



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500159209

**Erf 78681, 50 Old Kendal Road,
Diep River**

Development Management

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CoCT REF	N/A
BSTP REF	2227 R Erf 78681 Diep River, 50 Old Kendall Road
DATE	13 August 2026



**The Director: Development Management
City of Cape Town
Southern District
Cape Town
8000**

Attention: P Hoffa

Dear Sir / Madam,

APPLICATION FOR REZONING AND PERMANENT DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2025: ERF 78681 DIEP RIVER, 50 OLD KENDALL ROAD.

1. INTRODUCTION

Kindly note that a separate administrative penalty application is submitted in conjunction herewith in order to regularise unauthorised land use and building work on Erf 78681 Diep River, 50 Old Kendall Road, hereafter referred to as the subject property.

Kindly note that the application at hand includes the following:

1. Regularisation of unauthorised use and building work.
2. Rezoning of the subject property from TR2 and GR4 (split zoning) to GB1.
3. New additions / alterations that trigger permanent departures related to parking availability.

Unauthorised building work relates to a wooden structure (shed) located towards the South Western corner of the subject property (see Figure 1 below).

It is proposed that the existing unauthorised wooden structure is to be demolished and replaced with a new office space as per the proposed SDP (see Figure 3). It should also be noted that the previous owners are the ones responsible for erecting the wooden structure, being dated back to 2006 and is still present today, therefore making the age of the structure approx. 20 years old.



Figure 1: Unauthorised structure - erected in approx. 2006.

Unauthorised use relates to the portions of the subject property which fall within the Transport Zoning 2 (TR2) and General Residential 4 (GR4) zoned areas. In the TR2 zoned portions, office spaces have been in existence, therefore not being in accordance with the relevant zoning (TR2). Rezoning is therefore proposed in order to allow the utilisation of the office spaces to persist in their current location, as its use is proposed to be retained. Similar to the aforementioned, the GR4 zoned portion also sees office spaces being utilised thereon, which is also not a use right of GR4 zoning in terms of the DMS. As such, rezoning is also proposed for this portion of the subject property.

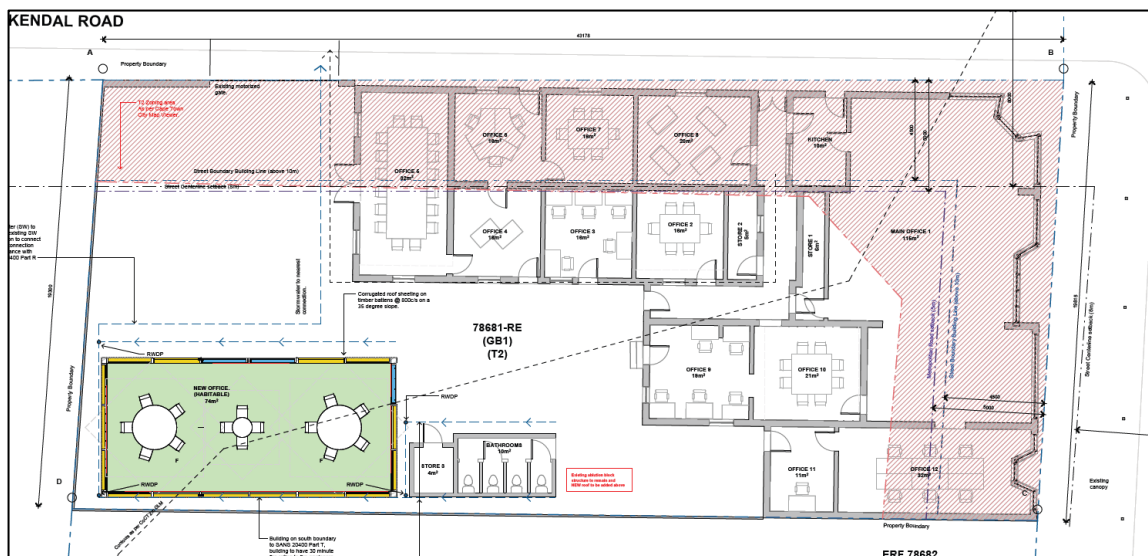


Figure 2: 1st Storey Plan: Hatched area refers to the TR2 zoned portion of the subject property. NOTE: Building lines indicate in accordance with the proposed GB1 zoning.

The rezoning of the subject property therefore sees the portion of the subject property which currently falls under General Residential 4 (GR4) zoning be proposed for rezoned to General Business 1 (GB1). This is done in order to permit for the use of offices on the (currently) GR4 zoned portion as these activities are part of the primary rights associated with the GB1 zoning. The TR2 zoned portion is also proposed to be rezoned in order to allow for the use of offices to persist within the affected portion of the subject property.

New building work includes a new external office space which replaces the existing (unauthorised) wooden structure upon demolition thereof, as well as a new roof structure atop the existing ablution blocks. It must be noted that these structures in themselves do not trigger any permanent departures in terms of the DMS and that no internal alterations are proposed to the main structure. The existing street front of the subject property is therefore to remain unaffected by the implementation of the proposed application.

Permanent departures associated with the application at hand includes a shortfall of on-site parking availability on the subject property. As the property contains offices, the applicable parking calculations apply in terms of Item 138 of the DMS. The total GLA of the subject property 416m² as per the relevant SDP (see Section 3 of this report for a detailed breakdown and calculation of the applicable parking requirements).

It must also be noted that the subject property is not located within a Heritage Protection Overlay Zone (HPOZ), is graded 3B and although the existing main (separate) building exceeds 60 years in age, the proposed additions / alterations are not linked to the main structure and do not affect the main building in any way as previously noted. As such, it is therefore considered that no Heritage Western Cape application is applicable to the application at hand as confirmed by the relevant City officials as discussed in Section 1.3 of this report.

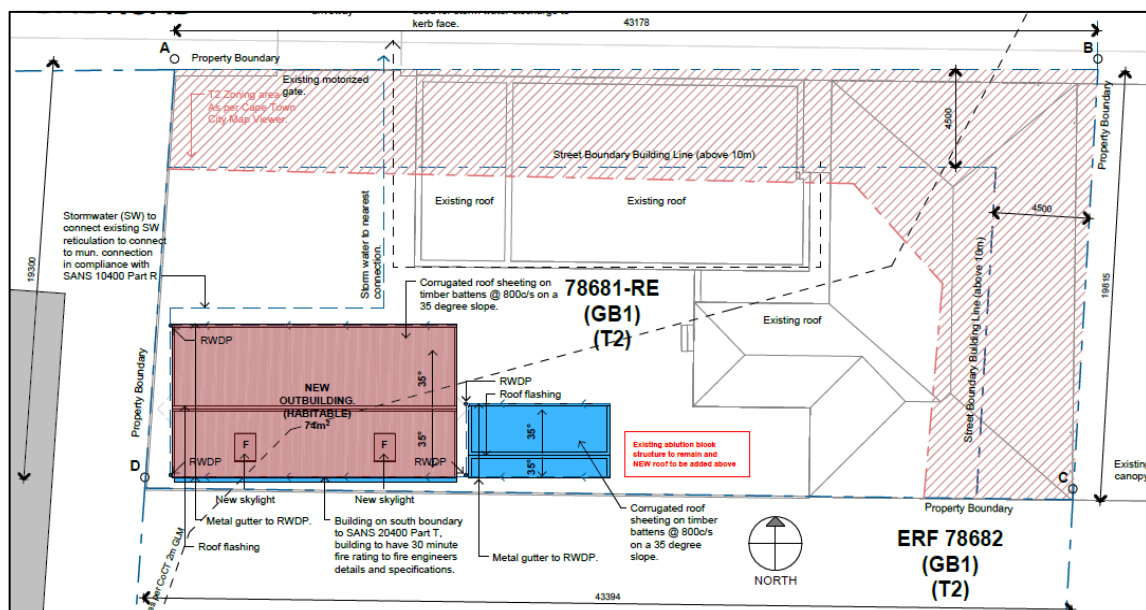


Figure 3: Site Development Plan.

It must be noted that the subject property has readily been used as a commercial property since the earliest available previously approved plans in 1957, which includes a 'shop' to be located along Main Road along with a 'house' along Old Kendall Road (see Figure 12). It must be noted that the reutilisation of the house structures as offices are not the work of the current owners as it had been implemented by the previous owners of the subject property. The application at hand proposes to have all structures in their current form and use be retained and regularised.

1.1. Planning Application / Proposal

As noted above, the proposal at hand entails (1) the regularisation of unauthorised building work and use, (2) the rezoning of the subject property from GR4 and TR2 to GB1, and (3) new additions / alterations that trigger permanent departures related to parking availability.

New building work is limited to (1) a new external office space and (2) a roof structure located atop the existing ablution blocks located towards the Southern common boundary of the subject property. Kindly note that:

- The proposed building work in itself does not contravene any development rules associated with the General Business 1 (GB1) zoning in terms of the DMS. Rather, the only applicable permanent departure relates to a shortfall of on-site parking availability (see Section 3 of this report).

1.2. Planning Applications Required in terms of the Municipal Planning By-Law (MPBL)

Application is made in terms of Section 42 of the MPBL, 2025, for the following:

- **Section 42(a) – Rezoning:**
 - Rezoning of the subject property from General Residential 4 (GR4) and Transport Zoning 2 (TR2) to General Business 1 (GB1).
- **Section 42(b) - Permanent Departures:**
 - **Item 137:** To permit for 0 parking bays in lieu of 10 bays.

1.3. Property Description

The subject property consists of two zonings ('split-zoning'), namely Transport Zoning 2 (TR2) and General Residential 4 (GR4), is 853m² in total extent and is currently developed with a single storey building predominantly consisting of offices as well as a wooden structure (outbuilding) located towards the South

Western corner of the subject property (proposed for regularisation and will be demolished upon implementation of the proposed SDP).

As noted, the subject property is not located in a HPOZ, bears a heritage grading of 3B, and the main building exceeds 60 years in age. Although heritage authorisation is required for properties of similar heritage significance, confirmation from Mrs Muneerah Solomon (received on 04 April 2025) and Mr Mark Bell (received on 16 May 2025) had been given which noted that no Heritage Western Cape application is required in this instance, due to the proposed additions / alterations not impacting the older (existing) building which is located along the Main Road and Old Kendall Road, and therefore not constituting a Section 34 HWC application.



Figure 4: 2025 Aerial View.

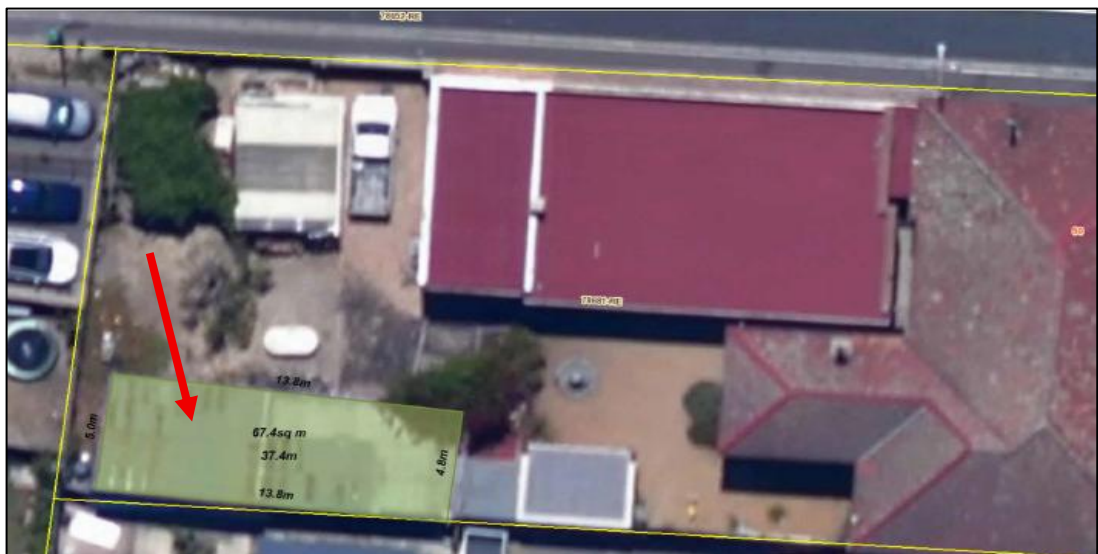


Figure 5: Unauthorised structure - Erected by previous owners in 2006.

The subject property is surrounded by other properties of similar extents and zoning and, by extension, similar building line parameters in terms of GB1 development rules. Similar building sizes are visible in the surrounding area as per the aerial imagery provided. The surrounding area's built form can be described as medium density, and sees a relatively uniform development pattern, as can be viewed in Figure 4 above.

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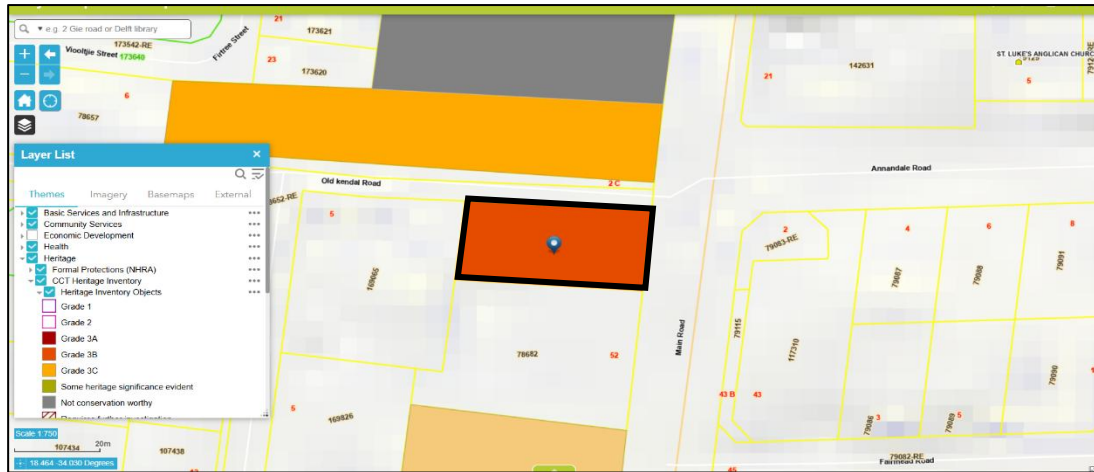


Figure 8: Heritage Extract - Not located in a HPOZ and Graded 3B.

1.4. Character of the Surrounding Area

The subject property is located in Diep River, an established neighbourhood located in the Southern District of the city of Cape Town. It is also described as a medium-density neighbourhood in moderate proximity to the Cape Town Central Business District (CBD) located near established transport connections such as the M3 and M38. The surrounding area is predominantly zoned General Business 1 (GB1), Transport Zoning 2 (TR2), General Residential 4 (GR4) and Residential Zoning 1 (R1) (see Figure 7 above).

Diep River sees primarily a mix of residential and business-oriented properties, which often contain varying property extents. The larger area is also not renowned for its heritage significance with regards to heritage gradings but rather contains multiple instances of structures exceeding 60 years in age (see Figure 6). It must again be noted that the subject property does not require heritage authorisation, as discussed in Section 1.3 above.

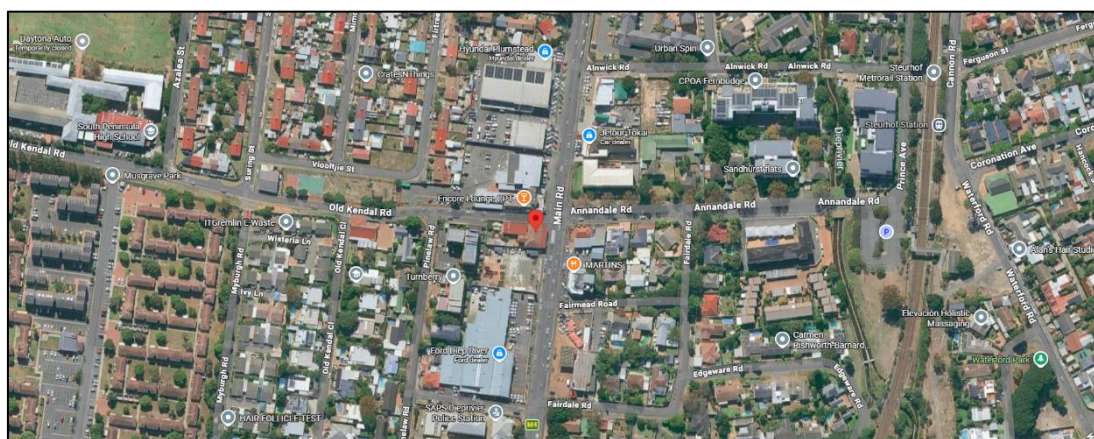


Figure 9: Character of the surrounding activities.

2. FURTHER INFORMATION

2.1. Applicant / Mandate

The property owner, _____ has duly appointed and authorised Black Square Town Planning to compile and submit an application on their behalf to the City of Cape Town for the applications referred to in Section 1.2 above; and to act as the applicant in this and all other related matters.

2.2. Development Management Scheme

As noted above, the property is currently zoned General Residential 4 (GR4) and Transport Zoning 2 (TR2) and is proposed to be rezoned to General Business 1 (GB1). The property also has an extent of 853m². As the proposal at hand includes the rezoning of the subject property from GR4 and TR2 to GB1, the relevant development rules associated with GB1 zoned properties apply. As such, development rules as contained in the DMS are therefore as follows:

Table 1: GB1 development rules applicable.

Development Criteria	Required / Allowed	Proposed
Floor factor	1.5 (1279.5m ²).	0.59. Compliant.
Coverage	100%	59%. Compliant.
Max. height above EGL	To top of building: 12.5m	6.03m. Compliant.
Street centreline setback	Street: 8m	> 8m. Compliant.
Metropolitan road setback	Street: 5m	> 5m. Compliant.
Building lines	Street boundary: 0m up to 10m in height, 4.5m above 10m in height	> 0m. Compliant.
	Common boundary: 0m	0m. Compliant.
	Minor architectural / sunscreen features extending beyond street boundary lines: May not be more than 250mm	No changes proposed. Compliant.

Canopy & Balcony projection	May not project nearer than 500mm to a vertical plane through the kerb line.	No changes proposed. Compliant.
	No portion of a canopy or balcony projection shall be less than 2,8 m above the pavement.	No changes proposed. Compliant.
Public pedestrian footway along street boundary	If the owner provides a public pedestrian footway of at least 3 m wide on the land unit, next to a building situated alongside the street boundary, with a canopy and pavement that ties in with the street pavement, and which is accessible to the public at all times, then in recognition of the urban design contribution to the street environment, the maximum floor space of the building may be increased by twice the area of the public pedestrian footway.	No changes proposed. Compliant.
Street corners	Incorporate in the building architectural features which focus visual interest on the corner, and which emphasize the importance of pedestrian movement City of Cape Town Municipal Planning By-Law, 2015 – Consolidated version (not official version – only for departmental use) around the corner. Such features may include building cut-offs, walkthrough covered arcades,	No changes proposed. Compliant.

	plazas or other elements.	
Screening	Any part of a land unit which is used for the storage or loading of goods shall be enclosed with a suitable wall and/or landscape screening.	No changes proposed. Compliant.
	Any external utility service or equipment which is required for a building shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size.	No changes proposed. Compliant.
Earth banks / retaining structures / support structures / similar devices.	• The ground floor of a building may not be raised more than 1.5m above EGL. • May not exceed 2m above EGL. • May not exceed a cumulative height of more than 2.5m above EGL unless a 2m wide horizontal space is provided between successive structures for every 2m vertical raise.	No changes proposed. Compliant.
Boundary Walls	Street Boundary: max. 2.1m above EGL and min. 25% visual permeability.	No changes proposed. Compliant.
	Common Boundary: max. 2.5m above EGL.	No changes proposed. Compliant.

Parking (PT1)	10.4 bays (2,5 bays per 100m ² GLA) <i>**based on DMS definition of 'Offices'.</i>	0 bays. Departure.
Loading bays	Offices: 0 bays	0 bays. Compliant.
Carriageway crossings (cwc)	Min. distance of 10m to intersection.	No changes proposed. Compliant.
	One cwc per per site per public street.	No changes proposed. Compliant.
	Width: 2.4 – 8m.	No changes proposed. Compliant.

2.3. Title Deed: T53838/2024

The title deed of the subject property does not contain any restrictive conditions that limit the proposed development. Kindly also refer to the Conveyancer's Certificate submitted herewith.

2.4. Existing Ground Level (EGL) Determination

The EGL was determined in accordance with Item 184(2). Such reference is also reflected on the SDP submitted herewith.

3. PLANNING MOTIVATION: REGULARISATION OF UNAUTHORISED BUILDING WORK AND USE, REZONING & PERMANENT DEPARTURES

It must be noted that the applications sought after are site-specific and it is not the intention of the proposal to over-bulk the property, but to improve its practicality and amenity for the residents of the subject property.

A description of the applications applied for are as detailed below:

- Regularisation of unauthorised building work and use:

As noted in Section 1 of this report, unauthorised structures currently exist on the subject property, and pertain to a wooden structure located towards the South Western corner of the subject property (see Figure 5). It must be noted that the structure has been in existence since approximately 2006 and had been erected by the previous owners. As no building plans currently exist that contain the wooden structure in its current position, it is proposed for regularisation in terms of the application at hand, although it is to be demolished upon implementation.

As noted, the subject property consists of two zonings in its current form (GR4 and TR2 zonings). Although the different zonings are associated with different uses in terms of their primary, additional and consent use rights, the current activities (use) on the subject property do not reflect the development rights of either zoning. As the subject property is used for offices, the rezoning of the subject property is proposed in order to allow for the uses to persist in their current locations on the site. As such, the unauthorised use is proposed for regularisation via the mitigation methods listed above; (1) the rezoning of the subject property from GR4 and TR2 to GB1.

- Rezoning from General Residential 4 (GR4) and Transport Zoning 2 (TR2) to General Business 1 (GB1):

As noted above, the application at hand includes the rezoning of the GR4 and TR2 zoned portions of the subject property to GB1. As such, application is made for such development in terms of Section 42(a) of the MPBL – refer to Section 1.2 of this report.



Figure 10: Property zonings in the surrounding area.

As illustrated in Figure 10 above, the surrounding area readily contains multiple instances of properties being zoned General Business 1 (GB1), especially located along Main Road, which is a metropolitan road. Additionally, properties located directly adjacent to and across from the subject property are also zoned GB1, thus indicating that the desired zoning is not out of character with the surrounding area and that a clear business-oriented development trend is currently experienced along this road that runs through the area. Further, rezoning of the GR4 and TR2 zoned portions of the subject property to GB1 will not result in the proposed building work contravening the development rules associated with this zoning (GB1) in terms of the DMS.

The subject property is currently zoned GR4 and TR2 and does not permit the existing activities (uses) to be exercised thereon – as they are not primary, additional and consent use rights associated the properties of similar zoning. As such, by rezoning the subject property to GB1, the activities taking place on the subject property (offices) will form part of the primary use rights associated with properties zoned GB1 and will therefore no longer be in contrast with the base zoning of the subject property. Therefore, it is of the opinion that the rezoning of the subject property will enable the existing uses of the property to align with the correct zoning guidelines and improve its alignment with the DMS.

Furthermore, as per previously approved building plans (dated 1957), the subject property has been in operation as a commercial property for approx. 69 years, thus indicating that the use of the subject property is an established and that the rezoning of the subject property will further support and confirm the business-oriented activities taking place thereon. As such, the rezoning of the subject property will strengthen the commercial use of the property, as it has been in the past.

In light of the above, it is of the opinion that the rezoning of the subject property is not deemed to be intrusive as the surrounding area readily contains multiple instances of similar zonings along Main Road, and that the activities currently taking place on the property are linked closely with the primary use rights associated with properties zoned GB1. 'Spot zoning'

will also not be facilitated due to the existence of other properties in the immediate vicinity of the subject property being zoned GB1. It is therefore considered that the rezoning of the subject property is deemed desirable and well-suited with the existing milieu of the surrounding area.

- Parking Departure – 0 bays in lieu of 10 bays:

As noted above, the application at hand includes an on-site parking availability departure of 0 bays in lieu of 10 bays. As the proposal at hand is in contravention with the DMS in terms of Item 137, an application is required in order to permit such development and is therefore included herein. As the subject property is located in a PT1 zone, Item 138 of the DMS outlines that properties utilised as 'Offices' are required to have a parking availability of 2.5 bays per 100m² GLA. Kindly note that the total area of the subject property which make up offices is limited to 416m² (see Table 2 below).

Table 2: Parking requirements in terms of Item 138 of the DMS.

Parking requirements			
	DMS requirements	Total Extent	Total Bays required
Offices (including new office space of 72m ²)	2.5 bays per 100m ² GLA	416m ²	10.4 bays (~ 10 bays)
		Total bays	10 Bays

As noted in Section 2.2 of this report, the application at hand sees a shortfall of 10 parking bays in light of no (formal) on-site parking being provided. It must be noted, however, that due to the subject property's size, 10 parking bays would not be a feasible option for ground level parking. Thus, the only way in which the desired 10 bays would be achieved is by utilising underground parking in the form of a basement parking areas, which are not visibly common development styles in the surrounding area, thus suggesting that many of the surrounding properties had to have undergone similar departure applications in order to address and accommodate their shortfall in available on-site parking bays.

On-street parking may be utilised in order to obtain access onto the site along with 'informal' parking areas which are often not clearly demarcated on the ground. Such areas are typically spaces where vehicles are able to park on surfaces that are not normal streets such as grassy / gravel areas contained within the boundaries of a property. Although such parking bays do not contain sectioned off areas designated specifically for parking on the subject property, it can be considered a form of mitigation in order to lessen the impact of the relevant departure sought after. However, with the use of on-street parking and 'informal' parking

spaces on the subject property, the impact of the relevant departure is lessened, thus limiting the severity of the relevant departure in this regard.

As the application at hand proposes the shortfall of on-site parking bays in light of (1) the surrounding properties also not containing sufficient on-site parking, and (2) the implementation of 10 on-site parking bays is deemed to be impractical, especially in considering the surrounding area's built context. In light of the above, it is considered that the desired parking departure is not intrusive in nature as per the reasons provided above.

3.1 Municipal Spatial Development Framework (MSDF, 2022) and Southern District Plan, 2023

The MSDF is a strategic planning instrument which informs the spatial growth and development of the city and operates horizontally with the IDP. According to the MSDF, the subject property is located within the urban edge, the urban inner core and within a development corridor.

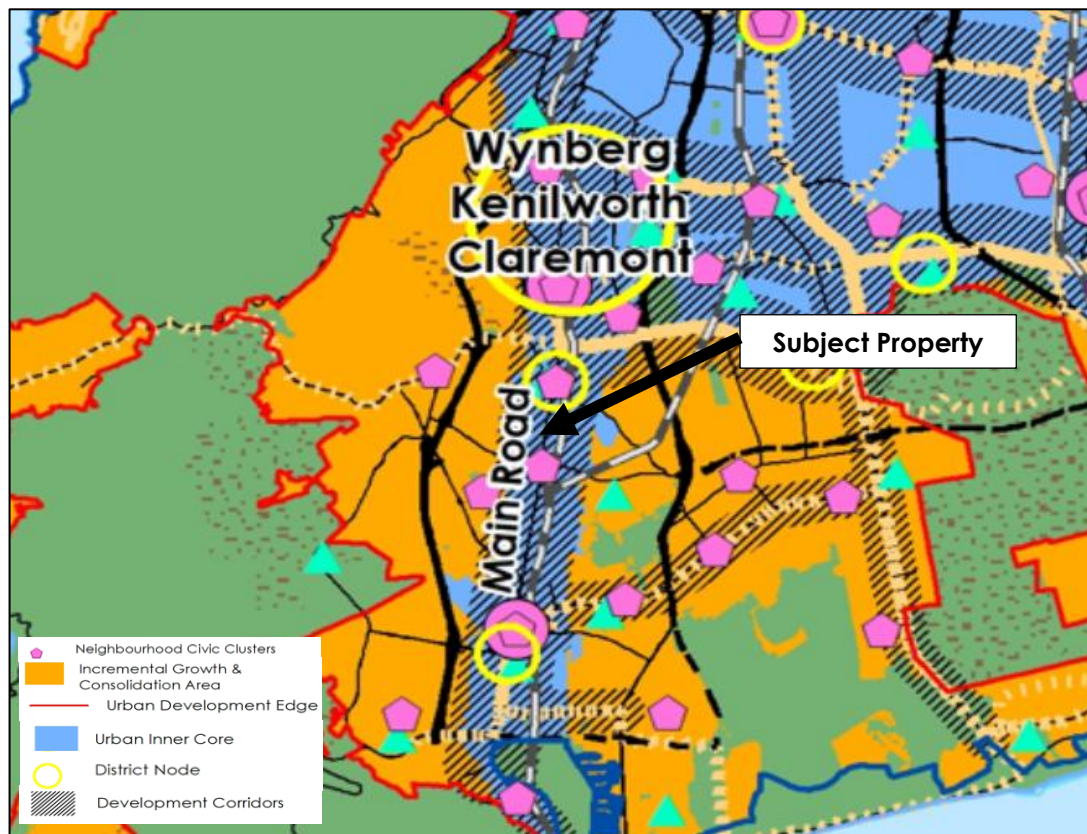


Figure 11: MSDF Extract.

The MSDF prioritises the above-mentioned areas for higher density and mixed-use development via, *inter alia*, promoting the better utilisation of land. While the proposal entails the regularisation of unauthorised structures and use, the rezoning of the subject property, new additions / alterations as well as a permanent departure related to parking availability, it can still be considered

as a minor form of better land utilisation whilst also strengthening the existing residential use of the subject property within a predominantly residential area.

In terms of the MSDF, the subject property is located within the scope of the Southern District Plan, an area-specific component of the MSDF which provides conceptual proposals for the future development of the City's Table Bay District as well as guidelines for the assessment of development applications. More specifically, the subject property falls within Sub-district 3 of the Southern District Plan, a district well known for its mix of historic and contemporary buildings, places, spaces and attractions.

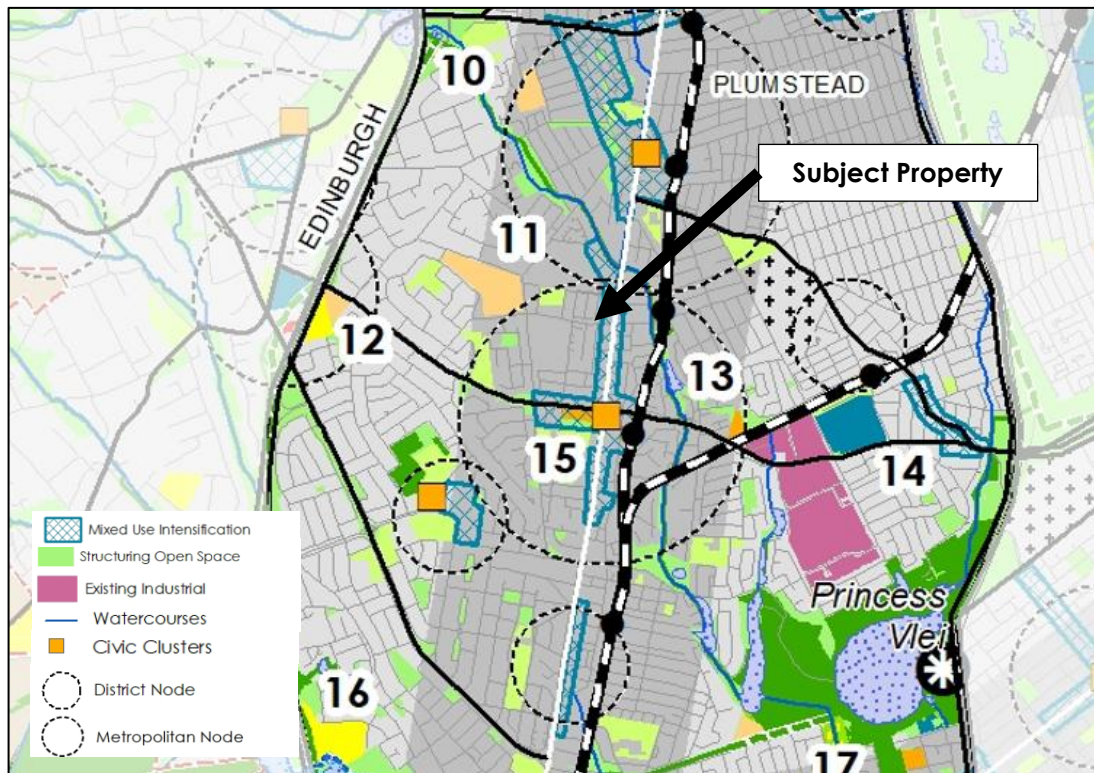


Figure 12: Southern District Plan Extract.

In terms of the Southern District Plan, the subject property is located in an area earmarked for urban development, an area also recognised as a destination place. Specific to Diep River, the proposal adheres to the following spatial objectives of the Southern District Plan:

- Ensure appropriate built form and land use to achieve a quality environment via, inter alia, the better utilisation of available land and the facilitation of taking up existing rights whilst maintaining and promoting the existing residential integrity.

It is therefore concluded that the proposal, even though minor in nature, wholly aligns with the contents of the MSDF and the Southern District Plan. As such, the proposal is also considered to meet the minimum threshold requirements as stipulated in Section 99(1) of the MPBL.

3.2 Integrated Development Plan (IDP)

This document is a strategic planning instrument which informs planning and development. The MSDP is also fully aligned with this document and with the proposal being compliant with the MSDP, it is also considered compliant with the IDP. Like the MSDP and Southern District Plan, the IDP also promotes a more efficient and sustainable urban form which is promoted by the proposal via the better utilisation of available land, even though minor in nature. The proposal therefore also conforms to the principles of the IDP.

3.3 Inclusive Economic Growth Strategy

The IEGS is a short, medium and long-term plan for addressing the economic crisis facing Cape Town. The strategy recognises that inclusive economic growth can contribute to the alleviation of existing poverty and inequality. While the proposal at hand does not directly address this policy, it is pointed out that the proposal is considered to have a positive impact on socio-economic growth as will be discussed in Section 3.7 of this report.

The proposal will, however, offer an improved workspace to the workers on the subject property, in conjunction with improved amenity, thereby also contributing to the economic value of the property which is beneficial in this area considering the vicinity of surrounding urban opportunities and other amenities.

3.4 Social Development Strategy

One of the key focus points of this strategy is to build and promote safe households and communities. Part of this is ensuring healthy communities and citizens. As the proposal promotes the quality and amenity of the existing dwelling unit and the strengthening of the existing business-oriented fabric in an area with a variety of urban opportunities and amenities, it is concluded that the proposal will greatly benefit the wellbeing and socio-economic stance of the workers of both the subject property and the residents in the surrounding area, thereby also contributing towards the sustainability of townships in the City in terms of socio-economic factors.

3.5 SPLUMA and LUPA

In terms of the provisions of SPLUMA and LUPA, land development must be consistent with the principles of spatial efficiency, spatial sustainability, spatial justice, spatial resilience and good administration.

As the City's spatial development frameworks and policies are premised on the principles of **spatial sustainability** and **spatial efficiency**, it is argued that the proposal also complies with SPLUMA and LUPA insofar as it supports the better utilisation of available land (even though minor in nature) and the associated promotion of a more sustainable and efficient urban form. Consequently, it is the opinion that the proposed development is consistent with the principles of spatial sustainability and efficiency.

The principle of **spatial justice** requires spatial planning mechanisms such as the MPBL and DMS to contain provisions which would enable access to land by disadvantaged communities and persons. In this regard, it is pointed out that neither the MPBL nor the DMS currently contains any such provisions. Similarly, no policy framework for the provision of affordable housing by the private sector currently exists.

The proposal supports **spatial resilience** insofar as it supports the strengthening of the existing surrounding business-oriented fabric within the urban edge whilst still largely respecting the character and visual appearance of the surrounding area. In return, the proposal also allows for a more sustainable urban form thereby contributing towards spatial resilience in general.

With regard to the principle of **good administration**, the application complies with the submission requirements of the MPBL, follows due process as prescribed, and has been motivated in terms of the decision-making criteria of the MPBL.

In view of the above it can be concluded that the proposal adheres to the development principles of SPLUMA and LUPA, thereby giving effect to the overarching goal of spatial transformation.

3.6 Impact on Existing Rights

As the proposal at hand includes the rezoning of a property from GR4 and TR2 to GB1, an overall increase of development rights is experienced in terms of the DMS, especially linked to coverage and building lines – see Table 3 below:

Table 3: Development rules expected to be increased upon rezoning of the subject property (specifically from GR4 to GB1).

Development Rule		
	General Residential 4 (GR4)	General Business 1 (GB1)
Coverage	60%	100%
Building lines	Street: 4.5m	Street: 0m up to 10m above EGL; 4.5m when above 10m above EGL
	Common: 4.5m or 0.6H	Common: 0m

It should be noted that the TR2 zoned portion of the subject property does not contain development rules in relation to building lines, bulk, etc. but rather mainly refers to the use of the subject property – therefore not being included in the above table.

As noted, an increase in permissible development space is expected to be applicable upon rezoning the subject property from GR4 to GB1. However,

the rezoning also introduces constraints regarding maximum building height above EGL in terms of the DMS – see Table 4 below.

Table 4: Development rules expected to be decreased upon rezoning of the subject property.

Development Rule		
	General Residential 4 (GR4)	General Business 1 (GB1)
Max. building height above EGL	24m	12.5m

As a decrease in permissible building height becomes applicable to the subject property upon rezoning, the idea that the proposed development will only increase the existing development rights of the property can be dismissed due to additional development constraints regarding maximum building height applicable to the subject property as pointed out. Thus, the rezoning of the subject property will not allow for solely increased development rights, as it will also include more severe development restrictions.

Although the proposal at hand is requesting for an increase in existing rights in terms of bulk and building lines, the current activities exercised on the subject property will align with the relevant zoning upon rezoning as well as conform well to the surrounding properties which bear similar zonings and property extents. It is therefore concluded that the rezoning of the subject property will not result in a severe increase in existing rights, as both increased and decreased development rights are expected to apply, ultimately allowing for the compliance of the use of the subject property with the relevant zoning sought after.

As noted in the introduction to Section 3, the departure sought after is site-specific and the intention of the proposal is inherently not to over-bulk the property, but to improve its practicality, functionality and amenity. As detailed in Sections 1 and 2.2 of this report, the sole departure sought after includes a shortfall of on-site parking availability in terms of the applicable requirements based on the definition of an 'office' in terms of the DMS. However, as noted in Section 3 of this report, parking shortfalls are not an unprecedented characteristic of the properties in the surrounding area (that are of similar zoning), thus indicating its alignment with the existing parking-related limitations in the area in this regard. The departure alone will also not grant development rights similar to that of the next sub-zone.

As noted at the start of Section 3 of this report, the subject property had been used as a commercial property since at least 1957 based on the previously approved plans. As no physical alterations are proposed to the main building on the subject property and that its use is to remain the same, the impact on existing rights is not expected to materially affect the surrounding properties in a negative way, especially since the subject property has been in used in its current form for a long period of time.

Accordingly, the impact on existing rights applicable to the property is minor; and approval of the parking departure will not grant rights similar to the next sub-zone in itself. In addition, although the rezoning of the subject property is proposed, no change in use is proposed in relation to the subject property as it is currently unauthorised and proposed for regularisation herewith. As such, the proposal will not negatively impact on the rights and legitimate expectations of surrounding property owners, nor will this compromise their ability to exercise their rights in terms of the MPBL, DMS or any other property-related legislation. As elaborated in Section 3.7 below, the proposal is also considered to be well compatible with the surrounding residential fabric.

3.7 Desirability

- Socio-Economic Impact

Whilst certainly improving and enhancing the amenity and functionality of the subject property, the proposal will also see to an increase in the fiscal value thereof, thereby also seeing to a slight increase in the rates and taxes collected by the City which funds is spent all over the City to the benefit of all residents. Accordingly, it can be concluded that approval of the proposal will have a positive socio-economic impact.

- Compatibility

Noting that no change in use is proposed and the proposed additions / alterations merely relate to business-oriented amenity and functionality purposes, the proposal will neither negatively impact on the existing business-related use of the subject property; nor will it negatively impact on the aesthetics of the existing building as no new work is proposed to be done on the street-facing buildings on the subject property.

It must again be noted that multiple properties in the near vicinity of the subject property are readily zoned GB1 and by applying for the rezoning of the subject property, the new zoning and related building rules will not create an incompatible development pattern which does not conform well to that exhibited by the surrounding area.

Accordingly, the proposal will neither negatively impact on the existing character or aesthetics of either the existing building or the surrounding area, nor will it result in an incompatible built form or use and will not negatively impact on the built character of Diep River.

- Impact on Safety, Health and Wellbeing

As noted, the proposal will not introduce any new or intrusive use within this business-oriented and residential area as the 'business' status of the property will be maintained and enhanced via the rezoning of the subject property.

It must again be noted that proposed additions / alterations are not considered to be intrusive in nature, as they merely provide additional office space to the property and increased amenity in terms of the roof structure atop the existing ablution blocks. It can therefore be noted that the proposed building work are to be used in a similar manner to that of the rest of the property, thus not introducing any new uses or activities on the subject property.

Accordingly, workers on both the subject property and surrounding properties would be able to continue enjoying the unique character and amenity offered by this area. It is therefore concluded that the proposal as a whole will not negatively impact on adjacent properties, their rights, the character of the surrounding heritage and residential area, experience or general amenity of the surrounding area, and that it will not impact negatively on the safety, health or wellbeing of the surrounding community.

- Traffic Impact and Parking

Although the application at hand includes a permanent departure in terms of parking availability, it must be noted that the access point onto the subject property is to remain in its current location and unchanged by the application at hand, thus not physically impacting the proposal in a negative manner in this regard. However, as a shortfall of on-site available parking is included in this application, it can be stated that the proposal may have an impact on parking-related concerns such as parking. As such, the proposal is also not expected to negatively impact on traffic-related concerns.

- Impact on External Engineering Services

As no new use or an increase in dwelling units are proposed, the property will retain its business-oriented nature, and no additional service connections / usage is required.

- Impact on Biophysical Environment and Heritage

The subject property is not located in a HPOZ, is graded 3B and the existing (street-facing) building exceeds 60 years in age. However, as discussed in this report, no heritage authorisation is required as the proposal at hand seeks to impact structures that do not affect the heritage nature of the street-facing buildings.

As the subject property is located within the urban edge, conventional urban development is promoted. The property also contains very limited environmentally significant features, and no vegetation will be removed in order to accommodate the application. Accordingly, no authorisation is required in terms of environmental legislation.

4. REASONS FOR SUPPORTING THE PROPOSAL

In terms of Section 99 of the MPBL, the following should be noted:

- The proposal complies substantially with the MSDP and Southern District Plan.
- The proposed rezoning is in keeping with the existing zonings of the surrounding area and is not expected to result in 'spot-zoning'.
- Given the application made and its complete adherence to the legislation specified in this report, the application complies with the requirements of the MPBL.
- The proposal corresponds with the criteria and intent of the DMS, and approval of the departure will not have the effect of granting the development rules of the next subzone.
- The proposal will not negatively influence the heritage and business-oriented character and experience of the surrounding area; and will have not have any negative impact on surrounding properties.
- Given the assessment above and for the reasons provided, it can be concluded that the proposal is desirable in terms of the relevant consideration criteria of Section 99(3) of the MPBL.

5. CONCLUSION

In the light of the above, it is hereby respectfully requested that the application be approved in terms of Section 98 of the MPBL.

We trust that this application will receive your favourable consideration. Should you have any queries, please do not hesitate to contact us.

Kind regards,
Pieter-Jan Rossouw | BSTP

 BLACK SQUARE TOWN PLANNING	PIETER-JAN ROSSOUW [BSc.URP] Junior Town Planner
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