



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500163500

**Erf 32495, 24 Gunners Circle,
Epping Industria 1**

Development Management

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**REMAINDER ERF 32495, No. 24 GUNNERS CIRCLE
EPPING INDUSTRY
CAPE TOWN
Revision 1A (20/07/2026)**



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

Application Summary

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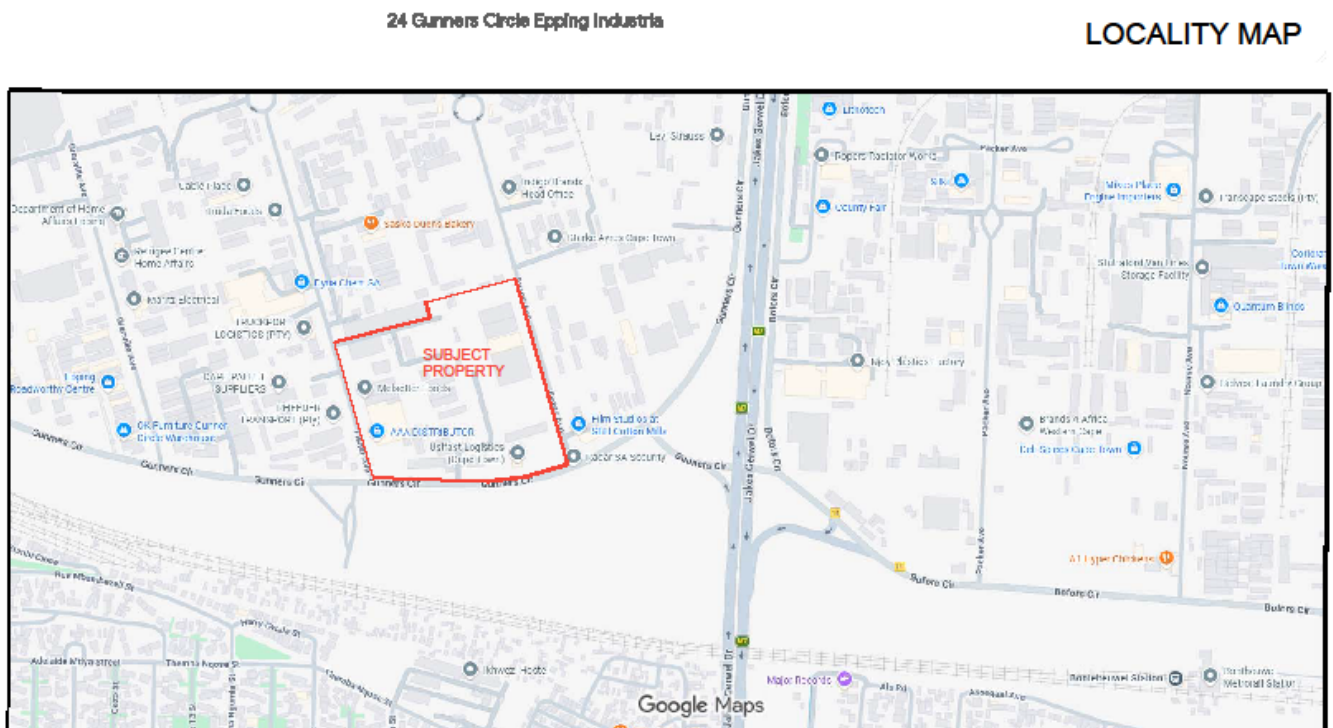
Application for the removal of a restrictive Title Deed conditions in terms of the Municipal Planning By-Law's of 2025.

Remainder Erf 32495, No.24 Gunners Circle Cape Town.

1. **Planning application and proposals;** To remove restrictive title deed conditions in terms of Section 42(g) of the MPBL's 2025.
2. **The Subject Property**

The subject property is located in the Epping Industry area at No.24 Gunners Circle. It is an industrial site that has been in existence since approximately 1956.

3. Locality map:



4. The Applicant

The deed of Transfer _____, Remainder erf 32495 Cape Town being 5,6164 Ha in extent, assigns ' _____ as the registered owner. The Directors of _____ has instructed Vroom & Associates Survey Consultants to submit the Land Use Management Application on their behalf.

5. Historical importance

This application is submitted on behalf of the existing owners of the property _____ in order to regularise building setback line encroachments. On carrying out a field survey it came to our attention that two buildings, one in _____

Gunners Circle and the other in Fisher Avenue encroached on the title deed building setback line of 6.1m, condition C4.

Approved building plans (attached) indicate that the buildings adhere to this requirement, however an as-built showed differently.

These buildings already existed in 1951, and the present owners purchased this property without being aware of this encroachment as the building plans showed adherence to this condition.

For this reason, it would be unreasonable to force an administrative penalty on the present owners, who were not made aware of these encroachments.

Below is an aerial image taken in 1953 showing that the affected buildings were already existing when Arderne Scott Prop where the owners of Erf 32495 Cape Town.



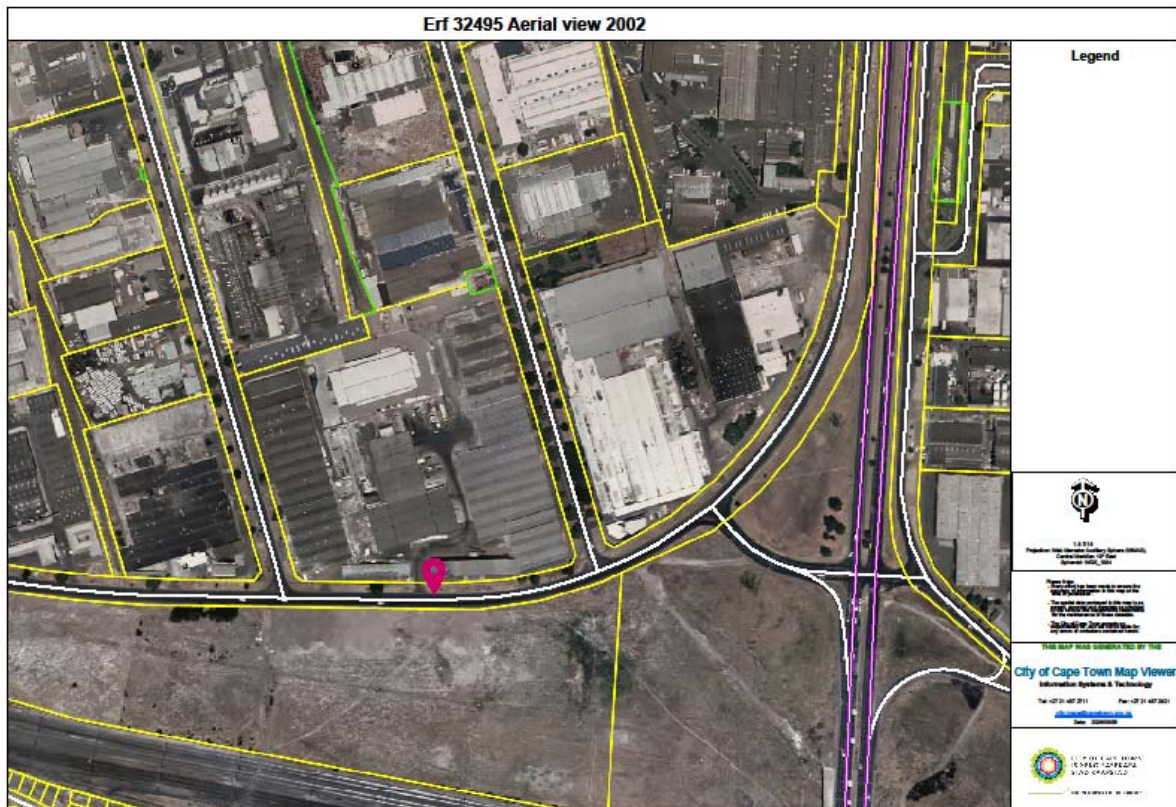
In 1986
until 1999. In 1999
existing owners.

sold the property to

who owned the property

purchased the property, who are still the

The aerial image below taken in 2002 shows that at the time the affected buildings were still existing.



This application therefore seeks to regularise this encroachment and adhere to the existing MPBL's Development rules for GI2 zoning.

6. Application in context:

Remainder erf 32495 Cape Town at Epping is currently held by
by Deed of Transfer No

The following title deed conditions have been identified as a problem;

Condition C 4 (i)(ii) - This condition was imposed in Deed of Transfer No.
by the City of Cape Town, for its benefit, when disposing of the
property to Arderne Scott Timbers Ltd.

This condition requires a street boundary building line setback of 6,10 metres and a common boundary setback line of 4,57metres. It has however been identified that there are encroachments of existing buildings into these title deed setback lines. These conditions should be removed.

The quickest way would have been to have these conditions removed by Notarial Deed entered into between the City of Cape Town and the existing owner of the property. On making enquiries to this respect with the City of Cape Town, we were told to make a formal application to remove this condition.

Condition C 5 - This condition was imposed in Deed of Transfer No.
by the City of Cape Town, for its benefit, when disposing of the property.

This condition provides that once the buildings on the property have been completed, that the use may only be that of timber merchandising and builder's requisites. This

condition may only be altered with the written permission of the Council, subject to the consent of the Administrator. Further, residential accommodation may only be provided for a caretaker or caretakers and their families. It is not clearly stated whether this condition applies to the successors in title of the first purchaser of the property from the Council. If the condition does not record clearly that it binds successors in title, then, unless the binding of successors in title was omitted in error, successors in title are **not** bound by the condition. If the condition does however apply to successors in title, then it is being contravened, given that a portion of Erf 32495 has already been disposed of and has a different industrial use. The quickest way would have been to have this condition removed by Notarial Deed entered into between the City of Cape Town and the existing owner of the property.

The other restrictive conditions contained in title deed _____ are;
C.6 and C.8 – These conditions were imposed in Deed of Transfer No. _____ by the City
of Cape Town for its benefit when disposing of the property.

The City of Cape Town has given consent for the cancellation of conditions C.6 and C.8 from title deed _____. A copy of this letter is attached below. When considering our enquiry to have conditions C.4, C.5, C.6 & C.8 removed by consent to cancel the conditions by Notarial Deed, only the latter two were provided with the necessary consent.

This would have been the quickest way of removing conditions C.4(i), (ii) & C.5 as well. We were told we had to remove these conditions by application.
The title deed restrictive conditions are outdated and inconsistent with current planning policy.



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

ECONOMIC GROWTH
MUNICIPAL PROPERTY

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**THE REGISTRAR OF DEEDS
CAPE TOWN**

CONSENT

I, the undersigned

TANIA LEWIS in my capacity as **MANAGER: PROPERTY ACQUISITIONS AND DISPOSALS** and duly authorised hereto by **THE CITY OF CAPE TOWN**

do hereby consent to the sale and transfer of the property described as:

REMAINDER ERF 32495 CAPE TOWN
IN CITY OF CAPE TOWN
DIVISION CAPE
PROVINCE OF WESTERN CAPE
IN EXTENT 5,6164 (FIVE COMMA SIX ONE SIX FOUR) HECTARE

HELD BY Deed of Transfer Number T103130/1999

From:

METBOARD PROPERTIES LIMITED
Registration Number 1908/005425/06

To:

LIGHT SENSE PROPRIETARY LIMITED
Registration Number 2002/009373/07

AND FURTHER CONSENT to the removal of Clauses C.6 and C.8 from the said Deed of Transfer Number T103130/1999 as it is no longer applicable.

Dated and Signed at CAPE TOWN
on 15 October 2025


TANIA LEWIS for and on behalf of the
CITY OF CAPE TOWN

We are therefore applying to the City of Cape Town to have title deed conditions C.4 and C.5 removed.

7. Historical subdivisions

Erf 32495 Cape Town was subdivided in 2000 into 2 portions, being portion 1 and the Remainder. Portion 1 has been registered as Erf 163492 Cape Town. Erf 163492 Cape Town was transferred in 2001, in spite of a title deed common boundary building setback line impairment from 4.57 to 0 and 4.57 to 1.0m. The title deed condition C.4(ii) requires a common building setback line of 4.57m. The City ignored this condition and proceeded to approve the subdivision of Erf 32495 Cape Town. As can be seen in the attached plan VA1521, the encroachments are clearly indicated. The figure g, h, j, k, C, B represents the common boundary title deed building setback line encroachment as referred to. The title deed for Erf 163492 Cape Town is attached, Title Deed (attached), still imposes the condition C.4(i) & (ii).

The title deed restrictions are outdated and inconsistent with current planning policy.

An aerial photograph taken in 1984 clearly indicates that the building on the subdivided Erf 163492 Cape Town was already in existence and the same for the buildings on Remainder Erf 32495 Cape Town.



8. In support of this application the following must be noted:

- The removal of the title deed conditions will align the property with the present MPBL's 2025 Development Management Scheme Rules.

- The removal of the title deed conditions will mean that the buildings will comply with the MPBL's 2025 building setback lines for GI2 zoning and enabling industrial flexibility.
- The removal of the title deed conditions will allow any industry permitted under current zoning to operate within the boundaries of the subject property.
- The title deed conditions to be removed are obsolete and serve no meaningful purpose.
- Similar, or same title deed conditions that effect the surrounding industrial properties have been ignored by the City of Cape Town.

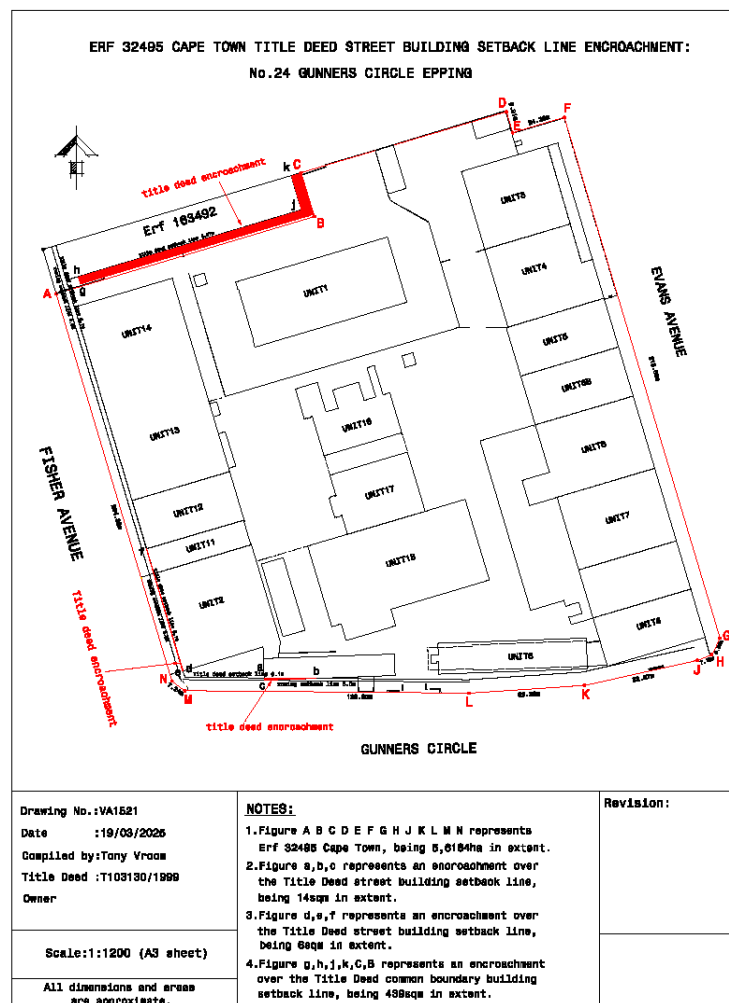
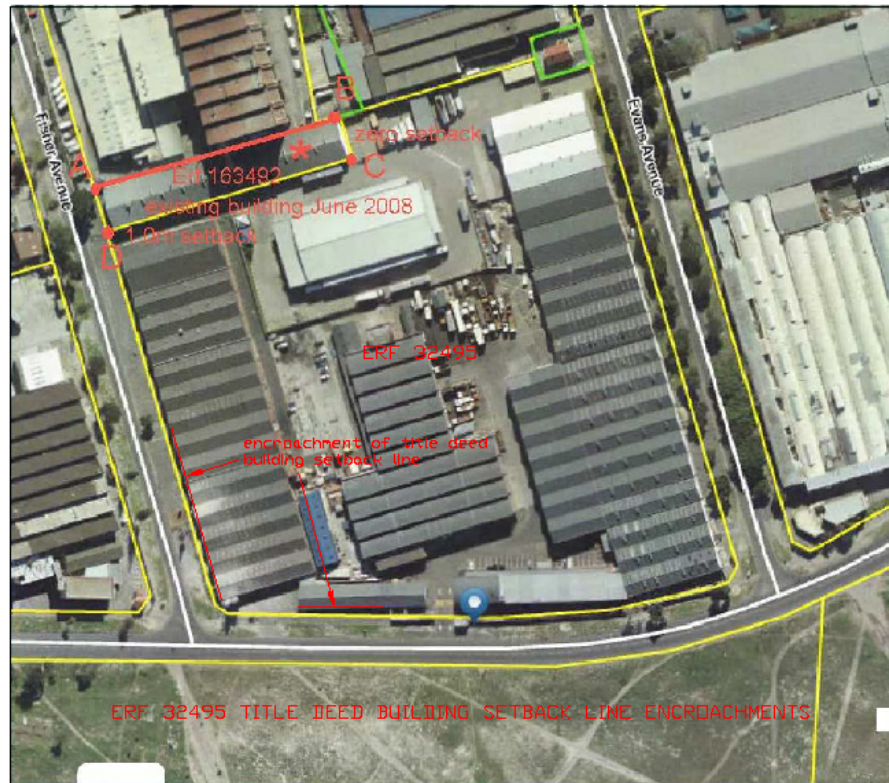
9. The removal of Title Deed condition C.4(i) & (ii), and C.5 (a) & (b). Title deed No.

C. Subject Further to the following conditions contained in the Deed of Transfer imposed by and for the benefit of the Council of the City of Cape Town when disposing of the said property:

4. No building or structure or portion thereof other than boundary walls and fences shall be erected nearer than:
 - (i) 6,10 metres to the boundary of the site forming the boundary of the street
 - (ii) 4.57 metres to any boundary common to an adjoining site.
5. The site shall be used for the carrying on of the industry of saw milling and joinery manufacturing and the merchandising of timber and builders requisites only, provided that with the written permission of the Council which shall be subject to the consent of the Administrator, this condition may be altered so as to specify some additional or other industry or industries. In no event shall any industry specified as aforesaid be carried on this land. That additional to the erection of any building or buildings as may be erected for the conduct of such industry as is permitted in terms of this paragraph, the transferee may:
 - (a) erect buildings to be used for office accommodation and for purposes incidental to the manufacture of production of goods by the transferee.
 - (b) erect the necessary residential quarters for the accommodation of a caretaker or caretakers and their families, but no other residential accommodation.

In this application the owner seeks to remove Title Deed condition C.4 (i) & (ii) and C.5 (a) & (b), both these conditions are outdated and inconsistent with current Planning Policy and the restriction is no longer practical. This condition was inserted purely for the benefit of the City of Cape Town.

From the aerial photograph and the encroachment plan as shown below, the two areas of encroachment on the Title Deed street and common boundary setback lines are indicated, being Erf 163492 and the Remainder Erf 32495 Cape Town.



With reference to the above plan, figure a, b, c encroaches onto the street building setback line, Gunners Circle. Figure d, e, f encroaches onto the street building setback line, Fisher Avenue.

The figure g, h, j, k, C, B represents the common boundary Title Deed building setback line encroachment between erven 163492 and the Remainder Erf 32495 Cape Town.

These encroachments are **title deed** infringements, but comply with the City of Cape Town's MPBL's 2025 Development Management Rules.

These title deed conditions are no longer practical and the removal of these conditions will have no affect on road widening, visibility and safety. These conditions are not in alignment with the City's MBPL's 2025.

The removal of the title deed conditions is justified, desirable and appropriate and no longer serve a meaningful planning purpose.

10. 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 removal of the title deed restrictive condition C.4(i) & (ii) and C.5 (a) & (b) 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 inhibit opportunity to further access to land for development.

This is supported by;

This is an existing situation which will not change and will not affect any City zoning policies. This application is to rectify an outdated Title Deed condition that is in contradiction of the City's MPBL's 2025. The situation will remain compatible with surrounding industrial properties and industries. The removal will allow industrial flexibility within the present MPBL's 2025 and its development scheme rules.

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

7(a) *The financial value;*

The removal of the title deed condition C.4(i) & (ii) should have no impact on the financial value.

There should be no impairment of the market value of industrial properties in this area by removing the title deed condition. This is clear in that nothing will change with respect to further benefits that could enhance the value of the property, as the situation remains as is.

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. These or similar title deed conditions have been ignored by the City of Cape Town in whose favour they rest. The removal is to re-align the development rules with the present MPBL's 2025.

This will then improve not only the owner of the Remainder of Erf 65 Cape Town but also the holders of these rights.

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

The social benefit of removing the title deed conditions will be better utilisation of land within the industrial zoning context. The subject property is zoned General Industry 2, to this extent the social benefits accrued will be more of work and employment opportunities for surrounding communities.

There are no clear social benefits by leaving old and outdated restrictive title deed conditions in title deeds. At the time of developing Epping into an industrial hub the City felt it necessary to insert these conditions. They are no longer applicable and the industrial environment has changed, new industries have come about where Epping would be the ideal area to manufacture these goods. The removal of title deed condition C.5 is to allow operational efficiency and industrial flexibility.

The removal of the title deed conditions will be in alignment with the City's MPBL's 2025.

11. 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. The removal of the title deed conditions is to re-align the subject property with the present MPBL's 2023. There will be no removal of property.

The following must be taken into account;

The public interest.

The public interest would be of a low level if any. The situation is remaining as is. The affected buildings have been there for at least 68 years, raising no public interest comments.

Facts leading to this application.

This application came about after a due diligence took place. A Land Surveyor was appointed to check for any town planning irregularities. From this survey it was established that **title deed** building line setback encroachments were evident. These encroachments did not affect the MPBL's 2025.

The respective rights.

The removal of the said title deed conditions will not affect the rights of any party. The City of Cape Town who is the holder of these rights, may decide whether to remove or retain them. There will be no financial burden on the City.

Impact on engineering services.

There will be no further requirements for engineering services. The situation is existing and no further development is being planned that requires engineering services. This application is only for the removal of title deed conditions.

In Summary:

- The removal of the title deed conditions, which similarly affect other erven in this Township, will benefit all the beneficiaries of these rights. By applying the present MPBL's 2025 Development Management Rules there will be better use of industrial land and flexibility of industrial uses.
- This application is not setting a precedent, but seeks to remove an outdated title deed condition, which has already been ignored.
- Title deed condition C.4 was ignored in a previous subdivision application on Erf 32495 Cape Town, and the removal of title deed condition has not changed the existing environment, but has allowed development to keep pace with the changing demands on industrial land.
- 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 removal of these conditions will not adversely affect the rights, security and the environment of the community or an individual.
- Further to the removal of the title deed conditions, the subject property will align itself with the present MBPL's 2025 DMS rules.

12. Zoning:

Remainder Erf 32495 Cape Town is zoned General Industry 2 (GI2). This zoning can be confirmed by the zoning extract shown below.



13. 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(k) Summary of land uses and development rules for General Industry Subzonings (GI1 & GI2)

LAND USES	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
PRIMARY USES industry, restaurant, shop, service station, motor repair garage, funeral parlour, scrap yard, authority use, utility service, crematorium, rooftop base telecommunication station, freestanding base telecommunication station, transport use, multiple parking garage, agricultural industry, private road, open space, additional use rights, veterinary practice, electric vehicle charging stations, micro wind turbine, structure-mounted energy system, ground-mounted energy system and filming ADDITIONAL USE RIGHTS Factory shop, small-scale windturbine and adult shop CONSENT USES Abattoir, place of worship, institution, clinic, place of assembly, adult entertainment business, adult services, aquaculture, informal trading, shop, office, sale of alcoholic beverages, place of entertainment, helicopter landing pad, wind turbine infrastructure, utility-scale energy structure, small-scale animal care centre, flats, recycling centre and container site	GI 1	1,5	75%	20,0 m	5,0 m	0 m	N/a	Boundary walls Parking and access Loading
	GI 2	4,0	75%	20,0 m, but no restriction in respect of manufacturing buildings	5,0 m	0 m		Screening Hazardous substances Service station and motor repair garage Factory shop Adult shop Informal trading
		Refer to item 68(a)	Refer to item 68(a)	Refer to item 68(b)	Refer to item 68(c)	Refer to item 68(d)		

The coverage for GI2 zoning may not exceed 75% of the erf area.

Coverage calculation;

Description	Area	Percentage	Coverage
Rem. Erf 32495	56,164sqm	75%	42,123sqm
Existing SDP	30,820sqm	55%	30,820sqm
Allowable Residual			11,303sqm

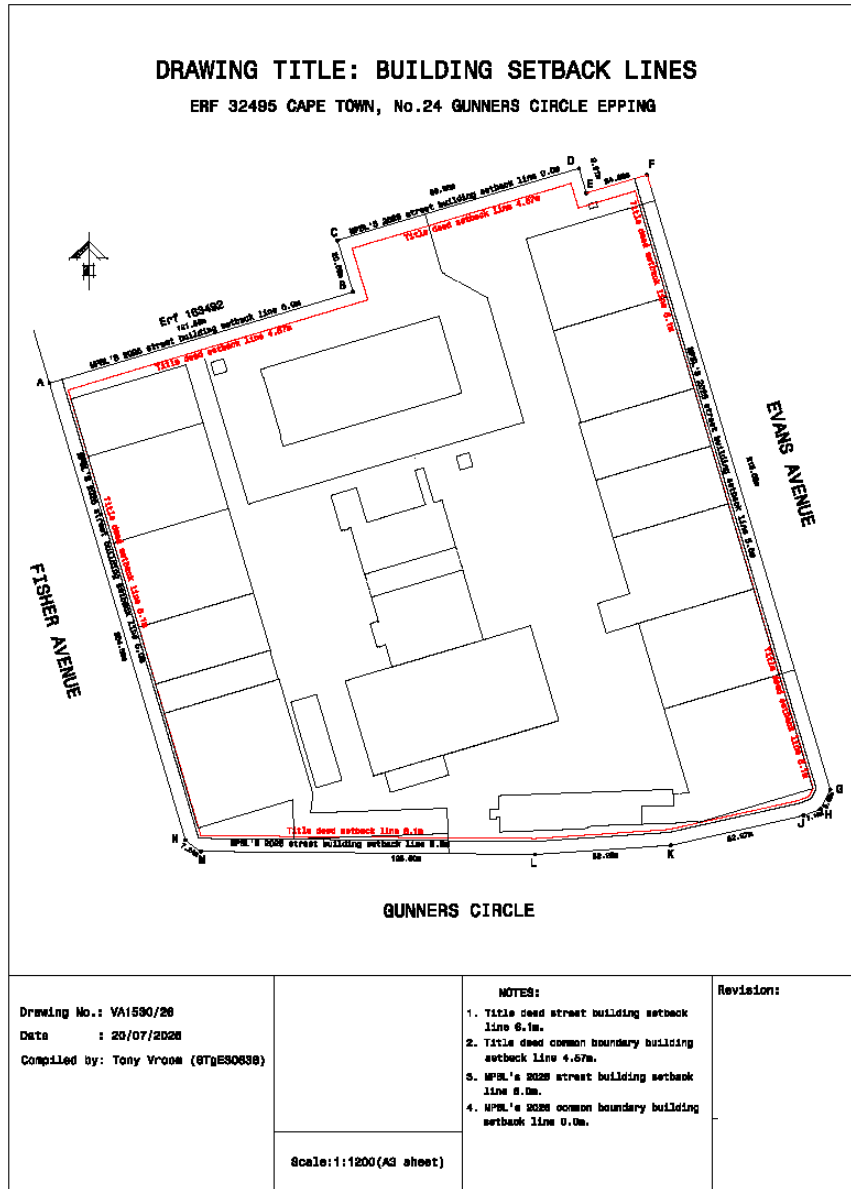
Below is a plan (of existing buildings) showing the title deed building setback lines and the MPBL's 2025 building setback lines for zoning GI2.

Title deed setback lines - Street building setback line is 6.1m

MPBL's 2025 setback lines – Street building setback line is 5.0m

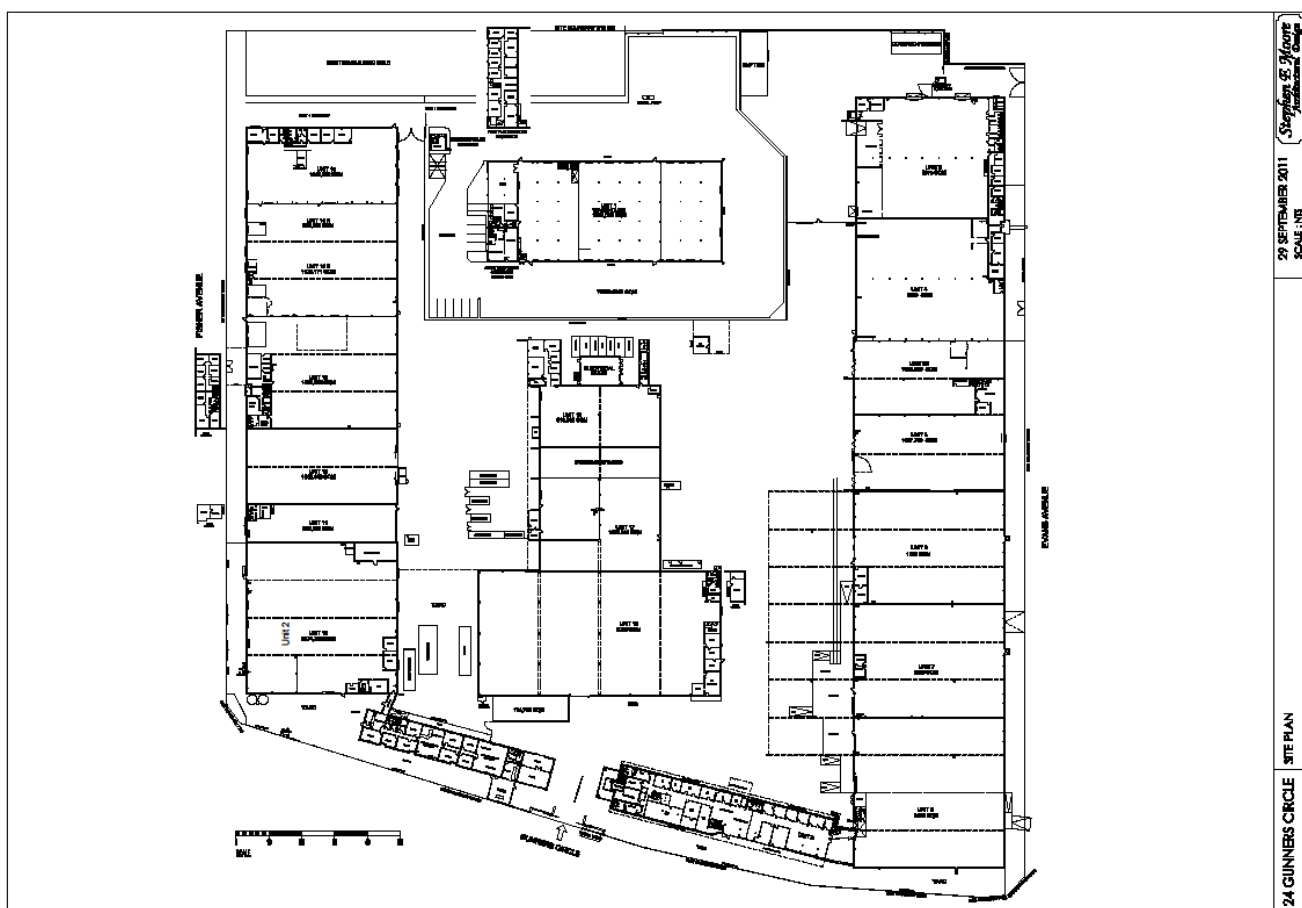
Title deed common boundary building setback line is 4.57m

MPBL's 2025 common boundary building setback line is 0.0m.



14. Site Development Plan (SDP):

This application will not require a site development plan as there will no development taking place. The original approved site development plan as shown below indicates all the existing buildings/structures on site presently.



The SDP does include the portion of land that has since been subdivided off. It is situated in the top left-hand corner.

15. Current use of the property:

The current use of the property is General Industry with the following list of industries;

1. Warehouse tenants;

- o Saw Milling
- o Wood affiliated products
- o Paper & packaging material
- o Logistic companies
- o Assortment of products storage
- o Pet product storage
- o General storage
- o Aircon specialists
- o Motor car parts

2. Office Block;

- o Security firm
- o Growth Point offices
- o Epping City Improvement District office

The general extent of the industries is approximately 90% allocated to general industries under warehousing and 10% under office buildings.

16. Compliance with the decision-making criteria as per Section 99 of the MPBL's 2025:

Section 99 of the MPBL's 2025:

- Given that the subject property is located within an existing industrial area and as motivated above, it is clear that the proposal complies with the provisions of the Cape Town Municipal Spatial Development Framework.
 - Applications are being submitted for rezoning or subdivision in terms of the MPBL's DMS rules.
 - The proposal is to remove restrictive title deed conditions imposed by the City of Cape Town that are outdated.
 - The proposal presented does not have any effect or change any of the existing situations presently on the property, or change the present zoning.
- Given the above, the application does not fail to comply with the minimum requirements as stated in Section 99 of the MPBL's and should therefore not be refused but supported by the decision-maker.

Section 99(3) of the MPBL's 2025:

Socio-economic impact

Given this report and its contents relating to policy compliance this proposal will not implicate any changes to the present socio-economic situation on the area. This application seeks to align the subject property with the existing MPBL's Development Management Scheme Rules. The proposed application is to not only to align the property with the existing MPBL's DMS rules, but to also regularise an existing building line encroachment.

Compatibility with surrounding uses

- The proposed application will in no manner alter the character of the area and surrounding uses, which are industrial in nature.
- As this report shows, the removal of the title deed restrictive conditions will align this property with the existing MPBL's 2025 DMS rules.
- The proposed application will have no impact on surrounding property owners in terms of the MPBL's 2025 DMS rules.
- In terms of the MPBL's 2025 DMS rules any future development on the property will be in alignment with the existing and new built forms of the area.
- There will be no impact on the character of the area as the situation will not be altered and will remain as it is presently being used, being General Industry.

Impact on external engineering services

- The proposal will not impact on any engineering services, as this application does not seek to further develop the property.
- This application does not carry development charges, as there will no change to the existing services infrastructure.

Impact on the safety, health and wellbeing of the surrounding community

- The safety, health and well-being of the surrounding community is not impacted on as a result of this application. The situation remains as is.

Impact on heritage

- The property is zoned General Industry and does not have a heritage overlay plan. Although some industrial warehouses on site could be older than 60 years, they have no heritage value.

Impact on the biophysical environment

- The property is zoned General Industry, and the present situation will not change in any manner, thereby there will be change to the biophysical environment as is presently being used.

Impact on traffic and parking

- The application does not seek to change any existing traffic flow or parking configuration. This is because the situation will remain as is, thereby adding no additional traffic load or placing further demand on parking requirements.

17. Character of the area:

In terms of the possible impact of removing the title deed conditions on the character of the area, the following should be noted:

- The situation is existing. The removal of the title deed conditions is to regularise the existing encroachment that has been there for over 68 years.
- Given the existing situation, it is clear that the removal of the title deed conditions will not have a negative impact on the streetscape or character of the area.

18. Engineering Services

There will no requirement for any additional engineering services.

19. Vegetation & Storm Water Drainage:

There will no further impact on vegetation and storm water drainage.

20. Solid Waste:

There will be no further load on solid waste collection.

21. Traffic Impact:

The removal of the title deed conditions will have no impact on the existing traffic in this area.

22. Visual Impact:

With reference to whether the removal of the title deed conditions will impact on any visual encumbrance, it is clear from the existing situation that it will not be a land use consideration.

23. Pre-consultation:

Due to the removal of the 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.

24. In Summary:

- The removal of the title deed conditions will not negatively impact on the existing rights, health and safety of surrounding properties.
- The proposal will have no further impact on the existing road and traffic network.
- The proposal will regularise an existing title deed street and common boundary line encroachment, presently being ignored.
- The title deed conditions to be removed are obsolete and serve no meaningful purpose.
- The proposal will have no financial implications or loss to any other party.
- The proposal falls within the City's MPBL's 2025 development scheme management rules.
- 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.
- 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 2025.

25. Attachment to this application:

- o Signed LUMA application form
- o Power of Attorney
- o Company resolution
- o Motivation
- o List of title deed conditions to be removed
- o Conveyancer's certificate
- o Copy of the title deed
- o Locality & zoning map
- o Noting sheets & SG diagrams
- o Pre-consultation minutes
- o SDP
- o Aerial images
- o City consent letter
- o Street setback encroachment plan
- o Approved building plans
- o Plan showing existing structures and building setback lines

L.A.Vroom
(GTgES0638)

06/05/2026

Revision 1A (20/07/2026)

26. Photographs of subject property:

Entrance to 24 Gunners Circle



Inside the industrial space



Building on Erf 163492 Cape Town situated at a 0.0m and 1.0m building setback line, contravening the title deed common building setback line of 4.57m



DRAWING TITLE: BUILDING SETBACK LINES

ERF 32495 CAPE TOWN, No.24 GUNNERS CIRCLE EPPING



The only buildings that do not comply with the title deed building setback lines are indicated above, one at 5.10m and the other at 5.82m. All buildings comply with the building setback lines in terms of the MPBL's 2025.

GUNNERS CIRCLE

Drawing No.: VA1530/26
Date : 20/07/2026
Compiled by: Tony Vroom (GTgES0638)

Scale:1:1200(A3 sheet)

NOTES:

1. Title deed street building setback line 6.1m.
2. Title deed common boundary building setback line 4.57m.
3. MPBL's 2025 street building setback line 5.0m.
4. MPBL's 2025 common boundary building setback line 0.0m.

Revision: