



06 APRIL 2023

Dear Sir/Madam

PROPOSED APPLICATION FOR CITY APPROVAL AND AMENDMENT / DELETION OF CONDITIONS IN TERMS OF THE EXISTING APPROVALS: CAPE TOWN MPBL: ERF 1958, PINELANDS, 26 BROAD WALK, PINELANDS

This notice has been sent to you as Interested and Affected Party, Ward Councillor for the area, Representative Councillor for the area, Registered Community Organisation.

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

Case ID

1500002512

Applicant/owner's details

Jeremy Burmeister/ Gelria Properties (Pty) Ltd

Erf number(s)

Erf 1958, Pinelands

Description and physical address

26 Broad Walk, Pinelands (as shown on the attached locality plan)

Purpose of the application: The proposal entails a block of flats with 23 new units (apartments). The below applications are being triggered:

1. Application for Amendment of the Conditions in terms of the Existing Approval in terms of Section 42(j) of the MPBL, involving:
Condition 7.1
 - The building form shall be generally in accordance with the SDP contained in Annexure C1 attached.
2. Application for Councils Approval from the Development Management Scheme in terms of Section 42(i) of the MPBL, involving:
 - City approval 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, Corner Hertzog Boulevard & Heerengracht Street, Cape Town on weekdays from 08:00 to 14:30. District Secretary telephone number 021 400 6444, during office hours.

Objections, comments or representations

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

You can download the prescribed form at the following link: <http://www.capetown.gov.za/LandUseObjections>

Closing date for objections, comments or representations

11 MAY 2023

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

Relevant legislation

This notice is given in terms of section 82, 83 and 85 of the City of Cape Town Municipal Planning By-law (MPBL), 2015.

Request for oral submission

Section 120(11) of the MPBL provides that a person may make a request to the Municipal Planning Tribunal (MPT) to make an oral submission. For such request to be considered it must comply with the following requirements:

Must be a written request emailed to the following address: MPT.oralhearings@capetown.gov.za. Adequate reasons must be given for such request.

The request must be received at the abovementioned address at least five days before the MPT meeting where the application(s) will be considered, or closer to the meeting if good cause is shown.

If you would like to make such request, go to the following weblink for the scheduled MPT meeting dates and the agendas: <http://www.capetown.gov.za/Family%20and%20home/meet-the-city/city-council/Meeting-calendar>.

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 a response.

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 therefor. Please arrange an appointment with the District Secretary Roslind Butterson on 021 400 6444.

By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant. An objector may request that the City Manager keep their full name, address and contact details confidential on good cause shown. Such request must be submitted together with the objection, comment or representation.

Any petition must comply with the requirements of section 91 of the City of Cape Town Municipal Planning By-law, 2015.

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

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

Kind regards

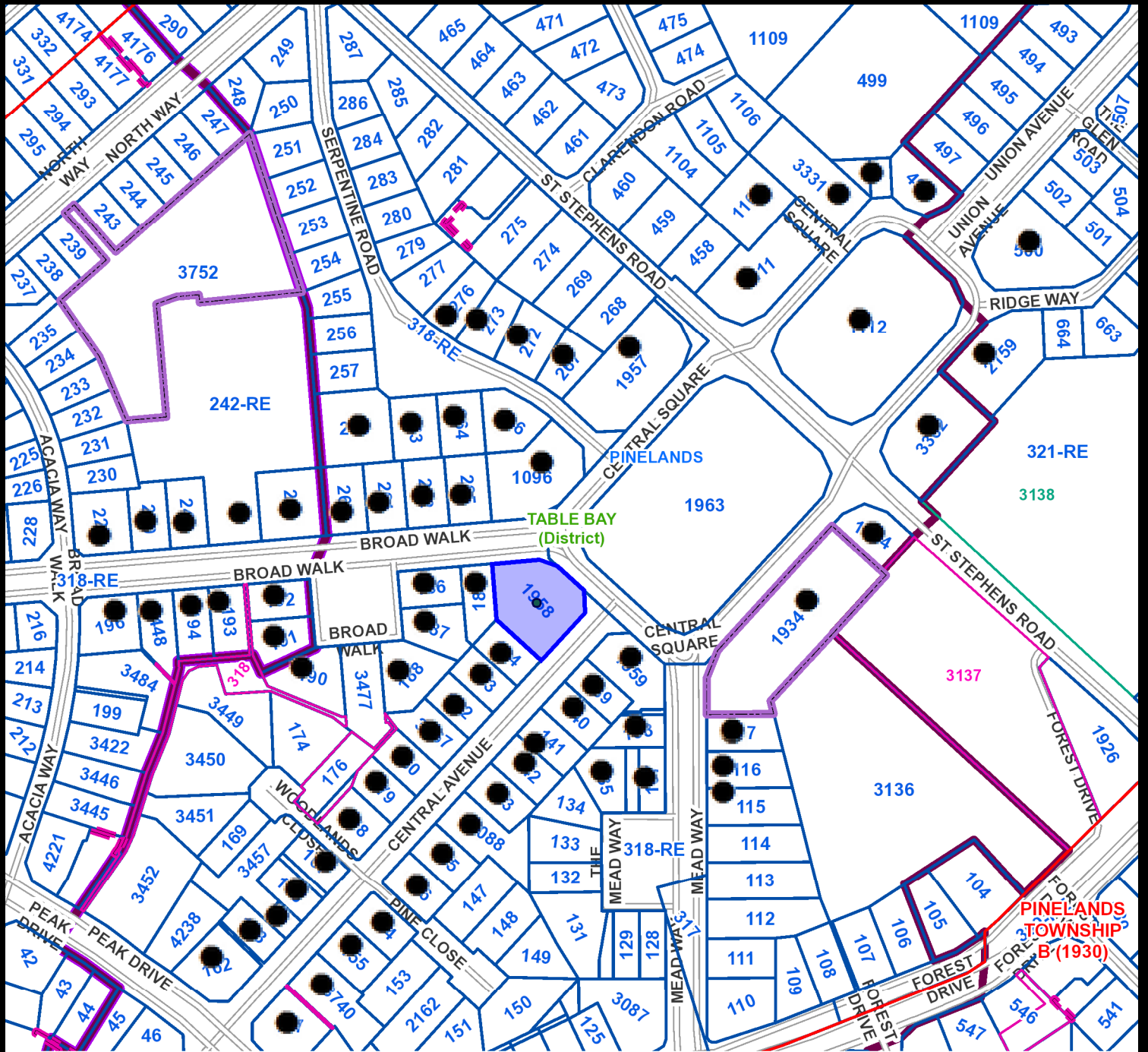


for DIRECTOR: DEVELOPMENT MANAGEMENT

MUNICIPAL BUILDING,
87 PIENAAR ROAD, MILNERTON, 7441
www.capetown.gov.za

**LOCALITY MAP
DEVELOPMENT MANAGEMENT**

ANNEXURE :



Overview

Erf: 1958

District: TABLE BAY

Allotment: PINELANDS

Suburb: PINELANDS

Ward: 53

Sub Council: 15



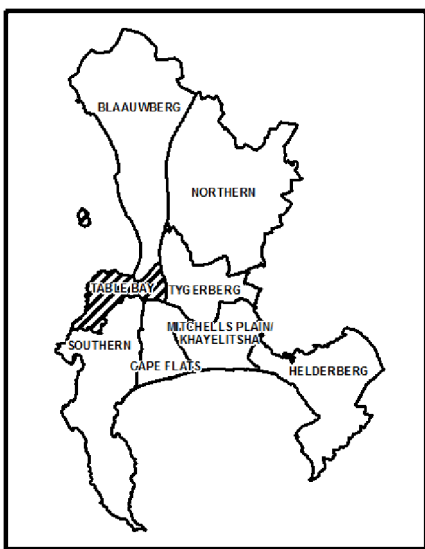
1:3 445

Notices Served	●	Support Received	✓
Petition Signatory	■	Objections Received	✗

Generated by:

Date: 2023-03-27

File Reference:





Bruce Burmeister Architects

29 Second Avenue | Claremont | 7708 | Cape Town
Email bruceburmeisterarchitects@gmail.com
Tel 021-671 3403

23rd March 2023

MOTIVATION

AMENDMENT OF CONDITIONS OF APPROVAL IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW:

In 2019: Erf 1958 was rezoned to Local Business Zone 1 (LB1). The scheme that was approved comprised of a mixture of offices and residential and was 3 storeys in form and structure.

With the advent of COVID, the demand for offices dropped off and yet the need for smaller residential apartments in a good area, increased. The previous approved scheme had 2 floors of offices with the top floor comprising of 7 residential units. The residential units were fairly large to an extent that they were not viable but were positioned on top of an unviable commercial scheme that had no demand. My Clients desired to sell the property but the only interest shown was to convert the existing building into smaller affordable units.

So, we looked into this and the market for such was certainly there. Currently the facility in the building is a PBO with little income but charged a huge increase in rates due to the rezoning, which they simply cannot afford.

So the application submitted is to amend the conditions of approval of Case no 70346284, Annexure A, in that conditions 7.1 be amended as follows:

7.1 - The building form shall be in accordance with the SDP contained in Annexure CI attached.

The annexure clauses are restrictive in their application, and made limited use of the existing building. The new scheme proposed utilises almost 80% of the existing building and structure. Furthermore, the

proposal, whilst accommodating a ground, first and smaller second floor, is much lower than the original scheme proposed, and is located within the existing structure (for the most part thereof) and is fully residential.

One of the primary objections to the original approved scheme was introducing offices in a primary residential area, so the proposed application, by proposing residential units only, complies with the surrounds, even though the proposal is essentially a block of apartments.

The proposal is for 23 units, comprising of larger units on the ground floor, and loft apartments on the first/second floors. In terms of parking, 23 units require 29 parking bays – the proposal accommodates 29 parking bays and so complies with the requirements of Section 138 (b) – flats. 1 disabled parking bay is provided – total bays is 30.

In terms of floor space, we are now 1669m² and thus 212m² less than that approved in 2019. In terms of the height of the proposed building, the previous approved height was 12m from NGL – the new proposal is 10.6m to top of existing roof ridge so it is 1.4m lower than the previous proposal. In terms of setbacks, we have tried to comply with the existing building and the original LB1 proposed envelopes as much as possible. It is only closer to Central Square Road and Broad Walk Road, that we are closer than the approved envelope. On Central Avenue we are 80% within the existing building envelope and merely add additional units towards Central Square Road. At the rear to the neighbours, we have stayed within the existing building envelope as best as we could but importantly, we have reduced the height and maintained the open parking area on Broad Walk Road.

In terms of Section 99 (1), we further motivate as follows:

- a) The proposed land use is consistent with the MSDF in that it is an application for a higher density residential block in a residential area.
- b) The proposed land use is desirable in that it enables better utilisation of the land and will allow more residential opportunities on the land.
- c) The proposed application will not have the effect of granting the property the development rules of the next sub-zone – actually the proposal is consistent with the current uses within the current zoning.

In terms of Section 99 (2) we note the following:

- a) The proposal is consistent with the applicable spatial development framework.
- b) The proposed land use is highly desirable in an area that is already residential and complies with the Densification Policy which supports contextually appropriate densification.
- c) No change in zoning is required.

- d) That the application has greater economic impact in that it uplifts the immediate neighbourhood in terms of added value. The value of erf 1958 will far exceed that of any erf close by, due to the opportunities the current zoning will offer.

In terms of Section 99 (3) we note the following:

- a) The application has no social impact at all. It will result in the potential for increased residential accommodation in a well located area.
- b) That the scale of the capital investment in relation to the changes to be made, are far less than previously approved.
- c) That the application is compatible with the surrounding areas in that apartments in the immediate neighbourhood are already present. This particular area has numerous blocks of high density apartment blocks and besides numerous religious institutions, is surrounded by residential erven.
- d) That there will be no impact on services, safety, health or transport related considerations. A DC levy has already paid by the owners in relation to the previous application for usage of both offices and residential.
- e) That the application will have no heritage impact at all or any impact on the biophysical environment. The current building has no heritage value and the proposed application is mostly built within that envelope.
- f) That the proposed transport changes are largely similar to what was previously approved in that the existing carriageway crossings will be used, and enough parking proposed on site so as not to impact on the streets outside the site. Far less parking is required in terms of the proposed application than what was required before.
- g) No construction work on the site has commenced.
- h) The application does not require a change in policy that might delay a decision.

With regard to the previous Land Use Conditions, a building plan was submitted and approved. This required a landscape plan to be submitted which was approved and the DC levy was updated and paid before the plan could be assessed. The Roads Department regarding the relocation of the storm water pipe across the site was also undertaken by Devs and a plan submitted, paid for and approved.

We are proposing amendments to Conditions of approval as follows:

- 7.1)The building form shall be in accordance with the SDP contained in Annexure CI attached.
- 7.2)No changes to conditions 7.2 and 7.3

Below, we have drawn up a schedule/table to indicate what was approved in 2019 and what we are proposing now:

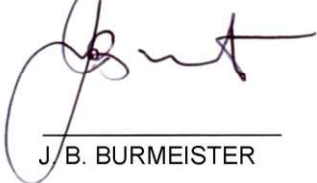
APPROVED IN 2019	WHAT WE PROPOSE
1) Various deletions from the title deed	1) No alterations required
2) Approved rezoning from Place of Instruction to Local Business zone 1 – Clause 4.1	2) No alterations needed. Residential is permitted and was part of the original application that was approved.
3) Title conditions amended/deleted however some remained – these were: Clause 3.2 a) Refuse room to be 0.5m from the street and 0.75m from the common boundary	3) a) No change in location
b) Building to be 5.5m from Central Avenue	b) Proposed 7.71m – therefore complies
c) Building to be 3.5m from Central Square	c) Proposed setbacks of 5.2m and 5.6m – therefore complies
d) Building to be 6.2m from Broadwalk	d) Proposed setback is 6.2m, so complies
4) Item 162 (1) to permit building work within a Heritage Protection Overlay Zone – Clause 5.1	4) New departure required
5) Item 139 to permit 9 parking bays to be used for combined parking Clause 5.2	5) No longer relevant. Site is in a PT2 area – 23 units require 29 parking bays plus 1 disabled bay
6) Departures – top of roof height to be 12m in lieu of 11 metres – Clause 6.1	6) Not relevant anymore – top of roof is now 10.982m ² , therefore complies
7) Item 138 – to permit 44 parking bay in lieu of 53 parking bays required – Clause 6.2	7) Not relevant anymore – Parking ratio to number of units complies
8) Clause 7.1 – The building form shall be in accordance with the SDP contained in Annexure C1 attached	8) The proposed building form is amended to utilise the existing building where possible
9) The SDP showed a mixed-use building 4 storeys in height situated closer to the Central Ave and moved away from the neighbours. The South-West setbacks were noted as: 10.572m from erf 184 – South West boundary 19.150m from erf 185 – West boundary Max height permitted is 12m to top of roof Internal uses shall not exceed that shown on plans by Planning Design Arch – DUTC A 001 to 004 dated Sept 2008	8) Proposed building is now 2 storeys in height Proposed setback is now 4.035 and 7.040m from the South-West boundary Proposed setback now is 4.746m at its worst instance from the West lateral boundary Proposed max roof height now is 10.982 Proposed plans are for residential units only. Offices are omitted completely from the scheme.
Floor Space Approved: 1881m ²	Floor Space Proposed: 1669m ²

Essentially, the difference is that there is value in retaining most of the existing structure and converting that into residential units. By retaining the existing structure, we move back closer to the neighbours at the rear of the site, so our setbacks are much less. We have however, retained the view from erf 185 across the Broad Walk Road side and retained this as the predominant parking area utilising the existing carriageway crossings.

The neighbours previously objected to business usage and this proposal removes the business component completely. In terms of the application for work to be undertaken in an HPOZ, this is noted on our application forms; however we have noted it now under Section 42(i).

The actual buildings on the site have no heritage value and we obtained a demolition permit in 2 February 2021 for these. The tall block closest to the neighbours will still be demolished. The style and theme of the building along the Central Avenue will be maintained which is essentially a single storey unit with a high roof pitch to allow a first floor to sit within the roof profile.

Yours Faithfully,

A handwritten signature in dark ink, appearing to read 'J. Burmeister', written over a horizontal line.

J/B. BURMEISTER

Bruce Burmeister Architects . b . arch uct . m.i.a.

email: bruceburmeisterarchitects@gmail.com



J B Burmeister
 29 Second Avenue Claremont 7708
 Tel 021-6713403 Cell 084 577 6177

Notes:
 Erf: 1958
 Area: 2301m²
 Zoning: Local business (LB1)

Approval in 2019 granted:
 a) 41 parking bays, 2 disabled bays & 6 motorbike bays
 b) Floor space: 1786m²
 c) Total GLA: 1585m²
 d) 6 residential units

The new application is proposed to have:
 1) 23 residential units
 2) 33 parking bays of which 2 are tandem bays
 3) 1 disabled bay

23 units x1 = 23
 23 units x0.25 = 6

Total required = 29 bays + 1 disabled bay

FLOOR SPACE PROPOSED
 1669m²
 1669/2301 = 0.73 factor

FLOOR SPACE PERMITTED - LB1
 FACTOR: 1
 2301m² x 1 = 2301m²

Length of new boundary wall
 43.412m

Length of street boundary
 112.90m

40% x 112.90 = 45.16

Vir Nedeerland en Vlaandere

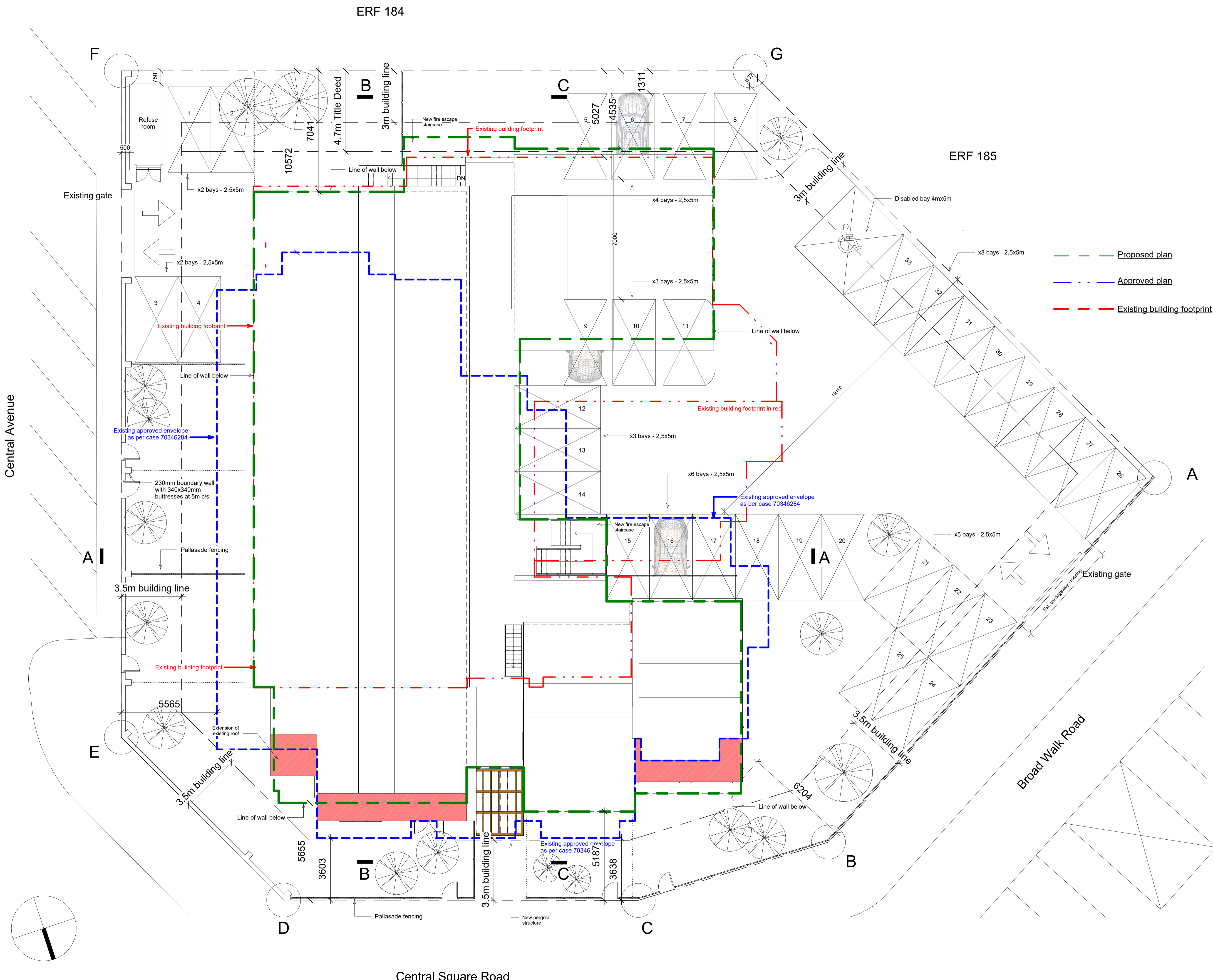
Erf 1958 c/o Central & Broad Rd
 Pinelands

SA Council Reg no. 3698
 SA INST. no. 4770

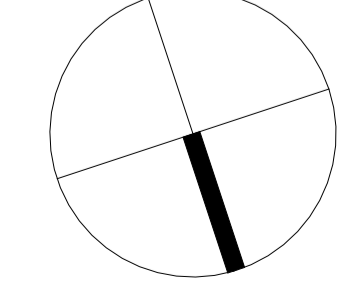
Proposed submission to amend conditions of
 previous approval of 13/09/2021

Project number	200/950
Date	23 March 2023
Drawn by	LB
Drawing Description	FOR COUNCIL
Scale	1 : 100

Site Plan 00



Central Avenue



Central Square Road

Broad Walk Road

Central Avenue

ERF 185

Broad Walk Road

Central Square Road



--- Approved plan
- - - Existing building footprint

Residential units:
7 x2 bed

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Vlaandere

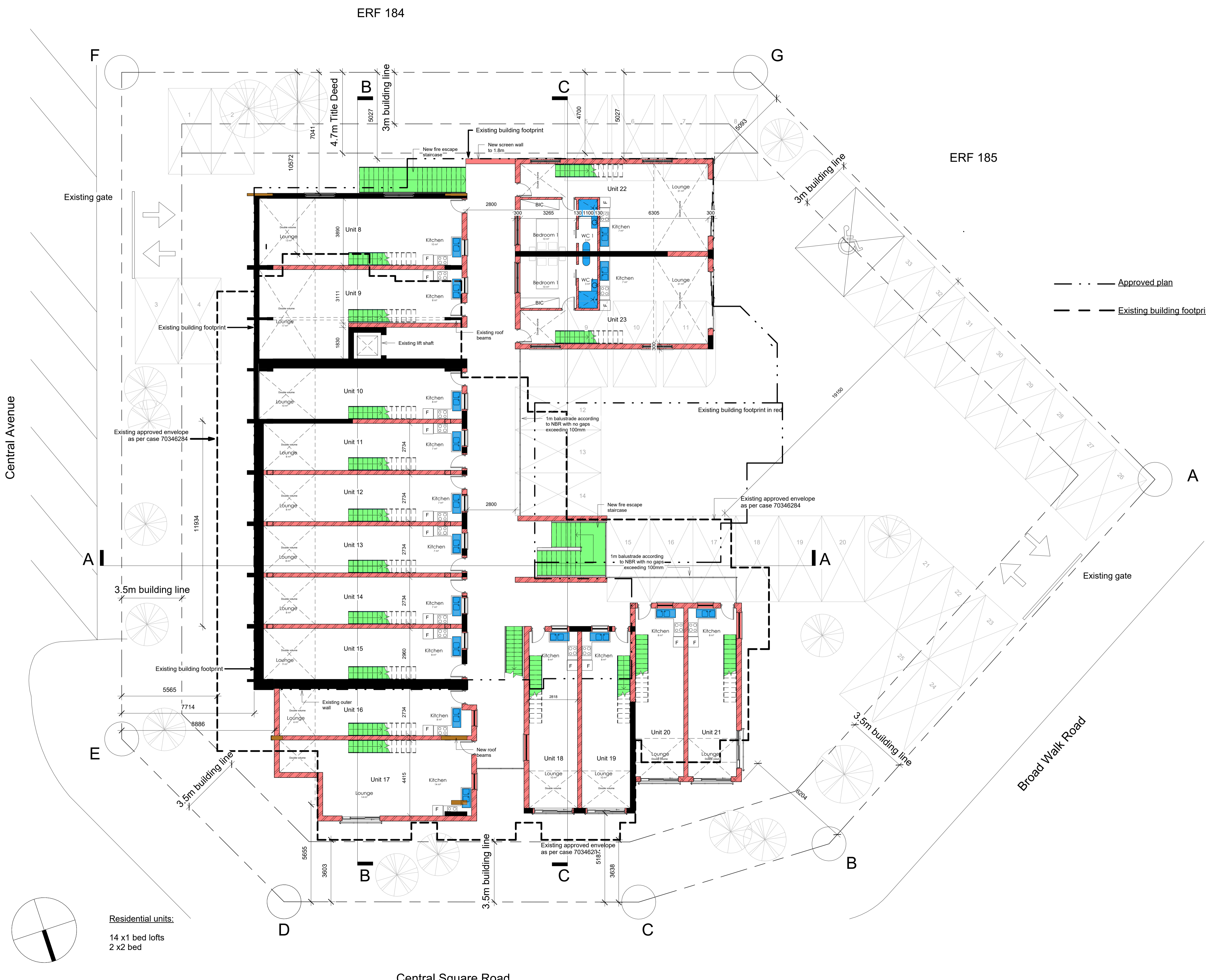
Erf 1958 c/o Central & Broad Rd
Pinelands

SA Council Reg no. 3698
SA INST. no. 4770

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Ground Storey 01



Residential units:
14 x1 bed lofts
2 x2 bed

--- Approved plan
--- Existing building footprint

Central Square Road

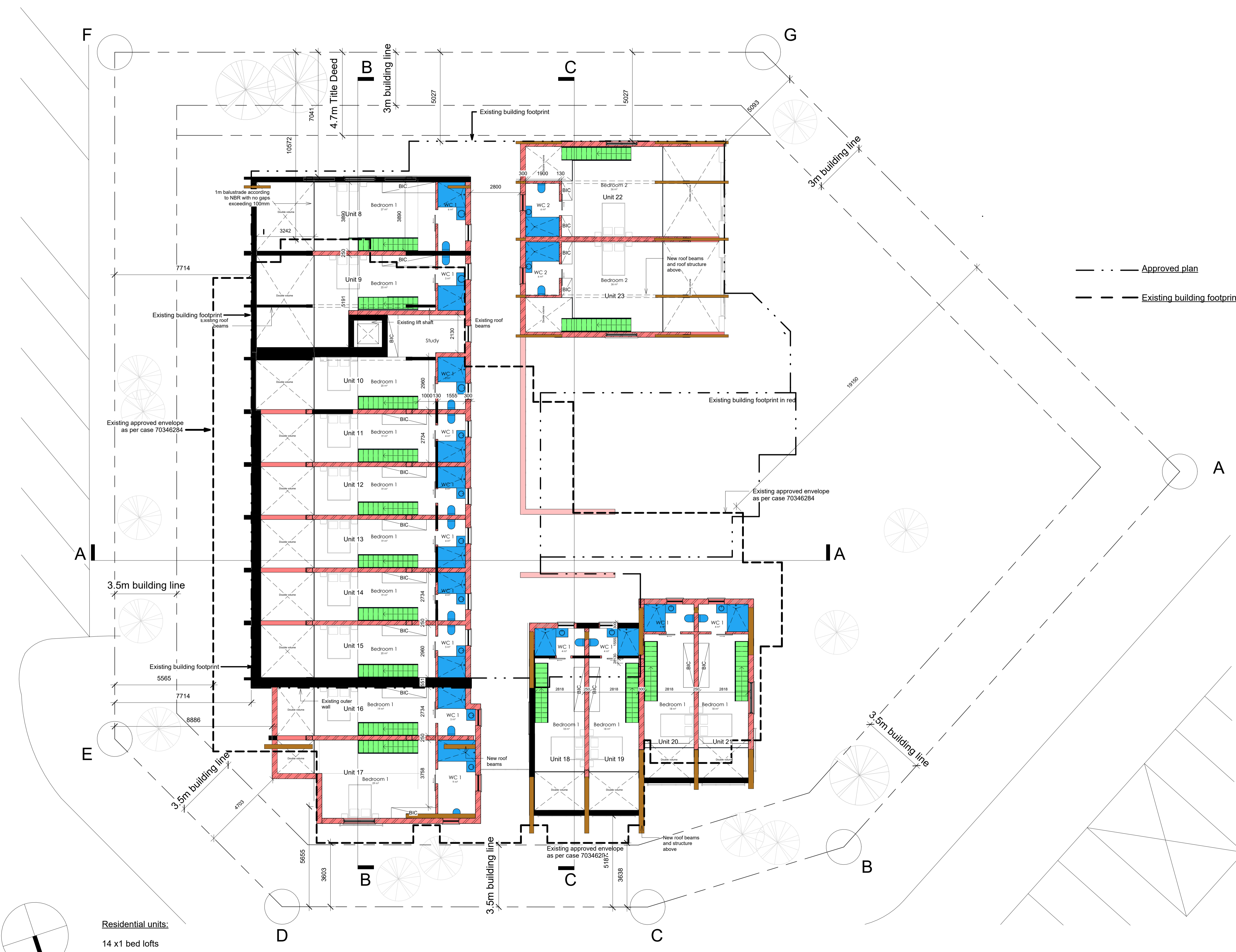
Vir Nedeerland en Vlaandere

Erf 1958 c/o Central & Broad Rd
 Pinelands

SA Council Reg no. 3698
 SA INST. no. 4770

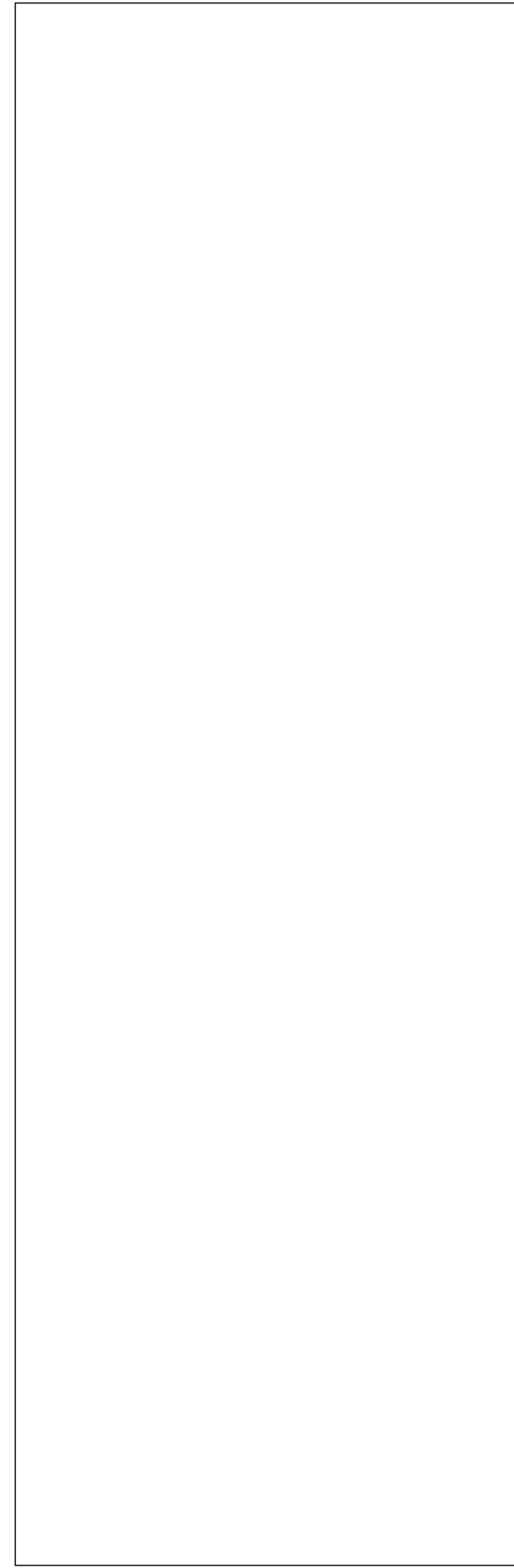
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Roof Plan 04

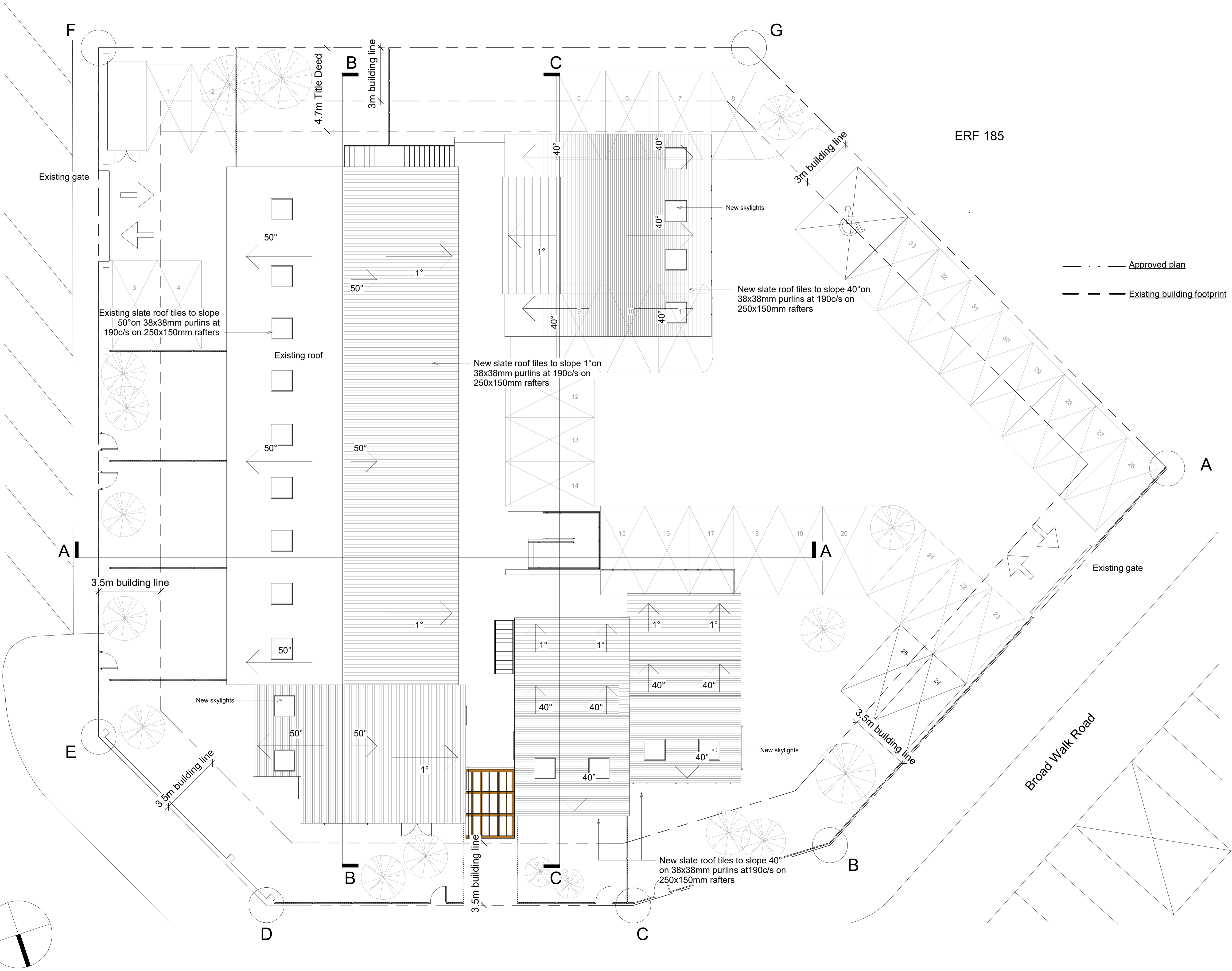
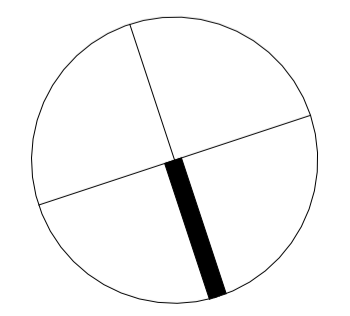
ERF 184

ERF 185

Central Avenue

Broad Walk Road

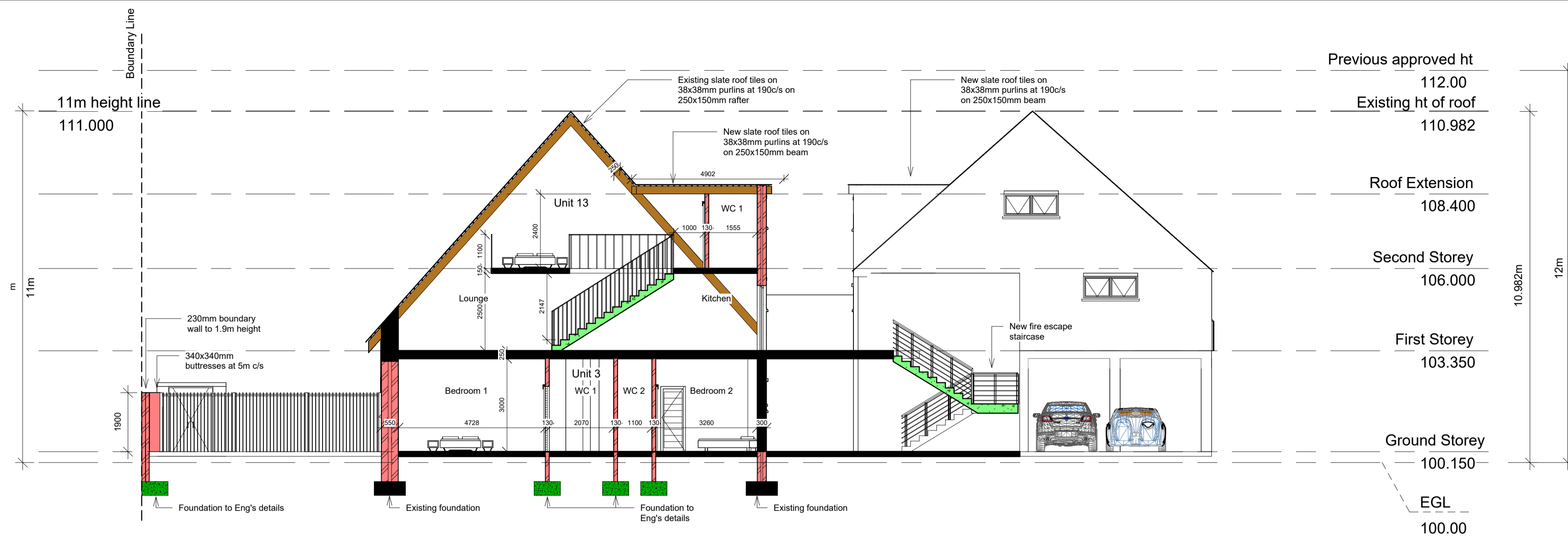
Central Square Road





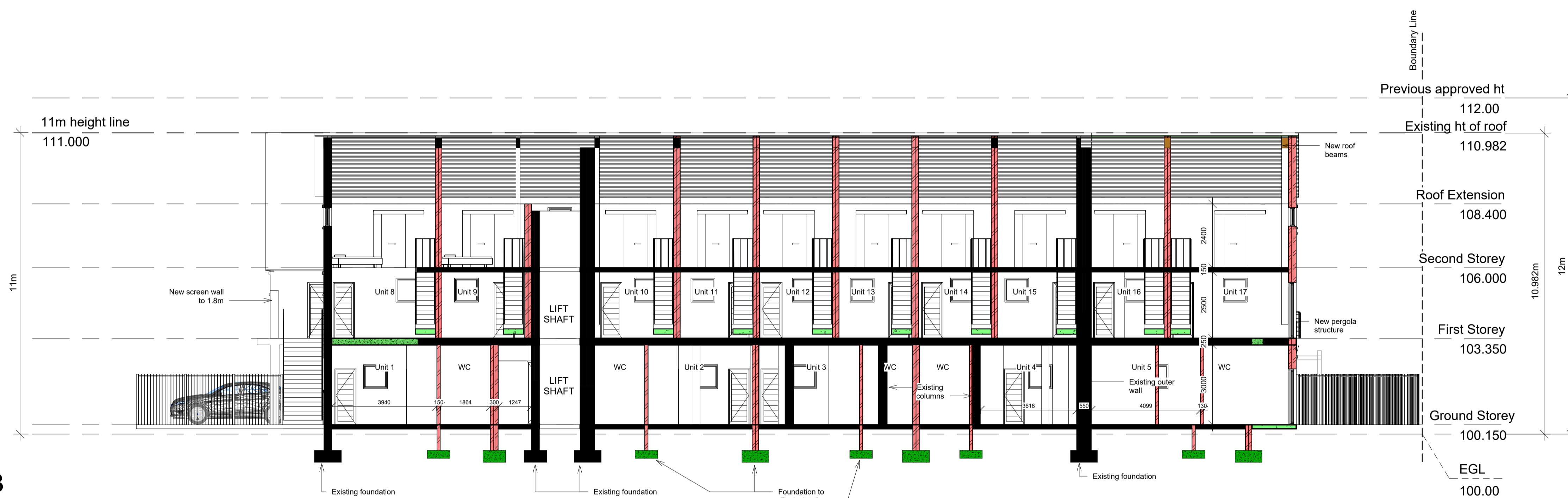
J B Burmeister

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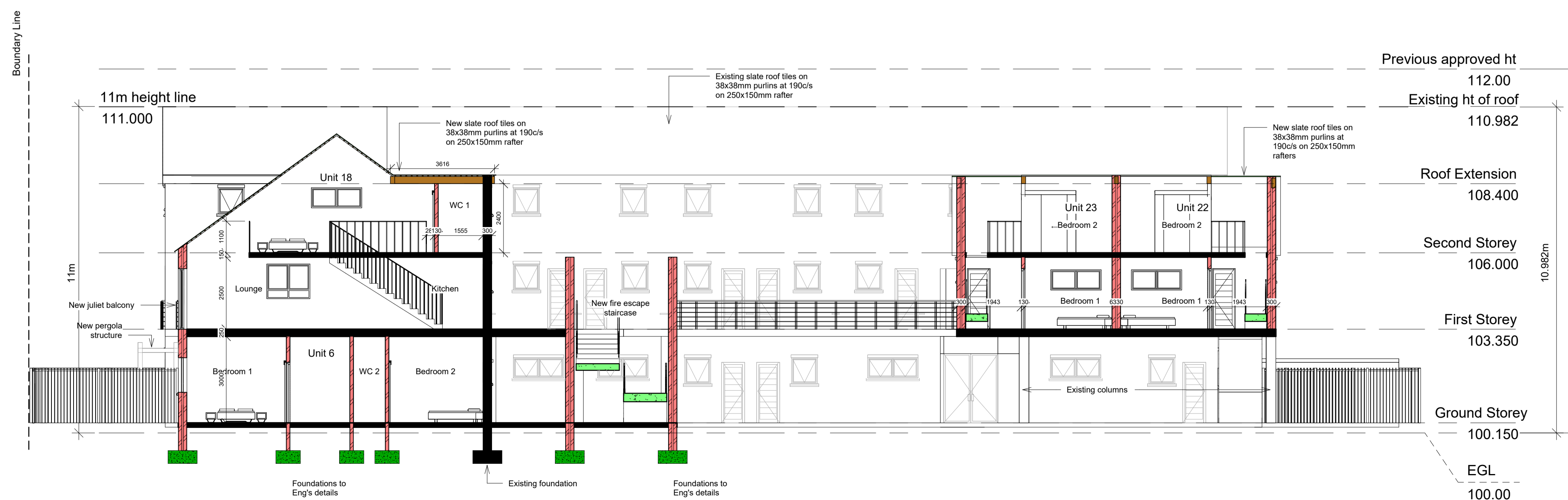
Previous approved ht	112.00
Existing ht of roof	110.982
Roof Extension	108.400
Second Storey	106.000
First Storey	103.350
Ground Storey	100.150
EGL	100.00

Section A-A
1:100



Previous approved ht	112.00
Existing ht of roof	110.982
Roof Extension	108.400
Second Storey	106.000
First Storey	103.350
Ground Storey	100.150
EGL	100.00

Section B-B
1:100



Previous approved ht	112.00
Existing ht of roof	110.982
Roof Extension	108.400
Second Storey	106.000
First Storey	103.350
Ground Storey	100.150
EGL	100.00

Section C-C
1:100

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Erf 1958 c/o Central & Broad Rd
Pinelands

SA Council Reg no. 3698
SA INST. no. 4770

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Scale	1 : 100

Sections 05

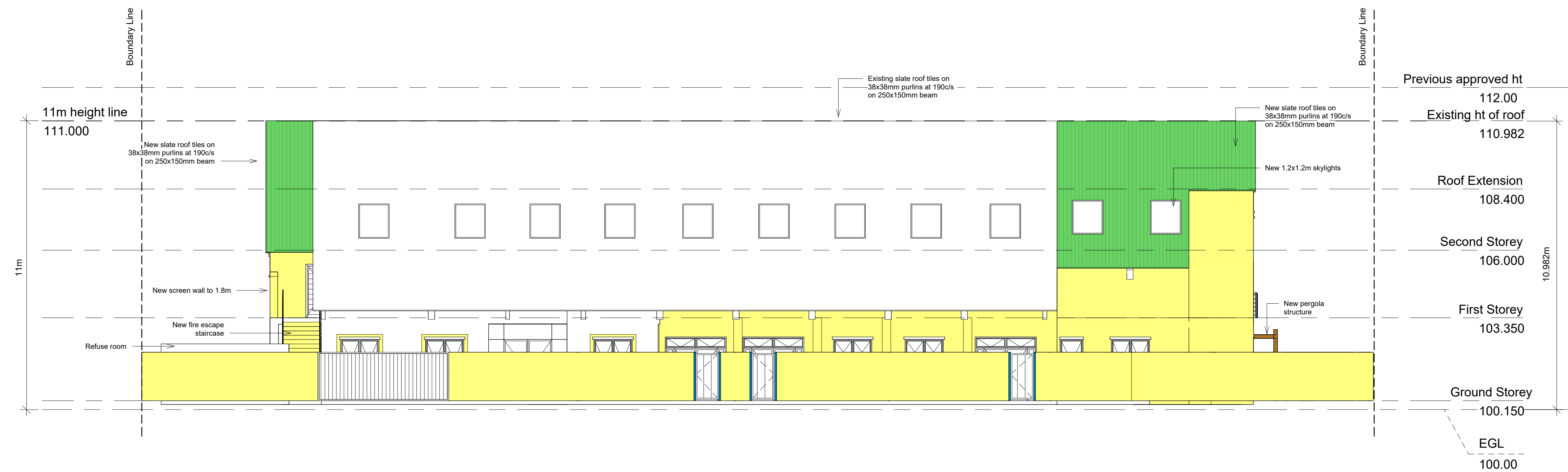
North East Elevation
1:100



North West Elevation
1:100



South East Elevation
1:100



South West Elevation
1:100



Vir Nedeerland en Vlaandere

Erf 1958 c/o Central & Broad Rd Pinelands

Rider Plan to Approved Plan
no 42573 of 26/04/2022

SA Council Reg no. 3698
SA INST. no. 4770

Project number	200/950
Date	23 March 2023
Drawn by	LB
Drawing Description	FOR COUNCIL
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Elevations	06