



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500162830

**Erf 10762, 16 Dalham Road,
Constantia**

Development Management

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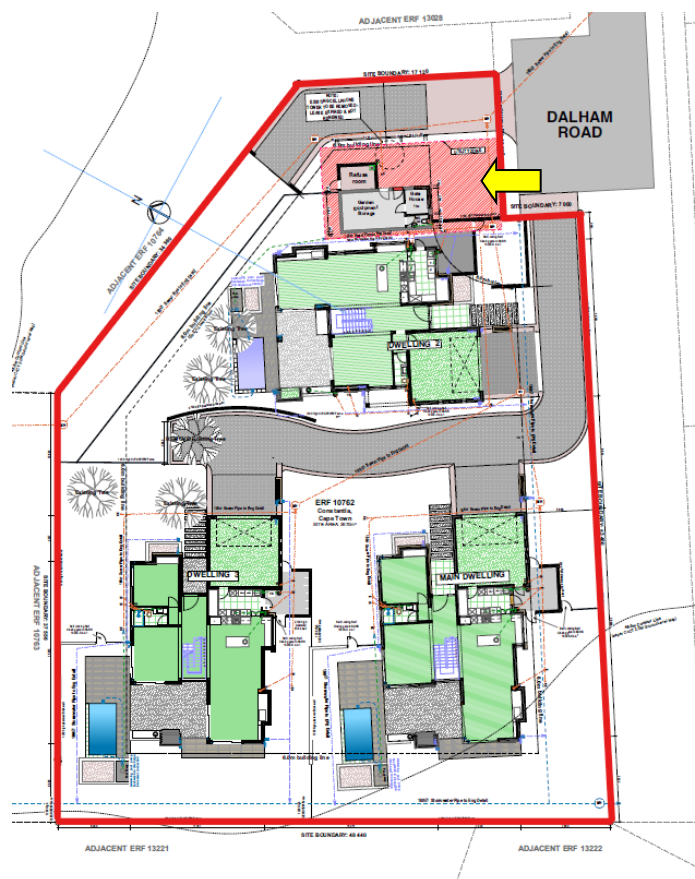
Ref: 11190



1. INTRODUCTION

Erf 10762 has a split zoning, with the bulk of the site being zoned Residential Zoning 1: Conventional Houses (R1) whereas a small portion (approximately 145m² in extent) is zoned Utility Zoning (UT). This report is submitted as motivation for the proposed rezoning of the UT portion to R1.

The portion zoned UT was required to accommodate a freestanding base telecommunication station (the “station”). The station is no longer required (the lease has been cancelled), and the tower and related infrastructure will be decommissioned and demolished. The existing “base station” building will be retained and used as an outbuilding in conjunction with the impending residential development on the property (three dwelling houses).



Site Plan

Site Plan of the property with the Utility Zoned portion indicated in red

The following application is made in terms of Section 42(a) of the City of Cape Town Municipal Planning Amendment By-Law, 2015, as amended ("the By-Law"):

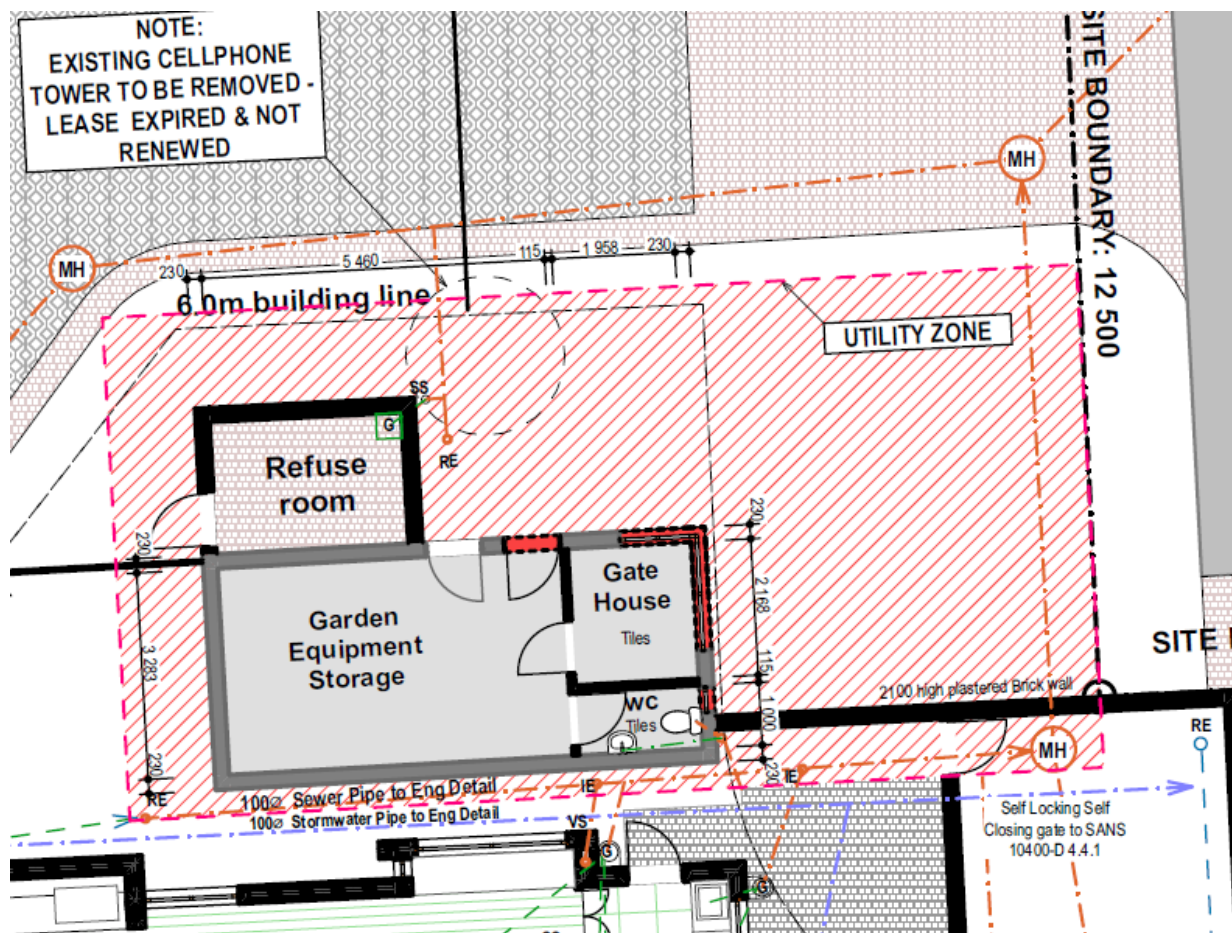
- 1.1 The **rezoning** of a portion of Erf 10762 Constantia from Utility Zoning to Residential Zoning 1: Conventional Housing (R1).

The following documents are attached to this report:

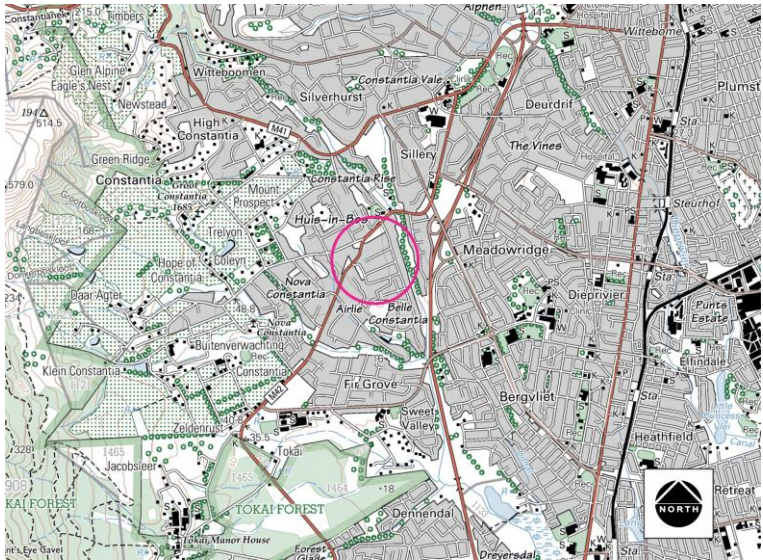
- Power of Attorney, Company Resolution, CIPC report
- Copy of the Title Deed
- SG diagram No. 8999/1993
- Proposed plan as prepared by **Cala Moller Argitek**
- Bondholder's consent (there is no bond registered over the erf)
- Application form

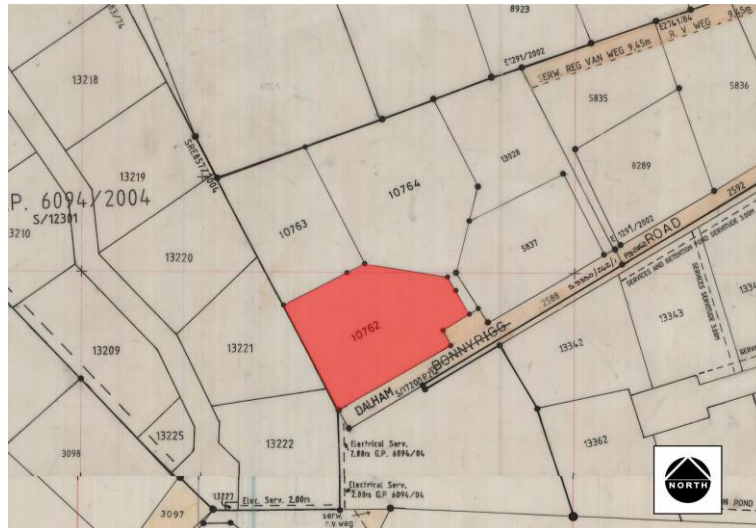
2. LOCALITY & PROPERTY PARTICULARS

The site is located at the end of Dalham Road (also referred to as "Remainder Bonnyrigg Road" on the SG diagram). It measures 2670m² in extent, and is currently zoned R1 and UT. The site is current vacant except for a freestanding base telecommunication station (on the UT zoned portion). The mobile tower and related infrastructure will be demolished (the lease has been terminated and will not be renewed). The building which housed the electrical will be retained and used for an outbuilding (e.g. gate house, toilet, garden store & refuse room) as part of the proposed residential development of this erf, as indicated on the extract of the proposed plan, below:



The locality map, aerial photo, zoning map (indicating the existing split zoning of the erf), and noting sheet of the property are below.





2.1 Title Deed and conveyancer's certificate

There are no restrictive conditions registered in the title deed which will be affected by or which will impact on the proposed rezoning. In the event, it is not considered necessary to submit a conveyancer certificate.

3. DEVELOPMENT PROPOSAL

As mentioned, the proposal is to rezone a portion of the property, which is zoned Utility Zone, to R1. The proposal is thus returning to the original full zoning of the property, before the current “station” was established and constructed.

The proposed conversion of the existing base station building for use as an outbuilding to the proposed residential development will not contravene any of the development rules of the R1 base zoning with respect to building lines, height, use, or floor space.

4. MOTIVATION

The Council must have regard to Section 99 of the By-Law when deciding on the proposal.

4.1 Policy

- The application complies with the MSDF and no deviation from it is required. The property is situated in the “Incremental Growth and Consolidation Area”.
- Given the nature of the proposal, namely to rezone a portion of the erf from Utility Zone to R1, it is not believed that the principles of the Provincial Spatial Development Framework (PSDF) or the MSDF apply in this instance. It will however enable the property to be utilised to its full potential – and more efficiently, for residential purposes.
- The proposal is not inconsistent with the Southern District Plan. It will enable the more efficient use of the property for a land use, i.e. residential development, which is entirely in character with and compatible with the surrounding land uses, which is also for residential purposes.

The proposal will not have any impact on the percentage of “hard surfacing” of the area (the existing building will be retained and simply re-purposed).

- The proposal is not inconsistent with the following applicable strategies and policies:
 - The Inclusive Economic Growth Strategy: it will ensure that the property can be developed more efficiently and by providing the necessary outbuildings to the proposed residential houses.
 - The Social Development Strategy: Due to the nature of the proposal it is not believed that the principles of this Strategy are relevant or affected in this instance.
 - The Environmental Strategy: The proposed rezoning and use of this portion of the property for residential purposes can be argued to have a positive impact on the environment as it is the result of the removal of the existing cellular facility, which is often believed to have a negative impact on the environment and the health and wellbeing of the community.
 - The Densification Policy: Due to the nature of the application it is not considered to be applicable in this instance.
 - The Transit Oriented Development Strategic Framework (TOD): No impact.

4.2 Desirability

The proposal is considered desirable for the following reasons:

- The proposal will ensure that the development of the property is in character with the surrounding built environment, as well as the surrounding land uses (which is all for residential purposes).
- Normally there is much opposition to land use applications (or proposals) to establish cell mast towers and related infrastructure. This was also the case in this instance when the existing Utility Zoning of a portion of the erf was proposed (there were objections to the then split rezoning). The proposal now is to un-do the previous rezoning and to return to a uniform R1-zoning for the entire erf. In light of the previous objections against the rezoning from the then SR1-zoned erf to Utility Zoning, the proposal should be seen in a favourable light by the neighbours, and as being desirable.
- The utilisation of the existing building as outbuildings to the residential development, is considered desirable as the outbuilding is ancillary to any normal residential development.
- The application complies with relevant criteria contemplated in the DMS; all necessary documents as required by the City are submitted with the application and the proposal considered desirable when assessed in terms of the adjudication criteria.
- There is no impact on existing rights. In fact, it is expected that the surrounding neighbours will welcome the proposal.

The proposal is also considered desirable with respect to the below:

4.2.1 Socio-economic Impact

The approval of the proposed rezoning of the relevant portion will ensure that the entire property can now be developed to its full potential, and will optimise the investment made by the owner. It will render an optimal development of the erf with three dwellings and ancillary outbuildings, as permitted by the DMS. This will have a positive economic impact.

If the relevant portion of Erf 10762 remains zoned Utility Zoning, this portion of the erf will effectively remain sterile and can not be used as part of the residential development (with respect to the primary right of the existing zoning).

At the same time, given that the proposal will have no external impact it means that that in itself will have a positive socio-economic impact on the neighbouring properties and the area.

4.2.2 Compatibility with Surrounding Uses

The proposal is considered to be entirely consistent and compatible with the surrounding land uses and zonings. The existing building (to be used as an outbuilding) complies with the building lines, height, floor space etc. as permitted in the DMS.

4.2.3 Impact on External Engineering Services

No impact. The proposal will have no impact on the approved right of way and services servitude which crosses Erf 10762 in favour of Erf 10763.

4.2.4 Impact on Safety, Health & Wellbeing of the Surrounding Community

Although unproven, there has always been a perception that telecommunication (cell mast) stations and towers may have a negative impact on the health of a community (e.g. because of radiation). The decision to cancel the telecommunication station's lease and to decommission the facility is therefore expected to be seen as having a positive impact on the "health and well-being" of the surrounding community.

4.2.5 Impact on Heritage

No impact.

4.2.6 Impact on the Biophysical Environment

No impact.

4.2.7 Traffic, Transport, Parking and Access

No impact.

4.2.8 Mitigation

It is not believed that it is necessary for any special conditions of approval be imposed.

4.3 **LUPA and SPLUMA**

The proposal is consistent with Section 59 of LUPA & Section 7 of SPLUMA (albeit in a relatively limited manner because of the specific nature thereof), as it will enable a more efficient, sustainable and environmental friendly use of the property.

5. **CONCLUSION**

The proposal is considered to be a very low-key and uncontentious one. The elimination of the existing Utility Zoning of a portion of the erf, the removal of the existing telecommunication station and tower, and the return of this portion to the R1-zoning (which is consistent with the remainder of the erf), is considered to be desirable.

There will be no impact on existing rights, and no negative impacts on the surrounding neighbours or the area. In fact, it is considered that the above will positively impact on the surrounding community.

The proposal itself and the result thereof will not be inconsistent with any approved Policies, Plans, or Frameworks.

The proposal is entirely compatible and in character with the surrounding built environment and land uses. The proposal satisfies the adjudication criteria in Section 99 of the By-Law, and accordingly Council is urged to **approve** the application.

TOMMY BRUMMER TOWN PLANNERS

[illegible]

Typical Grass Block

DEVELOPMENT DATA ERF 10762						
		SITE AREA	FLOOR SPACE	FSR		COVERAGE
SITE		2670 m ²				
	Max Allowed		Highest of 750 or 30%			30,0
MAIN HOUSE	Ground Floor		146,02 m ²	146,02	0,05	183,9
	Garage		42,2 m ²			
	Covered Patio		32,38 m ²			32,38
	First Floor		158,85 m ²	158,85	0,06	
	Balconies		29,3 m ²			29,3
Sub Total			408,75 m ²	304,9	0,11	245,6
HOUSE 2:	Ground Floor		132,41 m ²	132,41	0,05	187,5
	Garage		42,2 m ²			
	Covered Patio		31,55 m ²			19,1
	First Floor		163,49 m ²	163,49	0,06	
	Balconies		22,6 m ²			22,6
Sub Total			392,25 m ²	295,9	0,11	206,6
HOUSE 3:	Ground Floor		142,08 m ²	142,08	0,05	181,8
	Garage		42,2 m ²			
	Covered Patio		34,07 m ²			34,07
	First Floor		155,48 m ²	155,48	0,06	
	Balconies		29,3 m ²			29,3
Sub Total			403,13 m ²	297,6	0,11	245,2
EX. Utility Building			29,89			29,9
	Paving					25
GRAND TOTAL:			1204,13	898,3	0,34	752,2

