



Mr. Mbulelo Memani
Municipal Manager
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Bitou Local Municipality
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PLETTENBERG BAY, 6600
Municipal Notice No: 420/2024

**NOTICE OF LAND USE APPLICATIONS/
GRONDGEBRUIKAANSOEK KENNISGEWING/
ISAZISO NGESICELO SOKUSETYENZISWA KOMHLABA**

**BITOU MUNICIPALITY (WC047)
NOTICE NUMBER: 420/2024**

Property description/ Grondbeskrywing/ Inkcazo yepropati	Type of Application/Aansoek/ Uhlobo lweSicelo
Erf 10093, Plettenberg Bay	1. The amendment of Conditions (i) in respect of the existing rezoning approval for Erf 2089 (The Hill Development), dated 5 August 2004 (Ref 8563/IT), to permit the development of Erf 10093 (Plot 57) on slopes steeper than 25%.
Erf 10093, Plettenbergbaai	1. Die wysiging van Voorwaardes (i) ten opsigte van die bestaande hersoneringsgoedkeuring vir Erf 2089 (Die Heuwelontwikkeling), gedateer 5 Augustus 2004 (Ref 8563/IT), om die ontwikkeling van Erf 10093 (Erf 57) op hellings steiler as 25% toe te laat.
Isiza 10093, Plettenberg Bay	1. Ukulungiswa kweMiqathango (i) ngokubhekiselele ekuvunyweni kwe-rezoning ekhoyo ye-Erf 2089 (Uphuhliso lweNduli), yomhla we-5 Agasti 2004 (Ref 8563 / IT), ukuvumela uphuhliso lwe-Erf 10093 (Plot 57) kumathambeka aphakamileyo kune-25%.

Application is available for viewing at Municipal office, 50 Melville's Corner, during office hours/ Aansoek kan bestudeer word by Kantoor 50, Melville's Corner gedurende kantoorure/ Ikopi yesicelo iyafumaneka ukuze ijongwe kwi-ofisi kaMasipala kwiyunithi engu-50 Melville's Corner, ngamaxesha omsebenzi aqhelekileyo.

Enquiries may be directed to/ Navrae kan gerig word na/ Imibuzo inokubhekiswa kuyo Town planning at 044 501 3303/ townplanning@plett.gov.za

Comments/objections with reasons must be delivered or e-mailed to townplanning@plett.gov.za within 30 days from the date of publication of this notice, and must include the name & contact details of the person concerned. Kommentare/ besware kan na townplanning@plett.gov.za gerig word binne 30 van publikasie van hierdie kennisgewing en moet 'n naam en kontakbesonderhede insluit./ Naziphi na izimvo/izichaso ezinezizathu mazisiwe okanye zithunyelwe nge-imeyile apha townplanning@plett.gov.za zingadlulanga iintsuku ezingama-30 ukususela kumhla wokupapashwa kwesi sazi, kwaye mazibandakanye igama neenkukacha zqhagamshelwano zaloo mntu uchaphazelekayo.

Mr. Mbulelo Memani
MUNICIPAL MANAGER
Bitou Local Municipality



munisipaliteit umasipala municipality

to be the best together

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Enquiries
Olwethu Yonke

Contact details
044 501 3317

E-mail
townplanning@plett.gov.za

Our ref: 18/10093/PB

30 October 2024

Sir/Madam

PROPOSED AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING OF APPROVAL FOR ERF 10093, PLETTENBERG BAY, BITOU MUNICIPALITY

Applicant: Newton Van Der Mescht

Notice is hereby given that Bitou Municipality has received an application in terms of section 15(2) of the Bitou By-law on Municipal Land Use Planning 2015; the application details are as follows:

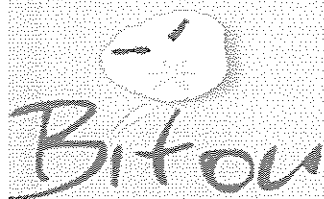
1. The amendment of Conditions (i) in respect of the existing rezoning approval for Erf 2089 (The Hill Development), dated 5 August 2004 (Ref 8563/IT), to permit the development of Erf 10093 (Plot 57) on slopes steeper than 25%.

A copy of the application and full supporting documentation is available for viewing on the Municipal website. Enquiries regarding the application may also be directed to the Municipal Land Use Management official Olwethu Yonke at 044 501 3317/ townplanning@plett.gov.za.

Any comments or objections to the application, with reasons therefore, must be lodged in writing to the abovementioned official by means of email (townplanning@plett.gov.za) or hand-delivery within 30 days of the date of registration of this notice, and must include the name and contact details of the person concerned. Comments/ objections received after 30 days may be disregarded. A person who cannot write may visit the Land Use Management office, where a staff member will assist to transcribe their comments.

The personal information of anyone who submits comment / objection might be made available as part of processing the application and might be used during formal application processing.

Regards
Chris Schliemann
Manager: Land Use and Environmental Management



to be the best together

Private Bag X1002 Plettenberg Bay 6600
Tel +27 (0)44 501 3000 Fax +27(0)44 533 3485

LAND USE PLANNING APPLICATION FORM

BITOU MUNICIPALITY: LAND USE PLANNING BY-LAW

KINDLY NOTE: Please complete this form using BLOCK capitals and ticking the appropriate boxes.

PART A: APPLICANT DETAILS

First name(s)	NEWTON		
Surname	VAN DER MESCHT		
South African Council for Planners (SACPLAN) registration number (if applicable)	PLANNING SPACE (PTY) LTD		
Company name (if applicable)	HDRS ATTORNEYS INCORPORATED		
Postal Address	PO BOX 405, PLETTENBERG BAY		
		Postal Code	6600
E-mail	newton@hdrs.law.za		
Tel		Cell : 079 878 5075	044533-4485

PART B: REGISTERED OWNER(S) DETAILS (If different from applicant)

Name of registered owner(s)	ENGINEERED SYSTEMS SOLUTION PROPRIETARY LIMITED		
E-mail	newton@hdrs.law.za		
Tel		Cell 079 878 5075	044533-4485

PART C: PROPERTY DETAILS (in accordance with title deed)

Property Description (Erf No / Farm No):	ERF 10093 PLETTENBERG BAY
Physical/ Street Address (if available)	THE HILL PRIVATE ESTATE FERDINAND STREET
Town	PLETTENBERG BAY

Current Zoning	RESIDENTIAL ZONE II	Land Use	VACANT
Extent	5 463 m ²		
Applicable Zoning Scheme	BITOU ZONING BY-LAW (Previously Section 8 Scheme Regulations)		
Are there existing buildings?	N	X	
Title Deed number and date	T 47139/2013 6 September 2013		

Are there any restrictive conditions in the title deed that prohibit the proposed use/ development?	N	X
If Yes, list such condition(s)		

Are the restrictive conditions in favour of a third party(ies)?	N	X
If Yes, list the party(ies)		

Is the property bonded?	N	X
If yes, (attach proof) If no proof is d provided upon submission a copy of Bondholders Consent must be provided prior to decision being taken.		

Are there any existing unauthorized buildings and/or land use/s on the subject property(ies)?	N	X	If yes, is this application to legalize the building / land use?	N	X
Are there any pending court case(s) / order(s) relating to the subject property(ies)?	N	X	Are there any land claim(s) registered on the subject property(ies)?	N	X

PART D: PRE-APPLICATION CONSULTATION			
Was a pre-application consultation held with the Municipality?	N	X	If Yes, complete the information below and attach the minutes of the pre-application consultation.
Official's name	MARIUS BUSKES	Date of consultation	13 SEPTEMBER 2023

PART E: LAND USE PLANNING APPLICATIONS IN TERMS OF SECTION 15 (2) OF THE BITOU MUNICIPALITY : LAND USE PLANNING BY-LAW (tick applicable application/s)		
Tick	Section	Type of application
	2(a)	a rezoning of land;
	2(b)	a permanent departure from the development parameters of the zoning scheme;
	2(c)	a departure granted on a temporary basis to utilise land for a purpose not permitted in terms of the primary rights of the zoning applicable to the land;
	2(d)	a subdivision of land that is not exempted in terms of section 24, including the registration of a servitude or lease agreement;
	2(e)	a consolidation of land that is not exempted in terms of section 24;

	2(f)	a removal, suspension or amendment of restrictive conditions in respect of a land unit;
	2(g)	a permission required in terms of the zoning scheme;
✓	2(h)	an amendment, deletion or imposition of conditions in respect of an existing approval;
	2(i)	an extension of the validity period of an approval;
	2(j)	an approval of an overlay zone as contemplated in the zoning scheme;
	2(k)	an amendment or cancellation of an approved subdivision plan or part thereof, including a general plan or diagram;
	2(l)	a permission required in terms of a condition of approval;
	2(m)	a determination of a zoning;
	2(n)	a closure of a public place or part thereof;
	2(o)	a consent use contemplated in the zoning scheme;
	2(p)	an occasional use of land;
	2(q)	to disestablish a home owner's association;
	2(r)	to rectify a failure by a home owner's association to meet its obligations in respect of the control over or maintenance of services;
	2(s)	a permission required for the reconstruction of an existing building that constitutes a non-conforming use that is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building.

APPLICATION AND NOTICE FEES (please note the following)

1. Application fees are determined by Council annually in terms of the approved Municipal tariffs. An invoice will be sent to the applicant after an application is confirmed to be complete.
2. Application fees that are paid to the Municipality are non-refundable. Applications will only be processed after the application fees are paid in full and proof of payment is submitted to the Municipality.
3. The applicant is liable for the cost of publishing and serving notice of an application by.
4. The Municipality may request the applicant to undertake the publication and serving of notices
5. The Municipality will be responsible to serve notices to External Commenting Authorities, if necessary.

PART F: ATTACHMENTS AND SUPPORTING INFORMATION AND DOCUMENTATION FOR LAND USE PLANNING APPLICATION [section 15(2)(a) to (s) of the Bitou Municipality Land Use Planning By- Law]

Complete the following checklist and attach all the information and documentation relevant to the proposal. Failure to submit all information and documentation required will result in the application being deemed incomplete. It will not be considered complete until all required information and documentation has been submitted.

Primary Documentation

	N	Power of Attorney
Y ✓		Company Resolution
Y ✓		Motivation (based on the criteria in section 65 of the Bitou Planning By-law)
Y ✓		Executive Summary of the Motivation
Y ✓		Locality plan
Y ✓		Site development plan or conceptual layout plan
Y ✓		Full copy of Title Deed
Y ✓		S.G. diagram / General plan extract
	N	Bondholders Consent

Supporting Information & Documentation (if applicable)

Y ✓		Land use plan / Zoning plan
	N	Consolidation plan

	N	Proposed subdivision plan
	N	Proof of agreement or permission for required servitude
Y ✓		Copy of any previous land development approvals (i.e. Rezoning , consent use departures)
	N	Abutting owner's consent
	N	Services Report or indication of all municipal services / registered servitudes
	N	Conveyancer's certificate
	N	Street name and numbering plan (Applicable to Subdivision Only)
	N	1 : 50 / 1:100 Flood line determination (plan / report)
	N	Landscaping Plan(if applicable)
	N	Home Owners' Association consent
	N	Proof of failure of Home owner's association
Y ✓		Other (Specify) Structural Engineer and Geotechnical Report & Slope Analysis

PART G: AUTHORISATION(S) OBTAINED IN TERMS OF OTHER LEGISLATION

	N	National Environmental Management Act, 1998 (Act 107 of 1998)
	N	Specific Environmental Management Act(s) (SEMA) (e.g. Environmental Conservation Act, 1989 (Act 73 of 1989), National Environmental Management: Air Quality Act, 2004 (Act 39 of 2004), National Environmental Integrated Coastal Management Act, 2008 (Act 24 of 2008), National Environmental Management: Waste Act, 2008 (Act 59 of 2008), National Water Act, 1998 (Act 36 of 1998)
	N	National Heritage Resources Act, 1999 (Act 25 of 1999)
	N	Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970)
	N	Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA)
	N	If required, has application for EIA / HIA / TIA / TIS / approval been made? If yes, attach documents / plans / proof of submission etc.
	N	If required, do you want to follow an integrated application procedure in terms of section 44(1) of Bitou Municipality: Land Use Planning By-Law ? If yes, please attach motivation.
	N	Other (specify)

SECTION I: DECLARATION

I hereby confirm the following :

1. That the information contained in this application form and accompanying documentation is complete and correct.
2. I'm aware that it is an offense in terms of section 86(1) to supply particulars, information or answers knowing the particulars, information or answers to be false, incorrect or misleading or not believing them to be correct.
3. I am properly authorized to make this application on behalf of the owner and (where applicable) that a copy of the relevant power of attorney or consent are attached hereto.
4. Where an agent is appointed to submit this application on the owner's behalf, it is accepted that correspondence from and notifications by the Municipality in terms of the by-law will be sent only to the agent and that the owner will regularly consult with the agent in this regard.
5. That this submission includes all necessary land use planning applications required, by Bitou Municipality: Land Use Planning By-Law to enable the development proposed in terms of the Bitou Municipality: Land Use Planning Bylaw (2015) as amended.
6. I am aware that development charges to the Municipality in respect of the provision and installation of external engineering services may be payable by the owner as a result of the proposed development.
7. I am aware that by lodging an application, the information in the application and obtained during the process, may be made available to the public.

SUBMISSION REQUIREMENTS

Y	N	Soft copy of the application emailed to townplanning@plett.gov.za . (A mime cast link must be requested for files larger than 10MB).
Y	N	1 x Hard Copy submitted at Town Planning Office

Applicant's signature: _____

Date: _____

Full name:

NEWTON VAN DER MESCHT

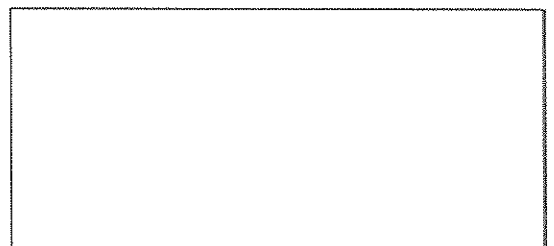
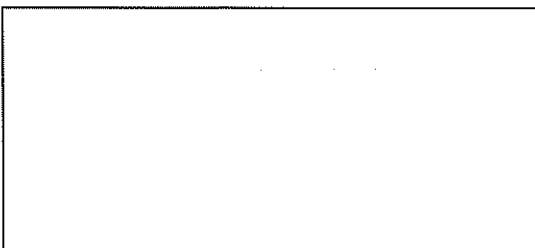
Professional capacity:

ATTORNEY

FOR OFFICE USE ONLY

Date received:

Received by:



**ERF 10093
PLETTENBERG
BAY**

APPLICATION TO AMEND A CONDITION OF APPROVAL



Planning Space
Town and Regional Planners

Planning Space

www.planningspace.co.za

7/23/2024

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Diagram 1: Locality Map

Diagram 2: Aerial Photo

Diagram 3: Zoning Map

Diagram 4: Slope Analysis

Diagram 5: Site Plan

Diagram 6: Floor Plans and Elevations

LIST OF ANNEXURES:

Annexure A: Title Deed

Annexure B: GP and SG DIAGRAM

Annexure C: Conditions of Approval 2004

Annexure D: Structural Engineering and Geotechnical

1. INTRODUCTION

Planning Space PTY LTD has been appointed by **HDSR Attorneys**, to prepare a Motivation Report in support of an application in terms of Section 15 (2) (h) of the Bitou Land Use Planning Bylaw for :

- (i). The amendment of Conditions (i) in respect of the existing rezoning approval for Erf 2089 (The Hill Development), dated 5 August 2004(Ref 8563/IT), to permit the development of Erf 10093 (Plot 57) on slopes steeper than 25%.

2. BACKGROUND

Erf 10093 is one of two residential plots designated as General Residential I within The Hill development, which received approval in 2004 (refer to Annexure A: Letter of approval dated 5 August 2004). The Hill development has since been implemented and most of the erven has been transferred.

Erf 10093 is still undeveloped. The current landowners would like to proceed with developing the property in line with the approved zoning regulations. They have engaged a Land Surveyor and an Architect to aid in the design process for the units. Upon conducting a detailed site survey, it was revealed that the entire plot has a slope exceeding 25%. According to Condition (i) of the rezoning and subdivision approval, development on the site is restricted to 6 units, and these units must be situated on areas of the plot with a slope of less than 25%. Unfortunately, the proposed site development plan fails to meet this condition as there are no areas on the property that meet this criterion.

3. PROPERTY INFORMATION

3.1 LOCALITY

Erf 10093 is located within The Hill development on the southern slope above the N2. (see Locality Plan attached as **Diagram 1**) and Figure 1 below.

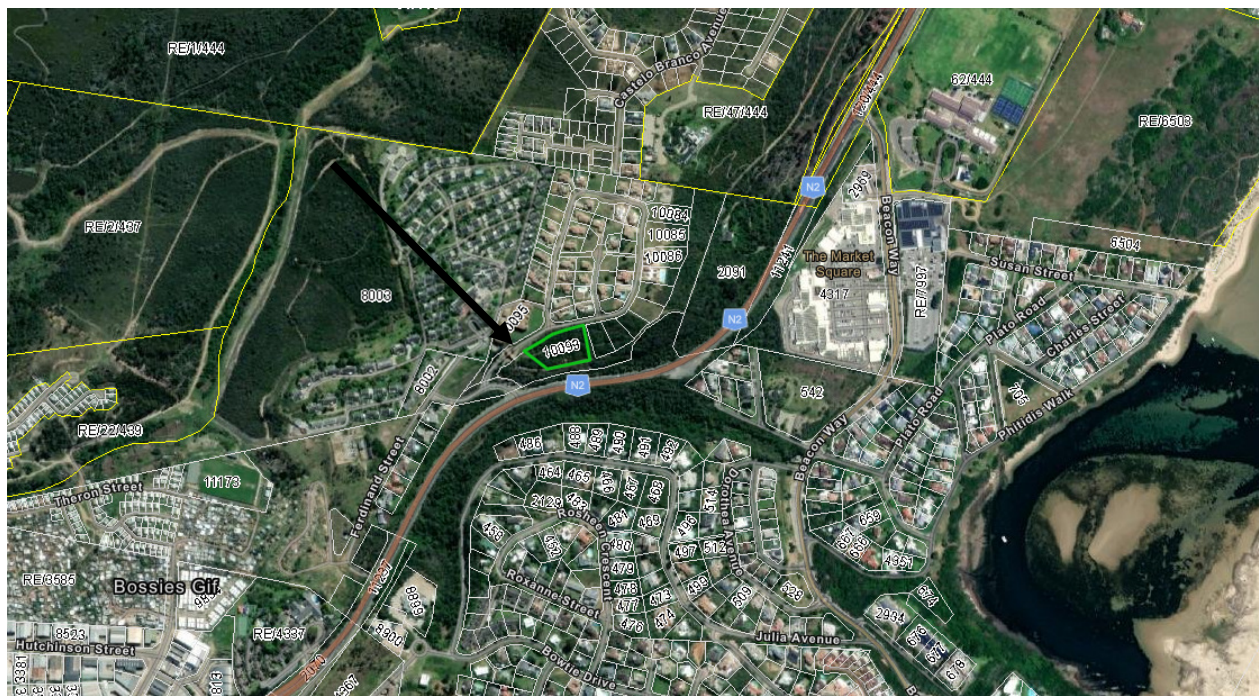


Figure 1: Locality Plan

3.2 PROPERTY DETAIL

Title Deed Description	Erf 10093 in the Bitou Municipality & Division of Plettenberg Bay, Western Cape.
Title Deed Number	T00047139/2013 (Attached as Annexure B) (from pg. 41)
S.G./GP Diagram No.	SG 3705/2005 (attached as Annexure C)
Title Deed Restrictions	Servitude along the southern Boundary
Property Size	5463 m ² (Five thousand four hundred and sixty-three square meters)
Property Owner	Engineered Systems Solutions Pty Ltd
Bonds	None
Land Use	Vacant
Zoning	General Residential I

4. PROPOSAL

4.1 AMENDMENT OF CONDITIONS OF APPROVAL

It is understood that the fact that the zoning allows for 6 group housing units does not override the specific conditions about slope. The condition that no development may take place on slopes steeper than 1:4 is legally binding but impossible to comply with and as such renders the property undevelopable and without value. As can be seen from the Slope Analysis, attached as Diagram 4, the entire site is steeper than 25% (1:4)

The owners were not aware of this condition when they bought the property and they had a legal expectation to develop the land. If you purchased a property with a legitimate expectation that development would be permissible under the zoning laws, the imposition of an unachievable condition may be seen as a breach of administrative fairness. In hindsight, perhaps the survey of the sight should have been a prerequisite for the transfer of the property.

The only way to resolve this situation is to request Council to consider the amendment of this condition.

Condition i) of the original zoning approval dated 5 August 2004 (attached as Annexure C) stipulates:

- (i) That a Site Development Plan for the 2 Residential Zone U stands (with a maximum of 6 units on Erf 57, ~~to be limited to areas less steep than 25%~~, and 18 units on Erf 56, provided that the Municipal Council may reconsider this density upon receipt of the Site Development Plan) be submitted for consideration by the Municipality prior to building plan approval, and that previous evidence of potential geological instability (as was experienced with slippage of the N2) be specifically addressed by a suitably qualified geotechnical professional (this investigation should also include Erven 23 and 24).

It is requested that the above condition be amended to omit the restriction of 25% as indicated above. The condition still requires that a suitable qualified geotechnical professional investigate the soil conditions and this should be sufficient to address any concerns relating to soil stability.

5. FACTORS TO CONSIDER

5.1 SOIL STABILITY

The reason for the imposition of the conditions is explained in the condition itself. There was a previous incident where some slippage took place, which is an indicator of potential geological instability. Steep slopes pose higher risks of erosion, landslides, and structural instability. In general, restricting construction on such slopes helps minimize the risk of environmental and property damage. However, through the implementation of advanced construction techniques that may not have existed 20 years ago when the development was approved, such as engineered terracing and platforms, reinforced retaining walls, upslope wall foundations and appropriate drainage systems, the risks of erosion, landslides, and structural instability associated with steep slopes can effectively be mitigated.

The developer has appointed a structural engineer and has conducted a geotechnical investigation (see Annexure D). The structural engineer confirmed that from a geological point of view, the site is suitable for development as per the proposal by the Architect, Rene De Langen (see letter attached as Annexure D).

5.2 PLATFORMS AND FOUNDATIONS

The structural engineers proposed to use large platforms with oversized up-slope wall foundations at deep founding depths. This will reduce soil pressures and potential surcharge on walls downhill, anchoring the buildings into the slope. Upslope wall foundations are specifically engineered to support buildings on sloped sites, where the ground level on one side of the building is higher than on the other. These foundations help in managing the differences in elevation and provide a stable base for the structure. Furthermore, the proposed stepped footings of the units are designed to follow the contour of the slope. This method allows for an even distribution of the load across the foundation.

Engineers will design the foundation considering the slope angle, soil type, and load requirements. This design will include retaining walls, drainage systems, and the type of footings to be used. Detailed designs will be submitted at the building plans stage.

5.3 ARCHITECTURAL DESIGN

Rather than viewing the steep slope as a limitation, it is an opportunity to preserve and enhance the natural features of the area. By carefully integrating the unit designs into the existing landscape, it can minimize disruption to the surrounding environment and maintain the ecological integrity of the site. The unit design comprises 3 buildings each containing two terraced units that partially overlap each other. The steep slopes allow for each unit to have a ground floor. This compact design allows for preserving existing vegetation, creating green spaces, and promoting biodiversity within the development.

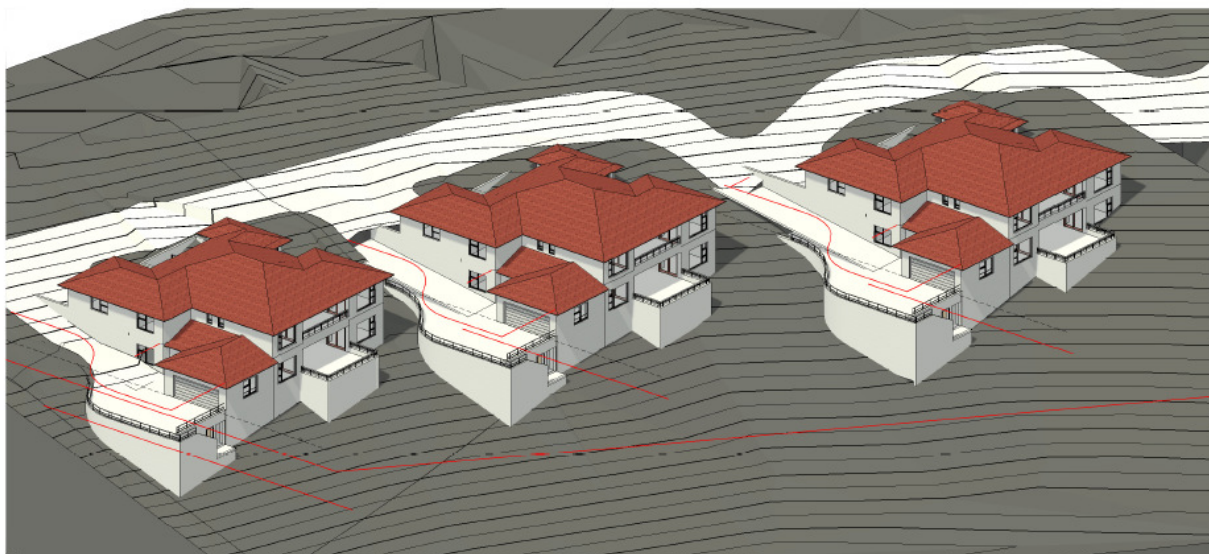


Figure 2: Proposed Architectural Design

5.4 VISUAL IMPACT

Scale and Massing: The steep site is visually exposed and careful consideration was given to the potential visual impact of the buildings. The size, height, and bulk of the development relative to its surroundings play a significant role in its visual impact. A development that is disproportionately large or tall compared to neighbouring structures can dominate the skyline and disrupt the visual harmony of the area. As illustrated in Figure 3 below, the proposed development is similar to that of the surrounding development and will therefore blend in with the surrounding landscape. The Group housing development directly to the north is 3 storeys in height and on the ridgeline. With this as a backdrop, the visual impact of this development becomes insignificant.

Design and Architecture: The entire Hill development is visually sensitive from an environmental point of view and to this end, the height, form, mass and colour of the buildings to be erected are regulated by architectural guidelines to ensure the minimum environmental and visual impact. The architectural style, design elements, and materials used in this group housing development will comply with the design guidelines of the Hill Estate and will contribute to its visual character. This well-designed development complies with the design guidelines of the estate and will therefore blend in with the existing architectural context.

Landscaping and Greenery: The three compact footprints allow for a larger open area. The landscaping and vegetation surrounding the development can soften its visual impact and provide visual interest. Incorporating green spaces, trees, and vegetation into the design helps mitigate the visual dominance of buildings and retaining structures and contributes to a more visually appealing environment.



Figure 3: 3d Impression of the planned units against the backdrop of the existing development

5.5 ANTICIPATED IMPACTS SURROUNDING PROPERTIES

The approval of this proposed amendment will not have any significant impact on the neighbouring properties. The concept remains the same. It was always the understanding that the site would be developed as a group housing site. The proposal will have no impact on the already approved land uses and density within the estate. The steep slope is beneficial to the properties to the north as it allows them to overlook the development completely.

5.6 COMPATIBILITY WITH THE BITOU MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2021

The property is situated within the Urban area of the Bitou Municipality. In general, the SDF promotes efficient and integrated land development. The SDF recommend that new development should not be allowed to occur on slopes steeper than 1: 4 as new construction and land cleared for development increases erosion and stream siltation. In this regard, the proposal does not constitute a new development. The property enjoyed development rights since it was created in 2004, albeit conditional to slopes.

5.7 COMPATIBILITY WITH THE BITOU ZONING SCHEME BYLAW

The same condition that imposes the 25% slope limitation also requires that a site development plan be submitted. For a site development plan to be approved, it has to comply with the zoning parameters applicable to the property. The property is zoned for “General Residential I” purposes. Group Housing is the primary use in this zone.

The Bitou Zoning Scheme By-law define a “ group/town housing scheme” as a group of separate or linked dwelling units where

- (a) every dwelling unit has a ground floor;
- (b) the units may be cadastrally subdivided;
- (c) the units are planned, designed and built as a harmonious architectural entity in an ordered way;
- (d) the units are integrated with communal private open spaces, private road parking; and
- (e) it may include facilities reasonably associated with a group/town housing development.

This development complies with the definition of a Group Housing scheme.

Development parameters for the n group housing scheme are set out below:

(a) Design principles

All buildings and structures must be planned, designed and built as a harmonious architectural entity and special attention must be given to aesthetics, architectural coordination, urban design and landscaping.

The proposal consists of 6 units that are contained in 3 structures with a similar design.

(b) Density

The maximum gross density is 35 dwelling units per hectare. The property measures 5463m² and in theory, 19 units can be realised. The density of the property is however limited to 6 units per ha in terms of the conditions of approval and the proposal complies with this condition.

(c) Height

- i) The height of dwelling units may not exceed 8,5 metres above natural ground level. Figure 4 below illustrates compliance with this height restriction.

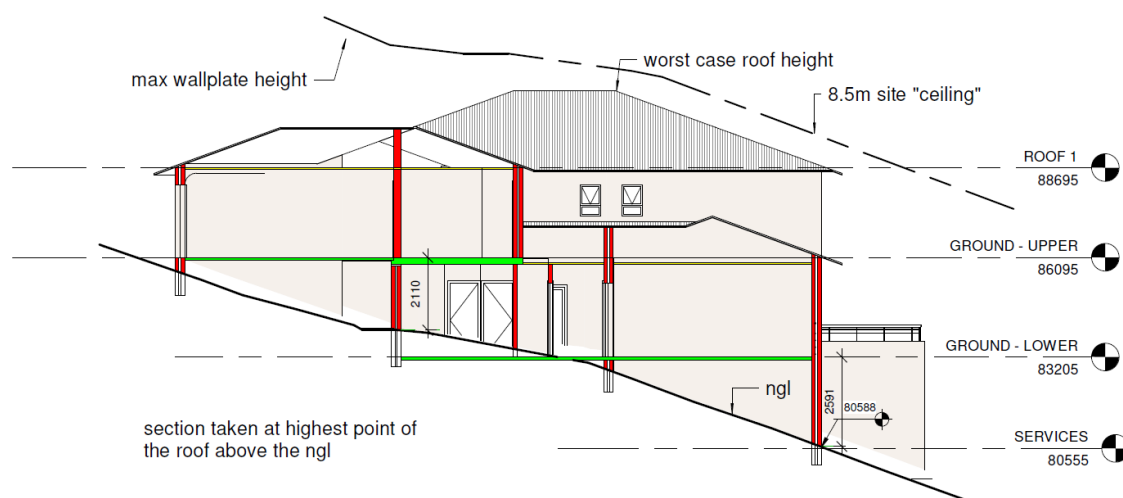


Figure 4: Worst-case elevation to illustrate 8.5m height restriction compliance

ii) The general provisions regarding earth banks and retaining structures in this By-law apply. Section 25 of the Zoning Scheme By-law stipulates the general provisions regarding earth banks and retaining structures as follows:

Unless the prior approval of the Municipality has been obtained—

- (a) no earth bank or retaining structure used for holding back earth or loose rock, whether associated with a building or not, may be constructed to a height of more than 2 metres above natural ground level; and
- (b) no series of earth banks or retaining structures may be constructed to a cumulative height of more than 2,5 metres above natural ground level, unless an approximately level area of at least 2 metres wide is incorporated between successive embankments or retaining structures for every 2 metres of cumulative height.

The retaining wall planned along the road boundary is below natural ground level and will not need prior approval. There will be retaining structures required for the driveways to the garage of the lower-level units. Although not clearly indicated, it appears that these structures will be higher than 2m above natural ground level and will require prior permission from the Council. It is proposed that this permission be obtained at the building plan stage when the engineering designs are final.

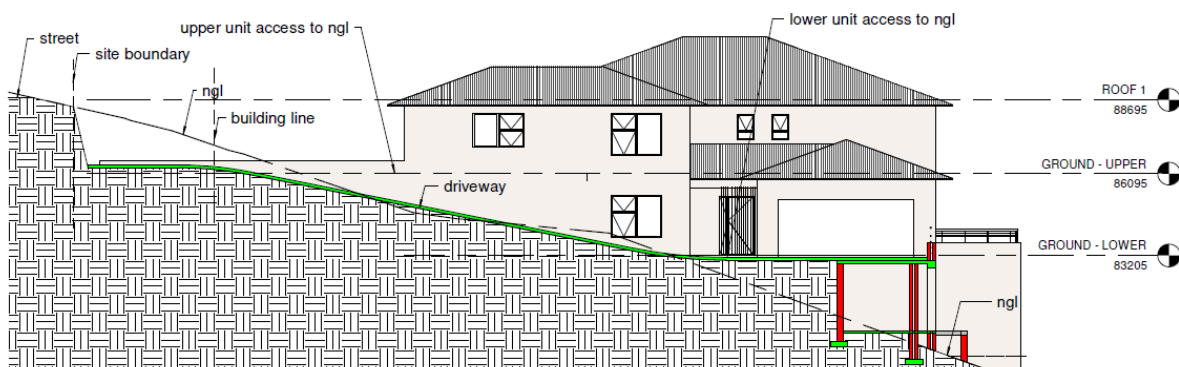


Figure 5: Illustrates cut and fills required for the development

(d) Open space

Outdoor space must be provided to the satisfaction of the Municipality and the outdoor space may include private or communal open space or any functional outdoor space that is inaccessible to motor vehicles, but excludes roads, service yards and parking areas. Due to the compact footprint of the units, the units will have ample open space.

(e) Building lines

“Building line” means an imaginary line on a land unit, which defines a distance from a specified boundary, within which the erection of **buildings and structures** is completely or partially prohibited;

Building lines along the perimeter the perimeter of a group/town housing site:

- (i) A street boundary building line of 5 metres applies where the site abuts an external public street;
- (ii) side and rear boundary building lines are 3 metres along the perimeter of the group housing site; and
- (iii) the general building line encroachments in this By-law apply.

The Site development plan indicates that the 3 buildings comply with the building lines. The property does not border onto a public road but onto a private road within the Hill development. The buildings are however set back from this road with more than 5m.

Building lines within a group/town housing site :

- (i) street boundary building lines on internal roads are 0 metres; provided that any garage door facing the road must be set back at least 5 metres from the kerb of such internal road; and
- (ii) side and rear boundary building lines within the group housing site are 0 metres unless the Municipality requires a building line for fire fighting purposes, in which case the common boundary building lines must be determined by the Municipality.

The development does not have any internal street boundaries as it is the intention to sell the units off under a sectional title scheme.

(f) Parking and access

- (i) Parking requirement is 2 bays per dwelling unit plus 0.25 bays/unit for visitors. Each unit is provided with a double garage. There is space for guest to park in front of garages.

(h) Site development plan

A site development plan shall be submitted to the Municipality for approval, who may impose such conditions as it deems appropriate; provided that the site development plan shall be approved before the approval of building plans and/or the use being exercised.

A more detailed SDP will be submitted at the building plans stage indicating service yards and refuse rooms.

5.8 COMPLIANCE WITH TITLE DEED CONDITIONS

The proposal complies with the provision of the Bitou Zoning Scheme By-Law. There is nothing in the Title Deed that limits the placement of units on steep slopes. There is a reference to a servitude registered along the southern boundary of the property that does not impact the planned development (See Diagram 3708/2005 attached hereto as Annexure B).

5.9 POLICIES, PRINCIPLES, AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT

In considering the application, the decision-maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of the Spatial Planning and Land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning. It does therefore not have much relevance to individual applications such as this mostly site-specific case. The principle of spatial justice for example requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The nature of this application cannot directly contribute to spatial reform. These matters are best addressed through spatial development frameworks, zoning schemes and other management systems.

6. SUMMARY OF APPLICATION

Council is humbly requested to consider the deletion of a section of Condition (i) of the conditions of approval which restricts the development on slopes steeper than 25%.

The development team has carefully assessed the challenges posed by the steep slope and has developed innovative architectural design and engineering solutions to address them. Through the implementation of advanced construction techniques, such as terracing, retaining walls, and appropriate drainage systems, we can effectively mitigate the risks of erosion, landslides, structural instability and visual impact associated with steep slopes.

The positive consideration will allow the landowner to develop the site into a Group Housing site as originally envisaged by the developer when the development was approved.



Loubser van der Walt Inc.

Prokureurs • Notarisse • Aktevervaardigers
Attorneys • Notaries • Conveyancers

1093 Justice Mahomed Street (formerly 375 Charles Street) Brooklyn //

P.O.Box 1935, Brooklyn Square 0075

Tel (012) 460 1915/6 // Fax (012) 460 1919

Direct Fax: 086-720-8747 // E-mail: info@louwalt.co.za

DOCEX 13, BROOKLYN // Website: www.attorneys.co.za/louwalt

Our Ref:

R VAN DER WALT/R2058

Your Ref:

RUI FERREIRA // RONEL WARDHAUGH

Date:

03 MARCH 2014

BY HAND

ENGINEERED SYSTEMS SOLUTIONS (PTY) LTD

ATTENTION: MS RONEL WARDHAUGH

Dear Sir / Madam,

RE:

TRANSFER: SPIRIT WIND INVESTMENTS 114 (PTY) LTD // ENGINEERED
SYSTEMS SOLUTIONS (PTY) LTD
ERF 10075 PLETTENBERG BAY

We refer to the above matter and annex hereto the original Deed of Transfer No
T47139/2013 in respect of the following erven:

1. Erf 10075 Plettenberg Bay;
2. Erf 10099 Plettenberg Bay;
3. Erf 10101 Plettenberg Bay;
4. Erf 10102 Plettenberg Bay;
5. Erf 10128 Plettenberg Bay;
6. Erf 10132 Plettenberg Bay;
7. Erf 10133 Plettenberg Bay;
8. Erf 10136 Plettenberg Bay;
9. Erf 10079 Plettenberg Bay;
10. Erf 10084 Plettenberg Bay;
11. Erf 10090 Plettenberg Bay;

Direktore/Directors:

N J Loubser (B.Proc LLB) J A van der Walt (B.Proc) Dip. Sportslaw (UP) R P van Wyk (LLB)

Assosiate/Associates:

D Boshoff (B.IURIS LLB) CPE
P E V Smith BA (Law), B.Proc; Dip. Insolvency Law & Practice

Konsultante/Consultants:

T A Becker B Iuris; LLB; LLM (Contracts & Insolvency Law) (UP) (Aktevervaardiger/Conveyancer)
J A Kruger (B.Proc UP) LLM (Tax & Insolvency)(UP) Dip. in Fin. Planning (UOVS)
Reg no: 2002/010392/21

12. Erf 10076 Plettenberg Bay;
13. Erf 10109 Plettenberg Bay;
14. Erf 10115 Plettenberg Bay;
15. Erf 10116 Plettenberg Bay;
16. Erf 10120 Plettenberg Bay;
17. Erf 10125 Plettenberg Bay;
18. Erf 10091 Plettenberg Bay;
19. Erf 10092 Plettenberg Bay;
20. Erf 10093 Plettenberg Bay;
21. Erf 10095 Plettenberg Bay.

We trust you find the above in order.



Yours faithfully
LOUBSER VAN DER WALT INC

Received on this _____
day of _____ 2014.

Direkteure/Directors: N J Loubser (B.Proc LLB) J A van der Walt (B.Proc) Dip. Sportslaw (UP) R P van Wyk (LLB)
M C Barnard (LLB; CPE)

Assosiate/Associates: D Boshoff (B.IURIS LLB) (Aktevervaardiger/Conveyancer)
P E V Smith BA (Law); B.Proc; Dip. Insolvency Law & Practice
AJ Burger (LLB)

Konsultante/Consultants: T A Becker B Iuris; LLB; LLM (Contracts & Insolvency Law) (UP) (Aktevervaardiger/Conveyancer)
J A Kruger (B.Proc UP) LLM (Tax & Insolvency)(UP) Dip. In Fin. Planning (UOVS)

Reg no. 2002/010392/21

Fee endorsement		
	Amount	Office fee
Purchase price/Value	R. 16 600 000,00	R. 300,00
Mortgage capital Amount	R.	R.
Reason for exemption	Cat.	Exempt i.t. § section Act.

Prepared by me,

 Conveyancer,
 DAVID PATRICK ARTLETT

10095

T 000047139 / 2013

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN:

THAT

DAVID PATRICK ARTLETT

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN the said Appearer being duly authorised thereto by a Power of Attorney signed at PRETORIA on 18 June 2013 and granted by:

SPIRIT WIND INVESTMENTS 114 PROPRIETARY LIMITED
REGISTRATION NUMBER: 2001/001323/07

DATA/VERIFY
 30 SEP 2013
 OLIVIER YOLANDI

DATA/CAPTURE
 17 SEP 2013
 BARLOW MARLYN



AND the appearer declared that his said principal had, on 13 May 2013, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

ENGINEERED SYSTEMS SOLUTIONS PROPRIETARY LIMITED
Registration number: 2004/024978/07

its Successors in Title or assigns, in full and free property

1. **ERF 10075 PLETTENBERG BAY,
 IN THE BITOU MUNICIPALITY,
 DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 1 030 (ONE THOUSAND AND THIRTY) SQUARE METRES

**FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED TITLE
 T80613/2006 WITH GENERAL PLAN NO. 4796/2004 RELATING THERETO**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No T850/1914 dated 7 February 1914 and No.T795/1921 dated 2 February 1921

- B. **SUBJECT FURTHER** to the terms of the Servitude No.339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements read as follows:-

"The within described land is subject to a servitude of Aqueduct & access in terms of an Order of the Water Court (Water Court District No. 4) dated 13-12-1954 as will more fully appear on reference to the copy of said Order annexed hereto."

- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No.T18050/1955:-

"By Deed of Transfer No.T26735/1981 dated this day the Remainder of Erf 2089 Plettenberg Bay measuring as such 33,3563 Hectares held hereunder is subject to the following conditions imposed by the Administrator in terms of Section 9 of Ordinance No.33 of 1934 when approving the subdivision of the above property:-

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 deemed necessary by the local authority and in such manner and position as may from time to time be reasonable required. This shall include the right of access to the erf at any reasonable time for the purpose of construction, 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 use of the full width 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."

D. SUBJECT FURTHER to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No.T18050/1955:-

"By Deed of Transfer No. T26735/1981 the Remainder of Erf 2089 Plettenberg Bay measuring as such 33,3563 Hectares and held hereunder is subject to the following condition imposed by the National Transport Commission in terms of Section 11(3) and (6) of Act No.231 of 1940 when approving the subdivision of Erf 2089 Plettenberg Bay:-

1. The land may not be subdivided without the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 of 1948.
2. No building or any structure whatsoever shall be erected within a distance of 94,46 metres from the centre line of the national road, without the written approval of the Controlling Authority as defined in Act No. 21 of 1940, read in conjunction with Act No. 44 of 1948."

E. ENTITLED to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No T18050/1955:-

"By Deed of Transfer No. T26735/1981 dated this day Erf 2136 Portion of Erf 2089 Plettenberg Bay measuring 1,0335 Hectares held thereunder is subject to the following conditions imposed by John Leslie Price-Jones in favour of the Remainder of Erf 2089 Plettenberg Bay measuring 33,3563 Hectares held hereunder:-

1. The said Erf 2136 portion of Erf 2089 Plettenberg Bay shall be subject to a Road Servitude 12,59 metres wide, represented on the diagram of the said Erf 2136, No.912/60, by the figure E F G H in favour of the said Erf 2089.

2. The said Erf 2136 shall be further subject to a road servitude represented on Diagram No. 3114/63 annexed hereto by figure J K L M D in favour of the Remainder of the said Erf 2089.
 3. The said Erf 2136 shall be used by the Transferee and his successors in office for ecclesiastical, charitable or educational purposes of a public nature connected with the Roman Catholic Church. Should it be used in a manner adverse to these purposes, the Transferor or his successors in title as owner of the Remainder of the said Erf 2089 shall have the right to reclaim possession and ownership of the said Erf 2136 on payment to the Transferee or his successors in office of the value (hereinafter called the pre-emptive price) of the improvements effected to the land. Non-usage shall not be considered to be adverse usage, but the sale of the said Erf 2136 shall be so regarded.
 4. In the event of the Transferee or his successors in office wishing to sell or dispose of Erf 2136 free from the restriction of use and the pre-emptive right, he shall give a written report of such sale or disposition to the Transferor or his successors in title within fourteen days of the date thereof, and such sale or disposal shall be expressed to be subject to the prior right of the Transferor or his successor in title to purchase the said Erf 2136 on payment of the pre-emptive price six months after the Transferor or his successors in title shall have received such written report, or within six months after the pre-emptive price shall have been fixed, whichever ever be the later date. Should the Transferor or his successors in title not exercise his prior right within the period so allowed, it shall be deemed to have lapsed and transfer shall be passed free of the terms of Clause (3) hereof.
 5. In the absence of mutual agreement, the pre-emptive price shall be fixed by the Cape Arbitration Act or any other law replacing that Act.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980"
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No.T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, namely:
1. No structure or other thing, (including anything which is attached to the land on which it stands even though it does not form part of that land) shall be erected, laid or established on the land without the written approval of

SANRAL within a distance of 10 metres measure from the boundary of the national road.

2. A permanent 2 metre high brick wall or security fence must be erected on the boundary of the property and the national road reserve of the N2. Detail plans of the proposed wall/security fence must be submitted to SANRAL for approval prior to the erection thereof.
3. The proposed access to Erf 2089 from Ferdinand Street must be located at least 60 metres from the northern edge of the N2 national road reserve boundary fence. The detail plans for the proposed intersection on Ferdinand Street must be submitted to SANRAL for approval.
4. SANRAL will not be held liable for any damage or diminishment in value or the property arising out of any impact the development may have on existing storm water drainage on the property. SANRAL hereby reserves its right to impose any conditions in this regard that it deems reasonable in the circumstances.
5. SANRAL will not be held liable should it be found at any future time that noise emanating from the road presents a problem for the development adjacent to the road. The developer, land owner or Local Authority will therefore be liable for taking such steps as may be necessary to reduce the noise complained of.

H. **FURTHER SUBJECT** to a General Services Servitude 3,00 metres wide, as indicated by the line s9 A on General Plan SG No. 4796/2004 as created in Notarial Deed of Servitude No K1130/2006 in favour of Portion 47 (Portion of Portion 1) of the farm Ganse Valleï No. 444, Division Knysna, Extent 21, 4136 Ha held by T114865/2003, as will more fully appear from the said Notarial Deed with ancillary rights.

- I. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:

28

- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-
- (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

**2. ERF 10099 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 773 (SEVEN HUNDRED AND SEVENTY THREE) SQUARE METRES

FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED TITLE T80613/2006 WITH GENERAL PLAN NO.4796/2004 RELATING THERETO

- A. SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.

- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No.T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. **FURTHER SUBJECT** to a General Services Servitude 3.00 metres wide, the western boundary whereof is indicated by the line s2 s3 on General Plan SG No. 4796/2004 as created in Notarial Deed of Servitude No K1130/2006 in favour of Portion 47 (Portion of Portion 1) of the farm Ganse Vallei No. 444 Division Knysna, Extent 21, 4136 Ha held by T114865/2003, as will more fully appear from the said Notarial Deed with ancillary rights.
- I. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:
- The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.
2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:

10099.

- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
 - (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.
3. **ERF 10101 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**
- IN EXTENT: 786 (SEVEN HUNDRED AND EIGHTY SIX) SQUARE METRES**
- FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED
TITLE T80613/2006 WITH GENERAL PLAN NO.4796/2004 RELATING
THERETO**
- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.

- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. **FURTHER SUBJECT** to a General Services Servitude 3,00 metres wide, the western boundary whereof is indicated by the line s4 s5 on General Plan SG No. 4796/2004 as created in Notarial Deed of Servitude No K1130/2006 in favour of Portion 47 (Portion of Portion 1) of the farm Ganse Valleie No.444 Division Knysna, Extent 21,4136 Ha held by T114865/2003, as will more fully appear from the said Notarial Deed with ancillary rights.
- I. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
 - (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

4. **ERF 10102 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 780 (SEVEN HUNDRED AND EIGHTY) SQUARE METRES

FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED TITLE T80613/2006 WITH GENERAL PLAN NO.4796/2004 RELATING THERETO

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.

- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. **FURTHER SUBJECT** to a General Services Servitude 3,00 metres wide, the western boundary whereof is indicated by the line s5 s6 on General Plan SG No. 4796/2004 as created in Notarial Deed of Servitude No K1130/2006 in favour of Portion 47 (Portion of Portion 1) of the farm Ganse Valleï No. 444 Division Knysna, Extent 21,4136 Ha held by T114865/2003, as will more fully appear from the said Notarial Deed with ancillary rights.
- I. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:

- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

5. **ERF 10128 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 774 (SEVEN HUNDRED AND SEVENTY FOUR) SQUARE METRES

AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY CERTIFICATE OF REGISTERED TITLE NO. T72723/2005

A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.

- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:
- The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.
2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-
- (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

**6. ERF 10132 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 910 (NINE HUNDRED AND TEN) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.

- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:
- The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.
2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
- (ii) the architectural design and building rules;
- (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-

- (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
- (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

**7. ERF 10133 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 988 (NINE HUNDRED AND EIGHTY EIGHT) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.

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M

F.

"By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".

G.

SUBJECT FURTHER to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.

H.

1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2.

SUBJECT TO the following conditions imposed by the Transferor when disposing of this property, namely:

(a)

The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

(i)

the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);

(ii)

the architectural design and building rules;

(iii)

the constitution of the Home Owners' Association

(b)

The Purchaser agrees and undertakes-

(i)

to submit building plans, specifications and schedule of finishes to-

(1)

The Home Owners' Association for its written approval in accordance with the architectural design and building rules;

and

(2)

the local or other relevant authority for its approval;

- (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.
- 8. **ERF 10136 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 786 (SEVEN HUNDRED AND EIGHTY SIX) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**
 - A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
 - B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
 - C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
 - D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
 - E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
 - F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
 - G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving

the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.

- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
 - (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

9. **ERF 10079 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 778 (SEVEN HUNDRED AND SEVENTY EIGHT) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS'

ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
 - (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

10. **ERF 10084 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

**IN EXTENT: 2 476 (TWO THOUSAND FOUR HUNDRED AND SEVENTY SIX)
SQUARE METRES**

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
 - (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

11. **ERF 10090 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

**IN EXTENT: 1 433 (ONE THOUSAND FOUR HUNDRED AND THIRTY
THREE) SQUARE METRES**

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
 - (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

- 12 **ERF 10076 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 819 (EIGHT HUNDRED AND NINETEEN) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the

obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
 - (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
 - (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
 - (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
 - (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

13. **ERF 10109 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 809 (EIGHT HUNDRED AND NINE) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:
- The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.
2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-
- (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

**14. ERF 10115 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 771 (SEVEN HUNDRED AND SEVENTY ONE) SQUARE METRES

AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY CERTIFICATE OF REGISTERED TITLE NO. T72723/2005

- A. SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.

- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:
- The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.
2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);

- (ii) the architectural design and building rules;
- (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-
 - (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

**15. ERF 10116 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 851 (EIGHT HUNDRED AND FIFTY ONE) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.

- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:
- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-
- (i) to submit building plans, specifications and schedule of finishes to-

- (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
- (2) the local or other relevant authority for its approval;
- (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

**16. ERF 10120 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 781 (SEVEN HUNDRED AND EIGHTY ONE) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".

G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No.T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.

H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:

(a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

(i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);

(ii) the architectural design and building rules;

(iii) the constitution of the Home Owners' Association

(b) The Purchaser agrees and undertakes-

(i) to submit building plans, specifications and schedule of finishes to-

(1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and

(2) the local or other relevant authority for its approval;

(ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained

- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office

**17. ERF 10125 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

IN EXTENT: 958 (NINE HUNDRED AND FIFTY EIGHT) SQUARE METRES

**AS WILL APPEAR FROM GENERAL PLAN NO. 4796/2004 AND HELD BY
CERTIFICATE OF REGISTERED TITLE NO. T72723/2005**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. SUBJECT TO the following conditions imposed by the Transferor when disposing of this property, namely:

- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
- (ii) the architectural design and building rules;
- (iii) the constitution of the Home Owners' Association

(b) The Purchaser agrees and undertakes-

- (i) to submit building plans, specifications and schedule of finishes to-
- (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
- (2) the local or other relevant authority for its approval;
- (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained

- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

18.

ERF 10091 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;

IN EXTENT: 1 740 (ONE THOUSAND SEVEN HUNDRED AND FORTY)
SQUARE METRES
FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED
TITLE 19680/2006 WITH DIAGRAM S.G. NO 3703/2005 ANNEXED THERETO

- A. SUBJECT to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. SUBJECT FURTHER to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. SUBJECT FURTHER to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. SUBJECT FURTHER to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. ENTITLED to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. SUBJECT FURTHER to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. FURTHER SUBJECT by Notarial Deed of Servitude K167/2006 dated 31 October 2005 to a Pipeline Servitude 4.00 metres wide, the centre line whereof is indicated by the lines XYZ1A on Plan No. 3708/2005 as will more fully appear from the said Notarial Deed.

1. SUBJECT TO the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. SUBJECT TO the following conditions imposed by the Transferor when disposing of this property, namely:

(a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

(i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);

(ii) the architectural design and building rules;

(iii) the constitution of the Home Owners' Association

(b) The Purchaser agrees and undertakes-

(i) to submit building plans, specifications and schedule of finishes to-

(1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and

(2) the local or other relevant authority for its approval;

(iii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained

(c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

19.

ERF 10092 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;

IN EXTENT: 1 900 (ONE THOUSAND NINE HUNDRED) SQUARE METRES

FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED
TITLE 19680/2006 WITH DIAGRAM S.G. NO 3704/2005 ANNEXED THERETO

A. SUBJECT to the conditions referred to in Deeds of Transfer No. T850/1914
dated 7 February 1914 and No. T795/1921 dated 2 February 1921.

B. SUBJECT FURTHER to the terms of the Servitude No. 339/55 referred to in the
endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914
and T795/1921, which endorsements are set out in paragraph 1.B hereof.

C. SUBJECT FURTHER to the conditions set out in the endorsement dated 25
June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set
out in paragraph 1.C hereof.

D. SUBJECT FURTHER to the condition set out in the following endorsement dated
25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is
set out in paragraph 1.D hereof.

E. ENTITLED to the benefit of the conditions set out in the following endorsement
dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which
endorsement is set out in paragraph 1.E hereof.

F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the
within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg
Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No.
5807/1980".

G. SUBJECT FURTHER to the following conditions contained in Certificate of
Registered Title No. T72723/2005 and imposed by the South African National
Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving
the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in
paragraph 1.G hereof.

H. FURTHER SUBJECT by Notarial Deed of Servitude K167/2006 dated 31
October 2005 to a Pipeline Servitude 4,00 metres wide, the centre line whereof is
indicated by the lines V X on Plan No. 3708/2005 as will more fully appear from
the said Notarial Deed.

1. SUBJECT TO the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. SUBJECT TO the following conditions imposed by the Transferor when disposing of this property, namely:

(a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

(i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);

(ii) the architectural design and building rules;

(iii) the constitution of the Home Owners' Association

(b) The Purchaser agrees and undertakes-

(i) to submit building plans, specifications and schedule of finishes to-

(1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and

(2) the local or other relevant authority for its approval;

(ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained

(c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

20. **ERF 10093 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

**IN EXTENT: 5 463 (FIVE THOUSAND FOUR HUNDRED AND SIXTY THREE)
SQUARE METRES**

**FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED
TITLE T9680/2006 WITH DIAGRAM S.G. NO 3705/2005 ANNEXED THERETO**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. **FURTHER SUBJECT** by Notarial Deed of Servitude K167/2006 dated 31 October 2005 to a General Services Servitude area 845 square metres in extent as shown by the figure 1B 1C 1D 1E 1F 1G J H on Plan No. 3708/2005 as will more fully appear from the said Notarial Deed.

- I. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:

- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:
- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
 - (ii) the architectural design and building rules;
 - (iii) the constitution of the Home Owners' Association
- (b) The Purchaser agrees and undertakes-
- (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;
 - (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

21. **ERF 10095 PLETTENBERG BAY,
IN THE BITOU MUNICIPALITY,
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;**

**IN EXTENT: 6 388 (SIX THOUSAND THREE HUNDRED AND EIGHT EIGHT)
SQUARE METRES**

**FIRST REGISTERED AND STILL HELD BY CERTIFICATE OF REGISTERED
TITLE T9680/2006 WITH DIAGRAM S.G. NO 3706/2005 ANNEXED THERETO**

- A. **SUBJECT** to the conditions referred to in Deeds of Transfer No. T850/1914 dated 7 February 1914 and No. T795/1921 dated 2 February 1921.
- B. **SUBJECT FURTHER** to the terms of the Servitude No. 339/55 referred to in the endorsements dated 21 June 1955 on said Deeds of Transfer No. T850/1914 and T795/1921, which endorsements are set out in paragraph 1.B hereof.
- C. **SUBJECT FURTHER** to the conditions set out in the endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.C hereof.
- D. **SUBJECT FURTHER** to the condition set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.D hereof.
- E. **ENTITLED** to the benefit of the conditions set out in the following endorsement dated 25 June 1981 on said Deed of Transfer No. T18050/1955, which endorsement is set out in paragraph 1.E hereof.
- F. "By Deed of Transfer No. T26738/81 dated 25 June 1981, the Remainder of the within property is entitled to a servitude Right of Way over Erf 2996 Plettenberg Bay 23,6694 Ha which servitude is depicted by the line JKLM on Diagram No. 5807/1980".
- G. **SUBJECT FURTHER** to the following conditions contained in Certificate of Registered Title No. T72723/2005 and imposed by the South African National Roads Agency Limited in terms of Section 49 of Act 7 of 1998 when approving the subdivision of Erf 2089 Plettenberg Bay, which conditions are set out in paragraph 1.G hereof.
- H. **FURTHER SUBJECT** by Notarial Deed of Servitude K167/2006 dated 31 October 2005 to a General Services Servitude 3.00 metres wide, the centre line whereof is indicated by the lines A B C D E on Plan No. 3708/2005 as will more fully appear from the said Notarial Deed.

- I. **FURTHER SUBJECT** by Notarial Deed of Servitude No K1130/2006 dated 19 July 2006 the within mentioned property is subject to a general services servitude 3 metres wide in favour of Portion 47 (Portion of Portion 1) of the Farm Ganse Vallei No 444, Division Knysna, Extent 21, 4136 Ha held by T114865/2003, western boundary whereof is indicated by the line T U V on General Plan 4796/2004 as will more fully appear from the said Notarial Deed with ancillary rights.

- J. 1. **SUBJECT TO** the following condition imposed by the Bitou Municipality in terms of Section 42(1) of the Land Use Planning Ordinance 15 of 1985 when approving the subdivision of Erf 9677 Plettenberg Bay:

The owner and his successors in title of this property shall become a Member of THE HILL PRIVATE ESTATE HOME OWNERS' ASSOCIATION and shall be entitled to the rights and subject to the obligations and restrictions set out in the Constitution of the Association, which includes a restriction on transfer without the written consent of the Association.

2. **SUBJECT TO** the following conditions imposed by the Transferor when disposing of this property, namely:

- (a) The Purchaser shall, within a period of five (5) years from the date of transfer, be obliged to complete the building of a dwelling house and outbuildings on the property, strictly in accordance with:

- (i) the buildings plans, specifications and schedule of finishes which have been submitted to and improved by the Home Owners' Association and local authority as contemplated in clause (b)(i);
- (ii) the architectural design and building rules;
- (iii) the constitution of the Home Owners' Association

- (b) The Purchaser agrees and undertakes-

- (i) to submit building plans, specifications and schedule of finishes to-
 - (1) The Home Owners' Association for its written approval in accordance with the architectural design and building rules; and
 - (2) the local or other relevant authority for its approval;

22

- (ii) not to commence with any work whatsoever on the property until such time as the approvals contemplated in clause 2(b)(i) have been obtained
- (c) The term Purchaser shall be deemed to include his heirs, administrators, executors, assigns or successors in title or office.

WHEREFORE the Appearer, renouncing all the right and title which the said:

SPIRIT WIND INVESTMENTS 114 PROPRIETARY LIMITED
REGISTRATION NUMBER: 2001/001323/07

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

ENGINEERED SYSTEMS SOLUTIONS PROPRIETARY LIMITED
Registration number: 2004/024978/07

its Successors in Title or Assigns, now are 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 R16 600 000,00 (SIXTEEN MILLION SIX HUNDRED THOUSAND RAND).

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

THUS DONE AND EXECUTED at the office of the **REGISTRAR OF DEEDS** at **CAPE TOWN** on

6 SEPTEMBER 2013

q.q.

In my presence,

REGISTRAR OF DEEDS

Not to Scale



General Plan No. 5268/2003

CDR

DELETION OF THE 5' ALLONYM SPAN


GENERAL PLAN No. 4796/2004

(Consisting of 2 sheets)

OF SUBDIVISIONS OF

ERF 9677 PLETTENBERG BAY

Schools in Ethos Municipality
Administrative District of Koppies
Province of the Western Cape

S/S No. 4796/2004
SHEET No.2 of 2 SHEETS
APPROVED

FOR SURVEYOR GENERAL
2004-12-01

SCALE : 1/1000

University of Nebraska

1. The lines used, *sh* and *rs* represent the western, southern and south-eastern boundaries of the *shaded* area of the study region (*sh* = western side, *rs* = *rs* = 1000000000).
2. The line *gl* represents the western boundary and the line *rs* represents the southern boundary and the line *rs* represents the south-eastern boundary of the *shaded* area (*gl* = western side, *rs* = 1000000000, *rs* = 1000000000).
3. The line *gl* represents the western boundary and the line *rs* represents the southern boundary and the line *rs* represents the south-eastern boundary of the *shaded* area (*gl* = western side, *rs* = 1000000000, *rs* = 1000000000).
4. The line *gl* represents the western boundary and the line *rs* represents the southern boundary and the line *rs* represents the south-eastern boundary of the *shaded* area (*gl* = western side, *rs* = 1000000000, *rs* = 1000000000).

Surveyed in October 2003 to August 2004

By ME 
Professional Land Surveyor 0000

S.O.P.138 No. 5/13178 VOL. 3
S.M.No. 82538/2804
COMPLATION AM - 08A/V52 1730
MM - 08A/V54 1732
LPE 03060000



PLETTENBERG BAY ALLOTMENT 9600

GENERAL PLAN No. 4796/2004

Consisting of 2 sheets

OF SUBDIVISIONS OF

ERF 9677 PLETTENBERG BAY

Vide Deed No. 8826/2003 Deed of Transfer No.

AND COMPRISING 62 ERYN NUMBERED 10075 to 10136

Situated in Bantu Municipality
Administrative District of BHEM
Province of the Western Cape

S G No. 4796/2004
SHEET No.1 of 2 SHEETS
APPROVED
Shirley Shung
FOR SURVEYOR GENERAL
2004 - (2-0)
Approved in terms of Section
25 of the Land Use Planning
Ordinance 55 of 1995
Ref. 1/1/114/2004
Date: August 2004
Act No. 70 of 1975 not applicable
This plan is Approved in terms of
Act No. 7 of 1995
This portion is subject to
conditions referred to in
Section 11 (b) of Act 22 of 1940

ENDORSEMENTS				
NO.	AMENDMENT	ADDITION	AUTHORITY	INTD DATE

SURVEYOR GENERAL'S OFFICE NOTES	
1. 1st 10000 Framed side Sgn. no. 1000/1000	
2. 1st 10000 Framed side Sgn. no. 1001/1001	
3. 1st 10000 Framed side Sgn. no. 1002/1002	
4. 1st 10000 Framed side Sgn. no. 1003/1003	
5. 1st 10000 Framed side Sgn. no. 1004/1004	
6. 1st 10000 Framed side Sgn. no. 1005/1005	
7. 1st 10000 Framed side Sgn. no. 1006/1006	

Surveyed in October 2003 to August 2004

by me

J. J. M. J. M.
Professional Land Surveyor 2003

S.G. File No. 4796/2004
S.M. No. 4796/2004
COMPLATION AM - 1004/1004 1750
AM - 1004/1004 1750
UP COMMISSION

4796/2004 sht.1

MAIN FIGURE		CO-ORDINATES	
STATION	COORDINATE	System No. 22	Metres
STATION	COORDINATE	System No. 22	Metres
AA	204.84	279 06 15	A - 33632.61 + 08750.72
BB	224.91	19 41 40	B - 33632.61 + 08250.96
CC	13.94	108 28 10	C - 33632.61 + 08110.15
DD	35.87	77 30 30	D - 33632.61 + 08050.90
EE	35.88	50 44 30	E - 33632.61 + 08050.93
FF	31.29	58 58 40	F - 33632.61 + 08050.77
GG	30.73	40 03 20	G - 33795.18 + 08050.79
HH	24.13	7 00 00	H - 33795.20 + 08050.40
II	50.79	79 26 40	I - 33795.24 + 08050.42
JJ	52.13	00 21 20	J - 33714.98 + 08050.79
KK	51.68	70 00 30	K - 33632.19 + 08050.81
LL	24.10	64 50 40	L - 33632.19 + 08050.82
MM	22.01	52 36 50	M - 33632.19 + 08050.82
NN	20.11	30 27 30	N - 33632.19 + 08050.82
OO	48.08	70 00 30	O - 33632.19 + 08050.82
PP	20.94	50 39 30	P - 33632.19 + 08050.82
QQ	52.40	210 45 30	Q - 33632.19 + 08050.82
RR	100.00	320 22 40	R - 33632.19 + 08050.82
SS	98.50	350 22 40	S - 33632.19 + 08050.82
TT	242.23	395 39 40	T - 33632.19 + 08050.82
INDICATOR DATA			
IV	8.25	25 22 40	V - 33632.19 + 08050.82
TRIGONOMETRICAL BEACONS			
1170	8015.61	34398.83	+ 08050.71
1170	8015.61	34398.83	+ 08050.71
REFERENCE MARKS			
1170	8015.61	34398.83	+ 08050.71
1170	8015.61	34398.83	+ 08050.71

BLOCK CORNERS		AREAS	
STATION	COORDINATE	System No. 22	Metres
STATION	COORDINATE	System No. 22	Metres
A1	33632.61	08050.72	10075
A2	33632.61	08050.72	10076
A3	33632.61	08050.72	10077
A4	33632.61	08050.72	10078
A5	33632.61	08050.72	10079
A6	33632.61	08050.72	10080
A7	33632.61	08050.72	10081
A8	33632.61	08050.72	10082
A9	33632.61	08050.72	10083
A10	33632.61	08050.72	10084
A11	33632.61	08050.72	10085
A12	33632.61	08050.72	10086
A13	33632.61	08050.72	10087
A14	33632.61	08050.72	10088
A15	33632.61	08050.72	10089
A16	33632.61	08050.72	10090
A17	33632.61	08050.72	10091
A18	33632.61	08050.72	10092
A19	33632.61	08050.72	10093
A20	33632.61	08050.72	10094
A21	33632.61	08050.72	10095
A22	33632.61	08050.72	10096
A23	33632.61	08050.72	10097
A24	33632.61	08050.72	10098
A25	33632.61	08050.72	10099
A26	33632.61	08050.72	10100
A27	33632.61	08050.72	10101
A28	33632.61	08050.72	10102
A29	33632.61	08050.72	10103
A30	33632.61	08050.72	10104
A31	33632.61	08050.72	10105
A32	33632.61	08050.72	10106
A33	33632.61	08050.72	10107
A34	33632.61	08050.72	10108
A35	33632.61	08050.72	10109
A36	33632.61	08050.72	10110
A37	33632.61	08050.72	10111
A38	33632.61	08050.72	10112
A39	33632.61	08050.72	10113
A40	33632.61	08050.72	10114
A41	33632.61	08050.72	10115
A42	33632.61	08050.72	10116
A43	33632.61	08050.72	10117
A44	33632.61	08050.72	10118
A45	33632.61	08050.72	10119
A46	33632.61	08050.72	10120
A47	33632.61	08050.72	10121
A48	33632.61	08050.72	10122
A49	33632.61	08050.72	10123
A50	33632.61	08050.72	10124
A51	33632.61	08050.72	10125
A52	33632.61	08050.72	10126
A53	33632.61	08050.72	10127
A54	33632.61	08050.72	10128
A55	33632.61	08050.72	10129
A56	33632.61	08050.72	10130
A57	33632.61	08050.72	10131
A58	33632.61	08050.72	10132
A59	33632.61	08050.72	10133
A60	33632.61	08050.72	10134
A61	33632.61	08050.72	10135
A62	33632.61	08050.72	10136

SEMPITIQUES/LEGEND AREA				
SURVEY NEEDS	BARBARA M.	DESCRIPTION	DEED	INITIALS
E213/2005	3706/2005	The figure above shows general services, including area 845 Sq/m		

S.J. McMILLAN - Professional Land Surveyor

S.G. No.
3705/2005

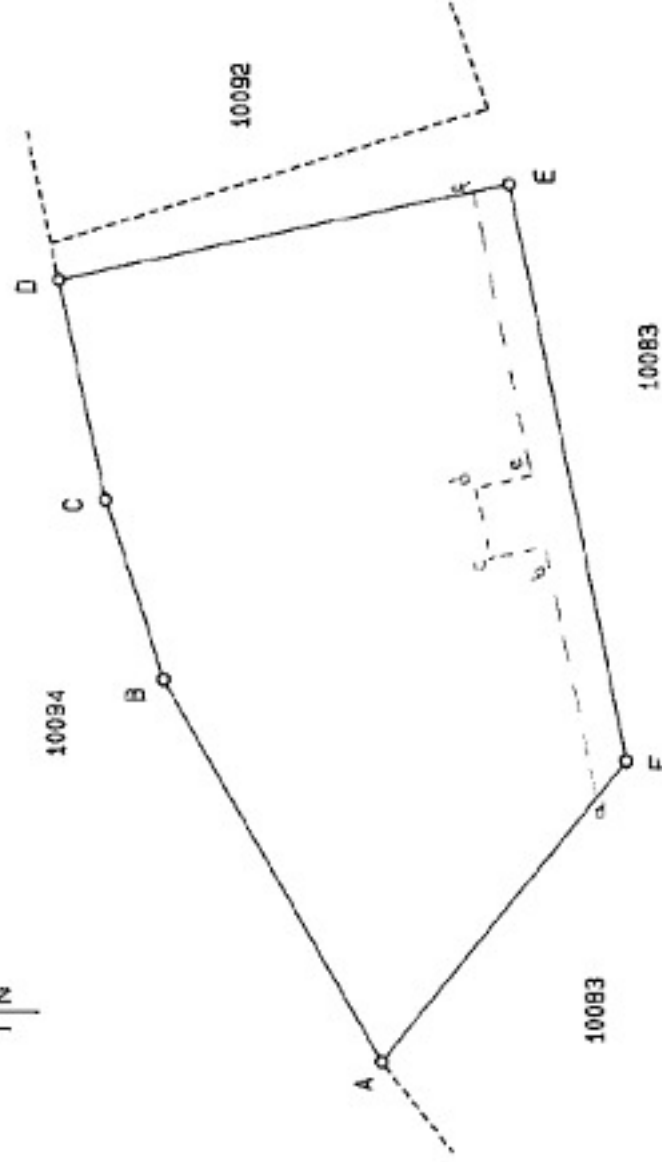
APPROVED

Abraham

for

Surveyor-General

Date 4-8-2005



SCALE 1: 1000

The figure A B C D E F
represents 5463 square metres of land, being
ERF 10093 PLETTENBERG BAY

Situate in the Bitou Municipality
Administrative District of Knysna
Province of Western Cape

Framed by me in terms of Section 15
of the Land Survey Act No. 8/1997,
in June 2005

S.J. McMillan (PLS 0910)
Professional Land Surveyor

This diagram is annexed to
Deed of
Number T10073/2006
dated
i.f.o.

Registrar of Deeds

S.G. File S/13178 (Vol 3)
SRE No. FRAMED
Comp: AM-1BA/Y52 (730)
AM-1BA/Y54 (732)
General Plan No. 4795/2004
LPI C0390008

FOR ENDORSEMENTS
SEE BACK OF DGM.

Erf 10093 Plettenberg Bay

Bitou

Our Ref: T/I/112/2089

Your Ref: 8563/TT

Enquiries: L. Gericke (Town Planner) (Tel. 044-5013274)

5 August 2004

Messrs. APS Plan Africa
PO Box 1847
PARKLANDS
2121

*now 10075 - ~~100~~
10136

Dear Sirs

ERF 2089, PLETTENBERG BAY: PROPOSED REZONING AND SUBDIVISION

With reference to your letter regarding the above dated 15 October 2003 (?), it is hereby confirmed that the matter was considered by the Executive Mayor on 3 July 2004, and that it was resolved as follows:

"That in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ord. 15 of 1985) approval be granted for the rezoning of Erf 2089, Plettenberg Bay from Agriculture Zone I to Subdivisional Area, and that in terms of Section 25 of Ordinance 15 of 1985 approval be granted for the subdivision of the property concerned to create 52 Residential Zone I erven, 2 Residential Zone II erven, Open Space Zone II erven and Private Roads, all as indicated on Plan No. 8563/SUBL3 dated August 2003, subject to the following conditions:

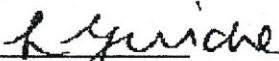
- (a) The conditions as outlined in the letter dated 3 November 2003 received from the S.A. National Roads Agency, or any additional conditions that may be imposed by this authority in consultation with the Municipality, with particular reference to the proposed access off Ferdinand Street.
- (b) The conditions as outlined in the "Record of Decision" dated 25 June 2004 received from the Department of Environmental Affairs and Development Planning.
- (c) That an Environmental Management Plan (EMP) to the satisfaction of the Municipality be prepared for both the Construction as well as the Operational phase of the project, and that this EMP address inter alia (but not be limited to) the following:

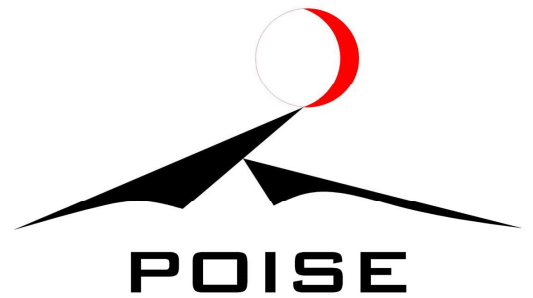
- (i) Landscaping
 - (ii) Control and management of contractors
 - (iii) Installation of services
 - (iv) Eradication of alien plant species
 - (v) Management of Open Space Zone II areas
 - (vi) The submission of a 3-monthly environmental status report during the construction period, of a 6-monthly report for the first 2 years after completion of the project, and of a yearly report thereafter.
- (d) Architectural guidelines to be prepared to the satisfaction of the Municipality, and that guidelines address inter alia (but not be limited to) the following:
- (i) A height restriction of 6,5m above natural ground level in respect of erven 17 - 26, and development of these erven to be limited to areas less steep than 25%
 - (ii) Development parameters (building lines, coverage, height, etc)
 - (iii) Implementation of Visual Impact Assessment
 - (vi) Provisional approval of building plans by an "Estate Architect" prior to submission to the Municipality.
- (e) That a Home Owners Association (HOA) be established, with compulsory membership for all property owners within the development, and that this body assumes responsibility (including costs) for the provision, maintenance, management, etc. of all internal services, facilities, services (and that it be recorded that the Municipality has no obligations in this regard), implementation of the provisions of the EMP during the Operational phase of the development, etc.
- (f) That the Constitution of the HOA be submitted for consideration and approval by the Municipality (who reserves the right to impose conditions in this regard), and that this document in particular clarifies at what stage the responsibility for the provision/maintenance of internal facilities/services would be transferred from the developer/land owner to the HOA, and also what the standard of completion of such services/facilities would be at that stage.
- (g) That the Private Open Space and Private Roads be transferred to the HOA simultaneously with or prior to the registration of the first "Single Residential" erf.
- (h) That phased development be not allowed on the "Single Residential" portion of the project.

- (j) That a Site Development Plan for the 2 Residential Zone II stands (with a maximum of 6 units on Erf 57, to be limited to areas less steep than 25%, and 18 units on Erf 56, provided that the Municipal Council may reconsider this density upon receipt of the Site Development Plan) be submitted for consideration by the Municipality prior to building plan approval, and that previous evidence of potential geological instability (as was experienced with slippage of the N2) be specifically addressed by a suitably qualified geotechnical professional (this investigation should also include Erven 23 and 24).
- (j) That a single refuse collection point to the satisfaction of the Municipality be provided at the entrance of the development prior to transfer of the first residential erf.
- (k) That municipal services, inclusive of the development of such bulk connector and storage facilities as may be required, be provided by the land owner/developer at his cost (including the payment of augmentation and related levies in accordance with the policy of the Municipal Council) to the satisfaction of the Municipality, and that a Services Agreement be entered into between the land owner/developer and the Municipality within a period of 4 months (or such extended period as may be allowed by the Director: Public Works).
- (l) That any existing municipal services that are currently situated on the property and/or which may be affected by the development be relocated to a position approved by the Municipality, and that new servitudes be registered accordingly, all at the cost of the land owner/developer.
- X (m) That a servitude (with suitable access thereto) to the satisfaction of the Municipality be registered at the cost of the land owner/developer over Erven 1 - 10 and 56 to accommodate the bulk services to the adjoining Portion 47 of the Farm Ganse Vallei No. 444
- (n) That in lieu of the requirement to provide usable Public Open Space, the developer makes a financial contribution to the satisfaction of the Council towards the provision and/or upgrading of public facilities (such as beach access, picnic and parking areas, etc). ?
- (o) That as part of a required social commitment the developer makes a similar amount as that stipulated in (j) above available for payment into a Trust Fund to be created by Council towards social upliftment projects." ?

Kindly note that the Minutes of the abovementioned decision still need to be confirmed during the meeting of the Mayoral Committee scheduled to take place on 11 August 2004. Both your office as well as the objector will thereafter be formally notified of the decision, and granted an opportunity of appeal to the Provincial Administration.

Yours faithfully


A.D. FRIEDMAN
DIRECTOR: PUBLIC WORKS
Tel. (044) 5013261



STRUCTURAL & CIVIL ENGINEERING DESIGN CONSULTANTS

23/G24

03 June 2024

TOWNHOUSES

BITOU MUNICIPALITY - BUILDING DEPARTMENT

STRUCTURAL ENGINEERING: NEW TOWNHOUSES, STAND 10093, THE HILL, PLETTENBERG BAY

After perusing the architectural drawings and inspected the above-mentioned site, with the additional geotechnical information from Outeniqua Lab, I can confirm that the site is suitable for development as per the proposal by the Architect, Rene De Lang.

Strict engineering principles will be applied which might alter the architectural design slightly.

Large platforms must be created with oversized up-slope wall foundations at deep founding depths. This will reduce soil pressures and potential surcharge on walls downhill, anchoring the buildings into the slope.

Stormwater management, both surface and sub-surface will be of utmost importance. Every level difference will need sub-surface and surface drainage routed via a stormwater network and inspection/cleaning chambers.

Please do not hesitate to call me if you need any further information.

Yours faithfully

D W BOTES

(FOR POISE CONSULTING)



Registration No. 95/07742/07

Materials Testing Laboratory

6 Mirrorball Street, George : PO Box 3186, George Industria, 6536

Tel: 044 8743274 : Fax: 044 8745779 : e-mail: llewelyn@outeniqua.co.za



T0347

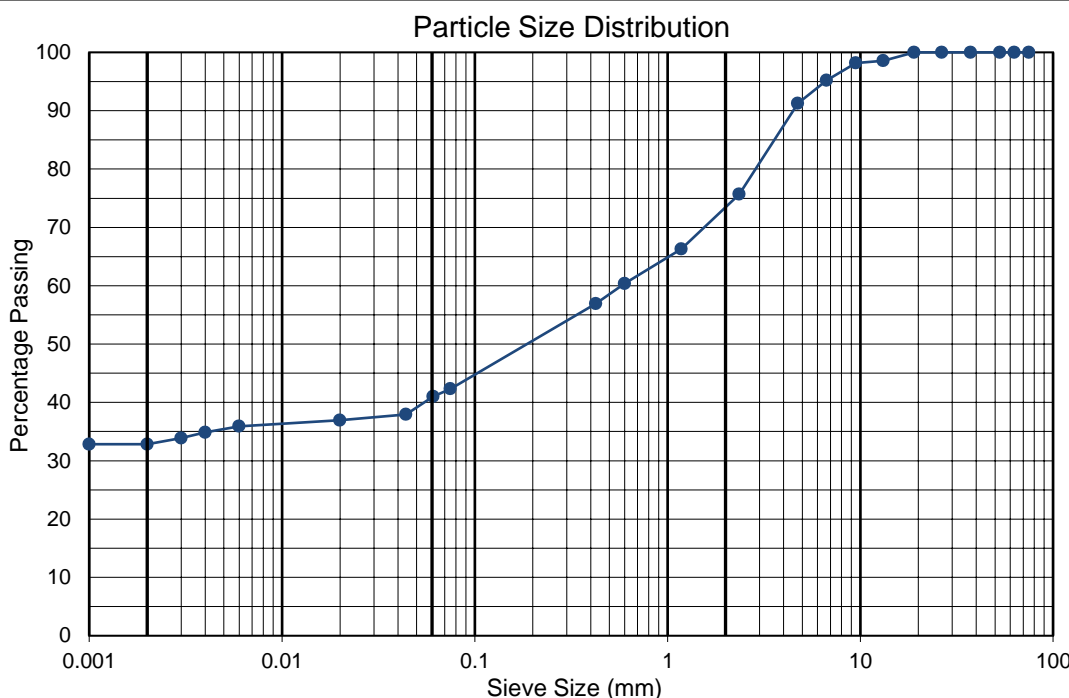
Customer :	Outeniqua Geotechnical Services	Project :	Erf 10093 - The Hill Estate - Plettenberg Bay
	P O Box 964	Date Received :	29/08/2023
Attention :	Knysna	Date Reported :	19/09/2023
	6570	Req. Number :	3236/22
		No. of Pages :	1

TEST REPORT

FOUNDATION INDICATOR - (ASTM Method D422)

Sample Position (SV)	Trial Pit
Depth (mm):	N/A
Sample No.:	84789
Materials Description	In-situ
Source	Light Yellow Olive
Colour	Silty Sand
Soil Type	Existing
Classification	

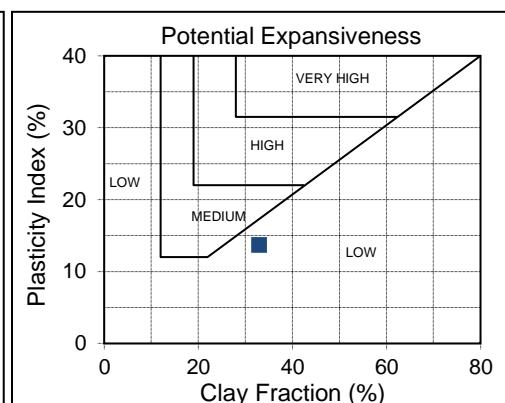
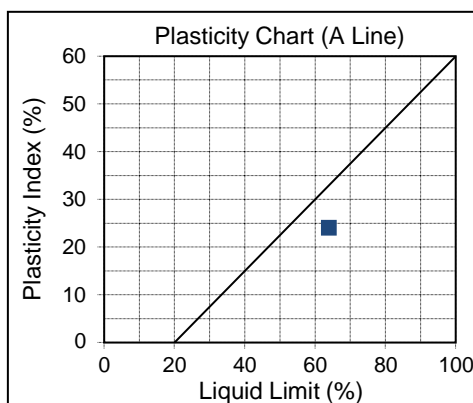
75.0mm	100
63.0mm	100
53.0mm	100
37.5mm	100
26.5mm	100
19mm	100
13.2mm	99
9.5mm	98
6.7mm	95
4.75mm	91
2.36mm	76
1.18mm	66
0.6mm	60
0.425mm	57
0.075mm	42
0.061mm	41
0.044mm	38
0.02mm	37
0.006mm	36
0.004mm	35
0.003mm	34
0.002mm	33
0.001mm	33



Liquid Limit (%)	64
Plasticity Index (%)	24
Linear Shrinkage (%)	12
Moisture Content (%)	23.3

% Clay	33
% Silt	8
% Sand	32
% Gravel	27

Unified Soil Classification	SM
AASHTO Soil Classification	A-7-5



• Specimen delivered to Outeniqua Lab in good order.

LAWtrust
AESignCA,
Ruaan
Marco Lesch

Ruaan Lesch
Technical Signatory
For Outeniqua Lab (Pty) Ltd.

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1. This report (with attachments) is the correct record of all measurements made, and may not be reproduced other than with full written approval from the Directors of Outeniqua Lab.

2. Measuring Equipment, traceable to National Standards is used where applicable. Results reported in this Test Report relate only to the items tested and are an indication only of the sample provided and / or taken.

3. While every care is taken to ensure the correctness of all tests and reports, neither Outeniqua Lab nor its employees shall be liable in any way whatever for any error made in the execution or reporting of tests or any erroneous conclusions drawn therefrom or for any consequence thereof.

DRAWING NO: 24/G24-01
DATE: 03/06/24

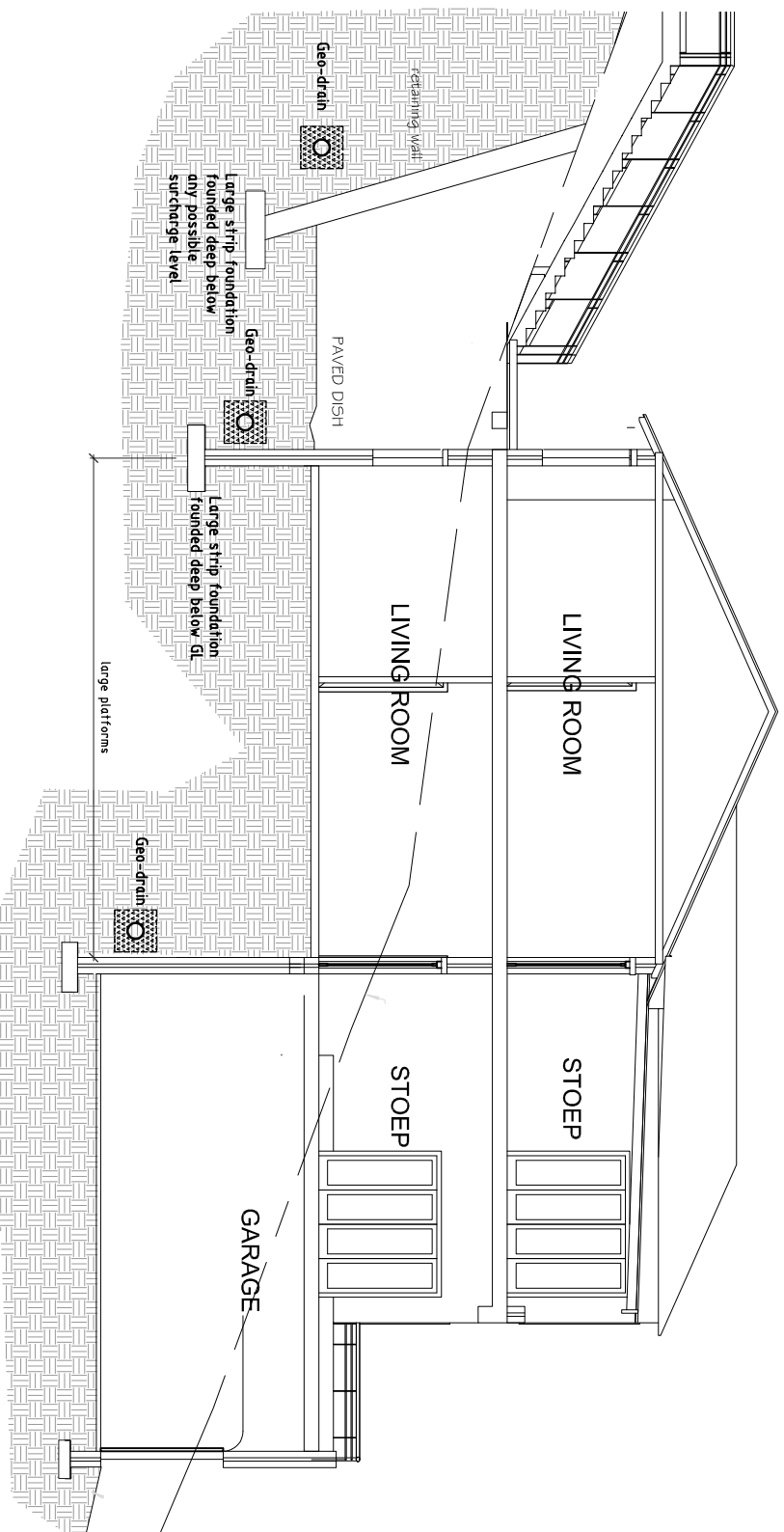
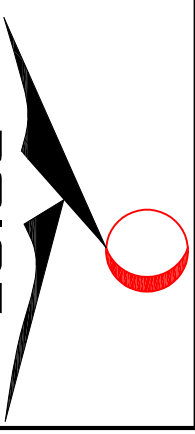
PROJECT:
THE HILL TOWNHOUSES

DRAWING:
DETAILS 1

DRAWN BY: DWB

CELL: 083296965

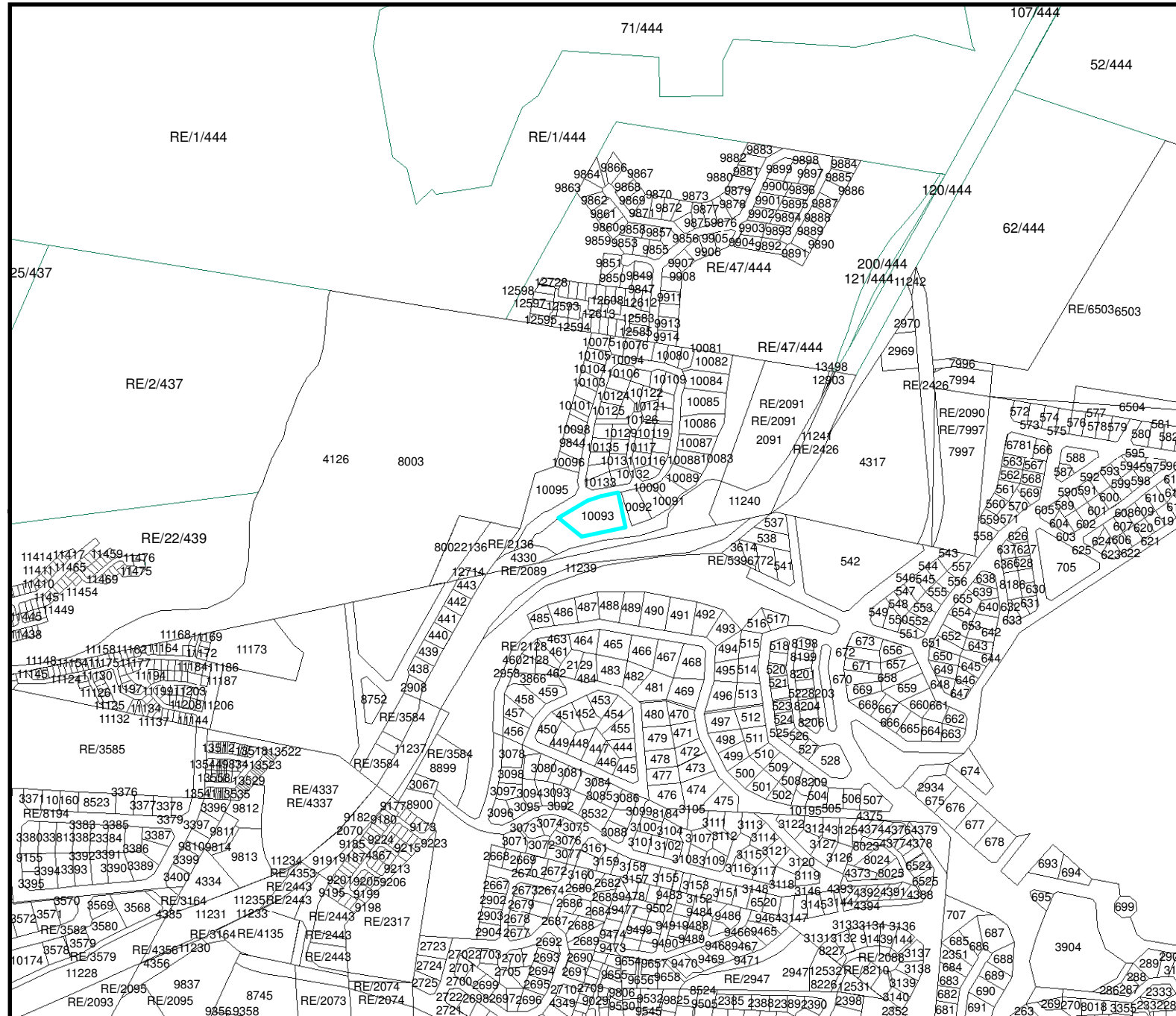
STRUCTURAL- & CIVIL CONSULTING ENGINEERS



TYPICAL SECTION
1:125

DIAGRAM 1 : LOCALITY MAP

ERF 10093 PLETT



Planning  Space
Town and Regional Planners

DIAGRAM 2: AERIAL PHOTO



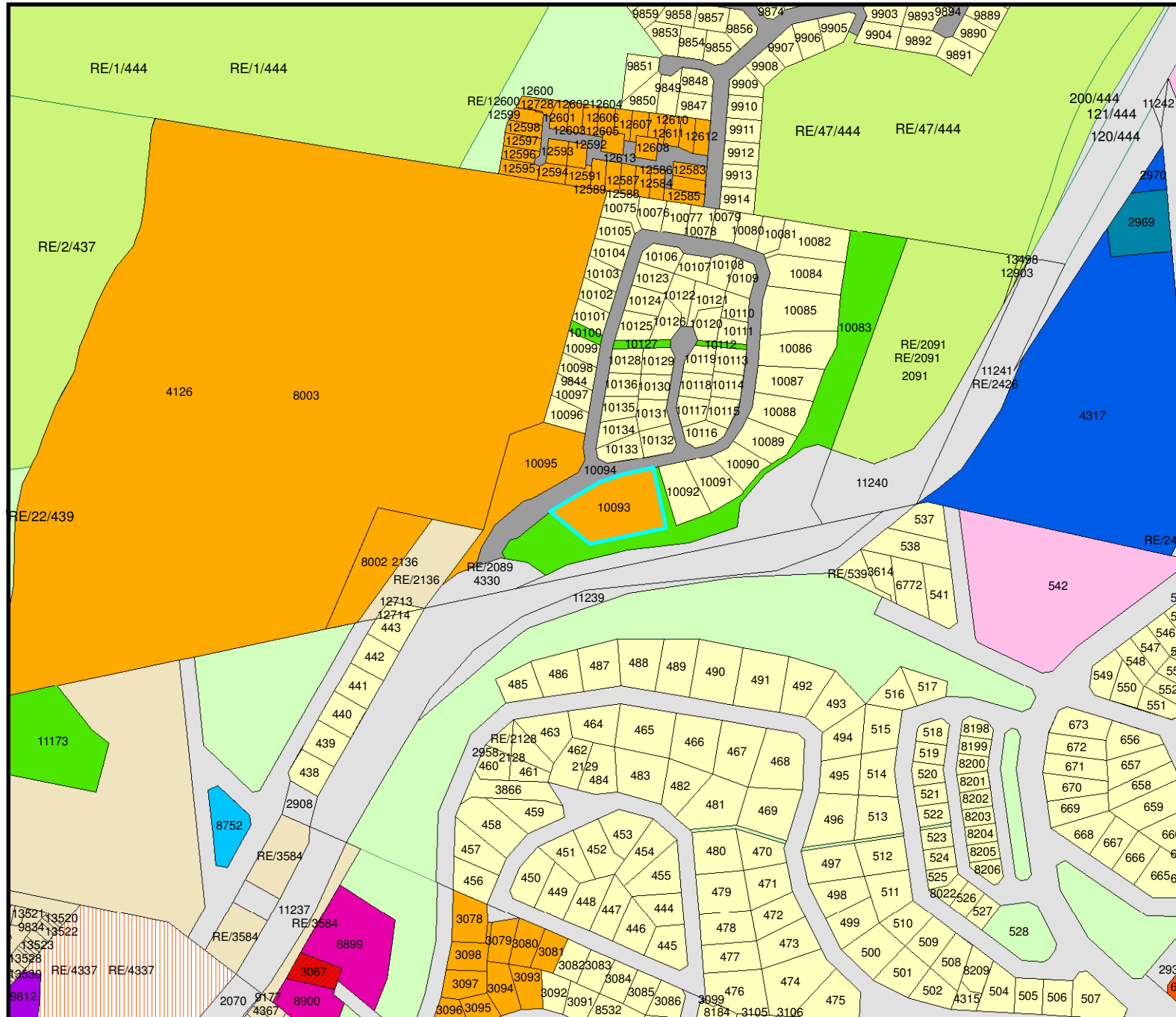
Date created: 2024/02/07

0 0.006 0.012 0.018 0.024 0.03 km

© OpenStreetMap (and) contributors, CC-BY-SA
Surveyor General WC, Department of Rural Development and Land Affairs
Chief Surveyor-General (Rural)
Department of Rural Development and Land Affairs

DIAGRAM 3 : ZONING MAP

ERF 10093 PLETT



Legend

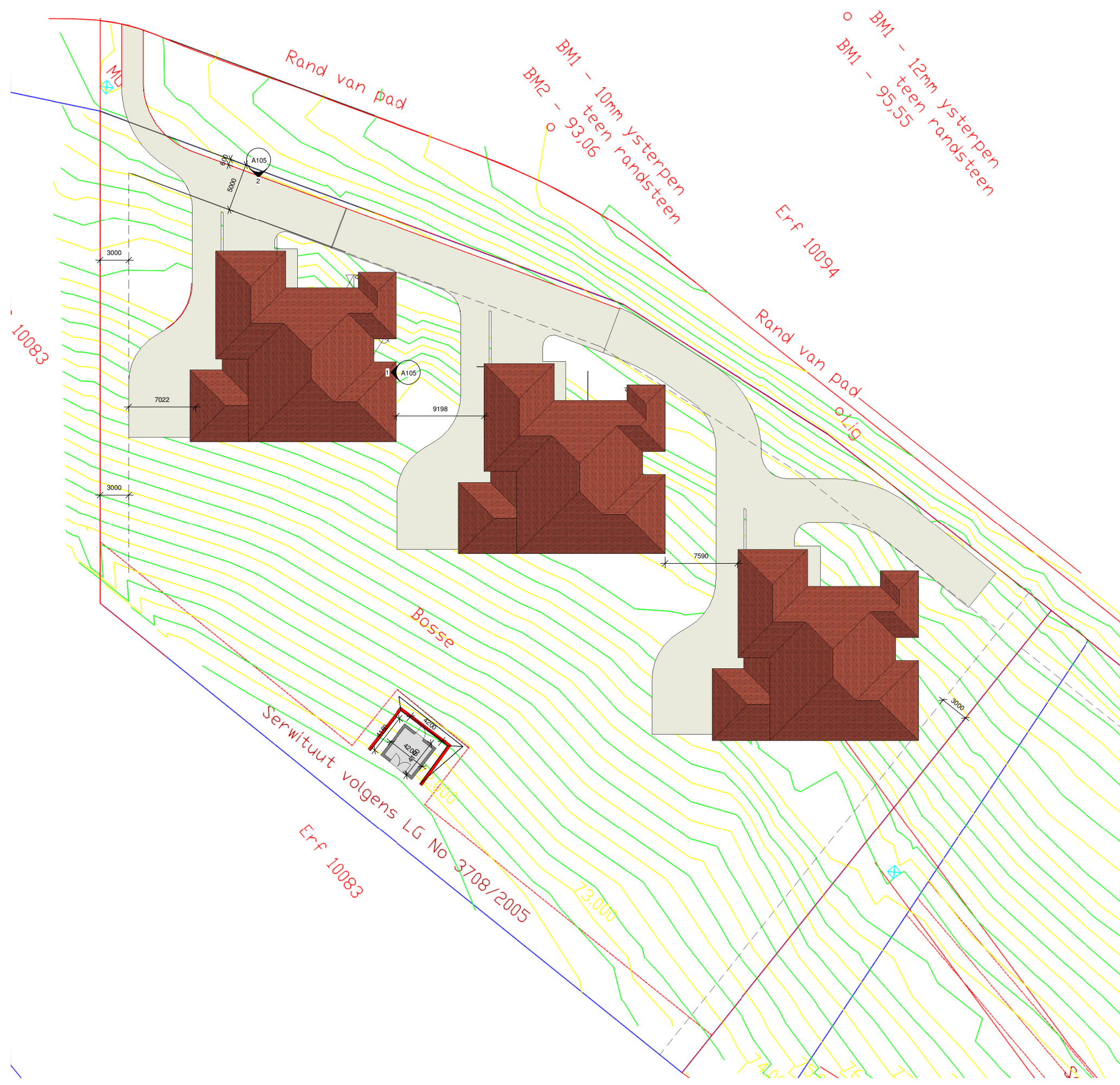
ZONING_MAP_16042020

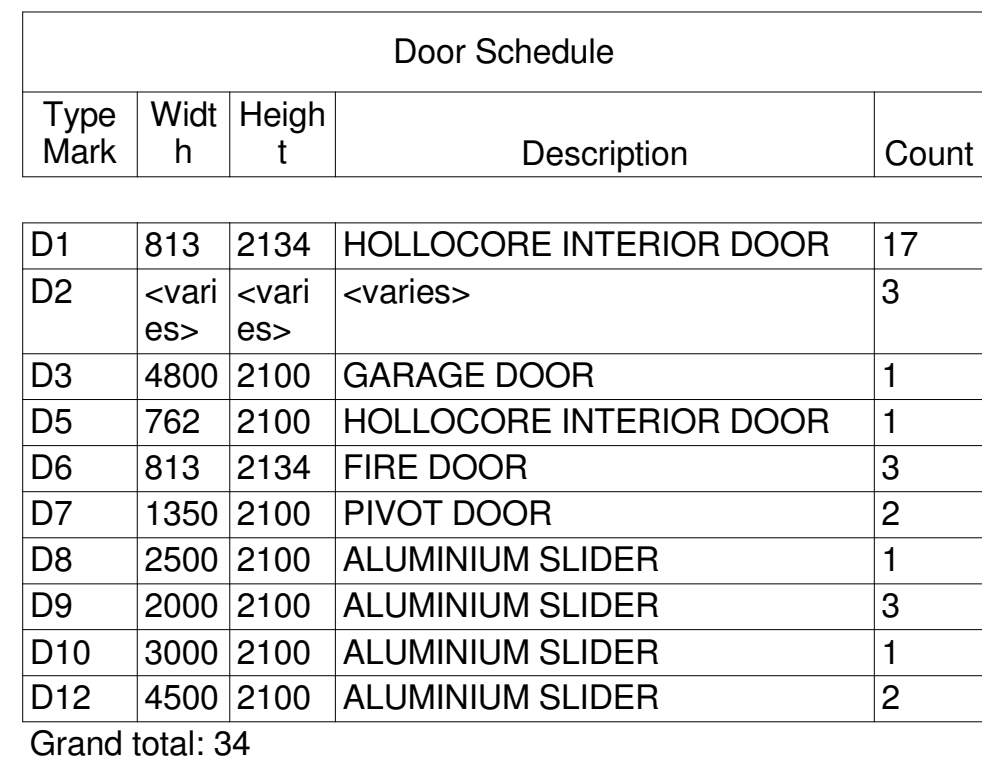
Zoning

- Agricultural Zone I
- Single Residential Zone I
- General Residential Zone I
- General Residential Zone II
- General Residential Zone III
- Business Zone I
- Business Zone II
- Business Zone III
- Industrial Zone II
- Community Zone I
- Community Zone II
- Open Space Zone I
- Open Space Zone II
- Transport Zone II
- Transport Zone III
- Authority Use
- Undetermined Zone



0 37.5 75 150 225 300 Meters





1 : 50



W1	600	900	ALUMINIUM FRAME	2
W2	2400	1800	ALUMINIUM FRAME	5
W3	1800	1200	ALUMINIUM FRAME	3
W4	600	1500	ALUMINIUM FRAME	1
W5	1800	1500	ALUMINIUM FRAME	5
W6	900	1800	ALUMINIUM FRAME	2
W7	600	1200	ALUMINIUM FRAME	5

1 : 50



GROUND - UPPER
1 : 50

GROUND - UPPER 256M2 TOTAL

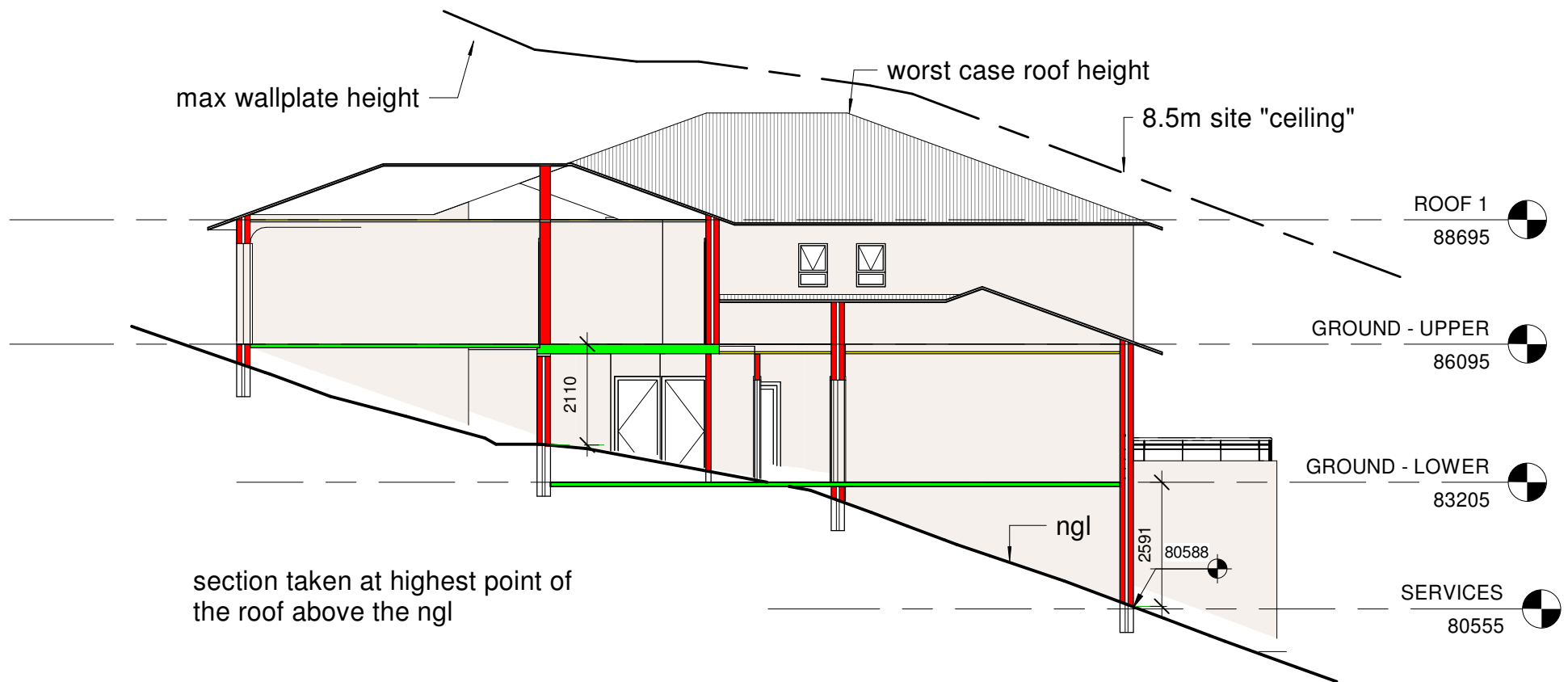
The floor plan shows the following rooms and features:

- GARAGE:** Located at the top left, with dimensions 4800 x 6060.
- BED 3:** Located below the garage, with dimensions 3300 x 3250.
- BED 2:** Located at the bottom left, with dimensions 3600 x 3840.
- BED 1:** Located at the bottom right, with dimensions 3349 x 3945.
- KITCHEN:** Located in the center, with dimensions 3489 x 3172.
- LIVING:** Located in the center, with dimensions 9000 x 4601.
- COVERED STOEP:** Located at the bottom, with dimensions 6000 x 5760.

The plan also includes a driveway, a yard, and various windows (W1-W7) and doors (D1-D7). A north arrow is located in the bottom right corner.

[illegible]

Scale	As indicated
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HDRS ATTORNEYS INC

Registration Number: 2015/427988/21

Attorneys, Notaries, Conveyancers, Appraisers, Administrators of Estates

Attorneys, Notaries,
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Appraisers, Administrators of Estates.
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YOUR REF.:

OUR REF.: N VAN DER MESCHT/md/W7358/E2

30 July 2024

MUNICIPAL MANAGER
BITOU MUNICIPALITY
TOWN PLANNING DIRECTORATE
FOR ATTN: CHRIS SCHLIEMANN & MARIUS BUSKES
MELLVILLE'S CORNER
PLETTENBERG BAY
EMAIL cschliemann@plett.gov.za
mbuskes@plett.gov.za

Dear Sirs

DEVELOPMENT OF ERF 10093, THE HILL PRIVATE ESTATE, PLETTENBERG BAY\

As you are aware, we act in the above for the owner of the Erf, Engineered Systems Solution Proprietary Limited.

As discussed, Professional Town Planner Lizemarie Botha (B.TRP - Pr. Pln 1234), practising as Planning & Space Town and Regional Planners, has been instructed to compile the enclosed Development Application. In addition, the application for development of the Erf is also motivated and supported in terms of the Report of a Structural and Civil Engineer based on the geotechnical analysis of the Erf supplied by Outeniqua Geotechnical Services. The building plans already submitted to the Bitou Municipality sometime ago were drawn by Renee de Lange, Professional Architect, who will remain involved in the development of the Erf in his professional capacity.

In short, all of the professionals involved in the project support the development of the Erf by the construction of six sectional title units in three building blocks, subject to conditions as proposed by the Structural and Civil Engineer.



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It is respectfully submitted that the application for the amendment of the approval is not an application intended in Section 45 of the Bitou By-Law on Municipal Land Use Planning ("the By-law") and that public notice thereof need not be given. In this regard it is submitted that notice of the application to The Hill Private Estate Homeowners' Association is all that is required, since the Erf is a property within The Hill Private Estate. It is confirmed that this office will provide the Association with a copy of the application and this will be confirmed to your office in writing. Further in this regard it is confirmed that the application for the amendment of the condition is not an application that requires the consent of the Association. The Association has, as you are already aware, endorsed the Building Plans submitted to Bitou.

As will be evident from the application itself, this is an unusual application which relates to a common error at the time when the development rights were allocated to the Erf in accordance with the Municipal approval of 5 August 2004. As amplified in the town-planning motivation of the application, the zoning and accompanying rights for development do not rationally relate to the physical condition of the Erf. This is so since the condition could and should not have been imposed in view thereof that the whole of the Erf is steeper than 25%. Our client has elected to bring this application in an attempt to mitigate its damages. Our client does not allocate blame in respect of the administrative error by the Bitou Municipality in approving the development of the Erf, whilst imposing the irrational condition. It is accepted that the error that was made is a common error made by all parties involved in the matter during 2004.

This application stands to be considered by Bitou in accordance with the provisions of the By-law and the related legislation as referred to therein. As already mentioned, the application is unusual in that it relates to a condition imposed that it is objectively practically impossible to comply with. Refusal of the application by the Municipality will have legal ramifications, not only for our client but also and importantly so for the Bitou Municipality. By granting the rezoning and development rights for the Erf, Bitou has triggered the rating of the Erf in terms of the Local Government: Municipal Property Rates Act, 2004, and the charging of availability charges in terms of the Bitou Tariff Policy.

In terms of the Rates Act, the Erf is currently rated in accordance with the highest use allowed, based on the zoning and development rights granted by Bitou; this whilst the



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property cannot be developed at all because of the condition imposed. According to the 2021-2024 Bitou valuation roll, the rating value of the Erf is R820 000,00. It goes without saying that our client has been paying what was not rightfully due from the date on which it became the registered owner of the property, 6 September 2013. Should the application for the removal of the 25% gradient not be approved, then the effect will be that the zoning of the property is not rationally connected to the purpose for which it may be used.

A decision by the Municipality and/or the Appeal Authority in the By-Law not to approve the application to remove the 25% gradient condition, will constitute administrative action as defined in the Promotion of Administrative Justice Act, 2000. It is therefore respectfully not open to the Municipality not to approve the application and nonetheless continue to treat the Erf for rating purposes as well as availability charges as if the Erf is a property zoned for development purposes, with development rights attached thereto.

In the event that the Bitou Municipality and/or the aforesaid Appeal Authority decide **not** to approve the application for the removal of the irrational condition, then it is respectfully submitted that the Municipality should of its own accord make application to the High Court in terms of PAJA to review and set aside the zoning and development rights of the property, and that the rating and charging of availability charges in respect of the property will have to be halted by Bitou. If this application is not made to the High Court by the Municipality, at the latest simultaneously with the final outcome of the application, and if it is **refused**, then our client will be left with no alternative but to make the PAJA court application and request a cost order against the Municipality.

In view of the financial damage that our client is currently suffering in respect of the fact that the Erf cannot be developed in accordance with its zoning and development rights, whilst it is paying rates and taxes and availability charges, it will be sincerely appreciated if the application can be processed and an outcome thereon be obtained soonest in terms of the framework of the By-law.

Yours faithfully

HDRS ATTORNEYS INC.

Per: NEWTON VAN DER MESCHT

**RESOLUTION OF THE DIRECTORS OF ENGINEERED SYSTEMS SOLUTION
PROPRIETARY LIMITED : REGISTRATION NO. 2004/024978/07
("THE COMPANY")**

WHEREAS the Company is the registered owner of

ERF 10093 PLETTENBERG BAY
IN THE BITOU MUNICIPALITY
DIVISION OF KNYSNA, PROVINCE OF THE WESTERN CAPE;

IN EXTENT: 5 463 (FIVE THOUSAND FOUR HUNDRED AND SIXTY THREE) SQUARE
METRES

FIRST REGISTERED IN TERMS OF CERTIFICATE OF REGISTERED TITLE T9680/2006
WITH DIAGRAM S.G. NO 3705/2005 ANNEXED THERETO AND NOW HELD BY THE
COMPANY IN TERMS OF DEED OF TRANSFER T47139/2013
(hereafter "the Erf")

AND WHEREAS the Erf was purchased by the Company on the common understanding that
it is a Residential Zone II property with the right to develop thereon six residential units;

AND WHEREAS the Erf was registered in the name of the Company on 6 September 2013
from, which date the Company has been paying rates, taxes and availability charges to the
Bitou Municipality on the common but erroneous understanding that the permitted use of the
Erf is as aforesaid;

AND WHEREAS during or about August 2023, subsequent to the submission of building plans
to the Bitou Municipality by the Company for the development of the Erf, Bitou Municipality
informed the Company that a specific condition was imposed by the Bitou Municipality
pertaining to the development of the Erf that reads as follows:

*"That a Site Development Plan for the 2 Residential Zone II stands (with a maximum of 6 units
on Erf 57, to be limited to areas less steep than 25%, and 18 units on Erf 56, provided that the
Municipal Council may reconsider this density upon receipt of the Site Development Plan) be
submitted for consideration by the Municipality prior to building plan approval, and that
previous evidence of potential geological instability (as was experienced with slippage of the*

N2) be specifically addressed by a suitably qualified geotechnical professional (this investigation should also include Erven 23 and 24)";

AND WHEREAS the Company has elected to mitigate its damages, without prejudice of its rights pertaining to payment to Bitou Municipality for rates, taxes and availability charges paid by the Company;

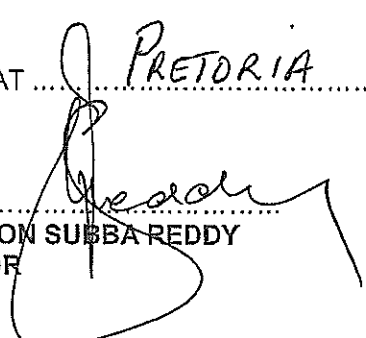
NOW THEREFORE it is resolved that:

1. The Company makes application to the Bitou Municipality for an amendment of the aforesaid condition imposed to delete therefrom the words "to be limited to areas less steep than 25%";
2. That the Company instruct Mr Newton van der Mescht of the firm HDRS Attorneys Incorporated, Suite 27, Melville's Corner, Plettenberg Bay, to sign all documents and do all such things necessary to make and motivate the application in Resolution 1;
3. This Resolution may be signed in counterparts. The signature by either party of a counterpart of this Resolution shall be as effective as if that party had signed the same document as the other party. A counterpart of this Resolution sent by electronic mail shall be conclusive evidence of the original signature and shall be as effective in law as the counterparts in original form showing the original signatures.

SIGNED AT PRETORIA ON THE 1ST DAY OF August 2024


MARIO JOSE ANDRADE FERREIRA
DIRECTOR

SIGNED AT PRETORIA ON THE 1ST DAY OF August 2024


PRAGASON SUBBA REDDY
DIRECTOR