

No Fence No Limits

Get Involved: Take Action Now

1. Email your councillor
2. Email the school
3. Call the school superintendent
4. Contact newspapers

1. Summary of Fence

Herzlia is a school in the City of Cape Town, South Africa. The school has recently erected a fence around the Herzlia sports field, which has historically been shared with the public when not in official use by schools or sports clubs. The fence may conflict with existing lease terms prohibiting new permanent structures and limiting construction near electrical services. The public's right to utilize the field when unused by schools or sports clubs is also threatened.

A fence has been erected around the Herzlia sports field, featuring several gates that, once locked, will prevent public access. Documents from October 2019 indicate a lease granting public use of the area outside official

The fence may conflict with existing lease terms prohibiting new permanent structures and limiting construction near electrical services. The public's right to utilize the field when unused by schools or sports clubs is also threatened.

Erecting a permanent fence may breach multiple lease conditions regarding public access and forbidden structures. These conditions specifically disallow building within 3m of electrical services and emphasize preserving the space for community recreation.

The previous lease terms provide for full public access when the field is not used for sporting purposes by United Hertzlia Schools. Currently, St Cyprians School, Stepping Stones Montessori, and Grass Boots FC use the fields on certain days for different sports codes. Property Management confirmed that the existing arrangements would remain and gathered schedules for using the field.

The previous lease conditions signed in 1992 are to remain in force.

- No additional permanent structures are permitted.
- No building, container, or structure shall be erected within 3m of the electrical services.
- No stakes, pegs, or pins shall be driven into the ground within 1m of any part of the electricity services.

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- g) Akukho mbuyekezo iyakuthi yenziwe ngalo naluphi na uphuculo oluyakuthi lwenziwe kule propati.

6 DISCUSSION/CONTENTS

6.1 BACKGROUND:

United Hertzlia Schools (applicant) leases a portion of City land being Erf 1154 Vredehoek situated at Riebeeck Park, Oranjezicht shown hatched and lettered A inner edge of stream B bottom of bank C inner edge of stream DEFG inner edge of stream HJKLMNPQ on the attached sketch SZC 1413 marked annexure A, in extent approximately 2 3304 hectares, for parking purposes. The lease has expired and has continued tacitly on a month to month basis in order to perpetuate billing.

The previous lease terms provide for full public access when the field is not used for sporting purposes by United Hertzlia Schools. Currently, St Cyprians School, Stepping Stones Montessori and Grass Boots FC uses the fields for different sports codes on certain different days. Property Management engaged with the abovementioned parties to confirm that the existing arrangements would remain in place and to get their schedules times for the use of the fields.

St Cyprians School requires to use the field 15 times within a calendar year and they will identify their usage requirements at the beginning of each year. Stepping Stones Montessori requires to use the fields on every Friday from 13h15 until 14h00. Grass Boots FC requires to use the fields during their season on Saturdays from 01 March until 30 September within a calendar year, these dates includes pre-season and Cape Town Tygerberg Football Season dates. They also require to use it twice in the evenings from 17h15 to 18h30 and the use of Club House and toilet when they use fields. It was resolved that applicant will accommodate the parties as per their schedule when it is possible or when they are not using the fields on those particular days.

The proposal was circulated to all relevant Branches for comment. No objections were raised by the Branches to the proposed lease of the subject property.

This is viable City land which is currently not required for any basic municipal services. As the land is viable, and as part of the Public Participation Process a call for alternative proposals in terms of Clause 12.5 of the Policy on the Management of Certain of the City of Cape Town's Immovable Property was advertised. No alternative proposals or objections were received.

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During the currency of the lease period the agreement of lease will contain a clause that in the event that Council does require the land, a two months cancellation period will be applicable.

6.2 CONSULTATION WITH INTERNAL BRANCHES:

The various Council Departments were consulted and have no objection to the lease subject to the following conditions that will form part of the lease agreement:

- i. No additional permanent structures are permitted;
- ii. Existing trees may not be damaged nor may be removed without prior consultation with and approach approval from the Director: Recreation & Parks;
- iii. The applicant shall be responsible for the ongoing maintenance of the leased area (including all cost);
- iv. The site is formally protected as a Provincial Heritage site and approval for the footbridge and other works requires approval in terms of section 27 of the National Heritage Resources Act;
- v. The previous lease conditions signed in 1992 be continued and kept in as conditions;
- vi. The previous landscaping details and any new landscaping proposals should be circulated to Environmental and Heritage Department for input/comment;
- vii. No works may impact on the stream or stream bed and no footings or work may take place within the 1 in 50 year flood line;
- viii. Details of the bridge that include size, design and materials used must be forwarded to our section for input/comment prior to the signing of the lease. We suggest that this structure be a lightweight timber structure with low impacts;
- ix. A Construction phase Management phase/method statement detailing how the construction works will avoid any negative impacts on the sensitive receiving environment must be forwarded to our section for comment and approval prior to the signing of the lease. An Environmental Control Officer (ECO) would need to oversee the construction of the bridge;

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- x. Neither the Water and Sanitation Department nor the Council will be liable for any damages or loss if any lock or gate has forced or broken in order to gain access to attend the burst mains, blocked sewers or other emergencies such as inspections that must be carried out, meters that must be read, or any other cause outside the control of Council;
- xi. The ground surface over a water or sewer main shall not be altered in any way except with the prior approval of the Water and Sanitation Department;
- xii. No trees shall be planted within 3m of the water and sewer mains;
- xiii. The City of Cape Town has the right to construct and/or erect and lay such poles, stays, cables, wires or appurtenances aforesaid. This includes the right to bring machinery onto the property and to carry out excavations;
- xiv. The City of Cape Town has the right for any employee or servant or contractor of City of Cape Town to enter and be upon the property at any time in the exercise of the aforesaid rights;
- xv. No building, containers or structure shall be erected within 3m of the electrical services;
- xvi. No excavation or filling shall be carried out within the leased area without the prior written consent of the Director: Electricity Services via the wayleave approval process. All excavations within 3m of the electrical services must be carried out under the direction of a representative of this Department. In this regard, please contact this Department's Drawing Office Manager Mr D Smith on 021 444 2146 or davidb.smith@capetown.gov.za;
- xvii. No stakes, pegs or pins shall be driven into the ground within 1m of any part of the electricity services;
- xviii. No plant or material shall be stored within 1m of any part of the electricity services;
- xix. No mechanical plant may be used within 3m of medium voltage cable or 5m of high voltage cable;
- xx. The existing electricity substation is to be excluded from this application.

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3. Remediation

To immediately restore public access and rebuild community trust, the following actions must be taken:

- Immediate removal of all locks from the gates to allow unrestricted entry.
- Complete removal of the fence that currently restricts public access.
- Rehabilitation of the field to its original state prior to the fence installation.
- Hosting a community open day on the field to rebuild trust and foster collective oversight of the space.

These steps are critical to re-establishing community rights and ensuring that public spaces remain accessible for all.

4. Call to Action

Community members are urged to contact local authorities and representatives, voicing concern over the fence's impact and advocating for adherence to the lease's original provisions ensuring public access.

Residents are encouraged to compare the fence configuration with the lease stipulations, share these concerns with relevant municipal or educational authorities,

and stress the importance of transparent, community-driven solutions.

Email your councillor

Craft a detailed message outlining the fence issue, highlighting lease violations and community impact, and request timely intervention.

Cllr. Francine Higham

Councillor: Ward 77, Chairperson: Future Planning and Resilience Portfolio Committee

Cell: [+27 71 087 5150](tel:+27710875150) | Email:

Francine.Higham@capetown.gov.za

Email the school

Contact the school's administration to seek clarity on the fence installation, its repercussions on public access, and propose cooperative measures for resolution.

Herzlia Highlands Primary

Contact: [+27 \(0\)21 286 3751](tel:+270212863751) | Email:

highlands@herzlia.com

Clairwood Avenue, Highlands Estate, Vredehoek, 8001

Hours: 07h00 – 16h00, Monday – Friday

Herzlia High School

Contact: [+27 \(0\)21 286 3701](tel:+270212863701) | Email:

highschool@herzlia.com

MH Goldschmidt Avenue, Highlands Estate, Vredehoek,
8001

Hours: 07h00 – 16h00, Monday – Friday

Call the school superintendent

Engage directly with the superintendent to voice the community's concerns, request explanations, and discuss options to safeguard shared community spaces.

Francois Schreuder

Contact: [+27 21 464 6607](tel:+27214646607) | Email: francois@herzlia.com

Hours: 07h00 – 16h00, Monday – Friday

5. References

Please review the [16SUB061019.pdf](#) document for further details.