



MEETING OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

A G E N D A

**DATE:
VENUE:
TIME:**

**1 APRIL 2021
VIRTUAL
10:00**

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

11 March 2021

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

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

NOTICE IS HEREBY GIVEN that, due to the Covid-19 lockdown, a meeting of the **Municipal Planning Tribunal (MPT)** will go into session by means of a virtual platform on **Thursday, 1 April 2021 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 S Madikane (Member)
4. Mr H Blignaut (Member)
5. Ms R Louw (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. Secretariat

**MUNICIPAL PLANNING TRIBUNAL
(MPT)**

1 April 2021

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 25 February 2021

4. ITEMS FOR CONSIDERATION

4.1 ERF 195, 28 CANTERBURY STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: E & R DE WET

Report attached.

4.2 ERF 4468, 4 CHANTECLAIRE CLOSE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION: MESSRS INTERACTIVE TOWN & REGIONAL PLANNING ON BEHALF OF RI SPARKHAM

Report attached.

4.3 ERF 4177, 2 LAGOON DRIVE, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR AMENDMENT OF THE CONDITIONS OF AN EXISTING APPROVAL AND AMENDMENT OF THE SITE DEVELOPMENT PLAN: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF LA & RM VAN DYK

Report attached.

4.1

**ERF 195, 28 CANTERBURY STREET, WESTCLIFF, HERMANUS, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS: E & R DE WET**

195 HWC (3408)

S van der Merwe

25 November 2020

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) was received on 21 February 2020 from Messrs Pine Pienaar Professional Town Planner on behalf of E and R de Wet for the removal of restrictive title deed conditions A.(a), (b), (c) and (d) as contained in Title Deed No. 40504/2017 applicable to Erf 195, Hermanus in order to accommodate a second dwelling unit on the property, as well as to be in line with the applicable primary rights and development rules as contained in the Overstrand Zoning Scheme Regulations.

The restrictive conditions read as follows:

"A. SUBJECT to the following conditions contained in said Deed of Transfer No 10699/1942, imposed by the Administrator of the Cape Province in approving of the Township being in favour of the registered owner of any erf in the Township and subject to amendment and alteration by the Administrator under the provisions of Section 18(3) of Ordinance No 33 of 1934;

- (a) That this erf be used for residential purposes only;*
- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf;*
- (c) That not more than half the area of this erf be built upon;*
- (d) That no building shall be erected nearer than 4,72 meters of any street line which forms a boundary of this erf. No building shall be situated within 2,36 meters of the lateral boundary common to any adjoining erf."*

A Locality Plan is attached as Annexure A. The Motivation Report from the applicant in support of the application is attached as Annexure B, while the 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

Erf 195 is 674m² in extent and situated in Westcliff, Hermanus. It is zoned Residential Zone 1: Single Residential and is developed with a dwelling unit, a storeroom and an attached illegal second dwelling unit. The second dwelling unit was approved as a storeroom. Although it forms part of the existing outbuilding it does not encroach any building lines. Should the application be approved, a second storey will be added to conform to Building- and Town Planning legislation. The

application is also for the removal of all the clauses that conflicts with the primary rights of the property as set out in the Zoning Scheme Regulations.

NB: It is important to note that the appointed consultant of the land owners who compiled and submitted the application with power of attorney from the landowners, recently passed away, and subsequently the landowners submitted a letter indicating that they personally proceed with the application.

4. SUMMARY OF APPLICANT'S MOTIVATION

Only a summary of the main points of motivation are conveyed as follows (the detailed Motivation Report is attached as Annexure B):

- ❖ It is the owners' intention to rent out the second dwelling unit on a short and/or long-term basis.
- ❖ Most surrounding properties are zoned for residential purposes with some higher density complexes, guest houses and offices.
- ❖ Second dwelling units have become a popular feature in coastal towns where there is a demand for accommodation.
- ❖ The second dwelling unit will add value to the property and will blend in with the existing house and neighbourhood.
- ❖ The purpose of the application is to bring the Title Deed in line with the provisions of the town planning scheme and to prevent conflicting legislation as the conditions are controlled by the Zoning Scheme.
- ❖ The SPLUMA planning principles, except for Good Administration, are not applicable to the application.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	23 September 2020	6 November 2020
Gazette	Yes	25 September 2020	6 November 2020
Notices	Yes	30 September 2020	6 November 2020
Internal Departments	Yes	15 October 2020	6 November 2020
Ward councillor	Yes	15 October 2020	6 November 2020
Total letters of objection	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?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies.			N/A

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

Name	Date received	Summary of comments
Building Department	19/10/2020	No objection. Building plan attached does not comply with NBR. All buildings must comply with NBR and all other applicable law.
Fire Department	23/10/2020	No objection subject to compliance with SANS 10400-A 2016, SANS-T2020 and the By-Law Relating to Community Fire Safety.
Electro Technical Services	26/10/2020	No objection. However, it must be kept in mind that only one electrical connection is allowed to a property. The secondary dwelling must be supplied from the primary dwelling and billing for electricity use to the secondary dwelling must be done by the owner of the property. Electrical capacity on the property is a single phase 60 Amp connection and this capacity must also be divided between the two dwellings.
Telkom	27/10/2020	Attached as Annexure E.
Engineering Services	12/11/2020	Attached as Annexure F.

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 thus 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 second dwelling unit 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 since it can also be utilised as a short-term self-catering unit for tourists.

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

Consistent with the Zoning Scheme and the Spatial Development Framework.

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

The application for removal of restrictions must also be considered in terms of the Western Cape Government: Provincial Support Document: Restrictive Conditions.

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.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

The Title Deed stipulates that the property may only be utilised for residential purposes and has more restrictive building lines and does not allow for second dwelling units. The removal of the condition relating to one (1) dwelling only will have a beneficial financial impact for the landowner since it will be able to either rent out the second dwelling on a long-term basis or a short-term basis to tourists. The value of the property will also increase since the landowner will obtain additional land use rights.

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

The original holder of rights became null and void when the Municipality took over its functions. The Municipality will have no personal benefit with the removal of the restrictions.

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

Should the restrictive conditions be removed from the Title Deed or not, it will have no social benefits.

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

It will only result in the landowners gaining additional land use rights and the Zoning Scheme parameters.

12. THE DESIRABILITY OF THE PROPOSAL

The property is burdened with land use restrictions in the Title Deed and the owner wishes to have the restrictive conditions removed to be in line with the development parameters as set out in the Zoning Scheme, to legalise the existing illegal second dwelling unit and to let the unit out on a short term basis to tourists.

The second dwelling forms part of an existing outbuilding. Should the application be approved, a second storey will be added to conform to Building- and Town Planning legislation. The second dwelling itself does not encroach any building lines. The removal of the relevant restrictive condition A.(b) will not be detrimental to the medium density character of the immediate area or impact on the rights of surrounding property owners. This would further be in line with the Density Policies and would also be in line with the Residential Zoning I: Single Residential zoning status of the property.

Condition A.(a) that the property may solely be used for residential purposes should only be considered for amendment to allow the landowners to rent the second dwelling unit out on a short-term basis to tourists. In this regard it is important to note that the Western Cape Government Support Document: Restrictive Conditions states that the rights of other beneficiaries of restrictive conditions should carefully be assessed and considered. The lack of clear proposals in this regard by the

applicant, therefore makes it impossible to evaluate the complete removal of this restriction. The condition should therefore be amended to read as follows:

“A.(a) That this erf be used for residential purposes only and that only one of the two allowable dwelling units on this erf may be rented out for short-term/self-catering accommodation purposes.”

The previous landowners obtained Town Planning approval on 17 April 2015 for the existing partially covered pergola, a building consisting of a storeroom for garden tools and a servant's quarters that encroach the eastern lateral building line and rear building line of the property. See copy of letter attached as Annexure H and approved building plan as Annexure I. The removal of condition A.(d) regarding restrictive building lines have been applied for and addressed in the motivation and should also be considered for approval. The removal will also ensure that the title deed building lines will not be infringed upon anymore. It is however important to note that the Zoning Scheme does not allow for a second dwelling unit and a staff quarters on a single residential property. The approved staff quarters therefore must be changed to an outbuilding that is non-habitable. A condition to this effect therefore needs to be imposed to ensure compliance with the Zoning Scheme.

Condition A.(c) relates to the property being restricted to a 50% coverage. No application to exceed the 50% coverage forms part of the application and therefore there is no reason for the condition to be removed. The removal of the condition should therefore not be approved.

Three (3) parking bays can be provided satisfactorily on the property.

In general, it can be observed that the development on the property is aesthetically pleasing and the structures are well maintained. It therefore does not impact visually on the users of Canterbury Street.

In view of the above the application can only be supported in the manner as set out in the recommendation.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the removal of restrictive title deed conditions A.(b) and A.(d) as contained in Title Deed T40504/2017 applicable to Erf 195, Hermanus, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions A.(a) and A.(c) as contained in title Deed T40504/2017 applicable to Erf 195, Hermanus, **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that, in terms of Section 16(2)(f) of the By-Law, condition A.(a) as contained in Title Deed T40504/2017 applicable to Erf 195, Hermanus, **be amended** to read as follows:

“A.(a) That this erf be used for residential purposes only and that only one of the two allowable dwelling units on this erf may be rented out for short-

term/self-catering accommodation purposes.”

4. that the decisions in 1 and 3 above be subject to the following conditions:
 - (a) that building plans, together with the endorsed Title Deed, be submitted to the Building Department within sixty (60) days from the final approval of the application and that all requirements of the Building- and Fire Department at that stage be complied with - all buildings on the property must be in compliance with SANS10400 and the National Building Regulations;
 - (b) that the approved staff quarters at the rear of the property be changed to an outbuilding that is non-habitable;
 - (c) that the conditions of Telkom and Engineering Services (attached as Annexures E and F), be complied with;
 - (d) that the three (3) parking bays indicated on the site plan submitted with the application must be provided with a hard surface and must be properly demarcated;
 - (e) that this approval does not absolve the landowner 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.
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 regarding the decisions in 2 and 3 above, as well as the conditions in 4 above.

14. REASONS FOR RECOMMENDATION

Reasons for the approval of the removal of conditions A.(b) and A.(d)

- ❖ The application has followed due procedure and no objections were received from the public.
- ❖ The removal of the conditions will have a beneficial financial impact for the landowners since it will be able to rent out the second dwelling on a long-term basis or a short-term basis to tourists that will subsequently have a positive impact on the value of the property.
- ❖ The removal of condition A.(d) will ensure that the title deed building lines will not be infringed upon anymore.
- ❖ It is in line with the Western Cape Government Support Document: Restrictive Conditions.
- ❖ It is not regarded as being undesirable from a town planning point of view.

Reasons for the refusal of the removal of conditions A.(a) and A.(c) and amendment of condition A.(a)

- ❖ Should condition A.(a) be removed completely it would allow the landowners to have a day care centre, guest rooms and home occupation as additional use rights in terms of the Zoning Scheme. The application lacks clear proposals

regarding the additional rights to be obtained as set out in the Zoning Scheme which makes it unfeasible to evaluate the overall impacts thereof that would ultimately result in non-compliance with the Western Cape Government Support Document: Restrictive Conditions. As a result of the afore-said condition A.(a) must be amended in the manner as set out in paragraph 3. of the above decision to enable the landowners to utilize the second dwelling unit for short term accommodation purposes.

- ❖ No application to exceed the 50% coverage forms part of the application and therefore there is no reason for condition A.(c) to be removed.

15. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Title Deed
Annexure E:	Comment: Telkom
Annexure F:	Services Report
Annexure G:	GIS Aerial
Annexure H:	Town Planning approval of 17 April 2015
Annexure I:	Copy of latest approved building plan.

SIGNATURES

REGISTERED PLANNER:

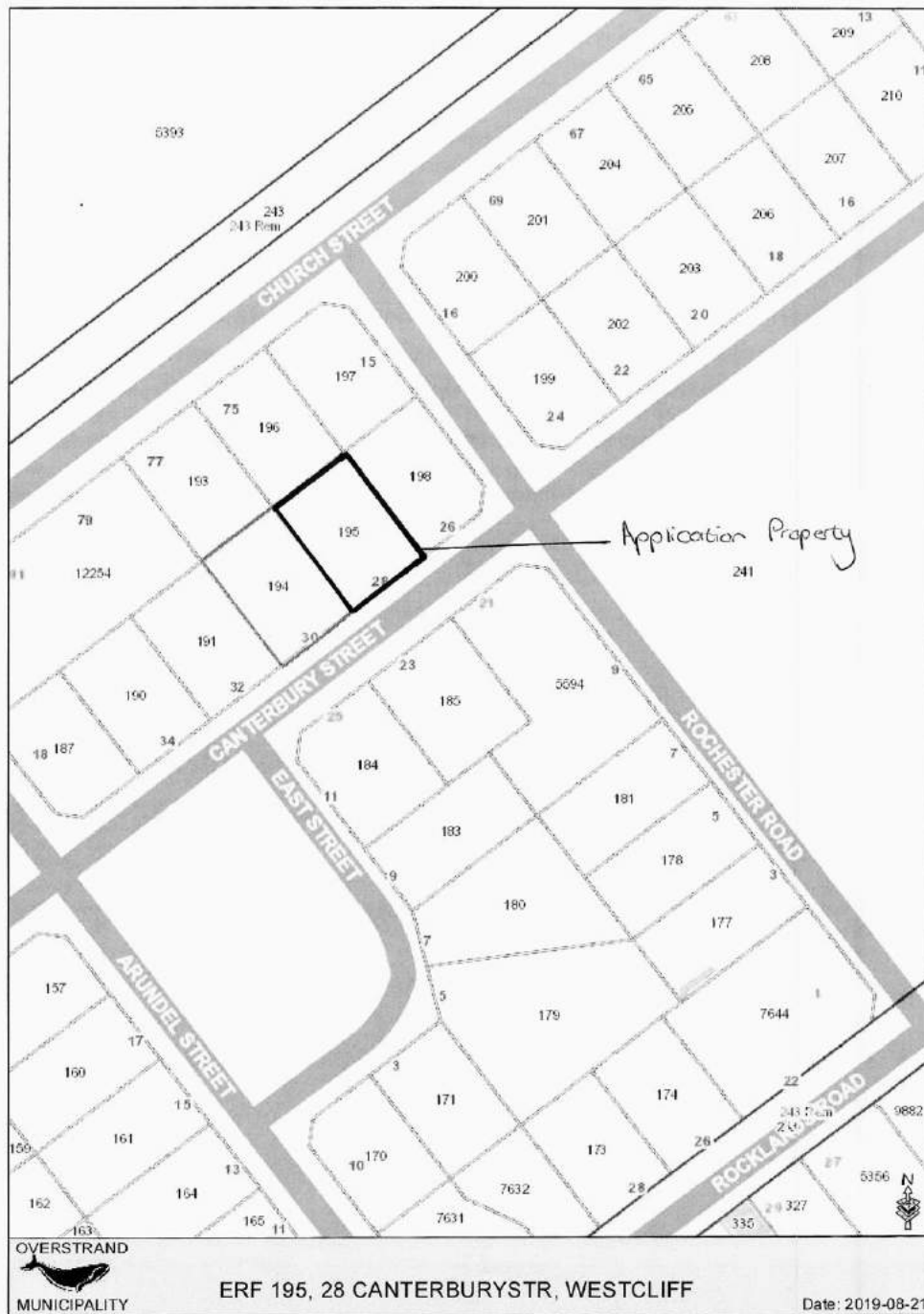
Name: **S VAN DER MERWE**

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

Signature: _____

Date: _____

ANNEXURE A



1.

Proposal:

The property is located at 28 Canterbury Street and is bounded by Erf 198 to the east, Erf 194 to the west, Erf 196 to the north and Canterbury Street to the south, from where direct access is obtained. The objective of the application is to remove certain title deed restrictions which are duplicated in the town planning scheme.

Application is hereby made for the removal of the title restrictions as mentioned later in the report.

Property background:

The subject property is situated in the suburb of Westcliff, and consists of a residential dwelling as well as outbuildings, which the owners intend to convert into a small apartment to rent out.

There is however numerous restrictions registered in the title deeds of the property which will have to be removed, to bring the title conditions in line with the town planning scheme.

The property is excellently situated within walking distance of the cliff path and the central business area of Hermanus and the proposed apartment will therefore be in high demand.

Property details:

Below are some details as contained in the title deed regarding the property and a copy is attached to this report.

PROPERTY DESCRIPTION	APPROX. EXTENT	OWNERSHIP	TITLE DEED NO
Erf 195 Hermanus and is situated in the Overstrand Municipality, District Caledon	674m ²	E.DE WET R. DE WET	T40504/2017

Restrictive title deed conditions:

The following title deed restrictions are applicable to the subject property:

- (a) "That the erf be used for residential purposes only".
- (b) "That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on the erf"
- (c) "That not more than half the area of this erf be built upon"
- (d) "That no building shall be erected nearer than 4.72 meters of any street line which forms a boundary of this erf. No building shall be situated within 2.36 meters of the lateral boundary common to any adjoining erf"

2.

It is therefore proposed that these title deed restrictions be removed from the title deeds of the property, as all these conditions are contained in the town planning scheme and are as such controlled and dealt with by the mentioned scheme. Duplication by the title conditions and a town planning scheme is quite unnecessary.

Zoning of the property:

In terms of the Overstrand Municipal Zoning Scheme 2013 the property is zoned Residential Zone 1 Single Residential (SR1)

The land use parameters associated with this zoning are as follows:

Residential zone 1 Single Residential

Primary use:

Dwelling house, day care centre, guest rooms, home occupation and second dwelling unit.

Consent use:

Crèche, guest house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.

Land use restrictions:

Coverage: 50%

Street building line: 4 meters to any street boundary provided that in the case of a corner site with an average dept of 20m or less has a 3m street building line.

Side and rear building for erven greater than 400m² are 2m. (**Departure was granted by the Municipality on the 17 April 2015 to relax the eastern lateral building line and the rear building line of the property from 2m to 0m in order to legalise the existing maids room, storage room and pergola**)

Height: 8m from the base level to the top of the roof.

Parking and access shall be provided on the land unit in accordance with Section 17 of the Overstrand Municipal Zoning Scheme 2013.

Other studies to be taken into account:

The purpose of this section is to analyse the various spatial planning initiatives and other management legislation. This will ensure that the proposed development does not deviate from the envisaged spatial structure. All other studies have been taken into account and none of them make reference to the removal of restrictions applications.

3.

The following legislations are however worthwhile mentioning as far as this application is concerned.

Spatial Planning and Land Use Management Act of 2013 (SPLUMA):

In terms of Section 42 of the mentioned Act one has to look at the following criteria:

Spatial Justice – not applicable to this application

Spatial sustainability – not applicable to this application

Efficiency – not applicable to this application

Spatial Resilience – not applicable to this application

Good Administration – the purpose of this application is to remove certain restrictive title conditions, in order that there are no duplications as far as the town planning scheme is concerned. This on itself can be considered as good administration which will prevent time delays in the approval of land use applications.

Overstrand Spatial Development Framework:

The objective of the Overberg SDF is to formulate strategic spatially based policy guidelines and proposals to address the needs and growth in the area. The policy also aims to manage the area in a manner that is to the benefit of the environment and the inhabitants of the area. The removal of title restrictions that are duplicated in the town planning scheme are not addressed in the SDF and need therefore not to be discussed.

The Overstrand Municipal Zoning Scheme 2013:

As mentioned previously in the report, all the conditions that must be removed are contained in the town planning scheme as well as the departures granted.

Surrounding properties:

The majority of the surrounding properties are zoned for residential purposes, with some higher density complexes, guest houses and offices.

The attached locality plan will show the erf and surrounding properties.

Desirability and Motivation:

The owners of the property want to convert the existing outbuildings into a self contained dwelling unit, which can be considered as a second dwelling unit in terms of the town planning scheme. The alterations will be in line with the departure already given as far as the rear and side space is concerned. On completion they intend renting the dwelling unit out on a short and or long term basis. The building of such a dwelling unit has become a popular feature in coastal towns where there is always a demand for accommodation. Apart from the need for the additional facility, it is also desirable in the sense that the addition will add to the value of the property and will blend in with the existing house and neighborhood.

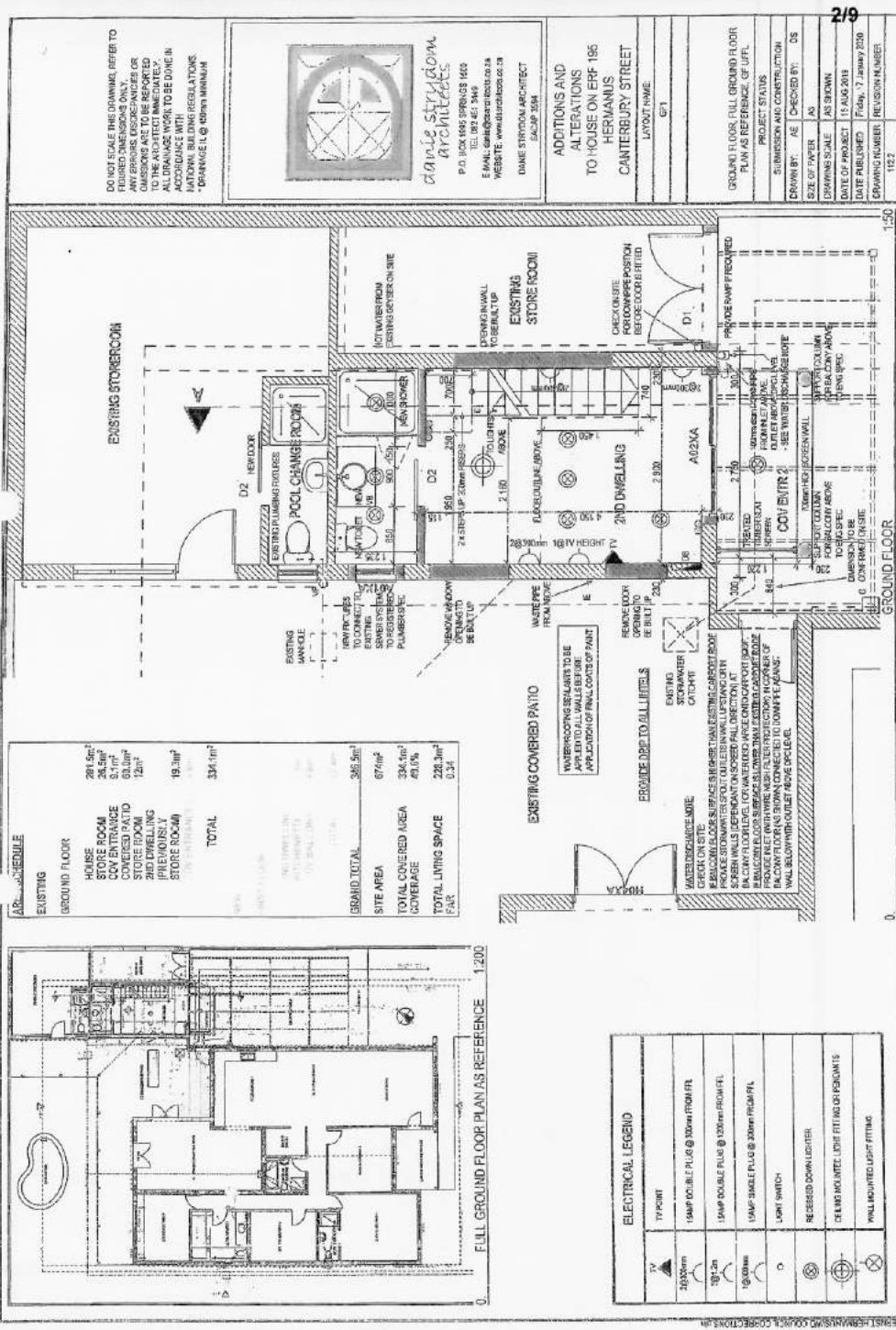
4.

At the time when the mentioned departure was given in terms of the town planning scheme the title deed was not amended accordingly. The sole purpose of this application is therefore to bring the title deed in line with the provisions of the town planning scheme and to prevent conflicting legislation.

Conclusion:

As shown in the report it is necessary to remove the restrictive title conditions from the title deed of the property, in order that all land use aspects are only controlled by the town planning scheme. It is proposed that the following application be approved:

Amendment of the title conditions of Erf 195 Hermanus by removing restrictive conditions (a) to (d) as these aspects are controlled by the Overstrand Zoning Scheme of 2013.



2ND DWELLING BUILDING ORIENTATION:

CLIMATIC ZONE	4
PREFERRED	TRUE NORTH
ACTUAL ORIENTATION	SOUTH EAST

INTERIOR FINISHES:

- ALUMINUM FRAMES AND SLIDING DOORS: SELECTION OF TWO EXTERIOR, THREE GLAZED PANEL DOORS
- ALL INTERIOR AND DOOR INTERIORS TO BE CHESTNUT AND TRANSPARENTLY FINISHED TO MATCH EXISTING
- APPROACHING IT SHALL BEANS MARKS REINFORCING IT APPROPRIATE
- GLASSING TO COMPLY WITH CLAUSE 212.2 OF THE NBS AND SAME IT
- GLASSING SUBJECTS TO MEET REQUIREMENTS OF ALL SURETY REGU-

2ND DWELLING - GLAZING SCHEDULE - GROUND FLOOR			
Climate Zone	Climate Zone 4	Climate Zone 4	Climate Zone 4
ID	ANFA-1 (0A)	ANFA	ANFA
WINDOW	OSCURE GLAZING	OSCURE GLAZING	OSCURE GLAZING
Orientation	SOUTH-WEST	SOUTH-EAST	SOUTH-WEST
Width	600	2 100	1 200
Height	500	2 100	1 350
TOTAL GLAZED AREA	6.54	4.41	1.68
Frame & Glazing	TESTED SYSTEM	TESTED SYSTEM	TESTED SYSTEM
U Value	3.40	3.40	3.40
SHGC Value	1.64	14.99	5.66
CONDUCTANCE	---	---	---
P Value	2.215	8.500	1.165
Q Value	500	500	0
Q Error	1.00	1.00	1.00
Q Error P/N	0.26	3.65	0.08
E Factor	0.78	0.78	0.78
SHGC Value	0.11	0.75	0.78
AGGREGATE SHGC	---	---	---
NET FLOOR AREA	16.77	---	---

2ND DWELLING - GLAZING SCHEDULE - FIRST FLOOR			
Climate Zone	Climate Zone 4	Climate Zone 4	Climate Zone 4
ID	ANFA-2 (0A)	ANFA	ANFA
WINDOW	OSCURE GLAZING	OSCURE GLAZING	OSCURE GLAZING
Orientation	SOUTH-EAST	NORTH-EAST	---
Width	2 100	500	---
Height	2 100	500	---
TOTAL GLAZED AREA	4.41	0.54	---
Frame & Glazing	TESTED SYSTEM	TESTED SYSTEM	---
U Value	3.40	3.40	---
SHGC Value	15.88	1.91	---
CONDUCTANCE	---	---	---
P Value	1.15	1.15	---
Q Value	2 100	500	---
Q Error	1.00	1.00	---
Q Error P/N	0.26	0.13	---
E Factor	0.78	0.78	---
SHGC Value	0.42	0.42	---
AGGREGATE SHGC	---	---	---
NET FLOOR AREA	12.73	---	---

GLAZING - 5% CALCULATION - GROUND FLOOR	
Story	First
Net Floor Area	12.73 sq. m.
Glazed Area	4.96 sq. m.
Percentage	39 %
Max Aggregate SHGC	1.91
Max U Value	3.40
Net Floor Area	12.73 sq. m.
Glazed Area	17.02 sq. m.
Percentage	133 %
Max Aggregate SHGC	1.91
Max U Value	3.40

GLAZING - 5% CALCULATION - FIRST FLOOR	
Story	First
Net Floor Area	12.73 sq. m.
Glazed Area	4.96 sq. m.
Percentage	39 %
Max Aggregate SHGC	1.91
Max U Value	3.40
Net Floor Area	12.73 sq. m.
Glazed Area	17.02 sq. m.
Percentage	133 %
Max Aggregate SHGC	1.91
Max U Value	3.40

STANDARD NOTES:

1. ALL GLAZING SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS & BUILDING STANDARDS ACT 1990 AND THE NATIONAL BUILDING REGULATIONS & BUILDING STANDARDS ACT 1990 (AS AMENDED).

2. ALL GLAZING SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS & BUILDING STANDARDS ACT 1990 (AS AMENDED).

3. ALL GLAZING SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS & BUILDING STANDARDS ACT 1990 (AS AMENDED).

4. ALL GLAZING SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS & BUILDING STANDARDS ACT 1990 (AS AMENDED).

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30. ALL GLAZING SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS & BUILDING STANDARDS ACT 1990 (AS AMENDED).



DANE STUDIO ARCHITECT
 P.O. BOX 198, 2004/195
 TEL: 081 451 3481
 EMAIL: danestudio@netcom.co.za
 WEBSITE: www.danestudio.co.za

ALTERATIONS AND ADDITIONS TO HOUSE ON ERF 195 HERMANUS CANTERBURY STREET

LAYOUT NAME: SN1204/2

STUDIO GLAZING SCHEDULE: STUDIO PREP AREA GLAZING SCHEDULE

8/9

DATE PUBLISHED: 17 JAN 2020
 DRAWING NUMBER: 112.8

WEST BERKSHIRE COUNTY CORRECTIONS INC.

ANNEXURE D 1/4

10

BILL TOLKEN HENDRIKSE INC.
1 SAREL CILLIERS STREET
BELLVILLE
TEL: (021) 944 3000

Prepared by me



CONVEYANCER
MARTINA TOMÉ

Sec endorsement		Office fee
Amount		
R. 1300 000,00		R. 1080,00
R.		R.
Exempt i.e.o		
Est.	section	Act.

T 000040504 / 2017

DEED OF TRANSFER

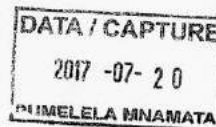
BE IT HEREBY MADE KNOWN THAT:

~~GABRIEL GIDEON CILLIE~~ PETRUS JOHANNES CILLIE

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, he/she, the said
Appearer, being duly authorised thereto by a Power of Attorney granted to him/her by

the trustees of the time being of the
MALAN GOEDGEDACHT FAMILY TRUST
Registration Number IT020541/2014

dated 6 June 2017 and signed at PRETORIA



AND the said Appearer declared that his/her principal the said trustees of the time being of the **MALAN GOEDGEDACHT FAMILY TRUST** had on **21 May 2017** truly and legally sold and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

1. **ERNST DE WET**
Identity Number 590521 5068 08 6
Married out of community of property
2. **RENÉ DE WET**
Identity Number 630530 0065 08 0
Married out of community of property

their heirs, executors, administrators or assigns in full and free property:

**ERF 195 HERMANUS
IN THE OVERSTRAND MUNICIPALITY
DIVISION CALEDON
PROVINCE OF THE WESTERN CAPE**

IN EXTENT: 674 (SIX HUNDRED AND SEVENTY FOUR) SQUARE METRES

FIRST TRANSFERRED by Deed of Transfer No. T10699/1942 with diagram relating thereto and **Held by Deed of Transfer No. T55951/2014**

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. SUBJECT to the following conditions contained in said Deed of Transfer No 10699/1942, imposed by the Administrator of the Cape Province in approving of the Township being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18 (3) of Ordinance No 33 of 1934;
 - (a) That this erf be used for residential purposes only;
 - (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf;
 - (c) That not more than half the area of this erf be built-upon; 50%
 - (d) That no building shall be erected nearer than 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 meters of the lateral boundary common to any adjoining erf.

AS BEING IN FAVOUR OF THE ADMINISTRATOR

- (e) That this erf be not subdivided except with the consent in writing of the Administrator.

AS BEING IN FAVOUR OF THE MUNICIPALITY OF HERMANUS:

- (f) That the owner of this erf shall be obliged to allow drainage and sewerage of any other erf or even to be conveyed over this erf is deemed necessary by the Municipality and in such manner and in position as may from time to time be reasonable required by the Municipality".

AND SUBJECT to such conditions as are mentioned or referred to in the aforesaid Deed/s.

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

**the trustees of the time being of the
MALAN GOEDGEDACHT FAMILY TRUST**

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

1. **ERNST DE WET, Married out of community of property**
2. **RENÉ DE WET, Married out of community of property**


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 the purchase price of the property hereby transferred to be the sum of **R1,900,000.00 (ONE MILLION NINE HUNDRED THOUSAND RAND).**

M

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

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at **CAPE TOWN** on

14 JUL 2017.


d.d. Signature of Appearer

In my presence:


REGISTRAR OF DEEDS



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Wayleave Office Western Region

Tel: 021 414 5707

Email: WayleavesWR@telkom.co.za

Our Ref.: WWIP_WHMN1340_20

Your Ref.: 195 HWZ

27 October 2020

Attention: Magdaleen Swart
Overstrand Municipality

PLANT AFFECTED – COPPER:

APPLICATION FOR OPENSERVE WAYLEAVE : ERF 195, 28 CANTERBURY STREET, WESTCLIFF, HERMANUS:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS PINE PIENAAR
PROFESSIONAL TOWN PLANNER ON BEHALF OF E & R DE WET.

With reference to your application received **19 October 2020**.

As important cables and other infrastructure are affected, please contact our representative Melt van
As on 021 852 1717/081 363 7873/MeltVA@openserve.co.za **48 hours prior to commencement of
construction work.**

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

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

Approval is granted, subject to the following conditions.

As per sketch attached, Openserve infrastructure **WILL BE AFFECTED**, consequently the conditions below
and on the attached legend will apply.

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

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

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

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

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

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

All Openserve rights remain reserved.

Yours faithfully



For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region



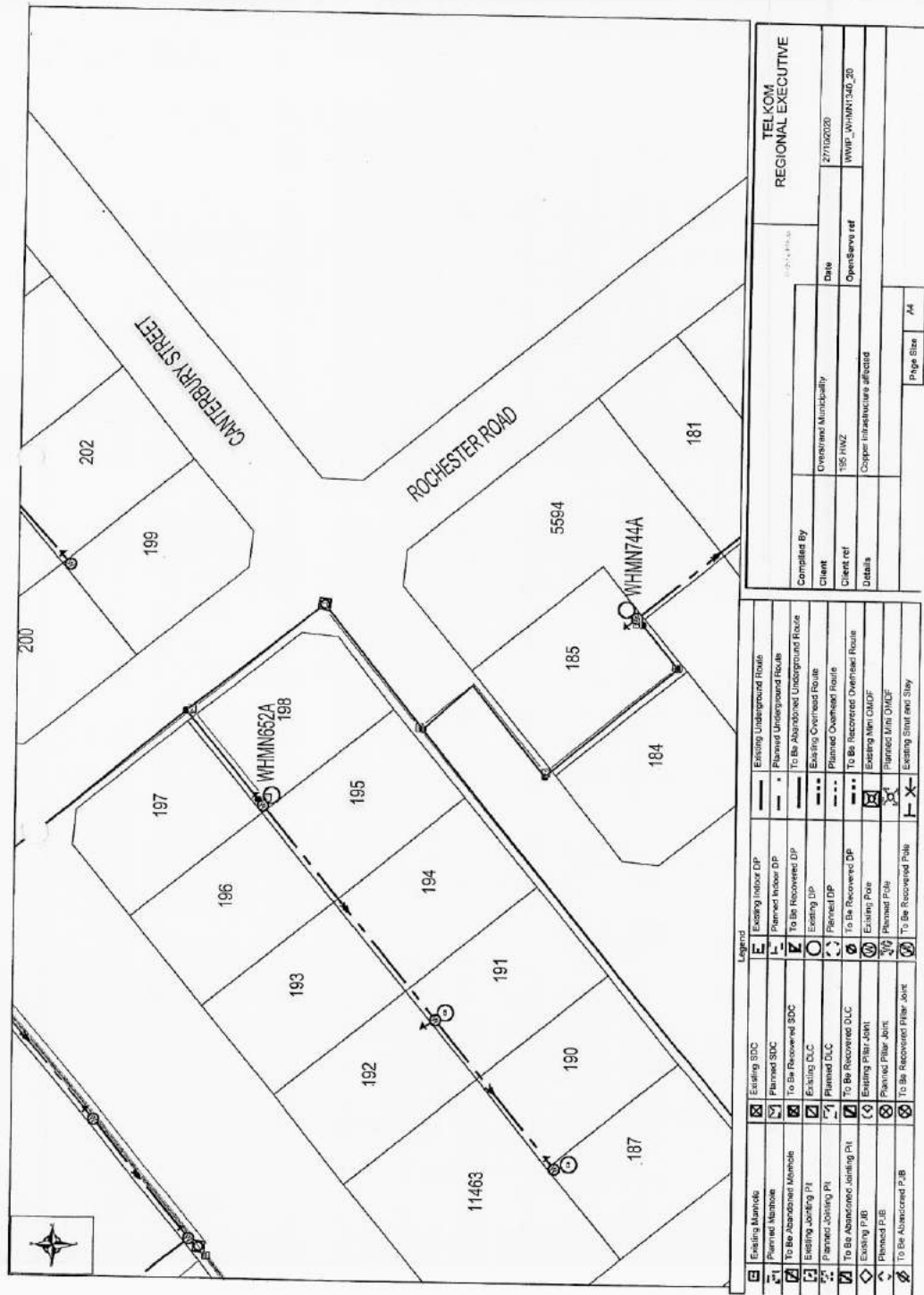
This wayleave, Reference Number **WWIP WHMN1340 20** is valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres of any Openserve plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate. Please contact **Melt van As** at telephone number **081 363 7873** email address **MeltVA@openserve.co.za** at least 48 hours prior to commencement of the work, upon which the actual location of Openserve plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration should the applicant require our plant to be relocated. The cost of such relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Openserve immediately should the applicant locate any Openserve plant which is not indicated on the plans.
5. Should the applicant expose any Openserve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for the damage or loss as a result thereof.

Date: 27 October 2020

Wayleave Management
Western Cape

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



ANNEXURE F

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTIONS: ERF 195,
WESTCLIFF**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that 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 Senior Manager: Operational Services: Hermanus for written approval;
5. that any additional and / or extended vehicle entrances will be for the owner's account;
6. that stormwater be allowed to discharge through Erf 195, Westcliff, unobstructed;
7. that no on-street parking be allowed.

p.p. R. Hendriks
 DENNIS HENDRIKS
 SENIOR MANAGER:
 ENGINEERING SERVICES

12/11/2020
 DATE

ANNEXURE H 1/2

Navrae:
Enquiries: H van der Stoep (Senior Town Planner)
Lêerwysing:
File Reference: 195 HWC (2603)
Datum:
Date: 20 April 2015



TOWN PLANNING / STADSBEPLANNING
HERMANUS

Mr. K. Winter
PO Box 219
ONRUS RIVER
7201

REGISTERED MAIL

Dear Sir

ERF 195, 28 CANTERBURY STREET, HERMANUS, OVERSTRAND MUNICIPAL
AREA : PROPOSED DEPARTURE : L & E BEYERS

With reference to your application regarding the above dated 18 June 2014, it is hereby confirmed that the matter was considered by the Senior Manager : Town Planning on 17 April 2015, and that it was resolved as follows:

RESOLVED :

- "1. that in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a departure from the relevant Scheme Regulations on Erf 195, Hermanus in order to relax the relaxation of the lateral building line from 2,36m to 0m and the rear building line from 2,0m to 0m to legalize the existing maids room, storage room and pergola, be approved, subject to the following conditions:
 - (a) that this approval is only for the relaxation of building lines and existing structures indicated on Plan marked A dated 12 June 2014, which was submitted with the application;
 - (b) that the maids quarters may not be converted and/or used as a second dwelling and that this restriction be noted on the building plan;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and Fire Department be complied with at that stage, and
 - (f) that the owner of Erf 198 be consulted in future on any proposed development on Erf 195.

Tel: 028 3138900
Fax: 028 3132063
E-mail: lorretta@overstrand.gov.za

PO Box 20 / Postbus 20
HERMANUS
7200

2. *that the applicant be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision."*

Your attention is drawn to your right of appeal to the Overstrand Municipality in terms of Section 62 of the Act on Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) within 21 days of date of registration of this letter. It needs to be noted, however, that the Council has resolved that all appeals in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) must be accompanied with a deposit of R2,322.00, which deposit is refundable in total should the appeal be upheld.

Yours faithfully


S MÜLLER
DIRECTOR: INFRASTRUCTURE AND PLANNING

