



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500156744

**Erven 66526 and 66528 and Remainder
Erf 66527, Main Road Wynberg**

Development Management

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SUSTAINABLE PLANNING SOLUTIONS

Professional Town & Regional Planners

WYNBERG MUNICIPAL COURT

LAND USE MOTIVATION REPORT

ERVEN 66526, 66527-RE & 66528,
WYNBERG



PROJECT: 18.001

MAY 2026

ERVEN 66526, 66527-RE & 66528, WYNBERG PROPOSED WYNBERG COURT

Land Use Application submitted in terms of Section 42 of the Cape Town Municipal Planning By-Law, (2015 as amended 2025), in support of Subdivision, Consolidation, Rezoning and Approval of a Site Development Plan (SDP).

APPLICANT:



PREPARED FOR:

HENRY FAGAN CONSULTING ENGINEERS & PROJECT MANAGERS



ON BEHALF OF

THE CITY OF CAPE TOWN: SAFETY AND SECURITY DIRECTORATE



Project Ref. 18.001

DECEMBER 2025 (UPDATED MAY 2026)

EXECUTIVE SUMMARY

This application seeks approval for the Rezoning, Subdivision, Consolidation, and Site Development Plan (SDP) for the proposed Wynberg Municipal Court on erven 66526, 66527-Re, and 66528, Wynberg. The development will replace the existing Wynberg Court located at 64 Church Street with a modern, purpose-built, four-level facility comprising a parking level and three floors dedicated to judicial & law enforcement services, totalling approximately 7,327 m² of floor space.

The proposed site is strategically located within an established urban precinct, providing strong access to public transport, civic facilities, and existing municipal infrastructure. The proposed Wynberg Court will operate on the land portion created from the consolidation of erven 66527-Re and erf 66528.

Although the development makes provision for parking, additional parking spaces will be available on erf 66526, Wynberg this will be confirmed through the registration of notarial tie between Erf 66526 and the proposed court site to enable efficient and legally secure shared use of existing parking facilities, avoiding unnecessary duplication of parking infrastructure.

The proposed development aligns with the principles of the Spatial Planning and Land Use Management Act (SPLUMA, 2013) by advancing spatial justice, sustainability, resilience, efficiency and good administration through the consolidation of judicial functions within an accessible, well-located precinct and the optimal use of land, infrastructure and services, in a manner consistent with applicable municipal planning frameworks.

The application is compliant with the Cape Town Municipal Planning By-law (2015, as amended 2025), Western Cape Land Use Planning Act (2014), relevant environmental and heritage legislation.

From a policy perspective, the proposed land use application is supported by the Cape Town Municipal Spatial Development Framework (2023), which designates the site within the Urban Inner Core, Development Corridor and Incremental Growth Area, where infrastructure investment and land use intensification are prioritised to support spatial transformation. Further support is provided by the Southern District Plan (2023), which identifies the site within an Urban Development and Mixed-Use Intensification area, where appropriate redevelopment, diversification and intensification of land uses are actively encouraged.

Specialist studies—including traffic, civil services, structural and geotechnical assessments, mechanical and fire engineering, architectural, landscaping, and health and safety inputs -support the technical feasibility and appropriateness of the proposal.

Overall, the proposed Wynberg Municipal Court represents a strategically located, sustainable, and integrated civic development that enhances community access to essential public services, supports operational efficiency, and contributes positively to the urban functionality and resilience of the Wynberg precinct.

CONTENTS

EXECUTIVE SUMMARY	iii
FIGURES	vi
ANNEXURES	vii
GLOSSARY OF TERMS AND ABBREVIATIONS	viii
1. INTRODUCTION	1
1.1 BACKGROUND.....	1
1.2 SITE LOCATION.....	1
1.3 PRE APPLICATION CONSULTATION	1
1.4 DEVELOPMENT INTENTION.....	2
1.5 NATURE OF THE APPLICATION.....	8
1.6 APPLICABILITY OF ADDITIONAL STATUTORY APPROVALS.....	8
1.7 PROPERTY DETAILS.....	9
2. LEGAL FRAMEWORK	10
2.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013).....	10
2.2. WESTERN CAPE LAND USE PLANNING ACT (3/2014)	10
2.3. CAPE TOWN MUNICIPAL PLANNING BY-LAW (2015, As Amended 2025)	11
2.4. NATIONAL HERITAGE RESOURCES ACT (Act 25 of 1999).....	12
2.5. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), (Act 107 of 1998) and ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS	12
2.6. DEEDS REGISTRIES ACT OF 1937 (UPDATED 2025)	13
2.7. SUMMARY: LEGAL FRAMEWORK.....	13
3. POLICY FRAMEWORK	14
3.1. CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) (2023)	14
3.2. SOUTHERN DISTRICT PLAN (2023)	15
3.3. THE MAIN ROAD GROWTH MANAGEMENT STRATEGY (2000)	16
3.4. SUMMARY: POLICY FRAMEWORK.....	16
4. DETAILED SITE ANALYSIS	17
4.1. PROPERTY CONCERNED.....	17
4.2. OWNERSHIP.....	17
4.3. TITLE DEED INFORMATION	17
4.4. S.G DESCRIPTION	18

4.5. ZONING AND LAND USE.....	18
5. SPECIALIST REPORTS & STUDIES.....	20
5.1. SPECIALIST STUDIES AND REPORTS.....	20
5.1.1. STRUCTURAL ENGINEERING DETAIL DESIGN REPORT (HENRY FAGAN CONSULTING ENGINEERS).....	20
5.1.2. GEOTECHNICAL INVESTIGATION REPORT (PERAGAGE SPECIAL GEOCONSULTANTS)	21
5.1.3. TRAFFIC IMPACT STATEMENT (STURGEON CONSULTING ENGINEERS).....	21
5.1.4. CIVIL ENGINEERS SERVICES CAPACITY REPORT (HENRY FAGAN CONSULTING ENGINEERS).....	22
5.1.5. ARCHITECTURE SERVICES (OSMON LANGE ARCHITECTS).....	22
5.1.6. MECHANICAL (FIRE AND WET) (HENRY FAGAN CONSULTING ENGINEERS).....	22
5.1.7. LANDSCAPE REPORT (OVP ASSOCIATES)	23
5.1.8. MECHANICAL SERVICES HVAC DESIGN REPORT (HENRY FAGAN).....	23
5.1.9. OCCUPATIONAL HEALTH AND SAFETY (AFRISHE).....	23
5.1.10. HERITAGE (C. POSTLETHWAYT).....	24
5.1.11. ENVIRONMENTAL STUDY	24
6. DEVELOPMENT PROPOSAL.....	26
6.1. DESCRIPTION OF THE PROPOSED APPLICATIONS.....	26
6.1.1. REZONING.....	26
6.1.2. SUBDIVISION	26
6.1.3. CONSOLIDATION	26
6.1.4. DESCRIPTION OF THE PROPOSED SITE DEVELOPMENT PLAN	26
7. COMPLIANCE WITH SECTION 99 of the CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2025	33
7.1. APPLICABILITY AND COMPLIANCE	33
7.2. IMPACT ON EXISTING RIGHTS	33
7.3. MOTIVATION FOR SECTION 99(2)f.....	34
7.4. DESIRABILITY.....	36
7.4.1. SOCIO-ECONOMIC IMPACT section 99 (3a)	36
7.4.2. COMPATIBILITY section 99(3d).....	37
7.4.3. SAFETY AND WELL-BEING OF THE COMMUNITY section 99 (3f)	37
7.4.4. TRAFFIC IMPACT section 99 (3i).....	37

7.4.5. IMPACT ON BIOPHYSICAL ENVIRONMENT section 3(h).....	37
7.4.6. IMPACT ON HERITAGE section 99(3g).....	38
7.4.7. VEHICULAR AND PEDESTRIAN ACCESS.....	38
7.4.8. IMPACT ON EXTERNAL ENGINEERING SERVICES section 99 (3e).....	38
7.5. THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013).....	38
7.6. SUMMARY OF MOTIVATION.....	41
7.7. CONCLUSION.....	41
8. REFERENCES.....	42

FIGURES

Figure 1:	Metropolitan context
Figure 2:	Suburban Context
Figure 3:	Local Context
Figure 4:	Aerial map
Figure 5:	Property Concerned
Figure 6:	Zoning
Figure 7:	Heritage
Figure 8:	Parking Zones
Figure 9:	Rezoning Plan
Figure 10:	Subdivision Plan
Figure 11:	Consolidation Plan

ANNEXURES

Annexure 1:	Power of Attorney
Annexure 2:	LUMS Application Form
Annexure 3:	Conveyancing Certificate
Annexure 4:	Title Deeds
Annexure 5:	Pre-Application Consultation Minutes
Annexure 6:	SG Diagram
Annexure 7:	Zoning Scheme Extract
Annexure 8:	Structural Engineering Detail Design Report
Annexure 9:	Geotechnical Investigation Report
Annexure 10:	Traffic Engineer Report
Annexure 11:	Civil Engineering Design Report
Annexure 12:	Architectural Design Report
Annexure 13:	Fire Protection Design Report
Annexure 14:	Landscaping Design Report
Annexure 15:	Mechanical Stage 2 Design Report
Annexure 16:	Occupational Health and Safety Report
Annexure 17:	Heritage Western Cape ROD
Annexure 18:	Environmental ROD

GLOSSARY OF TERMS AND ABBREVIATIONS

ACRONYM	DEFINITION
COCT	City Of Cape Town
CTDMS	Cape Town Development Management Scheme
DSDF	District Spatial Development Framework
GLA	Gross Leasable Area
HIA	Heritage Impact Assessment
HWC	Heritage Western Cape
LUPA	Western Cape Land Use Planning Act of 2014
MPBL	Municipal Planning Bylaw, (2025)
MSDF	Municipal Spatial Development Framework
NEMA	National Environmental Management Act (107/1998)
NHRA	National Heritage Resource Act (25/1999)
NID	Notice of Intent to Develop
SDP	Site Development Plan
SG	Surveyor-General
SDF	Spatial Development Framework
SPLUMA	Spatial Planning and Land Use Management Act (16/2016)
ROD	Record of Decision
HWC	Heritage Western Cape
TIA	Traffic Impact Assessment

1. INTRODUCTION

1.1 BACKGROUND

By virtue of a tender process The City of Cape Town: Safety and Security Directorate has appointed *Henry Fagan Consulting Engineers & Project Managers* to lead a project team in support of the construction of the proposed new **Wynberg Municipal Court, earmarked for erven 66528, 66527-rem and 66526, Wynberg.**

Sustainable Planning Solutions has, in turn, been appointed by *Henry Fagan Consulting Engineers & Project Managers* (on behalf of the City of Cape Town) to undertake the required land use approval process that will enable the establishment of this new Court on erven 66526, 66527-Re and 66528, Wynberg. Refer to Annexure 1.

The purpose of this application is to apply for the required land use rights that will enable the establishment of the envisaged magistrates courthouse on erven 66526, 66527-Re and 66528, Wynberg.

1.2 SITE LOCATION

From a metropolitan perspective, erven 66526, 66527-Re and 66528, Wynberg. This suburb of Cape Town is in the Southern District. Please refer to Figure 1.

Wynberg is surrounded by the suburbs of Plumstead (south), Kenilworth (north), Bishopscourt (north-west) and Youngsfield (east). Refer to Figure 2 and 3.

Figures 4 and 5 illustrate the site's local and aerial context with the immediate properties more visible on the aerial map. A few key landmarks surrounding the study area included the Maynard Mall (east), Riverstone Mall (south) and residential properties to the North and West.

Please refer to **Figures 1, 2, 3, 4 and 5** for the **Metropolitan, Suburban, Local Context, Aerial & Property Concerned.**

1.3 PRE APPLICATION CONSULTATION

Two pre-application consultation meetings were conducted with Ms. Muneerah Slamati of the Building Development Management (Land Use Management Branch). The first one having been held on **10 June 2024.**

Following the availability of the final Site Development Plan drawings, a follow-up consultation was held on **5 December 2025** with the intention of making the LUMS department of the imminent submission and also the key changes to the SDP (Subsequent to the SDP presented at the 10 June 2024 meeting). Copies of the minutes from both pre-application meetings are included in **Annexure 5**.

1.4 DEVELOPMENT INTENTION

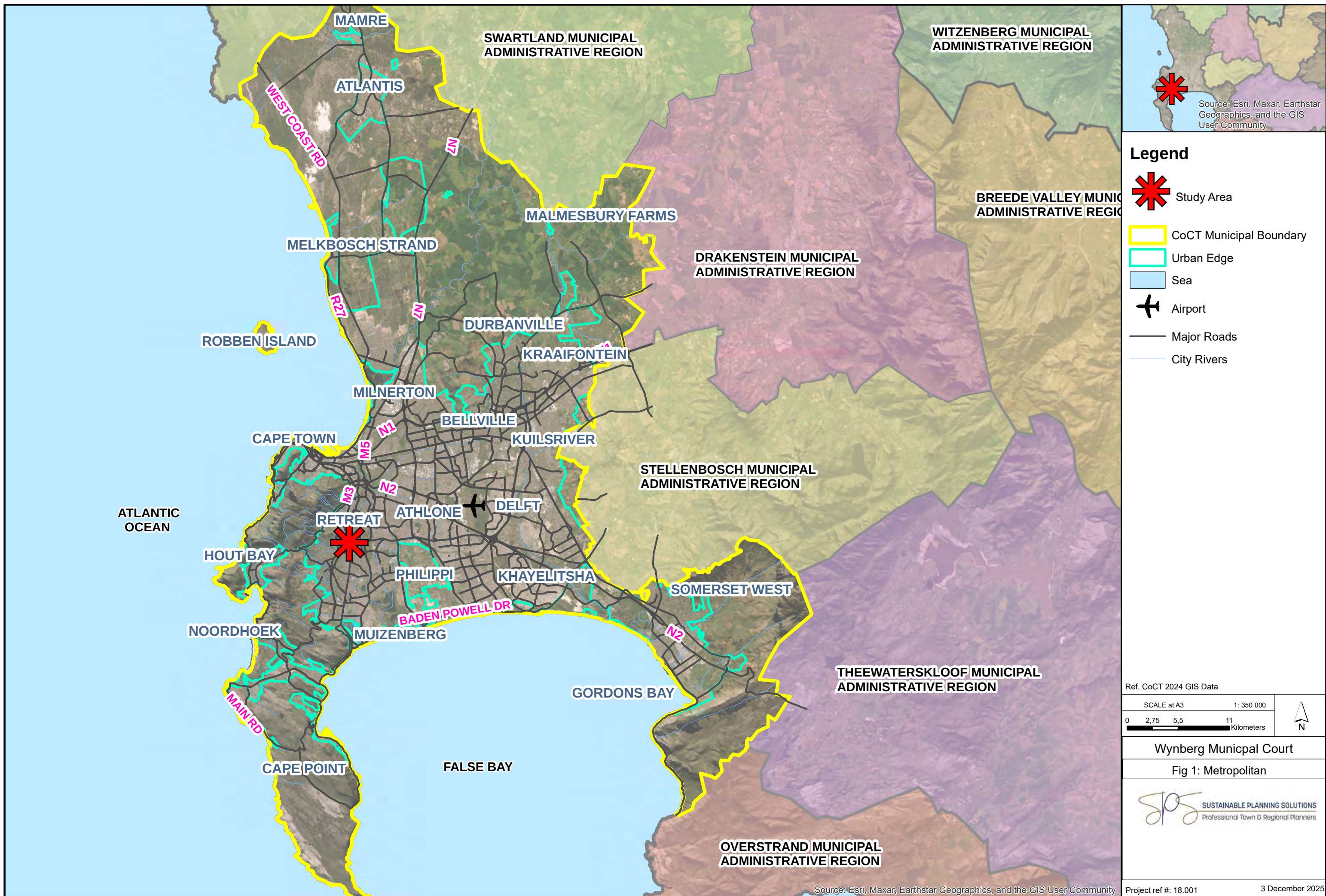
The development intention for erven 66526, 66527-Re and 66528, Wynberg is for the development of the Wynberg Municipal Court House.

In support hereof, the following applications are hereby submitted in terms of Section 42 of the Municipal Planning Bylaw, 2025:

- **Rezoning** of erven 66526, 66527-Re and 66528 from General Residential 4 and Transport 2 zoning to Utility Zoning in favour of *"Authority Use" and an Electrical Mini-substation*.
- **Subdivision** of portion 1 in favour of an electrical substation ($\pm 21\text{m}^2$) site on erf 66528, Wynberg.
- **Consolidation** of erven 66527-Re and 66528 into portion 2.
- **Approval of a Site Development Plan** in favour of the proposed Wynberg Municipal Court.

Once the land use rights are in place for the affected land portions, a notarial tie will be registered across portion 2 (Consolidation of erf 66527-rem and 66528-rem) and erf 66526, Wynberg, in terms of Section 65 of the Deeds Registries Act (1937, as amended 2025).

This will allow the staff, tenants and visitors of the new magistrates court to make use of the parking area on erf 66526, Wynberg.



Legend



Study Area



CoCT Municipal Boundary



Urban Edge



Sea



Airport



Major Roads



City Rivers

Ref. CoCT 2024 GIS Data

SCALE at A3 1: 350 000
0 2,75 5,5 11 Kilometers



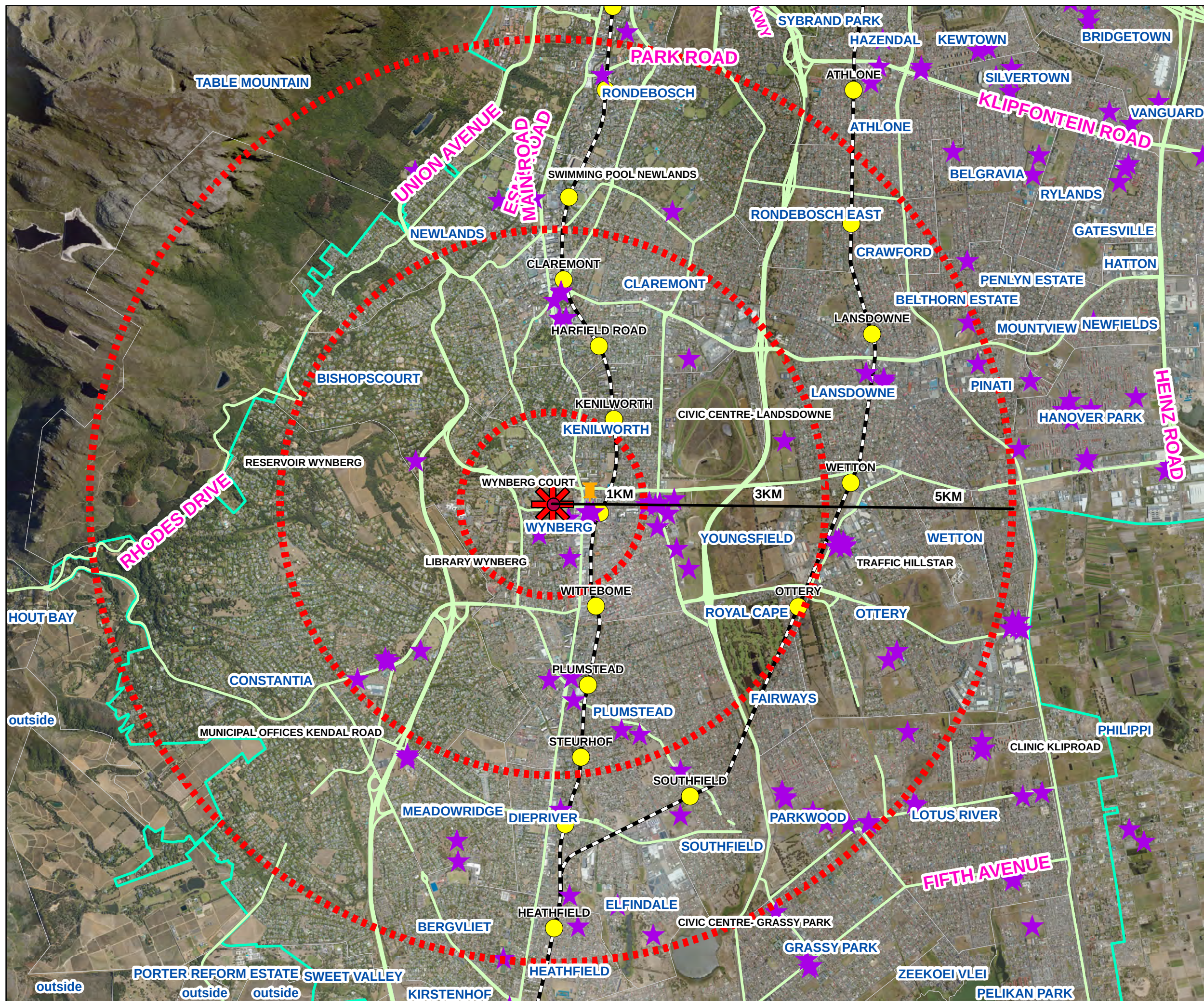
Wynberg Municipal Court

Fig 1: Metropolitan

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3 December 2025



Legend

- Municipal Courts
- ✱ Study Area
- Distance Radii
- ✱ CCT Buildings
- Railway Stations
- Rail Line
- 📌 Maynard Mall
- Major Roads
- Urban Edge
- Suburb

Ref. CoCT 2023 GIS Data

SCALE at A3 1: 40 000

0 280 560 1 120 1 680 Meters



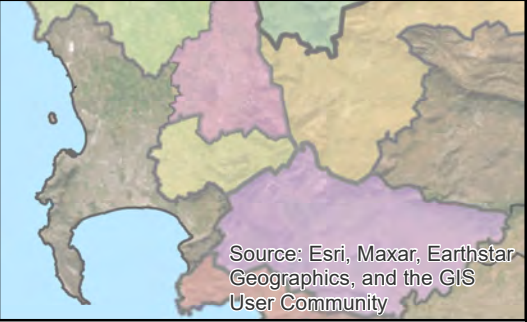
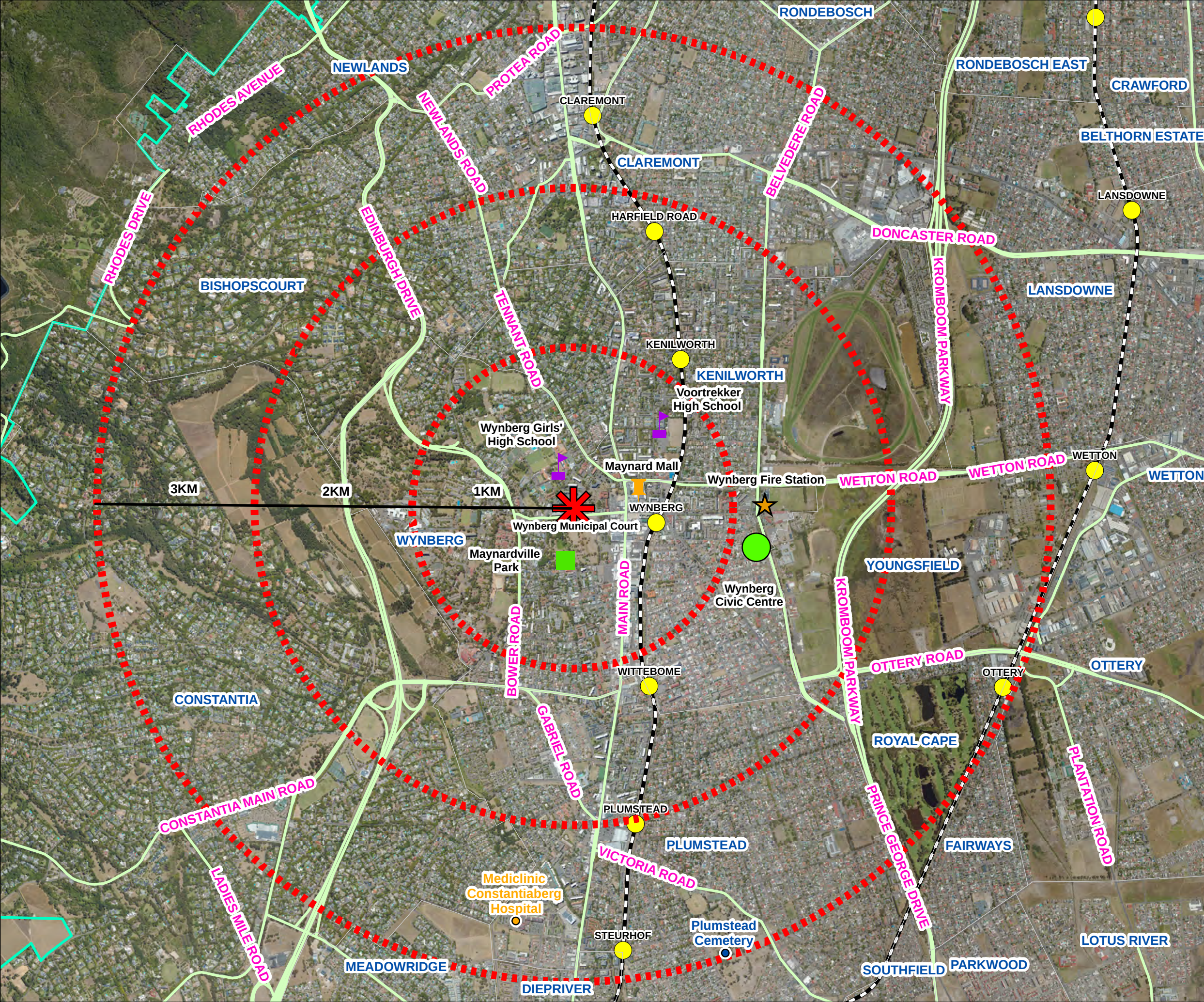
Proposed Wynberg Municipal Court

Fig 2: Regional Context

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Legend

- Study Area
- Distance Radii
- Schools
- Maynardville Park
- Maynard Mall
- Civic Centre
- Wynberg Fire Station
- Suburb
- Railway Stations
- Rail Line
- Municipal Courts
- Urban Edge

Ref. CoCT 2023 GIS Data

SCALE at A3 1: 23000

0 165 330 660 990 Meters

N

Proposed Wynberg Municipal Court

Fig 3: Locality Map



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Source: Esri, Maxar, Earthstar
Geographics, and the GIS
User Community

Legend

-  Study Area
-  Roads
-  Cadastral
-  Suburb

Cumulative Area 6483.93m²

Ref. CoCT 2024 GIS Data

SCALE at A3 1: 1000

0 5 10 20 30 Meters



Wynberg Municipal Court

Fig 4: Aerial

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03 November 2025



- ### Legend
- Study Area
 - Roads
 - Cadastral
 - Suburb

Ref. CoCT 2024 GIS Data

SCALE at A3	1: 650
0 4,5 9 18 27 Meters	

Wynberg Municipal Court

Fig 5: Properties Concerned



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1.5 NATURE OF THE APPLICATION

This motivational report is submitted in support of the following:

1.5.1. REZONING

In terms of section 42(a) of the Cape Town Municipal By-law (2015, as amended 2025), in support of the rezoning of erf 66526 and consolidated portion 2 from General Residential zone 4 and Transport Zone 2 to Utility Zone in favour of an Authority Use

1.5.2. SUBDIVISION

In terms of section 42(d) of the Cape Town Municipal By-law (2015, as amended 2025), in support of the subdivision of erf 66528 into portion 1 and the remainder.

1.5.3. CONSOLIDATION

In terms of section 42(f) of the Cape Town Municipal By-law (2015, as amended 2025), in support of the consolidation of erf 66527-Re and the remainder of 66528, Wynberg into portion 2.

1.5.4. SITE DEVELOPMENT PLAN APPROVAL

In terms of section 42(i) of the City of Cape Town Municipal Planning By-law (2015, as amended 2025), in support of the **Site Development Plan (SDP) Approval** on erven 66526, 66527-in favour of the proposed Wynberg Municipal Court House.

1.6 APPLICABILITY OF ADDITIONAL STATUTORY APPROVALS

THE NATIONAL HERITAGE RESOURCES ACT (25/1999)

Due to nature and scale of the proposal, an application for a Section 34 permit in terms of the National Heritage Resource Act must be submitted.

NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA) (107/1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

A checklist for the determination of the applicability of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA), Environmental Impact Assessment (EIA) Regulation, 2014 was submitted in April 2024.

DEEDS REGISTRIES ACT (1937, AS AMENDED 2025)

In terms of Section 65 of the above Act, a notarial tie will be registered between Erf 66526, Wynberg, and the proposed Wynberg Court site to enable occupants and staff of the court to utilise the parking facilities located on Erf 66526. This arrangement ensures efficient use of existing parking infrastructure and provides a legally secure mechanism for shared access between the two properties.

1.7 PROPERTY DETAILS

The following section provides a detailed summary of the basic land and legal information of erven 66526, 66527-Re and 66528, Wynberg.

PROPERTY DESCRIPTION	Erf 66526, Wynberg	Erf 66527-Re, Wynberg	Erf 66528, Wynberg
PHYSICAL ADDRESS	14 Main Road Wynberg	2 Main Road Wynberg	2 Main Road Wynberg
EXTENT	2168,94m²	87,97m²	4227.01m²
REGISTERED OWNER	City of Cape Town		
TITLE DEED			
SG INFORMATION	SG. No. 1663/61	SG. No. 4420/1905	SG. No. 453/1839
PROPOSED USE	Existing Law enforcement office and parking area	Wynberg Court	
CURRENT ZONING	General Residential Zone 4 and Transport Zone 2 (Refer to figure 6: zoning)		
ZONING COMPLIANCE	The proposed Authority use is not permitted within the current zoning designation. A land use approval process is therefore triggered.		
CURRENT LAND USE	Law Enforcement office	Vacant	Building ruins, Pedestrian walkway, and Parking area.
HERITAGE GRADING	Grade IIIA – “Such a resource contributes to the environmental quality or cultural significance of a larger area and fulfils one of the criteria set out in section 3(3) of the Act but that does not fulfill the criteria for Grade II status. Grade III sites may be formally protected by placement on the Heritage Register. These resources are currently managed by HWC unless the local authority has been found competent and has been granted delegated authority”		
PARKING ZONE	The subject properties are located within PT2 zone which has a NIL parking requirement. The proposal does however make parking provision for staff and the ratio used is based on the PT1 requirements. Refer to Figure 8		

2. LEGAL FRAMEWORK

In South Africa, all planning proposals and land use applications are considered on the basis of their compliance to the relevant statutory and policy framework.

In the City of Cape Town, land development is affected by the following legislation, which set out the process that must be followed and the criteria that must be applied during the decision-making process.

2.1. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013)

The Act aims to develop a framework to govern spatial planning and set parameters for developments and provides for different lawful land uses in South Africa.

The *Development Principles* in Chapter 2 of the Spatial Planning and Land Use Management Act (SPLUMA) provides broad principles for a set of provincial laws that apply to all aspects of spatial planning, land development and land use management.

These development principles include:

2. *the principle of spatial justice,*
3. *the principal of spatial sustainability,*
4. *the principle of efficiency,*
5. *the principle of spatial resilience,*
6. *the principle of good administration,*

Chapter 2 of the Act also requires the Minister to prescribe a set of Norms and Standards that should include and/or comply with the following:

should promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development, ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective.

2.2. WESTERN CAPE LAND USE PLANNING ACT (3/2014)

The Western Cape Land Use Planning Act (LUPA) of 2014, chiefly aims *to consolidate legislation in the province pertaining to provincial planning, regional planning and development, urban and rural development, regulation, support and monitoring of municipal planning and regulation of public places and municipal roads arising from subdivisions.*

In Chapter VI of LUPA, we note that the same Land Use Planning Principles of SPLUMA (Act 14/2013) have been adopted. LUPA (3/2014) however provides more detail as to how these principles could be applied.

Section 49 of LUPA (3/2014) provides the assessment criteria that all municipalities must apply when considering a land use application. These include:

- o *the applicable spatial development frameworks.*
- o *the applicable structure plans.*
- o *the principles referred to in Chapter VI (Land Use Planning Principles).*
- o *the desirability of the proposed land use; and*
- o *guidelines that may be issued by the Provincial Minister regarding the desirability of the proposed land use.*

2.3. CAPE TOWN MUNICIPAL PLANNING BY-LAW (2015, As Amended 2025)

The Cape Town Municipal Planning By-Law (2015, as amended 2025) aims to regulate the use and development of land within the geographical area of the City of Cape Town. This legislation enables the City of Cape Town to control planning and development within its area. This By-law legislates the process by which the land use applications are dealt with.

Section 99 of the By-law (2015 as amended 2025) spells out the criteria to be applied in the assessment of land use applications. Broadly, the criteria to be applied when assessing land use applications shall include the following main considerations:

- a) *Applicability of any approved forward planning policies, such as a Municipal Spatial Development Framework (SDF).*
- b) *Criteria contemplated by the Municipal Planning By-Law (2015 as amended 2025)*
- c) *Consideration of any applicable policy/strategy.*
- d) *Desirability of the proposed land use.*
- e) *Impact on existing rights.*
- f) *Any considerations prescribed by relevant national and provincial legislation*
- g) *Compliance with the requirements of the By-Law and any other statutory processes*

In the assessment of the desirability and impact of the proposed land use the following further criteria is applied, i.e. the economic impact, social impact, scale of the capital investment, compatibility with the surrounding uses, impact on the external engineering services, impact on safety, health and wellbeing of the surrounding community, impact on heritage and the biophysical environment, traffic impact and the scale and design of the proposed development.

2.4. NATIONAL HERITAGE RESOURCES ACT (Act 25 of 1999)

This Heritage legislation *'aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy'*.

Section 38 lists a host of development categories which, if pursued, requires that the responsible heritage resources authority, Heritage Western Cape (HWC), be notified after which a decision is made by HWC in respect of the required intervention, i.e. a Heritage Impact Assessment (HIA). Due to a scale and nature of the proposal, Section 38 of this act is not triggered.

However, a section 34 permit (demolition) in terms of the NHRA was applied for and the Record of Decision was issued on 4 March 2025.

The decision reads as follows:

"DECISION:

- 1. The Committee resolved to approve the total demolition of the existing structures located on Erf 66528, 14 Main Road, Wynberg as they do not have sufficient heritage significance to warrant retention.*
- 2. The site does have historical archaeological potential, and it is noted that a separate S.35 permit has been issued in relation to the site.*
- 3. The Committee resolved to approve the replacement structure indicated on drawings numbered D2, prepared by Osmond Lange Architects + Planners and dated 27 September 2024, HWC01 Rev A, 002, 003, 004, 005 and 006, HWC02 Rev A, HWC03 Rev A, HWC04 Rev A, HWC05 Rev A, HWC06 Rev A, HWC07 Rev A, 006 and SS01, prepared by Osmond Lange Architects + Planners and dated 3 December 2024, 607/OvP/S+S WMC/001, 607/OvP/S+S WMC/002, 607/OvP/S+S WMC/003, prepared by OvP Associates and dated 2 December 2024 as not negatively impacting heritage resources"*

2.5. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA), (Act 107 of 1998) and ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The NEMA Environmental Impact Assessment Regulations identify certain activities that may be detrimental to the environment.

The Record of Decision attached as Annexure 18 confirms that the proposed construction of the Wynberg Municipal Court across Erf 66526, Erf 66527-Re and Erf 66528 does not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended). As the sites are fully transformed within an urban area, will not involve the clearance of 1 ha or more of indigenous vegetation, and contain no watercourses within or near the development footprint, no Environmental Authorisation is required for the project to proceed. The Directorate notes that any future amendments that

may trigger listed activities will require a formal EIA process and emphasises compliance with NEMA's duty of care and all other applicable statutory requirements.

2.6. DEEDS REGISTRIES ACT OF 1937 (UPDATED 2025)

Section 65 of the Deeds Registries Act (1937, as amended 2025) outlines the legal process to follow for registering a notarial tie between properties.

In terms of Section 65 of the above Act, a notarial tie will be registered between Erf 66526, Wynberg, and the proposed Wynberg Court site to enable occupants and staff of the court to utilise the parking facilities located on Erf 66526. This arrangement ensures efficient use of existing parking infrastructure and provides a legally secure mechanism for shared access between the two properties.

2.7. SUMMARY: LEGAL FRAMEWORK

There is a legal requirement for the management of land development and city growth to promote a diversity of land uses, and that each application is assessed on its own merits. As mentioned above, The Municipal Planning By-law (2015, as amended 2025) sets out the tests for the desirability of land use applications and makes the point that applications can only be refused on the basis of lack of desirability of the contemplated utilization of land.

The development proposal does not trigger Section 38 of the National Heritage Resources Act. However, given the current land use which constitutes of building ruins, an application in terms of Section 34 for a demolition permit was submitted and approved by Heritage Western Cape in March 2025.

As confirmed by virtue of a Record of Decision issued by DEADP, the NEMA Environmental Impact Assessment Regulations do not apply and therefore no further steps are required.

In respect of the proposed notarial tie, the statutory process shall be undertaken by a notary to formalise the arrangement between the two properties impacted by this.

This application intends to demonstrate that the proposed municipal court development is desirable and complies with all the relevant statutory requirements. The application report will also show that the proposal can be managed in a manner that does not compromise the general public or surrounding owners. Overall, the proposed development aligns with the legal and regulatory obligations, ensuring that both environmental and heritage impacts are carefully considered and mitigated.

3. POLICY FRAMEWORK

This section identifies the relevant planning policies that must be considered. It also reaffirms the point that the proposed land use application is desirable from a policy perspective and, thus, the proposed land use application cannot be refused based on desirability and impact on existing use rights.

3.1. CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF) (2023)

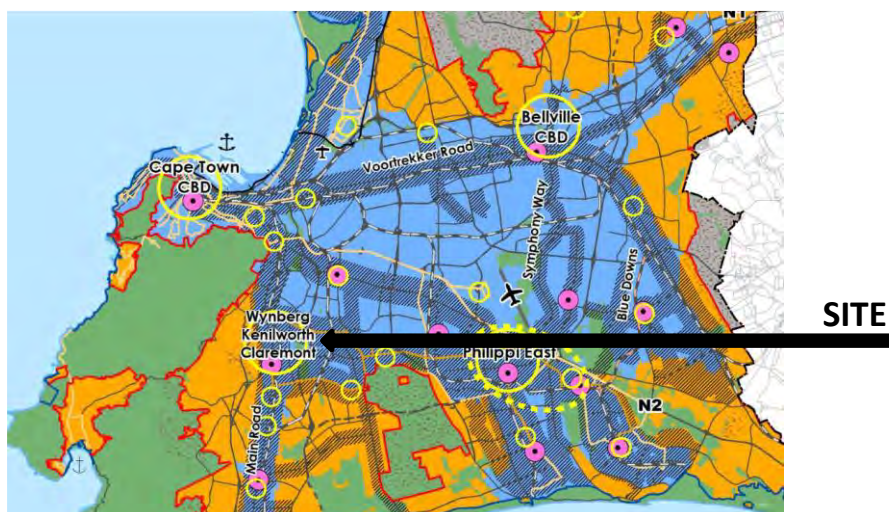
The key objective of the City of Cape Town's Municipal Spatial Development Framework's (MSDF) is to pursue a new spatial form that will ensure that Cape Town becomes a city that is more equitable, livable, sustainable, resilient, and efficient. The MSDF also seeks to undo the separate development patterns put in place by the apartheid government and aims to rectify existing imbalances in the distribution of different types of residential developments by avoiding the creation of new structural imbalances in the delivery of services.

The Cape Town MSDF (2023) terms the area in which the new Wynberg Court site is located as **Urban Inner Core, Incremental Growth & Consolidation Area & Development Corridor** which is defined as follows: -

Urban Inner Core - *The City, public, and private sectors are committed to coordinated, spatially targeted investment and land development to spatially transform and integrate the city form."*

Incremental Growth & Consolidation Area - *"City and public sector are committed to conserving existing and new communities. New development subject to capacity of bulk engineering infrastructure."*

Development Corridor - *"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."*



Extract from Cape Town Municipal Spatial Development Framework, (2023)

The designations of this location as per the Cape Town Municipal Spatial Development Framework (2023), are supportive of the development of the proposed Municipal Court.

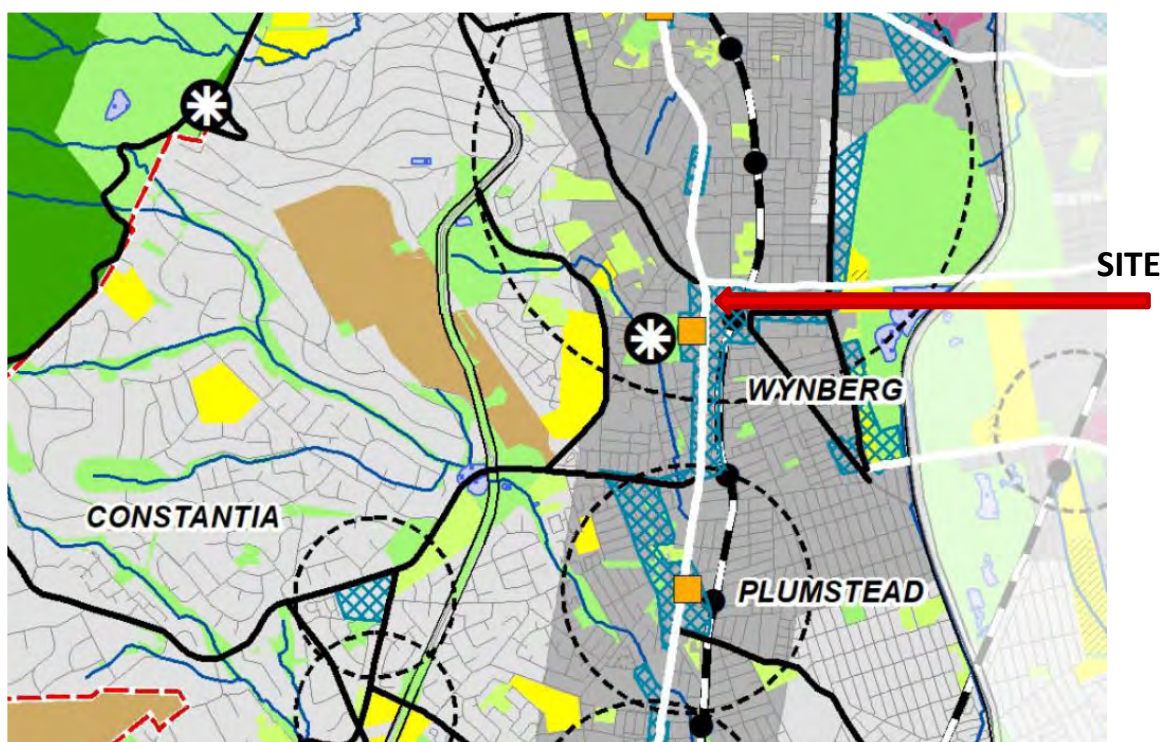
3.2. SOUTHERN DISTRICT PLAN (2023)

The City of Cape Town has provided a set of District Plans which act as guides in the way in which the city is to develop and grow. The site falls within the Southern District and is therefore guided by the Southern District Plan. These District plans represent the City's latest efforts and approach to manage growth and development within this portion of the city on a more detailed level.

The Southern District Plan has earmarked the site for **Urban Development & Mixed-use intensification** which is defined as follows-

Urban Development – *“sites identified (public and private) through the Land Use Model for residential, non-residential and mixed-use development.”*

Mixed Use Intensification - *“These include developed or partially developed areas where further intensification and diversification of existing land uses is supported or where appropriate redevelopment to a mix of land uses is actively encouraged.”*



Extract from Southern District Spatial Development Framework (2023)

The proposed Wynberg Municipal land use application finds support in the Southern District Plan (2023).

3.3. THE MAIN ROAD GROWTH MANAGEMENT STRATEGY (2000)

The proposed development has taken cognisance of the Main Road Growth Management Strategy and associated precinct guidelines applicable to Precinct 1 within the Wynberg Main Road corridor.

The proposed municipal court constitutes an institutional and public service use that is appropriate within a highly accessible urban corridor characterised by civic, mixed-use and transport-related activities. The development supports the strategic objective of reinforcing Main Road as a significant public activity corridor through the introduction of a government facility within an established urban node.

The proposal further responds to the Main Road corridor context by integrating heritage, transport and urban design considerations into the conceptual layout. The proposed development is considered consistent with the spatial restructuring, intensification and public investment objectives underpinning the Main Road Growth Management Strategy.

3.4. SUMMARY: POLICY FRAMEWORK

As discussed above, this land use application for the proposed Wynberg Municipal Court finds support in both relevant spatial planning policies namely, the Cape Town Municipal Spatial Development Framework (2023), Southern District Plan. (2023) and the Main Road Growth Management Strategy (2000).

4. DETAILED SITE ANALYSIS

This section discusses the detail of all the properties underlying the development proposal.

4.1. PROPERTY CONCERNED

Refer to **Figure 4: Aerial Photograph** and **Figure 5: Property concerned**.

ERF NR.	EXTENT
66526	2168,94m ²
66527-Re	87,97m ²
66528	4227.01m ²

4.2. OWNERSHIP

Ownership of Erven 66526, 66527-Re and 66528, Wynberg, lies with the **City of Cape Town**.

Refer to **Annexure 3** for the **Windeed Property Reports**.

4.3. TITLE DEED INFORMATION

The table below highlights the title deed information and restrictive conditions contained in the title deed. Refer to **Annexure 4** for the **title deeds**.

ERF NR.	TITLE DEED	RESTRICTIVE CONDITIONS
66526		Conveyancing Certificate to confirm.
66527-Re		
66528		

4.4. S.G DESCRIPTION

Refer to **Annexure 9** for the relevant SG Diagrams.

Erf 66526

The SG description is described in **SG 453/1839**, as follows:

*The above Diagram a.b.c.d represents 272 quare Rods 7 ½ do. Feet of Ground,
Situate in the Cape District near Wynberg, on the Simonstown Road, Opposite the land of Apsey.*

Erf 66527-RE

The SG description is described on **SG 4420/1905**, as follows:

*The above Figure, lettered a.b.c.def represents – Morgen, 7 Square Roods. 57 Square. Feet of Ground,
Situated at Wynberg in the Cape Division being lot B of the Freehold Grant to Joseph Turner 7th February 1839.*

Erf 66528

The SG description is described in **SG 206/1832**, as follows:

*The above Diagram represents 694 Square roods 73 ½ Square Feet of Ground,
Situate in the Cape District near Wynberg on the Simons Town Road opposite the land of Shaw and Apsey.*

4.5. ZONING AND LAND USE

ZONING

The subject property is subject to the parameters of the Cape Town Development Management Scheme, CTDMS, (2025).

- **Erven 66526, 66527-Re and 66528, Wynberg**, is zoned as **General Residential 4 and Transport Zone 2**

"GR zonings promote higher-density residential development, including blocks of flats. Different development rules apply to different subzonings, particularly with regard to height and floor space, in order to accommodate variations of built form. GR2 accommodates flats of relatively low height and floor space, GR3 and GR4 cater for flats of medium height and floor space, while GR5 and GR6 accommodate high-rise flats. The dominant use is intended to be residential, but limited mixed-use development is possible."

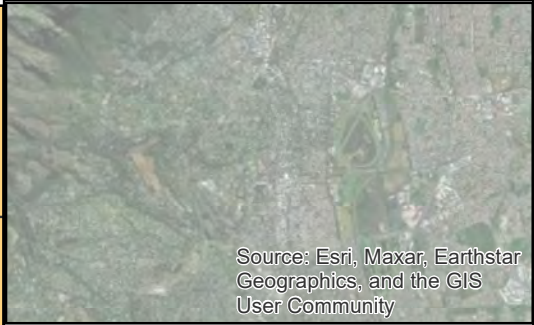
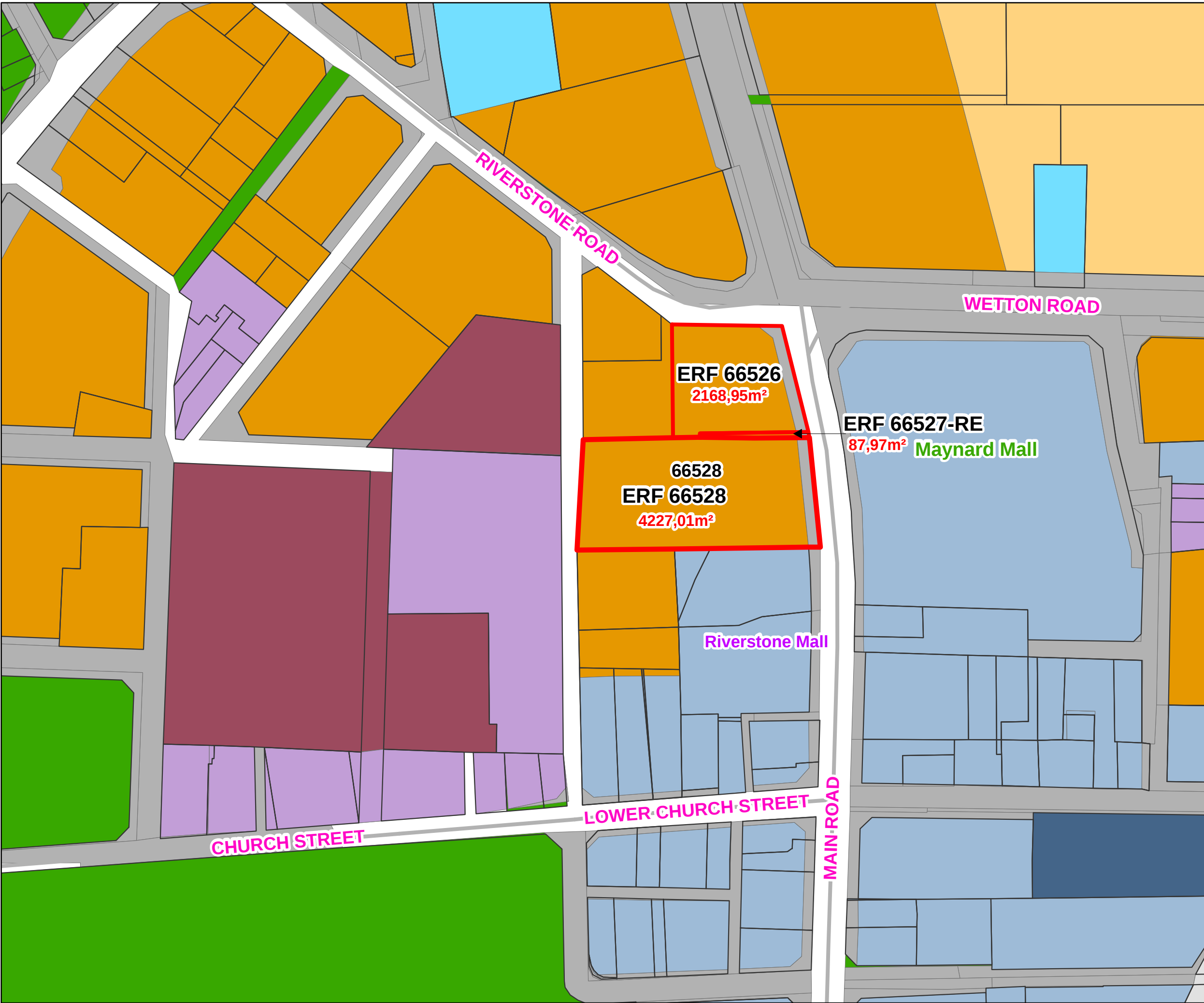
"The TR2 zoning provides for public streets and roads, whether constructed or still to be constructed, as well as premises for the public parking of operable motor vehicles. Such parking may be provided in buildings or open parking areas, with or without the payment of a fee, in order to address the need for off-site parking. On-site parking for a permitted activity in any zoning is considered to be an associated use and do not represent a separate use category that requires separate zoning or approval."

Refer to figure 6 below for an illustration of the study area's zoning as well as that of the surrounding properties, as obtained from the City Maps EGIS Viewer.

Refer to annexure 6 for a copy of the zoning certificate.

LAND USE

Erven 66526, 66527-Re and 66528, Wynberg, currently accommodates the building ruins, a pedestrian foot path, informal taxi parking area and law enforcement office. Refer to figure 7: Land use plan.



- Legend**
- Study Area
 - Major Roads
 - Cadastral
 - Zoning**
 - Community 1 : Local
 - Community 2 : Regional
 - Council To Deem
 - General Business 1
 - General Residential 1 : Group Housing
 - General Residential 2
 - General Residential 3
 - General Residential 4
 - General Residential 5
 - General Residential 6
 - Limited Use Zone
 - Local Business 1 : Intermediate Business
 - Local Business 2 : Local Business
 - Open Space 1 : Environmental Conservation
 - Open Space 2 : Public Open Space
 - Open Space 3 : Special Open Space
 - Rural
 - Single Residential 1 : Conventional Housing
 - Single Residential 2 : Incremental Housing
 - Transport 1 : Transport Use
 - Transport 2 : Public Road and Public Parking
 - Utility

Ref. CoCT 2024 GIS Data

SCALE at A3	1: 1500
0 10 20 40 60 Meters	N

Wynberg Municipal Court

Fig 6: Zoning Map



5. SPECIALIST REPORTS & STUDIES

5.1. SPECIALIST STUDIES AND REPORTS

The development proposal for the Wynberg Magistrates Court has been informed by various specialist studies and technical assessments to ensure its feasibility and appropriateness. These studies evaluate different aspects of the development from the environmental considerations to technical requirements, providing a comprehensive understanding of the site conditions, potential impacts, and necessary mitigation measures. Each specialist study contributes vital information that has shaped the development proposal and confirms the site's suitability for the intended use.

The additional/specialist studies undertaken include the following:

- Structural Engineering Detail Design Report – Annexure 8
- Geotechnical Investigation Report – Annexure 9
- Traffic Impact Statement – Annexure 10
- Civil Engineering Design Report - Annexure 11
- Architectural Input - Annexure 12
- Mechanical (Fire and Wet) Services – Annexure 13
- Landscaping Input – Annexure 14
- Mechanical (HVAC) Engineering – Annexure 15
- Occupational Health and Safety Report – Annexure 16
- Heritage Western Cape ROD – Annexure 17
- DeadP ROD– Annexure 18

5.1.1. STRUCTURAL ENGINEERING DETAIL DESIGN REPORT (HENRY FAGAN CONSULTING ENGINEERS)

Refer to Annexure 8.

The Structural Engineering Design Report prepared by Henry Fagan Consulting Engineers provides the following conclusion:

'We conclude that construction of the planned Wynberg Magistrates Court building is feasible from a structural engineering viewpoint. The structural elements proposed are all relatively conventional for this type of building and we do not foresee any potential problems with implementation. We recommend that the project advance to Stage 3, the design development phase.'

5.1.2. GEOTECHNICAL INVESTIGATION REPORT (PERAGAGE SPECIAL GEOCONSULTANTS)

Refer to Annexure 9.

The Geotechnical Investigation report prepared by PeraGage Specialist Geoconsultants provides the following conclusion:

"We understand that a shallow, partial basement will be constructed beneath the northern section of the building. The basement level appears to be less than approximately 1.50 m below current ground level in the northern sections and slightly above natural ground level in the south. This implies shallow founding depths, in the order of 0.50 to 2.00 m below current ground level for a shallow foundation solution. We understand that column loads will range from 650 kN for minor columns to between 2800 and 5600 kN for major columns. The investigations indicate that predominantly fine-grained residual granite soils will be encountered at the founding level beneath the building."

5.1.3. TRAFFIC IMPACT STATEMENT (STURGEON CONSULTING ENGINEERS)

Refer to Annexure 10.

The Traffic Impact Statement prepared by Sturgeon Consulting provides the following recommendations:

"From the report, the following are recommended:

- *The access to The Site along Brodie Road be constructed with a two-lane cross section with one lane out and one lane in.*
- *The detailed design of the access to The Site must be approved by the relevant department at the Municipality.*

This report has shown that the proposed development will have an insignificant traffic impact and can be accommodated by the adjacent transport network. From a traffic engineering perspective, the approval of the application for this development is supported and it is recommended that the development be approved."

5.1.4. CIVIL ENGINEERS SERVICES CAPACITY REPORT (HENRY FAGAN CONSULTING ENGINEERS)

Refer to annexure 11.

Key outcomes of the assessment include:

"There is sufficient water, sewer and stormwater capacity in the existing municipal infrastructure to support the proposed development. There is also sufficient access to and from the development site. "

5.1.5. ARCHITECTURE SERVICES (OSMON LANGE ARCHITECTS)

Refer to annexure 12.

Design Summary:

"The design approach is to enhance the streetscape within the cultural and historic context of Wynberg. We considered the heritage elements, and based the design on the traditional colonnade features of a typical government courthouse, but aligned it to have a more contemporary modern architectural language to reflect the current times we are in."

5.1.6. MECHANICAL (FIRE AND WET) (HENRY FAGAN CONSULTING ENGINEERS)

Refer to annexure 13.

Based on the findings of the Stage 2B Fire Protection, Gas Suppression and Wet Services Concept Report, the proposed Wynberg Municipal Court has been comprehensively designed to meet all applicable statutory, safety and engineering requirements. The integrated fire protection, detection, gas suppression and wet services systems have been developed in accordance with relevant SANS standards and local authority regulations, ensuring a high level of life safety, asset protection and operational reliability. The proposed systems are appropriately scaled to the development, provide adequate capacity for emergency scenarios, and are designed with efficiency, sustainability and future adaptability in mind. It is therefore concluded that the proposed development is technically sound, compliant with regulatory requirements, and suitable to support the intended civic and judicial land use, with no adverse implications for surrounding properties or municipal infrastructure.

5.1.7. LANDSCAPE REPORT (OVP ASSOCIATES)

Refer to annexure 14.

The proposed landscaping for the Wynberg Magistrates Court has been carefully designed to respond to the civic nature of the development while integrating sensitively with the surrounding urban context. The landscape strategy prioritises the retention of existing trees where feasible, compensatory tree planting where removals are required, and the introduction of predominantly indigenous, water-wise and low-maintenance planting to enhance environmental sustainability, safety and visual quality. The proposed soft and hard landscape elements, irrigation and maintenance strategies have been developed in accordance with City of Cape Town standards and informed by consultation with the relevant municipal departments and specialist inputs, including the arborist assessment. It is therefore concluded that the proposed landscape design is appropriate, compliant and supportive of the intended land use, contributes positively to the public realm, and will not result in unacceptable environmental or amenity impacts.

5.1.8. MECHANICAL SERVICES HVAC DESIGN REPORT (HENRY FAGAN)

Refer to annexure 15.

"As the mechanical engineers on the project, we have carried out the necessary investigations required and provided the relevant the most suitable final design to satisfy the project requirements while ensuring the design is compliant with all the relevant legislations for the required scope of work.

The designed mechanical systems will ensure the facility is compliant with current SANS regulations while ensuring efficient and effective heating and cooling requirements from an HVAC perspective as well as ensuring suitable water supply and drainage. The systems, requirements and specifications will be discussed and agreed with the Client Department prior to the completion of the final design of this project."

5.1.9. OCCUPATIONAL HEALTH AND SAFETY (AFRISHE)

Refer to annexure 16.

"A more detailed mitigation strategy will be developed as the project progresses through each stage and additional information becomes available.

Mitigation and control measures that are identified will be considered when compiling the baseline risk assessment and will be included in the health and safety specification issued to the appointed principal contractor for construction."

5.1.10. HERITAGE (C. POSTLETHWAYT)

Refer to annexure 17.

"1. The Committee resolved to approve the total demolition of the existing structures located on Erf 66528, 14Main Road, Wynberg as they do not have sufficient heritage significance to warrant retention.

2.The site does have historical archaeological potential and it is noted that a separate S.35 permit has been issued in relation to the site.

3.The Committee resolved to approve the replacement structure indicated on drawings numbered D2,prepared by Osmond Lange Architects + Planners and dated 27 September 2024, HWC01 Rev A, 002, 003,004, 005 and 006, HWC02 Rev A, HWC03 Rev A, HWC04 Rev A, HWC05 Rev A, HWC06 Rev A, HWC07 RevA, 006 and SS01, prepared by Osmond Lange Architects + Planners and dated 3 December 2024,607/OvP/S+S WMC/001, 607/OvP/S+S WMC/002, 607/OvP/S+S WMC/003, prepared by OvP Associates and dated 2 December 2024 as not negatively impacting heritage resources"

5.1.11. ENVIRONMENTAL STUDY

Refer to annexure 18.

"

1. The applicability checklist dated and received by this Department via electronic mail correspondence on 5 August 2024 and the additional information received from Mr. Gesan Govender of AfriSHE via electronic mail correspondence on 28 August 2024, 29 August 2024 and 3 September 2024, refer.

2. Based on the information submitted to this Department, the following is noted:

2.1 The proposal entails the redevelopment of the remains of a historic building into the Wynberg Municipal Court on Erf No. 66528, Wynberg.

2.2 The property is zoned General Residential 4 and is located within the built-up suburb, Wynberg.

2.3 Little to no indigenous vegetation will be cleared, as the proposed site is transformed.

2.4 There are no watercourses located on the proposed site.

2.5 The proposed site is approximately 4204m² in extent.

3. *Your attention is drawn to the listed activities in terms of the NEMA EIA Regulations 2014 (as amended) as defined in Listing Notices 1, 2 and 3 of the EIA Regulations, 2014 (as amended). Be advised that the proposed development of the Wynberg Municipal Court and associated infrastructure on Erf No. 66528, Wynberg, does not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).*
4. *Written environmental authorisation is therefore not required from this Department prior to the undertaking of the said development.*
5. *This determination is based on the following: The property is located within an urban area and the site is transformed; and The proposal will not entail the clearance of 1ha or more indigenous vegetation and no watercourses are located on the proposed site.*
6. *Should any other revision of the proposed development constitute a listed activity(ies) as defined terms of Listing Notice 1, 2 and 3, an application must be submitted and environmental authorisation obtained before such activity(ies) may commence.*
7. *The applicant is reminded of his/her general duty of care and the remediation of environmental damage, Section 28(1) of NEMA specifically states that –*
“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”
8. *Please note that the proponent must comply with any other statutory requirements that may be applicable to the undertaking of the activity.*
9. *Your interest in the future of our environment is greatly appreciated.*
10. *This Department reserves the right to revise or withdraw any comments or request further information based on any information received. ”*

6. DEVELOPMENT PROPOSAL

6.1. DESCRIPTION OF THE PROPOSED APPLICATIONS

The proposed Authority use, comprising of a Magistrates Court and associated functions, is not permitted in terms of the existing zoning rights and therefore required land use approval. The following application are made in terms of section 42 of the Municipal Planning Bylaw 2015, as amended 2025:

6.1.1. REZONING

Refer to Plan 18.001_01.

In terms of section 42 (a) of the Municipal Planning By-law (2015, as amended 2025), application is hereby made in support of the rezoning of erven 66526, 66527-Re and 66528, Wynberg from General Residential Zone 4 and Transport zone 2 to **Utility zone**, in favour of the proposed *Authority Use*.

6.1.2. SUBDIVISION

Refer to Plan 18.001_02.

In terms of Section 42(d) of the Municipal Planning By-Law (2015, as amended 2025), application is hereby made in support of the subdivision of erf 66528, Wynberg into portion 1 and remainder erf 66528, Wynberg - In favour of a mini-electrical substation.

6.1.3. CONSOLIDATION

Refer to Plan 18.001_03.

In terms of Section 42(f) of the Municipal Planning By-law (2015, as amended 2025), application is hereby made in support of the consolidation of the erf 66527-Re and the remainder of erf 66528, Wynberg, to form Portion 2.

6.1.4. DESCRIPTION OF THE PROPOSED SITE DEVELOPMENT PLAN

The total extent for the proposed Wynberg Municipal Court is collectively captured as Portion 1 (mini-substation site) together with Portion 2 (consolidation of erven 66527-rem and Remainder of 66528, Wynberg). The estimated extent is 4314.99 m².

The Site Development Plan (SDP) proposes the strategic redevelopment of erven 66526, 66527-Re and 66528, Wynberg to accommodate the new Wynberg Magistrates Court, associated Law Enforcement facilities, and a $\pm 21\text{m}^2$ electrical substation.

The Study area is ideally located along Main Road and Brodie Road within an established urban and civic precinct, benefiting from strong pedestrian linkages, public transport accessibility and proximity to existing civic functions.

The proposed development comprises of a four-level civic building which includes 1 parking level plus 3 levels dedicated to the municipal court: a total floor area of approximately $7\,327\text{ m}^2$. The building shall be centrally positioned on the site to optimise land utilisation while maintaining appropriate setbacks from Main Road and Brodie Road. This approach enables the provision of landscaped public forecourts and pedestrian-oriented spaces that enhance the streetscape and reinforce the civic character of the facility.

Vehicular access to and from the site is limited to Brodie Road, while primary pedestrian access is possible via Main Road. The proposed upgrading of the southern pedestrian linkage with suitable landscaping proposals will ideally provide for easy access between Main Road and Brodie Road.

The internal distribution of floor space is as follows:

Floor Level	Use	Floor Space (m^2)
Parking Level	Parking Area	1952.5
First Floor	Wynberg Magistrates Court and associated functions	1763.5
Second Floor		1887
Third Floor		1724
Total Floor Space		7327m^2

The proposal integrates the new court building with the existing Law Enforcement facility on the adjoining erf 6626 (north), while ensuring functional separation, secure circulation and controlled access between public, staff, judicial and detainee movement.

Building height, massing and architectural articulation have been carefully considered to respond sensitively to the surrounding heritage context and adjacent Grade 3A heritage resources, while establishing a dignified and legible civic presence appropriate to a magistrates court.

Landscaping, permeable security fencing and public realm upgrades further soften the interface with the surrounding urban environment.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Legend

-  Study Area
-  Heritage_Inventory - Grade 3A
-  Cadastral
-  Roads

Cumulative Area 6483.93m²

Ref. CoCT 2024 GIS Data

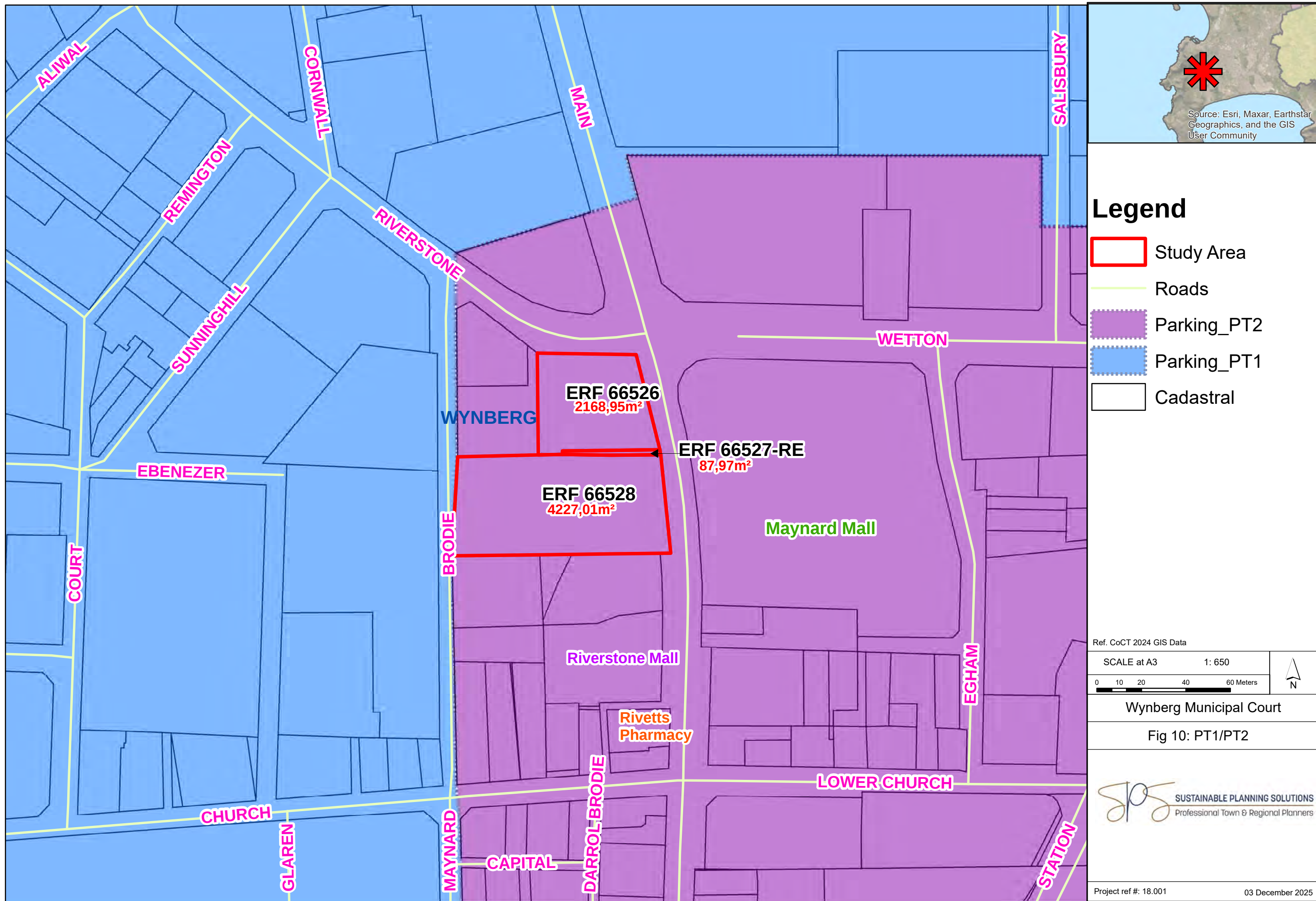
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0 4,25 8,5 17 25,5 Meters

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Wynberg Municipal Court

Fig 8: Heritage





Property Detail:

Erf: 66526, 66527-re & 66528
Allotment: Cape Town
Suburb: Wynberg
Address: 14 Main Road

Legend:

STUDY AREA

Utility Zone 1

Figure ABCDEFGHJKMN represents the rezoning of erf 66526, 66527-RE & 66528

PROPOSED UTILITY ZONING		
ERVEN 66526, 66527-Re & 66528		
SITE AREA (6483.92m²)		PERMITTED
COVERAGE (%)		N/A
COVERAGE (m²)		N/A
FLOOR FACTOR		N/A
FLOOR SPACE @ 2		N/A
HEIGHT		N/A
BUILDING LINES	STREET	N/A
	COMMON	N/A
PARKINGS REQUIREMENTS		N/A



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Title:

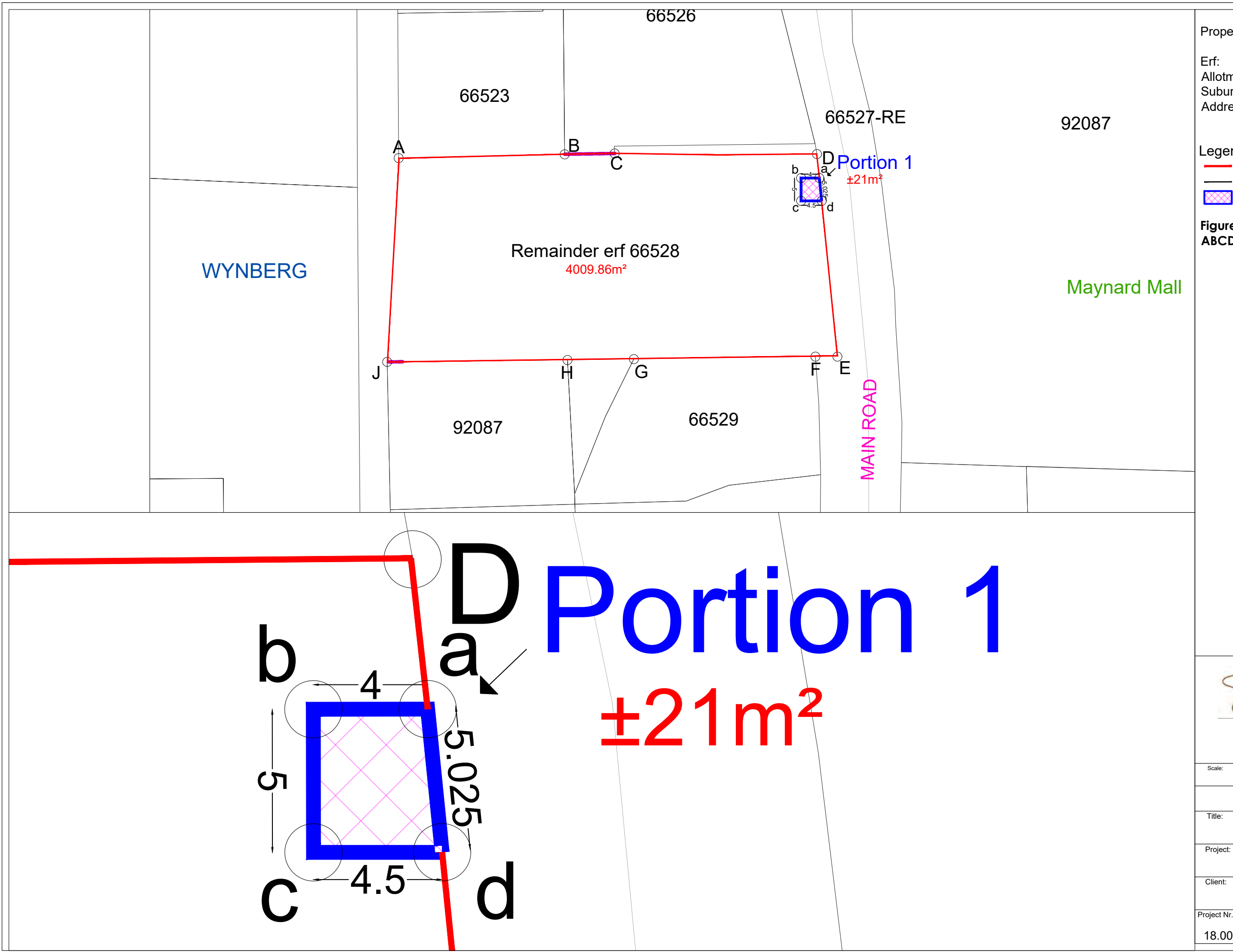
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Legend:
Study Area

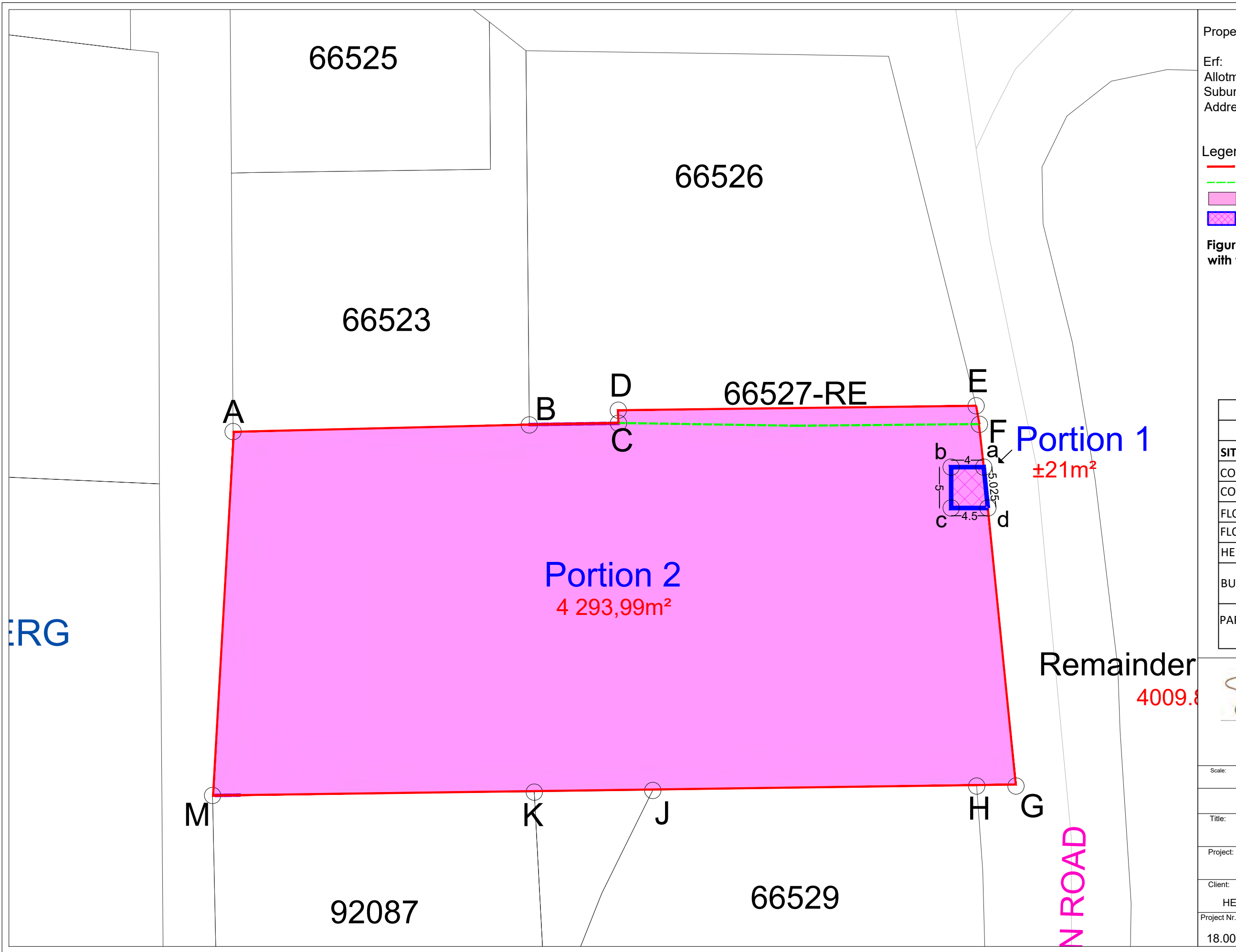
Figure abcd will be subdivided off figure
ABCDEFGHJ to create Portion 1

Maynard Mall

MAIN ROAD



Scale:
Title:
Project:
Client:
Project Nr.
18.00



Property Detail:

Erf: 66526, 66527-re & 66528
Allotment: Cape Town
Suburb: Wynberg
Address: 14 Main Road

Legend:

- Study Area
- Utility Zone
- Mini Substation

Figure ABCFGHJKM will be consolidated with figure CDEF to create Portion 2

PROPOSED UTILITY ZONING		
ERVEN 66526, 66527-Re & 66528		
SITE AREA (4293.99m ²)		PERMITTED
COVERAGE (%)		N/A
COVERAGE (m ²)		N/A
FLOOR FACTOR		N/A
FLOOR SPACE @ 2		N/A
HEIGHT		N/A
BUILDING LINES	STREET	N/A
	COMMON	N/A
PARKINGS REQUIREMENTS		N/A



Scale:

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7. COMPLIANCE WITH SECTION 99 of the CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2025

The purpose of this land use application is for the approval of the proposed Wynberg Municipal Court. Section 99 of the Cape Town Municipal Planning By-Law (2015, as amended 2025) provides us with the criteria applicable in the assessment of the land use application. These, together with a supporting motivation, are listed below:

7.1. APPLICABILITY AND COMPLIANCE

The application for the approval of the proposed Wynberg Municipal Court will follow due process in terms of the Cape Town Municipal Planning By-Law (2025).

From a **policy perspective**, the proposed land use application **finds support** in the following spatial planning policies:

- Cape Town Municipal Spatial Development Framework (2023), which designates the site as **Urban Inner Core, Development Corridor, & Incremental Growth Area** - this represents an area where infrastructure needs to be upgraded and prioritized to support intensification efforts in support of spatial transformation.
- The Southern District Plan (2023) designates the site as the **"Urban Development & Mixed-use intensification"**, *"these include developed or partially developed areas where further intensification and diversification of existing land uses is supported or where appropriate redevelopment to a mix of land uses is actively encouraged."*

7.2. IMPACT ON EXISTING RIGHTS

There is no negative effect anticipated on the existing rights of surrounding properties as a result of the proposed Wynberg Municipal Court development. The subject site is strategically located along Main Road, Wynberg, within an established urban environment characterised by a mix of civic, institutional, commercial, residential and transport-related land uses. The proposed court facility is therefore considered compatible with the existing development pattern and broader character of the area.

The application proposes the consolidation of Erven 66526, 66527-RE and 66528, Cape Town, together with the rezoning of the consolidated property to Utility Zone in favour of Authority Use to facilitate the proposed municipal court development.

The proposal has been informed by interdepartmental and specialist input relating to transport planning, heritage, urban design and environmental considerations to ensure that the development integrates appropriately with the surrounding context.

The proposed development will not compromise existing access arrangements, lawful land uses, or development rights associated with adjoining properties. Existing and future transport planning requirements, including the identified IRT route and associated road widening requirements, have been incorporated into the conceptual design to ensure that broader public infrastructure objectives are not prejudiced.

Furthermore, the site is currently underutilised and partially occupied by building ruins, informal parking and pedestrian movement areas. The proposed development will formalise and significantly improve the functionality, safety and visual quality of the site through the introduction of a well-designed public institutional facility.

In summary, the proposed development is not anticipated to adversely impact the rights of surrounding landowners or properties and is considered appropriate within the existing urban and policy context of the Wynberg Main Road corridor.

7.3. MOTIVATION FOR SECTION 99(2)f

The proposed Wynberg Municipal Court site comprises Erven 66526, 66527-RE and 66528, Cape Town, located along Main Road, Wynberg. The site is bordered by Main Road to the west and Brodie Road to the north and is currently characterised by vacant and underutilised municipal land, building ruins, informal parking, pedestrian movement areas and mature vegetation.

The proposed development seeks to facilitate the establishment of the Wynberg Municipal Court through the consolidation of the subject erven and the rezoning of the consolidated property to Utility Zone in favour of Authority Use. The proposal represents an important public investment initiative intended to improve access to civic and judicial services within the Wynberg node and broader southern district.

The submitted concept design and architectural illustrations serve as an indicative representation of the intended development approach and demonstrate how the proposed court facility can be appropriately accommodated on the site. The design has been informed by specialist input relating to transport, heritage, urban design

and environmental considerations, including the future IRT alignment and associated road widening requirements impacting portions of the site.

At this stage, approval is sought for the proposed land use application and associated development concept. Detailed design refinement will continue through subsequent planning and building plan processes. In terms of Section 99(2)(f) of the Municipal Planning By-Law, the following aspects are addressed:

(i) Scale and Design of the Development

The scale and design of the proposed development have been carefully considered in relation to the surrounding urban context of Wynberg Main Road, which is characterised by a mix of civic, commercial, institutional, residential and transport-related land uses.

The proposed court facility is considered appropriate within this established urban corridor and aligns with the broader spatial vision contained within the MSDF and Southern District Plan, both of which support intensification, public investment and mixed-use development along activity routes and development corridors.

The conceptual layout responds to the site constraints and surrounding context through the incorporation of landscaping, retained mature trees, pedestrian movement areas, access management and appropriate interface treatment along Main Road and adjoining streets. The design also seeks to ensure compatibility with the surrounding heritage context and urban form through appropriate building placement and contextual architectural response.

(ii) Impact of the Building Massing

The building massing has been designed to respond sensitively to the surrounding urban environment and heritage context. The conceptual layout strategically positions the proposed built form to accommodate future transport planning requirements, including the identified IRT route and road widening portions affecting the site.

The massing and placement of the proposed structures have further been informed by the need to maintain an appropriate interface with Main Road and surrounding properties, while also retaining significant mature trees and incorporating landscaped open areas within the site.

The development does not introduce excessive bulk or an incompatible built form within the area. Instead, the proposal contributes towards reinforcing the civic and institutional character emerging within the broader Wynberg node while maintaining an appropriate relationship with adjacent properties and public spaces.

(iii) Impact on Surrounding Properties

The proposed development is not anticipated to result in any unacceptable impact on surrounding properties or the broader area. The site is already located within a highly urbanised environment along a significant activity corridor and is well positioned to accommodate a public institutional land use of this nature.

The proposal will formalise and improve the utilisation of currently underutilised municipal land through the introduction of a well-designed civic facility that contributes positively to the public environment and surrounding streetscape.

Specialist and interdepartmental input received during the pre-application consultation process has informed the conceptual development approach, including considerations relating to transport planning, heritage resources, urban design and environmental management. Importantly, no objections were raised during the pre-application process to the proposed rezoning in favour of Authority Use.

The proposed development is therefore considered compatible with the surrounding land use pattern and broader planning objectives for the Wynberg Main Road corridor. Furthermore, the proposal is not expected to negatively impact surrounding properties in terms of access, amenity, functionality or future development potential.

7.4. DESIRABILITY

Section 99(3) of the City of Cape Town Municipal Planning By-Law (2025) states that there are certain criteria that need to be considered in a land use application before a decision can be made. The application will be assessed based on the following criteria: the socio-economic impact, compatibility with surrounding land uses, impact on the external engineering services, impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical environment, traffic impacts, parking, access, and other transport related conditions.

7.4.1. SOCIO-ECONOMIC IMPACT section 99 (3a)

The proposed land use application will have a positive impact to the surrounding community. This proposed Wynberg Magistrates court will be replacing the existing courthouse located in Wynberg. The proposal involves the construction of a modern four-levelled building which will continue to serve Wynberg and the surround communities. The proposed development will ensure an input towards job creation in terms of construction and maintenance phases of this development, as well as permanent jobs for judicial and support staff.

7.4.2. COMPATIBILITY section 99(3d)

In addition to the proposed Wynberg Court (earmarked for erven 66528 and 66527-rem), this land use application includes an application for the rezoning of erf 66526, which accommodates the existing Law Enforcement offices. Accordingly, it aligns with the surrounding area, ensuring it fits well within the existing mixed-use, business and residential zoned areas. The proposal will provide 2 key services to the greater Wynberg/Kenilworth/Claremont/Plumstead community, enhancing the overall functionality of the neighbourhood.

No negative impact on the rights of surrounding property owners and the community, is anticipated.

In summary, the impact of the proposed land use application on the rights of the surrounding property landowners are foreseen to be minimal.

7.4.3. SAFETY AND WELL-BEING OF THE COMMUNITY section 99 (3f)

The proposed Wynberg Court is a huge investment into the community will have a positive impact on the community due to the services it offers. Developing a modern magistrates courthouse within the area will enhance and improve access to services in the Wynberg community.

7.4.4. TRAFFIC IMPACT section 99 (3i)

The Traffic Impact Statement (TIS) has been prepared by Sturgeon Consulting (Pty) Ltd with the final recommendation stating that the proposed development is said to have an **insignificant** traffic impact and can be accommodated by the adjacent Transport Network.

7.4.5. IMPACT ON BIOPHYSICAL ENVIRONMENT section 3(h)

The development proposal entails the construction of a new municipal Court in Wynberg. There are no significant impacts on the biophysical environment anticipated with the development of erven 66526, 66527-Re and 66528, Wynberg. In fact, no construction is proposed for erf 66526 and 66527-rem. The new building will be constructed entirely on erf 66528. The property already possesses of municipal services, and the proposed earthworks should not impact the biophysical environment negatively. The correspondence from the Department of Environmental Affairs confirms this as well as the landscaping plan and report.

7.4.6. IMPACT ON HERITAGE section 99(3g)

Due to existing land use and nature of the proposed application, Section 34 of the National Heritage Resources Act (1999) is triggered. An application for a demolition permit was submitted to Heritage Western Cape and an ROD was issued on 4 March 2025. Despite the heritage grading the site holds no heritage significance.

7.4.7. VEHICULAR AND PEDESTRIAN ACCESS

The proposed Wynberg Courthouse will obtain vehicular access via Brodie Road. The site is well located within a network of public transport routes and the future Phase 2A IRT trunk routes along the Main Road and Brodie Road Couplet. The TIA prepared by Sturgeon Consulting explains this in detail.

7.4.8. IMPACT ON EXTERNAL ENGINEERING SERVICES section 99 (3e)

The proposed Wynberg Court will not have a negative impact on the existing surrounding engineering services. The Civils Services Assessment Report together with capacity reports, have confirmed this (Henry Fagan Consulting Engineers).

7.5. THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16/2013)

The consideration in terms of Section 7 of SPLUMA (16/2013), Development Principles, is presented below:

- **Spatial Justice:**

"Past spatial and other development imbalances should be redressed through improved access to, and utilisation of, land".

The proposed Wynberg Municipal Court gives effect to the SPLUMA principle of Spatial Justice by contributing to the redress of past spatial and service delivery imbalances through improved access to judicial and civic services. The development replaces the existing Wynberg Court within a well-located and well-connected urban precinct, ensuring continued and enhanced access to essential public services for surrounding communities, including historically disadvantaged areas. By locating the court within an established urban area with access to public transport and supporting infrastructure, the proposal promotes equitable utilisation of land, social inclusion, and fair access to justice, consistent with the City of Cape Town's strategic objective to concentrate community facilities within accessible urban nodes.

- **Spatial Sustainability:**

Land use planning should: *“promote land development that is spatially compact, resource-frugal and within the fiscal, institutional and administrative means of the relevant competent authority in terms of this Act or other relevant authority” and “uphold consistency of land use measures in accordance with environmental management instruments”.*

The proposed Wynberg Municipal Court supports the SPLUMA principle of Spatial Sustainability by promoting compact, resource-efficient land development within the fiscal, institutional and administrative capacity of the relevant competent authority. The proposal entails the replacement of the existing courthouse on an alternative site that is more suitably located in terms of access to surrounding amenities and public transport connections. By situating the court within an established and well-served urban precinct, the development optimises the use of existing infrastructure, limits the need for additional bulk services, and avoids the outward expansion of civic facilities. The proposal represents an efficient and sustainable use of land, aligns with applicable environmental management instruments and municipal planning frameworks, and supports long-term operational efficiency and accessibility of judicial services within the greater Wynberg area.

- **Spatial Resilience:**

“Whereby flexibility in spatial plans, policy and land use management systems is accommodated to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks”.

The proposed Wynberg Municipal Court supports the SPLUMA principle of Spatial Resilience in that the development strengthens the institutional capacity of the greater Wynberg area whilst also being flexible to adapt to other civic or private sector uses should social and economic pressures arise. The development inherently entails the upgrading and relocation of the existing courthouse to a better-located site within an established urban precinct, with improved access to justice, public transport, and surrounding civic amenities. By consolidating judicial functions within a modern, purpose-designed facility, the proposal enhances the efficiency, reliability, and continuity of essential public services, particularly during periods of increased demand or disruption. The flexible design and strategic location of the courthouse allow for future operational adjustments and service enhancements, ensuring the long-term resilience and sustainability of judicial (or other civic) services serving the broader Wynberg community.

- **Efficiency:**

“Land development should optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities”.

The proposed Wynberg Municipal Court gives effect to the SPLUMA principle of Spatial Efficiency by optimising the use of existing urban land, infrastructure, and public facilities within an established and well-serviced precinct. The proposal entails the replacement of the existing courthouse on a vacant/derelict site that is already supported by bulk water, sewer, electrical, and road infrastructure, thereby avoiding the need for costly extensions to municipal services.

Parking demand associated with the development is efficiently addressed through the registration of a notarial tie between two adjoining properties, enabling the shared and legally secured use of existing parking facilities. This arrangement avoids the duplication of parking infrastructure, reduces unnecessary land take, and ensures compliance with parking requirements in a cost-effective and spatially efficient manner. By consolidating judicial functions to a central location, that is accessible and in close proximity to strong public transport connections and an integrated parking solution, the development promotes the efficient utilisation of land and municipal resources in accordance with SPLUMA objectives.

- **Good Administration:**

“The preparation and amendment of spatial plans, policy, zoning schemes and procedures for land development and land use applications, should include transparent processes of public participation that afford all the parties the opportunity to provide inputs on matters affecting them”.

The proposed Wynberg Municipal Court demonstrates compliance with the SPLUMA principle of Good Administration through the application of transparent, lawful, and inclusive land use management processes. The land use application is prepared in accordance with the applicable spatial planning frameworks, zoning scheme regulations, and statutory requirements, ensuring consistency with adopted municipal policies. The proposal will be subject to a structured public participation process in terms of the relevant legislation, affording interested and affected parties the opportunity to submit comments and representations on matters affecting them. This process promotes transparency, accountability, and informed decision-making, and ensures that the proposed development is considered within a framework of participatory governance and responsible land use management.

7.6. SUMMARY OF MOTIVATION

- The development proposal complies with the criteria for decision-making and desirability as set out in Section 99 of the Cape Town Municipal Planning By-Law, 2025.
- The development proposal is compliant with the land use development principles of the Spatial Planning and Land Use Management Act, 2013, and the Western Cape Land Use Planning Act, 2014.
- The development proposal complies with all the applicable spatial planning policies such as the Cape Town Municipal Spatial Development Framework (2023), and the Southern District Plan (2023).
- This proposal is to develop a modern magistrate courthouse to replace the existing Wynberg Municipal Court currently located at 64 Church Street Wynberg.
- The proposed Wynberg Municipal Court shall be accessible via several modes of public transport.
- The proposal entails a 4-levelled building which includes a parking level plus three additional levels. Rain / Stormwater will be accumulated in an attenuation tank located along Brodie Road.
- A notarial tie will be registered between Erf 66526, Wynberg, enabling visitors and staff of the court to utilise the parking facilities located on Erf 66526. This arrangement ensures efficient use of existing parking infrastructure and provides a legally secure mechanism for shared access between the two properties.
- Access to the proposed Wynberg Court is simple, safe and easy.

7.7. CONCLUSION

With due cognisance of the above-mentioned information and motivation, we hereby submit this application for your consideration, seeking approval for the Rezoning, Subdivision, Consolidation, and Site Development Plan in respect of the proposed Wynberg Municipal Court.

This application is submitted in terms of Section 42 of the Cape Town Municipal Planning By-law, 2025, in relation to Erven 66526, 66527-Re, and 66528, Wynberg.

8. REFERENCES

1. City of Cape Town, 2023. *The Southern District Plan*, Cape Town: City of Cape Town.
2. City of Cape Town, *City of Cape Town Municipal Planning By-Law*, Cape Town: Provincial Gazette.
3. City of Cape Town, 2023. *Cape Town Municipal Spatial Development Framework (2023)*, Cape Town: City of Cape Town.
4. Republic of South Africa, 1999. *National Environmental Management Act 107 of 1998*, Cape Town: Government Gazette.
5. Republic of South Africa, 1999. *National Heritage Resources Act (Act 25 of 1999)*, Cape Town: Government Gazette.
6. Republic of South Africa, 2013. *Spatial Planning And Land Use Management Act*, Cape Town: Government Gazette.
7. Western Cape Government, 2014. *Western Cape Land Use Planning Act*, Cape Town: Provincial Gazette.



Property Detail:

Erf: 66526, 66527-re & 66528
Allotment: Cape Town
Suburb: Wynberg
Address: 14 Main Road

Legend:

- STUDY AREA
- Utility Zone 1

Figure ABCDEFGHJKMN represents the rezoning of erf 66526, 66527-RE & 66528

PROPOSED UTILITY ZONING		
ERVEN 66526, 66527-Re & 66528		
SITE AREA (6483.92m²)		PERMITTED
COVERAGE (%)		N/A
COVERAGE (m²)		N/A
FLOOR FACTOR		N/A
FLOOR SPACE @ 2		N/A
HEIGHT		N/A
BUILDING LINES	STREET	N/A
	COMMON	N/A
PARKINGS REQUIREMENTS		N/A



Scale:

Title:

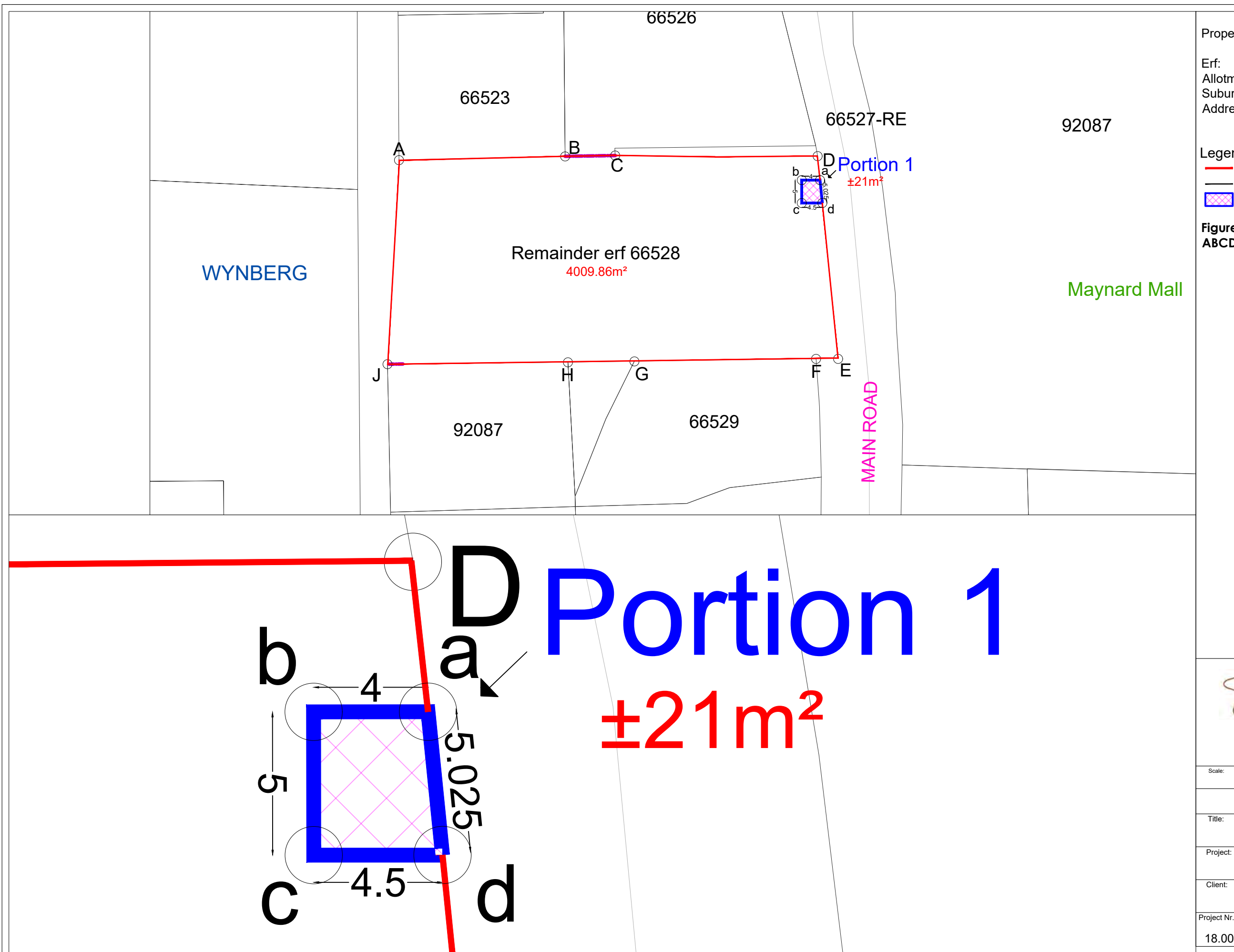
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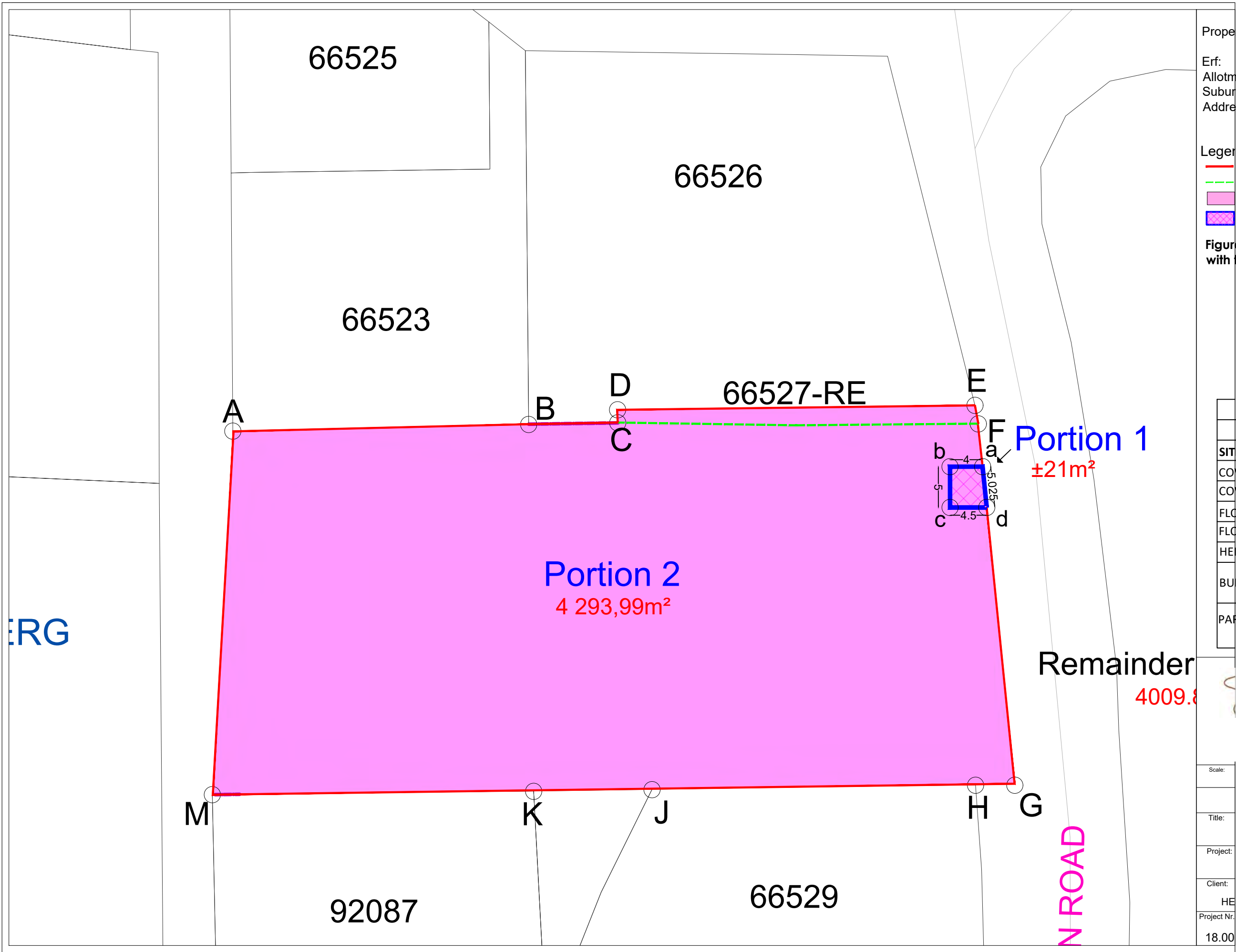
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Erf:
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Legend:
Study Area

Figure abcd will be subdivided off figure
ABCDEFGHJ to create Portion 1

SUSTAINABLE PLANNING SOLUTIONS
Professional Town & Regional Planners

Scale:
Title:
Project:
Client:
Project Nr.
18.00



Property Detail:

Erf: 66526, 66527-re & 66528
Allotment: Cape Town
Suburb: Wynberg
Address: 14 Main Road

Leger



Mini Substation

Figure ABCFGHJKM will be consolidated
with figure CDEF to create Portion 2

PROPOSED UTILITY ZONING

ERVEN 66526, 66527-Re & 66528

SITE AREA (4293.99m²)		PERMITTED
COVERAGE (%)		N/A
COVERAGE (m²)		N/A
FLOOR FACTOR		N/A
FLOOR SPACE @ 2		N/A
HEIGHT		N/A
BUILDING LINES	STREET	N/A
	COMMON	N/A
PARKINGS REQUIREMENTS		N/A

Scale:

Title:

Project:

Client:

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Project Nr.

18.00

