

PROPOSED SUBDIVISION, CONSOLIDATION AND CLOSURE OF PUBLIC PLACE: ERVEN 717, 718 AND 720 FIRGROVE AND ERF 1063 MACASSAR

Property Information

Erf numbers	717, 718, 720 and 1063
Allotment areas	Firgrove and Macassar
Street addresses	717: 14 Blend Crescent, Firgrove 718: 12 Blend Crescent, Firgrove 720: 721 Macassar Road, Firgrove 1063: 721 Macassar Road, Macassar
Extents	717: 1,3927ha 718: 1,9521ha 720: 1,2327ha 1063: 3,8326ha
Property Diagram	General Plan 3765/2008
Noting Sheet Extracts	M3001, M3006 & M3559
Registered Owners	Annenprop 5 (Pty) Ltd and the City of Cape Town Municipality
Title Deeds	Erven 717, 718 & 719: T8166/2009 Erf 1063: T24661/1977
Restrictive Condition(s)	None restrictive of proposal.
Subject to Servitudes	None.
Current Land Use	Vacant
Previous Approvals	- June 2008: phased subdivision and rezoning to establish an industrial development. Case IDs: 147121 and 151661 - March 2009: conditions amendment applications. Case IDs: 169075 and 177979 (formerly 174034)
Subject to any other legislation	National Water Act (Act 36 of 1998) and the National Environmental Management Act (Act 107 of 1998)
Special/ Conservation Area	Public places, erven 720 Firgrove and 1063 Macassar
Current Zoning	Erven 718 & 719: General Industrial Zone 1 (GI1) Erven 720 & 1063: Open Space Zone 2 (OS2)

Proposed Applications

Applications are submitted in terms of the City of Cape Town Municipal Planning By-law, 2015 ("the MPBL"), as follows:

- **section 42(d) of the MPBL for subdivision** of the four properties as shown on the proposed plan of subdivision (SW2124/SD v.2 dated 30 April 2021), as follows:
 - erf 717 into portion 1 ($\pm 1354\text{m}^2$) and remainder ($\pm 1,2573\text{ha}$)
 - erf 718 into portion 1 ($\pm 1527\text{m}^2$) and remainder ($\pm 1,7994\text{ha}$)
 - erf 1063 into portion 1 ($\pm 1379\text{m}^2$) and split remainder ($\pm 1,1194\text{ha}$)
 - erf 720 into portion 1 ($\pm 207\text{m}^2$) and split remainder ($\pm 3,8119\text{ha}$)
- **section 42(f) of the MPBL for consolidation** of the proposed portions into two new land units as follows:
 - Portions 1 of erven 717 & 718 into a new land unit measuring $\pm 2881\text{m}^2$
 - Portions 1 of erven 1063 & 720 into a new land unit measuring $\pm 1586\text{m}^2$

- **section 42(a) of the MPBL** for **rezoning** of the consolidated land units to general industrial zone 1 (GI1)
- **section 42(u) of the MPBL** for the **closure of a public place** in respect of portions 1 of erven 1063 Macassar and 720 Firgrove.

Draft Planning Motivation & Desirability

The industrial development rights are established and the subdivision has been confirmed. The motivation for the revision to the access route is twofold:

- Resolve a future conflict between industrial and residential traffic through the existing access to the development
- Unlock the potential of the development by providing access from a higher order road network.

Access to the development from Reeb Street also provides access to a City led informal settlement upgrade project numbering approximately 440 erven. Separation of heavy good vehicle traffic from this access point is desired because of the conflict of inevitable pedestrian and NMT users along this access route. A separate, dedicated access point will solve this conflict.

A purpose built access point from the higher order Macassar Road is anticipated to contribute to a more successful development which has seen moderate uptake in rights since approval in March 2009.

1.1. Consistency with the applicable spatial development framework (MPBL, section 99 (1)(b))

Only access re-layout is sought, no additional rights are necessary. The development is located in an incremental growth and consolidation area (ICG) and outside of any protected or conservation areas (see figure 1), the latter has been confirmed by the City’s biodiversity management branch.

Table 2 provides motivation, where necessary, in terms of the MSDF strategies and policies in support of its spatial vision and concept.

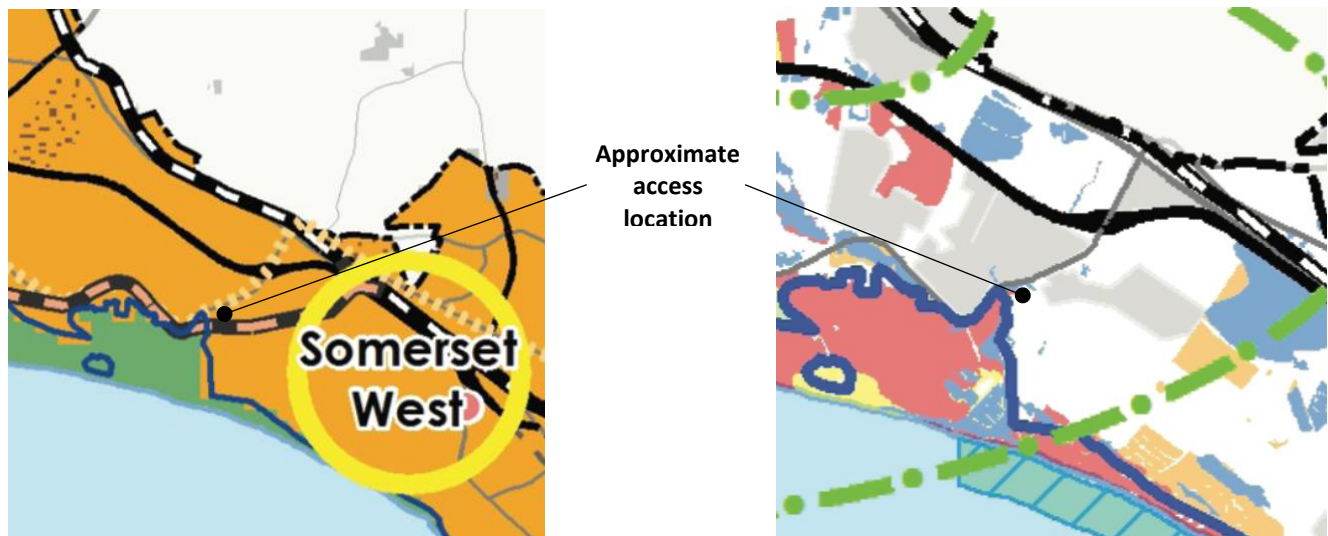


Figure 1: Extracts from MSDF consolidated spatial plan (right) and biodiversity network (left)

Table 1: MSDF Motivation

SPATIAL STRATEGY 1	
Encourage integrated settlement patterns	
P1. Support the intensification and diversification of land use in areas supportive of transit-oriented development	Revised access provides more logical and theoretically more successful entry point to the industrial development. Macassar Road is a future MyCiti trunk route.
P2. Ensure that development proposals provide an adequate and equitable	Not applicable: no new development

distribution of social facilities, recreational space and public institutions	
Transform the apartheid city	
P3. Redress existing imbalances in the distribution of different types of residential development, and actively pursue integration outcomes in future decision-making.	Not applicable: no new development
P4. Transform marginalised areas and informal settlements into economically and socially integrated neighbourhoods.	Development located next door to the “Deep Freeze” upgrading informal settlement programme (“UISP”). Relocation of access point improves safety of residential access by separating pedestrian and industrial movement routes.
P5. Encourage public/private partnerships to develop integrated human settlements and diversify housing delivery.	Not applicable: no new development
Support incremental development processes	
P6. Support incremental housing delivery methods and tenure in support of a single property market.	Supportive: DCs from new access project will fund upgrades of local infrastructure which in turn supports Deep Freeze UISP.
P7. Respond to informality by proactively addressing current regulatory challenges.	Not applicable: not in an informal settlement
Address spatial economic imbalances	
P8. Unlock employment-generating and livelihood opportunities within the city’s marginalised areas	Supportive: Projected success of approved industrial development will support employment generation and economic opportunity for local residents.
P9. Support private sector development initiatives in Integration Zones and areas of economic potential that are easily accessible from the city’s marginalised areas	Complies: the revised access will assist to realise the economic potential of the development. This has positive knock on economic benefit to surrounding areas which may be classified as marginalised.
Proactively support publicly-led land reform and new housing delivery	
P10. Identify land for land reform and publicly-led housing delivery programmes	Not applicable: no new development
Enhance the unique sense of place and quality of the built form of Cape Town	
P11. Promote quality urban design and contextual fit	Complies: the separation of industrial and residential transport routes constitutes good urban design.
Enhance the value of heritage resources and scenic routes	
P12. Identify, conserve and manage heritage resources, including cultural landscapes.	Not applicable: no new development
P13. Ensure access to and provide information about public heritage resources.	Not applicable: there are no public heritage resources on the site
P14. Create an enabling environment for urban regeneration that allows buildings and sites of historical and architectural significance to make a positive contribution to the economy and quality of urban life.	Not applicable: there are no heritage resources on the site

P15. Celebrate Cape Town's diverse historical legacies through urban form, architectural design, interpretive / information signage and, where appropriate, artwork.	Not applicable: no new development
P16. Provide positive spaces for cultural and social ceremonies and life-related events.	Not applicable: no new development
P17. Carefully manage land uses and interventions along identified scenic routes, and in places of scenic and visual quality.	Not applicable: not on a scenic route, not part of a scenic place or similar.
Promote accessible, citywide destination places	
P18. Provide efficient access to destination places where potential exists, especially in or near areas of high social need	Not applicable: site does not form part of a destination place that needs public accessibility.
SPATIAL STRATEGY 2	
Encourage a more compact form of development	
P19. Promote appropriate land use intensity	Not applicable: no new development
Make efficient use of non-renewable resources	
P20. Enable resource efficient development	Not applicable: no new development
Appropriately protect the citizens of Cape Town from risk areas/ activities/events	
P21. Direct urban growth away from risk areas/activities	Not applicable: No risk activity. Notwithstanding, the location of the industrial access away from residential dwellings reduces the overall safety and security risk.
P22. Discourage urban growth in areas at risk from natural hazards/coastal processes which are expected to be amplified by climate change impacts	Not applicable: no new development
Appropriately manage the development impacts on natural resources and critical biodiversity networks	
P23. Increase efforts to protect and enhance biodiversity networks at all levels of government.	Not applicable: site lies outside of an area of biodiversity significance.
P24. Reduce the impact of urban development on river systems, wetlands, aquifers, aquifer recharge areas and discharge areas.	Necessary WUL and environmental authorisations are in progress to ensure mitigation of impact on stream course.
P25. Does not apply to IGCs	
P26. Protect valuable agricultural areas, viable farmed areas and horticultural areas from urban encroachment, and support urban agriculture.	Not applicable: Not in an area of agricultural significance.
P27. Does not apply to IGCs	
Protect and enhance the city's rural environment	

P28. Does not apply to IGCs	
P29. Does not apply to IGCs	
SPATIAL STRATEGY 3	
Promote inclusive, shared economic growth and development	
P30. Does not apply to IGCs	
P31. Introduce land use policies and mechanisms that will support the development of small businesses (both informal and formal).	Not applicable
P32. Strengthen and improve access to existing business nodes through area-based interventions which are geared towards local assets and constraints.	Complies: More logical and efficient access to existing development is proposed which includes the split of industrial access from a nearby residential area. Macassar Road is a higher order local road, better serving the industrial access requirements than Reeb Road.
P33. Does not apply to IGCs	
P34. Promote regional economic planning.	Not applicable, as this is a function of the City of Cape Town.
Integrate land use, economic and transport planning and support the sustainable operation of the IPTN	
P35. Does not apply to IGCs	
P36. Ensure that new urban development is supported by appropriate public transport infrastructure and services.	Not applicable: no new urban development
P37. Include walking and cycling as essential components of land use planning.	Not applicable: no new urban development, industrial development is already established.
P38. Review parking policies to encourage use of the most context-specific and appropriate modal travel choice.	Not applicable: no new development
P39. Does not apply to IGCs	
P40. Does not apply to IGCs	
Support the development of economic gateways, and manage land uses around them appropriately	
P41. Does not apply to IGCs	
P42. Create and manage a functional interface between ports/harbours.	Not applicable

1.2. 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))

No departures are sought from the parameters of the development management scheme and therefore, the proposal does not trigger the provisions of the next subzone within a zone.

1.3. Compliance with any applicable spatial development framework (MPBL section 99(2)(a))

1.3.1. Consistency with the National Spatial Development Framework (NSDF), 2018

The National Spatial Development Framework concerns itself with the capitalisation of national spatial assets and opportunities as well as bringing about transformation at a national scale.

The industrial development exists and only access relocation is proposed. The principles of the NSDF need not be reiterated for development rights already approved.

1.3.2. Consistency with the Western Cape Provincial Spatial Development Framework (PSDF), 2014

The proposed development aligns with the three key objectives of the Western Cape PSDF:

Objective 1: Sustainable use of provincial assets

The industrial development exists and only access relocation is proposed. The principles of the PSDF need not be reiterated for development rights already approved.

In terms of policy statement R1 & R2 relating to biodiversity resources and water resources, the following is submitted:

POLICY R1: PROTECT BIODIVERSITY AND ECOSYSTEM SERVICES: The proposed bridge access spans a water course for which the necessary authorisations in terms of the National Water Act (Act 36 of 1998) and the National Environmental Management Act (Act 107 of 1998), are being sought.

The site falls outside of the Macassar Dunes East conservation area. However, according to the Western Cape Biodiversity Spatial Plan (2017) informed by the City of Cape Town Biodiversity Network (2017), the proposed new access road traverses an estuarine wetland, a degraded Terrestrial CBA 2 area, and a degraded Aquatic CBA 2 area.

An environmental assessment process has been initiated which identifies and address all potential impacts and risks. Moreover, the process identifies measures to avoid, minimise and manage these impacts and risks to ensure least impact on the environment.

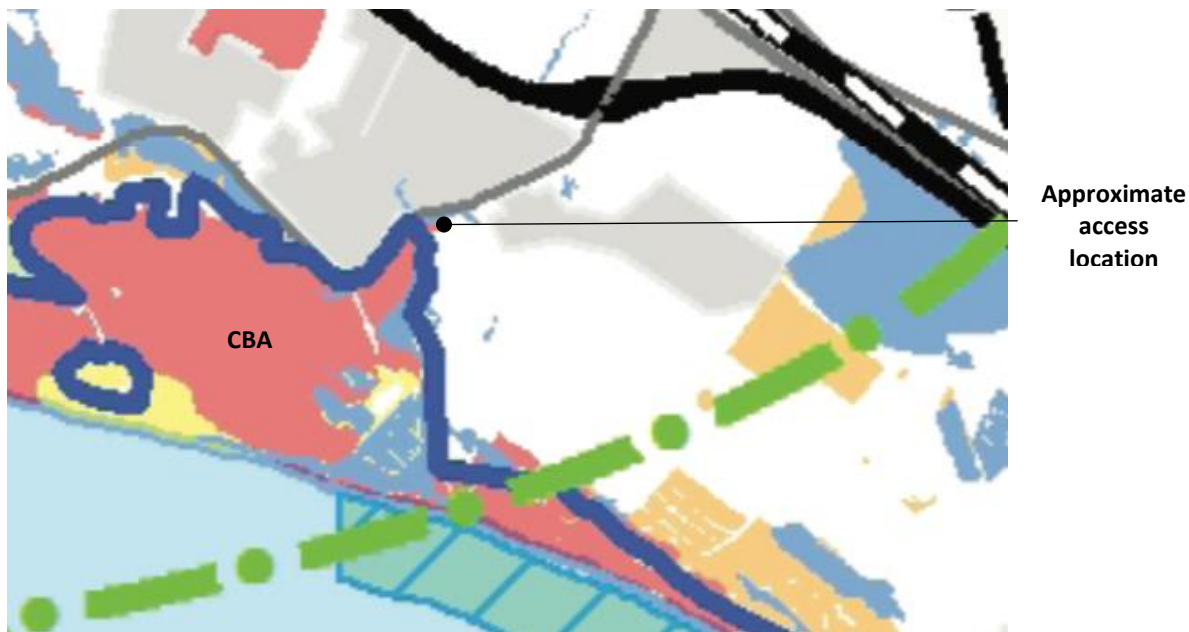


Figure 2: Extract from the CoCT biodiversity network (source: MSDF, 2018)

POLICY R2: SAFEGUARD INLAND AND COASTAL WATER RESOURCES, AND MANAGE THE SUSTAINABLE USE OF WATER: Management of the construction phase activities and implementation of the recommended mitigation measures will ensure least impact on the stream or any impact on existing flood lines.

Objective 2: Opening-up opportunities in the space-economy

A key component of this strategy is to reinforce the Cape Metro region as the Province's economic engine. Increasing the productivity of the land within the industrial development will contribute well to this strategy.

1.3.3. Helderberg District Plan, 2012

It should be noted that the district plans are currently under review with the view to bring these planning tools up to date with the 2018 MSDF. Until such time as the review of the district plans is concluded, the only statutory district plans are the 2012 approved district plans.

Only access arrangement is being amended by the application, and has the in principle support of Municipal departments. Given the land use rights of the industrial development are will have the opportunity to achieve a better uptake, the revised access configuration is deemed to have a positive impact in terms of the district plan.

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

No departures are sought, therefore the DMS criteria need not be consulted.

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

1.5.1. City of Cape Town Street Naming and Numbering Policy, 2014

The new road requires naming in terms of the Street naming and numbering policy. It is proposed to name the new road “Java Way” for which two new street numbers are also required, as set out below:

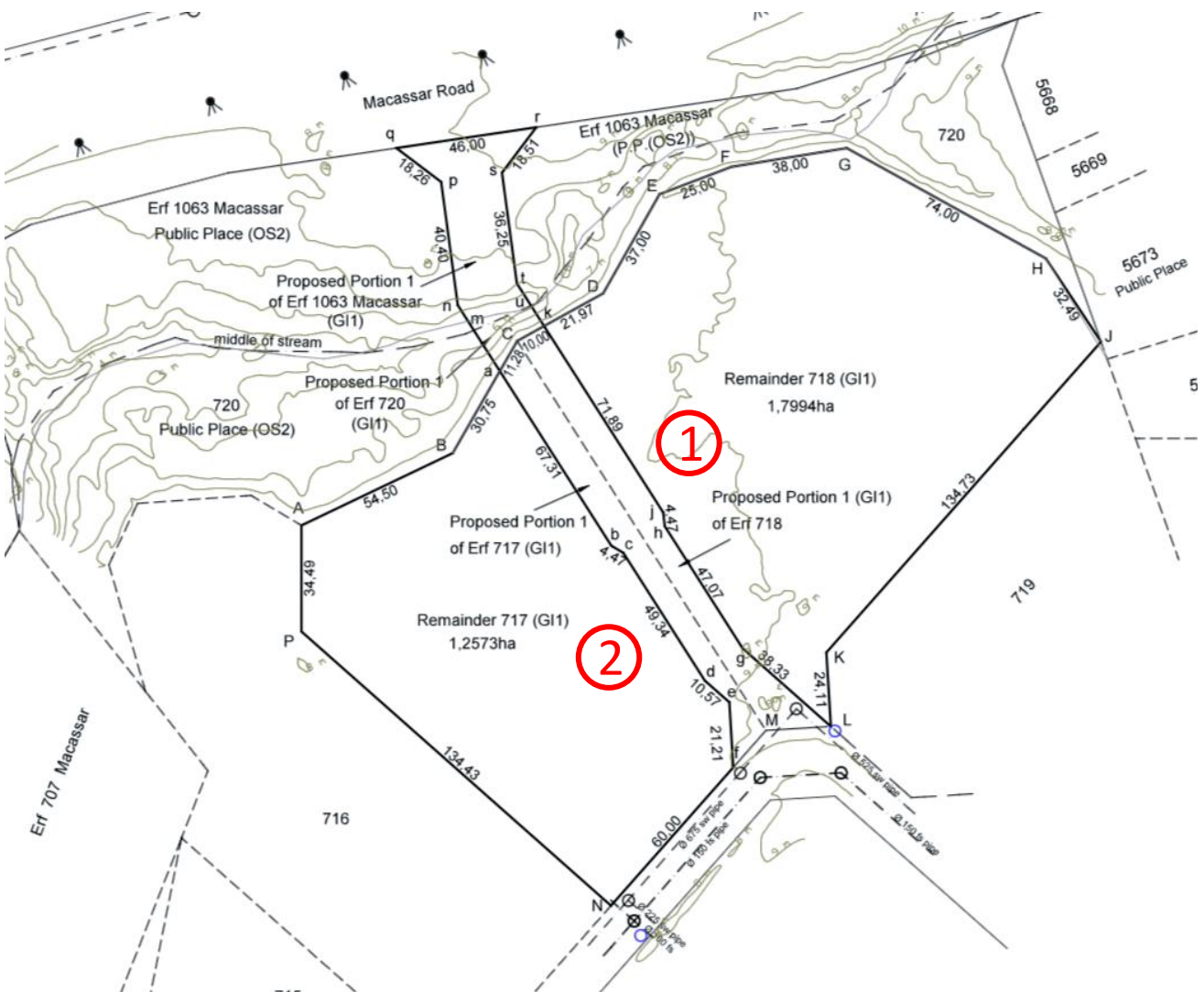


Figure 3: Proposed street numbering

1.6. Impact on Existing Rights (MPBL section 99(2)(e))

None.

1.7. Consolidations (MPBL section 99(2)(f))

As no development occurs as a result of the consolidations, the provisions of MPBL section 99(2)(f) do not apply.

1.8. Evaluation in terms of other considerations prescribed in relevant national or provincial legislation (MPBL section 99(2)(g))

1.8.1. Spatial Planning Land Use Management Act (SPLUMA) and the Western Cape Land Use Planning Act (LUPA)

Section 7 of the Spatial Planning Land Use Management Act (SPLUMA) and section 59 of the Western Cape Land Use Planning Act (LUPA) prescribe five 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:

Table 2: Motivation in terms of SPLUMA and LUPA

Principle	Response
(1) Spatial justice	By harnessing the potential of the approved industrial development with an improved access arrangement, the benefit will be felt in the neighbouring informal upgrade project when new local employment opportunities are made available.
(2) Spatial sustainability	The principle of spatial sustainability calls for the protection of both agriculturally and environmentally valuable land, whilst ensuring that land markets are well-functioning. Underutilisation of zoned land is unsustainable, which is the object of the application for a better access arrangement. The sites are located outside of agriculturally and/or environmentally valuable areas.
(3) Efficiency	The principle of efficiency dictates that optimum use of existing resources and infrastructure is ensured, and that negative financial, social, economic and environmental impacts are minimised. By providing a more logical access arrangement the uptake of industrial rights in the development will ensue, ensuring more efficient utilisation of land. The mitigation of impacts on the natural environment are dealt with as a function of the environmental authorisations and subsequent management devices.
(4) Good governance	The principle of good governance calls for an integrated approach to development. By tying the development to a higher order road network and splitting the industrial access from the Deep Freeze informal area upgrade project, the Municipality will be performing a function of good governance.
(5) Spatial resilience	The principle of spatial resilience calls for flexibility in spatial plans, policy and land use management systems to especially ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The addition of a better placed access point, which will contribute to the success of the development, exhibits spatial resilience in giving continued economic potential to the area.

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

The application has been submitted in reference to the prescripts and requirements of the MPBL.

1.10. Evaluation of Desirability (MPBL Section 99(3))

Socio-economic impact (99(3)(a)): Enhanced economic activity in an approved development will be the result of the improved access arrangement. Knock on socio-economic improvements in the local area are expected as a result.

Compatibility with surrounding land uses (99(3)(d)): Compatible, access to the existing industrial development is proposed.

Impact on external engineering services (99(3)(e)): No impact. Only an access road is proposed and no additional pull on infrastructural capacity other than the existing approved development will occur.

Impact on safety, health and wellbeing of the surrounding community (99(3)(f)): Only positive impact, the revised access will directly improve safety and wellbeing of the existing and future residents of the Deep Freeze residential area.

Impact on heritage (99(3)(g)): No impact.

Impact on biophysical environment (99(3)(h)): An environmental application is underway, including specialist studies and a water use licence application, which will address mitigation of any environmental impacts.

Traffic impacts, parking, access and other transport related considerations (99(3)(i)): Recommendations stipulated in the traffic impact statement have indicated certain road upgrades to account for the new access as well as background traffic volumes and future traffic volumes generated by the development. The Western Cape Government has been consulted in regard to access spacing and their guidelines are met by the access proposal.

Public and non-motorised transport modes are not affected by the revised access.

Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land (99(3)(j)): none