

4.2**ERF 1638, 2 KUSWEG, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTION AND SUBDIVISION: MESSRS PLAN ACTIVE ON BEHALF OF MV ALCOCK****1638 HSB (3857)****H van der Stoep****19 November 2018****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application applicable to Erf 1638, Sandbaai has been received on 17 November 2017 from Messrs Plan Active on behalf of MV Alcock for the following:

- ❖ Removal of restrictive title conditions in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the removal of restrictive title deed conditions 1.2.(a), 1.2.(b), 1.2.(c) and 1.2.(d) as contained in Title Deed T4235/2017 applicable to the above erf in order to subdivide the property into two (2) portions, as well as to be in line with the relevant development rules and primary rights as contained in the Overstrand Zoning Scheme.
- ❖ Subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 in order to subdivide the property into two (2) portions namely Portion A ($\pm 655\text{m}^2$ in extent) and Portion B ($\pm 759\text{m}^2$ in extent),

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, whilst the proposed Subdivisional Plan is attached as Annexure C. The Title Deed is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf is zoned Residential Zone 1: Single Residential, measures 1414m^2 in extent and is located in the residential area of Sandbaai. The property is developed with a dwelling unit and a garage.

4. SUMMARY OF APPLICANT'S MOTIVATION

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

- ❖ The landowner intends to subdivide the property to create one (1) additional erf and a remainder. The Title Deed contains restrictions that stipulates that the property may not be subdivided and that it may be used for residential purposes only.
- ❖ The subject property is situated on the corner of East End Street and Marine Road, Sandbaai. It is situated in a predominantly residential area with existing low cost housing further east of East End Street and single residential erven

north of Marine Road. A new residential development scheme (Skulphoek) has been approved on the vacant portion of Erf 243, Hermanus situated to the south-east of Erf 1638, Sandbaai.

- ❖ The property is zoned Residential Zone I and there is a dwelling situated on the property. Surrounding properties are zoned for single residential and public road purposes.
- ❖ Erf 1638, Sandbaai is 1414m² in extent and is much larger than the average Sandbaai erven that varies in size between 600 and 700m². The subdivision will fit in with the current character of the residential erven in the same residential block.
- ❖ The reasons to have the title deed restrictions removed is mainly to give the owner the opportunity to utilise the property to its fullest potential in terms of the primary land use rights under the current zoning of Residential Zone 1.
- ❖ Erf 1638, Sandbaai is a corner erf. The title deed restriction, paragraph 2(d), prescribes a 4.72m street building line that is more restrictive than the prescribed building lines in terms of the Overstrand Municipality Zoning Scheme under a zoning of Residential Zone 1. With the removal of the restrictive title deed condition the landowner will at least gain an additional 1,44m to build.
- ❖ It is not proposed to depart from any land use restrictions as prescribed in the Overstrand Municipality Zoning Scheme.
- ❖ Due to the fact that Erf 1638, Sandbaai is within an already developed residential area, municipal services already exist to which the newly created erf could connect to. The Overstrand Municipality confirmed that there is capacity to provide the proposed additional erf with municipal services i.e. water, electricity, sewage and refuse removal.
- ❖ In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for residential purposes. The residential zoning of the subject erf will be retained after subdivision has taken place. The proposed minimum erf size for erven in Sandbaai is currently 550m².
- ❖ With reference to the Overstrand Municipality Growth Management Strategy, 2010 (OMGMS) the subject erf falls within Planning Unit 3 that consists mainly of Sandbaai's single residential erven. No densification of this planning unit is proposed.
- ❖ Erf 1638, Sandbaai is a consolidation of Erven 144 and 1636, Sandbaai. Each subdivision application should be dealt with on its own merit. In this instance Erf 1638, Sandbaai is much larger in extent than the surrounding erven and even after subdivision it will still be compatible with the areas of the residential erven in the vicinity and can therefore be supported.
- ❖ The property is not situated within the Heritage Overlay Zone as determined by the OMGMS. The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).
- ❖ The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.
- ❖ The proposed subdivision and removal of restrictive title deed conditions do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).
- ❖ Spatial Justice: The proposed subdivided portion will be in line with the current erf sizes in the vicinity and also conforms to the prescribed minimum erf size applicable to erven within the Sandbaai area. The restrictive title deed conditions to be removed are more restrictive than the land use restrictions prescribed in the Overstrand Municipality Zoning Scheme under the current zoning that is Residential Zone 1. It is therefore proposed that only the land use restrictions in

terms of the Overstrand Municipal Zoning Scheme under a zoning of Residential 1 apply and not the restrictions prescribe in the Title Deed.

- ❖ Spatial sustainability: The proposed subdivision and removal of restrictive title deed conditions are in line with the current character of the established residential area. The proposed applications will have no impact on the conservation worthy areas of Sandbaai. Spatially the land use and erf size of Portions A and B of Erf 1638, Sandbaai will be in line with the residential character of the area.
- ❖ Efficiency: The proposed additional erf is easily accessible and conveniently located in Sandbaai in close proximity of beaches, shops and Hermanus.
- ❖ Spatial Resilience: Spatial resilience is not applicable to this application.
- ❖ Good administration: Our company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant Municipality's By-Law and related Provincial and National Land Use Planning Legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Gazette	Yes	2 March 2018	6 April 2018
Local newspaper	Yes	27 February 2018	6 April 2018
Notices	Yes	14 December 2017	19 January 2018
Ward councillor	Yes	14 December 2017	19 January 2018
Total comments	ONE (1)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 47 – 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments	Recommendation
Building Control	9/01/2018	*Supported subject to submission of building plans for building works in compliance with SANS10400. *The existing structure is dilapidated to such an	Positive

		extent that should the subdivision be approved condition that existing structure be upgraded to Municipal satisfaction or demolished.	
Local Heritage	9/01/2018	No objection.	Positive
Fire Department	23/01/2018	No objection, provided that all new structural development is in compliance with the National Fire Protection Regulations SANS10400T:2011.	Positive
Engineering Services	24/01/2018	Attached as Annexure G.	Positive
Telkom	11/06/2018	Attached as Annexure H.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) comment was received against the proposal, and is summarized as follows:

P Dickens - Erf 1637, Sandbaai

1. As I understand the original reason why the subject property was combined from two (2) lots of land and the reason the Dickens Family Trust's property was also combined as two (2) lots of land is because the original owner of Erf 1638 and my late father both approached the Municipality to have what was a section of undefined land zoned for private and commercial usage and made available for this (this I understand was land originally intended for municipal road work which had subsequently been changed). They in turn agreed to both buy their respective lots as large double unit stands.
2. As I understood from my father, whilst he was still alive, that a gentlemen's agreement existed between the original owner and himself as to building works, my father would build a large house on his two (2) lots of land and the original owner would confine his building works to ensure substantially unobstructed ocean views from Erf 1637, which at the time operated as a B&B commercial property. This remained in place as a gentlemen's agreement for many years and the original owner in fact eventually simply sat on his property a capital investment, whilst my family engaged further building works on Erf 1637 to enhance its sea views over Erf 1638 over a period exceeding fifteen (15) years.
3. In applying to subdivide the land, no attempt by the current owner to offer this lot of land for sale was made, so we have been unable to preserve any sea views should building go ahead.
4. The property is subject to a long standing gentlemen's verbal agreement and in the case of my father, he has passed away so he cannot be consulted, I am not really sure what to do. If a large residence is to be built in front of our property

it will most certainly serve to devalue our family trust's property substantially and will render works done to create sea views null and void – and in fact may even infringe on our privacy and theirs, given our viewing platforms and windows.

P Dickens Erf 1637, Sandbaai: Additional comments within timeframe

1. In addition I have asked my late father's widow, Mrs Trudy Dickens, as to the history of Erf 1638. She advised that my father in an attempt to secure his sea views and business interests, once the property in question is derelict and left abandoned, did make enquiries as to the subdivision of the property. The reasons for the enquiry that he intended to buy this portion of the property should it be possible to subdivide it. According to Mrs Dickens the then town planner declined the attempt to subdivide the property maintaining that the erf as outlined had to remain intact as one unit. Mrs Dickens recalls this enquiry been made and subsequently not to subdivide it was made between 2001 and 2003.
2. Should it be possible to now subdivide this property there have been obvious interests from my family in purchasing it in the past and those interests remain to this day.

Building Department

"The existing structure is dilapidated to such an extent that should the subdivision be approved condition that existing structure be upgraded to municipal satisfaction or demolished."

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

- Sizes of erven in the same residential block vary from 600m² to 700m². The subject property is 1414m² in extent and the proposed subdivided portions are in line with the existing erf sizes in the vicinity.
- According to Mr Dickens his late father and the previous owner had a gentlemen's agreement regarding building works. The new owner has no knowledge of any agreements and no restrictions as mentioned were entered in to the respective Title Deeds. The new owner of Erf 1638 can therefore not be held liable for agreements between previous owners of the subject erf and the deceased owner of Erf 1637.
- The subdivision will create one additional property with a Residential 1 zoning that can be developed in accordance with the Zoning Scheme. The remainder and the additional erf will have to comply with the prescribed building lines. A 2m side building line for each erf applies that allows a corridor of 4m that makes provision for the owner of Erf 1637 to still have a view of the sea.
- Without subdividing the property the owner would be well within his rights to extend his current dwelling across the property that will block the views of the owner of Erf 1637. A height restriction of 8m applies in accordance with the Zoning Scheme. Application is for the subdivision of the property only and no building line departures.

- The subdivision of the property is desirable for the area. The removal of the restrictive title deed conditions will give the owners of the new portion and the remainder the right to develop the properties to its full potential in terms of the Zoning Scheme.

9. MUNICIPAL ASSESSMENT OF COMMENTS

It should firstly be emphasized that Erf 1637 is owned by a trust ("Dickens Children Family Trust") and that Mr Dickens commented on behalf of a trust with trustees without a Resolution of the Board of Trustees that accompanied his comments providing him Power of Attorney to act on his own accord on behalf of the trust. The comments can thus be regarded as being the comments of Mr Dickens only and does not necessarily reflects that of the trust.

The comments of the applicant on Mr Dickens' comments are supported. It is the opinion that the new owner could hardly, if at all, be aware of any such gentlemen's agreements between the previous owners of Erven 1637 and 1638 with regard to the protection of sea views as no evidence has come forth of any recordings to proof such assumptions. In this regard it should be kept in mind that the new owner of subject property only recently, during 2017, purchased the property. The new owner of Erf 1638 can therefore not be held liable for agreements between previous owners of the subject erf and the deceased owner of Erf 1637.

It is also agreed with that the owner of the subject property can expand the development on his property in an easterly direction with a height restriction of 8m and a 2m lateral building line restriction that will without doubt have an impact on the sea views of the owners of Erf 1637. This would be within the full rights of the owner of the subject property. In addition, should the application be approved and the newly created portion is being developed by the new owners in compliance with the applicable parameters, it will most probably have the same affect should the owner of the subject property develop the property in an easterly direction. The claimed sea views of Erf 1638 can therefore in any event not be legally protected or claimed.

It is the opinion that the leading points of comment of Mr Dickens are based on hearsay only as no substantial proof thereof could be provided. The comments should therefore not be entertained.

Mr Dickens also queried, in a later e-mail, a wendy type structure that the owner of the subject property constructed at the eastern section of the property without the necessary building plans. The matter was referred to the Building Department for further investigation.

Comment was not requested from the applicant with regard to the Building Department's comment since the landowner submitted plans in the meantime to upgrade the dwelling unit.

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 thus will not lead to urban sprawl. No natural habitat is impacted upon and will have no negative influence on the environment.

Efficiency

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

Spatial resilience

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

Good administration

The application follows the required planning procedures and a good public participation process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as Point 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

N/A

10.6 Impact on Municipal engineering services

The existing services are available and have been viewed positively by the Engineering Department.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand spatial documents.

10.9 Additional Planning Motivation For Removal of Restrictive Conditions**The financial or other value of the rights**

The removal of the relevant conditions will have a beneficial financial impact for the landowner since an additional erf will be created that can be sold as a separate entity, whilst keeping the remainder of the application property.

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

The original holder of rights was the township developer whose rights became null and void when the Municipality took over its functions.

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

Whether the restrictive conditions remain intact or being removed from the Title Deed, it will have no social benefit.

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

No, it will only result in the property being subdivided into two (2) portions, and will further ensure that the landowner gains the primary land use rights and parameters applicable to residential erven as set out in the Zoning Scheme.

10.10 THE DESIRABILITY OF THE PROPOSAL**Removal of Restrictive Title Deed Conditions**

The property is burdened with restrictions in the Title Deed. The owner of the subject property wishes to have the relevant restrictive conditions removed from the Title Deed in order to subdivide the property into two (2) portions, as well as to be in line with the applicable development parameters as set out in the Zoning Scheme. The owner further wishes to bring the property rights in line with the primary rights applicable to single residential properties as set out in the Zoning Scheme. The removal of all the restrictive title deed conditions, and not only the condition that prohibits the subdivision thereof, will ensure that the landowner will be able to utilize the properties to its maximum, thus more effectively in an affordable manner and in line with the Overstrand Municipality's forward planning documents. Development will still be in line with the development rules as set out in the Zoning Scheme, thus development control will still be in place. It will also not be to the detriment of the broader area of Sandbaai since numerous similar applications have already been approved in the past in Sandbaai.

Subdivision

Erven in the block in which the application property is situated have an average size of approximately 722m². The subject property and the property of the complainant are excluded from the calculation as both erven are consolidated erven. (From the General Plan of Sandbaai it appears that portions of East End Street were purchased in the past by both the former owners of the subject property and Erf 1637 that was consolidated with their respective erven.) There is no indication of erven that were subdivided in the block of erven in which the subject property is situated. Notwithstanding the latter, it can be argued that should the subdivision be allowed, the subdivided portions being approximately 655m² and 759m² in size, are comparative in nature to the character of the surrounding area. Subsequently it is the opinion that the subdivided portions would not detract from the existing erf sizes in the immediate vicinity of the subject property. The earlier Greater Hermanus Sub Regional Spatial Development Framework, 2000 allowed for a minimum erf size of 550m² of residential properties in Sandbaai after subdivision. The said framework is still used as a guideline for subdivisions in Sandbaai. Both the proposed portions will be larger than the minimum guideline size of 550m². Another point that needs to be taken into consideration is the fact that densification within urban areas are more acceptable than the expansion of urban edges, thus in line with forward planning policies. In view of the afore-said the subdivision is regarded as being desirable from a town planning perspective.

In view of the above, it is the opinion that the application under consideration for the removal of the restrictive title deed conditions, and the subdivision of the property holds sufficient merits not to be deemed undesirable from a town planning perspective and should be supported in the manner as set out in the recommendation of this submission.

11. 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 1.2.(a), 1.2.(b), 1.2.(c) and 1.2.(d) as contained in Title Deed T4235/2017 applicable to Erf 1638, Sandbaai in order to subdivide the property into two (2) portions, as well as to be in line with the primary rights and development parameters applicable to single residential properties as set out in the Overstrand Zoning Scheme, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section (16)(2)(d) of the By-Law for the subdivision of Erf 1638, Sandbaai into two (2) portions, namely Portion A (±655m² in extent) and Portion B (±759m² in extent), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the approvals in Points 1. and 2. above be subject to the following conditions:
 - (a) that this approval is for the subdivision as indicated on Plan No sand1638.drw dated 10/2017 that was submitted with the application;

- (b) that all the conditions in the Engineering Report and Telkom (attached as Annexures G and H), be complied with;
 - (c) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (d) that the development parameters as prescribed in the relevant Zoning Scheme be applicable to the two (2) land units.
4. that the applicant and the objector be notified of its appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approvals.

12. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The objection does not carry substantiated proof to validate the points thereof.
- ❖ No objections were received from internal Municipal Departments.
- ❖ It is in line with policy documents.
- ❖ Is not regarded as being undesirable from a town planning point of view.

13. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Subdivisional Plan
Annexure D:	Title Deed T4235/2017
Annexure E:	Comment received
Annexure F:	Applicant's response to comment received
Annexure G:	Services Report
Annexure H:	Telkom

SIGNATURES

REGISTERED PLANNER:

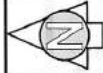
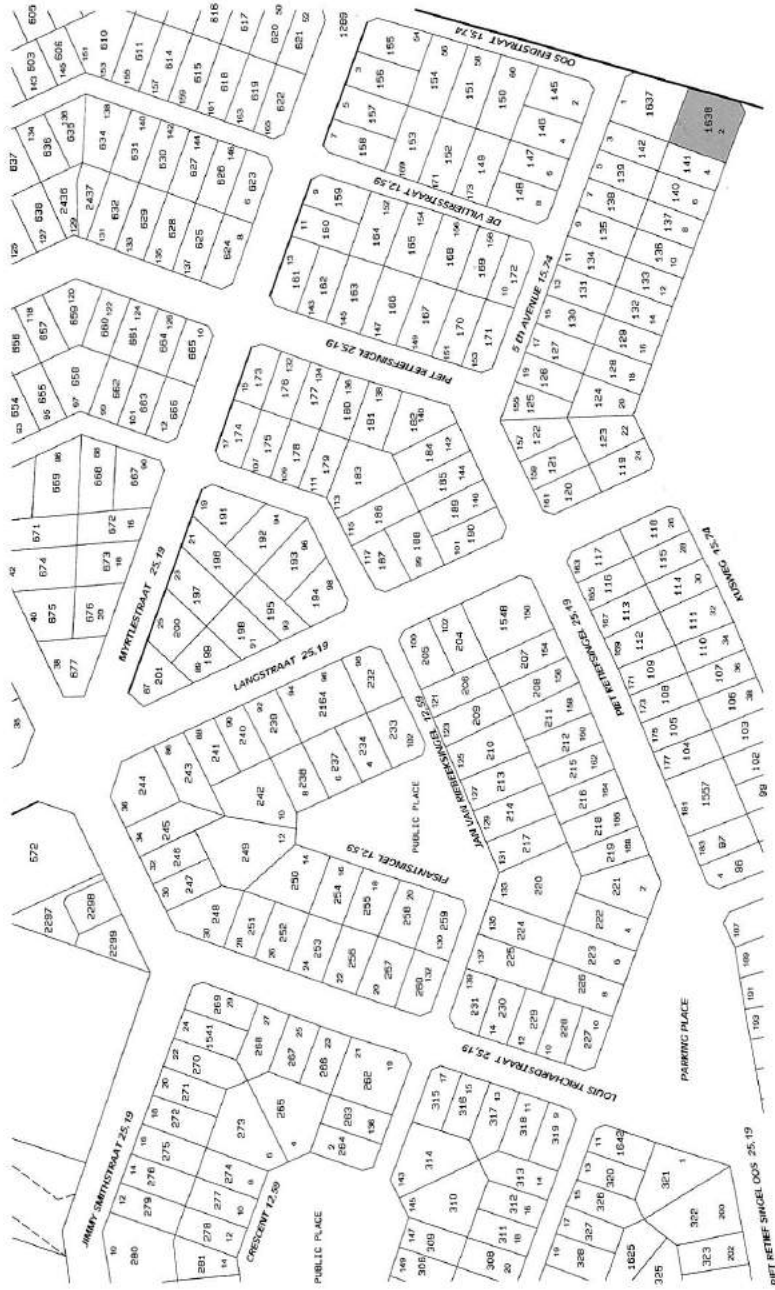
Name : **H VAN DER STOEP**

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

Signature : _____

Date: _____

ANNEXURE A



Scale: NTS
 Drawing Nr: SAND1638L.dwg
 Date: 10/2017

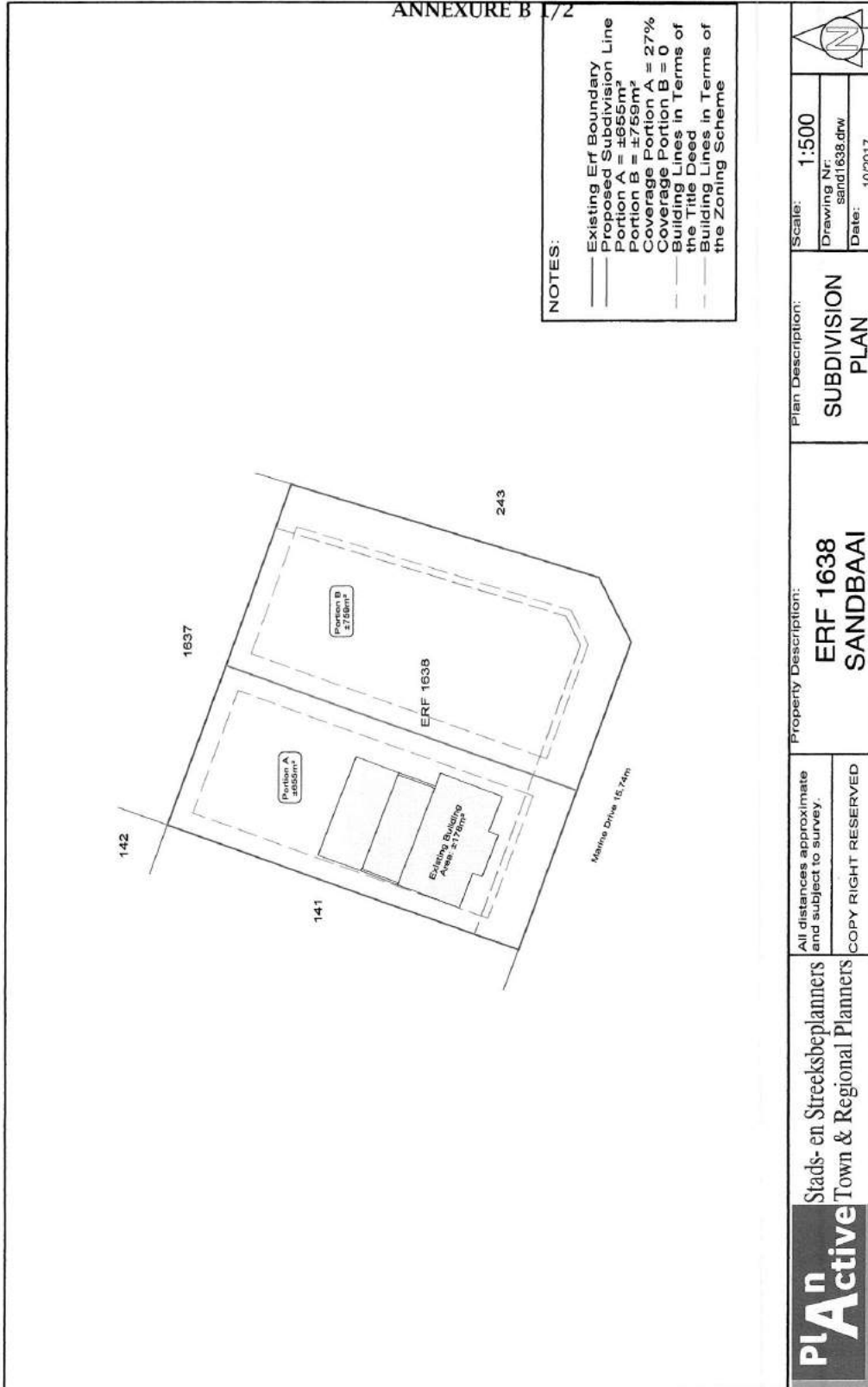
Plan Description:
LOCALITY MAP

Property Description:
**ERF 1638
 SANDBAAI**

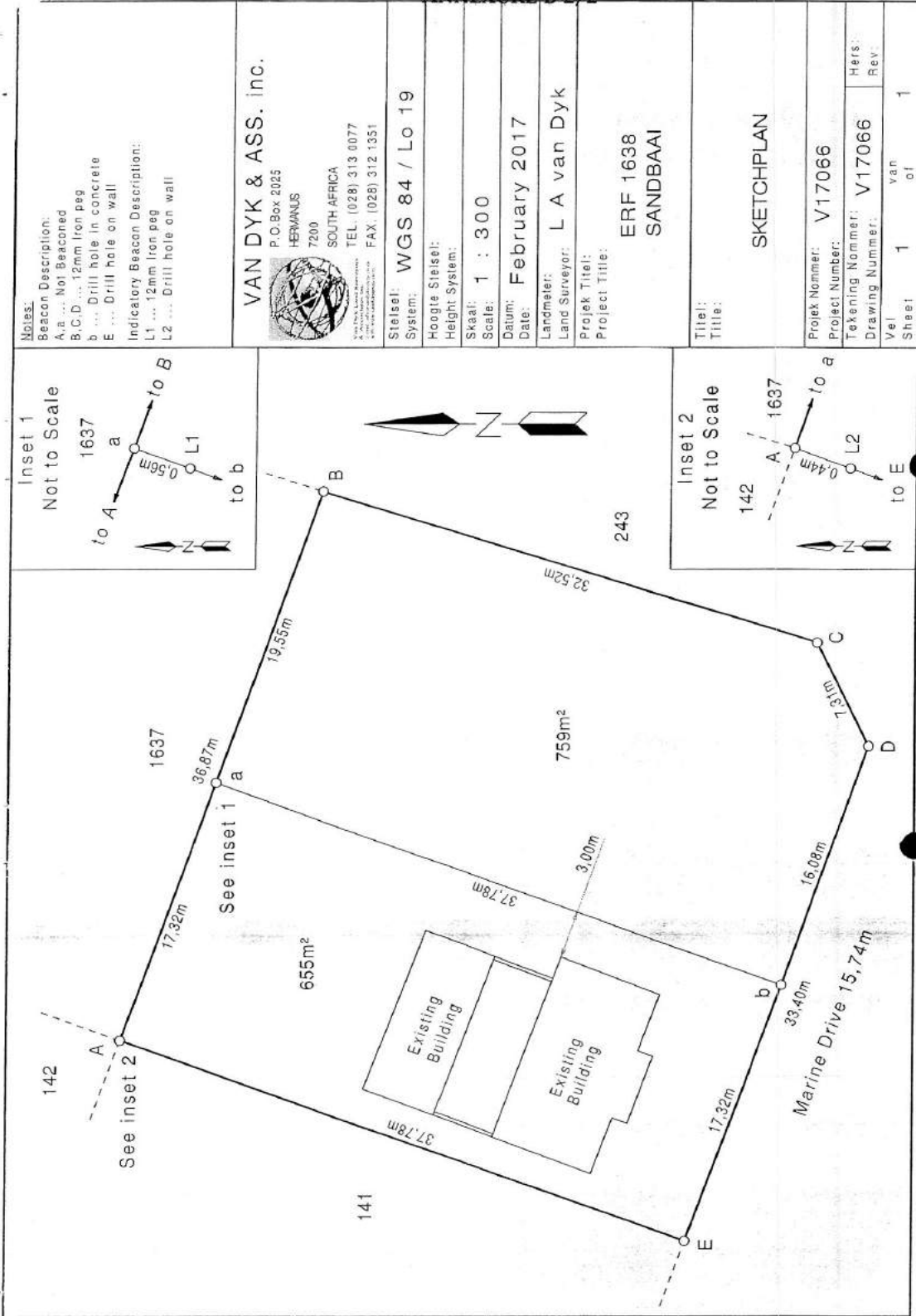
All distances approximate
 and subject to survey.

PLAn Stads- en Streeksbeplanners
 Town & Regional Planners

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ANNEXURE B 2/2



Notes:
 Beacon Description:
 A,a ... Not Beacons
 B,C,D ... 12mm Iron peg
 b ... Drill hole in concrete
 E ... Drill hole on wall
 Indicatory Beacon Description:
 L1 ... 12mm Iron peg
 L2 ... Drill hole on wall

VAN DYK & ASS. inc.
 P.O.Box 2025
 HERMANUS
 7200
 SOUTH AFRICA
 TEL: (028) 313 0077
 FAX: (028) 312 1351

Stelsel: WGS 84 / Lo 19
 System:
 Hoogte Stelsel:
 Height System:
 Skaal: 1 : 300
 Datum: February 2017
 Date:
 Landmeter: L A van Dyk
 Projek Titel:
 Project Title:
 ERF 1638
 SANDBAAI

Title:
 Title:
 SKETCHPLAN
 Projek Nommer: V17066
 Project Number:
 Tekening Nommer: V17066
 Drawing Number:
 Hets: Rev:
 Vel 1 van of 1
 Sheet 1 of 1

**PROPOSED SUBDIVISION AND
REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS**

ERF 1638 SANDBAAI

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

The owner of Erf 1638 Sandbaai, Mr. Micheal Victor Alcock, has instructed the company Plan Active to apply for the subdivision of Erf 1638 Sandbaai and the removal of restrictive Title Deed conditions.

The owner wants to subdivide Erf 1638 Sandbaai to create one additional erf and a remainder. The Title Deed applicable to Erf 1638 Sandbaai contains restrictions that stipulates that the property may not be subdivided and that it may be used for residential purposes only.

Erf 1638 Sandbaai is 1414m² in extent and is held by title deed number T4235/2017.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the subdivision of Erf 1638 Sandbaai.
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of restrictive Title Deed conditions.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

The subject property is situated on the corner of East End Street and Marine Road, Sandbaai. Please refer to the locality plan attached. Erf 1638 Sandbaai is 1414m² in extent and it is situated in a predominantly residential area with existing low cost housing further east of East End Street and single residential erven north of Marine Road. A new residential development scheme (Skulphoek) has been approved on the vacant portion of Erf 243 Hermanus situated to the southeast of Erf 1638 Sandbaai.

3.2 ZONING

Erf 1638 Sandbaai is zoned Residential Zone I and there is a dwelling situated on the property. Surrounding properties are zoned for single residential and public road purposes.

3.3 LAND USE

Erf 1638 Sandbaai is developed with a dwelling and therefor the land use of the erf is residential.

ANNEXURE C 3/9

Motivation report

Land uses that surround erf 1638 Sandbaai are single dwellings, commonage, public roads and public open spaces. It is therefore evident that erf 1638 Sandbaai is within a predominantly residential area.

3.4 PROPOSAL

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the subdivision of Erf 1638 Sandbaai.
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of restrictive Title Deed conditions.

It is the intention of the owner of erf 1638 Sandbaai to subdivide the subject property in order to create 1 additional erf and to simultaneously apply for the removal of restrictive Title Deed conditions.

The detail of the application can be described as follows:

3.4.1 Proposed Subdivision

Erf 1638 Sandbaai is 1414m² in extent and is much larger than the average Sandbaai Erf that varies in size between 600 and 700m². The owner intends to subdivide Erf 1638 Sandbaai in order to create 1 additional erf. Please refer to the enclosed subdivision plan. The subdivision will fit in with the current character of the residential erven in the same residential block.

The subdivision of erf 1638 Sandbaai can be summarised as follows:

Proposed Portions	Size	Structures
Portion A	±655m ²	Dwelling
Portion B	±759m ²	Vacant

3.4.2 Proposed Removal of Restrictions

The enclosed Title Deed, T 4235/2017 contains the following Title Deed restrictions that have to be addressed:

- Page 3, paragraph (2)(a): "That the above erf or erven be used for residential purposes only."
- Page 3, paragraph (2)(b): "That the above erf or erven be not subdivided."
- Page 3, paragraph (2)(c): "That not more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven and that not more than one half of the area of any one of the above erven be built upon."
- Page 3, paragraph (2)(d): "That no building be erected on the above erf or erven within 4.72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts, such space may be used as gardens but shall not be built upon."

The reasons to have the above mentioned Title Deed restrictions removed is mainly to give the owner the opportunity to utilise the property to its fullest potential in terms of the primary land use rights under the current zoning of Residential Zone 1. The primary rights referred to are as follow:

6.1 RESIDENTIAL ZONE 1: SINGLE RESIDENTIAL (SR1)

Use of the property

6.1.1 The following use restrictions apply to property in this zone:

- (a) **Primary uses** are: day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;

If paragraphs 2(a) and 2(c) of the above mentioned Title Deed are not removed the owner will be restricted to only use the property for single residential purposes only and will not have the possibilities to exploit his other primary land use rights.

4

ANNEXURE C 5/9

Motivation report

We are also applying for the subdivision of Erf 1638 Sandbaai and in order to subdivide Erf 1638 Sandbaai it will also be required that paragraph 2(b) of the said Title Deed be removed that prohibits the subdivision of the erf.

Erf 1638 Sandbaai is a corner erf. The Title Deed restriction, paragraph 2(d) as mentioned above prescribes a 4.72m street building line that is more restrictive than the prescribed building lines in terms of the Overstrand Municipality Zoning Scheme under a zoning of Residential Zone 1. With the removal of the restrictive Title Deed condition our client will at least gain an additional 1.44m to build.

Please take note that the proposed removal of the restrictive Title Deed conditions is mainly because they are more restrictive than the land use restrictions under the current zoning of the property that is Residential Zone 1. It is not proposed that we depart from any land use restrictions as prescribed in the Overstrand Municipality Zoning Scheme, Residential Zone 1.

3.5 ACCESS

The property is situated at no 2, Marine Drive. The entrance/ access point to Portion A is existing and the exact position of the access point to Portion B will be confirmed with a building plan submission, when the owner intends to build.

3.6 SERVICES

Due to the fact that Erf 1638 Sandbaai is within an already developed residential area, municipal services already exist to which the newly created erf, Portion B, could connect to. We have liaised with the Overstrand Municipality regarding the provision of services and it has been confirmed that there is capacity to provide the proposed additional erf with municipal services i.e. water, electricity, sewage and refuse removal.

ANNEXURE C 6/9

Motivation report

3.7 TITLE DEED

The title deed T4235/2017 has restrictions that need to be removed in order for this application for subdivision to be approved.

The Title Deed restrictions that we are applying for to have them removed are:

- Page 3, paragraph (2)(a): "That the above erf or erven be used for residential purposes only."
- Page 3, paragraph (2)(b): "That the above erf or erven be not subdivided."
- Page 3, paragraph (2)(c): "That not more than one dwelling together with the necessary outbuildings and accessories be erected on any of the above erven and that not more than one half of the area of any one of the above erven be built upon."
- Page 3, paragraph (2)(d): "That no building be erected on the above erf or erven within 4.72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts, such space may be used as gardens but shall not be built upon."

The reasons for the removal of the restrictive Title Deed conditions have already been covered as per paragraph 3.4.2 above.

3.8 FORWARD PLANNING**Overstrand Municipal Wide Spatial Development Framework**

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for residential purposes. The residential zoning of the subject erf will be retained after subdivision has taken place. The proposed minimum erf size for erven in Sandbaai is currently 550m².

6

ANNEXURE C 7/9

Motivation report

Overstrand Growth Management Strategy

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 3 that consists mainly of Sandbaai's single residential erven. No densification of this planning unit is proposed.

Although the Growth Management Strategy does not propose densification for the specific area, it must be taken into consideration that the property is much larger than the average residential erf. Erf 1638 Sandbaai is a consolidation of erven 144 and 1636 Sandbaai. Each subdivision application should be dealt with on its own merit. In this instance Erf 1638 Sandbaai is much larger in extent than the surrounding erven and even after subdivision it will still be compatible with the areas of the residential erven in the vicinity and can therefore be supported.

It is therefore our opinion that the proposed subdivision can be supported and is in line with forward planning strategies and also the current land use trends for the area.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**3.9.1 HERITAGE VALUE**

Erf 1638 Sandbaai is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

7

ANNEXURE C 8/9

Motivation report

In the light of the above mentioned it is evident that the proposed subdivision and removal of restrictive Title Deed conditions will not have a negative impact on the heritage value of the subject property or the Sandbaai area.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed subdivision and removal of restrictive Title Deed conditions do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: The proposed subdivided portion will be in line with the current erf sizes in the vicinity and also conforms to the prescribed minimum erf size applicable to erven within the Sandbaai area. The restrictive Title Deed conditions to be removed are more restrictive than the land use restrictions prescribed in the Overstrand Municipality Zoning Scheme under the current zoning that is Residential Zone 1. It is therefore proposed that only the land use restrictions in terms of the Overstrand Municipal Zoning Scheme under a zoning of Residential 1 apply and not the restrictions prescribe in the Title Deed.

Spatial sustainability: The proposed subdivision and removal of restrictive Title Deed conditions are in line with the current character of the established residential area. The proposed applications will have no impact on the conservation worthy areas of Sandbaai. Spatially the land use and erf size of Portions A and B of Erf 1638 Sandbaai will be in line with the residential character of the area.

8

ANNEXURE C 9/9

Motivation report

Efficiency: The proposed additional erf is easily accessible and conveniently located in Sandbaai in close proximity of beaches, shops and Hermanus.

Spatial Resilience: Spatial resilience is not applicable to this application.

Good administration: Our company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- The proposed subdivision and removal of restrictive Title deed conditions of Erf 1638 Sandbaai falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing erf sizes in the area;
- The impact on services will be minimal and the Overstrand Municipality confirmed that they have capacity to provide the additional erf with the required services;
- The proposed subdivision and removal of restrictive Title Deed conditions will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the subdivision of Erf 1638 Sandbaai and the removal of restrictive Title Deed conditions.

ANNEXURE D 2/4

2

AND the said Appearer declared that his/her principal had on 1 October 2016 truly and legally sold by private treaty and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

MICHEAL VICTOR ALCOCK
Identity Number 600505 5070 08 3
Unmarried

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

ERF 1638 SANDBAAI
IN THE OVERSTRAND MUNICIPALITY
DIVISION CALEDON
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 1414 (ONE THOUSAND FOUR HUNDRED AND FOURTEEN)
SQUARE METRES

FIRST REGISTERED BY CERTIFICATE OF CONSOLIDATED TITLE 23830/2000
WITH DIAGRAM S.G. NUMBER 971/1999 RELATING THERETO AND HELD BY
DEED OF TRANSFER NUMBER T96252/2003

- I. AS REGARDS the figure AfghE of the said diagram S.G. Number 971/1999:
 - A. SUBJECT to the conditions referred to in Deed of Transfer Number T5209/1915.
 - B. NOT SUBJECT TO condition B on page 2 of Deed of Transfer Number T96252/2003, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.
 - C. SUBJECT FURTHER to the special condition contained in Deed of Transfer Number 14871/1944:-
 1. Were imposed for the benefit of Sandbaai Seaside Estate Company (Proprietary) Limited as owners of the remaining extent of Lot No. 3 of the farm Onrust River held by them by Deed of Transfer No. 11466 of 1929, and the owners of Lot in Sandbaai Township already transferred or which may at any future date be transferred subject to similar conditions, namely:-
 - (a) The company reserved to itself and its successors in title the sole right to all Hotels and all liquor licences and the Purchaser/s (Transferee/s) or his/their successors in title shall not have the right to erect any hotel or hold any liquor licence, without the written consent of the Directors of the Company, or its successors in title, first had and obtained.
 - (b) The Company and its successors shall not have the right to subdivide and/or sell in erven the land between the lots sold as seafront lots and the sea.
 - (c) That no building shall be erected on any stand unless and until the plans for such building have been submitted to and approved by the Directors of the said Company or the successors in title of the said Company
 - (d) The transferee/s and his/their successors in title of the hereinabove described property shall have the right to divert any stream of water running on the said

ANNEXURE D 3/4

3

property so as to run alongside any of the avenues or streets as laid down on the General Plan of the Township.

(e) The Company reserves to itself and its successors in title the right at any time hereafter to the free and undisturbed passage of electric, telegraph or telephone wires over and upon any portion of the property hereby purchased, with further right of causing them to be affixed to any building or erection not less than 3,05 metres from the ground with access at any time such wires for the purpose of removal or maintenance.

(f) The company further reserves to itself and its successors in title the right at any time hereafter to lay and to maintain piping under any portion of the above land or elsewhere, and at all times to have access to such piping for removal, maintenance, extension or any other purpose, and to do all such acts and things as shall be required for the convenience of the inhabitants of the Township in regard to supplying them with water.

(g) The Company reserves to itself the sole right to all water arising on or flowing over the Company's property. There shall however, be excluded from the reservation any water obtained by the owner of the above land by means of wells or boreholes sunk on such land.

2. Imposed by the Administrator:

(a) That the above erf or erven be used for residential purposes only.

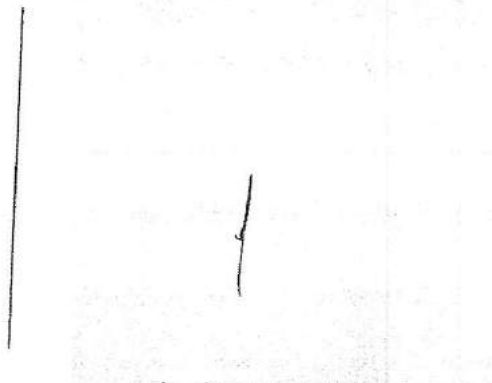
(b) That the above erf or erven be no subdivided.

(c) That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that no more than one-half of the area of any one of the above erven be built upon.

(d) That no building shall be erected on the above erf or erven within 4,72 metres of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts: such space may be used as gardens but shall not be built upon.

ii. AS REGARDS the figure fBCDhg on the said diagram S.G.Number 971/1999:

SUBJECT TO such conditions as are referred to in Deed of Transfer Number 5209 dated 1st August 1915.



ANNEXURE D 4/4

4

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

ROBIN GORDON HADDON, unmarried

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

MICHEAL VICTOR ALCOCK, unmarried

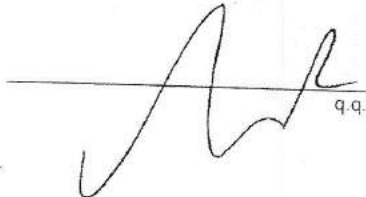
his heirs, executors, administrators or assigns

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 200 000.00 (ONE MILLION TWO HUNDRED THOUSAND RAND).

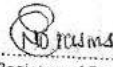
IN WITNESS WHEREOF I, the said Registrar of Deeds together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 03 FEB 2017

In my presence:


q.q.


Registrar of Deeds

Certified a true copy of the original filed
of record in this Registry in terms of
Reg 66
Deeds Registry
Cape Town
07/01/2017

Registrar of Deeds

Loretta Gillion - Erf 1638 Marine Drive Sandbaai

From: Peter Dickens <pa.dickens@gmail.com>
To: <loretta@overstrand.gov.za>
Date: 09/03/2018 01:41 PM
Subject: Erf 1638 Marine Drive Sandbaai
Cc: John Dickens <jcd.dickens@gmail.com>



TR A Theart
 CH Olivier)

Dear Loretta

The notice to submit any comments on the sub-division of ERF 1638 before 6 April 2018 refer. Please note, my family's trust, The Dickens Family Children Trust owns the adjacent property No. 1, 5th Avenue, Sandbaai to the erf referred.

As I understand the original reason why this property in front of our property (Erf 1638) was combined from two lots of land and the reason the Dickens Family Trust's property was also combined as two lots of land is because the original owner of Erf 1638 and my late father, Mr Derrick Dickens both approached the municipality to have what was a section of undefined land zoned for private and commercial usage and made available for this use (this as I understand was land originally intended for municipality road-work which had subsequently been changed). They in turn agreed to both buy their respective lots as large double unit stands.

As I understood from my father, whilst he was alive, that a gentlemen's agreement existed between the original owner and himself as to building works, my father would build a large house on his two lots of land and the original owner would confine his building works so as not to substantially obstruct the ocean views of No 1, 5th Avenue, Sandbaai (which at the time operated as a Bed and Breakfast commercial property). This remained in place as a gentlemen's agreement for many years, and the original owner in fact eventually simply sat on his property as a capital investment, whilst my family engaged further building works on No 1, 5th Avenue Sandbaai to enhance its sea views over Erf 1638 over a period exceeding 15 years.

Please note in applying to sub divide this land, no attempt by the current owner to offer this lot of land for sale was made, so we have been unable to preserve any sea views should building go ahead.

As the above is all subject to a longstanding gentleman's verbal agreement and in the case of my father, he has passed away so cannot be consulted, I'm not really sure what to do. If a large residence is to be built in front of our property on this erf it will most certainly serve to devalue our family trust's property substantially, and it will render works done to create sea views null and void – and in fact, given our viewing platforms and windows such a property may even infringe on our privacy (and theirs).

Yours sincerely,

Peter Dickens

FILE NO:	ER 1638
	Sandbaai
SCAN NO:	HFB 1638
COLLABORATOR NO:	113 8208

TP 12 MAR 2018

Loretta Gillion - Re: Erf 1638 Marine Drive Sandbaai



From: Peter Dickens <pa.dickens@gmail.com>
To: Loretta Gillion <lpage@overstrand.gov.za>
Date: 26/03/2018 12:51 PM
Subject: Re: Erf 1638 Marine Drive Sandbaai
Cc: <jcd.dickens@gmail.com>
Attachments: image001.jpg

TP - A Theart
 C H Olivier

Dear Loretta

Thank you for your reply. In addition to the correspondence dated 09/03/2018, I have asked my late father's widow, Mrs Trudy Dickens, as to the history of ERF 1638, she advised that my father in an attempt to secure his sea views and business interests, once the property in question was derelict and left abandoned, did make enquiries as to Hermanus Overstrand Municipality Town Planning as to the sub-division of the property.

The reasons for this enquiry was that he intended to buy this portion of the property should it be possible to sub divide it. According to Mrs Trudy Dickens, the then town planner declined the attempt to sub divide the property maintaining that the ERF as outlined had to remain intact as one unit. Trudy Dickens recalls this enquiry been made, and subsequent decision not to subdivide it was made sometime in the early 2000's between 2001 and 2003.

As outlined in previous correspondence, that should it be possible to now subdivide this property, there have been obvious interests from my family in purchasing it in the past, and those interests remain to this day.

Kindest regards,

Peter Dickens

From: Loretta Gillion <lpage@overstrand.gov.za>
Date: Monday, 12 March 2018 at 11:05
To: <pa.dickens@gmail.com>
Cc: <jcd.dickens@gmail.com>
Subject: Re: Erf 1638 Marine Drive Sandbaai

FILE NO:	EL 1638
	Sandbaai
SCAN NO:	
	HSB 1638
COLLABORATOR NO:	
	1143212

Dear Mr Dickens

Receipt is hereby acknowledged of your comments. A formal communication will follow in due course.

Regards

Loretta Gillion

TP

26 MAR 2018

file:///C:/Users/loretta/AppData/Local/Temp/XPernwise/5AB8ECDFHermanusMunn... 2018/03/28

ANNEXURE F 1/3

PLAN Town & Regional Planners
Stads-en Streeksbeplanners
Active



6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200

Tel: (028) 313 1673

Fax / Faks: (028) 312 1351

Email: planactive@hermanus.co.za

Website: www.planactive.co.za

Your reference: 1638 HSB (3857)

18 May 2017

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO: EL 1638 Sandbaai
SCAN NO: 03
COLLABORATOR NO: 1160807

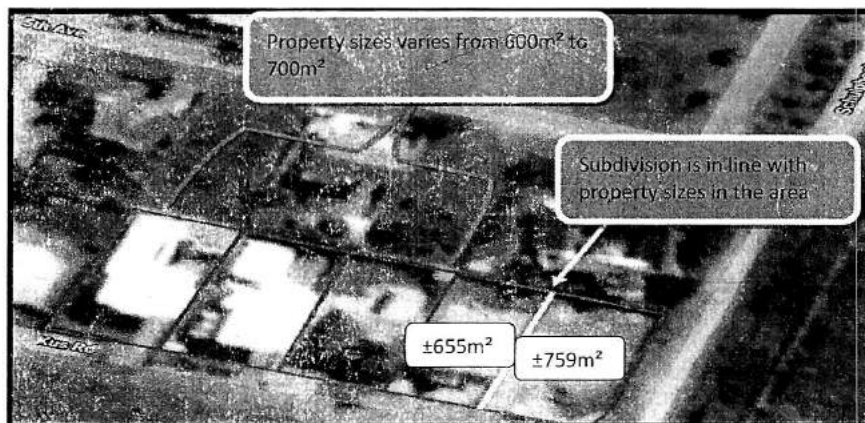
TRATheart
(H Boshoff)

For attention: Mr. H Boshoff

**COMMENTS ON OBJECTION: ERF 1638 SANDBAAI: PROPOSED SUBDIVISION AND
REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

Your e-mail dated 30 April 2018 with comments from Peter Dickens refers. We would like to make use of the opportunity to comment as follows:

- The sizes of the erven in the same residential block as Erf 1638 Sandbaai varies from 600m² to 700m² in extent. The subject property is 1414m² in extent and the proposed subdivision proposes properties that are in line with the existing erf sizes in the vicinity.



Divine Inspiration Trading 329 (Pty) Ltd. Trading as Plan Active
Pr. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndp (Town Planning) Tech: Witwatersrand; MSAPI Nr: 10908; SACPLAN Tch. Pin B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Term: B. Art et Scien Curr Laude (Town Planning) UNW; SACPLAN Pr. Pin A/158/2009

ANNEXURE F 2/3

- According to Mr. Dickens, his late father and the previous owner had a gentlemen's agreement with each other regarding building works. The new owner of Erf 1638 Sandbaai has no knowledge of any agreements and no restrictions as mentioned by Mr. Dickens were entered into the respective Title Deeds. The new owner of Erf 1638 Sandbaai can therefore not be held liable for agreements between previous owners of the subject erf and the deceased owner of Erf 1637 Sandbaai.
- The proposed subdivision will create one additional property and a remainder with a Residential 1 zoning that can be developed in accordance with the Overstrand Municipality Zoning Scheme. The remainder of Erf 1638 and the proposed additional erf will have to comply with the building lines as prescribed. A side building line of 2 meters applies for each erf, which allows a corridor of 4m that makes provision for the owner of Erf 1637 Sandbaai to still have a view of the sea.

Without a subdivision the property owner would be well in his rights to extend the current dwelling across the property that will block the views of the owner of Erf 1637 Sandbaai. A height restriction of 8 meters also applies in accordance with Overstrand Municipality Zoning Scheme for the identified zoning. Our application is for the subdivision of the property only and not for any building line departures.



ANNEXURE F 3/3

- The subdivision of the property is desirable for the area of Sandbaai. The removal of the restrictive Title Deed conditions give the owners of the newly created portion and the remainder of Erf 1638 Sandbaai the right to develop the properties to its full potential for which provision is made for in the Overstrand Municipality Zoning Scheme under the current zoning of the property that is Residential Zone 1.

We trust that you would find our comments in order and that the application will be dealt with favourably.

Yours faithfully



John Mc Lachlan

ANNEXURE G 1/2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS &
SUBDIVISION: ERF 1638, SANDBAAI (3845)**

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

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2017/2018**) is as follows:

Freehold erven:

Water	R 21 500.00 x 1	=	R 21 500.00
Sewerage	R 14 496.00 x 1	=	R 14 496.00
Roads	R 6 500.00 x 1	=	R 6 500.00
Stormwater	R 7 500.00 x 1	=	R 7 500.00
Solid Waste	R 1 300.00 x 1	=	R 1 300.00
Electricity	R 30 197.80 x 1	=	<u>R 31 859.98</u>
TOTAL (inclusive of VAT)		=	R 83 155.98

Note:

- 1.3 The above figures are estimates**
- 1.4 The above figures do not include connection fees**
2. that the existing water connection and sewer conservancy tank to Erf 1638 shall be used to services the proposed Portion A of Erf 1638;

ANNEXURE G 2/2

2

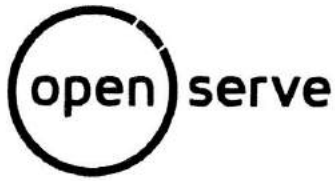
3. that any part of the existing water- and sewer services on Portion A of Erf 1638 that crosses the common boundary of Portion A and Portion B of Erf 1638 must be disconnected and sealed off by the developer;
4. that Portion B of Erf 1638 must be serviced with an individual and separate water connection with the standards of the Department: Operational Services, as well as a sewer conservancy tank;
5. that a new suction point for the sewer conservancy tank, which must comply with the standards of the Department: Operations must be provided for Portion B of Erf 1638 at the street boundary with Marine Drive;
6. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
7. that only a standard 60 Amp single phase electricity connection will be available per erf;
8. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of Department: Operational Services;
9. that any additional and / or extended vehicle entrances will be for the owner's account;
10. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
11. that stormwater be allowed to discharge through the proposed erven, Sandbaai, unobstructed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

24/1/2018
DATE

ANNEXURE H 1/4



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WHMN1786_18
Your Ref.: 1638 HS8 3857

7 June 2018

Attention: S Muller

Overstrand Municipality
HERMANUS

PLANT AFFECTED:

**PROPOSED SUBDIVISION AND REMOVAL OF RESTRICTION - ERF 1638, 2 MARINE DRIVE,
SANDBAAI**

With reference to your application received **March 2018**.

As important COPPER cables and other infrastructure are affected, please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za and 48 hours prior of commencement on construction work.

I hereby inform you that Open Serve 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.

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

ANNEXURE H 2/4

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

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.

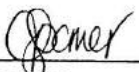
Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

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 Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

pp 

Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

ANNEXURE H 3/4

PLANT AFFECTED : COPPER

This wayleave, Reference Number **WWIP WHMN1786 18** is valid for 12 months from date hereof and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three meters of any Open Serve 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 and **Frederik Swart** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of the Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration, should the of the work, upon which the actual location of Open Serve Plant will be applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Open Serve immediately, should the applicant locate any Open Serve Plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve 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 any damage or loss as a result thereof.

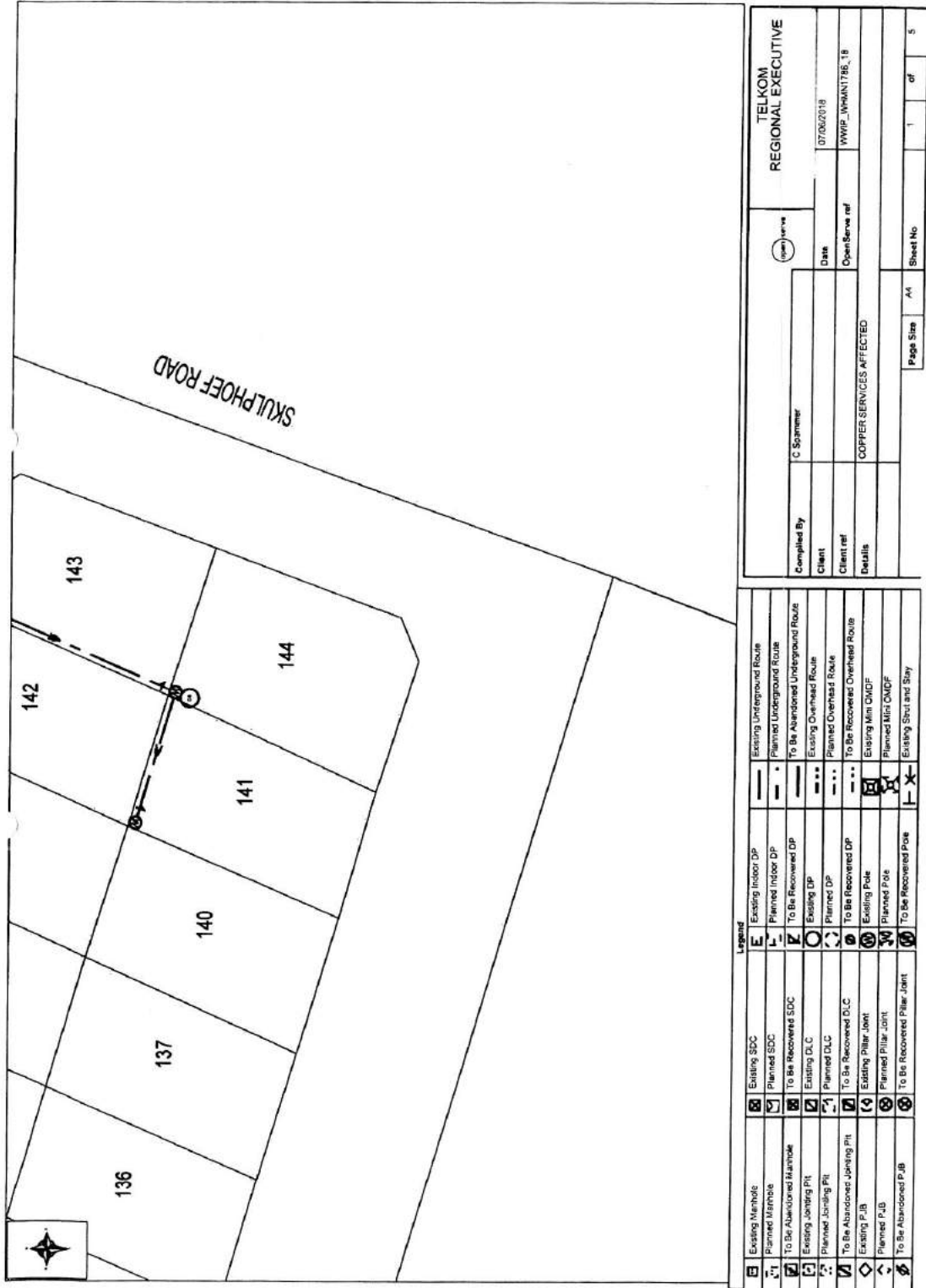
Date: 2018/06/07

By: C Spammer
For Regional General Manager
Western Cape

Legend	Green
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 H 4/4



Legend		C Scanner		TELKOM REGIONAL EXECUTIVE	
	Existing SDC		C Scanner		07/06/2019
	Planned SDC		Data		YWIP_WMAN1786_18
	To Be Abandoned Manhole		Client ref		COPPER SERVICES AFFECTED
	Existing Jutting Pn		A4		1 of 5
	Planned Jutting Pn		A4		1 of 5
	To Be Abandoned Jutting Pn		A4		1 of 5
	Existing PJB		A4		1 of 5
	Planned PJB		A4		1 of 5
	To Be Abandoned PJB		A4		1 of 5
	Existing Indoor DP		Existing Underground Route		Planned Underground Route
	Planned Indoor DP		To Be Recovered DP		To Be Abandoned Underground Route
	To Be Recovered DP		Existing DP		Existing Overhead Route
	Existing DP		Planned DP		Planned Overhead Route
	Planned DP		To Be Recovered DP		Existing Mini OMDP
	To Be Recovered DP		Planned Pole		Planned Mini OMDP
	Existing Pole		To Be Recovered Pole		Existing Strut and Stay
	Planned Pole		To Be Recovered Pole		
	To Be Recovered Pole				