

**AGENDA of the
Portfolio Committee: Infrastructure & Planning
16 February 2021
(Also the agenda for the Council Meeting: 24 February 2021)**

**4.
IN PRINCIPLE APPROVAL FOR THE EXCHANGE OF ERF 4013 BETTY'S BAY,
SITUATED IN DISA CIRCLE, BETTY'S BAY (JC KANNEMEYER) FOR ERVEN 3661
AND 3662 BETTY'S BAY, SITUATED IN MYRICA ROAD, BETTY'S BAY
(OVERSTRAND MUNICIPALITY)**

7/2/3/2

R Kuchar

Senior Manager: Town & Spatial Planning

20 January 2021

(028) 313 - 8087

1. Executive Summary

To obtain in principle approval for the exchange of Erf 4013 Betty's Bay (owner JC Kannemeyer) for Erven 3661 and 3662 Betty's Bay (owner Overstrand Municipality).

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Property Administration

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Creation and maintenance of a safe and healthy environment
Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

- Local Government: Municipal Finance Management Act (Act 56 of 2003) ("MFMA")
- Municipal Asset Transfer Regulations (R. 878 of 2008)
- Administration of Immovable Property Policy of the Overstrand Municipality as amended

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6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

Erf 4013, Betty's Bay is situated in Disa Circle, Betty's Bay, falls within the Coastal Protection Zone and is currently zoned as Public Open Space Zone 3 (Private Open Space). Locality plan attached per Annexure A.

The property is currently under ownership of a private person being Mr JC Kannemeyer. The property is 17 772m² in extent. It was created with the establishment of Betty's Bay township and was earmarked as a place of recreation and this was registered as a title deed restriction in the Title Deed of the property. Although a place of recreation, the property was transferred from the development company to a private owner and since to numerous individuals, with Mr JC Kannemeyer being the current owner. Mr Kannemeyer cannot develop the property due to the zoning and heritage value thereof. As the zoning is Public Open Space Zone 3 (Private Open Space), it does not vest in the Municipality in terms of legislation.

The owner previously applied for the rezoning of the property and removal of restrictive conditions. The application was however not approved due to the sensitivity of the property, the objections that were received, etc. The change in the use of the property is not in the interest of the sensitive nature of the property as well as the adjoining community.

The owner can therefore only use the property for a private open space and may erect a recreational club on the property as it is zoned as private open space and access could thereto be restricted and regulated.

It was also found that this property was used as a historic Malay burial ground and thus has significant heritage and historical value to the community and need to be reserved for the community.

After initial discussions, the possibility to exchange Erf 4013, Betty's Bay for Erven 3661 and 3662 were suggested in order to ensure that the Erf 4013, Betty's Bay is reserved for its heritage and historic value.

Erven 3661 and 3662, Betty's Bay are currently zoned for Single Residential and are 840m² and 1044m² in extent (total 1884m² in extent). The Overstrand Municipality is the current owner of these properties. (Locality plan is attached per Annexure B.)

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Discussion

Erf 4013, Betty's Bay is located on the sensitive coastal strip. Apart from this it was historically used as a burial site.

The Environmental Department of the Municipality compiled a short report on the sensitivity and value of Erf 4013, Betty's Bay. It especially emphasizes the importance of the property as part of the coastal protection zone. (Report is attached per Annexure C.)

In order to obtain ownership of Erf 4013, Betty's Bay to reserve it as a heritage site, it is proposed that Erf 4013 Betty's Bay be exchanged for Erven 3661 and 3662 Betty's Bay.

Erf 4013 Betty's Bay is 17 772m² in extent and is valued at R75.67/m² (VAT excluded). This brings the total to R1 344 807.24 (ONE MILLION THREE HUNDRED AND FOURTY FOUR THOUSAND EIGHT HUNDRED AND SEVEN RAND TWENTY FOUR CENTS) (VAT excluded). This valuation was done taking into consideration the zoning, use, restrictions and size of the property.

Erf 3661, Betty's Bay is 840m² in extent and valued at R690.00/m² (VAT excluded) with a total value of R579 600.00 (FIVE HUNDRED AND SEVENTY NINE THOUSAND SIX HUNDRED RAND) (VAT excluded). This valuation was done taking into consideration the zoning, use and size of the property.

Erf 3662 Betty's Bay is 1 044m² in extent and valued at R690.00/m² (VAT excluded) with a total value of R720 360.00 (SEVEN HUNDRED AND TWENTY THOUSAND THREE HUNDRED AND SIXTY RAND) (VAT excluded). This valuation was done taking into consideration the zoning, use and size of the property.

The combined value of Erven 3661 and 3662, Betty's Bay is therefore R1 299 960.00 (ONE MILLION TWO HUNDRED NINETY NINE THOUSAND NINE HUNDRED AND SIXTY RAND) (VAT excluded). This is R44 847.24 (FORTY FOUR THOUSAND EIGHT HUNDRED AND FORTY SEVEN RAND AND TWENTY FOUR CENTS) (VAT excluded) less than the valuation for Erf 4013, Betty's Bay. Mr Kannemeyer is willing to exchange the properties despite the difference in value.

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Evaluation

A: Administration of Immovable Property Policy of the Overstrand Municipality:

The following conditions of the said Policy will apply:

Paragraph 7: “The transfer of ownership of immovable property must be fair, equitable, transparent, competitive (unless it is not applicable or unpractical e.g. non-viable immovable property) and consistent with the supply chain management policy of the Municipality in accordance with Section 14(5) of the MFMA; and

Paragraph 15.1: The transfer of immovable property must, except in the case of non-viable immovable property, be affected by means of competitive process, which may include a public or closed tender, auction or proposal call.”

As the municipal properties envisaged to be alienated are developable properties, a deviation will have to be requested to alienate the properties to Mr Kannemeyer in exchange for Erf 4013 Betty’s Bay. Although it is not a standard practice to consent to this type of deviation as it entails the transfer of developable properties, which in effect must be done by means of a competitive process, the exchange will have the result that the Municipality will obtain a valuable property on behalf of the community.

The Council’s intention to exchange Erven 3661 and 3662, Betty’s Bay will be advertised for comments to ensure public participation and transparency.

The properties have been valued and the exchanging of the properties would thus be done on the values determined by the valuer. Currently the property that Council will receive after the exchange is valued slightly at a higher value.

Further the owner of Erf 4013, Betty’s Bay, Mr JC Kannemeyer, indicated that it is his preference to obtain property in Betty’s Bay in exchange for his current property. Thus the exchange is the mechanism to achieve this.

Further should Council opt to reimburse Mr JC Kannemeyer in monetary terms this will entail Council to make provision in its capital budget to that effect. This will burden Council’s capital budget and take funding away from other deserving service delivery projects.

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Also this would need to be done during Council's capital budget process which will take time;

Mr JC Kannemeyer is an elderly man and he indicated that the process needs to be dealt with as soon as possible.

If the proposed exchange is qualified as a deviation the merit of this case is important enough to affect such deviation.

It is recommended that whilst the exchange is advertised for public comment that the comments and approval for the transaction is sought from National and Provincial Treasury to proceed with the exchange.

Paragraph 9.1: "The Municipality may transfer ownership or otherwise dispose of a non-exempted immovable property only after the Municipal Council has, in terms of sections 14(2)(a) and (b) of the MFMA:

- (a) decided on reasonable grounds that the immovable property is not needed to provide the minimum level of basic municipal services;***
- (b) considered the fair market value of the immovable property and the economic and community value to be received in exchange for the immovable property in accordance with Section 14(2) of the MFMA, and***
- (c) has as a consequence to 9.1(a) and (b) above approved in principle that the immovable property may be transferred or disposed of, and the method of disposal or transfer."***

(a) Erven 3661 and 3662 Betty's Bay are currently zoned Single Residential and are vacant. These properties are not needed for basic service delivery.

(b) As seen in the valuations of Erf 4013, Betty's Bay and Erven 3661 and 3662, Betty's Bay, the valuation of Erf 4013 is slightly higher than the combined values of Erven 3661 and 3662. However, the value for the environment as well as the community for outweighing the value of the properties Erven 3661 and 3662 which Council would exchange. The valuations were done by a registered professional valuer on 11 November 2020.

(c) The request is that in principle approval is obtained to transfer Erven 3661 and 3662, Betty's Bay to Mr Kannemeyer in exchange for Erf 4013, Betty's Bay. If approved, the reasons will be recorded in the minutes.

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Paragraph 28: “All costs pertaining to a transaction shall be borne by the successful bidder/purchaser, e.g. survey, advertisements, valuation, rezoning, relocation or provision of services where necessary, etc. The Municipality may, however, waive its right to claim the costs should it be to its advantage to bear the costs.”

It is recommended that Council bear all the costs relating to the transfer of the properties taking into consideration that the Municipality will obtain ownership of an asset with a higher value than the assets to be exchanged.

Paragraph 29: “Should existing services need to be relocated or secured by means of the registration of a servitude in favour of the Municipality as a result of the alienation of the immovable property, all related costs shall be for the account of the successful bidder/purchaser.”

No services need to be relocated and no servitude needs to be registered.

Paragraph 32: “Save with prior approval, the immovable property alienated may only be used for the purpose for which it was originally sold and purposes permitted by town planning scheme regulations pertaining to such purposes.”

A condition to this effect will be included in the Exchange Agreement and registered against the title deed of Erf 4013, Betty’s Bay.

Paragraph 34: “A 10% deposit of the agreed/tendered purchase price will be due and payable by the purchaser/successful bidder within 10 days of date of request in writing thereof by the Municipality.”

This is not applicable as no purchase price will be paid, but an asset will be transferred to the Municipality in exchange.

Paragraph 35: “Interest on the purchase price, as from date of signature of the deed of sale, must be charged by the Municipality should payment or transfer be delayed due to an action or failure on the part of the successful bidder/ purchaser.”

This is not applicable as no purchase price will be paid, but an asset will be transferred to the Municipality in exchange.

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B: Advertisement/Notification

The necessary advertisement in terms of Section 14 of the MFMA will be published after obtaining this in principle approval and on condition that the Applicant accepts the conditions of exchange. The Municipality will be liable for the costs of the Section 14 advertisement.

Conclusion

It is recommended that exchange of Erven 3661 and 3662 Betty's Bay, situated In Myrica Road, Betty's Bay (Overstrand Municipality) for Erf 4013, Betty's Bay, situated in Disa Circle, Betty's Bay (JC Kannemeyer) be approved.

Furthermore, it is recommended that the Municipality be liable for all costs relating to the transaction, including the transfers in the Deeds Office. Subsequently the costs will entail the aforementioned Section 14 advertisement, valuation costs and transfer costs.

7. Financial Implications

Erf 4013, Betty's Bay is was valued at an amount of R75.67/m² (VAT excluded). This brings the total to R1 344 807.24 (ONE MILLION THREE HUNDRED AND FOURTY FOUR THOUSAND EIGHT HUNDRED AND SEVEN RAND TWENTY-FOUR CENTS) (VAT excluded).

Erf 3661 Betty's Bay was valued at R690.00/m² (VAT excluded) with a total value of R579 600.00 (FIVE HUNDRED AND SEVENTY-NINE THOUSAND SIX HUNDRED RAND) (VAT excluded).

Erf 3662 Betty's Bay was valued at R690.00/m² (VAT excluded) with a total value of R720 360.00 (SEVEN HUNDRED AND TWENTY THOUSAND THREE HUNDRED AND SIXTY RAND) (VAT excluded).

The combined value of Erven 3661 and 3662, Betty's Bay is therefore R1 299 960.00 (ONE MILLION TWO HUNDRED NINETY-NINE THOUSAND NINE HUNDRED AND SIXTY RAND) (VAT excluded). This is R448 472.24 (FOUR HUNDRED AND FOURTY EIGHT THOUSAND FOUR HUNDRED AND SEVENT TWO RAND AND TWENTY-FOUR CENTS) (VAT excluded) less than the valuation for Erf 4013, Betty's Bay. The Municipality stands to gain a more valuable property.

The estimated costs related to the transaction, to be borne by the Municipality are R69 115.50 (SIXTY-NINE THOUSAND ONE HUNDRED AND FIFTEEN RAND FIFTY CENTS) and will be paid as follows:

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The transfer related costs to be funded from:
Capital Budget: Planning & Development - Exchange of Erf 4013 Betty's Bay.

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Manager: Property Administration: Ms A Le Roux – (028) 316 5623

“In theory and taking the relevant legislation into consideration, the procedures that should be followed are as follows:

- (a) Erven 3661 and 3662 to be sold by means of a competitive process at a market related price (the latter is already obtained), which process can take a considerable time and will cost the Municipality approximately R15 000.00 in advertisement costs. All subsequent costs will be for the bidder/purchaser's account.*
- (b) Budget in a capital budget for the purchase of Erf 4013, Betty's Bay at a market related price (the latter is already obtained). This budget will have to make provision for the purchase price and all costs to finalise the transfer.*

The above is a cumbersome, expensive and lengthy process and will not be cost effective, efficient or effective.”

Town Planning Department: Town Planner: Ms H van der Stoep – (028) 313 8900

“To the benefit of the environment.”

Environmental Department: Environmental Officer: Ms T Zweig – (028) 271 8420

See Annexure C attached.

Senior Manager: Expenditure and Assets: Mr J Vorster - (028) 313 8046

“There is no objection against the exchange of the properties. Erven 3661 and 3662, Betty's Bay are currently reflected in the fixed asset register for Investment Property: Land at a carrying value of R675'000-00 and R700'000-00 respectively as at 30 June 2020. In total this amounts to R1'375'000-00. Once the proposed exchange has been concluded these erven will have to be written out of the fixed asset register at the applicable market value in order to

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account for actual gain / (loss) on the disposal of an asset.

Erf 4013, Betty's Bay must be recognised in the fixed asset register for Heritage Assets: Land on date of registration at the market related value."

10. Annexures

- Annexure A: Locality Map – Erf 4013 Betty's Bay
- Annexure B: Locality Map – Erven 3661 & 3662 Betty's Bay
- Annexure C: Comment: Environmental Management section
- Annexure D: Title Deed – Erf 4013 Betty's Bay

RECOMMENDATION TO THE COUNCIL:

1. that the direct alienation of Erven 3661 and 3662, Betty's Bay (respectively 840m² and 1044m² in extent) situated in Myrica Road, Betty's Bay, to Mr James Charles Kannemeyer in exchange for Erf 4013, Betty's Bay, situated in Disa Circle, Betty's Bay (17772m² in extent) **be approved in principle**;
2. that the deviation from paragraphs 7 and 15.1 of the Administration of Immovable Property Policy, 2015 in order to alienate the municipal properties to Mr James Charles Kannemeyer without following a competitive process, be approved;
3. that it be noted that the requested deviation and direct alienation are only considered as the proposal is to exchange properties of similar value in order not to affect the cash flow of the Municipality in budgeting for the purchase price for Erf 4013, Betty's Bay, which amount is higher than the combined value for Erven 3661 and 3662, Betty's Bay;
4. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Municipality;
5. that Erven 3661 and 3662, Betty's Bay may only be used for Single Residential purposes as defined the relevant legislation, which condition must be registered against the title deed of the properties;
6. that all the costs pertaining to the transaction, i.e. transfer and related costs, etc. be paid by the Municipality;

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7. that it be noted that the municipal properties herewith envisaged to be exchanged is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003);
8. that the comment and support for the exchange be obtained from National and Provincial Treasury; and
9. that an item serve before Council after public participation process and comments from National and Provincial Treasury has been obtained to request the final approval, if no objections, to the proposed exchange.

RESPONSIBLE OFFICIAL:	R KUCHAR
TARGET DATE FOR IMPLEMENTATION:	10 MARCH 2021
TARGET DATE TO INFORM APPLICANT:	N/A
TARGET DATE TO INFORM OBJECTOR:	N/A

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**4.
IN PRINCIPLE APPROVAL FOR THE EXCHANGE OF ERF 4013 BETTY'S BAY,
SITUATED IN DISA CIRCLE, BETTY'S BAY (JC KANNEMEYER) FOR ERVEN 3661
AND 3662 BETTY'S BAY, SITUATED IN MYRICA ROAD, BETTY'S BAY
(OVERSTRAND MUNICIPALITY)**

7/2/3/2

R Kuchar

Senior Manager: Town & Spatial Planning

20 January 2021

(028) 313 - 8087

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
16 FEBRUARY 2021, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

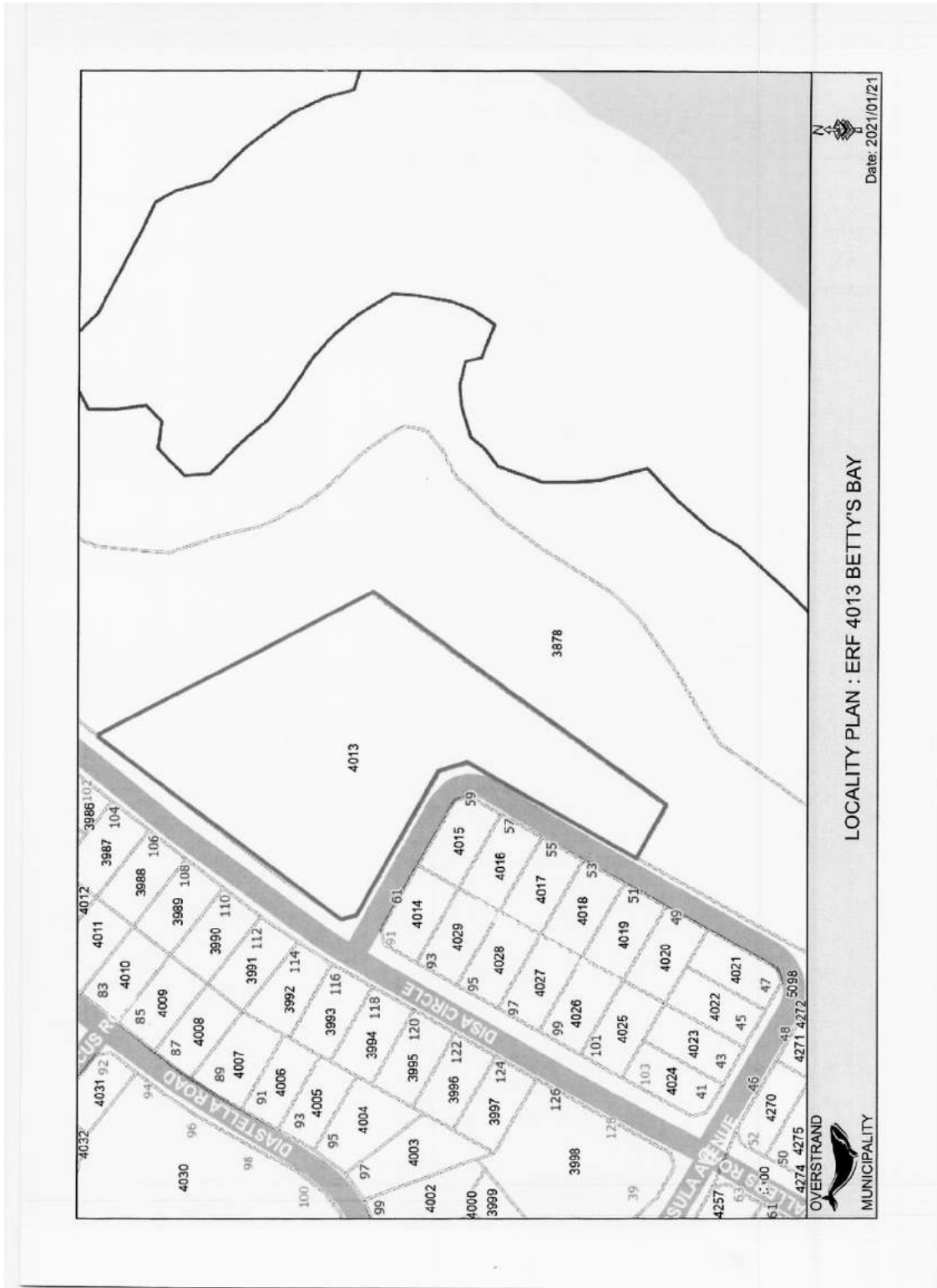
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2. that the deviation from paragraphs 7 and 15.1 of the Administration of Immovable Property Policy, 2015 in order to alienate the municipal properties to Mr James Charles Kannemeyer without following a competitive process, be approved;
3. that it be noted that the requested deviation and direct alienation are only considered as the proposal is to exchange properties of similar value in order not to affect the cash flow of the Municipality in budgeting for the purchase price for Erf 4013, Betty's Bay, which amount is higher than the combined value for Erven 3661 and 3662, Betty's Bay;
4. that, subject to the approval in 1 above, a public participation process be followed at the cost of the Municipality;
5. that Erven 3661 and 3662, Betty's Bay may only be used for Single Residential purposes as defined the relevant legislation, which condition must be registered against the title deed of the properties;
6. that all the costs pertaining to the transaction, i.e. transfer and related costs, etc. be paid by the Municipality;
7. that it be noted that the municipal properties herewith envisaged to be exchanged is not required for the provision of basic municipal services in terms of the provisions of paragraph 5 of Council's Administration of Immovable Property Policy and Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003);

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8. that the comment and support for the exchange be obtained from National and Provincial Treasury; and
9. that an item serve before Council after public participation process and comments from National and Provincial Treasury has been obtained to request the final approval, if no objections, to the proposed exchange.

RESPONSIBLE OFFICIAL:	R KUCHAR
TARGET DATE FOR IMPLEMENTATION:	10 MARCH 2021
TARGET DATE TO INFORM APPLICANT:	N/A
TARGET DATE TO INFORM OBJECTOR:	N/A



Office of the Director:
Infrastructure & Planning



Kantoor van die Direkteur:
Infrastruktuur & Beplanning

ENVIRONMENTAL MANAGEMENT SECTION

To whom it may concern,

Re: Erf 4013 Betty's Bay Conservation Value

1. General:

The social, environmental, health and economic values of natural or green spaces in the urban area are well recognised. In principle, the more green spaces an area has, the greater the contribution of ecosystem services including oxygen generation, carbon dioxide absorption, climate regulation and the conservation of biodiversity. Green spaces provide substantial intellectual, social, emotional and physical health benefits and are known to contribute to the general well-being of the public. Betty's Bay is within the Transitional Zone of the UNESCO declared Kogelberg Biosphere Reserve. The UNESCO Man and the Biosphere (MAB) aims to enhance the relationship between people and their environments.

Erf 4013, Betty's Bay is not developed and as such residents consider it to be a part of the natural open space of the village that should be conserved, protected and maintained for future generations.

2. Endangered Vegetation:

The Vegetation on Erf 4013 is 1.77 hectares of dense Hangklip Sand Fynbos. This vegetation type is listed in the 2016 National Environmental Management: Biodiversity Act (NEMBA) as Endangered, Criterion A1: Irreversible loss of natural habitat. Less than 45% of the natural Hangklip Sand Fynbos ecosystems remain, of which only the 20% of this ecosystem is formally protected. Hangklip Sand Fynbos is known to support at least 32 Red List Data plant species of which 5 species are endemic to only this vegetation type. Hangklip Sand Fynbos contains species from both Kogelberg Sandstone Fynbos and Overberg Dune Strandveld vegetation types. Protea, Erica and Restio species are commonly found in the area. The property is quite infected with Alien Invasive Rooikrans and requires rehabilitation. The local Botanical Society and Hacking Groups would likely provide management assistance in the form of alien vegetation removal if the property were zoned as Open Space 1 or 2.

3. Ecological Corridor:

HANGKLIP/KLEINMOND ADMINISTRATION

Telephone: 028 271 8420

33rd Avenue
Kleinmond
7195

E-mail: tzweig@overstrand.gov.za

Should the property be transferred to the OSM it can be included as a component of the Ecological Process Corridor as identified in Environmental Management Overlay Zone Regulations (2020) Urban Conservation EMOZ: Plan 5.2. A- Betty's Bay West.

The purpose of an Ecological Process Corridor is to facilitate habitat connectivity in areas that are geographically fragmented. In this case fragmentation between natural areas in the Betty's Bay is caused by urbanisation, the exclusion of Erf 4013 further segments the corridor.

As Erf 4013 is undeveloped it naturally contributes to the Ecological Process Corridor that runs from the Betty's Bay Marine Protected Area and Stony Point African Penguin Colony through the Coastal Protection Zone (Erf 3878, Overstrand Municipality) toward Public Open Spaces (Erf 4030) to Open Space 1: Nature Reserves Erf 4207 and Erf 2370. The Rondevlei Wetland on Erf 2370 and Grootwitvlei are classified Critical Biodiversity Areas. The corridor extends across the R44 and up to the UNESCO declared Kogelberg Biosphere Reserve.

This Ecological Process Corridor allows for the free movement of many species of birds, amphibians and mammals. Many fynbos plant species rely on mammal and birds as a means of seed dispersal so the corridor supports this ecological function and contributes to floral biodiversity and genetic variability in the region.

Endangered and protected species such as the Dwarf Cape Chameleon and the Critically Endangered Microfrog are known to occur within the area. 80% of the Microfrog's habitat has been lost to urbanisation.

Due to the proximity of the Stony Point Penguin Colony, it is likely that the Endangered African Penguin utilises the property for shelter and nesting.

4. Erven 3661 & 3662

The above highlights the ecological and social benefits of Erf 4013 and as the proposal is to trade Erf 4013 with Erven 3661 and 3662, the traits of these erven should be mentioned.

Erven 3661 and 3662 contain Hangklip Sand Fynbos, the topography is sloped and does not offer as much in terms of erf 4013 species diversity and ecological corridor value. The property does contain Milkwood Trees. Milkwood are protected under NEMBA and should the property be developed and the trees require removal or pruning a permit is obtainable from the Department of Forestry and Fisheries (DEFF). The trees occur on the back portion of the property, development of the property could occur without the complete removal of the trees.

In closing, the transfer of Erf 4013 Betty's Bay to the Overstrand Municipality would contribute to the community as well as the Overstrand's commitment to sustainable environmental development and judicious management of its natural resources and is supported by the Environmental Management Services Department.

HANGKLIP/KLEINMOND ADMINISTRATION

Telephone: 028 271 8420

33rd Avenue
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E-mail: tzweig@overstrand.gov.za

Sincerely,



Tamzyn Zweig
Environmental Officer
Environmental Management Section
Directorate: Infrastructure & Planning
Overstrand Municipality
33 5th Avenue Kleinmond, 7195
T: +27 (0) 28 271 8420 Ext: 8420
C: +27(0) 83 286 4999 E:

HANGKLIP/KLEINMOND ADMINISTRATION

Telephone: 028 271 8420

E-mail: tzweig@overstrand.gov.za

33 5th Avenue
Kleinmond
7195

AND the said Appearer declared that his/her principal the said TRANSFEROR had on 26 February 2004 truly and legally sold and that he/she, the said Appearer in his/her capacity aforesaid, did, by these presents cede and transfer to and on behalf of:

JAMES CHARLES KANNEMEYER
Born on 14 August 1941
Unmarried

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

ERF 4013 BETTYS BAY
in the Overstrand Municipality,
Division Caledon
Western Cape Province

IN EXTENT: 1,7772 (ONE comma SEVEN SEVEN SEVEN TWO) hectares

FIRST TRANSFERRED by Deed of Transfer No. T33672/1977 with General Plan No. TP8278 relating thereto and held by Deed of Transfer No. T34128/1985.

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T26686/1970.
- B. **SUBJECT FURTHER** to the following conditions mentioned in Deed of Transfer No. T33672/1977, imposed by the Administrator of the Cape Province in terms of Ordinance 33/1934 with the approval of BETTYS BAY TOWN EXTENSION NUMBER 3, namely:
1. 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 623 dated the 14th August 1970.
 2. In the event of a Town Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of section 146 of Ordinance No. 15 of 1952, as amended.
 3. The owner of this erf shall without compensation be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or even inside or outside this township to be conveyed across this erf, if

← set

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
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 for the purpose of constructing, altering, removing or inspecting any works connected with the above.

4. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavations 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 the 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.
5. No building on this erf shall be used or converted to use for any purpose other than that permitted in terms of these conditions.
6. This erf shall be used solely for recreational purposes or any other use as the Administrator may, from time to time after reference to the Townships Board and the Local Authority, authorise and it shall not be transferred by the Local Authority to another person without the written consent of the Administrator.

WHEREFORE the said Appearer, renouncing all the right, title and interest which the said transferor heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to, the same; and that, by virtue of these presents, the said transferee, his heirs, executors, administrators or assigns now are and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price of the property hereby transferred to be the sum of R1 200 000.00 (ONE MILLION TWO HUNDRED THOUSAND RAND).

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

THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 9 June 2004.



 a.q. Signature of Appearer

In my presence:



 REGISTRAR OF DEEDS

