



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500143536

Erf 2221, 15 Tulip Street, Eversdal

Development Management

This cover page is added by the City of Cape Town as part of our standard branding and document-management process. It does not indicate that the City authored, verified or endorses the submission. All application documents remain the responsibility of the applicant and the City assesses them as submitted. Any errors or discrepancies will be addressed through the normal land use assessment process.

All rights reserved. No part of this data may be reproduced or transmitted without written permission from the Development Management Department of the City of Cape Town. This document is available on the City of Cape Town website (www.capetown.gov.za/LandUseNotices) for a limited time. Please do not host the document independently; you may link to it from the City's site. Documents downloaded from any other website cannot be verified for authenticity.

ERF 2221, EVERSDAL

APPLICATION FOR REMOVAL OF TITLE DEED CONDITION, PERMANENT DEPARTURE AND AMENDMENT OF CONDITIONS OF APPROVAL IN RESPECT OF AN APPROVED CONSENT USE FOR A PLACE OF INSTRUCTION

Client:

Date: *February 2026*

File reference: *FP/0425/1143*



TABLE OF CONTENTS

SECTION A EXECUTIVE SUMMARY

1	SUMMARY OF PROPERTY DETAIL.....	1
----------	--	----------

SECTION B BACKGROUND INFORMATION

2	BACKGROUND FACTS	2
3	NATURE OF APPLICATION	2
4	PRE-APPLICATION MEETING.....	3

SECTION C SITE DESCRIPTION

5	DESCRIPTION OF AREA AND SURROUNDING LAND USES.....	4
5.1	Property description and locality.....	4
5.2	Zonings.....	5
5.3	Land uses.....	6
5.4	Legal status	6

SECTION D DEVELOPMENT PROPOSAL

6	DETAIL DESIGN AND COMPONENTS OF APPLICATION	7
6.1	Nature of application	7
6.2	Operational detail of Aftercare Facility	7
6.3	Motivation of deletion of Title Deed Condition	9
6.4	Motivation of amendment of condition of approval	9

SECTION E PROJECT APPRAICAL

7.	REMOVAL OF RESTRICTIVE CONDITIONS	12
7.1	COMPLIANCE WITH SECTION 39 OF THE LUPA	12
7.2	COMPLIANCE WITH SECTION 47 OF SPLUMA (2014)	13
8.	COMPLIANCE WITH SECTION 99(1)	15
8.1	Procedural requirements	15
8.2	Compliance with MSDF's	17
8.2.1	Municipal Spatial Development Framework	17
8.2.2	City of Cape Town Transport Orientated Development (TOD) Strategic Framework	17
8.2.3	Northern District Plan	18
8.2.3	ECD Land Use Policy	19
8.2.4	Economic Development Policy	24
8.2.5	Social Development Policy	25
9.	COMPLIANCE WITH SECTION 99(3)	20

9.1	Socio Economic Impact	25
9.2	Compatibility with surrounding uses.....	25
9.3	Impact on external engineering services.....	25
9.4	Impact on safety, health and wellbeing of community.....	25
9.5	Impact on heritage	25
9.6	Impact on the biophysical environment.....	26
9.7	Traffic impacts.....	26

SECTION F REASONS FOR SUPPORT

10	Summary of Motivation/Reasons for Support	26
----	---	----

SECTION G CLOSING STATEMENT

11	CONCLUSION	29
----	------------------	----

List of Annexures

1. LOCALITY PLAN
2. PREVIOUS APPROVALS
3. LAND USE APPLICATION FORM
4. POWER OF ATTORNEY
5. ZONING PLAN
6. LAND USE PLAN
7. TITLE DEED AND CONVEYANCER CERTIFICATE
8. SITE AND PARKING PLAN

ERF 2221, EVERSDAL

APPLICATION FOR REMOVAL OF TITLE DEED CONDITION, PERMANENT DEPARTURE AND AMENDMENT OF CONDITIONS OF APPROVAL IN RESPECT OF AN APPROVAL FOR A CONSENT USE TO ALLOW A PLACE OF INSTRUCTION

SECTION A

EXECUTIVE SUMMARY

1. SUMMARY OF PROPERTY DETAIL

Table 1: Property detail

Property description	Erf 2221 Eversdal
Property address	15 Tulip Street, Amanda Glen, Durbanville
Application components/description	An application in terms of Section 42(g) for the removal of a restrictive title deed condition to allow a place of instruction from the entire property (Aftercare Facility). An application in terms of Section 42(j) for amendment of condition 2.2 in respect of an existing approval for a Consent Use to allow for the use of the entire property as a Place of Instruction (Aftercare Facility). An application in terms of Section 42(b) for permanent departure to allow 5 parking bays in lieu of 7 parking bays for the place of instruction (Place of Instruction).
Site extent	1 029 m ²
Title Deed Number	
Surveyor General ▪ Erf Diagram	GP No 8093

Registered owner	
Current zoning	Single Residential (with a Consent Use to allow the use of a portion of the building as a Place of Instruction – Aftercare Facility)
Current land use	Aftercare Facility operating from the existing dwelling house
Zoning Scheme	City of Cape Town Development Management Scheme
Overlay Zone applicable	No
PHRA or SAHRA heritage	No

SECTION B

BACKGROUND INFORMATION

2. BACKGROUND FACTS

The proposed application pertains to Erf 2221 Eversdal located at No 15 Tulip Street, Amanda Glen, Durbanville. Please see the attached **Locality Plan, Annexure 1**. An Aftercare Facility is currently operating from the existing dwelling house on the property in terms of a Consent Use approval obtained in 2019 (Case ID 70432280) and further amendment dated 17 August 2021 (Case ID 70539502).

This approval allowed for a maximum number of 34 children and a portion of the house to be utilized for the Aftercare Facility. It also made provision for a parking layout which needs to be in accordance with an approved Site Plan. The operational time was restricted to fixed hours.

During 2020 Covid pandemic, an amendment application was submitted to amend the operational hours to allow for the aftercare to be able to also operate during the morning. This was required to serve the children on the days that they could not go to school due to the alternative school day schedule that was introduced by the Department of Education. Schools have returned to normal time schedules, and the aftercare facility has gone back to an afternoon only schedule.

A copy of the previous **letters of approval**, dated 6 June 2019 and 17 August 2021, are attached as **Annexure 2**.

The facility is very successful and the demand for aftercare facilities near schools are increasing as the norm is for both parents to work. This facility is experiencing a drastic increase in demand and had to turn away many learners due to the zoning restrictions and the title deed restrictions of the property. The owner therefor decided to apply for a removal of the title deed restrictions limiting the property to residential only and an amendment of conditions to double its capacity and convert the entire property to an aftercare.

3. NATURE OF APPLICATION

In the light of the above-mentioned background information, the owner of the subject property, A Gaigher, requested **First Plan Town and Regional Planners** to assist them with an application for the proposed removal of title deed conditions and the amendment to the conditions of approval pertaining to the previous land use approval: (Application forms attached as **Annexure 3**)

Application in terms of the City of Cape Town Municipal Planning Bylaw of 2015

- 3.1 Removal of Restrictive Conditions** in terms of **Section 42(g)** of the City of Cape Town Municipal Planning Bylaw of 2015, for the clauses identified in the attached Conveyancer Certificate and noted below:

Condition C (5) :

No building on this erf shall be used or converted to use for any purpose other than permitted in terms of these conditions.

Condition C (6) :

This erf shall be used solely for the purpose of erecting thereon one dwelling or other buildings for such purposes as the Administrator may, from time to time after reference to the Townships Board and the local authority, approve, provided that if the erf is included within the area of a Town Planning Scheme, the local authority may permit such other buildings as are permitted by the scheme subject to the conditions and restrictions stipulated by the scheme.

- 3.2 Deletion of conditions** in respect of an existing approval granted or deemed to be granted in terms of this By-Law, i.e Clauses C.5 & C.6 as it appears in T99132/2003, in terms of MPLB - Section 42(j).

- 3.3 Section 42(j):** An application for **amendment of the condition of approval** listed below in respect of an existing approval for a Consent Use to allow the property being used as a Place of Instruction (Aftercare Facility for 34 children) on land zoned Single Residential I.

- (i) Condition 2.2

The maximum number of children accommodated by the facility shall not exceed 34 children on the premises at any given time.

It is proposed that this condition be amended to read as follows:

The maximum number of children accommodated by the facility shall not exceed 66 children on the premises at any given time.

- 3.4 Section 42(b) :** An application for the permanent departure to allow 5 parking bays in lieu of 7 parking bays for the place of instruction (aftercare facility).

A copy of a **Power of Attorney** signed by the landowner is attached as **Annexure 4**.

4. PRE-APPLICATION

Pre-application consultation is required for this application, and the application was discussed with Ms Anne Smit of the Directorate Development Management via e-mails and telephonically.

SECTION C

SITE DESCRIPTION

5. DESCRIPTION OF THE AREA AND SURROUNDING LAND USES

5.1 Property description and locality

Erf 2221 Eversdal (hereafter referred to as the subject site) is located at 15 Tulip Street directly opposite Gene Louw Primary School and the Sonstraal NG Church on which premises the Pikkie Paradys Pre-Primary School is also located. The site is easily accessible from Eversdal Road via Tulip- and Hebron Street and from Fairtrees Road via Eversdal / De Bron Road. Please see the locality plan below as well as the attached **Locality Plan, Annexure 1**.

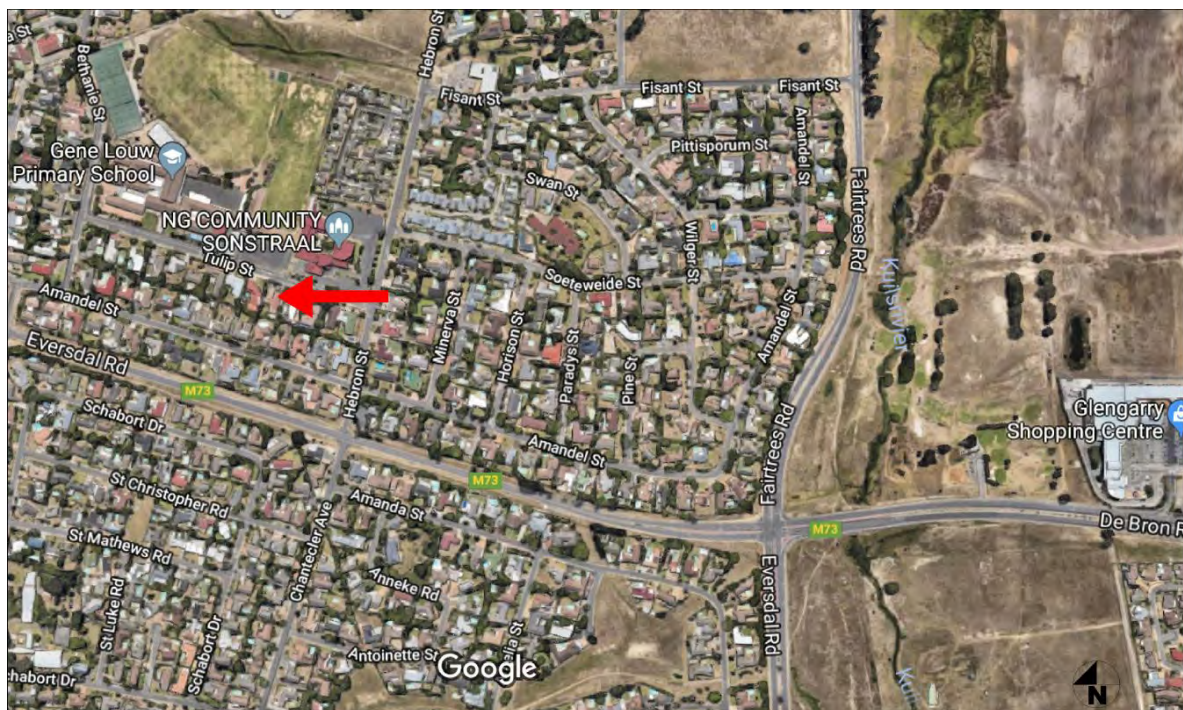


Figure 1: Locality Map (Erf 2221 indicated in red)

5.2 Surrounding zonings and land uses

The subject site is zoned for Residential 1 purposes with a Consent Use to allow a small scale ECD – Aftercare facility accommodating 34 children.

The immediate street blocks are primarily Residential Zone 1 but higher density residential developments, several community services such as schools (Gene Louw Primary School and Pikkie Parady Pre-Primary School), churches (Sonstraal Church) and public open spaces are present near the property. Some Residential dwelling even in the immediate area have Consent Uses to allow for Places of Instruction, e.g. crèches, play school and aftercares due to its proximity to the Gene Louw Primary School. Many home offices also operate from the area.

Figure 2 below, is an extract from the City of Cape Town's Zoning Map giving an indication of the surrounding zonings. A copy of a **Zoning Plan** is attached as **Annexure 5** to this report.

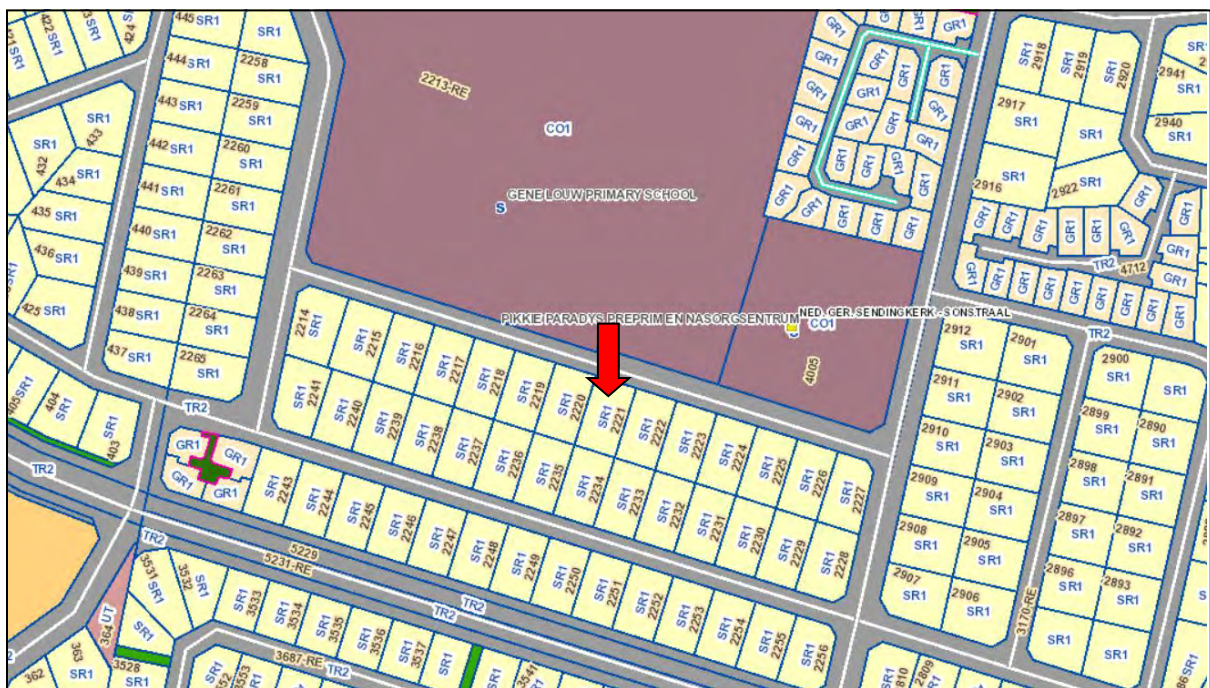


Figure 2: Extract from the Zoning Map of the City of Cape Town (position of Erf 2221 indicated with a red arrow.)

5.3 Land uses on the subject site

The subject site is currently being utilised as a small scale ECD (Boabab Kids Aftercare facility) accommodating 34 children in terms of an approved Consent Use for a Place of Instruction.



Figure 3: *The Boabab Kids Aftercare as viewed from Tulip Street*

The general appearance of the dwelling house on the subject site is still that of a Residential dwelling unit, similar to that of other dwelling houses in the street. A small notice (complying with the conditions of approval for the Consent Use) on the property is the only indication of the Aftercare Facility. The dwelling house as well as the street front area is well maintained.

5.4 Legal status

Erf 2221 Eversdal is 1 029 m² in extent. The property is owned by _____ and is leased to A Louw (Boabab Kids Aftercare). A title deed _____ search was done by Jeff Gowar Inc *Attorneys and* it was confirmed that there are title restrictions against the use of the property as a Place of Instruction. (Refer to **Annexure 7: Title Deed and Conveyancer Certificate**).

SECTION D

DEVELOPMENT PROPOSAL

6. COMPONENTS OF APPLICATION

6.1 Nature of application

The development proposal requires the following applications in terms of the City of Cape Town Municipal Planning Bylaw of 2015.

An application in terms of Section 42(g) for the removal of the title deed restrictions restricting the property use and also to a dwelling and therefore not allowing the entire property to be used for a place of instruction (aftercare centre).

An application in terms of Section 42(b) for the permanent departure to allow 5 parking bays on site in lieu of 7 required for the place of instruction (aftercare facility).

An application in terms of Section 42(j) for amendment of the following condition of approval in respect of an existing approval for a Consent Use to allow for a Place of Instruction (Aftercare Facility) on land zoned Residential I.

Condition 2.2

The maximum number of children accommodated by the facility shall not exceed 34 children on the premises at any given time.

The application proposed to increase the number of children to a maximum 66 children.

(The previous **Letter of Approval**, dated 6 June 2019, is attached as **Annexure 2**)

6.2 Existing Operational detail of the Aftercare Facility

In terms of the Consent Use approval the Aftercare Facility can accommodate 34 pupils in 3 aftercare rooms, it is now proposed to allow another 32 learners in 4 additional aftercare rooms. Provision will also be made for a staff room and a sick bay in the aftercare centre. The entire building will therefore be used to accommodate the

aftercare facility. Refer to Site Plan and Layout Plan attached as Annexure 8 and below.

The Aftercare Facility currently operates from 12:30 to 18:00 Mondays to Thursdays and from 12:30 to 17:30 on Fridays. It is not open on weekends or public holidays.

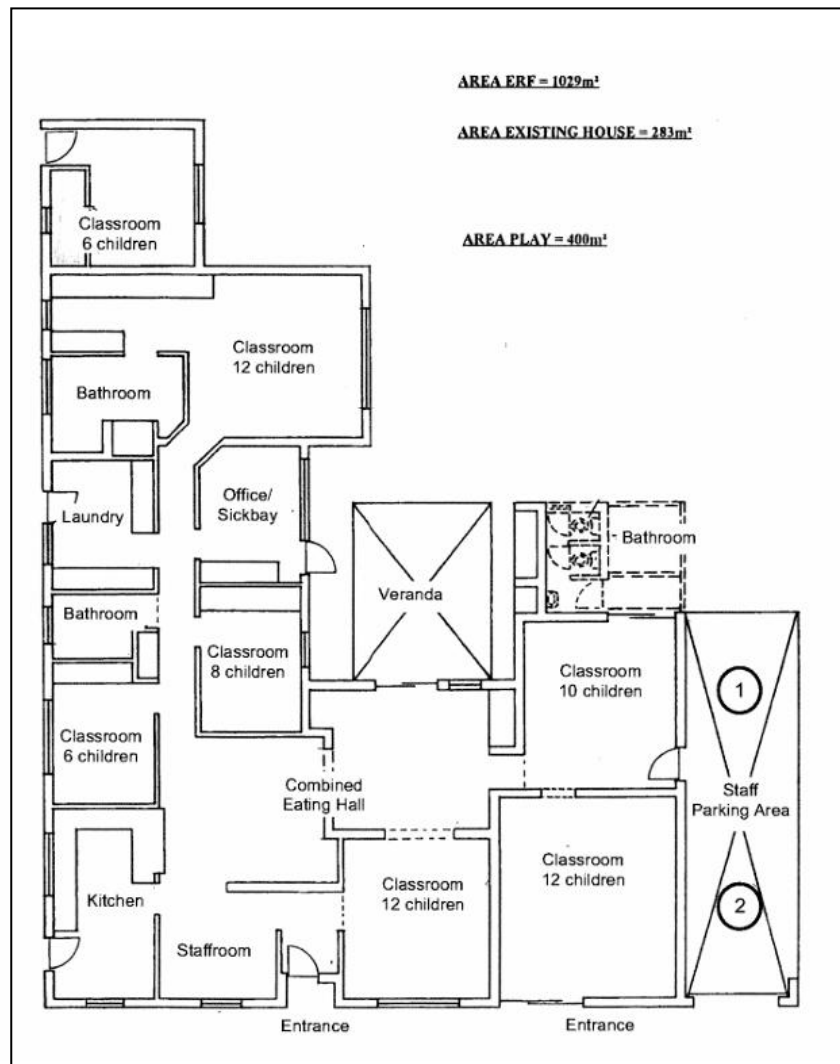


Figure 4: The layout of the class rooms

Vehicular Access and Parking : Departure from Parking requirements

Children are not dropped off by parents as they walk from Gene Louw School to the facility. 3 Parking bays are currently provided at the front of the property for collection of the children in the evening. There are also plenty on-street parking bays, across the road at the school, that are not in use at 17h00 when the learners are collected. An additional 2 parking bays are located in the existing carport, which is used by the operator and teachers.

The DMS requires one parking bay per classroom and office, therefore 7 parking bays are required according to DMS requirements. It is motivated that due to the location of the Gene Louw Primary School and Sonstraal Church parking area directly opposite the property, these parking areas can double up as parking for collection as the collection is outside of peak school hours, should the 3 on-site bays provided prove to be insufficient. The aftercare will contribute to a reduction in afternoon peak hour school trips as the proposed 66 learners that make use of the aftercare will not generate any traffic at closing time as the proposed 66 learners will walk across the road to the aftercare.

6.3 Motivation for removal of title deed condition and the amendment of conditions of approval with regard to amount of children attending the facility.

6.3.1 There is a dire need for working parents to find safe and suitable childcare after school. The intention of this application is thus to apply for the amendment of Condition 2.2 to enable more learners to make use of this facility.

It is proposed that Condition 2.2 be amended to read as follows:

“The maximum number of children accommodated by the facility shall not exceed 66 children on the premises at any given time”

It is foreseen that even with the increase in children, there would be no additional traffic as parents would have dropped off their children at Gene Louw Primary School, directly opposite the road, in the mornings and they can either use the parking at the Aftercare Facility to pick up their children or park on the parking area of the school directly opposite the facility.

6.3.2 An application for the **deletion of restrict conditions** is required for the deletion of the clause C (5) & C (6) as listed in Section B above.

The condition of title was imposed by the then Administrator and Eversdal Township in terms of Ordinance 33 of 1934 (refer to Annexure 6 & 7).

These conditions were imposed as there was no zoning scheme applicable to the property at the time of approval. These title deed conditions have now become obsolete as zoning schemes / development management schemes have been introduced in areas such as the Cape Town Metropolitan Area.

The motivation for deletion must be read in conjunction with the desirability summary in Section D below:

Motivation for deletion:

This restrictive condition limits the use of the property to a single residential dwelling and prevents the establishment of a place of education without formal amendment.

The applicant proposes utilising the existing dwelling as a **place of instruction**, operating within the built form of the house and without materially altering the residential character of the property.

It is therefore the opinion of FIRST PLAN that the proposal complies with the principles contained in Section 39 of the Land Use Planning Act.

SECTION E

COMPLIANCE WITH DECISION CRITERIA OF SECTION 99 OF THE CAPE TOWN MUNICIPAL PLANNING BYLAW, 2015

7. Removal of restrictive conditions

The MPBL, Section (4) notes: *“The City must have regard to section 39(5) of the Land Use Planning Act and section 47 of SPLUMA when considering whether to remove, suspend or amend a restrictive condition.”*

7.1 LUPA - S. 39(5) When a municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard to at least the following:

- (a) *the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.*

The restrictive condition to be removed was imposed by the Administrator defined as being the City of Cape Town, who is enjoying the rights of the conditions imposed. The Cape Town Development Management Scheme provides the city with adequate development control mechanisms to regulate and manage development parameters that were previously controlled with title deed restrictions. Except for the requirement of the removals, it must be noted that the built form remains compatible with the area.

- (b) *the personal benefits which accrue to the holder of rights in terms of the restrictive condition;*

The holders of rights under the existing restrictive condition currently benefit from the property being limited to residential use. These benefits include the preservation of the residential character of the area, reduced traffic and noise, and the protection of property values. While these personal benefits are acknowledged, the proposed place of instruction is designed to operate with minimal impact on the surrounding residential environment, ensuring that the general amenity of the neighbourhood is maintained.

- (c) *the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;*

The restrictive conditions to be removed prevents the owners of the property to utilize it to its maximum potential or in line with the latest Northern District Plan.

- (d) *the social benefit of the restriction remaining in place in its existing form;*

None, this type of proposal is not foreign to the area, given the location of the property directly opposite a established school, church and ECD site. Many of the surrounding properties have been given increase rights to be supportive of the community node that exist within this area.

- (e) *the social benefit of the removal, suspension or amendment of the restrictive condition; and*

It is generally acknowledged that land for development is limited. To create a sustainable City, the optimal development of land, especially in sought-after locations like Durbanville, should be encouraged. This principle is embodied in all the relevant National, Provincial and Local Government planning policies. The proposed use and development support the abovementioned policies and will contribute towards the creation of a more sustainable city.

The removal of the restrictive title deed condition carries a clear social benefit, particularly in the context of the proposed use as an aftercare centre. The facility will provide structured care, supervision, and developmental support to children outside of school hours, thereby contributing to their safety, well-being, and educational progress. Furthermore, such a centre supports working parents and guardians, promotes community cohesion, and aligns with broader municipal objectives for social upliftment and child welfare. In this regard, the proposed amendment would serve a demonstrable public interest and strengthen the social fabric of the surrounding area.

- (f) *whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.*

The proposal will result in the removal of some of the restrictive conditions and enable the Cape Town Development Management Scheme to control development parameters of the property. The social benefits to the wider community outweigh any benefits to the property owners in the township and those who are the beneficiaries of the restrictions.

7.2 SPLUMA – S.47 : It is noted that this section purely lays out the legal requirements for the processing of a removal or restrictive conditions

application and the various role players involved in the process. Council ensures that all legal requirements are met herein.

CONSIDERATIONS IN TERMS OF SECTION 47 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, NO 16 OF 2013 a) If the removal, amendment or suspension will deprive any person of property as contemplated in section 25 of the Constitution then you have due regard for the respective rights of all those affected, and to the public interest. The proposed removal of restrictive title conditions will not deprive any person of property as contemplated in section 25 of the Constitution and will not have an adverse effect of respective rights of surrounding property owners or the general public interest. b) Notice of an application to remove, amend or suspend a restrictive condition in favour of the State must be in writing and be given in the prescribed manner to the organ of state which is responsible for the administration of the law or the performance of the function to which the condition relates. The condition is not for the benefit of the State.

The principles within LUPA and SPLUMA are similar. It contains broad statements for development, and consideration is given to the following principles:

Summary of LUPA and SPLUMA Principles		Comment
Spatial justice	Redress past spatial and other development imbalances through improved access to, and use of land and inclusion of persons and areas that were previously excluded.	The removal of the restrictive condition facilitates more equitable land use by enabling the property to respond to current socio-economic realities and urban development trends. The existing restriction limits reasonable use of the land and constrains development opportunities that are compatible with the surrounding area. Its removal promotes fair and inclusive access to development rights consistent with broader

		municipal planning objectives.
Sustainability	Limit urban sprawl. Development to be spatially compact, resource frugal and within the fiscal, institutional and administrative means of the relevant authority.	The proposal promotes sustainable land use by optimising the utilisation of already serviced land within the urban edge. The site is located within an established area with existing infrastructure capacity. The removal of the restrictive condition allows for development that reduces urban sprawl and supports compact urban form principles.
Efficiency	Development should optimize resources, infrastructure and land.	The proposal promotes efficiency in that it encourages a more intense use of the subject property, which discourages a sprawling urban form.
Spatial resilience	Spatial plans should be flexible to ensure sustainability when communities may experience economic or environmental shocks.	The proposal enhances resilience by allowing adaptive land use that responds to changing community needs and economic circumstances. Flexibility in land use strengthens the ability of neighbourhoods to evolve over time without compromising their character or functionality.

8. COMPLIANCE WITH SECTION 99(1)

8.1 Procedural requirements

The application complies with all the prescribed procedural requirements.

8.2 Compliance and consistence with Municipal Spatial Development Frameworks and Policies

Compliance with the Municipal Spatial Development Framework (Cape Town Spatial Development Framework) and other local spatial policies is motivated below.

8.2.1 Cape Town Municipal Spatial Development Framework, 2019

Cape Town's Municipal Spatial Development Framework (MSDF) sets out the spatial vision and development priorities to achieve a reconfigured, inclusive spatial form for the city. The document is a spatial interpretation of the City of Cape Town's Integrated Development Plan and flows from the five-year review of the previous MSDF which was drafted in 2012.

The Spatial Development Framework is based on the following spatial strategies of the City's Integrated Development Plan, namely:

Spatial strategy 1: Build an inclusive, integrated, vibrant city.

Spatial strategy 2: Manage urban growth, and create a balance between urban development and environmental protection.

Spatial strategy 3: Plan for employment, and improve access to economic opportunities.

Collectively, these strategies provide the spatial direction that establishes a corporate spatial perspective which informs the review of sector and lower-order spatial plans; informs submissions and motivations for development proposals and applications from the public and private sector; and directly affects the assessment of applications under delegation or via the Municipal Planning Tribunals.

The Framework contains a number of Spatial Strategies. Strategy 1 specifically addresses the building of an inclusive, integrated and vibrant city. One of the sub-strategies specifically encourages integrated settlement patterns and gives some further policy guideline:

Policy 1 (P1) states:

“Ensure that development proposals provide an adequate and equitable distribution of social facilities, recreational space and public institutions.”

Policy 3 (P3) states:

“Unlock employment-generating and livelihood opportunities within the city’s marginalised areas.”

The provision of adequate social facilities, such as ECD’s and After Care Facilities, are considered important to provide an essential collective support system for the urban population. It is argued that with careful design and good urban management an Aftercare Facility is a complementary land use in a residential area especially directly opposite a school building. In this case the subject site is in the immediate vicinity of the main local distributor roads, Eversdal Road and Fairtrees Road, and offers safe access and adequate parking for vehicles. The Aftercare Facility does not impact on the residential character of the area as it is located within an existing dwelling house and no external changes have been made to the house. There is still attractive residential landscaping in front of the house.

In terms of its new spatial vision for Cape Town’s spatial, social and economic challenges this Framework also places sustained job generating growth at the heart of its spatial policies. This facility provides some employment opportunities and also allows both parents to be involved in the employment market while their children are being well cared for.

It is thus clear that the development proposal for a high-quality Aftercare Facility complies with the general strategies and policies of the Cape Town Spatial Development Framework.

8.2.2 City of Cape Town Transport Orientated Development (TOD) Strategic Framework (March 2016)

Transit Oriented Development (TOD) represents the intricate relationship between “Transit” and “Development”. This new land use scenario has been developed with the intention of providing a future toward an optimized land use scenario for the City that provides for 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. This land use scenario further provides an aspirational future spatial picture towards which the City will need to mobilise its resources and strategic investment and align its policies and strategies in order to achieve the desired urban efficiencies in the future.

The core TOD principles are defined as follows:

- Affordability – reduce the cost of public transport to commuters and the cost of providing public transport to the City.
- Accessibility – facilitate equal access to social and economic activity through strategic urban development and the provision of safe public transport.
- Efficiency – provide an environment and level of service that reduces trip lengths and dependence on private vehicles.
- Intensification and Densification – manage the desired form, composition and location of urban development conducive to affordable, accessible and efficient public transport.

It is thus a development strategy with a bias towards viable public transport and therefore speaks to urban form, development type, development intensity and development mix and the objectives thereof are defined as follows:

- Maximise “location efficiency” so that people can walk, cycle and use public transport.
- Boost ridership and minimize congestion thereby ensuring that the public transport system becomes more viable.
- Provide a rich mix of housing, shopping, recreational and transportation choices
- Enable cost and operational efficiencies in the provision and design of urban infrastructure.
- Drive down the cost of the User Access Priority for both new and existing residents.
- Create a sense of place.

The Aftercare Facility is located within an area where public transport is available and is used by staff of the facility. The facility is, however, directly opposite a school building and children can walk to it. The Aftercare Facility therefore does contribute to

all the objectives of the TOD strategy and provides a richer choice of social facilities and will contribute to ensuring an appropriate and desirable combination of mixed uses in the area which will provide some relief with regard to traffic congestion within the surrounding residential areas.

8.2.3 Northern District Plan

In terms of the Northern District Spatial Development Plan, the subject property is located in an area identified for “Urban Development”. It is also in close vicinity of Eversdal and Fairtrees Roads which have been identified as a distributor routes.

In the wider context the District Plan states that the northern area is one of the fastest growing areas of Cape Town. It is further stated that this presents a challenge as market driven development is not catering towards the needs of a large portion of the district’s population. The lack of publicly owned land within the major growth areas of the district further limits the City’s ability to deliver on public objectives such as providing for public and social facilities and creating integrated settlements. This resulted in existing facilities of this scale being oversubscribed in the broader area.

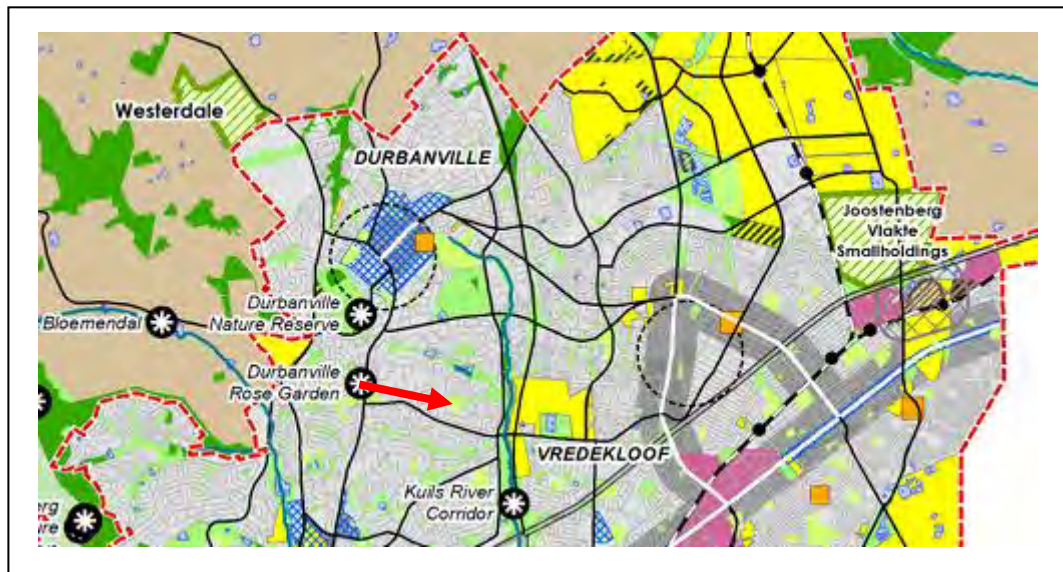


Figure 5: Extract from the Northern District Plan (appropriate location of the subject property indicated by a red arrow)

It is essential that some of these facilities be provided by the private sector. Aftercare Facilities in the Durbanville area, especially within walking distance of schools, are in

general oversubscribed and there is a need for more high quality facilities near schools that can accommodate children in a more homely setup.

It is thus clear that the District Plan acknowledges the fact that some private initiatives are required in Durbanville to address the dire need for Aftercare Facilities to address the urgent need of the community.

The scale and nature of the Aftercare Facility is such that it will not detrimentally impact on the vision of the District Plan for the Amanda Glen area.

8.2.4 Early Childhood Development Land Use Policy

On a national level the Department of Social Development prepared **Guidelines for Early Childhood Development Services**. These Guidelines were developed to facilitate early childhood development in South Africa. It provides guidelines with regard to the early childhood phase of life such as nutrition, health care, environmental safety and early education and learning.

Early Childhood Development Centres (which includes Aftercare Facilities) within the Cape Metropolitan Area are currently guided by the **Cape Town Development Management Scheme** and the amended **Early Childhood Development Land Use Policy** which has been approved on 29 May 2013. In the assessment of land use applications, distinction is made between small and large scale facilities as a means of addressing the variations on the impacts of these facilities of differing sizes and levels of care provision. These land use guidelines aim to provide for the varying impacts of such facilities in a range of socio-economic and urban environments.

For the purposes of this policy, 35 children are considered to be the cut-off between small- and large scale facilities. The proposed Aftercare Facility is thus considered to be a large scale facility. The Policy Document identified certain criteria to be used in assessing land use applications for so-called large scale Early Childhood Development facilities. The table below table indicates compliance of the development proposal with this policy.

LAND USE ASSESSING CRITERIA IN TERMS OF EARLY CHILDHOOD DEVELOPMENT LAND USE POLICY	
(i) LOCATIONAL CRITERIA	
Requirements of Policy	Development proposal
<i>It is recommended that large scale ECD centres be located adjacent to public open spaces, schools, churches, other community facilities (clinics, sports fields, libraries etc.) and neighbourhood commercial node, if possible. Such clustering can promote the sharing of infrastructure, such as parking, maximizes access and confines the traffic impact to a defined area.</i> <i>Proximity to public transport nodes, if applicable, should be taken into consideration when assessing the application.</i> <i>It is recommended that large scale ECD be located on main roads.</i>	The subject property is located in the Amanda Glen residential area directly opposite a primary school and near other community and local commercial facilities as well as the local distributor roads such as Hebron Road and also close to wider area distributor roads such as Eversdal/De Bron Road and Fairtrees Road. People are looking for such facility within close proximity to schools so that children can walk between the facility and the school for their after mural activities. They also seek a more homely environment as opposed to commercial areas where there are a lot of noise, pollution, little green space where learners will have to be bussed to and from school. The general appearance of the facility is still that of a well maintained Single Residential dwelling house. The subject property is within one block of the main local distributor roads in the area, Eversdal/De Bron Road and Fairtrees Road.
(ii) ACCESS	
Requirements of Policy	Development proposal
<i>Both convenient and safe pedestrian and vehicular access to such a facility should be possible.</i>	Adequate, safe on-site parking is available for the facility. The parking areas of the adjacent primary school are also directly opposite the facility.
<i>Access arrangements should not cause traffic or pedestrian obstruction.</i>	Adequate on-site parking bays are provided for dropping off and picking up children. The Aftercare Facility would thus

	not cause any traffic congestion in this area. Dropping off and collecting times for children are staggered and children are fetched during different times of the day. The school parking will also be available for parents to park when picking-up the children.
(iii) , should be taken in consideration when assessing such an application. PARKING AND TRAFFIC	
Requirements of Policy	Development proposal
Adequate provision is to be made for on-site visitors parking. This is to be assessed in relation to the number of children, the staff complement and the context within which the facility is located. Any other applicable requirements as per the CTZS should be adhered to.	Adequate on-site parking bays are provided for dropping off and picking up children. Dropping off and collecting times for children are staggered and children are fetched during different times of the day after the school's afternoon peak..
A suitable, safe, dropping-off area is to be provided on-site, if possible.	A departure from the need to provide a "stop-and-drop" facility was approved with the previous application. Learners walk from the school to the Aftercare Facility and are picked up in a staggered time slots during the afternoon.
If applicable, the increased traffic generated by the facility, as well as levels of car ownership in the immediate area, are to be assessed in conjunction with the estimated peak traffic flow in order to determine the traffic and parking impacts of the ECD centre. This may affect the number of children to be accommodated by the ECD centre.	The parking on the site and on-street adjacent to the school can accommodate 66 children and associated vehicle traffic of parents and staff members. It should also be noted that this is an aftercare facility for children enrolled in Gene Louw School, therefore the children walk across the road from the school and are picked up at different time slots after the schools afternoon traffic peak. The facility serves the existing learners of the abutting school and does not generate additional traffic. Its an interceptor of traffic not a generator of new trips.
(iv) SCALE AND EXTENT	
Requirements of Policy	Development proposal

• <i>The City Health Department is to assess the extent of the erf and the floor area of the building(s) and any other relevant requirements to determine the maximum number of children that can be accommodated, by using the required standards.</i>	The development proposal was supported by the City Health Department for 34 children, and will need to be assessed for the increase to 66 children.																																												
• <i>1,5 m² indoor area and 2 m² outdoor play areas per child should be provided.</i>	<table><tr><th>Aftercare Room</th><th>Extent</th><th>No of Children</th><th>Child per m²</th></tr><tr><td>Room 1</td><td>18 m²</td><td>10</td><td>1.8 m²</td></tr><tr><td>Room 2</td><td>27 m²</td><td>12</td><td>2.25m²</td></tr><tr><td>Room 3</td><td>21.6m²</td><td>12</td><td>1.8m²</td></tr><tr><td>Room 4</td><td>14m²</td><td>6</td><td>2.3m²</td></tr><tr><td>Room 5</td><td>11m²</td><td>8</td><td>1.37m²</td></tr><tr><td>Room 6</td><td>22m²</td><td>12</td><td>1.8m²</td></tr><tr><td>Room 7</td><td>14m²</td><td>6</td><td>2.3m²</td></tr><tr><td>Total of the 7 rooms</td><td>126m²</td><td>66</td><td>1.93m²</td></tr><tr><td>Bathrooms (4)</td><td>27.5m²</td><td>-</td><td>-</td></tr><tr><td>Outside space Erf size: 1029m² Coverage: (283m²) – Parking area (40m²)</td><td>400m²</td><td>66</td><td>Ave : 6m²</td></tr></table> A 1.9m² indoor area per child and 6m² outdoor play area is available per child. Please see the attached Site and Parking Plan, Annexure 6.	Aftercare Room	Extent	No of Children	Child per m ²	Room 1	18 m ²	10	1.8 m ²	Room 2	27 m ²	12	2.25m ²	Room 3	21.6m ²	12	1.8m ²	Room 4	14m ²	6	2.3m ²	Room 5	11m ²	8	1.37m ²	Room 6	22m ²	12	1.8m ²	Room 7	14m ²	6	2.3m ²	Total of the 7 rooms	126m ²	66	1.93m ²	Bathrooms (4)	27.5m ²	-	-	Outside space Erf size: 1029m ² Coverage: (283m ²) – Parking area (40m ²)	400m ²	66	Ave : 6m ²
Aftercare Room	Extent	No of Children	Child per m ²																																										
Room 1	18 m ²	10	1.8 m ²																																										
Room 2	27 m ²	12	2.25m ²																																										
Room 3	21.6m ²	12	1.8m ²																																										
Room 4	14m ²	6	2.3m ²																																										
Room 5	11m ²	8	1.37m ²																																										
Room 6	22m ²	12	1.8m ²																																										
Room 7	14m ²	6	2.3m ²																																										
Total of the 7 rooms	126m ²	66	1.93m ²																																										
Bathrooms (4)	27.5m ²	-	-																																										
Outside space Erf size: 1029m ² Coverage: (283m ²) – Parking area (40m ²)	400m ²	66	Ave : 6m ²																																										
• <i>Consideration is to be given to surrounding property sizes to ensure that the scale of the ECD centre is not in conflict with the density and residential fabric of the surrounding area.</i>	The scale of the Aftercare Facility fits in with the character of the surrounding area. It operates from an existing dwelling house to which no external alterations have been done.																																												
(v) OPERATIONAL MANAGEMENT																																													
Requirements of Policy	Development proposal																																												
• <i>The operator of a large scale centre is to be either the owner or the lessee of the property concerned.</i>	The operator is the lessee of the property concerned. A Power of Attorney from the land owner is attached.																																												

(vi) NOISE AND SECURITY	
Requirements of Policy	Development proposal
<i>The location of buildings(s), play equipment including the nature and type thereof, with particular reference to noise generation, and other proposed structures is to be clearly demarcated on the Site Development Plan and the proximity of neighbouring residential dwellings are to be taken into account in order to minimize the noise impact on neighbours.</i>	The outside play areas are indicated on the Site and Floor Plan. These play areas will have limited impact on any adjacent properties. These outdoor activities are within contained areas and limited to certain time periods. Most of the outdoor activities are held at the adjacent primary school.
<i>Outside and inside activities are to be managed so that noise levels will only be generated at specific times.</i>	The play area will have limited impact on abutting landowners. The outdoor activities would be within a contained area and limited to certain time periods and are not more than two hours for the whole day. The owner accepts that it is important that outside and inside activities are to be managed so that noise levels will only be generated at specific times to ensure the minimum impact.
<i>ECD Centres should comply with the applicable Noise Control Regulations as well as the provisions of the City of Cape Town By-law relating to streets, public places and the prevention of noise nuisances.</i>	The facility will comply with all the prescribed requirements in this regard.
<i>Where appropriate, adequate treatment and screening of the erf boundaries are recommended in order to minimize the noise impact.</i>	The owner and operator will comply with all the prescribed requirements in this regard.
<i>Childproof gates may be required to be installed on the property, particularly at the entrance to the facility if it is located on a busy road.</i>	The facility complies with this requirement.
(vii) HOURS OF OPERATION	

Requirements of Policy	Development proposal
<i>The centre should not operate outside the hours of 07h00 to 18h00 on Mondays to Fridays, and from 07h00 to 13h00 on Saturdays, and should not include public holidays or Sundays, except where it can be adequately motivated otherwise e.g. to accommodate parents who are shift workers.</i>	The Place of Instruction will operate from Mondays to Thursdays between 12h00 to 18h00 and Fridays between 12h00 to 17h30, and will not be open on Saturdays, Sundays or public holidays."

In general it can thus be stated that taking into consideration the nature of the facility, the location thereof, the size of the subject property, safe access and the provision of adequate parking in the vicinity of the site, it is clear that the Aftercare Facility complies with all the above provisions of the Early Childhood Development Policy.

8.2.5 Economic Development Strategy, 2013

The proposal is consistent with this strategy since it will ensure that growth is environmentally sustainable in the long term by providing an essential social service in the immediate vicinity of various residential areas. The Aftercare Facility allows parents to remain active in the employment market while their children are taken care off in a high quality educational facility. The large-scale Aftercare Facility will provide employment opportunities to approximately 6 teachers and cleaning staff.

8.2.6 Social Development Strategy, 2013

The proposal will have a positive socio-economic impact, given the fact that facilities like this is in high demand.

9. COMPLIANCE WITH SECTION 99(3)

9.1 Socio-economic impact

Approval of the proposal will have a positive impact as it will provide a much-needed social facility which is considered an appropriate and desirable land use within a residential area. It creates employment opportunities and allows both parents to be

active in the labour market while their children are well cared for in a high-quality facility.

9.2 Compatibility with surrounding uses

No external amendments have been made or are proposed to the existing dwelling house and the Aftercare Facility is considered compatible with the character of the immediately surrounding area.

9.3 Impact on the external engineering services

Adequate engineering services are available on site and the impact of the Aftercare Facility on service capacities will be minimal.

9.4 Impact on safety, health and wellbeing of the surrounding community

The proposed use will not impact on the health or wellbeing of neighbours given the nature, scale and location of the Aftercare Facility. It has been operational for some time without complaints being lodged by the neighbours.

9.5 Impact on heritage

The proposed development does not trigger any activities listed in the National Heritage Resources Act, 1999. The Aftercare Facility will not negatively impact on any heritage resources on the property or the wider area.

9.6 Impact on the biophysical environment

The proposed development does not trigger any of the listed activities of the Environmental Management Act, 1998. The proposal will have no impact on the biophysical environment. No natural or indigenous plants will be impacted on. No existing trees or landscaping will be removed or impacted on.

9.7 Traffic impacts, parking, access and other transport related considerations

Three (3) parking bays are provided at the front of the property as per the approved Site Plan. An additional 2 parking bays are located in the existing carport, which is used by the operator and teachers.

Due to the location of the Gene Louw Primary School and Sonstraal Church parking area directly opposite the property, these parking areas can double up as parking for collection of the pupils. The location of the facility and service provided will result in the pupils arriving at the aftercare on foot. The parking is currently only used for collection of pupils in the afternoons.

It is not foreseen that there would be an unacceptable parking situation as the Aftercare Facility only operates in the afternoon after the school traffic peak.

10. SUMMARY OF MOTIVATION/REASONS FOR SUPPORT

- The development proposal complies with the criteria for decision making and desirability as set out in Section 99 of the Cape Town Municipal Planning By-Law of 2015.
- The development proposal is in line with the land use development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
- The proposal complies with the guidelines and objectives of the Cape Town Municipal Spatial Development Framework and the Northern District Plan.
- The Aftercare Facility complies with all the requirements of the City of Cape Town's Early Childhood Development Land Use Policy (2013).
- The dwelling house and outdoor space of the subject property is well maintained and still retain the general appearance of a Single Residential dwelling.
- The current Aftercare Facility has been operating for a while in terms of an approved Consent Use and had no negative impact on surrounding properties due to its nature and scale as well as the location thereof within an existing dwelling house on the erf which will not be altered.
- No complaints have been received from the neighbours with regard to the operation of the existing Aftercare Facility facility and measures have been taken to lessen the impact on adjacent landowners.

- There will be no impact on heritage or the bio-physical environment.
- Adequate parking is provided on-site and the access and egress to the site is considered safe.
- Adequate civil and electrical services capacity is available on the site.

SECTION F

CLOSING STATEMENT

11. CONCLUSION

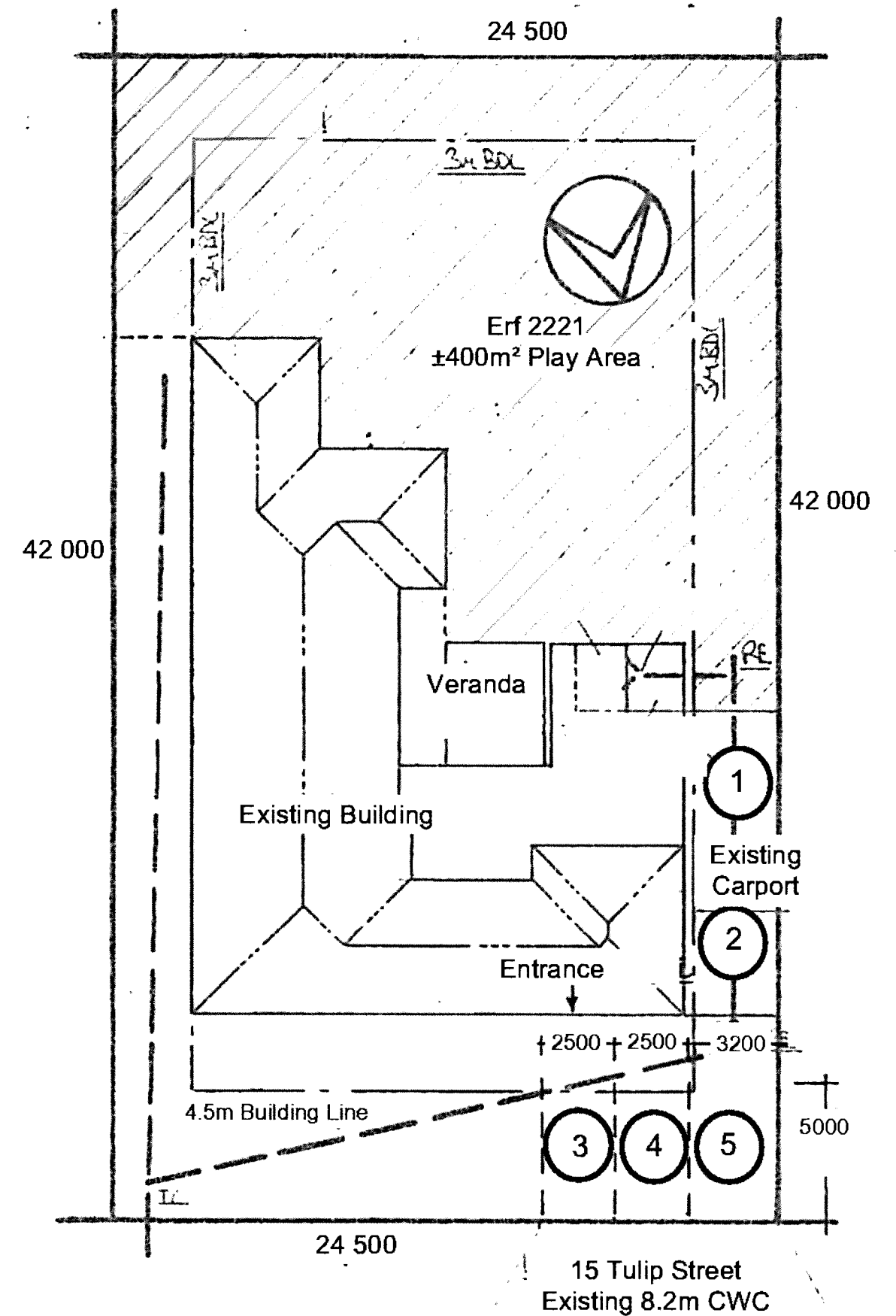
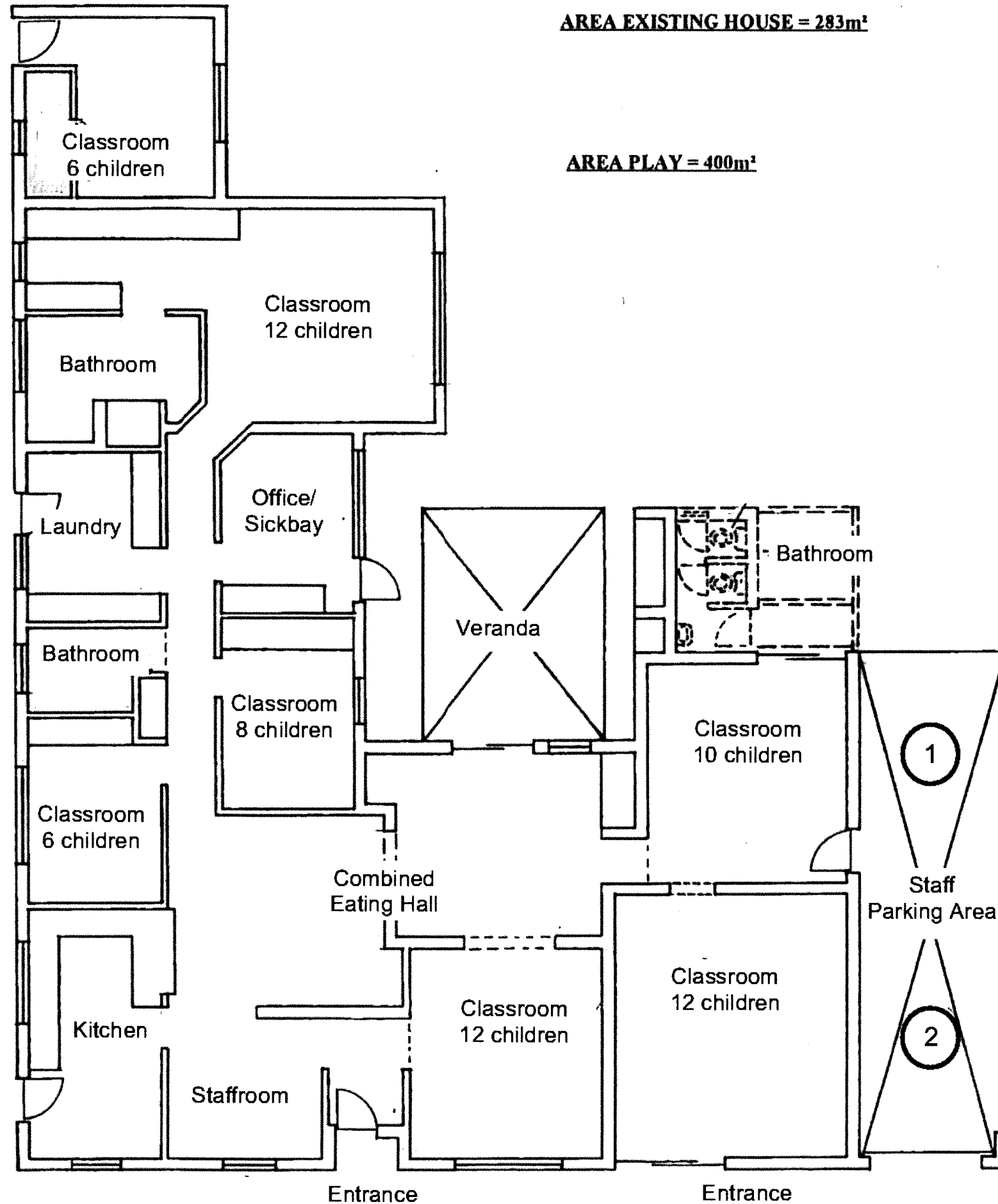
It is the opinion of *First Plan Town and Regional Planners* that approving the proposed removal of restrictive condition and the amendment to Condition 2.2, to allow for the Aftercare Facility to increase their amount of children to 66, would allow a high quality Aftercare Facility to provide an essential social and economic service to the surrounding community in line with the criteria for decision making and desirability as set out in Section 99 of the Cape Town Municipal Planning By-Law of 2015. The proposal is also in line with the land use development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).

The relevant decision body of the City of Cape Town is therefore respectfully requested to support this application for approval.

AREA ERF = 1029m²

AREA EXISTING HOUSE = 283m²

AREA PLAY = 400m²



SDP - PROPOSED AFTERCARE ERF 2221
15 TULIP STR. - EVERS DAL - DURBANVILLE
SCALE: 1:100
OWNER'S SIGNATURE: _____
DRAWN BY: IAAN KOTZE - REG. NO.: PAD21128
CELL: 0836326367 **DATE: 08 - 05 - 2025**



LAND USE MAP
OF
ERF 2221 - BELLVILLE

CLIENT:

PLAN NO	FP/0425/1143
DATE	JUNE 2025



NOT TO SCALE



	Single Residential 2 (SR1): Incremental Housing
	Open Space 2 (OS1): Public Open Space
	Single Residential 1 (SR1): Conventional Housing
	General Residential 2 (GR2)
	General Residential 3 (GR3)
	General Industrial 1 (GI1)
	General Business 1 (GB1)
	Community 1 (CO1): Local
	Community 2 (CO2): Regional
	Transport 1 (TR1): Transport Use
	Transport 2 (TR2): Public Road and Public Parking
	Utility (UT)

