

4.4**ERF 7073, 2 ASTER STREET, MOUNT PLEASANT, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: SO YUSAF****7073 HMP (3476/2019)****H van der Stoep****15 October 2020****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application for departure was received on 29 October 2019 from SO Yusaf in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 7073, Hermanus (Mount Pleasant) in order to:

- a) relax the northern street building line from 2m to 0m and the eastern lateral building line from 1m to 0m to accommodate a structure consisting of two (2) store rooms; and to
- b) relax the western street building line from 4m to 2,135m and the southern lateral building line from 1m to 0,4m to accommodate a garage.

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, and the Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf is zoned Residential Zone 1: Single Residential, measures 322m² and is located at the corner of Malva- and Aster Streets, Mount Pleasant (corner erf). The property is developed with a single storey dwelling unit and outbuildings.

4. SUMMARY OF APPLICANT'S MOTIVATION

The main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- ❖ The store room will be reduced in size to comply with the permitted 65% coverage and the roof of the garaged will be lowered to comply with the 3,5m height restriction.
- ❖ The proposal will have no significant impact on the physical characteristics of the property.
- ❖ The property is situated in a residential area with a variety of architectural styles and the proposal will not negatively influence the existing street scene.
- ❖ The amendments to the structures have been found to be desirable to the owner and the neighbours.
- ❖ The property has no restrictions regarding any other laws.
- ❖ It is in an already developed residential area.
- ❖ No additional services are required and it will not affect the existing services. All services already exist.

- ❖ No Planning Principles will be impacted upon.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	29 November 2019	28 February 2020
Ward councillor	Yes	20 January 2020	28 February 2020
Internal Departments	Yes	20 January 2020	28 February 2020
Total comments	None		
Total letters of support	None		
Was public participation undertaken in accordance with Section 46 - 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 STATES AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Department	03/11/2019	No objection – building plan application to be compliant with all applicable law.
Local Heritage	03/12/2019	No objection.
Engineering Services	09/12/2019	Attached as Annexure D.
Eskom	12/12/2019	Attached as Annexure H.
Fire Department	10/12/2019	No objection provided that the structures comply with the National Fire Protection Regulations and the Community Fire Safety By-Law.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

N/A

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

N/A

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 application will not perpetuate spatial injustices.

Spatial Sustainability

The application is located within the urban edge and will therefore not lead to urban sprawl. No natural habitat is impacted upon and it will have no negative influence on the environment.

Efficiency

The application will optimize the use of property in terms of municipal services and infrastructure.

Spatial Resilience

The application will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good Administration

The application follows the required planning procedures and a good public participation 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 10.2 above.

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

Inconsistent with the Zoning Scheme, but consistent with the Spatial Development Framework.

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 have been viewed positively by the Engineering Department.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents.

10.9 Additional Planning Motivation for Removal of Restrictive Condition

N/A

11. THE DESIRABILITY OF THE PROPOSAL

A site inspection was conducted on 3 September 2020 together with the Town Planning Inspector. It was found that the proposals on the table are in total contradiction of what was actually observed on the site (see site photos attached as Annexure F). The so-called garage is actually a fully functioning house shop and the shop activities were clearly noticeable. A barber shop and a car wash is also being advertised on the boundary walls, but unfortunately no activities could be observed at the time of the inspection. Notwithstanding the latter it is likely that due to the large advertising signs, this structure is not utilised for what is applied for and the carwash activity is also likely to be conducted.

Refer to the application form (attached as Annexure G), the motivation report (attached as Annexure B), and the site development plans (attached as Annexure C). From the contents of the latter documents there are no doubt that the application concerns the legalisation of the stores structure and the garage, whilst no mention is made of the actual utilisation of these structures. In this regard the applicant, in its motivation, states that "*The reason for the proposed encroachment is that a store room and garage was built without permission and now the plans are being amended. The store room will be reduced to the size shown on the plan to be within the 65% coverage and the roof of the garage will be lowered to be within the 3.5m height restriction.*" Mention is also not made that should the application be approved that these structures are actually going to be converted to the usages as per the application. It is thus very clear that application was not made for the current illegal land uses since it certainly does not come forth in the application documentation at all. The landowner (also applicant) signed Section G: Declaration of the application form knowingly that the declaration clearly specifies the following (quoted from the application form):

"5. *I'm aware that it is an offense in terms of Section 84(1)(e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct and in doing so can lead to criminal proceedings of a fine or imprisonment or both.*"

Another irregularity that was observed on the property is the boundary walls. See copy of the approved building plans attached as Annexure I, as well as the site photos. The boundary walls were approved at a height of 2,05m including the

columns, and further with a specific architectural style. The walls deviate mentionable from the approved height and style.

It is evident that all the information and documentation relating to the application under discussion is grossly false, incorrect and therefore the applicant has consciously mislead the Municipality, and it is thus an offense in terms of the provisions of Section 84 of the By-Law.

As part of the application documentation the applicant's architectural draughtsman provided the applicant with site development plans indicating the so-called garage and stores structure knowingly that it is in contradiction with what is being applied for. Section 84 of the By-Law clearly states that "any person who" supplies particulars, information in an application knowing it to be false, incorrect or misleading is guilty of an offence and is liable on conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.

In terms of the provisions of Section 85 of the By-Law, the Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence as contemplated in terms of Section 84 of the By-Law. In the matter under discussion it would serve no purpose to serve a notice on the applicant and the architectural draughtsman at this stage since the application was formally submitted to the Municipality in which the applicant and draughtsman knowingly violated the integrity of the matter already.

It should be noted that in terms of Section 84(4) of the By-Law, the Municipality may adopt an administrative penalty duly approved by the districts court within the Municipality's jurisdiction. Such penalties have not been adopted by the Municipality and the matter should therefore be channelled via the Town Planning Inspector to the Municipal Court for the necessary legal actions or otherwise as determined by the Municipality's Legal Services.

In view of the above, it is the opinion that legal actions be instigated against the applicant and its draughtsman for providing gross false and incorrect information and documentation to the Municipality and subsequently consciously mislead the Municipality. The application can therefore not be considered and subsequently not be approved.

12. RECOMMENDATION

1. that the application for departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 7073, Hermanus (Mount Pleasant) in order to:
 - a) relax the northern street building line from 2m to 0m and the eastern lateral building line from 1m to 0m to accommodate a structure consisting of two (2) store rooms; and to
 - b) relax the western street building line from 4m to 2,135m and the southern lateral building line from 1m to 0,4m to accommodate a garage;

not be approved in terms of the provisions of Section 61 of the By-Law;

2. that legal actions be instigated by the Municipality with immediate effect against the applicant, as well as the architectural draughtsman of the applicant, and;

3. that due to the above legal actions to be instigated, the applicant not be afforded the opportunity to appeal the decision in 1. above.

13. REASON FOR RECOMMENDATION

- ❖ The application documentation provided by the applicant and its architectural draughtsman relating to the application is grossly false, incorrect and therefore they consciously mislead the Municipality, which is an offense in terms of the provisions of Section 84 of the By-Law.

14. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Engineering Services
Annexure E:	Aerial Photo
Annexure F:	Site Photo
Annexure G:	Applicant's Application Form
Annexure H:	Eskom
Annexure I:	Approved Building Plans

SIGNATURES

REGISTERED PLANNER:

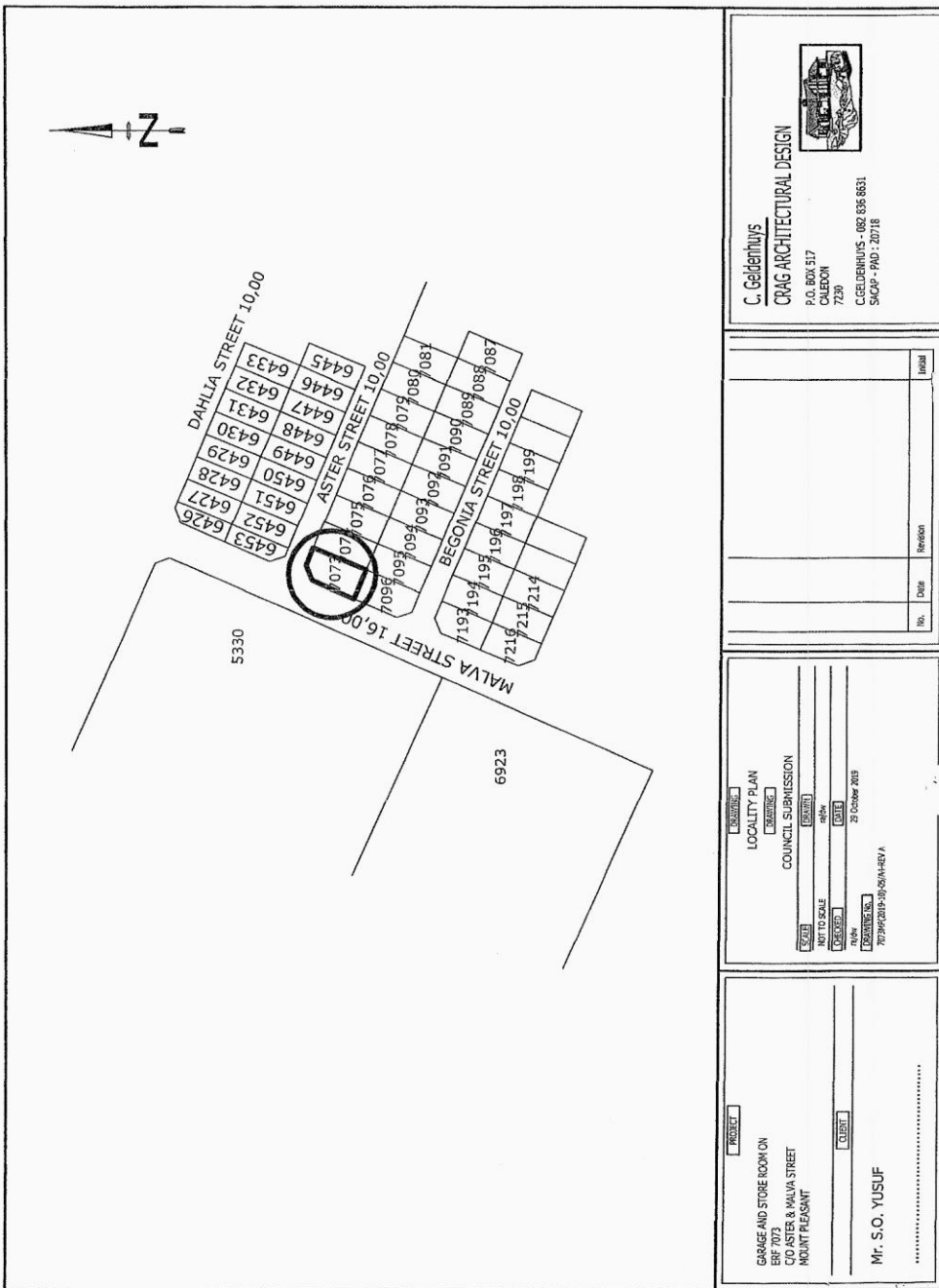
Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____

ANNEXURE A



C. Gelderhuys
CRAG ARCHITECTURAL DESIGN



P.O. BOX 517
 ALBION
 7259
 C.GELDERHUYS - 082 836 8631
 SHOW - PAD : 20718

No.	Date	Revision	Initial

SITE PLAN
 LOCALITY PLAN
 DRAWING
 COUNCIL SUBMISSION

NOT TO SCALE
 DRAWING NO. 707/2018/01/001/REV A

DATE: 25 October 2018

PROJECT
 GARAGE AND STORE ROOM ON
 BRK 7073
 C/O ASTER & MALVA STREET
 MOUNT PLEASANT

CLIENT
 Mr. S.O. YUSUF

29 October 2019

ATT: Overstrand Municipality
16 Paterson Street
P.O. Box 20
Hermanus
7200
Western Cape Province
Tel: (028) 313-38900

Dear Sir / Madam

RE: MOTIVATIONAL LETTER FOR APPLICATION FOR BUILDING LINE RELAXATION

Please find herein enclosed my request for the relaxation of street building lines and lateral building lines.

PROPOSED DEVELOPMENT

Departure of West street building line from 4.0m to 2.135m and South lateral building line from 1.0m to 0.4m for the garage, North building line from 2.0m to 0.0m and East lateral building line from 1.0m to 0.0m for the store room on Erf No. 7073 Mount Pleasant is requested from S.O.Yusuf (owner).

The residential dwelling street building lines will be effected.

The reason for the proposed encroachment is that a store room and garage was built without permission and now the plans are being amended. The store room will be reduced to the size shown on the plan to be within the 65% coverage permitted and the roof of the garage will be lowered to be within the 3.5m height restriction.

PHYSICAL CHARACTERISTICS OF PROPERTY

The proposed change will have no significant impact on the physical characteristics of the property. No topography, geological change will be necessary.

CHARACTER OF THE ENVIRONMENT

The property is situated in a residential area with a variety of architectural styles. This proposal will not negatively influence the existing street scene in any way.

DESIRABILITY OF THE PROPOSAL

The amendments to the dwelling on this erf has been found to be desirable to the existing owner and neighbours, so we believe all desirability issues have been dealt with accordingly. We consider our request to amend the building lines will not affect the desirability negatively.

INVESTIGATIONS CARRIED OUT IN TERMS OF OTHER RELEVANT LAWS

The property has no restrictions regarding any other laws, including the National Heritage Resources Act.

EXISTING PLANNING AREA

It is in an already developed residential area.

THE IMPACT OF THE PROPOSED LAND DEVELOPMENT ON MUNICIPAL ENGINEERING SERVICES

No municipal engineering services will be additionally required or be affected by the proposed amendments to the existing dwelling.

POTENTIAL OF THE PROPERTY

The property is a residential erf. The erf cannot be used for agriculture, conservation or mining. The changes as applied for will not influence any potential of the property.

LOCATION AND ACCESSIBILITY OF THE PROPERTY

The property can be accessed on foot. It does not encourage any additional traffic.

CONSIDERATION OF FORWARD PLANNING AND LAND USE

The municipal zoning scheme imposes a 1m building line between erven and 2m street building line in this residential area. It is herein requested that the building lines on the north be reduced to 0.0m, east to 0.0m, west to 2.135m and south to 0.4m.

PLANNING PRINCIPLES

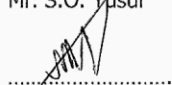
No municipal Land Use principles will be infringed by this application.

PROVISION OF SERVICES

All infrastructure is in place, and all services such as water, electricity and sewerage is already supplied to the erf. No new services will be needed, and therefore the environment will not be effected by this application.

We sincerely hope you will consider my application favourably.

Yours faithfully
Mr. S.O. Yusuf



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<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">No. _____ Date _____ Revision _____</td> <td style="width: 50%; text-align: center;">Title _____</td> </tr> </table>	No. _____ Date _____ Revision _____	Title _____	<p style="text-align: center;">C. Gedeonius CRAG ARCHITECTURAL DESIGN</p> <p style="text-align: center;">P.O. BOX 817 MOUNT PLEASANT 7200 C. GEDONIUS - MOB 888 8833 S/MAP - PHO - 3078</p>	<p style="text-align: center;">INDEX</p> <p style="text-align: center;">GARAGE AND STORE ROOM ON 420 ASTER & MALVA STREET MOUNT PLEASANT</p>	<p style="text-align: center;">Mr. S.O. YASUF</p>
No. _____ Date _____ Revision _____	Title _____				
<p>ELEVATIONS</p> <p>COUNCIL SUBMISSION</p> <p>5000 3000 2000 1000 0</p> <p>DATE: _____ BY: _____</p> <p>28 October 2013</p> <p>2013/001/01/04/001/001/001</p>					
<p>NOTES</p> <ol style="list-style-type: none"> 1. To the best of my knowledge these plans are drawn to comply with town and/or building specifications and are intended to be used for the construction of the works shown on the site plan. The contractor shall verify all dimensions and locations. 2. The contractor shall verify all dimensions and locations. 3. The contractor shall verify all dimensions and locations. 4. The contractor shall verify all dimensions and locations. 5. The contractor shall verify all dimensions and locations. 6. The contractor shall verify all dimensions and locations. 7. All works to comply with the local authority requirements. 8. This drawing is for information only and does not constitute a contract. 					

East Elevation - 1 : 100

West Elevation - 1 : 100

South Elevation - 1 : 100

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE: ERF 7073, MOUNT PLEASANT
(3476/2019)**

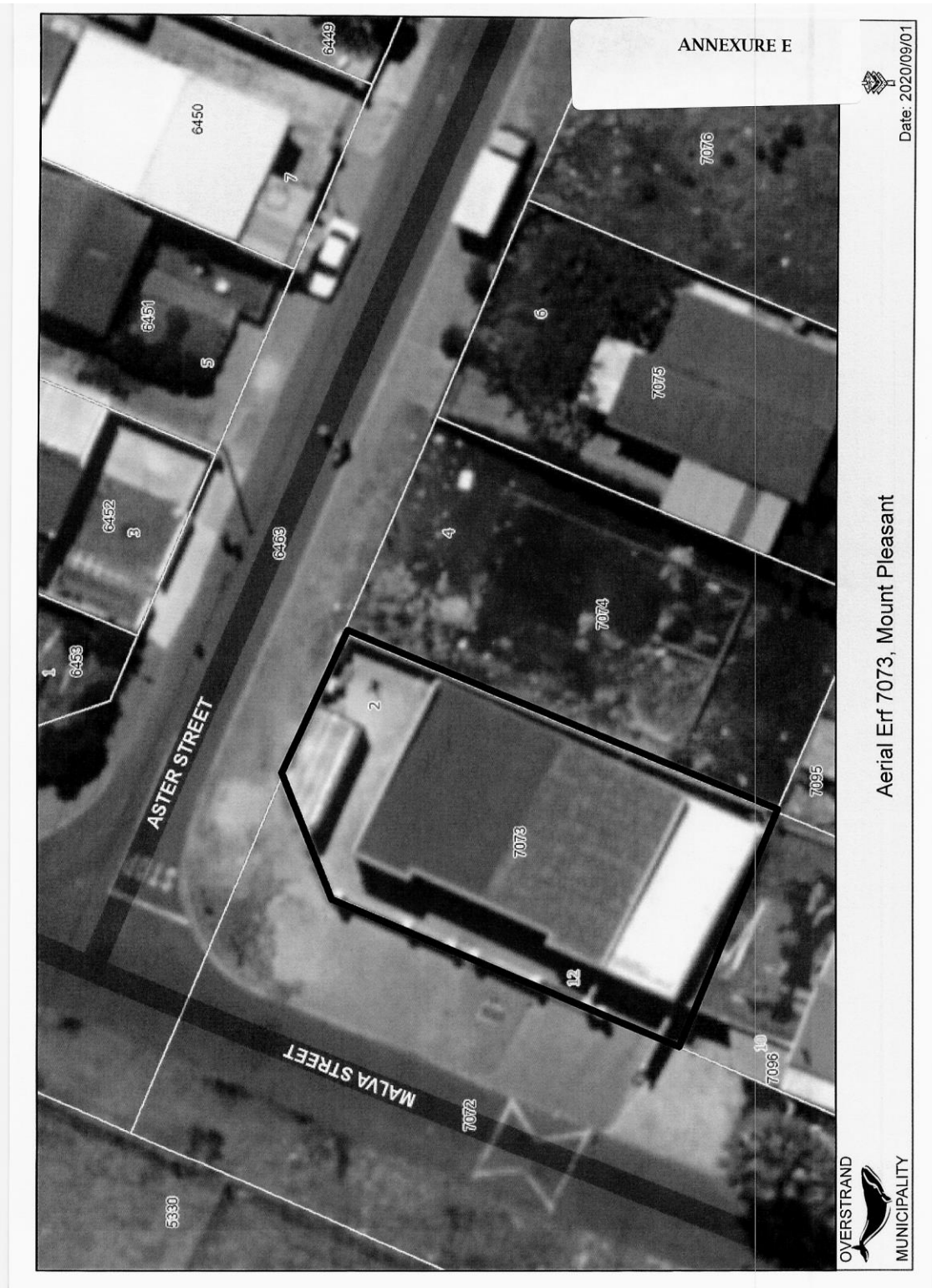
Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 7073, Mount Pleasant, unobstructed;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE





- 5 NOV 2019

ANNEXURE G 1/5

	TOWN PLANNING APPLICATION FORM (2019/2020) <small>(APPLICABLE FROM 1 JULY 2019 – 30 JUNE 2020)</small>
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16 Paterson Street / PO Box 20
 HERMANUS, 7200
 Tel: 028 313 8900 Fax: 028 313 2093



Please complete this form using BLOCK capitals and ticking the appropriate boxes Application number (To be completed by an official)

SECTION A : APPLICANT DETAILS			
First name(s)	SAID OMAR		
Surname	YUSUF		
Company name (if applicable)	TP - A. Inca (W. Ollid)		
Postal Address ONLY	2 ASTER ST MOUNT PLEASANT		
Postal code	7200	E-mail	
Tel		Fax	
		Cell	074 268 3505

SECTION B: OWNER DETAILS (compulsory)			
Registered owner	SAID OMAR YUSUF		
Postal Address	2 ASTER ST MOUNT PLEASANT		
Postal code	7200	E-mail	
Tel		Fax	
		Cell	074 268 3505

SECTION C : PROPERTY DETAILS			
Erf / Portion and Farm no.	7073	Area	MT Pleasant
Street Address	1/2 ASTER AND MALVA STREET		
Current Zoning	RESIDENTIAL	Extent	322,0 m ² /ha
		Are there existing buildings?	<input checked="" type="checkbox"/> N
Title Deed number & date	T 000036119 / 2017		
Any restrictive conditions?	Y <input type="checkbox"/> X <input checked="" type="checkbox"/>	If Yes, please specify	
Is property encumbered by a bond?	Y <input type="checkbox"/> X <input checked="" type="checkbox"/>	If Yes, Bondholder?	
Any existing unauthorized building work / structures on the subject premises?	<input checked="" type="checkbox"/> N	If so, has owner been served with a notice?	<input checked="" type="checkbox"/> N

SECTION D : TYPE OF APPLICATION BEING SUBMITTED IN TERMS OF SECTION 16 OF THE OVERSTRAND MUNICIPALITY BY-LAW ON MUNICIPAL LAND USE PLANNING AND APPLICATION TARIFFS PAYABLE.

Has there been any previous related application(s)?	Y <input type="checkbox"/> X <input checked="" type="checkbox"/>	If yes, reference/application no.		FEES PAID
<i>All tariffs (except the appeal deposit tariff) include VAT (15%) and are valid from 1 July 2019 to 30 June 2020</i>				
Rezoning – Section 16(2)(a)	Erven 150m ² and smaller	R647.00	R	
	Erven between 150m ² and 400m ²	R5072.00	R	
	Erven between 400m ² and 5000m ²	R7069.00	R	
	Erven larger than 5000m ²	R7069.00	R	
	Erven larger than 5000m ² additional per land use (excluding Public Open Spaces and Public Roads)	R1067.00	R	
Departure – Section 16(2)(b) – Permanent departure from the provisions of the zoning scheme	Erven 150m ² and smaller	R243.00	R	
	Erven between 150m ² and 400m ²	R538.00	R	R 538 -00
	Erven larger than 400m ²	R3074.00	R	

TP - 4 NOV 2019

FILE NO:	CIF 7073 ✓
	Mount Pleasant
SCAN NO:	HMP 7073
COLLABORATOR NO:	1350391

Departure –Section 16(2)(c) – Departure to use land on a temporary basis for which no provision is made in the zoning scheme	Erven 150m ² and smaller	R243.00	R
	Erven between 150m ² and 400m ²	R538.00	R
	Erven larger than 400m ²	R3074.00	R
Subdivision –Section 16(2)(d) a subdivision of land including the registration of a new servitude or lease agreement that is not exempted in terms of section 26	Up to 5 erven	R5993.00	R
	6 – 10 erven	R7069.00	R
	More than 10	R7069.00	R
	Additional per erf after 10	R107.00	R
Consolidation of land–Section 16(2)(e)	Erven 150m ² and smaller	R268.00	R
	Erven between 150m ² and 400m ²	R539.00	R
	Erven larger than 400m ²	R3074.00	R
Relaxation of Title Deed	Erven 400m ² and smaller	R538.00	R
	Erven larger than 400m ²	R3059.00	R
Amendment, suspension or deletion of restrictive conditions in respect of a land unit – Section 16(2)(f)	Erven 150m ² and smaller	R286.00	R
	Erven between 150m ² and 400m ²	R572.00	R
	Erven larger than 400m ²	R4352.00	R
Permission required in terms of the zoning scheme – Section 16(2)(g)	Erven 150m ² and smaller	R243.00	R
	Erven between 150m ² and 400m ²	R538.00	R
	Erven larger than 400m ²	R3074.00	R
Amendment, deletion or additional conditions in respect of an existing approval– Section 16(2)(h)		R2611.85	R
Extension of the period of validity of an approval–Section 16(2)(i)		R816.00	R
Phasing, amendment or cancellation of a plan of subdivision or a part thereof– Section 16(2)(k)		R2236.00	R
Amendment of Site Development Plan(SDP), Constitution/Architectural Guidelines – Section 16(2)(l)		R2236.00	R
Zoning determination– Section 16(2)(m)	Erven 150m ² and smaller	R647.00	R
	Erven between 150m ² and 400m ²	R5072.00	R
	Erven larger than 400m ²	R7069.00	R
Closure of a public place or part thereof– Section 16(2)(n)		R7069.00	R
Consent use provided for in the zoning scheme– Section 16(2)(o)	Erven 150m ² and smaller	R243.00	R
	Erven between 150m ² and 400m ²	R647.00	R
	Erven larger than 400m ²	R3074.00	R
Disestablish a home owner's association – Section 16(2)(q)		R3074.00	R
Appeal – Section 78 (2)	Erven 150m ² and smaller	R317.00	R
	Erven between 150m ² and 400m ²	R594.00	R
	Erven larger than 400m ²	R3207.00	R
Determination of an administrative penalty – Section 84 (4) of the By-Law		20% of built cost of as determined by a Quantity Surveyor	R
Amendment of SDF/Sectoral Plans– Municipal Systems Act, Act 32 of 2000		R3073.76	R
Exemption of subdivisions and consolidations to Section 26 of the By-Law		R122.00	R
Zoning Certificate – 21 days to issue		R309.00	R
Zoning Certificate – Non Profit Organisation (NPO)		-	-
Search fee		R309.00	R
Section 30 (2) Certificate/Clearance		R1823.00	R

*** Please note that appeals lodged in terms of Section 78 (2) of the By Law must comply with Annexure E.

SUBTOTAL APPLICATION FEE: R 538.00

ADVERTISING FEES (All prices include VAT (15%) and are valid from 1 July 2019 to 30 June 2020)				
INTERESTED AND AFFECTED PARTIES	Registered Letters: >10 : Applicant to pay according to SAPO rates		T.B.A.	R
ADVERTISEMENT IN NEWSPAPERS	Rezoning, Subdivision (≥2 erven), etc.	Local Newspaper: R4302.00	R4302.00	R
	Removal or Title Deed Restrictions	Local Newspaper: R4302.00 Provincial Gazette: R4302.00	R8604.00	R
	Placing of Final Notice (Removal of Title Deed Restrictions)	Provincial Gazette : R1216.00	R1216.00	R

*** Placing of advertisements for all other applications can be required by the Town Planner at his/her discretion.

*** Site notice for ROR applications to be displayed on the erf/erven according to Section 50.(1)(a) & (2) of the Overstrand Municipality By-Law.

SUBTOTAL
ADVERTISING FEE: R

TOTAL
APPLICATION FEE: R

Your attention is hereby drawn to Section 40.(1), (2) and (3) of the Overstrand By -law on Municipal Land Use Planning, 2015, which is quoted as follows:

- (1) "An applicant must pay the application fees determined by the Municipality prior to submitting an application in terms of this By -law;
- (2) Application fees that are paid to the Municipality are non -refundable and proof of payment of the application fees must accompany the application.
- (3) If an applicant wishes to retract the application and the said application has never been advertised, the advertising fees may be refunded to the applicant on request."

METHOD OF PAYMENT					
Electronic transfer (EFT)	Y	N	If yes, is proof of payment attached?	Y	N
Payment at municipal office	Y	N	If yes, is proof of payment attached?	Y	N

BANKING DETAILS	
Name	Overstrand Municipality
Bank	NEDBANK
Branch Code	198765
Account no.	1190136678
Payment reference	Erf number, suburb and APPL or ADV / Farm number, portion and APPL or ADV
* KINDLY INCLUDE THE REQUESTED REFERENCE NUMBER ON <u>ALL</u> INTERNET PAYMENTS, AND ATTACH PROOF OF PAYMENT TO THE APPLICATION.	

SECTION E : DETAILS OF APPLICATION									
Departure / consent / amendment / rezoning required :									
Y	N	Building line encroachment	Street	From	4,0	m	To	2,135.	m
			Street	From	2,0	m	To	0,0	m
			Side	From	1,0	m	To	0,0	m
			Side	From	1,0	m	To	0,4	m
			Rear	From		m	To		m
Y	N	Exceeding permissible site coverage		From			To		%
Y	N	Erection of special / accessory buildings (please specify)				Extent			m ²
Y	N	Other / temporary uses (please specify)				Extent			m ²
Y	N	Rezoning		From:			To:		

Brief description of proposed development / intent of application

RELAXATION OF 2,0m STREET BUILDING LINE ON ASTER STREET FROM 2,0m TO 0,0m FOR THE STORE ROOM, AS WELL AS THE 1,0m LATERAL BUILDING LINE TO 0,0m.

RELAXATION OF 4,0m BUILDING LINE FOR GARAGE ON MALVA STREET TO 2,135m AND 1,0m BUILDING TO 0,4m.

SECTION F : LIST OF ATTACHMENTS & SUPPORTING INFORMATION : REQUIRED (R) / SUBMITTED (S)							
R			S	R			S
Y	N	Power of Attorney / Owner's consent if applicant is not owner	✓	Y	N	Approved building plans / Approval letter(s) of previous application(s)	✓
Y	N	Trust Resolution (if applicable)	✓	Y	N	Parking Layout	✓
Y	N	Copy of the board of active directors / members / trustees resolution (if applicable)	✓	Y	N	Home Owner's Association consent (if applicable)	✓
Y	N	Bondholder's consent (if applicable)	✓	X	N	SG diagram	✓
X	N	Copy of Title Deed	✓	Y	N	CES @ GLS report (if applicable)	✓
Y	N	Conveyance's certificate (if applicable) (Annexure A)	✓	Y	N	Heritage Western Cape approval (if applicable)	✓
X	N	Motivation report / Letter (Annexure A & B)	✓	Y	N	1:50 / 1:100 Flood line certificate	✓
X	N	Locality plan (Annexure A)	✓	Y	N	Land Use Plan / Zoning Map (if applicable)	✓
Y	N	Proposed Subdivision Plan / Consolidation Plan / Phasing Plan (Annexure A)	✓	Y	N	Copy of Environmental Impact Assessment / Heritage Impact Assessment / Traffic Impact Assessment / Traffic Impact Statement / Record of Decision	✓
X	N	To-scale building plans & elevations indicating proposal (A4 or A3) (Annexure A)	✓	Y	N	List of Title deed conditions to be removed/amended	✓
X	N	Site development plan (indicating all structures & building lines) (Annexure A)	✓	Other (Specify)			✓

** (Please note that in terms of the National Environmental Management Act, 1998 any change in land use may be subject to an Environmental Assessment

SECTION G : DECLARATION

I / we hereby wish to confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. That I/we am/are properly authorized to make this application on behalf of the owner and (where applicable) that copies of such full relevant Powers of Attorney/Consent are attached hereto.
3. Where a consultant/agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the By-law will be sent only to the consultant/agent and that the owner will regularly consult with the consultant/agent in this regard.
4. That, as owner/applicant/developer, I'm/we're aware of the state of existing bulk services provision and infrastructure availability in the subject area and that any development contributions might be payable in respect of the development herein proposed (if applicable).
5. I'm aware that it is an offense in terms of Section 84(1) (e) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct and in doing so can lead to criminal proceedings of a fine or imprisonment or both.
6. I confirm that the relevant title deed(s) have been read and that there are no restrictive title deed restrictions, which impact on this application, or alternatively an application for removal/suspension or amendment forms part of this submission

Registered owner's signature



Date

29/10/2019

Full name

SAID OMAR YUSUF

Agent / Consultant's signature

Date

Full name

Professional capacity

If application is made by person other than registered owner (eg. Consultant / Agent), full power of attorney and both signatures above are required. If property is owned by more than one person, signature of each owner is required. Where the property is owned by a company/ trust / other juristic person, a copy of the board of directors / members / trustees resolution is required.

The following Annexures are attached for your information.

- Annexure A : Application Submission and Procedural requirements
- Annexure B : Motivational Report Guidelines
- Annexure C : Planning Principles
- Annexure D : Application Submission Checklist

Please **DO NOT SUBMIT** these Annexures with the application form.

The following Annexures are available on request or can be downloaded from our website. (www.overstrand.gov.za/Document/TownPlanning)

- Annexure E : Categorization of Applications
- Annexure F : Development Contribution Fees (2019/2020)
- Annexure G : Conveyance Certificate (Template)
- Annexure H : Grounds of Appeal

FOR OFFICE USE ONLY

Date received

Received by

--

Receipt no.

Date application complete



TP. N. / heart
(H. Olivia)



Overstrand Municipality

Date: 2019/12/03

Loretta@overstrand.gov.za

Enquiries:
WayleavesWesternOU@eskom.co.za

WAYLEAVE APPLICATION: Application for departure : 2 Aster Street, Mount Pleasant : Hermanus

YOUR REF: HMP (3476/2019)

OUR REF: 03176-19

Referring to your application dated 02/12/2019

1. Eskom Distribution has no objection to the proposal.
2. This application is not affected by Eskom services and should be referred to the Local Authority.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)

FILE NO:	EF 7073
	Mount Pleasant
SCAN NO:	16
COLLABORATOR NO:	1366508

EF - 7073
SO. Yusuf
2 Aster Street
Mount Pleasant

Distribution Division - Western Region [Land Development]
Western Region
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA
Tel +27 86 003 7566 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30

TP
12 DEC 2019

