



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

Case ID 1500157822

Erf 844, 5 Newhaven Street, Durbanville

Development Management

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APPLICATION FOR REZONING AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS:

ERF 844 DURBANVILLE

JUNE 2026 - AMENDMENT



CLIENT:

TOWN PLANNERS:



terraplan

Town and Regional Planners
Stads- enStreekbeplanners

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1. INTRODUCTION

1.1 PREAMBLE

This planning document has been prepared with the goal to obtain relevant land use rights for erf 844, Durbanville, to accommodate administrative offices on the property. The purpose of this memorandum is to gather all the relevant information into one document for evaluation by the relevant authorities and to motivate the desirability of the proposal in terms of Section 42 of the City of Cape Town Municipal Planning Bylaw, 2023.

1.2 APPLICATION

Application is made for the following in terms of the City of Cape Town Municipal Planning By-Law on erf 844, Durbanville:

- **Rezoning:** Application is made for a rezoning from Single Residential 1 to General Business 2 in terms of Section 42 (a) of the Municipal Planning By-Law, 2023, over erf 844, Durbanville, to accommodate administrative offices on the property.
- **Removal of Restrictive Title Conditions:** A removal of restrictive title conditions in terms of Section 42 (g) and township conditions per 42(j) of the Municipal Planning By-law, 2025, over erf 844, Durbanville, for the removal of restrictive conditions in **Section B.(a), (b) and (c)** in title deed number T25453/2025 in order to accommodate administrative offices, is required.
- **Landscape Plan:** Application is made for the approval of Landscape Plan, Plan No 372_IP_001 dated 13 March 2026 in terms of Section 42 (i) of the Municipal Planning By-Law, 2023, over erf 844, Durbanville, to accommodate administrative offices on the property.

1.3 APPLICANT

Terraplan Town Planners has been appointed by the client, _____ on behalf of the registered owner _____ to compile the application on their behalf. The table below provides the general details of the applicant:

1.4 REGISTRATION DETAILS

Registered details of the current land owner, who authorized this office to proceed with this application, is as follows:

TABLE 1 – OWNER DETAILS			
REGISTERED DESCRIPTION	TITLE DEED NO.	REGISTERED OWNER	EXTENT
Erf 844, Durbanville, in the City of Cape Town, Cape Division, Province of Western Cape			1487m ²

1.5 SURVEYOR GENERAL'S DIAGRAM

There are no constraints or servitudes indicated on the General Plan, Plan number 3453/41, that would impede the proposal.

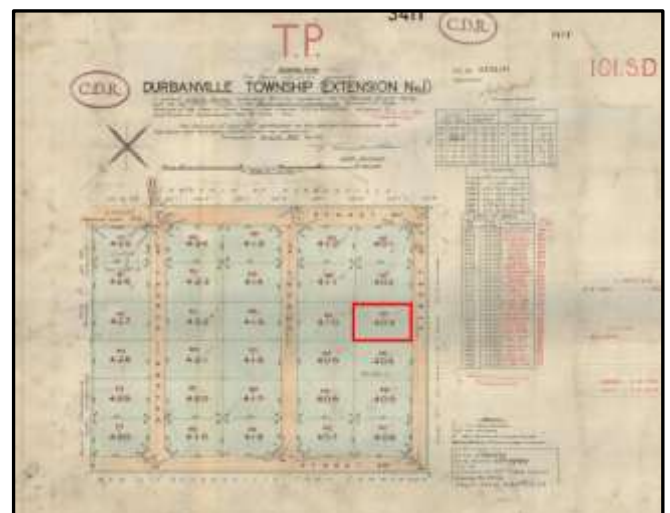


FIGURE 1 – GENERAL PLAN

1.6 CONVEYANCER CERTIFICATE

A registered conveyancer undertook an investigation of the property's title deed. There are certain title deed conditions that affect the application as proposed.

Details of addressing these restrictions are set out under paragraph 4.2 of this report. The relevant title deed and conveyancer certificate are attached.

2. CONTEXTUAL ANALYSIS

2.1 LOCATION AND CONTEXT

Erf 844 is located on Newhaven Street, more or less centrally between Hafele Street and Van der Byl Avenue.

The erf is situated in the secondary CBD of Durbanville within a mixed-use neighbourhood. Many of the earlier residential homes here have been converted into higher order uses such as group housing or educational facilities and small businesses etc. Various zonings have been allocated for example: LB1, LB2 and GB2 confirming the mixed-use nature of the area. See figures 3 to 7 below.



FIGURE 2 – DURBANVILLE CBD



FIGURE 3 – SURROUNDED ERVEN



FIGURE 4 – FONTIJN ON NEW HAVEN (FLATS)



FIGURE 5 – NEWHAVEN HOSPITAL

The property is abutted by the following:

- **Northwest:** Erf 19723, with the Newhaven Hospital;
- **Southwest:** Erf 851.
- **Southeast:** Re 17360, the Fontijn on Newhaven development.
- **North:** Newhaven Street.



FIGURE 6 –SURROUNDING LAND USES

2.2 CURRENT ZONING



FIGURE 7 – EXISTING ZONINGS

In terms of the Cape Town Zoning Scheme, erf 844 Durbanville is currently zoned as Single Residential Zone 1 (SR1).

2.3 CURRENT LAND USE

The current building is located in the south-eastern part of the site on the southern boundary.

The building previously accommodated the QuadPara Association. The owner informed this office that the building is currently rented out for residential use until the approval of the rezoning due to several burglaries and vagrant issues while being vacant, but will ultimately be used as offices.

Several mature trees occur on the northwestern and southwestern boundaries and garden area at the rear of the structure.

Parking occur at the front of the building and a palisade type fence provide security on the street boundary.



FIGURE 8 – CURRENT LAND USE

3. DEVELOPMENT PROPOSAL

3.1 ADMINISTRATIVE OFFICES

The current building that was used for the QuadPara Association was re developed into offices for the Institution and consists of a structure measuring 428.2m². The association has since moved out and the intention is to rent the structure out for administrative offices once more. The site plan by Hennie de Villiers Architects is attached.

The structure comprises as follows:

- Erf size: 1487.1m²
- Dwelling: 177.0m²
- Coverage: 16.1%
- Garage/outbuilding: 41.0m²
- Office/link: 18.7m²
- Total floor area 421.7m²

An area for 11 parking bays exist in front of the building and as the erf is located within a PT1 parking zone with a rate of 2.5 bays/ 100m² GLA for offices, a total number of 11 bays is thus required and provided.



FIGURE 9 – STREETScape

4. RELEVANT APPLICATIONS

4.1 REZONING

Application is hereby made to rezone erf 844, Durbanville from Single Residential 1 to General Business 2, in terms of Section 42(a) of the Municipal Planning Bylaw, 2019, to accommodate administrative offices on the property.

4.2 PROPOSED REMOVAL OF RESTRICTIVE TITLE CONDITIONS

Application is made for the following removal of restrictive conditions in terms of Section 42 (g) and (j) of the City of Cape Town Municipal Planning Bylaw, 2023 on erf 844, Durbanville

- **Removal of Restrictive Conditions** of Condition B.(a), (b) and (c) in Section 1 of the title deed number in order to accommodate the proposed administrative offices on erf 844.

The conditions to be removed read as follows:

- Condition B.(a): That this erf be used for residential purposes only.
- Condition B (b): That only one dwelling house with such outbuildings as are ordinarily required to be used therewith be erected on this site.
- Condition B (c) That no more than half of the area of this erf be built upon.

As indicated in the conveyancer certificate and report, Condition B.(a), (b) and (c) was imposed in terms of legislation namely Ordinance 33 of 1934 by a statutory body, namely the Administrator of the Cape in favour of the owners within the Durbanville Township (Extension No. 1) on General Plan S.G. No.3453/41. (Copy of- General Plan attached hereto).

The abovementioned removal of restrictions is deemed necessary and desirable in order to accommodate administrative offices, as set out in terms of **Section 39 (5) of LUPA and Section 47 of SPLUMA**. The following factors thus need to be considered when dealing with a removal of restrictive conditions. Our response is included next to the various factors:

Section 39(5) of LUPA:

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

The condition in its current form holds no value for the owners in Durbanville Township Ext 1 as it restrains the inherent potential of erven in terms of land use improvement. In this case, removing the condition will result in the creation of an alternative office use, which will be a financial benefit to the owner. The owners within the Durbanville Township Ext 1, will thus also be presented with a further alternative office accommodation option in an area close to the CBD.

There would be insignificant effect erven in Durbanville Township Ext 1 as land use control by the Municipal Planning Bylaw and forward planning document, have sufficient control over land use mechanisms. It must be noted similar restrictions have already been removed for most of the properties in the area where rezoning/re-development has taken place. Removal will allow a use that is consistent with the approved City Policy.

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

Currently the owners have no personal benefits due to the title restriction. The retaining of the restriction thus holds no personal benefits to the holder of rights and will in effect withhold them from generating alternative income. Furthermore, land use control by the Municipal Planning Bylaw and forward planning document, have sufficient control over land use mechanisms.

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

See comment above. As set out, the removal of restrictions will allow the owner to be utilize the erf more effectively and create an alternative land use, and in favour of the community as an alternative economic activity in the area, which will create spin-off effects and higher thresholds for other businesses in the area.

- d) The social benefit of the restrictive condition remaining in place in its existing form

There will be no social benefit should the restriction stay in place, as the condition limits development on the Durbanville Township Ext 1 erven illuminating opportunities for the wider public, as set out above.

- e) The social benefit of the removal, suspension or amendment of the restrictive condition

An additional office component option will become available in the area which can be seen as a social benefit, in the form of more employment opportunities becoming available to the public including further economic and social spin-off effects on other land uses in the area.

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

Only condition B(a), (b) and (c) will be removed, i.e. all other restrictions and zoning parameters will remain.

The proposal will not remove any other rights enjoyed by any beneficiary. The removal of the restriction relates to the use of the land. As indicated, land use control via the DMS and forward planning documentation of the Municipality are sufficient to regulate land use control.

Section 47 of SPLUMA:

- a) If the removal, amendment or suspension will deprive any person of property as contemplated in Section 25 of the Constitution then you have due regard for the respective rights of all those affected, and to the public interest.

The proposal is in line with Section 25 of the Constitution and relevant Act.

The public interest and public rights are thus not affected, neither will it deprive any person of property as per Section 25 of the Constitution of the RSA, 1996. The owners in Durbanville Township Ext 1 and public rights are not affected by the proposal as the proposed office is limited to the owner's property and falls within the erf boundaries.

The nature and scale of the proposed development is such that it is not regarded to have a detrimental impact on the properties within the area.

The removal of the restrictive condition presents economic and social benefits/opportunities in terms of employment options and economic spin-offs.

- b) Notice of an application to remove, amend or suspend a restrictive condition which operates for the benefit of the State must be in writing and be given in the prescribed manner to the organ of state which is responsible for the administration of the law or the performance of the function to which condition relates.

The owners within Durbanville Township Ext 1 and public rights, are not detrimentally affected by the proposal, see above.

The removal of restriction is not regarded as arbitrary, but in fact rationale as no vested rights would be affected (the site is located in an established mixed-use area). Improved rights would be allocated to the site aligning with the current trends and this area of Durbanville.

In summary: The purpose of restrictive conditions are enforced inter alia to regulate the use of land and to create a co-ordinated and harmonious layout for township development and to preserve the character of the neighbourhood for the benefit of all owners in the township.

In this regard some of the older title conditions were imposed in the time when townships were proclaimed when there were no zoning schemes, regulations or forward planning documentation.

The respective zoning schemes for municipalities have since been established and land use is now controlled by such.

There is thus no more reason why land use should be regulated through title restrictions.

There is thus no reason why this relevant condition cannot be removed.

4.3 APPROVAL OF LANDSCAPE PLAN

Application is made for the approval of Landscape Plan, Plan No 372_LP_001 dated 16 March 2026 in terms of Section 42(i) of the Municipal Planning By-Law, 2023, over erf 844, Durbanville, to accommodate administrative offices on the property.



FIGURE 10 – PROPOSED LANDSCAPE PLAN

5. LEGISLATIVE FRAMEWORK

5.1 MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (2023)

The intention of the above framework is to focus on areas within Cape Town where spatial transformation is most achievable. As per Map 5D, the Consolidate Spatial Plan concept (See figure 11) the erf is located within an area identified for incremental growth and consolidation area. The investment premise in these areas, are not as great as for areas within the identified urban core. There are limited grant and incentives available for developments within these areas.

Specifically, it is noted the focus in this zone is the main-tenance, upgrading and incremental growth, in support of spatial transformation, in the City. The proposed de-velopment is in line with the following policy statements of the MSDF:

- P3 – Support development and growth of small businesses.
- P9 – Plan for incremental land use intensification and diversification.

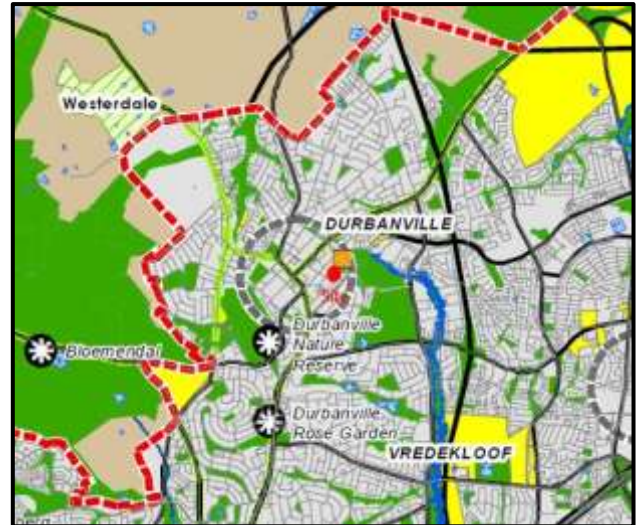


FIGURE 11 – CONSOLIDATED SPATIAL PLAN

Intensification of the current single residential use is proposed in the form of a new small business. In this regard, proposed office use promotes land use diversification within the Durbanville Secondary core, as indicated, and the proposal is thus in line with Policies P3 and P9 of the MSDF.

5.2 NORTHERN DISTRICT PLAN (2023)

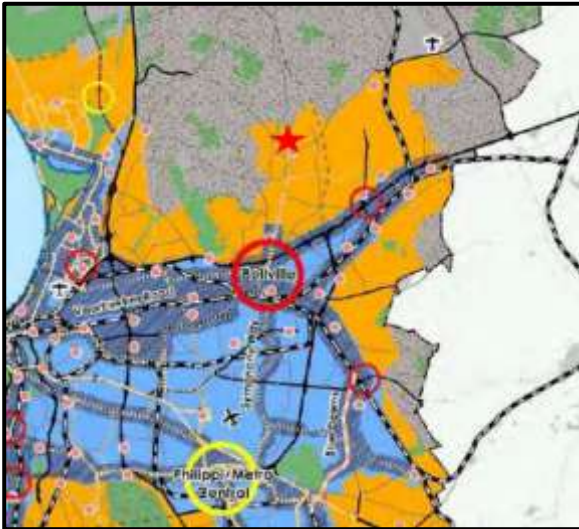


FIGURE 12 – NORTHERN DISTRICT PLAN

The Northern District Plan: Sub-district 1: Tyger Valley node and Durban Road corridor: 32, indicates possible diversification in the Secondary CBD core, for this area indicates as follows:

Baxter and Van der Byl Ave., Louw St. block as well as Louw, Van Der Byl, New Haven, Hafele street block: Commercial, which may include a small retail component at ground level (minor to serve/compliment residential component only, no equipment hiring services), with higher density residential development on top. No alone-standing conversions of existing single residential units for office use only to be considered. No phasing to be considered, referring to office component as a first phase, as an example. Existing houses may be converted (only existing footprint) for office use prior to redevelopment.

Although the focus is in terms of the NDP on future higher density residential in the Secondary CBD, office and ancillary retail could be permitted as long as it does not evade the core CBD function. Please also note the current building is not converted, but used as is, as per NDP.

The proposed rezoning erf 844 is thus deemed to be in line with the vision of the Northern District Plan.

5.3 TRANSIT ORIENTATED DEVELOPMENT (TOD - 2017)

Transit Orientated Development (TOD) is about changing, developing, and stimulating the built form of the city in such a way that the movement patterns of people and goods are optimised to create urban efficiencies and enable social equality and economic development. The concept of Trans Oriented Development of Cities (TOD) has become an essential component of South African Cities' growth and development strategies. It can be seen as a particular approach to, and outcome of city building/ development, focused on public transport access and mobility. The important criteria for TOD are higher density, mixed land use in close proximity to public transport.

New planning proposals need to adhere to the principles of this document. In this regard the proposed offices on erf 844 adheres to the principle of this document, as follows.

- The relevant site is located within the Durbanville Secondary CBD and approximately 500m from the Durbanville CBD, an area well served by public taxis.
- The property is thus located within walking distance of suitable public transport and thus in line with the implication of the TOD.

5.4 INTEGRATED DEVELOPMENT PLAN (2022-2025)(IDP)

The IDP (Integrated Development Plan) vision for City of Cape Town is a City of Hope for all, a prosperous, inclusive and healthy city where people can see their hopes of a better future, for themselves, their children and their community become a reality.

The IDP identified certain focus areas and priorities for the metro, resting on 3 foundations.

Safety, economic growth, basic services, housing, public space, environment and amenities, and transport, is resting on these foundations:

- A resilient city.
- A more spatially integrated and inclusive city.
- A capable and collaborative city government.

The redevelopment of erf 844 underpins the economic growth, public space and amenities focus areas and the foundation of a more spatially integrated and inclusive city in that the proposed office would add to economic alternatives and add to further employment options, in the area.

5.5 INCLUSIVE ECONOMIC GROWTH STRATEGY (2021)

The City has a certain vision and principles for economic growth, which includes the prioritization of inclusivity, competitiveness, connectivity, resilience, sustainability and collaboration.

The strategy further emphasizes the importance of investment, competition and structural change for sustained economic success. The principle of spatial integration is high lighted and focusses on aligning economic strategies with spatial planning to bridge the gap between where people live and where they work.

The City further seeks to optimize public transport nodes for informal economic activity and improved access to markets.

The proposed use and establishment of administrative offices in Durbanville aligns with the latter principle and thus primarily the implications of the Inclusive Economic Growth Strategy for Cape Town.

5.6 SOCIAL DEVELOPMENT STRATEGY (2013)

The above strategy focusses on addressing poverty, in-equality and social skills and also provide for the involvement of people in their own development. The following objectives area highlighted:

- Maximize income generating opportunities for people who are excluded or at risk of exclusion.
- Build and promote safe households and communities.
- Support the most vulnerable through enhancing access to infrastructure and services.
- Promote and foster social integration.
- Mobilize resources for social development.

The proposed office on erf 844 aligns with the above objections namely the maximising of income generating opportunities and support the most vulnerable through enhancing access to infrastructure and services in the offering of employment opportunities, etc.

5.7 DURBANVILLE CBD URBAN DESIGN FRAMEWORK

The Durbanville CBD Urban Design Framework serves as an “executive summary of the Durbanville CBD” and serves as a guideline “to aid architects and developers in the future development of Durbanville CBD”.

The framework places high importance on creating appositve public interface and good quality environment where new developments are concerned. The following guidelines are applicable to new developments.

- Contemporary design for new buildings in old neighbourhoods and additions to existing buildings or landscaping should not be discouraged if the design is compatible with the size, scale, colour, material and character of the neighbourhood, building or its environment.

The development on erf 844 utilizes the existing structure on the site which in effect has no bearing on the above policy, as no structural changes are envisaged.

6. DESIRABILITY

The assessing the merits of our application, Section 99 of the MPBL needs to be considered. The following considerations are relevant in terms of the listed items:

6.1 SOCIO-ECONOMIC IMPACT

The Social impact refers to economic changes i.e. what impact would the proposed development have on the existing community, as well as what associated economic improvement would occur.

The development would offer some permanent employment opportunities, which will have positive spin-off effect in an area where work is always scarce.

Safety and security in general would improve as more activity around the structure and erf would mean more alertness and eyes to watch for doubtful characters.

As such the proposed use can thus be seen to have an overall positive socio-economic effect.

6.2 COMPATIBILITY WITH SURROUNDING USES

As indicated previously, the property falls within a single residential neighbourhood character block, but within the Durbanville Secondary CBD area, where substantial transition to other uses have already taken place. The offices will thus contribute to the area in terms of land use diversification.



FIGURE 13 – MIXED USE AREA

6.3 IMPACT ON EXTERNAL ENGINEERING SERVICES

No additional structural additions are proposed, thus no requirement for additional engineering services exists.

6.4 IMPACT ON SAFETY, HEALTH & WELLBEING OF THE SURROUNDING COMMUNITY

The proposed offices is contained within the premises of the existing structure, thus providing a safe space. Community and retail facilities are within walking distance in the CBD-area of Durbanville.

The safety, health and well-being of the community will therefore be ensured.

6.5 IMPACT ON HERITAGE

Being in an existing built-up area, the proposal will have no impact on heritage aspects. In terms of Regulation 7(3) of the Regulations to the National Heritage Resources Act (NHRA), all structures older than 60 years that are identified in the abovementioned survey as not having cultural significance (i.e. not conservation worthy) are exempted from the requirement to obtain a permit in terms of Section 34 of the NHRA. Although the structure is, or portions of it may be older than 60 years, a permit from HWC is not required as it has been graded as NCW. This is line with the current Regulations in terms of heritage management within the City's jurisdiction.

6.6 IMPACT ON BIOPHYSICAL ENVIRONMENT AREA

Similarly, in view of the site's position in a built-up area, no natural habitat or ecological areas are affected. This aspect is thus not relevant.

6.7 IMPACT ON TRAFFIC, PARKING, ACCESS AND OTHER TRANSPORT RELATED CONSIDERATIONS



The site has suitable access from Newhaven Street. No sight distance problems along this section of Newhaven Street, further exists.

The site also provides a total of 11 parking bays onsite with ample geometric reversing areas.

FIGURE 14 : ACCESS TO SITE

6.8 IMPOSED CONDITIONS TO MITIGATE ADVERSE IMPACTS

Should any relevant conditions be required, such could be imposed upon approval.

7. SUMMATION

The above proposal is regarded as desirable and warranted in the view of:

- **Location** – The property is located in a transforming area rapidly becoming more mixed-used than residential.
- **Planning Legislation:** The site falls within the Secondary CBD where office-uses are considered in terms of the Northern District Plan.
- **Zoning parameters** – The new zoning will request no further departures.
- **Access and parking** – Suitable and safe access and enough parking on site exists.
- The existing structure is to be utilised as offices and no additions are proposed.
- **Access to other facilities** – The erf is located within walking distance of the Durbanville CBD.
- **Services** – No further civil service installation is required.
- **Streetscape** – The current dwelling building remains unchanged and the grain and current urban form of the areas and streetscape remains intact.

8. PRE-CONSULTATION MEETING

A pre-consultation meeting was held by means of an email, note email dated 11 March 2025 for your attention.

9. CONCLUSION

In view of the above motivation, the proposed rezoning, removal of restrictive title conditions and approval of landscape plan pertaining to erf 844, Durbanville, to allow the administrative offices, has been shown to be in line with recent trends in the area and in line with the City vision, and is thus regarded as desirable.

This application is thus submitted for your earliest processing and approval.



NEW HAVEN STREET

DRAWN GERHARD	DRAWING 1984-10
CHECKED H DE VILLIERS	A B