



DEVELOPMENT MANAGEMENT SCHEME COMPLIANCE ADVISORY: 11 OF 2021

GARDEN CITIES TITLE DEED CONDITIONS

1. BACKGROUND

- 1.1. Garden Cities Non-profit Company (RF) and New Garden Cities Non-profit Company approached the Western Cape High Court to apply to waive the conditions imposed by themselves for their benefit in the Deeds of Transfer listed in 1.3 and 1.4 below.
- 1.2. The Western Cape High Court granted a final order to effect the above (see Annexure A).
- 1.3. Conditions imposed by Garden Cities Non-profit Company (RF) for its benefit into title deeds of erven in Pinelands, City of Cape Town, Western Cape (see Annexure B) have been waived and are no longer in force and/or of any effect.
- 1.4. Conditions imposed by New Garden Cities Non-profit Company for its benefit into title deeds of erven in Brackenfell (suburb of Northpine), City of Cape Town, Western Cape (see Annexure C) have been waived and are no longer in force and/or of any effect.

2. APPLICABILITY OF THESE CONDITIONS MOVING FORWARD

As the conditions in 1.3 and 1.4 have been waived, it will no longer be necessary to either amend, suspend, remove or provide consent or approval for (in terms of section 42 of the City of Cape Town Municipal Planning By-law (MPBL)) the above restrictive conditions which may be in conflict with any proposal in a land use or building plan application being submitted.



PLEASE NOTE

Always consult the City of Cape Town Municipal Planning By-law, 2015 (as amended), before any land use application is submitted to the Development Management Department.

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

X!
17 June 20
nm

CASE NO: 2202/2021

Before the Honourable Ms Justice Mangcu-Lockwood
Cape Town: Thursday 17 June 2021

In the matter between:

GARDEN CITIES NON-PROFIT COMPANY (RF)
(Reg. No. 1928/000607/08)

First Applicant

NEW GARDEN CITIES NON-PROFIT COMPANY
(Reg. No. 1975/004737/08)

Second Applicant

and

THE REGISTRAR OF DEEDS: CAPE TOWN

THE CITY OF CAPE TOWN

IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION,
CAPE TOWN

Private Bag X9020, Cape Town 8000

2021 -06- 18

WEB-000

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION,
CAPE TOWN

First Respondent

Second Respondent

[Signature]
DRAFT ORDER

Having read the documents filed of record, heard counsel for the Applicants and having considered the application, a final order is granted as follows:

1. It is declared that the conditions imposed by First Applicant for its benefit contained in the Deeds of Transfer of the erven listed below, have been waived by the First Applicant and are no longer of force and/or any effect namely:

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1.1 Pinelands, City of Cape Town, Western Cape, enumerated in Annexure "A"
hereto;

2. It is declared that the conditions imposed by Second Applicant for its benefit contained in the Deeds of Transfer of the erven listed below, have been waived by the Second Applicant and are no longer of force and/or any effect namely:

2.1 Brackenfell (suburb of Northpine), City of Cape Town, Western Cape, enumerated in Annexure "B" hereto;

3. In terms of Section 3(r) read with Section 3(w) of the Deeds Registries Act No 47 of 1937, the First Respondent is to record the First and Second Applicants' waiver of conditions in the registers of the erven enumerated in Annexures "A" and "B" hereto;

4. First Respondent is to delete the conditions from the title deed of each of the erven enumerated in Annexures "A" and "B", as and when any transaction relating to such erf is lodged in the Deeds Office.



27 Boshoff Inc

CAPE TOWN

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"A" 6

PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
3364/2000	3860	4144 - 4163		
441/1937	160	846 - 869		
		871 - 925		
		2154 - 2156		
		2221 - 2222		
		3363		
		3923		
3056/1939	9	970 - 984		
		1038 - 1054		
		1064		
		1086 - 1088		
7679/49	1214 + 1265	1908, 1909 - 1923		
		1933		
TP 465		1219, 1222 - 1225		
		1228 - 1232		
		1234		
5261/58	2918	2919 - 2962		
640/60	3170 + 3346	2971		
		3000		
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		3181	SUBDIVIDED GP 10290 SG 872/81 & GP 10467	
		4167		
		4168		
	3715,3716 & 3717		3665 - 3685	
	3181	3560		
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATE D TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
5797/1935	95	926 - 1037		
		1082		
		1099		
		1097		
		1925		
		3535		
4929/1938	1082	1071 - 1081, 1082		
929/1932	1670			
5415/49	EXT 9	2216 - 2220		
	PORTION OF ERF 95	2215, 195		
TP 23	81	322 - 388		
4211		4170		
		4171		
3563/1991	3762	3841 - 3854		
1907/1991	3818	3819 - 3840		
5451/1939	1089	1090 - 1095		
12990				
8892/1990	3771	3772 - 3797		
13053	3798	3799 - 3811		
TP 39	320	702 - 757		
		791 - 816		
		3348		
		2967		
		3355		
		4180		
		3315		
		3316		
		4181		
1596/1941	457	1104 - 1113		
		1084		
		1083		

8048/1963	TP1969	3260 - 3309		
		2965		
		2966		
		3453		
DGM				
5G 42/1998	4131			SS 257/1998
				D42/1999
				UNITS 1 - 106
5G7377/59	3173			
1616/1995	3983	3984 - 4023		
9191/1996	4065	4066 - 4077, 4081		
270/1994	3327	3866 - 3911, 3920		
2455/1997	4082	4083 - 4124		
1614/1995	3932	3933 - 3982		
4828/1996	2152	4034 - 4064		
2341/1957	2685 - 2691	3153 - 3168		
GP 1474				
EXT 8	2917	2814		
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
TP818	2554			
	2255-2261			
	2262-2263			
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	2295	3486 - 3491		
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	2303	3478-3481		
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	2312	+2311 = 4215		
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TP 216 SG NO 5692/44		1219	
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GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
TP858	2523			
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
5067/	625			
	626			
	627			
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
TP9	496			
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	2158			
	2159			
	1926			
	1963			
	3137			
	3138			
	1085			
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	3361			

<u>PINELANDS</u>					
GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME	UNITS
5G4128/73	3463				
SG10135/7	3415 PO 2251			LONSDALE SS651/200	01 - 04; 05 - 15
					EXCL USE A1 - A36
					EXCL USE B1 - B27
					EXCL USE C1 - C36
SG NO 953	REM 318	319			
4111/83	3725 & 34	3727			
3463 PO 22	3463 P/O-2237			GARDEN CITY HEIGHTS SG NO 4128/1973	SECTIONS 1 - 140
SG 53/201	3753			HOWARD TERRACES 6229/1988	SECTION 001 - 004; 101 - 104; 201 - 204; 301 - 304; 401 - 404
					EXCL USE P1 - P44

PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
TP13	389			
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
1010/1943	1116			
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	1120			
	1121			
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	1123			
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
3984/1945	1365			
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	4201			
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PINELANDS

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME
SG 6955/94	3912		3924	
	3913		3924	
SG 11269/1995	4025			
SG7378/59	3175			
SG 9161/59	3179			
SG3441/63	3248			
SG 29267/68	3352			
SG 5236/79	3557			
SG5235/79	3556			
NO 1209/55	2153			
	2151	3176	3183,3184,323 9,3327,3723,41 65	
SG 5704/61	3239			
5701/61	3237			
5703/61	3238			
SG170/1998	4128 portion of erf 4026			
132/1999	4137			
SG929/70	3372			
SG927/70	3370			
SG928/70	3371			
Nightingale Close 1	3319 PORTION OF ERF 2226			SS59/1980 SECTIONS 19 - 39, EXCLUSIVE USE AREAS G1 - G12

Nightingale Close 2	(2891 + 2982) 2983			SECTIONS 2 - 71, EXCLUSIVE USE G1 - G12
Bladon Court	2827			SS173/1994 SECTIONS 1 - 23, EXCLUSIVE USE AREAS P10 - P27
Howard Hamlet 1	4027 portion of 4026			SS345/1996, SECTION 1 - 10
	4027 portion of 4026			SS345/1996 SS545/1996, SECTION 1 - 38
	4027 portion of 4026			SS345/1996, SS95/1997, SECTION 1 - 90
	4027 portion of 4026			SS345/1996 SS 96/1997, SECTION 1 - 106
Howard Hamlet 2	4028 portion of 4026			SS97/1997, SECTION 1 - 32
	4028 portion of 4026			SS98/1997, SECTION 1 - 54
	4028 portion of 4026			SS543/1997, SECTION 1 - 70
Kunene	2432			SS235/1993, SECTION 1 - 37
	(2158 + 2157) 1934			SS104/1990, SECTION 1 - 30
SG5592/1950	3139			
SG645/2004	4194	4196, 4197		
SG 2839/41	2251	2980, 3066, 3504		
SG 10117/70	(3412 + 3413) 3414		3553	
SG 5855/90	(3509 + 3770) 3769			
SG 9630/77	(3245 + 2251) 3506			
	2237			
SG3117/2000	(4132 + 3748) 4164			

SG6233/88	(3750 + 3749 (PORTION OF 3374) + 3728) 3751			
SG 3096/81	(3644 + 3409 + 3410) 3645			
SG 10099/70	3374	3543		
		3646		
		3749		
SG4111/83	(3725 + 3401) 3727			
SG 36/82	(3251 + 3550 PO 2253) 3664			
SG1960/79	(3400 + 3408) 3533	3389		
		2241		
		3549		
	3394 (3392 + 3393)			
SG 4272/52	2242	2969		
		3367		
		3390		
SG 1917/2003	(4182 + 4183 + 3377) 4184			
GP 5593/50	2244			
	2247			
	3148			
	3149			
	(2245 + 2246) 3812			

PINELANDS					
INDIVIDUAL DIAGRAMS NOT ON GP	ERF NUMBERS	INDIVIDUAL DIAGRAMS NOT ON GP	ERF NUMBERS		
	152324		162		
	29445		163		
	305		205		
	306		1956		
	307		3452		
	1962		3089		
	3815		165		
	67		166		
	3817		167		
	25		3457		
	26		169		
	27		3452		
	28		3443		
	29		4221		
	30		3445		
	31		3446		
	32		3451		
	33		3450		
	34		3422		
	69		199		
	70		3484		
	72		3449		
	73		174		
	74		196		
	76		3448		
	78		194		
	4217		193		
	3745		192		
	88		191		
	3758		190		
	90		3477		
	79		185		
	94		186		
	96		187		
	86		188		
	99		180		
	100		181		
	101		182		
	103		183		
	104		184		
	105		3467		
	106		1958		
	107		176		
	108		177		

	109		178		
	110		179		
	111		4216		
	112		4141		
	113		206		
	114		207		
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	117		211		
	118		212		
	3086		213		
	120		214		
	121		215		
	123		216		
	124		2191		
	125		2192		
	3087		2193		
	151		2194		
	150		2195		
	1952		217		
	1953		218		
	3085		219		
	158		220		
	157		221		
	2162		222		
	153		223		
	3740		224		
	155		225		
	154		226		
	145		227		
	146		228		
	147		2188		
	148		2189		
	149		2190		
	3088		229		
	128		230		
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	143		245		
	1959		246		
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	8		264		
	9		265		
	10		266		
	11		1096		
	12		1957		
	13		267		
	4185		268		
	3768		269		
	52		272		
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	1938		275		
	3642		276		
	1937		277		
	1939		278		
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	64		285		
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BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATE D TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10825	6587	GP 11833; 8137 - 8196; 8198 - 8230			
	6588				
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6632	GP10888: 6702 - 6718			
6633	6777 - 6814			
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6635	GP 10997: 6890 - 6930			
6636	7024 - 7045			
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	6684	GP11179: 7376 - 7390			
	6686	GP 11518: 7848 - 7872			
	6688	DGM SG2520/87: 8019 - 8032			
	6689				
	6690				
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	6699	GP 11787: 8033 - 8053			
	6700				
	6701	GP 11769: 8094 - 8135			
	6719				
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	6721				
	6529				
	8529				
	8167	DGM 8180/8794 - 8912			

BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
12440	9292	9294			
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GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10692	6236	5946			
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GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10660	6050	5877			
		5878			
			G 10782: 6143 -		
		5880	6176		
		5881			
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		5905			
			GP10661: 5995		
		5906	- 6015		
		5907			
		5908			
		5909			
			GP12621: 9496		
			- 9538, 9540 -		
		5910	9559		
		5912			
		5913			
			GP 10784:		
		5914	6449 - 6494		
			GP 10749:		
		5915	6297 - 6359		

			SG NO 4724/89-9188, 9189, 9574, 5916 9722 - 9749	SS44/2009 - HILLCREST	1 - 12
			5917 SG NO 3482/85:	7984 - 8001, 7325	
			5918		
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			5943		
			GP 10770: 5944 6394 - 6448		
			5945		
			5879		
			5908		
			5911		
			5942		
			6722		
			9795		
			9575	SS231/2009 - VERZICHT	1-12
			6727	CONSOLIDATE D GP	
			6745	2053/1991:	
			6747	9674 - 9699	
			6723	6724 - 6752, 9793, 9794	

BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10132	4491	SG NO 3756/80: 4543, 4544, 4545	SG NO 3758/90: 4570 - 4583 SG NO 3759/80: 4649 - 4662, 4665 - 4668, 4632, 4633		
	4493				
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	4517	SG NO 7228/79: 4538 - 4542			
	4518				
	4519				
	4520	SG NO. 848/80: 4669 - 4675			
	4521	SG NO 1619/92: 10264 - 10271			
	4522				
	4523				
	4525				

		SG NO. 1793/80: 4587 - 4595, 4597 - 4526 4618			
		SG NO 4118/80: 4622 4527 - 4631			
		SG NO: 781/81: 4676 - 4528 4708	SG NO 779/81: 4795 - 4822		
		SG NO 4376/82: 4969 - 4979, 6026 - 6029, 9180 - 4529 9187			
		4530			
		SG NO 4464/81: 4710 4532: 4711 - 4720	SG NO: 4465/81: 4763 - 4793		
		4534			
		4535			
		GP 899/2009: 4536 22043 - 22069			
		7351			
		SG NO 2698/87: 4531 7352, 7353			
		5006, 5007, 54 4533 04, 9714	SG 1413/83: 5009 - 5022		
		SG141/83: 5023 - 5034, 5008 5405	SG NO 1433/83: 8476 - 8484		

BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivided further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
11830	8530	8303			
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	8468 9788		
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			SG NO 512/92:		
		8255	10165 - 10172		
			GP 12213: 9026 -		
			9054, 9056 -		
		8256	9075		
		8257			
		8258			
			SG NO 4869/92:		
		8259	10357 - 10361		
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GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10509	5134				
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	5152	GP 10662: 5447 - 5481			
	5153	SG NO. 5993/83: 5251 - 5257			
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	5165	GP 10599: 5308 - 5334			
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	5173				
		GP 10579:			
	5175	5214 - 5234			
		GP 10600:			
	5176	5343 - 5373			
		GP 10613:			
	5177	5407 - 5423			
		SG			
	5178	NO6267/83:			
		5285 - 5295			
		GP 10580:			
	5179	5235 - 5250			
		SG NO.			
	5447	8939/87: 8837 - 8840			

BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
11085	6723	6724			
		6725			
		6726			
			SG 2053/1991:		
		6727	9674 - 9699		
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		6744			
			SG 2053/1991:		
		6745	9674 - 9699		
			SG 2053/1991:		
		6747	9674 - 9699		
		6748			
		6749			
		6750			
		6751			
			SG NO 8938/91:		
			9750, 14174 -		
		6752	14179		
		9751			
		9793			
		9794			

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BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATE D TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10825	6587	GP 11833: 8137 - 8196; 8198 - 8230			
	6588				
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		GP10888:			
	6632	6702 - 6718			
	6633	6777 - 6814			
	6634				
		GP 10997:			
	6635	6890 - 6930			
	6636	7024 - 7045			
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	6684	GP11179: 7376 - 7390			
	6686	GP 11518: 7848 - 7872			
	6688	DGM SG2520/87: 8019 - 8032			
	6689				
	6690				
	6691				
	6692				
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	6697				
	6698				
	6699	GP 11787: 8033 - 8053			
	6700				
	6701	GP 11769: 8094 - 8135			
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	6721				
	6529				
	8529				
	8167	DGM 8180/8794 - 8912			

BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
12440	9292	9294			
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		9421			
		9568			

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GP NO	ERF NO	SUBDIVIDED INTO ERVEN	CONSOLIDATED TO FORM ERF NO	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10692	6236	5946			
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BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10660	6050	5877			
		5878			
		5880	G 10782: 6143 - 6176		
		5881			
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		5906	GP10661: 5995 - 6015		
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		5909			
		5910	GP12621: 9496 - 9538, 9540 - 9559		
		5912			
		5913			
		5914	GP 10784: 6449 - 6494		
		5915	GP 10749: 6297 - 6359		

			SG NO 4724/89: 9188, 9189, 9574, 9722 - 9749	SS44/2009 - HILLCREST	1 - 12
		5916			
		5917	SG NO 3482/85: 7984 - 8001, 7325		
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		5943			
			GP 10770: 6394 - 6448		
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		6722			
		9795			
		9575		SS231/2009 - VERZICHT	1-12
			CONSOLIDATE D GP		
		6727			
		6745	2053/1991:		
		6747	9674 - 9699		
		6723	6724 - 6752, 9793, 9794		

BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10132	4491	SG NO 3756/80: 4543, 4544, 4545	SG NO 3758/90: 4570 - 4583 SG NO 3759/80: 4649 - 4662, 4665 - 4668, 4632, 4633		
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	4517	SG NO 7228/79: 4538 - 4542			
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	4520	SG NO. 848/80: 4669 - 4675			
	4521	SG NO 1619/92: 10264 - 10271			
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		SG NO. 1793/80: 4587 - 4595, 4597 - 4526 4618			
		SG NO 4118/80: 4622 - 4631 4527			
		SG NO: 781/81: 4676 - 4528 4708	SG NO 779/81: 4795 - 4822		
		SG NO 4376/82: 4969 - 4979, 6026 - 6029, 9180 - 4529 9187			
		4530			
		SG NO 4464/81: 4710 4532 : 4711 - 4720	SG NO: 4465/81: 4763 - 4793		
		4534			
		4535			
		GP 899/2009: 4536 22043 - 22069			
		7351			
		SG NO 2698/87: 4531 7352, 7353			
		5006, 5007, 54 4533 04, 9714	SG 1413/83: 5009 - 5022		
		SG141/83: 5023 - 5034, 5008 5405	SG NO 1433/83: 8476 - 8484		

BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
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		SG NO		
		10122/91: 9786		
		8468 9788		
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			SG NO 512/92:		
		8255	10165 - 10172		
			GP 12213: 9026 -		
			9054, 9056 -		
		8256	9075		
		8257			
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			SG NO 4869/92:		
		8259	10357 - 10361		
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BRACKENFELL

GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivded further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
10509	5134				
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	5152	GP 10662: 5447 - 5481			
	5153	SG NO. 5993/83: 5251 - 5257			
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	5165	GP 10599: 5308 - 5334			
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	5171				
	5172				

BRACKENFELL					
GP NO	ERF NO	SUBDIVIDED INTO ERVEN	subdivided further into erven	CONVERTED TO SECTIONAL SCHEME	SECTION NUMBERS
11085	6723	6724			
		6725			
		6726			
			SG 2053/1991:		
		6727	9674 - 9699		
		6728			
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			SG 2053/1991:		
		6745	9674 - 9699		
			SG 2053/1991:		
		6747	9674 - 9699		
		6748			
		6749			
		6750			
		6751			
			SG NO 8938/91:		
		6752	9750, 14174 - 14179		
		9751			
		9793			
		9794			