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CAPE TOWN
The City of Cape Town's Transport and Urban Development Authority

DEVELOPMENT MANAGEMENT

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BLUM022

2018-05-31

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FINAL NOTIFICATION LETTER

Dear Ms Bruk

PROPOSED REZONING, SUBDIVISIONS, CONSOLIDATIONS AND DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW IN RESPECT OF REMAINDER ERF 112657 AND REMAINDER ERF 112656, FOREST DRIVE EXTENSION THORNTON / PINELANDS (situated on the border of the two mentioned suburbs)

My previous correspondence dated 2017-10-17 and 2017-12-01 and the subsequent appeal(s) by the objectors refers.

I wish to advise that the appeals were **partially upheld and decision varied** as per the attached decision dated 2018-05-29 and that the process has therefore now been concluded.

Kindly note, this subdivision approval will lapse within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 55(1) [see footnote] of the MPBL.

Kindly note, this rezoning approval will lapse within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 47(1) [see footnote] of the MPBL.

Kindly note, this permanent departure approval will lapse if not exercised within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 47(1) [see footnote] of the MPBL.

Kindly also note where applicable, the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Accordingly, the decision may now be acted upon, subject to compliance with the conditions detailed in the letter dated 2017-10-17.

Yours faithfully

for **DIRECTOR: DEVELOPMENT MANAGEMENT**

MEDIA CITY BUILDING, 2ND FLOOR,
CNR ADDERLEY STREET AND HERTZOG BOULEVARD CAPE TOWN, 8001

APPEAL AUTHORITY IN TERMS OF SECTION 114(3) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015, AS AMENDED

Our Reference: 04/04/2018

To: The persons who submitted appeals
The applicant

NOTICE OF DECISION AND REASONS

APPEALS IN TERMS OF SECTION 108(1) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015, AS AMENDED, IN RESPECT OF A DECISION BY THE MUNICIPAL PLANNING TRIBUNAL TO APPROVE AN APPLICATION FOR SUBDIVISION, CONSOLIDATION, REZONING AND DEPARTURES IN RESPECT OF REM ERF 112657 AND REM ERF 112656, FOREST DRIVE EXTENSION, PINELANDS/THORNTON

A. INTRODUCTION

1. The persons who have submitted appeals are listed in Schedule 1.

2. The appeals are against a decision by the Municipal Planning Tribunal ("**the MPT**") to approve the application for:

   2.1. the subdivision of Remainder Erf 112656 and Remainder Erf 112657 into two portions each;

   2.2. the consolidation of Remainder Erf 112656 with the alienated portion of Erf 112657 (which will contain the Orthotic and Prosthetic Centre);

   2.3. the consolidation of Remainder Erf 112657 with the alienated portion of Erf 112656 (which will become the focus of the development application);

   2.4. the subdivision of the consolidated property referred to in paragraph 2.3 above into two "*superblocks*", being Portion 1 and Portion 2;

2.5. the rezoning of the superblocks from a Limited Use (LU) Zone to a Subdivisional Area comprising portions of land that will be zoned for Mixed Use Subzone 2 (MU2); General Residential Subzone 5 (GR5); Transport Zone 2: Public Road and Public Parking (TR2); and Open Space Zone 3: Special Open Space (OS3); and

2.6. a departure in respect of building lines above applicable to erven with MU2 zoning and a departure in respect of the height of the berm along the southern boundary of the proposed development.

3. The approvals were sought in order to develop a high density, residential-led mixed-use development on land that is owned by the Western Cape Provincial Government (the site of the previous Conradie hospital). The development will be phased, with 47% of the residential units constructed in the first phase and the remaining 53% in the second phase.

4. The details of the subdivisions, consolidations, rezoning and departures are set out in Annexure A as attached to the decision letter issued by the Directorate of Development Management on 17 October 2017.

5. From October 2015 a series of pre-application meetings were held between the applicant, the Province and the City to discuss various aspects of the proposed development and ensure that the City and the public are provided with the necessary information to properly assess the proposal.

6. From June 2016 various focus-group meetings were conducted by the Provincial Government in respect of the intended development of the precinct.

7. The development application was submitted on 29 September 2016 on behalf of the Western Cape Government's Department of Transport and Public Works. The application initially sought the closure of a public place, consolidation of erven, subdivisions, rezoning, the deletion of a title-deed condition, the realignment of the Elsieskraal River canal and departures. The application was advertised and an "*Open House meeting*" was held in October 2016. More than 600 objections were received.

8. The application was revised so that it no longer provided for the closure of a public place, no longer required the deletion of a title-deed condition, no longer required the realignment of the canal and no longer made provision for vehicular access via Odin Drive. It was advertised again and more than 700 further objections were received.

9. Various City and Provincial departments and officials also considered the application and offered no objection to the application. In their report to the MPT, dated 29 September 2017 ("**the MPT Report**"), the City's planning officials recommended that the application for subdivisions, consolidations, rezoning and departures should be approved, subject to conditions.

10. The MPT approved the application on 11 October 2017 in terms of sections 98 of the City of Cape Town Municipal Planning By-Law, 2015, as amended ("**the By-Law**") and granted the various approvals sought, subject to revised conditions. The appellants now appeal the MPT's decision.

B. DOCUMENTS AND RECORDINGS

11. The following documents were considered when determining the appeal:

    11.1. The report regarding this appeal, dated 12 March 2018, together with its various annexures:

        11.1.1. Annexure 1: the locality plan/public participation map;

        11.1.2. Annexure 2: the appellants' grounds of appeal;

        11.1.3. Annexure 3: the opposing party(ies)' comment on the appeals;

        11.1.4. Annexure 4: the MPT resolution and report (with annexures);

        11.1.5. Annexure 5: the decision letter issued;

        11.1.6. Annexure 6: the conditions to be imposed (as contained in the attached MPT report); and

        11.1.7. Annexure 7: the departmental comment on the appeal.

    11.2. The minutes of the pre-application meetings held in respect of the proposed development.

    11.3. A recording of the interviews and discussions at the meeting of the MPT when it convened to consider the application.

    11.4. The presentations and written representations submitted to my Advisory Panel when it convened to consider the application.

11.5. The recommendation and reasons from my Advisory Panel, dated 26 April 2018, together with an extract from the minutes of its meeting held on 20 April 2018.

C. APPEAL PROCEDURES

12. After all of the relevant information was obtained and considered, the appeals were considered in terms of the following process:

12.1. The appeals served at a meeting of my Advisory Panel held on 20 April 2018.

12.2. The Advisory Panel heard oral representations from interested parties.

12.3. The Advisory Panel recommended that the appeals be dismissed and that a new condition be included.

12.4. The recommendation and reasons from the Advisory Panel were placed before me for consideration.

D. FORMAL REQUIREMENTS

13. The appeals were submitted timeously.

E. GROUNDS OF APPEAL

14. A summary of the appeal grounds is set out below. To the extent that any appeal ground is not specifically listed such ground was not disregarded or ignored. Rather, I am satisfied that it has been sufficiently dealt with by the City's officials, the MPT and/or the Advisory Panel and I adopt the reasoning of those individuals and/or entities in rejecting the ground of appeal.

15. The appeal grounds may be summarised as follows:

15.1. The ratepayers' associations that have appealed are not opposed in principle to the development. However, they require certain aspects thereof to be reconsidered. Key aspects of the proposed development, and important policy guidelines, require further attention.

15.2. The public-participation process was flawed and residents have not had the opportunity to follow the process in an open manner. Insufficient time was given to consider the proposed development and comment on the application, which required "*ample opportunity*". Interactions with the

authorities was merely a "*tick-box*" exercise with no meaningful engagement or real participative planning – members of the public were merely informed about what had already been pre-decided. The comments and concerns of residents were not taken seriously or were ignored. Attempts to consult with the planning team have been rejected.

15.3. The proposed link between the development and Odin Drive was only heard after an urgent request for intervention by the Premier of the Western Cape Province.

15.4. In terms of the Local Government: Municipal Systems Act of 2000, the City should encourage participation in municipal affairs and provide for consultative sessions. However, sufficient time was not given to affected parties to be able to gather the necessary information about the proposal and its wider impact on existing and future communities (one week was given to view the detailed responses while the applicant had four months to draft its response). Furthermore, as most affected parties are laymen, insufficient time was given to be able to consult with stakeholders and professional advisors.

15.5. Despite the focus-group meetings, open day and request to comment on the application, no other opportunities were given for meaningful input.

15.6. Not all parties who objected to the application were informed of their right to appeal. Certain plans were changed without informing the public – originally a plan included schools but this was subsequently removed without public consultation.

15.7. The MPT misapplied the City of Cape Town Densification Policy:

15.7.1. The MPT incorrectly applied the guidelines. The proposed development is not appropriate given its surrounding context, even though there should be some increase in density and intensity. The MPT did not correctly apply the guidelines relating to the suitability of the land for intensification, including the surrounding land-use character, access to public transport and proximity to places of employment.

15.7.2. Access to housing finance for households earning R3,500 – R10,000 per month is "*extremely limited and many of them are forced into*

the affordable rental market." The demand for affordable housing is greatly outstripping supply. The City should ensure that low- to middle-income households are not left destitute. The proposed development should have a 4-storey maximum for the Social Housing units and up to 7 storeys for market housing. However, the proposed development will be yet another case where "*poor people*" are subjected to "*inappropriate housing development*".

15.7.3. It is not disputed that there is a need for social housing to be provided at scale with higher densities. The extent and manner of the densification of the proposed development is concerning. Contextual informants should determine the form of the development on the site.

15.7.4. Densities on the site cannot be increased to justify financial viability. 50% of the project will be subsidised by the government, whereby R450 million will be available for the development. Given the extent of the subsidisation, the anticipated unit sizes and the limited number of units that will be made available for "*the lower-end of the rental market*", there will be sufficient cross-subsidisation and lower densities are therefore viable.

15.7.5. Financial viability is not a relevant criterion under the By-Law.

15.7.6. The over-densification of the proposed development may destabilise the surrounding communities by placing undue stress on available infrastructure and lead to the "*risk of the development becoming a gang infested slum*".

15.8. The MPT misapplied the City of Cape Town Social Development Strategy ("**the SDS**"):

15.8.1. The location of the proposed development within an existing area must be encouraged so as to improve access to opportunities, reduce congestion and reduce commuting hours.

15.8.2. However, the subject property is physically isolated due to Forest Drive Extension bridge, Maitland and Jewish Cemeteries, the railway and the Elsieskraal River canal etc. This isolation curtails accessibility

to surrounding opportunities. There should not be reliance on "*access to a very doubtful public transport system*"; rather, the focus should be on accessibility of existing employment. There needs to be infrastructure to support "*more local travel such as footpaths, bicycle routes and local public transport*". There is a need for the provision of facilities within the development itself.

15.8.3. The proposed development will have a negative impact on the surrounding community and the recipient community.

15.9. The MPT incorrectly assessed the desirability of the application.

15.10. The proposed development is not compatible with the surrounding residential area and is not appropriate within its context. The development will be medium to high-rise residential while the land use of the surrounding area is low-rise residential (with the exception of the areas closest to Thornton Station (3-storeys) and at Anfield Village (3-storeys)).

15.11. The proposed development is representative of typical development within the Voortrekker Road Corridor Integration Zone and this zone has been identified by the Spatial Development Framework Review Draft as having "*been negatively impacted by urban decay and is in need of structured management approaches*". The Densification Policy provides that target locations for densification are "*generally near the activity street*", Forest Drive Extension being the activity street in this instance. The policy, however, suggests a density guideline of 35-100 dwelling units / hectare (net) and "*townhouses – four storeys*" along activity streets. As the highest building of the proposed development will be 25 metres high, this is inconsistent with the policy.

15.12. The Densification Policy requires adequate consideration to be given to the "*affordability of the product and compatibility of the intended market and/or product with the surrounding local communities*". The MPT failed to take into account that previous multi-storey developments in low-income areas have not had a good track record and have become associated with "*negative social impacts*".

15.13. The uncertainty surrounding the provision of schooling facilities for the proposed development has a negative impact on the safety, health and wellbeing of the

surrounding community. Provision is only made for private schools in the development. According to the applicable guidelines, there should be at least 1 secondary and 2 primary public schools within the proposed development. Even if these goals cannot be met, there cannot be no provision at all for public schools. There is a discrepancy between the applicant's motivation and the MPT Report: the Western Cape Education Department ("**WCED**") refers to increased capacity in existing schools while the applicant indicates that the proposal will accommodate schools.

15.14. There will also be insufficient non-educational facilities, which will negatively impact the surrounding community. A community hall and a sports field cannot serve the recreational needs of 11,000 people in an enclosed development.

15.15. The private schools that will be provided may be inaccessible to the families living in the grant-funded housing. The children of such families will have to commute to public schools further away from Conradie, leaving home earlier and arriving later. *"Once again the poor will be at a disadvantage"*, which is in conflict with the *"Better Living Model"*.

15.16. Pinehurst Primary School, Pinelands North Primary School and Pinelands High School have no capacity for additional learners.

15.17. The deviation from the prescribed open spaces for children to play will have a negative impact on the wellbeing of the community.

15.18. The *"inner City is over run with vagrants at night"*. This low-cost housing project will exacerbate the problem as the City has failed to manage the situation in the inner City and the Epping Informal market.

15.19. There are limited evacuation routes within the proposed development, which will severely compromise safely should an emergency materialise.

15.20. The issue of parking within the proposed development is a point of concern. The City's parking requirements are contained in Chapter 15 of the By-Law, while off-street parking requirements are contained in Section 137.

15.21. When the site was still considered to be located outside of the demarcated PT2 area, a total of 8,177 parking bays was required. Should the PT2 requirements

for parking be applied to the proposed development, a total of 3,847 parking bays will be required. This is well above the number of parking bays that the proposed development will accommodate. The proposed development's parking provision is inadequate and discriminatory against low-income earners, who also need their own transport. The ultimate decision on parking will be left to the developer.

15.22. The MPT Report states that the proposed development is planned to promote the City's Transit Oriented Development ("**TOD**") strategy as it encourages higher densities on well-located land parcels in close proximity to public transport. It is further motivated that the reduced number of parking bays is consistent with this policy as "*already more than 50% of people in the city commute by public transport and this is likely to increase.*" However, the Development Bank of Southern Africa's 2007 study has established that vehicle ownership increases where household income exceeds R3,000 per month. The Western Cape has the highest average car ownership per household in South Africa at 0.6 cars per household. Statistics South Africa indicates that 45% of households in Cape Town own a car and "*in households where income exceeds R6,000, 82% have access to one or more cars.*" Provision should be made to accommodate these trends and it would be "*foolhardy*" to do otherwise.

15.23. Encouraging the use of public transport is not challenged. However, a reduction in the use of private vehicles does not directly translate to a reduction in the ownership of private vehicles. These vehicles will need parking bays when not in use. The age groups likely to reside in the proposed development are "*known for seeing car ownership as a status symbol, and although they will be encouraged to use public transport for their daily commuting, it does not diminish their desire to own their own private vehicles.*"

15.24. The Densification Policy recognises the need for alternative provisions where parking requirements are reduced for higher density. No provision is made within the development to accommodate additional parking should the need arise.

15.25. A more responsible approach would be to reduce the number of households – this will achieve a positive impact on the carbon footprint. By designating this site as a PT2 area, the City has abdicated its constitutional mandate to ensure a "*sustainable and workable living environment.*"

15.26. Given the density of development on the site, there is no design flexibility should parking requirements turn out to be greater than anticipated. It will be a further issue if people are unable to park where they live, as vehicle safety needs to be considered.

15.27. The National Development Plan prioritises the transformation of human settlements, the restructuring of spatial divides and addressing inequality and economic efficiencies. This is to ensure human settlements that are "*liveable, equitable, sustainable, resilient and efficient*".

15.28. The proposed building height of 8 – 9 storeys is not in keeping with the surrounding areas and will create a "*prison feel*" for the residents. The proposed development's building height should therefore not exceed 4 storeys.

15.29. The proposed density of 3,605 units will house an estimated 11,000 people on 22 hectares (0.22 square km), which is excessive. Rather, the number of dwelling units should be reduced from 3,605 to 2,500. The affordable rental housing on the Mupine Golf Estate was not taken into consideration during the planning of the proposed development or when the Traffic Impact Assessment was conducted. Existing schools already cannot accommodate the children in the area.

15.30. 40 square metres as the minimum size of a unit will lead to social pathology, as has been witnessed in previous high-density, small-unit developments. The minimum size should be 50 square meters.

15.31. The departure for a reduced ratio of 0.5 parking bays per unit should be replaced with a parking ratio of one bay per unit, with a multi-level parking garage of not more than 4 storeys, thereby freeing up land for more green open spaces and recreational facilities. Car usage should not be restricted and is required for emergency and other non-work purposes. Anfield has a parking ratio of one bay per unit and even this is not sufficient – excess vehicles are parking on Forest Drive Extension.

15.32. The building line of 4.5 metres should be retained.

15.33. Alternatives 2 (Direction Ramp) and 3 (Elevated T-junction) of the proposed routes into Voortrekker Road (as viable options for the Aerodrome Road) will add to the traffic as people who previously used Jakes Gerwel to go to Epping

will use this connection as a shortcut. Option 1 (Quarter loop) will be preferred as it creates additional entry and exit points for the proposed development. However, this is conditional on Aerodrome Road linking with the N1 in order to alleviate traffic from Voortrekker Road. This should be in place prior to the construction of other roads and units. In the past, graves have been moved to accommodate roads.

15.34. The proposed road upgrades will compound traffic problems and will not have the desired outcome.

15.35. There should be no inclusion of a liquor outlet as part of the retail uses, which would be in keeping with Thornton and Pinelands.

15.36. There should be no removal of any mature trees from the site and a landscaping plan of current trees and proposed planting is requested.

15.37. The MPT and the Provincial Government should have done an on-site visit with objectors.

15.38. The well-being of the community will be greatly impacted as there is not enough space for 11,000 people to live in a safe, healthy and relaxed environment. The proposed development risks degenerating into a slum. There must be recreational, shopping, schooling and social facilities.

15.39. Traffic and parking impacts will compound problems already experienced. Consideration must be had for the different uses and parking requirements. Forest Drive already has in excess of 2.5 million car uses per month. Public transport has deteriorated since the plans were made, especially Metrorail. Existing transport infrastructure is a disaster.

15.40. Public transport needs to be in place, functional and capable of carrying additional capacity before the first residents arrive otherwise they will be isolated from their place of work and be forced to get "*motorised transport*". There needs to be a "*local link*" criterion for residents working in Epping, Pinelands and Thornton to avoid the pressure on residents of getting their own motorised transport. The emphasis on residents not having their own vehicles requires reliable, comfortable and affordable public transport as well as available work within a moderate distance.

15.41. The construction of the link road to Voortrekker Road should take place sooner than specified to offer relief to traffic volumes and capacity. This would then allow a "*simple through traffic*" for the "*heavy plant*" needed for the proposed development.

15.42. The proposed plan to have an outer ring of 9-storey blocks and an inner of 4-storey blocks will result in a loss of light and privacy for the inner blocks as they are "*put in the shade*" and "*looked down upon*". It would be a more egalitarian approach to have these blocks at the same level. Furthermore, the older people and people with young children should be allocated place on the ground floors.

15.43. There is very limited open space on ground level and, with the population density of the proposed development, this will lead to a high degree of friction. This may be partly alleviated by providing more open space on roofs for activities such as a jogging track, garden areas, braai areas etc.

15.44. Alternate methods for obtaining water or the use of non-potable water for landscaping must be strongly explored and considered given the current water crisis.

F. RESPONSE TO THE APPEAL

16. The applicant responded to the appeals as follows:

16.1. The proposed development is an example of the Better Living Model.

16.2. The public-participation process was open, transparent and consistent with the By-law. There were question-and-answer sessions and meetings with ratepayers' associations and representatives of the cemeteries, which led to a review of the initial plan to extend Odin Drive. The amended application was advertised and objectors had 38 days to respond instead of the usual 20 days. A public meeting was held. There was significant awareness of the issues given the large number of responses received to the application.

16.3. The Densification Policy is only one of the relevant guidelines; the TOD Strategic Framework ("**the TODSF**") must also be considered.

16.4. The surrounding land uses are not predominantly single residential: they include an industrial area, a cemetery, 3-storey apartments, a 10-storey commercial

facility, a railway line and a large bridge. There is at least 100 metres between the proposed development and the next suburb to the west. The portion of the proposed development that will border residential dwellings in Thornton is 23 metres away from those dwellings and has been reduced to 4 storeys. Furthermore, the proposed development is within walking distance of two railway stations and a future bus route (the Voortrekker corridor).

16.5. Low-rise buildings in the area do not justify limiting the height of buildings within the proposal. Furthermore, the sight-lines between the tall buildings in the Conradie development and the houses in Ringwood Drive are mitigated by distance and tree-lining.

16.6. The proposed development is in line with the Densification Policy and cognisant of the context.

16.7. The Table Bay District Plan ("**TBDP**") refers to the project site as a strategic site in order to –

16.7.1. allow for a medium- to high-density mixed-use neighbourhood with a significant housing component and employment opportunities;

16.7.2. link open-space provision in the precinct to the revitalisation of the Elsieskraal River canal;

16.7.3. provide social facilities that benefit the precinct and the adjacent residential areas; and

16.7.4. improve road connections to the site by providing new linkages to Voortrekker Road and across the canal to Viking Way.

16.8. The unit costs are not the only consideration for determining the financial viability of the proposed development: it will also entail substantial development contributions that will benefit the entire area.

16.9. The proposed development is not in a low-income area – social housing will occur alongside the open-market housing (accommodated in the taller units). Precedent exists for 4-storey units being successfully managed as social housing in both Cape Town and Johannesburg. Furthermore, past and present failures in housing projects did not result from their height, but from a range of social and economic issues. The purpose of the proposed development is not to

provide free housing but to provide working individuals who were previously excluded from the market an opportunity to live close to work and public opportunities.

16.10. In order to achieve the desired higher densities and adequate open space, it is necessary to have a maximum building height of 8-9 storeys for some of the structures in the precinct.

16.11. It is more cost effective developing 4-5-storey walk-ups and other higher buildings with lifts. Cost efficiency is an important factor in ensuring viability and enabling the provision of facilities proposed within the development. Affordable housing in dense environments is not new in South Africa. Furthermore, compliance with the City's Urban Design Guidelines will ensure that open space is maintained and that no one is "*looked down upon*".

16.12. There is currently a housing backlog of 450,000 households, excluding housing needs of foreigners and individuals who do not qualify for subsidised housing. It is incumbent on government to address these issues where it can to overcome the spatial injustices of the past. Furthermore, a land audit has revealed that there are very few State-owned, inner-city, well-located, unencumbered land portions that could be developed for this purpose. Promoting smaller projects would be inefficient.

16.13. The suggestion of the reduction in numbers from 3,605 to 2,500 proposed units does not appear to be based on any scientific or stated reason. A reduction to 2,500 units will render the development financially unviable, bearing in mind that the cost of the enabling infrastructure (such as the Aerodrome Extension) has to be borne by the development.

16.14. Although the proposed development will be within walking distance from the train stations and will have a non-motorised transport route link to Thornton, it is separated from the immediate neighbouring residential suburbs by the surrounding context. Hence the importance of internal amenities – such as schools and recreational areas – that will be open to the public at large.

16.15. Two independent primary schools have been proposed as part of the development. For pupils who have to commute to surrounding schools, the commute will be short. The WCED has stated that where there is a demand for

public schooling in the area, capacity of the existing schools will be increased as opposed to building new ones. Although the Pinelands schools may be at their full capacity, pupils from outside areas have been accommodated as well. In terms of applicable policy, residents will have to be accommodated before such pupils and Conradie residents will be given preference. The broader Pinelands, Thornton, Maitland and Kensington areas have been investigated by the WCED and certain schools have been identified where expansion would be possible. Independent schools can also apply to the Province for subsidies to augment school fees so as to promote affordable inner-city living.

16.16. Clinics within the surrounding area appear to be sufficient to cater for the needs of the proposal, subject to additional staff being appointed. Further demand will be assessed as the need arises. Provision for doctors' consulting rooms will be made within the development.

16.17. According to the Summary Guidelines by the CSIR in 2010, a total of 0.96 ha of open space / sports facilities per 1,000 people is required. The proposed development provides 1.47 ha of open space per 1,000 persons, exceeding the open space requirements of the City. Provision will be made for a community-hall facility and an indoor sports facility.

16.18. Density is not the direct cause of crime and safety issues. Rather, an unsafe environment is created through poor design and ineffective control mechanisms in place. The proposed development will have a high-level of urban management regulated through Social Housing Institutions, Body Corporates and Home Owners' Associations. There have been discussions between the Western Cape Government, the South African Police Service and local security companies to establish appropriate security in the development.

16.19. Good public transport, expensive and limited availability of parking, and the availability of various amenities at walking distance from the development will make car ownership less attractive. The use of public transport may have an important impact on urban congestion.

16.20. The proposed development is consistent with the TODSF in that it is in close proximity to public transport routes and facilities. The development will be supported by the roll-out of the MyCiTi bus service and extension of the Golden

Arrow Bus Service routes, PRASA's planned roll-out of new trains and improvements to the Mutual and Thornton stations. More than 50% of the City's residents already use public transport. There are a growing number of options for non-commuting travel such as taxis, Uber, non-motorised transport and ride share. The proposed development will include the construction of dedicated pedestrian and cycle routes and facilities between the Conradie site, bus stops, local train stations and surrounding neighbourhoods.

16.21. The sustainability of public transport and associated facilities within a metropolitan area will only be achieved at higher densities and the proposed development on its own will not compensate for the very low-density neighbouring suburbs, but will significantly improve the urban efficiency of the local area.

16.22. The reduction in parking provision is also consistent with the TODSF, as 50% of the development will be grant housing, where households that generally cannot afford a private vehicle would benefit from the nearby public transport. This notwithstanding, the Provincial Government is committed to providing a minimum of 0.5 parking bays per residential unit, with 90% shared parking with retail and commercial bays.

16.23. The proposal will create an integrated living environment to live, work, play and learn within or close to the development. There will be a strong drive to market the development to businesses in the area and to encourage a high-level of occupation by people who already work in the area, further reducing the need for private cars.

16.24. Ensuring that lower blocks are allocated to more senior citizens is not something that can be addressed at this high-level planning stage of the development. Nonetheless, it is common practice among the Social Housing Institutions to allocate the ground floor units to the elderly.

16.25. A traffic impact assessment was not done for Mupine Golf course as it is the responsibility of each project to calculate its impact and for the City to evaluate the combined impact.

16.26. Alternative 1 in respect of the Aerodrome Road (the Quarter loop) will not be a viable because: it is the less effective option in terms of integrating the site into

the larger road network; it removes an excessive amount of land from the Jewish Cemetery; it has an unacceptably high impact on the Jewish cemetery and heritage resources; and it has the highest adverse noise and visual impact for Thornton residents. It is also inaccurate to say that it will provide additional access to the proposed development. Alternative 1 will also not reduce the number of traffic lights on Forest Drive as there are still two required.

16.27. Option 3 remains the most desirable, effective and beneficial option in respect of the Aerodrome Road.

16.28. It is unfair to expect public-transport infrastructure to be in place before the densification of the proposed development as thousands of households seeking to live in better locations will have to wait until it is resolved. The process has to occur simultaneously.

16.29. The first phase of the development will require upgrades to the following road networks:

16.29.1. Forest Drive/Ringwood intersection;

16.29.2. Forest Drive/Jan Smuts intersection;

16.29.3. Jan Smuts Drive/Forest Drive Extension intersection;

16.29.4. Odin Drive non-motorised transport link;

16.29.5. Forest Drive Extension/ Mutual Way;

16.29.6. Mutual Way/ Jan Smuts Drive;

16.29.7. Odin Drive/ Thor Crescent;

16.29.8. Odin Drive/Viking Way; and

16.29.9. two new access points off Forest Drive Extension.

16.30. The upgrades discussed above will be required before the link between Forest Drive and Voortrekker Road can be completed. As per the Traffic Impact Assessment ("**TIA**"), the link to Voortrekker Road will be completed before commencement of Phase B of the project.

16.31. Unit sizes are determined by demand and the funding of the units. They will usually range in size from 30 to 150 square metres. It is not for the surrounding residents to dictate that the minimum unit size should be 50 square metres. While overcrowding can contribute to social pathology, unit size is not per se the issue.

16.32. The 0-metre building lines have been requested in order to ensure that buildings provide a positive interface onto public areas and for necessary gaps between the buildings to be reduced. The most effective means of creating a secure private realm is by creating a "*wall*" of buildings along the edge of an urban block, thereby creating the perimeter block. Potential intruders will have to enter the front of the building, being more visible to the public. A 0-metre building line will therefore ensure direct surveillance of public spaces.

16.33. Should the possibility of a liquor store materialise, if and when the retailer applies for a liquor licence there will be sufficient opportunity for the public to provide reasons for approval or refusal.

16.34. A tree survey was undertaken in 2007 which identified that the existing trees have little value from an ecological point of view. The results of the tree survey are to be considered during the design phase and a detailed landscaping plan will be required when the site development plan ("**SDP**") is submitted.

16.35. The development will comply with the City's by-law in respect of water consumption. Furthermore, water-use during construction will form part of the environmental management plan for the site and construction will use the most sustainable methods available. WSUDS principles are also required in the water management plan for the site after construction. A greater demand for water than what is required by law cannot be made on the developer.

16.36. The proposed densities (medium to high density) are not unique to Cape Town and the site is suitably located to accommodate the proposal. The site is appropriate for a high density, mixed-use development as further indicated in the TBDP, the TODSF, the Densification Policy and other policies.

G. DEPARTMENTAL ASSESSMENT

17. In assessing the appeal, the District Manager has noted the following:

17.1. The assessment in the MPT Report is reiterated.

17.2. Regarding public participation:

17.2.1. The application was advertised originally and re-advertised when the proposal was amended.

17.2.2. The mandatory minimum of 30 days was given to comment on/object to the application.

17.2.3. Prior to the advertising of the application, as well as during the advertising of the application, the applicant engaged various parties, informing them of the proposal.

17.2.4. In addition to placing the advertisement in the newspaper, community newspaper and notices having been served on interested and affected parties, interested parties could view the application in its entirety whenever they deemed convenient. In fact, multiple copies of the application were placed in Pinelands library for viewing. The application was also electronically available and could be accessed on the Provincial Government's website. The application was available in both hard and soft copy at the district office for viewing.

17.2.5. All persons who objected to the application were notified by registered post of the outcome of the application. The letters of notification of the right to appeal were registered at the post office on 2 November 2018.

17.2.6. As stated above, the application was amended and re-advertised. No further amendments have been made to the application.

17.2.7. When the application was first advertised, a number of objections was received relating to extending Odin Drive, among others. As a consequence of the objections submitted, the proposal was amended and then re-advertised. The comments of interested and affected parties were therefore taken into consideration. However, while some comments received related to reducing the density on the site, a minimum threshold density is required to make the

development proposal viable. Any negative impacts that may be triggered by increased density were taken into consideration and the development proposal therefore sufficiently addresses all the density-related impacts. Further issues in respect of the density are discussed below.

17.3. Regarding the site's physical constraints and accessibility:

17.3.1. The property abuts onto an industrial area. Access to the industrial area will be obtained via the proposed Odin Drive pedestrian access, which is incorporated into the development. Additional access to the wider metropole will be obtained through existing and future public transport access that exists or will be provided by means of:

17.3.1.1. the Thornton and Mutual train stations, positioned within walking distance of the property;

17.3.1.2. the existing taxi services which operate along Forest Drive Extension;

17.3.1.3. the existing Golden Arrow Bus Service;

17.3.1.4. the MyCiTi bus service that will be provided as demand increases.

17.3.2. Access from the site will also be improved upon the construction of the Aerodrome Road extension, which will give access to Voortrekker Road. Therefore, despite existing site constraints, the property already offers access to the wider metropole. The improvements to the road system and public transport will further enhance the site accessibility.

17.4. Regarding height, unit size and building lines:

17.4.1. Building heights across the proposal vary. Building heights are determined by their location on the property i.e. where they are located along Forest Drive Extension and the railway line, these are high-rise buildings and serve to frame the public domain. Higher buildings also abut onto the industrial land and other public facilities.

Lower buildings are positioned internal to the development. A uniform skyline will be monotonous and the differing heights of buildings is specifically intended to provide a break to the skyline.

17.4.2. A number of the surrounding properties have General Residential, General Business and Industrial zoning. These properties, while presently accommodating low-rise buildings in some instances, have not been developed to their full extent. Permissible building heights range from 15 metres to 25 metres. The heights proposed within the development therefore are not dissimilar to those permitted on these surrounding properties.

17.4.3. Buildings in the vicinity of the property also range in height from single and double storey (dwelling houses / row houses - approximately 8 – 10 metres) to as much as 10 storeys (Old Mutual head office – in excess of 30 metres) in height. Contextually, the proposed building heights are therefore not dissimilar to that of buildings found in the area.

17.4.4. Unit sizes must ensure compliance with the requirements of the National Building Regulations.

17.5. Regarding the MPT's assessment of desirability:

The reasons for the decision by the MPT are contained in paragraph 7 of the MPT Report, which encompasses the criteria set out in section 99 of the By-Law.

17.6. Regarding the appropriateness of the proposed development:

17.6.1. The appropriateness of the development proposed is addressed in the MPT Report.

17.6.2. The Integrated Development Plan ("**the IDP**") encourages inclusivity, improved public transport, intensification in suitable locations to promote public transport, among others. These principles are given effect in further City policies such as the TODSF, Economic Growth Strategy, SDS, Cape Town Spatial Development Strategy and TBDP, all of which in turn inform the Densification Policy.

17.6.3. Essentially the intensification of the site is considered appropriate in the light of its location within a public transport corridor being located close to two train stations and on bus and taxi routes. Further, the site is located within an established area which will limit costs in the light of the provision of existing infrastructure.

17.6.4. The proximity to places of employment and other services further enhances the appropriateness of the development as proposed. Additional policy guidance offered in respect of the integration of the site into the wider context has been incorporated into the proposal. For reasons mentioned, this development proposal positively responds to various City policies without negatively impacting on the immediate environs.

17.7. Regarding educational, recreational and other facilities:

17.7.1. The proposal will include the provision of at least two schools and a condition was imposed to that effect. The WCED's comments on the appeal have been set out below.

17.7.2. The response of the Provincial Health department is also set out below.

17.8. Regarding traffic and parking:

Issues relating to traffic and parking impacts are addressed in the MPT Report. Additional comments from the City's Transport Planning officials are set out below.

17.9. Regarding water:

17.9.1. The use of water during the process of construction is controlled by the Department of Water and Sanitation through the use of water meters. These are installed on the site during construction.

17.9.2. Individual property owners and tenants must comply with the existing City by-laws in respect of water consumption and water use, as must all residents within the City's jurisdiction.

17.10. Regarding policy compliance and financial viability:

17.10.1. Policy compliance is addressed in the MPT Report.

17.10.2. See the comments in paragraph 17.6 above.

18. The appeal report also records the following comments from other line and provincial departments:

18.1. **WCED**:

18.1.1. Two independent schools will be provided within the development.

18.1.2. While the WCED cannot prescribe the fee structures of private schools, the opportunity does exist to apply to the WCED for funding to augment school fees. This ensures the accommodation of lower-income earners.

18.1.3. The developer should be aware of the recipient community when providing schooling.

18.1.4. A study has been conducted in the Pinelands/Thornton/Maitland/ Kensington area regarding schools where expansion can occur. These schools will be consulted and budgetary provision will be made for expansion.

18.1.5. To ensure that all families within proximity of the development are accommodated, admissions policies of all schools must adhere to WCED requirements.

18.1.6. To explore alternative means of funding, education pilot projects are underway in poorer communities to see how private-public sector partnerships can best operate.

18.2. **Provincial Department of Health**:

18.2.1. There appear to be sufficient clinics and community day centres in and around the site. i.e within a 5 – 8 km radius of the site.

18.2.2. The current health facility backlog requires that the poorest communities are prioritised.

18.2.3. Upgrades to some of the existing facilities are planned and some will be merged.

18.2.4. The demand for additional capacity will be determined based on need.

18.2.5. In assessing the various options for the phase-2 road upgrades, it was established that Alternative 3, which will give direct access to Voortrekker Road, is the best of the options presented. Alternative 3 will provide for good integration with the City's future road networks.

18.3. **TDA: Integrated Transport Portfolio (Transport Planning)**:

18.3.1. The proposal has been designed to conform to the principles of the City's TODSF.

18.3.2. The development is largely geared toward low-income earners who will likely have limited access to private motor vehicles.

18.3.3. Notwithstanding this, provision has been made to accommodate future demand for parking facilities within the development.

18.3.4. The proposal has taken into consideration the likely impact of the development on the road system – the proposed upgrades will minimise the impact on the road system and level of service.

18.4. **TDA: Urban Planning Mechanism (Urban Integration [spatial planning])**:

18.4.1. The implementation of existing policy was commented on previously.

18.4.2. The assessment of various City policies has been comprehensively dealt with in the assessment of the proposal.

18.4.3. The proposal reflects the optimal use of the site considering its strategic location.

18.4.4. The proposal is considered to be a game changer which is underpinned by the "*Live, Work, Play*" model.

18.4.5. The proposal reflects the guidelines and policies set out in the Cape Town Spatial Development Framework ("**the SDF**"), encouraging

higher density mixed-use development such as that proposed. The property is considered to fall into Sub-district 4, which will contribute towards the intensification of the development of the Voortrekker Road corridor.

18.4.6. The proposal will result in the establishment of a network of open spaces and civic precincts with a range of facilities that will benefit the area.

18.4.7. The objectives of the Urban Design Policy must still be taken into account – this will only be done when detail of the proposal is furnished.

18.4.8. The proposal is an excellent case study as it identifies the various informants as indicated in the City's TODSF.

H. ADVISORY PANEL'S RECOMMENDATIONS

19. My Advisory Panel recommended that the appeals be dismissed for the following reasons:

19.1. The application for the subdivisions, consolidations, rezoning and departures comply with the requirements of section 99(1) of the By-Law for the following reasons:

19.1.1. The applications comply with the SDF.

19.1.2. All the applications required in terms of the By-Law have been applied for and relevant public-participation processes followed.

19.1.3. The application complies with the City's development principles contained in its IDP.

19.2. The considerations in section 99(2) of the By-Law have been taken into account in respect of the City's policies and are considered compliant for the following reasons:

19.2.1. The proposal will result in intensification and densification of the land where development on the site was previously sparse.

19.2.2. A diverse range of land uses will be accommodated on the property.

19.2.3. Accommodation will be provided for various socio-economic income groups.

19.2.4. The site is accessed by various modes of transport.

19.2.5. The property provides access to opportunity being located close to, and providing access to, places of employment and various services and amenities.

19.2.6. The proposal will also provide opportunities for employment.

19.2.7. Densification and intensification of land contributes towards the restructuring of the City and ensures better utilisation of the service infrastructure.

19.2.8. Reduced parking provision ensures improved thresholds for public transport use.

19.2.9. Shared parking also ensures the better utilisation of parking provided on-site.

19.3. All considerations in respect of section 99(2) of the By-Law have been taken into account in the assessment of the application, which is considered to be desirable in terms of section 99(3) of the By-Law for the following reasons:

19.3.1. Short- and long-term employment opportunities will be created.

19.3.2. The mixed-use development is suitably located, being surrounded by residential, business and industrial uses.

19.3.3. There will be no adverse impact on the service infrastructure as either sufficient capacity exists or improvements to the service infrastructure will be necessitated to accommodate the proposal.

19.3.4. The development of the property ensures the better utilisation of the land which presently stands vacant.

19.3.5. Heritage components will be incorporated into the development.

19.3.6. It will result in road improvements that will offer wider connections to various parts of the City.

19.3.7. The reduced parking ratio is considered rational as the site is located within a public transport corridor.

19.3.8. The proposal complies with principles of the Western Cape Land Use Planning Act of 2014 ("**the LUPA**") and the Spatial Planning and Land Use Management Act of 2013 ("**the SPLUMA**").

19.3.9. This is an attempt at addressing one of the city's most critical challenges, i.e. the need for affordable housing in accessible locations.

19.3.10. Suitable attenuation measures will be put in place to address stormwater management related to the 1:100 year floodplain.

I. REASONS

20. Having considered all of the information before me, as well as the relevant extracts from the By-Law, other applicable legislation and the City's plans, policies and similar instruments, I agree with and adopt the reasons and recommendations of my Advisory Panel, to the extent that the contents thereof are consistent with what I have set out below. I am also broadly in agreement with the analyses set out in the MPT Report and appeal report, subject to what is set out below.

21. I add the following:

21.1. I am satisfied that the application meets the formal and documentary requirements of the By-Law.

21.2. I am satisfied that the application has received sufficient notification and advertisement and that interested and affected parties have had sufficient notice and opportunity to make representations, in accordance with the applicable legislative and policy framework. Indeed, the Provincial Government has exceeded the requirements of the By-Law in facilitating public participation.

21.3. Prior to the submission of the application, a series of pre-application meetings were held between the Province and the City to discuss various aspects of the

proposed development. This was to ensure, among other things, that the City and all interested and affected parties were provided with sufficient information to enable a proper and thorough evaluation of the proposed development.

21.4. Also prior to the submission of the application, the Provincial Government conducted focus-group meetings in respect of the intended development. These meetings facilitated engagements with local residential organisations, representatives of the Jewish cemetery and representatives of Old Mutual.

21.5. Shortly after the submission of the application, the Provincial Government facilitated an open day / open house in the Pinelands Town Hall, which communicated information on the proposed development, provided feedback on issues that had been raised during the focus-group meetings and facilitated the asking and answering of questions (including an opportunity to engage with the Premier). Another focus-group meeting was subsequently held to discuss alternatives to utilising Odin Drive as part of the road link to Voortrekker Road.

21.6. Details of the application were published twice: both the initial application and the revised application that was proposed in response to the first round of objections. Advertisements were placed in both newspapers and community newspapers. On-site notices regarding the proposed developed were displayed at the subject property. Direct notices were delivered to surrounding property owners. The ratepayers' associations were also notified and engaged with. The ward councillor was notified of the proposed development and there have been a series of engagements with municipal and provincial authorities regarding the proposal.

21.7. Several copies of the entire application were made available to members of the public for viewing at the Pinelands library. The application was also electronically available and could be accessed on the Provincial Government's website. The application was further available in both hard and soft copy at the City's district office for viewing.

21.8. The advertisement and re-advertisement of the application resulted in more than 1,300 objections. The persons who objected to the application were notified by registered post of the MPT's decision. This resulted in a number of

appeals, including from representative civic organisations. A handful of appellants complain that they did not receive their letters regarding the MPT's decision. It is not apparent to me why this is so, although there may well have been administrative oversights in a process as extensive as the one administered by the City in order to deal with the proposed development. It is in any event clear that these appellants were ultimately notified of the MPT's decision, and timeously so given that they submitted their appeals within the stipulated timeframe.

21.9. The applicant was afforded sufficient opportunity to make the necessary representations in respect of the appeals. Further comments from municipal and provincial authorities were obtained in respect of the appeals. The City's officials and my Advisory Panel have engaged with all of the submissions, as have I in this appeal process.

21.10. It is not correct that the residents have been afforded an insufficient opportunity to comment: public engagements began before the first application was submitted or advertised, there were two rounds of comments during which hundreds of submissions were received, objectors were afforded an opportunity to make oral representations to the MPT and residents were able to submit both written and oral representations during the appeal process. Interested parties were afforded the necessary time to engage with the application and make their views known to the City.

21.11. The appellants complain that the interactions with the authorities were merely a "*tick-box*" exercise with no meaningful engagement. This is simply not the case. The comments and objections received have resulted in material changes to the proposed development, including the redesign of access points and the removal of Odin Drive as a vehicular access point, as well as the lowering of the height of buildings in close proximity to the cemetery. The application has been put through public-participation processes in excess of the requirements of the By-Law and has been significantly adapted to accommodate concerns raised.

21.12. The application, and the responses and objections thereto, have been thoroughly engaged with by the City's officials during the application process and during the appeal. In their oral representations to the MPT, the representatives of various ratepayers' associations acknowledged that they

had consulted widely on the proposed development in order to respond to the Provincial Government's proposals. Oral representations, with supporting presentations, were also considered by my Advisory Panel.

21.13. It is also incorrect that interested parties have been provided with insufficient information. On the contrary, and as stated above, the Provincial Government has made more than sufficient information available and interested parties (both during the application and during the appeal process) could view the application, and all supporting documentation. There were no material amendments to the development proposal that were not advertised.

21.14. I am accordingly satisfied that the necessary and appropriate public participation has been facilitated in respect of the proposed development.

21.15. Subject to what I have set out below in relation to the departures sought, I am satisfied that the application for the proposed development complies with the requirements of the By-Law, as required by section 99(1)(a) of the By-Law.

21.16. Because of apartheid, Cape Town has a sprawling urban form that saw black and coloured communities forced into segregated townships on the outskirts of the City. This has had the modern consequence of members of poor communities having to travel long distances at great expense to access employment and various other opportunities located in business nodes and centres of commercial activity. The proposed development will assist in undoing this consequence: it will provide access to housing, including affordable housing in an integrated environment, in a location that is close to various economic opportunities (including the Central Business District ("**the CBD**")) and accessible transport networks. Its objective is to facilitate an integrated, secure, affordable and sustainable neighbourhood close to workplaces and other opportunities available in the inner City, and it will facilitate spatial transformation via dense and transit-oriented growth.

21.17. The Conradie site, which used to house a public-health facility, has been vacant and unused for more than a decade. The proposed development will transform this large and well-situated piece of land into a majority-residential, mixed-use precinct with densities that are appropriate for modern urban realities. The development will be within the City's existing urban footprint and will be well placed to benefit from the existing transport network and the

planned upgrades thereto. Residents will be able to access economic opportunities in the CBD and along Voortrekker Road with relative ease. The development will take place under the leadership of and with funding from the public sector, with private-sector participation where appropriate.

21.18. Although 85% of the proposed development will house residential dwelling units, the balance will feature supporting land uses, including open spaces, community and recreational facilities and appropriate commercial activity. The zoning in the subdivisional areas will accommodate diverse land uses of sufficient density to ensure a well-populated and sustainable human settlement. Regarding the precinct's residential component, the proposed development will offer a range of housing options to different housing markets. The proposal will be guided by appropriate urban design guidelines to ensure the appropriate height, scale, form and orientation of the development.

21.19. The provision of affordable housing resonates with the IDP's focus areas of an Opportunity City and an Inclusive City.

21.20. The development, which is consistent with the City's policy framework (as discussed below), has been tailored to accommodate the surrounding context. It will also see significant improvements to the surrounding public infrastructure and promote public transport rather than private vehicle dependency through reduced parking provisions, in addition to facilitating non-motorised transport by means of appropriate infrastructure.

21.21. At the time that the application was submitted, the applicable SDF was for the period 2012 – 2017. The City has since adopted a new SDF for the period starting 2018. Based on the above considerations, the proposed development is consistent with both instruments. Indeed, the 2018 SDF expressly recognises the Conradie precinct as an appropriate site for affordable / social housing projects, as a priority project in respect of transit-oriented development in the vicinity of the Voortrekker Road Corridor and as a "*candidate catalytic human settlement project*". I am accordingly satisfied that, as required by section 99(1)(b) of the By-Law, the proposed development is consistent with the SDF.

21.22. I am also satisfied that the proposed development meets the requirements of desirability in terms of section 99(1)(c), read with section 99(3), of the By-Law,

and that it is an eminently desirable project for the City. My reasons include the following:

21.22.1. The proposed development is an holistic attempt at addressing the spatial apartheid that still prevails in the City by establishing an integrated, affordable and sustainable human settlement that provides residential and related amenities in close proximity to transport infrastructure and economic opportunities. Realising these objectives will bring substantial benefits to the recipient community (in terms of access to housing, access to affordable housing and proximity to transport and economic opportunities) and to the greater community (in terms of significant investment in surrounding infrastructure and undoing segregated residential patterns).

21.22.2. In making residential and other facilities available to various income brackets, the proposed development will facilitate integration, thus assisting the City to overcome the stratification that prevails in its land-use patterns.

21.22.3. The proposed development entails approximately 1,800 grant-funded houses and approximately 1,800 housing opportunities to be made available on the open market. That will make a significant contribution to the City's undersupplied stream of residential dwelling units, particularly affordable residential facilities. It cannot be denied that there is a demand in the City for affordable housing, and the proposed development will contribute to meeting that demand.

21.22.4. The proposed development will provide employment opportunities both during and after construction of the proposed development. Sectors such as construction, manufacturing, real estate and business services will benefit greatly. While the construction-phase jobs may be temporary, they offer important skills-development opportunities that will support future job-seeking initiatives. The non-residential components of the development will also support permanent employment opportunities internal to the Conradie precinct. Employment opportunities will be created across the skill spectrum.

21.22.5. It is estimated that the proposed development will have a multi-billion Rand effect on production in the area and on household income, as well as creating thousands of jobs, both during the construction phase and during the operational phase.

21.22.6. If the proposed development is successful, it will be used by provincial authorities for other "*Better Living Model*" projects in the future. These projects will provide similar socio-economic benefits to other communities.

21.22.7. It is argued by the appellants that financial viability cannot justify densification. Ensuring the practical implementation of the proposed development is, however, an important consideration. Furthermore, there will be substantial development contributions that must be paid by the applicant for the development of additional infrastructure.

21.22.8. With the introduction of so many residents to a previously vacant plot, including families with children, there will be an obvious need for educational facilities. The Provincial Government has undertaken that early development centres and schools capable of accommodating residents' requirements will be provided as the development progresses. Its development proposal includes two independent primary schools and the expansion of capacity at existing schools.

21.22.9. The appellants complain that the proposed development makes insufficient provision for accessible education facilities, bearing in mind that private schools may be beyond the means of residents occupying the grant-funded housing. Given the extent of the development and the number of families likely to occupy it, it is obviously important that such families should have access to appropriate schooling. I am therefore minded to agree with my Advisory Panel that a condition should be imposed regarding the provision of public schooling. The condition will be sufficiently wide to ensure that the Provincial Government – which has the constitutional competence to provide education facilities and services – has the appropriate flexibility to determine whether to

expand existing public schools or provide new public schools, with due regarding to such issues as accessibility and demand.

21.22.10. The proposed development will include open space, areas for passive and active recreation, a playing field and a multi-purpose civic building. In accordance with the conditions imposed by the MPT, a full-sized football field and an indoor multi-purpose sports facility will be constructed before the second half of the dwelling units are approved and constructed. These facilities will be subject to further City supervision as the Provincial Government submits the necessary detailed plans for approval.

21.22.11. The Provincial Government, which is responsible for the provision of public health facilities, does not foresee that additional health facilities will be required in order to meet the proposed development's needs. The provincial health authorities have indicated that the facilities surrounding the Conradie precinct have sufficient capacity to absorb the likely increase in demand for health services and that the necessary changes will be made should demand exceed what is anticipated. Several of the surrounding health facilities are, furthermore, intended to be upgraded.

21.22.12. I am therefore satisfied that the proposed development will have a positive and significant socio-economic impact.

21.22.13. The proposed development will be compatible with the surrounding area and uses as it will accommodate a mixed-use development comprising dwelling units, offices, retail activities, sporting and recreational activities and other community-related uses. The range of uses proposed is not dissimilar to that already located in the immediate vicinity.

21.22.14. Pinelands, which is immediately adjacent to the Conradie precinct, is characterised by single- and double-storey houses located on large erven. This scheme of land use will not be replicated in the proposed development. However, Pinelands will be separated from the proposed development by a grass bank, Jan Smuts Drive and the railway. Pinelands residences that look onto Jan Smuts Drive will

be separated from the proposed development by almost 100 metres. Due to this level of separation, as well as the existing and proposed buffering, I am satisfied that the density of the proposed development is not incompatible with the lower density of land use in Pinelands.

21.22.15. Given prevailing economic conditions, single dwelling houses on large separate erven are not accessible or viable residential opportunities for many in the City, hence the move to apartments and townhouses in human settlements with higher densities.

21.22.16. Pinelands is, in addition, not the whole of the relevant context. The subject properties are surrounded by Pinelands, Maitland and Thornton. The subject property's immediate western boundary features a railway line, after which lies Jan Smuts Drive, a grass embankment (Open Space Zone 2: public open space) and the suburb of Pinelands (with various properties zoned Single Residential Zoning 1: Conventional Housing).

21.22.17. To the north of the subject property lies Forest Drive Extension. Across Forest Drive Extension lie Mupine Golf Club and Tsiba education campus (zoned General Business Subzone 2) and Anfield Village (a set of apartments zoned General Residential Subzone 2). To the north-west of the subject property is the Old Mutual commercial complex (zoned General Business Subzone 3). Behind Old Mutual, Mupine, Tsiba and Anfield is the railway line that includes both Mutual and Thornton railway stations.

21.22.18. To the east of the proposed development is the Orthotic and Prosthetic Centre, behind which is the Jewish Cemetery.

21.22.19. The canalised Elsieskraal River lies along the proposed development's southern boundary. On the south-eastern portion of that boundary is a residential portion of the Thornton suburb, where the erven are mostly zoned General Residential Subzone 4. Across the river on the rest of the southern boundary is the Viking Park industrial area.

21.22.20. The tallest buildings in the proposed development will overlook Jan Smuts Drive, Forest Drive Extension or the Viking Park industrial area. These buildings will either be more than 80 metres from the residential dwellings in the suburb of Pinelands or will look on to Mupine and the denser residential development of Anfield Village. To the extent that there are tall buildings along the subject property's southern boundary, they overlook the industrial rather than the residential area, and will be buffered by open space and the river canal. Where buildings will face onto the Thornton residential area or the Jewish cemetery, they are subject to a height restriction of 13 metres (much lower than otherwise allowed on properties with GR5 zoning). The orientation of the buildings comprising the proposed development has therefore been adjusted to accommodate surrounding uses.

21.22.21. While the proposed development will be majority residential, it will include retail, service industry, office, educational and other recreational facilities. This mix of uses is compatible with the existing mix of uses in the surrounding area, being residential, commercial and industrial (in addition to the cemetery). It is also intended for the proposed development's greenbelt to be accessible to members of the general public, which will complement surrounding land uses and bolster the area's residential and recreational amenity. I do not agree with the appellants that the proposed development will have insufficient non-residential facilities to support the Conradie community.

21.22.22. In order to diminish the impact on the residential amenity of the Thornton erven to the south-east of the subject property, the proposal for vehicular access along Odin Drive was removed.

21.22.23. The proposed development was also amended so that the Elsieskraal River canal will no longer be realigned and the canal can therefore be retained as a public place.

21.22.24. It must be acknowledged that the Conradie precinct is rather boxed in, as it is surrounded by the Jewish cemetery, the river canal and the railway line. However, the interface with Forest Drive Extension, and

the Odin Drive pedestrian access, will make it sufficiently accessible and will allow for the necessary degree of integration.

21.22.25. The provision of sewerage facilities, water, electricity and stormwater services are, to the extent required, to be planned and phased in consultation with the City and other service providers. The Provincial Government has engaged extensively to determine the availability of services and the extent to which further infrastructure is required.

21.22.26. The conditions imposed by the MPT make provision for the imposition of a substantial development charge. The contribution due for water, sewerage, stormwater catchment and solid waste will be in excess of R34 million. This is in addition to the Provincial Government's liability for the various improvements to the surrounding road network, which will result in a multi-million Rand investment in the City's transport infrastructure.

21.22.27. There will be no resultant negative impact on the external engineering services. The relevant service departments have considered the application (including the revisions thereto) and have offered no objection, subject to the imposition of various conditions. Those conditions were, where necessary, imposed by the MPT. Subject to the planned and stipulated upgrades, sufficient infrastructure will be available to service the increased demand arising from the proposed development. Furthermore, it should be noted that, when future subdivisions occur, the City's departments will once again receive an opportunity to evaluate and indicate whether further provision of service infrastructure is required.

21.22.28. The new Northern Area Sewer will have sufficient capacity to accommodate the proposed development. A signification portion of the development charge will be dedicated to bulk engineering services in respect of sewerage. The City's sewer network is also being expanded, which will allow for the diversion of the proposed development's waste water to the appropriate waste-water treatment facilities.

21.22.29. The City's Department of Water and Sanitation evaluated the application and confirmed that the available network has sufficient water reticulation capacity to supply the proposed development. The City's bulk supply system has sufficient water resources, treatment, bulk storage and conveyance capacity to supply the proposed development. The development charge will also cover an appropriate contribution for bulk engineering services in respect of water.

21.22.30. Issues arose regarding moving the canal, as contemplated in the initial application: originally, the canal was to be diverted through the site in order to create additional amenity spaces and to limit flooding risks. However, it transpired that there is no technical reason to realign the canal for purposes of stormwater attenuation or to limit flooding. The proposed development will therefore leave the Elsieskraal River canal in place and mitigate flood concerns by creating a berm along the Conradie precinct's southern edge. Additional space is provided along the embankment of the Elsieskraal River canal to accommodate floodwaters. A break in the berm will then direct flood waters to open space, which has been specifically introduced, together with swales, to hold flood waters. The Provincial Government will also be obliged to submit a Stormwater Management Master Plan for approval by the City. This will include details regarding the planned detention ponds, overland channels and swales and the underground pipes and culverts, all of which will assist in managing stormwater.

21.22.31. The Provincial Government contracted a firm of independent infrastructure engineers to evaluate the stormwater plans in respect of the proposed development. The engineers concluded that the proposed management system will meet the City's requirements for a sustainable urban drainage system on the Conradie precinct. The engineers made various recommendations in respect of the site, including maintenance of the swales and detention ponds, access and public safety and a flood warning alert system. These concerns will have to be addressed in the Stormwater Management Master Plan.

21.22.32. I am satisfied that the proposed development reflects water sensitive urban design, and that the necessary processes are in place to ensure that this remains so.

21.22.33. The site, which is large, is currently vacant. The proposed development will ensure the full utilisation of the site by the residential and other facilities, thus removing what might otherwise be a security risk.

21.22.34. The notion of the development introducing crime into the area is spurious and no direct link between this type of development and crime has been proven. There is nothing to indicate that the provision of a large mixed-use development that includes a significant component of affordable and subsidised housing will endanger or jeopardise the well-being of the surrounding communities.

21.22.35. The City encourages the establishment of neighbourhood watches to assist in the combatting of crime. Discussions are underway with relevant parties, including the South African Police Service, regarding the establishment of a joint operations facilities (between the SAPS and private security providers) that will operate from the Conradie precinct and be linked to the Pinelands police branch.

21.22.36. It is alleged by the appellants that the high-density of the development will be a direct cause of future crime and safety issues. This is simply not true. While crime is linked to a variety of social causes, there is nothing before me to indicate that the density of the proposed development will cause law-breaking in the area. Although the proposed development will introduce a significant number of residents to the area, the Provincial Government has indicated that there will be a high level of urban management, which will assist in addressing any dangers to both the Conradie community and the surrounding communities that may arise.

21.22.37. The appellants argue that the development bears the risk of turning into a "*slum*". I am, however, satisfied that the proposed development will have sufficient social facilities and links to

economic opportunities to avoid degeneration into a site of urban decay. I have addressed the educational, health and recreational facilities that will be available to residents of the Conradie precinct above, as well as their access to economic opportunities. It will also be supported by the necessary municipal infrastructure and serviced in accordance with the applicable standards.

21.22.38. Recreational facilities such as sports fields, walking paths and a community hall facility have been incorporated into the development, which will have a positive direct impact on the well-being of those who utilise such facilities, which will be open for use by the residents of the Conradie precinct, the surrounding communities and the public. The open spaces will be maintained by the Homeowners' Association.

21.22.39. The extent of the development on the site, including multi-storey buildings that overlook public spaces, will ensure a significant degree of surveillance. The proposed development will create an integrated living environment to live, work, play and learn within or close to the development.

21.22.40. I am accordingly satisfied that the proposed development will not adversely impact the safety, health or well-being of the surrounding communities and that various of its attributes will contribute to the safety, health and well-being of both the Conradie community and the surrounding communities.

21.22.41. The proposed development is not located in a heritage area.

21.22.42. The Provincial Government had a detailed heritage impact assessment prepared by an independent firm of heritage consultants. The assessment identified the entrance gateway walls and porter's lodge, the old nursing administration building and the old hall as heritage resources, given their age. It also identified existing mature trees. The assessment set out several recommendations, including: the retention of the "*gateway precinct*" structures; information on the history of the site should be incorporated into the development; alterations to heritage buildings

should be done in a sympathetic manner; a landscape plan must be prepared and trees worth saving should be protected; and an archaeologist should be appointed.

21.22.43. The heritage impact assessment concluded that the site as a whole is of limited heritage significance and that the proposed development should be approved subject to conditions.

21.22.44. I agree with the heritage impact assessment's further conclusion that the proposed development will have a negligible impact on the Pinelands Heritage Protection Overlay Zone.

21.22.45. Heritage Western Cape subsequently evaluated the proposed development and did not show any concerns. It noted that the site retained very few heritage resources, that the gateway precinct should be retained (with minor alterations) and that mitigation measures had been adopted in relation to the neighbouring Jewish cemetery. It also imposed its own condition regarding archaeological monitoring.

21.22.46. The Provincial Government has undertaken that the "*gateway precinct*" structures will be retained and that the forthcoming detailed designs will conform, in principle, with the proposal contained in the heritage impact assessment.

21.22.47. The MPT imposed conditions requiring: the development to proceed in accordance with the provision made on the Provincial Government's concept plans for, among other things, internal historic areas; the landscape master plan to show among other things open spaces; and a detailed landscape plan to show hard and soft landscaping and which trees are to be retained and removed.

21.22.48. The proposed development thus will accommodate, retain and appropriately adapt some features with heritage significance.

21.22.49. Another heritage impact assessment was undertaken in respect of the proposed link between Forest Drive Extension and Voortrekker Road. It concluded that alternative 1 (the "*Quarter Link*" or "*Quarter Loop*") had the highest negative impact on heritage resources and

that the choice should be between alternative 2 (the *"Directional Ramp"*) and alternative 3 (the *"Elevated T Junction"*). It also proposed various conditions, which were endorsed by Heritage Western Cape when it subsequently considered the Aerodrome Road link.

21.22.50. A small section of the Jewish Cemetery abuts the site. However, the development is not anticipated to have any adverse impacts on the cemetery since it is separated from the cemetery by the Orthotic and Prosthetic Centre. It was initially contemplated that eight-storey buildings would abut the Jewish cemetery. However, in order to minimise the impact on the cemetery the height of these buildings has been reduced and trees will be included as a screening mechanism. To the extent that there is some overlooking, I am satisfied that it has been minimised and that it will, in any event, not compromise the heritage value of the neighbouring cemetery.

21.22.51. The City's heritage officials have evaluated the revised proposal and voiced their support for it (subject to compliance with the decisions of Heritage Western Cape).

21.22.52. I am satisfied that the proposed development will retain, protect and adapt heritage resources as appropriate. I am further satisfied that the necessary mitigation steps have been taken in respect of the neighbouring cemetery so as to avoid unnecessary infringement of its cultural and religious heritage and amenity. It is also clear to me that the competent heritage authority has, with the necessary conditions, approved the development.

21.22.53. The proposed development is located in an urban area on a site that was previously developed and that contains no protected areas. The Elsieskraal River is fully canalised and does not contain any elements of environmental significance.

21.22.54. There are currently a number of trees on the site, which will be incorporated into the development and maintained where appropriate, in accordance with the detailed landscape plan that must be approved by the City. New vegetation will also be planted

to buffer the development visually. A tree survey was undertaken and a detailed landscaping plan setting out the trees to be retained and removed will be required in due course. The City's Parks and Recreation Department supports the plant selection proposed for the site by the Provincial Government.

21.22.55. The Provincial Department of Environmental Affairs and Development Planning has evaluated the revised development proposal and has indicated that there are no triggers requiring an environmental impact assessment or an environmental authorisation (including in respect of the "*elevated T junction*" as the link to Voortrekker Road).

21.22.56. I am accordingly satisfied that no negative impact on the biophysical environment will result from the proposed development.

21.22.57. The area in question is located in a PT2 zone, meaning that it is an area in which the use of public transport is promoted and where the provision of public transport is good. Generally, PT2 zones do not have minimum off-street parking requirements, whether they provide for residential, educational, health, commercial, recreational or other land uses. The DMS therefore does not require that a precise minimum number of off-street parking bays be provided in respect of the proposed development.

21.22.58. PT2 zones are reflective of the modern imperative for cities to move towards practical and environmentally-friendly transport solutions that cater for dense urban living: it would be impractical, outdated and unsustainable for the City to insist on large new residential developments retaining single dwellings on substantial erven with multiple parking bays per erf, simply because that is the land-use model in some of the surrounding areas. It would also be inconsistent with the City's integration needs and the available public transport network.

21.22.59. The proposed development aims to utilise shared parking, which ensures the better utilisation of parking by enabling multiple parties to use on-site parking by enabling non-residential users to enjoy the

benefit of parking by day (reverse applying after hours). 90% of the retail and office parking requirements can be shared with the residential bays, therefore only 10% of the non-residential parking bay requirements will need to be provided. Parking management will form an integral part of the management of the proposed development.

21.22.60. The appellants, in claiming that more than 3,800 parking bays are required, appear to have based their minimum parking computations on incorrect planning instruments. The property in question is in a PT2 zone, which means that the parking requirements prescribed by the DMS for all land uses are nil. The parking provided for in the proposed development therefore exceeds the requirements of the DMS and has been voluntarily offered by the Provincial Government.

21.22.61. Reduction in private vehicle use will further be accommodated and encouraged by the provision of motorised and non-motorised transport facilities in the development and in close proximity thereto. This includes the existing trains, taxis and bus services, and will include the future extension of the MyCiTi line. The Mutual and Thornton stations offer access to the Central Line and the Northern Line, in addition to the Boland and Northern Business Express service. The stations are within walking distance of the Conradie precinct.

21.22.62. It must be acknowledged that there are challenges in respect of the existing rail transport network. However, that network does offer a level of functionality. Furthermore, initiatives are underway to effect improvements to the relevant rail infrastructure.

21.22.63. The Provincial Government has also indicated that that the national passenger rail authority intends to implement an "*Improvement and Revitalization Programme*", that Mutual and Thornton stations will be improved and that the Golden Arrow bus service will increase.

21.22.64. The proposed development will further include the construction of dedicated pedestrian and cycle routes and facilities between bus stops, local train stations and surrounding neighbourhoods. This will

be further refined and approved when the detailed design is furnished. The non-motorised transport network will be provided as a component of the development's internal road network, which will be provided for in the various plans that must be approved by the City.

21.22.65. The Transport Master Plan will need to make provision for public transport facilities that are internal to the Conradie precinct.

21.22.66. I note the statistics regarding car ownership put forward by the appellants. Despite the focus on increasing the utilisation of public transport, provision will have to be made for some parking facilities in the proposed development, which facilities will be reflected on the SDP and other plans submitted for approval in due course. This is in accordance with the conditions imposed by the MPT. Furthermore, the Provincial Government has undertaken to make 0.5 parking bays per dwelling unit available, in addition to parking bays for non-residential purposes. This is reflective of, among other things, anticipated car-ownership levels in the Conradie community. Given the extensive transport alternatives available, as well as the imperative of transforming transportation in the City, a reduced parking ratio will be applied of less than a single bay per dwelling unit. The Provincial Government has undertaken that it will provide in excess of 1,800 parking bays. I am satisfied that the parking facilities for the proposed development will be sufficient due to the close proximity to various modes of public transport.

21.22.67. The proposed development will facilitate various upgrades to the surrounding road network, including –

21.22.67.1. upgrades to the Forest Drive and Jan Smuts Drive intersection;

21.22.67.2. upgrades to the Forest Drive and Ringwood Drive intersection;

21.22.67.3. upgrades to Jan Smuts Drive and Forest Drive Extension; and

21.22.67.4. the construction of a future Aerodrome Road link from Forest Drive Extension across Maitland Cemetery to Voortrekker Road, which will offer traffic relief.

21.22.68. The significant improvements to the surrounding road network will benefit all users, not just the residents of the proposed development. These improvements – which will be provided by the Provincial Government, as a component of its development contribution – have an estimated cost of between R178 million and R196 million.

21.22.69. A revised TIA was prepared in order to assess possible linkages to Voortrekker Road to ensure proper transport connectivity and traffic flows. The assessment concluded that "*the full development of the proposed Conradie development can be accommodated on the improved network, provided the identified road network improvements are in place.*" These road network improvements have been referred to above.

21.22.70. The traffic impact assessment did highlight that there will need to be a "*substantive upgrade*" of the available public transport. I have referred to the anticipated upgrades in respect of the MyCiTi bus service, the Golden Arrow bus service and the rail infrastructure above.

21.22.71. Prior to the commencement of the construction of the first phase of the proposed development, the Provincial Government will be required to ensure that the Forest Drive / Ringwood Drive intersection, the Forest Drive / Jan Smuts intersection, Jan Smuts Drive and Forest Drive Extension have been upgraded. The Provincial Government will also be required to ensure that the Voortrekker Road connection will be completed prior to the commencement of the second phase. The upgrades will be required to accord with the Transport Master Plan, which will require the City's approval, and will need to be financed by the Provincial Government or its developer.

21.22.72. These road upgrades will ensure, as indicated in the revised TIA, that the surrounding road network is sufficiently accessible to the residents of the proposed development, and has sufficient capacity to

accommodate the increased number of users. The upgrades have also been designed to address, among other things, peak traffic periods, including weekday mornings.

21.22.73. The City's transport officials evaluated the revised development proposal and confirmed that, with the various road upgrades, the traffic that will be generated by the development will be able to be accommodated on the surrounding (improved) road network. The officials also voiced their support for the "*elevated T junction*" (i.e. alternative 3) as the most acceptable link to Voortrekker Road. The officials have confirmed that the upgraded road network will have sufficient capacity to address traffic flow from both the proposed development and from the Mupine development. Contrary to the appellants' assertions, the City's officials have taken the Mupine development into account in assessing the proposed development's transport needs and implications.

21.22.74. I agree with the MPT's determination that, of the identified alternatives, the "*elevated T junction*" (i.e. alternative 3) is best: it ensures sufficient integration with the road network while avoiding unnecessary uptake of land and disturbance to residents.

21.22.75. As set out above, it must be acknowledged that access to the Conradie precinct is constrained. However, the proposed development provides for two signalised vehicular access points, which are integral to ensure optimal functionality.

21.22.76. Pedestrian access will be provided to Odin Drive across the Elsieskraal River Canal, although further opportunities need to be explored. Pedestrian crossings will also be accommodated at all intersections as a requirement of this approval.

21.22.77. The provincial health authorities have indicated that they accept the proposed points of access to the Conradie precinct and the Orthotic and Prosthetic Centre.

21.22.78. I am therefore satisfied that the application sufficiently addresses the various traffic, parking, access and transport-related aspects of the proposed development.

21.22.79. As alluded to above, and as is evident from the MPT's decision, various conditions have been imposed that will mitigate any adverse impacts of the proposed land uses. I am, however, of the view that several revisions are required:

21.22.79.1. Item 3 of Annexure A provides that the Subdivisional Area will contain portions zoned for MU2, GR5, OS3 and TR2. It has at all times been clear that this apportionment of zoning was intended for the subdivisional area. It appears that one of the annexures to the MPT's decision contained a map that did not depict the zonings. This must be changed so that the map reflects zonings, land uses and maximum heights that will constrain and apply to the proposed development. Item 3 of the MPT's decision should therefore be varied to refer to Annexure C: Amended Concept Plan, being the map reflecting the zonings, land uses and maximum heights applicable to the proposed development. Where necessary, the conditions should also refer to this annexure.

21.22.79.2. For the reasons set out above, the condition regarding education facilities needs to be revised to ensure that appropriate public-school facilities are provided.

21.22.79.3. The precinct's open spaces will be zoned OS3 to ensure that they are appropriately managed by the homeowners' association for the benefit of the community. However, in order to ensure the accessibility of the site and its open spaces, members of the general public should enjoy a servitude over the relevant erven. I will therefore amend the MPT's decision to include an appropriate condition (in

accordance with the recommendation contained in the MPT Report).

21.23. The application envisages the rezoning of the Conradie precinct from LU to a subdivisional area. That subdivisional area will, in due course, contain erven zoned MU2 and OS3. The departure in respect of the MU2 erven does not relate to the development rules governing permitted floor space or height. Although the departure in respect of the berm does relate to height, it will not have the effect of granting the subject property the development rules of the next Open Space subzone. I am therefore satisfied that section 99(1)(d) of the By-Law presents no obstacle to the approval of the proposed development.

21.24. I am accordingly satisfied that the application meets the threshold requirements stipulated by the By-Law.

21.25. Having taken into account all relevant considerations, including those prescribed by section 99(2) of the By-Law, I am further satisfied that the subdivisions, consolidations, rezoning and departures should be granted, subject to revised conditions. In addition to what I have already discussed, my reasons are set out below.

21.26. As discussed, the proposed development is consistent with the SDF.

21.27. The proposed development is also consistent with the Provincial Spatial Development Framework ("**the PSDF**"):

21.27.1. A strategically located public-land parcel will be utilised for the proposed development, which will contribute to the PSDF's broader goal of revitalising urban economies. The proposed development will be in line with the PSDF's promotion of "*compact, mixed-use and integrated settlements*", with its targeting of economic nodes and promotion of functional integration.

21.27.2. The proposed development provides for appropriate densification and infill development, which contributes actively to decentralisation and the countering of apartheid spatial patterns.

21.27.3. Direct public funding will be used to unlock a well-located site within the City. The proposed development will further provide an "*opportunit[y] for the poor to achieve adequate thresholds along public transport routes and corridors*" as 50% of the units are to be grant-funded.

21.28. In terms of the By-Law, land-use management decisions should be guided by the applicable district spatial development framework, which in this case is the Table Bay District Plan ("**TBDP**").

21.29. For many of the same reasons that the proposed development is consistent with the SDF, it is also consistent with the TBDP: the development is a compact and efficient form of urban development located on State-owned property that is well situated to take advantage of transport networks and access economic and other opportunities. It envisages an integrated human settlement with a mix of residential options and income groups, which has sufficient density to support a viable public transport network and the efficient delivery of municipal services.

21.30. The proposed development, with the stipulated road improvements, will be well positioned to make use of the nearby east-west linkage along the Voortrekker Road corridor and will support the increased intensification of the corridor between the CBD and Bellville. It will accordingly provide land-use intensification along the City's accessibility grid and it will capitalise on the Conradie precinct's development potential as an infill site.

21.31. The Table Bay District generally offers good employment opportunities and other amenities. Medium and high density mixed-use developments on infill sites and underutilised land, which incorporate inclusionary housing components, are therefore encouraged. The proposed development meets all of these requirements.

21.32. The TBDP specifically recognises the Conradie site, which is located in Sub-district 4: Greater Eastern Area, as appropriate for a publicly assisted housing project. The Conradie site is categorised as a "*strategic site*" on which a medium to high density mixed-use neighbourhood should be developed, with a significant housing component, employment opportunities (e.g. retail land uses), open space provision that interfaces with the Elsieskraal River, social

facilities and road improvements to facilitate linkages with Voortrekker Road. The proposed development meets all of these requirements.

21.33. The TBDP recognises Pinelands as a node that accommodates land-use intensification and mixed-use development, describes Jan Smuts Drive (from Athlone through Pinelands) as a "*development route*" along which appropriate and well-managed intensification should occur and specifically designates the Conradie site as a property on which there should be mixed-use intensification. In accordance with the TBDP, the proposed development will not have direct access onto Jan Smuts Drive, although that road will be readily accessible to residents of the Conradie precinct. The TBDP also provides that the proximity of Thornton Station allows for appropriate densification. While the plan acknowledges that there are very few remaining parcels of land that can accommodate new development, the Conradie precinct is quite obviously one such parcel.

21.34. The TBDP categorises the Elsieskraal River Canal area as a "*floodprone area*". I am satisfied that the conditions imposed in this regard, including the stormwater management regime and the berm, will address flooding concerns in respect of the site.

21.35. The TBDP anticipates that the Aerodrome Road will be extended to link the Conradie precinct to Voortrekker Road. The proposed development will give effect to this road upgrade, which will be funded and implemented by the Provincial Government. The TBDP also canvasses the proposed upgrades in respect of Mutual Station and Thornton Station. Additionally, the proposed development meets the TBDP requirement of expanding non-motorised transport routes.

21.36. The proposed development further promotes the objectives of the TBDP for the following reasons:

21.36.1. Various social facilities such as walking, jogging and cycle paths; community halls; an indoor sports area; retail facilities and parks will be available for use by residents and the public, thereby benefiting the precinct as well as the adjacent residential areas.

21.36.2. A public open space component is incorporated into the proposal, linked to the Elsieskraal River Canal. Revitalisation will take place by the creation of walking and running paths along the canal; the widening of the open space alongside the canal; and the extension of green "*fingers*" onto the site, which will link with the open space positioned alongside the canal. The proposed development will further provide a positive interface with the Elsieskraal River Canal by preventing blank edges and promoting overlooking onto these open spaces.

21.36.3. The high-density and mixed-use nature of the proposed development will be accommodated as the housing is mixed with public facilities, functional open space and various economic opportunities due to the retail aspect of the proposal.

21.36.4. The proposed development will assist in the containment of urban sprawl by contributing to the development of a more compact city and furthermore by being in close proximity to existing economic, social and public transport opportunities.

21.37. I am accordingly satisfied that the proposed development is consistent with and supported by the TBDP.

21.38. The proposed development is compliant with the Development Management Scheme ("**DMS**").

21.39. Although a building-line departure is required, it has not been sought in order to allow for the establishment of obtrusive structures that are incompatible with, or dominating of, the surrounding area. Rather, it has been sought in order to improve the utility of the subject property and to make it workable, while at the same time ensuring its integration with the surrounding landscape. Annexure A to the MPT decision erroneously refers to item 60 of the DMS, which sets out development rules in General Business subzones. It should refer to item 64 of the DMS, which sets out the development rules in respect of MU2 properties (i.e. the zoning that will be applicable to the relevant erven). This is a technical error that cannot have had any material or adverse impact on any of the interested parties, which will accordingly be corrected on appeal.

21.40. The departure sought in respect of the height of the berm is necessary as the canal will no longer be diverted and re-aligned through the site for flood attenuation. Rather, the canal is to remain in its current alignment with some additional flood mitigation measures on its northern bank. The departure is therefore sought in order for the site to be filled to create a berm along the southern edge, in order to attenuate future flooding. This is a more cost-effective and efficient method.

21.41. When considered in the context of the development as a whole, and in relation to the impact on residents and the surrounding communities, the departures are minor in nature and do not entail significant changes to the applicable development rules.

21.42. In order to ensure the sustainability of Cape Town's urban environment, the City has to densify. Densification counteracts urban sprawl, supports the viability of an effective public transport system, reduces traffic and the associated harmful emissions, prevents agricultural land on the urban edge from being consumed by urban development and supports the more efficient and cost-effective provision of infrastructure to render municipal services. As the City endeavours to transform, its development must be transit-oriented: 95% of public-transport users are in the low to low-medium income groups, who spend a significant portion of their income on transport. If the City is to become more accessible, its residential areas must be well connected to public transport networks and well placed to benefit from improvements to those networks in the future.

21.43. The proposed development represents appropriate densification which facilitates a restructuring of the City and is vital in terms of social, economic and environmental sustainability. A compact urban form is an essential pre-condition for well performing cities and becomes an important mechanism in improving the current city structure.

21.44. The proposed development will have an expanded perimeter block form, with taller buildings on the boundaries, lower buildings and community areas in the centre of the precinct and substantial provision for open spaces along the southern boundary. It will, in an integrated fashion, include both subsidised and open-market housing, in close proximity to accessible economic and other opportunities, thus reducing travel distances. It will facilitate both residential and non-residential (including retail and recreational) land uses. It will ensure

the efficient supply of municipal infrastructure, have densities that support the public transport system, support non-motorised transport and entail improvements to supporting infrastructure that benefit the surrounding communities generally. Given its features and location, the Conradie precinct, which is State-owned land, is suitable for a large-scale densification project such as the proposed development. It also bears the "*location efficiency*" advocated by the TODSF.

21.45. As set out above, while the density of the proposed development differs from the densities of its immediate context, this does not render the proposed development inappropriate for the surrounding context, which already features various land uses and various intensities. The proposal has been modified and restrictions have been imposed to ensure sensitivity to the surrounding context, including in respect of building height, building location and buffering features. It must be borne in mind that the built environment includes several buffers for the surrounding areas, including Jan Smuts Drive, the railway, the canalised river and the cemetery. There is, furthermore, either sufficient capacity in existing municipal infrastructure to service the development, or the necessary expansions will be undertaken, supported by the significant development charge payable by the Provincial Government. In addition, the development of infill sites should be at higher densities than adjacent properties, and the preference for higher densities allows a greater number of residential units to be made available.

21.46. The proposed development is consistent with the urban development principles set out in the TODSF: it promotes non-motorised transport networks, including walkable streets and cycling lanes; it is well located to utilise the public transport network and to benefit from intended improvements to that network; it has appropriate density and mix of land uses; its residents will be able to access the surrounding major roads; and it will have a reduced parking provision, thus discouraging reliance on private vehicles.

21.47. As already addressed, the various natural, heritage and socio-economic contextual informants all support, or do not militate against, the proposed development's increased densification and mix of land uses. The site, which may be considered as a density priority zone, has, furthermore, been identified in the City's planning instruments as well suited for this sort of development. The

proposed development has been informed and supported by a series of independent studies, including a socio-economic evaluation, various traffic impact assessments, a heritage and visual impact assessment and a services infrastructure assessment.

21.48. The proposed development is in close proximity to the Voortrekker Road Corridor Integration Zone, which has been prioritised for its public transport linkages that connect emerging and established urban nodes. Both the City and National Treasury have committed to using this integration zone to transform Cape Town's spatial structure. The development of the Conradie precinct, which will take place over a number of years, is well suited to assisting with that transformation in a meaningful fashion.

21.49. The Densification Policy recommends that: affordable and subsidised housing should have a dwelling-unit-per-hectare ratio of up to 300 and be up to 4 storeys high; developments close to development routes should have a dwelling-unit-per-hectare ratio of up to 175 and be up to 7 storeys high; developments close to activity routes should have a dwelling unit per hectare ratio of up to 375 and be up to 15 storeys high; and developments close to activity streets should have a dwelling unit per hectare ratio of up to 100 and be up to 4 storeys high. The proposed development will be an integrated development with various features from each of these categories: approximately half of the residential units will be grant-funded and affordable housing opportunities; some of the buildings will be 4 storeys high, and some will be higher; the higher buildings are required to ensure adequate open space, which is necessary to ensure residential and recreational amenity and provide relief from the built form of the rest of the precinct; although not on Voortrekker Road or directly accessible from Jan Smuts Drive, the Conradie precinct is in close proximity thereto and, once the road upgrades have been effected, those routes will be readily accessible; the proposed development is in close proximity to a transport corridor and will enjoy access to the surrounding network of major roads, in addition to the public transport network, which will be expanded in the future. I am therefore satisfied that the proposed development's dwelling-unit-per-hectare ratio of approximately 164 dwelling units per hectare is appropriate and consistent with the guidelines set out in the Densification Policy, as are the various building heights.

21.50. The Densification Policy states that "*Consideration should be given to the fact that multi-storey developments in low-income areas have not had a good track record, as they have become associated with negative social impacts.*" I am, however, satisfied that the proposed development is not of a type with the sort of development mentioned in the policy: the Conradie precinct is not located in a "*low-income area*" – Pinelands and Thornton may be described as middle-class suburbs; it will be integrated with unsubsidised housing in the same precinct; it will be supported by non-residential, commercial and recreational land uses in the same precinct; it will be in close proximity to good transport networks and economic opportunities; and it will make the social facilities of the surrounding areas more accessible. All of these factors will support the sustainability of the Conradie precinct as an integrated, mixed-use, mixed-income development.

21.51. It is argued by the appellants that the proposed development is inconsistent with the Densification Policy, which suggests a density guideline of "*35 du/ha – 100 du/ha (net)*" and "*townhouses-four storeys*" along activity streets. I have explained above why the proposed development is, in fact, largely consistent with the guidelines contained in the Densification Policy. In any event, the merits of the application, the conditions imposed and the efforts to facilitate integration suffice to outweigh any minor deviation from the density guidelines, which must be considered in the light of the circumstances specific to this particular development.

21.52. One of the keys to achieving spatial transformation is transit-orientated development and associated densification. Densification needs to occur strategically around existing and planned public-transport links. The Conradie site is ideally situated in this instance as it is close to Mutual Station and Thornton station, in addition to being situated along existing bus and taxi routes and a future IRT feeder route along the Forest Drive Extension. The reduction in ownership of private vehicles is encouraged by fewer parking bays provided on-site and the future upgrading of the surrounding roads and public transport system.

21.53. The core TOD principles are affordability, accessibility, efficiency, intensification and densification. The proposed development speaks to these principles as it will facilitate equal access to social and economic opportunity; it will support

the provision of safe and affordable public transport; development contributions will go towards further upgrading of infrastructure and transport amenities; and the development will create an environment and level of service that will reduce dependence on private vehicles.

21.54. I am accordingly satisfied that the proposed development is consistent with, and supports the objectives of, the TODSF and the Densification Policy.

21.55. The proposed development is entirely consistent with the Integrated Development Plan ("**IDP**"). Areas of priority that have been identified by the IDP include economic inclusion, resource efficiency, safe communities, dense and transit-oriented urban growth, efficient and integrated transport systems and building integrated communities. As already canvassed, the proposed development is consistent with these principles. The IDP specifically identifies the Voortrekker Road Corridor Integration zone as being in need of critical road maintenance and upgrading and, through the development contributions, this will be possible.

21.56. It is the City's focus to improve poor people's quality of life by working towards spatial transformation and creating "*job-rich*" investments that will ensure integrated and sustainable communities. The proposed development supports the IDP's objective of economic inclusion as business opportunities will be provided by the development, both to the local community and the wider economy as more businesses are established and rates are generated.

21.57. Both the City's Economic Growth Strategy and Social Development Strategy find application in this matter. The proposed development seeks to grow and strengthen the economy as it will provide for further employment opportunities both during the building and development stages of the structure and after because of its mixed-use component. It will support income-generating opportunities and provide a necessary social and community function, integrating and including lower-income households in an ideally located part of the City.

21.58. The appellants argue that the proposed development is not compliant with the Social Development Strategy because the development is structurally separated from the neighbouring communities. They further emphasise that there should be more focus on footpaths, bicycle routes and local public

transport. This is without merit, as has already been demonstrated above, the provision of pedestrian/cycle routes and upgrades to the transport network have formed an imperative part of the application and has been adequately provided for. The property is favourably located being along identified locations where bus and taxi stops are located, in addition to being in close proximity to two stations. The proposed road improvements arising from the development will benefit both the recipient and the wider communities as it will connect the east to the west. The development will therefore have a favourable impact on the area both in the short term and the long term. Through both vehicular and pedestrian access points, it will be integrated as far as possible with the surrounding area.

21.59. The proposed development is consistent with the Urban Design Policy. It will make a positive contribution to the local area as the dwelling units will be suitably placed and context-sensitive. It makes use of currently underutilised erven and ensures land use of an appropriate intensity. As the scale of the development is at a stage that the principles cannot be fully demonstrated, the extent of further compliance with this policy will unfold as the proposal reaches certain stages of its development. Through its role in approving the SDP, precinct plans and landscape plans, the City will continue to ensure that the urban design of the Conradie precinct meets the prescribed standards and does not create a "*prison feel*" for residents.

21.60. The City's Parking Policy finds relevance in this application. As mentioned, the proposed development is located in a PT2 area where a zero-parking requirement in terms of the DMS prevails. Notwithstanding this, a number of parking bays will be provided (in excess of 1,800). These bays will not be allocated to people in particular and will be shared between residential and non-residential users. Limitation in the number of parking bays encourages the use of public transport and shared bays will ensure optimal utilisation of the parking facilities.

21.61. The applicability of, and the proposed development's compliance with, the various applicable policies has been dealt with at length in the application, which compliance has been favourably assessed by the City's officials, as is evident from the MPT Report. In the circumstances I am satisfied that the proposed development is consistent with the applicable policy framework.

21.62. I am satisfied that the proposed development is highly desirable and I have dealt with the extent of its desirability above.

21.63. The proposed structure's impact on existing rights will be minimal: the subject property is currently vacant and the development proposal has been amended so that the removal of title-deed conditions is no longer required and to further minimise the impact on surrounding properties. Any adverse impacts on existing rights will also be mitigated by the various conditions imposed and can further be monitored and controlled by the City through the various plans that must still be submitted for approval in order for the development to proceed. The submission of a detailed SDP still needs to occur and will not be approved without the necessary approvals from the relevant departments. Furthermore, at the SDP stage, the City can ensure the appropriate development of the subject property by imposing further conditions if necessary. In any event, any impact on existing rights is significantly outweighed by the manifold benefits that will flow from the proposed development.

21.64. Regarding the consolidation of the subject erven, I have addressed the scale and design of the proposed development, the anticipated massing of the buildings and the impact on surrounding properties, to the extent that such considerations can be assessed at this stage of the process. The development will be significant and will bring change to the area. This cannot be doubted. However, it will utilise vacant land that currently serves no social function and will be buffered by existing infrastructure and the built environment. The taller buildings have been position so that they do not overlook less dense residential dwellings or sensitive areas. Height restrictions have been imposed where buildings will be close to residential or sensitive areas. The development will not be one monolithic structure, but will comprise of dwelling units that are appropriately interspersed, including large open spaces, recreational and retail facilities and pedestrian pathways within the development. The precinct as a whole has been structure to be pedestrian friendly, with generous provisions for open space, the retention and adaptation of heritage structures and a diverse building profile.

21.65. The consolidations themselves, as explained in the MPT Report, will not result in significant changes to the subject erven: they have been sought to rationalise,

and make small changes to, the Orthotic and Prosthetic Centre erf and the site of the old hospital respectively. The larger resultant erf will, furthermore, be subdivided to facilitate the phased development of the precinct.

21.66. The City will continue to manage the scale, design, massing and impact of the development and its buildings through its supervision of the various plans that must be submitted for approval.

21.67. I am accordingly satisfied that the consolidations are appropriate.

21.68. Both the Spatial Planning and Land Use Management Act of 2013 ("**the SPLUMA**") and the Western Cape Land Use Planning Act of 2014 (" **the LUPA**") stipulate that spatial justice, spatial sustainability, efficiency and good administration are among the principles that must govern land-use decisions. I am satisfied that the proposed development gives effect to these principles.

21.68.1. The proposed development will assist in redressing prevailing development imbalances, by establishing a mixed-income residential precinct and by providing affordable subsidised housing on a site that is close to economic opportunities, that is well supported by transport networks and that is located in an area that has been historically exclusionary. It will mark a significant stride in Cape Town's efforts to ensure an integrated City.

21.68.2. The proposed development will make residential opportunities available both to the open market and to the government-supported market for affordable housing, thus supporting both efficiency and equity. Being located on an infill site that was previously developed and that is surrounded by other residential, commercial and industrial uses, the proposed development will assist in limiting urban sprawl.

21.68.3. In addition to being well connected to the surrounding transport network, the proposed development will have its own non-residential facilities, including open spaces, recreational facilities, retail facilities and community facilities. These factors will contribute to the viability of the Conradie site as a community, and to ensuring that residents' basic needs are met.

21.68.4. As a dense human settlement, the proposed development will be spatially compact, using multi-storey buildings to achieve high numbers of residential dwelling units while at the same time ensuring sufficient provision of open space.

21.68.5. Appropriate flood attenuation measures have been put in place.

21.68.6. It will optimise the use of existing resources and infrastructure (such as the existing water infrastructure), as well as providing impetus and cause for the further development of that infrastructure (such as the transport infrastructure).

21.68.7. Although the development will take time to establish, it will have significant medium- and long-term benefits.

21.68.8. In considering this application, due regard has been had to input from local, provincial and national government.

21.69. It is, moreover, in the public interest to expand access to well-located and well-supported affordable housing, such as the proposed development facility will provide.

21.70. Regarding some of the other concerns raised by the appellants:

21.70.1. Several of the appellants have indicated that they are not opposed to the proposed development on an in-principle level, but that certain aspects thereof, and certain policy constraints, require further consideration. I am satisfied that the development proposal has been sufficiently accommodating of the various concerns raised during the application and appeal process and that it will, ultimately, result in an appropriate and well-integrated human settlement. I am also satisfied that the development of the Conradie precinct is consistent with, and furthers the objectives of, the applicable policy framework.

21.70.2. The mere fact that the appellants do not agree with aspects of the development proposal does not mean that the City or the Province have abdicated their constitutional mandate in respect of sustainable and workable living environments. The proposed

development will depart from the land-use pattern of certain neighbouring residential environments. However, through that departure the proposed development will promote sustainability as an integrated development and workability as a well-connected and well-resourced mixed-use precinct.

21.70.3. Any liquor outlet would have to be approved and licensed in accordance with the applicable regulatory regime. Such issues are not for determination in this appeal.

21.70.4. The allocation of residential units and related facilities is not for determination in this appeal.

21.70.5. This application has been thoroughly engaged with by various municipal officials and departments. Over and above what I have set out in relation to the SDF, I am satisfied with the assessments by those officials and departments of the extent to which the proposed development complies with the applicable City policies.

21.70.6. It is my understanding that, following engagements with members of the public, the Premier suggested that a study should be done to determine alternatives to the development of Odin Drive as initially planned. That study resulted in an amendment to the development proposal, to address the concerns identified by concerned residents. There is nothing inappropriate about this. Rather, it displays the quality of the public engagement that featured in this process and the extent to which the development proposal was amended in response to the concerns of interested parties.

21.70.7. The proposed development has not failed to meet any minimum open-space requirements. There are significant provisions for open space in the development, for passive and active recreation such as parks; pedestrian/cycle paths and playing fields. The Urban Design and Parks and Recreation Departments have indicated their support for the proposal. Furthermore, a Precinct Plan still needs to be submitted, which will provide further and more refined details in this regard.

21.70.8. Access to the site is constrained by the built environment. I am, however, satisfied that it is sufficiently accessible and that, in the case of an emergency, there will be sufficient evacuation routes. The building-plan approval process will ensure that the necessary safety features are in place.

21.70.9. There remains, at this stage, sufficient design flexibility to accommodate any relevant exigencies.

21.70.10. I see no reason to doubt the Provincial Government's indication that the proposed densities and height profiles are necessary to ensure both cost-effectiveness and the general viability of the development. These principles, which are of critical importance to the success of the Conradie development, cannot be overlooked simply because nearby residential areas have comparatively low densities. As discussed, the necessary measures are in place to ensure the sustainability, proper servicing and integration of the proposed development.

21.70.11. I am satisfied that the proposed development is in accordance with the provisions of the National Development Plan cited by the appellants, including restructuring spatial divides, addressing inequality and inefficiency, and promoting sustainable and equitable human settlements.

21.70.12. The appellants' concerns regarding social pathology are ill-founded. The densities and unit sizes are appropriate to modern urban realities. The residential dwelling units will, furthermore, be supported by the necessary social infrastructure, including schools, recreational facilities and access to economic opportunities.

21.70.13. Bearing in mind the Provincial Government's undertakings in respect of ensuring a high level of urban management in the Conradie precinct, I disagree with the appellants' unsupported assertion that the proposed development will cause the City to be "*overrun with vagrants*".

21.70.14. I am satisfied that the rezoning, subdivision, consolidation and departures in respect of the subject property were correctly granted by the MPT and should therefore be confirmed on appeal (subject to the technical revisions to the rezoning and departures referred to below and subject also to certain revised conditions). I am also satisfied that the City's officials and the MPT considered the necessary information and applied their minds to all relevant considerations, including the provisions of the By-Law and the relevant policies, and that they have considered the application in terms of the applicable criteria.

22. The proposed development constitutes the use of State-owned land to develop a mixed-use development that will facilitate subsidised housing alongside housing made available through the private market, in addition to non-residential facilities. The land in question has been vacant for more than a decade; it is underutilised and well located in respect of transport and economic opportunities. The development of the Conradie precinct will entail the injection of significant capital, the upgrading of surrounding transport infrastructure, the direct creation of jobs during the development phase and the provision of economic infrastructure for the future creation of jobs and provision of commercial services. It will, furthermore, mark a significant stride in the local efforts to create a more integrated City that is less beholden to the spatial arrangements of a bygone and discriminatory era. To the extent that the proposed development brings change to the area, that change will be both positive and necessary, and will further be supported by the necessary infrastructure. I am therefore satisfied that the proposed development is eminently desirable and compliant with the By-Law and the DMS. While some of the objectors have raised valid concerns, those concerns have been sufficiently addressed by the amendments to the development proposal and the various conditions imposed. The appeals must therefore fail.

J. CONCLUSION

23. In the light of the above analysis and reasons, I hereby, in terms of the powers vested in me in terms of section 108 of the By-Law, **uphold the appeals in part and to the limited extent set out below.**

24. I **confirm the subdivisions, consolidations, rezoning and departures granted by the Municipal Planning Tribunal, subject to the revisions set out below.**

25. I also **confirm the conditions imposed and revised by the Municipal Planning Tribunal, subject to what is set out below.**

26. The last sentence of item 3.1 of Annexure A is amended to read:

> *"Generally depicted on the specific drawing / concept plan contained in Annexure C: Amended Concept Plan".*

27. Item 4.1 of Annexure A is amended to refer to item 64 rather than item 60 of the DMS.

28. The conditions are **varied** as follows:

28.1. The first sentence of condition 5.1 shall read:

> *"The development on the property shall be generally in accordance with the revised concept plan attached as Annexure C: Amended Concept Plan."*

28.2. Condition 5.1.1.1.2 shall read:

> *"Precinct plans shall be submitted to the satisfaction and approval of the Director: Development Management showing detailed design of each precinct, land unit or portion thereof and showing at least floor space, number of parking bays and land uses in order to give effect to the concept plan attached as Annexure C: Amended Concept Plan."*

28.3. Condition 5.1.1.3, 14th bullet point shall read:

> *"Public schooling shall be provided."*

28.4. A new condition 5.17, which shall read:

> *"A servitude shall be registered across the portions of land zoned for Open Space 3: Private Open Space in favour of the general public."*

29. The other conditions imposed by the MPT are upheld and will remain in place.

30. This approval does not exempt the applicant from any other laws, by-laws or regulations that may be applicable.

Yours faithfully,

P. de Lille.

PATRICIA DE LILLE

APPEAL AUTHORITY IN TERMS OF SECTION 114(3) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW

Date: 29.05.2018

Gregory Alkana
Ivan Blunden
Claudette Achilles
Michael Adams
Muneeb Allen
Jodah Allen
Jazeerah Allen
Janaan Allen
Nicholene Alkana
Gregory Alkana
Claudia Andrews
Barry Andrews
Sarah Brittan
Merle Berrange
Maureen Blunden
Lorien Byrne
Colleen Beck
John Donald Beck
Ivan Blunden
Carol Clark obo Pinelands Ratepayers & Residents Association
Maureen Chiware
Graham Clark
Elisha Chiware
Carol Clark
Fareed Domingo
Grant Deare
Yumnah du Toit
Riad Davids obo the Ratepayers' and Residents' Associations of Kensington, Factreton, Maitland, Pinelands and Thornton
Nigel Daniels
Leigh de Jamaer
Kevin de Smidt
Brenston de Bruyn
Astrid Avril de Kock
Gill Davidse
Venessa Edwards
Nabeela Essa
Natalie Gordon
Theodore Gabriels
Tony Foley
Wendy Fordred
Philip Francis
Nina Foley

Monwabisi Fani
Michele Francis
Mervyn Franciscus
Kim Filies
Jeniene Fraser
Janine Francis
Gareth Fraser
Anne Fraser
Natalie Gabrielse
Barbara George
Anthony Raymond Giloi
TJ Hendricks
L Hendricks
Jozua Hugo
MMF Hugo
June Hendricks
Hillton Hans
Elke Hagedorn
Belinda Hatton
Saadiqah Isaacs
Howard Jacobs
Hilton Murphy
Jeffrey Knickelbein
Muhammad Ridwan Khan
Timothy and Lynette Lambrechts
Taryn Lock
Shakira Lingham; Mogamat Cassim Lingham; Saneeya Lingham; Razeen Lingham; Faiek Jappie; Abdul Mueez Lingham
Mahomed Latiff
Lynette Lambrechts
JP Laidlaw / Laidlaw Manufacturing Deon Lewis
David Lombard
Cherri Murphy
Chris Lawrence
Carey Linden
Angus Lillienfeldt
Trevone Maarman
TA Maxwell-Hafen
Maureen Michalowsky
Karin Murphy
Fiona McCutcheon
Clifford Frederick Martin
Rozeena Nordien

Hanifa Parker
Wayne Paries
Rosco Peters
Jamie Peters
Randall Reid
Lindsay Reid
Candice Reddy
Bridgette Reid
Ann Reddy
Brent Ruiters
Astrid Ruiters
Eleanor Ruiters
Alex Rousseau
Nawaal Salie
Madeleine Scheppening
Leslie John Swartz
Kensington Factreton Residents and Ratepayers Association
Jean Sleigh
Hermann Schlenk
Dan Sleigh
Mark Traut
Noor van der Fort
Nina van Schoor
Bevan van Schoor
Nicholas Williams
Jacqueline Wentzel
Ryan Wentzel
Leigh Wentzel
Roger White
John Whitelaw
John Wentzel
Brenda Weir
Alvin Witten
Gian Marco Zanon
Lindsay Forbes
Leon Hopkins obo Thornton Ratepayers' & Residents' Association
Evette Maarman
Piet Westra

AMENDED ANNEXURE A
(AMENDED AS PER THE EXECUTIVE APPEAL AUTHORITY'S DECISION DATED 29-05-2018)

REF: Case ID: 70306568

In this annexure:
"City" means the City of Cape Town
"The owner" means the registered owner of the property
"The property" means **Erf 112656 AND 122657, FOREST DRIVE EXENSION THORNTON/PINELANDS**
"By-law" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015
"Item" refers to the relevant section in the Development Management Scheme
"Commissioner: TDA" means Commissioner: Transport and Urban Development Authority or his/her delegatee.
"Director: DM" means Director: Development Management or his/her delegatee.

Applications and conditions impose

1. SUBDIVISIONS GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

1.1 To permit the subdivision of Erf 112656 into two (2) portions in accordance with the attached subdivision plan in Annexure D being

- Portion 5 (alienated EFGHc) to be 1520m^2 in extent
- Remainder erf 112656 to be 14 790m^2 in extent.

1.2 To permit the subdivision of Erf 112657 into two (2) portions in accordance with the attached subdivision plan in Annexure D being

- Portion 4 (alienated ABCDE) to be 1413.4m^2 in extent and
- Remainder Erf 112657 to be 221 475m^2 in extent.

Subsequent to the consolidation mentioned in 2.2 below, the further subdivision into two portions (superblocks) in accordance with the attached subdivision plan in Annexure D being:

1.3 To permit the subdivision of consolidated erf comprising Portion 5(alienated EFGHc) with Erf 112657, as mentioned in 2.2 below, into two (portions) in accordance with the attached subdivision plan being

- Portion 1 to be 8.1ha in extent and
- Portion 2 to be 14.01ha in extent.

2. CONSOLIDATION GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

2.1 To permit the consolidation of Portion 4 (ABCDE alienated from Erf 112657) with rem. Erf 112656. (This will accommodate the Orthotic and Prostethic Centre.)

2.2 To permit the consolidation of Portion 5 (EFGHc alienated from Erf 112656) with rem. Erf 112657.

3. REZONING OF THE CONSOLIDATED ERF REFERRED TO IN 2.2 ABOVE GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

3.1 Rezoning ~~of the property*~~ from a Limited Use Zone to Subdivisional Area comprising portions zoned for

- Mixed Use, Sub-zone MU2;
- General Residential, Sub-zone GR5;
- Open Space 3: Private Open Space (OS3) and
- Transport Zone 2: Public Road and Public Parking.

Generally depicted on the specific drawing/ concept plan contained in Annexure C***: Amended Concept Plan.***

4. DEPARTURES ON THE CONSOLIDATED ERF REFERRED TO IN 2.2 ABOVE GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

4.1 From Item ~~60~~ ***64*** of the Development Management Scheme to permit the portions of buildings above 10.0m on the area zoned Mixed Use, Sub-zone MU2 to be 0m In lieu of 4.5m.

4.2 From Item 126 of the Development Management Scheme to permit an earthbank/retaining structure (berm) along the south-east common boundary to be 3.0m in lieu of 2.0m ~~required*~~.

THE CONDITIONS IMPOSED RELATE TO THE CONSOLIDATED ERF REFERRED TO IN 2.2:

CONDITIONS IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW:

5.1 The development on the property shall be generally in accordance with the *revised* concept plan ~~(contained in Annexure C attached)* as per presentation which must be~~ ***attached as Annexure C: Amended Concept Plan***

- The superblock subdivisions
- Phasing of the development
- Vehicular movement
- Pedestrian routes
- Internal historic areas

2.1 To permit the consolidation of Portion 4 (ABCDE alienated from Erf 112657) with rem. Erf 112656. (This will accommodate the Orthotic and Prostethic Centre.)

2.2 To permit the consolidation of Portion 5 (EFGHc alienated from Erf 112656) with rem. Erf 112657.

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- Mixed Use, Sub-zone MU2;
- General Residential, Sub-zone GR5;
- Open Space 3: Private Open Space (OS3) and
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Generally depicted on the specific drawing/ concept plan contained in Annexure C***: Amended Concept Plan.***

4. DEPARTURES ON THE CONSOLIDATED ERF REFERRED TO IN 2.2 ABOVE GRANTED IN TERMS OF SECTION 98 OF THE MUNICIPAL PLANNING BY-LAW:

4.1 From Item ~~60~~ ***64*** of the Development Management Scheme to permit the portions of buildings above 10.0m on the area zoned Mixed Use, Sub-zone MU2 to be 0m In lieu of 4.5m.

4.2 From Item 126 of the Development Management Scheme to permit an earthbank/retaining structure (berm) along the south-east common boundary to be 3.0m in lieu of 2.0m ~~required*~~.

THE CONDITIONS IMPOSED RELATE TO THE CONSOLIDATED ERF REFERRED TO IN 2.2:

CONDITIONS IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW:

5.1 The development on the property shall be generally in accordance with the *revised* concept plans ~~(contained in Annexure C attached)* as per presentation which must be~~ ***attached as Annexure C: Amended Concept Plan***

- The superblock subdivisions
- Phasing of the development
- Vehicular movement
- Pedestrian routes
- Internal historic areas

- Building heights
- Recreation areas
- Active edges.

5.1.1 Prior to building plan submission, the developer must submit:

5.1.1.1 A subdivision plan for the site showing subdivision areas for the different portions and land use zones allocated to each portion.

5.1.1.1.2 Precinct plans shall be submitted to the satisfaction and approval by the Director: Development Management showing detailed design of each precinct, land unit or portion thereof and showing at least floor space, number of parking bays and land uses in order to give effect to the ~~***amended*** concept plan~~ ***concept plan attached as Annexure C: Amended Concept Plan***.

5.1.1.1.3 *Further to 5.1.1.1.2 above, a** detailed Site Development Plan ~~per land unit or portion thereof*~~ *shall be provided** to the satisfaction of the Director: Development Management, showing:

- Existing and proposed cadastral boundaries.
- The two portions with identified precincts within each portion.
- The relationship of the site to the public realm (the interface with Forest Drive extension properties Forest Drive extension with pedestrian and bicycle links) and relationship to surrounding properties;
- The layout of the land unit or portion thereof indicating the use (land use mix including the provision of squares, potential for the provision of informal activities, etc.) of different portions of land unit or portion thereof.
- The massing, position and extent of buildings;
- The interface of buildings with Forest Drive extension *and Jan Smuts Drive**;
- The position of parking, including loading bays if necessary, public squares and points of convergence/spots of public transport;
- Position of public, private and communal spaces;
- External signage detail;
- General landscaping proposals including compliance with the overall landscape plan;
- Statistical information such as the extent of the proposed development, floor area, building heights, land use allocations and parking supply, etc.
- Contribution of the development to the quality, safety and amenity of the surrounding and internal public environment;
- Any other details as may reasonably be required by ~~Council~~ *Director: Development Management**.
- ~~*Provision of educational facilities*~~.* ***Public schooling shall be provided***.

5.2 Building plans for the development of the property shall be *substantially** in accordance with the Site Development Plan referred to in 5.1.1.1.3

5.3 When approving the SDP referred to in 5.1.1.1.3 above, ~~Council~~ *Director: Development Management** may impose further conditions to ensure the appropriate development of the subject property.

5.4 The Precinct Plans referred in 5.1.1.1.2 above shall be accompanied by:

5.4.1 A Transport master plan detailing accesses (vehicular, bicycle and pedestrian) from/onto Forest Drive extension, Odin Way and Thor Circle onto the property, within and around the property. The Transport master plan must make provision for public transport facilities internal to the development. To this end consideration must be given to the provision of a public transport hub.

5.4.2 Stormwater Management master plan detailing the flood attenuation measures including detention ponds, berm position and height, swales, etc.

5.4.3 Landscape master plan prepared by a qualified landscape architect registered with the South African Council for the Landscape Architectural Profession showing:

- The treatment of the edges of the site.
- Structuring elements such as roads, pedestrian walkways and desire lines, view corridors, etc.
- All detention ponds, swales, flood areas, etc.
- Open/recreational spaces designated for the site and their different uses. The extent of each shall also be furnished.

5.4.4 Each plan referred to in 5.4.1, 5.4.2, and 5.4.3 above shall be submitted for the approval of the Director: Development Management in consultation with the Director: Integrated Transport Portfolio (Transport Planning); Director Informal Settlements, Water and Waste Services (Rivers, Stormwater and Catchment Management) and Director: Urban Integration (Urban Design), respectively.

5.5 Pedestrian and/or vehicular connection via Thor Circle shall be explored prior to the submission of precinct plan as referred to in 5.1.1.1.2 above.

Land Use

5.6 The development shall be limited to a maximum floor space of 350 000m^2.

5.7 Except with the approval of the Director: Development Management:

5.7.1 Read with condition 5.9 below, Phase 1 of the development shall not exceed a floor space of 128 100m^2 in extent.

5.7.2 Read with conditions 5.10 and 5.11 below, Phase 2 of the development shall not exceed a floor space of 121 000m^2 in extent.

5.8 The further development of the property in excess of that contemplated in 5.7.1 and 5.7.2 above to utilise the remaining floor space shall require the further approval of Director: Development Management.

5.9 Prior to the commencement of construction/development of phase 1 the following shall be ~~construction~~ *constructed* and ~~provision~~*provided* of

- The construction of flood and stormwater attenuation measures in accordance with the approved Stormwater Management master plan referred to in 5.4.2 above.
- Water, sewer and electrical connections/provisions required
- ~~NMT~~*pedestrian** connections to Odin Way (including the construction of the bridge across the Elsieskraal River Canal
- Two access points onto Forest Drive extension from the site connected to the internal road network
- Upgrades of the following intersections/roads
  - Forest Drive and Ringwood Drive
  - Forest Drive and Jan Smuts Drive
  - Jan Smuts Drive and
  - Forest Drive Extension.

5.10 Prior to the commencement of construction of phase 2 Aerodrome Road extension *shall be constructed** from Forest Drive Extension to Voortrekker Road in accordance with the Transport Master Plan referred to in 5.4.1 above.

5.11 Except with the approval of Director: Development Management the following land uses shall not be permitted:

- Industry
- Places of Entertainment
- ~~Places of Assembly~~*
- Hospital.

Landscaping/Urban Design

5.12 The submission of Site Development Plan for each phase of development (i.e. phase 1 and phase 2) shall be accompanied by a detailed landscape plan for the approval by the Director: Development Management in consultation with the Director: Urban Integration (Urban Design) detailing

- Hard and soft landscaping.
- Trees to be retained and removed.
- Additional planting to be introduced on the property.
- A movement hierarchy plan showing
  - Vehicular access onto and around the site having regard for the requirements of the Commissioner: Transport and Urban Development Authority (Roads and Transport Planning).
  - Parking provision
  - Bicycle lanes from Forest Drive extension
  - Bicycle parking provision
  - Pedestrian access/crossings from Forest Drive extension and around the property
- How the recreation of areas beyond the buffer zones are affected by flooding during flood periods.

- Maintenance responsibilities of the open spaces, recreation spaces and landscaped areas.
- The implementation of landscaping in line with the phased development.
- Proposed structures, retaining walls, street furniture, lighting, play equipment and hard surfaces.
- All buildings fronting onto the public realm and open/recreational spaces shall be interactive.
- No buildings shall back onto public or semi-public spaces, *where feasible**.
- Any further details in respect of the design of the proposal required by the Director: Development Management.
- *Particular attention must be given in terms of the Council's Urban Design Policy to the interface of the 25m high residential buildings with abutting residential areas and public realm.**

5.13 The building setback above 10.0m on the portion zoned for Mixed Use, Sub-zone MU2 shall ~~have a minimal setback~~ *be articulated** to the satisfaction of the Director: Development Management in consultation with the Director: Urban Integration (Urban Design).

Transport/Traffic and other services

5.14 The owner/*developer** shall pay a development charge (DC) in accordance with the Development Charges Policy for Engineering Services for the City of Cape Town. The total amount payable for the proposed land use right in accordance with the attached DC calculation is ~~R66 6694 740.57~~ *R66 694 740.57**. It must be noted that this amount is calculated for the period up until 30 June 2018 and that the amount due will be escalated annually with the Construction Price Adjustment Formula (CPAF) using the industry indices of StatsSA. The DC's shall be paid prior to approval of building plans.

5.14.1 The development contribution referred to in 5.14 above shall ~~relate to the maximum permissible bulk shall be restricted~~ *relate** to

- A total of 3605 dwelling units
- Schools 3944m2 GLA
- Hall, Admin Office, Sports hall 1913m2 GLA
- Retail and service industry 9520m2 GLA
- Offices 14714m2 GLA

and shall conform to the phasing as referred to in 5.7.1 and 5.7.2 above.

5.14.2 Notwithstanding 5.14 above, a Services Agreement between the developer/owner shall be entered into with the City for the installation/upgrade of bulk municipal services with respect to Roads and Transport as stipulated in the recommendations of the TIA by Hawkins Hawkins and Osborne dated March 2017, in lieu of development contributions. The road upgrades shall relate to alternative 3 i.e. the "elevated T" option and shall require upgrades to roads as referred to in 5.9 and 5.10 above to the satisfaction of the Director: Development Management in consultation with

the Director: Integrated Transport Portfolio (Transport Planning).

5.15 Provision shall be made internal to the development for shared parking to occur between businesses and residential uses to prevent the underutilisation of parking.

5.16 *One sport facility, including at least one full size football field and indoor multipurpose sport facility, must be provided before over 1800 residential units are approved for construction.**

~~5.16~~* *Note**: Prior to the approval of a site development plan, any further permissions and approvals of Heritage Western Cape and/or the Department of Environment and Development Planning shall be obtained.

5.17 A servitude shall be registered across the portions of land zoned for Open Space 3: Private Open Space in favour of the general public.

Note:
1. The requirements of the Director: Integrated Transport Portfolio (Asset Management and Maintenance).
2. Various requirements of the National Water Act must be complied with in order to provide for certain water uses.
3. The requirements of various service branches in respect of water and sanitation, water and sewer, solid waste and electrical connections to the site.
4. These conditions shall be read in conjunction with the Record of Decision as submitted by the Heritage Western Cape dated January 2012 attached as Annexure I.
5. In respect of the subdivision: The conditions referred to be shall relate only to the subdivision of the consolidated property into portions 2 and 3. The further subdivision of portions 2 and 3 shall necessitate circulation to branches for comment and further service related conditions in respect of the subdivisions to be imposed.
6. A home owners association constitution shall be submitted after the further subdivision of each superblock for approval the approval of the Director: Development Management.

CONDITIONS IMPOSED IN RESPECT OF THE SUPERBLOCK SUBDIVISION I.E. THE SUBDIVISION INTO PORTIONS 2 AND 3 OF THE CONSOLIDATED ERF REFERRED TO IN 2.2:

6 SUBDIVISION CONDITIONS IMPOSED IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW:

6.1 CONDITIONS IMPOSED ON ALL PORTIONS IN TERMS OF SECTION 100 OF THE MUNICIPAL PLANNING BY-LAW WHICH MUST BE COMPLIED WITH AT THE COST OF THE DEVELOPER AND TO THE SATISFACTION AND ACCEPTANCE OF THE COUNCIL PRIOR TO THE TRANSFER OR SEPARATE REGISTRATION IN THE DEEDS REGISTRY OF ANY LAND UNIT ARISING FROM THIS SUBDIVISION APPROVAL:

6.1 **CLEARANCE CERTIFICATE:** Once conditions of subdivision have been met the applicant must apply for a subdivision clearance certificate and such application must be accompanied by the original survey diagrams and/or general plan approved by the Office of the Surveyor General. **Documents to be lodged with covering letter on the 14th floor.**

6.3 **RATES CLEARANCE**: Applications for rates clearance to the City Treasurer for the individual portions of the subdivision must be accompanied by the subdivision clearance certificates. In the case where servitudes are created the Powers of Attorney to pass transfer must be submitted to this office and the clearance certificates will be endorsed on those documents. The rates clearances will be endorsed on the same documents. In terms of Section 137 of the MPBL, the City Treasurer will not issue a rate's clearance for any portion of this subdivision until such time as he is supplied with proof of compliance with the conditions of subdivision (i.e. the subdivision clearance certificate). **Documents to be lodged on 4th Floor Podium: Enquiries: (021) 400 2965**

6.4 MUNICIPAL SERVICES:

Note: Any alterations to services necessary as a consequence of the proposal or requested by the applicant shall be at the applicant/developer's cost.

6.5 Bulk services

6.5.1 Bulk services/links/connections in respect of water, sanitation, sewerage, solid waste and electricity shall be provided to the satisfaction of the Director: Informal Settlements, Water and Waste Services (Water and Sanitation; Sewerage, Solid Waste Management) and Director: Energy (Electricity Generation and Distribution), if required.

Note: The handover of municipal water and sanitation services will be subject to quality control during construction.
A formal application must be made to provide new water or sewer connections to the development.

6.6 GIS / DATA CAPTURE: Tel: 021- 400-9590

6.6.1 An electronic copy (in either dxf, shp or dwg format) of the Surveyor General's Diagram or General Plan shall be submitted to the GIS Section after the survey records are approved by the Surveyor General.

Note: This information can also be e-mailed to Mohsin.Waggie@capetown.gov.za A copy of the email must be attached to diagram clearance documentation.

Note: The further subdivision of the property shall necessitate circulation to branches as a minimum requirement to satisfy subdivision requirements.

APPENDIX 1

IMPORTANT INFORMATION AND STANDARD ADMINISTRATIVE REQUIREMENTS IN RESPECT OF SUBDIVISION APPROVAL, ESSENTIAL TO EFFECT REGISTRATION AND/OR TRANSFER OF SUBDIVIDED PORTIONS

In addition to the conditions of approval listed in Annexure A, the following further processes and standard administrative requirements are to be noted and complied with in full timeously.

Further processes

1 Generally, the further processes following subdivision approval involve the following sequence of events:

- Actual site surveying and preparation of a survey diagram or General Plan by the owner / applicant's appointed land surveyor
- Submission to and approval by the Surveyor General (SG) of the diagram or General Plan
- Once services infrastructure have been installed and all conditions of subdivision have been complied with, upon application, subdivision clearance certification issued by Council in terms of Section 137 of the MPBL.
- Once Section 137 subdivision clearance issued, upon application, rates clearance certification issued by the City Treasurer in terms of Section 118 of the Municipal Systems Act, No 32 of 2000
- Supported by the above clearances, conveyancer application to the Registrar of Deeds for separate registration and/or transfer of newly subdivided portions
- Upon individual registration, building plan approval, followed by construction, subsequent building completion certification by Council and eventual occupation

2 Kindly note, the subdivision approval in the accompanying decision letter will lapse unless separate registration of at least one land unit is effected in the Deed's office within 5 years of the date of Council's final notification letter of this approval (which letter will follow in due course), unless extension of the validity thereof has been granted by the Director: Development Management in terms of Section 137 of the MPBL prior to such lapsing.

3 After final Council notification of this subdivision approval, the SG will require preparation of a diagram or General Plan (illustrating any servitudes where applicable) of the newly created land unit(s) for its approval. Such diagram or General Plan is to be prepared by a land surveyor appointed by the owner / applicant. The owner / applicant or its surveyor is required to liaise directly with the SG in this regard. Upon approval thereof, the SG will indicate by means of an endorsement the date and reference number of this subdivision approval on the back of the diagram(s) of the newly created erven or on the front of the General Plan, whichever are applicable.

4 Upon or prior to submission to the SG office of such diagram(s) or General Plan for approval, an electronic copy thereof must be e-mailed to the Senior GIS technician in the district Planning office where the approval was issued at the relevant address reflected below. Proof of such e-mail transmission must accompany any subdivision clearance application or building plan submission to the Planning & Building Development Management Department, whichever may occur first.

District	e-mail address
Table Bay	p&bdev.tablebay@capetown.gov.za
Blaauwberg	p&bdev.blaauwberg@capetown.gov.za
Northern	p&bdev.northern@capetown.gov.za
Tygerberg	p&bdev.tygerberg@capetown.gov.za
Helderberg	p&bdev.east@capetown.gov.za
Mitchell's Plan / Khayelitsha	p&bdev.mitchellsplainkhayelitsha@capetown.gov.za
Cape Flats	p&bdev.capeflats@capetown.gov.za
Southern	p&bdev.southern@capetown.gov.za

5 Once the diagram(s) or a General Plan has been approved by the SG and all the conditions of subdivision have been met by the developer, application may be made by the owner (or his appointed conveyancing attorney) to the Director: Development Management at your nearest district Planning office for subdivision clearance certification in terms of Section 137 of the MPBL. Such application must be accompanied by the following:

- Completed and signed application form
- Information sheet (partially completed)
- Draft Power of Attorney (where necessary)
- SG approved General Plan / diagram(s) (original)
- Copy of original Council approval letter (including conditions of approval and approved plan of subdivision)
- Application fee / payment receipt
- Proof of e-mail transmission of electronic copy of General Plan / diagram to the district Senior GIS technician
- Any other supporting evidence necessary to substantiate condition compliance

Where servitudes are to be created as part of the subdivision or there is a requirement for a Home / Property Owners' Association to be established of which new owners are required to be members, a copy of the draft Power of Attorney to pass registration / transfer must be submitted to the Director : Development Management as part of the above application.

6 Required to effect registration and/or transfer, a rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 may only be applied for to the City Treasurer once the Director : Development Management has certified that all conditions of subdivision have been complied with to its satisfaction, as per the aforegoing paragraphs. Such applications for rates clearance certificates must therefore be accompanied

by the above subdivision clearance (condition compliance) certificate in terms of Section 137 of the MPBL.

7 The Registrar of Deeds will not permit registration of individual portion(s) or servitude area(s) and/or transfer of such new land unit(s) unless the City Treasurer has issued the above rates clearance certificate in terms of Section 118 of the Municipal Systems Act, No 32 of 2000 in respect of such land unit(s).

Geographic Information System (GIS) data capturing standards

8 In drawing up the General Plan or diagram(s) relating to this subdivision, the land surveyor must create the following seperate layers in ESRI .shp or .dxf electronic file format in order for the data to reflect spatially correct:

Layer name	Content
TITLE	Title information, including any endorsements and references
NOTES	All noted information, both from the owner / surveyor and SG
PARENT_PROPLINES	Parent property lines
PARENT_PROPNUM	Parent erf number (or portion number)
PROPLINES	New portion boundaries
PROPANNO	New erf numbers
SERVLINES	Servitude polygons
SERVANNO	Servitude type
STREET_NAMES	Road centre lines with street names
STREET_NUMBERS	Points with street numbers
COMPLEX BOUNDARIES	Where applicable, polygon with complex name (mention whether gated or not and if so, where gates are)
SUBURB	Polygon with suburb name, where new suburb / township extension created
ESTATE	Where applicable, polygon with estate name (mention whether gated or not and if so, where gates are)

9 Such drawing of the approved subdivision must include the following information:

- property boundaries
- co-ordinates
- parent erf number(s)
- newly allocated erf number(s)
- approved street name(s), including whether public or private
- approved street number(s) and/or unit numbers (if applicable)
- complex name (in case of a complex development, eg group housing or flats)
- suburb name (in case of creation of a new suburb / township)

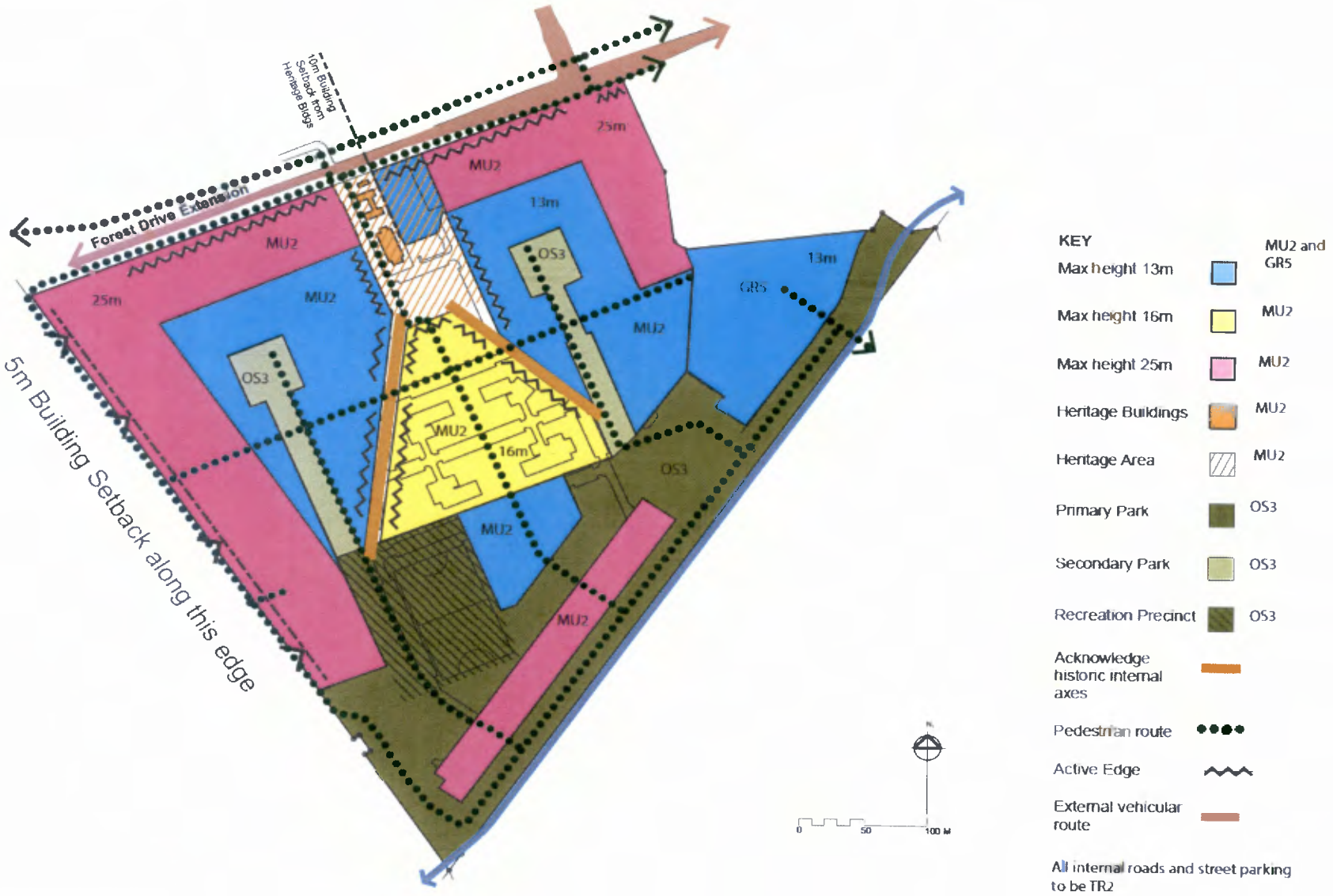
No additional information other than that described above may be included with the different layers / features. Should it be necessary to include any

additional information with the diagram / General Plan, such information may not be included with any of the layers described above, but should rather be included in any other separately named layer.

10 It is important that each portion / servitude boundary is complete and forms a closed polygon, ie the line endpoints must touch each other (eg no undershoots or overshoots). In addition, each property number anchor must be located within the respective property's boundaries. Kindly also note, split remainders are not permitted and except for a single remainder, each cadastral unit should have a separate erf number.

In addition to being geo-referenced and in WGS 1984 Geographic Coordinate System, the drawing must be completed using real world coordinates based on the City of Cape Town Standard as follows:

- Datum : Hartebeeshoek WGS 84
- Projection : Transverse Mercator
- False easting : 0.00000000
- False northing : 0.00000000
- Central meridian : 19.00000000
- Scale factor : 1.00000000
- Origin latitude : 0.00000000
- Linear unit : Metre

11 The above electronic data must be delivered (preferably by e-mail to the address supplied above) to the Senior GIS technician in the district Planning office where the subdivision approval was issued in standard dxf or shapefile format. If the data is to be supplied in shapefile format, then separate shapefiles are required for street names and numbers.

AMENDED CONCEPT PLAN AS APPROVED 29-05-2018