



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

A G E N D A

DATE:	27 FEBRUARY 2025
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

20 February 2025

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

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

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session in the **Town Planning Committee Room** on **Thursday, 27 February 2025** at **10:00** to consider the attached agenda.

H JANSER (MS)
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr H Blignaut (Member)
4. Ms R Louw (Member)
5. Mr R Kuchar (Authorised Official)
6. Mr S van der Merwe (Senior Town Planner)
7. Ms H van der Stoep (Senior Town Planner)
8. Secretariat

MUNICIPAL PLANNING TRIBUNAL (MPT)

27 February 2025

INDEX

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
4.1	ERF 1144, 6 SLABBER STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: H SEGAL	1
4.2	ERF 3199, 4 PEARL DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF NA ERASMUS	26
4.3	REMAINDER OF ERF 2989, 205 CLARENCE DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF THE HUB BETTYS BAY (PTY) LTD	160

- 1. OPENING**

- 2. APPLICATIONS FOR LEAVE OF ABSENCE**

- 3. CONFIRMATION OF MINUTES**
 - 3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 January 2025**

- 4. ITEMS FOR CONSIDERATION**
 - 4.1 ERF 1144, 6 SLABBER STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: H SEGAL**

Report attached

 - 4.2 ERF 3199, 4 PEARL DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF NA ERASMUS**

Report attached

 - 4.3 REMAINDER OF ERF 2989, 205 CLARENCE DRIVE, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE ON BEHALF OF THE HUB BETTYS BAY (PTY) LTD**

Report attached

4.1**ERF 1144, 6 SLABBER STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE
PENALTY: H SEGAL****1144 GKB (4542/2023)****S van der Merwe****30 December 2024****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application, in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) has been received on 06 December 2023 from H Segal of Erf 1144, Van Dyksbaai for the following:

- ❖ **departure** in terms of Section 16(2)(b) of the By-Law, to relax the street building line from 4m to 3m and 0m to accommodate an existing deck; and
- ❖ **determination of an administrative penalty:** in terms of Section 16(2)(q) of the By-Law, to accommodate the existing deck and staircase.

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.

2. DECISION AUTHORITY

Municipal Tribunal

3. BACKGROUND / SITE HISTORY

Erf 1144 is located in the Klipfonteyn residential development in Kleinbaai and measures 600m² in extent. The erf is situated in a residential area and currently developed with a dwelling house, deck and staircase. The deck and staircase were developed after the dwelling was completed and encroach the street building line up to the street boundary of the property.

The subject application is for a departure to relax the street building line from 4m to 3m and 0m to accommodate an existing deck. As the structure was constructed illegally and encroaches a building line, the determination of an administrative penalty is also applied for.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is as follows:

The main points of the motivation are discussed below:

- As a result of the placement of the dwelling, the driveway to the garage and the septic tank, the only logical placement for the deck is at the front of the dwelling.
- The size of the deck was influenced by the fact that the property owners wanted to add a hot tub on the deck and thus needed enough space.

- An architect was appointed to manage the construction of the deck, and the property owner was under the impression that the building plans for the deck were submitted and approved.
- The property owner only found out after the deck was constructed that the deck was not approved.
- The encroachment is minimal in nature and does not impact any services.
- The property is in a residential area with most of the surrounding properties zoned as single residential properties and thus the subject property is in harmony with the area it is located in.
- No additional municipal services are required.

DETERMINATION OF THE ADMINISTRATIVE PENALTY

(a) nature, duration, gravity and extent of the contravention

The total extent of the building line encroachment for the existing deck and staircase is $\pm 19\text{m}^2$. The construction of the structure was managed by an architect who allowed for the structure to be constructed without approved building plans without the property owner being aware of it.

(b) the conduct of the person (allegedly) involved in the contravention

The property owner was not aware that the structure was being constructed without approved building plans and only became aware of it after it was already constructed. The property owner acted as soon as she found out about it.

(c) whether the unlawful conduct was stopped

The structure has already been constructed and thus the unlawful conduct has seized.

(d) a report by a quantity surveyor in matters of unauthorised building/construction

Builders' quotes are submitted with the application.

(e) whether the person allegedly involved in the contravention has previously contravened this by-law or a previous planning law.

The current property owner has not contravened the By-Law before this incident.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Internal departments	Yes	13 March 2024	19 April 2024
Ward Councillor	Yes	13 March 2024	19 April 2024

Total comments	NONE	
Total letters of support	FIVE	
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 STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Building Control	14/03/2024	No objection. The building plan application must comply with all applicable law.
Waste Management	18/03/2024	No objection.
Fire Department	19/03/2024	No objection subject to compliance with the provisions of SANS 10400 A:2016, 10400-2020 and the By-law relating fire safety.
Services Report	05/04/2024	Attached as Annexure D.
Telkom	06/05/2024	Approves proposed work.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

The application was circulated to the relevant internal- and external departments and letters of consent were received from the surrounding property owners who could possibly be affected. The Klipfonteyn Homeowners Association also provided their consent for the subject application. No objections were received with regards to the subject application.

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.

Spatial Justice

The proposal does not perpetuate spatial injustices being an existing erf in the residential area of Kleinbaai.

Spatial Sustainability

The existing deck and staircase add to the aesthetic of the existing dwelling and does not negatively affect conservation worthy or valuable agricultural land.

Efficiency

The application does not require any additional municipal services and intends to maximize the usage of the subject property by legalizing the encroachments on the property and thus retaining the existing deck and staircase.

Spatial Resilience

The application is not in conflict with any spatial planning policies and adheres to the principle of spatial sustainability.

Good Administration

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

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

N/A

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

N/A

10.6 Impact on Municipal Engineering Services

No impact on Municipal Engineering Services, as no additional services is required.

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 Zoning Scheme to accommodate an existing structure on the property which encroach the relevant building lines through an application process.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

The subject application is for a departure to relax the street building line of Erf 1144, Kleinbaai from 4m to 3m and 0m to accommodate an existing deck. Application is also made for the determination of an administrative penalty as the deck had been constructed without approval in terms of planning and building legislation.

The applicant motivates that the deck is situated in the only available place due to the location of the driveway and conservancy tank and that the structure does not jeopardize the character of the area and surrounding property owners. The adjoining property owners and Homeowners Association provided their consent. The structure will not negatively impact adjacent and surrounding property owners while providing extra entertainment space for the owner of the subject property.

The use and development of properties in Klipfonteyn are bound by a constitution and architectural guidelines. The guidelines mainly serve to protect the aesthetic character of the area, height and appearance of buildings and boundary walls, whilst building lines in terms of the Overstrand Land Use Scheme, 2020 applies.

Development in the surrounding area maintains a 4m street building line. Architectural guidelines limit the height of boundary walls, including galvanised steel to 2,1m. The existing deck due to the fall of the erf in a southerly direction varies between 1m and 3m above natural ground level on the western street boundary. Although the deck does not constitute a boundary wall it exceeds the 2,1m boundary wall height restriction by 0,9m, thus not in keeping with the character of the surrounding area.

Although no objections were received, the cumulative impact of similar approvals onto the street boundary will negatively impact the character of the surrounding area which is not in the spirit of the architectural guidelines.

The applicant argues that the placement of the dwelling, the location of the driveway and conservancy tank, the only suitable location for a deck is at the front of the property. The opinion is held that there is more than enough space on the property to accommodate a deck without the need to encroach the street boundary of the property, i.e. by means of extending the existing 2m balcony on the southern side or even the rear of the dwelling so that access to the rear remain. This will also ensure that the character of the street scape is maintained.

The road verge contains mature tree planting, that to some extent screen the deck. It is however visible from the street scape, especially when viewed from the south. The landscaping on the road verge is not permitted and takes up the whole of the area between the road and the edge of the road reserve with pedestrians have to walk in the street. Thus, although screening is provided to lessen the impact of the deck the current landscaping cannot be considered as mitigating the impact of the deck. Also, similar applications in the past had not been supported up to the street boundaries. In exceptional cases where encroachments were permitted a 2m set back was still enforced.

The applicant states that she appointed an architect to oversee the construction and instructed to continue with the construction whilst travelling abroad not knowing that building plans had not been approved. The person appointed is not an architect, nor a qualified draughtsperson. The applicant signed acceptance of the quotation on 5 May 2022 (refer to Annexure F), prior to building plan submission on 13 July 2022.

Following building plan submission, amendment letters dated 23/09/2022, 21/06/2023 & 30 August 2023 (refer to Annexure G) were sent to the project manager and property owner indicating that the location of the deck does not comply with the Overstrand Land Use Scheme, 2020 and that an application for departure / determination of an administrative penalty is applicable. The applicant was therefore fully aware of the outstanding requirements and the status of the building plans, being not approved.

Having had regard to the above, despite the appointment of Jan le Roux from Walkerbay Investments Pty Ltd the responsibility remains on the property owner to ensure that prior to commencement the relevant approvals were obtained. The applicant was not unaware of the non-approval of the building plans, being copied in all correspondence pertaining to amendment letters between the Building Control Department and Draughtsman. The retention of the deck is not in keeping with the character of existing development in the area that maintains the street building line. The deck is visible from the south as is, whilst the unauthorised landscaping on the sidewalk cannot be considered as screening or mitigating factors. The retention of the deck would set a precedent the cumulative impact of which will be contrary to the character of Klipfonteyn and the architectural guidelines. The retention of the deck is therefore not considered desirable.

DETERMINATION OF THE ADMINISTRATIVE PENALTY

(a) nature, duration, gravity and extent of the contravention

The total extent of the building line encroachment for the existing deck and staircase are $\pm 19\text{m}^2$. The construction was managed by an architect who allowed for the structure to be constructed without approved building plans without the property owner being aware of it.

(b) the conduct of the person (allegedly) involved in the contravention

The property owner was not aware that the structure was being constructed without approved building plans and only became aware of it after it was already constructed. The property owner is attempting to rectify the contravention.

(c) whether the unlawful conduct was stopped

The structure has already been constructed and thus the unlawful conduct has seized.

(d) a report by a quantity surveyor in matters of unauthorised building/construction

Builders' quotes were submitted with the application.

(e) whether the person allegedly involved in the contravention has previously contravened this by-law or a previous planning law.

The current property owner has not contravened the By-Law before this incident.

The property owner is responsible for the contravention and have full knowledge thereof. It is therefore recommended that an administrative penalty fee of 5% of the building cost be imposed.

CALCULATION OF ADMINISTRATIVE PENALTY:

Total quotation for building work R110 150 divided by 100 and multiplied by 5(%), amount to a total penalty fee of **R5 075,50** that should be imposed.

Considering the above, the application is not supported, and it is recommended that an administrative penalty fee be imposed.

13. RECOMMENDATION

1. that the application in terms of Section 16.(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 on Erf 1144, van Dyksbaai for a departure to relax the street building line from 4m to 3m and 0m, to accommodate the existing deck, **not be approved** in terms of the provisions of Section 61 of the By-Law;

that the application for determination of an administrative penalty in terms of Section 90.(4) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 applicable to Erf 1144, van Dyksbaai to accommodate an unauthorised deck was considered and that an administrative penalty of **R5 075,50** be imposed, which penalty must be paid within 60 (sixty) days of the decision;

2. that the applicant at its cost demolish the deck within 60 (sixty) days from the effective date of the decision;
3. that the applicant in terms of the provisions of Section 90.(4) of the By-Law be exempted from the payment of an administrative penalty;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the By-Law, against the decision.

14. REASONS FOR RECOMMENDATION

- ❖ Development in the Klipfonteyn residential area overall maintains a 4m street building line.
- ❖ The development is not in keeping with the character of the surrounding area.
- ❖ The development negatively impacts the character of the street scape.
- ❖ Current landscaping on the road verge is unauthorised.
- ❖ The motivation is misleading as the amendment letters issued by the Building Control Department was copied to the applicant, thus the applicant was aware that building plans had not been approved.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Services Report
- Annexure E: HOA and neighbour's consent letters
- Annexure F: Builders quotes
- Annexure G: Amendment Letters dated 21 June 2023, 30 August 2023 and 23 September 2023.

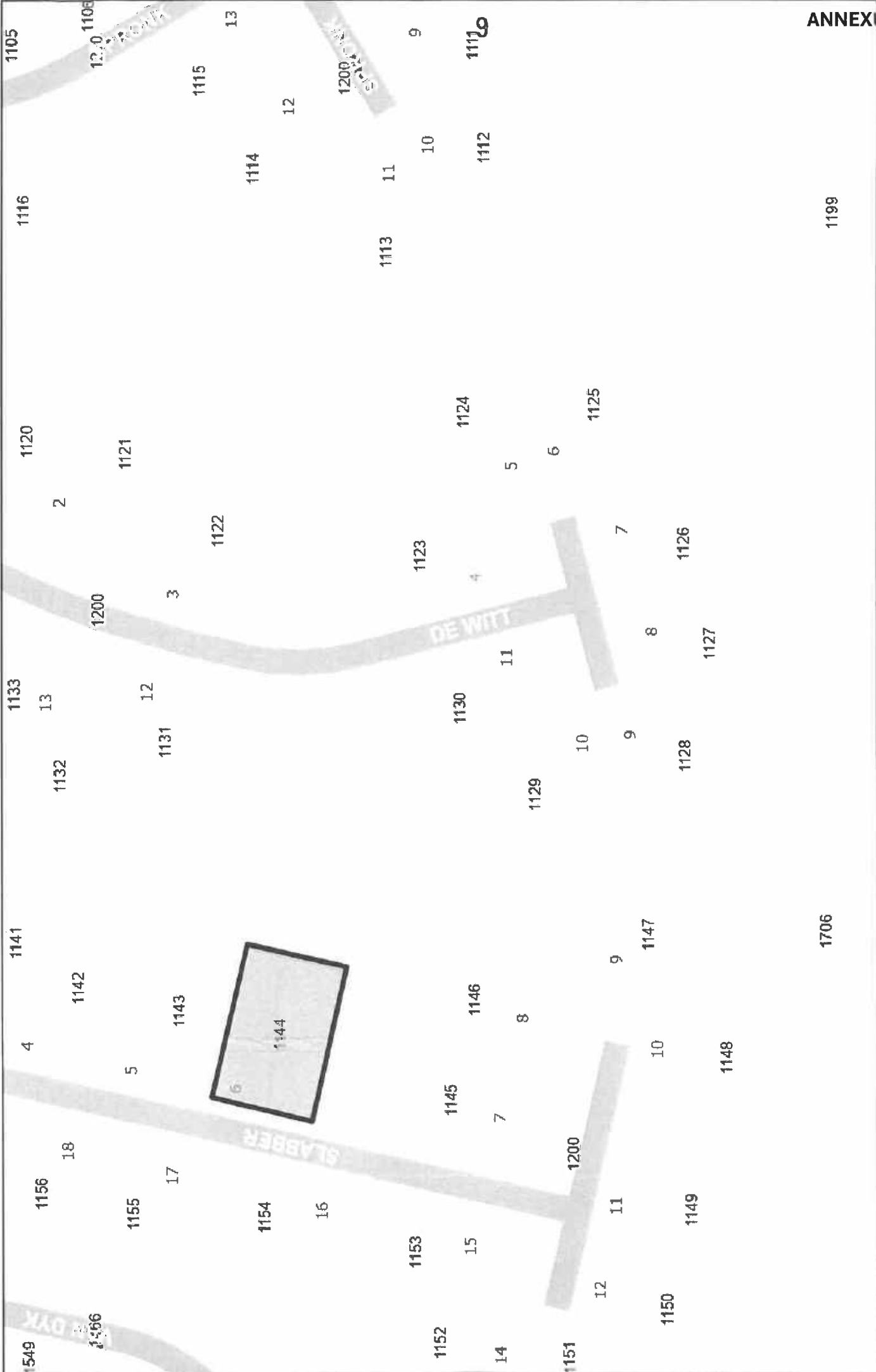
SIGNATURES**AUTHOR:**

Name: **SW VAN DER MERWE**

Signature: _____

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

Date: _____



ERF 1144, 6 SLABBER STREET, VAN DYKSBAAI (KLEINBAAI)

1706

1199

10
3

21 November 2023

Die Senior Bestuurder
Stadsbeplanning
HERMANUS

ERF 1144, SLABBER STRAAT, GANSBAAI: AANSOEK OM AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE

Die eienaar van Erf 1144, van Dyksbaai doen hiermee aansoek om 'n afwyking om boulyne soos vervat in die Overstrand Soneringskemaregulasies te verslap om 'n bestaande dek wat die straatboulyn oorskry op die eiendom te wettig asook die bepaling van 'n administratiewe boete.

Erf 1144, van Dyksbaai is vir enkelresidensiële doeleindes gesoneer, is 600m² groot en is ontwikkel met 'n woonhuis. Die eiendom word gehou onder titelakte T9023/2013

Besonderhede van aansoek

Afwyking

Aansoek in terme van Artikel 16(2)(b) van die Overstrand Munisipale Wysigingsverordeninge op Grondgebruikbeplanning, 2020 (Verordening) vir 'n afwyking om die straatboulyn vanaf 4m tot 0m te verslap om die bestaande dek te wettig.

Aansoek inligting

Die Overstrand Soneringskemaregulasies skryf die volgende ontwikkelingsreëls voor vir Residensiëlesone 1 erwe:

Straatboulyn: 4m
Syboulyn: 2m
Agterboulyn: 2m

Aansoek word gedoen vir:

- o Verslapping van die straatboulyn vanaf 4m tot 0m om 'n bestaande dek te wettig.

Bepaling van 'n administratiewe boete

Aansoek ingevolge Artikel 16(2)(q) saamgelees met Artikel 90 van die Verordening.

Artikel 90(1) van die Verordening bepaal dat die eienaar enige oortreding op 'n eiendom deur middel van 'n aansoek om bepaling van 'n administratiewe boete kan regstel. Daar word hiermee versoek om die kwytstelling van die administratiewe boete en wel om die volgende redes:

- Die dek verhoog die estetika van die woning en omliggende wonings. Die dek se basis is geensig sigbaar nie. Die tuin, plante en die uitleg van die dekoratiewe plaveisel dra by luukse voorkoms en verhoog die waarde van die erf.

- My omliggende bure is almal eens dat die dek professioneel gedoen is en bydra tot die estetika van die buurt en my woning.
- Die aanbouing het geen negatiewe impak op bestaande regte nie
- Soos gebou bouplanne is ingedien om enige oortredings reg te stel en die tekeninge dra ook die goedkeurige van die Huiseienaarsvereniging.

Motivering

As gevolg van die plaasing van die bestaande woning, oprit na die motorhuise en ligging van die riooltenk, is dit die enigste beskikbare plek waar ons die dek kon oprig. Asgevolg van die voorgemelde faktore was dit die enigste geskikte plek vir die aanbring van die dek. Die oppervlakte van die dek is 19m² om rede ons 'n Hot tub wou aanbring saam met die bykomende ontspannings area.

Na my man se dood was dit my begeerte om die dek wat ons saam beplan het te laat realiser, ek het 'n argitek aangestel om die projek te bestuur, in my mening was die tekeninge ingedien en goedgekeur, terwyl ek in die buiteland geruis het is die opdrag gegee om die stuktuur opterig. Na my terugkeuring was ek verwittig van die onwettige stuktuur. Ongelukkig was die dek klaar opgerig. Indien ek bewus was daarvan dat die planne nie goedgekeur was nie, sou ek nooit toegelaat het dat die bouwerk voort gaan nie. Na ek verwittig was het ek dadelik die regstelling begin.

In my mening is die oorskryding minimaal van aard en sal geen impak op enige dienste hê nie.

Alle ander dienste (elektrisiteit, water ens.) is reeds bestaande op die eiendom en word geen nuwe dienste benodig nie.

Beplanningsbeginsels

Ruimtelike geregtigheid: nie van toepassing op hierdie aansoek.

Ruimtelike buigzaamheid: nie van toepassing op hierdie aansoek.

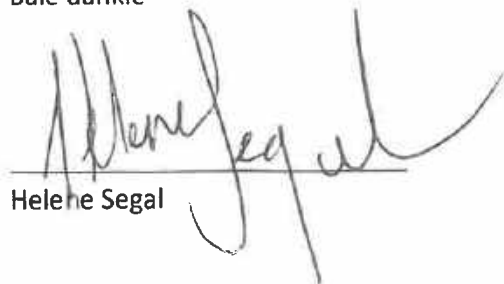
Ruimtelike volhoubaarheid: Dit word gemotiveer dat die bestaande boulynoorskryding (trap en motorafdak) inskakel by die karakter van die omgewing en nie die omliggende grondeienaars negatief beïnvloed nie. Dit is ook die mening dat die boulynoorskryding minimaal is. Die plasing van die dek en die oorskrydings, die materiaal waarvan die dek gebou is, die karakter van die omgewing en die lae impak op omliggende grondeienaars, maak voorsiening dat die aansoek goedgekeur kan word sonder dat die afwyking enige impak op die ruimtelike volhoubaarheid van die omgewing het nie.

Effektiwiteit: Nie van toepassing op hierdie aansoek.

Goeie administrasie: Ons gaan akkoord met die munisipale regulasies en prosesse met betrekking tot die prosessering van die aansoek.

Ek vertrou dat die aansoek gunstig oorweeg sal word.

Baie dankie



Helehe Segal

NOTES:

1. All work shall be in accordance with the relevant parts of the Building Regulations and the National Building Code of South Africa.
2. The contractor shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.
3. The contractor shall ensure that all work is completed in accordance with the approved plans and specifications.
4. The contractor shall be responsible for the safety of all workers and the public during the construction process.
5. The contractor shall ensure that all materials and workmanship are of a high standard and meet the requirements of the relevant standards.
6. The contractor shall be responsible for the removal and disposal of all waste materials in an environmentally sound manner.
7. The contractor shall ensure that the site is kept clean and free of debris at all times.
8. The contractor shall be responsible for the protection of all existing services and structures on the site.
9. The contractor shall ensure that all work is completed within the agreed time frame.
10. The contractor shall be responsible for the payment of all subcontractors and suppliers.
11. The contractor shall ensure that all work is completed in accordance with the relevant safety regulations.
12. The contractor shall be responsible for the provision of all necessary safety equipment and training for all workers.
13. The contractor shall ensure that all work is completed in accordance with the relevant environmental regulations.
14. The contractor shall be responsible for the provision of all necessary environmental protection measures.
15. The contractor shall ensure that all work is completed in accordance with the relevant fire safety regulations.
16. The contractor shall be responsible for the provision of all necessary fire safety measures.
17. The contractor shall ensure that all work is completed in accordance with the relevant electrical safety regulations.
18. The contractor shall be responsible for the provision of all necessary electrical safety measures.
19. The contractor shall ensure that all work is completed in accordance with the relevant plumbing and drainage regulations.
20. The contractor shall be responsible for the provision of all necessary plumbing and drainage measures.
21. The contractor shall ensure that all work is completed in accordance with the relevant mechanical and ventilation regulations.
22. The contractor shall be responsible for the provision of all necessary mechanical and ventilation measures.
23. The contractor shall ensure that all work is completed in accordance with the relevant structural regulations.
24. The contractor shall be responsible for the provision of all necessary structural measures.
25. The contractor shall ensure that all work is completed in accordance with the relevant foundation regulations.
26. The contractor shall be responsible for the provision of all necessary foundation measures.
27. The contractor shall ensure that all work is completed in accordance with the relevant roof regulations.
28. The contractor shall be responsible for the provision of all necessary roof measures.
29. The contractor shall ensure that all work is completed in accordance with the relevant window and door regulations.
30. The contractor shall be responsible for the provision of all necessary window and door measures.
31. The contractor shall ensure that all work is completed in accordance with the relevant painting and finishing regulations.
32. The contractor shall be responsible for the provision of all necessary painting and finishing measures.
33. The contractor shall ensure that all work is completed in accordance with the relevant landscaping regulations.
34. The contractor shall be responsible for the provision of all necessary landscaping measures.
35. The contractor shall ensure that all work is completed in accordance with the relevant site works regulations.
36. The contractor shall be responsible for the provision of all necessary site works measures.
37. The contractor shall ensure that all work is completed in accordance with the relevant general building regulations.
38. The contractor shall be responsible for the provision of all necessary general building measures.
39. The contractor shall ensure that all work is completed in accordance with the relevant health and safety regulations.
40. The contractor shall be responsible for the provision of all necessary health and safety measures.
41. The contractor shall ensure that all work is completed in accordance with the relevant quality control regulations.
42. The contractor shall be responsible for the provision of all necessary quality control measures.
43. The contractor shall ensure that all work is completed in accordance with the relevant project management regulations.
44. The contractor shall be responsible for the provision of all necessary project management measures.
45. The contractor shall ensure that all work is completed in accordance with the relevant communication regulations.
46. The contractor shall be responsible for the provision of all necessary communication measures.
47. The contractor shall ensure that all work is completed in accordance with the relevant risk management regulations.
48. The contractor shall be responsible for the provision of all necessary risk management measures.
49. The contractor shall ensure that all work is completed in accordance with the relevant stakeholder engagement regulations.
50. The contractor shall be responsible for the provision of all necessary stakeholder engagement measures.

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PROPOSED ALTERATIONS TO ERF 1144, KLIJFFONTEYN NEV, HO, KAPPOONTJEN FOR OWNERS VAN SITTER

REVISION RECORD / WYSIGINGSREKORD
 NO. 1: 2024 / 1: 2024

MEMBERS OF SACAP

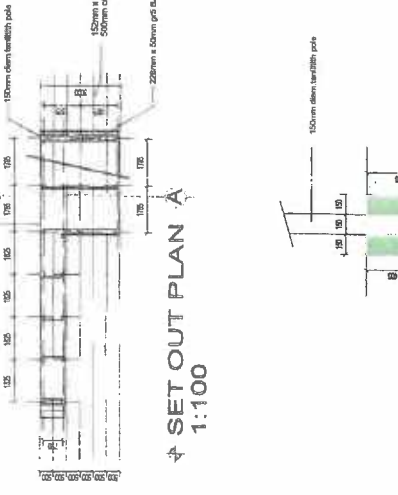
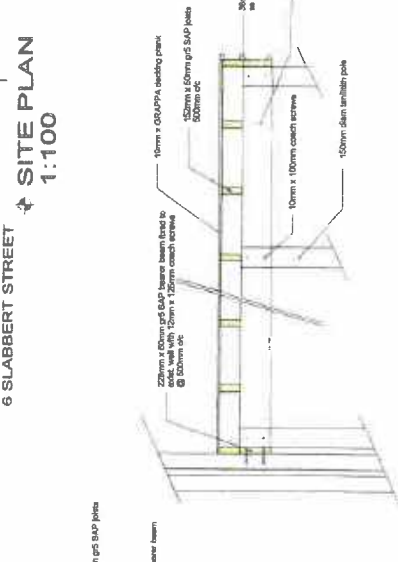
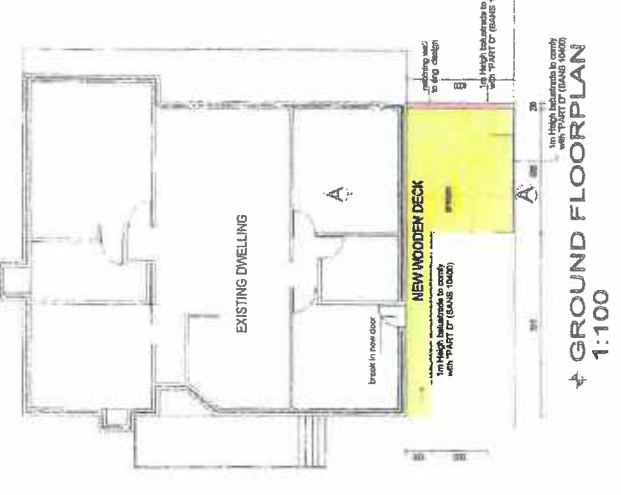
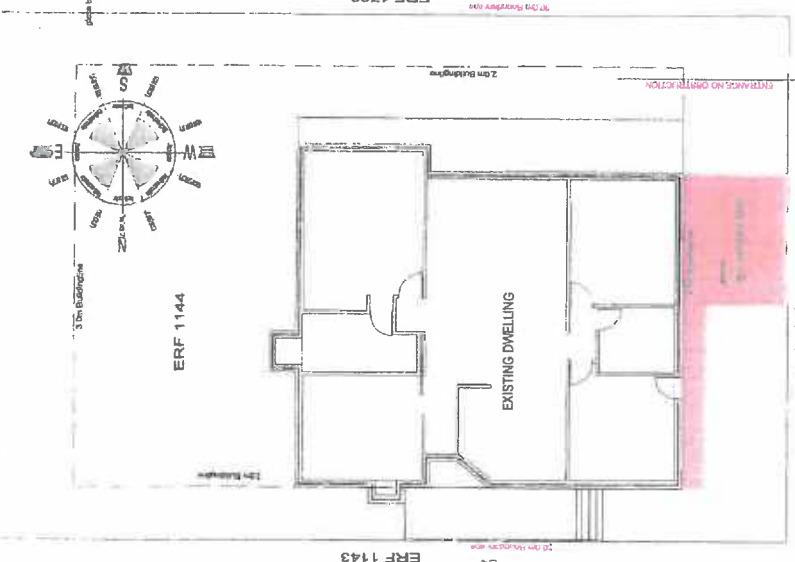
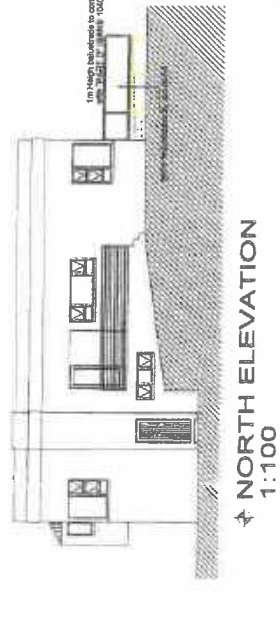
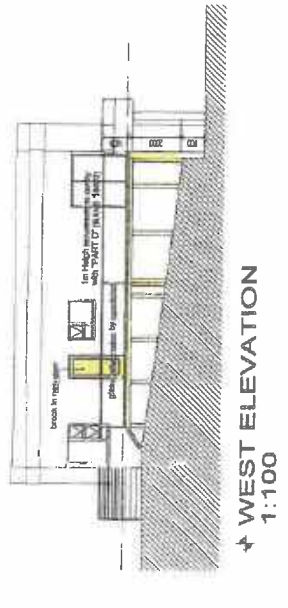
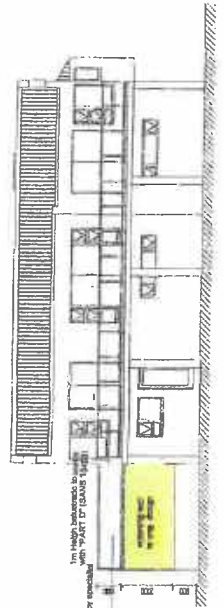
DATE OF ISSUE: 15/08/2024
 DRAWN BY: J. de la Rive
 CHECKED BY: J. de la Rive
 VERBODEN TOEGANG

PROPOSED ALTERATIONS TO ERF 1144, KLIJFFONTEYN NEV, HO, KAPPOONTJEN FOR OWNERS VAN SITTER

REVISION RECORD / WYSIGINGSREKORD
 NO. 1: 2024 / 1: 2024

MEMBERS OF SACAP

DATE OF ISSUE: 15/08/2024
 DRAWN BY: J. de la Rive
 CHECKED BY: J. de la Rive
 VERBODEN TOEGANG



KLIJFFONTEYN NEV, HO
 Ervarede Geoloog vir
 Omgewingsake
 15/08/2024

PROPOSED ALTERATIONS TO ERF 1144, KLIJFFONTEYN NEV, HO, KAPPOONTJEN FOR OWNERS VAN SITTER

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 NO. 1: 2024 / 1: 2024

MEMBERS OF SACAP

DATE OF ISSUE: 15/08/2024
 DRAWN BY: J. de la Rive
 CHECKED BY: J. de la Rive
 VERBODEN TOEGANG

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & DETERMINATION OF AN
ADMINISTRATIVE PENALTY: ERF 1144, VAN DYKSBAAI**

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

Conditions:

1. that the existing water connection to- and sewer conservancy tank to Erf 1144 shall be used to service Erf 1144;
2. that the owner is to install a connection point from the sewer conservancy tank, to which the municipal tankers can connect to;
3. 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;
4. 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;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 1144, Van Dyksbaai, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE



HOME OWNERS' ASSOCIATION

✉ khoa@klipfonteyn.co.za🌐 klipfonteyn.co.za

19 February 2024

TP. n. theait
(S. ud n name)

Alida Conradie
Administrator
Town & Spatial Planning Department Overstrand Municipality
16 Paterson Street
Hermanus
7200

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
21 FEB 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

Erf:1144 te 6 Slabberstraat, Klipfonteyn - Helene Segal

Die toestemming van die grondeienaars van erwe 1153, 1154, 1155, 1143 en 1145 is ontvang en op rekord geplaas.

Hiermee bevestig die Huiseienaarsvereniging van Klipfonteyn dat ons, met die ontvangs van die toestemming van die bure, geen beswaar teen die aansoek het nie.

Vriendelike groete

Melinda Wessels
Sekretaris
nms Klipfonteyn Home Owners Association

FILE NO.	EF 1144
	Kleinbaai
SCAN NO.	
COLLABORATOR NO.	2000568

Alida Conradie

From: Stay at Friends Betty's Bay <helenesegal100@gmail.com>
 Sent: Friday, 16 February 2024 11:57
 To: khoa@klipfonteyn.co.za
 Subject: Goedkeuring van santie bekker

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

The owner of the land hereby requests the council to grant a building addition to the existing dwelling which will extend over the building lines (as per enclosed plan). This requires the consent/consent of the adjacent property owners.

NEIGHBOUR'S CONSENT FOR RELAXATION OF BUILDING LINES

DETAILS OF OPERATOR'S/NEIGHBOUR'S CONSENT FOR RELAXATION OF BUILDING LINES	
REF NO	1155
STREET ADDRESS	Slabbert Street 16, Klipfonteyn
NAME AND SURNAME	CC Trust
TEL NO	093 8088 321
POSTAL ADDRESS	Potchefstroom 7220

DETAILS OF APPLICATION (complete where necessary)					
RELAXATION OF	YARD (%)	BUILDING LINE ACCORDING TO SCHEME REGULATIONS		BUILDING LINE ACCORDING TO TITLE DEED	
		From	To	From	To
LATERAL BUILDING LINE					
REAR BUILDING LINE					
STREET BUILDING LINE		4m	0m	4m	0m

DETAILS OF ADJACENT PROPERTY OWNER(S)	
REF NO	1155
STREET ADDRESS	17 Slabbert Street
NAME AND SURNAME	Leslie Bekker
TEL NO	082 771 8261
POSTAL ADDRESS	4 Castle Rising Estate Somerset West

NOTE: CONSENT TO RELAXATION IS INCOMPLETE IF NOT ACCOMPANIED BY A SITE PLAN SIGNED BY ADJACENT PROPERTY OWNER(S)

NAME: Leslie Bekker SIGNATURE: [Signature] DATE: 13/2/2024

NAME: _____ SIGNATURE: _____ DATE: _____

EXPIRES: _____

16

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

The owner of the undermentioned property contemplates to erect a dwelling/do additions to the existing dwelling which will encroach upon the building lines (as per enclosed plan). This requires the consent /comments of the adjacent property owners.

DETAILS OF OWNER(S) THAT NEED/S CONSENT FOR RELAXATION OF BUILDING LINES	
ERF NO	1154
STREET ADDRESS	Slabberstr. 16, Kippenberg
NAME AND SURNAME	CLC TRUST
TEL NO	082 8088 321
POSTAL ADDRESS	PO Box 450
	Conoboa 7220

DETAILS OF APPLICATION (complete where necessary)					
RELAXATION OF:	MARK (✓)	BUILDING LINE ACCORDING TO SCHEME REGULATIONS		BUILDING LINE ACCORDING TO TITLE DEED:	
		From	To	From	To
LATERAL BUILDING LINE			m		m
REAR BUILDING LINE			m		m
STREET BUILDING LINE		4m	0m	4m	0m

DETAILS OF ADJACENT PROPERTY OWNER(S)	
ERF NO	1153
STREET ADDRESS	Slabber Street
NAME AND SURNAME	Fynbosland 202 (Johan & Elize de Lange)
TEL NO	0748165592
POSTAL ADDRESS	elizejdl@gmail.com
	POSTAL CODE

NB: **CONSENT TO RELAXATION IS INCOMPLETE IF NOT ACCOMPANIED BY A SITE PLAN SIGNED BY ADJACENT PROPERTY OWNER(S).**

I/We hereby give my/our consent to the above-mentioned relaxation.

Johan de Lange *JJ de Lange* 08/02/2024
 NAME SIGNATURE DATE

Elize de Lange *Elize de Lange* 08/02/2024
 NAME SIGNATURE DATE

COMMENTS / CONDITIONS No objection
 (Signed electronically)

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

The owner of the undermentioned property contemplates to erect a dwelling/do additions to the existing dwelling which will encroach upon the building lines (as per enclosed plan). This requires the consent/comments of the adjacent property owners.

DETAILS OF OWNER(S) THAT NEED/S CONSENT FOR RELAXATION OF BUILDING LINES

ERF NO: 1144

STREET ADDRESS: 6 SLABBER STAAT

NAME AND SURNAME: MEV. VAN SITTER

TEL NO: 082 894 1651

POSTAL ADDRESS: 6 SLABBER ST. VAN DYKSBAAI

7220

DETAILS OF APPLICATION (complete where necessary)

RELAXATION OF:	MARK (V)	BUILDING LINE ACCORDING TO SCHEME REGULATIONS		BUILDING LINE ACCORDING TO TITLE DEED:	
		From	To	From	To
LATERAL BUILDING LINE				m	m
REAR BUILDING LINE				m	m
STREET BUILDING LINE		Am	Om	Am	Om

DETAILS OF ADJACENT PROPERTY OWNER(S)

ERF NO: 1143

STREET ADDRESS: 5 SLABBER STAAT, VAN DYKSBAAI, KIPFONTEIN

NAME AND SURNAME: JOHAN T. LOURENS

TEL NO: 082 660 3342

POSTAL ADDRESS: POSTNET SUITE 5 GANSBAAI 7220

POSTAL CODE

NB:

NOT

I/We hereby give my/our consent to the abovementioned relaxation

JOHAN T LOURENS
NAME

 06/01/2023
SIGNATURE DATE

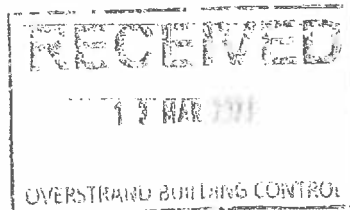
NAME

SIGNATURE

DATE

COMMENTS / COMMENTS:

SIGNED BASED ON THE INFORMATION PROVIDED BY OWNER



Tel: 028 313 8900
Fax: 028 313 2083
E-mail:

PO Box 20 / Posbus 20
HEERMANUS
7200

MUNISIPALITEIT OVERSTRAND MUNICIPALITY

The owner of the undermentioned property contemplates to erect a dwelling/do additions to the existing dwelling which will encroach upon the building lines (as per enclosed plan). This requires the consent /comments of the adjacent property owners.

DETAILS OF OWNER(S) THAT NEED/S CONSENT FOR RELAXATION OF BUILDING LINES

ERF NO 1144

STREET ADDRESS 6 SLABBERT

NAME AND SURNAME MEN. V. SIMON

TEL NO 082 894 1651

POSTAL ADDRESS 6 SLABBERT ST. VAN DYKSBAM

7220

DETAILS OF APPLICATION (complete where necessary)

RELAXATION OF:	MARK (✓)	BUILDING LINE ACCORDING TO SCHEME REGULATIONS		BUILDING LINE ACCORDING TO TITLE DEED:	
		From	To	From	To
LATERAL BUILDING LINE				m	m
REAR BUILDING LINE				m	m
STREET BUILDING LINE		Am	Om	Am	Om

DETAILS OF ADJACENT PROPERTY OWNER(S)

ERF NO 1145

STREET ADDRESS SLABBERT STREET 7

NAME AND SURNAME MARK APRIL

TEL NO 082 850 9578

POSTAL ADDRESS 18 MARIANA STREET BACKWELL

POSTAL CODE 7560

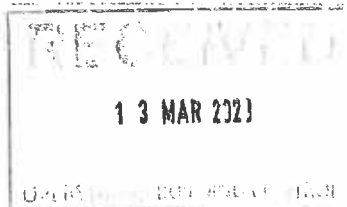
IF NOT BY

I/We hereby give my/our consent to the abovementioned relaxation.

Mark April NAME [Signature] SIGNATURE [Signature] DATE

M. Simon NAME [Signature] SIGNATURE [Signature] DATE

None



9
20

WALKERBAY INVESTMENTS (Pty)Ltd
2017/169581/07

SPECIFICATIONS & QUOTE

House Van Sitter – Klipfontein, Erf: 1144

Drawing # VSK-06-2022

Date: 03/05/2022

CONTRACTOR: Walker Bay Investments (Pty) Ltd.

NOTES:

- Contract period: **3 months.**
- Building rubble to be removed from site.
- Site to be kept in a safe and clean state at all times.

GENERAL CONDITIONS:

SPECIFICATIONS:

Foundations

Dig and cast foundations in pickable soil.
Allowance for 600 x 250 25mpa strip foundations

Superstructure:

- 1 All brickwork to be Cement Block or similar as per drawing, retaining wall on south side of new wooden deck
- 2 Structural walls for the hot tub
- 3 19msq wooden deck

Wall finishes:

1. All internal walls to be plastered and paint except for hot tub wall this to be bagged

21


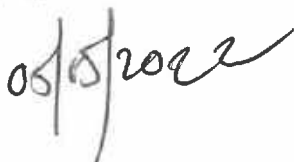
WALKERBAY INVESTMENTS (Pty)Ltd
2017/169581/07

PC amount:

- 1) Deck 19msq @ R1850-00 : R35 150-00
- 2) Balustrades : R55 000-00
- 3) Walls: R20 000-00

TOTAL**R110 150-00****Excluded:**

1. NHBRC fees
2. Plan scrutiny fee
3. No allowance for Light fittings.
4. Engineering.
5. Land surveyor
6. No allowance for gas connection and Certificate. (Gas hob)
7. Water connection.
8. Sewer connection
9. Electrical Connection fee.
10. Fencing and gates.
11. Landscaping or tree removal
12. No allowance for paving
13. No allowance for kitchen appliances.

Note Price valid for 14 days.**Client:****Contractor:****Date:****Date 03/05/2022**

22 10

Richard Hendriks

TELEPHONE 0787222304

Quotation for Van Sittert/Segal

6 SLABBER STREET KLIP FONTEYN, VAN DYKSBAAI

ALTERATIONS: DECK

deck: wood	Deck 19msq stairs separate	R40 000-00
balustrades, grey	39 m	R60 000-00
bricks for walls		R25 000-00
TOTAL		125 000-00

Note QOUTE valid for 14 days.

SIGNATURE:

Client:

Contractor:

Date: Date 08/4/2022

PO Box 20
HERMANUS
7200

BUILDING CONTROL 23

16B Paterson Street
HERMANUS
7200



Date: 21 June 23
Enquiries: ROWAN SHIELD

Reference: 43414
Date Submitted: 13 July 2022
Date Meeting: 21 June 2023

Owner: SEGAL M
PO BOX 341
BETTYSBAY

info@stayatfriends.co.za

Dear Sir / Madam,

KLIPFONTEYN : ERF NO 1144 PORTION: PLAN NO: 43414 : ALTERATIONS AND ADDITIONS

The application submitted to Council for the above property has been evaluated and is herewith refused in terms of the relevant legislation.

OWN PLANNING

COMMENTS AS CORRESPONDED ON 23.09.22 STILL NOT ADRESSED.

1. PLS HEIGHT OF DECK NOT IN ACCORDANCE WITH LAND USE SCHEME.
 2. APPLICATION FOR DEPARTURE AND ADMIN PENALTY APPLICABLE.
- NOTE: DECK NOT SUPPORTED.

*Comment the
same, same
for PLS.
Schalk
25/8*

For any queries please contact SCHALK VAN DER MERWE on svdmerwe@overstrand.gov.za

Please note that you are furthermore advised that in terms of the Act, this application may be submitted anew at no additional cost, within a period not exceeding one year from the date of this notice provided that:

- (a) The plans, specifications and other documents have been amended in respect of any aspect thereof which gave rise to the refusal, and
- (b) The plans, specifications and other documents in their amended form do not substantially differ from the plan, specification or other documents which were originally submitted.

Yours faithfully


BUILDING CONTROL

BUILDING CONTROL 24



PO Box 20
HERMANUS
7200

16B Paterson Street
HERMANUS
7200

Date: 30 August 23
Enquiries: ROWAN SHIELD

Reference: 43414
Date Submitted: 13 July 2022
Date Meeting: 30 August 2023

Owner: SEGAL M
PO BOX 341
BETTYSBAY

info@stayatfriends.co.za

Dear Sir / Madam,

KLIPFONTEYN : ERF NO 1144 PORTION: PLAN NO: 43414 : ALTERATIONS AND ADDITIONS

The application submitted to Council for the above property has been evaluated and is herewith refused in terms of the relevant legislation.

OWN PLANNING

- COMMENTS AS CORRESPONDED ON 23.09.22 & 21.06.23 STILL NOT ADRESSED.
 1. HEIGHT OF DECK NOT IN ACCORDANCE WITH LAND USE SCHEME .
 2. APPLICATION FOR DEPARTURE AND ADMIN PENALTY APPLICABLE.
 NOTE: DECK NOT SUPPORTED.

For any queries please contact **SCHALK VAN DER MERWE** on svdmerwe@overstrand.gov.za

Please note that you are furthermore advised that in terms of the Act, this application may be submitted anew at no additional cost, within a period not exceeding one year from the date of this notice provided that:

- (a) The plans, specifications and other documents have been amended in respect of any aspect thereof which gave rise to the refusal, and
- (b) The plans, specifications and other documents in their amended form do not substantially differ from the plan, specification or other documents which were originally submitted.

Yours faithfully



BUILDING CONTROL

Gansbaai Administration
Building Plan Department
PO Box 26
GANSBAAI
7220

Tel: (028) 384 8321
Fax: (028) 384 0241
e-mail: mcrafford@overstrand.gov.za



Date: 23 September 2022

Navrae :
Imibuzo :
Enquiries: ROWAN SHIELD

Reference: 43414

SEGAL M
PO BOX 341
BETTYSBAY

Physical Address:
KLIPFONTEYN
SLABBERT STREET 6

Erf No:1144

12/07/2022

info@stayatfriends.co.za

Dear Sir / Madam

BUILDING PLAN APPLICATION FOR ERF 1144 KLIPFONTEYN (PLAN NO.: 43414)

During the building plan meeting dated, 19 September 2022 the following concerns were noted and therefore the plan cannot be approved until the following matters have been resolved.
A final plan inspection will be done for approval.

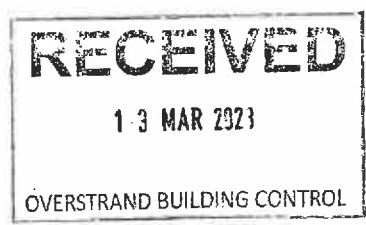
TOWN PLANNING

- 1. PLS HEIGHT OF DECK NOT IN ACCORDANCE WITH LAND USE SCHEME .
- 2. APPLICATION FOR DEPARTURE AND ADMIN PENALTY APPLICABLE.

CONTACT PERSON -SCHALK VAN DER MERWE - 028 313 8900 -SVDMERWE@OVERSTRAND.GOV.ZA

You are welcome to contact the building department should you have any further enquiries.

Regards.



Jan neem 1 stel om nog te teken by HOA.



Chris Peo bring planne wat gestempel deur HOA