



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Case ID 1500133410

**Erven 33952 and 33967,
1 and 3 Thornton Road, Athlone**

Development Management

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ERVEN 33592 AND 33967, ATHLONE

Proposed Consolidation, Rezoning and Related Departures



JUNE 2024

1. INTRODUCTION

JZE Architects was appointed by the registered owners of Erf 33952 and Erf 33967 to prepare and submit a land use application to the City of Cape Town for the Consolidation of Erf 33952 and Erf 33967, Athlone and the Rezoning of Erf 33967 from Single Residential Zone 1 to General Business Subzone GB1.

This application will therefore require the following:

- ☐ A Consolidation of Erf 33952 and Erf 33967 in terms of Section 42(f) and Section 99(2)f of the City of Cape Town Municipal Planning By-law;
- ☐ A Rezoning in terms of Section 42(a) of Erf 33967 from Single Residential Zone 1 to General Business Subzone GB1.

Application for the following departures:

- ☐ Item 60(e): To permit the building to be setback between 0.9m in lieu of 4.5m on Thornton Road.
- ☐ Item 60(e): To permit the building to be setback between 3.16m in lieu of 4.5m on Klipfontein Road.
- ☐ Item 137: To permit 12 onsite parking bays in lieu of 40.
- ☐ Council's approval in terms of Item 141(b) of the Development Management Scheme to permit the loading vehicles to leave the site in reverse gear on Klipfontein Road.

This development will facilitate economic opportunity through employment and community upliftment and encourage integrated land uses without having any significant negative impact on the functioning of the existing urban fabric. This report sets out the motivation for the consolidation of Erf 33952 and Erf 33967 and the rezoning of Erf 33967 from Single Residential 1 to General Business Zone 1 to accommodate the proposal.

Applicant	JZE Architects On Behalf Of the registered owners of Erf 33952 and Erf 33967, Athlone. (Refer To Power of Attorney)
Property Description	Erf 33952 and Erf 33967 Cape Town (Refer to Title Deeds)
Extent	Erf 33952 – 461m ² Erf 33967 – 396m ²
Registered Owner	
Restrictive Title Conditions	None restricting the Consolidation and Rezoning
Applicable Zoning Scheme	City Of Cape Town Development Management Scheme
Current Zoning	Erf 33952 – General Business Zone 1 (GB1) Erf 33967 – Single Residential Zone 1 (SR1)
Applicable Zoning Scheme	Development Management Scheme contained within the City of Cape Town's Municipal Planning By-law, 2019

1.2 Property Description

Erf 33592 and Erf 33967 are located on the corner of Thornton and Klipfontein Road, in the suburb of Athlone. The street address is 1 Thornton Road, Athlone.

1.3 Summary of the Application

Erf 33967 Cape Town is zoned 'Single Residential Zone 1' in terms of the Cape Town Zoning Development Management Scheme. Erf 33967 is vacant and unused and was purchased by with the intention of creating a more professional office space for the operation.

Erf 33952 is zoned General Business Zone 1 (GB1) and the site is currently used as offices for the Erf 33967 had been purchased by SANZAF in order to consolidate Erf 33952 and Erf 33967 to create a new modern office for operations. SANZAF is actively engaged in key sectors such as welfare and development, education, emergency relief, and the provision of food aid and shelter for those in need.

The development therefore requires the following applications:

- ☐ A Consolidation of Erf 33952 and Erf 33967 in terms of Section 42(f) and Section 99(2)f of the City of Cape Town Municipal Planning By-law;
- ☐ A rezoning in terms of Section 42(a) of Erf 33967 from Single Residential Zone 1 to General Business Subzone GB1.

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2. LEGAL FRAMEWORK

The planning application, assessment process and the factors to be considered in the decision-making process are governed and influenced by the legal and policy environment that apply to land development. This section provides an overview of the key laws that apply to the application made on Erf 33952 and Erf 33967, Athlone.

2.1 Spatial Planning and Land Use Management Act (16 of 2013)

The Spatial Planning and Land Use Management Act sets out the principles for decision making. Section 42 of the Act sets out the criteria for deciding applications. These include:

- 2.1.1 In considering and deciding an application a Municipal Planning Tribunal must-
 - be guided by the development principles set in Chapter 2, which includes:
 - The principle of spatial justice, particularly that a Municipal Planning Tribunal's decision cannot be influenced by the potential effect on property values.
 - The principle of spatial sustainability.
 - make a decision which is consistent with the norms and standards, measures designed to protect and promote sustainable use of agricultural land, national and

provincial government policies and the municipal spatial development framework;
and

2.1.2 Take into account-

- the public interest
- the constitutional framework imperatives and the related duties of the State;
- the facts and the circumstances relevant to the application;
- the state and the impact of engineering services, social infrastructure and open space requirements; and
- any factors that may be prescribed, including timeframes for making decisions.

2.1.3 When considering an application affecting the environment, a Municipal Planning Tribunal must ensure compliance with environmental legislation.

2.1.4 An application may be approved in whole or in part of, or rejected.

2.2 Land Use Planning 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.

Section 39 of the Act sets out the basis of land use applications. These include:

2.2.1 When a municipality considers and deciding on a land use application, the municipality must have regard to at least-

- the applicable spatial development frameworks;
- the applicable structure plans;
- the principles referred to in Chapter VI;
- the desirability of the proposed land use; and
- the guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

In terms of the above extract of LUPA, the Cape Town Municipal Planning By-law has been adopted. The By-law is explained in detail below in accordance to the consolidation and rezoning application.

2.3 City of Cape Town Municipal Planning By-law

The City of Cape Town Municipal Planning By-law provides the mechanism for land use applications, including consolidation and rezoning. The By-law also provides the general procedures for all applications. The procedures include making an application, notice and comment, process and criteria for deciding application, the decision, the appeal process, etc.

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

An application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements –

- the application must comply with the requirements of this By-Law;

- the proposed land use must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;
- the proposed land use must be desirable as contemplated in subsection (3) and ;
- in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone.

If an application is not refused under subsection (1), when deciding whether or not to approve the application, the decision maker must consider all relevant considerations including, where relevant, the following:

- any applicable spatial development framework;
- relevant criteria contemplated in the development management scheme;
- any applicable policy approved by the City to guide decision making;
- the extent of desirability of the proposed land use as contemplated in subsection (3);
- impact on existing rights (other than the right to be protected against trade competition);
- in an application for the consolidation of land unit – (i) the scale and design of the development; (ii) the impact of the building massing; (iii) the impact on surrounding properties; and (g) other considerations prescribed in relevant national or provincial legislation.

The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable:

- economic impact;
- social impact;
- scale of the capital investment;
- compatibility with surrounding uses;
- impact on the external engineering services;
- impact on safety, health and wellbeing of the surrounding community;
- impact on heritage;
- impact on the biophysical environment;
- traffic impacts, parking, access and other transport related considerations; and
- whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

The following consideration relevant in terms of Section 99(2)(f) for application for consolidation of a land unit:

- (i) the scale and design of the development – the design of the development had taken into consideration the surrounding neighbours and does not detract from the character of the area since there are many business practices in the immediate vicinity and the fact that the property is located on a street corner bordering the very busy Klipfontein road, the impact is considered minimal.
- (ii) the impact of the building massing – The consolidated sites would measure a total of 857m² (Erf 33952 measures 461m² and Erf 33967 measures 396m²) the extent is not considered to be excessive and fits in well with the surrounds. The proposed development as displayed on the site development plan as drawn by JZE Architects demonstrates that the development would not be out of keeping with the character of the area and does not pose a negative impact in terms of building massing as can be seen on the below image depicting the surrounds of the site which include public open space as well as two storey dwellings.
- (iii) the impact on surrounding properties – the impact on the surrounding properties is considered to be minimal as there would not be anymore rights provided as what is already exercised. The organisation will merely be extending and upgrading the offices required to execute the operation of SANZAF as previously done.

No decision required to be made in terms of this By-Law may be delayed pending the

creation of a policy to guide decision-making on the matter.

This application will show that there is no impact on existing rights of affected parties and that there is public interest in approving the applications.



Figure 1: image depicting the immediate surrounds of the site.

2.4 National Environmental Management Act, 1989 (Act 107 of 1998)

The National Environmental Management Act and Environmental Impact Assessment (EIA) Regulations identify certain activities that may be detrimental to the environment.

The proposed consolidation and rezoning does not trigger the need for an environmental process.

2.5 National Heritage Resources Act, 1999 (Act 25 OF 1999)

The legislation “aims to promote good management of the national estate, and the enable and encourage communities to nurture and conserve the legacy”. Section 38 lists a host of development categories, which if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified. The Section 38 development categories are:

- A linear development of 300m or more (road, power line, pipeline etc.) and bridge or such exceeding 50m;
- A development or activity that will change the character of the site:
 - exceeding 5000m²,
 - involving 3 or more existing erven or the subdivision thereof,
 - involving 3 or more division thereof which have been consolidated within the past 5 years,
 - the costs of which will exceed the sum set by SAHRA;
- A rezoning of a site exceeding 10 000m² in extent; and
- Any other category of development provided for in regulations by SAHRA or a provincial heritage authority.

The proposals do not trigger any points of Section 38.

3. PLANNING POLICY

3.1 Municipal Spatial Development Framework (2023)

The subject property sits within the "Urban inner Core" and along a "Structuring Corridor" in the MSDF. Within the Urban inner Core, the MSDF has desired outcomes that say the preferred zoning categories on structuring corridors include, inter alia, Mixed Use zoning where applicable especially near a mixture of land uses; this is a desired outcome that the proposal can move towards realizing.

The proposed will maximize the potential for economic development without compromising the character of the area.

Within this MSDF the subject property sits within an area in the metro that has been identified as an economic area. As a result, the proposed consolidation and rezoning of the subject properties to allow for intensification in this area that will serve the economic activity is congruent with this MSDF.

The subject property is located within the Klipfontein Road Secondary Development Corridor. Development corridors are typified by intensified and diversified land use.

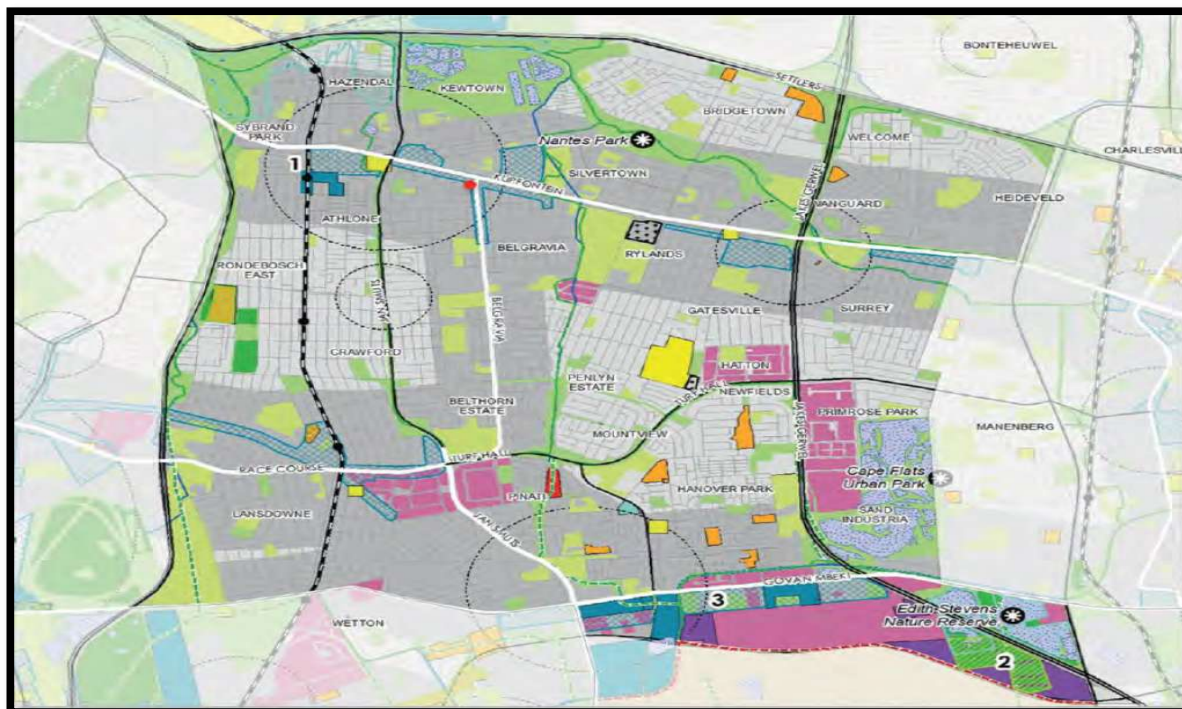
They reflect the targeted, prioritised areas earmarked for the largest spectrum of land use mix associated with the highest density of population and employment.

District Node and a Regional Civic Cluster

The subject property is located within close proximity to the Athlone District Node and Regional Civic Cluster. Nodes are characterised by the intensity (density), mix (diversity) and clustering of urban activities and land use found within them. Most nodes have a mix of land use that focuses on services, commercial, retail, and industrial, mixed with medium- to higher-density residential. The MSDF, 2013, promotes focused intensification in district nodes to realise a medium to high intensity mix and clustering of urban activities or land uses at points of high accessibility, exposure, convenience, and urban opportunity. The density guidelines for district nodes are 250–650 du/ha (net) and 3–15 storeys.

3.2 Cape Flats District Plan, (2023)

The subject property is located in Subdistrict 1: Greater Athlone, within the Cape Flats District Plan, 2023. As per this District Plan, the subject property is located within a District Node; within a Mixed-Use Intensification area; and along one of the Higher/Lower Order Routes & Development Corridors. "A district that is focused on protecting and managing its natural assets to leverage sustainable economic, social and environmental benefits; prioritises its limited undeveloped land for land use intensification; and supports urban renewal and optimisation of the associated infrastructure."



Location of subject property within Sub-district 1: Greater Athlone

District Node

The subject property is located within the most prominent district node in this Sub-district, namely the Athlone CBD. This node is identified as a development focus area; and high intensity and mixed use activity is promoted within this node. One of the spatial development objectives for this Subdistrict is to reinforce Athlone CBD as a vibrant business district. Additionally focus should be on improving these key areas within the (Athlone) CBD through intensification redevelopment and upgrade and links to the station and Klipfontein road. This should result in private sector response in regeneration of this area into the major urban node in the district. The Athlone CBD should be regarded as the sore potential in the district for intensification, redevelopment, and upgrade.

Reinforcing established concentrations of district economic activity within the Cape Flats District that hold competitive advantages, particularly along Klipfontein Road and Jan Smuts Drive and Strandfontein Road, where they can be accessed via key movement routes/public transport routes.

Mixed-use intensification areas

These include developed or partially developed areas where further intensification and diversification of existing land uses are supported or where appropriate redevelopment to a mix of land uses is actively encouraged. It should be noted that a mix of land use for both new development areas and intensification areas refers to an appropriate combination of either • residential and non-residential uses or • non-residential uses (i.e. industrial, commercial, institutional or public service).

The subject site is located within a Mixed-Use Intensification area on Klipfontein Road.

These areas are where further intensification and diversification of existing land uses are

supported or where appropriate redevelopment to a mix of land uses is actively encouraged by the City.

Furthermore, the city supports high-density mixed residential typologies in all areas of mixed-use intensification; and encourages greater land use intensification of an appropriate combination of land uses.

Densification Policy, 2012

The Densification Policy, 2012, outlines the following considerations for densification. Infrastructure capacity should be a consideration for all forms of densification. Additionally for medium to high levels of densification the following should be considered: access to public transport systems (existing and planned); land use integration (located near places of employment, social services and community facilities); access and proximity to public open spaces (should have access to urban open spaces, recreational green spaces and/or natural open space).

The Densification Policy, 2012, outlines the areas/locations targeted for different types of densification. The subject site is located in close proximity to the Klipfontein development route which is targeted for 75-175 du/ha (net) density and 3-7 storeys. Additionally, the subject site is located within the Athlone CBD district node which again is targeted for 75-175 du/ha (net) density and 3-7 storeys.

Urban Design Policy, 2013

It should be noted that there is a draft Urban Design Policy, 2023, however it has not yet been approved and therefore the Urban design Policy, 2013 is the applicable policy in the case of this application.

The Urban Design Policy, 2023 has 9 core objectives and associates policy statements. The following policy statements are applicable to this proposal: PS1.1; PS2.3; PS4.4-PS4.5; PS5.1; PS5.2; PS5.4; PS6.1-PS6.4; and PS8. This report will address how the development proposal aligns with the identified relevant policy statements.

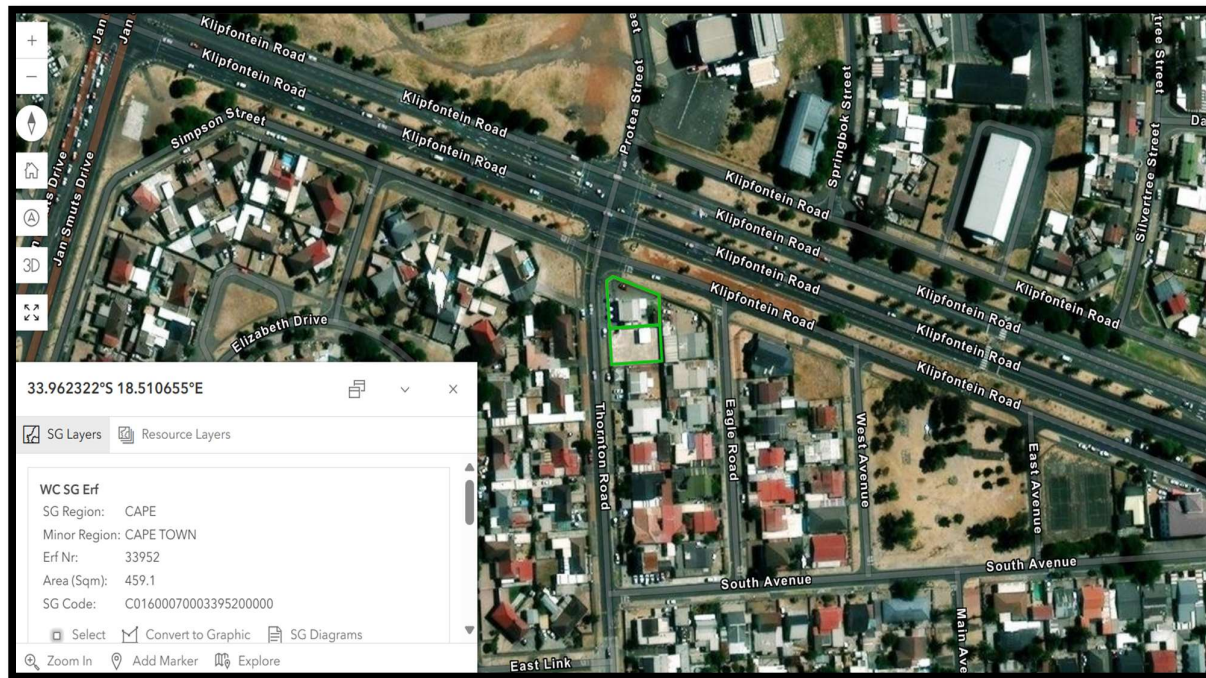
4. MOTIVATION

4.1 Description of the Property Concerned

The subject properties are located in a predominantly residential suburb of Athlone, at the intersection of Thornton and Klipfontein Road. (see Locality Plan). The subject properties measure 461m² and 396m² respectively.

The consolidation of the properties will see a site measuring a total of 857m² in extent and is currently being utilized as a business operation (offices). Erf 33952 is developed with one dwelling unit used as offices for the operation of the institution and is proposed to be consolidated with Erf 33967 in order to upgrade and expand the institution.

Erf 33967 is currently developed with a single dwelling which is in bad state and will be demolished in order to realise the proposed development as depicted on the Site Development Plan as submitted.



4.2 Property Background and existing land use Rights

The property Erf 33952 is zoned General Business Zone 1 (GB1) and is the place of operation for the South African National Zakah Fund. The operation exists from a single storey dwelling containing offices.

The South African National Zakah Fund is registered as a non-profit organisation as well as a public benefit organisation among others. The site is situated on the edge of a residential precinct. The site zoned General Business Zone 1 (GB1) abuts Erf 33967 zoned Single Residential Zone 1 (SR1), thereby facilitating the need for a rezoning of the consolidated sites to align the zoning.

As a result this application seeks to consolidate the acquired Erf 33967 with Erf 33952 and the consequent rezoning from single residential zone 1 to general business subzone 1 in order to accommodate the development as depicted on the Site Development Plan as drawn by JZE Architects dated 23 November 2023 with project number 2374 and drawing number SK01.

The existing use as currently operational on Erf 339652 Athlone will be maintained after the consolidation and continue as previously.

The [redacted] was founded in 1974. [redacted] is a well-known and respected organisation within the South African Islamic community. Its initial primary function was to act as the umbrella body for Muslim organisations in South Africa.

In addition, [redacted] has played a pivotal role in positively shaping the lives of numerous individuals, instilling hope for a brighter future. As a leading organisation in [redacted] is committed to ensuring the education of the Muslim community through targeted Zakah

advocacy programs.

Distinguished for its dedication to compliance and excellence, SANZAF has earned accolades and recognition for its commitment to addressing community needs. Functioning as a faith-based, socio-welfare, and educational institution, SANZAF is dedicated to empowering needy families through the efficient collection and judicious distribution of Zakáh and other Sadaqát. This is achieved through proactive and cost-effective projects that embody principles of dignity, sincerity, and shared responsibility.

SANZAF has branches in all major cities in South Africa. The Cape Town branch is the main branch, which required a suitable prime location. ERF 33952 and Erf 33967 was identified as a suitable location for their head office for the following reasons:

- The property is located on a corner and is a physical landmark as well as a spiritual beacon.
- It is located centrally within the Cape Flats Community which it serves.
- It is very close to Bridgetown Masjid, with whom it has a long-standing partnership in promoting and facilitating community upliftment programs.
- The property faces onto Klipfontein Road, which is a road that houses many businesses and commercial activities.

Currently SANZAF only occupies Erf 33952 from a single storey dwelling of the existing building and the hours of operation are from 8:30 am to 17:00 pm. The current staff comprises 4 Members all-encompassing the varying administrative functions needed for the enterprise to function. With the development of the new and improved building, the staff compliment will be extended to include the following:

- The managing director, who will oversee the daily running of the operation. The operation will be closed from 12h30 to 14h00 daily in order to accommodate the midday prayer time.
- Secretary/ Reception
- 4 x Administrative Officers
- 1 x Accounts Manager
- 1 x communications officer

The current ground floor has 3 rooms which are used to serve all aspects of community support and outreach functions. These functions range from social counselling and outreach programs to educational functions in the form of occasional lectures to community members.

The proposed parking for these activities satisfies the regulatory requirements, however in reality the majority of people walk to the building as the facility services those in need that do not have access to motor vehicles.

4.3 Description of the site and surrounding area

The subject properties measure 461m² and 396m² respectively and is located in Thornton Road, adjacent to Klipfontein Road. The site is paved with a permeable fence all round.

Athlone is an area characterized mainly by residential and community properties zoned Single Residential 1 (SR); and Community Zone 1 (CO1) respectively. To the north of the subject erf is a commercial centre comprising of a service station and line shops. Most of

the surrounding erven are of similar size which ranges from approximately $\pm 500\text{m}^2$. None of the abutting properties are vacant, with several variations in the architecture of the residential structure/s.

Photo 1: Erf 33952 and erf 33967 Intersection of Thornton and Klipfontein Road



Photo 2: Erf 33952 Klipfontein Road intersection





Alternate view of the subject property.

4.4 Economic Impact

Both the Municipal Spatial Development Framework (MSDF) and the Cape Flats District Plan (CFDP) encourage public investment that will be a catalyst to urban regeneration in areas which have historically been marginalized and suffer from a severe lack of public investment. Within the Cape Flat District, these problems have been perpetuated as there has been little provision is made in terms of the allocation of appropriate space for community upliftment organisations and small businesses operating within the district. In addressing such issues both the (MSDF) and the (CFDP) promote appropriate land use intensification and a greater mix of compatible land uses within the district. This will encourage viable economic and social activities that will support the functionality of historically marginalized residential neighborhoods.

The proposed rezoning of Erf 33967 from Single Residential 1 (SR1) to General Business Subzone 1 (GB1) and related departure, not only complies with both the Metropolitan Spatial Development Framework (MSDF) and the Cape Flats District Plan (CFDP) but will also assist in alleviating the economic and social issues that affect the broader Cape flats district. This is because the activities on the subject property will not only provide the necessary social upliftment projects but also indirectly encourage an increase intensification of compatible land uses, which will stimulate private investment into previously marginalized areas of the city.

4.5 Social Impact

The City of Cape Town's Integrated Development Plan (IDP) provides the strategic framework that guides the municipality's planning over a five-year period. According to the City of Cape Town IDP, The City aims to increase opportunities by creating an economically and social enabling environment in which investment can grow and jobs can be created.

The rezoning of Erf 33967 complies with the City of Cape Town IDP as it will directly and indirectly increase public investment within Athlone which will encourage economic development, employment and access to professional services and in an accessible area. These types of activities will reinforce and further facilitate public investment by building inclusive, integrated and vibrant urban environments.

4.6 Compatibility with surrounding uses

The subject property is located in the predominately mixed-use suburb of Athlone where residential uses are mixed with an array of business uses including retail and community uses alike. The proposed consolidation and rezoning of Erf 33952 and Erf 33967 entails a complete revamp to the existing dwelling as it stands but the proposal blends very well with the surrounding urban environment. It must be noted that the property has been operating as an institutional office for a number of years, without any significant impact to the surrounding residential environment. The proposed consolidation and rezoning will regularize the use of the properties as an Institutional premises, a use which has had no significant impact on the surrounding urban form. Should the need ever arise; the subject property can be converted back to a residential dwelling.

4.7 Impact on safety, health and well and wellbeing of the surrounding community

The proposed Consolidation and Rezoning of Erf 33952 and Erf 33967 will only facilitate and regularize the use of the subject property as an Institution. It is therefore anticipated that there will be no negative impact on the safety, health and well and wellbeing of the surrounding community as no complaints have been received from the surrounding property owners and the City has not needed to serve notices of any kind for the activities on the property.

4.8 Impact on heritage

The proposed consolidation and rezoning of Erf 33952 and Erf 33967 does not trigger any clauses in the National Heritage Resources Act (25 of 1999).

4.9 Impact on the biophysical environment

The proposed consolidation and rezoning of Erf 33952 and Erf 33967 is to allow for the redevelopment and expansion of the current land use whereby upgrading the facility as it stands to allow for a more conducive work space and enable the institution to be able to function fully and from a well-equipped be well equipped to accommodate the use and ancillary uses of the institution. Erf 33952 holds a General Business Zone 1 (GB1) and the consolidation of Erf 33967 zoned as Single Residential Zone 1 (SR1) is to align the sites to have the same zoning for the operation of the use. The current Institution on the site has not had and will not have any negative impact on the biophysical environment and proof of this fact exists in the current state of the site which has no biophysical features.

4.10 Traffic impacts, parking, access and other related considerations

Erf 33952 and Erf 33967 is located at the intersection of Thornton and Klipfontein Road in the predominantly mixed-use suburb of Athlone. Both Pedestrian and vehicular movement will be available on both Thornton small Klipfontien Road, a service road leading to Klipfontein Road known as small Klipfontien Road.

The proposed development is expected to generate very few trips during the peak periods and is expected to have an insignificant impact on the surrounding road network.

The site is located in a Standard area but has the characteristics of a PT area which is defined as an area where the use of public transport is promoted, and Council considers the provision of public transport inadequate (PT1 area) / good (PT2 area).

The site is well served by public transport in the form of minibus taxis and Golden Arrow buses which frequent the Belgravia Klipfontein Road public transport corridors. Public transport is easily accessible and all public transport facilities are located within comfortable walking distance of the site. An alternative to public (and private) transport, is the ever-present on demand e-hailing taxi services such as Uber and Bolt shall improve accessibility to the site as an additional mode of transport.

The parking requirement for the property as an office is 4 bays per 100m² GLA, and the subject property has a GLA of 562.5m², requiring 23 parking bays for the Office component. The total required number of bays required is therefore 23 parking bays. There are 12 parking bays provided for onsite, a parking departure from 23 parking bays to 12 parking bays is therefore required. Additional offsite parking within the road reserve/service road is possible and will deal with the highly improbable case where overflow parking is required. However, the nature of the activity on site is such that very little traffic is generated. The primary purpose of the organization is of a community upliftment nature and many visitors arrive at the site on foot and this greatly reduces the potential for traffic congestion.

The minimum off-street parking requirement for the proposed development is 23 bays. An application is made for a parking departure of 11 bays less than the requirement. However, the parking provision is considered adequate to serve the needs of the proposed development given the nature of the land uses, its location, the available public transport services and surrounding on-street parking opportunities.

The site will gain access via two new carriage way crossings as depicted on the Site Development Plan. The one carriage way crossing is to be located in Thornton Road and will measure 7500mm in width the carriage way crossing will also be setback so as to align with the 8m street centerline setback it is also not located less than 10m from the corner of an intersection.

The second carriageway crossing is to be located in the service road known as small Klipfontein Road which leads to the Klipfontein Road intersection. The carriage way crossing will measure 5827mm in width. The carriageway crossings will be located more than 12m apart and complies with the minimum of 24m and 8.0m respectively.

The permanent departures will:

- Allow the existing parking ratio and status quo to be maintained. It is noted that no complaints have been received regarding any form of traffic problem.
- The position of the carriageway crossings on both streets allows for the flow of movement of vehicles to be spread and thereby reduces the likelihood of a traffic related problem arising from the activities on site.
- The departure also has no impact on the residential façade and interface conditions with the street.
- The proposed vehicle egress in reverse is not considered a safety hazard as per the evidence on site and the fact that no incidents have occurred thus far.

There is also existing potential for vehicles to temporarily park on the road reserve. These are safely located off street to minimize traffic congestion and not pose a safety hazard.

Section 99 Motivation

REZONING

SANZAF is a registered non-profit organization that provides humanitarian aid, education, and welfare services across South Africa. The organization seeks to establish a permanent administrative office on Erf 33952 to be consolidated with Erf 33967 to better serve the Athlone community. The current SR1 zoning of Erf 33967, restricts such use, necessitating rezoning to GB1.

Need and Desirability

- **Community Benefit:** SANZAF's presence will enhance access to social services, including food distribution, bursary administration, and counselling.
- **Operational Efficiency:** A centralized office will improve coordination of outreach programs and donor engagement.
- **Urban Integration:** The site is located near existing mixed-use developments and public transport routes, making it ideal for office use.

Spatial Planning Alignment

- **Municipal Spatial Development Framework (MSDF):** The proposal supports the MSDF's goals of promoting inclusive economic activity and optimizing land use in urban nodes.
- **Athlone Local Spatial Development Framework (LSDF):** The area is earmarked for densification and mixed-use development, which includes institutional and commercial functions.

Impact Assessment

- **Traffic and Access:** The site has adequate road access and parking potential. Office use will not generate excessive traffic compared to residential use.
- **Environmental Considerations:** No significant environmental impact is anticipated. The development will comply with all applicable building and sustainability regulations.
- **Heritage and Character:** The proposed office will be designed to respect the architectural character of the surrounding area.

Public Interest and Participation

- SANZAF has a long-standing relationship with the Athlone community. The rezoning will be subject to public participation, and SANZAF is committed to engaging transparently with stakeholders.

The rezoning of Erf 33967 from SR1 to GB1 is both necessary and desirable. It aligns with municipal planning objectives, enhances community services, and supports sustainable urban development. SANZAF's proposed office will be a valuable asset to Athlone and its residents.

CONSOLIDATION

The consolidation of Erf 33952 and Erf 33967 is intended to create a single, larger parcel of land to accommodate SANZAF's administrative offices and community outreach operations. This will enable more efficient land use, cohesive site planning, and improved service delivery.

Ownership and Legal Compliance

- Both erven are under the same ownership and share a common boundary, satisfying the legal requirements for consolidation.
- The application complies with the *Spatial Planning and Land Use Management Act (SPLUMA)* and the *Municipal Planning By-law*.

Need and Desirability

- **Operational Efficiency:** A consolidated erf allows SANZAF to design a unified facility with shared infrastructure, reducing costs and improving functionality.
- **Community Impact:** The consolidated site will support expanded services such as food distribution, education support, and welfare programs.
- **Urban Integration:** The location is well-suited for office and institutional use, with proximity to public transport and existing mixed-use developments.

Planning Alignment

- **Municipal Spatial Development Framework (MSDF):** Supports efficient land use and institutional development in urban nodes.
- **Athlone LSDF:** Encourages mixed-use and community-oriented development, which aligns with SANZAF's mission.

Infrastructure and Access

- Consolidation will enable better planning of access routes, parking, and utility connections.
- The larger erf will allow for compliance with building regulations and future expansion.

The proposed consolidation of Erf 33952 and Erf 33967 is both practical and beneficial. It supports SANZAF's mission, aligns with municipal planning policies, and enhances the delivery of community services in Athlone. The application is submitted in accordance with Section 99 of the Municipal Planning By-law and SPLUMA.

Departures:

Item 60(e): To permit the building to be setback between 230mm and 4.17m in lieu of 4.5m on Thornton Road.

The departure is sought to accommodate SANZAF's proposed office and community service facility on a constrained urban site. The reduced setback allows for a functional and efficient building footprint while maintaining compatibility with the surrounding built environment.

Site Constraints and Design Considerations

- The consolidated site has limited depth and irregular geometry, which restricts compliance with the standard 4.5m setback.
- The proposed setback variation—from 230mm to 4.17m—is necessary to achieve optimal internal layout and circulation.
- The building design incorporates architectural features that soften the interface with Thornton Road and ensure pedestrian safety.

Urban Context and Compatibility

- The proposed setback aligns with the existing building lines of adjacent properties, many of which are closer to the street than the prescribed 4.5m.
- Thornton Road is a mixed-use corridor with varied setbacks, and the proposal will not disrupt the streetscape rhythm or visual character.
- The building will maintain appropriate scale, articulation, and landscaping to ensure compatibility with the public realm.

Impact Assessment

- **Traffic and Safety:** The reduced setback does not impede sight lines or pedestrian movement. Adequate pavement width and visibility are preserved.
- **Environmental and Heritage:** No adverse environmental or heritage impacts are anticipated.
- **Neighbouring Properties:** The departure will not negatively affect privacy, sunlight, or access for adjacent sites.

Planning Policy Alignment

- **SPLUMA Principles:** The proposal promotes spatial efficiency, good design, and community benefit.
- **Municipal Spatial Development Framework (MSDF):** Supports compact urban form and optimal land use.
- **Athlone LSDF:** Encourages mixed-use and community-oriented development along key transport routes like Thornton Road.

The requested departure under Item 60(e) is modest, contextually appropriate, and essential for SANZAF to deliver its services effectively. It reflects a balance between regulatory flexibility and urban integrity, and aligns with the City's planning objectives.

Item 137: To permit 12 onsite parking bays in lieu of 40.

SANZAF proposes to develop a community-oriented administrative facility to support its welfare and outreach programs. Due to spatial constraints and the nature of its operations, the provision of 40 parking bays is impractical and unnecessary. A departure is therefore requested to reduce the requirement to 12 bays.

Operational Context

- **Low Parking Demand:** The facility will primarily house administrative staff and host occasional visitors. Daily traffic volumes are modest.
- **Public Transport Access:** The site is well-served by Golden Arrow buses, minibus taxis, and rail, reducing reliance on private vehicles.
- **Community Profile:** Many beneficiaries and staff use non-motorized or shared transport, consistent with SANZAF's inclusive and accessible ethos.

Site Constraints

- The consolidated site has limited developable area due to its geometry and the need to accommodate service areas, loading zones, and public interface spaces.
- Allocating space for 40 bays would compromise the building's functionality and reduce areas designated for community services.

Planning Policy Alignment

- **SPLUMA Principles:** Promotes spatial efficiency, sustainability, and equitable access.
- **Municipal Spatial Development Framework (MSDF):** Encourages reduced parking in transit-accessible areas and supports compact urban form.
- **Athlone LSDF:** Endorses mixed-use and community-oriented development with flexible parking standards.

Impact Assessment

- **Traffic and Safety:** The reduced parking provision will not result in congestion or unsafe conditions. Overflow demand can be managed through staggered appointments and nearby public parking.
- **Environmental Benefit:** Less paved surface area reduces stormwater runoff and heat island effect, supporting green infrastructure goals.
- **Neighbouring Properties:** No adverse impact anticipated; the site is not adjacent to sensitive residential uses.

The requested departure under Item 137 is reasonable, contextually appropriate, and aligned with SANZAF's operational model and planning principles. It supports efficient land use, promotes sustainable transport, and enables the delivery of vital community services.

Council's approval in terms of Item 141(b) of the Development Management Scheme to permit the loading vehicles to leave the site in reverse gear on Klipfontein Road.

SANZAF seeks approval for loading vehicles to reverse out of the site onto Klipfontein Road due to spatial constraints that prevent forward exit. This arrangement is essential for the continued operation of SANZAF's community support facility, which includes food distribution and goods delivery.

Site Constraints

- The consolidated site has limited depth and frontage, restricting internal circulation space for large vehicles.
- The geometry of the site and the building footprint make it impractical to accommodate a turning circle or looped exit route.
- The loading bay is positioned to optimize access to storage and distribution areas, but this necessitates reverse exit.

Operational Context

- **Low Frequency of Loading:** Deliveries and collections occur infrequently and are scheduled during off-peak hours to minimize traffic impact.
- **Vehicle Type:** The vehicles involved are typically small to medium-sized delivery vans, not heavy-duty trucks.
- **Trained Personnel:** SANZAF will ensure that all loading operations are supervised by trained staff to guide vehicles safely during reverse maneuvers.

Safety Measures

- **Signage and Markings:** Clear warning signs and road markings will be installed to alert pedestrians and motorists.
- **Controlled Access:** Loading will be restricted to designated times to avoid conflict with peak traffic flows.
- **Visibility:** The site design ensures adequate sight lines for drivers reversing onto Klipfontein Road.

Planning Policy Alignment

- **SPLUMA Principles:** Supports spatial efficiency and functional land use while ensuring safety and sustainability.
- **Municipal Planning By-law:** Allows for Council discretion under Item 141(b) where site limitations justify reverse exit and safety measures are in place.
- **Athlone LSDF:** Encourages community-oriented development and flexible planning responses to urban constraints.

The request under Item 141(b) is reasonable and necessary given the site's physical limitations and SANZAF's operational needs. With appropriate safety protocols and limited loading frequency, the reverse exit arrangement will not pose undue risk or disruption. Council's approval will enable SANZAF to continue its vital community services in a safe and responsible manner.

4.11 Title Deed Restrictions

There are no title deed conditions that prohibit the proposed rezoning and departure of the property concerned.

5. CONCLUSION

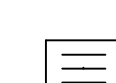
Based on the above assessment; it is concluded that the consolidation and rezoning of Erf 33952 and Erf 33967 will encourage socio- economic development in what is a historically marginalized area, without a significant compromise in the aesthetics or functioning of the surrounding urban environment.

As a result of the assessment above, it is recommended that the application for proposed consolidation of Erf 33952 and Erf 33967 be approved as well as the rezoning of Erf 33967 from Single Residential 1 (SR1) to General Business Zone 2 (GB1) to regularize the Institution be approved based on the following points:

- ☐ This proposal complies with both the Municipal Spatial Development Framework (MSDF) and the Cape Flats District Plan (CFDP);
- ☐ The subject property is located on the inside of the urban edge line;
- ☐ The subject property is located in an area designated for 'urban Development';
- ☐ The rezoning of the property will assist in regularizing office space with the already aligned operational land use to be consolidated with;
- ☐ The Land use provided will not essentially change the form of the residential fabric of the area, as the existing building structure can easily be converted back to residential without any physical alterations.
- ☐ There are no Title deed restrictions on the subject property that limit this development;
- ☐ It is envisioned that the proposal will have a no impact on existing rights since the nature of the activity is minor and unobtrusive and does not affect the rights of the surrounding owners.

Trusting the application will see a favourable outcome.

NOTES:

1. THE FIGURE A,B,C,D,E REPRESENTS
ERF 33952 CAPE TOWN AT ATHLONE
2. THE FIGURE E,D,F,G REPRESENTS
ERF 33967 CAPE TOWN AT ATHLONE
3. HEIGHTS ARE IN METRES.
4. HEIGHTS ARE ACCURATE TO 0,03m
5. HEIGHTS RELATE TO MEAN SEA LEVEL.
6. ALL HEIGHTS ARE APPROXIMATE.
7.  DENOTES LAMP POLE.
8.  DENOTES MANHOLE COVER.
9.  DENOTES TELEPHONE POLE.
10.  DENOTES SURVEY CONTROL POINT.
11.  DENOTES WATER VALVE.
12.  DENOTES TREE.
13.  DENOTES CATCH PIT.
14.  DENOTES WATER METER.
15. ALL SPOT HEIGHTS AND POSITIONS
ARE SINGLE MEASUREMENT AND ARE
THEREFORE SUBJECT TO ERROR,
ANY POINT USED AS A CRITICAL
DESIGN TIE POINT SHOULD BE
RECONCILED OR CHECKED.

M J GLUCKMAN

PROFESSIONAL LAND SURVEYOR

65 LIESBEECK ROAD

ROSEBANK

CAPE TOWN

7000

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DRAWING : MG1607

SCALE : 1 / 100

DRAWN BY: R. CASSIEM

DATE: 3 FEBRUARY 2025

SITE PLAN OF ERVEN 33952 AND 33967 CAPE TOWN

