CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500159970

Erf 16644, 24 Alpine Crescent, Fernwood, Somerset West

Development Management

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City of Cape Town Municipality
Transport and Urban Development Authority
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ATLAS
Town Planning

- Rezonings & Subdivisions
- Land Use Departures
- Consent Uses
- Site Development Plans

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Attention: Ms G Wagner

APPLICATION FOR REZONING, REGULATION DEPARTURE & APPRVOAL OF THE SITE DEVELOPMENT PLAN – ERF 16644, SOMERSET WEST)

Approval was granted during 2013 for the rezoning of this property to accommodate 40 group housing units. The developer commenced with the project which involved some engineering services, boundary walling and construction of units. None of the units were however completed and transferred. The land use rights were deemed to have lapsed. The property was since transferred and the new owner intend to proceed with a similar development.

It trusted that the application will meet the department's requirements and that it will therefore enjoy the necessary support. I would like to extend a friendly invitation to not hesitate contacting me should there be any enquiries or should more information be required.

Your's truly

Koos Olivier
ATLAS TOWN PLANNING

Application for rezoning, departure from the development parameters and approval of the Site Development Plan – Erf 16644, Somerset West (Spanish Farm)

1 Background

The subject property is Erf 16644, Somerset West and was originally earmarked for commercial use. Approval was granted during 2009 for rezoning of the property to permit a residential development. The rights were never acted upon and a subsequent application was approved during 2013 to allow for a group housing development comprising of 40 sectional title, duplex units. Albeit that the developer proceeded with this development, none of the units were completed and linked to the municipal network to be transferred. The land use rights were consequently deemed to have lapsed.

The subject property at present accommodates 6 partially constructed units, boundary walling and limited infrastructure. It is the intention to proceed with the development at a similar density. The development proposal is generally in accordance with what was assessed and approved before, but the design of the units was altered to accommodate larger units.

2. Property Details

Erf / Farm No.	Erf 16644, Somerset West, City of Cape Town Municipality, Division Stellenbosch, Western Cape Province.
Owner	
Title Deed No.	
Title Deed Restrictions	None
Size	9964m²
Zoning	General Business Zone 2 (GB2)
Current Use	Partial development as per approval granted during 2013 which land use rights are deemed to have lapsed

3. Application

ATLAS Town Planning was requested to prepare a land use application for the rezoning of Erf 16644, Somerset West to permit a sectional title, group housing development. The proposal requires a departure from the permissible development parameters pertaining to group housing.

Application is herewith made:

i) In terms of Section 42 (a) of the City of Cape Town Municipal Planning By-Law of 2015 for the rezoning of Erf 16644, Somerset West from General Business Zone 2 (GB2) to General Residential Zone 1 (GR1) to permit a group housing development comprising of 40 sectional title units.

ii) In terms of Section 42 (b) of the City of Cape Town Municipal Planning By-Law of 2015 for regulation departure:

a) Permissible density to be 40.1 units/hectare in lieu of 35 units/hectare

iii) In terms of Section 42(i) of the City of Cape Town Municipal Planning By-Law of 2015 for approval of the Site Development Plan.

4. Locality

The subject property is located in the vicinity of Onverwacht and Old Sir Lowry's Pass Roads on the south eastern outskirts of Somerset West. Township establishment occurred in the early 2000's and the property located in an area generally earmarked for residential use. The subject property borders onto established residential complexes, namely Pine Creek, Pinehurst and Fernwood Residential Estate. The railway reserve forms the southern boundary of the site. Erf 16644, Somerset West has direct access onto the major transportation routes in the area with the N2-National Road located approximately 500m to the south and accessible via Onverwacht Road.

5. Existing land use and zoning

Rezoning approval was twice granted in the past to permit a group housing development. The zoning of the property is however deemed to have lapsed and hence the zoning reverted back to General Business use. The property is partially

developed and current improvements include 6 partially constructed dwelling units, limited infrastructure and boundary walling. The remainder of the property is vacant.

6. Physical characteristics

Apart from the internal road and the six partially constructed residential units, the erf is vacant with vegetation consisting of dry grass. The erf was previously surveyed and the development area slopes constant at 3.7% from the north-east towards the south-west, with the lowest point at the south-western boundary of the erf. A geotechnical investigation has not been undertaken yet, but the materials are expected to be good draining sandy loam soil. The property is partially serviced.

7. Surrounding land uses

Erf 16644, Somerset West is located in a predominantly residential precinct, characterised by single residential and group housing developments. The area east of Onverwacht Road is still undeveloped and considered rural. Erf 16645, Somerset West located directly west of the subject property is vacant and earmarked for commercial use. A school was developed on the nearby Erf 16646, Somerset West whilst the Vergelegen Plein Shopping centre is located adjacent to Old Sir Lowrys Pass Road. The proposed residential development is viewed as compatible with the surrounding land uses.

7. Forward planning policies / objectives

There are various policy frameworks applicable to this application. The most relevant of these are:

- Integrated Development Plan
- Cape Town Spatial Development Framework
- Helderberg District Plan
- Densification Policy
- Gated Development Policy
- Inclusive Economic Growth Strategy
- Social Development Strategy

These policies are generally aligned with the broader objectives of the Integrated Development Plan.

IDP	The Integrated Development Plan (IDP) is based on the principles of opportunity, safety, caring, inclusivity and a well-run City. The opinion is held that appropriate developments generally align with the key objectives of the IDP. Appropriate built form and higher overall residential densities area essential to ensure sustainable service delivery. It is not believed that this application will have an adverse impact on the objectives of the IDP
MSDF	The Municipal Spatial Development Framework sets out the spatial vision and development priorities of the City. The MSDF is used as a general guide to appropriate use of land within the boundaries of the City of Cape Town Municipality. A dense and transit-orientated city remains the objective of this document and this ties in with the City's Densification Policy. The subject property is located in the "incremental growth and consolidation area" with the focus on development based on infrastructure capacity. A similar proposal was twice assessed and approved before whilst the property's current zoning permits development at a higher bulk than what is proposed. The proposal is deemed to be aligned with the general objectives of the MSDF.
Helderberg District Plan	The Helderberg District Plan applies to this region and the subject property is located in "Sub-district 5: Somerset West". The subject property is located inside the demarcated Urban Edge and the area is earmarked for Urban Development. The proposed development is deemed to be compliant with the recommendations of the District Plan.
Densification Policy	Densification is a key component of the MSDF and the City has adopted a Densification Policy in this respect. This document again recognises that the current relatively low development densities result in unsustainable costs for services. Higher development densities should be considered and low-density urban sprawl be discouraged. The property is located in an area earmarked for new urban development and approval was granted in the past for the development of this property at a similar development density. The

	opinion is thus held that densification at this location and as per the development proposal is compatible with the provisions of the Densification Policy.
Gated Development Policy	A premium is placed on safety and as a result, this development has bearing on the City's Gated Development Policy. Whilst gated developments are not uncommon, the policy is aimed at managing the cumulative effect of this phenomenon. The City generally strives towards the development of open, inclusive, integrated and equitable societies. It is also very important that general mobility is not compromised. It is fairly clear that the proposed gated development will not have any adverse impact on the general mobility in the area.
Inclusive Economic Growth Strategy	The IEGS is a policy aimed at addressing the economic growth challenges faced and to proactively prepare strategies to deal with this in order to ensure meaningful and sustainable growth across various sectors, businesses and on an individual level. Albeit a City driven policy, it requires the involvement of stakeholders in private sector as well as NGO's. The particular application will result in the development of this property to provide housing opportunities for 40 households. It will result in job creation during the construction period and likely some domestic services thereafter, thus playing a small part in growing the economy. The application is believed to be aligned with the broader objectives of the policy.
Social Development Strategy	The SDS is a policy with the focus on social development and the improvement of the quality of life of all people. The SDS is structured around the following objectives: • *"Maximise income generating opportunities for people who are excluded or at risk of exclusion.* • *Build and promote safe households and communities.* • *Support the most vulnerable through enhancing access to infrastructure and services.* • *Promote and foster social integration.* • *Mobilise resources for social development."*

	The application is not deemed to be inconsistent with the objectives of the said policy.

8. Legal aspects

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014), the Spatial Planning and Land Use Management Act of 2013 and consequent Municipal Planning By-Laws. Application is made in terms of Sections 42 (a), (b) & (i) of the City of Cape Town Municipal Planning By-Law of 2015.

The application does not trigger any of the listed activities in terms of the National Environmental Management Act (Act 107/1998). The proposal previously required the approval of Heritage Western Cape as the development triggered listed activities as per the National Heritage Resources Act (Act 25 of 1999). The said approval was obtained and the current development proposal is very much similar to what was approved in the past. The character of the site has since been transformed and it is trusted that no further authorisations are required.

9. Development Proposal

The subject property is located within an area earmarked for urban development and the development concept is similar to what was approved and assessed in the past. The site measures approximately a hectare and approval was granted to develop 40 sectional title, group housing units. It is the intention to essentially reinstate these rights with minor amendments to the unit layouts.

The proposed group housing complex is compatible with the surrounding medium density residential uses and approval of this application will not have any negative impact on the built or natural environment. The development proposal is for 40 sectional title units, the majority of these now being 3 bedroom duplexes in lieu of the mainly 2 bedroom units proposed in the past. As a result, the development footprint was increased, but these larger units should be viewed as a value add and is expected to have a positive impact on property values in the area in general.

Access to the development will be via Umthi Crescent at a location approved in the past. Adequate setback distances are allowed given that a gated development is

proposed. Provision is made for a 4m entrance lane which is generally required for emergency services. A refuse yard is provided downstream of the site access and a refuse embayment will be provided in accordance with general design requirements. The remainder of the development will be taken up by roadways, common recreational areas and parking bays. A stormwater detention facility will be provided at the Southwest corner of the property.

It is requirement that 50m² communal or private outdoor space be provided per unit as Private Open Space. This equates to 2000m² for the proposed 40 unit development. Each unit will have a dedicated private yard area of approximately 40m² and the total area set aside as Private Open Space equates to 2923m².

Site Area	9964m²	
Total Floor Space	6702,5m²	
General Residential 1 (GR1)	**Permitted / Required**	**Proposed**
Floorspace	N/a	0.67
Coverage	N/a	39.7%
Max Height	9m	Two storeys (+/- 6m)
Building lines: Street	5m	Comply
Building lines: Common	3m	Comply
Parking	2 bays per unit = 80 bays	97 on-site bays provided

Table 1: **Development parameters**

Criteria for the evaluation of Land Use Applications

The general criteria for the evaluation of land use applications are contained in Section 99 of the City of Cape Town Municipal Planning By-Law of 2015 (as amended). These criteria is generally aligned with the provisions of the Spatial Planning and Land Use Management Act (Act 16 of 2013), particularly Section 7 of the Act, as well as the Western Cape Land Use Planning Act (Act 3 of 2014), particularly Section 59. The following criteria are relevant to this application.

4.1 Socio - Economic Impact

The proposed development will result in affordable housing to the community at large and this will have a positive socio-economic impact. The economic feasibility of any development is an important aspect as this ultimately leads to sustainable, high- quality developments in general. Developments in general lead to upgrading of infrastructure. A similar development proposal was assessed and approved in the past. The social and economic benefits will be evenly matched and the opinion remains that the development proposal will have a positive socio-economic impact.

4.2 Compatibility with surrounding land uses

The subject property is located in a predominantly residential precinct. The development proposal is aligned with existing developments which comprise of mainly group housing developments. The development density is the same as what was approved and assessed before. The general character of the area has not changed all that much in the past few years with the exception of the road network being upgraded. Approval of this application will therefore not have any negative impact on the directly abutting neighbours.

4.3 Impact on external engineering services

BNC Engineers was appointed to prepare services reports and a Stormwater Management Plan (SWMP) for this project. It should be noted that not much have changed in the area since the previous approval. The said development was commenced with, but not carried through. Although service capacity reports from the City is not available yet, both reports demonstrated compliance with the City's guidelines. The development is expected to have a negligible additional demand on the services network. Capacity was previously reserved for this development at the same development density and no problems are foreseen with bulk water and reticulation, sewer reticulation, storm water and electricity services.

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

The development of this property will result in increased surveillance and ultimately a safer environment, whilst the general development topology fits in with existing developments in the area. The proposed development will be undertaken in a manner which

will ensure that it does not negatively impact on the health or general well-being of the surrounding community.

4.5 Impact on heritage

A notice of intend to develop application was previously submitted to Heritage Western Cape in terms of the National Heritage Resources Act (Act 25 of 1999). The said approval was obtained and the transformation of the site has since been commenced with. The development of this property is not deemed to have any additional heritage impacts.

4.6 Impact on the biophysical environment

The site comprises of mainly dry, grassed areas and is partially developed. The property does not contain any significant vegetation. The development proposal is similar to what was assessed and approved in the past. The opinion is held that completion of this project will have a positive impact on the biophysical environment.

4.7 Traffic impacts, parking, access and other transport related considerations

The zoning of this property reverted back to General Business Zone and as such, it would theoretically be possible to develop the property for commercial use. A commercial would naturally have a substantial traffic impact. The development proposal is in keeping with what was assessed before and the same access, refuse embayment and general internal reticulation has been retained. The internal road will be private and provision is made for turning shunts on either side of this road.

Each unit will have a garage and additional parking bay. Provision is also made for additional visitor's bays throughout the development. Approval of this application will not have any adverse impact on traffic given that the road network was upgraded since the application was initially approved. No problems are therefore foreseen w.r.t traffic or on-site parking.

4.8 Mitigating measures

The criteria stipulated in Section 99 of the Municipal Planning By-Law also deals with the voluntary imposition of conditions which may help to mitigate the potential adverse impact of a proposed development or land use application. The developer will accept any reasonable conditions aimed at mitigating impacts.

5. Conclusion

The development proposal is in keeping with what was assessed and approved in the past. The developer proceeded with development but did not vest the rights timeously. The proposal is aligned with the forward planning objectives for the area adheres to all the technical requirements for an application of this nature. The development density was not increased and the opinion is held that the completion of this project will be welcomed by those residing in the area. It is trusted that the application will receive the necessary support.