



REPORT TO MUNICIPAL PLANNING TRIBUNAL

CASE ID		70475981			
CASE OFFICER		Jevon Jacobs			
CASE OFFICER PHONE NO		021 444 7514			
DISTRICT		TYGERBERG			
REPORT DATE		28 October 2019			
INTERVIEW REQUESTED	APPLICANT	YES		NO	X
	OBJECTOR(S)				X

ITEM NO **MPTNE13/11/19**

APPLICATION FOR ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL) IN RESPECT OF ERF 8958, PAROW 9 ROY DE VRIES CLOSE, PLATTEKLOOF.

1 EXECUTIVE SUMMARY

Property description	Erf 8958, Parow.
Property address	9 Roy De Vries Close, Plattekloof 1.
Site extent	1 409m ²
Current zoning	Single Residential 1 (SR1)
Current land use	Dwelling house and unauthorised administrative offices.
Overlay zone applicable	None.

Submission date	02 October 2019.
Subject to PHRA / SAHRA	No.
Any unauthorised land use / building work?	Unauthorised land use of administrative offices being operated on the property.
Has owner applied for the determination of an administrative penalty	Yes.
Has the City Manager applied to the MPT for an order that a person who is contravening the MPBL must pay an administrative penalty in an amount determined by the MPT	No.
Has the City issued a demolition directive i.t.o section 128 of the MPBL? If yes, an administrative penalty may not be applied for.	No.
Has the City served a notice on the owner or other person in respect of the unlawful land use or building work which required the owner or other person to apply for the determination of an administrative penalty?	No.

2 DECISION AUTHORITY

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For decision by the Municipal Planning Tribunal.

3 BACKGROUND / SITE HISTORY

Erf 8958, Parow is currently zoned as Single Residential 1 (SR1). However, there is an unauthorised land use operating from the property.

The owners are unlawfully utilising the upper level portion of the dwelling unit on the property as administrative offices to operate an insurance business. Hence the application for the determination of an Administrative Penalty in terms of Item 129 of the MPBL, 2015. Therefore, this land use contravenes the MPBL of 2015 as per section 39(1) and 42 of the Development Management Scheme (DMS).

4 SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation of the proposed is attached as Annexure C and may be summarised as follows:

- The business nature of the unlawful land use does not negatively affect surrounding properties or neighbours as there is no major increase in patrons to the property or area. As a result, neighbours welcomed the (unauthorised) land use.
- The current owners had no choice but to continue operation of the administrative offices upon occupying the property in May 2019.
- The unlawful land use is also motivated by the applicant to be temporary.
- No building works were performed on the property. Therefore, the gravity is motivated by the applicant to be minor.
- The unlawful land use will be limited to the upper level of the dwelling unit, measuring 136,6m².
- The owners are acting in the best interest of neighbours by seeking rectification of this contravention.
- The owners believed they were allowed to operate a business from the property, considering the presence of non-residential uses of surrounding properties nearby.
- The owners have not previously contravened any By-law or planning legislation.

5 ASSESSMENT OF APPLICATION

- 5.1 As indicated above, the unauthorised land use is in contravention of the Development Management Scheme (DMS).

- 5.2 In terms of section 129(7)(b) of the By-Law, an administrative penalty for the land use contravention may not be more than 100% of the municipal valuation of the area that is used unlawfully.

Administrative Penalty: Calculation

5.2.1 Unauthorised land use

$$\frac{\text{Total Municipal Value of property (R6 000 000)}}{\text{Total area of property (1409.27m}^2\text{)}} \times \text{Total Unlawful Area (136.6m}^2\text{)} = \text{R581 577.70}$$

An amount which is not more than 100% of R581 577.70 may be imposed as an administrative penalty.

- 5.3 The following factors need to be considered when determining an appropriate administrative penalty, as contemplated by section 129(8) of the By-Law:

a) The nature, duration, gravity and extent of the contravention

Nature - The land use contravention involves utilising the upper level of the dwelling unit of the property as administrative offices for an insurance business. Although the applicant indicates the extent of the unlawful use as 136.6m², this includes only the actual office space. As all rooms on the first floor are utilized for office purposes, it should be deduced that other facilities such as the kitchen and ablution spaces also to be found on the first floor, are also utilized in support of the business. The extent of the unlawful activity is therefore greater than what is reflected in the applicant's motivation and plan submitted. This unlawful land use is also motivated by the applicant to be temporary with an application for temporary departure in terms of Item 42(c) of the MPBL, 2015 to be submitted once the Administrative Penalty has been finalised and paid.

Duration – The unlawful land use has been in operation since May 2019.

Gravity – Considering that the unauthorised land use is operating from a portion of a property that underwent no building works, as well as the minor intrusive nature of the administrative offices, the gravity of the unlawful activity is viewed to be of a medium nature.

Extent – The total extent of the unauthorised land use is in excess of 136.6m² (total m² of the first floor given as 332m²).

b) The conduct of the person involved in the contravention

According to the applicant's motivation, the owners commenced with the business based on their belief that, considering existing businesses in the area, it would be possible for them to conduct the office business

from the subject premises. The motivation however does not provide clarity on whether the owner was aware that the submission of a Land Use Management application would be required. Although no notice was served on the owner to cease the unauthorised land use activity, the owner has nevertheless out of his own initiative appointed a registered professional to assist with the submission of the necessary LUM application and determination of the administrative penalty.

c) Whether the unlawful conduct was stopped

The unlawful land use has not ceased and remains in operation.

d) Whether a person involved in the contravention has previously contravened this By-Law or any other planning law

Other than the land use contravention under discussion in this report, there is no evidence that the owner has previously contravened the provisions of the MPBL or any other planning legislation.

- 5.4 Given that the unauthorised land use operates within an approved existing structure, as well as the short duration and moderate gravity of the contravention, an approximate guide of 2% administrative penalty is considered appropriate. This results in an administrative penalty amount of R10 000,00.

6 REASONS FOR DECISION

Reasons for the recommended decision may be summarised as follows:

- The nature of the contravention involves an unauthorised land use that has been in existence since May 2019, which is considered a short duration.
- The extent of the unauthorised land use is in excess of the 136.6m² motivated by the applicant.
- The applicant/owner is willing to rectify the unauthorised land use and was forthcoming with information on request.
- Although the applicant motivates that the existence of other businesses in the immediate area made the owner believe that it would be possible to conduct the office business from the subject property, the owner was nevertheless clearly aware that a Land Use Management application would be required with the appointment of a registered professional to assist in this regard without being prompted by an enforcement notice.
- There is no evidence that the owner has previously contravened the MPBL or any other planning law and has conscientiously applied for the determination of an Administrative Penalty in terms of Item 42(r) of the MPBL, 2015.

7 RECOMMENDATION

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In view of the above, it is recommended that:

- a) That an administrative penalty in the amount of **R 10 000,00** be determined in terms of section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Erf 8958, Parow in accordance with Annexure B.

ANNEXURES

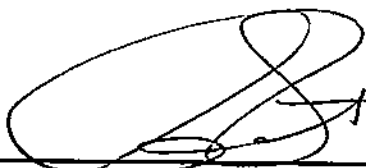
Annexure A Locality Plan
Annexure B Building Plan
Annexure C Applicant's motivation



Section Head : Land Use Management

Comment

Name T.R. Kotze
Tel no 021 444 7506
Date 28.10.2019

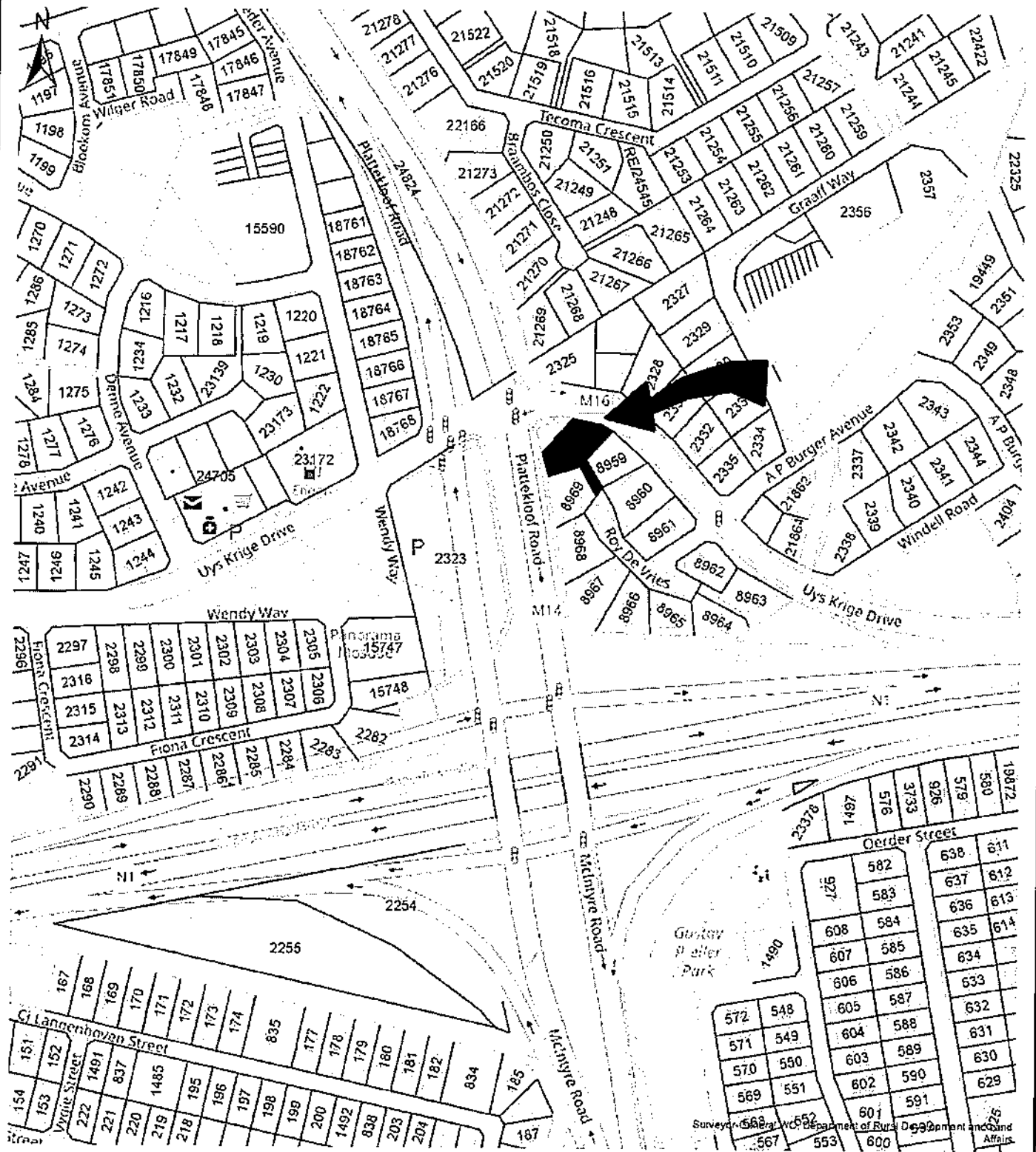


District Manager

Name R. Smid
Tel no 021 444 7840
Date 29/10/2019.

Comment

Annexure A Locality Plan



Source: CapeFarmMapper

PROJECT:

Erf 8958 Parow Locality

SCALE:

NTS

DATE:

Aug 2019

ahG

Town Planning

Town and Regional Planners

PO Box 2992
Somerset West
7129

TEL: 021 840 3220
FAX: 086 511 6639
CELL: 082 782 0374

E-Mail: leon.jubilius@ahg-property.co.za

Annexure B Building Plan

AREAS	332sqm
First storey	197sqm
Ground storey	519sqm
TOTAL	1408sqm
Err	24%
Coverage	37%
Bulk	

W I Z E
5 MON REPO CLOSE
OURBANVILLE

SIMON VON WIELLIGH
ARCHITECT
100 MON REPO CLOSE
OURBANVILLE
011 461 1111
www.wize.co.za

STATUTORY APPROVAL

PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING
9 MON REPO CLOSE
OURBANVILLE
PLATTEKLOOF 1, PAROXY

CLIENT
RAINBOW PLACE
PROPERTIES 73 (LTD) PTY

PROJECT
PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING BUILDING

SCALE
1:100

DATE
01/01/2011

DESIGNER
SIMON VON WIELLIGH

ARCHITECT
100 MON REPO CLOSE
OURBANVILLE
011 461 1111
www.wize.co.za

Annexure C

Applicant's motivation

1. GENERAL INFORMATION

1.1 INTRODUCTION

AHG Town Planning was appointed by the owners of Erf 8958 Parow (Platteklouf) to apply to the City of Cape Town for the necessary land-use rights to enable them to utilise a portion of the existing dwelling house on the property for an administrative office.

The application includes the following actions to accommodate the intended use:

- ✓ Determination of an "Administrative Penalty"
- ✓ A Temporary Departure

The purpose of the report shall therefore be to outline the proposed land-use change and motivate the different aspects involved in order to obtain the approval of City of Cape Town.

1.2 LOCALITY

Erf 8958 is situated to the north and just off the Platteklouf interchange off the N1 hi-way at No 9 Roy de Vries Close. The property is further bordered by Uys Krige Drive and Platteklouf Roads on the Northern and Western sides respectively. The Locality Plan is included in the application.

The site falls within the jurisdiction area of the City of Cape Town.

1.3 TITLE ASPECTS

Erf 8958 is held by virtue of Title Deed T19419/2019, a copy of which is included.

1.3.1 PROPERTY DESCRIPTION

By virtue of Title Deed T19419/2019, the property is described as:

ERF 8958 PAROW, situated in the City of Cape Town, Division Cape, Province of the Western Cape

1.3.2 CONVEYANCER CERTIFICATE

A Conveyancer Certificate was not prepared, but can be done upon request.

1.3.3 SIZE

Erf 8958 measures 1 409 m² in extent.

1.3.4 OWNERSHIP

The property is registered in the name of PLEROMA VERSEKERINGSMAKELAARS KAAP PROPRIETARY LIMITED, Registration Number 1989/002935/07.

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1.3.5 MORTGAGE BONDS:

There are no mortgage bonds registered against the title of the property.

1.3.6 TITLE DEED CONDITIONS:

There are no conditions in title deed which prohibit the proposed use of this property or the actions applied for.

1.4 EXISTING ZONING AND LAND USE

In terms of the City of Cape Town Development Management Scheme (DMS), Erf 8958 Parow is currently zoned "Single Residential 1" (SR1).

Erf 8958 is developed with a very large dwelling house and normal outbuildings. The lower level consist of a flatlet, while the main dwelling is on the upper level.

1.5 SURROUNDING ZONING AND LAND USE

The property is situated to the north of the Platteklouf interchange in Roy de Vries Close. The property is also bordered by Uys Krige Drive and Platteklouf Roads respectively.

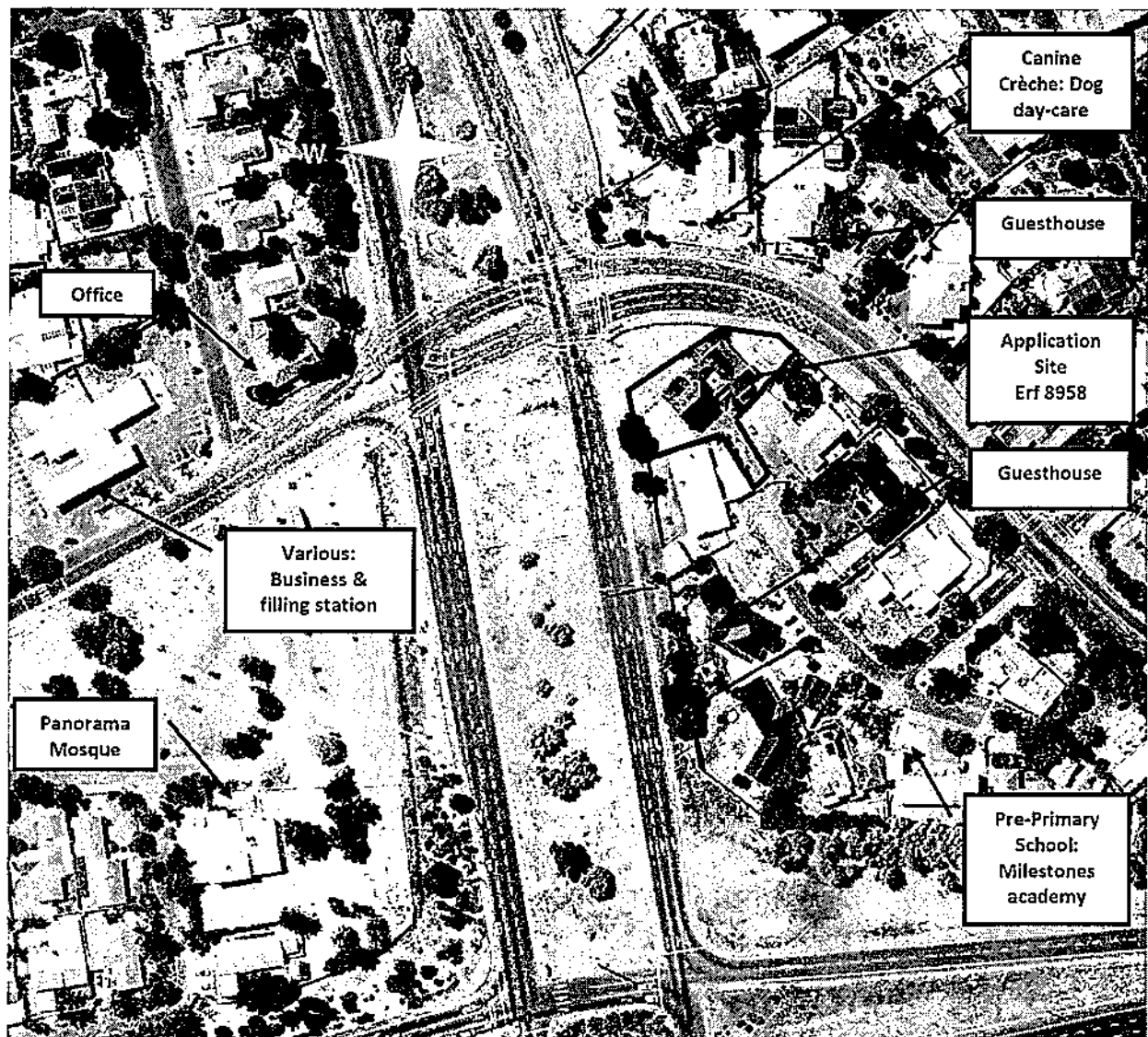
The character of this particular area has undergone a lot of change over the last few years. The most notable are the low impact business uses that established in the area.

The immediate vicinity is characterised by a guest house and pre-primary school in Roy De Vries Close. Across Uys Krige Avenue, another guesthouse and a "canine crèche" is situated. Various business, office and retail uses, including a filling station are situated in a local business node across Platteklouf Road, while religious uses, being a local Mosque is also find on the other side of Platteklouf road.

The pictures below indicates the application site in relation to the immediate surroundings.



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Above: Aerial image of the application site and immediate surroundings

2. THE APPLICATION

In terms of the City of Cape Town Municipal Planning By-Law, 2015, Schedule 3: Development Management Scheme (DMS), Erf 8958, Parow is currently zoned "Single Residential 1" (SR1).

2.1 THE FOLLOWING ACTIONS ARE APPLIED FOR:

- 2.1.1 Application in terms of Section 42(c) of the City of Cape Town Municipal Planning By-Law, 2015 for a Temporary Departure on Erf 8958 to utilise a portion of the upper level of the existing dwelling for a low intensity administrative office.
- 2.1.2 Application is secondly made in terms of Section 42(r) of the City of Cape Town Municipal Planning By-Law, 2015 for the Determination of an administrative penalty as contemplated in Section 129(1) of the By-law.

2.2 BACKGROUND AND DETAIL OF THE DEVELOPMENT PROPOSAL

2.2.1 Historic overview of the property

Our client purchased this property earlier this year and it was transferred into their names on the 17th of May.

When they took over the property it was in a bad state of neglect. It had been standing vacant for some time and vagrants moved onto the property erecting makeshift shelters under the shrubs in the garden. The property was vacant since the previous occupants, who also used the property for non-residential purposes moved out, and it was fast becoming a problem building and a huge eyesore and liability for the whole area, especially for the other residents in Roy De Vries Close who were by now also exposed to the vagrant element.

Our client immediately started to clean up, repair and renovate the property. They build a boundary wall on the intersection of Platteklouf Road and Uys Krige Road to enclose and secure the property on that side. Previous owners who utilised this property for non-residential uses constructed a paved parking area on the open space between the property and the road reserves of the above mentioned roads. Our client removed this paving and restored the area to its former condition. A lot of resources have been spend to renovate, secure and repair this dwelling all to the benefit and upliftment of the area.

2.2.2 Development Proposal

The new owners moved into the property at the end of May 2019 and incrementally occupied some of the rooms on the upper level of the dwelling for a low intensity administrative office, being the office of an insurance broker.

There is no intension of changing the functioning of the building as a dwelling house and no internal changes to the function of rooms e.g. bathrooms or kitchen etc. is proposed. Since the use is inherent temporary in nature, once the desks and chairs are removed from the rooms, it will be able to function as a bedroom or living room once again. Only 137 m² of the upper level will be used for an administrative office on a temporary basis.

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The main bedroom, second and third bedroom accommodates a single desk for an office of a single person. The study accommodates filing cabinets, a photo copier and computer server. The entrance foyer is occupied by a reception desk, while the formal lounge will accommodate a 6 seater boardroom table for their internal meetings.

The dining area and TV lounge area accommodates two more desks. One of these (closest to the kitchen) is occupied permanently, while the other (in the TV lounge area) is occupied for only 2 days in a month by the lady who does the internal bookkeeping of the broker. No changes to the kitchen, bathrooms or braairoom is proposed.

The lower level of the house will still be used as a small residence (flatlet) and the son of the owner of the business, who also works for the business will be residing here. A new double garage will also be added within the existing building as per the floor plans included.

The pictures below depicts the current situation.



Above: Main bedroom: Single office desk



Above: Main en-suite bathroom to remain



Above: 2nd bedroom: Single office desk

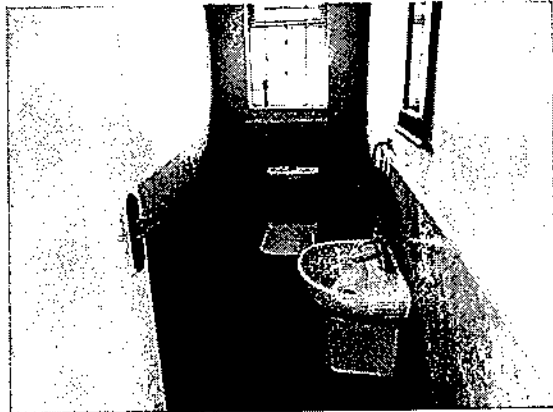


Above: 3rd bedroom: Single office desk

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Above: Main bathroom to remain



Above: Main bathroom to remain



Above: passage to remain



Above: Study: filing, photo copy and server room



Above: Lounge: Meeting room



Above: Dining area: single office desk

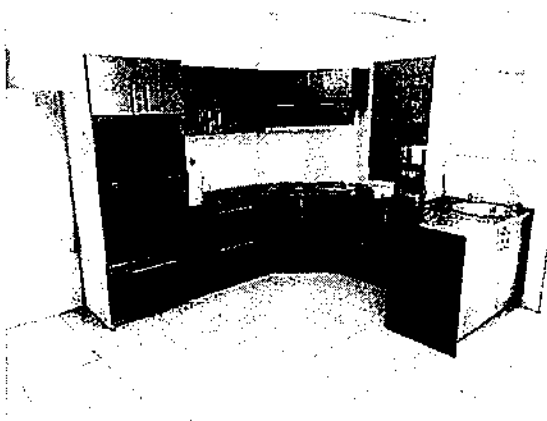


Above: Entrance foyer: Reception desk

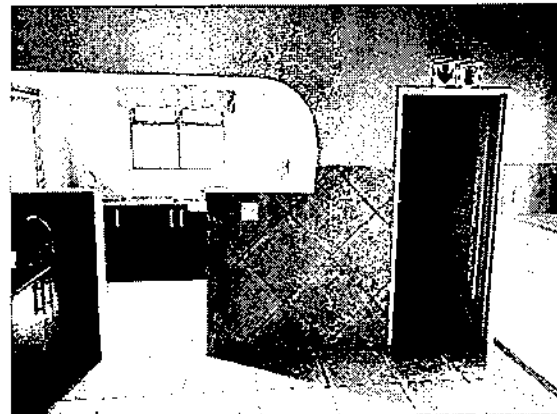


Above: TV Lounge: single office desk (bookkeeper 2 days a month)

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Above: Kitchen to remain



Above: Kitchen (scullery) to remain



Above: Braai room to remain

2.2.2 Temporary Departure

A Temporary Departure application is sought and deemed to be the more appropriate course of action in order to accommodate the use, as oppose to a rezoning application. The reasons for this is as follows:

- Given the character of the predominant residential area and the location of the property within this cul-de-sac, permanent rezoning is not deemed desirable at this stage. The main reason being that should the current owner move out (and with him, his unique low impact way of doing business) another, maybe less desirable type of office use can easily take over the premises, which could negatively impact the surroundings.
- In function the dwelling house will remain just that, a dwelling. There are no building works and or alterations proposed that would alter the functioning of the building as a dwelling and once the office use seize or the temporary land-use rights expire, a family can move back into the house without any effort or having to do any alterations, building works or demolitions. Apart from the renovations and repairs to the building no other capital investment will be needed to the property to accommodate the use.
- The low intensity office use will not require any changes to or additional impact on any municipal services and all service infrastructure is already in place.
- The lower level of the house will remain residential, and only 137m² within the existing rooms of the house will be used for offices. The offices will thus be in addition to the residential land-use rights which will remain in place on the property.

- As mentioned, the owner only employs 4 fulltime personnel and one part time bookkeeper. One of the employees is his son, who will be permanently residing on the property. The total building size is 519m² on a 1409 m² erf. The activity in relation to the rest of the property is therefore very small scale and low-key.
- The flexibility of having this use here for 5 or 10 years (if renewed) will have a very positive impact on the surroundings. This is already evident when considering the renovations and improvements that the new owners already made which uplifted the whole street.

2.2.5 Administrative Penalty

The City of Cape Town Municipal Planning By-Law, 2015 provides that an administrative penalty as contemplated in Section 129 may be determined in cases where land-uses are in contravention of the By-law and where it is the intent of the owner to rectify such a contravention by submitting an application.

It is our opinion, that in this case an administrative penalty should not be imposed or alternatively the lowest possible amount to be applied for the following reasons:

- The nature of the contravention is such that it does not impact negatively on any person or neighbour. In fact, the neighbours welcomed the fact that our clients moved into the property. The positive impact of their presence is notable in the street.
- In terms of duration our clients moved in at the end of May, they had no choice since the lease at their previous premises expired and they had to continue the running of their office.
- When considering the gravity and extent of the contravention; it is important to mention that no building work was carried out that altered the functioning of the building as a dwelling house. They only build a boundary wall to secure the property (and indirectly the cul-de-sac) on the side of the main roads and repaired and renovated the house and it will remain a dwelling house in future. The extent of the contravention is limited to 137m² of the total dwelling size of 519m². The lower level will still be residential and the office use will be temporary in nature.
- In our opinion the conduct of the person involved in the contravention has only been in the best interest of the neighbours. It is his clear intent to rectify the contravention (hence this application) and this action is commendable given the numerous other illegal uses in the area who do not seem to care, not even to mention previous occupants of this particular property.
- Lastly, our client hasn't been involved in any contravention of the By-law previously. They had only the best intentions when they purchased the property and truly believed that it would be possible to conduct their office from this premises given the location of the property and the numerous other non-residential uses in the area.

2.3 PARKING AND ACCESS

The application entails using only 137m² of the rooms in the existing dwelling for an administrative office on a temporary basis. As discussed, the owner has an extremely "low key" administrative office being an insurance broker. It is worthwhile mentioning that, due to the nature of his business, he employs only 4 permanent staff members, one of which is his son who will permanently reside on the property. They do not receive any visitors. When face-to-face meetings are required - they meet clients at the premises of the client, and all the correspondence, policy and claims administration etc. is concluded over email and the

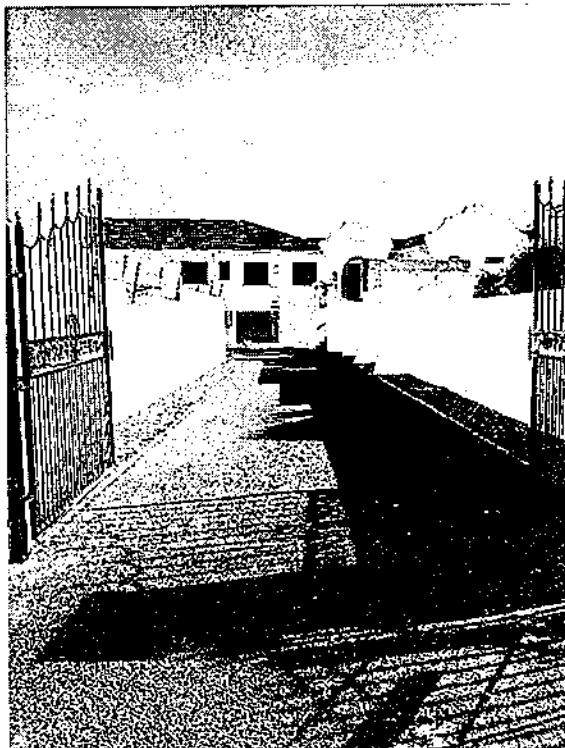
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internet. The general public does not visit his office at all. In sharp contrast to the pre-school situated at the other end of the cul-de-sac, the activity of our client's business does not generate any notable trips.

In terms of the requirements of the CoCT DMS, 4 parking bays per 100m² of office space is required (thus a total of 5,5 bays) + 2 bays for the residence component (flatlet) on the lower level.

The parking requirement for the flatlet will be accommodated in the new double garage to be added within the existing building. For the office component 7 bays are available. This translates to an additional 1,5 bays over and above the requirement. Therefore, in terms of parking provision no problems are foreseen. This coupled with the unique character of the business of the proprietor parking provision will be more than sufficient.

When considering site access, the following aspects need to be noted. The property is located at the end of a quiet cul-de-sac. The erf is accessed via a panhandle with a width of ± 6,6m. Due to the extreme low-key nature of the office work conducted here, this access is deemed to be more than sufficient.



Above: Entrance to the property

Although not direct accessible from the major roads bordering the property to the north and west, this property enjoys excellent exposure to and visibility from both Platteklouf Road (classified as a "Development route") and Uys Krige Road (classified as a "Connector Route").

2.4 ENGINEERING SERVICES

The application site, is situated within an existing build environment and already linked to all municipal services. The small office use will not require any additional services, nor will it add any additional strain on the existing networks servicing the area.

3. MOTIVATION

3.1 OVERVIEW AND NEED FOR THE DEVELOPMENT

The owner of this property purchased this uniquely located dwelling during May. It suited their needs perfectly since their lease expired where they were located before. The dwelling was in a bad state of repair and due to neglect and a vagrant problem in the garden on the side of the main roads, it was becoming a huge problem for the neighbours.

They repaired and renovated the house and the idea is that it shall remain a dwelling, although there are desks in the rooms, they have no intention of changing the use permanently and the property can revert back to a dwelling at any time in the future. For now, this is deemed to be the best use for this property, given the low key nature of their activities.

The neighbours welcomed them with open arms and supports their presence. It also has an added advantage to them that, especially during the daytime office hours, when most of the other residential properties are not occupied, there are at least some movement and presence in the street. The property is kept extremely neat and professional as is clear from the photos and is a huge advantage to the area.

There has been several non-residential uses on this property in the past few years. The state of the property before our client took occupation, together with the relative high value of the property due to its location and exposure to main roads, made it highly unlikely that someone would buy it for a pure residential house and in all likelihood the property would have either deteriorated further to a point where it would have been demolished as is the case with many other "problem buildings" in the city where vagrant elements take over vacant properties, or some other, non-desirable use might have taken over the property. Our clients was able to save the situation due to the fact that they will be able to derive an income from the premises, thereby getting a return on the funds they needed to invest to renovate and repair the property.

The need for and desirability of this use is therefore rooted in the fact that it compliments all the other uses in the immediate environment and, being temporary in nature, is deemed to be the best and most optimal/suitable use for this fairly large premises in this particular location.

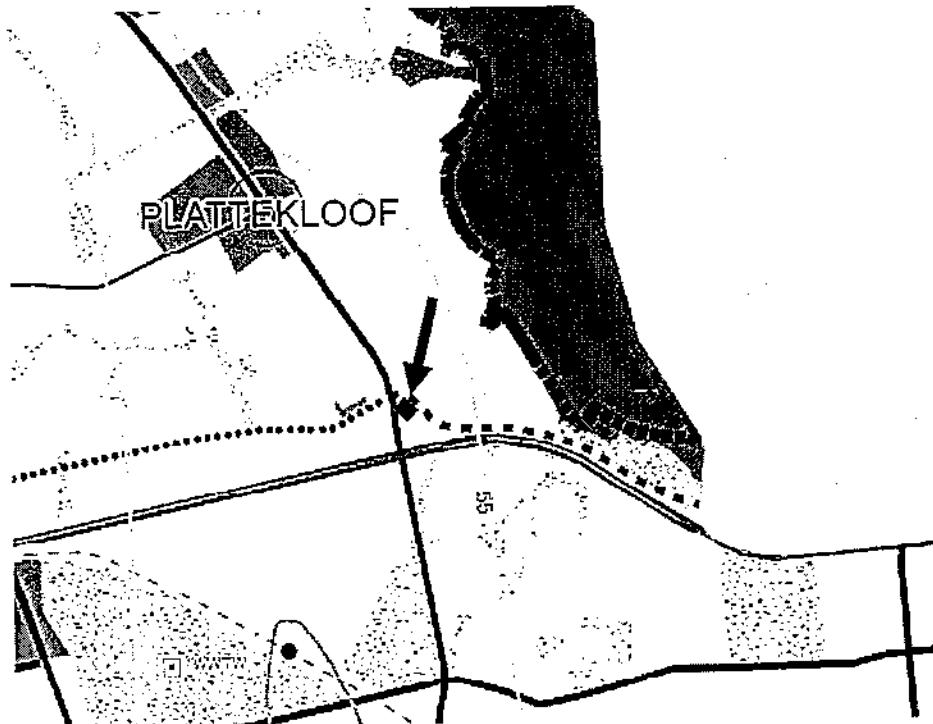
3.2 APPLICABLE POLICIES & LEGISLATION:

3.2.1 SPATIAL DEVELOPMENT FRAMEWORK (SDF)

In terms of the City of Cape Town SDF, Tygerberg District Plan, the property is indicated as "Urban Development"

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There no specific guidelines or interventions proposed for this particular property.



Above: Extract from: SDF plan depicting the location of the application site

3.2.2 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

Section 7 stipulates principles that apply to spatial planning, land development & land use management. Under the principles of spatial sustainability and efficiency:

- Under the principle of spatial sustainability that: spatial planning must (*inter alia*) protect prime and unique agricultural land and promote land development in locations that are sustainable and limit urban sprawl and result in communities that are viable.
- Under the principle of efficiency that: land development optimises the use of existing resources and infrastructure.

The location of the property within the existing build up area of Platteklouf and the fact that existing buildings and infrastructure will be used to accommodate this unique business supports the land-use as being compliant with these principles.

3.2.3 WESTERN CAPE LAND USE PLANNING ACT, 2014.

Chapter 6 stipulates principles that apply to land use planning. Under the principles of spatial sustainability:

land use planning should (*inter alia*) —

- (i) promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority;
- (ii) ensure that special consideration is given to the protection of prime, unique and high potential agricultural land;
- (vi) promote land development in locations that are sustainable and limit urban sprawl;

Under the principles of spatial efficiency:

- (a) land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities;
- (b) integrated cities and towns should be developed, whereby—
 - (i) the social, economic, institutional and physical aspects of land development is integrated;
 - (ii) land development in rural and urban areas in support of each other is promoted;
 - (iii) the availability of residential and employment opportunities in close proximity to, or integrated with, each other is promoted;
 - (iv) a diverse combination of land uses is promoted;
 - (v) the phenomenon of urban sprawl in urban areas is discouraged and the development of more compact towns and cities with denser habitation is promoted;
 - (vi) historically distorted spatial patterns of settlement are corrected; and
 - (vii) the quality and functionality of the public spatial environment is promoted;

The above selected extracts, with relevant emphasis added, supports this development as being compliant with this legislative principles.

3.3 DESIRABILITY OF THE PROPOSED DEVELOPMENT

Section 99 of the City of Cape Town Municipal Planning By-Law, 2015 states the criteria that should be considered for deciding applications. The following considerations are relevant in terms of Section 99 for the assessment of whether the proposed land use would be desirable –

Section 99(3) Considerations for desirability:	Check box	Notes:
(a) economic impact;	✓	This development is of a temporary nature and limited to the specific business of the proprietor.
(b) social impact;	✓	The social impact for poor communities when a temporary land-use of this nature is considered is not as prominent as the case would be with for instance subsidised housing. For this reason there is no direct social benefit for the upliftment of poor communities in this area.
(c) scale of the capital investment;	✓	The capital investment by the new owner is limited to the purchase of the property, transfer costs and the costs of renovation and repairs
(d) compatibility with surrounding uses;	✓	The site is located in an area where a mix of land-uses such as residential, religious, educational, retail, offices, guest houses etc. are found in the vicinity. The land-use on this property is therefore in line and compatible with the character of the surrounding area.
(e) impact on the external engineering services;	✓	The optimised use of existing infrastructure and services is not only desirable, but also a legislative principle. (See SPLUMA & LUPA). The existing dwelling is already connected to the municipal services network and no upgrades are required.
(f) impact on safety, health and wellbeing of the surrounding community;	✓	Before the new owners bought this property, it was fast becoming a problem building, vagrants have already moved onto the property and created safety concerns in the area. The new owners build a new boundary wall on Platteklouf road, securing the properties in the close and spend substantial amounts on renovations and security upgrades. Further the office use will be during office hours when the residential properties are mostly unoccupied. This has a security benefit for the area during the

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		day.
(g) impact on heritage;	✓	No heritage resources are involved in this application.
(h) impact on the biophysical environment;	?	No listed activities requiring any environmental processes in terms of relevant Environmental Legislation is triggered.
(i) traffic impacts, parking, access and other transport related considerations; and	✓	The use will have an extremely low trip generation. The required parking bays will be provided onsite. See paragraph 2.3 above
(j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use.	✓	Negative impacts needs to be mitigated. Well thought-through and enforceable conditions will be welcomed to limit any negative impact and which could positively contribute to the success of the development.

3.4 PUBLIC PARTICIPATION

Notices will be send to the adjacent owners as prescribed in the By-law. Any neighbour who feels he or she will be negatively impacted by the use on the property will be afforded an opportunity to voice their concerns or to object. Objections are however not expected since the neighbours are generally relieved that the house is now occupied and being maintained.

4. SUMMARY AND CONCLUSION

Application is made to the City of Cape Town Metropolitan Municipality for a Temporary Departure on Erf 8958 to allow that a portion of the upper level of the existing dwelling be utilised for a low impact administrative office use on a temporary (initially 5 years) basis.

The information provided supports the fact that the use will be desirable in the area and will not adversely affect the rights of other properties in the area. The land-use is deemed compatible with and complimentary to the surrounding land-uses.

This report also clearly outlined the background information to the application and it was appropriately motivated. We therefore await the consent of the City of Cape Town in this matter.