



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500000546

**Erf 2202, 28 Eighth Avenue,
Schaapkraal**

Development Management

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REZONING AND DEPARTURES: ERF 2202 (PORTION OF ERF 1188 SCHAAPKRAAL)

1 INTRODUCTION AND BACKGROUND

The application originally sought to regularise the existing workshop together with a proposed residential component and was advertised for rezoning to General Residential 2 and Local Business 2, and a deviation from the District Plan. Non-support for the workshop was received from the City's Land Use Management Department, thus the subject proposal has been materially amended. The workshop use and Local Business 2 component have been removed, and the revised Site Development Plan now proposes a purely residential development comprising 24 flats, requiring rezoning to General Residential 2 only.

The subject amended proposal therefore represents a clear reduction in land use intensity compared to the application previously advertised. This is important given that the relevant technical departments previously raised no objection to, or supported, the broader original proposal subject to conditions, including services, transport, stormwater, environmental, heritage, health and spatial planning considerations. The revised residential-only proposal is consequently considered acceptable from a technical and planning perspective, aligned with the Municipal Spatial Development Framework and broader spatial planning objectives. On this basis, it is submitted that further public advertising is not required, and that internal departmental circulation is sufficient for the continued assessment of the amended application.



1.1 APPLICATION

Application is made in terms of the following sections of the City of Cape MPBL, 2015 (amended) for Erf 2202 (Portion of Erf 1188 Schaapkraal) (the prescribed application forms is attached):

- Section 42 (a) for **Rezoning from Rural to General Residential 2 (GR2)** – to permit 2 dwellings and 24 flats.
- Section 42 (b) for **Permanent Departures**:
 - Common building lines (northern and western): To permit portions of the building above 7.5m in height to be 4.5m in lieu of 6.6m (0.6 of height).
 - To permit 3 carriageway crossings in lieu of 1 (for sites more than 30m wide).
 - To permit the carriageway crossing to be 8m apart in lieu of 12m.

1.2 PROPERTY DETAIL

1.2.1 Property and General Information

Erf number	Erf 2202 (Portion of Erf 1188 Schaapkraal) – 28 8 th Avenue, Philippi
Diagrams	SG No. 876/2021
Property extent:	4030m ²
Registered Owner:	
Title Deed number	
Current Zoning	Rural Zoning
Current land use	Existing Main Dwellings and Workshop area (workshop to be removed)
Current Access	8 th Avenue
Any unauthorised building work	Yes. Administrative Penalty application submitted (Case ID: 70610123)
Previous approvals granted	The site was previously subdivided (from Erf 1188) AP (approved and paid): 1500014270

1.2.2 Location and Surrounding Context Analysis

Site Analysis

The property falls within the Cape Flats District of the City of Cape Town Municipality and is located in the suburb of Philippi. The property is situated and can be accessed on 8th Avenue, (Philippi, Cape Town). See Figure 1.1 & 1.2.

The property has existing dwellings used for residential purposes and a workshop, located in the front of the property thereby having a large portion of the site being vacant as seen in Figure 1.1 below. The existing workshop will be removed.



Figure 1.1: Property Concerned 1

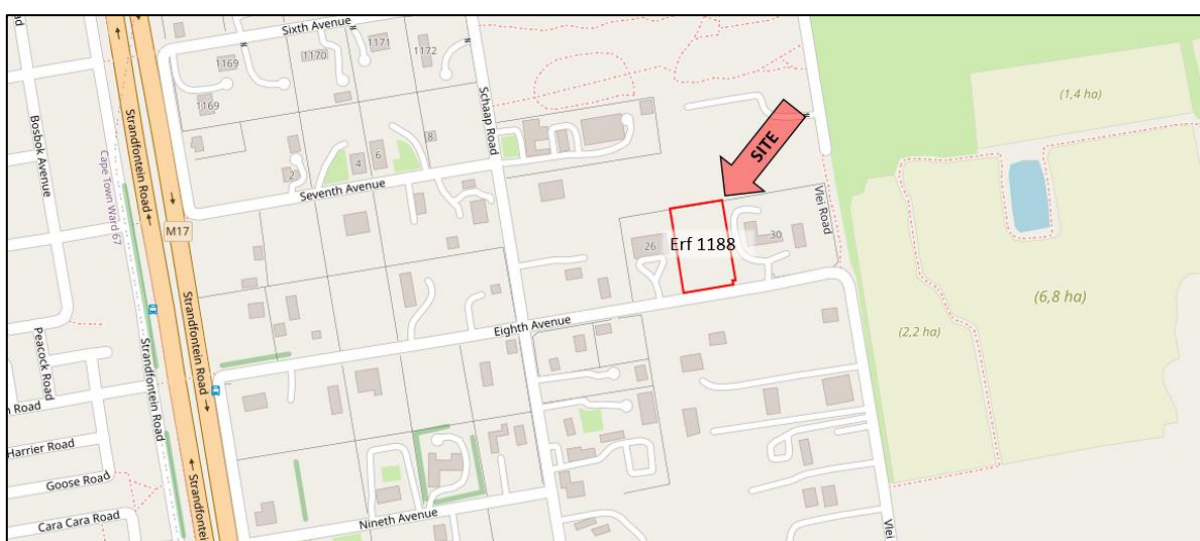


Figure 1.2: Property Concerned 2

Local Context

The site is situated in the suburb of Philippi. This area has predominantly rural zoning. The site is situated outside of the Philippi Horticulture Area (PHA), not being used for any horticultural uses. From the aerial photo, it is clear that the farming activities are east of Vlei Road.

From a desktop survey, it is evident that the properties in the vicinity are built up and used for residential uses and commercial or light industrial/manufacturing or distribution. There is a clear distinction between the properties beyond (east) Vlei Road.

The site is well located in terms of transport routes. Access to the site is from 8th Avenue, which leads to Strandfontein Road (M17). The M17 is one of Cape Town's major transport routes accessing a large portion of the City – carrying bus, taxi, and private vehicles. The transport details will be discussed further in section 3.10 (i) of this report. Figure 1.3 below shows the local context of the site, and Figure 1.4 shows the zoning of the area surrounding the site.



Figure 1.3: Local Context



Figure 1.4: Zoning Map

2 MOTIVATION

2.1 Consistency with any applicable spatial development framework - (MPBL section 99 (1)(b)).

2.1.1 Western Cape Provincial Spatial Development Framework (WCPSPDF), 2014.

The WCPSPDF has now been framed by the objectives of the National Development Plan (NDP). Specifically looking at the urban and rural transformation agenda and its human settlement targets.

The human settlement targets encourage people should live closer together as well as closer to their work. This target, therefore, supports the development of housing being located closer to public transport.

The proposal is well located in terms of access to major routes. The proposal also ensures an increased density in the area, which will support public transport in the area.

The proposal is therefore consistent with WCPSPDF.

2.1.2 Cape Town Municipal Spatial Development Framework (CTMSDF), 2023.

According to the Consolidated Spatial Plan Concept of the CTMSDF (see Figure 2.1), the site is located within the Consolidation Areas, where the City is committed to servicing existing communities and where new development will be subject to infrastructure capacity. The area has sufficient capacity to accommodate the development of a residential complex. The proposal is therefore consistent with the CTMSDF. Note: the site is close to a development corridor.

The previous revision of this application was assessed by the spatial planning department and was found to be consistent according to their assessment. This application will be circulate to their department for review.



Figure 2.1: Extract from CTMSDF

2.1.3 Cape Flats District Plan, Spatial Development Plan and Environmental Management Framework, Technical Report (2023)

A key strategy of the SDP is to encourage land-use intensification and economic development in accessible locations, thereby allowing more people to have access to those activities. The SDF encourage land use intensification along the accessibility grid to ensure that the opportunities they offer can be accessed by a broader range of people.

According to the Sub-District 4 plan of the Cape Flats District Spatial Development Plan, the site is located east of a major route (Strandfontein Road), located in close proximity to a regional node according to the plan. The District Plan categorises the Strandfontein Road as a Development Route. This means that the main function of the road is for mobility (this could also be known as Structuring Routes). The role of these structuring routes is to provide improved access between districts. These routes also promote land use intensification to support the various public transport available.

The Sub-District 4 plan identifies the site as being in “Existing Urban Development” and within the Urban Edge. The District Plan elaborates further:

- Statement: Support a range of medium density residential development within the Schaapkraal area. Generally higher densities should be supported closer to Strandfontein Road and lower densities further away. Proposal Alignment: The proposed density of the site is 65 du/ha, which should be regarded as low to medium density.
- Statement: An average gross density of 75du/ha with a minimum height of 3-5 storeys should be targeted for new developments which could occur through varying net densities along, or in close proximity to, Strandfontein Road in particular. Proposal Alignment: The proposal is well under this threshold at 65 du/ha and a height of 1 storey.
- Statement: Promote medium residential use in the area between Vlei and Schaap Roads. Proposal Alignment: The property falls within this area.

A preliminary comment received from the Spatial Planning Department (attached) in the assessment of the previous revision of the application. The department has supported residential densification.

With the above mentioned, the revised application is for flats for the increased density, which is thus consistent with the DSDF, and thus should be supported by the department. Figures 2.2 shows the site location on the Cape Flats District Plan.

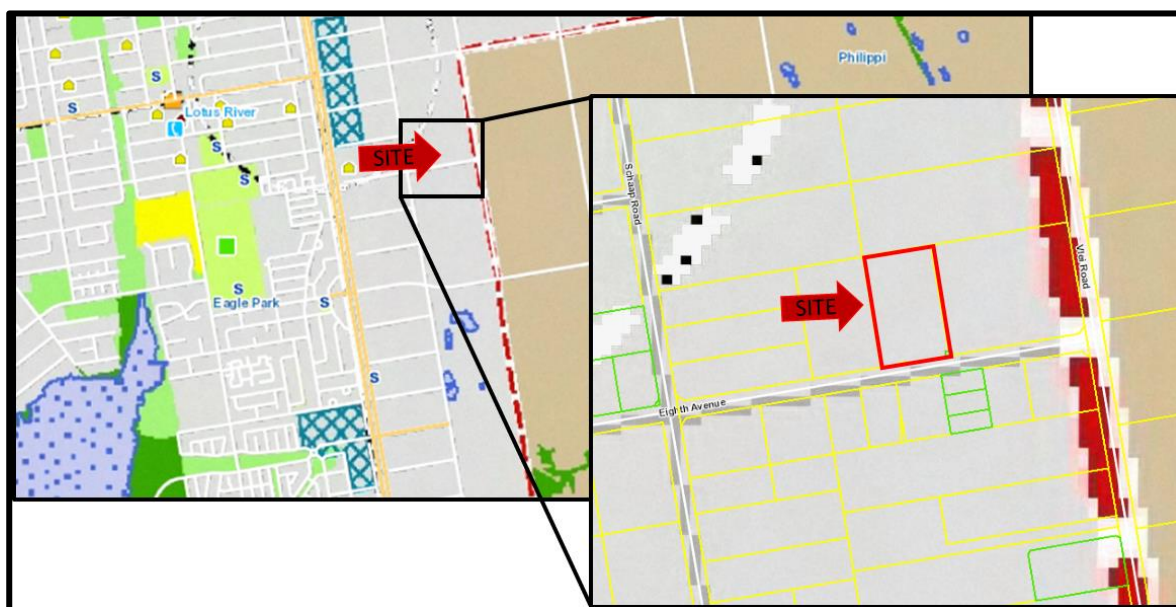


Figure 2.2: Extract from Southern District Plan, Sub-District 4

For the above-mentioned, the proposal is thus consistent with the WCPSPDF, MSDF and District Plan, whereby it offers an appropriately increased densification and optimal use of land.

2.2 Approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone - (MPBL section 99 (1)(d)).

The proposals do not grant the rights of the next subzone.

2.3 Consideration in terms of applicable spatial development framework - (MPBL section 99 (2)(a)).
Refer to Sections 3.1.1 - 3.1.3.

2.4 Compliance with relevant criteria contemplated in the development management scheme - (MPBL section 99 (2)(b)).

The MPBL provides the mechanism to make applications to rezone the properties. The proposed applications are therefore consistent with the MPBL, whereby it duly applies for the applications detailed in Chapter 2 of this report.

2.5 Compliance with any applicable policy approved by the City to guide decision making -(MPBL section 99 (2)(c)).

2.5.1 Cape Town Integrated Development Plan (IDP) 2017-2022

The City of Cape Town's five-year Integrated Development Plan (IDP) represents the overarching strategic framework through which the City aims to realise its vision for Cape Town by building on five pillars, namely: the opportunity city, the safe city, the caring city, the inclusive city, and the well-run city. The plan focuses on strategic priorities throughout the City to enable the realisation of the City's objectives.

Spatial transformation has been identified as a major goal for the Transport and Development Authority (TDA), and Transport-Orientated Development (TOD) has arisen as one of the strategies to overcome spatial disparity in the city. In this regard, greater densities and intensities of mixed-used development will be prioritised along the BRT trunk routes and rail station precincts. Minimum densities supportive of the transit infrastructure will be encouraged in these locations. The City will be targeting net densities in excess of 80 dwelling units per hectare with a variety of typologies, tenure modes, and affordability levels. Although this application does not achieve the desired density, it is regarded As progress towards achieving the goal.

2.5.2 City of Cape Town Densification Policy (2012)

The City of Cape Town's Densification Policy promotes a more compact and efficient urban form, in response to the long-term sustainability concerns associated with continued low-density outward growth. The Policy aims to achieve a minimum average gross base density of 25 du/ha across the city over the next 20 to 30 years, with higher densities encouraged in appropriate locations thereafter. It also distinguishes between broad citywide density targets and more location-specific density guidelines, noting that net density figures are more appropriate when assessing specific development proposals.

The proposed development comprises 24 flats at an approximate density of 65 du/ha. The density is not excessive when measured against the Policy's higher-density location guidelines. For example, the Policy identifies net density ranges of 35–100 du/ha for activity streets, 75–175 du/ha for development routes and district/local nodes, and 100–375 du/ha for activity routes and metropolitan/sub-metropolitan nodes. The proposal therefore represents a moderate, contextually appropriate form of densification rather than an over-intensive development.

The relevant technical departments have also previously raised no objection to, or supported, the broader original proposal subject to conditions, including matters relating to services, transport, stormwater, environmental, heritage, health and spatial planning considerations.

The proposal therefore gives practical effect to the Densification Policy by increasing residential opportunities on land within the existing urban fabric, supporting a more compact urban form, and contributing to the local housing supply. The proposed density of 65 du/ha is sufficient to support the City's densification objectives, but remains moderate in relation to the Policy's higher-density benchmarks. The development is therefore considered to be consistent with the intent and direction of the City of Cape Town Densification Policy.

2.5.3 Urban Design Policy

The urban design policy is primarily concerned with the process of design, and how development impacts the public domain and how it responds to the sites and context.

The proposal of the site can achieve the following objectives of the policy:

- Objective 3: Ensure that developments contribute to creating safe and secure communities – The proposal provides more activity along the street frontage of the site, as there are 2 dwellings and the entrance of the residential complex and the guard house.
- Objective 5: Promote development intensity, diversity, and adaptability - The development of a residential complex will allow the optimal use of the land use and intensify the site appropriately. This application shows that the site's proposed density is appropriate/desirable.
- Objective 6: Ensure enclosure and positive interfaces onto the public realm – the placement of the buildings (facing the street) and entrances/access points, provides a positive interface with the public realm.
- Objective 9: Development should respect and enhance the heritage, character, and unique identity of the city and its neighbourhoods – this is a new development on vacant land, upgrading the land will there enhance the character of the neighbourhood.

2.5.4 Transit Orientated Development (TOD) Strategic Framework, 2016

TOD is defined as a long-term development strategy to address spatial inequality, improve public transport affordability, and address sprawl, driven by the integration of sustainable public transport and strategic land use intervention. It is built on the principles of affordability, accessibility, efficiency, intensification, and densification. The compliance with the core TOD principles is discussed below:

PRINCIPLE:	COMPLIANCE:
Affordability – reduce the cost of public transport to commuters and the cost of providing public transport to the City.	The increase in density of the site for medium-density residential purposes is generally compliant with the principles.

Accessibility – facilitate equal access to social and economic activity through strategic urban development and the provision of safe public transport.	The urban development is strategically located in close proximity to public transport and will reduce the cost for these residents. The densification of the site allows public transport in the area to be better utilised, therefore facilitating the upgrade of the infrastructure.
Efficiency – provide an environment and level of service that reduces trip lengths and dependence on private vehicles.	
Intensification & Densification – manage the desired form, composition and location of urban development conducive to affordable, accessible and efficient public transport.	

2.5.5 Economic Growth Strategy

The overarching objective of the economic growth strategy is to stimulate growth and employment and address the fundamental economic imbalances in terms of employment and poverty throughout the City. The strategic framework focuses on encouraging the City to shift its status to the “Opportunity City”, which is envisaged to consist of various mechanisms that aid in weighing out the imbalances.

The proposal aligns with the economic growth strategy's objectives. This proposal introduces housing into the area within close proximity to other commercial activity, with a taxi rank 1km further west on Fifth Avenue and located near a structuring route (Strandfontein Road). The increase in density also increases the support and use of public transport. The proposal will allow people with different income brackets to live in the same area due to the addition of another form of housing typology. The number of residential opportunities provided will create a demand for various business and commercial needs/opportunities.

2.5.6 Social Development Strategy

The Social Development Strategy is concerned with the overall improvement of and enhancement in the quality of life of all people, with specific reference to the poor or marginalised population.

The proposal aligns with the social development strategy's objectives. The development offers the area an affordable housing type – as it is not the general large house type.

2.6 The desirability of the proposed use or development of land - (MPBL section 99 (2)(d)).

Refer to section 3.10 of this report.

2.7 Impact on existing rights - (MPBL section 99 (2)(e)).

Given the legal planning required mentioned in the previous sections and the assessment of desirability below, it is motivated that the proposals will have a minimal impact on the existing rights of surrounding property owners. The following main points can be mentioned:

- The rezoning is to permit a residential complex and not an intrusive land use. The rezoning is thus in fitting with the surrounding land uses (which supports the business and commercial uses nearby).

- Minor departures are required, which are mainly to permit access arrangements. Although the residential building are placed closer than 4.5m from the common boundaries, the buildings are single storey and will not impact on neighbouring properties.

With the above mentioned, we are of the opinion that the proposal will provide a positive impact on the area and the surrounding owners for the following reasons:

- The development of the site will provide increased surveillance of the adjacent properties and onto the street.
- The capital investment into the site may have a positive effect on stimulating further investment into the area.

2.8 Other considerations prescribed in relevant national or provincial legislation - (MPBL section 99 (2)(g)).

2.8.1 Title deed Conditions: There are no restrictive title deed conditions that impact the proposed development of an apartment complex.

2.8.2 Compliance with the Development Principles in SPLUMA and LUPA

Section 7 of the Spatial Planning Land Use Management Act (SPLUMA) and Section 59 of the Western Cape Land Use Planning Act (LUPA) describe five (5) development or planning principles that all new development should consider, namely: spatial justice, spatial sustainability, efficiency, good governance, and spatial resilience. The proposed development contributes to these principles in the following ways:

- The principles of **spatial justice** are fulfilled through the improved utilisation of land and the provision of further housing opportunities in areas of good public transport accessibility.
Providing denser residential development opportunities allows for a mix of housing typologies and markets in the area. The proposed housing options opens the land markets to more groups of people. This application may not solve the spatial justice crisis, but it is a step towards minimising the imbalances.
- The principles of **spatial sustainability** are fulfilled through development that is spatially compact, resource frugal and within the municipality's means.
Rezoning the property from Rural Zoning (RU) to General Residential 2 (GR2) should be seen as more suitable zoning for the site in respect of its location. The new zoning allows for a higher density on the property which will stimulate the market and may lead to an increase development activity.
- The principles of **efficiency** are fulfilled by maximising the site's potential relative to its urban context.
The proposed new zoning allows the development of a residential complex on the property. The development of the complex increases the density of the development, which allows for the optimal utilisation of the property. The property has ample space to enable the development type.
- The principle of **spatial resilience** requires flexibility in land use management systems and policies to ensure sustainable livelihoods for communities most likely affected by economic and environmental shocks. This will be achieved by utilising the mechanisms available in the CTMPBL; applying for the

intensification of land use, and implementing the principles of relevant policies, as mentioned in this report. This application hereby supports the spatial resilience principle.

- **Good administration** is a function of the government and is thus not applicable to this proposal.

2.8.3 Land Use Planning Act (Act 3 of 2014):

The Land Use Planning Act sets out the principles for development, the minimum requirements for municipal planning matters, the minimum content for metropolitan spatial development frameworks and zoning schemes at the provincial level.

The proposals adhere to the requirements of LUPA.

2.8.4 City of Cape Town Municipal Planning By-Law

The City of Cape Town Municipal Planning By-law provides the mechanism for land use applications.

Section 99 of the By-Law sets out the criteria for deciding land use applications.

2.8.5 National Environmental Management Act (25 of 1998):

The National Environmental Management Act and EIA Regulations identify certain activities that may be detrimental to the environment. The location and scale of the property rezoning do not trigger the need for an environmental assessment. This proposed development does not trigger the need for an environmental process.

2.8.6 National Heritage Resource Act (Act 25 of 1999):

Does not trigger any items of the NHRA.

2.9 Whether the application complies with the requirements of this By-law - (MPBL section 99 (2)(h)).

This application complies with the By-Law requirements, as it makes the relevant applications to support the proposal.

2.10 Evaluation of Desirability - (MPBL Section 99(3)).

a) Socio-economic impact – (3)(a):

- The proposal supports supplying the housing market, as it will increase the density and provide more housing opportunities.
- The proposal presents an investment into the property concerned, encouraging investment into the area and creating improvement in the broader community. The proposal encourages land-use change and economic development in the area. This will allow more people to have access to the activities that the local area offers.

- d) **Compatibility with surrounding land uses – (3)(d):** The local context and how the site fits in thereof are discussed in section 1 of this report. To reiterate, the site is situated within a mixed-use area. Appropriate medium land-use intensification is encouraged (this may include residential, business, or a mix of the two land uses) as mentioned previously in section 3.1.2 of this report. The proposed development is to rezone the property for higher-density residential purposes. This higher density will support the business and commercial sectors in the nearby regional node. The proposal is in line with reports and guidelines which envisage the optimal and sustainable use of land such as higher density residential development mentioned in sections 3.5.1 & 3.5.2 of this report. It is therefore evident that the proposal is consistent and compatible with the surrounding land uses. See section 1.2.2 of this report for a detailed contextual analysis.
- (e) **Impact on external engineering services – (3)(e):** The site is located in an area where the City encourages densification and has committed to service these sites where capacity is available. The relevant departments to provide comments on capacity and required management plans to be submitted with the building plans (after rezoning approval).
- (f) **Impact on safety, health and wellbeing of the surrounding community – (3)(f):** Given the compatibility of the proposal with the surrounding urban fabric, we do not anticipate that there will be a negative impact on the safety, health and wellbeing of the surrounding community. It is more likely to positively impact the area as it will allow more people to use the area (improved surveillance), and it is a capital investment into the area.
- (g) **Impact on heritage – (3)(g):** There are no impacts on Heritage.
- (h) **Impact on the biophysical environment – (3)(h):** Not applicable as no trees or significant vegetation will be removed. The Site Plans show the basic landscaping to be implemented. The use of grass block or similar materials is proposed to soften the hard spaces and reduce runoff and increase permeability.
- (i) **Traffic impacts, parking, access and other related considerations – (3)(i):** The following outlines the traffic impacts and considerations for the proposed development. The proposed site is a low car ownership area and therefore has a reduce daily trip rate.¹

Traffic:

The daily trip generation for the proposed development may not warrant a traffic study. The following points refer:

- The proposed 24 flats generate 2.75 trips per day = therefore 66 trips.
- The following aspects must be considered in the reduction of daily trips:
 - The proposed flats are regarded as affordable and therefore lower vehicle ownership. The TMH17 states a reduction of 30%.

¹ TMH17 – South African Trip Data Manuel, 2013.

- The development is closer to a development corridor that has a taxi and bus route on Strandfontein Road (540m from the site). The TMH17 states a reduction of 15%.
- Therefore the total reduction of the daily trips should be 45%, as per above points.
- It must also be noted that the property may be developed for agricultural uses according to the current zoning. This aspect therefore needs to be considered and deducted off the determined increase in daily trip rates.
- For the above mentioned points, the total trips generated by the proposed flats are 36.3 daily trips, which is well under the requirement for a traffic study. This number is not calculating the existing use trip generations (under rural zoning).

Access:

- Site access on 8th Avenue which is off Strandfontein Road.
- Dwelling CWC: main dwelling – 5m wide, second dwelling 3m wide.
- The flats will use the existing 10m wide access, which will be reduced to 7.5m wide.

Parking and Congestion:

The parking requirement is 39 parking bays, as follows:

- Main Dwelling: 2 bays.
- Second Dwelling 2 bays
- Flats (24 units): 36 bays

Congestion is not expected as there is adequate parking available.

Public Transport

The site is located in a *standard area*. There are multiple modes of public transport available in close proximity. The following modes of transport which are accessible to the site are listed below:

- Minibus Taxi Rank, west along Fifth Avenue (±1km from the site)
- Minibus Taxi Rank, north-west along Ottery Road (±2km from the site)
- Taxi route on Strandfontein Road 540m from the site.

(j) Imposition of Mitigating Conditions – (3)(j): None.

3 CONCLUSION

The proposed development will make more efficient use of the subject property by introducing a residential development that contributes to the supply of smaller and more affordable housing opportunities within the existing urban fabric. This supports access to surrounding employment areas, public transport routes, services, community facilities and other urban opportunities.

The proposed density at approximately 65 du/ha is consistent with the City's densification objectives while remaining moderate and contextually appropriate. The scale and nature of the development are considered compatible with the surrounding urban environment, particularly as the proposal is limited to residential flats and does not introduce an incompatible or intrusive land use.

The application has been assessed against the relevant spatial planning policies and the desirability criteria of the City of Cape Town Municipal Planning By-Law. The proposal aligns with the Municipal Spatial Development Framework and broader planning objectives relating to compact urban growth, efficient land use, increased housing opportunities and sustainable development. Technical matters relating to access, services, stormwater, health, environmental, heritage and related municipal requirements can be appropriately addressed through departmental conditions of approval.

3.1 Approval Recommendation

It is recommended that the application be approved for the following reasons:

- The proposal will enable the development of 24 residential flats, contributing to the supply of smaller and more affordable housing opportunities in the area.
- The proposed rezoning to General Residential 2 represents an appropriate and efficient use of land within the existing urban fabric.
- The proposed density of approximately 65 du/ha supports the City's densification objectives while remaining moderate and appropriate to the surrounding context.
- The development promotes a more compact urban form and makes better use of existing land, infrastructure and services.
- The proposed residential use is compatible with the surrounding urban environment and will not introduce an incompatible land use.
- The proposal aligns with the MSDF and the City's broader spatial planning objectives.
- The application satisfies the desirability considerations of the MPBL.
- The proposal will contribute positively to local housing supply and provide additional residential opportunities within an accessible urban area.
- The scale, form and intensity of the development can be appropriately managed through the Site Development Plan and applicable development management parameters.
- Technical requirements relating to engineering services, transport, stormwater, health, environmental, heritage and other municipal considerations can be addressed through appropriate conditions of approval.

For the reasons set out in this report, the proposed rezoning and development are considered desirable, contextually appropriate and in the public interest. The application is therefore respectfully submitted to Council for favourable consideration.

For **URBAN SOLUTION**