CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500168446

Erf 1259, 30 Protea Way, Durbanville

Development Management

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TOWN & REGIONAL PLANNERS

Prepared For:

ERF 1259, DURBANVILLE

APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS AND SUBDIVISION

November 2026



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ABBREVIATIONS

MPBL:	City of Cape Town Municipal Planning Amendment By-Law, 2015 (as amended)
The City:	City of Cape Town Municipality
Subject property:	Erf 1259 Durbanville
SPLUMA:	Spatial Planning and Land Use Management Act, 16 of 2013
LUPA:	Land Use Planning Act, 2014
MSDF	City of Cape Town Municipal Spatial Development Framework, 2023
DSDF:	Northern District Spatial Development Framework, 2023

SECTION 1 INTRODUCTION

1.1. BACKGROUND

The registered owner of **Erf 1259 Durbanville**, has appointed **Urban Dynamics** to prepare and submit the required land use application for the subdivision and removal of restrictive conditions of the abovementioned property, hereafter referred to as the ***subject property***. The Power of Attorney is attached as **Annexure A**.

1.2. PROPERTY INFORMATION

The relevant cadastral, ownership, and registration particulars of the *subject property* are summarised in ***Table 1*** below. Copies of the registered Title Deed and the corresponding Surveyor-General Diagram are attached as **Annexure B** and **Annexure C**, respectively. A Conveyancer's Certificate, attached as **Annexure D**, confirms that the property is subject to restrictive title deed conditions that requires removal prior to the proposed subdivision.

Table 1: Property Details

Property description	Registered owner	Title deed	Extent
Erf 1259 Durbanville			2 166 m²

1.3. CONTEXTUAL INFORMATION

The application area, which encompasses the *subject property*, is located within the established suburb of Vierlanden (Proteaville), in Durbanville as illustrated in ***Figure 1*** below.



Figure 1: Regional Context

The *subject property* is formally developed for residential use, and form part of an established urban environment characterised predominantly by residential land uses with public roads providing access along the street boundary as illustrated in ***Figure 2*** on the following page.



Figure 2: Local Context

In addition, the *subject property* is located within the urban edge and forms part of a broader area designated for urban development, primarily intended for residential opportunities.

1.4. CURRENT ZONING

In terms of the City of Cape Town Map Viewer, the *subject property* is zoned Residential Zone 1 as illustrated in ***Figure 3*** below. The area is predominantly characterised by residential land uses with accompanying land uses such as roads and open spaces.

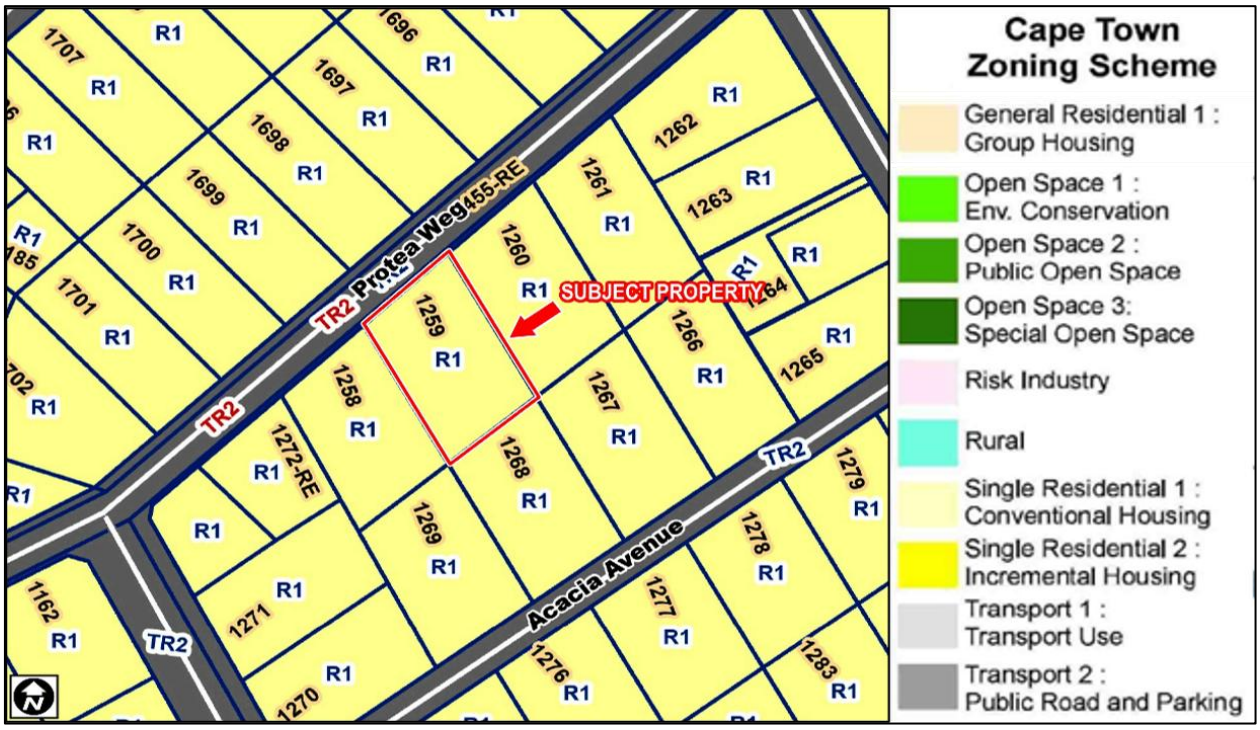


Figure 3: City of Cape Town Map Viewer Zoning Context

SECTION 2 APPLICATION INFORMATION

2.1. BRIEF

This application seeks approval for the **subdivision** of the *subject property* **into two (2) erven**, namely **Portion A and the Remainder**. The proposal is motivated by the opportunity to optimise the use of an existing residential property within an established urban area, while creating an additional residential opportunity that is compatible with the surrounding neighbourhood.

The proposed subdivision will create an additional residential erf that may be sold to a future owner for the development of a single dwelling house. The proposed subdivision has been designed to ensure that the resultant erven are appropriately sized and configured to accommodate residential development in accordance with the applicable *Residential Zone 1* development parameters and the existing character of the area.

The property owner will retain ownership of the **Remainder**, which accommodates the existing dwelling house. The **Remainder** will accommodate the existing dwelling, and the **Remainder** will be situated to the front of the proposed **Portion A**, with access to both portions provided via the existing driveway and entrance arrangement, subject to minor adjustments as illustrated in ***Figure 4*** below. To facilitate access to **Portion A**, a 6m wide right-of-way servitude is proposed over the **Remainder** in favour of **Portion A**.

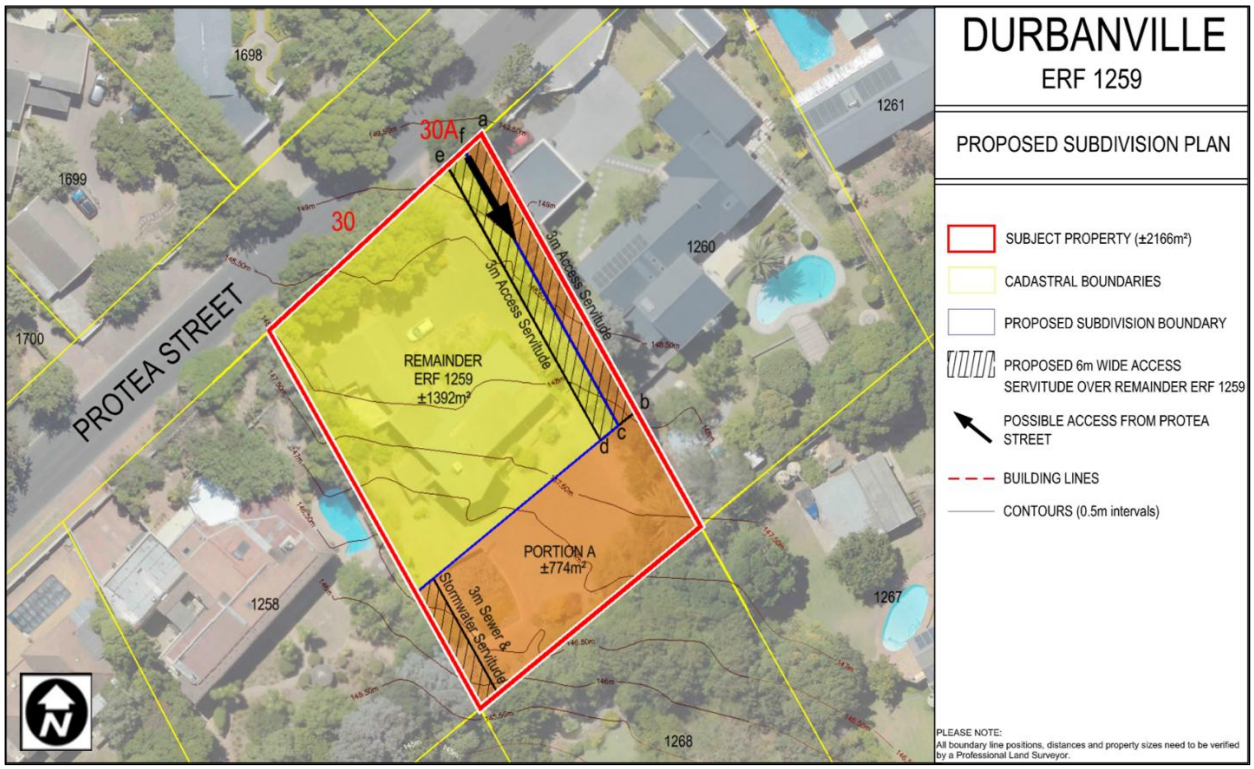


Figure 4: Subdivision layout illustrating the existing dwelling and access arrangement

The existing swimming pool, which will be located within the boundaries of the proposed **Portion A**, as seen above in ***Figure 4***, will be removed to facilitate the practical implementation of the subdivision. All necessary approvals and processes associated with the removal of the swimming pool will be undertaken where required.

The subdivision layout has been designed to respond to the existing site conditions by retaining the current access point from the public road and limiting alterations to the established access arrangement. Therefore, access will be taken from a single carriageway crossing with servitude right-of-way being registered with this application. The proposed right-of-way servitude will formalise shared access rights and ensure that both resultant erven have safe and functional vehicular access.

The proposal therefore represents an orderly and efficient utilisation of residential land within the existing urban environment while enabling the creation of an additional residential erf that remains consistent with the character, and development pattern of the surrounding neighbourhood.

2.2. PROPOSED APPLICATION

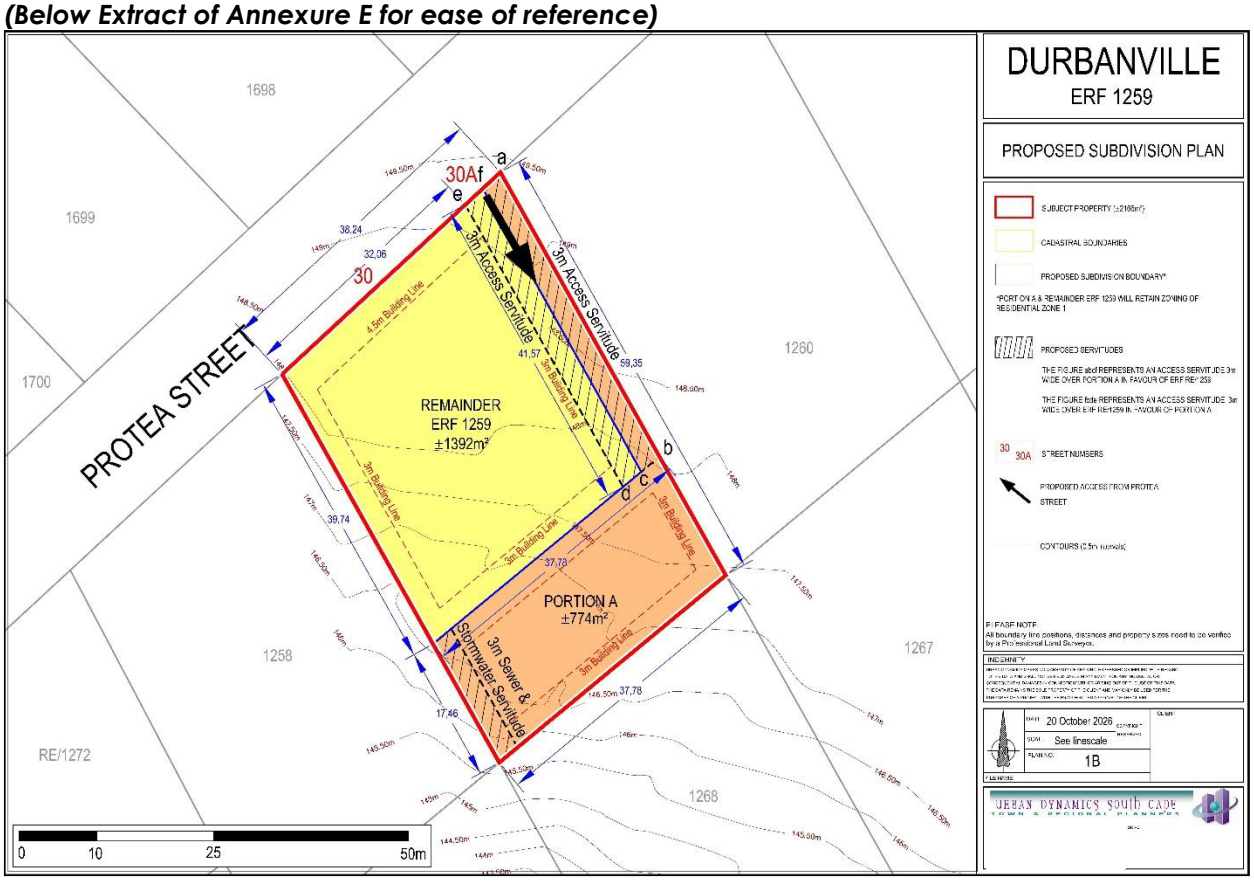
Application is therefore made in terms of the *City of Cape Town Municipal Planning By-Law, 2015 (as amended)* for the following:

a) Removal of restrictive conditions C.4(a)-(d) and **D.** in Title deed in terms of Section 42(g) & 42(j) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended);

b) Subdivision of Erf 1259 Durbanville in terms of Section 42(d) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended), into **two (2) erven** in accordance with the proposed subdivision layout plan (*Plan No. 1A dated 26 May 2026)* attached as **Annexure E,** namely:

(i) Portion A (approximately 774m² in extent); and
(ii) Remainder of Erf 1259 Durbanville (approximately 1 392m² in extent).

(Below Extract of Annexure E for ease of reference)



c) Registration of a 6m wide right-of-way servitude over the proposed Remainder of Erf 1259 Durbanville in favour of proposed Portion A *in terms of Section 42(d) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended); and*

d) Registration of a 3m wide services servitude over the proposed Portion A of Erf 1259 Durbanville *in terms of Section 42(d) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended).*

2.3. DEVELOPMENT PARAMETERS

The proposed subdivision has been designed to respond to the existing development pattern of the *subject property* and surrounding neighbourhood. The proposal accommodates the existing dwelling on the proposed **Remainder** while creating an additional residential erf capable of accommodating future residential development. The subdivision therefore maintains the established residential character of the area and does not introduce any additional land use rights beyond those already permitted by the existing *Residential Zone 1* zoning.

Both the proposed **Portion A** and the **Remainder** will retain the existing *Residential Zone 1* zoning applicable to the subject property. Accordingly, the proposal does not require any rezoning and seeks only to facilitate the subdivision of the land into two separate cadastral units, together with the removal of restrictive title deed conditions and the registration of a right-of-way servitude to provide legal access to **Portion A**.

Accordingly, the proposed subdivision will result in the creation of two (2) erven in accordance with the proposed Subdivision Plan attached as **Annexure E** and as summarised in ***Table 2*** below:

Table 2: Summary of the proposed Subdivision

Erf Description	Zoning	Approximate Extent
Portion A	*Residential Zone 1*	774 m²
Remainder of Erf 1259 Durbanville	*Residential Zone 1*	1 392 m²
	Total	**2 166m²**

The proposed subdivision has been assessed against the development parameters applicable to *Residential 1* zoning in terms of the *City of Cape Town Development Management Scheme*. The assessment, summarised in ***Table 3*** below, confirms that both resultant erven can accommodate development in accordance with the applicable zoning provisions.

Table 3: Residential Zone 1 Compliance Assessment

Development Parameter	Portion A (±774 m²)	Comply	Remainder (±1 392 m²)	Comply
Land Use	*Vacant*	**To be complied with at building plan stage**	Existing Dwelling	✓
Building Line (Street)	3,5 m		4,5 m	✓
Building Line (Common Boundary)	3,0 m		3,0 m	✓
Maximum Height	10 m		10 m	✓
Parking	*N.A.*		2 bays per dwelling	✓
Access	Access will be taken from a single carriageway crossing with servitude right of way & panhandle		Access will be taken from a single carriageway crossing with servitude right of way	✓
Municipal Services	Available (refer to **Annexure F** for the Services Report)	✓	Existing connections retained (refer to **Annexure F** for the Services Report)	✓

The proposed subdivision has been designed to retain the existing access arrangement from *Protea Road* through the registration of a 6m wide right-of-way servitude in favour of **Portion A**. This approach limits the need for additional access points onto the public road while ensuring that both resultant erven enjoy safe, practical, and legally secured vehicular access.

To conclude, the proposal represents an appropriate and orderly subdivision of residential land within an established urban area. The resultant erven are of an appropriate size and configuration to accommodate residential development in accordance with the applicable zoning provisions and are consistent with the established subdivision pattern and residential character of the surrounding neighbourhood.

2.4. ENGINEERING SERVICES & TRAFFIC

2.4.1. Engineering Services

The *subject property* is located within an established residential area that is already served by municipal engineering infrastructure. As the property forms part of an existing urban environment surrounded by residential development, connections to the required municipal services, including water, sewerage, electricity, and stormwater infrastructure, are readily available.

The proposed subdivision will create one additional residential erf within the existing urban footprint and therefore represents the efficient utilisation of established infrastructure networks. Given the limited scale of the proposal, the subdivision is not anticipated to necessitate significant upgrades or extensions to existing municipal infrastructure.

The proposed subdivision is therefore favourably positioned to connect to existing municipal infrastructure as outlined in ***Annexure F – Services Report***, subject to the requirements and confirmation of the relevant service departments.

2.4.2. Traffic

The *subject property* currently obtains vehicular access from Protea Road and is located within an established residential neighbourhood characterised predominantly by single residential development. The proposed subdivision will create one additional residential erf, which is not anticipated to generate a significant increase in traffic movements when considered in relation to the existing residential character and traffic patterns of the surrounding area.

The proposed **Remainder** will retain direct access from Protea Road, while access to **Portion A** will be provided by means of a proposed 6m wide right-of-way servitude registered over the Remainder. The proposed access arrangement has been designed to utilise the existing driveway and entrance arrangement with limited alterations, thereby reducing the need for additional access points onto the public road network.

The registration of the right-of-way servitude will ensure that **Portion A** obtains permanent and legally secured vehicular access while allowing both resultant erven to function independently. Given the limited scale of the subdivision and the low-intensity residential use associated with *Residential Zone 1*, the anticipated traffic impact is considered negligible and is not expected to adversely affect the operation, safety, or capacity of the surrounding road network.

SECTION 3 MOTIVATION & DESIRABILITY

3.1. APPLICATION MOTIVATION

This section presents the motivation for the desirability of the proposed subdivision as required in terms of the *City of Cape Town Municipal Planning By-Law, 2015 (as amended),* with specific consideration of the criteria contained in *Section 99*.

The following are highlighted as reasons for the favourable consideration of the application for subdivision of the subject property:

- ✓ The proposed subdivision is located within an established residential neighbourhood and is consistent with the existing residential character, land use pattern, and zoning of the surrounding area.
- ✓ The proposal will not introduce any new land use rights or activities that are incompatible with the surrounding residential environment, as both subdivided portions will retain *Residential Zone 1* zoning.
- ✓ The subdivision facilitates the efficient utilisation of well-located urban land within the existing urban edge by creating an additional residential erf without altering the established character of the neighbourhood.
- ✓ The proposed subdivision layout accommodates the existing dwelling house on the **Remainder** while creating an additional residential opportunity on **Portion A** that can be developed in accordance with the applicable *Residential Zone 1* development parameters.
- ✓ The *subject property* is already served by existing municipal engineering services and road infrastructure. Both resultant erven will therefore be capable of utilising existing infrastructure networks without necessitating significant upgrades or extensions.
- ✓ The proposed 6m wide right-of-way servitude will provide safe and functional access to **Portion A** while maintaining an efficient access arrangement from the existing road network.
- ✓ The removal of restrictive title deed conditions will enable the implementation of the proposed subdivision and allow the property to be utilised in accordance with the applicable zoning rights and current spatial planning objectives.
- ✓ The proposal represents an orderly and logical subdivision pattern that is compatible with the existing urban form and development pattern of the area.

3.2. DESIRABILITY CRITERIA

In terms of ***Section 99(1)*** of the *City of Cape Town Municipal Planning By-Law, 2015 (as amended)*, an application must be assessed regarding its **desirability** in relation to the surrounding context, applicable spatial planning policies, and relevant planning principles. The following points illustrate the desirability of the proposal. It is submitted that the proposal satisfies the relevant desirability criteria as follows:

3.2.1 Socio-Economic Impact

The proposal will not result in any negative socio-economic impacts. The subdivision will facilitate the efficient utilisation of an existing residential property and provide an additional residential opportunity within an established urban area that is already served

by infrastructure and community facilities. The removal of restrictive title deed conditions will further enable the property to be utilised in accordance with the applicable zoning provisions and current spatial planning objectives.

3.2.2 Compatibility With Surrounding Uses

The proposed subdivision is fully compatible with the surrounding land uses and zoning pattern. The surrounding area is characterised predominantly by single residential development, and both resultant erven will continue to be utilised for residential purposes in accordance with the existing *Residential Zone 1* zoning development parameters.

The proposed **Portion A**, measuring approximately 774m², is comparable to various existing residential erven within the surrounding area. The proposed **Remainder**, measuring approximately 1 392m², will remain consistent with larger residential properties in the neighbourhood and will accommodate the existing dwelling house. ***Figure 5*** below illustrates the sizes of surrounding residential erven located within an approximate **500m radius** of the *subject property*. The analysis demonstrates that the proposed erf sizes for **Portion A** and the **Remainder** are consistent with the prevailing erf sizes found within the surrounding neighbourhood.

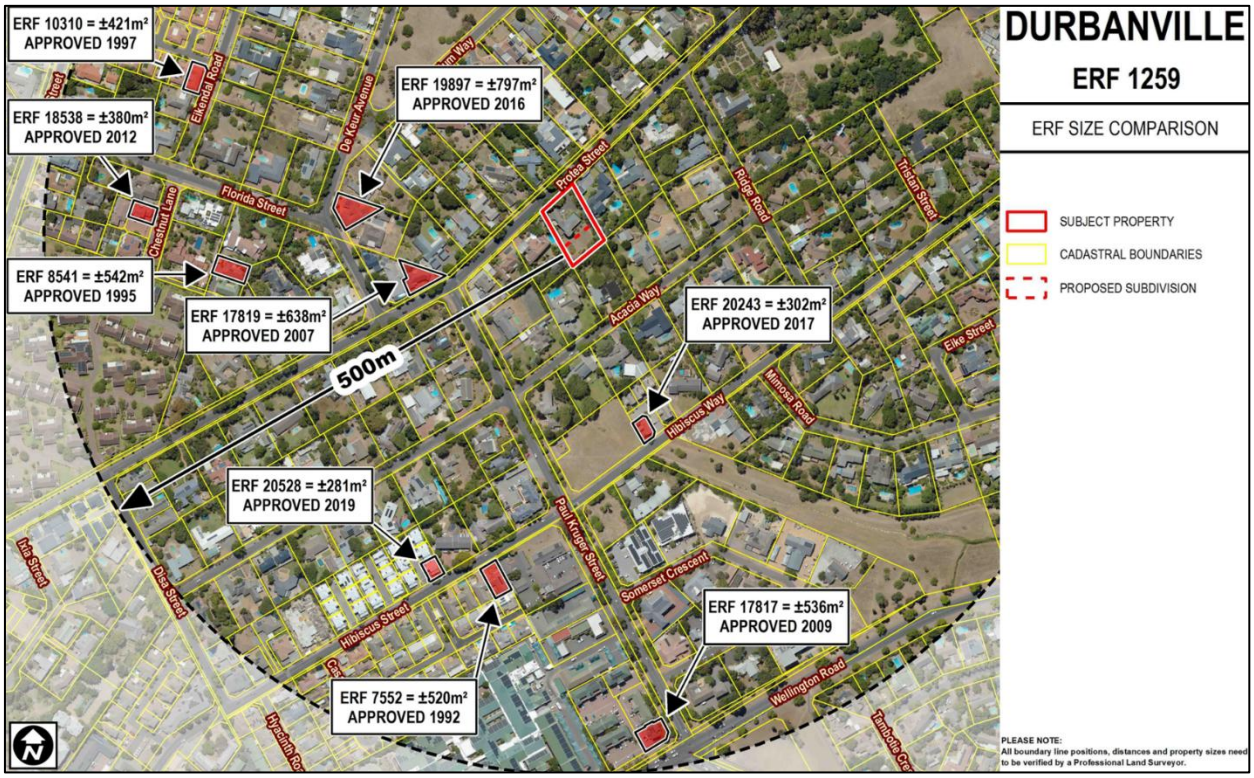


Figure 5: Erf Size Comparison within a 500m Radius of the Subject Property

The proposed subdivision therefore responds appropriately to the established subdivision pattern and urban character of the surrounding neighbourhood. The resultant erven are of a size and configuration that can accommodate residential development in accordance with the applicable *Residential Zone 1* development parameters without appearing out of scale with surrounding properties.

Furthermore, the proposed right-of-way servitude has been incorporated into the subdivision layout to ensure functional access arrangements while maintaining the existing access relationship with the surrounding road network. Accordingly, the proposal is regarded as compatible with the surrounding residential environment.

3.2.3 Impact On External Engineering Services

No negative impact on external engineering services is anticipated. The *subject property* is located within an established residential area that is already serviced by municipal engineering infrastructure. Connections to the required municipal services are readily available and the proposal is not expected to place undue pressure on existing service networks.

3.2.4 Impact On Safety, Health And Well-Being Of The Surrounding Community

The proposed subdivision will not result in any known adverse impact on the safety, health, or well-being of the surrounding community. The proposal maintains the existing residential nature of the property and does not introduce any activities that may give rise to nuisance or public safety concerns.

Furthermore, the existing mature vegetation and landscaping contribute positively to the established character and visual amenity of the property and surrounding area. The owners intend to retain and incorporate existing trees and landscaping where practically possible, while ensuring that future development remains compatible with the residential character of the neighbourhood.

3.2.5 Impact On Heritage

No negative impact on heritage resources is anticipated as the existing structures on the *subject property* are not considered older than 60 years. Furthermore, the proposal comprises the subdivision of an existing residential property and does not involve the demolition of any identified heritage resources. Any future alterations or development will remain subject to the applicable legislative requirements and approval processes, where required.

3.2.6 Impact On The Biophysical Environment

No significant negative impact on the biophysical environment is anticipated. The subject property is situated within an established urban area, and the proposal does not involve the conversion of agricultural land, sensitive environmental areas, or natural habitat. The proposed subdivision has been designed to respond to the existing site characteristics as far as practically possible. It is noted that an existing palm tree located within the proposed access area will require removal to accommodate the functional implementation of the right-of-way servitude and associated vehicular access requirements.

Apart from the above, the property owners intend to retain and incorporate existing mature vegetation where practically possible, while acknowledging that future residential development on **Portion A** may require further consideration of site-specific conditions during the building plan stage.

Considering the above, the proposal is not anticipated to result in any significant adverse impact on the biophysical environment.

3.2.7 Traffic Impact, Parking, Access And Other Transport Related Considerations

The *subject property* obtains access from the existing public road network and is located within an established residential area characterised by low traffic volumes. The proposed

subdivision will create only one additional residential erf and is therefore not expected to generate a material increase in traffic movements within the surrounding road network.

The proposed Remainder will retain direct access from Protea Road, while access to **Portion A** will be facilitated by means of a proposed 6m wide right-of-way servitude registered over the **Remainder** in favour of **Portion A**. Both resultant erven will therefore utilise the existing access point from Protea Road by means of a shared carriageway crossing, thereby limiting the need for additional access points onto the public road.
The proposed access arrangement ensures that both resultant erven will obtain safe, functional, and legally secured vehicular access while maintaining the existing access relationship with Protea Road.

Given the limited scale of the proposal and the low-intensity residential nature of the surrounding area, no adverse traffic, parking, access, or transport-related impacts are anticipated.

3.3. MOTIVATION FOR REMOVAL OF RESTRICTIVE CONDITIONS IN TERMS OF LUPA & SPLUMA

Erf 1259 Durbanville is currently subject to restrictive title deed conditions contained in title deed T68890/2025, which were historically imposed during the establishment of Durbanville Extension No. 6. The conditions relate to the subdivision of the property, permitted use, coverage, building lines, and approval of building plans.

The proposed removal of these restrictive conditions is required to facilitate the subdivision of the *subject property* into two (2) residential erven and to ensure that future development of the property is regulated by the applicable provisions of the *City of Cape Town Development Management Scheme*.

With reference to the application description in ***Section 2.2*** *of this report*, it is proposed that Conditions **C.4(a) – (d)** and **D.** be removed from the title deed. The **Conveyancer's Certificate**, attached as **Annexure D**, confirms that the relevant conditions restrict subdivision, the number of dwellings, coverage, building lines, and the submission of building plans and must therefore be addressed as part of the proposed subdivision application.

The conditions proposed for removal can be summarised as follows:

Title deed condition:	Reason for proposed removal:
C.4(a)	Restricts the subdivision of the property.
C.4(b)	Restricts the use of the property to one dwelling house together with associated outbuildings.
C.4(c)	Restricts the permitted coverage of buildings on the property.
C.4(d)	Prescribes historic building line restrictions applicable to the property.
D.	Requires approval of building plans by the original township developer or successors in title.

The removal of the restrictive title deed conditions is further motivated on the basis of *Section 39(5)* of the Land Use Planning Act (2014) & *Section 47* of the Spatial Planning Land Use Management Act (2013) as follows:

Table 1: Property Details

(1)	**Economic Impact**
	The removal of the restrictive conditions will not result in any negative economic impact. The removal will enable the efficient utilisation of an existing residential property by allowing the creation of an additional residential erf within an established urban area. The proposal supports investment in the existing residential environment and allows the property to be utilised in accordance with its current zoning rights and contemporary spatial planning objectives.
(2)	**Impact on Beneficiaries**
	The removal of the restrictive conditions is not anticipated to negatively impact any beneficiaries. The conditions were imposed historically as part of the original township establishment process and have largely been replaced by current municipal planning controls and zoning provisions. Future development of the resultant erven will remain regulated by the *City of Cape Town Development Management Scheme,* which provides appropriate development parameters to manage land use, coverage, height and setbacks, to ensure limited impacts on neighbouring properties.
(3)	**Policy Alignment**
	The removal of the restrictive conditions is aligned with current spatial planning policies, including the *City of Cape Town Municipal Spatial Development Framework (MSDF)* and the *Northern District Spatial Development Framework (DSDF)*. The removal will facilitate appropriate residential infill development within the existing urban edge and supports the City's objectives relating to efficient land utilisation, incremental densification, and the optimisation of existing infrastructure.
(4)	**Character of the Area**
	The removal of the restrictive conditions will not negatively affect the established residential character of the surrounding area. The proposed subdivision will retain the *Residential Zone 1* zoning applicable to the property and both resultant erven will remain subject to the applicable development parameters contained in the *Development Management Scheme*. The resultant erf sizes and residential use will remain consistent with the surrounding subdivision pattern and built environment.
(5)	**Social Benefits**
	The removal of the restrictive conditions will facilitate the creation of an additional residential opportunity within an established neighbourhood that is already served by infrastructure, services, and amenities. The proposal contributes to the more efficient use of well-located urban land and supports the City's broader objective of accommodating growth within existing urban areas rather than encouraging outward expansion.
(6)	**Impact on Existing Rights**
	The removal of the restrictive conditions will not negatively affect existing rights of surrounding property owners. The removal does not introduce incompatible land uses or additional zoning rights but enables the property to be developed in accordance with the existing *Residential Zone 1* zoning development parameters. The proposed subdivision and any future development will remain subject to all applicable municipal approval processes and development parameters.

Consequently, the removal of **Conditions C.4(a) – (d) and D.** from title deed T68890/2025 is regarded as appropriate and desirable. The conditions represent historic restrictions that are no longer aligned with current planning legislation and spatial development

objectives. Their removal will enable the orderly subdivision and efficient utilisation of the *subject property* while ensuring that future development remains appropriately managed through the City's current land use regulatory framework.

3.4. SPATIAL POLICY ALIGNMENT

The *subject property* is located **within the urban edge** and form part of a broader area identified for **urban development** in the *Northern District Spatial Development Framework (**DSDF**), refer to **Figure 5** below for a visual representation thereof.*

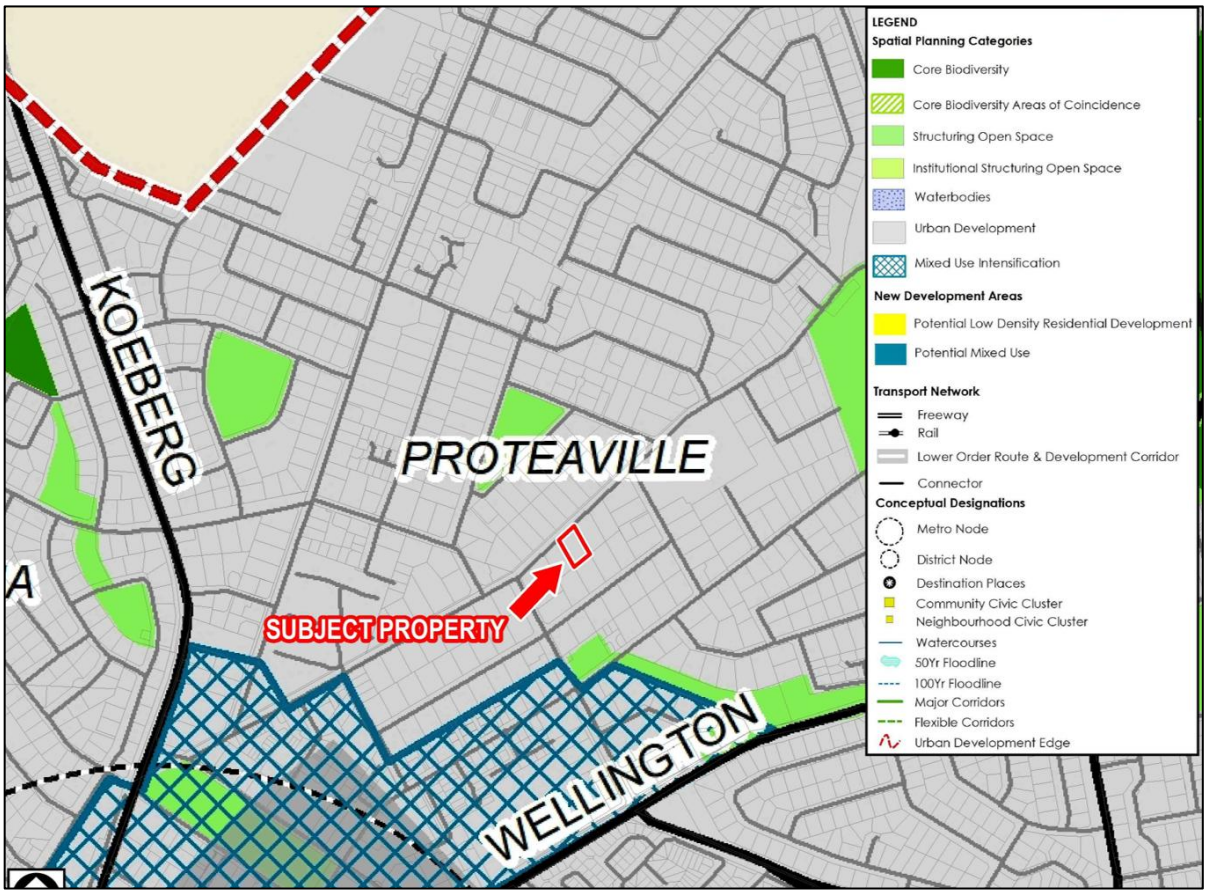


Figure 5: Subject property in relation to the DSDF Overlay

The proposed subdivision is consistent with the spatial vision and objectives of the DSDF, which promote the efficient utilisation of well-located urban land, the optimisation of existing infrastructure investment, and the accommodation of additional residential opportunities within established urban areas. The proposal will create one additional residential erf within an existing residential neighbourhood without altering the prevailing character or land use pattern of the area.

The DSDF supports appropriately scaled infill development and increased residential opportunities within the existing urban footprint as a means of promoting a more compact and sustainable urban form. In this regard, the proposed subdivision contributes to the City's broader objective of directing growth inward through the incremental densification of established neighbourhoods, rather than outward through urban expansion and sprawl.

The *subject property* is already serviced by existing municipal engineering services, road infrastructure, and community facilities. The creation of one additional (residential) erf therefore represents an efficient use of existing resources and infrastructure while making a modest contribution towards increasing housing opportunities within the urban area.

Considering the above, the proposal is regarded as being aligned with the intent of the *Northern District Spatial Development Framework* and the City's long-term spatial planning objectives relating to urban consolidation, efficient land utilisation, and sustainable growth management.

3.5. ALIGNMENT WITH PLANNING PRINCIPLES

The application is assessed against the core planning principles established by national, provincial, and municipal legislation, namely:

- The *Spatial Planning and Land Use Management Act (Act 16 of 2013)*, referred to as ***SPLUMA***, which provides the **national** framework for spatial planning and land use management in South Africa;

- The Land Use Planning Act (Act 3 of 2014), known as **LUPA**, which serves as the **provincial** legislation for the Western Cape, giving effect to the implementation of *SPLUMA*'s principles at the provincial level; and

- The ***City of Cape Town Municipal Planning By-Law, 2015 (as amended)***, enacted in terms of LUPA, provides the **local** regulatory mechanism for the assessment and approval of land use applications in the municipal area.

These instruments collectively guide all land use decisions, ensuring that development aligns with the principles of spatial justice, spatial sustainability, efficiency, spatial resilience, and good administration.

<u>The current application is consistent with these principles, as it:</u>

(a) **Promotes spatial justice** by facilitating an additional residential opportunity within an established urban area that is already well integrated with surrounding neighbourhoods, infrastructure, services, and amenities;

(b) **Supports spatial sustainability** by optimising the use of well-located residential land within the urban edge and existing built environment, without contributing to urban sprawl or the outward expansion of the urban footprint;

(c) **Encourages efficiency** by making use of existing municipal engineering services, road infrastructure, and community facilities already available to the *subject property*;

(d) **Ensures spatial resilience** by allowing for a subdivision layout that responds appropriately to the existing site characteristics while creating flexibility for future residential development opportunities within an established urban area. The proposal accommodates the existing development on the property while ensuring that both resultant erven remain capable of adapting to future residential needs in accordance with the applicable zoning provisions; and

(e) **Upholds good administration** by seeking approval through the prescribed statutory processes and ensuring that the proposed subdivision is formally considered and regulated in accordance with the applicable planning legislation.

Considering the above, the proposal is fully aligned with the applicable planning principles. The subdivision represents an orderly and logical utilisation of residential land within an established urban area and is consistent with the existing development character, land use pattern, and planning objectives applicable to the area.

SECTION 4 CONCLUSION AND RECOMMENDATION

4.1. CONCLUSION

The The proposed subdivision of **Erf 1259 Durbanville** represents an appropriate and orderly utilisation of land within an established residential neighbourhood. The proposal has been designed to create an additional residential opportunity while maintaining the existing residential character, development pattern, and amenity of the surrounding area.

The application seeks to subdivide the *subject property* into two erven, both of which will retain the existing *Residential Zone 1* zoning. The proposed subdivision accommodates the existing dwelling on the **Remainder**, while **Portion A** will create an additional residential erf able to accommodate a future dwelling in accordance with the applicable zoning provisions and established character of the area.

The proposed registration of a 6m wide right-of-way servitude will ensure safe and functional vehicular access to **Portion A** while utilising the existing access arrangement from *Protea Road* with minor internal adjustments. Furthermore, the removal of restrictive title deed conditions will enable the implementation of the subdivision and allow the property to be utilised in accordance with the applicable spatial planning policies.

The proposal supports the efficient utilisation of existing residential land and contributes towards appropriate infill development within an established urban environment. Furthermore, the proposal has been demonstrated to be consistent with the applicable planning policies, spatial frameworks, and legislative requirements.

It is therefore concluded that the proposed development:

- ✓ Represents an orderly, sustainable, and desirable form of development that contributes to the City's broader urban consolidation and densification objectives;
- ✓ Is compatible with the existing residential character, zoning pattern, and development form of the surrounding area;
- ✓ Supports the objectives of the *MSDF* and *DSDF* by promoting the efficient utilisation of well-located urban land within the urban edge;
- ✓ Aligns with the *City of Cape Town MPBL*, and complies with the planning principles contained in *SPLUMA* and *LUPA*;
- ✓ Makes efficient use of existing municipal engineering services, road infrastructure, and community facilities;
- ✓ Facilitates the creation of an additional residential opportunity within an established urban area without resulting in undesirable impacts on the surrounding neighbourhood;
- ✓ Provides safe and functional access through the registration of an appropriate right-of-way servitude; and
- ✓ Enables the removal of historic restrictive title deed conditions that are no longer aligned with current spatial planning objectives and the applicable *Development Management Scheme*.

Based on the above considerations, the proposal is considered **appropriate, desirable, and in the public interest, and should therefore be supported by the City.**

4.2. RECOMMENDATION

Following the above assessment and motivation, it is hereby our considered recommendation that the following applications in terms of the *City of Cape Town Municipal Planning By-Law, 2015 (as amended)* be approved:

a) Removal of restrictive conditions C.4(a)-(d) and **D.** in Title deed *T68890/2025* in terms of Section 42(g) & 42(j) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended);

b) Subdivision of Erf 1259 Durbanville in terms of Section 42(d) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended), into **two (2) erven** in accordance with the proposed subdivision layout plan (*Plan No. 1A dated 26 May 2026)* attached as **Annexure E,** namely:

(iii) Portion A (approximately 774m² in extent); and
(iv) Remainder of Erf 1259 Durbanville (approximately 1 392m² in extent).

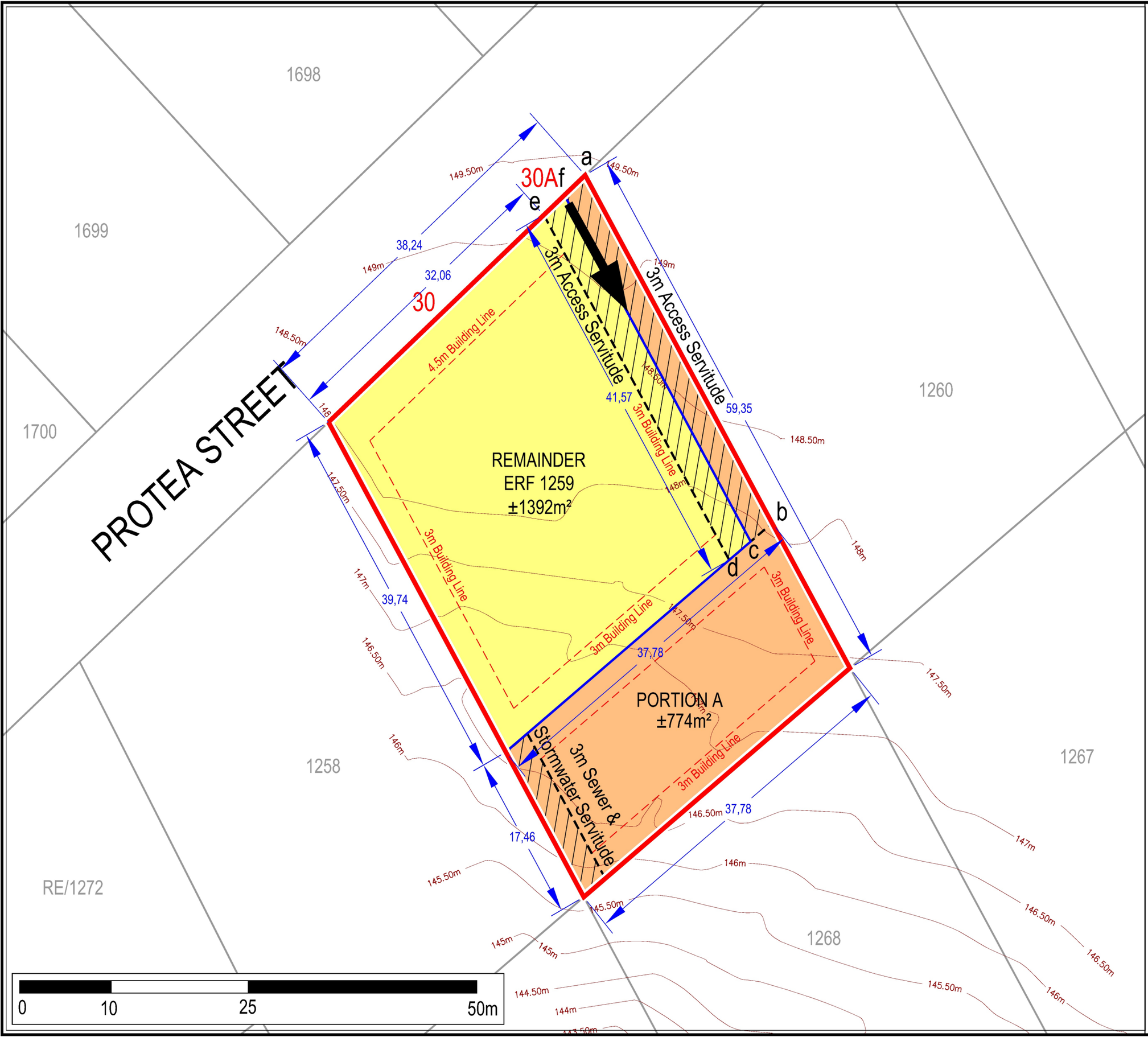
c) Registration of a 6m wide right-of-way servitude over the proposed Remainder of Erf 1259 Durbanville in favour of proposed Portion A *in terms of Section 42(d) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended); and*

d) Registration of a 3m wide services servitude over the proposed Portion A of Erf 1259 Durbanville *in terms of Section 42(d) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended).*

DURBANVILLE

ERF 1259

PROPOSED SUBDIVISION PLAN



SUBJECT PROPERTY (±2166m²)

CADASTRAL BOUNDARIES

PROPOSED SUBDIVISION BOUNDARY*

*PORTION A & REMAINDER ERF 1259 WILL RETAIN ZONING OF RESIDENTIAL ZONE 1

PROPOSED SERVITUDES

THE FIGURE abcf REPRESENTS AN ACCESS SERVITUDE 3m WIDE OVER PORTION A IN FAVOUR OF ERF RE/1259

THE FIGURE fcde REPRESENTS AN ACCESS SERVITUDE 3m WIDE OVER ERF RE/1259 IN FAVOUR OF PORTION A

30 30A STREET NUMBERS

PROPOSED ACCESS FROM PROTEA STREET

CONTOURS (0.5m intervals)

PLEASE NOTE:
All boundary line positions, distances and property sizes need to be verified by a Professional Land Surveyor.

INDEMNITY

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INC