CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500105732

Erf 17638, 60 Neptune Street, Paarden Eiland

Development Management

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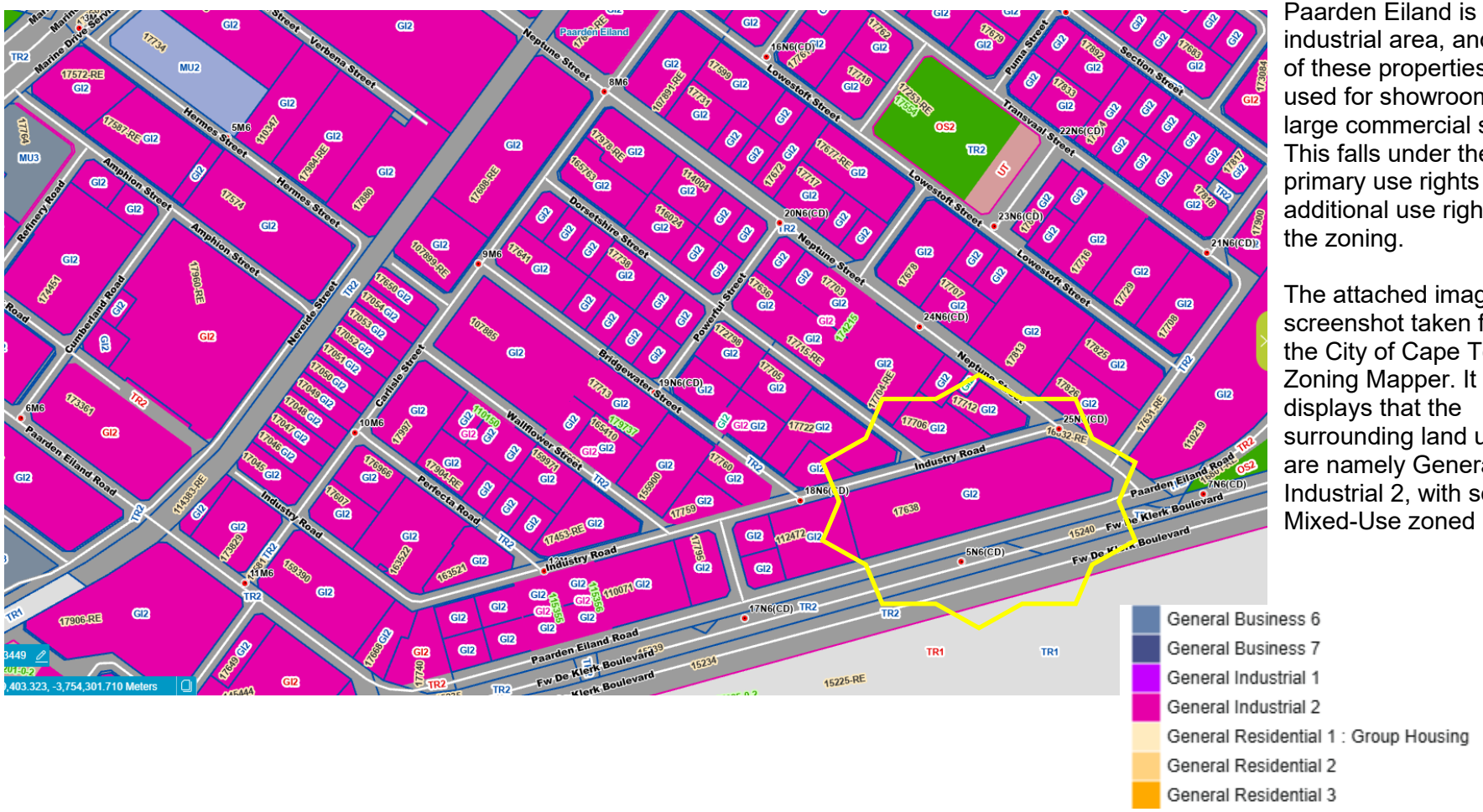
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To Whom It May Concern,

Table Bay District Administration for the City of Cape Town

Please consider the attached application for alterations to ERF 17638 Paarden Island.

1. Description of the area / surrounding land uses



Paarden Eiland is an industrial area, and many of these properties are used for showrooms and large commercial stores. This falls under the primary use rights and additional use rights of the zoning.

The attached image is a screenshot taken from the City of Cape Town Zoning Mapper. It displays that the surrounding land uses are namely General Industrial 2, with some Mixed-Use zoned ERFs.

2. Property description

ERF 17638 is 1.2849HA and has been developed, with existing warehouses that are split into portions for tenant rentals. Most of the buildings were constructed between 1958 and 1968 (as seen via the City of Cape Town Zoning Mapper)

3. Proposed development

A tenant of the property ERF 17638, built shade ports without prior approval or permission. The tenant obtained information from the shade port installer, advising them that shade ports were allowed in Cape Town, without any approvals, i.e., they did not know council approval was required. They also assumed that the permission from the property owner was full and final permission.

The shade ports extend past the 5m street building line and requires a permanent departure. We are also proposing the full removal of certain deed restrictions, see 4.5.

Once this has been amended, we will attend to the other BDM applications required regarding the shade ports.

4. Criteria for deciding the application

4.1. Consideration of criteria in terms of Section 99(1):

- Compliance or consistency with the municipal spatial development framework,
  The shade ports extend past the 5m street building line set out in the municipal spatial development framework. However, the shade ports are not classified as bulk or coverage and do not contravene any other bylaws or regulations and are found generally in the surrounding area. The shade ports will only support the existing operations of the tenanted building and zoning of the erf. An administrative penalty has already been determined and paid for.
- Would approval of the application have the effect of granting the property the development rules of the next subzone within a zone?
  No

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

- **Any applicable spatial development framework**
  The proposed shade ports and deed restriction removal do not affect the existing zoning of the ERF, nor does it affect the existing primary use or additional use rights granted by the city under General Industrial 2.
- **Relevant criteria contemplated in the DMS**
  We ask that a departure be granted regarding the prescribed 5m street building line The shade ports are to improve the operational requirements of the tenant.

4.3, Applicable policy or strategy approved by the City to guide decision making

- Inclusive Economic Growth Strategy, 2022:
  Approving the shade ports and the deed restriction removal will promote the viability of the property and its ability to be marketable and desirable to potential tenants. As well as supporting the current tenants in their daily operating needs and growth.
- Integrated Development Plan, 2017-2022
  If the property stays desirable for tenants to use the property in terms of the permissible primary use rights and additional use rights, it will ensure economic growth for the Paarden Eiland Area.

4.3. Consideration in terms of Section 99(3) of the desirability of the following criteria:

1. Socio-Economic Impact:

The removal of the restriction will not significantly alter the character of the existing warehouse and should have no socio-economic impact on the neighbouring properties. Incremental upgrades to existing warehouses in the neighbourhood will have a positive impact on the suburb overall and will add to the property value of neighbouring warehouses.

2. Compatibility with Surrounding Uses:

The scale and use of the proposed alterations are very similar to the existing ones, and in keeping with the surrounding urban environment. Many of the surrounding ERFs are in similar situations in regard to the deed restrictions, which restrict the property owners' right to use the property as a primary use right or additional use right granted by the City.

3. Impact on the External Engineering Services:

There is no additional plumbing that poses an exaggerated additional load on the system overall. No additional hardened surfaces are proposed, which would affect the stormwater reticulation system.

4. Impact on Safety, Health and Well-being of the Surrounding Community:

No proposed activity or element of the proposed construction shall negatively affect the safety, health or well-being of the surrounding community.

5. Impact on Heritage:

The building is not older than 60 years and does not fall within an HPOZ area.

6. Impact on the Biophysical Environment:

No negative impact is foreseen. No trees or vegetation are to be affected by the proposal, and no additional hard paving is proposed.

7. Traffic Impacts, Parking, Access and Other Transport Considerations:

No change to the carriageway crossing or position and number of bays is proposed. The ongoing use of these bays and the entry and exit of vehicles onto the site will not impact the neighbouring properties.

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

No existing rights are being affected by the proposed shade ports.

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

We propose that the following deed restrictions be removed **in their entirety** from the title deed. And not removed from any specific portion of the existing ERF referred to in the title deed.

The following conditions are in favour of "any Erf in the Township" and is subject to amendment or alteration by the Administrator", as per Deed

I.C (2) *That this Erf be used for Industrial purposes only; save that in connection with such purposes, accommodation may be provided for the use by the Caretaker or Caretakers (and their families).*

I.C (3) *That not more than two-thirds of the area of this Erf be built upon: provided that, if more than one contiguous Erf be registered in the name of the same owner, these may be consolidated and all the conditions will then apply to the consolidated holding as if it were one erf.*

I.C (4) *Than no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4.72 meters to the street line which forms a boundary of this erf.*

- **Spatial planning and Land Use Management Act (SPLUMA), 2013 and Land Use Planning Act (LUPA), 2014.**

  Section 7 of the Spatial Planning and Land Use Management Act (16 of 2013) and section 59 of the Land Use Planning Act (3 of 2014) contains development principles that a decision-maker must take into account when planning applications are considered.

- **In s39(5) of LUPA you must have regard to:**

In terms of Section 39(5) of LUPA:
(a) & (b) We do not believe that these imposed restrictions provide any financial benefits for the property itself and could potentially hinder the value of the property. We do not see any financial benefits that would be in favour for the administrator, these restrictions were imposed during the initial sale of the properties in Paarden Eiland, and were imposed to ensure that unsold neighbouring properties would retain value their value and control the development of surrounding sold properties, however now that the township is fully developed, it will only benefit the surrounding properties values, by removing these conditions to allow for future incremental upgrades to the building. Due to the various uses and requirements of the buildings in the township, it is not conducive to rely on these conditions to potentially create or retain a neighbourhood character. The township is old, and allowing the property to be able to develop with the current times will only benefit the entire township.

(c) The removal of these conditions will benefit the owner of the property as well as the tenants who rent the warehouse space of this building. The owner will be able to ensure that upgrades and small additions are done in future to ensure the value of the property only increases. By doing this, the existing warehouse space will be more adaptable for tenants and the owner, which will ensure promotion of economic activity and growth, which will benefit the country and township as a whole.

(d) We do not believe there are any social benefits to these conditions. As the times have changed, many of the surrounding properties are currently being used for commercial spaces, and not industrial purposes, which many of the deeds of these properties state is to be the sole use. These conditions prevent for items such as car shade ports and signage structures/features or other beneficial structures for the buildings, as well as the use of these buildings become limited, which can lead to vacant buildings for long periods of time, which prevents the promotion of economic activity of the country, leading to more and more buildings being subject to crime and vagrant squatting, thus causing the entire townships value decreasing.

(e) We believe that if the conditions are removed, it will allow the owner to continually ensure that the property is well-maintained and upgraded, which will increase the value of not only the ERF in question but also the surrounding properties. Ensuring that the property can be more adaptable for all future use and activity.

(f) By removing these conditions it will remove all rights enjoyed by the beneficiary, However; we do not believe that the administrator is still benefiting from these restrictive conditions, we believe as previously stated that these restrictions were imposed in a time of initial sale of empty plots, as well as a time, where this township was one of the first industrial areas outside of the CBD itself, times have changed and the needs of the current society has also evolved. Many of the surrounding ERFs are facing the same challenges of these restrictions.

- **In s47 of SPLUMA:**

Please advertise the application to neighbours, the Ratepayers association & Ward Councillor as necessary.

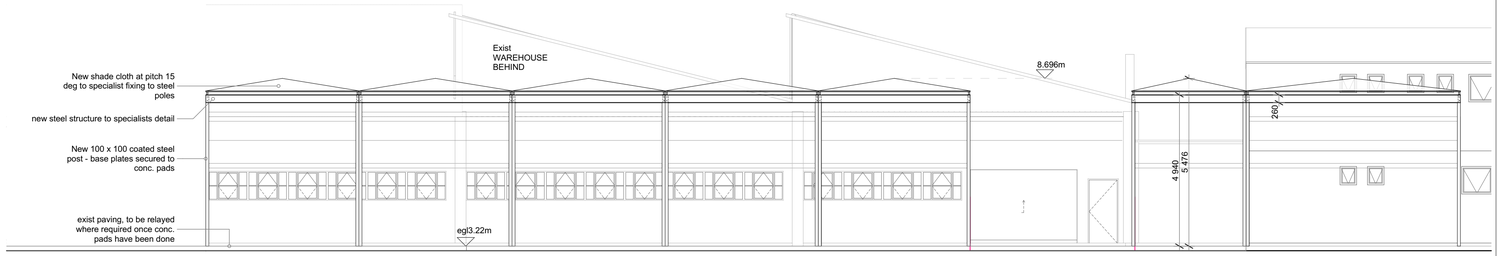
We believe that it will only be beneficial to remove these conditions, not only to the owner of the ERF in question, but to the surrounding properties and the economic growth of the country. We believe that the City of Cape Town's zoning scheme can adequately provide the means to control building and the character of the township without the need for these restrictive conditions.

We hope that you will consider the application favourably and look forward to your feedback.

Sincerely,

Stage 5 Architects

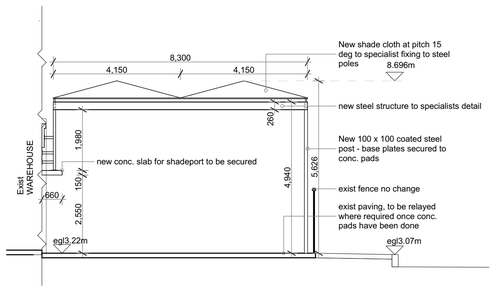
Council Stamps



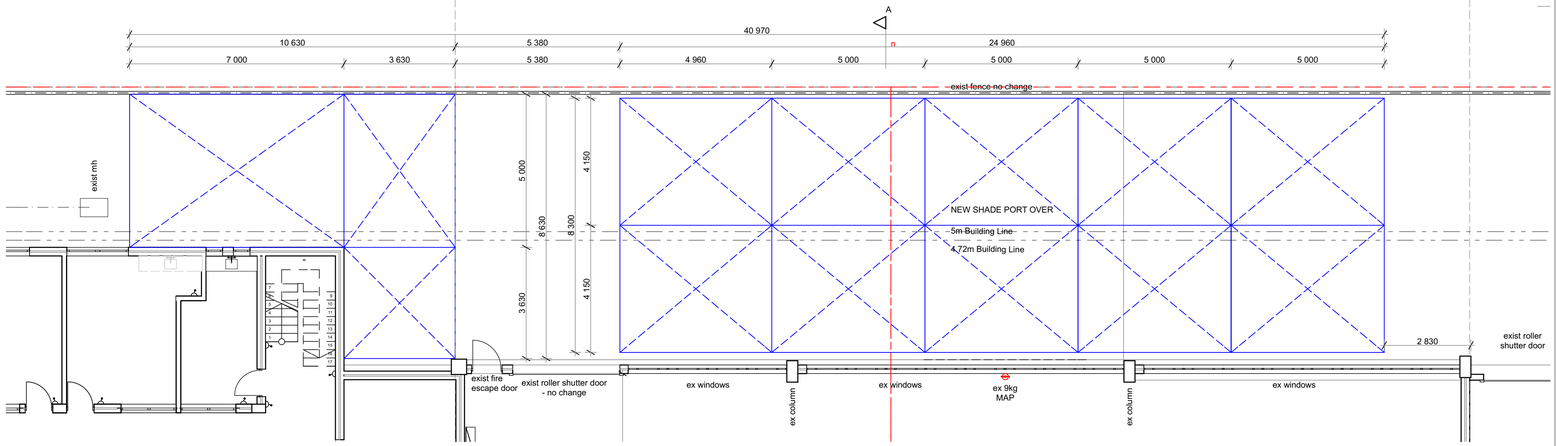
NORTH ELEVATION
1:100

INDUSTRY ROAD

INDUSTRIA ROAD



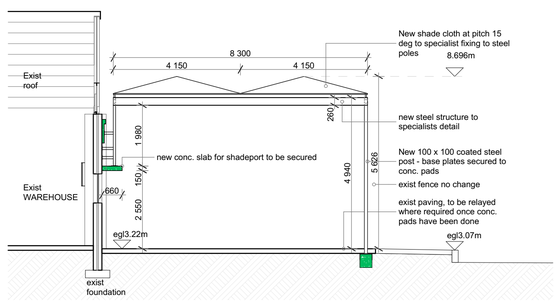
WEST ELEVATION
1:100



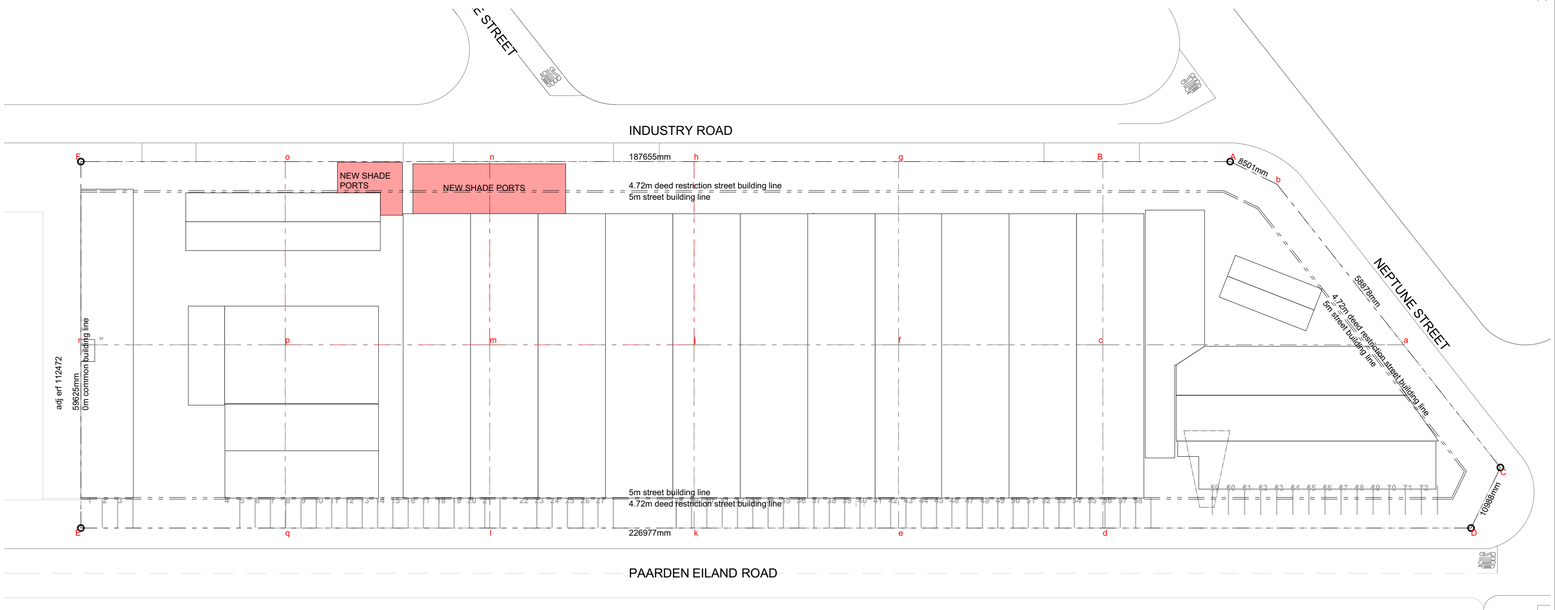
GROUND FLOOR SHADEPORT PLAN
1:100

AREA SCHEDULE

Scheme Parameters		
Site Area		12 849m²
Zoning		GI 2
Allowable Coverage		75%
Floor Factor		4
Height Restriction		18m
Additional Parkings required (no change to parking)		0
	Exist	**New**
Total New Shadeport		271.65m²
Total Covered Area	8470.66	8742.31m²
Total Coverage	65.9%	68%
Total Bulk Area	8614.11	no change
Total Bulk	0.67	no change



SECTION A
1:100



Site Plan
1:500

notes

AND SPECIFICATIONS

THE DESIGN OF THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF STAGE 5 ARCHITECTS.

- ALL RELEVANT DETAILS, LEVELS AND DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORK.
- THE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR ERRORS RESULTING FROM MISINTERPRETATION OF THE DRAWINGS AND ALL WORK WHAT SO EVER REGARDLESS OF NOTES ON DRAWINGS, IS TO CONFORM TO THE SANS 10400, N.B.R. AND LOCAL AUTHORITY BYLAWS.
- ALL DIMENSIONS ARE GIVEN IN MILLIMETRES (UNLESS DENOTED AS 'm')
- DRAWINGS ARE NOT TO BE SCALED.
- ALL LEVELS SHOWN ARE MEASURED AS LEVEL ABOVE M.S.L.
- ALL WORK AS PER SANS 10400, AND TO CONFORM TO L.A. BYLAWS.

- ALL CHANGES TO EXISTING, OR NEW SEWER CONNECTIONS TO CONFORM TO N.B.R.
- R.E.'S AS PER SANS 10400 PART P.
- NEW DRAINAGE AND CHANGES TO EXIST CONNECTIONS:
- ALL DRAINAGE DESIGN TO CONFORM TO SANS 10400 PART P4.2
- ALL PIPEWORK DESIGN TO CONFORM TO SANS 10400 PART P4.14
- ALL VENTILATION PIPES TO CONFORM TO SANS 10400 PART P4.18

WALLS:
- EXTERNAL WALLS AND LOAD BEARING WALLS ARE MAXI CAVITY WALLS. FOUNDATION WALLS NFX BRICKS.
- STRUCTURAL MASONRY TO CONFORM TO SANS 0164
- INTERNAL WALLS WHERE INDICATED 90mm BRICK WALLS.
- MORTAR AS PER SANS 10400 KK 4.3, TABLE 1.
- BRICK FORCE AS PER SANS 10400
- MIN 2.5 BUTTERFLY WIRE TIES PER SQM

LINTELS:
- STRESSO LINTELS TO ALL OPENINGS EXCEEDING 1000mm UP TO 1500mm ALL TO MANUFACTS. SPECS. 1500mm + TO S.E. DETAILS

FOUNDATIONS:
- ALL NEW FOUNDATIONS TO BE FOUNDED ON VIRGIN SOILS
- FOUNDATIONS, FOUNDATION WALLS, RETAINING WALLS, R.C. AND PRECAST SLABS, ROOF AND ROOF CANOPIES ALL TO ENGS. AND/OR MANUFACTS. DETAIL AND SPECS.
- ALL FOUNDATIONS TO CONFORM SANS 10400 PART H AND SANS 0161.
ALL - NEW CONCRETE SLABS TO STRUCTURAL ENGINEERS DETAILS, ALONG WITH EXPANSION JOINTS AT 5m MAX C/C.
- ALL VERTICAL AND HORIZONTAL JUNCTIONS OF MATERIALS NEW / EXISTING / DIFFEREING RATES OF EXPANSION AND CONTRACTION MATERIAL TO BE CONSTRUCTED PER THE ARCHITECTS ' EXPANSION JOINT DETAILS'

DAMP PROOF MEMBRANES AND DPC:
- AS PER SANS 10400 PART KK15, INC. DPC TO WINDOW AND DOOR REVEALS AND CILLS.

ROOFS:
- RAFTERS TO BE TIED IN WITH HOOP IRONS MIN 600mm DOWN FROM WALL PLATE. STRUCTURAL TIMBERS TO CONFORM SANS 0163
- STANDARD ROOFING MEMBERS / RAFTERS AS PER SPECIALIST (MITEK / AIRTON TIMBERS) DESIGN, WITH A19 STRUCT. COMPLIANCE

STAIRCASES:
- ALL TREADS MINIMUM 250 UNLESS OTHERWISE STATED ON DRAWINGS.
- ALL RISERS MAXIMUM 200 unless OTHERWISE STATED ON DRAWINGS.
- ALL HEAD HEIGHT TO BE MINIMUM 2100mm TO BE CHECKED ON SITE PRIOR TO ANY CONSTRUCTION.
- ALL DEMOLITION TO SANS 10400 PART E.
- BALUSTRADES: (IF INSTALLED) TO CONFORM TO SANS 10400 PART D2.
- BALUSTRADING MINIMUM HEIGHT 1m, AS PER SANS 10400 PART M3.
- ALL NOTES S.S. REFER TO GRADE 316 STAINLESS STEEL.

TENDER AND BUILDING NOTES:
- ALLOW FOR JOINT SEALING TO FRAMES OF ALL WINDOW AND DOOR REVEALS BY WINDOW AND DOOR SUB-CONTR.

WATERPROOFING:
- ONLY EVOLIGHT POLYGLASS 4mm TO FLAT ROOFS AS A WATERPROOFING MATERIAL.
- HEAD WALL AND SIDE FLASHINGS OF PROFILED FLASHING WITH COUNTERFLASH OF SUPER-LAYCRYL & BANDAGE TO OTHER PARAPET CONTAINED PITCHED ROOFS WHERE NEEDED.

- GENERALLY ALL STRUCTURE TO STRUCTURAL ENGINEERS SPECIFICATIONS AND DETAILS INCLUDING ALL FOUNDATIONS, STEEL FOR AND R.C. CONCRETE SLABS AND BEAMS, STAIRS, ROOF ETC.

NATURAL VENTILATION OF HABITABLE AREAS (UNLESS MECH. VENT.):
- WINDOWS TO BE AT LEAST 10% OF THE FLOOR AREA OF THE ROOM, AND OPENING SECTIONS 5%.

occupational health and safety compliance:

In terms of the occupational health and safety act, (Act no. 85 of 1993), construction regulations (GNR 84 of February 2014), it is the responsibility of the owner/initiator of this project to ensure that all aspects of compliance with the above act are met. Please note that it is also the responsibility of all contractors/ subcontractors to ensure that all aspects of this act are complied with and that non-compliance is an offence.

owner signature:

revision no:	revision:

stage 5
architects
Simon Pfotenhauer | B. Arch (prof.) Natal | SACAP ST 2042

drawing title:
Council submission drawing
Original size: A1

project title:
Glenfairprop (Pty) Ltd
ERF 17638
60 Neptune Street
Paarden Eiland
ward name 115
Occupancy: J3
Zoning: GI2

drawn by:	checked by:	drawing no:
SP	SP	12.06_01.1
date:	**scale:**	**revision:**
2026/06/03	1:500, 1:100	B