

ITEM NUMBER: C 22/04/16

RECOMMENDATION FROM THE EXECUTIVE MAYOR: 19 APRIL 2016

MC 47/04/16 APPLICATION FOR REZONING, CONSENT, TEMPORARY DEPARTURE AND REGULATION DEPARTURE IN TERMS OF THE LAND USE PLANNING ORDINANCE, NO. 15 OF 1985, AND THE CAPE TOWN ZONING SCHEME REGULATIONS IN RESPECT OF REMAINDER ERF 526, 2 BLOEMHOF ROAD (BETWEEN STRANDFONTEIN ROAD, BLOEMHOF ROAD AND GREENWAY ROAD), WETTON

The Mayco Member for Energy, Environment & Spatial Planning, Cllr J van der Merwe proposed that the recommendation from Spelum be supported for approval by Council.

The above proposal was duly supported.

It is **RECOMMENDED** that:

- (a) the deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan, in respect of the southern section (site B) of remainder Erf 526, Wetton, as set out in the report dated 19 February 2016 relating to the rezoning of the southern section (site B) of remainder Erf 526, Wetton, be approved
- (b) the application for rezoning of the northern section (site A) and the southern section (site B) of remainder Erf 526, Wetton, from rural to General Industrial 1, be approved in terms of Section 16 of the Land Use Planning Ordinance, No. 15 of 1985, subject to conditions as set out in Annexure A to the report on the agenda
- (c) the application for Council's consent, in terms of the Cape Town Zoning Scheme Regulations to permit a shop and offices on the northern section (site A) of remainder Erf 526, Wetton, be approved
- (d) the application for a temporary departure on the middle section (site C) of remainder Erf 526, Wetton, be approved in terms of Section 15 of the Land Use Planning Ordinance, No.15 of 1985
- (e) the application for regulation departures for remainder Erf 526, Wetton, as set out in Annexure A to the report on the agenda, be approved in terms of Section 15 of the Land Use Planning Ordinance, No. 15 of 1985.



REPORT TO MAYORAL COMMITTEE

DATE 2016-04-19

1 ITEM NUMBER : MC 47/04/16

2 APPLICATION FOR REZONING, CONSENT, TEMPORARY DEPARTURE AND REGULATION DEPARTURES IN TERMS OF THE LAND USE PLANNING ORDINANCE, NO. 15 OF 1985, AND THE CAPE TOWN ZONING SCHEME REGULATIONS IN RESPECT OF REMAINDER ERF 526, 2 BLOEMHOF ROAD (BETWEEN STRANDFONTEIN ROAD, BLOEMHOF ROAD AND GREENWAY ROAD), WETTON

AANSOEK OM HERSONERING, VERGUNNING, TYDELIKE AFWYKING EN REGULASIEAFWYKINGS INGEVOLGE DIE ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, NO. 15 VAN 1985, EN DIE KAAPSTADSE SONERINGSKEMAREGULASIES TEN OPSIGTE VAN RESTANT ERF 526, BLOEMHOFWEG 2 (TUSSEN STRANDFONTEINWEG, BLOEMHOFWEG EN GREENWAYWEG), WETTON

ISICELO SOMISELO NGOKUTSHA, SEMVUME, SOTYESHELO LOMQATHANGO OKWEXESHANA NOTYESHELO LWEMIQATHANGO NGOKOMGAQO NGOKOMMISELO WOCWANGCISO LOKUSETYENZISWA KOMHLABA ONGUNOMB.15 WANGOWE-1985 NEMIGAQO ENGENKQUBO YEZOCANDO YASEKAPA NGOKUJOLISWE KWISIZA- 526, 2 BLOEMHOF ROAD (PHAKATHI KWE-STRANDFONTEIN ROAD, BLOEMHOF ROAD NE-GREENWAY ROAD), E-WETTON
70152353/QS/Cape Flats Districts

LSU G3251/G4683

On 9 March 2016 the Spatial Planning, Environment and Land Use Management Committee (SPELUM) considered the attached report dated 19 February 2016.

The report in paragraphs 7.9 and 7.12, indicates that the southern section of the subject property (site B) falls outside of the currently delineated urban edge in terms of the Cape Town Spatial Development Framework.

In terms of part 22, section 1 (Planning Delegations), SPELUM has the power to make recommendations to the Mayor on applications which are not consistent with the Cape Town Spatial Development framework approved as part of the IDP.

In terms of part 1, section (12)(2) (Executive Mayor delegations) applications which are not consistent with the approved Cape Town Spatial Development framework are recommended to Council.

The application is submitted to the Executive Mayor, together with the Mayoral Committee, for a recommendation to Council for a decision.

3 RECOMMENDATION FROM THE SPATIAL PLANNING, ENVIRONMENT AND LAND USE MANAGEMENT COMMITTEE: 9 MARCH 2016 (SPEL 11/03/16)

To recommend to the Executive Mayor, together with the Mayoral Committee, that it be recommended to Council that:

- a) the deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan, in respect of the southern section (site B) of remainder erf 526, Wetton, as set out in the report dated 19 February 2016 relating to the rezoning of the southern section (site B) of remainder erf 526 Wetton, be approved; and
- b) the application for rezoning of the northern section (site A) and the southern section (site B), as indicated on the plan attached to the report dated 19 February 2016 as annexure D, of remainder erf 526, Wetton, from rural to general Industrial 1, be approved in terms of section 16 of the Land Use Planning Ordinance, no. 15 of 1985, subject to conditions as set out in annexure A to the report dated 19 February 2016; and
- c) the application for Council's Consent, in terms of the Cape Town Zoning Scheme Regulations, to permit a shop and offices on the northern section (site A) of remainder erf 526, Wetton, be approved; and
- d) the application for a temporary departure on the middle section (site C), as indicated on the plan attached to the report dated 19 February 2016 as annexure D, of remainder erf 526, Wetton, be approved in terms of section 15 of the Land Use Planning Ordinance, no.15 of 1985; and
- e) the application for regulation departures for remainder erf 526, Wetton, as set out in annexure A, be approved in terms of section 15 of the Land Use Planning Ordinance, no. 15 of 1985.

3 AANBEVELING VAN DIE KOMITEE OOR RUIMTELIKE BEPLANNING, DIE OMGEWING EN GRONDGEBRUIKBESTUUR: 9 MAART 2016 (SPEL 11/03/16)

Om by die uitvoerende burgemeester, tesame met die burgemeesterskomitee, aan te beveel dat daar by die Raad aanbeveel word dat:

- a) Die afwyking van die Kaapstadse ruimtelikeontwikkelingsraamwerk en die distriksplan vir die Kaapse Vlakte, ten opsigte van die suidelike gedeelte (gedeelte B) van restant erf 526 Wetton, soos in die verslag

van 19 Februarie 2016 uiteengesit betreffende die hersonering van die suidelike gedeelte (gedeelte B) van restant erf 526 Wetton, goedgekeur word; en

- b) die aansoek om hersonering van die noordelike gedeelte (gedeelte A) en die suidelike gedeelte (gedeelte B), soos aangedui op die plan aangeheg by die verslag van 19 Februarie 2016 as bylae D, van restant erf 526, Wetton, van landelik na algemeen nywerheid 1, goedgekeur word ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985, onderworpe aan die voorwaardes in bylae A by die verslag van 19 Februarie 2016, uiteengesit; en
- c) die aansoek om Raadsvergunning ingevolge die Kaapstadse soneringskema regulasies om 'n winkel en kantore toe te laat op die noordelike gedeelte (gedeelte A) van restant erf 526 Wetton, goedgekeur word; en
- d) die aansoek om hersonering van die noordelike gedeelte (gedeelte A) en die suidelike gedeelte (gedeelte B), soos aangedui op die plan aangeheg by die verslag van 19 Februarie 2016 as bylae D, van restant erf 526, Wetton, van landelik na algemeen nywerheid 1, goedgekeur word ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985; en
- e) die aansoek om regulasieafwykings, soos uiteengesit in bylae A, vir restant erf 526 Wetton, goedgekeur word ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985.

3 ISINDULULO SEKOMITI YOCWANGCISO LOMHLABA ONGAMABALA, OKUSINGQONGILEYO NOLAWULO LOKUSETYENZISWA KOMHLABA: 9 MATSHI 2016 (SPEL 11/03/16)

Ukuba kwenziwe isindululo kuSodolophu weSigqeba kunye nakwiKomiti yeSigqeba sakhe, sokuba kundululwe kwiBhunga ukuba:

- a) Makuphunyezwe uphambuko olususela kwiSakheko soPhuhliso lwamaBala saseKapa nakwiSicwangciso seSithili sase-Cape Flats, ngokujoliswe kwicandelo elisemazantsi (isiza-B) lwentsalela yesiza-526 esise-Wetton njengoko kuqulunqwe kwingxelo ebhalwe owe-19 Febhuwari 2016 ngokuphathelene nomiselo ngokutsha kwecandelo elisemazantsi (isiza-B) lwentsalela yesiza-526 esise-Wetton, kwakhona
- b) Makuphunyezwe isicelo somiselo ngokutsha kwecandelo elisemntla (isiza-A) necandelo elisemazantsi (isiza-B) njengoko kubonakalisiwe kwiplani eqhotyoshelwe kwingxelo ebhalwe owe-19 Febhuwari 2016 njengesihlomelo-D, lwentsalela yesiza-526 e-Wetton ukususela kummandla oliphandle ukuba ibengummandla-1 ongoveliso ngokuphangaleleyo, ngokungqinelana necandelo-16 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-

1985, ngokuxhomekeke lwmiqathango - equlathwe kwisihlomelo-A kwingxelo ebhalwe owe-19 Febhuwari 2016, kwakhona

- c) Makuphunyezwe isicelo semvume yeBhunga ngokweMigaqo yeNkqubo yezoCando yaseKapa ukuze kuvumeleke ivenkile nee-ofisi kwicandelo elisemntla (isiza-A) lentsalela yesiza-526, esise-Wetton, kwakhona
- d) Makuphunyezwe isicelo sotyeshelo lomqathango okwexeshana kwicandelo elisembindini (isiza-C), njengoko kubonakaliswe kwiplani eqhotysohelweyo kwingxelo ebhalwe owe-19 Febhuwari 2016 njengesihlomelo-D, sentsalela yesiza-526, e-Wetton, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985, kwakhona
- e) Makuphunyezwe isicelo sotyeshelo lwemiqathango kwintsalela yesiza-526, esise-Wetton, njengoko kuqulunqwe kwisihlomelo-A, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985.



Comment:

EXECUTIVE DIRECTOR: ENERGY, ENVIRONMENTAL AND SPATIAL PLANNING

NAME J HUGO

DATE 16.03.2016



LEGAL COMPLIANCE

REPORT COMPLIANT WITH THE PROVISIONS OF COUNCIL'S DELEGATIONS, POLICIES, BY-LAWS AND ALL LEGISLATION RELATING TO THE MATTER UNDER CONSIDERATION.

NON-COMPLIANT

NAME Joan-Mari Holt

Comment:

TEL 021 400 2753

DATE 17/03/2016

Certified as legally compliant: ^{SMH}
Based on the contents of the report.

[Handwritten signature]

Acting

EXECUTIVE DIRECTOR: CORPORATE SERVICES AND COMPLIANCE (ED: CORC)

NAME GRAS I. MBANDAZAYO

SUPPORTED FOR ONWARD SUBMISSION TO MAYOR / MAYCO / COUNCIL

NOT SUPPORTED

DATE 2016 -03- 18

REFERRED BACK

COMMENT:

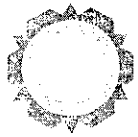
[Handwritten signature]

MAYORAL COMMITTEE MEMBER: ENERGY, ENVIRONMENTAL AND SPATIAL PLANNING

COMMENT:

NAME J VAN DER MERWE

DATE 23/03/2016



REPORT TO SPATIAL PLANNING, ENVIRONMENT & LAND USE MANAGEMENT COMMITTEE

APPLICATION NO	70152353		
FILE REFERENCE	LUM/13/526		
AUTHOR	QUANTAH SAVAHL		
PHONE NO	021 684 4348		
SECTION HEAD	ADELE MCCANN		
PHONE NO	021 684 4341		
DISTRICT	CAPE FLATS		
SUBCOUNCIL	18		
WARD	80		
WARD COUNCILLOR	THEMBINKOSI PUPA		
REPORT DATE	2016-02-19		
INTERVIEW REQUESTED	APPLICANT OBJECTOR(S)	YES	NO

ITEM NO SPEL 11/03/16

APPLICATION FOR REZONING, CONSENT, TEMPORARY DEPARTURE AND REGULATION DEPARTURES IN TERMS OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985 AND THE CAPE TOWN ZONING SCHEME REGULATIONS IN RESPECT OF REMAINDER ERF 526, 2 BLOEMHOF ROAD (BETWEEN STRANDFONTEIN ROAD, BLOEMHOF ROAD AND GREENWAY ROAD), WETTON

AANSOEK OM HERSONERING, VERGUNNING, TYDELIKE AFWYKING EN REGULASIEAFWYKINGS INGEVOLGE DIE ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, NO. 15 VAN 1985, EN DIE KAAPSTADSE SONERINGSKEMAREGULASIES TEN OPSIGTE VAN RESTANT ERF 526, BLOEMHOFWEG 2 (TUSSEN STRANDFONTEINWEG, BLOEMHOFWEG EN GREENWAYWEG), WETTON

ISICELO SOMISELO NGOKUTSHA, SEMVUME, SOTYESHELO LOMQATHANGO OKWEXESHANA NOTYESHELO LWEMIQATHANGO NGOKOMGAQO NGOKOMMISELO WOCWANGCISO LOKUSETYENZISWA KOMHLABA ONGUNOMB.15 WANGOWE-1985 NEMIGAQO ENGENKQUBO YEZOCANDO YASEKAPA NGOKUJOLISWE KWISIZA- 526, 2 BLOEMHOF ROAD (PHAKATHI KWE-STRANDFONTEIN ROAD, BLOEMHOF ROAD NE-GREENWAY ROAD), E-WETTON

[LSU: G3251]

1 EXECUTIVE SUMMARY

Property description	Remainder Erf 526 Wetton
Registered owner	M Kamalie & F Kamalie
Applicant / agent	PLANNER (K Hendriksz)
Site extent	4463m ²
Applicable Zoning Scheme	Cape Town
Current zoning	Rural

Current land use	Business			
	Yes		No	√
Title deed restrictions				
Application components / description (state briefly)	<ul style="list-style-type: none"> • Rezoning of the northern portion from Rural to General Industrial 1 and Council's Consent to permit a shop and ancillary offices; • Rezoning of the southern portion from Rural to General Industrial 1 to permit workshops; • Temporary Departure to permit a Scrapyard, construction and a display area on the middle portion of the property; • Regulation departures have also been applied for relating to setbacks and access as indicated on the proposed site development plan attached as Annexure D and D1 			
Submission date	01 July 2014			
Special / Conservation area	No			
Subject to PHRA / SAHRA	No			
Any unauthorised land use / building work? (for background info; not to form part of consideration or basis of decision)	Scrapyard, shop, cars sales yard. Diesel and oil supplier, unauthorised buildings. Notices were served by both the Property Inspector (Enforcement) and the Building Inspector. The matter is currently at Wynberg Magistrates Court for a ruling.			
Public participation outcome summary (key words only)	No objections were received.			
Policies / plans applicable	Cape Town Spatial Development Framework Cape Flats District Plan			
Policy compliant	Yes		No	√
Recommended decision	Approval	√	Refusal	
Delegation no & extract	<p>Part 22 Section 1: SPELUM has the power to take decisions which are not compliant with structure plans or approved Council policy which is used to guide decision making; where an EIA or TIA or HIA is required in order to assess the application; where an application straddles Sub-council boundaries; all of the aforementioned being subject to SPELUM deciding to approve the application and being in agreement with the recommendation from the ED: EESP. If SPELUM decides to refuse an application or is not in agreement with the recommendation from the ED: EESP, the Mayor together with the Mayoral Committee has the power to decide the application. When exercising its power, if, after applying its mind, SPELUM decides not to follow a structure plan or approved Council policy when considering an application, it must give reasons and this will be recorded as a deviation from the policy.</p>			
Reason(s) for coming to SPELUM (if applicable)	Deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan			

2 DECISION AUTHORITY

	Recommendation	Decision
Subcouncil		
SPELUM	√	
EESP		
MayCo	√	
Council		√
PGWC		

3 BACKGROUND / SITE HISTORY

- A similar application was submitted in 2012 but was closed in 2013 as the applicant did not provide the additional information which was requested by the Planning and Building Development Management department.
- The proposed future Sheffield Road Scheme runs through the centre of the subject property, splitting the property into two portions. The Sheffield Road Scheme is part of the long term planning for the area and to date, there is no confirmation as to when the road will be built. Nonetheless, no development is permitted within the area earmarked for the road reserve.
- There are unauthorised land uses and structures on the property. The Property Inspector (Enforcement) and the Building Inspector served Notices for the unauthorised land uses and structures, respectively. Both matters were referred to the Wynberg Magistrates Court but were remanded until the outcome of this application.

4 SUMMARY OF APPLICANT'S MOTIVATION

The applicant's motivation of the proposed development (see Annexure E) may be summarised as follows: *(See Annexure D to D1 for layout)*

- Theoretically the property consists of 3 sections; the northern section will be referred to as Site A, the southern section as Site B and the middle section as Site C.
- Site A and Site B will be rezoned from Rural to General Industrial 1.
- Council's Consent has been applied for to permit offices on Site A which will take access from Bloemhof Road.
- Five workshops are proposed for Site B and will function as a separate small industrial park with access from Greenway Road.
- Site C is earmarked to be used to implement a road scheme that may occur as part of Council's long term planning.
- A Temporary Departure is proposed for Site C to permit wendy house assembly and display as well as a scrapyard for building rubble.
- There will not be any permanent structures in Site C due to the proposed road scheme and access to Site C will be via the entrance and parking area of Site A.
- The existing carriageway crossing for Site A will remain 7,5m in width.

- The gate on the street boundary will remain open during opening hours to not hinder traffic flow.
- The width of the carriageway crossing will allow for 90 degree parking on each side for maximum parking and twelve parking bays have been provided.
- The carriageway crossing for Site B will be 8m in width.
- The gate on the street boundary will remain open during opening hours to not hinder traffic flow and twenty-two parking bays have been provided.
- While additional traffic will be created such traffic would mostly be outside normal peak traffic.
- The area has been earmarked for Industrial Development by Council's forward planning frameworks and therefore industrial vehicles and land uses are expected in the area.
- The property directly abuts Strandfontein Road and is therefore visible.
- Palisade fencing has been used to create a barrier and/or transitional area between the road and the buildings on Site A and Site B but allows for clear views of traffic passing the site and will improve security as nothing is hidden behind walls.
- The area has been earmarked for industrial use and the proposal will benefit other property owners by ensuring the property is maintained and secure while assisting to attract investment to the area.
- The property has been used for business/industrial uses since 2008 and is in line with the envisaged character of the area.
- The built form of the area will be improved with the regularisation of Site A, the development of Site B and maintenance and security over Site C until such time the road scheme is implemented.
- The nearest residential area is about 50m to the west on the opposite side of Strandfontein Road and the proposal does not have an impact on property rights.
- The proposal will result in the formalisation of the use of the property with a layout that has long term sustainability for the area and it does not introduce a land use that is foreign to the area, is not out of context with the surrounding area and will have a positive impact on the area.
- The rezoning will in line with Council's forward planning for the area and the proposed industrial land uses is compatible with the area.
- The consent use to permit offices will allow flexibility and long term sustainability.
- The regulation departures will not impact the abutting industrial zoned properties.
- The temporary land use departure will allow an economical viable section of the property to be used until the road scheme takes effect.
- The Transport Department has not objected to the use of Site C, subject to conditions.
- The property is vacant and is virtually flat and the streetscape and existing built environment will be improved.
- No restrictive title deed conditions are applicable.
- The layout aims to encourage flexibility and long term sustainable industrial property and has been chosen to complement the subject property and the surrounding area.

- The acceptable access and parking has been verified with Council and there is sufficient on-site parking.
- No structures or conservation worthy vegetation is present.
- All services already exist, or will be a condition of approval.

5 PUBLIC PARTICIPATION

			Comments
Advertising	Press	√	26 September 2014
	Gazette	√	26 September 2014
	Notices	√	23 September 2014
	Ward councillor	√	23 September 2014
	On-site display	√	25 September 2014 & 27 October 2014
	Community organisation(s)	√	23 September 2014
	Public meeting		None
Outcome	Objections		None
	Objection petition		None
	Support / No objection		None
	Comments		None
	Ward councillor response		None

5.1 Summary of objections / comments and Summary of applicant's response

N/A

5.2 Evaluation of objections / comments / response

N/A

5.3 Departmental comments of significance

Transport for Cape Town (Traffic Impact Assessment and Development Control) department - See Section 7 and Annexure F

Property Management department - In or about 2005, the Property Management department was requested to purchase the subject property but never followed through on this request. The property was subsequently sold to the current owners. In 2008, a memorandum was sent to the Manager of Acquisitions and Disposals requesting that the property be purchased. To date, this transaction has not yet taken place. When Council does purchase the portion required for road this portion will take on the zoning for road purposes. The subdivision process will thus be dealt with at that stage. See Annexure F.

6 SUSTAINABILITY IMPLICATIONS

Does the activity in this report have any sustainability implications for the City?	Yes	√	No	
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- 6.1 The approval of this application contributes to economic sustainability by creating job opportunities for local labour.

7 PROPOSAL ASSESSMENT

Locality and Character of the Area

- 7.1 Remainder of Erf 526, Wetton measures 4463m² in extent and is located along Strandfontein Road, in the Lansdowne Road Industrial Area. The property is situated within the area bounded by Govan Mbeki Road (previously known as Lansdowne Road) to the north, Strandfontein Road to the west, Greenway Road to the south and the Lotus River canal to the east. This area is taking on an increasingly industrial character, with a number of properties having been rezoned to accommodate industrial and commercial activities. Both Bloemhof Road and Greenway Road are untarred, unmade roads. Further north, on the opposite side of the busy Govan Mbeki Road is Lansdowne Corner which is medium sized shopping complex. Strandfontein Road is a busy main road which is currently being upgraded.

Description of the Subject Property

- 7.2 Remainder Erf 526 is a rectangular shaped property bounded by three roads. The property is currently being used for various business related uses which are unauthorised and also contains unauthorised structures. The businesses on the property entail the sale of timber structures (wendy houses), building material and the storage and supply of wholesale oil and diesel. Building rubble is stored on-site. There is also a small shop/café on the property. Cars are parked on the property from which car parts are salvaged and sold. The property is currently in an untidy and unkept condition and negatively affects the streetscape. Unauthorised access is taken off Strandfontein Road.

Surrounding zonings and land uses

- 7.3 The property is located in an area with a mixture of Rural, Agricultural and General Industrial zoned properties. The two properties abutting the subject property to the east are zoned Rural while the property to the south on the opposite side of Greenway Road is zoned Agricultural. The properties to the north on the opposite side of Bloemhof Road are zoned General Industrial and are used by a large cement producing company. The area forms part of a broader industrial node known as the Lansdowne Industrial area.

Proposal

- 7.4 In order to describe the proposal at hand, the applicant has divided the property into three sections (Site A, Site B and Site C) as each section will have different uses. (The property will not be subdivided). The proposal is as follows:
- Rezone the northern section and southern section of the property, referred to by the applicant as Site A and Site B, respectively, from Rural to General Industrial 1.
 - Council's Consent to permit a shop and ancillary offices on Site A.

- Workshops on Site B.
 - Temporary Departure on the middle section of the property, (Site C) to permit a Scrapyard as well as for the construction and display of timber structures (wendy houses) and this use will be ancillary to the use on the Site A.
 - Vehicular access to the property will be from Bloemhof Road (for Site A and Site C) and Greenway Road (for Site B).
- 7.5 Site A will be 850m² in size and will consist of a building used as a shop/sales area and offices for a building and construction company (specialising in the construction and sale of timber structures (wendy houses). Twelve parking bays are proposed for this building/use.
- 7.6 Site B will be 2028m² in size. The buildings on the southern section will be double volume and will consist of five workshops each measuring 164m² in size. Twenty-two parking bays are proposed for these workshops.
- 7.7 Site C of the property will 1585m² in size and the intention is to use the area for the construction as well as display of timber structures. Building material and rubble arising from the construction will be stored on this section of the property. The Scrapyard will be used for the storage or sale of poles, steel, wire, lumber, bricks, containers or other articles which are suitable to be left in the open. No permanent structures will be erected within this section.
- 7.8 The following regulation departures relating to setback and carriageway crossings have also been applied for in accordance with the Zoning Scheme Regulations:
- Section 10.1.2: To permit a portion of the existing building on Site A to be located 1.35m in lieu of 5m from Bloemhof Road.
 - Section 10.1.2: To permit a portion of the existing building on Site A to be located 0.5m in lieu of 3m from the eastern common boundary building line.
 - Section 19.2.1: To permit access points to be located 7.5m in lieu of 15m from the Strandfontein Road and Bloemhof Road and Strandfontein Road and Greenway Road traffic intersections.

Comments from the Spatial Planning and Urban Design department

Cape Town Spatial Development Framework (CTSDF)

- 7.9 The northern section is designated for "industrial development" in the CTSDF, which permits all forms of industrial land uses, except noxious industries. Allowance is made for limited forms of non-industrial activity, such as factory shop, service station, and motor repair garage, but these activities should not compromise the general use of the industrial area. Strandfontein is identified as a "development route" in the CTSDF, which is described as having a greater mobility function than an activity route. Mixed land uses and higher density development tend to be nodal along development routes, with access provided

at intersections and generally linked to parallel and connecting side routes. Development routes may include short stretches of activity route type development. The urban edge delineated by the CTSDf runs along the proposed Sheffield Road extension alignment, with the effect that the northern section of the subject property falls inside the urban edge, while the southern section falls outside the current urban edge delineation.

Cape Flats District Plan (CFDP)

- 7.10 Site A of the property is designated in the CFDP for “mixed use intensification”, where mixed use intensification is generally supported, subject to any local guidelines and bulk service and transport infrastructure availability. The CFDP indicates the Sheffield Road extension, which is a proposed connector route, traversing the southern section of the site. Connector routes predominantly serve a mobility function.

With regard to this application, the CFDP makes the following provisions:

- Encourage/facilitate mixed use commercial and industrial uses between Lansdowne Road and the Sheffield Road alignment.
- Create a positive open space / soft interface adjacent to the proposed Sheffield Road extension to soften the visual and noise impact of the proposed mobility route and provide transition into the Philippi Horticultural Area.

Urban Edge and Development Guidelines Study for the Schaapkraal Area and Environs in the PHA (Draft – July 2012)

- 7.11 The development framework put forward in the study proposes a realignment of the urban edge in the northern section of the study area to align with the Lotus River canal, as opposed to the proposed Sheffield Road alignment as put forward by the CTSDf. In terms of the Draft Urban Edge and Development Guidelines Study for the Schaapkraal Area and Environs in the PHA policy document, the subject property (and the entire area bounded by the Lotus River canal) is designated “industrial”. The following guidelines with respect to this designation are of relevance to this application:

- Industrial area development will reinforce existing Lansdowne Industrial Area to the east as strong northern edge to the PHA, further defined by the future Sheffield Road development.
- Industrial area development, together with the Lotus River Canal will rationalize the existing urban edge west of the canal, given its current alignment traversing the Doig Road industrial area.
- Industrial subdivision to facilitate integration with Doig Road industrial area to the north.

- 7.12 Notwithstanding the fact that Site B of the property falls outside of the currently delineated urban edge in terms of the CTSDf, the Spatial Planning and Urban Design department has no objection to the proposal given that the proposed rezoning is in alignment with the draft Schaapkraal Area and Environs study. The proposed rezoning of Site A is in alignment with the current spatial planning policy pertaining to the area. In terms of the CTSDf and the CFDP, the Sheffield

Road extension alignment aligns with the urban edge and defines the boundary between the Lansdowne Road Industrial Area and the Philippi Horticultural Area. However, the draft Schaapkraal and Environs study proposes a redefined urban edge in the vicinity of the subject property, designating the entire area to the north and west of the Lotus River canal for industrial development. After the advertising process, the applicant met with the Spatial Planning and Urban Design department to discuss the reasons for the proposed design and layout after which the Spatial Planning and Urban Design department indicated that they consider the proposed design and layout to be acceptable and no changes are required. They do however require that a formal Landscape Plan be submitted to their department.

Comments from the Transport for Cape Town (TCT) - Traffic Impact Assessment and Development Control department

- 7.13 In general, the TCT Department supports the proposal, subject to certain conditions which have been included in Annexure A. Regarding Site C, which is affected by the future Sheffield Road Scheme, only uses of a temporary nature are supported as no development within this section is permitted.
- 7.14 The application for the access points to be located 7,5m in lieu of 15m from Strandfontein Road and Bloemhof Road and Strandfontein Road and Greenway Road intersections are not affected by TCT's requirements that the access points be setback a minimum of 20m and 30m from the centre line of Strandfontein Road.

Comments from Road Network Management (Western Cape Government)

- 7.15 No objections were received from this Provincial Department except a statement that the property owner be informed that with the dualling of Strandfontein Road (PMR 119), both the Bloemhof and Greenway Road intersections with Strandfontein Road will be closed. Access/egress to and from the property will therefore be via Springfield Terrace, further east and then into Bloemhof Road or Greenway Road.

Impact of the proposal

- 7.16 The proposal to rezone Site A from Rural to General Industrial is in line with the provisions of the Cape Town Spatial Development Framework and Cape Flats District Plan which designates the property for "industrial development". This section of the property falls within the Urban Edge. It is also proposed to rezone Site B from Rural to General Industrial 1, but this section falls outside of the urban edge. As mentioned in paragraph 7.11, the Spatial Planning and Urban Design department have indicated that they have no objection to the rezoning of Site B as it is in line with the draft policy for the area. A deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan is however required.
- 7.17 The zoning of General Industrial 1 is in line with the most of the surrounding zonings. Historically, the area north of the proposed Sheffield Road has always

been earmarked for industrial uses. The proposed workshops on the southern section of the property are seen as a compatible use within the area

- 7.18 The application for Consent to permit a shop and offices for a building construction company on Site A is supported. While the proposed use as a building construction company is dependent on the proposed activities in Site C, in general a shop and offices would be able to operate independently of Site C. Shops and offices are considered as appropriate uses in the area.
- 7.19 Temporary Departure for Site C to permit a Scrapyard as well as for the construction and display of timber structures (wendy houses) may be supported on a temporary basis only. Due to the proposed Sheffield Road Scheme, no permanent developments and structures are permitted within Site C. In addition, a Temporary Departure is only valid for five (5) years in terms of the Municipal Planning By-Law.
- 7.20 According to the Transport for Cape Town (TCT) - Traffic Impact Assessment and Development Control department, no date for the implementation of the Sheffield Road scheme has been provided and given that it could be implemented at any time, it would be best not to permit any permanent uses in the road reserve.
- 7.21 The departures applied for relating to setbacks from the Bloemhof Street building line and the eastern common boundary building line are supported given that only a portion of the building encroaches on the building lines.
- 7.22 Regarding the location of the access points along Bloemhof Road and Greenway Road, the TCT department have no objection the location of the access points as long as the access point to the northern section is located a minimum of 20m from the current Strandfontein Road centre line and the access point to the southern section is located a minimum of 30m from the Strandfontein Road centre line.

8 REASONS FOR DECISION

Reasons for the recommended decision may be summarised as follows:

- There are exceptional, unique and site specific circumstances that support a deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan for the southern section (Site B) of the property.
- The proposal for rezoning of the northern section (Site A) of the property is generally in compliance with the Cape Town Spatial Development Framework and the Cape Flats District Plan.
- The proposed General Industrial 1 zoning is in line with many of the properties in the surrounding area.
- The Transport for Cape Town (Traffic Impact Assessment and Development Control) department supports the parking and access proposals.
- The Consent can be supported given that shops and offices are considered as appropriate uses in the area.

- The Temporary Departure may be granted for a period of five (5) years given the fact that there is currently no date for the implementation of the Sheffield Road scheme.
- The regulation departures are supported as only a portion of the buildings will encroach the building lines.

9 RECOMMENDATIONS

In view of the above, it is recommended that:

For recommendation by SPELUM to the Executive Mayor:

- a) That the deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan, in respect of the southern section (site B) of Remainder Erf 526 Wetton as set out in this report relating to the rezoning of the southern section (site B) of Remainder Erf 526 Wetton, **be noted**.
- b) That the application for Rezoning of the northern section (section A) and the southern section (site B) of Remainder Erf 526 Wetton from Rural to General Industrial 1, **be supported** in terms of Section 16 of the Land Use Planning Ordinance No. 15 of 1985, subject to conditions contained in Annexure A.
- c) The application for Council's Consent in terms of the Cape Town Zoning Scheme Regulations to permit a shop and offices on the northern section (site A) of Remainder Erf 526 Wetton, **be supported**.
- d) The application for a Temporary Departure on the middle section (site C) of Remainder Erf 526 Wetton, **be supported** in terms of Section 15 of the Land Use Planning Ordinance No.15 of 1985.
- e) The application for regulation departures for Remainder Erf 526 Wetton as set out in Annexure A, **be supported** in terms of Section 15 of the Land Use Planning Ordinance No.15 of 1985.

For recommendation by the Executive Mayor:

- f) That the deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan, in respect of the southern section (site B) of Remainder Erf 526 Wetton as set out in this report relating to the rezoning of the southern section (site B) of Remainder Erf 526 Wetton, **be supported**.
- g) That the application for Rezoning of the northern section (site A) and the southern section (site B) of Remainder Erf 526 Wetton from Rural to General Industrial 1, **be supported** in terms of Section 16 of the Land Use Planning Ordinance No. 15 of 1985, subject to conditions contained in Annexure A.

- h) The application for Council's Consent in terms of the Cape Town Zoning Scheme Regulations to permit a shop and offices on the northern section (site A) of Remainder Erf 526 Wetton, **be supported**.
- i) The application for a Temporary Departure on the middle section (site C) of Remainder Erf 526 Wetton, **be supported** in terms of Section 15 of the Land Use Planning Ordinance No.15 of 1985.
- j) The application for regulation departures for Remainder Erf 526 Wetton as set out in Annexure A, **be supported** in terms of Section 15 of the Land Use Planning Ordinance No.15 of 1985.

For approval/refusal by Council:

- k) That the deviation from the Cape Town Spatial Development Framework and the Cape Flats District Plan, in respect of the southern section (site B) of Remainder Erf 526 Wetton as set out in this report relating to the rezoning of the southern section (site B) of Remainder Erf 526 Wetton, **be approved**.
- l) That the application for Rezoning of the northern section (site A) and the southern section (site B) of Remainder Erf 526 Wetton from Rural to General Industrial 1, **be approved** in terms of Section 16 of the Land Use Planning Ordinance No. 15 of 1985, subject to conditions contained in Annexure A.
- m) The application for Council's Consent in terms of the Cape Town Zoning Scheme Regulations to permit a shop and offices on the northern section (site A) of Remainder Erf 526 Wetton, **be approved**.
- n) The application for a Temporary Departure on the middle section (site C) of Remainder Erf 526 Wetton, **be approved** in terms of Section 15 of the Land Use Planning Ordinance No.15 of 1985.
- o) The application for regulation departures for Remainder Erf 526 Wetton as set out in Annexure A, **be approved** in terms of Section 15 of the Land Use Planning Ordinance No.15 of 1985.

9 AANBEVELINGS

In die lig van die bostaande word daar aanbeveel dat:

Vir aanbeveling deur SPELUM aan die Uitvoerende Burgemeester:

- a) Dat daar kennis geneem word van die afwyking van die Kaapstadse ruimtelikeontwikkelingsraamwerk en die distriksplan vir die Kaapse Vlakte, ten opsigte van die suidelike gedeelte (terrein B) van restant erf 526 Wetton soos in hierdie verslag **uiteengesit** betreffende die hersonering van die suidelike gedeelte (terrein B) van restant erf 526.

- b) Dat die aansoek om hersonering van die noordelike gedeelte (terrein A) en die suidelike gedeelte (terrein B) van restant erf 526 Wetton van landelik na algemeen-industrieel 1, **gesteun word** ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985, onderworpe aan die voorwaardes in bylae A.
- c) Die aansoek om Raadsvergunning ingevolge die Kaapstadse soneringskemaregulasies om 'n winkel en kantore toe te laat op die noordelike gedeelte (terrein A) van restant erf 526 Wetton, **gesteun word**.
- d) Die aansoek om 'n tydelike afwyking op die middelste (terrein C) van restant erf 526 Wetton, **gesteun word** ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985.
- e) Die aansoek om regulasieafwykings, soos uiteengesit in bylae A, vir restant erf 526 Wetton, **gesteun word** ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985.

Vir aanbeveling deur die uitvoerende burgemeester:

- f) Dat die afwyking van die Kaapstadse ruimtelikeontwikkelingsraamwerk en die distriksplan vir die Kaapse Vlakte, ten opsigte van die suidelike gedeelte (terrein B) van restant erf 526 Wetton soos in hierdie verslag uiteengesit betreffende die hersonering van die suidelike gedeelte (terrein B) van restant erf 526 Wetton, **gesteun word**.
- g) Dat die aansoek om hersonering van die noordelike gedeelte (terrein A) en die suidelike gedeelte (terrein B) van restant erf 526 Wetton van landelik na algemeen-industrieel 1, **gesteun word** ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985, onderworpe aan die voorwaardes in bylae A.
- h) Die aansoek om Raadsvergunning ingevolge die Kaapstadse soneringskemaregulasies om 'n winkel en kantore toe te laat op die noordelike gedeelte (terrein A) van restant erf 526 Wetton, **gesteun word**
- i) Die aansoek om 'n tydelike afwyking op die middelste (terrein C) van restant erf 526 Wetton, **gesteun word** ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985.
- j) Die aansoek om regulasieafwykings, soos uiteengesit in bylae A, vir restant erf 526 Wetton, **gesteun word** ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985.

Vir goedkeuring/van die hand gewys deur die Raad:

- k) Dat die afwyking van die Kaapstadse ruimtelikeontwikkelingsraamwerk en die distriksplan vir die Kaapse Vlakte, ten opsigte van die suidelike gedeelte (terrein B) van restant erf 526 Wetton soos in hierdie verslag

uiteengesit betreffende die hersonering van die suidelike gedeelte (terrein B) van restant erf 526 Wetton, **goedgekeur word**.

- l) Dat die aansoek om hersonering van die noordelike gedeelte (terrein A) en die suidelike gedeelte (terrein B) van restant erf 526 Wetton van landelik na algemeen-industrieel 1, **goedgekeur word** ingevolge artikel 16 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985, onderworpe aan die voorwaardes in bylae A.
- m) Die aansoek om Raadsvergunning ingevolge die Kaapstadse soneringskema-regulasies om 'n winkel en kantore toe te laat op die noordelike gedeelte (terrein A) van restant erf 526 Wetton, **goedgekeur word**.
- n) Die aansoek om 'n tydelike afwyking op die middelste gedeelte (terrein C) van restant erf 526 Wetton, **goedgekeur word** ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985.
- o) Die aansoek om regulasieafwykings, soos uiteengesit in bylae A, vir restant erf 526 Wetton, **goedgekeur word** ingevolge artikel 15 van die Ordonnansie op Grondgebruikbeplanning, no. 15 van 1985.

9 IZINDULULO

Ngokuphathelene noku kungentla, kundululwe ukuba:

Ukuba kwenziwe isindululo yiKomiti i-SPELUM esijoliswe kuSodolophu weSigqeba:

- a) Makuqwalaselwe uphambuko olususela kwiSakheko soPhuhliso lwamaBala saseKapa nakwiSicwangciso seSithili sase-Cape Flats, ngokujoliswe kwicandelo elisemazantsi (icandelo-B) lwentsalela yesiza-526 esise-Wetton njengoko kuqulunqwe kule ngxelo ephathelene nomiselo ngokutsha kwecandelo elisemazantsi (icandelo-B) lwentsalela yesiza-526 esise-Wetton.
- b) **Makuxhaswe** isicelo somiselo ngokutsha kwecandelo elisemntla (icandelo-A) necandelo elisemazantsi (icandelo-B) lwentsalela yesiza-526 e-Wetton ukususela kwiPhandle ukuba ibengummandla-1 ongoveliso ngokuphangaleleyo, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985, ngokuxhomekeke kwimiqathango equlathwe kwisihlomelo-A.
- c) **Makuxhaswe** isicelo semvume yeBhunga ngokweMigaqo yeNkqubo yezoCando yaseKapa ukuze kuvumeleke ivenkile nee-ofisi kwicandelo elisemntla (icandelo-A) lwentsalela yesiza-526, esise-Wetton.
- d) **Makuxhaswe** isicelo sotyeshelo lomqathango okwexeshana kwicandelo elisembindini (icandelo-C) lwentsalela yesiza-526 esise-Wetton, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985.

- e) **Makuxhaswe** isicelo sotyeshelo lwemiqathango kwintsalela yesiza-526, esise-Wetton, njengoko kuqulunqwe kwisihlomelo-A, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.No.15 wangowe-1985.

Ukuba kwenziwe isindululo nguSodolophu weSigqeba:

- f) **Makuxhaswe** uphambuko olususela kwiSakheko soPhuhliso lwamaBala saseKapa nakwiSicwangciso seSithili sase-Cape Flats, ngokujoliswe kwicandelo elisemazantsi (icandelo-B) lwentsalela yesiza-526 esise-Wetton njengoko kuqulunqwe kule ngxelo ephathelene nommiselo ngokutsha kwecandelo elisemazantsi (icandelo-B) lwentsalela yesiza-526 esise-Wetton.
- g) **Makuxhaswe** isicelo somiselo ngokutsha kwecandelo elisemntla (icandelo-A necandelo elisemazantsi (icandelo-B) lentsalela yesiza-526 e-Wetton ukususela kwiPhandle ukuba ibengummandla-1 ongoveliso ngokuphangaleleyo, ngokungqinelana necandelo-16 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985, ngokuxhomekeke kwimiqathango equlathwe kwisihlomelo-A.
- h) **Makuxhaswe** isicelo semvume yeBhunga ngokweMigaqo yeNkqubo yezoCando yaseKapa ukuze kuvumeleke ivenkile nee-ofisi kwicandelo elisemntla (icandelo-A) lentsalela yesiza-526, esise-Wetton.
- i) **Makuxhaswe** isicelo sotyeshelo lomqathango okwexeshana kwicandelo elisembindini (icandelo-C) lwentsalela yesiza-526 esise-Wetton, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985.
- j) **Makuxhaswe** isicelo sotyeshelo lwemiqathango kwintsalela yesiza-526, esise-Wetton, njengoko kuqulunqwe kwisihlomelo-A, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985.

Ukuba ziphunyezwe liBhunga:

- k) **Makuphunyezwe** uphambuko olususela kwiSakheko soPhuhliso lwamaBala saseKapa nakwiSicwangciso seSithili sase-Cape Flats, ngokujoliswe kwicandelo elisemazantsi (icandelo-B) lwentsalela yesiza-526 esise-Wetton njengoko kuqulunqwe kule ngxelo ephathelene nomiselo ngokutsha kwecandelo elisemazantsi (icandelo-B) lwentsalela yesiza-526 esise-Wetton.
- l) **Makuphunyezwe** isicelo somiselo ngokutsha kwecandelo elisemntla (icandelo-A necandelo elisemazantsi (icandelo-B) lentsalela yesiza-526 e-Wetton ukususela kwiPhandle ukuba ibengummandla-1 ongoveliso ngokuphangaleleyo, ngokungqinelana necandelo-16 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985, ngokuxhomekeke kwimiqathango equlathwe kwisihlomelo-A.

- m) **Makuphunyezwe** isicelo semvume yeBhunga ngokweMigaqo yeNkqubo yezoCando yaseKapa ukuze kuvumeleke ivenkile nee-ofisi kwicandelo elisemntla (icandelo-A) lentsalela yesiza-526, esise-Wetton.
- n) **Makuphunyezwe** isicelo sotyeshelo lomqathango okwexeshana kwicandelo elisembindini (icandelo-C) lwentsalela yesiza-526 esise-Wetton, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.15 wangowe-1985.
- o) **Makuphunyezwe** isicelo sotyeshelo lwemiqathango kwintsalela yesiza-526, esise-Wetton, njengoko kuqulunqwe kwisihlomelo-A, ngokungqinelana necandelo-15 loMmiselo woCwangciso lokuSetyenziswa koMhlaba ongunomb.No.15 wangowe-1985.

ANNEXURES

- Annexure A Departures and Conditions to be imposed
- Annexure B-B1 Locality plan / Public participation map and layout of proposed Sheffield Road Scheme
- Annexure C Title deed
- Annexure D-D1 Proposed Site development / layout / sketch plan
- Annexure E Applicant's motivation
- Annexure F Internal departmental comments received
- Annexure G External comments received

A McCann

Section Head : Land Use Management	Comment
Name <u>A McCann</u>	_____
Tel no <u>021 684 4341</u>	_____
Date <u>23/2/2016</u>	_____

[Signature]

M. Muller

District Manager	Comment
Name <u>M. Muller</u>	_____
Tel no <u>021 684 4310</u>	_____
Date <u>23/02/2016</u>	_____