



Mr. Mbulelo Memani
Acting Municipal Manager
 Tel – 044 501 3000
 Bitou Local Municipality
 Private Bag X1002
 PLETTENBERG BAY, 6600
Municipal Notice No: 396/2024

**NOTICE OF LAND USE APPLICATIONS/
 GRONDGEBRUIKAANSOEK KENNISGEWING/
 ISAZISO NGESICELO SOKUSETYENZISWA KOMHLABA**

**BITOU MUNICIPALITY (WC047)
 NOTICE NUMBER: 396/2024**

Property description/ Grondbeskrywing/ Inkcazo yepropati	Type of Application/Aansoek/ Uhlobo lweSicelo
Erf 3353, Plettenberg Bay	<ol style="list-style-type: none"> To subdivide Erf 3353 into two portions as per Proposed Subdivision Plan referenced 3353 SUB-HT-RO as shown in Annexure E in terms of Section 15(2)(d) of the Bitou By-law on Municipal Land Use Planning, 2015; <ol style="list-style-type: none"> Portion X - 853m² Remainder – 1001m² The removal from Title Deed T 000033569/2024, of conditions in terms of Section 15(2)(f) of the Bitou By-law on Municipal Land Use Planning, 2015: <ol style="list-style-type: none"> B(i)(d)(1) which prohibits subdivision B(i)(d)(4) refers to building lines B(ii)(1)and(2) refers to flat roofs and roofing material. Application is made to the Bitou Municipality for an Exemption Certificate in terms of Section 24(1)(f)(iii) of the Bitou Municipality: Land Use Planning By-law 2015 for a Servitude Height Restriction to limit the height on the proposed new portion x, thereby protecting the view from the existing residential development on the property (Remainder Erf 3353).
Erf 3353, Plettenbergbaai	<ol style="list-style-type: none"> Om Erf 3353 in twee gedeeltes te onderverdeel volgens Voorgestelde Onderverdelingsplan verwysing 3353 SUB-HT-RO soos getoon in Bylae E ingevolge Artikel 15(2)(d) van die Bitou-verordening op Munisipale Grondgebruikbeplanning, 2015; <ol style="list-style-type: none"> Gedeelte X - 853m² Res – 1001m² Die verwydering uit Titelakte T 000033569/2024, van voorwaardes ingevolge Artikel 15(2)(f) van die Bitou-verordening op munisipale grondgebruikbeplanning, 2015: <ol style="list-style-type: none"> B (i) (d) (1) wat onderverdeling verbied B (i) (d) (4) verwys na boulyne B (ii) (1) en (2) verwys na plat dakke en dakmateriaal. Aansoek word by die Bitou Munisipaliteit gedoen vir 'n Vrystellingsertifikaat ingevolge Artikel 24(1)(f)(iii) van die Bitou Munisipaliteit: Grondgebruikbeplanningsverordening 2015 vir 'n servituuthoogtebeperking om die hoogte op die voorgestelde nuwe gedeelte x te beperk en sodoende die uitsig van die bestaande residensiële ontwikkeling op die eiendom te beskerm (Restant Erf 3353).
Isiza 3353, Plettenberg Bay	<ol style="list-style-type: none"> Ukwahlula i-Erf 3353 ibe zizahlulo ezimbini ngokweSicwangciso solwahlulo esiPhakanyisiweyo sibhekisele kwi-3353 SUB-HT-RO njengoko kuboniswa kwisiHlomelo E ngokweCandelo 15 (2) (d) lomthetho weBitou by-law on Municipal Land Use Planning, 2015; <ol style="list-style-type: none"> Inxalenye X – 853m² Intsalela – 1001m² Ukususwa kwiSihloko Deed T 000033569/2024, semiqathango ngokweCandelo 15(2)(f) lomthetho weBitou By-law on Municipal Land Use Planning, 2015: <ol style="list-style-type: none"> B(i)(d)(1) ethintela ulwahlulo B(i)(d)(4) ibhekisela kwimigca yokwakha B(ii)(1)and(2) ibhekisela kuphahla oluthe tyaba kunye nezinto zophahla. Isicelo senziwe kuMasipala waseBitou seSatifikethi sokuXolelwa ngokweCandelo 24 (1) (f) (iii) likaMasipala waseBitou: Umgako-nkqubo wokuCwangcisa ukuSetyenziswa koMhlaba ka-2015 weSithintelo sokuPhakama kobukhoboka ukunciphisa ukuphakama kwisahlulo esitsha esicetywayo x, ngaloo ndlela ukhusela imbono kuphuhliso lwendawo yokuhlala olukhoyo kwipropathi (Intsalela yesiza 3353).

Application is available for viewing at Municipal office, 50 Melville's Corner, during office hours/ Aansoek kan bestudeer word by Kantoor 50, Melville's Corner gedurende kantoore/ Ikopi yesicelo iyafumaneka ukuze ijongwe kwi-ofisi kaMasipala kwiyunithi engu-50 Melville's Corner, ngamaxesha omsebenzi aqhelekileyo. Enquiries may be directed to/ Navrae kan gerig word na/ Imibuzo inokubhekiswa kuyo Town planning at 044 501 3303/
townplanning@plett.gov.za

Comments/objections with reasons must be delivered or e-mailed to townplanning@plett.gov.za within 30 days from the date of publication of this notice, and must include the name & contact details of the person concerned. Kommentare/ besware kan na townplanning@plett.gov.za gerig word binne 30 van publikasie van hierdie kennisgewing en moet 'n naam en kontakbesonderhede insluit./ Naziphi na izimvo/izichaso ezinezizathu mazisiwe okanye zithunyelwe nge-imeyile apha townplanning@plett.gov.za zingadlulanga iintsuku ezingama-30 ukususela kumhla wokupapashwa kwesi sazi, kwaye mazibandakanye igama neenkukacha zoqhagamshelwano zaloo mntu uchaphazelekayo.

Mr. Mbulelo Memani
ACTING MUNICIPAL MANAGER
 Bitou Local Municipality

Customer Care: 0800 212 797 (Toll-Free)
Emergency Services: 044 533 5000
www.bitou.gov.za - communications@plett.gov.za



Enquiries
Olwethu Yonke

Contact details
044 501 3317

E-mail
townplanning@plett.gov.za

Our ref: 18/3353/PB

17 October 2024

Sir/Madam

APPLICATION FOR SUBDIVISION, REMOVAL OF RESTRICTIVE CONDITION AND EXEMPTION FOR ERF 3353, PLETTENBERG BAY, BITOU MUNICIPALITY

Applicant: Shaun McMillan Professional Land Surveyor

Notice is hereby given that Bitou Municipality has received an application in terms of section 15(2) of the Bitou By-law on Municipal Land Use Planning 2015; the application details are as follows:

- 1.1. To subdivide Erf 3353 into two portions as per Proposed Subdivision Plan referenced 3353 SUB-HT-RO as shown in Annexure E in terms of Section 15(2)(d) of the Bitou By-law on Municipal Land Use Planning, 2015;
 - 1.1.1. Portion X - 853m²
 - 1.1.2. Remainder – 1001m²
- 1.2. The removal from Title Deed T 000033569/2024, of conditions in terms of Section 15(2)(f) of the Bitou By-law on Municipal Land Use Planning, 2015:
 - 1.2.1. B(i)(d)(1) which prohibits subdivision
 - 1.2.2. B(i)(d)(4) refers to building lines
 - 1.2.3. B(ii)(1)and(2) refers to flat roofs and roofing material.
- 1.3. Application is made to the Bitou Municipality for an Exemption Certificate in terms of Section 24(1)(f)(iii) of the Bitou Municipality: Land Use Planning By-law 2015 for a Servitude Height Restriction to limit the height on the proposed new portion x, thereby protecting the view from the existing residential development on the property (Remainder Erf 3353).

A copy of the application and full supporting documentation is available for viewing on the Municipal website. Enquiries regarding the application may also be directed to the Municipal Land Use Management official Olwethu Yonke at 044 501 3317/ townplanning@plett.gov.za.

Any comments or objections to the application, with reasons therefore, must be lodged in writing to the abovementioned official by means of email (townplanning@plett.gov.za) or hand-delivery within 30 days of the date of registration of this notice, and must include the name and contact details of the person concerned. Comments/ objections received after 30 days may be disregarded. A person who cannot write may visit the Land Use Management office, where a staff member will assist to transcribe their comments.

The personal information of anyone who submits comment / objection might be made available as part of processing the application and might be used during formal application processing.

Regards
Chris Schliemann
Manager: Land Use and Environmental Management



8 Greenpoint Ave; P.O. Box 1871
Plettenberg Bay, 6600
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Fax: +27 (0) 86 589 1938
Cell: +27 (0) 82 569 7135
info@sjmsurveys.co.za

SHAUN J. McMILLAN

PROFESSIONAL LAND SURVEYOR

10 October 2024

Town Planning Department
Bitou Municipality
PLETTENBERG BAY

Dear Sir,

LAND DEVELOPMENT APPLICATION:
APPLICATION IN TERMS OF SECTION 15(2)(d), 15(2)(f) AND SECTION 24(i)(f)(iii) OF THE
BITOU MUNICIPALITY: LAND USE PLANNING BY-LAW (2015):
ERF 3353: PLETTENBERG BAY: BITOU MUNICIPALITY

We hereby submit an Application in terms of Sections 15(2)(d) and 15(2)(f) and Section 24(i)(f)(iii) of the Bitou Municipality: Land Use Planning By-Law (2015). Enclosed please find the Motivational Report with the following plans and annexures:

- A. Special Power of Attorney and Company Resolution by Landowner.
- B. Windeed (Deeds Registry): Ownership.
- C. Certified copy of Title Deed T33569/2024.
- D. Survey General Diagram No. 7686/1981.
- E. Proposed Subdivision Plan referenced 3353 SUB-HT-RO dated September 2024.
- F. Locality Plan.
- G. Aerial Cadastral Plan.
- H. Photographs of Structure and View from Erf 3353 Plettenberg Bay.

A Pre-application meeting was held with Marius Buskes on Monday and Tuesday, 7 and 8 October 2024.

Let me know the fee payable, thereby acknowledging the Application is complete.

Kindly acknowledge receipt.

Yours faithfully,

S.J. McMILLAN
P.L.S. 0910



munisipaliteit umasipala municipality

to be the best together

Private Bag X1002 Plettenberg Bay 6600
Tel +27 (0)44 501 3000 Fax +27(0)44 533 3485

LAND USE PLANNING APPLICATION FORM

BITOU MUNICIPALITY: LAND USE PLANNING BY-LAW

KINDLY NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	Shaun John		
Surname	McMillan		
South African Council for Planners (SACPLAN) registration number (if applicable)	P.L.S 0910		
Company name (if applicable)	Shaun McMillan Land Surveyors		
Postal Address	P O Box 1871		
	Plettenberg Bay	Postal Code	6600
E-mail	info@sjmsurveys.co.za		
Tel	044 533 3072	Cell	082 569 7135

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Name of registered owner(s)	Vervoer NV de Nys (Incorporated in Belgium)		
E-mail	-		
Tel	-	Cell	-

PART C: PROPERTY DETAILS (in accordance with title deed)

Property Description (Erf No / Farm No):	3353		
Physical/ Street Address (if available)	Robberg Road and Roche Bonne Avenue		
Town	Plettenberg Bay		
Current Zoning	Single Residential Zone	Land Use	Residential

Extent	1,854 m ² / ha		
Applicable Zoning Scheme	Bitou Municipal: Zoning Scheme By-Law 2023		✓
Are there existing buildings?	Y	N	
Title Deed number and date	T33569/2024		

Are there any restrictive conditions in the title deed that prohibit the proposed use/ development?		Y	N
If Yes, list such condition(s)	B(i)(d)(1), B(i)(d)(4) and B(ii)(1) and (2)		

Are the restrictive conditions in favour of a third party(ies)?		Y	N
If Yes, list the party(ies)	N/A		

Is the property bonded?		Y	N
If yes, (attach proof) If no proof is d provided upon submission a copy of Bondholders Consent must be provided prior to decision being taken.	N/A		

Are there any existing unauthorized buildings and/or land use/s on the subject property(ies)?	Y	N	If yes, is this application to legalize the building / land use?	Y	N
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	Y	N	Are there any land claim(s) registered on the subject property(ies)?	Y	N

PART D: PRE-APPLICATION CONSULTATION

Was a pre-application consultation held with the Municipality?	Y	N	If Yes, complete the information below and attach the minutes of the pre-application consultation.
Official's name	Mariusus Buskes		Date of consultation
		7 and 8 October 2024	

PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 (2) OF THE BITOU MUNICIPALITY : LAND USE PLANNING BY-LAW (tick applicable application/s)

Tick	Section	Type of application
✓	2(a)	a rezoning of land;
✓	2(b)	a permanent departure from the development parameters of the zoning scheme;
✓	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
✓	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;
✓	2(e)	a consolidation of land that is not exempted in terms of section 24;
✓	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;

✓	2(g)	a permission required in terms of the zoning scheme;
✓	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;
✓	2(i)	an extension of the validity period of an approval;
✓	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;
✓	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;
✓	2(l)	a permission required in terms of a condition of approval;
✓	2(m)	a determination of a zoning;
✓	2(n)	a closure of a public place or part thereof;
✓	2(o)	a consent use contemplated in the zoning scheme;
✓	2(p)	an occasional use of land;
✓	2(q)	to disestablish a home owner's association;
✓	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
✓	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.

APPLICATION AND NOTICE FEES (please note the following)

1. Application fees are determined by Council annually in terms of the approved Municipal tariffs. An invoice will be sent to the applicant after an application is confirmed to be complete.
2. Application fees that are paid to the Municipality are non-refundable. Applications will only be processed after the application fees are paid in full and proof of payment is submitted to the Municipality.
3. The applicant is liable for the cost of publishing and serving notice of an application by.
4. The Municipality may request the applicant to undertake the publication and serving of notices
5. The Municipality will be responsible to serve notices to External Commenting Authorities, if necessary.

PART F: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Bitou Municipality Land Use Planning By- Law]

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation has been submitted.

Primary Documentation

Y	N	Power of Attorney
Y	N	Company Resolution
Y	N	Motivation (based on the criteria in section 65 of the Bitou Planning By-law)
Y	N	Executive Summary of the Motivation
Y	N	Locality plan
Y	N	Site development plan or conceptual layout plan
Y	N	Full copy of Title Deed
Y	N	S.G. diagram / General plan extract
Y	N	Bondholders Consent

Supporting Information & Documentation (if applicable)

Y	N	Land use plan / Zoning plan
Y	N	Consolidation plan
Y	N	Proposed subdivision plan
Y	N	Proof of agreement or permission for required servitude
Y	N	Copy of any previous land development approvals (i.e. Rezoning , consent use departures)

Y	N	Abutting owner's consent
Y	N	Services Report or indication of all municipal services / registered servitudes
Y	N	Conveyancer's certificate
Y	N	Street name and numbering plan (Applicable to Subdivision Only)
Y	N	1 : 50 / 1:100 Flood line determination (plan / report)
Y	N	Landscaping Plan(if applicable)
Y	N	Home Owners' Association consent
Y	N	Proof of failure of Home owner's association
Y	N	Other (Specify) Photographs, aerial cadastral plan, Proposed Plan of Subdivision

PART G: AUTHORISATION(S) OBTAINED IN TERMS OF OTHER LEGISLATION

Y	N	National Environmental Management Act, 1998 (Act 107 of 1998)
Y	N	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998)
Y	N	National Heritage Resources Act, 1999 (Act 25 of 1999)
Y	N	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
Y	N	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)
Y	N	If required, has application for EIA / HIA / TIA / TIS / approval been made? If yes, attach documents / plans / proof of submission etc.
Y	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of Bitou Municipality: Land Use Planning By-Law ? If yes, please attach motivation.
Y	N	Other (specify)

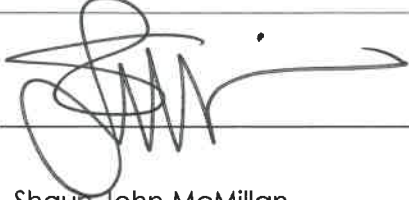
SECTION I: DECLARATION

I hereby confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of [section 86\(1\)](#) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required, by Bitou Municipality: Land Use Planning By-Law to enable the development proposed in terms of the Bitou Municipality: Land Use Planning Bylaw (2015) as amended.
6. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services may be payable by the owner as a result of the proposed development.
7. I am aware that by lodging an application, the information in the application and obtained during the process, may be made available to the public.

SUBMISSION REQUIREMENTS

Y	N	Soft copy of the application emailed to townplanning@plett.gov.za . (A mime cast link must be requested for files larger than 10MB).
Y	N	1 x Hard Copy submitted at Town Planning Office

Applicant's signature:		Date:	10 October 2024
Full name:	Shaun John McMillan		
Professional capacity:	Professional Land Surveyor		
	P.L.S 0910		

FOR OFFICE USE ONLY

Date received:	Received by:
<hr/>	<hr/>
Municipal Stamp	

ERF 3353

PLETTENBERG BAY

SITUATE IN:

**BITOU MUNICIPALITY
KNYSNA ADMINISTRATIVE DISTRICT
WESTERN CAPE PROVINCE**

MOTIVATION FOR:

- (i) SUBDIVISION**
- (ii) THE REMOVAL OF RESTRICTIVE CONDITIONS IN THE TITLE DEED**
- (iii) EXEMPTION FOR A SERVITUDE HEIGHT RESTRICTION**

In terms of:

BITOU MUNICIPALITY: LAND USE PLANNING BY-LAW (2015) IN TERMS OF
• **SECTION 15(2)(d), SECTION 15(2)(f) AND SECTION 24(1)(f)(iii)**

Purpose: By means of a Land Development Application to:

- **Subdivide Erf 3353 into two portions**
- **Remove Restrictive Conditions in Title**
- **Exemption for Servitude Height Restriction**

In order to permit the subdivision of the property and the development of a residential structure adhering to a servitude height restriction, without the limiting Title Deed restrictions.

September 2024



SHAUN Mc MILLAN
PROFESSIONAL LAND SURVEYOR

TEL	: 044 533 3072	8 GREENPOINT AVENUE
FAX	: 086 589 1938	P O BOX 1871
CELL	: 082 569 7135	PLETTENBERG BAY
E-MAIL	: shaun@sjmsurveys.co.za	6600

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- A. Special Power of Attorney and Company Resolution by Landowner.
- B. Windeed (Deeds Registry): Ownership.
- C. Certified copy of Title Deed T33569/2024.
- D. Survey General Diagram No. 7686/1981.
- E. Proposed Subdivision Plan referenced 3353 SUB-HT-RO dated September 2024.
- F. Locality Plan.
- G. Aerial Cadastral Plan.
- H. Photographs of Structure and View from Erf 3353 Plettenberg Bay.

INTRODUCTION

1. Appointment and Brief

A Special Power of Attorney and Company Resolution by Vervoer NV de Nys (Incorporated in Belgium), the owner of Erf 3353 Plettenberg Bay, appoints S J McMillan Land Surveyors to apply to the Bitou Municipality for the following:

- Subdivision of Erf 3353 into two portions,
- the removal of Restrictive Conditions as per the Title Deed, and
- Exemption for a Servitude Height Restriction.

Application is made to the Bitou Municipality in terms of Sections 15(2)(d), 15(2)(f) and Section 24(1)(f)(iii) of the Bitou Municipality: Land Use Planning By-Law (2015).

The Special Power of Attorney and Company Resolution are attached as Annexure A.

2. Ownership and Extent

Erf 3353 Plettenberg Bay is registered in the name of Vervoer NV de Nys (Incorporated in Belgium) (Annexure B) and is held by virtue of Title Deed No. T33569/2024 (Annexure C).

Erf 3353 Plettenberg Bay measures 1,854 square metres in extent as per Surveyor General Diagram No. 7686/1981 (attached as Annexure D) and the Title Deed.

It is seen that the Surveyor General Diagram is a Consolidation of erstwhile Erven 1100 and 1102.

3. The Application

Subdivision

The main purpose of the application is to subdivide the property into two portions as per the Proposed Subdivision Plan referenced 3353 SUB-HT-RO (Annexure E) and secure the view from the western portion of the property closest to Robberg Road where the house and improvements are located.

The subdivision is as follows:

- (i) Portion X: 853m²
- (ii) Remainder: 1001m²

Erf 3353 Plettenberg Bay is as a result of a consolidation of two erstwhile properties, Erven 1100 and 1102 Plettenberg Bay.

The line BG on the Plan (Annexure E) is the erstwhile property boundary between Erven 1100 and 1102. It is intended to re-subdivide the consolidated property into two portions but with a slight change in the erstwhile subdivision line as shown as line BFE on the Plan (Annexure E).

In addition, application is made for:

- The Removal of Title Deed restrictions.
- Servitude Height Restriction.

Removal of Title Deed Restrictions

Application is made in terms of Section 15(2)(d) for the removal of Conditions B(i)(d)(1), B(1)(d)(4) and B(ii)(2). The conditions are restrictive as follows:

B(i)(d)(1)	-	prohibits subdivision.
B(i)(d)(4)	-	refers to building lines.
B(ii)(1) and (2)	-	refers to flat roofs and roofing material.

Servitude Height Restriction

Application is made to the Bitou Municipality for an Exemption Certificate in terms of Section 24(1)(f)(iii) of the Bitou Municipality: Land Use Planning By-Law (2015) for a Servitude Height Restriction to limit the height on the proposed new portion (Portion X), thereby protecting the view from the existing residential development on the property (Remainder Erf 3353).

The height restriction is based on the height of the rim flow of the swimming pool of 33.40m above mean sea level.

B LOCALITY AND STATUS OF THE LAND

1. Locality

Erf 3353 Plettenberg Bay is located on the eastern side of Robberg Road and the western side of Roche Bonne Avenue, one property to the south of the intersection between the two roads, in Plettenberg Bay.

The property obtains access off Robberg Road.

A Locality Plan is attached as Annexure F illustrating the location of the property.

2. Existing and Surrounding Zoning and Land Use Characteristics

Erf 3353 Plettenberg Bay is zoned as a “Single Residential Zone” and the property falls within an approved and established residential township. The township is known as Plettenberg Bay Extension 5.

The property has been developed with a main dwelling unit on the western most portion of the property. The eastern most portion adjacent to Roche Bonne Avenue is vacant.

There is a view of the ocean from the floor levels of the current house on the property.

The property is as a result of the consolidation of the erstwhile Erven 1100 and 1102 Plettenberg Bay.

The surrounding properties are zoned "Single Residential Zone" and developed with single residential dwellings.

Attached as Annexure G is an Aerial Cadastral Plan showing the layout on the property and the neighbouring properties.

Attached as Annexure H are photographs of the property showing the existing residential dwelling and the current view held over the Bay, Robberg Peninsula and the mountains.

The property is well located in a residential suburb and in a sought-after area of Plettenberg Bay. The property is in close proximity of the beaches and shopping areas, as well as neighbourhood amenities.

3. Access

The property obtains access from Robberg Road, which is a main thoroughfare in Plettenberg Bay. Proposed Portion X will gain access from Roche Bonne Avenue. This being the case for erstwhile Erf 1102.

4. Services

All services are supplied by the Bitou Municipality.

5. Restrictions in Title

Application is made in terms of Section 15(2)(d) for the removal of Conditions B(i)(d)(1), B(1)(d)(4) and B(ii)(1) and (2). A copy of the Title Deed is attached hereto (Refer Annexure B).

Condition B(i)(d)(1) reads as follows:

"1. It shall not be subdivided."

Condition B(i)(d)(4) reads as follows:

"4. No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidation area as one erf."

Condition B(ii)(1) and (2) reads as follows:

- "1. Plans and specifications of all buildings and all additions or alterations to be erected on an erf shall be submitted to and approved by the Transferor before the commencement of building operations. Such buildings and any additions or alterations shall be constructed of stone, brick or similar material approved by the Transferor. Roofs of all buildings to be erected on an erf shall except with the permission in writing of the Transferor, be constructed of either thatch, tiles, shingles or slate. Provided, however, that from such time as the said Township shall fall under the jurisdiction of a Local Authority, the Transferor shall have the right, with the permission of such Local Authority, to delegate to such Authority exercise of the discretions and rights herein vested in the Transferor.
2. The erection of flat, lean-to or monopitch roofs or of flat or corrugated iron or asbestos fencing is prohibited. No wood and/or iron buildings of any description shall be erected on the erf. The main buildings which shall be a complete building and not one partly erected and intended for completion at a later date, shall be erected simultaneously with or before the erection of outbuildings."

The Title Deed amendment, suspension or relaxation is under the jurisdiction of the controlling authority, The Bitou Municipality.

The Plettenberg Bay Development Corporation (Pty) Ltd – The Company have also imposed conditions in the Title Deed to control the nature of development in Plettenberg Bay.

C THE APPLICATION

The Controlling Authority is the Bitou Municipality. A Land Development Application is directed to the Bitou Municipality in terms of the Land Use Planning By-Law (2015) and the application is for:

1. Section 15(2)(d) for the Bitou Municipal Consent for the subdivision of the property into two portions.
2. Section 15(2)(f) for the Removal of Restrictive Conditions in respect of the Title Deed to permit the development of a residential building on the proposed new subdivided Portion X.
3. Section 24(1)(f)(iii) for a Height Servitude restriction on the proposed new portion to limit the height in order that the views are protected from the existing residential development on the property.

1. Subdivision:

Application is made to the Bitou Municipality in terms of Section 15(2)(d) of the Bitou Municipality: Land Use Planning By-Law (2015) for the Subdivision of Erf 3353 into two portions as per the Proposed Subdivision Plan, Referenced 3353 SH 1 (Annexure E), as follows:

1. Portion X: 853m²
2. Remainder Erf 3353: 1001m²

The subdivision will create an additional single residential property and permit a residential dwelling unit to be developed on proposed vacant Portion X in keeping with the character of the surrounding areas and in terms of the Bitou Municipal Zoning By-Law.

2. Removal of Restrictive Conditions in the Title Deed:

Application is made to the Bitou Municipality in terms of Section 15(2)(f) of the Bitou Municipality: Land Use Planning By-Law (2015) for the Removal of restrictive conditions in the Title Deed T33569/2024 (Annexure C).

The following Conditions are the subject of this application and for removal are;

- | | | |
|------------------|---|--|
| B(i)(d)(1) | - | prohibits subdivision. |
| B(i)(d)(4) | - | refers to building lines. |
| B(ii)(1) and (2) | - | refers to flat roofs and roofing material. |

The Restrictive Conditions to be removed, read as follows:

Condition B(i)(d)(1)

- "1. It shall not be subdivided."

Condition B(i)(d)(4)

- "4. No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidation area as one erf."

The building lines as per Title are to be removed and will therefore be subject to the less restrictive building lines as per the Scheme Regulations.

Condition B(ii)(1) and (2)

- "1. Plans and specifications of all buildings and all additions or alterations to be erected on an erf shall be submitted to and approved by the Transferor before the commencement of building operations. Such buildings and any additions or alterations shall be constructed of stone, brick or similar material approved by the Transferor. Roofs of all buildings to be erected on an erf shall except with the permission in writing of the Transferor, be constructed of either thatch, tiles, shingles or slate. Provided, however, that from such time as the said Township shall fall under the jurisdiction of a Local Authority, the Transferor shall have the right, with the permission of such Local Authority, to delegate to such Authority exercise of the discretions and rights herein vested in the Transferor.

2. The erection of flat, lean-to or monopitch roofs or of flat or corrugated iron or asbestos fencing is prohibited. No wood and/or iron buildings of any description shall be erected on the erf. The main buildings which shall be a complete building and not one partly erected and intended for completion at a later date, shall be erected simultaneously with or before the erection of outbuildings.”

The removal of the conditions of Title will ensure that the proposed development of a single residential dwelling will not be in contravention of the Title Deed conditions.

3. **Exemption for Servitude Height Restriction**

Application is made to the Bitou Municipality for an Exemption Certificate in terms of Section 24(1)(f)(iii) of the Bitou Municipality: Land Use Planning By-Law (2015) for a Servitude Height Restriction to limit the height on the proposed new portion (Portion X), thereby protecting the view from the existing residential development on the property (Remainder Erf 3353).

That is, to limit the height (elevation) of a structure contemplated on Portion X.

D HISTORIC VIEW ON TITLE DEED RESTRICTIONS

A Historic Account and authors view of the Title Deed Restrictions is detailed below:

The Restrictive Conditions in Title are archaic belonging to another era. The Restrictive Conditions imposed in Title by the then Developer are ‘old’ and do not cater for modern times. The General Plan of the Township was surveyed in the 1940’s and Title provided shortly thereafter.

At the time there was no Zoning Scheme Regulations pertinent and applicable to a Municipal area of jurisdiction and the only way to instil Building Control and Land Use compliance was by way of Conditions imposed in Title.

Hence, many Title Deeds of this era have irrelevant and superfluous conditions, whereas in the current era Land Use Planning policy is administered by the local authority, with an appropriate and modern Zoning Scheme Regulations regulating amongst others; building control.

The Zoning Scheme Regulations govern land use and rights associated to the type of zoning (Single Residential, Business, Light Industrial Zones, etc.). Planning policies evolve and allowance for relaxation of building lines, coverage and height are aspects governed by modern Town Planning Regulatory Schemes.

E MOTIVATION

The property will remain for residential purposes and it is the intention of this application that an additional residential property be created and developed for single residential purposes in line with the residential character of the area.

The property was previously two properties (Erven 1100 and 1102) and was consolidated to become Erf 3353 Plettenberg Bay. It is the intention to re-subdivide the property into two properties, similar to the erstwhile properties with a slight change to the erstwhile property boundary.

The western part of the property, proposed Remainder is developed with a residential dwelling which is to be retained and the eastern part of the property, proposed Portion X, situated on Roche Bonne Avenue is currently vacant and used as an extended garden. The approval of the Subdivision will permit the available area to be used for single residential development.

The development of the property for residential purposes is in terms of the existing zoning and land use in the area and adheres to Council's policy of densification.

The applicant wishes to restrict the height of the development on Proposed Portion X to protect their existing view of the ocean and Robberg Peninsula. The applicant wishes to retain the property for their residential purposes but do not wish to lose the views they currently enjoy.

The application for a height restriction will provide the protection of the views but will not limit the development on the proposed property, proposed Portion X, for residential purposes.

The removal of restrictive conditions of Title will permit the subdivision of the property and the development of a residential building in keeping with the nature of the area.

The removal of the building lines clause will allow the building lines in the Scheme Regulations to become applicable.

(i) Bitou Municipality Spatial Development Framework (SDF), 2021

The property is included in the Bitou Municipality Spatial Development Framework, 2021.

The SDF is the regulatory framework for spatial development within the Bitou Municipal area. The SDF encompasses the principles of the Western Cape Provincial SDF, 2014 and includes densification, compact settlements and the promotion of mixed land uses, which is the purpose of this application.

Consolidated Erf 3353 Plettenberg Bay is located in a developed residential suburb and comprised the erstwhile Erven 1100 and 1102 Plettenberg Bay.

The application to subdivide the property is in keeping with the policy to densify the already developed residential areas where land and services are available.

In terms of the Bitou SDF, Smart Growth Principles have been adopted and include:

- Creation of well designed, compact neighbourhoods.
- Creation of a variety of housing opportunities.
- Encourage growth in existing communities and densification.

(ii) Bitou Integrated Development Plan (IDP), 2017/2023

The IDP is the adopted Bitou Municipal Plan to address the imbalances of the past and encompasses the District, Provincial and National objectives.

The IDP has the following strategic objectives:

1. Spatial Integration and resolve apartheid planning.
2. Local Economic Development
3. Eradicate Poverty and uplift the disadvantaged.
4. Service Provision.
5. Responsible Administration.
6. Financial Sustainability.
7. Active and engaged citizenry.

(iii) Land Use Planning By-Law, 2015

The following principles as contained in the Guidelines in terms of Section 15 of the Bitou Municipality: Land Use Planning By-Law, 2015 and compiled by the Directorate: Planning and Development (with reference to the objectives and principles contained in Chapter V1 of the Land Use Planning Act, 2014) are met;

Principle of Spatial Justice:

As per the internet “**Spatial justice** involves “the fair and equitable distribution in space of socially valued resources and opportunities to use them (Soja 2009). The space we live in can have negative as well as positive consequences on everything we do.”

The subdivision as proposed does not change the existing use of the property and the zoning will remain the same. One additional residential property is created.

Principle of Spatial Sustainability:

“**Spatial sustainability** focuses on the geometric and configurationally ordering of space in the city. It raises the possibility that the generic **spatial** form of the self-organised city in and of itself contribute to **sustainability**.”

The applicant promotes a more sustainable use of the area without changing the character of the area.

Principle of Efficiency:

“The **efficiency principle** is an economic tenet stating that any action achieves the greatest benefit to society when the marginal benefits from the allocation of resources are equivalent to its marginal social cost.”

The proposed subdivision proposes a more efficient use of the property without any social cost.

Principle of Spatial Resilience:

“The **spatial resilience principle** highlights the importance of creating sustainable livelihoods and the ability to avoid and handle unexpected incidents or shocks.”

No unexpected incidents or shocks are proposed. A sustainable livelihood is proposed in creating properties that are manageable.

(iv) Spatial Planning Land Use Management Act, 2013

The following matters are met in Section 42 of the Spatial Planning Land Use Management Act, 2013;

1. No significant changes are proposed on the property as the residential character will be maintained, and as a result the public interest is not affected and no negative impact will be made on engineering services, social infrastructure, community facilities and open space requirements.
2. The proposed subdivision will not have an impact on the natural environment. The natural environment will be retained and preserved, as the new residential property will be residential in character in keeping with the surrounding characteristics.
3. Access to Proposed Portion X is via an existing road, Roche Bonne Avenue and the access to the Proposed Remainder will be from Robberg Road which is the existing access. See proposed Plan of Subdivision.

(v) Urban Edge

The property is located inside the Urban Edge as indicated on the Bitou Municipality: Urban Edge Line.

F **DESIRABILITY**

The subdivision of the property into two portions is desirable in that no major change to the existing landscape and land use is proposed.

The property is situated in Robberg Extension 5 suburb, an urban area identified for residential development, as per the Council’s policy.

The removal of restrictions in the Title Deed will permit the subdivision and the development of Proposed Portion X for residential purposes. The servitude height restriction will ensure that the Proposed Remainder will continue to enjoy the current view and outlook.

The application will fulfil the following principles of the Spatial Development Framework:

- a. The subdivision promotes densification without having any impact on the surrounding area.
- b. The urban residential nature of the property is to be retained and no changes are proposed in terms of this application.

- c. As no changes are proposed to the property, the proposed subdivision will not impact on existing services.
- d. The proposed new property will make use of existing infrastructure and services.
- e. The applicant wishes to optimise the residential use of the property making full use of the vacant Proposed Portion X.
- f. Access to Portion X is via Roche Bonne Avenue, while the Remainder will retain access off Robberg Road.
- g. No Rezoning is involved and the Single Residential zone currently in place is to be retained.
- h. To effectively uncouple the consolidation back to the erstwhile situation of two erven as per the General Plan of Extension 5 (General Plan No. 1294LD) of 1951.

G CONCLUSION

The land use proposed is in keeping with the Bitou Municipality's intent for the area while the character of the neighbourhood is retained.

The subdivision supports Council's Policy on densification.

The property was previously two properties which were consolidated and the subdivision reverts back to two properties.

Access is available from both Roche Bonne Avenue for Portion X and Robberg Road for the Remainder with the utilisation of existing services and infrastructure.

To realise the landowner's intent, and for the structure contemplated to comply with both the Scheme Regulations and Restrictive Conditions in the Title Deed, will involve the Removal of Restrictions in Title.

To summarise, the following:

1. Subdivision into two portions.
2. Title Deed removal of restrictive conditions; namely Subdivision, Building Lines and to permit flat roofs and roofing material of choice.
3. Height Servitude restriction to preserve views.

In view of the above considerations, it is therefore motivated that the proposed Subdivision, Removal of Restrictive Conditions of Title and Height Servitude Restriction, be considered favourably by the Bitou Municipality and Consent be granted.



S.J. McMILLAN
P.L.S. 0910

OCTOBER 2024



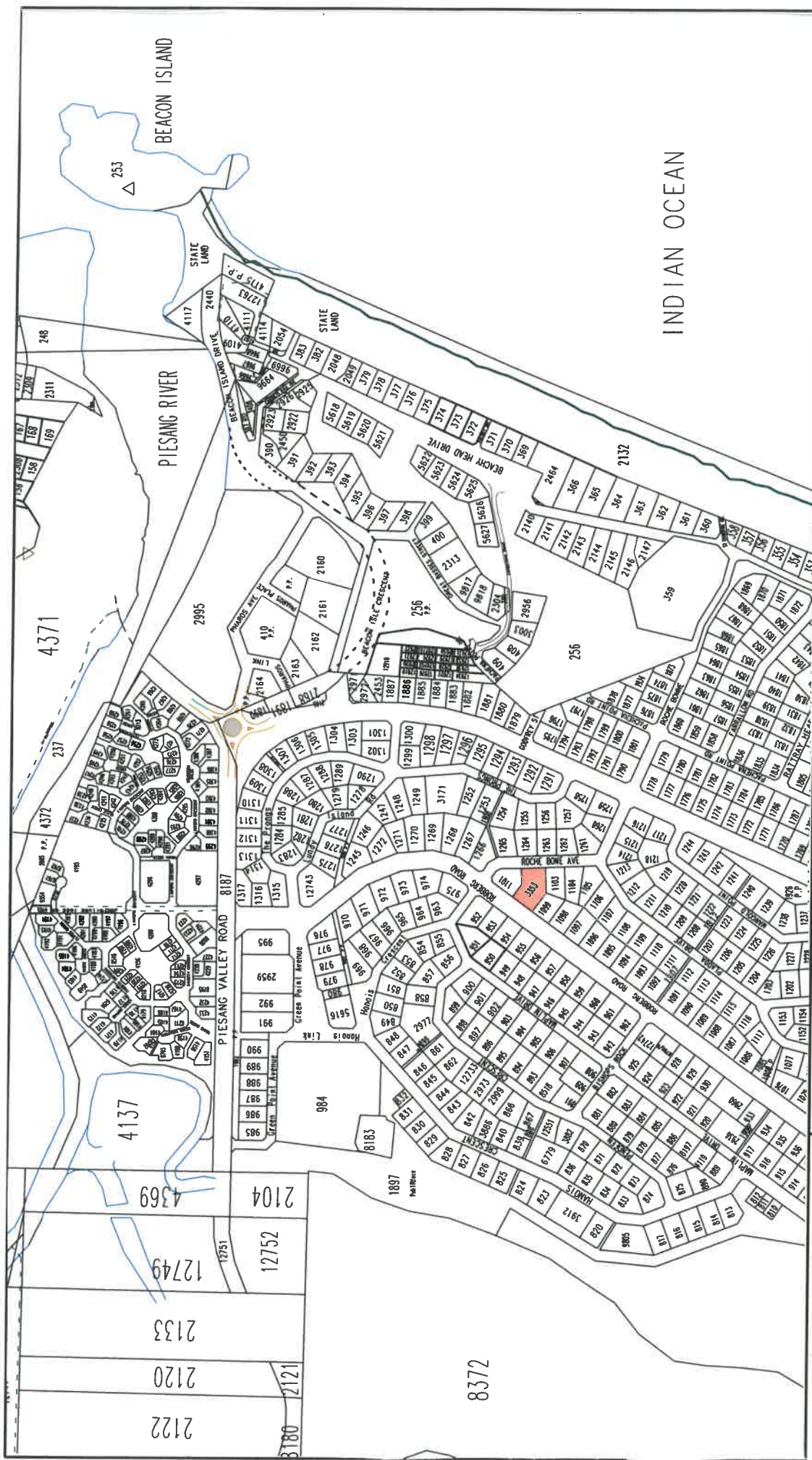
SHAUN Mc MILLAN
PROFESSIONAL LAND SURVEYOR



ERF 3353 PLETTENBERG BAY

Although every effort is taken to ensure current and accurate information on this plan, no liability whatsoever will be accepted for erroneous data. Consult your Land Surveyor for confirmation of beacons and boundaries.

DATE	June 2024
SCALE	1:1000
Photography	2011
situate in	Bitou Municipality
	Administrative District of Knysna
	Province of the Western Cape



LOCALITY PLAN

Erf 3353 PLETTENBERG BAY

situate

Bitou Municipality

Knysna Administrative District

1: 7500

SEPTEMBER 2024



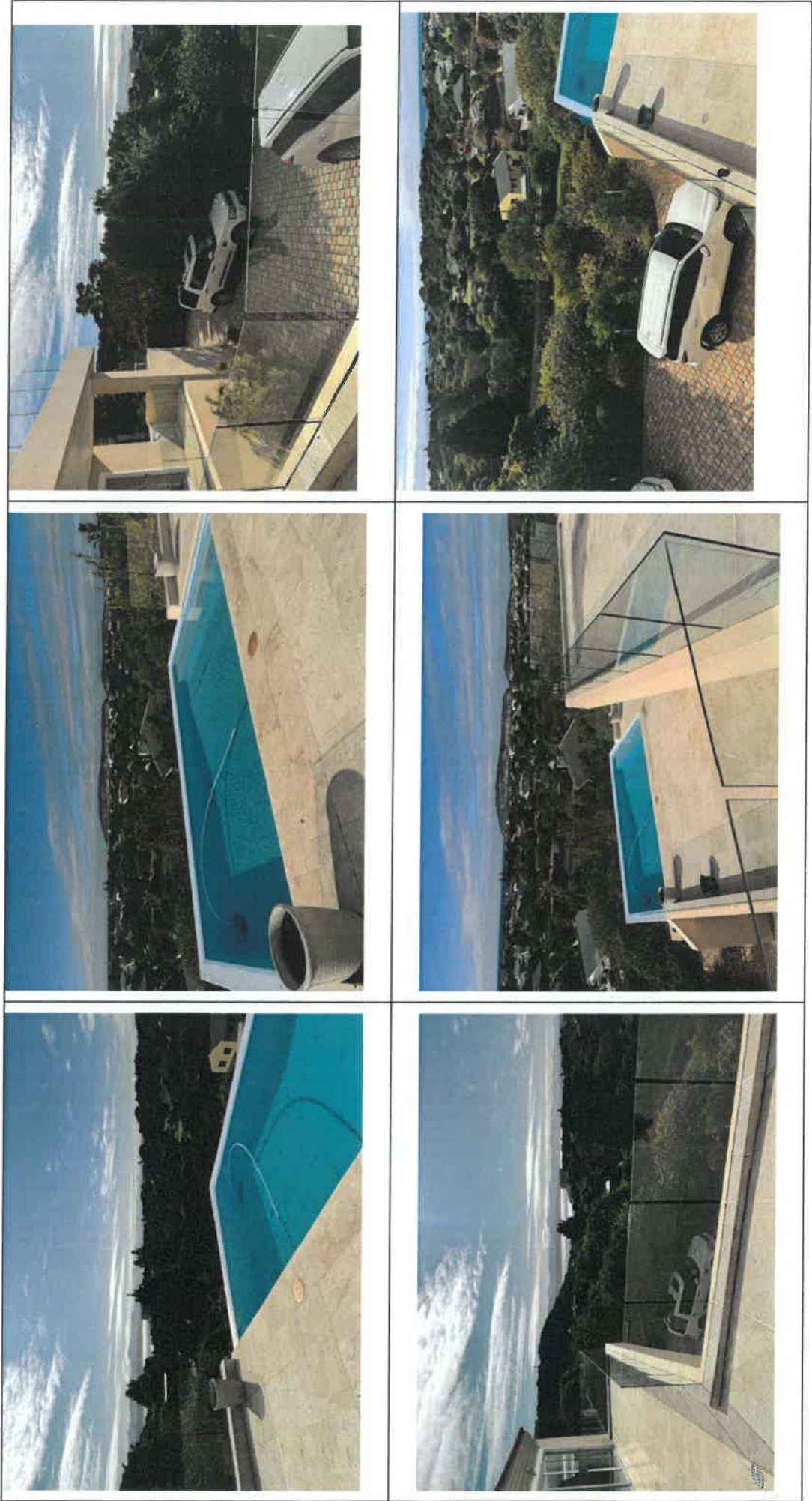
SHAUN Mc MILLAN
PROFESSIONAL LAND SURVEYOR

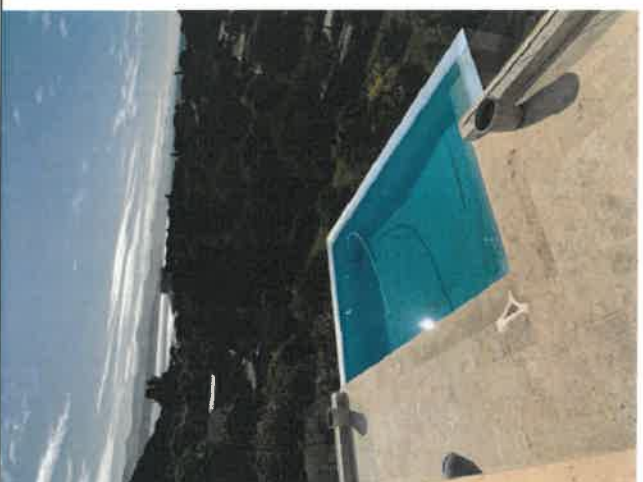
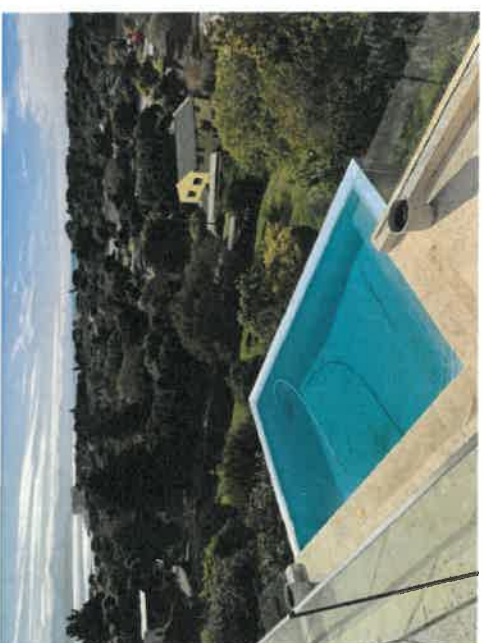
TEL : 044 533 3072
FAX : 086 589 1938
CELL : 082 569 7135
E-MAIL : shaun@msurveys.co.za

8 GREENPOINT AV
P O BOX 1871
PLETTENBERG BA
6600

ERF 3353 PLETTENBERG BAY

PHOTOGRAPHS





ANNEXURE D

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES System	
			Y	X
AB	21,66	306.30.10		
BC	21,66	268.29.10		
CD	33,21	358.29.10		
DE	34,89	88.29.10		
EF	31,68	126.30.10		
FA	34,32	216.30.10		

S.G. No.

7686/81

Approved

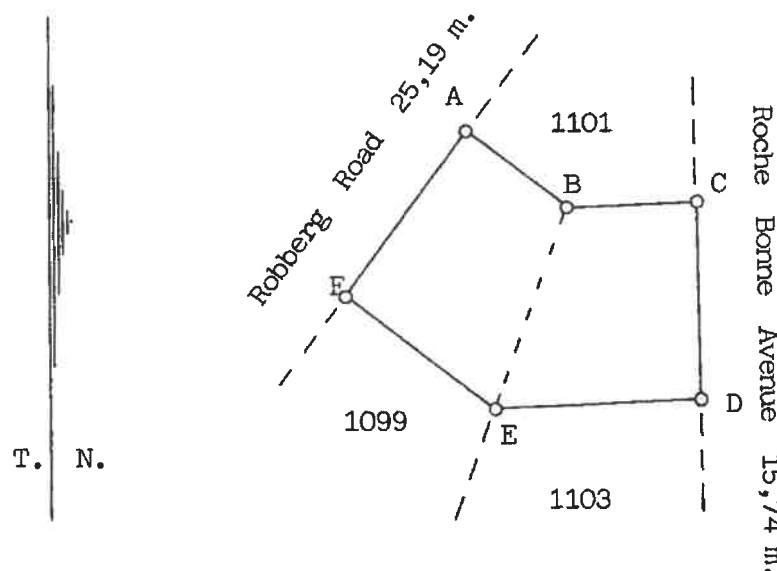
K. G. ...

Surveyor-General

1981-11-20

Description of Beacons :

A,B,C,D,E,F : 12 mm. round iron pegs



1. The figure A B E F representing Erf 1100 Plettenberg Bay vide diagram No. 4430/62 annexed to D/T1962-249-12380
2. The figure B C D E representing Erf 1102 Plettenberg Bay vide diagram No. 882/66 annexed to D/T1966-154-7668

Scale 1: 1250

The figure A B C D E F

represents 1854 square metres

of land, being

ERF 3353 PLETTENBERG BAY

and comprises the properties specified above

situate in Plettenberg Bay Township Extension No. 5 in the

Municipality of Plettenberg Bay

Administrative District of Knysna

Province of Cape of Good Hope.

Compiled
Surveyed in October 1981

H. van Waas

by me,

Land Surveyor

This diagram is annexed to

C.C.T.
No. 10243/82

dated

i.f.o.

The original diagrams are

as quoted above

No. annexed to

Transfer/Grant

No.

File No. S/1517/32

S.R. No. Compiled

Comp. AM-1BC/V52 (740)

Gen. Plan. T.P. 1294

Registrar of Deeds

PROPOSED SUBDIVISION

ERF 3353 PLETTENBERG BAY

It is proposed to :

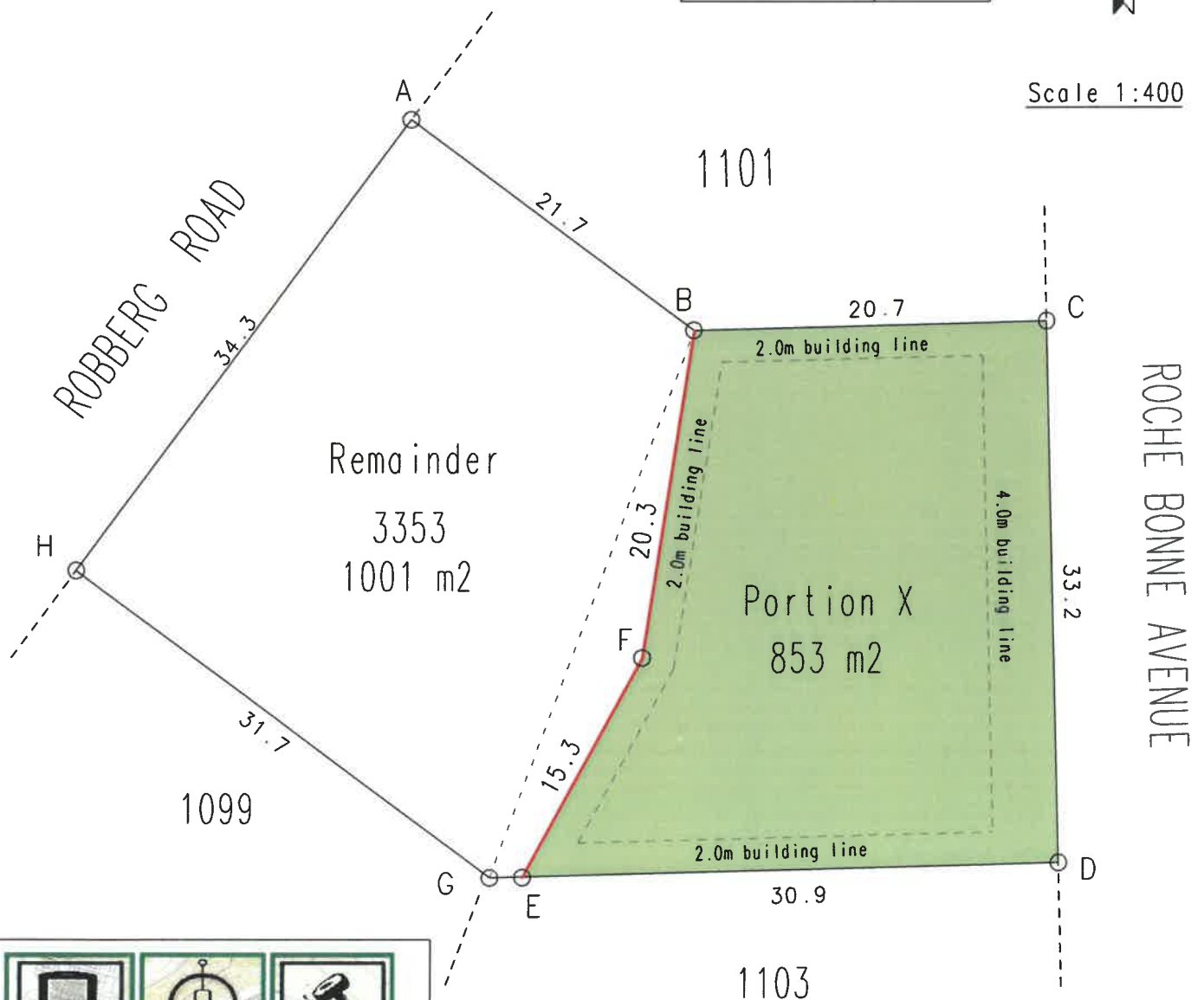
1. Subdivide erf 3353 into Portion X leaving a Remainder
Portion X lettered BCDEF and Remainder lettered ABFEGH.
2. Portion X be subject to a height servitude of 33.40m above mean sea level.

The line BG the erstwhile boundary component line

ERF	square metres
PORTION X	853
REMAINDER	1001
3353	1854



Scale 1:400



SHAUN Mc MILLAN
PROFESSIONAL LAND SURVEYOR

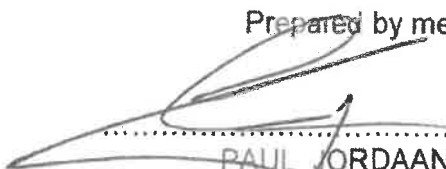
TEL : 044 533 3072
FAX : 086 589 1938
CELL : 082 669 7136
E-MAIL : shaun@sjmsurveys.co.za

8 GREENPOINT AVENUE
P O BOX 1871
PLETTENBERG BAY
6600

REF : 3353 SUB-HT-R0

DATE : SEPTEMBER 2024

All measurements in metres

Prepared by me

PAUL JORDAAN
Conveyancer
(78728)

SPECIAL POWER OF ATTORNEY

To whom it may concern:

I/we, the undersigned,

DE NYS VERVOER N V

herein represented by

FRANK DE NYS

do hereby nominate, constitute and appoint PAUL JORDAAN Identity Number:
590306 5042 087

with power of substitution to be our lawful agent in my names and place and stead and to

1. To sign on my behalf any application document for the subdivision of Erf 3353 Plettenberg Bay, in the Bitou Municipality, into two portions;
2. To affect the subdivision in line with the original erven 1100 and 1102, with the exception of the common – boundary line, which shall be moved closer to Roche Bonne Avenue, further away from Robberg Road.
3. To sign on my behalf and to sign the application for the issuing of a Certificate of Registered Title in respect of the subdivision of the property into two portions.
4. To sign all transfer documents to transfer the subdivision property to a third party – (The Purchaser), in the event of the sale of the subdivision portion (vacant erf).




5. To sign on my behalf the Section 68(1) Application for the Removal of Restrictive Conditions.
6. To attend to the transfer of the property in terms of the Deed of Sale when entered into.

SIGNED at PLETTENBERG BAY this 12th day of September 2024 in the presence of the undersigned witnesses

AS WITNESSES:

1.



2.



F DE NYS





Deeds Office Property

PLETTENBERG BAY, 3353, 0, CAPE TOWN

Lexis® WinDeed



This report is compiled exclusively from the very latest data directly supplied to WinDeed by the Deeds Office.

Any personal information obtained from this search will only be used as per the Terms and Conditions agreed to and in accordance with applicable data protection laws including the Protection of Personal Information Act, 2013 (POPI), and shall not be used for marketing purposes.

**** ASTERISKS INDICATE THE INFORMATION IS ENRICHED FROM THE WINDEED DATABASE.**

SEARCH CRITERIA

Search Date	2024/09/05 09:27	Erf Number	3353
Reference	-	Portion Number	-
Report Print Date	2024/09/05 09:27	Deeds Office	Cape Town
Township	PLETTENBERG BAY	Search Source	Deeds Office

PROPERTY INFORMATION

Property Type	ERF	Diagram Deed Number	T10243/1982
Township	PLETTENBERG BAY	Local Authority	MUN PLETTENBERG BAY
Erf Number	3353	Province	WESTERN CAPE
Portion Number	0	Extent	1854.0000SQM
Registration Division	KNYSNA RD	LPI Code	C03900080000335300000
Previous Description	-	Co-ordinates (Lat/Long)**	-
Suburb / Town**	PLETTENBERG BAY		

OWNER INFORMATION (1)

VERVOER NV DE NYS		Owner 1 of 1	
Company Type**	COMPANY	Document	T33569/2024
Registration Number	201648169110	Microfilm / Scanned Date	-
Name	VERVOER NV DE NYS	Purchase Price (R)	7 000 000
Multiple Owners**	NO	Purchase Date	2024/02/08
Multiple Properties**	NO	Registration Date	2024/05/31
Share (%)	-		

ENDORSEMENTS (2)

#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	K3825/2024S	NYS FRANK FRANS MADELEINE DE	-	-
2	ERF-1100,1102	-	-	-

DISCLAIMER

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HISTORIC DOCUMENTS (4)				
#	Document	Institution	Amount (R)	Microfilm / Scanned Date
1	B76068/2006	-	-	-
2	B26887/2005	-	-	-
3	T10243/1982	STUART JEAN GRIFFITH	Unknown	-
4	T47746/1993	FREE GULLS PTY LTD	280 000	-

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340

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

Prepared by me

S

CONVEYANCER
ELANA HOPKINS (05685)

ELMAREZIA CARMELITA HENDRICKS
1897121

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 7000000.00	R. 3092.00
Reason for exemption	Category Exemption	Exemption i t o. Sec/Reg. Act/Proc.

T 000033569 / 2024

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

ELMAREZIA CARMELITA HENDRICKS (89712)

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney granted to him/her by

FREE GULLS PROPRIETARY LIMITED
Registration Number 1992/003811/07

which said Power of Attorney was signed at PLETTENBERG BAY on
22 February 2024

CERTIFIED TO BE A
TRUE COPY OF THE
ORIGINAL

FOR FURTHER

KOMM. VAN EDE / COMM. OF OATHS
GERARD JORDAAN
Praktiserende Prokureur / Practicing Attorney
Tuscan Mood Building, High Str. / Hoogstraat 8
P.O Box / Posbus 57 Plettenberg Bay 6600
Date: 19/04/2024

Lexis® Convey 18.3.4.4

And the appearer declared that his/her said principal had, on 8 February 2024, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

VERVOER NV DE NYS (INCORPORATED IN BELGIUM)
Registration Number 2016/481691/10

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

ERF 3353 PLETTENBERG BAY
IN THE BITOU MUNICIPALITY
DIVISION KNYSNA
WESTERN CAPE PROVINCE

IN EXTENT 1854 (ONE THOUSAND EIGHT HUNDRED AND FIFTY FOUR)
Square metres

FIRST registered by Certificate of Consolidated Title No. T10243/1982 with
Diagram SG No. 7686/1981 relating thereto and held by Deed of Transfer
Number T47746/1993

A. IN SO FAR AS the whole property held hereunder is concerned.

- (i) SUBJECT to the conditions referred to in Deed of Transfer No. 1964 dated 12 April 1915.
- (ii) SUBJECT in terms of Deed of Grant dated 20 January 1818 (George Quitrents Vol 2 No. 22), to all such duties and regulations as were already or may thereafter be imposed regarding lands held on similar tenure, which includes the reservation in favour of the State of the rights to mines of gold, silver and precious stones, mentioned in Section 4 of Sir John Cradock's Proclamation of 6 August 1813.
- (iii) ENTITLED to the benefit of the terms of the Notarial Deed of Servitude dated 8 March 1947 No. 191 annexed to Deed of Transfer No. 10843 dated 30 September 1939, a reference whereunto dated 4 June 1947 is endorsed thereon reading as follows:-

**CERTIFIED TO BE A
TRUE COPY OF THE
ORIGINAL**

"By Not. Deed No. 191 dd 8/3/1947 the property viz. 'Portion 72, the Sanctuary' held by Certificate of Amended Title on Consolidation No. 9880 dd 4/6/1947 is made subject to conditions relating to prohibiting business and trade or hotelkeeping thereon, nature of buildings thereon and regulating sanitation and matters of public health in favour of the

COMM. VAN EDE / COMM. OF OATHS
GERARD JORDAAN
Praktiserende Prokureur / Practicing Attorney
Tuscan Mood Building, High Str. / Hoogstraat 8
P.O. Box / Posbus 37, Plettenberg Bay 6600
Date: 19/09/2024

Lexis® Convey 18.3.4.4

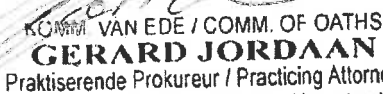
within mentioned parties and certain other parties subject to conditions as will more fully appear on reference to said Not. Deed vide copy annexed hereto."

B. IN SO FAR AS concerns that portion of the land represented by the figure B.C.D E on Diagram No. 7686/81.

(i) SUBJECT to the following conditions contained in Deed of Transfer No. 7668/1966 dated 28 April 1966 imposed by the Administrator when approving the establishment of Plettenberg Bay Township Extension No. 5 under the provisions of Ordinance No. 33 of 1934:-

- (a) Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Administration Notice No. 401 dated 17 October 1935 and in the memorandum which accompanied the said Regulations.
- (b) The owner of this erf shall without compensation be obliged to allow the electricity and water mains and the sewage and drainage including stormwater of any other erf or erven within or without this subdivision to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
- (c) The owner of this erf shall be obliged without compensation, to receive the material or permit excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
- (d) This erf shall be subject to the following further conditions, provided especially that where, in the opinion of the Administrator after,

**CERTIFIED TO BE A
TRUE COPY OF THE
ORIGINAL**



KOMM VAN EDE / COMM. OF OATHS
GERARD JORDAAN
Praktiserende Prokureur / Practicing Attorney
Tuscan Moed Building, High Str. / Hoogstraat 8
P.O. Box / Posbus 57 Plettenberg Bay 6600
Date: 19/09/2024

consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-

1. it shall not be subdivided.
2. it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
3. not more than half the area thereof shall be built upon;
4. no building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the Local Authority, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rearspace. On consolidation of any two or more erven this condition shall apply to the consolidation area as one erf.
5. In the event of the provisions of a Town Planning Scheme being made applicable to this erf, which provisions are more restrictive than the provisions contained in the above, then the provisions of such scheme shall apply.


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- (ii) SUBJECT to the following conditions contained in Deed of Transfer No. 7668/1966 dated 28 April 1966 imposed by Plettenberg Bay Estates Limited for the benefit of itself its successors in title and assigns as owners of the remainder of Plettenberg Bay Extension No. 5 Township, held by Certificate of Amended Title on Consolidation No. 9101/1956 dated 28 June 1956, reading as follows:-


COMM. VAN EDE / COMM. OF OATHS
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Date 19/04/2004


1. Plans and specifications of all buildings and all additions or alterations to be erected on an erf shall be submitted to and approved by the Transferor before the commencement of building operations. Such buildings and any additions or alterations shall be constructed of stone, brick or other similar material approved by the Transferor. Roofs of all buildings to be erected on an erf shall, except with the permission in writing of the Transferor, be constructed of either thatch, tiles, shingles or slate. Provided, however, that from such time as the said Township shall fall under the jurisdiction of a Local Authority, the Transferor shall have the right, with the permission of such Local Authority, to delegate to such Authority exercise of the discretions and rights herein vested in the Transferor.
2. The erection of flat, lean-to or monopitch roofs or of flat or corrugated iron or asbestos fencing is prohibited. No wood and/or iron buildings of any description shall be erected on the erf. The main buildings which shall be a complete building and not one partly erected and intended for completion at a later date, shall be erected simultaneously with or before the erection of the outbuildings.
3. Any buildings or outbuildings and all additions or alterations thereof shall also comply with the conditions upon which the said proposed Township shall in due course be established and with the requirements of any local or other Authority.
4. The elevational treatment of all buildings shall conform to good architecture so as not to interfere with the amenities of the neighbourhood.
5. The owner shall not have the right, save and except to prepare the erf for building and/or garden purposes, to excavate and remove therefrom for purposes of gain any material without the written consent of the Transferor.
6.

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7. The owner of this erf shall without compensation be obliged to allow the electricity, gas, water mains and the sewage and drainage, including stormwater of any other erf, f within or without this subdivision, to be conveyed across this erf if deemed necessary by the Local Authority and/or the Transferor and in such a manner and position as may from time to time be reasonably required. This shall include the right of access to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
8. Neither the owner nor any other person shall have the right to erect or cause to be erected upon the erf any hoardings or signboards for advertising purposes.
9. No cattle kraals, pig-sties, cow-sheds, slaughter poles or slaughter houses shall be erected or carried on by any person whomsoever on this erf.
10. 1. In the foregoing conditions the following words shall have the meaning assigned to them, namely:
 - (a) "Transferor" shall mean Plettenberg Bay Estates Limited, its Successors in Title and Assigns to Plettenberg Bay Extension No. 5 or the remainder thereof from time to time but shall exclude the owner of any erf.
 - (b) "Owner" shall include the Successors in Title and Assigns of the above Transferee.
2. The owner shall have no claim whatsoever against the Transferor on the ground that the Transferor has not enforced or insisted that effect be given to the foregoing conditions in respect of any erf sold by the Transferor.

C. IN SO FAR AS concerns that portion of the land represented by the figure A B E F on Diagram No. 7686/81:-


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Lexis® Convey 18.3.4.4

- (i) SUBJECT to the conditions contained in Deed of Transfer No. 12830/1968 dated 31 August 1962 which conditions are set out in full in Conditional Clause B (i) hereof.
- (ii) SUBJECT to the conditions contained in Deed of Transfer No. 12380/1962 dated 31 August 1962 which conditions are set out in full in Conditional Clause B (ii) hereof.

D. BY Notarial Deed of Cession of Usufruct No. K _____ S dated 29 April 2024, the within property is SUBJECT to a LIFELONG RIGHT OF USUFRUCT in favour of FRANK FRANS MADELEINE DE NYS, born on 5 July 1960, Unmarried, as will appear more fully from the aforesaid Notarial Deed.

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

FREE GULLS PROPRIETARY LIMITED
Registration Number 1992/003811/07

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

VERVOER NV DE NYS (INCORPORATED IN BELGIUM)
Registration Number 2016/481691/10

or its Successors in Title 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 R7 000 000,00 (SEVEN MILLION
RAND) .

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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE
TOWN on

2024-05-31




q.q.

In my presence



REGISTRAR OF DEEDS

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