



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

Case ID 1500167440

Erf 584, 68 Robert Street, Gaylee

Development Management

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APPLICATION IN TERMS OF SECTION 42(A) &42(B) OF THE MUNICIPAL PLANNING BY- LAW, 2015 FOR REZONING AND DEPARTURES:

Erf:584 ,68 Robert street , Gaylee

02 September 2026

CLIENT:

APPLICANT:



ARCHITECTURAL & DRAUGHTING SERVICES

1. BACKGROUND

The owners of the subject property intend to develop the site by erecting a double storey building that will consist of 9 units, thereby creating a compact residential development that responds to the growing demand for affordable and well-located housing within the area. The subject property is currently zoned Residential 1 (R1), which permits only a single dwelling house with limited additional use rights. The proposed development, which includes the construction of flats, does not fall within the primary use rights, additional use rights, or consent uses permitted under the existing R1 zoning. In terms of the City of Cape Town Development Management Scheme (DMS), flats are permitted as a primary use right under General Residential 2 (GR2) zoning. It is therefore necessary to rezone the property from R1 to GR2 in order to enable the proposed development.

This application is submitted in terms of Section 42(a) and 42(b) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) and includes both a rezoning application and permanent departures of building lines and on-site parking requirements. The proposal aims to promote efficient land use, increased residential density in a serviced urban area, and alignment with the City's spatial planning objectives, while ensuring that the development remains compatible with the surrounding residential character.

The proposed development has been carefully designed to minimise any potential impacts on neighbouring properties and the surrounding streetscape, and all reasonable planning and design considerations have been incorporated to ensure a functional, safe, and aesthetically appropriate development.

2. SECTION (A) FOR REZONING

- The application for rezoning from “**R1**” to “**GR2**” to permit the proposed 9 units on the subject property.

2.1. Section (B) For Permanent Departures

- Permanent Departure of common building lines on the south east side **.1.5m in lieu of 4.62m**
- Permanent Departure of common building lines on the north east side **.1.7m in lieu of 4.62m**

- Permanent Departure of street building line **.3.5m in lieu of 4.5m.**
- Permanent departure for the relaxation of on-site parking requirements. **9 bays in lieu of 14bays.**

3. TITLE DEED

OWNER OF THE PROPERTY	
TITLE DEED NO	
TITLE DEED DATE	31-03-2023

4. LOCALITY

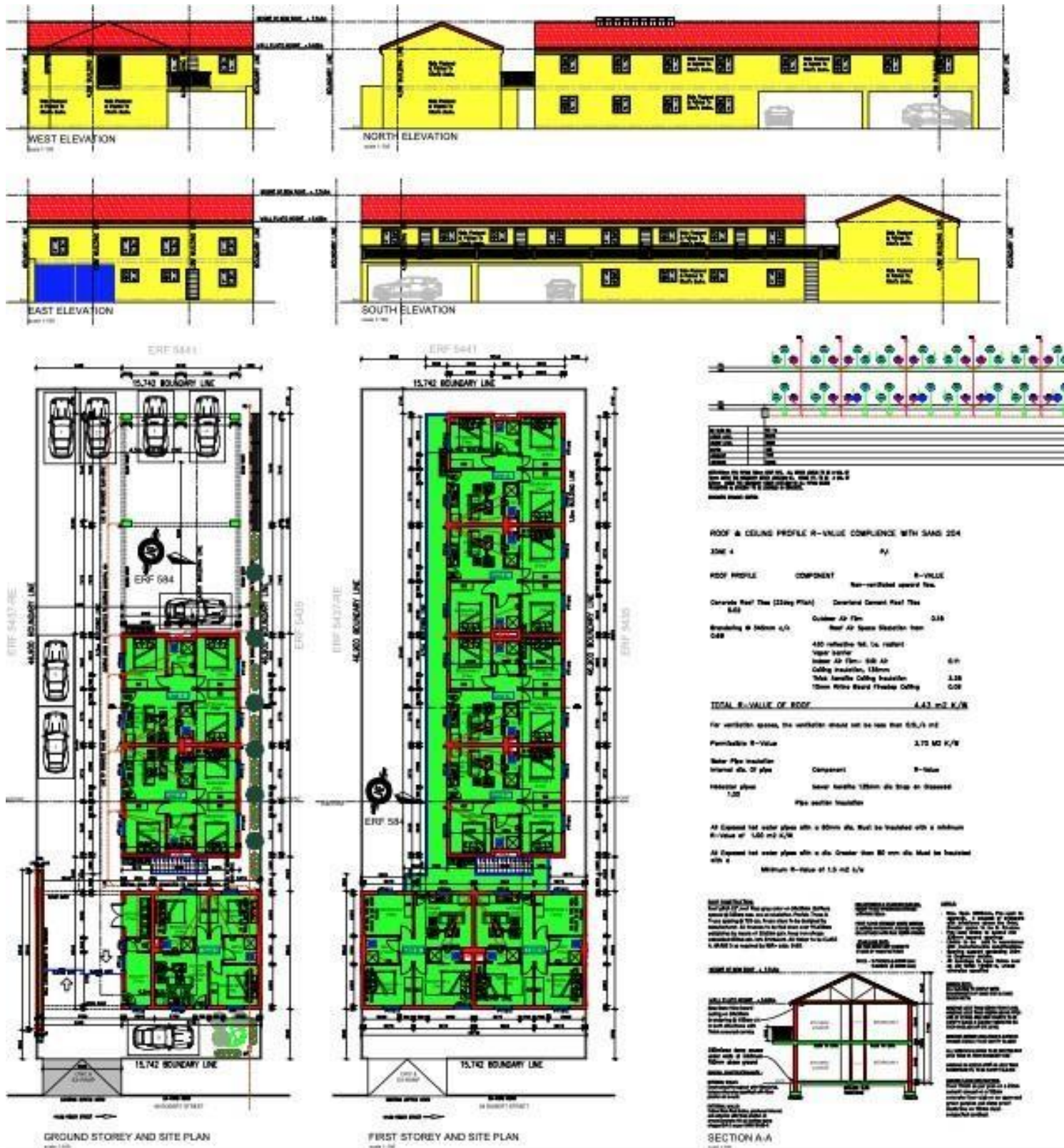
The subject property, Erf 584, Gaylee, is situated within a residential suburb in close proximity to major transport routes, public transport facilities, employment nodes, educational institutions, and community services. The area is characterised predominantly by low- to medium-density residential development, with a mixture of single residential dwellings, second dwellings, and small-scale multi-unit residential developments. The immediate surrounding properties reflect a transition towards increased residential densification, which supports the proposed rezoning and intensification of land use.

Public transport services are readily accessible, thereby promoting sustainable mobility and reducing reliance on private vehicles. The surrounding neighbourhood is well serviced by existing municipal infrastructure, including water, sewerage, stormwater, electricity, and road networks, all of which are adequate to accommodate the proposed development. The site's location within a well-established urban area makes it suitable for intensified residential use and aligns with the City of Cape Town's objectives of promoting compact, efficient, and sustainable urban development. The proposed development is therefore considered to be appropriately located and compatible with the existing and evolving character of the area.

5. PROPERTY SUMMARY

Property description	Erf 584 Gaylee
Property address	68 Robert Street
Application components/ description	• Rezoning from “R1” to “General Residential 2 • P/Departure of Building Line • P/Departure of onsite requirements
Site extent	• 739.31sqm
Current Zoning	• R1
Proposed zoning	• GR2
Current Land Use	• The property is vacant
Proposed use	• Flats
SAHRA Heritage	• n/a

6. SITE DEVELOPMENT PLAN



7. THE PROPOSAL

The proposal entails the development of 9 residential units in the form of flats. The development aims to optimise the use of the property while maintaining the residential character and liveability of the site. The proposed units are designed to be functional, well-proportioned, and compatible with the surrounding built form. The layout has been carefully considered to ensure appropriate building placement, adequate private and communal open space, efficient vehicular and pedestrian circulation, and minimal impact on neighbouring properties.

The proposed development provides an opportunity to increase residential density in a well-located and serviced urban area, thereby contributing positively toward meeting local housing demand. The retention of the existing main dwelling ensures continuity of occupation by the owner, preserves the established residential presence on the site, and supports social stability within the neighbourhood. The development is considered to be in keeping with the scale and character of surrounding properties and will not result in any significant negative impact on adjacent land uses or the surrounding environment.

The proposal therefore represents a balanced and sustainable approach to residential intensification and is considered appropriate within the context of the area.

7.1. THE FOLLOWING REASONS WHY THIS PROPOSED REZONING IS DESIRABLE

- The proposed rezoning will enable the development of additional residential units in a well-located and serviced urban area, thereby contributing towards addressing the increasing demand for housing within the City of Cape Town.
- The proposal supports the principles of spatial efficiency and land use optimisation by promoting higher residential densities within an established suburb, making more effective use of existing infrastructure and services.
- The development is aligned with the City of Cape Town's Integrated Development Plan (IDP) and Municipal Spatial Development Framework (MSDF) objectives, which encourage densification, infill development, and compact urban growth within existing urban footprints.
- The subject property is located in close proximity to public transport routes, employment

opportunities, educational institutions, and community facilities, making it highly suitable for increased residential development.

- The proposed development will contribute positively to the socio-economic fabric of the area by providing additional accommodation opportunities while maintaining compatibility with the existing residential character of the neighbourhood.
- The proposed building form and layout have been carefully designed to minimise potential impacts on neighbouring properties in terms of privacy, overshadowing, bulk, and scale.
- The proposal promotes sustainable development by reducing urban sprawl and encouraging efficient utilisation of land and municipal infrastructure.

7.2. THE PROPOSED DEPARTURES

The proposed building line and on-site parking requirements considered reasonable, contextually appropriate, and necessary to enable the successful implementation of the proposed development. The departures are modest in extent, carefully considered in design, and will not result in any material negative impacts on neighbouring properties or the surrounding environment. The development remains residential in nature, compatible with the existing neighbourhood character, and supports inclusive and sustainable living arrangements.

7.2.1 Building Line Departures

- **Efficient Use of Land:** The proposed building line departures allow for a compact, logical, and efficient site layout, ensuring optimal land utilisation while avoiding unnecessary bulk, congestion, or over-development in other portions of the site. This approach promotes spatial efficiency and supports the principles of sustainable urban development.
- **Minimal Impact on Adjacent Properties:** The encroachments are modest and non-intrusive. The proposed do not incorporate overlooking windows or balconies along sensitive boundaries. As a result, the proposal will not cause any significant loss of

privacy, light, ventilation, or amenity to adjoining properties.

- **Consistency with Neighbourhood Development Pattern:** The surrounding area reflects an emerging trend of residential densification, with numerous properties already exhibiting similar building line relaxations, particularly alongside and rear boundaries. The proposed departures are therefore consistent with the established and evolving development character of the neighbourhood.
- **Design Sensitivity and Mitigation Measures:** The development has been carefully designed to incorporate appropriate building articulation, screening, landscaping, and the strategic placement of non-habitable façades along boundary lines. These measures effectively mitigate any potential visual, noise, or privacy concerns, ensuring that the development integrates harmoniously into its surroundings.

7.2.2. Departure for Relaxation of On-Site Parking Requirements

The proposed departure to permit a reduction in the required number of on-site parking bays is considered reasonable, practical, and contextually appropriate. The target market for the proposed units is not anticipated to have a high level of private vehicle ownership, given the site's proximity to public transport routes, employment nodes, and essential services. The provision of 9 parking bays in lieu of the required 14 is supported by an assessment of anticipated parking demand, which indicates that the proposed parking supply will adequately meet the expected needs of residents without resulting in on-street congestion or traffic safety concerns.

Contemporary urban planning principles promote compact, walkable, and transit-oriented communities, encouraging reduced reliance on private vehicles. The proposed parking relaxation aligns with these principles by supporting alternative modes of transport such as public transport, cycling, and walking. This approach contributes positively toward reducing traffic congestion, lowering carbon emissions, and enhancing environmental sustainability.

Furthermore, the reduction in on-site parking allows for improved site layout, increased landscaping opportunities, and enhanced communal spaces, thereby promoting a more vibrant, liveable, and socially interactive residential environment.

8. ASSESSMENT OF DESIRABILITY CRITERIA IN TERMS OF SECTION 99(1) OF THE MUNICIPAL PLANNING BYLAW, 2015

The application complies with the minimum threshold requirements in Section 99(1), i.e.: (a) The proposed development is consistent with the municipal spatial development framework (MSDF), with a deviation from the MSDF not being required.

(b) The property is to be rezoned from R1 to GR2. There is no floor factor that could result in giving the parameters of the next subzone.

9. ASSESSMENT OF DESIRABILITY CRITERIA IN TERMS OF SECTION 99(2) OF THE MUNICIPAL PLANNING BYLAW, 2015

i. *The Municipal Spatial Development Framework (MSDF)*: The MSDF promotes residential densification and appropriate land use intensification across the city to promote a variety of housing options, dwelling sizes, and land uses within any one area. The MSDF emphasises on diversification of mono-use residential patterns and incremental intensification (density and diversity) via subdivisions, second and third dwellings, and rezoning's and where the maintenance of existing infrastructure and development should be according to infrastructure capacity and associated lifecycle costs. The proposed Rezoning is in line with the approved MSDF, which encourages a more compact, efficient, and sustainable city where the use of available resources is optimized.

In light of the above-stated, the property is situated in an area with R1 zonings and conventional single-dwelling houses. The introduction of Flats in the area will encourage a diverse variety of housing options. The development encourages incremental intensification and densification.

ii. Spatial Planning Land Use Management Act (Spluma) 2013 & Land Use Planning Act (Lupa) 2014

Section 48(4) of the By-Law states that the City must have regard to Section 39(5) of the Western Cape Land Use Planning Act 3 of 2014 (“LUPA”) and Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013 (“SPLUMA”) when considering whether to remove, suspend or amend a restrictive condition.

SPLUMA aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments, and provides for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning.

Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:

iii. Social development strategy(2013)

The Social Development Strategy aims to address poverty, inequality, and social ills while providing people the opportunity to participate in their own development. The strategy has the following objectives:

- Maximise income generation opportunities for people who are excluded or at risk of exclusion.
- Build and promote safe households and communities,
- Support the most vulnerable through enhancing access to infrastructure and services.
- Promote and foster social integration, and
- Mobilise resources for social development.

This proposal helps achieve the following objectives:

- Develop the skills of people excluded or at risk of exclusion
- Facilitate access to housing opportunities
- Foster diversity and inclusiveness.

iv. Spatial justice:

The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The location of this property and the type of land use envisaged cannot directly contribute to spatial reform. These matters are best addressed through Spatial Development Frameworks, Zoning Schemes, and other management systems. The idea of creating affordable accommodation within existing built-up areas has an element of redress in the sense that it opens more opportunities for people.

v. Spatial sustainability:

The proposal supports this principle of spatial sustainability in the sense that it facilitates densification within the urban area, thereby limiting urban sprawl and encouraging the optimal use of existing urban land and services. The proposed rezoning to develop a flat that consists of 9 units align with the principle of spatial justice by promoting equitable access to housing in Cape Town. By increasing the density of residential units, the application directly addresses the pressing need for affordable housing in urban areas, ensuring that diverse community members can access suitable living conditions.

vi. Spatial efficiency:

The proposal supports the efficient use of existing resources and infrastructure where decision-making procedures are designed to minimize negative financial, social, economic, or environmental impacts. The positive consideration of the application will contribute to the efficient use of serviced urban land with minimal negative impact.

vii. Spatial resilience and good administration:

Resilience is the capacity and ability of a community to withstand stress, survive, adapt, bounce back from a crisis or disaster, and rapidly move on. Gaylee neighborhood needs affordable accommodation. The proposed medium-density development can create a solution to the challenge of inadequate affordable housing. It can also bring in a rental income that may be required to shield a family against unforeseen circumstances such as loss of income, therefore alleviating the livelihoods of the owner.

viii. Spatial quality

The project aims to improve the quality of the built environment by introducing well-designed housing units that contribute to a more vibrant and inclusive community. The development's design considers aesthetics and functionality, creating a pleasant living space that accommodates people with diverse needs, including those with disabilities.

ix. Economic growth strategy (EGS)2021

The principal objective of the EGS is to stimulate economic growth and create job opportunities. This is also the overarching objective of the "Opportunity City," one of the five pillars of the City's Integrated Development Plan (IDP). The proposed application is compliant with the general principles and strategy of the EGS and the IDP.

10. THE URBAN DESIGN POLICY(2024)

The policy seeks to focus on the contribution of proposed developments to urban design at the local level. The following are the identified policy objectives with which this proposed rezoning is in line:

- **Objective 1:** Ensure that the development contributes positively to the urban structure of the city to create integrated neighbourhoods. T The proposal promotes appropriate urban densification within an existing urban area, thereby reducing pressure for outward urban expansion onto agricultural and environmentally sensitive land. The proposed development is compatible with the height expected within a metropolitan node.
- **Objective 2:** Ensure that development contributes to improved quality of the public realm and public spaces intensification on land. The front façade has overlooking features that makes the public realm safer.
- **Objective 3:** Ensure that the developments contribute to the creation of safe and secure communities. This p effect as the windows will have a clear view of the public street.
- **Objective 4:** Ensure opportunities and amenities are accessible and that people can move about easily and accommodation opportunities in an area that has a high access to commercial, education, recreation and community
- **Objective 5:** Promote development intensity, diversity and desirability. This proposal seeks to ensure that t given the local context. The local area has immense opportunities for growth and development which the propose
- **Objective 6:** Ensure enclosure and positive interfaces onto the public realm. The front façade has overlooking safe. Good design has been used to provide an appealing front façade which will encourage others to pursue good

11. KHAYELITSHA–MITCHELLS PLAIN DISTRICT PLAN (2023)

The subject property falls within the jurisdiction of the Khayelitsha–Mitchells Plain District Plan, which provides a spatial framework to guide appropriate land use, densification, and development within the district.

The District Plan promotes:

- Incremental densification within established residential areas
- Diversification of housing typologies
- Efficient use of well-located, serviced land
- Integration of land use with public transport and economic opportunities

The subject property is located within an established residential area with access to:

- Public transport routes
- Social amenities
- Employment opportunities

The proposed rezoning from R1 to GR2 to permit flats is consistent with the District Plan's support for:

- Medium-density residential development
- Infill development within the urban edge
- Improved access to housing opportunities

Furthermore, the proposal contributes to:

- The creation of a more compact urban form
- The optimal use of existing municipal infrastructure

- The promotion of sustainable human settlements

The scale and nature of the proposed development are considered appropriate within the local context, as the area is already experiencing a gradual transition toward increased residential densification. The proposal is therefore aligned with the objectives and spatial vision of the Khayelitsha–Mitchells Plain District Plan (2023).

12. RELEVANT CRITERIA CONTEMPLATED IN THE DMS

I. Relevant criteria contemplated in the dms:

It is proposed to rezone from R1 to General Residential 2, and the proposed Use falls within the primary uses on the proposed zoning GR2.

II. Compliance with the DMS and By-laws

The proposed development is compliant with the DMS regulations for the zone, with a parking departure required.

ASPECT	REQUIRED IN GR2 ZONE	PROPOSED DEVELOPMENT	
COVERAGE	60%	47%	YES
FLOOR FACTOR	1.	0.65	YES
STREET BL	4.5m	3.5m	NO
COMMON B/L	4.62m	W and N	NO

13. DENSIFICATION POLICY 2012

➤ A mix of residential densities ensures diversification and choice of housing types and tenure options. The proposed development offers affordable units for students and young professionals in an area that is dominated by dwelling houses and a few mixed uses. This offers people a variety of housing types and tenure options in this regard.

➤ Appropriately designed and located higher densities (in terms of form, scale, height, and orientation). It can provide an opportunity for place making and the creation of attractive and

safe urban Environments, particularly those in proximity to public spaces (both natural and built).

- Densification supports the development of a viable public transport system. Safer City Guidelines the proposed development, as seen above, promotes the guidelines as indicated within the safer City, which encourages overlooking to create a safe feeling within the area. The development proposes an appealing façade that encourages interaction in the area through balconies facing the street and permeable fences

14. ASSESSMENT CRITERIA IN TERMS OF SECTION 99(3) OF THE MUNICIPAL PLANNING BY-LAW,2015

City of Cape Town Municipal Planning By-Law, Section 99 outlines criteria to assess an application before a decision on an application is made. Below are aspects in relation to the proposed development's desirability.

(a) Socio-Economic Impact

This proposal will have a positive socio-economic impact as it will generate jobs for domestic activities like cleaning and maintenance afterward, therefore alleviating the livelihoods of people involved. It will also create additional accommodation opportunities in an area that has high access to commercial, educational, recreational, and community opportunities. The increased densification ensures a compact urban fabric that is good for the general public. Development Charges will contribute to improvements of City infrastructure

(b) Impact On Surrounding Uses

The proposed development has been carefully designed to ensure that it integrates harmoniously with the surrounding residential environment and does not result in any significant adverse impacts on neighbouring properties or land uses. The surrounding area is predominantly residential in character, consisting mainly of single residential dwellings and low- to medium-density residential developments. The proposed rezoning and development will maintain this residential character and will not introduce any incompatible land uses.

- **Privacy and Overlooking:** The building layout, orientation, and window placement have been carefully considered to prevent overlooking and maintain acceptable levels of privacy for adjoining properties. No habitable room windows or balconies are proposed along sensitive boundary lines, and appropriate setbacks, screening, and landscaping measures have been incorporated where necessary.
- **Noise and Disturbance:** The development remains residential in nature and is not expected to generate excessive noise, traffic, or activity levels beyond what is typically associated with residential living. Any construction-related impacts will be temporary and appropriately managed in accordance with municipal regulations.
- **Traffic and Access:** The anticipated increase in traffic volumes associated with the proposed development is expected to be minimal and well within the capacity of the surrounding road network. Safe vehicular and pedestrian access is provided, and adequate on-site maneuvering space ensures that no congestion or safety concerns arise within the public road reserve.
- **Visual Impact and Streetscape:** The proposed architectural design is sympathetic to the scale, massing, and character of surrounding development. The development will enhance the visual quality of the site and contribute positively to the streetscape through coherent design, landscaping, and appropriate building articulation.

Overall, the proposal is considered to be compatible with surrounding land uses and will not result in any material negative impacts on neighbouring properties or the broader neighbourhood. The development is therefore regarded as acceptable in planning terms.

(c) Impact On External Engineering Services

The proposed development is not anticipated to place undue strain on existing engineering services infrastructure. The property is located within an established urban area already serviced by municipal water, sewer, electricity and stormwater infrastructure. Should any service upgrades or contributions be required by the City, the owner is willing to comply with all applicable engineering requirements and development charges

(D) Health, Safety, & Well-Being of The Surrounding Community

The proposed development shall not impact the surrounding community however; it shall provide

the necessary surveillance for the area.

(e) Traffic Impact, Parking, Access, And Transport-Related Impacts

The proposed development has been carefully assessed to ensure that traffic generation, parking provision, access arrangements, and transport-related impacts are appropriately managed and will not adversely affect the surrounding road network or neighbouring properties.

- **Traffic Impact:** The proposed residential development is anticipated to generate low to moderate traffic volumes, consistent with typical residential land uses. Given the scale of the development and the residential nature of the surrounding street network, the additional vehicular trips are not expected to place undue pressure on the existing road infrastructure. The surrounding roads have sufficient capacity to accommodate the anticipated increase in traffic, and no significant congestion or safety concerns are expected to arise.
- **Parking Provision:** A departure is sought for the relaxation of the required on-site parking provision, with 9 parking bays proposed in lieu of the required 14. This reduction is considered appropriate given the nature of the proposed units, the anticipated target market, and the site's proximity to public transport routes and essential amenities. The proposed parking supply is expected to adequately accommodate the anticipated demand without resulting in on-street congestion or traffic safety concerns.
- **Public Transport Accessibility:** The property benefits from convenient access to public transport services, including nearby bus and taxi routes, thereby promoting reduced reliance on private vehicles. This accessibility supports the reduced parking provision and aligns with sustainable transport objectives.
- **Non-Motorised Transport:** The site is well positioned to support pedestrian and cycling movement, with convenient access to local services, community facilities, and employment nodes. This encourages walking and cycling as viable alternatives to private vehicle use, contributing towards reduced traffic volumes and improved environmental sustainability.
- **Overall Transport Impact:** The proposed development is therefore not expected to result in any significant adverse traffic, parking, or transport-related impacts. The proposal aligns with contemporary urban planning principles promoting compact, walkable, and transit-

oriented development, and is considered acceptable from a traffic and transport planning perspective.

(f) Impact On the Biophysical Environment

The proposed development does not impact the biophysical environment. The development is within a built-up area, and no impacts shall be anticipated on the biophysical environment.

(e) Heritage Impact

The proposed development shall have no heritage impact.

Conclusion

We hope you will deem this proposal desirable and recommendable for APPROVAL for the following because this proposal is broadly consistent with spatial planning frameworks and relevant Council Policies, holds positive socio-economic benefits, is compatible with the surrounding land uses and built environment, is of an appropriate scale and form that relates to the surrounding urban fabric. This proposal will not have a negative impact on the safety, health, and well-being of the surrounding community. Therefore, the proposal is consistent with section 99 of the Cape Town Municipal Planning By-Law (MPBL).

Regards

Marshall Chitovhoro