



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500161731

Erf 3153, 10 Watsonia Close, Pinelands

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.

LJ GLUCKMAN

TOWN PLANNING

MOTIVATIONAL REPORT:

PREPARED BY: LJ GLUCKMAN TOWN PLANNING

APPLICATION: APPLICATION TO LAND USE MANAGEMENT FOR PERMANENT DEPARTURES AND THE RELAXATION OF RESTRICTIVE CONDITIONS ASSOCIATED WITH PROPOSED NEW DEVELOPMENT AT ERF 3153, PINELANDS

DATE: 16 AUGUST 2026

ERF Number	ERF 3153, Pinelands
Address	10 Watsonia Close, Pinelands
Registered Owner	
Applicant	Lloyd Gluckman
Title Deed	
Restrictive Conditions	Yes
Registered Extent	1068
Zoning	Residential Zone 1
Overlay Zoning	NA

INTRODUCTION

The owner of the subject property wishes to locate a second dwelling thereon in accordance with the permissible land uses associated with Residential Zone 1 as per the Municipal Planning By Laws. The proposed new development, as per the proposed building plans attached, requires a submission to the City of Cape Town's Land Use Management Department to permit proposed development which contravenes certain provisions of these by-laws associated with development. Application has also been included for the proposed relaxation of relevant restrictive conditions contained in the title deeds.

This report serves to detail the proposed development and motivate for the applications required to be included as per the proposed new development.

APPLICATIONS

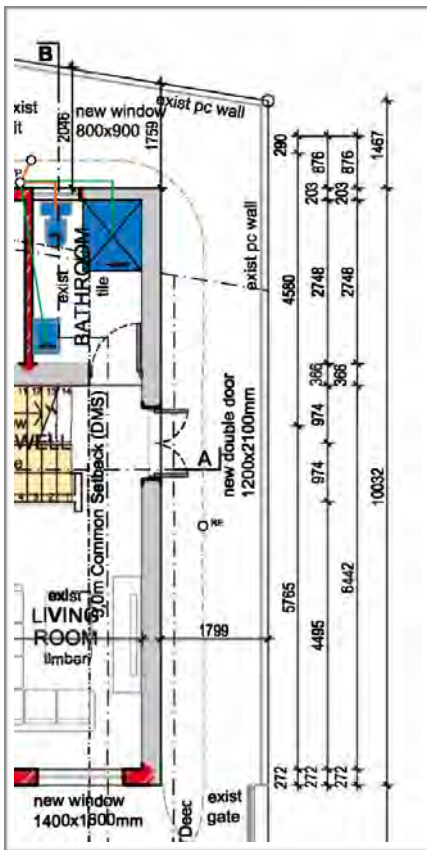
- 1) Permanent Departure in term of Section 42(b) of the MPBL from item 22(d)(i) to permit the proposed second dwelling to be setback 1.799m from the north western common boundary in lieu of 3m.
- 2) Permanent Departure in term of Section 42(b) of the MPBL from item 22(d)(i) to permit the proposed second dwelling to be setback 1.505m from the south western common boundary in lieu of 3m.
- 3) Permanent Departure in term of Section 42(b) of the MPBL from item 22(c)(ii) to permit building height of 6.579 within 3m of the south western common boundary in lieu of 4m
- 4) Permanent Departure in term of Section 42(b) of the MPBL from item 22(c)(ii) to permit building height of 6.224m within 3m of the north western common boundary in lieu of 4m
- 5) Proposed relaxation of title deed restrictive conditions D3b & D3d in terms of Section 42(h) of the MPBL.

1) PROPOSED SECOND DWELLING UNIT

2) PROPOSED DEPARTURES

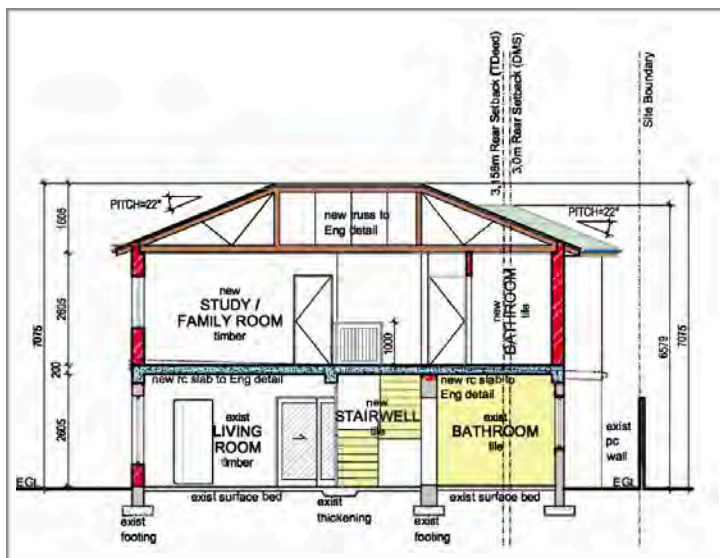
[illegible]LJ GLUCKMAN
TOWN PLANNING

LOCATION OF PROPOSED STRUCTURE FROM NORTH WEST COMMON BOUNDARY

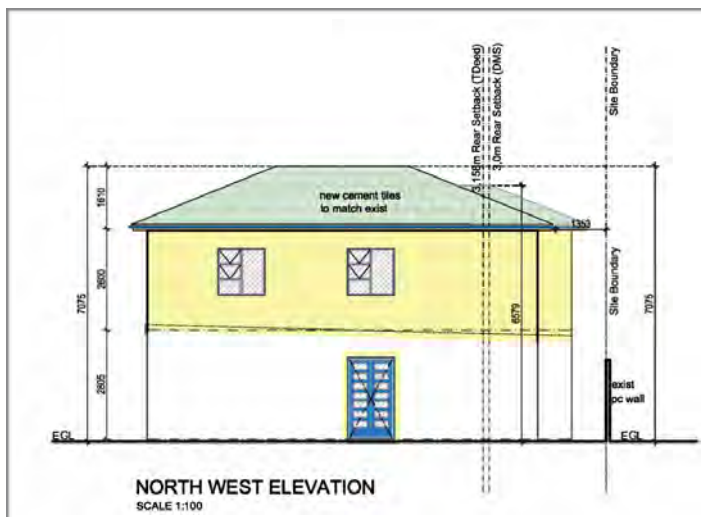


The extract from the proposed building plans above shows the location of the proposed structure relative to the north west common boundary. Application for departure has been included to permit this portion of the building to be located 1.799m from this boundary in lieu of 3m

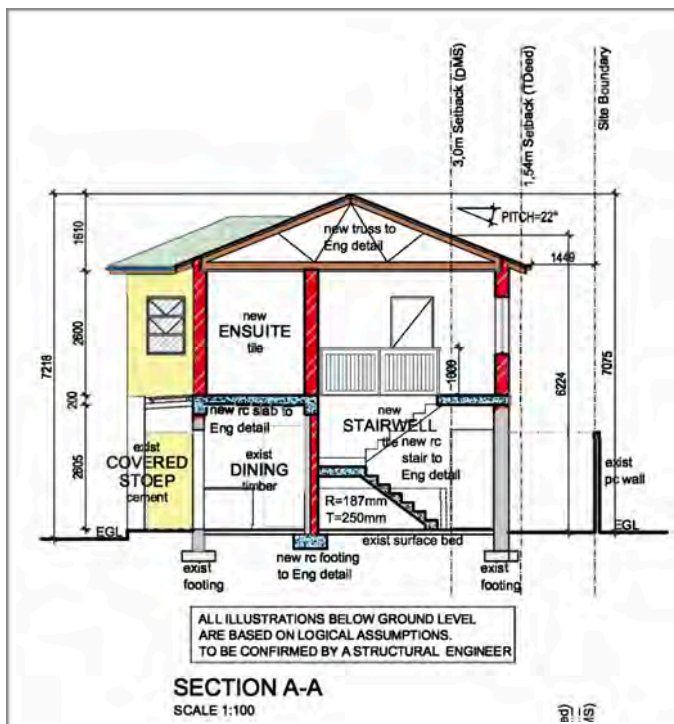
HEIGHT OF PROPOSED STRUCTURE WITHIN 3M OF THE SOUTH WEST COMMON BOUNDARY



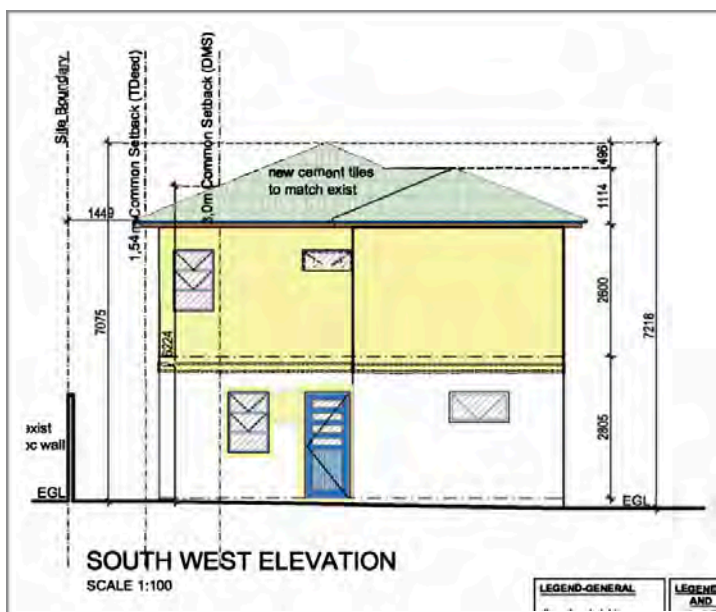
The extract from the proposed building plans above is taken from elevation B-B which depicts the height of the proposed structure within 3m of the south west common boundary. The height of the building within this area is 6.579m thus requiring the inclusion of an application for a departure from the provisions of item 22(c) (ii) which limits the height of structures in this area to 4m. This is also illustrated on the below extract of the north west elevation.



HEIGHT OF PROPOSED STRUCTURE WITHIN 3M OF THE NORTH WEST COMMON BOUNDARY



The extract from the proposed building plans above is taken from elevation A-A which depicts the height of the proposed structure within 3m of the north west common boundary. The height of the building within this area is 6.224m thus requiring the inclusion of an application for a departure from the provisions of item 22(c) (ii) which limits the height of structures in this area to 4m. This is also illustrated on the below extract of the south west elevation.



3) PROPOSED RELAXATION OF RESTRICTIVE CONDITIONS

The Title Deeds of this property contain a number of restrictive conditions which limit either the development or the use of the property to varying degrees. The Western Cape High Court granted a final order to effect that all conditions imposed by Garden Cities be waived thus these conditions are no longer in effect within Pinelands. Furthermore, any conditions imposed by Garden Cities for its benefit within the title deeds of properties are no longer required to be formally amended, suspended or removed in terms of the local planning by-laws. No action is therefor required within this application concerning restrictive conditions contained within the subject property's title deeds which were imposed by Garden Cities.

There are however a number of restrictive conditions which were imposed by, and in favour of, the Administrator of the Cape Province in terms of the Townships Ordinance 33 of 1934. These restrictive conditions are still applicable and any development on, or use of, the property is still required to conform to these restrictions. Contemporary planning by-laws have replaced the Townships Ordinance 33 and new mechanisms now control the development of properties within the City which are aligned to updated policies and legislation. Restrictive conditions imposed in terms of repealed laws often differ greatly in terms of the restrictions they place on development and land use when compared to more current legislation. Application is therefor made for the proposed relaxation of two restrictive conditions, discussed in more detail below.

The following title deeds are imposed in deed _____ in favour of the Administrator of the Cape Province under Townships Ordinance No. 33 of 1934 as first imposed in the Deed of Transfer No.

D3 - This erf shall be subject to the following further conditions, provided especially that wherein the opinion of the Administrator, in consultation with the Townships Board and Local Authority it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:-

B - It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used therewith.

D - No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 15 feet to the street line which forms a boundary of this erf, nor within 10 feet of the rear or 5 feet

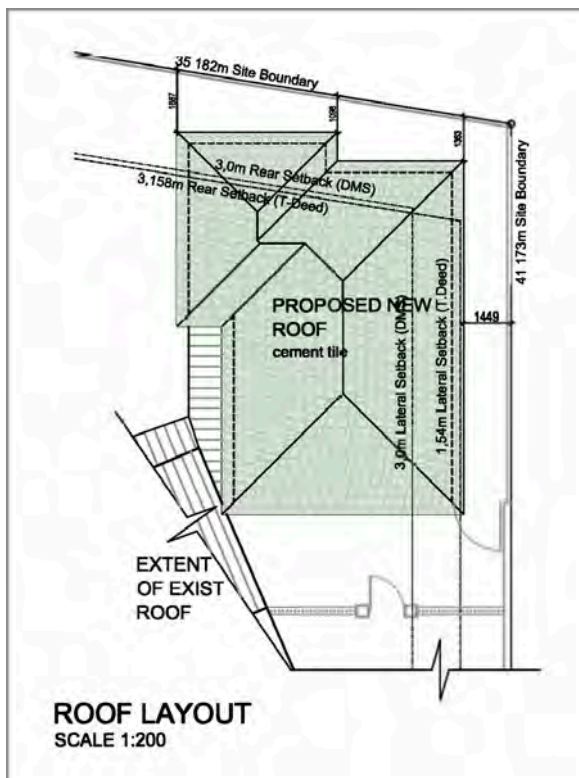
of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 10 feet in height measured from the floor to the wall plate and no portion of which will be used for human habitation may be erected within the above prescribed rear space. On consolidation of any two or more erven this condition shall apply to the consolidated area as one erf.

As indicated in the pre-amble to these conditions, it is permissible to make application for the proposed relaxation of these conditions. As such, application is included herein to relax the above mentioned conditions to permit:

- The location of two dwellings on the subject property.

&

- To permit the proposed structure (all portions thereof) to be located within the prescribed rear and lateral boundary setbacks as per the proposed building plans provided.



The above image shows the proposed roof layout of the proposed second dwelling. This shows the closest point of the roof to be 1.098m from the south west common (rear) boundary and 1.449m from the north west common (lateral) boundary.

As elaborated on and motivated within this report, these restrictive conditions were imposed under a now repealed by-law and more contemporary laws have been drafted which directly address and support updated legislation, policies and spatial plans. These updated policies take into account both historical and

current issues and pressures experienced by the city and aim to address these via various provisions including strategic objectives and spatial plans at the city-wide and district and local levels. A number of these restrictive conditions are more restrictive than the development, land use and other provisions contained within the Municipal Planning By-Law and application is hereby made for the proposed relaxation of these conditions as outlined above, together with the required applications to depart from a number of provisions contained within the By-Laws.

LOCAL AREA - PINELANDS AND SURROUNDS

Pinelands is a well located suburb in the greater context of the city of Cape Town. It enjoys high degrees of accessibility to major structuring routes including the N1, N2, M5 and M3 freeways which provide connections to the greater municipal area and beyond. It's location close to industrial and commercial areas and hubs make it a highly sought after suburb to reside in given its location in close proximity to places of employment and economic opportunities. The area is also well serviced with private and public amenities including an extensive public open space network, civic services, large shopping complexes, restaurants, coffee shops, schools and sporting facilities. The area is well serviced in terms of external municipal engineering infrastructure which includes stormwater, sewer networks and electrical and water supply. Solid waste removal services and road networks are also well established and the City is committed to the continual upgrade and maintenance of all these services in the area.

The area is serviced by existing public transport infrastructure which provides access to the area from other locations within the City and provides residents with options to access the greater metropole. Pinelands location in close proximity to the city's CBD is another attribute which makes it a desirable area to reside in and the growing demand for residential opportunities in the area has necessitated the continual upgrade and maintenance of public transport infrastructure in the area.

Pinelands is primarily a residential neighbourhood and properties located within this area are predominantly zoned Residential Zone 1 and contain either one, two, or three dwelling units as is permitted in terms of the DMS. Despite being a highly sought after area to reside in given its strategic location in the context of the city, Pinelands remains a low to moderate density residential area. A recent decision taken in terms of the Western Cape High Court has removed the necessity of properties in the area to conform to, or abide by, the provisions imposed in the form of restrictive conditions in their title deeds imposed in favour of Garden Cities. This exemplifies that the area, while still protecting its character and heritage resources, is undergoing

change and development and land use is being supported in line with contemporary laws and policies. Despite this, there are a number of restrictive conditions which still remain in force.

There are heritage resources present in the area which the local authority has deemed to be conservation worthy and has sought to protect these features by creating Heritage Protection Overlay Zones. The subject property is not located within the defined HPOZ for the area but, as with all properties within the confines of the City of Cape Town's defined municipal area, development and land use is governed by the Municipal Planning By-Laws.

The area falls within the defined boundaries of the Table Bay District which seeks to uphold spatial planning provisions and directives designed to guide the future development of the area. These plans and policies are discussed and considered in greater detail below as they relate to the proposals made within this application.

SUBJECT PROPERTY

The subject property is located at 10 Watsonia Close with access taken via a single carriageway crossing and the property currently has a dwelling and a garage located on it.

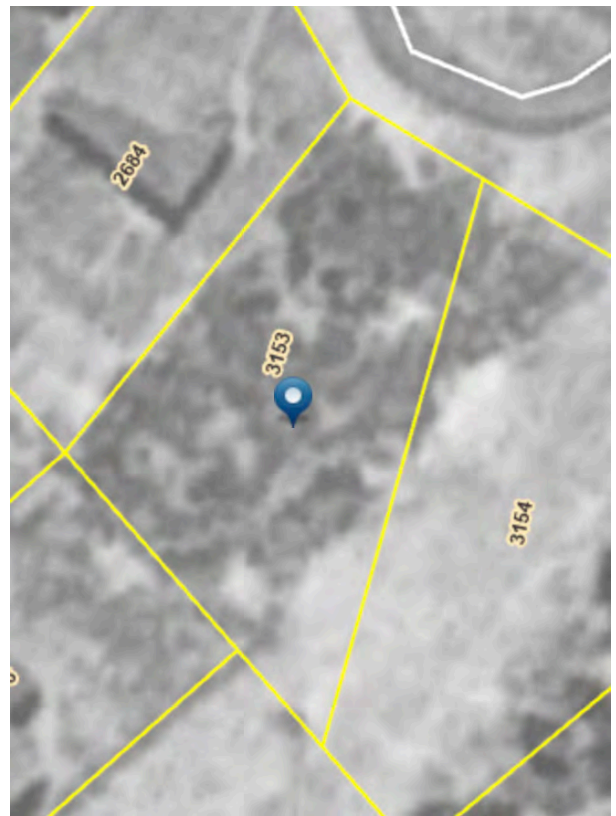
The property enjoys easy access to Forest Drive, the major connector route through the suburb of Pinelands. The accessibility of Forest Drive to the subject property provides high degrees of accessibility to residents to the greater metropole predominantly via the N2, M5 and M3. Forest Drive is a north-south connector route and provides access to large retail complexes in the north of Pinelands as well as to Maitland, a well established industrial and commercial area which is increasingly becoming more of a mixed use area. Access is also provided to Voortrekker Road which is a well established corridor which connects the CBD to Bellville and is characterised by a high concentration of commercial, retail and industrial activities. Forest Drive also provides access to well established public transport routes for residents in the area. The subject property can therefor be regarded as a well located and highly desirable property to live on given it's location and access to places of economic opportunity and employment and a wide variety of amenities within Pinelands along with those which are easily accessible from the area.

A large portion of Pinelands is covered by a Heritage Protection Overlay Zone which has been implemented over the area to preserve the character of the area as well as to better protect conservation worthy heritage resources located on properties within the area. The subject property is not located within this overlay zone

therefor the provisions of this zoning do not impact on the proposed development or land use of this property.

There are no natural or biophysical features of significance located on the property and there is no proposal herein to remove trees or other vegetation from the property. As the proposed second dwelling unit is largely contained within the existing footprint of an approved structure this is not necessary.

The property is zoned Residential Zone 1 and contains restrictive conditions in the title deed which place further restrictions on the use of, and development on, the property. This zoning and the various restrictive conditions are discussed in greater detail in other sections within this report along with the various laws and policies which are applicable to the proposals made within this application.



The images above show a comparison of the property between 1958 (right) and 2026 (left).



The image above shows that the subject property is located within a predominantly residential neighbourhood surrounded by properties similar in size.

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

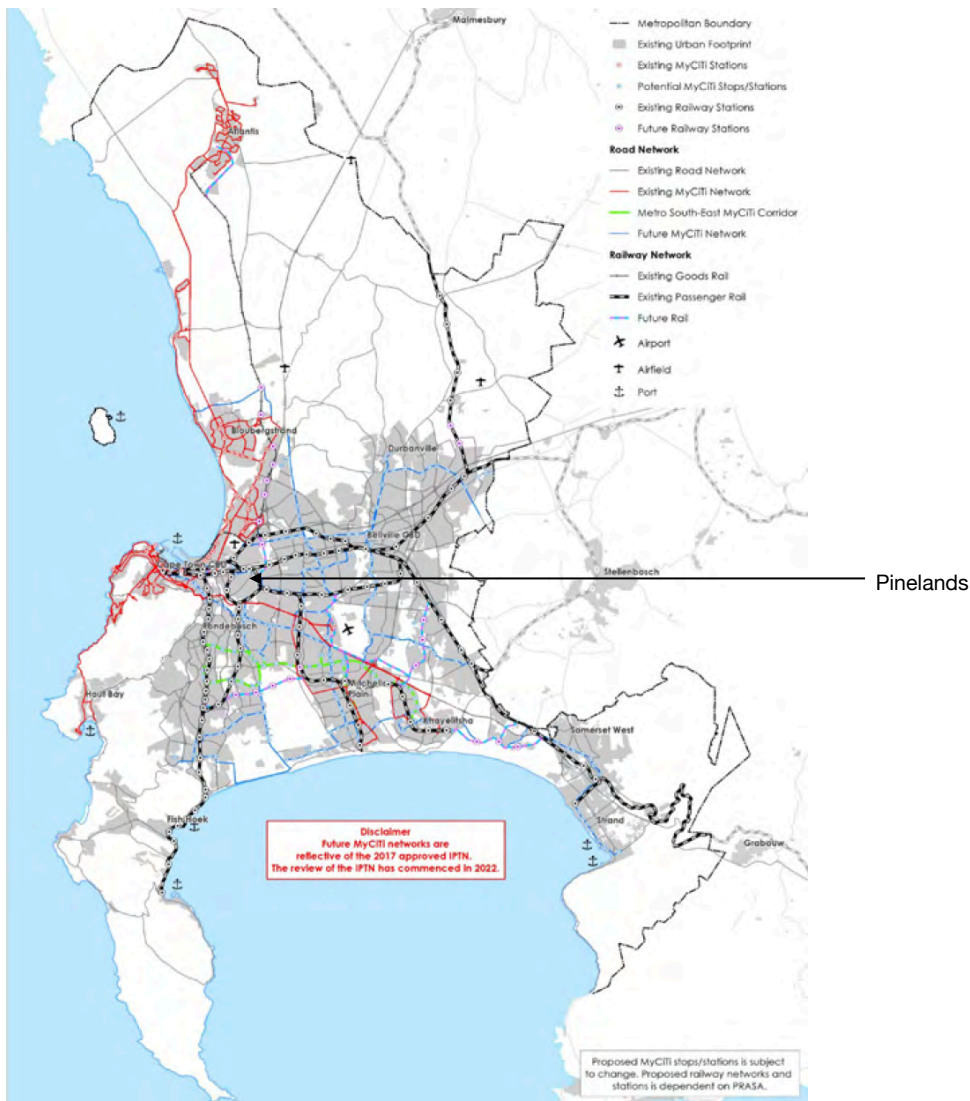
The provisions contained within the PSDF have been considered as they relate to this proposal and it has been found that the proposals do not contravene any of the policy directives contained within this document. This report details high level spatial plans and policies for the Western Cape which are pulled down and implemented at finer scales in Municipal SDF and District plans. The proposal to locate a second dwelling unit on the property and for the relaxation of the respective restrictive conditions imposed in the title deed are not expected to impact on the achievement of realising the various directives contained within PSDF.

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

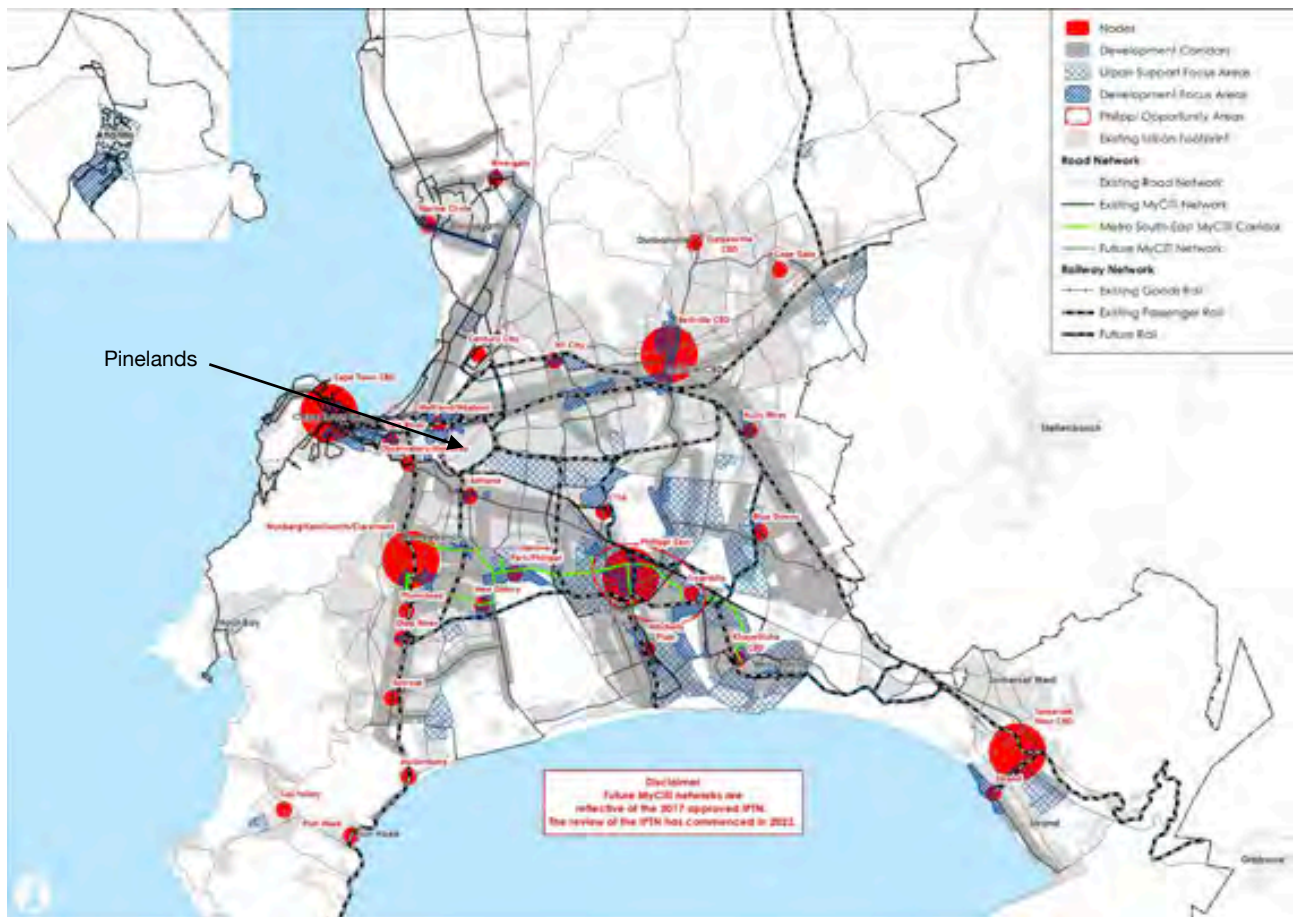
The MSDF draws on the PSDF as well as focusses on factors such as the spatial, socio-economic and environmental attributes of the City and providing a framework complete with spatial plans and strategic objectives designed to guide the future development of Cape Town.

The proposals contained within this application are in no way expected to have a negative impact on, or limit the achievement of, the spatial policies contained within the MSDF. The proposals made are all limited to the confines of the subject properties cadastral boundaries and are expected to have negligible impacts on

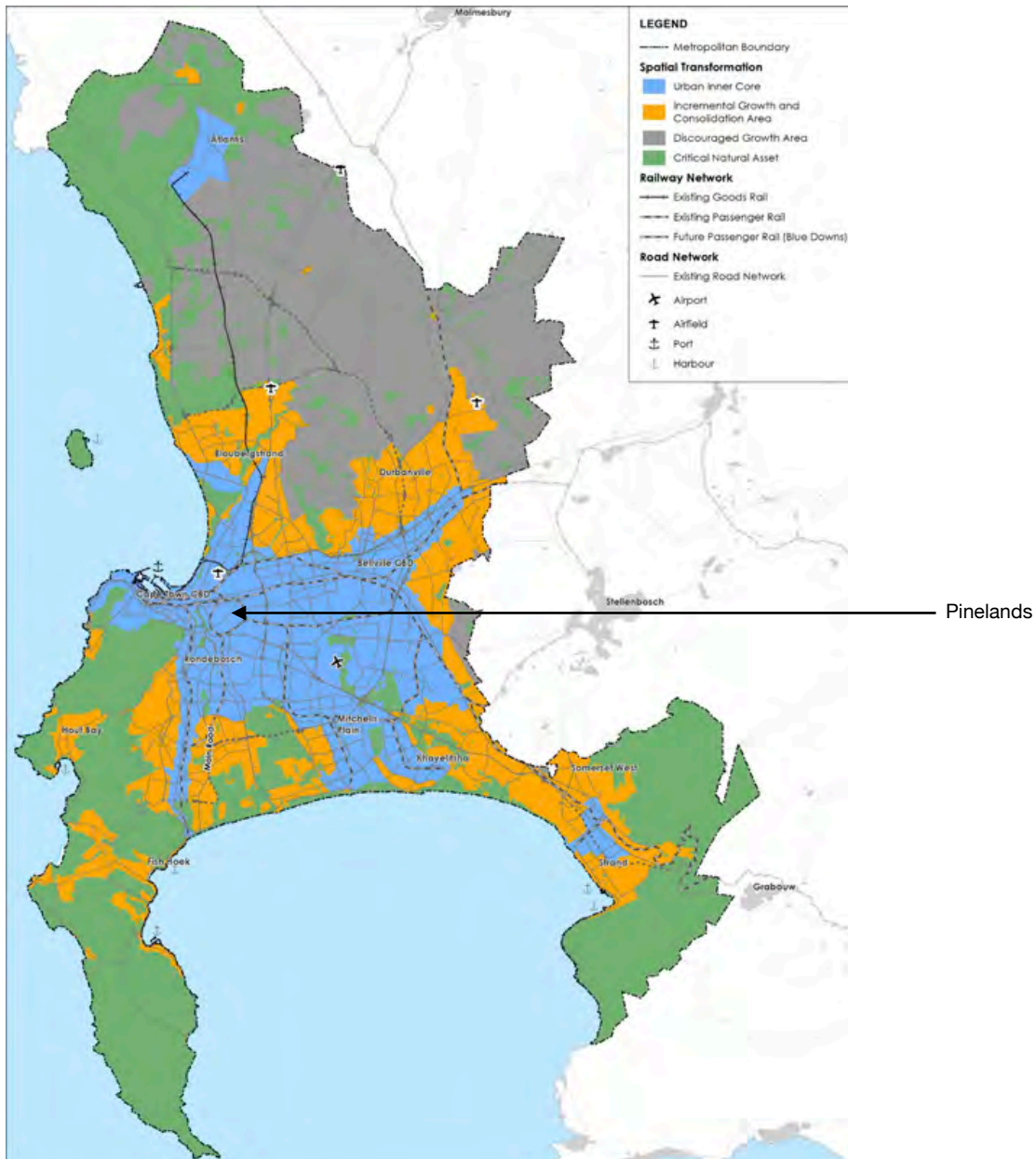
aspects such traffic and external engineering services as highlighted later in the report. It is therefore maintained that these proposals will have no negative impact upon the local area or the greater metropolitan area.



Cape Town's Transport Network Plan shows existing MyCiti Bus Routes and Passenger Rail routes in close proximity to the area which are further supported by informal public transport routes. Well established public transport infrastructure supports densification and provides residents with access to greater access to the city allowing higher degrees of accessibility to places of employment and a wide variety of amenities including healthcare facilities, schools and retail outlets. Promoting the use of public transport supports the City's environmental objectives of reducing the use of fossil fuels, reduces pressures on public roads, reduces traffic and congestion and further bolsters the sustainability and future development of transport infrastructure.



The above image is a conceptual plan depicting the development corridors and urban nodes throughout the city. It is clear that Pinelands is an extremely well located residential area within the context of the city given its proximity to major urban corridors and location between the Cape Town and Bellville CBD's.



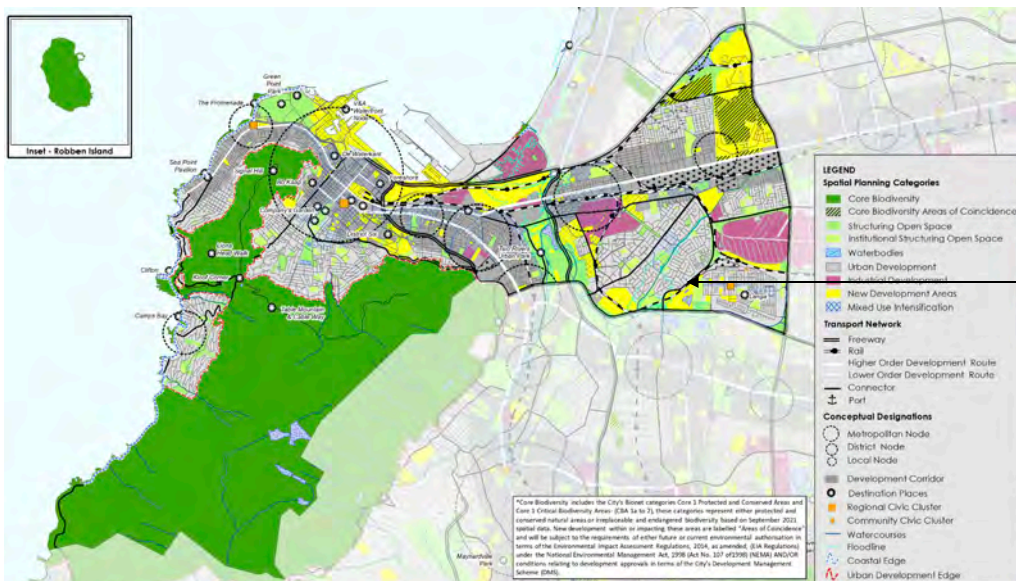
Pinelands clearly falls within the defined 'Urban Inner Core' as depicted in blue in the above image. The MSDF states that the City and public and private sectors are committed to coordinated, spatially targeted investment and land development to spatially transform and integrate the city form. Diverse and dense land uses are included as desirable spatial outcomes within these areas which will also be targeted in terms of investment into public transport infrastructure. Land use intensification is promoted and the maintenance of, and upgrades to, service delivery infrastructure is to be carried out on a continual basis to facilitate this desired intensification and densification in these areas.

It is clear that the subject property is well located in the context of the city and that the proposals made within this report are in support of the various spatial planning objectives contained therein. A second dwelling unit is a means through which to achieve densification and intensification of land use in the area. This densification will afford a greater number of people the opportunity to reside in a well located area which directly supports Strategy 1 of the MSDF. Strategy 2 is also supported via densification as the proposal results in the use of underutilised and well located land close to existing public transport routes. This reduces pressures on urban sprawl thereby protecting valuable agricultural and natural land beyond the defined urban edge and creates conditions for sustainable public transport provision. The more people available to utilise public transport increases the financial viability of these systems and reduces dependencies on private transport thereby reducing the use of fossil fuels. Affording a greater number of people the opportunity to reside in a well located area helps to support Strategy 3 of creating a more inclusive and integrated city.

It is clear from the above that the proposals made within this application do not jeopardise the achievement of the spatial directives of the MSDF and, in many ways, support these objectives.

TABLE BAY DISTRICT PLAN

The subject property is located within the Table Bay District for which a spatial planning policy has been drafted to guide future development in the area. The Spatial Objectives of this plan, the Table Bay District Plan, are strongly linked to the MSDF, as the spatial vision, development strategies and transformation agenda of this more high level spatial framework for the City has to be translated to the finer scale of the District level.



The Table Bay District Spatial Development Framework (Above) shows that Pinelands is located in close proximity to a number of District and local nodes, and development corridors within and beyond the Table Bay District. The area falls within the Urban Development Spatial Planning Category (SPC) as depicted in light grey on the above plan. Incremental intensification is supported within these areas and the City is committed to upgrading existing engineering services. The proposal for a second dwelling unit is therefore supported in these areas and the City is committed to continual upgrades and maintenance of engineering services to support the desired densification and intensification of land use. The policy specifically includes the need to increase development within station precinct as an objective, which includes Pinelands.

The policy identifies Pinelands as an area of heritage significance having been established in the 1920's as a Garden City with the provision of generous public space and a layout designed to radiate from a central square. It has however been noted that the subject property does not fall within the Heritage Protection Overlay Zone designed to act as a mechanism through which to protect heritage resources in the area.

The district plan provides a central vision for the area, "for Cape Town to be a city of hope for all – a prosperous, inclusive and healthy city where people can see their hopes of a better future for themselves, their children and their community become a reality. As the City government, we are focused on creating the conditions for the meaningfully faster economic growth we need to see more Capetonians lift themselves out of poverty". The strategies of the policy, which are aligned with those contained within the MSDF, are designed to help achieve this vision. Spatial Strategy 1 is to plan for employment and improve access to economic opportunities. This has been addressed within this application by indicating that the property is well located and the provision of increased housing opportunities provides a greater number of people the opportunity to reside close to places of employment with high degrees of accessibility to economic opportunities. Spatial Strategy 2 addresses the need to manage urban growth in a sustainable and balanced manner. As discussed in the previous section, the proposal does not result in detrimental impacts to the natural environment and it is well founded that densification is a means through which to promote sustainable urban growth as it reduces pressures on urban sprawl and creates an enabling environment for successful public transport systems. The third Spatial Strategy is to create an inclusive, integrated, vibrant and healthy city. By providing increased housing opportunities in an area located close to municipal, district and local nodes and development corridors more people are able to access these places more easily thus creating a more inclusive environment.

SOCIAL DEVELOPMENT STRATEGY & INCLUSIVE ECONOMIC GROWTH STRATEGY

The Social Development Strategy and Inclusive Economic Growth Strategy have been considered as they relate to the proposals made within this application. Neither of these policies are expected to be negatively impacted upon as a result of the approval of this application. Additional housing opportunities in a well located area allow for a greater number of people to reside close to employment opportunities as well as established public transport infrastructure supporting the creation of an opportunity city. This has been discussed in the previous sections and it has been demonstrated how these proposals directly contribute to supporting the achievement of these policies.

DENSIFICATION POLICY

The form of densification proposed in this application is believed to be very much in line with the provisions of the Densification Policy. This policy promotes densification where appropriate in order to provide access to secure housing in well located areas and to protect the integrity of the designated urban edge. As has been discussed in this report, Pinelands is a well located residential area in the context of the greater metropole and densification is supported in this area by both the MSDF and District Plan.

Densification is seen as a mechanism through which to promote the long term sustainability of the City and protect valuable agricultural and natural land beyond the borders of the city. The policy notes that a 'one size fits all' approach should not be taken to densification throughout the city and the form of densification proposed within this application is believed to be sensitive to the context of the local area.

DEVELOPMENT MANAGEMENT SCHEME

ZONING: RESIDENTIAL ZONE 1

Permissible Land Uses:

Primary Uses:	dwelling house, private road, micro wind turbine, structure-mounted energy system
Additional Use Rights:	home occupation, bed and breakfast establishment, second dwelling, third dwelling, filming, affordable rental flat, supplementary dwelling unit, small-scale wind turbine, place of instruction and home childcare

Consent Uses: utility service, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, veterinary practice, electrical vehicle charging station, small- scale animal care centre, chancery, boarding house, ground-mounted energy system, commune, clinic, small-scale wind turbine, informal trading and halfway house.

Development Parameters:

These parameters pertain to structures located on Residential Zone 1 properties. The subject property measures 1068 square meters in area and is therefore required to conform to development rules which pertain to its size.

Requirements for floor factor limitations are not applicable to a property of this size but there is a limitation on floor space which may not exceed 1500 square meters. Limitations on total coverage are not applicable to properties of this size. Maximum heights of buildings are 10m to top of roof. Buildings on the subject property may not be located within 4.5 meters of the street boundary and within 3 meters of the common boundary.

SPLUMA & LUPA

The provisions of both the Spatial Planning and Land Use Management Act (SPLUMA) and the Western Cape Land Use Planning Act (LUPA) have been considered as they relate to the applications contained within this report and it has been found that no proposal made herein is in contravention of these laws.

This application is believed to promote numerous Development Principles contained within SPLUMA. The principle of spatial justice is supported through the creation of increased residential opportunities in a well located area. The creation of a resilient community is also promoted through the provision of increased housing in a well located area close to job opportunities and existing public transport infrastructure. Making more efficient use of land within the urban edge is regarded as a means through which to protect the integrity of the urban edge by reducing pressures which result in urban sprawl which compromises valuable natural and agricultural land on the periphery of the city. The principle of efficiency is promoted in that the proposal makes more efficient and effective use of underutilised land in a well located area. The Development Principles are carried through into provincial legislation, LUPA, as Land Use Planning

Principles. These have been considered and it is believed that the proposals made within this application support these principles in a similar manner to those described above.

SPLUMA

Section 42(1)(c) provides a list of factors that must be assessed when determining an application for the removal of restrictive conditions:

1. The public interest

No proposals made within this application are expected to have a negative impact on the public interest. All proposals are made on private property and none of these proposals are expected to result in harmful or negative impacts to individuals or the community at large.

2. The constitutional transformation imperatives and the related duties of the state

The applications contained herein have been made according to applicable laws.

3. The facts and circumstances relevant to the application

This report has detailed the facts and circumstances of the application including the character of the local area and how this has changed over the years, building plans have been provided detailing the proposed additions and renovations and, among other factors, local policies and laws have been taken into consideration.

4. The respective rights and obligations of all those affected

The owners of the subject properties are operating within their rights to submit an application requesting the approval of the City for proposed renovations and extensions on their property. This application in turn provides interested and affected parties the right to submit comments in response to these proposals. The City of Cape Town is required to assess the applications and proposals contained herein.

5. The state and impact of engineering services, social infrastructure and open space requirements

The proposals contained within this report are not expected to have a negative impact on engineering services, social infrastructure or open space requirements.

6. Any factors that may be prescribed, including time frames for making a decision

These factors are prescribed largely by the Municipal Planning By-Laws.

Section 47(2) of the Spatial Planning and Land Use Management Act (SPLUMA), 2013, provides that a removal, amendment or suspension of a restrictive condition must occur:

(a). in accordance with section 25 of the Constitution and SPLUMA

The property rights of any party will not be negatively affected by the relaxation of the respective restrictive conditions.

(b). With due regard to the respective rights of all those affected, and to the public interest

The rights of any party and the public interest are not expected to be negatively impacted upon by the proposed relaxation of these restrictive conditions. The public interest is currently protected by the Municipal Planning By-Laws and the rules and regulations prescribed within the DMS. The restrictive conditions which have been registered over this property are older than these, more current, development regulations. The conditions were put in place to protect the character of the area, the character of which has changed significantly and in a manner which conforms to current legislation and policy. The land use rights prescribed to this property by current legislation, which is informed by contemporary laws and policies, are less restrictive than the restrictions contained within the title deeds. The public interest will continue to be protected, despite the proposed relaxation in terms of the proposed building plans, as these conditions will remain in place. The provisions of the MPBL and associated DMS will also continue to protect the public interest. The proposed relaxation of the stipulated restrictive conditions will allow the owner of the property to further invest in the property as per the proposed building plans.

(c). in the prescribed manner if such suspension, amendment or removal will deprive any person of property as contemplated in section 25 of the Constitution.

The proposed relaxation of these restrictive conditions will not result in any person being deprived of property.

LUPA - Section 39(5) stipulates that when a municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard to at least the following:

(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 an owner of the dominant tenement.

We are not in a position, nor are we qualified, to provide accurate information pertaining to the current financial value. It is our opinion however, that the relaxation of these restrictive conditions will permit the owner of the subject property to further invest in this property.

The value in the rights of the restrictive conditions is to maintain the character of the area. These restrictive conditions were imposed to maintain a low building density and ensure that buildings were set back from the property boundaries in a manner which retained the feel of low density development. The character of the area in which this property is located has changed significantly since these restrictive conditions were imposed, this is due, in part, to updated national, provincial and local spatial planning legislation and policies. These laws and policies have not only been updated and changed to promote a more spatially just and equitable city, they have also evolved to accommodate growing population numbers and the increasing pressures placed on the natural environment. Development in Cape Town has responded to these new laws and policies and like the city at large, Pinelands, the suburb in which this property is located, is also undergoing change. The building density in the area is increasing as promoted by the densification policy and the updated MPBL which allows for more intensive land use including provisions for second and third dwelling units to be built on a single erf and less restrictive common and street boundary building lines than those included within these restrictive conditions.

Maintaining restrictions which prohibit properties in this area restricts the ability of these properties from developing in a manner in line with current policies and laws. As the character of the area has changed significantly (increased densities) it is motivated that there remains little value in maintaining these conditions in their current form. As has also been demonstrated within this report, the relaxation of the respective conditions is not expected to result in conditions which deviate from the character of the local area.

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

The personal benefits which accrue to the holder of the rights are the expectations that the character of the area will be maintained by keeping the restrictive conditions in place. As has been discussed, the character of the area is changing and, given the nature of development on properties in the area, it is clear that many are no longer bound by these restrictions. The conditions do not provide a 'personal benefit' to the

neighbours and the surrounding property owners do not have a right of servitude over the subject property, nor are they entitled to a real right which will be impacted upon following the relaxation of the stipulated 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 relaxation of these restrictive conditions will enable the landowner to develop the property in a manner which is in line with current legislation and policies, in particular the provisions contained within the DMS. As such, the proposed relaxation of these restrictive conditions will result in marginally less restrictive controls on development on the property in line with the proposed building plans and will enable enhanced investment in the property by the owner.

These restrictive conditions limit the property owner's ability to invest in the subject property and the proposed relaxation of these conditions will provide the owner with greater opportunity to invest in the property strictly in terms of the proposed building plans.

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

It is believed that there will be no social benefit in retaining these restrictive conditions as they currently are.

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

Certain aspects of the relevant restrictive conditions contradict a number of current policies (including the densification policy and Inclusive Economic Growth Policy) and legislation, all of which are designed to promote and facilitate development in the City which is in line with the development principles. As many of these development principles seek to promote greater social benefit, it is our view that the relaxation of these restrictive conditions will, in fact, promote greater social benefit.

Increased housing opportunities in a well located area allows for a greater number of people to reside in an area close to places of employment and economic opportunity. It also affords more people the opportunity to live in an area which is well serviced, enjoys high degrees of accessibility to the greater metropole via established public transport systems and is located close to a large number of amenities including health care facilities and schools. Allowing for more than one dwelling unit to be located on the subject property,

and allowing for the buildings to be located closer to the common boundaries than what these conditions currently allow for, will allow for greater building densities on this property in line with the provisions of the MPBL.

As discussed above, current legislation and policy which prescribe the parameters for development have been established in manner which is to provide maximum social benefit to the citizens of Cape Town. Thus, it is maintained that enabling development within Cape Town which is in line with these current laws and policies will be of benefit to society at large.

(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 beneficiary in this case is the City of Cape Town. The relaxation of these restrictive conditions will not remove all rights enjoyed by the beneficiary as the CoCT will maintain control over development of the property through the amended conditions, the MPBL and the Development Management Scheme. Furthermore, an approved relaxation will not result in the removal or amendment of these restrictive conditions. As a result they will continue to remain in force and apply to any future proposed development on the subject property. The relaxation will permit the development proposed herein as per the building plans provided and any new proposed development which deviates from the these provisions will require the submission of a land use application.

IMPACT ON EXISTING RIGHTS

The rights of surrounding property owners are not expected to be negatively impacted upon as a result of the proposals made within this application. Applications have been included within this application associated with the proposed development on the subject property. These applications will be processed in accordance with the relevant laws which ensure that the rights of all surrounding property owners are protected. The approval of the these applications will permit the owner of the subject property to locate a second dwelling on the property and to construct this dwelling as shown on the proposed building plans.

CRITERIA	IMPACT
(a) Socio-Economic Impact	The proposed second dwelling will allow for more people to reside within a well located area close to a wide variety of amenities and employment opportunities.

(b) Compatibility with Surrounding Area	The context of the local area has been discussed and it is believed that the building proposals made herein will not have a negative impact on the area.
(c) Impact on External Engineering Services	There is believed to be sufficient external engineering services as the current policies indicate that the City is dedicated to continual maintenance and upgrades to engineering services in the area.
(d) Impact on Safety, Health and Wellbeing of the Surrounding Community	The approval of this application is in no way expected to result in detrimental impacts to the safety, health and well-being of the local community.
(e) Impact on Heritage	The property is not located within an HPOZ
(f) Impact on Biophysical Environment	There is no proposal made within this application which is expected to have a negative impact upon the biophysical environment.
(g) Traffic Impacts	There is sufficient off-street parking provided to service the existing dwelling unit and the proposed 2nd dwelling unit. No negative impacts on traffic are expected to materialise as a result of the proposals included in this application.
(j) Imposition of Conditions to Mitigate Adverse Impact	Not believed to be applicable with regards to this application.

CONCLUSION

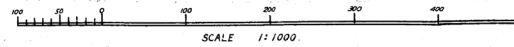
This application contains all required supporting documentation as per the MPBL, 2015, as well as providing a comprehensive motivational report as per S99 of these By-Laws. We respectfully request that this application be assessed and approved.

TP

GENERAL PLAN TP 1470^{LD} AMENDING GENERAL PLAN TP 858^{LD}

- The figure A.B.C.D.E.F.G.H.J.K.L.M represents 10 erven numbered 3153 - 3162 and the thoroughfare, superseding erven 2685 - 2691 as shown on General Plan TP 858^{LD} defining Pinelands Township Extension No 7.
- The figure N.O.P.Q.R.S.T.U.V.W.X.Y represents 6 erven numbered 3163 - 3168 and the thoroughfare, superseding erven 2735 - 2738 as shown on General Plan TP 858^{LD} defining Pinelands Township Extension No 7.

Situate in the Municipality of Pinelands, Division of Cape Province of Cape of Good Hope.



The beacons of each erf represented on this plan are in accordance with regulation and have been placed by me.
Surveyed in March 1957, by me

Land Surveyor

In terms of Section 15 of Ordinance No. 28 of 1934, the Administrator has granted the application to establish this Township.

See Prov. Sec. Minute AF 20/1702
date 15.3.1957 T.P. File E 20/1702

Notified as an Approved Township in terms of Section 23 (3) of Ord. No. 23 of 1934.
See Notice No. 585 dated 10.7.1953
Prov. Gaz. No. 2657 dated 10.7.1953

NOT REQUISITE
SEP 14 1957

Data for Main Figures.									
Sides Case Feet	Angles of Direction	Coordinates Cape Town Local System		Sides Case Feet	Angles of Direction	Coordinates Cape Town Local System			
	Constant	-25,000.00	+28,000.00		Constant	-25,000.00	+28,000.00		
AB 60.28	309.54.50	A	-761.28 + 949.03	NO 35.63	298.13.00	N	-1018.00 + 321.68		
BC 61.72	253.42.20	B	-813.00 + 980.00	OP 80.00	264.5.40	O	-1049.99 + 338.52		
CD 60.17	201.26.50	C	-878.00 + 961.00	PQ 61.74	229.58.10	P	-1129.57 + 330.20		
DE 60.83	170.32.20	D	-900.00 + 905.00	QR 80.00	189.59.00	Q	-1176.84 + 290.58		
EF 190.15	113.12.40	E	-890.00 + 845.00	RS 110.21	243.30.00	R	-1190.71 + 211.78		
FG 80.00	118.13.00	F	-714.84 + 769.89	ST 75.00	330.00.00	S	-1289.34 + 162.61		
GH 149.56	208.13.00	G	-644.35 + 732.07	TU 124.00	20.5.20	T	-1316.94 + 227.56		
HJ 427.54	296.13.00	H	-715.07 + 600.28	UV 160.00	49.59.10	U	-1284.25 + 344.02		
JK 122.61	11.24.20	J	-1032.16 + 802.60	VW 70.72	59.6.00	V	-1161.74 + 446.93		
KL 375.02	49.38.10	K	-1067.91 + 922.79	WX 89.80	114.7.00	W	-1101.70 + 424.30		
LM 151.74	138.24.40	L	-780.76 + 1164.00	XY 66.52	118.13.00	X	-1025.21 + 450.06		
MA 130.00	218.40.40	M	-680.04 + 1050.52	YN 110.00	208.13.00	Y	-966.59 + 418.61		

Coordinates of Block corners	Erf No	Area Sq feet	Diagram No	Sq Metres
Constant - 25000.00 + 28000.00	3153	10777	1634/1353	1068
a - 937.75 + 334.81	3154	11130	6465/1065	1103
b - 923.94 + 322.41	3155	7551	1408/959	749
c - 305.75 + 823.55	3156	7897	1703/90	793
d - 706.03 + 765.17	3157	12948	4742/66	1284
e - 1062.66 + 345.32	3158	13653	9291/66	1353
f - 1156.85 + 327.28	3159	9679	7029/456	960
g - 1213.21 + 250.75	3160	8917	3594/1000	884
	3161	9952	17205/57	987
	3162	10460	5173/1000	1038
	3163	7795	91002/161	773
	3164	9488	64/1959	941
	3165	8145	12361/57	807
	3166	7023	12406/57	696
	3167	7050	14071/6	699
	3168	7785	6147/258	772

Description of Beacons
All beacons are 1/2" round iron pegs.

SG File 314448/29
S.R. No E 519/57
Noting Plan 21/1000
VIZ.

