

URGENT NOTE: *Anyone being referred to this page by a Facebook link should note: a) that the Natures Valley Ratepayers Association has no relationship to any Facebook group and has not given permission to any group to use material on the NVRA website, b) that only the voluntary, considered objections of actual owners of Natures Valley properties or their representatives will be considered by the relevant authorities regarding the removal of restrictive conditions of title and rezoning, and c) that because objections from non property owners may have unintended negative consequences they are strongly discouraged by the NVRA.*

The Policy of the NVRA concerning the removal of restrictive conditions of title and rezoning

The removal of restrictive conditions of title and rezoning are crucial issues that hold potentially far-reaching negative outcomes for Nature's Valley as a whole.

1. Restrictive conditions of title

- With the establishment of the township in 1953 a number of restrictive conditions of title were written into all the title deeds of Nature's Valley.

Since then the restrictive conditions of title that stipulate that no erf may be subdivided and that only one dwelling with outbuildings may be erected on the property, have played a key role in maintaining the character of Nature's Valley.

So far the relevant restrictive conditions of title have thus protected the single residential status of Nature's Valley against subdivision and rezoning.

- Approval for the removal of restrictive conditions of title will therefore create a precedent with the following irreversible consequences:

It will pave the way for other and similar applications and will create a reasonable expectation that such applications will also receive favourable consideration that will be impossible to withhold.

Subdivision and rezoning of the large erven that comprise the township will follow. Property in Nature's Valley is sought after but virtually all the available erven have been developed and no further extension of the township is possible.

The only remaining possibility is the subdivision of existing large erven. Rezoning provides the opportunity for the erection and densification of buildings on one property e.g. flats.

Proof of the above is the increasing number of applications for the removal of restrictive conditions of title that the NVRA has had to oppose over the past few years.

- Approval for the removal of restrictive conditions of title also holds the following legal implications:

Nature's Valley has an almost exclusively single residential status – 415 erven from a total of 426, with 7 of the remaining 11 erven zoned as public open spaces. The restrictive conditions written into the title deeds of the 415 erven have been imposed and registered in favour of all these owners.

The removal of a restrictive condition of title will therefore infringe on certain rights entrenched in the title deeds of all the other owners. According to expert legal opinion and court judgements, restrictive conditions of title registered in favour of a community may not be removed against the wishes and feelings of such a community unless there is a demonstrable and pressing public interest that would be served by doing so.

- We are certain that the proposed removal of restrictive conditions of title would be against the wishes and feelings of the Nature's Valley community.

The unchanged character of Nature's Valley since 1953; the fact that restrictive conditions of title have remained in place since then, and the active role that the community continues to play in maintaining the single residential status of the township, is clear proof of this.

2. Rezoning

Residential zone I stipulates a primary use of one residence per property. Residential zone V e.g., makes provision for wide ranging residential uses namely that of a residential building that can include group house, town house, flats, public housing.

- According to the General Structural Plan rezoning to medium and high density zones like that of residential V cannot be approved in a low density single residential township.

With the exception of erf 135 (shop and restaurant), 7 public open spaces and 3 other properties, all the erven in Nature's Valley are zoned residential zone I. The fact that 415 of the 426 erven that comprise the residential area are zoned single residential, is incontrovertible proof that Nature's Valley is a low density single residential area and that rezoning to residential zone V e.g. cannot be considered.

- Approval for any rezoning will create a precedent with irreversible consequences.

Approval will create a reasonable expectation that other similar applications will receive the same favourable consideration that will not be possible to withhold.

Nature's Valley has retained its almost exclusively single residential status since 1953 and no residential zone I property has been rezoned up to the present.

At the 2006 AGM the ratepayer body took a unanimous decision to oppose all applications for subdivision and rezoning in order to protect the existing single residential status of the township.

Jeanne Biesenbach

Chairman : NVRA