



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500153375

Erf 18650, 4 Bremer Street, Tijgerhof

Development Management

This cover page is added by the City of Cape Town as part of our standard branding and document-management process. It does not indicate that the City authored, verified or endorses the submission. All application documents remain the responsibility of the applicant and the City assesses them as submitted. Any errors or discrepancies will be addressed through the normal land use assessment process.

All rights reserved. No part of this data may be reproduced or transmitted without written permission from the Development Management Department of the City of Cape Town. This document is available on the City of Cape Town website (www.capetown.gov.za/LandUseNotices) for a limited time. Please do not host the document independently; you may link to it from the City's site. Documents downloaded from any other website cannot be verified for authenticity.

MOTIVATION LETTER FOR APPLICATION FOR REMOVAL OF TITLE DEED CONDITIONS,
REMOVAL OF CONDITIONS OF APPROVAL, AND PERMANENT DEPARTURES IN TERMS OF
SECTION 15(g) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2025

City of Cape Town

Development Management Department

Property: Erf 18650, 4 Bremer Street, Tijgerhof

Owners:

Date: 24 April 2026

1. INTRODUCTION AND APPLICATION SUMMARY

This report serves as a full, restructured, and legally substantiated motivation in support of an application for:

- The removal of restrictive title deed conditions (from Deed of Transfer and);
- The removal of outdated conditions of approval from historic transfers;
- The granting of permanent departures in terms of Section 15(g) of the City of Cape Town Municipal Planning By-Law, 2025.

Property: Erf 18650, Milnerton, No. 4 Bremer Street, Tigerhof, 603 m²

Zoning: General Residential Subzone 2 (GR2) under the City's Development Management Scheme (DMS)

Proposal: Internal conversion of existing residential building into 10 self-contained flats, including conversion of existing double garage.

Authorisations required:

- Removal of restrictive title deed conditions (single dwelling, coverage, building lines, private company controls, restraint on alienation).
- Removal of obsolete conditions of approval.

- Permanent departures for:
 1. Second carriageway crossing.
 2. Reduction in on-site parking from 10 to 7 bays.
 3. Zero-metre building line departure (North and West) instead of 4.5m.

Owners: Mr. Jean Jules Fokam Tamo & Mrs. Marthe Berangele Tchuissieu Dombou.

2. PROPERTY DETAILS

Item	Description
Erf Number	18650, Milnerton
Street Address	4 Bremer Street, Tigerhof
Title Deed Number	
Zoning	General Residential 2 (GR2)
Property Size	603 m ²
Existing Use	Residential house (currently converted into 10 flatlets)
Proposal	Formalisation of 10 self-contained flats (internal conversion only)

3. BACKGROUND AND INTENT

The existing dwelling was built under approved plans. All proposed alterations are internal – no extension of the building footprint occurs. Approved building plan (Approval No. 001274, App No. 001700504641, dated 17.11.2023) confirms this.

The conversion creates:

- 8 flats within the main house
- 2 flats within the existing double garage

This represents efficient use of existing building stock, aligning with City densification, housing delivery, and Transit-Oriented Development (TOD) objectives.

4. REMOVAL OF TITLE DEED CONDITIONS – DETAILED MOTIVATION

The title deed () incorporates restrictive conditions from previous transfers, especially Deed of Transfer . These conditions are obsolete, inappropriate, and impede lawful development under current GR2 zoning.

4.1 Specific Conditions Requiring Removal

Clause	Restriction	Why Obsolete / Inappropriate
B(6)(b)	Use only for one dwelling	Directly conflicts with GR2 zoning which permits multiple dwelling units (flats) as primary right. Stifles densification.
B(6)(a)	Erf shall not be subdivided	Irrelevant to internal conversion but creates legal ambiguity. Removal provides clarity.
B(6)(c)	Not more than 50% built upon	Antiquated coverage limit. DMS provides modern, zone-specific bulk controls.
B(6)(d)	Fixed building lines: 7.87m street, 4.72m side/rear	Rigid, ignores site context and contemporary urban design. DMS and departure application offer flexibility.
C(3)	Prohibition on shops, factories, liquor sales	Irrelevant to residential flats – but removal cleans title.
C(4) & C(6)	Private company control over alterations, maintenance, leasing	Impractical: Company likely defunct. Municipal by-laws (Noise, Building, Nuisance) now govern.
C(7)	Cannot dispose to existing owner in Bremer Township	Unreasonable restraint on alienation. No planning merit in modern integrated city.

4.2 ADDRESSING SECTION 39(5) OF SPLUMA (Act 16 of 2013)

Section 39(5) provides for amendment or removal of restrictive title conditions where they have become obsolete, inappropriate, or an impediment to land development.

Criteria	Application to this case
Obsolete	Conditions reflect 1963 planning norms (single dwelling, 50% coverage, private company control). Incompatible with 2025 densification and housing policies.
Inappropriate	Misaligned with current GR2 zoning under DMS, which explicitly permits multiple dwelling units as a primary right.
Impediment	Condition B(6)(b) directly prohibits 10-flat conversion – a form of development actively encouraged by City policy.

Conclusion: All three SPLUMA grounds are fully met.

4.3 ADDRESSING SECTION 47 OF LUPA (Act 3 of 2014)

Section 47 states that where a zoning scheme provision conflicts with a title deed condition, the scheme prevails unless the condition is more restrictive. It empowers removal or amendment to align with the scheme.

Requirement	Compliance
Conflict exists	Yes – GR2 allows flats; title deed B(6)(b) allows only one dwelling.
Condition is more restrictive	Yes – title deed is stricter than zoning scheme.
Removal sought to align with scheme	Yes – this application seeks to remove the conflict, giving primacy to DMS as intended by LUPA.

Conclusion: The application is legally necessary to give full effect to the City's DMS.

4.4 ADDRESSING SECTIONS 99(1)–(3) OF THE MPBL, 2025

Section 99(1) allows application for removal/amendment of restrictive conditions.

Section 99(2) requires removal to be in the public interest or reasonably necessary.

Section 99(3) mandates consideration of: objectives of by-law, original purpose, change in circumstances, impact of removal.

MPBL Requirement	How Addressed
Public interest (99(2))	Enables 10 housing units in well-located area – supports densification, housing delivery, infrastructure efficiency.
Reasonably necessary (99(2))	Unlocks development legally blocked by obsolete conditions – no alternative remedy.
Objectives of by-law (99(3)(a))	Supports sustainable development, efficient land use, socio-economic inclusion.
Original purpose of condition (99(3)(b))	Was to enforce low-density, single-family character and private company control – context no longer exists.
Change in circumstances (99(3)(c))	Now within GR2 zone under modern DMS; Company likely defunct; City policies promote medium-density TOD.
Impact of removal (99(3)(d))	Positive – development regulated by DMS, Building By-law, Noise By-law etc., without anachronistic private controls.

Conclusion: Full compliance with MPBL Section 99(1)–(3).

5. PERMANENT DEPARTURES – DETAILED MOTIVATION

5.1 Second Carriageway Crossing

Justification:

Single access point creates congestion and difficult manoeuvring for 10 units. Second crossing enables one-way flow, improves ingress/egress safety, and enhances parking

efficiency. Design adheres to City engineering standards – no adverse impact on Bremer Street (OS2 road) or pedestrian safety.

5.2 Reduction in On-Site Parking (10 → 7 bays)

Context – TR2 (Transit Accessible Zone 2):

Property located within TR2 zone, recognising excellent proximity to public transport (MyCiTi bus route, Koeberg Road corridor).

Parking calculation:

Item	Bays
DMS standard (1 per flat)	10
Proposed on-site	7
Available verge parking (Bremer Street, assessed)	+2
Effective usable parking	9
Shortfall	1 bay

Substantive motivation for reduction:

- TOD principle: TR2 zoning explicitly supports reduced parking standards to promote public transport use.
- Flat character: Small flats attract singles/couples with lower car ownership.
- Site constraint: 603m² erf and existing building footprint make 10 on-site bays physically and economically inefficient – avoids demolition/reconstruction.
- No adverse impact: Net vehicle trip generation low; 9 accessible spaces sufficient to avoid neighbourhood on-street congestion.

5.3 Building Line Departure (North & West) – 0m instead of 4.5m

Justification:

Garage conversion requires zero setback to utilise existing structure. No new footprint added. No negative impact on neighbours – existing building envelope unchanged.

Departure supports adaptive reuse without demolition.

6. POLICY & LEGISLATIVE FRAMEWORK – DETAILED ALIGNMENT

Policy	Alignment
SPLUMA (2016)	Promotes spatial efficiency & sustainability – densification, use of existing infrastructure, reduction of sprawl. Section 39 enables title deed removal.
LUPA (2014)	Reinforces DMS as primary land use tool. Removal gives effect to GR2 zoning.
Western Cape PSDF (2014)	Advocates consolidation & densification within urban edge – Tigerhof inside urban edge.
City of Cape Town MSDF (2024)	Identifies corridors & well-located areas for increased density – supports infill development & unlocking underutilised land.
Blaauwberg DSDF (2023) & Milnerton District Plan (2023)	Identifies Tigerhof as “Consolidation and Infill Zone” – proposal is textbook implementation.
City Densification Policy (2012)	Promotes small-scale infill housing (10 flats) – sustainable, vibrant, efficient.
TOD Strategic Framework (2016)	TR2 zone outcome – reduced parking request directly applies TOD principles.
City Urban Design Policy (2024)	Supports adaptive reuse of existing buildings – retains structure & character while increasing density.

Policy	Alignment
Inclusive Economic Growth Strategy (2021)	Creates affordable rental units near transport & employment – contributes to economic inclusion.
NEMA (1998)	No earthworks, no footprint increase, no ecosystem impact – low-impact urban infill.
National Heritage Resources Act (1999)	Building under 60 years – no heritage consent required.

7. MOTIVATION IN TERMS OF DESIRABILITY (MPBL SECTION 99)

Criterion	Assessment
Socio-economic impact	POSITIVE – 10 secure, affordable housing units in high-demand location, reduced living costs.
Compatibility	HIGH – Area mix of single houses & low/medium-density flats – 10 units in scale & character.
External engineering services	NEGLIGIBLE – No increase in bulk/footprint; existing water, sewer, electrical connections adequate.
Safety, health & well-being	POSITIVE – Increased density improves “eyes on the street”; all units comply with building & health regulations.
Heritage	NONE – No heritage resources affected.
Bio-physical environment	NONE – No trees or natural areas impacted; promotes sustainability via existing asset.
Traffic & parking	MANAGEABLE – Shortfall of 1 bay justified by TOD location & verge parking; traffic generation minimal.

8. ADVERTISING

It is recommended that the application be advertised to neighbouring properties and any other parties deemed relevant by the Case Officer to ensure public participation, as per standard procedure.

9. SUMMARY AND CONCLUSION

This application represents a logical, policy-aligned, and sustainable development. The restrictive title deed conditions from 1963 are relics of a different planning era and now serve only to obstruct appropriate urban densification.

Legislative compliance is fully demonstrated:

- SPLUMA Section 39(5): Conditions are obsolete, inappropriate, and an impediment.
- LUPA Section 47: Conflict with GR2 zoning requires removal to give primacy to the DMS.
- MPBL Sections 99(1)–(3): Removal is in the public interest, reasonably necessary, and positively addresses all statutory considerations.

The requested permanent departures (second crossing, reduced parking, zero building line) are modest, well-motivated by site constraints and TR2 zoning, and will not cause undue harm.

Therefore, it is respectfully requested that the application for the Removal of Title Deed Conditions, Removal of Conditions of Approval, and Permanent Departures be APPROVED.

Yours faithfully,