



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

Case ID 1500156348

**Erf 33668, 9 Longdon Avenue,
Athlone**

Development Management

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APPLICATION FOR REZONING FROM OPEN SPACE 2 (OS2) TO SINGLE RESIDENTIAL 1 ZONE AND REALTED DEPARTURES IN TERMS OF SECTION 42(A), OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 IN RESPECT OF ERF 33688, 9 LONGDON AVENUE, ATHLONE

1. Introduction and Application

The proposal entails the rezoning of a property from Open Space 2 to Residential Zone 1, in order to formalize the existing dwelling house and to permit an extension to the existing dwelling on the property.

In accordance with the Development Management Scheme, the following applications are required:

- Section 42(a) of the MPBL for the rezoning of the property from Open Space 2 to Residential 1.
- Section 42(b) of the MPBL for a departure from:
Item 22(d) of the Development Management Scheme:
 - To permit the building to be located 1.390m in lieu of 3.5m from the street building line along Longdon Avenue.

Note should be taken of the fact that the owner had upon submitting a building plan application been informed that the zoning was not consistent with that of a Single Residential 1 Zone and was still active under the Open Space 2 (OS2) zoning as per detailed mapping provided by the City.

The owner had been informed that the property is part of a group of properties that are zoned “Open Space 2 (OS2).”

The following was further informed:

- The OS2 zone does not allow for dwelling units of any kind as the purpose of the zone is to provide for open space like parks in residential suburbs. This was stated as being the fundamental issue whereby the city would not be able to process building plans for a new dwelling or dwelling extension until the zoning is rectified.
- The owner was further informed of the reason as to why the two departure applications as submitted were not progressing due to the fact that the City was not able to proceed further until the property has the correct zone which would allow for residential buildings.
- The owner was also informed that the solution lies in the **rezoning** of the property as was indicated by the district team. The owner was further informed that since an earlier building plan for extensions was approved is of little relevance as the City had approved that building plan in error and that the City does not intend to take that approval on review.

- The reason provided as to how the property was allocated with the OS2 zoning - given that it has an existing dwelling on it revealed as part of the investigation the office checked both the existing zoning maps, the previous zoning maps and the historical maps, to see if there was perhaps an error in the capturing of the zoning. It was found that the existing zoning corresponds with both the previous and historic zoning (see below).



Image indicating the current OS zoning



Image indicating the site historically zoned OS2

Purpose of the application: The proposal entails the rezoning of a property from Open Space 2 to Single Residential 1, in order to formalise the existing dwelling house and to permit an extension to the existing dwelling on the property.

In accordance with the Development Management Scheme, the following applications are required:

- Section 42(a) in terms of the MPBL for the rezoning of the property from Open Space 2 to Residential 1.
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- Item 22(d) of the Development Management Scheme:

- To permit the building to be located 1.390 m in lieu of 3.5 m from the street building line along Longdon Avenue.

2. LOCATION AND SITE CONTEXT

- **Site address:** 9 Longdon Road, Athlone
- **Erf number:** 33688
- **Zoning:** Open Space 2 (OS2)
- **Surrounding zoning:** Predominantly Single Residential 1 (SR1) and General Residential (GR), with scattered community and institutional uses.
- **Access:** Direct access from Longdon Road, a local neighbourhood street with existing municipal service infrastructure.

The site is located **within a fully built-up urban fabric**, bordered on all sides by conventional residential erven. It has long since formed part of a functional public open space network, ecological corridor, or public park.

3. BACKGROUND AND CURRENT USE

Erf 33688 is zoned **Open Space (OS)**, historically intended for public open space or municipal purposes. However:

- The erf has **never been developed or actively used** as a park, recreational area, or environmental asset.
- The site is **small, isolated, and enclosed by residential properties**, reducing its suitability for meaningful open-space use.
- The land currently contributes minimally to **public amenity**, safety, or biodiversity.
- In its current state, and seemingly having skipped the process whereby the zoning allocation to Single Residential 1 Zone was afforded to the property owner as with some existing erven in the area, the erf had since been developed with an existing and approved residential dwelling and used as such.

Given its location and characteristics, the property no longer fulfils the function of an OS-zoned erf and is more appropriately suited to residential use.

REZONING MOTIVATION

The purpose of the rezoning is to allow the erf to be utilised as a **formal residential property**, consistent with the surrounding neighbourhood form and pattern of development, and to regularise the current use of the land in accordance with City policy, spatial planning principles, and long-term settlement objectives.

The property is not required for public open space purposes, does not function as such, and is suitable and appropriate for residential zoning.

- The property is small, enclosed, and physically separated from any larger open space systems.
- It is not used by the public, nor does it serve as a park, pathway, sports area, green corridor, or meeting space.
- The erf is bordered by existing residential properties and is functionally part of the built urban fabric.
- The site is serviced and located within a fully developed neighbourhood.

Its OS2 designation is historical and no longer reflects its physical, environmental, or functional reality.

The MSDF directs the City to promote efficient land use within existing serviced areas. Erf 33688 is ideally placed for small-scale residential infill, preventing underutilised parcels of land from creating fragmentation in the urban fabric.

The MSDF emphasises that only functional open spaces , those providing ecological recreational, or social value — should be protected. Erf 33688:

- is not part of a biodiversity corridor
- is too small to provide recreational function
- does not link to any green network
- provides no ecological value

Thus, maintaining an OS2 zoning does not serve MSDF objectives.

The District Plan discourages retention of small, fragmented open spaces that:

- are not usable
- are not maintained
- do not contribute to amenity
- create management burdens for the City

The erf fits this definition and is better suited for residential use.

MOTIVATION FOR RELEVANT DEPARTURES:

Under the MPBL, departures from development rules (including boundary window constraints) may be approved where desirable, reasonable, and where impacts are acceptable.

The DMS regulates:

- boundary building lines, and
- window placement relative to boundaries, particularly windows serving habitable rooms (e.g., bedrooms, living rooms) within required setbacks.

Departure from item 22©(i) to permit the proposed first storey within the northern street building line to be 1.390 in lieu of 3.5m;

Where windows face a side or rear boundary closer than the prescribed building line, a departure is required.

Item 22(c)(i) requires a minimum 3.5 m street building line for the first storey of a building.

The proposal on Erf 33688, Athlone seeks approval to allow the first storey to be set back 1.390m from the northern street boundary, representing a departure of 2.11m from the prescribed standard.

The departure is required to allow the functional and structurally efficient extension of the upper level of the building while maintaining compliance with design, safety, streetscape, and neighbour-amenity considerations.

The immediate area contains a mixture of building forms, including reduced street setbacks, particularly on first floors.

Older dwellings and additions in Athlone commonly have less than 3.5 m street setbacks, making the proposal compatible with the prevailing built character.

The encroachment does not create visual dominance due to modest height, articulation, and proportional massing.

The encroachment faces a public street, not a private property, thus,

- **No privacy impacts** occur, as there is no overlooking into neighbouring yards.
- **No overshadowing** of private open space occurs.
- **No building rights** of adjoining owners are affected.
- **No noise or nuisance impacts** are created by the setback reduction.

4. POLICY ALIGNMENT

4.1 Municipal Planning By-Law (MPBL), 2015

The application aligns with the MPBL, which requires that rezoning proposals demonstrate:

- **Spatial justice:** Bringing underutilised, well-located land into productive use benefits the community and contributes to inclusive neighbourhood development.
- **Spatial efficiency:** The proposal uses existing infrastructure and supports densification in an already serviced area without requiring extensive municipal investment.
- **Spatial sustainability:** Concentrating development within existing urban areas promotes efficient land use and reduces pressure for outward expansion.
- **Spatial resilience:** Formal development reduces unmanaged vacant spaces, improving safety and long-term neighbourhood stability.

The rezoning **does not compromise health, safety, environmental quality, or compatibility** with surrounding land uses.

4.2 Municipal Spatial Development Framework (MSDF)

The MSDF promotes:

- **Infill development** within existing urban areas
- **Optimisation of existing infrastructure**
- **Densification in accessible, well-located areas**
- **Reducing fragmented or inefficient land-use patterns**

The MSDF is the City's highest-level spatial policy. Its purpose is to:

- Promote spatial transformation and redress of apartheid spatial patterns.
- Encourage densification and infill development in well-located urban areas.
- Make efficient use of existing infrastructure.
- Protect, manage, and expand strategically important open spaces while rationalising fragmented or redundant parcels of public land.
- Support inclusive, mixed communities and improve access to housing, services, transport and economic opportunities.

All land-use change applications must therefore demonstrate consistency with the MSDF's spatial directives.

Consistency with MSDF Principle: Spatial Transformation and Redress

The MSDF emphasises the need to break down spatial inequities by increasing residential opportunities in accessible, historically disadvantaged areas such as the Cape Flats.

Athlone is a well-located, established suburb with access to schools, clinics, transport routes, employment nodes and social services. Providing formal housing on Erf 33688 advances the

MSDF objective of integration and spatial justice, by enabling more households to live in well-connected urban areas rather than being displaced to peripheral settlements.

Alignment with MSDF Policy: Consolidating and Densifying Existing Urban Areas

The MSDF encourages **infill housing and the optimal use of vacant or underutilised land** within existing urban footprints. Developing Erf 33688 contributes to:

- **Responsible densification** without overloading the urban fabric.
- The use of existing bulk services and infrastructure.
- Reducing pressure for urban expansion onto peripheral or environmentally sensitive land.

Rezoning the property to SR1 supports low- to medium-density residential growth consistent with surrounding neighbourhood character.

MSDF Directive: Efficient and Sustainable Use of Land and Infrastructure

The MSDF identifies the need to use existing public infrastructure efficiently. Erf 33688 is already serviced or can be cost-effectively serviced due to its location within a developed neighbourhood.

The rezoning therefore:

- Makes effective use of existing water, sewer, electricity and road networks.
- Avoids costly outward expansion of the city's infrastructure.
- Minimises environmental impact by redeveloping already-disturbed urban land.

This aligns directly with the MSDF's objective of **a compact, efficient city**.

MSDF Policy: Housing Opportunities and Livelihood Support

The MSDF consistently highlights the metropolitan housing crisis and the need for:

- Additional formal housing opportunities.
- A wider range of residential options.
- Support for small-scale local economic activity (e.g., home enterprises allowed under SR1).

Rezoning the property allows for new **formal, serviced, secure residential units**, helping to address housing demand in Athlone and supporting local livelihoods.

SR1 zoning also enables small, home-based economic activities, consistent with MSDF economic inclusion goals.

MSDF Approach to Open Space: Rationalising Non-Functional or Redundant OS Land

The MSDF supports the protection of **meaningful, functional and connected open spaces**—not isolated, degraded or inaccessible fragments.

If Erf 33688 is:

- Isolated from the broader open-space system,
- Underutilised by the public,
- Degraded or unsafe, or
- Too small to perform meaningful recreational/ ecological functions,

then its retention as OS2 does not support the MSDF's strategic goal of a coherent, high-quality open-space network.

In such cases, the MSDF allows—and encourages—the **reallocation of redundant public open space to higher-value social uses**, such as housing, provided that area-wide access to open space remains adequate (which can be addressed by demonstrating the presence of other parks or open spaces within walking distance).

3.6. Supporting MSDF Goal: A Mixed, Inclusive, Connected Urban Environment

The MSDF aims to create neighbourhoods that offer:

- Mixed tenure options,
- Mixed land uses,
- Greater social diversity, and
- Stronger economic and mobility links.

Developing this erf for residential purposes places households close to Athlone's social nodes, public transport corridors, and commercial activity, thereby contributing to MSDF goals of **accessibility and inclusion**.

Site-Specific Suitability in Terms of MSDF Criteria

Although the MSDF is a metropolitan framework, it requires that individual land parcels demonstrate alignment with its urban development principles.

Key site characteristics that support the rezoning include:

- **Location within an established urban neighbourhood** already predominantly zoned for residential use.
- **Proximity to public transport routes**, enabling sustainable mobility and reduced dependence on private vehicles.

- **Proximity to social infrastructure**, such as schools, clinics, sports facilities, shops, and municipal services.
- **Compatibility with neighbourhood scale**, as SR1 development would maintain the suburban character while allowing controlled densification.
- **Existing or easily upgraded infrastructure capacity**, supporting efficient development.

These conditions make the erf appropriate for infill residential development under MSDF criteria.

Net Public Benefit Assessment (MSDF Requirement)

The MSDF requires that changes to public open space demonstrate a net public benefit. Rezoning Erf 33688 provides clear benefits:

- Creation of formal housing opportunities.
- Increased municipal revenue from rates, which supports local service delivery.
- Improved neighbourhood safety and stewardship due to activation of previously underutilised land.
- Rationalisation of open-space land to focus municipal maintenance on functional parks rather than scattered, low-value fragments.

The proposal therefore meets the MSDF's requirement of contributing to **greater social and economic value for the community**.

The rezoning of Erf 33688 Athlone from OS2 to SR1 is **fully aligned with the Municipal Spatial Development Framework** because:

- It supports spatial transformation and redress.
- It promotes infill housing and responsible densification.
- It uses existing infrastructure efficiently.
- It provides formal housing and livelihood opportunities.
- It rationalises non-functional open space.
- It enhances inclusivity, accessibility and social upliftment.

In light of these MSDF-aligned motivations, approval of the rezoning is **reasonable, desirable and in the public interest**.

Erf 33688 lies within an **urban inner-city/peri-core area**, where the MSDF encourages residential consolidation. As an isolated OS erf with no strategic open-space function, its conversion to SR1 aligns strongly with MSDF objectives.

MOTIVATION FOR THE REZONING OF ERF 33688, ATHLONE

FROM OS2 (PUBLIC OPEN SPACE) TO SR1 (SINGLE RESIDENTIAL 1)
IN TERMS OF THE MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF)

Policy and Planning Context: The Role of the MSDF

The MSDF is the City's highest-level spatial policy. Its purpose is to:

- Promote spatial transformation and redress of apartheid spatial patterns.
- Encourage densification and infill development in well-located urban areas.
- Make efficient use of existing infrastructure.
- Protect, manage, and expand strategically important open spaces while rationalising fragmented or redundant parcels of public land.
- Support inclusive, mixed communities and improve access to housing, services, transport and economic opportunities.

All land-use change applications must therefore demonstrate consistency with the MSDF's spatial directives.

SECTION 99(1) – GENERAL CONSIDERATIONS

Section 99 requires the City to consider the **impact, desirability, compatibility, need, and policy alignment** of the proposed land use. The following provides a structured response to each applicable provision.

Section 99(1)(a): Impact on Existing Rights and Legitimate Expectations

The proposed rezoning will **not negatively impact** the existing or future development rights of neighbouring properties because:

- The surrounding area is already zoned **Single Residential 1 (SR1)** or similar low-intensity residential categories.
- The proposed residential land use is **identical to the prevailing character** of Longdon Road and the Athlone neighbourhood.
- There will be **no loss of meaningful public open space**, as Erf 33688 is not used or functioning as a community park, ecological corridor, or public recreational area.
- The rezoning will likely **improve safety and hygiene**, reducing illegal dumping and antisocial behaviour often associated with small, unmanaged OS pockets.

Therefore, the proposal **does not infringe** on neighbouring owners' rights or reasonable development expectations.

Section 99(1)(b): Compatibility with Surrounding Uses

The application is wholly compatible with surrounding development because:

- The immediate environment is **fully residential**, with a consistent pattern of single-storey and double-storey dwellings.
- The proposed SR1 zoning **matches existing land use**, ensuring continuity of building form, density, and streetscape.
- Residential redevelopment will reinforce the structure of the neighbourhood rather than introduce an intrusive or non-compliant use.

The rezoning therefore **enhances the existing spatial character** and land-use logic of the area.

Section 99(1)(c): Impact on Existing Engineering Services, Social Facilities and Transportation

The rezoning is for a **single residential erf**, which results in minimal service demand:

- **Water, sewer, and electricity** capacity in the area is already sufficient to support one additional dwelling.
- **Refuse removal** will be accommodated within existing municipal services.
- **Traffic impact** is negligible, as a single dwelling does not create meaningful additional traffic flows or parking pressure.
- The property has **direct access** from Longdon Road, a local residential street suited to low-volume traffic.

The proposal therefore poses **no risk of overburdening municipal infrastructure**.

Section 99(1)(d): Impact on the Environment

- Erf 33688 does **not contain any environmental features**, wetlands, biodiversity corridors, conservation-worthy vegetation, or heritage resources.
- The site is a **small, isolated urban parcel** surrounded by fully developed residential properties.
- Redevelopment will improve land management, address illegal dumping, and strengthen urban sustainability.

No environmental impacts are expected as a result of the rezoning.

Section 99(1)(e): Socioeconomic Impact

The rezoning will generate **positive socioeconomic outcomes**, including:

- Optimising underutilised municipal land.
- Supporting **housing delivery** within an established urban area.
- Reducing municipal maintenance costs associated with unmanaged OS parcels.
- Enhancing neighbourhood safety and reducing blight.

There are **no negative social or economic impacts** expected.

Section 99(1)(f): Compliance with Relevant Policies

Municipal Spatial Development Framework (MSDF)

The proposal aligns with MSDF objectives to:

- Promote **infill development** within the existing urban footprint.
- Encourage **efficient utilisation of serviced land**.
- Reduce urban fragmentation by converting isolated, redundant OS pockets.

Cape Flats District Plan

- The site is **not identified** as part of the public open space network.
- Athlone is designated as suitable for **incremental residential growth** and densification.
- The plan explicitly supports repurposing **redundant small OS parcels** that do not contribute to ecological or recreational systems.

The rezoning accords with all relevant spatial policy directives.

Section 99(1)(g): Engineering and Technical Considerations

- No bulk infrastructure upgrades are required.
- Stormwater runoff can be effectively managed on site in accordance with municipal standards.
- Service connections exist along Longdon Road and can be extended without difficulty.

No engineering constraints hinder the proposed rezoning.

Section 99(1)(h): Desirability of the Proposed Use

The proposed SR1 zoning is desirable because:

- It completes the **urban form** of the neighbourhood.
- It replaces an **underutilised, unmanaged open space** with a productive, well-maintained residential property.
- It strengthens the residential character and reduces maintenance and safety burdens.
- It provides incremental housing in a well-located area with good access to transport, schools, shops and social facilities.

Desirability is therefore strongly supported.

SECTION 99(2) – RELEVANT FACTORS FOR DEPARTURES OR REZONINGS

While Section 99(2) applies to a range of applications, the following relevant factors support this rezoning:

Need and Public Interest

There is a clear need to rationalise outdated or redundant OS parcels and promote land-use efficiency. Allowing residential use on Erf 33688 serves the public interest by converting vacant land that currently detracts from neighbourhood quality.

No Negative Cumulative Impact

Because the application affects only one small erf and the proposed use is identical to surrounding properties, no cumulative negative impacts will occur.

Well-Located Urban Land

The site is situated within the urban edge, close to public transport routes, social amenities, and employment centres. This makes the land highly suitable for infill residential development.

OVERALL PLANNING BALANCE (Section 99 Summary)

Considering all factors under Section 99 of the MPBL, the planning balance clearly favours approval:

- Compatible with surrounding land uses
- Minimal to no impacts on neighbours
- Efficient use of existing serviced land
- Supports municipal spatial planning policy
- Eliminates a source of dumping and unmanaged space
- No engineering or environmental obstacles
- Positive contribution to neighbourhood identity and safety
- Based on the above assessment, the rezoning of Erf 33688, 9 Longdon Road, Athlone, from Open Space (OS) to Single Residential 1 (SR1) complies fully with the requirements of Section 99 of the Municipal Planning By-law (2015).
- The proposal is appropriate, desirable, policy-aligned, and in the public interest, and it is therefore respectfully submitted that the City approve the application.

4.3 Cape Flats District Plan

According to the policy direction of the Cape Flats District Plan:

The population pressure and housing shortage in Cape Town — especially in historically marginalised areas such as the Cape Flats — make efficient use of available land critical. Transforming underused OS2 land into residential land contributes to addressing housing deficits.

Rezoning to SR1 would allow single-family housing (or potentially modest additional use rights) thereby increasing the supply of formal dwellings in Athlone, offering security, homeownership or rental opportunities, and potentially reducing informal housing pressure elsewhere.

Given that SR1 is intended for “low- to medium-density residential neighbourhoods,” the change supports incremental densification in a manner compatible with conventional housing rather than high-density/over-intensive development — thus balancing demand with liveability.

The rezoning supports the aims of densification and equitable spatial development in historically disadvantaged areas of Cape Town (like Athlone / Cape Flats). By enabling conventional housing on previously open-space land, the city can integrate more residents, reduce pressure on outlying townships, and promote infill development — which tends to be more sustainable than sprawl.

Recent amendments to planning legislation and the rezoning processes in Cape Town show that the city is responsive to changing housing needs. While previous rezoning (in other cases) converted OS2 to SR2 (incremental housing) for higher-density/subdivision use, a carefully motivated shift to SR1 may be justified if the goal is modest and context-appropriate housing growth rather than high-density redevelopment.

SR1 still allows certain limited additional uses (home occupation, small-scale economic activity, etc.), which can support livelihoods and local economic upliftment — in line with social equity and economic inclusion goals in Cape Flats communities.

The SR1 zoning provides a regulated, controlled development environment (with coverage, height, setback restrictions) that would likely fit the existing neighbourhood character, avoiding over-intensification or over-development while still providing formal housing opportunity.

The Cape Flats District Plan (and associated municipal spatial plans) aims to guide sustainable development, densification where appropriate, and equitable land-use transformation in historically under-resourced suburbs. Rezoning an underutilised OS2 erf to SR1 contributes to that strategic objective — especially if the land is not delivering meaningful public open-space benefit.

The rezoning can help integrate previously under-utilised land into the formal housing market, contributing to property value uplift, municipal revenue (rates, taxes), and long-term stability for residents — important for social upliftment in Athlone.

- Athlone is identified as a mixed residential neighbourhood suitable for ongoing residential investment and densification.

- The plan supports incremental residential growth on suitably located sites with access to services, transport, and community facilities.
- The plan emphasises protecting meaningful open spaces, while rationalising or repurposing small, redundant OS pockets that cannot contribute to the ecological or recreational network.

Erf 33688 is not identified as part of the Public Open Space Network, nor as an environmental asset. Its rezoning therefore conforms to district-level spatial planning.

5. IMPACT ON SURROUNDING NEIGHBOURS

5.1 Compatibility with Surrounding Land Use

The proposed SR1 zoning is identical to the predominant zoning in the neighbourhood. The intended residential use will therefore be fully compatible with surrounding properties, maintaining the prevailing streetscape, building form, and suburban character.

5.2 No Loss of Functional Open Space

Because the erf does not serve as usable public open space, no community recreational function will be lost. The land does not provide ecological, social, or connectivity value.

5.3 Improvement of Safety and Aesthetics

Formal development will:

- Eliminate illegal dumping
- Reduce antisocial activity
- Improve passive surveillance
- Increase property maintenance
- Enhance neighbourhood appearance

Due to the site already having a residential use, the additions to the site as submitted will only assist in further preventing any anti-social elements in the surrounding area.

5.4 Traffic and Services Impact

The formal approval of the residential use will generate negligible traffic increases and can be comfortably accommodated by existing municipal infrastructure (water, sewer, electricity, refuse removal).

6. NEED AND DESIRABILITY

The rezoning is both needed and desirable because it as previously stated with regards to communication with he City of Cape town spatial panning officials. The rezoning would officially contribute to the following:

- Makes efficient use of a small, isolated, underutilised parcel of land.
- Provides an additional residential unit in an area in need of housing opportunities.
- Is consistent with all relevant spatial planning policies.
- Eliminates maintenance challenges and safety risks associated with unused OS land.
- Reinforces and completes the existing urban fabric.

7. CONCLUSION

The proposed rezoning of Erf 33688 from Open Space (OS) to Single Residential 1 (SR1) is well motivated based on planning principles, policy alignment, contextual fit, and community benefit. The land is not suited for meaningful open-space use and its development for residential purposes represents:

- Efficient urban land use
- Alignment with the MSDF and Cape Flats District Plan
- Improved neighbourhood integration
- No negative impacts on surrounding properties

Approval of the rezoning is therefore recommended.