



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

## **CASE ID 1500139928**

Erf 194, 7 Lennon Road, Mandalay

**Development Management**

**APPLICATION FOR REZONING, DEPARTURES ON ERF 194, MANDALAY, 7  
LENNON STREET, MANDALAY, MANDALAY.**

**APRIL 2025**

**CLIENT:**  
**APPLICANT:** MARSHALL CHITVHORO



**ARCHTECTURAL & DRAUGHTING SERVICES**

## Table of Contents

1.	BACKGROUND /EXECUTIVE SUMMARY .....	3
2.	DESCRIPTION OF THE AREA/SITE .....	3
3.	ZONING.....	4
4.	PROPOSAL .....	4
5.	APPLICABLE SPATIAL DEVELOPMENT FRAMEWORKS AND POLICIES .....	5
5.1.	SPLUMA PRINCIPLES: .....	6
5.2.	WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) .....	7
5.3.	CAPE TOWN SPATIAL DEVELOPMENT FRAMEWORK (CTSDF, 2023): .....	7
6.	KHAYELITSHA, MITCHELLS PLAIN, GREATER BLUE DOWNS DISTRICT PLAN(2023) .....	12
7.	CONCLUSION.....	15

## 1. Background /Executive Summary

- 1.1. Initially, the owner received approval for the project but did not construct the building in accordance with the approved plans. As a result, an administrative penalty was imposed. The penalty (Case ID: 1500124714) has been finalized and paid. The owner now seeks to legalize the existing blocks of flats and demolish the current dwelling house. To proceed with the legalization, a rezoning application and a departure application will be required.

## 2. Description of the area/site

- 2.1. The property concerned is located along Lennon street in Mandalay and measures 781m<sup>2</sup> in extent. The site is currently developed with blocks of flats and a dwelling house which the owner intends to demolish. The image below, sourced from Google Earth and dated September 2024, shows the flats in an incomplete state. However, it should be noted that the flats have since been completed.

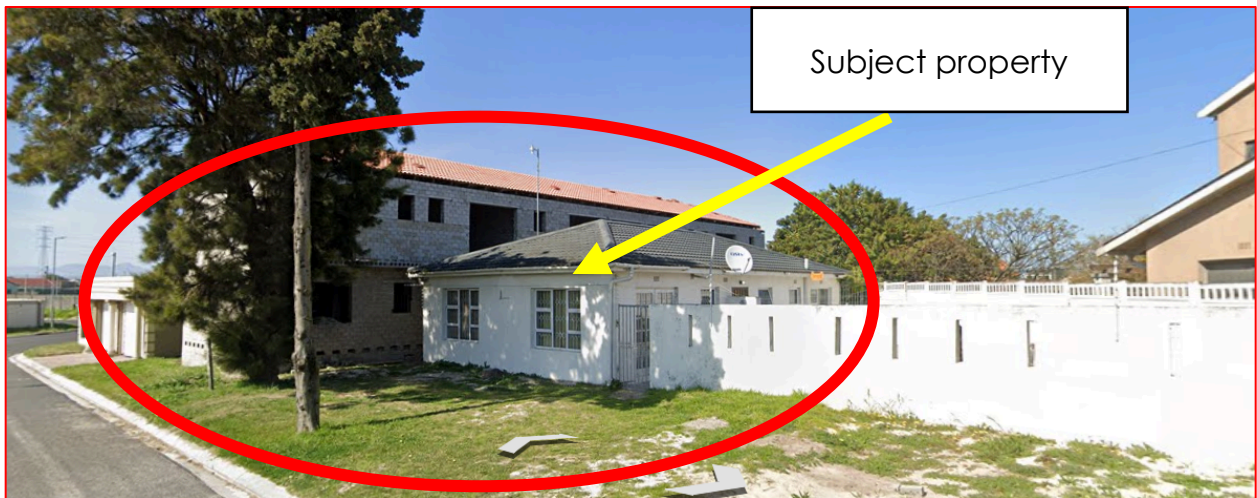


Figure 1: Existing Building work on the subject property(Image from Google Earth, Sept 2024)

- 2.2. Access to the site is gained via Lennon Street.
- 2.3. The surrounding area is predominantly residential, single-story, and multi-story buildings.

### 3. Zoning

- 3.1. The subject property is zoned Single Residential 1(SR1) as well as the surrounding ervens. The property on the southern side of the subject property is zoned Open Space 2(OS2). There are Community(CO1), General Business(GB1) and General Residential(GR2) properties in the area.

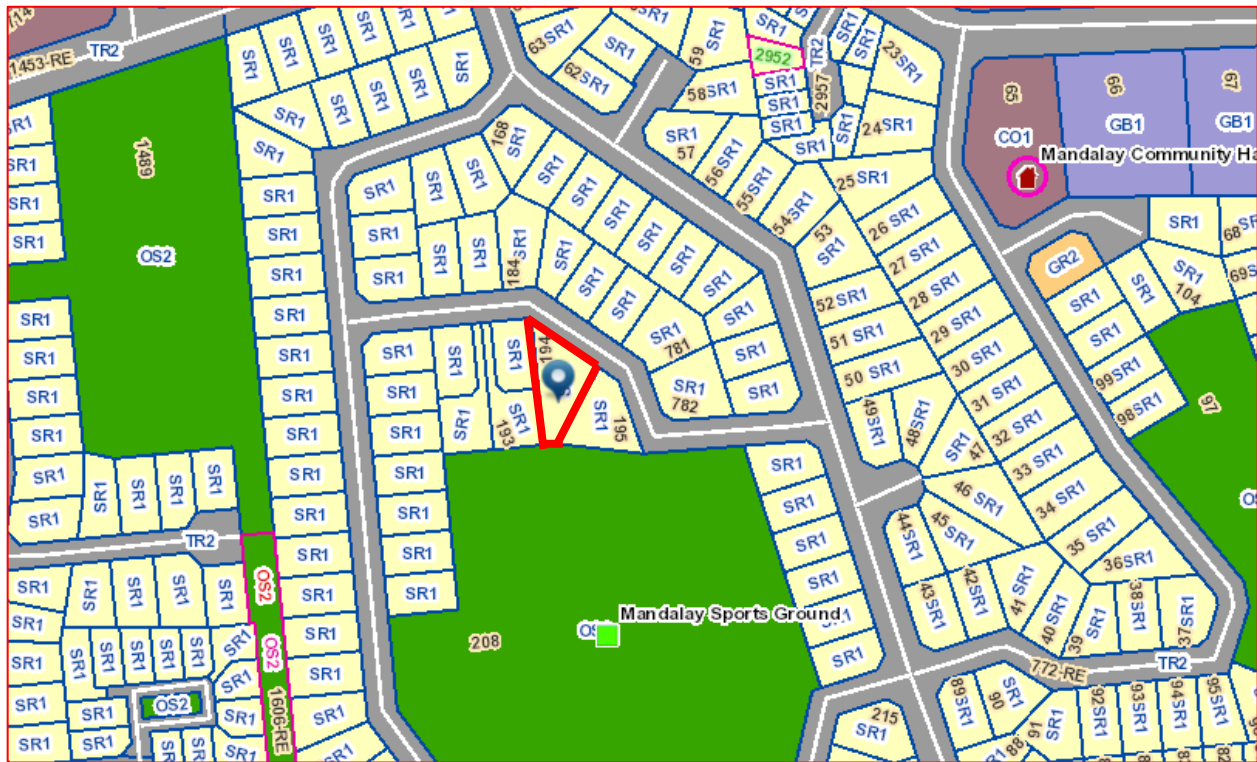


Figure 2: Zoning Map

### 4. Proposal

The proposal requires a rezoning and departure application to allow for the development of blocks of flats comprising 12 dwelling units, braai area at the rear of the property and refuse room. The existing dwelling house and the outbuilding at the rear of the property will be demolished. The below figure 3 illustrates the aerial view of the site.





Figure 3: Aerial Image

This motivation report proposes and seeks:

#### **4.1. Section 42(a): Rezoning**

4.1.1. Rezoning of Erf 194 Mandalay, from Single Residential 1 (SR1) to General Residential GR2.

#### **4.2. Section 42(b): Permanent Departures**

4.1.2. Item 41 (e)(iii): To permit the following building line setbacks from the street and common boundaries, for portions of the building:

- 1.2m in lieu of 4.5m from the eastern common boundary (1<sup>st</sup> and 2<sup>nd</sup> storey) and 1.7m in lieu of 4.5m from the common boundary (1<sup>st</sup> and 2<sup>nd</sup> storey).
- 2.5m in lieu of 4.5m from the western common boundary (1<sup>st</sup> and 2<sup>nd</sup> storey).
- 0.5m in lieu of 4.5 from the Lennon Street boundary (1<sup>st</sup> and 2<sup>nd</sup> storey).

## **5. Applicable Spatial Development Frameworks and Policies**

The proposals are supported by policy.

### 5.1. SPLUMA Principles:

The proposal aligns with the principles outlined in the Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013. Here's how the proposal corresponds with each

#### **SPLUMA PRINCIPLE:**

**Spatial Justice:** The proposal contributes to reversing historical spatial inequalities by providing higher-density housing options. This approach ensures that affordable housing opportunities are created in well-located areas, giving previously marginalized groups better access to amenities and services.

**Spatial Sustainability:** The development supports sustainable urban growth by promoting higher-density residential use in a well-established area. By making efficient use of existing infrastructure and reducing the need for further urban sprawl, the project encourages more sustainable patterns of living that lessen environmental impact.

**Spatial Resilience:** The proposed redevelopment will encourage the site's resources to be used as efficiently as possible, specifically through improved building and infrastructure utilisation. Along with encouraging a variety of land uses and preventing urban development, the proposal will also make it possible to integrate residential and employment prospects. The subject property's intensified uses are thought to be compatible with the nearby uses.

**Spatial Efficiency:** The strategic location of the proposed block of flats near the CBD and Strand Road a key public transport corridor facilitates efficient commuting patterns and access to economic opportunities. Increasing housing density in this area promotes better circulation of goods and services, reduces travel times, and supports overall productivity.

**Good Administration:** The proposal aligns with SPLUMA's emphasis on transparent and accountable decision-making processes. By ensuring compliance with the policies of the City of Cape Town, such as the Municipal Spatial Development Framework and other

strategic goals, the rezoning process is managed the rezoning process is managed efficiently, facilitating a clear and fair administrative process for all stakeholders.

The proposed rezoning and development align with the SPLUMA principles by fostering inclusivity, sustainability, and resilience, while making optimal use of the area's strategic location and existing resources.

## **5.2. Western Cape Provincial Spatial Development Framework (PSDF)**

The PSDF advocates for the development of integrated and sustainable settlements that balance informality, inclusion, and urban land markets. By supporting a wider range of accommodation opportunities, the PSDF seeks to promote upward mobility for households and individuals as their economic circumstances evolve.

The development of multi-storey, intensive accommodation on the subject property represents the type of development actively supported by the PSDF. Such a project not only responds to the immediate housing demands but also contributes to the overall vitality and sustainability of the area. By providing diverse housing options, this development will enhance community resilience, stimulate local economic growth, and promote a more inclusive urban environment.

The proposed rezoning and development of blocks of flats aligns with the goals of the PSDF by promoting use diversity, enhancing accessibility, and addressing pressing housing needs, thereby contributing positively to the spatial and economic dynamics of the region.

## **5.3. Cape Town Spatial Development Framework (CTSDf, 2023):**

The City of Cape Town Spatial Development Framework (SDF) is a council-approved policy under Chapter 3 of the Municipal Planning By-law (2015), alongside the Provincial Spatial Development Framework (PSDF). These frameworks hold the highest legal status regarding spatial planning for the Cape Town area.

The SDF is integrated into the City's Integrated Development Plan (IDP), with any amendments included in the next IDP revision. It aims to manage and guide urban



growth, balancing competing land use demands while providing a long-term development path. The framework sets forth a spatial vision and development priorities to achieve a reconfigured, inclusive urban form for Cape Town.

The subject property is situated within the designated 'urban inner core' (see Figure 5: Spatial Transformation Areas). This area is a focus for the City's support of development, aiming to create more opportunities for a larger population in well-connected regions. The current SDF emphasizes growth towards inner areas while discouraging urban sprawl. This policy supports the redevelopment of existing urban spaces, particularly those with access to public transport and established infrastructure.

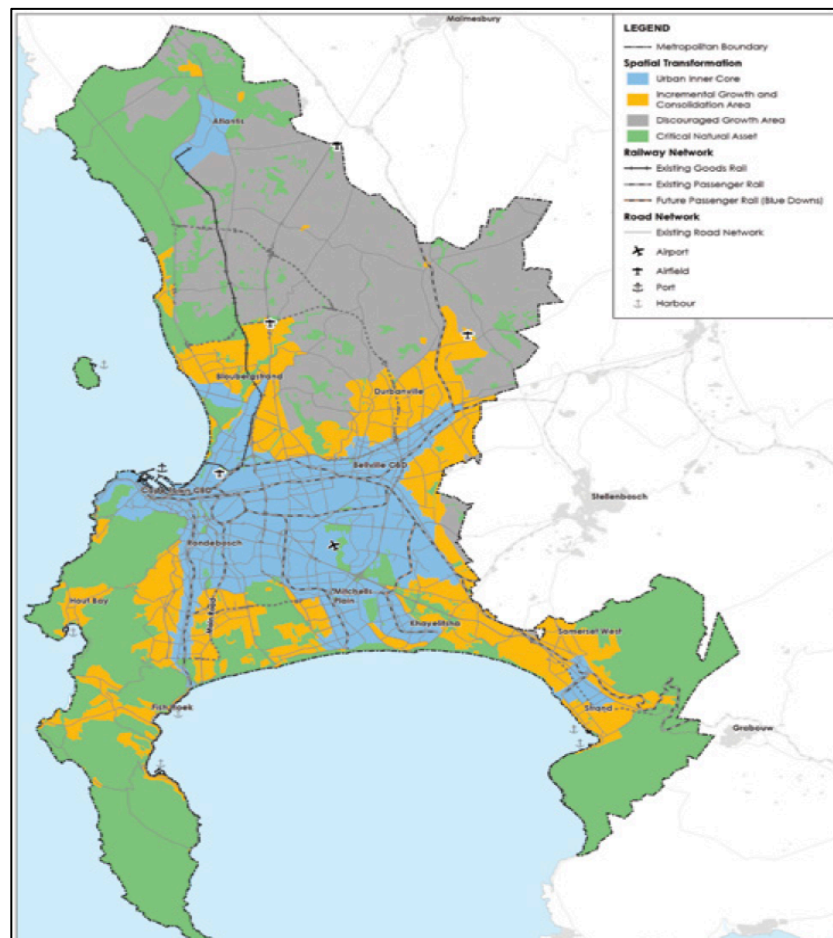


Figure 4: Spatial Transformation Areas

Relevant Strategies:

The strategies in the SDF pertinent to the proposed application include:

**Spatial Strategy 2:** Direct urban growth away from risk areas and activities.

Policy 16: This policy supports directing urban growth away from risk areas. The subject property is not situated within a critical natural area.

**Spatial Strategy 3:** Build an inclusive, integrated, vibrant, and healthy city.

Policy 23: This policy promotes the integrated intensification and diversification of land uses in areas conducive to inward growth.

The subject is located within an area, characterized by high density, diversity, and clustering of urban activities. Redeveloping this property for a block of flats aligns with these characteristics, as it supports land use intensification in an area well-served by transport and services.

#### *5.3.1. Inclusive Economic Growth Strategy, 2021*

The Inclusive Economic Growth Strategy (IEGS) provides guidelines for stimulating inclusive economic growth in the City of Cape Town. Its principles that are relied on in stimulating inclusive economic growth are: inclusivity, competitiveness, connectivity, resilience, embedded sustainability and collaboration.

The proposal is consistent with the IEGS as it ensures that growth is environmentally sustainable in the long term by intensifying within an urban area.

#### *5.3.2. Social Development Strategy, 2013*

The Social Development Strategy (SDS) articulates the role of the City of Cape Town in promoting and maximising social development. Social development is understood broadly as the overall improvement and enhancement in the quality of life of all people.

The proposal, if approved and implemented, will lead to employment creation in the construction industry and post construction and will create alternative residential accommodation accessible to amenities, employment and public transport. The proposal is therefore in line with the aims of the Strategy.

### 5.3.3. *Transit Oriented Development Strategic Framework, 2016*

The long-term development approach for addressing spatial inequality, increasing the cost of public transit, and halting sprawl is known as Transit Orientated Development (TOD) in the City of Cape Town. The combination of sustainable public transport with strategic land use intervention is the driving force behind this, which is based on the concepts of affordability, accessibility, efficiency, intensification, and densification. The plan adheres to this TOD concept in the following ways:

- It is strategically situated among social amenities and economic possibilities; and
- There are public transit options close to the proposal, which may be reached on foot.

### 5.3.4. *Urban Design Policy, 2024*

The policy was approved in 2024 and the policy objectives present 'what needs to be achieved' in order to support a well performing city. The Policy contains nine policy objectives and the policy that the proposal is compliant to are discussed below:

#### **Objective 2: Create good quality open space through placemaking**

*PS 2.5 Arrange buildings or erven so that the rear or back of a development does not face onto the public realm (streets or open spaces), unless there is certainty that the buildings will be designed to provide a positive interface onto the space.*

The development complies with the policy as the rear of the proposed building does not directly face onto the street. The proposal creates open space(s) that are robust, durable, safe (back of units do not face open spaces) and designed with intention.

#### **Objective 3: Contribute to the creation of healthy and safe communities**

*PS 3.1 Increase passive surveillance and safety in the public realm by optimising visual connections and ensuring adequate lighting. This will contribute to the reduction of vandalism, and anti-social and violent activities.*

*PS 3.5 Consider natural and human induced environmental hazards such as climate change. Avoid locating new development in rivers, wetlands, floodplains, storm surge areas and other hazardous areas as described in relevant spatial policy. Consciously organise space and activities to reduce risks to people, particularly the vulnerable.*

The proposal complies with the policy as the property is not located in a hazardous area. Additionally, the design includes a reception area on the first storey and balconies on the second storey that face onto the public street. This design feature enhances passive surveillance, which is expected to reduce the likelihood of vandalism, anti-social behaviour, and violent activities.

**Objective 6: ensure positive interfaces onto the public realm**

*PS 6.1 Locate buildings so that they have a positive relationship and interface with the public realm (street or open space). This can be achieved through active uses, greening and overlooking features.*

*PS 6.7 Boundary treatment facing onto the public realm (walls, fences and vegetation) are an interface. As a result, they should be visually permeable and have a positive relationship with the public realm.*

The proposed building features a windows that overlooks the street, fostering a positive connection and interaction with the public realm. Furthermore, the design of the boundary wall is visually permeable, enhancing its relationship with the surrounding environment and contributing to an open and inviting interface with the public space.

**5.3.5. Densification Policy**

The Densification Policy is a mechanism to achieve the goals and objectives of the various spatial plans and strategies. The policy advises on appropriate urban forms and desirable locations in order to achieve the goals of the CTMSDF and the District Plan.

The proposal is supported as the proposed block of flats comprising of two-storey represents higher densification and is appropriate and has a low impact on the character of the area. Appropriate densification, facilitates a gradual restructuring of the

City which is vital in terms of social, economic and environmental sustainability and is an important mechanism towards improving the inefficient city structure that currently exists. It is widely accepted in professional and academic planning circles that a compact urban form is an essential pre-condition for well performing cities.

The proposal is consistent with this policy's objectives for the following reasons:

- It ensures the optimal and efficient use of infrastructure, services, facilities and land.
- It supports the development of a viable public transport system and improves the levels of access to the City's resources and amenities.
- It will protect, manage and enhance the natural and built environment and significant cultural landscapes.
- It helps to provide property investors with a level of certainty regarding areas that will be targeted for various types of densification.
- The scale of the proposal is appropriate in the immediate context.
- Caters for the trend of decreasing household sizes.
- It contributes to place-making and the development of attractive safe urban environments.

## 6. Khayelitsha, Mitchells Plain, Greater Blue Downs District Plan(2023)

The KMPBD District Plan encourages land use intensification, which involves diversifying land use by integrating a mix of residential and non-residential activities. This can be achieved through increased use of space, both vertically and horizontally, leading to densification. The plan supports this approach within existing areas or new developments by increasing the number of residential units or commercial space. It particularly encourages such developments in locations with strong public transport access, employment hubs, commercial areas, and other amenities, or where these features are planned.

The proposal for a 12-unit block of flats aligns with the district's goals by contributing to land use intensification and densification, while also supporting the diversification of residential and non-residential spaces. The proposal is consistent with the plan's preference for developments in well-connected locations with access to public transport, employment centers, and amenities.

## Section 99(3)

6.1. Consideration in terms of Section 99(3) of the extent of desirability of the following criteria

6.1.2. Socio-economic impact

- The proposal to provide twelve (12) units will have a positive social impact on the surrounding community as it will increase residential accommodation in the area in close proximity to amenities and facilities and therefore enhance the social aspects of the area.
- It will also enhance the social aspects of the area, as well as bring a range of income group to the area. Additionally more people would be living and potentially working within the area.

6.1.3. Compatibility with surrounding uses

- The proposed land use is considered to be compatible with the surrounding land uses based on the description of the area. The proposed land use (flats) are permitted primary land uses in terms of the proposed GR2 zoning. The proposal is considered to be contextually appropriate for the reasons discussed below.
- The proposal complies with the floor space, coverage and maximum height applicable in terms of the proposed GR2 zoning.
- The proposal does not change the existing land use. The proposal will have no adverse impact on the surrounding built form.
- The proposal remains compatible with existing and surrounding land uses.
- The development is not out of context given its scale.

### **Building line departures**

- The building line departures applied for relate to the street and common boundary lines. These departures are a minor deviation from the existing development regulations, as the current building already sits closer to the common boundary line. Additionally, other properties in the area do not have significant setbacks from the boundary lines, making this approach consistent with the prevailing character of the neighbourhood. As such, the proposal is not expected to have any adverse impact on the streetscape and will be in keeping with the established built form in the area.

## **Rezoning**

- Similar developments (blocks of flats), characterized by comparable densities, can be found throughout the Mandalay area. This ongoing transformation reflects the evolving character of Mandalay. These developments underscore a clear trend toward higher residential densities and more intensified mixed land uses, which is actively encouraged by the KMPBD District Plan, 2023.

### 6.1.4. Impact on engineer services

- The proposal will not have adverse impacts on engineering services.

### 6.1.5. Impact on safety, health and wellbeing if the surrounding community

- The proposal will not have adverse impacts on health, safety and wellbeing of the abutting neighbours as well as the surrounding community.

### 6.1.6. Impact on heritage

- The subject property is not located within Heritage Protection Overlay Zone (HPOZ). The proposal is not considered to have any negative impact from a heritage perspective.

### 6.1.7. Impact on the biophysical environment

- There is no negative impact on the biophysical environment as the property is located within an urban area and contains established and developed buildings.

### 6.1.8. Traffic impact, parking, access and other transport related considerations



- The property is located in a PT2 area, according to the DMS there are no parking requirements for properties located in PT2 areas as the use of public transport is encouraged in these places. However, for convenience purposes the proposal includes the provision of seven (7) parking bays.
- It is considered that there will be no resultant negative impact traffic, parking, access and other transport related considerations.

#### 6.1.9. Impact on existing rights

- The existing addition is considered acceptable and does not have a negative impact on the abutting neighbours.
- If the subject application is approved, it won't affect the nearby property owners' capacity to exercise their development rights under the Municipal Planning By-Laws or any other relevant laws.

## 7. Conclusion

The proposal to develop the underutilized site on Erf 194 Mandalay, for blocks-of-flats development is both desirable and in alignment with all City-approved planning documents and spatial development frameworks. The proposed development is compatible with the surrounding land uses and built environment and reflects the area's evolving character toward higher residential densities, as encouraged by current spatial policies.

Furthermore, the proposed development has been carefully designed to ensure that it will not infringe upon the rights or amenity of neighboring property owners or the general public. The development will integrate seamlessly into the surrounding urban fabric while contributing positively to the broader area's growth and transformation.