



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500138811

**Erf 898 and 899, 16 Rugby Road and
19 Strathcona Road, Oranjezicht**

Development Management

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**APPLICATION FOR CONSOLIDATION & SUBDIVISION
AND THE CANCELLATION OF AN APPROVED PLAN OF
SUBDIVISION AND REMOVAL OF A TITLE DEED
RESTRICTIVE CONDITIONS IN TERMS OF THE
MUNICIPAL PLANNING BUILDING BY-LAW 2015 and
AMENDMENTS**

ERVEN 898 & 899, No. 16 RUGBY ROAD ORANJEZICHT.

Revision 1D (4/09/2026)

**Submitted by:
V R O O M & A S S O C I A T E S
S U R V E Y C O N S U L T A N T S
S I N C E 1 9 8 2
C A P E T O W N S O U T H A F R I C A**

Application Summary

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Application for consolidation and subdivision, cancellation of an approved plan of subdivision and removal of restrictive Title Deed conditions in terms of the Municipal Planning By-Law of 2015 and Amendments. Erven 898 & 899, No. 16 Rugby Road Oranjezicht.

1. Planning application and proposals:

To cancel a 1982 approved plan of subdivision in terms of Section 42(l) which was not acted upon.

To consolidate erven 898 & 899 Oranjezicht in terms of Section 42(f), then to subdivide the consolidated erf into three portions in terms of Section 42(d) of the MPBL's 2015. To remove restrictive title deed conditions as imposed by the developer at the time of Township Establishment in terms of Section 42(g) of the MPBL's 2015.

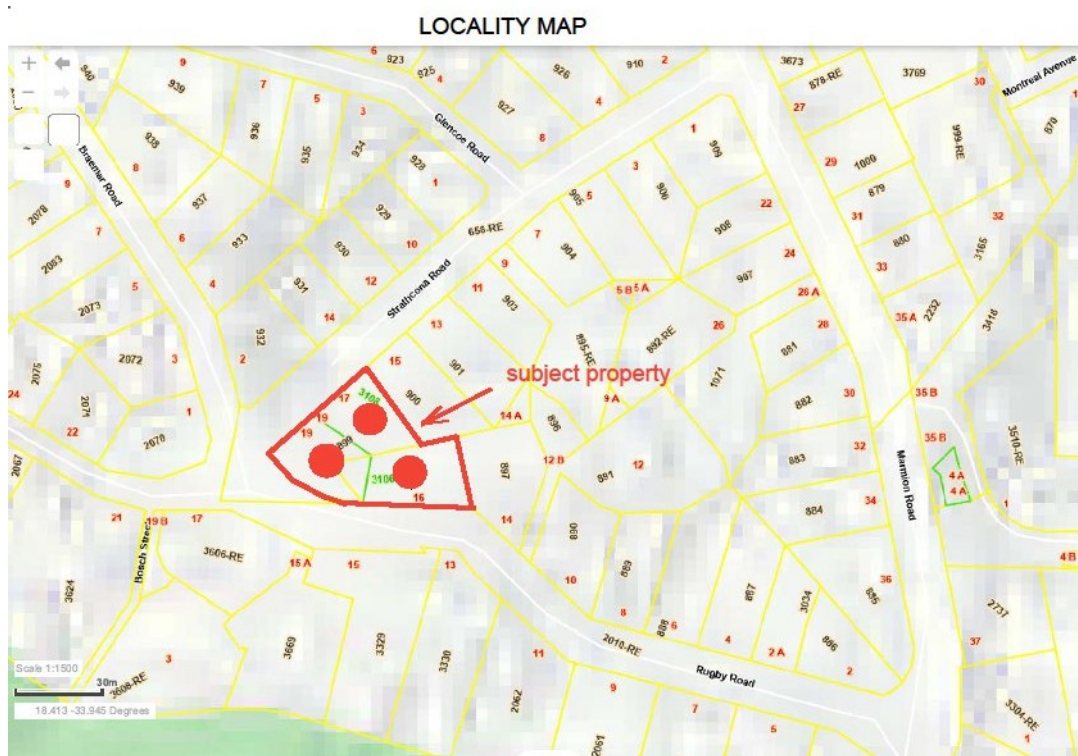
2. The Subject Property

The property is situated in Oranjezicht Estate (Block 09A, 09B & 09C), see General Plan dated 14/06/1928 and title deed . The subject properties forms part of the Oranjezicht Estate Plan of Subdivision, Lots No.411 to 476. Since then, Lot numbers were changed into Erf numbers. Lot 452 and Lot 452A, now being Erf 899 subject to road widening, a portion being deducted for this purpose (see diagram Erf 899 Oranjezicht).

Lot 476, now Erf 898, was consolidated with Erf 899 Oranjezicht in 1982 and subdivided into 3 Portions, now Erf 3107, 3108 and Remainder Erf 898 Oranjezicht. The diagrams were framed in 1982 however, the diagrams were never registered at the Deeds office, and have now lapsed. This application seeks to cancel the approved plan of subdivision.

This application is applying for similar lines of subdivision as were approved in 1982.

3. Locality Map



4. The Applicant

The registered owner erven 898 and 899 Oranjezicht, being
has instructed Vroom & Associates Survey Consultants to
submit the Land Use Management Application on their behalf.

5. The removal of Title Deed Conditions as imposed by the Developer at the time:

The Developer at the time was The Cape Marine Suburbs Limited, held under Title Deed number The said company is being deregistered, see copy of CIPC print out below.

The most recent transfer document being Title Deed (Erf 898 Oranjezicht) and 17189/2025 (Erf 899 Oranjezicht).



THE CAPE MARINE SUBURBS
(1804/000266/07)
CIPC Company

2 Waterlooplek, Century City, Cape Town, 7941
Tel: +27 81 330 7317 - NGR 331 000 18008399
Website: <https://www.thesuburbs.co.za>

SEARCH INFORMATION

Summary

Search Type

CIPC COMPANY

Search Description

THE CAPE MARINE SUBURBS (1804/000266/07)

Reference

COLLEEN8

Date

1/12/2021

COMPANY INFORMATION

Summary

Name

THE CAPE MARINE SUBURBS

Registration Number

1804/000266/07

Type

PRIVATE COMPANY (PTY) LTD

Status

DEREGISTRATION FINAL

Registration Date

18/05/2000

Average Age of Director

SARS VERIFICATION MATCHES

Trading Name

VAT Registration Number

Area

No information available.

PREVIOUS COMPANY NAMES

Old Company Name

Date Changed

No information available.

ACTIVE DIRECTOR(S)

Director Name

ID Number

Status

Type

Appointed

No information available.

RESIGNED DIRECTOR(S)

Director Name

ID Number

Status

Type

Appointed

Resigned

No information available.

DECEASED DIRECTOR(S)

Director Name

ID Number

Status

Type

Appointed

No information available.

This application is for the removal of title deed conditions;

C7(n)1, which says;

‘That not more than one building be erected on any lot and that not more than one third of the area of any one lot be built upon without the written consent of the council.’

And C7(a), which says;

‘That he shall not erect any building on any lot of less value than R2000.00, except with the approval and the written permission of the Company such building moreover must be a dwelling house and no two or more dwelling houses shall be erected under one roof, not shall more than one dwelling house be erected on any one lot and such dwelling house shall not be used as a flat or flats.’

It is important to note that the removal of the title deed conditions is voluntary and not mandatory. This has been noted in the conveyancer’s certificate (attached). This application is for the removal of condition C7(n)1 and condition C7(a). The reason for the removal of the conditions is to avert future possible delays, as preventing registration at the office of the Surveyor General and the Deeds Office.

6. Removal of restrictive title deed conditions – regarding the requirements of LUPA Section 39(5), it must be noted that the removal of the said conditions is voluntary;

5.1 Due regard to the respective rights of all those affected, and to the public interest:

The removal of the title deed restrictive conditions will not deprive any person of property as contemplated under section 25 of the Constitution. In terms of the general application of law the removal of the condition will not deprive anybody of property.

Title deed condition C7(n)1 and C7(a) were imposed by the developer at the time, being The Cape Marine Suburbs Limited as owner of the Remaining Extent of Oranjezicht held under paragraph 1 of Deed of Transfer No.

The Cape Marine Suburbs Limited is being deregistered as is confirmed by the CIPC printout. The Cape Marine Suburbs Limited, or being the City of Cape Town, was the developer at the time. As there were no existing Municipal By-Laws at the time, developers inserted conditions. Many of these conditions have become irrelevant, replaced by existing Municipal By-Laws.

Title deed condition C7(n)1 & C7(a), was imposed on all the lots (now erven) on The Oranjezicht Estate, blocks 09A, 09B and 09C.

The Cape Marine Suburbs Limited, which inserted these conditions, is being deregistered. The removal of title deed condition C.7(n)(1) and the amendment of C7(a) is voluntary, and not mandatory as indicated on the conveyancer’s certificate. Alternately, one can request a temporary departure from the City of Cape Town for a temporary suspension. However, this application seeks to remove this condition to avert any further problems in the future. Three dwellings are planned for both Portion 1 & 2. In order to transfer these dwellings a sectional title scheme is required. The Surveyor

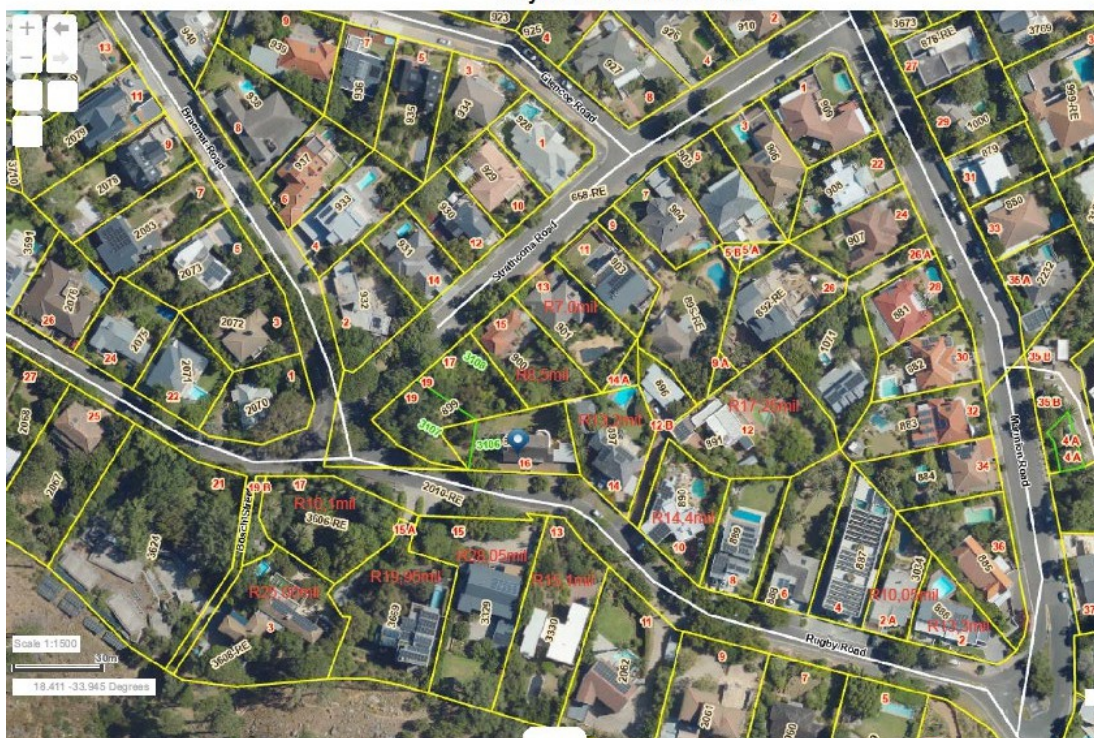
General and Deeds Office will require the title deed conditions to be removed/amended or temporarily suspended if a sectional title scheme is to be registered.

Although all the erven within the The Oranjezicht Estate Township, blocks 09A, 09B and 09C, have these conditions inserted in their title deeds, these conditions were inserted by the Developer at the time, being prior to 1933/34 and therefore are not affected by the City of Cape Town By-Law 2015. How does the removal of these restrictive conditions affect all the beneficiaries within this Township? As noted above, these conditions were inserted by the Developer at the time. This application can proceed without the removal of these conditions, and comply with the DMS rules of the MPBL's 2015.

5.2 *The financial value;*

The removal of title deed C7(n)(1) and C7(a) should not affect the values of the existing neighbouring properties. It is well recorded that further development of properties in this area of Oranjezicht, have improved property values and benefited all. The increase in Municipal valuations over the years bears evidence of this statement. The map below indicates the market value of properties in the area according to the City's 2022 valuation roll. It can be safely assumed that the value of these properties, have risen by at least 15% of the last 3 years. This is a clear indication that the new build benefits old existing houses by pushing up their value above market expectations. New build properties in this area have values of over R28million.

City's 2022 market value



5.3 *Personal benefits accrue to the holder of rights.*

The holder of rights is the owner of erven 898 & 899 Oranjezicht and all the beneficiaries within the Township of Oranjezicht Estate, blocks 09A, 09B and 09C, (see comment in the conveyancer's certificate and addendum). Title deed conditions were imposed by Developer at the time, The Cape Marine Suburbs Limited. The owner of Erf 898 and 899 Oranjezicht can proceed

with this application without removing condition C.7(n)(1) and C7(a). The removal of these conditions is voluntary and not mandatory, and should therefore have no effect on the beneficiaries of these rights. There are no restrictive conditions pertaining to further subdivision.

- 6.4 *The personal benefits accruing to the person seeking the removal.*
The removal of title deed conditions C7(n)1 and C7(a) will give the owner of the properties the right to develop more than one dwelling per erf. However, this application can be dealt with in terms of the existing MPBL's DMS rules, which allow 2 or 3 dwellings per erf under SR1 zoning.
- 5.5 *The Social benefit;*
The social benefit of removing the title deed conditions will mean better utilisation of land within an urban structure, better use of existing infrastructure and increased safety and security within the community. The increased densification is in line with the City's IDP Plan (2022-2027) and the Densification Policy of 2012. It will generate further opportunities allowing more families to benefit from the amenities available in this area of Oranjezicht, thereby broadening social equality.
- 5.6 *Rights enjoyed by the beneficiaries.*
The title deed has further listed conditions that were inserted by the developer at the time, which are to the benefit of all the property owners (beneficiaries) within the Oranjezicht General Plan, blocks 09A, 09B and 09C (attached). The removal of conditions C7(n)1 and C7(a), are two conditions inserted in the title deed by the Developer at the time, which should not affect this application in terms of the MPBL's 2015 DMS rules. The beneficiaries will continue to benefit from the title deed conditions.

7. Removal of restrictive conditions - SPLUMA Section 42(1)(c) and 47:

Section 42(1)(c):

Public interest;

The application to subdivide these erven will be in the public interest as it provides an opportunity for those wishing to live in this area, to make an offer of acquisition.

Facts relevant to this application; This application is of the same order as a previously approved subdivision of the same properties, which has lapsed.

This application seeks the same approval as previously granted.

Respective rights of all those affected;

The abutting neighbours to the subject properties would be aware of a previous approval to subdivide these erven, and would have anticipated further development in lieu of this approval. The circumstances remain the same.

Impact of engineering services and social infrastructure;

The subdivision of these erven was previously approved in which case the Engineering Department of the City of Cape Town would have approved the further use of the existing services and that there was adequate space for further loading. The owner of these erven would have been made aware of the Development Charges and requirements attached to this policy.

Section 47: *Section 25 of the Constitution says, 'No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property'.*

Does the removal of the restrictive conditions adhere to the principle of Section 25?

The removal of title deed conditions as requested in this application will not deprive any person of property or property rights as contemplated in Section 25 of the Constitution. The owner is by this application providing more opportunities for ownership of land thereby broadening social equality. By restricting development in well-established areas within Cape Town will deprive people of land ownership and to choose an area to live in of their choice. This application supports broadening living opportunities for all.

In Summary:

The removal of the title deed conditions will not affect the health or wellbeing of the community, nor deprive any person of property as contemplated in Section 25 of the Constitution (The Bill of Rights). The proposed subdivision promotes justifiable economic and social development and is in line with the vision of densifying the inner City. The removal of these title deed conditions will not adversely affect the rights, security and the environment of the community or an individual.

8. Zoning extract:



Erven 898 & 899 Oranjezicht have a zoning SR1 (single residential).
Below is a copy of the table of the DMS rules:

Table A: Summary of the zonings and development rules
 [Table A substituted by s. 32 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]
 [Table A substituted by s. 30 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

SINGLE RESIDENTIAL ZONINGS	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					To wallplate	To top of roof	Street boundary	Common boundaries		
SINGLE RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (SR1)	>2 000	N/a	1 500 m ²	N/a	9,0 m	11,0 m	6,0 m	6,0 m	N/a	Window and door placement
	>1 000 up to 2 000	N/a	1 500 m ²	N/a	9,0 m	11,0 m	4,5 m	3,0 m		Garages, carports and outbuildings
PRIMARY USES Dwelling house, private road and additional use rights	>650 up to 1 000	N/a	1 500 m ²	N/a	9,0 m	11,0 m	3,5 m	3,0 m		Parking and access
ADDITIONAL USE RIGHTS Second dwelling; third dwelling; Home occupation or bed and breakfast establishment or home child care	>350 up to 650	1,0	N/a	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		Additional use rights – home occupation, bed and breakfast establishment, second dwelling, third dwelling and home child care
	>200 up to 350	1,0	N/a	75%	8,0 m	10,0 m	1,5 m	0,0 m		
CONSENT USES Utility services, 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, halfway house and veterinary practice	≤200	1,0	N/a	75%	8,0 m	10,0 m	1,0 m	0,0 m		
		Refer to Item 22(a)	Refer to Item 22(b)	Refer to Item 22(h)	Refer to Item 22(c)	Refer to Item 22(c)	Refer to Item 22(d) & 22(e)	Refer to Item 22(d) & 22(e)		

Below is an extract of the height rules applicable to building set back lines for SR1.

(c) Height

- (i) The maximum height of a building, measured from the existing ground level to the wallplate and top of the roof, shall be determined in accordance with the area of the land unit as shown in the following 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1';

[Sub-para. (i) substituted by s. 32 (a) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (ii) Where a building is permitted in this zoning within 3 m of a common boundary, the height will be limited to 4 m measured from existing ground level to top of roof.

[Sub-para. (ii) substituted by s. 32 (b) of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

- (iii) Notwithstanding the provisions in sub-paragraph (ii), within the first 12 m along a common boundary measured perpendicular from the street boundary line and where a building is not set back from such common boundary, the height is determined in accordance with the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1';

- (iv) Earth banks and retaining structures are subject to item 126.

(d) Building lines

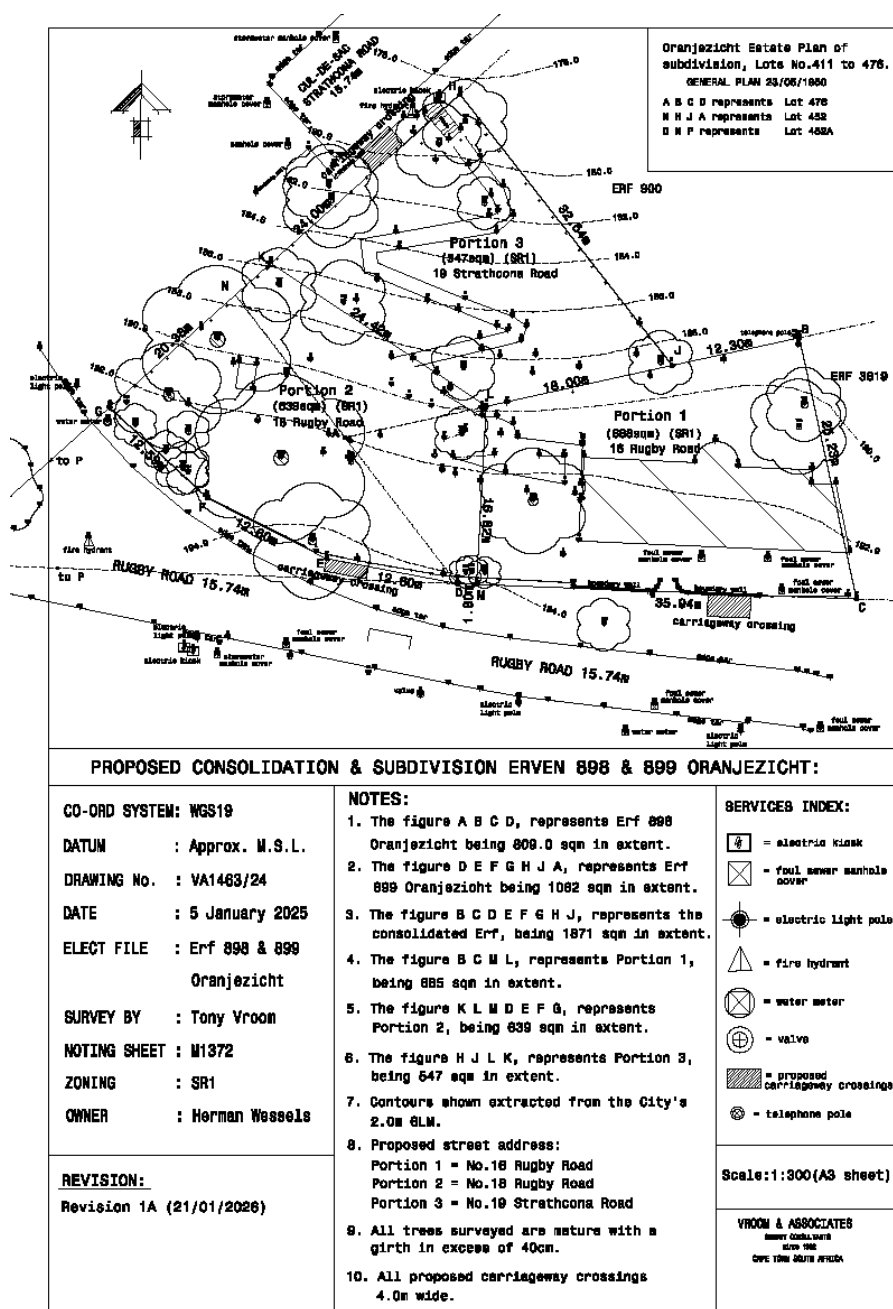
The street and common boundary building lines are determined in accordance with the area of the land unit as shown in the 'Table of floor factor, floor space, height and building lines in Single Residential Zoning 1, subject to:

- (i) the general building line encroachments in item 121;
 (ii) where more than four dwelling units are attached to each other, the City may require a common boundary building line of 1 m between a batch of four attached dwelling units and any adjacent dwelling unit; and
 (iii) further restrictions stipulated in paragraphs (e) and (f) as applicable.

9. The Proposed Subdivision:

- In 1982 The City of Cape Town approved a plan of consolidation and subdivision for erven 898 & 899 Oranjezicht. The approved plan will be cancelled by this application.
- Erven 898 & 899 are situated in an area of Oranjezicht that falls under the City's densification Policy 2012.

- Higher densities should be treated in such a manner, that the fabric that exists is not changed entirely, but is compatible and to the benefit of the community. Densification within this node, will be of economic benefit to the City at large. Creating further densification in this area improves the use of the cities amenities and will encourage sustainable economic growth within existing economic hubs.
- The proposal is to consolidate erven 898 & 899 Oranjezicht, as per the previous approval, and then to subdivide the consolidated erf into three portions. See proposed plan of subdivision.
- The extent of Portion 1 will be 685sqm, the extent of Portion 2 will be 639sqm and the extent of portion 3 will 547 sqm.
- The subdivision requires three new carriageway crossings, one for each portion.



10. This subdivision is desirable for the following reasons:

- The nature of the subdivision allows for the development of new opportunities which will make use of the existing infrastructure such as services, transport and amenities.
- It is situated close to The City of Cape Town's business hub, schools, parks and hospitals.
- The additional traffic will have little, if any effect, on the existing traffic load. Off road parking for vehicles is available for each proposed erf. The new carriageway crossings comply with traffic regulations Section 140 of the MPBL's DMS rules.
- The subdivision of erven 898 & 899 Oranjezicht, should have no effect on the health and wellbeing of the existing surrounding community and should enhance the security of the area.
- This proposal, at a macro level, will contribute to addressing low densities in well located areas with good linkages to urban infrastructure and therefore contribute to viable development opportunities within the existing urban edge.
- Urban sprawl is addressed via this application, with more intensified and sustainable use of land infrastructure.
- There will be no further affect on the biophysical environment, as most if not all mature trees will be protected.
- Urban sprawl is addressed via this application, with more intensified and sustainable use of existing land infrastructure.

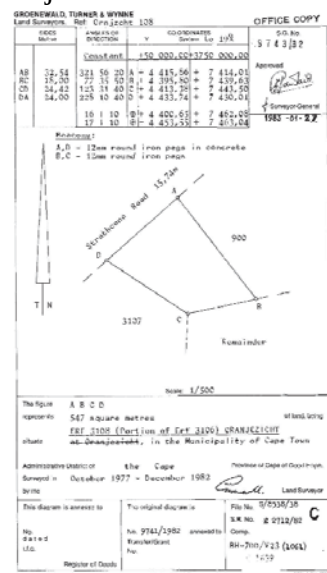
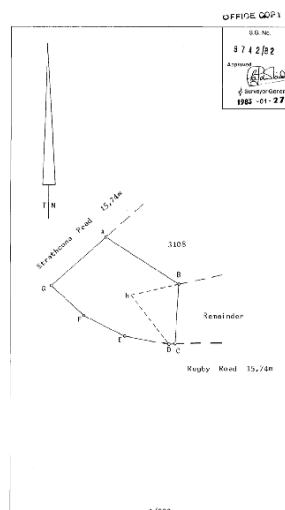
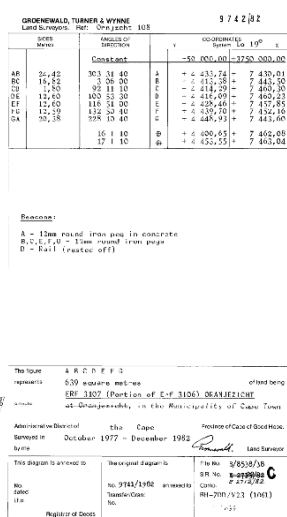
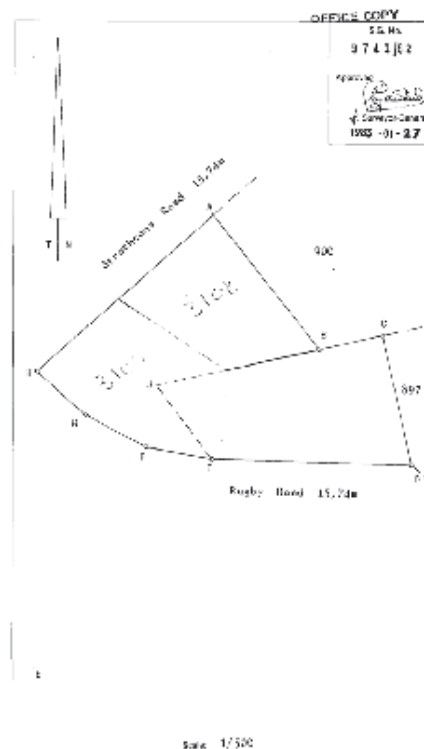
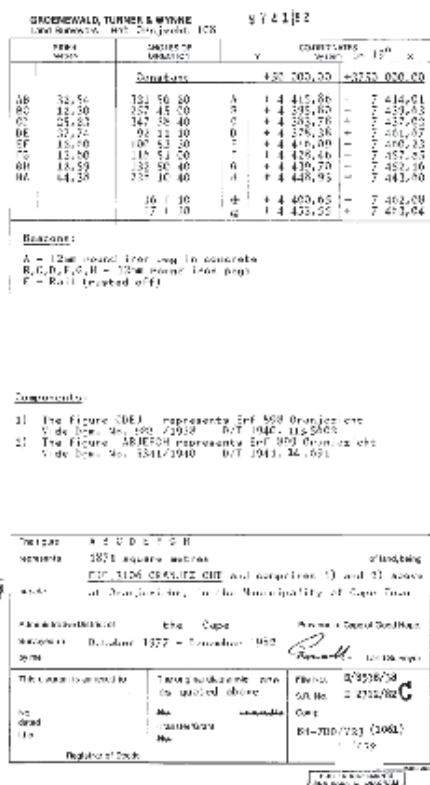
11. Cancellation of an approved plan of subdivision in terms of Section 42(l)

The consolidation and subdivision of erven 898 & 899 Oranjezicht was approved in 1982 in terms of approval directive AF 20/4/5510 dated 13/08/1982. Subdivision diagrams were framed and were approved by the Surveyor General. The consolidated Erf 3106 was divided into 3 portions, being erven 3107, 3108 and the Rem. of Erf 898 Oranjezicht. See copies of diagrams below.

This application is applying for the cancellation of the plan of subdivision as approved by the City of Cape Town case number AF 20/4/5510 dated 13/08/1982.

The reason for the cancellation is that the conditions of approval have lapsed (5 years) and the subdivision approval was not acted upon. The subdivided erven have not been registered at the Deeds Office where the title deeds are still registered under erven 898 and 899 Oranjezicht

The diagrams for Erf 3107 and Erf 3108 will be cancelled by the Surveyor General, and the properties will revert to the parent Erf numbers, 898 and 899 Oranjezicht.



12. Character of the area:

In terms of the possible impact of the subdivision on the character of the area, the following should be noted:

- Oranjezicht is considered suitable for contextually appropriate densification as it is a sought-after area that already includes densification solutions relating mainly to subdivision and or second and third dwellings as per the MPBL's.
- The proposal is considered to add to the diversity and richness of the suburb, without negatively impacting on the streetscape and vegetation.
- It has been shown (Annexure 2) that similar erf sizes to the proposal exist in the area, which contributes to limiting any possible negative impact as a result of this proposal on the character of the area.
- Given the existing boundary conditions, specifically street frontage and DMS rules, it is clear that the proposal will not have a negative impact on the streetscape or character of the area.

13. The City's Municipal Spatial Development Framework policy 2024:

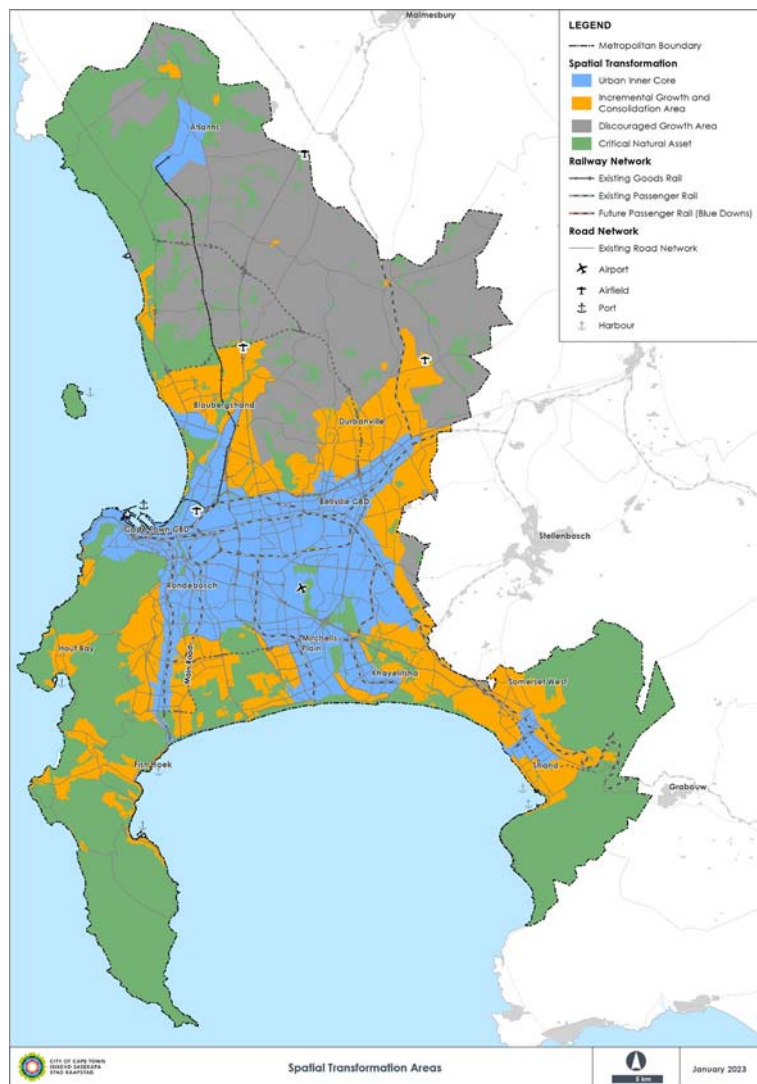
The following objectives in MSDF 2024 are clearly supported by this application.

The City of Cape Town has limited land with regards to further development due to being locked in by the mountain and the sea. This development supports the strategy of inward growth by further developing inner core nodes of the City.

By redeveloping an existing land area that has available service links and shorter transport corridors, reduces the carbon emission.

The development helps the local economy grow.

The City's map indicating spatial transformation areas highlights the City's inner core for upscaling urban densification. See map below (highlighted in blue). This application is in line with the City's forward plans for intensification.



The City's plan for encouraging more residential opportunities in a vertical and horizontal direction within the urban core is being supported by this application. This area is not zoned for high rise flats but has the potential for horizontal expansion. This means that single residential dwellings have the potential to carry out infill.

This development is close to existing public transport, economic hubs and social facilities.

Further development should be discouraged where there are no bulk services. This development is well situated within an area that has bulk services, thereby having little demand on the City's financial resources that can be better used in the more informal sector.

The proposed development is within the existing urban and coastal edge, thereby creating less stress on the biosphere.

This application supports the **Integrated Development Plan (IDP)(2022-2027)** for the following reasons.

This development is in line with the City's vision of a prosperous, inclusive and healthy City.

Economic growth is therefore an essential component of this vision. One of the important aspects of this vision is one of housing needs. The lack of adequate housing is an urgent concern that affects the City's health and well-being. Proposed developments like this application, support and accelerate the building of additional homes.

This application is in clear support of **The Table Bay District Plan 2024** by supporting the intensification of development in infill sites within the existing urban inner core. This proposed development facilitates opportunities within an existing area where large properties can be re-developed, reducing the demand for housing.

The proposed development will be designed within the MPBL's DMS rules incorporating appropriate architectural design. The architectural design will endeavour to incorporate measures to help reach zero carbon goals by reducing demand on water and electrical energy.

The sites green aspect will be enhanced by the development of a tree planting and tree preservation plan.

The development will not displace any existing jobs from functioning economic areas which is in line with the vision of The Table District Plan.

This application supports the **City's Densification Policy document 2013**, for appropriate densification across the City in order to promote longer-term sustainability of Cape Town's natural, urban and rural environments. With reference to the policy document the proposed development clearly follows the City's densification policy by;

- Making economic use of valuable non-renewable resources.
- Supporting the existing public transport system.
- Making the City more equitable.
- Facilitating economic opportunities.
- Improving housing patterns and choice of house type.
- Contributing to urban place-making and improving safety.

14. Servitudes:

There are no requirements for servitudes.

15. Engineering Services:

Erven 898 & 899 Oranjezicht has existing connections to the City's fresh water supply, electricity and sewerage lines. The proposed development will comply with the City Engineers Department criteria regarding all new connections in order to service the development and be subject to the DC levy.

16. Vegetation & Storm Water Drainage:

There are various mature trees spread over the erven, which have been recorded. Most of these trees will be protected.

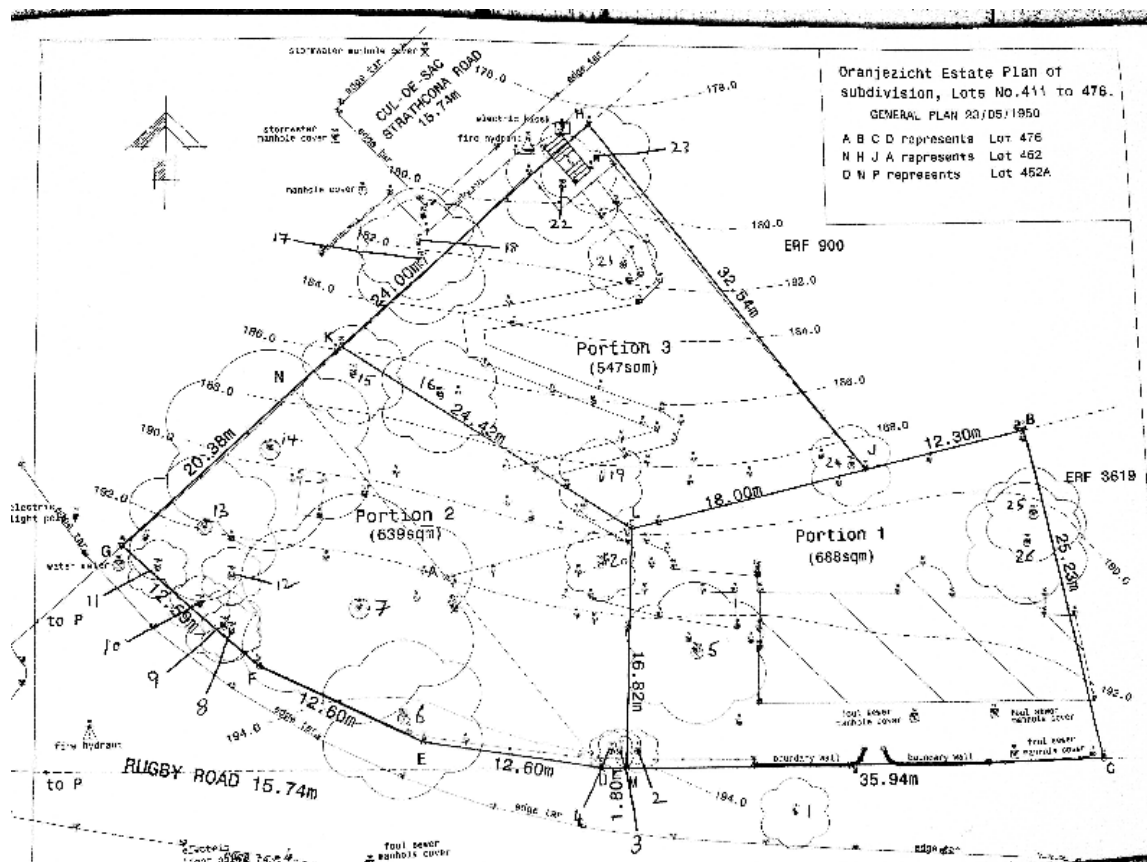
Botanist Paul Emms, has undertaken a tree report of the property (attached). A tree planting and tree preservation plan will be designed in order to keep the existing green environment in place. Although certain trees will have to be removed, the planting of replacement trees will within time portray the existing situation.

The tree preservation and planting plan to be made a condition of subdivision.

The additional stormwater runoff will be of a manageable volume, and can also be maintained on the properties, by using water saving devices.

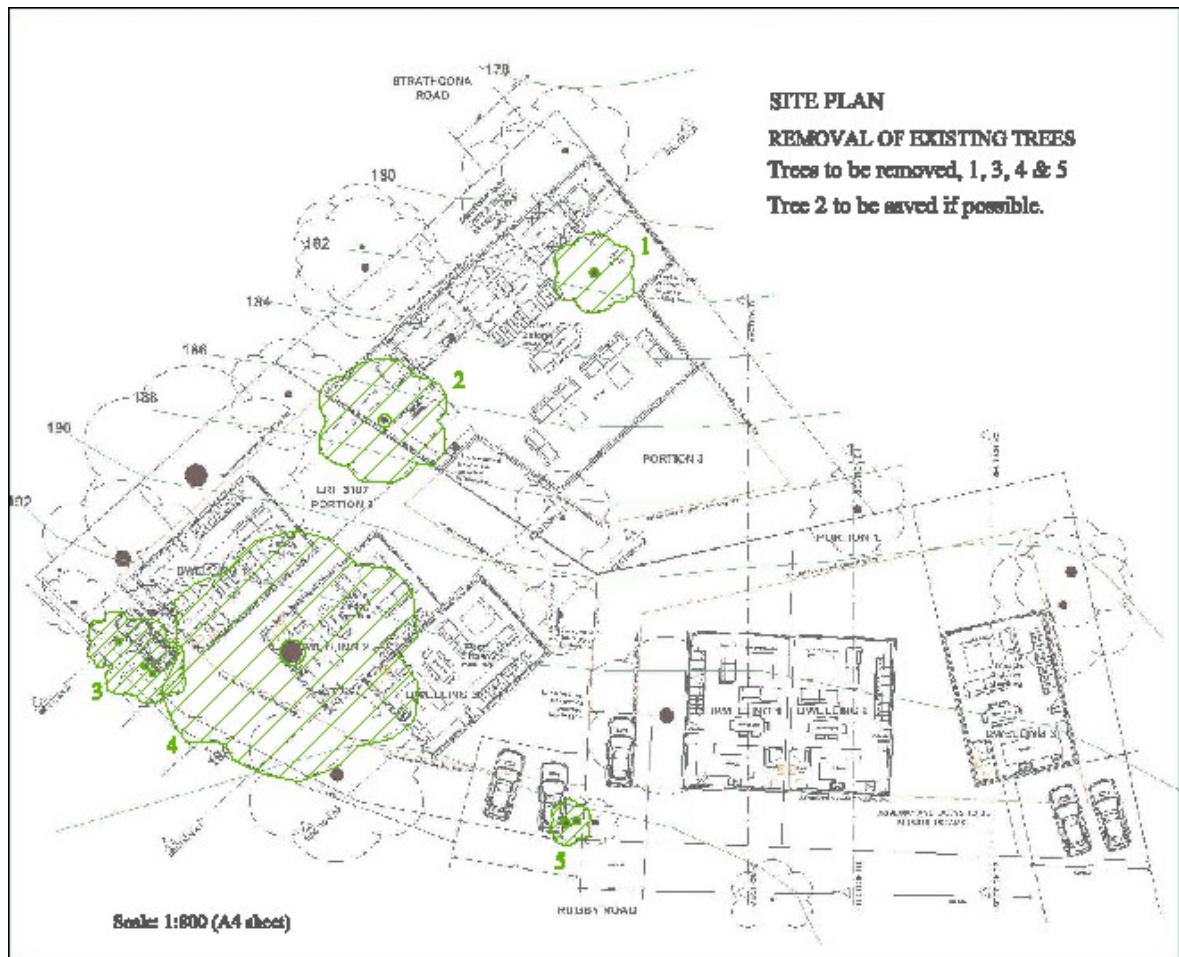
Arborist report:

Below is Arborist Paul Emms tree numbering plan and tree schedule.



Tree number	Species	Common Name	Indigenous or exotic	Protected
1	Erythrina	coral tree	Indigenous	
2	Syzygium paniculatum	brush cherry	Exotic	
3	Syzygium paniculatum	brush cherry	Exotic	
4	Syzygium paniculatum	brush cherry	Exotic	
5	Populus deltoides	Eastern cottonwood	Exotic	
6	Quercus palustris	pin oak	Exotic	
7	Quercus robur	English oak	Exotic	
8	Syzygium paniculatum	brush cherry	Exotic	
9	Syzygium paniculatum	brush cherry	Exotic	
10	Syzygium paniculatum	brush cherry	Exotic	
11	Afrocarpus falcatus	Outeniqua Yellowwood	Indigenous	
12	Erythrina	coral tree	Indigenous	
13	Quercus robur	English oak	Exotic	
14	Olea europaea ssp. africana	Wild Olive	Indigenous	
15	Afrocarpus falcatus	Outeniqua Yellowwood	Indigenous	Yes
16	Afrocarpus falcatus	Outeniqua Yellowwood	Indigenous	Yes
17	Populus deltoides	Grey poplar	Exotic	
18	Populus deltoides	Grey poplar	Exotic	
19	Afrocarpus falcatus	Outeniqua Yellowwood	Indigenous	Yes
20	Podocarpus latifolius	real yellowwood	Indigenous	Yes
21	Cinnamomum camphora	camphor	Exotic	
22	Acer buergerianum	trident maple	Exotic	
23	Acer buergerianum	trident maple	Exotic	
24	Eryobotria japonica	loquat	Exotic	
25	Metrosideros excelsa	New Zealand Christmas tree	Exotic	
26	Afrocarpus falcatus	Outeniqua Yellowwood	Indigenous	Yes

Below is a plan indicating the trees that need to be removed with regards to the new structures. Tree No.2 as shown on the plan will be preserved if possible. All the trees that will be removed as shown are exotic and are not protected.



17. Solid Waste:

Solid waste will be disposed of in the normal manner. The increase in solid waste should have no effect on the present service capacity.

18. Access (ingress and egress) for the proposed subdivision:

The access for Portion 1 will be via the new carriageway crossing as marked on the proposed plan of subdivision off Rugby Road.

The access for Portion 2 will be via the new carriageway crossing as marked on the proposed plan of subdivision off Rugby Road.

The access for Portion 3 will be via the new carriageway crossing as marked on the proposed plan of subdivision off Strathcona Road.

All new carriageway crossings will comply with Section 140 of the MPBL's.

19. Traffic Impact:

Access to good fast transport facilities is a problem facing the City which has inherited a historically disjointed town planning order. In this order, communities were moved far away from places of economic opportunities and jobs. However, the problem is less of a priority within the formal housing sector nodes. Access to economic hubs from the subject property is easily accessible.

The increased traffic impact on Rugby and Strathcona Road, will add a low level of increased load bearing on the existing traffic in this area. Off street parking will be provided as per Section 137 of the of the MPBL's DMS rules.

20. Proposed street numbers:

The following street numbers are proposed;

Portion 1 will be No.16 Rugby Road

Portion 2 will be No.18 Rugby Road.

Portion 3 will be No.19 Strathcona Road

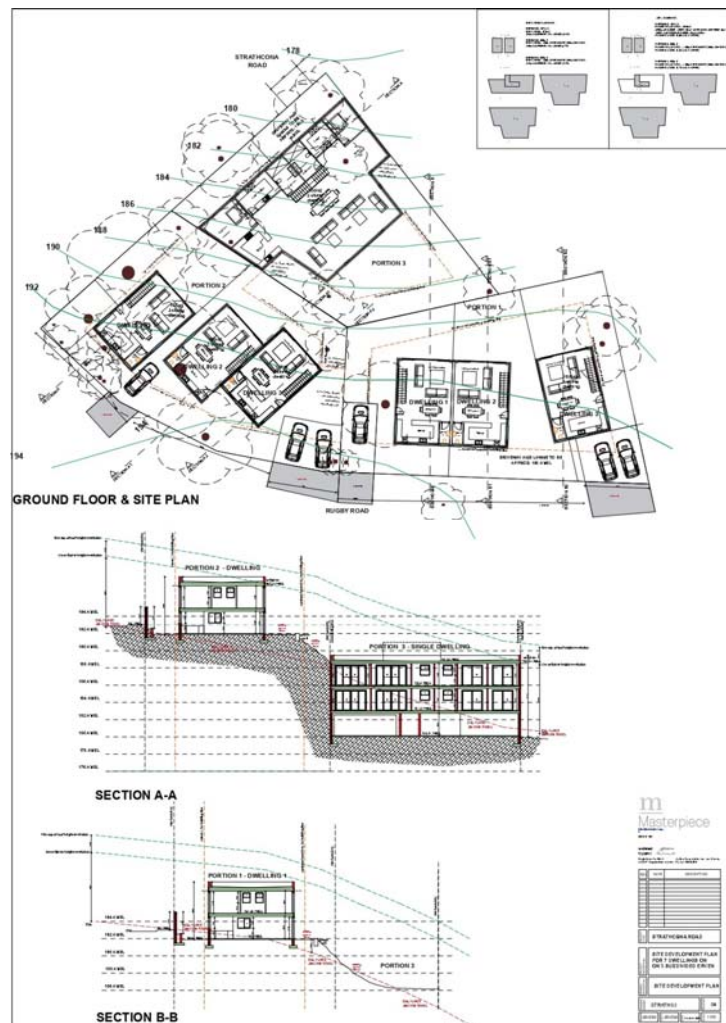
21. Site Development Plan (SDP):

The attached SDP site plan indicates the position of the new dwellings for Portion 1, 2 & 3. The building setback lines have been indicated on the plan showing that all new dwellings comply with the building setback line regulations in terms of the MPBL's DMS rules.

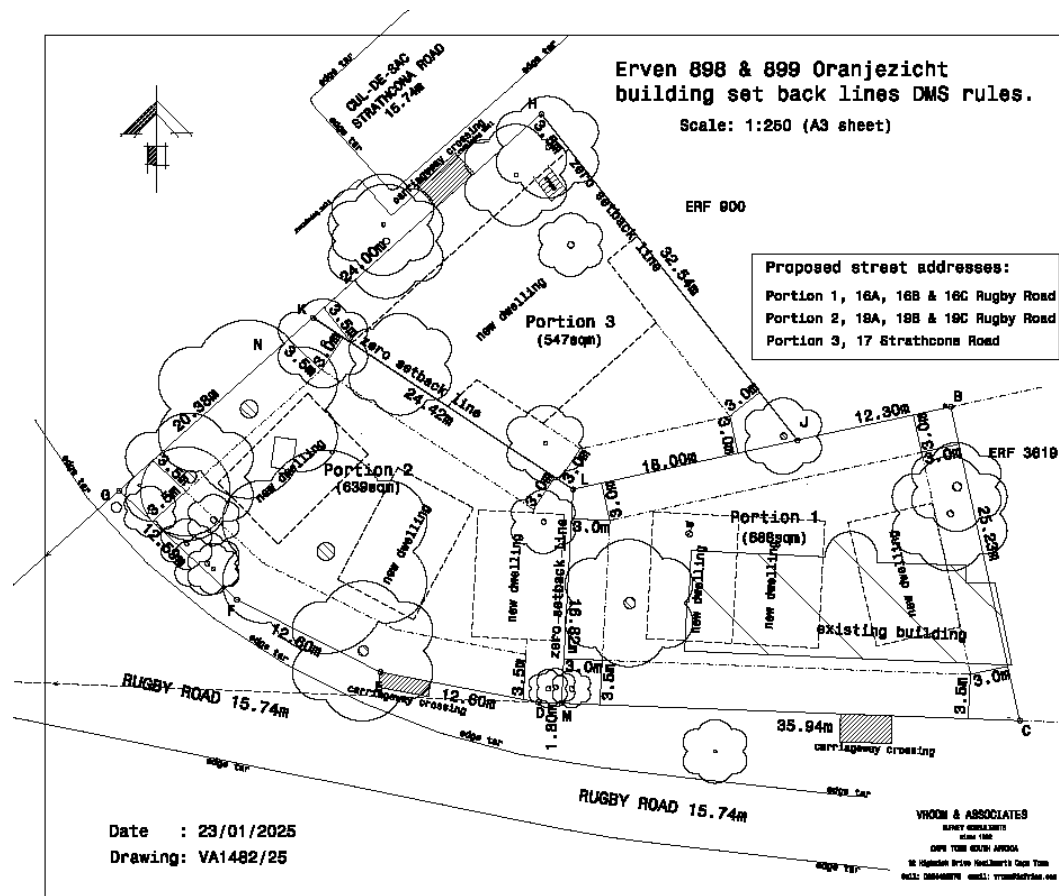
Sections and elevations clearly show that the height requirements per the MPBL's DMS rules comply. Departures will not be required.

A detailed site development plan will be attached to this application. The development Architect is Julius Burmeister Van der Merwe.
Below is a plan showing the proposed development and the building set backlines.

Extract of the SDP

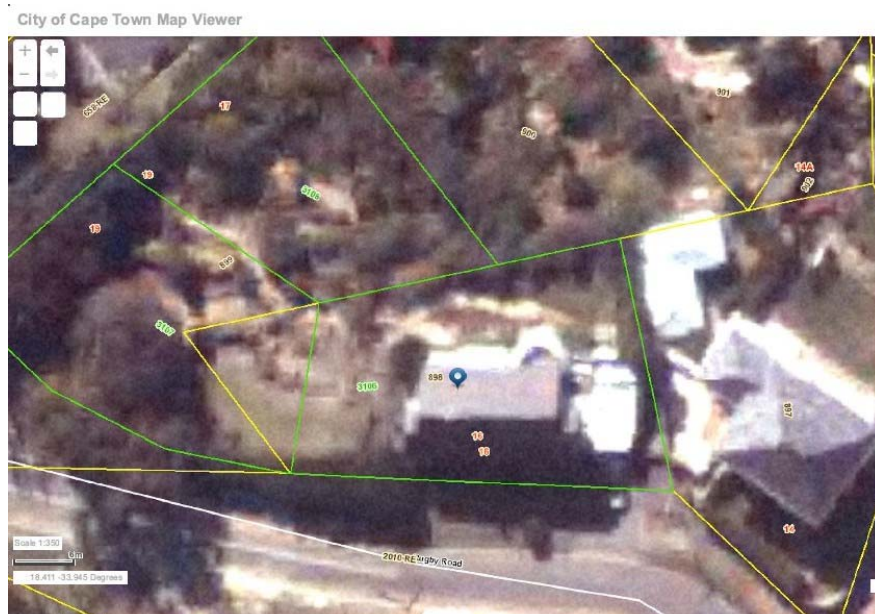


Plan showing building setback lines

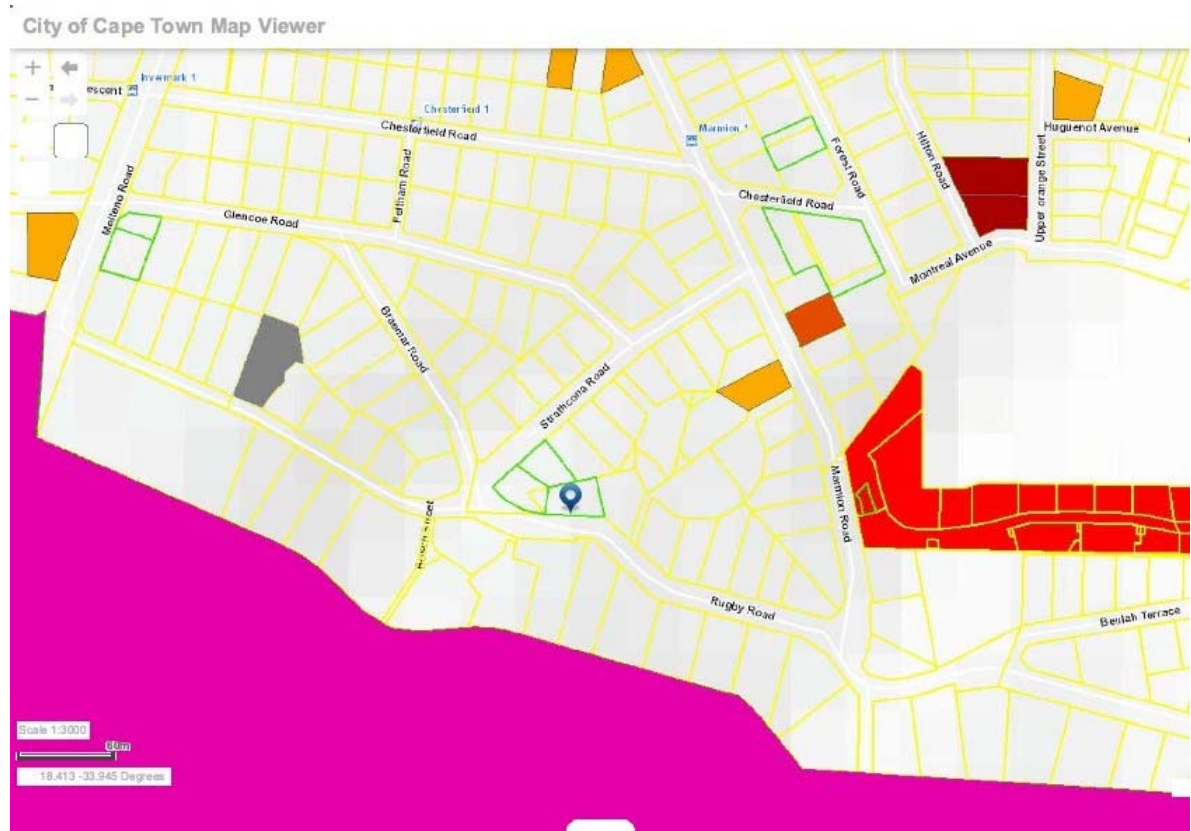


22. Demolition:

The age of the house is estimated at approximately 56 years. The aerial photograph shown below is dated 1971, it is the first clear aerial photograph indicating a dwelling on the subject properties. The developer will apply for the demolition of the existing house.



The property does not fall under a heritage protected overlay zone. See City heritage zone map below.



23. Requirements in terms of Section 99(2) of the MPBL's 2015:

The application must be considered for approval for the reasons set out below.

- (a) The application complies with relevant criteria contemplated in the DMS. All necessary documents as required by the City are submitted with the application and the proposal should be considered desirable when assessed in terms of the adjudication criteria.
- (b) In terms of applicable policies and strategies:
 The proposal follows the City's approved Densification Policy. Densification is considered a necessary step to sustain and improve the valuable natural, urban and rural environments of Cape Town. This development must be assessed with a view to the general land use character of the area and how it fits into the surrounding environment. The terrain is of a steep nature and this will provide good views without impeding on each other and neighbouring properties. The proposal is situated near to the City and all its available amenities, such as the business centre, schools, hospitals and entertainment facilities.
 The proposal is consistent with the Economic Growth Strategy as it ensures that growth is environmentally sustainable in the long term by densifying not only existing urban areas, but areas such as the subject property.
- (c) The proposed development is considered desirable in terms of paragraph 19 below.
- (d) Impact on existing rights.

This application will not impact negatively on the existing rights of the public or the surrounding property owners, for the following reasons;

- The subdivision of Erven 898 & 899 Oranjezicht, which was previously approved, is not introducing a new proposal but is in keeping with the previous application which has lapsed.
- The property is well located in terms of access to good economic, institutional, social and recreational facilities and a major transport infrastructure.
- It will provide much needed housing opportunities for the greater community.
- There is reliable existing municipal engineering infrastructure.
- Densification facilitates the gradual restructuring of the City which is vital in terms of social, economic and environmental sustainability.
- Developing available land and providing more residential opportunities is in the interest of the general public and the City of Cape Town.
- The subject property does not form part of an overlay zone which prescribes a minimum erf size for the area. The proposed erf sizes are in keeping with other erf sizes in the area.

24. Requirements in term of Section 99(3) of the MPBL's 2015:

- (a) **The socio-economic impact** will be positive. The proposal will enable residential densification and land use intensification which will enable the more efficient use of the land. Land for development has become a scarce resource throughout the City. This development will enable more families to reside in this area, and enjoy the existing infrastructure, whether it be the environment, the recreational lifestyle or the available facilities.
- (b) **Compatibility.** The proposal is compatible with the surrounding uses. Most of the properties in this area are zoned SR1. The proposed erf sizes are also in line with the average sizes found in the area.
- (c) **External engineering services.** There will be a minor impact on the existing external engineering services. The application will be circulated to the relevant services branches for comment. The developer will be issued with a DC levy in line with the City's engineering requirements for this development.
- (d) **Impact on safety & health.** There will be a positive impact on the safety, health and wellbeing of the surrounding community. Sensitive densification will enable more people to reside in the area which will increase safety by surveillance. This in turn will reflect on people's health and wellbeing.
- (e) **Impact on heritage.** The subject property does not fall within a heritage overlay area.
- (f) **Impact on biophysical environment.** There will be no negative impact on the biophysical environment. The activity does not trigger any approvals required in terms of the National Environmental Management Act. A Botanist has been commissioned to provide a tree report.
- (g) **Traffic, parking and access impact.** There should be no negative impact on traffic, parking and access. There is enough capacity to deal with the
- (h) **additional traffic load.** All new access points and off-street parking requirements will adhere to the City's MPBL's Section 137 of DMS rules.

- (i) **Imposition of conditions.** The existing conditions in the title deeds of erven 898 & 899 Oranjezicht, have the normal City engineering clauses in them and there are no onerous conditions attached. If any new additional conditions were to be imposed, it would clearly affect the proposed development.

25. In Summary:

- The proposed subdivision of erven 898 & 899 Oranjezicht will not negatively impact on the existing rights, health and safety of surrounding properties.
- The proposal will have a low level of impact on the existing road and traffic network.
- The proposed subdivision will improve the use of existing land and make further residential opportunities available leading to better spatial development.
- The proposed subdivision will have no financial implications or loss to any other party.
- The proposed development falls within the densification plan for the City.
- Urban sprawl is addressed via this application, with more intensified and sustainable use of land infrastructure.
- The removal/amendment of the title deed conditions will not affect the health or wellbeing of the community.
- The removal/amendment of the title deed conditions will not adversely affect the rights, security and the environment of the community or an individual.
- The removal/amendment of the title deed conditions will have no financial impact on the community.
- This proposal is compliant with the provisions of LUPA & SPLUMA.
As per the application submitted and motivation provided, the proposal complies with the requirements of the Municipal Planning By-Law's 2015 and amendments.

26. Photographs:

Below are photographs showing the existing house, some existing mature trees, the Rugby Road pavement edge, existing access and services.



Entrance from Rugby Road



Front façade of the existing house



View of wide street facade



Typical mature tree on site



Typical mature tree on site



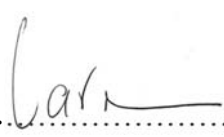
Wide pavement in Rugby Road and existing fencing



Manhole cover on site

27. Contents of this application submitted under Section 42(d), 42(f), 42(g) and 42(l) of the MPBL's 2015:

- o Signed LUMA application form
- o Power of Attorney
- o Motivation
- o title deed condition to be removed
- o Plan of subdivision
- o Conveyancer's certificate
- o Copy of the title deed and copy of new title deeds – ownership change
- o Locality map
- o Zoning extract
- o Noting sheets & SG diagrams
- o Arborist plan
- o CIPC print out
- o Extract of Heritage overlay plan
- o Map – Spatial transformation areas
- o Noting sheets indicating beneficiaries

L.A.Vroom  4/09/2026
(GTgES0638)