



REPORT TO: **MUNICIPAL PLANNING TRIBUNAL**

ITEM NO

WARD 105: APPLICATION FOR COUNCIL'S CONSENT IN TERMS OF THE MUNICIPAL PLANNING BY-LAW, 2015: ERF 25096, JOOSTENBERGVLAKTE, KRAAIFONTEIN

MPTNE10/12/19

Case ID	70472668
Case Officer	L van Blerk
Case Officer phone number	021 444 1042
District	Northern
Ward	105
Ward Councillor	Cllr Ruan Beneke
Report date	20 November 2019

1. EXECUTIVE SUMMARY

Property description	Erf 25096, Joostenbergvlakte, Kraaifontein
Property address	32 Anderson South, Joostenbergvlakte
Application components / description	Application for Council's Consent in terms of Section 42(i) of the Municipal Planning By-Law, 2015 to accommodate intensive horticulture.
Site extent	8295.74m ²
Current zoning	Rural (RU)
Current land use	Vacant
Overlay zone applicable	None
PHRA or SAHRA heritage	None
Public participation outcome summary	Two objections were submitted within the prescribed timeframe.
Recommended decision	
Approval	✓
Refusal	
Approval in part & Refusal in part	

2. BACKGROUND FACTS

None

3. SUMMARY OF APPLICANT'S MOTIVATION

3.1. The applicant's motivation of the proposed development (see **Annexure D**) may be summarised as follows:

- The proposed use is regarded to be best suited for the area.
- The proposal is to erect two marquee tents to grow succulents and palm trees.
- No direct sale to the public will take place from the subject property.
- Employment for 8 persons will be created.
- Plant growing is generally compatible within a rural environment, with no negative effects on habitable areas.

- Rainwater will be harvested and used in conjunction with municipal water to water plants.
- There will be little to no impact on existing engineering services.
- No impact on heritage resources.
- The wetland on-site will not be impacted upon.
- 15 Parking bays will be provided for the facility as per the DMS requirement.
- There are no restrictive title deed conditions that would need to be amended or removed.
- The proposal is consistent with the designation in the Northern District Plan.

4. PUBLIC PARTICIPATION

		Applicable	Dates / Comments
X	Notice in the media (s81)	X	N/A
	Notice to a person (s82)	✓	19/09/2018
	Notice to Community organization (s83)	X	N/A
	Notice to Ward Councillor (s83)	✓	19/09/2018
	Notice of no objection (s84)	X	N/A
	Notice to Provincial Government (s86)	X	N/A
	Notice to an Organ of State (s87)	X	N/A
	Public meeting	X	N/A
	On-site display	✓	N/a
Outcome	Objections	✓	2 objections were submitted.
	Objection petition	X	None Received
	Support / No objection	X	None Received
	Comments	X	None Received
	Ward Councillor response	X	None Received

Summary of objections / comments/ support received

- 4.1. Objections / comments / support received in respect of the application (see **Annexure E**) may be summarised as follows:

- The development proposal can be used as a stepping stone for more intensive industrial uses in future.
- No objection against the proposed Consent use as Intensive Horticulture.
- Strict conditions must be imposed to limit the use.
- No industrial type activities may be permitted
- Vehicle size and use must be restricted.

- 4.2. The applicant's response to objections received (see **Annexure G**) may be summarised as follows:

- There is no objection to the proposed land use from the objectors.
- No other or unlawful uses will be permitted.
- There is no intention to have industrial uses.
- They have no objection to the imposition of reasonable conditions.

5. BACKGROUND TO PROPOSAL

Background

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5.1. None

Description of the area / surrounding land uses

- 5.2. The property is located in the Joostenbergvlakte smallholding area. The area is primarily used for dwelling houses and with a variety of agriculture related activities. In recent times a number of unauthorised land uses has crept into the area. There is a large nursery and various smaller specialised nurseries within the Joostenbergvlakte smallholding area. A few other land uses include: Bed and breakfast, a children's play park, kennels and an auto museum. There are also a number of other greenhouses in the area, consistent with the intensive horticulture use.

Property description

- 5.3. Erf 25096 is 8295.74m² in extent and is currently vacant and enclosed with a fence. The property also has a wetland area situated in the Southern corner.

Proposed development

- 5.4. The proposal is to erect two structures in the form of marquees tents of which the total floor area will not exceed 1 500m². The purpose of the structures is to grow succulents and palm trees. The height of the Marquees tents is 6.48m and the floor sizes will be 20m x 30m and a 20m x 40m.



6. PROPOSAL ASSESSMENT

Criteria for deciding application

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- 6.1. Consideration of criteria in terms of Section 99(1):
- 6.1.1. Compliance with the requirements of the MPBL
- The application in terms of section 42(i) has been made correctly.
 - There is no evasion of the intent of the scheme.
 - All the processes and procedures have correctly been undertaken.
 - Public participation has been correctly undertaken.
 - No administrative penalty is applicable.
- 6.1.2. The proposal and application are compliant with the Municipal Spatial Development Framework.
- 6.1.3. The applications referred to in paragraph 1 of the **Annexure A** are desirable in terms of section 99(3) (see paragraphs 6.3 (a-h) below for clarity on this and the extent of the desirability).
- 6.1.4. Approval of the application will not have the effect of granting the property development rules of the next subzone within this zone.

I am satisfied that the decision making criteria in Section 99(1) have been complied with.

I am satisfied that the considerations in Section 99(3) have been assessed and that the proposed land use is desirable.

6.2. Consideration of criteria in terms of Section 99(2)

Applicable policy approved by the City to guide decision making

6.2.1. Municipal Spatial Development Framework 2018 (MSDF):

Cape Town's Municipal Spatial Development Framework (MSDF) sets out the spatial vision and development priorities to achieve a reconfigured, inclusive spatial form for Cape Town. City adopted policies such as the Transit-Oriented Development Strategic Framework, the Integrated Public Transport Network (IPTN) and the Densification Policy and a range of social, economic and environmental policies has been important informants of this SDF.

Fundamental to the MSDF is ensuring spatial transformation via dense and transit-oriented growth and development anchored by an efficient transport system. This MSDF motivates for land use intensification based on transit-oriented development (TOD). This implies a greater mix of residential and non-residential land use (diversification) through the increased use of space, both vertically and horizontally (densification).

The basis for growth management in the city is through four primary Spatial Transformation Areas namely:

- An Urban Inner Core
- Incremental Growth and Consolidation Areas
- Discouraged Growth Areas
- Critical Natural Asset Areas

The site falls within the Incremental Growth and Consolidation Area. Incremental Growth and Consolidation Areas are areas where the City is committed to servicing existing communities and where new development will be subject to infrastructure capacity. The relevant internal service departments have confirmed that sufficient infrastructure capacity exist to accommodate the proposed development.

The proposed intensive horticulture use within this Incremental Growth and Consolidation Area is regarded to be compliant with the spatial vision and development priorities of the MSDF.

6.2.2. Northern District Plan (NDP):

The site is designated for "urban development" in the Northern District Plan. The designation includes a wide variety of uses and the proposed intensive horticulture use within this rural environment is regarded to be sympathetic to the historical context of the area. The proposed development will also strengthen the urban rural context of the area.

6.3. **Consideration in terms of Section 99(3) of the extent of desirability of the following criteria:**

a. socio-economic impact

The principle objective of the Economic Growth Strategy (EGS) is to promote economic growth and job creation. This also relates to the overarching objective of the 'Opportunity City', which is one of the five pillars of the City's Integrated Development Plan (IDP). The Social Development Strategy (SDS) on the other hand is geared towards improving the well-being of the residents in Cape Town.

The application entails the construction/erection of marquees type structures in which the cultivation of succulents and/or palms will take place. Although the development proposal does not have any large scale economic impacts, the proposed development will contribute to job creation, during the construction and permanent employment of workers. In so doing, the development proposal abides by and contributes to the Cape Town Economic Growth Strategy.

b. compatibility with surrounding uses 329

The proposed horticulture land-use is compatible with the rural zone of the property and adjacent properties. The property is located in an area where similar intensive horticulture uses are found. The urban rural character of the Joostenbergvlakte smallholdings will be preserved by the proposed use.

c. impact on the external engineering services

It has been confirmed by the relevant internal departments that sufficient services capacity exists to accommodate the proposed development. The cultivation of palm trees and succulents has little to no impact on bulk engineering services by the scale of the proposed use is deemed to be insignificant.

d. impact on safety, health and wellbeing of the surrounding community

The development proposal is not regarded to have a detrimental impact on the existing rights, this is considering the relatively small scale and extent of the proposed structures, and considering the existing rural environment.

e. impact on heritage

Heritage Western Cape has been consulted on the matter and concluded that the proposed 1 500m² construction will not have negative impacts from a heritage point of view.

f. traffic impacts, parking, access and other transport related considerations

The proposal will not have any significant negative impact on traffic or the surrounding road network. The City's relevant transport engineering departments support the proposal. No sales to the public are intended from the property, therefore will not result in any significant trip generation. Sufficient off-street parking is provided for employees.

g. conditions that can mitigate an adverse impact of the proposed land use

Conditions of approval will be imposed (see **Annexure A**) that will limit the scale and extent of the development.

6.3.1. impact on existing rights (other than the right to be protected against trade competition)

The proposal has limited to no impact on the existing rights.

6.3.2. other considerations prescribed in relevant national or provincial legislation.

The development principles of section 7 of SPLUMA and Section 59 of LUPA have been taken into account and the proposal is considered to align with the broad development principles, the following instances are highlighted:

- a) The discretion being exercised is not solely based on the value of land;
- b) Promoting of **employment opportunities**;
- c) Promote land development in locations that are sustainable and limit urban sprawl;

- d) Land development that optimises the use of existing resources and infrastructure.

I am satisfied that the decision making criteria in Section 99(2) have been complied with.

7. REASONS FOR DECISION

- 7.1. Reasons for the recommended decision for **approval** relating to the application for the Consent use may be summarised as follows:

- 7.1.1. The proposal is regarded to be consistent with the designation in terms of the MSDP as an Incremental Growth and Consolidation area that it supports appropriate development within these areas.
- 7.1.2. The proposal is in line with the vision of the Northern District Plan by promoting 'new urban infill development'.
- 7.1.3. The proposal supports the creation of employment opportunities which contributes towards poverty alleviation and social development.
- 7.1.4. The proposal will not have any significant negative impact on traffic or the surrounding road network.
- 7.1.5. The proposal would not have a negative impact on the existing services network of the surrounding area as confirmed by the relevant services departments.
- 7.1.6. The proposal is not regarded to negatively impact on the health, safety, privacy, views, well-being, security or usage and enjoyment of any of surrounding community's internal and external living spaces hence, desirable in terms of Chapter 7 Part 3 Section 99(1-3) of the Municipal By-Law, 2015.

8. RECOMMENDATION


In view of the above, it is recommended that:

- 1.1 The application for Council's Consent to permit to permit intensive horticulture **BE APPROVED** in terms of Section 98 of the Municipal Planning By-law, 2015 subject to the conditions contained in **Annexure A** and shall be substantially in accordance with Plan nr 688/1; dated August 2019 drawn by BvZ attached as **Annexure C**.

ANNEXURES

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Annexure A	Application details and approval conditions to be imposed
Annexure B	Locality Plan and public participation map
Annexure C	Site Development Plan
Annexure D	Applicant's motivation
Annexure E	Objections/comments/support received
Annexure F	Internal departmental comments
Annexure G	Applicant's response to objections and comments received

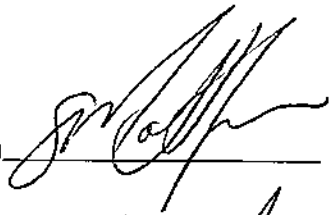

Section Head

Name: Sean van Rensburg

Tel no: 021 444 1044

Date: 22-11-2019

District Manager


____Susan Matthysen____

____021 444 1061____

____22 November 2019____

Annexure A

Application details and
Conditions of Approval

ANNEXURE A

In this annexure:

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"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **25096, Joostenbergvlake, Kraaifontein**

"Bylaw" & "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015

"Item" refers to the relevant section in the Development Management Scheme

CONDITIONS IMPOSED IN TERMS OF SECTION 100(1) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW 2015, RELATING TO THE APPLICATION FOR COUNCIL'S CONSENT TO PERMIT INTENSIVE HORTICULTURE ON ERF 25096, JOOSTENBERGVLAKE

1 COUNCIL'S APPROVAL GRANTED IN TERMS OF SECTION 98 OF THE BY-LAW

- 1.2 Council's Consent, in terms of Section 42(i) of the Municipal Planning By-Law, 2015 to accommodate intensive horticulture.

2 CONDITIONS IMPOSED IN TERMS OF SECTION 100 CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015:

DEVELOPMENT MANAGEMENT

- 2.1 That the development and use of the property shall be substantially in accordance with **Plan nr 688/1; dated August 2019 drawn by BvZ** attached as **Annexure C**.
- 2.2 That building plans must be submitted in the prescribe manner to the Department: Planning and Building Development Management for approval.
- 2.3 That no sales to the public be permitted from the subject property.

ENVIRONMENTAL AND HERITAGE MANAGEMENT

- 2.4 The buffer area (30.5m from the wetland area) in the south-eastern corner of the property is to be demarcated on-site to the satisfaction of the ED: EESP and no buildings, structures, or hardened surfaces are allowed in the buffer area. The buffer area must be maintained as a naturally vegetated area and not be altered in any way.

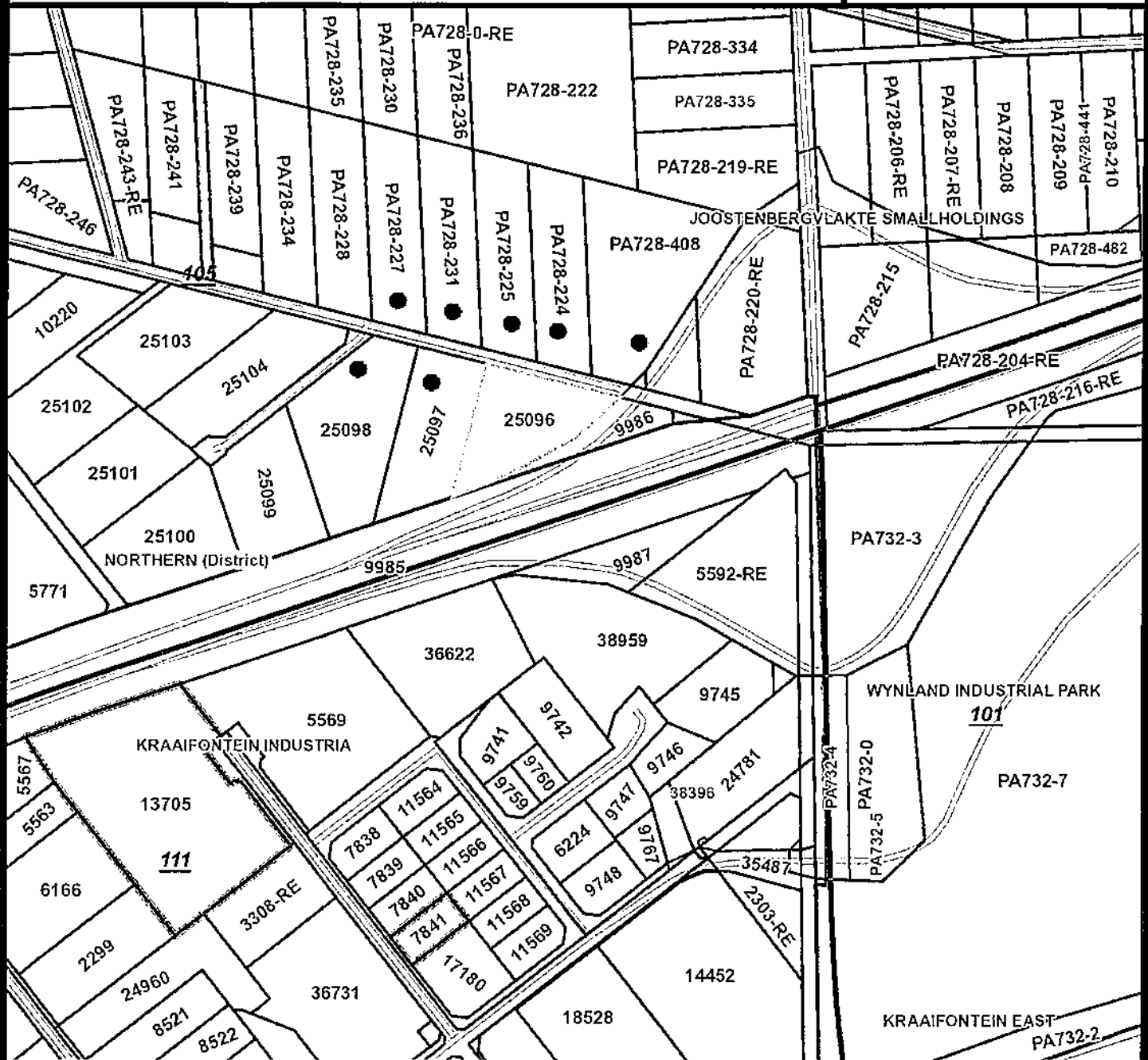
Annexure B

Locality plan and public
participation map

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP

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ANNEXURE :



Overview

Erf:

District:

Allotment:

Suburb:

Ward:

Sub Council:



1:5 036

Notices Served



Support
Received



Petition
Signatory



Objections
Received



Generated by:

Date: Tuesday, 10 September 2019

File Reference:

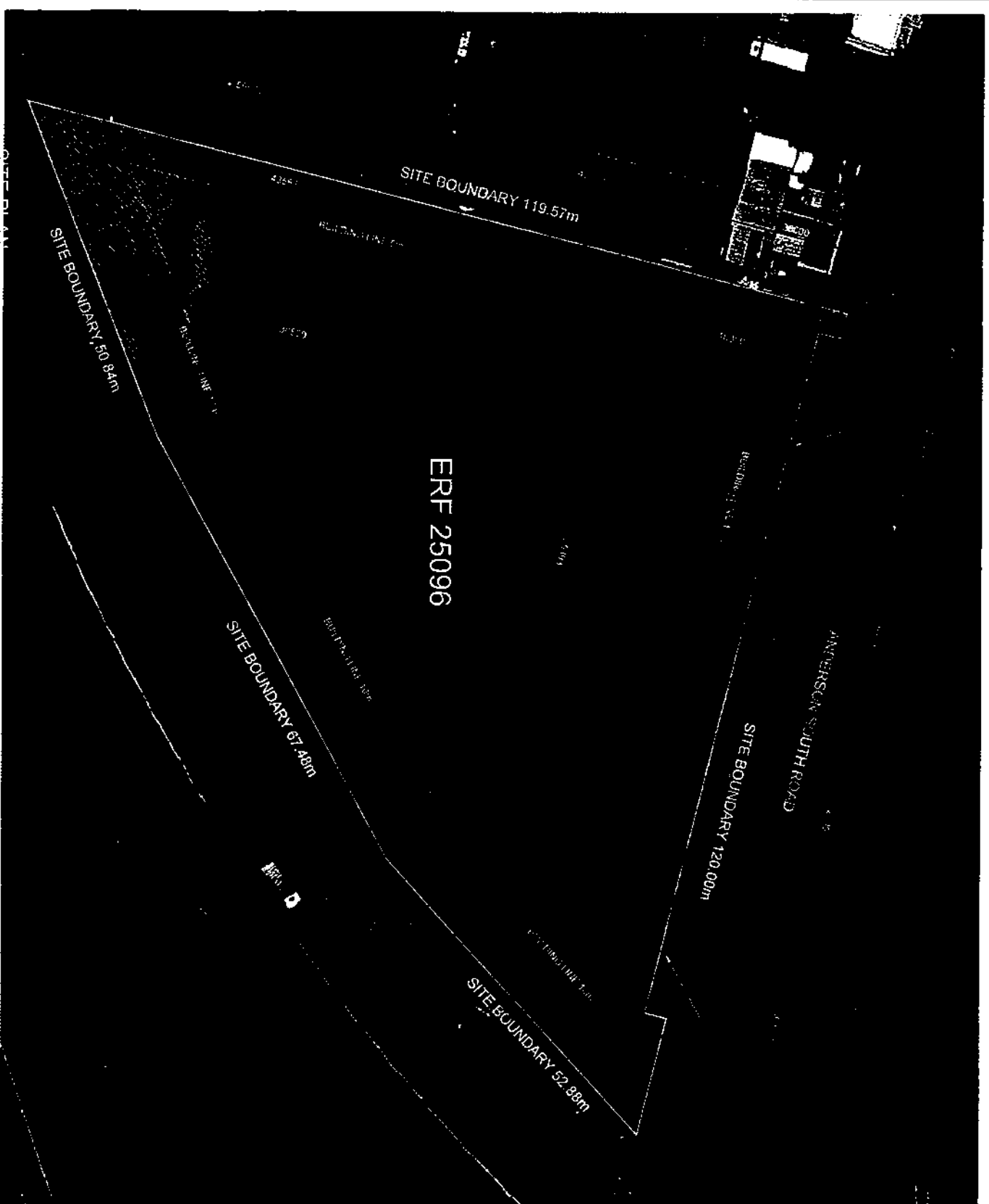


CITY OF CAPE TOWN
JSIXEKO SASEKAPA
STAD KAAPSTAD

Making progress possible. Together.

Annexure C

Site development / Layout plan



ERF 25096 KRAAIFONTEIN,
CITY OF CAPE TOWN,
PARL DIVISION,
WESTERN CAPE PROVINCE

SITE PLAN

Plan No: 688/1

Date: August 2019

Key

 Wet Area



1:750

B7ZPlan

Annexure D

Applicant's motivation

**APPLICATION FOR LAND USE MANAGEMENT CONSENT FOR THE
OPERATION OF INTENSIVE HORTICULTURE**

RELATING TO

**ERF 25096, KRAAIFONTEIN
32 ANDERSON SOUTH, JOOSTENBERGVLAKE
SMALLHOLDINGS**

In terms of Section 42(i) & motivated in terms of section 99
of the MPBL (2015)

August 2019

**Application presented to Development Management Department, TDA,
City of Cape Town**

On behalf of:

Blurrybus (Pty) Ltd

Applicant:

BZPlan Professionele Beplanningskonsultante / Professional Planning Consultants

• T 021 981 1406 • F 021 982 3672 • C 082 7744563 • E info@bvzplan.co.za

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- 2.4 Existing Zoning
- 2.5 Overall Development Guidelines
 - 2.5.1 Northern District Plan
- 2.6 Background

3. PHYSICAL CHARACTERISTICS OF APPLICATION PREMISES AND SURROUNDING AREA

4. DEVELOPMENT PROPOSAL

5. DESIRABILITY OF THE PROPOSED CONSENT USE - (Sec 99 (3))

- 5.1 Socio-economic impact
- 5.2 Compatibility with surrounding uses
- 5.3 Impact on the external Engineering Services
- 5.4 Impact on Safety, Health and Well-being of the surrounding community
- 5.5 Impact on Heritage
- 5.6 Impact on the Biophysical Environment
- 5.7 Traffic impacts, Parking, Access and other transport related considerations
- 5.8 Mitigation of adverse impacts of the proposed land use through the imposition of conditions

6. CONCLUSIONS AND RECOMMENDATION

PLANS

Location Plan

Location Map 2: Aerial Photo

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Extract from the Northern District Plan

Manor House Floor Plans and Elevations, dated 25/08/1985

Site Plan, dated August 2019

SUPPORTING INFORMATION

Land Use Management Application Form

Response by HWC, dated 26 November 2018

Power of Attorney

Company Resolution and Certificate of Confirmation of Directors

Title Deed

SG Diagram

Conveyancer Certificate

PHOTOGRAPHIC RECORD

Site pictures provided by The MSA Group

Marquees tent dimensions

Marquees tent side profile

Marquees tent internal layout

1. INTRODUCTION

1.1 Purpose of the Memorandum

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The purpose of this memorandum is to present adequate relevant information in order to enable the Development Management Department of the City of Cape Town to undertake an objective evaluation of the proposal. The applicant is available to supply any further information that may be required.

1.2 The Land Use Management Application

Application is hereby made in terms of Section 35 of the Land Use Planning Act, 2014 and in terms of Clause 42(i) of the City of Cape Town's Municipal Planning By-Law, 2015 for consent uses on Erf 25096 Kraaifontein that would allow for the operation of 'intensive horticulture' ¹ as defined in the City of Cape Town's Development Management Scheme, on land that is currently zoned for *Rural* purposes. The purpose of the consent use is primarily to enable the owner to construct structures to grow succulents and/or palms within. Please see the attached ***Land Use Management Application Form***.

¹ **'Intensive horticulture'** means the culture of plants on an intensive scale, including the culture of plants under a roof or greenhouses, as well as the sale of self-produced plants on a property.

2. PROPERTY INFORMATION

2.1 Ownership, Title Description and Area 343

The registered owner of erf 25096 Kraaifontein is Blurrybus (Pty) Ltd.

Power of Attorney in terms of which the owner of the land, Blurrybus (Pty) Ltd, authorises BvZPlan to handle the application on its behalf, is enclosed. A **Company Resolution** confirming that Grant Gove may sign all documents on behalf of Blurrybus (Pty) Ltd is also attached.

Copies of the **Title Deed** (Title Deed No T38670/18) dated 22/08/2018 and **SG Diagram** are enclosed. From the attached **Conveyancer Certificate** it can be concluded that no restrictions need to be removed, however there is a clause (B.4) that refer to a 200 cape feet building line from the centreline of the National road reserve, it will however allow the relaxation of the building line if written approval can be obtained from SANRAL.

The total area of the property is 8295 m².

2.2 Location

The property is located in the Joostenbergvlakte smallholding area, the street address is: 32 Anderson South, Joostenbergvlakte Smallholdings. The property borders on the South East boundary of the off ramp from the N1 onto Luculles St. Access to the property is obtained from Anderson South St. Please see **Location Plans 1 and 2**.

2.3 Existing Land Uses

The property is currently vacant and fully fenced. It is situated in a smallholding area with the next door neighbours cultivating succulents and palms on an intensive basis within greenhouse structures.

2.4 Existing Zoning

The property is currently zoned as *Rural Zoning (RU)*. It is situated amongst other similarly zoned properties. Under 'Rural zoning' 'Intensive horticulture' is a land use that may be applied for as a consent use.

The following restrictions apply:

Maximum floor space: 1500 m²

Coverage: 40%

3 4 4

Maximum Height above base level:

Top of wall: 9m

Top of roof: 11m

Building lines:

Street: 10m

Common Boundary: 5m

2.5 Overall Development Guidelines

2.5.1 Northern District Plan

The Northern District Plan acknowledges the existence of the Joostenbergvlakte smallholding area but proposes the following:

"However, given the optimal location of the area at the Lucullus interchange, and given the limited space for expansion of the industrial area to develop into a comprehensive employment node, which is located in close proximity to an emerging growth corridor (which is directly linked to the growth areas of Bloekombos and Wallacedene), it is proposed that the industrial area in the longer term be extended to include the Joostenbergvlakte smallholdings. The future utilisation of the said area should not be limited to industrial uses only, but should also be promoted as a mixed use node, which could include warehousing, secondary commercial uses as well as amenities. The details of such extension however still needs to be addressed in terms of required land form, bulk services requirements, transport management, land use proposals, boundaries, etc. The land to the north of the proposed industrial node, which comprises of intensive agriculture (mainly vegetable farming), is located inside the urban edge, but is to be protected from urban development for the duration of this spatial framework.

(Northern District Plan SDP ,4.1, pg 42).

"Joostenberg Smallholding area

Vision and Contextual analysis: To create opportunities for an employment node to be developed in the form of an industrial precinct, which will act as an extension of the existing Kraaifontein

industrial area (south of N1) and provide employment opportunities for those residing in the development corridor.

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The area has come under immense pressure for redevelopment as is experienced from the occurrence of unauthorised land use activities. The area lends itself perfectly for industrial type development due to the following factors:

- location next to N1 (high accessibility/ visibility);
- close to work force (diverse income groups);
- affordable land;
- relatively flat topography;
- location opposite an industrial area (south of N1) that is partly developed;
- smallholding area (for residential purposes) is not sustainable in the long term;
- location next to railway line with new proposed stations;
- adjacent to north eastern growth corridor;
- Large properties with high market value and high capital investment.

Development Guidelines: The development must be based on an incremental process with phasing plans being drafted to identify the areas where initial demand for development is foreseen to be greater and will have a lesser impact on the surrounding area. A first step will be to identify an area which can be logically isolated from the existing smallholding area, i.e. the area between the N1 and existing 8000m² smallholdings which can easily link up with the existing industrial area (south of the N1) with the understanding that the whole area will over time change its land use role and function. Initially temporary departures for those properties who apply for industrial type rights on single smallholdings will be considered subject to submitting detailed site development and landscaping plans. If consolidation of two or more properties is proposed the merit of possible rezoning can be considered. All of the above will however be subject to intensive public participation and environmental processes. It will furthermore have to be investigated what type of industrial uses can be accommodated, how the area will link up with the existing industrial area and how the existing services or lack thereof will be able to accommodate such uses. Therefore, a precinct plan will be required in order to address the future form and function of the area, as well as engineering infrastructure (bulk services) required. **However, no applications should be considered positively until such time as the Kraaifontein Industrial Area has been fully developed, and a precinct plan has been compiled for the subject area.** The conflict

between the existing tourist related facilities that was encouraged and the new vision for the area must also be investigated. The opinion is held not to allow any further tourist related facilities. (Northern district Plan SDP, 6.2.3 (ii) Pg 160).

3 4 6

From the above and from discussions that were held with the municipality, it is clear that the area does not currently have adequate bulk services available to sustain any sort of intensive (urban type) development. It is also clear that any plans for such intensive developments in the area is likely to meet with opposition from the local resident community. The SDP states that the Kraaifontein industrial area must be fully developed and that a precinct plan must be compiled before industrial development will be considered in the Joostenbergvlakte area. It is envisaged that over time the smallholding area will be subject to industrial development with a mixed use component.

Our client therefore decided to take a conservative approach and rather wait and see what happens over the longer term and therefore wants to stay within the property's current zoning by applying for a consent use that will allow him to put into operation intensive horticulture activities.

2.6 Background

The owner previously applied for a temporary right to put up Marquees tents on the property. The reference number of that application is 70425368. In reaction to the application the city had a few concerns that have been addressed. The following concerns are applicable to the current application:

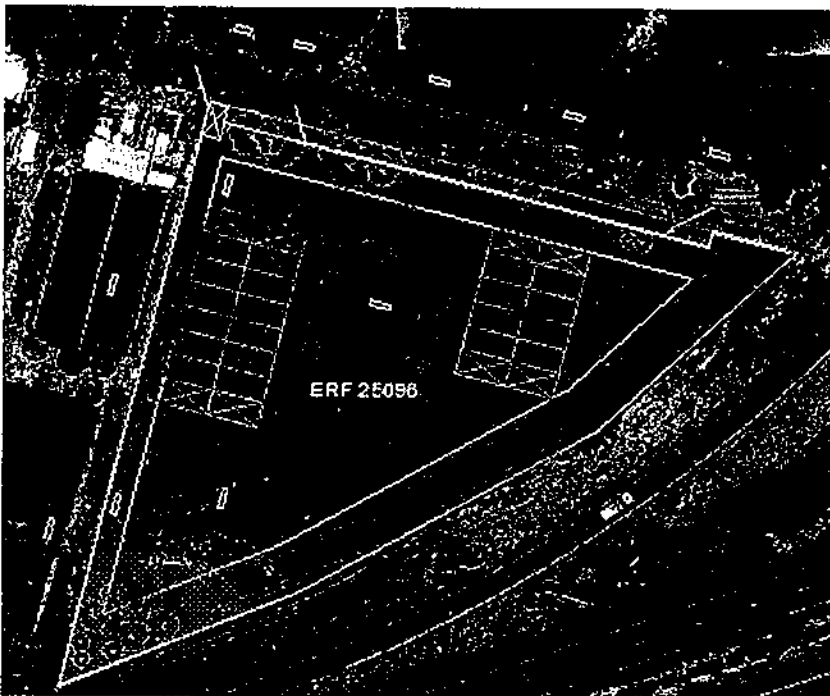
- Comment from Heritage Western Cape (HWC) was requested by way of an NID application, due to the size of the site being more than 5 000m² and that the character of the site would have changed resulting from the proposed development. In reaction to the NID application HWC raised no objections and also did not request any further studies to be done. The size of the development has since the temporary right application been downscaled from 3500m² structures to 1 500m² structures.
- The City indicated that a wetland was present in the southern corner of the property. For this reason the proposed construction will stay clear of the wetlands area. The initial scale of the development has also been reduced to fit within the allowable size of 1500m² currently proposed.
- A concern was raised about what will happen with the run-off created by the construction. It was indicated that the run-off water will be harvested and used for watering the plants.

Drainage berms will also be constructed to direct the water into the municipal drainage systems. The types of plants that will be grown in the structures are succulents and palms.

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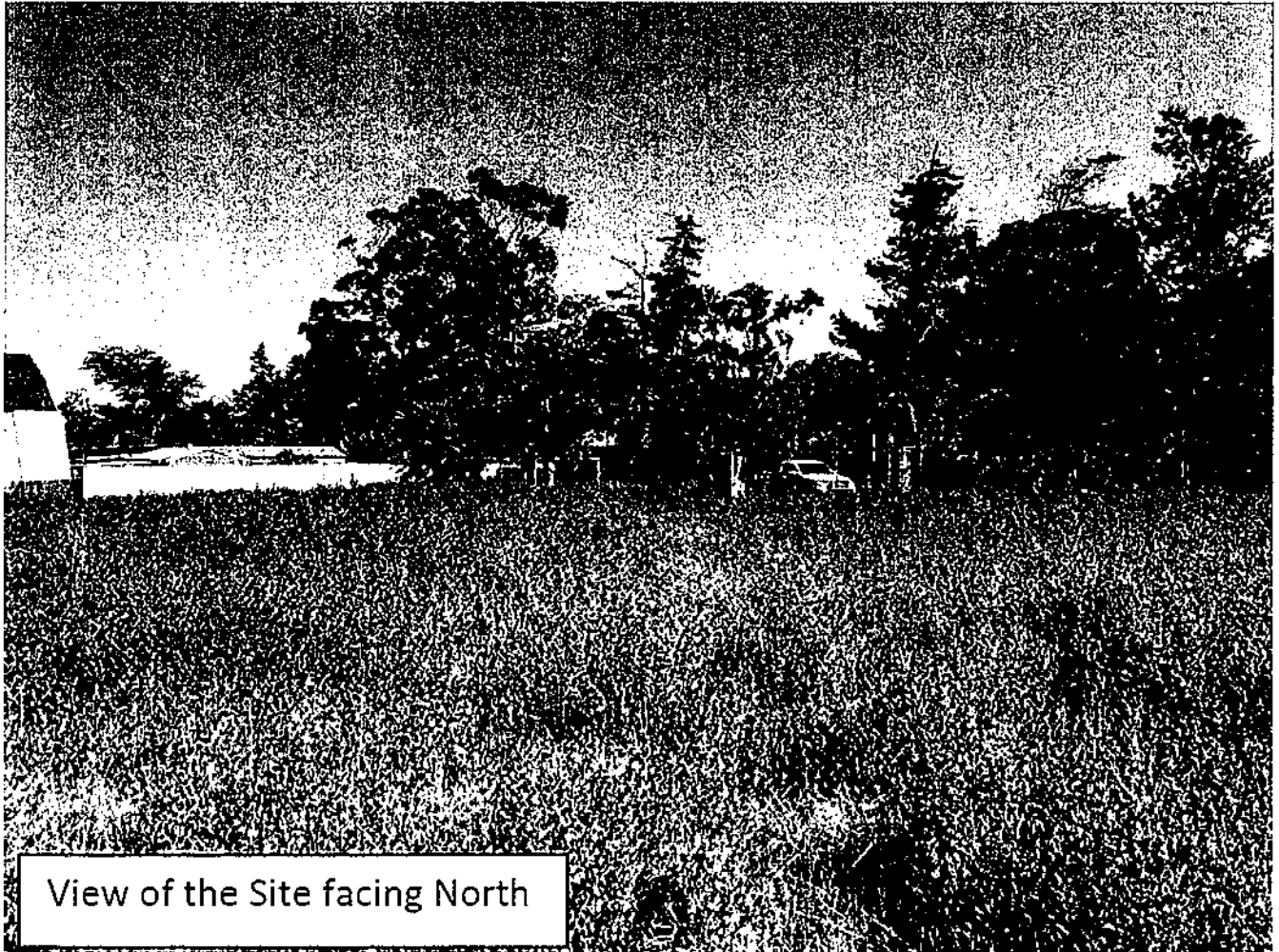
3. PHYSICAL CHARACTERISTICS OF APPLICATION PREMISES AND SURROUNDING AREA

The property is currently vacant and enclosed with a fence. The site is flat and slopes slightly from east to west. The site only has one adjacent private owner (Erf 25097): the rest consist of roads. The slipway from the N1 that is situated on the southern and eastern boundaries of the site, does not provide access to the site, the only access being provided from Anderson South Road, which is a gravel road. The property has a wet area in the southern corner, highlighted in green on the plan below.

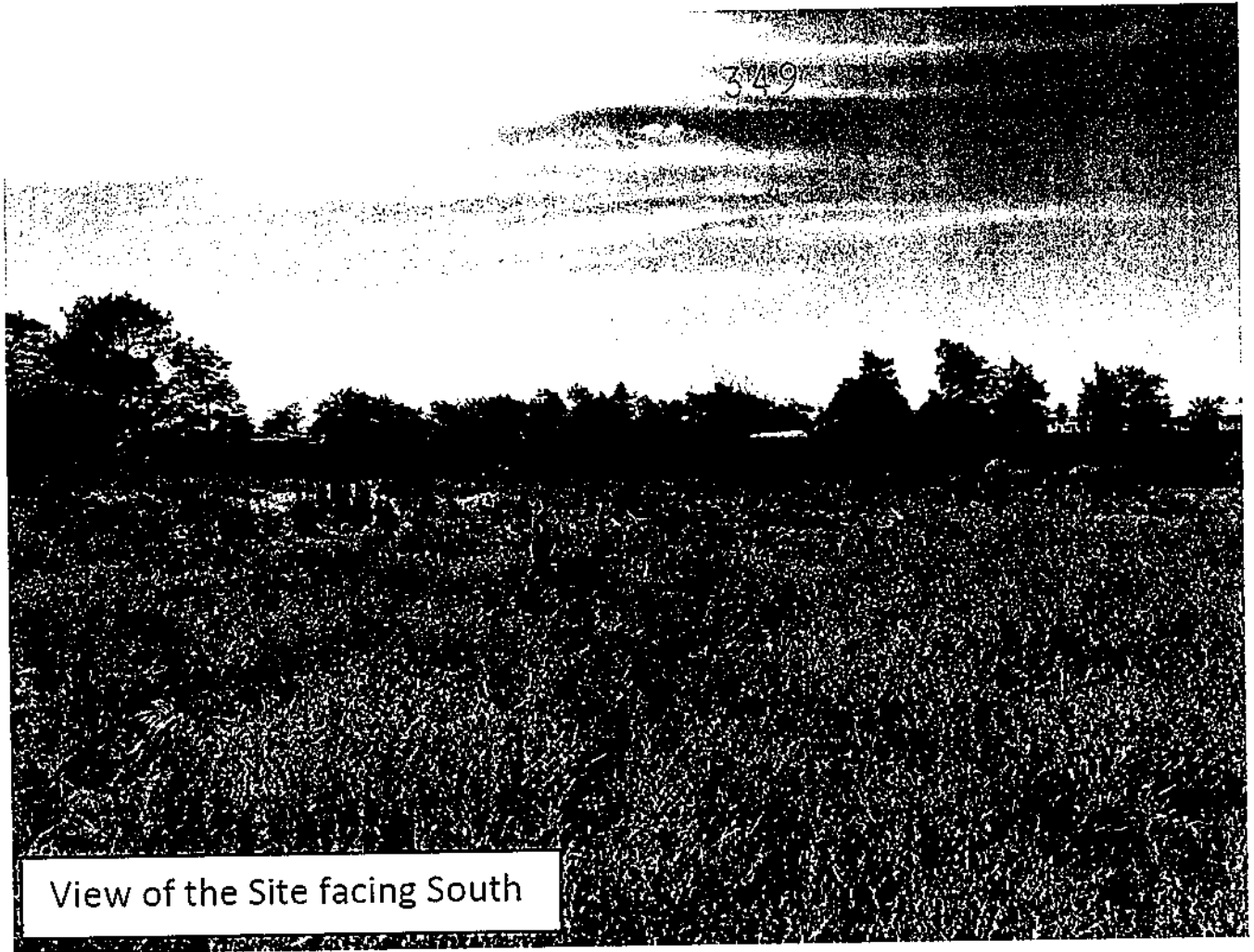


The Joostenbergvlakte smallholding area is primarily used for dwelling houses and with a variety of agriculture related activities. It generally represents a pleasant area for "rural living" and activities that are compatible with this trend should be allowed. There are quite a lot of smallholdings that are used in line with what it was intended for, i.e. large plots for lifestyle living with enough space for compatible rural uses, such as the keeping of horses. However, in some instances plots are clearly used for illegal uses such as the storing of vehicles, manufacturing or storing of unsightly building materials.

Under the current zoning the use of the site for intensive horticultural purposes is allowed as a consent use. This includes greenhouses, which is currently the use found on the adjacent plot (Erf 25097). It represents a compatible land use in this largely residential area, being of a low pollution nature and the fact that the growing of plants obviously fits in with the presently preferred rural character of the area. There is a large nursery, plus various smaller specialised ones in Joostenbergvlakte that adds to the land use activities that are compatible with the current inhabited plots. A few other land uses include: Bed and breakfast businesses, a children's play area, kennels and an auto museum. There are also a number of other greenhouses in the area.



source: *The MSA Group report*



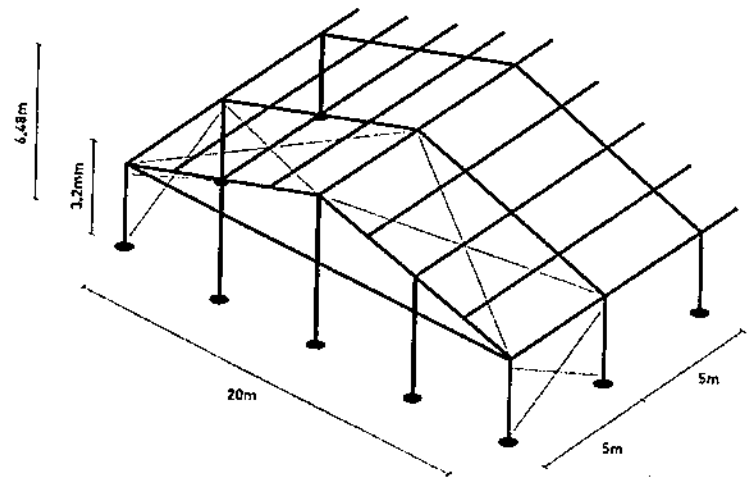
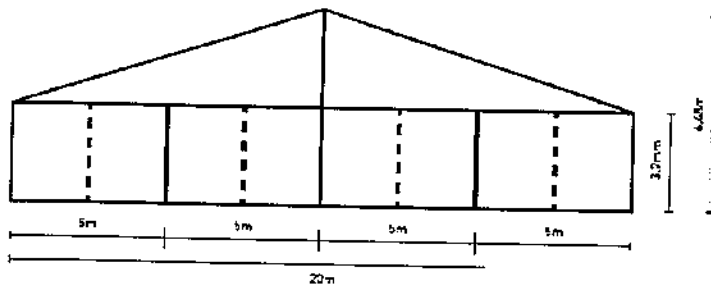
source: *The MSA Group report*

4. DEVELOPMENT PROPOSAL

The owner of this property wishes to put up two structures in the form of marquees tents of which the total floor area will not exceed 1 500m². The purpose of the structures is to grow succulents and palm trees. Sale of plants to the public will not take place from the premises, so no client traffic will be generated. The plot can be easily developed for this purpose, given the fact that it is flat and that more than enough space is available. Furthermore, no major groundwork will be necessary. The height of the Marquees tents are 6.48m and the floor sizes will be 20m x 30m and a 20m x 40m. Below are a few sketches to assist in understanding what is being proposed. Please take note that we are applying for the land use rights only and that this should not be seen as proposed building plans at this stage.



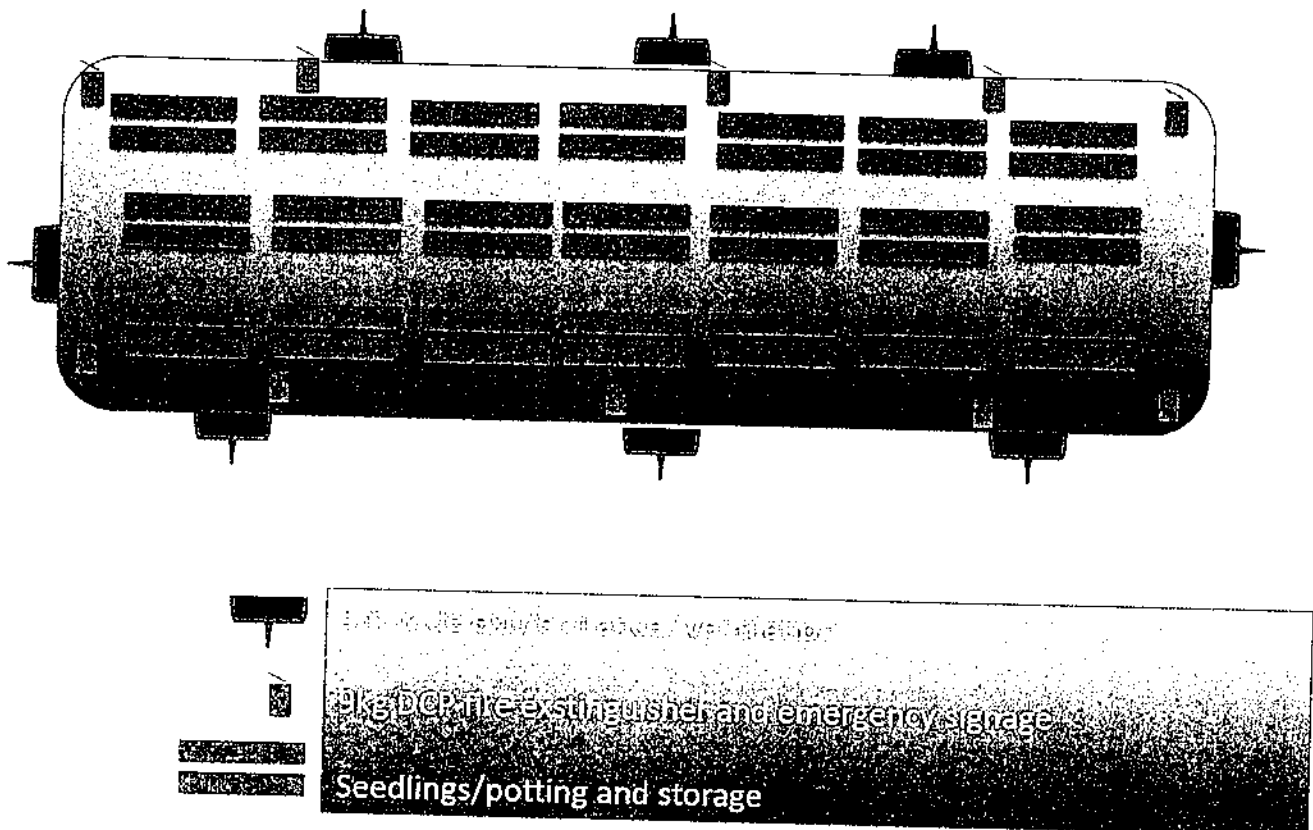
*Site layout - Indicating the proposed placement of the Marquees tents. Please refer to **Site plan** for more detail.*



20m structure side profile

20x40 Internal layout

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5. DESIRABILITY OF THE PROPOSED CONSENT USE - (Sec 99 (3))

5.1 Socio-economic impact

It is estimated that the development of the growing facility will create permanent employment for 8 people in the operational phase of project and during construction (approximately 4 weeks) an additional 10 people will be employed. It is therefore foreseen that this project will have positive socio-economic impacts. It should also be noted that the growing of plants will add value further down the value chain and has the potential to 'keep it local' rather than relying on imports.

5.2 Compatibility with surrounding uses

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The Joostenbergvlakte smallholding area is used for quite a variety of land uses but is primarily used for dwelling houses and agriculture related activities. It seems like a liveable environment and activities that are compatible with this trend should be allowed. There are quite a lot of smallholdings that are used in line with what it was intended for, which is large plots for lifestyle living that needs space for activities like keeping horses. In some instances plots are clearly used illegally for storing of vehicles, manufacturing, storing of unsightly building materials etc. Under the current zoning one of the consent uses are intensive horticulture that may involve greenhouses such as is currently the case with the adjacent neighbour. This seems compatible due to the low pollution levels and the fact that plant growing generally fits within a rural environment, with no negative effects on habitable areas. There is a large nursery and various smaller specialised nurseries in Joostenbergvlakte that add to the land use activities that are compatible with the plots that are used for residential purposes. A few other land uses include: Bed and breakfast businesses, a children's play area, kennels and an auto museum. There are also a number of other greenhouses in the area.

The land use proposal fits within surrounding land uses.

5.3 Impact on the external engineering services

The growing of succulents and palms are not resource intensive with regards to engineering services. In this regard it should be noted that harvested rainwater will be used in conjunction with municipal water to water the plants. The rain water harvesting drums will also alleviate flash flooding that might occur from the 1500m² roof surfaces. The watering requirement of the plants are about 4500L/month. Natural ventilation will be used: no electricity will therefore be needed for this purpose. Some additional waste-water run-off will be generated by the addition of two toilets and basins that will be connected directly to the municipal system. The development will connect to the existing electricity grid through a three phase 32 amp connection. Very little additional power will be required for the project, which will be limited to lighting in the greenhouses (industrial dome lights within the structure using set. E27 max 10w LED Globes). No heavy duty industrial machinery will be used on site.

The impact on the engineering services will therefore be low.

5.4 Impact on safety, health and well-being of the surrounding community

No hazardous substances (e.g. fertilisers, chemicals or fuels) will be stored on the site. General domestic waste will be collected in appropriate receptacles which will be collected by the Municipal waste collection services. The greenhouses will be operational Mondays to Fridays from 08:00am until 17:00pm. No cumbersome safety issues could be identified and no noise pollution is anticipated. The visual impact is not out of proportion as the size and height restrictions are all within the building regulations. The height of the proposed structures are well below the allowed height of 11m, the maximum height being 6.5m. The only directly adjacent neighbour who might be impacted is in the same industry with a much larger scale operation already established.

The likelihood of negative impacts on safety, health and well-being of the surrounding community is therefore considered to be low.

5.5 Impact on heritage

Heritage Western Cape has been consulted on the matter and found that the proposed 1 500m² construction will not have negative impacts from a heritage point of view. ***Please refer to the NID included.***

5.6 Impact on the biophysical environment

A wet area has been identified in the southern corner of the property. Construction on the site will avoid this "wetland". The distance between the wet area and the closest proposed structure is 30.5m.

5.7 Traffic impacts, Parking, Access and other transport related considerations

The property is situated at the end of a cull de sac. No through traffic is therefore possible on this road. The 8 potential jobs that will be created will mostly be for people without personal transport and the need for parking will therefore be low. No parking requirements for "Rural Zoning" is prescribed in the Cape Town DMS. Some provision should, however, clearly be made for parking since people will be employed by the proposed intensive agricultural undertaking. According to municipal guidelines it seems like the most appropriate land use that may be used to serve as a guide for the calculation of parking requirements may be that applicable to a "warehouse" or "storage building", although the proposed use cannot officially be classified as such. Based on

this assumption, provision would have to be made for 15 parking bays (1 bay/ 100m² GLA). There is more than enough space to provide for this number of bays. Given the anticipated number and nature of employees, the construction of a parking area for 15 vehicles would be exorbitant, although this is provided for on the enclosed *site plan*.

5.8 Mitigation of adverse impacts of the proposed land use through the imposition of conditions

Due to the low impact of the proposed development (the growing of plants in a covered area), it is not considered necessary to impose any further conditions to mitigate possible adverse impacts, in addition to the normal MPBL development rules that apply to Rural Zoning, in terms of which the height of buildings and the floor space are regulated.

6. CONCLUSIONS AND RECOMMENDATION

From the above it is **concluded** that:

- There are no restrictive title deed conditions that would need to be amended or removed in order to legalize the proposed uses, it should be noted that written approval must be obtained from SANRAL to build within the 200 cape feet restriction from National roads;
- The proposed uses will not negatively impact the surrounding area and will not establish any negative precedent that has not already been practised in the area;
- The proposal is in line with overall development guidelines as contained in the Northern District Plan;
- All necessary services are available and the proposed development will merely link into services that already exist;
- More than adequate on-site parking can be provided;
- There will be no impact on heritage and limited impact on the environment that are normal for any development taking place.

It is therefore **recommended** that the application for consent use to allow for 'intensive horticulture' on Erf 25096 Kraaifontein as set out more fully in the attached application form and in this motivation report, be approved by the City of Cape Town.

Annexure E

Objections/comments/support
received

24 October 2019

City of Cape Town
Development Management
comments_objections.northern@capetown.gov.za

Attn: Philiswa Magadlela (email Philiswa.Magadlela@capetown.gov.za)

Re: Proposed Application for Consent for the Operation of Intensive Horticulture: Erf 25096, 32 Anderson South Road, Kraaifontein, Application No. 70472668.

I, Dr Barbara Gale (PhD Zoology, UCT), resident and owner (since 1992) of Portion 309 of Farm 728, Joostenbergvlakte (3 Anderson Road West), email gale@aquacatch.co.za (preferred method of notification) hereby confirm that I would like to offer the following comments on and objections to the abovementioned proposed application.

At the outset let me state that I am opposed to the motivation for this development as outlined in this application, but not to consent use for *bona fide* intensive horticulture on the site.

Firstly, although the Applicant is applying for consent use, as required for rural zoning under the City of Cape Town's Development Management System (DMS), as far as current development policy goes, the Applicant uses the possible move to mixed use/industrial activity as purported in the 2012 Northern District Plan, as motivation for the project. The Applicant acknowledges that although the NDP states that the Joostenbergvlakte Smallholdings may be subject to pressure for industrial type developments, this is a long-term view and "no applications should be considered positively until such time as the Kraaifontein Industrial Area has been fully developed, and a precinct plan has been compiled for the subject area" (pg 161 NDP). The Applicant also accepts that the area does not currently have adequate bulk services available to sustain any sort of intensive development. However, the Applicant also states that "It is envisaged that over time the smallholding area will be subject to industrial development with a mixed-use component." Hence, the Applicant has decided to take a conservative approach, wait and see what happens and stay within the current zoning by applying for a consent use that will allow him to put into operation intensive horticulture activities (this application). From the above, it would appear that the Applicant would like to undertake industrial type activities but since he is currently unlikely to receive approval for those activities, he is applying for consent use for intensive horticulture as a stepping stone to a more industrial type use of the property. I wish to object to this line of motivation. The 2012-2017 MSDF on which the NDP was based has been replaced by the 2018 MSDF. The Joostenbergvlakte Smallholdings are no longer viewed as an extension of the Kraaifontein Industrial area but as a consolidation area where development should proceed within current zoning as per the DMS. Although the 2012 NDP is still

an active planning policy document it is currently under review with a new NDP expected in 2021. It is highly likely that the long-term view will change to be brought in line with the 2018 MSDF, and that the Joostenbergvlakte Smallholdings will remain Rural zoning. Strict conditions should be imposed to prevent the Applicant from undertaking any unlawful, industrial type activities.

Secondly, although it is accepted that the structures proposed will need to be submitted for building plan approval, strict conditions need to be imposed that limit the use of the buildings to intensive horticulture. Maintenance and storage of heavy vehicles and machinery, as well as other industrial type activities, should be prohibited.

Thirdly, since access to the property is via gravel roads (Anderson West and South), to avoid major disturbance (e.g.dust, noise, frightening of horses etc.) to local residents along those routes, strict conditions with respect to operating hours, business vehicles abiding by the 40km speed restrictions and adherence to the 5ton weight restriction (only heavy duty vehicle deliveries specifically related to intensive horticulture, during office hours, should be allowed). As a resident of Anderson West, the primary access route to the site, this is of direct relevance to me.

Finally, although the site is not fully serviced, municipal water and Eskom electricity are available. In order to limit noise impacts, if a continuous energy source is required, for air conditioners or heaters, generators should only be allowed during loadshedding.

As can be seen from the above, I have no objection to the Application if *bona fide* Intensive Horticulture is the intended use. However, I request that the MPT impose strict conditions to prevent the Applicant from using loopholes to undertake industrial type activities, and to limit the impact of activities on the community, especially surrounding landowners and landowners along the access route.

Please notify me directly to gale@aquacatch.co.za of the Date, Time and Agenda for the meeting by the Municipal Planning Tribunal to consider this application as I may wish to request an opportunity for an oral submission.

Please confirm in writing to gale@aquacatch.co.za that you have received this comment.

Yours sincerely



Dr B A Gale, PhD (Zoology, specializing in Freshwater Ecology) & Joostenbergvlakte Resident



24 October 2019

City of Cape Town
Development Management
(email: comments_objections.northern@capetown.gov.za)

ATTENTION: Philiswa Magadlela (email: Philiswa.Magadlela@capetown.gov.za)

RE: Proposed Application for Consent for the Operation of Intensive Horticulture: Erf 25096, 32 Anderson South Rd, Kraaifontein, Application No. 70472668.

Dear Ms Magadlela

The JCF (Joostenbergvlakte Community Forum) was formed in 2013, after we discovered that we were not zoned Agricultural anymore, but Rural. If you look further, you'll realise it was actually more to Mixed Use, with trucks. We, as the EXCO of the JCF, represent more than 300 residents. The JCF strive to protect our zoning, Rural/Agricultural.

The residents were informed of the NDP, 2012 (Northern District Plan), which states that JBV (Joostenbergvlakte) smallholdings may be subjected to industrial type developments. There were many objections from the residents, seeing that we were promised a farm like lifestyle. 60% of the residents are horse owners and we never accepted this new proposed rezoning.

According to the MSDF 2018 (2017- 2022) (Municipal Spatial Development Framework), JBV smallholdings are not seen as an extension of the Kraaifontein Industrial area. Our current zoning is Rural.

However, the Applicant refers incorrectly to the future of JBV according to the NDP 2012 and that is of some concern. Almost as if he is preparing us about his real motive. The 2012 NDP is under review at the moment and it is expected that the 2021 proposal will be an extension of the MSDF 2017-2022. The JCF wants to urge the MPT that there will be strict conditions to prevent the Applicant to steer to more industrial, unlawful activities.

The JCF would like to be informed of the impact of this business on the traffic of JBV. What kind of vehicles will be used and how many for this Agricultural business. To get to this property, you enter JBV at the robots, turn left into Lucullus Street. At the first stop street,

JOOSTENBERGVLAKE COMMUNITY FORUM

T 084 581 8043 | E joostenbergvlakte@gmail.com | PO Box 466 Bellville 7535

EXCO: Karin van Zyl*, Leon Fourie**, Capt. Gerald Garwood, Gerritz Rheeder, Susan Rheeder, Charmaine Fabre, Nicole van Niekerk, Mignon Wainwright, Malan du Toit

* Chairperson, ** Vice-Chairperson

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you turn left into Anderson North. At the next stop street, you turn left into Anderson West and left again at the yield sign, which is Anderson South.

There are smallholdings all the way on both sides. Only Lucullus Street and Anderson North are tarred. The other streets are laterite, which suit the horses. Unfortunately it causes a lot of dust.

We have a 5 ton weight restriction on ALL our roads. The only exception to use a vehicle that is heavier, is if you have an Agricultural business, or need deliveries. We are working with the Traffic Departments and Law Enforcement to police these By-Laws.

We will not tolerate any trucks or large machinery if it is not used for Agricultural purposes, within business hours. A business like this can cause excessive dust and noise pollution. The Applicant must know that he should respect the neighbours at all times. All businesses that do not comply to the requirements of Section 99(2) and 99(3) of the Municipal Planning By-Law 2015, will be handed over to Land Use and other necessary Departments.

The JCF find the structure of this application not in line of Intensive Horticulture. We assume that the Applicant will submit a building plan. The JCF should be involved in that decision and will respond to that, when that is submitted.

It will also be more informative to know which kind of machines will be used and whether it will need to be serviced. The Applicant should remember at all times that the Southern portion of this property is wetlands. No maintenance should be done on this property, because it can contaminate the groundwater. Pesticides should also be handled with utmost care. There are active birdlife, ducks, plants and organisms present in the wetlands.

As Intensive Horticulture is a consent use for Rural Zoning, the JCF has no objection against the intended use.

Our concern is that according to the liberal use of the NDP 2012 as example, this Application can weigh over to the more mix-use / industrial type of business.

The JCF urge the MPT to be alert and impose strict conditions to prevent the Applicant to use loop holes.

The JCF contacted immediate neighbours across from this property and members of the JCF. Dr & Mrs Buys of 35-37 Anderson South were notified by the CoCT. Mr & Mrs R. Spamer of 33 Anderson South did not receive an email from the CoCT concerning this application.

Please notify the JCF of the DATE, TIME and AGENDA of the MPT meeting, when you consider this Application. If we should find it necessary, we would also request an oral submission.

Please acknowledge your receipt of this email.

JOOSTENBERGVLAKE COMMUNITY FORUM

T 084 581 8043 | E joostenbergvlakte@gmail.com | PO Box 466 Bellville 7535

EXCO: Karin van Zyl*, Leon Fourie**, Capt. Gerald Garwood, Gerritz Rheeder, Susan Rheeder, Charmaine Fabre, Nicole van Niekerk, Mignon Wainwright, Malan du Toit

* Chairperson, ** Vice-Chairperson

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Yours sincerely



KARIN VAN ZYL
CHAIRPERSON

JOOSTENBERGVLAKE COMMUNITY FORUM

EXECUTIVE COMMITTEE

T 084 581 8043

JOOSTENBERGVLAKE COMMUNITY FORUM

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EXCO: Karin van Zyl*, Leon Fourie**, Capt. Gerald Garwood, Gerrit Rheeder, Susan Rheeder, Charmaine Fabre, Nicole van Niekerk, Mignon Wainwright, Malan du Toit

* Chairperson, ** Vice-Chairperson

Annexure F

Internal departmental comments



MEMORANDUM

T +27 21 444 4937 F +27 21 400 4891
M Stefan.deVilliers@capetown.gov.za W www.lci.gov.za

DATE	18 September 2019
TO	S Magadlela / L van Blerk Spatial Planning & Environment Planning & Building Development Management

CONSENT USE FOR INTENSIVE HORTICULTURE : ERF 25096, 32 ANDERSON SOUTH RD, JOOSTENBERGVLAKE

The application with case number **70472668** has reference.

Comments from Water & Sanitation, Solid Waste as well as comments from Transport : Transport Planning (Traffic Engineering) will NOT be reflected in this memo. The comments from these service providers will need to be obtained from them.

NATURE OF APPLICATION

Consent to allow for the operation of intensive horticulture on land that is currently zoned Rural.

NOTES

The purpose of the consent use is primarily to enable the owner to construct structures to grow succulents and/or palms within. The structures referred to will be 20 m x 30 m and 20 m x 40 m Marquees tents.

No sales to the public will take place on the site. The operation will employ 8 permanent staff. Additional impact on bulk engineering services by the scale of the proposed use is deemed insignificant.

RECOMMENDED

This Department offers in principle no objection to the proposed application, subject to the following conditions:

1. That no sales to the public be allowed from the erf.
2. That the operation be limited to a maximum floor area of 1500 m².

Stéfan de Villiers

SJdV/Idn

[http://records.capetown.gov.za/sites/is_bda_x/deliverables/Documents/DEV_FAC_U/Docs/2019/S de Villiers/Memorandum/fm25096_bergvlakte_18sep1970472668_-_consent_-_intensivehorticulture.pdf](http://records.capetown.gov.za/sites/is_bda_x/deliverables/Documents/DEV_FAC_U/Docs/2019/S%20de%20Villiers/Memorandum/fm25096_bergvlakte_18sep1970472668_-_consent_-_intensivehorticulture.pdf)



MEMORANDUM

T: +27 21 444 8890
E: Sigmund.storm@capetown.gov.za

DATE	19 September 2019
To	Llewellyn Van Blerk, Planning & Building Development Management

CASE NO 70472668: PROPOSED CONSENT USE: ERF 25096, 32 ANDERSON SOUTH ROAD, JOOSTENBERGVLAKE

The above mentioned application refers.

Application details:

- Proposed consent use to permit the operation of intensive horticulture.

Comments on the application:

- The application entails the construction/erection of marquees type structures in which the cultivation of succulents and/or palms will take place.
- No sales to the public are intended from the property.
- Parking has been provided for a storage facility which this department deems adequate for the intended use.
- Being a smallholding, adequate alternative parking opportunities are available.
- The proposal as described in the motivational document is considered compatible with the rural/agricultural environment and deemed to have a negligible impact on the surrounding street network.

Recommendation:

In view of the above this department has **no objection** to the application subject to the following conditions being imposed:

- That the scale and nature of the proposed usage be limited and contained in accordance with the description in the motivational document and coverage and size as reflected on the site plan.
- That no sales to the public be permitted from the property.

Yours sincerely

Sigmund Storm



MEMORANDUM

T: +27 21 444 1557
E: clarissa.fransman@capetown.gov.za

DATE	10 October 2019
TO	Llewellyn Van Blerk/ Philiswa Magadela - Development Management Case ID: 70472668

ERF 25096, 32 ANDERSON SOUTH STREET, JOOSTENBERGVLAKE, KRAAIFONTEIN: CONSENT USE - INTENSIVE HORTICULTURE APPLICATION

The consent use application in order to permit intensive horticulture to grow succulents and palms on Erf 25096 Joostenbergvlakte, refers.

The following documents have reference:

- Comments by this Department dated 16 October 2018 and 18 December 2018 during the building plan application (Case ID: 70425368).
- Motivation report, dated August 2019, as compiled by *BvZ Plan Professional Planning Consultants*.
- Site Plan (Plan No.: 688/1; dated August 2019) as compiled by *BvZ Plan Professional Planning Consultants*.

The information submitted in the LUMS case is the same as that which was submitted during the building plan for the temporary greenhouse structures application. Comments made by this Department provided were addressed and the building plan was subsequently recommended for approval.

As such, the Environmental Management Department has **no objection** to the consent use application, subject to the following:

- The proposed greenhouse structures must be located outside of the buffer area, as indicated on the Site Plan (Plan No.: 688/1; dated August 2019) as compiled by *BvZ Plan Professional Planning Consultants*.
- The buffer area (30.5m from the wetland area) in the south-eastern corner of the property is to be demarcated and no buildings, structures, or hardened surfaces are allowed in the buffer area. The buffer area must be maintained as a naturally vegetated area and not be altered in any way.

PAT TITMUSS

Head: Environmental and Heritage Management – Northern District
Environmental Management Department

Annexure G

Applicant's response to
objections /comments/support
received

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BvZPlan

Bertie van Zyl Beplanning ingelyf
Reg No 1997/021475/21
VAT Reg No 4410172193
Professionele beplanningskonsultante
Professional planning consultants

BvZPlan

Application Number: 70472668
BvZPlan Reference Number: 688 JOOSTENBERGVLAKE ERF 25096
Enquiries: BvZPlan
Contact No: 021 981 1406
Email address: nico@bvzplan.co.za
Date: 4 November 2019

Email

Philiswa Magadlela [Philiswa.Magadlela@capetown.gov.za]

Sir/Madam

**ERF 25096, KRAAIFONTEIN 32 ANDERSON SOUTH, JOOSTENBERGVLAKE SMALLHOLDINGS:
CONSENT FOR THE OPERATION OF INTENSIVE HORTICULTURE**

COMMENTS

We would like to hereby respond to the comments received from Dr B A Gale, dated 24 October 2019 and Joostenbergvlakte Community Forum, dated 24 October 2019:

It is noted that Dr Gale and the Joostenbergvlakte Community Forum have no objection to the land use proposed in our application. Their concerns are merely that the owner's intention may be to change the use, unlawfully or by way of "loopholes", to something that would be more industrial in nature. We can give the assurance that this is not the intention at all. The purpose is to establish a bone fide intensive horticultural use only. The owner would, furthermore, have no objection to the imposition of reasonable conditions of approval in order to close any possible loopholes that might exist. However, like any other property owner, our client retains the right to apply for any other use right on his property in the future, subject to processes prescribed in the City's planning By-law. The objectors should be reminded that no matter which sdf is applied to this case, the principles remain the same, namely that an sdf does not convey or take away land use rights and that the zoning of the property as "rural" therefore remains unchanged.

BvZPlan