



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

Case ID 1500162844

**Erf 12607, 35 Mackenzie Street,
Bellville South**

Development Management

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**APPLICATION IN TERMS OF SECTION 42(A) & 42(B) OF
THE MUNICIPAL PLANNING BY- LAW, 2015 FOR
REZONING AND DEPARTURES:**

ERF:12607 ,35 Mackenzie, Bellville South, Bellville

21 April 2026

CLIENT:

ALI MOOS PROPERTIES PROPRIETARY LIMITED

APPLICANT:



ARCHITECTURAL & DRAUGHTING SERVICES

1. BACKGROUND

Flats constitute a Primary Use Right within the General Residential 2 (GR2) zoning in terms of the Development Management Scheme (DMS) of the City of Cape Town. This application therefore seeks to rezone the subject property, Erf 12607, 35 Mackenzie, , Bellville , from Residential 1 (R1) to General Residential 2 (GR2) in order to permit a residential development comprising 8 dwelling units. The proposal represents a more efficient and optimal utilisation of well-located urban land while maintaining a form and scale that remains compatible with the surrounding residential character. The subject property is located within a Public Transport 1 (PT1) development focus area, which encourages increased residential densities and reduced reliance on private motor vehicles due to its accessibility to public transport routes and services. In this context, the proposed densification is considered appropriate and aligned with the intent of transit-oriented development principles. The reduced on-site parking provision is accordingly motivated by the site's PT1 designation, which supports lower parking ratios in well- located areas.

While the immediate surrounding area is predominantly zoned Residential 1 (R1), there is GB3 zoned property just opposite the property. The proposed GR2 zoning is considered a logical and appropriate transition that supports the City's objectives of promoting spatial transformation, integration, and sustainable urban development. The scale and design of the development have been carefully considered to ensure compatibility with the surrounding built environment and to minimise potential impacts on neighbouring properties. This application is submitted in terms of Section 42(a) and Section 42(b) of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), and is assessed in accordance with the applicable provisions of the Development Management Scheme (DMS).

Furthermore, the proposal is consistent with the principles of the Spatial Planning and Land Use Management Act (SPLUMA), which promotes spatial justice, sustainability, efficiency, and resilience. The development supports urban infill, optimises existing infrastructure, and contributes to the diversification of housing opportunities within an established urban area.

2. APPLICATIONS BEING APPLIED FOR

a) Section 42 (A) For Rezoning

- Application is made for the rezoning from Residential 1 (R1) to General Residential 2 (GR2) in order to permit the proposed 8 units flats on the subject property.

b) Section 42(B) For Permanent Departures

- **Building Line Departures**

- Northern boundary: **1.95 m in lieu of 4.5 m**
- Eastern boundary: **0m in lieu of 4.5 m**

- **On-site Parking Departure** :6 parking bays in lieu of 10 required bays
- **Departure of item 140(2a)**: To permit the second CWC
- **Departure of item 140(2a)**: To permit car to reverse across the side walk

3. LOCALITY

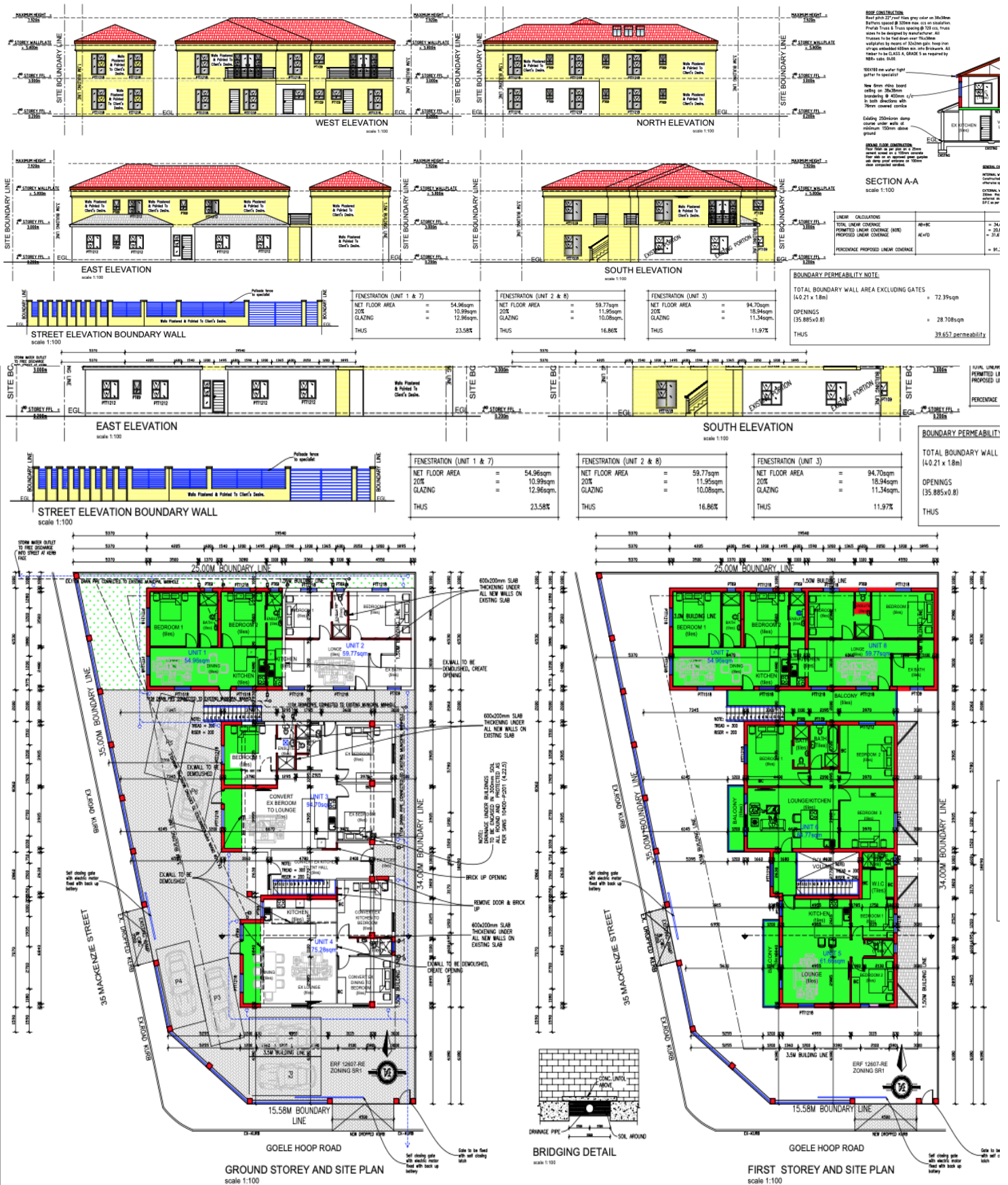
The subject property, is situated in Bellville South, within the Bellville area of the City of Cape Town Metropolitan Municipality. The site is located within an established residential neighbourhood characterised predominantly by Residential 1 (R1) zoning, with a mix of single dwelling houses and incremental densification in the form of second dwellings and GB3 properties occurring within the broader area. The property is well-positioned in relation to key transport routes and public amenities. Goele Hoop Road functions as a local access street, providing connectivity to higher-order roads within Bellville and the surrounding urban network. The site benefits from its location within a Public Transport 1 (PT1) area, indicating accessibility to public transport services, including minibus taxi and bus routes operating along nearby main roads.

The surrounding area is supported by a range of social and community facilities, including schools, places of worship, local shops, and recreational amenities, all within reasonable proximity to the site. Commercial and employment opportunities are accessible within the greater Parow area, as well as along established activity corridors. In terms of urban character, the immediate locality reflects a low- to medium-density residential environment. However, the area is experiencing gradual transformation, with increasing pressure for densification due to its strategic location, access to public transport, and proximity to economic opportunities. The subject property is therefore suitably located to accommodate a moderate increase in residential density in line with the City's spatial planning objectives.

4. PROPERTY SUMMARY

Property description	Erf:12607 Bellville
Property address	35 Mackenzie, Bellville South
Application components/ description	• Building Line Departures • On-site Parking Departure: • Departure of item 140(2a): • Departure of item 140(2a):
Site extent	683
Current Zoning	R1
Proposed zoning	GR2
Current Land Use	Dwelling House
Proposed use	Flats
SAHRA Heritage	n/a

5. DEVELOPMENT PLAN



6. THE PROPOSAL

6.1 Proposed Rezoning from SR1 to GR2

The application proposes the rezoning from Residential 1 (R1) to General Residential 2 (GR2) in order to permit a residential development comprising 8 dwelling units. The proposed GR2 zoning will allow for a more efficient utilisation of the subject property, which is currently underutilised in relation to its location within an established urban area and within a Public Transport 1 (PT1) development focus area.

I. Rezoning Motivation

The proposed rezoning is motivated by the need to support appropriate urban densification within well-located areas of the City. The subject property's location within a PT1 area makes it highly suitable for increased residential density, as such areas are intended to accommodate intensified land uses due to their accessibility to public transport and associated infrastructure. The proposal aligns with the principles of the Spatial Planning and Land Use Management Act (SPLUMA), particularly those of spatial efficiency, sustainability, and integration. The development contributes to the optimisation of existing bulk infrastructure and reduces urban sprawl.

Furthermore, the proposal responds to the growing demand for affordable and well-located rental accommodation within the Bellville South area. The development will provide smaller, more accessible housing opportunities, thereby contributing to housing diversity and inclusion. Although the surrounding area is predominantly zoned R1, the proposed GR2 zoning represents a logical progression in the densification of the area. The scale and intensity of the development have been carefully considered to ensure that it remains compatible with the surrounding built form and does not detract from the residential character of the neighbourhood.

II. Reasons Why the Proposed Rezoning is Desirable

The proposed rezoning is considered desirable for the following reasons:

- **Efficient Land Use:** The development promotes the optimal use of well-located land within the urban edge, reducing pressure for outward expansion.
- **Alignment with PT1 Policy:** The site's location within a PT1 area supports increased density and reduced parking requirements, making the proposal consistent with transit-oriented development principles.
- **Housing Need:** The development contributes to addressing the demand for affordable, medium-density housing in a well-established area.
- **Infrastructure Optimisation:** Existing municipal services and infrastructure can adequately accommodate the proposed development, thereby promoting cost-effective urban growth.

- **Compatibility with Surroundings:** Although the area is predominantly R1, the proposal maintains a residential use and introduces a moderate scale of densification that is in keeping with emerging trends in the area.
- **Support for Spatial Planning Policies:** The proposal aligns with municipal and national planning policies that promote densification, integration, and sustainable development.

6.2 Proposed Departures

The application includes the following permanent departures in terms of the Development Management Scheme:

a) Building Line Departures

- North boundary: **1 m in lieu of 4.5 m**
- Eastern boundary: **0m in lieu of 4.5 m**

Motivation:

The building line departures are necessitated by the constraints of the site and the need to achieve a functional and efficient residential layout without invading the privacy of the neighbours. The proposed relaxations will not negatively impact neighbouring properties in terms of privacy, overshadowing, or visual intrusion, as the design has been carefully considered to mitigate such impacts. The departures enable better utilisation of the site while maintaining acceptable urban design principles.

b) On-Site Parking Departure

- 6 parking bays in lieu of 10 required bays

The reduced parking provision is justified by the subject property's location within a Public Transport 1 (PT1) area, where reliance on private vehicles is reduced due to accessibility to public transport. The City's policies support lower parking ratios in such areas to encourage sustainable transport patterns. The proposal therefore aligns with transport and land use integration principles and will not result in significant parking spill over impacts.

c) Departure in terms of Item 140(2)(a): Second (CWC)

- To permit a second CWC on the property

The provision of a second carriageway crossing is required to ensure safe and efficient vehicular access to and from the site, particularly considering the site constraint. The additional access point will improve internal circulation and reduce congestion within the site by allowing better separation of ingress and egress movements. This contributes to enhanced traffic safety and functionality, both on-site and Road. Given the scale of the development and the need to accommodate multiple dwelling units, a single access point would be insufficient to effectively manage vehicular movement. The proposed second crossing is therefore considered reasonable and necessary.

Furthermore, the surrounding road network is of a local residential nature with relatively low traffic volumes, and the additional crossing is not expected to negatively impact traffic flow or pedestrian safety. Adequate visibility and design measures will be incorporated to ensure compliance with municipal standards.

d) Departure in terms of Item 140(2)(a): Vehicle Manoeuvring

- To permit vehicles to reverse across the sidewalk

Due to site constraints and the configuration of the development, vehicles will be required to reverse across the sidewalk. This condition is common in residential areas and is not expected to pose a significant safety concern given the low traffic volumes along Mackenzie Road. Adequate visibility and design measures will be implemented to ensure safe vehicular movement.

7. ASSESSMENT OF DESIRABILITY CRITERIA IN TERMS OF SECTION 99(1) OF THE MUNICIPAL PLANNING BYLAW, 2015.

The application complies with the minimum threshold requirements in Section 99(1), i.e.: (a) The proposed development is consistent with the municipal spatial development framework (MSDF), with a deviation from the MSDF not being required.

(b) The property is to be rezoned from R1 to GR2 There is no floor factor that could result in giving the parameters of the next subzone.

8. ASSESSMENT OF DESIRABILITY CRITERIA IN TERMS OF SECTION 99(2) OF THE MUNICIPAL PLANNING BY-LAW, 2015

I. Municipal Spatial Development Framework (MSDF)

The Municipal Spatial Development Framework (MSDF) of the City of Cape Town provides the overarching spatial vision aimed at promoting a more compact, integrated, and sustainable urban form. The MSDF supports the principles of densification, intensification, and transit-oriented development, particularly within well-located areas that have access to public transport and existing infrastructure. The subject property is located within a Public Transport 1 (PT1) area, which is identified as suitable for increased residential densities and reduced car dependency. In line with the MSDF, such areas are prioritised for urban infill and the accommodation of higher-density residential development to optimise land use and improve accessibility to opportunities.

The proposed rezoning from Residential 1 (R1) to General Residential 2 (GR2) is therefore consistent with the MSDF's objective of promoting a more efficient and compact city. The development contributes to:

- **Densification and Urban Restructuring:** The proposal introduces additional residential units within an already developed urban area, thereby supporting inward growth and reducing urban sprawl.
- **Transit-Oriented Development:** The site's location within a PT1 area justifies increased density and supports reduced parking provision, aligning with MSDF directives to encourage the use of public and non-motorised transport.
- **Optimisation of Existing Infrastructure:** The development makes use of existing municipal services and infrastructure, which is a key objective of the MSDF to ensure cost-effective and sustainable urban development.
- **Spatial Integration:** By providing additional housing opportunities within a well-located area, the proposal contributes to improving access to economic opportunities, social services, and public transport.

Although the immediate surrounding area is predominantly characterised by R1 zoning, the MSDF recognises the need for incremental and contextually appropriate densification within such areas. The proposed development represents a moderate increase in density that is responsive to its context and does not undermine the existing residential character. Furthermore, the proposal supports the MSDF's intent to diversify housing typologies and promote more inclusive residential environments. The development will provide smaller, more affordable housing options within an established neighbourhood, thereby contributing to spatial transformation objectives. In conclusion, the proposal is fully aligned with the vision, policies, and spatial principles of the MSDF and is therefore considered desirable from a spatial planning perspective.

I. Spatial Planning Land Use Management Act (SPLUMA) 2013 & Land Use Planning Act (LUPA) 2014

In terms of Sections 48(4) of the Cape Town Municipal Planning By-Law, the city must consider SPLUMA and LUPA principles when assessing rezoning and departure applications. These include efficiency in land use, sustainable urban development, integration of land uses, and promotion of public transport accessibility. The proposed GR2 development meets these principles by:

- Maximizing use of an underutilized site.
- Encouraging walkability and access to public transport along Goele Hoop and Mackenzie.
- Promoting diverse housing options for students and young professionals.

II. Social Development Strategy

The Social Development Strategy seeks to provide equitable access to housing, promote social integration, and address exclusion. The proposed development achieves these objectives by:

- Providing affordable rental accommodation for young professionals , couples and students.
- Supporting a mixed and inclusive community.

Facilitating local economic participation through employment in construction and property management.

IV. Spatial Justice

The proposed flats provide additional housing options within an established urban area, contributing to spatial justice by offering affordable rental opportunities in a well-located and serviced neighborhood.

V. Spatial Sustainability

The proposal supports urban sustainability by encouraging densification within the existing built-up area and minimizing urban sprawl. The conversion and extension of the existing dwelling ensures optimal use of the land while limiting impacts on open spaces.

VI. Spatial Efficiency

The development efficiently uses existing infrastructure, including roads, electricity, water, and sewer services. The proposal ensures minimal negative environmental and financial impact while increasing residential density.

VII. Spatial Resilience and Good Administration

The medium-density development creates additional income opportunities for the owner and enhances community resilience by providing well-located, affordable accommodation.

VIII. Spatial Quality

The building design prioritizes aesthetics, privacy, and functionality, enhancing the urban environment and complementing surrounding R1 properties.

IX. Economic Growth Strategy (EGS)

The development contributes to economic growth by:

- Creating construction and maintenance jobs.
- Increasing local population density, supporting nearby commercial activities.
- Paying development charges that contribute to municipal infrastructure.

9. URBAN DESIGN POLICY

The City of Cape Town's Urban Design Policy promotes the creation of well-functioning, safe, and contextually appropriate built environments that respond to their surroundings while supporting urban transformation and densification. The proposed development has been designed with due consideration to the surrounding residential context, which is predominantly characterised by Residential 1 (R1) properties. Although the proposal introduces increased density through the proposed General Residential 2 (GR2) zoning, the development maintains a residential scale and form that is sensitive to the existing neighbourhood character.

The proposal supports the key objectives of the Urban Design Policy in the following ways:

- **Contextual Responsiveness:** The development is compatible with the surrounding residential environment, maintaining appropriate scale, massing, and setbacks where feasible.
- **Efficient Use of Land:** The proposal promotes a more compact urban form through the intensification of a well-located property.
- **Activation and Functionality:** The site layout ensures functional access, circulation, and service provision, contributing to a safe and efficient living environment.
- **Quality Living Environment:** The design accommodates adequate light, ventilation, and private space for residents, thereby supporting liveability.

While certain departures are required, these are driven by site constraints and the need to achieve an efficient layout. Importantly, the departures do not compromise the overall urban design quality or negatively impact the surrounding area. The proposal is therefore considered to be consistent with the principles and objectives of the City's Urban Design Policy.

10. TYGERBERG DISTRICT PLAN

The subject property falls within the Tygerberg District Plan, which forms part of the City of Cape Town's spatial planning framework and provides more detailed guidance at a district level. The Tygerberg District Plan identifies the need for:

- Increased residential densities in well-located areas
- Improved integration of land use and transport
- More efficient use of existing infrastructure
- Diversification of housing opportunities

The subject property's location within a Public Transport 1 (PT1) area makes it suitable for moderate densification, as supported by the District Plan. The plan encourages intensification along transport routes and within accessible areas to promote a more sustainable and integrated urban form. The proposed rezoning to General Residential 2 (GR2) is aligned with these objectives, as it:

- **Supports Densification:** Introduces additional dwelling units within an established urban area.
- **Promotes Transit-Oriented Development:** Reinforces the use of public transport by increasing residential density in a PT1 area and justifying reduced parking provision.
- **Optimises Infrastructure:** Makes efficient use of existing municipal services without the need for significant upgrades.
- **Encourages Housing Diversity:** Provides smaller, more affordable housing options within a well-located neighbourhood.

Although the immediate area is predominantly zoned R1, the District Plan acknowledges the importance of incremental densification in such areas where appropriate. The proposed development represents a balanced approach that increases density while remaining compatible with the surrounding context. In conclusion, the proposal is consistent with the objectives and spatial vision of the Tygerberg District Plan and is therefore considered desirable.

11. RELEVANT CRITERIA CONTEMPLATED IN THE DMS

Aspect	Required in GR3 Zone	Proposed Development	Compliant
Coverage	60%	48.95%	Yes
Floor Factor	1.0	0.988	Yes
Street BL	4.5m	4.5m	Yes
Common B/L	4.5m	N, E	No (Departures applied)
Height	15m	14m	Yes

12. DENSIFICATION POLICY 2012

- Encourages higher density in accessible locations to diversify housing types and tenure options.
- Supports efficient use of land and public infrastructure.
- Promotes active streets through mixed-use and overlook.
- The proposed flats contribute positively to densification and urban safety, via street-facing balconies and permeable fencing, consistent with the Safer City Guidelines.

13. ASSESSMENT CRITERIA IN TERMS OF SECTION 99(3) OF THE MUNICIPAL PLANNING BY-LAW, 2015

Section 99 of the Municipal Planning By-Law outlines the criteria that must be considered when evaluating the desirability of a development proposal. The following assessment demonstrates that the proposed rezoning and departures for Erf 12607 are appropriate and will not result in unacceptable impacts.

a) Socio-Economic Impact

The proposed development will have a positive socio-economic impact by contributing to the supply of affordable and well-located rental accommodation within the Bellville South area. The provision of 8 dwelling units responds to the increasing demand for smaller, accessible housing options close to economic opportunities, public transport, and social amenities. The development promotes more inclusive urban growth by accommodating a broader range of income groups within an established neighbourhood. In addition, the proposal supports local economic activity during both the construction and occupation phases, thereby contributing positively to the local economy.

b) Impact on Surrounding Uses

The surrounding area is predominantly zoned Residential 1 (R1) and characterised by single-storey dwellings. However, the area is experiencing gradual densification, including second dwellings, boarding houses, and incremental intensification of residential properties. The proposed development remains residential in nature and therefore does not introduce a land use that is incompatible with the surrounding context. Although the density is increased through the proposed General Residential 2 (GR2) zoning, the scale of development being single storey ensures that the built form remains consistent with the prevailing character of the area.

The required departures, including building line relaxations, reduced parking provision, and access-related departures, are considered acceptable within this context for the following reasons:

- **Building Line Departures:** Similar relaxations are commonly observed within established residential areas, particularly where additions and outbuildings have been constructed over time. The proposed encroachments will not result in significant overlooking, overshadowing, or loss of privacy due to the single-storey nature of the development.
- **Parking Departure:** The reduced parking provision is justified by the property's location within a Public Transport 1 (PT1) area, where lower car ownership levels are typical. It is also noted that similar higher-density or shared housing typologies in the broader area often operate with reduced on-site parking without significant adverse impacts.
- **Second Carriageway Crossing & Vehicle Manoeuvring:** Access arrangements of this nature are not uncommon in residential areas and are necessary to accommodate increased density. These departures will not negatively affect the functioning or safety of the street.

Overall, the proposal represents a moderate and contextually appropriate form of densification that aligns with observed development trends in the area. The development will not detract from the character of the neighbourhood and is considered compatible with surrounding land uses.

c) Impact on External Engineering Services

The subject property is located within an established urban area that is already serviced by municipal infrastructure, including water, sewer, electricity, and stormwater systems. The proposed development will make use of existing services, and it is anticipated that the current infrastructure network has sufficient capacity to accommodate the additional demand associated with the development. Should any upgrades be required, these will be addressed in consultation with the relevant municipal departments. The proposal is therefore considered to have an acceptable impact on external engineering services.

d) Health, Safety and Well-Being of the Surrounding Community

The development has been designed to ensure a safe and healthy living environment for both residents and the surrounding community. Adequate consideration has been given to access, circulation, lighting, and waste management. The single-storey scale of the development minimises potential impacts such as overlooking and overshadowing, thereby maintaining the privacy and amenity of neighbouring properties.

Furthermore, the provision of formalised residential units contributes positively to neighbourhood stability and safety compared to informal or overcrowded living arrangements.

e) Traffic Impact, Parking, Access and Transport-Related Impacts

The proposed development is not expected to generate significant traffic volumes that would negatively impact the surrounding road network. Mackenzie functions as a local residential street with relatively low traffic volumes, and the additional trips generated by the development can be adequately accommodated. The reduced parking provision (6 bays in lieu of 10) is supported by the property's location within a Public Transport 1 (PT1) area, which promotes reduced reliance on private vehicles and encourages the use of public and non-motorised transport.

The provision of a second carriageway crossing will improve access and internal circulation, while the allowance for vehicles to reverse over the sidewalk is considered acceptable within a low-traffic residential context, provided that appropriate safety measures are implemented. Overall, the transport-related impacts are considered minimal and acceptable.

f) Impact on the Biophysical Environment

The subject property is located within a fully developed urban area and does not contain any known environmentally sensitive features, such as wetlands, protected vegetation, or biodiversity corridors. The proposed development will not result in significant environmental degradation and is considered to have a negligible impact on the biophysical environment.

g) Heritage Impact

There is no indication that the existing structure or the subject property holds formal heritage significance. The proposed development does not involve the demolition of a protected structure or any alteration that would negatively impact heritage resources. Should any heritage-related concerns arise, these will be addressed in accordance with the applicable heritage legislation and processes.

Conclusion

The proposed rezoning and associated departures are considered desirable in terms of Section 99 of the Municipal Planning By-Law, 2015. The development promotes efficient land use, supports appropriate densification within a Public Transport 1 (PT1) area, and aligns with relevant spatial planning policies. While the surrounding area is predominantly Residential 1 (R1), the proposal introduces a moderate and compatible form of densification that does not negatively impact the character or functioning of the neighbourhood.

The departures applied for are justified in terms of site constraints, urban design considerations, and policy support, and will not result in unacceptable impacts. It is therefore respectfully submitted that the application be approved.

Regards

Marshall Chotovhoro