



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500170002

**Erf 960, 32 Woodside Drive,
Pinelands**

Development Management

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LJ GLUCKMAN

TOWN PLANNING

MOTIVATIONAL REPORT:

PREPARED BY: LJ GLUCKMAN TOWN PLANNING

APPLICATION: AMENDMENT TO RESTRICTIVE CONDITIONS AND DEPARTURES ASSOCIATED WITH A PROPOSED SECOND DWELLING ON ERF 960, PINELANDS

DATE: 23 AUGUST 2026

ERF Number	Erf 960, Pinelands
Address	32 Woodside Drive, Pinelands
Registered Owner	
Applicant	Lloyd Gluckman
Title Deed	
Restrictive Conditions	Yes
Registered Extent	833 sqm
Zoning	Residential Zone 1
Overlay Zoning	NA

INTRODUCTION

The owners of Erf 960, Pinelands, wish to make more efficient use of their property by proposing a second dwelling to the rear of the property in an area which currently forms part of the garden of the existing dwelling. No changes to this existing dwelling are proposed and a land use application is required to be submitted to the City for review given the presence of a restrictive condition contained in the title deed together with the proposed location of the second dwelling relative to the properties common boundaries.

This report serves to outline the proposal relative to the relevant law, particularly the Municipal Planning By-Laws, and policies, including municipal and local spatial plans, in order to effectively motivate for this proposal and frame it within the context of these documents. We respectfully request that this application and associated report be reviewed and approved.

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 1m from the southern and western common boundary in lieu of 3m and for the proposed garage/outbuilding to be setback 1.65m from the eastern common boundary and 1.014m from the southern common boundary in lieu of 3m.
- 2) Amendment of Restrictive Conditions in terms of Section (42)(g) & (J) of the MPBL. Condition B3 is proposed to be amended to permit 2 dwellings on the subject property in lieu of 1.

THE APPLICANT

The owners of the subject property have duly authorised Lloyd Gluckman (LJ Gluckman Town Planners) to represent them and serve as the applicant associated with the various proposals contained within this report.

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, municipal departments, 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 in terms of mobility 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 there is growing demand for residential opportunities in the area. This is one of the attributes which 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 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 terms of restrictive conditions in their title deeds as 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 is still a restrictive condition relevant to the proposals contained herein which remains in force.

A review of development on properties in the local area surrounding the subject property indicates that many of these appear to be developed in a manner which is more reflective of current laws. Development close to the rear boundary is not an uncommon feature on properties in the area and many appear to have structures which are additions or extensions.

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. As with all properties within the confines of the City of Cape Town's defined municipal area, properties in the area are

governed by the Municipal Planning By-Laws. All properties located within a defined HPOZ are required to abide by and confirm with additional provisions contained within these by-laws which serve as additional measures in which to protect conservation worthy features in the area.

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.

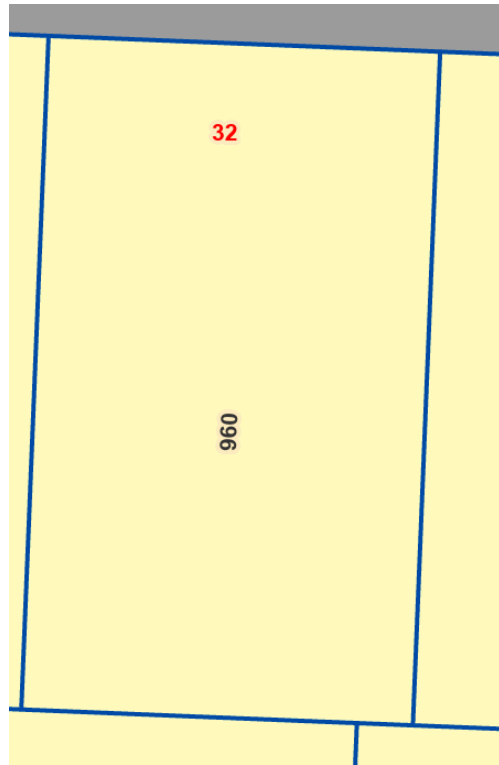
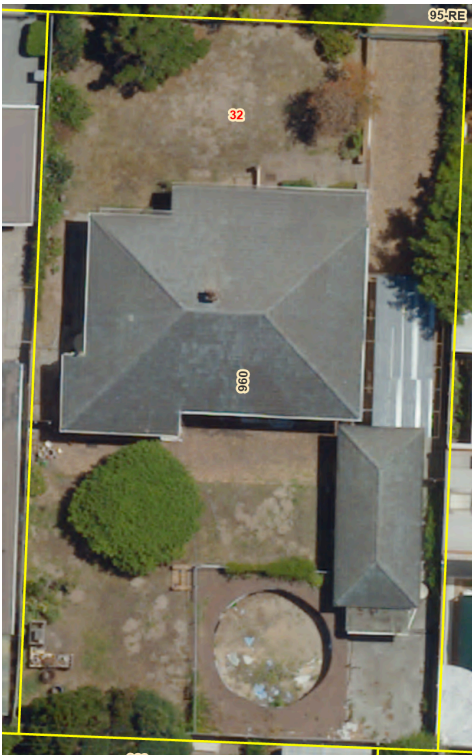
SUBJECT PROPERTY

The subject property currently has a single dwelling located thereon. It is located on Woodside Drive and 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.

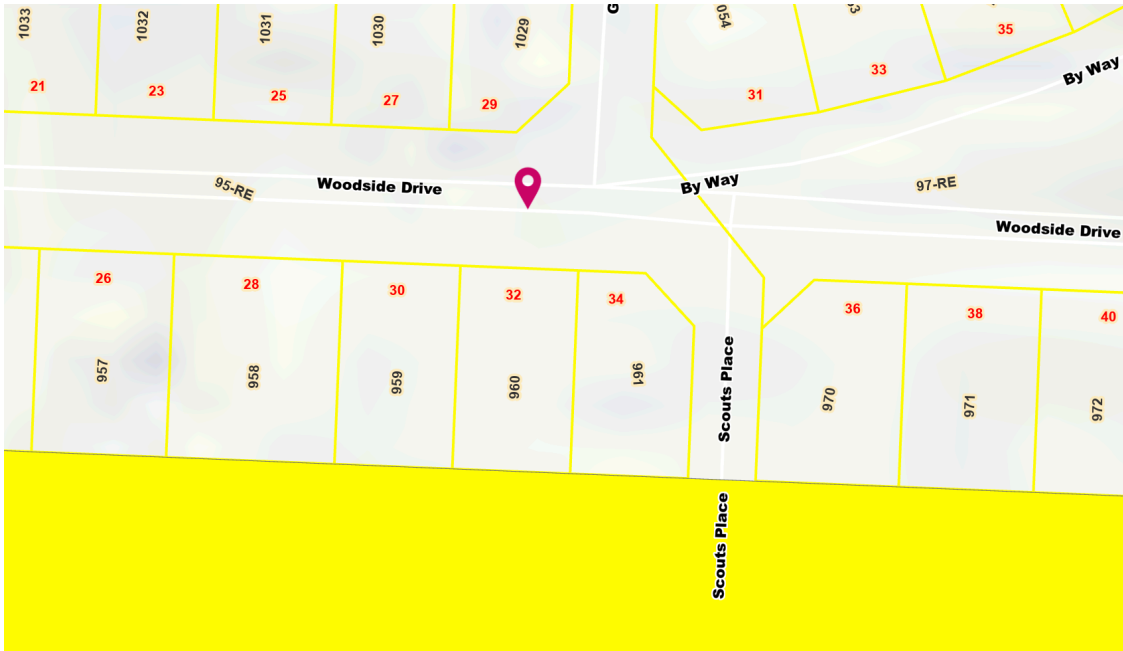
A large portion of Pinelands is covered by a Heritage Protection Overlay Zone which has been implemented over the area to preserve the character of the area as well as to better protect conservation worthy heritage resources located on properties within the area. The subject property is not located within 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. The property has a single carriageway crossing which is proposed to be retained and this access point will service both the dwelling and second dwelling.

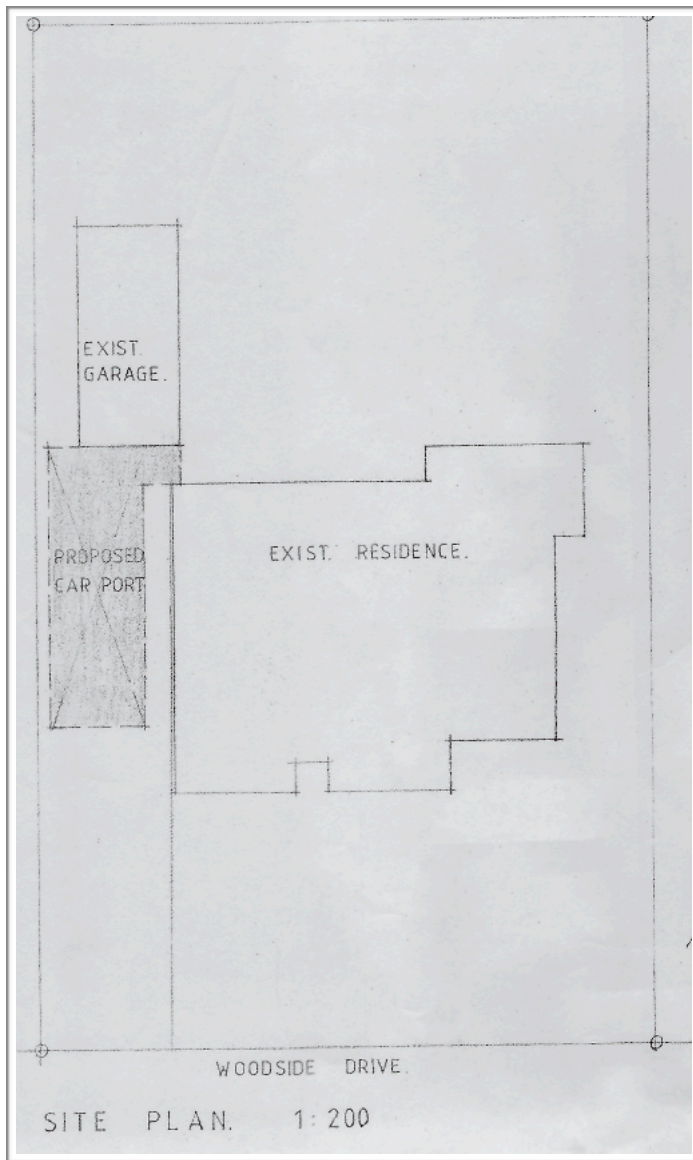
The property is zoned Residential Zone 1 and contains restrictive conditions in the title deed which place further restrictions on the development of the property. This zoning and restrictive conditions are discussed in greater detail in later sections of this report along with the various laws and policies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



The above extracts from the City Map Viewer shows a 2025 aerial image (left) of the subject property together with an indication that the property is zoned Residential Zone 1 (right).



The image above shows the defined outline of the Pinelands Heritage Protection Overlay Zone and confirms that the subject property is not located within this zone nor are the neighbouring properties to the west and east. As such no applications are required to be included in terms of proposals within an HPOZ. The relevance of the HPOZ is discussed in a later section in this report.



The above extract of the proposed building plans included as an annexure to this report show the existing dwelling together with the position of the existing carport and garage.

DESCRIPTION OF PROPOSALS

1) PROPOSED SECOND DWELLING UNIT & NEW WORKS

The proposed second dwelling unit, as shown on the proposed building plans provided, will be located to the rear of the property and obstructed from view from Woodside Drive by the existing dwelling. There are no changes proposed to this existing dwelling and, as such, the facade of this structure will not be impacted upon nor will the properties street frontage.

As noted in the previous section, the subject property is zoned Residential Zone 1. The following uses are permissible as primary use rights on such properties: dwelling house, private road, micro wind turbine and structure-mounted energy system while additional use rights include; 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. These are subject to various further conditions as provided for within the by-laws.

As the property is 833 square meters in area a maximum floor space of 1500 square meters is permissible, building heights are limited to 10m above EGL and the required common and street boundary building lines are 3m and 3.5m respectively.

As shown on the proposed building plans, the combined floor space of both dwellings is less than 1500 square meters, building heights are compliant and so too are the relevant height provisions as per item 22(c). A built upon area calculation has been provided which indicates that the proposal is compliant with the relevant restrictive condition contained in the title deed. The proposed second dwelling is however proposed to be setback 1m from the southern and western common boundaries thus requiring common boundary building line departures. All windows and doors are setback the required distance and, given the proposed structure consists of a ground floor only, there are not expected to be any negative impacts upon neighbouring properties as a result of the approval of this application. The proposed structure has an internal orientation fronting onto the existing garden and is north facing. Thus all external areas are located away from the common boundaries.

As per the provisions of the by-laws a total of 3 parking bays are required to be provided and the proposal is shown to be compliant with this provision.

Given the specifics of the proposed garage/outbuilding the standard common boundary setback provisions apply to this structure. Departures have therefore been included to permit this structure to be located 1.014m from the southern boundary and 1.65m from the eastern common boundary in lieu of 3m. As depicted on the proposed building plans this structure is to be utilised as garage and store room only and is not proposed to be used as habitable space. It has a ground floor only and has been designed to ensure

consistency with the design of the existing garage area. All windows and doors facing onto common boundaries are setback the appropriate distance as provided for in the MPBL.

The proposed building plans show that all new works are proposed to be completed within the relevant setback as stipulated in the title deeds and approved building plans have been provided which show the position of the existing carport as shown on the proposed building plans. All proposed works are to the rear of the subject property and the streetscape is therefore maintained in its current form. The new work is thus largely obscured from the public street and a review of the built form of properties in the local area indicates that the location of structures close to the rear boundary is not an uncommon feature. The proposal is thus believed to be in keeping with the character of the local area. Heritage resources in the local area have also been considered and there is no expectation that the proposal will result in negative impacts to any such resources which may be present in the area. The proposal is further discussed and motivated for throughout this report.

2) PROPOSED AMENDMENT OF RESTRICTIVE CONDITIONS

The relevant restrictive condition was imposed by the Administrator of the Cape Province under the Townships Ordinance No. 13 of 1937.

Condition B3 reads as follows:

That not more than one dwelling together with the necessary outbuilding and appurtenances be erected on the erf.

This is proposed to be amended to read:

That not more than ~~one~~ [two] dwelling[s] together with the necessary outbuilding and appurtenances be erected on the erf.

As elaborated on and motivated within this report, this restrictive condition was 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, district and local levels. This particular restrictive condition is more restrictive than the permissible development on the subject property as provided for in the MPBL. Application is hereby made largely to permit the subject property to be developed in a manner which is more in line with current law and policy.

PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK

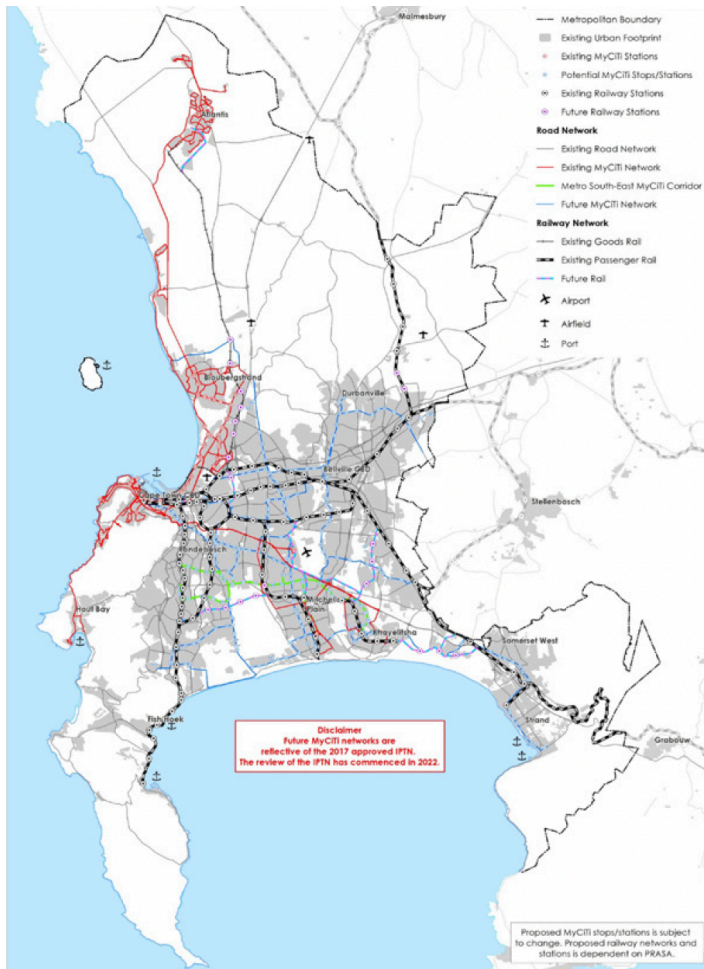
The provisions contained within the PSDF have been considered as they relate to this proposal and it has been found that the proposals do not contravene any of the policy directives contained within this document. This report details high level spatial plans and policies for the Western Cape which are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

MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

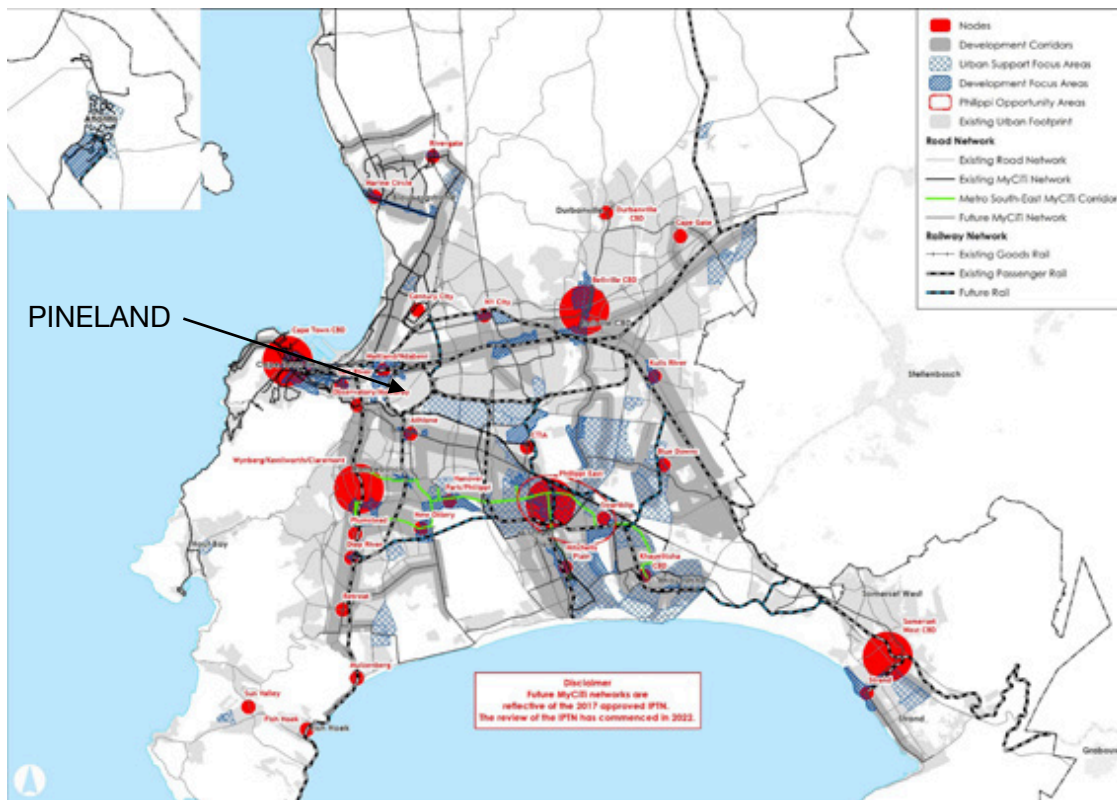
The MSDF draws on the PSDF as well as focusses on factors such as the spatial, socio-economic and environmental attributes of the City and providing a framework complete with spatial plans and strategic objectives designed to guide the future development of Cape Town. The framework draws on existing policies and calls for new policies to be drafted which speak to specific attributes of the report and provide further guides for the desirable growth of the city. These policies are discussed in sections to follow where it is shown how the proposals contained within this application either have no impact on, or are in support, of these policies.

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 confines of the subject properties cadastral boundaries and are expected to have negligible impacts on aspects such as traffic and external engineering services as highlighted later in the report. It is therefore maintained that these proposals will have no significant impact upon the local area or the greater metropolitan area.

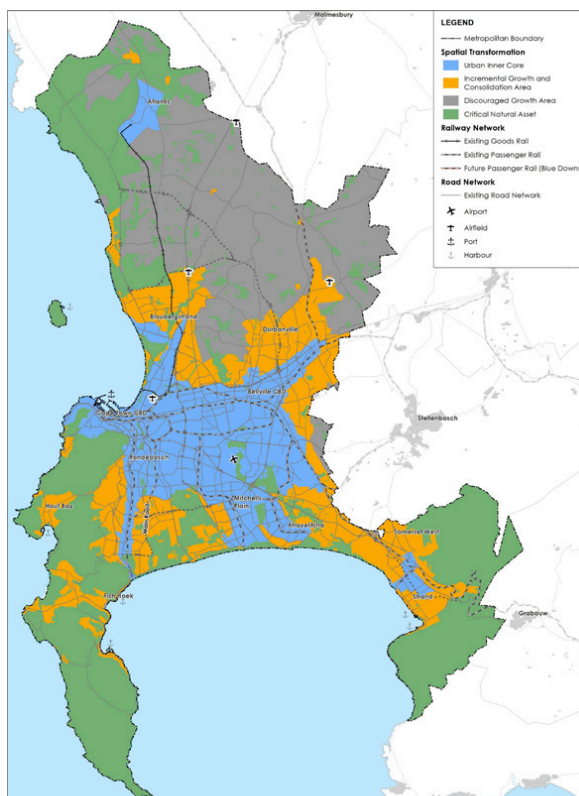
A second dwelling unit is a means through which to achieve densification and intensification of land use in the area. This densification will afford a greater number of people the opportunity to reside in a well located area which directly supports Strategy 1 of the MSDF. Strategy 2 is also supported via densification as the proposal results in the use of underutilised 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.



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.

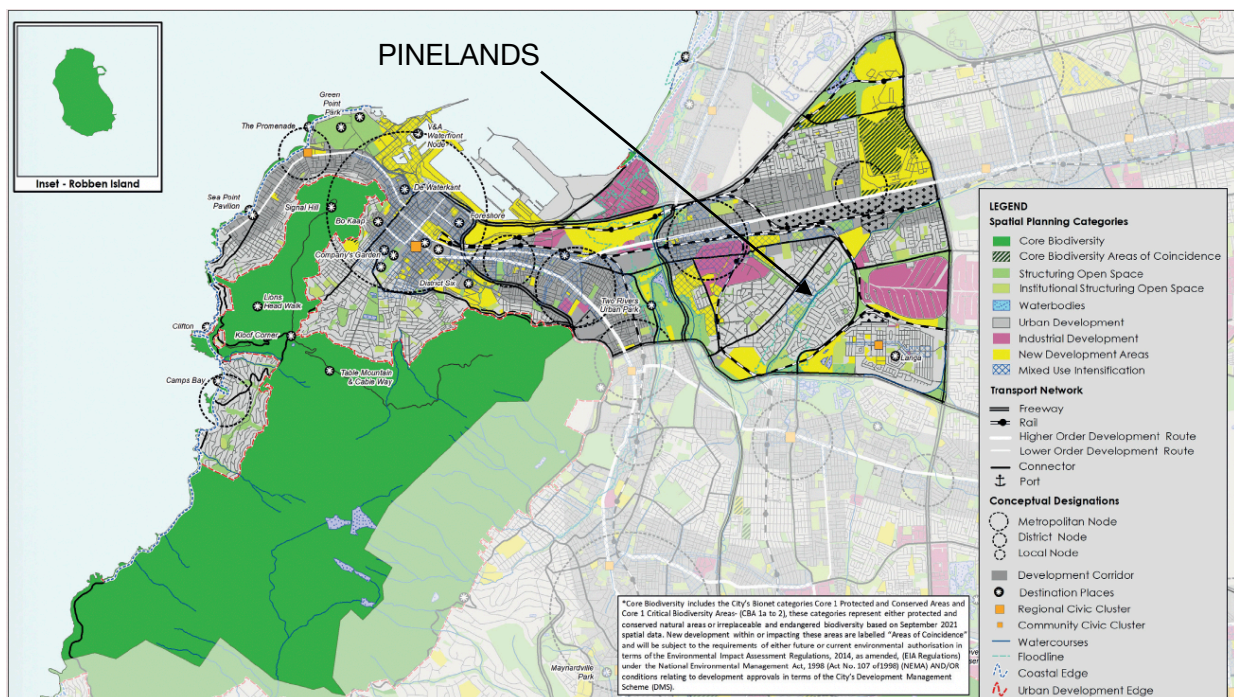


Pinelands clearly falls within the defined 'Urban Inner Core' as depicted in blue in the above image. The MSDF states that the City and public and private sectors are committed to coordinated, spatially targeted investment and land development to spatially transform and integrate the city form. Diverse 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 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 the 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 work 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.

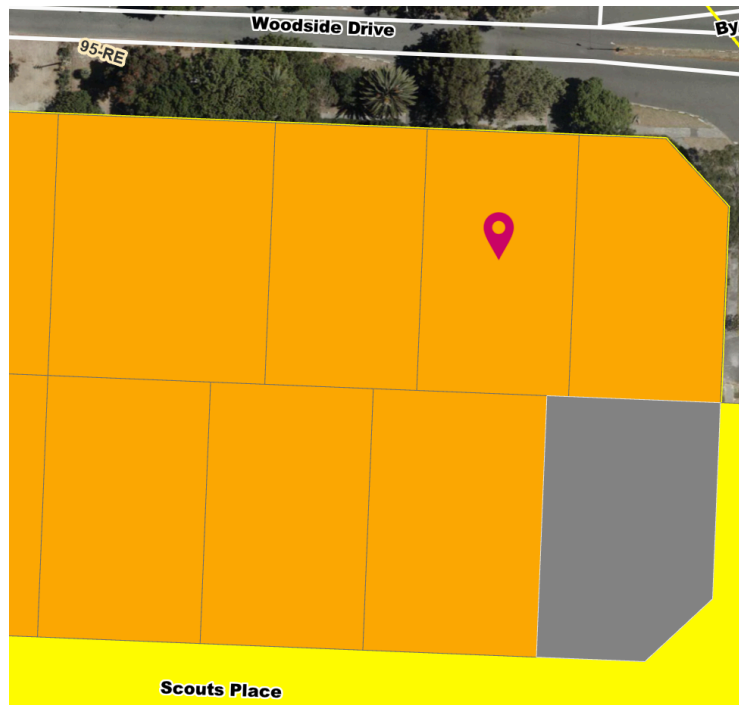
DEVELOPMENT MANAGEMENT SCHEME

The land use and development provisions of the subject property and that associated with Residential Zone 1 have been discussed within this report and the proposals have been shown to be largely in line with these provisions with applications included where necessary. Specifically application has been included to depart from the common boundary lines applicable to the southern, eastern and western common boundaries.

The proposal has also been assessed against other provisions of the MPBL including provisions associated with second dwellings, parking requirements, location of windows and doors relevant to common boundaries and the provisions of overlay zones.

HERITAGE

As discussed in a previous section, the subject property is not located within an HPOZ but the defined Pinelands HPOZ borders the subject property to the south.



The image above shows surrounding properties are all graded 3C which is a low heritage grading and an indicator that there are no highly significant heritage resources located thereon. The property directly to the south contains the following heritage notes: Statement of Significance: "Is part of the mid 20th century development of Pinelands. Is a fairly good architectural example that has been altered with additions. Has a good interface with the street. Contributes to the streetscape and the area".

As the above discussed property (Erf 963, Pinelands) is located within the HPOZ cognisance has been taken of any relevant heritage value and it is maintained that no proposals made within this report are expected to undermine any heritage resources located on this property. No proposal made within this report will impact on the architectural style or features located on the property nor will it have an impact on the existing streetscape. The location of the proposed structure close to the rear boundary of this property is not expected to have a negative impact on any heritage resources which may be present.

The statement of significance for the subject property is as follows: "Mid 20th century residential densification, being the extension to Pinelands Garden Village. Some architectural merit. Forms part of and contributes to a coherent period streetscape." No proposal contained in this application is expected to undermine this statement and there is therefore expected to be no negative impact on any heritage resources which may be present on the subject property.

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.

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 proposals and, among other factors, local policies and laws have been taken into consideration.

4. The respective rights and obligations of all those affected

The owner of the subject property is operating within their rights to submit an application requesting approval from the City for proposed development on the 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 amendment of this restrictive condition.

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

It is believed that rights of any party and the public interest will not be negatively impacted upon by the amendment of the subject restrictive condition. 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 respective condition contained within the title deeds of the subject property.

The public interest will continue to be protected by the MPBL and the DMS and the amendment of the stipulated restrictive condition will allow the owner of the property to invest in the property in a manner which is more in line with the current development rights permitted by this legislation.

(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 amendment 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 amendment of the subject restrictive condition will not impact upon financial value, or any other value, enjoyed by a person or entity.

The value in the rights of this restrictive condition is to maintain the character of the area. The restrictive condition was imposed to maintain a low building density in the area. 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 new national, provincial and local legislation and policy. These laws and policies have not only 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 a result of the current By-Laws which allow for more intensive land use including provisions for second and third dwelling units to be built on a single erf.

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 this condition in its current form.

(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 condition 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 amendment 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 amendment of the restrictive condition will enable the landowner to develop the property in a manner which is more in line with current legislation and policies, in particular the provisions contained within the

DMS which are currently less restrictive than the conditions imposed in the title deed. As such, the amendment of this restrictive condition will allow for marginally less restrictive controls on development on the property and will enable enhanced investment in the property by the owner.

The restrictive condition currently limits the property owner's ability to invest in the subject property and the amendment of the condition will provide the owner with greater opportunity to invest in the property.

(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 the restrictive condition in its current form.

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

The restrictive condition in its current form contradicts 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 opinion that the amendment of this 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.

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. It must be noted that the DMS currently permits 3 dwelling units to be located on a single property zoned Residential 1. The proposed amendment of the subject restrictive condition will permit two dwellings on the subject property thus it remains more restrictive than the provisions of the DMS.

(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 amendment of this restrictive condition will not remove all rights enjoyed by the beneficiary as the CoCT will maintain control over development of the

property through the amended restrictive condition and the MPBL and the Development Management Scheme.

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.

The approval of the building line departure will permit the 2nd dwelling to be located 1 meters from the southern, eastern and western common boundaries in lieu of the permissible 3 meters. The amendment of the relevant restrictive condition will permit 2 dwellings on the subject property in lieu of 1 dwelling.

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. The area has undergone change largely driven by the development of properties in the area in line with more current policies and laws.
(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. The proposed land uses remain consistent with that of a Residential Zone 1 property and there is no evidence to suggest that the proposed structures located on the subject property could reasonably be expected to have an adverse effect on the health, safety or well-being of the local community.

(e) Impact on Heritage	The property is not located within an HPOZ and the proposals contained herein are not expected to impact any heritage resources which may be present in the local area. Heritage in the vicinity of the subject property is linked largely to properties streetscapes and the proposals contained herein are not expected to impact the streetscape of the subject property or any properties in the surrounding area.
(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 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 by the relevant authority.