



**PAUL HEYDENRYCH**  
Senior Professional Officer

T: +27 21 400 6458 F: +27 21 421 1963  
E: paul.heydenrych@capetown.gov.za

26 November 2015

Case #: 70175942

**REGISTERED MAIL**

David Hellig & Abrahamse  
P.O. BOX 910  
CAPE TOWN  
8000

**FINAL NOTIFICATION LETTER**

Dear Sir / Madam

**REZONING AND PERMANENT DEPARTURES: ERF 173339 CAPE TOWN, 9 AUGUSTUS STREET,  
SCHOTSCHEKLOOF**

My previous correspondence dated 04 April 2014 refers.

My previous correspondence dated 04 April 2014 and the subsequent appeals by David Hellig & Abrahamse refers.

I wish to advise that the appeal was **upheld** as per the Planning Appeals Committee's attached minute dated 13 November 2015 and that the process has therefore now been concluded.

Accordingly, you may now act on the decision, subject to compliance with the conditions detailed in the attached Annexure A.

Yours faithfully

PAUL HEYDENRYCH

for **DIRECTOR : PLANNING & BUILDING DEVELOPMENT MANAGEMENT**

cc GIS officer  
Director: Valuations  
Department: Roads and Stormwater

**AMENDED ANNEXURE A  
(Amended by PLANAP on 13 November 2015)**

Application No: **224647 (70175942)**

File Reference: **LM 6080**

**REZONING AND PERMANENT DEPARTURES GRANTED AND CONDITIONS IMPOSED**

In this approval document:

"Council" means the City of Cape Town

"the owner" means the registered owner of the property

"the property" means Erf 173339, Cape Town

"Scheme Regulations" has the meaning assigned thereto by the ordinance 15 of 1985

Note: The rezoning and departures are linked to plans with numbers 101 Rev 11, 201 Rev 1.1, 202 Rev 11, 203 Rev 11, 204 Rev 11, 205 Rev 11, 301 Rev 11, 401 Rev 11, 402 Rev 11, 404 Rev 11, 201 Rev 11 all dated January 2014 and drawn by Abrahamse Donovan Design.

**1. REZONING APPROVED IN TERMS OF SECTION 17 OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985 from:**

1.1. Rezoning of erf 173339, Cape Town from Single Residential Zone 1: Conventional Housing (SR1) to General Residential (GR4).

**2. PERMANENT DEPARTURE APPROVED IN TERMS OF SECTION 15 OF THE LAND USE PLANNING ORDINANCE NO 15 OF 1985 from:**

- 2.1. Chapter 6.2.2 (a): To permit the coverage to be 88% in lieu of 60%.
- 2.2. Chapter 6.2.2 (b): To permit the floor factor to be 1.7 (1353 sqm) in lieu of the permitted 1.5 (1174 sqm).
- 2.3. Chapter 6.2.2 (e): To permit the building to be set back 0.6m (level 2), 2.58m and 3.3m (level 3, 4, 5) in lieu of 4.5m from Augustus Street.
- 2.4. Chapter 6.2.2 (e): To permit the building to be set back 1.5m (level 1, 2, 3) in lieu of 4.5m (beyond 18.0m from the street) from the southern common boundary.
- 2.5. Chapter 6.2.2 (e): To permit the building to be set back 4.5m in lieu of 6.9m (level 4) and 8.4m (level 5) respectively (beyond 18.0m from the street) from the southern common boundary.
- 2.6. Chapter 6.2.2 (e): To permit the building to be set back 0.0m (level 1) in lieu of the 4.5m (beyond 18.0m from the street) from the western common boundary.
- 2.7. Chapter 6.2.2 (e): To permit the building to be set back 4.5m in lieu of the 5.1m (level 3), 6.9m (level 4) and 8.4m (level 5), respectively (beyond 18.0m from the street) from the western common boundary.
- 2.8. Chapter 6.2.2 (e): To permit the building to be set back 0.0m and 1.69m (level 2) in lieu of the 4.5m (beyond 18.0m from the street) from the eastern common boundary.

- 2.9. Chapter 6.2.2 (e): To permit the building to be set back 4.5m in lieu of the 6.9m (level 4) and 8.4m (level 5) respectively (beyond 18.0m from the street) from the eastern common boundary.
- 2.10. Chapter 19.1.2: To permit 15 parking bays (plus 5 tandem bays) in lieu of 20 bays required.

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

- 3.1. A drainage servitude shall be registered over a 225 mm sewer pipeline that cross in Erg 173339 (previously Erf 650 & 9374). No structure shall be allowed over the servitude.
- 3.2. The owner / developer shall pay a development charge (DC) in accordance with the approved Development Charges Policy for Engineering Services for the City of Cape Town.
- 3.3. No building or structure shall be built in / over the existing servitude area on Erg 173339, without the prior written approval of the Director: Planning and Building Development (in consultation with the relevant branch).
- 3.4. Prior to submission of building plans, the applicant shall submit a landscape plan to the satisfaction of the Executive Director: Energy, Environmental, and Spatial Planning.

Requirements from the Director: Utility Services (Electricity Branch):

Notes 1: A written application for an electricity supply to be development and for notification of the appropriate design standards shall be addressed to the Directorate at the earliest possible occasion by either the applicant or his consulting Engineer. In this regard, Calvin Davids may be contacted on 021 506 3835.

Note 2: In terms of Electricity Department's policy an Electrical Development Contribution cost shall be paid before the clearing of the rezoning will be granted. The amount is dependent on the rezoning and the required connection capacity. Furthermore a different tariff is applicable and must be applied for.

Energy restrictions:

Note 3: Measures to improve energy efficiency and reduce the consumption of electricity shall be included in development plans.

Note 4: The applicant shall undertake in writing to the City of Cape Town Electricity Department that all sales agreements shall include the following condition: The property owner shall conform to any conservation and/or rationing programme or scheme introduced adopted or implemented by a sphere of government of

relevant regulating body by reducing his/her electricity consumption as required in terms of such programme or scheme.

Note 5: The property owner shall undertake to appoint a consulting electrical or mechanical engineering practitioner registered with ECSA in the appropriate category to investigate in detail the specific energy needs of the development and to submit a report to the Director: Electricity Services setting out the energy efficiency measures that will be implemented. (residential development with no more than 10 dwelling units and not exceeding a supply size of 60A three phase per dwelling unit, as well as commercial and industrial applications not exceeding 60A three phase, will be exempt from this requirement).

Note 6: The property owner shall undertake to submit an electricity reticulation design report to the Director: Electricity Services for approval. Such report shall set out the necessary detail of the proposed infrastructure to be handed over to the City in terms of the Electricity Supply By-Law and shall be prepared by a consulting electrical engineering practitioner register with ECSA in the appropriate category. However, the Director: Electricity Services may decide at design stage, based on the likely impact of the development on the distribution network and/or the complexity of its internal reticulation, that such a report is not required.