LAND USE MANAGEMENT: ETHEKWINI MUNICIPAL LAND USE SCHEME: OUTER WEST SUB-SCHEME

Ground Floor, 22 Delamore Road, Hillcrest, Tel: (031) 311- 2763

APPLICATION NO: LUMS202609150003/OW

APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS OF PORTION 1 OF PORTION 1087 (OF 247) OF THE FARM ALBINIA NO. 957 AND REMAINDER OF PORTION 247 (OF 246) OF THE FARM ALBINIA NO. 957 SITUATED AT 11 AND 11A DELAMORE ROAD, HILLDENE, HILLCREST BY THE DELETION OF CONDITIONS TO TITLE DEED FROM DEED OF TRANSFER NO. T67707/2025 CONDITIONS C2 AND D2

Date Application Advertised: 09 October 2026

Date Application Closes for objections: 09 November 2026

Members of the public are invited to lodge written objections as follows:

To the Manager Land Use Management Branch Outer West Sub-Scheme Region, Land Use Management Branch,

- Ground Floor, 22 Delamore Road, Hillcrest, or by
- Registered post to P O Box 680, Durban, 4000, or by
- e-mail to **Phumzile.Khuzwayo@durban.gov.za**, Tel No. **031-311 2762**
- Outer West Regional Office Telephone No. **031 311 2763**.

NB: An objection MUST comply with the provisions of Section 36(3) & (4) of the eThekwini Municipality Planning and Land Use Management Second Amendment By-Law, 2021 which states that: An objection must contain the following information—

(3)(a) the name and physical address of the person making the objection;
(b) the address at which the person shall receive service of any notice, which may include a facsimile or e-mail address;
(c) the interest of the person in the application;
(d) the reason for the objection; and
(e) the reason for any request made for an extension of the period for the submission of objections.

(4) An objection that fails to meet the above requirements will be deemed invalid.

APPLICANTS DETAILS:

Applicant (Name & address): **ZU Designs, 18 Wandsbeck Road, Westville,**

3629

Applicant's Tel. No: **+27 83 655 2213**

Email address: **planning@zudesigns.co.za**

SUBMISSION TO THE eTHEKWINI MUNICIPALITY

DEVELOPMENT AND PLANNING DEPARTMENT

APPLICATION IN TERMS OF THE ETHEKWINI MUNICIPALITY PLANNING AND LAND USE MANAGEMENT SECOND AMENDMENT BY-LAW, 2021 (NOTICE 95 OF 2021): FOR REMOVAL OF A RESTRICTIVE TITLE DEED CONDITION LOCATED AT 11/11a DELAMORE ROAD, HILLCREST PORTION 1087 (OF 247) & REMAINDER OF 247 (OF 246) OF THE FARM ALBINIA NO 957

JUNE 2026

CONTACT DETAILS

ZU DESIGNS

(083) 655-2213

18 WANDSBECK ROAD

WESTVILLE

3629

planning@zudesigns.co.za

CONTENTS

Page

A INTRODUCTION …… 4

B DEVELOPMENT PROPOSAL ……4

C EXISTING LANDUSE ……6

D EXISTING SUB-DIVISIONAL LAYOUT ……..8

E SERVICES ……9

F TOWN PLANNING CONTEXT ……9

G MOTIVATION ……... 12

H SUMMARY & RECOMMENDATION …… 17

LIST OF ANNEXURES

1. **Locality Plan**
2. **Aerial Photograph**
3. **Existing Zoning**
4. **Land Use**
5. **Title Deeds & Letter of Authority**
6. **Conveyancers Certificate**

A. INTRODUCTION

SAGEPROP INVESTMENTS (PTY) LTD (hereafter referred to as the land-owner) are the registered owners of two notarially tied office properties located at 11/11a Delamore Road, Hillcrest. The land-owner wishes to submit plans for an upgrade to the buildings on the site, however the title deeds contain restrictive conditions that preclude the use of the site for business purposes. In order to address this, an application for the removal of restrictive title deed conditions is required to be undertaken. The land-owner has therefore instructed Zu Designs (hereafter referred to as the applicant) to submit an application on their behalf, in terms of the Ethekweni Municipality Planning & Land Use Management Second Amendment By-Law, 2021 (Notice 95 of 2021). The application is therefore lodged as per Section 28.

The sites are registered as Portion 1087 (of 247) & Remainder of 247 (of 246) of The Farm Albinia No 957 and can be located by means of the attached Locality Plan (Annexure 1). The application sites total 4855 m^2 in extent and are covered by a Transition Zone 1 zoning.

B. DEVELOPMENT PROPOSAL

The property was successfully rezoned to Suburban Office (now changed to Transition Zone 1), in 2007. At that time the owners never undertook an application to remove certain restrictive conditions that are contained within the title deeds.

The land-owner is proposing to undertake renovations and improvements to the existing office structure. It should be noted that the regulations pertaining to the Transition Zone 1 limit the development to 2 storey office units which will need to

take on the external characteristics of a residential structure and the zoning also permits the operation of a restaurant not exceeding 150m^2 as a free entry use.

The following conditions are found in the title deeds that present an issue with regards to the approval of plans relating to business activities.

Portion 1087 (of 247) of the farm Albinia No 957
(c) Subject to the following conditions created in Deed of Trust No 8498/1941:

1. *Only buildings of brick, stone, concrete, and other similar construction shall be erected on the land.*
2. ***The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.***
3. *That no subdivision of the land shall be permitted of an area less than 2 023 square metres in extent.*

Remainder of Portion 247 (of 246) of the farm Albinia No 957

(d) Subject to the following conditions created in Deed of Transfer No 6496/1941:

1. *Only buildings of brick, stone, concrete, and other similar construction shall be erected on the land.*
2. ***The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.***
3. *That no subdivision of the land shall be permitted of an area less than 2 023 square metres in extent.*

Status of the Conditions

Following the implimentation of the KZN Planning and Development Act 6 of 2008, certain categories of restrictive condition fell away automatically by operation of that Act, conditions (c)1, (c)3, (d)1 and (d)3 are among those that were automatically removed, being either building regulation-type conditions

superseded by scheme controls, or conditions originally imposed by the Administrator under Ordinance 10/1934 which no longer have force.

The exception is condition (c)2 and (d)2, being the prohibition on residential use and any business purpose whatsoever, which, being a private condition created in a deed of trust, rather than one imposed by a public authority, do not fall away automatically and require formal removal by way of a Bylaw application. It is thise condition that LUMS has identified as being the obstacle to the approval of the building plans.

C. EXISTING LAND USE

The application site contains a single residential structure that has been converted to office use. To the North are commercial and office uses whilst to the South, west and east are residential uses.

A VIEW OF THE EXISTING BUILDINGS

A VIEW LOOKING WEST ON DELAMORE RD (APPLICATION SITE ON THE LEFT)

A VIEW LOOKING NORTH ON WARRIOR RD (APPLICATION SITE ON THE RIGHT)

AN AERIAL VIEW OF THE SITE

D. EXISTING SUB-DIVISIONAL LAYOUT & DEEDS

The existing sub-divisional layout is registered, and the deed of transfer T67707/2025 is attached. As has been noted, there are restrictive conditions evident in the Deeds that require removal thereof. These being:-

On Portion 1087 (of 247) of the farm Albinia No 957

(c) Subject to the following conditions created in Deed of Trust No 8498/1941:

2. ***The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.***

AND

On *Remainder of Portion 247 (of 246) of the farm Albinia No 957*

(d) Subject to the following conditions created in Deed of Transfer No 6496/1941:

2. ***The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.***

And the said Albert Edward Gillitt, Clifton Hill Gillitt and the Hillcrest Properties Limited, or their respective successors in title to the Remainder, shall at any time be entitled to enforce the observance of these conditions by process of ejectment, perpetual interdict or otherwise howsoever.

As these conditions are imposed in favour of a private entity, as per above, an application is required in terms of the bylaws for the removal thereof.

A conveyancers certificate is attached to the application as per the Bylaw requirement. The motivation for the removal of the above conditions will be addressed in Section G of this application.

E. SERVICES

The existing offices are already serviced and any plans lodged will need to comply with the municipal servicing requirements.

F. TOWN PLANNING CONTEXT

The site is zoned as Transition Zone 1 as per the Outer West Sub-Scheme, the controls are as below.

SCHEME INTENTION: A zone which provides for office development as the primary development focus in suburban and peripheral locations adjacent to shopping centres or a mixed-use core or as independent zones

PRIMARY USES

- Dwelling House
- Convention Centre
- Crèche *

- Health & Beauty Clinic
- Multiple Unit Development
- Office
- Office – Medical *
- Restaurant / Fast Food Outlet
- Retirement Centre

SPECIAL CONSENT USES

- Conservation area
- Educational Establishment
- Garden Nursery
- Health Studio
- Parkade
- Place of Public Worship
- Private Open Space
- Special Building
- telecommunications infrastructure
- Veterinary Clinic

ADDITIONAL CONTROLS

1. Accommodation for motor vehicles to be provided on the erf as per Section 8
2. *Office-Medical and Crèche by Special Consent only in respect of Erf 472, Portion 1 of Erf 476, Remainder of Erf 476, Portion 1 of Erf 477, Remainder of Erf 477, Erf 479 and Erf 459, all of Gillitts.
3. Subject to the provision of a sewerage disposal system to the satisfaction of the Municipality.
4. Landscaping of any site zoned for office purposes shall be to the satisfaction of the Municipality, taking into account the location of the office zone.

5. The building shall, in the opinion of the Council always conform in its external appearance to the definition of a dwelling house as contained in the scheme.

6. Any alterations or additions affecting the exterior of the existing building or demolition of the existing building shall be by Special Consent, provided that the Council may waive compliance with the Special Consent procedure with the written consent of the registered owners of each adjoining property first being obtained.

7. A Motor Display area is permitted by Special Consent on Portion 1232 (of 370) of the farm Albinia no 957. A Special Consent for the Motor Display area is not transferable to a new owner of the property. This additional control shall lapse should the Motor Display Area land use be discontinued.

8. A Restaurant / Fast Food Outlet is freely permitted when ancillary to an Office and may exceed a Floor Area of 150 m² in extent with Special Consent.

The town planning controls applicable to the site are:

Zoning:	Transition Zone 1
Minimum Plot Size:	1800m^2
Controls:	30% coverage
Bulk:	0.35
Height:	2 Floors

Development permissible

Lot Size:	4855 m^2
Coverage:	Permitted 1 456.5m^2
Bulk:	Permitted 1 699.25m^2
Height:	2 Floors

G. MOTIVATION

The critical areas of consideration in this application would be:-

- Legal aspects
- Reasons for the conditions to have been originally included and responses thereto.

LEGAL ASPECTS – This application is made in terms of the follow section of the Bylaws.

CHAPTER 8 - 28. Category 3 land development applications.—*(1) A Category 3 application must be considered and decided upon by the Head: Provided that where an objection has been lodged during the public participation process in respect of an application for the rezoning of land contemplated in subsection 2 (f), the Tribunal must consider and decide upon such application.*

(2) A category 3 application includes—

(a) a special consent application;

(b) an application for subdivision;

(c) an application for consolidation;

[Para. (c) substituted by MN 95 in PG 2327 dated 7 October 2021.]

(d) an application for a township establishment;

(e) an application for the closure of roads and public open spaces;

(f) an application for the rezoning of land which is in line with the Municipal Spatial Development Framework;

(g) an application for the removal, amendment or suspension of a restrictive condition;

(h) an application for the development of land outside of a land use scheme; and

(i) a combined application, which includes one or more of the land development uses set out in (a) to (h) above as well as any land uses falling within category 4 land development applications.

(j) a non material amendment.
[Para. (j) inserted by MN 95 in PG 2327 dated 7 October 2021.]

CHAPTER 9 -32. Types of land development applications which require public participation.*—(1) An applicant must give public notice of a land development application in the manner stipulated in this chapter for the following types of applications—*
(a) special consent applications;
(b) zoning and re-zoning applications;
(c) removal, amendment or suspension of restrictive conditions applications;
(d) closure of roads and public open spaces; and
(e) any Category 2 application.

The above processes outline the legal framework that needs to be undertaken in order to gain approval for the removal of a restriction condition of title deed. This application has been undertaken in compliance with the aforesaid conditions.

REASONS FOR THE CONDITIONS TO HAVE BEEN ORIGINALLY INCLUDED AND RESPONSES THERETO – The conditions in favour of the private entities was put into effect in 1941 when areas such as where the application site is located, were largely semi agricultural and smallholding uses and, due to the typical rural development found in the area, it was deemed problematic to allow business uses to be developed. This is now no longer the case, with the spread of the urban area and improvements in infrastructure.

With respect to the said clauses, it should be noted that these clauses were written in 1941, in favour of Albert Edward Gillitt, Clifton Hill Gillitt and the Hillcrest Properties Limited, or their respective successors in title to the Remainder. The Remainder as identified in 1941 would now have been

subdivided a multitude of times, each time with a new successor in title being registered. This makes it virtually impossible to track down 85 years of subdivisions and transfers of properties. The Hillcrest Properties Limited is also a defunct entity thereby making it impossible to engage with them in this respect. Based upon the above it would then appear that the only process to remove these conditions is by way of a Bylaw application wherein public notification processes are employed.

Further to this it should be noted that the subject properties were successfully rezoned via a public process, as can be seen by the approval of the Transition Zone 1 zoning on the site, thereby indicating that there was no challenge to the business zoning by any of the entities listed in the deeds. It can therefore be argued that the removal of the clauses that don't allow business use on this site will not negatively impact on the prescribed entity or any successors in title, as has been borne out by the successful rezoning of this site.

GENERAL – In terms of the Norms and Standards as per the Spatial Planning and Land Use Management Act, 2013, the following elements are identified;

The Norms and standards must:-

- *Promote and stimulate the effective and equitable functioning of land markets* – This proposal for the removal of the conditions will allow for the development of the site in terms of the framework plan which is designed to stimulate the land markets.
- *Promote land development in locations are sustainable and limit urban sprawl* – This proposed development of the office use is within an established area and has identified with a need within the community thereby assuring its sustainability.

- *Meet the principle of efficiency where it optimizes the use of existing resources and infrastructure* – The application site is within an existing infrastructure and will not require any infrastructural upgrades.

In terms of Section 45 (1) of SPLUMA the following elements are considered in deciding a land development application

45.*(1) A decision maker must, where applicable and not limited to, consider the following when considering and deciding upon any application-*
*(a) the Constitution; *******This application does not compromise the constitutional rights of any persons**

*(b) the Constitutional transformation imperatives and the related duties of organs of state; *******This application adheres to the transformation imperatives as outlined in the corridor plan policy in that it provides for office facilities.**

*(c) the development principles; *******This application reflects the principles as outlined in the corridor plan policy (see above)**

(d) the type of application submitted;

(e) the procedure followed in assessing the application;

*(f) the Integrated Development Plan and Municipal Spatial Development Framework; *******This application adheres to the IDP and Spatial Development principles.**

*(g) the developmental goals and vision of the Municipality; *******This application reflects the Municipalities goals as outlined in the corridor plan.**

*(h) the provisions of the land use scheme; *******The application adheres to the land use scheme in that it utilises an existing land use zoning.**

*(i) the National and Provincial Spatial Development Frameworks; and where applicable Regional Spatial Development Frameworks; *******As above**

(j) the package of plans; ***As above**

(k) any objections or comments lodged in response to the public participation process; ***To follow after process initiated**

(l) any written response lodged by an applicant to objections or comments received; ***To follow after process initiated**

(m) any comments received from internal departments, organs of state and state owned enterprises; ***To follow after process initiated**

(n) the public interest; ***To follow after process initiated**

(o) the state and impact of engineering services, social infrastructure and open space requirements; ***To follow after process initiated**

(p) development charges; ***To follow after process initiated**

(q) the facts and circumstances relevant to the application;

(r) the respective rights and obligations of all those affected by the application;

(s) a planners written evaluation and recommendation;

(t) compliance with environmental legislation and any other applicable legislation dealing with planning and land use management;

(u) recommendations made by the Joint Advisory Committee;

(v) the role and interest of a Traditional Council in the application;

(w) any applicable policy of the Municipality with regards to decision making, planning and land use management;

Whilst a number of the elements above form a part of the process that will follow the submission of the application, it is contended that the critical elements that are required of an application have all been adequately addressed within the application

H. SUMMARY & RECOMMENDATION

This proposal offers an opportunity for the Council to address the constraints on the application site that will limit development opportunities in terms of office and business use.

The applicant therefore requests that favourable consideration be given to the request for the removal of the below conditions from title deeds T67707/2025. These being:-

On Portion 1087 (of 247) of the farm Albinia No 957

(c) Subject to the following conditions created in Deed of Trust No 8498/1941:

2 The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.

AND

On *Remainder of Portion 247 (of 246) of the farm Albinia No 957*

(d) Subject to the following conditions created in Deed of Transfer No 6496/1941:

2 The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.

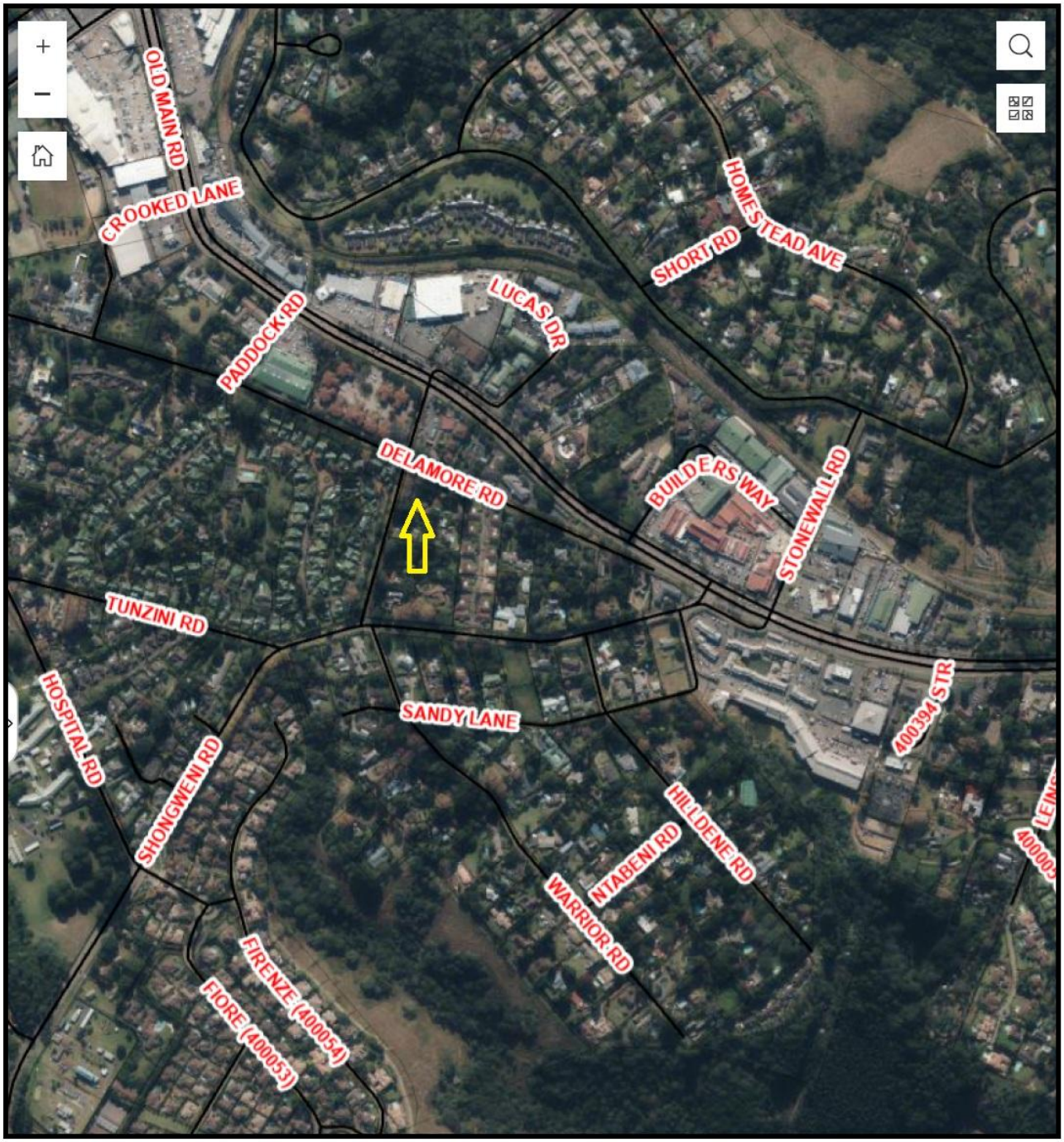
And the said Albert Edward Gillitt, Clifton Hill Gillitt and the Hillcrest Properties Limited, or their respective successors in title to the Remainder, shall at any time be entitled to enforce the observance of these conditions by process of ejectment, perpetual interdict or otherwise howsoever.

All the above located at 11/11a Delamore Road, Hillcrest, otherwise known as Portion 1087 (of 247) & Remainder of 247 (of 246) of The Farm Albinia No 957.

K HARDIE – (ZU DESIGNS) B/060/2010

ANNEXURE 1

LOCALITY PLAN



LOCALITY PLAN

ANNEXURE 2

AERIAL PHOTO

AERIAL VIEW

ANNEXURE 3

EXISTING ZONING

EXISTING ZONING

ANNEXURE 4

LAND USE

COMMERCIAL
COMMERCIAL
COMMERCIAL
6
21
21
RESIDENTIAL
4
11
DELAMORE RD
11A
1
WARRIOR RD
1
RESIDENTIAL
1A
RESIDENTIAL
RESIDENTIAL

LAND USE

ANNEXURE 5

TITLE DEEDS

&

LETTERS OF AUTHORITY

441

R J THORNHILL & COMPANY INC. -
Hillcrest
Suite C3
The Colony
50 Old Main Road
Hillcrest
Tel. +27317051984

Prepared by me

CONVEYANCER
MARCO MAURO MILANESI WHALLEY
(76421)

FEES

	AMOUNT	OFFICE FEE
ANY OTHER REGISTRATION		
PURCHASE PRICE VALUE	R 4 600 000,00	R 2 767,00
MORTGAGE CAPITAL AMOUNT	R	R
REASON FOR EXEMPTION	CATEGORY	EXEMPT IN TERMS OF SECTION ...ACT...

T 000067707 / 2025

DEED OF TRANSFER

15 OCT 2025

BE IT HEREBY MADE KNOWN THAT **SIMONNE NURSE**
(72915)

appeared before me, the Registrar of Deeds: KwaZulu Natal at Pietermaritzburg, the said appearer, being duly authorised thereto by a power of attorney granted to him by

WAZI INVESTMENTS PROPRIETARY LIMITED
Registration Number 2003/002438/07

signed at **HILLCREST** on **24 OCTOBER 2024**

And the said appearer declared that the Transferor had truly and legally sold the undermentioned properties on 29 June 2024 by Private Treaty and that he/she in his/her capacity aforesaid, did by these presents, cede and transfer to and on behalf of

SAGEPROP INVESTMENTS PROPRIETARY LIMITED
Registration Number 2024/328257/07

its successors in title or assigns, in full and free property

1. PORTION 1087 (OF 247) OF THE FARM ALBINIA 957, REGISTRATION DIVISION FT, PROVINCE OF KWAZULU-NATAL

   IN EXTENT 2034 (TWO THOUSAND AND THIRTY FOUR) SQUARE METRES

   FIRST TRANSFERRED BY DEED OF TRANSFER NO. T36085/1997 WITH DIAGRAM SG NUMBER 1234/1996 ANNEXED THERETO AND HELD BY DEED OF TRANSFER T3088/2005

THIS PROPERTY IS TRANSFERRED:

(a) Subject to such of the terms and conditions of the original Government Grant Number 957 dated 7 October 1869 as are now in force and applicable.

(b) With the use of all Roads and Rights of Way laid off over the Remainder of Hillcrest as shown on the Plan annexed to the diagram thereof and as created in Deed of Transfer Number T6496/1941.

(c) Subject to the following conditions created in said Deed of Transfer No. 6496/1941, namely:

   1. Only buildings of brick, stone, concrete and other similar construction shall be erected on the land.

   2. The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.

   3. That no subdivision of the land shall be permitted of an area less than 2 023 square metres in extent.

   And the said Albert Edward Gillitt, Clifton Hill Gillitt and the Hillcrest Properties Limited, or their respective successors in title to the Remainder, shall at any time be entitled to enforce the observance of these conditions by process of ejectment, perpetual interdict or otherwise howsoever.

(d) Subject to the following condition imposed by the Minister in terms of Ordinance Number 27 of 1949, as amended, as created in Deed of Transfer Number T36085/1997 -

   (a) The land shall be subject to a servitude for the provision of storm-water drainage, water supply, irrigation, sewerage, electricity, gas and/or fuel supply, telecommunications, radio and television services, over or under the land, along any boundary thereof, other than a road frontage and within a distance of 2 metres from such boundary. Reasonable access shall be provided to such servitude, at

all times, for the purpose of installation, maintenance, removal or extension of such services.
The owner of the land shall without compensation be obliged to allow the servicing of any other land or street to be conveyed along such servitude; provided that if the owner of the land be aggrieved by the unreasonable exercise of these rights, he shall have the right of appeal to the Minister whose decision shall be final. Maintenance shall include cutting, trimming or otherwise dealing with vegetation so as to prevent interference with any service. The rights conferred by this condition shall be exercisable by a Regional Services Council, the local authority or any other body or person legally authorised to provide such services for the benefit of the inhabitants of the township.

(e) With the benefit of a restraint over Rem of Portion 62 (of 6) of the Farm Albinia No. 957, as created in Notarial Deed No. K1390/2000S.

2. REMAINDER OF PORTION 247 (OF 246) OF THE FARM ALBINIA 957, REGISTRATION DIVISION FT, PROVINCE OF KWAZULU-NATAL

IN EXTENT 2821 (TWO THOUSAND EIGHT HUNDRED AND TWENTY ONE) SQUARE METRES

FIRST TRANSFERRED BY DEED OF TRANSFER NUMBER T8816/1948 WITH DIAGRAM ANNEXED THERETO AND HELD BY DEED OF TRANSFER NUMBER T3089/2005

THIS PROPERTY IS TRANSFERRED:

(a) Subject to such of the terms and conditions of the original Government Grant Number 957 dated 7 October 1869, as are now in force and applicable.

(b) Subject to a servitude Road lettered ABFGHE on the diagram of Sub 247 in favour of the Hill Crest Health Committee, as imposed by the Administrator of the Province of Natal, in terms of Ordinance 10/1934, as created in Deed of Transfer No. T8816/1948.

(c) With the use of all Roads and Rights of Way laid off over the Remainder of Hillcrest as shown on the Plan annexed to the diagram thereof and as created in Deed of Transfer Number T6496/1941.

(d) Subject to the following conditions created in said Deed of Transfer No. 6496/1941, namely:

1. Only buildings of brick, stone, concrete and other similar construction shall be erected on the land.

2. The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever.

3. That no subdivision of the land shall be permitted of an area less than 2 023 square metres in extent.

And the said Albert Edward Gillitt, Clifton Hill Gillitt and the Hillcrest Properties Limited, or their respective successors in title to the Remainder, shall at any time be entitled to

enforce the observance of these conditions by process of ejectment, perpetual interdict or otherwise howsoever.

(e) Subject to the following condition imposed by the Minister in terms of Ordinance Number 27 of 1949 and created in terms of an Application in terms of Section 3 Act 10/1944 and created by Deed of Servitude No. K1290/1997 -

(a) The land shall be subject to a servitude for the provision of stormwater drainage, water supply, irrigation, sewerage, electricity, gas and/or fuel supply, telecommunications, radio and television services, over or under the land, along any boundary thereof, other than a road frontage and within a distance of 2 metres from such boundary. Reasonable access shall be provided to such servitude, at all times, for the purpose of installation, maintenance, removal or extension of such services.
The owner of the land shall without compensation be obliged to allow the servicing of any other land or street to be conveyed along such servitude; provided that if the owner of the land be aggrieved by the unreasonable exercise of these rights, he shall have the right of appeal to the Minister whose decision shall be final. Maintenance shall include cutting, trimming or otherwise dealing with vegetation so as to prevent interference with any service. The right conferred by this condition shall be exercised by a Regional Services Council, the local authority or any other body or person legally authorised to provide such services for the benefit of the inhabitants of the township.

(b) With the benefit of a restraint over Rem of Portion 62 (of 6) of the Farm Albinia No. 957, as created in Notarial Deed No. K1390/2000S.

WHEREFORE the appearer, renouncing all the rights and title the said

WAZI INVESTMENTS PROPRIETARY LIMITED

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

SAGEPROP INVESTMENTS PROPRIETARY LIMITED

its successors in title or assigns, now is and henceforth shall be entitled thereto, conformably to local customs; the State, however, reserving its rights, and finally acknowledging that the purchase price is the amount of R4 600 000,00 (Four Million Six Hundred Thousand Rand).

IN WITNESS WHEREOF I, the said Registrar, together with the appearer, have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds: KwaZulu Natal at Pietermaritzburg on

15 OCT 2025

Signature of appearer c.o.

In my presence

Registrar of Deeds

SAGEPROP INVESTMENTS (PTY)LTD

Reg no: 2024/328257/07

23 Stafford Road

Westville
3610

Dated 05 August 2026

To whom it may concern

RE : PORTION 1087(OF 247) OF THE FARM ALBINIA 957, REGISTRATION DIVISION FT, PROVINCE OF KWAZULU NATAL
REMAINDER OF PORTION 247 (OF 246) OF THE FARM ALBINIA 957,REGISTRATION DIVISION FT, PROVINCE OF KWAZULU NATAL
TITLE DEED NUMBER 000067707/2005

This is to confirm that the above mentioned properties have been purchased free of bond

PRAGASAN ARMUGA

MONICA ARMUGA

DIRECTORS: P ARMUGA , M ARMUGA

OFFICE COPY

SUB-DIVISIONAL DIAGRAM
Sect. 24 (b), Act No. 9 of 1927

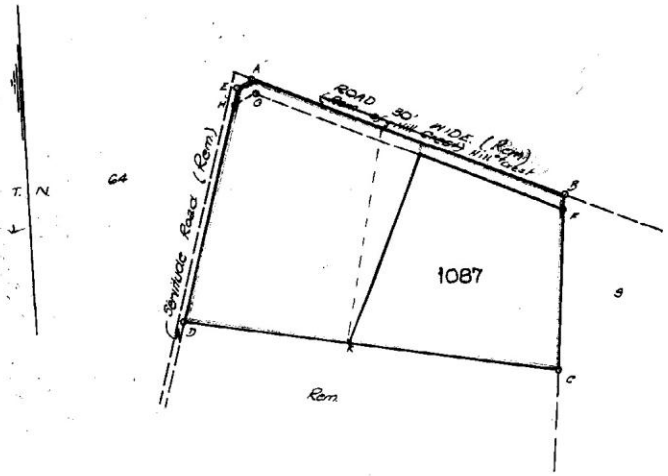
S.G.No. 2479/48

Approved

Surveyor General.
- 8 - 5 - 1948

	SIDES. ENGLISH FEET		ANGLES OF ~~DIRECTION~~	CO-ORDINATES Y	X
AB	275 · 24	A	130 · 59 · 40		
BC	145 · 00	B	108 · 2 · 10		
CD	309 · 37	C	85 · 26 · 30		
DE	202 · 00	D	84 · 27 · 30		
EA	13 · 12	E	131 · 4 · 10		
BF	10 · 52	BFG	71 · 57 · 50		
FG	272 · 08	FGH	228 · 57 · 50		
GH	19 · 69	GHE	48 · 58 · 20		
HE	15 · 09				

The figure ABFGHE represents a Servitude Road.



Description of Beacons.
ABE: ¾" pipes.
CDFGH: ½" x 18" iron pipes.

Reg. Div. FT

X NOW REGISTERED AS SUB. 247 (of 246)
OF THE FARM Albinia No. 957

125 0 125 250 375 ENG. FEET
SCALE, 1 IN. 125D.

The Figure ABCDE

represents 1·1396 Acres. of Land being

X Sub. 247 (a Sub of 246) ~~Sub. 1 of Sub of the Rest~~ of the farm Albinia No. 957

situate in the County of Durban Province of Natal.

Surveyed in February 1948 by me,

C. C. Hoole. Land Surveyor.

This Diagram relates to D/T No. 8816/1948 d.d. 1.9.48 (Sgd) E. Hogan. Registrar of Deeds.	Original Diagram is S.G. No. 2478/1948 relating to Deed of No.	File No. 270/13 Survey Records 284/1948 Tracing Degree Sheet 59 Compilation 70×7 General Plan FT·8B·CA

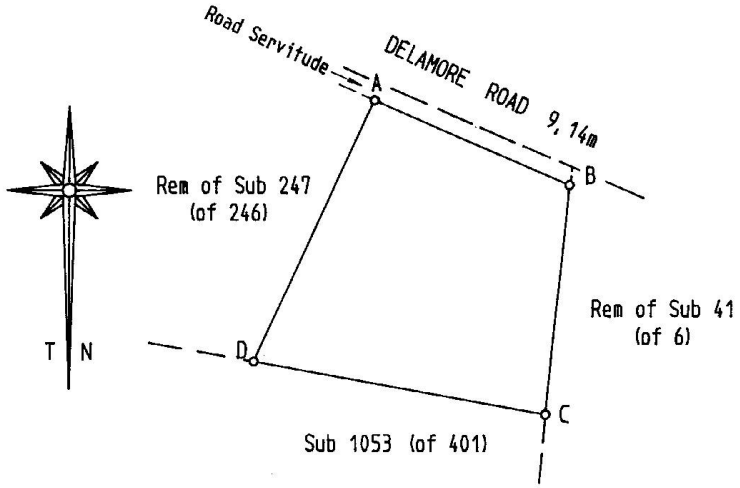
S.S. 938 J. C. S. & Co.

SUB-DIVISIONAL DIAGRAM

SIDES Metres		ANGLES OF DIRECTION	CO-ORDINATES Y System LO 31° Approx. X		
		Constants		+20 000,00	+3290 000,00
AB	37,59	293 41 10	A	+ 2 428,70	+ 6 136,80
BC	40,96	5 41 30	B	+ 2 394,28	+ 6 151,90
CD	52,50	100 13 00	C	+ 2 398,34	+ 6 192,66
DA	51,20	204 36 00	D	+ 2 450,01	+ 6 183,35

S. G. No.
1234/1996
Approved
for Surveyor-General
1996 -05- 08
PTB 101564

BEACON DESCRIPTION
12mm iron pipe : A, B, D
12mm iron pipe in concrete : C



Scale 1:1000

The figure A B C D represents 2034 square metres of land being

SUB 1087 (OF 247) OF THE FARM ALBINIA No. 957

Situate in the Township of Hillcrest, Administrative District of Natal
Province of KwaZulu - Natal

Surveyed in July 1995 and March 1996
by me

M. S. LATSKY
Registration No. PLS 0957 Professional Land Surveyor

BUTTON and O'CONNOR Professional Land Surveyors

SURVEYOR GENERAL'S OFFICE NATAL 1996 -05- 10 Fees Paid

Reg. Div. FT

This diagram relates to No.	The original diagram is	File No.
D/T 36085/1997	S. G. No. 2479/1948	957-VOL VI
Registrar of Deeds	Transfer No. 8816/1948	S. R. No. 505|1996
		Comp. FT- 8B - 6A

SAGEPROP INVESTMENTS (PTY) LTD

23 Stafford Road, Cowies Hill, Westville
Registration No: 2024/328257/07
Email: parmuga@gmail.com

Mr Keith Hardie

Zu Designs

18 Wandsbeck Road

Westville

3629

LETTER OF AUTHORITY

This serves to confirm that the following members of the company as listed below have granted Keith Hardie of Zu Designs ther authority to sign the application forms and to undertake a Removal of Title Deed Restriction application on our behalf on:

ADDRESS: 11/11a Delamore Rd, Hillcrest

REGISTERED NAME OF COMPANY: Sageprop Investments (Pty) Ltd

Member:

Name in full: PRAGASAN ARMUGA

ID Number: 6802165216087

Signature:

Member:

Name in full: MANICK BOBBY ARMUGA

ID Number: 7510110234081

Signature:

Date: 1/10/2026

CERTIFIED A TRUE COPY
01/10/2026
NIRAKASHA SOOKRAJ
CHARTERED ACCOUNTANT (SA)
COMMISSIONER OF OATHS
SAICA: 20005312
30 Brearle Road, New Pier 2, Bayhead, 4001
Durban, Kwazulu-Natal

Directors P Armuga/M Armuga

Certificate issued by the Companies and Intellectual Property Commission on Tuesday, June 04, 2024 12:57

Disclosure

Companies and Intellectual Property Commission

Enterprise Number	2024 / 328257 / 07
Enterprise Name	SAGEPROP INVESTMENTS (PTY) LTD

Registration number	**2024 / 328257 / 07**
Enterprise name	**SAGEPROP INVESTMENTS (PTY) LTD**
Enterprise shortened name	**NOT APPLICABLE**
Enterprise translated name	**NOT APPLICABLE**
Registration date	**04/06/2024**
Business start date	**04/06/2024**
Enterprise type	**PRIVATE COMPANY**
Enterprise status	**IN BUSINESS**
Financial year end	**FEBRUARY**
Type of MOI	**STANDARD (COR15.1A)**
Main business/main object	**BUSINESS ACTIVITIES NOT RESTRICTED.**

CERTIFIED A TRUE COPY
04/10/2024
NIRAKASHA SOOKRAJ
CHARTERED ACCOUNTANT (SA)
COMMISSIONER OF OATHS
SAICA: 20005312
30 Tweedie Road, New Pier 2, Bayhead, 4001
Durban, Kwazulu-Natal

Addresses	Postal Address	Address of Registered Office
	23 STAFFORD ROAD	**23 STAFFORD ROAD**
	WESTVILLE	**WESTVILLE**
	DURBAN	**DURBAN**
	KWA-ZULU NATAL	**KWA-ZULU NATAL**
	3620	**3620**

Company Location of Records	**23 STAFFORD ROAD**
	WESTVILLE
	DURBAN
	KWA-ZULU NATAL
	3620

Directors

Surname and first names	Status	ID number or date of birth	Director type	Appointment date	Addresses
ARMUGA, MONICA BOBBY	ACTIVE	7510110024081	DIRECTOR	04/06/2024	**Postal** 23 STAFFORD ROAD, WESTVILLE, DURBAN, KWA-ZULU NATAL, 3620 **Residential** 23 STAFFORD ROAD, WESTVILLE, DURBAN, KWA-ZULU NATAL, 3620

The Companies and Intellectual Property Commission of South Africa
P.O. Box 429, Pretoria, 0001, Republic of South Africa
Docex 256, Pretoria
Contact centre: 086 100 2472
www.cipc.co.za

9

ANNEXURE 6

CONVEYANCERS CERTIFICATE

CONVEYANCER'S CERTIFICATE

I, GENEVIEVE CANDICE MUNIEN-GOVENDER (73318), the undersigned Conveyancer of Durban, KwaZulu-Natal, do hereby certify that:

1. I have examined Title Deed No. **T67707/2025** in respect of

   PORTION 1087 (OF 247) OF THE FARM ALBINIA 957

   REGISTRATION DIVISION FT

   PROVINCE OF KWAZULU-NATAL

   IN EXTENT 2034 (TWO THOUSAND AND THIRTY-FOUR) Square Metres

   Wherein **SAGEPROP INVESTMENTS PROPRIETARY LIMITED** Registration number 2024/328257/07 is the registered owner.

   And which contains the following restrictive condition:

   "(c) Subject to the following conditions created in Deed of Transfer No 6496/1941, namely:

   2. The land shall be occupied for residential purposes only and shall not be used for any business purposes whatsoever."

2. I have examined Title Deed No. **T67707/2025** in respect of

   REMAINDER OF PORTION 247 (OF 246) OF THE FARM ALBINIA 957

   REGISTRATION DIVISION FT

   PROVINCE OF KWAZULU-NATAL

   IN EXTENT 2821 (TWO THOUSAND EIGHT HUNDRED AND TWENTY-ONE) Square Metres

   Wherein **SAGEPROP INVESTMENTS PROPRIETARY LIMITED** Registration number 2024/328257/07 is the registered owner.

   And which contains the following restrictive condition:

SAGEPROP INVESTMENTS (PTY)LTD

Reg no: 2024/328257/07

23 Stafford Road

Westville
3610

Dated 05 August 2026

To whom it may concern

RE : PORTION 1087(OF 247) OF THE FARM ALBINIA 957, REGISTRATION DIVISION FT, PROVINCE OF KWAZULU NATAL
REMAINDER OF PORTION 247 (OF 246) OF THE FARM ALBINIA 957,REGISTRATION DIVISION FT, PROVINCE OF KWAZULU NATAL
TITLE DEED NUMBER 000067707/2005

This is to confirm that the above mentioned properties have been purchased free of bond

PRAGASAN ARMUGA

MONICA ARMUGA