



**REPORT TO: MUNICIPAL PLANNING TRIBUNAL**

**ITEM NO:**

**WARD 2: APPLICATION FOR DELETION OF RESTRICTIVE TITLE DEED CONDITIONS, DELETION OF CONDITIONS OF APPROVAL, SUBDIVISION, REZONING AND REGULATION DEPARTURES IN TERMS OF SECTION 42(A), (B), (D), (G) AND (J) OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 5363, PAROW, CORNER OF MCINTYRE ROAD, 3RD AVENUE AND DU TOIT STREET**

**MPTNE12/03/19**

Case ID	70404663
Case Officer	J JACOBS
Case Officer phone number	021 444 7514
District	TYGERBERG
Ward	2
Ward Councilor	Leonore Van Der Wal
Report date	25/02/2019

**1. EXECUTIVE SUMMARY**

Property description	Erf 5363, Clamhall, Parow
Property address	Corner of McIntyre Road, 3rd Avenue and Du Toit Street
Application components / description	Application for deletion of restrictive title deed conditions, deletion of conditions, subdivision, rezoning and regulation departures in terms of Section 42(a), (b), (d), (g) and (j) of the Municipal Planning By-Law, 2015
Site extent	1145m <sup>2</sup>
Current zoning	Single Residential SR1
Current land use	Residential (dwelling unit)
Overlay zone applicable	None
PHRA or SAHRA heritage	None
Public participation outcome summary	Notices served to 42 neighbours. Advertisement in public press, as well as placement of an on-site notice. 2 objections. 3 City departmental comments and 1 Western Cape Provincial Department comment were received.
<b>Recommended decision</b>	
Approval	✓
Refusal	
Approval in part & Refusal in part	

## 2. BACKGROUND FACTS

The previous rezoning of Erf 5363, Parow for General Residential purposes was approved in 2011. However, the land use approval rights were never implemented considering the property economics at the time. Given that the previous approval has lapsed, application is made again to obtain land use rights to develop Erf 5363, Parow for residential flats (General Residential 2). A portion of Erf 5363, Parow is also affected by road widening.

## 3. SUMMARY OF APPLICANT'S MOTIVATION

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

- Erf 5363, Parow currently accommodates a dilapidated dwelling unit and it is proposed to generate more residential opportunities through development.
- The proposal is to permit the use of Erf 5363, Parow for a 4-storey walk-up residential apartment block.
- The application is aimed at creating 14 flat units, approximately 55m<sup>2</sup> each. The SDP includes the provision of 18 on-site parking bays, a refuse area and landscaping.
- Removal of title deed conditions B (d) & (e) is required to allow the proposed building line setback departures and subdivision of Erf 5363, Parow.
- The applicant furthermore motivates the application based on the desirability criteria for decision making as contained in Section 99 of the MPBL of which the following can be mentioned:
  - Consistency with surrounding land uses along McIntyre Street where similar developments can be found.
  - Minimal impact on surrounding residential properties as buildings are orientated towards McIntyre Street.
  - Significant capital expenditure in the area.
  - Appropriate densification and provision of new housing opportunities in close proximity to economic opportunities.
  - Minimal traffic generation and sufficient provision of on-site parking.

## 4. PUBLIC PARTICIPATION

		Applicable	Dates / Comments
Advertising	Notice in the media (s81)	✓	16 July 2018
	Notice to a person (s82)	✓	42 notices served (see Annexure B).
	Notice to Community organization (s83)		
	Notice to Ward Councilor (s83)		
	Notice of no objection (s84)		
	Notice to Provincial Government (s86)		
	Notice to an Organ of State (s87)		
	Public meeting		
	On-site display	✓	

Outcome	Objections	✓	2 objections received.
	Objection petition		
	Support / No objection		
	Comments	✓	3 City departmental comments.
	Ward Councilor response		

#### Summary of objections received

4.1. Objections received in respect of the application (see Annexure F) may be summarised as follows:

- The neighborhood is in greater need for a public park as there is sufficient housing in the area.
- Erf 5363, Parow is too small in size for the proposed development.
- The proposed development would exert a greater pressure on engineering services and public amenities.
- The additional living units will generate increased traffic impact through its accommodation for on-site visitor parking bays.
- The development would result in increased noise impacts from the proposed development tenants.
- The size of the 4-storey building will not suit the urban built form which is, for the majority, at single storey.

#### Summary of applicant's response to public participation

4.2. The applicant's response to objections received (see Annexure H) may be summarised as follows:

- The response to land being more beneficial as a park is dismissed as being unrealistic, as private land is unlikely to be donated to the public for recreational use. The proposed land use is also viewed aligned with the Densification Policy for the City of Cape Town.
- The scale of the development does not differ greatly from the previous 2011 application outcome. There is also now 1 unit less than what was previously approved with therefore an improved on-site parking proposal. Additional to this parking provision, the proposed development is located near the Voortrekker Road Corridor with supporting means of public transportation. As a result, the development targets over 1.25 parking bays per household instead of the required 2.
- The proposed development is orientated onto McIntyre Road. In addition, considering the adjoining bridge structure overpassing the railway line and proposed architectural style, the development does not present a negative visual impact to the surrounding area.
- The objectors' properties are located some distance away from the proposed development therefore objections relating to noise impact are questionable.

## 5. BACKGROUND TO PROPOSAL

### Background

5.1. The previous rezoning of Erf 5363, Parow for General Residential purposes was approved in 2011. However, the land use approval rights were never

implemented considering the property economics at the time. Given that the previous approval has lapsed, application is made again to obtain land use rights to develop Erf 5363, Parow for residential flats (General Residential 2). A portion of Erf 5363 is also affected by road widening.

#### **Description of the area / surrounding land uses**

- 5.2. The property, Erf 5363, Parow, measures 1145m<sup>2</sup> and is located in the Clamhall suburb of Parow. This is an established residential area. This locale is characterised by Single Residential 1, General Residential 2 and Community 1: Local zonings. The subject property is accessible via Du Toit Street, 3<sup>rd</sup> Avenue and McIntyre Road.

#### **Property description**

- 5.3. Erf 5363, Parow is currently zoned Single Residential Zone 1 in terms of the City's Development Management Scheme (DMS). The property currently accommodates an existing dilapidated residential dwelling.

#### **Proposed development**

- 5.4. Application is made for:
- Removal of restrictive conditions B (d) & (e) held in Deed of Transfer T24256/2012.
  - Deletion of conditions of approval of establishment of Clamhall Township.
  - Subdivision of Erf 5363, Parow into two portions (Portion A and Portion B).
  - Rezoning of Portion A and B from Single Residential 1 purposes to General Residential 2 and Transport 2 purposes respectively.
  - Permanent Departures involving:
    - On-site parking bays to be reduced from the required 28 bays to 18 bays.
    - Mc Intyre Road building line departure from 5.0m to 3.0m.
    - Du Toit Street and 3<sup>rd</sup> Avenue building line departure from 4.5m to 1.2m & 2.0m.
    - Northern street boundary building line departure from 4.5m to 1.295m.

The above application is submitted to permit the development of 14 residential flat units and to accommodate road widening of the McIntyre Road / 3<sup>rd</sup> Avenue Intersection.

## **6. 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 correct application types have been applied for and the application was duly advertised in accordance with the Notification Operational Policy.
  - All the processes and procedures have been correctly undertaken.

- There are no unlawful land uses or building work related to this application and no administrative penalty is required.
- The application complies with the requirements of the Municipal Planning By-Law, 2015.

6.1.2. Compliance or consistence with the municipal spatial development framework:

- The proposed higher density residential development is consistent with the City's Municipal Spatial Development Framework. The property is located within the designated Inner City Core area and the Structuring Corridor that is centred around Voortrekker Road.

6.1.3. Consideration in terms of Section 99(3) of the desirability of the following criteria:

6.1.4.

**a. socio-economic impact**

The proposed development provides for residential opportunities in close proximity to public transport modes and routes as well as economic opportunities, thereby contributing to spatial transformation and restructuring. The construction phase of the development will also support the construction industry and provide for employment opportunities.

**b. compatibility with surrounding uses**

Considering the existence of similar types of developments on McIntyre Road as well as the presence of the adjoining bridge structure, the proposed development is viewed to be compatible with surrounding land uses.

Although the area to the east of the subject property is predominantly characterised by medium density, low rise single residential properties, the subject property does not share a common boundary with any of the single residential properties in the surrounds. In addition, the proposed SDP layout respects privacy and impact on neighbouring properties with the orientation of buildings towards McIntyre Road.

The removal of restrictive title conditions and departures are furthermore required to facilitate an appropriate interface with McIntyre Road and to ensure distance between the development and neighbouring residential properties.

As a result, the proposed development is regarded compatible with the existing surrounding land uses.

**c. impact on the external engineering services**

Due to the relatively small nature of the proposal involving the development of 14 residential apartments, no strenuous impact is foreseen to adversely affect the linking of new and existing engineering services.

A refuse area with embayment for the refuse truck is provided as per the Site Development Plan 0395 – 01, attached as **Annexure C**.

- d. Impact on safety, health and wellbeing of the surrounding community;**  
The application requires the relaxation of building lines for road purposes (see paragraph 8.2). Despite the shade ports, as indicated on **Annexure C**, the building will not be positioned any closer to boundaries towards the adjacent single residential zones of the area. The development will also be orientated toward (the busier) McIntyre Road. As a result, no adverse effects will impact the safety and security of surrounding properties and owners.

The development of this property is generally viewed as having a positive impact on the safety, health and well-being of the surrounding community. This is believed to be true through the creation of safe and secure housing opportunities as well as orientation of development to provide for surveillance of the streetscape.

- e. Impact on heritage;**  
As the subject property is located in an established residential area, with no applicable heritage overlay zone, no impact in terms of heritage is evident.
- f. Impact on the biophysical environment;**  
As the subject property is located in an established residential area, no impact in terms of the bio-physical environment is evident.
- g. traffic impacts, parking, access and other transport related considerations; and**  
Access for the proposed development is taken off Du Toit Street at the furthest point from 3rd Avenue to avoid traffic congestion.

The property is also located in very close proximity to public transport facilities (Avondale railway station & Voortrekker Road public transport route). The reduced on-site parking provision is therefore supported and considered reasonable.

An addition of 14 flat units to the existing road network is also not regarded as significant in terms of traffic generation and the proposal provides for future road widenings envisaged at the McIntyre Road /3rd Avenue intersection.

- h. Conditions that can mitigate an adverse impact of the proposed land use.**  
The City's internal line departments have called for conditions of approval to be imposed, which are contained in **Annexure A** attached hereto.

- 6.1.5. 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**

**Tygerberg District Plan, 2012**

In terms of the Tygerberg District Plan 2012, Erf 5363, Parow is located within an area earmarked for residential development with mixed use intensification along McIntyre Road. The proposed development is therefore consistent with the proposals of the District Plan.

**Cape Town Municipal Spatial Development, 2018 (CTMSDF)**

The proposed higher density residential development is consistent with the City's Municipal Spatial Development Framework. The property is located within the designated Inner City Core area and the Structuring Corridor that is centred around Voortrekker Road.

**6.2.2. relevant criteria contemplated in the DMS**

The proposed development is aligned with the primary uses of the General Residential 2 (GR2) zone that allows for the proposed apartment block.

**6.2.3. applicable policy or strategy approved by the City to guide decision making**

**Densification Policy, [2012]**

The proposed development is in line with the City's Densification Policy, 2012. The goal of this policy is to seek improvement to the City's sustainable development and to enhance the quality of the built environment by increasing dense residential opportunities within close proximity to public transport and economic opportunities.

**6.2.4. Consideration in terms of Section 99(3) of the extent of desirability of the following criteria:**

Refer to paragraph(s) 6.1.3 above for a detailed account of the application's desirability for Erf 5363, Parow.

**6.2.5. other considerations prescribed in relevant national or provincial legislation.**

Spatial Planning and Land Use Management Act (SPLUMA), 2013 and Western Cape Land Use Planning Act (WCLUPA), 2014

The proposal is consistent with the "Development principles" of the Spatial Planning and Land Use Management Act (SPLUMA) as well as the "Land Use planning principles" of the Western Cape Land Use Planning Act (WCLUPA). The principles within both are similar in encouraging housing opportunities within South Africa, the Western Cape and Cape Town specifically. SPLUMA and WCLUPA contain broad statements for housing development with five main ideals which include spatial justice, spatial sustainability, principles of efficiency and principles of good administration. The proposal clearly conforms to these principles in terms of location and density.

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

**Removal, suspension or amendment of a restrictive title condition**

**6.3. Compliance with Section 48(4) of the MPBL:**

6.3.1. In its consideration to amend and delete the applicable title conditions the application needs to be considered in terms of Section 48(4) of the MPBL and must regard Section 39(5) of WCLUPA, with reference to financial, personal and social benefits, and Section 47 of SPLUMA, with reference to Section 25 of the Constitution.

6.3.2. In terms of Section 39(5) of WCLUPA, the City must have regard to the following:

**The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;**

- The deletion of the restrictive conditions will not impact adversely on the financial or other value of rights held by any person within the township extension. The removal of the relevant conditions will facilitate an interface of development respectful of adjoining residential properties whilst ensuring an appropriate impact on McIntyre Street.

**The personal benefits which accrue to the holder of rights in terms of the restrictive condition;**

- The restrictive conditions to be removed hold no benefit to the holders of the rights as stipulated in the Title Deed. The removal of these conditions will in fact benefit the holders of the rights by facilitating an appropriate development being mindful of adjoining residential properties and ensuring an appropriate impact on McIntyre Street.



The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;

- The deletion of restrictive title deed conditions will allow the owner of the property to use land in a manner that will ensure an appropriate development being mindful of adjoining residential properties and ensuring an appropriate impact on McIntyre Road.

The social benefit of the restrictive condition remaining in place in its existing form;

- Social benefits derived from restrictive title deed conditions remaining intact are limited. Conditions B, (d) & (e) are believed to hamper the creation of an appropriate residential development with socio-economic benefits for potential tenants and owners as well as for the broader community.

The social benefit of the removal, suspension or amendment of the restrictive condition; and

- The deletion of the restrictive title conditions will clearly have a social benefit with the development of residential opportunities in close proximity to economic opportunities.

Whether the removal, suspension or amendment of the restrictive conditions will completely remove all rights enjoyed by the beneficiary or only some of those rights

- Regardless of the deletion of the restrictive title deed conditions B (d) & (e), development management controls will remain in place by means of the Development Management Scheme (DMS) guidelines.
- The remaining title deed conditions will still hold the owner liable for effects of the property on surrounding erven.
- Furthermore, the remaining title deed conditions still control the property for being used for residential purposes only.

**I am satisfied that the decision-making criteria in Section 39(5) of WCLUPA, and Section 47 of SPLUMA, have been complied with.**

## **7. REASONS FOR DECISION**

- 7.1. Reasons for the recommended decision for **approval** relating to the application for deletion of restrictive title deed conditions, amendment of conditions of approval, subdivision, rezoning and regulation departures are as follows:

- 7.1.1. The proposal satisfies the requirements of Section 99(1), (2) and (3) of the Municipal Planning Bylaw, 2015.

- 7.1.2. The proposal satisfies the requirements of Section 39(5) of WCLUPA 2014, and Section 47 of SPLUMA 2013.
- 7.1.3. The proposal is considered "compatible" with the City's relevant policies, as housing densification is encouraged with this specific location. The development is also, therefore, a reflection of such metropolitan ideals and goals.
- 7.1.4. The proposed development and operation is considered unlikely to cause adverse effects on neighbors' privacy, noise, safety and enjoyment of any internal and external living spaces.
- 7.1.5. The proposed development poses no adverse influences on the health, safety and well-being of the surrounding residents, employees and patrons.
- 7.1.6. The proposed departures and deletion of restrictive title conditions will facilitate an interface of development respectful of adjoining residential properties whilst ensuring a positive impact on the McIntyre Road streetscape.
- 7.1.7. The proposed subdivision that is primarily required for road widening purposes, will facilitate improved traffic flows and traffic safety.

## 8. RECOMMENDATION TO MPI

In view of the above, it is recommended that:


- 8.1. The application for the deletion of restrictive conditions B (d) & (e) held in Deed of Transfer T24256/2012, in respect of Erf 5363, Parow **be approved** in terms of Section 98 (b) of the Municipal Planning By-law, 2015.
- 8.2. The application for the deletion of conditions of approval in respect of Erf 5363, Parow that relates to conditions B (d) & (e) held in Deed of Transfer T24256/2012, **be approved** in terms of Section 98 (b) of the Municipal Planning By-law, 2015.
- 8.3. The application for subdivision of Erf 5363, Parow into two portions (Portion A and Portion B) **be approved** in terms of Section 98 (b) of the Municipal Planning By-law, 2015, in accordance with the subdivision plan attached as Annexure D, subject to the conditions contained in Annexure A.
- 8.4. The application for rezoning of Portions A and B of Erf 5363, Parow from Single Residential 1 (SR1) zone to General Residential 2 (GR2) and Transport Zone 2 (TR2) respectively **be approved** in terms of Section 98 (b) of the Municipal Planning By-law, 2015, subject to the conditions contained in Annexure A.
- 8.5. The application for permanent regulation departures **be approved** in terms of Section 98 (b) of the Municipal Planning By-law, 2015, to allow for:
- on-site parking bays to be reduced from the required 28 bays to 18 bays

- McIntyre Road building line departure from 5.0m to 3.0m
- Du Toit Street and 3<sup>rd</sup> Avenue building line departures from 4.5m to 1.2m & 2.0m
- northern street boundary building line departure from 4.5m to 1.295m

in accordance with the Site Development Plan attached as Annexure C and subject to the conditions contained in Annexure A.

## ANNEXURES

Annexure A	Approval conditions to be imposed
Annexure B	Locality plan / Public participation map
Annexure C	Site Development Plan
Annexure D	Subdivision Plan
Annexure E	Applicant's motivation
Annexure F	Objections received
Annexure G	Internal / External departmental comments
Annexure H	Applicant's response to objections / comments / support received
Annexure I	Title deed

  
 \_\_\_\_\_  
 Registered Planner

Name: D. Smit

SACPLAN NO:

6/2019/2001


  
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Section Head

Name: T.R. Kotze

Tel no: 021 444 7506

Date: 25.02.2019

  
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 District Manager

D. Smit

021 444 7840

25/02/2019

# Annexure

## A

# ANNEXURE A

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In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means Erf 5363, Parow

"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

"Dir: DM" means Director: Development Management or his/her delegatee.

**CASE ID: 70404663**

## **1. APPLICATIONS GRANTED IN TERMS OF SECTION 98 (b) OF THE BYLAW**

- 1.1 Removal of restrictive conditions B (d) & (e) held in Deed of Transfer T24256/2012
- 1.2 Deletion of conditions of approval of establishment of Clarnhall Township
- 1.3 Subdivision of Erf 5363, Parow into two portions (Portion A and Portion B)
- 1.4 Rezoning of Portion A and B from Single Residential 1 purposes to General Residential 2 and Transport 2 respectively
- 1.5 Permanent Departures involving:
  - On-site parking bays to be reduced from the required 28 bays to 18 bays
  - Mc Intyre Street building line departure from 5.0m to 3.0m
  - Du Toit Street and 3<sup>rd</sup> Avenue building line departure from 4.5m to 1.2m & 2.0m
  - Northern street boundary building line departure from 4.5m to 1.295m

## **2. CONDITIONS OF APPROVAL IMPOSED IN TERMS OF SECTION 100 OF THE BYLAW**

### **DEVELOPMENT MANAGEMENT**

- 2.1 That the development of the property shall be generally in accordance with the Site Development Plan attached as Annexure C.
- 2.2 That the subdivision shall be in accordance with the Subdivision Plan attached as Annexure D.
- 2.3 That no building plan approval shall be granted prior to the subdivision being registered and Portion B being transferred to the City of Cape Town free of charge at the cost of the developer/owner.
- 2.4 That the General Administrative Requirements stipulated in Annexure 1 shall be applicable

**ASSET MANAGEMENT AND MAINTENANCE**

- 2.5 That the development shall be limited to 14 flat units.
- 2.6 That detailed engineering plans be submitted for approval prior to commencement of any works and that all services shall comply with the City of Cape Town "Minimum Standards for Civil Engineering Services in Townships" – July 2013.
- 2.7 That the developer/owner, at his/her cost, construct the internal civil services for the development as well as any link services that need to be provided to the bulk Municipal services.
- 2.8 That all services be handed over to/inspected by Council on completion of the works and a completion certificate be issued prior to utilization of the building for the proposed purpose.
- 2.9 That the developer/owner shall pay a development charge (DC) in accordance with the approved Development Charges Policy for Engineering Services for the City of Cape Town.
- 2.10 That the DC amount payable is R289,137.60. It must be noted that the amount due will be escalated annually with the Construction Price Adjustment Formula (CPAF) using the industry indices of StatsSA.
- 2.11 That DCs be payable prior to approval of building plans.
- 2.12 That the stormwater runoff be conveyed to the nearest formal system.
- 2.13 That the existing streetlight situated at the location of the proposed refuse truck embayment, be relocated at the cost of the developer/owner.
- 2.14 That Portion B be cleared of all permanent structures, boundary walls/fences and gates at the cost of the developer/owner.
- 2.15 That the dropped kerb in front of the existing gate in Third Avenue be replaced with a full height barrier kerb and the sidewalk reinstated accordingly at the cost of the developer/owner.
- 2.16 That a permit be obtained prior to commencement of any construction within the road reserve.

**ELECTRICITY SERVICES**

- 2.17 That any alterations or deviations to electricity services necessary as a consequence of the proposal, or requested by the developer/owner, will be carried out at the cost of the developer/owner.

- 2.18 That the developer/owner will be responsible for the costs to increase supply to erf 5363 as well as any changes to the existing network as a result of this application, should it be required.
- 2.19 That if the supply to erf 2231 is increased, timeous application is required. The connection fee, SNC Cost and conditions will be determined upon receipt of the formal application. The SNC Cost is based on the increase in supply capacity applied for.
- 2.20 That this Department's standard conditions will be applicable as detailed in the memorandum included with Annexure G.

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## GENERAL ADMINISTRATIVE REQUIREMENTS

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In addition to the conditions of approval listed in Annexure A, the following further processes and standard administrative requirements are to be noted and complied with in full timeously and where applicable.

### Further processes in the case of subdivision (or consolidation) approval

- 1 Generally, the further processes following subdivision / consolidation approval involve the following sequence of events:
  - Actual site surveying and preparation of a survey diagram or General Plan by the owner / applicant's appointed land surveyor
  - Submission to and approval by the Surveyor General (SG) of the diagram or General Plan
  - Once services infrastructure have been installed and all conditions of subdivision have been complied with, upon application, transfer clearance certification issued by City in terms of Section 137(3) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL)
  - Once Section 137(3) transfer clearance issued, upon application, rates clearance certification issued by the Chief Financial Officer in terms of Section 118 of the Municipal Systems Act, No 32 of 2000
  - Supported by the above clearances, conveyancer application to the Registrar of Deeds for separate registration and/or transfer of newly subdivided portions
  - Upon individual registration, building plan approval, followed by construction, subsequent building completion certification by the City and eventual occupation
- 2 Kindly note, the subdivision approval in the accompanying decision letter will lapse unless separate registration of at least one land unit is effected in the Deed's office within 5 years of the date of the City's final notification letter of this approval (which letter will follow in due course), unless extension of the validity thereof has been granted in terms of Section 107 of the MPBL prior to such lapsing.
- 3 After final notification of this subdivision / consolidation approval, the SG will require preparation of a diagram or General Plan (illustrating any servitudes where applicable) of the newly created land unit(s) for its approval. Such diagram or General Plan is to be prepared by a land surveyor appointed by the owner / applicant. The owner / applicant or its surveyor is required to liaise directly with the SG in this regard. Upon approval thereof, the SG will indicate by means of an endorsement the date and reference number of this subdivision / consolidation approval on the back of the diagram(s) of the newly created erven or on the front of the General Plan, whichever are applicable.



- 4 Upon or prior to submission to the SG office of such diagram(s) or General Plan for approval, an electronic copy thereof must be e-mailed to the Senior GIS technician in the district Planning office where the approval was issued at the relevant address reflected below. Proof of such e-mail transmission must accompany any transfer clearance application or building plan submission to the Planning & Building Development Management Department, whichever may occur first.

District	e-mail address
Table Bay	p&bdev.tablebay@capetown.gov.za
Blaauwberg	p&bdev.blaauwberg@capetown.gov.za
Northern	p&bdev.northern@capetown.gov.za
Tygerberg	p&bdev.tygerberg@capetown.gov.za
Helderberg	p&bdev.east@capetown.gov.za
Mitchell's Plan / Khayelitsha	p&bdev.mitchellsplankhayelitsha@capetown.gov.za
Cape Flats	p&bdev.capeflats@capetown.gov.za
Southern	p&bdev.southern@capetown.gov.za

- 5 Once the diagram(s) or a General Plan has been approved by the SG and all the conditions of subdivision have been met by the developer, application may be made by the owner (or his appointed conveyancing attorney) to the Director : Planning & Building Development Management at your nearest district Planning office for transfer clearance certification in terms of Section 137 of the (MPBL). Such application must be accompanied by the following:
- Completed and signed application form
  - Information sheet (partially completed)
  - Draft Power of Attorney (where necessary)
  - SG approved General Plan / diagram(s) (original)
  - Copy of original approval letter (including conditions of approval and approved plan of subdivision)
  - Application fee / payment receipt
  - Proof of e-mail transmission of electronic copy of General Plan / diagram to the district Senior GIS technician
  - Any other supporting evidence necessary to substantiate condition compliance

Where servitudes are to be created as part of the subdivision / consolidation or there is a requirement for a owners' association to be established of which new owners are required to be members, a copy of the draft power of attorney to pass registration / transfer must be submitted to the Director: Planning & Building Development Management as part of the above application.

- 6 Required to effect registration and/or transfer, a rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 may only be applied for to the Chief Financial Officer once the Director: Planning and Building Development Management has certified that all conditions of subdivision have been complied with to its satisfaction, as per the foregoing paragraphs. Such applications for rates clearance certificates must

therefore be accompanied by the above subdivision clearance (condition compliance) certificate in terms of Section 137 of the [MPBL].

- 7 The Registrar of Deeds will not permit registration of individual portion(s) or servitude area(s) and/or transfer of such new land unit(s) unless the Chief Financial Officer has issued the above rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 in respect of such land unit(s).

#### **Geographic Information System (GIS) data capturing standards**

- 8 In drawing up the General Plan or diagram(s) relating to this subdivision / consolidation, the land surveyor must create the following separate layers in ESRI .shp or .dxf electronic file format in order for the data to reflect spatially correct:

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

- 9 Such drawing of the approved subdivision / consolidation must include the following information:
- property boundaries
  - co-ordinates
  - parent erf number(s)
  - newly allocated erf number(s)
  - extent of all erven
  - approved street name(s), including whether public or private
  - approved street number(s) and/or unit numbers (if applicable)
  - complex name (in case of a complex development, eg group housing or flats)
  - suburb name (in case of creation of a new suburb / township)

No additional information other than that described above may be included with the different layers / features. Should it be necessary to include any additional information with the diagram / General Plan, such information may not be included with any of the layers described above, but should rather be included in any other separately named layer.

- 10 It is important that each portion / servitude boundary is complete and forms a closed polygon, i.e. the line endpoints must touch each other (eg no undershoots or overshoots). In addition, each property number anchor must be located within the respective property's boundaries. Kindly also note, split remainders are not permitted and except for a single remainder, each cadastral unit should have a separate erf number.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the City of Cape Town Standard as follows:

- Datum: Hartbeeshoek WGS 84
- Projection: Transverse Mercator
- False easting: 0.00000000
- False northing: 0.00000000
- Central meridian: 19.00000000
- Scale factor: 1.00000000
- Origin latitude: 0.00000000
- Linear unit: Metre

- 11 The following is to be noted in respect of all public roads and places resulting from the subdivision:

- All newly created public roads (including road splays where relevant) and places to vest in the City in terms of Section 58(1) of the MPBL must be clearly defined, be provided with separate portion / erf numbers (and not indicated as remainders) and be indicated as such on the SG approved diagram or General Plan.
- All such public roads and places are to be registered as individual portions and transferred to the City upon transfer of the first unit / erf in the subdivision or phase concerned, the cost of surveying, registration and transfer of which shall be borne by the applicant.

- 12 The above electronic data must be delivered (preferably by e-mail to the address supplied above) to the Senior GIS technician in the district Planning office where the subdivision / consolidation approval was issued in standard dxf or shapefile format. If the data is to be supplied in shapefile format, then separate shapefiles are required for street names and numbers.

#### **Building plan applications**

- 13 Kindly note, building plan applications will not be accepted by the Planning & Building Development Management Department (Building Control office) if the above electronic data has not been submitted to the SG office and such office approved the new or amended diagrams. The City's cadastre layer is

only updated after the SG office approved the diagram and provided it to the City.

- 14 Except where construction of buildings on unregistered land units for good reason are specifically provided for in the conditions of approval, it is to be noted that building plan applications will not be approved before:
  - a Site Development Plan (SDP) if required, was approved,
  - all applicable conditions of approval have been complied with in full prior to subdivision clearance,
  - a hard and electronic copy of the approved diagram or General Plan has been submitted to the Senior GIS technician of the relevant district Planning office and
  - the transfer attorney / owner has submitted proof that the subdivision concerned has been confirmed (in that the first erf / unit in the subdivision has been registered and/or transferred) and the relevant subject premises has been registered in the Deed's office.
- 15 Notwithstanding the above and upon proper motivation, application may be made in terms of Section 55(4)(b) of the MPBL to the Director : Planning & Building Development Management for the commencement of construction on unregistered subdivided portions prior to confirmation of a subdivision or registration of individual portions (eg development of show units), if the conditions of approval made specific allowance for this (but subject to submission of an approved SG diagram or General Plan in the case of show units).

#### **General standard requirements**

- 16 Your attention is drawn to Section 59 of the MPBL, which provides for a general servitude over property in respect of services arising from a subdivision and which requires that the person who at any time is the owner of any land unit resulting from such subdivision, without compensation
  - allow any service relating to the approval of the subdivision to be conveyed across or installed on the land unit in the manner and position that the City or organs of state from time to time reasonably requires. The services include gas mains, electricity infrastructure, telephone cables, television cables, internet cables, other electronic infrastructure, main and other water pipes, sewers, stormwater pipes, ditches and channels, and surface installations such as mini-substations, meter kiosks and service pillars; and
  - allow access to the works and infrastructure contemplated above on the land unit at any reasonable time including for the purpose of constructing, altering, repairing, maintaining, removing or inspecting the works; and
  - receive such material or permit such excavation on the land unit as may be required to allow use of the full width of an abutting street and provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land unit, unless the owner elects to build retaining walls to the satisfaction of and within a period determined by the City.

- 17 Where the City of Cape Town is not the electricity service provider, it remains the duty of the developer / owner to timeously liaise directly with the relevant service provider for connection to the power grid.
- 18 Should it be required, provision and installation of telecommunication services to individual units is to be arranged timeously by the developer / owner with a relevant service provider at his/her own expense.

# Annexure

## B



Overview



Erf: 5363

Abolment: PAROW

Ward: 2

District: TYGERBERG

Suburb: CLAMHALL

Sub Council: Subcouncil 6



1:3 254

Notices Served



Support  
Received



Petition  
Signatory



Objections  
Received



Generated by:

Date: Monday, June 04, 2018

File Reference:



CITY OF CAPE TOWN  
ISIIXEKO SASEKAPA  
STAD KAAPSTAD

Working together to build a better future.

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CDR

GENERAL PLAN 286 SD  
This figure is (1) A-150 and (2) A-100 as represented  
LA SERENA SUBDIVIDED ESTATE

Correspondence to: Dr Steven Hargreaves, 100, 117, Moorpark Road, Hildesheim, 31111, Germany. Email: [steven.hargreaves@hildesheim.de](mailto:steven.hargreaves@hildesheim.de)

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*[Signature]*

These developments will ensure that management has the full picture even in collaboration with organisations and those who provide support for management.

Management can clearly recall key points.

[illegible][illegible]

When  $\mathcal{L}_1$  and  $\mathcal{L}_2$  are both linear, the above conditions are satisfied. In this case, the above conditions are satisfied.

19. Assume the following is a probability distribution for the number of children born to a woman in a certain country. The probability that a woman will have 0 children is 0.05, the probability that she will have 1 child is 0.25, the probability that she will have 2 children is 0.35, the probability that she will have 3 children is 0.20, and the probability that she will have 4 children is 0.15. Find the mean number of children born to a woman in this country.

[illegible]

Received under the provisions of the  
Omnibus Copyright Act No. 41 of 1909,  
the following work:

DATE	DESCRIPTION	AMOUNT	BALANCE
1900	TO BALANCE	100.00	100.00
1901	BY CHECK	50.00	50.00
1902	TO CHECK	25.00	25.00
1903	BY CHECK	75.00	50.00
1904	TO CHECK	25.00	25.00
1905	BY CHECK	75.00	50.00
1906	TO CHECK	25.00	25.00
1907	BY CHECK	75.00	50.00
1908	TO CHECK	25.00	25.00
1909	BY CHECK	75.00	50.00
1910	TO CHECK	25.00	25.00
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1912	TO CHECK	25.00	25.00
1913	BY CHECK	75.00	50.00
1914	TO CHECK	25.00	25.00
1915	BY CHECK	75.00	50.00
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63



# Annexure

## C



# NOTES

Total area of site 1145sqm

# AREAS

Ground Floor 218sqm  
First Floor 218sqm  
Second Floor 218sqm  
Third Floor 160sqm  
Staircases 19sqm

Number of Units 14

Coverage 20.70%

Bulk 0.70

# SETBACK and BUILDING LINES

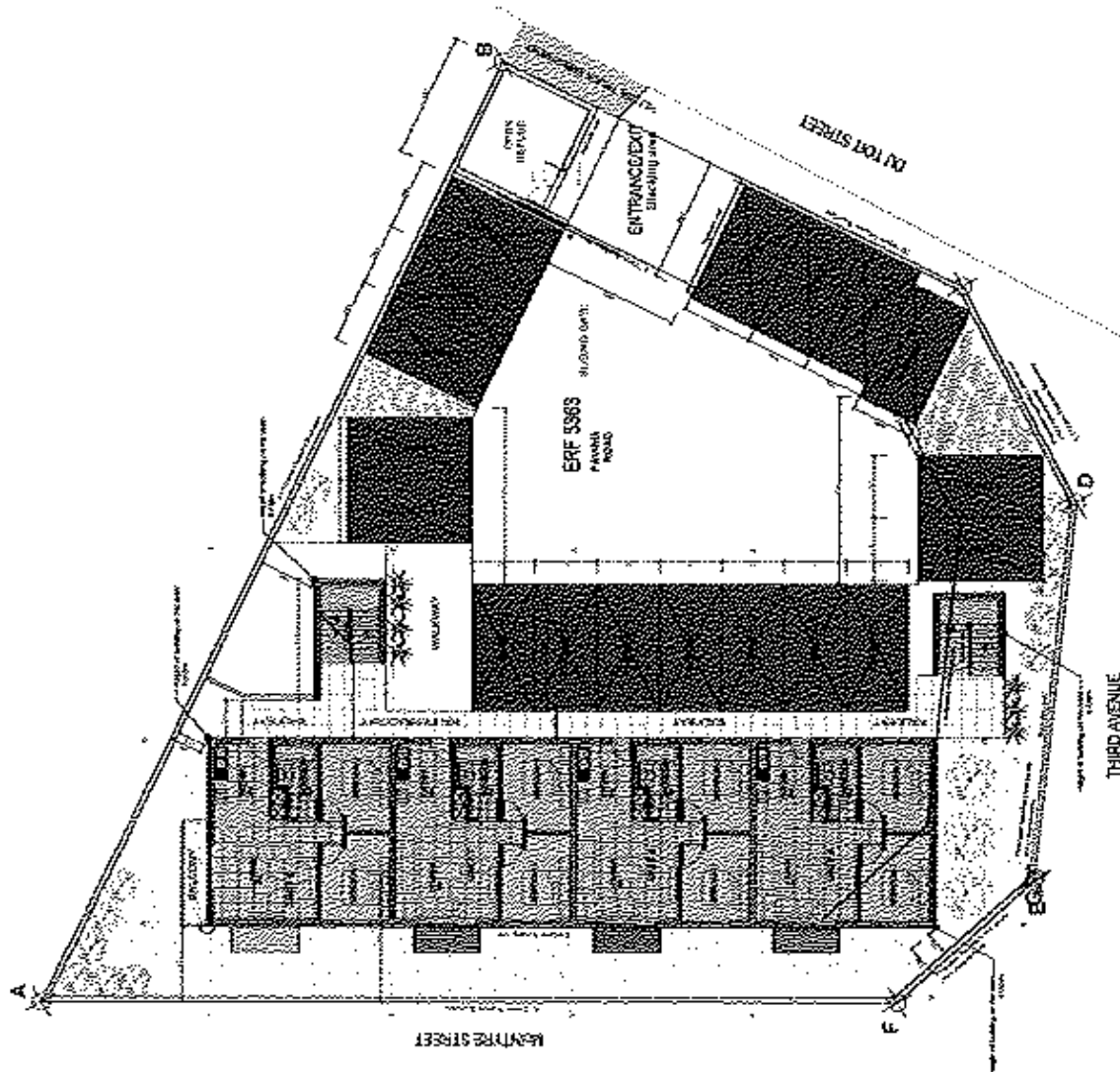
Street 4.5m and 3m  
0.6 of building height

# PARKING

2 bays per unit. 28 Required

Parking bays Provided: 18

TOTAL GREEN/LANDSCAPING AREA: 157sqm



SITE AND FIRST FLOOR PLAN 1:100

253

PROPOSED NEW SITE  
DEVELOPMENT PLAN

PARROW  
DU TOIT STREET  
BRF 5363

DPMP 218, Boulevard Square, City of Sandton  
& Properties, Private Heights, Sandton  
Project 100, Sandton  
721 841 8274  
info@parrrow.co.za

DATE: 10/10/2019  
DRAWN: [Name]  
CHECKED: [Name]  
APPROVED: [Name]

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/10/2019

0395-02

7

MUNICIPAL SUBMISSION







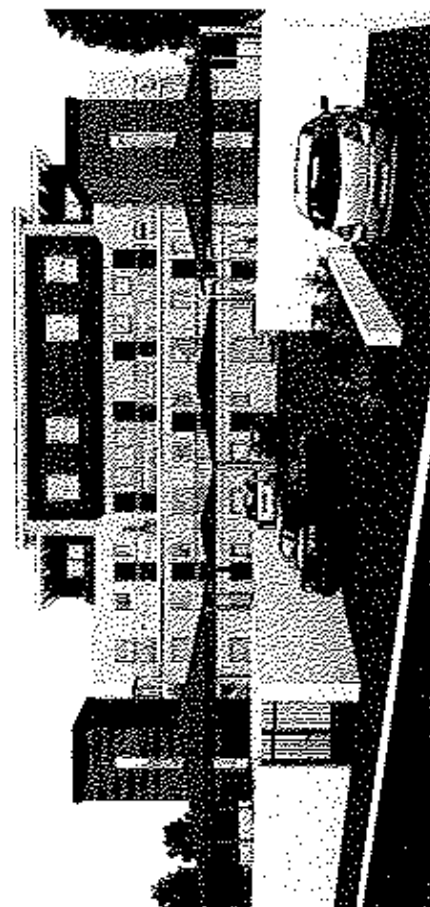
EAST ELEVATION



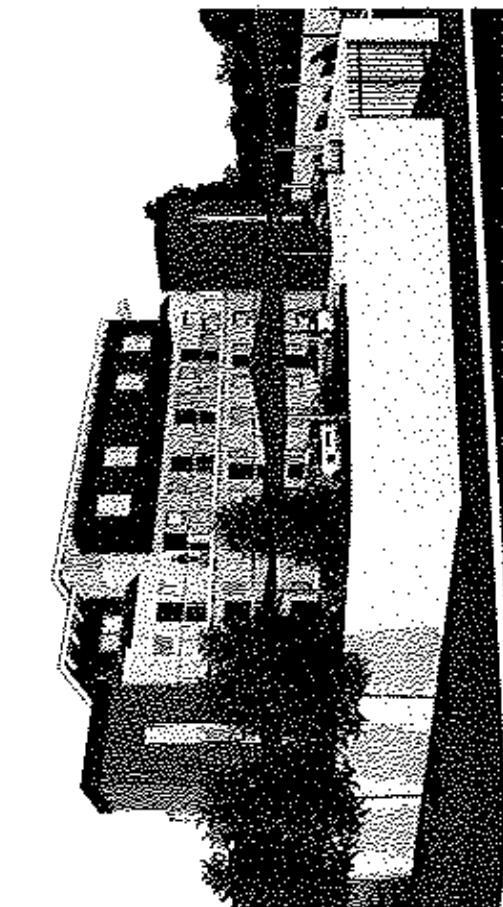
WEST ELEVATION



SOUTH ELEVATION



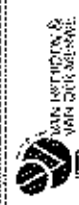
NORTH ELEVATION



256

PROPOSED NEW SITE  
DEVELOPMENT PLAN

PAROW  
DU TOIT STREET  
ERF 5363



VAIN INVESTITION &  
VAIN DEVELOPMENT  
340P-200, Riverwood Square, One of the  
S. Pottinger, Pottinger Holdings, Inc.  
P.O. Box 10000, Suite 1000, Pottinger  
073 100 0000 073 100 0000  
pottinger@pottinger.com pottinger.com

Project Name: Pottinger Holdings, Inc.  
Project Address: 340P-200, Riverwood Square, One of the  
S. Pottinger, Pottinger Holdings, Inc.  
P.O. Box 10000, Suite 1000, Pottinger  
073 100 0000 073 100 0000  
pottinger@pottinger.com pottinger.com

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pottinger@pottinger.com pottinger.com

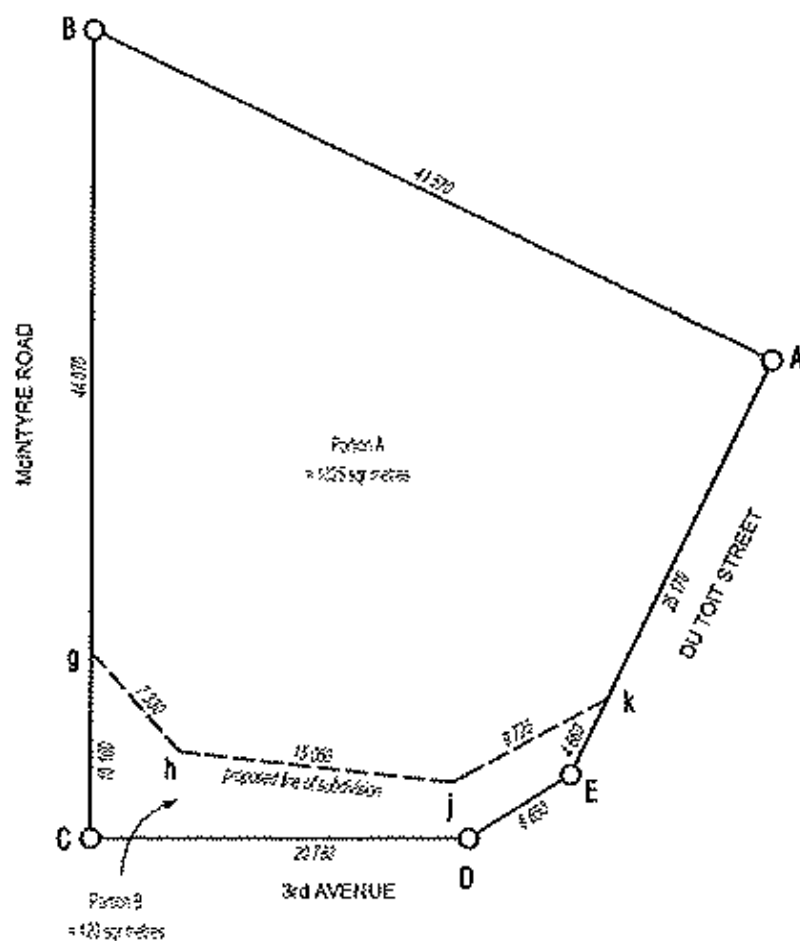
0395-09

MUNICIPAL SUBMISSION

5

# Annexure

## D



The figure **A B C D E** represents Erf 5363, Parow

The figure **A B g h j k** represents Portion A

The figure **C D E k j h g** represents Portion B

#### ZONING TABLE:

PORTION A	-	SINGLE RESIDENTIAL 1 (SR1)
PORTION B	-	TRANSPORT ZONE 2 (TR2)

#### Note:

All distances and areas approximate and subject to formal survey.

#### PLAN:

ERF 5363 PAROW/SUB/APRIL/2018/1

#### DATE:

APRIL 2018

#### CLIENT:

ARNIES PROJECTS CC

**PROPOSED REMOVAL OF  
RESTRICTIONS, SUBDIVISION,  
REZONING & DEPARTURES -  
ERF 5363, PAROW**

**SCALE 1 : 400  
@A4**



**ATLAS**

Town Planning

P.O. BOX 180, MURFreesboro, TN 3713



02713 6517 445



# Annexure

# E

30 May 2018

City of Cape Town Municipality  
Planning & Building Development  
Management  
P.O.Box 2  
BELLVILLE  
7535

260 **ATLAS**   
**Town Planning**

**Keos Olivier : 021 446 0762**

- Rezoning & Subdivisions
- Land Use Departures
- Consent Uses
- Site Development Plans

P.O.Box 500  
KALSHOFER  
7829

Tel: 021 651 7446  
Fax: 021 652 2051  
E-mail: keos@atlastownplanning.co.za

Attention: Ms Tess Kotze

**APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS,  
SUBDIVISION, REZONING, AMENDMENT OF CONDITIONS & REGULATION  
DEPARTURES ~ ERF 5363, PAROW (CASE ID 70404663)**

The application submitted on the 8<sup>th</sup> of May 2018 and accepted on the 23<sup>rd</sup> of May 2018, refers.

Please find attached herewith the revised motivation and documents pertaining to the amendment of conditions imposed at township establishment.

It is trusted that the circulation of this application can now be proceeded with and I would again like to extend a friendly invitation to not hesitate contacting me should there be any enquiries.

Yours truly



Koos Olivier  
ATLAS TOWN PLANNING

**CONTENT**  
**261**

- 1. Introduction**
  - 1.1 Background**
  - 1.2 Brief and application**
  
- 2. Property details**
  - 2.1 Property description**
  - 2.2 Location**
  - 2.3 Existing land use and zoning**
  - 2.4 Physical characteristics**
  
- 3. Planning context**
  - 3.1 Surrounding land uses**
  - 3.2 Existing forward planning and policy frameworks**
  - 3.3 Legal aspects**
  
- 4. Development Proposal**
  - 4.1 Socio-economic impact**
  - 4.2 Safety, health and wellbeing of surrounding community**
  - 4.3 Consistency w.r.t surrounding land uses**
  - 4.4 Traffic and Parking**
  - 4.5 Engineering Services**
  - 4.6 Heritage impact**
  - 4.7 Environmental impact**
  
- 5. Conclusion**

## ANNEXURES

262

<b>Annexure 1</b>	-	Application form
<b>Annexure 2</b>	-	Power of attorney
<b>Annexure 3</b>	-	Copy of the title deed
<b>Annexure 4</b>	-	Surveyor General diagram
<b>Annexure 5</b>	-	Locality in local context
<b>Annexure 6</b>	-	Proposed subdivision plan
<b>Annexure 7</b>	-	Proposed site development plan
<b>Annexure 8</b>	-	Previous approval
<b>Annexure 9</b>	-	Pre-consultation

**1.1 Background**

The subject property is Erf 5363, Parow located on the corner of 3<sup>rd</sup> Avenue and Du Toit Street in the area known as Clamhall. An application for the rezoning of the property was approved in 2011, but the rights were never taken up due the collapse in the property market at the time. A portion of the property is affected by road widening. It is the intention to again obtain land use rights in order to redevelop the property for General Residential use (flats).

**1.2 Brief and application**

ATLAS Town Planning was requested to prepare a land use application to obtain the necessary land use rights for the proposed redevelopment of Erf 5363, Parow. The property is not bonded. The property is registered in the name of a Closed Corporation and the power of attorney of the sole member of this CC and the relevant company documents were obtained.

Application is herewith made:

- i) In terms of Sections 42(j) & (g) of the City of Cape Town Municipal Planning By-Law of 2015 for the amendment of the conditions imposed at township establishment and consequently removal of restrictive conditions B (d) & (e) held in deed of Transfer T24256/2012;
- ii) In terms of 42(d) of the City of Cape Town Municipal Planning By-Law of 2015 for the subdivision of Erf 5363, Parow into two portions, Portion A measuring 1025m<sup>2</sup> and Portion B measuring 120m<sup>2</sup>.
- ii) In terms of Section 42(a) of the City of Cape Town Municipal Planning By-Law of 2015 for the rezoning of the portions mentioned above from Single Residential Zone 1 (SR1) to General Residential Zone 2 (GR2) and Transport Zone 2 (TR2) respectively.
- iv) In terms of Section 42(b) of the City of Cape Town Municipal Planning By-Law of 2015 for the following regulation departures in order to accommodate the proposed General Residential building, shade ports & proposed on-site parking;

- Street building lines - McIntyre Street to 3m in lieu of 4,5m & Third Avenue / Du Toit Streets to 0m in lieu of 4,5m
  - Northern common boundary line to 1,295m in lieu of 5,4m
  - To permit 18 on-site parking bays in lieu of 28 bays required
- v) In terms of Section 42(u) of the City of Cape Town Municipal Planning By-Law for approval of the proposed Site Development Plan prepared by Van Heerden & Van der Merwe Architecture dated March 2018.

### Property Details

#### **2.1 Property Description**

This application has bearing on Erf 5363, Parow, City of Cape Town Municipality, Western Cape Province measuring 1145m<sup>2</sup>. The property is held in Deed of Transfer T24256/2012 and registered in the name of *Amie's Projects CC*.

A conveyancer's certificate was obtained and listed all conditions pertaining to use. Conditions B (d) & (e) restricts the building line setbacks and prohibits the subdivision of the property and requires removal should this application be approved. The conveyancer's certificate, copy of the title deed and Surveyor General's diagrams are included in the application.

#### **2.2 Locality**

The property has a prominent location on the corner of McIntyre Street and 3<sup>rd</sup> Avenue. The area is known as Clamhall and stretches both sides of the Bellville – Cape Town railway line via Monte Vista. The area north of 3<sup>rd</sup> Avenue up to the railway line is mostly undeveloped at this stage and is earmarked for community uses. The subject property is located within walking distance of both the Voortrekker Road corridor and the Avondale railway station. Various low impact business uses have been established along McIntyre Road leading to Voortrekker Road.

#### **2.3 Existing land use and zoning**

The property is zoned as Single Residential Zone 1 in terms of the City of Cape Town's Development Management Scheme and are being used for residential

purposes. A portion of the property is required for road widening, but has not been subdivided as such and is consequently included in this application.

#### **2.4 Physical characteristics**

The subject property is generally flat and accommodates a delapidated dwelling house. The remainder of the property is covered with grass, shrubs and trees mainly along the boundary with McIntyre Street. The property is fully serviced and does not pose any real physical constraints for development.

### **Planning context**

#### **3.1 Surrounding land uses**

Erf 5363, Parow is somewhat isolated as it borders onto the vacant land set aside for future community uses. Business uses are generally located along McIntyre Road and the areas either side of this activity street are still typical residential neighbourhoods. The rezoning of the property was previously approved and it cannot be foreseen that the development of this property will have a major impact on the surrounding land uses.

#### **3.2 Existing forward planning and policy frameworks**

The Cape Town Spatial Development Framework is applicable to this area. The SDF is used as a guide to appropriate use of land within the boundaries of the City of Cape Town Municipality. The City is divided into 8 Districts and the subject property falls within Tygerberg District Plan: Sub-district 2: Goodwood, Parow, Bellville Central and East, Stikland.

The above is a fairly established, built up area with few opportunities for new developments. As such, the SDF recommends that opportunities be facilitated for densification in a manner that would not detract from the character of the area. The subject property does not fall within the area of Parow specifically earmarked for this, being Voortrekker Road up 2<sup>nd</sup> Avenue, but is however located directly adjacent to McIntyre road. The SDF acknowledges the potential for redevelopment of properties along such routes and calls for a framework to guide development in such areas. It must however be stated that a similar application was assessed before and hence aspects pertaining to access in particular has been considered previously. The

development proposal was work shopped with the relevant transport officials to ensure that it fits in with future road and access arrangements. The opinion is therefore held that the proposal is not inconsistent with the applicable forward planning policy and frameworks and that the intended use is likely to have a minimal impact on the surrounding area.

### 3.3 Legal aspects

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014) and consequent Municipal Planning By-Laws. Application is made in terms of Sections 42(a), (b), (d), (g) & (u) of the City of Cape Town Municipal Planning By-Law of 2015.

Section 39(5) of the Land Use Planning Act (Act 3 of 2014) stipulates the following with regards to applications where removal, suspension or amendment of title deed conditions are concerned:

- “(5) When a municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard to at least the following:*
- (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;*
  - (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*
  - (c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;*
  - (d) the social benefit of the restrictive condition remaining in place in its existing form;*
  - (e) the social benefit of the removal, suspension or amendment of the*



#### 4. Development Proposal

The application is aimed at the establishment of a general residential development comprising of 14 flats, measuring approximately 55m<sup>2</sup> each. The site development includes the provision of on-site parking at a ratio previously accepted, refuse area and embayment for the refuse truck, drying area for laundry and some private open space / recreational areas. The proposed 4 storey building is orientated towards McIntyre Road to reduce the potential impact on surrounding single residential erven. The application for the relaxation of building lines is the result of land being required by the municipality for road widening.

The building will have a modern design with a flat roof structure. The introduction of a few duplex units on the second storey allows for interesting setbacks on the side of the building. The building will be situated adjacent to McIntyre Street and with the difference in height as one descends from the bridge over the railway, will ensure that the building's mass does not appear out of sorts for the area.

The refuse area will be provided next to the entrance to the development and the necessary embayment for the refuse truck will be provided in the road reserve. A drying area for washing will be provided and is strategically positioned out of sight from the adjacent roads. The entire development will be fenced with 1,8m walling to ensure practical and safe recreational areas for the tenants.

The objective of the SDF was carried through with the planning and design and it was important from the outset that the development has a unique character and sense of place. In terms of the DMS, the General Residential Zonings *"are designed to provide a healthy, safe, and pleasant environment for urban living at higher densities, in order to promote efficient urban development, manage the pressure of urban growth and reduce urban sprawl"*. It is evident that the Site Development Plan adheres to the general principles for a development of this nature.

##### 4.1 Socio - Economic Impact

Socio-economic impacts relates to the potential impact of a development on humans and the bio-physical environment and sustainable development is ultimately a balance between economic, social and environmental factors. The subject property is somewhat isolated as a single residential property and generally larger than most such properties in the area. There are various examples of densification in the

- (f) *whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights."*

The title deed conditions that requires removal relates to building lines and subdivision. The subdivision of the property is required to enable future road upgrades and as such will be to the benefit of the surrounding community. The building line relaxations sought is a result of the land to be set aside for road purposes and relates to the new site boundaries. As such, the removal of these conditions too will have limited additional benefit to the property owner and in return limited impact on interested and affected parties. The opinion is further held that, due the location of the property, redevelopment thereof in general will not have a material impact on the surrounding residential area i.t.o the proposed built form. The removal of these restrictive title deed conditions should not negatively impact on these properties as the proposed development will still be set back a substantial distance from other residential properties in the area.

The conditions to be removed therefore does not hold any material financial value or benefit to the individuals living in the area and will not accrue direct financial value to the person / entity seeking the removal thereof. The aforementioned is based on the fact that, had it not been required to provide for road widening, the proposed development could have been done without the removal of restrictive conditions as per the approval previously granted. The removal of restrictions sought only pertains to the aforementioned subdivision and new setbacks as a result thereof. The City of Cape Town Municipal Planning By-law of 2015 read with the Development Management Scheme, allows for sufficient tools to manage land uses in the area. The removal of the particular title deed conditions will therefore not have an adverse affect on the surrounding area.

The application further does not appear to trigger any of the listed activities in terms of the National Environmental Management Act (Act 107/1998) nor the National Heritage Resources Act (Act 25 of 1999).

greater Parow area and the proposed development is in keeping with such developments. The focus is to provide housing to a segment in the market where affordability, access to public transport and safety are key factors.

The redevelopment of properties to support appropriate densification is very important to reduce urban sprawl and improve sustainability due to a more compact City environment. The development proposal is not in contradiction with the spatial planning objectives for the area whilst at the same time being considered towards existing property owners' rights. The property is located in close proximity to the public transport interchanges and should appeal to people who are less dependent on private vehicle ownership.

The proposed development will amount to significant capital expenditure in terms of new buildings, landscaping and consequent site improvements such as boundary walling to name a few. This will no doubt have positive economic spin-offs for the area and will create employment during particularly the construction period. The increased use of the land will have a positive impact on the objectives of densification for the area in general and will result in financial gain for the municipality w.r.t development contributions and future property rates and taxes.

It is therefore apparent that the economic benefits of the proposed development is evenly balanced in terms of delivering on a product which is not only consistent with developments in the immediate area, but is sensitive to the social needs of current and future residents in this area. The opinion is therefore held that the proposed development will have a positive socio-economic impact.

#### **4.2 Safety, health and well-being of surrounding community**

The orientation and positioning of the proposed general residential building were designed to not negatively impact on the safety, health or general well-being of the surrounding community. The property does not share a common boundary with any single residential property and the development is generally orientated towards the busy McIntyre Road. The application does require the relaxation of building lines, but this is as a result of the land required for road purposes. Other than the shade ports which in itself will have limited impact on anyone in general, the building will not be positioned any closer to boundaries towards the adjacent single residential area notwithstanding the fact that relaxations are now sought. The development of this

property is generally viewed as having a positive impact on the safety, health and well-being of the surrounding community. A very much similar application submitted in terms of the previous legislation was approved before and this to a degree confirms the above statement.

#### **4.3 Consistency w.r.t surrounding land uses**

It was noted previously that this application is aimed at obtaining the same land use rights which was approved during 2011 but never acted upon as a result of a collapse in the property market at the time. The merits and desirability aspects were evaluated at the time. Not much has changed in the area during this period and the property is still viewed appropriate for redevelopment due to its location adjacent to McIntyre Road.

The proposed development is in keeping with similar developments in the larger area. The subject property does not share a common boundary with any of the single residential properties in the area. The orientation and positioning of the proposed general residential building is further aimed at mitigating any potential impact. Erf 5363, Parow is located within walking distance of developed public open spaces, places of worship and education as well as transport interchanges (Avondale railway station & Voortrekker Road public transport route). The relaxation of the building lines and consequent removal of restrictive title deed conditions in this respect, were discussed earlier in this report.

#### **4.4 Traffic and Parking**

The development will comprise of 14 units measuring +/-55m<sup>2</sup> each and likely to be occupied by +/- 3 persons per unit. Access is taken off Du Toit Street at a point furthest away from the junction with 3<sup>rd</sup> Avenue. The access gate allows for a stacking distance of at least 2 vehicles and this is regarded sufficient for a development of this scale. The access arrangement is very similar to the previously approved SDP. The on-site parking configuration has however been altered and the opinion is held that this is an improvement. The internal reticulation generally conforms to the requirements for a sectional title residential development.

The property is located in very close proximity of the railway station and demarcated Public Transport areas. It is situated outside the demarcated Public Transport Zone

1 which is located further east. Notwithstanding this, the opinion is still held that a good argument can be made for reduced parking requirements for this property. A parking ratio of 1,25 bays previously applied and the development was approved as such. The City of Cape Town has since introduced a new Development Management System which requires a total of two parking bays per flat in standards areas. Given the location of the property, the fact that a reduced ratio was previously accepted as well as a general improvement of the on-site reticulation, the opinion is held that the parking departure sought can be supported. The development proposal also allows for formalising the issue of land required for road network upgrades. In view of the above, no problems are foreseen in terms of on-site parking.

#### **4.5 Engineering Services**

All services are available and not problems are foreseen i.t.o linking up with the existing water-, sewage and electricity networks for the area. A refuse area with the necessary embayment for the truck is also provided.

#### **4.6 Heritage Impact**

The redevelopment of the property does not appear to trigger listed activities in terms of the National Heritage Resources Act. The redevelopment of the property was previously approved and there should not be any issues pertaining to the demolishing of the existing building which does not appear to have any heritage significance and are generally in a delapidated state.

#### **4.9 Environmental Impact**

This application does not appear to trigger any of the listed activities in terms of the National Environmental Management Act (Act 107/1998).

#### **5. Conclusion**

The application is aimed at again obtaining land use rights for the redevelopment of this property. The proposal is very similar to what has been approved before and is deemed to comply with the technical requirements for a development of this nature. The proposed development is not deemed to be inconsistent with the relevant forward planning policy and objectives for the area and the opinion held that this development will be an asset to the area. It is trusted that the application will receive the necessary support.

# Annexure

# F

## **Tess Kotze**

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**From:** Comments\_Objections Tygerberg  
**Sent:** Monday, July 09, 2018 12:01 PM  
**To:** Sharon Hoffman; Tess Kotze  
**Subject:** FW: Rezoning and permanent departures: erf 5363, Parow, 1 Du toit road, clamhall

fya

**From:** Lize Spies [<mailto:lizespies72@gmail.com>]  
**Sent:** 08 July 2018 08:24 PM  
**To:** Comments\_Objections Tygerberg  
**Subject:** Rezoning and permanent departures: erf 5363, Parow, 1 Du toit road, clamhall

BLUM010  
Application number: 70404663  
Erf number: 5363, Parow

I Mr JP Spies, the owner of erf number S347, 5 Viola street, Camhall, Parow, object to the development of the complex that is planned.

I would like to suggests that the development of a play park for the surrounding community rather be considered. We have enough housing in our area and not enough safe play areas for our children.

Thank you  
Kind regards  
Signed  
JP Spies

**Tess Kotze**

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**From:** Comments\_Objections Tygerberg  
**Sent:** Wednesday, July 18, 2018 9:51 AM  
**To:** Sharon Hoffman  
**Cc:** Tess Kotze  
**Subject:** FW: Subject: Objections against Application 70404663

tva

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**From:** Megan Hart [[malko:meganhart937@yahoo.co.za](mailto:malko:meganhart937@yahoo.co.za)]  
**Sent:** 16 July 2018 12:07 PM  
**To:** Comments\_Objections Tygerberg  
**Subject:** Subject: Objections against Application 70404663

1. Megan Hart, as owner of 185 Third Avenue Parow, hereby state my objections to the "Proposed Removal of Restrictive Title conditions, Deletion of Conditions of Approval, Subdivision, Rezoning and Permanent Departures: ERF 5363, Parow, 1 Du Toit Road, Ciamhali.

The reason being for my objections are as follows;

1. The site is to small to provide for 14 units and 18 parking bays.
2. The increased pressure that this development would have on the supply of amenities to the area.
3. Traffic congestion and the fact there will be no additional parking for visitors. Where are these people to park?
4. Noise pollution from inhabitants. The area is a very quiet suburb and I would like it to stay that way.
- 5 The unsightly size of the building, which is going to be 4 storeys high. This in a area where houses are only 1 storey.

All future correspondence can be emailed to: [meganhart937@yahoo.co.za](mailto:meganhart937@yahoo.co.za)

Yours truly

Megan Hart



# Annexure

## G



# MEMORANDUM

**Louise du Toit**  
Principal Professional Officer  
T: +27 21 444 7118 E: louise.dutoit@capetown.gov.za

REF: 70404663  
DATE: 15 February 2019  
TO: **Tess Kolze**  
Development Management

## SUBDIVISION, REZONING AND PERMANENT DEPARTURE APPLICATIONS IN RESPECT OF ERF 5363, 1 DU TOIT ROAD, CLAMHALL

### 1. NATURE OF APPLICATION:

- 1.1 Amendment of the conditions imposed at township establishment and consequently removal of restrictive conditions B (d) & (e) held in deed of Transfer T24256/2012;
- 1.2 Subdivision of Erf 5363, Parow into two portions, Portion A measuring 1025m<sup>2</sup> and Portion B measuring 120m<sup>2</sup>.
- 1.3 Rezoning of the portions mentioned above from Single Residential Zone 1 (SR1) to General Residential Zone 2 (GR2) and Transport Zone 2 (TR2) respectively.
- 1.4 Regulation departures in order to accommodate the proposed General Residential building, shade ports & proposed on-site parking:
  - 1.4.1 Street building lines - McIntyre Street to 3m in lieu of 4,5m & Third Avenue / Du Toit Streets to 0m in lieu of 4,5m
  - 1.4.2 Northern common boundary line to 1,295m in lieu of 5,4m
  - 1.4.3 To permit 18 on-site parking bays in lieu of 28 bays required
- 1.5 Approval of the proposed Site Development Plan prepared by Van Heerden & Van der Merwe Architecture (Revision 7 dated 16 November 2018).

### 2. COMMENTS:

- 2.1 According to our GIS records there are no underground municipal services located within the boundaries of the subject erf.
- 2.2 In terms of section 8.1 of the Development Charges (DC) Policy for Engineering Services for the City of Cape Town (Approved Policy C41/05/14-29 May 2014) development charges apply to this application.
- 2.3 Details pertaining to the carriageway crossing, refuse embayment as well as drainage will be dealt with during engineering plan approval (prior to building plan approval). An existing streetlight will have to be relocated due to the proposed refuse bay.

### 3 RECOMMENDATION:

This Department offers in principle no objection to the application, subject to the following conditions:

- 3.1 That the development be **limited** to the following land use:

*General Residential 2 (GR2) - Flats: 14 units*

- 3.2 Detailed **engineering plans** must be submitted to this Department for approval prior to commencement of any works. All services shall comply with the City of Cape "Minimum Standards for Civil Engineering Services in Townships" - Version 1 (July 2013).
- 3.3 That the Developer, at his/her cost, construct the internal (on-site) civil services for the development, as well as any link (service between internal and available bulk municipal service) services that need to be provided. All the internal services and facilities remains the responsibility of the developer.
- 3.4 That the detailed design and location of access points, circulation, parking, loading - and pedestrian facilities, etc., shall be generally in accordance with the approved Site Development Plan.
- 3.5 That all services be handed over to/inspected by Council on completion of the works and a completion certificate be issued prior to transfer of individual units or utilization of buildings.
- 3.6 The owner/developer shall pay a **development charge (DC)** in accordance with the approved Development Charges Policy for Engineering Services for the City of Cape Town.
- 3.7 The DC amount payable for the proposed land use right in accordance with the attached DC calculation is **R 289,137,60**. It must be noted that the amount due will be escalated annually with the Construction Price Adjustment Formula (CPAF) using the industry indices of StatsSA.
- 3.8 DC's will be payable prior to approval of building plans.
- 3.9 Failure to pay the full DC liability will be construed as non-compliance to the conditions of approval and render the new land use to a non-conforming application.
- 3.10 That the stormwater runoff be conveyed to the nearest formal system.
- 3.11 That the existing **streetlight** be relocated at the developers cost due to the proposed refuse embayment.
- 3.12 The portion to be rezoned to Transport 2 (Portion 8) must be cleared of all permanent structures, boundary walls/fences and gates.
- 3.13 The dropped kerb in front of the existing gate in Third Avenue must be replaced with a full height barrier kerb and the sidewalk reinstated accordingly.
- 3.14 That the access, transport impact, circulation and parking be to the satisfaction of the TDA: TIA & Development Control Branch.
- 3.15 That a permit be obtained to allow any construction work within the road reserve. This can be done via this Department, the contact person being Ms Necole Butler (telephone 021 444 7128). A minimal administration cost will be applicable to such an application.

Yours sincerely

**Louise du Toit**

Principal Professional Officer

Development Facilitation | Project Management | Design

[http://teamates.cape.gov.za/sites/default/files/000\\_parcels/Shared Documents/DEV\\_FACE/Dev\\_Approval/Gnd - Parow/5363 feb19 - Rezoning, subdivision, SDP, depart.res.docx](http://teamates.cape.gov.za/sites/default/files/000_parcels/Shared Documents/DEV_FACE/Dev_Approval/Gnd - Parow/5363 feb19 - Rezoning, subdivision, SDP, depart.res.docx)

**Civic Centre**

Cnr Voortrekker & Tolent Street, Parow,  
7500  
PO Box 11, Parow, 7500

**Isikolo loLwimi**

Kona: Voortrekker & Tolent Str, Parow,  
7500  
PO Box 11, Parow, 7500

**Borgersentrum**

H/V Voortrekker & Tolent Street, Parow,  
7500  
PO Box 11, Parow, 7500


**CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD**

Making progress possible. Together.

**278**

 Erf Number  
Suburb  
Developer/Owner  
Erf Size (ha)  
Date (YYYY/MM/DD)  
Current Financial Year  
Approved Building Plan No.

5363

Parow

Arnie's Projects CC

0.1145

February 15, 2019

2018/2019

Code	Land Use	Unit	Development Parameters	
			Existing Right	Total New Right
RESIDENTIAL				
A1	Single Residential > 1000m² Erf	Dwelling unit	1	
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		14
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 m² GLA		
B2	Accommodation Establishments	Rooms m² GLA		
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 m² GLA		
E2	Universities / Schools	Learner m² GLA		
E3	Care / Accommodation (Hospitals, Clinics, Old age home)	Bed m² GLA		
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?

Please select

Calculation of bulk engineering services component of Development Charge									
Service	Units	Volume/Duration	Unit Cost	Amount	VAT	Total	10/11	10/12	10/13
Roads	trips/day	24,0000	R 5,887.31	R 141,175.33	R 21,176.30	R 162,351.63			
Transport	pers trips/peak period	16,8100	R 833.24	R 14,006.70	R 2,101.00	R 16,107.70			
Stormwater	ha°C	0.0210	R 164,470.85	R 3,445.99	R 516.90	R 3,962.89			
Sewerage	kl/day	3,7000	R 16,722.37	R 61,872.77	R 9,280.92	R 71,153.69			
Water	kl/day	3,4800	R 2,051.25	R 7,138.34	R 1,070.75	R 8,209.09			
Solid Waste	kg/day	57,4700	R 413.87	R 23,784.86	R 3,567.73	R 27,352.59			
Total bulk engineering services component of Development Charge payable							R 289,117.60		

City of Cape Town		Developer/Owner	
Calculated by:	L. du Toit	Received by:	
Signature:		Signature:	
Date:	15-Feb-19	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 CPI AND THE ACTUAL AMOUNT DUE WILL BE BASED ON THE UNIT COST APPLICABLE ON THE DATE PAYMENT BECOMES DUE.



**TDA**  
CAPE TOWN

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

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## MEMORANDUM

To: Sharon Hoffman / Tess Kotze

From: Nazier Samodien

Date: 3 July 2018

**CASE NO 70404663: PROPOSED SUBDIVISION, REZONING AND PERMANENT DEPARTURES: ERF 5363, 1 DU TOIT ROAD, CLAMHALL**

### Application details:

- Amendment of the conditions imposed at township establishment and consequently removal of restrictive conditions B (d) & (e) held in deed of Transfer T24256/2012;
- Subdivision of Erf 5363, Parow into two portions.
- Rezoning of the portions mentioned above from Single Residential Zone 1 (SR1) to General Residential Zone 2 (GR2) and Transport Zone 2 (TR2) respectively.
- Regulation departures in order to accommodate the proposed General Residential building, shade ports & proposed on-site parking:
  - Street building lines - McInlyre Street to 3m in lieu of 4,5m & Third Avenue / Du Toit Streets to 0m in lieu of 4,5m
  - Northern common boundary line to 1,295m in lieu of 5,4m
  - To permit 18 on-site parking bays in lieu of 28 bays required
- Approval of the proposed Site Development Plan dated March 2018.

### Comment:

The plan circulated via DAMS drawing No. 0395-01 Rev 4 dated 23 March 2018 has reference.

The following needs to be addressed:

- The proposed 'refuse truck embayment' is not practical and impedes pedestrian movement.
- Parking bay 1 creates the need for a carriage way crossing departure. It is suggested that the plan be amended and bay 1 placed internally to allow all vehicles to exit the site in a forward gear.
- The required visitor bays i.e. the DMS needs to be marked on the layout

### Recommendation:

This branch will reserve final comment until the above is addressed.

Regards

**Nazier Samodien**  
Senior Principal Officer  
TIA and Development Control

**Tess Kotze**

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**Subject:** FW: Erf 5363, Parow (Case ID - 70404663)  
**Attachments:** PW5363 - SDP Final.pdf

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**From:** Nazier Samodien [<mailto:Nazier.Samodien@capetown.gov.za>]  
**Sent:** 20 November 2018 02:36 PM  
**To:** Koos Olivier (Atlas Town Planning)  
**Subject:** RE: Erf 5363, Parow (Case ID - 70404663)

Good day

The amended layout is acceptable

Kind regards

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**From:** Koos Olivier (Atlas Town Planning) [<mailto:koos@atlasplanning.co.za>]  
**Sent:** 16 November 2018 12:50 PM  
**To:** 'Nazier Samodien'  
**Cc:** 'Callie van der Merwe'  
**Subject:** RE: Erf 5363, Parow (Case ID - 70404663)

Hi Nazier

I just received this back from the architects.

The visitors bays and width etc. sorted, but a 6m entrance gate is just too wide. They've tried to twist parking bay 4 but it does not work. This appears to be the best layout.

Please advise if the 5,5m entrance width is acceptable. I am attaching a previously approved SDP and think the latest layout with on-site reticulation is a big improvement on that.

Kind regards and please do not hesitate to contact me should you wish to discuss.

Koos Olivier

Atlas Stadsbeplanning / Town Planning

(t) 021 801 7446

(f) 08666 85601

(c) 083 446 0762



2018-06-21

DIRECTOR: Building and Planning Development Management

Attention: Tess Kotze

**APPLICATION FOR PERMANENT DEPARTURE, REZONING, SUBDIVISION FOR ROAD PURPOSES AND AMENDMENT & APPROVAL OF SITE DEVELOPEMNT PLAN: ERF 5363,1 DU TOIT ROAD, FAROW.**

1. Erf 5363 is at present electrically serviced. After approval of the departure and rezoning application the owner can still make use of the existing supply.
2. 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.
3. The owner will be responsible for the costs to increase supply to erf 5363 as well as any changes to the existing network as a result of this application, should it be required.
4. If the supply to erf 2231 is increased, timeous application is required. The connection fee, SNC Cost and conditions will be determined upon receipt of the formal application. The SNC Cost is based on the increase in supply capacity applied for.
5. All metering equipment shall be accommodated in a single location directly accessible from public road, i.e. on the erf boundary adjacent to the road reserve and at street level, subject to departmental requirements.
6. Separate connection cables from the meter location directly to each unit shall be provided by the developer.
7. Units shall be individually metered by the City. A separate meter shall be required as a general supply to shared services.
8. A separate service connection cable, rated to supply the authorised capacity of the erf, must be installed to the point of supply on the boundary of each erf of the subdivision. The cable shall be routed clear of all other private property, typically within the public road reserve.
9. In accordance with policy and tariffs approved by Council, a shared-network charge, as published in the standard tariffs, shall be paid before clearance of the subdivision will be granted.
10. In accordance with policy and tariffs approved by Council, a connection fee -- to provide a separate connection to the property boundary -- shall be paid before clearance of the subdivision will be granted.



11. A quote for the shared-network charge and connection fee, as well as conditions of supply, will be provided upon formal application. Such application must be submitted prior to application for Section 31 clearance
12. Electricity infrastructure (overhead line) currently exists on the property and must be relocated. Application shall be made to the Electricity Generation and Distribution Department in this regard.
13. Electricity distribution and street lighting infrastructure in private roads will not be taken over by the City but will remain the responsibility of the home owners' association.
14. A minimum clearance of 3 metres between any structure and the overhead mains conductors must be maintained.
15. **Energy restrictions:**
  - The property owner is required to include in the development measures to improve energy efficiency to reduce the consumption of electricity.
  - Owners will have to conform to any conservation and/or rationing programme or scheme introduced, adopted or implemented by a sphere of government or relevant regulating body by reducing their electricity consumption as required in terms of such programme or scheme.
  - Installations with a new or upgraded authorised capacity of more than 100 kVA will have to meet certain energy efficiency requirements. These requirements are subject to change. A set of applicable requirements will be made available as part of the quotation process.
16. Depending on the power requirement, a 6 m x 4 m substation site may be required. This substation shall be directly accessible from public road, i.e. on the erf boundary adjacent to the road reserve, at street level, and shall not be traversed by any other services. This substation site shall be appropriately subdivided and zoned in the plan approved by the surveyor general. The site shall be registered and transferred to the City free of all costs.
  - In some cases, substations may have to be contained within the building. Dimensions of these will be determined. While subdivision of these substations will not be possible, a servitude shall be registered in favour of the City.
17. In terms of applicable land use legislation, subdivision conditions cannot be changed unless as the result of a formal application for amendment.
18. Electrical subdivision clearance may be granted on a portion of a development if all conditions for that portion are complied with.

Yours faithfully

**DIRECTOR: ELECTRICITY GENERATION & DISTRIBUTION**



**Western Cape  
Government**

Transport and Public Works

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**ROAD NETWORK MANAGEMENT**

Email: [Grace.Swanepoel@westerncape.gov.za](mailto:Grace.Swanepoel@westerncape.gov.za)

Tel: +27 21 463 4669

8m 535, 9 Dorp Street, Cape Town, 8001

PO Box 2603, Cape Town, 8000

**REFERENCE: 16/9/4/1-36/76 (Job 17049)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 28 June 2018**

City of Cape Town

Tygerberg District

Private Bag X4

**PAROW**

7499

Attention: Ms T Kotze

Dear Madam

**ERF 5363, PAROW: MCKINTYRE STREET (PMR 182): BUILDING LINE RELAXATION: NEW BLOCK OF FLATS**

1. Your BLUM010 of 15 June 2018 and accompanying documents: Case ID: 70404663.
- 1.1 Based upon this Branch's 13/3/5/1-36/293 (Job 17049) of 3 February 2009, in which no objection was offered to a similar development proposal, your letter is accepted as a recommendation that this Branch considers the relaxation of the PMR 182 building line.
2. It is proposed to demolish the existing buildings on the above erf, subdivide it, giving off  $\pm 120 \text{ m}^2$  (Portion B) for the improvement of the 3rd Avenue/PMR 182 intersection and erecting a 14 Dwelling Unit block of flats on Portion A ( $\pm 1025 \text{ m}^2$ ), vehicular access/egress being taken via the Municipal Street System.
3. Based upon the wide verge west of the property and the existing PMR 182 cross-section, being a 4 lane divided road with paved sidewalks either side and a  $\pm 4 \text{ m}$  wide median likely to be its in final state, unconditional building line relaxation seems reasonable.
4. Accordingly, this Branch, in terms of Section 17 of the Road Ordinance, 1976 (Ordinance 19 of 1976), approves the above-mentioned application for the encroachment by 3m for the balconies and 2m for the building, into the 5m building line of PMR 182 by the construction of a new 4 storey block of 14 flats with 18 on-site parking bays, on the above erf, as shown on Van Heerden and van der Merwe's Drawing No 0395-01 Rev 4 dated 23 March 2018.

5. This approval shall:
- 5.1 be taken to deal only with the above section of the Ordinance and shall not be construed as authority to depart from any other legal provision and
  - 5.2 become invalid unless the local authority issues final authority for the building work within 12 months from the date hereof and bona fide work is commenced within 12 months from date of that authority.
6. Any changes to the structures within the 5m building line that may require modification to the official building plans after this Branch's approval shall render such approval null and void, in which case, a revised application with amended building plans shall be submitted to this Branch for approval.
7. This Branch offers no objection to the necessary legal processes being put in place permitting the erection of a 4 storey block of flats on the above erf, generally as shown on the drawing of paragraph 4. above, on condition that the affected Directorates of the COCT approve of this proposal, with special reference to the on-site vehicular circulation and on-site parking provision.

Yours faithfully



**ML WATTERS**  
**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**

# Annexure

## H

27 July 2018

City Of Cape Town Municipality  
 Directorate: Strategy and Planning  
 Department: Planning and Building  
 Development  
 C/o Voortrekker / Tallent Street  
 PAROW  
 7500



Attention: Ms Tess Kotze

**ERF 5363, PAROW (CLAMHALL) – OBJECTIONS AGAINST CASE ID 70404663**

The departments' letter dated 25 July 2018 refers.

Objections were submitted by JP Spies (Erf 5347, 5 Viola Street) & M Hart (Erf 5358, 185 Third Avenue). Both objectors properties are located a fair distance away from the subject property and hence any direct impact on their properties are questioned. The objections are summarised and addressed below.

**Objector Spies (Erf 5347, 5 Viola Street)**

1. The objector calls for the property to be developed as a play park in stead.

*It is highly unlikely that any person would merely donate their private land to be developed in the manner as proposed. The subject property is located adjacent to the busy McIntyre Road and as such presents an opportunity to be developed in accordance with the objectives of the Cape Town Metropolitan Spatial Development Framework. A more dense, compact, transit-orientated City is needed to ensure sustainable service delivery and appropriate densification forms part of the forward planning for the City.*

**Objector Hart (Erf 5358, 185 Third Avenue)**

1. The objector questions the scale of the development.

This application follows a previous application which was approved but not timeously

acted upon. The revised application provides for 1 less unit and is believed to further be an approved on-site parking and reticulation proposal. It further addresses engineering aspects to allow for road upgrades at the intersection of McIntyre / 3<sup>rd</sup> Avenue. It was mentioned earlier that appropriate densification is needed to address the concern of urban sprawl and this application is a typical example of this.

2. Impact on amenities

*The CTMSDF deals extensively with socio-economic issues such as access to amenities etc. It is not sustainable for the City to keep on expanding outwards. This in fact has a bigger impact on amenities as services must spread over vast distances to support a few. The inward focussed planning will ultimately result in a more sustainable City where the local authority would be in a position to provide these amenities.*

3. Parking and traffic

*The development proposal largely corresponds with what was approved before. As mentioned, one less unit is now proposed and the on-site parking layout has been improved. The subject property is located in fairly close proximity of the Voortrekker Road corridor as well as a railway station. It is therefore aimed at households with maximum one vehicle and provision has been made for visitors parking at the required rate.*

4. Noise pollution

*Albeit that it can hardly be seen how this property would have any direct impact on the objectors property purely from a locational point of view, it should be noted that the units are directed towards McIntyre Road. It is therefore questionable that any potential noise resulting from the use on this property will have any material impact on the objector's property.*

5. Unsightly size of the building

*The building is directed towards McIntyre Road. The area between this road and the subject property accommodates quite a few, mature trees whilst the road is somewhat elevated due to the bridge crossing over the railway line. This will*

*definitely impact on how the building will be perceived. The proposed architecture is deemed anything but unsightly and has the potential to uplift and renew rather than being viewed as an eyesore. This property should not be compared to the residential properties in the centre of this neighbourhood as the property is somewhat isolated. Erf 5363, Parow is located adjacent to a vacant piece of land belonging to a government department and which will in all likelihood be developed for such uses at some point in time.*

The proposal to develop the subject property is in line with the forward planning objectives for the area and can very much be viewed as an application to reinstate previously approved land use rights. It will result in an upliftment of the area with various other long term benefits to the City. Albeit that objectors' views are noted, the opinion is held that the proposed development is still deemed desirable as not much has changed in the area over the past few years. It is therefore respectfully requested that the application be approved.

Your's truly

A handwritten signature in black ink, appearing to read 'Koos Olivier', with a stylized flourish extending to the right.

Koos Olivier

ATLAS TOWN PLANNING

# Annexure

## I





And the appearer declared that his said principal had, on 13 March 2012, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**ARNIE'S PROJECTS CC**  
Registration Number 2006/047281/23

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

**ERF 5363 PAROW, IN THE CITY OF CAPE TOWN, CAPE DIVISION,  
PROVINCE OF THE WESTERN CAPE**

**IN EXTENT 1146 (ONE THOUSAND ONE HUNDRED AND FORTY FIVE)  
SQUARE METRES**

FIRST TRANSFERRED by Deed of Transfer Number T4274/1947 with diagram number 756/46 relating thereto and HELD by Deed of Transfer Number T42892/2008;

A. SUBJECT to the conditions referred to in Deed of Transfer Number T11628/1925;

B. SUBJECT FURTHER to the following special conditions contained in said Deed of Transfer Number T4274/1947 imposed by the Administrator in terms of Section 18(3) of Ordinance Number 33 of 1934 and subject to the amendments by him thereto:-

"A" AS BEING in favour of the registered owner of any erf in the subdivided estate, viz:

(a) That this erf be used for residential purposes only.

(b) .....

(c) That not more than one half the area of this erf be built upon.

(d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such buildings or structure, excepting boundary walls and fences, shall be erected within 1,57 metres of the lateral and 3,15 metres of the rear boundary common to any adjoining erf, provided that the consent of the council, an outbuilding not exceeding 3,05 metres in height, measured from the floor to the wall plate, and no portion of which will be used for human habitation may be erected within the above prescribed rear space.

"B" AS BEING in favour of the Administrator of the Province of the Cape of Good Hope, viz:

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- (e) That this erf be not subdivided except with the consent in writing of the Administrator.

"C" AS BEING in favour of the Municipality of Parow, viz:

- (e) The owner of this erf shall be obliged to allow the drainage and/or sewerage of any other erf or erven to be conveyed over this erf, if deemed necessary by the Council of the Municipality of Parow, and in such manner and in such position as may from time to time be reasonably required by the said Municipal Council. This right may be exercised by the Council, without payment of compensation and shall include the right of access to the property at any reasonable time by the Council's officials and workmen in order to construct, alter, maintain, remove or inspect any sewers, manholes, channels, conduits or other works pertaining to the sewage and drainage system.

The words and expressions used in these conditions have the meaning assigned to them in the regulations published under Provincial Notice number 401 dated 17<sup>th</sup> October, 1935."

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WHEREFORE the said Appearer, renouncing all right and title which the said

The Trustees for the time being of PIET EN JOAN VAN DER MERWE  
FAMILIE TRUST  
Registration Number IT296/97

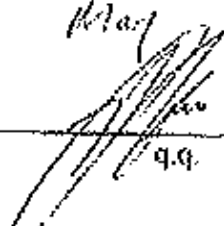
heretofore had to the premises, did in consequence also acknowledge them to be  
entirely dispossessed of, and disentitled to the same, and that by virtue of these  
presents, the said

ARNIE'S PROJECTS CC  
Registration Number 2005/047281/23


or its Successors in Title or assigns, now is and henceforth shall be entitled thereto,  
conformably to local custom, the State, however reserving its rights, and finally  
acknowledging the purchase price to be the sum of R1 100 000,00 (ONE MILLION  
ONE HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have  
subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape  
Town on

26 May 2012  
  
q.q.

In my presence

  
REGISTRAR OF DEEDS