



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

15 August 2019

The Chairperson
Standing Committee on Public Accounts
Honourable Member Mvimbi
By Hand

The Committee Officer
Standing Committee on Public Accounts
Mr Dustin Davids
By Hand

The Speaker
Western Cape Provincial Parliament
By Hand

Dear Honourable Mvimbi

REQUEST THAT THE SCOPA INVESTIGATE THE ACQUISITION OF ERVEN 35163 TO 35176 AND REM 38368 MILNERTON : KNOWN AS DORNBACH OR KILLARNEY GARDENS

SUMMARY

I have received information that the Western Cape Human Settlements Department purchased land at inflated values following political interference in the acquisition process. The purchase of land at values in excess of double the market value may amount to fruitless and wasteful expenditure and/or irregular expenditure and requires your committee's investigation.

The evidence points very strongly to the inexplicable purchase of poorly located property, zoned for industrial rather than residential use, at a value reported by the City of Cape Town to be inflated to more than double the market value.

The rush to purchase this property on behalf of the City of Cape Town for residential use is made more difficult to explain when the City of Cape Town already owns a larger, better located property and that this information was brought to the attention of MEC Madikezela, MMC Xanthea Limberg



Wes-Kaapse Provinsiale Parlement Western Cape Provincial Parliament IPalamente yePhondo leNtshona Koloni

and now DA MP Emma Powell, but they disregarded this in favour of the inflated value land purchase.

- The need for this specific parcel of land is difficult to understand given that the city already owned a better located, larger parcel nearby; one which city officials confirmed would be able to deliver housing faster.
- The inflated value is difficult to justify given that it was not supported by the city's officials responsible for strategic land acquisitions for human's settlements, as they report the purchase price is more than double the market price.

The details of the case and evidence are as follows:

1. In early 2018, protests erupted in Dunoon in response to the planned demolition of informal homes for a proposed security wall that Transnet was building along the rail reserve. These homes were hindering, and eventually outright preventing, Transnet from operating rail services on this rail line (<https://www.timeslive.co.za/news/south-africa/2018-02-16-why-cape-towns-dunoon-has-erupted/>).
2. Land to relocate these households was urgently required by the City of Cape Town's informal settlements department, then led by Cllr Xanthea Limberg, to ensure that rail services could become operational again.
3. The City of Cape Town had, on the 28th November 2014, already reserved the 20 ha (200 000 m²) City-owned property on the corner of Potsdam and Blaawberg Roads (Cape Farm 235-0-1) for housing purposes (Appendix 1). This site adjoins a public transport interchange for taxis and Golden Arrow Buses and is on two MyCiti bus trunk routes – one to the City and the other to Montague Gardens and Century City. In other words ideally suited for access to public transport and jobs.



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

4. On the 14th March 2018, staff in my office alerted Cllr Limberg that this land was still available for housing purposes. They specifically advised that, in relation to the growing pressures in Dunoon, that the availability of this land was important for Dunoon given *"the threats of additional invasions on the few remaining school fields and impending challenges on removals"*. (Appendix 2)
5. My staff attended a meeting with MEC Madikezlea, Xantha Limberg and other city and provincial professional staff the next month to discuss the Dunoon challenges. At that meeting, MEC Madikezela and Cllr Limberg noted that using the Potsdam site would be too *"politically difficult."* We assume the MEC's statement was in reference to the local DA-councillor Joy McCarthy.
6. Cllr Limberg's feedback from that meeting was that *"there were concerns about Potsdam if it is only at this stage going to be utilised as a [Temporary Relocation Area], and that the very real potential of a large number of opposing comments that will be generated from the surrounding Table View community through the public participation process ... it was thus felt that the City should not pursue the use of Potsdam"* (Appendix 3)
7. Cllr Limberg's decision ignored expert senior planners in the City (Appendix 4). One senior city planner confirmed that the fastest way to alleviate the urgent housing crisis would be to use the Potsdam site, because land the city already owned *"allows us to get out of the starting blocks first ... I would recommend that we initiate the emergency/ urgent declaration procedures for which we could have an answer within about a month."*
8. Instead, the MEC of housing, and leader of the DA in the province, together with the Mayco member responsible for residents living within our Informal Settlements in Cape Town, yielded to NIMBYISM, deciding to *"pursue purchasing the (Doornbach land) located next to the Doornbach informal settlement within Dunoon"*.



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni

9. It is interesting that this “Doornbach” parcel of land had already been offered for sale to the City in late 2017, but this offer had been declined because the City professionals within the Transport and Urban Development Authority (TDA), who would have needed to pay for this acquisition, determined that –
 - a. The then offered purchase price of R88 million far exceeded the market value;
 - b. They were not prepared to pay an “agents commission” to Mr Tembile Manata, the person who brought the offer of sale to the attention of the city and also, allegedly, to the provincial government.
 - c. The City already owned 20ha of available land in the area reserved for housing (the “Potsdam” site); and
 - d. TDA’s available budget for new land acquisitions was focussed on areas of the city where land for housing is required, but the city did not yet have available landholdings, such as around IY and Masiphumelele.
10. The City’s investigations, prepared by the staff of TDA for then Commissioner Melissa Whitehead in November 2017, indicated even a subsequent reduced negotiated purchase price of R58 million exceeded, **by more than double**, the comparative land purchase prices in the area (Appendix 5).
11. Moreover, a substantial area of the Doornbach property is undevelopable as it is within the river floodlines, so those areas could not be safely used for housing and any informal settlement areas within the floodlines cannot be electrified.
12. Whitehead’s TDA staff members were not given access to the City’s Property Management Department’s valuation report, under Director Ruby Gelderbloem’s responsibility, and were thus unable to determine the justification for the grossly inflated purchase price.
13. Given that the lower valuation was still more than double other comparative purchase, Whitehead’s staff in TDA did not support the purchase of this property at this very inflated price.
14. Whitehead was subsequently suspended in January 2018 and has been under disciplinary investigation since then.
15. Within 2 months of Whitehead’s suspension, the property acquisition was again being discussed and promoted by politicians.
16. Instead of using the Potsdam land for housing, in July 2018, local Cllr Joy McCarthy contacted me to request that a lease agreement be fast-tracked for this property in favour of one of her residents, specifically that the “*process of alienation in favour of Mr Trigg be expedited, so that we can improve the appearance of Table View and the safety of its citizens*” (Appendix 6).



Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
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17. In the days following my resignation in November 2018, the same Councillor McCarthy called a former staff member of mine to request housing projects be stopped in her area because they would make her suburb "look like Khayelitsha by the sea."
(<https://www.iof.co.za/capetimes/news/da-city-stalls-on-khayelitsha-by-sea-racism-2085591.1>) (Appendix 7)

18. It has now been confirmed that the Province purchased this property for R64,600,000.00 through its agent, the Housing Development Agency (Appendix 8). The province paid even more for the property – far more than double the market rate, according to what City of Cape Town officials had indicated.

The need for this specific parcel of land is difficult to understand given that the city already owned a better located, larger parcel nearby; one which city officials confirmed would be able to deliver housing faster.

The inflated value is difficult to justify given that it was not supported by the city's officials responsible for strategic land acquisitions for human's settlements, as they report the purchase price must be more than double the market price.

I appeal to the SCOPA to undertake an investigation in to this sale and:

- Evaluate the information and if necessary, follow the recommendations of the City of Cape Town's professionals to use an external, independent land valuations expert to determine the real market value of the land that has been purchased.
- Which officials and politicians were involved, and to recommend the necessary actions.

Yours faithfully

BRETT HERRON MPP

APPENDIX 1



**CITY OF CAPE TOWN
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Making progress possible. Together.

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Ifeksi: +2721 400 2266

Faks: +27214002266

E-mail: Rehana.moorad@capetown.gov.za

Ref:

Memorandum

**HUMAN SETTLEMENTS DIRECTORATE
LAND, FORWARD PLANNING AND CO-ORDINATION**

Date	28 November 2014
To	Director: Urbanisation: Ms Shehaam Sims

RESERVATION OF REMAINDER CAPE FARM 235 VISSERSHOK

Attached please find a copy of the RESERVATION (in-principle consent) for housing development, of Farm 235-0-1. The reservation was received on 25.11.2014.

The site is hereby made available to your Department to proceed with a project. The site is located on the corner of Potsdam and Blaauwberg road and measures 20ha in extent. A locality plan indicating the location is included for your ease.

Please feel free to use the Spatial Viewer, built as part of the Land Work Stream in 2013, and to which your project manager has access: http://cbd-civic-iralb/standard/HousingSettlements SRT.html?visible_controls=map_contents,navigation

Lastly, the reservation reports received from Property Management are attached so that the feedback received can be utilised to:

- a) prepare the "Scoping and Governance" aspects of the project on PPM, and
- b) inform your Tender Specifications on the project.

Yours faithfully

**Mr J. Kuhn
THE MANAGER: HOUSING LAND PLANNING & COORDINATION**

DATE

Portion of Farm CA 235

HUMAN SETTLEMENTS
G I S
THE CITY ENGINEERS FOR VNU

- Legend**
- Streets
 - Railway
 - Site
 - Floodprone Areas
 - Stiles
 - Erf Boundaries



1:4 000





DIRECTOR: PROPERTY MANAGEMENT
MRS. RUBY GELDERBLOEM

DATE:

1. ITEM NUMBER:
2. SUBJECT:

RESERVATION OF A PORTION OF REMAINDER CAPE FARM 235
VISSERSHOK: HUMAN SETTLEMENTS DIRECTORATE

TYG 14/3/12/2/235/2
PH 2014/0608 (Category: Reservation)

3. EXECUTIVE SUMMARY

This report is submitted in terms of Section 17 of the Policy on the Management of Certain of the City of Cape Town's Immovable Property to the Director: Property Management to consider the following application for the reservation of municipal land:

Reservation Category

1	New Project / Operational Requirement	
2	Deemed Reservation (Regularizing use of existing facility/operation)	X
3	Change in Asset User (Change in dept. managing existing facility)	
4	Split Reservation (Different Asset Users on/in same property/facility)	
5	Temporary Reservation	

Application Summary:

Applicant	Directorate: Human Settlements		
Responsible Official	Department: Land & Forward Planning		
Land applied for	Rehana Moorad (Tel 021- 400 5348)		
LP Key	Portion of Remainder Cape Farm 235 Vissershok		
Location	407222		
Extent reserved:	Cnr Bllaauwberg- & Potsdam Road, Milnerton		
Current Zoning	± 17.5 ha		
Current Usage	Undetermined		
Proposed Project / Usage	Vacant		
Recommendation	Approve	X	Decline

4. RECOMMENDATION

It is recommended that approval be granted by the Director: Property Management in terms of Part 34.5(5) of the Council's delegations as approved on 29 January 2014 and as sub-delegated by the Chief Financial Officer, that a Portion of Remainder Cape Farm 235 Vissershok, in extent ± 17 ha and as indicated as ABCDEFGHJ on the attached sketch marked **Annexure A**, be reserved for the Human Settlements Directorate, subject to the following conditions:

- 4.1 The subject property shall be utilized for the purpose of establishing public housing;
- 4.2 The Human Settlements Directorate takes cognisance of and strictly adheres to the conditions stated by the service branches in paragraph 7 below;
- 4.3 The said Directorate accepts full responsibility for the management and maintenance of the land until such time as the property has been developed;
- 4.4 The Directorate manages the allocation/sale of the residential units to be developed, in terms of the Housing Act and all other related legislation, if applicable;
- 4.5 The Directorate is authorised to initiate Management Agreements, if necessary, subject to compliance with the Municipal Asset Transfer Regulations, Supply Chain legislation as well as the Council's System of Delegations; and
- 4.6 That all costs related to the above be provided for by the said Directorate.

5. BACKGROUND/ MOTIVATION

An application has been received from the Human Settlements Directorate in respect of the possible reservation of the subject property for the purposes of establishing public housing.

6. DISCUSSION

The subject land was identified as being suitable for public housing. It is currently not required for any other municipal purpose; hence the reservation is supported and recommended for approval.

7. COMMENTS FROM THE SERVICE BRANCHES

The application was circulated to the service branches, and no objections were received.

The following comments/conditions were submitted:

APPENDIX 2

From: Mark Rountree

Sent: 14 March 2018 06:19 PM

To: Riana Pretorius <Riana.Pretorius@capetown.gov.za>; Xanthea Limberg

<Xanthea.Limberg@capetown.gov.za>; Susan Groenewald <Susan.Groenewald@capetown.gov.za>

Cc: Brett Herron <Brett.Herron@capetown.gov.za>; Namso Baliso
<Namso.Baliso@capetown.gov.za>

Subject: Dunoon and Potsdam housing

Dear Riana and Cllr Limberg.

In the recent discussions on Dunoon planning we became aware that the Potsdam property (details attached) has been reserved for housing. At the media meeting last week the threats of additional invasions on the few remaining school fields and impending challenges on removals to accommodate new roads in Dunoon was discussed, so I thought we should share this important information with you. I see that Jens Kuhn had reserved these 20ha for Human Settlements in 2014. Wendy Hartshorne from AFM also has some suggestions regarding the racecourse immediately to the north of this site, so definitely some interesting potential in the longer term also.

Kind regards,

Mark

Mark Rountree

Executive Support Officer to Cllr Brett Herron

Mayoral Committee Member: Transport & Urban Development (TDA)

Room 36, 6th Floor, Podium Block, Civic Centre,
12 Hertzog Boulevard, Cape Town, 8000

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Mobile: +27 82 880 4393

mark.rountree@capetown.gov.za

Useful links:

[Report a fault \(C3\)](#)



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*The City of Cape Town's Transport
and Urban Development Authority*

APPENDIX 3

From: Xanthea Limberg
Sent: 19 April 2018 03:52 PM
To: Riana Pretorius <Riana.Pretorius@capetown.gov.za>; Brett Herron <Brett.Herron@capetown.gov.za>; Lwazi Nobaza <Lwazi.Nobaza@capetown.gov.za>; Liezel Kruger-Fountain <Liezel.KrugerFountain@capetown.gov.za>; Namso Baliso <Namso.Baliso@capetown.gov.za>; Wendy Hartshorne <Wendy.Hartshorne@capetown.gov.za>; Veronica Paulse <Veronica.Paulse@capetown.gov.za>; Chimorne Ferguson <Chimorne.Ferguson@capetown.gov.za>; Nigel Titus <Nigel.Titus@capetown.gov.za>; Mark Rountree <Mark.Rountree@capetown.gov.za>; Antoinette Markram <Antoinette.Markram@capetown.gov.za>; Gisela Kaiser <Gisela.Kaiser@capetown.gov.za>; Andrea De Ujfalussy <AndreaBenedicta.DeUjfalussy@capetown.gov.za>; Albie Meiring <Albie.Meiring@capetown.gov.za>; Peter Novella <Peter.Novella@capetown.gov.za>; RSC-CBD-Civic-RayAlexander Boardroom-6fl-Podium <RSC-CBD-Civic-RayAlexander.Boardroom-6fl-Podium@capetown.gov.za>; Andre Human <Andre.Human@capetown.gov.za>; Rachel Schnackenberg <Rachel.Schnackenberg@capetown.gov.za>; Elmari Marais <Elmari.Marais@capetown.gov.za>; Dewaldt Smit <Dewaldt.Smit@capetown.gov.za>; Alfonso van Vuuren <Alfonso.vanVuuren@capetown.gov.za>; Monica Dunhofen <Monica.Dunhofen@capetown.gov.za>
Subject: Dunoon Update

Dear All

After discussions with MEC Madikizela at a meeting which occurred earlier today which Mr Rountree and I attended, the following was proposed as a way forward;

1. The Western Cape Provincial Department of Human Settlements will pursue purchasing the (Doornbach land) located next to the Doornbach informal settlement within Dunoon in light of the fact that TDA does not have funds available for both this year or future financial years because of other priorities such Masiphumelele and IY .
2. The Provincial Department has however also requested that any funds at risk of not being spent by the Informal Settlements Department be utilised for purchasing the Doornbach site and that the Provincial Department will assist with a top up for the outstanding balance. This was raised as a suggestion, because the MEC and the department are very concerned about the City's poor expenditure on HSDG and USDG. The MEC is of the view that formal housing and informal settlements should be targeting 100% expenditure in this financial year and beyond.
3. MEC Madikizela and his department aim to then utilise the Doornbach site for formal housing development in order to de-densify Doornbach informal settlements to allow for a USIP, alleviate densities in any other portions of Dunoon and most importantly relocate residents from Siyahlala that are encroaching the railway line which is both critical for Transnet as well as the City's Solid Waste department.
4. There were concerns about Potsdam if it is only at this stage going to be utilised as a TRA, and that the very real potential of a large number of opposing comments that will be generated from the surrounding Table View community through the public participation process places massive risk to the emergency declaration process and it was thus felt that the City should not pursue the use of Potsdam for temporary purposes.
5. Francois de Wet (Francois.deWet@westerncape.gov.za) has been tasked by the MEC to make contact with the City's Property Management department to ascertain further details about the current acquisition process, because the private land owner has apparently also made contact with the Provincial Department of Human Settlements to explore if there is interest to purchase the land. The outstanding rates issue should then also be addressed as part of the ongoing negotiations even if it is to be purchased by the provincial government, and perhaps it needs to be considered in the final sale price.

6. The MEC plans to set up a meeting on the 24th April with Transnet to discuss the proposed way forward as they have also been in contact with the provincial ministry requesting intervention regarding Siyahlala, and then a community meeting will be scheduled for the 1 May to address the ongoing land invasions in Dunoon as well as the formal housing plans to address the growth within the Dunoon area.
7. In the interim may I kindly request that the draft layout designs that have been done for Doornbach be shared with the provincial department via the Head of the Ministry Elizabeth Cloete (Elizabeth.Cloete@westerncape.gov.za).

Please note I may have incorrectly referred to the private land next to Doornbach informal settlements as "Doornbach". Furthermore, may I kindly request that Mark add to the above in case I have incorrectly communicated the feedback above or omitted anything from the meeting discussions.

Kind Regards

Cllr Xanthea Limberg

Mayoral Committee Member : Informal Settlements, Water and Waste Services, Energy

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APPENDIX 4

From: Nigel Titus
Sent: 20 April 2018 07:39 AM
To: Mark Rountree <Mark.Rountree@capetown.gov.za>; Xanthea Limberg <Xanthea.Limberg@capetown.gov.za>
Cc: Riana Pretorius <Riana.Pretorius@capetown.gov.za>; Brett Herron <Brett.Herron@capetown.gov.za>; Lwazi Nobaza <Lwazi.Nobaza@capetown.gov.za>; Liezel Kruger-Fountain <Liezel.KrugerFountain@capetown.gov.za>; Namso Baliso <Namso.Baliso@capetown.gov.za>; Wendy Hartshorne <Wendy.Hartshorne@capetown.gov.za>; Veronica Paulse <Veronica.Paulse@capetown.gov.za>; Chimorne Ferguson <Chimorne.Ferguson@capetown.gov.za>; Antoinette Markram <Antoinette.Markram@capetown.gov.za>; Gisela Kaiser <Gisela.Kaiser@capetown.gov.za>; Andrea De Ujfalussy <AndreaBenedicta.DeUjfalussy@capetown.gov.za>; Albie Meiring <Albie.Meiring@capetown.gov.za>; Peter Novella <Peter.Novella@capetown.gov.za>; RSC-CBD-Civic-RayAlexander Boardroom-6fl-Podium <RSC-CBD-Civic-RayAlexander.Boardroom-6fl-Podium@capetown.gov.za>; Andre Human <Andre.Human@capetown.gov.za>; Rachel Schnackenberg <Rachel.Schnackenberg@capetown.gov.za>; Elmari Marais <Elmari.Marais@capetown.gov.za>; Dewaldt Smit <Dewaldt.Smit@capetown.gov.za>; Alfonso van Vuuren <Alfonso.vanVuuren@capetown.gov.za>; Monica Dunhofen <Monica.Dunhofen@capetown.gov.za>; Mapule Moore <Mapule.Moore@capetown.gov.za>; Rayan Rughubar <Rayan.Rughubar@capetown.gov.za>
Subject: RE: Dunoon Update

Thanks for the inputs.

My understanding was that province has secured the services of HDA who is investigating the acquisition of land (abutting the river, north of Hout Bay Main road) in IY and have prepared concepts, which we have seen, so that they can purchase the land. The National Department of Human Settlement colleagues presented that information at a meeting I attended with various government departments on SANParks issues in Pretoria during March of this year.

On Potsdam I wish to add that the timing implications of the various options should be considered. If the aim is to get a quick solution then initiating the emergency or urgent housing designation immediately would be in the best interest of all concerned.

The Potsdam land that is in our ownership is the option that allows us to get out of the starting blocks first (possibly along with the limited provision for TRA that Transnet can make on the flattened dune.)

I would recommend that we initiate the emergency/ urgent declaration procedures for which we could have an answer within about a month – subject to whether there will be appeals or not. My take is that we will never know until we try and what will we lose if we tried and it did not work?

If, before we have obtained approvals in terms of the declarations to establish the TRA, the (i) funding become available; (ii) decisions to acquire are obtained; (iii) we obtain permission for early occupations; then we can initiate an emergency declaration for the Doornabch land and cancel the process on Potsdam. Why wait if we can run the two processes in parallel is my contention.

Regards,

NIGEL TITUS
Principal Spatial Planner
Urban Planning and Mechanisms

TDA Cape Town

16th Floor, Tower Block, Civic Centre,
12 Hertzog Boulevard, Cape Town, 8000

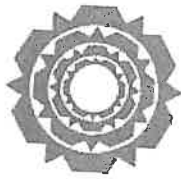
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and Urban Development Authority*

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WATER RESTRICTIONS
www.capetown.gov.za/thinkwater

APPENDIX 5



TDA
CAPE TOWN

The City of Cape Town's Transport
and Urban Development Authority

MEMORANDUM

TO: TDA Commissioner: Melissa Whitehead

FROM: Director Urban Integration: Namso Baliso

DATE: 07 November 2017

SUBJECT: PROPOSED ACQUISITION OF ERVEN 35163 TO 35176, 35148 AND REM ERF 38368 MILNERTON

1. Purpose

The purpose of this memorandum is to provide a feedback on the process of acquiring of Racing Park from the Cape Killarney Property Investments (Pty) Ltd for purposes of addressing Human Settlements challenges in Du Noon.

2. Property details

The subject properties are detailed in Annexure A below and are approximately 17.4 hectares in extent, with about 5.5 hectares located in a 1:50 year flood line; meaning that approximately 12 hectares is developable (See Annexure B).

3. Progress to date

3.1. Objective of the proposed acquisition

The objective of the proposed acquisition is to develop government subsidised housing order to provide between 600 and 1000 units.

3.2. Chronology of events in terms of the proposed acquisition

3.2.1. Initial offer from the seller

Early in February 2017 Urban Integration Department through the Sustainable Urban Management Branch received an offer to sell the above-mentioned properties from Mr Tembile Manata acting on behalf of the land owner. The proposed offer was based on a proposed development done by the land owner with a yield of 1 560 housing opportunities. The proposed purchase price for the land was approximately **R 88 million** inclusive of broker's commission with an indicative total development costs or total capital outlay of approximately **R 506 million**.

3.2.2. Responses from the City

In response to the afore-mentioned offer to sell on 17 July 2017, the City offered to purchase the land at a market value of **R58 million**, exclusive of VAT but inclusive of broker's commission as determined by the City's professional valuers. It is argued that the market value of the listed erven was determined after conducting a comparative market analysis of other properties sold in the open market. The highest use potential and physical attributes of the relevant properties were compared to that of the comparable properties sold where after necessary adjustments were

made from a value perspective. In this regard particular reference is made to aspects relating to location, zoning and market demand.

However, on 25 July 2017 this offer was rejected by the land owner who argued that he spent money servicing the land and would only break even at **R 77 million**. It should also be noted that the land owner also owes the City R 8 million in rates and taxes and 2 million in development contributions. The land owner also indicated that he has made investments in terms of services and road construction on the site hence he is asking for such an amount and believes that this was not taken into cognisance by the City. The owner's agent indicated that the revised purchase price might be acceptable to the owner provided the City agrees to a debt right off over and above the purchase price.

Based on the above the City revised its offer to **R 64 million** whereby it was argued that the road and the surrounding infrastructure were taken into cognisance in determining this revised offer. This is the same offer that was communicated to the Manager: Urban Integration Management, Mr. Lwazi Nobaza in a meeting held on 04 October 2017 as detailed below; after assuming responsibilities of the erstwhile Sustainable Urban Management Branch. This was also later communicated again to the agent of the land owner on 12 October 2017.

3.3. Engagements between Urban Integration & Property Management

Since Mr Jens Kuhn has left the employ of the City, Property Management (represented by Mr Graham Harms & Mr Craig Dockel) made contact with Urban Integration and met with Mr. Lwazi Nobaza on 04 October 2017 for a briefing on this matter. They shared with him that Mr Tembile Manata had informed them that the Provincial Government of the Western Cape initially approached the owner with the intention of securing the subject property for the extension of Doombach/Du Noon. However, the owner's agent said that in the middle of negotiations with the Province he was advised to contact the City about the possible land sale. Mr Manata alleged that should the City be interested in purchasing the land the Province would then not continue with its interest in this regard. It is further understood that Province at the time indicated that if the City was not interested, Province would take over the purchase thereof or if the City was interested in purchasing the land but did not have the funds to proceed, Province would be prepared to provide the required funds for the purchase. However, it was also indicated that the aforementioned information was provided by Mr. Manata and could not be verified to date.

It is also understood that in order to eliminate future contentions with regard to the aspect of who will be liable for the payment of the agent's commission, Mr Tembile Manata was requested to provide the City with a mandate from the seller authorising him to market the property on their behalf. A letter mandating Mr Tembile Manata to act as a seller's agent was provided but it was silent on the payment of commission and it was later learnt that the seller is not prepared to pay the commission. The City also informed the agent of not being willing to pay him commission as this would effectively result in an elevated value.

On 04 October 2017 I then wrote to Property Management requesting more information including a Valuation Report that will assist me in deciding whether the purchase of the property would be value for money for the City or not. However, despite numerous requests, Property Management has not been willing to share the Valuation Report on account of negotiations still being in process.

I then responded to Property Management on 09 October 2017 raising the following concerns:

- The initial request or instruction to Property Management was from the then Forward Planning Section of Human Settlements Directorate represented by Mr. Jens Kuhn who is no longer with the employ of the City, and a Valuation Report should still be made available to the user department or the requestor and; and implored that this would be treated with the sensitivity and confidentiality it deserves. This was viewed to be a fair request whereby the Valuation Report would have assisted in the decision making process.

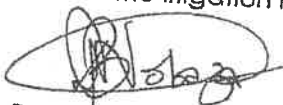
- After considering all correspondence received by Urban Integration Mr. Tembile Manata did not have a mandate from the City and therefore the City was under no obligation to pay him any commission. In addition, the City was not obliged to write off any debts owed to the City by the owner of Racing Park. However, it was suggested that any debts owed by the seller should be deducted from the purchase price to be agreed upon and this should be clearly communicated to his agent.
- The subject property seems to be overpriced in comparison with the most recent acquisition of Annandale farm measuring approximately 72 hectares and bought by the City for **R 162 million** equating to **R 225/m²** as compared to an average of **R542/m²** for the total developable extent of the land to be purchased. This is also the case if one utilises the **R58 million** purchase price as communicated to Jens Kuhn and his team in April 2017 where the average purchase price is **R492/m²**. Both these figures are more than double the most recent purchase in the area, which can be utilised as a comparable in this regard.

The abovementioned concerns were not adequately addressed as Urban Integration was not given access to the Valuation Report compiled for the proposed acquisition. Recently, we have been made aware that the City was proceeding with a litigation matter in the Western Cape High Court against Cape Killarney Property Investments (Pty) Ltd in order to recoup debt owed in relation to development contributions and rates and taxes. Property Management confirmed that the land was offered to the City by Mr Tembile Manata on behalf of the owners after which a valuation of the land was carried out; and after lengthy negotiations we could not reach an agreement with the sellers with regard to the selling price of the property. After sometime the seller's representative introduced the notion that the outstanding rates be written off as part of the overall transaction. We informed Mr Manata that the market value and outstanding property rates issue were separate and had to be dealt with in that manner.

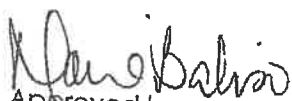
3.4. Way Forward

The proposed purchases present an opportunity for the development of integrated human settlements in the Du Noon area by linking the two Doornbach communities. However, in the absence of a Valuation Report it is difficult to come to a decision in this regard. In order to bring this impasse to finality, the following alternatives are then proposed:

- Property Management provides Urban Integration with all Valuation Reports compiled in order to be able to make an informed decision on whether to pursue or abandon the purchase. With this memorandum, the Commissioner is requested to interact with the ED: Assets and Facilities Management and request to be provided with the Valuation Reports.
- The land owner and the City procure services of an independent registered valuer and conclude negotiations based on the independent valuation.
- Should the City and the land owner fail to reach an amicable agreement in this regard it is therefore proposed that the City abandons the proposed acquisition and proceeds with the litigation in terms of development contributions and rates and taxes.



Report compiled by:
Lwazi Nobaza
Manager: Urban Integration

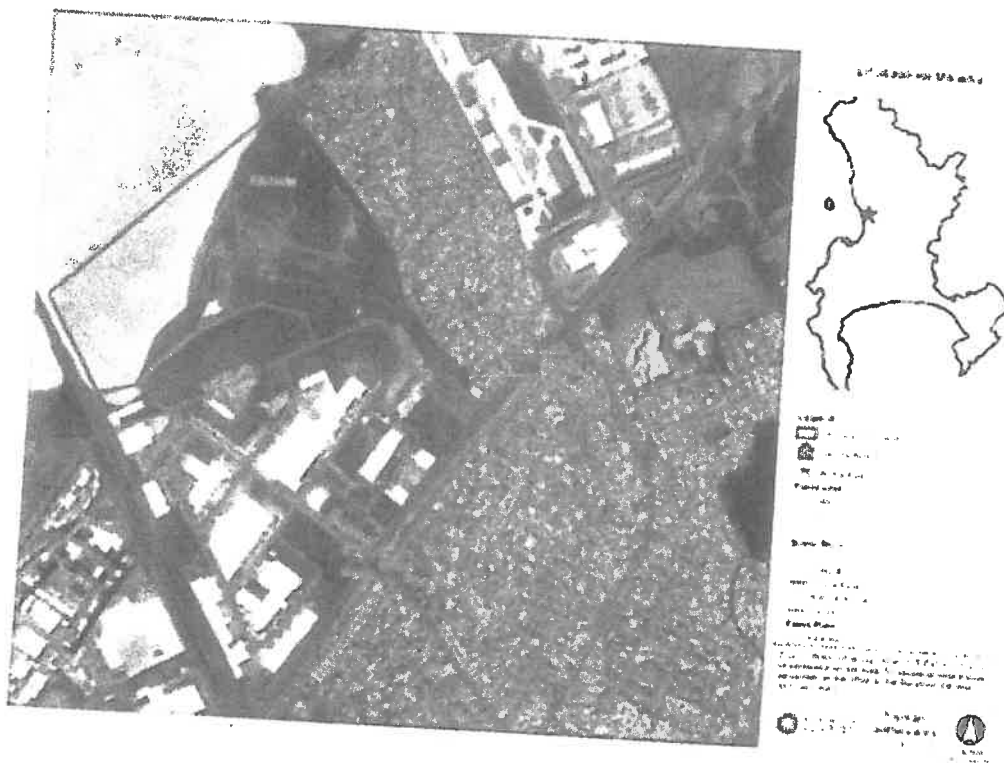


Approved by:
Namso Baliso
Director: Urban Integration

ANNEXURE A – PROPERTY DESCRIPTIONS

Description	Extent m ²	Title Deed	Zoning	Municipal Value	Encumbrances	Comments
Erf 35163	1 742	CRT 90891/2007	GI	Not valued		
Erf 35164	1 303	CRT 90891/2007	GI	Not valued		
Erf 35165	1 212	CRT 90891/2007	GI	Not valued		
Erf 35166	1 233	CRT 90891/2007	GI	Not valued		
Erf 35167	1 233	CRT 90891/2007	GI	Not valued		
Erf 35168	1 475	CRT 90891/2007	GI	Not valued		
Erf 35169	2 257	CRT 90891/2007	GI	Not valued		
Erf 35170	1 976	CRT 90891/2007	GI	Not valued		
Erf 35171	1 461	CRT 90891/2007	GI	Not valued	Unregistered subdivision of 455m ² . Structure built thereon. See SG 276/2012 Annexure E	Unencumbered extent 1 006m ² . Subdivision required.
Erf 35172	1 662	CRT 90891/2007	GI	Not valued		
Erf 35173	1 576	CRT 90891/2007	GI	Not valued		
Erf 35174	1 494	CRT 90891/2007	GI	Not valued		
Erf 35175	2 059	CRT 90891/2007	GI	Not valued	Pipeline servitude shown on SG 3093/2010 and 3095/2010 Annexure F	Unencumbered extent ±1 182m ² split
Erf 35176	1 649	CRT 90891/2007	GI	Not valued	Pipeline servitude shown on SG 3094/2010 and 3096/2010 Annexure G	Unencumbered extent 989m ²
Erf 35148	21 930	CCT 51489/2009	GI	R8 772 000		
Erf 38368	129 866	D/T 23868/1999	AG	Not valued	5.5698ha affected by Flood plain. Encumbered by a constructed road, a stormwater and sewer pipe.	Unencumbered extent 7.4168
Total extent	174 128					

ANNEXURE B – PHYSICAL CONSTRAINTS



APPENDIX 6

From: Joy McCarthy
Sent: 26 July 2018 04:15 PM
To: Brett Herron <Brett.Herron@capetown.gov.za>; Damian Trigg <mrdatrigg@gmail.com>
Cc: Mark Rountree <Mark.Rountree@capetown.gov.za>; Pieter Strumpher <Pieter.Strumpher@capetown.gov.za>
Subject: Remainder of land at Potsdam traffic interchange, cnr Blaauwberg and Potsdam Rds

Good morning all

As you have been made aware on numerous occasions , the land abutting the current taxi rank precinct on the corner of Blaauwberg and Potsdam Rd is the subject of ongoing land invasion and is nicknamed "tent city" by the community.

I have repeatedly tried with the assistance of LE, DPU, Social Development and Antiland invasion during combined operations to keep this land clear, using my ward allocation budget for crime prevention. This was despite the fact that the land falls under the auspices of TDA.

Once the land had been cleared for the umpteenth time and the illegal Port Jackson trees had all been removed, I requested assistance from Cllr Herron as the custodian of this City asset, to please fence the land and erect the appropriate signage forbidding overnighting , fires etc. This would make it easier to keep clear.

In the interim , some of these folk have occupied the vacant labourer cottages on the property and have had to be evicted.

During our various interventions, it was also established by Social development that the majority of the land invaders/vagrants are NOT homeless, but are in fact Atlantis homeowners who make a living on our streets as well as recently paroled 26 and 28 gang members , which is of concern as there has been a spike in violent crime in our area.

Mr Damian Trigg, resident in w113, has expressed an interest in leasing the entire piece of open land and creating jobs. It could be a win-win situation for all.

This request has been submitted to TDA , but to date no response has been forthcoming. Cllr Herron has informed me that TDA has no interest in utilising this land, nor spending any further funds on it .. but it is a blight on the landscape at the entrance to ward 113.

My request thus is as follows: please could this process of alienation in favour of Mr Trigg be expedited, so that we can improve the appearance of Table View and the safety of its citizens?

Kind regards

Councillor Joy McCarthy DA
Ward Councillor , ward 113
Utilities, Informal Settlements and Energy Portfolio Committee
Chairperson: Blaauwberg Constituency
Mobile: 073 237 9775
Office: 021 400 2110

APPENDIX 7

From: Mark Rountree [mailto:Mark.Rountree@capetown.gov.za]
Sent: 04 December 2018 10:29 AM
To: Mersini Iakovidis <Mersini.Iakovidis@capetown.gov.za>
Cc: Dirk Smit <Dirk.Smit4@capetown.gov.za>; mark@fluvius.co.za
Subject: RE: Listening tour : please come to w113 Table View

Dear Mersini,

Please may you keep me informed on the progress of this complaint and advise on a timeline for addressing this via my private email address: mark@fluvius.co.za

Kind regards,

Mark Rountree

From: Mersini Iakovidis **On Behalf Of** Dirk Smit
Sent: Monday, 26 November 2018 3:32 PM
To: Mark Rountree <Mark.Rountree@capetown.gov.za>
Subject: RE: Listening tour : please come to w113 Table View

Dear Mark

Thank you for the subjoined correspondence, the Office of the Speaker hereby acknowledges receipt thereof.

The matter will be attended to.

Kind regards,

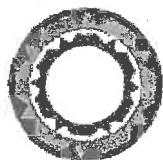
Mersini Iakovidis
Office of the Speaker

City of Cape Town
6th Floor, Podium Block
Cape Town Civic Centre, 12 Hertzog Boulevard, Cape Town, 8001

Tel: 021 400 4934

Fax to e-mail: 0862028649

E-mail: Mersini.Iakovidis@capetown.gov.za



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.



From: Mark Rountree
Sent: Monday, November 26, 2018 10:22 AM
To: Dirk Smit <Dirk.Smit4@capetown.gov.za>
Subject: FW: Listening tour : please come to w113 Table View

Dear Speaker,

Please may I request you review the conduct of the Councillor, as described below, in light of Section 2(a) and 2(b) of the Code of Conduct for Councillors.

Kind regards,

Mark

Mark Rountree
Executive Support Officer to Alderman Felicity Purchase
Mayoral Committee Member: Transport & Urban Development (TDA)
Tel: +27 21 400 3132

From: Mark Rountree
Sent: Monday, 26 November 2018 7:11 AM
To: Joy McCarthy <Joy.Mccarthy@capetown.gov.za>
Cc: Mark Rountree <Mark.Rountree@capetown.gov.za>; Lungelo Mbandazayo <Lungelo.Mbandazayo@capetown.gov.za>; Dirk Smit <Dirk.Smit4@capetown.gov.za>; Cheryl Walters <Cheryl.Walters@capetown.gov.za>; Dewaldt Smit <Dewaldt.Smit@capetown.gov.za>; Jaco van der Westhuizen <Jaco.vanderWesthuizen@capetown.gov.za>; Royston Roberts <Royston.Roberts@capetown.gov.za>; Felicity Purchase <Felicity.Purchase@capetown.gov.za>
Subject: RE: Listening tour : please come to w113 Table View

Dear Cllr McCarthy,

Thank you for your correspondence received via the Executive Mayor's office, and our telephonic discussion of 19-11-2018 where you explained further detail of your concerns regarding the planning decisions in your area. With the exception of one problem you raised, I have tried to address and respond each item raised below (your concerns indicated in **bold**). Please advise if there are any further items which require resolution.

Your concern that the planning decisions resulting in more housing are turning your neighbourhood in to "Khayelitsha by the Sea"

As a City employee, I found this statement made to me during our telephone call on Monday (19th November, 2018) to be racist and bigoted in the extreme. I am astounded that such views still survive in this day and age; and so much more disappointing that they are freely uttered by elected public representatives to government employees.

City officials are required to implement the policies that are approved by Council. The Cape Town Spatial Development Framework (CTSDF), in place from May 2012-April 2018, advocated for higher residential densities across the metro, and specifically along metropolitan development corridors and on or adjacent to activity routes, where medium to higher-density forms of urban development were to be promoted. As you can see in the diagram below, the current density in Tableview is low in comparison to most of the rest of the city. In approving plans that are in accordance with the CTSDF, which was passed by

Council 6 years ago, the administration is dutifully implementing the framework that has been approved by yourself as an elected representative in Council.

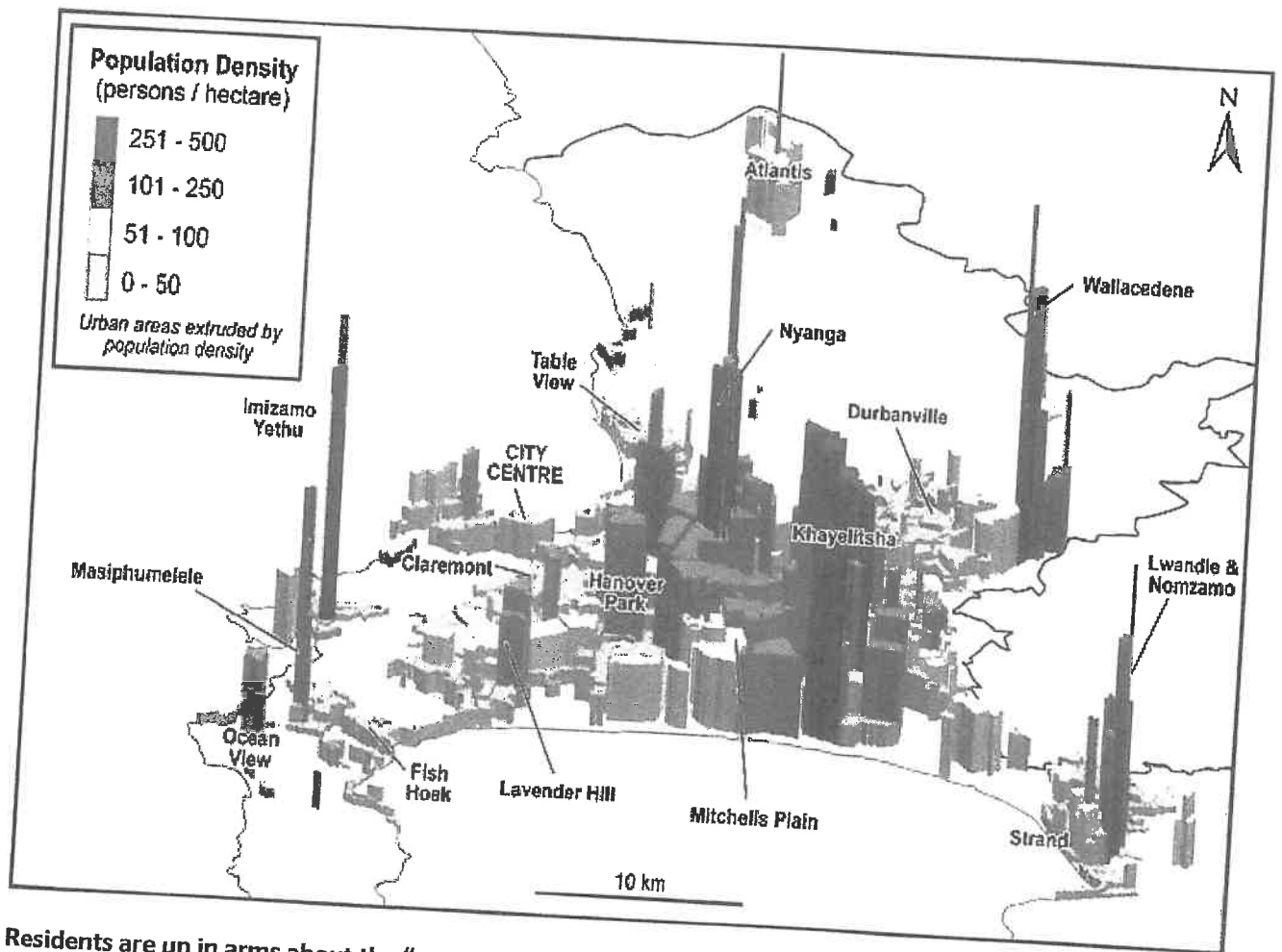
The fact that people of colour are choosing to move to your neighbourhood also negates the statement you made to several city officials during the Trends, Transitions, Disruptors, Local Action & Leadership session of the 7th November workshop planning for the future of Cape Town. At this event you stated that people of colour, having been relocated once before, "do not want to be relocated again" to other parts of our city. Whilst no one is suggesting any forced relocations, all over the world, people aspire to move to homes, neighbourhoods, cities and countries other than those in which they were born. I agree with the senior city official who objected to your statement and suggested that your perspective was one of "extreme privilege".

Whatever your personal views on integration may be, in terms of Section 11 c of Schedule 1 of the Systems Act, the code of Conduct for Councillors in South Africa specifically states that a councillor may not "*obstruct or attempt to obstruct the implementation of any decision of the council ... by an employee of the council*". If there are specific cases where the city officials have contravened City policy, please provide this detail for the department to evaluate. In the interim, I will not be asking any of our planning officials to address this concern of yours.

Furthermore, I do not believe your views uphold Section 2(a) and 2(b) of the same Code of Conduct for Councillors and thus, by way of this email, request the Speaker and City Manager to please intervene and investigate these apparent breaches of the code of conduct.

As you are aware , the DA/Mayor problems in the City has taken its toll on voter confidence, which various findings and charges now made public has gone some way to boost. But my voters are still disgruntled because my ward/area of the City has been unreasonably targeted for densification over the last 5 years, for various reasons.

- The City of Cape Town's population has increased rapidly over the last 20 years and all areas of the city have been densifying to accommodate our growing population. This is no different to any other South African or developing city across the world.
- It may interest you to know, in light of your statement that Tableview is becoming like "Khayelitsha by the Sea", that your neighbourhood has residential densities at least 5 times lower than Khayelitsha. The below diagram shows that Tableview in fact has very low densities relative to most other residential areas across the City.
- As you mentioned in your telephone call, by your calculation, the density in your area is approx. 50 people/ha. This is several times less than the average density that the previous 2012 Cape Town Spatial Development Framework (CTSDF) was pursuing for the city. It is the CTSDF framework - approved by Council in 2012 - which the City's planning officials would have been using to guide and evaluate most of the developments you are referring to. The revised Municipal Spatial Development Framework, approved by Council in only April 2018, replaces the 2012 CTSDF and this revised document advocate for higher densities and intensified landuse along key transport corridors. The 2018 MSDF proposes densifying and intensifying landuses within an urban inner core zone, and rather not prioritising investment to support densification in the other existing suburban areas. Moreover, the MSDF proposes to actively discourage expansion further outwards through removing any City/ratepayer funded subsidies or financial support for new development on the city outskirts and in greenfields site on the edges of the urban network.
- For Tableview, Milnerton, Parklands and similar suburbs up the West Coast, the MSDF will help to slow rather than increase congestion in this part of the City. The rapid expansion of housing estates up the West Coast has increased road congestion in this part of the City. Under the MSDF, this outward expansion is no longer supported, and that should provide some comfort for some areas of the city that you work in.



Residents are up in arms about the "capture" of Table View by developers suggested to be in cahoots with town planners. This has of course been facilitated by the removal by the ex Mayor of the Town Planning delegations to SC, thereby eliminating all local content knowledge and input.

- The removal of politicians from day to day planning decisions was taken to align the City's processes with new national legislation - the South African Spatial Planning and Land Use Management Act (SPLUMA), which came in to force in 2015.
- If there are specific allegations of corruption between the developers and city planners, please provide this evidence to our office or the City Manager directly for investigation.

I have done my utmost in terms of scouring the legislation and policy documents to validate the reasons given for the contextually appropriate densification being forced on the area, when even the MSDF does not indicate this is correct.

- The MSDF does, as you indicate above, promote targeted densification (rather than the blanket approach of the earlier CTSDF), but the MSDF was only approved by Council in April 2018, and this framework is still in the process of being incorporated in to the District plans.
- Any planning approvals prior to April 2018 would have considered the 2012 Cape Town Spatial Development Framework.

Despite our valid objections, the plans are being approved.. as you know, the Mayor was the final appeal.

The residents have heard of your listening tours and at our meeting on Thurs. afternoon , requested me to try and arrange that you please meet with them and hear their concerns. This will not be an open meeting, but only a few members of the Concerned Citizens Coalition .. no more than 5. It will not be a City bashing session , but rather an appeal for assistance.

- If you can please provide details of specific planning applications or approvals that were deemed to not align with current city policies, we can request feedback on the particular cases from our Development Management Department. This will enable the Executive Mayor to speak to the specific details of each case when he meets with the Concerned Citizens Coalition.

Kind regards,

Mark Rountree
Executive Support Officer: Transport and Urban Development Authority

From: Joy McCarthy
Sent: Saturday, November 10, 2018 5:45 PM
To: Mayor
Subject: Listening tour : please come to w113 Table View

Good afternoon Mayor Plato

So happy to have a councillor-friendly Mayor, who is concerned about the City he governs.. good to have you back in the chair.

I have a serious concern in the run-up to the 2019 election. My ward is over 95% DA, with a good percentage turnout.

As you are aware , the DA/Mayor problems in the City has taken its toll on voter confidence, which various findings and charges now made public has gone some way to boost. But my voters are still disgruntled because my ward/area of the City has been unreasonably targeted for densification over the last 5 years, for various reasons.

Residents are up in arms about the "capture " of Table View by developers suggested to be in cahoots with town planners. This has of course been facilitated by the removal by the ex Mayor of the Town Planning delegations to SC, thereby eliminating all local content knowledge and input.

I have done my utmost in terms of scouring the legislation and policy documents to validate the reasons given for the contextually appropriate densification being forced on the area , when even the MSDF does not indicate this is correct.

Despite our valid objections , the plans are being approved .. as you know , the Mayor was the final appeal.

The residents have heard of your listening tours and at our meeting on Thurs. afternoon , requested me to try and arrange that you please meet with them and hear their concerns.

This will not be an open meeting, but only a few members of the Concerned Citizens Coalition .. no more than 5. It will not be a City bashing session , but rather an appeal for assistance.

I look forward to your positive response in this regard and offer Subcouncil 3 at Royal Ascot in Milnerton as a venue for the meeting, which I am happy to arrange.

Should you agree I will send you a brief on the problem applications and the reasons for the unhappiness, to ensure the meeting runs quickly and smoothly and hopefully ensure consensus can be reached.

Kind regards

Councillor Joy McCarthy DA
Ward Councillor , ward 113
Utilities, Informal Settlements and Energy Portfolio Committee
Chairperson: Blaauwberg Constituency

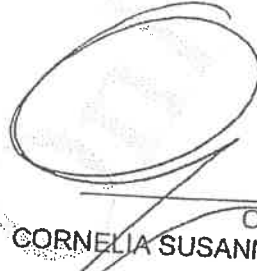
Mobile: 073 237 9775

Office: 021 400 2110

APPENDIX 8

4

De Klerk & van Gend
The Vineyards Office Estate
99 Jip de Jager Avenue,
Vineyards Square North,
BELLVILLE
7530

Prepared by me

CONVEYANCER
CORNELIA SUSANNA GERSBACH

Deeds Office Registration fees as per Act 47 of 1937		
	Amount	Office Fee
Purchase Price	R. 64 600 000,00	R. 4 890,00
All other		
Reason for exemption	Category Exemption	Exemption I t o. Sec/Reg Act/Proc

T 000004743 / 2019

DEED OF TRANSFER

DATA / CAPTURE
12 FEB 2019
YOLANDI OLIVIER

BE IT HEREBY MADE KNOWN THAT

MOGAMED FAIZEL BARDIEN

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said Appearer being duly authorised thereto by a Power of Attorney granted to him/her by

CAPE KILLARNEY PROPERTY INVESTMENTS PROPRIETARY LIMITED
Registration Number 1998/007174/07

which said Power of Attorney was signed at BELLVILLE on 28 SEPTEMBER 2018

DATA / VERIFY
12 FEB 2019
YOLANDI OLIVIER

And the Appearer declared that his/her said principal had, on 14 September 2018, truly and legally sold by Private Treaty, and that he/she, the said Appearer, in his/her capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

HOUSING DEVELOPMENT AGENCY

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

1. **ERF 35163 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1742 (ONE THOUSAND SEVEN HUNDRED AND FORTY TWO)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

2. **ERF 35164 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1303 (ONE THOUSAND THREE HUNDRED AND THREE)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007



- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

3. **ERF 35165 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1212 (ONE THOUSAND TWO HUNDRED AND TWELVE) Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

4. **ERF 35166 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1233 (ONE THOUSAND TWO HUNDRED AND THIRTY THREE) Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

- 5. **ERF 35167 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1233 (ONE THOUSAND TWO HUNDRED AND THIRTY THREE)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

- 6. **ERF 35168 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1475 (ONE THOUSAND FOUR HUNDRED AND SEVENTY FIVE)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007



- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

- 7. **ERF 35169 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 2257 (TWO THOUSAND TWO HUNDRED AND FIFTY SEVEN)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

- 8. **ERF 35170 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1976 (ONE THOUSAND NINE HUNDRED AND SEVENTY SIX)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

- 9. **ERF 35171 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1461 (ONE THOUSAND FOUR HUNDRED AND SIXTY ONE)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

- 10. **ERF 35172 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 1662 (ONE THOUSAND SIX HUNDRED AND SIXTY TWO)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007



- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

11. **ERF 35173 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE
- IN EXTENT 1576 (ONE THOUSAND FIVE HUNDRED AND SEVENTY SIX)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

12. **ERF 35174 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE
- IN EXTENT 1494 (ONE THOUSAND FOUR HUNDRED AND NINETY FOUR)
Square metres

AS WILL APPEAR FROM GENERAL PLAN NO 5491/2006
HELD by Certificate of Registered Title Number T90891/2007



- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

13. **ERF 35148 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 2,1930 (TWO COMMA ONE NINE THREE ZERO) Hectares

FIRST TRANSFERRED and still held by Certificate of Consolidated Title Number T51489/2009 with Diagram SG No 408/2007 relating thereto

- A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.
- B. SUBJECT to the following conditions contained in Certificate of Consolidated Title Number T51488/09 imposed by the City of Cape Town pursuant to the approval of the subdivision of Erf 35155 Milnerton, in terms of Section 29 (1) of Ordinance No 15 of 1985, as amended:

"This erf shall not be transferred without the written consent of the Racing Park Development Owners Association, of which the Transferee and his successors in title shall become a member".

14. **ERF 38368 MILNERTON**
IN THE CITY OF CAPE TOWN,
DIVISION CAPE, PROVINCE WESTERN CAPE

IN EXTENT 12,9866 (TWELVE COMMA NINE EIGHT SIX SIX) Hectares

FIRST TRANSFERRED by Certificate of Uniform Title Number T22706/1951 dated 31st December 1951 with Diagram No 1200/1950 annexed and held by Deed of Transfer Number T23868/1999

JH

A. SUBJECT to such conditions as are referred to in Certificate of Uniformed Title No T22706/1951 dated 31st December 1951.

B. SUBJECT FURTHER to the terms of the endorsement dated 23rd August 1982 on Deed of Transfer No T9660/1965, which endorsement reads as follows:

"Endorsement in terms of Section 31(6) of Act No 47 of 1937 (as amended)

A ptn of the herein-mentioned property meas. \pm 5494 m² has been expropriated by Divisional Council of the Cape in terms of Sect 27 of the Roads Ord 19 of 1976 B Vide Notice of expropriation No 356/49LTB/19BB d.d. 5/8/81 filed as exprop. Caveat EX489/82 plans ni duplicate filed EX489/82."

C. SUBJECT FURTHER to the terms of the endorsement dated 16TH March 1987 on Deed of Transfer No T9660/1965, which endorsement reads as follows:

"Endorsement in terms of Section 31(6) of Act No 47 of 1937 (as amended)

A ptn of the herein-mentioned property meas. \pm 18m² has been expropriated by Divisional Council of the Cape in terms of Sect 27 of the Roads Ord 19 of 1976 B Vide Notice of expropriation No 356/42 (Jvds) d.d. 5.3.1987 filed as exprop. Caveat EX274/87 plans ni duplicate filed EX274/87."

JH

