

1196

9 Bergvliet Farm Estate 2
9 Manor Avenue
Bergvliet
7945

My Ref: 1194SUBDVN

Application No: 70361112

The Manager: Transport & Urban Development Authority (TDA)
City of Cape Town
Private Bag X5
Plumstead 7801

Dear Sir

Objection to Proposed Deletion of Title Deed Conditions, Subdivision and Departures: Erf 1194 Bergvliet at 11 Timber Way

I, Lesley Mae Low, am the owner of Erf 1935, a property on Bergvliet Farm Estate 2 which is situated directly to the South of Erf 1194.

I am in receipt of your letter dated 15 February 2018 advising of the application for subdivision of Erf 1194 and calling for objections to or comments on the proposal. This letter serves to document my objections to this Subdivision Application, based on the following:-

1. The Negative Impact the Proposal will have on the Surrounding Properties

The application requires additional rights to be granted to the applicant which will have no benefit for the existing surrounding owners. Two of the proposed plot sizes are more than 100 sq metres smaller than the neighbouring Bergvliet Farm Estate 2 properties. A third plot is approximately 50 sq metres smaller. Consequently, the proposed new double story houses require significant setback departures, resulting in their overlooking the abutting properties. The subdivision into four portions creates an awkward and forced layout which is unsympathetic to the local area and would appear to be motivated only to extract maximum value regardless of the impact on the neighbouring properties.

2. The Impact on Existing Rights

1197

In terms of Section 99 2 (e) of the By-Law, the Council is required to consider existing rights when adjudicating an application.

This application has significant impacts on existing rights, as it will reduce the current common boundary building lines from 3 metres to 0,5 metres, for the proposed portions, up to 12 metres from the street boundaries. This will materially reduce the privacy of the abutting properties.

3. The Application Contains Incorrect Information

Section 73 (1) (c) of the Development Management Scheme (DMS) states that the City must refuse to accept an application if "... (the application) contains manifest incorrect information."

I believe that the motivation report contains manifest incorrect information as follows:

- Page 12 point 5.4: the application states the *"appearance of the property from the streetscape will remain the same. Although the erf sizes will be smaller, the property will still appear as it does currently."*
This is patently incorrect as three additional double story dwellings are proposed for the site which will have substantial impact on the streetscape.
- Page 13 point 5.8: the application states that *"The large trees on the property will not be disturbed."*
This statement contradicts the proposed subdivision plan, which indicates that trees are to be removed all over the site. In fact, based on this plan, all trees on the new portions 1, 3 and 4 are to be removed. This will result in a sterile environment for many years.
- Page 13 point 5.10: the applicant states that *"no specific conditions are considered necessary to be imposed as the impact of the subdivision is low."*

This is a subjective opinion – my assessment is that the subdivision impact will be high.

Conclusion

This application is a poor example of subdivision. It does not represent sympathetic densification, but on the contrary, would be reckless infill development to the detriment of all abutting properties.

It is an attempt to extract maximum value from a single residential property for the sole benefit of the developer. This property could more appropriately be subdivided into two portions with far less of a negative impact.

The Council is obliged to consider this application in light of the numerous areas where it is non-compliant, unsympathetic and contradictory. This application should be refused on the basis of the proposed departures.

Yours faithfully

A handwritten signature in black ink, appearing to read "LM Low", written over a horizontal line.

Ms. LM Low

1199

Maureen Mantell
15 Farmside
25 Homestead Avenue
Bergvliet
7945
Cape Town

3 April 2018

Development Management
Cape Town TDA

Dear Sir / Madam

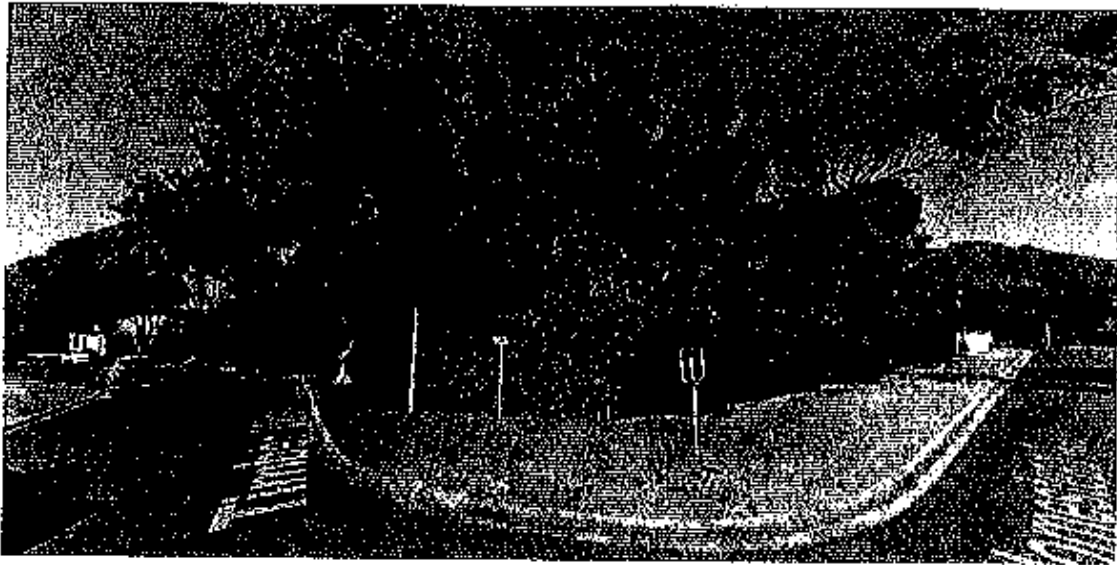
Re: Objection to Application number 70361112. Application for deletion of title deed conditions, deletion of conditions of an existing approval, subdivision and departures in terms of the municipal planning by-law, 2015: erf 1194 Bergvliet, 11 Timber Way.

I live at number 15 Farmside, 25 Homestead Avenue, Bergvliet. My home is one of three properties that share a common boundary with erf 1194 (11 Timber Way).

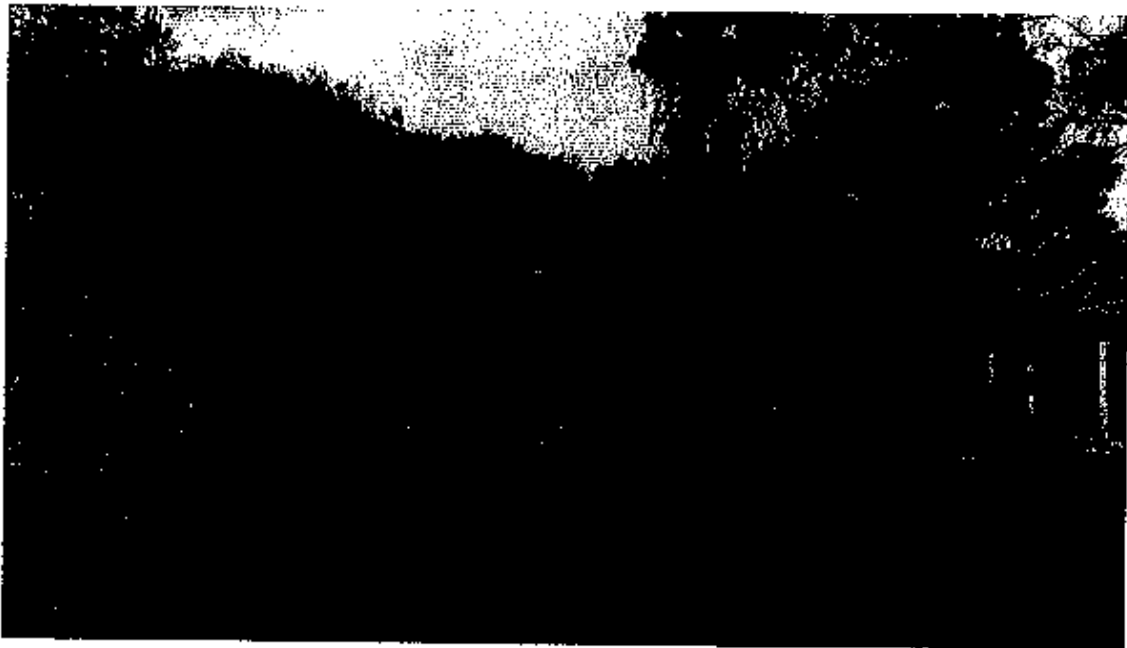
Erf 1194 has a well-established garden with many old and magnificent trees, some of which I am sure were planted at the time that Bergvliet farm was established. The Bergvliet farm complex consists of a Cape Dutch house built in 1769, and a ring wall and outbuildings which were erected towards the mid-19th century. The land originally formed part of the farm Constantia, once owned by Simon van der Stel. It was declared a National Monument under old NMC legislation on 25 October 1982. Erf 1194 is on the corner of this suburban block of land.



The well treed home in the centre of this photo (circled) courtesy of Google is erf 1194 where the request is to remove most if not all of the trees. This will have major impact on the ambience of the neighbourhood and will severely affect the view from my home (black arrow), when I will no longer be looking at green trees, but rather to multiple double storey dwellings.



The well-established garden and trees of erf 1194, situated on the corner of Timber Way and Homestead Avenue, can be appreciated from this street view courtesy of Google. The well treed home in the centre of the photo is erf 1194 where the request is to remove most if not all of the trees.



This is a view of erf 1194 taken from my home. As you can appreciate, I have a very private garden and a very pleasant view of the lovely trees of erf 1194. The developer's request is to remove most if not all of the trees.



This is another view of erf 1194 taken from my home. As you can appreciate, I have a very private garden and a very pleasant view of the lovely trees of erf 1194.

As can be seen from these photos, the character of the neighbourhood is one of established gardens and trees, some of which are hundreds of years old I am sure. I strongly object to the removal of these magnificent trees that add so much character and charm to my home and to the neighbourhood (to be replaced by three double storey dwellings, one of which will be overlooking my garden).

The building of three double storey dwellings, especially with requested building lines, which means the dwellings will be nearer my property than is currently allowed under law, and will be taller than is currently allowed under law, will severely compromise the privacy that I currently enjoy in my home, and which I will find intrusive and unpleasant. For these reasons too, I strongly object to the captioned proposal.

Yours sincerely,

Maureen Mantell

Maureen Mantell

15 Farmside, 25 Homestead Avenue, Bergvliet, 7945, Cape Town.

I may be contacted and notified by email at: mmantell@absamail.co.za

Our ref: Erf 1562, Bergvliet
Your ref: Application No. 70361112 – ERF 1194 BERGVLIET

29 March 2018

The District Manager
Department Planning & Building Development Management
CAPE TOWN

EMAIL: comments_objections.southern@capetown.gov.za

Dear Sir/Madam

OBJECTION: PROPOSED DELETION OF TITLE DEED CONDITIONS, SUBDIVISION AND DEPARTURES FOR ERF 1194, BERGVLIET AT 11 TIMBER WAY

1. We act for Ms Marike Vlantis, the owner of erf 1562, 15 Farmside Road, Bergvliet (referred to further herein as "Erf 1562" and "our client's property" interchangeably).
2. Our instructions are to lodge an objection, as we hereby do, in terms of section 90 of the **City of Cape Town Municipal Planning By-Law, 2015** (the 'MPBL) against the application, submitted under case number 70361112, for:
 - 2.1. the subdivision of erf 1194 Bergvliet, situated at 11 Timber Way ("the subject property") into 4 portions;
 - 2.2. the deletion or amendment of the following conditions, registered against the title deed of the subject property:
 - 2.2.1. the condition that limits the number of dwellings on the subject property;
 - 2.2.2. the condition that limits the permissible coverage on the subject property;
 - 2.2.3. the condition that stipulates certain building lines for the subject property
 - 2.2.4. the condition that prohibits the subdivision of the subject property;
 - 2.2.5. the condition that prohibits the removal of trees from the subject property;
 - 2.3. the departure from the building lines and height restrictions that will apply if the subject property is to be subdivided in accordance with the proposed subdivision plan.
(referred to further herein as "the proposed development")

DU PLESSIS HOFMEYR MALAN INC (Registration Number: 2011/134862/21)
ATTORNEYS • CONVEYANCERS • NOTARIES

DIRECTORS: JP du Plessis B Juris, LLB (UNISA), BPhil & MPhil Sustainability (US) •
CJ Hofmeyr BA LLB (US), LLM (HU-Berlin), LLM Public Law (UCT) • N Malan BA Industrial Psych (US), LLB (UNISA)
CONSULTANT: Adv. AE Erasmus BA LL.B. (UCT) • LL.M Public International Law (Leiden)

Unit No. 12, Paardevlei Specialist Medical Centre, Gardner Williams Avenue, De Beers Precinct, Somerset West, 7130 • PO BOX 70, Somerset Mall, 7137 • Tel: 021 851 0359 • Fax: 021 851 4652

1204

3. Erf 1562 is located directly to the west of the subject property and for reasons to be canvassed in this letter, our client will count amongst a number of people who will be impacted adversely by the proposed development.

4. Our objection is structured as follows:

A: Background

- Contribution of present use of the subject property to amenities on erf 1562 and of the area;
- Impacts on erf 1562 and the area:
 - Undermining the natural character of the area;
 - Undermining the privacy of adjoining properties.

B: Statutory Framework

- The Constitution of the Republic of South Africa, 1996;
- City of Cape Town Municipal Planning By-Law, 2015 (the 'By-Law').

C: Objection

- Introduction
- Desirability
- General

D: CONCLUSION

A: BACKGROUND

Contribution of present use of the subject property to amenities on erf 1562 and of the area

5. Our client bought erf 1562 in June 2014. She was attracted to this property in particular, by the natural park-like character of the area and the privacy the property afforded her, given its location relative to other properties as well as the nature and extent of physical development on neighbouring properties. The large trees on the subject property, towards which her house fronts, further enhanced the amenity of her own property, and because she believed that the only purpose to which the subject property would and could be put was the hosting of one conventional family dwelling, she felt comfortable that these traits would be retained.
6. Even though she did not appreciate it fully then, our client's assumption that the attributes of the subject property just described were legally entrenched, was entirely correct, as the complicated application that is required to allow the subject property to be subdivided and developed, bears testimony to.
7. Whilst the subject property is not small, it is by no means an excessively large erf either, and, especially in light of its current use and the positioning thereon of the existing dwelling, it

was not unreasonable at all for our client to assume that extensive development of the kind now proposed would never occur.

8. Our client did not receive notification of the proposed development herself and obtained a copy from her neighbours. She was in any event shocked to learn of the proposal and wish therefore to record her strongest opposition.
9. It must be stated that because of the peculiar erf configuration and the fact that the layout plans we have been provided with do not show where each of the proposed portions are in relation to adjoining erven, it is very difficult to appreciate fully the impact that the development will have on individual erven surrounding the subject property. This is a concerning aspect, because interested and affected parties are not properly informed of the nature and purpose of the application and are therefore not given a reasonable opportunity to make informed representations. The representations made herein must be viewed against that backdrop.

Impacts on erf 1562 and the area

Undermining the natural character of the area

10. Whilst the applicant states in its motivation report that no trees will be removed as part of the development:
 - 10.1. it is applying to rid the title deed of a condition that prohibits such removal;
 - 10.2. the graphics in the application indicate no trees or landscaping whatsoever on the redeveloped property;
 - 10.3. the subdivision plan that forms part of the application shows clearly that all but possibly one or two of the trees will be removed; and
 - 10.4. we are at a loss to understand how the proposed development can be undertaken without at least the bulk of the trees being removed.
11. Based on the information and the application before the City, it has to be assumed that the trees will be removed, which will nullify completely the important contribution the subject property has made until now to preserving the natural character of the area while still serving its residential function.

Undermining the privacy of adjoining properties

12. Our client currently enjoys absolute privacy in her back yard to the east of their dwelling. Beyond the boundary wall to the east, there is a single residential building, surrounded by mature trees, all of which are visible and contributes to the natural amenity of erf 1562. If the land use rights now sought are approved, the trees will disappear and the air space to the southeast and the northeast will be invaded by double storey manmade structures, at least one of which will allow its inhabitants to look onto and encroach on our client's private space. The feeling of spaciousness and of being in a natural environment, which our client believed, reasonably so, was legally entrenched, will be obliterated.
13. The aesthetically pleasing vegetated corner of Timber and Homestead Avenue will be forever transformed and replaced with a plainly dense residential development. Very few

features have determined the character of this specific area so much as this corner has and the development will change that character irreversibly.

B: STATUTORY FRAMEWORK

14. As we will explain in more detail shortly, the impacts alluded to above are so significant that the City is enjoined by the legislative framework within which it must exercise its discretion, to refuse the application. Before doing so, we will quote in this section the most important statutory provisions for purposes of this objection.

The Constitution of the Republic of South Africa, 1996

15. Section 24: Environment

"Everyone has the right –

- (a) to an environment that is not harmful to their health or well-being
- (b)"

City of Cape Town Municipal Planning By-Law, 2015 (the 'By-Law')

16. Section 99: Criteria for deciding application (Extract only)

(1) An application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements –

- c) the proposed land use must be desirable as contemplated in subsection (3);
and

(3) The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which the proposed land use would be desirable –

- a) Socio-economic impact
- d) Compatibility with surrounding uses
- e) Impact on external engineering services
- f) Impact on safety, health and wellbeing of the surrounding community;
- h) impact on the biophysical environment;

(emphasis added)

C: OBJECTION

Introduction

17. The application before you seeks approvals in terms of a number of different empowering provisions in the MPBL. They are all aimed at the same objective, though, namely the transformation of a single residential property, hosting a single family home in a lush garden

DEHM

du plessis • hofmeyr • malan
legal practitioners

that is an aesthetically pleasing feature of the neighbourhood into a housing complex with four large bulky homes on erven denuded entirely of its existing natural beauty.

18. The negative impacts that the implementation of the proposal will give rise to and that militate against the granting of the approvals relate first and foremost to the desirability of the proposed use. Our focus in this objection will therefore be on the lack of desirability of the proposed development and on the applicant's failure to substantiate its contention that the approval sought will sanction a desirable land use.

Desirability

19. In terms of section 99(1)(c) of the Municipal Planning By-Law (the "MPBL") an application in terms of the MPBL must be refused if the decision-maker is satisfied that the application fails to comply with the minimum threshold requirements set out in *inter alia* subsection (3). Subsection 3 lists the criteria for a land use to be deemed desirable.
20. As soon as non-compliance with the said minimum requirements, including those relating to desirability, is established, the City has no discretion to approve the application, not even subject to conditions; refusal is obligatory.
21. The applicant aptly sought to motivate the proposal with reference to the considerations in subsection (3) of the MPBL. What it failed to do, though, was to provide a convincing motivation in respect of a number of crucial considerations. It is our submission that the proposed development fails to meet the thresholds inherent in a number of those considerations and the application must therefore be refused.
22. In what follows, we will canvass the considerations, which in our considered opinion justifies the refusal of the application. In each instance we will refer you firstly to the submissions the applicant has made in respect thereof, and thereafter we will explain why we differ from the conclusions drawn in the application.

Compatibility with Surrounding Land Uses – MPBL (2015) SECTION 99(3)(b)

- 22.1. The applicant contends that the proposed land use will not have a negative impact on the area, based on *inter alia* the following considerations:
- 22.1.1. The density of the residential land use will be consistent with the surrounding properties as it will allow for a single residential dwelling;
- 22.1.2. The proposed subdivision will not alter the character of the area as it will remain for quiet residential use;
- 22.1.3. The appearance of the property from the streetscape will remain the same. Although erf sizes will be smaller, the property will still appear as it currently does.
- 22.2. Our problem with the motivations given above is that they are at best half-truths and the conclusions are not supported by the information provided to substantiate them.

1208

- 22.3. The applicant appears to say that because the land use will remain residential the density will remain the same purely because the proposal caters for single residential use, as opposed to some other form of residential use. The obvious fallacy in this argument is that larger single residential homes on a group of smaller erven will constitute a more dense development than smaller single residential houses on larger erven. This application is a case in point as it contemplates:
- 22.3.1. A development that will be patently more dense than what is on the same property at the moment;
 - 22.3.2. Land use rights that will allow large double storey houses on erven that are too small to host them without significant deviations from the default development rules.
- 22.4. The applicant argues that because the subdivision "*will remain for quiet residential use*" it will not change the character of the area. This is a gross simplification of what informs the character of an area. Firstly, the character of an area is informed by far more than the broad category of the proposed land use; considerations such as the treatment of existing natural and manmade features, the approach to landscaping, where new landscaping is required, and the proposed architecture and urban design will all play an equally, if not more important role in determining such character. The principle that one residential development where due regard is given to the considerations mentioned above, will have an entirely different character from one where those considerations are ignored, is so obvious that it deserves no further discussion. The application therefore does not substantiate at all the notion that the character of the area will not be impacted negatively. On the other hand, we have pointed out in paragraphs 10 to 13 above how the character of the area, which attracted our client, and probably many others, there in the first place, will change irreparably if the development is allowed to take place.
23. It is beyond us how the applicant can contend that the appearance of the streetscape will remain the same, and that although the erf sizes will be smaller, the property will still appear as it currently does. The appearance of this property from the street is determined predominantly by large established trees. In terms of the development proposal, virtually all those trees will be hacked off and replaced by buildings, which require significant departures from the applicable building line- and height restrictions to fit onto the small subdivided properties. There will be no semblance whatsoever of the erstwhile streetscape once the development has been completed. Little more can be said about this than that the motivation report is at best utterly misleading.
- Impact on Safety, Health and Wellbeing of Surrounding Community – MPBL (2015) Section 99(3)(d)
24. The applicant states that the development will result in improved security, that the additional traffic that the development will create will be marginal and that, as a

25. Not only does the applicant not provide any facts or material corroborating its bold statements about security and traffic but he does not say at all why the development will not impact the health and wellbeing of surrounding property owners. You are referred again to what has been said in paragraphs 10 to 13 above regarding the negative impact the development will have on the well-being of our client and other people frequenting the area.

1209

Impact on Heritage – MPBL (2015) Section 99(3)(e)

26. The applicant contends that because the existing dwelling house is not older than 60 years and because "no building work is proposed" a "section 34 of NHRA permit is not required." He states further that the property is not within a Heritage Overlay Zone and then draws the conclusion that there will be no impact on heritage resources.
27. The statement that no building work is proposed is an obvious example of the misleading contents of the motivation report. What the applicant has in mind is one big building project and his statement to the contrary is perplexing to say the least.
28. The unqualified contention that because the property does not fall within heritage overlay zone and does not host any buildings older than 60 years, there will be no heritage impact, evidences an incomplete understanding of what constitutes heritage resources that are worthy of protection.
29. In terms of section 3(1) of the **National Heritage Resources Act, 25 of 1999** ("the NHRA"), the national estate, which is comprised of the heritage resources of South Africa which are of cultural significance includes "landscapes and natural features of cultural significance". "Cultural significance" is defined to include places that possess aesthetic value or significance. A place can possess these qualities even though it is not catered for specifically under the formal or general protections in Chapter II of the NHRA.
30. The lushly vegetated street corner is one of the primary determinants of the character of this area and its contribution to the aesthetic beauty of the area may very well constitute a heritage resource. Neither our client, nor writer is a heritage expert but we have no reason to believe that the applicant is one either. Under the circumstances, we urge the City's heritage department to satisfy itself that the statement that no heritage resources will be affected, is factually correct.

Impact on the Biophysical Environment – MPBL (2015)

31. The applicant suggests that because "the large trees on the property will not be disturbed" the "biophysical environment will not be impacted". By implication the applicant acknowledges that if the large trees will be removed, the biophysical environment will be impacted.
32. We have indicated already that the development proposal clearly contemplates the removal of virtually all the trees on the property and we have referred to the negative impact it will have on our client and others.

consequence, there will be no negative impact on the safety, health and wellbeing of the surrounding community.

- 1211
33. It is also stated that there will be "no increase in coverage". This statement is patently incorrect and should only be taken into account as an example of the incorrect information that unfortunately permeates this application.
34. There is little more to be said here than that the development clearly contemplates a complete transformation of the biophysical environment. The transformed property will retain very little if any of its natural appeal and we submit that the impact will be overwhelmingly negative.

Imposition of Conditions Mitigating an Adverse Impact of Proposed Use – MPBL (2015) Section 99(3)(h)

35. The fact that the applicant is of the view not only that the proposed development is desirable but furthermore that the impacts that might flow from it will be so negligible that no mitigating conditions are necessary, evidences a complete lack of appreciation for the rights and interests of interested and affected parties.
36. The only basis upon which our client is prepared to withdraw its objection against the application is if conditions are imposed in terms whereof the dominant trees (to be identified) must be retained and where single storey buildings only are allowed on proposed portions 1 and 3. If a development that is not subject to those conditions is not feasible, no development should be allowed.

Compliance with relevant forward planning policies

37. The applicant makes the bold statement that the proposed development will satisfy the City of Cape Town's Strategic Planning Objectives as stipulated in the forward planning documents in section 4 of application as well as the Development Management Scheme (DMS) and other associated documents.
38. Save for the submissions regarding the contribution the development would make to achieve the City's densification objectives, the applicant makes no effort to substantiate the very general statement that the City's strategic planning objectives will be satisfied. We submit that this statement is wrong and misleading for the following reasons:
- 38.1. The application deals largely with departures from the DMS and it can therefore obviously not be correct that the proposal satisfies the objectives in that document.
- 38.2. Despite the applicant's contention that the proposal will conform to the provisions of the Southern District Plan, we submit that it is in fact inconsistent with at least the following provisions in section 6.2.3 of that Plan that deals with Sub-District 3, within which the subject property falls:
- 38.2.1. "Emphasis must be placed on residential densification within 1km of urban nodes and the spines of development corridors, with a special emphasis within 500m of these"
- 38.2.2. "... the character of urban areas further than 1km from urban nodes and spines of development corridors should generally not be subject to change",

DHM

du plessis • hofmeyr • malan
ATTORNEYS

seeing that the subject property appears not to be located within 1km of any urban nodes or spines of development corridors. It is therefore not correct to say that the development is consistent with that plan.

- 38.3. Whilst the proposed development will indeed result in significant densification, it will happen in a manner that is inconsistent with a number of provisions in the City's Densification Policy, such as the following:
- 38.3.1. Densification is to be promoted specifically in so-called *Density Priority Zones* ("DPZ's") and it is our submission that the subject property does not fall within a DPZ, as defined in the policy.
- 38.3.2. As the applicant confirms in the motivation report, the policy promotes *incremental densification*, which is described as follows:
- "small-scale densification that has a relatively low impact on the character of an area, e.g. the subdivision of a residential property or construction of a second dwelling."*
- Although the proposed development does not involve any rezoning and although the proposed use will still be residential, the appearance and aesthetic qualities of the subject property will be transformed completely, resulting in a significantly negative impact on the character of the area.
- 38.3.3. The Policy propagates new buildings that are modest in height and size and that conform to the character and built form of the nearby locality. We have explained already why the proposed development does not conform to the character of the area generally. We submit further that the bulky double storey houses that will be forced onto peculiarly-shaped even is not in line with the built form of the nearby locality.
- 38.3.4. It is stated expressly that: *"The proposal should not create any unacceptable privacy problems for neighbours on its lateral boundaries – impact on abutting rights is an important consideration."* We have explained elsewhere in this document how significant an impact the proposed development will have on the privacy our client presently enjoys and we are instructed that at least some of our client's neighbours will be affected in the same way.
- 38.3.5. The policy promotes *"substantial and appropriate soft landscaping on the public edges (to obscure the impact of the additional units further) ... to reduce the visual impact on the character of the area."* Whilst this property is at present one of the most important natural features in the neighbourhood, no apparent provision is made for landscaping anywhere in the development, let alone on the public edges.

General

39. It should be clear from our submissions above that the application contains a number of statements that do not reflect correctly the nature and extent of the proposed

development and its expected impacts (see for example what we say in paragraphs 10, 11, 23, 26, 31 and 33 above). The significant problem that this gives rise to is that there could be an incomplete understanding, particularly amongst interested and affected parties, of what it is that is planned and/or how they will be affected thereby. We submit that this is exactly the mischief that section 73(1)(c) of the MPBL, where it stipulates that the City must refuse to accept an application that contains manifestly incorrect information, seeks to circumvent.

40. If the applicant wishes to pursue this application further, we submit that the inaccurate and conflicting information needs to be removed and it needs to be re-advertised, so that interested and affected parties are fully apprised of the potential impacts of the proposal when they decide to either support or object to the application.

D: CONCLUSION

41. For the reasons canvassed above, we submit that the application before you should be dismissed and we look forward to receiving confirmation of your decision.
42. All notices and correspondence in respect of this application and objection may be directed to writer at email carel@dhmlaw.co.za.
43. We remain at your disposal if you need any further information or documentation or require clarity on any of the aspects raised herein.

Yours faithfully

DU PLESSIS HOFMEYR MALAN INC



Per:

C J HOFMEYR



1214

B G Rookledge
9 Timber Way
Bergvliet
7945
Home: 021 713 0024
Cell: 083 259 8433
Mail: bgrook@netactive.co.za

27 March 2018

The District Manager
The City of Cape Town Transport
and Urban Development Authority
3 Victoria Road
Plumstead
7800

TO WHOM IT MAY CONCERN

APPLICATION FOR DELETION OF TITLE DEED CONDITIONS, DELETION OF CONDITIONS OF AN EXISTING APPROVAL, SUBDIVISION & DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 1194 BERGVLIET, 11 TIMBER WAY. APPLICATION NUMBER 70361112

I am the owner of erf 956, 9 Timber Way, PekaImy Townshlp.

The proposal may well generally comply with the City's policies with regards to densification.

However, for the proposal to comply, the Applicant is seeking to remove or at best, amend virtually every single Title Deed Condition. Please note that the Transport and Urban Planning Authority in the Plumstead office, would only supply a copy of the Application with proposed layouts and not a copy of the Title Deeds or any other attachments.

I would assume, that since erf 1194 was originally 2 properties, namely erf 954 measuring 863 square meters and erf 953 measuring 975 square meters that the original Title Deed Conditions would have carried over on the consolidation into erf 1194.

With reference to my Title Deed Conditions, the following extracts from the Title Deed Conditions are very relevant:

1. "consolidation of any two even these conditions shall apply to the consolidated area as one erf"
2. "it shall not be subdivided"
3. "not more than half the area therefore shall be built upon"



4. "no building or structure.....shall be nearer than **4.72 meter** to the street line which forms a boundary of this erf, nor within **3.15 meter** of the rear or **1.57 meter** of the lateral boundary common to any adjoining erf,.....an outbuilding not exceeding **3.15 meter** in height, measured from the floor to the wall plate maybe erected within the above prescribed rear space and within the above prescribed lateral space for a distance of **9.45 meter** reckoned from the rear boundary"
5. "a dwelling house and its appurtenances, having a total cost of not less than **Five Thousand Rand (R5000.00)**" about **R450,000** today
6. "Unless the erection of the said dwelling.....is commenced within **twelve (12) months**.....are completed within **two (2) years**.....revert to.....the transferor....."
7. "No trees existing on the said erf within **1.57 meter** of any boundary therefore may be removed"

It is frivolous to state that these Title Conditions are now outdated and defunct. These Title Conditions were imposed to protect the streetscape and the character of the surrounding area and it should not only be left to the City's Municipal Planning By-Law, which deals with the City in general and does not distinguish between individual properties.

Pekalmy Township was proclaimed in the early 1960's and consist of 99 erven and 6 public spaces. There are only 3 proper double story dwellings with another 4 partial double story dwellings in the said Township. The Farmside Development, immediately to the west of erf 1194 consist of smaller properties, all single story. The same applies to the Farmsedge Development at the bottom of Pelkamy road as well as the Evergreen Retirement Village at the bottom of Homestead Avenue. My point is to illustrate that this Application is totally out of character for the area.

I purchased my property in 2009. One of the great appealing factors was the fact that there was ample space between my north facing boundary and that of erf 1194 as there is a 6.1 meter road namely Manor Avenue between the 2 erven.

My concern lies in the fact that I have added an entertainment area and swimming pool to my property. My property is also approximately one (1) meter lower in ground level than erf 1194, therefore the height of any structure to the north of my property has a very negative impact on my property.

My objection, therefore, lies in the environmental impact the proposed structures would have on my view and general living, given the fact that my entertainment area is north facing and I would be overlooking the south side of this proposed development.

Any negative impact would have a serious impact on the future re-sale value of my property.

I therefore object to the subdivision into 4 properties and request that the Municipal Planning Tribunal (MPT) rejects this proposal in its present form for the reasons detailed below:

In my opinion, this site would have been better served if it was treated as a Greenfield site.

The proposed subdivision attempts to maximise the subdivision opportunities while retaining the existing building and this creates problems with the layout, especially portion 1 which affects my property directly.

| |
|--|
| ON PROPOSED RECEIVED 03 APR 2018 2 PLANNING & BUILDING DEVELOPMENT MANAGEMENT |
|--|

A subdivision into a total of 3 portions, including the demolition of the existing dwelling, would have been a better option, complete with larger erf sizes, more compatible with the surrounding residential fabric (around 600 square meter for each erf) and would be supported in principle subject to the required Departures.

Portion 1 has an unusual shape because of the proposal to retain the existing dwelling on Portion 2. This is the reason why so many Departures as well as many Removal of Restrictive Title Conditions are required.

It is proposed that the existing double garage will be demolished, however it is unclear if a new double garage will be erected on the new portion 2. This will obviously affect the Title Condition as mentioned in point 3 above.

The proposed dwelling on Portion 1 will only have approximately 1.5m between it and the existing dwelling on Portion 2 and this will likely result in further departures been required in the future.

To this end, I insist that the existing title conditions are not removed in their entirety but are amended to correctly reflect the proposed dwellings.

My concern is also that the proposed dwellings are exactly that, a proposal. A new owner could well apply for something completely different to what is proposed.

The application does not deal with 4.72 meter Title Deed Condition for street frontage building line. This affects portion 1 with respect to Timber Way and portion 3 and 4 with respect to Timber Way and Homestead Avenue.

The application states that large trees are not impacted by the proposed development. I find this hard to believe as the site plan shows almost all the trees will be removed. Whilst there might not be any endangered species, the current trees are definitely conservation worthy as they add real colour and character to the area.

It is unclear if the Title Condition of "not more than half the area therefor shall be built upon" will be amended or deleted.

I also object to the 1.7m setback in lieu of 3.5m from Manor Avenue as this will result in the massing of the proposed dwelling closer to my property.

I also object to the proposed height of 7.4m in lieu of 4m, as previously stated, my property is one meter lower than erf 1194 therefore this equates to 8.4 meter which will affect my sunlight as well as privacy of my pool area, not to mention unsightly sewer and plumbing pipes.



1217

I would request that the Planner dealing with this application discuss this matter further with me when he is preparing his report on the matter.

I would also request that should this proposal be supported, I may wish to put my concerns to the relevant Planning Tribunal and also to attend the meeting and represent myself if necessary.

Further developments pertaining to the above Application may be communicated to me via my e-mail address at the top of the letter.

Yours faithfully



B G ROOKLEDGE



Muneerah Slamet

From: E H <eahastings@hotmail.com>
Sent: Tuesday, April 3, 2018 1:19 PM
To: Comments_Objections Southern
Cc: Muneerah Slamet
Subject: Case ID: 70361112: OBJECTIONTO PLANNING APPLICATION FOR ERF 1194 BERGVLIET (11 TIMBER WAY).

Re: Case ID: 70361112.

For Attention: The Manager, The City of Cape Town's Transport and Urban Development Authority.

Dear Sir / Madam,

OBJECTIONTO PLANNING APPLICATION FOR ERF 1194 BERGVLIET (11 TIMBER WAY):

We are residents in the Bergvliet area, and are opposed to the above Planning Application (no. 70361112).

Reasons for our opposition include the following:

1. Subdivision of Erf 1194 into 4 portions with 4 dwelling houses means much more plumbing and therefore much more water consumption. This is inconsistent with a wise urban development policy which curbs erf subdivision in view of the latter causing increasing water consumption in Cape Town.
2. The proposed felling of approximately 17 trees on Erf 1194 follows the current trend towards tree/forest destruction in our urban areas. Trees are the green lungs of urban areas, and trees attract rain. (Refer international research on this topic). We oppose the ongoing, unhealthy trend of tree destruction.
3. If the proposed Planning Application for Erf 1194 is successful it will set a precedent for future subdivisions of erven in this area. The privacy of existing properties, and the character of the Bergvliet area, will be badly compromised.

We trust that the above reasons for our opposition to this Planning Application (no. 70361112) will be considered with a seriousness appropriate to the Application's potentially wide-ranging detrimental impact. Thank you.

Sincerely,

Dr E. A. Hastings.

On behalf of the Hastings family.

1 Mutual Way, Bergvliet, 7945.

From: Grant Munro <gtl@mweb.co.za>
Sent: Tuesday, April 3, 2018 1:26 PM
To: Muneerah Slamet
Cc: Comments_Objections Southern; 'Munro2'
Subject: ID70361112 ERF 1194 11 TIMBER WAY BERGVLIET OBJECTION

Dear Muneerah et al

OBJECTION TO PROPOSED SUBDIVISION OF 11 TIMBER WAY BERGVLIET

I am resident at 7 Timber Way Bergvliet and have been so since 2008.

It is a quiet pocket in Bergvliet which has seen extensive development by mainly Evergreen and now houses several older folk, that are generally low impact, apart from the staff that are associated with such activities.

This proposed subdivision does not seem to be in keeping with the general changes that have occurred in recent years namely:

1. Most of the trees on the site are marked for removal(the road is called Timber Way).Trees/foilage also help break noise and absorb sound.
2. The building lines and setbacks mean that the building is on the edges of the erf(loss of privacy).
3. There are obvious associated increases in noise pollution because of the high bulk level.
4. Timber Way already has high levels of sewerage and water problems related to the trees. This will overburden and complicate the sewerage issues further.
5. House Entrances so close to the corner of Homestead Avenue and Timber Way with higher volumes of traffic will result in more traffic congestion and traffic related problems. There are high levels of older folk that walk in the area and younger children. It will make such activities more dangerous and less pleasant and enjoyable.
6. Off-street parking is already a challenge in the area which forces visitors to block off driveways and park on vacant municipal land which is supposed to be a park and open green spaces.
7. A poorly construed subdivision will result in lower property values for existing owners as well as the new occupants which will detrimentally effect COCT rates collections in the area.

Is it not possible to restrict the development to a maximum of 3 new houses on bigger stands with a minimum of 500 square metres per erf by demolishing the existing house? And improve the layout of each home and the space around each home so that there is proper consideration for privacy and lifestyle needs of the new owners as well as existing properties?

Please communicate by return e-mail if required.

Yours sincerely

**Grant Norman Munro and
Patricia Inmaculada Munro
7 Timber Way Bergvliet
Cell 082 902 9444**

Work Contact Number +27 21 704 1780
Contact E-mail: gtl@mweb.co.za |

1220

9A Timber Way
6 Bergvliet Farm Estate 2
Bergvliet
7945

CASE ID: 70161112

Muneerah Siamat, Assistant Professional Officer
City of Cape Town
Private Bag 25
Plumstead
7801

Dear Madam

Objection to Proposed Deletion of Title Deed Conditions of an existing approval, Subdivision and Departures at Erf 1194 Bergvliet, 11 Timber Way.

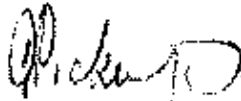
I, Johanna Maria Pickup, am the owner of Erf 1932, Bergvliet, which is situated directly to the South of Erf 1194.

This letter serves to document my objections to the above –

1. Proposal does not comply with densification policy.
2. The average erf size in Bergvliet (Suburban Area) is approximately 650 – 850 square metres. Existing Erf measures 1836 square metres. To divide the Erf into four erven as small an area as 328 square meters certainly does not conform to existing dwellings in the area.
3. Amending building lines to suit a developer to divide Erf for 4 erven is not in keeping with area.
4. Large established trees which are to all be removed from said property is against park and forest greening.

I would recommend that the said property to be subdivided into 2 erven.

Yours Faithfully



JM Pickup

1221

8 Bergvliet Farm Estate 2
8 Manor Avenue
Bergvliet
7945

My Ref: 1194SUBDVN

Application No: 70361112

The Manager: Transport & Urban Development Authority (TDA)
City of Cape Town
Private Bag X5
Plumstead 7801

Att Muneerah Slamati

Dear Sir

Objection to Proposed Deletion of Title Deed Conditions, Subdivision and Departures: Erf 1194 Bergvliet at 11 Timber Way

I, Jennifer Margaret Lancaster, am the owner of Erf 1934 a property on Bergvliet Farm Estate 2 which is situated directly to the South of Erf 1194.

I am in receipt of your letter dated 15 February 2018 advising of the application for subdivision of Erf 1194 and calling for objections to or comments on the proposal. This letter serves to document my objections to this Subdivision Application, based on the following:-

1. **The Negative Impact the Proposal will have on the Surrounding Properties**

The application requires additional rights to be granted to the applicant which will have no benefit for the existing surrounding owners. Two of the proposed plot sizes are more than 100 sq metres smaller than the neighbouring Bergvliet Farm Estate 2 properties. A third plot is approximately 50 sq metres smaller. Consequently, the proposed new double story houses require significant setback departures, resulting in their overlooking the abutting properties. The subdivision into four portions creates an awkward and forced layout which is unsympathetic to the local area and would appear to be motivated only to extract maximum value regardless of the impact on the neighbouring properties.

2. The Impact on Existing Rights

In terms of Section 99 2 (e) of the By-Law, the Council is required to consider existing rights when adjudicating an application.

This application has significant impacts on existing rights, as it will reduce the current common boundary building lines from 3 metres to 0,5 metres, for the proposed portions, up to 12 metres from the street boundaries. This will materially reduce the privacy of the abutting properties.

3. The Application Contains Incorrect Information

Section 73 (1) (c) of the Development Management Scheme (DMS) states that the City must refuse to accept an application if "... (the application) contains manifest incorrect information."

I believe that the motivation report contains manifest incorrect information as follows:

- Page 12 point 5.4: the application states the "*appearance of the property from the streetscape will remain the same. Although the erf sizes will be smaller, the property will still appear as it does currently.*"
This is patently incorrect as three additional double story dwellings are proposed for the site which will have substantial impact on the streetscape.
- Page 13 point 5.8: the application states that "*The large trees on the property will not be disturbed.*"
This statement contradicts the proposed subdivision plan, which indicates that trees are to be removed all over the site. In fact, based on this plan, all trees on the new portions 1, 3 and 4 are to be removed. This will result in a sterile environment for many years.
- Page 13 point 5.10: the applicant states that "*no specific conditions are considered necessary to be imposed as the impact of the subdivision is low.*"

This is a subjective opinion – my assessment is that the subdivision impact will be high.

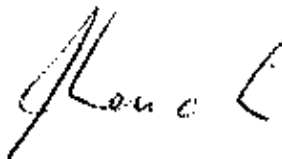
Conclusion

This application is a poor example of subdivision. It does not represent sympathetic densification, but on the contrary, would be reckless infill development to the detriment of all abutting properties.

It is an attempt to extract maximum value from a single residential property for the sole benefit of the developer. This property could more appropriately be subdivided into two portions with far less of a negative impact.

The Council is obliged to consider this application in light of the numerous areas where it is non-compliant, unsympathetic and contradictory. This application should be refused on the basis of the proposed departures.

Yours faithfully

A handwritten signature in black ink, appearing to read "J.M. Lancaster". The signature is written in a cursive style with a large initial "J" and "L".

J.M. LANCASTER

Your ref: Case ID 70361112

Our ref: MT/MAT3580

matthew@dingleymarshall.co.za

03 April 2018

THE DIRECTOR DEVELOPMENT MANAGEMENT
AND PIERRE HOFFA
SECTION HEAD: LAND USE MANAGEMENT

Per email: comments_objections.southern@capetown.gov.za
For Attention: **Pierre Hoffa**

Dear Sir

Objection to Land Use Application // Case ID 70361112; Erf 1194, 11 Timber Way, Bergvliet

We refer to the abovementioned Application for Subdivision, Departures and Removal of Restrictions ("the Application").

We confirm that act on behalf of the following persons:

- 1) Marike Barton Vlantis (Identity Number 6106210048087); and
- 2) Simon Richard Pooler (Identity Number 7504195145085).

We have been instructed and mandated to make these objections to the proposed Application for our abovementioned clients.

Our clients are interested parties in the Application as both are owners of properties adjoining Erf 1194 Bergvliet ("the Property"). Marike Vlantis is the owner of Erf 1562 Bergvliet (also known as 15

3rd Floor Waterford House
Waterford Road / Diep River
PO Box 397 / Bergvliet 7854
T / +27 21 260 0770
F / +27 21 717 8561
www.dingleymarshall.co.za

Attorneys, Notaries & Conveyancers

Directors / Ryan Dingley BA LL B (UCT) / Andrew Marshall BA LL B (UCT) / Lauren Lewin BA LL B

COO / Paula Kennedy-Smith LL B (UJ)

Senior Associate / Natalie Gillmer BLC (UP) LL B (UKZN) LL M (UJ)

Associates / Hazel du Plooy BCom (UJ) / Matthew Thomson BCom LL B (Stellen) / Michelle

Hortentins BSc (Agric) LL B (UCT) / Peter Turner LL B LL M (UJ)

Consultants / Laurianne Hollings BCom LL B (Stellen) / Steven Good BComm LL B (Stellen)

Dingley Marshall Inc. (reg No 2011/069202/21)



Farmside Road) and Simon Pooler is the owner of Erf 1563 Bergvliet (also known as 16 Farmside road Bergvliet). Please see attached annexures "A" and "B".

We further confirm that all correspondence regarding this application may forthwith be directed to our offices and at the addresses set out above and below.

For the purpose of these objections, our clients address the Application and its motivations in two separate sections as follows:

1. Subdivision of the Property and Departures

1.1. Erf Size

Although our clients welcome the applicant's admission that the proposed erf sizes are smaller than those in the vicinity, it is denied that the area will benefit from "an interesting variety of the urban fabric". What the applicant intends to do by the subdivision of the properties is change the very nature and "fabric" of the existing community.

1.2. Socio-Economic Impacts

It is denied the applicant's foregone conclusion that the new proposed developments will increase value of properties in the area and, by extension the rates due to the Municipality. While our clients understand that densification, as a policy goal, is sometimes desired, it is submitted that it is not desirable in the contexts of the area in which they live. The area's character is not one which is suitable to such policy directives. If anything, the result of the proposed development would be to decrease the value of our client's properties and those of the owners in the area. The character of the area, consisting of large even and smaller, free standing single residences, is sought after in the property market. The erection of dense and populated units destroys this character.



The applicant has provided no evidence that the value of the properties in the area are expected to increase.

1.3. Compatibility with Surrounding Land Uses

See comments at clause 1.2 above.

It is denied that the structure and aesthetics are complimentary to the streetscape and the surrounding properties. It is for the very fact that the proposed structures differ so markedly from the existing streetscape and surrounding properties that significant departures and removal of restrictive conditions are being requested and applied for. The properties in the vicinity are large erven, with one single residential dwelling on each; this is entirely different to the proposed development which would see smaller erven used to accommodate smaller residential units.

1.4. Impact on External Engineering Services

Naturally, increasing the number of portions at the Property will increase the burden on the existing engineering infrastructure and services.

1.5. Impact on Safety, Health and Wellbeing of Surrounding Community

It is denied that the proposed development will improve security through increased natural surveillance. The applicant's contention that further boundary walls somehow increases illegal movement of intruders is denied. It is common knowledge that areas with higher population densities in the Cape Town area suffer from much higher rates of crime. With every new dwelling erected, the motivation for criminals to enter the area increases and their possible exit paths are increased with every new wall able to assist their movement from being detected. The traffic management in the area will need to be considered as the addition of three residences will most certainly increase the amount of traffic of owners, occupiers and visitors to the proposed development.

1.6. Impact on the Biophysical Environment



It is irresponsible and incorrect to allege that the biophysical environment will not be disturbed. The fact that new boundary walls, residences and driveways are being added to the Property will most definitely have an impact on the area's natural inhabitants and biophysical environment.

1.7. Impositions of Conditions Mitigating an Adverse Impact of Proposed Use

It would appear that the applicants have not taken the surrounding neighbours and owners interests into account in that no conditions have been proposed whatsoever. Migratory conditions such as restriction of further subdivision etc. would have been welcomed.

2. Deletion of Restrictive Conditions and Deletion of Conditions Imposed in Terms of the Townships Ordinance 33 of 1934

2.1. Considerations in terms of Section 99(3) of the City of Cape Town MPBL

2.1.1. Economic impact

It is likely that the developers of the Property will use the services of employees outside of the local businesses and local employees. In any event, it is submitted that any construction which leads to job creation and support for local businesses will be for a limited time only and therefore should not be considered as a factor in favour of this Application. It would appear that the only economic benefit arising from this Application and the intended development would accrue to the developer and the current owner of the Property

2.1.2. Social impact

Please see comments above regarding the limited time of the proposed development. It is submitted that a development which is intended to last for only a few months should not be considered as a factor in favour of the Application.



1 2 2 8

2.1.3. Compatibility with surrounding uses

See clause 1.3 above.

2.1.4. Impact on the external engineering services

It is denied that external engineering services will not be impacted. See clause 1.4 above.

2.1.5. Traffic impacts, parking, access and other transport related considerations

See clause 1.5 above.

2.1.6. Whether the imposition of conditions can mitigate an adverse impact of the proposed land use

See clause 1.7 above.

2.2. Consideration in terms of the City of Cape Town's Title Deed Bulletin

2.2.1. In cases where an application is made in terms of Section 42(g) or 42(j), the purpose of the restrictive conditions imposed under the preamble and the purpose of the restrictive condition which is the subject of the application.

It is submitted that the applicant has interpreted the purpose of the restrictive conditions correctly, i.e. that it was imposed to protect the streetscape and character of the local area which the applicant now seeks to interrupt and disturb.

2.2.2. Character of the area as a result of the restrictive conditions.

The applicant has very quickly glossed over and ignored the benefits of the restrictive conditions which our clients have come to enjoy as neighbours and owners in the vicinity of the Property. Wider roads, an undisturbed area, a peaceful setting etc. which



our clients enjoy and formed part of their decision to purchase their respective properties.

2.3. Considerations in terms of Section 39(5) (a-f) of LUPA

2.3.1. The financial or other values of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.

It is denied that there is little positive financial value to the owners of neighbouring properties. It is clear from the Application that the applicant has made no effort to put evidence before the City or the owners of surrounding properties that their property value will not be adversely affected. Conversely, the narrowing of pavements, street setback areas and the degradation of the character of the area would most certainly have a negative and detrimental effect on the property values of said owners.

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

It is submitted that this benefit should be interpreted in the context of the harm it will cause the surrounding owners and our clients associated with the degradation of the character of the area and the resultant decrease in financial value of their properties. The applicant's purpose for the development and the Application is not to "maximise the usage of his land" but to maximise the profit which he is able to extract from the Property.

2.3.3. The social benefit of the restrictive condition remaining in place in its existing form

2.3.4. The social benefit of the removal, suspension or amendment of the restrictive condition.

The applicant makes the claim that the area will benefit from the addition of natural surveillance; this is denied. If anything, the area and the properties as they are serve



1230

the safety and security of the area better than the proposed development of the Property. It is denied that the subdivision will "add to the community" feel of the local area; in contrast, by forcefully erecting foreign structures in an established community, the applicant will be changing the nature and feel of the community as is. This will interrupt the community feel and cause strain between the current owners in the area and the owners of the proposed development.

Our clients further wish to object to the more direct impact which the Application and proposed development will have on their respective properties. It is clear from the schematic drawing of the proposed developments that both of our client's will have their views obstructed. Furthermore, it would appear that the owners, occupiers and visitors to the proposed development would be afforded a view directly into and over the properties of our clients, including the buildings and open areas thereon. This would be an obvious invasion of privacy and our client's objection to same is hereby registered.

We trust you are advised accordingly and that the above shall be taken into account in your consideration of the Application.

Please feel free to contact us for any further input, comments, documents and/ or information that may be required.

Yours faithfully

(This document has been transmitted electronically and is deemed signed)

Dingley Marshall Inc.

Matthew Thomson

WinDeed Property Report

Township **BERGVLIET, Erf 1562/0**

REGISTERED PROPERTY DETAILS

1231

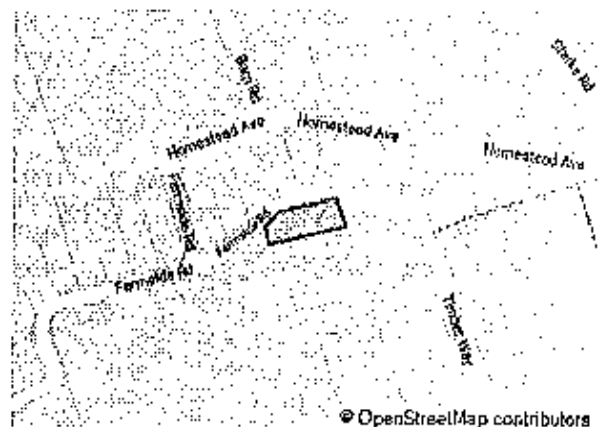
| | | | |
|-----------------------|---------------|------------------------|------------------------|
| Property Type | ERF | Diagram Deed | T73450/1988 |
| Erf Number | 1602 | Registered Size | 585.0000SQM |
| Portion Number | 0 | Municipality | CITY OF CAPE TOWN |
| Township | BERGVLIET | Province | WESTERN CAPE |
| Registration Division | NOT AVAILABLE | Coordinates (Lat/Long) | -34.045299 / 18.446860 |
| Deeds Office | CAPE TOWN | | |

OWNER DETAILS

Owner 1 of 1

| | | | |
|-------------|-----------------------|--------------------|------------|
| Person Type | PRIVATE PERSON | Title Deed | T0657/2014 |
| Name | VLANTIS MARIKE BARTON | Purchase Date | 2014/01/06 |
| ID Number | 6106210048087 | Purchase Price (R) | 2,550,000 |
| Share (%) | - | Registration Date | 2014/02/28 |

MAPS



PROPERTY INFORMATION

| | |
|-------------|--|
| Address | 16 FARMSIDE ROAD, BERGVLIET, CAPE TOWN |
| Primary Use | - |
| Estate | - |

Room Configuration

| | | | |
|-------------------|---|-----------------|---|
| Bedrooms | 1 | Reception Areas | - |
| Bathrooms | 1 | Study/Office | - |
| Kitchens | 1 | | |
| Internal Finishes | - | | |

General Information

| | | | |
|------------------------------|-----|-------------------|---------|
| Door Number | - | Roof Type | TILES |
| Floor Size (m ²) | 585 | Wall Type | PLASTER |
| Storeys | 1 | Construction Year | 1988 |

Other Features

Garages - Additional Dwellings YES
 Garden -
 Pool -

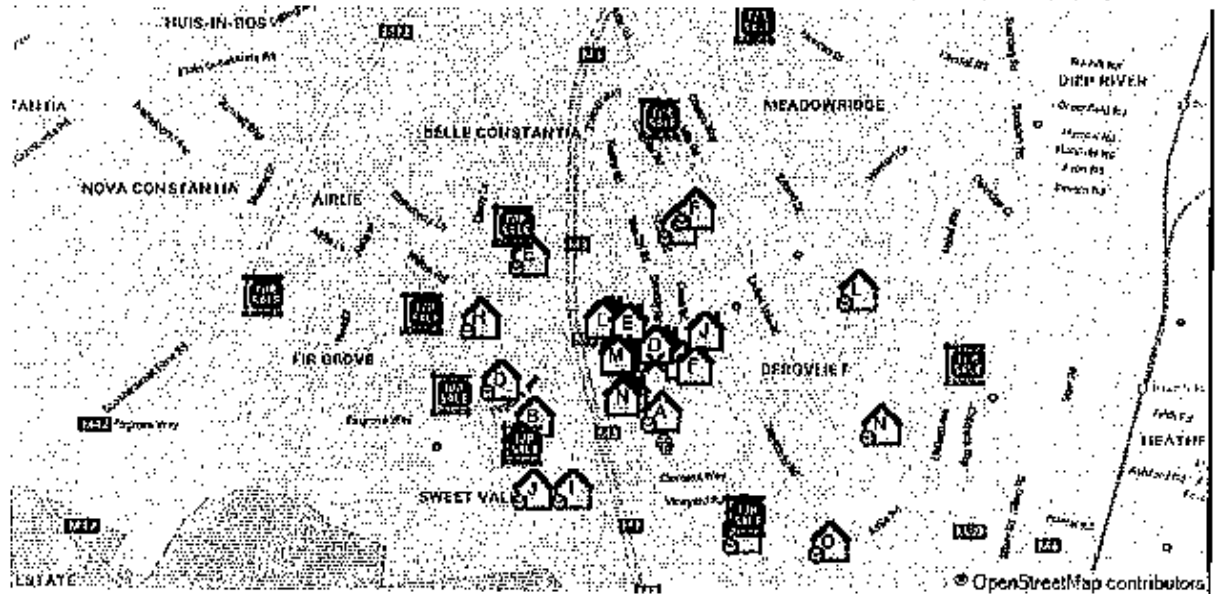
1232

MUNICIPAL VALUATION

Municipal Valuation R 2 600 000.00 Valuation Year 2015
 Zoning Usage -

RATES

Sales shows the details of the most recent transfers, sales pending registration and properties for sale in close proximity to the specified property.



Recently Registered Transfers

| | Address / Property Description | Size (m ²) | Sales Price (R) | Distance (m) | Sold | Transferred |
|---|--------------------------------|------------------------|-----------------|--------------|------------|-------------|
| A | 8 FARMSIDE ROAD BERGVLIET | 630 | 3,650,000 | 86 | 2017/11/02 | 2017/12/20 |
| B | 11 TIMBER WAY BERGVLIET | 1,838 | 4,700,000 | 32 | 2017/03/09 | 2017/06/21 |
| C | 8 TIMBER WAY BERGVLIET | 1,031 | 3,200,000 | 107 | 2017/11/04 | 2018/01/31 |
| D | 14 FARMSIDE ROAD BERGVLIET | 554 | 3,500,000 | 21 | 2016/09/02 | 2017/02/01 |
| E | 10A BARN ROAD BERGVLIET | 4,399 | 12,500,000 | 146 | 2017/11/10 | 2018/01/15 |
| F | 5 TUDOR CLOSE BERGVLIET | 898 | 4,000,000 | 153 | 2017/03/19 | 2017/07/17 |
| G | 8 FARMSIDE ROAD BERGVLIET | 693 | 3,000,000 | 119 | 2016/10/30 | 2017/02/03 |
| H | BERGVLIET, 1981, 0 | 17 | 1,140 | 123 | 2015/11/05 | 2017/02/27 |
| I | BERGVLIET, 2057, 0 | 9,400 | 1,140 | 214 | 2015/11/05 | 2017/02/27 |
| J | 80 STARKE ROAD BERGVLIET | 503 | 3,800,000 | 193 | 2018/02/09 | 2018/03/19 |
| K | 8 FARMS EDGE ROAD BERGVLIET | 467 | 3,100,000 | 200 | 2017/09/14 | 2017/12/01 |
| L | BERGVLIET, 2055, 0 | 2,108 | 1,500,000 | 221 | 2017/11/10 | 2017/12/12 |
| E | 10A BARN ROAD BERGVLIET | 4,399 | 8,250,000 | 146 | 2016/03/19 | 2016/07/15 |
| M | 5 FARMSIDE ROAD BERGVLIET | 549 | 143,090 | 132 | - | 2016/06/29 |
| N | 10 FARMS EDGE ROAD BERGVLIET | 481 | 2,995,000 | 224 | 2017/01/30 | 2017/03/30 |

Sales Pending Registration

| | Address / Property Description | Size (m ²) | Sales Price (R) | Distance (m) |
|---|--|------------------------|-----------------|--------------|
| A | 27 PEKALMY ROAD BERGVLIET | 571 | - | 254 |
| B | 3 FAIRFIELD CLOSE CONSTANTIA HILL ESTATE | 1,567 | 5,250,000 | 604 |
| C | 6 FULLER ROAD BERGVLIET | 800 | - | 922 |
| D | 3 BERGENDAL ROAD CONSTANTIA | 1,524 | 4,800,000 | 553 |
| E | 10 I.E. ROUX LANE CONSTANTIA | 2,028 | 8,995,000 | 588 |
| F | 8 WALTERS WAY BERGVLIET | 777 | 5,050,000 | 597 |
| G | 11 LINDESHOF ROAD CONSTANTIA HILL ESTATE | 1,535 | 6,000,000 | 808 |
| H | 6 GROVE WALK CONSTANTIA | 1,678 | - | 828 |

| | | | | |
|---|--|-------|-----------|-----|
| I | 8 WESTRIDGE CIRCLE CONSTANTIA | 1 351 | 7,250,000 | 841 |
| J | 21 WESTRIDGE CIRCLE CONSTANTIA HILL ESTATE | 1 367 | - | 715 |
| K | 6 ARISTEA ROAD KREUPELBOSCH | 872 | 3,300,000 | 743 |
| L | 12 MONTAGUE WAY BERGVLIET | 1 083 | - | 752 |
| M | 11 ARISTEA ROAD KREUPELBOSCH | 872 | - | 816 |
| N | 28 POPLAR AVENUE BERGVLIET | 1 411 | - | 849 |
| O | 39 STARKE ROAD BERGVLIET | 1 075 | - | 990 |

| Properties For Sale | | | | | |
|--|------------------------|-------------------|--------------|------------|--------------------|
| Address / Property Description | Size (m ²) | Listing Price (R) | Distance (m) | Listed | Property24 Listing |
| BERGVLIET (DETAILS WITHHELD *) | - | 1,730,000 | 529 | 2017/02/28 | 104877425 |
| 11 LINDESHOF ROAD CONSTANTIA HILL ESTATE | - | 6,996,000 | 806 | 2018/03/01 | 108088055 |
| 61 STRAWBERRY LANE CONSTANTIA | - | 15,000,000 | 722 | 2018/01/22 | 105956179 |
| 61 STRAWBERRY LANE CONSTANTIA | - | 15,000,000 | 722 | 2017/10/19 | 105718829 |
| 5 SQUIRREL CLOSE CONSTANTIA | - | 8,395,000 | 739 | 2018/02/07 | 106011684 |
| 5 ARISTEA ROAD KREUPELBOSCH | - | 3,499,000 | 748 | 2018/02/03 | 105998070 |
| 1 DENNEBOSCH CLOSE CONSTANTIA | - | 6,495,000 | 832 | 2018/03/01 | 106091224 |
| 1 DENNEBOSCH CLOSE CONSTANTIA | - | 6,495,000 | 832 | 2017/09/14 | 105583496 |
| 14 CAMBER ROAD BERGVLIET | - | 4,995,000 | 958 | 2018/01/28 | 105979354 |
| 19 HERTZOG ROAD BERGVLIET | - | 3,550,000 | 1 081 | 2018/03/07 | 106109023 |
| CONSTANTIA (DETAILS WITHHELD *) | - | 14,200,000 | 1 272 | 2017/11/27 | 105838183 |
| MEADOWRIDGE (DETAILS WITHHELD *) | - | 3,995,000 | 1 330 | 2018/01/24 | 104902732 |
| CONSTANTIA (DETAILS WITHHELD *) | - | 4,600,000 | 1 383 | 2018/02/16 | 106047448 |
| 5 DRESSAGE CLOSE CONSTANTIA | - | 6,495,000 | 1 395 | 2018/02/11 | 108026191 |
| 14 WALTHAM WAY MEADOWRIDGE | - | 3,600,000 | 1 399 | 2018/03/20 | 106157474 |

* The property location has been withheld at the estate agent's request and is not visible in the SatNav Map.

Sales Analysis

45 properties used in the analysis.

Note: Where there is no monetary value or extent it has been ignored.

| | Price (R) | R/m ² | Extent (m ²) |
|-------------------------|------------|------------------|--------------------------|
| Highest Priced Property | 12,500,000 | 2,842 | 4 399 |
| Average Priced Property | 4,331,153 | 2,540 | 1 705 |
| Lowest Priced Property | 1,140 | 0 | 9 400 |

BONDS AND OTHER DOCUMENTS

| Document Number | Amount (R) | Holder |
|-----------------|------------|------------------|
| B6018/2014 | 1,275,000 | A B S A BANK LTD |

PROPERTY HISTORY

| Document Number | Amount (R) | Holder |
|-----------------|------------|--------------------------|
| T1015/1984 | 335,000 | RUSSO JOAN JANET |
| T30815/1984 | 1,900,000 | DAVIDIAN ESTATES PTY LTD |
| T73450/1988 | 145,680 | CHARSLEY DEREK HEATH |
| B1033/1984 | 100,000 | CAPE OF GOOD HOPE BANK |

AMENITIES

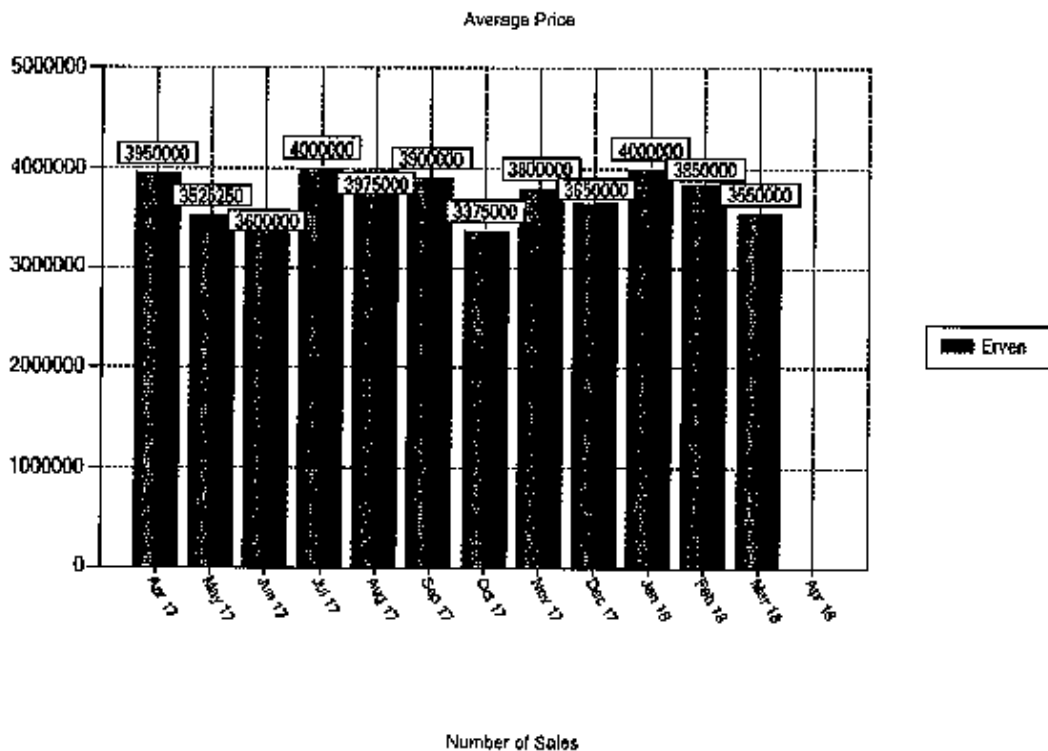
| Name | Type | Distance (m) |
|--|-------------------------------|--------------|
| Die Oog | Sports and Leisure | 367 |
| Sweet Valley Primary | Education | 400 |
| Bergvliet Methodist Church | Transport and Public Services | 421 |
| Bergvliet High School | Education | 697 |
| American International School Of Cape Town | Education | 820 |
| Meadowridge Baptist Church | Transport and Public Services | 1 170 |

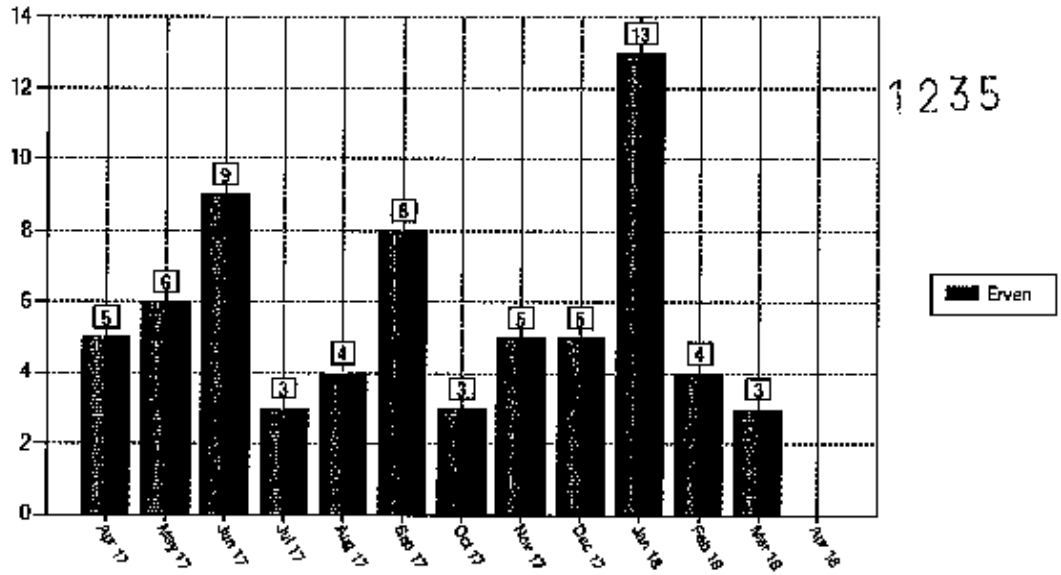
| | | |
|---------------------------------|-------------------------------|-------|
| Bergvliet Primary | Education | 1 206 |
| Sherwood Pharmacy | Health | 1 218 |
| Egan Garage recycling bins | Transport and Public Services | 1 300 |
| Westcot Primary | Education | 1 602 |
| Zwaanswyk Academy/Akademie | Education | 1 793 |
| Steps to Health | Health | 1 802 |
| Constantia Waldorf School | Education | 1 813 |
| Paddlers on the Bend | Food and Entertainment | 1 831 |
| Tango's | Food and Entertainment | 1 831 |
| Zwaanswyk High School | Education | 1 931 |
| Herzlia Primary (Southern Sub.) | Education | 1 942 |
| Constantia Primary | Education | 1 987 |

SUBURB TRENDS

The Suburb Trend graphs show the average price and total volume of sales in the suburb.

Monthly Trends

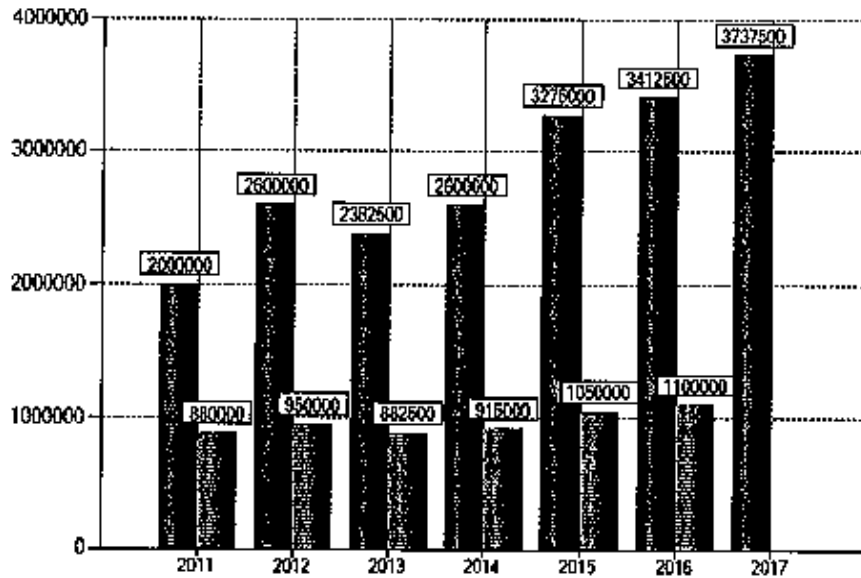




| | Average Erf Price (R) | Total Erf Sales | Average SS Price (R) | Total SS Sales | Average Farm Price (R) | Total Farm Sales | Average AH Price (R) | Total AH Sales |
|--------|-----------------------|-----------------|----------------------|----------------|------------------------|------------------|----------------------|----------------|
| Apr 17 | 3,950,000 | 5 | - | - | - | - | - | - |
| May 17 | 3,525,260 | 6 | - | - | - | - | - | - |
| Jun 17 | 3,600,000 | 9 | - | - | - | - | - | - |
| Jul 17 | 4,000,000 | 3 | - | - | - | - | - | - |
| Aug 17 | 3,975,000 | 4 | - | - | - | - | - | - |
| Sep 17 | 3,800,000 | 8 | - | - | - | - | - | - |
| Oct 17 | 3,375,000 | 3 | - | - | - | - | - | - |
| Nov 17 | 3,800,000 | 5 | - | - | - | - | - | - |
| Dec 17 | 3,650,000 | 5 | - | - | - | - | - | - |
| Jan 18 | 4,000,000 | 13 | - | - | - | - | - | - |
| Feb 18 | 3,850,000 | 4 | - | - | - | - | - | - |
| Mar 18 | 3,550,000 | 3 | - | - | - | - | - | - |
| Apr 18 | - | - | - | - | - | - | - | - |

Annual Trends

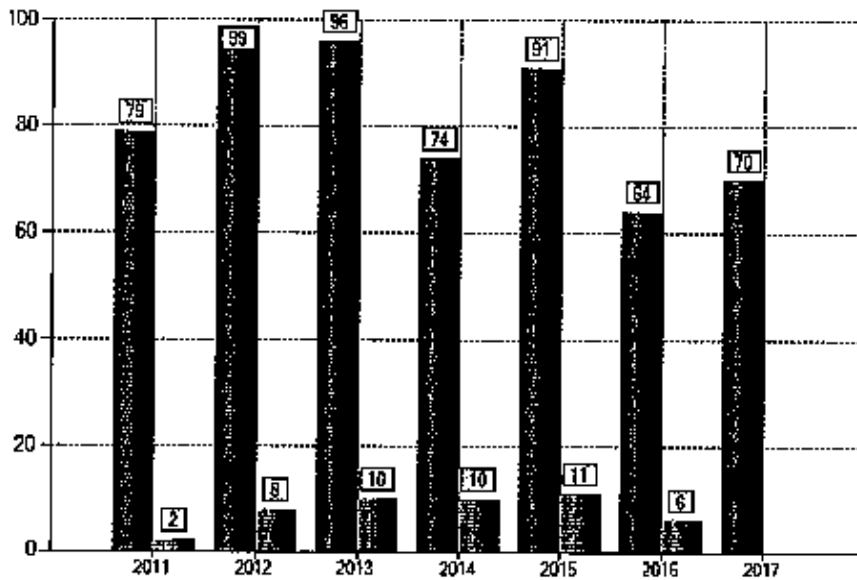
Average Price



1236

■ Erfen
▨ Sectional

Number of Sales



■ Erfen
▨ Sectional

| | Average Erf Price (R) | Total Erf Sales | Average SS Price (R) | Total SS Sales | Average Farm Price (R) | Total Farm Sales | Average AH Price (R) | Total AH Sales |
|------|-----------------------|-----------------|----------------------|----------------|------------------------|------------------|----------------------|----------------|
| 2011 | 2,000,000 | 79 | 880,000 | 2 | - | - | - | - |
| 2012 | 2,600,000 | 99 | 950,000 | 8 | - | - | - | - |
| 2013 | 2,382,500 | 96 | 882,500 | 10 | - | - | - | - |
| 2014 | 2,600,000 | 74 | 915,000 | 10 | - | - | - | - |
| 2015 | 3,275,000 | 91 | 1,050,000 | 11 | - | - | - | - |
| 2016 | 3,412,500 | 64 | 1,100,000 | 6 | - | - | - | - |
| 2017 | 3,737,500 | 70 | - | - | - | - | - | - |

This report contains information gathered from the WinDeed database and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

1237

WinDeed Property Report

1238

Township BERGVLIET, Erf 1563/0

REGISTERED PROPERTY DETAILS

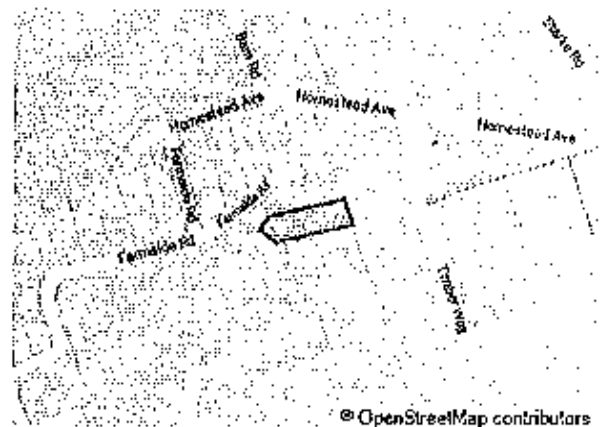
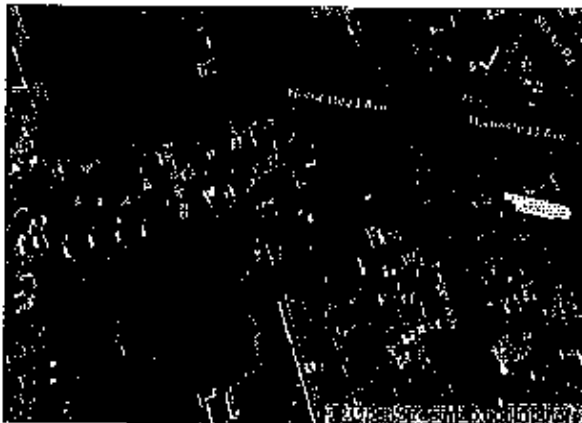
| | | | |
|-----------------------|---------------|------------------------|------------------------|
| Property Type | ERF | Diagram Deed | T73451/1988 |
| Erf Number | 1563 | Registered Size | 649.0000SQM |
| Portion Number | 0 | Municipality | CITY OF CAPE TOWN |
| Township | BERGVLIET | Province | WESTERN CAPE |
| Registration Division | NOT AVAILABLE | Coordinates (Lat/Long) | -34,045459 / 18,446831 |
| Deeds Office | CAPE TOWN | | |

OWNER DETAILS

Owner 1 of 1

| | | | |
|-------------|----------------------|--------------------|-------------|
| Person Type | PRIVATE PERSON | Title Deed | T14784/2012 |
| Name | PODLER SIMON RICHARD | Purchase Date | 2012/01/27 |
| ID Number | 7604195145085 | Purchase Price (R) | 2,400,000 |
| Share (%) | - | Registration Date | 2012/03/30 |

MAPS



PROPERTY INFORMATION

| | |
|-------------|--|
| Address | 36 FARMSIDE ROAD, BERGVLIET, CAPE TOWN |
| Primary Use | - |
| Estate | - |

Room Configuration

| | | | |
|-------------------|---|-----------------|---|
| Bedrooms | 1 | Reception Areas | - |
| Bathrooms | 1 | Study/Office | - |
| Kitchens | 1 | | |
| Internal Finishes | - | | |

General Information

| | | | |
|------------------------------|-----|-------------------|---------|
| Door Number | - | Roof Type | TILES |
| Floor Size (m ²) | 649 | Wall Type | PLASTER |
| Storeys | 1 | Construction Year | 1988 |

Other Features

| | | | |
|---------|---|----------------------|-----|
| Garages | - | Additional Dwellings | YES |
| Garden | - | | |
| Pool | - | | |

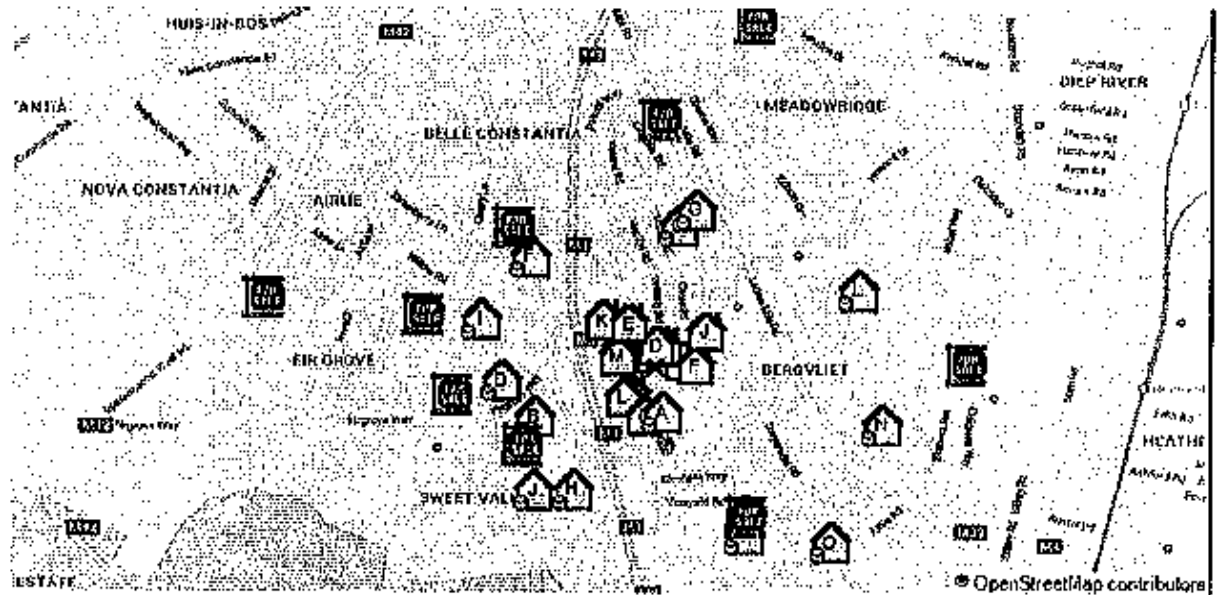
1239

MUNICIPAL VALUATION

| | | | |
|---------------------|----------------|----------------|------|
| Municipal Valuation | R 2 800 000.00 | Valuation Year | 2015 |
| Zoning Usage | - | | |

SALES

Sales shows the details of the most recent transfers, sales pending registration and properties for sale in close proximity to the specified property.



Recently Registered Transfers

| | Address / Property Description | Size (m ²) | Sales Price (R) | Distance (m) | Sold | Transferred |
|---|--------------------------------|------------------------|-----------------|--------------|------------|-------------|
| A | 8 FARMSIDE ROAD BERGVLIET | 830 | 3,650,000 | 82 | 2017/11/02 | 2017/12/20 |
| B | 8 TIMBER WAY BERGVLIET | 1 031 | 3,200,000 | 103 | 2017/11/04 | 2018/01/31 |
| C | 11 TIMBER WAY BERGVLIET | 1 838 | 4,760,000 | 44 | 2017/03/09 | 2017/06/21 |
| D | 14 FARMSIDE ROAD BERGVLIET | 554 | 3,500,000 | 39 | 2016/09/02 | 2017/02/01 |
| E | 10A BARN ROAD BERGVLIET | 4 399 | 12,500,000 | 158 | 2017/11/10 | 2018/01/15 |
| F | 5 TUDOR CLOSE BERGVLIET | 896 | 4,000,000 | 149 | 2017/03/19 | 2017/07/17 |
| G | 8 FARMSIDE ROAD BERGVLIET | 569 | 3,000,000 | 117 | 2018/10/30 | 2017/02/03 |
| H | 8 FARMS EDGE ROAD BERGVLIET | 467 | 3,100,000 | 182 | 2017/09/14 | 2017/12/01 |
| I | BERGVLIET, 1891, 0 | 17 | 1,140 | 123 | 2015/11/05 | 2017/02/27 |
| J | 80 STARKE ROAD BERGVLIET | 503 | 3,300,000 | 204 | 2018/02/09 | 2018/03/18 |
| K | BERGVLIET, 2066, 0 | 2 108 | 1,500,000 | 230 | 2017/11/10 | 2017/12/12 |
| L | 10 FARMS EDGE ROAD BERGVLIET | 481 | 2,895,000 | 207 | 2017/01/30 | 2017/03/30 |
| M | 5 FARMSIDE ROAD BERGVLIET | 549 | 143,000 | 128 | - | 2016/06/28 |
| N | 16 PEKALMY ROAD BERGVLIET | 518 | 4,300,000 | 255 | 2017/11/29 | 2018/02/15 |
| E | 10A BARN ROAD BERGVLIET | 4 399 | 8,250,000 | 158 | 2016/03/18 | 2016/07/15 |

Sales Pending Registration

| | Address / Property Description | Size (m ²) | Sales Price (R) | Distance (m) |
|---|--|------------------------|-----------------|--------------|
| A | 27 PEKALMY ROAD BERGVLIET | 571 | - | 237 |
| B | 3 FAIRFIELD CLOSE CONSTANTIA HILL ESTATE | 1 557 | 5,250,000 | 492 |
| C | 6 FULLER ROAD BERGVLIET | 800 | - | 540 |
| D | 9 BERGENDAL ROAD CONSTANTIA | 1 524 | 4,800,000 | 547 |
| E | 11 LINDESHOF ROAD CONSTANTIA HILL ESTATE | 1 536 | 6,000,000 | 503 |
| F | 10 LE ROUX LANE CONSTANTIA | 2 028 | 8,985,000 | 588 |
| G | 8 WALTERS WAY BERGVLIET | 777 | 5,050,000 | 616 |
| H | 8 WESTRIDGE CIRCLE CONSTANTIA | 1 351 | 7,250,000 | 624 |

| | | | | |
|---|--|-------|-----------|-----|
| I | 8 GROVE WALK CONSTANTIA | 1 878 | - | 627 |
| J | 21 WESTRIDGE CIRCLE CONSTANTIA HILL ESTATE | 1 367 | - | 698 |
| K | 5 ARISTEA ROAD KREUPELBOSCH | 872 | 3,300,000 | 733 |
| L | 12 MONTAGUE WAY BERGVLIET | 1 063 | - | 760 |
| M | 11 ARISTEA ROAD KREUPELBOSCH | 872 | - | 800 |
| N | 28 POPLAR AVENUE BERGVLIET | 1 411 | - | 845 |
| O | 39 STARKE ROAD BERGVLIET | 1 075 | - | 967 |

1240

| Properties For Sale | | | | | |
|--|------------------------|-------------------|--------------|------------|--------------------|
| Address / Property Description | Size (m ²) | Listing Price (R) | Distance (m) | Listed | Property24 Listing |
| BERGVLIET (DETAILS WITHHELD *) | - | 1,750,000 | 534 | 2017/02/28 | 104877425 |
| 11 LINDESHOF ROAD CONSTANTIA HILL ESTATE | - | 6,995,000 | 593 | 2018/03/01 | 108088066 |
| 5 SQUIRREL CLOSE CONSTANTIA | - | 8,385,000 | 732 | 2018/02/07 | 106011684 |
| 5 ARISTEA ROAD KREUPELBOSCH | - | 3,499,000 | 733 | 2018/02/03 | 105998070 |
| 01 STRAWBERRY LANE CONSTANTIA | - | 16,000,000 | 733 | 2018/01/22 | 105958179 |
| 61 STRAWBERRY LANE CONSTANTIA | - | 15,000,000 | 733 | 2017/10/19 | 105718629 |
| 1 DENNEBOSCH CLOSE CONSTANTIA | - | 6,495,000 | 833 | 2018/03/01 | 108081224 |
| 1 DENNEBOSCH CLOSE CONSTANTIA | - | 6,495,000 | 833 | 2017/09/14 | 105598498 |
| 14 CAMBIER ROAD BERGVLIET | - | 4,995,000 | 975 | 2018/01/26 | 105978354 |
| 19 HERTZOG ROAD BERGVLIET | - | 3,550,000 | 1 089 | 2018/03/07 | 106108023 |
| CONSTANTIA (DETAILS WITHHELD *) | - | 14,200,000 | 1 284 | 2017/11/27 | 105839193 |
| MEADOWRIDGE (DETAILS WITHHELD *) | - | 3,995,000 | 1 340 | 2018/01/24 | 104902732 |
| CONSTANTIA (DETAILS WITHHELD *) | - | 4,600,000 | 1 375 | 2018/02/16 | 106047448 |
| 5 DRESSAGE CLOSE CONSTANTIA | - | 6,495,000 | 1 395 | 2018/02/11 | 106028191 |
| 14 WALTHAM WAY MEADOWRIDGE | - | 8,000,000 | 1 417 | 2018/03/20 | 108157474 |

* The property location has been withheld at the estate agent's request and is not visible in the Google Map.

Sales Analysis

45 properties used in the analysis.

Note: Where there is no monetary value or extent it has been ignored.

| | Price (R) | R/m ² | Extent (m ²) |
|-------------------------|------------|------------------|--------------------------|
| Highest Priced Property | 12,500,000 | 2,842 | 4 399 |
| Average Priced Property | 4,526,556 | 3,478 | 1 301 |
| Lowest Priced Property | 1,140 | 87 | 17 |

BONDS AND OTHER DOCUMENTS

| Document Number | Amount (R) | Holder |
|-----------------|------------|-------------|
| B8334/2012 | 2,400,000 | NEDBANK LTD |

PROPERTY HISTORY

| Document Number | Amount (R) | Holder |
|-----------------|------------|--------------------------|
| T68918/2005 | 1,675,000 | DUDLEY RUTH LORRAINE |
| T73451/1988 | 134,420 | WATLING JOAN GLEAVES |
| T30616/1984 | 1,900,000 | DAVIDIAN ESTATES PTY LTD |

AMENITIES

| Name | Type | Distance (m) |
|--|-------------------------------|--------------|
| Die Oog | Sports and Leisure | 350 |
| Sweet Valley Primary | Education | 414 |
| Bergvliet Methodist Church | Transport and Public Services | 430 |
| Bergvliet High School | Education | 711 |
| American International School Of Cape Town | Education | 810 |
| Meadowridge Baptist Church | Transport and Public Services | 1 188 |
| Sherwood Pharmacy | Health | 1 206 |

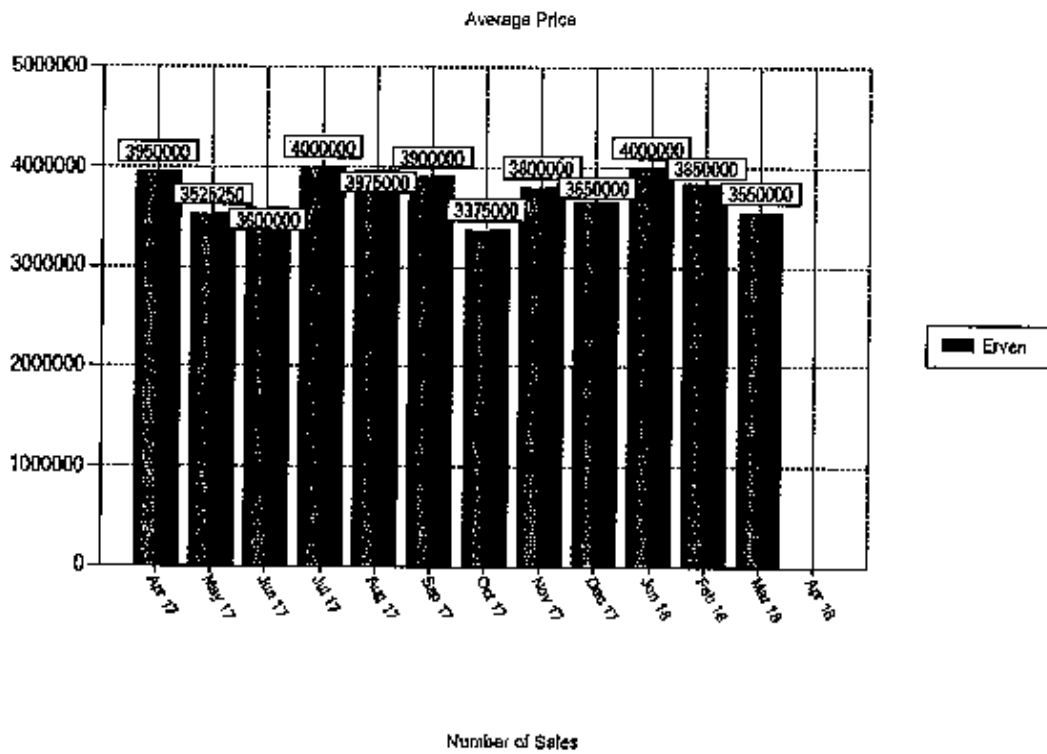
| | | |
|---------------------------------|-------------------------------|-------|
| Bergvliet Primary | Education | 1 207 |
| Engen Garage recycling bins | Transport and Public Services | 1 317 |
| Westcott Primary | Education | 1 705 |
| Zweenswyk Academy/Akademie | Education | 1 780 |
| Steps to Health | Health | 1 817 |
| Consistia Waldorf School | Education | 1 827 |
| Peddars on the Band | Food and Entertainment | 1 846 |
| Tango's | Food and Entertainment | 1 846 |
| Zweenswyk High School | Education | 1 918 |
| Horzlia Primary (Southern Sub.) | Education | 1 959 |

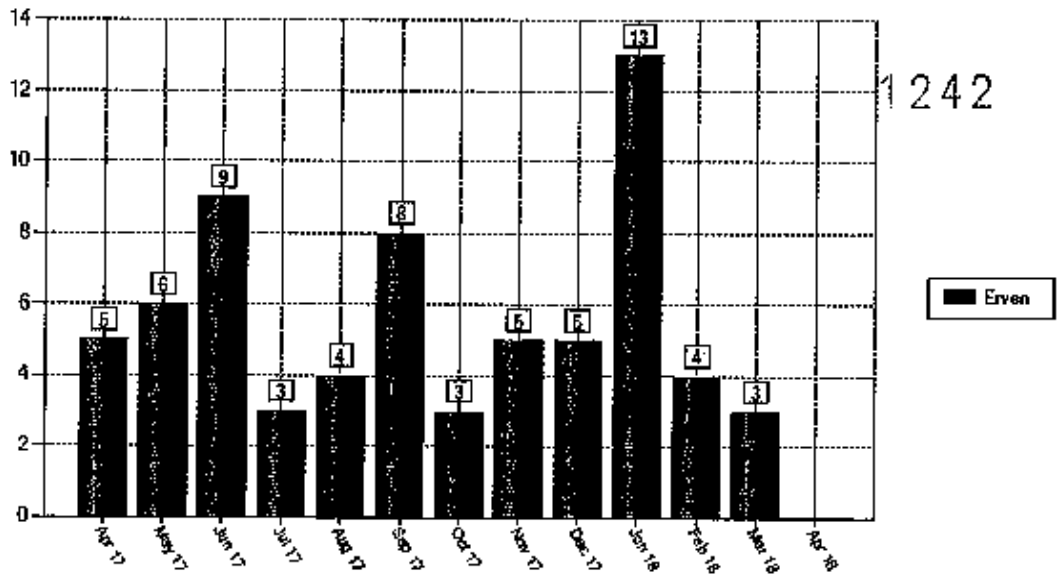
1 241

SUBURB TRENDS

The Suburb Trend graphs show the average price and total volume of sales in the suburb.

Monthly Trends

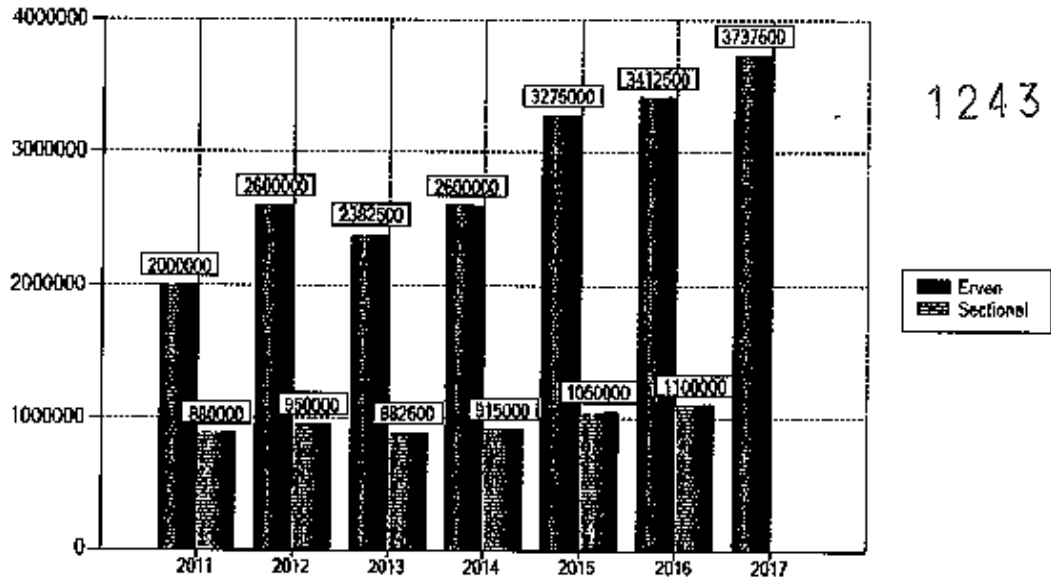




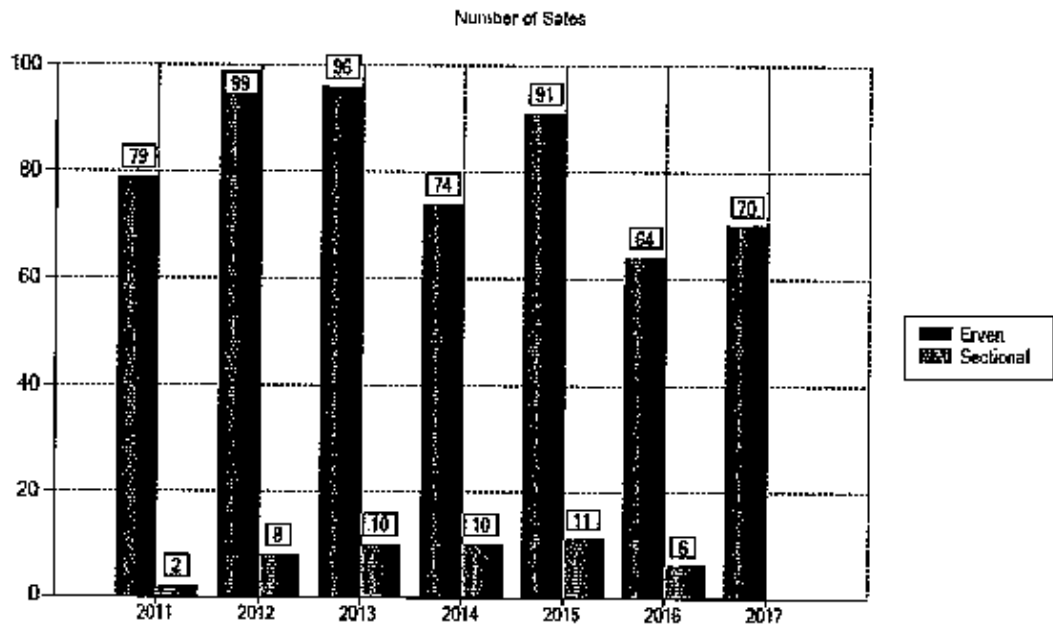
| | Average Erf Price (R) | Total Erf Sales | Average SS Price (R) | Total SS Sales | Average Farm Price (R) | Total Farm Sales | Average AH Price (R) | Total AH Sales |
|--------|-----------------------|-----------------|----------------------|----------------|------------------------|------------------|----------------------|----------------|
| Apr 17 | 3,950,000 | 5 | - | - | - | - | - | - |
| May 17 | 3,626,250 | 6 | - | - | - | - | - | - |
| Jun 17 | 3,660,000 | 9 | - | - | - | - | - | - |
| Jul 17 | 4,000,000 | 3 | - | - | - | - | - | - |
| Aug 17 | 3,975,000 | 4 | - | - | - | - | - | - |
| Sep 17 | 3,900,000 | 8 | - | - | - | - | - | - |
| Oct 17 | 3,375,000 | 3 | - | - | - | - | - | - |
| Nov 17 | 3,800,000 | 5 | - | - | - | - | - | - |
| Dec 17 | 3,850,000 | 5 | - | - | - | - | - | - |
| Jan 18 | 4,000,000 | 13 | - | - | - | - | - | - |
| Feb 18 | 3,850,000 | 4 | - | - | - | - | - | - |
| Mar 18 | 3,550,000 | 3 | - | - | - | - | - | - |
| Apr 18 | - | - | - | - | - | - | - | - |

Annual Trends

Average Price



1243



| | Average Erf Price (R) | Total Erf Sales | Average SS Price (R) | Total SS Sales | Average Farm Price (R) | Total Farm Sales | Average AH Price (R) | Total AH Sales |
|------|-----------------------|-----------------|----------------------|----------------|------------------------|------------------|----------------------|----------------|
| 2011 | 2,000,000 | 79 | 880,000 | 2 | - | - | - | - |
| 2012 | 2,600,000 | 98 | 950,000 | 8 | - | - | - | - |
| 2013 | 2,382,500 | 96 | 882,600 | 10 | - | - | - | - |
| 2014 | 2,600,000 | 74 | 915,000 | 10 | - | - | - | - |
| 2015 | 3,275,000 | 91 | 1,050,000 | 11 | - | - | - | - |
| 2016 | 3,412,500 | 64 | 1,100,000 | 6 | - | - | - | - |
| 2017 | 3,737,600 | 70 | - | - | - | - | - | - |

4/3/2018

<https://search.windeed.co.za/WinDeedProperty/WinDeedPrintout/241859274?type=Html&printerFriendly=false&exclComparableSale...>

This report contains information gathered from the **WinDeed database** and we do not make any representations about the accuracy of the data displayed nor do we accept responsibility for inaccurate data. WinDeed will not be liable for any damage caused by reliance on this report and for legal purposes encourage validation on ownership details with the Deeds Office. This report is subject to the terms and conditions of the [WinDeed End User Licence Agreement \(EULA\)](#).

1244

1245

Annexure

H

1246



OLDEN & ASSOCIATES

Urban & Regional Planners

Tel: 021 762 4080 | Fax: 021 762 4097 | email: info@oldenplanners.co.za
P.O. Box 483 Plumstead, Cape Town, 7800 | Block A Richmond Centre, Main Road, Plumstead, 7800
www.oldenplanners.co.za

Ref: S:\OA\1559-03

21 August 2018

Attention: Muneerah Slamet

City of Cape Town

District H

3 Victoria Road

Plumstead

7800

Dear Muneerah

APPLICATION FOR DELETION OF TITLE DEED CONDITIONS, DELETION OF CONDITIONS OF AN EXISTING APPROVAL, SUBDIVISION & DEPARTURES OF ERF 1194; 11 TIMBER WAY BERGVLIEET

The above application (application no. 70361112) refers.

As applicant in this regard, we wish to hereby formally respond to objections, as follows:

An application for deletion of title deed conditions, deletion of conditions of an existing approval, subdivision & departures was submitted in June 2017. Following due processing

by Council, the application was subsequently advertised in the press in March 2018 and letters were sent by registered post to the surrounding land owners.

The public were given a period of 30 days to comment. In response 19 comments/objection was received (please see attached copies of all letters received).

In the underlying table, the applicant will provide a formal, mitigating response to the issues/concerns raised by the objector to the application in question, and will further demonstrate the desirability and lack of negative impacts associated with the proposal at hand. For ease of reference, and to avoid repetition, the objections have been summarized and categorized, with a mitigating response provided to each ground for objection raised by the interested and affected parties.

The objectors were:

- G. Phillips, Erf 1005 Bergvliet
- Moth Property Consultants, on behalf of R and J Kerr, Erf 1561 Bergvliet
- S. Joan Lewis, Erf 944 and 945 Bergvliet
- P. D Corbett, Erf 1013 Bergvliet
- Bergvliet/Meadowridge Ratepayers' Association
- D. Ohland, 13 Clement Way Bergvliet
- R. Axelson, Erf 959 Bergvliet
- D. Carter, Erf 972 Bergvliet
- A. Vlantis, 28 Farmsedge Road, Bergvliet
- J. Grace, Erf 1560 Bergvliet
- L. Low, Erf 1953 Bergvliet
- M. Mantell, 15 Farmside Road, Bergvliet
- Hofmeyer, on behalf of M. Vlantis Erf 1562, Bergvliet
- B. Rookledge, Erf 956, Bergvliet
- E. Hastings, 1 Mutual Way, Bergvliet

- G. Munro, 7 Timber Way, Bergvliet
- J. Pickup, Erf 1932, Bergvliet
- J. Lancaster, Erf 1934, Bergvliet
- Dingley Marshall, on behalf of M. Barton Vlantis and S. Pooler, Erf 1562 and Erf1563 Bergvliet

The details are set out below and are as follows:

1. Character of the area

The area in which the subject property is located can be characterized as being an established, stable, medium income suburban residential area with large, single and double storey dwelling houses, some of which are historical dwelling houses, on medium to large sized properties.

The subject property was originally two erven in Pekaalmy Township which were consolidated. It is a well vegetated area and historically known as a Garden City type suburb. To the west and south west of the subject property are closed scheme housing redevelopments of part of Bergvliet Farm and to the north a redevelopment of a large area for a Retirement Village, all on individual smaller subdivided erven. It is pointed out, however, that these developments are "closed holistic developments", not ad hoc subdivisions of the type envisaged in this application.

The Pekaalmy area should therefore be preserved for its rural, quiet location and its old trees. The original town planning of said suburb was based on the premise of open spaces, green belts, large erven, trees, cultivated gardens, to facilitate clean and healthy living for parents and mostly for children.

The average size of a property in Bergvliet is 650m²-850m². The existing erf measures 1836m². To divide the erf into 4 erven of 328m² does not conform to the existing character of the area. It will create a concrete block that is not sensitive to the local environment. The character of an area is informed by far more than the broad category of

the proposed land use; considerations such as the treatment of existing natural and manmade features, the approach to landscaping, where new landscaping is required, and the proposed architecture and urban design will all play an equally, if not more important role in determining such character.

The appearance of this property from the street is determined predominantly by large established trees. In terms of the development proposal, virtually all those trees will be removed and replaced by buildings, which require significant departures from the applicable building line- and height restrictions to fit onto the small subdivided properties.

The only basis upon which the objectors are prepared to withdraw its objection against the application is if conditions are imposed in terms whereof the dominant trees (to be identified) must be retained and where single storey buildings only are allowed on proposed portions 1 and 3. If a development that is not subject to those conditions is not feasible, no development should be allowed. An objector suggested an alternative design with a maximum of 3 new houses on bigger stands with a minimum of 500 square metres per erf in order to improve the layout of each home and the space around each home so that there is proper consideration for privacy and lifestyle needs of the new owners as well as existing properties so as not to impact on the character of the area. The plots are too small. And should not be less than 400 square meters. The two plots on Homestead Avenue (Portions 3 and 4), will be considerably smaller than this.

Applicant's Response

The application is not for a large-scale housing development, but rather for a subdivision to allow for 3 additional dwellings. This is achieved through incremental densification which is low impact. Only 3 new families will move into the area and the newly proposed dwellings are considered to be in keeping with the character of the area. The 3 newly proposed dwellings have been designed by an architect to have an attractive appeal that will add to the streetscape. These proposed dwelling houses are

not concrete blocks, but rather each has been designed to be in keeping with the character of the area and other double storey dwellings in the immediate vicinity.

Although landscaping has not been shown on the plans, it should be noted that the majority of trees will be kept. According to the plan attached only 9 trees will be removed and 14 will be kept. It is also important to note that the trees on the pavement (on both Timber Way and Homestead Avenue) of which there are many will be kept as they are on Council land. As a result the visual impact of the development will be well screened by the existing trees.

With regards to the plot sizes, it should be noted that there are smaller erven within a 100m radius to the north of the property measuring between 200 and 300m² and to the south of the subject property that are approximately 470m² in extent. The proposed subdivided erven range between 696m² and 328m². As a result, the applicant submits that the application is in keeping with the character of the area.

2. Felling of trees and lack of proposed landscaping

The proposed felling of approximately 19 trees on Erf 1194 follows the current trend towards tree/forest destruction in our urban areas. Trees are the green lungs of urban areas, and trees attract rain. Trees/foliage also helps break noise and absorb sound. The erf in question is populated with well-established trees, some of which have been growing for at least 30 years. Due to the cramped nature of the development, there is no possibility of "substantial and appropriate soft landscaping" to reduce the visual impact on the character of the area.

Applicant's Response

A tree survey was conducted by tree specialist Rod Tritton, and it is noted that there are no legal restraints to the removal of any of the trees within the boundary of Erf 1194 Bergvliet (except for the title deed restriction, which is proposed to be removed). None of the trees that are proposed to be removed are indigenous or significant. It should also be

noted that it is not proposed to remove 19 trees. Rather it is proposed to remove 9 trees and keep 14 trees. A copy of the tree survey is hereby attached.

Furthermore, as emphasized in point 1 above, there is ample space to include generous landscaping around each of the houses. Each house also has a proposed swimming pool, which will add to the landscaping. Portion 2 will retain a large portion of the garden which is in keeping with its current character.

3. Impact on the City's resources

Subdivision of Erf 1194 into 4 portions with 4 dwelling houses means much more plumbing and therefore much more water consumption. This is inconsistent with a wise urban development policy which curbs erf subdivision in view of the latter causing increasing water consumption in Cape Town. Timber Way already has high levels of sewerage and water problems related to the trees. This will overburden and complicate the sewerage issues further. Sewage in the area is under stress presently and often overflows in the street, so additional housing will worsen the problem. A mini-sub is already required for other proposals, placing further strain on the national grid. Health issues are raised with the current water crisis in Cape Town, as the existing sewage system is incapable of coping with the increased high density developments in the area. Blockage of the sewer system causes health issues with spills running down from subject property to the bottom of the road. Further increase in density will exacerbate this problem. The Township was not developed to cater for all the developments (i.e. Farmside, Farnsedge, Bergvliet Farm, Evergreen Retirement Village) and now proposed additional Dwellings.

Applicant's Response

The department of Roads and Storm water at the City of Cape town have requested a development contribution (DC) of R 112 430.43 as a condition before subdivision clearance may be granted. The DC will ensure that the City's resources are upgraded appropriately so as to support 3 more houses on this street. They have also requested a

storm water plan to show how each portion will be drained. The Applicant will consult a Civil Engineer to provide this plan so that all storm water issues are dealt with professionally. The drainage for each erf will be depicted on a plan as per the requirement of Roads and Storm water and will be submitted to them for comment.

4. Precedent

If this proposal is allowed, it will set a precedent for other such future developments, with the result that the ambience of Pekaomy as a quite, family suburb will be severely compromised. This projection of uncontrolled development is already most evident in what has been approved in Barn Road, where for 12 houses are currently being built on a plot on which only one house stood. An application for flats has also been made in said Road. Allowing this subdivision will set a precedent for other greedy developers and property owners to do the same.

Applicant's Response

Each application is assessed by the City of Cape Town on its own merit. An application for 3 additional houses cannot reasonably be compared to an application for 12 houses or a block of flats. This is an application for subdivision of Single Residential plots, which is in line with the original character of local area. This is not an application for rezoning to allow for a town house estate or a block of flats. In comparison it is very low impact.

5. Title deed conditions

The title deed conditions to be removed are not outdated or defunct. It is submitted that the applicant has interpreted the purpose of the restrictive conditions correctly. They were imposed to protect the streetscape and character of the local area which the applicant now seeks to interrupt and disturb. It is unclear whether the title deed condition of "not more than half the area shall be built upon" will be amended or deleted.

It would appear that the applicants have not taken the surrounding neighbours and owners interests into account in that no conditions have been proposed whatsoever. Migratory conditions such as restriction of further subdivision etc. would have been welcomed.

Applicant's Response

The removal of Title Deed Restriction; T5322/1971, Condition D6(c), pertains to the coverage. However, please note that there is no restriction for coverage in terms of the Municipal Planning By-Law in this zone, and the floor factor requirements have been complied with – there are no applications for departures in terms of floor factor. As a result the application is consistent with the Municipal Planning By Law which is more current than conditions of title imposed in 1971 some 47 years ago.

Other mitigating measures that the Applicant has taken include no height departures or parking departures. Three of the four dwellings do not trigger departures in terms of access either. From the above it is evident that the Applicant has taken measures to mitigate impact on the character and general well-being of the local area.

6. Ownership

The application states that the registered owner of Erf 1194 Bergvliet is Mr B L Perrow. This is incorrect as the property was sold by Mr Perrow in March 2017 and registered in the name of T P A Trust on 21 June 2017. We note that the Motivation submitted with this application is dated January 2018: 7 months after registration yet it purports to represent the views of Mr Perrow.

Applicant's Response

Please note that the applicant submitted a revised Application Form and Power of Attorney showing application was made in the name of TPA Trust, the new owner (see

attached). These documents were submitted to the City of Cape Town prior to the advertising of this application.

7. Heritage

Manor Avenue gives access to Bergvliet Farm, which is as you know a National Monument. The Bergvliet farm complex is part of land originally part of the farm Constantia, once owned by Simon van der Stel. Erf 1194 is on the corner of the suburban block that is well populated with many historic trees. The lushly vegetated street corner is one of the primary determinants of the character of this area and its contribution to the aesthetic beauty of the area may very well constitute a heritage resource.

The unqualified contention that because the property does not fall within heritage overlay zone and does not host any buildings older than 60 years, there will be no heritage impact, evidences an incomplete understanding of what constitutes heritage resources that are worthy of protection.

Whilst this property is at present one of the most important natural features in the neighbourhood, no apparent provision is made for landscaping anywhere in the development, let alone on the public edges.

Applicant's Response

The existing dwelling house is not older than 60 years and no building work is proposed. Therefore, a Section 34 of NHRA permit is not required. The subject property is also not located within a Heritage Overlay Zone. Neither does the proposal trigger any SAHRA (1999) legislation. As a result, the proposal does not require any approvals from the heritage authorities.

8. Poor motive

The main objective is the greed of the property developer who no doubt lives on a large property that they would never sub divide.

Applicant's Response

This statement is unfounded and not considered a valid objection as it does not relate to the application at hand.

9. Serving of notices

Numerically skewed notices have been served on the surrounding land owners, which have been issued to properties as far away as Clement Ave (0.5km), who could have no possible interest in the proposal, while ignoring properties in close proximity which are directly affected, such as 931, 1887, 941. This means the immediately adjacent properties who are directly affected are outweighed by the 83 properties who have no interest or are unaffected by the proposals in any way. What are the reasons for this strange distribution, which is obviously suspicious and highly questionable?

Applicant's Response

This process is controlled solely by the City of Cape Town, and the Applicant plays no part in choosing who is notified and who isn't. Owing to the fact that various conditions are being amended and removed, the whole township needs to be notified. For further clarity on this matter, this will need to be taken up with the City of Cape Town.

10. Desirability

In terms of Section 99 of the Municipal Planning By-Law an application must be refused if the decision-maker is satisfied that the application fails to comply with the minimum

threshold requirements set out therein. As soon as non-compliance with the said minimum requirements, including those relating to desirability, is established, the City has no discretion to approve the application, not even subject to conditions; refusal is obligatory. There is in principle, no objection to the removal of the restriction against subdivision provided that the title deed restrictions prohibiting future further subdivision and the building line condition are re-instated in respect of the newly subdivided erven. However the present application is undesirable and on that basis should be declined. It is not in the interest of the local area as the applicant seeks to obtain additional rights which will only benefit the owner/developer and have no benefit to the local or general community.

Applicant's Response

The applicant has tested the application against the following requirements in terms of Section 99(3) of the Municipal Planning By-Law and has proven the subdivision is indeed desirable:

a) Economic impact

The construction of any future dwellings on the proposed erven will require the services of a building contractor (and associated vendors), and will require skilled and unskilled labour. During this time, it therefore supports job creation and local businesses as well as local economic development.

b) Social impact

The economic impact surrounding job creation will allow for those earning an income to afford social services and improve their quality of life during the duration of their employment.

c) Scale of the capital investment

The owner will pay for the costs of any future development and the contractors and their vendors will benefit. This capital expenditure will have a return through increased property value.

d) Compatibility with surrounding uses

The property contains a single dwelling, as do the properties surrounding it. It is not proposed to change the use of the property which will remain to be zoned for single residential purposes. The structure and aesthetics are complementary to the streetscape.

e) Impact on the external engineering services
There will be no impact on the external engineering services.

1257

f) Impact on safety, health and wellbeing of the surrounding community
The subdivision will not create a safety hazard for pedestrians or other vehicles. The access proposed points are slightly larger than usual, which has allowed greater visibility for cars.

g) Impact on heritage
The building is not graded, is less than 60 years old, and is not located within one of the City's Heritage Overlay Zones. It therefore does not trigger any SAHRA (1999) legislation.

h) Impact on the biophysical environment
There is no proposed constructing that would require environmental authorisation. There is no increase in coverage.

i) Traffic impacts, parking, access and other transport related considerations
Issues relating to parking, access and other considerations have an impact on health safety and wellbeing and are addressed above in section 4.1(f).

j) Whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

11. Densification and other planning policy and legislation

The applicant appears to say that because the land use will remain residential the density will remain the same purely because the proposal caters for single residential use, as opposed to some other form of residential use. This is obviously untrue as the larger single residential homes on a group of smaller erven will constitute a more dense development than smaller single residential houses on larger erven.

Densification is to be promoted specifically in so-called Density Priority Zones and it is our submission that the subject property does not fall within a DPZ, as defined in the policy. The Policy propagates new buildings that are modest in height and size and that conform to the character and built form of the nearby locality. The bulky double storey houses that will be forced onto peculiarly-shaped erven is not in line with the built form of the nearby locality. It does not represent sympathetic densification, but the contrary, would be

reckless infill development to the detriment of all abutting properties. The **Densification Policy** is regularly abused to motivate and justify applications for additional dwelling units necessitating applications for removal of restrictions, departures from the **Development Management Scheme**, building line setbacks, removal of trees etc.

The proposal is not supported in the Southern District plan which specifically states that in this sub-district (Sub-District 3) **“Emphasis must be placed on residential densification within 1km of urban nodes and the spines of development corridors, with a special emphasis within 500m of these...”** and that **“the character of urban areas further than 1 km from urban nodes and spines of development corridors should generally not be subject to change.”** Thus, this application cannot be considered as appropriate as it will change the character of this lower density area.

The fact that the surrounding land owners have rights which are protected by lawful zoning development must be acknowledged. Any application that requires additional rights which will impact negatively on the abutting properties must be considered.

Lastly, this form of densification does not necessarily require the subdivision of a property, but can be treated as a type of sectional-title scheme.

Applicant’s Response

The approval of this application will satisfy the City of Cape Town’s Strategic Planning Objectives as stipulated in the applicable forward planning documents as well as the **Development Management Scheme (DMS)** and other associated documents. Importantly, the issue of containing urban sprawl and rather increasing urban densities, albeit only slightly, is particularly relevant in this case. It thus forms an important part of the motivation for the subdivision. It should also be noted that densification of large sites, such as the subdivision of the subject property, is beneficial for the following reasons:

- More efficient use is made of existing municipal infrastructure. Existing infrastructure can be extended a short distance to service the proposed property.
- Making more efficient use of land which is a scarce resource. The current property containing only one dwelling will accommodate four dwellings.
- Urban sprawl is contained with the result that pressure on land with high agricultural, conservation and amenity value is reduced.
- The additional property will add to the utilisation of space already within the urban edge.
- Densification allows for more people to live in and enjoy the benefits of well-located areas.

Densification, by means of such applications (i.e. the subject application), facilitates a gradual restructuring of the City which is vital in terms of social, economic and environmental sustainability and is an important mechanism towards improving the inefficient city structure that currently exists.

The applicant submits that the proposal is in full compliance with the applicable forward planning and statutory requirements including the Southern District Plan, and that the proposed subdivision is in context with the surrounding erf sizes in the broader area.

12. Safety in the area

The applicant states that the development will result in improved security, that the additional traffic that the development will create will be marginal and that, as a consequence, there will be no negative impact on the safety, health and wellbeing of the surrounding community.

It is denied that the proposed development will improve security through increased natural surveillance. The applicant's contention that further boundary walls somehow increases illegal movement of intruders is denied. It is common knowledge that areas

with higher population densities in the Cape Town area suffer from much higher rates of crime. With every new dwelling erected, the motivation for criminals to enter the area increases and their possible exit paths are increased with every new wall able to assist their movement from being detected.

Applicant's Response

The applicant disagrees with the objector in this instance. Any additional households living on the property in the future will improve security through increased natural surveillance in the area. The properties are also likely to engage with security companies for house alarm and there is also an active neighbourhood watch known as Bergvliet Kreuplebosch Meadowridge (BKM) neighbourhood watch in the area.

13. Privacy and sunlight

The building lines and setbacks mean that the building is on the edges of the erf, which leads to a loss of privacy. There are obvious associated increases in noise pollution because of the high bulk level.

There are three properties that share a common boundary with the subject site. These three properties will lose their views of beautiful trees which will be replaced with double storied buildings. These buildings will be closer to the boundaries and higher than what is permitted by law.

On portion 3 specifically, the ground level of which is approximately 1 metre above that of Erf 1561 and 1560 and is a double storey. This fact combined with the removal of trees, will result in a complete lack of privacy to the garden area of these two properties. Erf 1560 is set forward of Erf 1561 by 10 metres. The balcony on the first floor of Portion 3 is specifically objectionable as it overlooks the entire and only private garden space on Erf 1561. The balcony should be closed off on the Western elevation and all the windows/doors on this elevation should be removed.

One of the reasons that one of the objectors purchased his property is because of the space between his property and the subject property. The objectors property is 1m lower in ground level and the height of the proposed property will impact on privacy. The height of the proposed buildings will also limit the sunlight into the neighbouring properties. In terms of the impact on my client's property it is significant that the roof overhang almost touches the common boundary as is evident from the site plan.

Applicant's Response:

It should be noted that the building on portion Portion 3 has been changed to accommodate the neighbouring property on the western boundary, the departures have been accordingly amended, as per the departure list on page 21 of this letter.

With regards to the roof boundary, it should be noted that this is the roof of the existing dwelling on the property. Thus, there is no new impact and this has been existing for many years without there being any negative impact on neighbours.

Three of the erf boundaries front onto to a street, thus minimizing impact on surrounding land owners. The applicant disagrees with the objector regarding loss of sunlight. This objection is unfounded and the objector does not provide any conclusive evidence or motivation with regards to of loss of sunlight. Given the above, the applicant submits that the proposed dwellings will not have a significant impact on privacy and sunlight.

14. Traffic and parking

House entrances so close to the corner of Homestead Avenue and Timber Way with higher volumes of traffic will result in more traffic congestion and traffic related problems. There are high levels of older folk that walk in the area and younger children in the area. It will make such activities more dangerous and less pleasant for these families. There are 110 homes in the immediate neighbourhood that need to use Timber Way to access Homestead Avenue. These include homes in the Farmsedge and Bergvliet Farm Estates. Timber Way therefore carries a lot of road traffic. Further, there are 95 homes that need

to use Homestead Avenue to access Ladies Mile Road. These include homes in the Evergreen and Farmside estates. Traffic congestion in Homestead Avenue is really problematic during the weekday mornings and afternoons when parents are dropping and collecting their children from the very popular Sweet Valley Primary School and on Sundays and other times due to the Methodist Church of South Africa in Homestead Avenue when cars park in the street preventing the 2 way flow of traffic.

Off-street parking is already a challenge in the area which forces visitors to block off driveways and park on vacant municipal land which is supposed to be a park and open green spaces.

The development will lead to more traffic congestion trying to enter Ladies Mile Road. There is already an increased volume of traffic due to the Evergreen development. The condition of Timber Way's road surface is sub-standard and will further deteriorate once heavy machinery is used.

Applicant's Response

The application is supported by the Directorate of Transport subject to various conditions (see comment attached).

15. Economic impact

The development will result in a decrease in property values and a negative socio-economic impact due to increased density, noise, traffic congestion, reduced average property size.

A poorly construed subdivision will result in lower property values for existing owners as well as the new occupants which will detrimentally effect COCT rates collections in the area.

The developers will diminish the value of the existing house considerably by these small erven as well as the value of properties in the area – the small erven that will look onto neighbouring erven will negatively affect future resale of the neighbouring properties.

This is an attempt to extract maximum value from a large plot without demolishing the existing dwelling. The subdivision into four portions creates an awkward and forced layout which is unsympathetic to the local area and would appear to be motivated only to extract maximum value regardless of the impact on the neighbouring properties which is not good planning practice.

Applicant's Response

No proof has been provided that the proposal will decrease the property prices in the area. The applicant submits that proposal will not devalue the surrounding properties, and in fact argues the opposite and that surrounding property prices should increase in value. In any event it must be noted that the Land Use Management Act, 2013 states that an application may not be refused solely on the grounds that the value of the property is affected.

NOTE:

Owing to the fact that the proposal on Portion 3 was changed to accommodate the neighbouring property on the western boundary to reduce the impact, the departures have been amended, as per the departure list on page 21 of this letter.

3. DEPARTMENTAL COMMENTS

It should be noted that there are no objections from any of the services branches at Council. Comments have been received from:

GIS - GIS Conditions have not been complied with. No Street number or Road name plan has been submitted with the application. However, street numbers are only required once

the application is approved. No new streets are being created hence no new street names are required.

ROADS & SEWER - A development contribution of R 112 430.43 is payable prior to subdivision clearance. A s/w plan must be submitted showing how each portion will be drained on the Subdivision layout not to be approved until plan is submitted. No levels have been indicated on drawing. This plan will be submitted direct to the Department of Roads and Storm water.

TRANSPORT - This branch offers no objection to this application for removal of restrictions, subdivision and departures, subject to the following conditions: The access arrangement to each portion must be to the satisfaction of the Transport Planning Branch.

WATER - No objection subject to standard conditions.

ELECTRICITY - No objection subject to standard conditions.

4. CONCLUSION

Based on the above mitigating response provided by the applicant and coupled with the motivation submitted by the applicant with the original application, the Applicant concludes that the application be approved as it is considered to be desirable in terms of Section 99 of the MPB-L and is consistent with the forward planning policies of the City of Cape Town. As a result, the applicant submits that authority sought is considered to be eminently reasonable and as a result, the applicant respectfully requests that the application be approved.

Finally, the applicant respectfully requests that should this application appear before a committee for a final decision, that the applicant be granted an interview with the committee.

1265

We trust the above and attached to be in order, however should you have any further queries please do not hesitate to contact the undersigned.

Yours sincerely,

Michael Olden

FOR OLDEN AND ASSOCIATES

August 2018

UPDATED DEPARTURE LIST

1266

Application is hereby made for the following:

Portion 1:

Departure in terms of Item 22(d) of the City of Cape Town Municipal Planning By-Law:
1.7m in lieu of 3.5m from Manor Avenue.

Departure in terms of Item 22(f)(ii) of the City of Cape Town Municipal Planning By-Law: 0
in lieu of 1.5m from Manor Avenue on the southern boundary for the garage.

Departure in terms of Item 22(c)(ii) of the City of Cape Town Municipal Planning By-Law:
6.051m in lieu of 4 m in height on the western common boundary.

Departure in terms of Item 140 of the City of Cape Town Municipal Planning By-Law: 3.5m
in lieu of 5m wide access.

Departure in terms of Item 22(e)(i) for 1.3m in lieu of 1.5m for an external window facing
onto the northern common boundary on the ground floor.

Departure in terms of Item 22(e)(i) for 1m in lieu of 1.5m for an external window facing
onto the northern common boundary on the ground floor.

Departure in terms of Item 22(e)(i) for 1m in lieu of 1.5m for an external window facing
onto the northern common boundary on the first floor.

Portion 3:

Departure in terms of Item 22(d) of the City of Cape Town Municipal Planning By-Law:

12m common boundary rule from Homestead Ave

$aKLMN_b = 31.259m$

Permitted: 60% of $aKLMN_b = 18.75m$

Actual: 21.5m

26.72m in lieu of 18.75m is less than 3m from the common boundaries.

Departure in terms of Item 22(c)(ii) of the City of Cape Town Municipal Planning By-Law:
6.803m in lieu of 4 m in height on the eastern common boundary

Departure in terms of Item 22(c)(ii) of the City of Cape Town Municipal Planning By-Law:
6.560m in lieu of 4 m in height on the western common boundary

Departure in terms of Item 22(c)(ii) of the City of Cape Town Municipal Planning By-Law:
6.803m in lieu of 4 m in height on the southern common boundary

Portion 4:

Departure in terms of Item 22(d) of the City of Cape Town Municipal Planning By-Law:

12m common boundary from Homestead Ave

bNd = 11.16

Permitted: 60% of bNd = 6.696m

Actual: 7.15

7.15m in lieu of 6.696m is less than 3m from the common boundaries.

Departure in terms of Item 22(c)(ii) of the City of Cape Town Municipal Planning By-Law:
6.195m in lieu of 4 m in height on the western common boundary.

Departure in terms of Item 22(c)(ii) of the City of Cape Town Municipal Planning By-Law:
6.559m in lieu of 4 m in height on the eastern common boundary

Departure in terms of Item 22(c)(ii) of the City of Cape Town Municipal Planning By-Law:
6.687m in lieu of 4 m in height on the southern common boundary

Departure in terms of Item 22(d)(i) for a street setback of 2.22m in lieu of 3.5m from
Timber Way.

Departure in terms of Item 22(d)(i) for a street setback of 3.12m in lieu of 3.5m from
Timber Way.

1268

Annexure

I

147

1269

Butler Blanckenberg Nielsen Safodien
Tannery Park 21
Belmont Road
Rondebosch
7700

Prepared by me

[Signature]
CONVEYANCER
Pieter-Johan Blanckenberg
FARANNAAZ SAFODIEM

| Fee contribution | | Office fee |
|------------------------|--------------|---------------|
| Purchase price/Value | Amount | R/ |
| A | 4 700 000,00 | 1750,00 |
| Hybrid capital Amount? | | |
| Reason for exemption | | Exempt i.t.o. |

VERBIND MORTGAGED

VIR FOR R 3 525 000,00

S 000015707/2017

21 JUN 2017

REGISTRAR/REGISTRAR

REPUBLIC OF SOUTH AFRICA
DEPARTMENT OF LANDS AND SURVEY
31 AUG 2018
OFFICE OF THE REGISTRAR
CAPE TOWN

DEED OF TRANSFER

000035145/2017

BE IT HEREBY MADE KNOWN THAT

Farannaaz Safodien

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at RONDEBOSCH on 9 MARCH 2017 granted to him by

BRIAN LIONEL PERROW
Identity Number 300803 5013 08 5
Married out of community of property

29 JUN 2017
OLIVIER VORLAND

THE ABOVE IS THE TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT AS SUBMITTED TO THE REGISTRAR OF DEEDS AT CAPE TOWN ON 21 JUNE 2017.

I CERTIFY THAT THE ABOVE IS A TRUE RECORD OF THE DEED AS REGISTERED IN THE DEEDS REGISTER OF CAPE TOWN ON 21 JUNE 2017.

DATA / CAPTURE
26 JUN 2017
MUYATYAMBA HOLYO

GhostConvey 13.P.P.1

100131747 CSE
A S dien

1270

And the appearer declared that his said principal had, on 9 March 2017, 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:

The Trustees for the time being of TPA TRUST
Registration Number IT000349/2017(C)

its Successors In Office or assigns, in full and free property

ERF 1194 BERGVLIET
IN THE CITY OF CAPE TOWN
DIVISION CAPE, WESTERN CAPE PROVINCE

IN EXTENT 1838 (ONE THOUSAND EIGHT HUNDRED AND THIRTY EIGHT)
Square metres

FIRST REGISTERED by Certificate of Consolidated Title Number T8852/1964
with Diagram No. 1163/64 relating thereto and held by Deed of Transfer
Number T5322/1971

A. **SUBJECT** to the conditions referred to in Deed of Transfer dated 21st May, 1964, No. 8851.

B. **ENTITLED** to the benefit of the condition contained in Deed of Partition Transfer No. 5301 dated 26th August 1932, in favour of the Estate of the late Sophia Wilhelmina Jonasina Purcell (born Hertzog) widow:-

"That William Frederick Hertzog Jaffcoat and his successors in title of Bergvliet B shall have the right of way for himself, his family, friends, domestics and servants over the area twenty (20) feet wide marked on the diagram of Kreupel Bosch B and indicated by the lettering xQYZ."

C. **SUBJECT** to, or entitled to the benefits of, as the case may be, the following servitudes referred to in the Endorsements dated 29th April 1949, on said Deed of Partition Transfer No. 5300/1932, reading:-

1. "By Transfer No. 7065 portion 9 thereby conveyed is made subject and entitled to certain conditions in favour and against the remainder of Para 2 held hereunder relating to:-

(a) Joint rights to water from borehole situate on said portion 9;

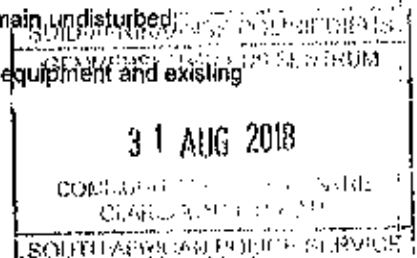
(b) Existing pipe leading from said borehole to remain undisturbed;

(c) Ownership of pumphouse, pumping plant and equipment and existing pipes to belong to owner of said portion 9;

(d) Period for which servitude shall operate

As will more fully appear on reference to said Transfer."

2. "By Transfer No. 7066 dated 29.4.49 portion 17 thereby conveyed is subject and/or entitled to the following conditions imposed for the benefit of the remainder held under para 2 hereof:-



#5

(1) All water rights attaching to remainder of para 2 held hereunder shall remain as heretofore and the said portion 17 shall have no rights to water flowing in the stream along the western boundary of said portion 17.

D. **SUBJECT FURTHER** to the conditions contained in Deed of Transfer, dated 21st May 1984, No. 8851, imposed by the Administrator of the Province of the Cape of Good Hope in terms of the provisions of Ordinance No. 33 of 1934 when approving the establishment of Pekaomy Township, namely:-

1. Any words and expressions used in the following conditions shall have the same meaning as may have been assigned to them by the regulations published under Provincial Notice No. 383 dated 13th June, 1958.
2. In the event of a Town-Planning Scheme or any portion thereof applying or being made applicable to this erf, any provisions thereof which are more restrictive than any conditions of title applicable to this erf shall take precedence. Furthermore, nothing in these conditions shall be construed as overriding the provisions of Section 146 of Ordinance No. 15 of 1952, as amended.
3. The owner of this erf shall without compensation be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven inside or outside this township to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required; this shall include the right of access to the erf at any reasonable time in order to construct, maintain, alter, remove or inspect any sewer, manhole, channel, conduit or other works pertaining thereto.
4. 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 and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.
5. No building on this erf shall be used or converted to use for any purpose other than that stipulated in these conditions.
6. This erf shall be subject to the following conditions, provided that on consolidation of any two or more erven these conditions shall apply to the consolidated area as one erf, and provided further that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-

- (a) It shall not be subdivided;
- (b) Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, shall be erected on the erf, and no such dwelling or outbuildings shall be used for any purpose other than that for which it or they were erected.

VERVALLENSKAP VAN OORDELSRECHTERS
 GEWENSAPPELINGSKANTOOR
 31 AUG 2018
 COÖRDINEERDE RECHTER
 CHARLOTTE K. DE VRIES
 SOUTHERN AFRICAN JUDICIAL SERVICE

GhostConvey 15.9.9.1

A-1

(c) Not more than half the area thereof shall be built upon;

(d) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres in height, measure from the floor to the wall plate, may be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 0,45 metres reckoned from the rear boundary.

E. **SUBJECT FURTHER** to the following conditions contained in Deed of Transfer, dated 21st May 1964, No. 8851, which conditions shall be binding on the Transferee and his successors in title, imposed by the Transferor solely in its favour as owner of the remainder from time to time of the said Township, held under Deed of Transfer No. 5673, dated 1st May, 1951, and shall at any time be enforceable by it or by its successors in title to such remainder: the said conditions shall not be capable of being enforced by any Erfholder, nor shall any Erfholder have any claim against the Transferor on the ground that the Transferor has not enforced or insisted that effect be given to the foregoing conditions or any of them in respect of any erf forming part of the said Township:-

1. (a) The Transferee shall not, without the prior written consent of the Transferor, sell, let or dispose of the said erf to any person until a dwelling house and its appurtenances, having a total cost of not less than FIVE THOUSAND RAND (R5000,00) and of not less value than that sum, exclusive of the land, have been erected thereon in accordance with the conditions hereafter set out.
- (b) Unless the erection of the said dwelling and its appurtenances is commenced within twelve (12) months from the date of registration of this transfer, and unless the said dwelling and appurtenances are completed within two (2) years from the date of registration aforesaid, the said erf shall, at the option of the Transferor, revert to and once again become the property of the Transferor, and the Transferor shall, against registration of transfer as hereinafter set out, pay to the Transferee a sum equal to the price paid to the Transferor therefor, less twenty per centum (20%) thereof, being an amount intended to compensate the Transferor for any loss or damage sustained, or which may be sustained, by the Transferor by reason of the Transferee's failure to erect and complete the aforesaid building and appurtenances within the period prescribed by this condition, whereupon the Transferee shall forthwith at his expense transfer the said erf to the Transferor, and the Transferee shall not be entitled to any compensation for any buildings or other improvements erected or partly erected on or effected to the said erf. A certificate by an architect nominated by the Transferor shall be sufficient proof of the non-completion or non-commencement of the dwelling and appurtenances aforesaid.

REPUBLICAAN DIE OORSTREEK

31 AUG 2018

DEURSKOON

REPUBLICAAN DIE OORSTREEK

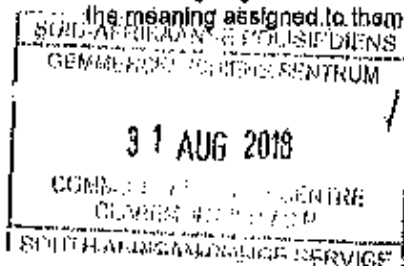
GhostConvey 15.9.9.1

8-1

- (c) No building or garden or boundary walls or other structures shall be constructed on the said erf unless they are in accordance with the Transferor's building regulations and those of the Local Authority in force at the time construction commences.
- (d) No trees existing on the said erf within 1,57metres of any boundary thereof may be removed without the written consent of the Transferor first had and obtained, and the Transferee shall not do nor suffer to be done anything which has or may have the effect of damaging the said trees or restricting the growth thereof.
- (e) No building, including any garden or boundary wall, garden or other gate and any other structure, shall be constructed on the said erf, nor shall tenders for the construction thereof be called for, nor may building operations be commenced, until the Transferee has lodged with the Transferor the plans, elevations and specifications thereof, and until the Transferee has obtained the Transferor's written approval of such plans, elevations and specifications and the location of the said buildings on the said erf. No alterations or additions to the approved plans, elevations and specifications shall be made until such alterations or additions have first been lodged with and approved in writing by the Transferor. The aforesaid buildings shall be of good design and sound construction.
- (f) In the event of a breach of subclauses (c) or (e) above, the Transferor shall have the right to interdict the Transferee from proceeding with building operations and the erf shall, at the option of the Transferor, revert to and once again become the property of the Transferor, and the Transferor shall, against registration of transfer as hereinafter set out, pay to the Transferee a sum equal to the price paid to the Transferor therefor, and in the event of the exercise by the Transferor of his rights in terms of this condition the Transferee shall forthwith at his expense transfer the said erf to the Transferor, and the Transferee shall not be entitled to any compensation for any buildings or other improvements erected or partly erected on or effected to the said erf.

- 2. The Transferee shall not, without the consent in writing of the Transferor, use the said erf or any buildings erected or to be placed thereon for the purpose of advertising, nor display nor permit to be displayed any advertisement. Such consent, if given, may be withdrawn by the Transferor, in which event the Transferee shall remove or discontinue the use of any advertisements to which the Transferor may take objection.
- 3. No animal shall be kept on the erf. For the purpose of this prohibition "animal" shall have the same meaning as assigned thereto by the Pounds Ordinance 1938 as amended. No poultry or pigeons shall be kept on the erf. Animals other than "animals" as defined by the Pounds Ordinance 1938 as amended may only be kept on the premises with the written permission of the Transferor.

4. In the foregoing conditions 1 to 3 inclusive the following words shall have the meaning assigned to them herein, namely:



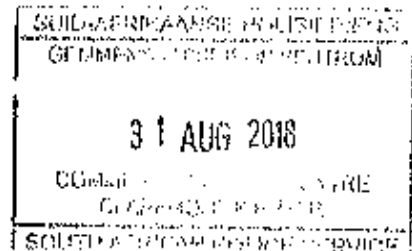
GhostConvey 15.9.9.1

A-1

- (i) "Transferor" shall mean PEKALMY INVESTMENTS (PROPRIETARY) LIMITED;
- (ii) "Transferee" shall mean the Purchaser of the said erf and shall include his successors in title thereto;
- (iii) "Dwelling" shall mean a house designed for use as a dwelling for a single family.

F. **ENTITLED** to the benefit of the servitude referred to in the endorsement dated 18th January 1952 on Deed of Transfer No. 193, dated 14th January, 1950, reading as follows:-

"By Deed of Transfer No. 341 dd. 18.1.1952 the road marked xy on diagram 8189/50 annexed thereto shall remain open and unobstructed and be maintained in good repair across the remainder held hereunder by the owner of such remainder as will more fully appear on reference to the said Deed of Transfer."



1275

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

BRIAN LIONEL PERROW, Married as aforesaid

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

**The Trustees for the time being of TPA TRUST
Registration Number IT008349/2017(G)**

its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R4 700 000,00 (FOUR MILLION SEVEN 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 at CAPE TOWN on

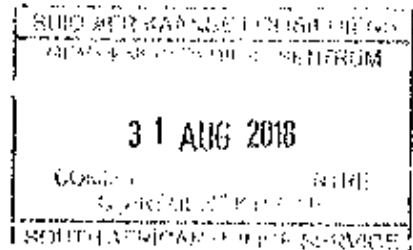
31 June 2017

[Handwritten Signature]

q.q.

In my presence

REGISTRAR OF DEEDS



As

Annexure

J

1277

Olden & Associates
Urban & Regional Planners
c/o Michael Oldenmichael@oldenplanners.co.za

20 August 2018

Our ref: Angle Fullard (368177/001)

**BONDHOLDERS CONSENT: TPA TRUST IFO INVESTEC BANK LIMITED
PROPERTY: ERF 1194 BERGVLIET**

We refer to the above matter and hereby confirm the following:-

As bondholders of the abovementioned property, we hereby consent to the following as per the attached Application:-

- Application to Subdivide Erf 1194 Bergvliet into 4 portions.
- Removal of Title Deed Restriction: T35145/2017, Condition D6(a), as pertaining to the subdivision.
- Removal of Title Deed Restriction: T35145/2017, Condition D6(b), as pertaining to the number of dwellings on the property.
- Removal of Title Deed Restriction: T35145/2017, Condition D6(c), as pertaining to the coverage.
- Removal of Title Deed Restriction: T35145/2017, Condition D6(d), as pertaining to building lines.
- Removal of Title Deed Restriction: T35146/2017, Condition E1(a), as pertaining to the sale of the property.
- Removal of Title Deed Restriction: T35145/2017, Condition E1(d), as pertaining to the removal of trees.
- Section 113(c) departures:
 - 1.8m in lieu of 3m on the western common boundary in terms of Section 22 of the city of Cape Town
 - 1.5m in lieu of 3m on the south western common boundary in terms of Section 22 of the City of Cape Town
 - 1.6m in lieu of 3m on the south eastern common boundary in terms of Section 22 of the City of Cape Town

We trust you find the above to be in order.

Yours Faithfully
INVESTEC BANK LIMITED
FOR AND ON BEHALF OF
INVESTEC BANK LIMITED
FOR AND ON BEHALF OF
INVESTEC BANK LIMITED**Private Banking**

1278

Annexure

K



1279

Susan Nel
Senior Technical Assistant

T: 021 4004681
E: susan.nel@capetown.gov.za
Your Ref: 70361112

2018-03-15

DIRECTOR: PLANNING AND BUILDING DEVELOPMENT

PROPOSED SUBDIVISION OF ERF 1194: 11 TIMBER WAY - BERGVLIET

I have no objection to the proposal subject to the following conditions:

1. Any alterations or deviations to electricity services necessary as a consequence of the proposal, or requested by the applicant, will be carried out at the applicant's cost.
2. A separate service connection cable, rated to supply the authorised capacity of the erf, must be installed to the point of supply on the boundary of each erf of the subdivision. The cable shall be routed clear of all other private property, typically within the public road reserve.
3. In accordance with policy and tariffs approved by Council, a shared-network charge, as published in the standard tariffs, shall be paid before clearance of the subdivision will be granted.
4. In accordance with policy and tariffs approved by Council, a connection fee -- to provide a separate connection to the property boundary -- shall be paid before clearance of the subdivision will be granted.
5. A quote for the shared-network charge and connection fee, as well as conditions of supply, will be provided upon formal application. Such application must be submitted prior to application for Section 31 clearance.

Yours faithfully

DIRECTOR: ELECTRICITY GENERATION & DISTRIBUTION

Muneerah Slamet

To: Zaheer Robinson 1280
Subject: RE: Erf 1194 - Street numbering

From: Charleen Martin [mailto:Charleen.Martin@capetown.gov.za]

Sent: 27 June 2018 12:11 PM

To: zaheer@oldenplanners.co.za

Subject: FW: Erf 1194 - Street numbering

Good afternoon Zaheer

The street numbering will be as follows for the above-mentioned subdivision:

Portion 1 – No. 11 Timber Way Bergvliet

Portion 2 – No. 13 Timber Way Bergvliet

Portion 3 – No. 23B Homestead Avenue Bergvliet

Portion 4 – No. 23A Homestead Avenue Bergvliet

Thank you

Reason for alternative: Provide Comments

1281

A development contribution of R 112 430.43 is payable prior to subdivision clearance. This amount is escalated annually.

Calculation is attached.

A s/w plan must be submitted showing how each portion will be drained. Subdivision layout not to be approved until plan is submitted. No levels have been indicated on drawing submitted by Olden and Associates.

Roy Page

TDA (Roads and S/W)



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

1282

Erf Number
Suburb
Developer/Owner
Erf Size (ha)
Date (YYYY/MM/DD)
Current Financial Year
Approved Building Plan No.

1194
Bergvliet
Olden & Ass
1838m²
February 22, 2018
2017/2018

Making progress possible. Together.

| Code | Land Use | Unit | Development Parameters | |
|---|--|------------------------------|-------------------------------------|-----------------|
| | | | Existing Right | Total New Right |
| RESIDENTIAL | | | | |
| A1 | Single Residential > 1000m ² Erf | Dwelling unit | 1 | |
| A2 | Single Residential > 650m ² Erf | Dwelling unit | | 1 |
| A3 | Single Residential > 350m ² Erf | Dwelling unit | | 2 |
| A4 | Single Residential < 350m ² Erf | Dwelling unit | | 1 |
| A5 | State Funded Housing | Dwelling unit | | |
| A6 | GAP/Affordable Housing | Dwelling unit | | |
| A7 | Group Housing > 650m ² Erf | Dwelling unit | | |
| A8 | Group Housing > 200m ² Erf | Dwelling unit | | |
| A9 | Group Housing < 200m ² Erf | Dwelling unit | | |
| A10 | Flat > 100m ² Unit | Dwelling unit | | |
| A11 | Flat < 100m ² Unit | Dwelling unit | | |
| A12 | Second/ Additional Dwelling/Granny Flat | Dwelling unit | | |
| A13 | Rural / Undetermined / Agricultural | Dwelling unit | | |
| A14 | Rural Intensification / Agri-subdivisions | Dwelling unit | | |
| ACCOMMODATION ESTABLISHMENTS | | | | |
| B1 | Hotel | Rooms m ² GLA | | |
| B2 | Accommodation Establishments | Rooms m ² GLA | | |
| BUSINESS | | | | |
| C1 | General Business | m ² GLA | | |
| C2 | Office | m ² GLA | | |
| C3 | Retail/Shop | m ² GLA | | |
| INDUSTRIAL | | | | |
| D1 | Warehouse | m ² GLA | | |
| D2 | Industrial | m ² GLA | | |
| INSTITUTIONAL/COMMUNITY | | | | |
| E1 | Early Childhood Development Centres / Home Child Care | Leamer m ² GLA | | |
| E2 | Universities / Schools | Leamer m ² GLA | | |
| E3 | Care / Accommodation (Hospitals, Clinics, Old age home) | Bed m ² GLA | | |
| E4 | Office/ Consulting rooms (welfare offices, clinics, hospitals & env. facilities) | m ² GLA | | |
| E5 | Meeting Places (places of assembly, place of worship) | m ² GLA | | |
| E6 | Open Spaces / Public Open Spaces | m ² | | |
| Land uses not reflected on the calculator | | Actual Demand | Click yellow button to enter demand | |

Is the development located within Public Transport (PT2) zone?

Please select

| Service | Units | Additional Demand | Unit Cost | Amount | VAT | Total |
|--|------------------------|-------------------|--------------|-------------|------------|---------------------|
| Roads | trips/day | 10,5000 | R 5 366.98 | R 56 353.27 | R 7 869.46 | R 64 222.73 |
| Transport | pers.trips/peak period | 1,6500 | R 760.24 | R 1 254.40 | R 175.62 | R 1 430.01 |
| Stormwater | ha°C | 0,0694 | R 150 062.16 | R 10 411.01 | R 1 457.54 | R 11 868.55 |
| Sanewage | 1/day | 1,3000 | R 15 257.39 | R 19 834.60 | R 2 776.84 | R 22 611.45 |
| Water | M/day | 1,6500 | R 1 871.54 | R 3 368.24 | R 471.63 | R 3 840.41 |
| Solid Waste | kg/day | 19,6000 | R 377.61 | R 7 401.13 | R 1 035.16 | R 8 437.28 |
| Total Bulk Engineering Services component of Development Charge payable | | | | | | R 112 430.45 |

| | | | |
|-------------------|----------|-----------------|---------|
| City of Cape Town | | Developer/Owner | |
| Calculated: | | Received: | |
| Signature: | | Signature: | |
| Date: | 22/02/18 | Date: | 2/06/18 |

NOTE: THIS CALCULATION IS BASED ON THE DEVELOPMENT INFORMATION PROVIDED AND UNIT COSTS APPLICABLE FOR THE FINANCIAL YEAR IN WHICH THE DEVELOPMENT APPLICATION IS MADE. UNIT COSTS ARE ESCALATED ANNUALLY ON 1 JULY WITH THE CRAF AND THE ACTUAL AMOUNT DUE WILL BE BASED ON THE UNIT COST APPLICABLE ON THE DATE PAYMENT BECOMES DUE.

Reason for alternative: Provide Comments

1283

Transport Comment: 21-02-2018

RE: Application for removal of restrictions, subdivision and departures on Erf 1194, Bergvliet (CASE ID: 70361112)

Our Ref: W7 - Erf 1194, Bergvliet

This branch offers no objection to this application for removal of restrictions, subdivision and departures on Erf 1194, Bergvliet. This branches approval is subject to the following condition/s:-

1. The access arrangement to each portions must be to the satisfaction of the TDA: Transport Planning Branch.

Note: (1) Any work proposed within the road reserve must be designed and built to the design standards prescribed by the TDA: Asset Management and Maintenance Branch. (2) Should any fixtures (light poles, drainage systems, trees or fire hydrants) within the road reserve need to be removed or relocated, an approval must be obtained by the relevant City Branch prior to commencement of works.

I trust that this is in order but should you require further input please advise.

Kind regards,

Marlyn Botha

for TDA: Transport & Urban Development Authority

021 -- 444 9520

Reason for alternative: Provide Comments

1284

Case ID 70361112

Subdivision Erf 1194 Bergvliet at Homestead and Timber Way.

Sanitation Division has no objection. Each portion shall have separate sewer connections at the Applicant's cost. Existing connection shall serve the portion that benefits from it. Additional connections to be enquired within the Division.

Reason for alternative: Provide Comments

There is no objection

1285

Subject to the following:

1. Adherence to the requirements of the City of Cape Town's water by-law, with reference to:-

Clauses 11; 12; 13; 14; 19;

22 Interconnection between premises;

24 General Conditions of Supply;

28 Metering of Water Supplied;

Chapters 3, 6, 8 and 9; and

Schedules 1 and 2.

2. The applicant shall be responsible for all associated cost for relocating any water services infrastructure (inclusive of water meters).

1286

Annexure

L

Annexure

M

1290

Annexure

N

Applicant

Olden & Associates
michael@oldenplanners.co.za

Interview requested

Objectors

1. G Phillips
(Erf: 1005)
4 Clifford Crescent
Bergvliet
7945

2. Moth Consulting on behalf of R & J Kerr
(Erf: 1561)
19 The Crescent
Pinelands
7405

Interview requested

3. S.J Lewis
(Erven: 944 & 945)
24 & 24A Homestead Avenue
Bergvliet
7945

4. P Corbett
(Erf: 1013)
6 Lakeview Road
Bergvliet
7945

5. Bergvliet Meadowridge Ratepayers' Association
PO Box 32
Bergvliet
7864

6. D Ohland
(Erf: 1051)
13 Clement Way
Bergvliet
7945

7. R & R Axelson
(Erf: 959)
3 Timber Way
Bergvliet
7945

8. D & A Carter
(Erf: 972) 1292
dbc200@gmail.com & carterecd@gmail.com

9. A.C Vlantis
(Erf: 1600)
lexvlantis@hotmail.com

10. J.A Grace
(Erf: 1560)
13 Farmside road
Bergvliet
7945

11. L.M Low
(Erf: 1935)
9 Manor Avenue
Bergvliet
7945

12. M Mantell
(Erf: 1562)
mmantell@absamail.co.za

13. Du Plessis hofmeyr malan on behalf of M Vlantis
(Erf: 1562)
carel@dhmlaw.co.za

14. B.G Rookledge
(Erf: 956)
bgrook@netactive.co.za

Interview requested

15. E.A Hastings
(Erf: 1002)
1 Mutual Way
Bergvliet
7945

16. G.N & P.I Munro
(Erf: 957)
gtil@mweb.co.za

17. J Pickup
(Erf: 1932)
6 Manor Avenue
Bergvliet
7945

18. J.M Lancaster
(Erf: 1934)
8 Manor Avenue

Erf 1194 Bergvliet: Deletion of restrictive title deed conditions, deletion of conditions of an existing approval, subdivision & departures

Bergvliet
7945

1293

19. Dingley Marshall on behalf of M.B Vlantis and S.R Pooler
(Erven: 1562 & 1563)
PO Box 397
Bergvliet 7864