

4.4

ERF 572, 13 DUIKER STREET, VERMONT : PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE : PLAN ACTIVE ON BEHALF OF GREGOIRE SE HUIS CC

572 HVM (4155)

H Olivier

6 April 2019

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 29 August 2018 from Messrs Plan Active on behalf of Messrs Gregoire se Huis CC (S Smit) on Erf 572, Vermont for the following:

- ❖ Removal of restrictive title condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 572, Vermont for the removal of the restrictive condition in Title Deed T2329/2017, Page 2, Clause 2.(b).

The restrictive condition reads as follows:

“2. *SUBJECT to the following special conditions contained in Deed of Transfer No T781 dated 3rd February 1927 imposed for the benefit of the Vermont Seaside Township Limited and all present and future owners of the Lots in the Township of Vermont:-*

(b) *All buildings on the land hereby transferred shall stand back at least ten feet from the line of the street on which the said lot may front.”*

- ❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 572, Vermont for the following :
 - To relax the western lateral building line from 2m to 1,443m to accommodate an existing double storey art studio and an extension to the stoep.
 - To relax the street building line with Malmok Crescent from 4m to 1m to accommodate a proposed garage, also to relax the same building line from 4m to 1,9m to accommodate the addition to bedroom 5 and en-suite bathroom as well as the existing fireplace on the ground floor and bedroom 1 on the first floor; and lastly to relax the same building line from 4m to 2,213m for the encroachment of a portion of the existing cellar and the portion of the proposed open stoep on first floor level.
 - To relax the street building line with Marine Drive from 4m to 2m to accommodate the encroachment of a portion of the existing cellar and portion of the stoep on ground floor level, as well as a portion of the proposed open stoep on first floor level.

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 C, while the proposed Site Development Plan is attached as Annexure B. The Title Deed is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 891m² in extent and is located in a residential area Vermont. There is an existing double storey dwelling with garage, and double storey art studio on the property.

The House have a 3c grading in terms of the Overstrand Heritage Report (2009).

4. SUMMARY OF APPLICANT'S MOTIVATION

- The proposal is to change the existing dwelling and studio with alterations and also construct an additional garage.
- Surrounding properties are zoned Residential Zone I, Public Roads and Public Open Space.
- The property is used for Single Residential purposes only.
- The application is to relax the street and western building lines.
- The Title Deed stipulates a 3,15m street building line, hence an application for Removal of Restrictive conditions.
- The coverage on the property will still be less than 50%.
- The proposed alterations and additions will not change the character of the area.
- The land use and zoning will not change, therefore property values of surrounding erven will not be negatively affected.
- No additional services will be required.
- It is proposed to have an additional access point to the property off Duiker Street, and this was discussed with officials from the Municipal Engineering and Operational Branches.
- The intention is to close the unbuilt portion of Malmok east of the property.
- Parking for four (4) vehicles will be provided on-site, in line with Zoning Scheme requirements.
- There will be no real increase in traffic to the property.
- Although the property has a 3c grading in terms of the Overstrand Heritage Report, it was incorrectly awarded to the wrong property as the artist Gregoire Boonzaaier did not live on this property, but Erf 699 opposite Duiker Street. The building has no heritage value.
- No environmental listed activities are triggered by the application.
- The application is in line with the Overstrand Spatial Development Framework, 2006 (SDF) and Overstrand Municipality Growth Management Strategy, 2010 (GMS).
- Spatial sustainability – No impact on biophysical environment, low impact on privacy of neighbours and also in line with land use restrictions such as parking, coverage, height, etc.
- Efficiency – The further development of the buildings on the erf discourages the phenomenon of urban sprawl and encourages densification, which relates to the responsible use of resources or sustainability.
- Good administration – Committed to a good administration process with the Municipality.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	28 November 2018	25 January 2019
Gazette	Yes	30 November 2018	25 January 2019
Notices	Yes	28 November 2018	25 January 2019
Ward Councillor	Yes	28 November 2018	25 January 2019
Total letters of support	FIVE (5)		
Total letters of objection	FOUR (4)		
Was public participation undertaken in accordance with Section 47 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments	Recommendation
Fire Department	15/01/19	No objection.	Supported
Engineering Services	13/12/18	See Annexure H.	Supported
Building Control	17/01/19	Supported, subject to submission of building plans in compliance with SANS 10400.	Supported
Telkom	23/01/19	See Annexure I.	Positive
Eskom	08/01/19	See Annexure J.	Positive
Local Heritage	17/01/19	See Annexure K.	Supported
Environmental Section	15/02/19	No objection.	Positive
Operational Department	28/01/19	See Annexure L.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Four (4) letters of objection were received from surrounding property owners, and five (5) letters of support were also received. (See Annexures E and G respectively.) The comments / objections can be summarised as follows:

1. The Overstrand Heritage findings and removing the heritage status is an insult to Gregoire Boonzaaier.
2. The Heritage status must remain.
3. The proposed garage between the outbuilding and dwelling, and also the façade changes to the dwelling and outbuilding with the new garage will make “Die Geel Huis” unrecognizable. The house must stay recognizable and be known as “Die Geel Huis”.
4. Not all historic information regarding where Gregoire Boonzaaier lived and his art studio is correct.
5. Not supportive of new additions, only rectification of old elevations.
6. Should not encroach onto green belt.

8. SUMMARY OF APPLICANT’S REPLY TO COMMENTS

The applicant’s response on the comments / objections can be summarized as follows:

1. No application was made to change the Heritage status of the property. There is no intention to alter or degrade the Heritage status.
2. Same as above.
3. The building will remain being known as “Die Geel Huis”, as was indicated on the plans submitted to the Municipality, and the property is even registered in the name of Gregoire Boonzaaier se Geelhuis CC. The proposals were submitted to the Overstrand Heritage and Aesthetics Committee (OHAC) at various occasions, and even the departure and removal of restriction application was considered by that Committee in January 2019, and was supported by the Committee. E Boonzaaier, son of the late Gregoire Boonzaaier, was also the previous owner of the erf, submitted motivations for alterations on behalf of the current owner to the Overstrand Heritage and Aesthetics Committee in 2016. The current plans were only slightly amended from the old plans.
4. The information to the OHAC was actually provided by the previous owner, E Boonzaaier, and based on such support and the then support of the plans by the OHAC, the current owner purchased the property in January 2017.
5. As mentioned, the alterations and additions have been consented by the OHAC.

6. No provision is made to encroach onto any green belt.

9. MUNICIPAL ASSESSMENT OF COMMENTS

The Town Planner's response to the comments / objections are as follows :

1. The property has a 3C Heritage status in terms of the Overstrand Heritage Survey. This fact was known to the OHAC when they considered the proposal plans prior to the submission of this departure and removal of restrictions application.

The fact that the property has Heritage status (it is however not older than 60 years – was built in 1969), does not mean that additions and alterations cannot be considered.

2. The applicant indicated that there is no intention to apply to do away with the Heritage status.
3. The comments of the objectors and applicant are noted. It appear that there was support from the previous owner, E Boonzaaier, for the alterations/additions proposed in 2016. He also now provided a conditional approval, but another family member, M Boonzaaier, a grandchild of the late Gregoire Boonzaaier, is now objecting to the alterations/additions. Ultimately the decision on the scale of alterations and additions to Heritage building will have to be decided on by the Building Control Department with input from OHAC. Such support was provided and support was also provided for the departure and removal of restrictions application in January 2019.
4. The additional historical information provided by M Boonzaaier was provided to the Manager of the Building Control Department for comment, and no further comments were provided in this regard.
5. Concur with the applicant.
6. All extensions and alterations are within the property boundaries of Erf 572, and no encroachment onto green belts are indicated.

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

N/A

Spatial sustainability

It is not foreseen that the extension would have a major impact on the residential nature of the area, privacy on neighbours or environmental impact.

Efficiency

It is the densification on a property which help to discourage the phenomenon of urban sprawl and helps the responsible use of resources.

Spatial Resilience

N/A

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-laws and the public 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 Spatial Development Framework and the Overstrand Municipal Growth Management Strategy, 2010.

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 the application has been viewed positively by the Engineering Services and Operational Departments.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial Documents.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

There is no financial value to the rights.

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

The removal of the restrictions will have no personal benefit to the holder of the rights. The person seeking the removal will benefit somewhat in that for example should the conditions be removed a garage and some extensions to the dwelling of a certain scale may be constructed over the Zoning Scheme lateral and street building lines.

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

To consider the social benefit of the relevant Title Deed condition (which relates to building lines), a survey was done of the eight (8) properties in the area. Two (2) of the properties were 100% in compliance with Title Deed and Zoning Scheme restrictions, whilst six (6) of the properties already had garages, carports and decks approved over building lines.

Considering the above, it is the opinion that the relevant Title Deed condition has no social benefit.

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

Only relating to building lines.

12. THE DESIRABILITY OF THE PROPOSAL

The only major concern from objectors with regard to this application is directed at its Heritage status and not at the desirability of relaxing the Zoning Scheme building lines and the removal of restrictions in the Title Deed stipulating a 3,15m street building line.

The Town Planning Department considered all the information regarding the Heritage value of the property, but ultimately the Municipal Building Control Department in consultation with the OHAC takes the final decision if the alterations/additions can be supported from a Heritage perspective. This application was supported by the latter departments, as indicated in their comments of January 2019. Their response to the additional information is that the departure to the building was scrutinized, and is supported.

The application includes the relaxation of the 4m street building line with unbuilt Malmok Road extension, and the 2m western building line as stipulated in the Overstrand Municipality Zoning Scheme. It also includes the removal of a restriction in the Title Deed, which stipulates a 3,15m street building line.

The encroachment of the western lateral building line is to accommodate the raising of the roof of the existing studio/flat let and creating an enclosed and roofed stoep/braai and balcony area. The building is built at an angle with the corner of the balcony being 1,443m from the western boundary, the corner of the enclosed stoep with braai being 1,584m from such boundary and the rest of the building only being slightly over the building line. There will be no windows in the building facing in a western direction, ensuring the privacy of the next door neighbour is respected.

The proposal is also to encroach over the 4m Zoning Scheme and 3,15m Title Deed street building lines with a portion of Malmok Crescent extension.

It is to be noted that the Malmok Crescent extension was never formally constructed. On the General Plans the road reserve is indicated and also from Marine Drive south of Erf 572. Although Marine Drive will never be constructed, and the Malmok Crescent extension has not been formalized, street building lines must be applied to these roads.

Most of the proposed extensions, being a double garage up to 1m from Malmok Crescent and a bedroom extension 2,002m from Malmok Crescent, is single storey buildings.

An extension is also proposed on the southern side of the existing dwelling, which will be on basement, ground and first storey level, being 2,213m from Malmok Crescent and approximately 2m from the Marine Drive street reserve.

The applicant originally wanted to obtain access from the Malmok Crescent portion, but the Engineering Services and Operational Departments preferred both garages obtain access from Duiker Street. They both support this proposal.

The position of the new extension over the street building lines and positions of surrounding dwellings in the area is such that sea views should not be impacted. The fact that the extensions will also be next to an undeveloped street reserve, used as green space, also ensure no neighbours' privacy will be impacted.

It is to be noted that all Municipal Departments supports the proposal.

It is considered that the application will not have a negative effect on the character of the area, and is desirable.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 572, Vermont for the removal of restrictive condition 2.(b) of Title Deed T2329/2017, **be approved**, in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(b) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 on Erf 572, Vermont for the following departures:

- to relax the western lateral building line from 2m to 1,443m to accommodate an existing double storey art studio and stoep;
- to relax the street building line (next to unmade portion of Malmok Crescent) from 4m to 1m to accommodate a proposed garage, from 4m to 1,9m to accommodate extension to bedroom 5 and from 4m to 2,213m to Malmok Crescent and 2m to Marine Drive road reserve to accommodate a basement wine cellar and enclosed stoep on ground and first floor level;

be approved, in terms of the provisions of Section 61 of the By-Law;

3. that the approvals in Points 1. and 2. be subject to the following conditions:
 - (a) that the approval for the departure is only for the building line relaxations as indicated on plans submitted with the application dated 17 April 2018;
 - (b) 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;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that all the conditions in the Services Report (attached as Annexure H), be complied with;
 - (f) that all the conditions of Telkom (attached as Annexure I), be complied with, and
 - (g) that all the conditions of Eskom (attached as Annexure J), be complied with.
4. that the applicant and objectors be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The objections raised regarding the Heritage status has sufficiently been addressed by the applicant and Building Control Department.
- ❖ All relevant municipal departments support the application.
- ❖ Due to the placement of the surrounding dwellings and the proposed extension on Erf 572, no view line will be impacted on.
- ❖ The major encroachments are next to an unbuilt road portion, therefore impact on neighbours' privacy will be minimal.
- ❖ The upgrading of the dwelling should have a positive impact on property values in this area.
- ❖ No municipal services will be impacted on.
- ❖ The application will not impact the character of the area, and is desirable.

15. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Title Deed T2329/2017
Annexure E:	Objections received
Annexure F:	Applicant's reply on objections
Annexure G:	Support letters received
Annexure H:	Services Report
Annexure I:	Comment – Telkom
Annexure J:	Comment – Eskom
Annexure K:	Comment – Overstrand Heritage and Aesthetics Committee
Annexure L:	Comment – Operational Department

SIGNATURES**AUTHOR**

Name : **H OLIVIER**

SACPLAN registration number: **B/8128/2004**

Signature : _____

Date: _____

REGISTERED PLANNER

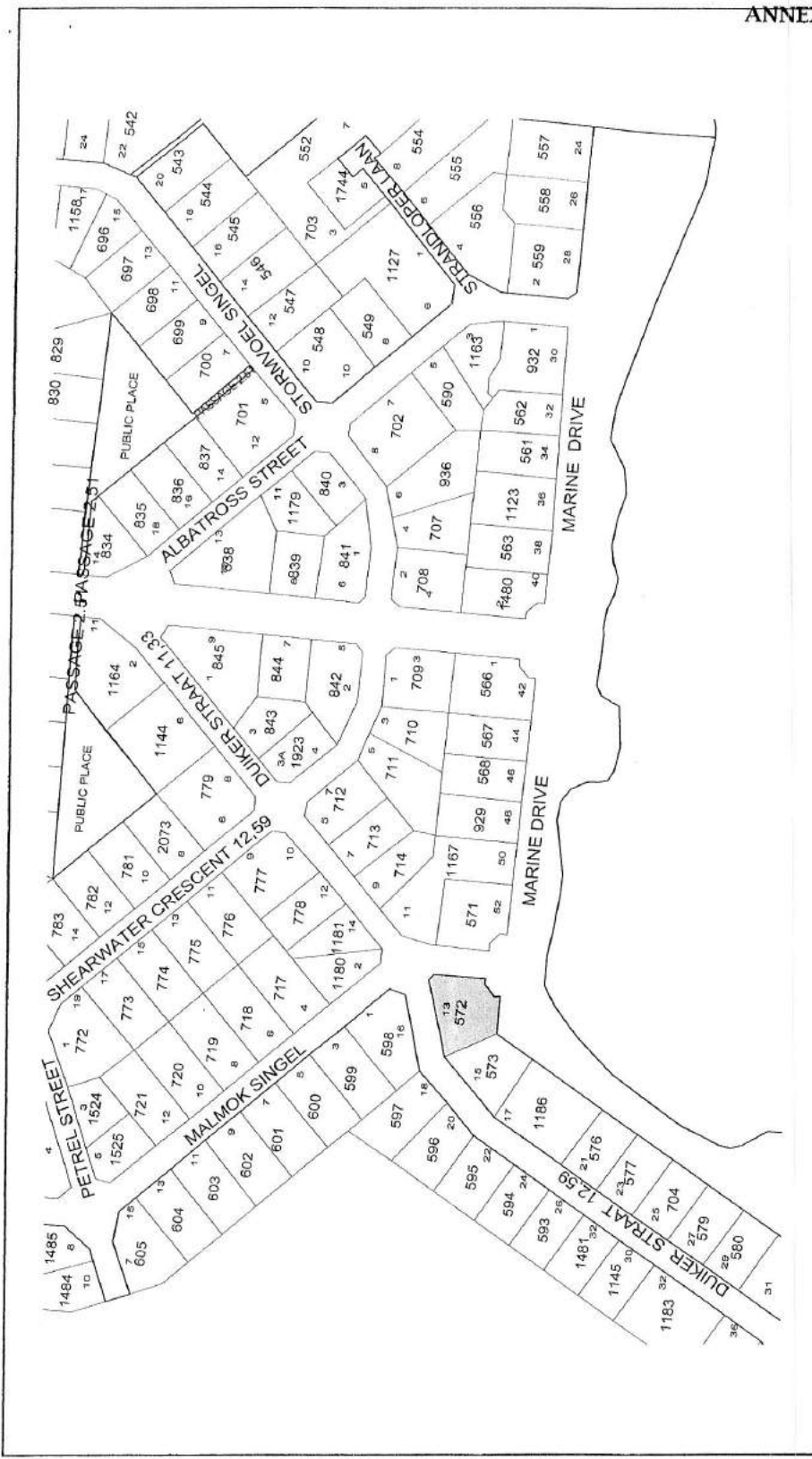
Name : **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature : _____

Date: _____

ANNEXURE A



Plan Active Stads- en Streeksbeplanners Town & Regional Planners	Property Description: ERF 572 VERMONT		Plan Description: LOCALITY MAP	Scale: NTS
	All distances approximate and subject to survey. COPY RIGHT RESERVED		Drawing No: VERM572L.dwg	Date: 06/2018

**PROPOSED DEPARTURES & REMOVAL
OF RESTRICTIVE TITLE DEED
CONDITIONS**

Erf 572 VERMONT

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

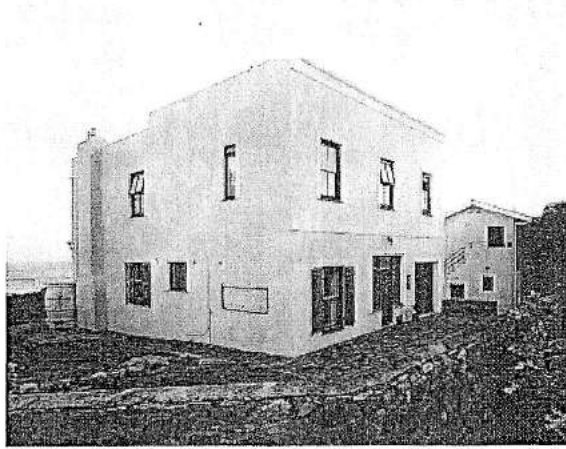
1. BACKGROUND

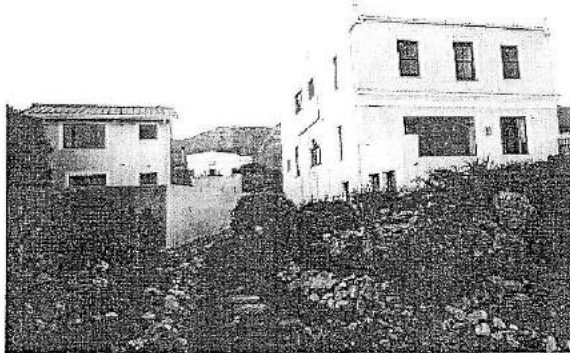
The company Plan Active Town Planners has been instructed by Mr. Sybrand Smit on behalf of the owners of Erf 572 Vermont, Gregoire Se Huis CC, to apply for the departures and removal of restrictive Title Deed conditions of Erf 572 Vermont.

Erf 572 Vermont is 891m² in extent and is held by Title Deed number T2329/2017.

The property is situated at 13 Duiker Street in Vermont.

There are an existing double storey dwelling and studio situated on the subject property. Please refer to the photographs below.





The owners intend to carry out alterations and additions to the existing dwelling and studio and construct an additional garage.

The Overstrand Zoning Scheme Regulations makes provision for 2m lateral and rear building lines and a 4m street building line. The Title Deed of Erf 572 Vermont prescribes a (ten feet) 3.15 street building line.

Erf 572 Vermont has 3 street boundaries, Duiker Street and the unmade portions of Marine Drive and Malmok Crescent. Duiker Street is the official street access, however the unmade portion of Marine Drive and Malmok Crescent also triggers 4m and 3.5m title deed street building lines. In terms of the current Overstrand Zoning Scheme Regulations (2013) the existing studio, the additions to the studio, the new double garage and additions to the main dwelling and enclosed stoep will encroach the lateral building line of 2m and also exceed the 4m street building lines, it will also encroach on the Title Deed street building lines.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16 (2) b of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the departure (building lines from the provisions of the Overstrand Zoning Scheme) of Erf 572 Vermont;
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of a restrictive Title Deed conditions of Erf 572 Vermont.

Currently there are an existing double storey dwelling and studio situated on the subject property. The owners intend to carry out alterations and additions to the existing dwelling and studio and construct an additional garage.

This application makes provision for the relaxation of the lateral and two of the 3 street (unmade portion of Marine Drive and unmade portion of Malmok Crescent) building lines in terms of the Overstrand Zoning Scheme Regulations (2013) and for the removal of the restrictive Title Deed building line of : a 3.15m (10 feet) street building line on the unmade portion of Marine Drive and unmade portion of Malmok Crescent.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 572 Vermont is situated at 13 Duiker Street, Vermont. Please refer to the locality plan attached. Erf 572 Vermont is 891m² in extent and situated in a residential environment.

3.2 ZONING

The subject property is zoned Residential Zone I: Single Residential and is utilized as such.

Surrounding properties are zoned for Single Residential, Public Roads and Public Open Space purposes.

3.3 LAND USE

Currently there are an existing double storey dwelling and studio situated on the subject property. Consequently the subject property is used for single residential purposes only.

Land uses that surround Erf 572 Vermont are dwellings, a public place and public roads.

3.4 PROPOSED DEVELOPMENT

- The departures of Erf 572 Vermont in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to:
 - relax the western lateral building line from 2m to 1.443m to accommodate an existing double storey art studio and extension to the stoep.
 - relax the street building line (unmade portion of Malmok Crescent) from 4m to 1m to accommodate the proposed garage, from 4m to 1.9m to accommodate the addition to bedroom 5 and en-suite bathroom as well as the existing fireplace on the ground floor and bedroom 1 on the first floor and from 4m to 2.213m for the encroachment of a portion of the existing cellar and the portion of the stoep on the ground floor and a portion of the proposed open stoep on the first floor on Erf 572 Vermont.
 - relax the street building line (unmade portion of Marine Drive) from 4m to 2m to accommodate the encroachment of a portion of the existing cellar and portion of the stoep on the ground floor and a portion of the proposed open stoep on the first floor on Erf 572 Vermont.

- The removal of a restrictive Title Deed condition in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate:
 - a double garage, an addition to a bedroom and an existing cellar and existing stoep on ground floor and proposed stoep on the first floor on the 1.0m eastern street (unmade portion of Malmok Crescent) and 2m southern street (unmade portion of Marine Drive) building line.

There is an existing double storey dwelling with an art studio situated on the subject property. The existing owners bought the subject property in January 2017 and it is their intention to carry out alterations and additions to the existing dwelling and art studio on the property. Due to the position of the existing house and the art studio on the erf it was decided to position the proposed double garage towards the eastern portion of the erf, being on to the street (unmade portion of Malmok Crescent) building line, resulting in an encroachment of 3.0m. This 4m street building line must also be relaxed to make provision for the existing cellar, the extension to a bedroom and en-suite bathroom on ground floor and the existing stoep on ground floor as well as the existing bedroom 1 and the proposed open stoep above on the first floor.

There will also be an encroachment into the 4m southern building line of the unmade portion of Marine Drive to make provision for the existing cellar and stoep on ground floor and the proposed stoep on the first floor.

This application also makes provision for the relaxation of the 2m western lateral building line from 2m to 1.443m to make provision for the existing art studio, existing stoep and the proposed extension to the stoep. The extension to the stoep of the art studio will be made in a southern direction and hence there will be minimal impact on the surrounding property owners. (please refer to the architect's plans attached). The Overstrand Scheme Regulations stipulate that 2m lateral building lines apply to Residential Zone 1: Single Residential properties larger than 400m² in extent and a 4m street building line.

Application is therefore made for a departure:

- To relax the western lateral building line from 2m to 1.443m to accommodate the existing art studio, existing stoep and the proposed extension to the stoep;
- relax the street building line (unmade portion of Malmok Crescent) from 4m to 1m to accommodate the proposed garage, from 4m to 1.9m to accommodate the addition to bedroom 5 and en-suite bathroom as well as the existing fireplace on the ground floor and bedroom 1 on the first floor and from 4m to 2.213m for the encroachment of a portion of the existing cellar and the portion of the stoep on the ground floor and a portion of the proposed open stoep on the first floor on Erf 572 Vermont.
- relax the street building line (unmade portion of Marine Drive) from 4m to 2m to accommodate the encroachment of a portion of the existing cellar and portion of the stoep on the ground floor and a portion of the proposed open stoep on the first floor on Erf 572 Vermont.

Please refer to the proposed site plan, floor plans, elevations and sections attached.

The Title Deed of Erf 572 Vermont has a restrictive Title Deed condition with regards to the street building line that has to be removed to accommodate the proposed departure application. Title Deed no. T2329/2017 stipulates that a 3.15m street building line applies to the subject property.

As previously mentioned the proposed double garage, an addition to a bedroom and an existing cellar and existing stoep on ground floor and proposed stoep on the first floor will be positioned on the 1.0m eastern street (unmade portion of Malmok Crescent) and 2m southern street (unmade portion of Marine Drive) building line.

□

It is therefore proposed to remove the following restriction in the Title Deed to accommodate the existing and proposed situation:

□

Title Deed T2329/2017, Page 2, paragraph 2 (b):

2. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. T781 dated 3rd February 1927 imposed for the benefit of the Vermont Seaside Township Limited and all present and future owners of Lots in the Township of Vermont:-

(b) All buildings on the land hereby transferred shall stand back at least ten feet from the line of the street on which the said lot may front.

Alterations and additions to the existing structures on Erf 572 Vermont are proposed.

The coverage for Erf 572 Vermont, inclusive of all the additions, will not exceed the maximum coverage of 50% applicable to single residential erven.

The zoning of Erf 572 Vermont will remain unchanged (Residential Zone I: Single Residential).

The proposed double garage could not be placed with easy access on any other position on the Erf. The bedroom can only be extended in an easterly direction and the cellar and stoep are existing structures on the ground floor and it is proposed to add a storey to the existing stoep which will have a roof, but will not be enclosed.

As the eastern and southern boundaries of Erf 572 Vermont abuts on the unmade portion of Marine Drive and Malmok Crescent there are no direct adjacent property owners that would be negatively affected in terms of view and privacy by the relaxation of the street building line from 4m to 2m and 4m to 1m respectively consequently the proposed departures and removal of a restrictive Title Deed condition will not have a negative impact on the surrounding properties. The owner of the property should not be jeopardized being subjected to 3 street building lines given the situation that the two of the streets abutting the property are unmade portions of street, re Malmok Crescent and Marine Drive.

The proposed departures and removal of a restrictive Title Deed condition of Erf 572 Vermont are not in contrast to the existing land use tendencies in the surrounding

environment and we therefore do not foresee any problems with the proposed application.

3.5 CHARACTER OF THE ENVIRONMENT

It is not proposed to change the land use of the subject property. The impact on the character of the area will therefore remain unchanged.

The Overstrand Zoning Scheme Regulations make provision for the encroachment of garages and carports into building lines subject to certain conditions and the approval of the local authority.

On the northern boundary the proposed altered dwelling is positioned within the Overstrand Scheme Regulations building line but on the eastern boundary it encroaches the street building line in respect of the proposed garage, addition to bedroom 5 and a portion of the en-suite bathroom and the minimal encroachment of the existing fireplace and cellar as well as the stoep on the ground floor and the proposed stoep on the first floor.

On the western boundary the art studio and stoep are existing structures and it is proposed to extend the stoep - the encroachment of the stoep section would be ± 55.7 cm into the 2m building line.

The proposed encroachments will not change the character of the environment as the zoning remains the same. Quite a few of the encroachments are because of the existing position of the structures that were built prior to the existing owner taking transfer of the property.

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

The subject property's zoning and land use will remain unchanged. The location of the subject property within a single residential area allows the property to be developed (in future with) for low impact land uses only such as a bed-and-breakfast, guesthouse, home occupation, etc. The proposed departures and removal of a Title Deed restriction will not hinder any future land use applications on Erf 572 Vermont.

Since the land use and zoning will remain unchanged the impact on the surrounding properties will be kept to a minimum. Property values of surrounding erven will therefore not be negatively affected by the proposed application.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist and no additional services will be required.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

Erf 572 Vermont is situated at 13 Duiker Steet and has an existing access point to the property. It is proposed to add another access point to the proposed double garage to be positioned 1m away from the eastern property boundary, please refer to the site plan. The additional access point was discussed and approved by the relevant Municipal officials during a site meeting held on 7 August 2018 with Messrs. Jean De Villiers, Tiaan Marx, Dennis Hendriks and Ricardo Andrew. Please refer to the attached mail message dated 8 August 2018.

It was agreed that the proposed double garage can obtain access from Duiker Street and not Malmok Crescent as was previously proposed. Access from Malmok

Crescent would have necessitated the building of the unmade portion of the street. It is however the intention to officially close this portion of street and to include it in the public space area.

It was discussed on site that a smaller gate might be required for the second entrance. Permission also had to be obtained for the second access over Municipal property, the necessary 2nd access approval was obtained and the letter and plan are attached for easy reference.

The Overstrand Zoning Scheme Regulations stipulate that a minimum of two parking bays are required for single dwellings. Provision is made for the parking of potentially 4 vehicles on site. The dwelling house on Erf 572 Vermont therefore complies with the minimum parking requirements.

The subject property will still be used for single residential purposes only and therefore the impact on the traffic flow in the area will remain unchanged.

3.8 Title Deed

As previously mentioned Title Deed no. T2329/2017 has a restrictive Title Deed condition that needs to be removed in order for this application to be approved. Please refer to the conveyancing certificate.

For details pertaining to the removal of the restrictive Title Deed condition application refer to Section 3.4 of this report.

There is no bond registered against the subject property.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erf 572 Vermont is graded 3C as determined by the Overstrand Heritage Report (2009), it has been argued that Erf 699 Vermont should have been awarded the grading as this is the property where Gregoire Boonzaaier, the well know artist resided. He stayed in the house on Erf 699 from 1983 to 2005 (22 years) till his death, it was also in this house that President Nelson Mandela visited him.

Erven 572 and 699 Vermont were purchased in 1968 by Mr. Boonzaaier and building plans for Erf 572 were submitted in 1969, to be used as a holiday home. In the early 1970's the double storey flatlet was built adjacent to the main house. In 1983 he decided to retire to Vermont and added a second storey to the main house. These alterations however made the house very impractical to live in and certain structural weaknesses showed up in the lower storey. The house was furthermore never lived in as Mr Boonzaaier moved into a house he had built across the road (Erf 699), where he and his wife lived for their remaining years.

The house on Erf 572 remained largely unoccupied, as it was mainly used for storage space and occasional sleep overs by visitors. The property was sold in 1999 and since 2005 it was used as a holiday home.

Alterations and additions will be made to the existing structures on Erf 572 Vermont in line with the relevant scheme regulations. Architecturally the building has no heritage value.

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

In the light of the abovementioned it is evident that the proposed departures and removal of a restrictive Title Deed condition will not have a negative impact on the heritage value of the Vermont area.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

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

3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

The *Overstrand Spatial Development Framework (2006)* earmarks the area where Erf 572 Vermont is situated, for residential purposes. The zoning of the subject property will remain unchanged (Residential Zone I: Single Residential) and therefore the proposed application falls within the existing planning for the Vermont area.

The *Overstrand Municipal Growth Management Strategy (OMGMS, 2010)* specifies that Erf 572 Vermont forms part of Planning Unit no. 1. This application does however not propose to create any additional portions, nor does it propose the construction of an additional dwelling unit on the subject property. The density will therefore remain unchanged.

From the above it is evident that the proposed departures and removal of a restrictive Title Deed condition adheres to the spatial planning policies for the Vermont area and consequently falls within the existing planning for the Vermont area.

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice and spatial resilience do not apply to this application.

Spatial sustainability: The proposed departures are to accommodate the existing studio, the minor addition to the stoep of the studio, the new double garage and additions to the main dwelling and enclosed stoep that will encroach the lateral building line of 2m and also exceed the 4m street building line, it will also encroach

on the Title Deed street building line. It would however have minimal impact on the visual elements of the subject property and surroundings as no directly adjacent neighbours would be affected as Erf 572 Vermont directly abuts the unmade portion of Malmok Crescent.

The structures are compatible with the character of the area and do not impact negatively on the rights of anyone else. The impact on the biophysical environment will also be kept to a minimum. Furthermore the extent of the subject property, low impact on the privacy of neighbours, compliance with the land use restrictions applicable concerning parking, coverage, height, etc. allows for the consideration and approval of the proposed deviations without having an adverse impact on the spatial sustainability of the area.

Efficiency: The subject property is easily accessible and conveniently located close to Hermanus and tourist attractions.

Converting the existing house, art studio and double garage in the only area available proof to be efficient as it discourages the phenomenon of urban sprawl, encourages densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development. It is anticipated that the existing studio, the addition to the stoep of the studio, the new double garage and additions to the main dwelling and enclosed stoep will have a low impact on the surrounding properties. Upgrading the structures and adding the double garage proofs to be efficient in the upgrading of the area and making optimal usage of the property.

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:

- All services on the subject property already exist;

- The additional access to the Erf and the position thereof have been approved by Municipal Officials during a site inspection;
 - The alterations and additions to the existing structures are compatible with the character of the area and do not impact negatively on the rights of anyone else;
 - The departure and removal of a restrictive Title Deed condition application is to accommodate the proposed double garage, extension of the bedroom and open stoep on the street building line and to legalize the position of the existing art studio and to allow for the extension of the stoep on ground floor and the deck on the first floor on the lateral building line that can not be placed in any other position.
-
- The proposed departure and removal of restrictive Title Deed condition will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if the delegated authority / the municipal planning tribunal would approve the departure and removal of the Title Deed restriction of Erf 572 Vermont.

REVISIONS

GENERAL NOTES:
 STRUCTURAL ENGINEER TO BE APPOINTED BY OWNER TO CHECK AND APPROVE
 STRUCTURAL INTEGRITY OF THIS DESIGN. ADVISE ON ADEQUATE SITE AND / OR SOIL CONDITIONS
 AND RESPECT WORKS PERFORMED AND ISSUE OF STRUCTURAL COMPLETION CERTIFICATE.
 ALL WORK TO BE IN ACCORDANCE WITH RELEVANT NATIONAL
 BUILDING REGULATIONS AND PERFORMED BY QUALIFIED AND
 REGISTERED CONTRACTOR TO MEET WITH ALL LOCAL MUNICIPAL
 REQUIREMENTS. ALL DIMENSIONS TO BE CHECKED ON SITE BY
 CONTRACTOR PRIOR TO COMMENCING SITE WORKS.
 TO SCALES DRAWINGS.
 REVISIONS TO BE TAKEN IN PREFERENCE
 TO SCALES DRAWINGS.
 CHECKED ON SITE BEFORE COMMENCEMENT OF WORK.

TO	DATE	DESCRIPTION	BY

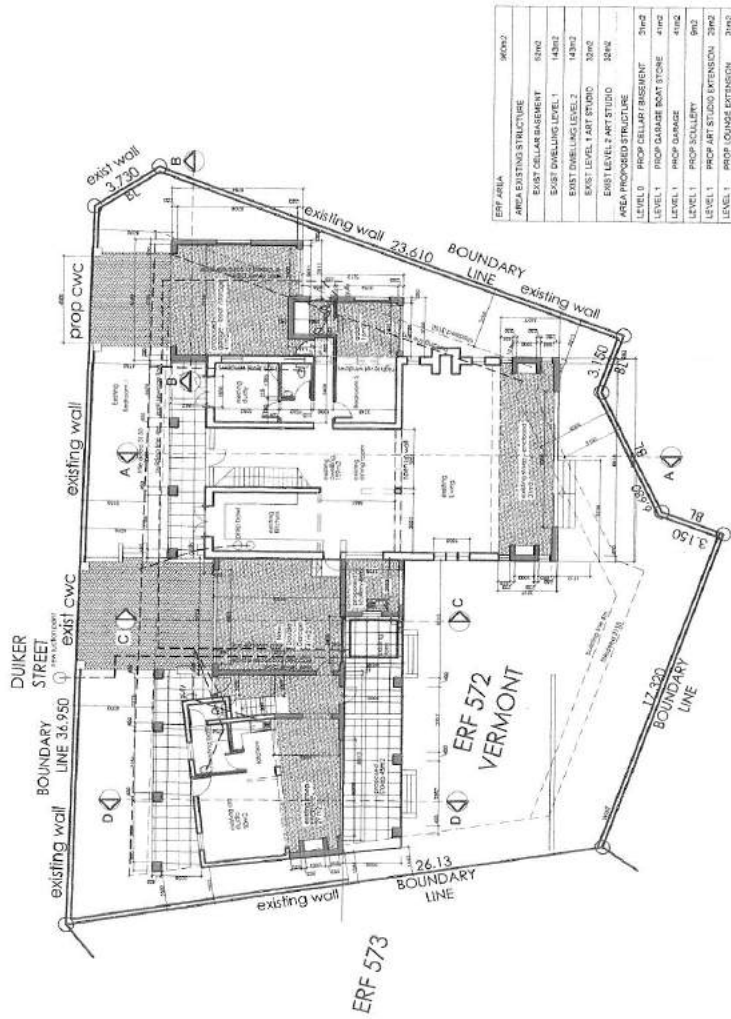


QJD DESIGN STUDIO
 QUINTON J DAMSTRIZ

MOBILE 082-485 2786
 E-MAIL QJDAMSTRIZ@NEW.CO.ZA

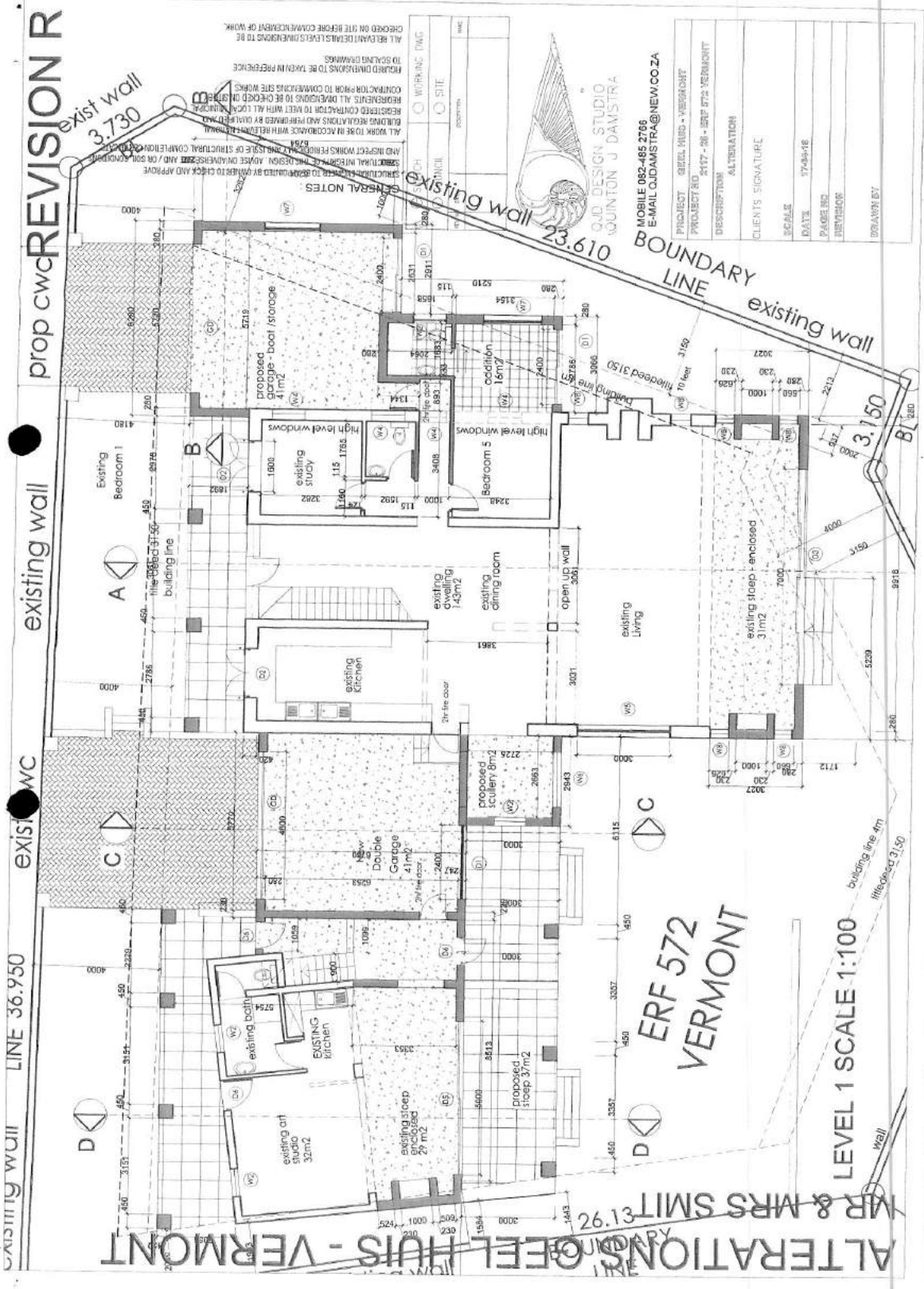
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PROJECT NO	2617 - 26 - 03F 572 VERMONT
DESCRIPTION	ALTERATION
CLIENT'S SIGNATURE	
SCALE	1:200
DATE	17/04/18
PAGE NO	
PROVISION	
DRAWN BY	

ALTERATIONS GEEL HUIS - VERMONT
 MR & MRS SMIT



ERF AREA	NO	DESCRIPTION	NO
AREA EXISTING STRUCTURE	5202	EXIST CELLAR BASEMENT	14302
EXIST DWELLING LEVEL 1	14302	EXIST DWELLING LEVEL 2	14303
EXIST LEVEL LAST FLOOR	3202	EXIST LEVEL ART STUDIO	3204
AREA PROPOSED STRUCTURE			
LEVEL 0	PROP CELLAR BASEMENT	5202	
LEVEL 1	PROP DAMAGE BOAT STORE	4102	
LEVEL 1	PROP SCULLERY	902	
LEVEL 1	PROP ART STUDIO EXTENSION	2902	
LEVEL 1	PROP LOUNGE EXTENSION	3002	
LEVEL 1	PROP BEDROOM EXTENSION	3003	
LEVEL 1	PROP STOR	3004	
LEVEL 2	PROP BEDROOM EXTENSION	3005	
LEVEL 2	PROP BEDROOM EXTENSION	4102	
LEVEL 2	PROP STOR	3102	
LEVEL 2	PROP CONCRETE DECK	3103	
LEVEL 2	PROP TIMBER DECK	3104	
LEVEL 2	PROP OVER COVERAGE	3105	

LEVEL 1 SCALE 1:200



GENERAL NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH RELEVANT REGULATIONS AND PERFORMED BY QUALIFIED REGISTERED CONTRACTORS TO MEET WITH ALL LOCAL, NATIONAL AND INTERNATIONAL REQUIREMENTS TO BE CHECKED ON SITE PRIOR TO COMMENCING SITE WORKS. CONTRACTOR TO TAKE IN HIS OWNERSHIP TO OBTAIN NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES PRIOR TO COMMENCING SITE WORKS.

2. ALL DIMENSIONS TO BE TAKEN IN PREFERENCE TO SPACING DIMENSIONS.

3. RELEVANT DIMENSIONS TO BE TAKEN IN PREFERENCE TO SPACING DIMENSIONS.

4. ALL RELEVANT DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCING SITE WORKS.



QJD DESIGN STUDIO
QUINTON J DAMISTRA
MOBILE 082 465 2706
E-MAIL QJ.DAMISTRA@NEW.CO.ZA

PROJECT	ERF 572 - VERMONT
PROJECT NO	2117 - 08 - 02P 572 - VERMONT
DESCRIPTION	ALTERATION
CLIENT'S SIGNATURE	
SCALE	1:100
DATE	17/05/2016
PAGE NO	3/4
REVISION	
DRAWN BY	

ERF 572
VERMONT

LEVEL 1 SCALE 1:100

ALTERATIONS OF EEF LUIS - VERMONT

prop cwc REVISION R

existing wall

existing wall

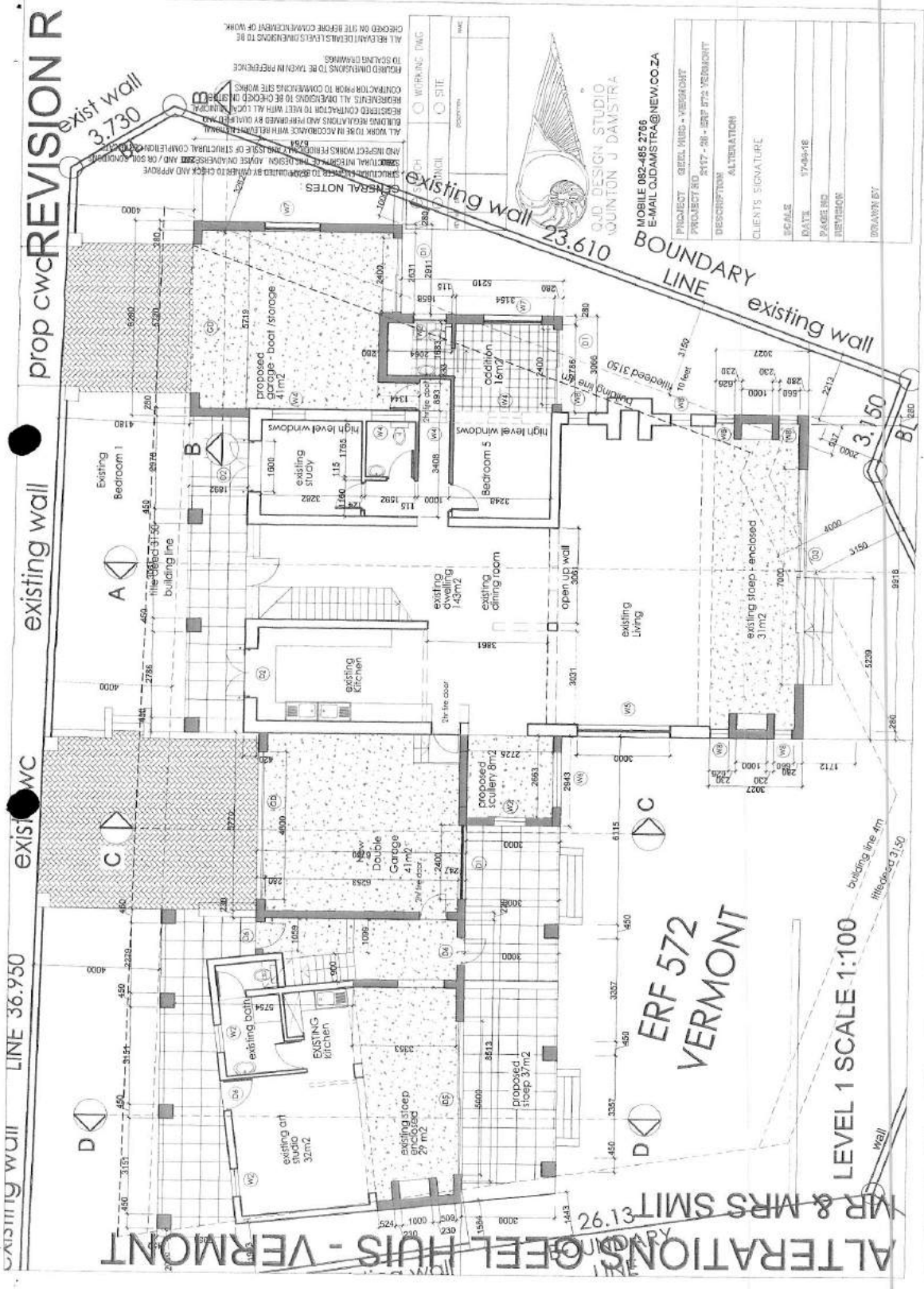
existing wall

existing wall

existing wall

BOUNDARY LINE

existing wall



25

Coetsee
 Attorney
 Rheeziht Centre
 Main Road
 Onrustrivier, 7201
 028 316 4454

Fee schedule		
	Amount	Office fee
Purchase price/Value	R. 14 000 000.00	R. 1200.00
Mortgage capital Amount	R.	R.
Reason for exemption	Event i.t.o.	
	Col.	section. Act.

Prepared by me

CONVEYANCER
 JOHAN CHRISTO FOURIE

T 000002329 / 2017

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

~~PETER CARSE TENNING~~ ALBERTUS GERHARDUS VAN RENSBURG

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said Appearer, being duly authorized thereto by a Power of Attorney granted to him/her and which Power of Attorney was signed at Hermanus on 15 November 2016 by

- EMILE ANDRE BOONZAIER
 Identity Number 510501 5107 08 1
 Married out of community of property
- SUZANNA BOONZAIER
 Identity Number 511224 0101 08 7
 Married out of community of property

(hereinafter styled the Transferors)
 which power, witnessed in accordance with law, was exhibited to me on this day;

DATA / CAPTURE
 09 FEB 2017
 MUYATYAMBA KOLINGO

DATA / VERIFY
 09 FEB 2017
 MASUL TAMA

AND the said Appearer declared that his said principals had truly and legally sold by private treaty on 15 November 2016 and that he/she, in his/her capacity as aforesaid, did by these presents cede and transfer in full and free property to and on behalf of:

GREGOIRE SE HUIS CC
Registration Number 1997/018239/23

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

ERF 572 VERMONT
IN THE OVERSTRAND MUNICIPALITY
DIVISION CALEDON
PROVINCE OF THE WESTERN CAPE

IN EXTENT: 891 (EIGHT HUNDRED AND NINETY ONE) Square Metres

FIRST TRANSFERRED by Deed of Transfer No T 781/1927 with diagram annexed thereto and held by Deed of Transfer No T28622/2012

1. **SUBJECT** to the conditions referred to in Deed of Transfer No T9956/2000.
2. **SUBJECT** to the following special conditions contained in Deed of Transfer No T781 dated 3rd February 1927 imposed for the benefit of the Vermont Seaside Township Limited and all present and future owners of Lots in the Township of Vermont:-
 - (a) That no building shall be erected on the above lot unless and until the plan or plans of such building or buildings have been approved by the Board of Directors of the Vermont Seaside Township Limited.
 - (b) All buildings on the land hereby transferred shall stand back at least ten feet from the line of the street on which the said lot may front.
 - (c) That then present and future proprietors of the above lot shall not have the right to erect any hotel or apply for or hold any license for the sale of intoxicating liquor of any description or erect any shop, restaurant, or other place of business without the written consent of the Board of Directors of the said Company.
 - (d)

3

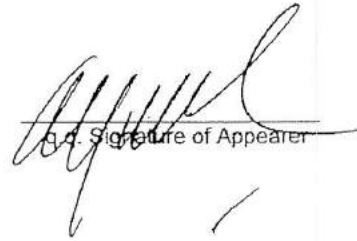
- (e) That the present and future proprietors of the above lot shall be subject to all laws and local regulations made or to be made by the said Company or other lawful authority and shall be liable for and pay all rates, charges and taxes which may be levied by the said Company or other lawful authority for the advancement and good government of the said township.
3. SUBJECT to the condition that the said land is transferred without any rights to the water referred to in the endorsement dated 16 September 1924 on transfer dated 16 March 1921 no 2258 and mentioned in the said Deed of Transfer no T9286 dated 25th September 1925.

4

WHEREFORE the said Appearer, renouncing all the right and title which the said TRANSFERORS 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 TRANSFEREE, its heirs, executors, administrators or assigns now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights; and finally acknowledging the purchase price of the property hereby transferred to be the sum of R 4,000,000.00 (FOUR MILLION RAND), to have been satisfactorily paid or secured.

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

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS
at CAPE TOWN on 30 January 2017


Signature of Appearer

In my presence:



REGISTRAR OF DEEDS

ANNEXURE E 1/11

TR A Theart
(C H Olivier)

Loretta Gillion - RE erf572.....departure and removal of title deed restrictions

From: Elizabeth Boonzaier <lizbzmilwijk@gmail.com>
To: <loretta@overstrand.gov.za>
Date: 24/01/2019 11:28 AM
Subject: RE erf572.....departure and removal of title deed restrictions



Dear Mr Olivier

I wish to state that after receiving the document explaining what was proposed to erf 572 I would like to State the following that

- a) I have no objections to alterations done to Die Geel huis as it was known by Gregoire and the public at large.....it was a land mark in the early days and all knew it as suchas long as the house remains recognizable.
- b) That the property remains known as Die Geel Huis
- c) That its status as Heritage Site remains in tact.....as mentioned Gregoire house was a land mark and his association with Vermont and Onrus was a long one.He entertained fellow artist ,writers, visitors .He also enjoyed having School children there where he spent many hours telling them about art etc...He also mentored a number of artists and they would spend many hours with him staying there if they could.

I would like to state that as Gregoire daughter in law(married to Gregoire oldest son Anton) I have tried not to biased in any way and hope that my input will be of value.

Yours faithfully

Elizabeth Boonzaier

. Dated 24/01/2019

FILE NO:	EL 572
	Vermont ✓
SCAN NO:	HVM 572
COLLABORATOR NO:	1249917

TP 25 JAN 2019

2/11



Date: 23 January 2019

To: The Municipal Manager, Overstrand Municipality;
Overstrand Heritage;
Cape Town Heritage

TRATHART
(C. M. Olivier)

Re: **Objections**

**Ref: APPLICATION FOR DEPARTURE AND REMOVAL OF TITLE DEED
RESTRICTIONS OF ERF 572 VERMONT (Die Geel Huis)**

To whom it may concern

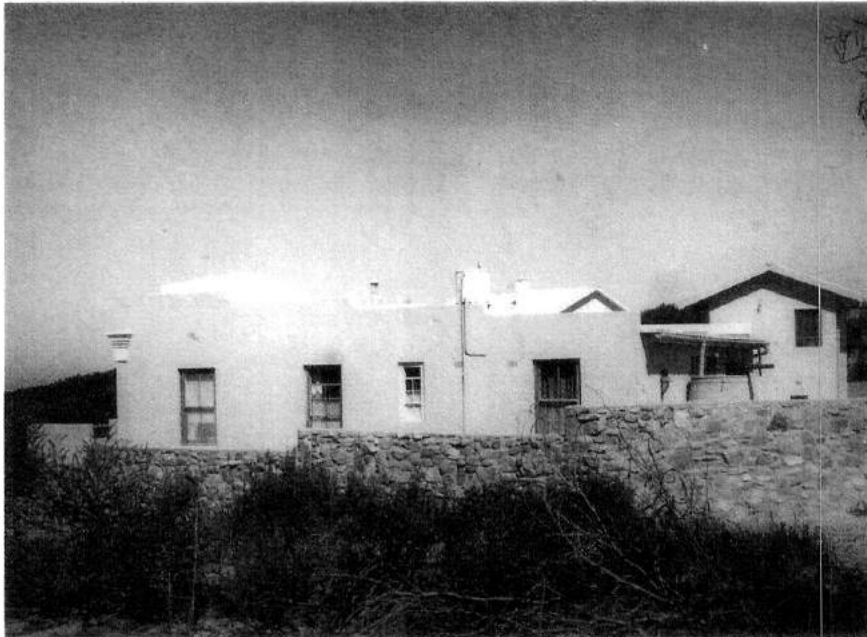
I strongly object to the information provided in the application received (ref: 3.9.1 on page 12) of the document and based on that I am opposed to the proposed building work. I understand that a double garage would meet the requirements of modern living and provide a practical solution to the parking and storage of cars, but I do not feel that this should outweigh the social significance and heritage value of the property. I strongly object to the heritage status of the property being removed. I furthermore feel that in order for people to make informed decisions they need to be provided with the correct information to base their decisions on.

Section 3.9.1 on page 12 of the Application for Departure document states that it has been argued that Erf 699 should have been awarded the heritage status, as apparently the document seems to indicate that it is where Gregoire Boonzaaier (note correct spelling: Boonzaier) lived. I discovered on the locality map provided in the document that Erf 699 is located in Stormvoel Singel. I would like to be provided with proof that Gregoire Boonzaier owned this property or lived there at any time. I, as his grandchild, have no knowledge of any association that my grandfather had to Erf 699. Overstrand Municipality should have access to the title deed for Erf 699 which would indicate Gregoire's ownership of the property as well as the period of the ownership.

My grandfather did in fact purchase Erf 572 and build a single story house on that property, my parents, Anton and Elizabeth Boonzaier, spent their honeymoon there in June 1969. Shortly after that another building was erected on the property, this was not a double story flatlet as indicated in the document (ref page 12). It was a flatlet on the ground floor with Gregoire's art studio above. The art studio was only accessible by means of an exterior staircase.

FILE NO:	EL 572
	Vermont ✓
SCAN NO:	HVM 572
COLLABORATOR NO:	1249887

TP
25 JAN 2019



The single story house (viewed from Marine Drive/ Malmok Crescent Ext) as well as the art studio above the flatlet (seen on extreme right of the image)

Gregoire used this art studio as a second art studio throughout the 1970's and early 1980's until he and his wife moved to Vermont permanently in 1983. It then became his permanent art studio until shortly before his death in 2005. Vermont resident, next door neighbour, friend and fellow artist, Hennie Niemann Sr, helped Gregoire to pack up his art studio in the months leading up to Gregoire's death.

One needs to understand what Erf 572 (Die Geel Huis) was used for by Gregoire prior to as well as post moving to Vermont permanently.

THE 1st PERIOD OF OWNERSHIP ERF 572 (1969 - 1983)

Gregoire was a family man and there were times when the property was used for family holidays. My grandparents, parents, brother and myself would stay in the house and my uncle would stay in the flatlet below the art studio. Extended family would also be invited to stay while visiting my grandparents. Gregoire did spend time working in his art studio at Die Geel Huis on these visits.

Gregoire entertained his friends at Die Geel Huis and he regarded Die Geel Huis as his home away from home. It was where he could be himself, let his hair down and enjoy the company of like minded people. Regular visitors were Jan Rabie, Marjorie Wallace and Uys Krige. Cecil Higgs was his neighbour.

Gregoire would take working trips to Vermont as often as possible and sometimes spent weeks at a time working in his studio there. He would invite other artists to stay there with him while he was mentoring or training them. During this time the studio was used as a secondary studio with his primary studio being in Kenilworth.

Gregoire kept very strict working hours which we as a family were taught to respect from an early age. During my childhood, my brother and I would often spend our school holidays with Gregoire in Vermont. He would paint in his art studio or draw local people from Hawston while we went swimming or fishing in front of the property. He would keep an eye on us from the large window in his art studio while he worked.

In these early days there were not many houses in the area and everyone knew everyone else. Gregoire's house was painted yellow and if anyone was trying find Gregoire they were simply directed to the yellow house (Die Geel Huis). The name stuck as the area grew and is still used today. I do believe that the property should retain this name.

In 1981 my father accepted a teaching post at Hermanus High School and he moved my family to Vermont. Our house was just up the road from Die Geel Huis in Glasolien Street. Being a close family, Gregoire followed shortly after to settle in Vermont permanently in 1983.

THE 2nd PERIOD OF OWNERSHIP (1983 - 2005)

Gregoire had a second story added to Die Geel Huis (Erf 572) in order to fit the contents of their Kenilworth home. The alterations did not make the house impractical to live in at all. The impractical aspect was that my grandparents were wanting different things at this stage of their lives.



Erf 572 after the second story was added to the Die Geel Huis, the art studio remains unchanged till this day

My grandmother, who had always been a wonderful source of inspiration and support to my grandfather throughout his career, was looking forward to enjoying a more private life. She wanted the option to choose if and when she wanted people in her home, as well as the freedom to pursue her own interests and hobbies without interruptions.

Gregoire was as energetic and enthusiastic as ever and wanted to continue working. The art studio on Erf 572 became his primary studio and the double story house became his place of work. The compromise my grandparents reached was that they would build a smaller house across the street which would be respected as a private space (Erf 598). Here my grandmother could have her space to entertain family and her or their close friends. The property (Erf 598) was later transferred into her name and left in her estate to her son Anton. Gregoire had full use of both properties until his death in 2005.

Die Geel Huis (Erf 572) became Gregoire's domain and he loved the space he had created for himself there.



Gregoire upstairs in Die Geel Huis (Erf 572) where he displayed his art

6/11

Gregoire used the second story of Die Geel Huis as a gallery space to display and sell his work until he opened Galerie Gregoire around the millenium. Downstairs Gregoire displayed furniture and art he had collected over the years. Gallery owners who sold his work would view his work at Die Geel Huis.

Art enthusiasts who wanted to meet Gregoire were received and entertained at Die Geel Huis.



Visitors posing with Gregoire at Die Geel Huis (Erf 572)

Gregoire hosted groups of school children in the large downstairs front room oof Die Geel Huis.. He would show them his art studio and discuss the importance of art and culture with them.



School children on a visit to Gregoire at Die Geel Huis

To whom concerned Die volgende verslaggie is n herinnering aan n besuek in 1992 aan die kunstenaar se ateljee. My naam is Marie Hammann en ons was woonagtig in Kandelaarstr 39 Vermont. Ek was n onderwyseres aan die Secondary School Zwelishwe in Hermanus en die skoolhoof was mnr Shabalala. Ek het Engels doseer in die hoerskool. Daar het baie leerders van die Oos-Kaap emigreer en hul het baie hulp nodig gehad met n 2de taal. Ek het daaglik by die ateljee in Duikerstr gery en wou die leerders n insig gee oor wat n 'painting' en n 'artist' is. Gregoire was so gaaf om hul te ontvang en rond te wys na sy kwaste, verf en skilderye. Hy het ook vir hul prakties gewys hoe n linsonee gemaak word. Alles was in sy werkplek en hy het selfs n program met sy handtkening aan die skool geskenk. Dit was groot pret toe hy vir die kinders op n stofie gewys het hoe om boontjies gaar te maak. Ek het besef dat sy ateljee en hy onatskeldbaar was en deel van die Vermont omgewing moet voortbestaan. My man, dr Herman Hammann en ek is albei lief vir kultuuroedere en bewaring. Die uwe
Marie Hammann

Mrs Hammann describing a visit to Die Geel Huis with a group of children from Zwelishwe Secondary School. Gregoire had made contributions to this school in the 1980's.

Gregoire hosted dinner parties and larger gatherings at Die Geel Huis. He was a keen vegetable gardener and would use the produce from his vegetable garden on the property for these meals. He would cook the meals for these dinner parties on the property. Meals for family and close friends were prepared in my grandmothers home, usually by her (Erf 598).

Visiting artists continued to stay in the house (Erf 572) while he mentored and taught them. Some of South Africa's most prominent artists spent time staying and working at Die Geel Huis.

Gregoire spent most of his working day either in his art studio on the property or seeing people in the house on the property. My grandmother would stand at the front door of her house (erf 598) and honk a bicycle horn to call him over for lunch and tea breaks, after which he would return to Die Geel Huis to continue working. Gregoire also took his afternoon nap at Die Geel Huis.

Erf 572 is where Gregoire had an art studio for a period of roughly 35 years, for the majority of this time it was his permanent studio (where he worked almost daily).

Nelson Mandela did visit Gregoire at Erf 598, my grandmothers home, despite Gregoire wanting the visit be at Die Geel Huis Erf 572. Prior to the visit Mr Mandela's security team came to perform a routine security check, the security team pointed out that Erf 572 was open on the sea facing side and that the thick vegetation along the greenbelt posed security risks. It was then decided to host the visit at Erf 598, this was not a request made by Gregoire who would have loved to show his work space, Die Geel Huis, to Mr Mandela.

Gregoire did in fact eat and sleep at Erf 598 but he is not acclaimed for any contributions to the development of eating and sleeping in South Africa. Erf 598 is not associated with his working career.

Gregoire is however known for his invaluable contribution to the development of art in South Africa as well as for his contribution to art in South Africa. He mentored many of South Africa's great artists at Erf 572 and used his studio there for about 35 years. To remove the heritage or change the house or studio would be an insult to a pioneer of art in our country. Die Geel Huis is not older than 60 years and has no connection to slavery, but it has connection to the history of art in South Africa. Die Geel Huis is of great social significance and relevance in the area.

Please see the attached article about Gregoire Boonzaier which was published in South African Garden and Home magazine dated April 2000. The article serves to confirm some of the information I have provided.



Street with yellow house, Wynberg, 1958.

If you live long enough, everyone will think you're dead, which is just what happened to South Africa's most famous, but still very much alive, artist, Gregoire Boonzaier, who celebrated his 91st birthday last year.

An artlover telephoned the Onrus Galerie near Hermanus in the Cape and asked Grenda Pope, the curatrix, if she'd heard that Gregoire was dead. "No, I haven't heard that," she replied, "but you can talk to him. He's right here!"

Gregoire laughs about the incident because he's not one to take himself too seriously, but it does say something about the man and the stature of his work that he's passing into history and immortality even while still alive.

Gregoire, one of the founding fathers of modern art in this country, recently opened his own gallery in Onrus. It is called simply Galerie Gregoire.

Never one to be complacent, even in the golden years of his creativity, he wants to be known not only for his paintings of the Malay quarter and District Six, but also for his portraits and still life paintings, particularly his flower studies.

At 91, Gregoire is as energetic as a man half his age. He still talks to schoolchildren about art as he did so long ago on his travels through the plateau in the 1950s and 1960s.

"I told a group of children the other day that a painting by Rembrandt would cost thousands, more than a man could earn in a lifetime, and yet modern technology allows people to own works of art for a few rands.

"I told them, for instance, that a print of one of my paintings would sell for about R25. And do you know, they put their hands in their pockets there and then and pulled out all this money and said, 'I'll take two or three or more,'" he says, astonished at the affluence of the young.

Gregoire's paintings might be selling for record figures – R190 000 for a painting of the Malay quarter at a Sotheby's auction early last year – and he is happy that people who invested in his art early on are reaping the

benefits, but he knows too what it is to struggle to swap paintings to come his two sons.

As Martin Becker says in the introduction to his book on Gregoire "His life story reads like a fairy tale. It is about an ordinary boy whose dedication and perseverance culminated in honour and recognition for a young man moulded to sagacity and maturity by conflict and lack of appreciation and an artist who pursued his ideal through years of poverty and sacrifice. It is the story of the fulfilment of a dream."

His family was too poor to pay for art lessons, but his dominating art-obsessed father, D.C. Boonzaier, the first full-time cartoonist to be appointed at *Die Burger*, didn't believe in formal art training anyway. He decided who and where Gregoire would paint, even scratching the paint off his canvases if he was dissatisfied with what his son had produced.

Only at the age of 21 was Gregoire able to break away from the family home and set up a studio on his own. A few successful early exhibitions provided him with the means to go overseas in 1935 to study at Heatherley Art School in London. He exhibited at the Royal Academy with the London Group, the New English Art Club and the Royal Institute of Oil Painters, and studied graphic art at the Central School of Arts and Crafts. When he returned to Cape Town, he was a man transformed. As Becker writes: "The shy Afrikaner youth with the big hat had made way for a man bubbling with confidence sporting a French beret and modern clothing." Gregoire still sports the French beret and cuts a debonaire figure in the tiny seaside village of Onrus.

His home and studio, affectionately known to locals as the yellow house' (*die geel huis*), is further down the coast at Vermont. The double-storey house is right on the seaford with a garden that merges with the fynbos. Huge samovars that have featured prominently in his paintings take pride of place against the sash windows of the upper storey. Everywhere you turn in the house you can see the scenes that he painted from the long, narrow entrance hall to the pieces of porcelain. An avid collector of antiques since his student days in England, he and his wife, Maria, have filled their home across the road from the studio with the dazzling colours of beautiful carpets and mellow yellowwood furniture.

Gregoire is a gentle person with an old-world style and manner, so it's hard to believe he was the leader of a young 'burr pack' of artists that challenged the art establishment in the late 1930s. With the support of Transvaal and Cape artists he formed the New Group, a society of professional artists destined to be the guiding light of art in this country for 16 years. Gregoire was the chairman for eight years. He was also the founding member of the South African Association of Arts. Prices for his paintings have been breaking records for some time. In 1973 an oil sold for R9 000 at a Johannesburg exhibition. Sixteen years later *After the Storm* sold for R135 000 at Die Kunsamer in Cape Town, and last year the painting of the Malay quarter sold at Sotheby's auction for R190 000.

His self-portraits create a wonderful record of the passing years. He also paints fishermen, woodcutters and farm labourers with a sensitive skill. His landscapes show a fascination with trees in all their weathered forms, battered by the Cape Peninsula winds, dried by the heat of the Transvaal and the north-west Cape. His paintings are not static displays. He captures in much the same way as Van Gogh did, the turbulence of the elements. His brush strokes are firm and his paint thick and tactile, the colours bright and yet cool. Envy the art lover lucky enough to have a Gregoire Boonzaier hanging on the wall. 🏠

9/11

In closing, I feel the findings of Overstrand Heritage as presented in the Application for Departure document (page 12) are not only an insult to Gregoire Boonzaier, but to themselves as a heritage committee. Surely sufficient research is conducted, involving art historians, industry leaders, fellow artists and various members of the family before downgrading or removing a heritage status.

I am willing, at most, to accept a garage built on the corner of Duiker Street and Malmok Ext. as it will not detract from the original facade of the house or Gregoire's art studio as viewed when passing by on Duiker Street.

I object to the proposed double garage between Die Geel Huis and Gregoire's art studio which will alter the facade and make Die Geel Huis unrecognizable.

I also object to any changes made to the facade of either Die Geel Huis or Gregoire's art studio which will alter the current look of Die Geel Huis and art studio. There should be no additional windows, balcony railings, changes to the roof structure of the art studio, etc as seen on the elevated plans which were not included in the Application for Departure document received via post.

I furthermore strongly object to the findings portrayed in section 3.9.1 on page 12 of the Application for Departure document and find the information to be misleading, in particular the reference to Gregoire's association with Erf 699..If people are to make informed decisions they at the very least need to be provided with the correct information to base those decisions on.

The property most associated with Gregoire and his work, is without doubt, Die Geel Huis (Erf 572).

For any further information please contact me at the above mentioned email address.

Yours sincerely
Marian Boonzaier

10/11
TP - A. Theart
(H. Olivier)

Loretta Gillion - Removal of restrictions erf 572 vermont

From: Tom Mccrorie <tommccorie@gmail.com>
To: <loretta@overstrand.gov.za>
Date: 30/12/2018 11:53 AM
Subject: Removal of restrictions erf 572 vermont

Attention Mr H Olivier

Dear Sir

I and my family of three strongly disagree with the application of Mr S Smit to the removal of restrictions on erf 572, Vermont. The Geelhuis is a heritage site and as such should not be altered.

Regards

Tom McCrorie



FILE NO:	EL 572 Vermont ✓
SCAN NO:	
	HVM 572
COLLABORATOR NO:	
	1243789

TP 03 JAN 2019

11/11

TRA Theart
CH Olivier

Loretta Gillion - Erf 572 13 Duiker St Vermont Removal of restrictive conditions

From: Rob Molyneux <molyneux@hermanus.co.za>
To: "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>
Date: 23/12/2018 05:50 PM
Subject: Erf 572 13 Duiker St Vermont Removal of restrictive conditions



Sirs

It would be correct to allow all historical deviations from current rules regarding building lines but not for any new works. This does not include any encroachment into green belt areas which should be reinstated as a condition for this relief.

Regards

Rob and Margaret Molyneux
20 Bietou Street
Vermont 7201
Western Cape RSA
Tel 028 316 1943
Mob 07 6060 3827

FILE NO:	EL 572 ✓
	Vermont
SCAN NO:	HVM 572
COLLABORATOR NO:	1243417

TP 27 DEC 2018

Our reference: PA18049
Your reference: 572HVM (4155)

12 February 2019

THE MUNICIPAL MANAGER
OVERSTRAND MUNICIPALITY
P.O. BOX 20
HERMANUS
7200



TR A Theart
CH Olivier)

FOR ATTENTION: MR H OLIVIER

Sir

ERF 572 VERMONT - PROPOSED DEPARTURES AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

- GREGOIRE SE HUIS CC

Reference is made to our application dated 29 August 2018 and your letter dated 29 January 2019 with 9 annexures, being 4 objections and 5 letters of support, attached thereto.

Objections / comments were received from:

1. E Boonzaier - no objections, but conditionally
2. M Boonzaier - objections
3. T McCrorie - objection
4. R & M Molyneux - objection
5. Vermont Ratepayers & Environmental Association (VR&EA) - no objection / support
3. Piers Buckle - no objection / support
7. Jan Brand - no objection / support
8. Naas Muller - no objection / support
9. Henny Cloete - no objection / support

Herewith our response to objections and comments received:

1. E Boonzaier

No objections, but the house must stay recognizable, the property remains to be known as "Die Geel Huis" and that the status remains as a Heritage Site.

FILE NO:	EL572
	Vermont
SCAN NO:	27
COLLABORATOR NO:	256440

The current owner of the property, the applicant, was a dear friend of Gregoire Boonzaier and as such he has fond memories of the house and property. It was also the motivation why he opted for alterations and additions rather than to investigate the possibility of demolishing the house in its total extent.

The building will remain to be named "Die Geel Huis" as it is also indicated as such on the building plans that accompanied the application documentation. The registered name of the Closed Corporation (CC) was also amended on 20 February 2018 to refer to: GREGOIRE BOONZAIER SE GEELHUIS CC"

It should be noted that the building plans for the proposed alterations and additions were submitted to the Overstrand Heritage and Aesthetics Committee, they were scrutinized and the plans and building line departures respectively are supported as per the attached copy of the minutes dated 13 October 2016 and 17 January 2019.

The support of the building alterations by the Overstrand Heritage and Aesthetics Committee was based on the information that was submitted by Emile Boonzaier as per the attached document marked as Annexure A. Based on this support and approval of the building alterations the current owner purchased the property in January 2017.

No application has been submitted to change the heritage status of the property.

2. M Boonzaier

Objections include the proposed building work between the Geel Huis and the art studio and changes to the facade and additional windows, balcony railings and changes of the roof structure. The removal of the heritage status is also questioned. Additional information is provided with reference to the personal life of Gregoire Boonzaier and the use of the property, as well as the correct erf number of the house across the street.

The building plans for the proposed building alterations were submitted by Emile Boonzaier, on behalf of the prospective buyer, which is now the current owner, to the Overstrand Heritage and Aesthetics Committee, whom supported the building alterations in 2016.

The current owner again submitted the slightly amended building plans with the building line departures in 2018 and again the Overstrand Heritage and Aesthetics Committee consented to the building line departures along with the alterations and additions in 2019 with a request of minor amendments which will be complied with.

There is **no intention** to alter or degrade the heritage status of the property and no mention of any such action was made in the application documentation. As mentioned above the current owner of the property spent many joy full hours in the house and as such it is his intention to conserve the memory thereof.

The information provided by M Boonzaier (Gregoire's granddaughter) differs slightly from the information provided by Emile Boonzaier (son) - copy attached - but it gives an indication of the life and work of Gregoire Boonzaier. The information provided by the granddaughter is however more historic in nature and does not really address the town planning application at hand. As mentioned above it is not the intention to amend the heritage status of the property.

3. T McCrorie

The objector strongly disagrees with the application as the "Geelhuis" is a Historic site and according to him it should not be altered.

It should be noted that the Overstrand Heritage and Aesthetics Committee consented to the application for the additions and amendments of the property as per the building plans submitted, along with the application for the building line departures - refer to their minutes dated 17 January 2019 as per the attached.

Mr McCrorie does not state his erf number or what his interest is in the matter.

4. R & M Molyneux

The objector is not in favour of deviations for new works or any encroachments into the green belt areas.

The application for the departures of the building lines makes **no provision** for any encroachment onto the green belt areas.

As mentioned above the alterations **and additions** have been consented to by the Overstrand Heritage and Aesthetics Committee.

5. Vermont Ratepayers & Environmental Association (VR&EA)

The comments received from the Vermont Ratepayers & Environmental Association are positive and they are in favour of the application for the building line departures. They found the application to be detailed and well motivated.

6. Piers Buckle

Mr Buckle has no objection to the proposed application for the building line departures.

7. Jan Brand

Mr Brand supports the application and is of the opinion that the alterations to the building will be a positive asset to the area.

The balance of the comments are not applicable to the application at hand.

8. Naas Muller

Mr Muller has not objection to the application.

The first 4 paragraphs are not applicable to the application at hand, but relates to the problems encountered with his application that was submitted in 2017.

9. Henny Cloete

Mr Cloete has no objection.

We hope you find our comments in order and that you would be in a position to finalize the application.

Yours faithfully



**John Mc Lachlan
PLAN ACTIVE**



OVERSTRAND
HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday 13th OCTOBER 2016 (14:00 – 16:30)

Time: 14h00

Members present

Mr. N Clark, (Acting Chairman),

Mr B. Jones

Mr Andrew Finlayson

Mr C Roux

Mrs N Lloyd

Mr Basil Brink

In attendance: Mr. J. Simson (Manager Building Services)

Mrs. E. Lowings (Admin Assistant: Building Services)

6.2 **HERMANUS : / VERMONT : ERF 572: 13 DUIKER STREET : E.A. BOONZAAIER: PROPOSED ALTERATIONS AND ADDITIONS (3C)**
PRESENTED BY SYBRAND SMIT

Comment:

Alterations to existing structures supported based on the information provided to the Committee.

Action:

None

7.4 Next Meeting: 10TH NOV & 14TH DEC 2016 (WEDNESDAY)



HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday - 17 JANUARY 2019

Time: 14h00 – 17h00

Members present

Mr N. Clark (Chairman)

Mr A. Greeff

Mrs K. Smuts

Mrs N. Lloyd

Mr B. Jones

Mr S. February

Mr A. Finlayson

Mr B. Brink

Mr C. Roux

Mr E. Grobler

In Attendance:

Mr J Simson (Manager Building Services) . Gerrit Coetzee (Building inspector) & Mrs E. Lowings (Admin Assistant: Building Services)

6.6 VERMONT : ERF 572 : 13 DUIKER STREET : GREGOIR SE HUISIE CC : PROPOSED ALTERATIONS AND ADDITIONS : T/P APPLICATION : (GRADE 3C)

DISCUSSED

Comment:

Departure to the building line scrutinized. Supported.

Action:

None.

NEXT MEETINGS:

14TH FEBRUARY 2019 & 14th March 2019

Erf 572 Vermont (13 Duiker Street)

Introduction:

I am the owner of 13 Duiker Street, Vermont, which I am in the process of selling. The potential buyer is, however, reluctant to continue with the transaction since he discovered, to the surprise of both of us, that this property was accorded '3C' heritage status in 2009.

The buyer is, understandably, reluctant to proceed with the purchase until he has clarity on what alterations he is permitted to make. He intends to try to preserve the house, but is aware that it needs major structural repairs and would wish to make certain other alterations in order to make it conveniently liveable.

History:

- Gregoire Boonzaier, who lived in Cape Town at the time, built the original single-storey house in 1969 for use as a holiday home.
- In the early 1970s he built a double-story flatlet next to it.
- In 1983 he decided to retire to Vermont and thus to enlarge the house by adding a second storey.
- These alterations proved to make the house very impractical to live in and showed up certain structural weaknesses in the lower storey. He therefore moved into a house that he had built on the other side of the road, where he and his wife lived for the rest of their lives.
- The house remained largely unoccupied thereafter, but he used it as a storage space (and occasionally permitted visitors to sleep there) and utilised the upper storey of the flatlet as a studio.
- He eventually disposed of the entire property in 1999, but obtained permission from the new owner to continue to use the 'studio' section in the flatlet.
- The house remained unoccupied until I bought it shortly after his death in 2005. I have been using it as a holiday home ever since.

- My original intention was to retire in Vermont, but I have decided against this, especially when considering the costs of the necessary renovation and additions.

Some comments:

It is difficult to comprehend the details of the Heritage Consultant's recommendations. (I currently only have access to the Draft Public Participation Document, but assume that the approval document is essentially the same.)

- It refers only to the main house (a 'double storey flat roofed house'), and makes no mention of the flatlet (where Gregoire Boonzaier did do some painting).

- No mention is made of the house where he actually lived for the last 22 years of his life. (Had the owners, or any other member of the family been contacted, this could easily have been clarified.)

- Major changes were made to the single storey house that Gregoire regularly used as a holiday home between 1969 and 1983. Besides adding the upper storey, the garage was converted into a room and a chimney added. It would appear that these alterations, which included the use of aluminium windows in the upper storey (while retaining the wooden ones downstairs) have already detracted from the 'historical fabric' of the main house.

- While one accepts that the site itself has an "association" with a "renowned artist", there would seem to be little point in trying to preserve the "historical fabric" of a building that has questionable relevance to this significance.

Proposed alterations:

No plans for alterations have as yet been drawn up. The prospective buyer proposes, at this stage, to make the following changes that will affect the exterior:

To the main house:

- Erect a double garage joining the house to ensure secure access to and from vehicles. (Vehicle entry from Duiker Street.)

- Replace the large front window on the lower storey with an aluminium sliding

door. Erect a wooden deck to replace the current brick stoep and to extend this around part of the western side of the house. **OR:** If the stoep front wall can be rescued and the foundations are adequate, to build up this wall and thereby extend the downstairs front room to incorporate the stoep area.

- Replace various windows with larger ones and add additional windows on eastern side.

To the flatlet:

- Enlarge both storeys (southwards) to boundary of current stoep and to incorporate current exterior stairs into this extension.

- Remove pitched roof and replace with flat roof to blend with flat roof of main house.

- Insert windows on northern side upstairs and downstairs.

Conclusions:

The current state of the main house is very unsound. I have spent a lot of money trying to prop up the collapsing floors and repairing major cracks (I have also had the collapsing floor in the flatlet relaid), but longer term corrections and reinforcements will cost much more.

Given the value and attraction of the site itself, it is likely that most buyers would want to demolish the entire house and start afresh. The prospective buyer, however, is keen to try and salvage and retain as much of the building as possible. I therefore trust that HWC will not place significant restrictions on possible changes that might affect the exterior of the building and thereby lose any chance that at least something of the structure will be preserved. I am, however, unsure of the parameters within which the HWC makes its decisions and am thus seeking some guidance and suggestions as to how I might proceed.

Should members of the Committee wish to have an on-site inspection of the property, it is easy for me to drive out to from Cape Town to receive them.

Yours,

Emile Boonzaier Tel.: 021-6741980 or 083-4845252

30 St George's Road, Claremont, Cape Town.

ANNEXURE G 1/12

**Vermont**Ratepayers & Environmental Association
Belastingbetalers & Omgewingsvereniging

TP A Theart
(C. Olivier)

PO BOX 142, ONRUSRVIER. 7201
24 January 2019

(For Att. Town Planning, Mr. H. Olivier)
Overstrand Municipality,
PO Box 20,
HERMANUS, 7200

Dear Sir

ERF 572, 13 DUIKER STREET, VERMONT, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURE & REMOVAL OF TITLE DEED RESTRICTIONS: PLAN ACTIVE: MR S. SMIT obo GREGOIRE SE HUIS CC.

I refer to your municipal notice 158/2018 as well as the motivational report and plans submitted.

The position of this property favours support for the building regulations departure. Erf 572 is a corner property bordered by Duiker Street and unmade portions of Marine Drive and Malmok Crescent. Consequently, only one occupied property borders the western boundary. Access to this erf is to be from Duiker Street only.

Currently two separate buildings are on the property and the plans are to connect them, add to, and alter them. The planned development will result in a modernised dwelling which will optimise use of the erf's sea-front and corner position. The building departures will impact minimally on neighbours. The greatest departure sought – of 3 metres – is on the eastern boundary facing unmade Malmok Crescent – where public open space exists.

In all, the application is detailed and well-motivated.

Yours faithfully

Duncan H.W. Heard
Chairperson: VREA

FILE NO:	EL 572
	Vermont
SCAN NO:	VRA
COLLABORATOR NO:	1249923

TP 25 JAN 2019

2/12

Loretta Gillion - Re: PA18049 – Departure application - Erf 572 Vermont (4155)

From: Piers Buckle <piers@freshidentity.co.za>
To: Loretta Gillion <lpage@overstrand.gov.za>
Date: 21/01/2019 02:33 PM
Subject: Re: PA18049 – Departure application - Erf 572 Vermont (4155)

TR-A Theart
CH Olivier)

Hi Loretta

We have no objections to the requested changes.

Kind regards
Piers



piers buckle
20 cook street, observatory, 7925
po box 13537, mowbray, 7705
www.freshidentity.co.za
t 021 447 5419
f 086 574 7963
e 083 414 2628

FILE NO:	EL 572
	Vermont
SCAN NO:	HVM 572
COLLABORATOR NO:	1248518

On 18 Jan 2019, at 10:12, Loretta Gillion <lpage@overstrand.gov.za> wrote:

Dear Mr Buckle

Your query refers.

Please note that after investigating the matter, it was found that the newly created Erf 2416 did not reflect on the list of records obtained from our Finance Department. Property details are obtained from our Finance Department to enable our offices to forward applications for comments/objections. We apologize for the oversight in this matter.

You are therefore afforded an opportunity of thirty (30) days to provide comments/objections in this regard. A formal letter has also been forwarded to your postal address via registered mail. Kindly provide your comment/objection on or before **Monday, 18 February 2019**.

Should you have any queries, feel free to contact our offices.

Regards

21 JAN 2019 TP

3/12
TP - A. Theart
(H. Olivier)

Loretta Gillion - Aansoek Om Afwyking en Opheffing van Titelbeperking Van Erf 572 Vermont.



From: Jan Brand <brandjhm@gmail.com>
To: <loretta@overstrand.gov.za>
Date: 21/01/2019 02:09 PM
Subject: Aansoek Om Afwyking en Opheffing van Titelbeperking Van Erf 572 Vermont.

Ek het vandag die kennisgewing om geregistreerde pos aftehaal onvang.

Ek kan geensins sien dat enige beswaar teen die aansoek ingedien kan word nie en ondersteun die aansoek.

Die veranderinge sal ñ aanwins vir die omgewing.

Ek sou egter eerder wil sien dat ñ sink vertrek of garage aan agterkant van huis aangebring word so sê, by ingang van Vermontlaan afgekeur word. Skadunet aan voorkant van Garage Pelican singel waarvan die Staal pilare aan voorkant van net op sypaadjie staan aangespreek word.

n Motorvoertuig herstel plek in Pelican straat gesluit word. N Staal konstruksie huis sigbaar van R 43 met ñ sink bedekte "muur" noord -weste kant nie so mag vertoon. Die tipe onbeheerde gevalle in sommige gevalle doen meer afbreuk.

Jan Brand, Vermontlaan 60, ERF 672 Vermont Sell nommer 0720894119: Geen belang in aansoek: Ek lewer kommentaar omdat verbetering wat voorkoms verbeter ek in die geval gevra word vir kommentaar, maar waar die voorkoms of optrede van die mooi area afbreuk doen ek nie genader word.

By Voorbaat Dank. Jan Brand

FILE NO:	EL 572
	Vermont ✓
SCAN NO:	
	HVM 572
COLLABORATOR NO:	
	1248613

TP 21 JAN 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5C45D2ADHermanusMunp... 2019/01/21

*TPA Theart
CH Olivier*



From: Henny Cloete <henny.cloete@gmail.com>
To: <loretta@overstrand.gov.za>
Date: 14/12/2018 09:32 AM
Subject: Erf 572 Vermont 14.12.18

Goeiemore Loretta

Hiermee wil ek laat weet dat ek geen beswaar het teen die opheffing van titelbeperking van erf 572 Vermont nie.

Vriendelike groete

Mev H Cloete
Erf 643 Vermont

Groete
Henny Cloete

Sent from my iPhone

FILE NO:	<i>EL 572</i>
	<i>Vermont</i>
SCAN NO:	<i>07</i>
COLLABORATOR NO:	<i>1241464</i>

TP

14 DEC 2018

18 DEC 2018

5/12

TR A Theart
C H Olivier**Loretta Gillion - AANSOEK OM AFWYKING EN OPHEFFING VAN
TITELBEPERKINGE VAN ERF 572, VERMONT**

From: Naas Muller <naas@mdpqs.co.za>
To: "loretta@overstrand.gov.za" <loretta@overstrand.gov.za>
Date: 14/01/2019 04:02 PM
Subject: AANSOEK OM AFWYKING EN OPHEFFING VAN TITELBEPERKINGE
 VAN ERF 572, VERMONT
Cc: Naas Muller <naas@mdpqs.co.za>
Attachments: 17_19 Duiker.jpg; 21 Duiker.jpg; 25 Duiker.jpg; 29 Duiker.jpg; 31 Duiker.jpg;
 33 Duiker.jpg

Die Munisipale Bestuurder
 Overstrand Munisipaliteit
 Hermanus Administrasie
 Posbus 20
 Hermanus
 7200

Aandag: Mnr H Olivier

Waarde Heer

FILE NO:	EL 572 Vermont
SCAN NO:	HVM 572
COLLABORATOR NO:	1247073

**AANSOEK OM AFWYKING EN OPHEFFING VAN TITELBEPERKINGE VAN ERF 572,
VERMONT**

Ter agtergrond die volgende:

Ons het in verlede jaar ons woning te 26 Duikerstraat voltooi. Ons het in 2017 aansoek gedoen om 'n verslapping van die erfrens om 'n motorhuis te kan inpas op die erf. Daar was teenkating van 8 uit die 9 persone wat gereageer het op die advertensie

Dit wil voorkom of die bure opsetlik saamgestaan het om die aansoek afgekeur te kry alhoewel daar uit die 8 besware 3 eiendomme is waar oorskredings voorkom maar dit was ons nie gegun nie, bv:

- Duikerstraat 19 – motorhuis op erfrens
- Duikerstraat 21 – motorhuis op erfrens
- Duikerstraat 25 – motorhuis op erfrens

Ander voorbeelde van oorskredings in Duikerstraat:

TP
16 JAN 2019

file:///C:/Users/loretta/AppData/Local/Temp/XPgrpwise/5C3CB29BHermanusMunpo... 2019/01/16

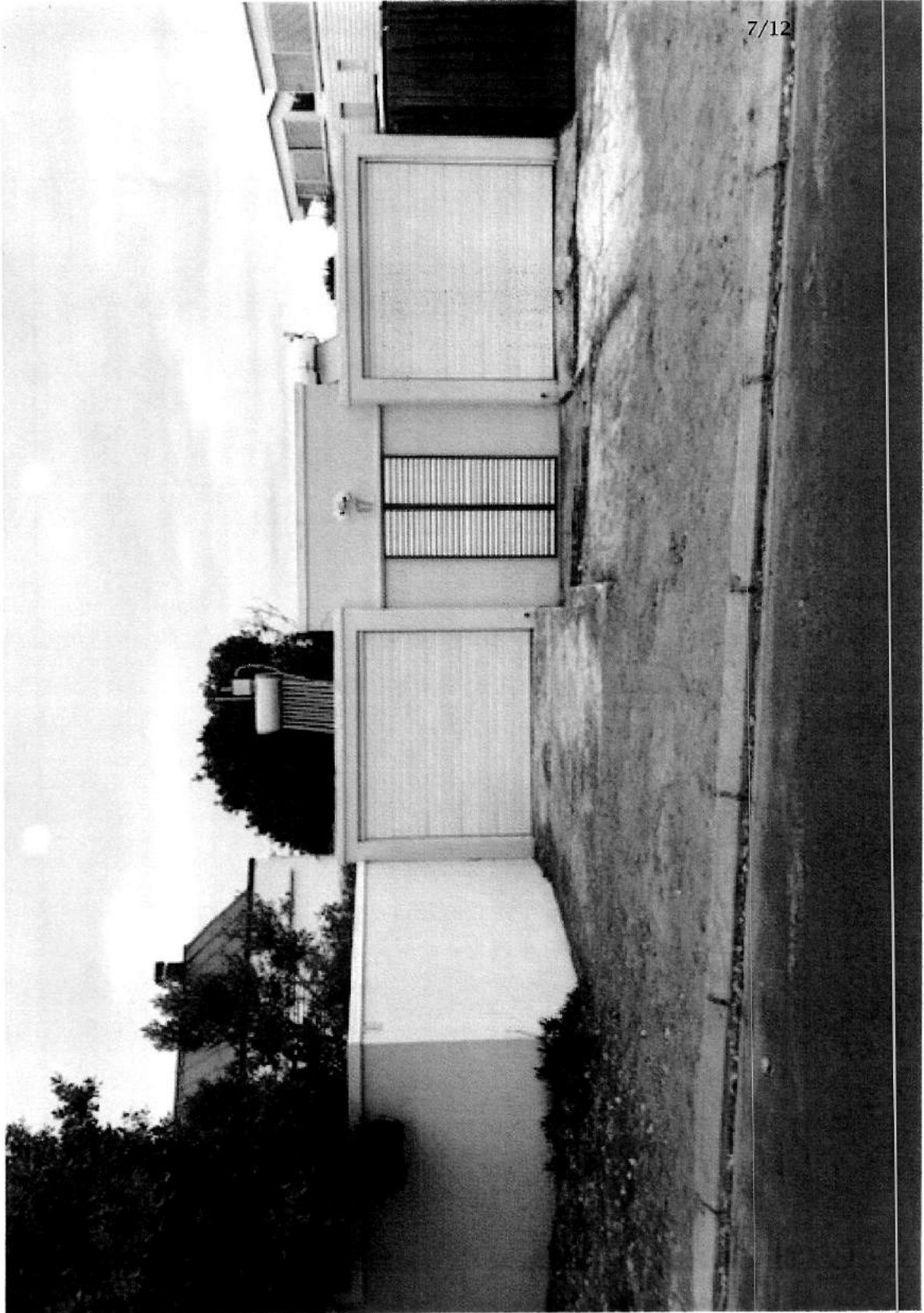
- Duikerstraat 29 – afdak op erfrens voor op pad (nuut gebou – is daar goedkeuring gekry hiervoor?)
- Duikerstraat 31 – Dit wil voorkom of die grensmuur 'n meter oor die erfrens op straatfront gebou is?
- Duikerstraat 33 – dubbel motrhuis op erfrens voor op pad sowel as op sykant

Die Hermanus Administrasie het ons tegemoet gekom en 'n gedeeltelike verslapping goedgekeur (maar nie tot op die erfrens nie). Die hele proses het ons met meer as 'n jaar vertraag

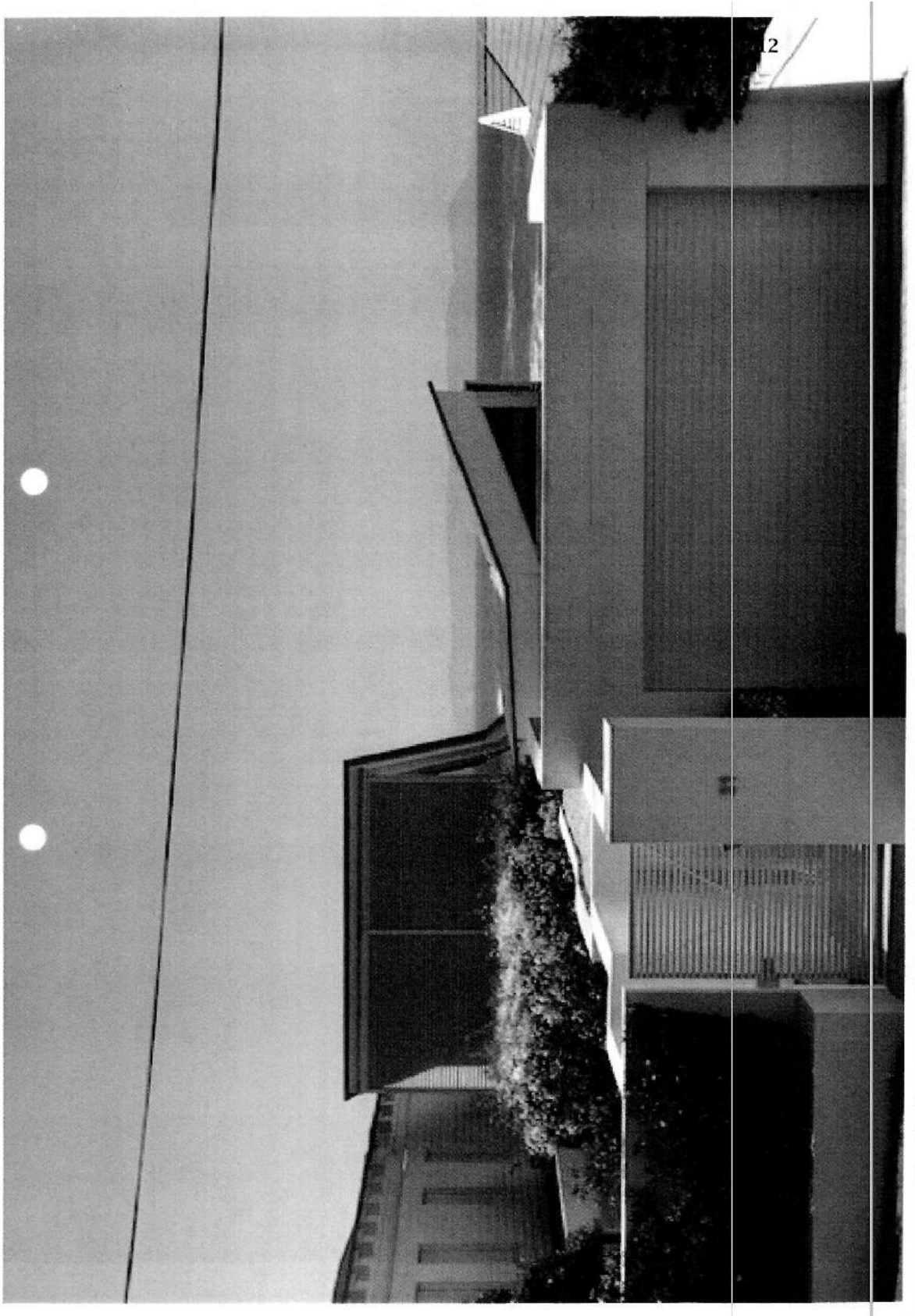
Met in agneming van bostaande het ons dus geen beswaar teen die opheffing van die Titelbeperkings van Erf 572, Vermont nie aangesien dit onregverdig sou wees teenoor die aansoeker

Regards
naas muller

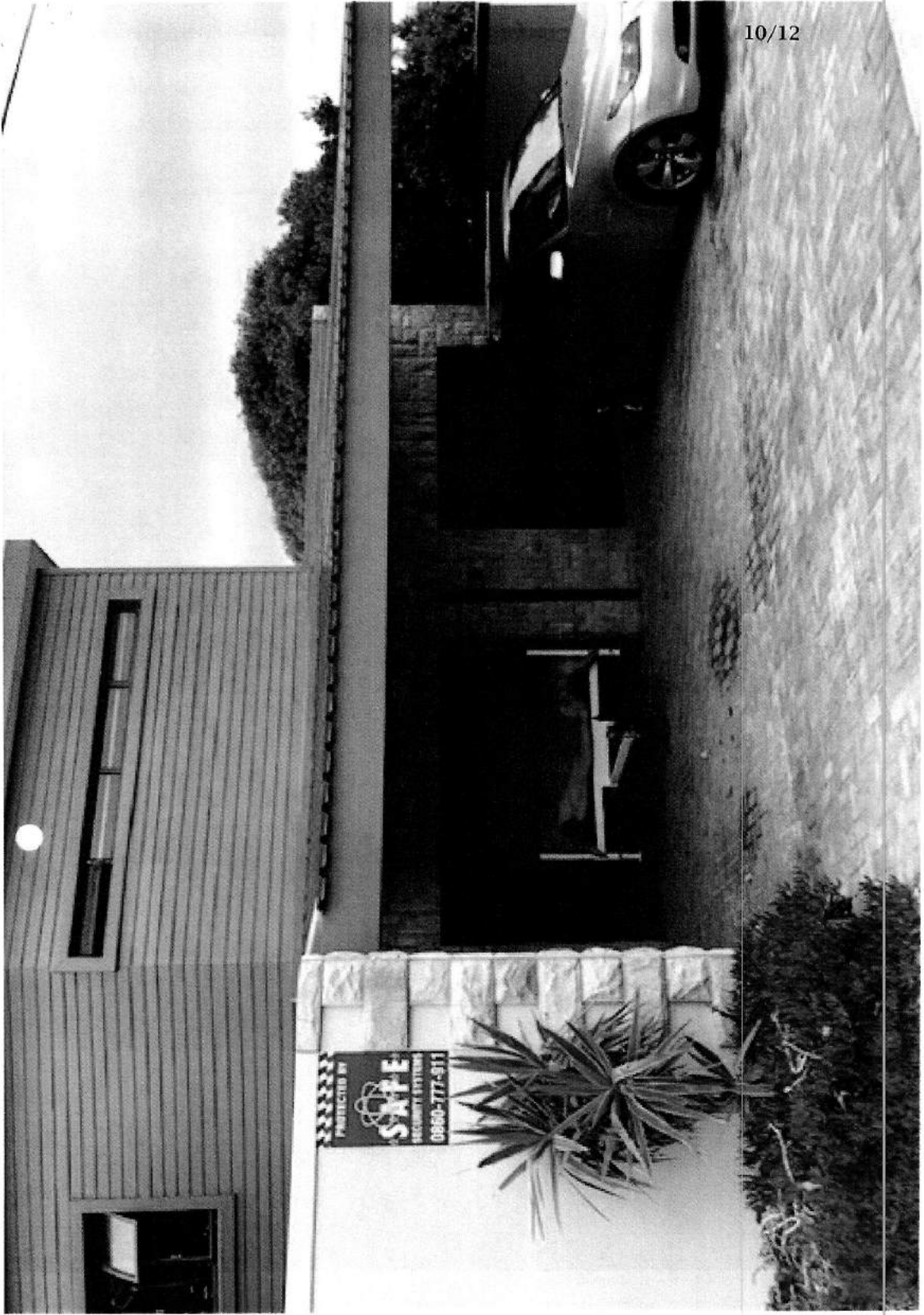
Namens: NAAS MULLER FAMILIE TRUST
26 Duiker Street
VERMONT

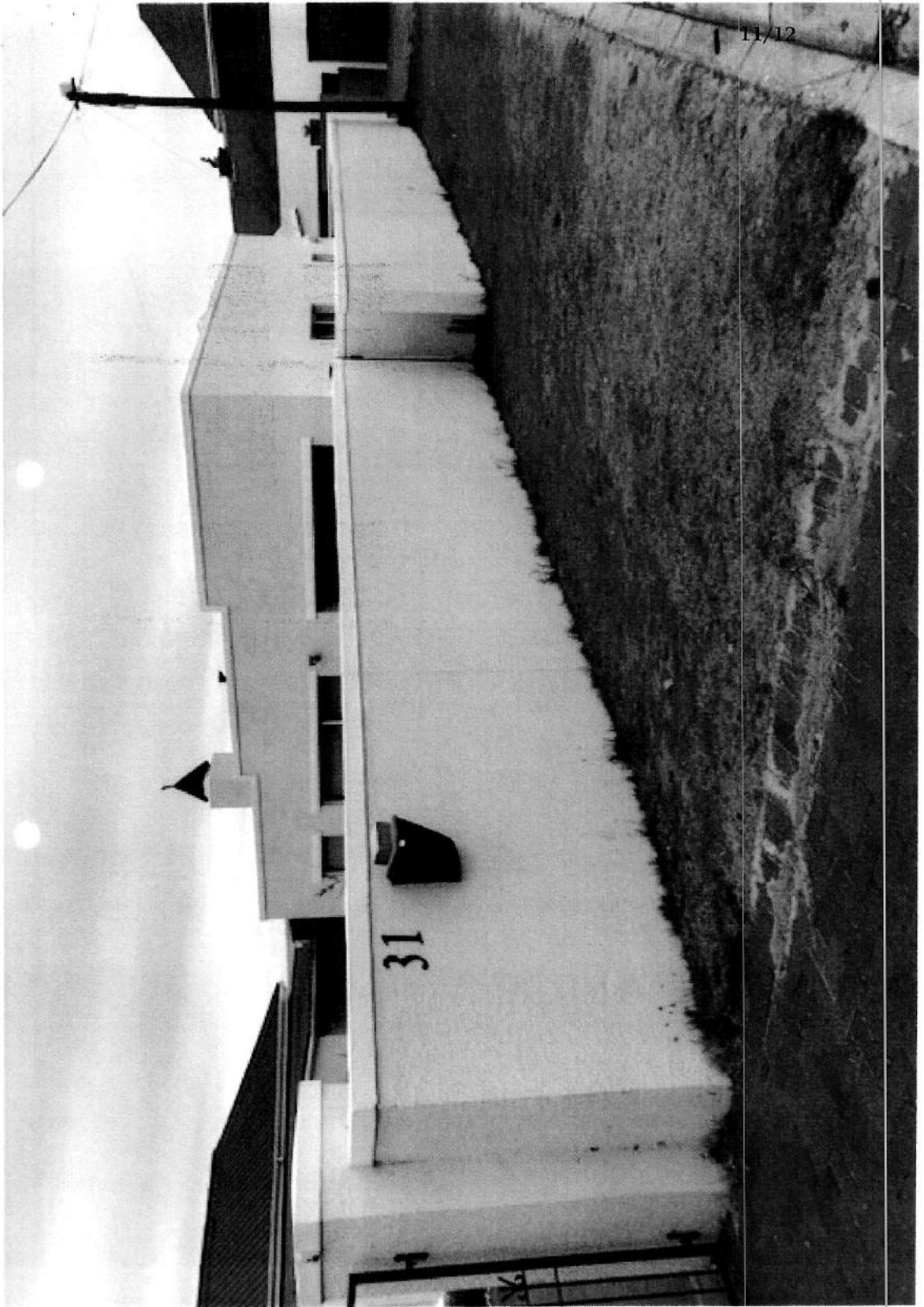


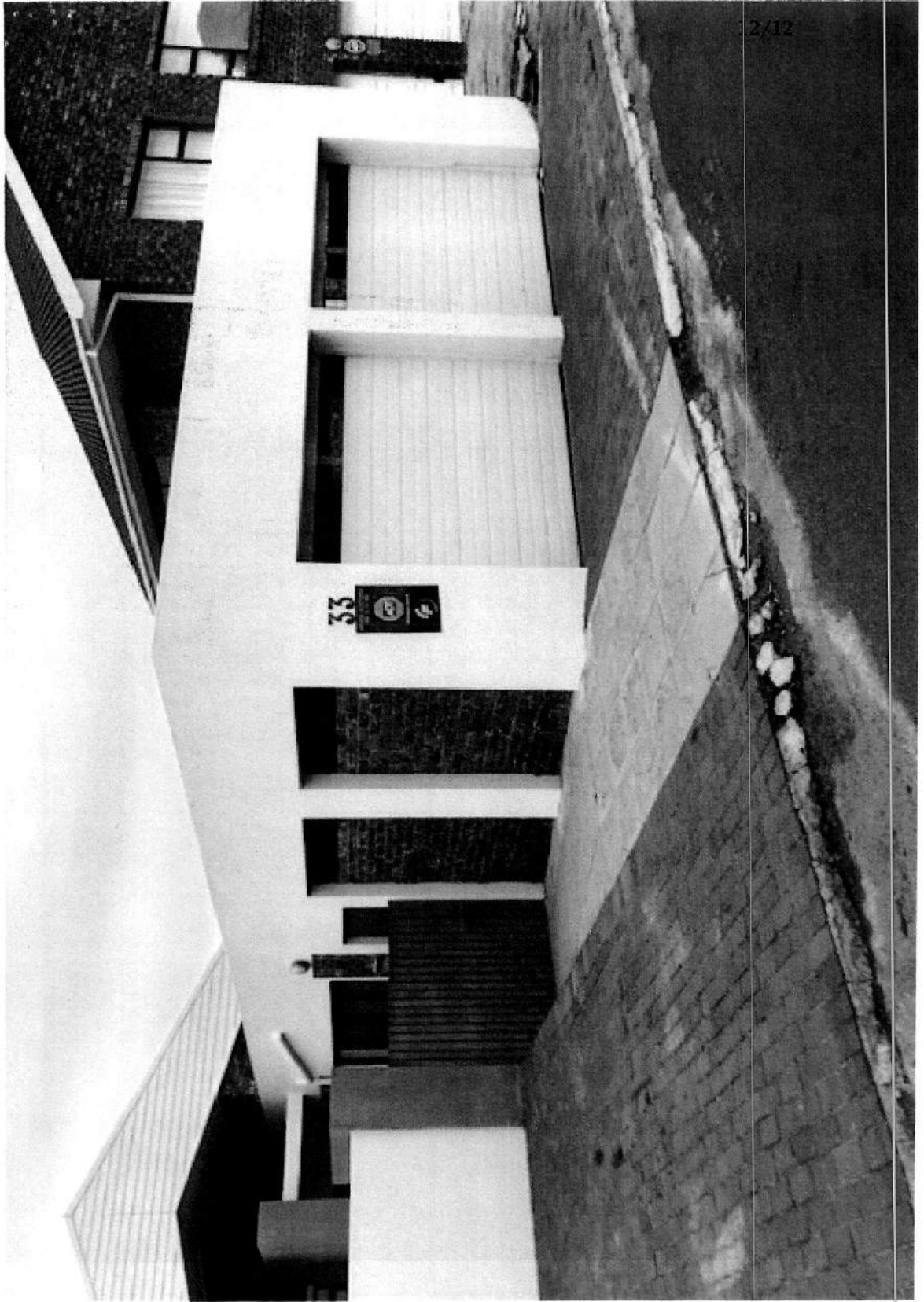
7/12











ANNEXURE H

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
DEPARTURE: ERF 572, VERMONT (4155)**

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

Conditions

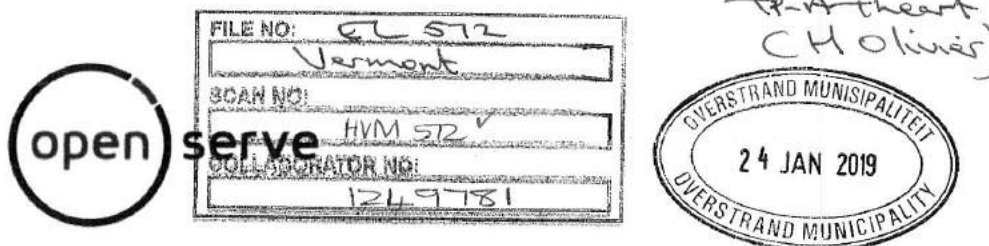
1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of *SANS 10400 – P:2010: Drainage*;
4. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erf 572, Vermont, unobstructed;
6. that any additional and / or extended vehicles entrances will be for the owner's account;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

19 DEC 2018

ANNEXURE I 1/4



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Candice Spammer

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

Our Ref.: WWIP_WHWS0157_19
Your Ref.: 572 HVM 4156

23 January 2019

Attention: S Muller

Overstrand Municipality
HERMANUS

PLANT AFFECTED:

**PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: ERF 572, 13
DUIKER STREET, VERMONT**

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

As important cables and other infrastructure are affected, please contact our representative **Frederik** at **021 852 1717 / 081 363 7873 / MeltVA@openseve.co.za** 48 hours prior to commencement of 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



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 WHWS0157 19** is valid for 12 months from date hereof and is subject to the following conditions:

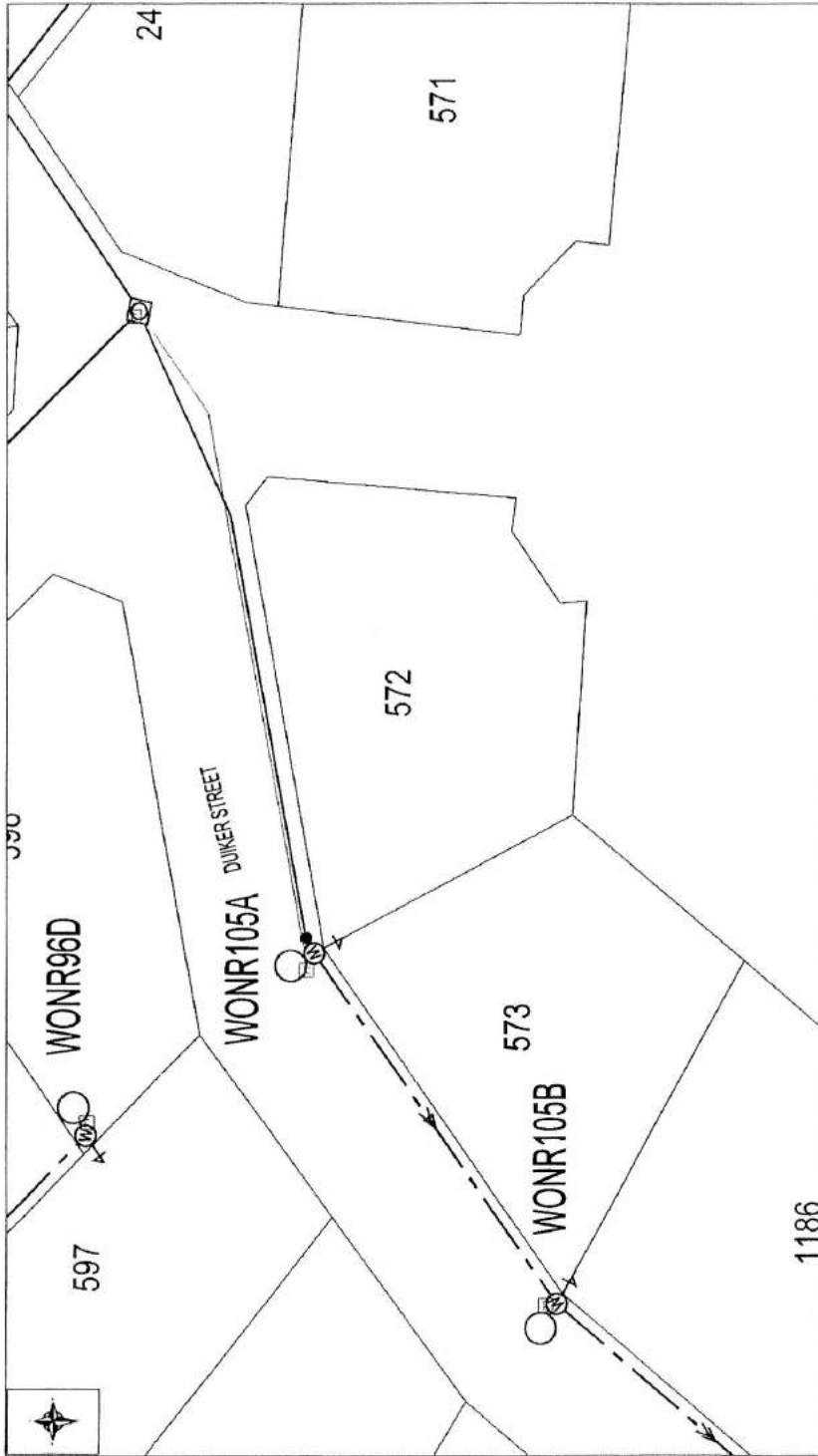
1. No mechanical plant or vibrator type compactors may be used within three meters of any Open Serve Plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081 363 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: 2019/01/24

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)	





Legend		TEILKOM REGIONAL EXECUTIVE	
	Existing Manhole	Completed By	C. Scammier
	Planned Manhole	Client	
	To Be Abandoned Manhole	Client ref	24/07/2019
	Existing Sealing Pit	Debit	WVLP - WNR50107-19
	Planned Sealing Pit	COPPER SERVICES AFFECTED	
	To Be Abandoned Sealing Pit	Page Size	A4
	Existing P/B	Sheet No	1 of 5
	Planned P/B		
	To Be Abandoned P/B		
	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 Underground Route		
	Planned Underground Route		
	To Be Abandoned Underground Route		
	Existing Overhead Route		
	Planned Overhead Route		
	To Be Recovered Overhead Route		
	Existing Min OADP		
	Planned Min OADP		
	Existing Shut and Stay		
	Planned Shut and Stay		
	To Be Recovered Pole		



OVERSTRAND MUNICIPALITY

TP-A Theart
(Holwier)

Date:

08.01.2019

Enquiries

Mr. Marshall Diergaardt

Tel: 053 830 5942

**WAYLEAVE APPLICATION: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS AND DEPARTURE AT VERMONT- ERF 572, 13 DUIKER STREET.
OUR REF: 04523/18**

Your application received 06 DEC 2018 refers.

I hereby inform you that Eskom has no objection to 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.

1. **THIS IS NOT AN APPROVAL TO START CONSTRUCTION**
2. **Eskom services are affected by your proposed works however the following must be noted:**
 - (i) Eskom has no objection to the proposed work and include the following drawing indicating Eskom 11kV/LV underground services in close proximity.
 - (ii) Please note that underground services indicated are only approximate and the onus is on the applicant to verify its location.
 - (iii) There may be LV overhead services / connections not indicated on this drawing.
 - (iv) The successful contractor must be notified to apply (**BY APPOINTMENT**) for the necessary agreement forms and additional cable information not indicated on included drawing from Eskom Customer Network Centres before construction commences at **CALEDON** Customer Network Centre, **DIRK SWART**, Tel: **028 214 5710**
 - (v) **Note: Included Eskom as built drawings and all documentation to be Submitted by contractor on application for a permit.**
 - (vi) Should it be necessary to move / relocate or support any existing services for possible future needs then it will be at the developer's cost and applicant can be made to Sabelo Potela on 084 745 8990.

FILE NO: EL 572-Hvm
SCAN NO: HVM 572
LABORATOR NO: 124 5060

Distribution Division – Western Region
Eskom Road, Brackenfell, 7580
P.O.Box 222, Brackenfell, 7561
Tel +27 86 003 7566 Fax +27 916 2867 www.eskom.co.za

Eskom Holdings SOC Limited Reg No 2002/015527/30

09 JAN 2019

TP

09 JAN 2019

3. Underground Services

The following conditions to be adhered to at all times.

- (i) Works will be carried out as indicated on plans.
- (ii) No mechanical plant to be used within 3,0m of Eskom underground cables.
- (iii) All services to be verified on site.
- (iv) Cross trenches to be dug by hand to locate all underground services before construction work commences.
- (v) If Eskom underground services cannot be located or is grossly misplaced from where the wayleave plan indicates then all work is to be stopped and Esack Daware from the Land Development Office to be contacted on 021 980 3404 to arrange the capturing of such services.
- (vi) In cases where proposed services run parallel with existing underground power cables the greatest separation as possible should be maintained with a minimum of 1000mm.
- (vii) Where proposed services cross underground power cables the separation should be a minimum of **300mm** with protection between services and power cables. (Preferably a concrete slab)
- (viii) No manholes; catch- pits or any structure to be built on top of existing underground services.
- (ix) Only walk behind (2 ton Bomac type) compactors to be used when compacting on top of and 1 metre either side of underground cables.
- (x) If underground services cannot be located then the CNC should be consulted before commencement of any work.

3. O.H. Line Services:

- (i)(a) No mechanical plant to be used within 3m of Eskom 11kV/LV Overhead Power lines.
- (b) Safety meeting to be held every morning before working in close proximity of power line.

4. NOTE

- (i) To enable Eskom to meet all the wayleave requests within a reasonable time, a minimum of 21 working days are required to process applications from date received.
- (ii) Wayleaves, Indemnity form (working permit) and all as-built drawings issued by Eskom to be kept on site at all times during construction period.

Yours faithfully



PP
MARSHALL DIERGAARDT
LAND DEVELOPMENT (BRACKENFELL)



ANNEXURE K 1/2

HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday - 17 JANUARY 2019**Time:** 14h00 – 17h00**Members present**

Mr N. Clark (Chairman)

Mr A. Greeff

Mrs K. Smuts

Mrs N. Lloyd

Mr B. Jones

Mr S. February

Mr A. Finlayson

Mr B. Brink

Mr C. Roux

Mr E. Grobler

In Attendance:

Mr J Simson (Manager Building Services) . Gerrit Coetzee (Building inspector) & Mrs E. Lowings (Admin Assistant: Building Services)

6.6 **VERMONT : ERF 572 : 13 DUIKER STREET : GREGOIR SE HUISIE CC : PROPOSED ALTERATIONS AND ADDITIONS : T/P APPLICATION : (GRADE 3C)**

DISCUSSED

Comment:

Departure to the building line scrutinized. Supported.

Action:

None.

NEXT MEETINGS:14TH FEBRUARY 2019 & 14TH March 2019



OVERSTRAND
HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday 15 FEBRUARY 2018

Time: 14h00 – 17h00

Members present

Mr N. Clark (Chairman)

Mr A. Greeff

Mrs N. Lloyd

Mr B. Jones

Mr A. Finlayson

Mr S. February

Mr C. Roux

Mr N. Saayman

In attendance: Mr J. Simson (Manager Building Services)

Mrs E. Lowings (Admin Assistant: Building Services) & Mr G. Coetzee (Principal Technician - Overstrand)

6.1 **VERMONT : ERF 572 : 13 DUIKER STREET : SYBRAND SMIT : PROPOSED ALTERATIONS AND ADDITIONS (GRADE 3C) SOCIAL SIGNIFICANCE - "GREGOIRE SE HUIS".**
PRESENTED BY SYBRANDT SMIT

Comment:

Quintin Damstra authored 3D artists perspective and drawings "Option 1" undated presented by Mr. Sybrandt Smit and scrutinized. The committee suggests simplifying the plaster banding to the new infill and attached building forms. The proposed expression of the two existing structures is supported.

Action:

Integrate the topographical survey to the architectural drawings, revise the proposal and submit to Building Survey for scrutiny at the following OHAC meeting.

7.4 **NEXT MEETINGS:**
15th March & 12th April & 17th May 2018

Munisipaliteit – U-Masipala – Municipality

OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: H. Olivier	Van / From:	Department Operational Services
Afskrif / Copy:		Datum / Date:	28 November 2018

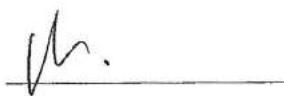
Ref: Erf 572, Vermont

1. APPLICATION FOR DEPARTURE (BUILDING LINE) AND PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS ON ERF 572, VERMONT

The Department: Operational Services (Hermanus) has no objection to the application for departure with regard to the building line restrictions and removal of restrictive title deed restrictions on Erf 572, Vermont as indicated in the application, subject to the following conditions:

1. That the applicant must comply with all statutory requirements that may be applicable to the undertaking of the proposed development on Erf 572, Vermont.
2. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage.
3. That on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
4. That any additional and / or extended vehicle entrances will be for the owner's account.
5. That, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Senior Manager: Operational Services (Hermanus) for written approval.

Yours faithfully



T.I. Marx
Principal Technician: Operational Services
Hermanus



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Hermanus