



ERF 985, 23 KERSBOS STREET, VERMONT AND ERF 986, 21 KERSBOS STREET, VERMONT: APPLICATION FOR CONSOLIDATION, DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY: WRAP PROJECT OFFICE ON BEHALF OF FH & A PIENAAR

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application has been received for the following:

- ✚ **consolidation** in terms of Section 16(2)(e) of the By-Law to consolidate Erf 985, Vermont ($\pm 766\text{m}^2$) with Erf 986, Vermont ($\pm 794\text{m}^2$) to create a consolidated property of $\pm 1560\text{m}^2$ in extent.
- ✚ **departure** in terms of Section 16(2)(b) of the By-Law to relax the northern lateral building line from 2m to 0m to accommodate the existing carport.
- ✚ **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law for the unauthorised building line encroachment as mentioned above.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town & Spatial Planning, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / loretta@overstrand.gov.za) on or before **8 August 2025**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Mr. H Olivier** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town & Spatial Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 985, KERSBOSSTRAAT 23, VERMONT EN ERF 986, KERSBOSSTRAAT 21, VERMONT: AANSOEK OM KONSOLIDASIE, AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: WRAP PROJECT OFFICE NAMENS FH & A PIENAAR

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek vir die volgende ontvang is:

- ✚ **konsolidasie** ingevolge Artikel 16(2)(e) van die Verordening om Erf 985, Vermont ($\pm 766\text{m}^2$) met Erf 986, Vermont ($\pm 794\text{m}^2$) te konsolideer om 'n gekonsolideerde eiendom van $\pm 1560\text{m}^2$ in grootte te skep.
- ✚ **afwyking** ingevolge Artikel 16(2)(b) van die Verordening om die noordelike syboullyn vanaf 2m na 0m te verslap om die bestaande motorafdak te akkommodeer.
- ✚ **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening vir die ongemagtige boulynoorskreiding soos bo genoem.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stads- en Streekbeplanning, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / loretta@overstrand.gov.za) voor of op **8 Augustus 2025**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Mnr. H Olivier** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA 985, 23 KERSBOS STREET, VERMONT KUNYE ISIZA 986, 21 KERSBOS STREET, VERMONT: ISICELO SOKUHLANGANISA, U UKUTENXA KUNYE NOKUMISELWA KWESOHLWAYO SOLAWULO: WRAP PROJECT OFFICE EGAMENI LIKA FH & A PIENAAR

Isaziso siyanikezelwa ngokweCandelo lama-48 loMthetho kaMasipala woLungiso loMthetho kaMasipala kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 sokuba isicelo sifunyenwe soku kulandelayo:

- ✚ **ukudityaniswa** ngokweCandelo-16(2)(e) loMthetho kaMasipala ukuze kudityaniswe iSiza-985, eVermont ($\pm 766\text{m}^2$) kunye neSiza 986, eVermont ($\pm 794\text{m}^2$) ukudala ipropati edityanisiweyo eyi- $\pm 1560\text{m}^2$ ngobubanzi.
- ✚ **ukutenxa** ngokweCandelo le-16(2)(b) loMthetho kaMasipala ukuze kuncitshiswe umda wesakhiwo osecaleni osemantla ukusuka kwi-2m ukuya ku-0m ukulungiselela indawo yekhepoti ekhoyo.
- ✚ **ukumiselwa kwesohlwayo solawulo** ngokweCandelo le-16(2)(q) loMthetho kaMasipala wophokelo lomda wesakhiwo olungagunyaziswanga njengoko kukhankanyiwe ngasentla.

linkcukacha ezipheleleyo malunga nesindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi kwe-08:00 kunye ne-16:30 kwiSebe: UCwangciso lweDolophu, ePaterson Street, eHermanus. Naziphi na izimvo ezibhaliweyo zinokungeniswa ngokungqinelana nezibonelelo zeCandelo 51 nelama-52 loMthetho kaMasipala oxeliweyo (16 Paterson Street, Hermanus / loretta@overstrand.gov.za) ngomhla okanye ngaphambi kuka- **8 EyeThupha 2025**, ucaphula igama lakho, idilesi. kunye neenkukacha zoqhagamshelwano, umdla kwisicelo kunye nezizathu zezimvo. Imibuzo yomnxeba inokwenziwa u**Mnu. H Olivier** ngo-028-313 8900. UMasipala usenokwala ukwamkela izimvo azifumeneyo emva komhla wokuvala. Nawuphi na umntu ongakwaziyo ukufunda nokubhala angatyelela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kubancedisa ukuze benze izimvo zabo zibe sesikweni.

1. Locality Plan Erven 985 & 986 Vermont

Plan prepared by: Veronica Jansen

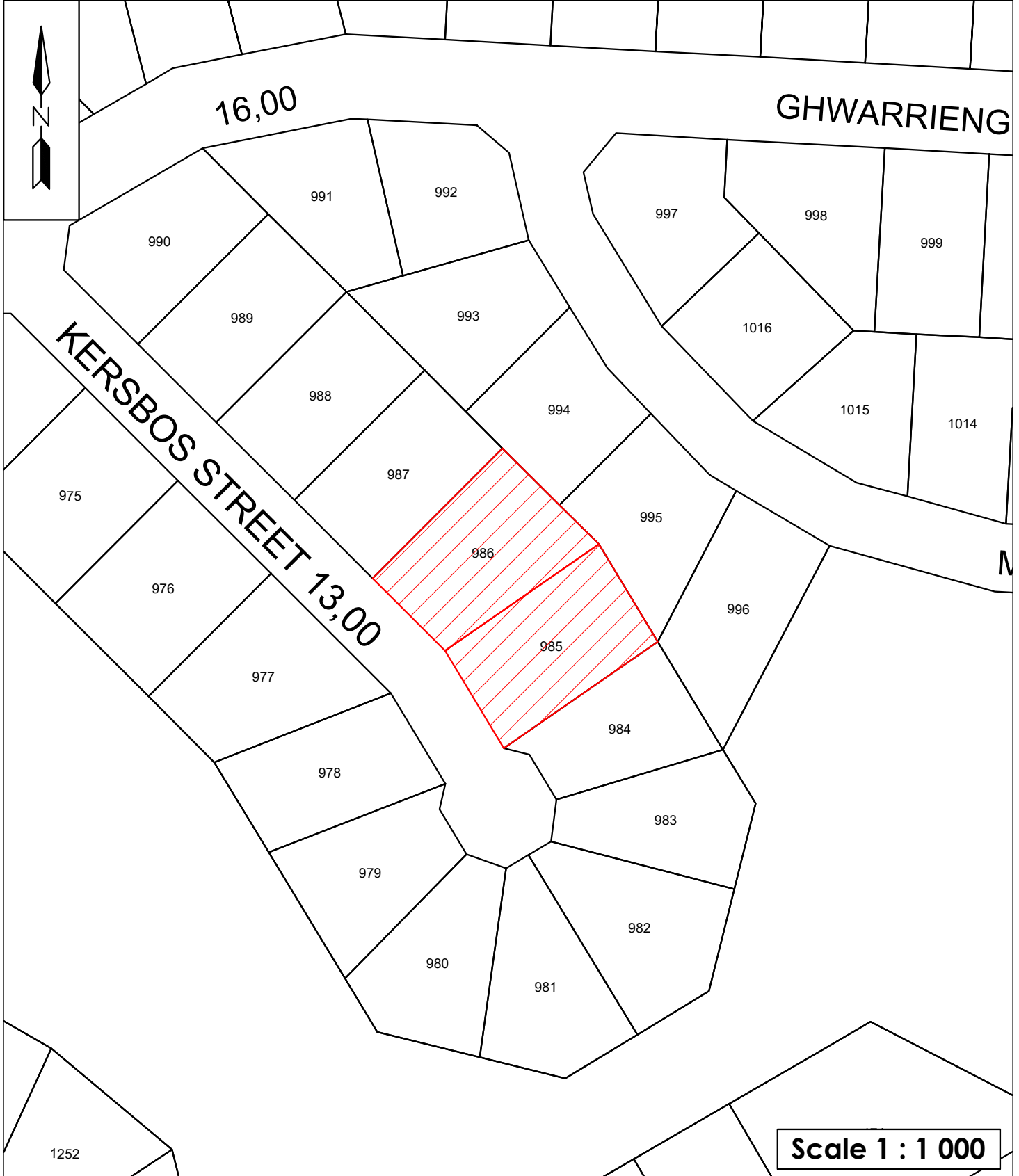
Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management



Scale 1 : 1 000

1252



ERVEN 985 & 986 VERMONT

APPLICATION FOR CONSOLIDATION, DEPARTURE AND
DETERMINATION OF AN ADMINISTRATIVE PENALTY

Application prepared for:

Ferdinand Hendrik Pienaar &
Antoinette Pienaar

Application prepared by:

WRAP Project Office
PostNet Hermanus Suite 170
Private Bag X16
Hermanus 7200
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Web: www.wrapgroup.co.za

Author

Tian Jansen (A/2858/2019)

Submitted

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1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
SR1	Residential Zone 1: Single Residential

2. PROPERTY DETAILS

Erf Number	Erf 985 Vermont	Erf 986 Vermont
Extent	766m ²	794m ²
Zoning	Residential Zone 1: Single Residential	

3. BACKGROUND AND INTENT

Erven 985 & 986 Vermont, hereafter referred to as the subject properties, are located in Vermont, a sought-after residential area characterised by its natural beauty and tranquil surroundings (refer to **Plan 1 – Locality Plan**). The current owners took transfer of the properties in December 2024 with the intention to consolidate the two properties for ease of management.

Erf 985 Vermont is currently developed with a dwelling house and carport, while Erf 986 Vermont only has a swimming pool thereon as seen on the attached **Plan 3 – Aerial Plan**. The owner plans to improve both the functionality and visual appeal of the combined property, transforming it into a unified residential erf that integrates the dwelling house and swimming pool.

The previous property owners erected a shadeport (carport), that exceeds the northern 2,0m side building line. The total height of the carport does not exceed 3 meters. Generally, a carport is typically permitted within the building line according to OMLUS, Section 16.1.1 which outlines specific conditions that must be adhered to. As the shadeport complies with the general encroachments in terms of this Section, a departure for the structure is not required, but included in this application due to the inclusion of the determination of an administrative penalty for the shadeport that was illegally constructed by the previous owners.

To facilitate this process, the owners have engaged WRAP Project Office, to prepare and submit the required land use applications on their behalf, refer to **Annexure A – Power of Attorney**. To ensure that the proposal aligns with the owners' vision, approval of applications for the following is required:

- Consolidation of Erven 985 & 986 Vermont;
- Permanent departure from the northern side building lines to allow the existing carport; and
- Determination of an administrative penalty.



4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

WRAP compiled this report to ensure the property owners' requirements are met. The following is proposed:

4.1 Consolidation of Erven 985 and 986 Vermont:

The proposal is to consolidate the two properties to enable the new owners to manage it more effectively as one property. As previously mentioned, Erf 986 Vermont only has a swimming pool located thereon and therefore, the consolidation is a logical and necessary step to have the properties unified. There are several benefits as to why the owners seek to consolidate these properties, as motivated below.

Consolidating the two properties will result in increased property value. By combining the subject properties into one, the owners will create a larger and more valuable piece of real estate, even though the property will still function as it has been for years.

The consolidation will also improve efficiency, simplifying the management and maintenance of the combined property. This streamlined approach reduces the complexity of dealing with two separate properties despite it functioning as one.

In addition, the owner stands to reduce expenses through consolidation. This includes savings on property rates, utilities, and general maintenance costs, which is otherwise applying to each property individually.

Finally, the consolidation provides the new owners with greater control over the combined property. This is beneficial for owners who wish to ensure that the property aligns with their vision and is used in the most effective way possible.

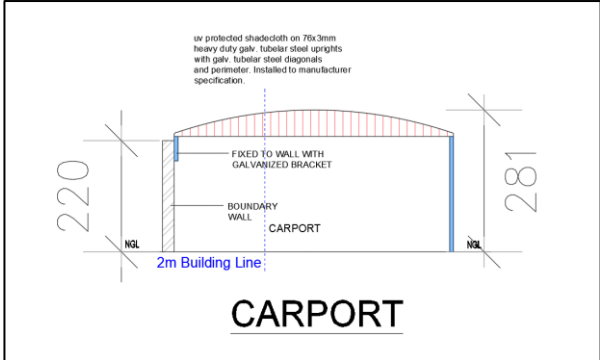
Overall, it is evident that consolidating the subject properties provides many benefits.

Proposed Consolidation	
Erf 985 Vermont	766 m ²
Erf 986 Vermont	794 m ²
Consolidated Property	±1 560 m ²

4.2 Permanent Departure from the 2m northern side building line to 0m to allow the existing carport.

The previous property owners erected a shadeport (carport), that exceeds the northern 2,0m side building line, refer to **Plan 6 - Departure Plan**. As mentioned in Section 3 of this report, a carport is typically permitted within the building line when it adheres to the specific conditions outlined in Section 16.1.1 of the OMLUS. **Table 1** (on the following page) represents a summary of the applicable conditions accompanied by an evaluation of the extent to which the existing carport complies with each condition.

Table 1

Applicable conditions outlined in Section 16.1.1 of the OMLUS:	Evaluation of compliance of the existing carport:
(i) written consent from the immediate neighbours is obtained;	Comply , refer to Annexure C – Neighbours’ consent .
(ii) no building that encroaches the building line may be higher than 3,5 m above the existing ground level on the common boundary, provided that the height may increase at a 40-degree angle away from such boundary;	<p>Comply, the shadeport does not exceed the allowable 3,5m height restriction. Figure 1 below illustrates the total height of the carport as 2,81 meters and therefore the carport does not exceed 3,5 meters in height.</p>  <p>Figure 1: Dimensions of existing carport within the building line</p>
(iii) the length and width of the structure does not exceed one third of the lateral and rear boundary concerned or 9,0 m, whichever is the most restrictive (except in cases as prescribed in point (iv) below);	Comply , the shadeport encroaching the building line has a length of ±5,7m .
(iv) where the lateral/rear boundary of the property is less than 19,5 m in width, the structure will have a maximum width of 6,5 m on the rear boundary;	This is not applicable as the shadeport is located on the side boundary.
(v) no doors and windows shall be permitted in any wall closer than 1,0 m to the rear or side boundary;	Comply , there are no doors or windows as it is a shadeport.
(vi) a 1,0 m wide access may be required to the satisfaction of the Fire Department;	Comply , the shadeport is open and not enclosed on any side.
(vii) no runoff of rainwater from a roof shall be discharged directly onto adjoining properties;	Comply , rainwater drains through the shadeport and does not run off.
(viii) the garage/carport shall be included in the calculation of coverage on the land unit; and	Comply .
(ix) the Municipality is satisfied that the structure does not pose a fire hazard and is constructed of appropriate material to its satisfaction.	The application will be circulated to the municipal fire department for comment.



It is evident from **Table 1** and **Figure 1** that the carport complies with the applicable conditions. Since the carport was constructed by the previous owners without prior approval, it however necessitates an application for the determination of an administrative penalty. This, in turn, will necessitate an application for the permanent departure from the 2m northern side building line to 0m to allow the existing carport in its current position.

Therefore, the existing carport complies with all applicable conditions set out in Section 16.1.1 of the OMLUS, does not pose any adverse impact on neighbouring properties, and has received the written consent of the immediately affected neighbours. Its structure is modest in scale, constructed of appropriate materials, and does not obstruct access, light, or drainage, thereby aligning with the intent of the development parameters despite the encroachment.

4.3 Determination of an administrative penalty

As mentioned in *Section 3* of this report, the property owners recently took transfer of the subject properties and are currently in the process of consolidating the properties when it became apparent that there was an illegal structure (carport) erected on the property by the previous owners. This application is proposed to rectify the matter. It is important to reiterate that the current owners acquired the property as is with the existing carport as previously mentioned. The owners did not know that the building plans were not in place.

In addition to the above, there have been no complaints from neighbouring property owners regarding the existing structure. The neighbours' consent was obtained and is attached as **Annexure C**. This indicates that the contravention is not causing any harm or disruption to the surrounding neighbourhood.

To ensure compliance with the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020, it is of importance to include an application for the determination of an administrative penalty. It is however requested that the administrative penalty be waived in totality as the current owners did not construct or was aware of the structure's illegality. Section 90(3) of the By-law requires that the following information be provided:

The nature, duration, gravity and extent of the contravention

Section 4.2 and *4.3* of this report indicates the nature and gravity of the carport that was constructed without prior approval. The extent of the building line encroachment is:

Existing carport	± 9,6m ²
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The conduct of the person (allegedly) involved in the contravention

The previous owner was responsible for ensuring that there were no contraventions in terms of the By-Law.



A report by a quantity surveyor in matters of unauthorised building/construction

Due to the small-scale nature of the encroachment, no quantity surveyor was involved. However, two quotes for construction of the carport were obtained and is attached as **Annexure D**.

Whether the unlawful conduct was stopped

The structure has already been constructed.

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

To the knowledge of this office, the current property owners have not previously contravened the By-Law.

5. LAND USE ENVIRONMENT

The properties surrounding the subject properties are predominantly zoned for residential purposes. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

6. TITLE DEED

Title deeds T79347/2024 and T79348/2024 (refer to **Annexure B – Copy of the Title Deeds**) were perused and there are no restrictive conditions that prohibit the consolidation of the subject properties.

7. ZONING

The following zoning parameters were assessed in conjunction with the SR1 OMLUS zoning as this is a relevant consideration in terms of Section 66(1)(q) of the OM By-Law:

RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House	Comply
Consent use that may be applied for	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building, and Intensive Horticulture.	-	N/A
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is determined in accordance with the net erf area:	Coverage of proposed consolidated property: 16,36%	Comply



MOTIVATION

	400m ² and greater = 50%		
Building lines	<p>(i) The street building line is determined in accordance with the net erf area: 400 m² and greater = 4m</p> <p>(ii) The side and rear building lines are determined in accordance with the net erf area: Greater than 400 m² = 2m</p>	<p>(i) Complied with.</p> <p>(ii) Permanent departure from the 2m northern building line to 0m to allow the existing carport.</p>	Applied for and motivated.
Height	The maximum height of a building, measured from the base level to the top of the structure, is 8,0 m.		Comply
Garages and carports	Garages and carports may be constructed within building lines in accordance with Chapter 16.1.2.		Comply

8. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, Water, Sewage and Solid Waste

The subject properties are connected to the OM's networks, which include electricity, water and sewage. The proposal of this application will not place any additional load on the existing services as the consolidated property will be used as one property with one dwelling unit and not as two properties (with two dwelling units).

Solid waste is collected by the OM on a weekly basis.

Access and Egress

Access and egress to the proposed consolidated property is to remain from Kersbos Street.

9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law is outlined in the table below:

Socio-economic impact	It is not expected that the proposed consolidation will have a socio-economic impact on the area.
Compatibility with surrounding uses	The proposal is not out of character with the surrounding residential area. The development proposal is not predicted to have a negative impact on the surrounding area.



Impact on the external engineering services	Refer to <i>Section 8</i> of this report.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community.
Impact on heritage	Both properties are developed and not registered within the heritage register for the area.
Impact on the biophysical environment	It is not predicted that the proposal will have an impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	The proposal is not expected to have an impact on traffic and the access and parking will be provided in terms of the OMLUS.

Impact on views, sunlight and character of the area

The subject properties are located in a residential setting and any proposed future development will be required to be aligned with the development parameters set out in the OMLUS.

Economic impact

The proposed consolidation will not have an economic impact.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The proposal is not predicted to have a negative impact on surrounding properties as the properties will remain as is but be unified.

Environmental impact

The subject properties are not located within an environmentally important area as outlined in *Section 10* below.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

Neither of the subject properties are situated within the EMOZ.

10.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

Neither of the subject properties are situated within the HPOZ.

10.3 Spatial Planning Policies

This proposal is not in conflict with any provisions of the Western Cape Provincial Spatial Development Framework, 2014 or the Overstrand Spatial Development Framework, 2020. The consolidation of the properties is not restricted and the utilisation of the consolidated property for its primary use is not predicted to be out of character for spatial planning policies.



11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded as follow:

Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. The proposal to consolidate the subject properties, is not predicted to contribute to past spatial injustices.

Spatial sustainability and Efficiency

Spatial sustainability refers to planning proposals that result in communities that are viable. This proposal is to utilise these two subject properties to its maximum extent as a unified property. The proposed consolidation of the subject properties will optimise the utilisation of space on the consolidated property.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



12. CONCLUSION

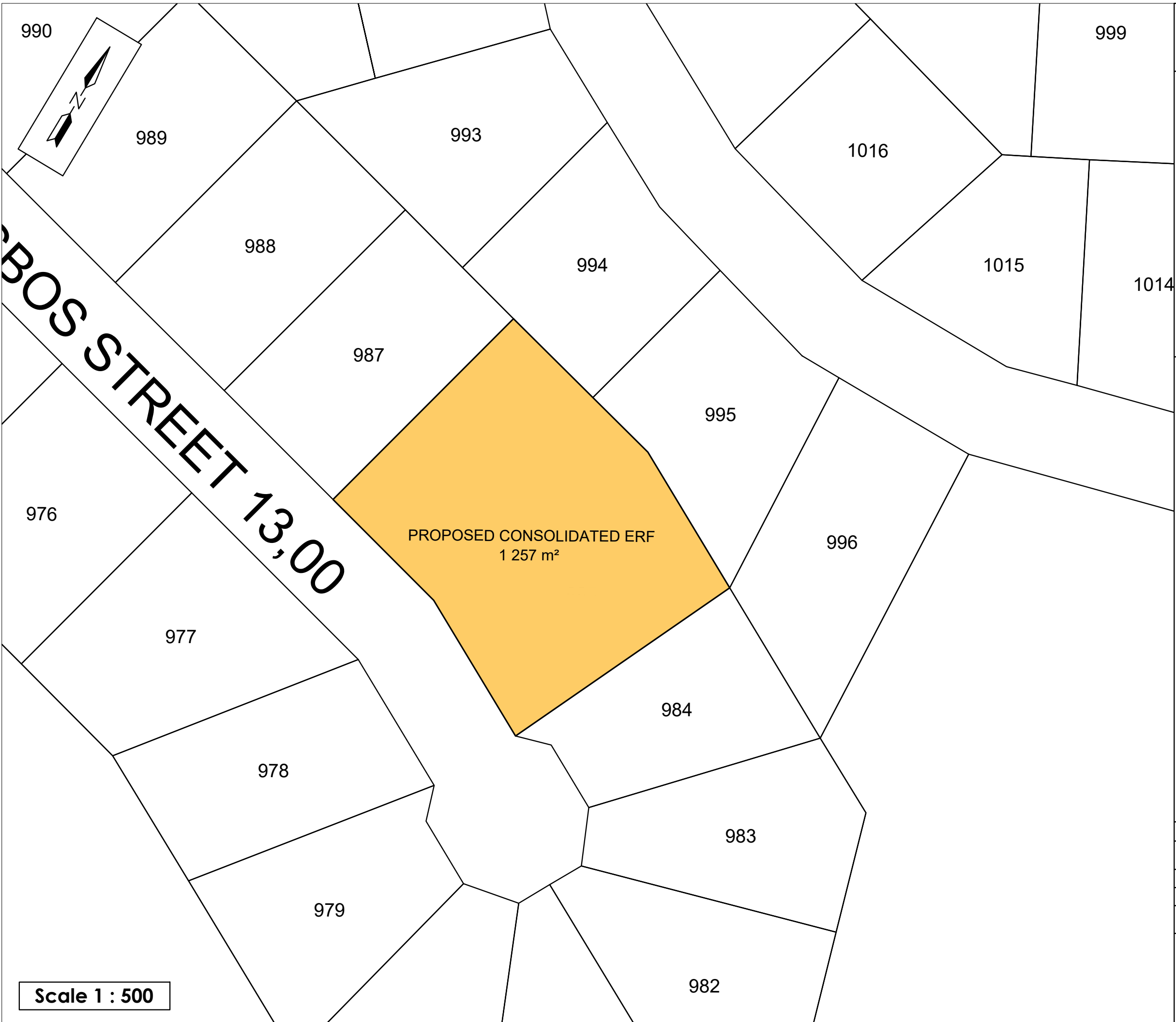
This application has been submitted to obtain approval from the Overstrand Municipality to consolidate the two subject properties. The proposed consolidation aligns with the guidelines established by the OMLUS and the zoning of the properties in question. The proposal is consistent with the neighbouring residential area and will not be considered as out of the ordinary. The proposal is also consistent with all applicable land-use planning regulations.


Application is also made for the determination of an administrative penalty for the existing carport that was constructed by the previous owners which is encroaching the northern side building line. It is proposed that the administrative penalty be waived in totality due to the current owners not being responsible for the erection of the carport and taking immediate steps (within a month from ownership) to legalise the carport. It is concluded that the existing carport complies with all the applicable conditions outlined in Section 16.1.1 of the OMLUS, which indicates that application for permanent departure is not necessary. Notwithstanding this compliance, an application for a permanent departure from the prescribed 2,0m northern side building line to 0m is required to regularise and retain the carport in its current position.

13. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 Consolidation** of Erven 985 and 986 Vermont in terms of Section 16(2)(e) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.2 Permanent departure** from the 2m northern side building line to 0m to allow the existing carport in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- 13.3 Determination of an administrative penalty** in terms of Section 90 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



<p>4. Proposed Consolidation Plan Erf 985 & 986 Vermont</p>
<p><u>ERF 985 VERMONT</u></p> <p>645 m²</p> <p><u>ERF 986 VERMONT</u></p> <p>612 m²</p> <p><u>PROPOSED CONSOLIDATION</u></p> <p>645 + 612 = 1 257 m²</p>
<p>Plan Number: 24.170 (001)</p> <p>All distances are approximate and subject to a survey</p> <p>Tel: 028 313 1411</p> <p>Email: admin@wrapgroup.co.za</p> <p>Unit B, Standard House, Corner of Royal and Dirkie Uys Street Hermanus, 7200</p>
 <p>Project Office Town Planning & Project Management</p>


Scale 1 : 500

6. Departure Plan
Erf 985 & 986 Vermont



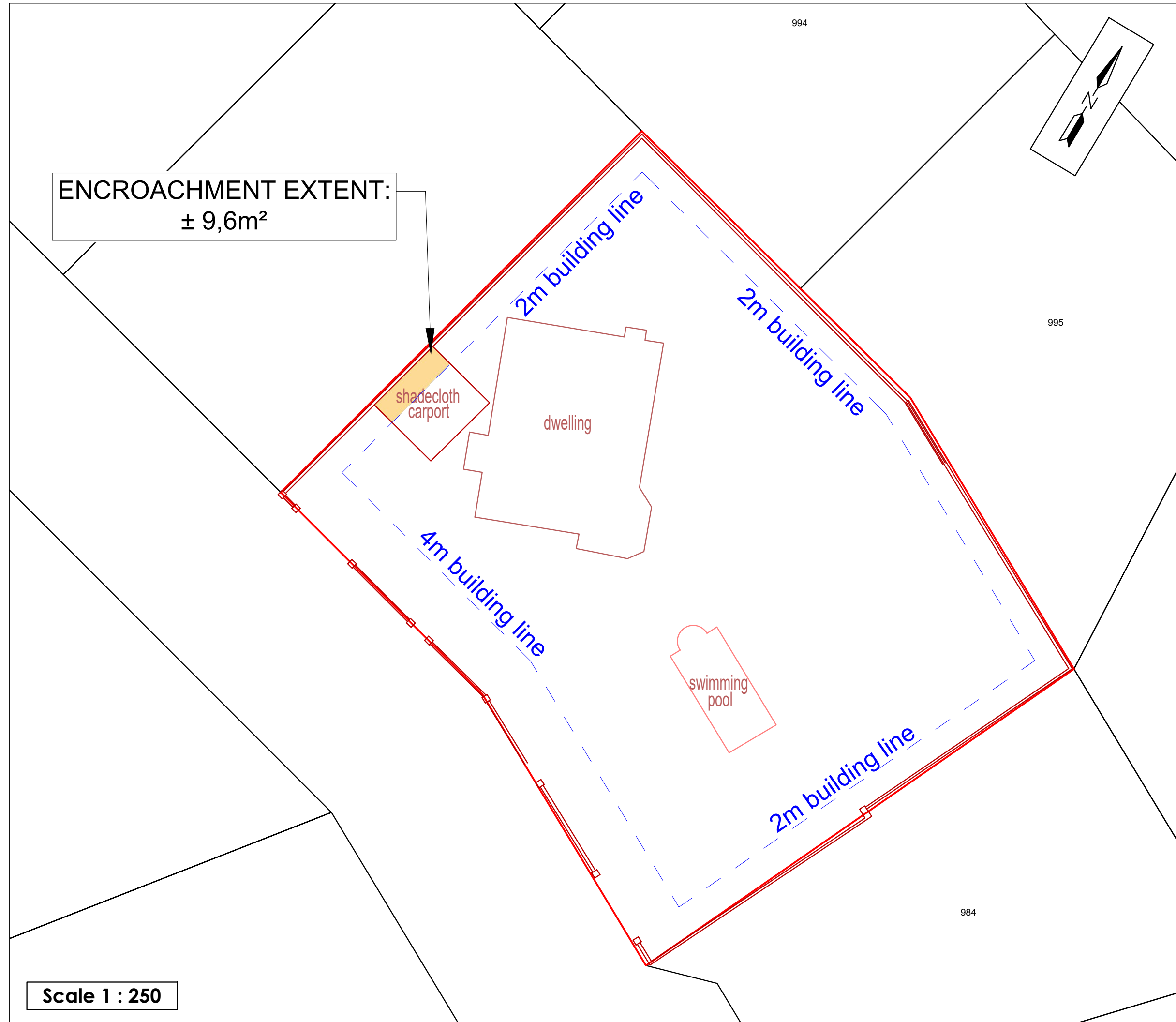
**PROPOSED CONSOLIDATED
PROPERTY**

1 257 m²

 Extent of encroachment

Permanent departure from the 2m northern building line to 0m to allow the existing carport.

**ENCROACHMENT EXTENT:
± 9,6m²**



Scale 1 : 250

Plan Number: 24.170 (001)

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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Project Office
Town Planning & Project Management