



TDA
CAPE TOWN

The City of Cape Town's Transport
and Urban Development Authority

DEVELOPMENT MANAGEMENT

JOY SAN GIORGIO
SENIOR PROFESSIONAL OFFICER

T: 021 400 6453 F: 021 421-4665
E: comments_objections.tablebay@capetown.gov.za
Case ID: 70320625

BLUM010

2017-04-11

The Owner/Occupant

Dear Sir / Madam

PROPOSED DELETION/AMENDMENT OF RESTRICTIVE TITLE DEED CONDITION, DEPARTURES AND DELETION/AMENDMENT OF CONDITIONS GRANTED IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BYLAW IN RESPECT OF CONSOLIDATED ERF 4211 (FORMERLY ERVEN 3079 AND 3116), 187 – 213 FOREST DRIVE EXTENSION PINELANDS

The City of Cape Town has received the following planning application for consideration:

Application number

70320625

Applicant / Owner's details

Neil Schwartz Town Planning

Erf number or erven numbers

4211 (formerly erven 3079 and 3116), Pinelands

Description and physical address

187 – 213 Forest Drive Extension, Pinelands (as shown on the attached locality plan)

Purpose of the application:

It is proposed to develop the property by accommodating 700 dwelling units for the general public. In addition thereto to accommodate Places of Instruction, community related activities, shops and offices on the property. On-site parking will be accommodated, albeit that there will be shared parking between the proposed uses. The proposal will be accommodated on the existing golf course site and on the immediate abutting property to the east thereof. The proposal entails the following applications:

1. Departures required from the provisions of Item 19 (i.e. Annexure B referenced as Special Zone B: Mutual Park as contained in the former Pinelands Zoning Scheme which still have relevance) read with Item 60 of the Development Management Scheme:

 - From Section B.3.1, B.3.2, B.3.3, B.3.4 and B.3.5 of Annexure B referenced Special Zone B: Mutual Park as referred to above to permit blocks of Flats, Places of Instruction, Place of Assembly (community hall/club facilities) and Business Premises (shops and offices) as a primary right in

MEDIA CITY BUILDING, 2ND FLOOR,
CNR ADDERLEY STREET AND HERTZOG BOULEVARD CAPE TOWN, 8001

the Special Zone B Annexure in lieu of Insurance Office, Blocks of Flats, Residential Building and Group house;

- From Section B.8.1 of Annexure B referenced Special Zone B: Mutual Park as referred to above to permit a building line of 0m in lieu of 4.5m and 7.5m for the portions of the proposal which do not abut onto a railway line;
- From Section B.9.1 to permit the provision of a combined total of 525 parking bays, in lieu of 1644 parking bays, for dwelling units, Places of Instruction, Places of Assembly and Business Premises (shops and Offices).

2. The deletion/amendment of the following restrictive title deed conditions:

In respect of portion of the property formerly Erf 3079 (now part of consolidated erf 4211), Pinelands contained in title deed

- T6936/1958
- Deed of Transfer No. 8128/1952, by Notarial Deed No. 270/58 dated 30/12/57
- Deed of Transfer No. 15066 dated 6th October 1950, by Notarial Deed No. 270/58 dated 30/12/57
- T8128/1952
- Notarial Deed K270/1958S as amended by Notarial Deed K579/1975S

Restrictive conditions to be deleted relate to

- Conducting the business of an Insurance Society; the right to erect offices and other buildings necessary for the carrying on of such business
- The right to erect hostels, flats or houses for occupation as tenants by employees of the land owner
- The right to erect a cafeteria and a social and sporting club to provide a means for recreation – for the use of its staff and their families;
- The right to have a bank agency, hairdressing salon and garage for the exclusive use of staff
- The right to erect caretakers' cottages
- No building or portion thereof except boundary walls and fences shall be erected nearer than 25 feet (7,87m) to any street line which forms a boundary of these erven, nor within 15 feet (4,7m) of any boundary
- The offering of undeveloped land to Garden Cities prior to any other party
- The displaying of advertisements
- The right to lay and maintain underground pipes
- The prohibition of undertaking anything noisome, injurious or objectionable on the properties
- Keeping the undergrowth under control to prevent a nuisance

In respect of portion of the property formerly Erf 3116 (now part of consolidated erf 4211), Pinelands contained in title deed

- T1089/1959
- T5257/1955

Restrictive conditions to be deleted relate to

- Conducting the business of an Insurance Society; the right to erect offices and other buildings necessary for the carrying on of such business
- The right to erect hostels, flats or houses for occupation as tenants by employees of the land owner
- The right to erect a cafeteria and a social and sporting club to provide a means for recreation – for the use of its staff and their families

- The right to have a bank agency, hairdressing salon and garage for the exclusive use of staff
- The erection of buildings in accordance with Building Regulations of Garden Cities / buildings to be approved by Garden Cities and related administration
- The displaying of advertisements
- The prohibition of undertaking anything noisome, injurious or objectionable on the properties
- Keeping the undergrowth under control to prevent a nuisance

In respect of portion of the property formerly Erf 3116 (now part of consolidated erf 4211), Pinelands contained in title deed:

- T1089/1959
- T5257/1955

Restrictive conditions to be amended

From:

“(iv) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 20 ft. to the boundaries thereof.”

To:

“(iv) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 20 ft. to the boundary designated by the line BC on diagram SG Number 7795/1953 attached to T1240/1955.”

Enquiries

The application may be inspected at the office of the District Manager at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town during office hours.

Enquiries may be directed to [Joy San Giorgio, 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, telephone number:021 400 6453 and fax number: 021 421-4665] on weekdays from 08:00 to 14:30.

Objections, comments or representations

Any objection, comment or representation on the proposal, with reasons therefor, may be lodged at the following e-mail address: comments_objections.tablebay@capetown.gov.za (or submitted in writing to the office of the abovementioned District Manager) to be received before or on the closing date mentioned below.

Further details to accompany any objection, comment or representation

- 1) The application number and the following details of the person who is submitting the objection, comment or representation:
 - full name;
 - address, contact details and the method by which they may be notified;
 - their interest in the application.
- 2) The reason for the objection, comment or representation, including at least –
 - the effect that the application will have on a person or the area;
 - any aspect of the application that is considered to be inconsistent with policy, and how.

Closing date for objections, comments or representations

31 May 2017

No late comment or objection will be considered unless the City Manager has agreed thereto in writing.

Relevant legislation

This notice is given in terms of section 82 & 83 of the City of Cape Town Municipal Planning By-Law, 2015.

General

An objection, comment or representation which does not meet the requirements in this notice may be disregarded.

Objections, comments or representations form part of public documents and are forwarded to the applicant for response.

Any person who cannot write may come to the district office mentioned above during office hours where he or she will be assisted with transcribing any comment or objection and the reasons therefor.

Request for oral submission

Section 120(11) of the MPBL provides that a person may request the Municipal Planning Tribunal (MPT) to make an oral submission. For such request to be considered it must comply with the following requirements:

1. Must be a written request emailed to the following address : MPT.oralhearings@capetown.gov.za
2. Adequate reasons must be given for such request.
3. The request must be received at the above mentioned address at least 5 days before the MPT meeting that the application(s) will be considered, or closer to the meeting if good cause is shown.

To determine if you would like to make such request, you are directed to the following web link whereby the scheduled MPT meeting dates and the agendas are published: <http://www.capetown.gov.za/Family%20and%20home/meet-the-city/city-council/Meeting-calendar>.

Neem asseblief kennis dat ingevolge artikel 82(4) van die Stad Kaapstad se Verordening op Munisipale Beplanning, 2015, hierdie kennisgewing ook in Afrikaans of Xhosa beskikbaar is met 'n skriftelike versoek. Stuur die versoek na comments_objections.tablebay@capetown.gov.za binne sewe dae van die datum van hierdie kennisgewing.

Nceda uqaphele ukuba ngokungqinelana necandelo 82(4) loMthetho kaMasipala ongoCwangciso waseKapa, 2015, esi saziso siyafumaneka ngesiXhosa nangesiBhulu ngesicelo esibhalwe phantsi. Eso sicelo masingeniswe comments_objections.tablebay@capetown.gov.za kwiintsuku ezisixhenxe ukusuka kumhla wokukhutshwa kwesi saziso.

Yours faithfully

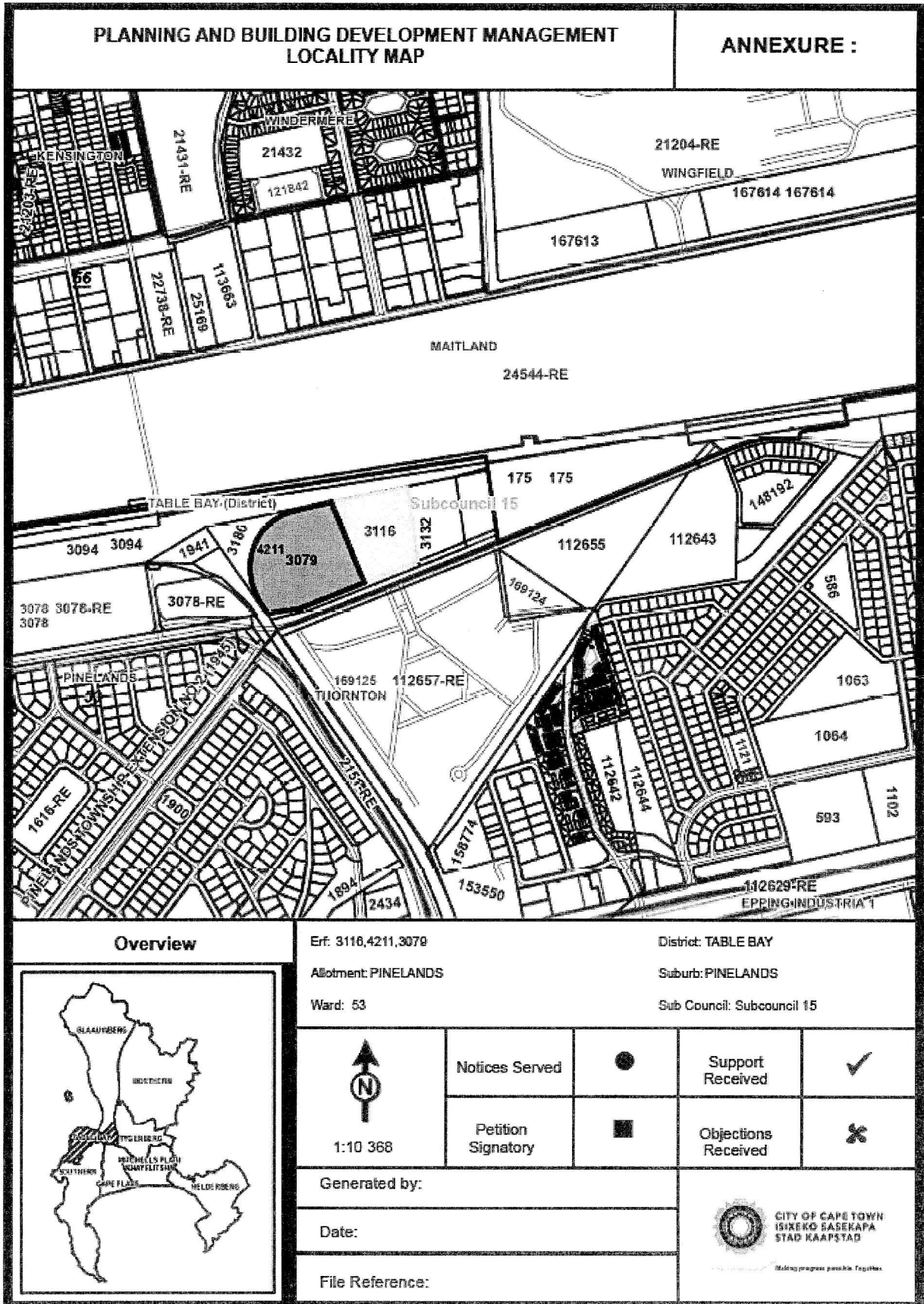


2017.04.11

15:16:04 +02'00'

for **DIRECTOR: PLANNING AND BUILDING DEVELOPMENT MANAGEMENT**

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT LOCALITY MAP		ANNEXURE :								
<p style="text-align: center;">Overview</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> </div>	<p>Erf: 3118,4211,3078</p> <p>Allotment: PINELANDS</p> <p>Ward: 53</p>	<p>District: TABLE BAY</p> <p>Suburb: PINELANDS</p> <p>Sub Council: Subcouncil 15</p>								
<div style="text-align: center;"> 1:5 184 </div>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Notices Served</td> <td style="text-align: center; padding: 2px;">●</td> <td style="padding: 2px;">Support Received</td> <td style="text-align: center; padding: 2px;">✓</td> </tr> <tr> <td style="padding: 2px;">Petition Signatory</td> <td style="text-align: center; padding: 2px;">■</td> <td style="padding: 2px;">Objections Received</td> <td style="text-align: center; padding: 2px;">✗</td> </tr> </table>	Notices Served	●	Support Received	✓	Petition Signatory	■	Objections Received	✗	<div style="text-align: center;"> CITY OF CAPE TOWN ISIXERO BASEKAPA STAD KAAPSTAD <small>Making progress possible. Together.</small> </div>
Notices Served	●	Support Received	✓							
Petition Signatory	■	Objections Received	✗							
<p>Generated by:</p> <hr/> <p>Date:</p> <hr/> <p>File Reference:</p>										



ANNEXURE B

Restrictive Conditions of Title in T6936/1958 for Erf 3079 Pinelands to be removed: -

2A (II) 1 (a), (b), (c), 2, 3, 7, 8 and 9

"1. The land shall be used for the following purposes, viz: -

To enable the Transferee to carry on the business of an Insurance Society and to do things incidental to such business including

- (a) *the right to erect offices and other buildings necessary for carrying on such business;*
- (b) *the right to erect flats or houses for occupation as tenants by the employees;*
- (c) *the right to erect a cafeteria and a social and sporting club with full facilities and to provide means for recreation all for the use of its staff and their families.*

- 2. *If the Transferee should at any time desire to sell any undeveloped land forming portion of the land above described the Transferee shall be bound first to offer such land to Garden Cities. The Transferee however shall not have the right to sell any such undeveloped land until the plans for the erection of the property referred to in Clause 1. (a) have been approved by the Company.*
- 3. *The Company reserves the right to lay and maintain pipes under the land for gas and stormwater drainage.*
- 7. *The Transferee or any tenant or occupier of the said land or any portion thereof shall not do or suffer to be done on the land anything which is noisome, injurious or objectionable or a public or a private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of land and buildings in the neighbourhood.*
- 8. *The Transferee shall keep down any undergrowth so as to prevent a nuisance or danger to the public.*
- 9. *The Transferee shall not without the consent in writing of the Company use the said land or any buildings to be erected thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement other than the names of the Transferee. Such consent if given may be withdrawn by the Company in which event the Transferee shall remove or discontinue the use of any advertisement to which the Company may have taken objection."*

2A (III)

"(III) **SUBJECT AND ENTITLED TO THE BENEFIT OF/** to the servitude referred to in the endorsement dated this day on said Deed of Transfer No. 8128/1952, reading:-

"By Notarial Deed No. 270/58 dated 30/12/57 and registered this day the conditions set out herein relating to the carrying on of an Insurance Business, the erection of offices, flats, a cafeteria and a social and sporting club have been amplified by the addition of further conditions relating to the right to conduct a bank agency, hairdressing saloon and a garage on the within properties imposed by and enforceable by Garden Cities as owner of the Remainder of Erf 318 Pinelands held under Deed of Transfer 596/1929 but excluding any future subdivisions thereof as will more fully appear from said Notarial Deed."

2B (III) 1 (a), (b), (c), 2, 3, 7, 8 and 9

"1. The land shall be used for the following purposes, viz: -

To enable the Transferee to carry on the business of an Insurance Society and to do things incidental to such business including

- (a) the right to erect offices and other buildings necessary for carrying on such business;
 - (b) the right to erect flats or houses for occupation as tenants by the employees;
 - (c) the right to erect a cafeteria and a social and sporting club with full facilities and to provide means for recreation all for the use of its staff and their families.
2. If the Transferee should at any time desire to sell any undeveloped land forming portion of the land above described the Transferee shall be bound first to offer such land to Garden Cities. The Transferee however shall not have the right to sell any such undeveloped land until the plans for the erection of the property referred to in Clause 1. (a) have been approved by the Company.
3. The Company reserves the right to lay and maintain pipes under the land for gas and stormwater drainage.
7. The Transferee or any tenant or occupier of the said land or any portion thereof shall not do or suffer to be done on the land anything which is noisome, injurious or objectionable or a public or a private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of land and buildings in the neighbourhood.
8. The Transferee shall keep down any undergrowth so as to prevent a nuisance or danger to the public.
9. The Transferee shall not without the consent in writing of the Company use the said land or any buildings to be erected thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement other than the names of the Transferee. Such consent if given may be withdrawn by the Company in which event the Transferee shall remove or discontinue the use of any advertisement to which the Company may have taken objection."

2B (V)

"(III) SUBJECT AND ENTITLED TO THE BENEFIT OF/ to the servitude referred to in the endorsement dated this day on said Deed of Transfer No. 8128/1952, reading: -

"By Notarial Deed No. 270/58 dated 30/12/57 and registered this day the conditions set out herein relating to the carrying on of an Insurance Business, the erection of offices, flats, a cafeteria and a social and sporting club have been amplified by the addition of further conditions relating to the right to conduct a bank agency, hairdressing saloon and a garage on the within properties imposed by and enforceable by Garden Cities as owner of the Remainder of Erf 318 Pinelands held under Deed of Transfer 596/1929 but excluding any future subdivisions thereof as will more fully appear from said Notarial Deed."

2C (II) 1 (a), (b), (c), 2, 3, 4, 7, 8 and 9

"1. The land shall be used for the following purposes, viz: -

To enable the Transferee to carry on the business of an Insurance Society and to do all things incidental to such business including

- (a) The right to erect offices and other buildings necessary for carrying on such business;
 - (b) The right to erect flats or houses for occupation as tenants by its employees;
 - (c) The right to erect a cafeteria and a Social and Sporting Club with full facilities and to provide means for recreation - all for the use of its staff and their families.
2. If the Transferee should at any time desire to sell any undeveloped land forming portion of the land above described, the Transferee shall be bound first to offer such land to Transferor. The Transferee, however, shall not have the right to sell any such undeveloped land until the plans for

the erection of the buildings referred to in Clause 1 (a) have been approved by the Transferor.

3. The Transferor reserves the right to lay and maintain pipes under the land for gas and stormwater drainage.
6. The Transferee or any tenant or occupier of the said land or any portion thereof shall not do or suffer to be done on the land anything which is noisome, injurious or objectionable or a public or a private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of land and buildings in the neighbourhood.
7. The Transferee shall keep down any undergrowth so as to prevent a nuisance or danger to the public.
8. The Transferee shall not without the consent in writing of the Transferor use the said land or any buildings to be erected thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement other than the names of the Transferee. Such consent if given may be withdrawn by the Transferor in which event the Transferee shall remove or discontinue the use of any advertisement to which the Transferor may have taken objection."

2C (III) (b) (i), (ii), (iii) and (c)

- "(b) That these erven shall be used only for the erection thereof of Offices and other buildings incidental to the carrying on of the business of an Insurance Society, provided: -
- (i) Not more than three cottages for Caretakers and their families may be erected on Erf No. 3061 and not more than one cottage on Erf 3062. No cottages are to be erected on Erf No. 3063, provided that in the event of the road 40 foot turning bay marked on Diagram Nos. 9927/49 and 9928/49 being closed and the said Erf No. 3061 being consolidated with part of the said Erf No. 3062 then and in such event the aforesaid three cottages may be erected on such Consolidated erf and the aforesaid one cottage on the remainder of the said Erf No. 3062.
 - (ii) That accommodation may be provided for members of the staff of the owner employed in such buildings, subject to the owner before erecting any such accommodation, submitting to the Administrator and obtaining his approving to the lay-out, siting and type of such accommodation; and the Administrator may attach such conditions to his approval as he may deem fit, which conditions shall be deemed to be incorporated in this condition.
 - (iii) Provision may be made to erect a cafeteria and a Social and Sporting Club with full facilities and to provide means for recreation – all for the use of its staff and their families.
- (c) No building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 25 feet to any street line which forms a boundary of these erven, nor within 15 feet of any other boundary.

2C (IV)

FURTHER SUBJECT AND ENTITLED TO THE BENEFIT OF to/the servitude referred to in the endorsement dated this day on said Deed of Transfer No. 15066 dated 6th October, 1950, reading: -

"By Notarial Deed No. 270/58 dated 30/12/57 and registered this day the conditions set out herein relating to the carrying on of an insurance business, the erection of offices, flats, a cafeteria and a social and sporting club have been amplified by the addition of further conditions relating to the right to conduct a bank agency, hairdressing saloon and a garage on the within properties imposed by and enforceable by Garden Cities as owner of the Remainder of Erf 318 Pinelands held under Deed of Transfer 596/1929 but excluding any future subdivisions thereof. As will more fully appear from said Notarial Deed."

Restrictive Conditions of Title in T8128/1952 for Erf 3079 Pinelands to be removed in so far as they relate to Erf 3079 Pinelands: -

3. 1(a), (b), (c), 2, 3, 7, 8 and 9

"1. The land shall be used for the following purposes, viz: -

To enable the Transferee to carry on the business of an Insurance Society and to do all things incidental to such business including

- (a) *The right to erect offices and other buildings necessary for carrying on such business;*
- (b) *The right to erect flats or houses for occupation as tenants by its employees;*
- (c) *The right to erect a cafeteria and a Social and Sporting Club with full facilities and to provide means for recreation - all for the use of its staff and their families.*

- 2. *If the Transferee should at any time desire to sell any undeveloped land forming portion of the land above described, the Transferee shall be bound first to offer such land to Garden Cities. The Transferee, however, shall not have the right to sell any such undeveloped land until the plans for the erection of the property referred to in Clause 1 (a) have been approved by the Company.*
- 3. *The Company reserves the right to lay and maintain pipes under the land for gas and stormwater drainage.*
- 7. *The Transferee or any tenant or occupier of the said land or any portion thereof shall not do or suffer to be done on the land anything which is noisome, injurious or objectionable or a public or a private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of land and buildings in the neighbourhood.*
- 8. *The Transferee shall keep down any undergrowth so as to prevent a nuisance or danger to the public.*
- 9. *The Transferee shall not without the consent in writing of the Company use the said land or any buildings to be erected thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement other than the names of the Transferee. Such consent if given may be withdrawn by the Company in which event the Transferee shall remove or discontinue the use of any advertisement to which the Company may have taken objection."*

5. 1(a), (b), (c), 2, 3, 7, 8 and 9

"1. The land shall be used for the following purposes, viz: -

To enable the Transferee to carry on the business of an Insurance Society and to do all things incidental to such business including

- (a) *The right to erect offices and other buildings necessary for carrying on such business;*
- (b) *The right to erect flats or houses for occupation as tenants by its employees;*
- (c) *The right to erect a cafeteria and a Social and Sporting Club with full facilities and to provide means for recreation - all for the use of its staff and their families.*

- 2. *If the Transferee should at any time desire to sell any undeveloped land forming portion of the land above described, the Transferee shall be bound first to offer such land to Garden Cities. The Transferee, however, shall not have the right to sell any such undeveloped land until the plans for the erection of the property referred to in Clause 1 (a) have been approved by the Company.*

3. *The Company reserves the right to lay and maintain pipes under the land for gas and stormwater drainage.*
7. *The Transferee or any tenant or occupier of the said land or any portion thereof shall not do or suffer to be done on the land anything which is noisome, injurious or objectionable or a public or a private nuisance or a source of damage or disturbance to the owners, tenants or occupiers of land and buildings in the neighbourhood.*
8. *The Transferee shall keep down any undergrowth so as to prevent a nuisance or danger to the public.*
9. *The Transferee shall not without the consent in writing of the Company use the said land or any buildings to be erected thereon for the purpose of advertising or display or permit to be displayed thereon any advertisement other than the names of the Transferee. Such consent if given may be withdrawn by the Company in which event the Transferee shall remove or discontinue the use of any advertisement to which the Company may have taken objection."*

Restrictive Conditions of Title in Notarial Deed K270/1958S as amended by Notarial Deed K579/1975S in so far as they relate to Erf 3079 Pinelands to be removed: -

- "1. *The land shall be used for the following purposes viz: - To enable the Transferee to carry on the business of an Insurance Society and to do all things incidental to such business including:-*
- (a) *the right to erect office and other buildings necessary for carrying on such business;*
 - (b) *the right to erect flats or houses for occupation as tenants by its employees;*
 - (c) *the right to erect a cafeteria and a social and sporting club with full facilities and to provide means for recreation - all for the use of its staff and their families.*
 - (d) *the owner of this erf shall have the right to have a bank agency or if so desired the right to have two bank agencies each representing a different bank conducted on the premises subject to the condition that the transactions to be carried out by the agency or agencies are confined exclusively to the business of the owner and members of its staff. This right is subject to the provisions of clause (8) hereof.*
 - (e) *the right to carry on a Hairdressing saloon subject to the condition that the hairdressing saloon shall be exclusively for the use of the staff of the South African Mutual Life Assurance Society and the activities of the saloon shall be confined to hairdressing and shaving only and that no trading shall take place on the premises. The saloon shall further comply with the regulations of the Pinelands Municipality relating to Barbers and Hairdressing establishments.*
 - (f) *the right to erect a garage - the garage being permitted to carry out full maintenance and repairs to all vehicles and plant owned and operated by the South African Mutual Life Assurance Society subject to the condition that the garage shall be permitted to service motor vehicles owned and operated by the staff of the South African Mutual Life Assurance Society, and provided that such servicing is confined to servicing that is normally given at a Motor Service Station."*

6	MOTIVATION IN TERMS OF SPLUMA AND LUPA
----------	---

6.1 Restrictive Conditions Relating to the Use of Land

6.1.1 Summary of Conditions to be Removed

With reference to Annexure C, attached, the land use-related restrictive conditions of title that are to be removed can be summarised as follows:

- Conducting the business of an Insurance Society; the right to erect offices and other buildings necessary for the carrying on of such business (on Erven 3079 & 3116);
- The right to erect hostels, flats or houses for occupation as tenants by its employees on Erven 3079 & 3116;
- The right to erect a cafeteria and a social and sporting club to provide a means for recreation – for the use of its staff and their families (on Erven 3079 & 3116);
- The right to have a bank agency, hairdressing salon and garage for the exclusive use of staff (on Erven 3079 & 3116); and
- The right to erect caretakers' cottages (on Erf 3079);

The conditions relating to the right to use land as an Insurance Society, to permit accommodation for employees, and the right to erect a cafeteria, social and sporting club were imposed primarily in favour of Garden Cities.

The conditions relating to the right to operate a bank agency, hairdressing salon, garage and the right to erect caretaker's cottages were imposed in favour of Garden Cities, the Administrator and the Municipality.

6.1.2 Rights of Those Affected and the Public Interest

Garden Cities was established in 1919 by a Board of Trustees who set out to tackle the problem of housing in urban centres at the time, and to establish a new approach to housing and the improvement of social conditions. The first Chairman of Garden Cities for South Africa, Mr Richard Stuttaford, was a keen admirer of the work of Ebenezer Howard and the Garden City Association of Great Britain. Howard's proposals were so-called 'revolutionary' at the time – as he suggested the building of towns that would be planned with adequate space for schools, hospitals, roads, playing fields, churches and shops for all the requirements of ideal living conditions.

In South Africa, Mr Stuttaford and his Trustees pledged to provide better housing and social conditions for people, and in 1919 the Trustees resolved to prepare a layout plan for Pinelands, the first Garden City in South Africa. Garden Cities had always accepted the role of 'community builder', and consistently encouraged and promoted social activities which were essential to the establishment of an integrated community.

At the time (1921), the Divisional Council of the Cape refused to administer 'individual housing loans' and it became evident that some form of local authority would need to be established. The Administrator declared Pinelands a Local Board, which comprised a member nominated by the Administrator, one of the Trustees of Garden Cities and one elected resident of Pinelands – the Local Board later became the Municipality of Pinelands, which then became absorbed into City of Cape Town.

6.1.2.1 Insurance Society

In planning the layout of Pinelands, 'Howard Centre' was strategically planned to be the primary commercial node in Pinelands and thus it can be understood why Garden Cities imposed use restrictions on the land sold to Old Mutual. These conditions were imposed, for among other reasons, to protect such land from being developed for general business and retail purposes in order to protect the commercial node at Howard Centre. Whilst Garden Cities acknowledged that having Old Mutual in Pinelands would serve the area well, it wanted to limit the central business district of the newly laid town to the easily accessible area of Howard Centre only.

Given the above, it seems reasonable to conclude that this is why Garden Cities imposed the use restriction limiting the properties to be used as an Insurance Society only and further, why only limited permission was granted after the establishment of the Insurance Society, for a bank, hairdressing salon and garage to be operated on the property, all of which are so-called 'business uses'.

Regarding the removal of the condition limiting the properties to an Insurance Society only, it is believed that this condition was imposed to protect the establishment of the township, and that its removal would not permit the development of an additional business node in Pinelands. The removal of this condition will not have an effect on existing rights as the condition was imposed by the Authority at the time in the interest of township layout and its removal will not defeat the intention of its imposition.

It is important to note that the rights to erect an Insurance Society and accommodation were provided in the title deeds of abutting Erf 3078 as well as the subject Erven 3079 & 3116. The Insurance Office campus has already been established on Erf 3078 and there is no need for expanding the Insurance Offices onto the abutting subject property. The right to erect housing on these properties has yet to be realised and given the existing uses on Erf 3078, the obvious location to realise the housing component of the rights applicable on these erven, would be on Erf 3079 & 3116, as is being proposed.

The removal of this condition is in the public interest as it will provide 700 affordable housing opportunities on a parcel of land that is strategically located in terms of its ease of access. Pinelands is an extremely centrally-located suburb in Cape Town, easily accessible to both the N1 and N2 as well as being well served by public transport infrastructure. The property is located on the north-eastern side of Pinelands, accessed by Forest Drive Extension to its south which connects Forest Drive and Jan Smuts Drive in Pinelands to Thornton and Vanguard Drive to the east. The Mutual Station is located on the north-western side of Erf 3079 and is thus within walking distance from the property.

The provision of housing is a national, provincial and local strategic objective and both the Provincial Government as well as the Local Authority have advocated for residential densification in current applicable Planning Policies, especially on vacant land that is easily accessible to employment opportunities.

The Provincial Spatial Development Framework ('PSDF') was approved in 2009 as a Section 4(6) Structure Plan in terms of the Land Use Planning Ordinance, 1985 (No. 15 of 1985), which Framework provides to guide municipal Integrated Development Plans and Spatial Development Frameworks. Residential densification is listed as one of the objectives in the PSDF (Policy UR2) that should be achieved using a range of urban development tools.

The subject property falls within the urban edge and the proposed development accordingly complies with the objectives and policies of the PSDF of urban integration, urban restructuring and increased residential density, which will ensure the proper functioning of the urban area, amenity and recreation, while at the same time contributing to the containment of urban sprawl. Densification applies to all areas within the urban environment and this application will, in a small way, contribute to densification that will increase the rates

base in the city, and fulfil the principles of sustainability. The construction of the housing estate represents a significant investment in the area and will make provision for the better utilisation of scarce land and municipal services.

The Cape Town Spatial Development Framework ('CTSDF') was approved in 2012 as a 4(10) Structure Plan in terms of LUPO and aims to guide and manage urban growth in Cape Town. Whilst the framework advocates residential densification in the City, it also guides the proposals contained in the more detailed District Spatial Development Plans (known as 'District Plans'), and provides policy guidance to direct decision making on the nature, form, scale and location of urban development and land use change.

The Table Bay District Plan was approved in 2012 as a 4(10) Structure Plan in terms of LUPO. The subject property falls into the 'Greater Eastern Area' sub-district and is designated in this District Plan for 'urban development'.

It is clear from the above, that the proposed development, which requires the removal of certain restrictive conditions of title, is policy-compliant and thus in the interest of the public.

6.1.2.2 Accommodation, Social & Sporting Facilities for Employees Only

Regarding the condition that limits the provision of accommodation to the employees of the Insurance Society only, it can be concluded from Section 6.1.2, above, that the clear intention of this condition arose from the underlying principles of Garden Cities which were community-driven with the intention of, among other things, providing housing within close proximity to places of work.

Removing this restrictive condition of title will render a situation that will have less of an impact on rights concerned and be in the greater interest of the public than if this condition were to remain in the title deed. Providing housing that is available not only to employees, but the general public, is less exclusive, and more inclusive of the general population. This is deemed to be in the public interest as it aligns with local policy which advocates to provide residential opportunities, that are well located to employment opportunities and public transport routes, for all citizens.

Removing these conditions will also not have an effect on rights concerned as a similar number of units are being proposed that would have been provided if the development was limited to Old Mutual Staff only. The impacts will be no different as it is only the nature of tenure that is changing. Notwithstanding, it is important to note that there is no need for Old Mutual to dispose of this land or the buildings that will be erected thereon, and that the development concept is aimed at providing affordable rental accommodation. The residential housing estate and management of the rental of the units will be controlled and regulated by the landowner. The Company is a well-established Institution that, in its own interests, will uphold its image and reputation as a reliable investor of individual's life earnings and public funds. In this vein, the Company is committed to ensuring that the residential estate will be well managed and maintained with the interests of its tenants and the community at large.

The principle of providing community-based facilities, as advocated by Garden Cities, will still be acknowledged in this development, as the housing estate will include social and convenience facilities for its residents. It is proposed the development will include a 'community activity centre' and 'community clubhouse' that will be located in the eastern precinct of the estate in existing buildings on the property, and a 'creche' that will be located in the south-western corner of the property. Existing educational facilities will also remain in the short term. Further, a maximum of 2 000m² of business premises (shops & offices) are being proposed in the south-eastern precinct, directly opposite the entrance to the development. Convenience stores and office space available to local residents will be provided in this precinct.

It is clear from the above that removing these conditions will be in the greater interest of the general public than if these conditions were to remain. Further, the underlying principle purported by Garden Cities of providing a community-based facilities for residents has been acknowledged in the proposed development.

6.1.2.3 The Right to have a Bank Agency, Hairdressing Salon, Garage & Caretakers' Cottages

Whilst these conditions relate to Erven 3079 & 3116 (as well as Erf 3078), these rights have already been taken up on Erf 3078 which is home to the main Old Mutual campus. Removing these conditions serves merely to rationalise the rights permitted in the title deed.

6.1.3 The Financial or other Value of the Rights

Erven 3079 and 3116 are currently occupied by buildings that are used for educational purposes as well as a golf course. By removing these use-related conditions, Old Mutual will be able to develop the property for much needed well located accommodation to the general public and so fulfil a corporate objective of developing socially responsible projects.

The development of 700 units requires new infrastructure and a minimum of communal facilities and services. In making these units available to the general public there is a better chance that more units will be occupied at the commencement of the project and that the entire development will be completed in a reasonable time frame. Opening the development to the general public will support the development of key facilities, including the crèche, landscaping, security features etc. and enable the provision of these facilities in line with the completion of residential units.

To conclude, the value of removing the use-related conditions is closely linked to the benefit to the residents of the housing estate, as the housing estate will be able to be completed in a reasonable time with all of the community facilities and features that will ensure the provision of a safe, well landscaped community-based environment.

6.1.4 The Personal Benefits of the Rights

The conditions in question were imposed in favour of Garden Cities, the Administrator and the Municipality and it has been demonstrated that the underlying principles informing the imposition of these conditions were to, among others, ensure that the subject properties were not developed as a further business district in Pinelands and to ensure that a community-based environment be provided for the employees of Old Mutual.

Old Mutual no longer wishes to accrue benefits by holding onto the conditions and believes that removing the subject conditions to enable a housing development available to the general public will complement the identity of the company as well as benefit the public at large, without excluding its employees from taking occupation of the units.

6.1.5 The Social Benefits of the Rights

The social benefits of providing accommodation to staff were clearly in favour of employees only. This is regarded as being exclusive and removing the restrictive conditions will not only render a situation inclusive of the general public, which is a social benefit, but will also not exclude the employees from also renting accommodation in the housing estate. Whereas the employees were seen to be the only beneficiaries of the social benefits, removing the conditions will enable the employees as well as the general public to realise the social benefits of the housing development.

Regarding the provision of a canteen, social and sporting facilities to employees – all of these rights have been provided on the main Old Mutual campus on Erf 3078. Old Mutual has, among other things, provided a sports club, a gym, convenience shops as well as a crèche that serve the employees of the Insurance Society. Removing these conditions in the title deeds of the subject erven will not take away the social benefits currently enjoyed by the employees as these rights will still remain applicable to Erf 3078, as per the status quo.

6.1.6 Removal of all vs some of the Rights

As has been discussed above, the removal of these use-related conditions will not preclude employees of Old Mutual from enjoying the benefits of the proposed housing estate as the rental accommodation will be available to them as well as the general public.

Regarding the conditions relating to the provision of the community and convenience-related uses, as demonstrated, these have already been provided on Erf 3078 and as such, removing the conditions in the subject title deed will not remove the rights that are still applicable to the main campus.

6.2 Restrictive Conditions relating to Building Lines

6.2.1 Summary of Conditions to be Removed

With reference to Annexure C, attached, the restrictive conditions relating to building lines that are to be removed / amended can be summarised as follows:

- Regarding Erf 3079 (condition to be removed), no building or portion thereof except boundary walls and fences shall be erected nearer than 25 feet (7,87m) to any street line which forms a boundary of these erven, nor within 15 feet (4,7m) of any boundary; and
- Regarding Erf 3116 (condition to be amended), no building or structure or any portion thereof except boundary walls and fences shall be erected nearer than 20 feet (6,29m) to the boundaries thereof.

The conditions relating to building lines were imposed by the Administrator and Garden Cities.

6.2.2 Adjudication Criteria

Regarding the building line condition relating to Erf 3079, it is proposed that this condition be entirely removed from the title deed. These types of restrictive conditions of title were imposed on properties at a time when there was no applicable zoning scheme in place. Zoning Schemes are now the modern day Town Planning mechanism of controlling use and built form parameters of properties in urban areas.

The removal of this condition will not have an effect on existing rights as the property is bound to the east and north by land owned by PRASA and to the west by Erf 3116 which is part of the subject development. Regarding the street boundary building line, Erf 3079 is actually separated from Forest Drive Extension by Erf 3349, a 12,5m wide property, zoned Open Space and that is also owned by Old Mutual. Erf 3349 will be used as a road serving the new housing estate; the erf is currently used as a road serving the property. Any buildings erected within the subject building line will be thus at least 12,5m from Forest Drive Extension. Removing this condition is in the interest of the public as, apart from rationalising the title deed and enabling the provisions of the current zoning scheme (the DMS) to prevail, it will not permit buildings to be erected on Forest Drive Extension. Any building oriented towards Forest Drive Extension will be setback at least 12,5m from said road.

Regarding the building line condition relating to Erf 3116, it is recommended that this condition be amended. The same condition referred to above applies to the northern, southern and western boundary of the property, however, the 6,29m building line that applies to the eastern boundary, common with Erf 3132 ('Anfield Village'), will remain in place as it is in the interest of the abutting neighbour for all buildings on the subject property to be appropriately setback from the existing Anfield Village on Erf 3132.

Given the extent of the erven, the removal / amendment of these conditions will not accrue any particular financial or other value, or personal benefit, to the holder of these rights. The removal / amendment of these conditions will enable a rationalised urban space with ample open space for the proposed community. There is no specific social benefit of removing / amending these conditions, save for that it will realise the potential of a much needed housing estate in Cape Town.

6.3 Restrictive Conditions relating to Administration

6.3.1 Summary of Conditions to be Removed

With reference to Annexure C, attached, the restrictive conditions relating to the administration of land that are to be removed can be summarised as follows:

- Regarding Remainder Erf 3079, the offering of undeveloped land to Garden Cities;
- Regarding Remainder Erf 3079 and Erf 3116, the displaying of advertisements;
- Regarding Erf 3116, the erection of buildings in accordance with Building Regulations of Garden Cities / buildings to be approved by Garden Cities and related administration;
- Regarding Remainder Erf 3079, the right to lay and maintain pipes;
- Regarding Remainder Erf 3079 & Erf 3116, the prohibition of undertaking anything noisome, injurious or objectionable on the properties; and
- Regarding Remainder Erf 3079 & Erf 3116, keeping the undergrowth under control.

6.3.2 Adjudication Criteria

Regarding the condition requiring the Transferee to first offer such land to Garden Cities in the event of wanting to dispose of same, this condition is a historic condition which conceivably enabled Garden Cities to control the amount of development on the market at any one time. As the company is no longer a developer in Pinelands and has no need to control development, this condition of title is effectively obsolete. Furthermore, the current landowner, Old Mutual needs to retain ownership of the land in order to manage the new housing development according to the development objectives set out in this report.

Regarding the condition requiring consent for any advertising, this condition was imposed at a time when there was no specific By-Law controlling the erection of signage on properties. The City of Cape Town now has a comprehensive By-Law dealing with signage and no signage is permitted on any building that does not comply with Council's Signage By-Law. Given this applicable By-Law, it is no longer necessary for signage to be controlled by way of title deed conditions.

Regarding the conditions relating to the erection of buildings in accordance with Garden Cities' Building Regulations etc., these conditions are also historical in nature and the erection of buildings on the land is now controlled by the provisions of the DMS and the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977). It is thus no longer necessary for the erection of buildings to be approved by Garden Cities or to comply with its regulations.

Regarding the conditions relating to laying and maintaining pipes, the prohibition of anything noisome and keeping the undergrowth, these conditions are also historic in nature and these issues are now controlled by City By-Laws. It is thus no longer necessary to have these conditions in the title deeds of the properties concerned.

7 MOTIVATION IN TERMS OF THE MPBL

7.1 Compliance with Minimum Threshold Requirements

Section 99(1) of the MPBL states that an application must be refused if it fails to comply with certain minimum threshold requirements. The proposed development should not be refused as it complies with the minimum threshold requirements, as follows:

- The application complies with the requirements of the MPBL;
- The proposed land uses are consistent with the designation of 'urban development' as specified in the CTSDF for this property;
- The proposed land uses are consistent with the objectives of the 'Greater Eastern Area' sub-district of the Table Bay District Plan
- The proposal is desirable as contemplated in subsection 99(3) – as addressed in Section 7.5 of this report, below;
- Approval of the application will not have the effect of granting the property the development rules of the next subzone.

7.2 Cape Town Spatial Development Framework and Table Bay District Plan

Section 99(2)(a) of the MPBL requires the decision maker to consider the Cape Town Spatial Development Framework when making a decision on an application. The CTSDF indicates the area of the site for 'urban development'; the following Policy Statements and Policy Guidelines in the CTSDF support the proposed development:

Policy Statement	Policy Guideline
<i>Policy 10: "Create a hierarchy of integrated public transport services related to the accessibility grid."</i>	<i>P10.2: "Encourage land use intensification and an appropriate mix of land uses to develop: along identified activity routes, development routes and activity streets; at identified nodes; at key intersections, stations and modal interchanges especially where opportunities for commercial and other employment generating land uses exist; in line with applicable policies, the relevant zoning scheme and the District SDPs." P10.3: "Consider reductions in parking requirements in areas deemed to be well served by public transport in line with applicable policies, the relevant zoning scheme and the District SDPs."</i>
<i>Policy 11: "Ensure that new urban development is supported by appropriate public transport infrastructure and services."</i>	<i>P11.2: "The availability of adequate public transport services is an important consideration in the assessment of development applications." P11.3: "When assessing development applications, ensure that the form and scale of land use responds appropriately (in terms of density and land use mix) to existing and proposed public transport routes and station locations."</i>
<i>Policy 16: "Encourage medium – higher density forms of urban development to locate on or adjacent to activity routes, development routes and activity streets."</i>	<i>P16.1: "Encourage mixed land-use intensification on or adjacent to activity routes, development routes and activity streets and around nodes, high order stations and modal interchanges in line with the relevant zoning scheme, the District SDPs and other applicable policies."</i>

	<p>P16.2: "Consider reductions in parking requirements in line with the relevant zoning scheme, the District SDPs and other applicable policies."</p>
<p>Policy 22: "Promote appropriate land intensification."</p>	<p>P22.1: "The intensification of all types of land uses, not just residential land uses, should be encouraged, and a better mix of land uses should be supported within the framework of P22.2 below." P22.2: "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 following:</p> <ul style="list-style-type: none"> • Generic considerations related to the suitability of the area for land use intensification, such as surrounding land use character, access to public transport, proximity to place of employment, services and community / social facilities, proximity to public open space, and infrastructure availability (existing and planned); • The applicable policy frameworks, namely the CTSDF, District SDP's and local spatial plans, density plans, urban design and architectural guidelines; • The spatial locations targeted for different types of densification; and • Contextual informants related to the development application and its immediate surroundings, such as the natural environment, land use, built and heritage character, sense of place, infrastructure availability and capacity, and socio-economic considerations, should determine the densities appropriate to the specific location.
<p>Policy 39: "Generally support development, rezoning, subdivision and similar applications that promote a greater mix of land uses, people and/or densities."</p>	<p>P39.1: "Support a mix of land uses and higher-density residential development (compliant with area-specific policy frameworks) in appropriate locations in new development areas and along activity routes, development routes and activity streets."</p>

As previously mentioned, the CTSDF guides the proposals contained in the more detailed District Plans; the subject property falls into the 'Greater Eastern Area' sub-district of the Table Bay District Plan; the following Spatial Development Objectives are listed in the District Plan for the 'areas south of railway line: Ndabeni, Pinelands, Thornton, Epping, Langa':

- "Ensure appropriate built form and land use to achieve an efficient urban form."
- "Retain and enhance existing built fabric that provides well-located residential opportunities."
- "Encourage land use intensification along public transport routes, along IRT routes and around stations."
- "Protect the network of pedestrian routes and facilitate increased accessibility."
- "Allow more intense development around railway stations to facilitate increased ridership."

7.3 Criteria Contemplated in the DMS

Section 99(2)(b) of the MPBL requires the decision maker to consider relevant criteria contemplated in the DMS.

Save for the application for use, setback and parking departures, the proposal complies with the provisions of the DMS in all other respects. It is important to note that no departures relating to bulk or height have been applied for and that from a built form perspective, the development will comply with the development rules specified for Special Zone B.

As will be demonstrated in Sections 7.5 and 7.6, below, and with reference to Item 140(1)(c) of the DMS, the proposed development is desirable and will not cause a negative impact on existing rights from a pedestrian and traffic perspective.

7.4 Applicable Policies

Section 99(2)(c) of the MPBL requires the decision maker to consider any applicable policy approved by the City to guide decision making for applications. The following policies are applicable to the adjudication of the subject application:

7.4.1 Densification Policy

The City of Cape Town’s Densification Policy, which aims to improve the city’s efficiency and sustainability as well as improve the quality of the built environment, was adopted by Council in February 2012. The Policy aims to achieve a minimum, average gross base density of 25 du/ha across the city as a whole. However, it does not take a ‘one-size-fits-all approach’ but identifies the factors that need to be taken into consideration when determining the location, form and extent of densification. Whilst one of the objectives of the Policy is to, through densification, support the development of a viable public transport system and improve levels of access to the city’s resources and amenities, the Policy aims to achieve densification through a number of land use mechanisms.

7.4.2 Urban Design Policy

The proposed development has also taken into consideration the various objectives of the City of Cape Town’s Urban Design Policy (2013). The objectives that the development proposal complies with are summarised in the table, below:

Objective Statement	Degree of Compliance
1: <i>“Ensure that development contributes positively to the urban structure of the City to create integrated and legible places and neighbourhoods.”</i>	<ul style="list-style-type: none"> The property is strategically located in terms of its ease of access and ideal for low-rise residential development.
2: <i>“Ensure that development contributes to improved quality of the public realm and public spaces.”</i>	<ul style="list-style-type: none"> The housing estate has been sensitively designed to accommodate an array of public spaces for residents; buildings have been strategically located to provide a positive interface onto the open space. Public spaces will be robust and durable.
3: <i>“Ensure that developments contribute to the creation of safe and secure communities.”</i>	<ul style="list-style-type: none"> Passive surveillance of public spaces will be optimised.
5: <i>“Promote development intensity, diversity and adaptability.”</i>	<ul style="list-style-type: none"> A mix of uses are proposed and the development will make efficient use of the site; providing a complementary mix of open space and the newly built environment.

	<ul style="list-style-type: none"> • The proposal provides public facilities for residents in the form of a crèche, community hall, swimming pool and recreational facilities • Convenience, but limited, retail opportunities will also be provided along a portion of Forest Drive.
6: "Ensure enclosure and positive interfaces onto the public realm."	<ul style="list-style-type: none"> • The retail / office buildings along Forest Drive will have a positive relationship with the street. They will be located close to the street boundary to define the public realm. • The interface between the public and private realms will be articulated and the business buildings will activate the street edge.

7.5 Desirability

Sections 99(2)(d) of the MPBL require the decision maker to consider the extent of desirability of the proposed land use contemplated in subsection 99(3). Section 99(3) lists the considerations that are relevant to the assessment under subsection 1(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable. The table below lists these considerations as specified in the MPBL and the degree to which the proposed land uses are desirable:

Considerations in Section 99(3) of MPBL	Degree of Desirability
"socio-economic impact"	<ul style="list-style-type: none"> • The predominantly residential nature of the development complies with the recommendations of the CTSDP and the Table Bay District Plan. • The proposal is consistent with responsible residential densification as promoted by Provincial and Local Planning Policies. • The housing estate will provide affordable accommodation on well-located land. • The properties are within walking distance of Mutual railway station.
"compatibility with surrounding uses"	<ul style="list-style-type: none"> • Residential land uses have always been envisaged on the Old Mutual properties. • The proposed blocks of flats will be in keeping with the character of the area. • The crèche and community facilities will serve the residents of the housing estate, which is in keeping with the philosophy of establishing communities as purported by Garden Cities. • The business premises (shops & offices) will be limited to 2000m² along Forest Drive Extension. These uses will define the public streetscape and not detract from the proposed uses applied for on the Conradie Site. • All of the proposed uses are permitted as of right in the underlying base zone, GB2.
"impact on external engineering services"	<ul style="list-style-type: none"> • There are existing water mains in Forest Drive Extension and existing connections thereto; no additional water mains are envisaged. • Stormwater attenuation can be addressed on site • All indications are that the recently upgraded sewerage treatment facility can accommodate sewerage flows generated from the development • CCTED has indicated that the 2250kVA required for the development will be available

<i>"impact on safety, health and wellbeing of the surrounding community"</i>	<ul style="list-style-type: none"> • The proposed development will increase surveillance along Forest Drive Extension. • The increase in pedestrian activity will improve street level surveillance and will have a positive impact on local security, as recommended in the Urban Design Policy.
<i>"impact on heritage"</i>	<ul style="list-style-type: none"> • The 2008 Record of Decision from Heritage Western Cape established that development on this site does not require a heritage study; heritage practitioner has indicated this is still the case.
<i>"impact on the biophysical environment"</i>	<ul style="list-style-type: none"> • The proposal represents a better utilisation of the existing urban fabric. • The proposed built form of clusters of blocks of flats is more desirable than having potentially a large Insurance Office on the property that could be erected as of right with a bulk of 2.0 and height of 7 storeys. The resultant built form of the flats will be responsive to and integrated with the subject landscape. • The development will retain a significant proportion of open space and established vegetation
<i>"traffic impacts, parking, access and other transport related considerations"</i>	<ul style="list-style-type: none"> • A TIA for the proposal demonstrates that strategies can be adopted to ensure that development on the site supports Transit Oriented Development (TOD) and other policies. • While primarily residential, the site is in walking distance to a major employer (Old Mutual), and planned facilities and services on the Conradie site • The internal layout of the proposed development and the proximity of the site to a commuter railway station, support low private car ownership and use of public transport. • The site has been recommended for inclusion as a PT2 zone, which demonstrates that the site is suitable for high public transport usage and low car ownership.
<i>"whether the imposition of conditions can mitigate an adverse impact of the proposed land use"</i>	<ul style="list-style-type: none"> • The City can impose conditions of approval limiting the land uses to blocks of flats, place of instruction, community facilities and business premises only. • The extent of the business premises can be restricted to 2 000m².

7.6 Impact on Existing Rights

Section 99(2)(e) of the MPBL requires the decision maker to consider the implications that the application may have on existing rights. The application will not have a negative impact on abutting properties or existing rights concerned, because the possible impact of increased traffic has been addressed through the inherent character of the development.

The TIA has demonstrated that the impact of traffic on the surrounding road network as a result of the development would not be equivalent to a 'standard' development of 700 residential units. The site is ideally located relative to major public transport infrastructure and given the nature of rental accommodation to be provided, it is reasonable to expect that residents/ work commuters would make use of the rail stations and bus stops in the morning peak. As such, the TIA has forecast a lower than normal number of trips generated in peak hours.

In addition, the intrinsic quality of the development is one which is geared towards supporting low car ownership. Furthermore, certain strategies will be in place to promote public transport usage. Some of these are:

- The landowner / developer is able to manage the property management so that private car use is minimised (e.g. allocation of parking bays will not be linked to the rental of particular residential units)
- The development is designed for a market that will accept reduced travel and use of public transport (e.g. Old Mutual employees, people wanting to work close to home, and people wanting a "low carbon" lifestyle)
- Travel Demand Management strategies (e.g. provision of car sharing services and incentives to use public transport) will be part of the 'development package'
- NMT infrastructure will be enhanced, e.g. additional lighting, landscaping of pedestrian routes

Furthermore, it must be noted that the Mupine site has been recommended for inclusion in the Woltemade / Mutual PT 2 Area by the Directors of Spatial Planning & Urban Design and Transport Planning. Accordingly, there is effectively no requirement to provide parking for the proposed uses. This is a strong indicator of the validity of planning the development for high public transport usage and low car ownership and further supports the premise that trips generated as result of this development will be relatively low.

7.7 Other Considerations Prescribed in National or Provincial Legislation

Section 99(2)(f) deals with the consolidation of land that is not applicable to the subject application.

Section 99(2)(g) of the MPBL requires the decision maker to consider 'other considerations prescribed in relevant national or provincial legislation'.

As recorded in Section 4.4 above, there is no requirement to obtain Environmental Authorisation in terms of NEMA EIA (2014) regulations.

As recorded in Section 4.3 above, Heritage Western Cape has previously indicated that the provisions of the National Heritage Resources Act (1999) do not apply. Verification of this previous decision is pending.

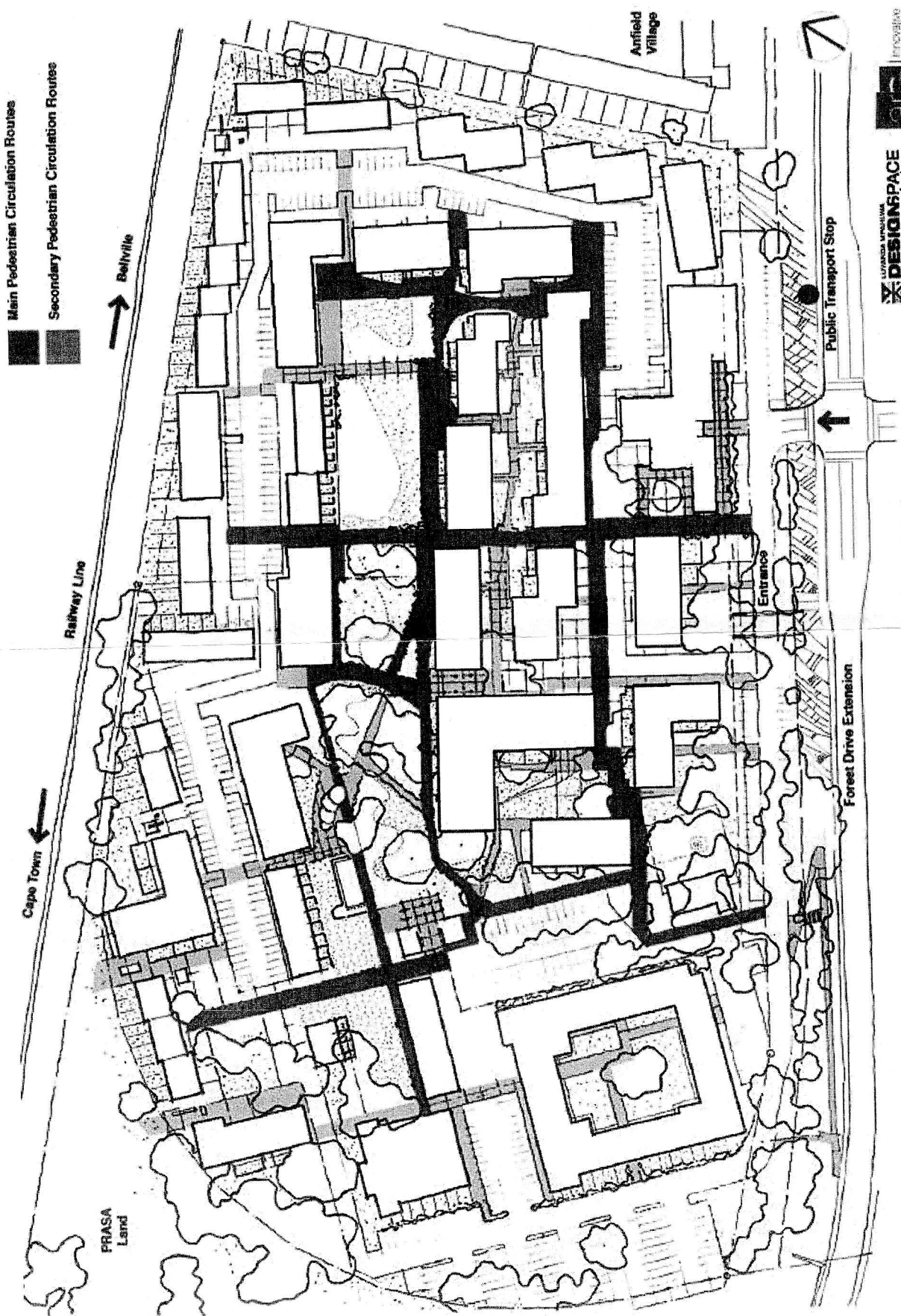
8 Conclusion

The provision of affordable housing in metropolitan Cape Town is one of the challenges, if not the key challenge facing local government. In the City of Cape Town's Integrated Development Plan (IDP) for 2012- 2017, the estimate is that there will be a need for housing for a further 650 000 households. While the City has identified large housing projects and developments of sites such as the old Conradie Hospital site will provide thousands of housing opportunities, local, provincial and national government cannot possibly satisfy housing demand on their own.

Hence, the private sector must also play a role. Old Mutual Alternative Investments (OMAI) is a company that invests in affordable housing and through its Development Impact Fund business unit "aims to create commercially sustainable investments that have a large scale impact with positive development outcomes in South Africa". The Company focuses on greenfields, rentals and end-use for finance for residential purposes in the affordable market, and with Old Mutual as the landowner is ideally suited to develop the Mupine site as proposed in this application. If developed as intended with a strong emphasis on public transport usage, it is likely that Mupine will indeed be a sustainable development.

Besides addressing socio-economic needs, the development proposal must satisfy the requirements of the MPBL. In this report, the implications of removing or amending title deed conditions have been assessed and evaluated. The departures have also been assessed and evaluated. It must be noted that the departures are related to a previous zoning scheme and that the GB2 zone allows for the land uses proposed. Moreover, the parking requirement in terms of Special Zone B will be qualified once the PT2 zone for Mupine is officially recorded. Thus, it can be considered that the development proposal is already largely consistent with zoning regulations and Council policies.

In light of the overall benefit of the development proposal and the potential impacts that have been assessed and evaluated, it is submitted that the application to remove or amend certain title deed restrictions and depart from specific provisions of Special Zone B, should be endorsed by the City of Cape Town.

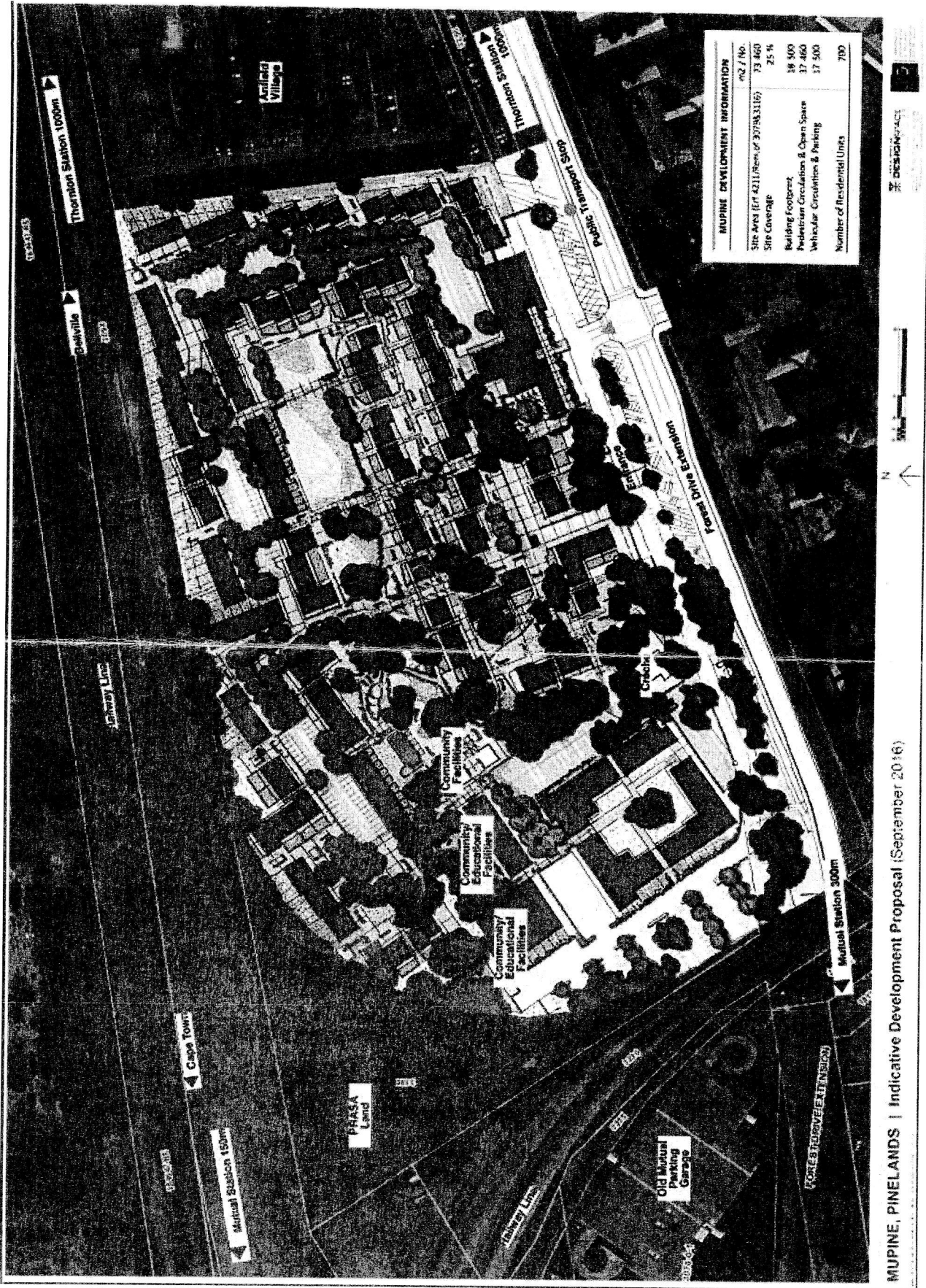


MEDIA CITY BUILDING, 2ND FLOOR,
CNR ADDERLEY STREET AND HERTZOG BOULEVARD CAPE TOWN, 8001

DESIGNSPACE
OF P L C
SUSTAINABLE ARCHITECTURE & INTERIORS
101 Main Street, The Promenade, 8001, Cape Town
Tel: +27 (0)21 461 1111 Fax: +27 (0)21 461 1112
www.designspace.co.za

ENCOURAGING
SUSTAINABLE
SOLUTIONS

MUPINE, PINELANDS | Proposed Pedestrian Circulation (September 2016)



MUPINE, PINELANDS | Indicative Development Proposal (September 2016)

MEDIA CITY BUILDING, 2ND FLOOR,
CNR ADDERLEY STREET AND HERTZOG BOULEVARD CAPE TOWN, 8001