



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

A G E N D A

DATE:	30 MAY 2019
VENUE:	TOWN PLANNING COMMITTEE ROOM HERMANUS
TIME:	10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

7 May 2019

TO : 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, 30 May 2019 at 10:00, Town Planning Committee Room, 16 Paterson Street, Hermanus**, to consider the attached agenda.

S MÜLLER
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
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. Mr P Roux (Town Planner)
11. Secretariat

MUNICIPAL PLANNING TRIBUNAL (MPT)

30 May 2019

INDEX

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
4.1	ERF 857, 24 LOOP STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIONS AND DEPARTURES: MESSRS ME PLANNERS ON BEHALF OF JC & N KORKIE	1
4.2	PORTION 63 OF THE FARM ROCKLANDS NO. 633, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : ATLAS TOWN PLANNING ON BEHALF OF EAGLES NEST WINES	27
4.3	ERF 6879, 29 CROSS STREET, EASTCLIFF, HERMANUS : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE : PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF B BUSSE	71
4.4	ERF 572, 13 DUIKER STREET, VERMONT : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE : PLAN ACTIVE ON BEHALF OF GREGOIRE SE HUIS CC	108
4.5	ERF 1134, 34 DE VILLIERS STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE & DEPARTURE: WRAP ON BEHALF OF T HUME & KA VAN DER MERWE	186

- 1. OPENING**
- 2. APPLICATIONS FOR LEAVE OF ABSENCE**
- 3. CONFIRMATION OF MINUTES**
 - 3.1 Minutes of a Municipal Planning Tribunal Meeting held on 28 March 2019**
 - 3.2 Minutes of a Special Municipal Planning Tribunal Meeting held on 12 April 2019**
 - 3.3 Minutes of a Municipal Planning Tribunal Meeting held on 25 April 2019**
- 4. ITEMS FOR CONSIDERATION**
 - 4.1 ERF 857, 24 LOOP STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIONS AND DEPARTURES: MESSRS ME PLANNERS ON BEHALF OF JC & N KORKIE**

Report attached
 - 4.2 PORTION 63 OF THE FARM ROCKLANDS NO. 633, DIVISION CALEDON, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : ATLAS TOWN PLANNING ON BEHALF OF EAGLES NEST WINES**

Report attached
 - 4.3 ERF 6879, 29 CROSS STREET, EASTCLIFF, HERMANUS : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND CONSENT USE : PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF B BUSSE**

Report attached
 - 4.4 ERF 572, 13 DUIKER STREET, VERMONT : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE : PLAN ACTIVE ON BEHALF OF GREGOIRE SE HUIS CC**

Report attached

- 4.5 ERF 1134, 34 DE VILLIERS STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE & DEPARTURE: WRAP ON BEHALF OF T HUME & KA VAN DER MERWE**

Report attached

4.1

**ERF 857, 24 LOOP STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA:
PROPOSED REMOVAL OF RESTRICTIONS AND DEPARTURES: MESSRS
ME PLANNERS ON BEHALF OF JC & N KORKIE**

857 GFK (4043)

SW van der Merwe

13 March 2019

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 14 June 2018 from Messrs ME Planners on behalf of JC & N Korkie on Erf 857, Franskraal 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, 2015 for the removal of the restrictive condition in Title Deed T76927/1998, Clause C.5(d):

“no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres of the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.”

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to encroach the eastern lateral- and southern rear building line from 2m to 0m to accommodate an existing shade port and carport.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property is situated in Franskraal and measures 972m² in extent. The property is zoned for Residential Zone 1: Single Residential purposes and is developed with a single storey dwelling and detached double garage. The former owner constructed a carport rear of the garage and a shade port rear of the house. Both structures are situated on the rear boundary, whilst the shade port also encroaches onto the lateral property boundary. The current application seeks to legalise the aforementioned additions.

4. SUMMARY OF APPLICANT'S MOTIVATION

The Motivation Report is attached as Annexure B. The main grounds of motivation are summarised as follows:

- ❖ The property was purchased with the house and outbuildings in their current locations.
- ❖ The landowner wish to legalise the encroachments.
- ❖ The landowner is a layman with regard to town planning and related information.
- ❖ The existing encroachments have no negative impact.
- ❖ The encroachments do not negatively impact on the character of the area.
- ❖ The encroachments does not impact traffic flows.
- ❖ No impact upon municipal services.
- ❖ Proclaimed Zoning Scheme contains building line restrictions.
- ❖ Will not have a detrimental impact on adjoining properties.
- ❖ The owner is not aware of any complaints regarding the position of existing structures.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	8/11/2018	14/12/2018
Gazette	Yes	9/11/2018	14/12/2018
Notices	Yes	8/11/2018	14/12/2018
Ward Councillor	Yes	2/11/2018	14/12/2018
Total letters of support	None		
Total letters of objection	One (1)		
Was public participation undertaken in accordance with Section 47 – 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments	Recommendation
Building Department	20/11/2018	No objection.	Supported
Health	30/11/2018	No objection.	Supported
Engineering Services	13/12/2018	Annexure G.	Supported

Fire Services	18/12/2018	Carports may not be enclosed on more than 2 sides in terms of Section 3.15 of National Fire Protection Regulations SANS14000T:2011	Supported
Environmental Services	15/01/2019	No objection.	Supported

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

A letter of objection was received from DH Alberts, the owner of Erf 862, Franskraal adjoining the application property to the rear. The objection is attached as Annexure E.

The objector did not object to the encroachment of the building line or removal of restrictive title conditions per se, but merely states that he withheld his consent as the objector constructed a free standing vibacrete wall on his property whilst the applicant attached the structures, the subject of this application, to the vibacrete wall. The objector is concerned that it could damage the wall and shorten the life of the wall.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant's response is attached as Annexure F. The applicant in his response noted the objection, stating that all attachments to the vibacrete wall were removed.

9. MUNICIPAL ASSESSMENT OF COMMENTS

In accordance with the applicant's comment it was confirmed during the site inspection that the attachments to the boundary wall had indeed been removed.

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

The proposal will not further perpetuate historical spatial imbalances.

Spatial sustainability

The application is within the urban edge with no impact on the environment or agricultural valuable land.

Efficiency

Would legalize existing structures in an affordable way ensuring optimal use of the property.

Spatial Resilience

Legalisation will ensure optimal use of an existing resource (land) in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good administration

The application followed the required planning procedures in terms of the 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

In line with the SDF.

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

In terms of the Scheme Regulations a 2m rear and lateral building line applies. Both the shade port and carport encroach the rear building line onto the property boundary. The shade port also encroach the eastern lateral building line onto the property boundary.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

There is no financial value to the rights, but it was inserted to help control development parameters on the site.

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

The person seeking the removal, the property owner, will benefit to enable him/her to develop closer to the property boundaries, thus to legalize the shade port and carport.

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

If the restriction is removed it would permit development in accordance with the provisions of the Scheme Regulations.

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

The proposal will only result in the removal of restrictive building lines, in lieu of the provisions of the Scheme Regulations.

12. THE DESIRABILITY OF THE PROPOSAL

The subject property is situated in a single residential area.

The application is to remove a certain title deed restriction pertaining to building lines, namely:

“Clause C.5(d):

no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres of the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.”

The above-mentioned title deed restriction would limit the property owner in such a manner that he/she would not be able to act on existing primary rights in terms of the Zoning Scheme. The removal of the restrictive condition will enable legalization of the existing structures in accordance with the provisions of the Scheme Regulations.

The carport is situated rear of the garage and not visible from the street. The shade port is partly screened by the main dwelling. Being situated rear of the property it is not considered to detract from the visual amenity of the street scene or character and appearance of the surrounding area.

Both the shade port and carport is open on the sides. As such, the opinion is held that it would not unacceptably detract from the amenity of adjoining properties.

The applicant removed the carport attachments that was fixed to the boundary wall, thereby satisfactory responding to the letter of objection.

Considering the above, the application will not have a negative impact on the character of the area or the neighbours as all uses and encroachments already exist. The application is therefore considered desirable.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 857, Franskraal for the removal of restrictive Clause C.5(d) in Title Deed T6927/1998, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the afore-mentioned By-Law on Erf 857, Franskraal in order to relax the southern rear- and eastern lateral building line from 2m to 0m to accommodate a carport and shade port, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in paragraphs 1. and 2. above be subject to the following conditions:
 - (a) that the approval only relate to the buildings as indicated on the plan dated 2017/11/21 submitted with the application;
 - (b) that building plans be submitted to the Building Department, and that all conditions set by the Building and Fire Departments at that stage, be complied with;
 - (c) that all the conditions in the Services Report (attached as Annexure G), be complied with;
 - (d) that this approval does not relate to approvals in terms of any other legislation;
 - (e) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
 - (f) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
4. that the applicant and objector be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The removal of the restrictive conditions would not lead to a loss of finance or any other value to the Municipality or surrounding property owners.
- ❖ The building line encroachments to be legalized are of such a scale that it would not impact on the character of the surrounding area and or surrounding property owners.
- ❖ All relevant municipal departments support the application.

- ❖ The encroachments being applied for are an existing situation, and the approval of the application would therefore not have a greater impact on the character of the area or the neighbours.
- ❖ The application is considered desirable.

15. Annexures

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Title Deed T76927/1998
Annexure E: Objection
Annexure F: Comment on objection
Annexure G: Services Report

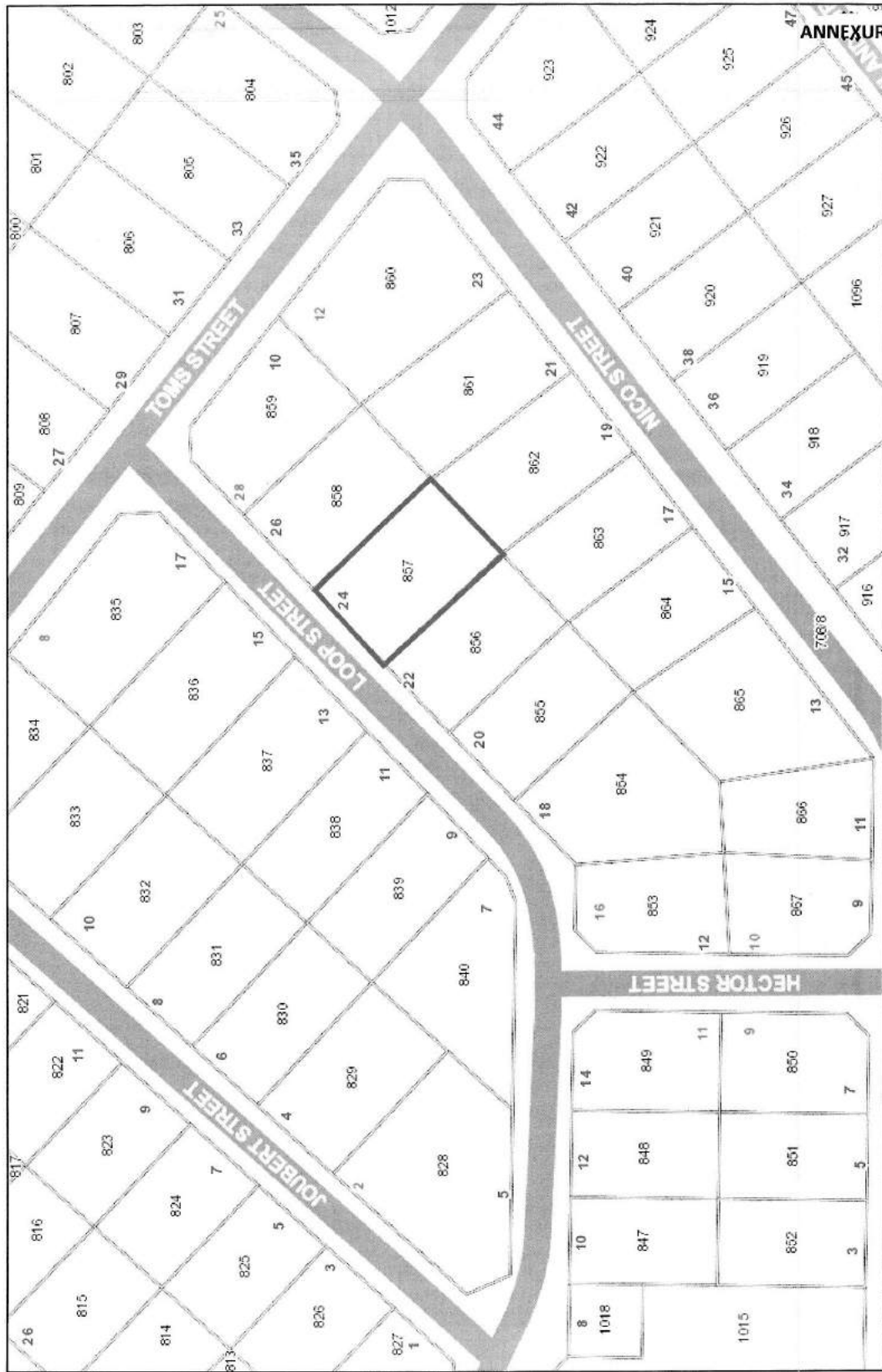
SIGNATURES**AUTHOR**

Name : **SW VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature : _____

Date: _____



ANNEXURE A 1/1

Date: 2019-0-

LOCALITY PLAN: ERF 857 FRANSKRAAL



MEMORANDUM**APPLICATION FOR THE REMOVAL OF RESTRICTIVE CONDITIONS AND
SUBSEQUENT APPLICATION FOR DEPARTURES FOR ERF 857 FRANSKRAAL: LOOP
STREET 24: FRANSKRAAL: OVERSTRAND MUNICIPALITY: DIVISION CALEDON:
PROVINCE OF WESTERN CAPE****MOTIVATIONAL REPORT****1. INTRODUCTION:**

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

- 1.1 Applicant: ME Planners Consulting Town and
Regional Planner
P.O.Box 552
Hermanus
7200
- 1.2 Power of Attorney: Special Power of Attorney has been rendered to ME Planners Town and Regional Planner to lodge this Application for Removal of restrictions in terms of Section 16(2) (f) and Departures in terms of Section 16(2) (b) read with Section 20(1) (a) of the Overstrand Municipality By-law on Municipal Land Use Planning.
- 1.3 Property: Erf 857 Franskraal (hereafter referred to as "the site of application" or "the property")
- 1.4 Street address: 24 Loop Street, Franskraal.
- 1.5 Locality: Erf 857 Franskraal is situated on the southern side of Loop Street, abutting Erf 858 on the northern side, Erf 856 on the southern side and Erf 862 on the eastern side. Erven 861 and 863 are situated on the south-east and south-western corners, respectively of the property.

2. OVERVIEW OF APPLICATIONS

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

(A copy of the Title Deed is attached to the application as 'Annexure E.'

The Removal being applied for is C 5 (d):

" no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72m to the street line which forms a boundary to this erf, nor within 3,15 metres of the rear or 1,57m of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf"

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

(Refer to the layout plans attached to the application.)

Departures being applied for are:

- Structures erected over the applicable 2m zoning Scheme building line on both the south- eastern and rear boundaries of the erf.

The property is currently developed with a Single Residential Dwelling Unit, a double garage with a shade net covered parking as well as a new covered carport, as shown on the attached "as built Plan, which are the subject of this application.



Photo 1: A photo indicating the shade net covered area.

3. GENERAL INFORMATION

3.1 Title Deed and Property Description

In terms of its Title Deed, the property is described as Erf 857 Franskraal, in the Overstrand Municipality, Division of Caledon, Province of the Western Cape, and is 763m² (seven hundred and sixty three square meters) in size.

The property is registered in the name of Jacques Christopher Korkie and Naeela Korkie married in community of property to each other Their Heirs, Executors, Administrators or Assigns.

3.2 Bond/s

The property is not encumbered by any bond/s.

3.3 Current Zoning Status

Erf 857 Franskraal, (24 Loop Street) is zoned as Residential Zone 1: Single Residential (SR1); thus for residential purposes only.

3.4 Existing Development on the Property

4. BACKGROUND

4.1 The property was purchased, as is, with the house and outbuilding at their current locations on the property. The shade net and the car port were erected without the necessary approval, both encroaching the zoning scheme prescriptions. (**Refer to the site plan attached to the application, attached as "ANNEXURE G"**)

4.2 It is the sole intention of the landowner to legalize the infringement of the building lines as described in paragraph 2.2 above, and subsequently to submit "as built" building plans of all structures to the Municipality for approval.

The landowner is a layman with regard to town planning and related legislation, and purchased the developed property and erected the illegal structures in good faith at the time, innocent of the infringements.

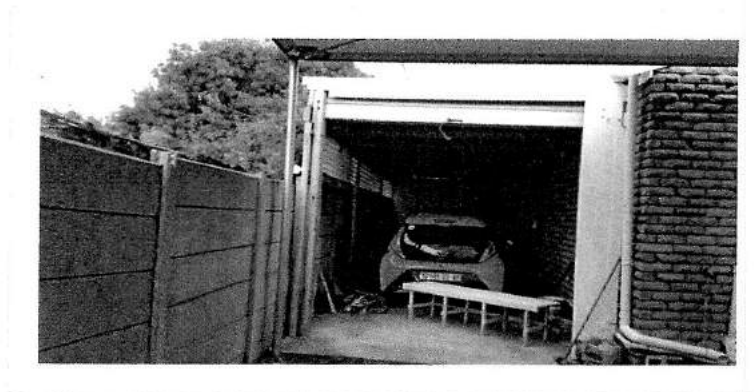


Photo 2: (The proposed new covered parking space)

5. MOTIVATION

5.1 Need and Desirability

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

5.1.1 Orderly Planning:

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

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

Character of Area:

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

It can thus be stated that the planned future character of the area will not be adversely affected should this application be approved.

Traffic:

The approval of the application will not affect the traffic flow patterns in the area.

Services:

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

Standards and Conditions:

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

5.1.2 Need:

The need in this instance centers mainly on the fact that all "as built" structures on the erf had been there when the new owner bought the property.

He then wished to expand the under-cover parking space for his private vehicles and erect covered space for other out-door purposes.

To this end he has added a carport to the back of the existing garage and a large shadow net to the back of the house and the side of the garage – both of which have been constructed over the limits of the prescribed zoning scheme lines.

This application is submitted to obtain the necessary approval for exceeding the zoning scheme limits in order to have the required building plans to be approved.

5.2 Desirability

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

Title Building Line Restrictions

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

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

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

Primary Dwelling Unit

The property is situated at 24 Loop Street and adjoins erf 856, which is fully developed with a dwelling house, on its north eastern side and erf 858 on its north-western side, which is also a fully developed as a single residential erf. The erven on the north western side of Loop Street, opposite erf 857Franskraal, are fully developed.

Ample space is available between the present buildings on the erf and any future buildings on the sides of the common boundaries with any of the adjoining residential erven to ensure that no views in various directions are spoilt. Hence the opinion is formed that the encroachments have in the past and will in future have no mentionable impact on adjoining or surrounding property owners. Further, no complaints by adjacent or surrounding landowners had been received in this regard in the past. (It is believed that the surrounding landowners are not even aware of the existing encroachments as the major part of the erf is enclosed by a boundary wall.)



Photo 3: A photo indicating the location of the abutting property on the western side.

Taking any possible "darkening" of surrounding properties into consideration, the same points of motivation as above are seen as noteworthy and relevant.

In view of the above the long existing position of the primary dwelling unit and its outbuildings is not regarded as being undesirable and will not have any detrimental impact on the rights of surrounding property owners nor the existing built environment in future.

It is the considered opinion that the building line encroachments are of no consequence to the owners of any of the properties next door.

The foregoing necessitates a removal of Title Deed restrictions, as well as departures in terms of the zoning scheme restrictions.

5.3 Final Facts

According to the present owner, he is not aware of any complaints by surrounding landowners relating to the position of the structures.

5.4 Forward Planning Documents

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

5.5 Services Infrastructure and Municipal Engineering Services

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

5.6 Other Legislation

As this is not an application for development, no reason was found to refer to the proposals for development in the Provincial Spatial Development Framework 2014 (PSDF), the Overstrand Spatial Development Framework 2006 (SDF 2006), and the Overstrand Municipality: Growth Management Strategy and/or SPLUMA.

6. CONCLUSION

From the contents of this report it is apparent that the existing building line encroachments of the structures on the Erf 857 Franskraal, will have no negative impacts in general, and it is thus requested that the Municipality approve the applications as set out in paragraph 2 of this motivation.

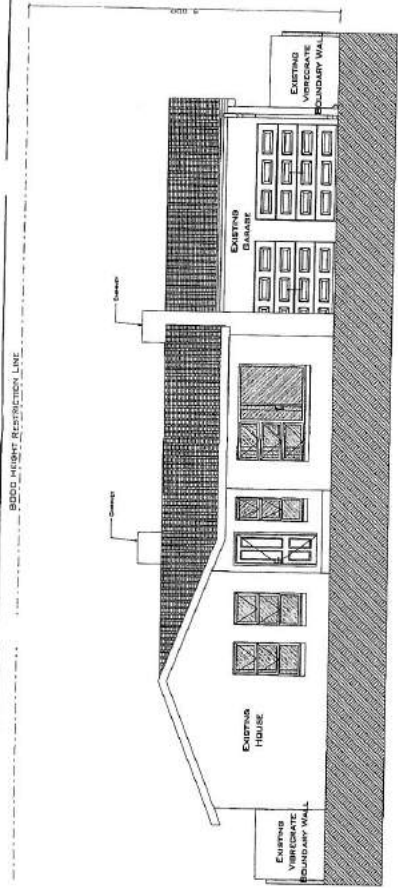
END OF MOTIVATION

1 June 2018

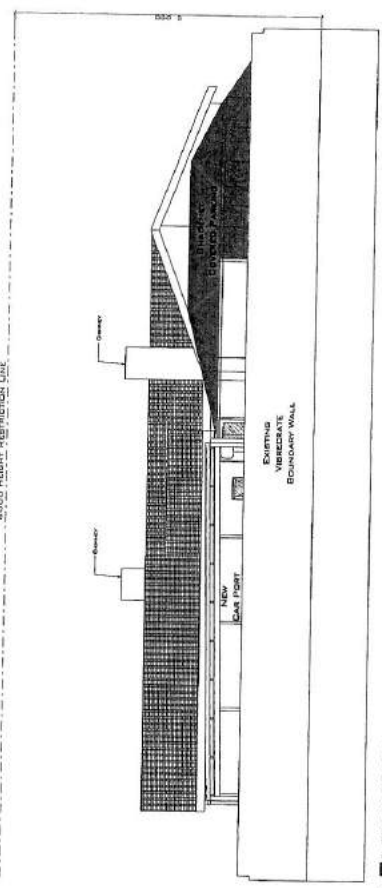
ANNEXURE C 2/3



Project No.	1703
Date	20/07/2018
Scale	AS BUILT
Sheet	1/2



NORTH ELEVATION
SCALE 1:150



SOUTH ELEVATION
SCALE 1:150

HOUSE KORKIE

ERF 857
AS BUILT PLANS

LOCATION

P.A. COLE & CO.
PROBATIONERS

PROJECT DETAILS

DATE: 11.18
PROJECT NO.: 1703
SCALE: AS BUILT
DRAWING NO.: 1/2

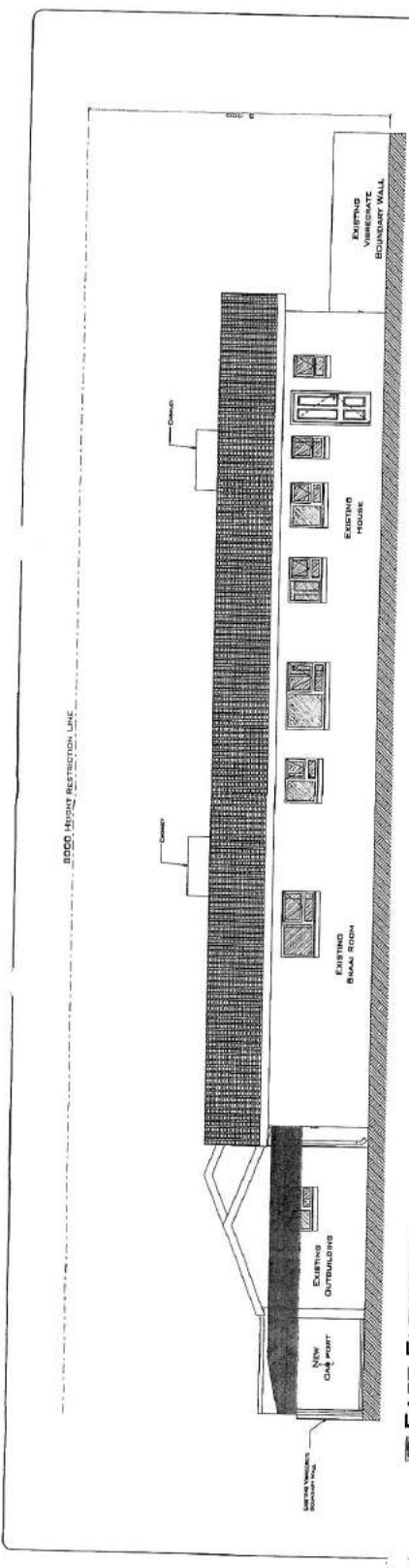


ANNEXURE C 3/3

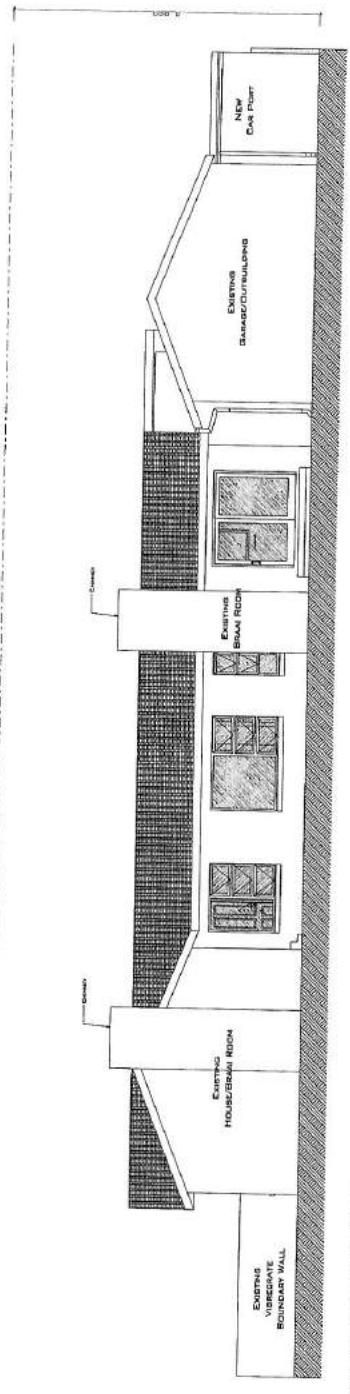


N

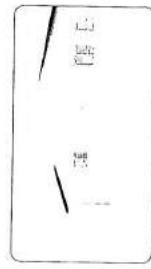
Client	T. S. S.
Design/Drawn	
Check	
Date	03/11/18
Scale	1:100



EAST ELEVATION
SCALE 1:150

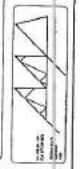


WEST ELEVATION
SCALE 1:150



PROJECT DETAILS

Project No.	ERF 857
Client	
Site No.	
Plot No.	
Block No.	
Sheet No.	OF 13



HOUSE KORKIE
ERF 857
AS BUILT PLANS

LOCATION

PROJECT NO.
ERF 857

-2-

And the said Appearer declared that his said Principal had truly and legally sold on 9th June 1998

and that he in his capacity aforesaid, did, by these presents, cede and transfer, in full and free property, to and on behalf of

JACQUES CHRISTOPHER KORKIE
IDENTITY NUMBER 690423 5242 08 5
AND
NAEELA KORKIE
IDENTITY NUMBER 710703 0227 08 2
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER

Their Heirs, Executors, Administrators or Assigns

ERF 857 FRANSKRAAL STRAND,
IN THE MUNICIPALITY FOR THE AREA OF GANSBAAI, DIVISION CALEDON,
WESTERN CAPE PROVINCE,

IN EXTENT: 763 (SEVEN HUNDRED AND SIXTY THREE) SQUARE METRES.

FIRST transferred by Deed of Transfer No T36159/1986 with Diagram No S.G. 5868/86 relating thereto,

AND HELD by Deed of Transfer No T38876/1993.

- A. SUBJECT to the conditions referred to in Deed of Transfer No T5544/1941.
- B. SUBJECT to the conditions of the Notarial Deed referred to in the endorsement dated 18th August 1951 on Deed of Transfer No T5546/1941 which endorsement reads as follows:-

-3-

"Registrasie van Serwituut. (Restant Para 1 en Para 2).

Kragtens Notariële Akte Nr 478/1951 gedateer 3 Maart 1951, is die eiendomme hieronder gehou, onderhewig aan sekere serwitute met betrekking tot waterregte, waterleiding, opgaardamme en suiweringswerke, soos aangedui op Serwituut Kaart Nr 3241/50 aan gesegde Notariële akte geheg, tesame met sekere bykomende regte en onderhewig aan sekere voorwaardes ten gunste van die genomineerde van die Administrateur in Trust vir sodanige Plaaslike Owerheid oor die Dorp Franskraal wat hierna ingestel mag word, om te behou ten voordele van die erfhouers en sodanige Plaaslike Owerheid soos meer breedvoerig sal blyk uit gesegde Akte en Kaart 'n kopie waarvan hieraan geheg is".

C. SUBECT to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope when approving of Franskraal Township Extension No 3 in terms of Ordinance No 33 of 1934 contained in Deed of Transfer No T36159/1986:-

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No 401 dated 17th October 1935 and in the memorandum which accompanied the said regulations.
2. The owner of this erf shall, without compensation, be obliged to allow electricity and water mains and the sewage and drainage, including stormwater of any other erf or erven within or without this township to be conveyed across this erf if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
3. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
4. In the event of the provisions of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive than the provisions contained in the above, then the provisions of such scheme shall apply.

-4-

5. This erf shall be subject to the following further conditions provided especially that where in the opinion of the Administrator after consultation with the Townships Board and the local authority it is expedient that the restriction in any such condition should at any time be suspended or relaxed he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose :-
- (a) it shall not be subdivided;
 - (b) it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
 - (c) not more than half the area shall be built upon;
 - (d) no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres of the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.

-5-

WHEREFORE the Appearer in his said Capacity, renouncing all the right and title the said Transferors

heretofore had to the premises, did, in consequence also acknowledge the said Transferors

to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said Transferees

Their Heirs, Executors, Administrators or Assigns,


now is and henceforth shall be entitled thereto, conformably to local custom. The State, however, reserving its rights, and finally acknowledging that the whole purchase price amounting to R38 000,00 (THIRTY EIGHT THOUSAND RAND) was paid satisfactorily.

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

THUS done and executed, at the Office of the Registrar of Deeds
at CAPE TOWN

on the 14th day of August in the Year of Our Lord, One Thousand Nine Hundred and Ninety Eight (1998).

In my presence,


REGISTRAR OF DEEDS


q.q.

EP 857

ERF 962

Mnr. D.H. ALBERTS

* POS. 360

* GANSBAAL 7220



PLAN VOORLEGGING: Mnr. KORKI

GEAGTE Mnr.: S. VAN DER MERWE

TP - A Theart
(S Van Der merwe)

- 1 Kennis word geneem van die inhoud van u skrywe sowel as die plan van 14/11/2018, veral die stelling van Mnr. Korki dat die opstal en sekere strukture teen my muur op erf 962 ingestuit was met die besitneming van die eiendom.
- 2 'n Verdere probleem is dat Mnr. Korki skadu set op my afgerig het wat aan my uitaerete muur getag is, die uitaerete muur is deur my afgerig om my grens lyn aan te dui, en nie vir die daekendes wat Mnr. Korki tans beoog nie.
- 3 Die aangelegde strukture aan die uitaerete muur kan die beskadiging van die VC muur versnel en die oorblywende leeftyd van die VC muur verkort. Die kern van die saak is dat dit 'n oystrandse VC muur moet wees sonder aangelegde strukture.
- 4 Mnr. Korki is verantwoordelik vir die huidige toestand van sake, as eienaar van sy eiendom, dan weerhou ek my toestemming soos deur hom verlang.

Die uwe.

Handwritten signature

FILE NO: EL. 862-GBP ✓
SCAN NO: GBP 862
COLLABORATOR NO: 1236220

Handwritten signature

27 NOV 2018

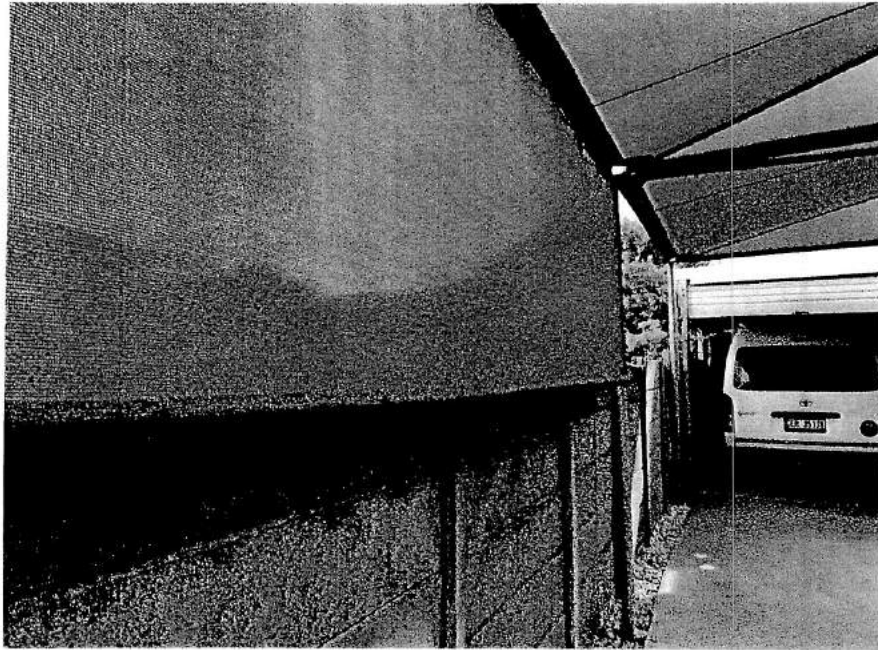
TP

KOMMENTAAR OP DIE BESWAAR RAKENDE ERF 857: FRANSKRAAL

Daar word kennis geneem van die beswaar soos ontvang van Mnr. DH Alberts rakende bogenoemde erf.

Die saak is met die eienaar en die tekenaar bespreek, en die 'oortreding' is aangespreek en die vashegting aan die vibracrete muur is verwyder. Geen verdere kommentaar kan verder gelewer word nie.

- Hiermee dan 'n foto wat die verandering/regstelling aantoon.



Vriendelike groete,
Bettie de Kock.

*meplanners
po box 552
hermanus 7200
phone (cell) 083 456 4064
phone (office) 028 316 4094
meplanners@telkomsa.net*

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIONS & DEPARTURE: ERF
857 FRANSKRAAL (4043)**

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

Conditions:

1. that only the existing water connection and sewer conservancy tank to Erf 857 shall be used to service Erf 857;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that stormwater be allowed to discharge through Erf 857, Franskraal, unobstructed;
6. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

19 DEC 2018