



**MEETING OF THE  
MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**A G E N D A**

<b>DATE:</b>	<b>27 JULY 2017</b>
<b>VENUE:</b>	<b>TOWN PLANNING COMMITTEE ROOM HERMANUS</b>
<b>TIME:</b>	<b>14:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Municipal Manager  
Civic Centre  
HERMANUS  
7200

7 July 2017

**TO : THE CHAIRPERSON AND MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

**NOTICE IS HEREBY GIVEN** that a meeting of the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 27 July 2017 at 14:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

You are kindly requested to submit any amendments/additions to Ms S Swart ([sswart@overstrand.gov.za](mailto:sswart@overstrand.gov.za)) on or before **14 July 2017**.

**COENIE GROENEWALD**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Mr C Groenewald (Chairperson)
2. Mr S Müller (Vice-Chairperson)
3. Mr S Madikane (Member)
4. Mr R Williams (Member)
5. Mr R Kuchar (Member)
6. Ms H Janser (Member)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Olivier (Town Planner)
10. Secretariat

**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 June 2017**

**4. ITEMS FOR CONSIDERATION**

**4.1 ERF 4622, 14 BEACH ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA : PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS ARCHT-CO ON BEHALF OF DEMUS INVESTMENTS (PTY) LTD**

Report attached

**4.2 ERF 131, 13 LINK ROAD, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS WRAP ON BEHALF OF THE RENDEZVOUS TRUST 2**

Report attached

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**4.1**

**ERF 4622, 14 BEACH ROAD, KLEINMOND, OVERSTRAND MUNICIPAL AREA :  
PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS AND DEPARTURE : MESSRS  
ARCHT-CO ON BEHALF OF DEMUS INVESTMENTS (PTY) LTD**

**4622 KKM (3457)  
H van der Stoep  
27 June 2017**

**(028) 313 8900**

**Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

Applications have been received on 28 September 2017 from Messrs Archt-Co (Mr. J van Wyk) on Erf 4266, Kleinmond 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 with reference to Clauses 11 and 12 of Annexure A of Title Deed T1846/2016 applicable to Erf 4622, Kleinmond in order to relax the street building line from 3,15m to 2m to accommodate a proposed enclosed stoep.

The restrictive title conditions Annexure A, Clauses 11 and 12 reads as follows:

*“11. All buildings to be erected on the land herein sold shall stand back at least 3,15m meters from the line of the street or avenue on which the lot or lots herein mentioned may front.*

*12. That all outbuildings to be erected on the land herein sold shall stand back at least 9,45 meters from any street or 6,30 meters from any avenue on which the lot or lots herein mentioned may front.”*

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Beach Road from 4m to 2m to accommodate a proposed enclosed stoep and a departure from the 2m lateral boundary to 0,97m to accommodate an enclosed braai.

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.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The erf measures 534m<sup>2</sup> in extent and is held under Title Deed No. T1846/2016. The erf is located in the residential area of Kleinmond.

The residential building on the property has been built during 1948. The servant's quarters was built during 1969. A building plan of the braai on 0,8m according to a

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building plan was approved during the 1990's. The building plan indicating transgressions over the street building line dates back on assumption since 1948, if one looks at the blue print building plan of 1948 and subsequent building plans available at the Municipal Offices dating back towards the 1990's.

The building work e.g. renovations and added structures were done illegally and a stop order was issued by the Building Control Department. The owner did not adhere to the stop order and the matter was dealt with by the Municipal Court.

One aspect was that the building lines in terms of the Title Deed and the Zoning Scheme were transgressed and an application dealing with the aforementioned must be submitted.

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

The present owner bought the property and found that the house is more than sixty (60) years old and in terms of the Heritage Legislation, the amendments and structures need the approval of the Western Cape Heritage Committee; the latter gave its approval on 29 June 2016.

The owner purchased the property during December 2015. The original house was built over the building lines and was not made known to the applicant on purchasing the property. The house was in urgent need of repairs and maintenance and contractors were appointed to start renovating the house. During this process certain defects were discovered and the condition of the building was more severe than the original estimation.

The work generated by the defects is as follows:

- The braai stoep roof was replaced.
- The south stoep braai area was enclosed with frameless glass.

The remainder of the work done are within the building lines.

#### **5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Press	Yes	3 November 2016	9 December 2016
Gazette	Yes	4 November 2016	9 December 2016
Notices	Yes	3 November 2016	9 December 2016
Ward councillor	Yes	3 November 2016	9 December 2016
Total comments	<b>TWO (2)</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>

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

Name	Date received	Summary of comments	Recommendation
<b>Building Control</b>	11/11/16	Stop works order not adhered to – continued to work. Heritage house – graded 3C. To be resubmitted all structures to comply with SANS 10400.	<b>Not supported</b>
<b>Engineering Services</b>	14/12/16	See Annexure D.	<b>Supported</b>
<b>Ward Committee</b>	17/11/16	That the application be supported.	<b>Supported</b>
<b>Fire Department</b>	19/12/16	No objection. Section of structure on 0,97m building line does not impact on Fire Safety Regulations.	<b>Supported</b>
<b>Environmental Services</b>	07/11/16	We foresee no environmental issues regarding this proposal.	<b>Supported</b>

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

Objections were received from the following two (2) individuals:

- ❖ Mr W Pauw
- ❖ ABSA Trustees of the Lori Trust

Please note that the two (2) objections are precisely the same and will be dealt with as one (1) in terms of this report.

The objections can be summarized as follows:

The objection is based on the fact that the building work has already taken place. The character of the old house will be changed due to the enclosure of the stoep and to construct an inside braai. The relaxation requested is for work already done illegally. The amendments are not in accordance with the comments from the Overstrand Heritage Committee dated in 2009 applicable to Erf 7195.

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

The applicant responded as follows:

The applicant did submit a building plan before construction. The initial building work was for the reconstruction and replacement of unsafe structures. However, due to defects identified during the reconstruction, the applicant had to proceed to ensure safety.

During the building plan process, it came to light that the applicant will need four (4) approvals which consists of the Municipality, Western Cape Heritage, Overstrand Heritage and Town Planning. The applicant could not foresee all the approvals necessary and with the contractors already on site, it would be financially not viable to stop all building work and to proceed only when all legislative requirements are met.

The Building Control Department did issue a stop order, which the applicant did not adhere to and subsequently appeared in the Court. The Court did indicate that the application needs to be submitted and dealt with.

The building was approved during 1949, and during the 1990's indicates the structure over the building lines. The application is for the renovations and reconstruction of a building already over the prescribed title deed building line. The applicant did not build the original building and thus cannot be held liable for transgressions dated back more than sixty (60) years.

It should be noted that the application is only for the reroofing of the open braai and the closure of the open stoep with a glass frame. The objector has also modernized its own building in the same street with a glass structure.

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

The objection from the Building Control Department relates to the stop order and was dealt with by the Municipal Court and not the application *per se*.

The objector, Mr Pauw, did object to building work before the building plans were approved and that the house will be substantially changed. It is clear that the applicant thought the renovations will be minor and well within the approved footprint. Once he started it became clear that this is not the case and proceeded to finalize the building work without an approved building plan. That aspect was dealt with by the Municipal Court.

The objection with regard to the changing of the character of the building is only valid in as far should approval not have been obtained by the Western Cape Heritage Committee. The applicant did however obtain approval for the renovations. The objector's own dwelling has a modern look and influenced the character of the area and thus the changes to the applicant's building will have no significant impact that does not already exist.

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**Internal Departments**

Objection has been received by the Building Control Department, but it is based due to the non-compliance with a stop order, which was dealt with by the Municipal Court.

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

**10.1 Background**

N/A

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

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

The objectives relating to:

**Spatial Justice**

Not applicable.

**Spatial sustainability**

The renovations will enable the applicant to ensure energy efficiency compliance in terms of the National Building Regulations. The building will adhere to safety regulations due to the removal of defect and old building material and structural changes.

**Efficiency**

Minimal financial, social, economic or environmental impact

**Spatial Resilience**

Not applicable

**Good administration**

Procedure as determined by the Municipality 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)**

The application is consistent with the planning principles.

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

Consistent since it remains Residential.

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

Same as 10.4.

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**10.6 Impact on Municipal engineering services**

The renovations will have no impact on municipal services.

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

Western Cape Heritage approved the renovations.

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

The application is in line with the Overstrand Spatial documents. The application is due to Title Deed restrictions and Overstrand Zoning Scheme transgressions

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

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

There is no financial value of the rights.

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

The personal benefit is to make the dwelling more liveable.

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

The building will be compliant with the National Building Regulations

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

N/A

**12. THE DESIRABILITY OF THE PROPOSAL**

The application is for the transgression of the title deed and zoning scheme street building lines due to the closure of the open stoep. The stoep are indicated on the building plan, dated 1948 and 1990's. The actual transgression not on any building plan is with the squaring of the stoep which amounts to approximately 1m<sup>2</sup>.

The application is for the relaxation of the lateral building line in terms of the Zoning Scheme of 2m, to replace the roof over the built braai on 0,97m. The latter was approved during 1990, as indicated on a building plan.

It is clear that the owner purchased the property under the assumption that the building had approved building plans. A building plan was submitted for minor renovations and alterations. It was during the scrutiny of the building plan it came to light that the building is a heritage building that is older than sixty (60) years, and approval had to be obtained from Heritage Western Cape. It also came to light that

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the renovations proposed will transgress the street building line, and an application for a removal of restriction and departure of the Overstrand Zoning Scheme will have to be submitted.

However, before the application was submitted the applicant started with the renovations under the assumption that it will be like for like, meaning that the renovations will be restricted to the existing footprint. The architect whilst busy with the renovations noted defects that must be addressed and thus led to the application. At that stage the contractors were appointed and started with the reconstruction of the building. It would have been unpractical to stop all work and only continue once all the approvals were in place due to the financial implications and the time-line of the tenders for the project.

The changes as proposed by the applicant will have no detrimental effect on the area due to similar changes made by other houses in the same street. The transgression of approximately 1m<sup>2</sup>, which is not reflected on previous building plans, is insignificant and cannot be seen as a major transgression of the street building line. The proposed changes have been built due to circumstances not envisaged by the applicant. The illegal building work has been dealt with by the Municipal Court and is not part of the desirability of the application submitted.

### **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 (By-Law) on Erf 4622, Kleinmond for the removal of restrictive conditions Clauses 11 and 12 of Annexure A of Title Deed T1846/2016 to accommodate renovations, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for a departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 (By-Law) on Erf 4622, Kleinmond to relax the street building line with Beach Road from 4m to 2m to accommodate a proposed enclosed stoep and a departure from the 2m lateral boundary to 0,97m to accommodate an enclosed braai, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1. and 2. be subject to the following conditions:
  - (a) that this approval is only for the departure of the street building line indicated on Plan Numbers DEMUS INVEST-ERF 4622 (1, 2, 3 and 4) dated 20 September 2016 submitted with the application;
  - (b) 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;
  - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
  - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with, and

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- (e) that all the conditions in the Services Report (attached as Annexure G), 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 conditions of approval.

**14. REASONS FOR RECOMMENDATION**

- ❖ The application has followed due procedure.
- ❖ Two (2) objections have been received.
- ❖ None of the municipal services will be needed.
- ❖ It is in line with policy documents.
- ❖ The objectors could not proof that the proposed renovations will negatively influence the character of the area.
- ❖ Western Cape Heritage committee did approve the renovations.
- ❖ Similar modern houses are located within the same street.

**15. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Site Development Plan
Annexure C:	Motivation Report
Annexure D:	Title Deed T1846/2016
Annexure E:	Objections received
Annexure F:	Applicant's response to objections received
Annexure G:	Services Report

**SIGNATURES**

**REGISTERED PLANNER**

Name : **H VAN DER STOEP**

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

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

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



Locality Plan - Erf 4622 Kleinmond

Date: 2016-10-28

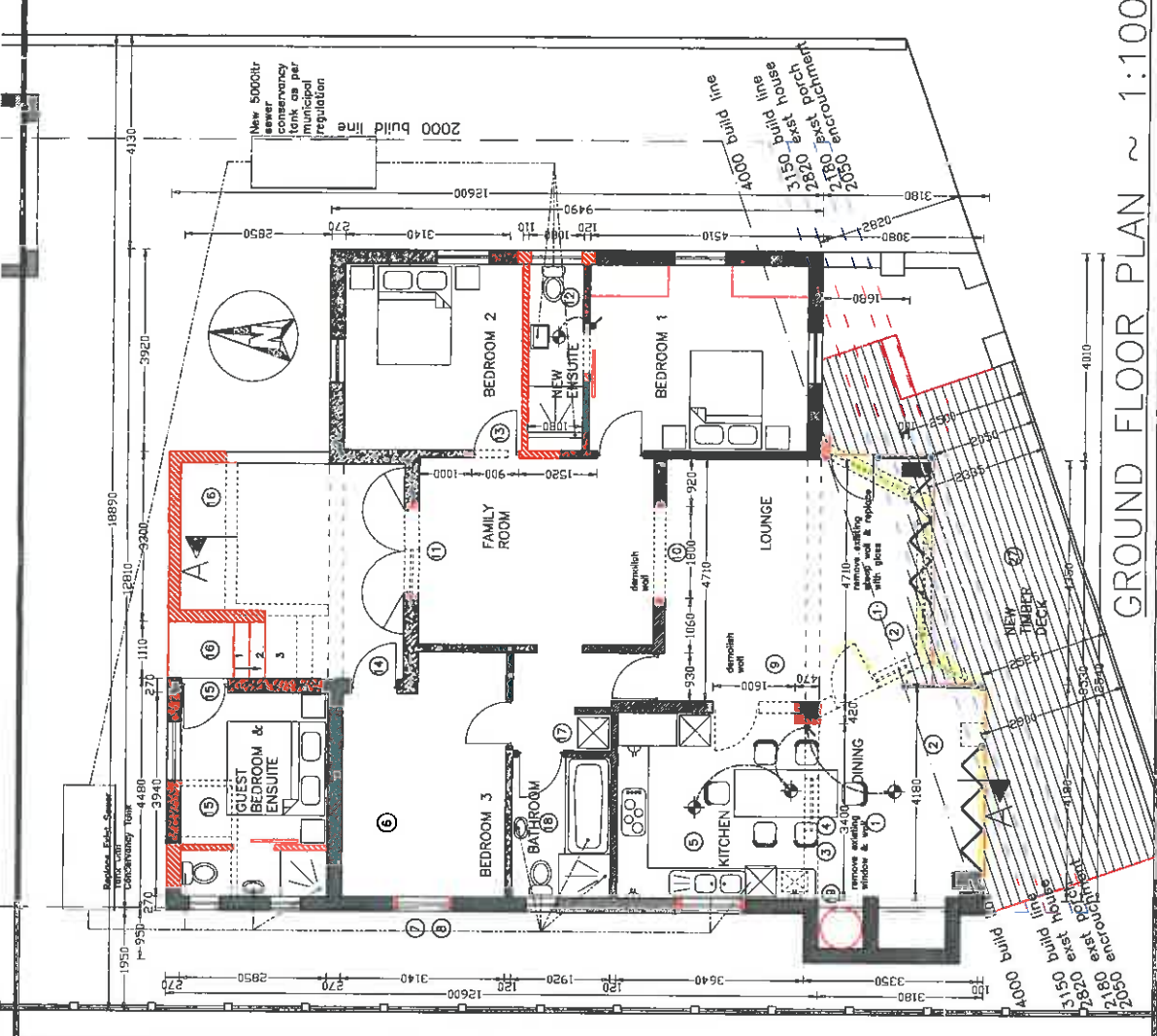


Existing Masonry - [Symbol]  
 New Masonry - [Symbol]  
 Overhead Beam - [Symbol]  
 Demolished Masonry - [Symbol]

- SCOPE OF WORKS**
- 1 - Replace roof structure above existing front veranda.
  - 2 - Enclose existing "steep" patio with frameless glass. Remove exist column & build & install new column & posts as indicated.
  - 3 - Demolish existing wall between "steep" & bedroom as indicated & make good.
  - 4 - Remove window & re-use (see nr B).
  - 5 - Convert existing bedroom into new kitchen & fit new kitchen cupboards & counters as indicated.
  - 6 - Remove exist kitchen & convert to bedroom.
  - 7 - Remove existing kitchen window & re-use (see nr5 - "new" kitchen).
  - 8 - Brick in removed window (nr4) with brick.
  - 9 - Demolish bedroom 3.
  - 10 - Demolish as indicated the inner wall between new kitchen & living room & make good.
  - 11 - Demolish the inner wall between Dining room & Living room as indicated & make good.
  - 12 - Brick out existing dining room window (re-use at nr12, new ensuite bathroom) & replace with "French" doors as indicated & make good.
  - 13 - Build in new ensuite bathroom into existing bedroom 2 as indicated, brick in removed window (nr11) break thru the new slider & make good.
  - 14 - Move the existing bedroom internal door to new position as indicated & make good.
  - 15 - Replace existing external door (old kitchen) with new aluminium/sonoblasted glazed unit.
  - 16 - Convert existing laundry into bedroom & ensuite, as indicated. (Demolish exist wc & basin & replace external door with new aluminium / sonoblasted glazed unit).
  - 17 - Engage existing open stoep (North) & build steps as indicated.
  - 18 - Convert existing linen cupboard to house the washing machine, as indicated.
  - 19 - Renovate existing bathroom as per owner.
  - 20 - Install pizza oven as indicated.
  - 21 - Inspect existing roof & repair where needed.
  - 22 - Paint complete roof & house as per owner.
  - 23 - All demolishing & masonry work to be properly plastered & made good.
  - 24 - Link new bathroom to exist sewer system.
  - 25 - Plumber to install all plumbing, traps etc.
  - 26 - Electrician to fit plugs & lights as indicated.
  - 27 - Finishes & tiling of floor/wall as per owner.
  - 28 - Construct new timber deck as indicated.
  - 29 - Replace existing sewer tank with conservatory tank.

**ARCHT-CO**  
 2006 / 172728 / 23 ~ bk  
 Jaco van Wyk, Pr Archt, SACAP - T1019  
 archtco@telkomsa.net  
 021 906 0816 tel ~ 072 225 9221

Sheet 1 of 4 Sheets(A3)  
 DEMUS INVEST ~ ERF 4622



**GROUND FLOOR PLAN ~ 1:100**

**PROPOSED RENOVATIONS & MAINTENANCE WORK**  
 14 KUS AVENUE, KLEINMOND  
 AMEND 2, 2016-09-20

**CLIENT** PRFSSNL

**GENERAL NOTES**  
 Dimensions verified on site before work starts.  
 All works in accordance with Building Regulations.  
 All dimensions in preference to scaling.  
 All building material SABS approved.  
 Builder to assess himself of all details on plan, engineer's drawings & specifications.  
 Report any discrepancy found on plan, to the architect immediately. No changes to be made to the drawings without consent & approval of the designer. Reinforced concrete per certified engineer.

**FOUNDATION** (as steel reinforced - as per engineer)  
 650 x 230 minimum foundation to load-bearing walls.  
 600 x 200 minimum foundation to non-load-bearing walls.  
 Concrete to manufacturer's specs. Min. 25Mpa. after 28 days.

**FLOORS** (as per engineer) where applicable  
 Minimum slab thickness 100mm mixed to a ratio of 1 : 3 : 4 (to manufacturer's spec) with minimum compressive strength 20 Mpa after 28 days cast on 250 micron damp proof course spread on well compacted, smooth clean filling sand.  
 Reinforcement steel mesh ref 100.  
 Floor slab to have min 30mm screed (topping)

**PROJECT** : HOUSE DECINTI, DEMUS INVEST ~  
 Proposed Renovation & Maintenance, 14  
 Kus Ave, Kleinmond 7195

**ERF NO** : 4622 (534 sqm)

**COVERAGE** : 182 sqm = 34.08% of erf (534sqm)

**COVERED** : House (Existing) ~ 158 sqm  
 Garage (Existing) ~ 24 sqm

**TOTAL COVERED** ~ 182 sqm

**OWNER** : Mr Decinti, Demus Invest, Erf 4622, 14  
 Kus Avenue, Kleinmond, 7195

**TELEPHONE** : 082 346 1784

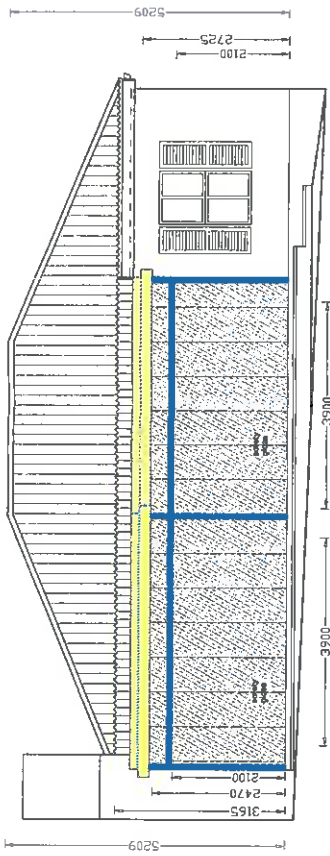
**DRAUGHTED** : Jaco van Wyk (PrArchT, T1019)

**SCALE** : 1 : 100 & 1:200

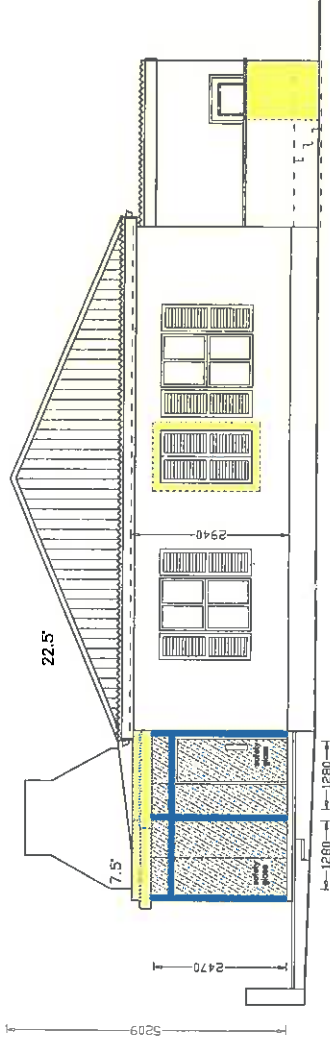
**DATE** : 20 September 2016

Sheet 1 of 4 Sheets(A3)  
 DEMUS INVEST ~ ERF 4622





SOUTH ELEVATION ~ 1:100



EAST ELEVATION ~ 1:100

- SCOPE OF WORKS**
- 1 - Replace roof sheathing above existing front veranda.
  - 2 - Enclose existing "steep" deck with frameless glass. Remove exist column & build & install new column & posts as indicated.
  - 3 - Demolish existing wall between "steep" & bedroom as indicated & make good
  - 4 - Remove window & re-use (see nr B).
  - 5 - Convert existing bedroom into new kitchen & fit new kitchen cupboards & counters as indicated
  - 6 - Remove exist kitchen & convert to bedroom.
  - 7 - Remove existing kitchen window & re-use (see nr15 - "new" kitchen)
  - 8 - Brick in removed window (nr14) into exist converted bedroom 3.
  - 9 - Demolish as indicated the "inner wall" between new kitchen & living room & make good.
  - 10 - Demolish the inner wall between Dining room & Living room as indicated & make good.
  - 11 - Break out existing dining room window (re-use of nr12, new ensuite bathroom) & replace with "french" doors as indicated & make good.
  - 12 - Build in new ensuite bathroom into existing bedroom 2 as indicated, brick in removed window (nr11) break thru the new sideboard & make good.
  - 13 - Make the existing bedroom internal door to new position as indicated & make good.
  - 14 - Replace existing external door (old kitchen) with new aluminium/sandblasted glazed unit.
  - 15 - Convert existing laundry into bedroom & ensuite, as indicated. (demolish exist wc & basin & replace external door with new aluminium / sandblasted glazed unit)
  - 16 - Enlarge existing open step (North) & build steps as indicated.
  - 17 - Convert existing linen cupboard to house the washing machine as indicated.
  - 18 - Renovate existing bathroom as per owner.
  - 19 - Install piazzo over as indicated.
  - 20 - Inspect existing roof & repair where needed.
  - 21 - Paint complete roof & house as per owner.
  - 22 - All demolishing & masonry work to be properly plastered & made good.
  - 23 - Link new bathroom to exist sewer system.
  - 24 - Plumber to install all plumbing, traps etc.
  - 25 - Electrician to fit plugs & lights as indicated.
  - 26 - Finishes & tiling of floor/wall as per owner.
  - 27 - Construct new timber deck as indicated.

GENERAL NOTES:  
 Dimensions verified on site before work starts.  
 All works to National Building Regulations.  
 Use dimensions in preference to scaling.  
 All building material SABS approved.  
 Builder to assert himself of all details on plan, engineer's drawings & specifications.  
 Report any discrepancy found on plan, to the architect immediately. No changes to be made to the drawings without consent & approval of the designer. Reinforced concrete per certified engineer.

ROOF: 7.5' (as per specialist & A19)  
 Nutec "BigSix" profile fibre cement sheets with isolation 400 underlay nailed to 76 x 50 purlin max 600mm c/c nailed & tied with hurricaneclips to 152 x 50 rafters supported on 114 x 38 wallplate anchored with 30 x 1.6 mm galvanized hoop iron straps bricked in min. 600 mm down. Flashing to be installed to all sides & parapet walls. Roof sheets to be pointed to match existing.  
 Nutec facia board & matching gutters & downpipes. Horizontal: "scrim" plastered rhino board, cornice per owner, 120mm isotherm insulation.  
 PAINT (as per specialist)  
 Full paint system as per manufacturer. Preparation to be done to ensure quality finish. Primer, filler & final coats. Quality ext. paint match existing, owner approval.



**ARCHT-CO**  
 2006 / 172728 / 23 ~ bk  
 Jaco van Wyk, Pr Archt, SACAP .. T1019  
 archtco@telkomsa.net  
 021 906 0816 tel ~ 072 225 9221

PROPOSED RENOVATIONS & MAINTENANCE WORK  
 14 KUS AVENUE, KLEINMOND  
 AMEND 2, 2016-09-20

Sheet 3 of 4 Sheets(A3)  
 DEMUS INVEST~ERF 4622

PROJECT : HOUSE DECINTI, DEMUS INVEST ~ Proposed Renovation & Maintenance, 14 Kus Ave, Kleinmond 7195

ERF NO : 4622 (534 sqm)

COVERAGE : 182 sqm = 34.08% of erf (534sqm)

COVERED : House (Existing) ~ 158 sqm  
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TOTAL COVERED ~ 182 sqm

OWNER : Mr Decinti, Demus Invest, Erf 4622, 14 Kus Avenue, Kleinmond, 7195

TELEPHONE : 082 346 1784

DRAUGHTED : Jaco van Wyk (PrArchT, T1019)

SCALE : 1 : 100 & 1:200

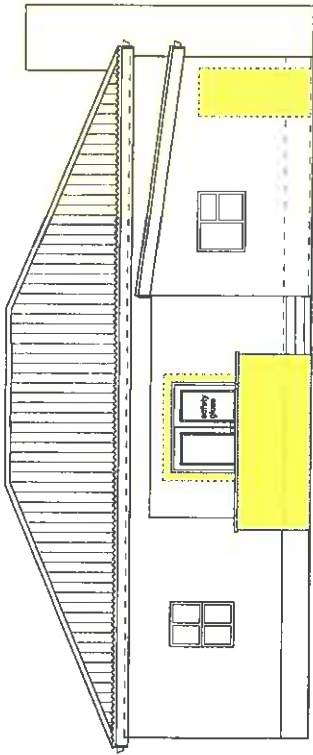
DATE : 20 September 2016

Sheet 3 of 4 Sheets(A3)  
 DEMUS INVEST~ERF 4622

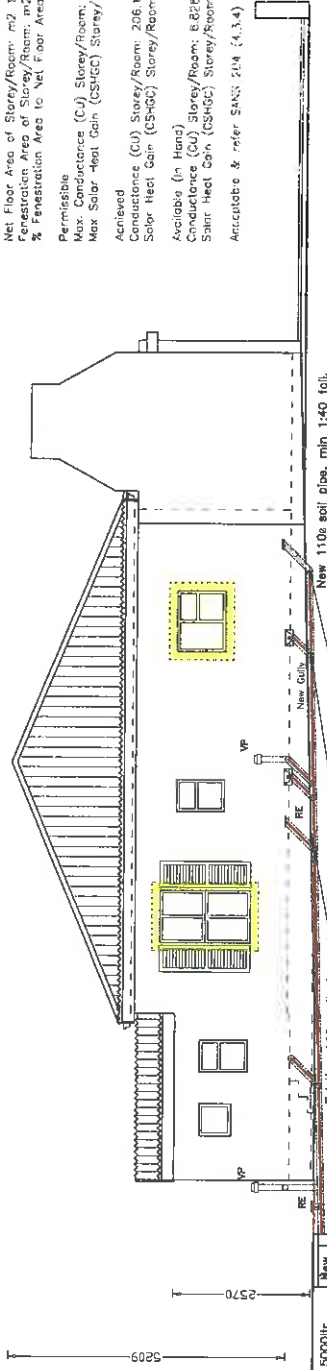
CLIENT : PRFSSNL

**WATER HEATING CALCULATION**  
 Dwelling 2)  
 people 6 (SANS 10400 req A20)  
 b. Usage/person  
 litre 115ltr/person (SANS 10252 table 5)  
 c. Daily consumption 690 (a x b)  
 Ambient input temp 20°  
 Target output temp 60°  
 f. Ave Temp Difference 40° (e - d)  
 g. Spec heat 1ltr water /kgk 4.182  
 h. Daily Energy Usage 115424 (c x f x g)  
 i. kWh/day (h/3600) 32.06 (h / 3600)  
 j. Annual Energy Usage kWh 11702 (i x 365)  
 k. Efficiency Target = 50% output 5851 (j / 2)  
**(EFFICIENCY VALUE)**  
**GEYSER CAPACITY**  
 Storage/capita 6 x 40ltr = 240ltr (a x ltr/capita)  
**SOLAR PANEL CALCULATION**  
 Solar Panel Size : 2.1 x 1.2 = 2.52sqm  
 3.80 x 4.182 x 305 (sunny days W/capita) = 3715 / panel (EFFICIENCY VALUE) x 2 panels = 6430 (Achieved)  
**COMPLIANCE**  
 Target - 5851  
 Achieved - 6430  
**ACHIEVED EFFICIENCY VALUE EXCEEDS TARGET BY: 578**

**XA REPORT - FINESTRATION CONDUCTANCE & SOLAR HEAT GAIN-SANS 204**  
 Conductance (CU) constant: 1.4  
 Solar Heat Gain (SHGC) constant: 0.13  
 Net Floor Area of Storey/Room: m2 152.100  
 Penetration Area of Storey/Room: m2 36.806  
 % Penetration Area to Net Floor Area: % 24.2  
**Permissible**  
 Max. Conductance (CU) Storey/Room: 212.940  
 Max. Solar Heat Gain (SHGC) Storey/Room: 19.773  
**Achieved**  
 Conductance (CU) Storey/Room: 206.114  
 Solar Heat Gain (SHGC) Storey/Room: 18.773  
**Accliole (in Hrs)**  
 Conductance (CU) Storey/Room: 6.828  
 Solar Heat Gain (SHGC) Storey/Room: 0.409  
 Accliole & refer SANS 214 (4.3.4)



**NORTH ELEVATION ~ 1:100**



**WEST ELEVATION ~ 1:100**

Number	RE	Gully	RE
Lid level	10.000		10.000
Invert level	9.260		9.370
Depth	740	590	450
Distance	6470	3030	0
Gradient	1:14	1:14	0

New 5000ltr sewer capacity tank as per municipal regulation  
 Existing 1100 soil pipe, min 140 fall, link to existing sewer  
 New 1100 soil pipe, min 140 fall, to link to existing sewer

**GENERAL NOTES**  
 Dimensions verified on site before work starts.  
 All works to National Building Regulations.  
 Use dimensions in preference to scaling.  
 All building material SABS approved.  
 Builder to assert himself of all details on plan, engineer's drawings & specifications.  
 Report any discrepancy found on plan, to the architect immediately. No changes to be made to the drawings without consent & approval of the designer. Reinforced concrete per certified engineer.

**ARCHT-CO**  
 2006 / 172728 / 23 ~ bk  
 Jaco van Wyk, Pr Archt, SACAP - T1019  
 archtco@telkomso.net  
 021 906 0816 tel ~ 072 225 9221

**PROPOSED RENOVATIONS & MAINTENANCE WORK**  
 14 KUS AVENUE, KLEINMOND  
 AMEND 2, 2016-09-20

**CLIENT** PRFSSNL

**Sheet 4 of 4 Sheets(A3)**  
**DEMUS INVEST~ERF 4622**

**PROJECT** HOUSE DECINTI, DEMUS INVEST ~ Proposed Renovation & Maintenance, 14 Kus Ave, Kleinmond 7195  
**ERF NO** : 4622 (534 sqm)  
**COVERAGE** 182 sqm = 34.08% of erf (534sqm)  
**COVERED** House (Existing) ~ 158 sqm  
 Garage (Existing) ~ 24 sqm  
**TOTAL COVERED** ~ 182 sqm  
**OWNER** Mr Decinti, Demus Invest, Erf 4622, 14 Kus Avenue, Kleinmond, 7195  
**TELEPHONE** 082 345 1784  
**DRAUGHTED** Jaco van Wyk (PrArchT, T1019)  
**SCALE** 1 : 100 & 1:200  
**DATE** 20 September 2016

**Sheet 4 of 4 Sheets(A3)**  
**DEMUS INVEST~ERF 4622**

14

**Kleinmond Municipality – Town Planning**5<sup>th</sup> Avenue

Kleinmond

Contact: Hanneen van der Stoep

Tel: (028) 271 8427

20 September 2016

Messrs

Town Planning &amp; Land Use Committee,

Herewith, the motivation in aid of this application.

MOTIVATION

LAND USE Application for;

- a) Departure (Only building lines) -Section 16(2)(b)
- b) Amendment, suspension or deletion of restrictive conditions in respect of a land unit – Section 16(, 16(2)f
- c) Removal or Title Deed Restrictions

Application to obtain approval of alteration work on existing structure exceeding the street boundary;

Erf 4622, 14 Beach Road, Kleinmond, Western Cape. - Heritage Status 3C

In alignment with your guidelines “ANNEXURE B”, please find the following;

**GENERAL INFORMATION**

1. Structures on Erf 4622 consist of a single dwelling & outbuilding (garage)
2. The South Façade, street view (Beach Road) is the most prominent & aesthetic elevation of the property.
3. The original plan submission was effected on 26-11-1948 as per archived documentation.
4. Assuming that the original building was built approximately in the same era, 1948/9 would place the structure's age at approximately 68 years.
5. In subsequent years additions was made to the house.
6. Approved plans dated 1969-10-29 indicates the addition of a servant's room at the rear (North)
7. An open patio was added (not covered) to the North of the house.
8. No plans indicating the addition/alteration to enclose the original porch (South), is on file, but was effected.
9. Plans of undisclosed vintage (unconfirmed 1990's) indicate the addition of the braai-stoop (South façade)
10. These plans are on municipal file & regarded as legitimate & approved.
11. Current zoning of the property is single residential, as it was originally zoned.
12. Demus Investments (Mr M Decinti) purchased this property in December 2015, for its coastline positioning.
13. An uninterrupted vista, overlooking the sea (South façade), is the most valued aspect of this property.
14. The original house & subsequent additions was built, unbeknown to Demus Investments, over the current street building line. (although “approved” plans on municipal file for these works exist)
15. The house was in urgent need of maintenance & some repair.
16. Maintenance to the house & outbuilding entailed to be painted & the timber of the fenestration & doors needed care.
17. Demus diligently obtained the services of contractors to effect the maintenance & repair.
18. When the maintenance & repair work commenced it was discovered that the deterioration of the building was more severe than expected.
19. The roof sheeting over the “braai stoop” was in such a bad state that it needed replacement as with the roof timber.

20. The stone built columns turned out to not be reinforced or tied to their bases & with removal of the roof timber developed structural cracks loosening it from their bases creating a dangerous hazard of falling masonry. There was no option but to demolish & rebuild or replace these columns.
21. An obvious attempt by previous owners to cover-up structural damage was discovered. When they added the “braai stoop” they extended the roof over the original porch/converted entrance, covering up corrosion setting into the original porch reinforced concrete roof slab & columns, which only became evident once the deteriorated & age damaged roof sheets were removed.
22. The reinforced concrete canopy roof was parting from the main house wall structure & constituted a real danger. There was no option but to demolish that too.
23. At that stage Demus owners decided that they would be prepared to renovate the structure & add some alterations to the house, bringing it in alignment with their family requirements & getting approval once off.
24. In essence the following alterations were to be made;
  - i. Braai-stoop (South) roof replaced
  - ii. Demolish unsafe & poorly built porch & enclosure structures & components
  - iii. Enclose braai-stoop (South) with frameless glass
  - iv. Replace / renovate fenestration timber. Remove rotten fenestration timber
  - v. Build new kitchen (in essence swop, internally, the position of the South-West bedroom with existing kitchen allowing easy access to the bathroom from bedroom & not having the bathroom close to the kitchen as it currently is)
  - vi. Add an en-suite bathroom (North-East Bedroom)
  - vii. Renovate Servant’s room
  - viii. Extend & enlarge North open patio to align with edge of house & make it user friendly.
25. The new works & enclosure would trigger an application as it would constitute a plan approval process.
26. Demus owners approached Jaco van Wyk, to prepare an application to enclose the existing braai-stoop (south) with frameless glass, as it would greatly enhance the use of the braai-stoop blocking out the wind whilst retaining the view, making it useable even during adverse weather conditions.
27. It was clear that this would entail a Municipal & Heritage application as the building was older than 60 years.
28. Plans were submitted to Kleinmond Municipal Council.
29. Overstrand Hermanus Heritage clearance was required.
30. Overstrand Hermanus Heritage Committee endorsed the application on 25 February 2016, (see attached document) & required Western Cape Heritage for approval.
31. Application was made to Western Cape Heritage for approval.
32. Western Cape Heritage approved the alterations & additions on 29 June 2016 (see attached document)
33. The wish of Demus owners is to add value to the property by enhancing, in a minimalistic manner, the full potential of this residence.
34. The proposed alterations (externally, the most impact will be frameless glass enclosing the south façade stoep & entrance) will not detract from the neighbourhood & are in keeping with the appeal of the surround.
35. The current state of the existing house has no significant architectural or conservational value. The aim of Demus is to optimise the use of the current house maximising aesthetics & lifestyle without altering the existing structure in any unnecessary way.
36. In view of the above scenario, & the challenges that the new owners, Demus Investments, have faced, it is our request that the Town Planning & Land Use committee will favourably consider the approval of this application.
- 37.

## ANNEXURE B

### (A) PROPOSED DEVELOPMENT

Application to enclose the existing “braai stoop” with frameless glass encroaching the street build line.

The entrance to the property is from Beach road.

Beach road at this particular intersection is a cull de sac.

**(B) CHARACTER OF THE ENVIRONMENT**

16

The alteration by enclosing the existing “braai stoop” with glass will positively enhance the surrounds as it will be compatible with the neighbours with similar alterations. The neighbourhood is all single residential & privacy is protected as ample lateral spacing is provided. Aesthetically the street elevation forms part of the “beach house” lane that Beach Road resembles.

**(C) DESIRABILITY OF THE PROPOSED UTILISATION**

The zoning is single residential and the proposal will positively influence & benefit the proposed utilisation of the property & the surrounding property owners.

**(D) INVESTIGATIONS CARRIED OUT IN TERMS OF OTHER LAWS WHICH ARE RELEVANT TO THE CONSIDERATION OF THE APPLICATION;**

Heritage applications to Overstrand & Western Cape Heritage were done & approved & complies with National Heritage Resources Act.

**(E) THE IMPACT OF THE PROPOSED LAND DEVELOPMENT ON MUNICIPAL ENGINEERING SERVICES**

No additional provision of services is required & the owner installed a new conservancy sewer tank per regulations.

**(F) CONSIDERATION OF FORWARD PLANNING AND LAND USE DOCUMENTS**

The proposed land use is in line with the relevant zoning scheme regulations and forward planning documentation. The application is to obtain approval of alteration of existing structures built over the street build line. The owner was not informed or aware of the encroachment as approved municipal plans do not indicate the encroachment & the title deed does not explicitly state the build lines but refers to “annexure A” containing the information but not attached to the title deed at any time, not even in the conveyancing process. The application is permitted within the Regional spatial development framework in section 18 of SPLUMA and LUPA or provincial regional spatial development framework if applied for according the correct procedure.

**(G) PLANNING PRINCIPLES**

The policies, principles of planning, development norms and criteria as set out set in Section 42 of the Spatial Planning and Land Use Management Act, 2013 (ACT 16 of 2013) (SPLUMA) and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) was regarded and that the proposed application is in compliance with. The principles are compiled in Annexure H and defined below:

The applicant has explored each development principle if applicable to this application

‘SPATIAL JUSTICE’, not applicable

‘SPATIAL SUSTAINABILITY’, not applicable.

‘EFFICIENCY’, minimal financial, social, economic or environmental impacts.

‘SPATIAL RESILIENCE’, not applicable.

‘GOOD ADMINISTRATION’, promotion of integrated, consultative planning practices in which all spheres of government and other role-players to ensure that a joint planning approach is pursued.

**AMENDMENT, SUSPENSION OR DELETION OF RESTRICTIVE CONDITIONS**

In terms of Section 41 SPLUMA, No 16 of 2013 the Municipality is the decision making authority of land use applications, including an application for the removal, amendment or suspension of a restrictive condition. The principals, norms and standards and requirements as listed in Section 42 SPLUMA, No 16 of 2013 and Section 35 (4) of the Overstrand Municipality By-Law on Land Use Planning will form the basis for the decision making process and therefore should be discussed as part of the motivation.

PHOTOGRAPHS; Please find below some visual reference to the discussion above.

Kind regards, Jaco van Wyk (PrArchT) 072 225 9221  
For; Demus Investments (Mr. M. Decinti, Mrs. T. Decinti)

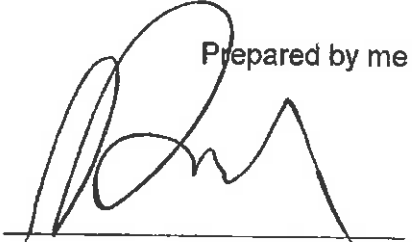
**14**  
VANDERSPUY  
CAPE TOWN

17

ANNEXURE D 1/5

TERBLANCHE SLABBER PIETERS INC  
8 TRUTER STREET  
MALMESBURY  
7300

Prepared by me



CONVEYANCER  
SALOMON STEPHANUS  
DANIEL TERBLANCHE

	Fee endorsement	
	Amount	Office fee
Purchase price/Value	R. 3 250 000,00	R. 160,00
Mortgage capital Amount	R. ....	R. ....
Reason for exemption	Exempt i.t. o Cat..... section..... Act.....	

T 000001846 / 2016

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**FUAD DE VRIES**

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 Riebeeck West on 13 October 2015 granted to him by:

**SELA FAMILIETRUST**  
Registration number: IT2664/2001

DATA / VERIFY  
01 FEB 2016  
MUSELOWANE

DATA / CAPTURE  
29 JAN 2016  
KETILEN

AD 1

And the appearer declared that his said principal had, on 2 October 2015, 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

**DEMUS INVESTMENTS PROPRIETARY LIMITED**

Registration number: 2007/005876/07

its Successors in Title or Assigns, in full and free property

**ERF 4622 KLEINMOND**

In the Overstrand Municipality

Division Caledon

Province of the Western Cape

In extent: 534 (five hundred and thirty four) square metres

**FIRST TRANSFERRED** by Deed of Transfer T7451/1946 with Diagram 3997/1945 relating thereto;

**AND HELD** by Deed of Transfer T6695/2009

- A. **SUBJECT** to the conditions referred to in Deed of Transfer T3729/1918 dated 30 April 1918
- B. **SUBJECT FURTHER** to the conditions of sale attached to the said Deed of Transfer T3729/1918 dated 30 April 1918 and to the special conditions of sale marked A, attached to Deed of Transfer T8901/1919 dated 27 August 1919, which refers to graze- and water rights and building rights and to paragraphs 2 and 7 thereof that reads as follows:
2. That the Company reserves to itself and its Successors in Title, the sole right to all Hotels and all Liquor Licences and no purchasers of erven or their Successors in Title shall erect any Hotel or hold any Liquor Licences without the written consent of the Directors of the Company, or its Successors in Title, first had and obtain, and no shop store or business shall be erected or opened on any stands situate in Blocks B, C, D, E, F, P1, A2, L2, M2, X2, Y2, J3, K3, L3, M3, without the written permission of the Company by its Directors or its Successors in title, first had and obtained thereto.
7. **NOT SUBJECT** to condition B7 on page 3 of Deed of Transfer T6695/2009, by virtue of Section 53 of the Mining Titles Registration Amendment Act, Act 24 of 2003.

NO

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

**TRANSFEROR**

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

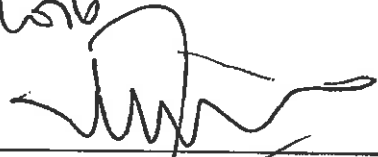
**TRANSFeree**

its Successors in Title 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 R3 050 000.00 (three million and fifty 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

21 January 2016



q.q.

In my presence



REGISTRAR OF DEEDS

AD /

Annexure "A"  
KLEINMOND SYNDICATE LIMITED  
SPECIAL CONDITIONS OF SALE  
OF  
ERVEN in the TOWNSHIP OF KLEINMOND, in the Division of CALEDON

---

1. All purchasers of erven or their successors in title shall be subject to any rules, regulations and by-laws which the company or any board of management or municipality may hereafter see fit to promulgate for the good conduct and management of the township.
2. The company reserves to itself and its successors in title the sole right to all hotels and all liquor licences and no purchasers of erven or their successors in title shall erect any hotel or hold any liquor licences without the written consent of the directors of the company or its successors in title first had and obtained, and no shop, store or business shall be erected or opened on any stands situate in Blocks B, C, D, E, F, P1, A2, L2, M2, X2, Y2, J3, K3, L3, M3 without the written permission of the company by its directors or its successors in title first had and obtained thereto.
3. The land between Blocks A, B, C, D, E, F, P1, A2, L2, M2, X2, Lots nos. 10 to 14, inclusive, of Block Y2, Blocks K3, L3, Lots 4, 5 and 6, Block M3 and the sea, shall remain vacant land and the company guarantees that no further stands or erven shall be sold between the aforesaid lots and the sea.
4. Every purchaser of an erf, the successor in title of such purchaser, who shall have built thereon a dwelling house or other equivalent building to the satisfaction of the directors shall, whilst actually in occupation of such building, have the right of grazing upon such portion of the company's property as may for the time being or from time to time be set apart by the directors for that purpose, such large stock, cows, horses, oxen or mules, not exceeding four in number, as he shall keep in connection with such erf, such right being also granted to the occupier of such premises, other than the owner, it being understood however that the owner and occupier shall not both be permitted to exercise this right at one and the same time, and that not more than four head of cattle shall be allowed to graze by virtue of any one erf, provided that the directors may at any time after one month's notice in writing to such erfholder or publishing in the Gazette, withdraw the whole or any part of such portion of the property so set apart for the purpose of selling or otherwise disposing of the same and thereupon the said right of grazing shall cease and determine in respect of the property so withdrawn.
5. That no building shall be erected on any stand unless and until the plans for such buildings have been submitted to and approved by the directors of the said company or any successors in title of the said company.
6. All owners of erven or their representatives shall have the right to divert any stream of water running on any of their erven so as to run alongside any of the streets as laid down on the general plan of the township.

7. The company reserves to itself and its successors in title or its assigns all the mineral rights (excepting gold, silver and precious stones) on the said property hereby conveyed in perpetuity, as also the right to prospect and search thereon for minerals (including gold, silver and precious stones).
8. The company reserves to itself and its successors in title the right at any time hereafter to the free and undisturbed passage of electric, telegraph or telephone wires over and upon any portion of the lot or lots herein described, with further right of causing them to be affixed to any building or erection not less than 3,05 metres from the ground, with access at any time to such wires for the purpose of removal or maintenance.
9. The company further reserves to itself and its successors in title the right at any time hereafter to lay and to maintain piping under any portion of the lot or lots hereby sold or elsewhere, and at all times to have access to such piping for removal, maintenance, extension or any other purpose, and to do all such acts and things as shall be required for the convenience of the inhabitants of the township in regard to supplying them with water.
11. All buildings to be erected on the land herein sold shall stand back at least 3,15 metres from the line of the street or avenue on which the lot or lots herein mentioned may front.
12. That all outbuildings to be erected on the land herein sold shall stand back at least 9,45 metres from any street or 6,30 metres from any avenue on which the lot or lots herein mentioned may front.

TR A Theart  
C H vld Stoep

**Absa Trust**

Barclays Pretoria Campus – Block A  
337 Petroleum Street, Waltloo,  
Pretoria, 0184  
PO Box 2697, Pretoria, 0001  
Tel: 0861 238 886  
Swift Address: ABSA ZA JJ  
absa.co.za

**Absa Trust**

Barclays Pretoria Kampus – Blok A  
Petroleumstraat 337, Waltloo, Pretoria,  
0184  
Posbus 2697, Pretoria, 0001  
Tel: 0861 238 886  
Swift adres: ABSA ZA JJ  
absa.co.za

**PER GEREGISTREERDE POS**

**AANDAG: Hanneen van der Stoep**

Kleinmond Munisipaliteit – Stadsbeplanning  
5de Laan  
**KLEINMOND**  
7195



Ons verwys/Our ref : Tersia Olivier  
Datum/Date : 24 November 2016  
U verw/Your ref :  
Direkte lyn / Direct line : [011] 225-8435  
Direkte faks / Direct fax : 086 753 4103  
E-pos/E-mail : tersia.olivier@absa.co.za

Geagte Me van der Stoep

**INSAKE: LORRIE TRUST (BESWAAR)**  
**ERF 4622, KUSWEG 14, KLEINMOND**

Ons verwys na bogemelde trust en sluit hierby in die skrywe ontvang insake bogemelde, tesame met die Trust se formele beswaar vir u verdere aandag.

U terugvoer in hierdie verband sal hoog op prys gestel word

Vriendelik die uwe,

pp **TAKBESTUURDER – TRUSTDIENSTE**

FILE NO:	EL 4622-KM
SCAN NO:	04
COLLABORATOR NO:	979767

As trustees van Die Lorrie Trust en eienaar van Kusweg 18, Kleinmond wens ons graag beswaar in te dien teen die voorgestelde verslapping van die bougrens ten opsigte van Erf 4622, Kusweg 14, Kleinmond.

Ons beswaar is gebaseer op die feit dat die voorgesteld bouwerk op die perseël reeds plaasgevind het, alhoewel dit in die aansoek wil voorkom of die konstruksie nog nie begin is nie. Dit wil blyk of daar nou eers goedkeuring vir die verslapping van die bougrense aangevra word, met die doel om die oorspronklike karakter van die huis te verander, deur die ou stoep toe te bou en ook 'n binnebraai op die stoep aan te bring, op daardie gedeelte waarvoor die verslapping van die boulyn aangevra word – "After the fact" - iets wat reeds gedoen is, blykbaar sonder goedkeuring!

Dit skep die indruk dat veranderinge aan "Historiese Eiendomme" sonder vooraf goedkeurings aangepak mag word en dat daar dan agterna net met die goedkeuringsproses gefinaliseer kan word. Dit verydel die beginsels in die "National Heritage Resources Act", Wet 25 van 1999 (NHRA) om toe te sien dat geen veranderinge aangebring word aan eiendomme wat nie met die "Beginsels van die Wetgewing" strook nie.

Die bepaalde eiendom is/was 'n Historiese Huis (National Heritage Resources Act van toepassing onder status National Monuments Act)

Ons haal aan uit die Notule van die Heritage & Aesthetics Committee Overstrand gedateer 25.06.2009

*"The committee feels strongly that the scale of the streetscape is maintained due to it being an area of special historic interest and possibly even the last remaining intact historical coastal stretch in Kleinmond. It is suggested that any new work should be in keeping with the current scale, massing, proportion and building form; with reference to the 1920's photograph supplied, the original building form, specifically the roof shape, should be preserved."*

Die bouwerk op die perseël is reeds voltooi, asook hierdie versoek, wyk dramaties af van die Heritage & Aesthetic Committee se eie aanbeveling aan BELCOM wat in 2009 geneem is:- Verwys "aanhaling". Die optrede van die eienaar van Kusweg 14 is dus nie in lyn met die Historiese Bewarings Doelwitte, soos bepaal in "Section 34 of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Die wysigings aan die eiendom en struktuur moet voldoen aan Section 3 (3) of the NHRA soos voorgeskryf onder seksie 30 van die Wet.

Graag ontvang ons bevestiging dat u hierdie beswaar ontvang het.

Die Munisipale Bestuurder  
 Overstrand Munisipaliteit  
 Posbus 20 /Petersonstraat 16  
 Hermanus  
 7200



TP - A Theart  
 (H vld Stoep)

Aandag: Senior Stadsbeplanner:- Me H. van der Stoep

Overstrand Munisipaliteit:- Erf 4622 Kusweg 14 Kleinmond – Voorgestelde opheffing van Beperkinde Voorwaardes en Afwykings – Demus Investments (pty) Ltd.

As eienaar van Erf 7679 ,Kusweg 18, Kleinmond, wens ek graag beswaar in te dien teen die voorgestelde verslapping van die bougrens ten opsigte van Erf 4622, Kusweg 14 Kleinmond soos per Munisipale kennisgewing.

My beswaar is gebaseer op die feit dat die voorgesteld bouwerk op die perseel reeds plaasgevind het alhoewel dit in die aansoek wil voorkom of die konstruksie nog nie begin is nie. Dit wil blyk of daar nou eers goedkeuring vir die verslapping van die bougrense aangevra word, met die doel om die oorspronklike karakter van die huis te verander, deur die ou stoep toe te bou en ook 'n binnebraai op die stoep aan te bring, op daardie gedeelte waarvoor die verslapping van die boulyn aangevra word – "After the fact" - iets wat reeds gedoen is, blykbaar sonder goedkeuring!

Dit skep die indruk dat veranderinge aan "Historiese Eiendom" sonder vooraf goedkeurings aangepak mag word en dat daar dan agterna net met die goedkeuringsproses gefinaliseer kan word. Dit veridel die beginsels in die "National Heritage Resources Act", Wet 25 van 1999 (NHRA) om toe te sien dat geen veranderinge aangebring word aan eiendom wat nie met die "Beginsels van die Wetgewing" strook nie.

Die bepaalde eiendom is/was 'n Historiese Huis (National Heritage Resources Act van toepassing onder status National Monuments Act)- Kategorie 3 C

Ons haal aan uit die Notule van die Heritage & Aesthetics Committee Overstrand gedateer 25.06.2009 tov die voorwaardes wat moes geld met die restorasieprojek van Kusweg 18 Kleinmond 7195. (Afskrif aangeheg)

*"The committee feels strongly that the scale of the streetscape is maintained due to it being an area of special historic interest and possibly even the last remaining intact historical coastal stretch in Kleinmond. It is suggested that any new work should be in keeping with the current scale, massing, proportion and building form; with reference to the 1920's photograph supplied, the original building form, specifically the roof shape, should be preserved."*

Die bouwerk op die erf 4622 is reeds voltooi. Hierdie versoek, wyk dramaties af van die Heritage & Aesthetic Committee se eie aanbeveling aan BELCOM wat in 2009 geneem is:- Verwys "aanhaling". Die optrede van die eienaar van Kusweg 14 is dus nie in lyn met die Historiese Bewarings Doelwitte soos




FILE NO:	EL 4622-KM ✓
SCAN NO:	
COLLABORATOR NO:	977597

bepaal in "Section 34 of the National Heritage Resources Act, Act 25 of 1999 (NHRA). Die wysigings aan die eiendom en struktuur moet voldoen aan Section 3 (3) of the NHRA soos voorgeskryf onder seksie 30 van die Wet.

Graag ontvang ons bevestiging dat u hierdie beswaar ontvang het.

Groete



Werner Pauw

30/11/16

ID 4806045056088

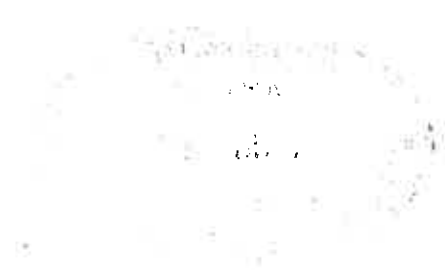
Kusweg 18

Kleinmond

7195

0282713347

Ontvangs Erkenning .....



Kleinmond Munisipaliteit – Stadsbeplanning

5<sup>e</sup> Laan

Kleinmond

Kontakpersoon : Hanneen van der Stoep

Telefoon: (028) 271 8427



TR A Theart  
CH Jd Stoep

02 Februarie 2017

Stadsbeplanning & Grondgebruik-komitee,

Antwoord op Besware - Aansoek om titelaktevoorwaarde-opheffing & straatboulyn-verslapping

Demus, Erf 4622, Kusweg 14, Kleinmond, Weskaap. – Erfenis Status 3C

Heil die leser

VOORWOORD

- 1) Mnr Pauw het aan sy eiendom, bekend as "die Rotse", 'n historiese woning op Kusweg (18) Kleinmond, veranderinge aangebring.
- 2) Mnr Pauw het duidelik goedkeuring verkry om veranderinge aan te bring, en of sy bestaande woning die nuwe boulyne oorskry het of nie, kon & het hy die woning "vermoderniseer" om sy lewenstyl te pas.
- 3) Mnr De Cinti, (Demus Investments Pty Ltd.), wou dieselfde soort aanpassings maak aan hulle woning op Kusweg (14) Kleinmond.
- 4) Demus het onwetend dat hulle bestaande gebou bo-oor die ("nuwe") boulyne staan, die planne ingedien vir goedkeuring by Kleinmond Munisipaliteit Boubeheer.
- 5) Met planondersoek het dit aan die lig gekom dat bykomende goedkeurings benodig sal word. Die bouplan het toe gedien voor Erfenis Overstrand, Erfenis Weskaap & Boubeheer Overstrand en goedkeuring is verkry.
- 6) Die finale stap is om boulynverslapping /titelaktevoorwaarde-opheffing te verkry om die goedkeuringsproses af te handel, aangesien 'n voorwaarde van Overstrand Stadsbeplanning is om aan die nuwe soneringskema (2015) te voldoen .
- 7) Met die advertensie van die voornemende boulynverslapping /titelaktevoorwaarde-opheffing het Mnr Pauw van Erf 7801, Kusweg 18, Kleinmond & Trustees van Lorrie Trust beswaar aangeteken.
- 8) Mnr Pauw & Lorrie Trust insinueer dat Demus die geregtelike proses van bouplan goedkeuring probeer systap het & grond sy beswaar daarop dat die bouwerk reeds uitgevoer is voor goedkeuring.
- 9) Uit die onderstaande sal gesien kan word dat Mnr Pauw & Lorrie Trust beswaar maak teen die aansoek van Demus om straatboulynverslapping /titelaktevoorwaarde-opheffing vir 'n struktuur wat reeds jare gelede gebou is, en die boulyne oorskry het, met die goedkeuring van die destydse munisipaliteit, voordat Demus die nuwe eienaars geword het.
- 10) In Mnr Pauw & Lorrie Trust se bewoording is daar onduidelikheid of hulle besef dat die stoep, onderdakbraai & ingang by demus, Kusweg 14, waarna hulle verwys reeds bestaande strukture was. (... "Ons beswaar is gebaseer op die feit dat die bouwerk op die perseel reeds plaasgevind het,...") Die gebou is reeds 68 jaar oud, (... "die ou stoep toe te bou en ook 'n binnebraai op die stoep aan te bring"... ) Die stoep met sy braai is reeds jare gelede gebou bo-oor die boulyne. Demus wou slegs die bestaande stoep met beglasing toemaak.
- 11) Demus het dit ten doel om plangoedkeuring te verkry om die situasie reg te stel & in belyning te bring met nuwe soneringsvoorwaardes.
- 12) Mnr Pauw & Lorrie Trust wil nou "herstel/opknappings/bouwerk gedoen" as rede gebruik om hierdie oorskrydings-aansoek teen te staan, maar die aansoek is in der waarheid om ou bestaande bouwerk wat lank gelede reeds bo-oor die bougrens gebou was, goedgekeur te kry.

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COLLABORATOR NO:	

✓

TP - 6 FEB 2017

- 13) Volgens Demus word hierdie aansoek deur Mnr Pauw & Lorrie Trust buite verband aangehaal, aangesien hierdie voorwaarde (boulyn-verslapping) vir plangoedkeuring, aan die lig gekom het tydens die bouplangoedkeuringsproses wat gevolg is, en Demus nog met alles die korrekte roetes gevolg het.
- 14) Heirmee Demus se kommentaar;

#### INLEIDING

- I. Dit is vir Demus duidelik dat die twee verskillende besware dokumente vanaf een bron afkomstig is, naamlik, Mnr W Pauw van Kusweg 18 Kleinmond, wat in sy privaathoedanigheid & as Trustee van Lorrie Trust optree.
- II. Die besware is as twee dokumente aan die raad voorgehou maar is in alle aspekte slegs een dokument wat herhaal word.
- III. Die rede vir Mnr Pauw om op te tree in 1) sy persoonlike hoedanigheid & as 2) voorsitter van die trustees van Lorrie Trust het dit ten doel het om sy beswaar op 'n "vreemde" manier meer "teenwoordigheid" te probeer verleen.
- IV. Demus se siening is dat daar dus slegs 'n enkele beswaar ingedien is.
- V. Mnr Pauw se skrywe is gebasseer op sy persepsie van die gebeure & is nie gebasseer op die werklike verloop van gebeure nie.
- VI. Dit word telkens in sy eie skrywe bevestig met woorde soos "...wil voorkom..." "...dit blyk..." "...skep die indruk..." "...blykbaar..."
- VII. Mnr Pauw het "blykbaar" nie die stawende aansoek dokumente soos deur Demus aan die raad verskaf & beskikbaar gestel aan die naburige grondeienaars (Mnr Pauw ingesluit), aandagtig deurgelees nie.
- VIII. Dit bevat 'n verklaring vir die rede hoekom die aansoek van aktevoorwaarde-opheffing en boulynverslapping nodig geag word en die stappe reeds geneem om goedkeuring te verkry.
- IX. Mnr Pauw moet homself die vraag afvra; gaan die veranderinge aan Kusweg 14 sy eie en ander naburige eiendomme negatief beïnvloed of hul waarde verlaag? ..., of gaan dit 'n positiewe bydrae lewer wat die Kusweg bewarings identiteit steun en met gepaardgaande waardetoevoeging?
- X. Mnr Pauw het self sy woning by Kusweg 18, "Die Rotse" opgeknop en aangepas om 'n gastehuis vanaf te bedryf, met gepaardgaande waardetoevoeging maar ook met die "vermodernisering" van die historiese gebou.

In antwoord op Mnr Pauw & Lorrie Trust se beswaar;

- a) Demus se bouplan is ingedien nadat met die wettige opknappings begin is, en voor daar met die "konstruksie" begin is. Dus is die plan ingedien met die oog op die toe nog nuwe beoogde bouwerk en is die benamings op die plan vir beoogde toekomstige konstruksie-werk waarvoor goedkeuring verkry moes word. Mnr Pauw wil dit nou laat klink of Demus oneerlik die aansoek ingedien het, maar hy laat buite rekening dat die "konstruksie"-bouwerk gespruit het uit die aanvanklike opknappingswerk en wel uitgevoer moes word om 'n potensiële gevaarlike situasie te vermy deur die perseel se strukture te beveilig, aangesien die opknappingswerk aan die lig gebring het dat die bestaande strukture in 'n gevorderde stadium van verweer was en herbouing benodig het.
- b) Plangoedkeuring kan binne twee weke afgehandel wees, maar in hierdie geval neem dit heelwat langer aangesien daar vier goedkeurings verkry moes word, naamlik; Munisipale bougoedkeuring, Overstrand Erfenis, Weskaap Erfenis & Grondgebruik.
- c) Bougrense was reeds oorskry vanaf die begin van die eerste oorspronklike bouwerk & verbeteringe op hierdie perseel, & is beslis nie deur Demus aangebring nie.
- d) Demus het geen kennis gehad van die oorskryding nie en het die eiendom gekoop in bona fide. Om seker te maak dat daar geen probleem was met die bestaande huis nie, het Demus spesifiek aan die aangestelde prokureur wat die transport gedoen het n e-pos gerig waar pertinent gevra is of daar enige probleme met die

eiendom was. Die prokureur het die versekering gegee dat daar geen probleem met die eiendom was nie, m.a.w. die plan - wat aan Demus gegee is met aankoop van die eiendom - was deur die munisipaliteit goedgekeur. Die plan behels die braai gebied en die uitbreiding van die stoep. Demus het staat gemaak op hierdie stawende dokumentasie en die prokureur se versekering waarop die aankoop van die eiendom gegrond was;

- e) In 2015 is nuwe soneringswetgewing geïmplementeer wat die oorspronklike boulyne negeer & nog verder terug skuif –die verslappingsaansoek is dan 'n direkte uitvloeisel wat verband hou met die nuwe reëls.
- f) Oorspronklike karakter van die huis is lank reeds verander met die vorige byvoeging van die; 1) toegeboeue stoep-ingang, 2) onderdak braaistoep met braaikagel & koorsteen.
- g) Demus het reeds goedkeuring verkry by Overstrand Erfenis, die Weskaap Erfenis en Kleinmond Munisipale-Boubeheer het reeds die Nasionale Bouregulasie (NBR) voldoening inspeksie van die bouplan afgehandel. Die voorwaardes ten opsigte van die nuwe riooltenk het Demus ook nagekom na kommentaar en voorwaarde van boubeheer.
- h) Hierdie betrokke eiendom se bewaringstatus is op die laagste vlak (3C) & die restourasie & herstelwerk belemmer geensins die karakter van die oorspronklike huis nie aangesien die dakstruktuur onaangeraak bly.
- i) Demus het alle sorg gedra om die huis se bewaringstatus in ag te neem & die karakter te behou & om te verseker dat dit 'n aanwinst sal bly vir die historiese herkoms van die buurt.
- j) 'n Goeie voorbeeld van wat gesien kan word by Mnr Pauw se woning, Die Rotse, Kusweg 18, om 'n moderne toepassing van 'n dakvertrek & balkon met moderne geverfde staal handreling & aluminiumraamvensters tussen die oorspronklike gewels, wat ook "vermoderniseer" is met aluminiumraamvensters, te inkorporeer om sodoende die bewaring & vermodernisering van die huis & die omgewing binne die raamwerk van die erfenisbepalings uit te voer. Behalwe dat by Die Rotse, Kusweg 18, daar een groot aspek is wat "skynbaar" verontagsaam was met die Erfenis bepaling – *"....., specifically the roof shape, should be preserved."* Die aanbring van die dakvertrek & vensters wyk af van die oorspronklike dak?

#### OORSIG

1. Dit is binne die regte van grondeienaars om restourasie- & herstelwerk aan eiendom aan te bring sonder goedkeuring van die raad. (*..... NBR, PART A – ADMINISTRATION, A1 APPLICATION, (4) No plans, particulars or approval shall be required for any repair which has become necessary as a result of ordinary wear and tear or which is undertaken in the normal course of maintenance or upkeep of any building: Provided that where such repair will affect the structural loading or is a repair of any part of the structural system the local authority may require drawings or specifications to be submitted. ....*)
2. 'n Bouplan word verlang wanneer daar aan die struktuur van die gebou verander word. ("konstruksie-werk")
3. In hierdie geval (Demus Investments, Kusweg 14) het die nuwe eienaars met oordrag van hul nuwe eiendom onmiddelik restourasie- & herstelwerk begin om sodoende die huis "vars" en bewoonbaar te kry.
4. Restourasie & herstel van die houtwerk, verfwerk, waterdigting, plaveiwerk of om landskapering, 'n nuwe houtdek op grondvlak, kombuis vernuwing & badkamer opknapping te doen is alles binne die raamwerk van werk waarvoor daar nie goedkeuring van die raad nodig word nie.
5. Met die uitvoering van die wettige restourasie- & herstelwerk het dit aan die lig gekom dat die huis in 'n erger toestand verkeer as wat aanvanklik gereken was.
6. Die bestaande braaistoep se dak, kolom, & verskanste betondakkie moes vervang word aangesien dit struktuurskade getoon het.
7. Demus het besluit om die beglasing & toemaak van bestaande braaistoep ook in hierdie proses te vervat.
8. Demus het onmiddelik die voorbereiding getref om aansoek vir die "nuwe werksomvang" in plek te kry.
9. 'n Bouplan met al die beoogde werk & veranderinge is onmiddelik ingedien om te voldoen aan bouregulasies
10. Sou dit nodig wees om slegs aan die NBR te voldoen, was die bouplan reeds goedgekeur.

11. Dit was egter nodig om ook goedkeuring te verkry by Overstrand Erfenis, WesKaap Erfenis & om boulynerslappings te verkry om die bestaande stoep met beglasing toe te maak aangesien dit met die nuwe soneringskema buite die straatboulyn val.
12. Met bogenoemde in ag geneem, kon Demus nie vooruitskat hoe lank die aansoek sou neem om te finaliseer nie & moes die kontrakteurs hul kontrakvoorwaardes nakom & die bouwerk voltooi, waarvan slegs die beglasing op die braaistoep werklik enige goedkeuring benodig het.
13. Die boubeheer-raad het egter vir Demus aangekla vir die "onwettige bouwerk" en moes Mnr Decinti reeds twee maal voor die hof verskyn op hierdie aanklag, waarvan hy reeds vrygespreek is.

Met die oog op die gebeure soos bo uiteengesit vra Demus die raad om die gebeure op te weeg, en die stappe geneem om alles korrek uit te voer (naamlik- Bouplan indiening, Erfenis goedkeuring x2, nuwe riooltenk, hofsitting x2, titelaktevoorwaardeopheffing-aansoek, boulynafwyking/verslappings-aansoek & menige besoeke aan die munisipaliteit) teenoor die meriete van Mnr Paaw se beswaar & te sien dat Demus in alle aspekte die korrekte prosedure gevolg het om te verseker dat die goedkeurings in plek gekry word in ag-genome dat die aard van Demus se opknappingsprojek baie verander het met die ontdekking van die struktuur-probleme & die boulyn-oorskryding van die bestaande gebou.

Mnr Pauw het reeds die voordeel van opknappings & vermodernisering aan sy eiendom, met goedkeuring, verkry. Ons versoek is dat u ook aan Demus dieselfde voorreg sal toestaan deur die titelaktevoorwaardeopheffing, boulynafwyking/verslapping goed te keur.

U gunstige oorweging van Demus se situasie word hoog op prys gestel.  
Dankie by voorbaat.

Vriendelike groete,

Jaco van Wyk 072 225 9221 [archtco@telkomsa.net](mailto:archtco@telkomsa.net)

Vir; Mnr M Decinti - Demus Investments (Pty) Ltd

Sien ook die fotos bygevoeg ter verduideliking;

**KUSWEG 18, ERF 7801, Kleinmond – Mnr Pauw**



**KUSWEG 18, ERF 7801, Kleinmond – Mnr Pauw**



**KUSWEG 18, ERF 7801, Kleinmond – Mnr Pauw**



**KUSWEG 14, ERF 4622, Kleinmond – Mnr Decinti / Demus Investments (Pty) Ltd**

**VOOR OPKNAPPING**



**KUSWEG 14, ERF 4622, Kleinmond – Mnr Decinti / Demus Investments (Pty) Ltd**

**NA OPKNAPPING**



**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS & DEPARTURE:  
ERF 4622, KLEINMOND (3457)**

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

**Conditions:**

1. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. 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 developer's cost;
3. that stormwater be allowed to discharge through Erf 4622, Kleinmond, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

14 / 12 / 2016

**DATE**