

OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<p><b>ERF 650, 57 VERMONT AVENUE, VERMONT: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: INTERACTIVE TOWN &amp; REGIONAL PLANNING ON BEHALF OF RC HARTSLIEF</b></p> <p>Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 650, Vermont (the property), namely:</p> <p><b>Removal of a Restrictive Title Deed Conditions</b> Application in terms of Section 16(2)(f) of the By-Law for the removal of a restrictive title deed conditions E.(a), E.(b), E.(c) and E.(d) as contained in Title Deed T21291/2016 of the property to accommodate the land use development and encroachments on the property.</p> <p><b>Departure</b> Application in terms of Section 16(2)(b) of the By-Law to relax the following:</p> <ul style="list-style-type: none"> <li>southern lateral building line from 2m to 1,07m to allow for the closure of a garage door and the construction of an internal wall to accommodate the change of use from garage to second dwelling unit.</li> <li>southern lateral building line from 2m to 0m to accommodate the existing tool shed.</li> <li>northern lateral building line from 2m to 1,35m to accommodate an existing covered stoep on the ground floor and a proposed covered balcony on the first floor.</li> <li>northern lateral building line from 2m to 1,55m to accommodate a proposed dwelling house second story.</li> <li>northern lateral building line from 2m to 0m to allow for an existing braai and associated counters.</li> <li>rear building line from 2m to 0m to allow for the existing tool shed and pergola.</li> <li>street building line from 4m to 0m to allow for an existing braai and associated counters.</li> </ul> <p><b>Determination of an Administrative Penalty</b> Application in terms of Section 16(2)(q) of the By-Law to accommodate the existing building line encroachments and use changes as mentioned above.</p> <p>Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus and on the municipal webpage at the following link <a href="https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/">https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</a></p> <p>Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) <a href="mailto:landuse@overstrand.gov.za">landuse@overstrand.gov.za</a>) on or before <b>17 July 2026</b>, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the <b>Town Planner, Mr. H. Olivier</b> at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments.</p> <p><i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i></p>	<p><b>ERF 650, VERMONTLAAN 57, VERMONT: AANSOEK OM OPHEFFING VAN BEPERKENDE TITELAKTEVOORWAARDES, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: INTERACTIVE STADS- EN STREEKBEPLANNING NAMENS RC HARTSLIEF</b></p> <p>Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 650, Vermont (die eiendom), naamlik:</p> <p><b>Opheffing van 'n Beperkende Titelaktevoorwaardes</b> Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van 'n beperkende titelaktevoorwaardes E.(a), E.(b), E.(c) and E.(d) soos vervat in Titelakte T21291/2016 van die eiendom om die grondgebruikontwikkeling en oorskredings op die eiendom te akkommodeer.</p> <p><b>Afwyking</b> Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die volgende te verslap:</p> <ul style="list-style-type: none"> <li>suidelike syboulyn vanaf 2m tot 1,07m om voorsiening te maak vir die toemaak van 'n motorhuisdeur en die konstruksie van 'n binnemuur om die gebruiksverandering van die bestaande motorhuis na 'n tweede wooneenheid te akkommodeer.</li> <li>suidelike syboulyn vanaf 2m tot 0m om die bestaande gereedskapskuur te akkommodeer.</li> <li>noordelike syboulyn vanaf 2m tot 1,35m om 'n bestaande onderdak stoep op die grondvloer en 'n voorgestelde onderdak balkon op die eerste verdieping te akkommodeer.</li> <li>noordelike syboulyn vanaf 2m tot 1,55m om 'n voorgestelde woonhuis tweede verdieping te akkommodeer.</li> <li>noordelike syboulyn vanaf 2m tot 0m om voorsiening te maak vir 'n bestaande braai en gepaardgaande toonbanke.</li> <li>agterboulyn vanaf 2m tot 0m om voorsiening te maak vir die bestaande gereedskapskuur en pergola.</li> <li>straatboulyn vanaf 4m tot 0m om voorsiening te maak vir 'n bestaande braai en gepaardgaande toonbanke.</li> </ul> <p><b>Bepaling van 'n Administratiewe Boete</b> Aansoek ingevolge Artikel 16(2)(q) van die Verordening om die bestaande boulynnoorskrydings en gebruiksveranderinge soos hierbo genoem te akkommodeer.</p> <p>Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus en op die munisipale webtuiste by die volgende skakel <a href="https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/">https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</a></p> <p>Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) <a href="mailto:landuse@overstrand.gov.za">landuse@overstrand.gov.za</a>) voor of op <b>17 Julie 2026</b>, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die <b>Stadsbeplanner, Mnr. H. Olivier</b> by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.</p> <p><i>U aandag word gevestig op die Bepalinge van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i></p>	<p><b>ISIZA 650, 57 VERMONT AVENUE, VERMONT: ISICELO SOKUSUSWA KWEMIQATHANGO ENEZITHINTELO KWITAYITILE, UKUNYENISWA NOKUGQITYWA KWESOHLWAYO: ABAKWA-INTERACTIVE TOWN &amp; REGIONAL PLANNING EGAMENI LIKA-RC HARTSLIEF</b></p> <p>Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho ka-2020 Ohlonyelweyo woMasipala waseOverstrand ongokuSetyenziswa nokuCetywa koMhlaba kaMasipala (uMthetho kaMasipala) ukuba kufunyenwe ezi zicelo zilandelayo zimalunga neSiza 650 eVermont (ipropathi), ukuba:</p> <p><b>Kususwe Umqathango Onesithintelo Kwitayitile</b> Isicelo ngokumayela neCandelo 16(2)(f) loMthetho kaMasipala ukuba kususwe imiqathango enezithintelo kwitayitile, imiqathango E.(a), E.(b), E.(c) noE.(d) njengoko iqulathwe kwitayitile T21291/2016 yepropathi ukulungiselela ukusetyenziswa komhlaba ukuze kuphuhlise kunye nokudlula kwimida yepropathi.</p> <p><b>Ukunyeniswa</b> Isicelo ngokumayela neCandelo 16(2)(b) loMthetho kaMasipala ukuze kunyeniswe oku kulandelayo:</p> <ul style="list-style-type: none"> <li>umgca wesakhiwo okwicala elingasemzantsi ukusuka ku-2m ukuya ku-1,07m ukuze kuvunyelwe ukuvalwa komnyango wegarraji nokwakhiwa kodonga lwangaphakathi ukulungiselela ukutshintshwa kwegaraji ukuze ibe yindlu yokuhlala yesibini.</li> <li>umgca wesakhiwo okwicala elingasemzantsi ukusuka ku-2m ukuya ku-0m ukulungiselela indawo yokugcina izixhobo esele ikhona.</li> <li>umgca wesakhiwo okwicala elingasemntla ukusuka ku-2m ukuya ku-1,35m ukulungiselela iveranda enophahla esele ikhona kumgangatho osezantsi kunye nebhalkhoni kumgangatho opehzu.</li> <li>umgca wesakhiwo okwicala elingasemntla ukusuka ku-2m ukuya ku-1,55m ukulungiselela indlu yesibini enemigangatho emibini.</li> <li>umgca wesakhiwo okwicala elingasemntla ukusuka ku-2m ukuya ku-0m ukulungiselela indawo yokoja neekhawuntara ezihamba nayo.</li> <li>umgca wesakhiwo okwicala elingasemntla ukusuka ku-2m ukuya ku-0m ukulungiselela indawo yokugcina izixhobo neveranda enophahla.</li> <li>umgca wesakhiwo okwicala elingasemntla ukusuka ku-4m ukuya ku-0m ukulungiselela indawo yokoja neekhawuntara ezihamba nayo.</li> </ul> <p><b>Ukugqitywa Kwesohlwayo</b> Isicelo ngokumayela neCandelo 16(2)(q) loMthetho kaMasipala ukulungiselela ukudlula kumgca wesakhiwo okuselele kukho noshintsho kwindlela osetyenziswa ngayo umhlaba njengoko kuchazwe ngasentla.</p> <p>Iinkcukacha ezipheleleyo mayela noku kucetywayo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko 08:00 no 16:30 kwiSebe: Town and Spatial Planning, 16 Paterson Street, Hermanus nakwiwebhusayithi kamasipala luke linki ilandelayo <a href="https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/">https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/</a></p> <p>Naziphi na izimvo zimele zibhalwe zize zingeniswe kuMasipala (16 Paterson Street, Hermanus / (e) <a href="mailto:landuse@overstrand.gov.za">landuse@overstrand.gov.za</a>) ngaphambi okanye ingadlulanga <b>17 Julayi 2026</b>, ubhale igama lakho, idilesi yakho neenkukacha zozhagamshelwano, umdla wakho kwisicelo nezizathu zokuhlola kwakho. Imibuzo ngefowuni ingabhekiswa ku<b>Town Planner, uMnu. H. Olivier</b> ku 028-3138900. UMasipala angangavumi ukwamkela amagabaza okuhlomla afunyenwe emva komhla wokulala. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iSebe: Town and Spatial Planning. Igosa likamasipala liya kumnceda akwazi ukufaka izimvo zakhe.</p> <p><i>Nceda uphawule ukuba ngokumayela noMthetho Wokukhuselwa kweNkazelo yoBuqu (POPIA), uza kungena kwinkqubo yokuthatha inxaxheba kaluntu ibe ngenxa yoko uyavuma ukuba igama, ifani yakho, iinkcukacha zakho zozhagamshelwano namagabaza akho angadizwa / asetyenziswa kwinkqubo (yokufaka isicelo).</i></p>
<p>Dr DGI O'Neill  <b>Municipal Manager / Munisipale Bestuurder / Umphathi Kamasipala</b>          PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200</p> <p style="text-align: right;">Notice no. / Kennisgewing nr. / Inathisi yeNomb: <b>125/2026</b></p>		



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox Contributors, and the GIS User Community



Locality Map

Erf 650, 57 Vermont Avenue, Vermont

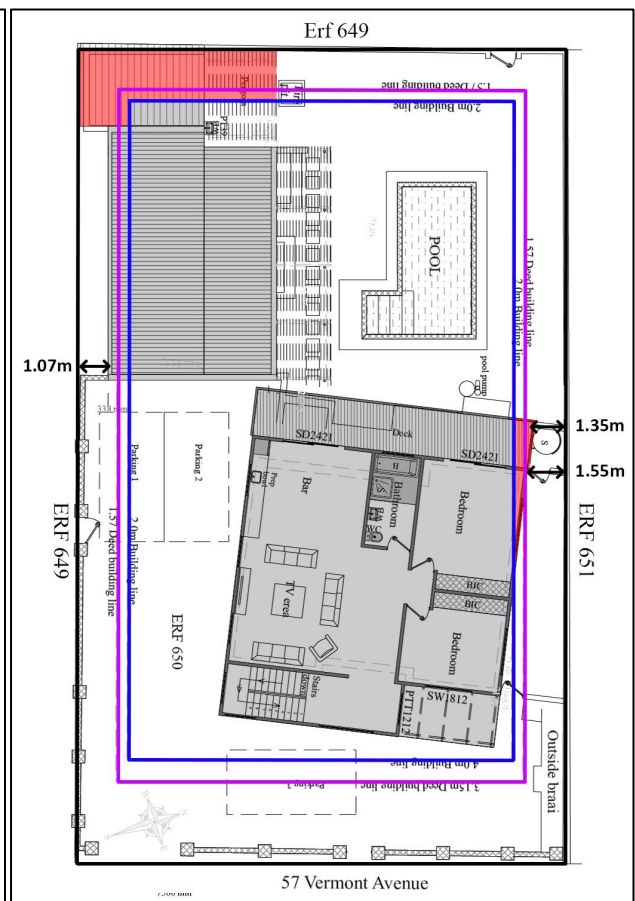
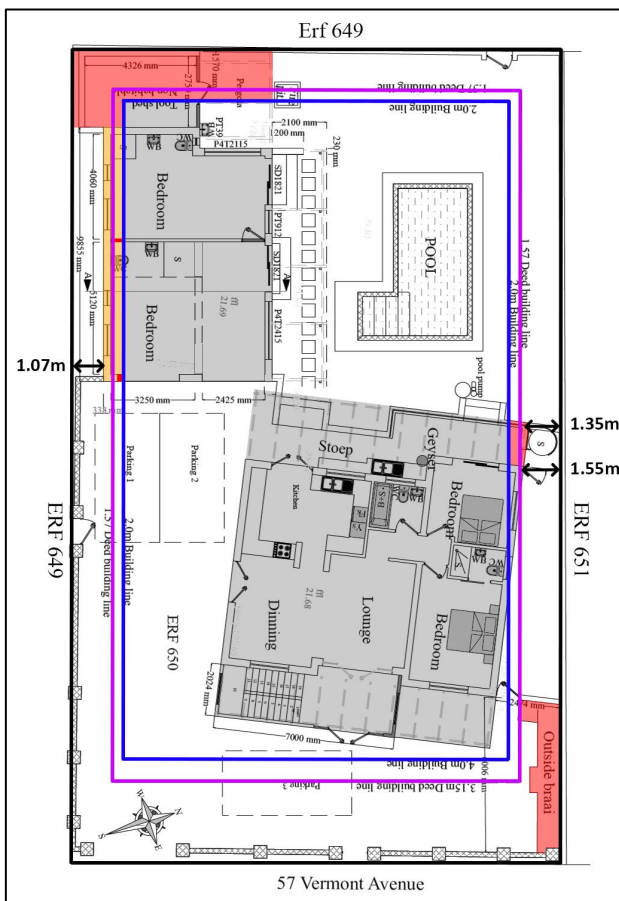
Date: 2026/04/01



# ERF 650 VERMONT, HERMANUS

2 Sepia Avenue

**Building line departures, removal of restrictive title deed conditions and the determination of an administrative penalty application**



**Andre Wiehahn** Pr Pln A/927/1996  
B Art et Sc (Town and Regional Planning)  
Cell phone: 082 466 0490  
E-mail: info@iatrp.co.za

**April 2026**

## Table of Contents

1.	Introduction .....	1
a.	Brief .....	1
b.	Background, Development Objective & Application Proposal .....	1
2.	The Application .....	4
a.	Analysis: Title Deed .....	4
b.	Analysis: Development Criteria: .....	5
c.	Definitions .....	5
d.	Application:.....	6
3.	Contextual Site Information.....	7
a.	Property Description .....	7
b.	Location: .....	8
c.	Land Use: .....	9
d.	Zoning:.....	9
e.	Spatial Planning Policy.....	10
i.	Overstrand Municipal Spatial Development Framework, 2020 .....	10
ii.	Overstrand Municipality Spatial Growth Management Strategy – 2010 (OMSGMS) .....	10
iii.	Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020 (OMEMOZR, 2020).....	11
4.	Motivation .....	12
a.	Introduction and Background.....	12
b.	Proposal.....	12
c.	Planning Principles.....	18
5.	Conclusion.....	20

## Figures

Figure 1: Application illustration .....	2
Figure 2: Extracts of the Surveyor General Plans of the application site.....	7
Figure 3: Locality Plan – Regional Context.....	8
Figure 4: Locality Plan – Local Context .....	8
Figure 5: Arial Image illustrating the residential land-use activities of the application area and surrounding properties .....	9
Figure 6: Extract from the Overstrand Municipality: Online zoning viewer .....	9
Figure 7: Overstrand Municipal Spatial Development Framework, 2020 extract .....	10
Figure 8: Extract from the Overstrand Municipality: Growth Management Strategy .....	10
Figure 9: Application illustration .....	14
Figure 10: Photographs of the structures exceeding building lines .....	15

## **Annexure**

Annexure A: Application form .....	
Annexure B: Power of Attorney.....	
Annexure C: Title Deed .....	
Annexure D: Conveyancer Certificate.....	
Annexure E: SG Diagram.....	
Annexure F: Locality Plans .....	
Annexure G: Zoning map .....	
Annexure H: Land Use Plan .....	
Annexure I: Building Plans .....	
Annexure J: Building Quotations .....	

Notes

# 1. Introduction

**a. Brief**

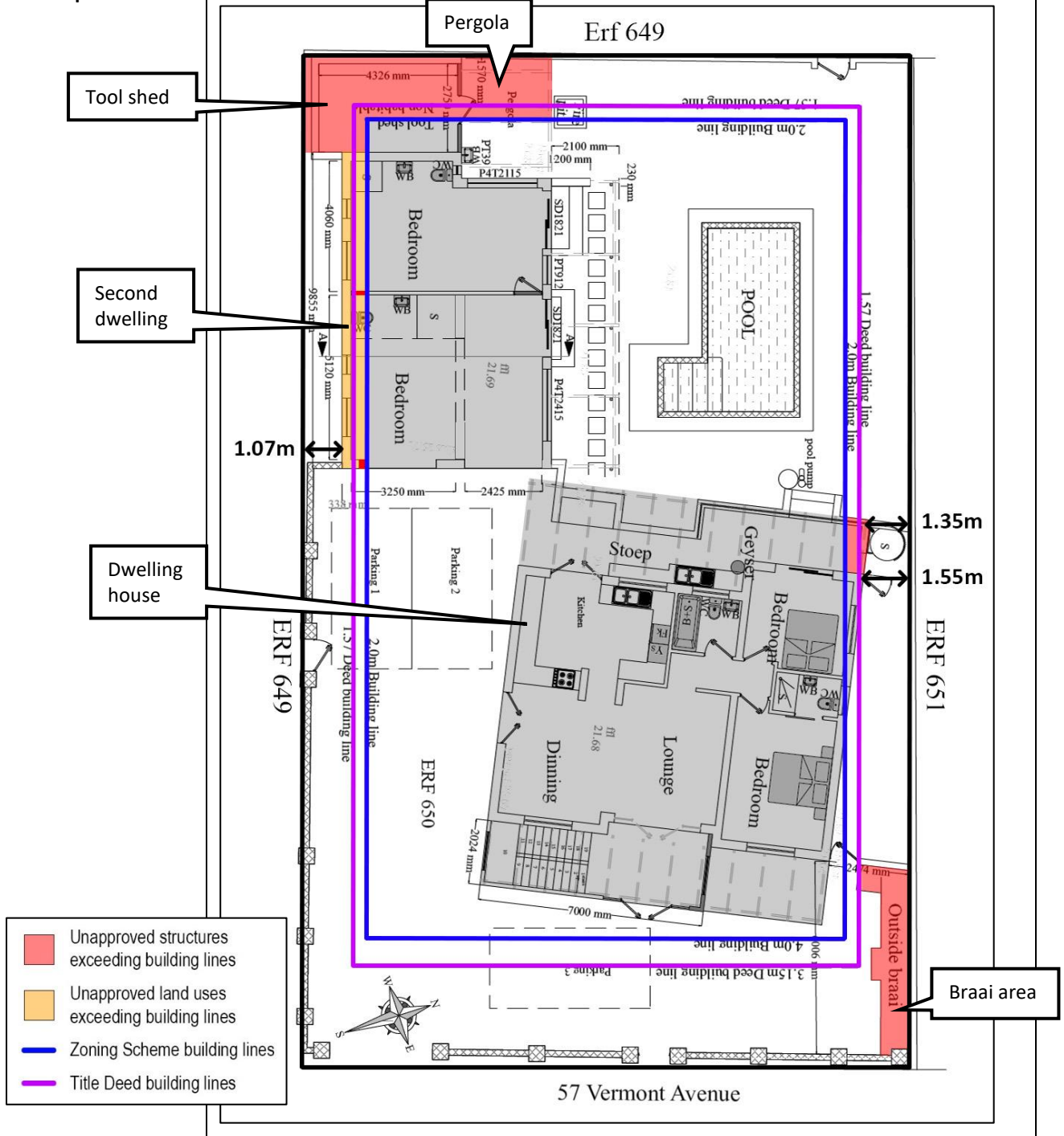
Refer to **Annexure B** for the Power of Attorney.

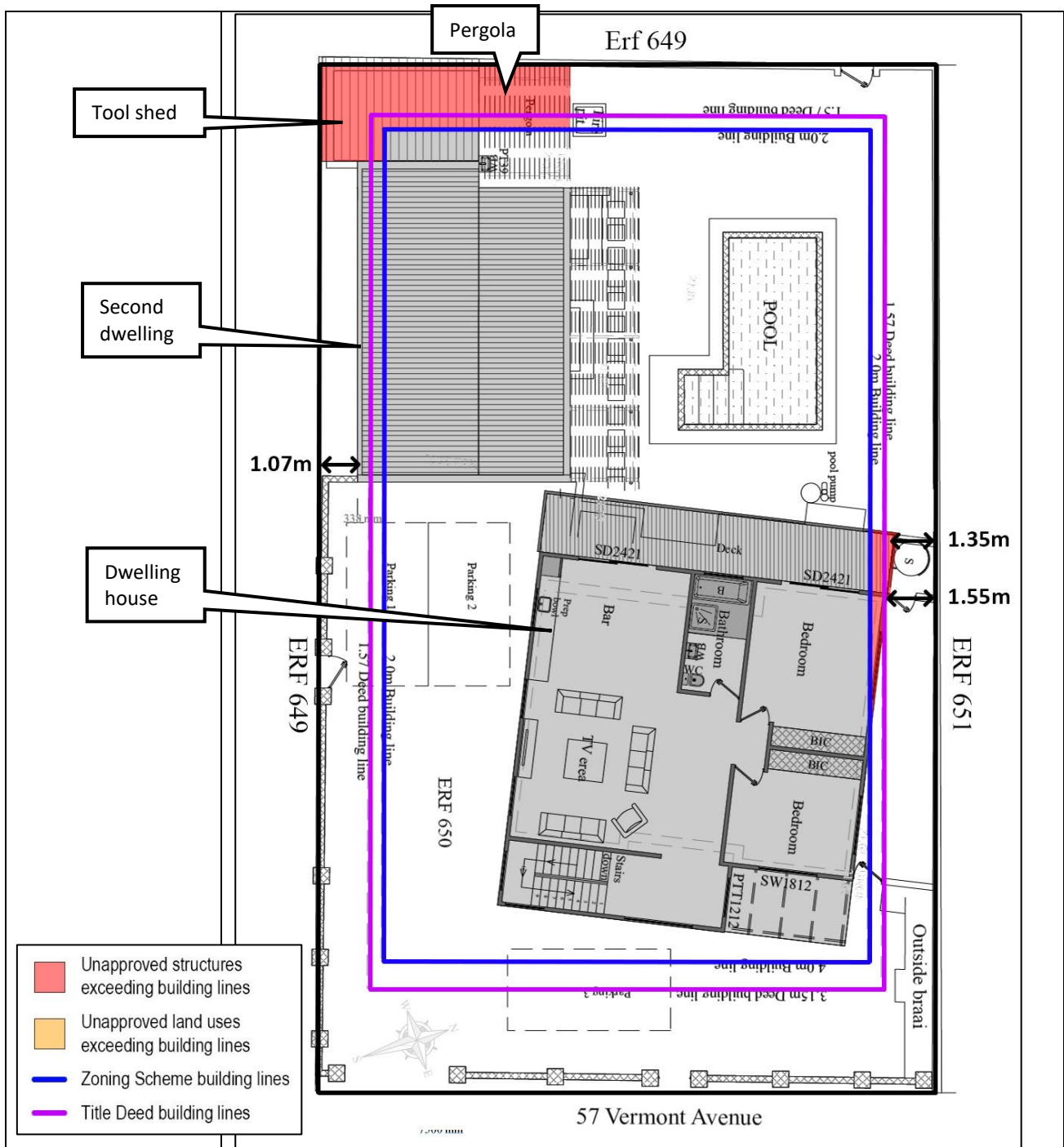
Interactive Town and Regional Planning was appointed by the owners of the property, Rene Cicely Hartsliet, to prepare and submit an application for building line departures on Erf 650, Vermont, the removal of restrictive title deed conditions and the determination of an administrative penalty in terms of the relevant legislation.

**b. Background, Development Objective & Application Proposal**

The application area is located of a single residential zoned property an accommodates an existing dwelling. The existing property includes unapproved structures and land uses.

The application objective is to legalise the existing structures and land uses on the property as well as to allow for a proposed second storey to the existing dwelling house.





**Figure 1: Application illustration**

Subsequently the **application proposal** is for:

- A departure to relax the southern side building line from 2m to:
  - 1.07m to allow for the enclosure of a garage door and the construction of an internal wall as well as the change of land use from garage to a second dwelling unit.
  - 0m to allow for the existing tool shed.

	<ul style="list-style-type: none"><li>• departure to relax the northern side building line from 2m to:<ul style="list-style-type: none"><li>○ 1.35m to allow for an existing covered stoep on the ground floor.</li><li>○ 1.35m to allow for a proposed covered balcony on the first floor.</li><li>○ 1.55m to allow for a proposed dwelling house second story.</li><li>○ 0m to allow for an existing braai and associated counters.</li></ul></li><li>• A departure to relax the rear building line from 2m to:<ul style="list-style-type: none"><li>○ 0m to allow for the existing tool shed and pergola.</li></ul></li><li>• A departure to relax the street building line from 4m to:<ul style="list-style-type: none"><li>○ 0m to allow for an existing braai and associated counters.</li></ul></li><li>• The removal of title deed Conditions E.(a)-(d) from Title Deed T21291/2016.</li><li>• The determination of an administrative penalty to allow for:<ul style="list-style-type: none"><li>○ The existing braai and associated counters exceeding building lines.</li><li>○ The existing covered stoep exceeding a building line.</li><li>○ The existing storage shed exceeding building lines.</li><li>○ The existing pergola exceeding a building line.</li><li>○ The enclosure of a garage door and the construction of an internal wall to create a second dwelling unit exceeding building lines.</li><li>○ The change of land use from garage to second dwelling unit exceeding building lines.</li></ul></li></ul>
--	---

## 2. The Application

**a. Analysis: Title Deed**

The Conveyancer Monica Korf issued a certificate confirming that title deed conditions exist which restricts the proposal on Erf 650 Vermont.

The title deed restrictions from Title Deed T21291/2016 reads as follows:

*“E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. 20005/1952 and imposed in favour of South Western Districts Land and Finance Corporation Limited (referred to as the Transferor Company) and its successors in title as owners of the remainder of the land held by Deed Transfer No 7023 dated 21st August, 1935 reading as follows:*

- (a) Save with the consent of the Transferor Company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property (or any lot, if the property sold comprises more than one lot) be subdivided.*
- (b) No building shall be erected on the said property, unless plans (including one showing siting of proposed buildings) and specifications have been previously submitted and approved by the Transferor Company in writing in addition to the requirements of any local authority in control over the area of the Township.*
- (c) No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever, shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.*
- (d) Unless the permission of the Transferor Company in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property.*

*AFTER the Transferor Company has ceased to be the owner of any property under the said Deed of Transfer No. 7023 of 1935 or of any lot in the Vermont Township under any other Deed of Title, the powers of permission and approval vested in the Transferor Company under the aforesaid conditions (a) to (d) inclusive shall be exercisable by the Local Authority for the time being in control of the area of the Vermont Township.”*

Application is therefore made for the removal of restrictive title deed conditions E.(a)-(d) from Title Deed T21291/2016.

b. Analysis: Development Criteria:	Parameters		Existing Zoning Scheme Requirements:	Proposed	Comments
<p>The development parameters for Erf 650 Vermont, Hermanus as per the Overstrand Zoning Scheme Regulations, 2015, read with the subject title deed are summarised as follows:</p>	<b>Zoning</b>		Residential Zone 1: Single Residential (SR1)	Residential Zone 1: Single Residential (SR1)	Consistent
	<b>Primary Use</b>		Crèche, dwelling house, guest rooms, home occupation, second dwelling unit and self-catering.	Dwelling house, second dwelling unit, self-catering	Consistent
	<b>Consent Uses</b>		Day care centre, green house, guest house, house shop, institution, place of instruction, place of worship, residential building and intensive horticulture.	None	Consistent
	<b>Coverage</b>		50%	26%	Consistent
	<b>Height</b>		8m	7.2m	Consistent
	<b>Building lines</b>	<b>Street</b>	4m	4m <b>0m for the existing braai</b>	<b>Application includes a departure</b>
		<b>Side</b>	2m	2m <b>0m north for the existing braai</b> <b>1.36m north for the existing covered stoep</b> <b>1.36m north for the proposed dwelling second storey covered stoep</b> <b>1.55m north for the existing dwelling house</b> <b>1.55m north for the proposed dwelling second storey</b> <b>0m south for the existing tool shed</b> <b>1.23m south for the existing second dwelling</b>	<b>Application includes departures</b>
		<b>Rear</b>	2m	2m <b>0m rear for the existing tool shed</b> <b>0m rear for the existing pergola</b>	<b>Application includes departures</b>
	<b>Parking</b>		Dwelling house: 2 bays	Dwelling house: 2 bays	Consistent
<b>c. Definitions</b>	<p><b>“dwelling house”</b> means a self-contained, inter-leading group of rooms used for the accommodation and housing of a single family (together with adequate sanitary facilities and a kitchen and such outbuildings as are ordinarily used therewith), provided further that a dwelling house may not have more than two kitchens.</p> <p><b>“second dwelling unit”</b> means a dwelling unit which may, in terms of this land use scheme, be erected on a land unit where a dwelling house is permitted, and such second dwelling unit may be a separate structure or may be contained in the same structure as the dwelling house.</p> <p><b>“self-catering accommodation”</b> means sole occupancy unit(s) for transient guests, consisting of one or more rooms and self-contained public areas, e.g. kitchen, dining area and lounge.</p>				

<p><b>d. Application:</b></p> <p>The application form is attached as <b>Annexure A.</b></p>	<p>Application is subsequently made in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, for:</p> <ul style="list-style-type: none"> <li>• A departure to relax the southern side building line in terms of Chapter IV, Section 16(2)(b) from 2m to: <ul style="list-style-type: none"> <li>○ 1.07m to allow for the enclosure of a garage door and the construction of an internal wall as well as the change of land use from garage to second dwelling unit.</li> <li>○ 0m to allow for the existing tool shed.</li> </ul> </li> <li>• A departure to relax the northern side building line in terms of Chapter IV, Section 16(2)(b) from 2m to: <ul style="list-style-type: none"> <li>○ 1.35m to allow for an existing covered stoep on the ground floor.</li> <li>○ 1.35m to allow for a proposed covered balcony on the first floor.</li> <li>○ 1.55m to allow for a proposed dwelling house second story.</li> <li>○ 0m to allow for an existing braai and associated counters.</li> </ul> </li> <li>• A departure to relax the rear building line in terms of Chapter IV, Section 16(2)(b) from 2m to: <ul style="list-style-type: none"> <li>○ 0m to allow for the existing tool shed and pergola.</li> </ul> </li> <li>• A departure to relax the street building line in terms of Chapter IV, Section 16(2)(b) from 4m to: <ul style="list-style-type: none"> <li>○ 0m to allow for an existing braai and associated counters.</li> </ul> </li> <li>• The removal of title deed Conditions E.(a)-(d) from Title Deed T21291/2016 in terms of Chapter IV, Section 16(2)(f).</li> <li>• The determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) to allow for: <ul style="list-style-type: none"> <li>○ The existing braai and associated counters exceeding building lines.</li> <li>○ The existing covered stoep exceeding a building line.</li> <li>○ The existing storage shed exceeding building lines.</li> <li>○ The existing pergola exceeding a building line.</li> <li>○ The enclosure of a garage door and the construction of an internal wall to create a second dwelling unit exceeding a building line.</li> <li>○ The change of land use from garage to second dwelling unit exceeding a building line.</li> </ul> </li> </ul>
---	---

### 3. Contextual Site Information

a. Property Description	Property	Extent	Title Deed	Registered Owner
	Erf 650 Vermont	595m <sup>2</sup>	T21291/2016	Rene Cicely Hartslief

Refer to **Annexure E** for the SG Diagrams, **Annexure C** for the Title Deed of Erf 650 Vermont.

The following Surveyor General Plans reflect the application site:

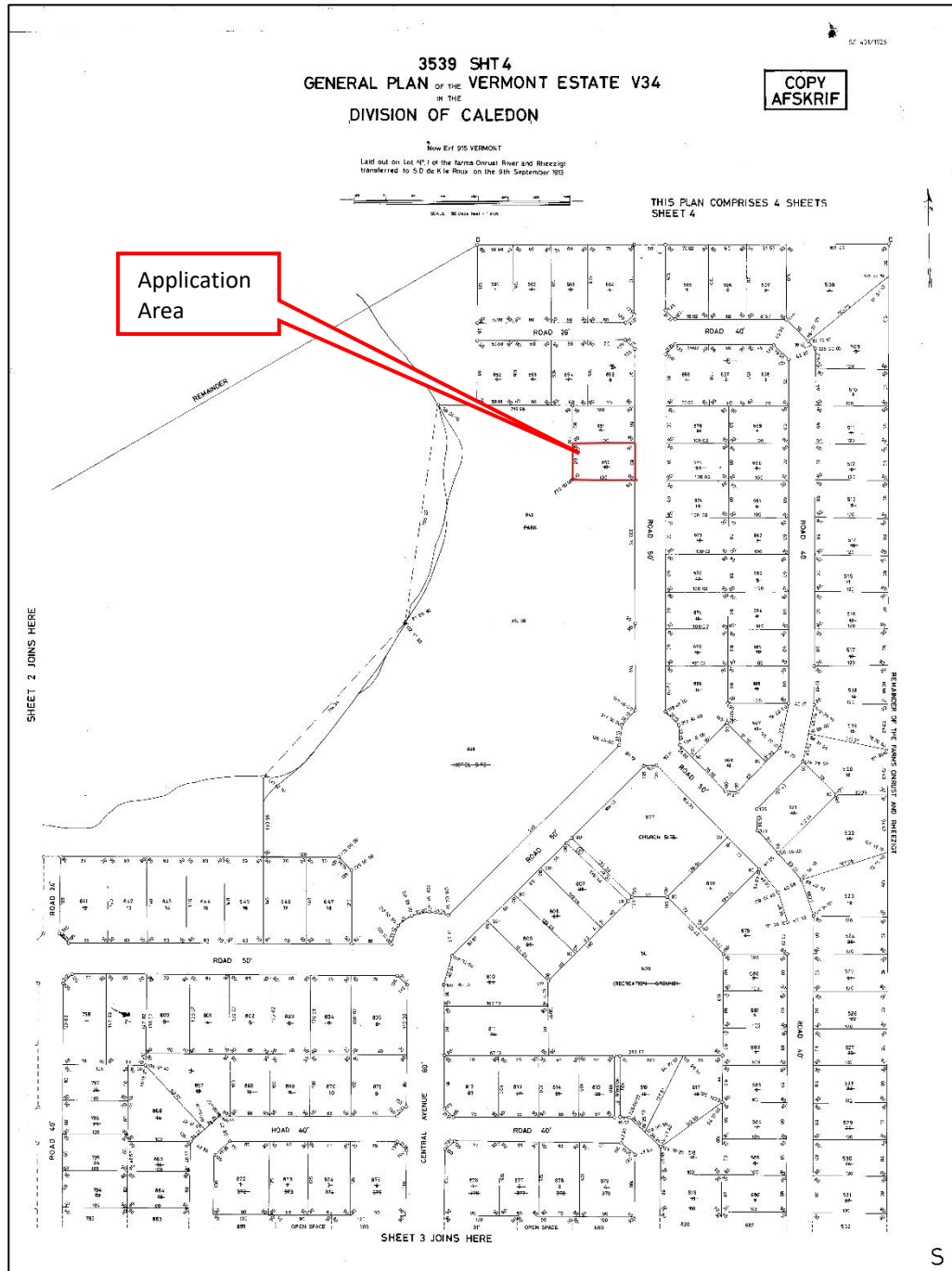


Figure 2: Extracts of the Surveyor General Plans of the application site

**b. Location:**

For the Locality Plans refer to Annexure F.

**Regional Context:**

Within the regional context, the application area is located within the Vermont residential suburb. Vermont is located approximately 7km west of the Hermanus CBD.

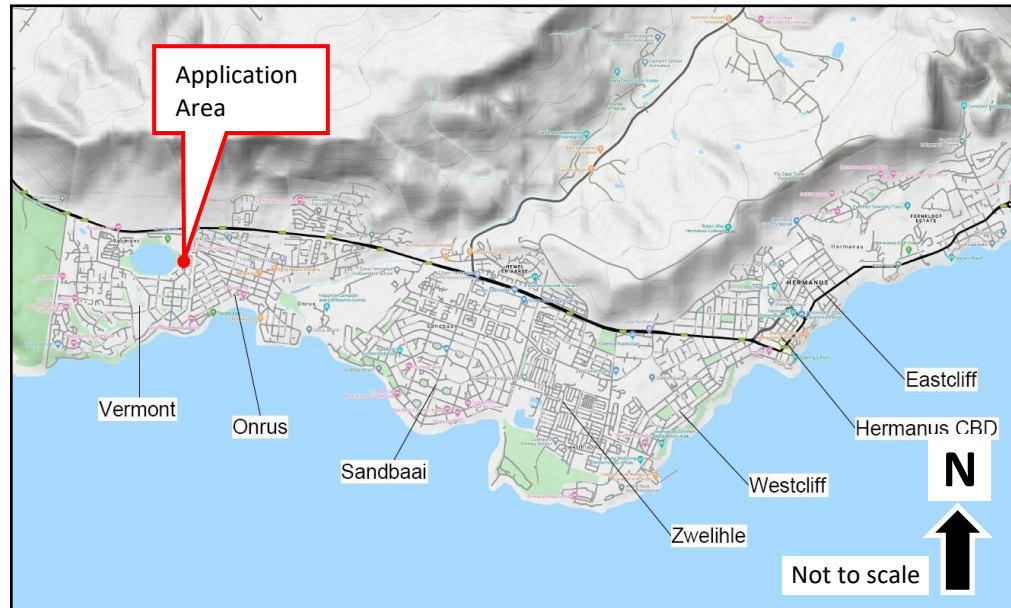


Figure 3: Locality Plan – Regional Context

**Local Context:**

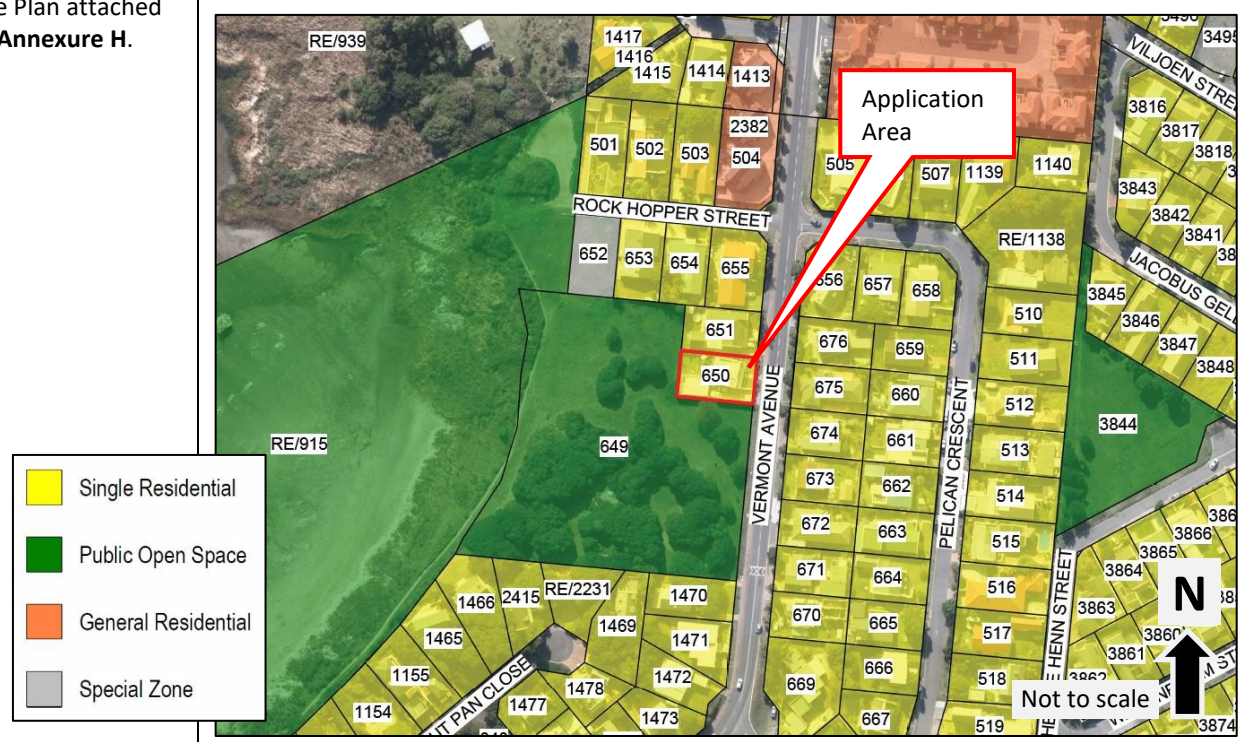
Within the local context the application area accommodates a dwelling house on a residential zoned erf within Vermont that forms part of the larger Hermanus West area. The application area is located at number 57 Vermont Avenue adjacent to the Vermont Salt Pan.



Figure 4: Locality Plan – Local Context

**c. Land Use:** The application area accommodates a dwelling house on the property. The surrounding land-uses consists of single residential and open space land uses. No change in land use is proposed. The application proposal is **consistent** with the land use and character of the area.

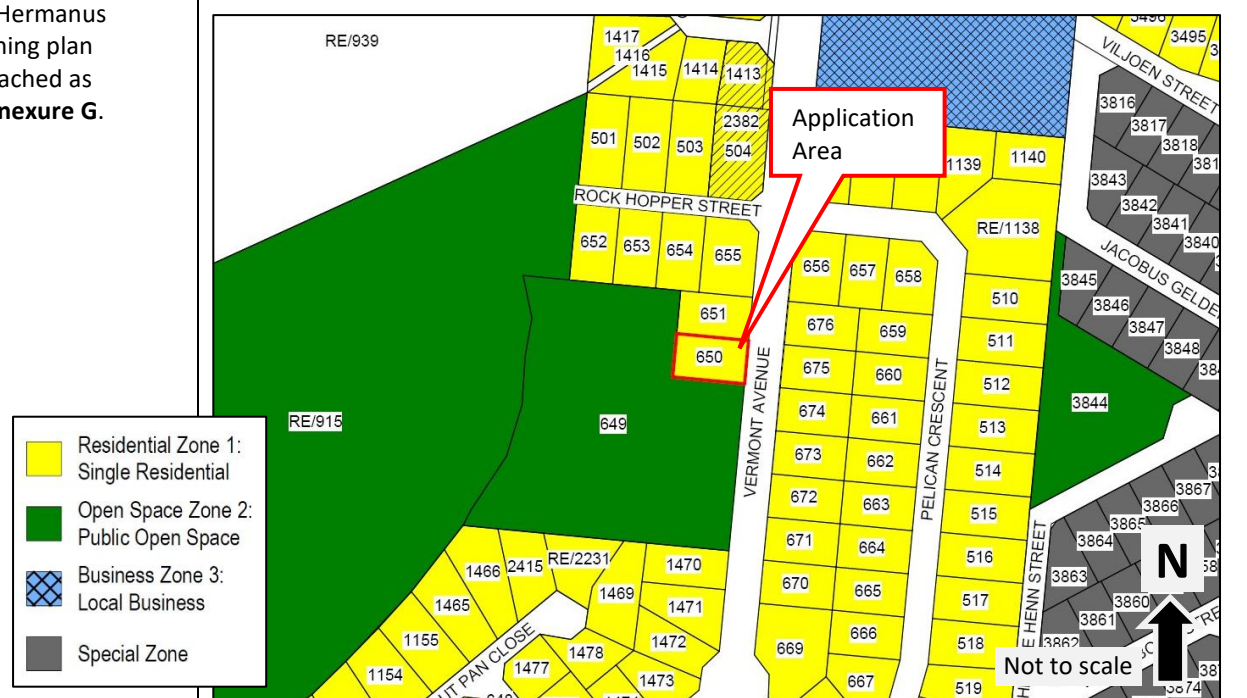
Refer to the Land Use Plan attached as **Annexure H**.



**Figure 5: Aerial Image illustrating the residential land-use activities of the application area and surrounding properties**

**d. Zoning:** The application area, Erf 650, Vermont is zoned Residential Zone 1: Single Residential. The surrounding erven are zoned Residential Zone 1 and Open Space Zone 2: Public Open Space. No change in zoning is proposed. The application proposal is **consistent** with the zoning of the area.

Refer to the Extract of Hermanus Zoning plan attached as **Annexure G**.



**Figure 6: Extract from the Overstrand Municipality: Online zoning viewer**

e. **Spatial Planning Policy** The following policy guidelines from the following relevant policy documents are applicable to the application area.

**i. Overstrand Municipal Spatial Development Framework, 2020**

In terms of the Overstrand Municipal Spatial Development Framework, the application area is within an Urban Development area as well as a Sensitive Development Area. The application area falls within a Category D EMOZ area. The property is already developed and will not have any additional impact on the environment.

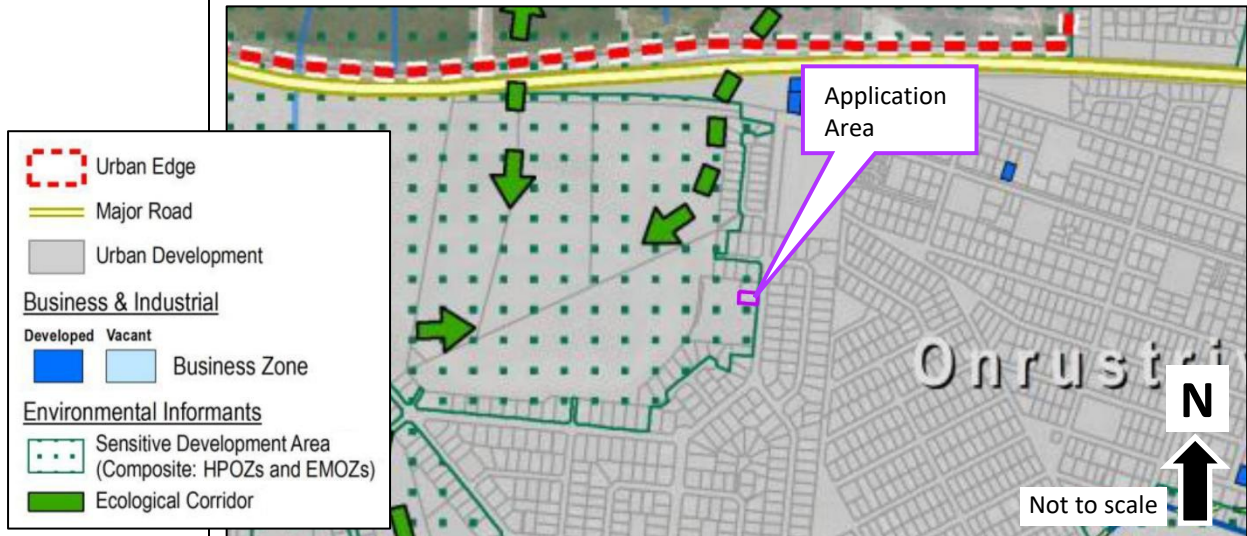


Figure 7: Overstrand Municipal Spatial Development Framework, 2020 extract

**ii. Overstrand Municipality Spatial Growth Management Strategy – 2010 (OMSGMS)**

In terms of the Overstrand Growth Management Strategy, the application area falls within a “No Densification” Zone. The application proposal includes a second dwelling unit, however a second dwelling unit is part of the existing primary zoning land uses. No rezonings or consent uses for additional dwelling units are proposed.

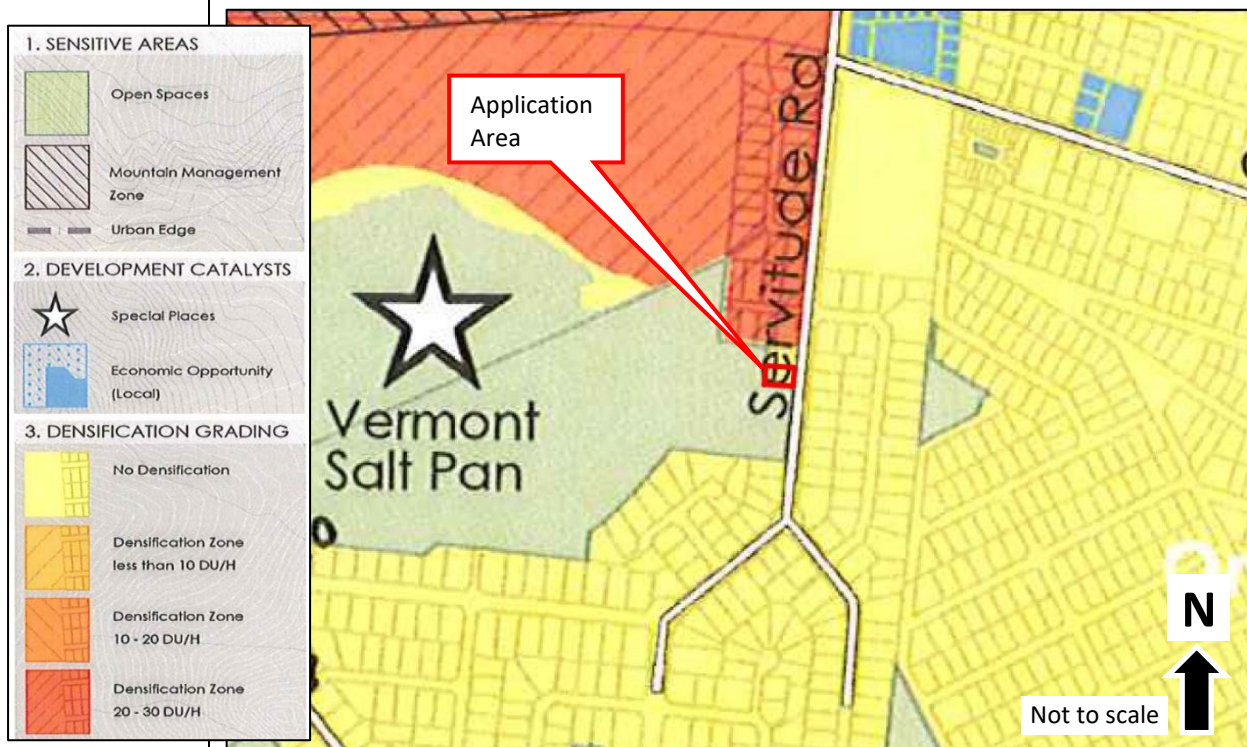


Figure 8: Extract from the Overstrand Municipality: Growth Management Strategy

iii. **Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020 (OMEMOZR, 2020)**

The following extracts applicable to the property in terms of the OMEMOZR, 2020 is considered necessary to take note of.

*“8.5.1. Designation of categories for undeveloped conservation worthy land and adjacent buffer areas:*

*8.5.1.1. Overstrand Municipality may develop an operational management plan for priority Urban Conservation EMOZ properties per residential area, according to the following categories:*

*8.5.1.1.4. Category D: Private Property*

- Private property within priority conservation-worthy ecological corridors from mountain to coast and/or across priority conservation-worthy areas identified in accordance with the Overstrand Environmental Management Framework.*
- In the face of development pressure, the Municipality may, if it deems it necessary, upon receipt of a development proposal or application that does not involve any activities identified under the NEMA listing notices, require that specialist biodiversity and/or other relevant studies be undertaken by the developer/owner in order to inform development planning and retain priority ecological corridors and habitats.”*

The application area is within a Category D EMOZ area however the proposal consists the addition of a second story to an existing dwelling with a relatively small increase in building footprint and is unlikely to impact on the sensitive environment.

**Conclusion:**

The application is therefore considered **consistent** with both the Overstrand Municipal Spatial Development Framework, 2020, the Overstrand Municipality Spatial Growth Management Strategy, 2010 and the Overstrand Municipality Environmental Management Overlay Zone Regulations, 2020.

## 4. Motivation

### Motivation for the application:

Refer to **Annexure K** for the As-built building plan

#### a. Introduction and Background

The application area is located on a single residential zoned property and accommodates an existing dwelling. The existing property includes unapproved structures and land uses.

The title deed of the property includes conditions that restrict the application proposal.

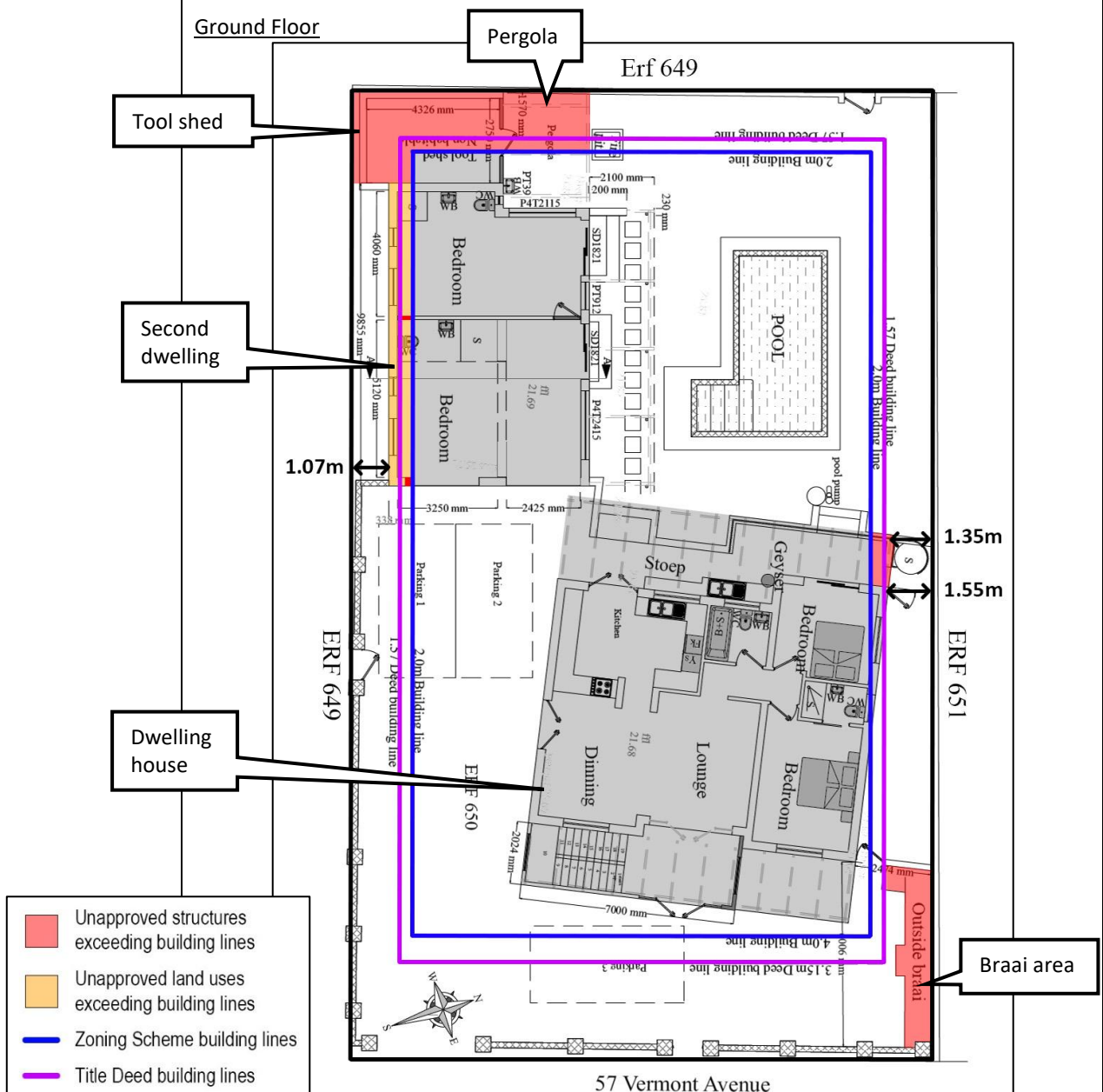
The application objective is to legalise the existing structures and land uses on the property as well as to allow for a proposed second storey to the existing dwelling house.

#### b. Proposal

The application objective is to legalise the existing structures and land uses on the property as well as to allow for a proposed second storey to the existing dwelling house.

Subsequently the **application proposal** involves departures of the southern, northern, rear and street building lines as well as the removal of restrictive title conditions and the determination of an administrative penalty. The building line departures are illustrated in the following sketches:

#### Ground Floor





Dwelling house elevations



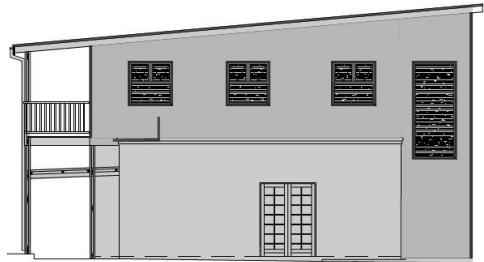
East Elevation



North Elevation



West Elevation

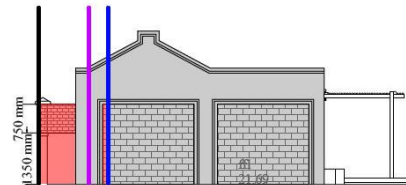


South Elevation

Second dwelling elevations



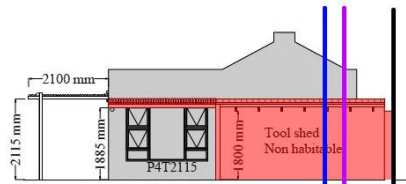
North Elevation



East Elevation



South Elevation



West Elevation

- Unapproved structures exceeding building lines
- Unapproved land uses exceeding building lines
- Zoning Scheme building lines
- Title Deed building lines

**Figure 9: Application illustration**

Photographs

**Dwelling house front**



**Second dwelling front**



Second dwelling side

Tool shed & Pergola



Figure 10: Photographs of the structures exceeding building lines

The Motivation for the building line departures, removal of the restrictive title conditions and the determination of an administrative penalty

Building line departures

Application includes the following building line departures:

- A departure to relax the southern side building line from 2m to:
  - 1.07m to allow for the enclosure of a garage door and the construction of an internal wall as well as the change of land use from garage to second dwelling unit.
  - 0m to allow for the existing tool shed.

The former garage was converted into a second dwelling and a store was built to optimize the usage of the dwelling and use the second dwelling for the purposes of guest rooms for transient guests. A guest room is a primary right in terms of the Overstrand Municipal Planning By-Law, 2020. The use of the property to accommodate guest complements and enhances the need for tourism and the value of the adjacent Vermont Salt Pan in Hermanus.

The structures located on the southern boundary abuts an open space and will subsequently not impact on any adjacent residential uses.

- A departure to relax the northern side building line from 2m to:
  - 1.35m to allow for an existing covered stoep on the ground floor.
  - 1.35m to allow for a proposed covered balcony on the first floor.
  - 1.55m to allow for a proposed dwelling house second story.
  - 0m to allow for an existing braai and associated counters.
- A departure to relax the rear building line from 2m to:
  - 0m to allow for the existing tool shed and pergola.

As with the second dwelling, the toolshed and pergola are also located adjacent to the open space and will accordingly have no impact on the adjacent uses.

- A departure to relax the street building line from 4m to:
  - 0m to allow for an existing braai and associated counters.

This structure was built by a previous owner and being on the street boundary and distant from other residential properties and will be used for normal domestic use. Therefore, it will have no material impact on the adjacent properties.

Conclusion:

The application area borders open space to the south and west and a road to the east, thus only having an immediate adjacent dwelling to the north.

The existing unapproved structures are on the ground floor and does not impact on the views, light or privacy of the neighbouring property.

The addition of the first floor exceeding building lines is on the footprint of the ground floor and is thus the most aesthetic and structurally sound manner to construct the second storey.

The removal of restrictive title deed conditions

Application includes the removal of restrictive title deed conditions.

The title deed restrictions from Title Deed T21291/2016 reads as follows:

*“E. SUBJECT FURTHER to the following conditions contained in Deed of Transfer No. 20005/1952 and imposed in favour of South Western Districts Land and Finance Corporation Limited (referred to as the Transferor Company) and its successors in title as owners of the remainder of the land held by Deed Transfer No 7023 dated 21st August, 1935 reading as follows:*

- (a) Save with the consent of the Transferor Company in writing no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 3,15 metres to the street line which forms a boundary of the said property, and no such building or structure shall be situate within 1,57 metres of the lateral boundary common to any adjoining lot, nor save with the consent aforesaid, may the said property (or any lot, if the property sold comprises more than one lot) be subdivided.*
- (b) No building shall be erected on the said property, unless plans (including one showing siting of proposed buildings) and specifications have been previously submitted and approved by the Transferor Company in writing in addition to the requirements of any local authority in control over the area of the Township.*
- (c) No canteen, hotel, restaurant, shop, factory, industry or any place of business whatsoever, shall be opened or conducted on the said property except with the consent in writing of the Transferor Company.*
- (d) Unless the permission of the Transferor Company in writing be obtained under condition (c) above, the said property shall be used for residential purposes only and only one dwelling together with such outbuildings as are ordinarily required for domestic purposes shall be erected on any one lot, and in particular, subject to any permission granted as aforesaid, no structure of the type commonly known as "flats" shall be erected on the said property.*

*AFTER the Transferor Company has ceased to be the owner of any property under the said Deed of Transfer No. 7023 of 1935 or of any lot in the Vermont Township under any other Deed of Title, the powers of permission and approval vested in the Transferor Company under the aforesaid conditions (a) to (d) inclusive shall be exercisable by the Local Authority for the time being in control of the area of the Vermont Township.”*

The Transferor Company no longer exists and therefore the municipality may consent to the departure of Conditions E.(a)-(d) of Title Deed T21291/2016. The removal is therefore procedural in nature to reflect the change in decision authority to the municipality.

Existing structures exceed the title deed building lines and therefore need to be removed to allow for the existing and proposed structures.

The application proposal includes short term rental accommodation to tourists which could be considered a business and therefore the restriction on business needs to be removed. Tourist accommodation is considered a lower impact business land use and compliant with the primary use of the property.

**“35. Requirements for amendment, suspension or removal of restrictive conditions**

- (4) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:*

(a) *the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;*"

The purpose of the removal of this restriction is to reflect the change of authority of deciding on subdivisions from the Transferor Company to the Municipality.

"(b) *the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*"

Since the application is for a change in procedural requirements, no personal benefits are affected.

"(c) *the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is removed;*"

The removal of the restrictive title deed conditions will allow for existing and proposed structures and land uses.

"(d) *the social benefit of the restrictive condition remaining in place in its existing form;*"

The restrictions remaining in place will keep the character of the area the same.

"(e) *the social benefit of the removal or amendment of the restrictive condition; and*"

The removal of the restrictions does not impact on the community since it is a matter of a change in procedural requirements.

"(f) *whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.*"

Conditions E.(a)-(d) from Title Deed T21291/2016 are proposed to be completely removed, but does not grant any rights and does therefore not affect any rights.

The determination of an administrative penalty

The following information with regards to the administrative penalty is provided as required according to Chapter X, Section 90(3):

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

The contraventions are from 2016 and include the following:

- An existing braai and associated counters exceeding building lines. (6.3m<sup>2</sup>)
- An existing covered stoep exceeding a building line. (1.8m<sup>2</sup>)
- An existing storage shed exceeding building lines. (6.4m<sup>2</sup>)
- Existing pergola exceeding a building line. (5.6m<sup>2</sup>)
- The enclosure of a garage door and the construction of an internal wall to create a second dwelling unit exceeding a building line. (0.6m<sup>2</sup>)
- The change of land use from garage to second dwelling unit exceeding building lines. (9.85m<sup>2</sup>)

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

The contraventions, with the exception of the braai area were done by the existing property owner.

(c) Report by a quantity surveyor in matters of unauthorised building/construction;

Structure exceeding building lines	Quote 1	Quote 2	Average
Braai area	R1500	R1500	R1500
Covered stoep	R680	R800	R740
Shed	R4800	R4000	R4400
Pergola	R1450	R1200	R1325
Second dwelling brickwork	R1600	R1800	R1700

(d) Whether the unlawful conduct was stopped

The structures are still in place and the associated land use as well hence the application for the legalisation of the structures and land use.

(e) Whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law

Besides the contraventions mentioned in this report, we are not aware of any contraventions by the existing owner.

Compliance with the Environmental Management Overlay Zone (EMOZ) regulations

The application area is on the edge of a designated EMOZ Rural Risk Area. The purpose of the Rural Risk Area is to safeguard development areas from floods and erosion and also safeguard the Vermont Salt Pan from pollution and debris especially in the case floods and erosion.

The application area is not a new development and is an existing developed property. The effluent storage area has been approved. The additional existing structures exceeding building lines were erected above existing hard surfaces, thus not impacting on stormwater or permeability. The application proposal is considered consistent with the EMOZ regulations.

Desirability

The application proposal is considered desirable for the following reasons:

- The existing unapproved structures, land uses and proposed additions improves the functionality of the application area.
- The existing unapproved structures and land uses are all on the ground floor and does not have an impact on the privacy, views or light of the neighbouring property.
- The application proposal is considered compatible with the character of the area.

**c. Planning Principles**

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

**Possible results of the development**

The proposal will not contribute to perpetuation of past apartheid spatial development imbalances since application only relates to amendments and additions on an existing single residential property.

The application proposal is **consistent** with **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

**Possible results of the development**

The proposal relates to amendments and additions of a single residential property, therefore no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas will occur.

The application proposal can thus be deemed to be **spatially sustainable**.

- 3) **Spatial Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

	<p><b>Possible results of the development</b>  The application proposal includes densification in the form of the addition of a second dwelling unit thus improving spatial efficiency.</p> <p>The application proposal is <b>consistent</b> with the <b>efficiency principle</b>.</p> <p>4) <b>Spatial Resilience</b> which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.</p> <p><b>Possible results of the development</b>  The proposal amendments and additions on a single residential property and will not have an impact on spatial resilience.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>spatial resilience</b>.</p> <p>5) <b>Good Administration</b> which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.</p> <p><b>Possible results of the development</b>  Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.</p> <p>The application proposal is <b>consistent</b> with the principle of <b>good administration</b>.</p>
--	---

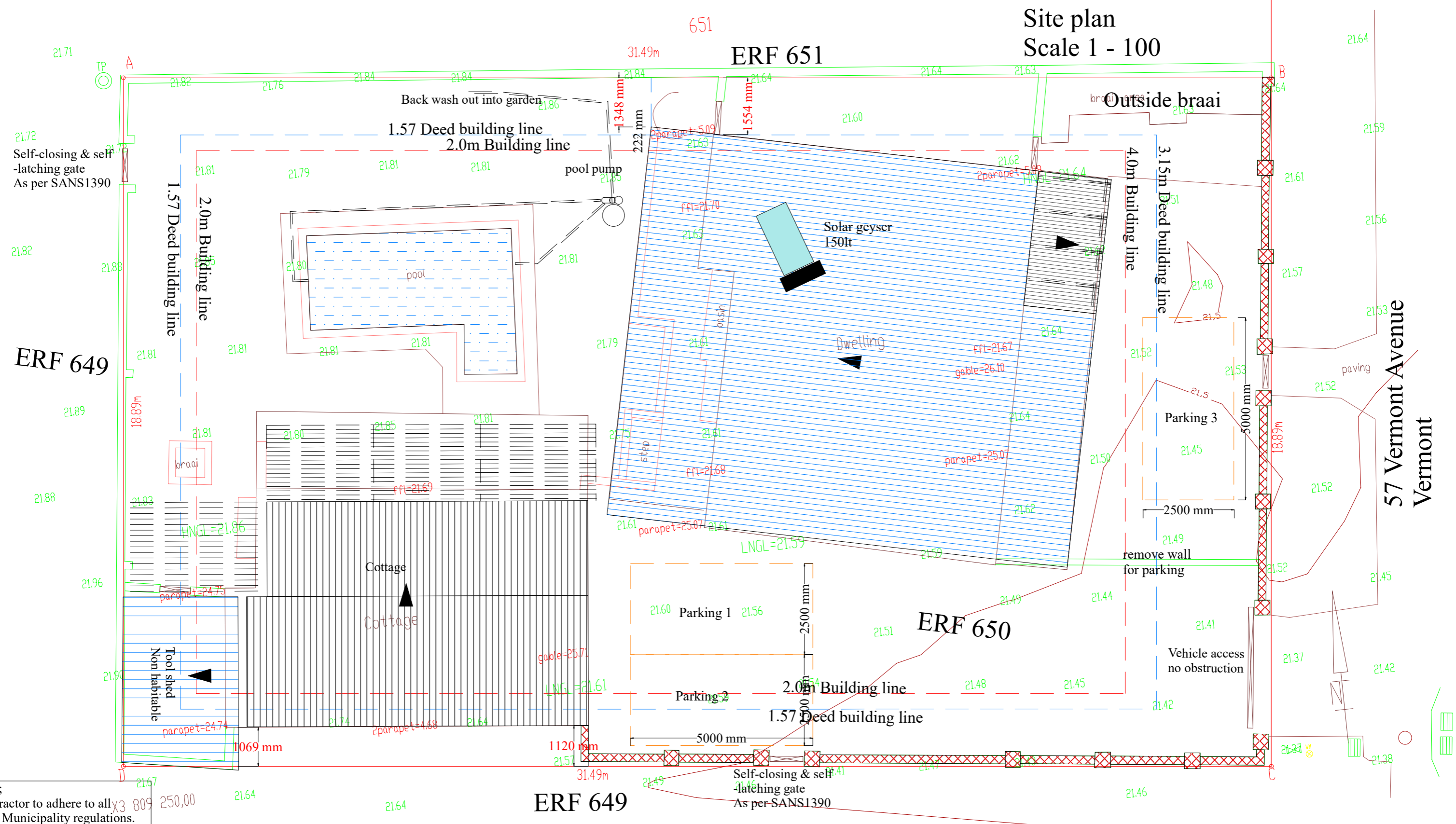
## 5. Conclusion

The application as motivated in this report is regarded **desirable** within its local context and well-integrated within the existing community land-use activities. The proposal improves the functionality of the property and no material impact on the neighbouring properties are foreseen.

It is therefore recommended that the application **be approved** in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, as follows:

- A departure to relax the southern side building line in terms of Chapter IV, Section 16(2)(b) from 2m to:
  - 1.07m to allow for the enclosure of a garage door and the construction of an internal wall as well as the change of land use from garage to second dwelling unit.
  - 0m to allow for the existing tool shed.
- A departure to relax the northern side building line in terms of Chapter IV, Section 16(2)(b) from 2m to:
  - 1.35m to allow for an existing covered stoep on the ground floor.
  - 1.35m to allow for a proposed covered balcony on the first floor.
  - 1.55m to allow for a proposed dwelling house second story.
  - 0m to allow for an existing braai and associated counters.
- A departure to relax the rear building line in terms of Chapter IV, Section 16(2)(b) from 2m to:
  - 0m to allow for the existing tool shed and pergola.
- A departure to relax the street building line in terms of Chapter IV, Section 16(2)(b) from 4m to:
  - 0m to allow for an existing braai and associated counters.
- The removal of title deed Conditions E.(a)-(d) from Title Deed T21291/2016 in terms of Chapter IV, Section 16(2)(f).
- The determination of an administrative penalty in terms of Chapter IV, Section 16(2)(q) to allow for:
  - The existing braai and associated counters exceeding building lines.
  - The existing covered stoep exceeding a building line.
  - The existing storage shed exceeding building lines.
  - The existing pergola exceeding a building line.
  - The enclosure of a garage door and the construction of an internal wall to create a second dwelling unit exceeding a building line.
  - The change of land use from garage to second dwelling unit exceeding a building line.

Site plan  
Scale 1 - 100

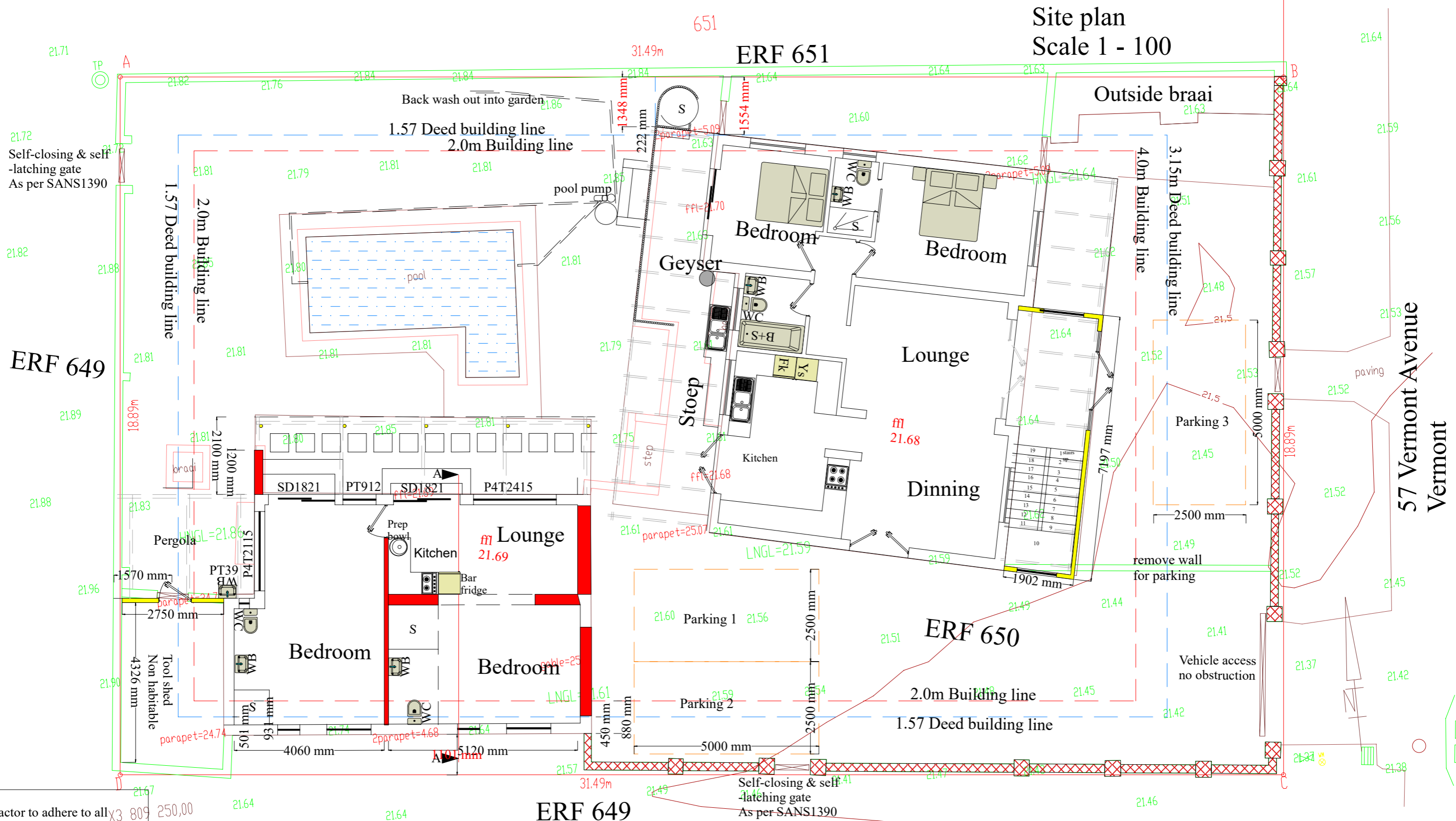


Note;  
Contractor to adhere to all local Municipality regulations. All dimensions in millimeter. All dimensions needs to be checked before building work can start. All building work to be inside the Building lines. All deviations needs to be communicated with the draught-person. Building work to be according to NHBC and SANS 10400 regulations. Engineers drawings to adhere to at all times. Property needs to be kept clean at all times. Approved plan to be on site at all times.



<p>Erf = 595 m<sup>2</sup> House = 136.00 m<sup>2</sup> Cottage = 60.83 m<sup>2</sup> Addition = 128.59 m<sup>2</sup> Store room = 15.27 m<sup>2</sup> Total = 340.69 Coverage = 213.18 m<sup>2</sup> 35.82%</p>	<p>Drawing nr: 0554/17 Drawing: Site plan Scale: 1 - 100 Page: 1 - 8 Date: 14/04/2026</p>	<p>Description: H4 Proposed addition fo R C Hartsliel Erf 650 57 Vermont street Vermont Overstrand Munisipaliteit</p>	<p>Plan drawn by: Jacobus Adriaan van Staden 3 Sneegans street Perlemoenbaai Gansbaai 7220 email: riaanvs38@gmail.com Cel: 082 929 8688</p>
--	---	---	---

Site plan  
Scale 1 - 100



Note;  
Contractor to adhere to all local Municipality regulations. All dimensions in millimeter. All dimensions needs to be checked before building work can start. All building work to be inside the Building lines. All deviations needs to be communicated with the draught-person. Building work to be according to NHBRC and SANS 10400 regulations. Engineers drawings to adhere to at all times. Property needs to be kept clean at all times. Approved plan to be on site at all times.



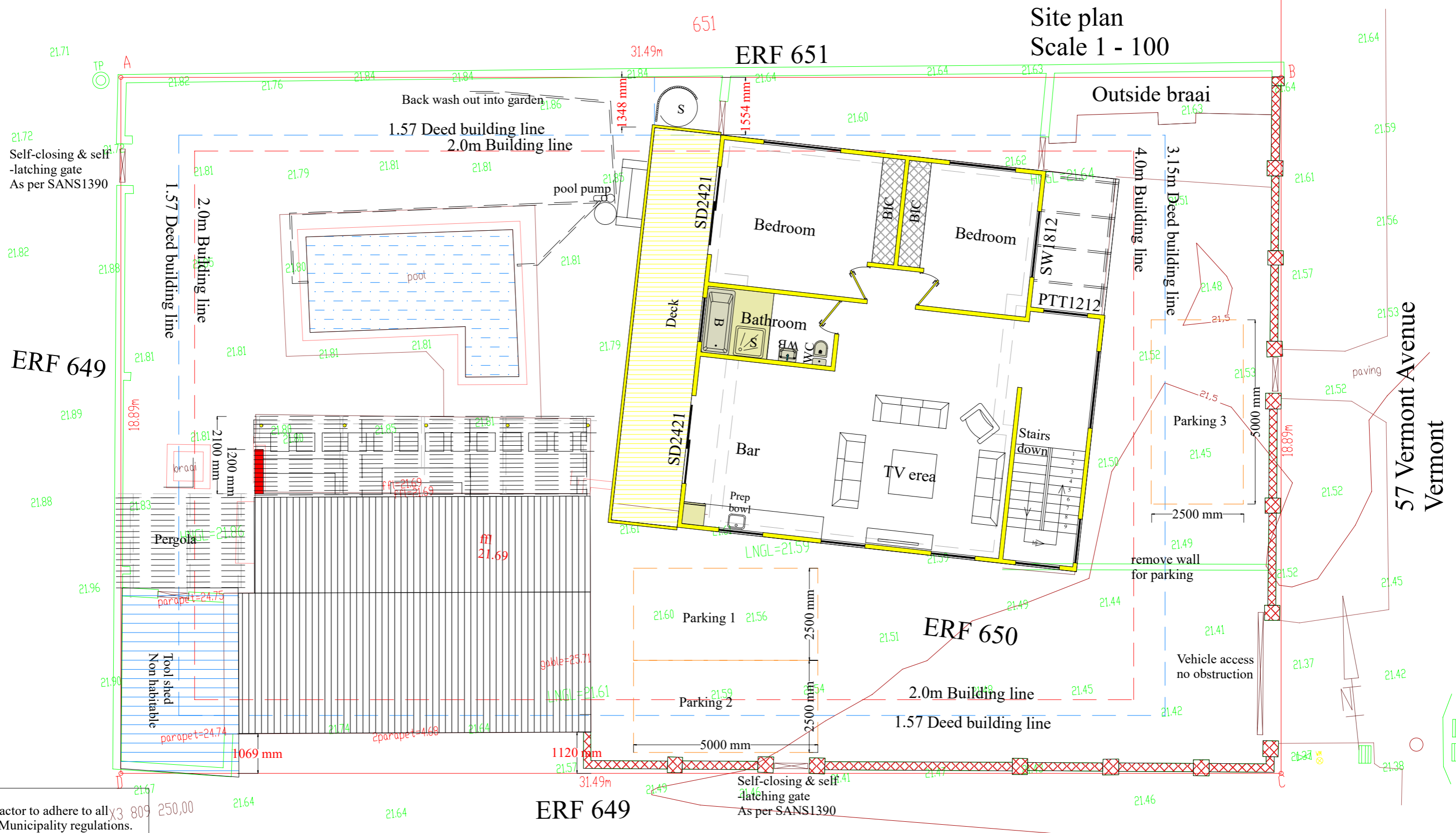
Erf = 595 m<sup>2</sup>  
House = 136.00 m<sup>2</sup>  
Cottage = 60.83 m<sup>2</sup>  
Addition = 128.59 m<sup>2</sup>  
Store room = 15.27m<sup>2</sup>  
Total = 340.69  
Coverage = 213.18m<sup>2</sup>  
35.82%

Drawing nr: 0554/17  
Drawing: Site plan  
Scale: 1 - 100  
Page: 1 - 8  
Date: 14/04/2026

Description: H4  
Proposed addition fo  
R C Hartslief  
Erf 650  
57 Vermont street  
Vermont  
Overstrand Munisipaliteit

Plan drawn by:  
Jacobus Adriaan van Staden  
3 Sneegans street  
Perlemoenbaai  
Gansbaai  
7220  
email: riaanvs38@gmail.com  
Cel: 082 929 8688

Site plan  
Scale 1 - 100



Note;  
Contractor to adhere to all local Municipality regulations. All dimensions in millimeter. All dimensions needs to be checked before building work can start. All building work to be inside the Building lines. All deviations needs to be communicated with the draught-person. Building work to be according to NHBRC and SANS 10400 regulations. Engineers drawings to adhere to at all times. Property needs to be kept clean at all times. Approved plan to be on site at all times.



Erf = 595 m<sup>2</sup>  
House = 136.00 m<sup>2</sup>  
Cottage = 60.83 m<sup>2</sup>  
Addition = 128.59 m<sup>2</sup>  
Store room = 15.27m<sup>2</sup>  
Total = 340.69  
Coverage = 213.18m<sup>2</sup>  
35.82%

Drawing nr: 0554/17  
Drawing: Site plan  
Scale: 1 - 100  
Page: 1 - 8  
Date: 14/04/2026

Description: H4  
Proposed addition for  
R C Hartslief  
Erf 650  
57 Vermont street  
Vermont  
Overstrand Munisipaliteit

Plan drawn by:  
Jacobus Adriaan van Staden  
3 Sneeuigans street  
Perlemoenbaai  
Gansbaai  
7220  
email: riaanvs38@gmail.com  
Cel: 082 929 8688