



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

**DATE:
VENUE:
TIME:**

**29 OCTOBER 2020
VIRTUAL
10:00**

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

7 October 2020

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that a meeting of the **Municipal Planning Tribunal (MPT)** will, due to the Covid-19 lockdown, go into session by means of a virtual platform on **Thursday, 29 October 2020 at 10:00** to consider the attached agenda.

S MÜLLER
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Mr S Müller (Chairperson)
2. Mr R Williams (Vice Chairperson)
3. Mr S Madikane (Member)
4. Ms D Arrison (Member)
5. Ms H Janser (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Olivier (Town Planner)
10. Secretariat

**MUNICIPAL PLANNING TRIBUNAL
(MPT)**

29 October 2020

I N D E X

ITEM

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APPLICATIONS FOR LEAVE OF ABSENCE

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1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 6 October 2020

4. ITEMS FOR CONSIDERATION

4.1 ERF 221, 3 SCHOOL STREET, FISHERHAVEN: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF EW SOLOMON

Report attached.

4.2 ERF 115, 39 THE CRESCENT, FISHERHAVEN, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: MESSRS ME PLANNERS ON BEHALF OF A WALLS

Report attached.

4.3 ERF 1362, 95 CEASER ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSENT USE: CF BLAIR

Report attached.

4.1

ERF 221, 3 SCHOOL STREET, FISHERHAVEN: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: MESSRS WRAP PROJECT OFFICE ON BEHALF OF EW SOLOMON

221 HFH (3299/2019)

H Olivier

21 September 2020

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 21 August 2019 from Messrs WRAP on behalf of EW Solomon on Erf 221, Fisherhaven for the following:

- ❖ Removal of restrictive title condition in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 on Erf 221, Fisherhaven for the removal of the restrictive condition in Title Deed T37434/2015, Clauses D.4., D.4.(a), D.4.(b), D.4.(c), D.4.(d) and D.4.(e).

The restrictive condition reads as follows:

"D. SUBJECT FURTHER to the following special conditions newly imposed by the Administrator of the province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township and contained in Deed of Transfer No. T30705/1969, namely:

1.
2.
3.

4. *This erf shall be subject to the following further conditions, provided especially that where in the opinion of the Administrator, after consultation with the Township board and the Local Authority, it is expedient that the restriction in such condition should at any time be suspended or relaxed, he may authorize the necessary suspension or relaxation subject to compliance with such conditions as he may impose:*

- a) *It shall not be subdivided;*
- b) *It shall be used only for such purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;*
- c) *That no more than 30% the area thereof shall be built upon;*
- d) *No building or structure, or any portion thereon except boundary walls and fences, shall be erected nearer that 4,72 metres to the street line which forms a boundary of this erf, nor with 3,15 metres of the rear of 1,57 metres of the lateral boundary common to any adjoining erf, provided that 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 consolidated area as one erf.

e) 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.”

❖ Departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 to relax the following:

- departure from the permissible 50% coverage to 55,05%;
- relaxation of the 4m north-eastern street building line to 0m to accommodate the existing carport;
- relaxation of the 2m north western lateral building line to 0m to accommodate the existing carport;
- departure from the permissible 6,5m width of a carport to accommodate the existing carport which is 16,208m wide along the street boundary.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan is attached as Annexure C. Title Deed T37434/2015 is attached as Annexure D.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The erf measures 927m² in extent and is located in a residential area of Fisherhaven. There is an existing double storey dwelling with garage, and vast carports on the property.

The applicant is trying to legalize the existing carports; hence this application was submitted.

4. SUMMARY OF APPLICANT'S MOTIVATION

- The applicant is trying to legalize existing carports, which are not in line with the Zoning Scheme Regulations and title deed restrictions.
- The applicant intends removing title deed conditions for the following reasons:

Condition not to subdivide the property:

The applicant does not intend subdividing the property at this stage. However, it will enable him to do so in the future, as it would be in line with the Overstrand Municipality Growth Management Strategy (OMGMS).

Condition to only construct one dwelling:

The applicant intends to create a second dwelling on the property in the future. This would be in line with the Density Policies and allowed in terms of the Residential Zoning I: Single Residential Zoning.

Condition that restrict development to a 30% coverage:

The existing building has an existing coverage of 55,05%. The restriction was to cater for the low density development in 1960 limited to one (1) dwelling. With the new primary rights in terms of the Zoning Scheme, there is more and more pressure in Fisherhaven on this restriction.

Condition limiting buildings to be constructed nearer than 4.72m from the street boundary, 3.15m from the rear boundary and 1.57m from lateral boundaries:

These title deed restrictions were instituted to maintain the low-density character. In terms of the new Residential Zone I: Single Residential Zoning longer buildings are constructed, and it is a common practice for property owners to locate garages and carports over building lines.

- Considering the removal of restrictive conditions in terms of Section 35(4) of the Overstrand Municipality By-Law, 2015:
 - ❖ The restrictive conditions do not have a beneficial financial or other value for the owner of any other party.
 - ❖ No personal benefits accrue to the holder of the restrictions.
 - ❖ The land owner will be permitted to keep the existing buildings.
 - ❖ There is no social benefit if the conditions remain in place.
 - ❖ The social benefit of removing the restriction is that a second dwelling can be accommodated for affordable housing for the public, and it will reduce urban sprawl.
 - ❖ No member of the community will be deprived of any rights, should the conditions be removed.
 - ❖ No new services (i.e. water, sewerage, electricity) will be required.
 - ❖ The existing access from School Street will be used.
 - ❖ No additional land uses will be allowed due to this application; therefore, it will be compatible with surrounding land uses.
 - ❖ The existing building is in line with the height restrictions and is not visually intrusive, and therefore in line with the character of Fisherhaven.
 - ❖ The carport increases the property's value and thereby also surrounding properties' values and, therefore, has a positive economic impact.
 - ❖ The existing buildings have no impact on the safety, health and wellbeing of the surrounding community.
 - ❖ The application is in line with the requirements of SPLUMA, PSDF and SDF, which designate the property for residential purposes.
 - ❖ The proposal is in line with the OMGMS as the construction of the carport enhances the quality and efficiency of the built environment, more efficiently uses services and is in line with the character of the surrounding area.

- The application is in line with the Planning Principles as follows:

Spatial Justice:

The application will not contribute to spatial development imbalances caused by apartheid.

Spatial Sustainability

A future second dwelling will increase density which promotes spatial sustainability.

Efficiency

Existing services, space, energy and infrastructure will be optimally used.

Spatial Resilience

The application is in line with the spatial resilience policy proposals.

Good Administration

A good public participation process was followed by the Overstrand Municipality.

The following departures from the Zoning Scheme are applied for:

- To relax the coverage from 50% to 55,05% - There was only a marginal increase in coverage when the carports were constructed, and the property does not feel over densified. It is also an upgrade of the property.
- The encroachment over the 4m street and 2m lateral building lines, and departure from the maximum 6,5m width of a carport on the street boundary can be supported as it will not be used for habitable purposes and only be used when the property owner or the guests require shaded parking.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	6 November 2019	13 December 2019
Gazette	Yes	8 November 2019	13 December 2019
Notices	Yes	4 November 2019	13 December 2019
Ward Councillor	Yes	5 November 2019	13 December 2019
Total letters of support	None		
Total letters of objection	None		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Fire Department	7/11/19	No objection.
Engineering Services	27/12/19	See Annexure E.
Building Control	7/11/19	No objection.
Waste Management	29/11/19	No objection.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

N/A

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

All Municipal Departments (relevant departments) support the application.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

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

The objectives relating to:

Spatial Justice

N/A

Spatial Sustainability

It is not foreseen that the extensions would have an impact on the environment, but there is concern regarding the scale of the carports and the fact that it is approximately 26m long on the lateral boundary measuring $\pm 34m$ and approximately 16m long on the street boundary which measures $\pm 27m$. It could create the precedent for more such applications in an area with low-density character with most erven with coverage less than 30%.

Efficiency

It would be the most financial efficient way for the applicant if the Municipality approve the application, but the proposal must then not impact the character of the area.

Spatial Resilience

N/A

Good Administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-laws and the public participation process has been followed.

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

Same as Point 10.2 above.

10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The application is consistent with the Spatial Development Framework and the OMGMS.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

The application for removal of restrictions must also be considered in terms of the Western Cape Government: Provincial Support Document: Restrictive Conditions.

10.6 Impact on Municipal Engineering Services

No services will be required.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial Documents.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

Why was the restrictive condition imposed and how is it beneficial

The value of the specific conditions is to protect the existing low density character of Fisherhaven. It stipulates more restrictive building lines coverage, prohibits subdivisions and also does not allow second dwellings. The removal of the restrictive conditions must therefore carefully be considered to not impact on such character.

It is to be noted that building line- and coverage relaxations have been approved in the past, and sufficient information was provided to evaluate such.

Clear information was however not provided for the removal of the restriction relating to subdivision and construction of a second dwelling, and it is therefore difficult to measure such impact.

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

The holder of the rights, the Municipality, will have no personal benefit with the removal of rights.

The person seeking the removal will benefit, as the removal of the condition will provide the owner to keep some of the buildings constructed which is over the 30% coverage indicated in the Title Deed and the building lines stipulated. It will also provide him/her with the possibility to later create a second dwelling on the property or subdivide the property.

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

There have been cases in Fisherhaven where title deed conditions were removed dealing with conditions not allowing second dwelling, coverage and building lines. It is to be noted that the restrictive conditions were inserted in the Title Deed in 1969 when the township establishment took place, but the needs of the community have changed significantly over the past 40 years.

The Overstrand Zoning Scheme and the Forward Planning Policies do provide for new control measures that ensure that development will not lead to negative impact on the community.

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

The proposal is to remove all conditions in favour of the beneficiary. It relate to a coverage limitation, building lines, a limitation to only construct one (1) dwelling unit and not to subdivide the erf.

Only two (2) of the restrictions are however required to be removed to address the applicant's existing building work which are the conditions for building line restrictions and the coverage restriction.

12. THE DESIRABILITY OF THE PROPOSAL

The application is for removal of restrictive title deed conditions and also a departure in terms of the Overstrand Municipality Zoning Scheme.

The title deed conditions were created in 1969 with Township Establishment. The Fisherhaven area did not have a Zoning Scheme, and title deed restrictions were used to ensure control of the development in the area.

The restrictions being applied for to be removed restrict subdivision, limit development to one (1) residential dwelling, limit coverage to 30% and stipulate 4,72m street building line, 3,15m rear building lines and 1,57m lateral building lines on residential erven.

Although Fisherhaven has a very low density character, more and more applications are received to remove title deed building lines and the one (1) dwelling limitation, due to the new changing needs of the community.

The Forward Planning Policies have also earmarked certain areas for further densification, which would mean that in future more applications will be received to remove the title deed conditions limiting development to 30% coverage and one (1) dwelling. The reality is that these restrictions were stipulated in the Title Deed 40 years ago, and considering the future opportunities in Fisherhaven, it is understandable why the applicant wants to apply for the removal of all these restrictions.

The existing building has coverage well over 30% and is constructed over the lateral and street building line. The impact thereof will be dealt with in the discussion of the zoning scheme restriction hereunder. The conditions limiting subdivision and the construction of only one (1) dwelling is however not relevant to the existing structures and the application, as it does not include a second dwelling or the subdivision of the erf.

The fact that detailed information lack regarding a possible second dwelling and subdivision of the erf, makes it is not possible to measure the impact thereof in terms of the criteria to measure impact on the value of the rights and the benefit for these restrictions remaining in place. It is then also stipulated in the Western Cape Government Provincial Support Document: Restrictive Conditions that the rights of other beneficiaries of restrictive conditions should carefully be assessed and considered. The lack of clear proposals regarding a second dwelling and subdivision of the property, therefore makes it impossible to evaluate such part of the application.

The Overstrand Municipality Zoning Scheme Regulations, 2014 specifies a coverage restriction of 50%, 2m rear and lateral building lines and a 4m street building line. Carports over the street building line may also only be 6,5m in width.

The proposal is to legalize the existing carports constructed onto the western lateral boundary for a distance of 26,2m, and also for a distance of 16,2m on the street boundary. All buildings on site also have a total coverage of 55,05%.

The existing carports stretch over long distances on the western boundary and street boundary, and do have a visual impact especially on the street façade. It is also considered very bulky with a coverage of 55.05%.

To evaluate if the application is in line with the character of the area, a survey was done on Google Maps to try to determine the bulk in the immediate area and wider Fisherhaven area. These calculations were done on the roof covering, and could possibly be lower.

In the immediate area, coverage on properties measure between 10-29%. However, considering the wider Fisherhaven there appear to be at least other

properties with coverage between 35-40%. One property has a coverage that appear to be over 50%, but there are illegal building work on the property and the Building Control Department is taking steps against such property owner.

Considering the above, to increase coverage over 30% is not out of line with the character of Fisherhaven, but coverage over 50% is definitely not considered in line with the character of Fisherhaven.

From a bulk perspective the removal of the 30% coverage restriction can be supported, but the relaxation of the 50% coverage as specified in the Zoning Scheme, is not supported.

It is therefore recommended, to help limit the visual impact of the carports constructed onto the boundaries and the high bulk feel, certain portions of the carports over the building lines should be removed.

This will mean that the existing footprint of the buildings will have to be reduced with approximately 47m² from 508,59m² to 461,5m². It is recommended that the carport fronting the street be at least reduced with 3m east of the boundary with Erf 220, up to and in line with the north-western corner of the existing dwelling on Erf 221. This would decrease the footprint with 18m² and the street frontage from 16,2m to 13m (total length of boundary 26,7m).

It is also recommended that the carport over the western lateral building line be reduced with 29m² footprint, which means that a further 10,2m length of this carport must be removed. Ultimately, the total length of the carport over the western lateral building line will have to be reduced from 26,2m to 10m in length. The 6m part of carport extending past the north-western corner of the dwelling must be removed, but it is the applicant's prerogative which other 10,2m length of the further 20,2m long remainder of the carport over the western building line he/she would want to keep.

The above mentioned recommendation will limit the carport on the street boundary to 13,2m, which is approximately half of the length of the street frontage. This is considered more acceptable, considering that there is no direct access from the street to this carport.

The recommendation to reduce the carport on the lateral boundary with approximately 16m would ensure that the carport length on the lateral boundary will be less than 33% of the boundary. This is also considered to be more acceptable and visually less imposing. These alterations will also provide for an acceptable coverage of 50%, in line with the Zoning Scheme Regulations.

It is then also supported that the restrictive conditions in the Title Deed relating to coverage and building lines be removed, to enable the above proposal.

The application however does not include the construction of a second dwelling or the subdivision of the erf, and the removal of such conditions cannot be supported, as there is not sufficient information to measure the impact of the removal of such restrictions.

The condition [D.4.(e)] stipulating that the conditions stipulated in a Zoning Scheme will apply also has no impact on the application and there is no reason for such condition to be removed.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2015 (By-Law) on Erf 221, Fisherhaven for the removal of restrictive condition D4(c) and D4(d) of Title Deed T37434/2015, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. That the application in terms of Section 16(2)(f) of the By-Law on Erf 221, Fisherhaven for the removal of restrictive conditions D4, D4(a), D4(b) and D4(e) of Title Deed T37434/2015, **not be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the By-Law on Erf 221, Fisherhaven for the relaxation of the allowable coverage from 50% to 55,05%, **not be approved**;
4. that the application in terms of the By-Law on Erf 221, Fisherhaven to relax the western lateral building line from 2m to 0m, the street building line from 4m to 0m and the maximum width of a carport over the street building line from 6,5m, to accommodate an existing carport, **be partially approved** in terms of the provisions of Section 61 of the By-Law;
5. that the decisions in Points 1. and 4. be subject to the following conditions:
 - (a) that the amended building plans be submitted only indicating the carport over the street building line for a distance of 13,2m in front and in line with the north-western corner of the existing dwelling on Erf 221, and that the carport section over the western lateral building line only be allowed next to the existing dwelling and must be reduced to a length of 10m, thereby limiting the total coverage to 50%;
 - (b) that building plans be submitted to the Building Branch for approval, and that all conditions of the Building and the Fire Department, be complied with at that stage;
 - (c) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that all the conditions in the Services Report (attached as Annexure E), be complied with, and
 - (f) that the permission from Telkom and Eskom be obtained should any other infrastructure be impacted upon.
6. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

POINT 1.:

- ❖ No objections were received.
- ❖ There are already other properties in Fisherhaven with coverage over 30% and structures onto boundaries, and the removal of these restrictions would not impact on the character of the area.
- ❖ The Overstrand Zoning Scheme Regulations are sufficient controls when it comes to coverage and building line controls.
- ❖ The removal of the restrictions will not have a negative effect on the Fisherhaven Community.

POINT 2.:

- ❖ The application does not include the construction of a second dwelling or a subdivision application, and therefore the benefit of the restriction cannot be measured, nor the value of the restriction.
- ❖ The impact of the removal of the conditions on the character of Fisherhaven could also not be measured.

POINT 3.:

- ❖ Most properties in Fisherhaven have densities of less than 30%, with a limited number with coverage between 30% and 50%, and a departure to relax the Zoning Scheme limitation of 50% to 55,08% is considered too extreme. This is not considered in line with the character of Fisherhaven and could create an unwanted precedent.

POINT 4.:

- ❖ The encroachment of the carport over the western lateral and street building line is extreme, being 76% of the lateral boundary and 60% of the street boundary.
- ❖ The above encroachments are not in line with the low-density character of the area, and have a visual impact on the neighbour and the street façade.
- ❖ The reduction of the carport over the 4m street building line to 13,2m, would reduce it to less than 50% of the street frontage, and more acceptable.
- ❖ The reduction of the carport over the lateral building line to 10m would reduce it to less than 33% of the boundary length, and more acceptable.
- ❖ The above mentioned alterations would ensure that coverage drops to 50%, providing for encroachments that are less bulky, and fit in more with the character of Fisherhaven.

15. ANNEXURES

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Development Plan
- Annexure D: Title Deed T37434/2015
- Annexure E: Services Report

SIGNATURES**AUTHOR**

Name: **H OLIVIER**

SACPLAN Reg No: **B/8128/2004**

Signature: _____

Date: _____

REGISTERED PLANNER

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

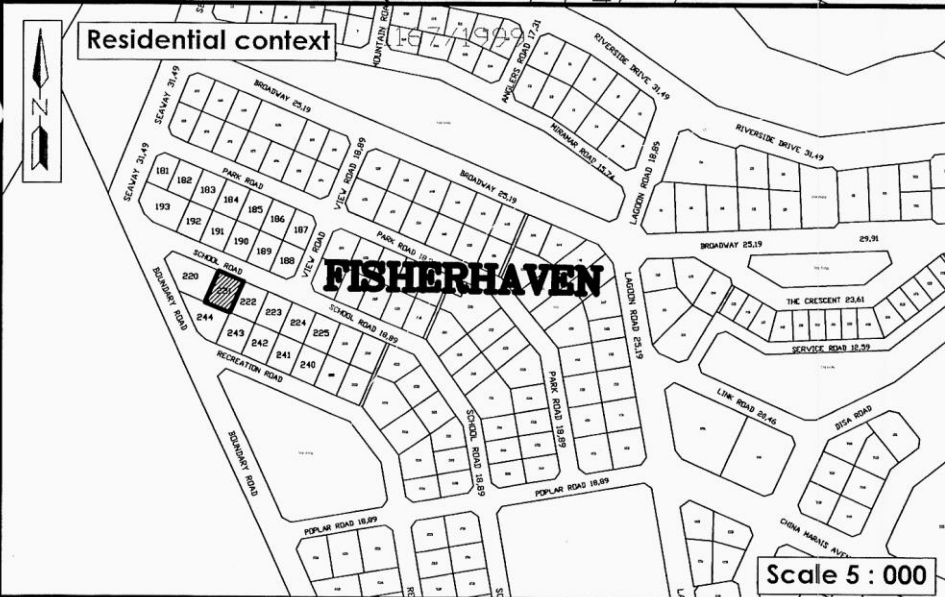
Signature: _____

Date: _____

Plan 1: Locality Plan Erf 221 Fisherhaven

 Erf 221 Fisherhaven (927m²)

Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan prepared in June 2019
File number 19/92
35 Duiker Street, Hermanus, 7200
Plan prepared by: Realshile Jankie
All distances are approximate and subject to a survey





MOTIVATION

7. LAND USE ENVIRONMENT

All the land uses within a 100m radius from the subject property are residential and all the existing land uses on the subject property are also residential. The approval of the carport which encroaches on the building lines is in harmony with the surrounding residential land uses as the carport is ancillary and subservient to the dwelling house.

8. TITLE DEED CONDITIONS PROPOSED FOR REMOVAL

8.1 Title deed T37434/2015 was perused and there are restrictive title deed conditions which prohibit the approval of this application and the removal thereof will be motivated.

8.2 Key terminology pertaining to this proposal can be summarised as follow.

8.2.1 Urban sprawl

"the rapid expansion of the geographic extent of cities and towns, often characterized by low-density residential housing, single-use zoning, and increased reliance on the private automobile for transportation."

8.2.2 Urbanisation

"is an increase in a population in cities and towns versus rural areas."

8.3 *"D.4 This erf shall be subject to the following further conditions, provided especially that where in the opinion of the Administrator after consultation with the Township board and Local Authority, it is expedient that the restriction in such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with conditions as he may impose."*

This restrictive title deed condition is an introduction to the conditions which are proposed for removal. This therefore nullifies the necessity of this title deed condition.

8.4 *"D.4.(a) It shall not be subdivided"*

Rationale for the removal of this restrictive title deed condition.

The property owner has no immediate need to subdivide the subject property.

Motivation

This title deed condition was inserted in 1969 when the prevailing development model in Fisherhaven was of a low-density nature with large erven. Although this proposal does not entail a subdivision, this restrictive title deed condition is proposed for removal for the densities prescribed in the OMGMS and the SDF which will be drafted by the OM to be applied on the subject property. The removal of this restrictive title deed condition will therefore enable the subject property to be responsive to any changes in policies which regulate density in Fisherhaven.

8.5 *"D.4.(b) It shall be used only for such purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith."*

Rationale for the removal of this restrictive title deed condition.

The removal of this restrictive title deed condition is sought as the property owner wishes to have a second dwelling unit on the subject property in the future.

File 19/92
Erf 221 Fisherhaven
August 2019 & Amended October 2019



MOTIVATION

Background

This restrictive title deed condition was inserted in 1969 when the prevailing development model in the Fisherhaven was low density suburban sprawl. This was in response very low urbanisation and population growth trends. Considering the environment and circumstances prevalent in 1969, the insertion of this restrictive title deed condition is was feasible at the time.

Current urban development trends and pressures

Rapid urbanisation has resulted in a rapid growth of the population within the urban edge of Fisherhaven. This population growth has promoted a shift in town planning policies which promote densification within the urban edge to avoid urban sprawl. This is due to urban sprawl that consumes a lot of land and contribute to harming pristine natural systems and environments. Second dwelling units are a form of densification which the OM promotes on properties which are zoned Residential Zone 1: Single Residential. Considering the shift in circumstances between 1969 and 2019, the subject title deed is not responsive to current urban trend which nullifies its relevance.

8.6 "D.4.(c) Not more than 30% of the area thereof shall be built upon."

Rationale for the removal of this restrictive title deed condition.

All the existing buildings constitute 55,05% of the subject site which necessitates the removal of this restrictive title deed condition.

Background

This restrictive title deed condition was inserted in conjunction with the restrictive title deed condition which prohibited a second dwelling unit. This was to ensure that dwellings did not become too large on properties as that would set a precedent to property owners having more than one dwelling. This title deed condition was inserted to respond to the low-density character of suburbs during the 1960's.

Current urban development trends and pressures

As a result of urbanisation pressures, the OMZS confers a second dwelling unit as a primary right. The presence of a second dwelling unit on a property therefore increases the likelihood of properties encroaching on the 30% coverage cap. The removal of this title deed condition is therefore proposed for the existing building to be responsive to development pressures which are prevalent in Fisherhaven.

8.7 "D.4.(d) 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 of 1,57 meters of the lateral boundary common to any adjoining erf, provided that 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 consolidated area as one erf."

Background

This title deed condition was inserted when buildings generally had long street and rear offset distances. This was to contribute to maintaining the low-density character of erven in Fisherhaven and conformed to the preference of property owners at the time.

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Current urban development trends to the above restriction

The increase of densities on properties which are zoned Residential Zone 1: Single Residential leads to more space being needed within building lines to accommodate non habitable land uses. It is also common practice for property owners to locate garages and carports within building lines as that is not considered to be visually intrusive or imposing.

- 8.8 "D.4.(e) 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."

This restrictive title deed condition pertains to conditions D.4.(a), D.4.(b), D.4.(c), D.4.(d). The removal of these title deed conditions nullifies this condition.

9. RELEVANT CONSIDERATIONS FOR THE REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

The consistency of the proposed removal of restrictive title deed conditions is assessed as a relevant consideration in terms of Section 35(4) of the OM By-Law:

- 9.1 **The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vests in the persons of the owner of a dominant tenement.**
This restrictive condition does not have a beneficial financial or other value for the property owner or anyone else.
- 9.2 **(b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition.**
There are no personal benefits which accrue to the holder of these restrictive title deed conditions.
- 9.3 **(c) The personal benefits which will accrue to the person seeking the removal of the restrictive conditions, if removed.**
The removal of the restrictive title deed conditions will enable the property owner to be conferred with appropriate land uses which permit the existing buildings and land uses on the subject property.
- 9.4 **(d) The social benefit of the restrictive condition remaining in place.**
There is no social benefit if the restrictive conditions remain in place.
- 9.5 **(e) The social benefit of the removal of the restrictive condition.**
The approval of this proposal will enable the property owner to have a second dwelling unit which is generally a more affordable accommodation option for first time renters and is in the public interest. The introduction of a second dwelling unit on a property which is zoned Residential Zone 1: Single Residential contributes to reducing urban sprawl and can be regarded as being in the public interest.
- 9.6 **(f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.**



MOTIVATION

There are no rights which are enjoyed by any member of the society and the removal of these restrictive conditions does not constitute a deprivation of rights.

10. ZONING

The zoning parameters of the subject property were assessed in conjunction with the SR1 zoning and this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

Residential Zone 1: Single Residential			
	Parameters	Proposal	Comply or deviate
Primary use	Dwelling house , day care centre, guest rooms, home occupation and second dwelling unit.	Dwelling house and second dwelling unit	Comply
Consent use	Crèche, guest house, green house, house shop, institution, place of instruction, place of worship, residential building and tourist accommodation.	N/A	Comply
Land Use Restrictions			
Coverage	50%	55,05%	Deviate and motivated
Street building line	4 metres to any street boundary provided that in the case of a corner site with an average depth of 20m or less has a 3m street building line.	Departure from the 4m north eastern street building line to 0m to permit the existing carport.	Deviate and motivated
Side and Rear building line	Side and Rear building lines for erven greater than 400m ² are 2m.	From 2m side building line to 0m for the carport. From 2m rear and side building line to 0 to accommodate the water tank.	Deviate and motivated
Height	8 m measured from the base level to the top of the roof.	6.3m	Comply
Parking	Parking and access shall be provided on the land unit in accordance with Section 17.1 of the Overstrand Municipality Zoning Scheme of November 2013. Dwelling house 2 on-site parking bays per dwelling unit provided that on erven less than 400m ² only one on-site parking bay needs to be provided. Second dwelling 1 bay	There is an existing double garage and a carport on the property.	Comply

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11. SERVICES

The availability of services is a relevant consideration in terms of Section 67.(2)(a):

11.1 Water

The existing building is connected to the OM water network and the approval of this proposal will not alter this.

11.2 Sewage

There is an existing approved sewage disposal method on the subject property which the approval and implementation of this proposal will not alter.

11.3 Electricity

The existing building is connected to an electricity network.

11.4 Access and egress

Access and egress to the subject property can be gained from School Street.

12. NEED AND DESIRABILITY

The need and desirability of the approval of this proposal will be illustrated in accordance with Section 66 (1) (c) of the OM By-Law:

12.1 Need of the proposal

There is a definite need for the approval of the submitted proposal in order to permit the existing carport. There is also a need for the removal of all town planning related restrictive title deed conditions to enable the buildings and land uses on the subject property to be responsive to current development trends and pressures. There is also a need for the simultaneous removal of all town planning related restrictive title deed conditions. This is to prevent a reapplication for the removal of restrictive title deed conditions in the future as that would reduce the administrative burden on the OM Town Planning Department.

12.2 Compatibility with surrounding land uses

Section 8 of this motivation report illustrated that all surrounding land uses are residential and that the approval of this application will ensure that only residential land uses are permitted. The approval of this proposal will therefore maintain the compatibility of the subject site with surrounding land uses and building.

12.3 Impact on views, sunlight and character of the area

The existing buildings on the subject property do not encroach on the 8m height restriction which is applicable on the subject property and cannot be regarded as a visual imposition. The approval of this proposal is in harmony with the residential character of Fisherhaven which is positive.

12.4 Economic impact

The existing carport increases the value of the subject property which also contribute to the incremental perceptible value increase of a neighbourhood which is a positive economic impact.

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12.5 Impact on safety, health and wellbeing of the surrounding community

The existing buildings and land uses on the subject property do not have any adverse impact on the safety, health and wellbeing of the surrounding community.

13. SPLUMA MOTIVATION REQUIREMENTS

This application is motivated in terms of the requirements of SPLUMA which a relevant consideration in terms of Section 42 (c):

13.1 Public interest

The approval of this proposal would lead to an increase in the value of the subject property. This will contribute to the OM collecting higher rates from the owner of the subject property which will be used for service delivery which is in the public interest.

13.2 Constitutional transformation imperatives of the state

The constitutional transformation imperative of the OM includes creating an enabling environment for property owners to continually improve the aesthetic and financial value of properties. The approval of this proposal would be in harmony with the constitutional transformation imperatives of the OM.

13.3 Respective rights and obligations of all those affected

The approval of this proposal will not interfere with the ability of neighbouring property owners to exercise right conferred by the zoning of Residential Zone 1: Single Residential.

14. SPATIAL PLANNING POLICIES

The consistency of this proposal with all relevant spatial planning policies was investigated. This is a relevant consideration in terms of Section 66 (1) (h), (i) (u) (k) and (l) of the OM By-Law:

14.1 PSDF

The aim of the PSDF is to communicate the governments sound spatial development intentions to the private sector and civil society.

Policy proposal in the PSDF which are pertinent to this proposal are recorded below.

14.1.1 The PSDF promotes the protection and enhancement of the prevailing sense of place and settlement patterns.

The prevailing sense of place within the immediate surrounding of the subject property is residential with dwellings and associated outbuildings. The approval of this proposal will therefore not lead to the valued sense of place in Fisherhaven being disturbed.

14.1.2 Accessibility at all scales is promoted.

Access to the subject property is gained from School street which is in harmony with the prescript of the PSDF.

14.1.3 Transition from low density sprawl to increased densities in appropriate locations.

The approval of this proposal will enable the owner of the subject property to establish a second dwelling unit. This will increase the density on the subject site in a manner which maintains the valued residential character of Fisherhaven.

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14.2 **SDF**

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality.

Policy proposals which are pertinent this application was assessed, and the outcome is as follows:

14.2.1 **Retain the unique character of Hermanus while balancing the need for urban growth.**

This proposal entails maintaining the unique character of Fisherhaven and allowing land uses and buildings on the subject property to be in harmony with the primary rights elucidated in the OMZS.

14.2.2 **Development must be strictly retained within the urban footprint.**

The subject property is located within the urban edge.

14.2.3 **Spatial proposal plan**

The SDF designates the subject property for residential purposes and the approval of this proposal would maintain the harmony of buildings/land uses on the subject property with the spatial proposal plan.

14.3 **OMGMS**

The purpose of the OMGMS is to improve the Overstrand Municipalities overall environmental sustainability by enhancing the quality and efficiency of the built environment.

Policy proposals which are pertinent this application was assessed, and the outcome is as follows:

14.3.1 **The built environment of Hermanus should be enhanced and well managed.**

The reason why the owner of the subject property constructed the existing carport is to visually enhance the subject property as prescribed by the OMGMS.

14.3.2 **Promote the optimal land use planning and efficient use of services.**

This proposal is to permit land use rights which are primary rights in the OMGMS with the intent of enhancing the efficient use of services on the property.

14.3.3 **Promote developments which are within the immediate scale and character.**

The existing buildings on the subject property are in harmony with the immediate scale and character of Fisherhaven.

14.3.4 **Spatial proposal plan**

The subject property is designated for residential purposes which the approval of this proposal will maintain.

15. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

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MOTIVATION

15.1 Spatial justice

The approval of this proposal will not contribute to the perpetuation of spatial development imbalances caused by apartheid land use and spatial planning. This proposal can therefore be regarded as upholding principles of spatial justice.

15.2 Spatial sustainability

This application proposes that a second dwelling unit be established on the subject property. This allows for an increase in density on the property and regarded as spatially sustainable as that promotes the inclusion of more people on the subject property.

15.3 Efficiency

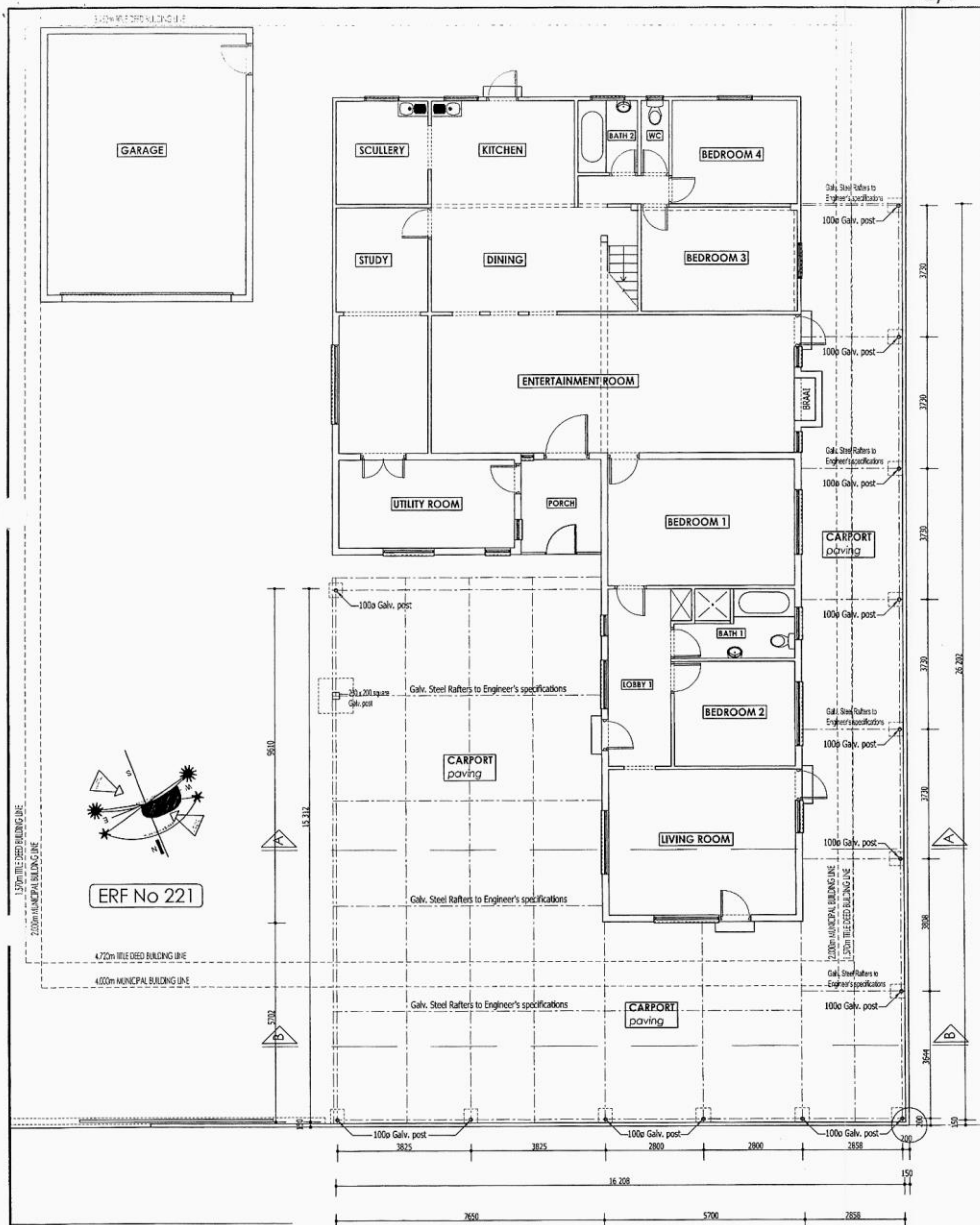
This proposal is intended to ensure that existing services, space, energy and infrastructure on the subject property are optimally used. The existing restrictive title deed conditions prevent this which justifies the removal thereof.

15.4 Spatial resilience


The subject property is in harmony with the spatial resilience policy proposals pertaining to the subject site.

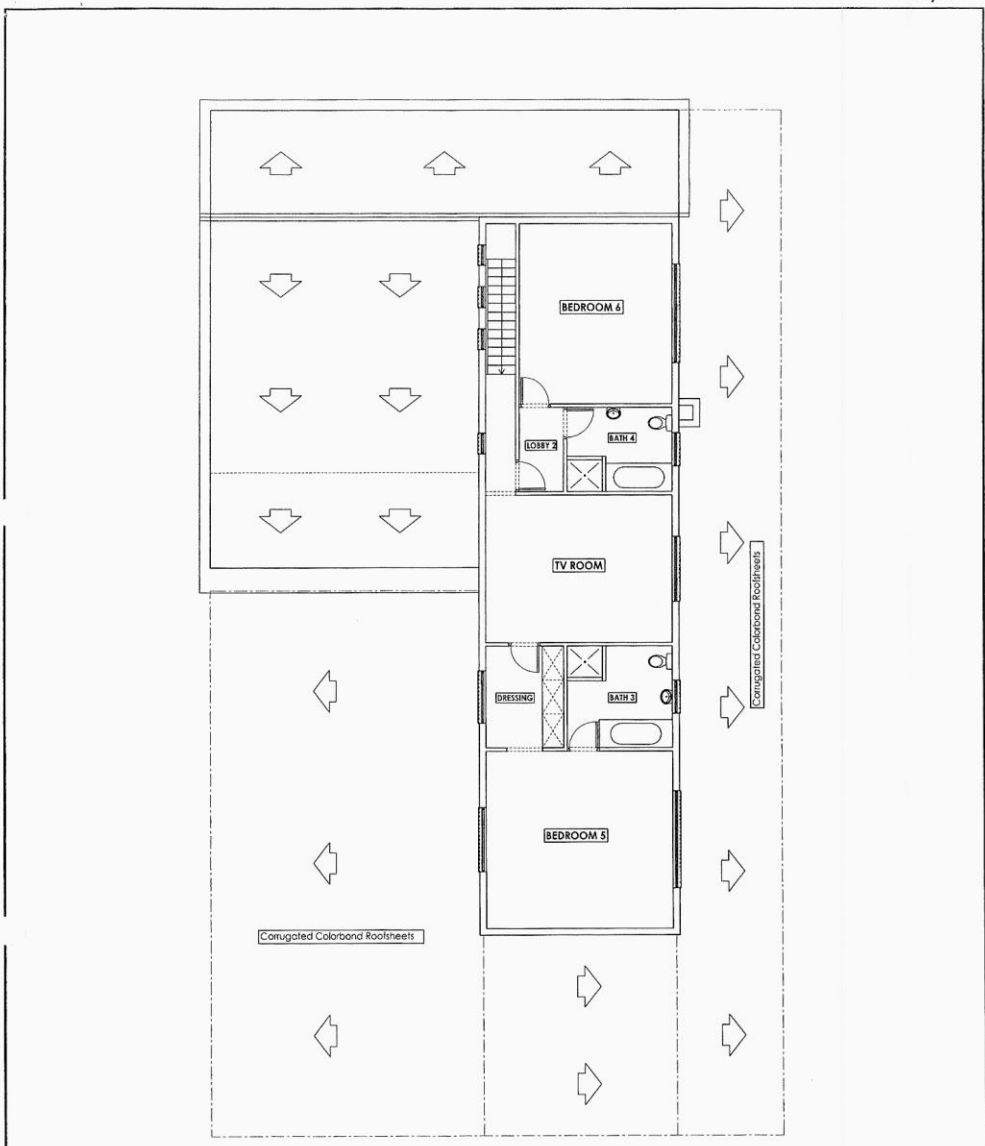
15.5 Good administration

The OM has a credible track record of good administration regarding the method of public participation which accepts comments from the public to make an informed decision. The OM also complies with the prescribed time frames pertaining to the processing of planning applications.




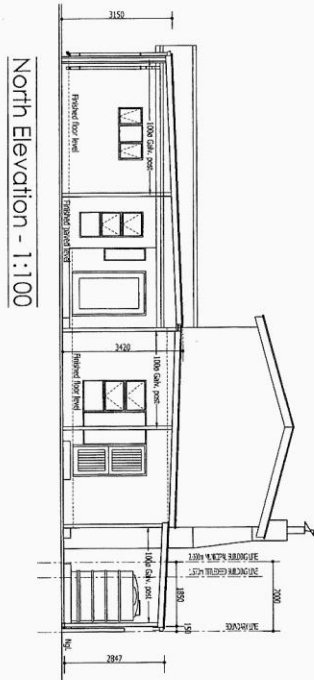
Ground Floor Plan - 1:100

<p>PROJECT</p> <p>CARPORT ON ERF 221 3 SCHOOL STREET FISHERMEN</p> <p>CLIENT</p> <p>Mr. E.W. SOLOMON</p>	<p>DESCRIPTION</p> <p>GROUND FLOOR PLAN COUNCIL SUBMISSION</p> <p>SCALE 1:100</p> <p>DATE 04 JUL 2019</p> <p>PROJECT NO. 22190/2019-07-02/13 REV 1</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Revised</th> <th>By</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Date	Revised	By					<p>C. Geldenhuys CRAG ARCHITECTURAL DESIGN</p> <p>P.O. BOX 517 CALEDON 7230</p> <p>C.GELDENHUYS - 082 856 8631 SACAP - 140 - 30745</p> 
No.	Date	Revised	By								



First Floor Plan - 1:100

<p>PROJECT</p> <p>CAMPBELL ON 25/21 3 SCHOOL STREET FISHERHAVEN</p> <p>OWNER</p> <p>Mr. E.W. SOLOMON</p>	<p>DESCRIPTION</p> <p>FIRST FLOOR PLAN COUNCIL SUBMISSION</p> <p>SCALE</p> <p>DATE</p> <p>DESIGNER</p> <p>DATE 04 JAN 2019</p> <p>PROJECT NO.</p> <p>2119/2018/00-000/001/REV 4</p>	<table border="1"> <tr> <td>No.</td> <td>Date</td> <td>Revised</td> <td>By</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Date	Revised	By					<p>C. Geldenhuys CRAG ARCHITECTURAL DESIGN</p> <p>P.O. BOX 517 CALEDON 7230</p> <p>C.GELDENHUYS - 082 836 8631 SACAP - PHD - 20718</p> 
No.	Date	Revised	By								



North Elevation - 1:100

SPECIFICATIONS

FOUNDATIONS
 - AS SPECIFIED
 - FOUNDATION CONCRETE 150A
 ROOF CONSTRUCTION
 - AS SPECIFIED
 - GUTTERS AND DOWNPIPES 100% PVC
 AND/OR COPOLYMER

GENERAL
 - ALL FINISHES ARE TO BE SET BACK EXTERIOR
 SCHEMATIC WALL
 - ALL EXTERIOR WALLS ARE TO BE FINISHED AND
 FINISH OR FINISHES TO BE SPECIFIED TO BE
 - EXTERIOR WALLS ARE TO BE FINISHED AND
 NOT NECESSARILY FINISHED OR SPECIFIED
 MATERIALS
 - ALL EXTERIOR WALLS ARE TO BE FINISHED AND
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 - ALL EXTERIOR WALLS ARE TO BE FINISHED AND
 NOT NECESSARILY FINISHED OR SPECIFIED
 MATERIALS

CONTRACTOR TO BE RESPONSIBLE FOR
 OBTAINING ALL NECESSARY PERMITS AND
 APPROVALS FROM THE LOCAL GOVERNMENT
 AND ALL OTHER AGENCIES INVOLVED IN THE
 PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE
 FOR OBTAINING ALL NECESSARY PERMITS AND
 APPROVALS FROM THE LOCAL GOVERNMENT
 AND ALL OTHER AGENCIES INVOLVED IN THE
 PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE
 FOR OBTAINING ALL NECESSARY PERMITS AND
 APPROVALS FROM THE LOCAL GOVERNMENT
 AND ALL OTHER AGENCIES INVOLVED IN THE
 PROJECT.

NO.	DATE	REVISION

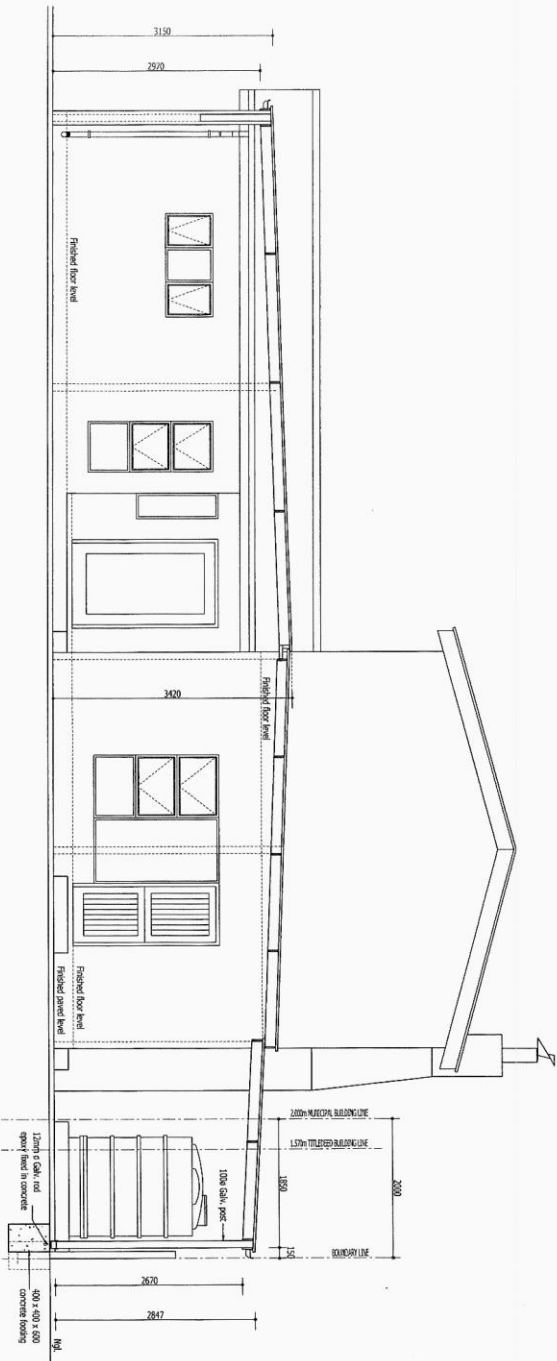
C. Geddipati
 ORANG ARCHITECTURAL DESIGN
 P.O. BOX 517
 1000
 COLUMBIANA - 38208
 SADDY - 38208

CONTRACTOR
 M. E. W. SOLOMON
 1000
 1000

DATE	DESCRIPTION

NOTES
 1. The Contractor shall be responsible for obtaining all necessary permits and approvals from the local government and all other agencies involved in the project. The contractor shall be responsible for obtaining all necessary permits and approvals from the local government and all other agencies involved in the project.
 2. The contractor shall verify all dimensions and finishes.
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 9. The contractor shall verify all dimensions and finishes.
 10. The contractor shall verify all dimensions and finishes.

Section B-B - 1:50



PROJECT

CLIENT FOR
 152-0014 STREET
 PERSHORE
 [REDACTED]

SECTION

SECTION
 CANNON, BIRMINGHAM
 [REDACTED]
 [REDACTED]
 [REDACTED]

No. Date Author

[REDACTED]

C. Calderhays
 CRAIG ARCHITECTURAL DESIGN
 10, GOSWELL
 OXFORD
 OX2 7JH
 C. CALDERHAYS - 01865 881811
 5/20/17 - 1/20/18

1523
 WAYNE HUFKIE ATTORNEYS
 TEL: 021 715 1410

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R. 495 000.00	R. 25000
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt i.t.o	
	Cat.	section Act

Prepared by me
 CONVEYANCER
 Wayne Henry Hufkie

DATA / CAPTURE
 2015 -07- 16
 PUMELELA MNAMATA

T 000037434 72015

DEED OF TRANSFER

LET HEREBY BE MADE KNOWN:

THAT WAYNE HENRY HUFKIE

Appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said Appearer, being duly authorised thereto by a power of attorney granted to him by

1. NOORUDIEN HASSAN
 Identity Number 710829 5194 082
 Married according to Muslim Rights
2. MEHRAAJ BIBI HASSAN
 Identity Number 800926 0156 081
 Married according to Muslim Rights

DATA / VERIFY
 24 JUL 2015
 NCAPAI LINDA

which said Power of Attorney is dated 8 July 2013 and signed at PLUMSTEAD.

[Handwritten mark]

[Handwritten signatures]

AND the appearer declared that his said principal had on 4 November 2010 truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by these presents, cede and transfer, to and behalf of:

ERNEST WILLIAM SOLOMON
Identity Number 580804 5176 089
Unmarried

hir heirs, executors, administrators or assigns the following property, namely:

ERF 221 FISHERHAVEN
In the Overstrand Municipality
Division Caledon,
Western Cape Province

IN EXTENT 927 (Nine Hundred and Twenty Seven) square meters

First transferred by Deed of Transfer No. T30705/1969 with Diagram No. 6421/1969 relating thereto and now held by Deed of Transfer No. T1909/2011.

- A. **SUBJECT** to the conditions referred to in Deed of Transfer No. T35745/2010 dated 19th July 2010.
- B. **SUBJECT FURTHER** to the condition mentioned in Deed of Partition Transfer No. 8000 dated 22nd October 1931 in favour of Josias Servaas Delpport, that Petrus Johannes Delpport and his successors in title to the property called ROOI SAND, pat of AFDAKS RIVIER, transferred to him on 22nd October 1931, No. 7998, shall have the right of trekking with his sheep twelve times a year over the property hereby transferred at a spot to be indicated by the said Transferee and his aforesaid.
- C. **SUBJECT FURTHER** as set forth in Certificate of Uniform Title N. 5659 dated 12th May 1959:-

(a)

A

B

✓ N.S.

3

(b) To the right to take land and remove materials for making and repairing public roads

D. SUBJECT FURTHER to the following special conditions newly imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance 33 of 1934 when approving of the establishment of Fisherhaven Township and contained in Deed of Transfer No. T30705/1969, namely:

1. Any word and expressions used in the following conditions shall have the same meaning as may be assigned to them by the regulations published under provincial administration Notice No 401 dated 17th October 1935 and in the memorandum which accompanied the said regulation.
2. The owners of this erf shall without compensation, be obliged to allow electricity and water mains and the sewage and drainage including stormwater of any other erf or erven within or without this township 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.
3. The owner of this erf shall be obliged, without compensation, to receive such material or permit such 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 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.



N.S.

4

4. This erf shall be subject to the following further conditions, provided especially that where in the opinion of the Administrator, after consultation with the Township board and the Local Authority, it is expedient that the restriction in 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:
- (a) It shall not be subdivided
 - (b) It shall be used only for such purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith;
 - (c) Not more than 30 the area thereof shall be built upon;
 - (d) 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 of 1,57 metres of the lateral boundary common to any adjoining erf, provided that 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 consolidated area as one erf.
 - (e) 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.

A

B

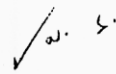
✓ N.S.

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E. SUBJECT FURTHER to the condition imposed by the Transferor Company in its favour as owner of the remaining of Fisherhaven Township, and its successors in title, and held by it by Deed of Transfer No. T11975/1967, namely:

"NO building shall be placed on the land hereby sold until the plans and location of the buildings have been submitted and approved by both the Company and the Local Authority.

F. In the foregoing condition the expression "the Company" or the transferor company shall mean LAKE MARINA PROPERTIEDS (PROPRIETARY) LIMITED , and its successors in title.



6

WHEREFORE the Appearer, renouncing all the Right and Title which the said

NOORUDIEN HASSAN and MEHRAAJ BIBI HASSAN, Married as aforesaid

Heretofore had to the premises, on behalf as aforesaid, did in consequence, also acknowledge the said


ERNEST WILLIAM SOLOMON, Unmarried

Their heirs, executors, administrators or assigns now and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving it's rights, and the Appearer finally acknowledged that the purchase price amounts to R495 000,00 (Four Hundred and Ninety Five Thousand Rand)

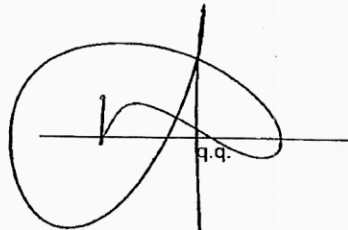
IN WITNESS whereof I, the said Registrar, together with the Appearer, q.q have subscribed to these Presents, and have caused the Seal of Office to be affixed thereto.

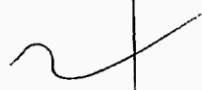
THUS done and executed, at the Office of the Registrar of Deeds, in Cape Town, in the Province of the Cape of Good Hope, on the 7th day of the month of JULY in the year of Our Lord Two Thousand and Fifteen (2015).

In my presence,



 REGISTRAR OF DEEDS


 q.q.







ANNEXURE E

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS &
DEPARTURE: ERF 221, FISHERHAVEN (3299/2019)**

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

Conditions

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that should additional services connections be required, the owner will be responsible for the payment of bulk services levies;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P:2010: Drainage;
4. that any additional and / or extended vehicle entrances will be for the developer's account;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that stormwater be allowed to discharge through Erf 221, Fisherhaven, unobstructed;
7. that no on-street parking be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE