

**4.2**

**ERVEN 1154, 1157 AND 1300, DE KELDERS, OVERSTRAND MUNICIPAL AREA: PROPOSED SUBDIVISION, CONSOLIDATION, AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN AND CONDITIONS OF APPROVAL, CONSENT USE AND REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF PC SIPPEL, MA CROLE AND THE GALLO ROJO TRUST**

**1154, 1157 & 1300 GDK (3904)**

**P Roux**

**22 October 2018**

**(028) 313 8900**

**Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

To consider an application received on 29 January 2018 (complete application dated 8 May 2018), from Messrs Plan Active Town- and Regional Planners on behalf of the owners, PC Sippel, MA Crole and the Gallo Rojo Trust on Erven 1154, 1157 and 1300, De Kelders for the following:

- subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the subdivision of Erf 1300, De Kelders into two (2) portions, namely Portion A ( $\pm 496\text{m}^2$ ) and Portion B ( $\pm 495\text{m}^2$ );
- consolidation in terms of Section 16(2)(e) of the above By-Law of the newly created portions A & B with Erven 1154 and 1157, De Kelders, respectively;
- amendment in terms of Section 16(2)(l) and (h) of the above By-Law of the approved Site Development Plan and conditions of approval of the newly consolidated Erf 1154, De Kelders;
- consent use in terms of Section 16(2)(o) of the above By-Law for the operation of a guest house on the newly consolidated Erf 1157, De Kelders, and
- removal of restrictive title deed conditions in terms of Section 16(2)(f) of the above By-Law of the following:
  - Erf 1154, De Kelders, Title Deed No. T43063/2015, pages 2-3, paragraph D.8;
  - Erf 1300, De Kelders, Title Deed No. T96099/2002, pages 3-4, paragraph C.8, and
  - Erf 1157, De Kelders, Title Deed No. T15611/2017, pages 2-3, paragraph D.8. and D.10.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B while the proposed Site Development Plan (SDP), Subdivision- and Consolidation Plans are attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

### 3. BACKGROUND / SITE HISTORY

Erven 1154, 1157 & 1300 is located in De Kelders, a residential suburb of Gansbaai. The erven are each zoned Residential Zone I. Erven 1157 and are developed with respective dwellings and outbuildings, while Erf 1300 is currently vacant. A previous application was approved on Erf 1154 for a consent use and the removal of title deed conditions in order to operate a three (3) bedroom guest house. A similar application on Erf 1300 for a five (5) bedroom guest house was also approved.

### 4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the application is summarised as follows:

- Erf 1154 is 495m<sup>2</sup> in extent, Erf 1300 is 991m<sup>2</sup> and Erf 1157 is 495m<sup>2</sup> in extent;
- the applicant proposes to realign the property boundaries of Erven 1154, 1157 and 1300 to develop two (2) large erven. Erf 1300 will be subdivided into two (2) equal portions (Portion A and B) and Portion A will be consolidated with Erf 1154 and Portion B with Erf 1157;
- Erf 1154 already has rights for a guest house and therefore the applicant wishes to amend the approval condition dated 7 October 2016 to allow for an additional bedroom on Erf 1154 and Portion A;
- the land use rights received on Erf 1300 is not transferrable to the newly consolidated portion and therefore consent use is requested and the removal of the restrictive conditions on Erf 1157 to allow for a four (4) bedroom guest house on Erf 1157 and portion B;
- the following criteria was considered in motivation of the subdivision and consolidation:
  - surrounding property sizes;
  - accessibility to the subject properties;
  - impact on the character of the area;
  - erf shapes, and
  - applicable spatial planning policies and densification guidelines;
- the application is also for the removal of title deed restrictive conditions on Erven 1154, 1157 & 1300;
- the existing dwelling on the newly created Erf 1154 will be used to house the four (4) guest bedrooms, a lounge on the upper floor, dining area on the middle floor and the manager's dwelling on the ground floor. The single garage will be demolished to allow for the parking area;
- similarly the existing dwelling on the newly formed Erf 1157 will be altered and used to house the four (4) guest bedrooms on the lower floor, the middle floor will consist of communal facilities and a dining area and the upper floor will be the owners' suite;
- no changes are proposed to the zoning of the erven which are Residential Zone 1 which is the same as the surrounding erven;
- existing land uses in the area are for residential purposes, guest houses and holiday homes;
- the proposed uses are only for accommodation of guests and no conferencing or place of entertainment will be conducted;
- the amount of rooms proposed is eight (8) which is in line with the amount of rooms which was approved on Erven 1154 and 1300;
- De Kelders is a popular tourism destination and there are other guest houses in the vicinity;
- the applicant states that sufficient parking areas will be provided in line with the requirements of the Zoning Scheme;
- no impact on services;

- limited impact on accessibility or traffic, and
- the proposal is motivated to be in line with planning principles as contained in SPLUMA and in line with the relevant forward planning documents.

#### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Internal Departments	Yes	21/05/2018	29/06/2018
Ward councillor	Yes	21/05/2018	29/06/2018
Notices	Yes	21/05/2018	29/06/2018
News Paper	Yes	24/05/2018	
Gazette	Yes	25/05/2018	
Total letters of support	<b>None</b>		
Was public participation undertaken in accordance with Section 45 - 49 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly?			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			<b>Yes</b>

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

Name	Date received	Summary of comments	Recommendation
Waste Management	21/05/2018	No objection.	Supported
Electro Technical Services	22/05/2018	No objection.	Supported
Building Department	12/06/2018	No objection.	Supported
Engineering Services	21/06/2018	Annexure H.	Supported
Environmental Section	28/06/2018	No objection.	Supported
Fire Services	29/06/2018	Annexure I.	Supported
Health	12/07/2018	Guest house need to apply for Health Certificate to register as accommodation facility. If food is prepared applicant needs to apply for Certificate of Acceptability.	Supported

Department of Environmental Affairs and Development Planning: <i>Component: Development Management Region 2</i>	13/08/2018	No objection	Supported
Telkom	11/09/2018	Annexure J.	Supported

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) objections were received from affected parties namely: Al Lourens on Erf 1141 and P Matlakala on Erf 1171. Please note only the points of objection which have bearing on this application will be discussed. The points of objections and applicant's response thereto are summarised as follows:

**The proposal will cause additional strain on the municipal services and will also have a negative effect on the aesthetic value of the area.**

### Applicant's response

Two (2) large erven are proposed instead of three (3) erven as are currently registered. It can be argued that there will be less strain on services due to less erven requires services.

There are no architectural guidelines for De Kelders and there are many different styles of buildings in De Villiers Street. The proposed guest houses will be of high standard as illustrated.

### Town Planner's response

No specific aesthetic style has been imposed for De Kelders. The erven have been developed with dwellings which are in line with the character of the area.

Comment is received from the Municipality's Engineering Department and no additional service connection will be required. Therefore it can be reasoned that there will be no additional load on municipal services.

**There are no difference between current proposal and the previous application that was approved. The zoning of the additional erf is abused to make provision for additional guestrooms.**

### Applicant's response

The difference between the current proposal and the previous application is contained in the application.

It should be noted that two (2) large erven are created to allow ample private space. Should three (3) erven have been kept then there would have been a possibility of a third guest house which could have a greater impact. The only benefit to obtain the additional erf was to allow more open space.

Town Planner's response

The difference between the current proposal and the previous application has been sufficiently discussed in the motivation provided by the applicant.

**The removal of the restrictive title deed condition referring to the street building line of 9,45m is opposed based on the double garages that are attached to the guest house and interleading. According to the objector it is therefore not required to have the restrictions removed and that it would create opportunities to construct freestanding structures that qualify as outbuildings closer to the street.**

Applicant's response

The Title Deeds of the respective erven were sent to Ms Marli Schroder, a conveyance practicing at the firm Messrs Smith Kruger Inc., 32 Wellington Road, Durbanville for her perusal. A conveyance certificate was obtained and it states that it is required to have the title deed restrictions that refer to the 9,45m street building line removed and it was therefore included in the application.

The only reason for the removal of the aforementioned restrictive conditions is to accommodate the proposed garages alone.

Town Planner's response

It should be noted that legal opinion in the past have indicated that where an outbuilding is interleading with the main dwelling, then a removal of restrictive conditions is not necessary, however, the conveyance certificate is noted and attached to this item. Further, should the application be approved then a condition can be listed in order to assure that the development adheres to the SDP as submitted and presented to the objector, any deviation of the SDP will require a separate application in which the objector will be notified where upon comment may be provided.

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

N/A

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

The Overstrand Environmental Section indicated that no listed activities will be triggered. All other comments from the other municipal and external departments support the application.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS BUIDELINE)****10.1 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

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

The objectives relating to:

**Spatial Justice**

The guest houses will create employment opportunities for the local community. Further, the proposal will not contribute to further spatial planning disparities.

**Spatial Sustainability**

The existing structures and additions are proposed within an established residential area. No additional service connections are proposed and no endangered plant species will be removed. The number of rooms in the application is in line with the number of rooms previously approved. The proposed subdivision and consolidation is in line with the morphology of the area.

**Spatial Resilience**

The application will ensure that the existing land resources are utilised in line with the Overstrand Municipality's forward planning documents.

**Efficiency**

The application will optimize the use of property, the sites are easily assessable and conveniently located close to Gansbaai and Stanford.

**Good administration**

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws.

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

Same as 10.1 above.

**10.3 (In)consistency with the IDP/Various levels of SDF's/Applicable Policies**

The primary uses are in line with the land use parameters in terms of the Zoning Scheme. The proposed application is further in line with the principles of the Overstrand Municipality Wide Spatial Development Framework, 2006 (OMSDF) and the Overstrand Municipality Integrated Development Framework, 2014 (IDF) which promote tourism accommodation and facilities.

**10.4 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.5 Impact on Municipal Engineering Services**

No new service connections are proposed. No negative comments were received regarding the proposed accesses.

**10.6 Outcomes of investigations/applications i.t.o. other legislation**

N/A

**10.7 Existing and proposed zoning comparisons and considerations**

The primary use of the properties will remain unaffected. The proposal for the guest houses are a consent use under Single Residential Zone 1.

**10.8 The Desirability of the Proposal**

The proposal contains the following aspects:

- subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the subdivision of Erf 1300, De Kelders into two (2) portions, namely Portion A ( $\pm 496\text{m}^2$ ) and Portion B ( $\pm 495\text{m}^2$ );
- consolidation in terms of Section 16(2)(e) of the above By-Law of the newly created portions A and B with Erven 1154 and 1157, De Kelders, respectively;
- amendment in terms of Section 16(2)(l) and (h) of the above By-Law of the approved Site Development Plan and conditions of approval of the newly consolidated Erf 1154, De Kelders;
- consent use in terms of Section 16(2)(o) of the above By-Law for the operation of a guest house on the newly consolidated Erf 1157, De Kelders, and
- removal of restrictive title deed conditions in terms of Section 16(2)(f) of the above By-Law of the following:
  - Erf 1154, De Kelders, Title Deed No. T43063/2015, pages 2-3, paragraph D. 8;
  - Erf 1300, De Kelders, Title Deed No. T96099/2002, pages 3-4, paragraph C.8, and
  - Erf 1157, De Kelders, Title Deed No. T15611/2017, pages 2-3, paragraph D.8. and D.10.

The desirability of the proposals will be discussed below:

**Subdivision of Erf 1300, De Kelders into two (2) portions, namely Portion A ( $\pm 496\text{m}^2$ ) and Portion B ( $\pm 495\text{m}^2$ ) and the subsequent consolidation with Erven 1154 and 1157, De Kelders to create two (2) erven measuring approximately  $990\text{m}^2$ , respectively.**

As indicated throughout this report, the proposal is to subdivide Erf 1300 into two (2) portions and consolidate the two (2) portions with Erven 1154 and 1157 respectively, in order to create two (2) larger erven. In the motivation and comment on the objections the applicant highlights that the two (2) larger erven sizes are larger than the surrounding erven and therefore it will not create a shrinking issue, where smaller erven are created which is not in keeping with the character of the area. The erf sizes of the surrounding properties are as follows: *Erven 1138 to 1141 (situated directly west of the subject properties) are  $495\text{m}^2$  in extent, and Erven 1168 to 1171 (opposite the road of subject properties) are also  $495\text{m}^2$  in extent.* It should be noted that Erven 1300 and 1191 are both located in the same street and both measures  $990\text{m}^2$  in extent, which is the same size of the proposed newly consolidated

Erven 1154 and 1157. Further, the two (2) larger erven will also be to the benefit of the proposed guests and neighbours as there will be larger private open space.

**Amendment in terms of Section 16(2)(l) and (h) of the approved Site Development Plan and conditions of approval of the newly consolidated Erf 1154, De Kelders.**

Proposal is made to amend the approval conditions, which were stipulated in the approval dated 7 October 2016 on Erf 1154. The proposed amendment is to allow for an additional bedroom on Erf 1154 and to replace SDP No. 082.05.02, dated February 2016, with the newly created SDP for the consolidated Erf 1154 and Portion A.

The opinion is held that the additional bedroom will not have an adverse impact on the use of the property as the property will now be larger and therefore an additional bedroom can be better accommodated.

In the previous item regarding Erf 1154 the following was stated:

*“Having had regard to the evaluation above, the application for consent use and removal of restrictive title conditions is considered to be desirable and is supported for the following reasons:*

- *the proposal is in line with the forward planning vision for the area having had regard to the SDF;*
- *the proposal will promote tourism into the area;*
- *the proposal will provide employment opportunities and thereby contribute to local economic development;*
- *the proposal will not unacceptably detract from the character of the area;*
- *the proposal will not unacceptably detract from the residential amenities of adjoining properties;*
- *approval of the consent use application will not adversely impact the potential of the property to be utilised in terms of its primary uses under the Scheme Regulations; and*
- *the removal of restrictive title conditions will not have an adverse impact on the safety and wellbeing of the local community.’*

All of the aspects as mentioned above still holds true due to the amendment being minor in nature.

**Consent use in terms of Section 16(2)(o) for the operation of a guesthouse on the newly consolidated Erf 1157, De Kelders.**

As previously stated, Erf 1157 is developed with an existing dwelling. The applicant proposes to develop the subject property with a four (4) bedroom guest house which will also have the property owner’s accommodation on the top floor. The property will be developed in accordance with the development parameters for single residential erven applicable in terms of the Scheme Regulations. Access will be obtained from De Villiers Street, whilst parking will be provided in accordance with Council’s policy pertaining to accommodation establishments. Facilities will be restricted for paying guests of the establishment.

The SDF (2006) earmarks the subject property for residential purposes, whilst also encouraging local economic development and tourism into the area. The subject property is located in the second row and offer spectacular views across Walker Bay and is ideally located for whale watching purposes in season. The opinion is thus held that the proposal is in line with the forward planning vision for the area, whilst at the same time promoting tourism and will create employment opportunities.

The proposal will not adversely impact on the character of the area since the development of the subject property will comply with the development parameters applicable to single residential properties. In addition to the aforementioned, Council's policy on accommodation establishments will be applicable, thereby ensuring that the residential amenities of adjoining properties will be protected.

The guest house application complies with the Policy for Accommodation Establishments on residential properties, which will be incorporated within the conditions of approval. The dwelling has been designed as such, that should the guest house cease to operate in future it could be utilised as a single residential dwelling. Approval of the consent use application will therefore not adversely impact the potential of the property to be utilised in terms of its primary uses under the zoning.

**Removal of restrictive title deed conditions in terms of Section 16(2)(f) of the following:**

- Erf 1154, De Kelders, Title Deed No. T43063/2015, pages 2-3, paragraph D. 8;
- Erf 1300, De Kelders, Title Deed No. T96099/2002, pages 3-4, paragraph C.8, and
- Erf 1157, De Kelders, Title Deed No. T15611/2017, pages 2-3, paragraph D.8 and D.10.

A conveyances certificate was submitted with the application instructing the applicant to remove the abovementioned conditions. Therefore the applicant applied for the removal of the conditions as stipulated. Further, the cost of removing the title deed conditions in De Kelders is costly due to that all owners in De Kelders being notified via registered mail. The cost of the registered mail can be R30 000 plus, this provides property owners more incentive to remove all relevant restrictive conditions at once.

Erven 1154, 1157 and 1300 have a restrictive condition which reads the same and it is stated as follows;

*“alle buitegeboue moet tenminste 9,45 meter van enige straat of 6,30 meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.”*

Erf 1157 has an additional condition which the applicant seeks to remove:

*“Die Transportgewer behou alle handelsregte in die hele dorp voor; Nog die Transportnemer nog die bewoner van die bogenoemde erf of erwe sal aansoek doen of ‘n lisensie verkry om sake te doen as algemene handelaar, venter, drankverkoper, hotelhouer of vir enige ander besigheid binne die*

*dorpsgebied sonder vooraf die skriftelike goedkeuring van die Transportgewer te verkry.”*

In view of the above being stated the following directly relates to Section 39(5) of LUPA, 2014 (Act 3 of 2014):

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

The property owner will be able to act upon the rights provided to him through the Zoning Scheme, thus adding value to his/her property and generating an income from the properties. It is further clear that the restrictive conditions were registered to create a residential character in De Kelders. It is proposed to retain the residential dwellings and only to do alterations to accommodate guests. The objection from the adjacent property owner with regard to the removal of the relevant conditions is noted. Should the application be approved then it will be subject to a SDP; any alterations to the plan will be forwarded to the adjacent property owners who will then be able to comment on any proposal.

**The personal benefits which accrue to the holder of rights in terms of the restrictive condition:**

The Municipality gains no benefits in keeping or removing the restrictive conditions.

**The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended:**

As stated earlier the property owner will be enabled to develop his property in line with the Zoning Scheme Regulations.

**The social benefit of the restrictive condition remaining in place in its existing form and the social benefit of the removal, suspension or amendment of the restrictive condition:**

There is no social benefit should the condition remains in place.

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

The rights enjoyed by the beneficiary will remain in place since the erf will remain residential and the right obtained will be subservient to the zonings, e.g. residential. The residential rights of the adjacent property owners will not be affected.

Given the abovementioned evaluation the opinion is held that if the restrictive conditions are removed as proposed, it will allow the property owner to in future develop his property in line with the Zoning Scheme parameters and to mitigate any further additional costs. The opinion is further held that the proposal is sufficiently evaluated in terms of Section 39(5) of LUPA 2014 (Act 3 of 2014).

## 11. RECOMMENDATION

1. that, the objections be noted;
2. that, the application received from Messrs Plan Active Town- and Regional Planning on behalf of the owners, PC Sippel, MA Crole and the Gallo Rojo Trust on Erven 1154, 1157 and 1300, De Kelders for the following:
  - subdivision in terms of Section 16(2)(d) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the subdivision of Erf 1300, De Kelders into two portions, namely Portion A ( $\pm 496\text{m}^2$ ) and Portion B ( $\pm 495\text{m}^2$ );
  - consolidation in terms of Section 16(2)(e) of the above By-Law of the newly created portions A & B with Erven 1154 and 1157, De Kelders, respectively;
  - amendment in terms of Section 16(2)(l) and (h) of the above By-Law of the approved Site Development Plan and conditions of approval of the newly consolidated Erf 1154, De Kelders;
  - consent use in terms of Section 16(2)(o) of the above By-Law for the operation of a guest house on the newly consolidated Erf 1157, De Kelders, and
  - removal of restrictive title deed conditions in terms of Section 16(2)(f) of the above By-Law of the following:
    - Erf 1154, De Kelders, Title Deed No. T43063/2015, pages 2-3, paragraph D. 8;
    - Erf 1300, De Kelders, Title Deed No. T96099/2002, pages 3-4, paragraph C.8, and
    - Erf 1157, De Kelders, Title Deed No. T15611/2017, pages 2-3, paragraph D.8 and D.10.

**be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:

- (a) that the facilities be utilized as dwellings and guest houses only - no self-catering;
- (b) that this approval only relates to the proposed Site Development Plans Plan No's *103.TP.1154.02.01b*, *103.TP.1154.02.02b*, *103.TP.1154.02.03b*, *103.TP.1154.02.04b* and *103.TP.1157.02.01b*, *103.TP.1157.02.02b*, *103.TP.1157.02.03b* and *103.TP.1157.02.04b* as submitted with the application;
- (c) that the approval for the subdivision and consolidation is only for the proposed Subdivision and Consolidation Plan no. *dekelders1157c.drw*;
- (d) 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;
- (e) that condition 3.(b) as stipulated in the approval conditions applicable to Erf 1154 dated 7 October 2016, be amended as follows:

*“that a maximum of **four** (4) bedrooms to be let, be permitted on Erf 1154;”*

- (f) that a maximum of **four** (4) bedrooms to be let, be permitted on Erf 1157;
  - (g) that the owner/manager resides on the premises and be responsible for the proper management of the guest house;
  - (h) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on each property;
  - (i) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
  - (j) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
  - (k) that a maximum of one (1) permanently demarcated parking bay per guestroom and two (2) for the owner/manager be provided within the erf boundaries;
  - (l) that the applicable tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (m) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (n) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (o) that the guest house be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
  - (p) that all the conditions in the Services Report (attached as Annexure H), be complied with;
  - (q) that all conditions imposed by the Fire Department (attached as Annexure E) and Telkom (attached as Annexure F), be complied with;
  - (r) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation, and
  - (s) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

**12. REASONS FOR RECOMMENDATION**

- ❖ The application has followed due process.
- ❖ The objections received were sufficiently addressed.
- ❖ The development of the erf will be beneficial for the community.
- ❖ The proposed uses will not have a negative impact on the character of the area.
- ❖ The proposed uses will promote tourism in Overstrand Municipality.
- ❖ The shape and size of the erven are in line with the morphology of the area.
- ❖ Local and provincial departments have provided supporting comments for the proposed application.
- ❖ The relevant legislation was considered with the removal of the restrictive conditions in the Title Deed.
- ❖ The proposal is compliant with the spatial policies contained in the SDF.
- ❖ The proposal is constant with the spatial principles as set out in SPLUMA and LUPA.

**13. ANNEXURES**

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Subdivision Plan, Consolidation Plan and Site Development Plan
Annexure D:	Title Deeds: T43063/2015, T96099/2002 and T15611/2017
Annexure E:	Conveyance Certificate
Annexure F:	Objections
Annexure G:	Comment on objections
Annexure H:	Services Report
Annexure I:	Fire Services
Annexure J:	Telkom
Annexure K:	Approval of application for Consent Use and Removal of Restrictive Title Deed Conditions pertaining to Erf 1154, De Kelders dated 26 September 2016
Annexure L:	Approval of application for Consent use and Removal of Restrictive Title Deed Conditions pertaining to Erf 1300, De Kelders dated 26 September 2016

**SIGNATURES****AUTHOR:**

Name : **P Roux**

SACPLAN Reg No: **A/2246/2015**

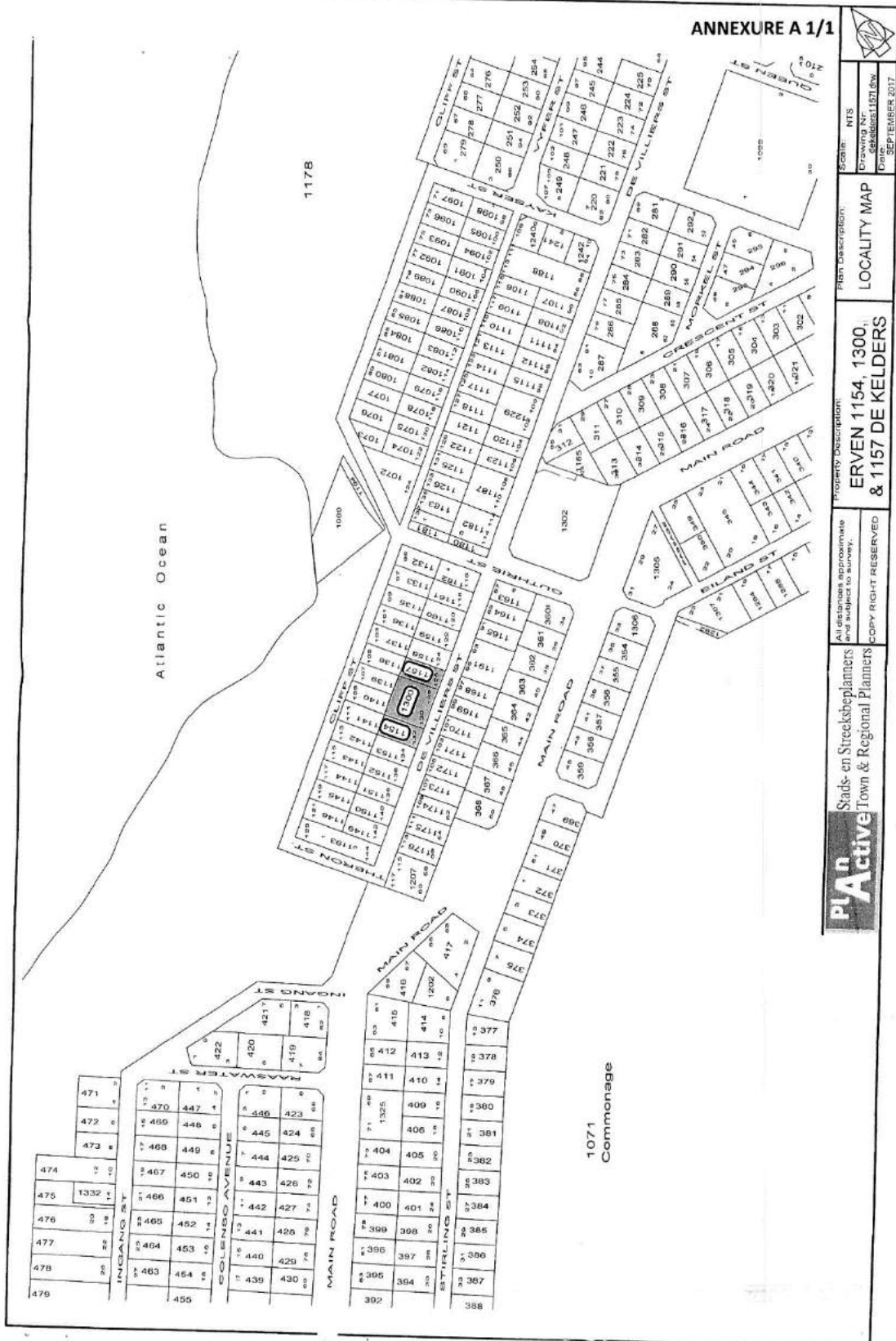
Signature : \_\_\_\_\_

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

**REGISTERED PLANNER**Name : **SW VAN DER MERWE**SACPLAN Reg No: **A/1850/2014**

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

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



**PROPOSED SUBDIVISION, CONSOLIDATIONS,  
AMENDMENT OF THE SITE DEVELOPMENT PLAN,  
AMENDMENT OF CONDITIONS OF APPROVAL,  
CONSENT USE & REMOVAL OF RESTRICTIVE TITLE  
DEED CONDITIONS**

**ERVEN 1154, 1300 & 1157 DE KELDERS**

**DIVISION: CALEDON**

**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

P.C. Sippel, the owner of erven 1154 and 1300 De Kelders, and M.A. Crole, the owner of erf 1154 and authorised to act on behalf of Gallo Rojo Trust, the owners of erf 1157 De Kelders, have instructed the company Plan Active to apply for the following:

- Application for the subdivision of erf 1300 De Kelders to create two portions;
- Application for consolidation of the two newly created portions of erf 1300 with erven 1154 and 1157 De Kelders;
- Application for amendment of the site development plan of newly consolidated erf 1154 De Kelders;
- Application for the amendment of conditions of approval of newly consolidated Erf 1154 De Kelders;
- Application for consent use of newly consolidated erf 1157 De Kelders;
- Application for removal of title deed conditions of erven 1154, 1300 and 1157 De Kelders.

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An application for consent use and the removal of restrictive title deed conditions to operate a **three bedroom guest house on erf 1154 De Kelders** was approved on 7 October 2016 (consent use) and 7 March 2017 (removal of restrictive title deed conditions) respectively. An application for consent use and the removal of restrictive title deed conditions to operate a **five bedroom guest house on erf 1300 De Kelders** was approved on 7 October 2016 (consent use) and 21 February 2017 (removal of restrictive title deed conditions) respectively. Copies of the respective approval letters from the Overstrand Municipality and the Department of Environmental Affairs & Development Planning are attached.

The applications at hand entail:

1. To realign the erf boundaries between erven 1154, 1300 and 1157 De Kelders to create two larger portions.
2. Erven 1154 and 1300 De Kelders have existing guest house rights. To accommodate the existing guest house rights with an one additional guest room on the newly consolidated erf 1154 De Kelders, an application is submitted to amend the approved site development plan and the conditions of approval.
3. Since the land use rights on erf 1300 De Kelders (guest house rights) cannot be transferred to the newly consolidated erf 1157 De Kelders, an application is submitted for a consent use and the removal of restrictive title deed conditions to accommodate a four bedroom guest house on the newly consolidated erf 1157 De Kelders.

## **2. APPLICATION DETAILS**

Application is submitted in terms of the following:

- Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the subdivision of erf 1300 De Kelders;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consolidation of Portion A, a

- portion of erf 1300 De Kelders, with erf 1154 De Kelders and Portion B, a portion of erf 1300 De Kelders, with erf 1157 De Kelders;
- Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of the approved site development plan of newly consolidated erf 1154 De Kelders;
  - Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of conditions of an existing approval to accommodate a four bedroom guest house on newly consolidated erf 1154 De Kelders;
  - Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate a four bedroom guest house on newly consolidated erf 1157 De Kelders;
  - Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of the restrictive title deed conditions of erven 1154, 1300 and 1157 De Kelders.

### **3. NEED AND DESIRABILITY**

#### **3.1 PROPERTY DESCRIPTION**

Erf 1154 De Kelders is 495m<sup>2</sup> in extent and is held by title deed number T43063/2015. Erf 1300 De Kelders is 991m<sup>2</sup> in extent and is held by title deed number T96099/2002. Erf 1157 De Kelders is 495m<sup>2</sup> in extent and is held by title deed no. T15611/2017.

Erven 1154, 1300 and 1157 De Kelders are situated at 126-132 De Villiers Street, De Kelders. Refer to the locality plan attached. All of the subject properties are situated in a residential environment.

### 3.2 ZONING

The subject properties have the following land use rights:

ERF NUMBER	ZONING	CONSENT USES
Erf 1154	Residential Zone 1: Single Residential	Three bedroom guest house
Erf 1300	Residential Zone 1: Single Residential	Five bedroom guest house
Erf 1157	Residential Zone 1: Single Residential	N/A

Surrounding properties are zoned for Residential Zone 1: Single Residential purposes.

### 3.3 LAND USE

There is an existing two storey dwelling and single garage situated on erf 1154 De Kelders. Erf 1300 De Kelders is a vacant portion of land. There is an existing two storey dwelling on erf 1157 De Kelders.

Land uses that surround erven 1154, 1300 and 1157 De Kelders are mostly single residential dwellings and holiday homes, guest houses / bed-and-breakfast establishments and vacant erven.

### 3.4 **PROPOSED DEVELOPMENT**

- The subdivision of erf 1300 De Kelders into two portions in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016;
- The consolidation of Portion A, a portion of erf 1300 De Kelders, with erf 1154 De Kelders, and Portion B, a portion of erf 1300 De Kelders, with erf 1157 De Kelders, in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016;
- The amendment of the approved site development plan of erf 1154 De Kelders in terms of Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate a four bedroom guest house on newly consolidated erf 1154 De Kelders;
- The amendment of conditions of an existing approval in terms of Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate a four bedroom guest house on the newly consolidated erf 1154 De Kelders;
- The consent use of newly consolidated erf 1157 De Kelders in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate a four bedroom guest house on newly consolidated erf 1157 De Kelders;
- The removal of the restrictive title deed conditions in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to remove the restrictive title deed conditions of erven 1154, 1300 and 1157 De Kelders.

#### 3.4.1 **Subdivision and consolidation: Erven 1154, 1300 & 1157 De Kelders**

Erf 1300 De Kelders previously consisted of two erven – erven 1155 and 1156 De Kelders – refer to SG-diagram no. 1759/2002 attached. It is proposed to subdivide the subject property to create two equal sized erven to allow the owners to revert back to the original layout before erven 1155 and 1156 De Kelders were consolidated in 2002.

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It is proposed to subdivide the subject property into two portions as follows:

TOTAL AREA OF ERF 1300	991m <sup>2</sup>
AREAS FOR SUBDIVISION:	Portion A: ±496m <sup>2</sup> Portion B: ±495m <sup>2</sup>
OWNER:	P.C. Sippel
TITLE DEED	T96099/2002

Refer to the subdivision plan attached.

It is then proposed to consolidate Portions A and B, portions of erf 1300 De Kelders, with the two adjacent properties as follows:

**1. Newly consolidated erf 1154 De Kelders**

TOTAL EXTENT OF PROPOSED CONSOLIDATION	991m <sup>2</sup>
PROPOSED CONSOLIDATION	Portion A: 496m <sup>2</sup> Erf 1154: 495m <sup>2</sup>

**2. Newly consolidated erf 1157 De Kelders**

TOTAL EXTENT OF PROPOSED CONSOLIDATION	990m <sup>2</sup>
PROPOSED CONSOLIDATION	Portion B: 495m <sup>2</sup> Erf 1157: 495m <sup>2</sup>

Refer to the proposed consolidation plan attached.

When the proposed subdivision and consolidation of the subject properties were considered cognisance was taken of the following criteria:

- o surrounding erf sizes;
- o accessibility to the subject properties;
- o impact on the character of the area;
- o erf shapes;
- o the applicable spatial planning policies and densification guidelines.

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The subdivision and consolidation creates two larger sized properties. The owners' intent is to enlarge the existing guest house erven to allow larger landscaped

gardens for each of the respective guest house properties. The proposed erf sizes after subdivision and consolidation are compatible with the existing erf size for erf 1300 De Kelders and surrounding erf sizes such as erf 1182, 1187 and 1191 De Kelders.

There are no existing structures on the subject properties that prohibit the proposed subdivision and consolidation.

### **3.4.2 Amendment of the site development plan and conditions of approval: newly consolidated erf 1154 De Kelders**

As previously mentioned erf 1154 De Kelders has existing approved guest house rights. The existing three bedroom guesthouse on erf 1154 De Kelders will be retained on newly consolidated erf 1154 De Kelders after subdivision and consolidation. It is however proposed to add one additional guest room to the guest house establishment. Since it is proposed to change the extent and shape of erf 1154 De Kelders with the proposed erf boundary realignment with erf 1300 De Kelders and since one additional guest room will be added, the approved site development plan and conditions of approval have to be amended. Application is therefore made to amend the approved site development plan no. 082.05.02 dated February 2016 with the proposed new site development plan for newly consolidated erf 1154 De Kelders attached.

A maximum of five guest rooms can be accommodated for guest houses on Residential Zone 1 (SR1) properties. The proposal to add an additional guest room (to bring the total lettable rooms to four rooms) is therefore in line with the Overstrand Zoning Scheme Regulations (2013) and the Council's policy for guest houses in the Overstrand.

There is an existing two storey dwelling on erf 1154 De Kelders. It is proposed to add an upper level to the existing dwelling (similar to the already approved site development plan). The upper floor level will consist of the four en-suite guest bedrooms with covered verandas. The middle floor level will be developed with a utility room, kitchen, open plan lounge and dining area with covered veranda, a study, lavatories, an entrance foyer and a double garage. The manager's unit

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(bedroom, bathroom and kitchen) will be accommodated on the lower floor level (similar to the approved site development plan).

The position of the approved guest house on the subject property will remain unchanged. It is proposed to demolish the existing single garage on the subject property to allow for the provision of parking bays (with sufficient manoeuvre space) on site. To make up for the loss of the single garage the owner will construct a new double garage on the lower floor area in front of the existing bedroom unit. Refer to the site development plan attached.

The site development plan for newly consolidated erf 1154 De Kelders shows the position of the proposed guest rooms on the proposed upper level of the dwelling. The four proposed en-suite bedrooms on the proposed upper level will be used for the accommodation of guests. The existing en-suite bedroom situated on the lower level will be occupied by the manager of the guest house.

The owner intends to create a medieval design with an African Renaissance feel for the proposed guest house. Therefore it is also proposed to add a tower like feature to the existing dwelling. Refer to the site development plan attached.

Meals will be served at the proposed guesthouse on request of the guests. The meals will be prepared by the guest house managing couple on the premises.

All the proposed guest rooms on the proposed upper level will be interleading. The manager's bedroom is however a separate unit and was approved as such with the previous guest house approval of erf 1154 De Kelders. The proposed upper level and existing ground floor (middle floor) are considered the primary dwelling and the manager's bedroom (unit) as the second dwelling. A second dwelling is a primary right in terms of the Overstrand Zoning Scheme Regulations (2013). The aforementioned zoning scheme stipulates that a second dwelling may be contained in the same structure as the dwelling house. The second dwelling unit also complies with all other land use parameters concerning second dwelling units. Therefore the aforementioned complies with the Overstrand Zoning Scheme Regulations (2013) and no additional land use rights are required to accommodate the manager's bedroom (unit). In this case both the dwelling house unit and second dwelling unit will form part of the proposed guest house.

The Overstrand Zoning Scheme Regulations (2013) stipulate the following land use restrictions for Residential Zone 1: Single Residential properties (larger than 400m<sup>2</sup>):

Coverage:	50%
Building lines: street:	4m
rear	2m
lateral	2m

The guest house on newly consolidated erf 1154 De Kelders will be accommodated within the existing approved dwelling on erf 1154 De Kelders with the additions as mentioned above and therefore no departures from the abovementioned land use restrictions apply to this application. The existing middle and lower level currently encroach the new scheme lateral scheme building lines, but since the aforementioned structures were approved in terms of the previous Gansbaai Scheme Regulations, which allowed for a 1,57m lateral building line, no deviation from the building lines was previously required to accommodate the existing dwelling (three bedroom guest house). The proposed upper level will not encroach the 2m western lateral building line and will be constructed in line with the parameters of the relevant scheme regulations. Please refer to the site development plan attached.

The area schedule for the existing guest house on newly consolidated erf 1154 De Kelders is as follow:

<b>GROUND STOREY:</b>	
EXIST	72,600m <sup>2</sup>
NEW	195,000m <sup>2</sup>
TOTAL AREA	267,600m <sup>2</sup>
<b>UPPER STOREY:</b>	
NEW AREA:	207,160m <sup>2</sup>
<b>LOWER STOREY:</b>	
EXIST:	36,000m <sup>2</sup>
NEW:	36,520m <sup>2</sup>
TOTAL AREA	72,520m <sup>2</sup>
<b>TOTAL FLOOR AREA</b>	
EXISTING:	108,600m <sup>2</sup>
NEW:	547,280m <sup>2</sup>
<b>COVERAGE:</b>	
AREA OF SITE	988,788m <sup>2</sup>
AREA OF FOOTPRINT:	267,600m <sup>2</sup>
PERCENTAGE OF COVERAGE:	27%

The total coverage for the newly renovated dwelling (four bedroom guest house) with double garage will be 267,6m<sup>2</sup> (±27%). The proposed new upper level (four guest rooms), double garage and covered verandas will also be constructed within the applicable land use restrictions. The encroachment of the existing (approved) dwelling on the western boundary can be explained: the previous Gansbaai Scheme Regulations allowed for a 1,57m lateral building line and with the previous guest house application no deviations were required to accommodate the approved three bedroom guest house.

The proposed guest house will be used for accommodation purposes only and no conference facility or place of entertainment is proposed. The proposed land use will therefore not result in any noise pollution to the adjacent residential area.

The proposed guest house will employ two permanent staff members.

To accommodate the approved guest house on newly consolidated erf 1154 De Kelders, the following conditions of approval contained in the letter of approval dated 7 October 2016 have to be amended to read as follows:

- All references made to erf 1154 De Kelders should read "newly consolidated erf 1154 De Kelders";
- Paragraph 2 be revised to read as follows:

"that, subject to the approval in recommendation 1 above be granted, in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations the application for consent use on Erf 1154 De Kelders in order to operate a **four (4)** bedroom guest house on the property, be approved;"

- Paragraph 3, condition (b) be revised to read as follows:

"that a maximum of **four (4)** bedrooms to be let, be permitted, only if all the required parking standards are adhered to;"

- Paragraph 3, condition (o) be omitted.

It is proposed to remove condition 3.(o) since a consent use approval is tied to the land and not the owner and therefore this condition proves to be unconstitutional.

Title deeds no. T43063/2015 and T96099/2002 have restrictive title deed conditions that prohibit the conversion of a portion of the dwelling (habitable room) to a double garage on newly consolidated erf 1154 De Kelders. Application is therefore made for

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the removal of restrictive title deed condition. Please refer to Section 3.7 of this report for the full description of the proposed removal of restrictions application.

The proposed redevelopment of newly consolidated erf 1154 De Kelders will not deviate from any other applicable land use restrictions. As shown on the elevation and section plans the maximum height of 8m applicable to SR1 zoned properties will be adhered to.

### **3.4.3 Consent use and removal of restrictive title deed conditions: newly consolidated erf 1157 De Kelders**

As previously mentioned erf 1300 De Kelders has an existing land use approval to operate a five bedroom guest house on the subject property. Erf 1157 De Kelders does not have approved guest house rights. Consequently the existing guest house rights obtained on erf 1300 De Kelders cannot merely be transferred to the newly consolidated erf 1157 De Kelders and as a result we have to reapply for the guest house rights for newly consolidated erf 1157 De Kelders.

An application is therefore submitted for the consent use of newly consolidated erf 1157 De Kelders to accommodate a four bedroom guest house on the subject property. With the initial land use application it was proposed to construct a new dwelling on erf 1300 De Kelders for guest house accommodation purposes. For the new proposal the proposed new dwelling will be omitted. There is an existing two storey dwelling on erf 1157 De Kelders. The existing dwelling will be altered and additions will be made to convert the existing dwelling on newly consolidated erf 1157 De Kelders to a four bedroom guest house. The lower and middle floors will remain and will be altered to the specifications of the client. It is also proposed to add an upper floor to the existing dwelling.

The lower floor will consist of four en-suite guest rooms, a covered veranda (in front of guest bedrooms no. 1-3) and a store room. The middle floor will consist of the communal facilities such as the kitchen, pantry, utility room, open plan lounge / dining / braai room / bar area with covered veranda, a study, entrance foyer, staff toilets and a double garage. The new upper floor will be the owners' suite. The latter will

consist of an en-suite bedroom with dressing room, open plan lounge / kitchen / dining room and a patio with braai. The owners' also propose to construct a new swimming pool on the newly consolidated property for communal use by the guests visiting the guest house.

All the proposed guest rooms and owners' room will be interleading. The owner intends to create a medieval design with an African Renaissance feel for the proposed guest house. Therefore it is also proposed to add tower like features to the existing dwelling. Refer to the site development plan attached.

Meals will be served at the proposed guesthouse on request of the guests.

The Overstrand Zoning Scheme Regulations (2013) stipulate the following land use restrictions for Residential Zone 1: Single Residential properties (larger than 400m<sup>2</sup>):

Coverage:	50%
Building lines: street:	4m
rear	2m
lateral	2m

The guest house on newly consolidated erf 1157 De Kelders will be accommodated within the existing approved dwelling on erf 1157 De Kelders with the additions and alterations as shown on the site development plan. No departures from the abovementioned land use restrictions apply to this application.

The area schedule for the existing guest house on newly consolidated erf 1157 De Kelders is as follow:

**GROUND STOREY:**

EXIST	160,940m <sup>2</sup>
NEW	149,040m <sup>2</sup>
TOTAL AREA	309,980m <sup>2</sup>

**UPPER STOREY:**

NEW AREA:	104,510m <sup>2</sup>
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**LOWER STOREY:**

EXIST:	160,940m <sup>2</sup>
NEW:	40,170m <sup>2</sup>
TOTAL AREA	201,110m <sup>2</sup>

**TOTAL FLOOR AREA**

EXISTING:	321,880m <sup>2</sup>
NEW:	293,720m <sup>2</sup>

**COVERAGE:**

AREA OF SITE	988,785m <sup>2</sup>
AREA OF FOOTPRINT:	309,980m <sup>2</sup>
PERCENTAGE OF COVERAGE:	31.35%

The total coverage for the newly renovated dwelling with double garage and swimming pool will be 309,98m<sup>2</sup> (±31,35%). The additions to the existing structures will adhere to the land use restrictions applicable to newly consolidated erf 1157 De Kelders.

The proposed guest house will be used for accommodation purposes only and no conference facility or place of entertainment is proposed. The proposed land use will therefore not result in any noise pollution to the adjacent residential area.

The proposed redevelopment of newly consolidated erf 1157 De Kelders will not deviate from any other applicable land use restrictions. As shown on the elevation and section plans the maximum height of 8m applicable to SR1 zoned properties will be adhered to.

The proposed guest house will employ three permanent staff members that will be responsible for the overall cleaning, cooking and managing of the proposed guest house.

Title deed no. T15611/2017 and T96099/2002 have restrictive title deed conditions. The title deed of Erf 1300 De Kelders prohibits the existing garage to be positioned closer than 9,45m from any street and the title deed of erf 1157 De Kelders prohibits the proposed guest house use as well as the position of the existing garage within

the 9,45m title deed street building line. Application is therefore made for the removal of restrictive title deed conditions. Please refer to Section 3.7 of this report for the full description of the proposed removal of restrictions application.

The proposed redevelopment of erven 1154, 1300 and 1157 De Kelders do not have a negative impact on the surrounding erven since there are two existing approvals to operate two guest houses with three bedrooms and five bedrooms respectively on the subject properties. We are merely proposing to enlarge the respective guest house erven to allow for the better design of communal areas and improved landscaped gardens. The existing land use approvals allows for eight (8) guest rooms in total on erven 1154 and 1300 De Kelders. The new proposal that includes erf 1157 De Kelders also proposes only eight (8) guest rooms in total now stretched over three (and not two) properties. The zoning of the subject properties will remain unchanged. The revised proposal is to create two aesthetically pleasing guest houses with larger landscaped gardens for each respective guest house.

The proposed land use application is 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**

The subject properties are situated in De Kelders – an area characterized by tourist accommodation, residential houses, holiday homes and tourist activities. The subject properties are set back only one street from the Ocean and offers spectacular views across the bay to Hermanus and Die Plaat – making this property an ideal location for tourist accommodation use. The design of both the guest houses (guest rooms with large verandas facing the ocean) makes optimal use of the spectacular views offered.

The character of the subject property will remain unchanged since two guest houses were previously approved for erven 1154 and 1300 De Kelders. Erf 1157 De Kelders was obtained to allow the owners to extend the approved guest house premises to

create aesthetically pleasing guest house properties that offer more space and landscaped gardens for the guests visiting the guest house. With the approval of this application the one guest house will be positioned on a larger newly consolidated erf 1154 De Kelders and the other guest house on a larger newly consolidated erf 1157 De Kelders.

De Kelders is a popular tourism destination and although there are no other guest houses in De Villiers Street there are guest houses situated in the street behind and in other parts of De Kelders.

The relevant scheme regulations as well as the spatial planning policies for the area allows for SR1 properties to be used for guest house purposes. The aforementioned is seen as a lower impact land use and therefore a property does not have to be rezoned for commercial purposes to accommodate a guesthouse. Furthermore there is a guesthouse policy in place that determines the maximum amount of guestrooms to be five only – also to keep the impact on the surrounding properties to a minimum. We are therefore not applying for more than what the guesthouse policy allows for SR1 zoned properties as a consent use. As previously mentioned the existing land use approval allows for eight (8) guest rooms in total on erven 1154 and 1300 De Kelders. The new proposal that includes erf 1157 De Kelders also proposes only eight (8) guest rooms in total now stretched over three (and not two) properties.

In the light of the above mentioned we are therefore of the opinion that the impact on the existing character of the area will be kept to a minimum. The proposal to establish upmarket, luxurious guest accommodation on the subject properties will add value to the area and we do not foresee a negative impact on the surrounding property values.

The guest houses are considered a low impact development and consequently the proposed land use will not adversely affect traffic flow, the streetscape or the general character of the area.

In addition the proposed guesthouse will be used for accommodation purposes only

and no conference facility or place of entertainment is proposed. The proposed land use will therefore not result in any noise pollution to the adjacent residential area.

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

The zonings and consent use rights of the subject properties will remain unchanged (previous guest house applications were approved for erf 1154 and 1300 De Kelders respectively). The location of the subject properties within a single residential area allows the properties to be developed (in future) for low impact land uses only. The proposed land use application will not hinder any future land use applications on newly consolidated erf 1154 De Kelders and newly consolidated erf 1157 De Kelders.

Since the zoning and approved land use rights will remain unchanged and the proposed guest houses will be accommodated within the existing improved structures (alterations and additions are proposed as described in *Section 3.4 Proposed Development*), 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 since it is submitted that the redevelopment of the subject properties will add value to the area.

The subject properties can be developed to its full potential (i.e. additions to the existing dwellings) within the relevant scheme regulations for a dwelling house without requiring the consent from any of the adjacent property owners. The impact of the structures after the additions will be the same if the owner decided to approve the building plans for the dwelling first, alter the dwelling and apply for the land use rights to use the dwelling as a guest house thereafter. It is the owner's primary right to construct and add to the existing dwelling on the subject property in line with the land use parameters, regardless if the dwelling is being used for guest house purposes or not. The proposed tower like features will also be within the height restriction of the subject property.

In addition the subject properties are ideally located in De Kelders characterized by tourism-related activities and accommodation in a single residential area which also

proofs the subject properties to be ideal to operate guest houses from the premises. The subject properties will be larger than the average erf in the relevant residential block (but still compatible to some of the surrounding erf sizes) and consequently the extent of the subject property lends itself to be developed for guest house purposes.

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

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

All services on the subject property already exist. The proposed land use application will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

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

Access to newly consolidated erven 1154 and 1157 De Kelders will remain unchanged from De Villiers Street. The access points to the respective portions are indicated on the site development plans.

The Overstrand Zoning Scheme Regulations (2013) determines that one parking bay per guest room has to be provided on site and an additional two parking bays for the owner / manager. Provision is made for four parking bays for guests and a new double garage for the owners / manager on newly consolidated erf 1154 De Kelders. This amounts to a total of six (6) parking bays on site. Provision is made for four parking bays for guests and there is an existing double garage to serve as parking for the owners / manager on newly consolidated erf 1157 De Kelders. This amounts to a total of six (6) parking bays on site. It is therefore evident that sufficient parking can be provided on site to accommodate the two guest houses on newly consolidated erf 1154 De Kelders and newly consolidated erf 1157 De Kelders respectively.

All parking bays adhere to the minimum parking requirements. Refer to the site development plan attached.

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The approved guest houses are low impact developments and consequently the proposed parking bays and anticipated additional traffic will not adversely affect traffic flow, the streetscape or the general character of the area.

Since the proposed land use is compatible with single residential land uses and the land uses in the area it is anticipated that the two guest houses on the larger erven will have a low impact on the traffic flow in the area.

### 3.8 TITLE DEED

The restrictive conditions in title deeds no. T96099/2002 and T43063/2015 were successfully removed from the respective title deeds with the previous guest house applications for erven 1154 and 1300 De Kelders. There are no conditions in the respective title deeds that prohibit the subdivision of erf 1300 De Kelders or the consolidation of Portions A and B, portions of erf 1300 De Kelders, with erven 1154 and 1157 De Kelders.

Title deeds no. T96099/2002, T43063/2015 and T15611/2017 have title deed conditions that prohibit the existing and proposed double garages to be positioned within the 9,45m title deed street building line and the title deed of erf 1157 De Kelders prohibits the proposed guest house use. Refer to a copy of the conveyancer's certificate compiled by Marli Schröder at Smit Kruger Attorneys dated 1 December 2017. Application is therefore made for the removal of restrictive title deed conditions.

It is proposed to remove the following restrictive title deed conditions to accommodate the guest houses with double garages on newly consolidated erf 1154 De Kelders and newly consolidated erf 1157 De Kelders:

***Erf 1154 De Kelders, title deed no. T43063/2015, pages 2-3, paragraph D. 8:***

*D. Onderhewig aan en geregtig op die voordeel van die volgende spesiale voorwaarde vervat in die genoemde transportakte nr. 12218 gedateer 17 November 1937, opgelê vir die voordeel van die De Kelders Syndicate Limited (waarna hierna*

verwys word as "Transportgewer") en sy opvolgers in titel as eienaars van die restant van die grond deur dit gehou kragtens Transportakte Nr. 3733 gedateer 20 Maart 1920 welke voorwaardes as volg lees:

8. Alle buitegeboue moet ten minste 9,45 (nege komma vier vyf) meter van enige straat of 6,30 (ses komma drie nul) meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.

**Erf 1300 De Kelders, title deed no. T96099/2002, pages 3-4, paragraph C.8:**

C. ONDERHEWIG VERDER aan en GEREGTIG op die voordele onder die volgende spesiale voorwaarde vervat in die gemelde Transportakte Nr. 1613/1936 opgelê vir die vorodeel van die DE KELDERS SYNDICATE LIMITED en hul opvolgers in titela as eienaar van die restant van die eiendom gehou kragtens Transportakte Nr. 3733/1920 en Nr. 1255/1935:-

8. Alle buitegeboue moet ten minste 9,45 meter van enige straat, of 6,30 meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.

**Title deed no. T15611/2017, pages 2-3, paragraph D. 8. & 10:**

D. SUBJECT FURTHER to and with the BENEFIT of the special conditions contained in Deed of Transfer No. 11666/1940, and imposed for the benefit of DE KELDERS SYNDICATE LIMITED as owners of the remaining extent of the property held by them under Deed of Transfer No 3733/1920 and under the Deed of Transfer No 1255/1935, and any portion thereof, and any portion thereof, and their successors in title, which are set out as follows:-

Onderhewig aan en geregtig op die voordeel van die volgende spesiale voorwaarde vervat in die genoemde transportakte nr. 12218 gedateer 17 November 1937, opgelê vir die voordeel van die De Kelders Syndicate Limited (waarna hierna verwys word as "Transportgewer") en sy opvolgers in titel as eienaars van die restant van die grond deur dit gehou kragtens Transportakte Nr. 3733 gedateer 20 Maart 1920 welke voorwaardes as volg lees:

*8. Alle buitegeboue moet ten minste 9,45 meter van enige straat, of 6,30 meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.*

*10. Die Transportgewer behou alle handelsregte in die hele dorp voor; Nog die Transportnemer nog die bewoner van die bogenoemde erf of erwe sal aansoek doen of 'n lisensie verkry om sake te doen as algemene handelaar, venter, drankverkoper, hotelhouer of vir enige ander besigheid binne die dorpsgebied sonder vooraf die skriftelike goedkeuring van die Transportgewer te verkry."*

The reason for the proposed removal of the conditions stipulated above is, although the zoning of the subject property will remain unchanged (Residential Zone 1: Single Residential), and although a three bedroom and a five bedroom guest house were approved on erven 1154 and 1300 De Kelders respectively, erf 1157 De Kelders is added to the existing land use approvals and consequently the title deed conditions of erf 1157 De Kelders have to be addressed with this application to accommodate the proposed four bedroom guest house on the newly consolidated erf 1157 De Kelders. The proposed double garage on newly consolidated erf 1154 De Kelders and the existing double garage on newly consolidated erf 1157 De Kelders encroach the 9,45m title deed street building line – the latter is more restrictive than the 4m scheme regulations' street building line. We therefore request that the aforementioned conditions be removed.

There is no bond registered against erven 1300 and 1157 De Kelders. The bondholder's consent dated 22 December 2017 for the bond registered against erf 1154 De Kelders is attached.

### **3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.9.1 HERITAGE VALUE**

The subject properties are not situated within a Heritage Overlay Zone as determined by the Overstrand Municipal Growth Management Strategy (2010). The dwellings situated on the respective erven are not older than 60 years. In addition the proposal

20

is neither to consolidate three or more erven nor to change the character of a site larger than 5000m<sup>2</sup>.

The proposed land use application does consequently not trigger any other listed activities in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

### 3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed land use application does 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 Municipal Wide Spatial Development Framework (SDF), 2006*, earmarks the area where erven 1154, 1300 and 1157 are situated, for residential purposes. The Overstrand SDF (2006) recognises the Greater Gansbaai area as an area with high growth potential. The area's growing importance as a tourist destination makes it imperative that adequate provision is made in the spatial planning of the area to adequately accommodate its future in an orderly and sustainable manner.

The Overstrand SDF (2006) identifies tourism as a sector that should be promoted and developed in the Gansbaai region. The character (residential) and zoning (Single Residential Zone I) for the subject properties will remain unchanged and therefore the subject properties fall within the existing planning for the De Kelders area.

Erven 1154, 1300 and 1157 De Kelders form part of Planning Unit no. 2 as identified by the *Overstrand Municipal Spatial Growth Management Strategy (OMSGMS,*

**2010).** Furthermore the OMSGMS (2010) stipulates that the area where erven 1154, 1300 and 1157 De Kelders are situated does not allow for an increase in density of more than 17,7 density units per hectare. The status quo of the area will remain unchanged with regards to the density since no additional portions are proposed. The approved second dwelling unit (manager's room/unit) on the subject property contributes to the densification of the area by means of densification allowed for in the area (second dwellings or subdivisions). The land use application for the subject properties therefore falls within the existing planning for the De Kelders area. The existing status quo will remain since the proposed development will be in line with the existing land use developments in the area.

The impact on the overall density of this part of De Kelders will therefore be kept to a minimum since the proposed application still promotes a low density residential area.

From the above it is evident that the proposed land use proposal adheres to the spatial planning policies for the De Kelders area and consequently falls within the existing planning for the Greater Gansbaai and De Kelders areas.

### **3.11 PLANNING PRINCIPLES**

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

Spatial justice: The proposed land use application tie in with the existing character of the area and will not have a negative impact on the surrounding neighbours. The impact on the biophysical environment will be low as the subject properties have been in existence since 1932, 1935 and 1939 respectively.

Spatial sustainability: The existing structures and proposed additions to the existing structures are compatible with the character of the area. The guest houses will be accommodated in an established residential area within existing renovated, altered structures currently positioned on erven 1154 and 1157 De Kelders. The proposed

application will have no impact on the conservation worthy areas of De Kelders. Spatially the land use will be in keeping with the residential character of the area.

The anticipated impact of the redevelopment of erven 1154, 1300 and 1157 De Kelders to accommodate the two approved guest houses on larger residential properties are considered low. The impact on the biophysical environment will also be kept to a minimum. Furthermore the extent of the subject properties, the low impact on the privacy of neighbours (larger erven and no deviations from the Overstrand Zoning Scheme Regulations (2013) are proposed), compliance with the land use restrictions applicable concerning parking, coverage, height, street building lines, etc. allows for the consideration and approval of the proposed guest house without having an adverse impact on the spatial sustainability of the area. Eight (8) guest rooms in total were previously approved for the two respective guest houses on erven 1154 and 1300 De Kelders. We are therefore not asking for more than what the existing guest house approvals allow for.

The proposed newly consolidated erven 1154 and 1157 De Kelders will be in line with the layout pattern and minimum erf sizes applicable to the area and will therefore contribute towards sustainable development in the area. The proposed application are within an established residential area and therefore will not impact on urban sprawl or upon a sensitive environment.

It is unlikely that the proposed applications will have an adverse impact on the spatial sustainability of the area or existing rights of adjacent property owners.

Efficiency: The subject properties are easily accessible and conveniently located close to Gansbaai and Stanford, the coastal line of De Kelders and surrounding tourist attractions in the area.

The consent use application proofs to be efficient since this will allow the optimal utilization of the subject property. It is motivated that the guest houses 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. Furthermore the proposal is efficient in that it

optimizes existing resources and continues the existing suburban development typology.

The massing and height of the renovated dwellings will be in line with the relevant zoning scheme regulations. It proves to be resourceful to enable the redevelopment of the subject properties and the existing structures to create larger, more aesthetically pleasing guest houses when compared to the two guest house proposals already approved for erven 1154 and 1300 De Kelders.

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. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016.

#### **4. RECOMMENDATION**

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

- All services on the subject properties already exist and no additional loading of the existing infrastructure is anticipated;
- The densification status quo of the area will remain unchanged;
- The zoning of the subject properties and land use of the subject properties will remain unchanged;
- No deviations from the relevant zoning scheme regulations are proposed to allow the proposed redevelopment of erven 1154, 1300 and 1157 De Kelders;
- The proposal is compatible with the existing built character of the area;
- Impact on the traffic and services will be kept to a minimum;
- Sufficient parking bays are provided on site for the proposed guest houses;

- All proposed additions and renovations will be done in accordance with the land use restrictions applicable to Residential Zone 1: Single Residential properties;
- The guest houses will be operated in a professional manner and according to international standards;
- The revised proposals for the approved guest houses do not negatively impact on the existing character or land values in the area;
- The establishment of these luxury guesthouses in De Kelders will contribute to enhancing the De Kelders area as a sought after tourist destination in the Overberg;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy and traffic of the area.



ANNEXURE C 1/11

**NOTES:**

- ▬ Erf 1300 De Kelders
- ▬ Subdivision line
- ▬ Scheme regulations' common boundary & street/building lines

Erf 1300 De Kelders to be subdivided as follows:  
 Portion A: ±496m²  
 Portion B: ±495m²

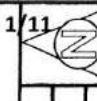
**PLAN**  
 Stads- en Streeksbeplanners  
 Town & Regional Planners

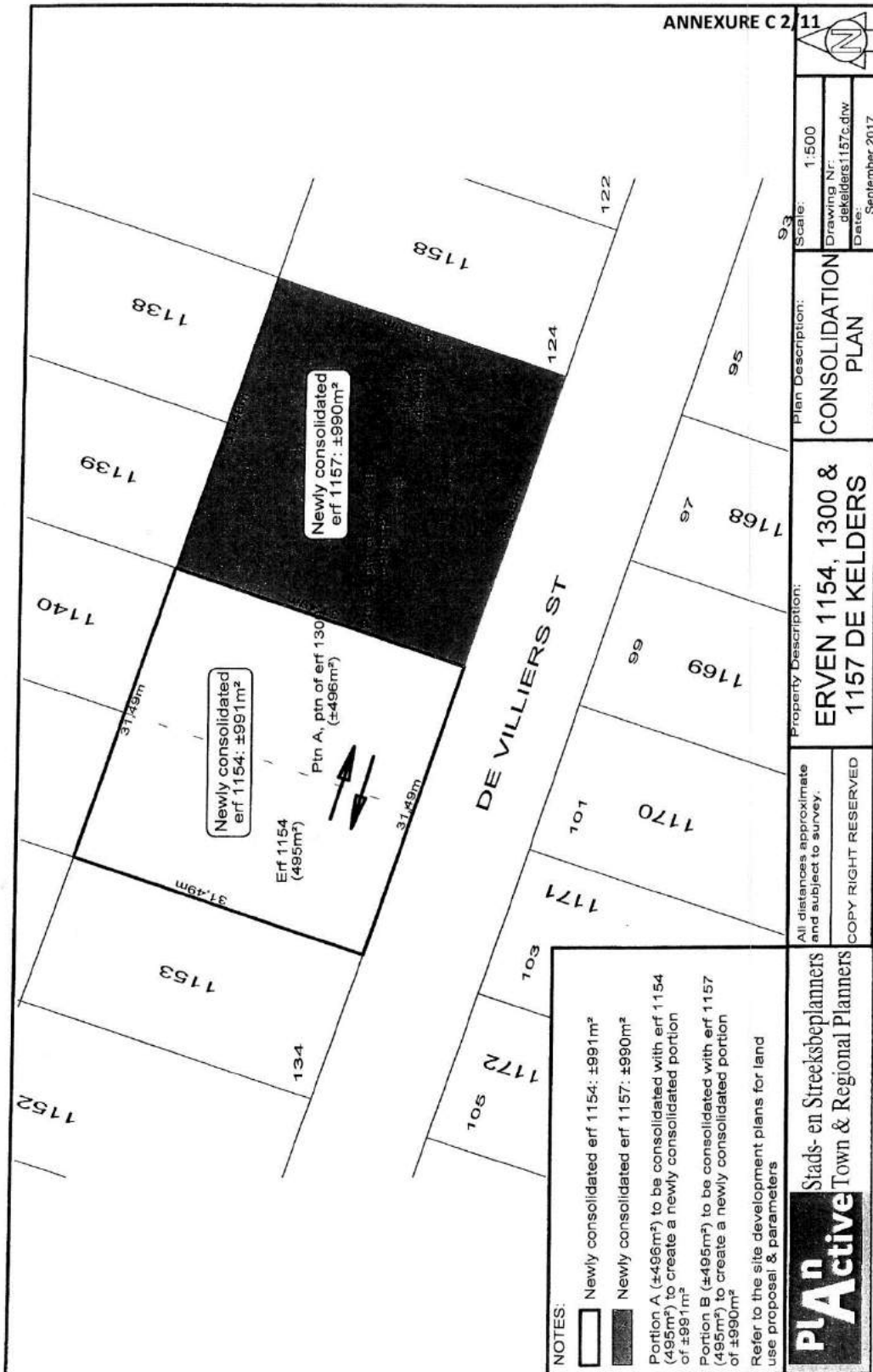
All distances approximate and subject to survey.  
 COPY RIGHT RESERVED

Property Description:  
**ERF 1300 DE KELDERS**

Plan Description:  
**SUBDIVISION PLAN**

Scale: 1:500  
 Drawing Nr: deKelders1300s.drw  
 Date: September 2017





**NOTES:**

- Newly consolidated erf 1154: ±991m<sup>2</sup>
- Newly consolidated erf 1157: ±990m<sup>2</sup>

Portion A (±496m<sup>2</sup>) to be consolidated with erf 1154 (495m<sup>2</sup>) to create a newly consolidated portion of ±991m<sup>2</sup>

Portion B (±495m<sup>2</sup>) to be consolidated with erf 1157 (495m<sup>2</sup>) to create a newly consolidated portion of ±990m<sup>2</sup>

Refer to the site development plans for land use proposal & parameters

**PLAN**  
**Active**  
 Stads- en Sireeksbeplanners  
 Town & Regional Planners

All distances approximate and subject to survey.  
 COPY RIGHT RESERVED

Property Description:  
**ERVEN 1154, 1300 & 1157 DE KELDERS**

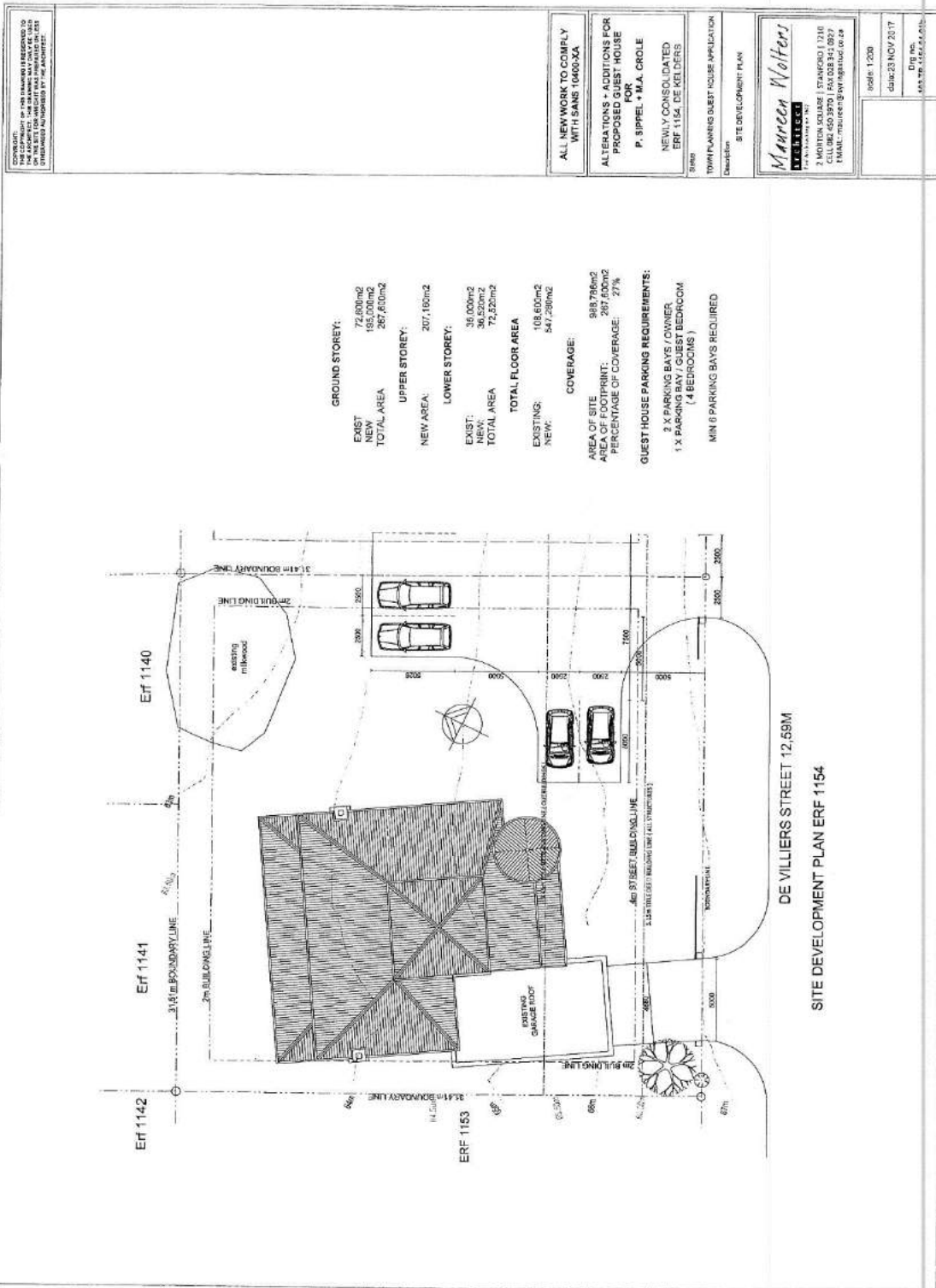
Plan Description:  
**CONSOLIDATION PLAN**

Scale: 1:500  
 Drawing Nr: dekelders1157c.dwg  
 Date: September 2017

ANNEXURE C 2 11



ANNEXURE C 3/11



<b>GROUND STOREY:</b>	
EXIST	72,80m <sup>2</sup>
NEW	185,00m <sup>2</sup>
TOTAL AREA	257,80m <sup>2</sup>
<b>UPPER STOREY:</b>	
NEW AREA	207,19m <sup>2</sup>
<b>LOWER STOREY:</b>	
EXIST:	36,00m <sup>2</sup>
NEW:	36,00m <sup>2</sup>
TOTAL AREA	72,52m <sup>2</sup>
<b>TOTAL FLOOR AREA</b>	
EXISTING:	108,80m <sup>2</sup>
NEW:	547,29m <sup>2</sup>
<b>COVERAGE:</b>	
AREA OF SITE	898,76m <sup>2</sup>
AREA OF FOOTPRINT:	207,80m <sup>2</sup>
PERCENTAGE OF COVERAGE:	23%
<b>GUEST HOUSE PARKING REQUIREMENTS:</b>	
2 X PARKING BAYS / OWNER	
1 X PARKING BAY / GUEST BEDROOM	
(4 BEDROOMS)	
MIN 6 PARKING BAYS REQUIRED	

CONTRACTOR: THE ARCHITECTS: THE DRAWING SHALL BE USED IN ACCORDANCE WITH THE CONDITIONS OF CONTRACT AND THE CONDITIONS OF SALE AS SPECIFIED BY THE ARCHITECT.

ALL NEW WORK TO COMPLY WITH SANS 10400-XA

ALTERATIONS & ADDITIONS FOR PROPOSED GUEST HOUSE FOR P. SIPPEL + M.A. CROLE

NEWLY CONSOLIDATED ERF 1154, DE VILLIERS

Site Description: TOWN PLANNING SUBSET HOUSE APPLICATION

Scale: 1:200

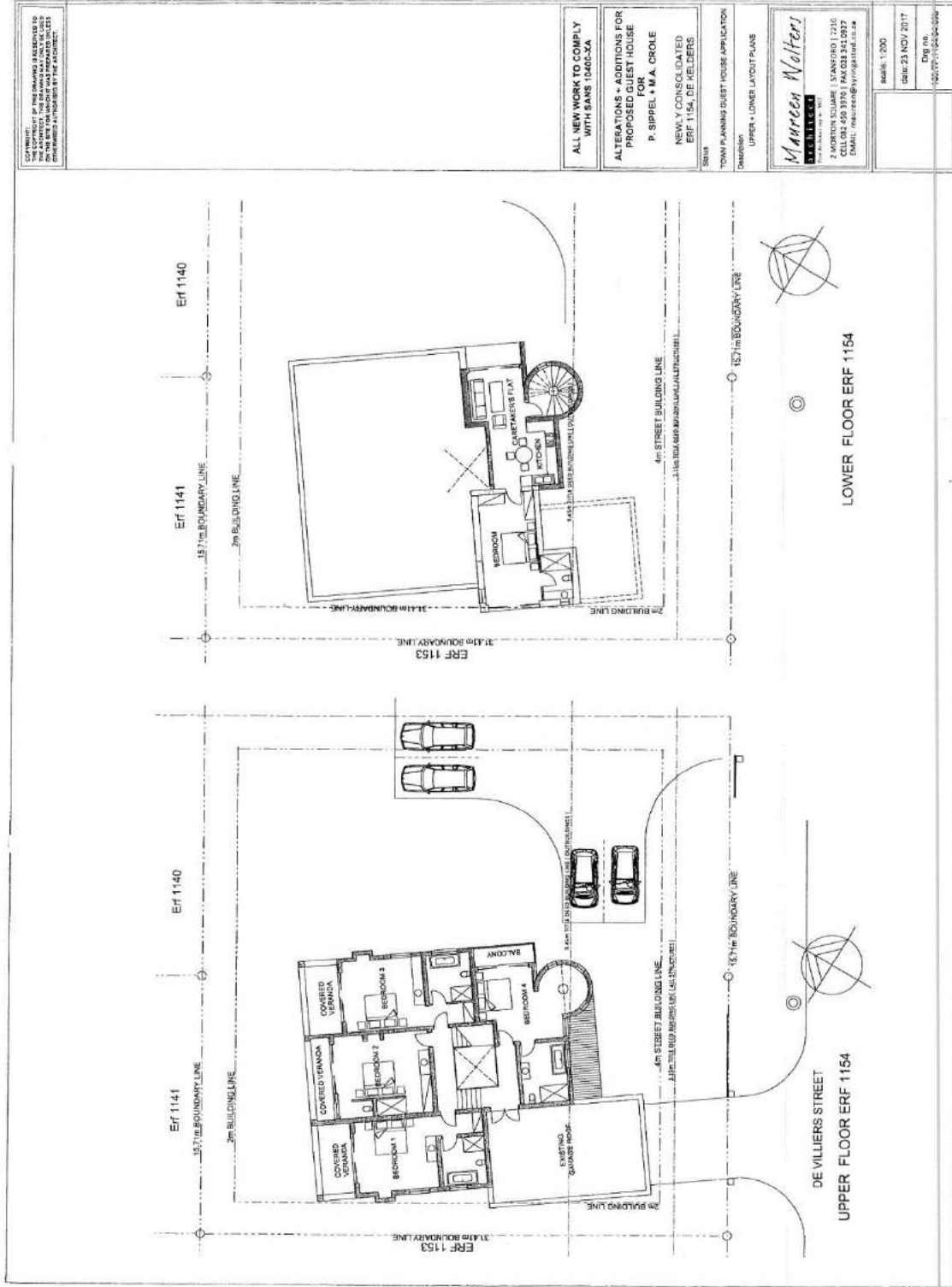
**Maureen Wolters**  
 ARCHITECT  
 2, MONTEN SOLLAZ | STAMFORD | 1216  
 CELL: 082 450 3970 | FAX: 028 341 0927  
 EMAIL: maureen@mvwpractise.co.za

date: 23 NOV 2017  
 Dwg no.:  
 sheet: 01 of 01

DE VILLIERS STREET 12,69M  
 SITE DEVELOPMENT PLAN ERF 1154



ANNEXURE C 5/11



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ALL NEW WORK TO COMPLY WITH SANS 10400-XA

ALTERATIONS + ADDITIONS FOR PROPOSED GUEST HOUSE FOR P. SIPPEL + M.A. CROLE

NEWLY CONSOLIDATED ERF 1154, DE HELDERS

SRM/TOWN PLANNING GUEST HOUSE APPLICATION DRAUGHTSMAN UPPER + LOWER LAYOUT PLANS

**Maureen Wolters**  
 ARCHITECT  
 2 WORTON SQUARE | STANFORD 17250  
 CELL 081 450 3970 | FAX 081 341 9977  
 EMAIL: maureen@myonstad.co.za

scale: 1:200  
 date: 23 NOV 2017  
 Dwg no.: 100/07/1154/01/01

LOWER FLOOR ERF 1154

UPPER FLOOR ERF 1153

ANNEXURE C 6/11

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ANNEXURE C 8/11

THE CLIENTS OF THIS DRAWING HEREBY AGREE TO THE SCOPE OF THE SERVICES AND TO HOLD THE ARCHITECT AND HIS EMPLOYERS HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST THEM OR INCURRED BY THEM AS A RESULT OF THE ARCHITECT'S PROFESSIONAL SERVICES.

ALL NEW WORK TO COMPLY WITH SANS 10400-AA

ALTERATIONS + ADDITIONS FOR PROPOSED HOUSE FOR GALLO ROJO TRUST NEWLY CONSOLIDATED ERF 1157, DE REIDERS

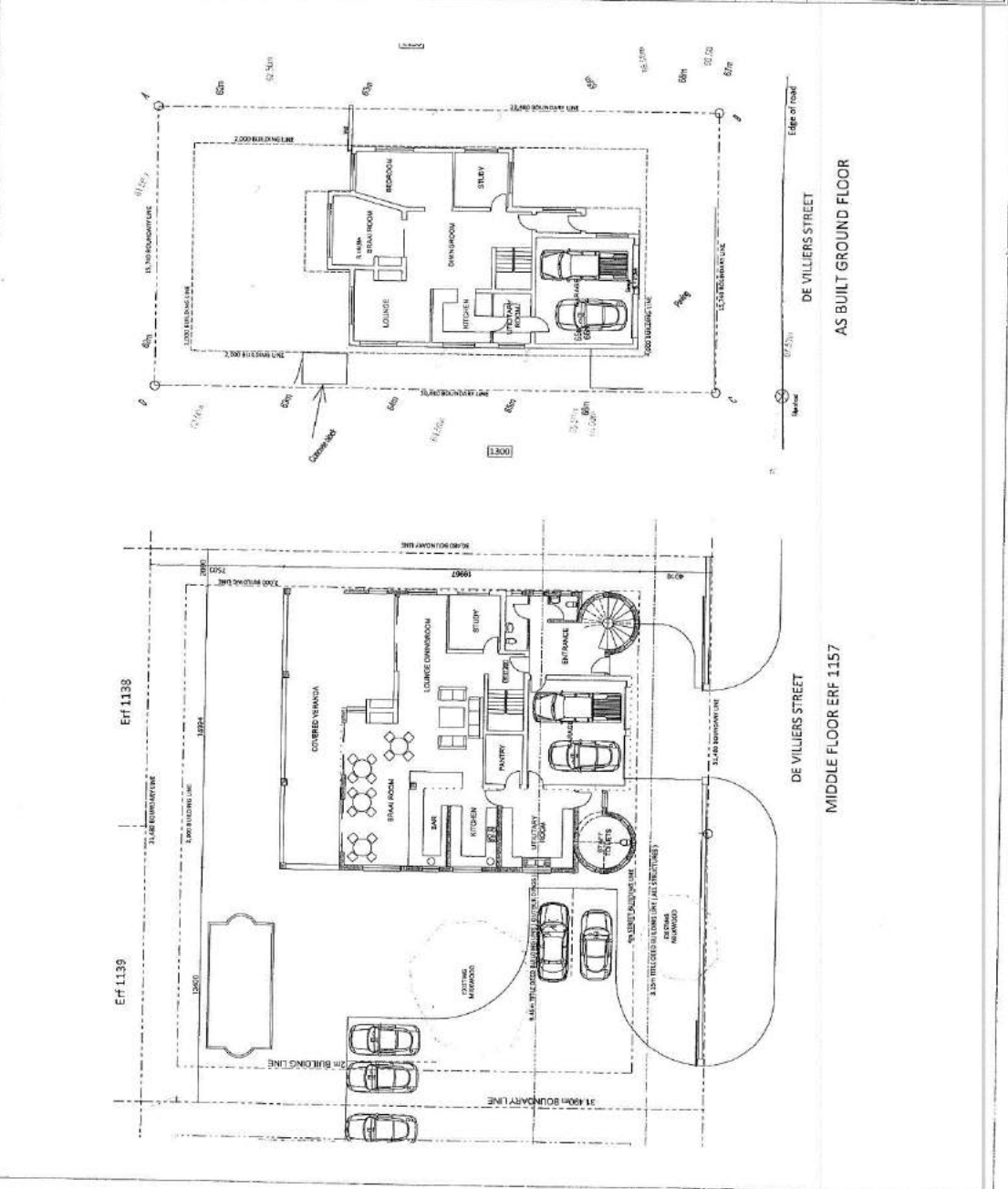
TO: SOUTH AFRICAN HOUSE BUILDING CORPORATION

DESCRIPTION: GROUND STOREY LAYOUT PLAN

**Maureen Wolfer**  
ARCHITECT

34 KATHOON COLLEGE | STAMFORSBURG | 7815  
CELL: 082 452 8978 | FAX: 021 341 0297  
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SCALE: 1:200  
DATE: 16/10/2017  
DRAWING NO.: 103.P.1157.4.029



AS BUILT GROUND FLOOR

MIDDLE FLOOR ERF 1157

DE VILLIERS STREET

DE VILLIERS STREET

ANNEXURE C 9/11



COMPONENTS OF THIS DRAWING OR ELEMENTS OF THE ARCHITECTURE SHOWN MAY NOT BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

ALL NEW WORK TO COMPLY WITH SANS 1066:XX  
 ALTERATIONS + ADDITIONS FOR PROPOSED GUEST HOUSE  
 GALLO ROOD TRUST  
 NEWLY CONSOLIDATED ERF 1157, DE HELDERS

SWAAR TOWN PLANNING  
 GUEST HOUSE APPLICATION

DESCRIPTION LAYOUT PLANS  
 UPPER + LOWER STOREYS

**Maureen Wolter**  
 ARCHITECT

PROFESSIONAL ARCHITECT  
 REG. NO. 12510  
 CELL: 082 450 3093 | FAX: 021 845 1827  
 EMAIL: maureen@springstud.co.za

scale: 1:200  
 DATE: 14/11/2017  
 SHEET NO. 103 TP 1157.4.03b

DE VILLIERS STREET  
 LOWER FLOOR ERF 1157

DE VILLIERS STREET  
 UPPER FLOOR ERF 1157

ANNEXURE C 10/11

THE CONTRACTOR OF THIS DRAWING IS REQUESTED TO VERIFY THE INFORMATION AND DATA PROVIDED TO HIM BY THE CLIENT AND TO BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

ALL NEW WORK TO COMPLY WITH SANS 10400-2&A

ALTERATIONS + ADDITIONS FOR PROPOSED HOUSE FOR GALLO ROJO TRUST NEWLY CONSOLIDATED ERF 1157, DE VILLIERS

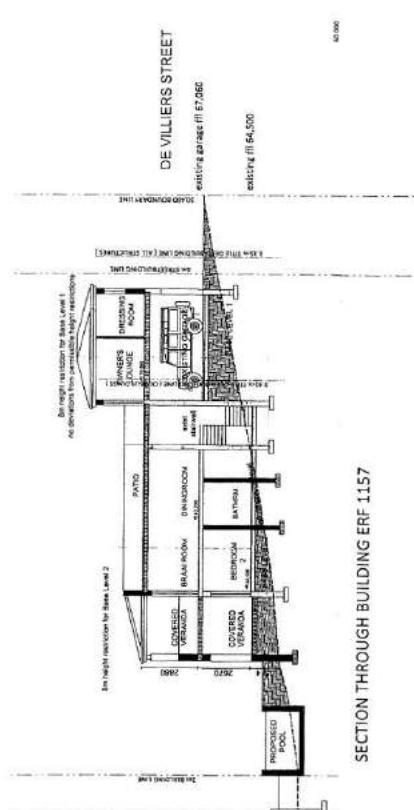
PROJECT NO: 10400-2&A

SECTION OF SITE + SOUTH ELEVATION OF PROPOSED HOUSE

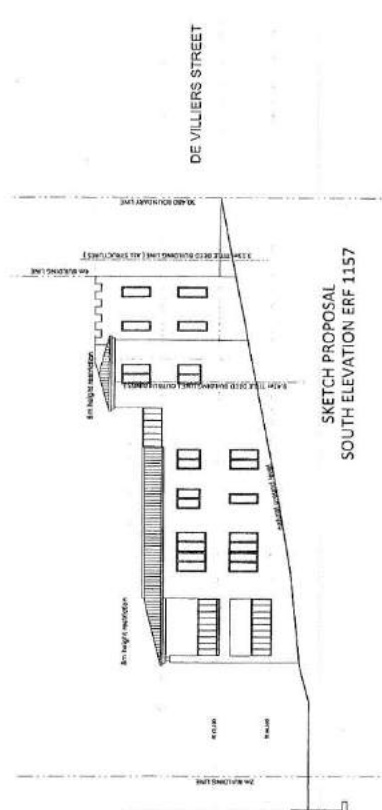
DATE: 14/11/2017

**Maureen Woiter's**  
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CELL: 082 450 3570 | FAX: 031 341 0937  
EMAIL: maureen@hytintabud.co.za

SCALE: 1:200  
DATE: 14/11/2017  
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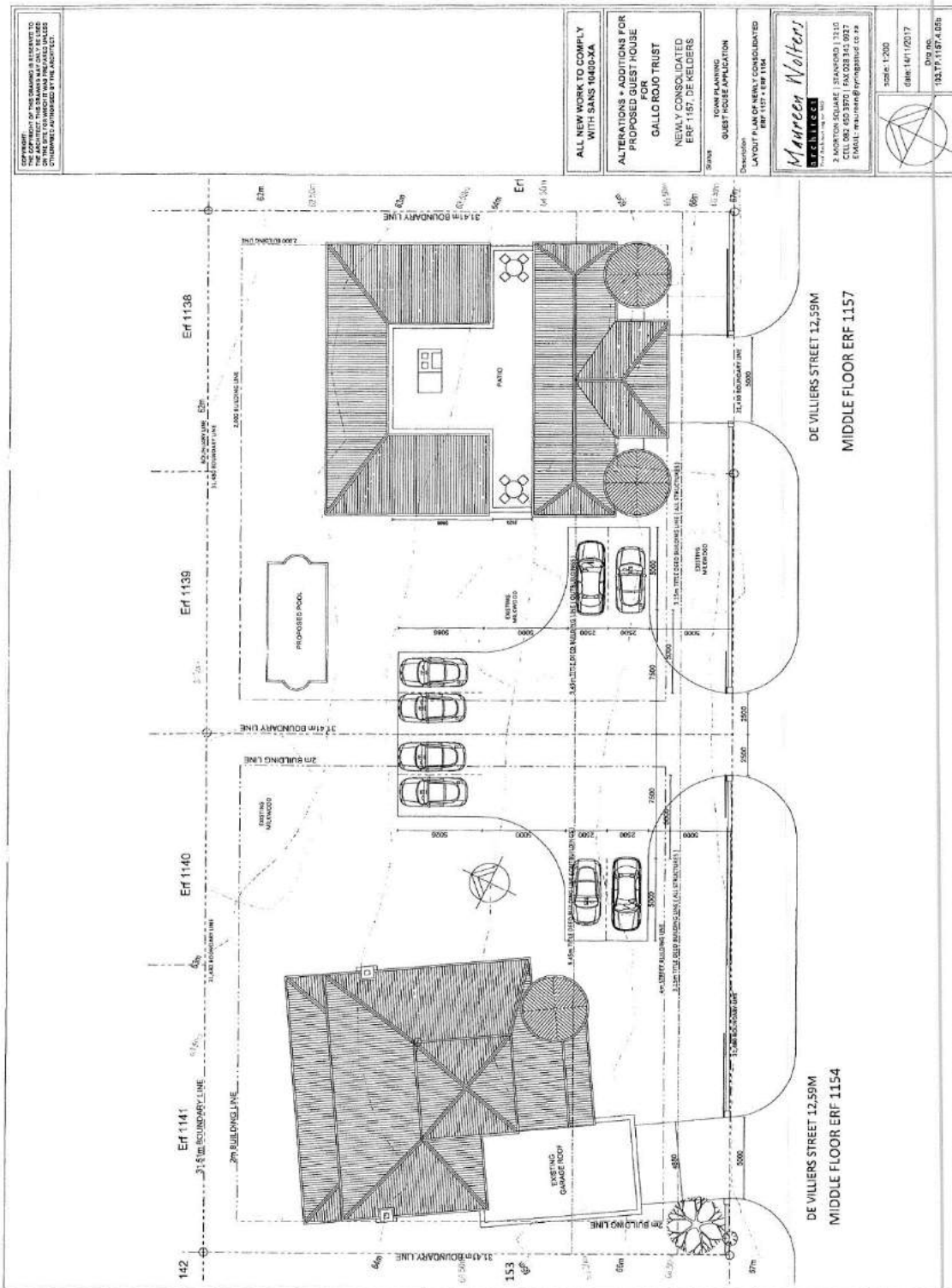


SECTION THROUGH BUILDING ERF 1157



SKETCH PROPOSAL SOUTH ELEVATION ERF 1157

ANNEXURE C 11/11



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ALL NEW WORK TO COMPLY WITH SANS 10400-ZA  
 ALTERATIONS + ADDITIONS FOR PROPOSED GUEST HOUSE FOR GALLO ROJO TRUST  
 NEWLY CONSOLIDATED ERF 1157, DE REIDERS  
 TRUSS PLAN AND GUEST HOUSE APPLICATION  
 DRAWN: T. VAN DER MERWE  
 CHECKED: M. VAN DER MERWE  
 DATE: 11/11/11

**Maureen Wolters**  
 ARCHITECT  
 2 MORTON SQUARE | SANDFORD | 3110  
 CELL: 082 450 3370 | FAX: 021 343 0937  
 EMAIL: maureen@myproject.co.za

SCALE: 1:200  
 DATE: 11/11/2011  
 Dwg. no.: 102.PP.1157.4.05b

ANNEXURE D 1/20

1079

Van Der Spuy & Vennote  
Posbus 218 Paarl 7620

Opgestel deur my

FEE KATEGORIE		ANNOUË	WETNO. 15
Purchase price/Value	R. 1 000 000-00	R. 850-00	
Mortgage capital	R. ....	R. ....	
Example 1.1.0			
Cat. ....			

TRANSPORTBESORGER  
SAREL VAN DEN BERG

<b>VERBIND MORTGAGED</b>	
YIN FOR R	900 000-00
000021573 / 2015	
04 AUG 2015	REGISTRATEUR/REGISTRAR

T 0000430E3 / 2015

**TRANSPORTAKTE**

HIERBY WORD BEKEND GEMAAK DAT

**SAREL VAN DEN BERG**

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

Die Eksekuteur en Eksekutrise in die Boedel Wyle  
**DAVID BAREND LE ROUX**  
Nommer 13042/2009

18 AUG 2015

geteken te PAARL op 23 Maart 2015

En genoemde Komparant het verklaar dat sy prinsipaal, op 5 Februarie 2015, waarlik en wettiglik verkoop by Privaat ooreenkoms, en dat hy, in sy voorgenoemde hoedanigheid hierby sedeer en transporteer aan en ten gunste van

1. **MICHAEL ANTHONY CROLE**  
Identiteitsnommer 530428 5023 08 2  
Ongetroud
2. **PERLE CORRÉ-SUE SIPPEL**  
Identiteitsnommer 670828 0204 08 4  
Getroud buite gemeenskap van goed

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

ERF 1154 DE KELDERS  
IN DIE OVERSTRAND MUNISIPALITEIT  
AFDELING CALEDON  
WES-KAAP PROVINSIE

GROOT 495 (VIER HONDERD VYF EN NEGENTIG) Vierkante meter

AANVANKLIK OORGEDRA kragtens Transportakte Nommer T 12218/1937 met kaart Nr. 7140/1937 wat daarop betrekking het en gehou kragtens Transportakte Nommer T 36580/1985

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nommer T 4009 gedateer 29 Mei 1913;
- B. NIE ONDERHEWIG aan voorwaarde B op bladsy 2 en 3 van Transportakte Nommer T 36580/1985, ingevolge Artikel 53 van die Wysigingswet op die Registrasie van Myntitels Nommer 24 van 2003;
- C. ONDERHEWIG AAN EN GEREKTIG OP die voordeel van die voorwaardes geëndosser op die genoemde Transportakte Nommer T 4009 gedateer 29 Mei 1913, welke endossement as volg lees: -  
  
"By conditions of sale certain water grazing and fuel rights are granted to and in favour of lot d on General Plan K 53 and the portion marked "Foreshore Reserve" on said plan shall not be subdivided alienated or built upon but retained as an open space for the benefit of the Township more fully appear on reference to the copies annexed to Transfers Numbers 5749 and 5750 dated 17<sup>th</sup> June, 1919."
- D. ONDERHEWIG AAN EN GEREKTIG op die voordeel van die volgende spesiale voorwaarde vervat in die genoemde Transportakte Nommer 12218 gedateer 17 November 1937, opgelê vir die voordeel van DE KELDERS SYNDICATE LIMITED (waarna hierna verwys word as "TRANSPORTGEWER") en sy opvolgers in titel as eienaars van die restant van die grond deur dit gehou kragtens Transportakte Nommer T 3733 gedateer 20 Maart 1920 welke voorwaardes as volg lees: -

*GhostConvey 15.3.2.2*

## ANNEXURE D 3/20

- 3 -

1. Dat die Transportnemer of sy regsopvolgers wat op die bogenoemde erf of erwe 'n woonhuis of enige ander dergelike gebou tot die genoë van die Direkteure opgerig het, onderwyl hy werklik in sodanige gebou woon, geregtig sal wees op weiding op sodanige deel van die Maatskappy se eiendom was wat vir tyd en wyl of van tyd tot tyd deur die Direkteure vir daardie doel afgesonder word, vir grootveë (uitgesonderd esels) soos koeie, osse, perde of muile tot hoogstens vier in getal wat hy in verband met die erf mag aanhou, en hierdie reg word ook toegestaan aan enige bewoner van sodanige persele; maar dit word verstaan dat die eienaar en bewoner nie geregtig sal wees om gelyktydige van hierdie reg gebruik te maak nie, en dat nie meer as vier beeste kragtens die besit van die erf op die weiveld sal toegelaat word nie; met dien verstande dat die Direkteure die reg het om te enige tyd, na kennisgewing van een maand skriftelik aan die erfhouer of in die Staatskoerant, die grond of enige deel van die grond as weiveld afgesonder, terug te trek met die doel om dit te verkoop of andersins van die hand te sit, en daarna sal alle weiregte op sodanige deel van die eiendom eindig.
2. Die transportgewer behou die reg voor om te enige tyd hierna elektriëse, telegraaf- of telefoondrade oor en op enige deel van die bogenoemde erf of erwe te span, met die verdere reg om dit aan enige gebou of opstal vas te heg op 'n hoogte van minstens 3,05 meter van die grond af, en reg van toegang te enige tyd om dit te verwyder of in orde te hou.
3. Dat op die Transportgewer hoegenaamd geen verpligting sal rus om die strate in die plan van die dorp aangedui, te maak, te herstel of in stand te hou nie.
4. Die Transportgewer behou verder die reg voor om te enige tyd hierna onder enige deel van die bogenoemde erf of erwe elders pype te lê en in stand te hou, en om te alle tye toegang te hê tot sodanige pype om dit te verwyder, in stand te hou, te verleng of vir enige ander doel en om alles te doen en te verrig wat nodig mag wees vir die gerief van die inwoners van die dorp te opsigte van watervoorsiening.
6. Daar mag nie op enige deel van die bogenoemde erf of erwe enige gebou opgerig word as die planne en bestekke nie vooraf aan die Transportgewer voorgelê en deur hom skriftelik goedgekeur is nie.
7. Alle geboue moet minstens 3,15 (drie komma een vyf) meter van die grens van die straat of laan aan die voorkant van die bogenoemde erf of erwe gebou word.
8. Alle buitegeboue moet minstens 9,45 (nege komma vier vyf) meter van enige straat of 6,30 (ses komma drie nul) meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.
9. Die Transportgewer behou die uitsluitende reg voor op alle water wat op sy eiendom ontstaan of daaroor loop, of op enige water waarop die gesegde Transportgewer se eiendom geregtig is as oewer-eienaars of kragtens serwituut of ooreenkoms, en die Transportnemer of sy regsopvolgers sal nie geregtig wees op enige sodanige water nie, en geen Transportnemer sal enige oewerrechte hê nie.
10. Die Transportgewer behou alle handelsregte in die hele dorp voor, nog die Transportnemer, nog die bewoner van die bogenoemde erf of erwe sal aansoek doen of 'n lisensie verkry om sake te doen as algemene handelaar, venter, drankverkoper, hotelhouer of vir enige ander besigheid binne die dorpsgebied sonder vooraf die skriftelike goedkeuring van die Transportgewer te verkry.
11. Sonder die goedkeuring van die Transportgewer mag geen boot of skuit op die Strand reserwe gehou of geherberg word nie, en geen vishandel mag daar

**ANNEXURE D 4/20**

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plaasvind nie, nog mag enige vissery binne die grense van die dorp of van die plaas Strandfontein opgerig word.

12. Die Transportnemer of bewoner van die bogenoemde erf of erwe mag tydens hulle inwoning droë hout of struik bymekaarmaak vir huishoudelike gebruik, maar nie op die Strandreserwe nie en ook nie binne 188,91 (een agt agt komma nege een) meter van die hoogwatermerk op enige deel van die Transportgewer se grond nie.
13. Die Transportnemer of sy regsopvolgers sal onderhewig wees aan enige reglemente, bepalinge en verordeninge wat die Transportgewer of enige Dorpsbestuur of Munisipaliteit hierna mag afkondig vir die behoorlik beheer en bestuur van die dorp.

- 5 -

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

Boedel Wyle  
DAVID BAREND LE ROUX

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

1. MICHAEL ANTHONY CROLE  
Ongetroud
2. PERLE CORRÉ-SUE SIPPEL  
Getroud soos vermeld

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

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

ALDUS GEDOEN EN VERLY op die Kantoor van die REGISTRATEUR VAN AKTES te Kaapstad op 4 Augustus 2015

In my teenwoordigheid

REGISTRATEUR VAN AKTES

q.q.

- 6 -

T 43063/2015

ENDOSSEMENT IN TERME VAN ARTIKEL 6(1) VAN WET 84 VAN 1967  
ENDORSEMENT IN TERMS OF SECTION 6(1) OF ACT 84 OF 1967

Voorwaardes ..... hierin is  
 Conditions ..... **D. 10.** ..... herein are  
 gewysig / opgeskort / opgehef kragtens Provinsiale Kennisgewing Nr  
 altered / suspended / removed in terms of Provincial Notice No. **56/2017**  
 gedateer ..... in Provinsiale Koerant Nr  
 dated ..... **24/02/2017** ..... in Provincial Gazette No. **7735** .....  
 onderworpe aan voorwaardes daarin gemeld  
 subject to conditions mentioned therein

**Provincial Notice No. P.N. 34/2017 dated 3 February 2017 is hereby  
 withdrawn.**



Aktekantoor, Kaapstad  
 Deeds Registry, Cape Town  
 Datum **13 JUN 2017**  
 Dated .....

Registrateur van Aktes  
 Registrar of Deeds

ANNEXURE D 7/20

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MATTHYSEN & VAN VUUREN  
12 BOSTON ROAD  
BELLVILLE  
7530

Prepared by me

F. a. 15.9.6.8		Stamp	Stamp fee
Purchase price/Status	R. 1,000,000		R. 200
Mortgage Capital amount	R. _____		R. _____
Transfer fee exemption		Section 11.6	

*N. Matthyssen*  
CONVEYANCER  
NADIA MATTHYSEN

DATA / VEL. 7  
14 APR 2017  
TO: DAARD DEPT.

T 000015611 / 2017

### DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

**NADIA MATTHYSEN** *Johannes Hendrik Blaauw*

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at **BELLVILLE** on **3 MARCH 2017** granted to her by

**DIRK CRAFFORD**  
Identity Number: 580830 5001 084  
Married out of community of property

*17*  
GHOST CONVEYANCING  
GhostConvey 15.9.6.8

And the appearer declared that his said principal had, on **24 February 2017**, truly and legally sold by Private Treaty, and that she, the said Appearer, in her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**The Trustees for the time being of  
GALLO ROJO TRUST  
Registration Number: IT3893/2016(G)**

its Successors in Office or assigns, in full and free property

**ERF 1157 DE KELDERS  
IN THE OVERSTRAND MUNICIPALITY  
DIVISION CALEDON  
WESTERN CAPE PROVINCE**

**IN EXTENT 495 (FOUR HUNDRED AND NINETY FIVE) Square metres**

**FIRST TRANSFERRED** by Deed of Transfer Number T11666/1940 with Diagram relating thereto and **HELD BY** Deed of Transfer Number T 21778/1993

- A. SUBJECT** to such conditions as are referred to in Deed of Transfer No. 4009/1913.
- B. NOT SUBJECT** to condition B on Page 2 of Deed of Transfer No. T 21778/1993 by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.
- C. SUBJECT FURTHER** to with the **BENEFIT** of the conditions endorsed on said Deed of Transfer No 4009/1913 which read as follows :-

"By conditions of sale certain water, grazing and fuel rights are granted to and in favour of Lots on General Plan K.53 and the portion marked "Foreshore Reserve" on said plan shall not be subdivided, alienated or built upon but retained as an open space for the benefit of the Township as will more fully appear on reference to the copies annexed to the Transfers Nos 5749 and 5950 dated 17th June 1919."

- D. SUBJECT FURTHER** to and with the **BENEFIT** of the special conditions contained in Deed of Transfer No 11666/1940, and imposed for the benefit of **DE KELDERS SYNDICATE LIMITED** as owners of the remaining extent of the property held by them under Deed of Transfer No 3733/1920 and under Deed of Transfer No 1255/1935, and any portion thereof, and any portion thereof, and their successors in title, which are set out as follows :-

1. "DAT die Transportnemer of sy regsopvolger wat op die bogenoemde erf of erwe 'n woonhuis of enige ander dergelike gebou tot die genoë van die Direkteure opgerig het, onderwyl hy werklik in sodanige gebou woon, geregtig sal wees op weiding op sodanige deel van die Maatskappy se eiendom as wat vir tyd en wyl of van tyd tot tyd deur die Direkteure vir daardie doel afgesonderd word, vir grootvee (uitgesonderd esels) soos koeie, osse, perde of muile tot hoogstens vier in getal wat hy in verband met die erf mag aanhou; en hierdie

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reg word toegestaan aan enige bewoner van sodanige persele, maar dit word verstaan dat die eienaar en bewoner nie geregtig sal wees om gelyktydig van hierdie reg gebruik te maak nie, en dat nie meer as vier beste kragtens die besit van die erf op die weiveld sal toegelaat word nie; met dien verstande dat die Direkteure die het om te enige tyd, na kennisgewing van een maand skriftelik aan die erfhouer of in die Gaset, die grond of enige deel van die grond as weiveld afgesonder, terug te trek met die doel om dit te verkoop of andersins van die hand te sit, en daarna alle weiregte op sodanige deel van die eiendom eindig.

2. Die transportgewer behou die reg voor om te enige tyd hierna elektriese, telegraaf of telefoondrade oor en op enige deel van die bogenoemde erf of erwe te span, met die verdere reg om dit aan enige gebou of opstal vas te heg op 'n hoogte van minstens 3,05 meter van die grond af, en reg van toegang te enige tyd om dit te verwyder of in orde te hou.
3. Dat op die Transportgewer hoegenaamd geen verpligting sal rus om die strate in die plan van die dorp aangedui, te maak, te herstel of in stand te hou nie.
4. Die Transportgewer behou verder die reg voor om te enige tyd hierna onder enige deel van die bogenoemde erf of erwe of elders pype te lê en in stand te hou, en om te alle tye toegang te hê tot sodanige pype om dit te verwyder, in stand te hou, te verleng of vir enige ander doel, en om alles te doen en te verrig wat nodig mag wees vir die gerief van die inwoners van die dorp ten opsigte van watervoorsiening.
5. ....
6. Daar mag nie op enige deel van die bogenoemde erf of erwe enige gebou opgerig word as die planne en bestekke nie vooraf aan die Transportgewer voorgelê en deur hom skriftelik goeagekeur is nie.
7. Alle geboue moet minstens 3,15 meter van die grens van die straat of laan aan die voorkant van die bogenoemde erf of erwe gebou word.
8. Alle buitegeboue moet minstens 9,45 meter van enige straat, of 6,30 meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.
9. Die Transportgewer behou die uitsluitende reg voor op alle water wat op sy eiendom ontstaan of daaroor loop, of op enige water waarop die gesegde Transportgewer se eiendom geregtig is as oewereienaars of kragtens serwituut of ooreenkoms, en die Transportnemer of sy regsopvolgers sal nie geregtig wees op enige sodanige water nie, en geen Transportnemer sal enige oewerrechte hê nie.
10. Die Transportgewer behou alle handelsregte in die hele dorp voor; Nog die Transportnemer nog die bewoner van die bogenoemde erf of erwe sal aansoek doen of 'n lisensie verkry om sake te doen as algemene handelaar, venter, drankverkoper, hotelhouer of vir enige ander besigheid binne die dorpsgebied sonder vooraf die skriftelike goedkeuring van die Transportgewer te verkry.

11. Sonder die goedkeuring van die Transportgewer mag geen boot of skuit, op die Strandreserwe gebou of geherberg word nie, en geen vishandel mag daar plaasvind nie, nog mag enige vissery binne die grense van die dorp of van die plaas Strandfontein opgerig word.
12. Die Transportgewer of bewoner van die bogenoemde erf of erwe mag tydens hulle inwoning droë hout of struik bymekaarmaak vir huishoudelike gebruik, maar nie op die Strandreserwe nie en ook nie binne 188,91 meter van die hoogwatermerk op enige deel van die Transportgewer se grond nie.
13. Die Transportnemer of sy regsopvolgers sal onderhewig wees aan enige reglemente, bepalinge en verordeninge wat die Transportgewer of enige Dorpsbestuur of Munisipaliteit hierna mag afkondig vir die behoorlike beheer of bestuur van die dorp."

(The above Company is "DE KELDERS SYNDICATE LIMITED").

- E. SUBJECT FURTHER** to and with the rights under Servitude referred to in endorsement dated 21 June 1939 on Deed of Transfer No 3735/1920, which reads as follows :-

"Remainder.

Registration of Servitude.

By Deed of Transfer No 5993 dd. 12.6.39;  
 12705 dd. 17.11.1939; No 13657 dd. 14/12/1939;  
 No 1067 dd. 9.2.1940; No 1378 dd. 20.2.1940;  
 No 3584 dd. 18.4.1940, certain restrictions over  
 the land thereby conveyed including grazing.....  
 water rights, trading and fishing, have been imposed  
 in favour of and against the remainder held hereunder  
 as will more fully appear on reference to the said Deeds of Transfer."

WHEREFORE / ...

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

**DIRK CRAFFORD, Married as aforesaid**

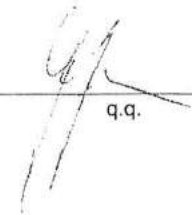
heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**The Trustees for the time being of GALLO ROJO TRUST  
Registration Number: IT3893/2016(G)**

its Successors in Office 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 to be the sum of R2 600 000,00 (TWO MILLION SIX HUNDRED THOUSAND RAND).

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPETOWN on 24 March 2017.

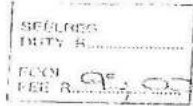
  
\_\_\_\_\_  
q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS

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ANNEXURE D 12/20



Opgestel deur my

TRANSPORTBESORGER

KOORTS M



## SERTIFIKAAT VAN VERENIGDE TITEL

uitgereik kragtens die bepalings van Artikel 40 (3) van die  
 Registrasie van Aktes Wet 1937 (Nr 47/1937)

NADEMAAL

PERLE CORRÉSUE SIPPEL (voorheen VAN SCHALKWYK)  
 Identiteitsnommer: 670828 0204 08 4  
 Getroud buite gemeenskap van goed

aansoek gedoen het om die uitreiking aan hulself van 'n Sertifikaat van Verenigde  
 Titel kragtens die bepalings van Artikel 40 van die Registrasie van Aktes Wet  
 1937, en

NADEMAAL/....

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- 2 -

NADEMAAL die gesegde

PERLE CORRÉ-SUE SIPPEL  
Identiteitsnommer: 670828 0204 08 4  
Getroud buite gemeenskap van goed

die geregisteerde eienaar is van

1. ERF 1155 DE KELDERS  
Munisipaliteit Overstrand  
Afdeling Caledon Provinsie Wes-Kaap

GEHOU kragtens Transportakte Nr. T3115/2000

2. ERF 1156 DE KELDERS  
Munisipaliteit Overstrand  
Afdeling Caledon Provinsie Wes-Kaap

GEHOU kragtens Transportakte Nr. T36702/1996

en wat verenig is tot die grond hieronder beskryf.

SO IS DIT dat ingevolge die bepalings van genoemde Wet, ek, die Registrateur van Aktes, Kaapstad, hierby sertifiseer dat die voornoemde

PERLE CORRÉ-SUE SIPPEL  
Identiteitsnommer: 670828 0204 08 4  
Getroud buite gemeenskap van goed

HAAR ERFGENAME EKSEKUTEURS ADMINISTRATEURS OF GEMAGTIGDES

die geregisteerde eienaar is van

ERF 1300 DE KELDERS  
Munisipaliteit Overstrand  
Afdeling Caledon Provinsie Wes-Kaap  
GROOT: 991 (nege honderd een- en negentig) vierkante meter.

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SOOS MEER TEN VOLLE sal blyk uit die aangehegte Kaart LG Nr. 1759/2002.

- I. WAT BETREF die figuur AxyD op die gemelde Kaart LG Nr. 1759/2002:
- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. 14090/1970.
- B. ONDERHEWIG VERDER aan en GEREKTIG op die voordele van die terme van 'n sekere endossement op die gemelde Transportakte Nr. 4009/1913 welke endossement as volg lees:

"By the conditions of Sale certain water grazing and fuel rights are granted to and in favour of lots in General Plan K.53 and the portion marked "Foreshore Reserve" on the said plan shall not be subdivided, alienated or built upon but retained as an open space for the benefit of the Township as will more fully appear on reference to the copies annexed to Transfers Nos. 5749 and 5750 dated 17th June, 1919."

- C. ONDERHEWIG VERDER aan en GEREKTIG op die voordele onder die volgende spesiale voorwaarde vervat in die gemelde Transportakte Nr. 1613/1936 opgelê vir die voordeel van die DE KELDERS SYNDICATE LIMITED en hul opvolgers in titel as eienaar van die restant van die eiendom gehou kragtens Transportakte Nr. 3733/1920 en Nr. 1255/1935:-

- "1. DAT die Transportnemer of sy regsopvolgers wat op die bogenoemde erf of erwe 'n woonhuis of enige ander derglike gebou tot die genoëe van die Direkteure opgerig het, onderwyl hy werklik in sodanige gebou woon, geregtig sal wees op weiding op sodanige deel van die Maatskappy se eiendom as wat vir tyd en wyl of van tyd tot tyd deur die Direkteure vir daardie doel afgesonder word, vir grootvee (uitgesonder esels) soos koeie, osse, perde of muile tot hoogstens vier in getal wat hy in verband met die erf mag aanhou; en hierdie reg word ook toegestaan aan enige bewoner van sodanige persele; maar dit word verstaan dat die eienaar en bewoner nie geregtig sal wees om gelyktydig van hierdie reg gebruik te maak nie, en dat nie meer as vier beeste kragtens die besit van die erf op die weiveld sal toegelaat word nie; met die verstande dat die Direkteure die reg het om te

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enige tyd, na kennisgewing van een maand skriftelik aan die erfhouer of in die Gaset, die grond of enige deel van die grond as weiveld afgesonder, terug te trek met die doel om dit te verkoop of andersins van die hand te sit, en daarna sal alle weiregte op sodanige deel van die eiendom eindig.

2. DIE Transportgewer behou die reg voor om te enige tyd hierna elektriese, telegraaf of telefoondrade oor en op enige deel van die bogenoemde erf of erwe te span, met die verdere reg om dit aan enige gebou of opstal vas te heg op 'n hoogte van minstens 3,05 meter van die grond af, en reg van toegang te enige tyd om dit te verwyder of in orde te hou.
3. DAT op die Transportgewer hoegenaamd geen verpligting sal rus om die strate in die plan van die dorp aangeduie te maak, te herstel of in stand te hou nie.
4. DIE Transportgewer behou verder die reg voor om te enige tyd hierna onder enige deel van die bogenoemde erf of erwe of elders pype te lê en in stand te hou en om te alle tye toegang te hê tot sodanige pype om dit te verwyder, in stand te hou, te verleng of vir enige ander doel, en om alles te doen en te verrig wat nodig mag wees vir die gerief van die inwoners van die dorp ten opsigte van watervoorsiening.
6. DAAR mag nie op enige deel van die bogenoemde erf of erwe enige gebou opgerig word as die planne en bestekke nie vooraf aan die Transportgewer voorgelê en deur hom skriftelik goedgekeur is nie.
7. ALLE geboue moet minstens 3,15 meter van die grens van die straat of laan van die voorkant van bogenoemde erf of erwe gebou word.
8. ALLE buitegeboue moet minstens 9,45 meter van enige straat of 6,30 meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.
9. DIE Transportgewer behou die uitsluitlike reg voor op alle water wat op sy eiendom ontstaan of daaroor loop, of op enige water waarop die gesegde Transportgewer se eiendom geregtig is as Oewereienaars of kragtens serwituut of ooreenkoms, en die Transportnemer en sy regsopvolgers sal nie geregtig wees op enige sodanige water nie en geen Transportnemer sal enige oewerrechte hê nie.
10. DIE Transportgewer behou alle handelsregte in die hele dorp voor. Nog die Transportnemer nog die bewoner van die bogenoemde erf of

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## ANNEXURE D 16/20

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erwe sal aansoek doen of 'n lisensie verkry om sake te doen as algehele handelaar, venter, drankverkoper, hotelhouer of vir enige ander besigheid binne die dorpsgebied sonder vooraf die skriftelike goedkeuring van die Transportgewer te verkry.

11. SONDER die goedkeuring van die Transportgewer mag geen boot of skuit op die Strandreserwe gehou of geherberg word nie, en geen vishandel mag daar plaasvind nie, nog mag enige vissery die grense van die dorp of van die plaas Strandfontein opeerig word.
  12. DIE Transportnemer of bewoner van die bogenoemde erf of erwe mag tydens hulle inwoning droë hout of struik bymekaar maak vir huishoudelike gebruik, maar nie op die Strandreserwe nie en ook nie binne 200 tree van die hoogwatermerk of enige deel van die Transportgewer se grond nie.
  13. DIE Transportnemer of sy regsopvolgers sal onderhewig wees aan enige reglemente, bepalinge en verordeninge wat die Transportgewer of enige Dorpsbestuur of Munisipaliteit hierna mag afkondig vir die behoorlike beheer en bestuur van die Dorp."
- II. WAT BETREF die figuur xBCy op die gemelde Kaart LG Nr. 1759/2002:
- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nr. 4009/1913.
  - B. ONDERHEWIG aan en met die voordeel van die voorwaardes geëndosseer op gemelde Transportakte Nr. 4009/1913, welke as volg lees:-
 

"By Conditions of Sale certain water, grazing and fuel rights are granted to and in favour of Lots on General Plan K 53 and the portion marked "Foreshore Reserve" on said plan shall not be subdivided, alienated or built upon but retained as an open space for the benefit more fully appear on reference to the copies annexed to Transfers Nos. 5749 and 5750 dated 17th June, 1919."
  - C. ONDERHEWIG aan en met die voordeel van die volgende spesiale voorwaardes vervat in Transportakte Nr. 8375/1949 neergelê vir die voordeel van die Maatskappy DE KELDERS SYNDICATE LIMITED en sy

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- 6 -

regsopvolgers in titel as eienaars van die restant van die eiendom gehou deur hulle kragtens Transportakte Nr. 3733/1920, welke as volg lees:-

1. "Dat die Transportnemer of sy regsopvolgers wat op die bogenoemde erf of erwe 'n woonhuis of enige ander derglike gebou tot die genoë van die Direkteure opgerig het, onderwyl hy werklik in sodanige gebou woon, geregtig sal wees op weiding op sodanige deel van die Maatskappy se eiendom as wat vir tyd en wyl of van tyd tot tyd deur die Direkteure vir daardie doel afgesonder word, vir grootvee (uitgesonder esels) soos koeie, osse, perde of muile tot hoogstens vier in getal wat hy in verband met die erf mag aanhou; en hierdie reg word ook toegestaan aan enige bewoner van sodanige persele; maar dit word verstaan dat die eenaar en bewoner nie geregtig sal wees om gelyktydig van hierdie reg gebruik te maak nie, en dat nie meer as vier beeste kragtens die besit van die erf op die weiveld sal toegelaat word nie; met die verstande dat die Direkteure die reg het om te enige tyd, na kennisgewing van een maand skriftelik aan die erfhouer of in die Gaset, die grond of enige deel van die grond as weiveld afgesonder, terug te trek met die doel om dit te verkoop of andersins van die hand te sit, en daarna sal alle weiregte op sodanige deel van die eiendom eindig.
2. DIE Transportgewer behou die reg voor om te enige tyd hierna elektriese, telegraaf of telefoondrade oor en op enige deel van die bogenoemde erf of erwe te span, met die verdere reg om dit aan enige gebou of opstal vas te heg op 'n hoogte van minstens 3,05 meter van die grond af, en reg van toegang te enige tyd om dit te verwyder of in orde te hou.
3. DAT op die Transportgewer hoegenaamd geen verpligting sal rus om die strate in die plan van die dorp aangeduie te maak, te herstel of in stand te hou nie.
4. DIE Transportgewer behou verder die reg voor om te enige tyd hierna onder enige deel van die bogenoemde erf of erwe of elders pype te lê en in stand te hou en om te alle tye toegang te hê tot sodanige pype om dit te verwyder, in stand te hou, te verleng of vir enige ander doel, en om alles te doen en te verrig wat nodig mag wees vir die gerief van die inwoners van die dorp ten opsigte van watervoorsiening.
6. DAAR mag nie op enige deel van die bogenoemde erf of erwe enige gebou opgerig word as die planne en bestekke nie vooraf aan die Transportgewer voorgelê en deur hom skriftelik goedgekeur is nie.

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## ANNEXURE D 18/20

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7. ALLE geboue moet minstens 3,15 meter van die grens van die straat of laan van die voorkant van bogenoemde erf of erwe gebou word.
8. ALLE buitegeboue moet minstens 9,45 meter van enige straat of 6,30 meter van enige laan aan die voorkant van die bogenoemde erf of erwe gebou word.
9. DIE Transportgewer behou die uitsluitlike reg voor op alle water wat op sy eiendom ontstaan of daaroor loop, of op enige water waarop die gesegde Transportgewer se eiendom geregtig is as Oewereienaars of kragtens serwituu of ooreenkoms, en die Transportnemer en sy regsopvolgers sal nie geregtig wees op enige sodanige water nie en geen Transportnemer sal enige oewerrechte hê nie.
10. DIE Transportgewer behou alle handelsregte in die hele dorp voor. Nog die Transportnemer nog die bewoner van die bogenoemde erf of erwe sal aansoek doen of 'n lisensie verkry om sake te doen as algehele handelaar, venter, drankverkoper, hotelhouer of vir enige ander besigheid binne die dorpsgebied sonder vooraf die skriftelike goedkeuring van die Transportgewer te verkry.
11. SONDER die goedkeuring van die Transportgewer mag geen boot of skuit op die Strandreserwe gehou of geherberg word nie, en geen vishandel mag daar plaasvind nie, nog mag enige vissery die grense van die dorp of van die plaas Strandfontein opperig word.
12. DIE Transportnemer of bewoner van die bogenoemde erf of erwe mag tydens hulle inwoning droë hout of struik bymekaar maak vir huishoudelike gebruik, maar nie op die Strandreserwe nie en ook nie binne 200 tree van die hoogwatermerk of enige deel van die Transportgewer se grond nie.
13. DIE Transportnemer of sy regsopvolgers sal onderhewig wees aan enige reglemente, bepalinge en verordeninge wat die Transportgewer of enige Dorpsbestuur of Munisipaliteit hierna mag afkondig vir die behoorlike beheer en bestuur van die Dorp."

8/.....

ML

8

EN DAT kragtens hierdie Sertifikaat, die gemelde

PERLE CORRÉ-SUE SIPPEL  
Identiteitsnommer: 670828 0204 08 4  
Getroud buite gemeenskap van goed

HAAR ERFGENAME EKSEKUTEURS ADMINISTRATEURS OF GEMAGTIGDES

nou en voortaan daartoe geregtig is ooreenkomstig plaaslike gebruik, maar  
behoudens die regte van die Staat.

TEN BEWYSE waarvan ek, die voornoemde Registrateur, hierdie Akte onderteken  
en met die ampseël bekragtig het.

ALDUS GEDOEN EN GETEKEN op die kantoor van die Registrateur van Aktes,  
Kaapstad op 12 November, 2002.

  
REGISTRATEUR VAN AKTES

ut


- 9 -

T 96099/2002

ENDOSSEMENT IN TERME VAN ARTIKEL 6(1) VAN WET 84 VAN 1967  
ENDORSEMENT IN TERMS OF SECTION 6(1) OF ACT 84 OF 1967

Voorwaardes ..... hierin is  
 Conditions ..... **I. C. 10 and II. C. 10** ..... herein are  
 gewysig / opgeskort / opgehef kragtens Provinsiale Kennisgewing Nr  
~~altere~~ / suspended / removed in terms of Provincial Notice No. **25/2017**  
 gedateer ..... in Provinsiale Koerant Nr  
 dated ..... **27/01/2017** ..... in Provincial Gazette No. **7721** .....  
 onderworpe aan voorwaardes daarin gemeld  
 subject to conditions mentioned therein

Aktekantoor, Kaapstad  
 Deeds Registry, Cape Town  
 Datum  
 Dated ..... **13 JUN 2017** .....

  
 \_\_\_\_\_  
 Registrateur van Aktes  
 Registrar of Deeds

CONVEYANCER'S CERTIFICATE

I, the undersigned

**MARLI SCHRÖDER**

Conveyancer, practising at the firm Smit Kruger Inc, 32 Wellington Road, Durbanville  
hereby confirm that:

1. **GALLO ROJO TRUST**  
**REGISTRATION NUMBER: IT3893/2016(G)**

is the registered owner of:

**ERF 1157 DE KELDERS**  
**IN THE OVERSTRAND MUNICIPALITY**  
**DIVISION CALEDON**  
**PROVINCE WESTERN CAPE**

IN EXTENT: 495 (FOUR HUNDRED AND NINETY FIVE)  
HELD BY Deed of Transfer No T15611/2017

AND

2. **MICHEAL ANTHONY CROLE**  
**IDENTITY NUMBER 530428 5023 082**

AND

**PERLE CORRE-SUE SIPPEL**  
**IDENTITY NUMBER 670828 0204 084**

are the registered owners of:

**ERF 1154 DE KELDERS**  
**IN THE OVERSTRAND MUNICIPALITY**  
**DIVISION CALEDON**  
**PROVINCE WESTERN CAPE**

IN EXTENT: 495 (FOUR HUNDRED AND NINETY FIVE)  
HELD BY Deed of Transfer No T43063/2015

AND

3. **PERLE CORRE-SUE SIPPEL**  
**IDENTITY NUMBER 670828 0204 084**

is the registered owner of:

**ERF 1300 DE KELDERS**  
**IN THE OVERSTRAND MUNICIPALITY**  
**DIVISION CALEDON**  
**PROVINCE WESTERN CAPE**

IN EXTENT: 991 (NINE HUNDRED AND NINETY ONE)  
HELD BY Deed of Transfer No T96099/2002

## ANNEXURE E 2/3

I have perused:

1. Deed of Transfer No T15611/2017 together with Deed of Transfer No T4009/1913 mentioned therein, and
2. Deed of Transfer No T43063/2015 together with Deed of Transfer No T4009/1913; and
3. Deed of Transfer No T96099/2002 together with Deed of Transfer No T14090/1970 mentioned therein; and

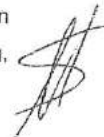
I confirm that the following Deeds of Transfer contains the following restrictive conditions:

1. conditions D8 and D10 on pages 2-3 of Deed of Transfer No T15611/2017,
2. condition D8 on page 2-3 of Deed of Transfer No T43063/2015, and
3. condition C8 on page 3-4 Deed of Transfer No T96099/2002.

and therefore an application for the removal of the above mentioned restrictive title deed conditions in terms of Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, will be brought by all the above mentioned owners in conjunction with the below mentioned applications.

I also confirm, other than the above mentioned condition, that the above mentioned Deed of Transfers contains no conditions restricting:

1. The subdivision of erf 1300 De Kelders into two portions in terms of Chapter 4, Section 16(2)(d) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016;
2. The consolidation of Portion A, a portion of erf 1300 De Kelders, with erf 1154 De Kelders, and Portion B, a portion of erf 1300 De Kelders, with erf 1157 De Kelders, in terms of Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016;
3. The amendment of the approved site development plan of erf 1154 De Kelders in terms of Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate the approved four bedroom guest house on newly consolidated erf 1154 De Kelders;
4. The amendment of conditions of an existing approval in terms of Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning,



**ANNEXURE E 3/3**

2016, to accommodate the approved four bedroom guest house on the newly consolidated erf 1154 De Kelders;

5. The consent use of newly consolidated erf 1157 De Kelders in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, to accommodate the approved four bedroom guest house on erf 1300 De Kelders on the newly consolidated property;

THIS SIGNED AND DATED AT **DURBANVILLE** on **1 DECEMBER 2017**



CONVEYANCER

Marli Schröder

TPA Theart  
(Svdmerwe)



**From:** Phillip Matlakala <phuthiane01@gmail.com>  
**To:** <aconradie@overstrand.gov.za>  
**CC:** <svdmerwe@overstrand.gov.za>  
**Date:** 2018/06/29 02:24 PM  
**Subject:** Application for subdivision, consolidation, amendment of the approved site development plan and conditions of approval consent use and removal and amendment of the title deed restrictions of erven 1154, 1157 and 1309 De Kelders.

Dear Sir/Madam,  
I am the owner of No: 103 Erf 1171 De Villiers Street De Kelders. I am writing to you in response to the above application which is currently under consideration by you. It is self-evident that an application of this nature will invariably involve some juggling of competing interests from different parties. The interests of the applicants themselves, those of the immediate home owners, the revenue interests of the municipality and more importantly the environmental interests of the whole area and, of course, the employment opportunities for the community of Gaansbaai. Most of these interest would have been taken into consideration during the applications of 2016 and 2017 that the applicant now seeks to amend. The municipality has in its wisdom, decided to grant the applicants everything that they sought during the first application with the proviso that this should be done within the current height restrictions. I am very happy with the decision on height restriction and not so much with the rest but that is now water under the bridge. Just thought I should mention that again.

The current changes are a welcome improvement of the initial plans as the new plans cover a much bigger area with much bigger erven. This will improve the aesthetic look of the whole development and as such encroach less on the enjoyment of our own property. This new setup will interfere less with our see views in that we will all get to enjoy the see around us. The opening between the two B&B's will offer somewhat unfettered views of the see that we are currently enjoying. The jury is still out as to whether or not the noise and traffic that will come about as a result of the B&B will not interfere with the enjoyment of our own property. We are worried that this will be the case but only time will tell. I am quite willing to endure a little bit of noise and a little bit of traffic if this means that five unemployed people will become employed. I think this is something worth sacrificing for. So long as the noise and traffic do not become unbearable.

I also took the liberty of speaking to the owner of the erven in question who sounded like a really reasonable person who will be conscious of the interests of her future neighbours. She explained to me what the plans she has about the new development and I am comfortable and happy with what she told me. I believe it is her intention to do the right thing. So much so that I now look forward to the whole exercise being completed. I remain worried about the extent of the noise and traffic though. Remember that there is no B&B on De Villiers and that it is a very quiet Street.

I leave the question of character of the environment, impact on the surrounding erven to the municipality itself. I am pleased to see that the applicants have undertaken to respect the height restriction of 8 metres and the municipality has in fact ruled that this be respected. I want to state that I reserve the right to appoint my own surveyor should I feel that the height restrictions have been encroached upon. I hope that this will not be necessary. I mention this specifically because there already is a house on De Villiers Street which I believe has encroached on this rule. That is house number 122 erf 1159. One can see through the naked eye that something is not right with the height of that particular house. Fortunately, it has very little if anything to my own property. I will not stand aside and do nothing if this were to happen with this new development. Again I hope this will not happen.

I also would like to object to the application to remove the 9.45m title deed Street building line. My opposition is based on the fact that the two newly envisaged double garages are attached each to one of the two buildings and not free standing and as such the 9.45m title deed Street building line does not apply. The 4m Street building line will apply in this instance. Further, I am worried that the applicants might in the future create new free standing structures which may need to comply with this rule and the rule will not be there to serve its purpose. These may be fixed or moveable structures such as Wendy houses. There is simply no need to remove this rule.

FILE NO:
Erven 1154, 1157 &
SCAN NO: 1309 De Kelders
15
COLLABORATOR NO: 1173159

2 - June 2018

**ANNEXURE F 2/4**

In general, I am supportive of that application with a few objections and concerns I have raised.  
Kind Regards,  
Philip Matlakala  
Mobile: 0735931562.

||

Sent from my iPad

ANNEXURE F 3/4



TRA Theast  
(P Roux)

Die Munisipale Bestuurder  
Overstrand Munisipaliteit  
Hermanus Administrasie  
E-pos : [aconradie@overstrand.gov.za](mailto:aconradie@overstrand.gov.za)

28 Junie 2018

Geagte Mnr P Roux,

**AANSOEK OM ONDERVERDELING, KONSOLIDASIE, WYSIGING VAN DIE GOEDGEKEURDE TERREIN-ONTWIKKELINGSPLAN EN GOEDKEURINGSVOORWAARDES, VERGUNNINGSGEBRUIK EN OPHEFFING EN WYSIGING VAN TITELAKTE BEPERKINGE VAN ERWE 1154, 1157 EN 1300 DE KELDERS**

Na vorige skriftelike objeksies is dit 'n belediging dat daar weereens aan ons, die historiese inwoners van Cliff Straat De Kelders, 'n skrywe gestuur word om verhoë te rig teen sekere komersiële ontwikkelings in die buurt. Behalwe dat die infrastruktuur verder onder druk sal kom, sal die estetiese waarde van die buurt ook in die slag bly.

Dit is bevestig in die kommunikasie dat die sogenaamde aansoek vir hierdie kommersiële ontwikkeling reeds goedgekeur is, en dit is ten spyte van veelvuldige skriftelike besware wat aanhandig gemaak is deur die bestaande inwoners, so wat is die punt?

Een ding wat onthou moet word is dat die Demokratiese Aliansie Party deur dieselfde mense ingestem is, net om die realiteit te besef dat die sogenaamde kiesers, waarvan meeste inwoners van De Kelders is, geen sê het nie, en ook geen oor het nie. So, weereens wat is die punt?

Ons is moeg om net geignoreer te word, ons die belastingbetaler en stemgeregtiges, sal verseker dit heroorweeg voor ons, ons volgende kruisie trek.

Die inwoners wil ook graag weet wat van ons raadslid, Mev De Koning, geword het, want in haar amp of as die verteenwoordiger van die Party, moes sy ten minste na die saak gekyk het en moontlik selfs net 'n antwoord verskaf het. Maar nee, volgens bronne, woon sy in Franskraal, wat algemeen herken word as 'n ANC kiesafdeling, so weereens het ons 'n stem?

FILE NO:	Erwe 1154, 1157 En 1300 De Kelders
SCAN NO:	12
COLLABORATOR NO:	1172785

20 JUN 2018

**ANNEXURE F 4/4**

Dit is duidelik dat hierdie aansoek geensins verskil van die vorige aansoek (verwysings PA15028 en PA15061) nie, slegs word die zonerings van erf 1300 misbruik vir die doel om meer slaapkamers te bou op die twee "nuwe erwe". Wat dit meer ekonomies vatbaar maak.

Hierdie is 'n residensiële area waarvoor ons ten duurste betaal het, meeste van die inwoners om die "tranquility" na jare se arbeid te geniet, net om nou verander te word na net nog 'n toeriste aantreklikheid.

Ons maak ten sterkste beswaar teen die veranderinge.

A I & A E C Lourens  
Erf 1141, Cliffstraat 111  
De Kelders  
Posbus 1629  
Gansbaai  
7220

**Plan Active**  
Town & Regional Planners  
Stads-en Streeksbeplanners

## ANNEXURE G 1/2

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200  
Tel: (028) 313 1673  
Fax / Faks: (028) 312 1351  
Email: [planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)  
Website: [www.planactive.co.za](http://www.planactive.co.za)

Our reference: PA17057

Your reference: 1154, 1157, 1300 GDK (3904)

TP - A Theart  
(Suid Merwe)

13 July 2018

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



FOR ATTENTION: MR. SCHALK VAN DER MERWE

Sir

**COMMENTS ON OBJECTIONS: ERVEN 1154, 1157 & 1300 DE KELDERS: PROPOSED  
SUBDIVISION, CONSOLIDATION, AMENDMENT OF THE APPROVED SITE DEVELOPMENT  
PLAN AND CONDITIONS OF APPROVAL, CONSENT USE AND REMOVAL OF RESTRICTIVE  
TITLE DEED CONDITIONS**

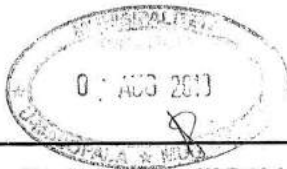
Reference is made to our application dated 24 May 2018 and your letter with objections attached thereto dated 3 July 2018.

Objections were received from A.I. Lourens and P. Matlakala. The objections and our comments thereon are as follows:

- *The proposal will cause additional strain on municipal services and will also have a negative impact on the aesthetic value of the area.*

It is proposed that erf 1300 De Kelders be subdivided and consolidated with the 2 adjoining erven 1154 & 1157 De Kelders. Subsequently 2 larger erven are created by making use of 3 erven. It can therefore be argued that there would be less strain on municipal services due to the fact that now one less erf requires services.

There are no aesthetic / architectural guidelines in De Kelders and there are many different styles of buildings in De Villiers Street. The proposed guesthouses will be of high standards as can be noted on the building plans that accompanied our application and will definitely not have a negative impact on the aesthetics of the area.



FILE NO: Erven 1154, 1157 & 1300-GDK ✓
SCAN NO: GDK ERVEN
COLLABORATOR NO: 1178350

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

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand, MSAPI  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lenn: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

TP 16 JUL 2018

## ANNEXURE G 2/2

- ***There is no difference between this application and the previous application that was approved. The zoning of the additional erf is abused to make provision for additional guestrooms.***

There is a difference between the 2 applications that were submitted. With the first application rights were obtained to accommodate 2 guesthouses on 2 erven (Erven 1154 & 1157). With this application it is proposed that 1 vacant erf (Erf 1300) between the 2 erven (Erven 1154 & 1157) on which the guesthouses were approved be subdivided and consolidated with each of the adjoining erven. Application is also made for 1 additional guest room.

It should be kept in mind that 3 erven were reduced to 2 larger erven that would accommodate a guesthouse each with ample private open space between the guesthouses. If no subdivision and consolidation took place it would have been possible to apply for a 3<sup>rd</sup> guesthouses with 5 lettable rooms that would have had a greater impact on the area. A total of 15 guestrooms could have been provided within 3 guesthouses situated next to each other. The only benefit that was obtained by including the additional erf (Erf 1300) is the provision of more open space.

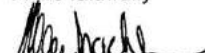
- ***The removal of the restrictive Title Deed condition referring to the street building line of 9.45m is opposed based on the double garages that are attached to the guesthouse and interleading. According to the objector it is therefore not required to have the restrictions removed and that it would create opportunities to construct freestanding structures that qualifies as outbuildings closer to the street.***

The Title Deeds in respect of erven 1300, 1154 and 1157 De Kelders were sent to Marli Schroder, a conveyancer practicing at the firm Smith Kruger Inc.32 Wellington Road, Durbanville for her perusal in order to provide us with a conveyancer certificate. The conveyancer certificate that accompanied our application clearly stipulates that it is required to have the Title Deed restrictions that refer to the 9.45m street building line removed and it was therefore included in our application.

The reason for the inclusion for the removal of the restrictive Title Deed condition that refers to the 9.45m street building line is to accommodate the proposed garages and no other structures not indicated on the building plans that accompanied the application.

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

Yours faithfully

  
John Mc Lachlan  
PLAN ACTIVE

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, CONSOLIDATION AMENDMENT OF SDP,  
CONSENT USE & REMOVAL: ERVEN 1154, 1157 & 1300, DE KELDERS (3904)**

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

**Conditions:**

1. that the existing water connection to- and sewer conservancy tank on Erf 1154 shall be used to service the proposed consolidated Erf consisting of Portion A of Erf 1300 and Erf 1154;
2. that the existing water connection to- and sewer conservancy tank on Erf 1157 shall be used to service the proposed consolidated Erf consisting of Portion B of Erf 1300 and Erf 1157;
3. that the sewer conservancy tank must be accessible to the municipal sewer tankers from one of the adjacent public roads, with a sewer tank suction point on the erf boundary along De Villiers Street;
4. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to minimum requirements of SANS 140400 – P: 2010: Drainage;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater be allowed to discharge through the proposed erven, De Kelders, unobstructed.

*p.p. R. Hendriks*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*21/06/2018*  
**DATE**



File reference:	1154, 1157 & 1300 (3904)
Date:	18 May 2018

## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Petrus Roux

TO:

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

Applicant	PLAN ACTIVE (obo PC SIPPEL, MA CROLE, GALLO ROJO TRUST)
Property Details	ERVEN 1154, 1157 & 1300, DE KELDERS
Application Description	PROPOSED SUBDIVISION, CONSOLIDATION, AMENDMENT OF SDP, CONSENT USE & REMOVAL

MUNISIPALITEIT OVERSTRAND MUNICIPALITY  
 FIRE BRIGADE / BRANDWEER  
 APPROVED / GOEDGEKUR  
 29 JUN 2018

**ATTACHMENTS:**

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

**YOUR DEPARTMENT'S COMMENTS:**

Consent use for Guest House is subject to compliance with the requirements of National Fire Protection Regulations SANS 10400T:2011 for occupancy H5-Hospitality Refer to Annexure A for requirements.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ 2018

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

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

**COMMENTS REQUIRED BY: 29 June 2018**

	<p>OFFICE of THE CHIEF FIRE OFFICER PO BOX 20 HERMANUS 7200 Tel: 028 313 8980 Fax: 028 313 1493</p>	<p>ANNEXURE 1 2/2 Munisipaliteit van Overstrand <b>OVERSTRAND</b></p> 
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STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

**ANNEXURE A – ERF 1154, DE KELDERS, GANSBAAI,  
TOWN PLANNING APPLICATION No: 3904**

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

**Fire Extinguishers:**

SANS10400T:2011 – 4.37:

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

**Combustibility of Fitted Floor Coverings:**

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

**Combustibility of Internal Finishes:**

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

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

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

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

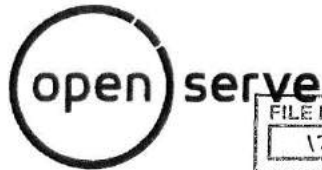
**These plans must include:**

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

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

Chief Fire Officer

ANNEXURE J 1/4

THA Theart  
(Suid Merwe)

FILE NO: Erven 1154, 1157 & 1300 De Kelders	1 SEP 2018
SCAN NO: 41	
COLLABORATOR NO: 1207301	



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\_WGNB2759\_18  
Your Ref.: 1154, 1157 & 1300 GDK 3904

10 September 2018

Attention: S Muller

Overstrand Municipality  
HERMANUS

**PLANT AFFECTED:**

**PROPOSED SUBDIVISION, CONSOLIDATION, AMENDMENT OF SITE DEVELOPMENT PLAN,  
CONSENT USE, REMOVAL: ERVEN 1154, 1157 AND 1300, DE VILLIERS STREET, DE KELDERS**

With reference to your application received May 2018.

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

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is **valid for 12 months only**, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

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 20881, 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.

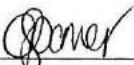
Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

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

  
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Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

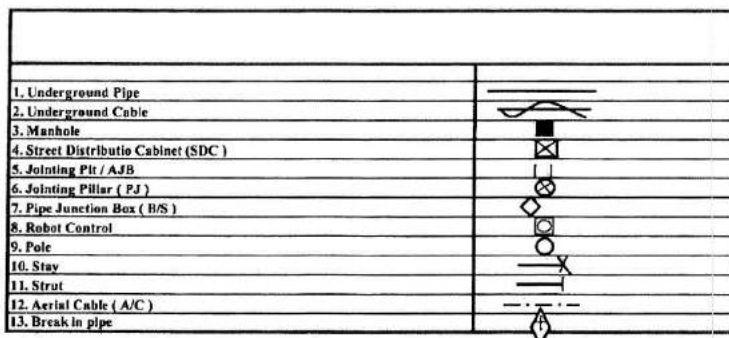
This wayleave, Reference Number **WWIP WGNB2759 18** is valid for 12 months from date here of and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three metres 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 number **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration should the 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 existence of the indicated plant and to notify Open Serve immediately, should the applicant locate any Open Serve plant indicated on the provided 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 the damage or loss as a result thereof.

Date: 10 September 2018

By: C Spammer

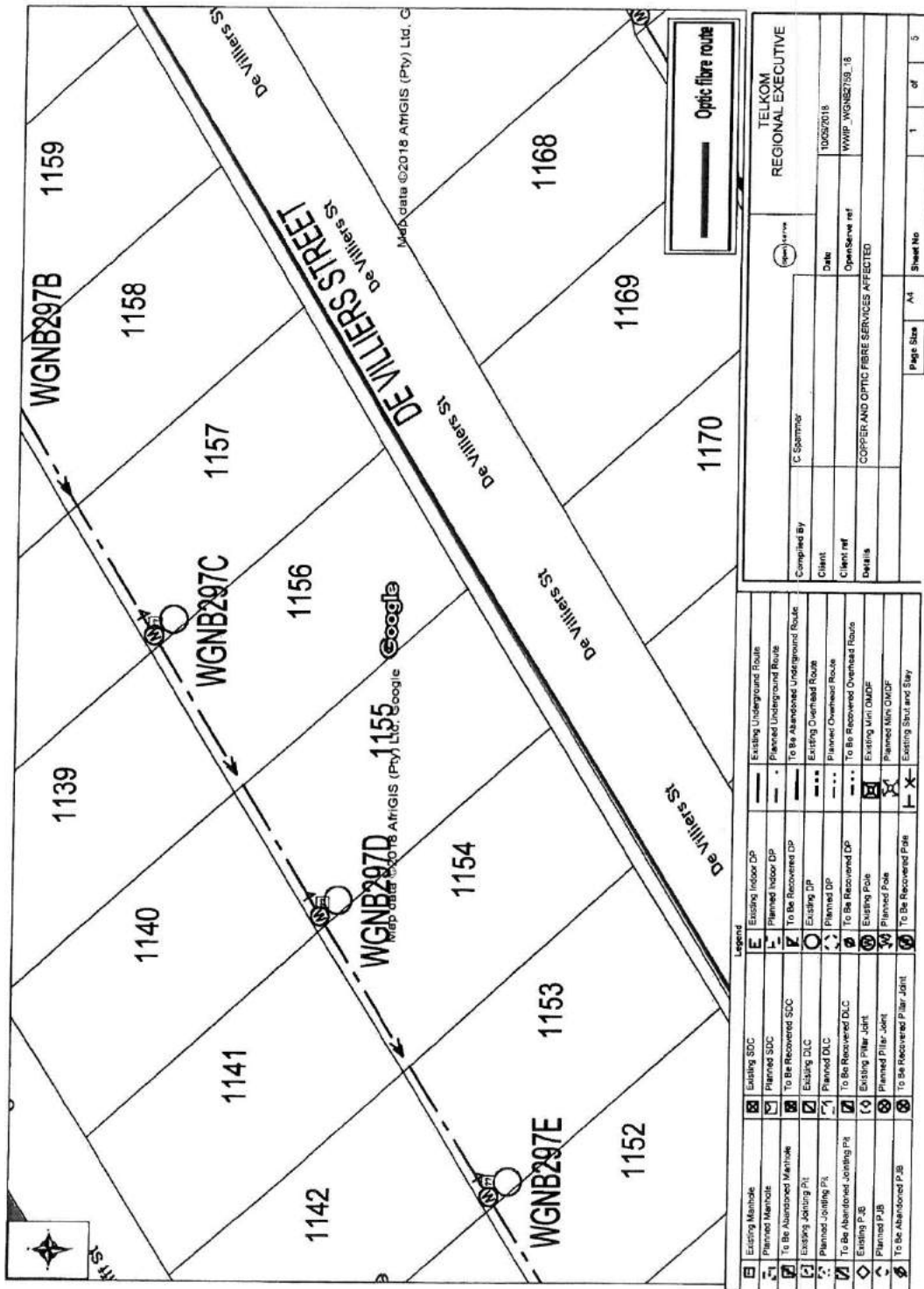
For Regional General Manager  
Western Cape ( N2W3T1B)



The pipeline indicated contains OPTIC FIBRE cables.

**F Swart** - telephone **028 514 1199** must be contacted at least 48 hours before commencement of work.





**MINUTES OF THE MAYORAL COMMITTEE MEETING 26 SEPTEMBER 2016**

10.  
**ERF 1154, 132 DE VILLIERS STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE & REMOVAL OF RESTRICTIVE TITLE CONDITIONS : MESSRS PLAN ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF PC SIPPEL**

**1154 GDK (3066)**

**SW vd Merwe**

**8 July 2016**

**(028) 313 8900**

**Hermanus Administration**

**EXECUTIVE SUMMARY**

To consider an application received on 23 September 2015 from Messrs Plan Active Town- and Regional Planners on behalf of the owner of Erf 1154, De Kelders, PC Sippel, for the following:

- consent use in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations to conduct a three (3) bedroom guest house from the property, and
- removal of restrictive title conditions in terms of the Removal of Restriction Act 84 of 1967 (as amended), namely condition D(10) of Title Deed, T36580/1985.

**RESOLVED:**

1. that the application for the removal of restrictive title conditions applicable to Erf 1154, De Kelders condition D(10) of Title Deed, T36580/1985 in terms of the provisions of the Removal of Restrictions Act 84 of 1967 (as amended) **be recommended** for approval to the Provincial Government: Western Cape;
2. that, subject to the approval in recommendation 1 above be granted, in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations the application for a consent use on Erf 1154, De Kelders in order to operate a three (3) bedroom guest house on the property, **be approved**;
3. that the approvals in paragraphs 1. and 2. be subject to the following conditions:
  - (a) that the facility be utilized as a **guest house only**;
  - (b) that a maximum of three (3) bedrooms to be let, be permitted, only if all the required parking standards are adhered to;
  - (c) that the owner/manager resides on the premises;

**MINUTES OF THE MAYORAL COMMITTEE MEETING 26 SEPTEMBER 2016**

- (d) that a detailed Site Development Plan (SDP) be submitted for municipal approval prior to the submission of building plans indicating rooms to be used for guests and the owner/manager, access, elevations, ect;
- (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
- (f) that a minimum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
- (g) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (h) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
- (i) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
- (j) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
- (k) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
- (m) that the accommodation facility complies with Overstrand : Policy for Conducting an Accommodation Establishment;
- (n) that all the conditions in the Services Report be complied with;
- (o) that the approval of this application is not transferable; and
- (p) that the manager's suite on lower ground level be made interleading with the main dwelling.

**MINUTES OF THE MAYORAL COMMITTEE MEETING      26 SEPTEMBER 2016**

4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.

<b>RESPONSIBLE OFFICIAL :</b>	<b>SW VAN DER MERWE</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>12 OCTOBER 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>12 OCTOBER 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>12 OCTOBER 2016</b>

**MINUTES OF THE MAYORAL COMMITTEE MEETING 26 SEPTEMBER 2016**

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9.

**ERF 1300, 130 DE VILLIERS STREET, DE KELDERS, OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS : MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF PC SIPPEL**

1300 GDK (3067)

SW van der Merwe

(028) 313 8900

Hermanus Administration

7 July 2016

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**EXECUTIVE SUMMARY**

To consider an application received on 23 September 2015 from Messrs Plan Active Town- and Regional Planners on behalf of the owner of Erf 1300, De Kelders, PC Sippel, for the following:

- consent use in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations to conduct a five (5) bedroom guest house from the property, and
- removal of restrictive title conditions in terms of the Removal of Restriction Act 84 of 1967 (as amended), namely condition C(10) on pages 4 and 7 of Title Deed T96099/2002.

**RESOLVED:**

1. that the application for the removal of restrictive title conditions applicable to Erf 1300, De Kelders (condition C(10) on pages 4 and 7 of the Title Deed, T96099/2002), in terms of the provisions of the Removal of Restrictions Act 84 of 1967 (as amended) **be recommended** for approval to the Provincial Government: Western Cape;
2. that, subject to the approval in recommendation 1 above be granted, in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations the application for a consent use on Erf 1300, De Kelders in order to operate a five (5) bedroom guest house on the property, **be approved**;
3. that the approvals in Paragraphs 1. and 2. be subject to the following conditions:
  - (a) that the facility be utilized as a **guest house only**;
  - (b) that a maximum of five (5) bedrooms to be let, be permitted, only if all the required parking standards are adhered to;
  - (c) that the owner/manager resides on the premises;

**MINUTES OF THE MAYORAL COMMITTEE MEETING 26 SEPTEMBER 2016**

- (d) that a detailed Site Development Plan (SDP) be submitted for municipal approval prior to the submission of building plans indicating rooms to be used for guests and the owner/manager, access, elevations ect.;
  - (e) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
  - (f) that a minimum of one (1) permanently demarcated parking bay per guest room and two (2) for the owner/manager be provided within the erf boundaries, subject to the approval of the Senior Manager: Town- and Spatial Planning;
  - (g) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (h) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (i) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
  - (j) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary Liquor Licence;
  - (k) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
  - (l) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (m) that the accommodation facility complies with Council's Policy with regard to accommodation establishments;
  - (n) that all the conditions in the Services Report be complied with, and
  - (o) that the approval of this application is not transferable.
4. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above conditions of approval.