



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

MINUTES

**DATE:
VENUE:
TIME:**

**28 JANUARY 2021
VIRTUAL
10:00**

OVERSTRAND
MUNICIPAL PLANNING TRIBUNAL
MINUTES OF A MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL,
HELD BY MEANS OF A VIRTUAL PLATFORM ON
28 JANUARY 2021, AT 10:00

PRESENT:

MEMBERS: Mr S Müller, Director : Infrastructure & Planning
Mr R Williams, Director : Community Services
Ms D Arrison, Director : Management Services
Mr S Madikane, Director : LED
Ms H Janser, Directorate Development
Management

OFFICIALS: Ms H van der Stoep, Senior Town Planner
Mr P Roux, Town Planner
Ms S Swart, Council Support Services

APOLOGIES: Mr R Kuchar, Senior Manager : Town & Spatial
Planning
Mr S van der Merwe, Senior Town Planner

GUEST: Ms D Carstens, Directorate Development
Management

MUNICIPALITY



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MUNICIPAL PLANNING TRIBUNAL

ATTENDANCE REGISTER

Date: 28 JANUARY 2021

I, the undersigned, hereby declare:

- that I will make known details of any personal or other interest in respect of matters on the agenda and whether I have been approached by any party prior to the meeting
- that I have read all the information on the agenda

NAME	DEPARTMENT / SECTION MUNICIPALITY	SIGNATURE
S MÖLLER	MPT CHAIRPERSON OVERSTRAND MUNICIPALITY	<i>[Signature]</i>
R WILLIAMS	MPT VICE-CHAIRPERSON OVERSTRAND MUNICIPALITY	Teams
S MADIKANE	MPT MEMBER OVERSTRAND MUNICIPALITY	Teams
D ARRISON	MPT MEMBER OVERSTRAND MUNICIPALITY	Teams
H JANSER	MPT MEMBER DIR: DEV MANAGEMENT	Teams
R KUCHAR	AUTHORISED OFFICIAL OVERSTRAND MUNICIPALITY	Verkoning
S VAN DER MERWE	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	Verkonings
H VAN DER STOEP	SENIOR TOWN PLANNER OVERSTRAND MUNICIPALITY	<i>[Signature]</i>
P ROUX	TOWN PLANNER OVERSTRAND MUNICIPALITY	<i>[Signature]</i>
H OLIVIER	TOWN PLANNER OVERSTRAND MUNICIPALITY	
S SWART	COUNCIL SUPPORT OVERSTRAND MUNICIPALITY	Swart
D. Carstens	Dir: Dev Man.	Teams

1. OPENING

The Chairperson, Mr S Müller, opened the meeting and welcomed those present. He mentioned that this will be the last meeting with the current committee and that the new committee will come into effect on 8 February 2021.

2. APPLICATIONS FOR LEAVE OF ABSENCE

Mr R Kuchar
Mr S van der Merwe

3. CONFIRMATION OF MINUTES**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 26 November 2020****RESOLVED:**

that the Minutes of the Municipal Planning Tribunal Meeting held on **26 November 2020, be confirmed.**

4. ITEMS FOR CONSIDERATION

4.1

ERF 787, 15 COVE STREET, DE KELDERS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS: MESSRS WRAP PROJECT OFFICE ON BEHALF OF HIPPOMANIA (PTY) LTD

787 GDK

P Roux

9 December 2020

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application has been received on 3 June 2020 from Messrs WRAP Project Office on behalf of Hippomania (Pty) Ltd in terms of Section 16(2)(f) of the Overstrand By-Law on Municipal Land Use Planning, 2015 applicable to Erf 787, De Kelders for the removal of restrictive title deed conditions with reference to Clause E: E.A, E.A.(a), E.A.(b), E.A.(c), E.A.(d), E.B and E.B.(e) as contained in Title Deed T11906/2020.

RESOLVED:

1. that the comments received be noted;
2. that the application received from Messrs WRAP Project Office on behalf of Hippomania (Pty) Ltd applicable to Erf 787, De Kelders for the removal of restrictive title deed conditions with reference to Clauses E: E.A, E.A.(a), E.A.(b), E.A.(c) and E.A.(d) of Title Deed T11906/2020 in terms of Section 16(2)(f) of the aforementioned By-Law, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application received from Messrs WRAP Project Office on behalf of Hippomania (Pty) Ltd applicable to Erf 787, De Kelders for the removal of restrictive title deed condition with reference to Clauses E: E.B and E.B.(e) (which relate to the subdivision of the property) of Title Deed T11906/2020 in terms of Section 16(2)(f) of the aforementioned By-Law, **not be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the decisions in paragraph 2. be subject to the following conditions:
 - (a) 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;
 - (b) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;

- (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (d) that all the conditions in the Services Report be complied with.
5. that the applicant and person who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

Reasons for approval

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ There are other properties in the commercial node which are developed with mixed use land uses and which are developed onto boundaries, and the removal of these restrictions would therefore not impact on the character of the area.
- ❖ The Overstrand Zoning Scheme Regulations have sufficient control measures when it comes to land use, coverage and building line controls.
- ❖ The removal of the restrictions will be beneficial to the De Kelders Community.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ Given the development pattern and spatial planning policies there is a finite of available commercial erven and it is in the best interest of the community and Municipality that the available commercial erven are developed efficiently and in line with the SDF which promotes mixed use development with higher densities and intensity.
- ❖ The proposal is considered in line with the Municipality's SDF.

Reasons for non-approval

- ❖ The application does not include the motivation for the subdivision of the property, and therefore the benefit of removing the restrictive condition cannot be measured, nor the value of the restriction.

RESPONSIBLE OFFICIAL :**P ROUX**

4.2**ERF 708, 9 FRONT STREET, DE KELDERS: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION, SUBDIVISION AND EXEMPTION OF SUBDIVISION (SERVITUDE RIGHT-OF-WAY) : MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF R STEYN & Y BITTMANN-STEYN****708 GDK****P Roux****15 December 2020****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application has been received on 1 June 2020 from Messrs Plan Active Town- and Regional Planners on behalf of R Steyn and Y Bittmann-Steyn applicable to Erf 708, De Kelders for the following:

- ❖ removal of restrictive title deed condition D.(e) as contained in Title Deed T60347/2018 applicable to Erf 708, De Kelders in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law); and
- ❖ application for subdivision in terms of Section 16(2)(d) of the By-Law in order to subdivide the property into two (2) portions, namely Portion A ($\pm 735\text{m}^2$ in extent) and a Remainder ($\pm 664\text{m}^2$ in extent).

RESOLVED:

1. that the objector be notified of the decision and that the objection submitted is not compliant in terms of Section 52 of the Overstrand Municipality By-Law on Land Use Planning, 2015 and that the objection is therefore dismissed;
2. that the application received from Messrs Plan Active Town- and Regional Planners on behalf of R Steyn and Y Bittmann-Steyn applicable to Erf 708, De Kelders for the following:
 - removal of restrictive title deed condition D.(e) as contained in Title Deed T60347/2018 applicable to Erf 708, De Kelders in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), and
 - application for subdivision in terms of Section 16(2)(d) of the By-Law in order to subdivide the property into two (2) portions, namely Portion A ($\pm 735\text{m}^2$ in extent) and a Remainder ($\pm 664\text{m}^2$ in extent),

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

- (a) that the approval is only for the subdivision as indicated on *Subdivision Plan No. dekeld708.drw* as submitted with the application;
 - (b) that the conditions in the Services Report be complied with;
 - (c) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (d) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant be notified of his/her right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

- ❖ The application has followed due procedure.
- ❖ None of the relevant departments have any objection.
- ❖ The proposed subdivision is in line with the applicable municipal and provincial planning policy and will make more efficient use of brownfield land within the urban edge.
- ❖ The proposal will not negatively impact on existing/vested rights of adjoining property owners.
- ❖ The proposed application fits in with the character of the surrounding area and is desirable.

RESPONSIBLE OFFICIAL :**P ROUX**

4.3

**ERF 13, 22 HOOP STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE : MESSRS
ME PLANNERS ON BEHALF OF MC FRANKEN****13 GGB (2622/2018)****SW van der Merwe****15 December 2020****(028) 313 8900****Hermanus Administration**

EXECUTIVE SUMMARY

An application has been received on 19 June 2020 from Messrs ME Planners on behalf of MC Franken in terms of the Overstrand By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 13, Gansbaai for the following:

- rezoning from Residential Zone 1 (SR1) to Business Zone 3: Local Business (B3) and consent use in terms of Sections 16(2)(a) & (o) of the By-Law in order to accommodate a restaurant, place of entertainment and two (2) residential rooms on the property, and
- departure in terms of Section 16(2)(b) of the By-Law to encroach the southern lateral building line from 3m to 2,79m and the rear building line from 4,5m to 1,153m to accommodate the existing dwelling and outbuilding as well as a departure from the applicable on-site parking ratio in order to provide four (4) on-site parking bays per 100m² GLA instead of six (6).

RESOLVED:

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) for the rezoning of Erf 13, Gansbaai from Residential Zone I: Single Residential (SR1) to Business Zone 3: Local Business (B3), **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(o) of the By-Law for a consent use to accommodate a restaurant and place of entertainment and two residential rooms (owners accommodation), **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law for a departure in order to encroach the southern lateral building line from 3m to 2,79m as well as the encroachment of the rear building line from 4,5m to 1,153m to accommodate the existing building and outbuilding, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the application for departure in terms of Section 16(2)(b) of the By-Law to relax the parking ratio applicable to the restaurant from six (6) bays to four (4) bays per 100m² GLA, **be approved** in terms of the provisions of Section 61 of the By-Law,
5. that the approvals in paragraphs 1. to 4. above be subject to the following conditions:
 - (a) that a bar / tavern may not be conducted from the premises;
 - (b) that the parking layout be implemented in accordance with the approval in 4. above;
 - (c) that the requirements of Engineering Services be adhered to;
 - (d) that building plans be submitted to the Building Department for approval within thirty (30) days of the decision date, and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (e) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (f) that the display of signage be subject to compliance with the Municipal By-Law on Signage;
 - (g) that this approval do not permit the provision of gambling facilities;
 - (h) that the applicant shall appoint a suitably qualified noise specialist and implement the applicable mitigation measures at his cost, should any justified complains regarding noise and disturbance being received;
 - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (j) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (k) that, concerning the place of entertainment, live entertainment events be restricted to four (4) events per quarter, not exceeding 4 hours at a time and not outside the hours of 10:00 to 22:00, subject to adherence of applicable noise regulations.
6. that the applicant and person who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

- ❖ The application has followed due procedure.
- ❖ The development is consistent with the applicable strategic policy documents.
- ❖ The development is consistent with the planning principles.
- ❖ The development does not detract from the character of the surrounding area.
- ❖ The development does not unacceptably detract from the vested rights of adjoining property owners

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.4

ERF 852, 23 ANGELIER STREET, GANSBAAI (BLOMPARK), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE: MESSRS ME PLANNERS ON BEHALF OF LD MARTHINUS

852 GGB (3449/2019)

SW van der Merwe

(028) 313 8900

Hermanus Administration

26 October 2020

EXECUTIVE SUMMARY

An application was received on 16 March 2020 from Messrs ME Planners on behalf of LD Marthinus in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 852, Gansbaai (Blompark) for the following:

- rezoning in terms of Section 16(2)(a) of the By-Law from Residential Zone 1 to Business Zone 3: Local Business in order to conduct a takeaway restaurant;
- consent use in terms of Section 16(2)(o) of the By-Law to accommodate a ground floor flat and a proposed bottle store, and
- departure in terms of Section 16(2)(b) in order to accommodate the encroachment of the southern lateral building line from 3m to 2m, the eastern rear building line from 4,5m to 0m in order to accommodate an existing outbuilding and dwelling.

RESOLVED:

1. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 852, Gansbaai (Blompark) from Residential Zone 1 to Business Zone 3 : Local Business in order to conduct a takeaway restaurant, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application for consent use in terms of Section 16(2)(o) of the By-Law applicable to Erf 852, Gansbaai (Blompark) to accommodate a ground floor flat and a proposed bottle store, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Erf 852, Gansbaai (Blompark) in order to accommodate the encroachment of the southern lateral building line from 3m to 2m and the eastern rear building line from 4,5m to 0m, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraph 1. to 3. above be subject to the following conditions:

- (a) that on-site parking provision be made available in accordance with the approved parking layout;
 - (b) that building plans be submitted within sixty (60) days of the final approval of the application and that all conditions of the Building and Fire Department be complied with at that stage;
 - (c) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (d) that all the conditions of Telkom and Engineering Services be complied with;
 - (e) that the display of signage be subject to compliance with the Municipal By-Law on Signage;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (g) that the applicant complies with all Health and Safety Regulations and requirements of the Liquor Board and licence; and
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. that the applicant be notified of his/her right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

REASONS FOR THE RESOLUTION:

- The proposal comprises a mixed-use development which is in line with the planning vision of the area.
- The proposal is situated within a commercial node.
- The proposal will be accommodated within existing buildings on the property.
- No objections were received from adjacent property owners.
- The application has followed due process.
- The proposal is compliant with the spatial policies of the SDF.
- The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.

RESPONSIBLE OFFICIAL :**S VAN DER MERWE**

4.5

ERF 418, 30 FLOWER STREET, WESTCLIFF, HERMANUS: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION, REZONING, CONSENT USE AND DEPARTURE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF THE DOMEIN TRUST

418 HWC (3544)

H van der Stoep

9 November 2020

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 13 December 2019 from Messrs Plan Active Town- and Regional Planners on behalf of the Domein Trust, applicable to Erf 418, Hermanus for the following:

- the removal in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), of restrictive title deed condition C.1 as contained in Title Deed T22246/2019 in order to conduct an overnight accommodation establishment, consisting of eleven (11) bedrooms for patients who utilise nearby medical facilities;
- rezoning in terms of Section 16(2)(a) of the By-Law of the property from Residential Zone 1: Single Residential to General Residential Zone 1: Town Housing in order to accommodate the above establishment;
- consent use in terms of Section 16(2)(o) of the By-Law, in order to accommodate residential buildings on the property, and
- departure in terms of Section 16(2)(b) of the By-Law to respectively relax the northern- and western lateral building lines from 3m to 2m in order to accommodate the proposed development on the property.

RESOLVED:

1. that the application applicable to Erf 418, Hermanus for the removal in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), of restrictive title deed condition C.1. as contained in Title Deed T22246/2019 applicable to Erf 418, Hermanus in order to conduct an overnight accommodation establishment, consisting of eleven (11) bedrooms for patients who utilise nearby medical facilities, **be approved** in terms of Section 61 of the By-Law;
2. that the application for the rezoning in terms of Section 16(2)(a) of the By-Law of the property from Residential Zone 1: Single Residential to General Residential Zone 1: Town Housing in order to accommodate the above establishment, **be approved** in terms of Section 61 of the By-Law;

3. that the application for consent use in terms of Section 16(2)(o) of the By-Law in order to accommodate residential buildings on the property, **be approved** in terms of Section 61 of the By-Law;
4. that the application for departure in terms of Section 16(2)(b) of the By-Law to respectively relax the northern- and western lateral building lines from 3m to 2m in order to accommodate the proposed development on the property, **be approved** in terms of Section 61 of the By-Law;
5. that the above approvals be subject to the following conditions:
 - (a) that the utilisation of the property be restricted to the accommodation of patients that receive medical treatment at the nearby medical facilities only - it may not be used for short term accommodation for tourists;
 - (b) that the accommodation establishment be restricted to eleven (11) rooms;
 - (c) that the single residential parameters be retained on the property;
 - (d) that the development of the property be restricted to Site Development Plan No. her418sdp.drw dated 11/2019;
 - (e) that the owner/manager resides on the premises and be responsible for the proper management of the accommodation establishment;
 - (f) that a maximum of one (1) permanently demarcated parking bay per bedroom and two (2) for the owner/manager be provided within the erf boundaries;
 - (g) that the accommodation establishment complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (h) that the accommodation establishment be managed in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (i) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality and be obtained prior to conducting the accommodation establishment;
 - (j) no medical treatment may be given to the patients at the overnight facility, except for emergencies;
 - (k) that no self-catering be allowed in the guestrooms;

- (l) that a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (m) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (n) that building plans be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at the time be complied with;
 - (o) that the conditions of Engineering Services and Telkom be complied with;
 - (p) that all other development parameters as prescribed in the Zoning Scheme be complied with; and
 - (q) that the approvals do not absolve the landowner/s from compliance with any other applicable legislation;
6. that the applicant and person who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 regarding the above conditions of approval.

REASONS FOR THE RESOLUTION:

- ❖ It is desirable from a town planning perspective.
- ❖ The establishment will be to the benefit of the broader community.
- ❖ It will not impact on the rights of surrounding property owners or the existing built environment.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**

4.6

PORTION 47 OF FARM HANGKLIP NO.559, HANGKLIP, OVERSTRAND MUNICIPAL AREA: PROPOSED REMOVAL OF RESTRICTIVE CONDITIONS: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF MR J DE JAGER ON BEHALF OF THE TRIO DATA SECURITY SERVICES BK

KHANG 47/559 (4060)

H van der Stoep

28 December 2020

(028) 313 8900

Hermanus Administration

EXECUTIVE SUMMARY

An application was received on 26 June 2018 from Messrs Plan Active Town and Regional Planners on behalf of Mr J de Jager on behalf of the Trio Data Security Services BK on Portion 47 of the Farm Hangklip No. 559 for the following:

- ❖ Removal of restrictive title conditions with reference to Clauses D.(b), D.(d), D.(e), D.(i), D.(n), D.(o), D.(r), E.(i), E.(ii) and E.(iii) of Title Deed T3920/2017 applicable to Portion 47 of the Farm Hangklip No. 559, in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

The restrictive conditions contained in Title Deed T3920/2017 to be removed read as follow:

“Clause D:

- (b) No wood and iron buildings or works of any description shall be erected.*
- (d) All buildings and other constructional works, including all fences and garden or other gates, shall be of good design and sound construction and plans thereof must be approved by the Seller before construction is commenced. In the event of a breach of this Clause the Seller shall have the right to require the Purchaser to demolish such unauthorised buildings or works and/or shall have the opinion to re-purchase the land upon payment of the cost price thereof without compensation for improvements.*
- (e) No signs, advertisements, advertisement hoardings or other lettering shall be erected on the land hereby sold and purchased, nor shall any advertisements, signs or lettering be painted on any buildings, walls or fence erected or to be erected on the said land save and except with the written approval of the Seller.*
- (i) No Person other than the registered owner and his immediate family shall camp overnight or light open fires on the said land save with the written consent of the Seller which shall have the right to refuse such consent without assigning any reason therefore or to give such consent subject to such conditions as it thinks fit.*

- (n) *The land shall be used only for agricultural purposes and the breeding and keeping of domestic animals, poultry and/or bees provided that no goats or pigs may be kept except with the special written consent of the Seller.*
- (o) *Only buildings and structures to be used as dwellings and farm buildings shall be erected on the land.*
- (r) *No boarding houses, flats, maisonettes, hotel, shops, public garage or filling station, business premises, canteen, restaurant, bioscope, factory or industrial buildings shall be erected on the land nor shall any such business or entertainment be conducted on the land”*

E. *ENTITLED to the benefit of the conditions referred to in the Servitude Endorsements appearing on said Certificate of Registered Title No. T5789/1957 which said endorsements are dated and read as follows:*

(i) 17th December 1959:

By D.T. No 18344/59 dd. This day Portion 59 thereby conveyed is subject to conditions relating to (a) buildings (b) restriction against erection of signs, advertisements etc. (c) restriction against trade (d) prohibition against making of bricks, tiles and pipes (e) prohibition against deposit of debris, scrap, etc. (g) camping (h) access (i) sewerage (j) water (k) sub-division, and use of land i.f.s. the remainder of within portion 45 meas. 250,8309 hectares held hereunder. As will more fully appear on reference to the said D.T.”

(ii) Dated 10th May 1960:

“By Deed of Transfer No. 6799/1960 dated this day Portion 62 = 9,2831 hectares thereby conveyed is (A) not entitled to conditions referred to in certain, endorsements and (B) Subject to conditions relating to (a) (b) (c) and (d) buildings and design (e) advertising (f) trade (g) and (h) building materials and scrap (j) camping (k) access to roads (l) sewage (m) use of water (n) subdivision (o) (p) (q) (r) & (s) use of land and buildings in favour of the remainder of Portion 45 = 242,1473 hectares held hereunder, as will mote fully appear on reference to the said Deed of Transfer.”

(iii) Dated 20th of November 1961:

“By Deed of Transfer No. 16184/1961 dd. This day, Portion 58 meas. 9,6944 hectares thereby conveyed is (A) Not entitled to conditions referred to in certain endorsements and (B) Subject to conditions relating to (a) (b) (c) and (d) buildings and design (e) advertising (f) trade (g) & (h) building materials and scrap (j) camping (k) access to roads (l) sewage (m) use of water (n) sub-division (o) (p) (q) (r) & (s) use of land and buildings in favour of the remainder of Po9rtion 45 meas. 232,4530 hectares held hereunder as will more fully appear on reference to the said Deed of Transfer.”

RESOLVED:

that the item **be referred back** in order to address the issue of the Municipal Planning Tribunal referring back the item in 2019 regarding a court case.

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

The meeting adjourned at 11:36