

## 4.4

**ERF 593, 26 DUIKER STREET, VERMONT, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTONS AND DEPARTURE : MESSRS PLAN ACTIVE ON BEHALF OF THE NAAS MULLER FAMILY TRUST**

593 HVM (3662)

H Olivier

24 November 2017

(028) 313 8900

Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application has been received on 25 April 2017 from Messrs Plan Active on behalf of the Naas Muller Family Trust on Erf 593, Vermont for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 for the removal of the restrictive condition in Title Deed T77726/2016, Page 3, Paragraph E.a.:

*“E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T3680/1962 in favour of South Western Districts Land and Finance Corporation Limited (hereinafter referred to as the Transferor Company) and its successors-in-title to the Remainder of the land held by Deed of Transfer No 7023/1935 namely:*

- a. *Save with the consent of the Transferor Company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3.15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1.57 metres of the lateral boundary common to any adjoining Lot, nor save with the consent aforesaid, may the property (or any lot if the property sold comprises more than one Lot) be subdivided:”*

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to depart from the Overstrand Zoning Scheme in order to relax the western lateral building line from 2m to 0,8m to accommodate a proposed single garage and carport and to relax the street building line from 4m to 1m to accommodate the proposed carport and a brick water silo.

The relaxation application to accommodate the brick silo was withdrawn in the public participation process.

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.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

### 3. BACKGROUND / SITE HISTORY

The erf measures 625m<sup>2</sup> in extent and is located in a residential area Vermont. The land owner submitted a building plan for a dwelling in early 2017, which was approved by the municipality. The owner applied at the end of April 2017 for a removal of restrictive condition and departure to enable him to construct a garage, carport and water silo which was not part of the building plan approval.

### 4. SUMMARY OF APPLICANT'S MOTIVATION

- The existing single storey dwelling and garage will be demolished to develop a double storey dwelling.
- A new proposed carport, garage and water silo will encroach the 4m street and 2m lateral Zoning Scheme building lines and 3,15m street and 1,57m lateral title deed building lines, hence this application.
- It is proposed to construct a garage and carport to 0,8m from the western lateral boundary, and the carport and water silo 1m from the street boundary line.
- Due to a small erf frontage a tandem garage and carport is proposed.
- The water silo will also feature as an artistic feature.
- Coverage will still comply with the 50% maximum coverage allowed.
- Although the title deed restriction to be removed also includes a condition that the erf may not be subdivided, there is no intention to subdivide the property.
- The garage, carport and water silo encroaching building lines will not impact the character of the area, as it will remain for residential use.
- There will be no land use or zoning change, no impact on surrounding properties, and property values will not be negatively affected.
- All services are available on-site.
- No new access points are proposed to the site, and two (2) vehicles can be parked on the property in line with the Zoning Scheme Regulations. There will be no impact on traffic flow in the area.
- The former old dwelling or the site has no heritage value.
- The proposals have no environmental impact.
- The application adheres to spatial planning policies.
- Planning principles of spatial justice and spatial resilience do not apply to this application.
- The structures are compatible with the character of the area, have no impact on rights of anyone else, have low impact on privacy and comply with all other Zoning Scheme regulations and therefore have no adverse effect on spatial sustainability.
- The application to place the garage and carport in the only area available on-site proof it efficient as it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities. The water silo will also lead to water conservation.
- Good administration has been followed with this application via the municipality.

### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	1 August 2017	8 September 2017

Gazette	Yes	4 August 2017	8 September 2017
Notices	Yes	28 July 2017	8 September 2017
Ward Councillor	Yes	28 July 2017	8 September 2017
Total letters of support	<b>ONE (1)</b>		
Total letters of objection	<b>NINE (9)</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>Fire Department</b>	07/04/17	Premises must be in compliance with the requirements of National Fire Protection Regulations SANS 10400 T:2011 – occupancy G1 office.	<b>Supported</b>
<b>Engineering Services</b>	31/03/17	See Annexure G.	<b>Supported</b>
<b>Building Control</b>	20/02/17	Supported, subject to submission of building plans in compliance with SANS 10400.	<b>Supported</b>
<b>Telkom</b>	5/10/17	Annexure H	<b>Positive</b>
<b>Eskom</b>	15/08/17	Annexure I	<b>Positive</b>
<b>Fire Department</b>	3/10/17	No objection	<b>Positive</b>
<b>Building Department</b>	22/08/17	Tank too dominant in street, not supported.	<b>Partially Supported</b>
<b>Local Heritage</b>	17/08/17	Proposed carport over street building line endorsed. Proposed water tank engaged in brickwork at double storey height within the 4m street setback line strongly opposed.	<b>Partially Supported</b>

<b>Environmental Section</b>	15/8/17	No objection	<b>Positive</b>
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## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Nine (9) letters of objection were received from surrounding property owners, and a letter of objection was also received from the Vermont Ratepayers & Environmental Association. The objections can be summarised as follows:

1. Building work on the dwelling was almost completed before the planning application was advertised.
2. Different plans were received when an enlarged copy was requested, not sure which plan was the correct one.
3. Owner of Erf 1481 is concerned about a 0,8m strip created next to his property next to proposed garage. Would create area where leaves will be collected.

There are concerns that the neighbour's privacy will be affected. Proposals are made by the owner of Erf 1481 that the garage should be built onto the lateral boundary, or the boundary wall be extended up to the street boundary. Also concerns that the carport over the street building line will have a visual impact due to its height of 3 - 4m and impact on character and aesthetics.

Only one (1) carport in the area encroach the street building line, and by approving this application a precedent will be created. All other properties in the area have the same street frontage, and garages were planned in such a manner that it do not encroach the street building line or is tandem parking. The carport can be changed to a garage in future.

4. A water tank in front of the property will not be attractive and will have a negative visual impact as it is foreign and an overly bold element. The water silo will obstruct the view down Duiker Street and the footprint is unstable and would become a safety hazard. The water silo can be placed at the back of the property. Approving the water silo will also create an unwanted precedent.
5. The lack of off street parking for the four (4) bedroom house will encourage on-street parking. Only two (2) parking bays are provided on-site. The house could be used as a guest house, and parking will be insufficient.
6. Building encroachments are not prevalent in the area, with only one (1) carport built over the street building line. The structures being applied for are not the norm.
7. The garage with tandem carport is likely to create problems for vehicles using and reversing into Duiker Street and it will result in traffic congestion in Duiker Street and could lead to accidents.
8. Overstrand Municipality does not enforce privacy and there is no consideration of the neighbours as the building structure has been aggressively built onto the edge of the building line.

9. Strategic processes were followed to not show the intensions to neighbours until advanced stages of construction. Was the departure application submitted with the submission of building plans for approval?
10. The print on the plans was small and difficult to read, and difficult to see the true intent.
11. The existing house being constructed is in excess of 9m in height.
12. In the motivation it is indicated that the Title Deed is more restrictive than the Zoning Scheme Regulations, which is not the case.

## **8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

The applicant's response on the objections can be summarized as follows:

1. The building plan submitted and approved did not include the silo, garage and carport which require departures. A departure and removal of restriction application was then submitted separately to deal with the proposed water silo, garage and carport traversing building lines.
2. The builder had the approved plan without the water silo, garage and carport on-site, and the second plan was the one which included the garage, carport and water silo used in the departure application.
3. The proposal is to leave a 0,8m space next to the lateral building line to cater for the refuse trolley. Should the objectors wish the garage and carport to be placed onto the lateral building line, this will entail a new application for departure. The alley next to the garage will only be used a few times a week to remove refuse, and should have a minimal impact on the neighbour to the west. It would also be in the best interest of the owner of Erf 593 to keep the alley clean.
4. The applicant has withdrawn the application to construct the water silo over the street building line.
5. In terms of the Overstrand Zoning Scheme only two (2) on-site parking bays are required on single residential erven, which will be complied with.
6. The water silo is not the norm, therefore it has been omitted from the application.
7. The opinion is not supported as the owner will exit the property via a single garage driveway, one car at a time, in the same manner as surrounding property owners in the area.
8. The building plan which has already been approved complied with the parameters as defined in the Overstrand Zoning Scheme Regulations, and was thus approved by the municipality. The garage, carport and water silo were not approved as part of the building plan and may not be constructed without approval of the application for departure and removal of restrictions.
9. The water silo, garage and carport did not form part of the approved plan.

10. It was not the intent to hide proposals on small plans. Due to logistics it is not possible to furnish large scale plans via the post on affected property owners. In the notice it is indicated that large scale plans can be viewed at the Town Planning Department.
11. The height of the building will comply with the 8m height restriction and is being monitored by a land surveyor. A height certificate reflecting compliance will be provided once building work is completed.
12. No response provided.

## 9. MUNICIPAL ASSESSMENT OF COMMENTS

1. A building plan for the dwelling was submitted at the municipality on 11 April 2017, and approved on 10 May 2017. There was no indication on the plans that application would be made for a garage, carport and water silo that traverse building lines at that stage.

On 25 April 2017 an application for departure and removal of restriction was submitted to Town Planning to accommodate a garage, carport and water silo. Note that the Town Planner for Vermont already viewed and granted support for the building plan without the water silo, garage and carport submitted on 2 May 2017, but only viewed the application for departure and removal of restriction on 8 May 2017, and was not aware that such application would be submitted when considering the building plan. However, even if the Town Planner was aware of this fact, the property owner was well within his rights to submit the building plan for the dwelling in line with the Zoning Scheme Regulations, and then start with construction when the plan was approved.

2. A plan was submitted at building plan approval phase. This plan has no relevance to the departure and removal of restriction application.

The plan that was submitted as part of the departure and removal of restriction application showing the water silo, garage and carport were sent out to surrounding property owners. The town planner was contacted by surrounding property owners who requested better quality plans to view. Although larger scale plans could be viewed at the municipal offices, the town planner requested an electronic copy of the plan from the architect, and this was forwarded to all persons who received a notice.

The changes referred to by the objectors are that the water silo was moved slightly, and the one elevation indicated the garage and carport more clearly.

Considering the fact that the water silo has now been withdrawn from the application, any changes of the position is not relevant.

All the surrounding neighbours, of which most are objectors were also provided with an electronic copy of the plans, and advised to visit the Town Planning office should they want to view large scale plans.

It is the opinion that sufficient information was provided to the objectors to apply their minds on the application.

3. The owner of Erf 1481 to the west of Erf 593 is more concerned about the possibility that there will be no screening between the garage and carport and his property, and that people will walk over the 0,8m open piece of land between his property and the proposed garage and carport on Erf 593, affecting his privacy. He makes two (2) proposals, build the garage and carport onto the lateral boundary line, or construct a wall on the boundary up to the street boundary. On the plan approved on 10 May 2017, the owner of Erf 593 already obtained approval for the construction of a 1,8m high boundary wall for the whole length of the western lateral boundary. This wall has already been constructed, and therefore the concern of the owner of Erf 1481 has been addressed.

The concerns regarding what visual impact a carport of 3m - 4m in height over the street building line may have, is noted.

In Point 16.1.2 of the Overstrand Municipality Zoning Scheme provision is made for the consideration of carports over street building lines. The parameters listed is that no part of the roof on the street boundary line may be more than 3m in height, with a 40° increase in height away from the street. The carport roof does not fully comply with this requirement, but however complies with all other requirements. It is the opinion that should the roof be lowered to the requirements of the Zoning Scheme, and all other requirements are complied with, the impact on surrounding property owners, the streetscape and aesthetics would be minimal. It is also the opinion that this application for a carport over a building line would not create a precedent, as many such applications have been approved in residential areas in the past.

4. The proposed construction of the water silo over the street building line has been withdrawn and is not relevant anymore.
5. Parking is provided in line with the Zoning Scheme Regulations. Only two (2) on-site parking bays are required for residential erven with one (1) dwelling. No proposals are made to use the dwelling as a guesthouse, therefore any reference to parking requirements of a guest house is not relevant.
6. Water silos over street building lines are definitely not the norm. The water silo has been withdrawn from the application.

It is indicated that only one (1) carport has been constructed over street building lines in this area. This is noted. Every application must however be considered on its own merits, and should an application for a carport comply with all the requirements of Point 16.1.2 in the Zoning Scheme, an application has merit to be considered positively. Should the applicant thus change the roof structure to a lower less intrusive structure, it is the opinion that there is compliance with the norm acceptable for carports in the Overstrand Area.

7. Only one (1) access/egress point is indicated on the approved building plan. The fact is tandem parking would impact on the property owner in the use of his vehicles, but it is not foreseen that the possible increased movement of vehicles due to the parallel parking, would create a significant traffic safety problem.
8. The existing building being constructed is not over building lines as stipulated in the Title Deed and Zoning Scheme Regulations.

The building complies with the 4m street building line and 8m height restriction in terms of the approved building plan, and the municipality may not apply stricter parameters as it is the land owner's right to develop his property in terms of the Zoning Scheme Regulations.

9. See comments in Point 1 above.
10. Concur with applicant's response.
11. In terms of the approved building plan the dwelling complies with the 8m height restriction as determined over the average natural ground level of the land the building is constructed on. This means that the front of the house may possibly be higher than 8m from the natural ground level in the front of the property, but that the back of the house will again be lower than 8m from the natural ground level. The height restriction is however measured as an average over the whole footprint of the dwelling.

Note that the land owner will have to provide a height certificate showing compliance with the height restriction, prior to occupation.

12. Noted

## **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**

N/A

#### **Spatial sustainability**

It is not foreseen that the proposed garage and carport would have a major impact on the residential nature of the area, subject thereto that it be of acceptable scale.

The proposed water silo is not considered negative in terms of sustainability when it comes to the saving of water. The size and placement of the structure would however have a major impact on the residential nature of the area.

#### **Efficiency**

The placement of garages and carports closer to property boundaries in many cases ensure better utilization of land. However any encroachment is considered on merit, and the placement of the water silo could be considered efficient for the land owner, but with many negative effects on surrounding properties.

**Spatial Resilience**

N/A

**Good administration**

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-laws and the public process has been followed.

**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 above.

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

Consistent with the Spatial Development Framework and the Overstrand Municipal Growth Management Strategy, 2010.

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

N/A

**10.6 Impact on Municipal engineering services**

The existing services are available and the application has been viewed positively by the Engineering Services Department.

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

N/A

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

The application is in line with the Overstrand Spatial Documents.

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

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

There is no financial value to the rights.

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

The removal of the restrictions will have no personal benefit to the holder of the rights. The person seeking the removal will benefit somewhat in that for example should the conditions be removed a garage/carport of a certain scale may be constructed over the Zoning Scheme lateral and rear building lines, subject to neighbours' approval or by way of departure application.

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

To consider the social benefit of the relevant Title Deed condition (which relates to building lines and that properties may not be subdivided), a survey was done of the seven (7) properties in the area. Two (2) of the properties were 100% in compliance with Title Deed and Zoning Scheme restrictions, whilst five (5) of the properties already had garages and decks approved over building lines, and one of the properties was also subdivided.

Considering the above, it is the opinion that the relevant Title Deed condition has no social benefit.

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

Only relating to building lines and the right not to subdivide the property.

**12. THE DESIRABILITY OF THE PROPOSAL**

Most of the concerns by the surrounding neighbours relate to aesthetics, privacy, streetscape, impact of traffic safety, etc. It is to be noted that the concern with regard to the impact and height of the existing dwelling being constructed has no relevance to the desirability of the application for building line departures and the removal of restrictions application.

It is clear from the comments from internal departments and the objectors that there were great concerns about the proposed water silo over the street building line. The applicant acknowledged the concerns and withdrew such part of the application.

The proposed garage will be approximately 6,5m in length and 0,8m from the eastern lateral boundary with Erf 1481. The adjacent neighbours' concerns with regard to privacy and the creation of an alley, which would also collect leaves, are noted. It is noted that the land owner needs this space to remove refuse from the property. It is safe to say that the concerns were resolved due to the fact that a boundary wall was constructed on the common boundary up to the street by the applicant, in line with his existing approved building plan. It is also to be noted that a garage was also erected on Erf 1481 over the same common lateral building line.

The proposed carport is 6,5m in length and will also be 0,8m from the eastern lateral boundary, and is also proposed 1m from the street boundary. The comments from the objectors regarding streetscape, traffic problems, etc. are noted. Carports are however not enclosed buildings, but open with pillars carrying the weight of the roof. The impact on streetscape will therefore be minimal, and this can clearly be seen in other areas in Vermont and Onrustvriër where it has been allowed.

The Zoning Scheme Regulations (Point 16.1.2) does stipulate that a carport over a street building line should be maximum 3m in height. The proposed lean-to roof will exceed this height in some areas, and to ensure minimal impact on streetscape, the roof should be lowered to be in line with the Zoning Scheme. This could be dealt with by inserting a condition to such effect.

The objectors' comments with regard to lack of on-site parking or traffic safety have no bearing on this application. The owner of Erf 593 may at this stage park two (2) vehicles on his property in a tandem format. There are no specifications in the Zoning Scheme restricting this. The construction of a tandem garage and carport over such area will therefore have no increased impact on traffic safety, and therefore such objection cannot be supported.

Considering the above, and one mitigating condition, the relaxation of the lateral and street building line to accommodate a garage and carport is desirable and can be supported.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 593, Vermont for the removal of restrictive condition E.a. of Title Deed T77726/2016, **be approved**,
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 on Erf 593, Vermont for a departure to relax the western lateral building line from 2m to 0,8m to accommodate a proposed single garage and carport and to relax the street building line from 4m to 1m to accommodate the proposed carport, **be approved**,
3. that the approvals in Points 1. and 2. be subject to the following conditions:
  - (a) that the carport roof be amended to a maximum height of 3m (in line with Point 16.1.2 in the Zoning Scheme Regulations);
  - (b) that the approval for the departure is only for the building line relaxations as indicated on Plan No. VERM-01-01 (excluding the water silo);
  - (c) that building plans be submitted to the Building Department for approval, and that all conditions of the Building- and the Fire Department be complied with at that stage;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
  - (e) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (f) that all the conditions in the Services Report (attached as Annexure G), be complied with;
  - (g) that all the conditions of Telkom (attached as Annexure H), be complied

with, and

- (h) that all the conditions of Eskom (attached as Annexure I), be complied with.
4. 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

- ❖ That sufficient information was provided to surrounding neighbours in the public participation process to apply their minds to the application.
- ❖ Concerns about the phasing of the development on Erf 593 and the existing dwelling being built has no relevance to the desirability of the application for a departure and removal of restrictive conditions.
- ❖ With the construction of a wall on the common boundary between Erf 593 and Erf 1481, the concern regarding neatness and privacy by the owner of Erf 1481 has been addressed.
- ❖ With the mitigating measure to require the applicant to lower the carport over the street building line to 3m (in line with Zoning Scheme Regulations) in height, impact on streetscape can be limited sufficiently. Carports are not imposing structures and concerns that it would impact the character of the area are unfounded.
- ❖ The application to construct a water silo 1m from the street boundary was withdrawn from the application.
- ❖ The new tandem garage and carport will not negatively impact traffic safety, and parking will be provided in line with the requirements of the Zoning Scheme Regulations.
- ❖ No municipal services will be impacted on.
- ❖ Garages have also been approved over building lines on surrounding properties, and this application for relaxation of building lines can therefore not be considered out of line with the existing character of the area.

#### 15. Annexures

Annexure A:	Locality Plan
Annexure B:	Site Development Plan
Annexure C:	Motivation Report
Annexure D:	Objections received
Annexure E:	Applicant's reply on objections
Annexure F:	Title Deed T77726/2016
Annexure G:	Services Report
Annexure H:	Comment from Telkom
Annexure I:	Comment from Eskom

#### SIGNATURES

##### AUTHOR

Name :

**H OLIVIER**

SACPLAN registration number: **B/8128/2004**

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

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

**REGISTERED PLANNER**

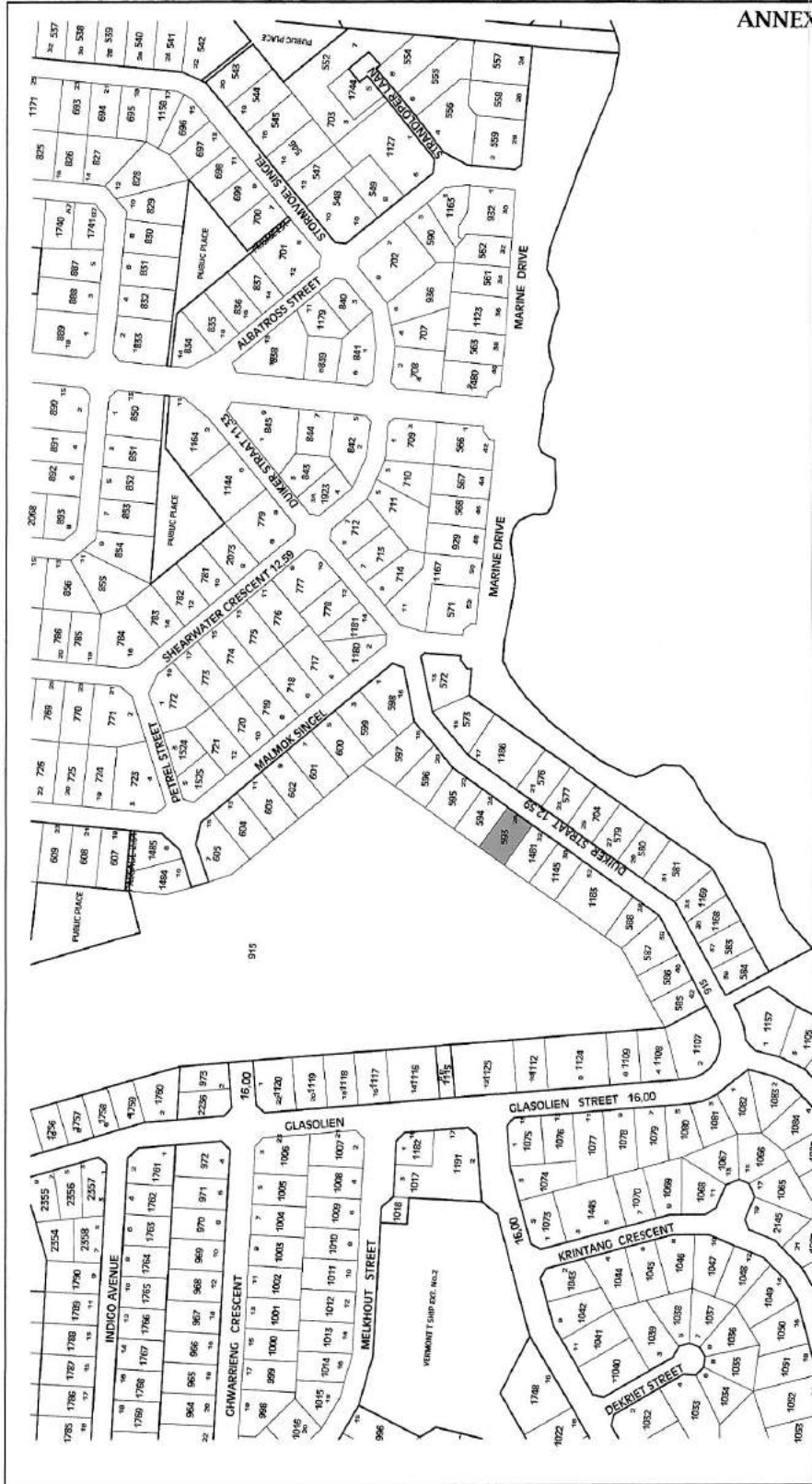
Name : **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

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

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

ANNEXURE A 1



	<b>Stads- en Streetsbeplanners</b> <b>Town &amp; Regional Planners</b>		<b>Property Description:</b> <b>ERF 593</b> <b>VERMONT</b>	<b>Plan Description:</b> <b>LOCALITY MAP</b>	<b>Scale:</b> NTS <b>Drawing Nr:</b> ver593L.dwg <b>Date:</b> 03/2017
	All distances approximate and subject to survey.		COPY RIGHT RESERVED		



**PROPOSED DEPARTURES AND REMOVAL OF  
RESTRICTIVE TITLE DEED CONDITION**

**ERF 593 VERMONT**

**DIVISION: CALEDON  
OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

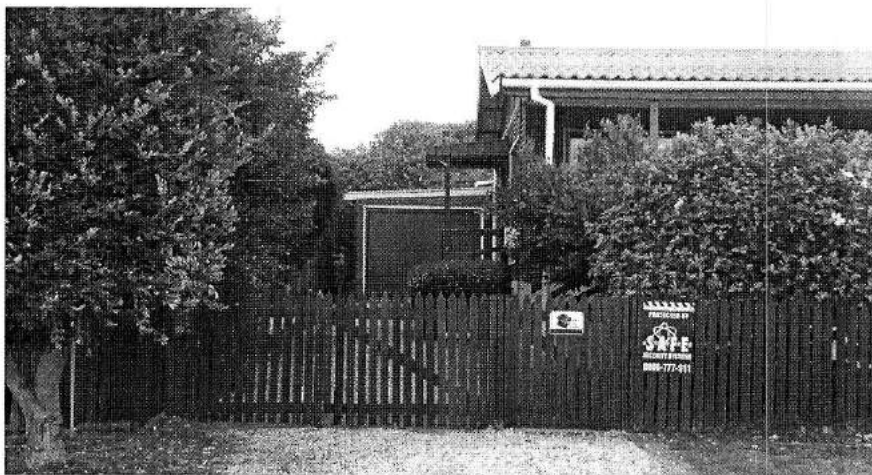
**1. BACKGROUND**

The company Plan Active has been instructed by Mr N Muller on behalf of the owners of erf 593 Vermont, the Naas Muller Familietrust, to apply for the departures and removal of a restrictive title deed condition of erf 593 Vermont.

Erf 593 Vermont is 625m<sup>2</sup> in extent and is held by title deed number T77726/2016. The property is situated at 26 Duiker Street in Vermont.

There is an existing single storey dwelling with garage situated on the subject property. The owners intend to carry out alterations and additions to the existing dwelling and construct a double storey dwelling on the property.

The Overstrand Zoning Scheme Regulations makes provision for 2m lateral and rear building lines and a 4m street building line. The Title Deed of Erf 593 Vermont is however more restrictive and prescribes 1.57m lateral building lines and a 3.15m street building line.





In terms of the current Overstrand Zoning Scheme Regulations (2013) the new double storey structure and carport will encroach the lateral building line of 2m and also exceed the 4m street building line, and it will therefore also encroach on the title deed's lateral and street building lines.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 4, Section 16 (2) b of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the departure (building lines from the provisions of the Overstrand Zoning Scheme) of erf 593 Vermont;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of a restrictive title deed condition of erf 593 Vermont.

Currently there is an existing dwelling with single garage situated on the subject property. It is the intention of the owners of erf 593 Vermont to carry out alterations

and additions to the existing dwelling and construct a double storey dwelling and carport on the property.

This application makes provision for the relaxation of the lateral and rear building lines in terms of the Overstrand Zoning Scheme Regulations (2013) and for the removal of the restrictive Title Deed building lines of :- 1.57m lateral building lines and a 3.15m street building line.

### **3. GENERAL APPLICATION INFORMATION**

#### **3.1 PROPERTY DESCRIPTION**

Erf 593 Vermont is situated at 26 Duiker Street, Vermont. Please refer to the locality plan attached. Erf 593 Vermont is 625m<sup>2</sup> in extent and situated in a residential environment.

#### **3.2 ZONING**

The subject property is zoned Residential Zone I: Single Residential and is utilized as such.

Surrounding properties are zoned for Residential Zone I: Single Residential, Public Roads and Public Open Space purposes.

#### **3.3 LAND USE**

There is an existing single storey dwelling and single garage situated on the subject property. Consequently the subject property is used for single residential purposes only.

Land uses that surround erf 593 Vermont are dwellings, a public place and public roads.

### 3.4 PROPOSED DEVELOPMENT

- The departures of erf 593 Vermont in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to:
  - relax the western lateral building line from 2m to 0.8m to accommodate a single garage and carport;
  - relax the street building line from 4m to 1m to accommodate the carport and the brick water silo that will house the 5500l PVC tank enclosed with brick cladding on erf 593 Vermont.
  
- The removal of a restrictive title deed condition in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate:
  - a single garage and carport on the 0.8m western lateral building line.
  - The carport and the brick water silo that will house the 5500l PVC tank enclosed with brick cladding on the 1m street building line.

There is an existing dwelling with a single garage situated on the subject property. The existing owners bought the subject property in December 2016 and it is their intention to carry out alterations and additions to the existing dwelling and construct a double storey dwelling on the property. Due to the position of the existing house and the limited frontage of the erf (19.83m) only a single garage and carport in tandem could be placed on the property in the only area available, being the western lateral boundary, resulting in an encroachment of 1.2m on the 2m lateral building line.

This application also makes provision for the relaxation of the 4m street building line to 1m to make provision for the carport and a brick water silo that will house a 5500l PVC tank enclosed with brick cladding. Due to the water shortage experienced in the area the water tank acts as an artistic feature but at the same time it is being utilised to collect and store the water that will run into the tank from the box gutters. (please refer to the architects plan attached).

The Overstrand Scheme Regulations stipulate that 2m lateral building lines apply to Residential Zone 1: Single Residential properties larger than 400m<sup>2</sup> in extent and a 4m street building line.

Application is therefore made for a departure:

- To relax the western lateral building line from 2m to 0.8m to accommodate the single garage and carport in tandem;
- To relax the street building line from 4m to 1m to accommodate the car port and the brick water silo that will house the 5500l PVC tank enclosed with brick cladding.

Please refer to the proposed site plan, floor plans, elevations and sections attached.

- The title deed of erf 593 Vermont has a restrictive title deed condition with regards to the lateral and street building lines that have to be removed to accommodate the proposed departure application. Title deed no. T77726/2016 stipulates that a 1.57m lateral building line and 3.15m street building line apply to the subject property. As previously mentioned the proposed single garage and carport are situated on the 0.8m western lateral building line and the carport an proposed brick water silo that will house the 5500l PVC tank enclosed with brick cladding will be situated on the 1m street building line .
- It is therefore proposed to remove the following restriction in the title deed to accommodate the existing single garage, carport and brick water silo that will house the 5500l PVC tank enclosed with brick cladding:

Title deed T77726/2016, Page 3, paragraph E, a.:

*B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. T3680/1962 in favour of South Western Districts Land and Finance Corporation Limited (hereinafter referred to as the Transferor Company) and its successors-in-title to the Remainder of the land held by Deed of Transfer No 7023/1935 namely:*

- a. Save with the consent of the Transferor Company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3.15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1.57 metres of the lateral boundary common to any adjoining Lot, nor save with the consent aforesaid, may the said property (or any lot if the property sold comprises more than one Lot) be subdivided:*

Alterations and additions to the existing structures on erf 593 Vermont are proposed.

It is also proposed to build a raised pool on the property and it has been ascertained that the pool would only be raised to a height of 500mm. The alterations and additions will be in line with the land use restrictions applicable to Residential Zone I: Single Residential properties.

The coverage for erf 593 Vermont, inclusive of all the additions, will not exceed the maximum coverage of 50% applicable to single residential erven.

The zoning of erf 593 Vermont will remain unchanged (Residential Zone I: Single Residential).

The proposed single garage and carport could not be placed with easy access on any other position on the erf. The water tank situated within the proposed water silo is positioned in the street building line and consequently the proposed departures and removal of a restrictive title deed condition will not have a negative impact on the surrounding properties.

Although the restriction to be removed includes the wording that the property may not be subdivided this application has no intent to include a subdivision nor is it the owners intention to subdivide the property.

The proposed departures and removal of a restrictive title deed condition of erf 593 Vermont are not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

### **3.5 CHARACTER OF THE ENVIRONMENT**

It is not proposed to change the land use of the subject property. The impact on the character of the area will therefore remain unchanged. The Overstrand Zoning Scheme Regulations makes provision for the encroachment of garages and carports into lateral building lines subject to certain conditions and the approval of the local authority. The proposed altered dwelling is positioned within the Overstrand Scheme

Regulations building lines but encroaches the street building line in respect of the carport and water silo that will house the 5500l PVC tank enclosed with brick cladding.

Therefore the proposed single garage, carport and the brick water silo that encroaches the lateral and street building lines will not have a negative impact on the privacy of neighbours.

### **3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)**

The subject property's zoning and land use will remain unchanged. The location of the subject property within a single residential area allows the property to be developed (in future) for low impact land uses only such as a bed-and-breakfast,

guesthouse, home occupation, etc. The proposed departures and removal of restrictions application will not hinder any future land use applications on erf 593 Vermont.

Since the land use and zoning will remain unchanged the impact on the surrounding properties will be kept to a minimum. Property values of surrounding erven will therefore not be negatively affected by the proposed application.

### **3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES**

#### **3.7.1 PROVISION OF SERVICES**

All services on the subject property already exist.

#### **3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS**

Erf 593 Vermont is situated in 26 Duiker Steet and has one access point, please refer to the locality plan. No new access points are proposed. Consequently the access point to erf 593 Vermont will remain unchanged.

The Overstrand Zoning Scheme Regulations stipulates that a minimum of two parking bays are required for single dwellings. Provision is made for a single garage and car port on erf 593 Vermont. The dwelling house on erf 593 Vermont therefore complies with the minimum parking requirements.

The subject property will still be used for single residential purposes only and therefore the impact on the traffic flow in the area will remain unchanged.



### **3.8 TITLE DEED**

As previously mentioned title deed no. T77726/2016 has a restrictive title deed condition that need to be removed in order for this application to be approved. Please refer to the conveyancer's certificate. For detail pertaining to the removal of the restrictive title deed condition application refer to Section 3.4 of this report.

There is no bond registered against the subject property.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

Erf 593 Vermont is not situated within the Heritage Overlay Zone as determined by the Overstrand Heritage Report (2009). The subject property is also not earmarked for heritage conservation purposes.

The existing structures on the subject property are not older than 60 years. The first building plan was submitted in 1981. Furthermore the existing structures will remain unchanged, except for a few minor alterations and additions to the existing structures in line with the relevant scheme regulations. The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the abovementioned it is evident that the proposed departures and removal of a restrictive title deed condition will not have a negative impact on the heritage value of the Vermont area.



### 3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departures and removal of a restrictive title deed condition do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### 3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2006)* earmarks the area where erf 593 Vermont is situated, for residential purposes. The zoning of the subject

property will remain unchanged (Residential Zone I: Single Residential) and therefore the proposed application falls within the existing planning for the Vermont area.

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that erf 593 Vermont forms part of Planning Unit no. 1. This application does however not propose to create any additional portions, nor does it propose the construction of an additional dwelling unit on the subject property. The density will therefore remain unchanged.

From the above it is evident that the proposed departures and removal of a restrictive title deed condition adheres to the spatial planning policies for the Vermont area and consequently falls within the existing planning for the Vermont area.

### 3.11 PLANNING PRINCIPLES

The planning principles of spatial justice and spatial resilience do not apply to this application.



Spatial sustainability: The proposed departures are to accommodate the single garage, carport and water silo that will house the 5500l PVC tank enclosed with brick cladding and dwelling only and will therefore have no impact on the visual elements of the subject property and surroundings. The structures are compatible with the character of the area and do not impact negatively on the rights of anyone else. The impact on the biophysical environment will also be kept to a minimum. Furthermore the extent of the subject property, low impact on the privacy of neighbours, compliance with the land use restrictions applicable concerning parking, coverage, height, etc. allows for the consideration and approval of the proposed deviations without having an adverse impact on the spatial sustainability of the area.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus and tourist attractions.

Converting the existing house and garage and adding the carport in the only area available proof to be efficient as it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development. It is anticipated that the proposed garage, car port and water silo that will house the 5500l PVC tank enclosed with brick cladding will have a low impact on the surrounding properties. Upgrading the garage and adding the carport proofs to be efficient in providing the minimum amount of parking for a dwelling house (garage plus additional parking bay within the carport on site).

Adding the water silo that will house the 5500l PVC tank enclosed with brick cladding adds an artistic feature to the house and also aids with water conservation as the tank will be used to store rain water. The tank will be filled with rain water collected from the roof and gutters.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process.

#### 4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- All services on the subject property already exist;
- Only one access point will be provided and the impact on the traffic will remain unchanged;
- The alterations and additions to the existing structures are compatible with the character of the area and do not impact negatively on the rights of anyone else;
- The departure and removal of restrictive title deed condition application is to accommodate the carport and single garage on the lateral building line that can not be placed in any other position and to accommodate the placement of the carport and water silo that will help with the conservation of a water;
- The proposed departure and removal of restrictive title deed condition will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if the delegated authority / the municipal planning tribunal would approve the departure and removal of the Title Deed restriction of erf 593 Vermont.

Loretta Gillion - re Erf 593

From: Terence Mulligan <tpsmulligan@gmail.com>  
To: <holivier@overstrand.gov.za>  
Date: 08/09/2017 09:09 AM  
Subject: re Erf 593



TR A Theart  
(H Olivier)

The Municipal Manager  
Overstrand

Att. Mr H Olivier

re: Application for removal of title deed restrictions and departure of erf 593 Vermont.

Dear Sir,

1. I understand that original title deed restrictions are always super ceded by newer regulations when promulgated therefore the present building regulations now apply.
2. I am surprised that the application is only requested now when the building is nearly half built. I understood that one could not start building until the plans have been signed off by the relevant authorities in the building department. I also received a different house plan from Plan Active when I requested a better and enlarged copy of the Plan so I was now not sure which plan was the correct one, Also none of the two plans had any signatures. Both these actions appear most irregular.
3. The owner says he is carrying out alterations and additions to the single story timber house. Actually this house was disassembled and removed and foundations moved and used as fill. The wooden garage was also moved to another site. This can hardly be described as above. Be that as it may I do not think this has any bearing on the request.
4. I have no problem with relaxing the lateral building line to 0.8m for the garage. Perhaps better to have it on the boundary as it obviates a narrow passage where criminal may hide.
5. The request to have the street building line relaxed to 1m is problematic. All the surrounding houses comply to the 4m requirement and have double garages which fit comfortably on same size erven. I am sure the Architect could have fitted a double garage to comply on the same size erf especially as it is a 2 story building. All four adjacent houses seemed to have managed to easily comply.
6. Having several water tanks on the property is admirable but I feel a large structure 1m from the street boundary would not be very attractive and should be placed more remotely. It is not in keeping with the aesthetics of the area.

Yours sincerely,

Terence Mulligan.

23 Duiker St  
Vermont 7201  
Tel: 0283162539  
Cell 0827381445

SAVE A TREE. ONLY PRINT THIS IF REALLY ESSENTIAL

FILE NO:	EL 593
	Vermont
SCAN NO:	
COLLABORATOR NO:	1074492

TP

10 SEP 2017

51-110-11



PO BOX 142, ONRUSRIVIER. 7201  
8 September 2017

(For Att. Town Planning: Mr. H. Olivier)  
Overstrand Municipality,  
PO Box 20,  
HERMANUS, 7200

TR A Theart  
(H Olivier)

Dear Sir

**ERF 593, 26 DUIKER STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: REMOVAL OF TITLE DEED RESTRICTIVE CONDITIONS & PROPOSED DEPARTURE: NAAS MULLER TRUST**

I refer to your municipal notice 100/2017 and letter from PlanActive 28 July 2017 (PA17030) with motivational report and plans submitted. Thank you for the opportunity to comment. This application seeks relaxation of restrictive building regulations as well as related restrictions of a Trust Deed.

The relaxation sought is in our opinion excessive. The western lateral building boundary is sought to be reduced by more than half and the street frontage by 75%.

The western boundary neighbour whose privacy will be adversely affected, is opposed to the application and has submitted his objection in writing.

Besides the carport encroaching on the western boundary as well as the street frontage, a water storage tank – larger than average, is to be placed in front of the house on space currently prohibited for building. Understandably such building encroachments are not prevalent in this area. One or two illegal structures of this nature exist in Duiker Street but have not, as far as we are aware, been approved officially.

Besides the western boundary neighbours, we have been notified of objections from numerous other neighbours to the proposed relaxation of building restrictions.

The proposed plans seek approval for structures that are not the norm in this neighbourhood. The proposed cladded water tank is considered by numerous neighbours to have no "artistic" value. There is space for the tank at the back of the house!

The tandem carport, if allowed to encroach, is likely to create problems for vehicles using and reversing into Duiker Street – a busy arterial road.

Given the specific circumstances and the extent of the encroachment applied for, the reasonable concerns of neighbours, and the possibility of creating an undesirable precedent which can later negatively affect the character of Vermont, this application is not supported by the Vermont Ratepayers and Environmental Association (VREA).

Yours faithfully

Duncan H.W. Heard  
Chairperson: VREA

FILE NO:	EL 593
	Vermont
SCAN NO:	24
COLLABORATOR NO:	1074295

TP

8 SEP 2017

MR H OLIVIER  
TOWN PLANNING DEPARTMENT  
OVERSTRAND MUNICIPALITY  
16 PATERSON STREET  
HERMANUS



TP - A Theat  
(H Olivier)

**COMMENT ON AND OBJECTIONS TO THE "PROPOSED DEPARTURE AND REMOVAL OF RESTRICTIVE CONDITIONS: PLAN ACTIVE ON BEHALF OF NAAS MULLER FAMILIE TRUST" FOR THE BUILDING ON ERF 593, 26 DUIKER STREET, VERMONT AS COMMUNICATED IN MUNICIPAL NOTICE NO. 100/2017**

**BY INTERESTED AND AFFECTED PARTY:** Mrs Margaretha Magdalena (Madeleine) Jourdan, RSA ID 195303120091080, owner of and resident 19 Duiker Street, Vermont, now Erf2303.

**BASIS FOR COMMENT AND OBJECTIONS:** As owner of, and resident at, 19 Duiker Street, Vermont, which property is diagonally opposite across the street from 26 Duiker Street, I have a vested interest in any housing development which takes place in the immediate area and which could have a negative effect on the value of my property, the aesthetic appeal and character of the physical neighbourhood and/or the general safety of the access road (Duiker Street).

**COMMENT AND OBJECTIONS CONCERNING THE PROPOSED :**

1. **"WATER SILO"**, the term used in Municipal Notice No. 100/2017, indicated on the architectural plan variously as "water tank" (singular) and "water tanks" (plural):
  - 1.1 The proposed "Water Silo" site is so unreasonably **far over the municipal building line** and so close to the street-side property boundary that it will have a negative visual impact on the aesthetic appeal on the surrounding area. Municipal building lines are there to protect surrounding owners from exactly such excessive departures from the norm. I therefor object to and oppose the proposed relaxation/removal of the existing building restrictions in order to build a "Water Silo"
  - 1.2 The proposed "Water Silo" is **4.81m high**, standing out like the proverbial 'sore thumb. This will have an unreasonable **negative visual impact** on all the property owners within sight of Duiker Street 26. The view down Duiker Street from the neighbouring 24 Duiker Street will be significantly reduced. On these grounds I object to and oppose the proposed "Water Silo".
  - 1.3 The dimensions of the proposed "Water Silo" indicate that it will be able to store around 15 000 litres of water (15 tons). With the brickwork added, the mass of the structure could total close to 20 metric tons. The footprint indicated is the same as the diameter of the "Silo". The substrate is so unstable that the foundations of the main building had to be deepened considerably to meet engineering instructions. A 20 metric ton 'stand-alone' tower on a small footprint in an unstable substrate has the potential to become a **safety hazard**. On this ground I object to and oppose the proposed "Water Silo".
  - 1.4 The proposed "Water Silo" is a **non-essential** 'nice-to-have' structure for which there is **ample space in the owner's (Trust's) backyard**. Applying for relaxation/removal of sound and sane building restriction lines to inflict on the surrounding property owners an aesthetically ugly cylindrical 4.8m tower which the owner clearly does not wish to have in his/her own backyard, is cynical and totally unreasonable. On this ground I object to and oppose the requested street-side relaxation/removal of the existing building line restrictions.

FILE NO:	EL 593 Vermont
SCAN NO:	23
COLLABORATOR NO:	1074290

TP

2.

2. **THE CARPORT** indicated on the architectural street-frontage view as "East Elevation":

- 2.1 The proposed carport site is, as is the case with the proposed "Water Silo", so unreasonably far **over the street-side municipal building line** that, for the same reasons given in 1.1 above, I have no option than to object to and oppose the relaxation/removal of the existing street-side building restrictions.
- 2.2 The **excessive height** dimensions of the proposed carport ( 3m lowest roof point, 4m highest roof point) is far too bulky a construction to extend to virtually the street-side property line. The negative impact on the physical aesthetic character of the buildings in the vicinity will be significant. The view of the immediate neighbours up Duiker Street will be severely negatively impacted. On this ground I object to and oppose the proposed relaxation of the street side building line.
- 2.3 Any relaxation/removal of existing street-side building lines sets a **precedent** for others to follow, to the detriment of the aesthetic character of the neighbourhood. There is currently only one property in the area which has a carport extending to the street-side property line. This carport, essentially a 95% closed in garage, continues to elicit negative comment from Duiker Street property owners. On this ground I object to and oppose the proposed relaxation of the street-side building line restrictions.

ADDITIONAL COMMENT:

3. I have no objection to the proposed relaxation/removal of the lateral building line restrictions on the Duiker Street 28 side (confusingly referred to as the "South" side by the architects, but "Western lateral" side in Municipal Notice 100/2017).
4. There is some understandable concern amongst Duiker Street residents about the apparent lack of provision for off-street parking for a four-bedroomed house obviously built for entertaining. The building plans make allowance for parking of only two vehicles on the property

Signed at Vermont on the 7<sup>th</sup> day of September 2017

MM JOURDAN

ANNEXURE D 5/15

Email - Erf 593 Vermont

M Gmail

Erf 593 Vermont

FILE NO:	EL 593
	Vermont
SCAN NO:	37
COLLABORATOR NO:	1072326

TP-ATHENA  
(H Olivier)

Tue, Sep 5, 2017 at 9:21 AM

Chris Boshoff <j.c.boshoff1310@gmail.com>  
 To: lpage@overstrand.gov.za, chris boshoff <jcboshoff1310@gmail.com>

The Municipal Manager  
 Overstrand Municipality

Att. Mr.H. Olivier

Re. Application for Removal of title deed restriction and departure of Erf 593 Vermont

>I object strongly to the proposed application that the garage will be only 800mm away from my boundary. The reason for my objection is two fold.

Firstly, it is a municipal law that there must be a 2 meter building line between properties with good reason. We do NOT want to build on top of each other and we all want as much privacy as possible.

> Secondly, that 800mm will be a dead space for leaves and other garden refuse to collect. I understand that the new owner will not be a permanent resident, and that would leave it up to me to keep clean. The new owner, even if he is a permanent resident can not see that 800mm space but it is in my direct view every day.

> There is currently a Coprosma Tree on his side of the fence that is very messy. I do not mind at all because it serves as a very nice shade tree and also gives both of us some privacy but I have to rake up leaves regularly on my side of the fence, that, as stated before I do not mind at all. I will now have to climb over his fence to get access to the very narrow 800mm space to clean it. I did a search in Vermont and did not see one other property with a garage 800mm from a building line.

> I however have two alternative suggestions that would be acceptable to us. Firstly, to do away with the 800mm gap and build the garage on my boundary. This will give him a 800mm bigger garage and we will have a boundary wall and no dead space.

> Your box gutter argument is not valid as I see the main house has a box gutter, so I am sure that his builder would be able to build a box gutter that does not leak. I do not mind that the water run off from his garage runs onto my property either. There are multiple properties around us where the garages are on the boundary of the neighbour.

> The second suggestion is to extend the proposed boundary wall all the way to the street. That will also give us both privacy and get rid of the dead space.

>The " Background" to the motivation report refers in the fourth paragraph to the Title Deed being ' more restrictive' when it seems to me to be just the opposite. It is less restrictive !

>The " Proposed Development " paragraph 3.4 , the last paragraph on page 5 refers to the "limited frontage" of the erf being the reason for the encroachment. We all have almost the same frontage and have complied with the building regulations. They must too.

>The plans should have been drawn to comply with the building legislation. The water tank WILL HAVE A NEGATIVE IMPACT on the surrounding property

>The water tank seems to be a good idea but it must comply with regulations. It could easily be put elsewhere on the property. In fact it looks like there are another two tanks at the back of the property.

> Please advise me of the height of the roof and the max. height allowed .

ANNEXURE D 6/15

mail - Erf 593 Vermont

Kind Regards

JC & M Boshoff

**Chris Boshoff** <j.c.boshoff1310@gmail.com>  
To: [mikew@hermanus.co.za](mailto:mikew@hermanus.co.za)

Tue, Sep 5, 2017 at 10:27 AM

[Quoted text hidden]



Duikerstraat 38  
VERMONT  
7201

Tel no 0822130225

*TP-A Theart  
(Choliver)*

Overstrand Munisipaliteit  
Posbus 20  
HERMANUS  
7200

Geagte mnr Olivier

**ERF 593 VERMONT : AANSOEK OM AFWYKINGS**

Ek is lid van 'n beslote korporasie wat Erf 595 Vermont besit.

Beswaar word aangeteken teen die afwyking soos per u skrywe gedateer 28.7.2017.

Die titelakte beperkings sowel as munisipale bouregulasies word juis ingestel om 'n geordende omgewing ten opsigte van privaatheid en veiligheid te skep.

Die planne/eiendom voldoen nie aan die minimum parkeringvereistes soos neergelê deur Overstrand Munisipaliteit nie en motors moet dus in die straat of op sypaadjie parkeer.

Die aansoek vir oorskryding van munisipale boulyne sowel as die opheffing van titelakte word dus nie ondersteun nie.

Met vriendelike groete

*J M Smit*  
J M SMIT  
ERF 595 VERMONT

1 September 2017

FILE NO:	EL 593
	Vermont ✓
SCAN NO:	
COLLABORATOR NO:	1071833

*TP*

*04 SEP 2017*

Louisa Sherman  
Duiker Street 21  
Vermont 7201  
Overstrand  
[shermanlouisa@live.co.uk](mailto:shermanlouisa@live.co.uk)  
T: +44 (0)7770 882820



TRA Theart  
(H Olivier)

28 August 2017

Mr Henk Olivier  
Town Planner: Town & Spatial Planning  
Overstrand Municipality  
16 Paterson Street, Hermanus, 7200

**Application for permission to build garage and car port extending past the municipal and title deed building lines on Erf 593, 26 Duiker Street, Vermont, owned by the Naas Muller Family Trust.**

Dear Mr Olivier,

It is a great pity that Hermanus Municipality does not enforce the protection of privacy and have a design code to protect the character of its urban environment. The design of the two-storey house on ERF 593 is such as to maximise the views and development of the property without consideration of the neighbours or taking into account the existing built environment. There has been no friendly contact between the Naas Muller Family Trust and existing neighbours before the plans of the house were submitted and a two-storey structure has been aggressively built right on the edge of the building line facing the street without any setback as the other neighbours have done. As the house on Erf 593 directly faces onto our property it will as a result of its height overlook our house and back garden. As such it impinges upon the privacy and enjoyment of our property. We cherish, like the owners of the Erf 593, our privacy and not being overlooked.

We are concerned that the design of the house uses a worrying number and range of materials including corrugated iron cladding on the walls. It seems as if the house strives for an industrial or heavy agricultural style which has no precedent in the area and will stand out against the rest of the domestic architecture of the street. The house is built on a prominent elevation on a very narrow blind bend in the road and will overpower the discreet frontages of the other surrounding houses. As much as the architect and the Trust might argue about the aesthetic and architectural value of the silo, any visual relationship between the silo and the rest of the house or the total outline of the building is absent. There is no formal relationship between this industrial-looking element and the front elevation of the house whatsoever. It is a foreign and overly bold element that will be a visual distraction and dominate the street aspect. If this is allowed to be built, it opens the floodgates for other similar discordant structures.

FILE NO:	EL 593
SCAN NO:	Vermont
COLLABORATOR NO:	1011819

P

1 SEP 2017

From the plans and the architect's comments it appears that the Trust plans to have four water tanks: two large (temporary, plastic, free-standing?) tanks at the rear (that incidentally the owners of the house will not be looking on to themselves) and two water tanks stacked upon each other inside the silo in the front. We argue that this is excessive and unnecessary. The visual impact of these water tanks will be borne by the surrounding neighbours, not the inhabitants. This again is unkind and inconsiderate behaviour by the Trust.

The proposed garage and car port share a roof and can therefore for all purposes be considered as a single structure, effectively functioning as a tandem garage. This defies the notion of difference between garage and car port. There is also the danger that such a single structure can be too easily filled in later, if not by the Trust, then a future owner. There seems to be a recent tendency for illegal car port creep beyond the 4m limit to the street front in the area.

We strongly oppose the permission to be granted for building the silo, garage and car port as they extend beyond the title deed and municipal building lines. While we can however, for the sake of future good neighbourliness, consider granting permission for the garage and a separate car port with its own, distinct roof structure we do not do so in respect of the silo as other solutions elsewhere on the property that do not transgress the municipal or title deed building lines are readily available. There simply is not enough justification for the deviation required for the silo.

We also note the fact that there have been strategic processes followed by the Naas Muller Trust, the architect and their consultants to take advantage of the planning and building permission processes to keep the intentions of the final scheme obscured from public knowledge till advanced stages of construction.

Sincerely,

Louisa Sherman  
(on behalf of the Vermont Trust No 1 as the owner of 21 Duiker Street)

ANNEXURE D 10/15



BRIAN AND FRANCOISE ROBERTSON  
Erf 594, 24 Duiker Street, Vermont 7201, South Africa

Tel 0283161537 Email: [Brian.r@mweb.co.za](mailto:Brian.r@mweb.co.za)

*TPA Theart  
(C Olivier)*

1 September 2017

The Municipal Manager

Overstrand Municipality, Hermanus Administrative

PO Box 20

Hermanus 7200

Attention: Mr H Olivier

FILE NO:	EZ 593
	Vermont
SCAN NO:	
COLLABORATOR NO:	1071284

Dear Sir

Application for the removal of Title Deed Restrictions and Departure of Erf 593, Vermont

We wish to lodge an objection to the above application with respect to the relaxation of the street building line from 4m to 1m to accommodate the carport and the brick water silo

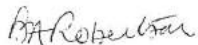
We do not see any justification for building the water silo outside of the building lines. The house appears to occupy less than the maximum area allowed, so that there is enough space, for instance, to situate the silo in the back area of the property. Moreover, far from being an artistic feature, a two storey silo between and close to the road and the front of the house, will disfigure the neighbourhood and the environment generally. We therefore strongly disagree with the applicant that this structure will have no impact on the visual elements of the property and surroundings, and

*TP* - 4 SEP 2017

that it is compatible with the character of the area. The applicant has not mentioned whether a pump will be used in connection with the silo, the noise of which could lead to further objections.

We do not see any justification for extending the carport outside of the street building lines. The applicant wishes to relax the western lateral building line significantly for the carport (and garage), with a rather weak motivation in our opinion, so there is no justification for also relaxing the street building lines because of lack of space. There is plenty of space on the erf for the applicant to have planned a carport within the street building lines. More and more houses in our area seem to be using the maximum permissible space laterally, in front, and in height, creating an ugly urban atmosphere. To allow unnecessary relaxation of building lines will only compound the problem. We therefore strongly object to the street building lines being relaxed for the carport

Yours sincerely



Brian and Francoise Robertson

TPA Theart  
CH Olivier

From: Dave & Rose Plane <twoplanes@gmail.com>  
To: <loretta@overstrand.gov.za>, <jick-lourens@da-mp.org.za>  
Date: 29/08/2017 03:07 PM  
Subject: Erf 593 Vermont



Re: Erf 593, Vermont

- >
- > The Municipal Manager
- > Overstrand Municipality
- >
- > Att. Mr.H. Olivier
- >
- > Re. Application for Removal of title deed restriction and departure of Erf 593 Vermont
- >
- > Dear Sir,
- > I have recently received the above application and wish to comment as follows.
- >
- > 1. I am surprised that this application is only submitted now. The plans must have been passed prior to the start of construction but the building is already half complete. Please advise me when the plans were passed and if they included the departures now requested.
- >
- > 2. The plans submitted to me are so small it is almost impossible to read the detail. This seems to be a most unacceptable way to hide the true intent of glossing over aspects that seem to fly in the face of building regulations and aesthetic impact. I am now told by a neighbor that the plans as sent to me are not even the ones that the builder is building. In fact the builder says he has never seen these plans.
- > This seems to be even more irregular!
- >
- > 3. The " Background" to the motivation report refers in the fourth paragraph to the Title Deed being ' more restrictive' when it seems to me to be just the opposite. It is less restrictive !
- >
- > 4. The " Proposed Development " paragraph 3.4 , the last paragraph on page 5 refers to the "limited frontage" of the erf being the reason for the encroachment. What absolute nonsense. We all have almost the same frontage and have complied with the building regulations. They must too.
- >
- > 5. On Page 7, the second last paragraph is total rubbish.
- > The plans should have been drawn to comply with the building legislation. Both the water tank and carport WILL HAVE A NEGATIVE IMPACT on the surrounding property
- >
- > 6. The request to build a carport so close to the road is totally unacceptable. The road is a main through road which is very busy and a tandem garage and carport will require cars to be moved in and out to get the garage car out. This will cause traffic problems as the access is very near a blind rise and blind corner.
- >
- > 7. To build the carport so close to the road will at a later date most probably be built up into a semi garage as has happened just a little further down Duiker St. This is also totally unacceptable.
- >
- > 8. The water tank seems to be a good idea but it must comply with regulations. How anybody can say it will not be an eyesore amazes me. It could easily be put elsewhere on the property. In fact it looks like there are another two tanks at the back of the property.
- >
- > 9. As I can not see any detail on the small plans sent to me and the house is half built, it looks like the columns are very high. Please advise me of the height of the roof and the max. height allowed .
- >
- > In summary I totally object to the proposed application and look forward to your response to my questions.
- >

FILE NO:	EL 593 ✓
SCAN NO:	Vermont
COLLABORATOR NO:	1070682

TP

31 Aug 2017

- > Thank you,
- > Rosemary Plane
- > Erf704 Vermont
- >
- >
- >



**Loretta Gillion - Erf 593 Vermont**

**From:** John de Villiers <jwdevilliers@gmail.com>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 27/08/2017 10:51 PM  
**Subject:** Erf 593 Vermont

TP - A Theart  
(H Olivier)

Aan Die Munisipale Bestuurder,  
 Overstrand Munisipaliteit,  
 Posbus 20  
 Hermanus 72000

Vir Aandag: Afdeling Boubeheer en Stadsbeplanning  
 Vir Aandag: Mnr .H Olivier.

FILE NO: EL 593 - IVM
SCAN NO:
COLLABORATOR NO: 1068841

Verwysing: Erf 593 Vermont. Aansoek om Afwyking in terme van Art 16(2)(b) ,verslapping van westelike laterale boulyn vanaf 2 meter na 0,8 meter ten einde n moterafdak en moterhuis te akkommodeer. Sowel as die verslapping van die straat boulyn van 4 meter na 1 meter om genoemde moterafdak , sowel as n baksteen geboude watersilo te akkommodeer.

Geagte Mnr Olivier,

Ek het teen middel Augustus 2017 n A4 groote bouplan van u ontvang van erf 593 Vermont wat baie klein en onmoontlik was om te lees betreffende die afmetings.  
 Na my besoek aan u kantoor op 24.08.17 het ek nuwe planne ontvang, asook n afskrif van die voorgestelde afwyking en beperkings

Ons maak hiermee ten sterkste beswaar teen enige bouwerk wat afwyk van die Munisipale reëls en regulasies.

1. Die Motiveringsverslag - IVM die titelakte wat "meer beperkend" is - dit is egter minder beperkend.
2. Die vorige bestaande houthuis op die perseel was reeds vroeg platgeslaan en totaal verwyder. Dus kan dit nie as n verskoning gebruik word dat daar afgewyk word van die boubeperkings nie naamlik die 4 meter Duikerstraat boulyn en 2 meter vanaf die sykant.
3. Die straatwydte van al die erwe aan die bergkant van Duikerstraat is almal 19,83 tot 21 meter ,dws daar is geen rede hoekom daar nie genoeg spasie was ,byv soos om n dubbelgarage te bou en let wel op die 4 meter boulyn Dit is dus totaal onaanvaarbaar dat daar n enkelgarage en onderdakgedeelte plusminus 0 .8 meter van die boulyn en 1 meter van die straatboulyn langs erf 1481 geplaas is.
4. Wat die inry en uitry uit die moterhuis aanbetref voorsien ons dat dit n verkeersophoping in Duikerstraat gaan veroorsaak , wat veral oor naweke en vakansies n besonder besige straat is. Met slegs een meter vanaf die straatboulyn is so n moterafdak totaal onaanvaarbaar. Die erf net langsna ,erf 1481, sal om hierdie rede uiters swak sig ondervind om op hul inrypad in Duikerstraat in en uit te beweeg , en om hierdie rede mag ongelukke gebeur.
5. Wat die geboude watersilo van plus minus 3meter wyd en 6 meter hoog voor die huis, en slegs 1 meter van die straatgrens aanbetref, is dit totaal onaanvaarbaar en mag nooit toegelaat word nie! Dit is uiters swak beplanning . Dit is esteties swak geplaas en sal n negatiewe invloed he op die omgewing . Die estetiese karakter van die straat en die huise in die omgewing sal hierdeur negatief benadeel word.
6. Punt 3,5 in die Motivational report wat verwys na n moontlike gastehuis, (guest house) .Die vraag is, waar sal hierdie gaste parkeer? Dit sal die verkeersvloei heeltemal onaanvaarbaar maak.
7. Die Titelakte no T77726\2016 moet dus onder geen omstandighede verander word , soos verwys in seksie 3,4 van die verslag.
8. Hoogte van die huis: Volgens berekening sal die hoogte van die huis plus/minus 9 meter wees ,wat n oorskryding van 2 meter is. Dit is onaanvaarbaar in n kus area. Hierdie hoogte word totaal verwerp.
9. Let wel.Die bouplanne was op 18/8/17 (vir die 8ste keer) verander deur die argitek , en dui die plan vir die eerste keer n garage en tenk (silo) aan. Dit is nie aanvaarbaar nie.

Opsommend teken ons beswaar aan teen die voorgestelde aansoek om afwyking van grenslyne asook die aanbou van genoemde moterafdak en watersilo, sowel as die moontlike oorskryding van die totale hoogte van die gebou.

28 AUG 2017

ANNEXURE D 15/15

JWL de Villiers (Duikerstraat 30 Vermont) Erf 1145.

ANNEXURE E 1/4

**PLAN** Town & Regional Planners  
**Active** Stads-en Streeksbeplanners

6 Magnolia St / Str  
 PO Box / Posbus 296  
 HERMANUS  
 7200  
 Tel: (028) 313 1673  
 Fax / Faks: (028) 312 1351  
 Email: [planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)  
 Website: [www.planactive.co.za](http://www.planactive.co.za)



Our reference: PA17030  
 Your reference: 593HVM (3662)

10 October 2017

THE MUNICIPAL MANAGER  
 OVERSTRAND MUNICIPALITY  
 P.O. BOX 20  
 HERMANUS  
 7200

FOR ATTENTION: MR H OLIVIER

Sir

TRA Theart  
 C Olivier

FILE NO:	EL 593
	Vermont
SCAN NO:	02
COLLABORATOR NO:	1084739

**ERF 593 VERMONT - PROPOSED DEPARTURE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

- **NAAS MULLER FAMILIE TRUST**

Reference is made to our application dated 13 April 2017 and your letter dated 20 September 2017 with 9 objections attached thereto.

Objections were received from:

T Mulligan, Vermont Ratepayers & Environmental Association (VR&EA), MM Jourdan, JC & M Boshoff, JM Smit, L Sherman on behalf of Vermont Trust No 1, B & F Robertson, D & R Plane and J de Villiers.

A letter of support for the proposals was received from Johan Nel.

Herewith our response to objections received:

- **Why is application only requested after the building is almost completed.**

The building plans that were submitted and approved only made provision for the main dwelling as that portion of the building work could be commenced with, as it did not trigger any applications for a departure. The application for a departure was for the water silo, garage and carport situated within the building lines, which necessitated a departure and removal of title deed restriction application. These structures were not depicted on the approved building plans and they are not part of the current construction phase.

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
 Reg. No. 2006/030921/07  
 Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI  
 Pauline Spronk: B (Soc Sci) US. BA Hon (UNISA)  
 Meriké Lenn: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

- **2 Different plans were received when an enlarged copy was requested, not sure which plan was the correct one.**

The reason for the 2 different plans are as stated above. The approved plan that the builder was using on site made provision for the building structure that did not trigger the application for a building line departure. The second plan accompanied the application for the building line departure and the structures, that formed part of the application, that have not been built as yet.

- **Objection is made by JC & M Boshoff re the relaxation of the lateral building line to 0.8m as the law requires a 2m building line and his privacy would be affected. The 800mm area would collect leaves and garden refuse. 2 Alternative options are proposed, to either build the garage on the 0m building line and there would be no objection to the water run off from the gutter as there are many properties with garages on the 0m building line. The second suggestion is to extend the boundary wall to the street as this would give privacy and get rid of the dead space. Mr Terence Mulligan would also prefer if the garage was to be moved to the 0m building line. The VR&EA states that it affects the neighbour's privacy adversely. The carport is unreasonably far over the street and side building line. The height of the proposed structure is excessive and will have a visual impact. There is only one property in the area that has a carport extending to the street property line.**

It was decided by the owner of Erf 593 Vermont to place the garage within 0.8m of the Western boundary line to make provision for the refuse trolley bin to be moved from the scullery area to the front of the property on rubbish collection days.

In order for the building plans to be amended to make provision for the garage and carport on the 0m building line a new application has to be prepared and submitted as the proposal for the garage and carport to be situated on the 0m building line does not form part of the application at hand.

The privacy of the neighbour on the western side of Erf 593 would not be negatively affected as the 0.8m wide area would only be used a few times a week. A suitable arrangement could be reached to keep garden refuse in this area to a minimum as it would be in the interest of the owner of Erf 593 Vermont to keep the area easily accessible.

- **The water tank in front of the property is not attractive and has a negative visual impact as it is foreign and an overly bold element. The water silo will obstruct the view down Duiker Street and the footprint is unstable and would become a safety hazard. The water silo can be placed at the back of the property.**

The property owner / applicant have decided to omit the water tank from the building plan and it will thus not form part of this application any more.

- **Building plans do not conform to the minimum parking requirements and on street parking is encouraged. Lack of off street parking for a 4 bedroom house, the building plans only makes provision for the parking of 2 vehicles on site.**

The Overstrand Zoning Scheme Regulations state that 2 parking opportunities must be furnished per erf for a single residential erf. The building plan makes provision for 2 parking opportunities, one in the garage and one in the carport.

- **Building encroachments are not prevalent in the area. The structures being applied for is not the norm.**

It is agreed that the water silo is not the norm and for that reason the owner has decided to omit it from the application at hand. The positioning of a garage and carport within the lateral building line and street building line is an acceptable practice.

- **The garage with tandem carport is likely to create problems for vehicles using and reversing into Duiker Street as it will result in traffic congestion in Duiker Street and could lead to accidents.**

It is difficult to comprehend how the garage with the carport will create problems and will cause accidents and traffic congestion in Duiker Street as surely all the owners in the street exit their erven via a garage driveway. Only one car at a time would exit from Erf 593 Vermont.

- **Hermanus Municipality does not enforce privacy and there is no consideration for the neighbours as the building structure has been aggressively built onto the edge of the building line.**

The structure depicted on the building plan, that was approved by the Overstrand Municipality, complied with the Overstrand Zoning Scheme Regulations and is situated within the building lines. The proposed water silo, garage and carport did not form part of the approved building plan as the town planning application for the departure of the building lines first had to be finalized before the building work to those structures could commence.

- **Strategic processes were followed to keep the final scheme obstructed from public knowledge till advanced stages of construction. Did the plans that were approved include the departures?**

The proposed water silo, garage and carport did not form part of the approved building plan as the town planning application for the departure of the building lines first had to be finalized before the building work to those structures would commence.

- **The print on the plans is so small it is almost impossible to read the detail and it is an unacceptable way to hide the true intent.**

It is not the intent at all to hide the proposal at hand by furnishing plans with small print. Large copies of the plans were provided with the original application documentation and were open for inspection at the Town Planning Department. It is logistically not possible to furnish large scale plans via the post to all interested and affected parties.

- **According to the calculations done by John de Villiers the height of the completed building will be 9m and it is unacceptable.**

The height of the completed building will be 8m and the height of the building has been monitored by a land surveyor during the building process. A height certificate reflecting the height of the completed building will also be issued once the dwelling has been completed.

We hope you find our comments acceptable and that you would be in a position to finalize the application.

Yours faithfully



**J V Mc LACHLAN  
PLAN ACTIVE**

From:

To:00283121351

25/04/2017 08:57 #319 P.002/007

ANNEXURE F 1/5

129

ESI ATTORNEYS  
7 Bellfour Office Park  
Cnr Roger & Edmar Street  
Tygervalley  
7530

Prepared by me

CONVEYANCER  
GUSTAV BARKHUYSEN

JANINE SMIT

Purchase price/Value		Amount	Office fee
R. 1 720 000,00			R. 990,00
Mortgage capital Amount		R. ....	R. ....
Reasons for exemption		Exempt i.t.o	
Date: .....		Section: .....	

ISSUED FOR JUDICIAL PURPOSES ONLY  
ALLEENLIK VIR GEL. W. JOELLENDES JUDGE

STREK OORSGROND WATERSKOP

T 000077726992016

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ANTON LUTHER POSTHUMUS

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at TYGERVALLEY on 27 October 2016 granted to him by

GERALD PAINTER  
Identity Number 7205265306082  
Married out of community of property

DATA / VERIFY  
30 JAN 2017  
OLIVIER YOLANDI

DATA/CAPTURED  
19 JAN 2017  
ZAN... T... P...

Page 2

And the appearer declared that his said principal had, on 29 September 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**The Trustees for the time being of NAAS MULLER FAMILIETRUST**  
**Registration Number IT4978/1996**

its Successors in Office or assigns, in full and free property

ERF 593 VERMONT  
 SITUATED IN THE OVERSTRAND MUNICIPALITY  
 DIVISION CALEDON, PROVINCE OF WESTERN CAPE

IN EXTENT 625 (SIX HUNDRED AND TWENTY FIVE) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T3680/1962 with  
 Diagram No 1555/1946 relating thereto and held by Deed of Transfer Number  
 T42608/2008

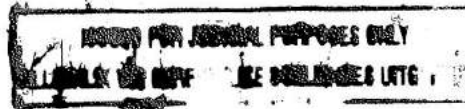
A. **SUBJECT** to such conditions as are referred to in Deed of Transfer No.  
 2258/1921.

B. **ENTITLED** to the benefit of the rights mentioned in the endorsement dated 16  
 September 1924 on Deed of Transfer No 2258/1921, which reads as follows:-

"By Notarial Deed dated 31 July 1924(1) condition (1) in Transfer No 7685/1913  
 re sale of liquor has been cancelled and (2) condition (2) in said Transfer No  
 7685/1913 re water rights have been varied"

C. **SUBJECT FURTHER** to the condition mentioned in the Notarial Deed dated  
 11 April 1930 annexed to Deed of Transfer No 9286/1925 and referred to in  
 endorsement thereon dated 29 April 1930, reading as follows:-

"By Notarial Deed dated 11.4.1930 a restriction has been imposed upon the  
 remainder of the land held hereunder that no liquors shall be sold thereon  
 without the consent of the present or future proprietors of the property held  
 under Transfer 53 dated 5 January 1918 as will more fully appear on reference  
 to the copy annexed hereto."



GhastConvey 15.9.4.2

From:

To:00283121351

25/04/2017 08:58 #319 P.004/007

ANNEXURE F 3/5

Page 3

D. **SUBJECT FURTHER** to the following condition contained in Deed of Transfer No 2287/1935 which reads as follows:

"Subject to the conditions that the present and future proprietors of all even sold and transferred in the Township of Vermont (as shown on the General Plan V.34) shall be entitled by means of the existing system of distribution laid down and situate on the said remaining extent of Lot No 1 of Onrust River and Rheeziel, to a reasonable supply of water for domestic purposes if available provided that the owners of this property shall in no way be responsible to provide water for such purposes if not available and they shall have the right to impose a reasonable charge for any repairs and maintenance of the various pipelines and for the use and distribution of the water."

E. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer No. T3680/1962 in favour of South Western Districts Land and Finance Corporation Limited (hereinafter referred to as the Transferor Company) and its successors-in-title to the Remainder of the land held by Deed of Transfer No. 7023/1935, namely:-

- (a) Save with the consent of the Transferor Company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1,57 metres of the lateral boundary common to any adjoining Lot, nor save with the consent aforesaid, may the said property (or any lot if the property sold comprises more than one Lot) be subdivided;
- (b) No building shall be erected on the said property unless plans (including one showing siting of proposed buildings) and specifications have been previously submitted and are approved by the Transferor Company in writing in addition to the requirements of the Local Authority in control over the area of the Township;
- (c) No Canteen, Hotel, Restaurant, Shop, Factory, Industry or any place of business whatsoever shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.

ISSUED FOR JUDICIAL PURPOSES ONLY  
 MEENLIK VERDER ' ME BOELEINDES JITGEI

GhostConvey 15.9.4.2

Page 4

(d) Unless the permission of the Transferor Company in writing be obtained under condition (c) above the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes, shall be erected on any one Lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property;

(f) The owner of the said property shall be obliged to allow the drainage or sewerage of any other lot to be conveyed over such property if deemed necessary by the Local Authority and in such manner and in such position as may from time to time be reasonably required by the said Local Authority.

All the conditions (a) to (d) and (f) set out above shall be binding on the Transferee and his successors-in-title to the said property but the said Transferor Company reserves the right to sell any other lot or lots in the said Vermont Township free from any one or more of the aforesaid conditions (a) to (d) and/or subject to other conditions.

After the said Transferor Company has ceased to be the owner of any property under said Deed of Transfer No. T7023/1935 or of any lot in the Vermont Township under any other Deed of Transfer, the powers of permission and approval vested in the said Transferor Company under the aforesaid conditions (a) to (d) inclusive shall be exercisable by the Local Authority for the time being in control of the area of the Vermont Township.

ISSUED FOR JUDICIAL PURPOSES ONLY  
 ALLEENLIK VIR OER ... AL DOELEINDES JITGE.



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

**GERALD PAINTER, Married as aforesaid**

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

**The Trustees for the time being of NAAS MULLER FAMILIETRUST  
Registration Number IT4978/1996**

its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 720 000,00 (ONE MILLION SEVEN HUNDRED AND TWENTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, 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 2016 -12- 14 2016

*[Handwritten signature]*  
\_\_\_\_\_  
R.A.

In my presence

*[Handwritten signature]*  
\_\_\_\_\_  
REGISTRAR OF DEEDS

Certified a true copy of the original filed of record in this Registry in terms of  
*Reg 66*  
Deeds Registry  
Cape Town  
25/04/2017  
*[Signature]*  
Registrar of Deeds

**ISSUED FOR JUDICIAL PURPOSES ONLY  
ALLEENLIK VIR OER K. DOELLENDES SITGL.**

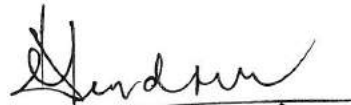
*[Handwritten signature]*

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTURE: ERF 593, VERMONT (3662)**

Stormwater (SW) : In order  
Electricity : Escom  
Water : In order  
Sewer : In order  
Roads and traffic : In order

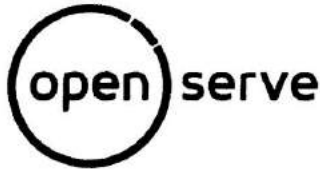
**Conditions**

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 should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
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 593, Vermont, unobstructed;
5. that no on-street parking be allowed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

8/9/2017  
DATE



TRA Theart  
(Hollivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

FILE NO:	EL 593
	Vermont ✓
SCAN NO:	
COLLABORATOR NO:	1090421

Candice Spammer  
Tel: 021 414 5582  
Fax: 086 480 0617  
Email: spammec1@telkom.co.za

Our Ref.: WWIP\_WHMN3221\_17  
Your Ref.: 593 HVM 3662

05 October 2017

Attention: S Muller

Overstrand Municipality  
HERMANUS

**WAYLEAVE: PROPOSED DEPARTURE AND REMOVAL OF RESTRICTIVE CONDITIONS: ERF 593, 26 DUIKER STREET, VERMONT**

With reference to your application received July 2017.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001

TD

16 OCT 17

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

**As important cables are affected, please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 / [FrederikS@openserve.co.za](mailto:FrederikS@openserve.co.za) at least 48 hours prior of commencement on construction work.**

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

  
\_\_\_\_\_  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

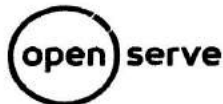
This wayleave, Reference Number WWIP WHMN3221 17 is valid for 12 months from date hereof and is subject to the following conditions:

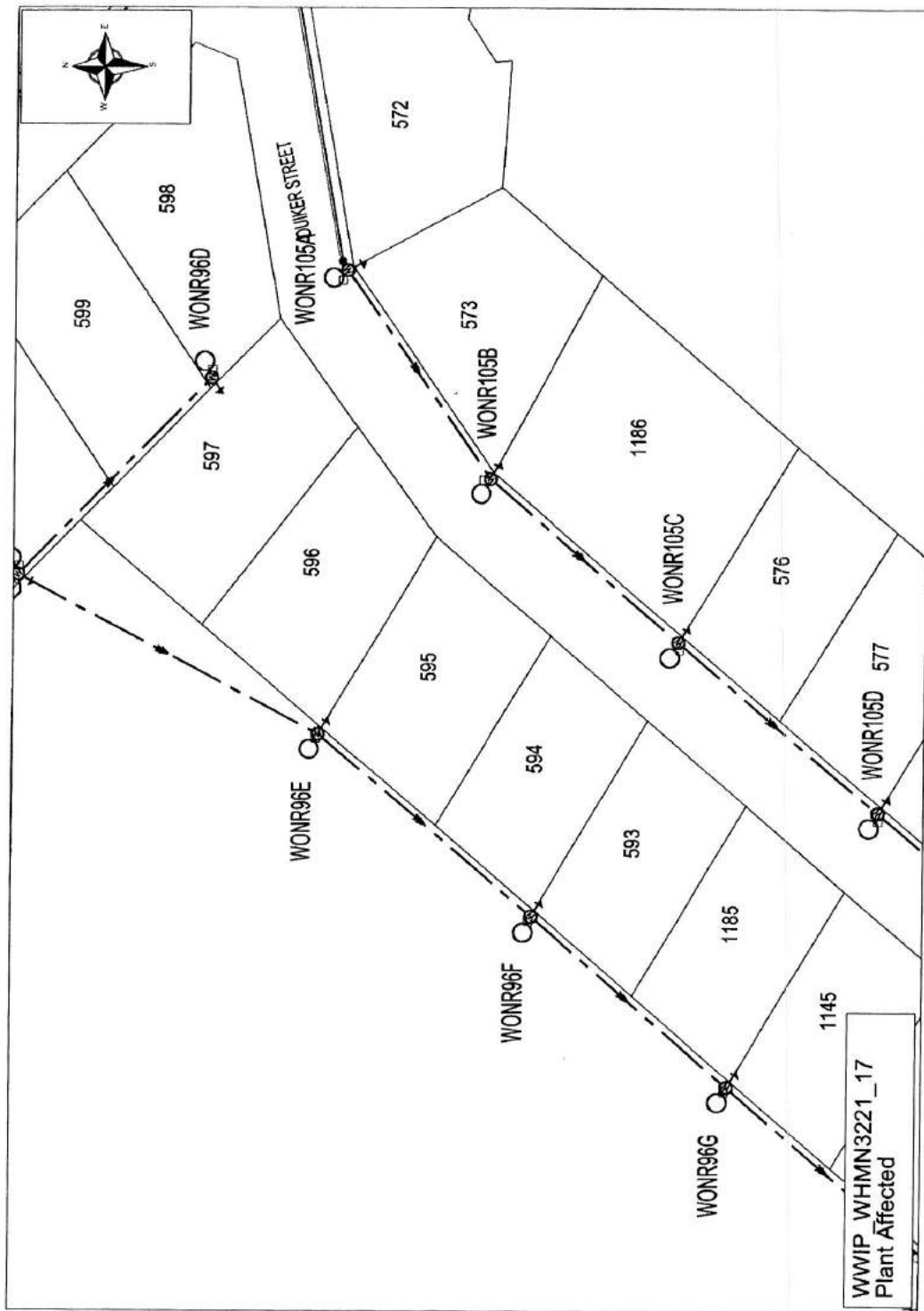
1. No mechanical plant or vibrator type compactors may be used within three meters of any Open Serve Plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and Frederik Swart at Telephone No 081 363 7815 must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of the Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration, should the of the work, upon which the actual location of Open Serve Plant will be applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Open Serve immediately, should the applicant locate any Open Serve Plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for any damage or loss as a result thereof.

Date: 2017/10/05

By: C Spammer  
For Regional General Manager  
Western Cape

Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	







TR A Theat  
(Holliver)

**OVERSTRAND MUNICIPALITY**  
P.O. Box 20  
**HERMANUS**  
7200

**Date:**  
15.08.2017

**Enquiries:**  
Mr David Williams  
Tel: 021 980 3102  
Fax: 021 980 3053

**Attention: Charlene Pieters**

**PROPOSED DEPARTURE & REMOVAL OF RESTRICTIVE CONDITIONS – ERF 593 – 26  
DUIKER STREET, VERMONT.  
YOUR REF: 593 HVM (3662)  
OUR REF: 02468/17**

I refer to your letter dated 31 July 2017.

Eskom has no objection to the proposal provided that the following requests are adhere to:

1. Should it be necessary to relocate / support any of the existing services, at least 3 months notice in writing is required and the cost will be entirely for the account of the Developer / Applicant.
2. Eskom's right on the properties not to be affected.
3. All services indicated on included drawing to be verified on site (by Applicant)
4. Enclosed find a copy of the **Occupational Health and Safety Act ( Act No. 85 of 1993)**
5. (i) Included drawing indicates existing Eskom services in the vicinity and is for information / planning only and should not be issued.  
(ii)(a) This is not an approval for applicant to undertake any work in close proximity of Eskom's services in proposed area as indicated on included drawing.  
(b) Formal application must be made to Eskom, Land Development, P.O.Box 222, Brackenfell, 7561 – Esack Daware.

Yours faithfully

*David Williams*

pp  
**David Williams**  
**LAND DEVELOPMENT (BRACKENFELL)**

FILE NO: EL 593
Vermont
SCAN NO:
07
COLLABORATOR NO: 1065632

**Western Region**  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30



TP

17 AUG 2017



ANNEXURE I 2/2

**LEGEND**  
 - - - - - AREA OF INTEREST  
 ——— CADASTRAL  
 ——— ESKOM MV 11kV U/G CABLE



ALL CABLE POSITIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE  
**LAND DEVELOPMENT SECTION**  
 TEL 021-980 3129 FAX 021-980 3053

SCALE 1 : 500  
**THIS DRAWING IS THE PROPERTY OF ESKOM**

REV	REVISION DESCRIPTION	BY	CHKD	AUTH	DATE

	<b>CALEDON CNC</b> VERMONT, ERF 593 26 DUIKER STREET PROPOSED DEPARTURE & REMOVAL OF RESTRICTIVE MEASURES OVERSTRAND MUNICIPALITY	WAYLEAVE 02468/17		
	AUTH: _____ DATE: _____	SET	SHEET	REVISION
	CHKD: _____ DATE: _____	02	00	0
	DRAWN: P. BOTMA DATE: 02/08/2017	SIZE <b>A3</b>		