



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500160324

**Erf 545, 23 Central Drive, Camps Bay,
Bakoven**

Development Management

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**APPLICATION FOR SUBDIVISION,
REMOVAL/AMMENDMENT OF TITLE DEED
RESTRICTIVE CONDITIONS AND A DEPARTURE IN
TERMS OF THE MUNICIPAL PLANNING BUILDING BY-
LAW 2025.**

**THE ERF 545 No. 23 CENTRAL DRIVE
CAMPS BAY
Revision 1A (26/05/2026)**



**Submitted by:
VROOM & ASSOCIATES
SURVEY CONSULTANTS
SINCE 1982
CAPE TOWN SOUTH AFRICA**

Application Summary

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Application for subdivision, removal/amendment of restrictive Title Deed conditions and a height departure in terms of the Municipal Planning By-Law of 2025.

Erf 545, No. 23 Central Drive, Camps Bay Cape Town.

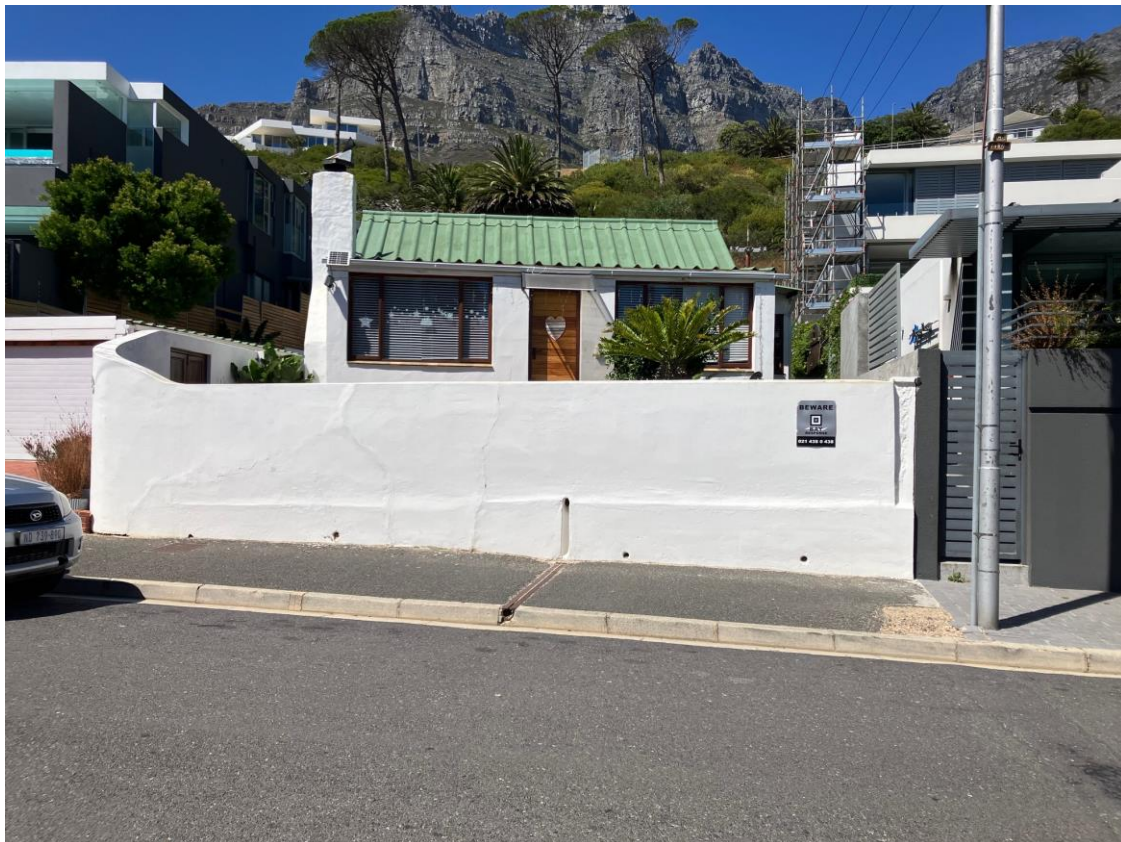
1. **Planning application and proposals;** To subdivide erf 545 Camps Bay into two portions under Section 42(d) of the MPBL's 2025. Portion.1 being approx. 273sqm. in extent, and the Remainder of Erf 545 Camps Bay being approx. 503sqm. in extent. To remove/amend restrictive title deed conditions under Section 42(g) and Section 42(j), and to apply for a permanent height departure under 42(b) of the MPBL's 2025.

2. **The Subject Property**

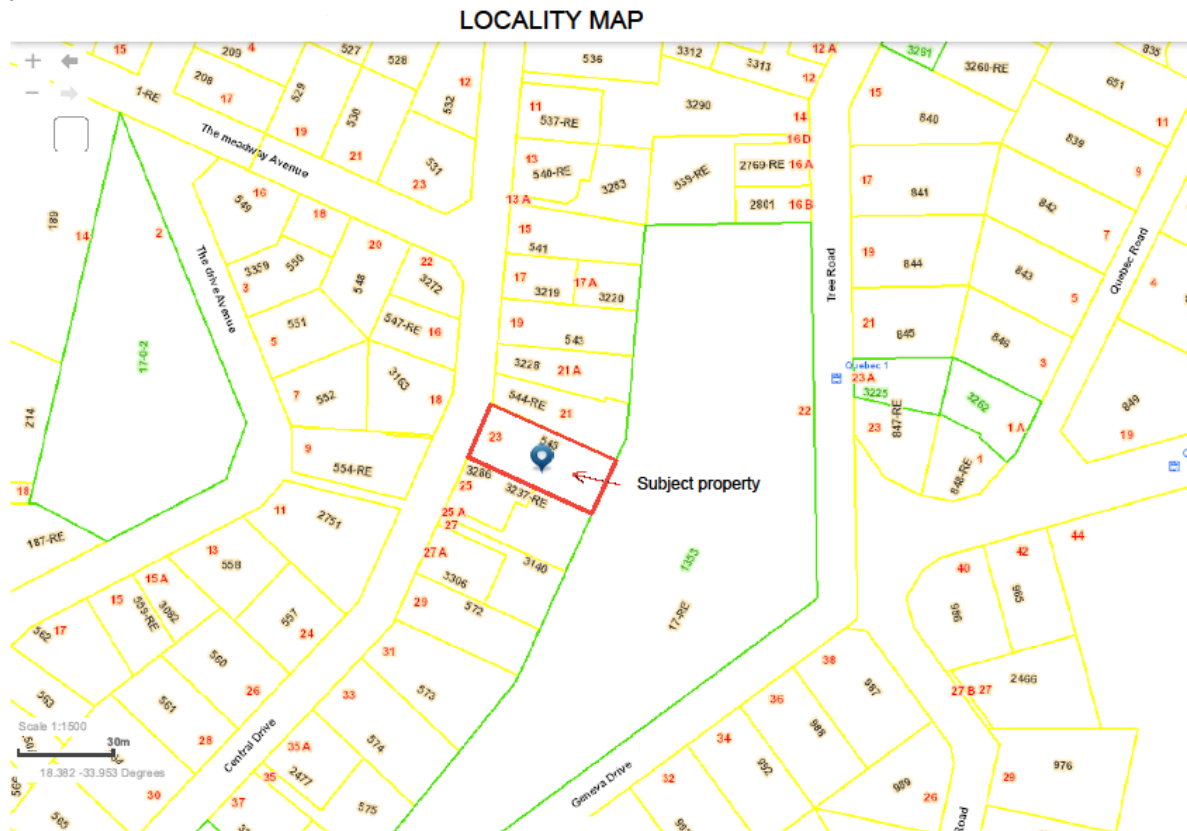
The property is located in the Brighton Estate Extension No.2 Township, Camps Bay allotment area. It is situated at No.23 Central Drive Camps Bay. The existing dwellings are to be demolished. A single dwelling to be constructed on each subdivided Portion as indicated on the site development plan. A previously approved demolition plan has expired.

An application in terms of similar application types was submitted in April 2024.

The previous application case ID No.1500141545 has been withdrawn, at the owner's request.



3. Locality map:





6. The removal/amendment of title deed conditions, title deed No.
 List of title deed conditions to be removed/amended in terms of section 18(3) of ordinance 33 of 1934 – see list of title deed conditions affected by this application.

Erf 545 Camps Bay - Title deed conditions to be amended:

5 I(d) page 6 of title deed

‘That no buildings or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 10 feet to the street line which forms a boundary of this erf.’

Amendment to read;

‘That no buildings or structure or any portion thereof, except boundary walls, fences and swimming pools, including swimming pool deck, shall be erected nearer than 10 feet to the street line which forms a boundary of this erf.’

The Site Development Plan indicates that a swimming pool will be erected within the 10 feet structure restriction. The swimming pool does comply with the City’s MPBL’s DMS rules.

Erf 545 Camps Bay - Title deed conditions to be removed:

5 I(c) page 6 of the title deed;

‘That not more than half the area of this erf be built upon’.

The removal of this condition is for the following reasons;

Portion 1 will have an actual built-upon area of 205sqm (75% of erf area). The allowable area is 137sqm (50% of 273sqm). The built upon area therefore exceeds the title deed area by 25% or 68sqm., thereby representing 75% built-upon.

The increase in built upon area will not affect the beneficiaries of this title deed condition. It can be proven, that most properties within this township of Camps Bay have exceeded this title deed built upon area. It is a condition that was never taken properly heed of.

Built-upon is an older development restriction which has been confused at times with the coverage requirement within the MPBL's DMS rules. There have been divergent interpretations of this restrictive condition and has been applied inconsistently. The City of Cape Town therefore published a memorandum in 2013 outlining their interpretation of this restrictive condition. This is an interpretation and has not been tested in a court of law. Nevertheless, it is applicable to this application.

5 II(e) page 6 of the title deed

'That this erf be not subdivided except with the consent in writing of the Administrator'.

This condition states that this erf may not be subdivided except with the consent in writing of the Administrator. In order for this application to be considered for subdivision, this title deed condition needs to be removed. The application submitted for the subdivision of erf 545 Camps Bay complies with the requirements of the MPBL's 2024. The benefit of a subdivision has already been granted to numerous properties in this area. This can be seen from the plan under paragraph 6 of this motivation. The proposed development is in keeping with the City's IDP (2022-2027) policy and Densification Policy (2012)

7. With respect to the removal of title deed conditions in terms of LUPA Section 39(5), the following should be noted;

Due regard to the respective rights of all those affected, and to the public interest:

The amendment or removal of the title deed restrictive conditions will not deprive any person of property as contemplated under section 25 of the Constitution. In terms of the general application of law the removal of the conditions will not deprive anybody of property.

Title deed condition 5I(c) should not be repeated in newly framed title deeds in Camps Bay. Many properties have exceeded the 50% built upon by adding paved areas, swimming pools and patios. The meaning of built upon has numerous technical interpretations, however the City has issued a memorandum as to their interpretation of the calculation thereof.

In this case, it has no affect on any of the beneficiaries of this condition.

Title deed condition 5I(d) states that no structure may be erected within 10 feet of the street boundary line. This should not affect other properties within the Township as many properties have built pools within this restriction. Some have had this restriction removed from their title deeds, other properties have built pools without removing the restrictive condition.

Title deed condition 5II(e), states that the erf may not be subdivided. The right to further subdivide has been granted to many erven in this area, and is an option that can be exercised by all property owners of this Township. This application is for the subdivision of the subject property into two portions.

Under Section 39(5) of LUPA the City must consider;

7(a) *The financial value;*

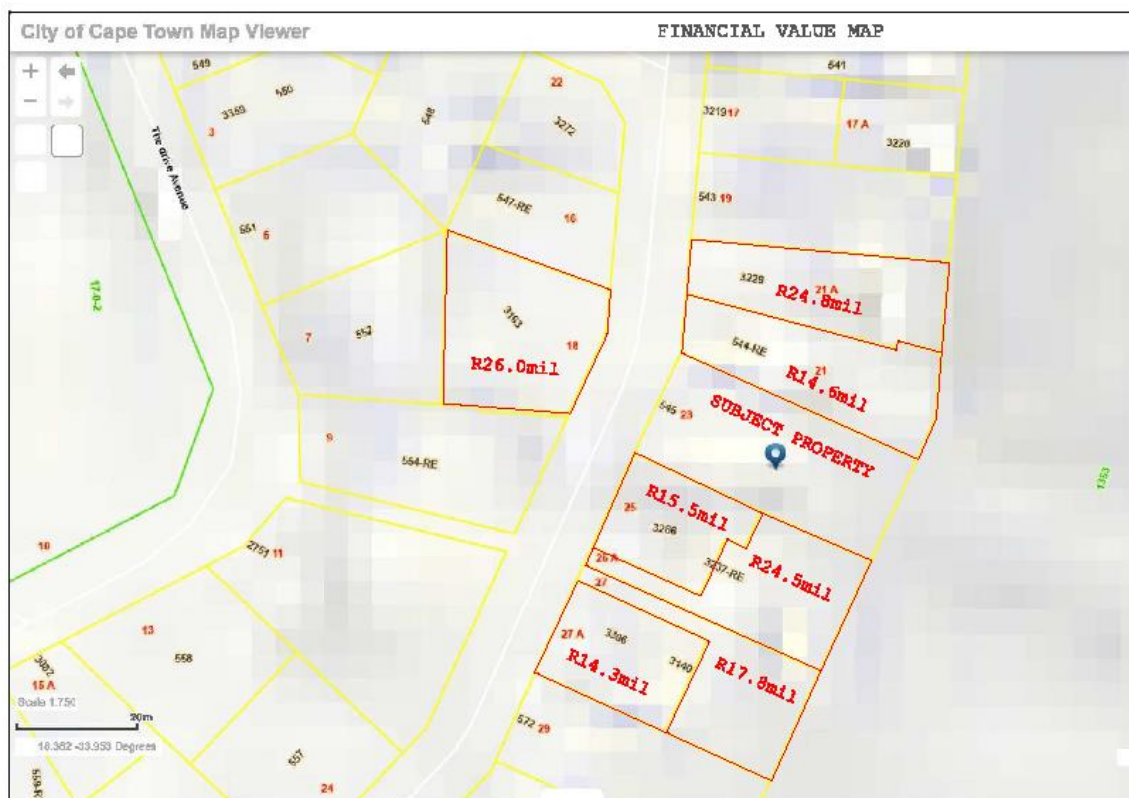
The amendment and removal of the title deed conditions as referred to under paragraph 6 of this motivation should have no or little impact on the financial value.

There should be no impairment of the market value of houses in this area by the subdivision of Erf 545 Camps Bay and the removal/amendment of title deed conditions.

The market value of the properties in this area have continually shown growth. The July 2023 Municipal valuations indicate how growth has increased the value of the properties in this area. This can be seen from the table below.

ERF NUMBER	VALUATION
3306	14.3mil
3140	17.8mil
3237	24.5mil
3163	26.0mil
3228	24.8mil
3286	15.5mil
Rem.544	14.6mil

See map below indicating recent house prices.



One can make a reasonable deduction that properties generally sell for approx. 30% more than the valuation. The Rem. Erf 544 sold recently for R19.95mil, approx. 34% more than the valuation.

It is therefore a clear indication that the market is not deterred by further subdivisions. Injecting further capital into this area lifts the value of the properties.

The amendment of the title deed street setback line to 1.0m in lieu of 10 feet, is only for the construction of swimming pool within the 10 feet corridor. The structures themselves comply with the City's DMS rules with regards to the street setback building line.

The removal of the condition that this erf may not be subdivided, does increase the value of the existing erf, in that it provides two development opportunities. This must be seen in the following context; When the Township was originally created in 1938, the demands of housing for Cape Town was different and Township Planning was created under discriminatory laws.

Title deed conditions were drafted that should no longer be applicable and should be removed. Many of the conditions were inserted by the Developer, in this case the City of Cape Town. Certain of these conditions have now been superseded by the implementation of the MPBL's.

The removal of the title deed condition restricting the built-upon to 50%, is an example of a condition that should be removed as most properties in Camps Bay do not adhere to this condition. A simple inspection via Google maps will show that most properties in Camps Bay do not comply with this condition.

There are many properties in Camps Bay that have exceeded the title deed 50% rule, without removing or amending the title deed condition. The definition of built-upon has been debated, and a view supported in many quarters is that if it covers the natural ground, be it paving, concrete driveway or a swimming pool, it should be seen as built-upon. However, a method of calculation has been established by the City of Cape Town, by a memorandum issued on the 13/02/2013.

7(b & c) *Personal benefits accrue to the holder of rights.*

The personal benefits accruing to the holder of the rights in the township by having the title deed conditions removed will not negatively impact on the broader holder of these rights. The character of Camps Bay has changed significantly over the past 40 years, and is developing into a new landscape that has benefited the owners financially, improved security, increased the economic opportunities and has seen an increase in community and social activities. This would have been difficult to achieve without relaxing certain title deed conditions.

It can be argued that the holder of the rights sees the conditions as a form of security that the township will maintain its old character and that further expansion and densification does not occur. This would be a problem as the needs of a rapidly growing City change, where opportunities must be created for all.

In the light of this comment the City's planning policies have changed and kept pace with the growing demand of a rapidly increasing population. The City now allows the construction of two and three dwellings on an erf, thereby giving people right to freehold title. The densification policies of the City cannot proceed without the unlocking of certain title deed conditions, in order to provide opportunities in our communities so that everybody can chose to live in an area of their choice.

The City's services infra structure needs to be used more economically in most formal townships as housing units per hectare are low. The re-distribution of land within all communities should be of a high priority, and this can only happen if certain restrictive title deed conditions and protective overlay plans dictating erf sizes are removed.

5(d & e) *The Social benefit;*

The social benefit of removing the title deed conditions will be better utilisation of land within an urban structure, better use of existing infrastructure and increased safety and security within the community. This will also allow more families to benefit from the amenities in Camps Bay thereby broadening social equality.

There are no clear social benefits by leaving restrictive title deed conditions thus preventing further development in this area. One cannot stand in the way of progress and the ever-changing landscape of the social environment. The cost of living is making it increasingly difficult to maintain properties and to maintain a lifestyle order that has long been superseded by new global developments and improvements to standards of housing and social needs. New generations that replace the old will have different life style requirements and the developing world has to follow the new trends and demands of a changing environment.

The removal/amendment of certain title deed conditions will be in alignment with the City's spatial development framework polices, such as the MSDF 2023. Further opportunities will be unlocked enabling additional families to own a property in a well- located area, close to schools, economic activities and recreational facilities. By enabling more families to live in this area, it uplifts the social benefits within the society, by broadening the cultural societies.

The unlocking of land in well established areas contributes to spatial sustainability and puts further urban sprawl on hold. The efficient use of land within existing services nodes, and enhancing the present visual residential landscape is in line with the principles of SPLUMA and LUPA. The removal/amendment of the title deed conditions will have a wider social impact and a positive influence on community integration.

8. Removal of restrictive title deed conditions - SPLUMA Section 47

Section 25 of the Constitution says, 'No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property'.

Does the removal of the restrictive conditions adhere to the principle of Section 25?

The removal of the title deed conditions as requested in this application will not deprive any person of property or property rights as contemplated in Section 25 of the Constitution. There is no forced removal of property placed on the beneficiaries of this Township and their rights to own property are still ensured.

In Summary:

The removal or amendment of title deed conditions, which affect all the erven in this Township, have already been approved for numerous erven. This application is not setting a precedent, but seeks to follow the same rights afforded to other erven within this Township. Previous subdivisions and removal of title deed conditions has not changed the right to property, but has allowed development to keep pace with the changing demands of expanding population needs to access housing.

For example, the neighbour, Erf 3286 Camps Bay has had these very same title deed restrictions removed. A copy of the title deed for Erf 3286 Camps Bay is attached.

The removal/amendment of these title deed conditions will not affect the health or wellbeing of the community, nor deprive any person of property as contemplated in Section 25 of the Constitution (The Bill of Rights). The proposed subdivision promotes justifiable economic and social development and is in line with the vision of densifying the inner City with reference to the City's densification policy 2012.

The City's vision is to expand the inner core of existing housing developments and to make use of existing service infra-structures to provide more housing opportunities. Most Townships within the City of Cape have low density counts, when comparing the number of dwelling units per hectare. The City aims to reach a target of 25 dwelling units per hectare, City PSDF (2009) policy.

Other options include expanding the urban edge and changing the geophysical landscape, which comes with further complications regarding costly bulk service infrastructure and destroying the natural environment.

The removal of these conditions will not adversely affect the rights, security and the environment of the community or an individual.

Further to the removal and amendment of the title deed conditions, the MBPL's 2025 DMS rules are still applicable to this development and offers protection.

9. Built Upon

Definition: "Built upon" is more of a general term referring to any land area that has been constructed upon, i.e., where the building or structures physically exist. This term is often used more informally or in reference to the proportion of land that has been physically altered by construction, including all hard surfaces such as buildings, paved areas, roads, and sometimes even driveways or patios. It's essentially the area that has been "built" or developed in some way.

The following built upon calculation is applicable to this application. The calculation of the built upon is a title deed condition 5(I)(c), see below extract below.

5. **SUBJECT FURTHER** to the following special conditions imposed in said Deed of Transfer No. 6108 dated 14th May, 1945 by the Administrator of the Cape Province at the time of approval of the Township of Brighton Estate Extension No.2:-

- "I. As being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance 33 of 1934:-
- (a) That this erf be used for residential purposes only.
 - (b) That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
 - (c) That not more than half the area of this erf be built on.
 - (d) That no buildings or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 10 feet to the street line which forms a boundary of this erf.

The built upon calculation to be done in accordance with the City of Cape Town's Memorandum dated 13/02/2013 issued by the Department of Planning & Building Development Management.

The proposed SDP built-upon has been calculated as follows;

1. Actual built upon Portion 1 will be 205sqm (75%). The allowable area is 137sqm (50% of 273sqm). The built upon area therefore exceeds the title deed area by 25%. A departure from the title deed built upon will be required.
2. Actual built upon Rem. Erf 545 Camps Bay will be 202sqm. The allowable area is 252sqm (50% of 503sqm), it therefore complies.

The following title deed condition 5 I(c) page 6, says, '*That not more than half the area of this erf be built upon*'. This application seeks to remove this condition.

10. Coverage

Definition: "Coverage" refers to the portion of the property that can be covered by the footprint of the building(s) on the site. It is usually expressed as a percentage of the total land area and represents the total area of the land that can be covered by the structures. This includes the actual building area, but may also consider other structures such as garages, carports, and sometimes balconies or other roofed areas.

Below is the DMS rules table regarding percentage of coverage based on erf area.

Table 1(a) Summary of land uses and development rules for Residential Zoning 1: Conventional Housing (R1)

LAND USES	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
						Street boundary	Common boundaries		
PRIMARY USES Dwelling house, private road, micro wind turbine, structure-mounted energy system and additional use rights ADDITIONAL USE RIGHTS Second dwelling; third dwelling; Home occupation or bed and breakfast establishment or home childcare, filming (items 21(b)(ii) and (vi) does not apply), affordable rental flat, supplementary dwelling unit, small-scale wind turbine (only for land unit areas of equal or greater than 650m ²), place of instruction (with not more than 34 children) CONSENT USES Utility services, place of	>2 000	N/a	1 500 m ²	N/a	10,0 m	6,0 m	6,0 m	N/a	Window and door placement, Garages, carports and outbuildings, Parking and access
	>1 000 up to 2 000	N/a	1 500 m ²	N/a	10,0 m	4,5 m	3,0 m		Additional use rights: home occupation, bed and breakfast establishment, second dwelling, third dwelling, supplementary dwelling unit, affordable rental flat, small-scale wind turbine, place of instruction and home childcare
	>650 up to 1 000	N/a	1 500 m ²	N/a	10,0 m	3,5 m	3,0 m		
	>350 up to 650	1,0	N/a	75%	9,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 1,5 m rest		

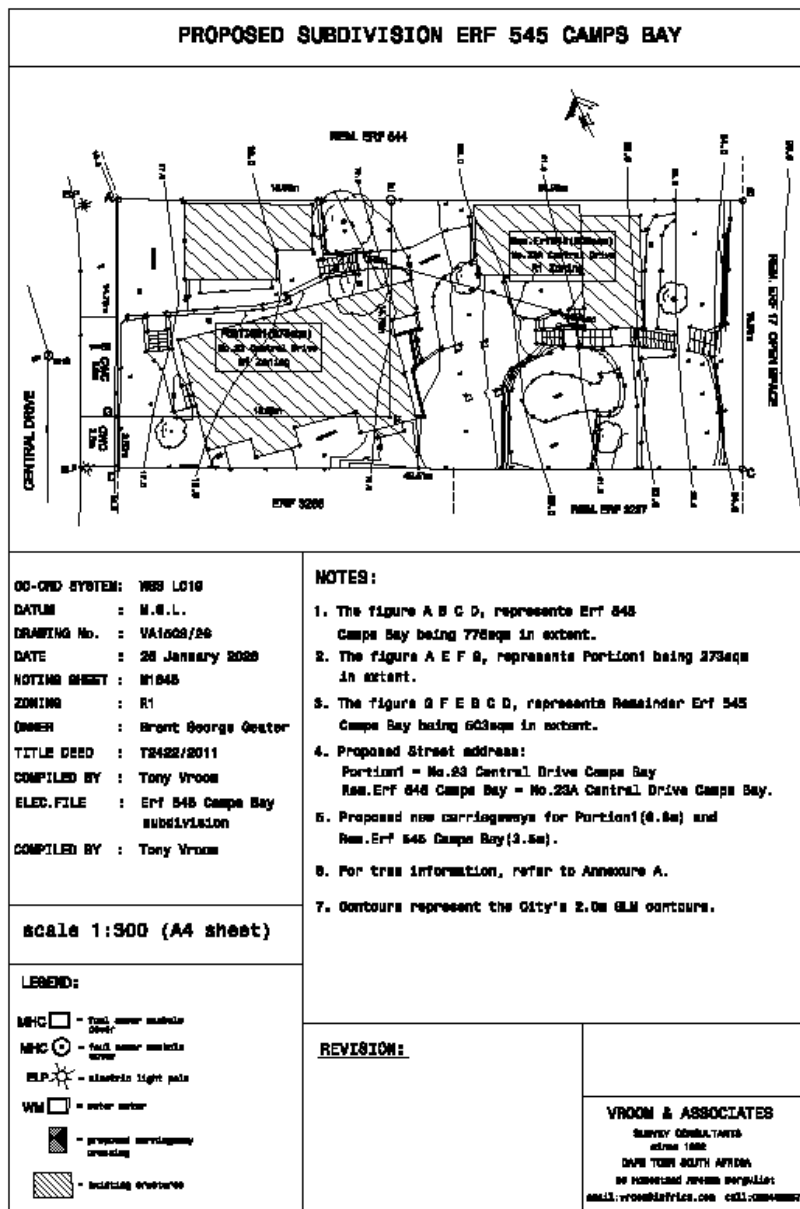
The proposed SDP coverage has been calculated as follows;

1. Actual coverage Portion 1 will be 184 sqm. The allowable area is 218sqm (80% of 273sqm), it therefore complies.
2. Actual coverage Rem. Erf 545 Camps Bay will be 199sqm. The allowable area is 377sqm (75% of 503sqm), it therefore complies.

A floor factor departure is required of 535sqm in lieu of 503sqm. In terms of the DMS rules for an erf area between 350 and 650sqm the floor factor is 1. The Remainder Erf 545 Camps Bay is 503sqm in extent. The Architect has listed this requirement on his plans.

11. The Proposed Subdivision:

- Erf 545 Camps Bay is situated in an area of Camps Bay that falls under the City's densification plan 2012.
- Higher densities should be treated in such a manner, that the existing fabric is not changed entirely, but is compatible and to the benefit of the community. Further, densification within this node will be of economic benefit to the City at large. Creating further densification in this area improves the use of the cities amenities and will encourage sustainable economic growth within existing economic hubs.
- The proposal is to subdivide Erf 545 Camps Bay into two portions, Portion.1 will represent approximately 273 sqm., the Remainder of Erf 545 Camps Bay will represent approx. 503 sqm. in extent.
- The subdivision as shown below, is in character with the area and adheres to the developing landscape.



12. The City's Municipal Spatial Development Framework 2023 (MSDF):

The following elements are in support of the strategic goals of the MSDF.

12.1 Land Use and Zoning:

- Erf 545 Camps Bay is zoned R1 and the following primary land uses are dwelling house, private road and additional use rights which include amongst others;
- Second and third dwelling, home occupation or bed and breakfast establishment or home child care. Various consent uses are also allowed,
- which include amongst others utility services, place of instruction, guest house and veterinary practice.
- The MPBL's DMS rules provide a summary of land uses and development rules for all listed zonings.

12.2 Growth Areas:

- The inner City and affiliated suburbs should be used for further densification where possible. This puts less strain on viable agricultural land and makes better economical use of existing infrastructure.
- Promote quality urban design and contextual fit.
- The owner's Architect has provided a design that fits appropriately into the surrounding environment and character of the area. The design not only fits contextually with the adopted neighbouring architectural landscape, but provides quality in design and layout.
- Promote appropriate land use intensity.
- By subdividing Erf 545 Camps Bay into 2 portions, will provide a further opportunity for development. This is one of the few options available to create further land distribution and is well within the City's vision of proposed dwellings per hectare into the future.

12.3 Infrastructure and Transport planning:

- The City's infrastructure that services Camps Bay is presently underutilised and can accommodate further development. This must be seen in context with the number of dwellings per hectare that have access to the existing services. When more properties make use of the existing services, more funds are made available for the City to maintain this service or to upgrade it. This is achieved by the City in the form of receiving more rates and taxes.
- The development charge levied on subdivisions is used for upgrading informal areas.
- The City of Cape Town consists of a number of suburbs, most which have their own unique character and visual impact. Camps Bay is unique in this respect, in that it is an economical driver in that it has a higher than normal demand for real estate and a successful tourism industry.
- The existing transport infrastructure servicing Camps Bay and surrounds consists of two components. The public road system is well serviced and can accommodate further development.
- A well-run public transport system services the perimeter of Camps Bay providing good access both from the City and the coastal route. This allows further economical development and job opportunities.

12.4 Housing and Social Development:

- This application does not work against the needs and interest of the community. The proposed plan is in character with the surrounding landscape and will provide additional housing in line with recent developments.
- This development will make use of the existing City's services and infrastructure and is situated close to a transport route. The development is within educational facilities and recreational opportunities.
- This application will follow a public participation process. In this process the abutting neighbours and residents at large will be asked to
-

- comment. This will ensure that the process has community participation and involvement.
- This development being in character with the neighbouring properties will not compromise the planning decision. The community will identify with it and the existing quality of life which will sustain it into the future.

12.5 Environmental Sustainability:

The following elements will be incorporated in this proposed development.

- Reduce the carbon footprint by using energy efficient systems and equipment. Make use of alternate transport systems such as public transport, bicycles or walking.
- Ensure that the home heating and cooling systems are well insulated.
- Conserve water by using water wise practices, garden with drought resistant plants and erect water collection containers.
- Protect the biodiversity by avoiding any activities that can harm the local flora and fauna.
- This development aligns itself with the existing environment and will be sustainable into the future. The development will address the needs of future generations without compromising sustainable objectives. The site development plan ensures an architectural framework providing living spaces into the future.
- The development is ethical in a sense that it adheres to the existing surrounding landscape. The development proposal is fair, transparent and accountable. There is a strong commitment to deliver a just and equitable opportunity within this node of Camps Bay, justified by its strong adherence to balance itself along the existing surrounding life style.
- In the long-term developments within the City have to work towards easing the burden of poverty. This development does not directly contribute towards this aim but indirectly will provide the City with additional income that could be allocated towards easing poverty within the City and its surrounds.
- This development will contribute towards improving the security of the area and thereby reduce crime. Initiatives like the Camps Bay City Improvement District will benefit from this development by increased support.

12.6 Public Participation:

- A process of public participation is ensured by the rules of the MPBL's.
- The City will serve notice to affected parties.
- The applicant must display a site notice.
- The site notice is visible to the general public and comments can be submitted to the City of Cape Town.
- In this manner the public can participate in the decision-making process.

13 The City's Densification Policy February 2012 – in tandem with the MPBL's 2024:

A city that is dense and compact will function efficiently, safely and be sustainable that can provide good public transport, services and public open spaces. The opposite is urban sprawl detrimental to our environment and agriculture.

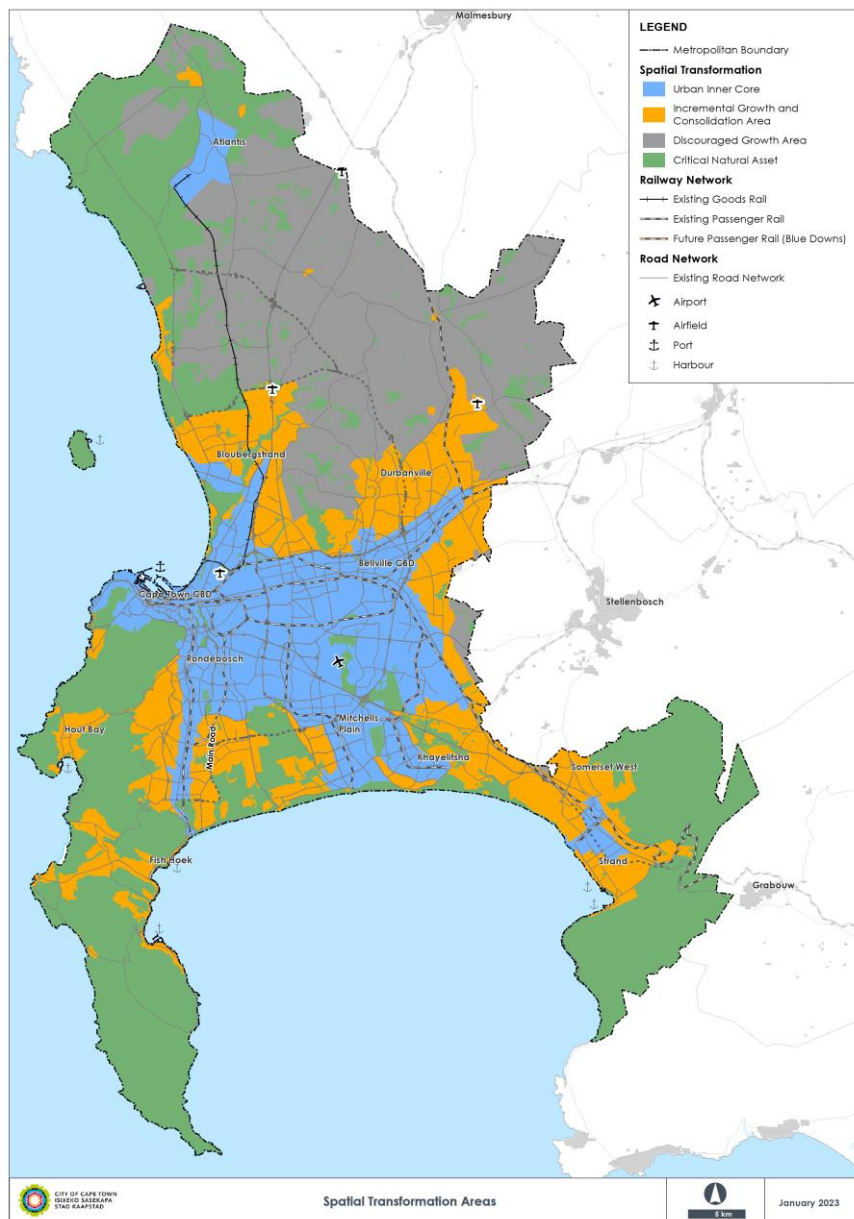
The densification policy recognises the need for appropriate densification across the City to promote longer-term sustainability of Cape Town's natural, urban and rural environments. The MSDP has to align itself with the City's Integrated Development Plan July 2022 – June 2027. The Densification Policy February 2012 should be supported for the following reasons:

- Densification reduces the consumption of valuable/non-renewable resources.
- Densification supports the development of a viable public transport system.
- Densification makes the City more equitable.
- Densification facilitates economic opportunities and supports service provision.
- Densification improves housing patterns and choice of house type.
- Densification contributes to urban place-making and improves safety.

The above reasons make this proposed development an ideal opportunity within this densification framework. Further support within the TOD (Transit Oriented Development framework March 2016) policy is that the proposed development lies directly next to a busy public transport route and amenities. Access to both formal and informal transport has been well established. TOD encourages further development to take place along existing established transport routes.

Densification, when carefully executed doesn't just accommodate growth, it creates value, unlocks hidden potential, and provides property opportunities. This proposed development has the ability to generate revenue streams, job opportunities and demonstrates why densification can be a smart alternative to provide a solution to the huge shortage of housing stock.

The City map below indicates the inner core areas (blue), to be used for further densification.



14. This subdivision is desirable for the following reasons;

- The nature of the subdivision allows for the development of new opportunities which will make use of the existing infrastructure such as services, transport and amenities.
- It is situated close to a business hub (The Promenade Victoria Road Camps Bay), and is within easy reach of the My City Bus service.
- The development opportunity is situated close to schools.
- The additional traffic will have little, if any effect, on the existing traffic load. Off road parking for vehicles complies with Section 137 of the DMS rules.

- The subdivision of erf 550 Camps Bay, will have no effect on the health and wellbeing of the existing surrounding community and should enhance the security of the area.
- This proposal, at a macro level, will contribute to addressing low densities in well located areas with good linkages to urban infrastructure and therefore contribute to viable development opportunities within the existing urban edge.
- Urban sprawl is addressed via this application, with more intensified and sustainable use of land infrastructure.
- There will be no further affect on the biophysical environment, as the proposed subdivision is in harmony with recent developments abutting this proposal. There are only 4 trees on the property, and these are indicated on the tree plan prepared by Enrich Garden Designs.
- The extent of the erven is in keeping with other subdivisions in this area. Namely, erven 3272, 3286, 3228, 3219 Camps Bay amongst others. The subdivision is not setting a precedent as there are numerous examples of previously approved subdivisions within The Brighton Estate Extension No.2.

15. Development Rules of the MPBL's 2015:

This development will fall into the framework of the development rules of MPBL's 2015 for Residential Zoning 1, Conventional Housing.

The following rules apply for an erf size between 350 and 650 sqm.; Floor factor = 1, Maximum floor space = N/a, Coverage = 75%, Maximum height above existing ground level = 9.0m, Building lines = 3.5 m street boundary and 0.0m (12.0m from street and 60%) and 1.5m rest to common boundaries.

The following rules apply for an erf size between 200 and 350 sqm.; Floor factor = 1, Maximum floor space = N/a, Coverage = 80%, Maximum height above existing ground level = 9.0, Building lines = 1.5 m street boundary and 0.0m common boundaries.

Copy of table below.

Table 1(a) Summary of land uses and development rules for Residential Zoning 1: Conventional Housing (R1)

LAND USES	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
						Street boundary	Common boundaries		
PRIMARY USES Dwelling house, private road, micro wind turbine, structure-mounted energy system and additional use rights	>2 000	N/a	1 500 m ²	N/a	10,0 m	6,0 m	6,0 m	N/a	Window and door placement, Garages, carports and outbuildings, Parking and access
ADDITIONAL USE RIGHTS Second dwelling third dwelling, Home occupation or bed and breakfast establishment or home childcare, filming (Items 21(b)(ii) and (ii) does not apply), affordable rental flat, supplementary dwelling unit, small-scale wind turbine (only for land unit areas of equal or greater than 650m ²), place of instruction (with not more than 34 children)	>1 000 up to 2 000	N/a	1 500 m ²	N/a	10,0 m	4,5 m	3,0 m		Additional use rights: home occupation, bed and breakfast establishment, second dwelling, third dwelling, supplementary dwelling unit, affordable rental flat, small-scale wind turbine, place of instruction and home childcare
	>650 up to 1 000	N/a	1 500 m ²	N/a	10,0 m	3,5 m	3,0 m		
	>350 up to 650	1,0	N/a	75%	9,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 1,5 m rest		
CONSISTENT USES Utility services, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house, electric vehicle charging station, small-scale animal care centre, day-care, boarding house, ground-mounted energy system, commune, clinic, small-scale wind turbine (only for land unit areas less than 650m ²), informal trading and veterinary practices	>200 up to 350	1,0	N/a	80%	9,0 m	1,5 m	0,0 m		
	≤200	1,0	N/a	80%	9,0 m	1,0 m	0,0 m		
		Refer to Item 22(a)	Refer to Item 22(b)	Refer to Item 22(h)	Refer to Item 22(c)	Refer to Item 22(e), 22(f), 22(g) & 22(h)(a)	Refer to Item 22(s), 22(t) & 22(u)(a)		

16. Site Development Plan (SDP):

The appointed Architects Otten & Partners, have provided a detailed and comprehensive site development plan that has been submitted with this application.

The plans reference to the proposed subdivision plan is as follows;

Property 1 is Portion 1.

Property 2 is the Rem. Erf 545 Camps Bay.

The SDP indicates the following clearly;

- New proposed CWC's.
- Site plans, including floor plans for basement, ground and first storeys.
- Erf information which includes built-upon, coverage and floor factor calculations.
- West, East, South and North elevations including the City's 2.0 GLM contours representing the egl. Including building height lines.
- Section A-A indicating floor levels and building height lines above the egl.
- The portions of the building on Property 2 (highlighted) that encroaches on the allowable height within the 3.0m building setback line. A departure has been applied for.
- Off street parking.

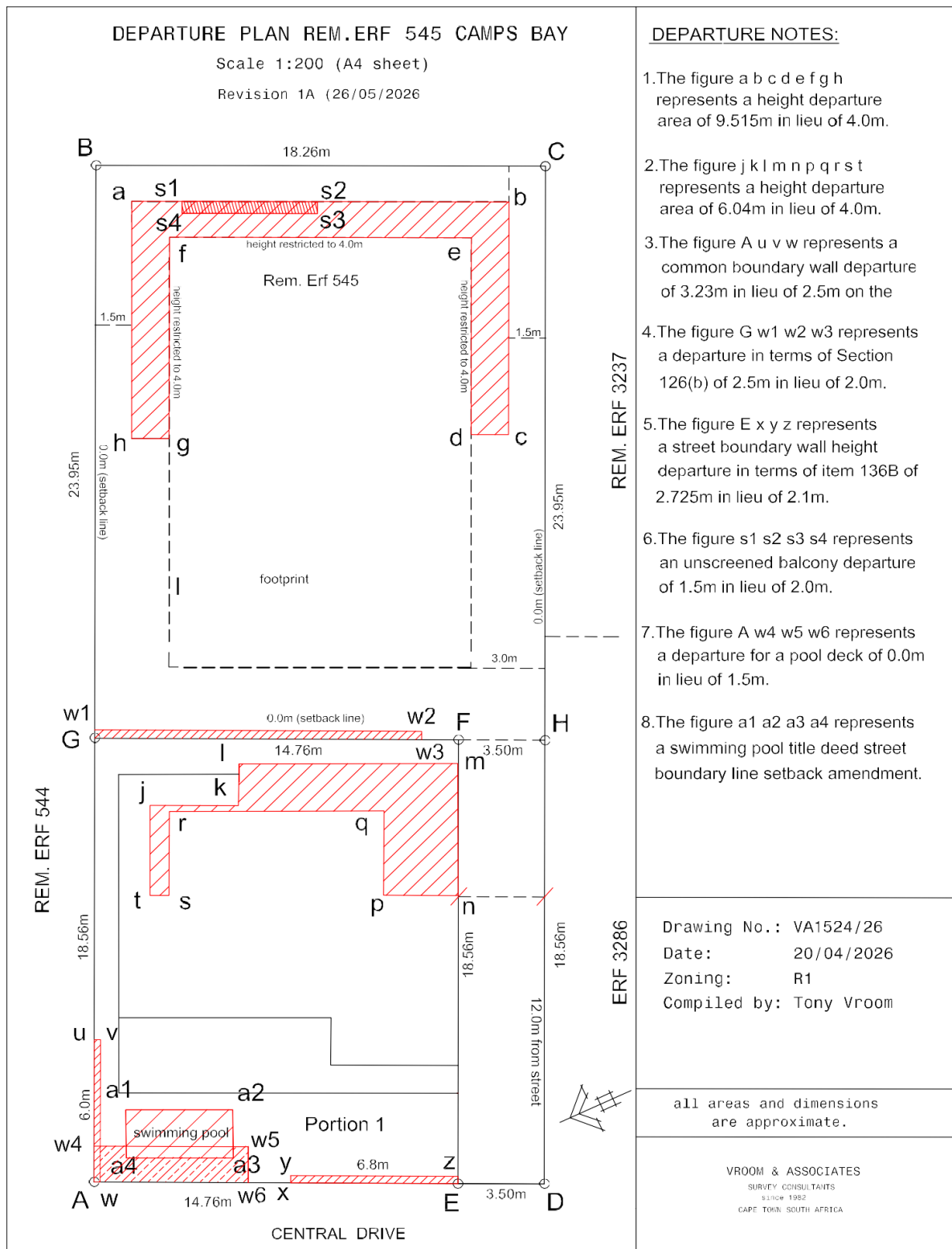
17. Departures:

Departures required Erf 545 Camps Bay:

With reference to the MPBL's 2024 DMS rules a height departure is required in terms of rule 22 (c) (ii). The footprint of the building lies well within the required calculated building setback lines. Section 22(c)(ii) of the DMS rules, says that where a building is permitted within this zoning beyond the first 12.0m along a common boundary measured perpendicular from the street boundary line, the height will be limited to 4.0m, measured from existing ground level to top of building.

With reference to the departure plan below (attached), the following departures are required;

- The figure a b c d e f g h represents a height departure of 9.515m in lieu of 4.0m.
- The figure j k l m n p q r s t represents a height departure of 6.04m in lieu of 4.0m.
- The figure A u v w represents a common boundary wall departure of 3.23m in lieu of 2.5m.
- The figure G w1 w2 w3 represents a departure in terms of Section 126(b) of 2.5m in lieu of 2.0m.
- The figure E x y z represents a street boundary wall height departure from item 136B of 2.725m in lieu of 2.1m.
- The figure s1 s2 s3 s4 represents an unscreened balcony departure of 1.5m in lieu of 2.0m.
- The figure A w4 w5 w6 represents a departure in terms of item 22(d) of 0.0m in lieu of 1.5m.
- A departure is required in terms of the floor factor of 535sqm in lieu of 503sqm.



The impact of this departure will have little or no effect on the abutting properties to the northern and southern boundary. The eastern boundary is zoned open space.

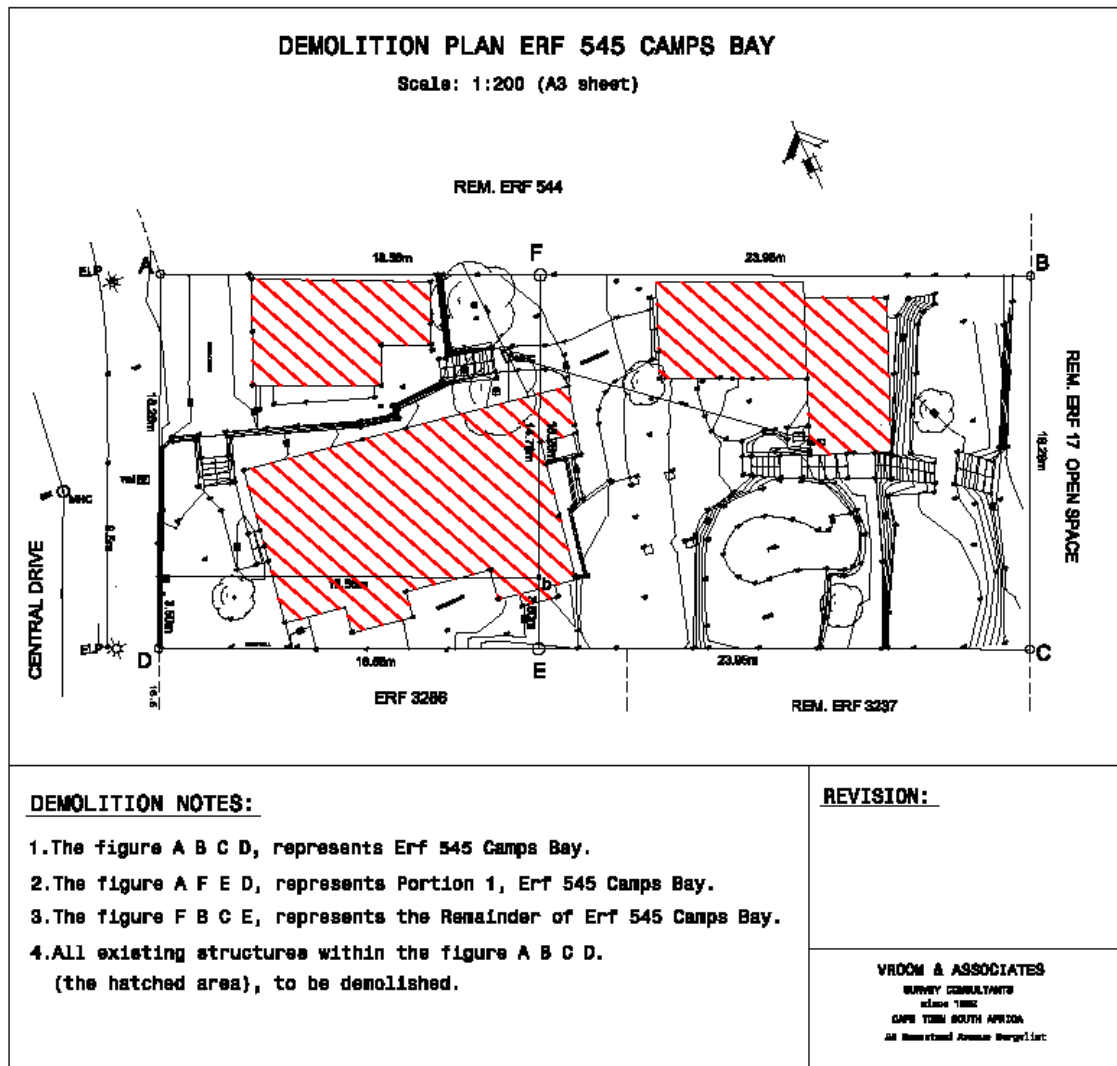
In further support to our statement, the image below clearly shows how the existing abutting properties rise well above the 4.0m height relative to the City's GLM 2.0m contours. It would be safe to say that they rise equally to 9.0m above egl. Although these existing buildings were approved under the previous rules of MPBL's 2015, it does clearly indicate that the environment will not change. It shows to be in harmony with what has already been built along the subject property's common boundary lines.

New shadows that will be cast by the proposed development will have little or no effect on the abutting properties. Property 1 will rise to approximately the same level as the existing building on Erf 3286 Camps Bay. The same will apply with property 2 and the existing building on the Rem. Erf 3237 Camps Bay.

The same will apply to the Rem. Erf 544 Camps Bay. The visual impact will not affect the abutting properties or the house on the opposite side of Central Drive.

These homes are all very similar in architecture. Similarly no one's existing view will be affected as there are no view lines crossing this property and the vacant land at the rear is public open space rising rapidly towards Geneva Drive





20. Heritage:

The structures on Erf 545 Camps Bay are more than 60 years old. Erf 545 Camps Bay does not fall within a heritage overlay plan. The structures have very little heritage value and architectural significance. In 2013 Heritage Western Cape issued a demolition permit which was issued for the total demolition of buildings. A copy of this permit is attached.

21. Engineering Services

Erf 545 Camps Bay requires separate new connections for foul sewer, fresh water and electricity to Portion 1 and the Rem. Erf 545 Camps Bay. The owner will accept the Development Charges levied by the City of Cape Town. The proposed development will comply with the City Engineers Department's requirements for all new connections in order to service the development.

22. Vegetation & Storm Water Drainage:

A tree and vegetation plan which was prepared by Enrich Garden Design Studio is attached to this application. There are four trees that have been noted, all except one, is alien in nature. One of the species is a cycad revolute and it is recommended that it be transplanted.

The additional stormwater runoff will be of a low volume and can easily be controlled. Water saving devices can easily be installed on the property to assist with excess storm water runoff.

23. Solid Waste:

Solid waste will be disposed of in the normal manner. Waste bin will be left in Central Drive on collection day. The increase in solid waste should have no effect on the present service capacity.

24. Access (ingress and egress) for the proposed subdivision:

Access to the Remainder of Erf 545 Camps Bay will be via a panhandle 3.5m wide. A new carriageway crossing will be required from Central Drive. Access to Portion 1 will be directly off Central Drive. A new carriage way crossing 6.8m in width will be required.

25. Traffic Impact:

The increased traffic impact on Central Drive, will add a low level of increased load bearing on the existing traffic in this area. The proposed development provides off street parking and complies with the City's minimum off-street parking regulation requirements.

26. Street numbers:

Propose street numbers are;

No.23 Central Drive for Portion 1.

No.23A Central Drive for the Rem. Erf 545 Camps Bay

27. Visual Impact:

With reference to whether this development will impact on the neighbours, the sketch below clearly indicates that it has no visual impact on the neighbours. Looking at the development, at the back of the subject property is a Public Open Space. A steep drop from Geneva Drive ensures that no views will be impaired on the existing homes in Geneva Drive.

The existing roof heights of the properties on the left and right of the subject properties, are at the same height above mean sea level as the proposed development. The roof heights are therefore the same.

The proposed development has for many years been impaired by the structures on the left and right of the subject property, and the proposed development is clearly an architectural fit into the existing environment.



28. Pre-consultation:

Due to the removal and amendment of title deed conditions a pre-consultation meeting has to take place in terms of Section 70 of the MPBL's 2024. This meeting has taken place with the allocated City Planner and the minutes of these discussions have been attached to this application.

29. In Summary:

- The proposed subdivision of erf 545 Camps Bay will not negatively impact on the existing rights, health and safety of surrounding properties.
- The proposal will have a low level of impact on the existing road and traffic network.
- The proposed subdivision is of an appropriate scale and building form that relates to the surrounding development pattern and land use character of the area.
- The proposed subdivision will improve the use of existing land and make further residential opportunities available leading to better spatial development.
- The proposed development is in keeping with recent similar developments.
- The proposed subdivision will have no financial implications or loss to any other party.
- The proposed development falls within the densification plan for the City.
- Urban sprawl is addressed via this application, with more intensified and sustainable use of land infrastructure.
- The removal of the title deed conditions will not affect the health or wellbeing of the community.

- The removal of the title deed conditions will not adversely affect the rights, security and the environment of the community or an individual.
- The removal of the title deed conditions will have no financial impact on the community.
- This proposal is compliant with the provisions of LUPA & SPLUMA.
- As per the application submitted and motivation provided, the proposal complies with the requirements of the Municipal Planning By-Law's 2024.

Contents of this application submitted under Section 42(b), 42(d), 42(g) & 42(j) of the MPBL's 2024:

- Signed LUMA application form
- Power of Attorney
- Motivation
- List of title deed conditions to be removed/amended
- Plan of subdivision
- Conveyancer's certificate
- Copy of the title deed
- Locality & zoning map
- Noting sheets & SG diagrams
- Contour plan
- Pre-consultation minutes
- Departure plan
- Copy of previous demolition permit
- Demolition plan
- SDP
- Tree report
- Zoning extract
- General Plans
- Bond holders consent letter

L.A.Vroom
(GTgES0638)

26/05/2026

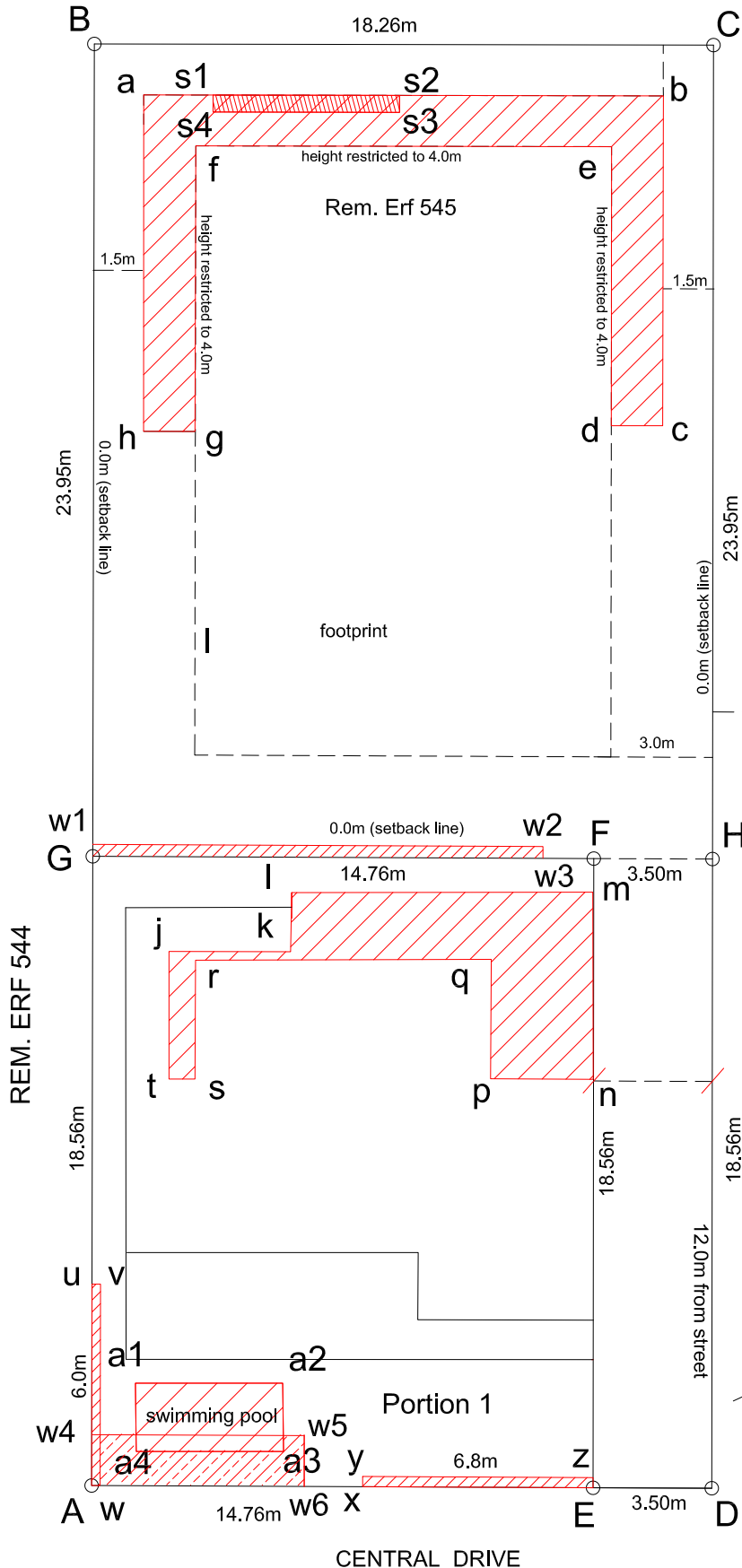
DEPARTURE PLAN REM.ERF 545 CAMPS BAY

Scale 1:200 (A4 sheet)

Revision 1A (26/05/2026)

DEPARTURE NOTES:

- 1.The figure a b c d e f g h represents a height departure area of 9.515m in lieu of 4.0m.
- 2.The figure j k l m n p q r s t represents a height departure area of 6.04m in lieu of 4.0m.
- 3.The figure A u v w represents a common boundary wall departure of 3.23m in lieu of 2.5m on the
- 4.The figure G w1 w2 w3 represents a departure in terms of Section 126(b) of 2.5m in lieu of 2.0m.
- 5.The figure E x y z represents a street boundary wall height departure in terms of item 136B of 2.725m in lieu of 2.1m.
- 6.The figure s1 s2 s3 s4 represents an unscreened balcony departure of 1.5m in lieu of 2.0m.
- 7.The figure A w4 w5 w6 represents a departure for a pool deck of 0.0m in lieu of 1.5m.
- 8.The figure a1 a2 a3 a4 represents a swimming pool title deed street boundary line setback amendment.



REM. ERF 3237

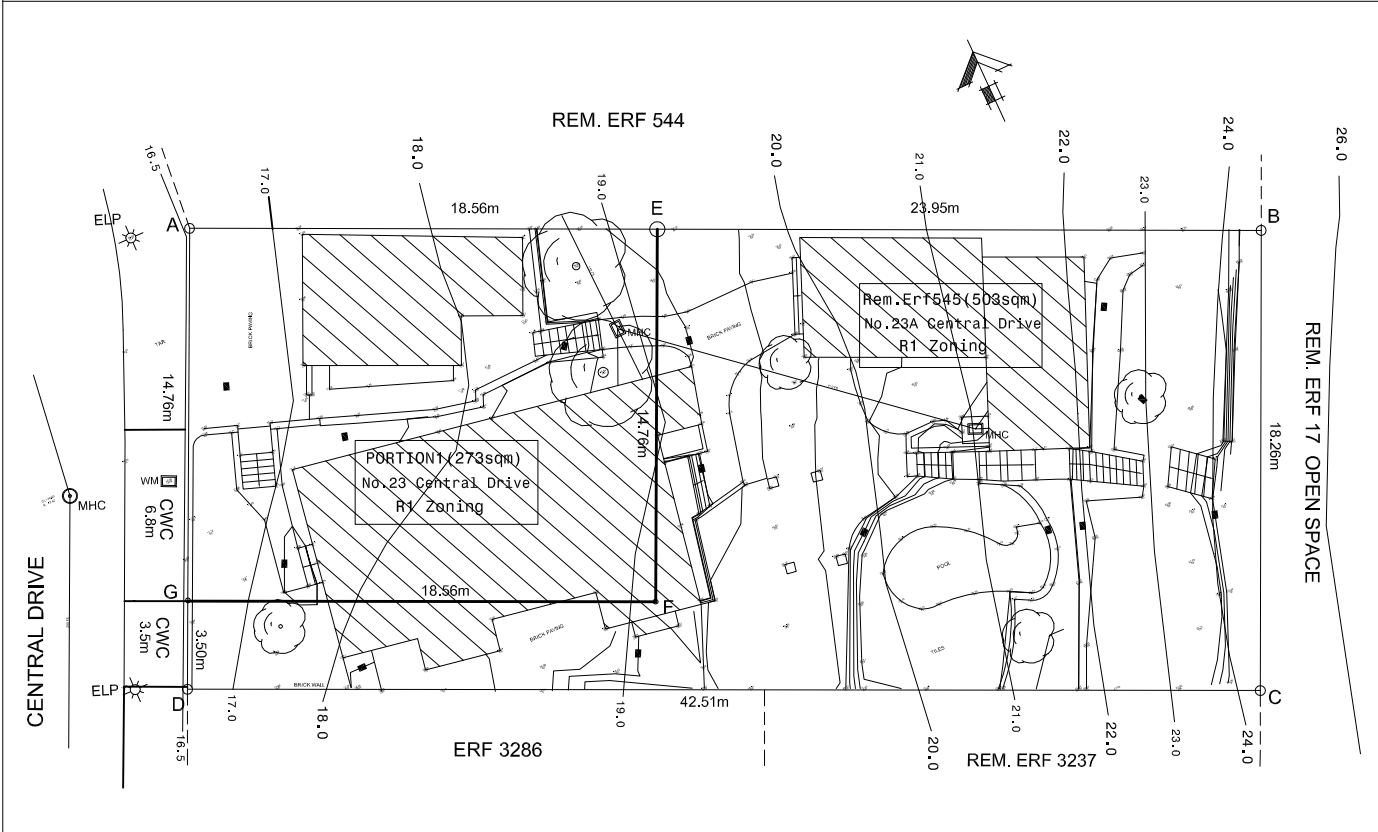
ERF 3286

Drawing No.: VA1524/26
Date: 20/04/2026
Zoning: R1
Compiled by: Tony Vroom

all areas and dimensions
are approximate.

VRROOM & ASSOCIATES
SURVEY CONSULTANTS
since 1982
CAPE TOWN SOUTH AFRICA
25 Homestead Avenue Bergvliet

PROPOSED SUBDIVISION ERF 545 CAMPS BAY



CO-ORD SYSTEM: WGS L019
DATUM : M.S.L.
DRAWING No. : VA1509/26
DATE : 26 January 2026
NOTING SHEET : M1645
ZONING : R1
OWNER : Brent George Geater
TITLE DEED : T2422/2011
COMPILED BY : Tony Vroom
ELEC.FILE : Erf 545 Camps Bay
subdivision

scale 1:300 (A4 sheet)

LEGEND:

MHC = foul sewer manhole

MHC - foul sewer manhole cover

MHC = foul sewer manhole cover

ELP = electric light pole

WM = water meter

 = proposed carriageway crossing

 = existing structures

NOTES:

1. The figure A B C D, represents Erf 545
Camps Bay being 776sqm in extent.
2. The figure A E F G, represents Portion1 being 273sqm
in extent.
3. The figure G F E B C D, represents Remainder Erf 545
Camps Bay being 503sqm in extent.
4. Proposed Street address:
Portion1 = No.23 Central Drive Camps Bay
Rem.Erf 545 Camps Bay = No.23A Central Drive Camps Bay.
5. Proposed new carriageways for Portion1(6.8m) and
Rem.Erf 545 Camps Bay(3.5m).
6. For tree information, refer to Annexure A.
7. Contours represent the City's 2.0m GLM contours.

REVISION:

VROOM & ASSOCIATES
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CAPE TOWN SOUTH AFRICA
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