

## **Introduction**

### **1.1 Background**

The subject property is Remainder Erf 22180, Kuilsrivier and forms part of the development known as Hamilton Estate. Approval was originally granted during 2010 for a development comprising of 533 residential erven with associated uses. Subsequent to this, approval was later granted to undertake the development in phases and only 217 of the planned 533 residential erven have been serviced and/or developed at this stage. The pace of development was affected by various factors, the general collapse in the property market round about the time when the development was approved likely the largest contributor in this respect. During this period, the City proceeded with their own planning w.r.t social housing projects on the land located to the west of the subject property. Whilst the owners were aware of these actions, this has an effect on the marketability of their own development.

As a result of the above, officials within the City's Planning Department were approached to discuss increasing the gross development density. The opinion was held that such a proposal would be in keeping with the general character of the area and the objectives of the City whereby appropriate densification is supported.

### **1.2 Brief and application**

ATLAS Town Planning was requested to prepare a land use application to obtain the necessary land use rights to enable the development of the Remainder of Erf 22180, Kuilsrivier for residential purposes with associated uses. The necessary power of attorney is attached to the application.

#### **Application is herewith made:**

- i) In terms of Section 42(a) of the City of Cape Town Municipal Planning By-Law of 2015 for the rezoning of Remainder Erf 22180, Kuilsrivier from Agricultural Zone to Subdivisional Area Overlay Zoning (Single Residential Zone 1 (SR1), General Business 2 (GB2), Community Zone (CU1), Open Space Zone 2 (OS2), Utility Zone (UT) and the remainder Public Road (TR2).
  
- ii) In terms of Section 42(d) of the City of Cape Town Municipal Planning By-Law

of 2015 for the subdivision of of Remainder Erf 22180, Kuilsrivier into 462 Single Residential 1 (SR1) erven (measuring on average +/- 145m<sup>2</sup> each), 1 General Business Zone 2 (GB2) erf, 2 Community Zone 1 (CU1) erven, 1 Utility Zone (UT) erf and the remainder public open space (OS2) and public Road (TR2), as depicted on the proposed plan of subdivision.

- iii) In terms of Section 42(e) of the City of Cape Town Municipal Planning By-Law of 2015 for approval to implement a subdivision in phases, as depicted on the proposed phasing plan.
  
- vi) Approval of the name the names “Bergboegoe Crescent”, “Hardebos Street”, “Kamasiehout Street”, “Kamferbos Street”, “Kol-Kol Close”, Kruiphout Street and “Wildekalkbas Crescent” as street names for this development.

## **Property Details**

### **2.1 Property Description**

This application has bearing on Remainder Erf 22180, Kuilsrivier, City of Cape Town Municipality, Division Cape, Western Cape Province measuring 13,28ha. The property is held in Deed of Transfer T31528/2010 and registered in the name of *Shining Oak Investments 7(Pty) Ltd (Nr 2009/003511/07)*.

A conveyancer's certificate revealed that there are no restrictive title deed conditions. The conveyancer's certificate, copy of the title deed and the Surveyor General's diagram is also attached.

### **2.2 Locality**

The subject property is located in Kuilsrivier. Kuilsrivier is very centrally located in the context of the metropole, situated along the Voortrekker Road/ Van Riebeeck Road activity corridor, approximately 25km from Cape Town CBD, 15km from Stellenbosch and 20km from Somerset-West/Strand. Both the N1 and N2 National Roads are within easy reach via the R300 bypass road which forms the western boundary of the town. The subject area is situated in the south west quadrant of the town in close proximity of the R300 – Bypass road and Stellenbosch Arterial Road. The existing Kalkfontein residential area forms the northern boundary of the site and the Kuils River the eastern boundary. Undeveloped small holdings are situated directly to the

west of the subject property. The Bet-El School is situated directly south of the site.

### **2.3 Existing land use and zoning**

The property is zoned as Agricultural Zone in terms of the City of Cape Town's Development Management Scheme and is mostly vacant. A few of the original farm dwellings still exist and approval was previously granted to have these demolished to enable the development of the property as the site does not contain any heritage significant features. The property is not a viable agricultural unit and has long been earmarked for residential infill development. The surrounding areas to the north and east is practically fully developed and further developments are planned for the remaining undeveloped land located to the south and west respectively.

### **2.4 Physical characteristics**

Remainder Erf 22180 is largely vacant with very little vegetation to speak of. The ground cover consists of predominantly veld, bare soil and some grass cover. The site was clearly disturbed in anticipation of development. The few remaining dwellings and homesteads are all in a dilapidated state and not worthy of preservation. The property is located adjacent to the Kuils River and has a gentle slope in a south-easterly direction. The land is however fairly level in general and as such does not pose any physical constraints for development.

### **Planning context**

#### **3.1 Surrounding land uses**

The subject property is situated directly south of the Kalkfontein residential area. The Kuils River canal forms the eastern boundary of the site with more residential uses on the opposite side of the canal. A number of small holdings are situated to the west of the subject property. These form part of a social housing project and it can be expected that development of these properties for residential purposes will commence in the not so distant future. The Bet-El School is situated directly south of the site. The school site was recently subdivided from the remainder of the farm and is also envisaged that a change of use will be affected for the remainder of the under utilised portion at some point in time.

### 3.2 Existing forward planning and policy frameworks

The Cape Town Spatial Development Framework is applicable to this area. The SDF is used as a guide to appropriate use of land within the boundaries of the City of Cape Town Municipality. The City is divided into 8 Districts and the subject property falls within Tygerberg District Plan: Sub-district Sub-district 9: Sarepta, Stellendale, Highbury, Kalkfontein Smallholdings, Kuils River system.

The following are relevant extracts from the District Plan stipulates w.r.t land use proposals for this particular area.

#### *“Intensification & urban form/character*

- *Facilitate specifically the provision of in-fill housing opportunities in a manner that will contribute to the upliftment of the area.*
- ***Development of appropriately located vacant land for higher density residential development should be promoted.*** *Such development should be undertaken in a manner that does not detract from the character of the area and that will consider the maintenance of an appropriate interface between the development and especially single residential uses within the area.*

#### *Economic opportunities*

- *Promote opportunities for business activities in close proximity to public transport routes and services.*
- ***Facilitate commercial development in demarcated areas where commercial activities can be established (i.e. Kuilsrivier Station, sections of Reuter Road through Kalkfontein, intersections along New Nooiensfontein Road and Belhar/Range Road Extension, Nooiensfontein Road where access is possible)*** *and ensure appropriate interface of commercial activities with residential areas.*

#### *Managing urban development*

- *Opportunity to enhance the quality of the urban environment by improving the quality of open space and natural structuring elements*
- *In general, there is wide support for the Kuils River Corridor to be identified as a district park. Key focal points for public investment can be identified along its course, such as the area around the Sarepta local civic precinct, **the western river bank at Kalkfontein**, and the 1:100 yr floodplain at Highbury.*

### Access

- *Promote the appropriate integration of the area with surrounding areas to facilitate accessibility*
- ***Encourage the extension of Reuter Road in Kalkfontein across the Kuils River to link up with Highbury Road intersection”***

This application relates to the re-instatement of development rights for a portion of the property where the land use rights has not been taken up in the prescribed period. The proposed subdivision plan are focussed around the same planning philosophy as before which by now is adopted in the relevant forward planning documents. The development proposal is for a medium density residential development on free-standing erven with typical house sizes of similar size and quality to the ones found in the immediate area. The proposed development ticks all the relevant boxes contained in the SDF for this particular area. The opinion is therefore held that the proposal is consistent with the applicable forward planning policy and frameworks and that the intended use will have a positive impact on the area in general.

### **3.3 Legal aspects**

Land Use applications are dealt with in accordance with the Land Use Planning Act (Act 3 of 2014) and consequent Municipal Planning By-Laws. Application is made in terms of Sections 42(a),(d),(e) & (u) of the City of Cape Town Municipal Planning By-Law of 2015.

Approval was previously granted and a record of decision issued i.t.o the National Environmental Management Act (Act 107/1998). Whilst the environmental aspects previously raised were incorporated into the planning, the matter of environmental authorisation was discussed with the City's Environmental Department and the current application does not appear to trigger any of the listed activities in terms of the National Environmental Management Act (Act 107/1998). Similarly, a record of decision was also previously granted in terms of the National Heritage Resources Act (Act 25 of 1999) for the development of the entire Erf 22180, Kuilsrivier (the result of the consolidation of a number of smaller holdings). It is trusted that this authorisation still applies.

#### **4. Development Proposal**

The application is aimed at the establishment of a mixed use residential development comprising of 462 residential erven, a strategically positioned commercial property (+/- 0,74ha), 2 community zoned erven, 1 erf earmarked as an utility use (electrical substation should it be required) and the remainder public open space and public road.

The development is seen as the continuation of the existing Hamilton Estate residential development located directly north of the subject property. The standard erf will be 144m<sup>2</sup> in extent, with a typical streetfront of 8m and a depth of 18m. Besides the fact that these erven compare very good in terms of erf sizes with established developments such as Highbury Park and other similar developments in this particular quadrant of Kuilsrivier, the erven are generally rectangular in shape, therefore allowing maximum building potential. The overall development density is just short of 30 units per hectare and this is consistent with development densities for developments of this nature. It is the intention to develop the properties in a plot and plan manner and to deliver dwellings of similar size and value found in the area. This generally entails a minimum dwelling size of 45m<sup>2</sup> (excluding garages) and modular designs which will enable future extensions. The properties can be developed in accordance with the development parameters of the Development Management Scheme for erven of these sizes.

The commercial property is located in the same position as previously approved along the extension of Reuter Street. There are limited commercial opportunities available in the area and this property is strategically positioned along this road which can be regarded as a structuring route. The property is large enough to attract the interest of national tenants. The fact that private vehicle ownership is fairly low in this particular area would likely justify the implementation of reduced parking requirements as well. The development of this site can be dealt with by means of a Site Development Plan when the property is ready for development.

Two erven have been provided to be developed for community based uses and are also positioned adjacent to the Reuter Street extension. Another such property was provided in the first phase of the Hamilton Estate development and is not yet developed. These properties are typically suited to be developed as Places of Worship or Instruction. There is a generally high demand for these uses in densely

populated areas. As mentioned, provision has also been made for a potential electricity substation on a property to be zoned Utility Use.

The remainder of the development will comprise of public open spaces and public roads. The provision of open space was dictated by the original layout and the general objectives of the SDF (see extract below).



Figure 1: Extract from Tygerberg District Plan

The centrally located open space along Syselbos Street (Portion 466) has been retained in the same position as before and ties in with the general plan for the existing Hamilton estate development. It is however the opinion that these smaller open spaces lack functionality in general and that it is often problematic to maintain. In this sense, the general principle to provide public open space adjacent to the Kuils River and thereby strengthening the objectives of the Metropolitan Open Space System, was retained. To increase visual exposure and to promote a more active river interface, the open spaces front onto future public roads and are not positioned at the rear ends of the proposed residential erven. The open space section of the property south of the bridge over the river (Portion 473) was previously identified as a natural vleis and has been retained as such.

The only material change to the previous layout relates to the proposed re-routing of Isabel Street through the development. Isabel Street and Syselbos Street will in future be a prominent intersection at the centre of this development. There was also requirement to provide a site for an electrical substation near this location. The

opinion was therefore held that this prominent intersection (which may in fact be developed as a traffic circle) creates an opportunity to be a visual feature in the centre of the larger Hamilton Estate development. Access to residential plots on such prominent locations is often a concern and hence the provision of public open space is viewed as a preferred alternative and in keeping with the objective to visually enhance this area.

The development proposal was formulated by taking into account amongst others the following:

- i) Site specific characteristics e.g. the natural slope of the land
- ii) Access configurations
- iii) Engineering services
- iv) Technical requirements e.g compliance with development parameters
- v) Impact on surrounding land uses

The objective of the SDF was carried through with the planning and design. The extension of Reuter Street to link up with the road crossing the Kuils River, will ultimately create economic opportunities along this road. The positioning of the open space along the western embankment of the river are also in keeping with the objectives of the SDF, namely to potentially create a district park in this area.

#### **4.1 Socio - Economic Impact**

Socio-economic impacts relates to the potential impact of a development on humans and the bio-physical environment. It is important to achieve a balance between economic, social and environmental factors. Land is a very scarce resource and development should be facilitated in a manner that ensures that service delivery is sustainable.

This application relates to residential development aimed at persons who does not necessarily qualify for subsidised housing. The proposed development is in keeping with other developments in the larger area where the focus have been the provision of housing to a segment in the market where affordability is a key factor. The subject property has limited agricultural potential and as such the land is not remotely being utilised to it's potential. The City's Densification Policy is aimed at addressing the issue of urban sprawl and to utilise the available land in a responsible manner. This



will ensure efficient and cost effective delivery of services and infrastructure. The Kalkfontein area is viewed as an area with low private vehicle ownership and residents are heavily dependent on public transport.

Notwithstanding the fact that this is a private development, it shares the same characteristics of the other social housing initiatives, being the provision of housing in the lower income market. Residential developments have a direct impact on communities. This development is seen as the continuation of Hamilton Estate to the north and will ultimately see integration between the existing developments north and east of the canal, as well as the planned developments west and later further south of the subject property.

The development proposal is in keeping with the spatial planning objectives for the area whilst at the same time being considered towards existing property owners' rights. The proposed development will amount to significant capital expenditure in terms of new buildings, landscaping, stormwater management and consequent site improvements such as boundary walling to name a few. This will no doubt have positive economic spin-offs for the region and will create employment during particularly the construction period. The increased use of the land will have a positive impact on the objectives of densification for the area in general and will have a significant financial gain for the municipality w.r.t development contributions and future property rates and taxes.

It is therefore apparent that the economic benefits of the proposed development are evenly balanced in terms of delivering on a product which is not only consistent with developments in the immediate area, but is sensitive to the social needs of current and future residents in this area. The opinion is therefore held that the proposed development will have a positive socio-economic impact.

#### **4.2 Safety, health and well-being of surrounding community**

As mentioned, the proposed development will be the continuation of an existing development which is already known for the quality and style of the houses being delivered. The continuation of this development will not negatively impact on the safety, health or general well-being of the surrounding community.

#### **4.3 Consistency w.r.t surrounding land uses**

The property has been earmarked for medium density infill development for some time and approval was granted in the past for it to be developed as such. The development rights approved at the time was only partially exercised. This application is very much similar to what was previously approved on the remainder of the property, albeit that the number of units was slightly increased. The product offering will however still be similar to what has been offered before and in keeping with the surrounding land uses. It is therefore not foreseen that the development will have any material impact on the surrounding uses.

The proposed development will allow for the extension of Reuter Street to the south and ultimately allowing for a link over the Kuils river towards Nooiensfontein Road. This will definitely benefit the surrounding area and the increased mobility will stimulate economic opportunities along this stretch of road. The proposed development also includes complimentary land uses and in particular an adequate provision of public open space along the western bank of the river. There will be opportunities for places of worship and/or instruction, whilst the commercial property is strategically positioned in the context of the greater area to possibly attract national tenants. This will be a real benefit to the residents of Kalkfontein and surrounds that in most instances do not have access to private vehicles. The general opinion is therefore held that the development will fit in seamlessly with the surrounding land uses.

#### **4.4 Traffic and Parking**

A Traffic Impact Assessment was conducted to look at the potential impact of the proposed development comprising of 462 residential opportunities. Cognisance was also taken of the associated uses which include the commercial property and two erven set aside for community based uses. The TIA also looked at changes in the area over the past few years in lieu of certain upgrades to the road network previously required for various developments approved since. Private vehicle ownership in the area is generally very low and the TIA confirmed that the development is expected to have a moderate impact on the operation of the nearby intersections. All of the intersections will be operating at acceptable service levels. The complete TIA is attached to the application and all of the recommendations which have reference to the subdivision plan, has been incorporated.

The recommendations of the TIA are listed below:

- The three-way stop at the Belhar Main Road / Reuter Street intersection should be changed to stops on Reuter Street only;
- Seeing that the approvals for Phases 2-4 of the Erf 22180 development have lapsed, new conditions should be set for this application, taking into account the improvements that have been implemented since 2009 and other developments in the area that may be co-responsible for the infrastructure improvements that are still required, i.e.:
  - a) The westward extension of Highbury Road from Chapel Road to Reuter Street;
  - b) The upgrading of the Highbury Road bridge over the Kuils River
  - c) The southward extension of Reuter Street down to Highbury Road Extension
  - d) Improvements at the Nooiensfontein Road / Stellenbosch Arterial intersection.
- Highbury Road Extension should have an 18-metre wide road reserve and a surfaced width of 7,4 metres with a paved sidewalk;
- Reuter Street extension should have a 16-metre wide road reserve and a surfaced width of 6,8 metres with a paved sidewalk;
- Internal roads should have 5,5-metre surface widths (5 metres for dead end streets).
- Embayments for public transport vehicles should also be provided along Highbury Road Extension and Reuter Street Extension.

It is very clear that the SDF encourages the extension of Reuter Street across the river to link up with Nooiensfontein Road at the intersection with Highbury Road. This is of critical importance as the Kalkfontein area at large is somewhat isolated and is dependent on this link in order for the area to be properly integrated with the surrounding areas. As mentioned above, the section of road leading up to Reuter Street will have a reserve width of 18m, whereafter the same 16m reserve width will apply for the remainder of Reuter street. With vehicle ownership being extremely low in this area, residents are highly dependent on public transport and minibus taxis are the most commonly used mode of transportation.

The completion of the particular section of road via the proposed development will officially open this area and have the potential to become an important public

transport route. This route can effectively stretch from the Nooiensfontein / Highbury Road intersection in the south via Reuter / Sarepta & Digtebij Streets to Van Riebeeck Road in the north. The reserve widths through the proposed development are sufficient to accommodate embayments for the safe dropping off and picking up of commuters by minibus taxis and potentially busses. Final designs to determine suitable locations for such embayments must still be done. It should also be mentioned that the Kuils River railway station is located within walking distance where Reuter Street intersects with Rietvlei Road. The opinion is therefore held that the proposed development will create an opportunity to establish a functional public transport route for an area which at present is very isolated.

Albeit that the proposed development will not be a social housing project, it is still considered an affordable housing project aimed at the GAP market. User choice is therefore limited due to limited affordability. As such, the subject property too is located typically on the outskirts of the town and distances to and from working opportunities and modes of transport had to be taken into consideration. The principles of the City's Transport Orientated Strategic Development Framework are therefore also relevant.

According to the said development framework, the City's vision for Transit Oriented Development is *"to progressively move toward a compact, well connected, efficient, resilient urban form and movement system that is conducive to economic and social efficiency and equality whilst providing cost effective access and mobility, with the least possible negative impact on the environment."*

The TOD can be applied at different levels and the particular development would be considered as precinct level. The development proposal is deemed to comply with the general objectives of the TOD in the sense that:

- i) The proposal to increase the development density will ultimately lead to the more compact City required for a sustainable public transport system
- ii) The development will through the completion of the mentioned link between Reuter Street and Nooiensfontein Road create opportunities for a viable public transport route at local level.
- iii) The link road mentioned above is proposed with an adequate reserve width to accommodate public transport and for the development of paved sidewalk which can stimulate opportunities for walking / cycling.

#### **4.5 Engineering Services**

Consultants were appointed to investigate the proposed impact on civil and electrical services and the report is also attached to the application. The findings of this report are that, subject to certain actions and upgrades to the network, the development will be able to link up with existing water, sewage and electricity networks. Special emphasis will be given to recycling of water in particular to protect the resource and to limit waste water. Due to the size of the property and nature of the development, stormwater management should take place on-site. Stormwater detention will be managed along the Kuils river towards the south-eastern portion of the property.

The following conclusions are drawn from the services report:

- The water network requires upgrading to accommodate the development. The most likely way to supply the development will be via the supply from Reuter Street;
- The sanitation networks can accommodate the proposed development. The development's sewer will gravitate to the existing 200mm diameter collector sewer in Nooiensfontein Road to the south and the existing 150mm diameter sewer line to the north-east running underneath the Kuils River channel;
- The Zandvliet WWTW upgrade needs to be completed or the diversion via Nooiensfontein PS to Bellville WWTW needs to be in place prior to acceptance of any sewer flow from the development;
- In order to achieve the objectives as set out in the City of Cape Town – Management of Urban Stormwater Impacts Policy in terms of stormwater quantity and rate of runoff, a Wet Pond is proposed as described in the Georgia Stormwater Management Manual for each catchment area;
- The development will obtain access over the Kuils River via Belhar Main Road (Class 3) and Maisel Street / Old Nooiensfontein Road (Class 5), and can be accessed from the north via Reuter Street / Sarepta Street;
- It is proposed that roads be constructed according to the specifications as indicated in the CoCT Minimum Standards for Civil Engineering Services in Townships.

#### **4.6 Heritage Impact**

It was noted earlier in the report that approval was previously granted in terms of the National Heritage Resources Act for the development of the entire property.

Development has already commenced and it is trusted that this approval is still relevant.

#### **4.9 Environmental Impact**

A record of decision was also previously granted as the application triggered some of the then listed activities in terms of the National Environmental Management Act (Act 107/1998). In lieu of changes to the NEMA regulations over the past few years, the submission of a new application on the remainder of the property was discussed with officials from the City's Environmental Management department. The department commented that it could not identify any additional environmental triggers. The developer will be required to notify the Department of Environmental Affairs and Development Planning regarding any deviations from the approved Record of Decision, which the City's Environmental Management Department is of the opinion is still valid.

#### **5. Conclusion**

The merits pertaining to the development of the property has been evaluated before. There have not been significant changes in the area in recent times and this application is very similar to the application approved before. The proposal is deemed to comply with the technical requirements for a development of this nature and consistent with the relevant forward planning policy and objectives for the area. The development will without doubt benefit the greater area as a result of the planned improvements to the road network and this will stimulate growth and economic opportunities. The opinion is therefore held that this development will be an asset to the area and it is trusted that the application will receive the necessary support.