



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

**PLANNING AND BUILDING DEVELOPMENT
MANAGEMENT**

JOY SAN GIORGIO
Senior Professional Officer

T: 021 - 400 6453 F: 021 - 419 4694
E: comments_objections.tablebay@capetown.gov.za **Case**
ID: 70291980

17 OCTOBER 2016

Pinelands Ratepayers & Residents Association
P O Box 15
HOWARD PLACE
Pinelands
7430

Dear Sir / Madam

**PROPOSED DELTION OF RESTRICTIVE TITLE DEED CONDITIONS, APPROVAL OF COUNCIL AND
DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BYLAW IN RESPECT
OF ERF 580, 24 FOREST DRIVE PINELANDS**

The City of Cape Town has received the following planning application for consideration:

Application number
70291980

Applicant / Owner's details
Jono Trust

Erf number or erven numbers
580 Pinelands

Description and physical address
24 Forest Drive Pinelands (as shown on the attached locality plan)

Purpose of the application

It is proposed to convert the existing dwelling house into two dwelling units. To accommodate the Second Dwelling certain title deed conditions are to be deleted. The conditions to be deleted, contained in title deed T4434/2012 reads as follows:

- B1: The plot is sold for the purpose of the buyer erecting thereon one dwelling house and its appurtenances and for no other purpose and the buyer shall not without the written consent of Gardens Cities sell the plot unit the dwelling house under the conditions laid down herein is erected thereon.
- B2: The plot sold shall not be subdivided and not more than one dwelling house with the necessary outbuildings and accessories shall be erected on each plot as shown on the General Plan of the Garden Cities unless the consent of the Garden Cities in writing be first had and obtained. Unless otherwise agreed to in writing by Garden Cities if more than one plot is sold to anyone buyer such buyer shall be bound to

erect one dwelling on each plot.

- C1: That the said lot be used for residential purposes only.
- C2: that not more than one dwelling be erected on the said lot.
- C3: that no building be erected within 4.72m of the boundaries abutting the roadways shown on annexed diagram or within 0.94m of the other boundaries of the said lot.

In addition thereto, certain alterations and additions are proposed which require the following departures are required from Item 22 of the Development Management Scheme to permit

- 3.5m in lieu of 4.5m from the Homestead Way street boundary.
- The building to be positioned at 1.5m in lieu of 3.0m from the southern and west common boundaries each. The departure applies to an approximate length of 1,129m and 0,7m along the southern boundary and 1.2m along the western boundary.

A further application is required from Item 162 of the Development Management Scheme to permit building work within a Heritage Protection Overlay Zone.

Enquiries

The application may be inspected at the office of the District Manager at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town during office hours.

Enquiries may be directed to [Joy San Giorgio, 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, telephone number: 021 400 6453 and fax number: 021 419 4694] on weekdays from 08:00 to 14:30.

Objections, comments or representations

Any objection, comment or representation, with reasons therefor, may be lodged in writing at the office of the abovementioned District Manager (or by using the following e-mail address: comments_objections.tablebay@capetown.gov.za) to be received before or on the closing date mentioned below.

Further details to accompany any objection, comment or representation

- 1) The application number and the following details of the person who is submitting the objection, comment or representation:
 - full name;
 - address, contact details and the method by which they may be notified;
 - their interest in the application.
- 2) The reason for the objection, comment or representation, including at least –
 - the effect that the application will have on a person or the area;
 - any aspect of the application that is considered to be inconsistent with policy, and how.

Closing date for objections, comments or representations

09 December 2016

No late comment or objection will be considered unless the City Manager has agreed in writing.

Relevant legislation

This notice is given in terms of section 82/83 of the City of Cape Town Municipal Planning By-Law, 2015.

General

An objection, comment or representation which does not meet the requirements in this notice may be disregarded.

Objections, comments or representations form part of public documents and are forwarded to the applicant for response.

At the time an agenda for a meeting by the Municipal Planning Tribunal is publicly available, to consider this application when there was an objection, an objector may request an oral submission and such request must be submitted at least 7 days before the meeting, in terms of section 120(10) and (11) of the City of Cape Town Municipal Planning By-Law, 2015.

Any person who cannot write may come to the district office mentioned above during office hours where he or she will be assisted with transcribing any comment or objection and the reasons.

Neem asseblief kennis dat ingevolge artikel 82(4) van die Stad Kaapstad se Verordening op Munisipale Beplanning, 2015, hierdie kennisgewing ook in Afrikaans of Xhosa beskikbaar is met 'n skriftelike versoek. Stuur die versoek na comments_objections.tablebay@capetown.gov.za binne sewe dae van die datum van hierdie kennisgewing.

Nceda uqaphele ukuba ngokungqinelana necandelo 82(4) loMthetho kaMasipala ongoCwangciso waseKapa, 2015, esi saziso siyafumaneka ngesiXhosa nangesiBhulu ngesicelo esibhalwe phantsi. Eso sicelo masingeniswe comments_objections.tabelebay@capetown.gov.za kwiintsuku ezisixhenxe ukusuka kumhla wokukhutshwa kwesi saziso.

Yours faithfully



2016.10.25
09:04:11 +02'00'

for DIRECTOR: PLANNING AND BUILDING DEVELOPMENT MANAGEMENT

Making progress possible. Together.

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP		ANNEXURE :																													
Overview 		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">Erf: 580</td> <td colspan="2">District: TABLE BAY</td> </tr> <tr> <td colspan="2">Allotment: PINELANDS</td> <td colspan="2">Suburb: PINELANDS</td> </tr> <tr> <td colspan="2">Ward: 53</td> <td colspan="2">Sub Council: Subcouncil 15</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td rowspan="2" style="text-align: center; vertical-align: middle;"> 1:1 200 </td> <td style="text-align: center;">Notices Served</td> <td style="text-align: center;">●</td> <td style="text-align: center;">Support Received</td> <td style="text-align: center;">✓</td> </tr> <tr> <td style="text-align: center;">Petition Signatory</td> <td style="text-align: center;">■</td> <td style="text-align: center;">Objections Received</td> <td style="text-align: center;">✗</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td colspan="2" style="height: 20px;">Generated by:</td> <td rowspan="3" style="text-align: center; vertical-align: middle;"> CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD Making progress possible. Together. </td> </tr> <tr> <td colspan="2" style="height: 20px;">Date:</td> </tr> <tr> <td colspan="2" style="height: 20px;">File Reference:</td> </tr> </table>		Erf: 580		District: TABLE BAY		Allotment: PINELANDS		Suburb: PINELANDS		Ward: 53		Sub Council: Subcouncil 15		 1:1 200	Notices Served	●	Support Received	✓	Petition Signatory	■	Objections Received	✗	Generated by:		 CITY OF CAPE TOWN ISIXEKO SASEKAPA STAD KAAPSTAD Making progress possible. Together.	Date:		File Reference:	
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7.0 MOTIVATION SUMMARY AND CONCLUSIONS

This application report applies for the removal of certain restrictive title deed conditions and the relaxation of certain development rules in order to regularize minor transgressions on an existing building. Due to concerns about the relative ease with which the building can be converted into two dwellings, we also included an application to delete the title deed conditions that limit the use to one dwelling house.

Although the transgressions are minor, we have considered the applications in terms of the criteria set in planning law and are confident that the proposals are worthy of support since they offer benefit to the land owner and makes a positive contribution to the public realm. The proposals, although minor, are desirable and are in the interest of the public and area.

The approval of the applications will demonstrate that:

- Cape Town acknowledges and respects the cultural diversity of its citizens.
- The City's approach to urban management recognizes the value of cultural practices that allows family members to maintain the family structures of support;
- The City recognizes that the support of extended family members minimizes the burden on social development services; and
- The City seeks to improve land use efficiencies by promoting appropriate densification.

The applications are motivated on the following basis:

7.1 Planning Policy Compliance

- Consistent with applicable spatial development frameworks:
 - o Cape Town Spatial Development Framework (2012)
 - o Table Bay District Plan, Spatial Development Plan and Environmental Management Framework, Technical Report (2012)
 - o Cape Town Densification Policy (2012)

7.2 The extent of desirability of the proposed Removal of Restrictions and departures

- **Economic impact:** The proposals present an investment into the property that has already improved the area. Communal living and supporting extended families (as is the norm in Muslim households) reduce the burden on social services.
- **Social Impact:** The proposals encourage Land use intensification and economic development in an area that is very accessible. Broadly speaking, this allows more people to have access to the activities that the local area offers.
- **Compatibility with surrounding uses:** There are numerous examples of similar sites accommodating more than one dwelling units in the immediate surrounding area.
- **Impact on existing engineering services:** The proposals will not have any impact on the existing engineering services networks.
- **Impact on safety, health and well and wellbeing of the surrounding community:** Given the compatibility of the proposals with the surrounding urban fabric, we suggest that the development offers huge benefits to the public realm, specifically given the opportunities for passive surveillance.
- **Impact on heritage:** None, since HWC issued a demolition permit and the building plan is approved.
- **Impact on the biophysical environment:** the proposals will not have any impact on the biophysical environment because there will not be any changes to the building.
- **Traffic impacts, parking, access and other related considerations:**

- None, since the existing garages and carriageway crossings will not be changed.

7.3 Effects on Existing Rights

None, since the transgressions do increase any negative impact on the neighbours.

7.4 Motivation for RoR

There are several personal benefits to the land owner with the removal of the conditions:

- **Legal:** The building will become compliant with title deed limitations. This will pave the way for the City to issue occupation and other certificates.
- **Financial:** The ability to accommodate two dwelling units on the property offers a financial benefit to the owner.
- **Personal:** The owner's culture as a Muslim requires him to care for family elders and extended family members. The result is that Muslim families typically live in a communal fashion, where several related families share accommodation units on the same property.
- **The social / societal benefits of the restrictions remaining in place**
 - An approved building plan exists which already transgresses certain setbacks.
 - The same approved building plan shows a design that can quite easily be converted into two dwelling units.
 - Although there are deviations from the approved plan, these are insignificant in the context of the site size and the development potential that exist.
 - Retaining the restrictions also prevents the type of urban form and intensification that the SDF, District Plan and densification policy encourages. The City must act within the framework established by these documents and should therefore encourage appropriate intensification and densification. The application to remove certain title deed conditions will allow the appropriate intensification and densification.
 - It cannot be argued that the retention of the title deed controls is in the interest of the Pinelands community, since there are numerous examples of residential properties whose deeds have been amended to allow more than one dwelling unit and siting closer to the boundaries than the title deeds require. These changes to title deed conditions have not led to any change in the character of the area.
- **The social / societal benefits of removing the restrictions**
 - **The family:** The owner and his extended family will be given the opportunity to live in manner that allows him to practice his culture and fulfill his responsibilities to his elders and extended family members.
 - **Society:** The result of an approval is an increase in the intensity of use of the site and represents a form of appropriate densification.

Societal benefits regarding appropriate densification is widely acknowledged as a necessary step to the long term sustainability of the City. These include:

- o Making efficient use of the under-utilized municipal infrastructure and land, which is a scarce resource
- o Containing urban sprawl and the protection of surrounding natural resources
- o The creation of a more vibrant and diverse residential neighbourhood, offering a wide range of housing options and densities
- o Pedestrian convenience to business and retail activity for residents in the nearby suburbs
- o Creating demand for public transport
- o An increase in municipal revenue
- o A more efficient urban structure

The title deeds prevent the form of urban development and land use intensification that is necessary to move Cape Town to a more sustainable path.

- The implications of removing some, rather than all the restrictions.

The development control set out in the title deed restrictions are more appropriate controlled through application of the DMS controls.

We re-iterate that the DMS and title deed controls are relatively similar, and that a duplication of control measures is not in the interest of good urban management since it unnecessarily complicates land use management and development control.

In light of the above factors we believe that the applications are worthy of the City's support.

Mark Job Pr.Pln A/1367/2010
For JONO TRUST

GENERAL NOTES: 1. The building is to be constructed on the site of the existing building, which was destroyed by fire in 1968. The building is to be constructed on the site of the existing building, which was destroyed by fire in 1968. The building is to be constructed on the site of the existing building, which was destroyed by fire in 1968. NOTES: 1. The building is to be constructed on the site of the existing building, which was destroyed by fire in 1968. The building is to be constructed on the site of the existing building, which was destroyed by fire in 1968. The building is to be constructed on the site of the existing building, which was destroyed by fire in 1968.		PROPOSED ADDITIONS & ALTERATIONS TO EXISTING HOUSE PHASE I, 24 FOREST DRIVE, FIVE <i>[Signature]</i> DESIGN CONSULTANTS and associated MR. JOSEPH J. LIAO O.B.S. ARCHITECTS & ENGINEERS 1100 N. 10TH ST. SUITE 100 DENVER, CO 80202 TEL: 333-1111 FAX: 333-1111		HOUSE FARM <i>[Signature]</i> MUNICIPAL BUILDING 1100 N. 10TH ST. SUITE 100 DENVER, CO 80202 TEL: 333-1111 FAX: 333-1111	
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