p>The objector states that “the motivation for the removal of conditions C.1, C.3 and C.4 is insufficient and leaves room for speculation for possible future expansion of the home occupation”.</p>	<p>This statement is completely wrong as the removals are specifically intended to restrict the applicant to what is presently allowable on the erf according to the Town Planning Scheme.</p> <p><u>The following can be stated:</u> <u>Condition C.1:</u> The Town Planning Scheme makes provision for a home occupation as a primary use right in a Residential Zone 1 area, whereas the Title Deed restricts the use rights on the erf to residential purposes only.</p> <p>These two (2) “rights” clash with each other and, therefore, the Title Deed has to be changed to conform to the legal prescriptions of the Town Planning Scheme.</p>

	<p><u>Condition C.3:</u> The Town Planning Scheme makes provision for maximum coverage of 50%, which is the same as allowed by the Title Deed.</p> <p>It was a condition by the Planning Department of the Municipality that this condition be removed from the Title Deed to provide for possible future changes in the conditions of the Town Planning Scheme, which might become more restrictive.</p> <p><u>Condition C.4:</u> The Town Planning Scheme makes provision for smaller building lines than those prescribed by the title deed.</p> <p>In order to “legalise” the new building line restrictions set by the Town Planning Scheme, the Title Deed has to be changed and only the owner can apply for such a change. The objector is also referred to Paragraph 5.2 of the Application in this regard.</p>
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**Town Planner’s response:**

- 1.1 The comment has relevance since the question of the existing application in its present form does indeed fall under a home occupation and the relevance of storage not associated with the residential use does come into play.
- 1.2.1 Any Title Deed condition which is more restrictive than the Town Planning Scheme must be removed should the owner intend to transgress the Title Deed conditions. An application in this regard has been submitted.
- 1.2.2 Condition C1 as per the Title Deed is to ensure that the character of the area as a residential neighbourhood remains intact. Scheme Regulations can change and thus the condition ensures that the character remains intact and the objector does have a valid point in this regard.

Conditions C3 and C4 do not affect the character *per se* and these conditions are catered for in the Zoning Scheme, which is applicable in the whole of the Overstrand and will not negatively impact on the character of the area.

**2. A.S. DE KOCK**

<b>Objections</b>	<b>Applicant's response</b>
2.1 Businesses should not be allowed in the suburb.	This is not an application for a business. The right already exists.
2.2 There will be 3 commercial vehicles on the property.	The third vehicle is used as the owner's private transport.
2.3 The vehicles are parked outside and not inside the buildings on the property.	The application is for parking <b>on</b> the property which does not imply that it will be in a building or in the open. The Town Planning Scheme does not require any owner to provide under-cover parking for vehicles on any erf.
2.4 Certain proviso's should be made if the application is approved.	Any proviso's are for the discretion of the Municipality.

**Town Planner's response:**

- 2.1 The right does not exist, since home occupation relates to a very limited scale that can be associated with the residential use and it is incorrect to indicate that the existing operation complies with home occupation.
- 2.2 The third vehicle used as the owner's private transport is questionable. If one looks at the photos submitted with the application, it is clear that it is used for commercial purposes.
- 2.3 It is correct that vehicles do not need to be parked inside a building, however sufficient parking must be available to accommodate the vehicles.
- 2.4 The conditions will be the responsibility of the Municipality.

**3. L. LOUBSER**

<b>Objections</b>	<b>Applicant's response</b>
3.1 Nobody should be allowed to have a business in the area as it will lead to the placidness of the streets and the area being disturbed.	Streets will always be responsible for some or other kind of disturbance, no matter what the zoning of the properties are in an area.

<p>3.2 With workers being busy here, there is the possibility that the neighbours might be subjected to burglary and theft.</p>	<p>Very few people do not employ outside workers all of or some of the time and it sounds unreasonable to want to blame the possibility of burglary and theft on somebody who runs a legal business in the vicinity.</p>
<p>3.3 Although no physical plumbing work is being done on the property, there is a danger that this will eventually be the case.</p>	<p>The business is already being run off the property as it houses the office. The physical work, however, is done on the properties where the need for it is experienced.</p>

**Town Planner's response:**

- 3.1 The applicant is not correct as there is a difference in disturbance between residential neighbourhoods and business districts.
- 3.2 Noted.
- 3.3 It is correct that the office is present, but due to the storage facility the physical plumbing material is kept on the property. The scale of the latter exceeds the concept and principles of a home occupation.

**4. R. CLOETE**

<b>Objection</b>	<b>Applicant's response</b>
<p>I believe that the lifting of restrictions on residential property in this area will be detrimental to the residential atmosphere of Northcliff.</p>	<p>No restriction will be lifted except for the allowance of a second commercial vehicle to be parked on the property.</p>

**Town Planner's response:**

The applicant is incorrect in the reply, there are three (3) restrictive conditions being applied for.

**5. HERMANUS RATEPAYERS ASSOCIATION**

<b>Objections</b>	<b>Applicant's response</b>
<p>5.1 The plumbing vehicles parked outside and plumbing materials on the property are already an eyesore in the area.</p>	<p>Why any kind of vehicle parked in a street would create an eyesore is difficult to understand and the plumbing materials are stored out of site behind walls.</p>
<p>5.2 The plumbing vehicles are often driven at high speed through Northcliff creating safety concerns for residents.</p>	<p>Speeding problems anywhere in the streets are not the concern of the Town Planning Department.</p>

<p>5.3 The operation of such a business is not in keeping with the quality of life that the owners desire from a quiet residential neighbourhood.</p>	<p>The operation is basically that of an office. No plumbing work is done on the property as such.</p>
<p>5.4 A precedent will be created that is likely to encourage other similar businesses to establish themselves in Northcliff.</p>	<p>This is not an application for the running of a business. The right to operate a home occupation on a residential stand anywhere in Hermanus, is a given.</p>

**Town Planner's response:**

- 5.1 It is not correct, since it is clear that material is stored outside the screen walls as per photos and vehicles come and collect material.
- 5.2 Noted
- 5.3 The scale of the operation is of such a nature that it can influence the quality of life and amenity of the area.
- 5.4 Although a home occupation is a primary right it still has to comply with the development parameters and needs to fit in the definition of a home occupation. Therefore it is not correct to indicate that the home occupation is a given, it depends on the scale and pollution levels.

**6. T. & S. FERREIRA**

<b>Objections</b>	<b>Applicant's response</b>
<p>6.1 The owners are conducting a growing concern from the premises and not an office only. Plumbing equipment and goods were seen in plain sight as was the speeding of vehicles as they approach and depart.</p>	<p>The right for conducting a home occupation exists whether with one or two vehicles and the necessary walls have already been constructed. Speeding of vehicles is not the concern of the Town Planning Department.</p>
<p>6.2 Allowing this application to slip through will indeed create a precedent for light industrial applications for others to follow.</p>	<p>This is not an application for the establishment of a business and thus this complaint is meaningless.</p>
<p>6.3 It is not that there are not alternative sites provided that is more suited with operations of this nature.</p>	<p>This argument is also meaningless as far as the application is concerned.</p>

**Town Planner's response:**

- 6.1 The objector is correct, since storage is also done outside of the walls and thus is not an office only. The relevance of vehicles is a concern, since it is more

than one commercial vehicle constantly access the property fetching plumbing material and dispose of faulty products on the erf.

6.2 The scale is as such that it can qualify for a service trade.

6.3 The objector's comment is valid since the application does have a wider implication for the residential area due to the scale thereof.

## 7. R.A. STANWAY

Objections	Applicant's response
7.1 The operation of such a business is not in keeping with the quality of life that owner's desire from a quiet residential neighbourhood.	This point is merely speculative as this is not an application for the establishment of a new business.
7.2 Granting of such an application will set a precedent that is likely to encourage other building-related businesses to establish in Northcliff.	This point is also speculative.

### Town Planner's response :

7.1 Although a home occupation is a primary right, it still has to comply with the development parameters and needs to fit in the definition of a home occupation. Therefore it is not correct to indicate that the present activities indeed qualify as a home occupation, which in this case falls outside the parameters of a home occupation. One of the key considerations is disturbance and noise. Should it not have been a problem there would have been no objections.

7.2 Same as 7.1

## 8. G. D. HUTTON

Objections	Applicant's response
8.1 The continued operation of the business will continue to annoy, upset and adversely affect neighbours and homeowners such as myself.	The right of running or conducting a home occupation is an existing one.
8.2 Formalising this situation will set a precedent for Northcliff and could increase the likelihood of applications being made and granted.	The right of running or conducting a home occupation is an existing one.
8.3 This could lead to an increase in businesses being run in Northcliff which is unacceptable to residents such as me.	The right of running or conducting a home occupation is an existing one.

8.4 This could in turn lead to a negative impact on property values which would materially affect homeowners.	The right of running or conducting a home occupation is an existing one.
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**Town Planner's response:**

8.1 The right does not exist as it is prohibited in terms of the Title Deed.

8.2 The right does not exist as it is prohibited in terms of the Title Deed.

8.3 The right does not exist as it is prohibited in terms of the Title Deed.

8.4 The right does not exist as it is prohibited in terms of the Title Deed.

**9. T.H. PEGEL**

<b>Objections</b>	<b>Applicant's response</b>
9.1 The proposed activities cannot be reconciled with a residential neighbourhood and it is an abuse of our rights.	The right for the running of a home occupation is an existing one.
9.2. I am convinced that this will have a negative impact on my residential investment.	This is pure speculation.

**Town Planner's response:**

9.1 The right does not exist as it is prohibited in terms of the Title Deed.

9.2 The objector may speculate, however the infiltration of businesses of this scale may have an influence as to the re-sale value of a erf in the residential area of Northcliff.

**10. T.C. BOTHA**

<b>Objections</b>	<b>Applicant's response</b>
10.1 On inspection we found that water pipes and other accessories protrude above the wall and are visible from Disa Street.	The fact that certain materials protrude above the wall and are visible from the street, are inadmissible and should be reported to the municipality.

<p>10.2 Our main concern is that the material stored behind the screen wall will be totally visible from the new bedroom (on the first floor) on our property.</p>	<p>The fact that the materials will be visible from the new bedroom, cannot be considered as an objection to the application as the municipality cannot control what anybody keeps in his backyard, unless it constitutes a health problem or presents a fire hazard, for example.</p>
<p>10.3 The removal will open the floodgates for other owners also to follow suit and to apply for permission to conduct a variety of trades, commercial and industrial undertakings from their residences which will impact negatively on the current tranquil residential ambience of the suburb.</p>	<p>It is again pointed out that the right to a home occupation is written into the Scheme Regulations for Residential Zone 1 erven.</p>

**Town Planner's response:**

10.1 The objector is correct and is not inadmissible since it is not a given right in terms of the Title Deed. It is the owner of the property's responsibility, not the Municipality.

10.2 The objector is correct and is not inadmissible since it is not a given right in terms of the Title Deed. The primary right remains "residential", and not a "service trade/industrial" due to material been stored on a residential site. It has a definite impact on the neighbour.

10.3 The right is subject to the Title Deed and development parameters and is not a given right *per se*.

General comment: The applicant's response is disrespectful and shows total disregard for his neighbourhood and neighbours.

**11. M. GUTHRIE**

<b>Objections</b>	<b>Applicant's response</b>
<p>11.1 "Die opheffing of afwyking gaan inbreuk maak op die rustigheid en atmosfeer van die omgewing."</p>	<p>The application is for allowing the applicant to store an extra vehicle used for commercial purposes on the erf as the right for the storage of one is an existing right. It is difficult to see how the addition of one vehicle in the street can cause the disturbance of the atmosphere in the street.</p>
<p>11.2 " Die teenwoordigheid van meer mense wat moontlik kan lei tot sekuriteitsprobleme en inbrake."</p>	<p>The question of possible security problems is pure speculation.</p>

**Town Planner's response:**

11.1 The Zoning Scheme does make provision for the storage of one commercial vehicle as a right. The application is to accommodate a second commercial vehicle. The objector refers to the fact that the quiet nature of residential area will be disturbed should the home occupation be allowed in its present format, which has not been properly addressed by the applicant. The scale of the present activity does have an impact due to the fact that the erf is being used as a 24:00 storage facility with three (3) commercial vehicles entering the area at any time of day or night.

11.2 Noted.

**Internal Departments**

No negative comments were received.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****10.1 Background**

N/A

**10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

**Spatial Justice**

Not applicable.

**Spatial sustainability**

The application is inconsistent with Section 4.4.3 of the Integrated Development Framework, 2014, page 66. One of the key aspects is to evaluate the application must be principle driven and the concept of a home occupation is that it has a low impact in all aspects such as disturbance, visual and scale and considering the long term impact. The application in its present form is not conducive to the principle of a home occupation and the long term impact on the residential nature of the area is negatively affected.

**Efficiency**

The main objective is the integration of services relating to urban and rural. In this case the scale of the so called home occupation is drawing service trade and industrial related activity into the residential fabric. The scale of the activity

is such that it is not seen as a home occupation as per the intention of the Zoning Scheme.

**Spatial Resilience**

Not applicable.

**Good administration**

The application followed due procedure.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

The Spatial Development Framework, 2006 earmarks the area as Residential. Section 5.5.7 (iii) No. P21.2, page 78, clearly address the infiltration of commercial activities into the residential fabric, unless beneficial to the local residents. The local residents in and around the activity indicated that it is not to their benefit due to the extensive activities around the trade. The Overstrand Municipal Spatial Growth Management Strategy, 2010, Hermanus Central, Planning Unit 12 earmarked the Unit as a densification zone less than ten (10) units per hectare. In terms of the aforementioned policies, the application is in line with the residential use; however it is not consistent with the Overstrand Zoning Scheme 2014. The Zoning Scheme has development parameters attached to the home occupation, which were not addressed in the application.

The development parameters indicated that the home occupation is limited to three (3) people, with sufficient parking for visitors. The activity be limited to 120m<sup>2</sup> and that it can be accommodated if it does not cause any pollution, whether aesthetics, noise to the detriment of the adjacent owners and the residential character of the area. These aspects were never addressed in the application to show compliance with the development parameters of a home occupation on a residential erf.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

Not applicable.

**10.6 Impact on Municipal engineering services**

None.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

Not applicable.

**10.8 Existing and proposed zoning comparisons and considerations**

The application is being made to remove the restrictive conditions and depart from the Scheme development parameters although the zoning will remain the

same. The present activities are not in line with the development parameters attached to home occupation. The present activities on the property as a service trade are not in line with a home occupation as per the Zoning Scheme.

## **11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

### **The financial or other value of the rights**

The applicant enjoys the financial benefit of a home occupation in a residential neighbourhood, whilst it should be relocated to a business and or industrial erf and be taxed on the applicable zoning. The present situation is thus only beneficial to the applicant to the detriment of the area.

### **The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal**

The applicant will benefit financially and personally since the residential property is used for his operation and thus does not have to look for appropriate zoned properties.

### **The social benefit of the restrictive condition remaining in place, and/or being removed / amended**

The social benefit for the community and the residential neighbourhood are that the activities in the area are restricted to ensure that the residential character remains in place, should the condition not be removed.

### **Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights**

The removal will remove the rights of the residents of Northcliff in as far as the infringement of the residential use due to the scale of the activities of the applicant infringing on the character and value of living in the area.

## **12. THE DESIRABILITY OF THE PROPOSAL**

The applicant is conducting his plumbing business from the application property. The business entails an office, three (3) commercial vehicles and storage of plumbing materials on the erf.

In terms of the definition of a home occupation, the parameters of such an occupation is to ensure that the owner of the property resides on the property and have three (3) employees, including the owner on the property at any time. The scale is restricted to 25% of the building's floor area, sufficient parking for the employees, owner and visitors. The home occupation is also restricted in as far as the disturbance or pollution it may contribute to the residential area.

The owner stores all his equipment on the property, which results in more than 25% of the parameters as allowed by the Zoning Scheme. The double garage and outside area of the erf is used for storage. This has the impact that the garages are not used for the purpose as indicated on the building plan. It also entails that the owner's vehicles are parked outside, which is not a problem; however the owner has three (3) commercial vehicles. The Zoning Scheme provides that one (1)

commercial vehicle is allowed on a residential property, and this application is for one (1) additional commercial vehicle.

The third commercial vehicle is indicated as for the private use of the owner. This aspect is put in dispute; the vehicle is used for the business as per the photographs submitted. Due to the fact that the garages are not always used for vehicles, two (2) additional commercial vehicles are not found desirable or recommended. Should the aforementioned be allowed the already limited parking available for the office use and visitors, will thus result that the vehicles are parked in the street. It is imperative to note that residents and or their visitors make use of the road for parking, which is normally short term and associated with residential use. The added commercial component is not part and parcel of the residential component.

The applicant did not indicate the percentage used for the home occupation and it seems more than the 25% that is allowed. The development parameters of the Zoning Scheme indicate that 25% of buildings on the property may be used for home occupation or screened from neighbours and the street. In this case the scale of goods stored behind the screen walls are excessive and does exceed the stipulated 25%, which is not located in a building and has a definite impact on the adjacent residential erven, should they be double storey buildings. All the home owners in Northcliff bought residential properties and it would be unfair to home owners to subject to service trades adjacent to their properties. The objector will be influenced in terms of views and healthy environment due to the storage of scrap material and storage of unsightly material on the applicant's erf.

The Overstrand Zoning Scheme does provide for a trade as a home occupation on Residential 1 zoned erven. However, it must be read and interpreted in relation to other home occupation land uses which relates to offices, professional practices and hobbies, all of which are restricted in terms of the parameters attached to it. Should the occupation be a disturbance to neighbours and or the residents in the area, the activity must relocate to an appropriate zoned erf. The evaluation of a home occupation is depended on the acceptability thereof to the residents.

The present plumbing business does not fall under the definition and development parameters of a home occupation, but a service trade. The latter is provided for in Business 3 as a Consent Use and Industrial Zone as a primary right.

The office of the plumbing business is located in the house and is less than 25% of the buildings and therefore this aspect is not in dispute. Due to the 24-hour operation of the existing plumbing business it is not in line with the home occupation, since it falls outside the ambit of operating hours in a residential area. The storage of material in the garages, outside the dwelling, exceeds the allowable 25% allocated for home occupation.. The 25% is to limit activities that can be to the detriment of the area and is a clear indication that e type of occupation must be in a built structure and should this not be possible, the activity cannot comply with this requirement. In terms of the Overstrand Zoning Scheme Section 3.2, the uses allocated in different categories must be in line with the definition of the Zoning Scheme and a service trade and storage is a primary right in terms of the Industrial Zone. In terms of the scheme, a service trade is only a primary right under the Industrial Zone I category, showing the impact that service trades can have and should thus be allocated away from residential and located in the industrial are,

The Spatial Development Framework (SDF), 2006 indicates the area as residential, the subsequent Growth Management Strategy does not consider the area as local business opportunity. The SDF guidelines for Northcliff do address that activities of industrial nature should be restricted to areas allocated for such activities. (SDF, section 7.73 LPL7, page 152.)

In as far as the SPLUMA and LUPA principles are concerned, one of the key issues are sustainability. Applications must take into consideration the environmental principles that everyone has a right to a healthy environment. The latter is interpreted in the wider sense that it encompasses not only the physical environment, but extent to well-being and liveability. The application only benefits the applicant and not the well-being or liveability of the community. The community can access the service should it be located in the industrial area of Hermanus. The physical nature of the activity is very visible and is not conducive to the liveability of the residential area.

The activity cannot be defined as a home occupation and the application received was not for a service trade. The applicant has suitable erf in the industrial area where this service trade can operate as a primary right. Therefore there will be no financial implication for the applicant, sufficient parking is available for the four (4) plumbing service trucks of the applicant, it will be able to operate 24hours and is closer to the people employed by the plumbing business. Taking the aforementioned into consideration, the activity in its present form is not desirable in the Northcliff residential area.

The objections are a reflection of the activities disturbing the nature and character of the direct environment. The three (3) commercial vehicles are operating 24-hours in collecting material from the storage on the property. It is a known fact that plumbers do have material on their properties in case of emergencies especially over the holiday periods if the suppliers are closed. The applicant's emergency material is excessive and clearly serves as storage in bulk, which relates to industrial warehousing and storage. The website of the plumbing business advertise that the business is open 24 hours a day, which entails that the employees will collect the material from the residential erf resulting in disturbance of the residents and noise pollution. This is not in line with the residential character of Northcliff and does impact on the quality of life in the neighbourhood. The tranquil and quietness associated with a residential neighbourhood and in the case of Northcliff, residents are elderly and small children. And the present activity of the business is not conducive to the liveability of the neighbourhood.

The applicant did indicate that it is similar to the Municipal trucks collecting refuse and garden services. This operation cannot be seen in the same light, since the Municipal service is part of their mandate and does not reside within the neighbourhood. The gardening services operating the area collect their employees and do not store material relating to industrial warehousing and or a service trade.

The removal of the restrictive conditions is due to the restriction that the erf is restricted to residential only, whilst the Zoning Scheme does allow for home occupation. In this case, due to the scale of the business, the activities are not seen as home occupation, however the applicant should remove the storage area and commercial vehicles for the erf and only have an office, the removal of this condition can be evaluated as follows:

That condition C.1. not be removed, but amended as follows:

*“that the erf be used primarily for residential purposes and that a home occupation be allowed, subservient to the primary use.*

Conditions C.3 and C.4 is catered for in the Zoning Scheme and the removal will have no impact on the residential area of Northcliff, since the Scheme regulations is applicable in the Overstrand Municipal area and is not to the detriment of any owner of the area. The Scheme makes provision for full public participation in the event of transgression of uses associated with the residential nature of the area.

To summarize, the application for a home occupation restricted to office use only is recommended. The storage of the material and scrap material as is presently the case is not acceptable. The same applies to the two (2), sometimes three (3) additional commercial vehicles on the property. It should be noted that the applicant does own an erf in the industrial area, which is specifically zoned for storage space/ industrial, where his material, parking of the commercial vehicles can be re-allocated to no financial cost to the applicant, thus removing the negative impact of his business in the residential area of Northcliff, which is not in line with the nature of the area. The full scale industrial activity/ service trade associated with the business is not in line with the principle of a home occupation. The 24 hour operation is not normal business hours and falls outside the realm of a home occupation in a residential neighbourhood.

The responses on the objections from the applicant shows total disregard of the residential character of the neighbourhood and disrespect of the influence of his service trade on his adjacent neighbours, especially if taken into consideration that the applicant has an erf in the industrial area to accommodate his service trade.

The abovementioned is evident in the photographs submitted indicating the scale of the plumbing activity on Erf 4612, Hermanus.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a removal of restrictive title conditions Clauses C.3 and C.4. of Title Deed T11169/2008 applicable to Erf 4612, Hermanus, **be approved**, subject to the following conditions:
  - (a) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and
  - (b) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for a removal of restrictive title condition C.1 of Title Deed T11169/2008 to utilize the existing dwelling as a home occupation, **be amended**, to read as follows:

*“that the erf be used primarily for residential purposes and that a home occupation be allowed, subservient to the primary use.*

3. that the amendment in Point 2. be subject to the following condition:
  - (a) that the plumbing business storage area and parking of commercial vehicles be re-allocated to a suitable and correctly zoned erf in the industrial area within a three (3) month period;
4. that the amendment in Point 2 are due to the following reasons:
  - (a) the scale of the present activity exceeds the low scale activity as implied with a home occupation in a residential neighbourhood;
  - (b) the owner does own an industrial site with storage approval in the industrial area and material and vehicles can be accommodated on his own site, and
  - (c) the industrial site is closer to the employees and the suppliers of plumbing material.
 

The removal of the condition is not to the benefit of the property owners in the area since it will have an impact and their right to a predominantly residential area under threat.
5. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 4612, Hermanus for a departure in order to enable the owner to park one (1) additional commercial vehicle on the property concerned, **not be approved**, due to the following reasons:
  - (a) the plumbing business does not comply with the definition of a home occupation
  - (b) the applicant did not sufficiently motivate or provide evidence that the activity will be in the interest of the area as stipulated in Section 35(4) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015  
The applicant did not motivate sufficiently that the activity is desirable in terms of Section 49(d) of LUPA.
  - (c) The application is only for the benefit of the applicant and not for the wider community in terms of environmental principles.
  - (d) The application did not address any of the planning principles as stipulated in terms of SPLUMA and LUPA.
  - (e) The proposed activity may have a detrimental cumulative impact on the residential character should similar trade be defines as home occupation.
  - (f) the Overstrand Zoning Scheme allows one (1) commercial vehicle on the property as a primary right;

- (g) the additional commercial vehicle applied for is not correct, since it is in fact two (2) additional commercial vehicles applicable;
  - (h) the two (2) commercial vehicles cannot conform to the parking requirements as per the Overstrand Zoning Scheme;
  - (i) the additional vehicles implies that the whole erf street front is used as an access and exit point, and no parking is provided for employees or clientele;
  - (j) the 24-hour service, as advertised, entails three (3) commercial vehicles accessing the area to obtain material 24 hours a day, which results into noise pollution and is not in line with the character of a residential neighbourhood.
6. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above decision.

#### 14. REASONS FOR RECOMMENDATION

- ❖ The activity in its present format does not constitute a home occupation.
- ❖ The scale of the business is not in line with the residential character of the area.
- ❖ The storage facility of material falls under Industrial use.
- ❖ The applicant does have an erf zoned correctly to cater for the activity.
- ❖ The storage of material in the open area has an impact on the neighbouring erven.
- ❖ The activity as a 24-hour business does impact on the tranquil environment of a residential neighbourhood.
- ❖ Commercial vehicles are constantly accessing the erf to collect material.
- ❖ Employees use the erf as gathering point in the early hours of morning and disturbance and noise pollution are evident.
- ❖ The visual impact of material being loaded and off loaded is in contrary of the aesthetics of a residential area.
- ❖ Sufficient parking is not available on the erf.

#### 15. ANNEXURES

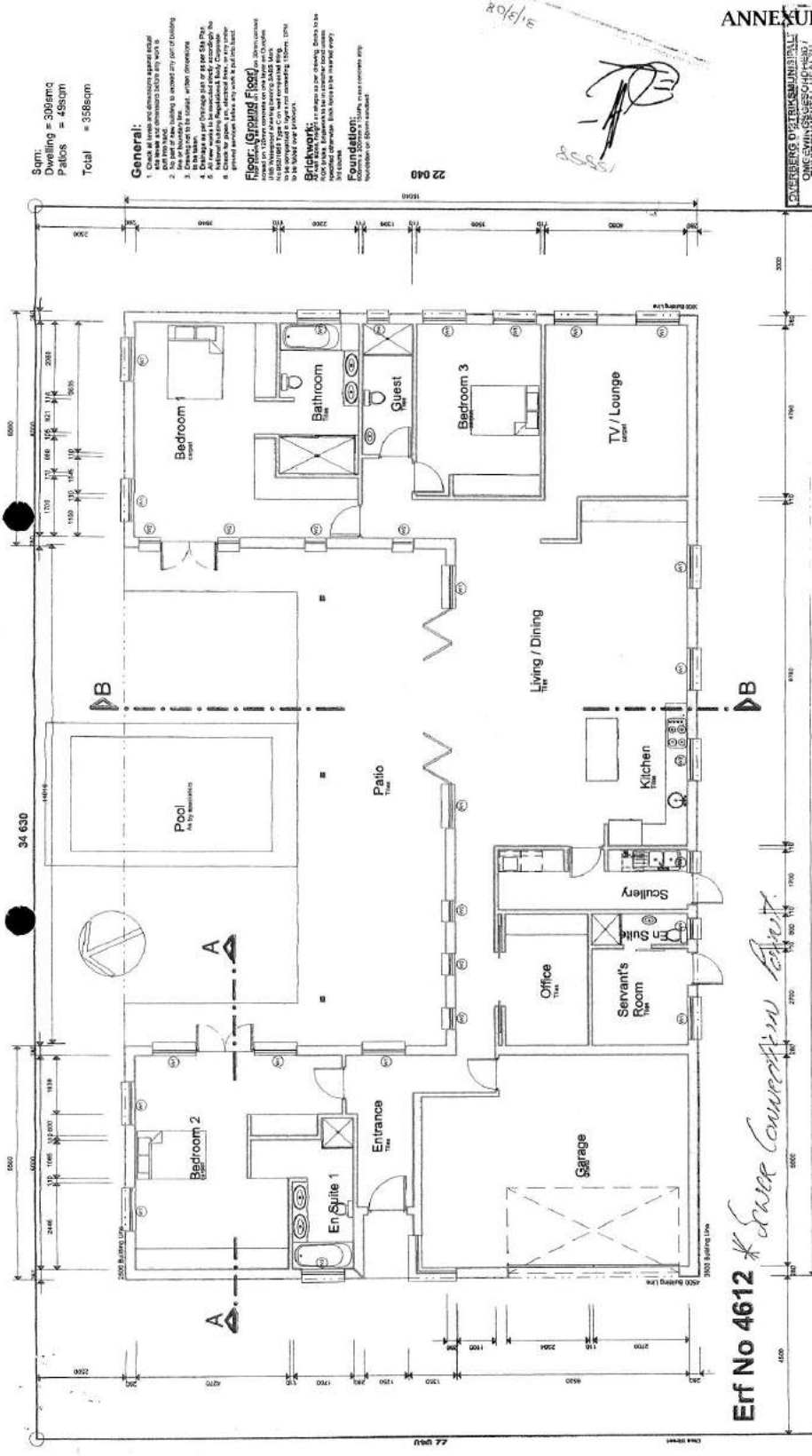
- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Title Deed
- Annexure E: Objections received
- Annexure F: Applicant's response to objections received
- Annexure G: Services Report
- Annexure H: Photographs of vehicles & 24-hours internet advertisements

**SIGNATURES****REGISTERED PLANNER**Name : **H VAN DER STOEP**SACPLAN registration number: **A/1708/2013**

Signature : \_\_\_\_\_

Date: \_\_\_\_\_





Site:  
 Dwelling = 300sqm  
 Pools = 45sqm  
 Total = 358sqm

**General:**

1. All work shall be done in accordance with the relevant building regulations and standards.
2. No part of any building is to be used for any purpose other than that for which it is designed.
3. All work shall be done in accordance with the relevant building regulations and standards.
4. All work shall be done in accordance with the relevant building regulations and standards.
5. All work shall be done in accordance with the relevant building regulations and standards.
6. All work shall be done in accordance with the relevant building regulations and standards.
7. All work shall be done in accordance with the relevant building regulations and standards.
8. All work shall be done in accordance with the relevant building regulations and standards.
9. All work shall be done in accordance with the relevant building regulations and standards.
10. All work shall be done in accordance with the relevant building regulations and standards.

**Floor / Ceiling / Floor:** (on ground level)  
 All work shall be done in accordance with the relevant building regulations and standards.

**Brickwork:** (on ground level)  
 All work shall be done in accordance with the relevant building regulations and standards.

**Foundations:** (on ground level)  
 All work shall be done in accordance with the relevant building regulations and standards.

22 040

ANNEXURE 1/3

OVERBERG DISTRICT MUNICIPALITY  
 OMS WINDSIECHERSHAW  
 ENVIRONMENTAL APPROVED  
 MUNICIPAL ENGINEER  
 OVERBERG DISTRICT MUNICIPALITY

No building or any portion thereof shall exceed a height of 4.5m above a level halfway between highest and lowest natural ground surface adjacent to the building.  
 To comply with SANS 10400:94 Sec. DD4 - Access to pool must be protected by self-closing gates.  
 Servants rooms and study to be mechanically ventilated.  
 Office not allowed on residential sites - study permitted.

Erf No 4612 \*Erf No Conversion\* *Ernst*

Floor & Site Plan  
 Scale 1:100

**MR. H. JONES**

Project:  
 Proposed New Dwelling on  
 Erf 4612, Disa Street, Hermanus

Scale: 1:100  
 Project No:  
 Date: March 2006  
 Drawn By: Jacco Sadie

Submission

DWG NO:  
 HJ 01/11/A

**PROJEKTS**

PO Box 132 Onnus River 7201  
 076-3300-330 or 083-414-8898

Sept:  
Dwelling = 20Baratq  
Patio = 48Baratq  
Total = 358Baratq

- General:**
1. Check all wall and dimension against actual site conditions.
  2. All work to be done in accordance with the relevant building codes and standards.
  3. Drawing notes to be signed, written dimensions.
  4. Drawings to be checked against the site plan.
  5. All materials to be specified in accordance with the relevant building codes and standards.
  6. Check for pipes, girths, electrical lines, or any other ground services before any work is started.

**Floor: (Ground Floor)**

Floor slabs to be reinforced on drawing on 30mm carpet covered on 100mm concrete or one layer on concrete. All reinforcement to be in accordance with the relevant building codes and standards. No BS50018 Type C or unapproved BFB.

**Brickwork:**

All wall sizes, height in height as per drawing. Bricks to be laid in accordance with the relevant building codes and standards. No BS50018 Type C or unapproved BFB.

**Foundation:**

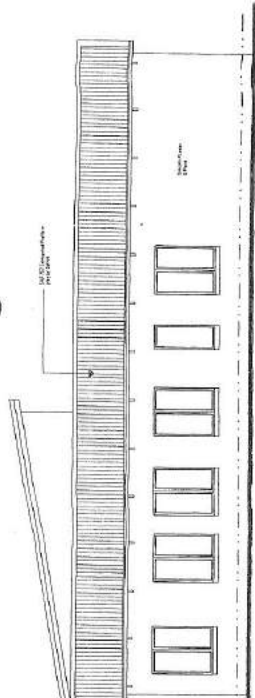
80mm x 50mm x 150mm mass concrete strip foundation on 30mm sandbed.

**Roof:**

Roof finishes as per drawing. Roofs Structure as per Engineers specification.

**Plaster:**

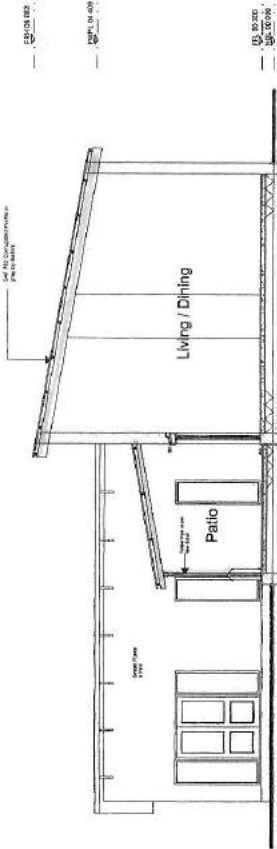
Interior: All rooms plastered with 15mm - 20mm smooth plaster unless otherwise specified. Exterior: All external walls to be rendered with 15mm smooth plaster unless otherwise specified.



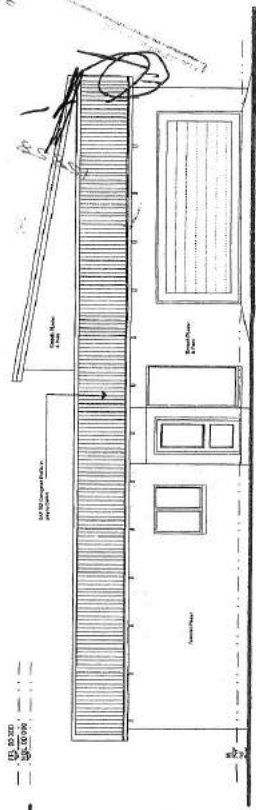
**East Elevation**  
Scale 1:100

**Build in Cupboards:**  
Specifications in detail.

**Ceiling:**  
8.0mm Gyproc Ribs Ceiling board to be fixed to 25mm x 25mm x 25mm SA Pine at 400 c/c. Batten to be fixed to 75 B.O.M.



**Section AA**  
Scale 1:100



**West Elevation**  
Scale 1:100

**Section BB**  
Scale 1:100

1. No building or any portion thereof shall exceed a height of 7.5m above a level halfway between highest and lowest natural ground levels immediately contiguous to the building.
  2. To comply with SABS (old) 1090 Sect. DD4 - Access to pool must be protected by self-closing gates.
  3. Walls of rooms and entry to be mechanically ventilated.
  4. Screens of rooms and entry to be mechanically ventilated.
- Office not allowed on residential sites - study permitted.



ANNEXURE B 2/3

<p>Client: <b>Mr. H. Jones</b></p>	<p>Drawing Name: <b>Submission</b></p>	<p>DWG No.: <b>HJ 0113/A</b></p>
	<p>Scale: <b>1:100</b></p>	
<p>Project: <b>Proposed New Dwelling on Erf 4612, Disa Street, Hermanus</b></p>	<p>Project No.: <b>March 2008</b></p>	<p>Date: <b>March 2008</b></p>
<p>PRO JECTS PO Box 132 Orluis River 7201 076-3300-330 or 085-414-8888</p>	<p>Drawn By: <b>Jaco Sadie</b></p>	

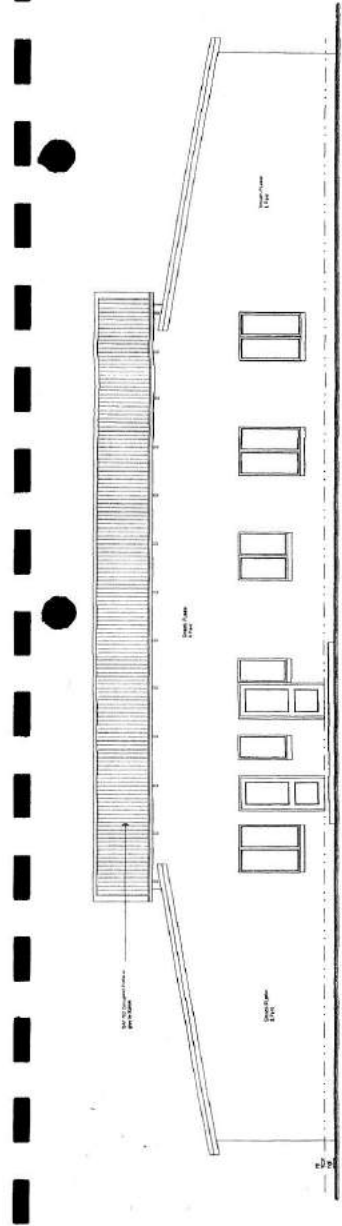
ANNEXURE B 3/3

Semt:  
Dwelling = 309sqm  
Pavils = 49sqm  
Total = 358sqm

**General:**  
 1. Check all levels and dimensions against final site plan and dimensions before any work is done.  
 2. No part of the building to exceed any part of building height.  
 3. All work to be done within the boundaries of the site.  
 4. Drawing shall be sealed, written and signed by the architect.  
 5. Drawing shall be sealed, written and signed by the architect.  
 6. Drawing shall be sealed, written and signed by the architect.  
 7. Drawing shall be sealed, written and signed by the architect.  
 8. Drawing shall be sealed, written and signed by the architect.  
 9. Drawing shall be sealed, written and signed by the architect.  
 10. Drawing shall be sealed, written and signed by the architect.

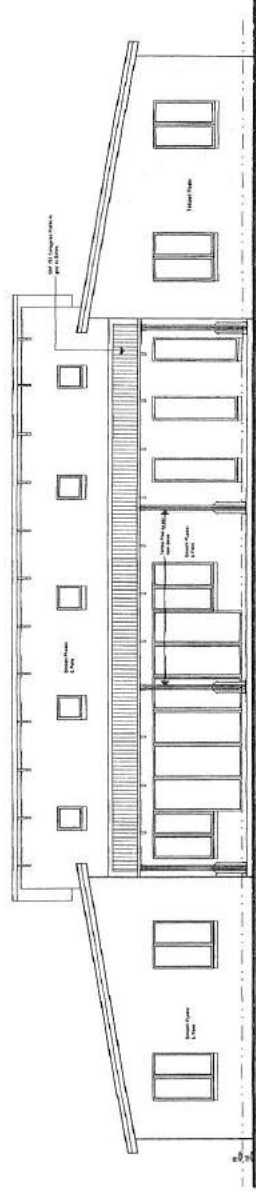
**Floor (Ground Floor):**  
 1. All work to be done within the boundaries of the site.  
 2. Drawing shall be sealed, written and signed by the architect.  
 3. Drawing shall be sealed, written and signed by the architect.  
 4. Drawing shall be sealed, written and signed by the architect.  
 5. Drawing shall be sealed, written and signed by the architect.  
 6. Drawing shall be sealed, written and signed by the architect.  
 7. Drawing shall be sealed, written and signed by the architect.  
 8. Drawing shall be sealed, written and signed by the architect.  
 9. Drawing shall be sealed, written and signed by the architect.  
 10. Drawing shall be sealed, written and signed by the architect.

**Roof:**  
 1. All work to be done within the boundaries of the site.  
 2. Drawing shall be sealed, written and signed by the architect.  
 3. Drawing shall be sealed, written and signed by the architect.  
 4. Drawing shall be sealed, written and signed by the architect.  
 5. Drawing shall be sealed, written and signed by the architect.  
 6. Drawing shall be sealed, written and signed by the architect.  
 7. Drawing shall be sealed, written and signed by the architect.  
 8. Drawing shall be sealed, written and signed by the architect.  
 9. Drawing shall be sealed, written and signed by the architect.  
 10. Drawing shall be sealed, written and signed by the architect.



South Elevation  
Scale 1:100

1. No building or any portion thereof shall exceed a height of 7.5m above a level halfway between highest and lowest natural ground levels immediately contiguous to the building.
2. To comply with SARS 0400/0999 Sect. DDA - Access to pool must be protected by self-closing gates.
3. Servants room and study to be mechanically ventilated.
4. Office use allowed on residential sites - study permitted.



North Elevation  
Scale 1:100

Handwritten signature and date: 20/03/10

COVERBERG DISTRICT MUNICIPALITY  
 OORLEANSBURG  
 GOEDSEKUR / APPROVED  
 DRAWN / DATE: 20/03/10  
 COVERBERG DISTRICT MUNICIPALITY

<p>Client: <b>Mr. H. Jones</b></p> <p>Project: Proposed New Dwelling on Erf 4612, Disa Street, Hermanus</p>	<p>Project: PROJ ECTS PO Box 422 - Orms River 7204 076-3300-330 or 083-414-8898</p>	<p>Drawing Name: <b>Submission</b></p>	<p>DWG No.: H.J. 01/2/A</p>
		<p>Scale: 1:100</p>	<p>Date: March 2008</p>
<p>Drawn By: Jaco Sadle</p>		<p>Project No: March 2008</p>	<p>Drawn By: Jaco Sadle</p>

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## MEMORANDUM

APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS AND  
SUBSEQUENT APPLICATION FOR DEPARTURES FOR ERF 4612: 10 DISA  
AVENUE: NORTHCLIFF: HERMANUS: OVERSTRAND MUNICIPALITY:  
WESTERN CAPE PROVINCE

### MOTIVATIONAL REPORT

#### 1. INTRODUCTION:

This introduction serves as a short summary of the application before the necessary proposals and motivations are presented.

- 1.1 Applicant: ME Planners Consulting Town and  
Regional Planner  
P.O.Box 552  
Hermanus  
7200
- 1.2 Power of Attorney: Power of Attorney has been rendered to ME Planners Consulting Town and Regional Planner to lodge this Application for the Removal of Restrictive Title Deed Conditions in terms of Section 16(2)(f) and Departures in terms of Section 20(1)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning.
- 1.3 Property: Erf 4612 Hermanus, (hereafter referred to as "the site of application" or "the property")
- 1.4 Street address: 10 Disa Avenue, Northcliff, Hermanus.
- 1.5 Locality: Erf 4612 is situated on the eastern side of Disa Avenue, adjacent to Erf 4615 on the southern, Erf 4613, on the eastern and Erf 4611 on the northern sides respectively.

**BELOW: EXISTING PRIMARY DWELLING UNIT FROM THE WEST  
(DISA AVENUE)**



## 2. OVERVIEW OF APPLICATIONS

- 2.1 **Application for the Removal of Restrictive Title Deed Conditions** (refer to Section C of the application form) in terms of Section 16(2) (f) of the Overstrand Municipal By-Law on Municipal Land Use Planning (forth worth called 'the By-law').

The Removals being applied for are **C.1, C.3, and C.4**, that read as follows:

***"C.1 That this erf be used for residential purposes only.***

***C.3 That not more than half the area of this erf be built upon.***

***C.4 That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than Four comma Seven Two (4,72) metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within Two comma Three Six (2, 36) metres of the lateral boundary common to any adjoining erf. "***

- 2.2 **Application for Departures** in terms of Section 16(2) (b), read with Section 20(1) (a) of the By-Law (departures as set out below).

(Refer to the site plan attached to the application.)

- 
- 2.3 The owner of the erf, Mr H. Jones, received a notice of non-compliance regarding an unauthorized plumbing business and material storage on the property. He was taken to the municipal court and was ordered to address the transgression.  
**(See "Annexure A" attached to the memorandum)**

Therefore, a Departure being applied for is with reference to Section 16.8.2 (a) (ii) of the Overstrand Municipality Zoning Scheme of June 2013, which reads as follows:

*"No more than one commercial vehicle per dwelling unit shall be parked on the property."*

The reason for this is that the owner uses two small (medium sized – as large as an ordinary sedan car) enclosed vans for his business, which are parked in a double garage, which forms part of the house, at night. Another van, which is used as the owner's private means of transport, is usually parked in front of the house on the property within the existing 4,5m building line.

The departure applied for, is to be allowed to park two commercial vehicles on the property.

### 3. GENERAL INFORMATION

#### 3.1 Title Deed and Property Description

In terms of its Title Deed, No. 000011169/2008 the property is described as Erf 4612, Hermanus, in the Overstrand Municipality, Division of Caledon, Western Cape Province, and is 763 square metres in size.

The property is registered in the name of Huw Bryn Owen Jones, ID Number 720901 5028 087. Unmarried.

#### 3.2 Bond/s

The property is encumbered by bond no. B 010599/08 dated 13 February. The bondholder is Standard Bank.

#### 3.3 Current Zoning Status

Erf 4612, 10 Disa Avenue, Northcliff, Hermanus is zoned "Residential Zone 1: Single Residential (SR1)" in terms of the Overstrand Municipality Zoning Scheme, 2013.

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### 3.4 Existing Development on the Property

The property is currently developed with a Single Residential Dwelling forming a unit with a double garage, servant's room and an office.

Building plans for the development were approved on 31 March 2008.

*(One copy of the Building Plan is attached to the application.)*

#### BELOW: EXISTING PRIMARY DWELLING VIEWED FROM A NORTHERLY DIRECTION

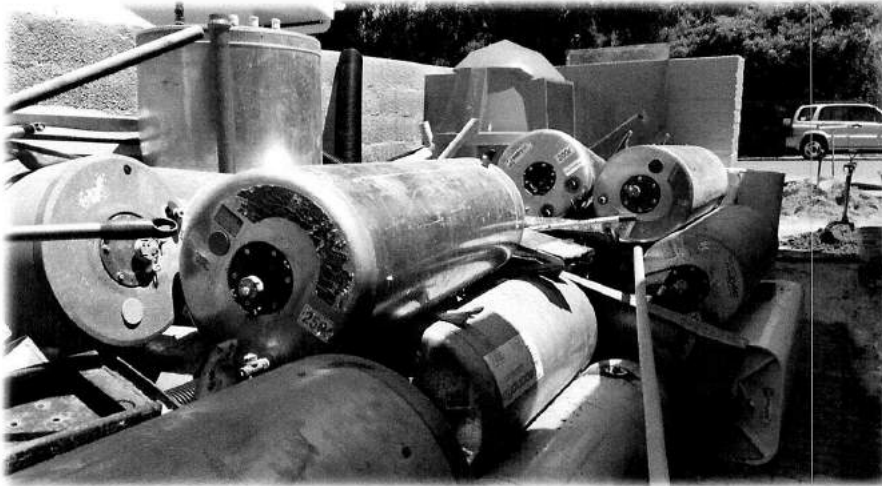


### 4. BACKGROUND

- 4.1 The property was purchased as a vacant stand during 2007.
- 4.2 A copy of the approved building plan is attached.
- 4.3 The owner runs his plumbing business from the house as a home occupation.
- 4.4 With regards to the foregoing it is to be noted that a large portion of the garage can be used for storage purposes and which is, from time to time, used for storage of plumbing appliances such as hot water cylinders which cannot be installed immediately on arrival.
- 4.5 Other accessories such as water pipes are stored on the erf behind screen walls which hide it away from the street, in terms of Section 16.1.1 (a) (i). of the Overstrand Municipality Zoning Scheme of June 2013.

---

**BELOW: STORAGE OF WATERPIPES BEHIND SCREEN WALLS**



**5. MOTIVATION**

**Intro:**

*It is generally known that outdated town planning legislation has recently been repealed and replaced with new legislation, and subsequently various decision*

---

*making powers in this regard have also been delegated from Provincial Level to Local Authority levels in the Western Cape.*

*Restrictive title deed development parameters were registered against title deeds decades ago during the processing of township development applications. These conditions however are regarded as "burdens" to Authorities and landowners since zoning schemes have been in place for years already in terms of which the development parameters of properties are regulated by local authorities.*

***Thus, from a technical point of view, the motivation for the departure applications should also be read as the motivation for the removal of the relevant restrictive title deed conditions.***

#### 5.1 Need and Desirability

When considering the application, it is evident that the need and desirability should both fall within the broad parameters and principles set out and necessary for orderly planning. To this end the following facts are given as far as this statement is concerned:

##### 5.1.1 Orderly Planning:

Orderly planning centres on the following four considerations that should be taken into account:

- The existing as well as the future character of the area;
- Traffic generation and access;
- The impact on services; as well as
- The standards and conditions that apply to such an application.

##### Character of Area:

The area, in which the site is located, is characterized by predominantly single residential uses and public open spaces.

A home occupation is regarded as a primary use in terms of the Overstrand Municipality Zoning Scheme of June 2013 in a Residential Zone 1: Single Residential, in this area.

It can thus be stated that the planned future character of the area will not be adversely affected should this application be approved as it is basically only an office that is being run from the property. The work done by the employees is not performed on the property, but at the properties affected by the work.

---

Traffic:

The approval of the application will not affect the traffic flow patterns in the area as very little traffic is generated by the coming and going of the vehicles housed on the property.

The public obtain the services offered by this business by telephone as they need a plumber to do an inspection at their places of living and he performs the work at their homes or businesses. The extra van will, therefore, have basically no impact on the traffic in the area.

Services:

All services are available and will not be affected adversely through the approval of this application.

Standards and Conditions:

The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of this application.

5.1.2 Need:

The need in this instance centres mainly on the fact that in order to be able to handle all calls as speedily as possible – most of these calls are from people in immediate need – more than one vehicle is a necessity in favour of the public.

5.2 Desirability

In the light of what has been mentioned as far as the need is concerned for this application, the desirability needs no further motivation, but the following is relevant and of interest.

Title Building Line Restrictions

The desirability for the removal of the title deed building line restrictions is evident from the fact that, for the sake of orderly planning and development in and of the municipal area, the Municipality has proclaimed various building line restrictions for the various zones allocated to all properties within the municipal area.

This planning could, as a matter of fact, not take the various title deed conditions of each of the various erven into consideration, but the necessity and desirability for a way in which conformity could be ensured was seen. This was done by ensuring that owners of erven could apply for the removal

of title deed conditions that were not in conformity with the Zoning Scheme Regulations of the Overstrand Municipality.

The desirability for the removal of the title deed building lines is therefore clear and evident.

The foregoing, therefore, necessitates a removal of Title Deed restrictions, but not a departure in terms of the zoning scheme restrictions.

As the specific business has been in existence for some years already without having caused any negative impacts in general and in view of all the above facts it is the considered opinion that this second commercial vehicle it will not have a negative impact on the rights of surrounding property owners, nor the surrounding built environment, and is thus also not regarded as undesirable from a planning point of view.

### 5.3 Forward Planning Documents

Not applicable since no change in land use of the property is being applied for.

### 5.5 Services Infrastructure and Municipal Engineering Services

Not applicable, since the property has been fully serviced for many years already and no upgrading is necessary.

### 5.6 PLANNING PRINCIPLES

The application has been analysed for consistency with the special planning principles which are in terms of the Spatial Planning and Land Use Management Act (SPLUMA), 2013 and also the Western Cape Land Use Planning Act, 2014.

The principles can be summarised as follows:

1. **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land.
2. **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.
3. **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.

- 
4. **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.
  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

As far as the first three principles are concerned it can be stated that they are not applicable to this application as this is not a land development application, but an application for the correction of an existing development that happened contrary to the stipulations of existing regulations and the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

The last two principles are adequately covered by the work and actions of the staff of the Planning Department of the Overstrand Municipality and the prescriptions of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

#### 6. CONCLUSION

From the contents of this report it is apparent that the removal of the Title deed Restrictions and the presence of the second commercial vehicle on the Erf 4612, Hermanus will have no negative impacts in general, and it is thus requested that the Municipality approve the applications as set out in paragraph 2 of this motivation.

**END OF MOTIVATION**

59 J.L. MARTINSON & CO.  
TEL: 021 424 4278

**FEE**  
R. 400,00

Prepared by me,

Conveyancer,  
BRAVO, W.Z

<b>VERBIND MORTGAGED</b>	
VIR FOR R. 1 800 000,00	
<b>B</b>	010599/08
13.02.08	REGISTRAR (FREGISTRAR)

000011/09/2008  
T

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN :

THAT WARREN ZELIC BRAVO

appeared before me, Registrar of Deeds at CAPE TOWN the said Appearer being duly authorised thereto by a Power of Attorney signed at Bunbury, Western Australia on 21 December 2007 and granted by:

**SHANE MORRIS**

Identity Number 560118 5196 18 5

married which marriage is governed by the laws of BOTSWANA and duly assisted by his wife, RUBY JACQUELINE SAMOS (born on 27 February 1963), as far as needs be

REKENAAR: DATAVERLEGINGSCOMPUTER EN VERLEGING		
	DATE/DATE	COMPLAINT OPERATOR
OPGEHEWEN/REKED	21/02	N.Z
GEWAAARDEKING		

which power, witnessed in accordance with law, was exhibited to me on this day,

**DATA / VERIFY**  
25 FEB 2007  
MUTHE L

DE KLERK MACLENNAN-SMITH INC  
ATTORNEYS

AND the Appearer declared that the said Principal had truly and legally sold the undermentioned property on 03 October 2007 and that, the said Appearer in his/her capacity aforesaid, did by these presents, cede and transfer, to and on behalf of:

**HUW BRYN OWEN JONES**  
Identity Number 720901 5028 08 7  
Unmarried

his heirs, executors, administrators or assigns in full and free property

ERF 4612 HERMANUS, IN THE OVERSTRAND MUNICIPALITY, DIVISION OF  
CALEDON, WESTERN CAPE PROVINCE

In Extent 763 (SEVEN HUNDRED AND SIXTY THREE) square metres;

First transferred by Deed of Transfer T13984/1945, with a diagram relating thereto  
and held by Deed of Transfer No. T69877/1989

- A. **SUBJECT** to the conditions referred to in Deed of Transfer T 13984/1945.
- B. **SUBJECT FURTHER** to the following conditions contained in Deed of Grant dated 5<sup>th</sup> August, 1922 (Caledon Freeholds Vol. 3, No. 8) namely:
- (2) That all roads and thoroughfares over the land, whether or not described in the plan or diagram thereof, shall remain free and uninterrupted unless closed, diverted or altered by competent authority.
  - (3) That all rights to minerals, mineral products, mineral oils and precious stones, precious or base metals on or under the land hereby granted are expressly reserved to the State, together with the right of access to any mines or works undertaken for mining or prospecting purposes by any person duly authorised in that behalf. The land is subject to such further rights as the public or the Government now may or may hereafter have or be entitled to obtain under or by virtue of any law relating to the prospecting, digging, mining or exploitation of minerals, mineral products, mineral oils precious stones, precious or base metals on or under the land hereby granted, which rights shall not be impaired or in any way affected by the Title Deed.



(4) That the land hereby granted shall be subject to all rights and servitudes which now affect or at any time hereafter may be found to affect, the title of the land hereby granted, or which may be binding on the Government in respect of the said land as at the date hereof.

C. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer T 13984/1945, imposed by the Administrator of the Cape Province in approving of Hermanus Township (Extension No. 4), namely:

As being in favour of the registered owner of any Erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33/1934:

1. That this erf be used for residential purposes only.
2. That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
3. That not more than half the area of this erf be built upon.
4. That no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than Four comma Seven Two (4,72) metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within Two comma Three Six (2,36) metres of the lateral boundary common to any adjoining erf.

As being in favour of the Administrator:

5. That this erf be not subdivided except with the consent in writing of the Administrator.

As being in favour of the Municipality:

6. That the owner of this erf shall be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf, if deemed necessary by the Council of the Municipality of Hermanus and in such

manner and such position as may from time to time be reasonably required by the said Municipal Council.

D. **SUBJECT FURTHER** to the following special conditions imposed by the said Council of the Municipality of Hermanus for its benefit as created in said Deed of Transfer T 13984/1945:

- (a) No person, Company or Syndicate shall at any time own more than four vacant erven in this Extension (Hermanus Township Extension No. 4).
- (b) No person shall construct a dwelling with the necessary outbuildings at a cost of less than R1 200,00 on this erf.

WHEREFORE the Appearer, renouncing all the right and title which the said

TRANSFEROR

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of and disentitled to the same, and that by virtue of these presents, the said

TRANSFEEE


his heirs, executors, administrators or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the whole of the purchase price amounting to **R800,000.00 (EIGHT HUNDRED THOUSAND RAND)**, to have been duly paid or secured.

IN WITNESS WHEREOF I, the said Registrar, together with the Appearer, q.q. have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the Registrar of Deeds at CAPE TOWN on **13 FEBRUARY** 2008.

  
\_\_\_\_\_  
q.q.

In my presence,

  
\_\_\_\_\_  
REGISTRAR OF DEEDS

## ANNEXURE E 1/14

Senior Stadsbeplanner

6 Julie 2017

Overstrand Munisipaliteit

Hermanus

7200

Vir Aandag Me. H van der Stoep

TP-A Theart  
(Huld Stoep)

Insake erf 4612, Opheffing van beperkende voorwaardes en afwykings.

As inwoner van Disa laan 6, Northcliff wil ek net u aandag daarop vestig dat daar veral die afgelope tyd besig is met die opgradeering van die woonbuurt ten opsigte dat die waarde wat toegevoeg word aan die eiendom wat gekoop word en in waarde verbeter word.

Indien daar nou besighede binne die area toegelaat word kan dit die mark en karakter van die woonbuurt beïnvloed.

My bekommernis met die aansoek is dat indien dit goedgekeur word om 2 kommersiele voertuie binne die motorhuis te parkeer, waarom word dit tans buite geparkeer? Een rede kan wees dat die motorhuis as stoorplek gebruik word en daar nie plek is om binne te parkeer nie.

Soos ek dit verstaan wil die aansoeker 2 kommersiele voertuie op sy perseel parkeer en die aansoek is nie om n besigheid van sy perseel te bedryf nie, maar slegs n kantoor.

By punt 2 van aansoek Artikel 16(2)(b) is die aansoek om afwyking om 2 kommersiele voertuie op die eiendom te parkeer, maar by punt 2.3 in sy motivering word gesê dat 2 kommersiele voertuie binne die motorhuis geparkeer word en n 3de buite. So daar gaan 3 kommersiele voertuie op die perseel wees!

Indien aansoek suksesvol is, sal ek graag wil sien dat daar voorwaardes in gevoeg word n!

Dat die goedkeuring nie outomaties na die volgend eienaar of n huurder van die eiendom oorgedra kan word nie.

Laastens kan die aansoek in die toekoms teruggetrek word indien aansoeker nie bly by dit waarvoor daar aansoek gedoen word nie.

Die uwe

A S de Kock

Eienaar van erf 4616, Disa laan 6

FILE NO:	EL 4612-HNC ✓
SCAN NO:	
COLLABORATOR NO:	104 9908

TP

7 JUL 2017

TP- A Theart  
(H vld Stoep)



NTA TOWN  
PLANNERS  
TOWN AND REGIONAL PLANNERS  
TOWNSHIP DEVELOPMENT SPECIALISTS  
PROJECT MANAGEMENT  
CK 95/00647/23

105 Club Avenue  
Cnr Club & Forbes Reef  
Waterkloof Heights  
PO Box 95617  
Waterkloof  
0145  
Tel: (012) 346 3204  
Fax: (012) 346 5445  
Email: martin@ntas.co.za

Municipal Manager  
Overstrand Municipality  
16 Paterson Street  
Hermanus  
7200

Date: 5 June 2017  
Your Ref: Municipal Notice 69/2017  
Our Ref: N1927

For attention: Ms. H van der Stoep (028 313 8900)

**OBJECTION TO AN APPLICATION FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND PERMENENT DEPARTURE LODGED IN TERMS OF SECTION 16(2)(f) AND SECTION 16(2)(b) OF THE OVERSTRAND MUNICIPAL BY-LAW ON MUNICIPAL LAND USE PLANNING, 2016: ERF 4612, HERMANUS**

We, Newtown Town Planners have been appointed on behalf of the owner of Erf 4683, Hermanus to lodge a formal objection to the abovementioned application for the removal of restrictive title deed conditions C.1, C.3 and C.4 and a departure in terms of Section 16(2)(f) and Section 16(2)(b) respectively, of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 to allow for the parking of two commercial vehicles on the premises.

The premise of our objection is set out below.

**1. MERITS OF THE APPLICATION:**

Our client resides in reasonably close proximity of the site the application site, and has closely followed the development and activities on the site for the past few months. The land use activities and the development of the application property is thus a matter of interest for our client as it will continue to have a negative impact on the aesthetic quality, privacy and overall enjoyment of the neighbourhood.

The main concerns of our client revolve around the visual aspects of the application site, the applicability of a "home occupation", the nuisance aspect and the character and general amenity of the area. Our office is also of the opinion that the removal of restrictive conditions is not necessary and poorly motivated. **It would appear on face value that this application is lodged in order to satisfy the Municipality that the owner is attempting to remedy the land use which is currently causing a nuisance to the residents in the area.**

These aspects are further elaborated upon in the following sections.

**1.1. Visual considerations:**

The owner of the property is operating a plumbing business (Walker Bay Plumbers) from the application site. This business is listed online as providing the following services:

- Plumbers and sanitary engineers
- Plumbers supplies
- Plumbers supplies and wholesalers

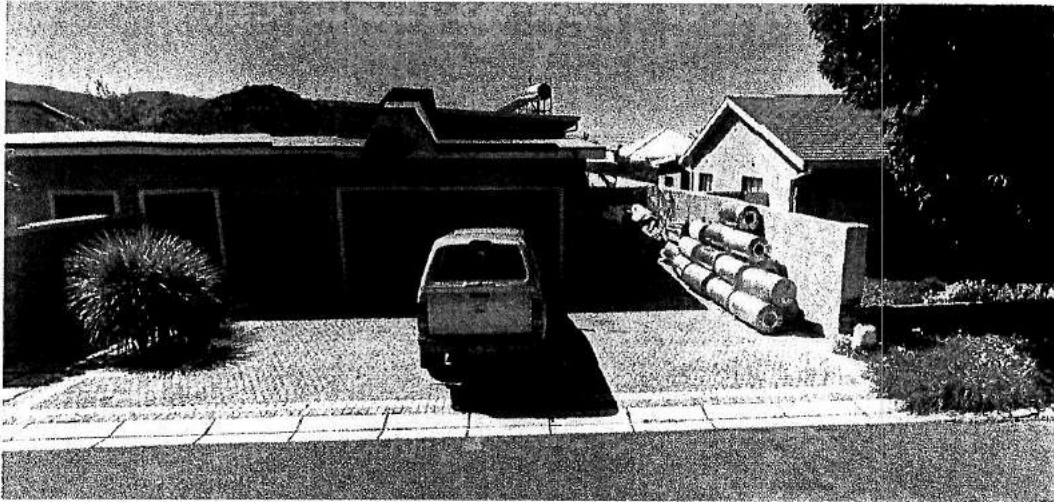
FILE NO: EL 4612-HM
SCAN NO: 13
COLLABORATOR NO: 1049636

TP

6 JUL 2017

## ANNEXURE E 3/14

The picture of the application site street frontage below clearly shows the visual state of the application site before the screen wall was built (in an attempt to hide the plumbing supplies and geysers/pumps from view). Geysers, pumps and plumbing supplies are currently being stored on the premises, and although the application site itself is well-maintained, the geysers and other plumbing supplies being stored on the site are an **eye-sore for the residents**, in spite of the new screen wall being built. The applicant shows pictures of the geysers and plumbing supplies in the motivating memorandum and one can clearly see the street from where the plumbing supplies are being stored. **Some of these geysers and pumps are stacked so high that they often exceed the height of the walls themselves.**



Our office argues that the application site in question finds itself in a residential area and maintains that the **application site should be restricted to a residential aesthetic and appearance as far as practically possible**, and that sufficient control and consideration must be given to the **design, layout and appearance of buildings** in order to **protect the residential quality, aesthetics and privacy** of the neighbourhood.

It is true that in time the Hermanus area may see an evolution in land uses, but at present the cost of allowing a business which stores unsightly geysers and plumbing supplies in plain sight of the public does not belong in the area – this is backed-up by the fact that the owner of the site has received a **notice of non-compliance for his plumbing business and material storage**.

**The application as lodged will not remedy the aesthetic aspects of the application site** and it appears to be a reactionary attempt to draw the Municipality's attention away from the contravention of the Scheme which is currently taking place on the site.

#### 1.2. Home occupation:

In terms of the Overstrand Zoning Scheme, 2013 a **"Home occupation** means the practicing of an occupation, profession, art or trade, or the conducting of an enterprise, which includes an estate agency, from a dwelling unit by one or more of the occupants of a dwelling unit; provided that the dominant use of the dwelling concerned shall remain for the living accommodation of a single family, and the property complies with the requirements contained in this zoning scheme for a home occupation; but does not include adult Entertainment."

Some of the other home occupations being run from the dwelling houses in Disa Avenue include maths tuition, a website and e-mail hosting business (Databias CC), and a pest control business, and there are a few other home occupations in the Hermanus area.

## ANNEXURE E 4/14

Such non-residential "home-enterprises" must be **feasible and practical** in the context of the specific area in which they take place. **Home-enterprises** are subject to **sound planning and urban design principles and adherence to the Schedules which regulate these so-called home enterprises.**

A so-called "home occupation" is a land use which allows the owner of the property to exercise limited business activities within the existing residential buildings on the site. Our office is of the opinion that the plumbing business being operated on the application site falls **outside** the definition of a typical "home occupation" and should rather be located in a business zone or area, such as the business zones along Main Road, Royal Road and Lord Roberts Road.

The applicant rightly argues that the home occupation is a primary land use right under a "single residential" zoning – and goes on to explain that the "planned future character of the area will not be adversely affected should this application be approved as it is basically only an office that is being run from the property". Our office differs from this interpretation as the physical appearance and use of the site is far removed from a typical home office. The applicant needs to qualify the statement when geysers and plumbing supplies/materials can be seen from the street on a permanent basis?

### 1.3. Nuisance aspect, character and residential amenity of the area:

The applicant's use of his property for the purposes of a plumbing business is currently having a negative impact on the residential character and general amenity of the area. The question that must be asked in this instance is whether it is fair to grant land use rights to an owner of a business which causes a nuisance to surrounding property owners to the detriment of the other residents and property owners. Is it fair that the pursuit of financial gain outweighs the concerns and right to enjoyment of the surrounding property owners' and residents?

The use of the application site as a plumbing business is negatively affecting the amenity and character of the area. The applicant argues that the "specific business has been in existence for some years already without having caused any negative impacts in general..." **This statement is false** as evidenced by the fact that a notice of non-compliance was issued against the owner of the erf for the activities being exercised on the erf.

Generally speaking, home occupations resemble regular dwelling houses and blend in with the residential properties in the neighbourhood. In this instance, the plumbing business being run on erf 4612, Hermanus does not blend in with the surrounding residential erven.

Workers employed by the plumbing business generally assemble in front of Erf 4612 in the mornings for work, and regularly cause a noise nuisance in the vicinity of the application site. **On-loading and off-loading of the geysers and heat pumps and other plumbing materials also takes place on the application site's driveway, which is a regular occurrence and disturbance in the normally quiet residential suburb.**

These geysers are then stored on the site and causes visual degradation of the site, and one has to beg the question of how sanitary this is. With the geysers and plumbing supplies being stacked up and hoarded on the application property, the **opportunity arises for vermin and pests to flourish**, especially given that the site is relatively close to the Fernkloof Nature Reserve. This inherently causes a **health risk to the adjoining owners.**

The presence of the commercial vehicles would not normally detract from the residential amenity of the site, but one has to ask why the owner of the plumbing business still operates from the application site when the business has grown to a total of 2 commercial vehicles. Surely a space in a business or retail park would be better suited for the purpose of this particular plumbing business?

In our opinion the plumbing business needs to seek more suitable premises where it would not cause a nuisance to the residents or detract from the residential character and amenity of the residential area.

## ANNEXURE E 5/14

**2. REMOVAL OF RESTRICTIONS**

Regarding the removal of the three mentioned title deed restrictions from the title deed of erf 4612, Hermanus, our office does not see a justifiable reason why these title conditions need to be removed.

Condition C.1 relates to the use of the application site for **residential purposes only** – the control of land uses on residential erven such as the application site are regulated and controlled by the prevailing Town Planning Scheme. In our opinion there is no need to remove this condition from the title deed. **If the owner wishes to maintain the "home occupation", why would it be necessary to remove this condition from the title deed?**

Condition C.3 relates to the maximum **allowable coverage** on the site. Once again, this aspect is regulated and controlled by the prevailing Town Planning Scheme. **Our office sees no need for this condition to be removed and no motivation is provided why the applicant seeks to remove this condition.**

Condition C.4 relates to building line restrictions. Seeing as this application for the removal of title deed restrictions and application for departure to allow for the two commercial vehicles to be parked on the property is lodged simultaneously, the question begs to be asked why the owner wishes to remove the building line restrictions from the title deed? **The current building lines applicable in terms of the Zoning Scheme are not substantially more restrictive than those contained in the title deed and our office fails to see the reasoning behind the removal of this title condition.**

**It would appear that the applicant wishes to remove the above conditions in preparation for possible expansion of the existing building/structures to accommodate even more materials for storage or for additional space for the growing plumbing business.**

Our office is of the opinion that there is no need for the removal of these conditions given that the applicant is seeking to remedy a contravention of the Land Use Scheme. **The title deed conditions mentioned above would not impact on the exercising of the departure for the two commercial vehicles to be parked on the property, and we suggest that these conditions be left in the title deed.**

**In our opinion the removal application has nothing to do with the non-compliance issue.**

**3. CONCLUSION/REQUEST**

Our client wishes to raise his concerns and make it clear to the Municipality that the home occupation on Erf 4612, Hermanus is not as similar to a typical dwelling-house office as argued by the applicant's Town Planners. **The motivation for the removal of conditions C.1, C.3 and C.4 is insufficient in our opinion and leaves room for speculation for possible future expansion of the home occupation.** The plumbing business being run on the property constitutes a negative addition to the area and detracts from the aesthetics, character and residential amenity of the area.

Our office is thus of the opinion that this application be refused outright, or at the very least request that **sufficient control measures be put in place to ensure that there are no geysers or plumbing materials/supplies stored on the site whatsoever and that storage of these items be done within the dwelling house or garage.** The existing screen wall is an insufficient remedy or solution to the problem. The applicant argues that the business is a primary right in a residential area, but in reality this business would be better suited in an area earmarked for non-residential uses where it will not detract from the residential neighbourhood.

Our firm reserves the right to expand, elaborate and/or raise additional arguments on the application in due course if necessary. We eagerly await further correspondence herein.

Yours sincerely

  
A.A.J. VAN NIEUWENHUIZEN Pr. Pin.  
NEW TOWN TOWN PLANNERS

TP- A Theart  
(H Olivier)



Ek verwys na u memorandum :

Erf 4612, Disalaan 10, Northcliff, Hermanus : Opheffing van beperkende Voorwaardes en Afwyking.

Mnr Louis Loubser  
Talanstraat 5  
Northcliff

Tel 028-3123312

My belang by die aansoek is omdat ek 'n inwoner van Northcliff is en ek woon nie ver van Disalaan nie.

Ek staan die aansoek teen op grond van die volgende:

1. Disalaan is 'n kort straat in Northcliff waar inwoners 'n rustige en vreedsame bestaan voer vir baie jare. Ek dink dit is onnodig dat enige persoon nou hierdie rustigheid wil versteur deur tot 'n mate 'n besigheid hier wil bedryf. Ek verstaan dit is nie 'n besigheid as sulks maar daar sal tog 'n mate van **steurnis** wees as handelsvoertuie kom en gaan om voorraad op en af te laai. Daar is persele in die nywerheidsgebied waar die aansoeker sy besigheid kan vestig.
2. In die onmiddellike omgewing van sy woning gaan daar noodwendig 'n element van **geraas** wees soos werkers voorraad op voertuie laai en aflaai. Dit is dus ongevraagd.
3. Met werksmense hier besig kan daar 'n gevaar ontstaan dat bure slagoffers kan wees van **inbrake** en **diefstal**.
4. Die aansoek meld dat geen werk op die perseel gedoen gaan word nie maar dat slegs **toestemming** gevra word om voorraad te stoor. As die afwyking toegestaan word kan dit aanvanklik so wees maar ek is oortuig dat dit later daarin kan ontaard dat 'n **besigheid** wel van die eiendom af **bedryf** sal word. Wie gaan toesig hou dat dit nie die geval is nie.?

L. Loubser

FILE NO:	EL 4612-HNC
SCAN NO:	
COLLABORATOR NO:	1047902

TP

30 JUN 2017

1. 11. 2017  
ANNEXURE E 7/14



Overstrand Municipality  
Town Planning Dept.  
Palloos Street.

TP - A Theart  
(H Olivier)

7200  
36/6/17

Dear Sir,

Re: Lifting of Restrictive Conditions on Est 4612.

I oppose the removal of restrictive conditions for Est 4612:  
10 Dico Street, Hermanus.

I am a resident in Mattheeff and enjoy the residential atmosphere of the area i.e. low traffic flow, absence of noise etc.

I believe that the lifting of restrictions on residential property in this area will be detrimental to the residential atmosphere of Mattheeff.

Yours faithfully

R. Pieter  
1 Monseigneur  
Mattheeff  
072 143 8188

FILE NO: EL 4612-Hm
SCAN NO:
COLLABORATOR NO: 1046384

TP 26 JUN 2017



ANNEXURE E 8/14

19<sup>th</sup> June, 2017

The Municipal Manager  
 Overstrand Municipality  
 P O Box 20  
 Hermanus  
 7200

*TP - A Theart  
 C H Olivier*



**By Email:** [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

Dear Sir,

**MUNICIPAL NOTICE 69/2017: ERF 4612, 10 DISA AVENUE, NORTHCLIFF, HERMANUS: REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE**

The Municipal Notice 69/2017 and Memorandum relating to the above application refer.

The Hermanus Ratepayers Association is strongly opposed to the removal of restrictive conditions and departures sought for 10 Disa Avenue in Northcliff for the following reasons, namely;

1. The plumbing vehicles parked outside and plumbing materials on the property are already an eyesore in the area
2. The plumbing vehicles are often driven at high speed to and from 10 Disa Avenue through Northcliff creating safety concerns for residents
3. The operation of such a business is not in keeping with the quality of life that owners desire from a quiet residential neighbourhood
4. Granting such an application will create a precedent that is likely to encourage other similar businesses to establish themselves in Northcliff.

Yours sincerely,

Seth Anderson  
 CHAIRMAN

FILE NO:	<i>EL 4612</i>
	<i>Hermanus</i>
SCAN NO:	<i>70</i>
COLLABORATOR NO:	<i>104+1016</i>

*TP*

*21 JUN 2017*

TP-ANNEXURE 9/14  
C H Oliveira

**Loretta Gillion - Re Removal of restrictive Title Deed conditions Erf 4612 10 Disa Avenue Northcliff**

**From:** "Ferreira, Tasha T" <Tasha.Ferreira@standardbank.co.za>  
**To:** "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>  
**Date:** 20/06/2017 11:38 AM  
**Subject:** Re Removal of restrictive Title Deed conditions Erf 4612 10 Disa Avenue Northcliff  
**Cc:** Sienta Ferreira <sienta.ferreira@gmail.com>

The Municipal Manager  
 Overstrand Municipality  
 By-mail

Dear Sir/Madam

20 June 2017



**Municipal Notice 69/2017**

We refer to the above captioned application for the removal and or amendment of the purported restrictive conditions pertaining to 10 Disa Street and advise that we object to aforesaid sought relaxation of current conditions pertaining.

Our objections pivot on :

1. Past experience where indeed the current owners operated a going concern basis from said premises and we find it difficult to believe that said practice will stop, with use restricted to office only ,with allowances for two vehicles. This will indeed be difficult to police if that was made a condition precedent. In fact my wife is on record for having reported visually distracting plumbing equipment and goods in plain eye sight and the speeding of vehicles associated with this business as they approach and depart.
2. Northcliff is perhaps the last residential suburb close to town and amenities and as such sought after by a number of existing and would be residents. Allowing this application to slip through will indeed create a precedent for light industrial applications for others to follow which will be difficult decline, accordingly will lead to rezoning and the consequences that follow for many an existing and future resident
3. It is not that there are not alternative sites provided that are more suited with operations of this nature.

We trust that you will consider these concerns in your deliberations

Sincerely

Tasha and Sienta Ferreira

PS: For the record, we are the owners of 9 Steenbok Street NorthCliff Hermanus and can be contacted by mail or phone viz 028 312 1437 should you have any queries.

FILE NO:	EL 4612
	Hermanus
SCAN NO:	33
COLLABORATOR NO:	1040845
	HermanusMunpost... 2017/06/20

TP

20 JUN 2017

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/59490918

ANNEXURE E 10/14

**R A STANWAY**

6 Mossie Ave  
Northcliff  
Hermanus  
7200

P O Box 1474  
Hermanus  
7200

E-mail : stanway.bob@gmail.com  
Tel : 028 312 2575  
Fax : 086 543 1594  
Mobile : 082 557 6552

19<sup>th</sup> June, 2017

The Municipal Manager  
Overstrand Municipality  
P O Box 20  
Hermanus  
7200



*TP-ATheart  
C Holivier*

**By Email:** [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

Dear Sir,

**MUNICIPAL NOTICE 69/2017: ERF 4612, 10 DISA AVENUE, NORTHCLIFF, HERMANUS: REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE**

The Municipal Notice 69/2017 and Memorandum relating to the above application refer.

I wish to register my objection to the removal of restrictive conditions and departures sought for 10 Disa Avenue in Northcliff as the operation of such a business is not in keeping with the quality of life that owners desire from a quiet residential neighbourhood.

In addition, granting of such an application will set a precedent that is likely to encourage other building-related businesses to establish in Northcliff.

Yours sincerely,

R A Stanway  
OWNER

FILE NO:	EL 4612
	Herm
SCAN NO:	5
COLLABORATOR NO:	1040308

*TP* 19 JUN 2017

ANNEKURE E 11/14

TR A Theart  
C Holivier

**Loretta Gillion - Erf 4612: 10 Disa Avenue, Northcliff, Hermanus. Comments on application for removal of restrictive conditions and application for departures. From G D Hutton 25 Mossie Avenue, Northcliff, Hermanus.**



**From:** "Hutton (iafrica)" <huttongd@iafrica.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 16/06/2017 04:44 PM  
**Subject:** Erf 4612: 10 Disa Avenue, Northcliff, Hermanus. Comments on application for removal of restrictive conditions and application for departures. From G D Hutton 25 Mossie Avenue, Northcliff, Hermanus.

Please confirm receipt.

From G D Hutton 25 Mossie Avenue, Northcliff, Hermanus. Cell 083 448 7340. Home 028 312 4048.

Interest in the application:  
I am a home owner and resident of Northcliff.

I wish the quiet and attractive character of this suburb of Hermanus to be preserved.

I do not believe that the business described, being run from 10 Disa Avenue and the removal of restrictive conditions and departures sought, are consistent with the quality of suburban life we enjoy here.

Reasons for comments:

The continued operation of the business at 10 Disa Avenue, Northcliff, will continue to annoy, upset and adversely affect neighbours and homeowners such as myself.

Formalising this situation will set a precedent for Northcliff and could increase the likelihood of applications for removal of restrictive conditions and departures being made and granted.

This could lead to an increase in businesses being run in Northcliff which is unacceptable to residents such as myself.

This could in turn lead to a negative impact on property values which would materially affect homeowners.

Sincerely, Garth Hutton.

FILE NO:	EL 4612
	Hermanus
SCAN NO:	45
COLLABORATOR NO:	1039887

TP 19 JUN 2017

ANNEXURE E 12/14

TP A Theat  
C Holivier

Loretta Gillion - Fw: Mev. Marilda Guthrie -eienaar van erf 4629 (Disastraat 9)  
Hermanus -Northcliff

**From:** "Marilda" <marildaguthrie@lantic.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 06/06/2017 08:01 PM  
**Subject:** Fw: Mev. Marilda Guthrie -eienaar van erf 4629 (Disastraat 9) Hermanus -Northcliff



**From:** Roy  
**Sent:** Tuesday, June 06, 2017 7:27 PM  
**To:** loretta@overstrand.gov.za  
**Subject:** Mev. Marilda Guthrie -eienaar van erf 4629 (Disastraat 9) Hermanus -Northcliff

Geagte Mnr. Mev.Mej.

Ek Marilda Guthrie –eienaar van erf 4629 (Disastraat 9 ) ,Northcliff –Hermanus ,maak hiermee beswaar teen die opheffing of afwyking van Artikel16(2)b ten einde die eienaar van erf 4612 (Disastraat 10) instaat te stel om 2 kommersiele voertuie op die erf te parkeer.

Die opheffing of afwyking van bg. verordening gaan inbreuk maak op die rustigheid en atmosfeer van die omgewing en die teenwoordigheid van meer mense wat moontlik kan lei tot sekuriteits probleme en inbrake.

N besigheid soos wat vanuit Disastraat 10 bedryf hoort tuis in n Industriële area en nie n residensiele gebied nie .

By voorbaat dankie  
Marilda Guthrie  
sel.0823489395  
Andrewsstraat 8  
Barberton  
1300

FILE NO:	EL 4612
	Hermanus
SCAN NO:	55
COLLABORATOR NO:	1037381

TP

6 JUN 07

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/59370A14HermanusMunpos... 2017/06/09

Re: Erf 4612, Hermanus

TR A Theart  
(H Olivier)



TO WHOM IT MAY CONCERN

I, THEODOR HEINRICK PEGEL, hereby strongly object that the neighbourhood is slowly being encroached by commercial activities and therefore strongly oppose the removal of the restrictive conditions on Erf 4612 Disa Street, Northcliffe.

The proposed activities cannot be reconciled with a residential neighbourhood and it is an abuse of our rights.

I am convinced that if this is approved, this will have a negative impact on my residential investment.

Please acknowledge receipt of this letter.

*[Handwritten signature]*  
TH PEGEL

18 STEENBOK STREET  
HERMANUS

083 269 0581

15 June 2017

FILE NO:	E 4612
	Hermanus
SCAN NO:	44
COLLABORATOR NO:	1039882

TP

19 JUN 2017

## ANNEXURE E 14/14

Tel: [028] 312 1189  
 Fax: [028] 312 1189  
 Cell: 073 217 2311  
 e-mail: [theo.botha@gmail.com](mailto:theo.botha@gmail.com)



33 Bird Lane  
 Northcliff  
 7200 Hermanus

TP A Theart  
 (Moliva)

14th June 2017

The Municipal Manager  
 Overstrand Municipality  
 Hermanus  
 By e-mail: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

Dear Sir

**COMMENTS: MUNICIPAL NOTICE No 69/2017: APPLICATIONS BY HBO JONES, ERF 4612, 10 DISA AVENUE, NORTHCLIFF, HERMANUS**

1. We are the owners of Erf 4613, 33 Bird Lane, Hermanus, situate on the eastern boundary of the property in respect of which the applications have been made.
2. We are currently doing additions to our home in terms of approved building plans which include the addition of a main bedroom and study on a new first floor section of the house.
3. The new bedroom on the first floor overlooks the rear of the applicant's house and the grounds of Erf 4613.
4. Although it is alleged in the application that "[o]ther accessories such as water pipes are stored on the erf behind screen walls which hide it away from the street", on inspection today we found that water pipes and other "accessories" in fact protrude above the wall and these are visible from Disa Street.
5. Our main concern is however that the material stored behind the screen wall will be totally visible from the new bedroom on our property.
6. The material shown on the photograph forming part of the application consists mainly of old and rusted geysers and other items which are unsightly in the extreme.
7. No resident should be expected to tolerate exposure to debris of the kind stored on Erf 4613.
8. Our further concern is that removing the title condition restricting the use of the property to residential purposes will open the floodgates for other owners also to follow suit and to apply for permission to conduct a variety of trades, commercial and industrial undertakings from their residences, which will impact negatively on the current tranquil residential ambience of the suburb, with a consequent restraint on the growth of property values in the neighbourhood.
9. We therefore object to the granting of the applications.

Yours faithfully

*TC Botha*  
 TC Botha

*T Botha*  
 T Botha

FILE NO:	EL4612
	Hermanus NK ✓
SCAN NO:	
COLLABORATOR NO:	1039357

TP  
 14 JUN 2017

ANNEXURE F 1/9

TR A Theart  
(M Olivier)



**REPLY TO OBJECTIONS FOR ERF 4612 NORTHCLIFF HERMANUS**

**APPLICATION WAS MADE FOR THE REMOVAL OF RESTRICTIVE  
CONDITIONS AND SUBSEQUENT APPLICATION FOR  
DEPARTURES FOR ERF 4612: 10 DISA AVENUE: NORTHCLIFF:  
HERMANUS: OVERSTRAND MUNICIPALITY: WESTERN CAPE  
PROVINCE**

**OBJECTIONS WERE RECEIVED FROM:**

1. NTA Town Planners (on behalf of the owner of Erf 4683, Hermanus)
2. A.S. DE KOCK
3. L. LOUBSER
4. R. CLOETE
5. HERMANUS RATEPAYERS ASSOCIATION
6. T. & S. FERREIRA
7. R.A. STANWAY
8. G. D. HUTTON
9. T.H. PEGEL
10. T.C. BOTHA
11. M. GUTHRIE

FILE NO:	EL 4612
	Hermanus ✓
SCAN NO:	
COLLABORATOR NO:	1075901



ME PLANNERS  
 Elizabeth de Kock  
 phone/fax: 028 316 4094 (w) (h)  
 cell: +27 83 456 4064  
 e-mail: meplanners@telkonusa.net

TP 14 SEP 2017

ANNEXURE F 2/9

APPLICATION WAS MADE FOR:

APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS AND  
SUBSEQUENT APPLICATION FOR DEPARTURES FOR ERF 4612: 10 DISA AVENUE:  
NORTHCLIFF: HERMANUS: OVERSTRAND MUNICIPALITY: WESTERN CAPE  
PROVINCE

REPLY TO OBJECTIONS FOR ERF 4612 NORTHCLIFF HERMANUS

EXISTING PRIMARY DWELLING UNIT FROM THE WEST (DISA AVENUE)



1. NTA Town Planners (on behalf of the owner of Erf 4683, Hermanus):

OBJECTIONS	REPLY
<p><b>1.1 Home occupation:</b></p> <p>The main objection seems to centre on the fact that certain plumbing materials are stored from time-to-time on the erf and although it is not the subject of the application as such, the following must be noted from Section 5.1.8 of the Overstrand Municipality Zoning Scheme with regards to <b>Home occupation:</b></p> <p><b>5.1.8 (f): The storage of products, goods, or supplies connected to the home occupation shall be inside a building or screened from the neighbours and public streets.</b></p>	<p>Taking the definition into account, nothing therefore, prohibits the owner from the storage of goods on his property.</p> <p>The owner has already constructed the necessary required screen walls since the photo in the letter of objection had been taken and it will be made a condition of approval that anything stored behind the screen walls may not be stored in such a way that it can be seen from the street or the side of the neighbours.</p> <p>Furthermore the stacking is not a regular happening, but something which happens from time to time when new stock are received.</p> <p>Why vermin and pests, originating from the</p>

## ANNEXURE F 3/9

	Fernkloof Nature Reserve, would come to flourish on this erf in particular, goes beyond imagination.
<p><b>1.2 Removal of Restrictive Conditions</b></p> <p>1.2.1 It would appear as if the objector is of the opinion that restrictive title deed conditions can and may be overridden by the conditions prescribed in a Town Planning Scheme.</p>	<p>This is not true and the reason why there are provisos in all Town Planning Schemes for the removal of restrictive conditions in title deeds.</p> <p>Title deeds cannot be changed by changes in planning laws and conditions; they can only be changed to conform to the latest Town Planning Scheme Regulations by the kind of application that is made in this application.</p>
<p>1.2.2 The objector states that "the motivation for the removal of conditions C.1 C.3 and C.4 is insufficient ..... and leaves room for speculation for possible future expansion of the home occupation".</p>	<p>This statement is completely wrong as the removals are specifically intended to restrict the applicant to what is presently allowable on the erf according to the Town Planning Scheme.</p> <p><u>The following can be stated:</u></p> <p><u>Condition C.1:</u> The Town Planning Scheme makes provision for a home occupation as a primary use right in a Residential Zone 1 area, whereas the title deed restricts the use rights on the erf to residential purposes only.</p> <p>These two "rights" clash with each other and, therefore, the title deed has to be changed to conform to the legal prescriptions of the Town Planning Scheme</p> <p><u>Condition C.3:</u> The Town Planning Scheme makes provision for maximum coverage of 50%, which is the same as allowed by the title deed.</p> <p>It was a condition by the Planning Department of the Municipality that this condition be removed from the title deed to provide for possible future changes in the conditions of the Town Planning Scheme, which might become more restrictive.</p> <p><u>Condition C.4:</u> The Town Planning Scheme makes provision for smaller building lines than those prescribed by the title deed.</p>

## ANNEXURE F 4/9

	In order to "legalise" the new building line restrictions set by the Town Planning Scheme, the title deed has to be changed and only the owner can apply for such a change. The objector is also referred to Paragraph 5.2 of the Application in this regard.
--	---

## 2. A.S. DE KOCK

OBJECTIONS	REPLY
2.1 Businesses should not be allowed in the suburb.	This is not an application for a business. The right already exists.
2.2 There will be 3 commercial vehicles on the property.	The third vehicle is used as the owner's private transport.
2.3 The vehicles are parked outside and not inside the buildings on the property.	The application is for parking <b>on</b> the property which does not imply that it will be in a building or in the open. The Town Planning Scheme does not require any owner to provide under-cover parking for vehicles on any erf.
2.4 Certain proviso's should be made if the application is approved.	Any proviso's are for the discretion of the municipality.

## 3. L. LOUBSER

OBJECTIONS	REPLY
3.1 Nobody should be allowed to have a business in the area as it will lead to the placidness of the streets and the area being disturbed.	Streets will always be responsible for some or other kind of disturbance, no matter what the zoning of the properties are in an area.
3.2 With workers being busy here, there is the possibility that the neighbours might be subjected to burglary and theft.	Very few people do not employ outside workers all of or some of the time and it sounds unreasonable to want to blame the possibility of burglary and theft on somebody who runs a legal business in the vicinity.
3.3 Although no physical plumbing work is being done on the property, there is a danger that this will eventually be the case.	The business is already being run off the property as it houses the office. The physical work, however, is done on the

## ANNEXURE F 5/9

	properties where the need for it is experienced.
--	--

## 4. R. CLOETE

OBJECTION	REPLY
I believe that the lifting of restrictions on residential property in this area will be detrimental to the residential atmosphere of Northcliff.	No restriction will be lifted except for the allowance of a second commercial vehicle to be parked on the property.

## 5. HERMANUS RATEPAYERS ASSOCIATION

OBJECTIONS	REPLY
5.1 The plumbing vehicles parked outside and plumbing materials on the property are already an eyesore in the area.	Why any kind of vehicle parked in a street would create an eyesore is difficult to understand and the plumbing materials are stored out of site behind walls.
5.2 The plumbing vehicles are often driven at high speed through Northcliff creating safety concerns for residents.	Speeding problems anywhere in the streets are not the concern of the Town Planning department.
5.3 The operation of such a business is not in keeping with the quality of life that the owners desire from a quiet residential neighbourhood.	The operation is basically that of an office. No plumbing work is done on the property as such.
5.4 A precedent will be created that is likely to encourage other similar businesses to establish themselves in Northcliff.	This is not an application for the running of a business. The right to operate a home occupation on a residential stand anywhere in Hermanus, is a given.

## 6. T. &amp; S. FERREIRA

OBJECTIONS	REPLY
6.1 The owners are conducting a growing concern from the premises and not an office only. Plumbing equipment and goods were seen in plain sight as was the speeding of vehicles as they approach and depart.	The right for conducting a home occupation exists whether with one or two vehicles and the necessary walls have already been constructed. Speeding of vehicles is not the concern of the Town Planning Department.
6.2 Allowing this application to slip through	This is not an application for the

## ANNEXURE F 6/9

will indeed create a precedent for light industrial applications for others to follow.	establishment of a business and thus this complaint is meaningless.
6.3 It is not that there are not alternative sites provided that are more suited with operations of this nature.	This argument is also meaningless as far as the application is concerned.

## 7. R.A. STANWAY

OBJECTIONS	REPLY
7.1 The operation of such a business is not in keeping with the quality of life that owner's desire from a quiet residential neighbourhood.	This point is merely speculative as this is not an application for the establishment of a new business.
7.2 Granting of such an application will set a precedent that is likely to encourage other building-related businesses to establish in Northcliff.	This point is also speculative.

## 8. G. D. HUTTON

OBJECTIONS	REPLY
8.1 The continued operation of the business will continue to annoy, upset and adversely affect neighbours and homeowners such as myself.	The right of running or conducting a home occupation is an existing one.
8.2 Formalising this situation will set a precedent for Northcliff and could increase the likelihood of applications being made and granted.	The right of running or conducting a home occupation is an existing one.
8.3 This could lead to an increase in businesses being run in Northcliff which is unacceptable to residents such as myself.	The right of running or conducting a home occupation is an existing one.
8.4 This could in turn lead to a negative impact on property values which would materially affect homeowners.	The right of running or conducting a home occupation is an existing one.

## ANNEXURE F 7/9

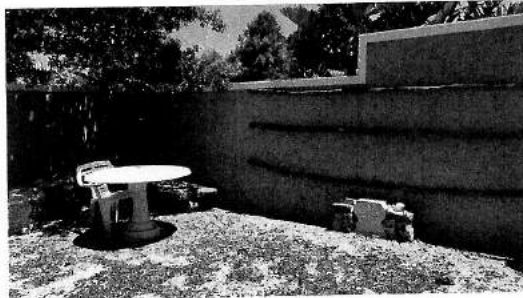
## 9. T.H. PEGEL

OBJECTIONS	REPLY
9.1 The proposed activities cannot be reconciled with a residential neighbourhood and it is an abuse of our rights.	The right for the running of a home occupation is an existing one.
9.2. I am convinced that this will have a negative impact on my residential investment.	This is pure speculation.

## 10. T.C. BOTHA

OBJECTIONS	REPLY
10,1 On inspection we found that water pipes and other accessories protrude above the wall and are visible from Disa Street.	The fact that certain materials protrude above the wall and are visible from the street, are inadmissible and should be reported to the municipality.
10.2 Our main concern is that the material stored behind the screen wall will be totally visible from the new bedroom (on the first floor) on our property.	The fact that the materials will be visible from the new bedroom, cannot be considered as an objection to the application as the municipality cannot control what anybody keeps in his backyard, unless it constitutes a health problem or presents a fire hazard, for example.
10.3 The removal will open the floodgates for other owners also to follow suit and to apply for permission to conduct a variety of trades, commercial and industrial undertakings from their residences which will impact negatively on the current tranquil residential ambience of the suburb.	It is again pointed out that the right to a home occupation is written into the scheme regulations for Residential Zone 1 even.

**SCREEN WALLS HAVE BEEN BUILT TO KEEP ALL EQUIPMENT OUT OF SIGHT**



**11. M. GUTHRIE**

OBJECTIONS	REPLY
11.1 "Die opheffing of afwyking gaan inbreuk maak op die rustigheid en atmosfeer van die omgewing."	The application is for allowing the applicant to store an extra vehicle used for commercial purposes on the erf as the right for the storage of one is an existing right. It is difficult to see how the addition of one vehicle in the street can cause the disturbance of the atmosphere in the street.
11.2 " Die teenwoordigheid van meer mense wat moontlik kan lei tot sekuriteits probleme en inbrake."	The question of possible security problems is pure speculation.

**SUMMARY****OBJECTIONS:**

The objections can be summarized shortly as follows:

1. Businesses should not be allowed on residential erven.
2. The extra vehicle will lead to disturbance and noise in the street.
3. The danger of house breaking and burglary (theft) will be heightened.
4. The residential atmosphere and quality of life will be disturbed.
5. The plumbing vehicles will create an eyesore in the area.
6. The plumbing vehicles drive at high speeds creating safety concerns.
7. Granting the application will encourage other similar businesses to establish themselves in Northcliff.

**RESPONSE to OBJECTIONS:**

Apart from the responses to the individual objectors above, the following can be added in answer to the above seven summarized objections:

1. This is not an application for a business as the Town Planning Scheme provides the right to run a home occupation from any single residential stand in Hermanus.
2. An extra vehicle being parked or driven in the street cannot lead to more disturbance or noise than, for instance, the weekly refuse removal service of the municipality or the garden service businesses operating throughout Hermanus.
3. The same observation as in point 2 above, can be made as far as this complaint is concerned. (Do we smell a bit of racism here?)
4. As far as the disturbance of the residential atmosphere and quality of life (whatever

## ANNEXURE F 9/9

this may mean) is concerned, point no.2 is valid here too.

5. There is no way in which the municipal authority can keep any kind of vehicle from parking in or using any street in the municipal area, no matter what they look like, as long as they are road worthy.

The question to be asked to the objectors here is: If you are in need of the services of a plumber, how do you expect him to reach you if he may not use the road to your house.

6. Although speed is not a Town Planning concern as such, why would the complainants find that it is only the vehicles of the applicant that are driving at high speeds?
7. Here again the question can be asked: How on earth can the allowance of an extra business vehicle to be parked on the erf, encourage other businesses to be started in the area?

Finally: Has any of the complainants ever complained about the owners of gardening concerns parking two business vehicles (usually a pick-up van and a trailer) on their properties and the fact that they move into all the suburbs with five or more workers at a time?

**END OF DOCUMENT**

## ANNEXURE G

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE & REMOVAL OF RESTRICTION: ERF  
4612, NORTHCLIFF (3626)**

Electricity : In order  
Water : In order  
Sewer : In order  
Stormwater : In order  
Roads and traffic : In order

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
4. that stormwater be allowed to discharge through Erf 4612, Northcliff, unobstructed;
5. that no on-street parking be allowed.



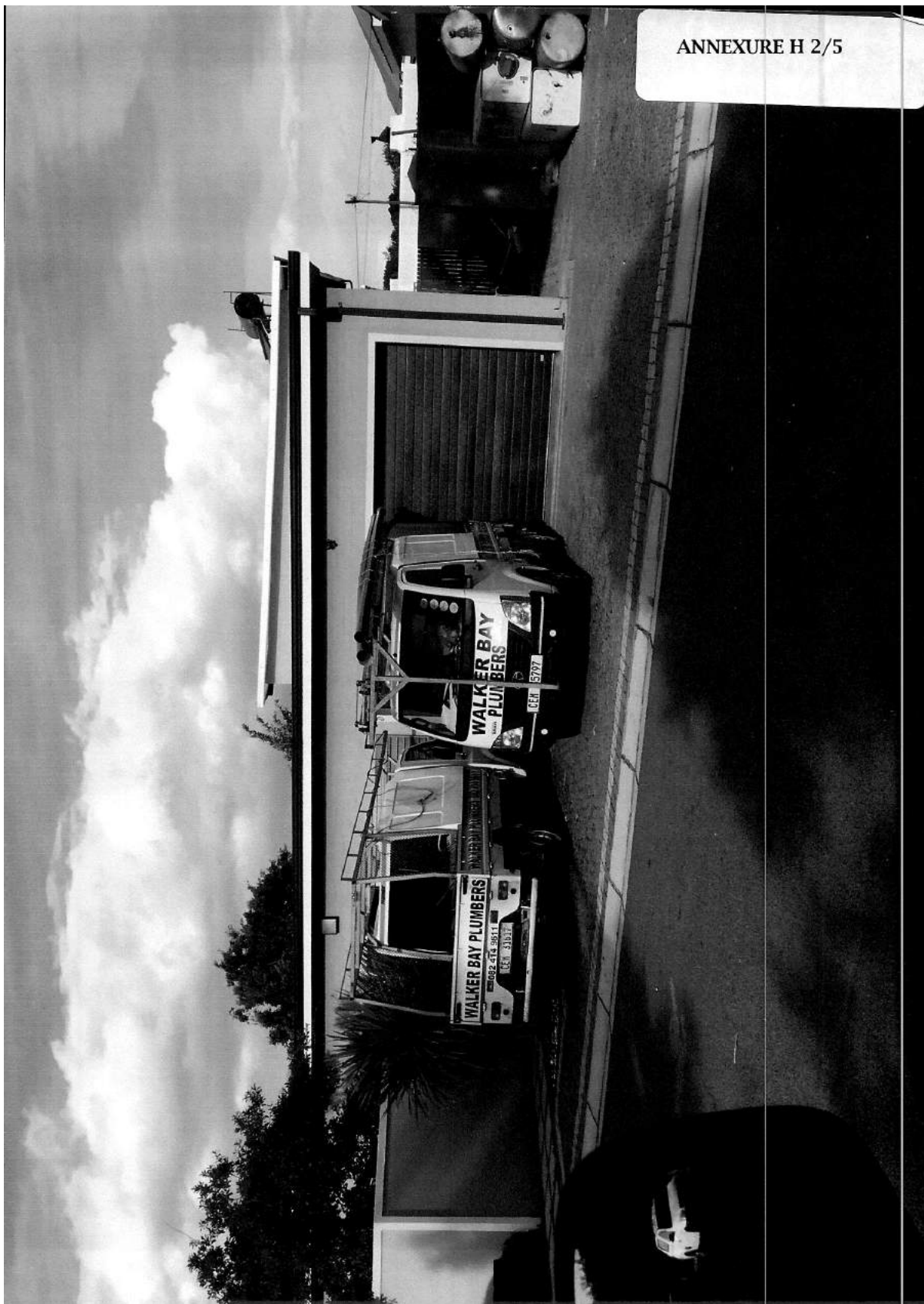
**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

6 / 7 / 2017  
DATE

ANNEXURE H 1/5



ANNEXURE H 2/5



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@HermanusPlumbers

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9 February 2017 ·

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6 February 2017 ·



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Mishel Blakk likes this.



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2 February 2017 ·



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ANNEXURE H 5/5



about 11 months ago

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about 11 months ago

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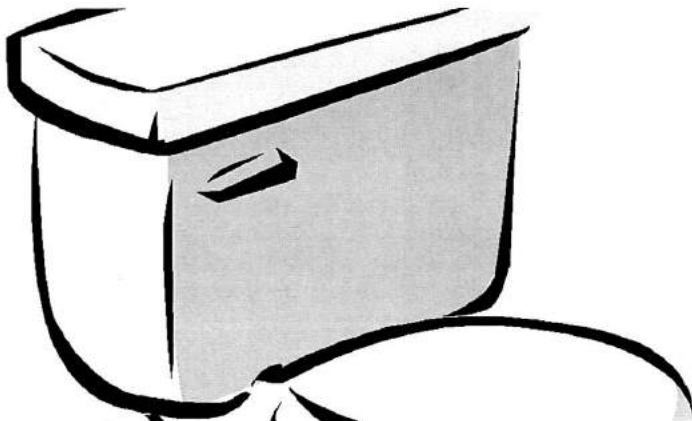
**Walker Bay Plumbers**

about 11 months ago



Professional 24 Hrs Plumbing Service by Diligent Plumbers

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