



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

1292

REPORT TO: MUNICIPAL PLANNING TRIBUNAL

Case ID	70284739
Case Officer	Karen Patten
Case Officer phone number	021 684 4345
District	Cape Flats
Ward	110
Ward Councillor	Councillor S Rossouw
Report date	May 2019
Interview requested	To be completed by MPT support office
	Applicant
	Objector(s)

ITEM NO **MPTSW42/06/19**

Ward 110: APPLICATION FOR AMENDMENT OF CONDITIONS AND DEPARTURES IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 11439, GRASSY PARK, 4th Avenue, Grassy Park

1. EXECUTIVE SUMMARY

Property description	Erf 11439, Grassy Park
Property address	4th Avenue Grassy Park
Application components / description	The proposal is to increase the number of residential units from 20 to 28, requiring an amendment of conditions 1.2.2 and 1.3.6 of the previous conditions of approval (application no. 213689). Building line departures are also required from the eastern common boundary and from Dien Street.
Site extent	3033m ²
Current zoning	General Residential 2
Current land use	Block of flats
Overlay zone applicable	None
PHRA or SAHRA heritage	None
Public participation outcome summary	2 objections 1 petition comprising 13 signatures
Recommended decision	
Approval	Refusal
	x
	Approval in part & Refusal in part

2. BACKGROUND FACTS

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Erf 11439 Grassy Park previously formed part of erf 11016 and was subdivided and rezoned to General Residential 2 to allow for the development of a block of flats in February 2013.

The applicant seeks to add an additional block, comprising 8 units, in the south-eastern corner of the site.

3. SUMMARY OF APPLICANT'S MOTIVATION

3.1. The applicant's motivation of the proposed development (see Annexure D) may be summarised as follows:

- Past and present planning policy promotes urban restructuring and a more efficient utilisation of land especially where land is well located with respect to economic, institutional, social/recreational opportunities and transportation infrastructure, as is the case in this application.
- Residential densification should be encouraged as it is a means of more efficiently utilising underutilised municipal infrastructure and land. Densification allows more people to live in and enjoy the benefits of well-located areas.
- Densification also facilitates the gradual restructuring of the City which is vital in terms of social, economic and environmental sustainability. The current proposal is desirable and will have no detrimental impact on the surrounding area.
- The owner wishes to improve the site by way of the proposed additional structure and enhancements to the existing structures.
- The proposal is expected to generate a negligible increase in vehicular traffic and is unlikely to disturb traffic. An amendment to the parking layout has been provided to accommodate the additional eight units.

4. PUBLIC PARTICIPATION

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		Applicable	Dates / Comments
A d v e r t i s i n g	Notice in the media (s81)		
	Notice to a person (s82)	X	
	Notice to Community organization (s83)	X	
	Notice to Ward Councillor (s83)	X	
	Notice of no objection (s84)		
	Notice to Provincial Government (s86)		
	Notice to an Organ of State (s87)		
	Public meeting		
	On-site display		
O u t c o m e	Objections	X	2 objections received
	Objection petition	X	1 petition comprising 13 signatures
	Support / No objection		
	Comments		
	Ward Councillor response		

4.1 Summary of objections received

Two objections and a petition comprising 13 signatures have been received (see Annexure E) and may be summarised as follows:

Mr. Davids

- As the owner of 11 Dien Street, I bear the brunt of the existing building. There are continuous noises coming from the parking area in the early hours of the morning till late night, which is right next to my bedroom.
- The tenants of the apartment are so loud that we can hear everything they speak about, it is like they are in our backyard.
- The proposal will take away our views of the mountains.
- I signed for the first apartments on condition that the tenants don't impose on our privacy as we have a swimming pool in our backyard.
- The new apartments will impose on our privacy at my swimming pool, let alone the extra noise. The applicant offered me R10 000 to sign the plans and I declined it as it would be wrong to sign my rights away and allow my family to suffer for years to come.
- The applicant is inconsiderate and does not deliver on his promises. The workers worked till very late in the evening and on Saturday evenings almost till midnight. My vibracrete wall was damaged when the first apartment was built and has not been repaired yet.
- My property's valuation will decrease.
- The applicant's only concern is that of a business investment and not to help the housing shortage.

Other objection (anonymous) and petition (from residents in 4th Avenue)

- Our property value will decrease. No one wants to buy a house adjacent to flats.
- The privacy will be lost with a double storey.
- Noise will increase with more cars pulling in and out of the complex at various times.
- The exceptional views of the surrounding mountains will be lost forever.
- 4th Avenue has become a short cut for all types of vehicles either exiting 4th Avenue or entering into it to access the service station as a short cut.
- The residential roads were not designed to service delivery trucks and fuel tankers.
- The pavement is now used to park vehicles to avoid cars being hit by motorists racing up and down 4th Avenue.
- It is difficult to pull out of the driveway, and children now need to be extra vigilant when walking down pavements in 4th Avenue. (There are two children's crèches in 4th Avenue).
- The car wash at the bottom of the road compounds the problem.
- More apartments will mean more vehicles utilising 4th Avenue.

4.2 Summary of applicant's response to public participation

The applicant has not responded to the objections.

5. BACKGROUND TO PROPOSAL

5.1 Background

The site is located between Dien Street and 4th Avenue in Grassy Park, just east of Prince Georges Drive and north of 5th Avenue.

The block of flats has been constructed and comprises 20 two bedroom units, a security room, a refuse room and 30 parking bays.

Access will be taken from the existing access point towards the end of Fourth Avenue. There is no direct access from Prince Georges Drive.

5.2 Description of the area / surrounding land uses

A site to the west is zoned General Business 1, and contains a petrol station, retail outlets and food outlets. The land uses to the north, east and south are single residential in nature.

5.3 Property description

The subject site is erf 11439, Grassy Park and measures 3033m² in extent.

5.4 Proposed development

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The application is for an additional double storey block, containing 8 residential units, located on the south-eastern corner of the site. 35 parking bays are proposed for the total of 28 units.

The following applications are required:

- Amendment of condition 1.2.2 (application no. 213689)

From:

"A maximum number of 20 residential units shall be permitted".

To:

"A maximum number of 28 residential units shall be permitted".

- Amendment of condition 1.3.6 (application no. 213869)

From:

"Parking shall be provided by the owner of the property at a ratio of 1 bay per residential unit, plus 0.5 bays per residential unit to be reserved and clearly marked for visitor's parking".

To:

"Parking shall be provided by the owner of the property at a ratio of 1 bay per residential unit, plus 0.25 bays per residential unit to be reserved and clearly marked for visitor's parking".

- Street building departure to permit the new building to be located 3,0m in lieu of 4,5m from Dien Street.
- Common building line departure to permit the new building to be located 2,5m in lieu of 4,5m from the eastern common boundary.

6.0 PROPOSAL ASSESSMENT

Criteria for deciding application

6.1 Consideration of criteria in terms of Section 99(1):

6.1.1 Compliance with the requirements of the MPBL

- The application complies with the requirements of the Municipal Planning By-Law.

6.1.2 Compliance or consistence with the Municipal Spatial Development Framework (MSDF)(2018).

In terms of the MSDF, the site falls within the "Consolidation Area". The MSDF is committed to servicing existing communities in Consolidation Areas and when new developments are proposed, these will be subject to infrastructural capacity. The service departments have indicated that although engineering capacity does exist to accommodate the proposed development, any costs relating to service connections, alterations or provision of new services will be for the account of the owner.

One of the policies in the MSDF supports intensification and diversification of land in areas supportive of transit orientated development. While the site is located close to the intersection of 5th Avenue/ Retreat Road and Prince Georges Drive, there is no direct vehicular access from Prince Georges Drive to the site. Vehicles need to travel down to the end of Fourth Avenue to access the site.

Consideration in terms of Section 99(3) of the desirability of the proposal:

- See 6.2.3. below.

6.1.3 Would approval of the application have the effect of granting the property the development rules of the next subzone within a zone?

- No

I am satisfied that the decision making criteria in Section 99(1) have been complied with.

I am satisfied that the considerations in Section 99(3) have been assessed and that the proposed land use is desirable.

6.2 Consideration of criteria in terms of Section 99(2)

6.2.1. Any applicable spatial development framework

- In terms of the **Cape Flats District Plan (CFDP) (2012)** the property is designated for "Urban Development". Urban Development includes residential land uses.
- The proposal is in keeping with the intended land uses for the area
- The CFDP also states that new development should acknowledge and respect the surrounding urban environment, which includes considerations relating to neighbourhood density and character, access to public transport, job opportunities and social facilities.
- The original rezoning to General Residential was supported as it respected the surrounding environment. It was considered an appropriate interface use between the business uses to the west and single residential properties to the east, and the proposed block of flats was located on the western side of the site, approximately 26m (and at the furthest point away) from the abutting single residential erven. The new proposal is for a double storey residential

block, fronting immediately onto a single residential property, 2,5m away from the common boundary. The impact on the amenities of this property is significant, and the owner of this property has objected to the proposal. It appears as though in designing the additional block, the impact on the receiving environment, and in particular the GR2 / SR1 interface, was not taken into consideration.

- Furthermore, the increase in density and the resultant increase in activity/ noise on site will have a direct negative impact surrounding residential properties. The increase in vehicular traffic will also impact residents in Fourth Avenue. This impact is over and above the current activity, noise and vehicular traffic generated by the 20 unit development.
- The **Densification Policy (2012)** advocates more compact urban environments to contribute to the efficient utilization of land. Amongst its key principles to achieve its goals of densification are:
 - Promoting a mix of residential densities to ensure diversification and a wider range of housing types to a larger number of people.
 - The better utilization of existing infrastructure without negatively impacting on the area.
- The proposal would contribute to both these policies and is therefore considered to be in principle consistent with the Densification Policy.

6.2.2 Relevant criteria contemplated in the DMS

- n/a

6.2.3 Applicable policy approved by the City to guide decision making:

- One of the main principles of the Economic Growth Strategy is to create jobs. This proposal would contribute to job creation in the short term during the construction phase.
- The proposal supports both the Social Development Strategy and Integrated Development Plan as it will assist, to a limited degree in contributing to a safer neighbourhood and safer city. Although the proposal is not orientated towards Dien Street, small windows are proposed along this interface at both ground and first floor, providing some surveillance along Dien Street.

Consideration in terms of Section 99(3) of the extent of desirability of the proposal:

- The proposal would have a positive economic impact in the short term as it will create employment opportunities. In the long term, it would provide housing opportunities close to commercial/social amenities and several public transport routes.

- The proposal will have a positive and negative social impact. An increase in density will bring more activity to the area, particularly at night. However, this could also have a negative impact on the existing residents, as the increase in activity is likely to result in an increase in noise. This has been raised by the owner immediately to the east of the site, who experiences noise from the existing flats.
- It is considered that the proposal will provide more definition to the site from Dien Street and is in keeping with the architectural style of the existing flats and surrounding dwellings (pitched roofs, plaster and paint), and therefore will not impact negatively on the character of the area. However, concerns relating to the loss of mountain views have been raised by the neighbouring properties.
- There is concern about the impact of the proposal on the amenities and well-being of the single residential property directly to the east. The proposed building is located 2.5m away from this property and all 8 units are orientated towards this property. It is likely that the proposal will result in a loss of privacy to the private garden/ pool area at the rear, and the noise impact of 8 more units in such close proximity to the property would be significant. This neighbour to the east has objected to the proposal and raises noise concerns generated by the existing flats and parking area.
- The proposal involves an increase in traffic, and less on-site parking. While TDA: TIA & DC have no objection to the application, the anonymous objection and petition raise several concerns about the traffic in 4th Avenue. This seems to be a broader issue relating to vehicles accessing the retail outlet and petrol station to the west of the site. However it should reiterated that the site is not accessible via Prince Georges Drive and therefore the majority of vehicles access the site via Fourth Avenue. Therefore an additional 8 units will compound the problem, if only minimally.
- The application is supported by the relevant services departments.

6.2.4 Impact on existing rights (other than the right to be protected against trade competition)

- There will be no significant impact. All the surrounding erven will still be able to develop according to their zoning rights.

I am satisfied that the decision making criteria in Section 99(2) have been complied with.

7 REASONS FOR DECISION

- 7.1 Reasons for the recommended decision for **refusal** may be summarised as follows:

- 7.1.1 While the increase in density could be supported in principle given the sites proximity to the Prince Georges Drive/ 5th Avenue intersection, it is considered that the location of the new units does not adequately respect the receiving environment and therefore is not in keeping with District Plan.
- 7.1.2 The proposal does not respond to the site's contextual location with regard to it's interface with a low rise low density residential area. Locating building at 2.5m along the eastern common boundary will impact significantly on the well-being of the immediately abutting neighbour in terms of noise, privacy and overbearing aspects.

8 RECOMMENDATION

In view of the above, it is recommended that:

- 8.1 The application for erf 11439, Grassy Park amendment of conditions as detailed in Annexure A **be refused** in terms of Section 98 (c) of the Municipal Planning By-law, 2015.
- 8.2 The application for erf 11439, Grassy Park for departures as detailed in Annexure A, No.1, **be refused** in terms of Section 98 (c) of the Municipal Planning By-Law.

ANNEXURES

Annexure A	Applications recommended for refusal
Annexure B	Locality plan / Public participation map
Annexure C	Site Development Plan and Elevations
Annexure D	Applicant's motivation
Annexure E	Objections/ petition received
Annexure F	Internal departmental comments
Annexure G	List of participants
Annexure H	Previous conditions and Site Development Plan



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Registered Planner

Name: K Patten

SACPLAN NO: A/1999/2014



**Section Head : Land Use
Management**

Comment

Name A McCann

Tel no 021 6844341

Date 3 June 2019



District Manager

Name Chad Newman

Tel no 021 684 4310

Date 03 June 2019

Comment

Annexure

A

Applications recommended for refusal

ANNEXURE A

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **Erf 11439, Grassy Park**

"Bylaw" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015 (as amended)

"Item" refers to the relevant section in the Development Management Scheme

CASE ID: 70284739

1 APPLICATIONS REFUSED IN TERMS OF SECTION 98(C) OF THE BY LAW

- 1.1 Amendment of condition 1.2.2 (application no. 213689) to read: "A maximum number of 28 residential units shall be permitted".
- 1.2 Amendment of condition 1.3.6 (application no. 213869) to read: "Parking shall be provided by the owner of the property at a ratio of 1 bay per residential unit, plus 0.25 bays per residential unit to be reserved and clearly marked for visitor's parking".
- 1.3 Street building departure to permit the new building to be located 3,0m in lieu of 4,5m from Dien Street.
- 1.4 Common building line departure to permit the new building to be located 2,5m in lieu of 4,5m from the eastern common boundary.

Annexure

B

Locality Plan and Public Participation

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP		ANNEXURE :	
Overview 1:2 977	Ert: 11439, Allotment: Grassy Park Ward: 110		
	District: G Suburb: Grassy Park Sub Council: 18		
	Notices Served ●	Support Received ✓	
	Petition Signatory ■	Objections Received ✗	
	Generated by:		
Date: 27 May 2019			
File Reference:			
 <small>Making progress, just for you</small>			

Annexure C

Site Development Plan and Elevations

42 410 SITE BOUNDARY

FOURTH STREET

72 533 SITE BOUNDARY

EXISTING BLOCK
1390 Sqm

35 PARKING BAYS

PROPOSED NEW EIGHT UNITS
476 Sqm

ERF 11439

DEAN STREET

1:100 SITE PLAN

TOWN PLANNING DATA

ERF AREA	2679.12sqm
E.R. 1/2000	875.82sqm
Existing road area	108.00sqm
Existing waterway (if any)	0.00sqm
Existing natural (if any)	17.25sqm
Total	1001.07sqm
Area to be developed	1678.05sqm
Coverage %	59.62%

REVISION GATE

MARK VAN BREDA
CONSULTANT ARCHITECT

PROJECT
GRASSY PARK FLATS
ERF 11439
GRASSY PARK

DRAWING
COUNCIL SUBMISSION DRAWING
PLANS & DETAILS

Scale 1:100

DATE 2015

PROJECT NO. 11439-2-2015

Annexure D

Applicant's motivation

developed facility that caters for needs far beyond those than that of only the paying tenant ,

3. MOTIVATION

(a) Motivation in respect of the application made

Planning Policies

Past and present planning policy, mostly promote urban restructuring and a more efficient utilisation of land, especially where land is well located with respect to economic, institutional, social and recreational opportunities as well as transportation infrastructure, as is the case with this application. It is the opinion of the applicant that the approval of this application is in line with these planning frameworks in that it promotes appropriate residential intensification.

(b) Nature of the Proposal Use and impact on the surrounding Land Uses

Residential Densification

Residential densification should be encouraged as it is a means of more efficiently utilising underutilised municipal infrastructure. It also allows for more efficient utilisation of land which is a scarce resource. Low densities close to areas with good opportunities does not make for sound planning and it is argued that densification allows for more people to live in and enjoy the benefits of well-located areas which helps reduce travel distances. This, in turn has advantages for reducing congestion on the metropolitan transportation network as well as substantial environmental benefits by reducing fuel consumption etc.

Densification, by means of applications such as this, resulting in a small increase in density of the area, facilitates a gradual restructuring of the City which is vital in terms of social, economic and environmental sustainability and is an important mechanism for achieving the principles and recommendations of accepted planning policy. The current proposal is felt to be desirable for the reasons listed above as well as the fact that it will have no detrimental impact on the surrounding area and it is further argued that the current proposal to upgrade the subject property will be of benefit to the local surrounding area.

(c) Design

The owner wishes/intends to formalise and improve the existing site by way of the proposed additional structures on the property which will also as with the previous development, be in strictest accordance and compliance with the National Building Regulations. This would entail enhancements and additions to the existing

structures. This would be achieved in a manner which will not detract from the architectural style of the existing development but rather enhance the already well developed units.

(d) Traffic and Parking

The proposal is expected to generate a negligible increase in vehicular traffic and is unlikely to be a disturbance to the traffic flow on the surrounding roads. Also noteworthy is that the extent of the property allows for adequate parking opportunities on-site. A suitable amendment of the current parking layout is provided in order to accommodate for the additional eight (8) units. And as previously mentioned, it is possible to utilise the vacant area between the car wash immediately neighbouring the site as additional parking in order to provide more off road safe parking if need be.

e) Refuse

There is an existing on-site refuse room which comfortably accommodates the existing units, and can also easily accommodate the additional eight (8) units applied for.

4. Conclusion

In conclusion, it is submitted that taking into account the numerous factors discussed above, the request for Council's approval of the proposed development of the subject property is in keeping with the nature of the existing area and in line with current intent and purpose of the applicable planning policies and requirements. Furthermore, the approval of this application will allow for the optimal use of the subject property and be of overall benefit to the subject property and the surrounding area.

Yours faithfully
Mr O Dawood
083 284 2632

Annexure

E

Objections/ petition received

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City Of Cape Town

25/10/2016

Planning And Building Development Management

Attention: Karen Patten

Re-Proposed apartments to Erf number 11439

no 9 Dien Street,Grassy Park.

Dear Sir/Madam

Regarding this proposed apartments,It is with great dissappointment that i have to object to this additions on to that Erf 11439. As being the owner of 11 Dien Street, I certainly have the brunt of the existing building ,which I was the only neighbour that signed that proposal for the existing apartments.

To my dismay Sir/Madam, continuously noises comes from the parking area from early hours of the morning till very late at night, If its not the children then its adults making a noise with music and hooting of cars ,irrespective of the time and all in the parking area,which is right by my bedroom.

Sometimes It feels like the tennants of the apartments is in our backyard,we can hear everything they speak.It is so closeby and so loud. When Mr.Dawood approached me approximatly a year ago and

he told me where he intended to build the new proposal apartments I got him to come into my home and made him understand the consequences of this building that I now suffer from migraine.

Mr Dawood wants to build this apartments to the front of Dien Street, so we can not have the view of our beautiful mountain. With the first apartments I signed with condition that Mr. Dawood tenants doesn't impose on our privacy as we got a swimming pool in our backyard, he agreed and we had to constantly phone him to honour his undertaking.

This alone gave me an indication that Mr. Dawood was not a man of his word, when we approached them his nephew abruptly told us we can do nothing the building has been completed.

I would like to say with the proposed new apartments they will impose on our privacy at my swimming pool, let alone the extra noises. I do want to say that Mr. Dawood offered me R10 000.00 to sign the new proposal apartments and I declined it. I feel principally it was wrong to sign my rights away, just because of money, and my family must suffer for years to come, Mr Dawood then told me if I don't sign he will still get the plan approved.

Mr. Dawood is so inconsiderate did not deliver on his promises and made the workers work till very late in the evening and on a Saturday evenings as well till almost midnight. The workers were not only

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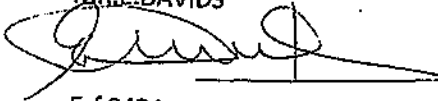
working but made such a noise grinding metal we could not sleep until they have stopped working.

I got into my car,drove around and approached the workers,they said the job must be finished,when they started with the existing apartments they damaged my front vibracrete, I approached the Mr.Dawood,he said they will fix it,its still not fixed. It is proven Mr.Dawood is not a man of he's word.

We could only swim after so many calls to Mr.Dawood. Even my property's valuation will depreciate with that in mind. I would like you Sir/Madam to consider our objection favourably to us. I feel Mr.Dawood and he's family concerned in this project has no consideration for us,because they dont live near or here to see how they impose on our privacy.To Mr Dawood and family the only concern is the business investment and not to help the housing shortages.

Thanking You In Anticipation

MR.E.DAVIDS

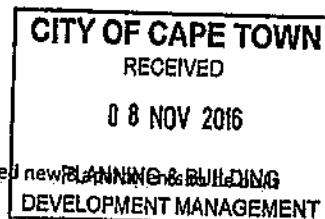


Erf 8434

1316

November 2016

Objection to new proposed 8 units at 9 Dien Street, Grassy Park
Erf Number 11439



We as residence of 4th Avenue Grassy strongly object to the proposed new development at the above address.

1. Our homes are our most valuable asset and in future we should we opt to sell we as home owners would battle to do so. No one wants to buy house next to or adjacent to flats. Buy it very nature it disadvantages us as property owners and effects our property value.
2. The privacy to our homes will be lost due to the proposed double story. Then there is the Noise factor more people, more vehicles pulling in and out of the complex at various times.
3. The current exceptional views of the surrounding mountains that we currently enjoy would be lost forever.
4. 4th Ave in particular has become a thoroughfare for all types of vehicle either exiting 4th Ave or entering on to it using the Service station entrance as a short cut.
5. This is a residential area and the roads were not meant or designed to service delivery trucks, fuel tankers and the likes which use 4th Avenue to gain entrance to the various businesses with in the Complex to do deliveries.
6. Due to the volume of traffic being experienced I have difficulty in pulling in out of my driveway.
7. Families and school children have to be extra vigilant when walking on the designated pavements. We must remember that there are two children Crèches in 4th Avenue
8. The car wash at the bottom end of the road only compounds this problem. With their clients parking everywhere with total disregard of the rules of the road and the sanctity of our homes and driveways.
9. The pavement which we so enjoyed as either a Cyclists and or as a pedestrian has been short lived as vehicle now park on the pavements to avoid their vehicle been hit by motorists racing up or down fourth avenue.
10. More apartments being built means there would be more vehicles utilising 4th Ave which means that these roads would now have to be maintained a services more regularly.

In conclusion

A proper environmental study has to be done to see exactly what impact such a development will have on our environment.

4th Avenue needs be closed completely at the bottom end (no through fare in and out of the Caltex garage)

I would also like to mention that the contractor who ran the power cables to the complex has vet to remove the tar that was dug up to lay down the cable.

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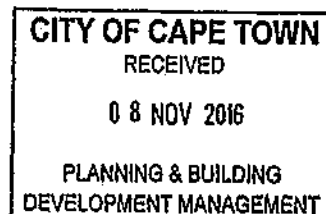
November 2016

Objection to new proposed 8 units at 9 Dien Street, Grassy Park

Erf Number 11439

We as residence of 4th Avenue Grassy strongly object to the proposed new 8 apartments to be built at the above address.

1. The privacy to our homes will be lost due to the proposed double story.
2. The view to the surrounding mountain's will be obstructed by this new development which will be an eyesore to everyone in 4th Avenue Grassy and Carlton Street
3. 4th Ave in particular has become a thoroughfare for all HEAVY DUTY TRUCKS, DELIVERY VEHICLES, TOW TRUCKS AND PRIVATE VEHICLES. Motorists use 4th AVE now to either exit Prince George drive as a short cut to gain entrance to the avenues or entrance on to Prince George Drive towards Retreat, Steenberg etc.
4. Currently we as residents cannot pull in or out of our driveways without having to wait for trucks or delivery vans to make their way down Fourth Ave to enter in to the Garage complex.
5. The vehicles parked waiting to be washed at the car wash at the bottom of 4th Ave only compounds the problem.
6. Cyclists and pedestrians cannot use 4th avenue without vehicle being parked on the actual side pavement that was intended for their exclusive use.
7. Having 35 vehicles using one single entrance and exit has to be reconsidered as this site is situated right next to a filling station.
8. A proper environmental study has to be done to see exactly what impact such a development will have on our environment.
9. Speed bumps needs to be built urgently to stop motorist speeding up Fourth Ave.



Name	Address	Telephone number	Signature
M. J. HARRISON	6 4 TH AVE	0828851396	M. J. Harrison
D. Pietras	3 4 TH AVE	0797396747	D. Pietras
Tossem Bohin	4, 4 TH AVE.	084 017 3931	T. Bohin
Miché Du Plessis	8, 4 TH AVE	08353 75429	Miché Du Plessis
Anne Fredericks	19, 4 TH AVE	076 576 0370	Anne Fredericks
Candy Boer	14 4 TH AVE	0721234991	Candy Boer
H. J. Mytze	4 TH AVE. G.P.	0817051556	H. J. Mytze
D. HAKKISON	6 4 TH AVE	0760102042	D. HAKKISON

Annexure

F

Internal Departmental comments



1321

Zimasa Malho
Principal Technician (South): Transport Planning

Tel: +27 21 444-9521
E-mail: zimasa.malho@capetown.gov.za
Address: 3 Victoria Road, 1st Floor, Plumstead, 7800

Ref: E12 – Erf 114739, Grassy Park
Application no : 70284739

Integrated Transport Planning Department
Transport Impact Assessment and Development Control

DATE / DATUM: 04 October 2016
TO / AAN: Planning and Building Development Management Dept
ATT / AANDAG: Karen Patten (City of Cape Town, BDM Branch)

**AMENDMENT OF CONDITIONS OF APPROVAL, SDP AND DEPARTURES TO PERMIT 8 ADDITIONAL
UNITS TO EXISTING BLOCK OF FLATS: ERF 11439, GRASSY PARK**

Reference is made to: Site Plan Drawing No. ERF 11439-2-2015, prepared by Mark Van Breda
and motivation report, prepared by Mr. O. Dawood dated January 2016.

Application Details:

Amendment of Conditions of approval;
Departures relating to street building lines;
Parking departure to permit 1.25 bays per unit in lieu of 1.5 bays per unit.

Development Details:

Additions to existing block of flats

Parking & Access:

Access to the property is off the existing carriageway crossing on Fourth Avenue.
Parking requirements: 1 bay per unit, plus 0.25 bays per unit for visitors = 35 bays
Parking provided = 35 parking bays

TCT Transport Planning Comment:

This branch offers no objection to this application, subject to the following condition/s:-

1. Parking shall be provided in the ratio of 1bay/unit, plus 0.25 bays per unit for visitors and be arranged in accordance with the attached SDP, (REF: ERF 11439-2-2015).
2. Previous TCT Transport Planning conditions remain applicable to the subject development.

South Peninsula
3 Victoria Road
Private Bag X5
Plumstead, 7800

Ntshona Koteni
3 Victoria Road
Private Bag X5
Plumstead, 7800

Suid Skerrelland
3 Victoria Road
Private Bag X5
Plumstead, 7800

www.capetown.gov.za

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I trust that this is in order.

For any further information please contact Zimasa Matho (Department: Transport)

Yours Faithfully,

A handwritten signature in black ink, appearing to be 'Zimasa Matho', written over a circular stamp or seal.

Zimasa Matho
Principal Technician
Transport for Cape Town



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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ENERGY
ELECTRICITY GENERATION & DISTRIBUTION

Susan Nel
Specialist Clerk

T: 021 763 5686 F: 021 763 5694
E: susan.nel@capetown.gov.za
Your Ref: 70284739

2017-01-30

DIRECTOR: PLANNING AND BUILDING DEVELOPMENT

APPLICATION FOR AMMENDMENT OF CONDITIONS AND DEPARTURES TO INCREASE THE
NUMBER OF RESIDENTIAL UNITS FROM 20 TO 28: ERF 11439, 9 DIEN STREET – GRASSY PARK

I have no objection to the proposal subject to the condition that any alterations or
deviations to electricity services necessary as a consequence of the proposal, or requested
by the applicant, will be carried out at the applicant's cost.

Yours faithfully

DIRECTOR: ELECTRICITY GENERATION & DISTRIBUTION

WYNBERG ELECTRICITY DEPOT IDEPHO YEZOMBANE YASE-WYNBERG WYNBERG ELEKTRISITEITDEPOT
ROSMED AVENUE WYNBERG 7700 P O BOX 82 CAPE TOWN 8000
www.capetown.gov.za

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ISIXEKO SASEKAPA
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SOLID WASTE MANAGEMENT: COLLECTIONS
DEPARTMENT: RESEARCH AND DEVELOPMENT

Chantel Erlank
Administrative Officer I

T: +27 21 400 5576 F: +27 86 576 2197
E: chantel.erlank@cape.gov.za

Application Number/Case Number: 70284739
Reference Number:

Date: 14 October 2016
Subject: PLANNING AND BUILDING DEVELOPMENT MANAGEMENT
Attention: Mark Florus

Application for the Amendment of Conditions, SDP and Departures for Erf 11439, Grassy Park is Supported by the Director: Solid Waste Management (DSWM) Subject to the findings of the Outcome of a Site Visit where Necessary or Subject to the Following Conditions Listed Below:

Please Refer to Paragraph A: U1 – Provision of Areas and U2 – Access to Areas listed below referring to Conditions for Removal from Private Property to enable refuse removal services. Please refer to Standards and Guidelines for the construction of a Refuse Storage Area / Room.

A. STANDARD BUILDING REGULATIONS: CONDITIONS FOR REMOVAL / COLLECTION OF REFUSE
Applicable to Sectional Title or Cluster Development, Secured Complexes, Flat Complex, Shopping Mall / Centre (Retail) or Office Complexes, Factories and Warehousing

U1 - PROVISION OF AREAS

Any building, excluding a Dwelling House, in which refuse will be generated, shall be provided with an adequate storage area / room (which comply with the Attached Standards and Guidelines to Architects and Developers for Refuse Storage Areas). That the Refuse Room be provided in a position nearest to an Access Road (Public Road) and be accessible for the Council's Refuse Collection Vehicles at all times as this vehicle and/ its crew members (Council staff) will not enter onto Private Property. Premises such as Places of Worship (churches, mosques and temples) require a refuse room however if the complex is large with function halls and large volumes of waste is generated especially at functions or if the premises are used as a community centre, crèche, or other means of financial gain, a refuse room must be considered.

Should there be an Existing Refuse Area in use to accommodate the changes, alterations or additions to the building for the storage of bins, then this area should be utilised for any additional bins that may be required for this development or provision should be made for added space.

U2 – ACCESS TO AREA

Council's Refuse Collection Vehicles or its staff will NOT Enter Private Property; therefore the Removal of Domestic Solid Waste is effected from the Kerbside (Sidewalk) of a Public Street. The Location of Any Area Contemplated in Regulation U1 shall be of such Access thereto from any Street for the purpose of Removing the Refuse is of the Satisfaction for the Director Solid Waste Management.

Yours Faithfully,

Chantel Erlank
For The: Director: Solid Waste Management

CIVIC CENTRE ISIKO LEENKONZO ZOLUNTU BURGERSENTRUM
12 HERTZOG BOULEVARD CAPE TOWN 8001 PO BOX 298 CAPE TOWN 1 6000
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Sameera Parker
Senior Professional Officer Transport Directorate

T + 27 21 684 4401 F + 27 21 684 4600
M Sameera.parker@capetown.gov.za W www.capetown.gov.za

ATHLONE DISTRICT: ROADS INFRASTRUCTURE AND MANAGEMENT
31 May 2019

70284739

GENERAL

1. All previous conditions of approval shall be applicable to this application and remain valid until complied with in full.
2. The application and its approval shall be limited to the addition of 8 flats less than 100m² each to erf 11439 Grassy Park.

Development Contributions

3. The developer/owner shall be responsible for the payment of development contributions towards the provision of bulk civil engineering services, in accordance with Council's policies and as contained in the attached development contribution estimate.
4. The estimate is based on the applicant's indication of the addition of 8 flats less than 100m² each to erf 11439 Grassy Park.
5. Development Contribution calculations are bound to the SDP submitted as part of this application. Any deviation in the submitted SDP from the figures cited above will result in a revision to the DC estimate.
6. Once approved, any deviation from the approved SDP will warrant a further recalculation of the DCs. Building plan approval will be limited to the GLA paid for and contained in the approved SDP.
7. It shall be noted that the development contributions will be subject to an annual escalation equal to the construction price adjustment (CPA) from civil engineering services and the amount payable will be the amount calculated at the time of payment.

The development contributions will be payable:

- Prior to approval of building plans.

LEDGER HOUSE
CNR ADEN & BEVERLEY STREET ATHLONE 7764 P.O. BOX 298 ATHLONE 7764
www.capetown.gov.za

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ENGINEERING SERVICES

8. The owner/developer shall at his cost provide all the required internal and link engineering services to the satisfaction of Council, prior to transfer of erven/units.
9. The owner/developer shall be responsible for all costs incurred in respect of the upgrading, extension, deviation, connection or removal of any engineering services arising from the buildings.
10. All engineering services shall comply with the standards and policies of Council and services shall be in accordance with approved site development plans. Where applicable, the Body Corporate shall be responsible for the maintenance of internal private services.
11. Where municipal services traverse private properties or fall outside a public road reserve, a 3 m wide servitude be registered in favour of Council for the developer's account.
12. All relevant services shall be handed over to/inspected by the City of Cape Town on completion of the works and a completion certificate shall be issued by the Engineer prior to utilization of the buildings.
13. All bulk connection points for services (water, sewer, stormwater and access) shall be provided in the public road reserve.
14. The developer shall be responsible for the reinstatement of all damaged municipal infrastructure after completion of the construction work to full municipal standards.

Stormwater Management (Catchment Planning)

15. Catchment Planning (Abdulla Parker) shall be contacted for approval of the stormwater management for the site if required.
16. All stormwater run-off shall be conveyed to the municipal stormwater system in accordance with an approved management plan and the management plan conforms to the overall master planning of the area.

Access and Parking (TIA and Development Control)

17. TIA and Development Control (Marlyn Botha) shall be contacted for approval of all parking and access proposed for the sites.
18. Where applicable, the developer shall at his cost implement the recommendations of an approved TIA and where required, a sound traffic management plan accommodating pedestrians, cycles, speeding, etc be implemented to ensure safety of residents.

LEDGER HOUSE
 CNR ADEN & BEVERLEY STREET ATHLONE 7764 P O BOX 298 ATHLONE 7764
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City of Cape Town Development Charges Calculator Version 2.10 June 2018

CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Erf Number: 11439
Suburb: 9 DIEN STREET GRASSY PARK
Developer/Owner: GRASSY PARK PROP INV CC
Erf Size (ha): 0.303242
Date (YYYY/MM/DD): May 31, 2019
Current Financial Year: 2018/2019
Approved Building Plan No.: 70284739 LUMS

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Code	Land Use	Unit	Development Parameters	
			Existing Right	Total New Right
RESIDENTIAL				
A1	Single Residential > 1000m² Erf	Dwelling unit		
A2	Single Residential > 650m² Erf	Dwelling unit		
A3	Single Residential > 350m² Erf	Dwelling unit		
A4	Single Residential < 350m² Erf	Dwelling unit		
A5	State Funded Housing	Dwelling unit		
A6	GAP/Affordable Housing	Dwelling unit		
A7	Group Housing > 650m² Erf	Dwelling unit		
A8	Group Housing > 200m² Erf	Dwelling unit		
A9	Group Housing < 200m² Erf	Dwelling unit		
A10	Flat > 100m² Unit	Dwelling unit		
A11	Flat < 100m² Unit	Dwelling unit		
A12	Second/ Additional Dwelling/Granny Flat	Dwelling unit		
A13	Rural / Undetermined / Agricultural	Dwelling unit		
A14	Rural Intensification / Agri-subdivisions	Dwelling unit		
ACCOMMODATION ESTABLISHMENTS				
B1	Hotel	Rooms		
B2	Accommodation Establishments	Rooms		
BUSINESS				
C1	General Business	m² GLA		
C2	Office	m² GLA		
C3	Retail/Shop	m² GLA		
INDUSTRIAL				
D1	Warehouse	m² GLA		
D2	Industrial	m² GLA		
INSTITUTIONAL/COMMUNITY				
E1	Early Childhood Development Centres / Home Child Care	Learner		
E2	Universities / Schools	Learner		
E3	Care / Accommodation (Hospitals, Clinics, Old age home)	Bed		
E4	Office/ Consulting rooms (welfare offices, clinics, hospitals & env. facilities)	m² GLA		
E5	Meeting Places (places of assembly, place of worship)	m² GLA		
E6	Open Spaces / Public Open Spaces	m²		
Land uses not reflected on the calculator		Actual Demand	Click yellow button to enter demand	

Is the development located within Public Transport (PT2) zone? ☐ No

Category	Units	Additional Demand	Unit Cost	Amount	VAT	Total
Roads	trips/day	16.0000	R 5 632.31	R 94 116.89	R 14 117.53	R 108 234.42
Transport	persons/peak period	9.6800	R 833.24	R 8 065.73	R 1 209.86	R 9 275.58
Stormwater	ha°C	0.0505	R 264 470.85	R 8 313.01	R 1 246.95	R 9 559.97
Sewerage	M/day	2.4000	R 16 722.37	R 40 133.69	R 6 020.85	R 46 153.74
Water	M/day	2.5000	R 2 051.25	R 5 251.19	R 787.68	R 6 038.87
Solid Waste	kg/day	37.2000	R 413.87	R 15 395.80	R 2 309.37	R 17 705.17
Total Bulk Engineering Services Component of Development Charge payable						R 196 967.78

City of Cape Town		Developer/Owner	
Calculated by:	Sameera Parker	Received by:	
Signature:		Signature:	
Date:		Date:	

NOTE: THIS CALCULATION IS BASED ON THE DEVELOPMENT INFORMATION PROVIDED AND UNIT COSTS APPLICABLE FOR THE FINANCIAL YEAR IN WHICH THE DEVELOPMENT APPLICATION IS MADE. UNIT COSTS ARE ESCALATED ANNUALLY ON 1 JULY WITH THE CPAF AND THE ACTUAL AMOUNT DUE WILL BE BASED ON THE UNIT COST APPLICABLE ON THE DATE PAYMENT BECOMES DUE.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

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SAFETY & SECURITY
FIRE AND RESCUE SERVICE

R T BENNETT

Platoon Commander

T: 021 444 3092 F: 021 371 1469 / 086 2028549

M: 074 1315371

E: reginald.bennett@capetown.gov.za

2016-09-21

To – K Patten

Planning & Building Development

Land Use Management

Ledger House

Athlone

RE: PROPOSED – AMENDMENTS- ERF 11439 – GRASSY PARK

Ref No. 70284739

Your notice to the above refers:

Please be advised that this department has no objections to the above with the following conditions:

1. Appropriate building plans via BDM to be submitted for approval.
2. The development must comply with the NBR and By-Law Relating to Community Fire Safety, and any other applicable legislation.

Yours Sincerely

R T Bennett

for CFO: I Schnetler

City of Cape Town: Fire & Rescue Services

MITCHELL'S PLAIN FIRE STATION – FIRE & LIFE SECTION
CNR DAGBREEK AVE & MORGENSEN RD MITCHELL'S PLAIN 7785
www.capetown.gov.za

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Annexure

G

List of Participants

Applicant

O Dawood

Email: odawood@telkomsa.net

Cell: 083 284 2632

Objectors

Mr E Davids
11 Dien Street
Grassy Park

Petition

MJ Harrison
6 4th Avenue
Grassy Park

Cell: 082 885 1390

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Annexure

H

Previous conditions of approval and Site Development Plan

105 1332

ANNEXURE A

In this annexure:

"Council" means the City of Cape Town.

"The owner" means the owner of the property.

"The property" means portion of Erf 11016 (Portion 1), Grassy Park

"Scheme Regulations" has the meaning assigned thereto by Ordinance 15 of 1985.

APPLICATION NUMBER:

LUM/30/11016 (213689)

1.0 CONDITIONS IMPOSED IN TERMS OF SECTION 42(1) OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985

1.1 General

1.1.1 This permission shall not exempt the applicant from complying with any other laws or requirements.

1.2 Land Use

1.2.1 The Zoning allocated will consist of the following in accordance with the Plan of Subdivision no. 2172/1993 dated February 2012:

Portion 1 (3033m²) – General Residential
Remainder (8396m²) – Commercial

1.2.2 A maximum number of 20 residential units shall be permitted.

1.2.3 The residential building shall be two storeys in height.

1.2.4 Windows shall be installed at ground and first floor level on all four facades (north, south, east and west).

1.2.5 The refuse room shall be set back 2.5m from the eastern boundary and 2m high trees planted between the refuse room and erf 3841.

1.2.6 The proposed boundary treatment shall be in accordance with Council's Policy on Boundary Walls and Fences.

1.3 Transport

1.3.1 Access to the property concerned shall be via Fourth Avenue and located directly opposite the Cafton Road intersection.

1.3.2 The access gates shall be set back a minimum distance of 12.0m from the nearest kerb-face of Fourth Avenue to allow for a minimum of two vehicle stacking.

1.3.3 Access to the development must be configured to allow for inbound lane on the left and outbound lane on the right.

4thavgrossypark11016 (Dec 2010)

- 1.3.4 The access and egress lanes must be a minimum width of 4.0m wide to adequately accommodate an emergency vehicle.
 - 1.3.5 No direct vehicular access shall be permitted onto Dien Street.
 - 1.3.6 Parking shall be provided by the owner on the property in the ratio of 1 bay per residential unit, plus 0.5 bays per residential unit to be reserved and clearly marked for visitor's parking.
 - 1.3.7 The parking layout must be designed in accordance with the City's parking standard which requires a minimum 2.5m x 5.0m parking bay with a 7.5m circulation aisle width. All bays adjacent to a solid wall must be a minimum of 2.8m wide.
- 2.0 CONDITIONS IMPOSED ON ALL PORTIONS IN TERMS OF SECTION 42 OF THE ORDINANCE 15 OF 1985 ("THE ORDINANCE") WHICH MUST BE COMPLIED WITH AT THE COST OF THE DEVELOPER AND TO THE SATISFACTION AND ACCEPTANCE OF THE COUNCIL PRIOR TO THE TRANSFER OR SEPARATE REGISTRATION IN THE DEEDS REGISTRY OF ANY LAND UNIT ARISING FROM THIS SUBDIVISION APPROVAL:
- 2.1 **CLEARANCE CERTIFICATE:** Once conditions of subdivision have been met the applicant must apply for a subdivision clearance certificate and such application must be accompanied by the original survey diagrams and/or general plan approved by the Office of the Surveyor General. Documents to be lodged with a covering letter on the Ground Floor, Ledger House, Athlone.
 - 2.2 **RATES CLEARANCE:** Applications for rates clearance to the City Treasurer for the individual portions of the subdivision must be accompanied by the subdivision clearance certificates. In the case where servitudes are created the Powers of Attorney to pass transfer must be submitted to this office and the clearance certificates will be endorsed on those documents. The rates clearances will be endorsed on the same documents. In terms of Section 31(1) of the Ordinance, the City Treasurer will not issue a rates clearance for any portion of this subdivision until such time as he is supplied with proof of compliance with the conditions of subdivision (i.e. the subdivision clearance certificate). Documents to be lodged on the Ground Floor, Ledger House, Athlone.
- 2.3 Land Use
- 2.3.1 A Site Development Plan shall be submitted for approval by the District Manager: Cape Flats District prior to the submission of Final Building Plans. The Site Development Plan shall include the positioning and orientation of all buildings, heights, setbacks, coverage, material finishes, access arrangements and parking (as per the requirements in 1.3 above) and boundary treatment.
 - 2.3.2 A Landscaping plan for the property concerned shall be prepared by a registered landscape architect and submitted with Final Buildings plans for approval by the

Environmental Resource Management Department. The Landscaping plan shall indicate the following:

- Communal open and private gardens
- All proposed newly planted vegetation including types (species) and planting specifications
- A metered connection/ irrigation plan
- Landscaping features including paving street furniture, lighting and play equipment
- Phasing and timing of implementation, including a twelve month establishment period.

2.4 Transport (M Botha: 021 7108000)

2.4.1. A mountable kerb shall be constructed along the property frontage on Fourth Avenue to allow the refuse vehicle to move out of the main stream traffic while collecting refuse.

2.4.2 The refuse room shall be large enough to accommodate the refuse bins of the 20 proposed units.

2.4.3 All work within the road reserve must be done in accordance with the Director: Roads and Stormwater.

2.5 Engineering Services (J Mabija: 021 684 4388)

2.5.1 On site stormwater must be suitably accommodated and conveyed off the property towards the nearest road reserve to the satisfaction of the Director: Transport, Roads and Stormwater.

2.5.2 On site parking shall be provided to the satisfaction of the Director: Transport, Roads and Stormwater.

2.5.3 Vehicular access to the development shall be restricted to a portion where it is deemed safe and to the satisfaction of the Director: Transport Planning.

2.5.4 Civil engineering services development levy is required for the development. The levy will be calculated in accordance with the criteria as recommended in the report on development contributions for bulk engineering services adopted by Council on 1999-11-30, that is Roads, Stormwater, Sewerage and Water supply. It should be noted that:

- (a) This contribution is subject to adjustments by Council from time to time.
- (b) Any change in usage on a property may require a change to the contribution
- (c) The development contribution is payable prior to the approval of the proposal land use application.

2.6 Solid Waste (G Visser: 021 4003634)

2.6.1 Any building, excluding a dwelling house, in which refuse will be generated, shall be provided with an adequate storage room.

- 2.6.2 Council's refuse collection vehicles or its staff will not enter private property, therefore the removal of domestic solid waste is effected from the kerbside of a public street. The location of any area contemplated in 2.6.1 shall be of such that access thereto from any street for the purpose of removing refuse is to the satisfaction of the local authority.

Note: Refer to minimum requirements and turning shunts for refuse vehicles (attached in Annexure I).

2.7 Electricity (S Nel: 021 763 5686)

- 2.7.1 Separate, completely independent points of supply must be taken to each erf of the subdivision and must be routed clear of all other private erven. Any alterations to the services necessary as a consequence of the proposal or requested by the applicant will be carried out at the applicant's cost.

- 2.7.2 All points of supply shall be consolidated to one supply per "portion".

- 2.7.3 In terms of the Department's Policy an Electrical Development Contribution cost published in the standard tariffs is to be paid before clearing of the subdivision will be granted. The amount applicable to each portion is dependent on the zoning, maximum number of dwelling units and bulk allocation as applied for by the customer.

2.8 Water (Miss Z Boo!l: 021 7109394)

- 2.8.1 A detailed water services plan for internal and external reticulation for the proposal shall be submitted to the Water Services office (cnr Main Road and Victoria Road, Plumstead) for approval before the commencement of any construction.

2.9 Sanitation (Y Ebrahim: 021 710 8000)

- 2.9.1 Any upgrading to the existing sewer infrastructure shall be at the applicant's cost.

2.10 Fire and Life Safety (G Hendricks: 021 7976842)

- 2.10.1 A fully detailed fire protection plan, complying with the S.A.N.S. 10-400T (edition 3 of 2012) shall be submitted with Final Building Plan approval.

2.11 Health (G Mackenzie: 021 788 9350)

- 2.11.1 All subdivided erven shall be connected to the municipal sewer system.

- 2.11.2 All materials resulting from the clearing of vegetation on the property must be suitably disposed of. No burning of vegetation will be allowed on the site.

- 2.11.3 Should conditions warrant it, suitable dust control measures must be implemented during site preparation and site development.

[illegible]