

## 4.2

**ERF 39, 243 PIET RETIEF CRESCENT, ERF 41, 108 KUSWEG AND ERF 42, 241 PIET RETIEF CRESCENT, SANDBAAI, OVERSTRAND MUNICIPAL AREA: REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSENT USE AND DEPARTURE: MESSRS PLANACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF LN & D WESTGARTH-TAYLOR, DA KOTZÉ AND JJ WESSELS**

**39, 41 & 42 HSB (3841)  
H van der Stoep  
22 January 2019**

**(028) 313 8900**

**Hermanus Administration**

## 1. EXECUTIVE SUMMARY

An application applicable to Erven 39, 41 and 42, Sandbaai has been received on 6 November 2017 from Messrs Planactive Town & Regional Planners on behalf of LN & D Westgarth-Taylor, DA Kotzé and JJ Wessels 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 the restrictive conditions C.2.(a) and C.2.(c) as contained in Title Deed No. T47662/2005 applicable to Erf 41, Sandbaai in order to accommodate a guesthouse with five (5) guestrooms on the property.

The restrictive conditions reads as follows:

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

*“(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 not more than one/half the area of any one of the above erven be built upon.”*

- ❖ 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 the restrictive conditions B.2.(a), B.2.(c) and B.2.(d) as contained in Title Deed No. T43101/2017 applicable to Erf 39, Sandbaai in order to accommodate six (6) parking bays on the property for the proposed guesthouse on Erf 41, Sandbaai.

The restrictive conditions reads as follows:

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

*“(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 not more than half 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 wall 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.”*

- ❖ Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 for a guesthouse in order to accommodate a guesthouse with five (5) guestrooms on Erf 41, Sandbaai.
- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 from the primary rights applicable to Erf 39, Sandbaai in order to accommodate the above-mentioned six (6) parking bays on the property.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C. The Title Deeds are attached as Annexure D.

## 2. DECISION AUTHORITY

Municipal Planning Tribunal

## 3. BACKGROUND / SITE HISTORY

Erven 39, 41 and 42, Sandbaai are zoned for Residential Zone 1: Single Residential purposes. Erf 39, Sandbaai measure 814m<sup>2</sup> in extent, Erf 41, Sandbaai measure 714m<sup>2</sup> in extent and Erf 42, Sandbaai also measure 714m<sup>2</sup> in extent. Erf 39, Sandbaai is undeveloped, Erf 41, Sandbaai is developed with a dwelling unit, double garage and granny flat, and Erf 42, Sandbaai is developed with a dwelling unit.

The main purpose of the application is to conduct a five (5) bedroom guesthouse from Erf 41, Sandbaai. The owners of Erf 41 also purchased the undeveloped Erf 39, Sandbaai to utilize a portion thereof for parking purposes for the guesthouse on Erf 41, Sandbaai. A portion of ±14m<sup>2</sup> of the western corner of Erf 42, Sandbaai will be utilised as a right of way from Erf 41 to Erf 39, Sandbaai to provide access to the parking bays on Erf 39, Sandbaai. Both Erven 39 and 41, Sandbaai are owned by the same owners, the primary erven relating to the application.

It should be noted that prior to the compilation of this submission it was discovered that the proposed guesthouse on Erf 41 is already in operation and is actively being marketed on the internet as "Shore's Edge Guest House". Photographs of the guesthouse and remarks of guests who stayed at the guesthouse were downloaded from one of the websites on which the guesthouse is being advertised, which is attached as Annexure H. It was further observed from the latest Overstrand GIS aerial layer of July 2018 that Erf 39, Sandbaai is already being used for parking purposes with a built parking area and that access is already gained over Erf 42, Sandbaai to the parking area (see extract attached as Annexure I).

## 4. SUMMARY OF APPLICANT'S MOTIVATION

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

- ❖ The use of the existing dwelling on Erf 41, Sandbaai to create a five (5) bedroom guesthouse will offer great tourist accommodation for people (tourists) visiting the Sandbaai area.

- ❖ In order to accommodate a five (5) guestroom guesthouse on Erf 41, Sandbaai, a right of way servitude has to be registered over Erf 42, Sandbaai to accommodate six (6) parking bays on Erf 39, Sandbaai.
- ❖ The guesthouse will consist of five (5) guestrooms, each with their own en-suite bathroom; living room; dining room; kitchen; pool rooms; swimming pool; outdoor space; garage and parking area.
- ❖ The manager/owner will reside in the granny-flat that is located in close proximity of the rear boundary of Erf 41, Sandbaai and that is attached to the existing double garage.
- ❖ Only one (1) vehicle can be accommodated in the double garage due to its close proximity to the lateral north-western boundary. Subsequently six (6) additional parking bays will have to be accommodated. Subsequently the owners of Erf 41, Sandbaai, Mr. D. A. Kotze and Mrs. L.N. Westgarth-Taylor, bought Erf 39, Sandbaai to accommodate six (6) parking bays thereon and also negotiated with the owner of Erf 42, Sandbaai to access the proposed parking bays via a small right of way servitude. A right of way servitude will be registered over a portion of Erven 39 and 42, Sandbaai.
- ❖ The proposed consent use, departure and removal of restrictive title deed conditions and to create a right of way servitude over a portion of Erf 42, Sandbaai will have a low impact on the surrounding erven as the subject property's zoning will be retained.
- ❖ The proposal will have a low impact on the environment and traffic of the area.
- ❖ The subject properties are situated in an area that is characterized by established single dwellings and some tourist accommodation establishments. The proposal will be compatible with the character of the surrounding erven.
- ❖ The impact on the existing character of the area will be kept to a minimum and the proposal will not have a negative impact on the surrounding property values.
- ❖ The subject property is ideally positioned to explore all the great attractions of Sandbaai. The subject property is in close proximity of the popular coastal walkways, beaches tourist hubs such as the Hemel & Aarde Village, the Hermanus CBD, other beaches such as the famous Grotto Beach and the Fernkloof Nature Reserve is also easily accessible.
- ❖ Due to the location and accessibility of the property the subject property has the potential to be developed as a guesthouse. The subject property is situated in the picturesque Sandbaai offering great views over the ocean.
- ❖ All services on the subject property already exist and are sufficient to accommodate the proposed guesthouse with five (5) guest rooms. It is the opinion that the impact on services will be minimal.
- ❖ The existing access from Kusweg to the existing dwelling will be used to access the proposed six (6) parking bays proposed on Erf 39, Sandbaai.
- ❖ The existing double garage on Erf 41 will be used to provide one (1) parking bay for the exclusive use by the owner/manager of the guesthouse. The location of the double garage makes it physically possible to park two (2) vehicles in the double garage. One (1) additional parking bay for the sole use of the owner/manager has been provided on Erf 39, Sandbaai. A total of seven (7) parking bays will therefore be provided.
- ❖ The impact on the traffic of the area will be kept to a minimum since guests never arrive and depart at the same time at tourist accommodation establishments.
- ❖ The reasons to have the title deed restrictions removed are mainly to make provision for the establishment of six (6) parking bays on Erf 39, Sandbaai and to give the owners the opportunity to utilise the properties to its fullest potential in terms of the primary land use rights under the current zoning of Residential Zone I.

- ❖ Should the conditions in the Title Deed of Erf 39, Sandbaai not be removed the owners will be restricted to only using the property for single residential purposes and therefore prohibits the proposed six (6) parking bays.
- ❖ The Overstrand Spatial Development Framework (2006) earmarks the area where Erven 39, 41 and 42, Sandbaai are situated, for residential purposes. The current Residential Zone I zoning of the properties will be retained and the application only constitutes mainly a consent use for a guesthouse and the creation of right of way servitudes access and to use proposed parking bays located on another erf. Subsequently the proposal will be in line with the spatial planning guidelines for the area.

#### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	27 February 2018	6 April 2018
Gazette	Yes	23 March 2018	26 April 2018
Notices	Yes	1 December 2017	5 January 2018
Ward councillor	Yes	1 December 2017	5 January 2018
Total comments	<b>NONE</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 47 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments	Recommendation
Building Department	12/12/2017	Supported subject to the submission of building plans in compliance with SANS10400.	Positive
Local Heritage	19/12/2017	No heritage impact.	Positive
Engineering Services	12/12/2018	Attached as Annexure E.	Positive
Fire Department	23/01/2018	Attached as Annexure F.	Positive
Telkom	12/02/2018	Attached as Annexure G.	Positive

**7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION**

N/A

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

N/A

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

N/A

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****10.1 Background**

N/A

**10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

**Spatial Justice**

The application will not perpetuate spatial injustices.

**Spatial sustainability**

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and it will have no negative influence on the environment.

**Efficiency**

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

**Spatial resilience**

The accommodation establishment 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 Condition****The financial or other value of the rights**

The removal of the relevant conditions will have a beneficial financial impact for the landowners since they will be able to operate an accommodation establishment with five (5) bedrooms from Erf 41, Sandbaai. The value of the property will thus increase due to the fact that the landowners will obtain an additional land use right.

**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**

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

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

It will only result in the landowners gaining additional land use rights.

**10.10 THE DESIRABILITY OF THE PROPOSAL**

Removal of Restrictive Title Deed Conditions Erven 39 and 41, Sandbaai

**Erf 41, Sandbaai**

The property is burdened with land use restrictions in the Title Deed and the owners wish to have the relevant restrictive conditions removed in order to conduct a five (5) bedroom guesthouse from Erf 41, Sandbaai. The removal of the restrictive conditions would also enable the owners to be in line with the applicable primary rights and development parameters as set out in the Zoning Scheme. These primary rights and parameters are more lenient than the restrictions in the Title Deed of the property. The removal of the restrictive title deed conditions will not be to the detriment of the character of the area since numerous applications for the removal of these restrictive conditions have been approved in the past in Sandbaai already.

**Erf 39, Sandbaai**

It is also proposed to remove similar conditions from the Title Deed of Erf 39, Sandbaai in order to utilize a portion thereof as a parking area for the guests of the proposed guesthouse on Erf 41, Sandbaai, as well as to be in line with the primary rights and parameters as set out in the Zoning Scheme. Since Erf 41, Sandbaai will retain its single residential zoning status, two (2) parking bays for the main dwelling and one (1) parking bay for the second dwelling unit is required in terms of the Zoning Scheme. A further five (5) parking bays are required one (1) for each of the five (5) guest rooms. A total of eight (8) parking bays have to be provided.

Refer to the copy of the approved building plan for the double garage and outbuilding (attached as Annexure J). Although a double garage exists on Erf 41, Sandbaai the landowner (or previous landowner) moved the garage door from the southern wall of the structure to the western wall that makes parking for two (2) vehicles in the garage unpractical due to the close proximity of the access to the garage from the western lateral boundary. The applicant confirms the latter in its motivation report. However, since only one (1) vehicle can be accommodated in the garage, there will be a shortage of one (1) parking bay. Subsequently seven (7) parking bays will have to be accommodated on Erf 39, Sandbaai and not six (6) as indicated on the layout plan. The applicant will have to submit an amended layout plan for approval by the Municipality.

It is further the opinion that the complete removal of condition B.2.(a) as contained in in the Title Deed of Erf 39, Sandbaai that restricts the usage of the property to single residential purposes only cannot be supported. Should the condition be removed the landowner will have "day care centre" and "home occupation" as additional land use rights and once exercised will lead to parking problems in view of the parking area that is to be provided for the guesthouse. However, should the restrictive condition not be removed it would not be possible to allow for the parking area as it will be in contradiction with the said condition. It is thus proposed that the condition rather be amended and not be completely removed and to read as follows:

*"That the above erf be used for single residential and parking purposes only."*

The removal of condition B.2.(c) that allows for one (1) dwelling only on Erf 39, Sandbaai in lieu of two (2) dwellings as per the primary rights set out in the Zoning Scheme, cannot be supported. A second dwelling unit requires one (1) additional parking bay and a main dwelling requires two (2) parking bays. As

mentioned above parking problems will most probably develop on the property in view of the seven (7) parking bays that need to be created for the guesthouse and a second dwelling unit together with a main dwelling will most probably only worsen the situation.

The removal of condition B.2.(d) that requires that all buildings be 4,72m from the street boundary of the property, is however supported. Taking the applicable 4m Zoning Scheme street building line into consideration the removal of the condition will allow for more developable space on the property which will be to the benefit of the landowners.

#### Consent Use and Departure: Erven 41 and 39, Sandbaai

The guesthouse will have a low impact on the rights of surrounding property owners and the surrounding built environment or the character of the area as the guesthouse will be conducted from an existing functional dwelling unit. Further, no objections were received against the application. Land uses in the broader area of the subject properties vary from single residential dwellings to tourist related uses such as guesthouses. It is therefore apparent that the subject properties are situated in an area where rights have already been obtained to establish guesthouses/accommodation establishments.

An approved servant's quarter at the rear of Erf 41, Sandbaai has already been converted into a second dwelling unit that is to be utilised by the manager of the guesthouse. With the removal of the relevant restrictive conditions in the Title Deed of Erf 41, Sandbaai, the second dwelling (granny-flat) will automatically become a primary land use right. Building plans however needs to be submitted to the Building Department for approval.

Ample and practical parking for the guesthouse on Erf 41, Sandbaai can be provided on Erf 39, Sandbaai by means of a departure use, which erf is also owned by the owners of Erf 41, Sandbaai. The property is undeveloped. The parking area to and from Erf 39, Sandbaai will be gained via a right of way access over a small portion of Erf 42, Sandbaai - see layout plan. (Permission has been obtained for the right of way from the owner of Erf 42, Sandbaai.) This will ensure that there will be minimal impact on the normal flow of traffic in the area since a one-way traffic flow is proposed – the access point at Erf 41, Sandbaai from Kusweg and the exit point at Erf 39, Piet Retief Crescent, Sandbaai. It is however the opinion that the parking area be surveyed and the surveyed area be registered against the Title Deed of Erf 39, Sandbaai as parking in favour of Erf 41, Sandbaai by means of notarial tie for as long as the guesthouse is in operation. This is also to ensure that no on-street parking for the guesthouse on Erf 41, Sandbaai will occur at some stage in future. Since the departure use for the parking area on Erf 39, Sandbaai does not entail a permanent change in the land use of Erf 39, Sandbaai, a condition must also be imposed that the dominant use of the remaining extent of Erf 39, Sandbaai must still be for single residential purposes.

The applicant also applied for municipal approval for the right of way access over Erf 42, Sandbaai. However, right of ways are exempted from municipal approval in terms of Section 26 of the By-Law. Should the application be approved a condition must be imposed that the right of way be registered prior to the guesthouse being operated and that proof of such registration be submitted to the Municipality for its records.

It should be noted that in terms of the applicable forward planning documents of the Municipality, the tourism industry should be promoted as far as possible.

No objections were received and the applicable development parameters as set out in the Zoning Scheme will be maintained.

In view of the above, it is the opinion that the application under consideration for the removal of the restrictive title deed conditions, the consent use, and the departure holds sufficient merit not to be deemed undesirable from a town planning perspective.

Further in view of the above, the application is only partially 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 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)(o) of the By-Law for consent use for a guesthouse in order to accommodate a guesthouse with five (5) guestrooms on Erf 41, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(f) for the removal of restrictive title deed conditions B.2.(a) and (c) as contained in Title Deed T43101/2017 applicable to Erf 39, Sandbaai in order to accommodate a parking area on the property for the guesthouse on Erf 39, Sandbaai 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 refused** in terms of the provisions of Section 61 of the By-Law;
4. that condition B.2.(a) as contained in Title Deed T43101/2017 applicable to Erf 39, Sandbaai, **be amended** to read as follows:
 

*“That the above erf be used for single residential and parking purposes only.”*
5. that the application in terms of Section 16.(2)(b) of the By-Law for departure in order to deviate from the primary rights applicable to Erf 39, Sandbaai in order to accommodate the above-mentioned parking area on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;
6. that the approvals in points 1., 2., and 5. be approved subject to the following conditions:

- (a) that a revised layout plan be submitted for approval by the Authorized Official of the Municipality, which plan must indicate the five (5) guestrooms, manager's/owner's accommodation, seven (7) parking bays on Erf 39, Sandbaai and one (1) parking bay (garage) on Erf 41, Sandbaai as well as the servitude areas;
- (b) that the parking area on Erf 39, Sandbaai be surveyed and that the surveyed area be registered against the Title Deed of Erf 39, Sandbaai as parking in favour of Erf 41, Sandbaai by means of notarial tie for as long as the guesthouse is in operation
- (c) that the dominant use of the remaining extent of Erf 39, Sandbaai must still be for single residential purposes;
- (d) that the right of way area over Erf 42, Sandbaai be registered prior to the guesthouse being operated and that proof of such registration be submitted to the Municipality for its records;
- (e) that a maximum of five (5) bedrooms be let to guests/tourists from the dwelling on Erf 41, Sandbaai;
- (f) that building plans be submitted to the Building Department for approval and that all conditions of the Building – and the Fire Department be complied with at that stage;
- (g) that the owner/manager resides permanently on the premises, and be responsible for the proper management of the guest house;
- (h) that the guest house is utilized as such – no self-catering will be permitted;
- (i) that no kitchen facilities and/or prep bowls be allowed in the guestrooms;
- (j) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (k) that the selling or serving of liquor on Erf 41, Sandbaai will be subject to the owners obtaining the necessary Liquor Licence;
- (l) that a minimum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries of Erven 39 and 41, Sandbaai;
- (m) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (n) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;

- (o) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (p) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (q) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (r) that the conditions of Engineering Services, Fire Services and Telkom, respectively (attached as Annexures E, F and G), be complied with;
  - (s) that this approval does not absolve the landowners from compliance with any other relevant legislation, and
  - (t) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
7. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

## 12. REASONS FOR RECOMMENDATION

### Erf 41, Sandbaai: Removal of Restrictions and Consent Use for Guesthouse

- ❖ The application has followed due procedure.
- ❖ No objections were received from the public.
- ❖ It is in line with policy documents.
- ❖ The accommodation establishment will be beneficial for optimization of the erf.
- ❖ It will promote the tourism industry.
- ❖ Is not regarded as being undesirable from a town planning point of view.

### Erf 39, Sandbaai: Refusal for Removal of Conditions B.2.(a) and (c) and Amendment of Condition B.2.(a), as well as approval for the Removal of Condition B.2.(d), and Departure for Parking Area

- ❖ Should Condition B.2.(a) be removed the landowner will have “day care centre” and “home occupation” as additional land use rights and once exercised will lead to parking problems in view of the parking area that is to be provided for the guesthouse on the property. To still allow for the parking area and to avoid the said parking problems, the better alternative is to amend the condition in the manner as set out in the decision rather to have it completely removed from the Title Deed.
- ❖ Should Condition B.2.(c) be removed from the Title Deed to allow for a second dwelling unit, the required parking area for the guesthouse and parking required for a second dwelling unit together with a main dwelling will only worsen parking problems on the property.
- ❖ The removal of Condition B.2.(d) will allow for more developable space on the property which will be to the benefit of the landowners.

- ❖ The departure to allow a parking area on the property will enable the landowners to provide the required parking bays for the guesthouse and second dwelling unit on Erf 41, Sandbaai. Erf 39, Sandbaai will still retain its single residential status and can still be developed for such purposes, thus there should be no negative financial impacts for the landowners.

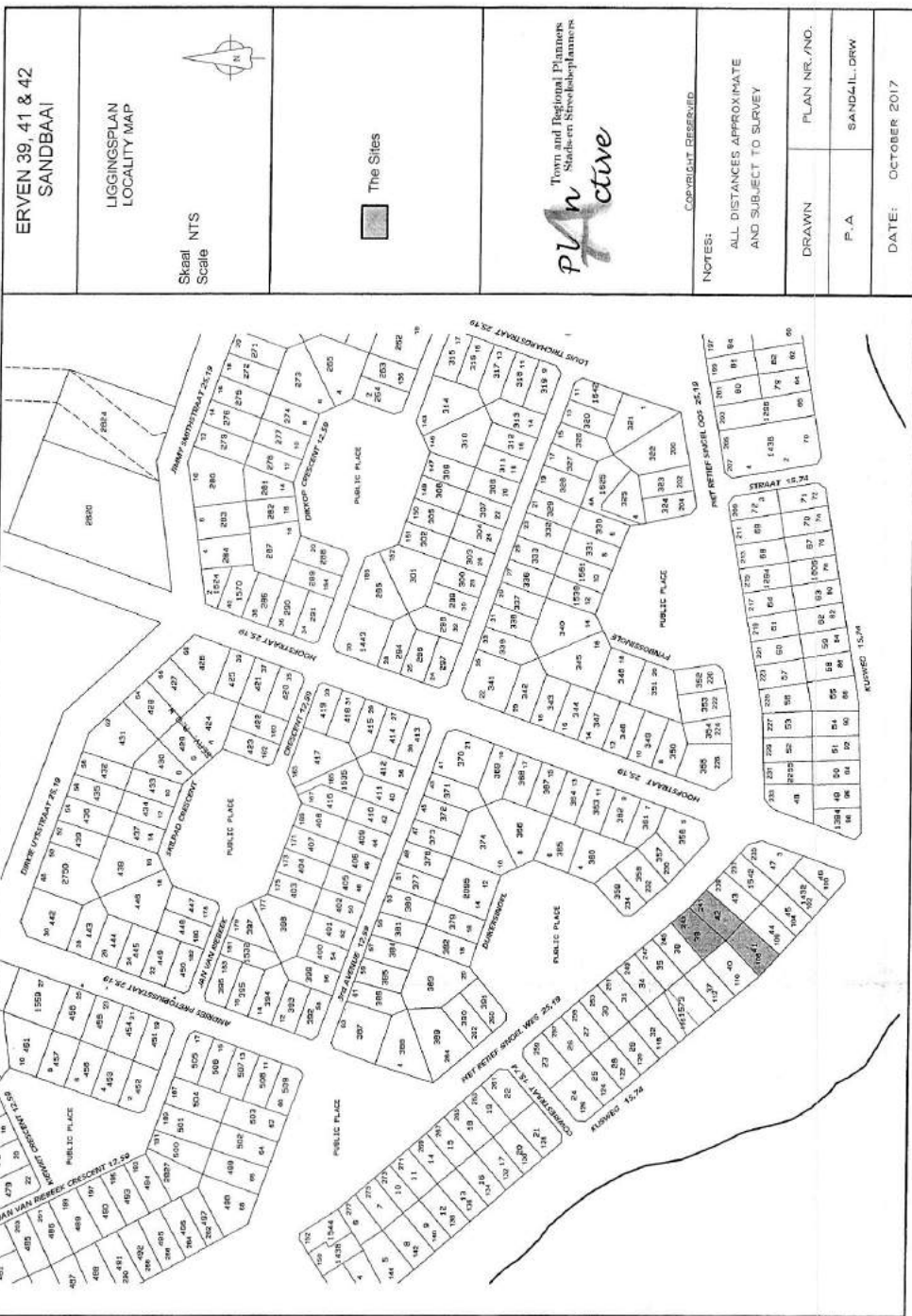
**13. ANNEXURES**

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plans
- Annexure D: Title Deeds (Erf 39, Sandbaai - T43101/2017, Erf 41, Sandbaai - T47662/2005 and Erf 42, Sandbaai – T16751/1988)
- Annexure E: Services Report
- Annexure F: Comment: Fire Department
- Annexure G: Comment: Telkom
- Annexure H: Photographs and remarks of guests
- Annexure I: Extract from Overstrand GIS
- Annexure J: Approved building plan for garage and outbuilding.

**SIGNATURES****REGISTERED PLANNER:**Name : **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature : \_\_\_\_\_

Date: \_\_\_\_\_



ERVEN 39, 41 & 42  
SANDBAAI

LIGGINGPLAN  
LOCALITY MAP



Skaal  
NTS  
Scale

The Sites

Town and Regional Planners  
Stads- en Streekplanners  
**PLAN** Active

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NOTES:  
ALL DISTANCES APPROXIMATE  
AND SUBJECT TO SURVEY

DRAWN

PLAN NR./NO.

F.A

SANDAAL.DRW

DATE: OCTOBER 2017

**PROPOSED CONSENT USE, DEPARTURE,  
CREATION OF RIGHT OF WAY SERVITUDES  
AND REMOVAL OF RESTRICTIVE TITLE DEED  
CONDITIONS:  
ERVEN 39, 41 & 42 SANDBAAI  
  
OVERSTRAND MUNICIPALITY  
DIVISION CALEDON**

## MOTIVATION REPORT

### 1. BACKGROUND

The company Plan Active has been instructed by the owners of Erven 39, 41 & 42 Sandbaai, Mr. D. A. Kotze, Mrs. L.N. Westgarth-Taylor and Mr. J.J. Wessels to apply for a consent use, departure, the creation of right of way servitudes and removal of restrictive Title Deed conditions applicable to Erven 39, 41 and 42 Sandbaai in order to:

- Establish a Guesthouse on Erf 41 Sandbaai;
- To make provision for access to Erf 39 Sandbaai over Erf 42 Sandbaai;
- To provide parking for the proposed guesthouse on Erf 39 Sandbaai.

Erf 39 Sandbaai was recently purchased by Mr. D.A. Kotze and Mrs. L.N. Westgarth-Taylor. The new Title Deed reflecting their names was not available at the time of submission of this application and we have therefore enclosed the draft Title Deed and letter from DVHS Attorneys confirming the transfer.

The erf numbers, size, ownership and Title Deed Numbers can be tabled as follow:

Erf Number	Size	Owner	Title Deed Nr.
Erf 39 Sandbaai	814m <sup>2</sup>	D.A. Kotze & L.N. Westgarth-Taylor	43101/2017
Erf 41 Sandbaai	714m <sup>2</sup>	D.A. Kotze & L.N. Westgarth-Taylor	T47662/2005
Erf 42 Sandbaai	714m <sup>2</sup>	J.J. Wessels	T16751/88

It is the intention of the owners of Erf 41 Sandbaai to establish a guesthouse on the mentioned erf. Not enough parking space is available on Erf 41 Sandbaai, and therefore it is required that we make provision for additional parking bays on Erf 39 Sandbaai that is accessed over Erven 41 & 42 Sandbaai. The use of the existing dwelling on Erf 41 Sandbaai to create a 5 bedroom guesthouse will offer great tourist accommodation for people (tourists) visiting the Sandbaai area.

## **2. APPLICATION DETAILS**

In order to accommodate a 5 guestroom guesthouse on Erf 41 Sandbaai and right of way servitudes over Erven 42 and 39 Sandbaai to accommodate 6 parking bays on Erf 39 Sandbaai an application is lodged in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 41 Sandbaai for a guesthouse on the subject property;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a permanent departure from the provisions of the zoning scheme in order to accommodate parking on Erf 39 Sandbaai.
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the registration of 2 new servitudes;
- 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. GENERAL APPLICATION INFORMATION**

#### **3.1 PROPERTY DESCRIPTION**

The subject properties are situated at 108 Kusweg, 241 and 243 Piet Retief Crescent, Sandbaai. Please refer to the enclosed locality plan. Erven 41 and 42 Sandbaai are developed and being used for residential purposes. In addition to Erf 42 Sandbaai, Erf 41 Sandbaai also accommodates a granny-flat located in close proximity of rear boundary. Erf 39 Sandbaai is vacant.

The main goal of this application is to make use of the existing dwelling situated on Erf 41 Sandbaai to establish a 5 bedroom guesthouse, create a small access servitude over Erf 42 Sandbaai and a servitude area on Erf 39 Sandbaai to accommodate sufficient parking bays for guests staying at the guesthouse.

The subject erven are situated in a predominant residential area where a number of guesthouses and other tourist related uses have been approved.

#### **3.2 ZONING**

Erven 39, 41 and 42 Sandbaai are zoned Residential Zone I and is utilized as such. Surrounding properties are also zoned for single residential purposes.

#### **3.3 LAND USE**

The land use of the subject erven can be described as follows:

##### **Erf 39 Sandbaai**

Erf 39 Sandbaai is currently vacant.

**Erf 41 Sandbaai**

A modern double storey dwelling, double garage, swimming pool and granny-flat are established on Erf 41 Sandbaai. Access to Erf 41 Sandbaai is obtained from Kusweg.

**Erf 42 Sandbaai**

A double storey dwelling and garage are established on Erf 42 Sandbaai. Access to Erf 42 Sandbaai is obtained from Piet Retief Crescent.

Land uses that surround Erven 39, 41 & 42 Sandbaai are single dwellings, public roads, public open spaces and tourist related uses such as guesthouses. It is therefore evident that the subject erven is within a predominant single residential area where rights have been obtained by means of consent uses to establish guesthouses.

**3.4 PROPOSED DEVELOPMENT**

In order to accommodate a 5 guestroom guesthouse on Erf 41 Sandbaai, a right of way servitude over Erf 42 Sandbaai and a right of way servitude to accommodate 6 parking bays on Erf 39, Sandbaai an application is lodged in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 41 Sandbaai for a guesthouse on the subject property;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for a permanent departure from the provisions of the zoning scheme to accommodate parking on Erf 39 Sandbaai.
- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the registration of 2 new servitudes;
- 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.

The owners of Erven 39 & 41 Sandbaai, Mr. D. A. Kotze and Mrs. L.N. Westgarth-Taylor intend to utilise the existing dwelling situated on Erf 41 Sandbaai as a 5 guestroom guesthouse. The guesthouse will consist of:

- 5 guestrooms, each with their own en-suite bathroom;
- Living Room;
- Dining Room;
- Kitchen;
- Pool Rooms;
- Swimming Pool;
- Outdoor space;
- Garage;
- Parking area.

With reference to the above proposed uses of the dwelling the manager / owner will reside in the granny-flat that is located in close proximity of the rear boundary of Erf 41 Sandbaai and that is attached to the existing double garage. Please refer to the enclosed site development plan. The swimming pool separates the guesthouse from the granny-flat. The communal spaces such as the kitchen, dining room and living room are located on the ground floor as well as 2 guestrooms. The remaining 3 guestrooms, sitting room and pool room are located on the first floor. Only one vehicle can be accommodated in the double garage due its close proximity to the lateral north western boundary. Subsequently 6 additional parking bays will have to be accommodated.

With reference to the site plan it is clear that the required parking bays cannot be accommodated on Erf 41 Sandbaai. Subsequently the owners of Erf 41 Sandbaai, Mr. D. A. Kotze and Mrs. L.N. Westgarth-Taylor, bought Erf 39 Sandbaai to accommodate 6 parking bays thereon and also negotiated with the owner of Erf 42 Sandbaai to access the proposed parking bays via a small right of way servitude. A right of way servitude will be registered over a portion of Erf 39 and 42 Sandbaai. The detail of the access and parking will be dealt with in paragraph 3.8 below.

The Title Deeds applicable to erven 39 and 41 have restrictions that need to be removed in order for this application to be approved. Please refer to Section 3.7 of the motivation report for the details concerning the title deed restrictions that prohibit

the proposed consent use for a guesthouse on Erf 41 Sandbaai and 6 parking bays proposed on Erf 39 Sandbaai.

The proposed consent use, departure and removal of restrictive Title Deed conditions to utilise the existing dwelling on Erf 41 Sandbaai as a guesthouse, use a small portion of Erf 39 Sandbaai for the provision of 6 parking bays and to create a right of way servitude over a portion of Erf 42 Sandbaai will have a low impact on the surrounding erven as the subject property's zoning will be retained.

The above mentioned proposal can be summarised as follow:

- **Consent use:** It is proposed that the existing dwelling situated on Erf 41 be used as a 5 bedroom guesthouse and that the manager / owner resides in the granny-flat. In order to accommodate the 5 guestroom guesthouse on Erf 41 Sandbaai it would be required that we apply for a consent use for a guesthouse.
- **Departure:** The proposed 6 parking bays proposed on Erf 39 Sandbaai over which a right of way servitude will be registered cannot be accommodated under the prescribed primary right or as a consent in terms of the land use rights under a Residential Zone 1 zoning. In order to accommodate the 6 parking bays it would be required that we apply for a departure from the land use restrictions.
- **Creation of right of way servitudes:** 6 Parking bays are proposed on Erf 39 Sandbaai in favour of the proposed guesthouse (Erf 41 Sandbaai). Access to the proposed 6 parking bays will be via the existing driveway situated on the north western lateral boundary of Erf 41 Sandbaai and over the rear western corner of Erf 42 Sandbaai. The size of the proposed right of way servitude over the western rear corner of Erf 42 Sandbaai is  $\pm 14\text{m}^2$  in extent. The proposed right of way servitude for the 6 proposed parking bays proposed on Erf 39 Sandbaai is  $\pm 141\text{m}^2$ .
- **Removal restrictive Title Deed conditions:** The Title Deeds of erven 39 and 41 have restrictions that limit the use of the property to residential use and the construction of dwelling only. In order to accommodate a guesthouse on Erf 41 Sandbaai and parking on Erf 39 Sandbaai would require that the Title Deed restrictions be removed.

The proposed consent use, departure and removal of restrictive Title Deed conditions will have a low impact on the environment and traffic of the area. We therefore do not anticipate any problems with the proposed application.

### **3.5 CHARACTER OF THE ENVIRONMENT**

The subject property is situated in Sandbaai at 241 and 243 Piet Retief Crescent and 108 Kusweg. The Sandbaai area is characterized by established single dwellings and some tourist accommodation establishments. The impact on the subject properties character will be minimal since it is proposed to use the existing dwelling on Erf 41 Sandbaai as a guesthouse, provide access over erven 41 and 42 Sandbaai to 6 parking bays proposed on Erf 39 Sandbaai. The proposal will also be compatible with the character of the surrounding erven.

We are therefore of the opinion that the impact on the existing character of the area will be kept to a minimum. The proposed consent use, departure and removal of restrictive Title Deed conditions will not have a negative impact on the surrounding property values.

### **3.6 THE POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)**

The subject property is ideally positioned to explore all the great attractions of Sandbaai. The subject property is in close proximity of the popular coastal walkways, beaches tourist hubs such as the Hemel & Aarde Village, the Hermanus CBD, other beaches such as the famous Grotto Beach and the Fernkloof Nature Reserve is also easily accessible.

Due to the location and accessibility of the property the subject property has the potential to be developed as a guesthouse. The subject property is situated in the picturesque Sandbaai offering great views over the ocean.

### **3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES**

#### **3.7.1 PROVISION OF SERVICES**

All services on the subject property already exist and are sufficient to accommodate the proposed guesthouse with 5 guest rooms. It is our opinion that the impact on services will be minimal.

### **3.8 TRAFFIC IMPACT, PARKING AND ACCESS**

The existing access from Kusweg to the existing dwelling will be used to access the proposed 6 parking bays proposed on Erf 39 Sandbaai. In order to access the 6 proposed parking bays it would require driving over a portion of Erf 42 Sandbaai. Please refer to the enclosed site development plan indicating an area of  $\pm 141\text{m}^2$  allocated for parking purposes on Erf 39 Sandbaai and a portion of Erf 42 Sandbaai of  $\pm 14\text{m}^2$  to be used to access the parking bays via Kusweg.

The existing double garage will be used to provide 1 parking bay for the exclusive use by the owner / manager of the guesthouse. The location of the double garage makes it physically possible to only park 1 vehicle in the double garage. 1 additional parking bay for the sole use of the owner / manager has been provided on Erf 39 Sandbaai. A total of 7 parking bays will therefore be provided.

With reference to the Overstrand Zoning Scheme Regulations, 1 bay per guestroom plus 2 additional parking bays for the owner / manager will be required to accommodate a guesthouse.

The required parking bays can be calculated as follow:

Land Use	Parking Bays Required	Parking Bays Provided
5 guest rooms	5	5
Owner / Manager	2	2
<b>TOTAL</b>	<b>7</b>	<b>7</b>

From the above it is apparent that sufficient parking bays can be provided for on site. The impact on the traffic of the area will be kept to a minimum since guests never arrive and depart at the same time at tourist accommodation establishments.

### 3.9 TITLE DEED

#### Erf 39 Sandbaai:

The enclosed Title Deed, T43101/2017 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)(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 not more than half of the area or 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 are mainly to make provision for the establishment of 6 parking bays on Erf 39 Sandbaai and 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) & (c) of the above mentioned Title Deed are not removed the owner will be restricted to only use the property for single residential purposes and therefore prohibits the proposed 6 parking bays.

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 0.72m to build.

#### **Erf 41 Sandbaai:**

The enclosed Title Deed, T47662/2005 contains the following Title Deed restrictions that have to be addressed:

- Page 4, paragraph (2)(a): "That the above erf or erven be used for residential purposes only."
- Page 4, paragraph (2)(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 not more than half of the area or any one of the above erven 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 and to accommodate the 5 guestroom guesthouse on Erf 41 Sandbaai.

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) & (c) of the above mentioned Title Deed are not removed the owner will be restricted to only use the property for single residential purposes and cannot establish a guesthouse on the Erf 41 Sandbaai.

The Title Deed restriction, paragraph 2(d) reads as follow:

"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."

The above restriction 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 conditions our client will at least gain an additional 0.72m to build in the future.

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.

### **3.10 FORWARD PLANNING & OTHER LAND USE DOCUMENTS**

#### **3.10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)**

The Overstrand Spatial Development Framework (2006) earmarks the area where Erven 39, 41 & 42 Sandbaai are situated, for residential purposes. The current Residential Zone 1 zoning will be retained of the subject erven and this application only constitutes mainly a consent use for a guesthouse and the creation of right of way servitudes access and use proposed parking bays located on another erf. Subsequently the proposal will be in line with the spatial planning guidelines for the area.

The proposed guesthouse access to the proposed parking area will also be compatible with the existing residential land uses of the area.

#### **3.10.2 OVERSTRAND MUNICIPAL GROWTH MANAGEMENT STRATEGY (2010)**

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.

With the proposed consent use, departure, the creation of right of way servitudes and removal of restrictive Title Deed conditions in order to accommodate a guesthouse on Erf 41 Sandbaai, access the proposed parking bays over Erf 42 Sandbaai and to use a portion of Erf 39 Sandbaai to accommodate 6 parking bays the density of the subject erf will not be increased and therefore the Growth Management Strategy does not apply to this application.

### **3.11 THE RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.11.1 HERITAGE VALUE AND IMPACT**

Erven 39, 41 & 42 Sandbaai are not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing dwellings situated on Erven 41 & 42 Sandbaai are not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

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

In the light of the above mentioned it is evident that the proposed consent use, departure, creation of right of way servitudes and the removal of restrictive Title Deed conditions will not have a negative impact on the heritage value of the subject properties or the Greater area of Sandbaai.

#### **3.11.2 ENVIRONMENTAL IMPACT**

The proposed consent use, departure, the creation of right of way servitudes and removal of restrictive Title Deed conditions erven 39, 41 & 42 Sandbaai do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### 3.12 PLANNING PRINCIPLES

Spatial justice: The proposed guesthouse will create employment opportunities for local residents in town. Most of the staff who will benefit from working in the proposed guesthouse will be local residents living in the informal settlements of Sandbaai (i.e. previously disadvantaged communities).

Spatial sustainability: The proposed guesthouse and associated parking will be accommodated in an established residential area. The proposed application will have no impact on the conservation worthy areas of Sandbaai. Spatially the land use will be in keeping with the residential character of the area.

Efficiency: The guesthouse and proposed parking is easily accessible and conveniently located close to the beaches, walkways, the Hermanus CBD, Fernkloof Nature Reserve and other tourist attractions in the area. Last mentioned makes travelling to the subject property to make use of the proposed guest accommodation easy and accessible to everybody.

Spatial resilience: Not applicable to this application.

Good administration: Our firm 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.

## 4. RECOMMENDATION

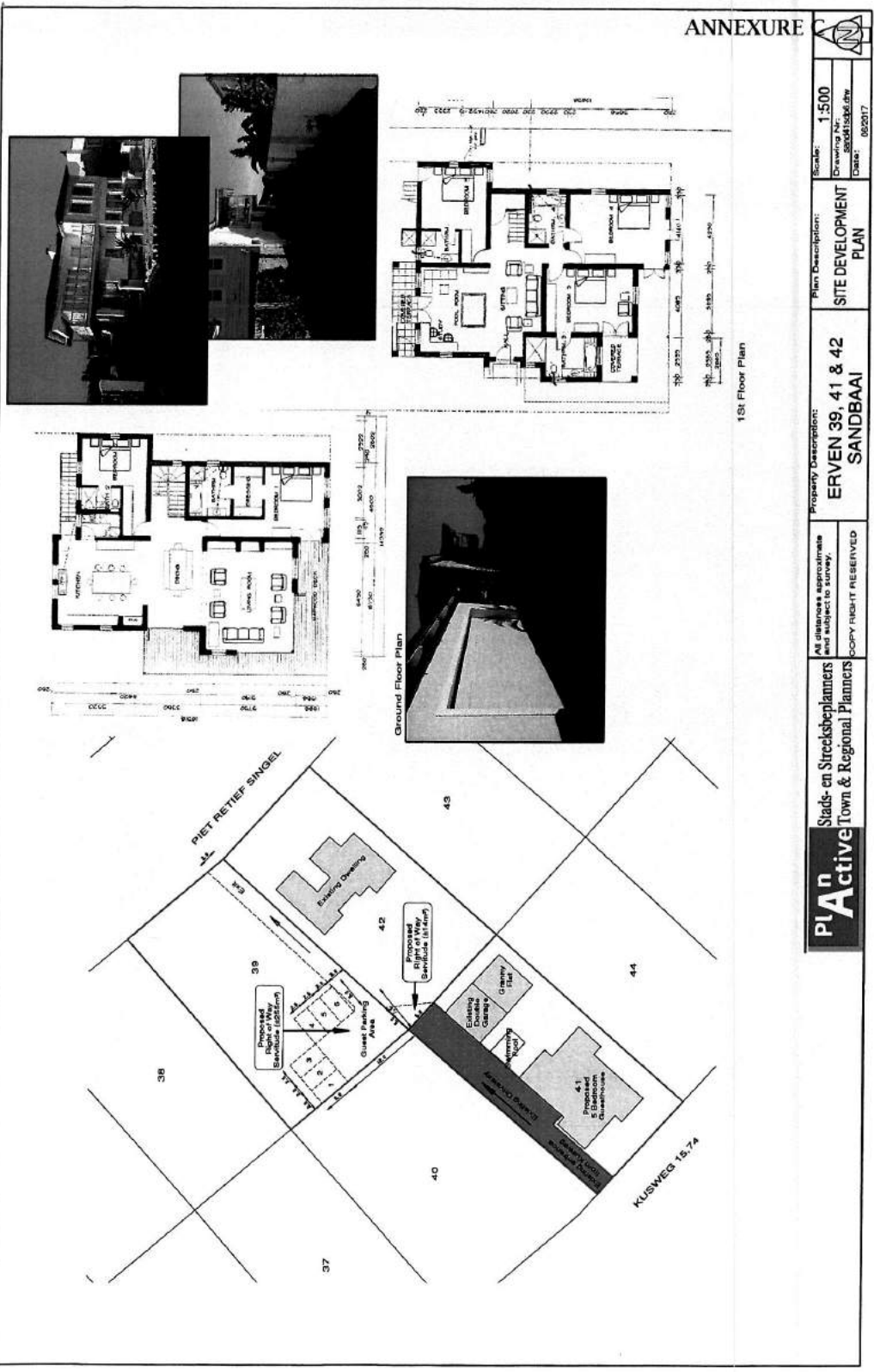
When this application is evaluated it is important to take note of the following:

- The proposed consent use, departure, creation of right of way servitudes and removal of restrictive Title Deed conditions are compatible with the existing built character of the area;
- The proposed land use is compatible with the land uses of the area;

- The impact on the traffic and services will be kept to a minimum;
- There are no environmental or heritage factors that prohibit the proposed land use;
- The proposal will not have a negative impact on the current character and land values of the surrounding erven;
- All the required parking bays are being provided;
- The proposed application complies with the spatial planning policies of the area;
- The proposal is a low impact guest accommodation establishment.

With regards to the above mentioned it would be appreciated if Council would approve the proposed consent use, departure, creation of right of way servitudes and removal of Restrictive Title Deed conditions of Erven 39, 41 & 42 Sandbaai.

ANNEXURE



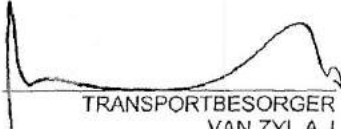
<p><b>PIA'n</b> Stads- en Streetsbeplanners Town &amp; Regional Planners</p>	<p>All distances approximate and subject to survey. COPY RIGHT RESERVED</p>	<p>Property Description: <b>ERVEN 39, 41 &amp; 42 SANDBAAL</b></p>	<p>Plan Description: <b>SITE DEVELOPMENT PLAN</b></p>	<p>Scale: <b>1:500</b> Drawing No: <b>2020110101.dwg</b> Date: <b>09/2017</b></p>
		<p>ANNEXURE</p>		


151

MARAIS MÜLLER YEKISO  
TYGERVALLEI

Opgestel deur my

**FEE**  
R. 500.00

  
TRANSPORTBESORGER  
VAN ZYL A J

**VERBIND MORTGAGED**  
VIR  
FOR R. 1,500,000.00  
**B** 000064431 / 2005  
17 JUN 2005  
  
REGISTRATEUR/REGISTRAR

T 000047662 / 2005

**TRANSPORTAKTE**

HIERBY WORD BEKEND GEMAAK DAT

~~OLOFF JACOBUS MARAIS SIEBERHAGEN~~

NICOLAAS JOHANNES  
HOFMEYR

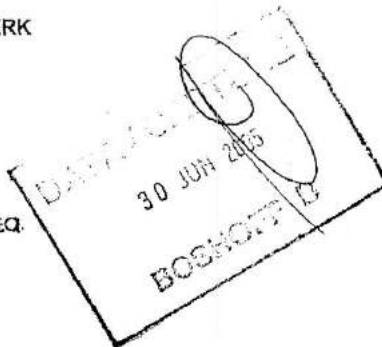
voor my verskyn het, REGISTRATEUR VAN AKTES, te KAAPSTAD, hy die genoemde komparant synde behoorlik daartoe gemagtig deur 'n Volmag aan hom verleen deur

TSHAYA EIENDOMME (EIENDOMS) BEPERK  
Nr. 2000/014174/07

geteken te BELLVILLE op 7 April 2005.

VIR ENDOSSEMENTE KYK BLADSY  
FOR ENDORSEMENTS SEE PAGE

7 ET SEQ.



- 2 -

En genoemde Komparant het verklaar dat sy prinsipaal, op 26 Januarie 2005, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedgeer en transporteer aan en ten gunste van

1. **DIRK ADRIAAN KOTZÉ**  
Identiteitsnommer 701009 5057 08 1  
Getroud buite gemeenskap van goed
  
2. **LARA NICOLA WESTGARTH-TAYLOR**  
Identiteitsnommer 690116 0027 08 5  
Getroud buite gemeenskap van goed

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes in volkome en vrye eiendom,

ERF 41 SANDBAAI  
IN DIE OVERSTRAND MUNISIPALITEIT  
AFDELING CALEDON  
PROVINSIE WES-KAAP;

GROOT 714 (SEWE HONDERD EN VEERTIEN) Vierkante Meter

AANVANKLIK OORGEDRA kragtens Transportakte Nr. T15512/1957 met kaart Nr. 2334/1951 wat daarop betrekking het en gehou kragtens Transportakte T98730/1993.

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. T35657/1970.
  
- B. ONDERHEWIG VERDER aan die voorwaardes waarna verwys word in Transportakte Nr. 5209/1915, synde eiendom gehou kragtens titelaktes voortspruitende uit Akte van Toekenning gedateer 15 Mei 1834 (Swellendam Volume 2 (1), No. (1), onderhewig aan die voorbehoud ten gunste van die Staat van alle regte tot die ontginning van goud, silwer en edelgesteentes gedoen in Artikel 4 van Sir John Cradock se proklamasie gedateer 6 Augustus 1813.



C. ONDERHEWIG VERDER aan die volgende spesiale voorwaardes vervat in gemelde Transportakte NR. 15512/1057, welke –



1, Opgelê is vir die voordeel van Sandbaai Seaside Estate Company (Proprietary) Limited as eienaars van die restant van Erf No. 3 van die plaas Onrust Rivier, gehou deur hul kragtens Transportakte Nr. 11466 van 1929, en die eienaars van erwe in die gemelde dorpsgebied alreeds getranspoteer of wat in die toekoms getranspoteer mag word, onderhewig aan soortgelyke voorwaardes, naamlik:

- "(a) The Company reserves to itself and its successors in title the sold right to all hotels and all liquor Licences and the Purchasers (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 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 buildings 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 property, so as to run alongside any of the avenues or streets as laid down in the General Plan of the Township.

- 4 -

- (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 rights of causing them to be affixed to any building or erection not less than 3,05 metres from the bound with access at any time to such wires for the purpose or 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) .....
- (h) 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 this reservation any water obtained by the owner of the above land by means of walls or boreholes sunk on such land."

2. Opgelê deur die Administrateur:

- (a) "That the above erf or erven be used for residential purposes only.
- (b) That the above erf or erven be not 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 not more than one/half the area of any one of the above erven be built upon.
- 
- 

- 5 -

- (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.

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- 6 -

WESHALWE die komparant afstand doen van al die regte en titel wat

**TSHAYA EIENDOMME (EIENDOMS) BEPERK Nr.  
2000/014174/07**

voorheen op genoemde eiendom gehad het, en gevolglik ook erken het dat dit geheel en al van die besit daarvan onthef en nie meer daartoe geregtig is nie en dat, kragtens hierdie akte, bogenoemde

1. **DIRK ADRIAAN KOTZÉ, Getroud soos vermeld**
2. **LARA NICOLA WESTGARTH-TAYLOR, Getroud soos vermeld**

hulle Erfgename, Eksekuteurs, Administrateurs of Regverkrygendes, tans en voortaan daartoe geregtig is, ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat en ten slotte erken hulle dat die verkoopprijs die bedrag van **R1 500 000,00 (Een Miljoen Vyf Honderd Duisend Rand)** beloop.

TEN BEWYSE WAARVAN ek, genoemde Registrateur, tesame met die Komparant hierdie Akte onderteken en dit met die ampseël bekragtig het.

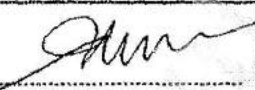
Onderteken, verly en met die ampseël bekragtig op, die kantoor van die Registrateur van Aktes te Kaapstad op **17 Junie** 2005

In my teenwoordigheid

REGISTRATEUR VAN AKTES

q.q.

-7-

VERBIND		MORTGAGED	
VIR		2 100 000, 00	
FOR R.....			
<b>B</b>	085382/07		
07 SEP 2007		REGISTRATEUR/REGISTRAR	

FOR MORTGAGE

14  
VAN DER SPUY  
EN VENNOTE

VAN DER SPUY  
FOR BRIDGE AND DEED PAGE 6 ET SEQ.

Prepared by

CONVEYANCE

VAN NOORDWYK I.S.  
Surname and Initials.

B 17811-88

VERHOUD MORTGAGG vir R. 125,000.00 (met preferensie) vir R. 125,000.00 (with preference) vir R. 125,000.00 (met preferensie) vir R. 125,000.00 (with preference) H. 17811-88 Registrars Office Cape Town	1988-03-29 EC000037627+200 GEKANSLEUL CANCELLED 2001-07-12
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16751-88

# Deed of Transfer

We it hereby made known:

THAT ANDRE GERHARD VAN DER SPUY  
appeared before me, Registrar of Deeds  
at CAPE TOWN  
he, the said Appearer, being duly authorised thereto by a Power of Attorney granted to him by

MARK VICTOR BRUMER  
(Identity Number 550219 5031 00 0)  
Married out of community of property

dated the 3rd day of February 1988, and signed  
at HERMANUS; which Power, witnessed in accordance with Law,  
was exhibited to him on this day;

AND/.....

2.

AND the Appearer declared that his said Principal had truly and legally sold on 20th JANUARY 1988 and that he in his capacity as attorney aforesaid did by these presents, cede and transfer, in full and free property to and on behalf of

JACOBUS JOHANNES WESSELS  
 (Identity Number 410218 5006 00 4)  
 Married out of community of property

- WHITE GROUP -

his Heirs, Executors, Administrators or Assigns:-

ERF 42 SANDBAAL, in the Local Area of Sandbaai, Division of Caledon:

IN EXTENT 714 (Seven Hundred and Fourteen) Square Metres.

FIRST TRANSFERRED by Deed of Transfer No. T 15512/1957 and Diagram No. 2335/51 annexed thereto, and

HELD by Deed of Transfer No. T 60270/1983.

- A. SUBJECT to the conditions referred to in Deed of Transfer No. 5209 dated 21 August 1915, and being land held under title deeds derived from Deed of Grant dated 15 May 1834 (Swellendam Quitrents Volume 2 (1) No 1) subject in terms of Section 19, Act No 47 of 1937, to the reservation in favour of the State of the rights to mines of gold, silver and precious stones mentioned in Section 4 of Sir John Cradock's Proclamation dated 6 August 1813.

B. AND/.....

WHITE GROUP  
 ALANKE GROEP

page 3.

B. AND FURTHER SUBJECT to the following special conditions contained in Deed of Transfer No. T15512/1957, which conditions:-

- (1) have been imposed for the benefit of the transferor Company, namely Sand Baai 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 Lots in the said Township already transferred or which may at any future date be transferred subject to similar conditions, namely:-
  - (a) The Company reserves 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 even the land between 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 buildings 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 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/.....

page 4.

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 to 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) .....
- (h) 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 this reservation any water obtained by the owner of the above land by means of wells or boreholes sunk on such land.

(2) HAVE BEEN 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 not 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 not more than one-half 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.

WHEREFORE/.....

5.

Wherefore the Appearer, renouncing all the Right and Title which  
the Transferor

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

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 said  
Transferor to be satisfactorily paid the whole of the purchase price amounting to the sum of ~~ONE HUNDRED AND~~ <sup>ONE HUNDRED AND</sup>  
FORTY-FIVE THOUSAND RAND (R145 000,00). (I carried a true copy of the original Deed to the Deeds Registry in terms of)

Reg 66  
Deeds Registry  
Cape Town  
07/09/87  
Registrar of Deeds

In witness whereof, I, the said Registrar of Deeds, together with the Appearer, q.q., 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 29<sup>th</sup> March 1988.  
In my presence,

*[Signature]*  
Registrar of Deeds  
*[Signature]* q.q.

- 1. Transfer Duty Receipt No. \_\_\_\_\_  
OR Exemption Certificate\* \_\_\_\_\_ Issued  
at \_\_\_\_\_  
on \_\_\_\_\_ for  
R \_\_\_\_\_
- 2. Rates Clearance Certificate issued by  
(i) \_\_\_\_\_  
valid till \_\_\_\_\_  
(ii) \_\_\_\_\_  
valid till \_\_\_\_\_

Checked: 1. \_\_\_\_\_  
2. \_\_\_\_\_

\*Delete which is not applicable.  
If necessary, insert a Registration Clause, etc., approved by the Registrar. FORM 501E-3

6.

000037628 - 2001	
GEKANSLEER CANCELLED	MONTGAGED
VERBODEN	100 000,00
2001-07-12	VR FOR US
61424.93	<i>[Signature]</i>
18 08 93	

DE IDENTIFICATIENUMMER VAN DE	THE IDENTITY NUMBER OF THE
<i>[Signature]</i>	<i>[Signature]</i>
IS VERANDERD NA	HAS BEEN CHANGED TO
41 02 18 5906	087
2001-07-12	<i>[Signature]</i>
	REGISTRATEUR/REGISTRAR

VERBODEN	MONTGAGED
VR FOR US	600.000,00
000036791 / 2001	<i>[Signature]</i>
2001-07-12	
	REGISTRATEUR/REGISTRAR

ANNEXURE D 14/17

**340**

DYKES VAN HEERDEN SLABBERT  
HOPKINS  
Unit E4/2  
Edward IV  
120-122 Edward Road  
Bellville 7530  
South Africa

Prepared by me

---

CONVEYANCER  
LISE COETZEE

**DEED OF TRANSFER**

BE IT HEREBY MADE KNOWN THAT

**LISE COETZEE**

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at PLUMSTEAD on 6 APRIL 2017 granted to him by

**VARINDER SINGH OBEROI**  
Born on 8 March 1979  
and  
**CRYSTAL REGINA OBEROI**  
Identity Number 781128 0194 08 8  
Married in community of property to each other

And the appearer declared that his said principal had, on 23 March 2017, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

1. **DIRK ADRIAAN KOTZE**  
Identity Number 701009 5057 08 1  
Married out of community of property
2. **LARA NICOLA WESTGARTH-TAYLOR**  
Identity Number 690116 0027 08 5  
Married out of community of property

their Heirs, Executors, Administrators or Assigns, in full and free property

**ERF 39 SANDBAAI  
IN THE OVERSTRAND MUNICIPALITY  
DIVISION CALEDON  
WESTERN CAPE PROVINCE**

**IN EXTENT 814 (EIGHT HUNDRED AND FOURTEEN) Square metres**

**FIRST TRANSFERRED BY DEED OF TRANSFER NO. T14667/1950 WITH  
DIAGRAM SG NO. 6529/1950 RELATING THERETO AND HELD BY DEED OF  
TRANSFER NO. T71083/2016**

A. ....

B. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T14667/1950, namely:

1. Have been 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 Lots in the said Township already transferred of which at any future date be transferred subject to similar conditions namely:
  - (a) The Company reserves to itself and its successors in title the said right of 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 in title shall not have the right to subdivide and/or sell in erven the lands between 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 buildings have been submitted to and approved by the Directors of the said Company or 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 of the said property so as to run alongside any of the avenue or street 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 3,5 metres from the ground with access at any time of such wires for the purpose of removal or maintenance.
- (f) The Company further reserves to itself and its successors in title at any time hereafter to lay and 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) .....
- (h) 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 this reservation any water obtained by the owner of the above land by means of well 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 not be 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 not more than half the area or 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 wall 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.

Page 4

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

**VARINDER SINGH OBEROI and CRYSTAL REGINA OBEROI, Married as aforesaid**

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

1. **DIRK ADRIAAN KOTZE, Married as aforesaid**
2. **LARA NICOLA WESTGARTH-TAYLOR, Married as aforesaid**

their Heirs, Executors, Administrators or Assigns, now are and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R970 000,00 (NINE HUNDRED AND SEVENTY THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, 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

---

q.q.

In my presence

---

REGISTRAR OF DEEDS

## ANNEXURE E

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE, DEPARTURE, REMOVAL OF  
RESTRICTIVE CONDITIONS & REGISTRATION OF A RIGHT OF WAY  
SERVITUDE: ERVEN 39, 41 & 42, SANDBAAI (3841)**

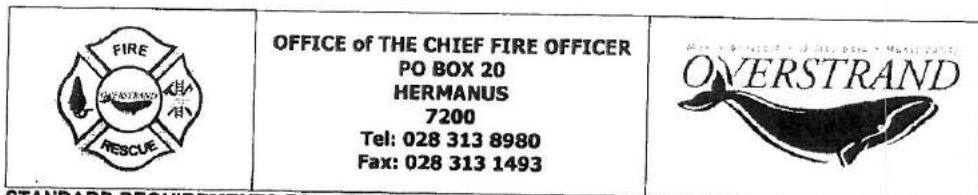
Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through the proposed Erven, Sandbaai, unobstructed;
6. that the right of way servitudes be registered in respect of all servitudes indicated on the revised site development plan, at the developer's cost.
7. that no on-street parking be allowed.

  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

12/12/2018  
**DATE**



**STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011**

**ANNEXURE A – ERF 41, 108 KUSWEG, SANDBAAL**  
**TOWN PLANNING APPLICATION No: 39,41 & 42 HSB (3841)**

The operation of Holiday/Tourist accommodation is subject to compliance with following requirements together with any other building compliance requirements as prescribed:

**Fire Extinguishers:**

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per 100m<sup>2</sup> of a type - 4.5kg Dry Chemical Powder, 5kg CO2 or 9 litre H2O.

**Combustibility of Fitted Floor Coverings:**

Shall comply with requirements of Section 4.14 of SANS10400T:2011 - Table 8 – As determined by SANS10177-4.

**Combustibility of Internal Finishes:**

Shall comply with requirements of Section 4.15 of SANS10400T:2011 - Table 9 – As determined by SANS10177-3.

**SANS10400T:2011 – 4.58 require the provision of:**

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
  - Sleeping room
  - Communal area
  - Passage or corridor leading to rooms
- Fire Hose Reels for premises larger than 250m<sup>2</sup> at a ratio of 1 per 500m<sup>2</sup> of the establishment. (A dedicated 30 metre 19mm Garden Hose may be an alternative due to water supply connection restraints however this must be compensated with the provision of an addition of 2 x 4.5kg Dry Chemical Powder Fire extinguishers)
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Controlling Fire Authority.

A suitable approved emergency plan indicating evacuation routes that informs guests as to action that must be taken in the event of an emergency that is affixed to the back of each room door or prominent place in the room.

These plans must include:

- Action to be taken when discovering a fire or if an emergency arises
- Action to be taken for evacuation of the building and assuring accountability of all occupants.
- The interim action to be taken pending the arrival of emergency services
- An evacuation floor plan that identifies the escape route, appropriate exit doors and post evacuation mustering point.

**Occupancy is also subject to: Maximum design occupancy total of 16 persons as prescribed by section A21 Table 2 of National Building Regulations SANS10400A:2010 i.e. 4 x 4 sleeper or 8 x 2 sleeper rooms.**

Chief Fire Officer

## ANNEXURE F 2/2

Munisipaliteit • U-Matipala • Municipality



File reference:	39,41 & 42 HSB (3841)
Date:	01 December 2017

## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Helgaardt Boshoff

TO:

<u>Area Manager</u>	<u>Building Department</u>	District Health	<u>Electrical Department</u>
Environmental Officer	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr. D. Botha)</u>	Waste Management

Applicant	PLAN ACTIVE (obo LN & D WESTGARTH-TAYLOR & KOTZE, WESELS)
Property Details	ERF 39, ERF 41, ERF 42, SANDBAAI
Application Description	PROPOSED CONSENT USE, DEPARTURE, REMOVAL OF RESTRICTIVE CONDITIONS & SUBDIVISIONS

## ATTACHMENTS:

1. Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2. Locality Plan	
3. Site Development Plan	
4. Motivation	

## YOUR DEPARTMENT'S COMMENTS:

Consent use is subject to the guest house being in compliance with the National Fire Protection Regulations SANS 10400T:2011 for Occupancy HS-Hospitality. (Refer to Annexure A for requirements).	
Signature: _____	Date: _____ 2017

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	5 January 2018
-----------------------	----------------

ANNEXURE G 1/4



TP - A. Theart  
(Holivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

FILE NO: ERVEN 39, 41 & 42 - HSB
SCAN NO: ERVEN HSB ✓
COLLABORATOR NO: 1128070

05 February 2018

Attention: S Müller

Overstrand Municipality  
HERMANUS

Candice Spammer

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

Our Ref.: WWIP\_WONR0315\_18

Your Ref.: Erven 39,41 &amp; 42 HSB 3841

PLANT AFFECTED:

PROPOSED DEPARTURE, CONSENT USE, SUBDIVISION, REMOVAL OF RESTRICTIVE CONDITIONS - ERF 39,  
41 AND 42 SANDBAAI

With reference to your application received December 2017.

As important COPPER are affected, please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za least 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.

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

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

TP

12 FEB 2018

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

  
\_\_\_\_\_  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

**PLANT AFFECTED : COPPER**

This wayleave, Reference Number **WWIP WONR0315 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.

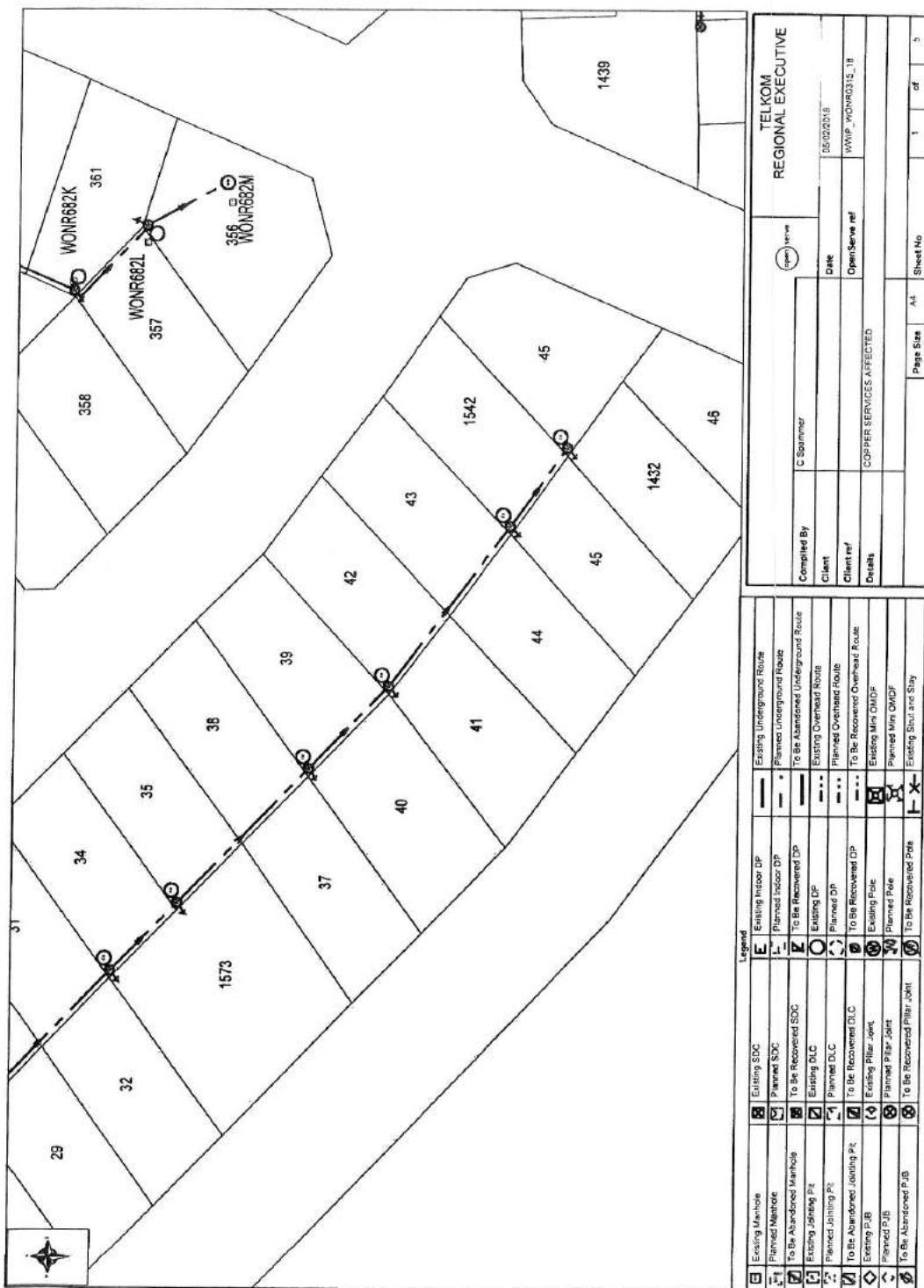
Date: 2018/02/05

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 G 4/4



Compiled By		C Spurriner	
Client		TELKOM REGIONAL EXECUTIVE	
Client ref		Date	
Details		Open Serve ref	
		06/02/2018	
		WWP_WONR0315_18	
		COSP/PR SERVICES AFFECTED	
		Page Size	
		A4	
		Sheet No	
		1 of 5	

Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Joining P/J
	Planned Joining P/J
	To Be Abandoned Joining P/J
	Existing P/J
	Planned P/J
	To Be Abandoned P/J
	Existing Indoor DP
	Planned Indoor DP
	To Be Recovered DP
	Existing DP
	Planned DP
	To Be Recovered DP
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Undergound Route
	Planned Undergound Route
	To Be Abandoned Undergound Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Mini OMDP
	Planned Mini OMDP
	Existing Shut-Ine Stay

10/19/2018

Shore's Edge Guest House - Google Maps

ANNEXURE H 1/15

Google Maps Shore's Edge Guest House



Imagery ©2018 CNES / Airbus, DigitalGlobe, Map data ©2018 AHGIS (Pty) Ltd, Google 20 m



Shore's Edge Guest House

4.8 ★★★★★ · 19 reviews · 4-star hotel

BOOK A ROOM

Check availability Ad

Check in:

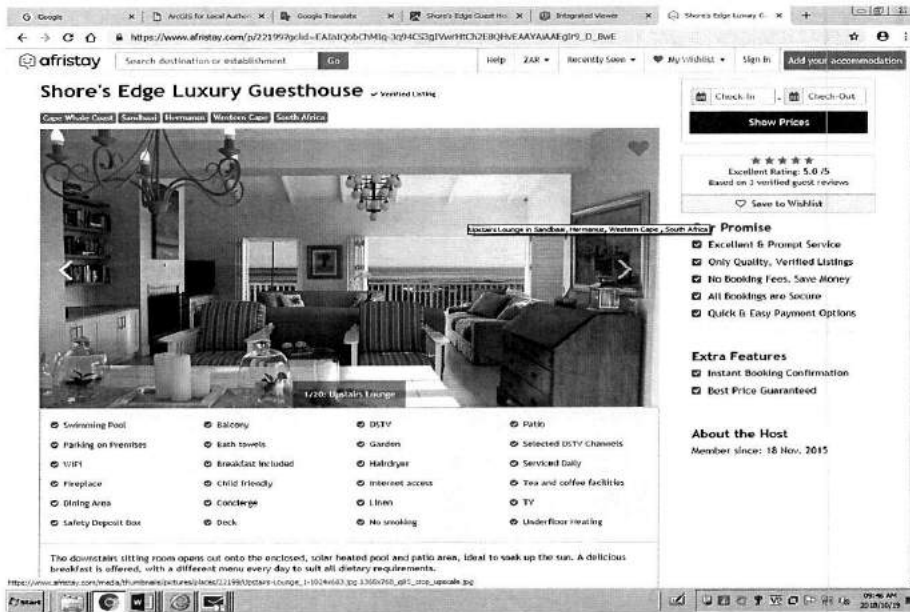
Check out:

- B** Booking.com R 1 496 >  
Read Real Guest Reviews  
Get Instant Confirmation
- H** Hotels.com R 1 492 >
- E** Expedia.com R 1 492 >
- O** Orbitz.com R 1 492 >

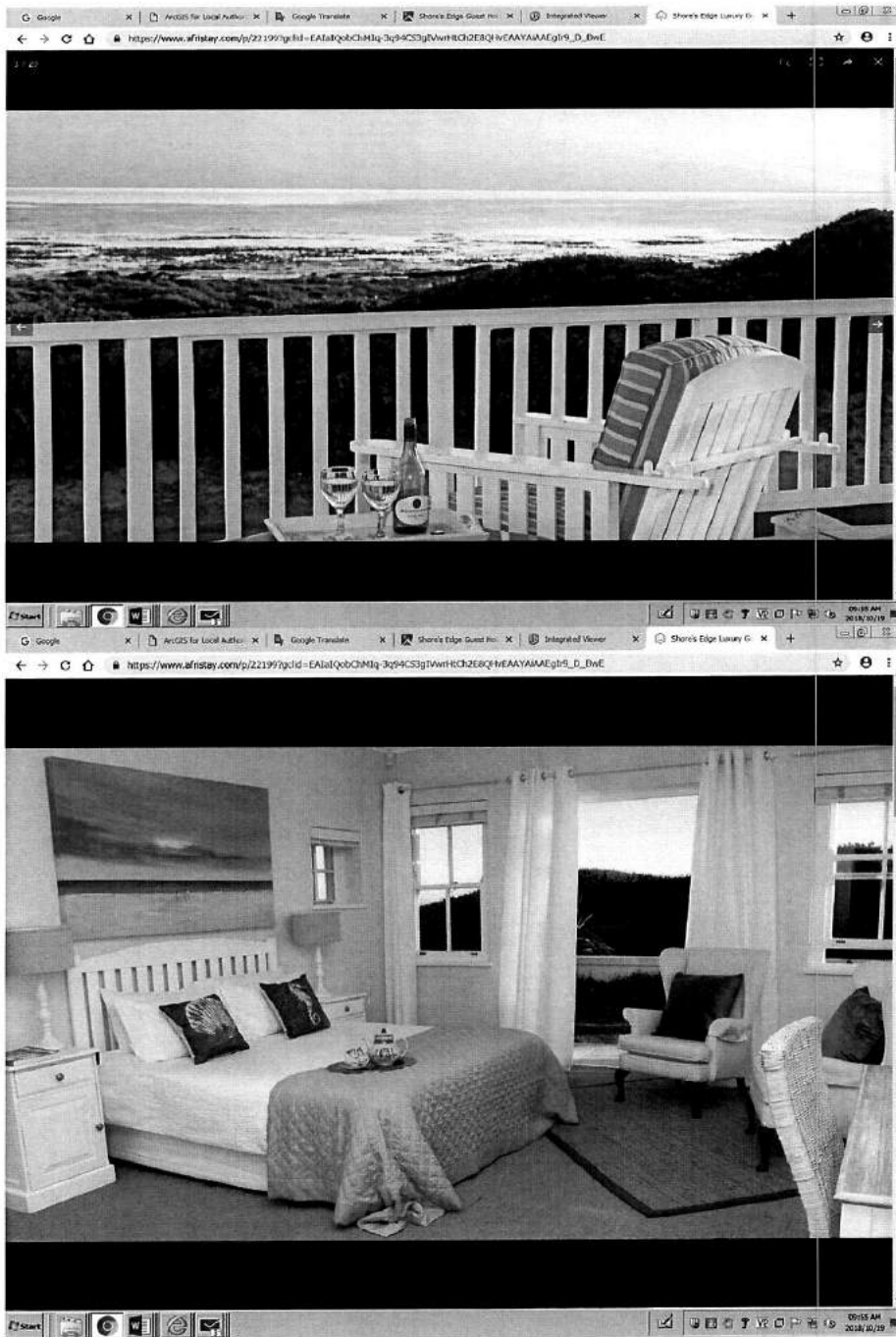
Highlights



https://www.google.com/maps/place/Shore's+Edge+Guest+House/@-34.4279367,19.1936697,224m/data=!3m1!1e3!4m7!3m6!1s0x1dce0b3b0c2... 1/3



ANNEXURE H 3/15



ANNEXURE H 4/15



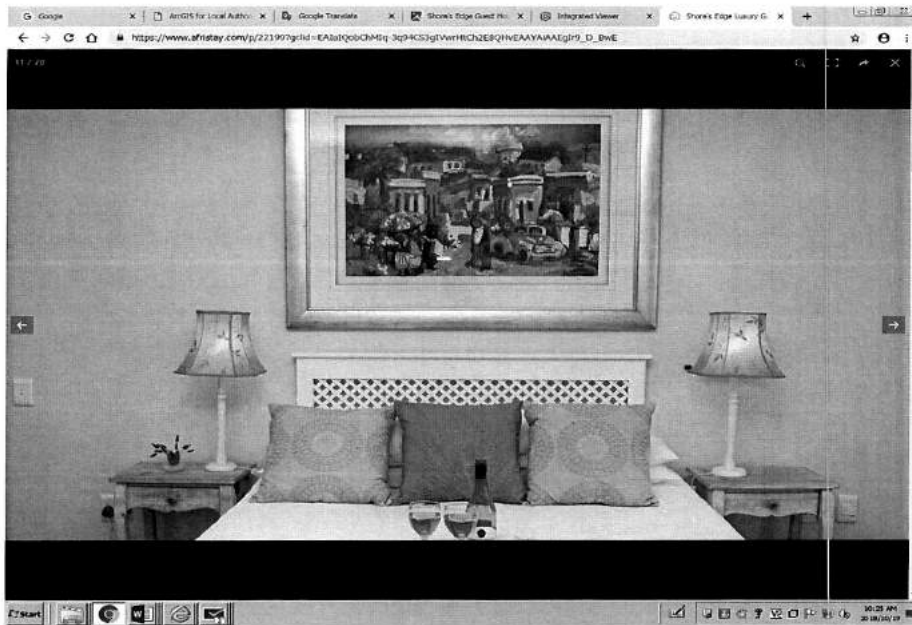
ANNEXURE H 5/15



ANNEXURE H 6/15



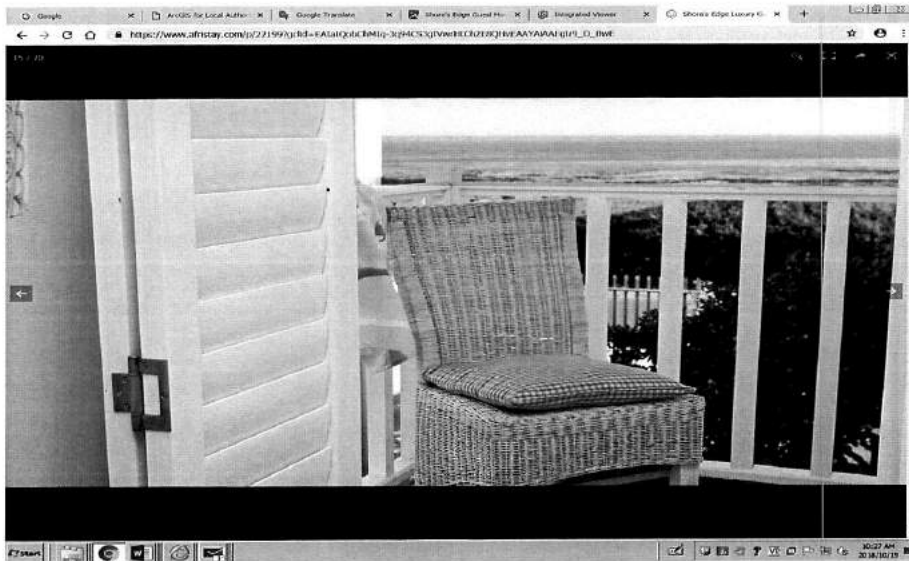
ANNEXURE H 7/15



ANNEXURE H 8/15



ANNEXURE H 9/15



ANNEXURE H 10/15



ANNEXURE H 11/15

Google | ArcGIS for Local Autho... | Google Translate | Shore's Edge Guest Ho... | Integrated Viewer | Shore's Edge Luxury G... | 16:13

https://www.airbnb.com/p/221997?cid=EAtalQobCMiq-3p4CS3gIWrHCOZE8zhEAA1AAACgI9\_D\_BwE

Check in after 02:00 PM  
Check out before 11:00 AM  
Cancellation Policy Moderate  
For more info Contact Host

Check-In | Check-Out  
Show Prices

Street view Show

Reviews

**Anthony Changfoot**  
09 July 2018  
Awesome stay at Shore's Edge. Can recommend as possibly the best stay in Herinana!! Friendly and highly efficient host, 100% for cleanliness. Lovely breakfast. Cannot fault on anything! Highly recommended!  
Superb. 5 out of 5 ★★★★★

**John and Sally Wilkins**  
01 February 2018  
We had a lovely stay at Shore's Edge Guesthouse. The staff there bent over backwards to make us feel welcome and to help in any way they could. That included making us a welcome cup of tea or coffee on their beautiful veranda when we returned each afternoon and attention to detail during our stay was exceptional. In addition breakfast was delicious. We would recommend Shore's Edge to anyone wishing to stay in Sandbaal.  
Superb. 5 out of 5 ★★★★★

**Rodney Power**  
06 September 2017  
We had a fantastic stay and the staff was most accommodating. I would definitely recommend a stay.  
Superb. 5 out of 5 ★★★★★

Start your review of Shore's Edge Luxury Guesthouse  
☆☆☆☆☆ Click to rate

Displaying 1-3 of 3 results

Start | 10:30 AM 20/08/2019

10/19/2018

Shore's Edge Guest House - Google Maps

ANNEXURE H 12/15

Google Maps Shore's Edge Guest House

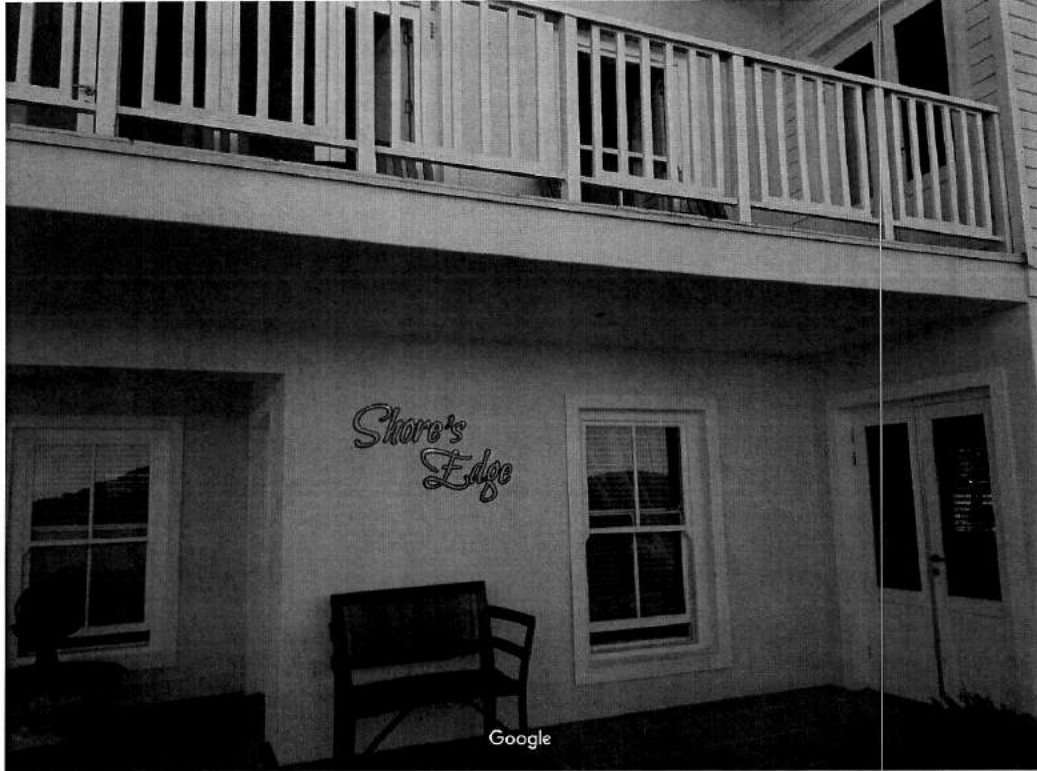


Image capture: Mar 2018 Images may be subject to copyright.

All reviews



Sort by: Most relevant

- L** Lwandle Ntabeni  
1 review

★★★★★ a month ago  
I wish could give a 12 out of 10...the view and hospitality was absolutely perfect.

👍 Like    ➦ Share

**Response from the owner** a month ago  
How wonderful to get such positive feedback! This really motivates us to try our very best each and every time. Thank you!
- D** David Randall  
4 reviews

★★★★★ a month ago  
Fantastic place. Beautiful with great service

👍 Like    ➦ Share

10/19/2018

Shore's Edge Guest House - Google Maps

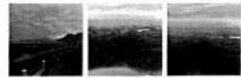
ANNEXURE H 13/15

Firoz Saloojee  
11 reviews · 2 photos★★★★★ 3 weeks ago  
VERY BEAUTIFIL 10 OUT OF 10

👍 Like    ➦ Share

**Response from the owner** 3 weeks ago  
It is heart-warming to receive your lovely rating, Firoz!  
Thank you very much!  
The Shore's Edge TeamCosmos Ndebele  
Local Guide · 40 reviews · 260 photos★★★★★ 2 weeks ago  
Excellent host , right at the edge of the sea

👍 1    ➦ Share

**Response from the owner** 2 weeks ago  
Dear Cosmos  
We thank you for your review as well as choosing our  
guesthouse to be part of your journey  
The Shore's Edge TeamKeith Lovelock  
9 reviews · 11 photos★★★★★ 8 months ago  
What a lovely place to stay. So relaxing

👍 Like    ➦ Share

**Response from the owner** 8 months ago  
We are happy to hear that you enjoyed your stay.  
Being able to relax, is what makes a holiday perfect.  
We wish you happy travels.Nici Weston  
Local Guide · 39 reviews · 321 photos★★★★★ 11 months ago  
Beautiful house, lovely setting. Friendly hostess and  
the best breakfast!

👍 Like    ➦ Share

Yolanda Beukes  
Local Guide · 29 reviews · 49 photos★★★★★ a year ago  
Beautiful House.....Awesome views.....Near Hermanus  
Equipt with everything for a home away from home.

👍 1    ➦ Share

**Response from the owner** a year ago  
Thank you for taking the time to post such a lovely  
review. It is always a wonderful inspiration to know  
that our guests have enjoyed their stay.

10/19/2018


Shore's Edge Guest House - Google Maps

ANNEXURE H 14/15

 **Nicholas Voges**  
Local Guide · 228 reviews · 150 photos

★★★★★ a year ago  
Such a restful place. Very comfortable, close to the sea and amazing views.

 Like  Share

 **Louis Raubenheimer**  
1 review

★★★★★ a year ago  
What a stunning house at a wonderful seafront location!

 Like  Share

 **Allan Debeer**  
1 review · 18 photos

★★★★★ a year ago  
Awesome

 Like  Share

 **Glenn Hurlow**  
Local Guide · 62 reviews · 76 photos

★★★★★ 2 years ago  
Perfect location and a really well designed house



 Like  Share



 **Hettie Frundt**  
1 review · 7 photos

★★★★★ 6 months ago  
(Translated by Google) Can recommend this. Excellent !!!

(Original)

Kan dit aan beveel. Uitstekend !!!



 Like  Share

 **E LEFEBVRE**  
18 reviews · 1 photo

★★★★★ 4 months ago  
(Translated by Google) Paradise exists so!

(Original)

Le paradis existe donc !

 Like  Share

 **P. L.**  
Local Guide · 4 reviews · 3 photos

★★★★★ 2 weeks ago

**Response from the owner** · 2 weeks ago

We thank you for your rating on Booking.com which is much appreciated.  
Shore's Edge Team.

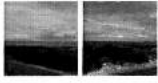
10/19/2018


Shore's Edge Guest House - Google Maps

ANNEXURE H 15/15


 alex king  
3 photos

★★★★★ 11 months ago



 Manfred Celie  
1 review

★★★★★ a year ago

 Miguel Waisman  
37 reviews

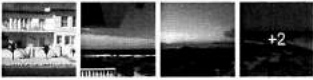
★★★★★ 4 months ago

 Yannick Visart  
4 reviews · 2 photos

★★★★★ 6 months ago

 Leo Meerkerk  
7 photos

★★★★★ 11 months ago



**Response from the owner** 11 months ago  
Thank you for your 5 star rating. We are so happy you enjoyed your stay.

 Hettie Frundt  
Photo · Mar 2018

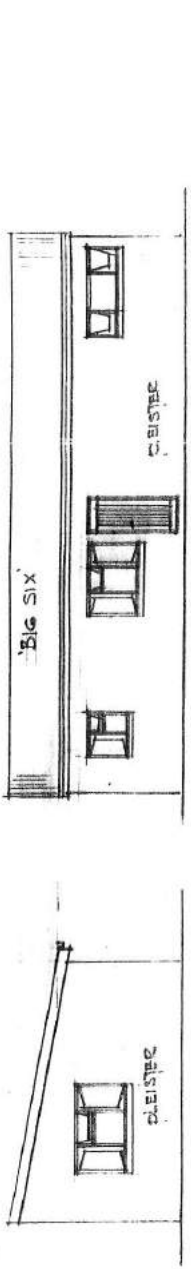




Aerial Erven 39, 41 and 42, Sandbaai

Date: 2016-10-19

APPROVED BUILDING PLAN  
FOR GARAGE AND OUTBUILDING



NOORD-AANSIG  
1:100

OOS-AANSIG  
1:100

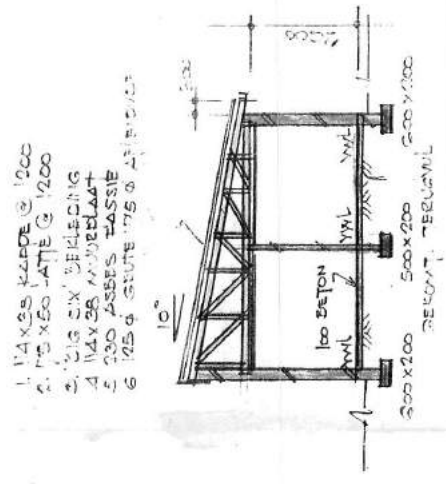
WEST →

AS LOGGED SHALL BE WATER TO PREVENT ANCHORS TO THE METS FOR



PLAN BUITEGEBOU  
1:100

SUID-AANSIG  
1:100



SNIJ 2-2  
1:100

BOORPRAKTES

GARAGE	41,67 M <sup>2</sup>
BUITEGEBOU	17,4 M <sup>2</sup>
TOTAAL	59 M <sup>2</sup>

VOORGESTELDE BUITEGEBOU VIR MNR. P. J. VAN TONDER DOER DR. SANDBAAL HERMANUS.

GETEKEN	TEG. NR.
G. BOUX	
DR. SANDBAAL	8100/10