



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500148319

**Cape Farm 774, Portion 2,
76 Olieboom Road, Philippi**

Development Management

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MOTIVATIONAL REPORT

Proposed Subdivision, Rezoning, Departure & Deviation on Portion 2 of Farm no 774, Cape Registration Division

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

Authority:

City of Cape Town Municipality

Date:

August 2025

Our reference:

Cape/14555/774_2/MV

Compiled By:

CK Rumboll & Partners
Town Planners
Professional Surveyors
16 Rainier Street, Malmesbury



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1. SECTION 1 INTRODUCTION

CK Rumboll & Partners, have been appointed¹ to attend to all town planning and land surveying actions relating to the subdivision, partial rezoning, Departure & Deviation of Portion 2 of Farm no 774 (also referred to as “Farm no 774/2), Cape Registration Division (RD). The application specifically pertains to authorise an existing municipal mini-substation on a portion of the property. In alignment with the broader objective of the City of Cape Town (also referred to as “the City”) to secure and protect public infrastructure, the proposed subdivided portion has been expropriated² in order to ensure legal ownership and appropriate land use control over municipal infrastructure. The rezoning of this portion will further serve to assign the correct zoning designation, thereby reinforcing the operational security and long-term investment in the City’s electrical distribution network.

1.1 Purpose

It is the purpose of this report to apply in terms of³:

- ▶ Section 42 (d) of the City of Cape Town Municipal Planning By-Law, 2025, for the **Subdivision** of Portion 2 Farm no 774 (3.9243 Ha), Cape Registration Division, as follows:
 - Proposed Portion A (Unregistered Portion 5, portion of Portion 2, of Farm no 774, Cape Registration Division), ±40m² in extent;
 - Proposed Remainder Farm no 774/2, Cape Registration Division, ±3.9203 Ha in extent; and
- ▶ Section 42 (a) of the City of Cape Town Municipal Planning By-Law, 2025, for the **Rezoning** of the proposed Portion A of Portion 2 of Farm no 774, Cape Registration Division, from Agricultural Zone to Utility Zone.
- ▶ Section 42 (b) of the City of Cape Town Municipal Planning By-Law, 2025, for the Departure from the minimum subdivision size in respect of the Proposed Remainder.
- ▶ Site Specific deviation from both the Municipal Spatial Development Framework and the Cape Flats District Plan.

1.2 Property Particulars

The following table provides a summary of the application property’s details⁴.

¹ Power of Attorney – **Annexure A**

² Expropriation Notice – **Annexure B**

³ Municipal Application Form – **Annexure C**

⁴ Title Deed & SG Diagrams – **Annexure D**

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Table 1: Property Details

Portion 2 of Farm no 774, Cape Registration Division	
Owner	
Extent	3.9243 Ha
Zoning	Agricultural Zone
Land Use	Rural living
Title Deed	
Restrictive Conditions	None
Servitudes	None
Bonds	

2. SECTION 2 CONTEXTUAL ANALYSIS

2.1 Locality

The application property is situated centrally in the Philippi suburb and is accessible via two roads, namely Varkens Vlei Road (Divisional Road 1040) on its northern boundary, and Olieboom Road (Divisional Road 1025) on its eastern boundary, as illustrated in Figure 1⁵.



Figure 1: Locality Map

⁵ Locality Map – Annexure E

2.2 Existing Zoning and Surrounding Uses

The application property is currently zoned as Agricultural Zone (refer to Figure 2). It is located within a semi-rural area predominantly characterised by low-intensity agricultural activities, including small-scale farming and horticulture. The property is utilised for rural living purposes and consists of an existing dwelling unit and several outbuildings. A substation has also been constructed on the property.

The surrounding properties are similarly zoned and used for agricultural purposes or rural living, contributing to the area's distinctly rural character within the broader metropolitan context. This application to formalise the existing substation will not have an adverse impact on the character of the area or on the functionality of the property, due to its small-scale nature.

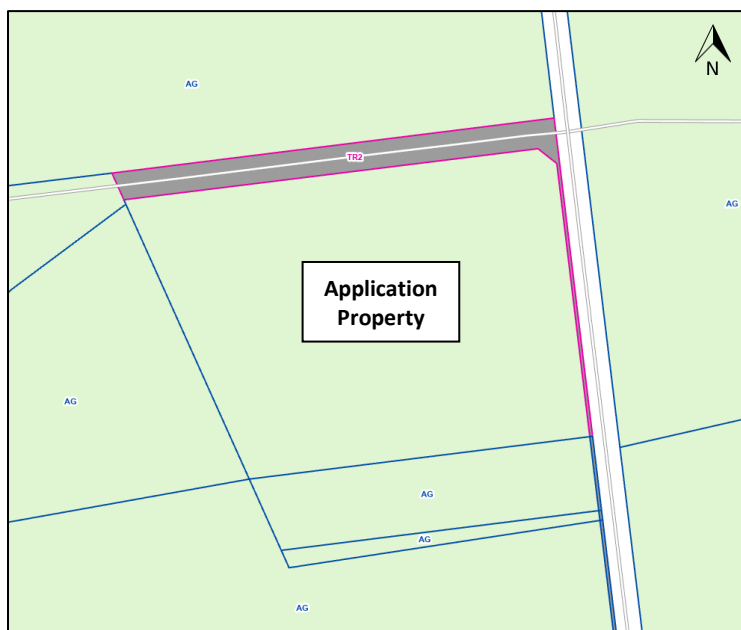


Figure 2: Zoning Map

2.3 Services

Several buildings are located on the property, all of which are connected to the existing Municipal service network. As the substation is already operational, the application to formalise this use will not place any additional strain on Municipal service provision.

2.4 Access and Parking

Access to the property is obtained from Varkens Vlei Road (Divisional Road 1040) on its northern boundary, and Olieboom Road (Divisional Road 1025) on its eastern boundary. On-site parking for all existing land uses is provided and is consistent with the parking requirements set out in the City's Development Management Scheme. No additional parking is required for the substation.

3.1 Proposed Subdivision

KEY:

- Subject Property
- Subdivision Lines
- Existing Buildings / Structures
- Existing Access Point

BEFORE SUBDIVISION

Farm no 774/2 (3.9243 Ha)

AFTER SUBDIVISION

Proposed Portion A (±40m²)

Proposed Remainder (±3.9203 Ha)

INSET

See Inset

TITLE: SUBDIVISION PLAN
FARM NO 774/2, CAPE RD

AREA: CAPE FARMS

NOTE: ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEYING

COMPILED BY:

DATE: JULY 2005
AUTHORITY: CITY OF CAPE TOWN

REF: CAPEFARMS_774_2005

Figure 3: Subdivision Plan

The purpose of this subdivision is to facilitate the formal transfer of ownership of Portion A to the City, thereby securing and regularising the municipal infrastructure, specifically, an existing electricity mini-substation, currently situated on the property. This application ensures that the land housing the substation is legally and functionally distinct from the privately-owned agricultural portion, allowing for proper zoning.

⁶ Subdivision Plan – **Annexure F**

⁷ Provisional SG Diagram – **Annexure G**

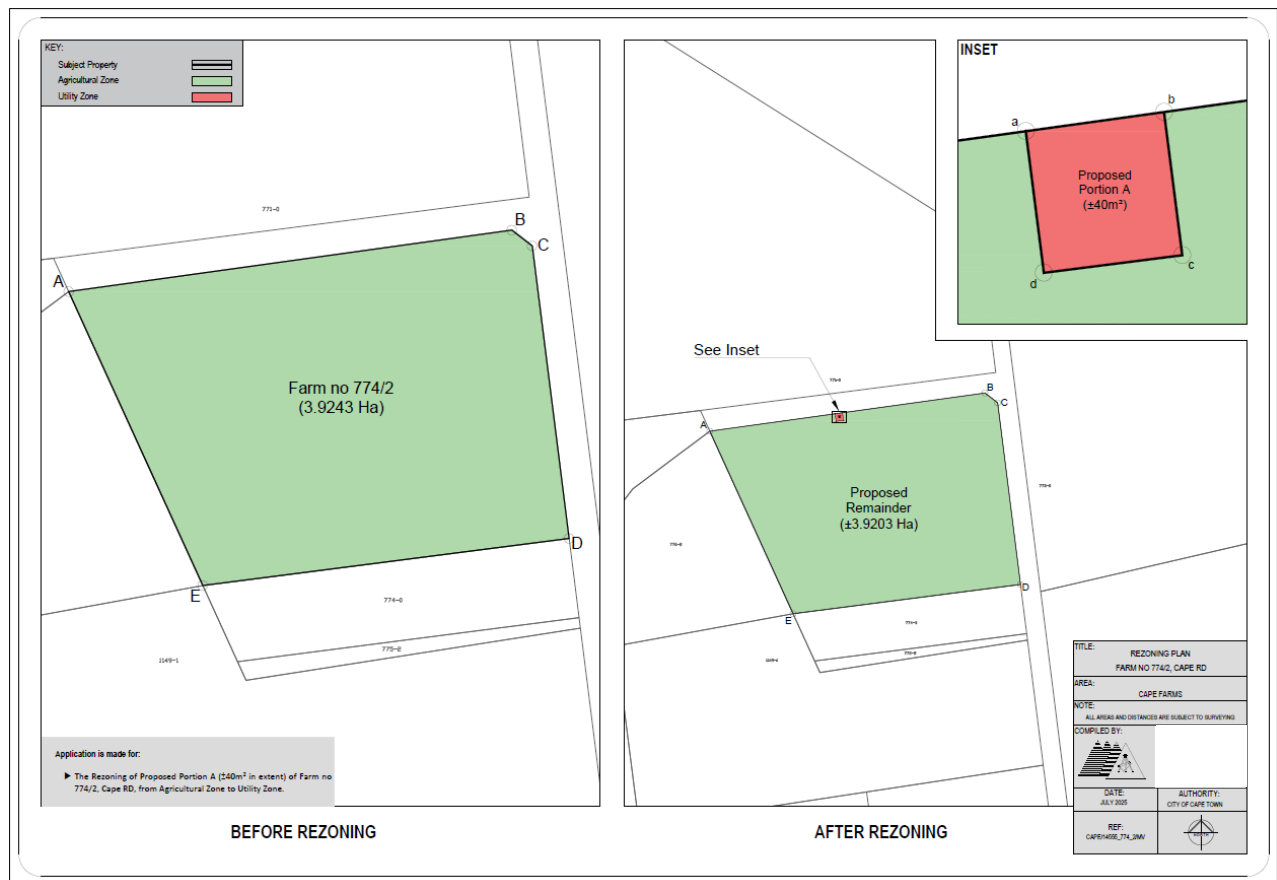
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management, maintenance, and protection of the substation in the long term. Furthermore, the subdivision reinforces the City's commitment to safeguarding public infrastructure and upholding spatial governance principles. The proposed subdivision is thus a pragmatic and policy-aligned response to the need for infrastructure security and responsible land administration.

Notably, Section 109 (e)(ii) of the City of Cape Town Development Management Scheme states that the minimum allowable subdivision size for a remainder is 20 hectares. Departure from this prescribed development parameter is discussed in detail under Section 3.3 of this report.

3.2 Proposed Rezoning

Following the subdivision application, application is further made for the rezoning⁸ of proposed Portion A of Farm no 774/2, $\pm 40\text{m}^2$ in extent, from Agricultural Zone to Utility Zone to authorise the existing substation, as illustrated in Figure 4. The proposed Remainder will retain the current Agricultural Zone designation, reflecting its continued rural use and alignment with the surrounding land uses in Philippi.



⁸ Rezoning Plan – Annexure H

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Figure 4: Rezoning Plan

3.3 Proposed Departure

In addition to the proposed subdivision and rezoning, application is made in terms of the City of Cape Town Municipal Planning By-Law, 2015, for a departure from the provisions of the **City of Cape Town Development Management Scheme (DMS)** relating to the minimum subdivision size applicable to land zoned **Agricultural Zone**.

Section 109(e) of the DMS prescribes the minimum subdivision size for properties that are zoned, and intended to remain zoned, **Agricultural Zone**. The relevant provision reads as follows:

“(e) Minimum Subdivision Size

No new subdivision or any remainder that is zoned and intended to remain zoned Agriculture shall be less than –

- (i) The minimum subdivision size specified in terms of an approved local area overlay zone; or
- (ii) 20 ha if no such overlay zone exists,

Unless the new subdivision or remainder concerned is consolidated with a property zoned Agriculture, so as to make up a consolidated land unit of at least the minimum required subdivision size and provided that compliance with this requirement does not limit the City’s powers to refuse a subdivision application that it considers to be undesirable.”

The subject property, **Farm No. 774/2**, currently measures approximately **3.9243 hectares** in extent and therefore already falls well below the prescribed minimum subdivision size of **20 hectares**. The proposed subdivision does not seek to create a new agricultural holding of a reduced scale for agricultural purposes, but rather to excise a **small portion of approximately 40 m²** accommodating an existing municipal mini-substation that has already been developed and is no longer utilised for agricultural purposes. Consequently, the agricultural potential, productive capability, and functional viability of the remaining agricultural property will remain effectively unchanged. The proposed Remainder will continue to comprise approximately **3.9203 hectares**, preserving virtually the entire agricultural landholding and allowing the property to continue to be utilised in accordance with its Agricultural Zone designation.

The departure is therefore of a highly technical and administrative nature, arising solely from the statutory minimum subdivision requirement. It does not facilitate additional fragmentation of agricultural land for development purposes, nor does it undermine the objectives of protecting viable agricultural landholdings. Instead, the proposal seeks to regularise the cadastral position of existing municipal infrastructure that has already been expropriated by the City of Cape Town to secure and protect its investment in essential public infrastructure. Granting the requested departure will enable the lawful subdivision and transfer of the utility portion into municipal ownership while ensuring that the balance of the property remains available for agricultural use.

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Given the negligible size of the proposed subdivision, the existing developed nature of **Portion A**, and the continued agricultural use of the Remainder, it is submitted that the proposed departure will have no material impact on the agricultural viability of the property or the surrounding area. The application is therefore considered reasonable, desirable, and consistent with the principles of sound spatial planning, and it is respectfully requested that the departure from **Section 109(e)(ii)** of the City of Cape Town Development Management Scheme be approved concurrently with the subdivision and rezoning applications.

3.4 Development Management Scheme

Utility Zone is specifically intended to accommodate municipal infrastructure and essential services. In terms of the City of Cape Town Development Management Scheme (DMS), the primary land use right for Utility Zone includes **"utility services"**, which is defined as: *"a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substation and transmission lines, stormwater retention facilities, and a wastewater pump station and treatment works, recycling facility, dumpsites and minor freestanding and rooftop base telecommunication station, but does not include road, wind turbine infrastructure or transport use."*

This subdivision and rezoning application, therefore, aligns directly with the definition and intent of this zoning category, ensuring regulatory compliance and formal recognition of municipal infrastructure.

The applicable development rules are as follows:

- (a) The city may require a site development plan for a primary use, and shall require a site development plan for a consent use application;
- (b) The site development plan as approved by the City shall constitute the development rules for a primary use if applicable, and a consent use; and
- (c) The provisions of a Site Development Plan in item 123 shall apply.

Considering the above, Figure 5 below forms part of the Expropriation Notice⁹.

⁹ Expropriation Notice – **Annexure A**

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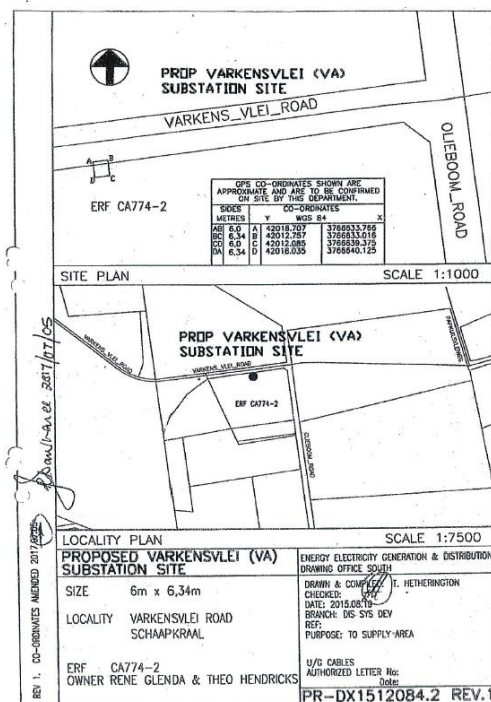


Figure 5: Expropriation Diagram

Importantly, no new development is proposed for the Remainder of the property, as part of this application, which will retain its existing Agricultural Zone designation. The primary use of the Remainder will therefore remain for rural living purposes.

Should any future development be contemplated on the Remainder, such development will be subject to the applicable development parameters and land use rights as set out in the City of Cape Town DMS for Agricultural-zoned land.

4. SECTION 4 PLANNING POLICY

4.1 Municipal Spatial Development Framework

The proposed subdivision and rezoning give practical effect to the City of Cape Town's strategic objective of protecting and securing essential municipal infrastructure. The Municipal Spatial Development Framework (MSDF) recognises utility infrastructure—including water, sanitation, energy, waste management and associated engineering services—as critical city-wide assets that require coordinated planning, secure land tenure and long-term investment to ensure their continued operation and maintenance. The proposed subdivision will create a separate cadastral unit for the existing municipal mini-substation, while the accompanying rezoning of Portion A to Utility Zone will ensure that the land use rights accurately reflect the existing and intended use of the property. In doing so, the application provides legal certainty regarding ownership, land use and infrastructure management, thereby safeguarding the City's investment in its electrical distribution network. The proposal therefore directly supports the MSDF's objective of prioritising infrastructure investment as a catalyst for sustainable spatial development, promoting efficient service

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delivery, reducing future administrative complexities and facilitating predictable, policy-driven land use management.

Furthermore, the proposal carefully balances the protection of municipal infrastructure with the preservation of the existing rural landscape. While Portion A will be rezoned to Utility Zone to accommodate the existing mini-substation, the proposed Remainder will retain its Agricultural Zone designation, thereby preserving the agricultural character and productive potential of the property. This approach is consistent with the MSDF's commitment to protecting the Cape Flats' semi-rural environment and its Agricultural Areas of Significance, which form part of the City's broader Green Infrastructure Network. The proposal therefore achieves an appropriate balance between infrastructure protection and agricultural land conservation, without introducing additional development or altering the established character of the surrounding area.

It is acknowledged that the MSDF's spatial proposals do not specifically identify the subject property as a location for utility infrastructure. Consequently, a limited site-specific deviation from the MSDF is required to accommodate the formal recognition of the existing mini-substation. However, this deviation is considered both reasonable and justifiable, as it relates solely to the regularisation of an existing municipal facility occupying approximately 40 m², rather than the establishment of a new or incompatible land use. Moreover, the MSDF is intended to provide strategic spatial guidance at a metropolitan scale and is not designed to identify individual items of local engineering infrastructure such as neighbourhood electricity substations. The proposed deviation therefore does not conflict with the broader objectives or spatial vision of the MSDF. Instead, it gives practical effect to the framework's overarching objectives by ensuring that existing municipal infrastructure is appropriately protected, legally regularised and capable of continuing to provide reliable electrical services to the surrounding community over the long term.

4.2 Cape Flats District Plan

The Cape Flats District Plan states the following: *"The overall intent of the District Plan is to find ways to respond to the backlog in services and accommodation and the future land use needs, given the estimated future growth in population. This is to be done in a manner to ensure compliance with the principles of the relevant legislation, e.g. the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013 and the Land Use Planning Act (LUPA), Act 3 of 2014."*

The proposed subdivision and rezoning directly support the intent of the Cape Flats District Plan by facilitating the formalisation and long-term protection of an existing municipal mini-substation that forms part of the City's electrical distribution network. Essential engineering infrastructure is fundamental to accommodating existing and future land use demands, and the legal protection of such infrastructure ensures the continued, reliable provision of basic municipal services. By creating a separate cadastral entity for the substation and assigning the appropriate Utility Zone designation, the application promotes sound land use management, protects public investment in infrastructure, and supports the efficient delivery and maintenance of essential engineering services. The proposal is therefore consistent with the principles of SPLUMA and LUPA, particularly those relating to spatial sustainability, efficiency, and the orderly administration of land.

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It is acknowledged that the Cape Flats District Plan does not specifically identify the subject property for utility infrastructure or propose a Utility Zone designation for the site. Accordingly, a limited site-specific deviation from the spatial proposals of the District Plan is required. However, this deviation is considered both reasonable and justifiable, as it relates only to an existing mini-substation occupying approximately 40 m², rather than the establishment of new or incompatible land uses. Furthermore, the District Plan is a strategic planning instrument that provides broad spatial direction at a district scale and is not intended to identify or provide detailed planning guidance for individual items of local engineering infrastructure such as neighbourhood electrical substations. The proposed rezoning therefore does not undermine the objectives or spatial vision of the District Plan, but rather gives effect to its broader intent by ensuring that existing municipal infrastructure is appropriately protected, legally regularised, and capable of serving the surrounding community over the long term.

4.3 Principles of Land Use Planning

The proposed development supports the principles of Chapter VI (Section 59) of the Land Use Planning Act (LUPA), Act 3 of 2014, and Chapter 2 (Section 7) of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, as follows;

4.3.1 Spatial Justice

The proposed development aligns with the principle of spatial justice as outlined in the MSDF, by ensuring that land use and zoning are applied equitably and in accordance with broader municipal planning objectives. While the property retains its Agricultural Zone designation (in part), the subdivision and rezoning of a small portion to Utility Zone enables the formalisation of existing municipal infrastructure, ensuring that essential services are secured and equitably distributed across all communities, including those in this semi-rural area. This approach promotes fair access to infrastructure and supports the City's commitment to spatial transformation without undermining the landowner's existing rights, as the remainder of the property remains available for agricultural or permissible rural residential use. The application thus reflects a balance between the protection of public assets and the equitable use of land in a manner consistent with the SDF's spatial justice objectives.

4.3.2 Spatial Sustainability

The proposed development aligns with the principle of spatial sustainability by promoting land use that is fiscally responsible, environmentally appropriate, and administratively manageable. The subdivision and rezoning of a small, already-developed portion of the property for municipal utility purposes ensures the formalisation and long-term protection of existing infrastructure without requiring additional development or extension of services, thereby minimising environmental impact and avoiding unnecessary expansion of the urban footprint. By retaining the Agricultural Zone designation on the remainder of the property, the proposal also supports the preservation of productive rural land, consistent with the City's broader sustainability and environmental management objectives. Furthermore, the application reinforces the efficient functioning of the land market by securing public infrastructure through legal tenure, while avoiding fragmented or ad hoc development that could contribute to urban sprawl.

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4.3.3 Efficiency

The proposed development is fully aligned with the principle of efficiency, as it optimises the use of existing infrastructure and land resources by formalising the presence of an operational municipal mini-substation already constructed on the property. Rather than requiring new land or infrastructure investment, the application simply seeks to regularise and protect an existing asset, ensuring its continued and uninterrupted functioning. The subdivision and rezoning of only the affected small portion in relation to the entire extent of the property, allows for precise, minimal intervention, limiting environmental disruption and avoiding unnecessary administrative or financial burden. Additionally, by aligning the land use with actual on the ground conditions, the proposal supports streamlined decision making and reduces long term social, legal, and operational risks, thereby promoting efficient, responsible, and cost-effective land development outcomes.

4.3.4 Spatial Resilience

The application supports the principle of spatial resilience by ensuring that critical municipal infrastructure, specifically, the existing mini-substation, is legally secured and appropriately zoned, thereby strengthening the reliability and continuity of essential service delivery in the Philippi area. By formalising and protecting this infrastructure through subdivision and rezoning, the City is better equipped to manage and maintain the substation, ensuring consistent access to electricity for surrounding communities, particularly in the face of potential economic or environmental shocks. This proactive planning approach enhances the area's capacity to adapt to future challenges while maintaining the functional integrity of service networks, thus promoting long-term sustainability and resilience within a semi-rural context.

4.3.5 Good Administration

The application will be taken through the public process, and all relevant departments will be approached. Participation of different relevant departments and the public will ensure an informed decision.

5. SECTION 5 ASSESSMENT CRITERIA

The criteria for the assessment of applications as per the City of Cape Town DMS are addressed as follows:

5.1 Socio-Economic Impact

The formalisation of the existing mini-substation will have a positive socio-economic impact by ensuring continued and reliable electricity supply to the surrounding area, thereby supporting local economic activities and residential needs without introducing new development pressure or displacement.

5.2 Compatibility with Surrounding Uses

The substation is modest in scale ($\pm 40m^2$) and already integrated into the landscape, posing no conflict with existing land uses. It is compatible with the surrounding infrastructure and land use pattern, serving a necessary public utility function.

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5.3 Impact on the External Engineering Services

As the substation is already operational and connected to the municipal service network, the application will not place any additional demand on existing external engineering services such as water, sanitation, or waste removal.

5.4 Impact on Safety, Health and Wellbeing of the Surrounding Community

The continued use of the substation will enhance community wellbeing by supporting uninterrupted electrical service. All necessary safety standards are adhered to, ensuring no negative impact on public health or safety.

5.5 Impact on Heritage

The specific site has no known heritage significance and no buildings older than 60 years are altered or demolished. The small-scale nature of the infrastructure ensures that the substation does not negatively affect any heritage resources or character of the area.

5.6 Impact on the Biophysical Environment

The proposed development will not have any impact on the biophysical environment.

5.7 Impact Traffic Impacts, Parking, Access, and other Transport-Related Considerations

The mini-substation requires no dedicated parking and generates negligible traffic. Occasional maintenance visits are infrequent and do not impact existing road infrastructure, access routes, or traffic flow in the area.

5.8 Can the imposition of conditions mitigate an adverse impact of the proposed land use?

The proposal will not result in any additional negative impacts in the area. The proposed development will comply with all conditions of approval that City of Cape Town may deem necessary.

6. SECTION 6 SUMMARY

The proposed subdivision and rezoning are considered desirable and appropriate for the following reasons:

- The application enables the formalisation of an existing municipal mini-substation through the creation of a separate, functional erf (Portion A), while the remainder of the property retains its agricultural use;
- The proposed land use change supports the principles of SPLUMA and LUPA, particularly concerning spatial justice, spatial sustainability, efficiency, and spatial resilience;
- Following the proposed site specific deviation from the MSDP & District Plan, the proposal should be considered to be in alignment with the Cape Town Municipal Spatial Development Framework

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(MSDF) and District Plan, which promotes the safeguarding of public infrastructure and the efficient use of land and services within the municipal area;

- The development will have no adverse impact on the surrounding agricultural character of Philippi, nor will it negatively affect any environmentally sensitive or conservation areas;
- The application supports compact and efficient land development by utilising an already developed portion of land for formal infrastructure purposes, without expanding the urban footprint;
- The formalisation of the substation through subdivision and rezoning contributes to the optimal use of existing infrastructure and ensures long-term operational security for municipal services;
- The remainder of the property will retain its Agricultural Zone designation, preserving the rural nature of the area; and
- The application ensures legal clarity, cadastral definition, and zoning compliance for municipal infrastructure, promoting sound spatial planning and land administration practices.

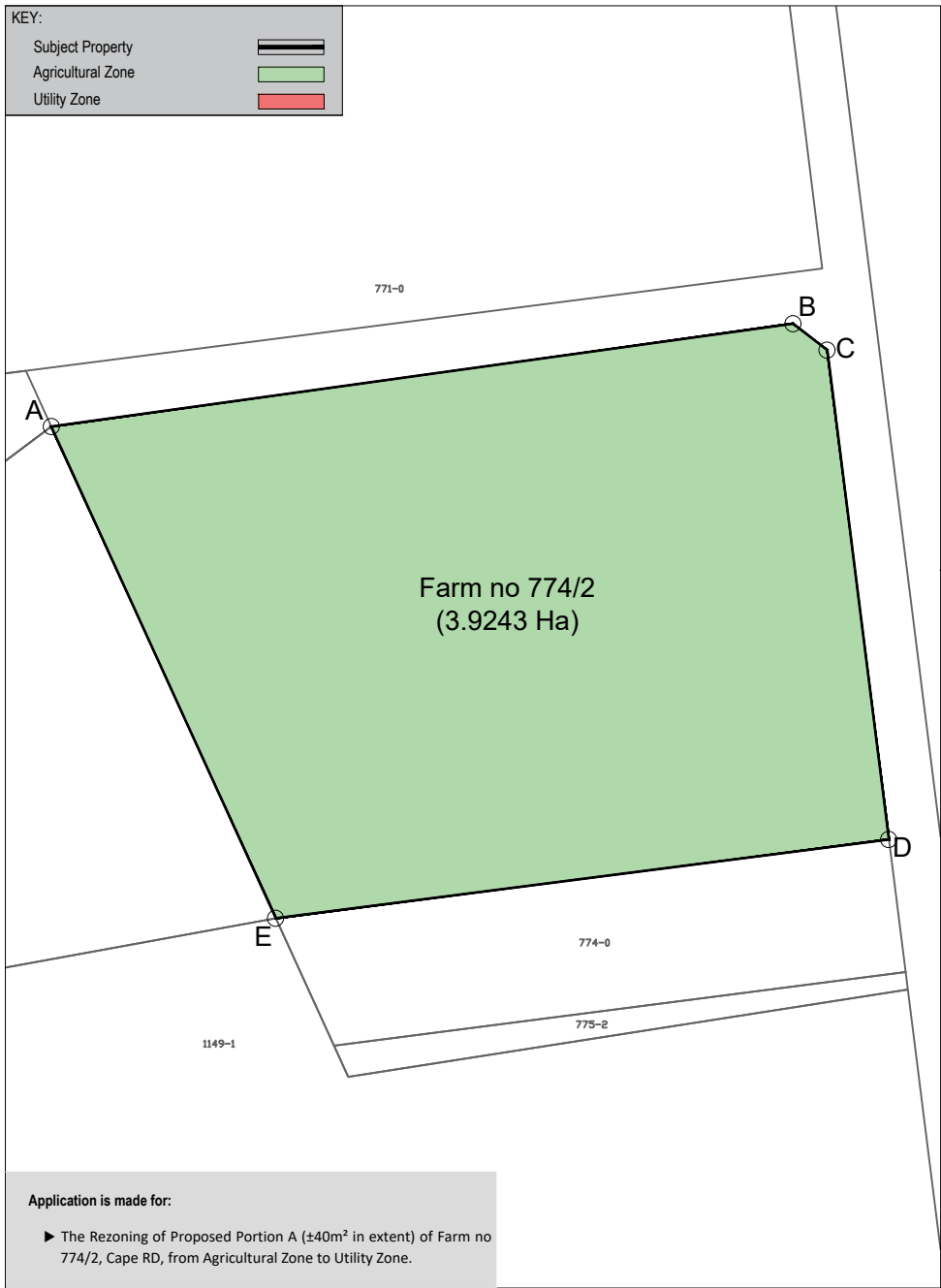
In light of the above, it is evident that the application for the subdivision and rezoning of Portion 2 of Farm no 774, Cape Registration Division, is in line with applicable planning policies and principles, and can therefore be supported. It is respectfully requested that the application be considered favourably.



.....
 Mandri Viljoen
 For CK RUMBOLL AND PARTNERS

KEY:

Subject Property	
Agricultural Zone	
Utility Zone	



BEFORE REZONING



AFTER REZONING

TITLE: REZONING PLAN FARM NO 774/2, CAPE RD	
AREA: CAPE FARMS	
NOTE: ALL AREAS AND DISTANCES ARE SUBJECT TO SURVEYING	
COMPILED BY: 	
DATE: JULY 2025	AUTHORITY: CITY OF CAPE TOWN
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SIDES metres		ANGLES OF DIRECTION	CO-ORDINATES Y System: WG 19° X			SG No. approved for SURVEYOR- GENERAL
			Constants		0,00 +3 700 000,00	
A B	6,41	352.44.30	A	+42 012,78	+66 633,14	
B C	6,20	82.44.30	B	+42 011,97	+66 639,50	
C D	6,41	172.44.30	C	+42 018,12	+66 640,28	
D A	6,20	262.44.30	D	+42 018,93	+66 633,93	
CONNECTING DATA						
D a	106,29	82.44.30	a	+42 124,36	+66 647,35	
3 R21			⊕	+43 500,60	+66 541,04	
4 R21			⊕	+43 145,56	+66 622,64	

BEACON DESCRIPTIONS

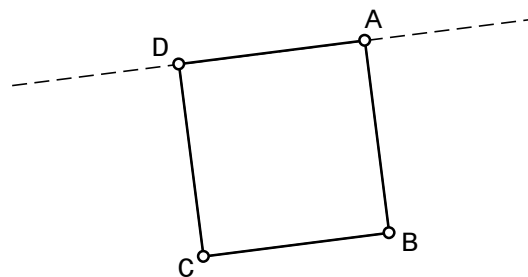
a : Iron Standard

All other : 12mm Iron Peg



T N

Scale: 1/ 250

Portion 4
Farm No. 774

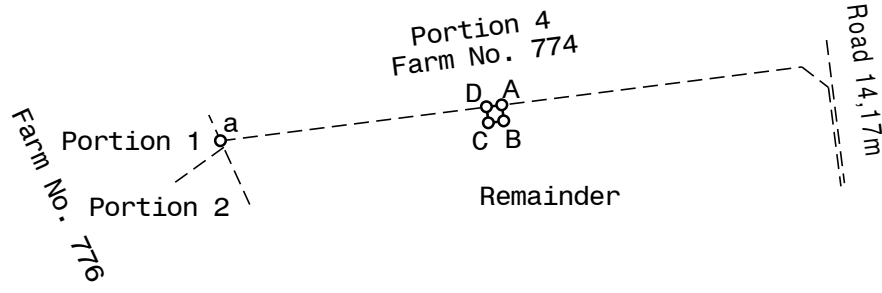
Remainder

Inset 1

Scale: 1/3000



TN



The figure A B C D
represents 40 square metres of land being

PORTION 5 (portion of Portion 2) of Farm No. 774

Situated in the City of Cape Town
Administrative District of Cape
Western Cape Province
Surveyed in June 2025 by me

W.A. Hoffman GPr LS1223
Professional Land Surveyor

This Diagram is annexed to No.	The original diagram is S.G. No. A1789/1923	File:
Registrar of Deeds	Transfer no.	S.R. No.
		LPI C0160000 Comp AHNC-2332 (M1775)