

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

~~65B Central Circle, Fish Hoek 7975~~

Web: <https://www.fhvrta.org.za/> Facebook: www.facebook.com/FHVRRA/

Heritage Western Cape: Conservation Body

TO: DIRECTOR: DEVELOPMENT MANAGEMENT
ATTN: MS CHERYL WALTERS, Cheryl.Walters@capetown.gov.za

SUBJECT: COMMENTS ON DEVELOPMENT: FISH HOEK

We refer to your address to the Far South Peninsula Community Forum (FSPCF) AGM on 16 August 2022 concerning "Departures", in particular the fact that despite an objection rate of 40%, none of more than 300 objections to "Departures" by our civics had been upheld in recent years.

We also refer to a subsequent "Training" address by Mr P Hoffa during which he stated inter alia:

- Each planning applicant had an inalienable right to apply for any design / plan they wished;
- Even though Planning officials might believe that a particular application could achieve the same objectives with a plan complying with regulations, they could / would not impose or even suggest a change to submitted plans.

These situations led our members to express concern that developers and their designers were forming the impression that they could act with impunity and ignore the planning regulations.

Two current examples in Fish Hoek illustrate these concerns.

Erf 7466, 19 Hillside

A plan was submitted for renovations which effectively amount to building a four storey apartment block on the East boundary in violation of height and boundary restrictions.

Several neighbours as well as the Fish Hoek Valley Ratepayers & Residents Association (FHVRRA) objected. However, the southern neighbour whose view would perhaps be most impeded referred the matter to his architect only to receive the reply and we quote, "Your objection is valid but I know the applicants architects, they will get away with it, so don't bother to object".

The application is still pending and we do not know whether it will even be referred to the Municipal Planning Tribunal (MPT). Nevertheless, based on previous experience it seems the prediction, "they will get away with it" seems likely to be the probable outcome.

Erf 7465, 17 Hillside

Renovation has been going-on on this site for at least two years, but appears to be haphazard with building being done and then demolished with a major excavation involving jackhammers in the southern section during the last few months.

The original house was more than sixty years old and therefore any changes are subject to heritage constraints.

Several neighbours have expressed concerns and enquired about what is planned for the property and have also referred their concerns to the building inspector, Mr Quentin Carelse, Councillor Kuhl and the FHVRRA.

According to Mr Carelse, there are no approved plans for the property! He has tried to stop further construction, but to no avail, so he has sought a Magistrates Court injunction against the owners and also fined (or threatened to fine) the builder. Despite these actions building continues.

Mr Carelse informs us that the only further redress would be an application to the High Court by the City - an action that is not only costly, but may take a long time and would need to be a priority issue of principle for the City's legal adviser to support. When the City wins this case, we propose that the entire structure be demolished.

The owner of 17 Hillside is Hillside Cottage (Pty) Ltd, one whose directors has a property in Newlands that has been converted into a guest house, a use that would be consistent with the renovations being made at 17 Hillside.

Conclusion

It is well documented and obvious to all that informal developments occur in contravention of City planning regulations, SDFs & SDPs.

The vast majority of the people entering Cape Town each year cannot afford formal housing and the 20% of new entrants that can have developers and designers, appear to be able to successfully bypass or ignore the SDPs and planning regulations.

It appears that those citizens that obey the rule of law are exceptions rather than the norm

Consequently, our constituents are asking why the City incurs the substantial costs of SDFs, SDPs and planning regulations if we are sinking into such a state of anarchy.

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DATE	5 July 2023