



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

Case ID 1500169513

**Erf 19390, 106 Beach Boulevard,
Table View**

Development Management

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20 August 2026

The District Manager

Department of Planning and Building Development Management
Blaauwberg District
P.O. Box 35
Milnerton, 7435



Dear Sir/Madam,

**APPLICATION FOR REZONING, REMOVAL OF CONDITIONS, DELETION OF CONDITIONS
AND APPROVAL OF SDP: ERF 19390, MILNERTON**

Application is hereby made, on behalf of the registered owner, for the rezoning of Erf 19390, Milnerton from General Business 3 (GB3) to General Business 7 (GB7), the removal of restrictive title deed conditions I.B.(c) and I.B.(d) of Title Deed , the deletion of the conditions of approval that gave rise to those title deed conditions and of the previous conditions of the hotel land use approval (with the imposition of a new set of conditions), and the approval of a Site Development Plan, in order to permit the enclosure of 108m² of the existing external dining terrace as covered restaurant seating, as motivated in the accompanying report.

Please find herewith attached the following:

1. Application Form
2. Power of Attorney
3. Resolution
4. Title Deed
5. Conveyancer's Certificate
6. Figures
7. Site Development Plan
8. Landscaping Plan
9. Zoning Certificate
10. Approved Building Plans
11. Council Correspondence

Trust the abovementioned suffices.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Burger'.

Karla Burger

For and on behalf of ELCO Property Developments

SECTION A: HISTORY AND BACKGROUND INFORMATION

A) 1. INTRODUCTION

ELCO Property Developments has been mandated by the registered owner of Erf 19390, Milnerton () to provide this planning motivation in support of an application for the rezoning of the property, the removal of restrictive title deed conditions, the deletion of the conditions of approval that enabled those title deed conditions, the deletion of the previous conditions of the hotel land use approval (with the imposition of a new set of conditions), and the approval of a Site Development Plan, in order to permit the enclosure of 108m² of the existing external dining terrace as covered restaurant seating (the adjacent 10m², already covered and previously used as a passageway, being merely repurposed as a smoking area). The **Power of Attorney** and **Resolution** authorising this firm are attached hereto.

This report serves to outline the proposal and to motivate the necessity and desirability of the application in order to obtain approval from the relevant authorities, and to provide the information required by Council so as to enable Interested and Affected Parties and Council to make informed comments and decisions on the proposed development.

A) 2. HISTORY AND BACKGROUND

The subject property is situated at 106 Beach Boulevard, on the corner of Beach Boulevard and Hill Road, Table View, and is developed with the existing Blaauwberg Beach Hotel, a multi-storey hotel with an associated restaurant, basement parking and landscaped surrounds. The property is zoned General Business 3 (GB3) in terms of the City of Cape Town Development Management Scheme (DMS). Please refer to the **Zoning Certificate** and **Figures**.

The hotel building was approved and constructed prior to the commencement of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), under a previous district-based zoning scheme. Under that scheme the height and bulk of the building were, on the information available, permitted by way of departures granted at the time. Enquiries with the City confirm that the original land use approval and its conditions cannot be located in either the Blaauwberg district registry or the applicant's own records; only a previously approved landscaping Site Development Plan is on file. It is accordingly assumed that the previous conditions of approval were complied with and have long since been acted upon. Please refer to the **Council Correspondence** and **Approved Building Plans**.

The existing floor factor of the building is approximately 6.08, well in excess of the 2.5 floor factor permitted on GB3, which confirms that the historic height and bulk were enabled by departure. Since

the MPBL came into operation, a departure to increase the permitted floor space or height on a sub-zoning may be granted only up to 10% of the maximum bulk or height permitted for that sub-zone; where more than that is required, a rezoning to a higher sub-zoning is the appropriate mechanism. The comparatively small addition now proposed (108m² of newly covered area, with the floor factor rising to approximately 6.13 on account of an additional 115.5m² of floor space – not the 108m² alone, as explained in Section D) therefore triggers a rezoning to General Business 7 (GB7) – not because of the extent of the addition itself, but because the current by-law can no longer accommodate the pre-existing bulk by way of departure on GB3. The apparent disparity between a minor addition and a substantial change of zoning is thus a function of the change in the applicable zoning scheme, and not of the scale of the proposal.

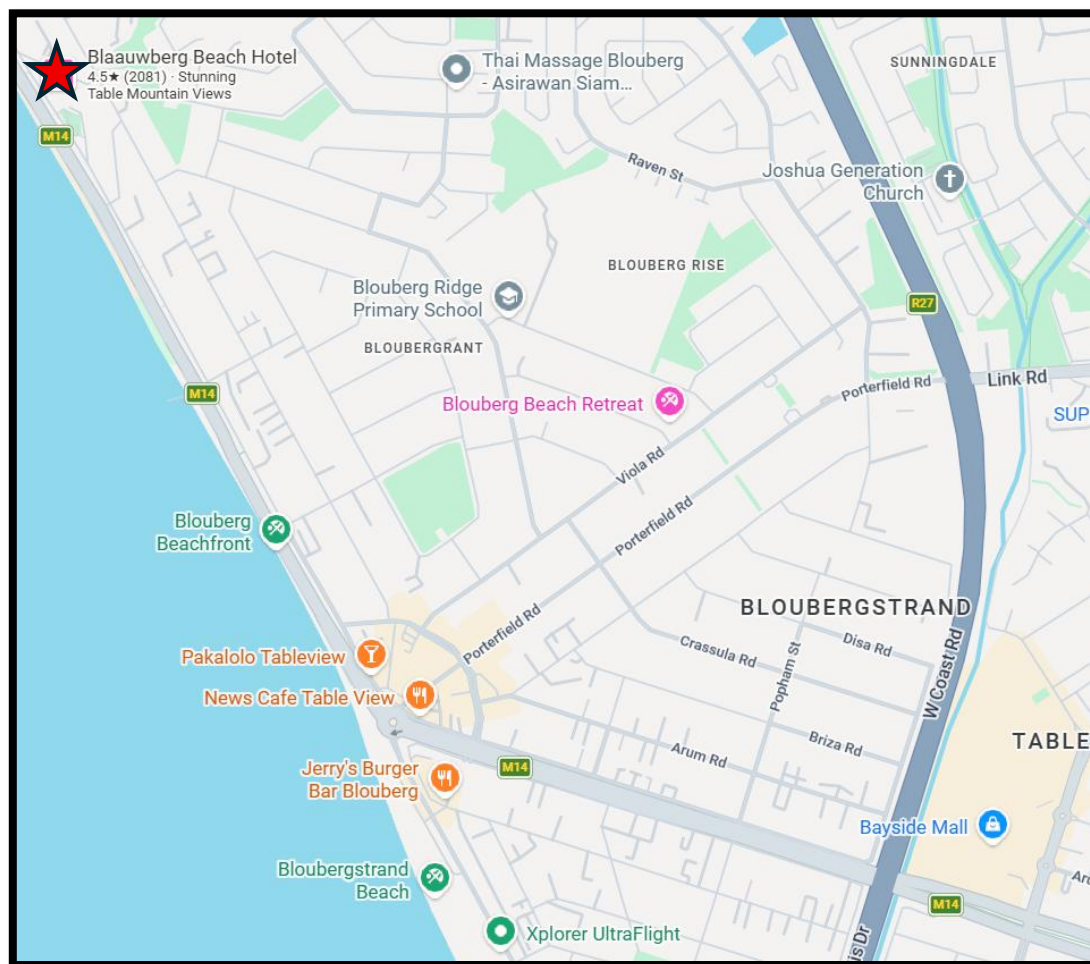


Fig. 1: Locality Plan

A City of Cape Town pre-application consultation was held on 22 July 2026, at which the scope of the application (rezoning, removal of restrictions, deletion and re-imposition of conditions, and approval of an SDP) was confirmed. Please refer to the **Council Correspondence**.

SECTION B: APPLICATION

B) 1. THE APPLICATION

Application is hereby made on behalf of the registered owner for:

- a) **Rezoning** of Erf 19390, Milnerton, in terms of Section 42(a) of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), from General Business 3 (GB3) to General Business 7 (GB7), to accommodate the existing floor factor of the building together with the proposed covered restaurant seating;
- b) **Removal of Restrictive Title Deed Conditions** in terms of Section 42(g) of the MPBL, to remove conditions I.B.(c) (coverage limited to 60%) and I.B.(d) (a 4.72m street building line and a 1.57m lateral building line) of Title Deed _____, in order to accommodate the existing and proposed development;
- c) **Deletion of Conditions** in terms of Section 42(j) of the MPBL, to delete conditions I.B.(c) and I.B.(d) of Title Deed _____ imposed by the Administrator of the Province of the Cape of Good Hope (the conditions of approval that gave rise to the said title deed conditions);
- d) **Deletion of Conditions** in terms of Section 42(j) of the MPBL, to delete the previous conditions of the hotel land use approval (deemed to have been granted, but which cannot be located), together with the imposition of a new set of conditions suited to the current proposal; and
- e) **Approval of a Site Development Plan** in terms of Section 42(i) of the MPBL.

The **Application Form** is attached hereto.

B) 2. NOTIFICATION

The restrictive conditions the subject of this application (conditions I.B.(c) and (d) of Title Deed _____) were imposed by the Administrator of the Province of the Cape of Good Hope on approval of the Township of Table View, for the benefit of the Administrator and the Local Authority. They are *not* expressed to be in favour of the owners of all erven in the Township, as confirmed by the **Conveyancer's Certificate** (the conditions expressed in favour of the Township and its erven – conditions I.C.(i) to (m) – relate to matters such as quarrying, building materials, fencing and vegetation, and are not affected by this application). Notification of the removal to all registered owners in the Township is therefore not considered necessary; notice to the beneficiary organ of state (the City of Cape Town, as successor to the Administrator and Local Authority) will be given as required. The extent of the advertising will be confirmed by Council.

SECTION C: LEGAL AND GENERAL INFORMATION

C) 1. TITLE ASPECTS

Erf 19390, Milnerton is held by virtue of Deed of Transfer attached hereto.

A copy of the **Title Deed** is

a) PROPERTY DESCRIPTION

The property is described in the Title Deed as *“Erf 19390 Milnerton, in the City of Cape Town, Division Cape, Province Western Cape”*.

b) PROPERTY SIZE

The extent of the property is 2175m².

c) REGISTERED OWNER

The property is registered in the name of

The **Resolution** authorising the signatory to act on behalf of the company is attached hereto.

d) MORTGAGE BONDS

There are no bonds registered against the title of the property.

e) TITLE DEED CONDITIONS

Title Deed records the conditions applicable to the property. The conditions relevant to this application, imposed by the Administrator of the Province of the Cape of Good Hope on approval of the Township of Table View (contained in Deed of Transfer), are: condition I.B.(c), that not more than 60% of the area of the erf be built upon; and condition I.B.(d), that no building or structure be erected nearer than 4.72m to the street line, nor within 1.57m of the lateral boundary common to an adjoining erf. A removal of conditions I.B.(c) and I.B.(d) is required. Please refer to the **Conveyancer's Certificate** attached hereto. These are addressed in Section G below.

f) SERVITUDES

No servitudes bearing on the proposed development are recorded. Please refer to the **Conveyancer's Certificate**.

C) 2. GENERAL INFORMATION

a) LOCATION & ACCESSIBILITY

The physical address is 106 Beach Boulevard, Table View, on the corner of Beach Boulevard and Hill Road, with Otto du Plessis Drive to the west. The site is highly accessible and lies on an established public-transport corridor. Please refer to the **Figures**.

b) SITE CHARACTERISTICS

The site is flat in slope and is located outside the coastal urban edge. Landscaping is incorporated into the built form along the street edge. No other significant geographical features are present on the property.

c) EXISTING ZONING

In terms of the DMS, the property is zoned General Business 3 (GB3). An overlay applies in the form of the 16km Koeberg restriction zone, as reflected on the **Zoning Certificate**.

d) EXISTING LAND USE

The site is used as a hotel with an existing gross leasable area (GLA) of 12 031m² and 162 guest rooms. The GLA comprises the hotel guest rooms together with associated amenities, including a restaurant, a bar, a gymnasium and conference rooms. A hotel is a use permitted under both the current GB3 zoning and the proposed GB7 zoning.

e) SURROUNDING LAND USES & ZONING

The property is located along the Blaauwberg beachfront. The immediate surrounds comprise predominantly General Residential (GR2) erven, with General Business, Transport (TR2) and Open Space (OS2) zonings in the vicinity, and the beach and Otto du Plessis Drive to the west. Please refer to the **Figures** and the **Zoning Certificate**.

SECTION D: DEVELOPMENT PROPOSAL

D) 1. PROPOSED LAND USE

The intention is to enclose 108m² of the existing external dining terrace deck of the hotel restaurant as covered seating, by means of a new skylight and sliding/louvre doors. Only this 108m² is newly covered. An adjacent 10m² area that was already covered, and previously used as a passageway, is repurposed as a smoking area. The approved building plans show the full extent of the dining terrace deck as 139m² (108m² plus 31m²); of this, 108m² is now covered and 31m² remains uncovered. The use remains that of the existing restaurant forming part of the hotel; no change of use is proposed. The covered area improves the public-private interface by providing overlooking onto the public realm

and the beachfront, and is complemented by additional landscaping. Please refer to the **Site Development Plan** and **Landscaping Plan**.

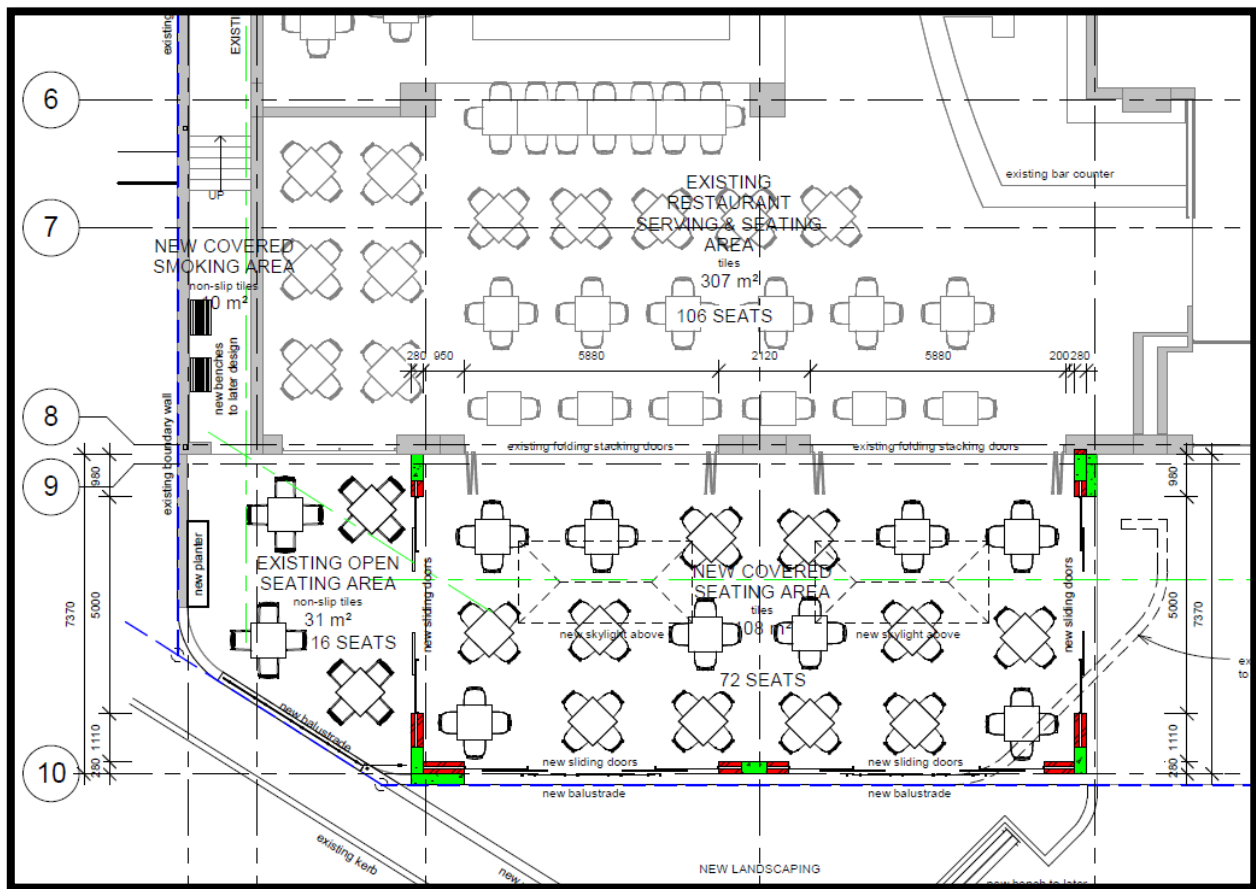


Fig. 2: Proposed Enclosed Seating Area

D) 2. PROPOSED ZONING & REGULATIONS

The property will be rezoned from General Business 3 (GB3) to General Business 7 (GB7). Under the DMS a business premises – which includes a hotel and a restaurant – is a primary use right on both zonings. The rezoning is required to accommodate the pre-existing floor factor and height of the building, which can no longer be accommodated by departure under the MPBL, together with the proposed covered seating. The floor factor increases to approximately 6.13, reflecting an additional 115.5m² of floor space (the 108m² newly covered, together with 7.5m² net of the repurposed passageway, being the 10m² area less the thoroughfare that is not counted). The regulations are set out in the table below. It is expressly proposed that the permitted bulk be capped at the extent of the existing building plus the proposed covered seating, and not at the full floor factor otherwise available on GB7 – this cap is to be imposed as a condition of approval.

Aspect	Title Deed / Original Approval	Zoning Scheme	Proposed
Use	Hotel, Café or Filling Station (Condition I.B.(b))	Business premises, incl. hotel & restaurant (GB3 & GB7)	Hotel with restaurant – permitted
Floor Factor (Bulk)	—	GB3: 2.5 GB7: 12.0	6.13 (capped; +115.5m ² floor space; within GB7)
Height	—	GB3: 25m GB7: 60m	47.7m existing – within GB7
Street Building Line	4.72m (Condition I.B.(d))	0m	0m (new covered area) – removal of condition
Lateral / Common Building Line	1.57m (Condition I.B.(d))	0m	0m (existing) – removal of condition to align title deed with site conditions
Coverage	60% (Condition I.B.(c))	100%	64.4% – removal of condition
Gross Leasable Area	—	—	12 031m ² existing + 108m ² covered seating
Parking	—	PT1: 0.5 bays/room = 81 (162 rooms) + reduced for ancillary uses	122 provided (117 req. / 121 provided previously); extension needs 4 bays – covered

Conditions I.B.(c) and I.B.(d) of Title Deed T36646/2013 must be removed. In addition to the removal of the title deed restrictions, the deletion of a condition of approval is also required. Assuming that the title deed conditions were placed as conditions of approval during a previous land use approval, Section 142(1) of the City of Cape Town Municipal Planning By-Law, 2015 deems that these conditions are still in force. The deletion of conditions I.B.(c) and I.B.(d), as imposed by a previous land use approval, is therefore required. The removal of the restrictive title deed conditions and the deletion of these conditions of approval are to ensure that the proposed development can be freely developed to its full potential and will not have a negative impact on the area.

Separately, and because the original land use approval of the hotel itself cannot be located, the previous conditions of that approval are to be deleted and replaced with a new set of conditions suited to the current proposal, including the cap on bulk referred to above. Please refer to the **Site Development Plan** and the **Conveyancer's Certificate**. This is motivated further in Section G.

SECTION E: POLICIES AND FRAMEWORKS

The proposal has been assessed against the relevant statutes, spatial frameworks and strategies. Only the items that bear on the matter are included below; each is carried through to the Section 99 motivation in Section F.

E) 1. NATIONAL HERITAGE RESOURCES ACT NO. 25 OF 1999

The existing building is relatively recent and is not older than 60 years, and the property is not located within an identified Heritage Protection Overlay. A Notice of Intent to Develop is therefore not required, and no heritage concern is anticipated, as confirmed at the pre-application consultation.

E) 2. NATIONAL ENVIRONMENTAL MANAGEMENT ACT NO. 107 OF 1998 AND COASTAL CONSIDERATIONS

An Environmental Authorisation is not required, as none of the listed activities are triggered by the enclosure of an existing dining terrace deck. The new work is located outside the coastal urban edge, and the 100m coastal (high-water-mark) setback is assumed to correlate with the coastal urban edge.

E) 3. METROPOLITAN SPATIAL DEVELOPMENT FRAMEWORK (MSDF)

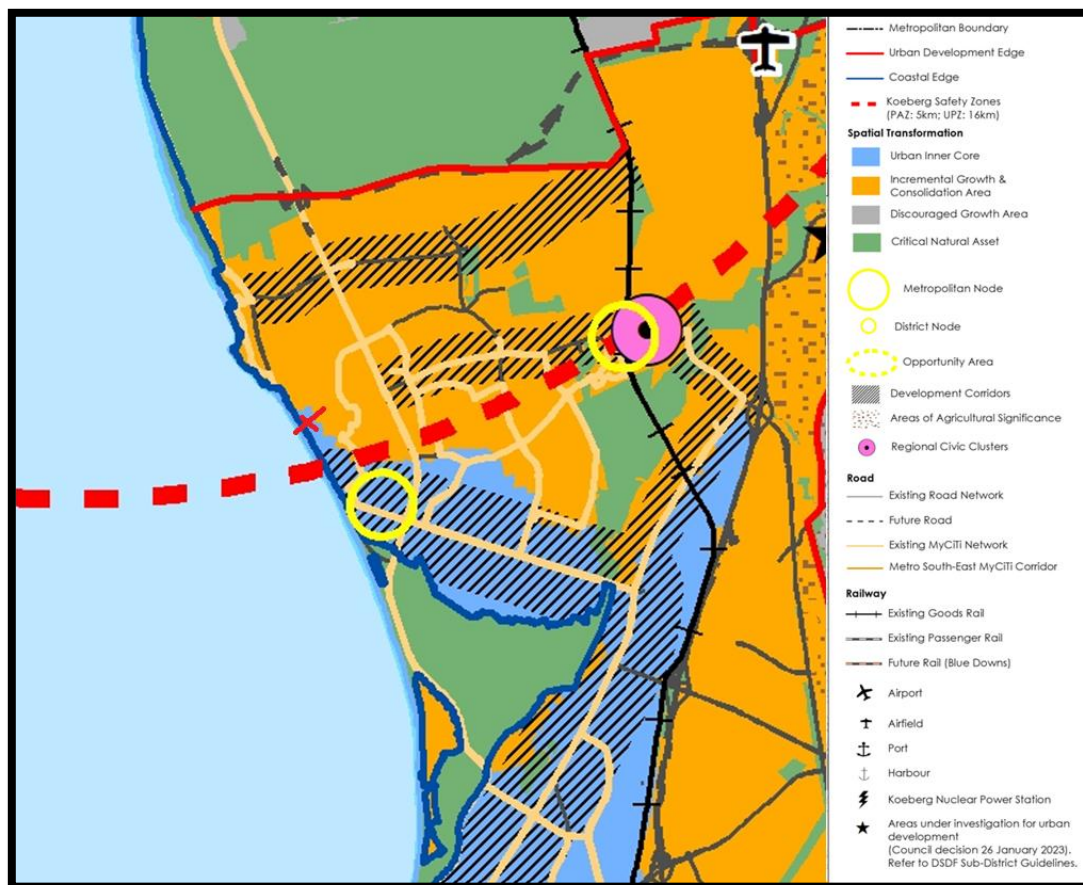


Fig. 3: MSDF

The subject property lies within an area identified as the Urban Inner Core, where the City targets investment and development to spatially transform and integrate the city form, supporting inward growth, connectivity and densification. The proposal accords with these outcomes: it intensifies an existing, well-located building along the Blaauwberg beachfront. The proposal constitutes a minor enlargement of 108m² of covered floor space, and no negative impact is foreseen as a result of this amendment.

E) 4. BLAAUWBERG DISTRICT PLAN (2012)

The property is located along the Blaauwberg beachfront and promenade and along the Otto du Plessis connector route. The area is earmarked for its tourist-attraction value. The proposed enclosure will ensure greater comfort to patrons of the restaurant on this scenic coastline, supporting the tourism role of the beachfront. The proposal is accordingly in line with the intent of the District Plan.



Fig. 4: District Plan

E) 5. DENSIFICATION POLICY, TOD, SOCIAL DEVELOPMENT & INCLUSIVE ECONOMIC GROWTH

The proposal accords with the City's Densification Policy (better use of an existing, well-located property), the Transit-Oriented Development Strategic Framework (the site lies on a public-transport corridor), the Social Development Strategy and the Inclusive Economic Growth Strategy (the enhanced restaurant supports local economic activity and employment, and the additional bulk attracts Development Contributions invested in Council-provided services).

SECTION F: MOTIVATION

Section 99 of the MPBL sets out the considerations relevant to the desirability of a proposed development: the socio-economic impact, compatibility with surrounding land uses, the impact on external engineering services, the impact on the safety, health and wellbeing of the community, the impact on heritage, the impact on the biophysical environment, and traffic, parking, access and other transport considerations. These are addressed below.

F) 1. SOCIO-ECONOMIC IMPACT

The proposal has a positive socio-economic impact. The enhanced restaurant offering supports the beachfront economy and its tourist-attraction value, sustaining and creating employment, and the additional bulk gives rise to Development Contributions that are invested in Council-provided services (roads, transport, stormwater, sewerage, water and solid waste). The intensification of an existing, well-located building on this scenic coastline is in the interest of the general public.

F) 2. COMPATIBILITY WITH SURROUNDING LAND USES

The property is located along the Blaauwberg beachfront, surrounded by general residential, business, transport and open-space uses, in an area earmarked for its tourist-attraction value. The proposal covers an existing dining terrace deck that already forms part of the operating hotel restaurant; it introduces no new use, and constitutes only a minor enlargement of 108m² of covered floor space. It is therefore fully compatible with, and reinforces, the character of the surrounding area.



Fig. 5: Zoning Map

F) 3. IMPACT ON EXTERNAL ENGINEERING SERVICES

The covering of an existing seating area gives rise to a negligible additional demand on engineering services. It is not clear from the available documentation whether the external seating area was included in the Development Contributions previously paid; it is therefore assumed that it was excluded, and that Development Contributions will be payable on the additional 108m² of newly covered area. The payment of these Development Contributions mitigates any incremental demand. The Water and Sanitation Department raised no objection at the pre-application consultation, confirming that the existing water main in the adjoining sidewalk is not compromised as the extension sits over the existing basement structure.

F) 4. IMPACT ON SAFETY, HEALTH AND WELLBEING OF THE SURROUNDING COMMUNITY

The height and bulk of the existing building are unchanged by the proposal; only a minor addition (108m² of newly covered seating within the existing dining terrace footprint) is proposed. The covered

area provides passive surveillance and overlooking onto the public realm and beachfront, enhancing the safety of the public environment. The rezoning to GB7 regularises the pre-existing height and bulk under the current by-law, with the bulk capped by condition so that no unused GB7 rights accrue.

F) 5. IMPACT ON HERITAGE

The existing building is not older than 60 years and is not identified as a heritage resource; a Notice of Intent to Develop is not required.

F) 6. IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposal incorporates additional indigenous landscaping and water-wise planting, positioned so as not to obstruct sea views, together with new benches and feature planting. The new work is outside the coastal urban edge and represents only a minor enlargement of 108m² of covered floor space; no negative impact on the biophysical environment is foreseen as a result of this amendment. The landscaping remains essentially as previously approved, with additional planting proposed. Please refer to the **Landscaping Plan**.

F) 7. TRAFFIC, PARKING, ACCESS AND TRANSPORT

The covering of an existing seating area does not generate materially additional trips, and access is unchanged. From the approved building plans and the proposed Site Development Plan, the previously implemented parking ratio was three (3) bays for every five (5) guest rooms. With a total of 162 guest rooms, this equates to 97.2 bays for the rooms; a further 20 bays are assumed to have been provided for the gross leasable area, giving a total of approximately 117 bays required, of which 121 were provided. The previously approved plans therefore provided four (4) bays over and above those required.

The proposed plans show 122 bays provided, of which bays 115 to 122 are located on the leased portion of land in front of the hotel. Under the current by-law, a PT1 area requires 0.5 bays per guest room, which for 162 rooms totals 81 required bays, together with a reduced number of bays for any ancillary uses open to the public. On this basis, 41 bays remain available for such ancillary uses within the current provision (including five (5) bays more than were previously approved). A restaurant in a PT1 zone requires four (4) bays per 100m², so the 108m² extension would require four (4) additional bays. Even without relying on the by-law's reduced requirement for ancillary uses, it is evident that the provided parking sufficiently covers the 108m² extension. No additional parking is therefore triggered. Please refer to the **Approved Building Plans** and the **Site Development Plan**.

SECTION G: TITLE DEED RESTRICTIONS

Section 48 of the MPBL provides that the City must have regard to Section 39(5) of the Land Use Planning Act (Act 3 of 2014) (LUPA) and Section 47 of the Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA) when considering whether to remove, suspend or amend a restrictive condition. Conditions I.B.(c) (60% coverage) and I.B.(d) (4.72m street and 1.57m lateral building lines) of Title Deed _____ were imposed by the Administrator on approval of the Township of Table View, at a time of a far less intense urban form than that now envisaged for the Blaauwberg beachfront. The current DMS confers greater development rights than these conditions permit and provides a comprehensive framework to control development without the need for the title-deed restrictions. Not allowing the removal would prevent the property from being developed and used to its full potential and would frustrate a proposal that is in line with Council's vision for the area. A removal of conditions I.B.(c) and I.B.(d) is accordingly required.

G) 1. SECTION 39(5) OF LUPA

- f) **The financial or other value of the rights under the restrictive condition.** The beneficiary (the Administrator / Local Authority, now the City) derives no material value from the coverage and building-line conditions, which merely duplicate controls now comprehensively exercised through the DMS. The conditions prevent the property from being used to its full potential on an established, well-located beachfront property.
- g) **The personal benefit accruing to the holder of the rights.** No registered owner of another erf holds these particular conditions in their favour; they were imposed for the benefit of the Administrator and Local Authority. The personal benefit derived from their retention is negligible.
- h) **The personal benefit that will accrue to the person seeking the removal.** The owner will benefit by being able to use and develop the property to its full potential, including the covered restaurant seating.
- i) **The social benefit of the conditions remaining in place.** Retention adds a redundant layer of control on top of the DMS and is a social disbenefit, as it impedes an intensification that accords with Council's vision and benefits the surrounding community.
- j) **The social benefit of the removal.** Removal is a social benefit: it enables the improved use of an existing, well-located beachfront building, supporting the local economy, employment and Development Contributions.

- k) **Whether the removal removes all rights enjoyed by the beneficiary or only some.** The removal does not remove all control; the MPBL and DMS continue to guide how the property is used and developed.

G) 2. SECTION 47 OF SPLUMA

Section 47 of SPLUMA concerns the assessment of public interest; the development has been shown to be in the public interest in the preceding sections.

- l) **Deprivation of property (Section 25 of the Constitution).** The removal will not deprive any person of property as contemplated in Section 25 of the Constitution. Conversely, retaining the conditions deprives the owner of the full use of the property.
- m) **Notice to an organ of state benefiting from the condition.** Where a condition operates for the benefit of the State, notice must be given in writing and in the prescribed manner to the responsible organ of state. As the beneficiary of these conditions is the City (as successor to the Administrator and Local Authority), the application itself serves as the required notice, made in the prescribed manner under the MPBL.

The benefits of removing the conditions outweigh the benefits of retaining them, and the removal is in the public interest. In addition to the title-deed removal, the deletion of the conditions of approval that imposed the said title deed conditions is required. As set out in Section D above, and assuming that those title deed conditions were imposed as conditions of a previous land use approval, Section 142(1) of the MPBL deems those conditions to remain in force, so their deletion is sought in order that the title deed and the conditions of approval align with the site conditions and the proposed development.

SECTION H: SUMMARY AND CONCLUSION

As detailed in this report, the proposed development is desirable and will not adversely affect the rights of other properties in the area. It is compatible with the policies discussed in Section E, and the removal and deletion of conditions are in the public interest. ELCO Property Developments recommends approval of the application. This recommendation is supported by the following:

- The proposal covers 108m² of an existing dining terrace deck as covered restaurant seating (an adjacent, already-covered 10m² passageway being merely repurposed as a smoking area), with no change of use and only a minor enlargement of 108m² of covered floor space, for which no negative impact is foreseen;
- The rezoning from GB3 to GB7 is required to accommodate the pre-existing height and bulk of the building, which can no longer be accommodated by departure under the current MPBL

(a departure being limited to 10% of the sub-zone maximum), together with the minor addition – the extent of the zoning change is a function of the change in zoning scheme, not the scale of the proposal;

- The permitted bulk will be capped by condition at the existing plus proposed extent, so that no unused GB7 rights accrue;
- The removal of title deed conditions I.B.(c) and I.B.(d) is in the public interest, and those conditions are not in favour of all owners in the Township; the conditions of approval that imposed them, and the previous conditions of the hotel land use approval (which cannot be located), are to be deleted, with a new set of conditions imposed;
- The property lies along the Blaauwberg beachfront, earmarked for its tourist-attraction value, and the enclosure improves patron comfort on this scenic coastline;
- The covered area provides overlooking and passive surveillance onto the public realm and beachfront, and additional landscaping is proposed;
- The new work is outside the coastal urban edge, and the provided parking sufficiently covers the 108m² extension, so no additional parking is triggered.



Project:
Erf 19390, Table View

Legend:
Property Concerned:



Date:
May 2026

Title:
Locality Plan

Figure:
1





Project:
Erf 19390, Table View

Legend:

Property Concerned:



Date:
May 2026

Title:
Zoning Map

Figure:

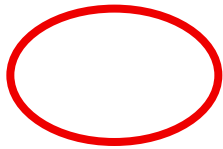
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Project:
Erf 19390, Table View

Legend:
Property Concerned:



Date:
May 2026

Title:
Aerial Photo

Figure:

3

