CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500141679

Portion 16 of Cape Farm 609, 40 Old Lansdowne Road, Philippi

Development Management

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SIBANE

DYNAMIC SOLUTIONS
FOR DEVELOPMENT

Application for Rezoning, Subdivision and Permanent Departure:

Portion 16 of Farm 609, Philippi



Sibane Planning & Development (PTY) Ltd
Urban Planning Development Facilitation Urban Design

EXECUTIVE SUMMARY

Property description	Portion 16 of Farm 609, Philippi
Registered owner	
Applicant/ agent	Sibane Planning and Development (Pty) Ltd
Site extent	5.5177ha
Applicable Zoning Scheme	City of Cape Town Development Management Scheme
Current zoning	Agricultural Zone
Current land use	Waste management site
Title deed restrictions	None
Application components/description	• Proposed rezoning from Agricultural Zone to General Industrial Zone (GI 1) to permit an Industrial Development • Subdivision into 10 portions • Reciprocal access and services servitude over portions 1 to 4 and 6 to 9. • Departure to allow Portion 10 to be smaller that the permitted minimum erf size.
Special/ Conservation area	Yes – area of coincidence
Subject to PHRA/SAHRA	No
Policies/plans applicable	Yes, see under motivation report below.
Environmental Impact Assessment	A positive Environmental Authorisation in support of the proposed development was issued by DEA&DP on 11th June 2012 and amended on the 10th May 2017 – refer to *Annexure P*
Policy compliant	Yes

BACKGROUND

- An application was submitted to council in May 2012 to rezone the property from Rural to General Industrial in order to permit an Industrial Park. The application followed due process and was approved by the City on the 13th November 2013 (refer to **Annexure G**).
- The owner decided to investigate utilising the property as a Waste Management site (rock and soil recycling) until the market was ready to sell the 10 portion Industrial Development. The appointed environmental consultant approached DEA&DP regarding the proposed change of use and amended the environmental authorisation in May 2017.
- The application for the registration of a Waste Management site was submitted to DEA&DP in April 2021. The use of the property as a waste

management site commenced in early 2021 and a formal Eco report is distributed to DAE&DP and the City on a monthly basis.

- Unfortunately the rezoning of the property lapsed on the 13th November 2018, and although the EIA authorisation is still valid and the Eco reports still being submitted to DEA&DP and the City, the use of the site as a waste management site is unauthorised in terms of the DMS as it is not permitted with in an Agricultural Zone. The owner was only made aware of this non-compliance of the existing use when he appointed the town planners to resubmit an application for lapsed Industrial rights.
- An application for an Administrative Penalty has been submitted to the City in terms of Section 129 of the Cape Town Municipal Planning By-Law.
- The current application for a rezoning and subdivision is exactly as per the application approved by the City on the13th November 2013

SUMMARY OF MOTIVATION

- An identical application was previously submitted to the City, follow the required public participation process, the proposal was determined to be desirable and appropriate. The previous application was approved in 2013, but has subsequently lapsed.
- The proposed development in this application is exactly the same the proposal approved in 2013, except that the rezoning is from Agricultural Zone rather than from a Rural Zone.
- All the associated consultant reports have been updated to ensure that the proposal is still in line with current council policy and the surrounding development context.
- The ± 5,5Ha property concerned is undeveloped and situated in the Cape Flats District area within the Philippi area identified for industrial land use.
- The relevant area is considered to be ideally suited within the metropolitan and local context for light industrial development.
- The proposed development will provide job opportunities close to the Cape Flats community and contribute to the optimum utilisation of available land and resources.
- The property forms part of land north of the alignment for Sheffield Road Extension, which has been identified as being suitable for urban / industrial development in the City policy.
- A positive Environmental Authorisation in support of the proposed development was issued by DEA&DP on 11th June 2012 and 10th May 2017– refer to *Annexure J*
- The Department of Environmental Affairs and Development Planning have confirmed that the EA is still valid.

1. APPLICATION

Application is hereby made to / for

- Rezone the subject property from Agricultural Zone to General Industrial Zone (GI 1) in order to permit an Industrial Park.
- The Park is to comprise of ten subdivided portions. Nine portions, ranging in size between 4 853m² and 7186m², are to be zoned Industrial and one portion, 7 186m² in extent, is to remain Agricultural and to be used as a stormwater retention pond and possible future Sheffield Road reserve.
- A servitude is required, as indicated on the plan of subdivision, to serve as an access road to all portions
- A departure in terms of Item 109(e) of the Development Management Scheme since Portion 10 will not comply with the minimum erf size.
- Provision has been made to allow for reciprocal access and services servitude over portions 1 to 4 and 6 to 9.

2. APPLICANT

Portion 16 of Farm 609, Philippi is registered in the name of Fairfield Place 67cc. The owner has signed a power of attorney permitting Sibane Planning and Development (Pty) Ltd to submit this application to Council. The Special Power of Attorney is attached hereto as attached as *Annexure A*.

3. PROPERTY DETAILS

3.1 Property description

Remainder Portion 16 of Farm Sweet Home No. 609 in the City of Cape Town.

3.2 Ownership

The registered owner of the property is

3.3 Title deed

The title deed is attached hereto as *Annexure D*. A conveyancer's certificate, *Annexure E*, indicates that there are no restrictive conditions contained in the title deeds that prevent the current proposal.

3.4 Existing Zoning

Portion 16 of Farm 609, Philippi is currently zoned Agricultural in terms of the City of Cape Town Development Management Scheme. A rezoning to Industrial is therefore necessary to enable the proposed development.

A zoning map is attached as *Annexure H*.

3.5 Current land use

There are no buildings or permanent structures present on the property concerned except for a wall screening the existing area used to store building materials, portable toilets and temporary containers used for storage and administrative purposes.

4. PROPERTY CONTEXT

4.1 Locality/ Character of Area

In the metropolitan context, the site is located approximately 20km east of the Cape Town CBD and 5km south of the Cape Town International Airport.

In the local context, the site is situated in the Cape Flats District Area within the Philippi Rural and Industrial area. The site is located to the south of Old Lansdowne Road centrally between Weltevreden and Papkuilsvlei Roads to the east and west respectively.

The site to the south is being used for the cultivation of 'roll-on-lawn', and to the west are vegetable fields. The site on the northern boundary of the property is part of the City of Cape Town's stormwater management area and there is a wetland, a small dam and a number of shacks present on this site.

Gugulethu is approximately 1.5km north-east of the site. In the Gugulethu and Philippi residential areas there are a number of formal and informal residential settlements. Approximately 500m north-west of the site are several tracts of land used for light industrial purposes (including large warehouses). The Edith Stephens Wetland Park is situated north of Vanguard Drive and Old Lansdowne Road.

Annexure J, an aerial photograph and site photographs, clearly indicates the positioning of the site within the surrounding road network.

4.2 Access and road network

The property is presently bounded by an informal, gravel road on the eastern side which links up with Old Lansdowne Road to the north. Access to the site will be via this road which is proposed to be upgraded (tarred) and the intersection with Old Lansdowne Road appropriately controlled.

The proposed Sheffield Road Scheme (Class 2), which will cut through the south-eastern corner of the site, intersects with Weltevreden Road approximately 200m south of the Weltevreden Road/ Old Lansdowne Road – Vanguard Drive off-ramp intersection – refer to *Annexure K*. This road will function as a primary distributor road forming an important link in the metropolitan road network, and will also serve as a relief road to Lansdowne Road.

The main public transport routes (minibus taxis and buses) run along Vanguard Drive, and Lansdowne and Weltevreden Roads. There are currently no public transport services along Old Lansdowne Road.

5. DEVELOPMENT PROPOSAL

The owner proposes the construction and establishment of an Industrial Park on the property concerned. The total area of the site is 55 177m² of which approximately 47 990m² will be rezoned for industrial development.

5.1 The Development Proposal comprises the following:

- The rezoning of Portion 16 of Farm 609, Philippi, Western Cape from Agricultural Zone to Industrial Zone, in terms of the City of Cape Town Development Management Scheme (refer to *Annexure L*).
- The subdivision of Portion 16 of Farm 609, Philippi, Western Cape in into 10 portions for the following purposes:
  - nine erven for Industrial General purposes
  - one erf is to remain Agricultural for a new stormwater retention pond and future road reserve
- To allow for reciprocal access and services servitude over portions 1 to 4 and 6 to 9 (as defined by figure o, p, q, r, s, t, u, v, w, x, y, z of Plan of Subdivision – refer to *Annexure M*).

The nine new industrial erven will vary in size from 4 853m² to 7 186m².

One remaining rural erf / portion has been set aside for a retention pond and polishing facility in the south-western corner of the property and will be 7 186m² in size. Provision has also been allowed to accommodate the future Sheffield Road Reserve on this erf.

5.2 The Industrial Park will include the following:



Rezoning Plan

- 9 industrial/warehouse units;
- A main internal boulevard (via means of a reciprocal servitude) which will provide access to all the industrial erven;
- A stormwater retention pond of approximately 913m² in size and associated polishing facility;
- Landscaped Areas;
- A guard house situated at the entrance of the Park;
- Associated infrastructure including structures and pipelines for water, electricity, sewerage and storm water that will be linked to the Municipal infrastructure.
- The built form and parking requirements on each erf will conform to the required building parameters as per the Zoning Scheme Regulations.
- Vehicular access to the site will be taken off the existing gravel road passing the site on its eastern boundary (to be upgraded via means of a hard-surface), which connects with Old Lansdowne Road to the north.
- Stormwater detention pond on portion 10.
- A future Sheffield Road reserve

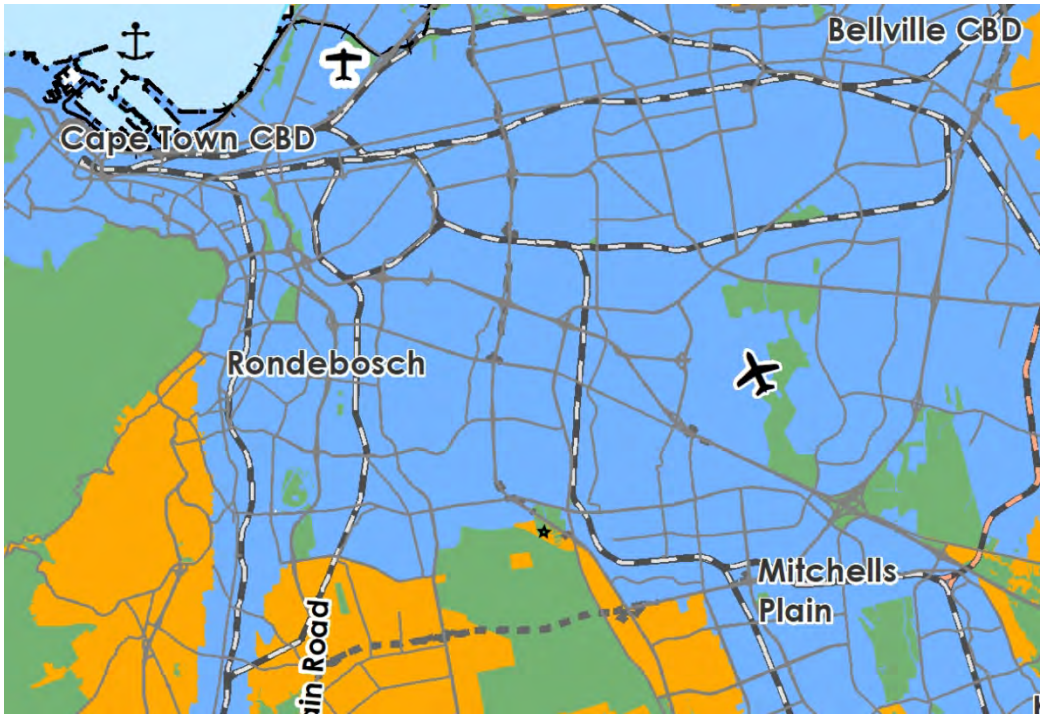
6. PROPOSAL MOTIVATION

6.1 Consideration of criteria in terms of Section 99(1):

6.1.1 Compliance or consistence with the Municipal Spatial Development Framework (MSDF)

In terms of the MSDF a portion of the property falls within the "incremental Growth and Consolidation Area" and a portion falls into the "critical nature asset" however this designation does not take into account other policies for the area which indicate that the property is suitable for development and falls within the Development Focus Area of the District Plan Cape Flats District Plan.

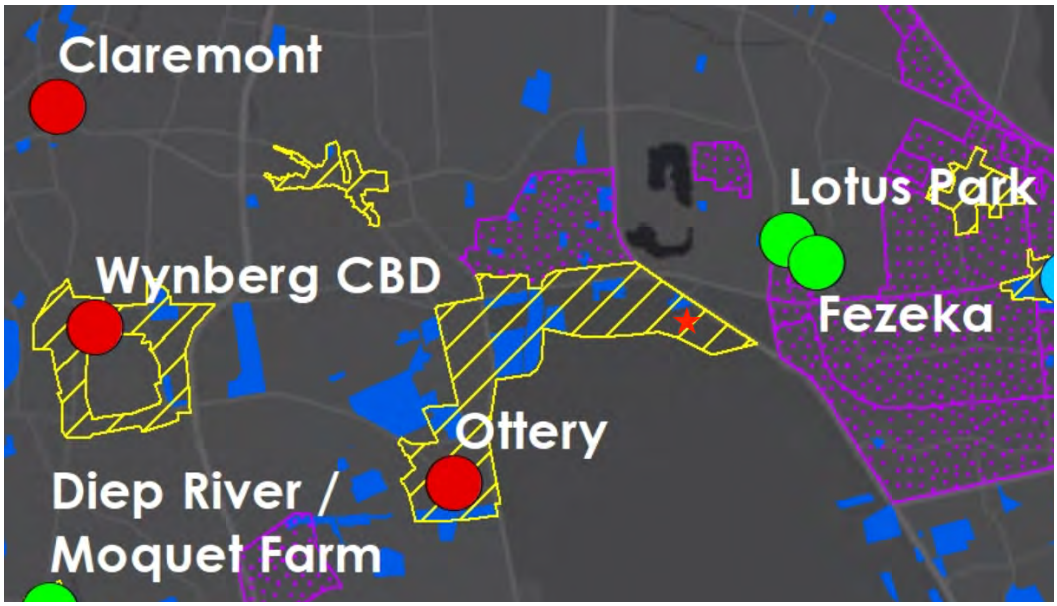
The MSDF indicates that *"Any land development permitted within a protected area must be in accordance with an approved management plan in terms of the National Environment Management: Protected Areas Act (NEM: PAA). "* See section 6.3€ below which confirmed that an valid Environmental Authorisation exists and the Western Cape Department of Environmental Affairs and Development Planning have confirmed that the this EA is still valid.



MSDF – property location

Further more in Chapter 6: Implementation of the MSDF, Map MP-2 indicates Targeted LSDF/LAPI processes compared to short-term prioritised

initiatives. It is recognised that there are Local Spatial Development Frameworks and Local Area Planning Initiatives which reflect more localised plans. This Map clearly indicates that the subject property falls within a Development Focus area.



MSDP MAP M6-2 – Property situated in a Development Focus Area

A small portion of the property sits outside of the urban edge however it is not proposed to rezone or develop this portion of the site (Portion 10) and its will remain Agricultural zone.



Urban Edge line indicated in red and Development Corridor hatched

In terms of Section 7.3 of the MSDF, "development proposals which are located within the urban development edge and landward of the coastal edge as well as classified as a new development area (per the details of the DSDFs), will be consistent with the MSDF, assuming subdistrict guidelines in the DSDF be considered and due processes be followed in terms of NEMA, LUPA, and the Subdivision of Agricultural Land Act, Act 70 of 1970 (where applicable and after consideration of the City's application for the UDE to be the urban area in terms of NEMA)."

Based on the Environmental process that has already been completed, and other supporting policy, the proposed development is considered consistent with the MSDF.

6.1.2 Approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone.
No.

6.2 <u>Consideration of criteria in terms of Section 99(2)</u>

6.2.1. Any applicable spatial development framework-

The proposal is consistent with the Cape Flats District Plan as the property falls within an area as "New Development Area" and within and area of "Core Biodiversity Area of Coincidence"

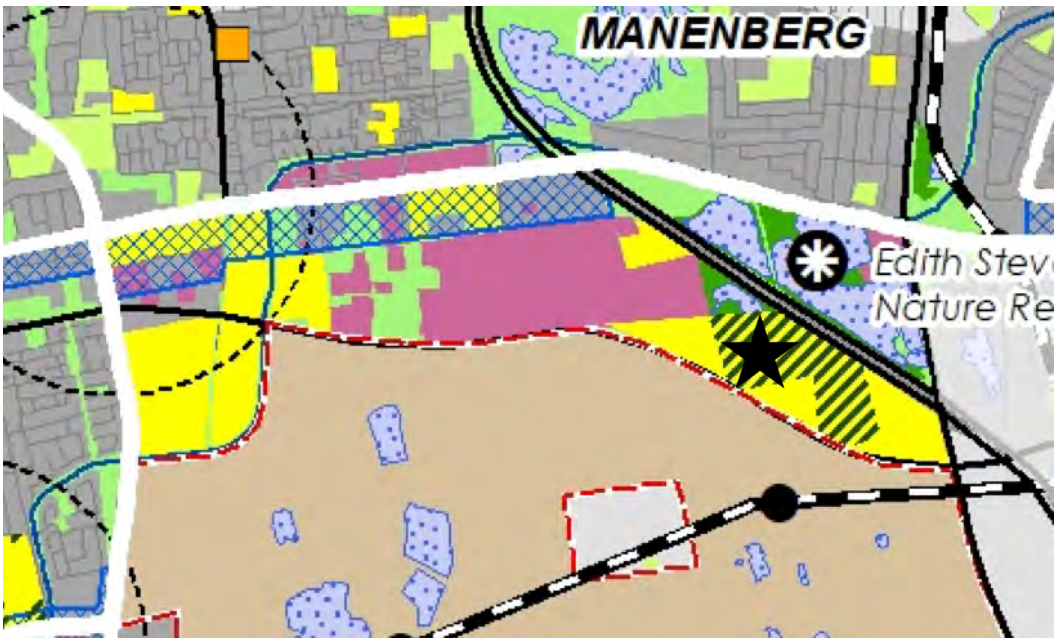
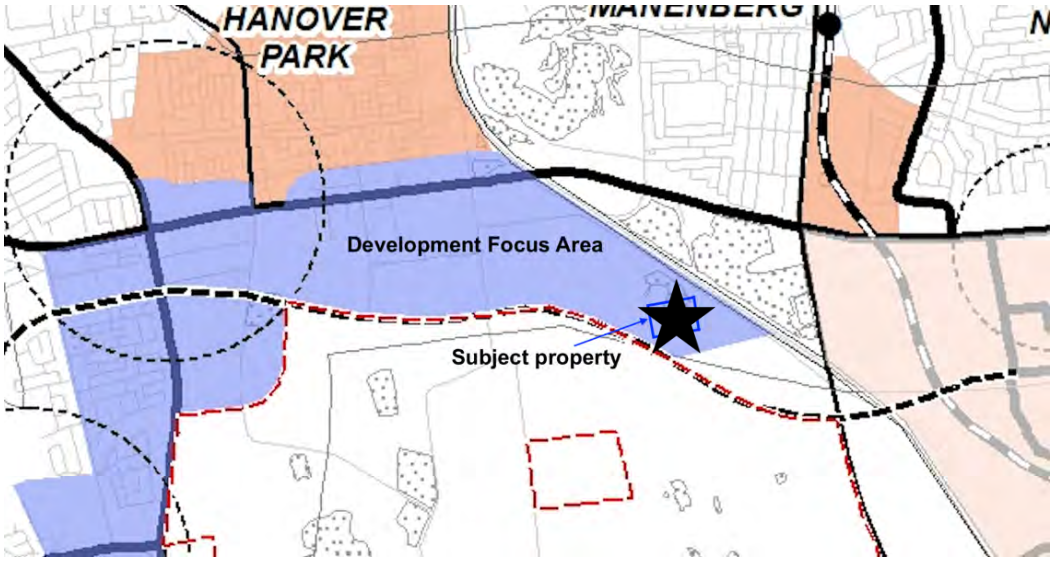


Figure 8 of the Cape Flats District Spatial Development map

Areas of Coincidence are where there are compelling urban efficiency, social and economic reasons to pursue development and where core biodiversity may be impacted as a result.

According to the District Plan “new development within or impacting these areas are labelled "Areas of Coincidence" will be subject to the requirements of either future of current environmental authorisation in terms oft he Environmental Impact Assessment Regulations, 2014, as amended,

As a positive Environmental Authorisation in support of the proposed development was issued by DEA&DP on 11th June 2012 and 10th May 2017. The Western Cape Department s valid.



Development Focus area

While the District Plan gives direction at a District scale, Local Area Planning initiatives provide a greater level of planning direction in strategic locations. According to the Local Area Planning Initiatives the site falls part of an area designated as a “Development Focus Area.”

The proposed development is considered consistent with the Cape Flats District Plan.

6.2.2. Relevant criteria contemplated in the DMS

Any future development of the property would be subject to the development rules set out in the DMS. No development departures are currently being applied for.

The departure to allow for Portion 10 to not comply with the minimum erf size required for and Agricultural erf is considered technical in nature as the site is currently not utilised for Agriculture purposes and is situated in an area designated as new development area in terms of the Cape Flats District Plan. The aim of retaining the Agriculture zoning for this portion is to ensure that it is not developed in the future and is retained for storm water detention purposed

6.2.3. Applicable policies approved by the City to guide decision making

The proposal does not deviate from any relevant strategic policy documents that inform the broader spatial vision and strategic objectives within the city.

6.3. <u>Consideration in terms of Section 99(3) of the desirability of the following criteria:</u>

a. socio -economic impact

The proposed application will provide short-term employment opportunities during the construction phase of the project that can positively contribute to the socio-economic impact within the local context in such short term.

The development of the industrial park will generate decentralised long term employment opportunities situated out of the city center and closer to the majority of Cape Town's previously disadvantaged communities where employment creation and poverty alleviation are paramount.

There currently exists a great need in the market for warehousing such as these and the proposed development will help fill that need.

b. Compatibility with surrounding uses

Approximately 500m north-west of the site are several tracts of land used for light industrial purposes. A railway line runs approximately 1.1km east of the site. The closest residential developments are more than 650m from the property concerned. The proposed development is therefore not expected to have any significant visual, noise or any other detrimental impacts on the surrounding properties.

c. impact on the external engineering services

Stac Consulting Engineers were appointed in 2010 to compile a report regarding the engineering services for the proposed development in which they confirmed that the servicing requirements of the proposed development were adequate

JP Technologies prepared an updated report in May 2024 assessing the electrical services for the site. This report concluded that the proposed development can be adequately services with the proposed externa and internal electrical services (see *Annexure N*).

A letter dated May 2024 received from the City of Cape Town: Energy Directorate confirms that The City's medium voltage distribution network currently has sufficient capacity to meet the requirements of the proposed development. The supply will be provided by looping a substation into the Africa Boards – Sherwood School secondary feeder. Substation sites of 5m x 4m must be made available, suitably zoned, subdivided, and transferred to the City free of charge. (see *Annexure O*).

Icon Engineers prepared an updated report in May 2024 assessing the existing civil engineering services available. This report concludes that the proposed development can be adequately serviced with external and internal services, which has been confirmed in the City of Cape Town bulk water and sewer services report dated the 5 May 2024 (see *Annexure P*).

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

The proposal will not impact on the safety, health or wellbeing of the surrounding community.

e. Impact on heritage and the biophysical environment

An Environmental Impact Assessment was undertaken by Guillaume Nel Environmental Consultants cc in August 2010 in terms of the National Environmental Management Act ('NEMA', No. 107 of 1998).

In terms of this assessment, it was concluded that the site is not ecologically sensitive and that the land has poor agricultural viability. The site has been severely disturbed by previous agricultural activities and the current recycling activities conducted on site. The current vegetation cover is not considered to have any botanical significance, and the chances of effective rehabilitation of the site to its natural condition are considered to be extremely limited.

It is furthermore not expected that any artefacts of historical or archaeological significance will be found on the site, nor that the proposed development will have any significant impact on any heritage resources in the area. A Supplementary Heritage Assessment Report was

submitted to Heritage: Western Cape, who notified the applicant that, since there is no reason to believe that the proposed development will impact on heritage resources, Section 38 of the National Heritage Resources Act (Act 25 of 1999) does not apply. However, should any evidence of burials or archaeological material be discovered during earth-moving activities, all works must stop immediately and Heritage Western Cape be notified without undue delay.

The Environmental Impact Assessment concluded that the proposed light industrial development will not have any significant negative impacts on the surrounding environment.

A positive Environmental Authorisation and exemption notice was issues by DEADP on the 12 July 2011 and amended on te 10th May 2017– refer to *Annexure Q*

The Department of Environmental Affairs and Development Planning have confirmed that the EA is still valid.

g. Traffic impacts, parking, access and other transport related considerations

A Traffic Impact Study was conducted by iWink Consulting in August 2023. The purpose of this report was to update the approved TIA report concluded in 2010.

The aim of the Traffic Impact Study was to assess the traffic impact of the proposed industrial development on the surrounding road network, and certain recommendations were suggested in this report. The Study concluded that the proposed industrial development can be supported from a traffic engineering perspective, should these recommendations be adhered to. (See attached as *Annexure R*).

h. Conditions that can mitigate an adverse impact of the proposed land use

As the proposed impact of the proposal is considered minimal the restrictions provided by the DMS are considered sufficient to guide any future development on the property.

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

The proposal poses no adverse impact on existing rights of surrounding properties.

6.5. Removal, suspension or amendment of a restrictive title condition

There are no restrictive conditions preventing the proposed development.

7. Reasons for approval

7.1.1. The proposal is consistent with the requirements of Section 99 of the Municipal Planning By-Law, 2015.6.2.2. The proposal is broadly consistent with the Municipal Spatial Development Framework and the CFDP.
7.1.2. The proposal will contribute to addressing the need for employment opportunities in the area.
7.1.3. The proposed development would not detract from any existing rights of surrounding properties.
7.1.4. The proposal is compatible with the surrounding built environment and holds positive socio-economic benefits.

1) Conclusion

The property concerned is largely vacant and located in an area designated in the City Spatial Development Framework (Cape Flats: District G) as suitable for industrial purposes.

An identical application was previously submitted to the City, follow the required public participation process, the proposal was determined to be desirable and appropriate. The previous application was approved in 2013, but has subsequently lapsed.

The proposed development in this application is exactly the same the proposal approved in 2013, except that the rezoning is from Agricultural zone rather than from a Rural zone.

In light of the foregoing motivation and having considered all the relevant factors influencing this application, we believe the proposed development is still desirable in the location and proposed land use, and will have no detrimental impact on the surrounding area. The development of this industrial park will further provide much need job opportunities.

Accordingly we hereby recommend that this application for the rezoning and subdivision of the subject property in accordance with Plan of Subdivision and Rezoning be approved.

Yours faithfully

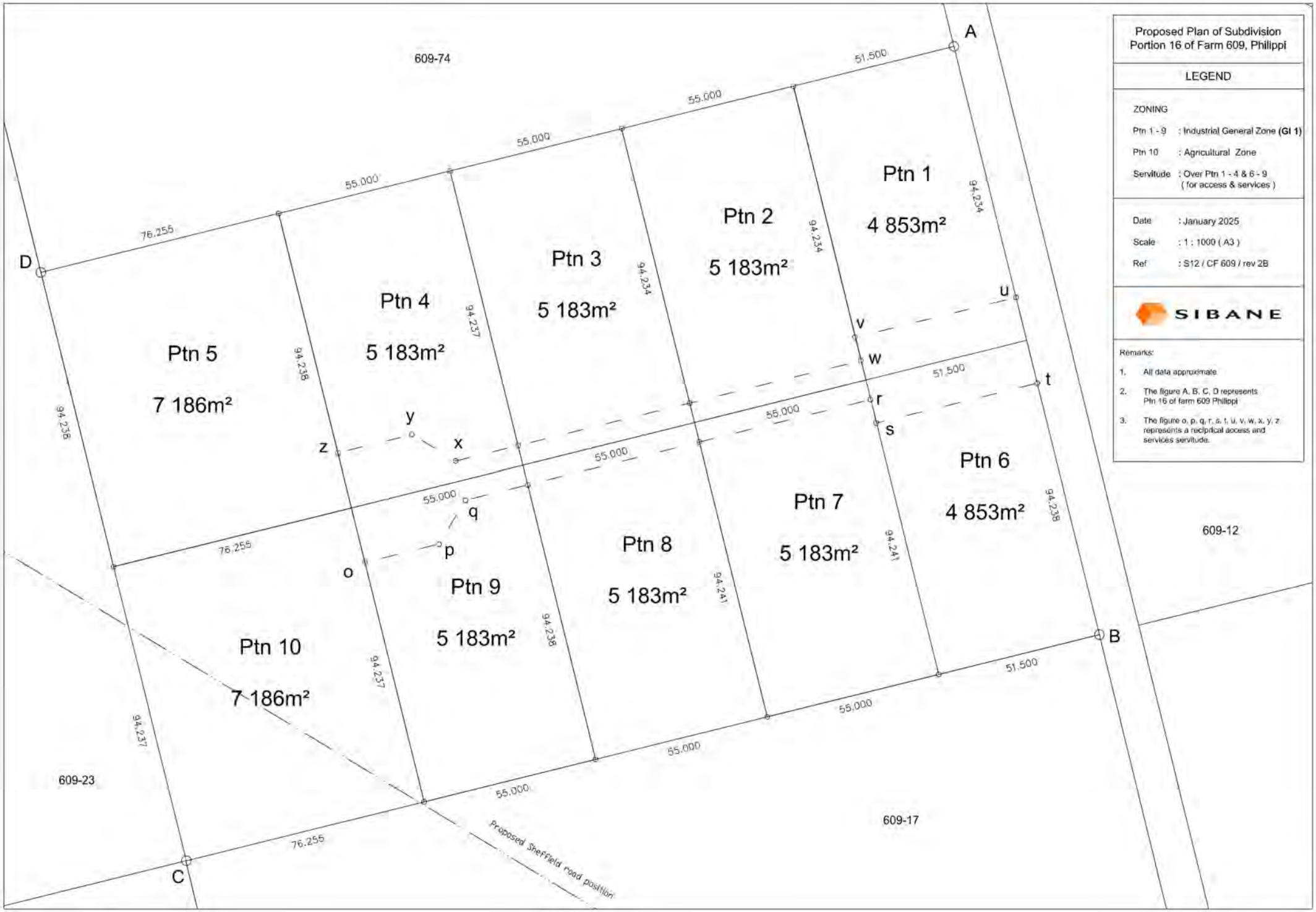
LGSeaward

Regards 2025/08/01

Louise Seaward
Pr. Pln A/047/2007
BAS, MCPUD(UCT), LLB(Unisa)

ANNEXURES

Annexure A – Special Power of Attorney
Annexure B – Company Resolution
Annexure C – LUMS application Form
Annexure D – Title Deed
Annexure E – Conveyancers Certificate
Annexure F – Pre-submission meeting minutes
Annexure G - 2013 Previous Approval
Annexure H – Zoning Map
Annexure I – Locality Plan
Annexure J – Aerial Photograph
Annexure K – Sheffield Road Scheme
Annexure L – Rezoning Plan
Annexure M - Plan of Subdivision
Annexure N – JP Technologies Electrical report
Annexure O - Confirmation of electrical supply
Annexure P - Icon Engineers Civils Report
Annexure Q - Environmental Authorisation
Annexure R - iWink Traffic Impact Assessment


Proposed Plan of Subdivision
Portion 16 of Farm 609, Philippi
LEGEND
ZONING
Ptn 1 - 9 : Industrial General Zone (GI 1)
Ptn 10 : Agricultural Zone
Servitude : Over Ptn 1 - 4 & 6 - 9
(for access & services)
Date : January 2025
Scale : 1 : 1000 (A3)
Ref : S12 / CF 609 / rev 2B
SIBANE
Remarks:
1. All data approximate
2. The figure A, B, C, D represents Ptn 16 of farm 609 Philippi
3. The figure o, p, q, r, s, t, u, v, w, x, y, z represents a reciprical access and services servitude.
609-74
609-12
609-23
609-17
Ptn 1
4 853m²
Ptn 2
5 183m²
Ptn 3
5 183m²
Ptn 4
5 183m²
Ptn 5
7 186m²
Ptn 6
4 853m²
Ptn 7
5 183m²
Ptn 8
5 183m²
Ptn 9
5 183m²
Ptn 10
7 186m²
A
B
C
D
51.500
55.000
76.255
94.234
94.237
94.238
94.241
Proposed Sheffield road position


Proposed Rezoning Plan of Portion 16 of Farm 609, Philippi
LEGEND
ZONING
Ptn 1 - 9 : Industrial General Zone (GI 1)
Ptn 10 : Agricultural Zoning
Servitude : Over Ptn 1 - 4 & 6 - 9 (for access & services)
: Proposed Sheffield Road
Date : January 2025
Scale : 1 : 1000 (A3)
Ref : S12 / CF 609 / rev 2B
SIBANE
Remarks:
1. All data approximate
2. The figure A, B, C, D represents Ptn 16 of farm 609 Philippi
3. The figure o, p, q, r, s, t, u, v, w, x, y, z represents a reciprical access and services servitude.
609-74
609-12
609-23
609-17
Ptn 1 4 853m²
Ptn 2 5 183m²
Ptn 3 5 183m²
Ptn 4 5 183m²
Ptn 5 7 186m²
Ptn 6 4 853m²
Ptn 7 5 183m²
Ptn 8 5 183m²
Ptn 9 5 183m²
Ptn 10 7 186m²
A
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C
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51.500
55.000
76.255
94.234
94.237
94.238
94.241
Proposed Sheffield road position