



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500164439

**Erf 7312 and 7313,
24 and 26 De Villiers Avenue,
Kempenville**

Development Management

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**APPLICATION FOR CONSOLIDATION, REZONING,
REMOVAL OF RESTRICTIVE CONDITIONS AND
DEPARTURES IN TERMS OF THE MUNICIPAL
PLANNING AMENDMENT BY-LAW, 2025.**

ERF 7312 & 7313, 24 DE VILLIER AVENUE, KEMPENVILLE, BELLVILLE

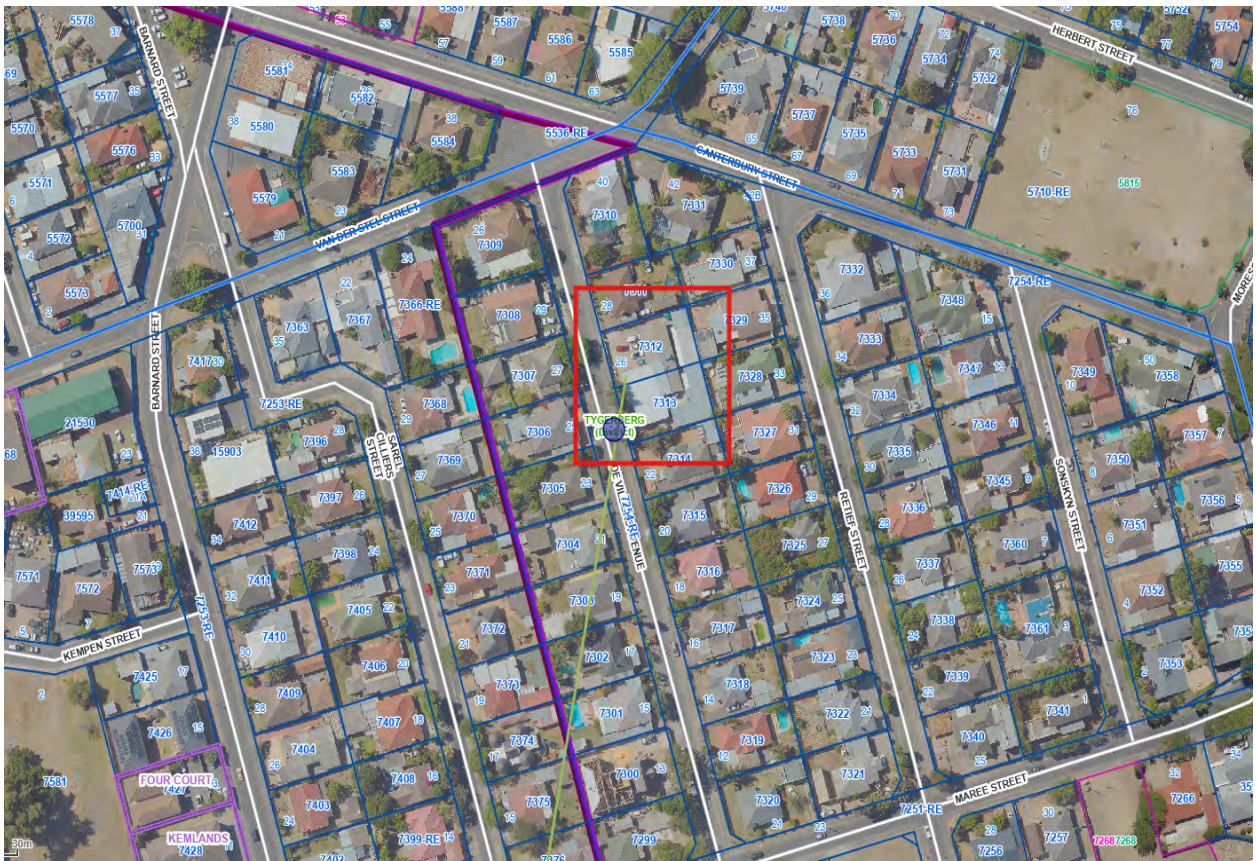


TABLE OF CONTENT

1. Executive Summary.....	3
2. Introduction.....	3
3. Nature Of Application.....	4
7. Planning Policy And Legislative Context.....	17
7.1 Municipal Spatial Development Framework (“Msdf”).....	17
7.2 Tygerberg District Plan, 2023.....	18
7.3 Municipal Spatial Development Framework, 2023.....	21
7.4 Transit Oriented Development (Tod) Framework, 2016.....	22
7.5 Spluma & Lupa Act.....	24
7.6 Urban Design Policy, 2024.....	31
8. Section 99 Of The City Of Cape Town Municipal Planning By-Law.....	34
9. Conclusion.....	42

1. EXECUTIVE SUMMARY

PROPERTY DESCRIPTION	
Address	Erf 7312 & 7313, 24 De Villiers Avenue, Bellville.
Applicant	
Extent	595 m ² & 595m ²
Title Deed No	
Title Deed restrictions	Yes
Current zoning	Residential (R1)
Proposed Zoning	General Residential (GR2)

2. INTRODUCTION

The owner appointed ASAPH Town Planners to submit a land use application for the consolidation, rezoning, deletion of conditions in respect of an existing approval granted, removal of restrictive title deed conditions, and permanent departures on Erven 7312 and 7313.

The application proposes a change in zoning from Residential Zone (R1) to General Residential Zone (GR2) to permit the use of residential units for accommodation purposes. The subject properties are currently zone as Residential (R1) and are currently developed with dwelling houses.

Due to a lack of understanding about the requirements and the approval of land use application prior operation or construction, the owner continued to operate or construction without the necessary authorization.

3. NATURE OF APPLICATION

The purpose of the application entails the following:

1. **Consolidation** of Erven 7312 and 7313, Bellville, into a single property in terms of Section 42(f) of the City of Cape Town Municipal By-Law, 2025.
2. **Rezoning** in terms of Section 42(a) of the City of Cape Town Municipal By-Law, 2025, of the consolidated property from Residential Zone (R1) to General Residential Zone (GR2) to permit the establishment of 18 flats.
3. **Removal of Restrictive Title Deed Conditions** in terms of Section 42(g) of the City of Cape Town Municipal By-Law, 2025. Erven 7312 and 7313, Bellville is subject to a number of Title Deed restrictions that need to be removed. The conditions affecting the proposed development are listed below and include Conditions (a), (b), (c), and (d) in Title Deed
4. Application in terms of Section 42(j) of the City of Cape Town Municipal Planning Amendment By-Law, 2025, in order to **deletion of conditions** in respect of township establishment.
5. **Permanent departures** from the Development Management Scheme (DMS) in terms of Section 42(b) of the City of Cape Town Municipal By-Law, 2025, for the following departures:
 - a) Departure to permit the parking bay provision to be 8 bays in lieu of 23 bays.

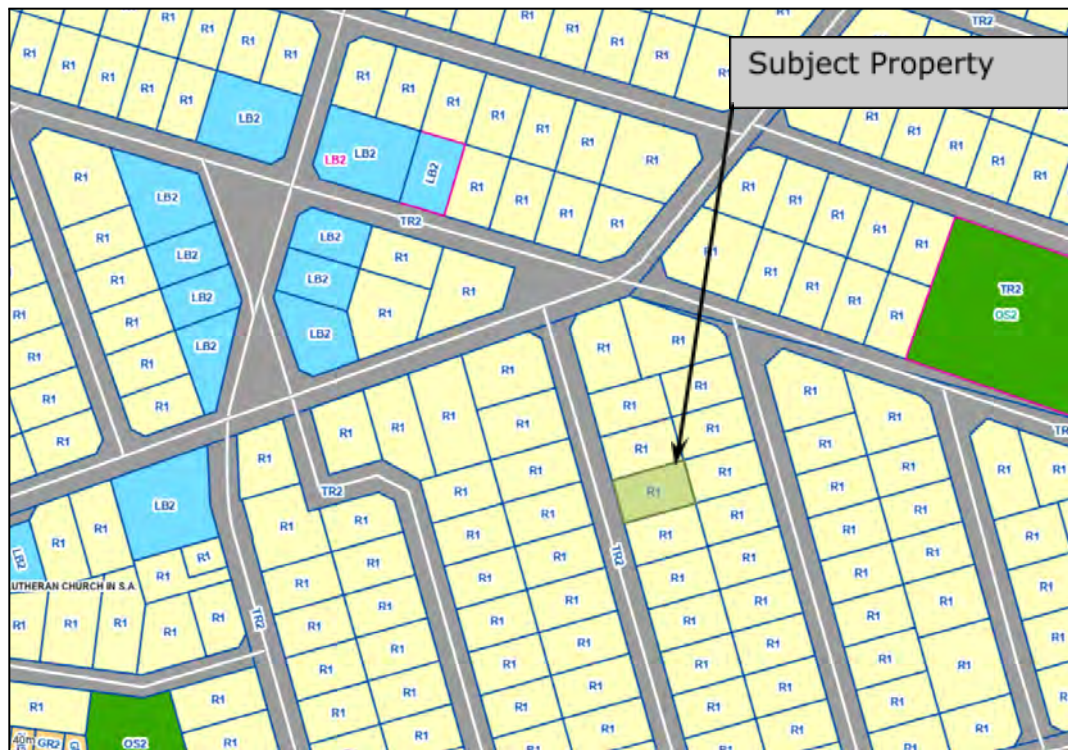
- b) Relaxation of the common building line (Eastern side) to 1.0m in lieu of 4.5m.
- c) Relaxation of the common building line (Southern side) to 1.0m in lieu of 4.5m.

4. DEVELOPMENT PROPOSAL

4.1 Locality and Surrounding Land Uses

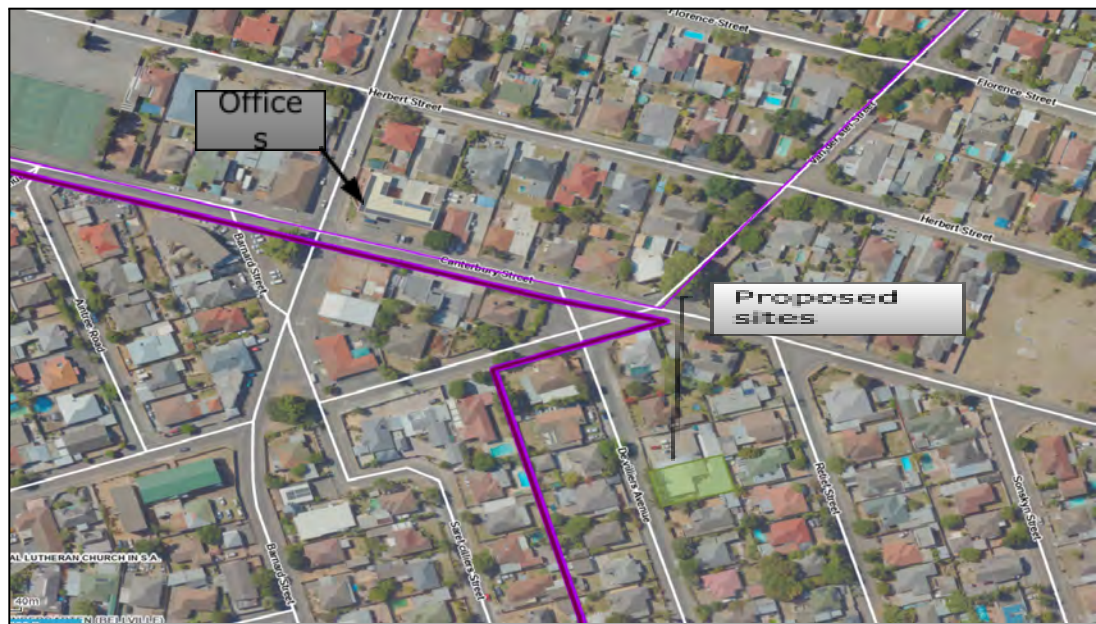
The subject properties (Erven 7312 and 7313, Bellville) are located along De Villiers Street in Bellville. The site is well accessible, with vehicular access obtained from Canterbury Street, which functions as a minor activity street within the immediate area.

The surrounding land uses comprise predominantly similarly zoned Residential (R1) properties, public open space, and Local Business (LB2) zoned properties.



The proposed site is also located in close proximity to various business uses, including office developments and a school located further west of the site.

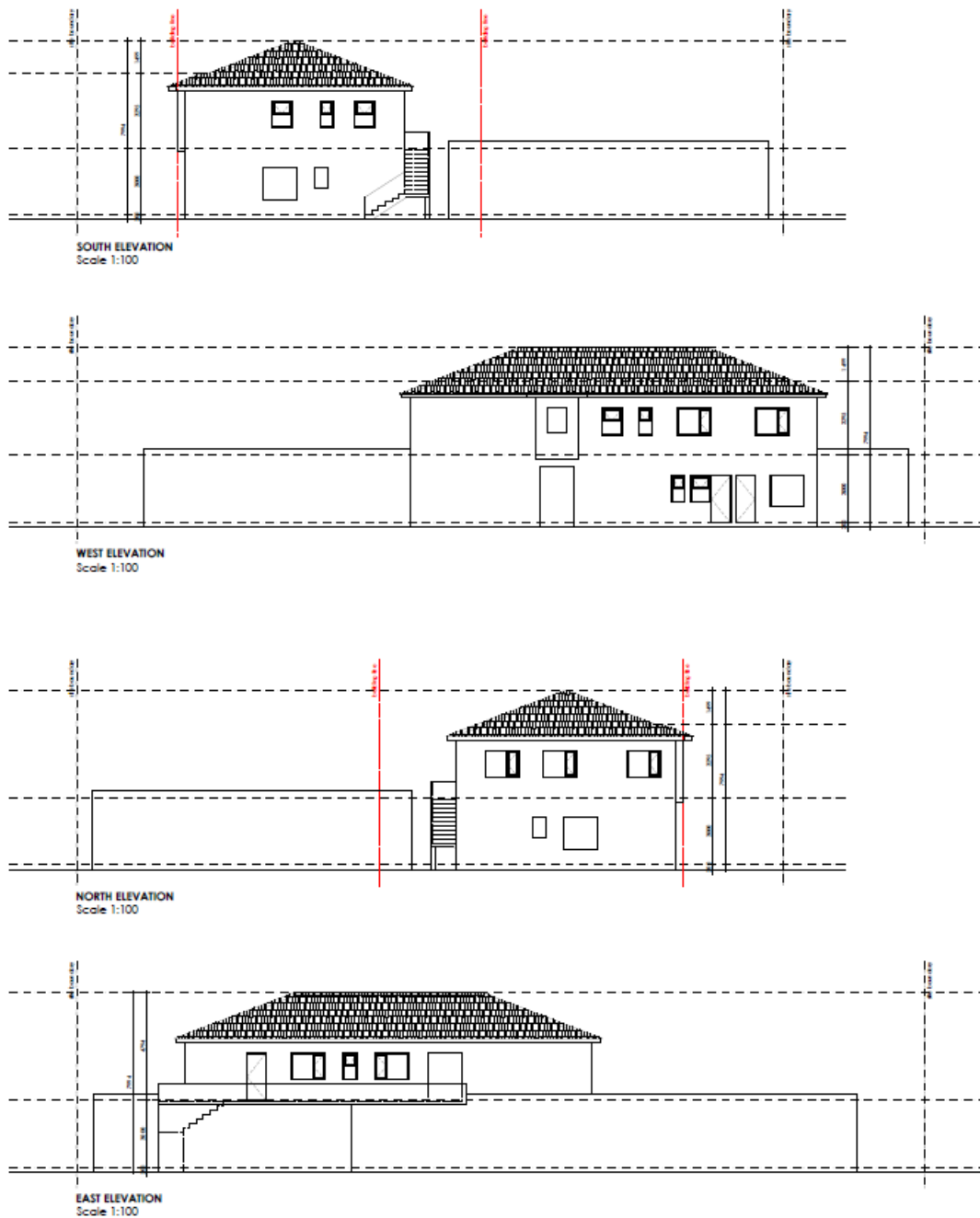
The subject site is currently developed with a dwelling house and is surrounded by similar residential properties and small-scale business uses such offices to the northwest of the development site. To the east of the site is a public open space.



As a result, the property has significant development potential, further enhanced by the variety of uses surrounding it. This application proposes the small-scale densification of the area. The proposed development will reinforce the character of the surrounding environment without negatively impacting it.

4.2 Proposed Site Development





4.3 Water and Sanitation

The development site is served by an existing sewer network, which discharges into the municipal sewer line traversing the site. Connection will be made via an existing manhole. Confirmation of available municipal capacity is, however, still pending from the relevant department.

Stormwater will be managed through a combination of roof and surface drainage systems that will discharge into on-site stormwater detention facilities.

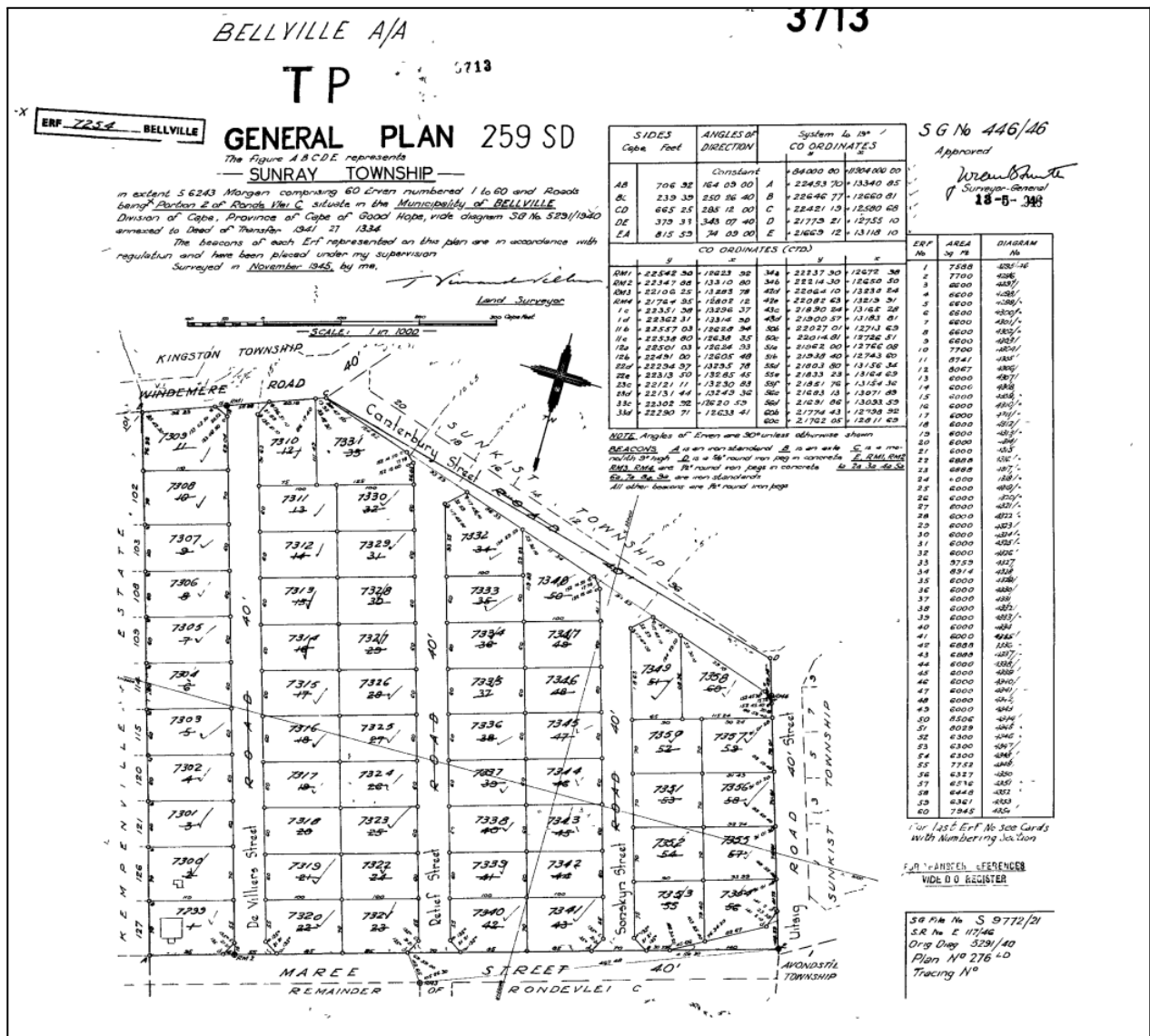
4.4 Road Access and Parking

Access to and from the site will be via the existing road network along De Villiers Street. Adequate on-site parking will be provided for residents, and no off-site parking will be permitted.

Parking provision has been assessed in detail in relation to the proposed 18 residential units. While the City of Cape Town Zoning Scheme indicates a requirement of 23 parking bays, the anticipated target market comprises young professionals who are largely reliant on public transport and pedestrian movement, with limited private vehicle ownership. This results in significantly lower actual parking demand.

A reduced provision of eight (8) on-site parking bays is therefore considered appropriate and adequate within the development context. The surrounding road network has sufficient capacity to accommodate the anticipated traffic generated by the development, and no immediate off-site road upgrades are required as a direct consequence of the proposal.

4.5 General Plan- DIAGRAM

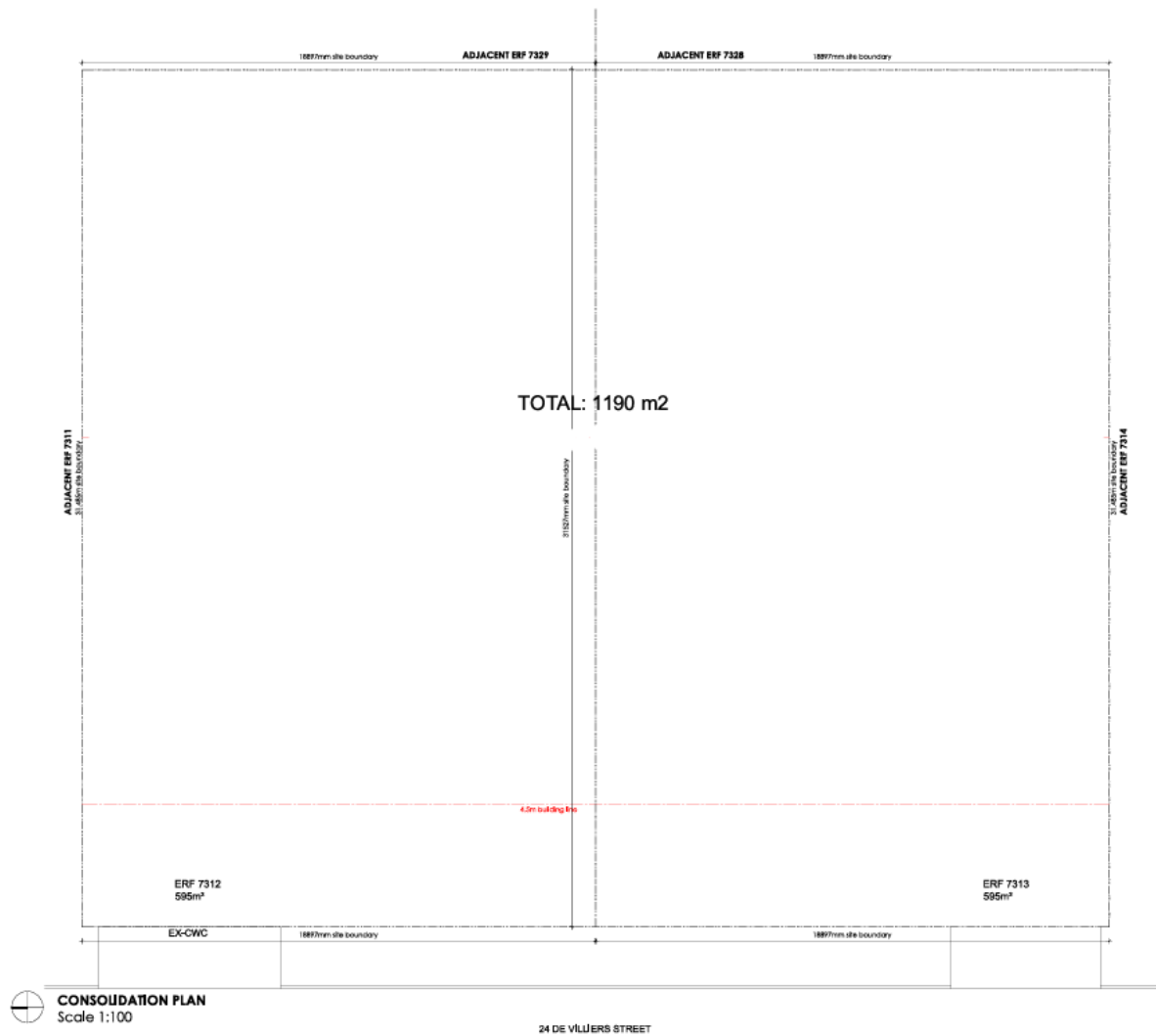


6. THE PROPOSED DEVELOPMENT

An application is submitted for the consolidation, rezoning, removal of restrictive title deed conditions, and departures. The following development rules are applicable:

6.1 Proposed Consolidation

Application is made for the consolidation of two Erven 7312 and 7313, Bellville into one property. The application is regularising existing units the site is being rezoned to GR2 to accommodate 18 units, and consolidation will formalise the two erven into one.



6.2 Rezoning

DEVELOPMENT PARAMETERS: GENERAL RESIDENTIAL (GR2)	
Primary uses	Dwelling house, second dwelling, third dwelling, group housing, boarding house, guest house, flats, private road, filming, electric vehicle charging stations, micro wind turbine, structure-mounted energy system and open space.
Consent Uses	Utility service, place of instruction, place of worship, institution, hospital, place of assembly, home occupation, shop, hotel, conference facility, minor rooftop telecommunication station, rooftop base telecommunication station, chancery, ground-mounted energy system, restaurant, informal trading and veterinary practice.
Coverage	60 %
Floor factor	Permissible 1.0
Height	15 m
Common Boundary	4.5 m
Street BL	4,5 m or 0.6m H(0.0m up to 15.0m height for 18.0m from the street)
Parking	Flats: 1.25 bays (1. per dwelling unit + 0.25 for visitors)

COMPLIANCE WITH THE MPBL

	GR2	PROPOSED DEVELOPMENT	COMPLIANT/NON- COMPLIANT
Coverage	60%	63.23%	Compliant
Floor Factor	1.0	0.63	Compliant
Street building lines	4.5 m	N/A	Compliant
Common/rear height	4.5m 15 m	1.0m	Non-Compliant
Parking	PT1 = 1.25 bays per unit Total = 23 parking bays required	18 proposed units 8 parking bays provided	Non-Compliant

6.3 Removal of Restrictive Title Deed Conditions and the township establishment conditions.

An application is made in terms of Section 42(g) of the MPBL for the removal or deletion of title deed conditions and township establishment conditions.

The conditions affecting the proposed development are listed below and include Conditions (a), (b), (c), and (d), which relate to building line restrictions:

- a) This erf shall be used for residential purposes only b) only one dwelling together with such outbuildings as are ordinarily required to be used therewith, shall be erected on this erf
- b) Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, shall be erected on this erf.
- c) not more than half the area of this erf shall be built upon
- d) no building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4.72 meters to the street line which forms a boundary of this erf or within 3.25 meters of the rear or 1.57 meters of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 3.05 meters in height measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space

6.4 Proposed Departure from Building Line Restrictions

The following encroachments are motivated:

- I. Encroachment of the east common boundary to 1.0m in lieu of 4.5m.
- II. Encroachment of the south common boundary to 1.0m in lieu of 4.5m

The proposed encroachment will not have a negative impact on the streetscape character or the prevailing urban form of the area.

The building line encroachments are considered reasonable in scale and extent and do not undermine the intent or objectives of the applicable building line provisions.

6.5 Proposed Departure from Parking Bay Restrictions

A departure is required to permit the provision of eight (8) on-site parking bays in lieu of the 23 bays required in terms of the Development Management Scheme (DMS), resulting in a shortfall of 15 parking bays.

Notwithstanding this shortfall, the proposed parking provision is considered sufficient to adequately serve the development. This is substantiated in the accompanying report, which takes into account the intended use of the flats and the identified target market.

7. PLANNING POLICY AND LEGISLATIVE CONTEXT

7.1 Municipal Spatial Development Framework (“MSDF”)

The Cape Town Municipal Spatial Development Framework (MSDF) (2023) acknowledges that urbanisation within the City will continue to increase as a result of ongoing population growth and in-migration.

In response, the MSDF promotes the development of a more compact, integrated, and efficient urban form through the optimal use of well-located land and improved access to social and economic opportunities.

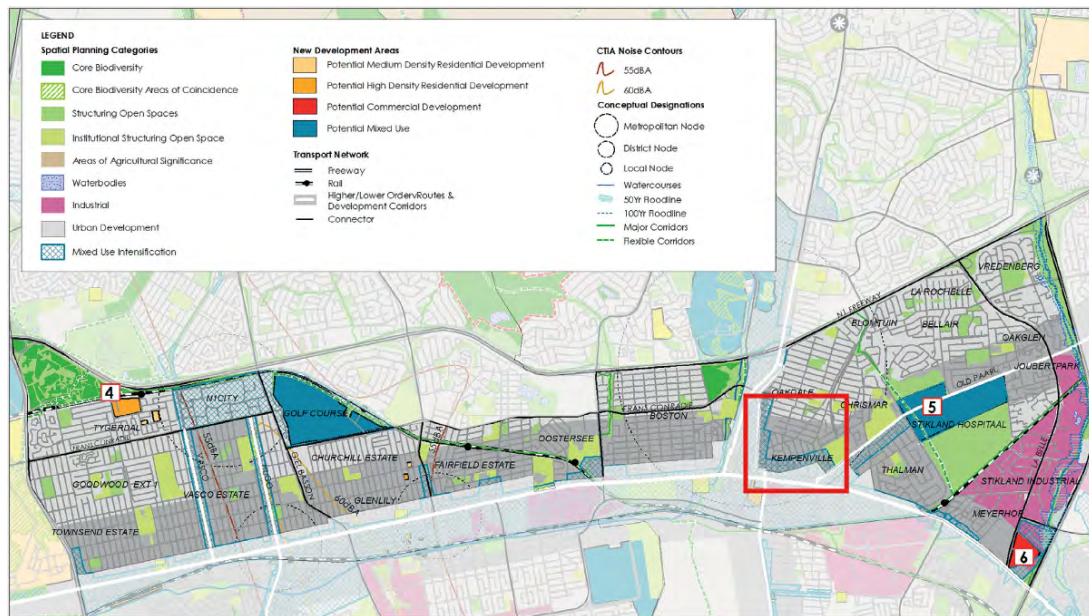
The proposed small-scale densification aligns with this strategic vision by contributing to a functional and efficient urban environment within an established urban area.

Furthermore, the MSDF reinforces the principles of the Western Cape Provincial Spatial Development Framework (PSDF) by promoting densification and infill development within existing urban areas.

The proposed development is consistent with these principles, as it makes efficient and productive use of the site, optimises existing infrastructure, and helps to reduce development pressure on undeveloped land.

7.2 TYGERBERG DISTRICT PLAN, 2023

The subject property is located within the Tygerberg District Plan area (**Kempenville**) and falls within Sub-district 3. In terms of the sub-district policy framework, the site is identified for mixed-use intensification within the broader **urban development area**.

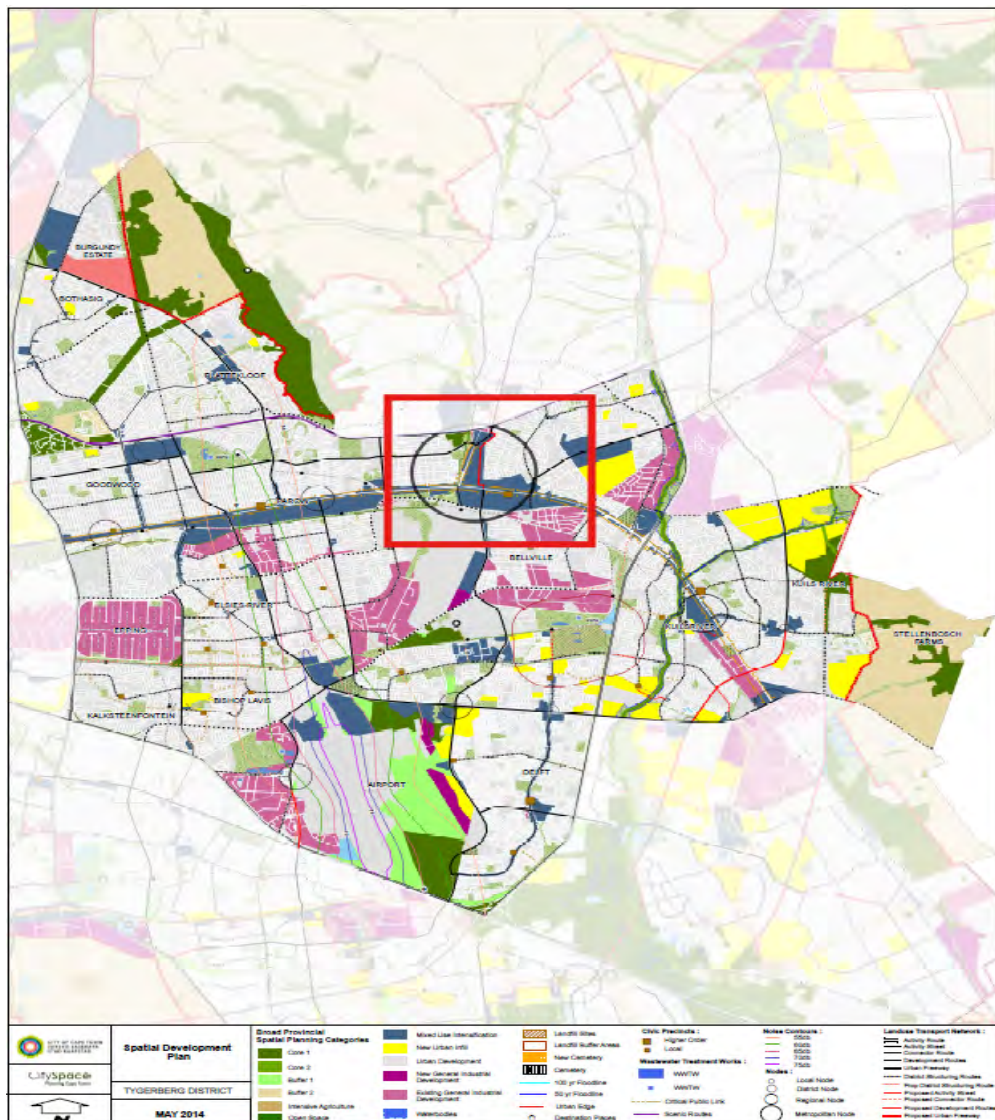


Some of the proposed local objectives and guidelines applicable to this sub-district, among others, are as follows:

- Facilitate land use intensification (density and diversity) along high accessibility routes and in close proximity to public transport.
- Facilitate densification that will promote a denser urban form without detracting from the character of the residential areas.
- Ensure the establishment of a mix of land uses, including commercial, community, residential and recreation in the corridor area.
- Protect core residential areas from business creep that will change the character of the areas.

- Support the upliftment and renewal of the area through public investment where possible.

In terms of the Spatial Development Plan, the site is located within the future metropolitan node in the Bellville area, where mixed-use intensification is encouraged.



The subject property is located in close proximity to Voortrekker Road, which is a designated public transport route where mixed-use intensification is encouraged. The proposed use is therefore considered compatible with the relevant policy framework, as it promotes intensified land use and incremental densification within close proximity to public transport infrastructure.

The proposed small-scale residential flat development is not anticipated to conflict with the Tygerberg District Development Framework, as it preserves the established residential character and design of the surrounding area.

7.3 MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2023.

The Municipal Spatial Development Framework (MSDF) sets out spatial vision and development priorities to achieve a reconfigured, inclusive spatial form for Cape Town. The document is a spatial interpretation of the City of Cape Town's Integrated Development Plan.

The MSDF is informed by the requirements of the Spatial Planning and Land Use Management Act, Act 16 of 2013 (SPLUMA) and the City of Cape Town's Municipal Planning By-law, as well as a range of other national, provincial and local policies, ensuring spatial transformation via dense and transit-oriented growth and development anchored by an efficient transport system.

The Western Cape Provincial Spatial Development Framework encourages the integration of urban activities and states that major urban activities (public transport access points, residence, recreation, shopping and employment) should be accessible within a walking distance of residential dwellings. The mixed-use land uses of the local area already ensure that access to the various urban activities is maximized.

The proposed development supports principles as contained in this spatial development framework as it promotes integration of urban activities. The proposal also promotes mixed land uses, which will ensure that access to urban activities is fully increased.

The MSDF encourages and supports inclusive economic growth and appropriate densification.

7.4 TRANSIT ORIENTED DEVELOPMENT (TOD) FRAMEWORK, 2016.

The objective of Transit-Oriented Development (TOD) is to promote sustainable integration of land use and transportation. The primary goals of TOD are as follows:

Maximize "location efficiency" to encourage walking, cycling, and the use of public transport. This is achieved through a comprehensive approach to land use density, mix and intensity, alongside prioritizing public transport at metro, corridor, nodal, and precinct levels.

The core principles of TOD are outlined below:

- **Affordability** – Reduce public transport costs for commuters and operational costs for the City.
- **Accessibility** – Facilitate equitable access to social and economic activities through strategic urban development and safe public transport provision.
- **Efficiency** – Foster environments and services that minimize trip lengths and reliance on private vehicles.
- **Intensification & Densification** – Manage urban development form, composition, and location to support affordable, accessible, and efficient public transport.

Consequently, this strategic framework promotes:

- Intensifying and diversifying urban development near public transport stations.
- Ensuring an appropriate mix and form of residential, social, and economic activities between urban nodes along higher-order public transport corridors.
- Supporting a balanced mix and form of activities between district and local nodes along higher-order public transport corridors.

The proposal promotes and supports the above principles. It is consistent with the relevant policy framework, as it optimises land use, thereby supporting urban intensification and contributing to a more diverse and efficient urban development pattern.

7.5 SPLUMA & LUPA ACT.

The proposed development supports the principles of Chapter VI (Section 59) of the Land Use Planning Act ("LUPA"), Act 3 of 2014, and Chapter 2 (Section 7) of the Spatial Planning and Land Use Management Act ("SPLUMA"), Act 16 of 2013, as follows:

The SPLUMA principles are that- Spatial Justice provides numerous job opportunities in close proximity to the surroundings.

- Spatial Efficiency: facilitating optimal utilisation of this land, which has very limited single potential.
- Spatial Resilience: sustainable livelihoods for the surrounding community, which will contribute towards building resilient communities, and combating informality through socio-economic injection.

SPLUMA has identified various development principles which apply to spatial planning and land use management. These principles amongst others include Spatial Justice- this principle support and promote spatial injustice and access to land by disadvantaged communities. All spheres of government address the inclusion of persons that were previously excluded and areas characterized by poverty and deprivation.

SPLUMA also identify the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most

likely to suffer the impacts of economic and environmental shocks.

LUPA stipulates that developments should redress through improved access and utilisation of land and should optimise the use of existing resources, infrastructure, agriculture, land, mineral and facilities. LUPA also promote the creation of employment opportunities and diverse combination of land uses.

The proposed development of flats will support the above principles as it will also contribute to the local economy of the area by creating employment for the people of the area and the surroundings.

Section 39(5) of LUPA

The Bellville Township was established in 1940, prior to the existence of zoning schemes and accordingly title deed conditions were considered an effective method of imposing development parameters in order to achieve a particular look and feel to the township.

Subsequently zoning schemes and forward planning policies, such as the MSDF and the District Plan have been established to carry out a new vision for the development of Cape Town and its surrounds.

The changes in policy therefore promote a different built form which addresses current needs and thinking and thus are often in conflict with conditions originally set out in the title deeds.

The potential impact of the deletion of the title deed conditions applicable to the subject property will be assessed below:

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

In our opinion the amendment of conditions does not affect the financial or the value of rights enjoyed by the beneficiaries of this restrictive condition.

The restrictions have been removed from the title deeds of numerous erven in the area and, without negatively affecting property values, coupled with the expectation of owners in the township to maximize the development potential of their properties, it is our opinion that the title deed restrictions have limited, if any, value and that it rather has a negative impact on the value of rights of property owners in Bellville. Property values in the area will be positively influenced by the development.

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

In our opinion, the personal benefits accruing to the holders of rights

within the township are negligible in respect of the conditions proposed for removal. None of the registered property owners derive any personal advantage from the retention of these conditions, which currently restrict the property from being developed in accordance with approved planning policies promoting residential densification and land-use optimisation.

Furthermore, the evolving needs of the modern city, together with changing household and housing demands, have resulted in an increasing need for higher-density development. The removal of the conditions would therefore facilitate development that is aligned with contemporary planning objectives and broader urban growth imperatives, without resulting in any undue prejudice to other property owners within the township.

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

Approval of the application will enable the owner to develop the property in accordance with approved planning policies, including residential densification and land-use optimisation, without detracting from the established character of the surrounding area. The proposal is therefore considered desirable from a planning perspective.

The removal of the conditions will not only benefit the property owner but will also have broader benefits for surrounding property owners and the general public by contributing to a more diverse mix of residential accommodation and enhancing overall property value within the area.

Importantly, the erven will continue to be developed in accordance with the development controls stipulated in the Development Management Scheme (DMS). The removal of the restrictive conditions will merely enable the property to be developed in line with the applicable DMS development rules, ensuring continued compliance with City planning controls.

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

The removal of the conditions is anticipated to result in positive social benefits, as it will enable a desirable form of development through residential densification and land use intensification within an established urban area. The site is well served by existing facilities and services, making it suitable for such development. In addition, the proposed development will contribute to employment creation during the construction phase, thereby providing further socio-economic benefits.

- (e) the social benefit of the removal, suspension or amendment of the

restrictive condition; and

The removal of the conditions will have a positive social benefit given that it will enable a desirable development (residential densification and land use intensification) within an existing urban area which is well served by a range of facilities and services. The development will further create employment opportunities during the construction phase.

The removal of the title deed conditions supports the development and land use planning principles set out in SPLUMA and LUPA. For example, the proposal will support the principles of spatial sustainability by creating a more efficient use of land within the constraints of existing infrastructure.

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

The deletion of the restrictions as applied for will not remove all rights enjoyed by the beneficiaries as most of the conditions will remain in the title deed (for example, it is not proposed to remove the "business purposes only" and the one third "built upon" clauses from the title deed). Future development of the erf will still be controlled in terms of the DMS which prescribe the footprint and envelope of buildings to be erected.

Section 47 of SPLUMA

The title deed restrictions that are to be removed do not constitute servitudes or contractual rights. In addition, Section 25(1) of the Constitution permits the deprivation of property rights provided that it is done in terms of a law of general application and is not arbitrary. The deletion of the restrictions is specifically permitted and regulated by laws of general application being Section 47 of SPLUMA, Section 39 of LUPA, and Section 42 of the MPBL. It follows that the removal or amendment of restrictions is constitutional as long as it complies with applicable legislation.

The deletion of the restrictions further does not entitle neighboring owners to Compensation under Section 25, due to the fact that Section 47 (3) of the

SPLUMA specifically precludes any award of compensation as follows: "A Municipal Planning Tribunal considering an application to remove, amend or suspend a restrictive condition is not liable to compensate any person for any loss arising from or related to a decision made in good faith and in terms of this Act to remove, amend or suspend a restrictive condition."

The approval of the application will therefore not amount to an arbitrary deprivation of property or expropriation as contemplated and prohibited by the Constitution. This is because the relevant

conditions do not confer absolute property rights, and the State does not acquire any proprietary interest through the removal or amendment of such conditions.

7.6 URBAN DESIGN POLICY, 2024

The Urban Design Policy seeks to focus on the contribution of proposed developments to urban design at local level. The following are the identified policy objectives with which this proposed rezoning is in line with:

1. Ensuring a legible urban and spatial structure.
2. Creating good quality open spaces.
3. Contributing to the creation of healthy and safe communities.
4. Designing streets as positive public spaces, facilitating ease of movement and accessibility.
5. Promoting intensity, diversity, and adaptability of uses.
6. Ensuring positive interfaces onto the public realm.
7. Providing support to sites of informality.
8. Valuing and enhancing green open spaces.
9. Responding to the character and identity of an area.

The proposal is consistent with the objective of this policy, as it is compatible with the surrounding area and contributes positively to

the character of the area. The proposed building has active frontages that engage with the street and public.

This proposal has minimal change to the existing building form. The residential character of the building is maintained. The building has a sense of scale and enhances the streetscape. The overlooking features will provide positive surveillance and aesthetics.

This proposal creates additional accommodation opportunities in an area that has a high access to commercial, educational, recreational and community opportunities. This proposal seeks to ensure that the property is developed to its full potential given the local context. The local area has immense opportunities for growth and development which the proposed development seeks to enhance. This proposal will enhance the “eyes-on-the-street” effect as the windows will have a clear view of the public street.

The proposed site is located in close proximity to public transport, and people can walk to and from the property. The proposed development is situated in a mixed-use area and promotes land use intensification without impacting the aesthetic of the area.

The proposal encourages mixed-use developments that combine residential, commercial, and recreational spaces. This promotes a vibrant and adaptable urban environment.

The proposal will not have a negative impact on the safety, health, and well-being of the surrounding community. The proposed site is also well looked after and fenced

7.7 CITY OF CAPE TOWN DENSIFICATION POLICY (2012)

The policy promotes the more efficient utilisation of land in order to support the development of compact urban environments. Densification is defined as the increased use of land, both horizontally and vertically, within existing areas and new developments, accompanied by an increase in the number of units and/or population thresholds. In terms of Section 2.4, redevelopment at higher densities is identified as a key mechanism to achieve the objectives of densification.

- The policy's core principles include reducing the consumption of valuable resources such as agricultural land and areas of mineral potential, as well as
- Providing a mix of residential densities to encourage diversity and a range of housing types and tenure options.
- A mix of residential densities will ensure diversification and a wider range of housing types and tenure options to a larger number of people.
- The better utilization of existing infrastructure within a sought-after area without negatively impacting on the area.

In addition, the development contributes to increased residential accommodation and employment opportunities within the area.

The proposal seeks to enable appropriate densification in order to expand accommodation opportunities while responding to the planning context.

In accordance with the Tygerberg District Plan, specific measures have been incorporated to ensure that the development is compatible with the anticipated character of the surrounding area.

8. SECTION 99 OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW

8.1 Section 99(1) Compliance with the Municipal Spatial Development Framework (MSDF)

The proposed development is consistent with the City of Cape Town's Municipal Spatial Development Framework (MSDF), 2023. As detailed in Section 7 of this report, the MSDF promotes a more compact, integrated, and efficient urban form through optimal land use. The proposal aligns with this vision by facilitating small-scale densification and infill development within an established urban area, making efficient use of well-located land and existing infrastructure. It is not a deviation from the MSDF.

8.2 Section 99(2): Relevant Considerations

The key considerations applicable to this application are addressed below:

The proposal has been thoroughly assessed against all relevant spatial planning frameworks, as detailed in Section 6 of this report. This includes the Municipal Spatial Development Framework (MSDF), 2023, the Tygerberg District Plan, 2023, and the Transit-Oriented Development (TOD) Framework, 2016. The application is demonstrably consistent with the objectives and policies of these frameworks, which promote densification, mixed-use intensification near public transport corridors, and efficient land use. The proposal also adheres to the criteria of the MPBL itself.

The application has been evaluated against and is consistent with other relevant City policies, including:

Urban Design Policy, 2024, the proposal aligns with key objectives, including designing positive public spaces, promoting intensity and diversity of uses, and ensuring a positive interface with the public realm.

City of Cape Town Densification Policy 2012, the proposal directly supports this policy's core principles, such as reducing resource consumption, providing a mix of residential densities, and better utilizing existing infrastructure.

Consolidation of Land Unit

(i) Scale and design of the development: The proposed consolidation and subsequent development of 18 flats is of a scale that is appropriate for its context. The design will be subject to plans that comply with the development parameters of the GR2 zone and departures as applied for, ensuring a coherent and well-proportioned building.

(ii) Impact of the building massing: The building massing, limited to a height of 15m as permitted by the GR2 zone, will be assessed against the context of surrounding buildings. Given the mixed-use nature of the area and its proximity to the intensification node, the massing is considered acceptable and not oppressive to neighboring properties.

(iii) Impact on surrounding properties: The development is expected to have a neutral to positive impact on surrounding properties. It will replace two aging single dwellings with a modern, well-managed residential complex. The design and any approved departures are intended to ensure that the development is compatible with the area's character, with no negative impacts on privacy or overshadowing that cannot be managed through standard conditions.

The proposal aligns with the development principles enshrined in the Spatial Planning and Land Use Management Act (SPLUMA) and the Land Use Planning Act (LUPA), as motivated in Section 6.5.

The application is submitted in accordance with all procedural requirements of the MPBL, 2025, as evidenced by the submission of this comprehensive motivation report, site plans, and all relevant documentation.

8.3 Section 99(3): Desirability of the Proposed Development

a) Socio- economic impact

The proposed development will have a positive socio-economic impact as it will generate jobs during the construction phase as well as jobs for domestic activities like cleaning and maintenance. It will also create additional accommodation opportunities in an area that has a high access to commercial, educational, recreational and community opportunities. The increased densification ensures a compact urban fabric which is good for the general public.

The development of these sites at higher densities will contribute to better use of services and infrastructure. The development is inline with the original development intent of the site and does not impact negatively on the social environment in any way.

b) Compatibility with surrounding land uses.

The proposal is considered compatible with surrounding land uses and will enhance the diverse nature of the current land uses in the area and will

provide intensification of land uses.

The existing urban form is characterized by single-storey and multiple-story buildings. The design of the development will complement the existing urban form or character of the area. The character and the aesthetic of the existing building will not be changed, therefore, it will not negatively impact on the character of the area and is considered compatible with the surrounding Uses. The proposed development will provide the area with a facelift that is needed to encourage further investment in the area.

The residential intensification will help to strengthen the residential uses within the area and provide the thresholds for the existing and future public transport services and commercial activities. This proposed rezoning is contextually appropriate in terms of the permitted uses and built form.

The proposed development is considered aligned with the spatial development plan for the area and is compatible with the surrounding land uses and developments.

c) Impact on external engineering services

The proposed development is within the existing urban area of Bellville and connections to existing municipal services, including water, sewerage, and electricity, and there is sufficient service capacity. The proposed development will not significantly impact external engineering services, as the scale of the development will be limited to the approved land use and

subject to compliance with the conditions of approval.

This proposed development will have an impact on the external engineering services. The developer may be liable for Development Charges. No bulk or link services are required for the proposed development.

It is envisaged that no issues would restrict the development or the opportunity to connect to the municipal bulk services network, and the proposed development will not add an adverse constraint to existing services.

d) Impact of safety, health, and wellbeing of surrounding community

The proposed land use and scale of development are considered compatible with surrounding development, and no negative impact on the well-being of the surrounding community is anticipated. On contrary, the proposed development is to improve the livelihood of the area and the surrounding area.

Given the above, it can be concluded that approval of the proposed development will not have a negative impact on the health, safety or well-being of the surrounding community.

e) Impact on Heritage

The property is not situated in a Heritage Protection Overlay Zoning. While the existing building is not older than 60 years. There will accordingly be no impact on any heritage resources.

f) Impact on Biophysical environment

The application does not trigger any authorization in terms of environmental legislation, it can be concluded that the biophysical impact, if any, will be insignificant. There are no biophysical environments that will be impacted by the proposed development. The proposed development will not impact negatively on the built or natural environment as there is no sensitive natural vegetation or trees that were identified on-site.

g) Traffic impacts, parking, access, and other transport related considerations.

The proposal also triggers departure from required on-site parking to permit the provision to be 8 bays in lieu of 23 bays. The proposed site falls under PT1 zone, where a minimum of parking bays are required. The proposed development comprises 18 flats units, this equates to 23 bays for this development. The proposed target market is for young people who still want to find some permanent resident, which mostly used or depend on the public transport such as buses and taxis.

The subject properties are located approximately within a radius of 450 meters from Voortrekker Road, a major bus and taxi route. The proposed Flat units development, which will gain access via De Villiers Street, will have minimal impact although not compliant with the DMS.

The applicable legislation in the area also promotes utilization of public transport. One of TOD main objectives is to "maximize the location efficiency" so that people can walk, cycle and use public transport. This can be achieved through a comprehensive approach to land use density, mix and intensity, as well as a focus on prioritized public transport at a metro, corridor, nodal and precinct scale.

The minimal traffic generated from the development is not expected to severely impact on the level of service of adjacent intersections within the network. It is considered that the proposed development will generate very little peak hour traffic and will have a minimum impact on the existing traffic.

(g) Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land.

Any potential adverse impacts associated with the proposed development can be appropriately mitigated through the imposition of reasonable and standard conditions of approval.

Given the nature of the proposal and its location within an established urban area, none of the identified impacts are considered to be of such a scale or intensity that they cannot be effectively managed through appropriate conditions. The proposal therefore supports the overall desirability and feasibility of the development.

9. CONCLUSION

This application to allow residential accommodation and employment opportunities in Bellville area, is considered desirable on the basis of the following:

- The development is well-located within the existing urban area, promoting densification or infill development and supporting a more compact and efficient urban form.
- The proposal is consistent with applicable spatial planning policies, including the City of Cape Town Municipal Spatial Development Framework, Tygerberg District Plan, and Western Cape Provincial Spatial Development Framework.
- The development enhances the principles of LUPA and SPLUMA.
- The development will have a positive socio-economic impact, including job creation.
- The proposal makes efficient use of existing engineering services infrastructure, with no undue burden on municipal systems.
- The proposed scale and built form of development are in keeping with the character of the existing residential developments in the immediate vicinity and surrounding area. It is not expected to have

a negative impact on the architectural character or streetscape.

- Furthermore, the proposal is considered compatible with the surrounding land uses and aligns with the relevant Council policies and spatial development frameworks applicable to the area.
- It is envisaged that the proposal will have less impact on traffic and engineering services. The aesthetic of the area will not be negatively affected by the proposal.
- The proposal responds to current market demands for well-located residential properties in a well-managed environment and is an appropriate and viable solution for the site.

TP

3713

SUNRAY TOWNSHIP

SG No 446/25

Abstract

W. B. Smith
of Strategic Counsel
10-8-2004

in extent 5,6243 Morgen comprising 60 eleven numbered 1 to 60 and Roads being Portion 2 of Ranch No. 6 situate in the Municipality of BELLVILLE Division of Cape Province of Cape of Good Hope, with dimensions 50 Mo. 52 1/2 x 13 1/2 as annexed to Deed of Mortgage 1361 21 1336.

The bearings of each lot represented on this plan are in accordance with regulations and have been placed under my supervision.

Surrendered in November 1943, by me,

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CO	495.15	048.12.00	C	135800.45
DE	317.31	258.07.00	D	12755.21
EA	015.53	74.00.00	E	135800.45

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2008					

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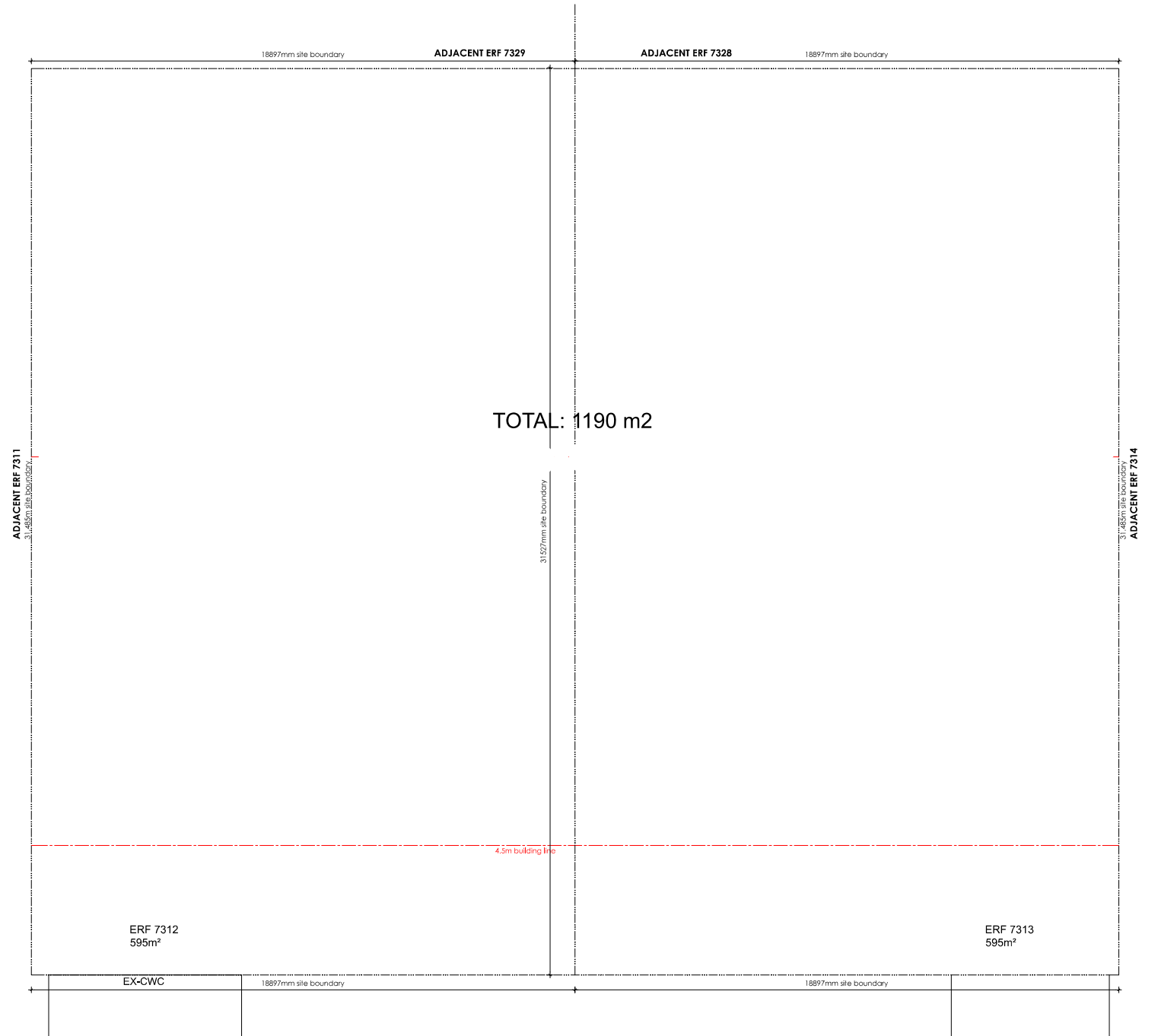
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Oath Register Act No 47 of 1997
for SURVEYOR GENERAL

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39 Km N S 0772/21
S.R. No. E 11740
Gring. Long. 3291/40
Plant No 776 LD
Tracing No

NOTED IN 13 PF. 0 AND 60
DATE 1/6/06 (C) [signature]



CONSOLIDATION PLAN
Scale 1:100

24 DE VILLIERS STREET

ARCHITECTURAL PROFESSIONAL

31.488m site boundary
PAT34897891
SIGNATURE

CLIENT/CLIENT REPRESENTATIVE

SEE PCA
SIGNATURE

The design on this drawing is copyright and remains the property of eternity services.
All work to be carried out strictly in accordance with municipal regulations.
Figured dimensions to be taken in preference to scaling drawing.
The contractor and his sub-contractors must check all relevant details and
dimensions before commencing work on site or manufacture of components. Any
discrepancies must be reported to the eternity services immediately.

VER	DATE	DESCRIPTION
0	30.04.2026	Issue for COUNCIL APPROVAL



ETERNITY SERVICES

TEL +27 074 418 7577 ETERNITY SERVICES (PTY) LTD
FAX +27 086 950 9790 REG 2012/16618/07
EMAIL admin@eternityservices.co.za

PROJECT TITLE: REZONING APPLICATION

CLIENT:

ON ERF:

DRAWING TITLE: CONSOLIDATION PLAN

SCALE: 1:100 A2 size	DATE : APR 2026 DRAWN by: E.A-PAT34897891	
PROJECT No. 2026/9700	DRWG No. KPS SC 102	VER: 0