



1230

REPORT TO MUNICIPAL PLANNING TRIBUNAL

CASE ID	70461588
CASE OFFICER	Y Jaffa
CASE OFFICER PHONE NO	021 444 9536
DISTRICT	Southern
REPORT DATE	5 August 2019

ITEM NO **MPTSW37/08/19**

WARD 64: APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERF 14659 FISH HOEK, 39 NERINA CRESCENT

1 EXECUTIVE SUMMARY

Property description	Erf 14659 Fish Hoek
Property address	39 Nerina Crescent
Site extent	496m ²
Current zoning	Single Residential Zone 1
Current land use	Offices for a plumbing business
Overlay zone applicable	None
Submission date	11 June 2019
Subject to PHRA / SAHRA	No
Any unauthorised land use / building work?	The property is being used without approval as offices, storing of 6 cars and storage of supplies in relation to a plumbing business.
Has owner applied for the determination of an administrative penalty	Yes
Has the City Manager applied to the MPT for an order that a person who is contravening the MPBL must pay an administrative penalty in an amount determined by the MPT	No
Has the City issued a demolition directive i.t.o section 128 of the MPBL? If yes, an administrative penalty may not be applied for.	No
Has the City served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of an administrative penalty?	Yes a notice was served by a property inspector on 13 February 2019.

2 DECISION AUTHORITY

For decision by the Municipal Planning Tribunal.

3 BACKGROUND / SITE HISTORY

- 3.1 A building plan for substantial additions to the existing house was submitted on 19 September 2018, the building plan was not cleared as it required departures from the Development Management Scheme (DMS).
- 3.2 An application for temporary departure to permit the use of a portion of the building for offices was submitted on 12 March 2019. This application has been advertised and objections have been received.
- 3.3 Prior to the submission of the application referred to in Section 3.2 above, significant number of complaints were received from the neighbours which lead to the serving of a notice on the owner by a property inspector on 13 February 2019.
- 3.4 The property is subject to title deed condition C(d) (see Annexure E) prohibiting certain types of trades and businesses. Note that the condition is a private condition that is not enforceable by Council.

4 SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation is attached as Annexure C and may be summarised as follows:

- The unauthorised land use started in January 2019.
- A lounge measuring 16.8m² was converted to an office space.
- The operation of the offices does not qualify as a home occupation as 4 in lieu of 2 maximum cars are accommodated for the operation of the business.
- There is no unauthorised building work on the property.
- The municipal valuation of the property is R1 620 000.00.
- The unauthorised use has no adverse impact on the neighbours.
- There are only administrative staff on the property during the day.
- The offices do not detract from the neighbourhood.
- The unlawful conduct has not been stopped.
- The property owner has not previously contravened the Municipal Planning By-Law.
- Not many supplies in relation to the business are kept on the property (garage).
- 4 vehicles are parked on the property overnight and 4 vehicles belonging to the administrative staff are parked on the property during the day.

5 ASSESSMENT OF APPLICATION

- 5.1 The unauthorised building work relates to the operation of a plumbing business from a portion of the existing house on the property. The operation of offices on the property is in contravention of Item 21 of the Development Management Scheme (DMS). The subject property is zoned Single Residential Zone 1 and said zone does not make provision for the operation of offices, except as a home

occupation. Note that this activity does not comply with the development rules of a home occupation.

- 5.2 In terms of section 129(7)(b) of the By-Law, an administrative penalty for the land use contravention may not be more than 100% of the municipal valuation of the area that is used unlawfully.
- 5.3 The municipal valuation of the property is R1 620 000.00 as per the General Valuation 2018 (see Annexure D).
- 5.4 Unauthorised land use

$$\frac{\text{Total Municipal Value of property}}{\text{Total area of property (m}^2\text{)}} \times \text{Total Unlawful Area (m}^2\text{)} = R$$

$$\frac{R1\ 620\ 000.00}{496\text{m}^2} \times 96.4\text{m}^2 \text{ (internal and parking space)} = R314\ 854.84$$

- 5.5 An amount which is not more than 100% of R314 854.84 may be imposed as an administrative penalty.
- 5.6 The following factors need to be considered when determining an appropriate administrative penalty, as contemplated by section 129(8) of the By-Law:

a) The nature, duration, gravity and extent of the contravention

Nature – The nature of the contravention relates to offices in a Single Residential Zone 1 property. This use is not permitted in this zone except as a home occupation – which this use does not comply with.

Duration – The contravention has existed for ±7 months. This is a short duration.

Gravity – The gravity of the contravention is relatively serious due to the scale of the activity, the visual impact of the business related vehicles and nuisance caused by the unlawful activity – for example, the parking of business related vehicles in the street. In this regard it must be noted that complaints about the activity and objections to the land use application have been received.

Extent – According to the applicant 96.4m² of the property is used for the operation of the business. This excludes the parking area for the business related vehicles.

b) The conduct of the person involved in the contravention

According to the applicant, the owner was not aware of the need to submit a land use application. It is conceivable that the owner was not aware of the need for a land use application, however, ignorance is not a valid reason to contravene the law. The required applications were only submitted after a notice was served by a property inspector. The conduct of the owner cannot be condoned.

c) Whether the unlawful conduct was stopped

The unlawful conduct has not been stopped.

d) Whether a person involved in the contravention has previously contravened by this By-Law or any other planning law

As far as can be ascertained, the person involved in the contravention has not previously contravened this By-Law or any other planning law.

- 5.7 In view of the above considerations, and particularly the gravity of the contravention which led to complaints from the neighbours and a notice being served by a property inspector, and that administrative penalties are, in part at least, meant to serve as a deterrent, an administrative penalty of R5 000 is recommended.

6 REASONS FOR DECISION

Reasons for the recommended decision may be summarised as follows:

- 6.1 The unauthorised plumbing business is in contravention of Item 22 of the Development Management Scheme.
- 6.2 The duration of the contravention is short.
- 6.3 The gravity of the contravention is relatively serious due to the scale of the activity, the visual impact of the business related vehicles and nuisance caused by the unlawful activity – for example, the parking of business related vehicles in the street. In this regard it must be noted that complaints about the activity and objections to the land use application have been received
- 6.4 The extent of the contravention is relatively large.
- 6.5 The conduct of the owner cannot be condoned.
- 6.6 As far as can be ascertained, the owner of the property has not previously contravened this By-Law or any other planning law.

5 RECOMMENDATION

In view of the above, it is recommended that:

- a) That an administrative penalty in the amount of R5 000 be determined in terms of section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 14659 Fish Hoek, for the unauthorised offices in accordance with LUM/35/14659.

ANNEXURES

Annexure A	Locality plan
Annexure B	Site development plan LUM/35/14659
Annexure C	Applicant's motivation
Annexure D	Municipal valuation
Annexure E	Title deed and conveyancer certificate

1234



Section Head : Land Use Management

Comment

Name P Hoffa

Tel no 021 444 7724

Date 2019-08-05



District Manager

Name P Hoffa

Comment

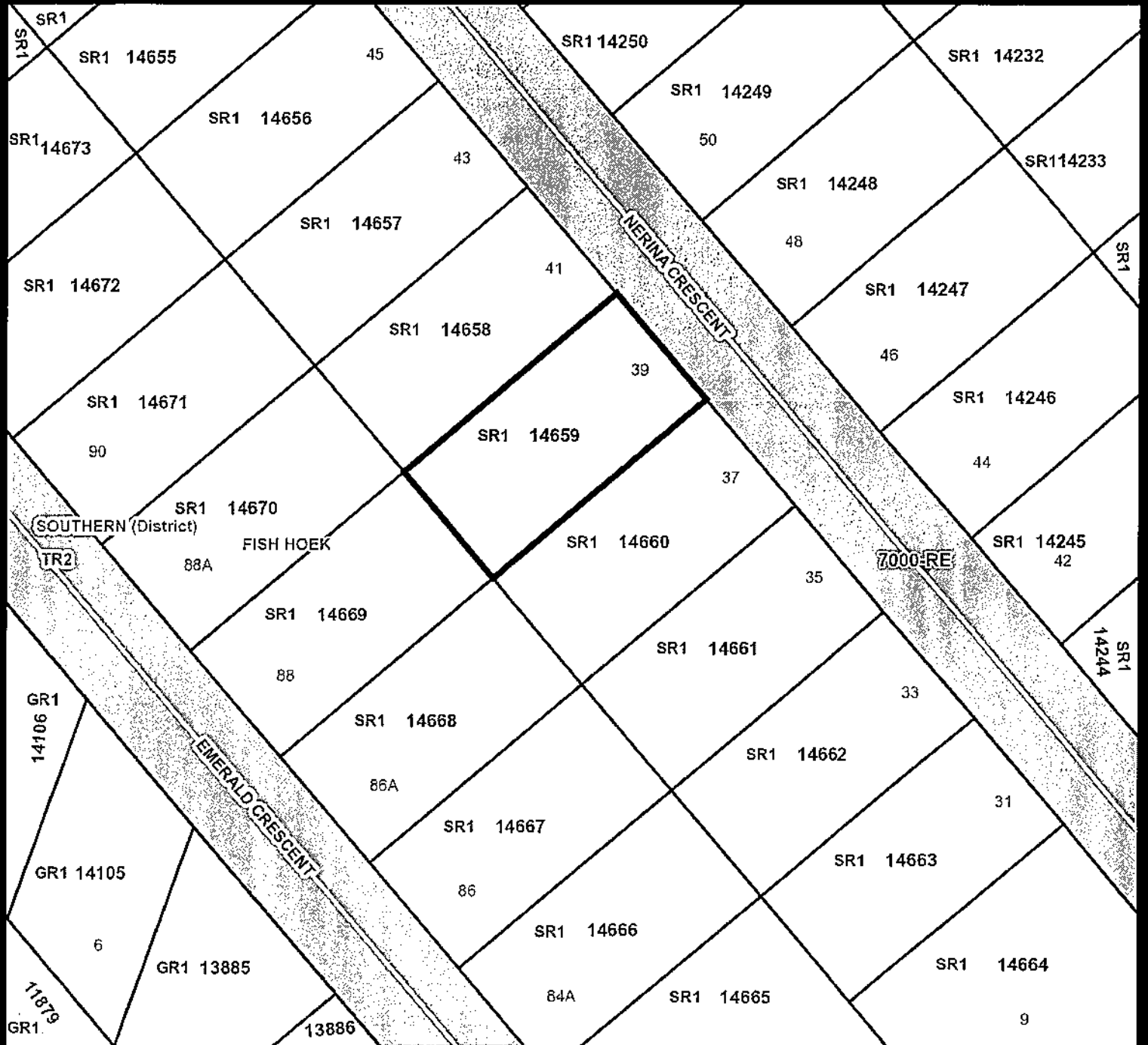
Tel no 021 444 7724

Date 2019-08-05

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP

ANNEXURE : A

1235



Overview

Erf: 14659

District: SOUTHERN

Allotment: FISH HOEK

Suburb: FISH HOEK

Ward: 64

Sub Council: Subcouncil 19



1:650

Notices Served



Support
Received



Petition
Signatory



Objections
Received



Generated by:

Date: Wednesday, 17 July 2019

File Reference:



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.



Overview

Erf: 14659

District: SOUTHERN

Allotment: FISH HOEK

Suburb: FISH HOEK

Ward: 64

Sub Council: Subcouncil 19



1:2 601

Notices Served



Support
Received



Petition
Signatory



Objections
Received



Generated by:

Date: Wednesday, 17 July 2019

File Reference:



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

1238

PLAN AFRICA CONSULTING

Address: No. 14 Coetzenberg Road, Edgemead, 7441
Cell: 076 832 8005
Fax: 0862 603 701
E-mail: plan.africa.consulting@gmail.com

**APPLICATION FOR DETERMINATION OF ADMINISTRATIVE PENALTY:
PROPERTY SITUATED AT NO. 39 NERINA CRESCENT, FISH HOEK, BEING
ERF 14659, FISH HOEK: EXISTING S.23 HOME OCCUPATION**

APPLICATION/MOTIVATION: Application is hereby made for the determination of an administrative penalty in respect of Erf 14659, Fish Hoek, zoned Single Residential, with regard to the use of the existing house on the property as a Section 23 MPBL home occupation (the person who operates the plumbing business from the property resides at the property), with regard to exceeding the S.23(i) parking MPBL limitation of two vehicles, by accommodating a total of four commercial vehicles on the property instead of only two commercial vehicles.

In terms of S.23(i) of the MPBL, not more than two vehicles may be used in connection with a home occupation, and no one vehicle shall exceed 3 500 kg gross weight.

A formal temporary departure has been submitted to Council in this regard, that is, with regard to exceeding the Section 23(i) two commercial vehicle limitation.

According to the landowner, he commenced with the home occupation in January this year.

The landowner has converted the 16.8 sq. m lounge space for office purposes to accommodate his admin staff to administer his plumbing business, which then triggered this application for the payment of an additional admin penalty, due to

landowner accommodating four instead of two commercial vehicles on the property.

This then caused a zoning infringement and a contravention of Section 23(i) of the MPBL.

The Section 23(i) contravention and home occupation use of the lounge section of the house does not contravene any of the Title Conditions, as confirmed in terms of the enclosed conveyancer's certificate.

No unauthorized building work was executed in order to achieve the office space conversion.

The rest of the use of the house in terms of providing residential occupation for the operator of the business has not changed.

Admin staff working in the lounge area share the kitchen and toilet facilities with the occupant of the house, as show on the enclosed plan.

VALUE/COSTING OF CONTRAVENTIONS:

The current municipal valuation of the property (land and buildings) is R1.620-million.

The plot size is 495 sq. m's and the house size is 70 sq. m's with the actual area being used for office use being 16.8 sq. m's.

No fixed structures needed to be altered and the conversion of the lounge for office use was done without costing the landowner anything.

Duration of contravention: The landowner commenced the home occupation in January this year.

Gravity of contravention: The home occupation has had no adverse impact on the neighbours. Workers come to load up the four commercial vehicles in the morning, but that is of a short duration and then during the rest of the day there is only the admin staff who work at the premises who take calls and communicate with the plumbing staff in the field.

Nature of Contravention: The home occupation exceeds two commercial vehicle parking limitation as set out in Section 23(i) of the MPBL.

Extent of contravention: Exceeds said parking limitation by two commercial vehicles.

Cost of work required: No cost incurred to execute physical conversion of internal space – No building work done.

Fixed Property Building Work: N/A

NOTICE TO CEASE:

Yes, the Property Inspector of the City of Cape Town has served notice upon landowner.

TITLE CONDITIONS CONTRAVENED: N/A – Refer to enclosed conveyancer's certificate

TP CONTRAVENTIONS:

Contravenes S.23(i) of MPBL as a consequence of a total of four commercial vehicles being parked at the premises overnight, instead of only two commercial vehicles as prescribed in terms of S.23(i) of the MPBL.

An Admin Penalty is to be paid in respect of S.23(i) MPBL contravention.

UNLAWFUL BUILDING WORK: N/A

CONDUCT OF PERSON INVOLVED IN CONTRAVENTION:

The landowner is operating the office use of his property with integrity. The office activity does not detract from the neighborhood or cause any of the neighbours any harm. Staff load up their vehicles in the morning and then leave the premises to respond to callouts, to then return the four commercial vehicles in the evening.

WHETHER UNLAWFUL CONDUCT WAS STOPPED:

No, the unlawful parking of four commercial vehicles at the premises has not stopped. The home occupation has been in operation since January this year.

WHETHER PERSON INVOLVED HAS PREVIOUSLY CONTRAVENED THE LAW:

No, the landowner has not previously contravened the provisions of the MPBL in as far as the use of his premises are concerned.

MITIGATING FACTORS:

The landowner decided to commence the operation of his home occupation in January this year to ensure that the plumbing business is up and running by the beginning of the year, in order to be able to provide plumbing services to the community and to safeguard the jobs of the people working for him.

MUNICIPAL VALUATION:

The current municipal valuation of the property (land and buildings) is R1.620-million.

The plot size is 495 sq. m's and the house size is 70 sq. m's with the actual area being used for office use being 16.8 sq. m's.

CONCLUSION:

In the determination of the administrative penalty, it is recommended that Council take into consideration the nature of the

contravention in that the home occupation only exceeds the parking limitation of two commercial vehicles and no other MPBL development rules. It is to be noted that a formal departure application has been submitted to the City with regard to the Section 23(i) contravention.

Adriaan du Plessis van der Merwe

PLAN AFRICA CONSULTING

Date: 11 June 2019

Rates for 2019/2020 Financial Year**Rate-in-the-rand: 0.00550****Rates Relief: R 300,000.00**

Property Reference	SPM005884500000
Property Type	RES
Erf/Farm Number	14859
Physical Address	39 NERINA FISH HOEK
Total Extent	496.0000
Existing Use	A01
Allotment Area	FISH HOEK
Rating Category	RESIDENTIAL

Value of Property	R 1,620,000.00
Residential Exclusion	R 300,000.00
Rateable Value	R 1,320,000.00
Estimated Annual Rates	R 7 320.00
Estimated Monthly Rates	R 610.50

1244

119

CLARK CUPIDO ATTORNEYS INC
PO Box 902
Green Point
8051

Prepared by me

Kevin Daniel
CONVEYANCER
KEVIN DANIEL

Fees endorsement	
Purchase price/Value	Amount: R 1 650 000,00 Office fee: R 1098,00
Mortgage capital amount	
Reason for exemption	Exempt T.L. 0

VERBIND	MORTGAGED
VIA FOR R 1 850 000,00	
3000016474 / 2018	
31 JUL 2018	REGISTRAR/REGISTRAR

DEED OF TRANSFER

T 000035484 / 2018

BE IT HEREBY MADE KNOWN THAT

KEVIN DANIEL

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

JENNIFER MARY CARTHEW
Identity Number 470518 0087 08 2
Unmarried

DATA / VERIFY
01 AUG 2018
NOLUVO MTYAMBA

DATA / CAPTURE
01 AUG 2018
MARLYN BARLOW

which said Power of Attorney was signed at FISH HOEK on 25 MAY 2018

And the appearer declared that his/her said principal had, on 14 April 2018, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

CHRISTIAAN ROLAND MAUJEAN
Identity Number 900905 5306 08 0
Unmarried

his Heirs, Executors, Administrators or Assigns, in full and free property

ERF 14659 FISH HOEK, IN THE CITY OF CAPE TOWN
CAPE DIVISION, PROVINCE WESTERN CAPE

IN EXTENT 496 (FOUR HUNDRED AND NINETY SIX) Square metres

FIRST TRANSFERRED by Deed of Transfer Number T18089/1986 with General Plan SG No. 10673/1984 relating thereto and held by Deed of Transfer Number T112320/1998

- A. SUBJECT to such conditions as are referred to in Deed of Transfer No. T25115/1983.
- B. SUBJECT with the benefit of the conditions relating to water contained in the endorsement dated 10th March 1919 on Certificate of Registered Title No. T5147/1918.
- C. ENTITLED to the benefit of the following special conditions, contained in Deed of Transfer No. T77822/1994, which were imposed for the mutual benefit of the registered owners of the lots in the Visch Hoek Estate deducted from General Plan marked V.278 relating as follows :
- Under paragraph marked (a) to the observance of a building line.
- Under paragraph marked (c) to the prohibition of wood or iron structure.
- Under paragraph marked (d) to the prohibition of certain trades and businesses.
- Under paragraph (e) to the rights of drainage and sewerage.
- D. SUBJECT to the following conditions imposed by the Administrator in terms of Section 9 of Ordinance No. 33 of 1934 when approving of the subdivision of Erf 11863 Fish Hoek contained in Deed of Transfer No. T18089/1986 :
1. The owner of this erf shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and the sewage and drainage including stormwater of any other erf or erven to be conveyed across this erf and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the Local Authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.

2. 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 us of the full width of the street and provide a safe and proper slope to its bank owing to the difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Local Authority.

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

JENNIFER MARY CARTHEW, Unmarried

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

CHRISTIAAN ROLAND MAUJEAN, Unmarried

his Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 650 000,00 (ONE MILLION SIX HUNDRED AND FIFTY THOUSAND RAND).


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

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 31 JUL 2018



q.q.

In my presence


REGISTRAR OF DEEDS

ANNEXURE X

- "(a) Each Purchaser or his successor in title of a lot in the Visch Hoek Estate (present and future) shall be entitled to an equal share in the water and water rights of the Estate including that derived from the source known as the "Klein Rivier" more fully set out in the Deed of Servitude entered into on the 8th June 1901 between G C van Blerk and Hester Sophia de Kock, and registered in the Office of the Registrar of Deeds at Cape Town, on the 26th June 1901 (with Transfer No. 9186, 1st November 1897), but not including the Schilpads Vlei and Kaffirs Kloof water or any water arising or found on any land that may be sold by the Estate at any time situate within the area shown on the General Plan No. V27 and V27A filed in the Office of the Surveyor General at Cape Town. The rights hereby granted shall in no way interfere with the right to water conferred on Nielje Johanna de Villiers and Jacoba Petronella de Villiers under the Will and Codicils of the late Hester Sophia de Villiers, in respect of the properties described therein as "Good Hope" and Bellview".
- (b) The Transferor Estate shall bring the water derived from the said source known as the "Klein Rivier" by means of a pipe line to a properly constructed reservoir on Lot 1639 for the use and benefit of Lot holders subject to the diversion of the quantity for the owners of the said properties "Good Hope" and Bellview" in terms of the Will and Codicils above referred to.
- (c) No responsibility for maintenance of the pipe line or reservoir shall rest on the said Estate after the construction of the reservoir which shall be constructed on the aforesaid lot according to the design and under the supervision of Mr Thomas Stewart, C.E., in such place and manner as to render the water readily accessible to Lot holders.
- (d) Lot holders shall be entitled through a Committee or Association of their number to access to and along the pipe line, reservoir and intake dam for the purpose of maintenance, and repairs should they or any of them at any time desire to effect such - no obligation to do so, being, however, cast upon them.
- (e) Purchasers shall be obliged to set back any building or buildings to a line of building frontage which shall be not less than 3,15 metres from the boundary line between the road and the property in each Street, so as to form a forecourt or garden in front of any building, provided, that within such forecourt the Purchaser may, if he so desires, erect or construct a stoep, verandah or balcony.
- (g) No erection of wood or iron shall be permitted without the special written sanction of the Executors of Local Governing Body, and they only subject to such conditions as may be imposed by the Executors or Local Governing Body.
- (h) All passages shall be kept in good order at the joint expense of the owners of the abutting lots (each contributing or paying an equal

share) and may be used for underground drainage. The right of way may also be used for underground drainage.

- (i) No noisome or injurious or objectionable trade or business of any kind shall be carried on or conducted on any part of the said Lot or Lots.
- (j) That the purchaser of each Lot shall be obliged to allow the drainage and sewerage of any other Lot or Lots to be conveyed over such Lot is deemed necessary by the Local Governing Body at any time and in such manner and in such position as may from time to time be reasonably required by the Local Governing Body at any time.
- (k) The lots number 2 to 13, 100 to 107, 110 to 116, 1604 to 1637, 1884 to 1921, 2156 to 2188 shall be subject to the special condition that they shall not be utilised for other than residential purposes.
- (l) Wherever the term Purchaser is used, in these conditions, it shall be deemed to include future Owners.



TDA
CAPE TOWN

The City of Cape Town's Transport
and Urban Development Authority

MPBL - LUM 03
DEVELOPMENT MANAGEMENT

1249

CONVEYANCER'S CERTIFICATE

I/we, **ROSHANA SOLOMON**

(conveyancer's name)

hereby wish to certify that a search was conducted in the Deeds Registry, Cape Town for restrictive conditions affecting the development of the following property(ies) (including title deeds and pivot deeds):

ERF 14659 FISH HOEK IN THE CITY OF CAPE TOWN, CAPE DIVISION, PROVINCE OF THE WESTERN CAPE

IN EXTENT 496 SQUARE METRES

(erf number/s and description/s as it appear in the title deed)

1. CERTIFICATE TYPE (please select only one option)

☐ The information provided below is a certified record of all restrictive conditions affecting development on the above stated property(ies).

☐ The information provided below is a certified record of all applicable restrictive conditions relating to a specific plan or proposed application of the above stated property(ies). (complete plan no., date and application type below)

Plan no.

Date

Application type

2. SCHEDULE OF TITLE DEEDS APPLICABLE (List title deed number in full and attach a complete set of copies)

T 35484/2018; Annexure X - T 77822/1994

3. LIST OF RESTRICTIVE TITLE CONDITIONS Please note: If any clause is selected, Addendum A needs to be completed for each property.

Categories	Title deed and clause number of restrictive conditions. Conveyancer to provide details of any necessary interpretation of conditions.		
	Title deed number	Clause number	Interpretation
Use of Land	T 77822/1994	C(d)	See Annexure B attached hereto
Building lines			
Height			
Number of dwellings			
Bulk floor area			
Coverage / built upon area			
Subdivision			
Servitudes that may be registered over or in favour of the property			
Other restrictive conditions limiting development			

Signed at **FISH HOEK**

on this **28**

day of **May**

20 **19**

Company name **STBB ATTORNEYS**

Postal address **26 FIRST AVENUE**

FISH HOEK, 7975

Tel **021 784 1580**

Email **Roshanas@stbb.co.za**

ROSHANA SOLOMON
STBB ATTORNEYS
26 FIRST AVENUE
FISH HOEK
7975

Signature

ATTORNEY, NOTARY PUBLIC, CONVEYANCER,
COMMISSIONER OF OATHS,
SOUTH AFRICA

Amended on: 21/02/2019

Property reference

ERF 14659 FISH HOEK

Allotment

ADDENDUM A

RESTRICTIVE CONDITIONS IMPOSED AT TIME OF TOWNSHIP ESTABLISHMENT	APPLICABLE LEGISLATION OR TYPE OF CONDITIONS	APPLICATION NECESSARY TO CITY OF CAPE TOWN	AFFECTED CONDITION FOR PROPOSED DEVELOPMENT ON PROPERTY		BENEFICIARY IDENTIFICATION TO BE SUPPLIED BY CONVEYANCER	BENEFICIARIES (If insufficient space is provided in each block, then please attach a separate document or file)
			Title deed no.	Clause no.		
TRADITIONAL CONDITIONS IMPOSED AFTER TOWNSHIP ESTABLISHMENT	Municipal Planning By-law 2015	Mandatory			* All properties in affected Township (attach a copy of approved general plan) * Specified state departments	
	33/34 or LUPO or any other legislation repealed in terms of LUPA (see section 77)	Mandatory			* All properties in affected Township (attach a copy of approved general plan) * Specified state departments	
	Prior to 33/34	Voluntary			* Properties or individuals affected by the condition * Specified state departments	
	Developer	Voluntary	177822/1994	C(d)	* Developer (if still alive) * Company (if not deregistered) * Properties or individuals affected by decision on application * Specified state departments	250 Fish Hoek property owners
	Praedial (multiple affected parties)	No provision in MPBL for application to be made to the City at this time			* Persons whose rights are affected * Specified state departments	
	Personal (individual party)	No provision in MPBL for application to be made to the City at this time			* Individual named * Specified state departments	

It is acknowledged that the information on beneficiaries supplied will be relied upon by the City as being correct for Public Participation purposes.

Amended on: 21/02/2018

ANNEXURE B to Conveyancer's Certificate over ERF 14659 FISH HOEK dated 28 MAY 2019

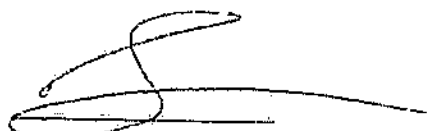
PROPOSED DEPARTURE:

1. TO USE THE PROPERTY AS A FACILITY TO STORE COMPANY VEHICLES OVERNIGHT IN A SECURE AREA;
2. TO ENABLE ADMIN STAFF TO CARRY ON WORK DUTIES INSIDE THE OWNER'S RESIDENCE;
3. TO ENABLE AN OPERATOR TO PERMANENTLY RESIDE ON THE PREMISES.

LIST OF RESTRICTIVE CONDITIONS:

Categories	Title deed number	Clause number	Interpretation
Use of land	T 77822/1994	C (d) together with Annexure X relating thereto	No noisome or injurious or objectionable trade or business of any kind shall be carried on or conducted on any part of the said Lot or Lots.

SIGNED AT FISH HOEK THIS 28th DAY OF MAY 2019.


 CONVEYANCER
 ROSHANA SOLOMON
 STBB ATTORNEYS
 26 FIRST AVENUE
 FISH HOEK
 7975
 ATTORNEY, NOTARY PUBLIC, CONVEYANCER,
 COMMISSIONER OF OATHS,
 SOUTH AFRICA