

CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD

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Ref: 18/6/1/1/38/Unregistered Erf 2939, consolidated of erven 776 & 2323

Appl No: 196271

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ECONOMIC, ENVIRONMENTAL AND SPATIAL PLANNING

Department : Planning & Building Development Management

2012-08-06

Application no

196271

REGISTERED MAIL

Communicare

c/o TV3 Architects and Town Planners

La Gratitude Offices (1st Floor)

97 Dorp Street

Stellenbosch

7600

Dear Sir / Madam

APPLICATION FOR REZONING TO SUBDIVISIONAL AREA, SUBDIVISION, PHASING PLAN, DEPARTURES, SPECIAL CONSENT, CONDITIONAL USES AND AMENDMENT OF GENERAL PLAN: UNREGISTERED ERF 2329 MANDALAY BEING CONSOLIDATION OF ERVEN 776 & 232

Your application with reference 196271 refers.

The Council of City of Cape Town at the meeting held on 25-07-2012 and adjourned meeting held on 2012-07-12 resolved that:

- a) The application for Rezoning from Rural to Sub-divisional Area (Single Residential, General Residential, Commercial, Civic & Community, Public Open Space, Rural, Public Road & Public Utilities) for Unregistered Erf 2923, Mandalay, being consolidation of Erven 776 and 2323, **be approved** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) subject to the conditions, as amended above, as set out in Annexure "A".
- b) The application for Amendment of General Plan No. F.26(2635) Felix Park Estate, **be approved** in terms of Section 30(1) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) & Section 37(2) of the Land Survey Act, Act 8 of 1997, for Unregistered Erf 2939, Mandalay, being consolidation of Erven 776 and 2323 by replacement thereof with Subdivision Plan: 5 dated 31 January 2012.
- c) The application for Subdivision & Phasing into 405 Single Residential Erven, 4 General Residential Erven, 1 Commercial, 2 Civic & Community, 2 Public Open Spaces, 3 Rural, 10 Public Utility Erven & Remainder Public Road on Unregistered Erf 2939, Mandalay, being consolidation of Erven 776 & 2323, **be approved** in terms of Section 25 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), in accordance with the Subdivision Plan No: 5 dated 31 January 2012, date stamped 6/08/2012.
- d) The application for Departures to permit:

- (i) 3.0m in lieu of 4.5m for the single residential houses from all street boundaries for portions 1-405;
- (ii) 1.5m in lieu of 3.0m for the single residential houses from all rear boundaries for portions 1-405;
- (iii) 0m in lieu of 1.0m for the single residential houses from all side boundaries for portions 1-405;
- (iv) 1.5m in lieu of 3.0m for the aggregate side space for the single residential houses on portions 1-405;
- (v) 1.25 on-site parking bays per unit in lieu of 1.5 on-site parking bays per unit required for portions 408-411.

be approved in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

- e) The application for Special Consent to permit erf sizes less than 650m² (i.e. $\pm 180\text{m}^2$ for single residential dwellings) and have a street frontage of less than 22.5m for the Single Residential Erven, **be approved**, in terms of Part VI Section 2 of the Divisional Council Scheme Regulations
- f) The application for Conditional Use to permit public utilities on subdivided portions 418-427 **be approved** in terms of Part II Section 16 of the Cape Divisional Council Scheme Regulations.
- g) The application for Conditional Use to permit a Place of Worship and Place of Instruction on subdivided portions 406 and 407 **be approved** in terms of Part II Section 15 of the Divisional Council Scheme Regulations as per Subdivision Plan No 5 dated 31 January 2012.

The approval contained in paragraphs a and c is subject to the conditions set out in **attached** Annexure A, of which must be complied with prior to subdivision clearance being granted for the registration of a Certificate of Registered Title and/or transfer of any portion. In addition, you are also required to comply with Council's standard administrative requirements as set out in Appendix 1 **attached** hereto.

Kindly note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

Kindly note, this subdivision approval will lapse unless all conditions of approval have been complied with and separate registration of at least one erf therein is effected in the Deeds Registry within 5 years of Council's final notification letter, which is to follow in due course. Should it be required, any application for extension of validity of the subdivision approval should be lodged well in advance of lapsing of this approval.

and/or

Kindly note, this rezoning approval will lapse unless all conditions of approval have been complied with and the property is utilised in accordance with the rezoning hereby granted within 2 years of the date of Council's final notification letter, which is to follow in due course. Should it be required, any application for extension of validity of the rezoning approval should be lodged well in advance of lapsing of this approval.

and/or

Kindly note, this regulation departure approval will lapse if not exercised within a period of 2 years from the date of Council's final notification letter, which is to follow in due course.

Kindly note, you are advised in terms of Section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

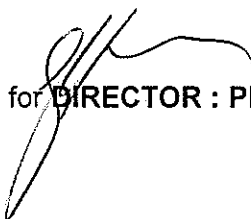
In terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, you may appeal to the City Manager against the above Council decision (including any conditions imposed in case of approval) by giving written notice of such appeal, in which case you may upon request be given the opportunity to appear in person before the Appeal Authority to state your case. A detailed motivated appeal with reasons therefore (and not only the intention to appeal), clearly stating in terms of which legislation it is made, should be directed to and received by Melanie Cloete, Legal Services, Private Bag X9181, Cape Town, 8000, or if hand delivered, to 20th floor, Tower Block, Civic Centre, 12 Hertzog Boulevard, Cape Town or if faxed, to 021 400 5830, **within 21 days** of the date of registration at the Post Office where this notification letter was posted (with such registration day not included in the appeal period, provided that where the last day for lodging an appeal falls either on a Sunday or public holiday, it shall be deemed to be the next working day thereafter). Where this letter is collected by hand, the above appeal period will be similarly calculated from the next day after collection. Failure to comply with the above requirements may result in the appeal being ruled invalid by the Appeal Authority.

Notwithstanding the above, kindly note, you are not permitted to submit a revised proposal as part of such an appeal. Should this be the case, your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner, as only the above decision can be appealed at this stage.

Should you take up this right of appeal in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000, kindly complete the **attached** questionnaire and submit it together with your appeal. Also note, appellants are not permitted to canvass the City Manager or members of Council's Planning and General Appeals Committee before or after the matter is heard. Should no appeal be received within such appeal period, or upon conclusion of this appeal process, you (as well as any objectors, if any) will be advised of a further right of appeal in terms of Section 44 of Land Use Planning Ordinance, No 15 of 1985 in due course.

Kindly note the above Council decision is suspended and may therefore not be acted on until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you have been advised accordingly.

Yours faithfully



for **DIRECTOR : PLANNING & BUILDING DEVELOPMENT MANAGEMENT**

ANNEXURE A

File Reference: 18/6/1/1/38/Unregistered Erf 2939, consolidation of erven 776 & 2323

In this Annexure, terms have the following meaning:

'Council' means the City of Cape Town

'the owner' means the registered owner of the application property

'the property' means Unregistered Erf 2939 Mandalay being consolidation of Erven 776 & 2323

'Zoning Scheme Regulations' has the meaning assigned thereto by Ordinance 15 of 1985

REZONING CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE 1985, (ORDINANCE 15 OF 1985):

Department: Environmental & Heritage Resource Management

1. That should any archaeological and/or human remains be disturbed, exposed or uncovered during excavations and earthworks for the proposed development, all work shall cease immediately and such remains shall immediately be reported to the South African Heritage Resource Agency (SAHRA) or Heritage Western Cape (HWC).

Department(s): Environmental & Heritage Resource Management & City Parks

2. That the owner/developer at his/her own cost shall submit a landscape plan, compiled by a Landscape Architect/Technician registered with the South African Council for Landscape Architectural Profession (SACLAP) for all public open spaces, private open spaces and sidewalks for approval and satisfaction of the Director: City Parks & the Principal Environmental Planner.

Department: City Parks

3. That property owners/developer of each property shall adhere to the City of Cape Town's Road verge Policy & Tree Policy.

Department: Roads & Stormwater

4. That all engineering services shall comply with the following standards and policies of Council and services shall be in accordance with Subdivision Plan No: 5 dated 31 January 2012.
 - Minimum Standards for Civil Engineering Services in Townships; and
 - Catchment, Stormwater and River Management Policies & Guidelines.
5. That detailed engineering services plans shall be prepared by a registered engineer for approval prior to commencement of any works and all services with the "Minimum Standards of Civil Engineering Services in Townships (as amended) document".
6. That detailed engineering services plans shall be prepared by a registered engineer and submitted for approval by Council, prior to commencement of any works.
7. That a way-leave/work permit shall be obtained from Council prior to any work on municipal land or any activity within 3.0m from any municipal services.
8. That all engineering services for private development shall comply with the same standards and procedures as above and the owner/developer shall be responsible for the maintenance of internal private services.

Directorate: Solid Waste Management

9. Council's standard regulations and guidelines pertaining to the removal of solid waste and refuse storage facilities shall be applicable as set out in their letter of the Directorate: Solid Waste Management dated 25 May 2011.

Department: Fire & Rescue

10. That final building plans shall comply with the National Building Regulations and the By-Law relating to Community Fire Safety.

Department: Electricity

11. That applications for a connection to the City's electricity network shall be subjected to the conditions applicable at the time.
12. That the owner/developer shall appoint an electrical engineering consultant to investigate in detail the specific energy needs of the development and to submit a report to the Director: Electricity Services discussing the energy efficiency measures that shall be implemented.
13. That the owner/developer shall submit a design report to the Director: Electricity Services for approval setting out all necessary details of the proposed infrastructure to be handed over to the City in terms of the Electricity Supply By-Law. The design report shall be prepared by a consulting electrical engineering practitioner registered with ECSA in appropriate category who shall consult the Director: Electricity Services to ascertain the requirements of the department.
14. This approval is further subject to the owner obtaining a written undertaking from the relevant Electricity Distribution Service Provider that the additional required bulk electricity capacity is available from the Eskom intake point. Such undertaking shall be signed by Council's Director: Electricity Supply or Manager: Electricity Supply depending on the Electricity Distribution Service Provider for the area concerned.

Department: Sewerage

15. That the developer/owner shall employ a civil consultant to design a sewerage system to serve all portions of the subdivision to the satisfaction of council.
16. That any low-lying areas of the site shall be reclaimed to allow the entire site to drain towards the existing sewerage system.

PRASA

17. That prior to entering the railway reserve for whatever reason, Metrorail shall be approached for their requirements regarding access to the railway reserve.
18. That no rainwater/stormwater drainage onto the railway reserve shall be allowed.
19. That as-built drawings in Autocad/dxf format shall be forwarded to PrasaRail after completion, WGS84 co-ordinates of the precinct; existing and new services shall be given.

Department: Water & Sanitation

20. That the developer/owner shall conform to the standards and specifications of Council's Department: Water and Sanitation.

Department(s): Environmental & Heritage Resource Management and City Parks

21. Communicare shall maintain ownership of the private open spaces on portions 415 and 417 and be responsible for the maintenance of the aforementioned portions in accordance with the Record of Decision (RoD) dated 28 October 2011.

SUBDIVISION CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE 1985, (ORDINANCE 15 OF 1985):

Department: P & BDM

1. That for the purposes of Section 22 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the following zonings will be applicable in accordance with the attached Subdivision Plan No: 5 dated 31 January 2012, Unregistered Erf 2939 Mandalay being consolidation of Erven 776 & 2323 namely:

Portion	No	Zoning	Usage	Extent	Density & restrictions
1-405	405 units	Single Residential	Residential	76 881m ²	Cape Divisional Council Zoning Scheme Regulations
406-407	2	Civic & Community	Community	1 667m ²	Cape Divisional Council Zoning Scheme Regulations
408-411	4	General Residential	Flat/Units	63 797m ²	Cape Divisional Council Zoning Scheme Regulations
412	1	Commercial	Commercial	8 345m ²	Cape Divisional Council Zoning Scheme Regulations
413-414	2	Public Open Space	POS	7 692m ²	Cape Divisional Council Zoning Scheme Regulations
415-417	3	Rural	Private Open Space	23 933m ²	Cape Divisional Council Zoning Scheme Regulations
418-427	10	Public Utilities	Public Utilities	348m ²	Cape Divisional Council Zoning Scheme Regulations
428	Remainder	Public Street	Public Street	48 238m ²	Cape Divisional Council Zoning Scheme Regulations
Total	428			23 0991m ²	

2. That all single residential houses & general residential flats/units abutting public/private open spaces shall be constructed in such a manner that it looks onto these public open spaces.
3. That building plans submitted for the flats on General Residential sites shall be in accordance with the approved SDP.
4. Unit types for the Single Residential erven shall be submitted for approval of the Director: Planning & Building Development Management. Building plans submitted shall be in accordance with the approved unit types.

5. That the developer/owner at his/her own cost shall provide an appropriate 1.8m high wall along the northern, western & southern boundaries of the subject property.
6. That portion 415, 416 and 417 shall not be alienated without the prior consent of Council.
7. That Erven 776 & 2323 shall be consolidated to form Erf 2939 as per the consolidation plan in the attach Annexure O.

Department(s): P & BDM & Transport

8. That fully detailed Site Development Plans for the proposed Flats shall be submitted for approval to the Director: Planning and Building Development Management and Director: Roads & Storm Water prior to the approval of services plans. The aforementioned SDP shall indicate all vehicular/pedestrian access points, parking, built form, elevations, interface with all public/private open spaces etc.

Department: City Parks

9. That the approved landscaping plans shall be implemented by and at the cost of the developer/owner, in accordance with the implementation plan.

Department: Roads & Stormwater and Water and Sanitation

10. That the developer/owner at his/her own cost shall provide all the required internal and link engineering services to the satisfaction of the Council.
11. That where municipal services travers private properties or fall outside public road reserve, a 3.0m wide servitude shall be registered in favour of Council for the owner/developers account.
12. That bulk connection points for services (water, sewer, stormwater and access) shall be provided in the public road reserve an where municipal services travers private properties, a 3.0m wide servitude shall be registered in favour of Council for the owner/developers account.
13. That all services shall be handed over to/inspected by Council on completion of the works and a completion certificate shall be obtained.
14. That a Development Contribution levy shall be paid by the developer/owner towards the provision of bulk municipal civil services, in accordance with the relevant legislation and as determined by Council's Policy. The Development Contributions have been determined at R8528315.57 and is subject to annual escalation up to date of payment. The amount payable shall therefore be the amount as calculated at the time that payment is made.

Department: Sewerage

15. That the developer/owner shall install the sewerage system at his/her own cost and to council for approval.

Department: Transport

16. That the development shall be capped/restricted to Single Residential Erven - 405 units, General Residential Erven - 650 units and Commercial - 8345 m² GLA.

17. That the developer/owner shall provide a turning facility at the end of the main boulevard that terminates at the common boundary between (Phase 2 and Phase 3) and (Phase 5 and Phase 6).
18. That the developer/owner shall negotiate and implement the access points to the commercial and general residential sites, with the Traffic Engineer responsible for that particular region.
19. That the developer/owner shall be responsible for preparing a traffic calming management plan for the entire Montclair Development, as well as provide an implementation program intended for implementation of the identified calming devices for each phase, where applicable. All of the aforementioned shall be to the account of the developer/owner.

Department(s): Transport & Roads & Stormwater

20. That the developer/owner and to the standards of the Department: Roads and Stormwater, shall upgrade the Montclair Street/Highlands Drive Intersection to that of a signalised intersection prior to Section 31 clearance. The cost of the aforementioned upgrade shall be in lieu of a development contribution.
21. That the developer/owner and to the standards of the Department: Roads and Stormwater, shall provide a dedicated right turn lane on eastbound approach of Highlands Drive at the Swartklip Road/Highlands Drive Intersection prior to Section 31 clearance. The aforementioned construction work shall be in lieu of a development contribution.
22. That the developer/owner to the standards of the Department: Roads and Stormwater, shall enter into a Service Agreement with the City of Cape Town to upgrade the Montclair Street/Highlands Drive Intersection, as well as the dedicated right turn lane on eastbound approach of Highlands Drive at the Swartklip Road/Highlands Drive Intersection at an agreed cost, (This would require that the Developer follow a tender process according to Council Policy), which shall be off-set against Development Contributions, as stipulated in Conditions 22 and 23.
23. That the developer/owner at his/her cost and to the standards of the Department: Roads and Stormwater, shall construct a 2 meter sidewalk on both sides of the Main Boulevard traversing the proposed Montclair Development.
24. That until the Watergate Estate situated on the north western side of this development has been constructed, the developer/owner at his/her cost and to the standards of the Department: Roads and Stormwater, shall construct a turning facility on the Main Boulevard at the northern side of Phase 6, adjacent to the proposed Public Open Space.

Department(s): Roads & Stormwater, Transport & Electricity

25. The developer/owner shall be responsible for timeous installation of approved street names and public lighting in accordance with Council's standards and requirements to the satisfaction of the Director(s): Roads & Stormwater and Electricity, prior to section 31 clearance of any individual erven per phase and entirely at his/her own expense.

Provincial Department of Health

26. That the developer/owner and Provincial Health Department shall reach an agreement on the access road to be constructed on the shared western boundary of the subject

property to the satisfaction of all relevant parties and to the cost of the developer/owner prior to section 31 clearance of phase 6.

Department: P & BDM

27. Section 31 clearances per erf shall not be issued until such time as all the above conditions have been complied with.

IMPORTANT INFORMATION AND STANDARD ADMINISTRATIVE REQUIREMENTS IN RESPECT OF SUBDIVISION APPROVAL, ESSENTIAL TO EFFECT REGISTRATION AND/OR TRANSFER OF SUBDIVIDED PORTIONS

In addition to the conditions of approval listed in Annexure A, the following further processes and standard administrative requirements are to be noted and complied with in full timously.

Further processes

- 1 Generally, the further processes following subdivision approval involve the following sequence of events:
 - Actual site surveying and preparation of a survey diagram or General Plan by the owner / applicant's appointed land surveyor
 - Submission to and approval by the Surveyor General (SG) of the diagram or General Plan
 - Once services infrastructure have been installed and all conditions of subdivision have been complied with, upon application, subdivision clearance certification issued by Council in terms of Section 31(1) of the Land Use Planning Ordinance, No 15 of 1985
 - Once Section 31(1) subdivision clearance issued, upon application, rates clearance certification issued by the City Treasurer in terms of Section 118 of the Municipal Systems Act, No 32 of 2000
 - Supported by the above clearances, conveyancer application to the Registrar of Deeds for separate registration and/or transfer of newly subdivided portions
 - Upon individual registration, building plan approval, followed by construction, subsequent building completion certification by Council and eventual occupation
- 2 Kindly note, the subdivision approval in the accompanying decision letter will lapse unless separate registration of at least one land unit is effected in the Deed's office within 5 years of the date of Council's final notification letter of this approval (which letter will follow in due course), unless extension of the validity thereof has been granted by the Director : Planning & Building Development Management in terms of Section 27(1) of the Land Use Planning Ordinance, No 15 of 1985 prior to such lapsing.
- 3 After final Council notification of this subdivision approval, the SG will require preparation of a diagram or General Plan (illustrating any servitudes where applicable) of the newly created land unit(s) for its approval. Such diagram or General Plan is to be prepared by a land surveyor appointed by the owner / applicant. The owner / applicant or its surveyor is required to liaise directly with the SG in this regard. Upon approval thereof, the SG will indicate by means of an endorsement the date and reference number of this subdivision approval on the back of the diagram(s) of the newly created erven or on the front of the General Plan, whichever are applicable.
- 4 Upon or prior to submission to the SG office of such diagram(s) or General Plan for approval, an electronic copy thereof must be e-mailed to the Senior GIS technician in the district Planning office where the approval was issued at the relevant address reflected below. Proof of such e-mail transmission must accompany any subdivision clearance application or building plan submission to the Planning & Building Development Management Department, whichever may occur first.

District	e-mail address
Table Bay	p&bdev.tablebay@capetown.gov.za
Blaauwberg	p&bdev.blaauwberg@capetown.gov.za
Northern	p&bdev.northern@capetown.gov.za
Tygerberg	p&bdev.tygerberg@capetown.gov.za
Helderberg	p&bdev.east@capetown.gov.za
Mitchell's Plan / Khayelitsha	p&bdev.mitchellsplainkhayelitsha@capetown.gov.za
Cape Flats	p&bdev.capeflats@capetown.gov.za
Southern	p&bdev.southern@capetown.gov.za

5 Once the diagram(s) or a General Plan has been approved by the SG and all the conditions of subdivision have been met by the developer, application may be made by the owner (or his appointed conveyancing attorney) to the Director : Planning & Building Development Management at your nearest district Planning office for subdivision clearance certification in terms of Section 31(1) of the Land Use Planning Ordinance, No 15 of 1985. Such application must be accompanied by the following:

- Completed and signed application form
- Information sheet (partially completed)
- Draft Power of Attorney (where necessary)
- SG approved General Plan / diagram(s) (original)
- Copy of original Council approval letter (including conditions of approval and approved plan of subdivision)
- Application fee / payment receipt
- Proof of e-mail transmission of electronic copy of General Plan / diagram to the district Senior GIS technician
- Any other supporting evidence necessary to substantiate condition compliance

Where servitudes are to be created as part of the subdivision or there is a requirement for a Home / Property Owners' Association to be established of which new owners are required to be members, a copy of the draft Power of Attorney to pass registration / transfer must be submitted to the Director : Planning & Building Development Management as part of the above application.

6 Required to effect registration and/or transfer, a rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 may only be applied for to the City Treasurer once the Director : Planning and Building Development Management has certified that all conditions of subdivision have been complied with to its satisfaction, as per the foregoing paragraphs. Such applications for rates clearance certificates must therefore be accompanied by the above subdivision clearance (condition compliance) certificate in terms of Section 31(1) of the Land Use Planning Ordinance, No 15 of 1985.

7 The Registrar of Deeds will not permit registration of individual portion(s) or servitude area(s) and/or transfer of such new land unit(s) unless the City Treasurer has issued the above rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 in respect of such land unit(s).

Geographic Information System (GIS) data capturing standards

8 In drawing up the General Plan or diagram(s) relating to this subdivision, the land surveyor must create the following separate layers in ESRI .shp or .dxf electronic file format in order for the data to reflect spatially correct:

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

9 Such drawing of the approved subdivision must include the following information:

- property boundaries
- co-ordinates
- parent erf number(s)
- newly allocated erf number(s)
- approved street name(s), including whether public or private
- approved street number(s) and/or unit numbers (if applicable)
- complex name (in case of a complex development, eg group housing or flats)
- suburb name (in case of creation of a new suburb / township)

No additional information other than that described above may be included with the different layers / features. Should it be necessary to include any additional information with the diagram / General Plan, such information may not be included with any of the layers described above, but should rather be included in any other separately named layer.

10 It is important that each portion / servitude boundary is complete and forms a closed polygon, ie the line endpoints must touch each other (eg no undershoots or overshoots). In addition, each property number anchor must be located within the respective property's boundaries. Kindly also note, split remainders are not permitted and except for a single remainder, each cadastral unit should have a separate erf number.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the City of Cape Town Standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000

- Linear unit : Metre

- 11 The following is to be noted in respect of all public roads and places resulting from the subdivision:
- All newly created public roads (including road splays where relevant) and places to vest in Council in terms of Section 28 of the Land Use Planning Ordinance, No 15 of 1985 must be clearly defined, be provided with separate portion / erf numbers (and not indicated as remainders) and be indicated as such on the SG approved diagram or General Plan.
 - All such public roads and places are to be registered as individual portions and transferred to Council upon transfer of the first unit / erf in the subdivision or phase concerned, the cost of surveying, registration and transfer of which shall be borne by the applicant.
- 12 The above electronic data must be delivered (preferably by e-mail to the address supplied above) to the Senior GIS technician in the district Planning office where the subdivision approval was issued in standard dxf or shapefile format. If the data is to be supplied in shapefile format, then separate shapefiles are required for street names and numbers.

Building plan applications

- 13 Kindly note, building plan applications will not be accepted by the Planning & Building Development Management Department (Building Control office) if the above electronic data has not been submitted to the district Senior GIS technician via the e-mail address provided above and reflected on Council's GIS data systems.
- 14 Except where construction of buildings on unregistered land units for good reason are specifically provided for in the conditions of approval, it is to be noted that building plan applications will not be approved before:
- a Site Development Plan (SDP) if required, was approved,
 - all applicable conditions of approval have been complied with in full prior to subdivision clearance,
 - a hard and electronic copy of the approved diagram or General Plan has been submitted to the Senior GIS technician at the relevant district Planning office and
 - the transfer attorney / owner has submitted proof that the subdivision concerned has been confirmed (in that the first erf / unit in the subdivision has been registered and/or transferred) and the relevant subject premises has been registered in the Deed's office.
- 15 Notwithstanding the above and upon proper motivation, application may be made in terms of Section 31(2) of the Land Use Planning Ordinance, No 15 of 1985 and Regulation 3.6 of both Provincial Notice PN 1047 and PN 1049 of 1988 to the Director : Planning & Building Development Management for the commencement of construction on unregistered subdivided portions prior to confirmation of a subdivision or registration of individual portions (eg development of show units), if the conditions of approval made specific allowance for this (but subject to submission of an approved SG diagram or General Plan in the case of show units).

General standard requirements

16 Your attention is drawn to Regulation 3.3 of the scheme regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, No 15 of 1985 and published in PN 1047 and 1049 on 5 December 1988. Pertaining to cases where two or more attached dwelling units, to be held under separate title, are permitted in terms of an approved subdivision, these regulations require that

- Where restoration or improvement is considered necessary by the Council, the buildings shall be fully restored or improved to its satisfaction.
- Where considered necessary by the Council, one parking bay shall be provided and constructed to the satisfaction of the Council on each of the land units.

These requirements must be complied with prior to the issuing in terms of Section 31(1) of the Ordinance of subdivision clearance by Council.

17 Your attention is further drawn to Regulation 3.4 of the scheme regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, No 15 of 1985 and published in PN 1047 and 1049 on 5 December 1988. Also pertaining to cases where two or more attached dwelling units, to be held under separate title, are permitted in terms of an approved subdivision, these regulations require that the person who at any time is the owner of any land unit directly involved in such subdivision shall

- maintain such part of any retaining wall, roof, pipe, gutter, wiring or other structure or thing as is common to such land unit and any other land unit;
- maintain every part of such wall, roof, pipe, gutter, wiring or other structure or thing which is on or traverse such land unit;
- permit access to such land unit for the purposes of maintaining, cleaning, renovating, repairing, renewing, altering and adding to any wall, roof, pipe, gutter, wiring or other structure or thing, and shall not do anything which will prevent or hinder any such access or work from being done, and
- not make alterations or additions to or demolish any part of the buildings erected on such land unit, including boundary walls and fences, or change the exterior colour scheme or materials of such buildings without the consent of the Council, nor shall he permit the exterior of the buildings to deteriorate and become untidy or dirty.

18 In addition, your attention is also drawn to Regulation 3.5 of the scheme regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, No 15 of 1985 and published in PN 1047 and 1049 on 5 December 1988. Pertaining to approved subdivisions, these regulations require that the person who at any time is the owner of any land unit directly involved in such subdivision shall be required, without compensation

- to allow gas mains, electricity, telephone and television cables and/or wires, main and/or other water pipes and foul sewers and stormwater pipes, ditches and channels of any other land unit or units to be conveyed across the land unit concerned, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the Council in such manner and position as may from time to time be reasonably be required; this shall include the right of access to the land unit at any reasonable time for the purposes of constructing, altering, removing or inspecting any works connected with the above, and

- to receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the Council.

19 Where the City of Cape Town is not the electricity service provider, it remains the duty of the developer / owner to timeously liaise directly with the relevant service provider for connection to the power grid.

20 Should it be required, provision and installation of telecommunication services to individual units is to be arranged timeously by the developer / owner with a relevant service provider at his/her own expense.

CITY OF CAPE TOWN
DEPARTMENT OF PLANNING & BUILDING DEVELOPMENT MANAGEMENT

APPEAL QUESTIONNAIRE

(Appeal in terms of Section 62 of the Municipal Systems Act, No 32 of 2000)

Dear applicant

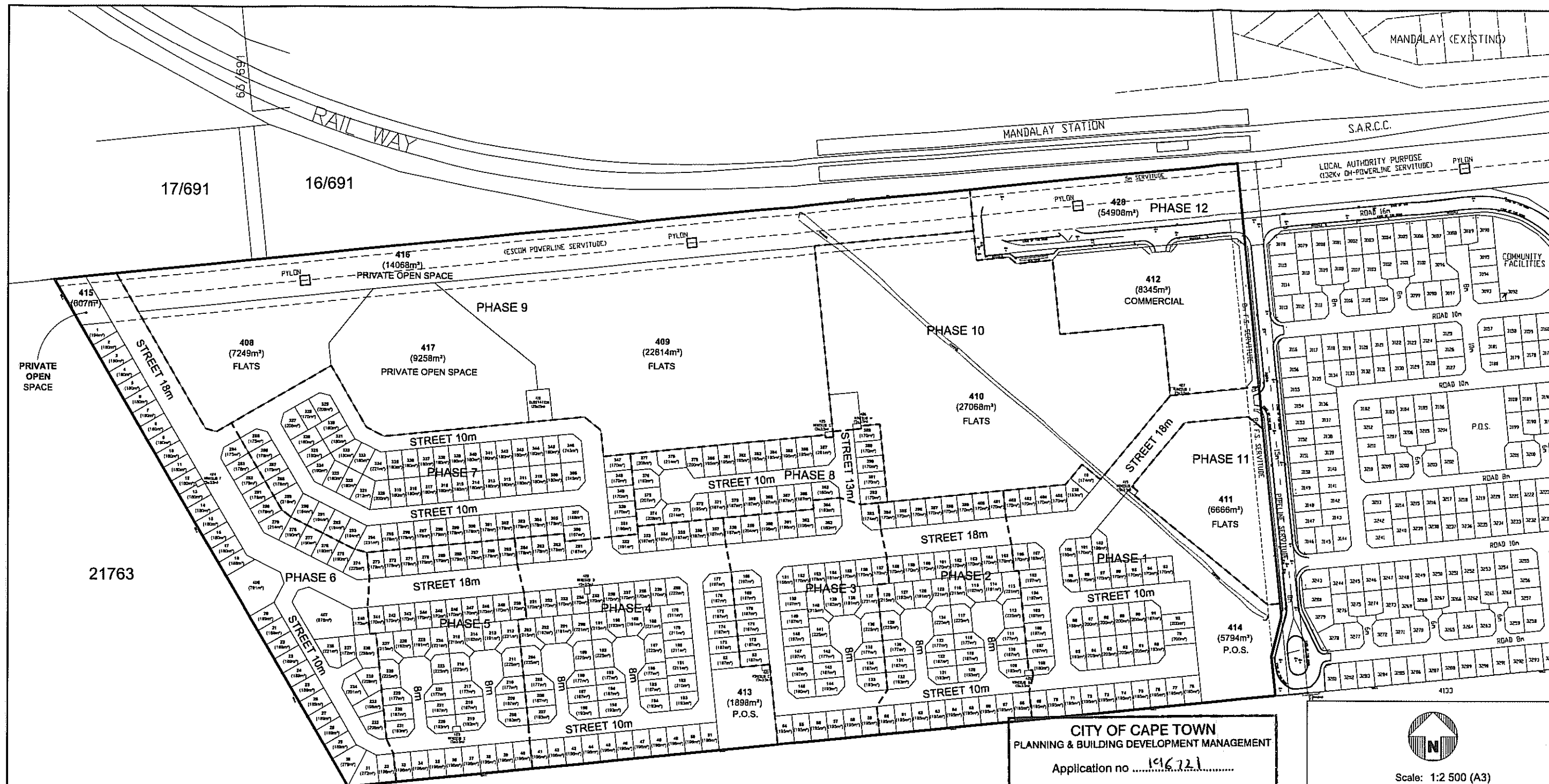
Should you intend exercising your right to appeal in terms of Section 62 of the Municipal Systems Act, No 32 of 2000 against Council's decision mentioned in the accompanying decision letter, kindly assist the Appeal Authority in considering your appeal by completing this questionnaire.

Kindly complete / tick the appropriate boxes below, provide a short motivation / explanation of your answer, append it to your letter of appeal and submit it together with a copy of the original decision letter being appealed to Melanie Cloete, Legal Services, Private Bag X9181, Cape Town, 8000 or if hand delivered to the 20th floor, Civic centre, 12 Hertzog Boulevard, Cape Town or if faxed to 021 400 5830.

Application no		Subject property no	
Street address			
Date of original decision		Date of receiving notice of decision	
Who took the original decision?			
YES	☐	1. Is your appeal based on and primarily concerned with the process followed prior to Council's decision? If "Yes", please explain below.	
NO	☐		
YES	☐	2. Are you appealing against Council's decision to refuse your application? If "Yes", please explain below.	
NO	☐		
YES	☐	3. Are you satisfied with Council's decision but appealing against the conditions of approval imposed? If "Yes", please explain below.	
NO	☐		

YES		4. Does your appeal contain any new information (for clarification purposes) that was not submitted prior to Council's decision on the application? If "Yes", please explain below what is new and why it was not submitted as part of your original application.
NO		
YES		5. Does your appeal involve a revised development proposal which is different from that which was considered by the original decision-maker? If "Yes", kindly note your submission will not be regarded as an appeal, but rather a new application which should be submitted in the normal manner. Kindly note, only appeals in respect of the application already considered can therefore be accepted.
NO		
6. Any further reasons for the appeal can be set out as follows.		
YES		7. Do you wish to appear in person before Council's Appeal Authority to substantiate the reasons for your appeal?
NO		
ACKNOWLEDGED		8. Kindly acknowledge that you're aware a copy of your appeal will be made available to any objectors and/or other interested parties.
YES		9. A copy of Council's original decision letter, which is being appealed, is appended hereto.
Appellant's full names		
Postal address		
Ph / Fax no		E-mail
Signature		Date

Note : Completed questionnaire to be accompanied by a copy of Council's decision letter being appealed.



ZONING TABLE		
ERF NO.	ZONINGS	AREA (m ²)
1 - 405	Single Residential	76 881
406 - 407	Civic and Community	1 667
408 - 411	General Residential	63 797
412	Commercial	8 345
413 - 414	Rural (Public Open Space)	7 692
415 - 417	Rural (Private Open Space)	23 933
418 - 427	Public Utilities	348
428	Public Street	48 328
TOTAL		230 991

- NOTES**
1. Unregistered Erf 2939 is the consolidation of Erven 776 and 2323, Mandalay.
 2. Base cadastral information supplied by Harris and McGarrick Land Surveyors.
 3. All areas and dimensions are approximate, and must finally and accurately be determined by a Land Surveyor.
 4. The development will consist of 12 development phases.

4133
LENTEGEUR PSYCHIATRIC HOSPITAL

CITY OF CAPE TOWN
PLANNING & BUILDING DEVELOPMENT MANAGEMENT

Application no. 196721

This subdivision plan has been approved in terms of Section 25(1) of Ordinance 15 of 1985, subject to conditions as per decision letter dated 6/8/12, file reference 196721/1/1/1 attached hereto.

Delegated Date 6/8/12



Scale: 1:2 500 (A3)

Drawn: CH	Date: 31 JAN 2012
Drawing: SUBDIVISION AND PHASE PLAN	
Revision: REVISION NO. 17	
Project: (UNREGISTERED) ERF 2939, MANDALAY	
Client: COMMUNICARE	

tv3 ARCHITECTS AND TOWN PLANNERS

First Floor - La Gratitude Office Building
97 Dorp Street - Stellenbosch 7600
tel (021) 861 3800
fax (021) 882 8025
e-mail: stel@tv3.co.za
web: www.tv3.co.za

Plan No: 5	Project No: O2567
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