
C 24/03/11**FOR INFORMATION****RESOLUTIONS TAKEN IN TERMS OF THE POWERS DELEGATED TO THE PLANNING AND GENERAL APPEALS COMMITTEE : PERIOD OCTOBER 2010 TO FEBRUARY 2011****IZIGQIBO EZENZIWE NGOKWEMIGAQO YAMAGUNYA ANIKEZELWE IKOMITI YOCWANGCISO LWEZIBHENO : ISITHUBA ESISUSELA NGO-OCTOBHA 2010 UKUYA NGO-FEBRUWARI 2011****BESLUIE GENEEM INGEVOLGE DIE BEVOEGDHEDE GEDELEGEER AAN DIE BEPLANNINGS- EN ALGEMENE APP&LKOMITEE : TYDPERK OKTOBER 2010 TOT FEBRUARIE 2011**

N MEISSENHEIMER
HO 18/6/1
400 3140
18 MARCH 2011

This report is submitted in accordance with Section 63 of the Local Government : Municipal Systems Act, 2000 (Act no 32 of 2000), which reads as follows:

"63. A political structure, political office bearer, Councillor or staff member of a Municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

The minutes of the meetings of the Planning and General Appeals Committee for the period October 2010 to February 2011 are attached **FOR INFORMATION**.

Imizuzu yeentlanganiso zeKomiti yoCwangciso lweZibheno eyathatyathwa kwisithuba esisusela ngo-Octoberha 2010 ukuya ngo-Februwari 2011 iqhotyoshelwe apha ngeenjongo zokunika **ULWAZI**.

Die notules van die Beplannings- en Algemene App&lkomitee vir die tydperk Oktober 2010 tot Februarie 2011 word **TER INLIGTING** aangeheg.

OF THE MEETING OF THE PLANNING AND GENERAL APPEALS COMMITTEE HELD IN COMMITTEE ROOM "D", 5TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON FRIDAY, 15 OCTOBER 2010 AT 10:00.

PRESENT : COMMITTEE MEMBERS

Alderman D Smit (Chairperson)
 Councillor T Amira
 Councillor B Herron
 Councillor M Murudker (left at 12:05)
 Alderman F Purchase
 Councillor F Raymond
 Councillor T Sikhutshwa

OTHER COUNCILLORS

None

OFFICIALS

N Meissenheimer (Executive Committee Services)
 J Abrahams (Executive Committee Services)
 H van Zyl (Legal Services)
 G Brand (Planning)
 M Dwangu (Planning)
 G Hanekom (Planning)
 B Jones (Transport)
 C Lovember (Planning)
 J Neubert (Planning)
 J San Giorgio (Planning)
 G Strangman (Roads & Stormwater)
 S van Gend (Planning)
 S van Rensburg (Planning)
 M Wansbury (Planning)

PRESS

None

PUBLIC

As per attendance register

ABSENT WITH APOLOGY

None

ABSENT WITHOUT APOLOGY

None

PLANAP 01/10/10 OPENING AND MOMENT OF SILENCE

The Chairperson, Ald D Smit welcomed everybody present, whereupon a moment of silence was observed.

PLANAP 02/10/10 APPLICATIONS FOR LEAVE

None

PLANAP 03/10/10 DECLARATION OF INTEREST

The following Councillors declared their presence during the consideration of the items at their respective Subcouncil meetings as follows:

Cllr T Amira	Item PLANAP 18
Cllr B Herron	Items PLANAP 08, 09 and 15

The Chairperson requested Cllrs T Amira and B Herron to recuse themselves during the discussion of the abovementioned items.

NOTED.

PLANAP 04/10/10 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 17 SEPTEMBER 2010

RESOLVED that the minutes of the meeting held on 17 September 2010, be confirmed.

FOR INFORMATION : N MEISSENHEIMER

PLANAP 05/10/10 SCHEDULE OF INVALID APPEALS

A schedule of invalid appeals was received after the closing date for the submission of reports for inclusion on the agenda. Due to the late submission of the report, the schedule of invalid appeals was tabled for consideration.

The appeals were duly considered by the members of the Committee.

UNANIMOUSLY RESOLVED that the following appeals be **DECLARED INVALID**, as it were received after the prescribed 21 day period:

- Erf 1014, 183 Upper Buitekant Street, Vredehoek
- Erf 4642, 48 Grens Street, Ruyterwacht
- Erf 1367, 17 Dysart Road, Green Point

ACTION : K NGENDAHIMANA, D STEVENS, T NYELELE

At this stage, the Chairperson announced that Items 6, 7, 11, 12 and 13 had been postponed, until the next meeting scheduled for 12 November 2010.

Items 15 – 20 were considered during the interview timeslots of the abovementioned reports. The minutes are however recorded in numerical sequence.

The Chairperson also announced that a workshop will be arranged in the near future with a member of Senior Counsel, in order to acquaint members with the procedure in respect of planning and general appeals - Noted.

PLANAP 06/10/10 TEMPORARY DEPARTURE : ERF 13507, BLAAUWBERG ROAD, TABLE VIEW

It was noted that the appeal was postponed until the next meeting scheduled for 12 November 2010 on request of the Table View Ratepayers Association.

**ACTION : N MEISSENHEIMER
FOR INFORMATION : A VISAGIE, S MATTHYSEN**

PLANAP 07/10/10 TEMPORARY DEPARTURE : ERF 13237, BLAAUWBERG ROAD, TABLE VIEW

It was noted that the appeal was postponed until the next meeting scheduled for 12 November 2010 on request of the Table View Ratepayers Association.

**ACTION : N MEISSENHEIMER
FOR INFORMATION : A VISAGIE, S MATTHYSEN**

PLANAP 08/10/10 TEMPORARY DEPARTURE : ERF 27287, 14 ALBUS DRIVE, MILNERTON

Cllr B Herron recused himself from the discussion of this matter. Mr S van Rensburg of the Planning Department elaborated on the report.

The Chairperson welcomed the applicants, Mr H Fiebig, Mr D Saunders and the objector, Mr G Nebel. Mr Saunders motivated the appeal as set out on pages 228 to 229 of the agenda for the meeting, whereupon Mr Nebel confirmed that he had withdrawn his objection, reason being that he reached an agreement with the applicant.

The Chairperson thanked the applicants and objector for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

RESOLVED BY 5 VOTES IN FAVOUR

- (a) that the appeal submitted by Mr H Fiebig **BE UPHELD** for the following reasons:
- there is sufficient parking available on site for a four (4) bedroom guest house operation
 - the proposal would not negatively impact on the rights of the surrounding property owners
 - the proposed development would not result in any health or safety risks to the surrounding community
 - the proposed development would not detract from any existing rights by way of overlooking, overshadowing or obstruction of primary views from adjacent properties
- (b) that the decision taken by the Blaauwberg Subcouncil at the meeting held on 22 October 2009 to refuse the application for a temporary land use departure on Erf 27287, Milnerton, **BE REVOKED**
- (c) that the application for a temporary land use departure on Erf 27287, Milnerton to permit a 4 bedroom guest house, **BE APPROVED**, subject to the imposition of conditions as set out in Annexure A on page 235 of the agenda for the meeting.

**ACTION : R VAN WIJK, S MATTHYSEN
FOR INFORMATION : H BRENNER, P DEACON**

**PLANAP 09/10/10 TEMPORARY DEPARTURE : ERF 25, 3 OYSTER LANE,
BLOUBERGSTRAND**

Cllr B Herron recused himself from the discussion of this matter. Mr S van Rensburg of the Planning Department elaborated on the report.

The Chairperson welcomed the applicant, Mr H Olivier, whereupon he motivated the appeal as set out on pages 245 to 248 of the agenda for the meeting.

The Chairperson thanked the applicant for his presence, whereupon he was excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr H Olivier **BE UPHELD** for the following reasons:
- there is sufficient parking available on site for a four (4) bedroom guest house operation
 - the proposal would not negatively impact on the rights of the surrounding property owners
 - the proposed development would not result in any health or safety risks to the surrounding community

- the proposed development would not detract from any existing rights by way of overlooking, overshadowing or obstruction of primary views from adjacent properties
- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 22 April 2010 to refuse the application for a temporary land use departure on Erf 25, Bloubergstrand, **BE REVOKED**
- (c) the application for a temporary land use departure on Erf 25, Bloubergstrand to permit a 4 bedroom guest house, **BE APPROVED.**

**ACTION : A VISAGIE, S MATTHYSEN
FOR INFORMATION : H BRENNER, P DEACON**

At this stage, Cllr B Herron re-joined the meeting, after his recusal. Cllr M Murudker left for the remainder of the meeting, namely at 12H05.

PLANAP 10/10/10 TEMPORARY DEPARTURE : ERF 2606, 51 STRATHBLANE ROAD, MELKBOSSTRAND

Mr C Lovember of the Planning Department elaborated on the report. It was pointed out that the appellant requested that the application be reviewed and that the reduction of the guest accommodation facility from a four to three bedroom be considered.

The Chairperson mentioned that the request for the reduction of guest accommodation is new information and ruled that the matter be referred back to the respective Subcouncil for re-consideration.

The Chairperson's ruling was duly supported by the Committee. The applicant was accordingly informed by the Legal Advisor.

UNANIMOUSLY RESOLVED that the report be referred back to the Blaauwberg Subcouncil for re-consideration.

**ACTION : N MEISSENHEIMER
FOR INFORMATION : C LOVEMBER, H BRENNER, P DEACON**

PLANAP 11/10/10 SUBDIVISION OF REMAINDER ERF 2575, CHAPEL LANE, SIMON'S TOWN

It was noted that the appeal was postponed, until the next meeting scheduled for 12 November 2010 on request of the applicant.

**ACTION : N MEISSENHEIMER
FOR INFORMATION : P HOFFA, D QUALLY, D MENTOR**

PLANAP 12/10/10 TEMPORARY DEPARTURE : ERF 7730, 6 RATHERFELDER AVENUE, CONSTANTIA

It was noted that the appeal was postponed until the next meeting scheduled for 12 November 2010 on request of the applicant.

**ACTION : N MEISSENHEIMER
FOR INFORMATION : P HOFFA, O KINAHAN, B FORD**

PLANAP 13/10/10 CONSENT : ERF 113844, 108 SHAANTI CRESCENT, GATESVILLE, ATHLONE

It was noted that the appeal was postponed until the next meeting scheduled for 12 November 2010 on request of the applicant.

**ACTION : N MEISSENHEIMER
FOR INFORMATION : M MULLER, C CLAYTON, E CAROLISSEN**

PLANAP 14/10/10 TEMPORARY DEPARTURE : PORTION 21 OF STELLENBOSCH FARM 468, KLEINVLEI

Ms M Wansbury of the Planning Department elaborated on the report, whereupon Mr G Hanekom further elaborated on the matter and clarified the concerns raised by the members.

The Chairperson welcomed the applicant, Reverend J Nomdoe of Teen Challenge SA – Western Cape.

Reverend Nomdoe motivated his appeal as set out on pages 523 to 530 of the agenda for the meeting.

The Chairperson thanked the applicant for his presence, whereupon he was excused.

The inputs and the appeal were duly considered.

RESOLVED WITH 6 VOTES IN FAVOUR

(a) that the appeal submitted by Reverend J Nomdoe **BE UPHELD** for the following reasons:

- it is compliant with the forward planning for this area and the Early Childhood Development Centre Policy
- the proposal offers a much needed service to the community in rehabilitating young adults previously exposed to substance abuse, gangs and prostitution
- the proposal shall contribute to security as there will be 24 hour presence on site
- the proposed application will not have a detrimental impact on existing rights of the surrounding properties, as it does not impede any views, privacy or expected land use rights
- sufficient on-site parking is provided as required by LUPO section 8 Zoning Scheme Regulations
- all the respective service departments, including Transport and Health, supported the application.

- (b) that the decision taken by the Oostenberg Subcouncil at the meeting held on 19 May 2010 to refuse the application for a temporary land use departure on Portion 21 of Stellenbosch Farm 468, Kleinvlei, **BE REVOKED**
- (c) that the application for a temporary land use departure in terms of Section 15(1)(a)(ii) of LUPO in order to utilize Portion 21 of Stellenbosch Farm 468, Kleinvlei for the purpose of a rehabilitation treatment centre for 45 men, a skills development / training centre and a day care centre for a total number of 80 children, **BE APPROVED**, subject to the imposition of the conditions as set out in Annexure A on pages 560 to 562 of the agenda for the meeting, and the erection of the necessary walls or fencing as required.

**ACTION : M WANSBURY, M VAN DER WALT, G HANEKOM
FOR INFORMATION : W BRADY, P GROBLER**

PLANAP 15/10/10 DEPARTURE : ERF 35807 (CONSOLIDATED ERVEN 4539; 4538; 4537; 4536 AND 44850), TABLE VIEW

Cllr B Herron recused himself from the discussion of this matter. Mr S van Rensburg of the Planning Department elaborated on the report before the Committee.

The appeal was duly considered.

UNANIMOUSLY RESOLVED that :

- (a) the appeal submitted by the applicant, Elco Property Developers, **BE DISMISSED** for the reasons as set out on page 624 of the agenda for the meeting.
- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 22 April 2010 to refuse the application for various regulation departures from the provision of the Table View Zoning Scheme on Erf 35807 (consolidated erven 4539; 4538; 4537; 4536 and 4485), Table View, **BE CONFIRMED**.

**ACTION : A VISAGIE, S MATTHYSEN
FOR INFORMATION : H BRENNER, P DEACON**

At this stage, Cllr B Herron re-joined the meeting, after his refusal.

PLANAP 16/10/10 REZONING AND DEPARTURE : ERF 39132, BELLVILLE

Ms M Dwangu of the Planning Department elaborated on the report before the Committee.

The appeal was duly considered.

UNANIMOUSLY RESOLVED that :

- (a) the appeal submitted by the applicant, CK Rumboll & Partners, **BE DISMISSED** for the reasons as set out on page 667 of the agenda for the meeting.
- (b) the decision taken by the Tygerberg Subcouncil at the meeting held on 19 June 2009 to refuse the application for rezoning and departure of Erf 39132, Bellville, **BE CONFIRMED**.

**ACTION : M DWANGU, S VAN GEND, R BOOYSEN
FOR INFORMATION : F KEARNS, A VAN NIEKERK**

PLANAP 17/10/10 REZONING, SUBDIVISION, SPECIAL CONSENT AND SITE DEVELOPMENT PLAN APPROVAL : ERF 5116 AND REMAINDER ERF 5117, SIR LOWRY'S PASS ROAD (MAIN ROAD 108), FIRLANDS, GORDON'S BAY

Mr J Neubert of the Planning Department and Mr G Strangman of the Roads and Stormwater Department elaborated on the report, whereupon they clarified the concerns raised by the members.

The appeal was duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Messrs SETPLAN **BE UPHeld** for the reason as set out on page 713 of the agenda for the meeting.
- (b) the decision taken by the Spatial Planning, Environment and Land Use Management Committee at the meeting held on 4 June 2010 to approve the application for rezoning, subdivision and special consent of Erf 5116 and remainder Erf 5117, Sir Lowry's Pass Road, Firlands, Gordon's Bay, **BE VARIED**
- (c) the application for rezoning, subdivision and special consent of Erf 5116 and remainder Erf 5117, Sir Lowry's Pass Road, Firlands, Gordon's Bay, **BE APPROVED**, subject to the imposition of the amended conditions as determined by the relevant Departments.

**ACTION : J NEUBERT, J WILLIAMS
FOR INFORMATION : A FOURIE, G JESPERSEN, I DU TOIT**

PLANAP 18/10/10 CONSENT AND DEPARTURE : ERF 1881, 11 BELLEVUE ROAD, ORANJEZICHT

Cllr T Amira recused himself from the discussion of this matter. Ms J San Giorgio of the Planning Department elaborated on the report before the Committee.

The appeal was duly considered.

RESOLVED WITH 5 VOTES IN FAVOUR

- (a) that the appeal submitted by the applicant, Willem Buhrmann Associates, **BE DISMISSED** for the following reasons:
 - the proposed development will impact negatively upon the residents of Bellevue Street, due to the significantly increased parking demand
 - this application would result in increased parking demand in Bellevue Street and therefore undesirable.

- (b) that the decision taken by the Good Hope Subcouncil at the meeting held on 19 November 2009 to refuse the application for consent and departure of Erf 1881, Oranjezicht, **BE CONFIRMED**.

**ACTION : G SEPTEMBER, J SAN GIORGIO
FOR INFORMATION : T AMIRA, M COETSEE**

At this stage, Cllr T Amira re-joined the meeting, after his recusal.

PLANAP 19/10/10 SCHEDULE OF APPEALS RECEIVED BY THE PLANNING DEPARTMENT AND STILL TO BE REFERRED TO THE PLANNING & GENERAL APPEALS COMMITTEE FOR CONSIDERATION

The Chairperson expressed his dissatisfaction with regard to the incomplete schedule, whereupon he requested that a letter be forwarded to the Executive Director : Strategy and Planning and the City Manager to instruct officials to submit an updated and complete schedule in respect of appeals received to the Committee in future.

RESOLVED that it be noted that the tabled schedule of valid appeals received by the District Planning Departments during the month of October 2010 for submission to the Planning and General Appeals Committee or City Manager for consideration, be noted.

FOR INFORMATION : COMMITTEE MEMBERS

PLANAP 20/10/10 OUTSTANDING MATTERS

None

THE MEETING ENDED AT 12:35.

**ALD D SMIT
CHAIRPERSON**

DATE

OF THE MEETING OF THE PLANNING AND GENERAL APPEALS COMMITTEE HELD IN COMMITTEE ROOM "D", 5TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON FRIDAY, 12 NOVEMBER 2010 AT 09:00.

PRESENT : COMMITTEE MEMBERS

Alderman D Smit (Chairperson)
Councillor T Amira
Councillor B Herron
Councillor M Murudker (left at 12:05)
Alderman F Purchase
Councillor F Raymond

OTHER COUNCILLORS

Ald I Neilson
Ald B Walker
Ald B Watkyns

OFFICIALS

N Meissenheimer (Executive Committee Services)
J Abrahams (Executive Committee Services)
H van Zyl (Legal Services)
M Doublé (Planning)
D Evans (Planning)
P Hoffa (Planning)
B Jones (Transport)
M Louw (Planning)
C Lovember (Planning)
S Mba (Planning)
I McLaren (Planning)
E Pienaar (Planning)
Q Savahl (Planning)
B Schoeman (Planning)
G September (Planning)
R Snyman (Planning)
S van Gend (Planning)
A Visagie (Planning)

PRESS

None

PUBLIC

As per attendance register

ABSENT WITH APOLOGY

Councillor T Sikhutshwa

ABSENT WITHOUT APOLOGY

None

PLANAP 01/11/10 OPENING AND MOMENT OF SILENCE

The Chairperson, Ald D Smit welcomed everybody present, whereupon a moment of silence was observed.

PLANAP 02/11/10 APPLICATIONS FOR LEAVE

RESOLVED that the application for leave of absence received from Cllr T Sikhutshwa, be noted.

PLANAP 03/11/10 DECLARATION OF INTEREST

The following Councillors declared their presence during the consideration of the items at their respective Subcouncil meetings as follows:

Cllr T Amira	Items PLANAP 17 and 28
Cllr B Herron	Items PLANAP 08, 09 and 14
Ald F Purchase	Item PLANAP 11
Cllr M Murudker	Item PLANAP 10

The Chairperson requested the abovementioned Councillors to recuse themselves during the discussion of the abovementioned items.

NOTED.

PLANAP 04/11/10 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 15 OCTOBER 2010

RESOLVED that the minutes of the meeting held on 15 October 2010, be confirmed.

FOR INFORMATION : N MEISSENHEIMER

PLANAP 05/11/10 SCHEDULE OF INVALID APPEALS

A schedule of invalid appeals was received after the closing date for the submission of reports for inclusion on the agenda. Due to the late submission of the report, the schedule of invalid appeals was timeously circulated to the members.

The appeals were duly considered by the members of the Committee.

UNANIMOUSLY RESOLVED that the following appeals be **DECLARED INVALID**, as these were received after the prescribed 21 day period:

- Erf 83362, 24 White Road, Retreat
- Erf 1014, 183 Upper Buitekant Street, Vredehoek
- Erf 7480, 1 Cambridge Street, Goodwood
- Erf 2377, 4 Kingfisher Street, Ocean View

ACTION : F ABRAHAMS, E KAJABO, D STEVENS, S POSWA

At this stage, the Chairperson announced that Items 10, 11, 12, 15, 16 and 24 had been postponed on request of the respective applicants, until the next meeting scheduled during February 2011. He further expressed that no permission would be granted on further requests for postponement on the aforementioned items.

Items 25 and 26 were considered during the interview timeslots of the abovementioned postponed reports. The minutes are however recorded in numerical sequence.

NOTED.

PLANAP 06/11/10 TEMPORARY DEPARTURE : ERF 13507, BLAAUWBERG ROAD, TABLE VIEW

Ms A Visagie of the Planning Department elaborated on the report.

The Chairperson welcomed the applicant, Mr J De Abreu, objectors, Dr J McCarthy of the Table View Ratepayers Association and Mr D Wright, as well as the Ward Councillor, Ald I Neilson.

Mr J De Abreu presented his appeal as set out on pages 28 to 63 of the agenda, whereupon Dr J McCarthy and Mr D Wright commented on the appeal by presenting a power point presentation, whereupon Dr McCarthy, as representative of the Table View Ratepayers Association, withdrew their objection with the following provisos:

- that the opening windows of the bathroom and toilet be sealed and extractor fans be installed (windows that open onto the neighbouring patio are illegal, in terms of town planning regulations)
- that the properties be spruced up and appropriately maintained
- that the tenants be advised to stick to the parking regulations imposed and not use the entire roadway.

Ald I Neilson also elaborated on the appeal and expressed his views on this matter.

The Chairperson thanked the applicant, objector and Ward Councillor for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr J De Abreu, **BE UPHeld** for the following reasons:
- there is sufficient parking available on site for the proposed operation
 - the proposal would not negatively impact on the rights of the surrounding property owners
 - the applicant would not reside on the property as the entire property will be used for office purposes.
- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 19 February 2009 to refuse the application for a temporary land use departure on Erf 13507, Blaauwberg Road, Table View, **BE REVOKED**
- (c) the application for a temporary land use departure on Erf 13507, Blaauwberg Road, Table View to permit the use of the existing dwelling unit as an office facility, **BE APPROVED**, subject to the imposition of conditions as determined by the relevant Departments.

**ACTION : A VISAGIE, S MATTHYSEN
FOR INFORMATION : H BRENNER, P DEACON**

**PLANAP 07/11/10 TEMPORARY DEPARTURE : ERF 13237, BLAAUWBERG ROAD,
TABLE VIEW**

Ms A Visagie of the Planning Department elaborated on the report.

The Chairperson welcomed the applicant, Mr J De Abreu, objectors, Dr J McCarthy of the Table View Ratepayers Association and Mr D Wright, as well as the Ward Councillor, Ald I Neilson.

Mr J De Abreu presented his appeal as set out on pages 125 to 131 of the agenda, whereupon Dr J McCarthy and Mr D Wright commented on the appeal by presenting a power point presentation, whereupon they withdrew their objection with certain provisos.

Ald I Neilson also elaborated on the appeal and expressed his views on this matter.

The Chairperson thanked the applicant, objector and Ward Councillor for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr J De Abreu, **BE UPHOLD** for the following reasons:
- there is sufficient parking available on site for the proposed operation
 - the proposal would not negatively impact on the privacy of abutting property owners
 - the nature of the operation is for professional office and no noise or other disturbance is envisaged to occur as a result of the business
- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 19 February 2009 to refuse the application for a temporary land use departure on Erf 13237, Blaauwberg Road, Table View, **BE REVOKED**
- (c) the application for a temporary land use departure on Erf 13237, Blaauwberg Road, Table View to permit the use of the existing dwelling unit as an office facility, **BE APPROVED**, subject to the imposition of conditions as determined by the relevant Departments.

**ACTION : A VISAGIE, S MATTHYSEN
FOR INFORMATION : H BRENNER, P DEACON**

**PLANAP 08/11/09 REZONING AND DEPARTURE : ERF 415, 40 MOSTERT STREET,
MELKBOSSTRAND**

Cllr B Herron recused himself from the discussion of this matter. Mr C Lovember of the Planning Department elaborated on the report.

The Chairperson welcomed the applicants, Messrs E Smith, F Combrinck, S Steyn and H Schlechter and Ward Councillor, Ald I Neilson.

Mr E Smith of Elco Property Development commented on the appeal by presenting a power point presentation, whereupon Mr H Schlechter motivated his appeal as set out on pages 219 to 224 of the agenda for the meeting.

Ald I Neilson also elaborated on the appeal and expressed his views on this matter.

The Chairperson thanked the applicants and Ward Councillor for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

RESOLVED BY 4 VOTES IN FAVOUR that:

- (a) the appeal submitted by Mr E Smith of Elco Property Development **BE UPHELD** for the following reasons:
- there is sufficient parking available on site
 - the proposed development would not negatively impact on the built environment and is compatible to the surrounding developments.
- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 18 February 2010 to refuse the application for rezoning and departure on Erf 415, Melkbosstrand, **BE REVOKED**
- (c) the application for rezoning and departure on Erf 415, Melkbosstrand, to permit the conversion of an existing dwelling house for the development of flats comprising 6 dwelling units for an old age retirement facility, **BE APPROVED**, subject to the imposition of conditions as set out in **Annexure "A"** attached to the official minutes.

**ACTION : C LOVEMBER, S MATTHYSEN
FOR INFORMATION : H BRENNER, P DEACON**

PLANAP 09/11/09 SUBDIVISION AND DEPARTURE : ERF 414, MELKBOSSTRAND

Clir B Herron recused himself from the discussion of this matter. Mr C Lovember of the Planning Department elaborated on the report.

The Chairperson welcomed the applicants, Messrs E Smith, F Combrinck, S Steyn and H Schlechter and Ward Councillor, Ald I Neilson.

Mr E Smith of Elco Property Development commented on the appeal by presenting a power point presentation, whereupon Mr H Schlechter motivated his appeal as set out on pages 298 to 301 of the agenda for the meeting.

Ald I Neilson expressed concern on the size of the erven and supported the recommendation of the officials that the development is undesirable as it is not in keeping with the built environment.

The Chairperson thanked the applicants and Ward Councillor for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

RESOLVED BY 3 VOTES IN FAVOUR that:

- (a) the appeal submitted by Mr E Smith of Elco Property Development **BE UPHELD** for the following reason:
- the proposed development is compatible to the surrounding developments and would not have a negative impact on the built environment.

- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 20 May 2010 to refuse the application for subdivision and departure of Erf 414, Melkbosstrand, as reflected in resolutions (a) and (b) of the Subcouncil report, **BE REVOKED**
- (c) the decision taken by the Blaauwberg Subcouncil at the meeting held on 20 May 2010 to refuse the application for departures from the provisions of the Divisional Council of the Cape Zoning Scheme Regulations to permit various relaxations on Erf 414, Melkbosstrand, as reflected in resolution (c) of the Subcouncil report, **BE REAFFIRMED**
- (c) the application for subdivision and departure of Erf 414, Melkbosstrand, to subdivide a single dwelling residential erf to permit two residential portions, **BE APPROVED**, subject to the imposition of conditions as set out in Annexures "B" and "C" attached to the official minutes.

ACTION : C LOVEMBER, S MATTHYSEN
FOR INFORMATION : H BRENNER, P DEACON

At this stage, Cllr B Herron re-joined the meeting, after his refusal.

PLANAP 10/11/10 CONSENT : ERF 113844, 108 SHAANTI CRESCENT, GATESVILLE, ATHLONE

It was noted that the appeal was postponed until the next meeting scheduled for February 2011, on request of the applicant.

ACTION : N MEISSENHEIMER
FOR INFORMATION : Q SAVAHL, M MULLER, C CLAYTON, E CAROLISSEN

PLANAP 11/11/10 SUBDIVISION OF REMAINDER ERF 2575, CHAPEL LANE, SIMON'S TOWN

It was noted that the appeal was postponed, until the next meeting scheduled for February 2011, on request of the applicant.

ACTION : N MEISSENHEIMER
FOR INFORMATION : P HOFFA, D LEO, D QUALLY, D MENTOR

PLANAP 12/11/10 TEMPORARY DEPARTURE : ERF 7730, 6 RATHERFELDER AVENUE, CONSTANTIA

It was noted that the appeal was postponed until the next meeting scheduled for February 2011, on request of the applicant.

ACTION : N MEISSENHEIMER
FOR INFORMATION : P HOFFA, S POSWA, D QUALLY, D MENTOR

At this stage, namely at 12h05, Cllr M Murudker left for the remainder of the meeting.

PLANAP 13/11/10 DEPARTURE : ERF 45043, 40 RIVERTON ROAD, RONDEBOSCH

Mr P Hoffa of the Planning Department elaborated on the report. The Chairperson welcomed the applicants, Mr T Turner, Adv W Duminy, Mr & Mrs C Wilson, Mrs A Wilkinson and their delegation, as well as the objectors, Mr T Brummer, Adv D Mitchell, Mrs K Woodland and N Westcott.

Adv W Duminy, Mrs A Wilkinson and Mrs C Wilson motivated the appeal by presenting a power point presentation and an explanatory memorandum in support of their appeal, which was circulated to the members.

Mr T Brummer, Adv D Mitchell and Mrs N Westcott commented on the appeal as set out on Annexure 3, which was copied on CD and distributed to the members.

The objectors also mentioned that their intention was not to close down the school, but suggested that a practical and workable compromised agreement be reached by all parties to eliminate future discussions at this forum.

The Chairperson indicated to the applicants and objectors that the Committee would consider their inputs, whereupon they would be informed of the outcome and were excused for 10 minutes.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr T Turner & Associates, **BE UPHELD** for the following reasons:
- the approval of this application would not impact on the existing character of the area
 - the proposed land use conditions would significantly mitigate the impact of the activity, particularly with respect to parking and traffic and to address the concerns of the objectors
 - the use of the subject property as a place of institution is considered to be complementary to both the surrounding residential land uses as well as the various other places of instruction found in the nearby area
 - the noise and odours that emanate from the property are not unreasonable for schools of this sort. A condition is proposed that the school must meet the requirements of the Director : City Health
 - the use of the property as a cookery school is appropriate in terms of protecting the conservation worthy buildings on the property and therefore the proposal is desirable.
- (b) the decision taken by the Protea Subcouncil at the meeting held on 20 August 2007 to refuse the application for consent and

departure on Erf 45043, Rondebosch, **BE REVOKED**

- (c) the application for consent and departure on Erf 45043, Rondebosch, in terms of Section 15 and Section 108 to permit a place of instruction on a property zoned Single Dwelling Residential and to permit building work in an urban conservation area respectively, **BE APPROVED**, subject to the imposition of the following conditions :

“1. CONSENT IN TERMS OF THE CAPE TOWN ZONING SCHEME REGULATIONS:

- 1.1 *Section 15(3): To permit a Place of Instruction on a property zoned Single Dwelling Residential.*
- 1.2 *Section 108(1)(i): To permit building work in an urban conservation area.*

2. DEPARTURE GRANTED IN TERMS OF SECTION 15 OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985:

- 2.1 *Section 59(1): To permit the existing buildings of a Place of Instruction to be 0m and 2,25m in lieu of 4,5m from the northern common boundary.*

3. NEW LAND USE CONDITIONS IMPOSED IN TERMS OF SECTION 42 OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985:

- 3.1 *The Place of Instruction is limited to a cookery school.*
- 3.2 *With the exception of graduation events, not more than 60 students shall be permitted on the property at any one time, except for Mondays when not more than 110 students shall be permitted on the property at any one time.*
- 3.3 *The buildings of the Place of Instruction are limited to the existing buildings on the property (including the proposed refuse room). No teaching kitchens and classrooms shall be permitted in the existing Victorian Dwelling House.*
- 3.4 *Within 3 months of the approval of this application, the owner shall submit to Council for approval, building plans showing the conversion of the buildings comprising the Place of Instruction, into a Place of Instruction.*
- 3.5 *A refuse room shall be provided on the property to the satisfaction of the Director: Cleansing.*
- 3.6 *Refuse removal from the property shall satisfy the requirements of the Director: Cleansing.*

- 3.7 *The requirements of the Director: City Health shall be met.*
- 3.8 *A minimum of 37 parking bays and one loading bay shall be provided on the property.*
- 3.9 *If deemed necessary by Council's Director: Transport Planning, the Director: Transport Planning shall be entitled to call for additional on-site parking to be provided, which shall be provided within the timeframe specified by the said Director.*
- 3.10 *All parking on, access to and egress from the property shall be to the satisfaction of the Director: Transport Planning.*
- 3.11 *All vehicles must be able to exit the property in a forward gear.*
- 3.12 *The 16 parking embayments on the western side of Riverton Road, shall be painted, at the cost of the owner of Erf 45043, to the satisfaction of the Director: Roads and Stormwater and the Director: Transport Planning.*
- 3.13 *No-parking signs shall be erected and painted at the intersection of Riverton and Silwood Roads at the cost of the owner of Erf 45043, to the satisfaction of the Director: Roads and Stormwater and the Director: Transport Planning.*
- 3.14 *No deliveries to or collections from the property shall be undertaken by a commercial vehicle of 3500kg in mass or more as defined in the Road Traffic Ordinance 21 of 1986.*
- 3.15 *Within 1 month of the approval of this application the owner shall make application for an emergency services clearance.*
- 3.16 *The conditions attached to this approval do not exempt the owner from compliance with any other laws or requirements.*
- 3.17 *The property shall not be used for the purposes of operating a restaurant.*
- 3.18 *The property shall not be used for the purposes of commercial catering. This does not prohibit students from undertaking catering that is related to practical training as part of the Place of Instruction.*
- 3.19 *Ancillary and part time classes (including cooking demonstrations) that take place after 18h00 shall not involve more than 40 students/participants on the property at any one time, and such activities shall cease by no later than 21h30. All such students/participants shall vacate the property by no later than 22h00."*

**ACTION : P HOFFA, F ABRAHAMS
FOR INFORMATION : O KINAHAN, B FORD**

At this stage, the applicants and objectors were informed of the

Committee's decision, whereupon the Chairperson thanked them for their presence.

PLANAP 14/11/10 CONSENT : ERF 9604, TABLE VIEW

Ms A Visagie of the Planning Department elaborated on the report.

The Chairperson welcomed the applicants, Mr T Brummer and Mrs A de Villiers of Tommy Brummer Town Planners.

Mr T Brummer and Mrs A de Villiers motivated their appeal as set out on pages as set out on pages 609 to 616 of the agenda for the meeting.

The Chairperson thanked the applicants for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr T Brummer **BE UPHOLD** for the following reason:
 - the reduced number of children (from 75 to 55) is regarded desirable, in view of the reduction of noise levels, vehicle trips to and from the site with less impact on traffic
- (b) the decision taken by the Spatial Planning, Environment and Land Use Management Committee at the meeting held on 13 October 2010 to support the reduction of the number of children on Erf 9604, Table View, **BE CONFIRMED**
- (c) the application for consent on Erf 9604, Table View, to permit a place of instruction (crèche), **BE APPROVED**, subject to the imposition of the following conditions in terms of Section 42(1) of the Land Use Planning Ordinance (No. 15 of 1985) :
 - i. Operation hours of the crèche are restricted as follows:
Mondays - Fridays: 06h30 am – 18h00
 - ii. No operation being permitted on weekends and public holidays.
 - iii. The structured programme submitted as part of the application being adhered to, especially with regards to the outdoor play times.
 - iv. One parking bay shall be provided for every 10 children and 1 parking bay for every staff member traveling by car. A total of 11 parking bays (6 for the children and 5 for the employees of the crèche) must be provided.

- v. All children should be dropped-off and collect on site (either Erf 9604 or Erf 9605).
- vi. Parking shall be provided to the satisfaction of the Manager: Transport Road Services.
- vii. Should the lease agreement relating to Erf 9605 be cancelled for whatever reason, all the required parking and dropping-off areas shall be provided on site.
- viii. A crèche being limited not to accommodate more than 55 children at any given time. The ages varying between 0 months and seven years.
- ix. The operation shall not detrimentally alter the character of the neighbourhood, negatively affect the privacy and tranquility of neighbours and not be a source of nuisance.
- x. Should the operation in the opinion of the Council be changed or altered to the detriment of the neighbourhood, the Council reserves the right to call for the situation to be remedied or for the operation to cease.
- xi. The operator shall not employ more than 5 persons in connection with the crèche, whether or not such person ordinary resides on such premises.
- xii. Compliance with Council's applicable advertising policy and regulations.
- xiii. The applicant applying for the necessary certificate to operate a crèche.
- xiv. The respective requirements of the following Internal Departments be complied with to their satisfaction:
 - City Health (letter dated 24 June 2009);
 - Solid Waste (letter dated 12 June 2009) and the
 - Emergency Services (letter dated 4 May 2009).

ACTION : A VISAGIE, S MATTHYSEN

FOR INFORMATION : H BRENNER, G JESPERSEN, P DEACON, K PHILLIPS

PLANAP 15/11/10 CONSENT : REMAINDER ERF 70619, 7 PINEHILL AVENUE, PLUMSTEAD

It was noted that the appeal was postponed, until the next meeting scheduled for February 2011, on request of the applicant.

ACTION : N MEISSENHEIMER

FOR INFORMATION : P HOFFA, P ABSOLON, O KINAHAN, B FORD

PLANAP 16/11/10 TEMPORARY DEPARTURE : ERF 167910, 54 GABRIEL ROAD, PLUMSTEAD

It was noted that the appeal was postponed, until the next meeting scheduled for February 2011, on request of the applicant.

ACTION : N MEISSENHEIMER

FOR INFORMATION : P HOFFA, F ABRAHAMS, O KINAHAN, B FORD

PLANAP 17/11/10 TEMPORARY DEPARTURE : ERF 936, 8 CRUX LANE, OCEAN VIEW

Cllr T Amira recused himself from the discussion of this matter. Mr P Hoffa of the Planning Department elaborated on the report. The Chairperson welcomed the applicant, Mr and Mrs J W Lamb, Ms S Coka and Mrs H Klein.

Ms Coka & Mrs Kleyn, on behalf of Mr & Mrs Lamb, motivated the appeal as set out on pages 842 to 846 of the agenda for the meeting.

The Chairperson thanked the applicants for their presence.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr and Mrs J W Lamb, **BE UPHeld** for the following reasons:
 - the proposal will not result in an adverse change to the character of the area and will not negatively impact on the surrounding natural or built environment
 - the proposal complies with the approved house shop policy, especially with respect to the scale of the activity, and the owner / operator residing on the property
 - conditions are proposed to mitigate the impact of signage on the streetscape
- (b) the decision taken by the Spatial Planning, Environment and Land Use Management Committee at its meeting held on 14 July 2010 to refuse the application for a temporary departure for Erf 936, Ocean View, **BE REVOKED**
- (c) the application for a temporary departure for Erf 936, Ocean View, to permit a liquor shop to operate from an outbuilding **BE APPROVED**, subject to the imposition of conditions contained in Annexure A on pages 858 to 859 of the agenda for the meeting.

**ACTION : P HOFFA, S POSWA
FOR INFORMATION : D QUALLY, D MENTOR, G JESPERSEN, K
PHILLIPS**

At this stage, Cllr T Amira re-joined the meeting, after his recusal.

**PLANAP 18/11/10 TEMPORARY DEPARTURE : ERF 3392, 26 ANDRIES PRETORIUS
STREET, UPPER OAKDALE, BELLVILLE**

Ms M Louw of the Planning Department elaborated on the report. The Chairperson welcomed the applicant, Mr N Schoeman of Terraplan Town Planners.

Mr Schoeman motivated the appeal as set out on pages 903 to 908 of the agenda for the meeting.

The Chairperson thanked the applicant for his presence.

The inputs and the appeal were duly considered.

RESOLVED WITH 3 VOTES IN FAVOUR that:

- (a) the appeal submitted by Mr N Schoeman of Terraplan Town Planners **BE UPHELD** for the following reasons:
 - the proposal will not have a detrimental effect on the surrounding properties and the area as a whole
 - the proposal does fit into the physical character of the area
- (b) the decision taken by the Bergdal Subcouncil at its meeting held on 23 April 2010 to refuse the application for a temporary departure for Erf 3392, Bellville, **BE REVOKED**
- (c) the application for a temporary departure for Erf 3392, Bellville, to accommodate offices **BE APPROVED** for a period of 2 years,
- (d) the Finance Department be informed of the temporary land use departure, in order to levy the applicant for business rates on the property.

**ACTION : M LOUW, C RUDMAN
FOR INFORMATION : G TWIGG, F MONK**

PLANAP 19/11/10 REZONING : ERF 119118, 6 CLARENCE STREET, WOODSTOCK

Mr G September of the Planning Department elaborated on the report, whereupon the Chairperson welcomed the applicants, Messrs W Buhrmann and A Pratt and the Pinelands Subcouncil Chairperson, Ald B Watkyns.

The applicants motivated their appeal as set out on pages 957 to 962 of the agenda for the meeting.

Ald B Watkyns also commented on the appeal, whereupon he re-affirmed his support to the Subcouncil's decision in this regard.

The Chairperson thanked the applicants and the Subcouncil Chairperson for their presence.

The inputs and appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by the applicant, Willem Buhrmann Associates, **BE DISMISSED** for the reasons as depicted in the report on the agenda for the meeting.
- (b) the decision taken by the Pinelands Subcouncil at the meeting held on 7 July 2010 to refuse the application for rezoning of Erf 119118, Woodstock, **BE CONFIRMED**.

ACTION : G SEPTEMBER, N NKOSI

FOR INFORMATION : B WATKYNS, M GRIESSEL

**PLANAP 20/11/10 AMENDMENT OF LAND USE CONDITIONS AND DEPARTURES :
ERF 3607, 17 RUGBY ROAD, ORANJEZICHT**

Mr B Schoeman of the Planning Department elaborated on the report, whereupon the Chairperson welcomed the applicants, Messrs W Buhrmann and A Pratt and the objectors, Mr S Borwick of C & A Friedlander Attorneys, Adv D Baguley on behalf of Mr G Broomberg, Ms C Reilly, Ms L Viljoen, Mr & Mrs Boers, Mr P Labrosse of CIBRA and the Ward Councillor, Ald B Walker.

The objectors commented on the appeal as set out on pages 1086 to 1106 of the agenda for the meeting.

The applicants motivated their appeal as set out on pages 1076 to 1084 of the agenda for the meeting.

Ald B Walker further expressed her views on the matter and re-affirmed her support to SPELUM's decision in this regard.

The Chairperson thanked the applicants, objectors and the Ward Councillor for their presence.

The inputs and appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by the applicant, Willem Buhrmann Associates, **BE DISMISSED** for the reasons as depicted in the report on the agenda for the meeting.
- (b) the decision taken by the Spatial Planning, Environment and Land Use Management Committee at the meeting held on 14 July 2010 to refuse the application for the amendment of the land use conditions applicable to Erf 3607, Oranjezicht, **BE**

CONFIRMED.

ACTION : B SCHOEMAN, G SEPTEMBER
FOR INFORMATION : G JESPERSEN, T AMIRA, M COETSEE, K PHILLIPS

PLANAP 21/11/10 TEMPORARY DEPARTURE : ERVEN 13936, 13937, 13938, 93 – 97 TAMARISK STREET, DELFT

Mr S Mba of the Planning Department elaborated on the report. The Chairperson welcomed the applicants, Messrs A Xhashimba of Maccallums Attorneys, T Makhasi and S Puthago.

Mr A Xhashimba motivated the appeal as set out on pages 1262 to 1267 of the agenda for the meeting.

The Chairperson thanked the applicants for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr A Xhashimba of Maccallums Attorneys **BE UPHELD** for the following reason:
 - in terms of the applicable zoning scheme the property is zoned "Informal residential Zone" and may be utilized for business purposes, subject to:
 - (i) the dominant use of the property shall remain residential;
 - (ii) the use concerned shall not be disturbing to neighbours;
 - (iii) and shall not interfere with the amenity of the neighbourhood.
- (b) the decision taken by the Adelaide Tambo Subcouncil at its meeting held on 20 May 2010 to refuse the application for a temporary departure for Erven 13936, 13937 and 13938, Delft, **BE REVOKED**
- (c) the application for a temporary departure for Erven 13936, 13937 and 13938, Delft, in order to conduct a house tavern, **BE APPROVED** for a period of 36 months, subject to the imposition of the following conditions applicable to such operations :

"LAND USE MANAGEMENT

1. *This approval shall be valid for a maximum period of three (3) years from the date of Council's final notice of this decision in order to afford the applicant enough time to relocate the tavern business to an appropriately zoned property.*

The applicant shall cease the afore-mentioned business, or any related activities on the subject property before the date of expiry and, within 30 days after the business has been ceased, the property shall be converted back to only "Single Residential" and be cleared of all business related goods, equipment, materials, structures, name boards, etc.

2. *The applicant shall, within 2 months from final approval hereof, submit a Site Development Plan for approval by the Directorate: Planning and Building Development Management. The Site Development Plan must be drawn up in close deliberation with- and in accordance with the standards and specifications of the following departments.*
 - *Building Control Officer*
 - *Transport*
 - *Roads and Stormwater*
 - *Fire and Rescue Services*
 - *City Health*
 - *Solid Waste Management*
3. *The applicant shall, within 1 month from final approval of the Site Development Plan, as requested in the above Condition 2, submit a building plan for approval by the Building Control Officer in order to authorize any illegal building work and to endorse/permit building alterations necessary to temporarily accommodate the tavern business. The building plan must clearly indicate the permanent residential-, as well as the temporary business uses of each room/area on the subject property.*
4. *The tavern business may not commence prior to the approval and consequent implementation of the site development- and building plans in accordance to the requirements from all departments concerned.*
5. *No permanent structures or building extensions for business purposes shall be allowed on the property as a result of this approval.*
6. *The operating hours of the house tavern facility shall be restricted to:*

<i>Monday – Thursdays</i>	<i>13:00 p.m. to 20:00pm</i>
<i>Friday's and Saturdays</i>	<i>10:00 p.m. to 22:00p.m</i>
7. *Any signage/name/advertising boards intended to be displayed on the premises shall be strictly in accordance with Council's Outdoor Advertising By-law, for which a separate application must be*

submitted.

8. *No jukebox or other similar equipment may be installed and no disco(s), karaoke(s) or similar activities may take place on the premises.*
9. *This approval for temporary land use departure is subject to a successful application for a liquor license by the applicant.*
10. *In addition to the tavern business, the premises shall contain a dwelling house as the primary land use, which shall be occupied by the proprietor of the business. That Council reserves the right to impose any additional conditions if after due consideration, deems it necessary to impose such conditions.*
11. *Council reserves the right to impose any additional conditions if after due consideration, deems it necessary to impose such conditions.*

ROADS AND TRANSPORT PLANNING

12. *No additional service connections shall be provided to the site.*
13. *No parking may take place within 10m from the intersection of Tamarisk and Kurkbos Streets and no access to the subject property for parking purposes is permitted on the splay.*

CITY HEALTH

14. *The applicant shall comply with the Noise Control Regulations as per P.N. 627/1988 as promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance to surrounding property owners. In this regard it must be noted that any noise producing plant or equipment must be adequately muffled.*
15. *The building must be soundproofed to such an extent that the music is not audible outside the building.*
16. *The premises must comply with the smoking regulations in accordance with Tobacco Products Control Amendment Act, 1999 (Act 12 of 1999).*
17. *Should food be prepared or handled on the subject property, application for a business licence must be made for a Certificate of Acceptability for Food premises in terms of regulation R918 dated 30/07/09 promulgated under Health Act 1977, (Act 63 of 1977).*

18. *Any mechanical ventilation system is subject to the submission of plans under the supervision of a professional engineer or other approved competent person.*

SOLID WASTE MANAGEMENT

19. *The owner must liaise with the Solid Waste Corporate Call Centre on 086 010 3089 to make necessary arrangements to acquire additional refuse containers and that such containers be placed on the sidewalk/kerbside nearest to a public road and be accessible to Council's refuse collection vehicle on scheduled collection days, as Council's vehicle and staff will not enter private property. The refuse bins will have to be stored in an enclosed area and must be regularly washed to maintain good hygienic standards at all times.*
20. *The operator/owner shall put measures in place to prevent littering in and around the subject premises and that it be kept in a neat and tidy condition at all times.*

FIRE AND SAFETY

21. *2x4.5 kg of dry chemical powder fire extinguishers must be provided.*
22. *Adequate fire escape routes and doors must be provided with a minimum width of 1.1 metres.*
23. *All fire escape doors shall be provided with approved type locking devices (panic bolts), these doors to be kept unlocked during hours of operation.*
24. *All fire escape routes shall be kept clear and unobstructed at all times.*
25. *SABS approved photo luminescent symbolic safety signs (running man and directional arrow) shall be provided to clearly indicate direction of travel for escape purposes.*
26. *The applicant shall comply with SANS 10400 and the Community Fire Safety By-law, as per Provincial Gazette 5832, with special reference to the provision of escape routes, vehicular access for emergency purposes and the provision of firefighting equipment.*
27. *The maximum number of people on the property is restricted to 25 persons at any given time."*

**ACTION : S MBA, C NEWMAN
FOR INFORMATION : A ROBINSON, T SIWISA**

PLANAP 22/11/10 TEMPORARY DEPARTURE : ERF 6502, 1 DAFFODIL STREET, SAREPTA, KUILSRIVER

Mr R Snyman of the Planning Department elaborated on the report. The Chairperson welcomed the applicants, Mr and Mrs N Salman.

Mr N Salman motivated the appeal as set out on pages 1318 to 1331 of the agenda for the meeting.

The Chairperson thanked the applicants for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

RESOLVED WITH 3 VOTES IN FAVOUR that:

- (a) the appeal submitted by Mr N Salman **BE UPHOLD** for the following reason:
 - the approval of the subject application will not negatively impact on the residential character of Sarepta.
- (b) the decision taken by the Oostenberg Subcouncil at its meeting held on 19 May 2010 to refuse the application for a temporary departure for Erf 6502, Kuilsriver, **BE REVOKED**
- (c) the application for a temporary departure for Erf 6502, Kuilsriver, to permit the operation of a tuck-shop, **BE APPROVED** for a period of 2 years, subject to the imposition of conditions applicable to such operations as determined by the relevant Departments.

**ACTION : R SNYMAN, C NEWMAN
FOR INFORMATION : A ROBINSON, T SIWISA**

PLANAP 23/11/10 TEMPORARY DEPARTURE : ERF 24786, 5 LEWIS ROAD, BELHAR

Mr S Mba of the Planning Department elaborated on the report. The Chairperson welcomed the applicants, Mr & Mrs M Brown and Mr Rhode.

Messrs Brown and Rhode motivated the appeal as set out on pages 1396 to 1399 of the agenda for the meeting.

The Chairperson thanked the applicants for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

RESOLVED WITH 3 VOTES IN FAVOUR that:

- (a) the appeal submitted by Mr M Brown, **BE UPHOLD**, subject to conditions to be imposed.

- (b) the decision taken by the Adelaide Tambo Subcouncil at its meeting held on 22 April 2010 to refuse the application for a temporary departure on Erf 24786, Belhar, **BE REVOKED**
- (c) the application for a temporary departure on Erf 24786, Belhar, to permit a spray painting and panel beating business, **BE APPROVED** for a period of 2 years, subject to the imposition of the following conditions applicable to such operations :

“LAND USE MANAGEMENT

1. *This approval shall be valid for a maximum period of two(2) years from the date of Council's final notice of this decision in order to afford the applicant enough time to relocate his panel beating and spray painting business to an appropriately zoned property. The applicant shall cease the afore-mentioned business, or any related activities on the subject property before the date of expiry and, within 30 days after the business has been ceased, the property shall be converted back to only "Single Residential" and be cleared of all business related equipment, materials, structures, name boards, etc.*
2. *No permanent structures or building extensions for business purposes shall be allowed on the property as a result of this approval.*
3. *The operating hours of the panel beating and spray painting business shall be restricted to Monday's to Saturday's from 09:00 p.m. to 17:00pm*
4. *Any signage/name/advertising boards intended to be displayed on the premises shall be strictly in accordance with Council's Outdoor Advertising By-law, for which a separate application is to be submitted.*
5. *The applicant shall, within 2 months of final approval hereof, apply to the Building Control Officer for endorsement of his/her existing approved building plan for temporary use of the existing building in accordance with this approval.*
6. *The spray painting and panel beating of vehicles may only take place in the existing garage (28,5m² in floor area), as indicated on the submitted Site Layout Plan No. 24786/Nov 2010 and no activity related to the business, including the parking of vehicles to be repaired, shall take place on the pavement or in the street outside the boundaries of the subject property.*

7. *In addition to the spray painting and panel beating business, the premises shall contain a dwelling house as the primary land use, which shall be occupied by the proprietor of the business.*
8. *No more than two persons may engage in spray painting and panel beating activities on the premises.*

TRANSPORT PLANNING

9. *The applicant shall, within 2 months from final approval hereof, submit a revised Parking Layout Plan for approval by Council's Transport Planning Department in accordance with their standards and specifications. This plan must be approved (and implemented where applicable) prior to commencing with the panel beating and spray painting activities.*
10. *Council reserves the right to impose any additional conditions if after due consideration, deems it necessary to impose such conditions.*

ROADS AND STORMWATER

11. *No additional service connections shall be provided to the subject property.*
12. *The area to be used for panel beating and spray painting (workshop) shall not exceed 28,5m² in extent.*
13. *The applicant shall, within 2 months from final approval hereof, submit a Business Plan regarding the on-site storage of materials and parts related to the panel beating and spray painting business, as well as the removal of waste material from the site. The Business Plan must be submitted for approval by the Directorate: Roads and Stormwater prior to commencing with the panel beating and spray painting activities.*

CITY HEALTH

14. *The applicant shall comply with the requirements in terms of the Air Pollution Control By-Law 5979, promulgated in Provincial Gazette, Extraordinary dated 04 February 2003. The applicant shall also comply with the Air Pollution and Prevention Act 45, dated 1965. In terms of Sections 15 and 16 this Act, applications shall be made to install/alter/extend a fuel burning appliance, i.e. a spray booth. The applicant must obtain the detail requirements regarding the aforementioned at the Directorate: City Health, which requirements, where and when applicable, must be complied with prior to commencing with the panel beating and spray painting activities.*

15. *The applicant shall comply with the Noise Control Regulations as per P.N. 627/1988 as promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance to surrounding property owners. In this regard it must be noted that any noise producing plant or equipment must be adequately muffled.*
16. *The building must be soundproofed to such an extent the noise generated by the business is not audible outside the building.*

SOLID WASTE MANAGEMENT

17. *That the owner liaise with the Solid Waste Corporate Call Centre on 086 010 3089 to make necessary arrangements to acquire additional refuse containers and that such containers be placed on the sidewalk/kerbside nearest to a public road and be accessible to Council's refuse collection vehicle on scheduled collection days, as Council's vehicle and staff will not enter private property. The refuse bins will have to be stored in an enclosed area and must be regularly washed to maintain good hygienic standards at all times.*
18. *That the operator/owner put measures in place to prevent littering in and around the subject premises and that it be kept in a neat and tidy condition at all times.*

FIRE AND SAFETY

19. *The applicant shall comply with SANS 10400 and the Community Fire Safety By-law, as per Provincial Gazette 5832, with special reference to the construction of a spray room, booth or area designed for application of a flammable liquid and must be equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act. The applicant must obtain the detail requirements regarding the afore-mentioned at the Directorate: Safety, which requirements, where and when applicable, must be complied with prior to commencing with the panel beating and spray painting activities."*

**ACTION : S MBA, C NEWMAN
FOR INFORMATION : A ROBINSON, T SIWISA**

**PLANAP 24/11/10 APPLICATION TO ERECT A THIRD PARTY
ADVERTISING SIGN : ERF 173335, 6A MARINE DRIVE, PAARDEN
EILAND**

It was noted that the appeal was postponed, until the next meeting

scheduled for February 2011 on request of the applicant.

ACTION : N MEISSENHEIMER

FOR INFORMATION : P HOFFA, D QUALLY, D MENTOR

**PLANAP 25/11/10 APPLICATION TO ERECT A THIRD PARTY
ADVERTISING SIGN : ERF 32294, 1 FOUR JAY ROAD,
MILNERTON, CAPE TOWN**

Mr M Doublé of the Planning Department elaborated on the report.

The comments and appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Blackboard Media, **BE DISMISSED** for the reasons as depicted in the report on the agenda for the meeting.
- (b) the decision taken by the Spatial Planning, Environment and Land Use Management Committee at the meeting held on 25 February 2009 to refuse the application for the erection of a third party sign on Erf 32294, Milnerton, **BE CONFIRMED**.

ACTION : M DOUBLÉ, D EVANS

FOR INFORMATION : H BRENNER, P DEACON

**PLANAP 26/11/10 CONDITIONS OF REZONING APPROVAL : FARM 242,
LANGVERWACHT ROAD, KUILSRIVER**

Ms S van Gend of the Planning Department elaborated on the report.

The comments and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by TV3 Town and Regional Planners, **BE UPHOLD** for the reasons as depicted in the report on the agenda for the meeting.
- (b) the decision taken by the Spatial Planning, Environment and Land Use Management Committee at its meeting held on 10 February 2010 to approve the application for subdivision and rezoning on Farm 242, Kuilsriver, **BE VARIED**
- (c) the application for conditions of rezoning approval on Farm 242, Kuilsriver, **BE APPROVED**, as amended by the relevant Departments.

ACTION : C MINNAAR, C NEWMAN

FOR INFORMATION : W BRADY, P GROBLER

PLANAP 27/11/10 TEMPORARY DEPARTURE : ERF 29741, 26 – 3RD AVENUE, BOSTON, BELLVILLE

Ms S van Gend of the Planning Department elaborated on the report.

The comments and appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Headland Planners, **BE DISMISSED** for the reasons as depicted in the report on the agenda for the meeting.
- (b) the decision taken by the Tygerberg Subcouncil at the meeting held on 23 July 2010 to refuse the application for temporary departure of Erf 29741, Bellville, **BE CONFIRMED**.

ACTION : M DWANGU, C NEWMAN

FOR INFORMATION : F KEARNS, A VAN NIEKERK

PLANAP 28/11/10 REZONING : ERF 613, KENRIDGE, DURBANVILLE

Cllr T Amira recused himself from the discussion of this item.

Ms M Louw of the Planning Department elaborated on the report.

The comments and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr J H van Heerden **BE UPHELD** for the following reason:
 - the application is seen in line with the proposals as set out in the Kenridge Extension 2 Land Use Management Program (2nd draft) approved 15 July 2002
 - the application provides sufficient parking on-site
 - the application is not considered to have a detrimental impact on the existing rights and the well-being of the community in terms of parking provision or traffic movement.
- (b) the decision taken by the De Grendel Subcouncil at its meeting held on 22 July 2010 to approve the application in terms of Section 17 of the Land Use Planning Ordinance 15 of 1985 for rezoning of Erf 613, Durbanville, **BE VARIED**
- (c) the conditions of approval with the approval of the application for rezoning of Erf 613, Durbanville, in order to operate offices, **BE APPROVED**, subject to the imposition of the amended conditions as determined by the relevant Departments.

ACTION : G FOURIE, C RUDMAN

FOR INFORMATION : J VOS, J BRAND

At this stage, Cllr T Amira re-joined the meeting, after his recusal.

PLANAP 29/11/10 SCHEDULE OF APPEALS RECEIVED BY THE PLANNING DEPARTMENT AND STILL TO BE REFERRED TO THE PLANNING & GENERAL APPEALS COMMITTEE FOR CONSIDERATION

RESOLVED that it be noted that the tabled schedule of valid appeals received by the District Planning Departments during the month of November 2010 for submission to the Planning and General Appeals Committee or City Manager for consideration, be noted.

FOR INFORMATION : COMMITTEE MEMBERS

PLANAP 30/11/10 OUTSTANDING MATTERS

None

THE MEETING ENDED AT 15:35.

**ALD D SMIT
 CHAIRPERSON**

DATE

- MINUTES -

OF THE MEETING OF THE PLANNING AND GENERAL APPEALS COMMITTEE HELD IN COMMITTEE ROOM "D", 5TH FLOOR, PODIUM BLOCK, CIVIC CENTRE, CAPE TOWN ON FRIDAY, 11 FEBRUARY 2011 AT 10:00.

PRESENT : COMMITTEE MEMBERS

Councillor T Amira	(Acting Chairperson)
Alderman D Smit	(arrived at 11:30)
Councillor B Herron	
Councillor M Murudker	(left at 12:20)
Alderman F Purchase	
Councillor F Raymond	
Councillor T Sikhutshwa	(left at 15:00)

OTHER COUNCILLORS

Ald J P Smith

OFFICIALS

N Meissenheimer	(Executive Committee Services)
J Abrahams	(Executive Committee Services)
H van Zyl	(Legal Services)
M Doublé	(Planning)
G Hanekom	(Planning)
P Hoffa	(Planning)
L Janssens	(Planning))
P Mantyi	(Planning)
S Maree	(Health)
K McGilton	(Planning)
B Schoeman	(Planning)
G September	(Planning)
A Smit	(Planning)
S van Rensburg	(Planning)
J van der Westhuizen	(Planning)

PRESS

None

PUBLIC

As per attendance register

ABSENT WITH APOLOGY

None

ABSENT WITHOUT APOLOGY

None

PLANAP 01/02/11 OPENING AND MOMENT OF SILENCE

Due to the absence of the Chairperson, nominations were requested to elect an Acting Chairperson for the duration of the meeting.

Ald F Purchase, seconded by Cllr M Murudker, nominated Cllr T Amira to chair the meeting. The nomination was duly supported.

The Acting Chairperson, Cllr T Amira welcomed everybody present, whereupon a moment of silence was observed.

PLANAP 02/02/11 APPLICATIONS FOR LEAVE

It was noted that Ald D Smit extended his apology, but indicated that he would possibly join the meeting at a later stage.

PLANAP 03/02/11 DECLARATION OF INTEREST

The following Councillors declared their presence during the consideration of the items at their respective Subcouncil meetings or Mayco as follows:

Cllr T Amira	Items PLANAP 14, 16 and 21
Cllr B Herron	Items PLANAP 15, 19 and 21
Ald F Purchase	Item PLANAP 21

The Acting Chairperson advised that the abovementioned Councillors need to recuse themselves during the discussion of the abovementioned items.

NOTED.

PLANAP 04/02/11 CONFIRMATION OF MINUTES OF THE MEETINGS HELD ON 12 NOVEMBER 2010

RESOLVED that the minutes of the meeting held on 12 November 2010, be confirmed.

FOR INFORMATION : N MEISSENHEIMER

PLANAP 05/02/11 SCHEDULE OF INVALID APPEALS

A schedule of appeals was submitted for consideration to determine the validity of the listed appeals.

The Committee was advised that the applicant of Erf 9822, 47 Upper De Waal Road, Fish Hoek formally informed the relevant Planning Department of his intention to appeal within the prescribed 21 day period.

The appeals were duly considered by the members of the Committee.

UNANIMOUSLY RESOLVED that:

- (a) the following appeals be **DECLARED INVALID**, as these were received after the prescribed 21 day period:
- Erf 14912, 43 Steamboat Road, Strandfontein
 - Erf 2377/68 – 4 Kingfisher Street, Ocean View
 - Erf 3874/67 – 12 Harbour Close, Simon's Town
 - Erf 2377, 4 Kingfisher Street, Ocean View
- (b) the appeal on Erf 9822, 47 Upper De Waal Road, Fish Hoek, be **DECLARED VALID**.

ACTION : Q SAVAHL, F ABRAHAMS, S POSWA, E ROSSOUW

PLANAP 06/02/11 SUBDIVISION OF REMAINDER ERF 2575, CHAPEL LANE, SIMON'S TOWN

Mr P Hoffa of the Planning Department elaborated on the report, whereupon the Acting Chairperson welcomed the applicant, Mr I Russel of Sonnenberg & Associates.

Mr Russel motivated his appeal as set out on pages 45 to 47 of the agenda for the meeting.

The Acting Chairperson thanked the applicant for his presence.

The input and appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by the applicant, Mr I Russel of Sonnenberg & Associates, **BE DISMISSED** for the following reason:
- there is no acceptable vehicular access to the subdivided portions and thus no additional development rights should be granted until vehicular access is secured or alternative parking is provided.

- (b) the decision taken by the South Peninsula Subcouncil at the meeting held on 17 August 2009 to refuse the application for subdivision of remainder Erf 2575, Simon's Town, **BE CONFIRMED**.

ACTION : P HOFFA
FOR INFORMATION : D QUALLY, D MENTOR

PLANAP 07/02/11 TEMPORARY DEPARTURE : ERF 7730, 6 RATHERFELDER AVENUE, CONSTANTIA

Mr P Hoffa of the Planning Department elaborated on the report.

The Acting Chairperson welcomed the applicants, Mr M Olden and Ms M Nell, whereupon Mr Olden presented his appeal as set out on pages 86 to 102 of the agenda.

The Acting Chairperson thanked the applicants for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr M Olden of Holtmann Olden & Associates, **BE UPHELD** for the following reasons:
- the proposal is relatively low key and the scale of the activity is low
 - the proposal would not negatively impact on the character of the area, particularly given the proposed conditions
 - a residential component will be retained in the second dwelling.
- (b) the decision taken by the Protea Subcouncil at the meeting held on 19 January 2010 to refuse the application for a temporary departure on Erf 7730, Constantia, **BE REVOKED**
- (c) the application for a temporary departure on Erf 7730, Constantia to legalize the operation of an injury rehabilitation and exercise therapy / pilates studio, **BE APPROVED**, subject to the imposition of conditions as set out on pages 128 to 129 of the agenda.

ACTION : P HOFFA, S POSWA
FOR INFORMATION : O KINAHAN, B FORD

PLANAP 08/02/11 TEMPORARY DEPARTURE : ERF 167910, 54 GABRIEL ROAD, PLUMSTEAD

Mr P Hoffa of the Planning Department elaborated on the report. The Acting Chairperson welcomed the applicants, Messrs M Robarts and

C Sullivan, whereupon they presented their appeal as set out on pages 168 to 171 of the agenda.

The Acting Chairperson thanked them for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr M Robarts, **BE UPHOLD** for the following reasons:
- the activity is low operation
 - the application is in compliance with the Main Road Growth Management Strategy
 - the Directorate : Transport Planning had no objection to this application, subject to the conditions imposed in Annexure A, as reflected in the report of the agenda
 - the proposal does not lack desirability and does not impact on any existing rights.
- (b) the decision taken by the Protea Subcouncil at the meeting held on 19 May 2010 to refuse the application for temporary departure on Erf 167910, Plumstead, **BE REVOKED**
- (c) the application for departure on Erf 167910, Plumstead to permit a laundry (laundrette) to operate on the property, **BE APPROVED**, subject the imposition of conditions attached as Annexure A in the Departmental report dated 13 May 2010 on the agenda for the meeting.

ACTION : P HOFFA, F ABRAHAMS
FOR INFORMATION : O KINAHAN, B FORD

PLANAP 09/02/11 APPLICATION TO ERECT A THIRD PARTY ADVERTISING SIGN : ERF 173335, 6A MARINE DRIVE, PAARDEN EILAND

Mr M Doublé of Environmental Resource Management elaborated on the report. Cllr F Raymond mentioned that the documents pertaining to the High Court application – case number 9410/2010 were not included in the report when this matter was considered at the previous authority of Council. He therefore proposed that this report, with the inclusion of the court documentation, be referred back to SPELUM for comment, if the documentation is relevant to the application.

Mr J van der Westhuizen of the Planning Department advised that, if the Court ruling or documentation has no relevance to the application, the matter again be submitted to PLANAP for consideration.

The Legal Advisor need to scrutinize the documentation, in order to

determine if it contains new information or evidence pertaining to the signage application.

The proposal was duly supported.

UNANIMOUSLY RESOLVED that the report be referred back to SPELUM or PLANAP, depending on the relevance of the court ruling or -documentation on this application.

**ACTION : N MEISSENHEIMER, D EVANS, M DOUBLÉ
FOR INFORMATION : G JESPERSEN, K PHILLIPS**

PLANAP 10/02/11 SUBDIVISION : REMAINDER ERF 47658, RONDEBOSCH

Mr P Hoffa of the Planning Department elaborated on the report. The Acting Chairperson welcomed the applicants, Mr K Hodge and Ms M Atwell, whereupon they commented on the appeal by presenting a power point presentation and motivation as set out on pages 462 to 471 of the agenda for the meeting.

The Acting Chairperson thanked them for their presence, whereupon they were excused.

The inputs and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr K Hodge, **BE UPHeld** for the reasons as set out on page 450 of the agenda for the meeting.
- (b) the decision taken by the Protea Subcouncil at the meeting held on 18 August 2010 to refuse the application for subdivision on remainder Erf 47658, Rondebosch, **BE REVOKED**
- (c) the application for subdivision on remainder Erf 47658, Rondebosch to subdivide the subject property into 4 residential portions, **BE APPROVED**.

**ACTION : P HOFFA, D SUTTLE
FOR INFORMATION : O KINAHAN, B FORD**

The Acting Chairperson requested that item 14 be brought forward for discussion, in order to maintain a quorum. Cllr Amira had to recuse himself on this item, whereupon Ald F Purchase acted as Chairperson. The item is however recorded in numerical sequence.

During the discussion of item 14, Ald D Smit joined the meeting and at conclusion of item 14, he took the chair.

PLANAP 11/02/11 TEMPORARY DEPARTURE : ERF 1360, 11 COMET ROAD, OCEAN VIEW

RESOLVED that it be noted that this item had been postponed until the

next meeting scheduled for 11 March 2011.

**ACTION : N MEISSENHEIMER
FOR INFORMATION : P HOFFA, P ABSOLON**

**PLANAP 12/02/11 CONSENT : ERF 112198, 12 FRANS MARONEY STREET,
RETREAT**

Mr P Hoffa of the Planning Department elaborated on the report, whereupon the Chairperson welcomed the objectors, Mr & Mrs J Botha and Mr R May. The applicant, Mr S Moses indicated that he would not attend the meeting

The objectors commented on the appeal as set out on pages 565 to 571 of the agenda for the meeting.

The Chairperson thanked the objectors for their presence.

The inputs and appeal were duly considered.

RESOLVED BY 3 VOTES IN FAVOUR that:

- (a) the appeal submitted by the applicant, Mr S Moses, **BE DISMISSED** for the reasons as set out on page 536 of the report on the agenda.
- (b) the decision taken by the Rondevlei Subcouncil at the meeting held on 23 September 2010 to refuse the application for consent of Erf 112198, Retreat, **BE CONFIRMED**.

**ACTION : P HOFFA, P ABSOLON
FOR INFORMATION : G MARCH, O MANUEL**

The decisions of Items PLANAP 13/02/11 and 14/02/11 were referred to the next meeting for correction and confirmation, due to the absence of Cllr B Herron and Ald F Purchase.

PLANAP 15/02/11 PERMANENT DEPARTURE : ERF 32254, LAGOON VIEWS FLATS, LOXTON ROAD, MILNERTON

Cllr B Herron recused himself from the discussion of this item.

Mr S van Rensburg of the Planning Department elaborated on the report, whereupon the Chairperson welcomed the applicant, Mr M Koumbatis.

The applicant motivated his appeal as set out on pages 842 to 845 of the agenda for the meeting.

The Chairperson thanked the applicant for his presence.

The inputs and appeal were duly considered.

RESOLVED BY 3 VOTES IN FAVOUR that:

- (a) the appeal submitted by the applicant, Mr M Koumbatis, **BE DISMISSED** for the following reason:
 - the application for departure and amendments to the site development plan is not desirable as it derogates the value of surrounding properties and is not in public interest.

- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 10 May 2010 to refuse the application for permanent departure and the amendment of the approved site development plan of Erf 32254, Milnerton, **BE CONFIRMED**.

**ACTION : S VAN RENSBURG, R VAN WIJK
FOR INFORMATION : H BRENNER, P DEACON**

At this stage, Cllr B Herron re-joined the meeting.

The decision of Item PLANAP 16/02/11 was referred to the next meeting for correction and confirmation, due to the absence of Cllr B Herron and Ald F Purchase.

PLANAP 17/02/11 CONSENT : ERF 42172, MITCHELLS PLAIN

Mr G Hanekom of the Planning Department elaborated on the report.

The comments and the appeal were duly considered.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr E Martin, **BE DISMISSED** for the reasons as set out on pages 1367 to 1368 of the report on the agenda for the meeting.

- (b) the decision taken by the Charlotte Maxeke Subcouncil at the meeting held on 19 July 2010 to refuse the application for a consent use to operate a tyre shop on Erf 42172, Mitchell's Plain, **BE CONFIRMED**.

**ACTION : G HANEKOM, M VAN DER WALT
FOR INFORMATION : S PRINGLE, T SIWISA**

At this stage, namely at 15:00, Cllr T Sikhutshwa left for the remainder of the meeting.

PLANAP 18/02/11 DEPARTURE : ERF 2315, 45 NOLTE STREET, STRAND

The Committee noted that the applicant amended his application in order to comply with the relevant zoning scheme regulations and land use planning ordinance.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Mr H Bayat, **BE UPHELD.**
- (b) the decision taken by the Helderberg Subcouncil at the meeting held on 12 August 2010 to approve all departure applications on Erf 2315, Strand, **BE VARIED,**
- (c) the application for various departures on Erf 2315, Strand **BE APPROVED,** subject to the variation of the imposed conditions to the subject property.

**ACTION : L JANSSENS
FOR INFORMATION : A FOURIE, I DU TOIT**

PLANAP 19/02/11 TEMPORARY DEPARTURE : ERF 23660, 164 CORONATION ROAD, MAITLAND

Cllr B Herron recused himself from the discussion of this item. Mr G September of the Planning Department elaborated on the report.

UNANIMOUSLY RESOLVED that:

- (a) the appeal submitted by Goodall Prop Trust, **BE UPHELD.**
- (b) the decision taken by the Blaauwberg Subcouncil at the meeting held on 20 May 2010 to approve the application for temporary departure on Erf 23660, Maitland, **BE VARIED,**
- (c) the application for temporary departure on Erf 23660, Maitland, **BE APPROVED,** subject to the imposition of the amended conditions.

**ACTION : B SOARES
FOR INFORMATION : H BRENNER, P DEACON**

At this stage, Cllr B Herron re-joined the meeting.

PLANAP 20/02/11 SPECIAL CONSENT : ERF 2677, SCHOONGEZICHT, DURBANVILLE

Ms A Smit of the Planning Department elaborated on the report.

RESOLVED WITH 4 VOTES IN FAVOUR that:

- (a) the appeal submitted by Mrs B Olivier, **BE UPHELD**.
- (b) the decision taken by the Koeberg Subcouncil at the meeting held on 18 October 2010 to refuse the application for special consent on Erf 2677, Durbanville, **BE REVOKED**
- (c) the application for special consent on Erf 2677, Durbanville to permit a place of instruction (Daycare centre accommodating 24 children) , **BE APPROVED**.

**ACTION : A SMIT, M LOUW
FOR INFORMATION : C IPSER, E DU PLESSIS**

PLANAP 21/02/11 APPEAL AGAINST DECISION OF MAYORAL COMMITTEE : APPEAL IN TERMS OF SECTION 62 OF THE MUNICIPAL SYSTEMS ACT (SYSTEMS ACT) AGAINST APPLICATION FOR PROPOSED UITKAMP RESIDENTIAL DEVELOPMENT: MAYCO DECISION IN FAVOUR OF DEVELOPMENT OPTION 4

The Chairperson informed the Committee that the matter had been withdrawn administratively, in order to obtain legal advice. No further discussion ensued.

RESOLVED that the appeal against the decision of the Mayoral Committee in terms of section 62 of the Municipal Systems Act in respect of the application for the proposed Uitkamp Residential Development received from the Durbanville Community Forum, be referred back for legal advice in this regard.

ACTION : H VAN ZYL, H CARSTENS

PLANAP 22/02/11 SCHEDULE OF APPEALS RECEIVED BY THE PLANNING DEPARTMENT AND STILL TO BE REFERRED TO THE PLANNING & GENERAL APPEALS COMMITTEE FOR CONSIDERATION

RESOLVED that it be noted that the tabled schedule of valid appeals received by the District Planning Departments during the month of February 2011 for submission to the Planning and General Appeals Committee or City Manager for consideration, be noted.

FOR INFORMATION : COMMITTEE MEMBERS

PLANAP 23/02/11 OUTSTANDING MATTERS

The applicants, Messrs Louis Herbert and Thys Lourens, on behalf of their clients, requested in writing that their applications in respect of Erf 70619, Plumstead and Erf 113844, Athlone, be withdrawn.

RESOLVED that the withdrawal of the following applications, be noted:

- Consent : Remainder Erf 70619, 7 Pinehill Avenue, Plumstead
- Consent : Erf 113844, 108 Shaanti Crescent, Gatesville, Athlone

FOR INFORMATION : COMMITTEE MEMBERS, Q SAVAHL, M MULLER, C CLAYTON, E CAROLISSEN

At this stage, the Chairperson proposed that future meetings of the Planning and General Appeals Committee should commence at 09h00.

The proposal was duly supported.

RESOLVED that future meetings of the Planning and General Appeals Committee commence at 09H00.

FOR INFORMATION : COMMITTEE MEMBERS

THE MEETING ENDED AT 15:20.

CLLR T AMIRA
ACTING CHAIRPERSON

DATE

ALD D SMIT
CHAIRPERSON

DATE