



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

Case ID 1500165673

**Erf 17880, 25 Hermes Street,
Paarden Eiland**

Development Management

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Date: June 2026

Ref: 11829

REMOVAL OF TITLE DEED AND LAND USE CONDITIONS AND RELATED DEPARTURES: ERF 17880 CAPE TOWN, 25 HERMES STREET PAARDEN EILAND

1 INTRODUCTION AND DESCRIPTION OF PROPOSAL

The purpose of this report is to motivate the application for the removal of title deed conditions, consent in terms of the title deed condition, and related permanent departures, to regularise existing additions and new proposed additions to the industrial on Erf 17880 Cape Town ('the property'), which is zoned General Industrial subzoning 2 (GI2) with an extent of 5663m². The report will show that the proposal is desirable and satisfies the adjudication criteria set out in the City of Cape Town's Municipal Planning By-Law, 2015 ('MPBL').

Mandatory pre-application consultation meeting: The meeting was held on 27 March 2025, with Nangamso Xulu (City of Cape Town official). The minutes of the meeting is attached.

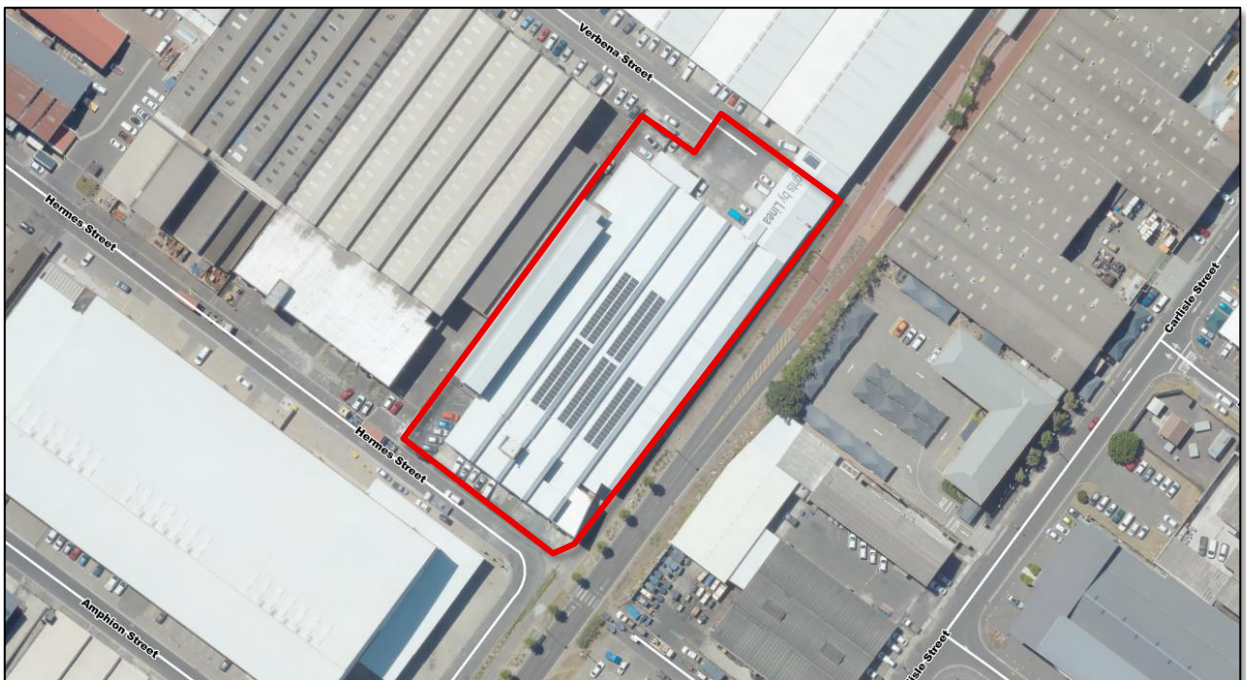


Figure 1: Surrounding context of site.

The following documents are attached to this report:

• Application form	• Site Development Plan
• Resolution & Power of Attorney	• Copy of the Title Deed
• SG diagram	• Conveyancer's Certificate
• Noting Sheet	• Approved Plans
• Pre Application Minutes	•

2 APPLICATIONS

The following applications are required in terms of Section 42 of the MPBL:

2.1 Section 42(b): Permanent departures

- 2.1.1 Items 68(a) – Coverage: to be 80.13% in lieu of 75%
- 2.1.2 Item 68(c) – Street building line (south-eastern): The building to be 0m in lieu of 5m from the street boundary, for the alterations to an existing structure to enclose the covered area to form part of the factory.
- 2.1.3 Item 68(c) – Street building line (Verbena Street): The building to be 0m in lieu of 5m from the street boundary, for additions to the existing building to extend the show room area for a bar and waiting area.

2.2 Section 42(g) and 42(j): Removal of restrictive title deed conditions:

- 2.2.1 Clause II.D.3: That the lot be not subdivided and that no more than two thirds of the area of the lot be built upon, provided that, if more than one contiguous lot be registered in the name of the same owner, these may be consolidated and all the conditions applying to the Lots in the said township will then apply to the consolidated holding as if it were one lot.
- 2.2.2 Clause II.D.4.: That no building shall be erected within 4,72 metres of the street line which forms a boundary of the Lot.
- 2.2.3 Clause III.C.(B)b.: That not more than two-thirds of the area of this lot be built upon; provided that, if more than one contiguous lot be registered in the name of the same owner, these may be consolidated and all the conditions will then apply to the consolidated holding as if it were one lot.
- 2.2.4 Clause III.C.(B)c.: That no building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this lot.

3 DEVELOPMENT PROPOSAL

3.1 Site Plan

The Site Plan ('SDP') has been prepared by **HDK ARCHITECTS** and is attached hereto.

3.2 Summary of Proposal/Development Rules

The subject property has an existing approved industrial building that accommodates factory units. Minor additions and alterations have been done to the approved building by 1) enclosing a portion of the building on the FW De Klerk Boulevard street boundary, and 2) new addition to the building on the Verbena Street, street boundary. These additions and alterations require permanent departures in respect of street building line parameters, coverage departures, and title deed conditions relating to street buildings lines and built upon area.

3.3 Development Rules

The industrial building has been assessed in terms of the GI2 development rules set out in Item 22 of the DMS. The table below summarises the proposed development in accordance with the DMS parameters:

(a) Floor factor and coverage

The subject properties permitted coverage is 75%, where there proposed is 80.13%, and the permitted floor factor is 4.0 (amounts to 22 652m²) and the proposed is a factor of 1.02 (amounts to 5 785m²). Therefore, a departure is required to permit the coverage to be 80.13% in lieu of 75%.

(b) Building Lines (departures required)

In terms of Item 68(c) and (d) building lines for the street boundary building line are 5m, and common boundary building lines are 0m. The following departures are required:

- Street building line (south-eastern boundary): To permit the building to be 0m in lieu of 5m from the street building line located at the south-east street boundary. The works are for the existing approved covered platform area to be enclosed to form part of the factory.
- Street building line (north-eastern boundary – Verbene Street): To permit the building to be 0m in lieu of 5m from the street boundary located at the north-eastern street boundary – Verbene Street). The works are for the approval of the extension of the existing factory building to allow the expansion of the showroom for a related bar and waiting area.

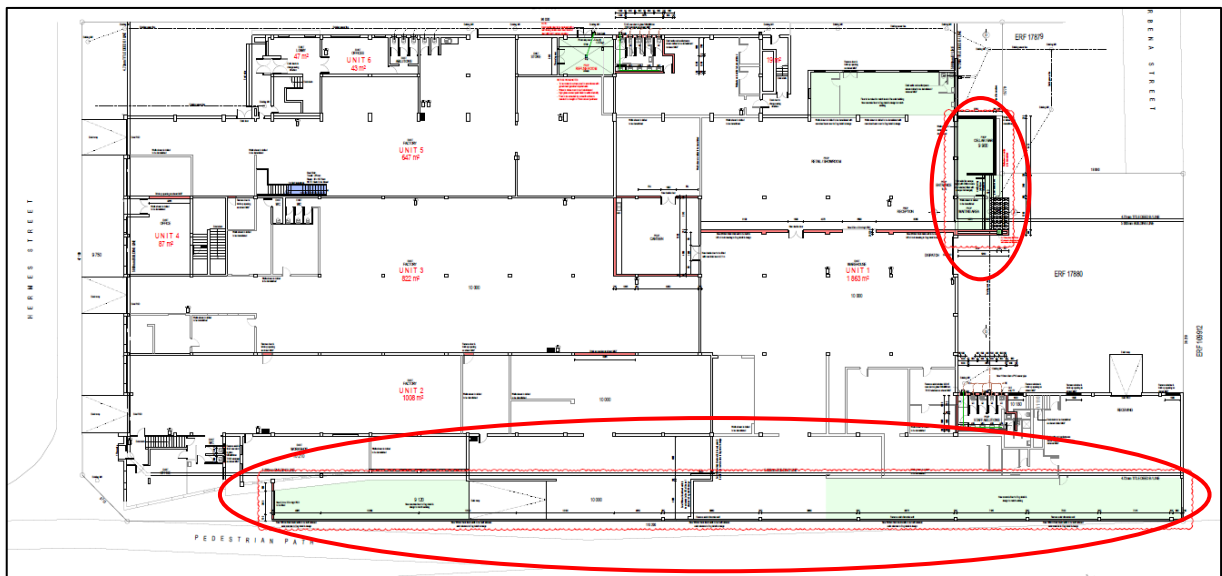


Figure 2: Extract of first storey plan showing the departure area

3.4 Section 42(g) and 42(j): Removal of the following restrictive title deed conditions:

- Clause II.D.3.
- Clause II.D.4.
- Clause III.C.(B)b.
- Clause III.C.(B)c.

4 THE PROPERTY ANALYSIS

4.1 Ownership and Title Deed

The subject property is registered in the name of **ANGELFISH INVESTMENTS 612 PTY LTD**, measuring 5663m² in extent, and is held by Deed of Transfer No. T4000/2024 – see attached. The owner has duly authorised **Thomas Brian Brummer** to submit the application on behalf of the owner; the Power of Attorney is attached hereto.

4.2 Locality and Context

With reference to the **Locality Map**, below (3), the property is situated in the suburb of Paarden Eiland.

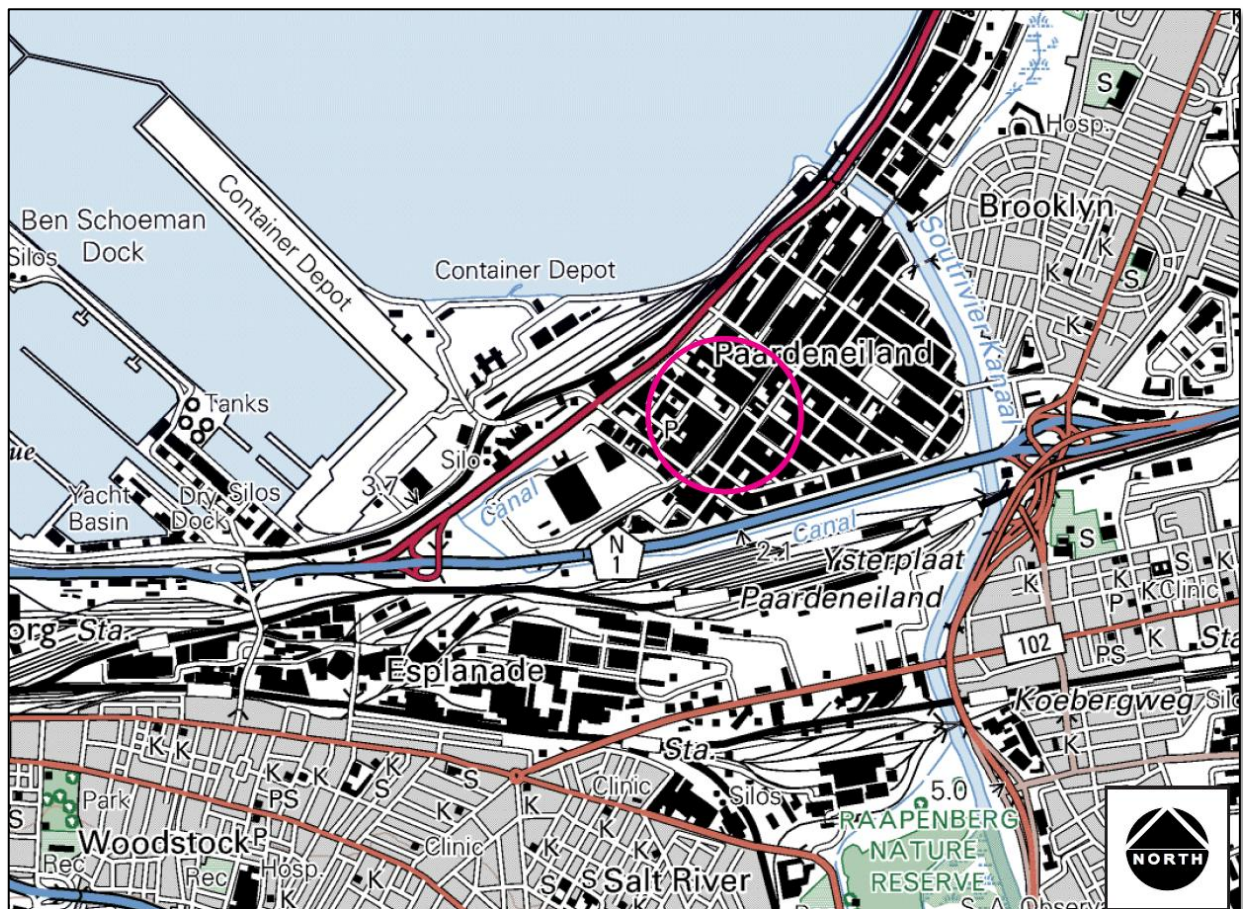


Figure 3: Locality Map

4.3 Subject Property Description

The **Aerial Photograph**, below (4), illustrates the subject property. The subject property accommodates an existing approved factory, build to almost the full extent of the site, with access from both Hermes Street and Verbene Street.



Figure 4: Aerial Photograph

4.4 Zoning

The zoning of properties in Cape Town is controlled by the provisions of the DMS, being Schedule 3 of the MPBL. 5 below is an extract of the Council's **Zoning Map** that indicates that the property is zoned General Industrial subzoning 2 (GI2).



Figure 5: Zoning extract from City of Cape Town Viewer (2026)

4.5.1 The **Noting Sheet**, below, indicates the context of the property in relation to the surrounding erven and street network. See Figure 6 below.



SIDES	ANGLES OF Direction	y	CO-ORDINATES System Lo 19 th #	S.G. No.
Cape Jetty	Constant	+100000.00	+1180000.00	4649/G8
a b	115.00	306.09 30	b + 55642.81	<i>Approved J.B. Latt. Surveyor-General 29. 10. 1968.</i>
b c	350.00	306.09 30	c + 55649.32	
c d	21.31	81.49 30	d + 58870.41	
d e	149.85	126.07 22	e + 55891.45	
e f	504.93	216.09 30	f + 55881.50	
f g	50.03	306.09 30	g + 55771.06	
g h	60.00	216.09 30	h + 55768.05	
h i	8.10	216.09 30	i + 55764.37	
i j	8.29	306.09 30	j + 55851.10	
		k + 55652.48	l + 55226.72	

Service Note amended

The lines shown represent the centre of a servitude area 16 C feet in width

Description of Beacons:
 a,b,c,d,e,f..... 1/2" iron pegs
 g..... not beaconed
 h..... 1/2" hole in cement
 i..... 1/2" iron peg in cement
 k..... centre of manhole cover

Railway

- The figure amnpvg represents Erf 17078 vide dgm no 4647/1968 annexed to DT 1963 - 20477
- The figure fgjgpr represents the Remainder of Erf 16340 vide dgm No. 3551/1941 annexed to DT 1941-237/1833
- The figure vnmrbt represents Erf 17263 vide dgm No. 3573/1941 annexed to DT 1941-237/1833
- The figure n,r,u,s represents Erf 16947 vide dgm No. 3562/1941 annexed to DT 1941-237/1833
- The figure ntcdv represents Erf 17262 vide dgm No. 3572/1941 annexed to DT 1941-237/1833

Scale: 1" = 1500.

The figure a b c d e f g

represents 5712 square feet of land, being erf 17880 CAPE TOWN, situated above and comprising the above components of Cape Town.

Administrative District of Cape of Good Hope

Surveyed in May 1968

by me Land Surveyor

This diagram is taken to 2/7	The original diagram are as quoted above.	File No. S/1422/14
Dated 20/04/69	No. annexed-to-	S.R. No. E /337/14
i.f.o.	Transfer/Grant	Comp. BH-7DB/142.
	No.	M518

Registrar of Deeds

Figure 7: Extract of the SG Diagram

4.5.3 Servitudes:

The following servitude is relevant to the subject property, with the location showed below (Figure 8).

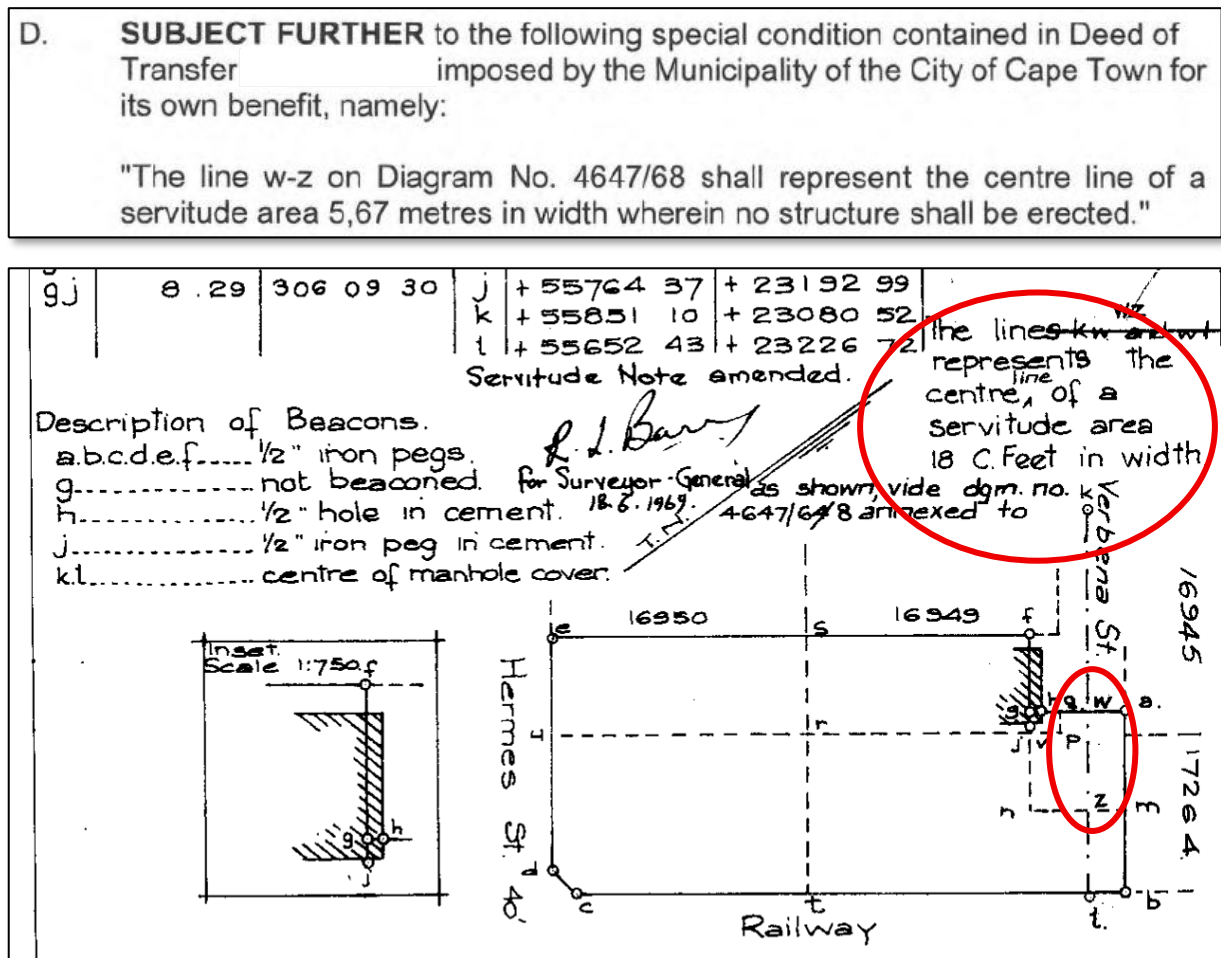


Figure 8: Title deed condition and related extract from the SG Diagram

4.6 Background to the property

The street on the south-eastern street boundary, which is the MyCiti bus route, was previously a railway line. This had an impact on the design and placement of buildings along this railway line, as some of the industrial properties have historically built onto this south-eastern street boundary. This can be observed in the 1958 historical aerial photo and the current 2025 aerial photo from the City of Cape Town Viewer – see Figure 99, Figure 1010 and Figure 111 below.

For the above discussed, the previous covered area along the north-eastern street boundary of the subject property was a railway platform and was therefore built on the said street boundary. As the railway was decommissioned, the covered platform was converted to be part of the building and most recently enclosed with a wall, as per this proposal.

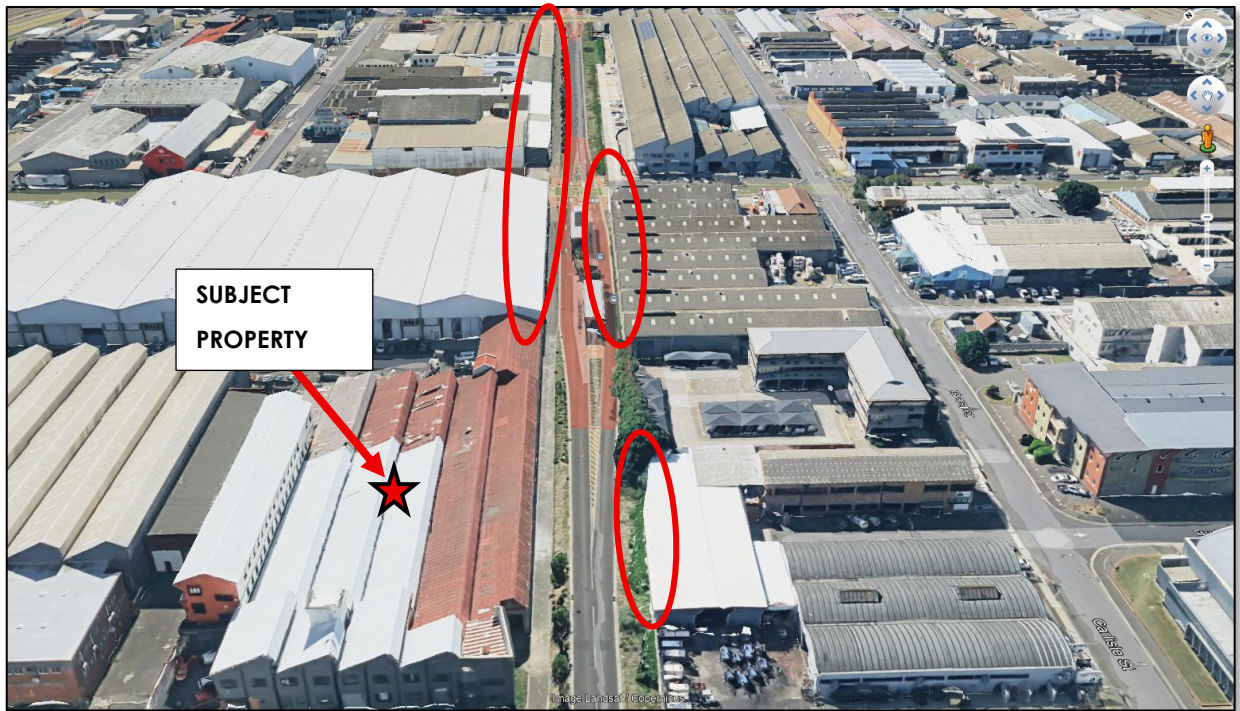


Figure 9: Google Earth perspective view

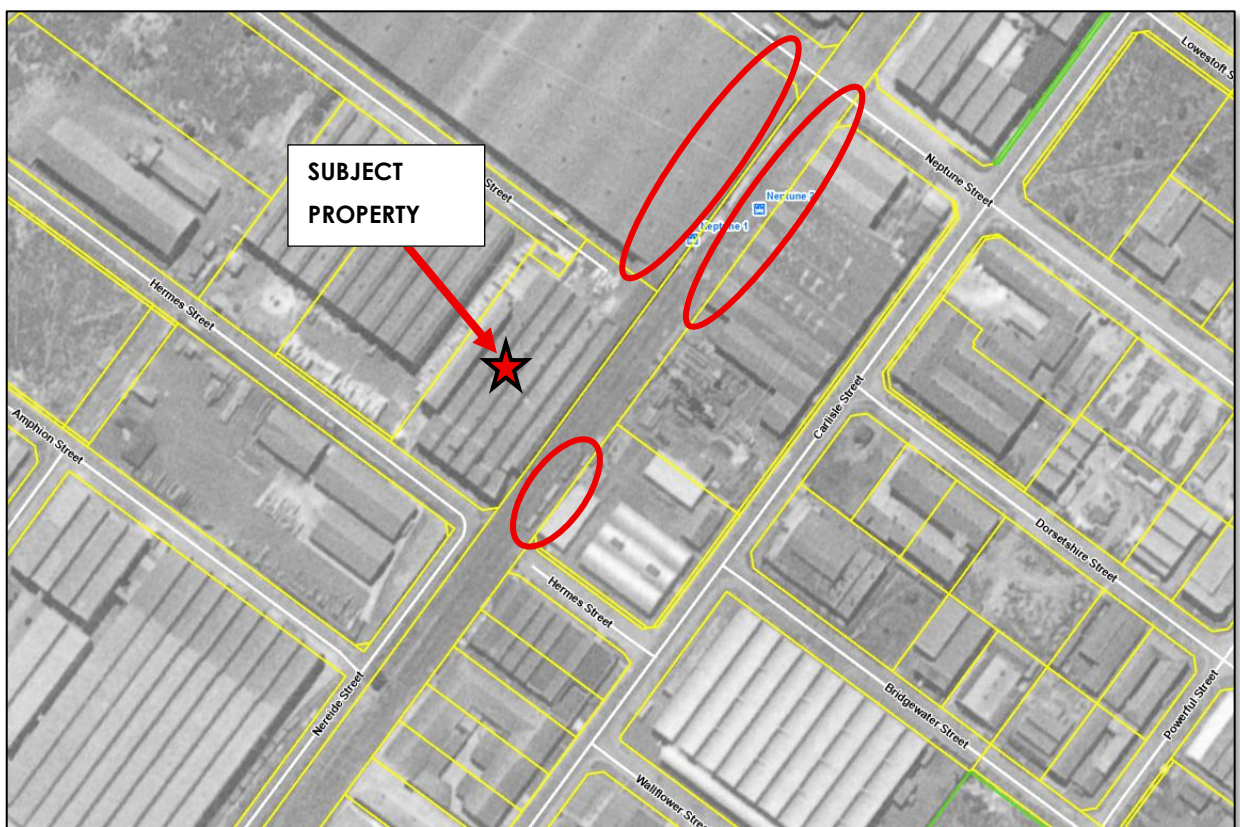


Figure 10: 1958 historical aerial photo

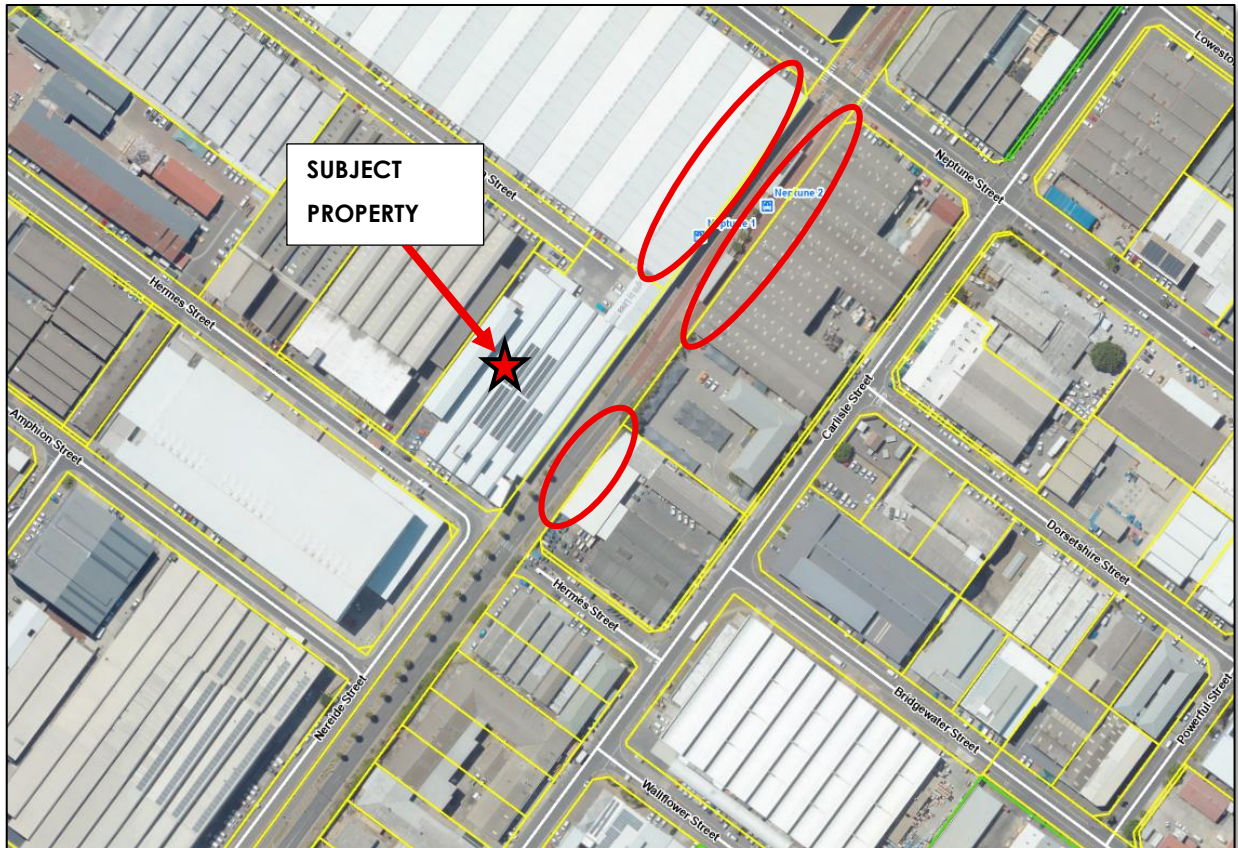


Figure 11: Current 2025 aerial photo from the City of Cape Town Viewer

4.7 TITLE DEED

4.7.1 Conveyancers Certificate

The Conveyancer's Certificate has been prepared by **NICOLETTE JOUBERT** from **DEBRA GOUWS ATTORNEYS** and confirms the restrictive conditions, in the Title Deed which prohibit the proposal – a copy of the certificate is attached to this report.

4.7.2 Title Deed Conditions:

- D. **SUBJECT FURTHER** to the conditions imposed by the Administrator of the Province of the Cape of Good Hope in term of Ordinance 13 of 1927 contained in said Deed of Transfer T11833/1941, when he approved the establishment of Paarden Eiland Township, namely:
- "2 That the lot be utilised for the purpose of the erection and use thereon of a factory, workshop warehouse and for no other purpose, save that in connection with such factory, workshop or warehouse, buildings may be erected and used for the accommodation of the caretaker thereof (and his family).
 - 3 That the lot be not subdivided and that no more than two thirds of the area of the lot be built upon, provided that, if more than one contiguous lot be registered in the name of the same owner, these may be consolidated and all the conditions applying to the Lots in the said township will then apply to the consolidated holding as if it were one lot.
 - 4. That no building shall be erected within 4,72 metres of the street line which forms a boundary of the Lot.

- (B) As being in favour of the registered owner of any lot in the said township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of No. 33 of 1934 :
- a. That this lot be used for industrial purposes only; save that in connection with such purposes accommodation may be provided for use by the caretaker or caretakers (and their families).
 - b. That not more than two-thirds of the area of this lot be built upon; provided that, if more than one contiguous lot be registered in the name of the same owner, these may be consolidated and all the conditions will then apply to the consolidated holding as if it were one lot.
 - c. That no building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this lot.

5 MOTIVATION IN TERMS OF SECTION 99 OF THE MPBL, LUPA AND SPLUMA

Section 99 of the By-Law sets out the criteria for deciding on an application.

5.1 Motivation in terms of Section 99(1) of the DMS

The application complies with the minimum threshold requirements, e.g.:

5.1.1 Consistency with the Municipal Spatial Development Framework (MSDF) (if a deviation is required):

There is no change to the land use of the property, therefore the property remains consistent with the Municipal Spatial Development Framework (MSDF), and no deviation from the MSDF is required.

5.1.2 Development rules relating to floor space or height:

a. Does the application grant the property the development rules of the next subzone within a zone?

The proposed application will not have the effect of granting the property the development rules of the next subzone (not applicable in this instance).

b. Does the above approval of the departure exceed 10% of the maximum height or floor space?

The proposed application will not exceed 10% of the maximum height or floor space of the existing subzone (not applicable in this instance).

5.2 Motivation in terms of Section 99(2) of the DMS

The application should be approved when assessed in terms of this sub-section.

5.2.1 Any applicable spatial development framework

The Municipal Spatial Development Framework (MSDF) and the Table Bay District Plan are relevant to consider in motivating this application. In terms of the MSDF Consolidated Spatial Plan, the subject property is located within the Urban Inner Core (UIC) and within the Urban Edge. The UIC encourages diverse and dense development in proximity to existing and future public transport infrastructure, with an emphasis on land use intensification, integration, and optimisation of urban land. In this context, the application seeks only to apply for minor building line departures and deletion of restrictive title deed conditions to permit alterations and extensions to the existing industrial property, which aligns with the UIC's objectives. The Figure 122 below shows the location of the subject property on the extract of the MSDF map.

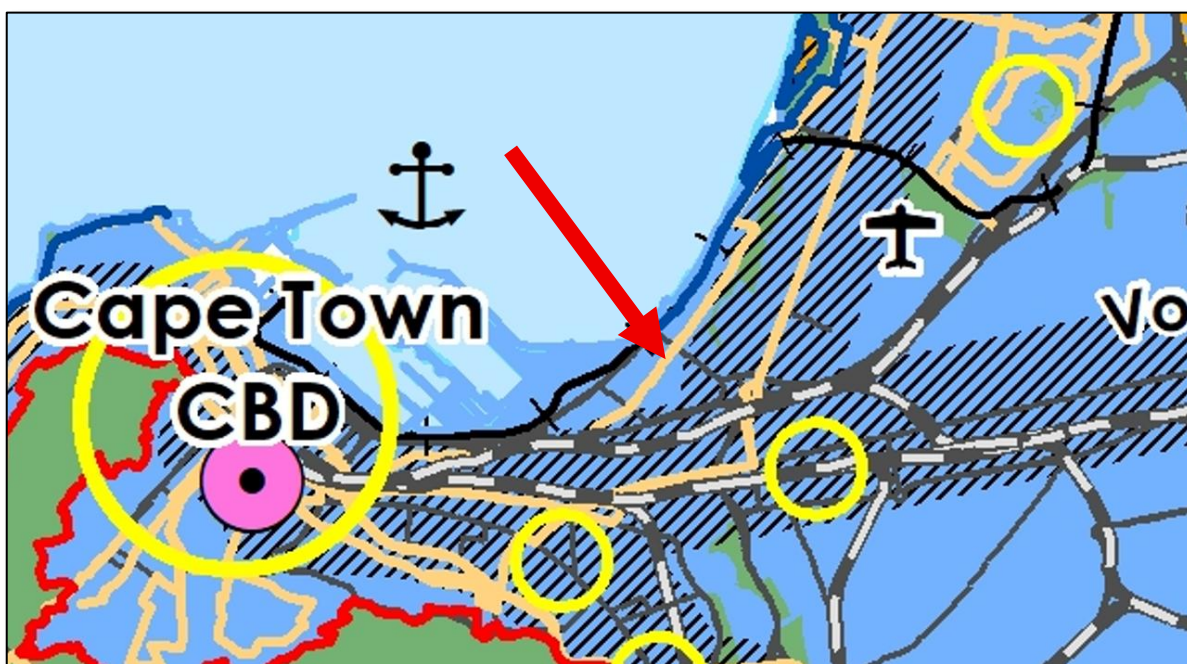


Figure 12: Extract of the MSDF map

In terms of the Table Bay District Plan, the subject property is located within in Sub-District 2 and demarcated as Industrial spatial category and close to mixed use intensification. The application for the minor building line departures and deletion of restrictive title deed conditions to permit alterations and extensions to the existing industrial property is consistent with the spatial categories of the DSDF. Figure 133 below shows the location of the subject property on the extract of the Table Bay District Plan map (sub-district 2).

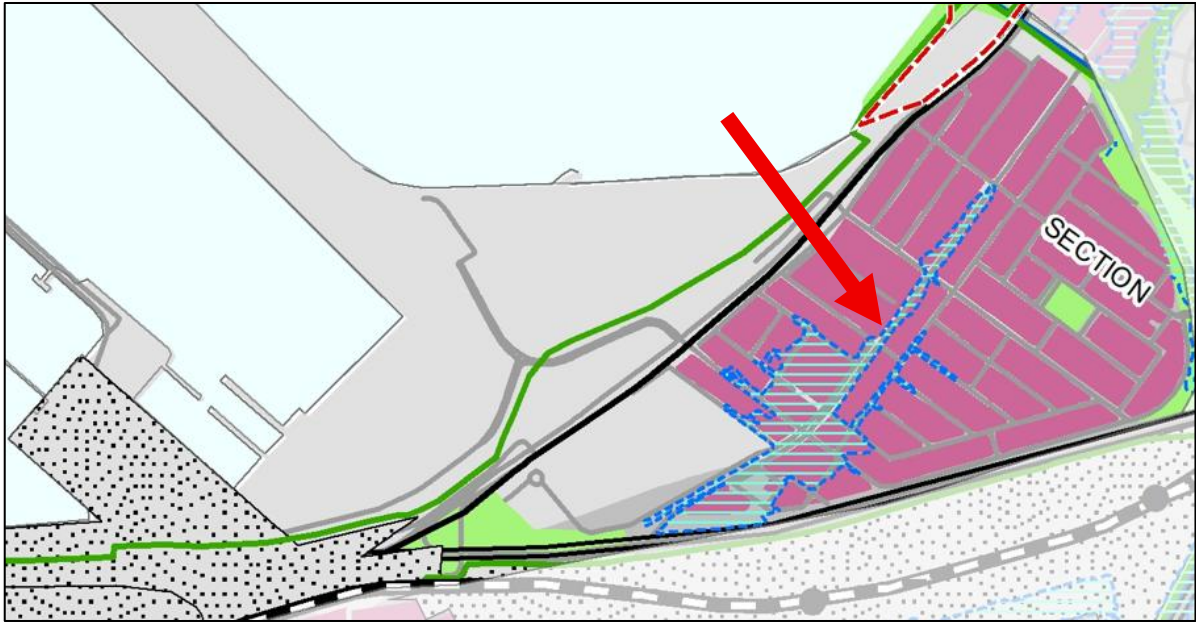


Figure 13: Extract of the Table Bay District Plan map (sub-district 2).

5.2.2 Relevant Criteria in the DMS

The application complies with relevant criteria contemplated in the DMS, i.e., the proposal is desirable when assessed in terms of the adjudication criteria set out in Section 99.

5.2.3 Applicable Policies Approved by the City

The proposal complies with the following approved Council Policies:

- Inclusive Economic Growth Strategy (2021)

The Inclusive Economic Growth Strategy (IEGS) sets out a framework to address Cape Town's economic challenges by fostering job creation, sustainable development, and efficient land use. The proposed extensions and alterations of an existing factory directly support these objectives by increasing production and thus employment within the existing urban fabric, aligning with the City's long-term visions.

- Social Development Strategy (2013):

The Strategy articulates the roles of the Council in promoting and maximising social development. Social development is understood broadly as the overall improvement and enhancement in the quality of all people. The proposal is consistent with the Strategy as it will increase the factory production in relatively in an accessible location.

- Transit Oriented Development Strategic Framework (TOD):

The core principles of the TOD are affordability, accessibility, efficiency and intensification. The subject property is located in a PT2 area, and accessible to the MyCiTi bus service. The proposal is consistent with these principles and therefore also with the TOD.

5.2.4 Desirability of the proposed use

The proposed land use is considered desirable as the property will remain to be used for industrial purposes. Therefore, in terms of land use the proposal is considered to be highly compatible with the area.

5.2.5 Impact on Existing Rights

As motivated in Paragraph 5.4 below, the proposal is desirable and will not impact on existing rights.

5.2.6 Other considerations prescribed in relevant national and provincial legislation

Principle of spatial justice: Indirectly. The proposal will offer employment opportunities during construction and expansion of production area of the factory, which is situated in within the City's Urban Inner Core.

Principle of spatial sustainability: The proposal is within an existing urban area which is built up, the proposal will therefore discourage sprawled urban development.

Principle of spatial resilience: The proposal is within an existing industrial area.

Principle of good administration: This proposal will be processed in accordance with all relevant legislation.

5.3 Motivation in terms of Section 99(3) of the DMS

The application complies with the following relevant considerations:

- Socio-economic Impact

It is not believed that there is any material impact on the surrounding neighbours or on the area as the proposed development is consistent with the surrounding built environment. The applications will enable the regularisation of existing alterations and additions. The proposal will have a positive economic impact on the owner as it will enable that extensions of areas for the expansion of an economic activity, thereby optimising the investment. This will directly and positively impact on the Council's income through increased rates and taxes to be spent on managing the city as a whole. The proposal has a positive socio-economic impact by providing employment in the increased factory operations. The financial investment in the property will contribute to the City and the Western Cape's economy.

- Compatibility with Surrounding Uses

The use of the property will remain industrial, and the proposed development will be compatible with the surrounding uses. The existing rights of the neighbours will not be affected.

The proposed enclosure of the existing approved covered platform area along the south-eastern street boundary will not have an impact on surrounding uses, as the portion of the property used to be covered and enclosed with a fence – and now is enclosed with a neater brick wall.

The proposed extension to be building on the north-eastern street boundary is of a minor nature and does not impact on the surrounding uses, as it remains industrial and is located more than 15m away from surrounding properties.

- Impact on External Engineering Services

No negative impact on external engineering services. The application will be circulated to the relevant service branches for comment, and any upgrades required to services will be at the developer's cost.

- Impact on Safety, Health & Wellbeing of the Surrounding Community

No expected impact on the Safety, Health & Wellbeing of the Surrounding Community for the minor street building line departures.

- Impact on Heritage

The existing building on the property is than 60 years but is not situated within a Heritage Protection Overlay Zone (HPOZ). The proposed alternation and additions will thus be subject to Heritage Western Cape approval, which is not required in this process.

- Impact on the Biophysical Environment

The proposed development occurs on a developed property. The proposal will not have a negative impact on the biophysical environment.

- Traffic, Transport, Parking and Access

The subject property is located in a PT2 area (in terms of the DMS), has access to public transport and zero parking requirements.

- Imposition of Conditions and Mitigation of Adverse Impacts

There are no adverse impacts predicted. If the City finds it necessary, conditions of approval will be imposed to mitigate any potential adverse impacts.

5.4 Desirability and Impact on Existing Rights:

Granting the application will allow for the regularisation of existing additions and alterations to the approved industrial building on the subject property, which is associated with the continued use for industrial purposes. The subject property is already developed with an industrial building

accommodating factory units, and the proposal therefore relates to an existing lawful use that is consistent with the zoning of the property and the character of the surrounding area. As the proposed departures is not considered to introduce a new or undesirable land use, it is considered appropriate that the site be utilised in a manner that supports its ongoing function and enables the reasonable use of the land.

The application will not result in a loss of amenity to the area, nor is it considered to have a detrimental impact on the existing rights of adjoining property owners. The departures sought are site-specific and relate primarily to street building line and coverage encroachments, which are considered acceptable in the context of the existing development and surrounding built form.

The removal of the restrictive title deed conditions and the approval of the permanent departures will enable the lawful regularisation of the existing and proposed additions. In the circumstances, the proposal is considered desirable and is accordingly supported.

5.5 SPLUMA

Motivation in terms of LUPA and SPLUMA: The proposal complies with Sections 7 of SPLUMA and 59 of LUPA in the following ways:

5.5.1 Section 39(5) of LUPA

- (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:*

It is not considered that the restrictive title deed conditions relating to street building lines and coverage give any specific financial or other value on any person or entity, whether in a personal capacity or as the owner of a dominant tenement. The conditions appear to function as outdated development controls rather than rights created in favour of a particular beneficiary. These development controls have been replaced by the parameters of the By-Law and the DMS, which have mechanisms and procedures to deviate or depart thereof, whereas the title deed conditions to not and therefore needs to be removed.

The removal of these conditions will therefore not result in the loss of any identifiable financial benefit or vested right enjoyed by another party. In the circumstances, it is considered that no person or entity will be prejudiced by the proposed removal of the relevant restrictive title deed conditions.

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

It is not considered that the restrictive title deed conditions relating to street building lines and coverage confer any material personal benefit on any identifiable person or entity. The conditions function primarily development controls, rather than conferring a specific personal advantage on a beneficiary.

In the context of an established industrial area and an already developed industrial site, the retention of these conditions in their current form is not considered necessary to protect any particular personal benefit enjoyed by others. The proposal is accordingly not considered to prejudice any identifiable personal rights arising from the restrictive conditions.

(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:

The property owner will achieve personal benefits from the removal of the conditions, as it will unlock additional value for the property.

The removal of the restrictive title deed conditions will allow the applicant to regularise existing additions and alterations to the industrial building, and to accommodate further proposed additions associated with the continued use of the site. This will provide the applicant with planning and legal certainty in respect of the development on the property.

The proposal will also enable the property to function more efficiently in accordance with its industrial zoning and established use and will facilitate the reasonable and orderly utilisation of the site. In this regard, the personal benefit to the applicant is considered legitimate and directly related to the lawful use and development of the property.

(d) The social benefit of the restrictive condition remaining in place in its existing form:

"Social" is defined as "of relating to society and its organisations". Thus, the question is what is the benefit of the right to society? "Society" comprises the neighbours, the local residents and the broader society. The restrictive condition relates to development parameters imposed by local authority as development control.

It is not considered that there is any significant social benefit in retaining the restrictive title deed conditions in their existing form. While the conditions were originally intended to regulate development by means of street building lines and limitations on built-upon

area, these matters are also regulated through the DMS and building plan approval procedures.

In these circumstances, the continued retention of the restrictive conditions is not considered necessary to secure a broader public benefit over and above the controls already exercised by the Municipality. The landowner also remains restricted relevant City policy, and parameters and requirements in the DMS.

(e) The social benefit of the removal, suspension or amendment of the restrictive condition:

The removal of the restrictive title deed conditions will have the social benefit of allowing the lawful regularisation of existing building work and enabling further development in an orderly and transparent manner. The application will facilitate the continued use and improvement of an established industrial property, without introducing a new or incompatible land use.

The proposal will also support the efficient use of serviced urban land within an established industrial area. The removal of the restrictive conditions is considered to have greater social benefit than their retention in circumstances where the development remains subject to the applicable zoning and municipal controls.

(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:

It is not considered that the removal of the restrictive title deed conditions will completely remove all rights enjoyed by any beneficiary. To the extent that any rights may exist, only some of those rights will be affected, as the property will remain subject to the applicable zoning scheme, development parameters and municipal approval processes.

Accordingly, the removal of the restrictive conditions will not result in the absence of development control on the property. The scale, form and extent of development will continue to be regulated by the Municipality, and the rights and interests of surrounding property owners will remain capable of protection through the applicable land use and building control framework.

5.5.2 Section 47 of SPLUMA

The title deed restrictions that are to be amended does not constitute servitudes or contractual rights. They are limitations on the use of land imposed in the public interest. Neighbouring owners have an interest in the restrictions, but the restrictions do not vest in them with any private rights to property within the meaning of Section 25 of the Constitution.

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 removal 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 amendment of restrictions is constitutional as long as it complies with applicable legislation.

There will be no deprivation of any property belonging to the owners who enjoy the benefits of this condition, it will not intrude on their properties, and the proposal will not limit the use or enjoyment of any other properties.

The amendment of the restrictions further do not entitle neighbouring 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."*

5.5.3 Section 42(1)(c) of SPLUMA

It is demonstrated that the various factors to be considered, as listed in Section 42(1)(c) of SPLUMA, are addressed in the body of this report, where relevant. These factors include "public interest", "constitutional transformation imperatives", "facts and circumstances relevant to the application", "respective rights and obligations of all those affected", and the "impact on engineering services, social infrastructure and open space requirements", etc. The proposal is compliant in terms of these considerations.

5.6 General

- The proposal is in line with the guidelines and recommendations set out in the Municipal Spatial Development Framework and Table Bay District Plan.
- The proposal accounts for responsible and sensitive development within the industrial context, that is generally consistent with the DMS provisions and the various approved Council Policies.
- Land development optimises the use of existing resources and infrastructure in the City.
- The development aligns with the principles of efficiency; the property is located within close proximity to employment opportunities i.e. the City centre.

6 RECOMMENDATIONS AND CONCLUSIONS

Application has been made for the removal of restrictive title deed conditions and departures on the subject property. It has been demonstrated that the application satisfies the adjudication criteria set out in SPLUMA, LUPA and the MPBL.

The proposal is mostly within the parameters of the DMS, with minor departures, and accounts for responsible development that aligns with the principles of Cape Town's Municipal Spatial Development Framework, the Table Bay District Plan, the promotion of appropriate land use intensity.

It is demonstrated above that the application is compliant with the various forward planning policies that govern land use in the Cape Town Region as well as complying with the desirability criteria in terms of S99(3) of the MPBL and thus should be supported by the City and **recommended for approval.**

TOMMY BRUMMER TOWN PLANNERS

Dane Leo