



REPORT TO: **MUNICIPAL PLANNING TRIBUNAL**

ITEM NO **MPTSW41/06/19**

WARD 65: APPLICATION FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION AND PERMANENT DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 9757 GRASSY PARK, 7 AMDEN CLOSE, GRASSY PARK

| | |
|---------------------------|---------------------|
| Case ID | 70433367 |
| Case Officer | Mark Collison |
| Case Officer phone number | 021 684 4343 |
| District | Cape Flats |
| Ward | 65 |
| Ward Councillor | Cllr P Van Der Ross |
| Report date | 2019-05-24 |

1. EXECUTIVE SUMMARY

| | |
|--------------------------------------|---|
| Property description | Erf 9757 Grassy Park |
| Property address | 7 Amden Close, Grassy Park |
| Application components / description | Removal of Restrictive Title Deed condition and Permanent Departures for the southern and northern common boundaries. |
| Site extent | 384m ² |
| Current zoning | Single Residential Zone 1 |
| Current land use | Residential |
| Overlay zone applicable | None. |
| PHRA or SAHRA heritage | None. |
| Public participation outcome summary | Notice in media and registered letters to surrounding owners. No objections were received. |
| Recommended decision | |
| Approval | ✓ |
| Refusal | |
| Approval in part & Refusal in part | |

2. BACKGROUND FACTS

As there were no objections received, this MPT report deals with the removal of the restrictive title deed condition only. The building line departures are to be dealt with by the delegated official.

3. SUMMARY OF APPLICANT'S MOTIVATION

- 3.1. The applicant's motivation of the proposed development (see **Annexure D**) may be summarised as follows:

Condition II. A. (c) of the Title Deed for the subject property limits the coverage on the property to one third of the site area. The applicant's motivation for the removal of the restrictive title condition in terms of Section 47 of SPLUMA and Section 48 (4) of the MPBL, read with Section 39 (5) of the Land Use Planning Act 3 of 2014 (LUPA) is attached hereto as **Annexure D** and can be summarised as follows :

- (a) *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 vest in the person as the owner of a dominant tenement;*

The values of the surrounding properties and the general area will benefit from the deletion of the condition as increasing the value of the subject erf through the proposed addition will serve toward the enhancement of value of the properties in the broader area.

- (b) *The personal benefits which accrue to the holder of rights in terms of the restrictive condition;*

The restrictions are in favour of the registered owner of any erf in the subdivided estate and no personal benefit accrues to these owners through the restriction of the developable area of the site.

- (c) *The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;*

The owner wishes to optimise the value of the property by building an appropriate residential development which will provide an increase in the value of the owner's initial investment.

- (d) *The social benefit of the restrictive condition remaining in place in its existing form;*

There are no social benefits associated with the property with the conditions in place. More benefit to the general area and surrounding community will be derived from residential development, as proposed.

- (e) *The social benefit of the removal, suspension or amendment of the restrictive condition; and*

The property will be more appropriately developed and be of benefit to the area, as opposed to its current status.

- (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.*

The deletion of the restrictive condition will not remove all rights enjoyed by the beneficiary. Only the rights that currently constrain the holder in terms of this application are requested to be removed.

4. PUBLIC PARTICIPATION

| | | Applicable | Dates / Comments |
|-------------|--|------------|-----------------------------|
| Advertising | Notice in the media (s81) | ✓ | 2019-03-08 |
| | Notice to a person (s82) | ✓ | 2019-03-04 |
| | Notice to Community organization (s83) | ✓ | 2019-03-04 |
| | Notice to Ward Councillor (s83) | ✓ | 2019-03-04 |
| | Notice of no objection (s84) | | N/A |
| | Notice to Provincial Government (s86) | | N/A |
| | Notice to an Organ of State (s87) | | N/A |
| | Public meeting | | None. |
| | On-site display | | 2019-03-08 until 2019-04-08 |
| Outcome | Objections | | None |
| | Objection petition | | N/a |
| | Support / No objection | | N/a |
| | Comments | | N/a |
| | Ward Councillor response | | None. |

5. BACKGROUND TO PROPOSAL

5.1. Site description and character of the area

The property is situated within an established residential neighbourhood (See aerial photograph below). The site is developed with a dwelling house currently used as a domestic residence.

The property is located to the west of Strandfontein Road with Klip Road to the north. Existing single residential houses surround the subject property. The property is located in a predominantly Single Residential area characterized by low-rise dwelling houses and a predominantly grid street layout.



Aerial Photograph

5.2. Zoning and Land Use

The property is zoned Single Residential 1 in terms of the Development Management Scheme and is used as a standard residential family home.

5.3. Development Proposal

An application for the deletion of Title Deed Conditions II. A. (c) which precludes development of more than one third of the site area has been made.

The current owner wishes to build additions in the form of a first storey extension and to achieve this, the building footprint needs to be very marginally extended and this will result in the coverage restriction contained in the title deed being contravened.

The application also involves a minor relaxation of the 3m common boundary setback to 2.0m (north) and 2.4m (south). These departures result from the structure exceeding 4m in height after the 12m line and will be dealt with by the delegated official.

6. PROPOSAL ASSESSMENT

Criteria for deciding application

6.1. Consideration of criteria in terms of Section 99(1):

6.1.1. Compliance with the requirements of the MPBL

- The correct application has been made in terms of the Municipal Planning By-law, 2015.
- The application was correctly advertised to interested and affected parties and the provisions of the MPBL (2015) and the City's Notification Policy for Land Use Development Applications have been complied with.
- No objections were received.
- As there are no unlawful land uses or building work related to this application, no administrative penalty is required.

6.1.2. Compliance or consistence with the Municipal Spatial Development Framework (2018).

The property falls within the area designated as "Urban Inner Core" which promotes diverse and dense land uses in association with current and future public transport infrastructure. The proposal is considered to be consistent with the MSDF.

6.1.3. Consideration in terms of Section 99(3) of the desirability of the following criteria:

a. Socio-economic impact:

The proposal will have a positive socio-economic impact because the improvements to the subject property will enhance the character of the residential fabric in the local area through the construction of a larger, aesthetically pleasing structure on the property. The subject property is located within a well-established existing medium-to-low density single residential area where social, educational and commercial amenities are readily available.

b. Compatibility with surrounding uses:

The proposed use remains entirely residential and is compatible with the surrounding land uses. The resultant built form will fit in well with the local and broader area, which contains a wide range of dwelling sizes on varying erf sizes. The proposed residential upgrade to the existing dwelling house will be in keeping with what exists in the immediate surrounding area and is expected to blend in with the local context where similar two storey structures which exceed the 33% coverage factor, do exist.

c. Impact on the external engineering services:

Council's relevant services Departments have confirmed that adequate services are available.

d. Impact on safety, health and wellbeing of the surrounding community:

The existing lower density character of the area is considered to pose a marginal threat to the health, safety and wellbeing of the surrounding community because it is susceptible to crime as a result of low levels of surveillance over public spaces. The development of the property will improve the safety of the site and the immediate surrounding area by increasing passive surveillance of the streets through the addition of a first floor to the existing dwelling.

e. Impact on heritage:

None, as the application does not trigger any heritage legislation and is not considered to impact on heritage resources.

f. Impact on the biophysical environment:

None, as there are no significant environmental features present on the property.

g. Traffic impacts, parking, access and other transport related considerations:

The City's Integrated Transport Planning Department has supported the application and supports the on-site parking provision and potential for further on-site parking which is in excess of the standard area parking requirements contained in the Development Management Scheme.

h. Conditions that can mitigate an adverse impact of the proposed land use:

The City's internal line departments have unconditionally supported the proposal.

6.1.4. The application would not have the effect of granting development rules of the next zone.

I am satisfied that the decision making criteria in Section 99(1) have been complied with.

I am satisfied that the considerations in Section 99(3) have been assessed and that the proposed land use is desirable.

6.1.5. Any applicable spatial development framework

Alignment with the Cape Flats District Plan:

The property is designated as Urban Development according to the Cape Flats District Plan, 2012 ("CFDP") which promotes land use intensification in association with current and future public transport infrastructure. Regard must be had to available infrastructure capacity, neighbourhood density and character, proximity to job opportunities and social facilities, and access to public transport. The CFDP also requires that the existing character and heritage value of areas of significance must be considered as informants to development and redevelopment proposals.

The property is well-located in that it is in close proximity to a significant transport corridor (Klip Road) which also provide access to economic and social opportunities in the area. The proposed architectural themes will tie in well with that of the existing area and improve the character of the surrounding area.

6.1.6. Relevant criteria contemplated in the DMS:

The proposed development is considered to be aligned with the intent of the Single Residential 1 zone. It is also noted that the DMS does not restrict coverage but rather stipulates a Floor Factor restriction of 1.

6.1.7. Applicable policy or strategy approved by the City to guide decision making:

Design and Management Guidelines for a Safer City

Consistent: According to the policy, vacant and underdeveloped sites often attract antisocial behaviour and become safety risks. The proposed dwelling will have overlooking potential which would allow surveillance over Amden

Close thereby increasing the current strength of the surveillance of the street and the public realm in general. The policy advises that the greater the number of people present in an area, the more eyes on the street and the safer it feels. The proposal is considered to fulfil the Safer City Guidelines in this respect and has the potential to counteract the safety threats that exist in the area.

6.1.8. Consideration in terms of Section 99(3) of the extent of desirability of the following criteria:

a. Socio-economic impact:

The proposal is considered to have positive socio-economic impacts in that the existing property, being a strategically placed parcel of residential land, will be used more efficiently.

b. Compatibility with surrounding uses:

The proposal will result in a larger residential dwelling house and the proposal is considered to be appropriate within the existing residential pocket and will not have a detrimental impact on the surrounding residential amenity.

It is noted that the application under consideration involves the removal of restrictive title conditions and permanent departures but neither of these application components were objected to indicating surrounding owner acceptance of the setbacks from the boundary line shared with the northern and southern neighbours who are consequently deemed unlikely to be affected.

c. Impact on the external engineering services:

The proposal will not have a negative impact on engineering services, as confirmed by the City's Service Departments.

d. Impact on safety, health and wellbeing of the surrounding community:

See paragraph 6.1.3(d).

e. Impact on heritage:

See paragraph 6.1.3(e).

f. Impact on the biophysical environment:

See paragraph 6.1.3(f).

g. Traffic impacts, parking, access and other transport related considerations:

See paragraph 6.1.3(g).

h. Conditions that can mitigate an adverse impact of the proposed land use

See paragraph 6.1.3(h).

6.1.9. Impact on existing rights (other than the right to be protected against trade competition)

- The proposal will not have an impact on the existing rights of surrounding properties which will retain the existing Single residential 1 zoning rights (and associated Floor Factor controls).
- The proposed land use is consistent with the current zoning of the property as well as the predominant use in the broader surrounding area.

I am satisfied that the decision making criteria in Section 99(2) have been complied with.

6.2 Assessment of the Removal of the Restrictive Title Conditions

6.2.1 In terms of section 48(4) of the MPBL the City must have regard to section 39(5) of the Land Use Planning Act and section 47 of Spatial Planning and Land Use Management Act when considering whether to remove, suspend or amend a restrictive condition. The applicable restriction precludes the owner from developing more than one third of the site area. In this regard, the application to remove the restrictive title conditions is assessed as follows:

- (a) 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 to vest in the person as the owner of the dominant tenement

My department concurs with the applicant that there is no financial or other value of the condition enjoyed by the registered owner/s of any erf in the subdivided estate. The City's aerial photography shows that several other erven in the immediate vicinity are already developed in a manner that is contrary to the relevant restrictive title deed condition that is proposed to be deleted. The process of the change in this township has thus already commenced.

- (b) The personal benefits which accrue to the holder of the rights in terms of the restrictive condition

No direct personal benefits accrue to the holder of the rights, being the registered owner/s of any erf in the subdivided estate. The personal benefits to the holder of rights relate indirectly to the character of the area, which as stated, has already evolved from the originally intended character.

- (c) The personal benefits which will accrue to the person seeking the removal, suspension of the restrictive condition if it is removed, suspended or amended.

The property owner will achieve personal benefits from the deletion of these conditions as it will allow the proposed development and expansion of their

development rights in accordance with the Development Management Scheme in that it allows for an increase in the development envelope of buildings on the property.

- (d) The social benefit of the restrictive condition remaining in place in its existing form

There is no social benefit of the conditions remaining in place. Should the condition not be deleted the it would still be possible to extend the existing dwelling but given that the proposed extension follows the footprint of the existing structure on the property, this Department is of the opinion that maintaining the existing coverage limitation, will be of no social benefit.

It must be noted that title deed conditions were largely imposed in an era before zoning schemes became commonly used to control development in an area.

- (e) The social benefit of the removal, suspension or amendment of the restrictive condition

The deletion of the title deed condition will enable the better utilisation of the property. The proposal will also enable the property to be developed to provide additional residential dwelling space in a well-located, well-established residential area and thereby prevent urban sprawl.

- (f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all the rights enjoyed by the beneficiary or only some of those rights

The removal of the restrictive conditions will not completely remove all the rights enjoyed by the beneficiaries. The removal of the relevant condition will facilitate contextually appropriate further residential development. As set out in the City's policies and planning instruments, residential development serves the public interest if appropriate and desirable. The proposed development falls within this category as it will improve the living standards of the owner and his family without detracting from the visual or residential appeal of the broader area.

- 6.3.7 The personal benefits conferred by this title deed condition on the immediate local residents must be weighed up against the wider social benefit of removing the restrictive condition and the benefit to the applicant. There is a benefit to removing the restriction without an adverse effect on the neighbourhood. There is also no evidence of any financial impact. Any perceived impact is outweighed by the social benefits/public benefits for the reasons set out above.

- 6.4 Regarding section 47 of the Spatial Planning and Land Use Management Act, 2015 (SPLUMA), the deletion of the restrictive title condition will not deprive any person of property.

I am satisfied that the decision making criteria in Section 39(5) of the LUPA and Section 47 of SPLUMA have been complied with.

7. REASONS FOR DECISION

Reasons for the recommended decision for **approval** relating to the application for the Removal of Restrictive Title Deed conditions may be summarised as follows:

- 7.1 The proposal complies with the criteria as set out in Section 99(1) of the Cape Town Municipal Planning By-Law, 2015 in so far as desirability is concerned as the proposed additions to the property will enhance the subject property and surrounding area through the construction of a larger, aesthetically pleasing structure.
- 7.2 The approval of the proposal will allow for the more efficient use of the property which is in line with the City's Municipal Spatial Development Framework and the Cape Flats District Plan (2018).
- 7.3 The property is located within close proximity to an existing public transport route making intensification of development desirable.
- 7.4 The approval of the proposal will facilitate increased passive surveillance onto the street and the surrounding residential area which is quiet during normal working hours.
- 7.5 The City's internal departments support the proposal and have confirmed that sufficient services capacity exists to facilitate the proposed dwelling additions.
- 7.6 The deletion of the title deed condition facilitates contextually appropriate residential expansion.
- 7.7 The nature and form of the proposed development is considered compatible with the residential character and functioning of the surrounding area.
- 7.8 The proposal satisfies the criteria as set out in LUPA and SPLUMA in as far as the Removal of the Restrictive Title Condition is concerned specifically with regard to the lack of impact on the beneficiaries of the condition to be removed.

8. RECOMMENDATION

In view of the above, it is recommended that:

- 8.1. The application for the Removal of the Restrictive Title Deed condition, as set out in **Annexure A** attached hereto, for Erf 9757 Grassy Park, **be approved** in terms of Section 98 (b) of the City of Cape Town Municipal Planning By-Law, 2015.

| | |
|---------------|---|
| Annexure A | Approval granted |
| Annexure B-81 | Regional locality plan and Locality plan / Public participation map |
| Annexure C | Site Layout Plan |
| Annexure D | Applicant's motivation |
| Annexure E | Title deed |

1274

A McCann

**Section Head : Land Use
Management**

Name A McCann

Tel no 021 684 4341

Date 31st May 2019

Comment

C Newman

District Manager

Name C Newman

Tel no 021 684 4310

Date 03 June 2019

Comment

1275

Annexure

A

Approvals granted

ANNEXURE A

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Erf 9757 Grassy Park at 7 Amden Close, Grassy Park**

"Bylaw" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015 (as amended)

"Item" refers to the relevant section in the Development Management Scheme

CASE ID: 70433367

1. APPLICATION APPROVED IN TERMS OF SECTION 98 (B) OF THE CAPE TOWN MUNICIPAL PLANNING BY-LAW

1.1 Removal of the following Restrictive Title Deed condition:

The condition imposed by the Administrator of the Cape of Good Hope and contained in Deed of Transfer No T22356/2012:-

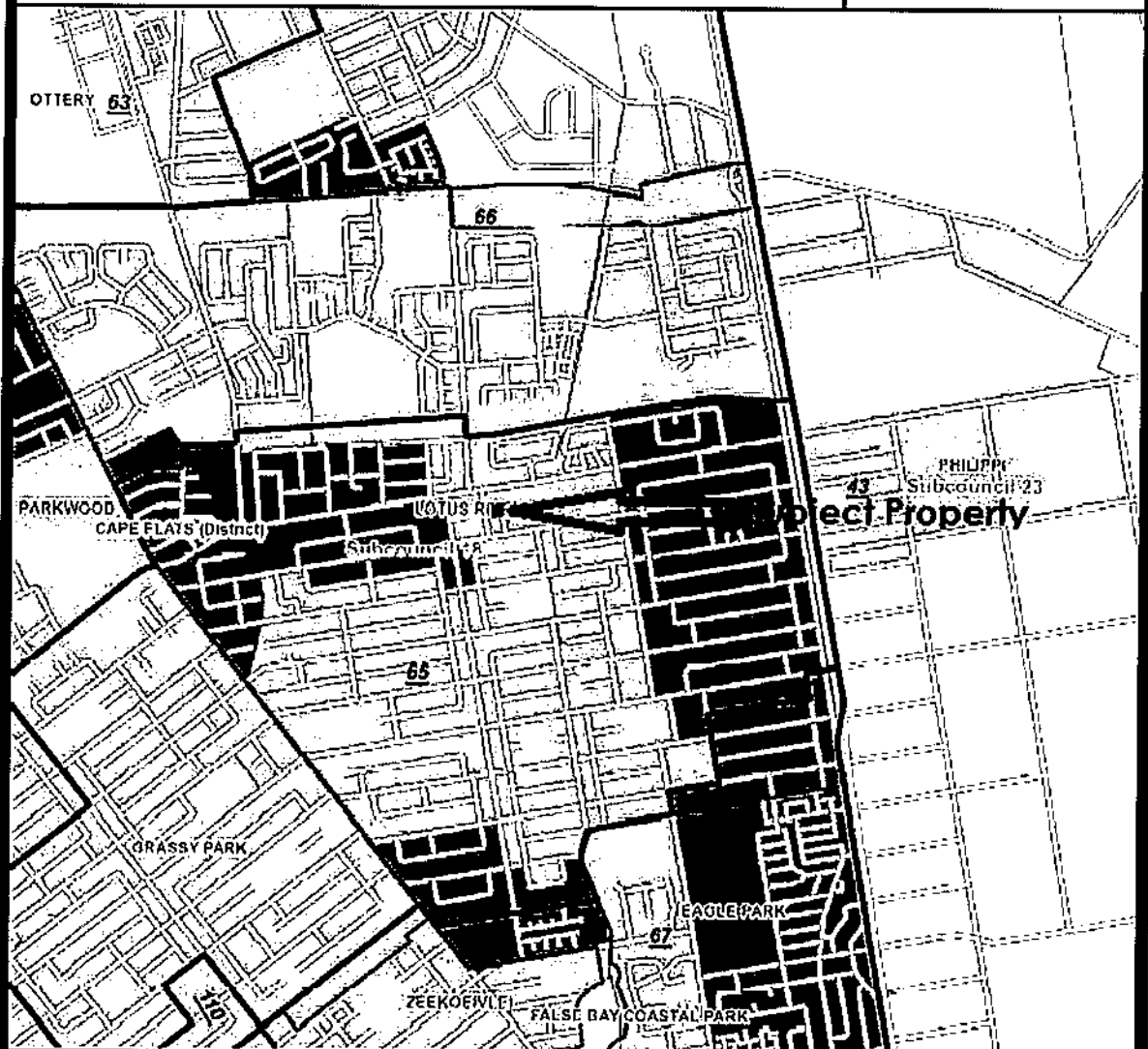
"II. A. (c) That not more than one-third the area of this erf be built upon. "

Annexure B-B1

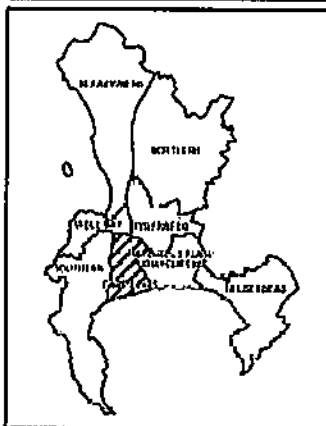
Regional locality
plan and Locality
plan / Public
participation map

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP

ANNEXURE : B



Overview



Erf: 9757

District: CAPE FLATS

Allotment: GRASSY PARK

Suburb: LOTUS RIVER

Ward: 65

Sub Council: Subcouncil 18



1:19 200

Notices Served

Support
ReceivedPetition
SignatoryObjections
Received

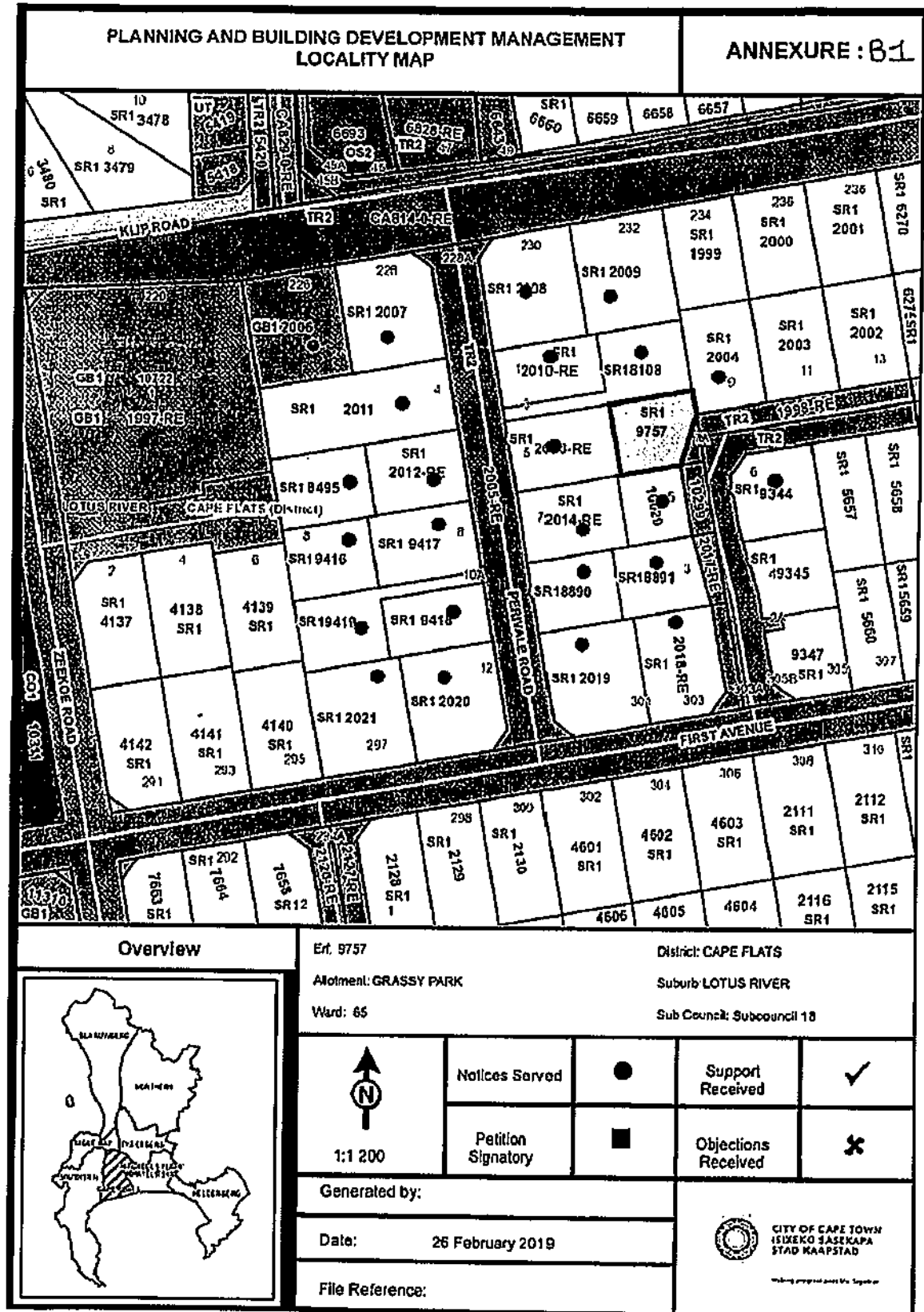
Generated by: M Collison

Date: 24 May 2019

File Reference: 70433387

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Masing pampura pambila: Tugelana

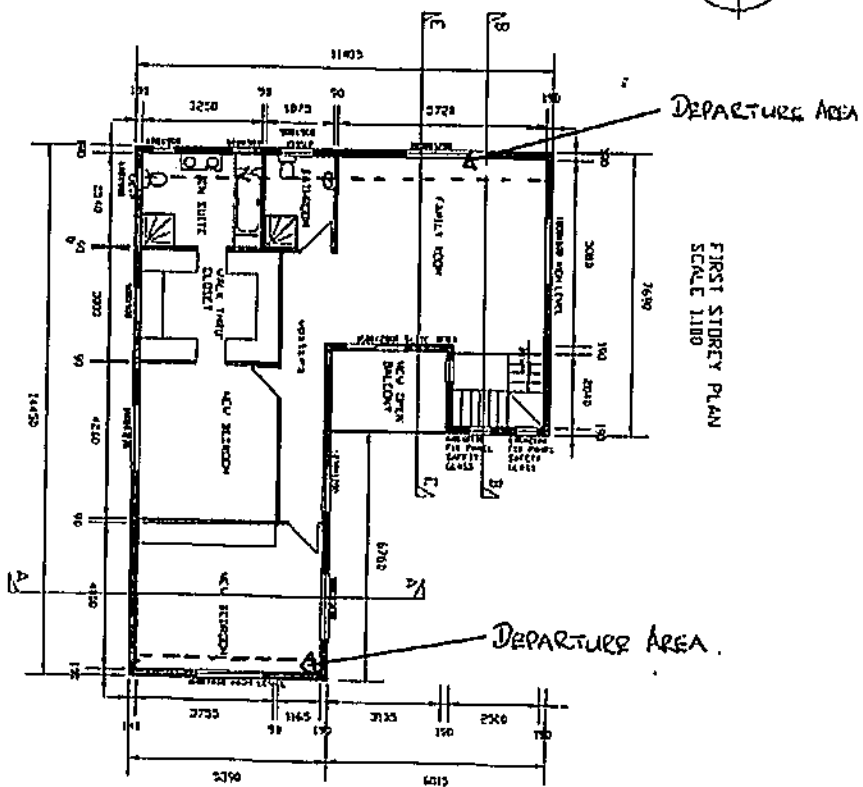
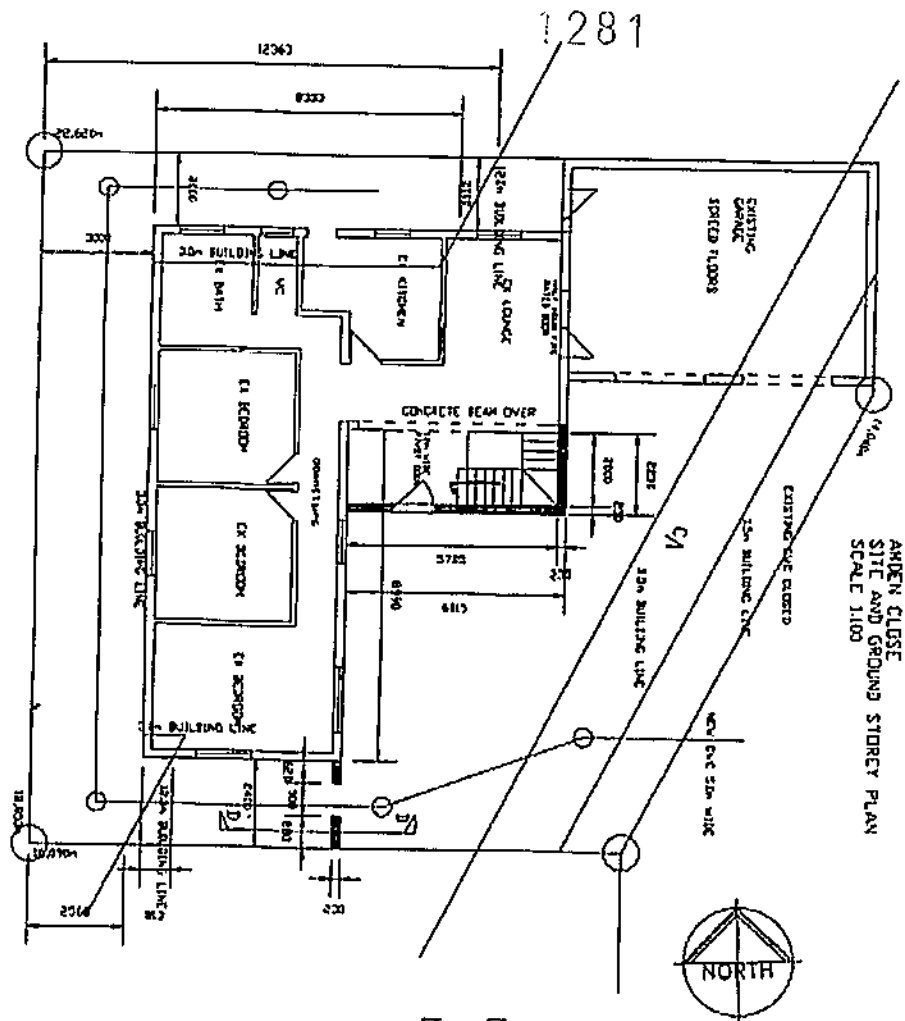


1280

Annexure

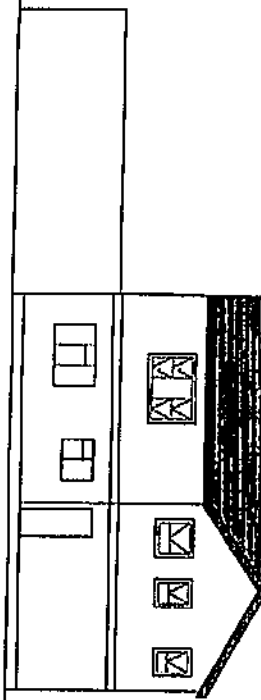
C

Site Layout plan

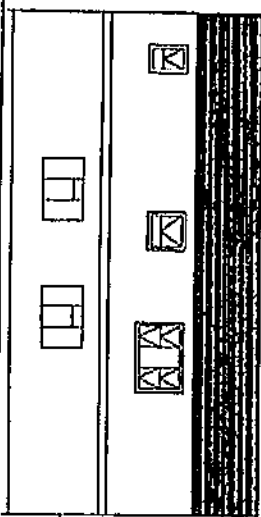


282

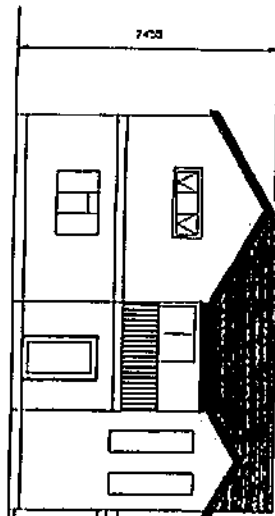
NORTH ELEVATION



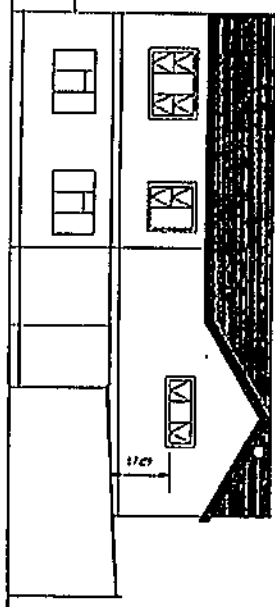
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



Annexure D

Applicant's Motivation

**ERF 9757 GRASSY PARK
7 AMDEN CLOSE, GRASSY PARK
DEPARTURES AND REMOVAL OF RESTRICTIVE
TITLE DEED CONDITIONS**

The proposed alterations to the house is primarily done due to a personal decision to extend family "togetherness" to include growing children. They are getting older and may soon need greater space.

The intention was to purchase the property and then to extend it sufficiently to accommodate the growing family under comfortable living conditions.

The proposed extension will create comfortable additional space, with the addition of an upper floor, and alterations on the existing ground floor to allow for increased space and a staircase to the upper floor.

The proposed work will also improve indoor/outdoor spatial relationship and passive surveillance to the street, through addition of a small balcony.

The design also carefully considers neighbours by not intruding thorough visibility into yards, personal spaces etc.

These building plans has gone through many revisions over the past few months, with the intention to increase the aesthetic appearance of the original house identity and to ensure comfortable living functionality.

These additions are designed to be coherent and to add to the original style of design without appearing fragmented to the form of the existing building, and mainly extended for functional purpose.

The additions to the original building is aesthetically pleasing to the eye, and will enhance the appearance of the immediate surrounds also adding value to neighbouring property in the longer term.

There are several similar extensions done to houses in the vicinity which ultimately will enhance the overall appeal if the greater area.

To achieve this we designed alterations to the main house to be an economically viable option and would not be too disruptive to the current living arrangement.

The additions will be positioned to maximize space and sunlight while allowing both buildings access to the garden area / yard area.

Coverage on the site has been kept to a minimum and the height does is not excessive.

This building is a residential home built on a site zoned SR1 and the relevant development rule departures have been applied for.

As the building is existing and not a completely new development and some of the following considerations are not relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable –

- (a) economic impact; -
None, as the building is existing and only building changes will be made to it.
- (b) social impact; -
None, as the building is existing and only building changes will be made to it.
- (c) scale of the capital investment; -
Not applicable to an alteration of an existing house.
- (d) compatibility with surrounding uses; -
the building conforms to all the surrounding uses (residential) and so does the use - a number of examples are present in the area with a similar look and distance from boundaries.
- (e) impact on the external engineering services; -
None as the main building already is connected to the city's services and the new drainage will link into the existing drainage run.
- (f) impact on safety, health and wellbeing of the surrounding community;
- None as the changes are of a residential nature and construction would take place during normal working hours.
- (g) impact on heritage; -
None as the building is younger than 60 years old.
- (h) impact on the biophysical environment; -
Not applicable
- (i) traffic impacts, parking, access and other transport related considerations; -
Parking will be improved on the site as the garage and driveway allow for cars to be parked on site. This will improve traffic flow in street as the off street parking will be reduced.

- (j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use. –
Not applicable as the building is existing.

The departures will in no way detract from the character of the built environment of the area or negatively impact neighbours.

The proposed plans will only enhance the character of the residential fabric and be a positive addition to the streetscape.

The need to extend the dwelling is only to make room for a much growing family.

The extensions as can be seen on the plans and will match with the existing house.

The extensions are in line with the existing house aesthetics and design.

The extension will have a positive impact on our street and the area.

Motivation for Removal of Restrictive conditions of title

Section 47 of SPLUMA and Section 48 (4) of the MPBL, read with Section 39 (5) of the Land Use Planning Act 3 of 2014 (LUPA), states that the following must be considered when assessing the removal, suspension or amendment of restrictive conditions of title:

- (a) 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 vest in the person as the owner of a dominant tenement;

The restrictive conditions currently constrain the owner from developing the property optimally. In addition, the property is large and there is enough space for the proposed development, without imposing a condition to ensure this. The values of the surrounding properties and the general area will benefit from the deletion of the conditions as it will in addition, permit the enhancement of the general area.

- (b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition;

The restrictions are in favour of the registered owner of any erf in the subdivided estate and no personal benefit accrues to these owners through the restriction of the developable area of the site. The conditions prevent the optimal development of the property and the holder of the

rights does not currently accrue any personal benefit from the restrictive conditions.

- (c) The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;

The property has existing residential development rights, but development is constrained by the title deed. The owner wishes to optimise the value of the property by building an appropriate residential development, which will in turn provide improvements in the owner's initial investment.

- (d) The social benefit of the restrictive condition remaining in place in its existing form;

The property is large. Currently, there are no social benefits associated with the property with the conditions in place. More benefit to the general area and surrounding community will be derived from a more appropriate residential development, as proposed.

- (e) The social benefit of the removal, suspension or amendment of the restrictive condition;

The property will be more appropriately developed and be of benefit to the area, as opposed to its current status. The proposed architectural style will integrate with the surrounding built form.

- (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.

The deletion of the conditions will not remove all rights enjoyed by the beneficiary. Only the rights that currently constrain the holder are requested to be removed.

Annexure E

Title Deed

1289

302

HM SMITH ATTORNEYS
P O BOX 45631
OTTERY
7808

Prepared by me

CONVEYANCER
SMITH HM

| Tax Ref: 1000-01 | |
|-------------------------|-------------|
| Purchase price/Value | Deeds fee |
| 520 000.00 | 650 |
| Transfer capital Amount | |
| Relief for exemption | Exempted by |
| Cal | Section 41 |

DATA / VERIFY
2012-05-31

| VERBIND | MORTGAGED |
|---------------------|-----------|
| VR FOR R 500 000.00 | |
| 000012530/2012 | |
| 18 MAY 2012 | |
| REGISTRAR | |

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

CLINTON GEORGE

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Cape Town on 24th March 2012 granted to him by

VR ENDOSSEMENTE NIK BRADY
ENDORSEMENTS SEE PAGE 5 of 642

DEON DEAN EDEN
Identity Number 670523 5420 08 8

and
PAMELA ISABELLE EDEN
Identity Number 660121 0225 08 1

Married in community of property to each other

DATA / CAPTURE
29 MAY 2012
MASIU TAMARA

GrajConvey 1076.14

Page 2

And the appraiser declared that his said principal had, on 20 February 2012 truly and legally sold by Private Treaty, and that he, the said Appraiser, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of

TREVOR PETERSEN
Identity Number 790821 5090 08 2
and
SHAWONE PETERSEN
Identity Number 800703 0143 08 2
Married in community of property to each other
Their Heirs, Executors, Administrators or Assigns, in full and free property

**ERF 9757 GRASSY PARK SITUATE IN THE CITY OF CAPE TOWN
CAPE DIVISION, WESTERN CAPE PROVINCE**

IN EXTENT 184 (THREE HUNDRED AND EIGHTY FOUR) SQUARE METRES

FIRST registered by Certificate of Registered Title No. T22381/2004 with Diagram No. SG 1234/1992 relating thereto and held by Deed of Transfer No. T

000022355/2012

I **SUBJECT** to the conditions referred to in Deed of Transfer No. 7453 dated 3rd September 1930.

II **SUBJECT FURTHER** to the special conditions contained in Deed of Transfer No. 1486 dated 10th February 1956 imposed when the said subdivided Estate Perivale was approved, namely:-

A As being in favor of the registered owner of any erf in the subdivided estate and subject to amendment or alterations by the Administrator under the provisions of Section 1893 of Ordinance No. 33 of 1934:-

- (a) That this erf be used for residential purposes only
- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf
- (c) That not more than one-third the area of this erf be built upon
- (d) That 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. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.

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B As being in favour of the Local Authority:-

- (f) That the owner of this erf shall be obliged to allow the drainage or sewerage of any other erf to be conveyed over this erf if deemed necessary by the Local Authority and in such manner and in such position as may from time to time be reasonably required by the Local Authority

IN THE abovementioned conditions A & B the words and expressions used in these conditions shall have the meaning assigned to them in the Regulations published under Provincial Notice No. 401 dated 17th October 1935

III. SUBJECT FURTHER to an endorsement on Certificate of Registered Title No. T22381/2004 which reads as follows:

By Deed of Transfer No. T22382/2004 the withinmentioned property is subject to a 3 metre wide sewer servitude depicted by the figures D C on Diagram No. 1234/1992 annexed hereto in favour of the Remainder Erf 2013 Grassy Park measuring 528 m² held by the abovementioned Deed of Transfer. As will more fully appear from the said Deed of Transfer.



GristConvey 12.2.14