

ITEM NUMBER: C 20/05/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 17 MAY 2016

MC 58/05/16 AMENDMENTS TO THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

The Mayco Member for Energy, Environmental & Spatial Planning, Cllr J van der Merwe proposed that, in addition to the recommendation contained in the report on the agenda, Mayco resolve that authority be granted to proceed with the process to amend the City of Cape Town Municipal Planning By-Law, 2015 (MPBL):

- (a) to reduce the timelines as approved for the MPBL, as follows:
 - (i) Section 74(b) from 14 days to 7 days;
 - (ii) Section 75(1) from 30 days to 20 days;
 - (iii) Section 75(2) from 14 days to 7 days;
 - (iv) Section 76(2) from 14 days to 7 days;
 - (v) Section 92(1) from 14 days to 7 days;
 - (vi) Section 92(2) from 30 days to 20 days and the 14 days to 7 days;
 - (vii) Section 102(1) from 180 days to 90 days;
 - (viii) Section 104(2) from 21 days to 14 days.
- (b) to specifically add the Social Development Strategy and Economic Development Strategy to the criteria for deciding an application under Section 99(2)(c) of the MPBL
- (c) to specifically add the reference to the development principles as contained in section 7 of the Spatial Planning and Land Use Development Act, 2013, Act 16 of 2013) under Section 99(2)(g) of the MPBL.

The above proposal was duly supported.

It is **RECOMMENDED** that Council approve the amendment of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), as per Annexure A to the report on the agenda.

FURTHER RESOLVED that authority be granted to proceed with the process to amend the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), to:

- (a) reduce the timelines as approved for the MPBL, as follows:
 - (i) Section 74(b) from 14 days to 7 days;
 - (ii) Section 75(1) from 30 days to 20 days;

- (iii) Section 75(2) from 14 days to 7 days;
 - (iv) Section 76(2) from 14 days to 7 days;
 - (v) Section 92(1) from 14 days to 7 days;
 - (vi) Section 92(2) from 30 days to 20 days and the 14 days to 7 days;
 - (vii) Section 102(1) from 180 days to 90 days;
 - (viii) Section 104(2) from 21 days to 14 days.
- (b) to specifically add the Social Development Strategy and Economic Development Strategy to the criteria for deciding an application under Section 99(2)(c) of the MPBL
- (c) to specifically add the reference to the development principles as contained in section 7 of the Spatial Planning and Land Use Development Act, 2013, Act 16 of 2013) under Section 99(2)(g) of the MPBL.



REPORT TO MAYORAL COMMITTEE

DATE

1 ITEM NUMBER :

2 AMENDMENTS TO THE CITY OF CAPE TOWN MUNICIPAL PLANNING
BY-LAW, 2015 (MPBL)

WYSIGINGS AAN DIE STAD KAAPSTAD: VERORDENING OP
MUNISIPALE BEPLANNING, 2015 (MPBL)

IZILUNGISO KUMTHETHO KAMASIPALA WOCWANGCISO WESIXEKO
SASEKAPA, WANGO-2015 (MPBL)

3 RECOMMENDATION FROM THE ENVIRONMENTAL AND SPATIAL
PLANNING PORTFOLIO COMMITTEE: 4 MAY 2016 (ESP 10/05/16)

RECOMMENDED that the Council approves the amendments to the City of
Cape Town Municipal Planning By-Law, 2015 (MPBL) as per Annexure A.

AANBEVELING VAN DIE PORTEFEULJEKOMITEE OOR OMGEWINGS-
EN RUIMTELIKE BEPLANNING: 4 MEI 2016 (ESP 10/05/16)

AANBEVEEL dat die Raad die wysigings aan die Stad Kaapstad: Verordening
op Munisipale Beplanning, 2015 (MPBL) goedkeur, soos in bylae A.

ISINDULULO KWIKOMITI YEMICIMBI YOKUSINGQONGILEYO
NOCWANGCISO LOMHLABA ONGAMABALA: 4 MEYI 2016
(ESP 10/05/16)

KUNDULULWE ukuba iBhunga maliphumeze izilungiso kuMthetho
kaMasipala woCwangciso weSixeko saseKapa, wango-2015 (MPBL)
ngokwesihlomelo A.

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LEGAL COMPLIANCE

REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.

NON-COMPLIANT

NAME CHARLYNE ARENDE

Comment:

TEL 021 400 1265

Certified as legally compliant:

DATE 10 MAY 2016

Based on the contents of the report. *[Signature]*

[Handwritten signature: A.G. R...]

EXECUTIVE DIRECTOR: COMPLIANCE AND AUXILIARY SERVICES (ED: CAS)

SUPPORTED FOR ONWARD SUBMISSION TO MAYOR / MAYCO / COUNCIL

NOT SUPPORTED

REFERRED BACK

DATE 13/5/16

COMMENT:


CRAIG KESSON (STRATEGIC POLICY UNIT)

- SUPPORTED FOR ONWARD SUBMISSION TO MAYCO / COUNCIL :
- PC RECOMMENDATION
- RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT
- ALTERNATIVE RECOMMENDATION (TO BE REFLECTED IN COMMENTS SECTION BELOW)

DATE

16 / 05 / 2016

- NOT SUPPORTED

COMMENT:

P. Kelleher

EXECUTIVE MAYOR

- SUPPORTED FOR ONWARD SUBMISSION TO MAYCO / COUNCIL :
- PC RECOMMENDATION
- RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT
- ALTERNATIVE RECOMMENDATION TO BE REFLECTED BELOW

- APPROVED I.T.O. DELEGATED AUTHORITY
- NOTED
- REFUSED
- REFERRED BACK

DATE

16.05.2016

COMMENT:



REPORT TO

DATE

LC15362/0001

- ENVIRONMENTAL AND SPATIAL PLANNING PORTFOLIO COMMITTEE
- EXECUTIVE MAYOR / MAYORAL COMMITTEE
- COUNCIL

1. ITEM NUMBER

2. SUBJECT

AMENDMENTS TO THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL)

WYSIGINGS AAN DIE STAD KAAPSTAD: VERORDENING OP MUNISIPALE BEPLANNING, 2015 (MPBL)

IZILUNGISO KUMTHETHO KAMASIPALA WOCWANGCISO WESIXEKO SASEKAPA, WANGO-2015 (MPBL)

[LSU: G1837]

3. STRATEGIC INTENT

- Opportunity City

The report is aligned with Strategic Focus Area 1: the Opportunity City and more specifically to objective 1.1 namely:

“Create an enabling environment to attract investment that generates economic growth and job creation.”

- Well-run City

The report is also aligned with Strategic Focus Area 5: the Well-Run City.

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4. PURPOSE

The purpose of this report is to obtain approval for proposed amendments to the City of Cape Town Municipal Planning By-Law, 2015 (MPBL).

5. FOR DECISION BY

This report is for consideration/decision by:

- The Environmental and Spatial Planning Portfolio Committee

Extract from the City of Cape Town System of Delegations:

1. General

(2) To develop and review draft by-laws and recommend same to the Executive Mayor.

- The Executive Mayor together with the Mayoral Committee

Extract from the City of Cape Town System of Delegations:

11. Policy

(2) To determine appropriate by-laws that should be drafted, to take steps for the drafting thereof and to recommend such by-laws to Council.

(This delegation must be exercised and performed by the Executive Mayor together with the members of the Mayoral Committee)

- Council

6. EXECUTIVE SUMMARY

A new suite of planning legislation came into force on 1 July 2015, which included the City of Cape Town Municipal Planning By-law, 2015 (MPBL).

As part of the annual review of the MPBL, a requirement of Council when it adopted the MPBL, several improvements/amendments to the MBPL are now being proposed, after the proposed amendments were taken through a public participation process in late 2015, early 2016:

These proposed improvements/amendments fall within the following categories:

- correction of minor errors and omissions, that were not previously identified;
- improvement of content and definitions to aid interpretation and to better state the intention of the MPBL;
- amendment to the Development Management Scheme (DMS) (a schedule to the MPBL) to provide improved land use control; and

JCH

- introduction of new overlays and concepts, to create relevant mechanisms for the City to cater for development control/incentives in areas where such control/incentives are required. This will allow the City to be more responsive to such needs and provide mechanisms to implement the City's strategic objectives.

The proposed amendments are a response and pro-active initiative in pursuing relevant, modern and clear local planning legislation.

7. RECOMMENDATION

Recommendation from the Environmental and Spatial Planning Portfolio Committee to Mayco:

It is recommended that:

- a) The Environmental and Spatial Planning Portfolio Committee recommends to the Mayoral Committee that Council approves the amendment of the City of Cape Town Municipal Planning By-law, 2015 (MPBL), as per Annexure A.

Recommendation from the Mayoral Committee to Council:

It is recommended that:

- a) The Mayoral Committee recommends to Council that the City of Cape Town Municipal Planning By-law, 2015 (MPBL) be amended, as per Annexure A.

Not delegated: for decision by Council:

It is recommended that:

- a) Approval be granted to amend the City of Cape Town Municipal Planning By-law, 2015 (MPBL), as per Annexure A.

Aanbeveling van die portefeuljekomitee oor omgewings- en ruimtelike beplanning by die burgemeesterskomitee:

Daar word aanbeveel dat:

- a) Die portefeuljekomitee oor omgewings- en ruimtelike beplanning beveel by die burgemeesterskomitee aan dat die Raad die wysiging van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (MPBL), soos in bylae A, goedkeur.

Aanbeveling deur die burgemeesterskomitee by die Raad:

Daar word aanbeveel dat:

- a) Die burgemeesterskomitee beveel by die Raad aan dat die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (MPBL), soos in bylae A, gewysig word.

Nie gedelegeer nie: vir besluitneming deur die Raad:

Daar word aanbeveel dat:

Goedkeuring verleen word vir die wysiging van die Stad Kaapstad: Verordening op Munisipale Beplanning, 2015 (MPBL), soos in bylae A.

Isindululo seKomiti yeMicimbi yokuSingqongileyo noCwangciso lwamaBala esijoliswe kwi-Mayco:

Kundululwe ukuba:

- a) IKomiti yeMicimbi yokuSingqongileyo noCwangciso lwamaBala mayindulule kwiKomiti yeSigqeba sikaSodolophu ukuba kuphunyezwe isilungiso soMthetho kaMasipala weSixeko saseKapa ongezoCwangciso wango-2015 (MPBL), njengoko ukwisihlomelo-A.

Isindululo esivela kwiKomiti yeSigqeba sikaSodolophu esijoliswe kwiBhunga:

Kundululwe ukuba:

- a) IKomiti yeSigqeba sikaSodolophu mayindulule kwiBhunga ukuba uMthetho kaMasipala weSixeko saseKapa ongezoCwangciso wango-2015 (MPBL) mawulungiswe njengoko ukwisihlomelo-A.

Azigunyazsiswanga: isigqibo seseBhunga:

Kundululwe ukuba:

- a) Makunikezelwe isiphumezo sokuba kulungiswe uMthetho kaMasipala weSixeko saseKapa ongezoCwangciso wango-2015 (MPBL), njengoko ukwisihlomelo-A.

[LSU G5492]

8. DISCUSSION/CONTENTS

8.1. Discussion

8.1.1 Background

A new suite of planning legislation for all spheres of government has been adopted and implemented since 1 July 2015, namely:

- the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013) (SPLUMA) which is national legislation that sets the national norms and standards to which municipal planning by-laws must comply;
- the Western Cape Land Use Planning Act, 2014 (Act no. 3 of 2014) (LUPA) which is provincial legislation that sets provincial norms and standards to which municipal planning by-laws must comply; and
- the City of Cape Town Municipal Planning By-law, 2015 (MPBL) (the MPBL was approved by Council on 25 March 2015).

The Council resolution of 25 March 2015 requires that the MPBL must be reviewed annually. The attached proposed amendments are therefore to give effect to this Council decision.

The MPBL also includes the City of Cape Town Development Management Scheme (DMS), which was previously known as the City of Cape Town Zoning Scheme Regulations (CTZS) and proposed changes form part of these amendments.

8.1.2 Reasons for proposed amendments

Since the implementation of the MPBL on 1 July 2015 it became apparent that there are several areas where the MPBL can be improved on or where new provisions are required to strengthen and consolidate its purpose or make it more relevant and streamlined.

These amendments can be broadly categorized as follows:

- correction of minor errors and omissions, that were not previously identified;
- improvement of contents and definitions to aid interpretations and to better state the intention of the MPBL;
- amendment to the Development Management Scheme (DMS) (a schedule to the MPBL) to provide improved land use; and
- introduction of new overlays and concepts, to create relevant mechanisms for the City to cater for development control/incentives in areas where such control/incentives are required. This will allow the City to be more responsive to such needs and provide mechanisms to implement the City's strategic objectives.

8.1.3 Process to be followed for amending the MPBL

The process to amend the MPBL includes:

1. Obtaining authorization to proceed with the amendment of the MPBL.

Authorisation was granted to proceed with the process to amend the City of Cape Town Municipal Planning By-Law, 2015 (MPBL) by the Executive Mayor and members of the Mayoral Committee on 20 October 2015 (See Item 32/10/15 - Annexure C).

2. Formal public participation to provide opportunity to the public for commenting on the proposed amendments was conducted in November and December 2015. Guidance from the public participation unit was followed in this regard. Methods of advertising included:

- Newspaper advertisements were placed in Die Burger and The Weekend Argus on 7 and 7/8 November 2015 respectively (see Annexure D);
- The proposed amendments were advertised on the "Have Your Say" page on the City of Cape Town's website;

- The proposed amendments were available at all libraries, Subcouncil offices and district planning offices, for the duration of the participation process;
- A report, with the purpose of taking note of the proposed amendments, served on the ESP PC as well as all Subcouncil agendas in November 2015. Subcouncils were also requested to forward the proposed amendments to all registered community organisations.

Several methods of submitting comments, input or recommendations were provided, which included fax, email, written submissions and online submissions.

3. Incorporation of relevant comments from the participation process into the MPBL; final amendments to the revised MPBL.

Correspondence was received from 58 parties. These comprised of comments, objections and support for the proposed amendments. The input received are indicated in Annexure B. Responses to these comments are also provided within this Annexure together with an indication as to whether the issue raised resulted in a change to the amendments as advertised.

In addition to this, several queries were received during the participation process, where to an appropriate response were provided at the time.

The received comments ranged across several aspects of the proposed amendments, the greatest number concentrating on the intended inclusion of limited filming as a land use activity into certain zones of the Development Management Scheme. Most of the proposed amendments received no specific comment or objection.

Following a combined ESP and TEED PC workshop on 15 April 2016 to discuss amongst others the proposed filming changes, and in light of further additional proposals having been made in this regard, it was agreed that the proposals surrounding filming at single residential premises, together with the new proposals, first be advertised for public input. As such, a separate following report (inclusive of public input received during advertising) will be brought in this regard for consideration.

4. Revisions to some of the proposed amendments have taken place and are in response to the comments received. Where appropriate the proposed amendments to the MPBL have been changed (see Annexure B). The City of Cape Town's legislative unit also commented on the proposed amendments and these comments were incorporated where appropriate.

8.1.4 Contents of proposed amendments

The proposed amendments to the MPBL are attached as Annexure A.

Amendments are listed as per the sequence of the current MPBL and DMS contents.

Amendments specific to the MPBL:

("# indicates amendment number in Annexure A, where the proposed amendment is detailed)

- General clarifications and improvements to several sections, which include:

#	Section of MPBL	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
1	Preamble	Improved clarification	No.
2	5(2)	Improved clarification	No.
3	7	Improved clarification	No.
4	13(2) and (3)	Improved clarification	No.
5	15	Administrative practicality	No.
6	36(1) and (4)	Administrative practicality	No.
7	38(1)	Improved clarification	No.
9	44(1)	Improved clarification	No.
10	54	Improved clarification	No.
11	55(2)	Improved clarification	No.
12	56	Improved clarification	No.
13	62(1)(v)	Formatting correction	No.
14	67	Insertion of further cases which will be exempted, to promote administrative efficiency	No.
15	70(1)(i)	Improved clarification	No.
16	71(1)(d) and 71(1)(i)	Formatting correction	No.
17	79(3)	Formatting correction	No.
18	81(1)	Deletion of an incorrect reference to a section in LUPA, inserted as an error previously	No.
19	82	Administrative practicality; Formatting correction	No.
21	120(8)	Administrative practicality	No.
21	120(11)	To ensure consistency with other sub-items in this item in terms of timeframes	No.
24	136(10)	Formatting correction	No.
25	142(6)	Improved clarification	No.

- Refining the list of proposed application types that are possible in terms of the MPBL (which include removing current types where the function can be dealt with rather as an administrative task), which include:

#	Section of MPBL	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
8	42(p)	The deletion of the application type "certification of an owners' association constitution or an amendment" has the effect that this will become an administrative task, which can be processed in a more efficient manner as to a formal application process. The certification will still occur on the logical conclusion of the original application and it is not necessary to be a separate application type with fees.	No.
8	42(t)	<p>The deletion of the application type "any other application provided for in this By-Law" is appropriate as all application types are already covered for in the MPBL.</p> <p>The insertion of the new application type "permission for the reconstruction of a building or a substantial part of it within the envelope of a non-conforming use as contemplated in section 37(6)" is required as this was omitted in the current MPBL, while it is a requirement to have this as an application type.</p>	No.

- Refining the required decision-making criteria, to improve efficiency and to provide for clearer decision outcomes, which include:

#	Section of MPBL	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
20	99(a-c)	Providing better clarity to what is regarded as criteria for decision-making and the interrelationship between social and economic impact; Administrative practicality	No.

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- Streamlining the process of appointing an appeal advisory panel, which include:

#	Section of MPBL	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
22	121	Refining the process of appointing an appeal advisory panel, to ensure greater administrative efficiency, clarity and detail to what is required. Current requirements are regarded to be too vague.	No.

- Improvements to current enforcement sections, to ensure better practical results in implementing these sections, which include:

#	Section of MPBL	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
23	129	Providing greater clarity to what the administrative process entails and to ensure improved practical implementation of the concept.	No.

Amendments specific to the DMS component:

("# indicates amendment number in Annexure A, where the proposed amendment is detailed)

- General clarifications and improvements:

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
27	3	Improved clarification and practical interpretation.	No.
28	7	Improved clarification. Sub-item not required anymore as a second dwelling will no longer be a consent use in the SR1 base	No.

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		zone.	
29	15(2)	Improved clarification and administrative requirement compliance.	No.
30	Part 4	Improved clarification	No.
31	16(8)	Formatting correction	No.
34	21(f)(i) and (iv)	Improved clarification	No.
35	26(b)	Improved clarification	No.
37	42	Improved clarification	No.
50	121	Further exemption, to provide for enhanced administrative efficiency. Improved clarification	No.
51	123	Improved clarification	No.
52	136	Improved clarification	No.
54	140(2)	Improved clarification	No.
55	148(1)(a)	Formatting correction	No.
57	188(3)	Formatting correction	No.
58	189(1)	Formatting correction	No.

- Improvement and/or refinement of several definitions, to ensure better clarity, clearer application thereof by professionals and clearer intent of what the DMS aims to achieve in the built environment. These definition improvements/amendments were developed in conjunction with relevant professional bodies working in the City:

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
26(a), (b), (d), (e), (f), (l)	1	Amending the definition of "base level", "basement", "floor space", "ground floor", "height" and "vertical division". Deemed necessary to improve clarity and practical implementation. Definition amendments developed with the input of the Cape Institute of Architects (CIA).	<p>Yes.</p> <p>In the "Floor space" definition the following is added:</p> <p>"(aA) any area which is reserved solely for parking or loading of vehicles shall be excluded;"</p> <p>In the "Height" definition the following (underlined) is added:</p> <p>chimneys (<u>maximum horizontal dimension of 1,5m</u>), flues (<u>maximum</u></p>

			horizontal dimension of 1m), lift shafts (maximum horizontal dimension of 2.5; maximum vertical dimension of 2m), masts[.]
26 (j)	1	Amending the definition of "sale of alcoholic beverages", to improve clarity and the intention of the definition.	No.

- The insertion of new definitions as formal land uses in the DMS. This is to ensure that the DMS is relevant to current requirements and needs of the public and industry:

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
26 (c), 32, 38, 39, 43, 44, 45, 46.	1 and where appropriate	Inserting a definition for "filming". This is in response to positive input and demands from the film industry for the City to recognize the activity as a formal land use and to cater for the activity in certain zonings as a primary use.	Yes. The definition for "filming" has been adapted slightly to make it more appropriate.
26 (h), 32, 44, 46.	1 and where appropriate	Inserting a definition for "recycling centre". This is a recognized land use that was not previously catered for in terms of development control. The use has also been added to certain zonings.	No.
26 (i), 32, 47, 48	1	Inserting a definition for "renewable energy structure". This is a recognized land use that was not previously catered for in terms of development control. The use has also been added to certain zonings.	No.
26 (k)	1	Inserting a definition for "third dwelling". This is required to cater for the proposed introduction of a new overlay zoning, to provide for this use only in areas where there is need for such provision.	No.
26	1	Inserting a definition for "veterinary	Yes.

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(m), 32, 33, 35, 36, 38, 39, 40, 42, 43, 44, 45, 47, 49		practice". This is a recognized use that was not previously catered for in terms of development control. The use has also been added to certain zonings.	The use is also added to 'General Residential Subzonings (GR2-GR6)' as a consent use.
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- The introduction of a second dwelling as an additional use right in the Single Residential 1 Zoning, in lieu of being a consent use. A second dwelling will be a use that can be exercised in this base zone, subject to a list of performance criteria that must be adhered to, without the need for approval from the City:

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
33	21	For the City to achieve density targets and to ensure optimal use of service infrastructure, where available, this is deemed to be a critical amendment to the DMS to achieve a denser and more compact City. This principle is also promoted by the Integrated Human Settlement Framework (IHSF), the Integrated Public Transport Network (IPTN) and related strategies.	No.

- The introduction of a zero parking requirement in areas which has been designated to be a Public Transport 2 (PT2) area in the City (a PT2 area is an area where the use of public transport is promoted and the City considers the provision of public transport to be good, or where the use of motor vehicles is very limited):

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process

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53	Chapter 15	The introduction of a zero parking requirement will ensure that unviable developments may now become viable, in areas where the City wants to promote the use of current public transport systems, in these specifically defined areas. This amendment will strongly support the City's Transit Oriented Development (TOD) strategy.	No.
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- The introduction of a "Third Dwelling Overlay Zoning" (note: this will not necessarily apply to all areas, but only to specific areas that will still need to be designated for inclusion into an overlay zone. Further public consultation is required in respect of an area that will be proposed to be subject to such an overlay zone):

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
56	New item	<p>The introduction of a "Third Dwelling Overlay Zoning" will allow relevant areas to:</p> <ul style="list-style-type: none"> ○ promote the overarching principle of densification; ○ be regularised in highly populated areas of the City; ○ unlock economic potential in areas in need; ○ assist in addressing the backlog of housing; ○ implement the policy statements and goals which argues a denser and more compact city, as per the Council approved Cape Town Spatial Development Framework (CTSDF); the Densification Policy; the Integrated Human Settlement Framework (IHSF); and the Integrated Public Transport Network (IPTN) framework through its Transit Oriented Development (TOD) strategies. 	No.

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- The introduction of a “Small and Micro Enterprise Overlay Zoning” (Further public consultation is required in respect of an area that will be proposed to be subject to such an overlay zone):

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
56	New item	<p>The introduction of a “Small and Micro Enterprise Overlay Zoning” will allow relevant areas:</p> <ul style="list-style-type: none"> ○ to make provision for the development of small and micro enterprises within the Single Residential (SR)1 and 2 zonings in city blocks along selected activity routes / streets and structuring routes identified in the Local Spatial Development Frameworks and the District Spatial Development Frameworks; ○ to promote the “high street” concept in areas that qualify as such; and ○ to introduce required development initiatives to support economic development in such areas. 	No.

- The introduction of a “Extensive Residential Use Overlay Zoning”:

#	Item of DMS	Reason for amendment/change	Amendment to the proposal after consideration of comments received during public participation process
56	New item	<p>Certain areas in the City have a complex history where certain land units are still zoned for agricultural purposes, while it is not an agricultural area anymore. The proposed overlay will assist in ensuring relevant residential uses occur in these area while also assisting in protecting the unique amenity (as mentioned in the</p>	No. Existing agricultural base zonings allows a second dwelling as a primary use. It is proposed that a second dwelling is an additional use right.

TTH

		approved district plan of the area) in terms of land unit sizes and low density suburban character.	
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8.2. Constitutional and Policy Implications

None.

8.3. Sustainability Implications

Does the activity in this report have any sustainability implications for the City? No Yes

8.4. Legal Implications

None.

8.5. Staff Implications

Does your report impact on staff resources, budget, grading, remuneration, allowances, designation, job description, location or your organisational structure?

No

Yes

8.6. Other Services Consulted

- Spatial Planning and Urban Design;
- Legal Services: Legislative unit;
- SPU
- Transport for Cape Town;
- Cape Institute for Architecture (CIA);
- South African Association of Consulting Professional Planners (SAACPP).

ANNEXURES

- Annexure A: Proposed amendments to the MPBL
 Annexure B: Summary of comments and responses
 Annexure C: Minutes: approval to commence with the amendments to the MPBL process
 Annexure D: Newspaper advertisements

FOR FURTHER DETAILS CONTACT:

NAME	Schalk De Jager
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E-MAIL ADDRESS	schalk.dejager@capetown.gov.za
DIRECTORATE	EESP
FILE REF NO	
SIGNATURE : DIRECTOR	 26/4/2016



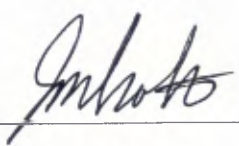
EXECUTIVE DIRECTOR
J Hugo

Comment:

NAME

DATE

28.04.2016



LEGAL COMPLIANCE

- REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.
- NON-COMPLIANT

NAME

TEL

DATE

Joan-Mari Holtz

021 400 2753

28/04/2016

Comment:

Certified as legally compliant: 
Based on the contents of the report.

CRAIG KESSON (STRATEGIC POLICY UNIT)

- SUPPORTED FOR ONWARD SUBMISSION TO MAYCO / COUNCIL :
- PC RECOMMENDATION
- RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT
- ALTERNATIVE RECOMMENDATION (TO BE REFLECTED IN COMMENTS SECTION BELOW)

NOT SUPPORTED

DATE _____

COMMENT:

EXECUTIVE DIRECTOR: CORPORATE SERVICES AND COMPLIANCE (ED: CORC)

G RAS

SUPPORTED FOR ONWARD SUBMISSION TO MAYOR / MAYCO / COUNCIL

NOT SUPPORTED

REFERRED BACK

DATE _____

COMMENT:

JH Merwe

MAYORAL COMMITTEE MEMBER

Cllr van der Merwe

COMMENT:

NAME JFH v/d Merwe

DATE 29/04/2016

EXECUTIVE MAYOR

- SUPPORTED FOR ONWARD SUBMISSION TO MAYCO / COUNCIL
- PC RECOMMENDATION
- RECOMMENDATION AS CONTAINED IN ORIGINAL REPORT
- ALTERNATIVE RECOMMENDATION TO BE REFLECTED BELOW
- APPROVED I.T.O. DELEGATED AUTHORITY
- NOTED
- REFUSED
- REFERRED BACK

DATE _____

COMMENT:

