



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

Case ID 1500130836

Erf 69213, 77 Park Road, Wynberg

Development Management

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**APPLICATION FOR REZONING IN TERMS OF THE MUNICIPAL
PLANNING BY-LAW OF 2025, AS AMENDED: ERF 69213, LOCATED
AT 77 PARK ROAD, WYNBERG
FROM SINGLE RESIDENTIAL ZONE I (SR1) TO GENERAL BUSINESS
ZONE 3 (GB3)**



September 2024

SECTION A: INTRODUCTION

JZE Architects has been appointed by _____ to prepare and submit a land use application to the City of Cape Town for Erf 69213, Wynberg, better known as “The Luxurama”. After years of neglect the iconic Luxurama building will be transformed into a place of instruction rendering unique spiritual guidance for those wishing to enhance their Islamic knowledge.

The property had been acquired by the Islamic Institute and has been vacant, unkempt and neglected for the past 14 years. The site had been acquired by the registered owners in 2015, (10 years ago) and subsequently the institute has had to raise funds in order to revamp and redevelop the site in order to advance the development of the property, since it had been underutilised for many years.

The purpose of the rezoning application is to permit the establishment and operation of an Islamic educational institution, including boarding or accommodation units for travelling students, together with associated educational, administrative, and ancillary facilities.

The rezoning application is made in terms of section 42 (a) of the City of Cape Town Municipal Planning By-law (2025). General Business Zone 3 (GB3) is considered an appropriate zoning, since this zoning provides for low-intensity commercial and mixed-use development which serves local needs for convenience goods and personal services. Limitations are placed on the scale of such development so that it is capable of integration into the adjacent residential neighbourhood without adversely affecting the amenity of the neighbourhood. This application will therefore require the following:

- A rezoning from Single Residential Zone 1 (SR1) to General Business Zone 3 (GB3);
- A departure is requested in terms of the 2025 Bylaw to permit the building to be set back 0.0 m; 0.290 m; 0.561 m; 0.956 m; 1.227 m; 1.449 m; and 2.810 m from the street boundary in lieu of the required 4.5 m street building line;
- City approval in terms of section 42(i) to allow for parking bays located at ground level to be located closer than 10m from a street boundary.

A Power of Attorney in favour of JZE Architects is attached.

This report sets out the motivation for the rezoning for Erf 69213, Wynberg from Single Residential Zone 1 (SR1) to General Business Zone 3 (GB3) in order to allow for the proposed land use development of the four storey (including basement) site to accommodate an Islamic School -

as well as offices and residential units to accommodate visiting religious leaders located on the second floor as illustrated on the Site Development Plan as drawn by JZE Architects with Project Number 2375 and drawing Number SK101 dated 31 May 2024.

It is intended to modify the existing four storey building on the property in order to accommodate the proposal comprising classrooms, lecture halls, boardrooms, offices and ablution facilities. Since the existing structure will be repurposed, this will minimize any potential impact on the streetscape or adjacent properties since the building will maintain its current built form and will see no visible external changes.

The offices as indicated on the Site Development Plan will be ancillary to the Islamic School - Darun-Na-I'm Islamic and Arabic Institute in that the lecturers will require office space to perform their administrative functions. The residential accommodation is to accommodate travelling Islamic figures when providing lectures etc. The residential accommodation is also earmarked to house international students from afar attending the institute to further their knowledge and spiritual guidance.

The rezoning proposal seeks to create value and benefit for the landowner, local community and City in a manner that does not infringe on the rights of others to enjoy and use their properties; does not affect the City's ability to provide utility service and respects the main components that contribute to the local streetscape and area.

ZONE REGULATIONS:

In terms of the City of Cape Town Development Management Scheme, the following uses are permitted under the zone:

GENERAL BUSINESS ZONE 3: (GB3)

PRIMARY USES

Business premises, dwelling house, second dwelling, boardinghouse, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, open space, veterinary practice, chancery, electric vehicle charging stations, micro wind turbine, structure mounted energy system and filming.

ADDITIONAL USE RIGHTS

Small-scale wind turbine, supplementary dwelling unit

CONSENT USES

Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad, ground-mounted energy system, utility scale energy structure, small-scale animal care centre and service station.

PROPERTY CONCERNED

Applicant	JZE Architects obo Darun-Na-l'm Islamic and Arabic Institute Trust (Refer To Power Of Attorney and company resolution)
Property Description	Erf 69213 Cape Town (Refer to Title Deed)
Extent	4115m ² (Refer to Title Deed)
Registered Owner	
Restrictive Title Conditions	None
Applicable Zoning	City of Cape Town Development Management
Current Zoning	Single Residential Zone 1 (SR1)
Current Land Use	Underutilised vacant dilapidated building

SECTION B: THE SITE

LOCALITY AND ACCESS

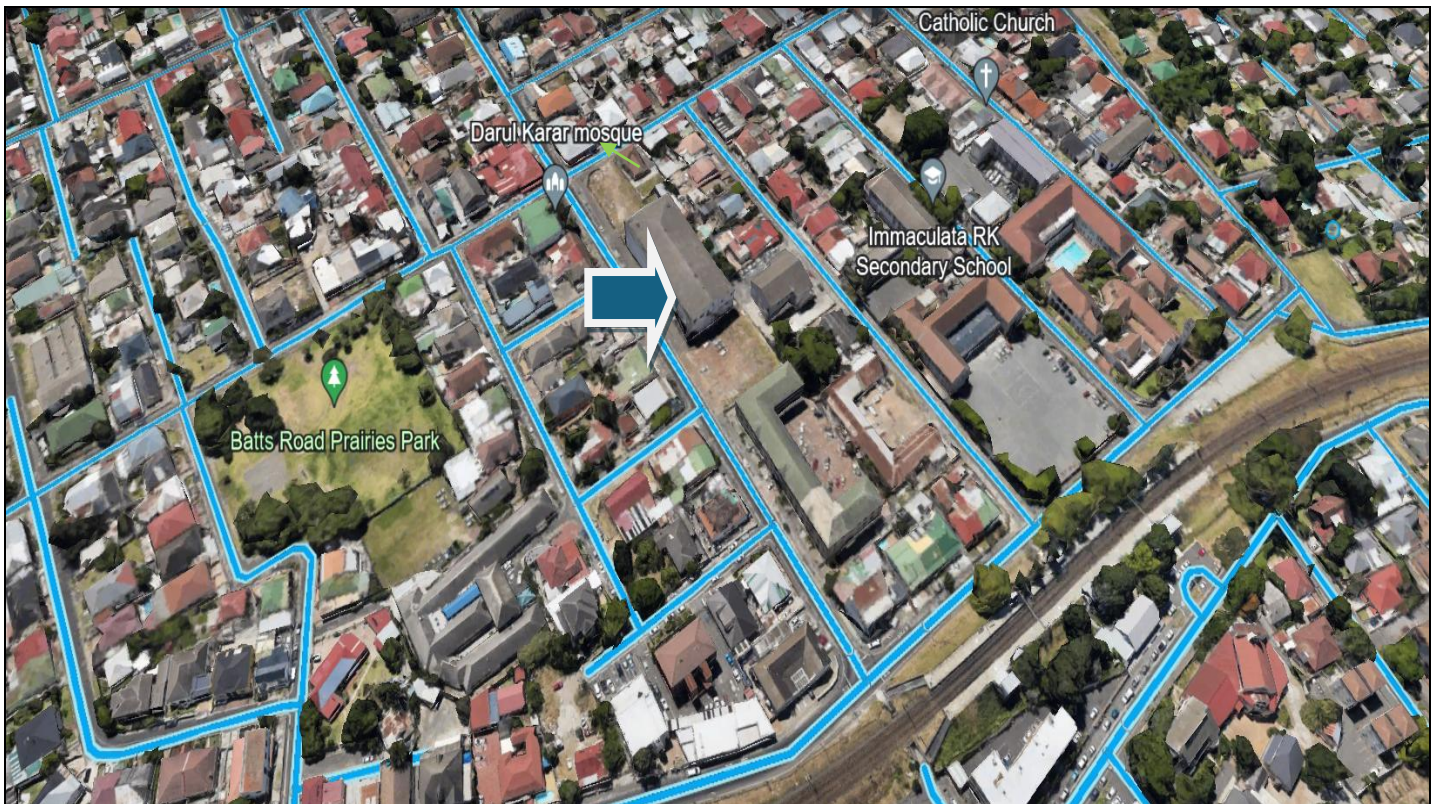
The site is located within the Western Cape Province and falls under the jurisdiction of the City of Cape Town. The property is located within the Suburb of Wynberg. The area contains a wide variety of land uses and property sizes. Land uses in the area include educational, recreational, community, public open space, public transport, commercial and residential uses.

The property is located between the M5 and M4 (Main Road) corridors which serve as major mobility routes within the city. The property is surrounded by a wide array of amenities including schools, public open space, convenience stores, supermarkets, banks, as well as a host of other commercial activities largely concentrated along Castletown Road and Park Road.

The subject property, Erf 69213, is located at 77 Park Road, Wynberg, within an established urban area that is characterised by a mix of residential, institutional, and commercial land uses. The property is well positioned in relation to public transport routes, community facilities, and supporting infrastructure, making it suitable for an educational and institutional use.



The **Aerial Photograph**, above, illustrates the urban context of the property in relation to the surrounding erven.



Aerial image showing the surrounds of the site and its uses.

OWNERSHIP

The site, Erf 69213, Wynberg is currently owned by _____ and is registered under Title Deed Number _____ dated 6 January 2021.

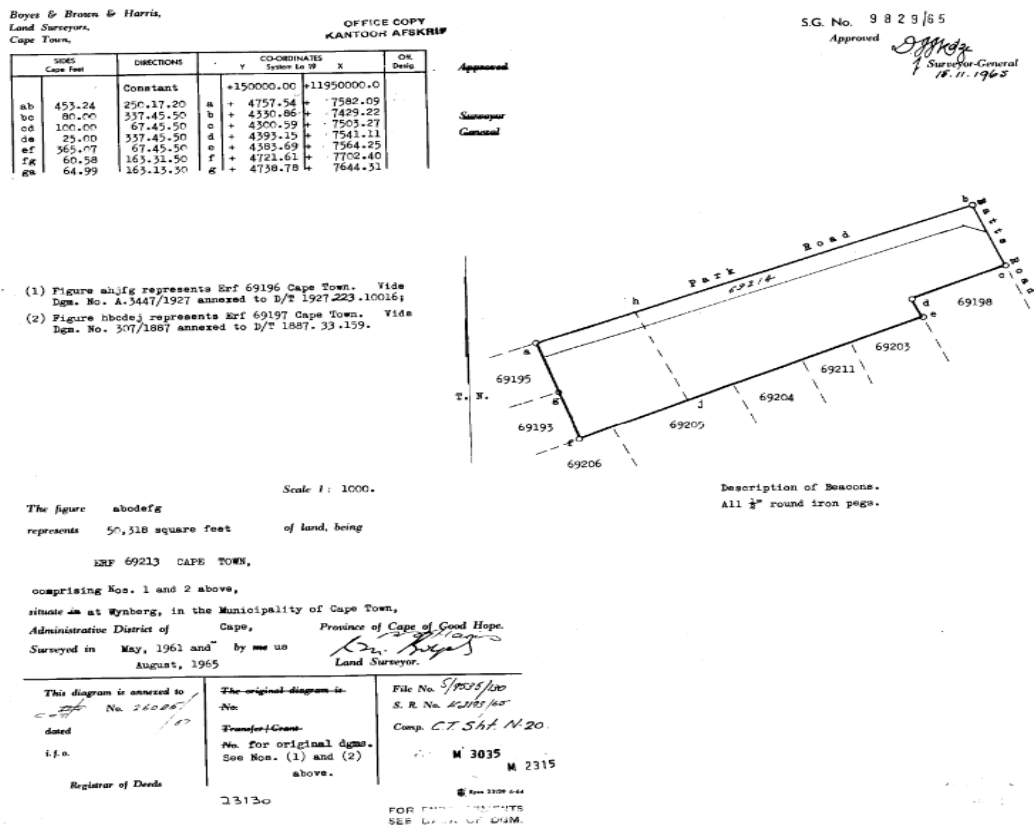
PROPERTY DESCRIPTION

The existing description of the site is: Erf16126, Cape Town

Erf Number	Township	Size as per Title Deed
16126	Cape Town	4115 m ²

SERVITUDES

There is currently a servitude registered on the site as indicated on the attached site development plan and SG Diagram. (Refer to attached below SG Diagram).



TITLE DEED RESTRICTIONS

The Title Deeds have been assessed, and it contains no restrictive conditions that could prohibit the proposed development of the site.

BONDHOLDER'S CONSENT

The site is not encumbered in a bond.

ZONING

The site is currently zoned for Single Residential Zone 1 purposes as per the City of Cape Town Development Management Scheme. The zonings surrounding the site are as follows:

- Public Open Space (OS)
- General Residential 2 (GR2)
- General Business 1 (GB1)
- Community Zone (CO)

EXISTING LANDUSE

The subject property is currently underutilised and since the registered owner is now in a position to develop the site for its intended purposes of a place of instruction with added uses, but primarily the "Darun-Na-l'm Islamic and Arabic Institute" as per the write up in the Southern Mail dated February 2015.

The property although not located within a heritage overlay zone nor any other overlay zone, does however carry heritage significance due to being graded 3B on the City's Heritage Inventory.

Grade 3: Such a resource contributes to the environmental quality or cultural significance of a larger area and fulfils one of the criteria set out in section 3(3) of the Act but that does not fulfil the criteria for Grade II status. Grade III sites may be formally protected by placement on the Heritage Register.

It also carries heritage significance due to the building being one of the few remaining cinema complexes built by Quibell, Local landmark. It also carries further historical significance being a good example of modernist architecture. It has been identified as a struggle site and its characteristic façade and entrance overhang/balcony is a unique feature of the building.

It should be noted that a heritage architect has been appointed to provide a heritage report in this regard and that the external façade will remain as is since the registered owner has no intention of drastically changing the external features of the building.

The subject property is completely surrounded by existing buildings, used for various residential, community and business purposes.

ADJACENT LAND USES

Surrounding the property are various types of zonings, one may even suggest a mixed zoning for Park Road. The site is flanked by single residential dwelling houses, shops, places of worship as well as two storey residential developments. There are predominantly historically developed semi-detached dwellings immediately adjacent to the site as illustrated in the images below as well as a mosque and various types of business developments and places of instruction in the immediate surrounds of the site.



Image adjacent to the site showing histoically developed semi detached homes



Image showing a variety of mixed uses to the north south of the site.

The subject property is much larger than the surrounding erven boasting 4115m² in extent and has historically been operated as a business since inception of the Luxurama Theatre in 1963.

SECTION C: PLANNING APPLICATION

The registered owner being a respected well known Islamic Institution in the Western Cape, proposes a development for a place of instruction offering post school Islamic Studies only.

The school offering strictly religious studies would operate between the hours of **08h00 and 13h00 only**. The site will be rezoned in order to appreciate the use as a primary right on the erf and extend a much-needed amenity to people of Islamic faith requiring a suitable institution to pursue a dedicated ambition of self-fulfilment by furthering their understanding and knowledge of their religion in a structured and functional environment.

The proposal will include the development and reconfiguration of the existing four storey dwelling in order to accommodate the required classrooms, meeting rooms, ablution facilities and a lecture hall (existing big screen) as well as 7 administrative offices. Provision for 61 onsite parking bays and 5 disabled parking bays is provided for.

Although it may seem as though a four-storey development is excessive, it should be borne in mind that the extent of the site is that of 4115m² and the structure is existing as it is in its built form. The fact that the building has been existing in its built form and will remain so, is motivation enough that the proposal would be welcome in the area and by the residents since no changes to the building footprint or external features are proposed. To put it plainly, the public is accustomed to the existing size and scale of the building as it is in its current form as it were and this will not pose any negative issues relating to the site and its proposed use.

It is furthermore apparent that many residents are of Islamic faith in the Wynberg area and also the fact that Park Road Mosque is in close proximity of the site, would prove to be beneficial for the community and patrons of the school.

PROPOSAL

The proposal involves the following:

Basement	Ground floor	First Floor	Second Floor
Existing: 1189.70m ² Floor area Under stage area 1189.70m ² no new works proposed. 2 Elevators Reception and Underground parking Designated fire escape Store Room 01 – 143,7 m ² Store Room 02 – 73,5m ²	Existing Fire Escapes Kitchen 55,3m ² Female Wudhu Facility Female lounge area 171.8m ² Lift Lobby 1 – 37.4m ² Lift lobby 2 - 26.4m ² Reception Office 20.8m ² Admin offices Utility room Male Entrance 45.4m ² Female Entrance 46.9m ² 2 Elevators 2 stairwells	Existing Fire Escapes Lecture Room 1 126.5m ² Lecture Room 2 - 118.2m ² Lecture Room 3 - 116.2m ² Lecture Room 4 - 125.7m ² Lift Lobby 04 - 24 m ² Meeting room - 27.5m ² Staff room – 34.2m ² Office 1 – 11m ² Office 2 – 15m ² Office 3 – 11m ² Office 4 – 10m ² Male Lounge – 291.5m ² Kitchen 20.4m ² Male Wudhu Facility- 6.2m ²	Lecture Room 5 - 151m ² Lecture Room 6 - 118m ² Lecture Room 7 - 131.36m ² Lecture Room 8 - 116.2m ² Habitual Units: Unit 1 – 33.2m ² Unit 2 – 33.2m ² Unit 3 – 33.2m ² Unit 4 – 45.3m ² Lift Lobby 06 – 25.4m ² Lift Lobby 07 – 41.7m ² Storage – 6.3m ² Office 05 – 19.8m ² Office 06 – 19.8m ² Office 07 – 25.2m ²

		Staff WC 01 & 02 – 9.4m ²	
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The Islamic Institute will operate between the hours of 08h00 to 13h00 Monday to Friday strictly.

The institution has an existing patronage of 160 post school learners and the facility aside from offering a stop and drop provision, also accommodates for 61 onsite parking bays and 5 disabled parking bays.

Learners of the institution are divided into 1st year 2nd year and 3rd year students and attend the institution daily between the hours of 08h00 and 13h00 weekdays.

REZONINGMOTIVATION

This application seeks Council approval to rezone Erf 69213, Wynberg, from Single Residential 1 (SR1) to General Business 3 (GB3) in order to accommodate the operation of a Place of Instruction, Islamic School - Darun-Na-l'm Islamic and Arabic Institute administrative offices, and on-site residential accommodation for visiting students.

The intention is to establish a fully functional educational facility that offers specialised training for post school Islamic studies, with limited student and visitor accommodation and professional administrative offices, fully compliant with the Development Management Scheme (DMS) parameters under GB1 zoning.

The proposal will utilise the property in a manner that supports mixed-use development, sustainable densification, and the expansion of social and educational facilities in a highly accessible, well-serviced urban environment.

The proposed Islamic school and student accommodation are compatible with surrounding land uses, which include residential properties, places of worship, and community-serving facilities. The development will operate primarily during daytime hours, with managed residential accommodation, thereby limiting noise, traffic, and visual impacts.

A mixed-use development can result in more efficient use of land and infrastructure.

The surrounding land uses which are business, residential and retail indicates there is a high threshold for such developments and should be promoted. Similar concentrations of community and business have been known to add an additional dimension that is becoming more sought after in terms of convenience in terms of supply, competition and product variety and option for shoppers for greater convenience and efficiency.

In relation to the proposed development, the site has an extent of 4115m² which is a sufficient space to house the proposal.

The building consists of four storeys including a basement as illustrated in the Site Development Plan drawn by JZE Architects with project number 2375 and drawing number M101 dated May 2024.

Motivation for required Departures:

In terms of the City of Cape Town Development Management Scheme, a “building line” is a line indicating the furthest boundary of a building restriction area from a street boundary, or another boundary of a property; and which is at a fixed distance from a boundary of a property.

The City of Cape Town Development Management Scheme allows for at most 0.0m for the General Business Zone 3 (GB3) zoning. The development is in line with this requirement

A departure is requested in terms of the 2025 Bylaw to permit the building to be set back 0.0 m; 0.290 m; 0.561 m; 0.956 m; 1.227 m; 1.449 m; and 2.810 m from the street boundary in lieu of the required 4.5 m street building line;

Erf 69213 is constrained by its limited depth and irregular shape, which restrict the placement of a compliant building envelope. Compliance with a uniform 4.5 m street setback would severely limit the developable area, making efficient use of the site impractical. The proposed staggered setback allows the building to follow the natural geometry and dimensions of the erf without creating unnecessary leftover space or compromising structural layout.

Bringing parts of the building closer to the street boundary contributes to natural surveillance, improving pedestrian safety through enhanced passive monitoring. The design retains adequate pedestrian movement space and does not encroach into the road reserve. The varying setback provides an engaging and visually interesting street interface, instead of a flat monolithic façade. The building footprint remains fully on the private property, and no part of the structure obstructs public movement or municipal land. The proposal aligns with the principles of efficient land use, context-responsive design, and compact urban form encouraged in municipal planning policies.

Allowing a reduced setback supports the sustainable and economic use of land while still respecting the intended character of the Wynberg urban fabric. Given the site constraints, neighbourhood context, urban-design benefits, and lack of negative impacts, it is submitted that the proposed departure from the 4.5 m street building line is reasonable, desirable, and in the public interest. Approval of this departure will enable development that is contextually appropriate, structurally feasible, and aligned with broader municipal planning objectives.

City approval in terms of section 42(i) to allow for parking bays located at ground level to be located closer than 10m form a street boundary.

The proposed departure in terms of Section 42(i) of the Municipal Planning By-law (2015, amended 2025) seeks approval for parking bays at ground level to be located closer than 10m from the street boundary.

This departure is desirable as it enhances site efficiency, improves accessibility, and aligns with the prevailing urban form in Wynberg’s CBD, where compact parking arrangements are common. The proposal incorporates landscaping and screening to ensure the pedestrian environment remains attractive and safe. Traffic assessments confirm that circulation and sight lines are not compromised. The departure therefore meets the criteria of Section 42(i) and is consistent with SPLUMA principles of sustainability, efficiency, and resilience.

BUILDING LINE	REQUIRED BUILDING LINE	IN COMPLIANCE
Street	0,0 m up to 10,0 m height; 4,5 m above 10,0 m 4,5 m	Departure

Common Boundaries	0.0m	✓
Street Centreline Setback	8m	✓
Coverage	100%	✓
Height	25m	No Departure

Coverage:

The coverage as relayed by the Municipal Planning Bylaw 2019, as amended is 100% the site is compliant.

Height:

The height as relayed by the Municipal Planning Bylaw 2019, as amended is 25m for General Business Zone 3 (GB3) thus the height is aligned with the Municipal Planning Bylaw.

Floor Factor:

The floor factor as relayed by the Municipal Planning Bylaw 2025, is 2,5, the site is compliant.

Parking:

The property is located in a PT2 zone, A PT2 classification demarcates an area where the use of public transport is promoted and the City considers the provision of public transport good, or where the use of motor vehicles is very limited. In this case, due to the site being located within a PT2 area, no parking is required, however 61 on-site parking bays and 5 disabled parking bays are provided for.

SECTION D: NEED AND DESIRABILITY

BUILT ENVIRONMENT

The section below aims to provide a motivation as to why the Municipality should approve the Rezoning and related departures application for the proposed Development on Erf 69213, Wynberg.

The term-built environment is used when referring to those surroundings created:

“for humans, by humans, and to be used for human activity.”

Examples would include cities, buildings, urban spaces, walkways, roads, parks, etc.

The surrounding built environment in relation to Erf 16126, consists of residential and small business retail outlets and the like.

Based on the built environment as described above, it could be said that the area conforms to a mixed-use node in a township. The proposal for the Rezoning, still conforms to the mixed-use component of the area and it will still fit in with the character of the area.

It therefore can be said that the proposed development will not have a negative impact on the surrounding area.

SECTION E: POLICY ALIGNMENT

APPLICATION IN TERMS OF MUNICIPAL PLANNING BY-LAW 2025

In terms of Section 99 of the Municipal Planning By-law (2025, as amended), the municipality must consider the desirability of the proposed rezoning, taking into account the impact on the surrounding area, strategic planning policy, and national and provincial legislation. The following factors are addressed:

Consistency with Spatial Planning Policy

The proposed rezoning is consistent with applicable strategic planning instruments, including:

- Municipal Spatial Development Framework (MSDF): Supports the provision of social and educational infrastructure within well-located urban areas, promotes spatial integration, and encourages efficient use of existing land and infrastructure.
- Integrated Development Plan (IDP 2017–2022): Promotes human development, social cohesion, and access to community-oriented facilities.
- Transit-Oriented Development (TOD) Strategic Framework: Aligns with compact, mixed-use, and transport-accessible development.
- Southern District Plan (2023): Encourages community-serving uses and land use intensification in appropriate urban locations.
- Urban Design Policy (2013): Promotes high-quality, contextually sensitive development, ensuring compatibility with surrounding streetscape and neighbourhood character.

The proposed use contributes positively to achieving the objectives of these policies by providing a faith-based educational institution with accommodation for travelling students, optimising existing urban land, and strengthening community infrastructure.

Compatibility with Surrounding Land Uses

The surrounding area includes residential, institutional, and community-serving land uses. The proposed rezoning is compatible with these uses because:

- The school and associated accommodation will operate primarily during daytime hours, limiting potential disturbance.
- Scale, massing, and building lines will respect the character and amenity of adjacent residential properties.
- Traffic and parking impacts are manageable and will be mitigated through on-site provision and controlled access arrangements.
- The use will function as a community-oriented institutional facility, rather than unrestricted commercial activity.

Impact on Existing Rights

The rezoning will not compromise the lawful rights of surrounding property owners. Existing SR1 rights on neighbouring properties remain intact. The proposed development enhances the potential of the subject property while ensuring:

- No unreasonable adverse impacts on privacy, sunlight, or amenity;
- Compliance with municipal development parameters and controls; and
- Appropriate mitigation of potential traffic, noise, or visual impacts.

Alignment with National and Provincial Legislative Principles

The proposal is consistent with:

- SPLUMA principles: Promotes spatial justice, sustainability, efficiency, resilience, and good administration.
- LUPA principles (Western Cape): Supports sustainable land use, equitable access to services, integration, and compatibility with surrounding land uses.

Socio-Economic and Community Benefits

The proposed rezoning is desirable as it will:

- Provide access to educational facilities for local and non-local students;
- Support boarding accommodation for travelling learners, reducing travel burdens;
- Create employment opportunities and strengthen local community networks;
- Promote social cohesion and cultural inclusivity.

Desirability and Conclusion

Taking into account:

- Alignment with strategic policy instruments (MSDF, IDP, District Plan, TOD framework, Urban Design Policy);
- Compatibility with surrounding land uses;
- No adverse impact on existing rights;
- Consistency with national and provincial planning principles (SPLUMA, LUPA); and
- Positive socio-economic and community benefits,

The proposed rezoning of Erf 61213 from SR1 to GB3 is desirable, reasonable, and in the public interest. Approval of the application is therefore supported in terms of Section 99 of the Municipal Planning By-law (2025, as amended).

Alignment with Strategic Planning Policy

Municipal Integrated Development Plan (IDP)

The proposed rezoning of Erf 61213 from Single Residential Zone I (SR1) to General Business Zone 3 (GB3) aligns with the objectives of the Municipal Integrated Development Plan (IDP), which seeks to promote social development, access to education, and the provision of community-serving infrastructure within well-located urban areas.

The establishment of an Islamic school, together with accommodation for travelling students, supports the IDP's focus on human development, skills formation, and social inclusion. The proposed development contributes positively to community upliftment and the efficient delivery of social infrastructure.

Municipal Spatial Development Framework (MSDF)

The MSDF promotes the optimal use of urban land, spatial integration, and the location of social and institutional facilities within areas that are accessible and supported by existing infrastructure. Erf 61213 is located within an established urban area and is suitably positioned to accommodate an educational and institutional land use.

The proposed rezoning enables a land use that:

- Supports educational and social infrastructure provision;
- Encourages intensification within the urban footprint;
- Reduces travel distances through the provision of on-site accommodation for travelling students; and
- Promotes inclusive and culturally diverse communities, consistent with MSDF objectives.

Education and Social Infrastructure Provision

The proposed rezoning of Erf 69213 from Single Residential Zone I (SR1) to General Business Zone 3 (GB3) supports the Municipal Spatial Development Framework (MSDF) objective of promoting accessible, well-located social and educational infrastructure within established urban areas. The establishment of an Islamic school, together with accommodation units for travelling students, contributes positively to the provision of community-serving educational facilities and responds to the growing demand for faith-based education within the Wynberg area and surrounding suburbs.

The MSDF encourages the development of educational institutions that support community needs and enhance human capital development. The proposed development aligns with this objective by offering structured educational opportunities, learner accommodation, and associated facilities within a safe and managed environment.

Spatial Integration and Efficient Land Use

The MSDF promotes spatial integration, intensification, and the efficient use of well-located land within the existing urban footprint. Erf 69213 is strategically located within a serviced urban area, with access to public transport routes, road infrastructure, and supporting community facilities.

The proposed GB3 zoning enables a more intensive and socially beneficial land use than the existing single residential zoning, thereby supporting MSDF principles of land use optimisation, reduced travel distances, and the integration of residential, educational, and community functions.

Support for Sustainable and Inclusive Communities

The MSDF seeks to create inclusive, sustainable, and resilient communities by encouraging land uses that promote social cohesion and cultural diversity. The proposed Islamic school and student accommodation will function as a community-oriented facility that serves a broad spectrum of users, including learners from outside the immediate area.

By providing on-site accommodation for travelling students, the development reduces the need for daily long-distance travel, supports learner well-being, and aligns with MSDF objectives of sustainability and accessibility.

Contextual Compatibility and Place-Making

The proposed development is compatible with the surrounding urban context, which includes residential, institutional, and community-related land uses. The scale and function of the development are consistent with MSDF place-making principles that encourage the sensitive integration of non-residential uses within established neighbourhoods, subject to appropriate development controls.

This rezoning does not diminish existing rights; instead, it broadens and enriches them, creating opportunities for property owners and the surrounding community while remaining consistent with the City's long-term vision for inclusive, integrated urban development.

The proposed rezoning application is consistent with the policy intent and objectives of the Municipal Spatial Development Framework. It promotes the provision of educational and social infrastructure, supports spatial integration and efficient land use, and contributes to the development of inclusive and sustainable communities. The application is therefore considered appropriate and desirable in terms of the MSDF.

It should however be borne in mind that the "Luxurama" as it were operated for many years under a Single Residential Zone 1 use, upon purchasing the site the owner had been tasked with rectification of the zoning in order to fulfill he's religious obligation of rendering a well run and beneficial Islamic school that can accommodate many post school learners in achieving the spiritual guidance which is not on offer freely and accessibly.

District Spatial Development Framework (District SDF)

The applicable District SDF encourages the development of **community facilities and institutional uses** that respond to local needs and reinforce neighbourhood functionality. The proposed Islamic school will serve both the local and broader community and is compatible with the mixed land-use character envisaged in the District SDF for well-located urban areas.

The development supports the creation of a **walkable, service-oriented neighbourhood**, while respecting the scale and amenity of surrounding residential properties.

Land Use Management and Spatial Transformation Principles

The proposed rezoning aligns with key spatial planning principles, including:

- **Efficiency:** Utilising existing municipal infrastructure and services;
- **Sustainability:** Reducing commuting distances and promoting compact development;
- **Equity:** Providing access to educational facilities for a diverse range of users;
- **Spatial Integration:** Introducing a community-serving use that enhances the social fabric of the area.

Consistency with Zoning Policy Intent

General Business Zone 3 is intended to accommodate a mix of business, institutional, and community-oriented land uses in appropriate locations. The proposed development is consistent with this intent and represents a logical evolution of land use in response to strategic planning objectives.

The proposed rezoning is consistent with and supportive of applicable strategic planning policies at municipal and district level. It advances the objectives of the IDP, MSDF, and District SDF by facilitating educational and social infrastructure, promoting spatial integration, and ensuring the efficient use of well-located urban land. The application is therefore supported from a strategic planning policy perspective.

Other National and Provincial Laws: SPLUMA and LUPA Principles (99(2)(g))

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) – SPLUMA

Section 7 of SPLUMA sets out development principles that must guide land use management and decision-making. The proposed rezoning of Erf 61213 from Single Residential Zone I (SR1) to General Business Zone 3 (GB3) is consistent with these principles, as outlined below:

Spatial Justice

The proposed development facilitates access to educational opportunities and learner accommodation within a well-located urban area. By enabling an Islamic school and accommodation for travelling students, the rezoning promotes inclusivity and responds to the needs of a broader community, consistent with the principle of spatial justice.

Spatial Sustainability

The development is located within the existing urban footprint and utilises established municipal infrastructure and services. The provision of on-site accommodation for travelling students reduces the need for long-distance daily travel, thereby supporting sustainable settlement patterns.

Efficiency

The rezoning enables a more efficient use of urban land by permitting an institutional and community-serving use on a property that is currently under-utilised in terms of its strategic location. The proposed land use optimises existing infrastructure and supports compact urban development.

Spatial Resilience

The proposed educational use contributes to social resilience by strengthening community infrastructure and promoting long-term socio-economic development. Educational facilities enhance the adaptability and functionality of urban areas over time.

Good Administration

The application has been prepared in accordance with the Municipal Planning By-law and relevant spatial planning policies. It is supported by appropriate motivations and impact considerations, thereby enabling transparent and informed decision-making.

Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) – LUPA

Section 2 of LUPA sets out principles applicable to spatial planning and land use management in the Western Cape. The proposed rezoning aligns with these principles in the following respects:

Spatial Sustainability and Efficiency

The rezoning promotes the sustainable and efficient use of land by enabling an appropriate institutional use within an established urban area. The development makes use of existing services and infrastructure and avoids urban sprawl.

Spatial Justice and Equity

The proposed Islamic school and associated accommodation broaden access to educational facilities and support equitable service provision. The rezoning contributes to social development and cultural inclusivity, in line with LUPA principles.

Integration and Compatibility

The proposed land use is compatible with surrounding residential and community-related uses and will be subject to development controls to mitigate potential impacts. The rezoning supports integrated land use patterns as envisaged by LUPA.

In terms of section 99(2)(g) of the Municipal Planning By-law, due consideration has been given to applicable national and provincial legislation. The proposed rezoning is consistent with the development principles contained in SPLUMA and LUPA, as it promotes spatial justice, sustainability, efficiency, and integrated development within a well-located urban area.

The application is therefore supported from the perspective of national and provincial legislative compliance.

MOTIVATION IN TERMS OF SECTION 99(3) OF THE MUNICIPAL PLANNING BY-LAW (2025)

Section 99(3) of the Municipal Planning By-law (2025) requires that, in considering a rezoning application, the decision-maker must take into account any relevant considerations, including the public interest, site-specific circumstances, and the overall desirability of the proposed land use within its local and broader context.

Public Interest and Community Benefit - Socio-Economic Impact

The proposed rezoning serves a clear and tangible public interest by enabling the establishment of a faith-based, all-girls educational institution. The Darun-Na-l'm Islamic and Arabic Institute will:

- Provide a dedicated, safe, and culturally appropriate learning environment for female students pursuing post-school Islamic studies;
- Expand access to specialised religious education within Cape Town, particularly addressing a gender-specific educational need within the Muslim community;
- Provide facilities for both local and non-local students, including accommodation; and
- Support social cohesion, cultural inclusion, and female empowerment through education and personal development.

The proposed educational use serves an important community function and contributes positively toward social infrastructure provision within the City of Cape Town.

The development aligns with broader municipal and national planning principles encouraging the integration of community facilities within accessible urban areas and the efficient utilisation of well-located land.

The development therefore promotes broader societal benefits, particularly in advancing equitable access to education for women, which extends beyond the property itself.

Optimal Use of an Underutilised Property

The proposed school is considered compatible with the surrounding land use pattern and urban character of Wynberg.

Educational and institutional uses are commonly integrated within residential and mixed-use urban areas, particularly where properties are located along accessible roads and activity corridors.

The subject property has remained vacant and underutilised for an extended period (approximately 14 years). The proposed rezoning facilitates the adaptive reuse of an existing building of heritage significance, ensuring that:

- The site is productively reintegrated into the urban environment;
- Urban decay and vacancy are addressed;
- The historical and architectural value of the Luxurama building is retained; and
- Existing bulk infrastructure is efficiently utilised.

This reuse for an educational purpose—specifically an all-girls institution—represents a meaningful and socially beneficial transformation of the site.

The educational nature of the proposed use is low-impact relative to other business uses permissible under GB3 zoning and is therefore considered compatible with the surrounding environment.

Site-Specific Context and Suitability

The property is located within a well-established mixed-use urban environment with proximity to:

- Public transport routes;
- Educational and community facilities; and
- Commercial activities along key corridors.

Given this context, the proposed GB3 zoning is appropriate as it:

- Aligns with the existing mixed-use character of Park Road and its surroundings;
- Introduces a low-intensity institutional use that is compatible with adjacent residential properties; and
- Provides a secure and accessible location suitable for an all-girls educational facility.

No Adverse Impact on Surrounding Properties

The proposal does not introduce a land use that would negatively affect surrounding properties because:

- The building envelope remains unchanged;
- Operational hours are limited (08h00–13h00 weekdays);
- Traffic and parking are managed through substantial on-site provision; and
- The use is institutional and community-oriented rather than commercial.

Furthermore, the nature of the development as an all-girls school with controlled access and structured operation reinforces a low-impact land use that is respectful of neighbouring amenity.

Need and Desirability

There is an increasing need within the southern suburbs for educational institutions catering specifically for female Islamic education within a safe, structured, and accessible environment.

The proposed development responds to:

- Growing demand for faith-based schooling;
- Community demand for girls-only educational facilities;

- The need for educational institutions in accessible urban locations;
- Broader societal objectives relating to education and empowerment of women and girls.

The proposed rezoning is therefore both necessary and desirable from a community development and educational perspective.

Traffic, Parking, Access and Transport Considerations

The subject property is well located in relation to existing transport infrastructure and public transport routes.

The school will benefit from:

- Accessibility via established road networks;
- Proximity to public transport facilities;
- Existing pedestrian movement networks within Wynberg.

Potential traffic impacts associated with learner drop-off and collection periods can be appropriately mitigated through:

- Controlled access arrangements;
- On-site parking provision;
- Staggered operational procedures where necessary;
- Traffic management measures;
- Compliance with the City's parking and transport requirements.

Any future development will remain subject to detailed scrutiny by the City's Transport and Traffic Services Department during subsequent approval processes.

Impact on External Engineering Services

The site is situated within an established urban area already serviced by municipal infrastructure including:

- Water supply;
- Sewer reticulation;
- Electricity services;
- Stormwater infrastructure;
- Existing road infrastructure.

The proposed educational use is not expected to place an unreasonable burden on municipal engineering services.

Any upgrades or service requirements identified during technical review processes can be addressed through conditions of approval and engineering requirements imposed by the City.

Impact on Safety, Health and Wellbeing

The proposed school will contribute positively toward community wellbeing through the provision of a structured educational environment focused on academic excellence, ethical development, and learner wellbeing.

The development will promote:

- Educational advancement for female learners;
- Safe and supervised educational facilities;
- Community cohesion and social development;
- Positive urban activity and passive surveillance.

The proposed use is therefore considered beneficial from a social and community health perspective.

Heritage Considerations

The property although not located within a heritage overlay zone nor any other overlay zone, does however carry heritage significance due to being graded 3B on the City's Heritage Inventory.

It should be noted that a heritage architect has been appointed to provide a heritage report in this regard and that the external façade will remain as is since the registered owner has no intention of drastically changing the external features of the building.

Impact on the Biophysical Environment

The property is located within an already developed urban area and no significant adverse environmental impacts are anticipated.

The proposal supports sustainable urban development principles by:

- Utilising existing urban land efficiently;
- Supporting community facilities within established urban areas;
- Reducing the need for urban sprawl;
- Encouraging development within accessible locations close to public transport.

The proposal is therefore aligned with broader sustainability and spatial integration principles promoted by SPLUMA and municipal planning policy.

Mitigation of Potential Adverse Impacts

Any potential impacts associated with the proposed rezoning and educational use can be adequately mitigated through:

- Conditions of approval;
- Site development plan controls;
- Building plan approval processes;
- Traffic management measures;

- Operational management practices;
- Landscaping and boundary treatments;
- Noise and activity management controls.

The City retains the ability to impose reasonable conditions to ensure compatibility with the surrounding area.

Balance Between Private Benefit and Public Good

While the rezoning enables the landowner to realise the development potential of the property, this private benefit is clearly outweighed and balanced by significant public gains, including:

- The provision of gender-specific educational infrastructure;
- Empowerment of women through access to structured learning environments;
- Job creation and economic stimulation; and
- Revitalisation of a landmark property for community use.

The proposal therefore achieves an appropriate balance between individual property rights and the broader public interest, as required by Section 99(3).

Having regard to the above:

- The proposed rezoning responds to a clear community and gender-specific educational need;
- It represents an efficient and appropriate use of a strategically located site;
- It promotes inclusive development and female educational advancement without compromising the rights of others; and
- It is consistent with the broader objectives of sustainable and equitable urban development.

The application is therefore considered desirable, justified, and strongly supported in terms of Section 99(3) of the Municipal Planning By-law (2025) and warrants approval.

INTEGRATED DEVELOPMENT PLAN (2017 – 2022)

The proposed rezoning of Erf 61213, Wynberg, from Single Residential Zone I (SR1) to General Business Zone 3 (GB3) aligns with the objectives and strategic focus areas of the Integrated Development Plan (IDP) 2017–2022. The IDP places emphasis on human development, inclusive communities, and improved access to social and educational infrastructure within well-located urban areas. The establishment of an Islamic school, together with accommodation units for travelling students, directly supports these objectives by expanding access to education and contributing to skills development and social upliftment.

The proposed development also aligns with the IDP's focus on spatial efficiency and sustainability, as it utilises existing urban land and municipal services within an established neighbourhood. By providing on-site accommodation for learners, the development reduces the need for daily long-distance travel, thereby supporting more sustainable settlement patterns.

Furthermore, the IDP encourages the provision of community-oriented facilities that strengthen social cohesion and respond to the needs of diverse communities. The proposed educational institution will serve both the local and broader community and contributes positively to the social and cultural fabric of the area.

In light of the above, the proposed rezoning is consistent with the intent and objectives of the Integrated Development Plan (2017–2022) and is supported from an IDP policy perspective.

TOD STRATEGIC DEVELOPMENT FRAMEWORK

The proposed rezoning of Erf 61213, Wynberg, from Single Residential Zone I (SR1) to General Business Zone 3 (GB3) is consistent with the objectives and principles of the Transit-Oriented Development (TOD) Strategic Development Framework.

The TOD Strategic Development Framework promotes compact, mixed-use, and higher-intensity development within areas that are well served by public transport infrastructure. The subject property is located within an established urban area with access to public transport routes and supporting road networks, making it suitable for a more intensive, community-serving land use.

The establishment of an Islamic school, together with accommodation units for travelling students, supports TOD principles by:

- Locating a high-activity institutional use within a transport-accessible area;
- Reducing reliance on private motor vehicle travel through proximity to public transport services;
- Supporting land use intensification within the existing urban footprint;
- Encouraging walkability and accessibility for learners, staff, and visitors.

The provision of on-site accommodation for travelling students further advances TOD objectives by reducing daily commuting distances and promoting sustainable travel behaviour.

In addition, the proposed development contributes to the creation of a diverse and functional urban environment by introducing a social and educational facility that complements surrounding land uses and strengthens the role of Wynberg as a service-oriented node.

Accordingly, the proposed rezoning aligns with and supports the intent and objectives of the TOD Strategic Development Framework and is considered appropriate from a transit-oriented planning perspective.

SOUTHERN DISTRICT PLAN 2023

The Southern District Plan is informed largely by the policy directives contained within the MSDP and applies these policies at a more fine-grained scale focusing on a specific area of the city which is defined as a district.

This policy has been considered as it relates to the proposals contained within this application and it has been found that the proposals made herein do not contravene these policy directives.

The proposed rezoning of Erf 61213, Wynberg, from Single Residential Zone I (SR1) to General Business Zone 3 (GB3) is consistent with the intent and objectives of the Southern District Plan (2023).

The Southern District Plan identifies Wynberg as an established urban area with a mix of residential, institutional, and commercial land uses, and promotes the intensification of well-located land in order to support access to social infrastructure, public transport, and economic opportunities.

The proposed establishment of an Islamic school, together with accommodation units for travelling students, aligns with the District Plan's emphasis on:

- The provision of community and social facilities that respond to local and district-level needs;
- Supporting education and human development as key components of sustainable neighbourhoods;
- Encouraging mixed and complementary land uses within appropriate urban locations.

The subject property is located within an area that benefits from existing infrastructure and public transport accessibility. The proposed rezoning supports the Southern District Plan's objectives of efficient land use, reduced travel distances, and the strengthening of neighbourhood functionality. Furthermore, the development is compatible with the surrounding urban context and is capable of being accommodated without compromising the residential amenity of the area, subject to compliance with applicable development parameters and conditions.

In light of the above, the proposed rezoning is aligned with the policy direction of the Southern District Plan (2023) and is supported from a district-level spatial planning perspective.

URBAN DESIGN POLICY 2013

The proposed rezoning of Erf 61213, Wynberg, from Single Residential Zone I (SR1) to General Business Zone 3 (GB3) is consistent with the principles and objectives of the Urban Design Policy (2013), which seeks to promote **high-quality, context-sensitive urban environments** that enhance the public realm and support sustainable development.

The proposed Islamic school, together with accommodation units for travelling students, will be designed to respond positively to the existing urban context. The development will respect the prevailing scale, massing, and character of surrounding properties, thereby ensuring compatibility with the established neighbourhood.

In accordance with the Urban Design Policy, the proposed development will:

- Promote a positive relationship between buildings and the public street, enhancing safety and passive surveillance;
- Ensure appropriate building scale, height, and bulk to minimise visual and amenity impacts on adjacent residential properties;
- Provide clear and safe pedestrian access, supporting walkability and ease of movement;
- Incorporate functional open spaces and internal courtyards that support educational and communal activities;
- Utilise architectural treatments that contribute positively to the streetscape and overall visual quality of the area.

The proposed rezoning enables a land use that supports active and inclusive urban environments, while allowing for detailed design control at the development application stage to ensure compliance with urban design guidelines.

Accordingly, the proposed rezoning is aligned with the intent and principles of the Urban Design Policy (2013) and is supported from an urban design and place-making perspective.

APPLICATION FORM

The Application form in terms of the City of Cape Town Municipal Planning By-Law, 2015 for Council's approval of the Rezoning for the proposed Development on Erf 69213, Wynberg has been completed and attached.

CONCLUSION

This application is based purely on sound town planning principles and has no significant negative impacts associated; therefore, it is recommended that City supports and approves the following:

Approval in terms of:

Section 42 (a): for the rezoning and related departures based on the following reasons:

- The application complies with the legislative framework at all three spheres of government.
- The application is based on sound town planning principles.
- The application will have not had any negative impact to the surrounding environment.
- Socio economic factors: the application looked at the aspects of economy, employment, especially to the local unemployed youth;
- GB3 zoning restricts land uses to low impact business and residential uses which are compatible with the surrounding residential uses. Other high impact uses (i.e. restaurants, place of entertainment and place of assembly) are not permitted as primary rights; and

Section 42 (b) for the:

- A departure in terms of the 2025 Bylaw to permit the building to be set back 0.0 m; 0.290 m; 0.561 m; 0.956 m; 1.227 m; 1.449 m; and 2.810 m from the street boundary in lieu of the required 4.5 m street building line;
- City approval in terms of section 42(i) to allow for parking bays located at ground level to be located closer than 10m from a street boundary.

The proposal is in line with the City's overall spatial development policies and promotes the development principles prescribed in national, provincial and municipal planning legislation. The application should therefore be approved.

Trust that the application sees a favourable outcome.

JZE Architects

