

C 23/03/11

COUNCIL OF THE CITY OF CAPE TOWN

30 March 2011

FOR INFORMATION

RESOLUTIONS OF THE SPATIAL PLANNING, ENVIRONMENT AND LAND USE MANAGEMENT (SPELUM) COMMITTEE IN TERMS OF ITS DELEGATED POWERS : FROM DECEMBER 2010 TO FEBRUARY 2011

IZISOMBULULO ZEKOMITI YOCWANGCISO LWAMABALA, OKUSINGQONGILEYO NOLAWULO LOKUSETYENZISWA KOMHLABA NGOKWAMAGUNYA AYO EWANIKEZELWEYO: UKUSUSELA KUDISEMBA 2010 UKUYA KUFEBRUWARI 2011

BESLUITE VAN DIE KOMITEE OOR RUIMTELIKE BEPLANNING, OMGEWING EN GRONDGEBRUIKBESTUUR INGEVOLGE SY GEDELEGEERDE BEVOEGDHEDE: DESEMBER 2010 TOT FEBRUARIE 2011

In terms of Section 63 of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000), as detailed below, a delegatee has a duty to report to the delegating authority:

“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.”

Attached are the following decisions:

- ANNEXURE A** Decisions taken by the SPELUM Committee on 10 December 2010
- ANNEXURE B** Decisions taken by the SPELUM Committee on 31 January 2011
- ANNEXURE C** Decisions taken by the SPELUM Committee on 09 February 2011

The report is submitted **FOR INFORMATION**.
 Ingxelo ingeniswe **UKUBA UFUMANE ULWAZI**.
 Hierdie verslag word **TER INLIGTING** voorgelê.

DECISIONS TAKEN AT THE MEETING OF THE SPATIAL PLANNING,
ENVIRONMENT AND LAND USE MANAGEMENT COMMITTEE ON FRIDAY 10
DECEMBER 2010

SPEL06/12/10 APPLICATION FOR CONSENT AND DEPARTURES IN TERMS OF THE CAPE TOWN ZONING SCHEME REGULATIONS AND THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985 RESPECTIVELY : ERF 156233 CAPE TOWN AT RETREAT, 57 NYASA ROAD 174790 & 187815/SP

RESOLVED

That, subject to the amendment to condition 3.3 of Annexure "A" to the report dated 18 October 2010 to read "No more than 6 children in connection with the Early Childhood Development Centre shall be on the property at any one time",

- 1 the Deviation from the on-site parking requirement as stipulated in Section 3.2.2 of the Policy for Early Childhood Development Centres as set out in Paragraph 10.17 of the report in respect of the Consent for Erf 156233, Cape Town at 57 Nyasa Road, Retreat, **BE APPROVED**, and
- 2 the application for Consent in terms of Section 22 (Home Industry) of the Cape Town Zoning Scheme Regulations in order to permit an Early Childhood Development Centre for six children on Erf 156233 Cape Town at 57 Nyasa Road, Retreat,, **BE APPROVED**, subject to the conditions, as amended above, as set out in Annexure "A" to the report, and
- 3 the Departures from the Zoning Scheme Regulations for Erf 156233 Cape Town, at 57 Nyasa Road, Retreat, as per Annexure "A" to the report, **BE APPROVED** in terms of Section 15 of the Land Use Planning Ordinance, 15 of 1985.

The above decisions were made for the reasons as set out in the report dated 18 October 2010.

SPEL07/12/10 APPLICATION FOR AMENDMENT OF CONDITIONS, CONSENT AND DEPARTURES: ERF 1751, CNR MAIN AND BELLEVUE ROADS, SEA POINT 185643/JL

RESOLVED

That the application for Amendment of conditions of approval pertaining to Erf 1751, Sea Point, by the deletion of the conditions

set out in Annexure "A"(i) to the report **BE REFERRED BACK** to permit the members of the Committee to receive and consider documentation that was not before the Committee and which was relevant to consideration of the application and to permit officials from Traffic to be present to address questions on the issues of concerns about access as raised by the objectors.

SPEL08/12/10 APPLICATION FOR CONSENT IN TERMS OF SECTION 22 (HOME INDUSTRIES) OF THE CAPE TOWN ZONING SCHEME REGULATIONS: REMAINDER ERF 28901 CAPE TOWN AT MOWBRAY, 3 STRUBENS ROAD 186140/CG

RESOLVED

That, subject to the insertion of conditions that would provide that the tuck shop operating from the premises selling cooldrinks, chips, airtime, cigarettes, sweets and similar products, would be conducted from a table, with a chair and umbrella, that would not obstruct the pavement and would be housed on the premises on the property concerned when not in use, and that the tuck shop would not be conducted from a permanent immovable structure,

- 1 the Deviation from the visibility (neighbours awareness) requirement as stipulated in Section 3.7 of the Home Industry Policy as set out in Paragraph 10.10 of the report in respect of the Consent for Remainder Erf 28901 Cape Town, at 3 Strubens Road, Mowbray, **BE APPROVED**, and
- 2 the application for Consent in terms of Section 22 of the Cape Town Zoning Scheme Regulations to permit a portion of Remainder Erf 28901 Cape Town at Mowbray to be used for a tuck shop, **BE APPROVED**, subject to conditions, as amended above, as set out in Annexure "A" to the report.

The reasons for the above decisions are as set out in the report dated 2010.11.22.

SPEL09/12/10 APPLICATION FOR REZONING, DEPARTURES AND CONSENT: ERF 45680 CAPE TOWN AT RONDEBOSCH, 16 BELMONT ROAD 170428/PJE

RESOLVED

- 1 That the Deviation from Section 2 of the final

recommendation of the Rondebosch / Mowbray Local Area Plan as set out in Paragraphs 10.13 and 10.14 of the report, in respect of the rezoning of a portion of Erf 45680 Cape Town at 16 Belmont Road, Rondebosch, **BE APPROVED**.

- 2 That the application for the Rezoning of that portion of Erf 45680 Cape Town at 16 Belmont Road, Rondebosch that is currently zoned General Residential R4, to General Business B1, as per plan LUM/00/45680, **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 15 of 1985, subject to conditions as set out in Annexure "A" to the report.
- 3 That the Consent in terms of Section 108 of the City of Cape Town Zoning Scheme Regulations, to permit building work within an Urban Conservation Area, for Erf 45680 Cape Town at 16 Belmont Road, Rondebosch **BE REFUSED**.
- 4 That the application for Departures, as set out in Annexure "A" to the report, for Erf 45680 Cape Town at Rondebosch **BE REFUSED** in terms of Section 15 of the Land Use Planning Ordinance, 15 of 1985.

The reasons for the above decisions are as set out in the report dated 2010.11.16.

SPEL10/12/10 APPLICATION FOR REZONING: ERF 57786 CAPE TOWN AT CLAREMONT, 5 CAVENDISH CLOSE 176827/PJE

RESOLVED

1. That the Deviation from the Claremont CBD Edges Policy as set out in paragraphs 10.6 and 10.8 of the report, in respect of Erf 57786 Cape Town at 5 Cavendish Close, Claremont,, **BE APPROVED**.
2. That the application for Rezoning of Erf 57786 Cape Town at 5 Cavendish Close, Claremont from General Residential R4 to General Business B1, **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions as set out in Annexure "A" to the report.

The reasons for the above decisions are as set out in the report dated 29 September 2010.

SPEL11/12/10 APPLICATION FOR REZONING AND DEPARTURES IN TERMS

**OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985
AND CONSENT IN TERMS OF THE ZONING SCHEME
REGULATIONS: ERF 88548 CAPE TOWN AT ST JAMES,
CORNER OF MAIN AND LEY ROADS
LUM/00/88548/DS**

RESOLVED

- 1 That the Deviations from Section 6.3.3 of the Guest Accommodation Policy as set out in Paragraph 10.9 of the report, in respect of the guest house on Erf 88548 Cape Town at corner of Main and Ley Roads, St James, **BE APPROVED.**
- 2 That the application for Rezoning of Erf 88548 Cape Town at corner of Main and Ley Roads, St James from Single Dwelling Residential to General Residential R4, **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions as set out in Annexure "A" to the report.
- 3 That the Consent for Erf 88548 Cape Town at corner of Main and Ley Roads, St James to permit additions to the building and the demolition of a portion of the boundary wall on Ley Road, in terms of Section 108 of the Cape Town Zoning Scheme Regulations, **BE APPROVED.**
- 4 That the application for Departures from the Zoning Scheme Regulations for Erf 88548 Cape Town at corner of Main and Ley Roads, St James, as per Annexure "A" to the report, **BE APPROVED** in terms of Section 15 of the Land Use Planning Ordinance, 15 of 1985.

The reasons for the above decisions are as set out in the report dated 26 October 2010.

**SPEL12/12/10 APPLICATION FOR REZONING, SUBDIVISION &
DEPARTURES IN TERMS OF THE LAND USE PLANNING
ORDINANCE NO 15 OF 1985 AND STREET NAMING:
UNREGISTERED ERVEN 2837-2843 (PORTIONS OF
REMAINDER ERF 683) OCEAN VIEW, JUPITER AVENUE
LUM/69/2837/KM**

RESOLVED

That, subject to the deletion of conditions 3.2 and 4.9.1 from Annexure "A" to the report dated 25 November 2010,

- 1 the Rezoning of Erven 2837, 2838, 2839, 2840, 2841, 2842 and 2843 Ocean View, from Single Residential to Subdivisional Area, **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions, as amended above, as set out in Annexure "A" to the report; and
- 2 the Subdivision of Erven 2837, 2838, 2839, 2840, 2841, 2842 and 2843 Ocean View, as per plan of subdivision LUM/69/2837, **BE APPROVED** in terms of Section 25 of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions, as amended above, as set out in Annexure "A" to the report; and
- 3 the Departures from the Zoning Scheme Regulations for Erven 2837, 2838, 2839, 2840, 2841, 2842 and 2843 Ocean View, as set out in Annexure "A" to the report, **BE APPROVED** in terms of Section 15 of the Land Use Planning Ordinance, 15 of 1985.

FURTHER RESOLVED

That to assist the relevant Departments when it came to making budgetary provision for the funding of the infrastructure and road works required by the Roads and Stormwater Department in respect of the rezoning of Erven 2837, 2838, 2839, 2840, 2841, 2842 and 2843 Ocean View, from Single Residential to Subdivisional Area, it **BE NOTED** that the Spatial Planning, Environment and Land Use Management Committee wanted to ensure that the relevant Departments would make the appropriate budgetary allocations in respect of the funding requirement of R8 887 656,00.

The reasons for the above decisions are as set out in the report dated 25 November 2010.

SPEL13/12/10 APPLICATION TO ERECT A THIRD PARTY ADVERTISING SIGN ON ERF 4551 AT 17 DIXON STREET – CAPE TOWN 183/09/MD

RESOLVED

That the application for the display of a Third Party Custom Made sign 135m² in extent on Erf 4551, 17 Dixon Street, Cape Town **BE REFUSED** as the sign does not comply with Section 29 and Sections 5 and 7 of Schedule 4 of The City of Cape Town: Outdoor and Advertising and Signage By-law promulgated on the 2001-12-05 for the reasons as set out in the report dated 2010.11.30.

SPEL14/12/10 APPLICATION FOR REZONING, SUBDIVISION AND CONSENT USE OF UNREGISTERED PORTION 31 OF THE FARM BARDALE NO. 451 (COMPRISING THE REMAINDER OF PORTION 5 OF THE FARM BARDALE No. 451 & A PORTION OF PORTION 2 OF THE FARM BARDALE No. 451) 192931/MW

RESOLVED

- 1 That the application for Rezoning of unregistered Portion 31 of the Farm Bardale No. 451 (comprising the remainder of Portion 5 of the Farm Bardale 451 & a portion of Portion 2 of the Farm Bardale 451) from "Agricultural Zone I" to "Subdivisional Area" (town houses, flats, crèche, place of worship, public and private open space, authority zone and remainder public roads), **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) subject to the conditions as contained in Annexure A.
- 2 That the application for Subdivision and phasing of unregistered Portion 31 of the Farm Bardale No. 451 into 472 Residential Zone III erven, 15 Residential Zone IV erven, 1 Institutional Zone I erf, 1 Institutional Zone II erf, 7 Open Space Zone I erven, 4 Open Space Zone II erven, 1 Authority Zone erf and remainder Transport Zone II, **BE APPROVED** in terms of Section 25 of the Land Use Planning Ordinance, 15 of 1985 in accordance with the Subdivision Plan No. BlueDowns2.2009317.11.04 dated 28 July 2010 attached to the report (See Annexure E), subject to the conditions as set in Annexure "A" to the report.
- 3 That the application for a Consent Use to permit dwelling houses on the subdivided portions of unregistered Portion 31 of the Farm Bardale No. 451, zoned Residential Zone III, **BE APPROVED**.

The reasons for the above decisions are as set out in the report dated November 2010.

SPEL15/12/10 APPEAL AGAINST TIME PERIOD TAKEN BY COUNCIL IN DEALING WITH AN APPLICATION FOR AN AMENDMENT OF A CONDITION AND REGULATION DEPARTURES: ERF 4439 SIMON'S TOWN 149916/PJE

RESOLVED

1. That the Competent Authority be advised that
 - 1.1 the application for the amendment of a condition, in terms of section 42 of the Land Use Planning Ordinance, 15 of 1985, as set out in Annexure "A" to the report, for Erf 4439, Simon's Town, **is not supported** by the Spatial Planning, Environment and Land Use Management Committee, and
 - 1.2 the application for Departures in terms of Section 15 of the Land Use Planning Ordinance 15 of 1985, as set out in Annexure "A" to the report, for Erf 4439, Simon's Town, **is not supported** by the Spatial Planning, Environment and Land Use Management Committee, and
2. That the report titled "Appeal against time period taken by Council in dealing with an application for an amendment of a condition and regulation Departures: Erf 4439 Simon's Town", dated 24 November 2010, be forwarded to the Competent Authority as Council's official comments on the appeal submitted in terms of Section 44(1)(d) of the Land Use Planning Ordinance, 15 of 1985, in respect of Erf 4439 Simon's Town.

SPEL16/12/10 APPEAL AGAINST TIME PERIOD TAKEN BY COUNCIL IN DEALING WITH APPLICATION FOR DEPARTURES IN TERMS OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985: ERF 168938 CAPE TOWN AT DIEP RIVER, WATERFORD STREET LUM/00/168938/ER

RESOLVED

- 1 That the Competent Authority be advised that the application for Departures, as set out in Annexure "A" to the report, for Erf 168938, Cape Town at Waterford Street, Diep River, is **supported** by the Spatial Planning, Environment and Land Use Management Committee, and
- 2 That the report titled "Appeal against time period taken by Council in dealing with application for Departures in terms of the Land Use Planning Ordinance, No 15 of 1985: Erf 168938 Cape Town at Diep River, Waterford Street" dated 30-11-2010 be forwarded to the Competent Authority as Council's official comments on the appeal submitted in terms of Section 44(1)(d) of the Land Use Planning Ordinance, 15 of 1985, in respect of Erf 168938 Cape Town at Diep River.
- 3 That the letter dated dated 9 December 2010 from L A Adams and Associates be forwarded to the Competent Authority together with the following comments on the letter:
 - 3.1 It was not normal practice for the Spatial Planning, Environment and Land Use Management Committee (Spelum) to grant interviews on applications where Spelum was not the decision making Authority, in such cases it was suggested that the requests for an interview be referred to the decision making Authority.
 - 3.2 The objector had been given access to, and copies of, all documentation requested that was considered by the officials concerned to be relevant to the application. There had been a request by the objector for access to documentation that the officials concerned had not considered relevant to the application.
 - 3.3 It was conceded that there had been an error in the advertising of the application and that officials had after consideration of the nature and extent of the error decided that the circumstances did not require the re-advertising of the application.
 - 3.4 It was the view of the officials concerned that the notifications on the appeal against time had been done by the Department strictly in accordance with the Notification Policy. The Policy required that where there was a petition, notice should be given to the known organizer of the petition. The Policy further required that where the organizer of the petition was not known, that

notice be served on the first signatory on the petition whose address was available. Notice had been served on the first signatory on the petition whose address was available. The officials concerned had not known that the organizer of the petition was a person whose name appeared much lower down in the petition.

SPEL17/12/10 APPLICATION FOR DELETION & AMENDMENT OF CONDITIONS IN TERMS OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985: ERF 172014 CAPE TOWN AT CLAREMONT, PALMYRA ROAD 196291/ER

RESOLVED

That, subject to the amendment to Annexure "A" to the report dated 24-11-2010 by the insertion of conditions;

- 1 providing that there shall be no shops on the top floor of the development, and
- 2 requiring that upon any change of use of the building would require the submission of building plans,

the application for Amendment and Deletion of conditions, as set out in Annexure A, for Erf 172014 Cape Town at Palmyra Road, Claremont, **BE APPROVED** subject to the conditions as set out in Annexure "A" as amended above, in terms of Section 42(3) of the Land Use Planning Ordinance, 15 of 1985, for the reason that the application would not have a negative impact on the area.

SPEL18/12/10 APPLICATION FOR DEPARTURES IN TERMS OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985: REMAINDER ERF 7499 FISH HOEK, 13 SIMON'S TOWN ROAD 169907/PA

RESOLVED

That consideration of the matter **BE ADJOURNED** to 31 January 2011 to permit an interview on the application.

SPEL19/12/10 APPLICATION FOR TEMPORARY DEPARTURE IN TERMS OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985: REMAINDER ERF 9822 FISH HOEK, 47 UPPER DE WAAL ROAD 193091/ER

RESOLVED

That the application for a Temporary Departure from the Zoning Scheme Regulations for Remainder Erf 9822 Fish Hoek, at 47 Upper De Waal Road, to permit an accounting office, **BE REFUSED** in terms of Section 15(1)(b) of the Land Use Planning Ordinance, 15 of 1985, for the reasons as set out in the report dated 22.11.2010.

SPEL20/12/10 APPLICATION FOR REZONING: ERF 173705, JAN SMUTS DRIVE, MAITLAND: PROPOSED SAPS HEADQUARTERS 182576/JL

RESOLVED

That the consideration of the matter **BE ADJOURNED** to 31 January 2011 to permit an official from the Transport Branch to be present to answer questions by members of the Committee on traffic issues..

SPEL21/12/10 APPLICATION FOR AN AMENDMENT OF THE URBAN STRUCTURE PLAN (ATLANTIS AND ENVIRONS GUIDE PLAN, 1981), REZONING AND SUBDIVISION: PORTIONS 4, 5 AND 6 OF CAPE FARM 1065 (WELGEMOED), WITSAND (ATLANTIS). 180959/CL

RESOLVED

1 **TO RECOMMEND** to the Planning and Environment Portfolio Committee (PEPCO)

1.1 that it **BE RECOMMENDED** to the Competent Authority that the application to amend the Atlantis and Environs Structure Plan (former Guide Plan, 1981) for portions 4, 5 and 6 of Cape Farm 1065 (Welgemoed) currently designated for Agricultural Purposes, and to include portions 4, 5 and 6 of Cape Farm 1065 (Welgemoed) for Township (or Urban) Development, **BE APPROVED** and be recommended for approval by the Competent Authority;

1.2 that it **BE RECOMMENDED** to the Competent Authority that the amendment of the Urban Edge in terms of the approved Provincial Spatial Development Framework in order to incorporate portions 4, 5 and 6 of Cape Farm

1065 (Welgemoed) for Township (or Urban) Development, **BE APPROVED**.

- 2 That, subject to the approval of resolution 1 above by PEPCO, it **BE RECOMMENDED** to the Competent Authority that the application to Rezone portions 4, 5 and 6 of the Cape Farm 1065 (Welgemoed) from Rural to Subdivisional Area and related uses **BE APPROVED** in terms of section 16(1) of the Land Use Planning Ordinance, 15 of 1985 subject to the conditions as set out in Annexure "A" to the report..
- 4 That subject to approval of resolutions 1.1, 1.2 and 2 above by the Competent Authority, the application to subdivide portions 4, 5 and 6 of Cape Farm 1065 (Welgemoed) as per subdivision plan (Annexure E1) **BE APPROVED** in terms of Section 25(1) of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions as set out in Annexure "A" to the report.

The reasons for the above decisions are as set out in the report dated 3 December 2010.

SPEL22/12/10

**APPLICATIONS FOR THE DESIGNATION OF LAND FOR LESS FORMAL SETTLEMENT IN TERMS OF CHAPTER 1 OF THE LESS FORMAL TOWNSHIP ESTABLISHMENT ACT NO. 113 OF 1991 AND FOR STREET NAMES: PORTION OF ERF 5131 KOMMETJIE (MASIPHUMELELE PHASE IV)
187037/MW**

RESOLVED

That, subject to the insertion in Annexure A of a conditional applicable to Portion1 (Informal Residential) wherein it would be provided that notwithstanding the uses set out in an informal residential zone the sale of liquor may not take place from any property zoned Informal Residential,

- 1 **TO RECOMMEND** to the Competent Authority that the Designation of a portion of Erf 5131 Kommetjie as shown on Annexure "B" and plan LUM/69/5131 (Annexure "E"), for Less Formal Settlement in terms of Section 3 of the Less Formal Township Establishment Act, 113 of 1991 **BE APPROVED** subject to the conditions, as amended above, as set out in Annexure "A" to the report.

- 2 That, subject to the approval of resolution 1 above by the Competent Authority,
 - 2.1 the Deviation in respect of the Structure Plan for Ward 21, from Sections 4.2 and 4.3 of the Structure Plan as set out in paragraph 10.9 of the report, and
 - 2.2 the Deviation in respect of the Council's 2001 Urban Edge Report, from Section 4.2.14 of the Urban Edge report as set out in paragraph 10.7 and in Annexure "B" of the report,

for a portion of Erf 5131 Kommetjie, **BE APPROVED.**

FURTHER RESOLVED

TO REQUEST that the Competent Authority refer back to the Spatial Planning, Environment and Land Use Management Committee the subdivision of the different portions of the development, for comment before the subdivision approvals are granted.

The reasons for the above decisions are as set out in the report dated 01-12-2019.

THE MEETING ENDED AT 15h05

**DECISIONS TAKEN AT THE MEETING OF THE SPATIAL PLANNING,
ENVIRONMENT AND LAND USE MANAGEMENT COMMITTEE ON MONDAY 31
JANUARY 2011**

**SPEL05/01/11 APPLICATION FOR DEPARTURES IN TERMS OF THE LAND
USE PLANNING ORDINANCE NO 15 OF 1985: REMAINDER
ERF 7499 FISH HOEK, 13 SIMON'S TOWN ROAD**

RESOLVED

- 1 That the application for Departures, as set out in Section 1 of Annexure "A", for Remainder Erf 7499 Fish Hoek, **BE REFUSED.**
- 2 **TO RECOMMEND** to the Competent Authority that the application for Departures to permit a total floor space of 179m² in lieu of 120m² for the Second Dwelling and to permit a total floor space of 186% of the site area in lieu of 66%, as set out in Section 2 of Annexure "A" to the report, to allow for a loft to be added on Remainder Erf 7499 Fish Hoek, **BE REFUSED.**
- 3 **TO RECOMMEND** that the above resolution 2 **BE CONFIRMED** by Council and that no rights accrue until Council has so resolved

The above decisions were made for the reason that there was insufficient on-site parking.

**SPEL06/01/11 APPLICATION FOR AMENDMENT OF CONDITIONS,
CONSENT AND DEPARTURES: ERF 1751, CNR MAIN AND
BELLEVUE ROADS, SEA POINT**

RESOLVED

- 1 That the application for Amendment of Conditions of approval pertaining to Erf 1751, Sea Point, by the deletion of the conditions set out in Annexure "A1" (i) to the supplemental report dated January 2011, **BE APPROVED** in terms of Section 42 of the Land Use Planning Ordinance, 15 of 1985; subject to the additional conditions as set out in Annexure "A1" (iv) to the supplemental report dated January 2011, and
- 2 the application for a Departure from Section 80 of the Zoning Scheme Regulations for Erf 1751, Sea Point to permit access to visitors parking to be covered in lieu of uncovered, **BE APPROVED** in terms of Section 15 of Ordinance 15 of

1985; subject to the conditions as set out in Annexure "A1" (iv) to the supplemental report dated January 2011; and

- 3 that Consent for Erf 1751, Sea Point, to permit work and removal of mature trees in a declared Urban Conservation Area **BE APPROVED** in terms of Sections 108(i) and (ii) of the City of Cape Town Zoning Scheme Regulations.

The above decisions were made for the reasons as set out in the reports dated September 2010 and January 2011.

SPEL07/01/11 APPLICATION FOR REZONING: ERF 173705, JAN SMUTS DRIVE, MAITLAND: PROPOSED SAPS HEADQUARTERS

RESOLVED

That consideration of the matter **BE ADJOURNED** to the next ordinary meeting of the Committee to permit the officials concerned to arrange for representatives from the Consulting Engineers, the BRT and the Transport Department to be present at the meeting.

SPEL08/01/11 UPDATE ON ILLEGAL SAND MINING: MACCSAND HIGH COURT RULING AND WAY FORWARD

RESOLVED

That consideration of the matter **BE ADJOURNED** to the next ordinary meeting of the Committee to permit the Legal Adviser to the Committee to liaise with the Legal Adviser to PEPCO.

SPEL09/01/11 APPLICATIONS FOR AMENDMENT OF URBAN STRUCTURE PLAN, DELETION OF CONDITIONS REZONING AND SUBDIVISION: UNREGISTERED PORTION 318 OF STELLENBOSCH FARM 454, A PORTION OF PORTION 21, BLACKHEATH 182102/NB

RESOLVED

TO RECOMMEND to the Planning and Environment Portfolio Committee (PEPCO) **that it BE RECOMMENDED** to the Competent Authority that the Amendment of the Urban Structure Plan: Cape Metropolitan Area 1988 to change the designation from Industrial to Urban Development of Unregistered Portion 318 of Stellenbosch Farm 454 (being a

portion of Portion 21 of Farm 454 Stellenbosch), **BE APPROVED**.

- B. That, subject to the approval of the amendment of the Urban Structure Plan by the Competent Authority, as set out in resolution 1 above,
- 1 the application for **REZONING** from Industrial Zone 1 to Sub-divisional Area (informal residential, open space I, transport II), of Unregistered Portion 318 of Stellenbosch Farm 454 (being a portion of Portion 21 of Farm 454 Stellenbosch), **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions as as set out in Annexure "A" to the report, and
 - 2 the application for **SUBDIVISION** into 141 Informal Residential, 1 Open Space I and Transport Zone II portions, of Unregistered Portion 318 of Stellenbosch Farm 454 (being a portion of Portion 21 of Farm 454 Stellenbosch), **BE APPROVED** in terms of Section 25 of the Land Use Planning Ordinance, 15 of 1985 in accordance with the attached plan No 2.477-S2-01, dated 18 May 2009 (Annexure "E" to the report), subject to the conditions as set out in Annexure "A" to the report, and
 3. the application for **WAIVING/DELETION** of conditions 41, 42 & 46 as set out in the letter of approval of the Happy Valley Phase 2 development on Stellenbosch Farm 454 Portions 11, 14, 20, 21, 31, 51 & 52 dated 19-01-2010 (Annexure "M" to the report) **BE APPROVED** in terms of Section 42(3) of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions as as set out in Annexure "A" to the report.

THE MEETING ENDED AT 13h15

DECISIONS TAKEN AT THE MEETING OF THE SPATIAL PLANNING,
ENVIRONMENT AND LAND USE MANAGEMENT COMMITTEE ON WEDNESDAY
09 FEBRUARY 2011

SPEL05/02/11 APPLICATION FOR AMENDMENT OF LAND USE CONDITIONS IN TERMS OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985 AND COUNCIL'S CONSENT IN TERMS OF THE CAPE TOWN ZONING SCHEME REGULATIONS: ERF 3368 ORANJEZICHT, 14 HIGGO ROAD 190794/BS

RESOLVED

That consideration of the matter **BE ADJOURNED** to the next ordinary meeting to permit members of the Committee to carry out an inspection.

SPEL06/02/11 APPLICATION FOR COUNCIL'S SPECIAL CONSENT FOR A PLACE OF INSTRUCTION (DAYCARE), REGULATION DEPARTURE AND DEVIATION FROM THE POLICY FOR EARLY CHILDHOOD DEVELOPMENT CENTRES ON ERF 611, KENRIDGE, DURBANVILLE 183367/GvV

RESOLVED

That consideration of the matter **BE ADJOURNED** to permit an official from the Transport Department to be present to answer questions on traffic issues.

SPEL07/02/11 APPLICATION FOR REZONING: ERF 173705, JAN SMUTS DRIVE, MAITLAND: PROPOSED SAPS HEADQUARTERS 182576/JL

RESOLVED

That, subject to the insertion of an additional point in condition 1.1 of Annexure "A" to the report dated November 2010, reading "that there be a break in the median to permit a right turn access into the Pinelands Police Station, the application for Rezoning of Erf 173705, Jan Smuts Drive, Maitland, from Undetermined Use Zone to General Business Use Zone, Sub-Zone B3 **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions, as amended above, as set out in Annexure "A" to the report dated November 2010, for the reasons as set out in the report.

SPEL08/02/11 UPDATE ON ILLEGAL SAND MINING: MACCSAND HIGH COURT RULING AND WAY FORWARD M17/9/4/1/KW

RESOLVED

The matter be taken off the agenda and be listed as an Outstanding Matter.

SPEL09/02/11 APPLICATION FOR THE DELETION OF CERTAIN CONDITIONS OF APPROVAL AND AN AMENDMENT OF THE DEVELOPMENT PLAN : PORTION 20 OF CAPE FARM 741, OTTERY EAST 165858/MJC

RESOLVED

- 1 **TO RECOMMEND** to the Competent Authority that the application for the deletion of certain conditions of rezoning approval in respect of Portion 20 of Cape Farm 741, Ottery East, in terms of Section 42 of the Land Use Planning Ordinance, 15 of 1985, as set out in Annexure "A" to the report, **BE APPROVED** and,
- 2 that, subject to the approval by the Competent Authority of the deletion of the conditions as set out in 1 above, the application for the Amendment of the Development Plan for Portion 20 of Cape Farm 741, Ottery East, comprising of the following plans :

Ottery Hypermarket Retail Configuration
 Drawing Name : Proposed Retail Layout
 Project No : 3872
 Drawing Number : 2-01
 Revision No. : 5
 Dated : 2008.09 and
 Ottery Hypermarket Retail Configuration
 Drawing Name : Proposed Retail Layout – First Floor
 Project No : 3872
 Drawing Number : 2-02
 Revision No. : 2
 Dated : 2008.09

attached as Annexure "D" to the report,

BE APPROVED subject to the conditions as set out in the Annexure "A" to the report 10 September 2010.

The above decisions were made for the reasons as set out in the report dated

SPEL10/02/11 APPLICATION FOR SUBDIVISION AND DEPARTURES IN TERMS OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985: ERF 10905 CONSTANTIA, STEENBERG ROAD, TOKAI 193720/DS

RESOLVED

That consideration of the matter **BE REFERRED BACK** to allow the officials concerned to draw up conditions that could be imposed in the event that the application would be approved by the Committee.

SPEL11/02/11 APPLICATION FOR THE AMENDMENT OF A CONDITION, AN AMENDMENT OF THE SUBDIVISION PLAN AND DEPARTURES IN TERMS OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985: ERF 55945 CAPE TOWN AT CLAREMONT, 23 CARBROOK AVENUE 183653/CG

RESOLVED

- 1 That the application for the Amendment of a Condition, as set out in Annexure 1 to the report, for Erf 55945 Cape Town at 23 Carbrook Avenue, Claremont, **BE APPROVED** in terms of Section 42(3) of the Land Use Planning Ordinance, 15 of 1985, and
- 2 the application for the Amendment of Plan of Subdivision LM3750 and its replacement with Plan of Subdivision LM3750/1, **BE APPROVED** in terms of Section 30(1) of the Land Use Planning Ordinance, 15 of 1985, and
- 3 the application for Departures for Erf 55945 Cape Town at 23 Carbrook Avenue, Claremont, as set out in Annexure 1 to the report, **BE APPROVED** in terms of Section 15 of the Land Use Planning Ordinance, 15 of 1985.

The above decisions were made for the reasons as set out in the report dated 17.01.2011.

SPEL12/02/11 APPLICATION FOR A DOUBLE STOREY ADDITION IN LIEU OF A SINGLE STOREY ON ERF 6331 HOUT BAY, 4 SANDPIPER PLACE 193614/SP D-S

RESOLVED

- 1 That the application for permission of the Engineer to permit a building to be extended over the existing garage to form a double-storey portion of the dwelling on Erf 6331 Hout Bay, at 4 Sandpiper Place **BE APPROVED** in accordance with the plans drawn by Richard Adcock Architect dated 1 February 2006 with drawing numbers 758-101, 758-102, 758-103, all Revision A. for the reasons as set out in the report dated 1 December 2010.
- 2 That, in light of the fact that the Executive Director: Strategy and Planning has elected to not exercise his general delegation and Spelum is authorized to exercise a power, function or duty conferred on Council provided that it shall report thereon to the next Council meeting and Council shall either confirm vary or revoke the decision , the above decision **BE REFERRED TO COUNCIL** to confirm, vary or revoke the above decision and no rights shall accrue until Council has so resolved on this matter.
- 3 **TO RECOMMEND** that the decision, as set out in resolution 1 above, **BE CONFIRMED** by Council.

SPEL13/02/11 APPEAL AGAINST NO AGREEMENT BEING REACHED AS TO THE CONTENT OF AN APPLICATION FOR A TEMPORARY LAND USE DEPARTURE AND REGULATION DEPARTURES: ERF 7416 FISH HOEK, 11 MOUNTAIN ROAD 188333/DS

RESOLVED

- 1 That the Competent Authority be advised that the Spatial Planning, Environment and Land Use Management Committee (Spelum) is of the view that the application as submitted for a Temporary Departure from the Zoning Scheme Regulations to permit a guest house and Regulation Departures as set out in Annexure "A" to the report for Erf 7416 Fish Hoek **NOT BE SUPPORTED** and that the applicant be instructed to supply the outstanding information

to ensure the proper processing of this application, for the reasons as set out in the report and

- 2 that the report dated 10 January 2011 from the Department: Planning and Building Development Management, be forwarded to the Competent Authority as Council's official comments on this appeal submitted in terms of Section 44(1)(d) of the Land Use Planning Ordinance No 15 of 1985 in respect of Erf 7416 Fish Hoek.

SPEL14/02/11 APPLICATION FOR REZONING, SUBDIVISION, PHASING AND CONSENT USE OF UNREGISTERED ERF 29654 BLUE DOWNS (COMPRISING THE REMAINDER OF THE REMAINDER OF PORTION 2 FARM 451 AND A SUBDIVISION OF ERF 27635 (A PORTION OF ERF 1892 BLUE DOWNS)) 193182/MW

RESOLVED

That, subject to the deletion of the word "rate" in line one of condition 15.17 as set out in Annexure "A" to the report dated January 2011,

- 1 the application for Rezoning of unregistered Erf 29654 Blue Downs (comprising of remainder of Portion 2 Farm 451 and a portion of Erf 27635 (a portion of Erf 1892 Blue Downs)) from "Agricultural Zone I" and "Undetermined Zone" to "Subdivisional Area" for town houses/dwelling houses, flats, crèche, place of worship, public and private open space, railway reserve and remainder public roads, **BE APPROVED** in terms of Section 16 of the Land Use Planning Ordinance, 15 of 1985, subject to the conditions as set out in Annexure "A" to the report, and
- 2 the application for Subdivision and phasing of unregistered Erf 29654 Blue Downs into 120 Residential Zone III erven, 7 Residential Zone IV erven, 1 Institutional Zone I erf, 1 Institutional Zone II erf, 2 Open Space Zone I erven, 1 Open Space Zone II erven, 1 Transport Zone I erf and remainder Transport Zone II, **BE APPROVED** in terms of Section 25 of the Land Use Planning Ordinance, 15 of 1985, in accordance with the Subdivision Plan No. BlueDowns2.2009317.13.03 dated 8 July 2010 attached to the report as Annexure "E", subject to the conditions as set out in Annexure "A" to the report, and

- 3 that the application for a Consent Use to permit dwelling houses on the subdivided portions of unregistered Erf 29654 Blue Downs, zoned Residential Zone III, **BE APPROVED**.

All the above decisions were made for the reasons as set out in the report dated January 2011.

SPEL15/02/11 APPLICATION FOR DEVIATION FROM THE HOME INDUSTRY POLICY AND CONSENT USE IN TERMS OF SECTION 22 OF THE CAPE TOWN ZONING SCHEME REGULATIONS, ERF 22054, MITCHELLS PLAIN 182673/RA

RESOLVED

- 1 That the Deviation from Section 3.7 of the Home Industry Policy as set out in Section 9 on pages 5, 6 and 7 of the report dated January 2011, in respect of Erf 22054, Mitchells Plan at 4 Cheetah Close, Eastridge, **BE REFUSED**.
- 2 That the application for a Consent Use in terms of Section 22 of the Cape Town Zoning Scheme to operate a home industry (tyre shop) on Erf 22054, Mitchells Plain, at 4 Cheetah Close, Eastridge, **BE REFUSED**

The above decisions were made for the reasons as set out in the report dated January 2011.

SPEL16/02/11 APPLICATION FOR DEVIATION FROM THE HOME INDUSTRY POLICY AND CONSENT IN TERMS OF SECTION 22 OF THE CAPE TOWN ZONING SCHEME ON ERF 5821, 91 CYPRESS WAY, WESTRIDGE. 187369/GH

RESOLVED

- 1 That the Deviation from Section 3.7 of the Home Industry Policy as set out in Section 10.5 on page 8 of 11 of the report dated January 2011, in respect of Erf 5821, 91 Cypress Way, Westridge, Mitchells Plain, **BE REFUSED**.
- 2 That the application for a Consent Use in terms of Section 22 of the Cape Town Zoning Scheme to operate a home industry (tyre shop) on Erf 5821, 91 Cypress Way, Westridge, Mitchells Plain, **BE REFUSED**

The above decisions were made for the reasons as set out in the report dated January 2011.

SPEL17/02/11 APPLICATION FOR DEVIATION FROM THE HOME INDUSTRY POLICY AND CONSENT USE IN TERMS OF SECTION 22 OF THE CAPE TOWN ZONING SCHEME REGULATIONS, ERF 14933, MITCHELLS PLAIN 187370/NB

RESOLVED

- 1 That the Deviation from Section 3.7 of the Home Industry Policy as set out in Section 9 on pages 5, 6 and 7 of this report, in respect of Erf 14933 Mitchells Plain at 3 Boston Street, Portlands, **BE REFUSED**
- 2 That the application for a Consent Use in terms of Section 22 of the Cape Town Zoning Scheme to operate a Home Industry (tyre sale & repair centre) on Erf 14933, Mitchells Plain at 3 Boston Street, Portlands, **BE REFUSED**.

The above decisions were made for the reasons as set out in the report dated January 2010.

FURTHER RESOLVED

That the issue of forward planning with regard to the creation of small hives and/or mixed use areas to permit affordable commercial properties, be referred to the Planning and Environment Portfolio Committee for consideration.

SPEL18/02/11 APPLICATION FOR CONSENT: ERF 174009, CNR STRAND AND BREE STREETS, CAPE TOWN 200510/JL

Item **WITHDRAWN** from the agenda

SPEL19/02/11 SUPPLEMENTARY REPORT APPLICATION FOR TEMPORARY LAND USE DEPARTURE ON ERF 2605, 6 CARLTON CRESCENT, PARKLANDS 165077/ALD

RESOLVED

That a Temporary Land Use Departure on Erf 2605 Parklands at 6 Carlton Crescent, to permit a crèche for 25 children, **BE**

APPROVED in terms of Section 15(1)(b) of the of the Land Use Planning Ordinance 15 of 1985, subject to the conditions as set out in Annexure "A" to the supplementary report signed on 2 February 2011, for the reasons below:

- 1 As a result of the reduction in numbers, from the 35 children applied for to 25 children approved, the operation would be in line with a small-scale centre as defined within the Early Childhood policy guidelines.
- 2 The reduction in numbers. from the 35 children applied for to 25 children approved, would minimize traffic flow into the area generated by the crèche.

THE MEETING ENDED AT 13h00