



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500148224

Erf 69459, 11 Byrnes Avenue, Wynberg

Development Management

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15 January 2026

To Whom It May Concern

City of Cape Town
Land Use Planning Department
Plumstead Administrative Building
cnr Main and Victoria Road
Plumstead
7800

ERF 69459-RE WYNBERG APPLICATIONS CONTEMPLATED:

- **REZONING FROM GENERAL RESIDENTIAL 4 TO LOCAL BUSINESS 1** TO ALLOW FOR THE EXISTING RESIDENTIAL PROPERTY TO BE USED AS BUSINESS PREMISES (OFFICES);

ALL APPLICATIONS ABOVE ARE SUBMITTED ITO THE MUNICIPAL PLANNING BY-LAW 2015, AS AMENDED

Dear Sir/Madam

INTRODUCTION AND BACKGROUND

This land use application is submitted on behalf of the current land owner, _____, to allow for the rezoning of Erf 69459-RE to allow for the property to be used for business premises. The rezoning will allow the existing rooms within the residential building to be used as offices, with no internal alterations contemplated – only a change of use from residential to business. A site plan is submitted as part of this application to illustrate the proposed business (office) use - see attached **Annexure A, B & F**: LUM Application Form, Power of Attorney and Site Plan.

ADDITIONAL INFORMATION REQUESTED

This submission, addresses the additional information letter issued by the City (dated 22 October 2025) as it relates to the following:

- A conveyancer's certificate clarifying any restrictive title deed conditions – see attached **Annexure H**: Conveyancer's Certificate,
- An amended motivation which addresses the inconsistency with the Southern District Plan, as well as the Main Road Growth Management Strategy, see section under **DEVIATION FROM SOUTHERN DISTRICT PLAN AND MAIN ROAD GROWTH MANAGEMENT STRATEGY**,
- Amended rezoning to **LB1**, see amended motivation and **Annexure A & B**: Updated LUM Application Form and Updated Power of Attorney,
- An amended SDP – see attached **Annexure F**: Updated Site Plan,
- See attached **Annexure I**: POP additional advertising,
- The comments from Spatial Planning Department have been noted – See attached **Annexure J**: Spatial Planning comment.

LOCAL CONTEXT

Address

- 11 Byrnes Avenue

Erf number

- 69459-RE

Suburb and Allotment

- Wynberg, Cape Town

The subject property (Erf 69459-RE) is located within the Wynberg Metropolitan Node, ±265m away from the Wynberg railway station – within a PT2 zone. The suburb of Wynberg, within the context of the subject property, is generally higher-density residential along with mixed-use and a high concentration of businesses around the station hub. The property is accessed (vehicular and pedestrian) via Byrnes Avenue, which connects Ottery Road (connector) to Rosmead Avenue (connector) in Wynberg.

PLANNING APPLICATION

In light of the above, the following land use applications are being proposed in terms of the Cape Town Municipal Planning By-Law, 2015 as amended;

- **Rezoning** from General Residential 4 to Local Business 1 to allow for business premises (offices) ito section 42(a) of the Municipal Planning By-Law, 2015 as amended. See **Annexure E & F:** Previous approved building plans & Site plan.

The approval of the above land use application will allow the subject property Erf 69459-RE Wynberg to be used as for business premises (4 x offices), converting the existing bedrooms into office space. The parking requirement for offices within a PT2 zone is nil, however, sufficient parking has been provided on site (6 bays).

PLANNING CONTEXT

The proposed local business zoning 1 is described as “...an intermediate zoning, which can act as a buffer or interface between general business zonings or other high-intensity non-residential uses, and residential areas. The dominant uses should be for residential, **office** and associated purposes,” which was considered through the proposed change of use from residential to business (office use) of the subject site. Maintaining the current façade and existing residential built fabric of the property illustrates an attempt at conserving the residential fabric of the residential pocket in Wynberg.

The current land owner has a rental agreement with a residential tenant but would like to explore her options with a commercial (business – office consultants or similar) tenant in future, hence this rezoning application. The local business zoning 1 allows the land owner, the package of rights to be able to revert back to residential (dwelling house) as a primary use right – if the owner wishes.

The subject property is situated within the metropolitan node of Wynberg which is described as a “highly developed and accessible development corridor of vibrant, high-intensity, mixed-use urban centres of concentrated employment, living and social opportunities,” – further emphasizing the opportunity to develop opportunities which contribute to employment and accessible business within the Wynberg area.

The proposed local business zoning 1 allows:

- Floor factor of 1.0, of which the proposed is 0.18
- 75% coverage, of which the current is 25.5%
- 8m street line setback, the existing footprint is set back 13m from the street boundary
- 0m common boundary setback, the existing footprint does not infringe
- Max height of 12m, the existing structure does not extend further than this,

There are no additions or amendments to the existing built footprint is contemplated as part of this application - the existing footprint is compliant will all of the aforementioned development guidelines.

In terms of the on-site parking requirements:

- The site is located within a PT2 zone,
- The parking requirement for the 4 offices is nil,
- The parking bays provided on site is 6 bays excluding the existing double garage, sufficiently satisfying the 'nil' requirement,
- No parking departures are required.

DEVIATION FROM SOUTHERN DISTRICT PLAN (2023)

Acknowledging comments from the City's Spatial Planning department – see **Annexure J**:

- The comments from this department are noted,
- The below addresses the inconsistency with the Southern District Plan;
 - The proposed use is not residential in nature, the site is also not located within an area of mixed-use intensification – *Supporting Development Guideline 2 is relevant here:*
Existing and incipient urban nodes should be reinforced with mixed land uses actively supported. Business development outside of the nodes (i.e. business intrusion into residential areas), unless otherwise stated in council policy, is generally not to be encouraged.
- The proposal's compliance with the MSDF does not directly imply compliance with the District Plan, however, the District Plan is informed by the MSDF and it's vision which sets the overall direction and desired outcomes for the City of Cape Town – this should be considered when evaluating the deviation from this District Plan,
- The site is designated as Urban Development, located within a Higher Order Development Corridor and also a Metropolitan Urban Node;
 - The abovementioned designations all point to:
 - A more diverse and denser urban environment than elsewhere in the city,
 - Encouraging a range of uses at points of high accessibility – emphasized by the PT2 zone,
 - The abovementioned points are further emphasized under **MOTIVATION ITO SECTION 99 OF THE MUNICIPAL BY-LAW, 2015 (AS AMENDED)** – s(99)(2)(a) and (c).
- The comment relating to the subject property's location outside of the '*Mixed Use Intensification*' area, designated as '*Urban Development*' should be read in the context of the below.

Policy informants to motivate a deviation:

- In terms of section 2.2 MSDF Spatial Transformation Areas;
 - The MSDF identifies the site as part of the urban inner core, which emphasizes diverse and dense land uses in association with current and future public transport infrastructure provision as per *Table 4: Spatial Transformation Areas*.
 - The above is further supported by the fact that the subject property is situated within a PT2 zone;
 - This is described as 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.
 - The proposed development adds to a diverse range of uses within the existing context, which is what is needed to support these PT zones to create more feasible, accessible and sustainable development.
- In terms of section 2.4 Role of the District, point 2 Accommodating growth through intensification in the core focus area;
 - The proposed development will improve access to the current and future land owners living and working opportunities which is more attractive as it decentralises the

provision of incremental business adjacent to Main Road corridor, to support intensification in quality urban environments with good supporting movement infrastructure.

- The proposed development is of a lower-scale than the current GR4 zoning allows as high-density residential.
- In terms of table 8: Urban Development SPC, as it relates to existing urban development areas – Southern DSDF designation of the site:
 - Support the incremental densification of all urban areas as appropriate.
 - This should be guided by suitability of the area for land use intensification, such as surrounding neighbourhood character and density.
 - The subject property is zoned GR4, which allows for high density residential development – the proposed development will not impact on the existing residential streetscape / façade of the property as it maintains the existing built footprint and no internal / external (façade) alterations to the property.
 - The LB1 zoning is appropriate as it acts as a buffer between the high-intensity MU2 & GR4 properties within the immediate context and residential area further east along Byrnes Avenue.

In summary:

- The proposed rezoning from GR4 to LB1 can be considered low-impact, due to;
 - The development parameters are more restrictive within the LB1 zoning, as it creates an appropriate buffer between high-intensity and density business and other non-residential uses, and residential uses
 - The GR4 allows for a greater development extent as it is created for higher-density residential development
- The subject property's location within a Metropolitan Node and Development Corridor supports the PT2 designation.
- The proposed development will not amend the existing building footprint, façade and internal layout of the current structure.
- The above is further supported through policy under **MOTIVATION ITO SECTION 99 OF THE MUNICIPAL BY-LAW, 2015 (AS AMENDED)** – s(99)(2)(a) and (c), and the flexibility of the LB1 zoning which allows for residential and commercial uses under its primary uses, as an appropriate buffer zone between the Wynberg CBD area moving toward its residential area.

DEVIATION FROM MAIN ROAD GROWTH MANAGEMENT STRATEGY (MRGMS) (OCTOBER 2000)

It is important to preface this deviation by acknowledging the following:

- This Growth Management Strategy aimed at managing growth and development in this corridor for 15-20 years (2015-2020), this application is made in 2025 - outside of the initial scope of the growth strategy which has not been updated and considered new trends and development within this corridor.
- That at a metropolitan scale, opportunities were identified to decentralise office and retail nodes to counter traffic flow locations – which this development proposal promotes.

Acknowledging comments from the City's Spatial Planning department – see **Annexure J**:

- The comments from this department are noted,
- The guideline indicating appropriate residential densification is made in isolation and should be read in the context of the below.

In terms of this growth management strategy's goals (considered underpinning principles (s11.1.1)):

- Focus commercial development on nodes along Main Road

- The subject property is situated within a designated Metropolitan Node, as per the Southern District Plan,
 - Due to the relatively low impact of the proposed office use, the use of existing bedrooms as office space with no internal / external alterations, and higher density residential development around the site – the proposed development will not add additional pressure for inappropriate development within this node along Main Road.
- Control land use changes
 - The proposed rezoning to LB1 is appropriate and supported by the Southern District Plan, particularly within a Metropolitan node where the subject property is situated within, see below section 99(2)(a) under MOTIVATION ITO SECTION 99,
 - The flexibility of the LB1 zoning is that it provides for both a dwelling house and office uses as primary uses,
 - No manufacturing will take place on-site, and no additional 'business premises' are required for the offices to operate on the subject property.

In terms of the Spatial Development Framework of the Main Road Growth Management Strategy (s13.2.4):

- Due to the scan quality of Figure 13.4 of illustrating the Spatial Development Framework of the MRGMS, it is unclear whether the subject property falls within the mixed residential and business uses: business uses dominate and/or further high-density housing opportunities,
 - However, the LB1 zoning allows for a variety of business uses (office, boarding house, filming) and high-density residential use as a primary use right (flats).

In terms of the Land Use Changes: General Policy as it relates to loss of residential uses (s13.2.5):

- It should be noted that due to the flexibility of the LB1 zoning, the owner is able to develop flats and office use on the property as a primary use right,
- The above point maintains the initial intention of the subject property's GR zoning, which allows for higher density residential – this is maintained through the LB zoning.

In terms of Retained Residential Areas (s13.2.7):

- Wynberg is not mentioned as an area to be retained as a purely residential area – hence the proposed development is not in conflict with this.

The site falls within Precinct 1: Wynberg CBD (Wetton to Park/Stilton Road)(s14.1):

- This precinct is described as a precinct attracting corporate office, business hotel/meeting space, entertainment/retail and restaurants – of which the proposed development is accommodated (offices).

In summary:

- The above motivation does not indicate any adverse contradictions with the MRGMS, which only aimed at guiding development until 2015/2020, and rather alignment with more relevant planning informants emphasized by the Municipal SDF (2023) and Southern District Plan (2023).
- The above motivation, shows that the current proposal supports some of the principles put forward through the Main Road Framework by rezoning to an appropriate zoning and retaining the potential for a residential component to the property while not changing the façade along Byrnes Avenue.
- The proposal may not be consistent with one aspect of the policy, however, the appropriateness of this development in the greater context of the policy abovementioned – provides sufficient motivation to show more areas of consistency than not.

MOTIVATION ITO SECTION 99 OF THE MUNICIPAL BY-LAW, 2015 (AS AMENDED)

MPBL s99(1)(b)

The proposed rezoning application complies with the municipal spatial development framework (MSDF, 2023) which identifies the property as part of the 'urban inner core' with desired spatial outcomes of:

"Intensification and diversification of land uses support city growth..." and

"Detailed local plans are developed for subdistrict areas in need of spatially targeted interventions through applicable DSDFs and LSDFs and development guidelines." – see District Plan guidelines below.

The site is also found within a 'development corridor' which is defined as:

"Corridors designated as structuring are typified by intensified and diversified land use. They reflect the targeted, prioritised areas earmarked for the largest spectrum of land use mix associated with the highest density of population and employment."

The site is also designated as an 'metropolitan node,' defined as:

"Focused intensification...to realise a high- to very high-intensity mix and clustering of urban activities or land uses at points of high to very high accessibility, exposure, convenience and urban opportunity."

The approval of this land use application will contribute to the above desired land use outcomes of the spatial planning categories designated by the MSDF. The approval of this rezoning application will allow for the existing residential building to be used as business premises, providing increased access to business and employment opportunities within this metropolitan node. The LB1 zoning includes residential (dwelling house) as a primary use, which allows the owner an option to move between low-scale/impact business and residential opportunities on the subject property.

MPBL s99(1)(d)

There is no departure application contemplated which relates to floor space or height.

MPBL s99(2)(a) – Applicable spatial development framework

The proposed rezoning application complies with the **municipal spatial development framework (MSDF, 2023)** which identifies the property as part of the 'urban inner core' with desired spatial outcomes of:

"Intensification and diversification of land uses support city growth..." and

"Detailed local plans are developed for subdistrict areas in need of spatially targeted interventions through applicable DSDFs and LSDFs and development guidelines." – see District Plan guidelines below.

The site is also found within a 'development corridor' which is defined as:

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The Southern District Plan (2023) and sub-district plan identifies the property as part of a ‘Metropolitan Node,’ and ‘Development Corridor’ – with a spatial development objective of *“a highly diverse city environment that is adaptable to changing social, economic and environmental dynamics, and which offers a wide range of urban forms and opportunities to which an increasing number of people can have access.”*

With supporting development guidelines encouraging:

“...bona fide, low impact, home occupation practices with larger-scale businesses operating within and being directed towards identified urban nodes and other mixed-use areas.”

The conceptual designation of a ‘Metropolitan Node’ has supporting development guidelines of:

“Future development within this node should generally support the highest mixed-use intensities, highest residential densities, and highest order facilities and institutions in the district,” and “Encourage a mix of commercial and high-density residential within the commercial / mixed use centres. The level of land use intensification in the Wynberg and Claremont commercial / mixed use centres should not have a specific restriction, but rather be limited by infrastructure capacity, heritage issues, visual impact etc.”

The District Plan also identifies the site within a ‘Development Corridor’ defined as *“urban areas of higher-intensity (i.e. denser and more diverse) development (than elsewhere in the city generally) extending outwards on either side of development routes.”*

The proposed land use application is supported through the above development guidelines, as the proposed business premises is within a Metropolitan Node and within a mixed-use area – business operations are encouraged within this area, contributing to a further mix of uses in the Wynberg area. The proposed scale and low-impact of office use and LB1 zoning are appropriate as it includes opportunities to move between low-scale/impact business and residential uses on the subject property – managing the interface between the residential pockets and appropriate business uses in Wynberg.

MPBL s99(2)(b) – Relevant criteria contemplated in the DMS

The proposed land use application is made in line with the proposed DMS Local Business 1 zoning parameters and parking requirements for ‘office,’ within a PT2 zone. The existing building footprint will not be changed and is compliant with the proposed zonings development parameters as detailed under *planning context* above. The site’s location within a PT2 zone and the provision of 6 parking bays (excluding an existing double garage) shows further compliance with these requirements stipulated within the DMS. We believe that all relevant criteria contemplated in the MPBL Development Management Scheme are complied with.

MPBL s99(2)(c) – Applicable policy approved by the City to guide decision-making

The proposed rezoning application complies with the **municipal spatial development framework (MSDF, 2023)** which identifies the property as part of the 'urban inner core' with desired spatial outcomes of:

"Intensification and diversification of land uses support city growth..." and

"Detailed local plans are developed for subdistrict areas in need of spatially targeted interventions through applicable DSDFs and LSDFs and development guidelines." – see District Plan guidelines below.

The site is also found within a 'development corridor' which is defined as:

"Corridors designated as structuring are typified by intensified and diversified land use. They reflect the targeted, prioritised areas earmarked for the largest spectrum of land use mix associated with the highest density of population and employment."

The site is also designated as an 'metropolitan node,' defined as:

"Focused intensification...to realise a high- to very high-intensity mix and clustering of urban activities or land uses at points of high to very high accessibility, exposure, convenience and urban opportunity."

The approval of this land use application will contribute to the above desired land use outcomes of the spatial planning categories designated by the MSDF. The approval of this rezoning application will allow for the existing residential building to be used as business premises, providing increased access to business and employment opportunities within this metropolitan node. The LB1 zoning includes residential (dwelling house) as a primary use, which allows the owner an option to move between low-scale/impact business and residential opportunities on the subject property.

The Southern District Plan (2023) and sub-district plan identifies the property as part of a 'Metropolitan Node,' and 'Development Corridor' – with a spatial development objective of "a highly diverse city environment that is adaptable to changing social, economic and environmental dynamics, and which offers a wide range of urban forms and opportunities to which an increasing number of people can have access."

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"Future development within this node should generally support the highest mixed-use intensities, highest residential densities, and highest order facilities and institutions in the district," and *"Encourage a mix of commercial and high-density residential within the commercial / mixed use centres. The level of land use intensification in the Wynberg and Claremont commercial / mixed use centres should not have a specific restriction, but rather be limited by infrastructure capacity, heritage issues, visual impact etc."*

The District Plan also identifies the site within a 'Development Corridor' defined as "urban areas of higher-intensity (i.e. denser and more diverse) development (than elsewhere in the city generally) extending outwards on either side of development routes."

The proposed land use application is supported through the above development guidelines, as the proposed business premises is within a Metropolitan Node and within a mixed-use area – business operations are encouraged within this area, contributing to a further mix of uses in the Wynberg area. The proposed scale and low-impact of office use and LB1 zoning are appropriate as it includes opportunities to move between low-scale/impact business and residential uses on

the subject property – managing the interface between the residential pockets and appropriate business uses in Wynberg.

Transit Orientated Development Strategic Framework (Dated March 2016)

The stated vision of Transit Orientated Development in Cape Town is:

“To progressively move toward a compact, well connected, efficient, resilient urban form and movement system that is conducive to economic and social efficiency and equality whilst providing cost effective access and mobility, with the least possible negative impact on the environment.”

And one of the objectives of TOD is to:

“Maximise ‘locational efficiency’ so that people can walk, cycle and use public transport. This can be achieved through a comprehensive approach to land use density, mix and intensity, as well as a focus on prioritised public transport at a metro, corridor, nodal and precinct scale.”

The proposed land use application will allow for continued and increased access to appropriate business and employment opportunities within the well-established Metropolitan node and mixed-use area of Wynberg, encouraged by its location within a PT2 zone. The site is well integrated into the existing street network and existing service connections – which will be converted to the relevant commercial tariffs at the relevant development stage.

MPBL s99(2)(d) – Desirability of the proposed land use as per subsection 3

See s99(3) below.

MPBL s99(2)(e) – Impact on existing rights

Compliant: The approval of this land use application will not result in any adverse impacts on any existing rights. The rezoning is made in line with the proposed LB1 develop parameters. There are no internal and/or external building alterations contemplated as part of this rezoning application. The proposed offices will be well accommodated within the existing rooms. The land owner currently houses a residential tenant on the property, this will remain until the rezoning has been decided and an opportunity to explore a commercial/business tenant present itself through this rezoning.

MPBL s99(2)(f) – Application for consolidation

N/A: No application for consolidation is contemplated.

MPBL s99(2)(g) – Other considerations prescribed i.t.o. relevant national or provincial legislation

N/A: The proposed land use applications are not made in contradiction to and will not have any adverse impact on any national or provincial legislation.

MPBL s99(3)(a) – Socio-economic impact

The approval of this land use application will provide an opportunity for businesses to access office space and provide long-term employment opportunities. The change in use from residential to business use will allow for more passive surveillance onto the street during the day, creating a safer pedestrian environment. The proposed business will potentially provide services to the surrounding community, adding to the mix of business uses in the area.

MPBL s99(3)(d) - Compatibility with surrounding uses

The approval of this rezoning application will not have an adverse impact on the surrounding land uses, the proposed LB1 zoning and low impact business (office use) will augment and further establish the Wynberg metropolitan node, adding to the range of uses in the area which aims to strengthen the local economy and attract investment into the area. The versatility in the LB1 zoning also allows residential

as a primary use and provides the land owner with an opportunity to move between residential and business use quite easily but also at an appropriate scale, aligning with the zoning development parameters – which is more conservation than the surrounding mixed-use zonings, but more appropriate due to the site's interface with a residential area.

MPBL s99(3)(e) - Impact on the external engineering services

The approval of these land use applications will have no adverse impact on the external engineering services. The relevant tariff changes to commercial use will be applied for at the relevant development stage.

MPBL s99(3)(f) Impact on safety, health and wellbeing of the surrounding community

The approval of this rezoning application will not have an adverse impact on the safety, health and wellbeing of the surrounding community but rather add value through passive surveillance onto the street during working hours in the day, and contribute to the range of services provided to the community of Wynberg, increasing access to business services which includes access to employment opportunities.

MPBL s99(3)(g) - Impact on heritage

The approval of this land use application will have no adverse impact on heritage, there are no building alterations contemplated as part of this rezoning. As part of the pre-application consultation held with City officials, it was submitted that comment be retrieved from the Heritage department. This was not achieved prior to submitting, however, we appeal to the City to prioritise this department's comments during formal advertising. Their formal comments will be dealt with at the relevant development stage. See attached **Annexure G: Pre-application consultation**.

MPBL s99(3)(h) - Impact on the biophysical environment

The approval of this land use application will not have an adverse impact on the biophysical environment.

MPBL s99(3)(i) - Traffic impacts, parking, access and other transport related considerations

The approval of this land use application will have no adverse impact on traffic, parking, access, and other transport related considerations. The subject property's location within a PT2 zone, and connections to the street network emphasizes the above statement. The 6 on-site parking bays provided show how the proposed business use exceeds the parking requirements on site (nil), while maintaining adequate and not compromising access to subject property. The parking layout was accepted by the relevant City department. See attached **Annexure G: Pre-application consultation**.

MPBL - s99(3)(j) Whether the imposition of conditions can mitigate an adverse impact of the proposed land use

As has been motivated above, sufficient information is provided for the approval application to be considered desirable, with no adverse impacts on the surrounding community but rather maintaining its current and adding potential future value.

CONCLUSION AND RECOMMENDATION

The approval of this rezoning application aligns with the proposed land use outcomes described in both the Municipal Spatial Development Framework and District (and sub-district) plans. The proposal aims to convert the existing rooms within the residential building to offices, no alterations are contemplated to the building footprint, including any interior and exterior renovations. This change in use is supported by planning policy and framework. The proposed on-site parking exceeds the parking requirement by 6 bays; the proposed bays do not compromise access to the site.

The proposal has been motivated appropriately in terms of the relevant policy and legal planning frameworks. We believe sufficient information has been provided in order to further process this LUMs application.

We appeal to you to consider our application favourably.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Luke Williams', is positioned above the printed name.

Luke Williams Pr. Plan (A/2819/2019)

Annexures

Annexure A:	Updated LUM Application Form
Annexure B:	Updated Power of Attorney
Annexure C:	Copy of Title Deed
Annexure D:	SG Diagram
Annexure E:	Previous Approved Building Plans
Annexure F:	Updated Site Plan
Annexure G:	Pre-application consultation
Annexure H:	Conveyancer's Certificate
Annexure I:	POP additional advertising
Annexure J:	Spatial Planning comment

Figures

Figure 1:	Local Context
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