



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500165930

**Remainder Erf 54774 and 54773,
1 and 3 Firs Avenue, Claremont**

Development Management

This cover page is added by the City of Cape Town as part of our standard branding and document-management process. It does not indicate that the City authored, verified or endorses the submission. All application documents remain the responsibility of the applicant and the City assesses them as submitted. Any errors or discrepancies will be addressed through the normal land use assessment process.

All rights reserved. No part of this data may be reproduced or transmitted without written permission from the Development Management Department of the City of Cape Town. This document is available on the City of Cape Town website (www.capetown.gov.za/LandUseNotices) for a limited time. Please do not host the document independently; you may link to it from the City's site. Documents downloaded from any other website cannot be verified for authenticity.



OLDEN & ASSOCIATES
Urban & Regional Planners

Olden & Associates
Urban & Regional Planners

Ref: /S:/OA/2001

June 2026 as amended

**Motivational Report for Consolidation, Rezoning, Removal of Restrictive Title
Deed Conditions, Council Approval and Permanent Departures for Erven
54773 and 54774-RE, Claremont**

Objective	To apply to consolidate erven 54773 and 54774-RE, Claremont, and subsequently rezone the consolidated site from Residential Zoning 1 to General Residential 4 In order to allow for a residential apartment block of 34 units. The application will include a removal of restrictive title deed conditions application as well as an application for council approval and all relevant departures associated with this development.	
Pre Application Meetings	Yes, see minutes attached	
Relevant Properties	Erf 54773	Erf 54774-RE
Current Deeds of Transfer		
Extent (as per title deed)	608 m ²	533 m ²
Registered Owners		
Applicant	Olden & Associates	
Street Address	1 and 3 Firs Avenue, Claremont	
Current Zoning	Residential Zoning 1: Conventional Housing	
By-Law Applications	Section 42(a) rezoning of land from Residential Zoning 1: Conventional Housing to General Residential 4.	

	• Section 42(b) multiple permanent departures. • Section 42 (f) consolidation of erven 54773 and 54774-RE. • Section 42 (g) amendment, suspension or removal of restrictive condition. • Section 42 (i) council approval in terms of item 126 of the DMS
Special Areas	Public Transport 1
Heritage	Grade 4/ Not Conservation Worthy
Other Approvals Needed	None
Attachments	✓ Motivation Report ✓ Land Use Management Application Form ✓ Pre-submission consultation meeting minutes ✓ Power of Attorney ✓ Title Deed ✓ Conveyancer's Certificate ✓ Locality Plan ✓ SG Diagram ✓ Consolidation Plan ✓ Bond Holder's Consent

1. INTRODUCTION

1.1. Background and site history

Erven 54773 and 54774-RE, Claremont are the subject of this application and shall be referred to as the subject properties going forward. The properties are currently zoned as Residential Zoning 1: Conventional Housing. One property is currently being used as residential homes, the one is derelict and has not been in use since the 90's. The two properties are located on the Corner of Firs Avenue and Main Road, Claremont.

The landowners propose an apartment block which entails 34 apartments. As such, the purpose of the application is to apply for the consolidation of erven 54773 and 54774-RE and subsequently rezone the consolidated site from Residential Zoning 1: Conventional Housing to General Residential 4 to allow for the proposed development. Various departures from the street and common boundary setback lines are triggered and applied for.

1.2. Applicant

Application is made on behalf of the owner of the who have authorized Consulting and Regional Planners, Olden & Associates, to submit and proceed with this application, and to act as the Applicant in this and related matters on their behalf. (Refer to Annexures for a copy of Power of Attorney and Company Resolution).

1.3. Land Use application being applied for

An application is hereby formally made to the City of Cape Town:

- Section 42(a) rezone of land from Residential Zoning 1: Conventional Housing to General Residential 4 in terms of the City of Cape Town Municipal Planning By-Law, 2025.
- Section 42(b) permanent departures in terms of the City of Cape Town Municipal Planning By-Law, 2025:
 - To permit 2.167m in lieu of 4.5m on the West Common Building Line on the first storey
 - To permit 2.252m in lieu of 4.5m on the West Common Building Line on the second storey
 - To permit 2.252m in lieu of 5.477m on the West Common Building Line on the third storey
 - To permit 2.252m in lieu of 7.445m the West common boundary fourth storey
 - To permit 0m in lieu of 4.5m on the Northern Street Boundary Line (Firs Avenue) first storey.
 - To permit 2.809m in lieu of 4.5m on the Northern Common Building Line (Firs Avenue) on the second storey
 - To permit 2.816m in lieu of 4.5m on the Northern Common Building Line (Firs Avenue) on the third storey
 - To permit 3.357 in lieu of 4.5m on the North-Eastern Common Building Line on the fourth storey
 - To permit 0.03m in lieu of 5m on the Eastern Street Boundary Line (Main Road) First Floor
 - To permit 1.630m in lieu of 5m on the Eastern Street Boundary Line (Main Road) Second Floor
 - To permit 1.630m in lieu of 5m on the Eastern Street Boundary Line (Main Road) Third Floor
 - To permit 3.376m in lieu of 5m on the Eastern Street Boundary Line (Main Road) Fourth Floor

- To permit 2.00m in lieu of 4.5m on the South Common Boundary Line on the first storey.
- To permit 37 bays in lieu of 43 bays.
- Section 42 (f) consolidation of erven 54773 and 54774-RE in terms of the City of Cape Town Municipal Planning By-Law, 2025.
- Section 42 (g) removal of restrictive conditions in Title Deed and in terms of the City of Cape Town Municipal Planning By-Law, 2025.
 - Conditions II(c) and II(d), in T6833/2026
 - Condition II(c): *"That not more than one dwelling together with the necessary outbuildings and appurtenances, be erected on the erf, and that not more than one-half of the area of the erf be built upon."*
 - Condition II(d): *"That no buildings shall be erected within 15 feet of any street line which forms a boundary of the erf"*
 - Conditions B(c) and B(d) in
 - Conditions B(c): *"That not more than one dwelling together with the necessary outbuildings and appurtenances, be erected on the erf, and that not more than one half of the area of the erf be built upon."*
 - Conditions B(d): *"That no buildings shall be erected within 4,72 metres of any street line which forms a boundary of the erf."*
- Section 42(i) council approval in terms of item 126 of DMS to raising of ground level by 2,148m in lieu of 1,5m

1.4. Site Details

Erf Number	54773, Claremont	54774-RE, Claremont
Extent of Property (as per title deed)	608m ²	553 m ²
Applicable Zoning Scheme	Development Management Scheme contained within the City of Cape Town's MPBL, 2025.	
Current Zoning	Residential Zoning 1: Conventional Housing	
Current Land Use	Residential Dwelling	Residential Dwelling
Title Deed Number		
Surveyor General Diagram	2485/69	10559/19475
Heritage	Older than 60 years, Graded 4	
Special Areas	Public Transport 1	

1.5. Locality

Erven 54773 and 54774-RE on Firs Avenue and Main Road in the suburb of Claremont. The property is located along a main development corridor.



Figure 1: Locality Map (Source: Adapted from the City of Cape Town)

1.6 Title Deeds

Erven 54773 and 54774-RE are held against title deed numbered _____ and _____ which indicates the owner of the properties are _____ (please see attached documents). The title deed search and conveyancing on the property identified the four following restriction that affects the development:

- Conditions II(c) and II(d), in
 - Condition II (c): “That not more than one dwelling together with the necessary outbuildings and appurtenances, be erected on the erf, and that not more than one-half of the area of the erf be built upon.”
 - Condition II(d): “That no buildings shall be erected within 15 feet [4.72 metres] of any street line which forms a boundary of the erf”
- Conditions B(c) and B(d) in
 - Conditions B(c): “That not more than one dwelling together with the necessary outbuildings and appurtenances, be erected on

the erf, and that not more than one half of the area of the erf be built upon."

- o Conditions B(d): *"That no buildings shall be erected within 4,72 metres of any street line which forms a boundary of the erf."*

1.6.1 Explanation of Restrictive Conditions

Nature of Restrictive Conditions

Conditions II(c) and II(d), in _____ and Conditions B(c) and B(d) in _____ were imposed when the Township was established under Ordinance 13/1927. These restrictions relate to the land unit, rather than a person, are prevent the property owner from doing something on the subject property (they impose negative rights). The condition affecting the site, namely II(c), II(d), B(c) and B(d) must be deleted in terms of a Section 42(g) of the MPBL.

Purpose of the restrictive conditions

The above conditions were imposed by Township Ordinance to safeguard the character of the township. At the time, zoning schemes did not exist, and title deed restrictions were a common method use to guide the physical expression of a place. Character is informed by land use, density, massing, and street interface, all of which the restrictions address. However, these conditions have been super ceded by recent planning legislation i.e. the Municipal Planning By Law (MPBL). As a result, these title deed conditions are defunct and outdated. Unless expressly removed from the title deed, the rights extend in perpetuity, even when the land is sold or transferred. For this reason, the conditions of title are being removed.

1.7 Physical Characteristics of premises and surrounding area

The subject properties once consolidated provide an extent of 1 141 m². The sites have undulating flat and lends itself well to re-development. To date the sites have been utilised for residential purposes for single residential dwelling units. Application has been made and approved for demolition of the dwellings. The dwellings still stand and Firs 1 is derelict and has been of no residential use since the 1990s and is currently considered vacant land

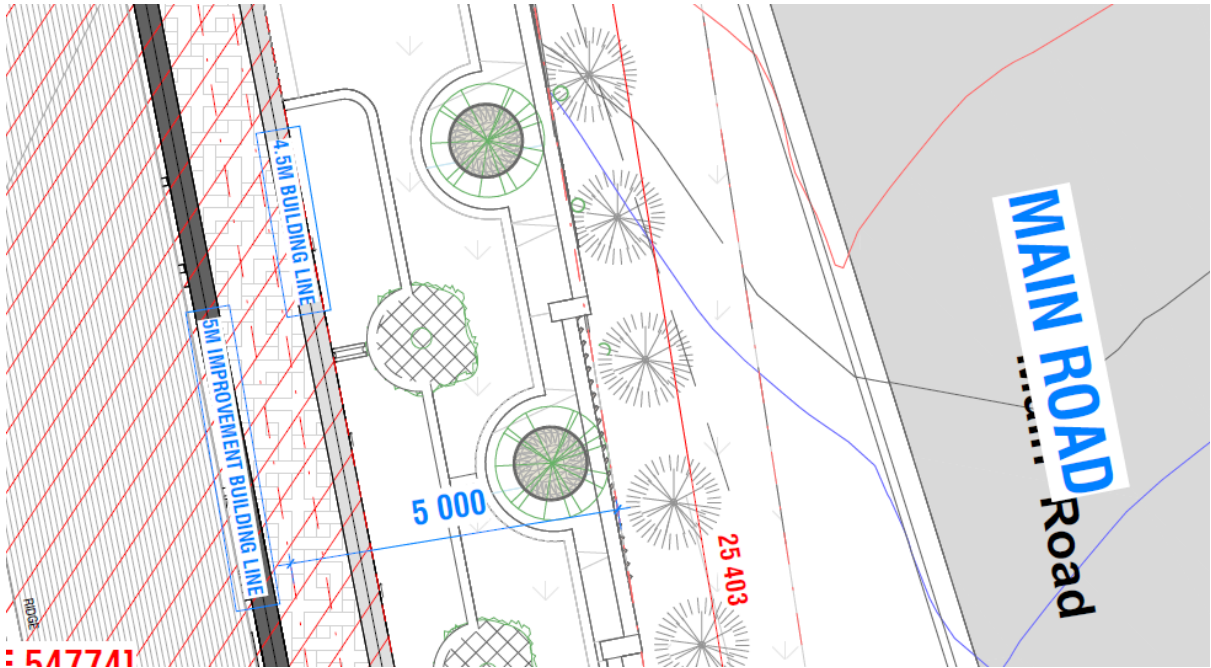


Figure 3: Plan extract showing building line departures (Source: Obode Architectural Consulting)

DEVELOPMENT CONTROL MEASURES:		
CONTROL	PERMISSIBLE	ACTUAL
Height of Buildings	24m above EGL	Within allowance as per layouts
Coverage	60% [684,6m²]	50% [575 m²]
Floor Area Ratio	1,5	1,5
Floor Area	1712 m²	1708 m²
Building Line	STREET BOUNDARY - 4.5M - COMMON BOUNDARY COMMON BOUNDARY - 4,5 m or 0,6 H (0,0 m up to 15,0m height for 18,0M from street	STREET BOUNDARY -AS PER PLANS COMMON BOUNDARY -AS PER PLANS
Units	N/A	(34Units)

Figure 4: Table extract from Site Development Plan (Source: Obode Architectural Consulting)

Although in contravention of restrictive title deed conditions II(c) and (II) (d),
in and conditions B(c) and B(d) in

- Table 1 (d) within item 20 of the MPBL for a General Residential Sub-zone 4 (GR4) allows for coverage of up to 60%. The proposed development has a coverage of 50%.
- Table 1 (d) within item 20 of the MPBL for GR4 allows street boundaries of 4,5 m or 0.6H (0,0m up to 15,0 height for 18,0m from street.
- General Residential caters for residential flats on an erf.

2.2. Access/ Egress

The development proposal is for 34 units. The proposed access/egress is off Firs Avenue. There is no access/egress from Main Road. 43 parking bays are required. However, 37 basement parking bays are proposed. As such an application is made for permanent departure to permit 37 bays in lieu of 43 bays. See traffic statement attached which is in support of the departure and proposed access/egress arrangements.

3. POLICY AND LEGISLATIVE CONSIDERATIONS

The use and development of the site is subject to, and informed by, various policies and laws, as considered in more detail below.

3.1. Assessment of Forward Planning Policy

3.1.1. Municipal Spatial Development Framework (MSDF) 2023

As per the Municipal Spatial Development Framework, 2023 the subject property is located within a District Node; within the Urban Inner Core and in an area marked for Mixed-Use Intensification. The MSDF makes mention of the “Intensification and diversification of land uses support city growth” and “pursues an urban form with higher densities and mixed land use patterns within an urban inner core”. This proposal relates to the upzoning of residential property, and the subsequent development of 34 residential units intensifying housing supply. Additionally, the MSDF has a focus on “land optimization, especially development of vacant and underutilized parcels ... accommodating higher intensity (density and diversity) land use in a vertical, rather than horizontal format”. One of the subject properties is currently vacant and has been since the 1990s, making this proposal a vertical development on vacant and underutilized land in the urban inner core.

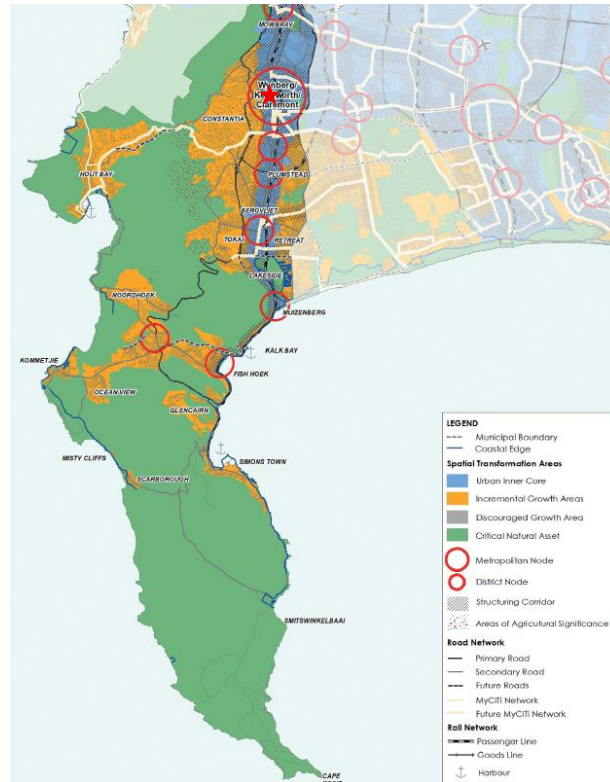


Figure 5: Erven 54773 and 54774-RE (Marked with a red star) in the Urban Inner Core (Source: CoCT DSDF)

3.1.2. Southern District Plan, 2023

The subject property is located within Sub-district 3 (Mowbray to Muizenberg) of the Southern District Plan, 2023. The district plan makes mention of “support mixed-use development and minor additional contextually appropriate residential densification” this mid-rise development would be in line with the district planned development whilst being zoned similarly to nearby properties. Additionally, the district plan notes that “a significant increase in the number of dwelling units in the area” particularly along main road. This proposal proposes increasing residential stock by 34 residential units along main road, in line with the district plan.

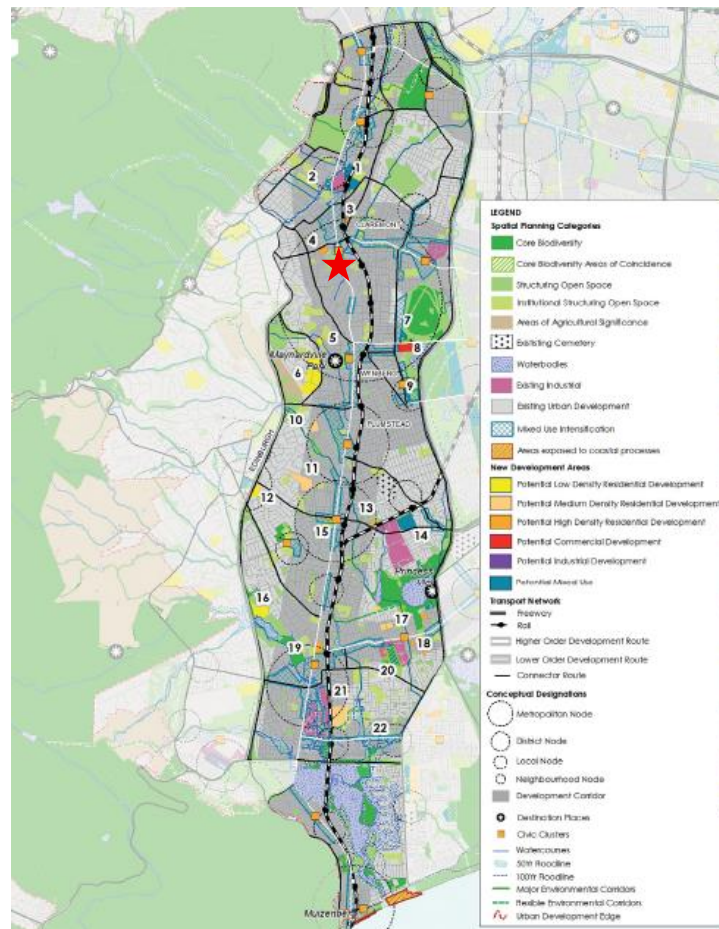


Figure 6: Erven 54773 and 54774-RE, Claremont (Marked with a red star) in Sub-District 3 (Source: CoCT DSDf)

3.1.3. Densification Policy

The Cape Town Densification policy was promulgated in 2012. The policy objectives include 'ensure optimal and efficient use of infrastructure, services, facilities and land', as the development is proposing the consolidation and rezoning of the site to allow for medium rise apartment block ensure the intensified and diversified use of the existing site. As such the development aligns with the Cape Town Densification Policy and promotes optimal use of the services and infrastructure of the City of Cape Town.

3.1.4. Transit Orientated Development Policy

The Transit Orientated Development (TOD) Policy for Cape Town has 6 key objectives of TOD in Cape Town. Objective 1 sets out to 'maximize '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 priorities public transport at a metro, corridor, nodal and precinct scale.'

The proposed development is well located in neighbourhood with local business and residential properties with clear pedestrian and vehicular access to business shops, schools, and neighbourhoods. Additionally, the development is close to the MyCiti phase 2A extension into Claremont.

3.2. Assessment of Proposal against the DMS & MPBL

The development of the subject property will be subject to the development controls in **General Residential 4 (GR4)** zoning in terms of the Development Management Scheme, contained within the City of Cape Town Municipal Planning Amendment By-Law, 2025. The development proposal has been tested against the MPBL for compliance in the table below. The details are set out below and are as follows:

DEVELOPMENT CONTROLS: GENERAL RESIDENTIAL 4	PERMISSABLE	APPLIED TO SITE	DEPARTURES
Consolidated Land Unit Area	1 141m ²		
Floor Factor	1,5	1,5	No
Coverage	60%	50%	No
Title Deed Restriction: <i>"That not more than one dwelling together with the necessary outbuildings and appurtenances, be erected on the erf, and that not more than one half of the area of the erf be built upon."</i> Therefore, not compliant. Proposed development has 34 residential units.			
Maximum height above existing ground level to top of roof	24,0m	15.495m	No
Street Boundary Main Road (Provincial Road)	5,00m	1 st Floor Main Road: 0.03m	Yes Main Road: 0.03m in lieu of 4.5m
		2 nd Floor Main Road: 1.630m	Yes 1.630m in lieu of 5m

		3 rd Floor Main Road: 1.630m	Yes Main Road: 1.630m in lieu of 5m
		4 th Floor Main Road: 3.376m	Yes Main Road: 3.376m in lieu of 4.5m
		5 th Floor Main Road: Over 5m	No
Street Boundary Firs Avenue	4,5m	1 st Floor Firs Avenue: 0,0m	Yes, Firs Avenue: 0.0m in lieu of 4.5m
		2 nd Floor Firs Avenue: 2.809m	Yes Firs Avenue: 2.809m in lieu of 4.5m
		3 rd Floor Firs Avenue: 2.816m	Yes, Firs Avenue: 2.816m in lieu of 4.5m
		4 th Floor Firs Avenue: 3.357m	Yes, Firs Avenue: 3.357m in lieu of 4.5m
		5 th Floor Firs Avenue: Over 4.5m	No
		Title Deed Restriction: II(d) and B(d): <i>That no buildings shall be erected within 4,72 metres of any street line which forms a boundary of the erf</i> Therefore, not Compliant	
Common Building Lines	4,5 m or 0,6 H (0,0 m up to 15,0 m in height where intersecting a street boundary, for a distance of 18,0 m measured perpendicular from such street boundary)	1 st Floor South: 2.00m	Yes South: 2.00m in lieu of 4.5m
		West: 2.167m	Yes West: 2.167 in lieu of 4,5m
		2 nd Floor South: 1.024m	No, for South: property is within 18m below 15,0m height

		West: 2.252m	Yes West: 2.252 in lieu of 4.5m
		3 rd Floor South: 1.024m	No for South: property is within 18m below 15,0m height
		West: 2.252m	West: 2.252 in lieu of 5.477m
		4 th Floor South: 1.024m	No South: property is within 18m below 15,0m height
		West: 2.252m	Yes West: 2.252m in lieu of 7.445m
		5 th Floor South: 5.971m	No
		West: 4.5m	No
Parking	34 Units: 1,25 bays per dwelling = 42.5 bays	37 Bays	Yes, parking departure to permit 37 bays in lieu of 43 bays

Given the above exercise, the following departures are required in terms of Section 42(b) of the MPBL:

- To permit 2.167m in lieu of 4.5m on the West Common Building Line on the first storey
- To permit 2.252m in lieu of 4.5m on the West Common Building Line on the second storey
- To permit 2.252m in lieu of 5.477m on the West Common Building Line on the third storey
- To permit 2.252m in lieu of 7.445m the West common boundary fourth storey
- To permit 0m in lieu of 4.5m on the Northern Street Boundary Line (Firs Avenue) first storey.
- To permit 2.809m in lieu of 4.5m on the Northern Common Building Line (Firs Avenue) on the second storey
- To permit 2.816m in lieu of 4.5m on the Northern Common Building Line (Firs Avenue) on the third storey

- To permit 3.357 in lieu of 4.5m on the North-Eastern Common Building Line on the fourth storey
- To permit 0.03m in lieu of 5m on the Eastern Street Boundary Line (Main Road) First Floor
- To permit 1.630m in lieu of 5m on the Eastern Street Boundary Line (Main Road) Second Floor
- To permit 1.630m in lieu of 5m on the Eastern Street Boundary Line (Main Road) Third Floor
- To permit 3.376m in lieu of 5m on the Eastern Street Boundary Line (Main Road) Fourth Floor
- To permit 2.00m in lieu of 4.5m on the South Common Boundary Line on the first storey.
- To permit 37 bays in lieu of 43 bays.

3.2.1. Impact on existing rights

The table below summarizes the impact on existing rights as a result of the proposed departures and rezoning from Residential Zoning to General Residential 4.

DEVELOPMENT CONTROLS: LOCAL BUSINESS 1	EXISTING RIGHTS (Residential Zoning) for >350 up to 650m ²	PROPOSED RIGHTS (General Residential 4 & Departures)	IMPACT ON EXISTING RIGHTS
Floor Factor	1,0	1,5	Increase in Rights
Coverage	75%	60%	Increase in Rights. Please note the proposed development has a coverage of 50%
Max. height above existing ground level to top of roof	9,0m	24,0m	Increase in Rights. The current proposal is only for 16m height building.
Street boundary building lines	3,5m	4,5m	Decrease in Rights
Common boundary building lines	0,0 m (12,0 m from street and 60%) and 1,5 m rest	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	Increase in Rights

3.2.2. Consolidation of Land Unit

The proposed consolidation of Erven 54773 and 54774-RE will result in a single land unit measuring approximately 1 141 m². The consolidation is necessary to facilitate the proposed mid-rise residential development and enables the site to be planned and developed as a coherent land unit rather than as two separate residential erven. The consolidated extent is considered compatible with the surrounding urban context, particularly as there are properties within the surrounding area of a similar or greater extent.

(i) scale and design of the development

The consolidation allows for a coordinated site layout and a more efficient use of the subject properties. The proposed development comprises 34 residential units and has been designed within the development parameters applicable to General Residential 4 zoning, subject to the departures applied for. The development has a proposed coverage of 50%, which is below the permissible GR4 coverage of 60%, and a floor factor of 1,5. The scale of development is therefore considered appropriate for a site located along Main Road and within an area identified for residential intensification.

(ii) the impact of the building massing

The resulting mass is considered appropriate within the surrounding context. The proposed development remains below the maximum GR4 coverage allowance, with 50% coverage proposed against the permissible 60%, and its proposed height remains below the maximum height permitted under the GR4 zoning.

The building mass is further moderated through the setbacks applied at the various storeys and through the positioning of the building within the site. While departures from certain street and common boundary building lines are required, these departures allow the development to make efficient use of the consolidated land unit while accommodating the proposed residential use. The resulting built form is consistent with the identified character of Main Road, which includes medium-density residential development, apartment buildings and mixed-use development.

(iii) the impact on surrounding properties

The proposed consolidation is not considered to result in an unacceptable impact on surrounding properties. The surrounding area contains a mix of residential zonings, including General Residential 2 and General Residential 4, and the proposed development is therefore compatible with the broader land-use character of the area.

The built form is also considered consistent with the immediate precinct. The consolidation accordingly enables a coordinated form of development that makes efficient use of well-located urban land without creating an inappropriate scale of development relative to its surrounding context.

4. MOTIVATION

A motivation for consolidation, re-zoning of the property from Residential Zoning 1: Conventional Housing 1 to General Residential 4 to permit a residential apartment block, as well as apply for departures.

The applicant motivates in terms of Section 99(1), 99 (2) and 99 (3) of the MPBL regarding the desirability of this application. The following criteria of the MPBL are addressed and are motivated as follows:

4.1. Motivation for Removal of Restrictive Title Deed Conditions

Cities are dynamic and ever changing. Testimony to this fact is that the original township character envisaged by the restrictive conditions imposed in the 1900s have already evolved substantially. The area is no longer characterised exclusively by detached single dwellings. The prevailing character along Main Road is one of medium-density residential and mixed-use development. See Section 5 of this report which addresses the relevant criteria for removal of title deed conditions.

4.2. Motivation for consolidation of the 2 subject properties

To allow for the proposed development, a consolidation of erven 54773 and 54774-RE is necessary. The proposed consolidation (see consolidation plan attached with annexures) is to allow for the proposed mid-rise residential block. The development will contribute to the much-needed densification within the Claremont area. The consolidated extent of the subject properties is 1 141m² which is in keeping with the character of the area,

given that there are a number of properties within a radius of 200m that are of similar extent or larger. The desirability of the site development plan and consolidation and allied applications are addressed in terms of Section 99 (1), (2) and (3) in paragraph 4.4 below.

4.3. Motivation for rezoning of the property from Residential Zoning 1: Conventional Housing to General Residential 4

As the site is uniquely suited to a more intensive form of development because of its corner position, exposure to Main Road, accessibility to public transport, proximity to commercial services and location within a designated intensification area.

The rezoning from Residential Zoning 1: Conventional Housing to General Residential 4 is desirable. This mid-rise apartment block aligns with the local character of the area which is characterized by apartment blocks and businesses. This mid-rise nature of development is facilitated by the General Residential 4 and 2 and encouraged by the forward planning policies of this area.

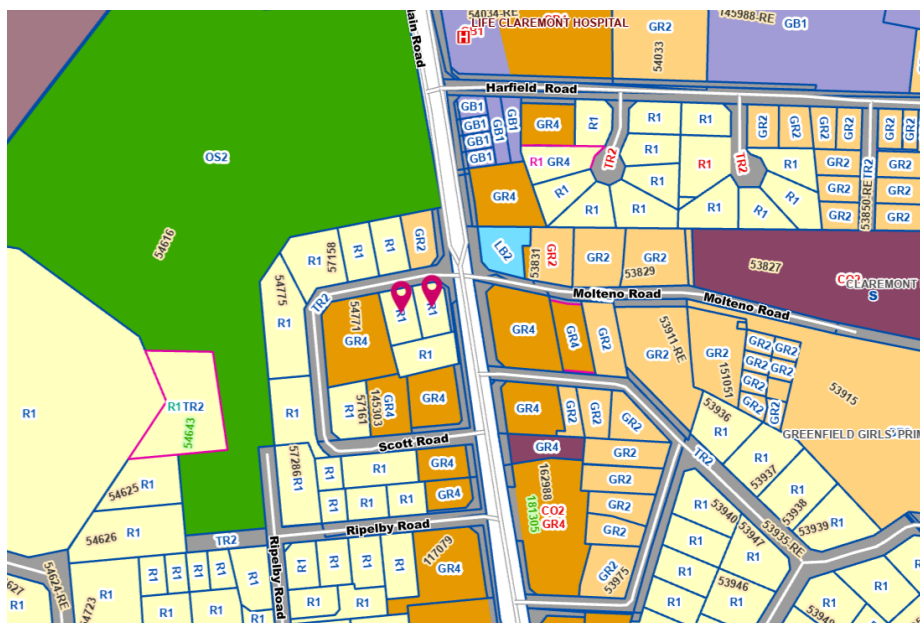


Figure 7: Zoning Map (Source: City of Cape Town Map Viewer)

Given the above we put forward that the rezoning will permit a desirable development which is aligned with forward planning policy and the local character of Main Road, Claremont.

4.4. Motivation for Permanent Departures

Various permanent departures from the applicable street and common boundary building lines, as well as the prescribed parking requirement, are required to facilitate the proposed development.

The departures should not be considered individually and in isolation, but rather within the context of the overall development proposal, the configuration of the consolidated site, its prominent corner location along Main Road and Firs Avenue, and the broader planning objective of achieving appropriate residential intensification within a well-located part of Claremont.

The Main Road interface is an important consideration given the property's location on a principal urban corridor. A more urban building relationship with Main Road is considered appropriate in this location and contributes towards defining and reinforcing the street edge rather than setting the development substantially behind inactive residual space.

The proposed departures also assist in creating active residential frontage towards Main Road. This is particularly important given that the City's Urban Design Branch was supportive of the revised proposal following the introduction of the basement, which enabled an improved interface between the ground-floor residential units and Main Road.

The neighbouring erf 54771 there are mature trees on the shared common boundary sheltering the outdoor area from sight lines. The other neighbouring erf 57142-RE has an apartment block that is setback substantially from the proposed development and additionally has many mature trees along the shared common boundary reducing sight lines.

4.5. Motivation for Council Approval

Council approval is sought to permit the raising of the ground level by a maximum of 2,148 m in lieu of the ordinarily permitted 1,5 m. The extent of the consent is therefore limited to an additional 0,648 m above the prescribed threshold. The requested Council consent consequently contributes directly to this improved urban-design outcome.

The proposed raising of the ground level is directly associated with the design and functioning of the proposed residential development, particularly the provision of the half-basement parking level as stipulated by the City's Urban Design Branch in the pre-application meeting (please see

attached). As such the proposed development has an improved street interface for the first-floor units along Main Road.

4.6. Compliance with the Criteria in terms of section 99 (1)

As per 3.1.1 of this report the proposal is consistent with the MSDF. Therefore, the application complies with the minimum threshold requirements, as set out in section 99(1) of the MBPL and should not be refused by the decision maker.

4.7. Compliance with the Criteria in terms of section 99 (2)

As a requirement for this application the following sections of the MPBL have been conclusively addressed:

Sections of the MPBL:	Addressed in this report:
99(2)(a) Any applicable spatial development framework	Refer to Section 3.1.1 – 3.1.4 of this report.
99(2)(b) Relevant criteria contemplated in the development management scheme	Refer to Section 3.2- 3.2.1 of this report.
99(2)(c) Any applicable policy or strategy approved by the City to guide decision making	Refer to Sections 3.1 of this report.
99(2)(d) the desirability of the proposed use or development of land as contemplated in subsection (3);	Refer to Section 4.6 of this report.
99(2)(e) impact on existing rights (other than the right to be protected against trade competition);	Refer to Section 3.2.1 of this report.
99(2)(f) considerations for consolidation of land unit (i), (ii) and (iii)	Refer to Section 3.2.2 of this report
99(2)(g) other considerations prescribed in relevant national or provincial Legislation, which includes the development principles as contained in section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013).	Section 5 of this report.

4.8. Desirability in terms of Section 99(3)

This section sets out the considerations which are relevant to the assessment under subsection 99(2)(d) of the desirability of the proposed use or development of land. The proposed development is considered desirable for the following reasons:

4.8.1. (a) socioeconomic impact

This proposal enables the property to be used more efficiently by having a medium density apartment block on a site that was previously 2 dwellings, one of which is derelict. Economic activity will be generated during the demolition and subsequent construction of the development. Additionally, the City will earn significant rates from an upgrade. The removal of restrictive title deed would allow for this development to take place. The long-term benefit is better utilization of public transport and services infrastructure.

4.8.2. (d) Compatibility with surrounding land uses

The surrounding areas already exhibit a mix of residential zonings including similar zoning designations (General Residential 2 and 4).

The proposed development respects the existing urban form, with the development being only 4 storey residential block similar in style to the neighbouring properties, ensuring it blends seamlessly with the surrounding buildings. Thus, the proposal is entirely in keeping with the character of the area.

The proposed built form is also considered to be in keeping with the built form in the immediate adjacent precinct. The proposal is congruent with the design guidelines of the densification policy. The Urban Design Branch were also supportive of the development proposal at the second pre submission meeting once a basement had been included which allowed for improved street interface of ground floor units with Main Road. (See pre submission minutes attached with the annexures).

4.8.3. (e) Impact on the external engineering services

It is the applicants' view that the subject property has infrastructure capacity for the proposed development as it is in an area with existing

and established infrastructure and the intensification proposed is not majorly significant. The applicant will be liable for a development contribution

4.8.4. (f) Impact on safety, health, and wellbeing of the surrounding community

The proposed balconies provide passive surveillance of the main road contributing to the community's wellbeing and urban design principles supported by the City of Cape Town.

4.8.5. (g) Impact on heritage

The subject buildings are graded 4, which is of no heritage significance and value. Demolition permits have already been obtained from the City of Cape Town and can be made available on request. The proposal therefore has no impact on heritage.

4.8.6. (h) Impact on the biophysical environment

The impact on the biophysical environment will be slightly affected during the demolition of the existing properties and the subsequent preparation for future works. There will be care taken to ensure minimal affect to the environment and neighbours. A tree plan has been provided and is attached with the annexures.

4.8.7. (i) Traffic impacts, parking, access and other transport-related considerations

The applicant is of the view that 37 parking bays provided are sufficient for a property of this nature and in this location. See Traffic Statement attached. From the pre-submission meetings held, Directorate Transport are in support of the access/egress and minor parking departure.

5. SPLUMA, 2013 and LUPA, 2014

Section 47(2) of SPLUMA allows for the removal, amendment or suspension of a restrictive condition if:

- S47(2)(a): The removal does not deprive anyone of a right to property, or permit the arbitrary deprivation of property, as contemplated in Section 25(1) of the Constitution.
- S47(2)(b): The removal regards the respective rights of all those affected and is in the public interest.
- S47(2)(c): The removal is executed in the prescribed manner.

The proposed removal of restrictive title deed Conditions II(c) in and Condition B(c) in would not, in the opinion of the applicant, induce the deprivation of property rights on any other party due to the motivation contained in item 5.6 below. As conditions II(c) in and Condition B(c) in imposes a negative right on the property (in other words it prevents the owner from doing something on the subject property, as opposed to allowing another right over the property), the removal of it does not amount to an arbitrary deprivation of property for any other person(s).

Section 47(2)(a) of SPLUMA is, therefore, satisfied. Sections 47(2)(b) and 47(2)(c) are for the City to satisfy in their determination of the application. Motivation is provided below to assist achieving the objectives of Section 47(2)(b).

5.1. Spatial Justice

This site is not subject to redress, nor is characterised by informality or underdevelopment. As such, it is not the direct object of this principle. However, the rezoning will improve the use of the site and encourage more people to live closer to job opportunities through mid-rise densification.

5.2. Spatial Sustainability

This proposal promotes spatial sustainability to the extent that it is allowing for continued, intensified and mixed of a site that is already serviced and better utilisation of the infrastructure.

5.3. Efficiency

The proposed development will be adding 34 units in a well-serviced area of Claremont. As such the development aligns with the principle of

efficiency by adding pressure on resources/services in an area that is well located.

5.4. Spatial Resilience

The proposed rezoning will increase the viability of this neighbourhood in the long-term, as it contributes towards the clustering of residential properties, in an area earmarked for densified and diversified land use.

5.5. Good Administration

The application procedures and requirements contained within the Municipal Planning Amendment By-Law, 2025, have been adhered to. This application complies with all the relevant legislation and forward planning policies for the Cape Town Metro.

5.6. LUPA

Section 39(5) of LUPA notes that the City must consider the following when removing, amending, or suspending a restrictive condition:

Section 39(5)(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 owner of a dominant tenement

The removal restrictive title deed conditions II(c) and (II) (d), in T6833/2026 and Conditions B(c) and B(d) in T81869/2025 would not in the opinion of the applicant, negatively impact on the value of the surrounding properties because:

- The title deed conditions were imposed at the time of township establishment in lieu of zoning. The title deed condition has been superseded by the recent legislation, Thus, the abovementioned title condition is old and defunct and needs to be removed as it conflicts with recently promulgated planning legislation. The DMS is the current means of ascribing development parameters to properties that are in line with higher order policy documents and, therefore, consider both the area's character and the financial value of properties in these areas (parameters would not be implemented in the DMS that negatively impact either). This implies that the removal of the restrictive condition

that allows structures that are still in line with the DMS will have little or no negative impact on the financial value of affected properties.

- The restrictive conditions do not create reciprocal rights benefiting adjoining landowners. Their removal therefore does not deprive neighbouring owners of any practical use or enjoyment of their properties. The removal facilitates development aligned with adopted municipal policy and is therefore in the public interest.

Section 39(5)(b) – The personal benefits which accrue to the holder of the rights in terms of the restrictive condition

In this instance, the holder of the rights is the owner of erven 54773 and 54774-RE, Claremont. As demonstrated in item 4.2 above, restrictive conditions II(c) and (II) (d), in [redacted] and Conditions B(c) and B(d) in [redacted] were included in the deed as a tool in ensuring the character of the township. Thus, the personal benefit gained by the owner of the subject property is the continuation of the current character of its (built) context. However, the character of the township is not solely reliant on the common boundary building line setback and coverage caps to all properties. These restriction have been superseded by new regulations as prescribed in the Municipal Planning By Law. Therefore, the character of the township cannot be detrimentally impacted by the removal of restrictive condition II(c) and (II) (d), in [redacted] and Conditions B(c) and B(d) in [redacted]

Section 39(5)(c) – The personal benefits which will accrue to the owner if the restrictive condition is removed

The owner will benefit from the removal of restrictive conditions II(c) and (II) (d), in [redacted] and Conditions B(c) and B(d) in [redacted] in order to construct the residential development that is congruent with the latest approved forward planning policy for City of Cape Town.

Section 39(5)(d) – The social benefit of the restrictive condition remaining in place in its existing form

While the restrictive conditions may historically have assisted in maintaining a low-density residential environment, the planning context and dynamic in the area has fundamentally changed. Contemporary planning policy now

appropriate and eminently reasonable considering the vision of the various spatial planning policies that have been referred to in this report.

Other important considerations have also been made pertaining to desirability of the application with regards to compatibility with the area, social and economic benefits, impact on traffic, sufficient onsite parking, and external engineering services etc. This report therefore provides a conclusive argument for the merits of the proposal. It is respectfully requested that this application be received favorably and approved.

OLDEN & ASSOCIATES

June 2026

Amended August 2026

Amended September 2026

Ref: /S:/OA/2001- Rev A

ERF 54773
ERF 54774-RE
FIRS AVENUE, CLAREMONT

URBAN DESIGN STATEMENT

JULY 2026

PREPARED BY:



YES& STUDIO

CONTACT:

AMY THOMPSON

1. INTRODUCTION

Yes And Studio have been appointed as Professional Landscape Architects to complete a tree survey and urban design statement report at Erf 54773 and 54774-RE located at Firs Avenue, Claremont.

The purpose of this document is to:

Provide a short motivation statement identifying how the proposed development aligns and complies with the City of Cape Town Multi-Storey Residential Design Guideline (2016) and the Urban Design Policy (2024)

1.1. SITE LOCATION AND DESCRIPTION

The site is located at Erf 54773 and 54774-RE on Firs Avenue in Claremont, with a total site area of 1,177 m². Erf 54773 mostly contains small trees and shrubs located along the perimeter of the site. Erf 54774-RE does not contain any trees or shrubs within the erf itself; however, smaller trees and shrubs are present along the surrounding erf boundary.

The proposed development is a multi storey residential block. The site is located in close proximity to Arderne Gardens and interfaces both Main Road and Firs Avenue. The proposal has been informed by a detailed analysis of the Kenilworth Main Road corridor and the immediate context surrounding Arderne Gardens.

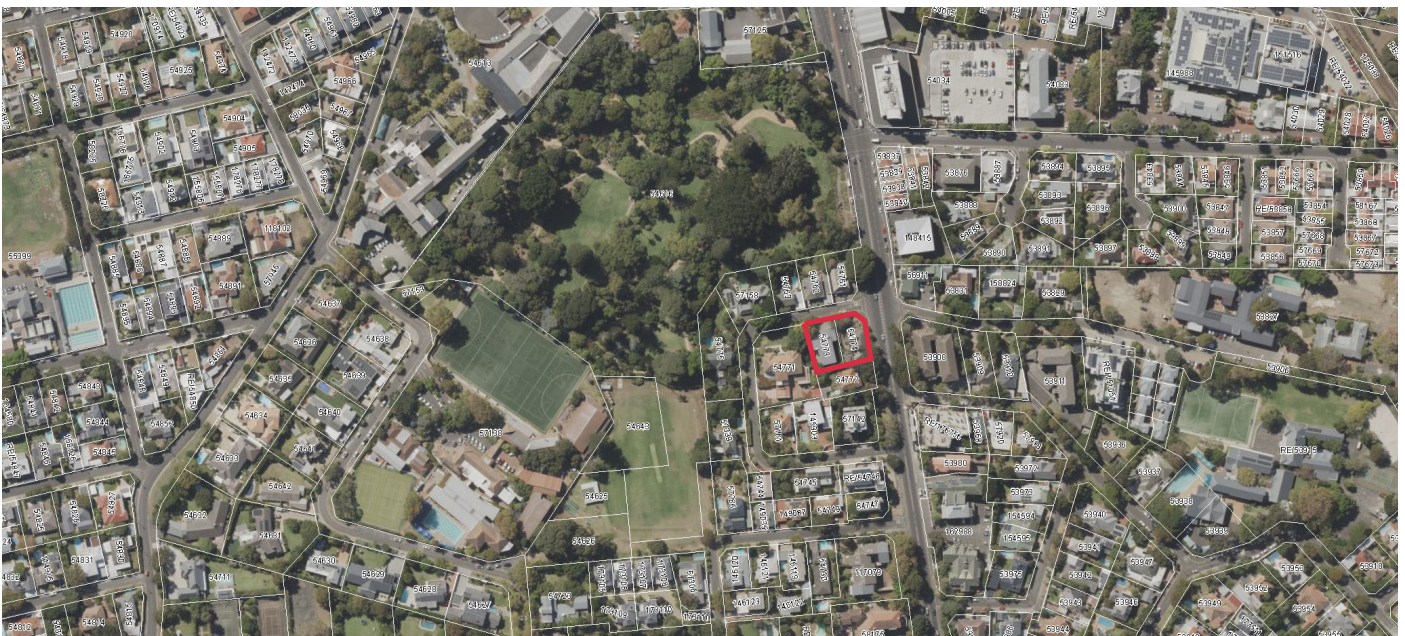
Historically, this section of Main Road has developed as a transition corridor between lower-density residential neighbourhoods and more intensive urban activity associated with Claremont. Earlier urban design studies identified several defining characteristics of this corridor, including:

- mature avenue trees that establish the landscape character of the street and soften the scale of development;
- a predominance of residential land uses and
- the important civic and landscape role of Arderne Gardens, which introduces a significant public open space and landscape destination within the corridor.

The proposal responds directly to these contextual characteristics.

Rather than increasing building setback, the development establishes a stronger relationship with Main Road through active residential frontages, balconies and habitable rooms overlooking the public realm. This approach improves passive surveillance while reinforcing the street as an occupied urban edge.

The ground floor use is situated behind a wall that incorporates visual permeability and landscaping to create a soft green edge to the development .



2. URBAN DESIGN POLICY ALIGNMENT

The proposed development has been designed in accordance with the principles contained within the City of Cape Town Multi-Storey Residential Design Guideline and the Urban Design Policy (2024)

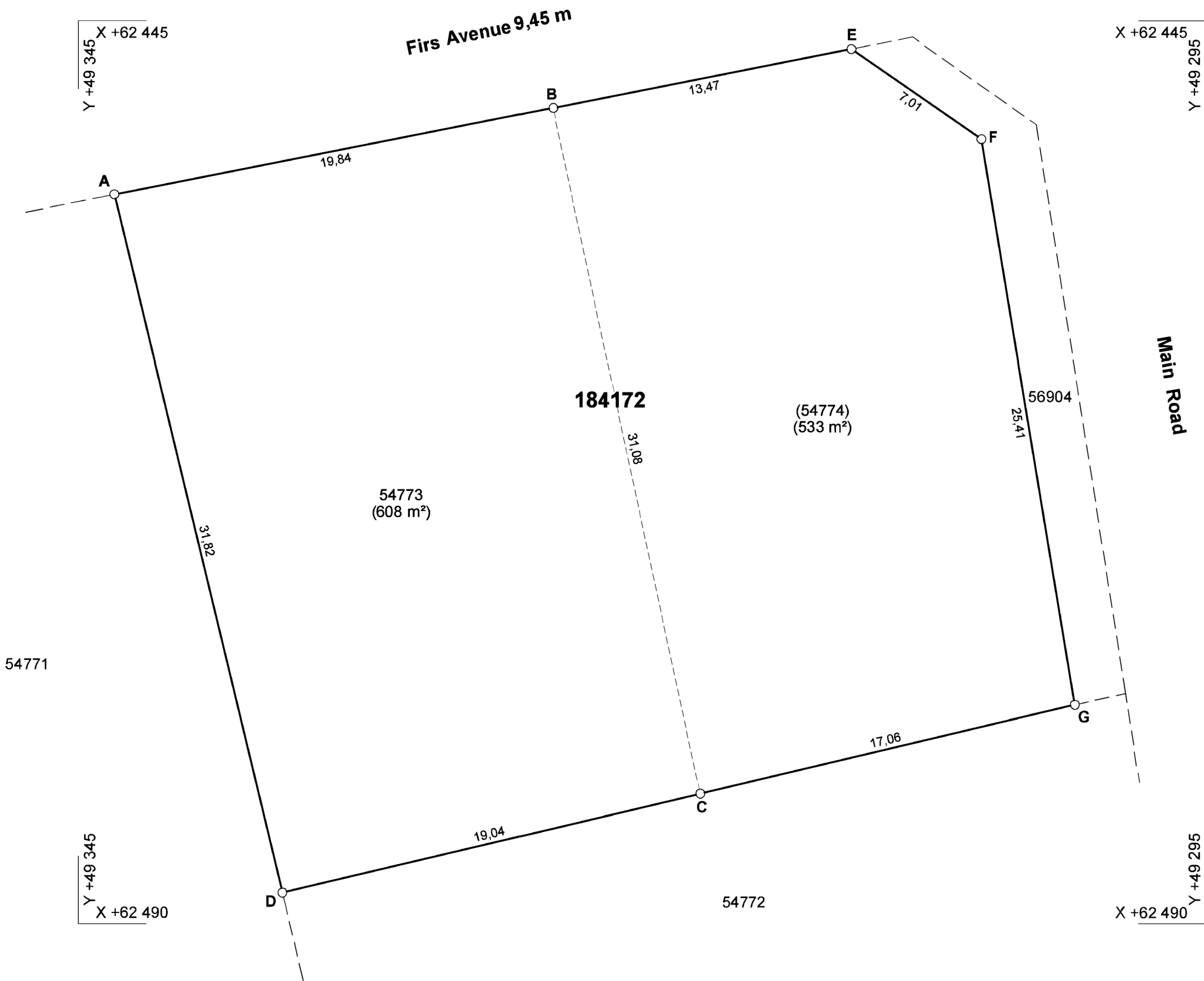
	Policy Requirement	Design Response
Guideline A1.2 Respond to Context	“Design developments so that they are informed by their specific location and context. Each site requires a tailored approach to create a development that positively contributes to and enhances the surrounding environment.”	The surrounding neighbourhood is characterised by predominantly residential uses, mature street trees and a transition between single residential dwellings and emerging multi-storey residential developments. The proposal reinforces this transition through an appropriately scaled building form and integrated landscape design into the street edge. The proposal further aligns with the objectives of the City’s Designing Quality Places: Urban Design Policy, which promotes development that responds to local character, strengthens public life and contributes positively to the public realm.
	Reinforcing the Urban Structure	The proposal supports the objectives of the Municipal Spatial Development Framework, which encourages appropriately located residential intensification along higher-order public transport routes and within existing urban corridors.
	Response to the Character of Main Road	The proposal acknowledges that the defining landscape quality of this section of Main Road is established through its mature tree canopy, particularly in the vicinity of Arderne Gardens. The landscape strategy therefore seeks to provide soft landscaping along the street edge; create partially visually permeable boundaries that contribute to the green character of Main Road This approach is consistent with the City’s Urban Design Policy objective of creating people-centred streets that integrate landscape, architecture and movement into a coherent public realm.
Vehicle Access and Movement		
Approach B2	Minimise the Impact of Vehicular Access	The proposal has been designed to ensure that vehicle access remains secondary to the pedestrian experience and does not dominate the public realm.

B2.1	Design vehicular access with habitable space above.	Vehicular access has been incorporated within the overall building envelope, ensuring that active residential accommodation continues above the access point. This reduces the perceived visual width of the driveway and maintains continuity of the built frontage.
B2.6	Locate vehicle access on secondary streets where possible	Vehicle access has been located on Firs Avenue to minimise conflict with pedestrian movement and to reduce its impact on the primary public frontage. Where site constraints limit alternative access arrangements, landscape and architectural treatment mitigate the visual effects.
Active Street Interface		
E1.6	Provide balconies, glazing and active residential interfaces.	Balconies, generous glazing and direct visual connections overlook the public realm, increasing surveillance, improving residential amenity and creating a more engaging street environment.
Street Interface and Parking		
E2 – Street Interface	Where stilt parking is unavoidable, screen it.	The proposal has been designed to ensure that parking does not dominate the public realm. Landscape planting softens retaining structures and assists in integrating the building into the surrounding streetscape.
E3 – Boundary Walls	Provide visually permeable street boundaries.	The proposal adopts partially visually permeable and landscaped boundary treatments that contribute positively to the public realm. Integrated planting forms a continuous landscape edge that contributes to the streetscape, improves environmental performance and reinforces the character of the surrounding neighbourhood.

The proposed development demonstrates compliance with the objectives of the City of Cape Town Multi-Storey Residential Design Guideline and the **Urban Design Policy (2024 by:

- Responding appropriately to the surrounding urban context (A1.2);
- Prioritising pedestrians and minimising the visual impact of vehicular access (B2.1–B2.6; PS6.2, PS6.6 and PS6.8);
- Providing active, well-surveilled street frontages through habitable rooms and overlooking balconies (E1.4–E1.6);
- Ensuring that parking and servicing remain subordinate to the public realm (E2.1–E2.5); and
- creating landscaped boundaries that contribute positively to the streetscape (E3.1–E3.5).

This approach aligns with the City’s objective of delivering contextually responsive, pedestrian-oriented residential intensification that enhances the quality, safety and character of Cape Town’s established neighbourhoods.



CONSOLIDATION PLAN

ERVEN 54773 & 54774 CAPE TOWN

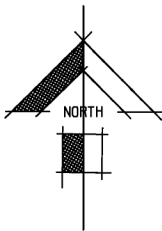
Situate at Claremont in Firs Township
in the City of Cape Town
Administrative District of the Cape
Province of Western Cape

Erf 54773 : Ownership Details

Owner	
Address	No. 3 Firs Avenue
Deed of Transfer	
Zoning	Single Residential 1 (SR1)

Erf 54774 : Ownership Details

Owner	
Address	No.1 Firs Avenue
Deed of Transfer	
Zoning	Single Residential 1 (SR1)



Notes

1. The figure A B C D represents Erf 54773 Cape Town, being 608 square metres in extent
2. The figure B E F G C represents Erf 54774 Cape Town, being 533 square metres in extent.
3. The figure A E F G D, the consolidation of Erven 54773 & 54774 Cape Town, represents Erf 184172 Cape Town, being 1141 square metres in extent
2. All distances are approximate and **MUST NOT** be used for design purposes.

date	6 February 2026
scale	1 / 200
drawing ref.	L13508 (ct)
drawing no.	Consolidation Plan

dh+a

david hellig+abrahamse
professional land surveyors
Unit G, 1st Floor, Brookside Office Park
11 Imam Haron Road, Claremont