

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

20.

**ERF 710, 10 MAGNOLIA AVENUE, HERMANUS, OVERSTRAND MUNICIPAL AREA
: REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND REZONING :
MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF
TURNOVER TRADING 324 (PTY) LTD**

710 HNC (2523)

H van der Stoep

6 April 2017

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 18 March 2014 from Messrs Plan Active Town & Regional Planners on behalf of Turnover Trading 324 (Pty) Ltd for the following:

- ❖ rezoning of Erf 710, Hermanus from General Residential Zone to Local Business Zone in order to conduct a business on the property concerned, and
- ❖ removal of restrictive title conditions C.(a), (b), (c), (d) and (e) contained in Title Deed T69564/2013 applicable to Erf 710, Hermanus in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) to enable the owner to construct an office block on the property.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Plan is attached as Annexure B, and the Motivation Report from the applicant in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

4. Delegated Authority

Executive Mayor

5. Legal Requirements

- Section 17 of the Ordinance 15 of 1986
- Removal of Restrictions Act, 1967 (Act 84 of 1967)

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6. Background/Discussion/Evaluation

Background

Registered notices were sent to surrounding potentially affected property owners, and one (1) objection was received against the application. After discussions between the applicant and the objector, the objection was withdrawn.

The application was also circulated to all relevant municipal departments, and no objections were received.

Discussion

An application has been received for the removal of restrictive title conditions C.(a), (b), (c), (d) and (e) contained in Title Deed T69564/2013 applicable to Erf 710, Hermanus in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 710, Hermanus. The removal of these restrictive conditions will enable the owner to construct an office block on the property.

The restrictive conditions read as follows:

Page 2, Paragraph C.(a), (b), (c), (d) and (e) :

“SUBJECT FURTHER to the special conditions contained in Deed of Transfer No T4939/38 imposed by the Administrator of the Cape Province when approving the Township in favour of the registered owner of any erf in the said Township and subject to the alterations or amendments by the Administrator in terms of the provisions of Act 18(3) of Ordinance No 33 of 1934 :

- (a) That this erf be used for residential purposes only.*
- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.*
- (c) That no more than half the area of this erf be built upon.*
- (d) That no building shall be erected within 15 feet of any street line which forms a boundary of this erf. No building shall be situated within 7½ feet of the lateral boundary common to any adjoining erf.*

AS BEING in favour of the Administrator:

- (e) That this erf be not subdivided except with the consent in writing of the Administrator.”*

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Evaluation

An application was submitted for the rezoning of Erf 710, Hermanus from General Residential Zone 1 to Business 3 : Local Business Zone for office purposes. Simultaneously an application was submitted for the removal of restrictive conditions C.(a), (b), (c), (d) and (e) of Title Deed T69564/2013, the latter has been approved by the Department of Environmental Affairs and Development Planning. (See letter attached as Annexure F.)

The evaluation of the application for the removal of the restrictive conditions is thus not relevant in terms of the item.

In terms of the Overstrand Municipal Growth Management Strategy, 2010 the erf is located in the CBD area and earmarked for local business opportunities. The existing land uses surrounding the application erf are business premises e.g. offices.

The building was built as a residential building with a height of 8m and compliant with the relevant building lines as per the Hermanus Regulations 7. The building was however occupied illegally as an office building, which is not according to the building plan. The development of Erven 710, 711 and 712 has to comply with the parking lay out as approved by the Engineering Services Department and accepted by the owners of the aforementioned erven.

The fact that the building has been built and occupied the conditions of the parking lay-out must be implemented within three (3) months of the approval. The conditions that the erven be notarially tied must also be implemented to ensure compliance of the conditions applicable to the three (3) mentioned erven on the issuing of an occupation certificate.

The abovementioned compliance of the parking layout within three (3) months of the approval is of the utmost importance, since employees of Erf 712 at present access Magnolia Street directly from the erf, without any regard pertaining to pedestrians or other vehicles. The orderly vehicle movement as per the layout plan must be implemented as soon as possible.

Conclusion

The application is recommended for approval.

7. Financial Implications

None

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8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

See Annexure D.

Fire Department

Buildings Fire Protection must be in compliance with requirements of National Fire Protection Regulation SANS 10400 T : 2011 (T1).

Building Control Department

Building to comply with SANS 10400 for new rezoning and appropriate signage (application) be submitted if zoning granted.

Local Heritage Committee

Application supported.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Services Report
- Annexure E: Parking layout
- Annexure F: Letter received from Western Cape Government : EADP

RECOMMENDATION:

1. that it be noted that the removal of restrictive title conditions C.(a), (b), (c), (d) and (e) contained in Title Deed T69564/2013 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 710, Hermanus **have been approved** by the Western Cape Government : Environmental Affairs and Development Planning;

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2. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 710, Hermanus from General Residential Zone to Local Business Zone (Business 3) in order to conduct a business on the property concerned, **be approved**, subject to the following conditions:
- (a) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (c) that the land use of Erf 710 be restricted to office use only;
 - (d) that parking be provided as per the parking layout plan DRG.NO.1.2.1.C dated 14 July 2015 within three (3) months of the approval;
 - (e) that the occupation certificate only be issued once proof of the approved notarial tie from the Registrar of Deeds of Erven 710, 711 and 712 have been submitted;
 - (f) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage;
 - (g) that future extension of the existing building be prohibited, except if proof of additional parking can be provided;
 - (h) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget; and
 - (i) that all the conditions in the Services Report (attached as Annexure D), be complied with.
3. that the applicant be notified of his right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	14 JUNE 2017
TARGET DATE TO INFORM APPLICANT :	14 JUNE 2017
TARGET DATE TO INFORM OBJECTOR :	N/A

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**ERF 710, 10 MAGNOLIA AVENUE, HERMANUS, OVERSTRAND MUNICIPAL AREA
: REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967) AND REZONING :
MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF
TURNOVER TRADING 324 (PTY) LTD**

**710 HNC (2523)
H van der Stoep
6 April 2017**

(028) 313 8900

Hermanus Administration

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MAY 2017, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	14 JUNE 2017
TARGET DATE TO INFORM APPLICANT :	14 JUNE 2017
TARGET DATE TO INFORM OBJECTOR :	N/A



Scale: NTS
 Drawing Nr: herm710.drw
 Date: FEBRUARY 2014

Plan Description:
LOCALITY MAP

Property Description:
**ERF 710
 HERMANUS**

All distances approximate
 and subject to survey.
 COPY RIGHT RESERVED

- NOTES:
-  Existing PSG Konsult offices
 -  The site (new offices for PSG Konsult)

PLAⁿ Active
 Stads- en Streeksbeplanners
 Town & Regional Planners

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

ERF 710 HERMANUS

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

J.P. Smuts, on behalf of Turnover Trading 324 (Pty) Ltd, the owners of erf 710 Hermanus, has instructed the company Plan Active to apply for the rezoning and removal of restrictive title deed conditions of erf 710 Hermanus.

Erf 710 Hermanus was obtained by PSG Konsult in 2013 to allow them to develop another office building adjacent to their existing offices on erf 711 Hermanus. Their existing offices on erf 711 Hermanus will remain.

Erf 710 Hermanus is 714m² in extent and is held by title deed number T69564/2013. It is the intention of the owners of erf 710 Hermanus to rezone the subject property to accommodate an office development on the subject property.

2. APPLICATION DETAILS

Application is made in terms of:

- Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the rezoning of erf 710 Hermanus, from General Residential Zone 1: Single Residential to Business Zone 3: Local Business Zone;
- The Removal of Restrictions Act, Act 84 of 1967 as amended, for the removal of the restrictive title deed conditions.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

The subject property is situated at 10 Magnolia Avenue, Hermanus. Please refer to the locality plan attached. Erf 710 Hermanus is 714m² in extent and it is situated in a residential, institutional and business environment.

3.2 ZONING

Erf 710 Hermanus is zoned General Residential Zone 1: Single Residential. Please refer to the zoning certificate dated 14 March 2014 attached.

Surrounding properties are zoned for local business, general residential, single residential and institutional purposes. Please refer to the zoning map attached.

3.3 LAND USE

There was an existing dwelling with garage situated on erf 710 Hermanus. The structures were built in 1938/1939. Andrew Greeff Architects dealt with the

Motivation report

demolition application to Heritage Western Cape and the Local Authority and a demolition certificate was obtained to demolish the existing structures on the subject property. The existing structures on the subject property have since been demolished and a new structure (in line with the existing zoning) was constructed on the subject property.

The photographs below show the structures on the subject property that were demolished as well as the location adjacent to the existing PSG Konsult offices:

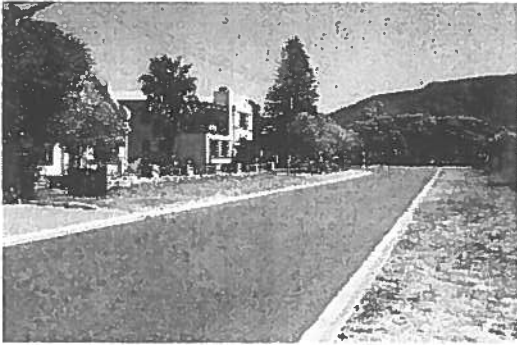


The owners of erf 710 Hermanus have since constructed a double storey building in line with their existing land use rights on the subject property.

Land uses that surround erf 710 Hermanus are business premises (offices), municipal offices, recreation facilities (bowling club), a primary school and public roads. It is therefore evident that erf 710 Hermanus is surrounded by mixed land uses. Please refer to the land use plan attached and photographs below:

Surrounding land uses:

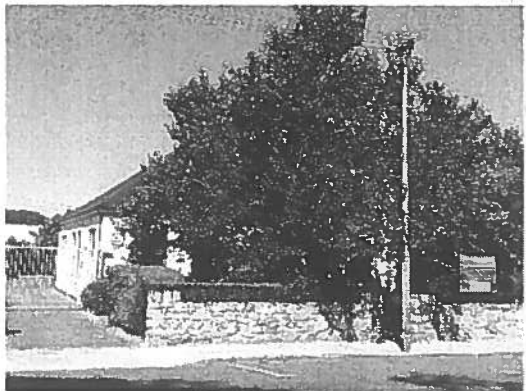
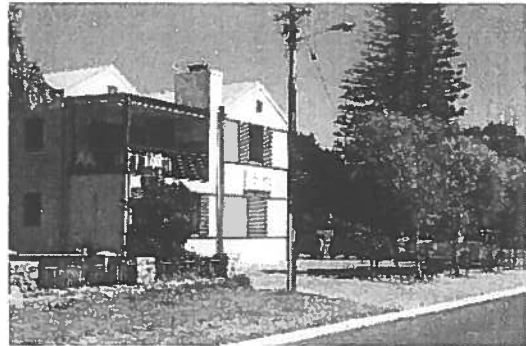
Public roads



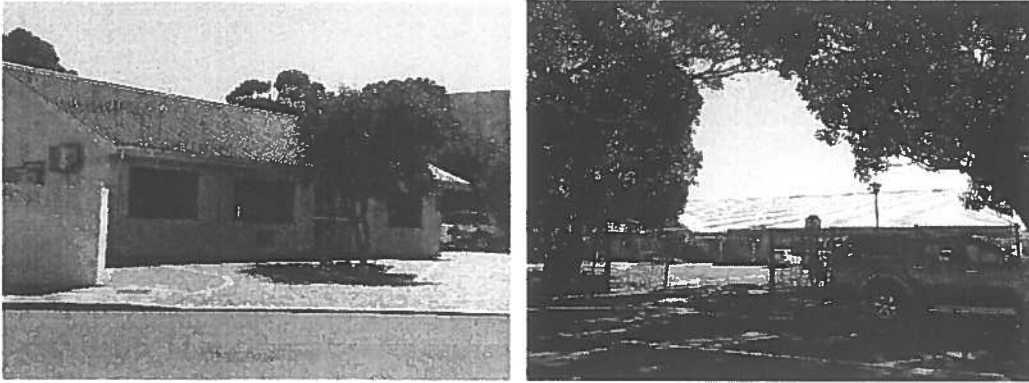
Dwellings



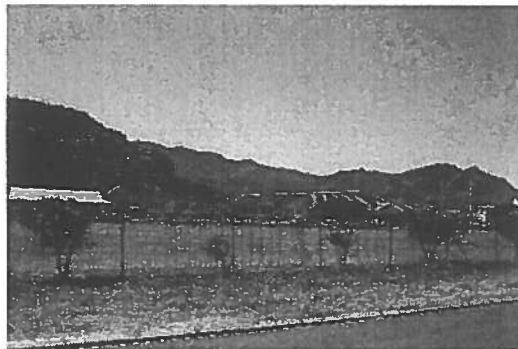
Business premises (offices)



Municipal offices



Primary school



3.4 PROPOSAL

- The rezoning of erf 710 Hermanus, from General Residential Zone 1: Single Residential to Business Zone 3: Local Business in terms of Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985, to accommodate PSG Konsult's new office development on the subject property;
- The removal of the restrictive title deed conditions in terms of the Removal of Restrictions Act, Act 84 of 1967 as amended.

Offices are a primary land use right associated with Business Zone 3: Local Business Zone properties (as stipulated in the Overstrand Zoning Scheme Regulations).

Motivation report

It is therefore the intention of the owners of erf 710 Hermanus to rezone the subject property from General Residential Zone 1: Single Residential to Business Zone 3: Local Business. The owners already demolished the existing structures on erf 710 Hermanus to accommodate a new office development on the subject property.

The proposed office development will be double storey (the owners of erf 710 Hermanus have already constructed a double storey building in line with their existing land use rights on the subject property). Provision will be made for an entrance area, offices (68m²), an interview room, lavatories (including a cloak room for people with disabilities), a kitchen, conference room (20,5m²), entertainment area (40m²), a braai area (25,7m²), a porch and planter as well as parking bays on the ground floor. The total extent of the ground floor will be 231,8m².

The first floor will consist of a board room (41,1m²), another conference room (20,5m²), a store room, a kitchen, lavatories, walkways, balconies and a dealer room (68m²). The total extent of the first floor will be 234m².

The coverage of the proposed office development on erf 710 Hermanus will be $\pm 36\%$ and will therefore not exceed the maximum coverage of 75% for Business Zone 3: Local Business erven. The proposed bulk (floor factor) will be 0,31 (calculated from a total GLA of 224,5m²) and therefore the bulk does not exceed the maximum bulk of 1,5 allowed for Business Zone 3: Local Business properties.

The maximum height specified for Business Zone 3: Local Business properties is two storeys and the proposed building may not exceed 8,5m measured from the base level to the top of the roof. The proposed development will only be two storeys (8,415m) high and will therefore not exceed the height restriction as determined by the relevant scheme regulations.

The Overstrand Zoning Scheme Regulations stipulate that the following building lines apply to Business Zone 3: Local Business properties:

- The street building line is 0m; provided that a 3,5m building line applies where fuel pumps are erected;
- The side building line is 0m provided that where any Business Zone 3 abuts another zone, the side building line is 3,0m;

Motivation report

- The rear building line is 3,0m; provided that where any Business Zone 3 abuts another zone, the rear building line is 4,5m;

Erven 711 and 709 Hermanus are already zoned for commercial purposes. Erf 715 Hermanus is zoned for single residential purposes. Please refer to the zoning map attached. Consequently 0m lateral building lines apply to the common boundaries between erf 710 Hermanus and erven 711 and 709 Hermanus respectively. A rear building line of 4,5m is applicable to the common boundary between erven 710 and 715 Hermanus and the office building was designed accordingly. The proposed lateral building line on the western boundary of the subject property will be 1,27m and 2m respectively. The proposed office development will therefore not encroach any building lines as stipulated in the relevant scheme regulations.

The parking requirements as stipulated in the Overstrand Zoning Scheme determines that parking must be provided at 6 parking bays per 100m² GLA to accommodate the proposed office development on erf 710 Hermanus. Overstrand Municipality requested that the development of erf 710 Hermanus should not be seen in isolation with regards to traffic flow, access points and the provision of parking on site. A Traffic Impact Statement and site development plan was therefore compiled for the office developments on erven 710, 711 and 712 Hermanus, located on the corner of Magnolia Street and Dirkie Uys Street in Hermanus. The existing dwelling on erf 712 Hermanus will be converted to offices. These offices will operate together with the existing offices on erf 711 Hermanus. Please refer to the Traffic Impact Statement (TIS) compiled by DECA Consulting Engineers dated 28 November 2014 attached.

The TIS concluded that parking should be provided as follows on erven 710, 711 and 712 Hermanus:

Erf	GLA m ²	Parking / 100m ²	Bays required	Bays provided	Surplus / Shortfall
710	207	6	12	14	2
711	334	6	20	17	-3
712	245	6	15	11	-4
Total			47	42	-5

Since this application deals with erf 710 Hermanus, the focus of the TIS will be for the aforementioned property. Consequently, for a GLA of 207m² on erf 710

Hermanus, provision has to be made for 12 parking bays. The site development plan indicates that provision is made for 14 parking bays (including one parking bay for the disabled) on erf 710 Hermanus. Please refer to the site development plan for the detailed layout of the parking bays. From the amended site development plan it is evident that no parking bays have to be notarially tied to erf 710 Hermanus to ensure sufficient parking provision for the proposed development on erf 710 Hermanus.

The Rateable Land Value Determination to determine the cash sum payable to the Overstrand Municipality for the short fall of five parking bays on the proposed site development plan for erven 710, 711 and 712 Hermanus was already compiled and submitted for consideration by the municipality.

Only one way traffic will flow over erf 710 Hermanus (see SDP). Servitude right-of-way and servitude area diagrams will be surveyed and registered to address the traffic flow on the site development plan as discussed with the municipality. It is proposed to register 3,5m servitude right-of-ways on erven 711 and 712 Hermanus in favour of erf 710 Hermanus to allow the proposed traffic flow on the three sites as preferred by the TIS and the local authority. A 3,5m servitude right-of-way will also be registered over erf 710 Hermanus in favour of erf 711 and 712 Hermanus for the same reason as previously mentioned.

Title deed no. T69564/2013 has restrictive title deed conditions that need to be removed in order for this application to be approved. Application is made for the removal of the restrictive title deed conditions to allow for the rezoning of erf 710 Hermanus. Please refer to Section 3.7 of this report for the details concerning the removal of the restrictive title deed conditions application.

The proposed rezoning and removal of restrictive title deed conditions will have a minimal impact on the surrounding properties. The properties surrounding erf 710 Hermanus fall undoubtedly in a mixed land use area and the proposed application for erf 710 Hermanus is only following the existing land use / development trends in the area. The proposed land use (offices) is also not associated with attracting high traffic volumes and will not amount to high levels of noise pollution in the area. The proposed rezoning and removal of restrictive title deed conditions will therefore not have a negative impact on the surrounding erven.

The proposed rezoning and removal of restrictive title deed conditions are not in contrast to the existing land uses tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 ACCESS

Access to erf 710 Hermanus will be provided in line with the recommendations of the Traffic Impact Statement and the input received from the municipality's engineering services department.

No access to erf 710 Hermanus will be allowed from Magnolia Avenue. The proposed development will take access from Dirkie Uys Street (over erven 711 and 712 Hermanus). An exit only is provided for in Magnolia Avenue (as shown on the site development plan). The necessary servitude right-of-way and servitude area diagrams will be surveyed and registered to address the traffic flow on the site development plan as discussed with the municipality.

It is proposed to register 3,5m servitude right-of-ways on erven 711 and 712 Hermanus in favour of erf 710 Hermanus to allow the proposed traffic flow on the three sites as preferred by the TIS and the local authority. A 3,5m servitude right-of-way will also be registered over erf 710 Hermanus in favour of erf 711 and 712 Hermanus for the same reason as previously mentioned.

3.6 SERVICES

All services on the subject property already exist. Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.7 TITLE DEED

Title deed no. T69564/2013 has restrictive conditions that need to be removed in order for this application to be approved. The following title deed conditions restrict the proposed development and need to be removed:

Page 2, paragraph C. (a), (b), (c), (d) & (e):

C. SUBJECT FURTHER to the special conditions contained in Deed of Transfer No. T4939/38 imposed by the Administrator of the Cape Province when approving the Township in favour of the registered owner of any erf in the said Township and subject to the alterations or amendments by the Administrator in terms of the provisions of Act 18(3) of Ordinance No. 33 of 1934:

- (a) That the above erf be used for residential purposes only.
- (b) That only one dwelling house, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
- (c) That not more than half the area of this erf be built upon.
- (d) That no building shall be erected within 15 feet of any street line which forms a boundary of this erf. No building shall be situated within 7,5 feet of the lateral boundary common to any adjoining erf.
- (e) That this erf not be subdivided except with the consent in writing of the Administrator.

The reasons for the removal of restrictive title deed conditions as mentioned above are as follows:

- Application is made for the rezoning of erf 710 Hermanus to Business Zone 3: Local Business Zone; therefore the above-mentioned conditions prohibit the rezoning of erf 710 Hermanus. If the commercial zoning is awarded to erf 710 Hermanus, it will most definitely not be used for residential purposes but for business purposes. Conditions (a) and (b) are therefore in contrast to the proposed business rights and the structures that will be allowed on the subject property after rezoning.
- It is requested to remove conditions (c) and (d) because these conditions are in contrast to the newly approved Overstrand Municipality's Zoning Scheme. The relevant scheme regulations allows for 75% coverage on a Business Zone 3: Local Business property. The Overstrand Zoning Scheme also allows for 0m street and lateral building lines and 3m rear building lines (or 4,5m rear building line in this case where erf 710 Hermanus adjoins erf 715 Hermanus – the latter is rezoned for single residential purposes). It is

therefore requested to remove / amend these conditions to be in line with the applicable scheme regulations for the Overstrand Area.

- We also request that condition (e) be removed from the title deed since the owners of the subject property will be allowed to register a sectional title scheme on a Business Zone 3: Local Business property if deemed necessary in future.

We request that the Department of Environmental Affairs and Development Planning remove any other title deed conditions not mentioned above but deemed necessary for the approval of the proposed rezoning.

There is a bond registered against the subject property. The bondholder's consent dated 9 October 2014 is attached.

3.8 FORWARD PLANNING

The Overstrand Spatial Development Framework (2006) states that the detailed planning of the urban extension area should make adequate provision for commercial and service industrial uses. The detailed planning policy for the Overstrand Municipality, namely the Overstrand Municipal Growth Management Strategy (OMGMS, 2010) indicates that erf 710 Hermanus is included in the CBD Planning area of Hermanus and earmarked for local economic opportunity purposes. Please refer to the plan of the Hermanus CBD as included in the OMGMS (2010) attached. The policy further stipulates that mixed land use developments can be supported in the CBD area.

The policy also indicates that the subject property falls within the Heritage Overlay Area of Hermanus. Please refer to Section 3.9 of the report for more information regarding the heritage status / value.

The proposed rezoning of erf 710 Hermanus from General Residential Zone 1: Single Residential to Business Zone 3: Local Business therefore adheres to the latest

planning policies for the Hermanus area and therefore falls within the existing planning for the Hermanus area.

3.9 HERITAGE VALUE

As previously mentioned the subject property falls within the Heritage Overlay Area of Hermanus. The existing structures on the subject property were older than 60 years (built in 1938/1939). However, these structures were not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Report (2009).

An application to demolish the existing structures was submitted to Heritage Western Cape and the necessary approvals were obtained. The structures on the subject property have since been demolished and a new structure was constructed on the subject property.

3.10 ARCHITECTURAL STYLE

Elevation plans were also compiled to show the type of architectural style that is envisaged for the proposed development – see attached. The proposed architectural style will be similar to PSG Konsult's existing office building on erf 711 Hermanus (adjacent to the subject property).

It is therefore evident that the proposed development will blend in well with the adjoining area and will subsequently not have a negative impact on the built environment.

4. RECOMMENDATION

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

Motivation report

- All services on the subject properties already exist;
- The proposed rezoning and removal of restrictive title deed conditions of erf 710 Hermanus falls within the existing planning for the Hermanus CBD area;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will be kept to a minimum since the proposed site development plan was compiled in line with the recommendations of the Traffic Impact Statement and according to the input from the municipality's engineering services department;
- The proposed rezoning and removal of restrictive title deed conditions will not have a negative impact on the current character and land values of the surrounding erven.

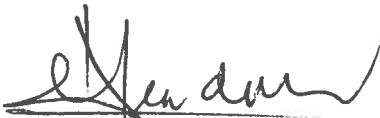
With regards to the above mentioned it would be appreciated if Council would recommend the rezoning and removal of restrictive title deed conditions application for erf 710 Hermanus for approval to the Department of Environmental Affairs & Development Planning.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIONS AND REZONING: ERF
710, NORTHCLIFF (2528)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
3. that stormwater be allowed to discharge through Erf 710, Northcliff, unobstructed;
4. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

20/6/2016.
DATE



**Western Cape
Government**

Environmental Affairs and
Development Planning



DEVELOPMENT MANAGEMENT: REGION 2

kykhana.Rabikissoon@westerncape.gov.za

Tel: +27 21 483 5830 Fax: +27 21 483 3633

Private Bag X9086, Cape Town, 8000

1 Dorp Street, Cape Town, 8000

www.westerncape.gov.za/eadp

REFERENCE: 15/3/1/4/E2/15/Erf 710, Hermanus

ENQUIRIES: Ms R Rabikissoon

PlanActive Town and Regional Planners
P O Box 296
HERMANUS
7200

TR A Theart
(H Olivier)

REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967): ERF 710, HERMANUS

1. Your application dated 14 March 2014 refers.
2. The relevant conditions in Deed of Transfer No. T. 69564 of 2013 have been removed by Provincial Notice No. 220 of 27 May 2016, a copy of which is enclosed for your information.
3. Your attention is drawn to transitional provisions contained in section 39(2) of the Regulations prescribed in terms of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) which stipulates that *"The applicant or holder of the title deed in respect of an application contemplated in subregulation (1) must apply to the Registrar of Deeds and Surveyor-General to make the appropriate entries in and endorsements on any relevant register, title deed, diagram or plan and submit to the Registrar of Deeds the title deed for the purpose of this subregulation."*
4. In accordance with the above provision, you are now required to submit the original title deed, this decision letter, a copy of the Provincial Gazette Notice (attached hereto) and your contact details to the Registrar of Deeds for endorsement and scanning. These documents should be submitted by hand to the Human Resources Department on the 12th Floor of the New Revenue Building, 90 Plein Street, Cape Town for the attention of Mr. Francious Waneburg. Further clarification in this regard can be obtained from him on 021 464 7725 or Francious.Waneburg@drdlr.gov.za.
5. Please bear in mind that this endorsement should be undertaken expeditiously, failing which may result in the delay of future applications, building plans submissions or approvals and the transfer of property or portions thereof.
6. In view of the above, this Department's file is now closed.

[Signature]
HEAD OF DEPARTMENT

DATE: 07/06/2016

FILE NO:	EL 710-Herm
SCAN NO:	45
COLLABORATOR NO:	911679

26 JUN 2016

27 May 2016

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CITY OF CAPE TOWN (TABLE BAY DISTRICT)**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

I, André John Lombaard, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owners of Erf 2394 Pinelands, hereby amends condition D. 10., as contained in Deed of Transfer No. T.41478 of 2011, to read as follows:

Condition D.10. "The buyer of the said plot shall not have the right to open, or allow or cause to be opened and carried thereon, any canteen, hotel or restaurant or other place for the sale of wines, beer or spirituous liquors, or shop or other business place whatsoever, **except for the use of the property as an Occupational Practice (Early Childhood Development Center).**"

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27 May 2016

OVERSTRAND MUNICIPALITY**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

I, Jeremy Benjamin, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 710, Hermanus, remove conditions C. "(a), (b), (c) (d) and (e) contained in Deed of Transfer No. T. 69564 of 2013.

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27 May 2016

OVERSTRAND MUNICIPALITY**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

I, Jeremy Benjamin, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 229, Hermanus, removes condition B. (b) contained in Deed of Transfer No. T. 31334 of 1988.

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27 May 2016

OVERSTRAND MUNICIPALITY**REMOVAL OF RESTRICTIONS ACT, 1967
(ACT 84 OF 1967)**

I, Jeremy Benjamin, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs & Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner Erf 748, De Kelders, removes condition D. II. (e), as contained in Deed of Transfer No. T. 70279 of 1995.

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27 Mei 2016

STAD KAAPSTAD (TAFELBAAI-DISTRIK)**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Ek, André John Lombaard, in my hoedanigheid as Hoof Grondgebruikbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), behoortlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaars van Erf 2394, Pinelands, wysig voorwaarde D.10., soos vervat in Transportakte Nr. T.41478 van 2011, om soos volg te lees:

Voorwaarde D.10. "The buyer of the said plot shall not have the right to open, or allow or cause to be opened and carried thereon, any canteen, hotel or restaurant or other place for the sale of wines, beer or spirituous liquors, or shop or other business place whatsoever, **except for the use of the property as an Occupational Practice (Early Childhood Development Center).**"

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27 Mei 2016

OVERSTRAND MUNISIPALITEIT**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Ek, Jeremy Benjamin, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), behoortlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 710, Hermanus, hef voorwaardes C. "(a), (b), (c), (d) en (e) vervat in Transportakte Nr. T. 69564 van 2013, op.

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27 Mei 2016

OVERSTRAND MUNISIPALITEIT**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Ek, Jeremy Benjamin, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), behoortlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 229, Hermanus, hef voorwaarde B. (b) vervat in Transportakte Nr. T. 31334 van 1998, op.

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27 Mei 2016

OVERSTRAND MUNISIPALITEIT**WET OP OPHEFFING VAN BEPERKINGS, 1967
(WET 84 VAN 1967)**

Ek, Jeremy Benjamin, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement Omgewing Sake en Ontwikkelings Beplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperrings, 1967 (Wet 84 van 1967), behoortlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 748, De Kelders, hef voorwaardes D. II. (e), vervat in Transportakte Nr. T. 70279 van 1995 op.