



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500166744

**Erf 7058, 42 Bosbok Weg, Wairoa,
Durbanville**

Development Management

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AMENDED MOTIVATION REPORT

APPLICATION FOR REZONING AND SUBDIVISION OF

ERVEN 7058 & 7060 DURBANVILLE,

42 & 12A BOSBOK WAY, DURBANVILLE

-NORTHERN DISTRICT-

1. SUMMARY OF APPLICATION

Application is hereby made on behalf of our client, _____ for the rezoning and subdivision of Erf 7058 and Erf 7060, situated at 42 and 12A Bosbok Way, Durbanville, respectively, to permit group housing developments of 3 and 7 units.

In November 2015, the City approved under Case ID: 70172689 the rezoning and subdivision of the above-mentioned properties, which were Council owned, to permit a group housing development. The Property Development Department of the City of Cape Town managed the land in question and where responsible in the selling of the properties to our client during the course of 2019.

The approved development consisted of two portions on Erf 7058 and a further six portions on Erf 7060 under a General Residential (GR1) zoning. Following the sale of the property concerned to our client our firm discovered that the approval of the rezoning and subdivision where about to lapse.

On 23 December 2019, approval was granted under Case ID 70487203 to extend the validity of the above-mentioned application in favour of the City of Cape Town. The approval noted that the *Council resolution obtained on 31 July 2019 required an extension of validity to allow sufficient time for the closure of the Public Place and implementation of the approval*. A five-year extension was granted, with the application lapsing on 27 November 2025.

The properties were sold by public auction on 11 June 2020 to our client, _____ as recorded in Deeds of Transfer _____ respectively.

Council's delay in disposing of the land after the initial 2015 approval, together with the subsequent approved extension and discrepancies in the approved subdivision annexures, affected our client's ability to timeously prepare the required SDP, Building Plan submission, and develop the properties in accordance with the approved conditions as per the attached annexure.

During a preliminary submission of a Site Development Plan which was in accordance with the Approved layout the Roads Department refused to support the Approved Subdivision Plan indicating a 4m wide road width. The attached SG Plan shows the registered erven and roads at 4m wide.

Despite long extensive arguments the Roads and Stormwater officials insisted that the Road width be a minimum of 5.5m which may the Group Housing Development proposed impossible to comply with. Regrettably the delays caused by the internal Departments of Council has resulted in a new Rezoning and Subdivision application.

The proposed application does not differ materially from the previously approved application, except for the road design changes and marginal increase in densities. The desirability and planning merits have already been established, with recent amendments to the MPBL providing further support for increased densities.

The report will show that the proposal is desirable and satisfies the adjudication criteria as set out in the City of Cape Town's Municipal Planning By-Law, 2015 ("MPBL").

2. NATURE OF APPLICATION

The following applications are required in terms of Section 42 of MPBL to permit the proposed development:

- Section 42(a) for the Rezoning of the properties from Open Space (OS2) to General Residential (GR1)
- Section 42(d) for the Subdivision of Erf 7058 into 3 portions.
- Section 42(d) for the Subdivision of Erf 7060 into 7 portions.

3. PROPERTY SPECIFICS

3.1 Ownership:

3.2 Registered Description:

3.2.1 **ERF 7058 Durbanville**, (Title Deed No. located at 42 Bosbok Steet measuring 1186 (one thousand one hundred and eighty-six) Square metres.

3.2.2 **ERF 7060 Durbanville**, (Title Deed No. located at 12A Bosbok Steet measuring 2969 (two thousand nine hundred and sixty-nine) Square metres.

3.3 Current Zoning: Open Space (OS2), previously GR1

3.4 Proposed Zoning: General Residential Subzoning 1: Group Housing (GR1)

3.5 Zoning Scheme: City of Cape Town (DMS)

3.6 Title Deed Restrictions: None Applicable

3.7 Surrounding Zonings: Residential Zoning 1: Conventional Housing (R1), General Residential Subzoning 1: Group Housing (GR1), General Residential Subzoning 2, Open Space (OS2)

3.8 Surrounding Densities: Low to Medium density residential interspersed with Medium Density Group Housing Developments

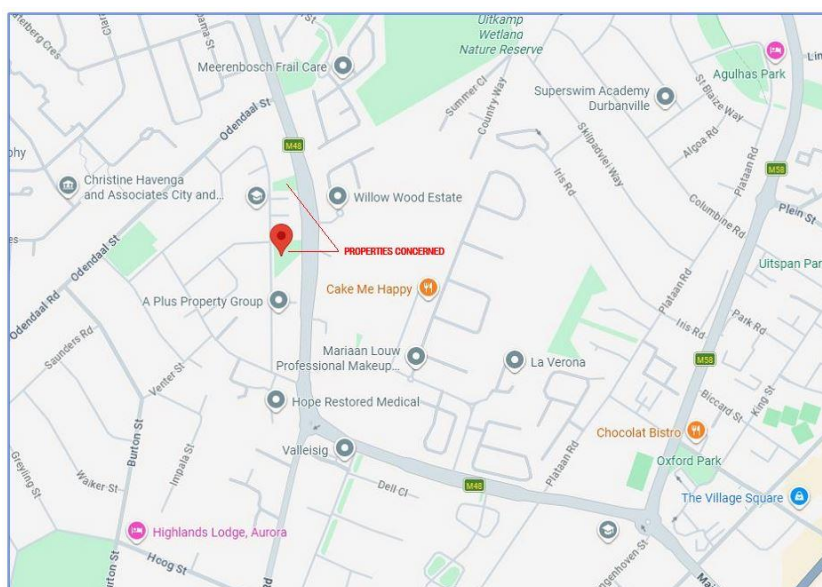


FIG 1: LOCALITY MAP



FIG 2: AERIAL PHOTOGRAPH (Source: City of Cape Town Zoning Map Jan 2023)

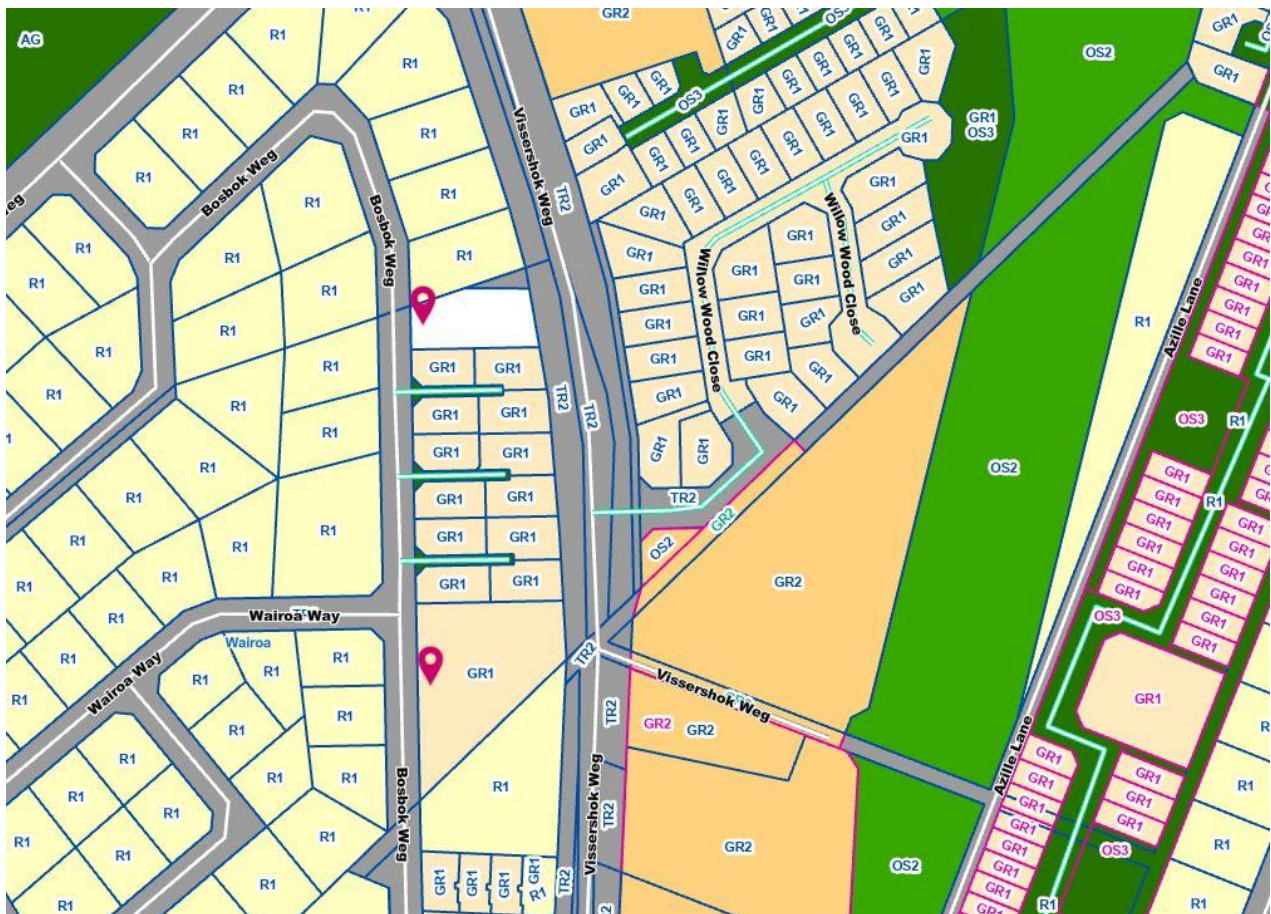


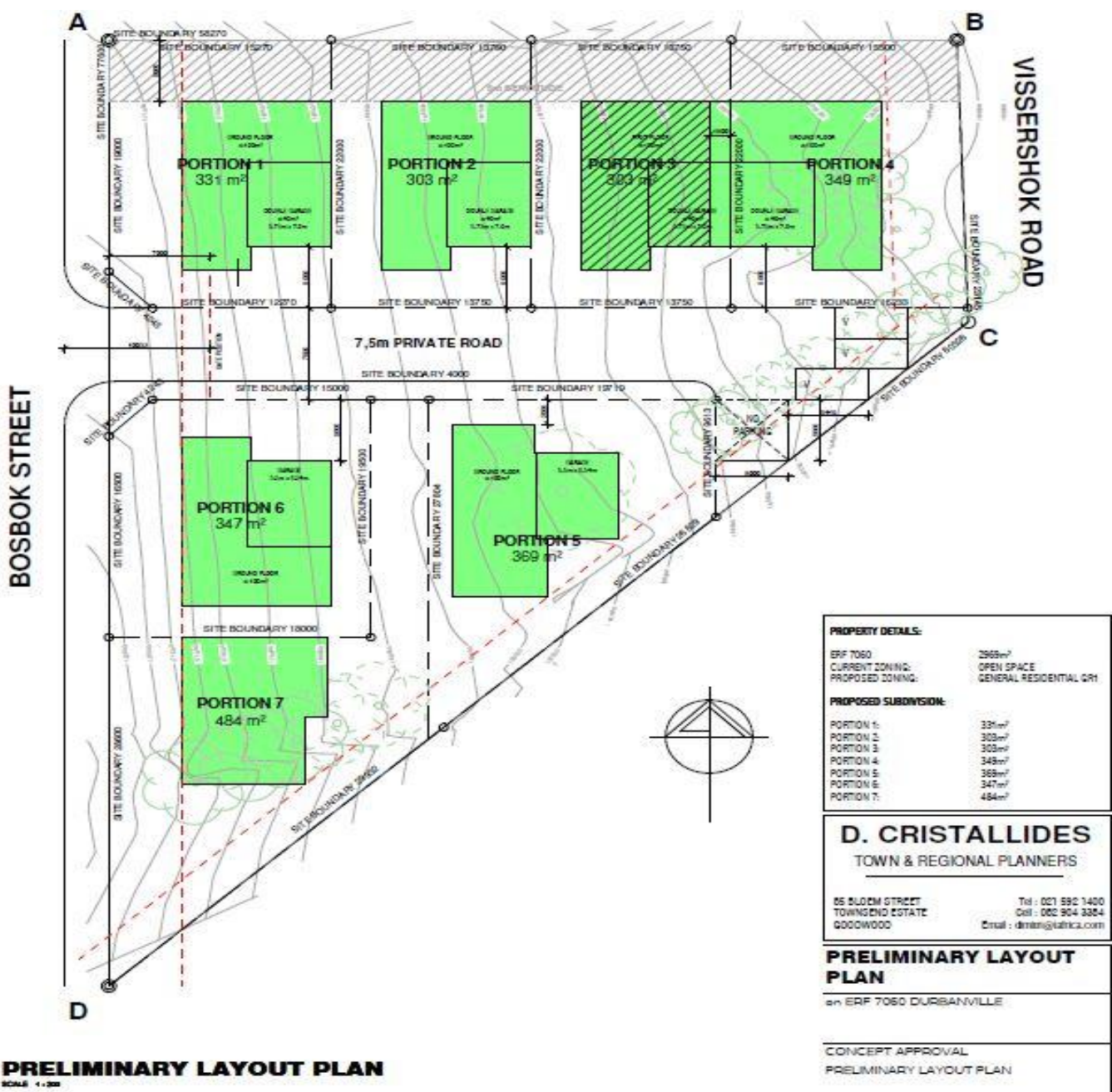
FIG 3: ZONING MAP EXTRACT (Source: City of Cape Town Zoning Map)

The proposed subdivision adds one portion to the previously approved layout, resulting in a density of 25 dwelling units per hectare (du/ha). This remains well below the 35 du/ha permitted by the MPBL for a General Residential (GR1) zoning and is considered appropriate within the surrounding context.

5.3 Application for Subdivision of Erf 7060

Application is made in terms of Section 42(d) of the MPBL for the subdivision of Erf 7060 into 7 portions, as indicated below, with plots measuring as follows:

- Portion 1: 331 (three hundred and thirty-one) Square metres
- Portion 2: 303 (three hundred and three) Square metres
- Portion 3: 303 (three hundred and three) Square metres
- Portion 4: 349 (three hundred and forty-nine) Square metres
- Portion 5: 369 (three hundred and sixty-nine) Square metres
- Portion 6: 347 (three hundred and forty-seven) Square metres
- Portion 7: 484 (four hundred and eighty-four) Square metres
- Remainder Private Road



is considered appropriate within the surrounding context. All proposed portions will access the private road via a single access and egress point on Bosbok Street. In line with previous engagement with Council, the development provides sufficient internal turning space to prevent vehicles from reversing into Bosbok Street.

6. ADJUDICATION

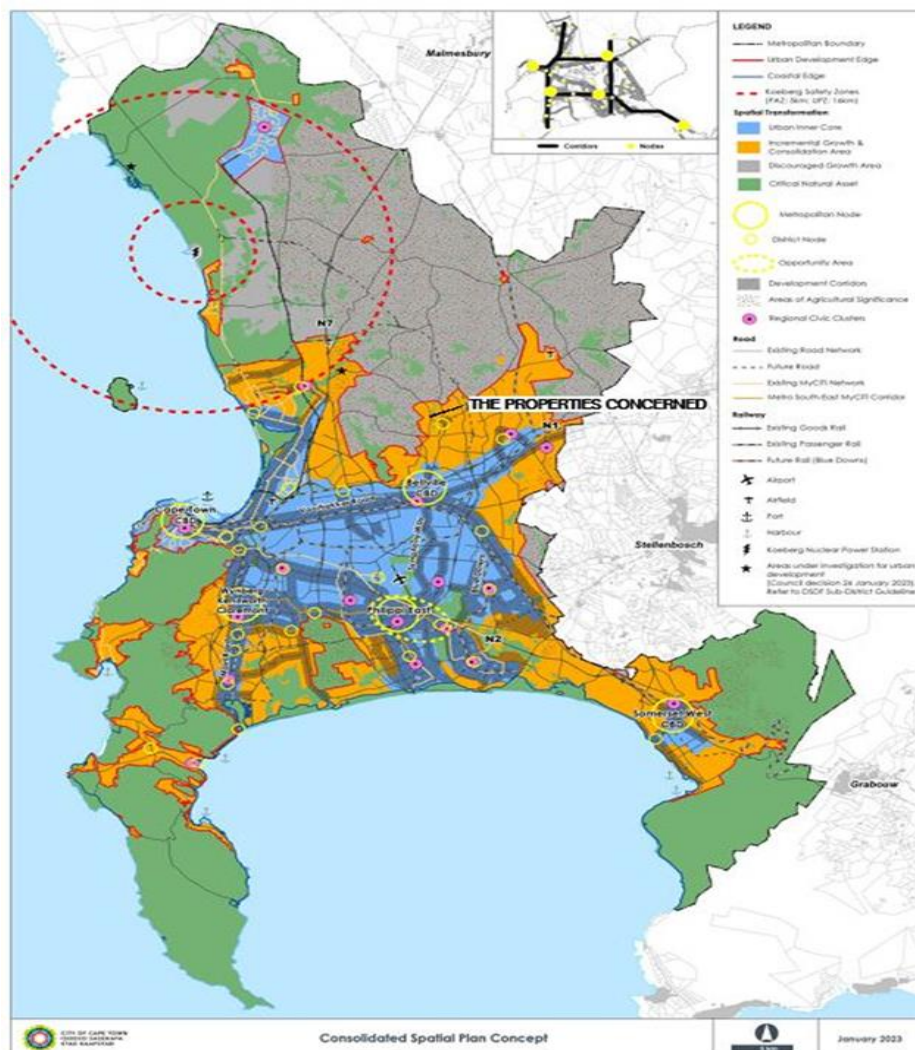
6.1 LUPA & SPLUMA

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.

As no restrictive conditions are proposed to be removed, suspended or amended, this section is not directly applicable to the application. However, the relevant principles have been considered and are highlighted below:

- a) The need to promote land development in locations that are sustainable and limit urban sprawl.
- b) Support developments that optimize the use of existing resources and infrastructure.
- c) Promote developments that support job creation and enable residential environments that improve the quality of life.

6.2 SECTION 99 of the MPBL



The application for Rezoning and Subdivision must be assessed in accordance with Section 99 of the By-Law.

6.2.1 MOTIVATION IN TERMS OF SECTION 99 (1) of the MPBL

Section 99(1) of the MPBL states that an application must be refused if it fails to comply with certain minimum threshold requirements.

(b) the proposed land use must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;

The property, at a municipal scale, falls within the identified “Incremental Growth & Consolidation Area (IGA)” and accordingly the proposed development is deemed consistent with the MSDF 2023 Policies 9 and 23 respectively which promote “*incremental intensification and diversification in support of inward growth predicated on the public transport infrastructure.*” The proposal is thus **consistent with the principles contained within the municipal spatial development framework.**

(d) in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone.

Not applicable to this application.

The proposed development should not be refused as it complies with the minimum threshold requirements, as shown.

6.2.2 MOTIVATION IN TERMS OF SECTION 99 (2) of the MPBL

Section 99(2) states that if an application is not refused under subsection (1), when deciding whether or not to approve the application, the decision maker must consider all relevant considerations including, where relevant, the following –

(a) any applicable spatial development framework;

The proposal complies with the applicable spatial development frameworks which in essence encourage residential densification in established urban areas, eg:

- i) The Provincial Spatial Development Framework (**PSDF**) actively promotes residential densification and appropriate land use intensification across the Province and the City to promote a variety of housing options and dwelling sizes within any one area.
- ii) The Municipal Spatial Development Framework (**MSDF**) was approved by Council on 23 January 2023 and sets out the City’s spatial vision and development priorities so as to achieve a reconfigured, inclusive spatial form for Cape Town.

The property concerned is situated in the “Incremental Growth & Consolidation Area” Spatial Transformation Area (STA) in close proximity to the Durbanville district node. This STA is targeted for incremental intensification (density and diversity) via subdivisions, second and third dwellings and rezonings.

INCREMENTAL GROWTH AND CONSOLIDATION AREAS	
PRINCIPLE	City and public sector are committed to conserving existing and new communities. New development subject to capacity of bulk engineering infrastructure (MPBL 5 99 (3) (e)).
INVESTMENT PARTNERSHIP	City and public sector prioritisation and implementation of planned maintenance and upgrading of external and bulk engineering infrastructure and networks. Development Contribution policy applies. Internal- and link-engineering infrastructure for the cost of the developer, subject to MPBL Section 65 determination of responsibility of engineering services. Bulk infrastructure as partnership between the City and the private sector. Administered per MPBL and implemented as Conditions of Approval.
INFORMANTS	Existing built-up area of the city that is not immediately framed by structuring elements (such as development corridors and nodes). Existing built footprint of the city and latent approved land use rights. Anticipated land development requirements for the medium term within the context of urban growth management. Bulk Infrastructure Master Plan and modelled areas include: - Infrastructure master planning areas 20-year future land use scenarios (excluding 26 Jan 2023 additions by Council) - IPIN modelling
DESIRED SPATIAL OUTCOMES & LAND USE GUIDELINES	- Diverse and dense land uses, where bulk engineering infrastructure allows. - Diversification of mono-use residential patterns and cross subsidisation for the provision of social infrastructure - Incremental intensification (density and diversity) via subdivisions / 2nd and 3rd dwelling and rezoning - Public sector investment in existing and future human settlements permitted - Maintenance of existing infrastructure, and development according to infrastructure capacity and associated CAPEX / lifecycle costs - Spatial manifestation of the following legislative requirements per SPLUMA and MPPM regulations²⁰, including areas where: - Priority is given to coordination, alignment and integration of sectoral master planning and policies; - Implementation of public and private land development supportive of spatial transformation; - Consolidation and diversification of land uses in support of city growth; - Differentiated intensification guidelines outlined in Table 5.6; - Intensification is subject to provisions within MPBL (Section 64-66); - Secondary, but crucial focus area for a wide variety of affordable housing priority areas and land release strategies; - Incremental upgrading approach to development is applicable; - Detailed local plans are developed for sub district areas in need of spatially targeted interventions through applicable District and Local SDFs and development guidelines - Medium- to high priority can be given to the capital infrastructure projects and programmes with specific reference to new infrastructure in areas earmarked for future development within the UDE. - Optimized design and utilisation of social or community facilities as well as public open spaces and ecological corridors (considering IGCA is prone to densification, diversification and intensification of land uses). - Open space corridors and pockets of agriculturally zoned land should be retained to provide much needed opportunities for active and passive recreational space, urban agriculture, and tourist activities in close proximity to residential areas with increasing densities.

²⁰ SPLUMA section 21 (i, j, k, l, m and n) and MPPM regulations (2001), Chapter 2, section 2 (4)(i),(ii),(iv) and (v).

Other relevant sections of compliance include the following:

SPATIAL STRATEGY 1: PLAN FOR EMPLOYMENT AND IMPROVE ACCESS TO ECONOMIC OPPORTUNITIES

Sub-Strategy 1.2: Integrate Land-Use, Economic activities and transport planning that support the sustainable operation of the public transport network

“Applicable Policy 9: Plan for incremental land use intensification and diversification in support of inward growth predicated on the public transport infrastructure, as outlined in Table 5.6.”

“P9.1 Plan for phasing of contextually appropriate land use diversification and intensification along development corridors and nodes and informed prioritised and phased bulk engineering infrastructure provision.”

SPATIAL STRATEGY 3: BUILD AN INCLUSIVE, INTEGRATED, VIBRANT AND HEALTHY CITY

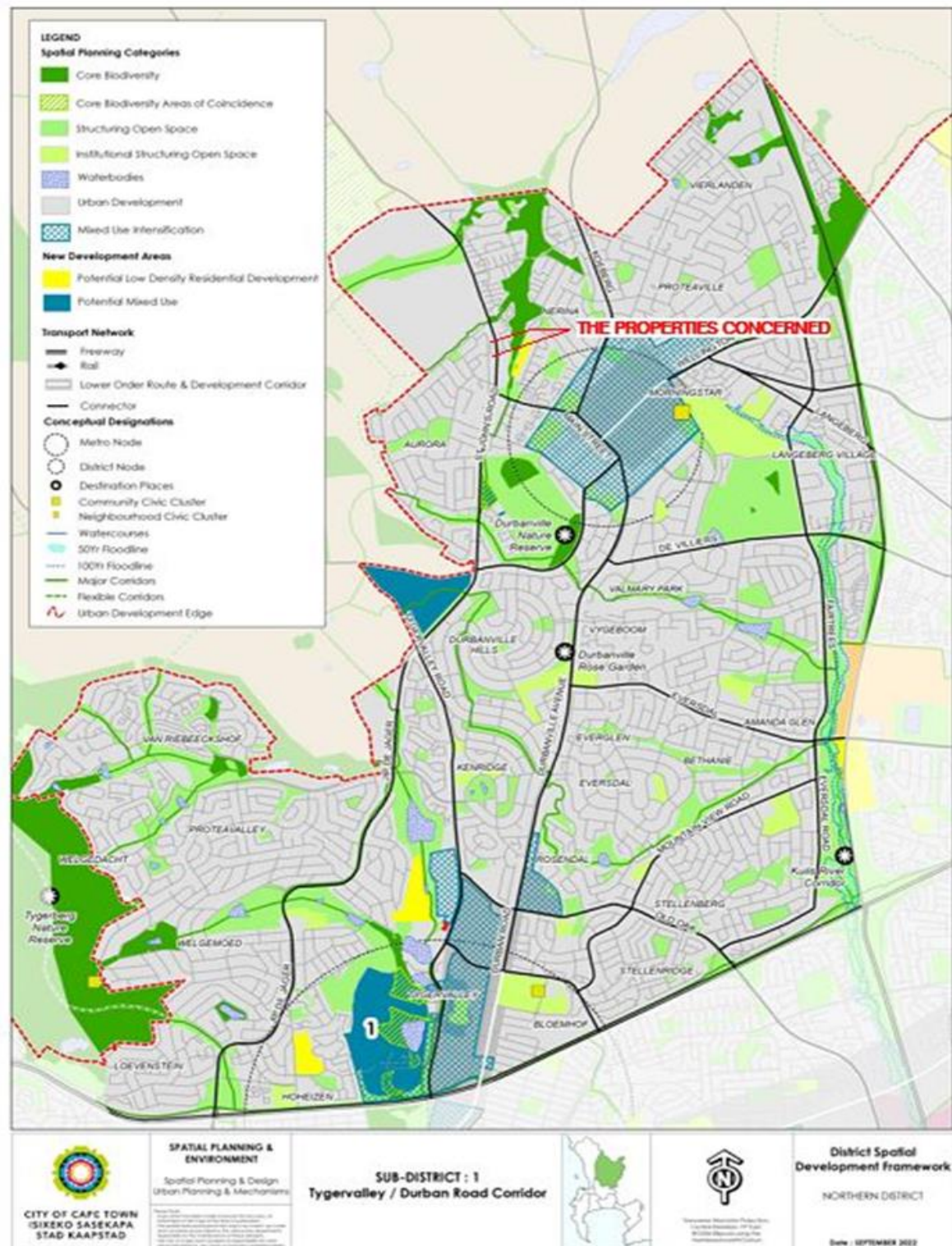
Sub-Strategy 3.1: Encourage integrated settlement patterns

“Applicable Policy 23: Support the integrated intensification and diversification of land uses in identified areas, supportive of inward spatial growth, economically and incrementally.”

Map/Table reference: Maps 3.3, 3.4 and 5d

“P23.2 Ensure urban growth towards a more integrated and accessible city by supporting appropriate urban development and land use intensification within the urban inner core and incremental growth areas. Decision-making that considers inward, contextually appropriate, transit-supportive land use intensification as guided by the Differentiated Intensification Guidelines (Table 5.6).”

- iii) The MSDF guides the proposal contained in the more detailed Northern District Plan 2023. The properties in question fall within Sub-District 1: Tygervalley Node and Durban Road Corridor Land-use Guidelines. The relevant sections listed below support the appropriate densification principles achievable via rezoning and subdivision.



**DISTRICT DEVELOPMENT GUIDELINES
SPATIAL PLANNING CATEGORY (SPC):**

a) URBAN DEVELOPMENT GENERAL - ALL AREAS

*“3. Support the incremental intensification of urban areas where appropriate. This should be guided by suitability of the area for land use intensification, such as surrounding neighbourhood character and density; access to public transport; proximity to places of employment, services, and social facilities; proximity to public open space, and infrastructure availability (existing and planned). In this regard, the provisions of the approved Densification Policy also apply.”
(Northern District Plan – Technical Report 2023 – p62)*

This should be guided by available infrastructure capacity, neighbourhood density and character, proximity to job opportunities and social facilities. The proposal therefore complies with the broader vision and goals of the CTMSDF 2023 in as much as it will allow for improved urban efficiency through densification.

(b) any relevant criteria contemplated in the development management scheme;

The application complies with relevant criteria contemplated in the DMS; all necessary documents as required by the City are submitted with the application and the proposal is desirable when assessed in terms of the adjudication criteria.

(c) any applicable policy or strategy approved by the City to guide decision making, which includes the Social Development Strategy and the Economic Growth Strategy;

As demonstrated above, the proposal is compliant with forward planning legislation such as the MSDF & the District Plan.

The proposal further complies with relevant City policies, for example:

i.) DENSIFICATION POLICY

In terms of the City's approved **Densification Policy (2012)**, residential densification is considered a necessary step to sustain and improve the valuable natural, urban and rural environments of Cape Town. The densification of urban areas is desirable for several reasons which include, but are not limited to, the containment of urban sprawl, supporting the development of and sustaining a viable public transport system and improving housing patterns and the choice of house types and tenure options. When evaluating the suitability of a higher density development in a specific area, the general land use character of the area must be taken into consideration to ensure that the proposal fits in with the surrounding environment, ie the form and design of the development must be compatible with both the built and natural environments surrounding it. If this can be achieved without negatively altering the existing built context (as is the case with the proposal for Erf 5478), the proposal should be supported.

Further motivation for densification as per the City's densification policy, should include the following:

DENSIFICATION POLICY 6:

“The determination of the appropriate location, height, scale, form and orientation of a higher-density development in a particular location should be guided by the density decision-making framework. The following factors must be considered” (p.10).

“Contextual informants related to the development application and its immediate surroundings, such as the natural environment, land use, built and heritage character, infrastructure availability and capacity, and socioeconomic considerations, should determine the densities appropriated in a specific location (see table 6).” (p.10).

Densification reduces the consumption of valuable/non-renewable resources. By encouraging development upwards rather than outwards, densification helps reduce the consumption of valuable resources such as

agricultural land, areas of mineral potential, aquifer recharge areas and valuable biodiversity areas. It can also reduce the consumption of non-renewable fuels by lessening car dependence.

Densification supports the development of a viable public transport system. Higher densities, accompanied by increased population thresholds and mixed-use developments, support the efficient functioning and viable provision of public transport services, especially on major linehaul routes for mass and rapid transit.

Densification makes the city more equitable. Higher densities in appropriate locations, especially those close to urban opportunities (services, facilities, jobs) and public transport, help rationalize the housing pattern in the city, and improve access to the City's amenities and facilities. They help reduce travel distances and times, as well as the associated costs.

Densification facilitates economic opportunities and supports service provision. Higher densities, accompanied by increased population thresholds, create sufficient consumers to generate the development of economic opportunities, social facilities and services, and enable cost-effective provision and optimal use of infrastructure, especially where there is excess service capacity or where increased thresholds are required to provide services and infrastructure.

Densification improves housing patterns and choice of house type. A mix of residential densities ensures diversification and choice of housing types and tenure options.

Densification contributes to urban place-making and safety. Appropriately designed and located higher densities (in terms of form, scale, height, orientation) 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).

The proposed development is therefore deemed to be consistent with the City's Densification Policy as it complies with the criteria laid down in terms thereof.

ii.) URBAN DESIGN POLICY

The application aligns with several objectives of the City of Cape Town's Urban Design Policy (2013), particularly those relating to development intensity, diversity and adaptability. The proposal makes efficient use of the site and optimizes its development potential within the local context. The relevant objectives are outlined below.

OBJECTIVE 3: Ensure that developments contribute to the creation of safe and secure communities. The development increases passive surveillance of the public realm.

OBJECTIVE 4: To ensure opportunities and amenities are accessible and that people can move about easily and efficiently. The proposed development enables 10 new families to benefit from the access to public schools, churches, parks and shopping facilities within walking distance of the site.

OBJECTIVE 5: Relates to the promotion of development intensity, diversity and adaptability which the proposal seeks to respond positively to this opportunity. The proposal will make efficient use of the site and optimise residential development through the intensification of appropriate land in response to the elements of the urban structure. The proposal fits and contributes positively to the surrounding built fabric by promoting integration and creating a more legible urban place in the neighbourhood. Ultimately this proposal will reinforce the residential character of this area that already contains a mix of residential property sizes.

The proposal is therefore consistent with the objectives of the Urban Design policy.

iii.) SOCIAL DEVELOPMENT(SDS) & ECONOMIC GROWTH STRATEGY(EGS)

The City's Social Development Strategy (SDS) & Economic Growth Strategy (EGS) have been established to address some of the major socio-economic ills affecting growth and development within Cape Town. The aim of these strategies is to generate suitable income opportunities for excluded groups whilst encouraging economic growth and development required to establish a competitive city.

The proposed development is consistent with these strategies for the following reasons:

- It ensures that growth is environmentally sustainable as the proposal is situated within a designated urban area.
- It will positively contribute to the economic growth of the area.

iv.) INTEGRATED DEVELOPMENT PLAN

The proposal aligns with relevant aspects of the Integrated Development Plan, 2017 to 2022 (IDP), by supporting modest densification within an established urban area.

(d) the desirability of the proposed use or development of land as contemplated in subsection (3);

The application is deemed to be desirable and will be assessed thoroughly in the section below.

(e) impact on existing rights (other than the right to be protected against trade competition);

The development of the property is considered desirable and will not impact on any rights for the following reasons;

(f) in an application for the consolidation of land unit

Not applicable as no consolidation of land is proposed.

(g) Other considerations prescribed in relevant national or provincial legislation, which include the development management principles as contained in section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013).

The Principle of Spatial Sustainability – the development is located in an existing urban area which is deemed sustainable and will contribute to limiting urban sprawl.

The Principle of Efficiency – The development by increasing the densities optimizes the access and use of existing resources and infrastructure.

The Principle of Good Administration – This proposal has been processed in accordance with all relevant legislation.

6.2.3 MOTIVATION IN TERMS OF SECTION 99 (3) of the MPBL

Section 99(3) of the MPBL requires that the proposed land use be assessed in terms of the following desirability criteria:

(a) Socio-economic impact:

The rezoning and subdivision will support the local building industry, create much-needed employment opportunities and provide housing in an area where demand is high. It will also promote positive economic growth, make more efficient use of a scarce land resource and contribute to urban renewal, thereby supporting a healthy residential environment.

(b) Compatibility with surrounding uses:

The proposed development is consistent with the area's residential character, as the proposed erf and dwelling sizes are compatible with the surrounding residential fabric in Aurora, Durbanville.

Since the previous approvals, several developments in the area have made use of MPBL amendments introducing third-dwelling rights on Residential R1-zoned properties. The subject properties are also bordered by group housing developments of comparable density.

For example, the Lily's Hill development with a density factor of 25du/ha includes properties ranging from 291m² (Erf 19830) to 341m² (Erf 19828), located near erven exceeding 1,000m². This variation reflects the mixed erf and dwelling sizes that characterize the area.

(c) Impact on external engineering services:

No adverse impact on engineering services is anticipated. The previous approvals confirmed that sufficient services capacity exists in the area, and the addition of two plots is expected to have a negligible impact. The application will nevertheless be circulated to the relevant services branches for comment, and a development contribution levy will be payable in respect of the increased development rights.

(d) Impact on safety, health and wellbeing of the surrounding community:

The land is currently vacant and presents a security concern. The proposed development will improve the surrounding area and is therefore considered to be in the community's interest.

(e) Impact on heritage:

The properties are not located within a Heritage Protection Zone and are currently vacant. The proposal is therefore not expected to have any heritage impact.

(f) Impact on the biophysical environment:

The proposal is not expected to negatively affect the biophysical environment and does not trigger any approvals under the National Environmental Management Act.

(g) Traffic impacts, parking, access and other transport related considerations:

As the proposed access points remain largely unchanged, the previous Transport Department comments remain relevant. *"The proposed access to the properties is supported by Transport for Cape Town. Considering the limited number of units proposed, the traffic generation is regarded as minimal and can easily be addressed by the existing transport network"*. The proposal will comply with the development rules of the applicable zoning scheme as it relates to parking ratios and be addressed at a site development plan stage.

The surrounding road infrastructure is deemed sufficient to accommodate the potential increase in traffic and no negative impact in this regard is envisaged.

(h) Whether the imposition of conditions can mitigate an adverse impact of the proposed use or development of land:

While we are of the opinion that the proposal will not have any adverse impact which should be mitigated against, the City may impose conditions of approval if deemed warranted.

5 CONCLUSION

This report demonstrates that the application complies with LUPA, SPLUMA and Section 99 of the MPBL. When considered together with the previous approval documents, and given that the proposal adds only two units, the proposed densification is considered desirable. It aligns with approved planning documents and policies, remains compatible with the built environment, and will not negatively affect the public or existing rights. Accordingly, the application should be supported by Council.

GENERAL NOTES

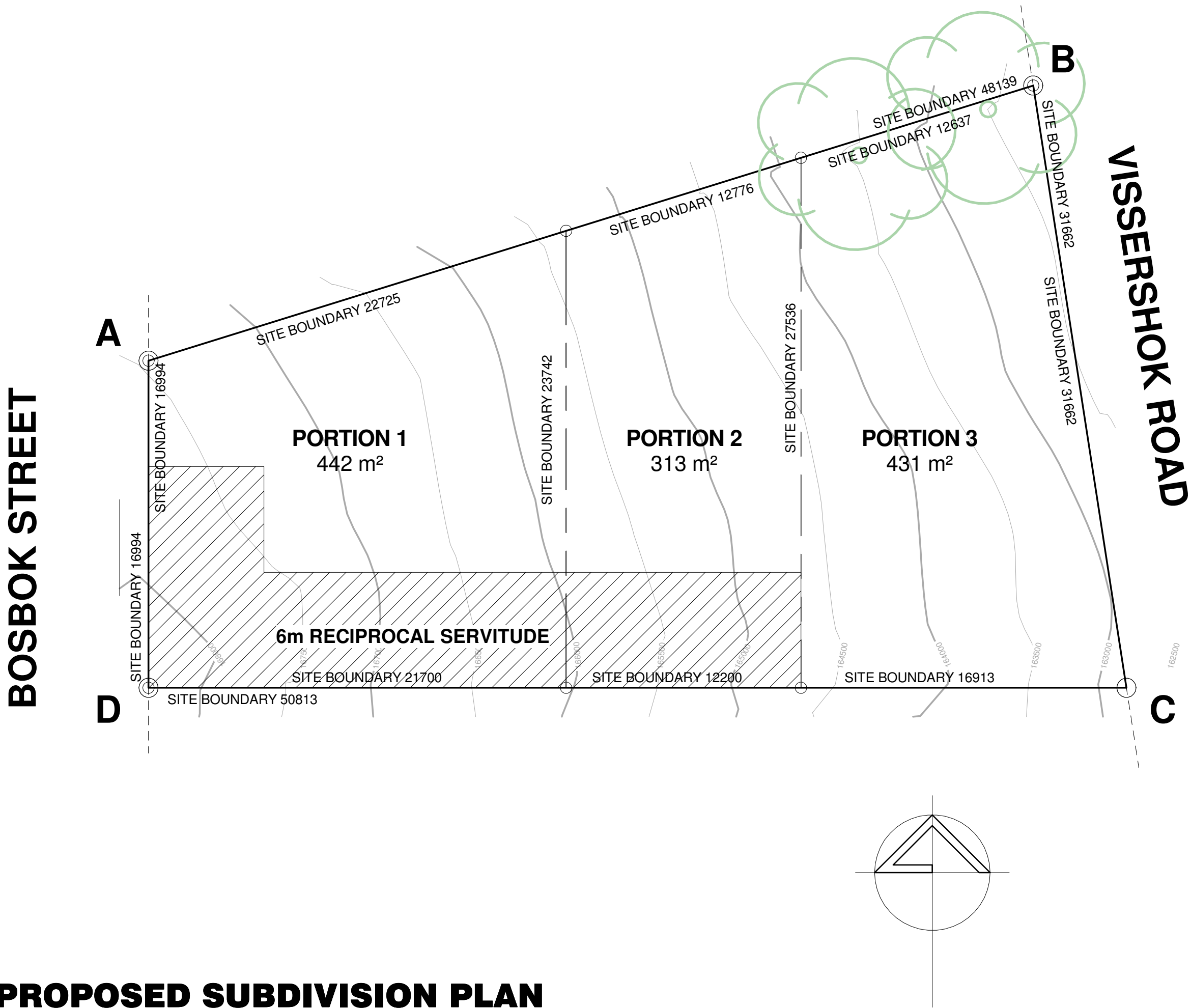
ALL DIMENSIONS INDICATED ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY.

PROPERTY DETAILS:

ERF 7058	1186m ²
CURRENT ZONING:	OPEN SPACE
PROPOSED ZONING:	GENERAL RESIDENTIAL GR1

PROPOSED SUBDIVISION:

PORTION 1:	442m ²
PORTION 2:	313m ²
PORTION 3:	431m ²



PROPOSED SUBDIVISION PLAN

SCALE 1 : 200

D. CRISTALLIDES
TOWN & REGIONAL PLANNERS

85 BLOEM STREET
TOWNSEND ESTATE
GOODWOOD

PROPOSED SUBDIVISION

on ERF 7058 DURBANVILLE

MUNICIPAL APPROVAL
PROPOSED SUBDIVISION PLAN

DATE	SCALE: (A2)	REVISION No.	DRAWING No.	PROJECT No.
03 SEPT 2026	1 : 200		SP01 - 7058	2611