



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500146055

Erf 10127, 1 Klaasens Road, Constantia

Development Management

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Our Ref: 3172/04/25 – Rev 1

Date: 24th June 2026

**MOTIVATIONAL REPORT: APPLICATION FOR REZONING FROM AGRICULTURAL TO SR1;
SUBDIVISION; PERMANENT LAND USE DEPARTURE; DEVIATION FROM THE MSDF & SDSDF:
ERF 10127 CONSTANTIA**



Figure 1 - LOCALITY MAP

SERVICE WITH EXCELLENCE AND EXPERIENCE

Duncan H. Bates B.Sc (Survey) Pr. L (SA)

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1 **ABSTRACT:**

The property, known as Erf 10127 Constantia, hereafter referred to as the subject property, measuring 4 332m² in extent, is situated in Constantia, in the area of jurisdiction of the City of Cape Town, Administrative District of Cape, and is located at No. 1 Klaasens Road, Constantia.

The property is subject to a servitude right-of-way, 2,50m wide, running along the south-western and southern boundaries. It is further entitled to the use of the Private Road, 4,72m wide, running to the south-west and south of the boundaries of the subject property. The private road is to be named Glendirk Drive by GIS.

Erf 10127 is zoned for Agricultural purposes, in terms of the City of Cape Town Development Management Scheme (DMS). The Rezoning of the property thus requires a Pre-application Consultation, which has been held, and the minutes thereof are attached to this application bundle for further ease of reference.

Further, it has been required to obtain comment from the WC Department of Agriculture, which states that the Department has no objection to the proposed Rezoning and Subdivision.

The property is the subject of a Sectional Title Scheme (S.G. No. 17/2024), the Register has not yet been opened. An Exclusive Use Area (G1), 2 351m² in extent, has been shown on the Block Plan, covering the area around the main dwelling. The boundary of this EUA is the same as the proposed line of subdivision.

The property contains an existing main dwelling (latest approved building plan no. 0002328, dated 2nd January 2024), and the second dwelling is now under construction, as per the City of Cape Town approved building plan (Approval No. 0022708, dated 6th March 2025). This dwelling is being constructed on the Common Property portion of the property. Once this dwelling has been completed, the Sectional Title Scheme will be amended by the Extension of the Scheme accordingly.

It is now proposed to Rezone the property from AG to SR1, and to subdivide the property along the Exclusive Use Area boundary, denoted as the lines JKLMN on the Block Plan of the Sectional Title Plans referred to above.

A Rezoning and Subdivision Plan, Ref: 3172/04/25 – Plan of Subdivision – Rev 1, dated May 2025 (revised on 24th June 2026), underpins this application.

As the main dwelling, and second dwelling, already enjoy the approval of the City, it is thus not considered necessary for any new consultant studies to be undertaken, further taking note that the subdivisational boundary will follow the already designated Exclusive Use Area boundary, inferring that the subdivision will only be a change in the form of ownership, from Sectional Title to freehold. Once the Rezoning and Subdivision application has been approved, the Sectional Title Register will be closed, with the property reverting to the Land Register, to enable the registration of the subdivided portion.

It is noted that the property falls in an Area of Agricultural Significance in terms of the MSDF, as well as the SDSDF. The proposed Rezoning and Subdivision is not technically consistent with these frameworks, and deviations therefrom are thus required.

2 PROPERTY DESCRIPTION:

The property description is reflected in the below table.

Erf No.	10127 Constantia
Diagram No.	136/1989
Diagram Deed	
Sectional Title Scheme	Noordzicht (Units 1 and 2) – No. 273
Current Owner	
Property Extent	4 332 m ²
Current Zoning	Agricultural
Proposed Zoning	SR1
Zoning Scheme	City of Cape Town DMS
Street Address	No. 1 Klaasens Road, Constantia No. 4 Glendirk Drive, Constantia

3 STATUTORY FRAMEWORK:

3.1 TITLE DEED CONDITIONS:

There are no Title Deed conditions that are repugnant to the proposed Rezoning and Subdivision of the property. The property is subject to a 2,50m servitude right-of-way along the south-western and southern boundaries of the property, and is also entitled to the use of the 4,72m Private Road, running along the same boundaries, but outside of the property. Refer to the Conveyancer's Certificate attached.

3.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA):

It is held that the proposal does not result in any triggers which require a Basic Assessment, or a full Environmental Impact Assessment, in terms of the NEMA Environmental Impact Assessment Regulations, 2014, as amended.

3.3 NATIONAL HERITAGE RESOURCES ACT (NHRA):

It is further held that the provisions of Section 38(8) of the National Heritage Resources Act No. 25 of 1999, do not apply herein. The property is not located within the City of Cape Town's Heritage Protection Overlay Zones, and has no heritage value recorded on the City Map Viewer.

3.4 MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2023 (MSDF):

In terms of the Consolidated Spatial Plan Concept of the MSDF, 2023, the property is located in an area designated as Incremental Growth and Consolidation Area. The MSDF states that Incremental intensification (more land use mix), as is the case herein, and densification (more residential units), also applicable herein, in the Incremental Growth and Consolidation area to be supported, subject to engineering services capacity clearance. The property is located well within the Urban Development Edge.

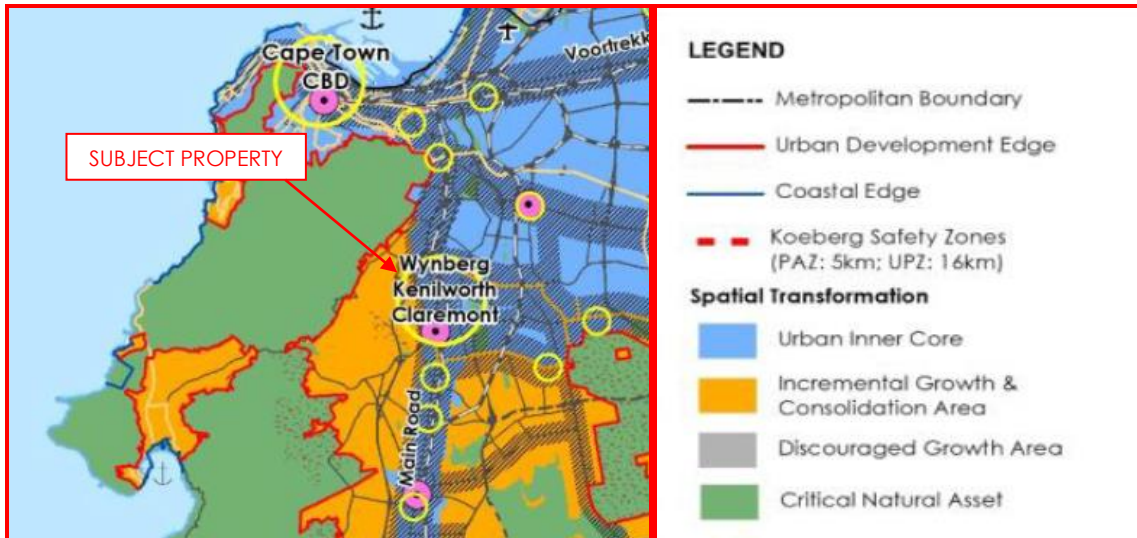


Figure 2 - Extract from MSDF Consolidated Spatial Plan Concept

However, it can be seen from the extract of the map in figure 3 below, that the property is further delineated as being in an area of Agricultural Significance. The proposed Rezoning and Subdivision is thus technically not consistent with the MSDF, and a deviation therefrom is required. Further explanatory notes are provided under the SDSDF in paragraph 4.5 below.

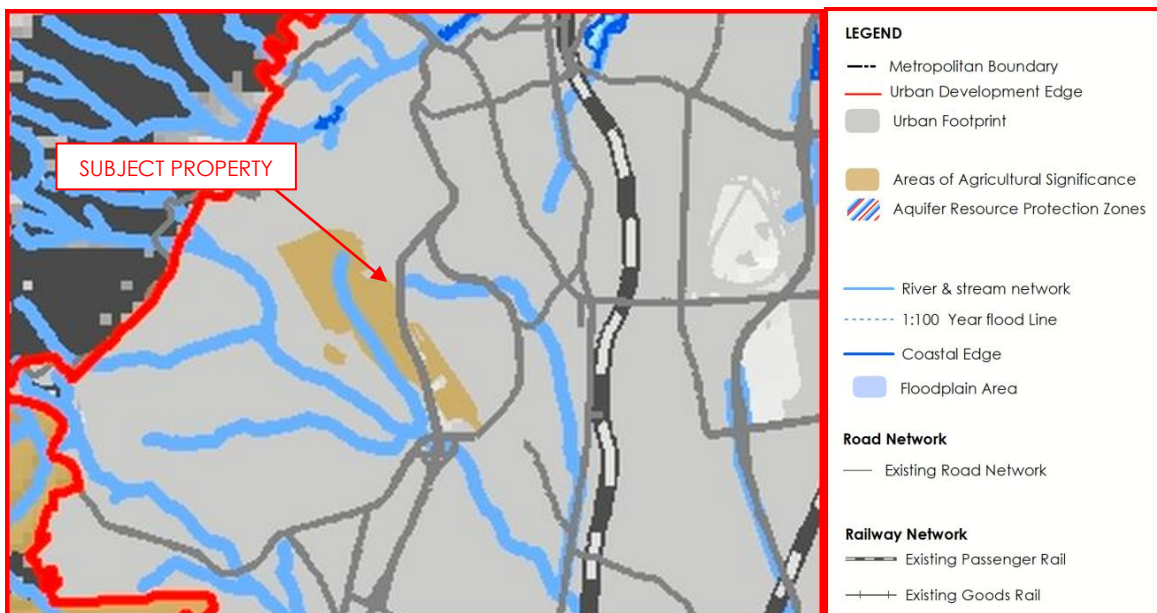


Figure 3 - Extract of MSDF Areas of Agricultural Significance (Source: WC Dept. Agriculture)

3.5 SOUTHERN DISTRICT SPATIAL DEVELOPMENT FRAMEWORK 2023 (SDSDF):

The City's Spatial Planning Branch was requested in May 2025 to provide a preliminary comment regarding the consistency with the MSDF and the SDSDF, and it was confirmed that the property falls with an Area of Agricultural Significance, and hence the proposed Rezoning and Subdivision is not technically consistent with these policies, and a deviation therefrom is required.

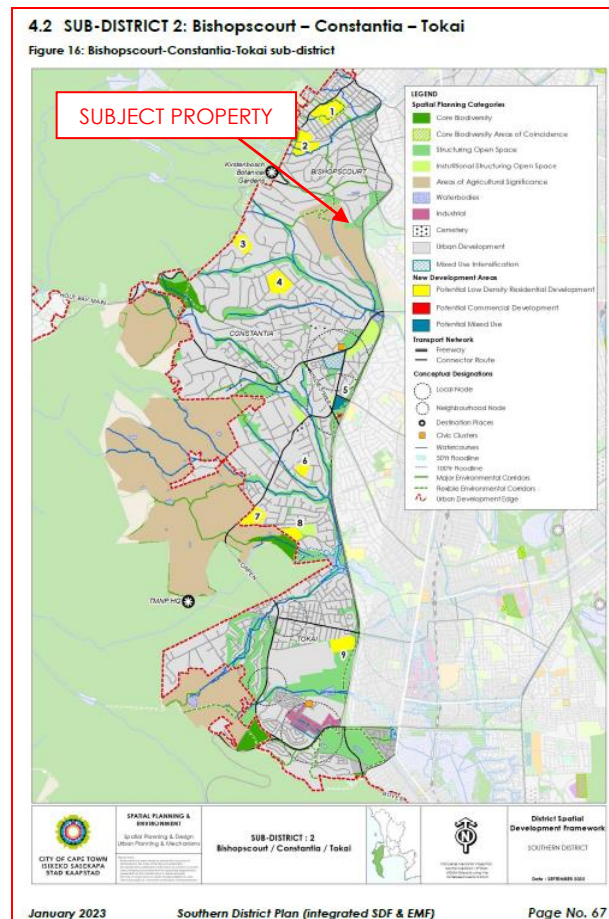


Figure 4 - Extract from SDSDF: Sub District 2: Bishopscourt/Constantia/Tokai

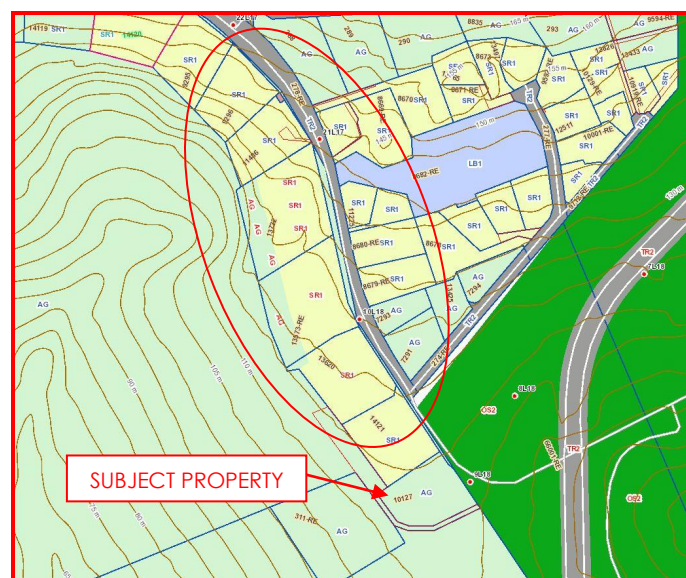


Figure 5 - Extract from the City's Zoning Viewer

In motivating the deviation, attention is drawn to the fact that the subject property resulted from a subdivision of parent Erf 310 in 1989, wherein all of the other subdivided portions along Klaasens Road were designated SR1, for which see Figure 5 above.

Further, the property already contains a main dwelling, and a second dwelling is under construction, as per the Council approved building plans. The bulk of the entire Erf has thus been developed for residential purposes, leaving no meaningful space for agricultural use of any significance.

It can thus not contribute further to the agricultural economy, or the agricultural workforce. The approval of the deviation will thus have no further additional negative impact upon the Agricultural Significance of the area, and will, in fact, deemed to be more in line with the zonings of all of the other Erven along Klaasens Road, than the other properties to the west and south, which are all very large properties, being used in accordance with the intent of the Area of Agricultural Significance.

Two of the guidelines in the SDSDF, relating specifically to the Constantia area, read as follows:

- iii. Limit maximum hard surfacing (including roofing, paving). This should be 500m² or 40% whichever is greater on erven 1000-2000m², 750m² or 30% whichever is greater on erven >2000m²).
- iv. As far as possible retain existing tree coverage (of mature trees / trees > 5m) and or encourage planting of new trees (especially on street boundaries) towards retaining the area's tree canopy and 'green' street interfaces.

Figure 6 - Extract for the SDSDF for Constantia

With regard to paragraph 7(iii), the hard surfaced area for Portion 1, including the dwelling, the pool, the paving, and the driveway, totals approximately 940m², and the permitted hard surfacing is 832.5m². The hard surfaced area for Portion 2, including the dwelling, the pool, the paving, and the driveway, is approximately 585m², and the permitted area is 622.8m². The hard surface area for Portion 1 exceeds the permitted area by 107,5m², which is not hugely significant. The hard surface area for Portion 2 is compliant. A deviation from the SDSDF for the hard surface area for Portion 1 is thus required.

With regard to the tree coverage, attention is drawn to the fact that a tree plan was prepared by Rooted SA, during the approval process for the building plans for the Second Dwelling, now on Portion 2. This plan had to be signed off by EMS prior to the approval of the said building plan, and fulfils the intent of paragraph 7(iv) above. The plan has now been updated to REV04, dated 27/05/2026. (see figure 7 below). A tree protection plan and a landscaping plan have been updated, and are submitted with the application bundle.

All of the other vegetation on the site is to be retained, and thus there will be no further negative impact on the SDSDF.

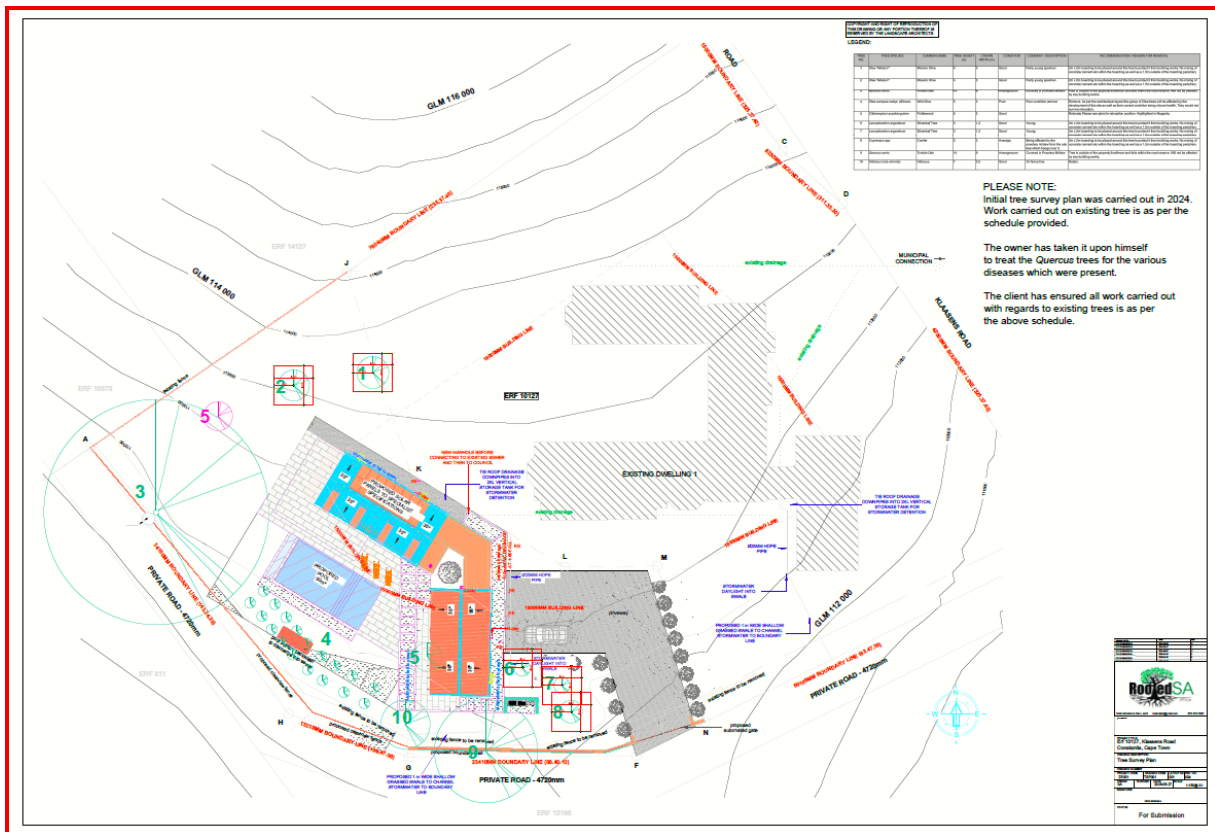


Figure 7 - Tree Plan for the approval of the Second Dwelling REV04 (27/05/2026)

3.6 CAPE TOWN DENSIFICATION POLICY 2012 (CTDP):

The City's Densification Policy defines densification as: "*The increased use of space, both horizontally and vertically, within existing areas/properties and new developments, accompanied by an increased number of units and/or population threshold.*" It goes on to denote incremental densification as: "*Small-scale densification that has a relatively low impact on the character of an area, e.g. the subdivision of a residential property or construction of a second dwelling.*" As it is the intention of this application to permit the rezoning and subdivision of the property, coupled with the fact that the property already contains a main dwelling, and the second dwelling is under construction, which is subject to Sectional Title, which will be converted to Freehold Title in due course, it is held that it is only the form of ownership that is changing, and does not detract from the intent of the Policy.

3.7 TRANSIT ORIENTED DEVELOPMENT STRATEGIC FRAMEWORK 2016 (TOD):

The Introduction to the Transit Oriented Development Strategic Framework states:

Transit Oriented Development (TOD) represents the intricate relationship between "Transit" (the operational/access imperative of an urban environment) and "Development" (the spatial manifestation of those that are within the urban economy). Transit Oriented Development (TOD) is about changing, developing, and stimulating the built form of the city in such a way

that the movement patterns of people and goods are optimised to create urban efficiencies and enable social equality and economic development.

In the context of this Strategic Framework TOD is seen as a planning, design, and implementation approach that can be employed to address inefficiencies in the urban form of the city. TOD does not solely belong to one discipline but rather is seen as a key transversal development and management premise to addressing urbanisation, urban growth and service delivery with transport being the catalyst to achieving operational efficiencies in the urban environment for both the city and its citizens. It is an approach that enables a change in the principles of the space economy, forcing long term efficiencies through integrated implementation and service delivery.

Taking the above into account the purpose of the City of Cape Town TOD Strategic Framework is to identify the tools and mechanisms to be employed by various role players who have a collective impact on development to ensure that they move progressively toward a more sustainable, compact, and equitable urban form.

The approval of the subdivision of the property into 2 portions, with access off Klaasens Road, is of such a low impact, that there will be negligible impact on the TOD.

It is thus held that the proposed development supports the intent of the TOD Strategic Framework at nodal and precinct level.

3.8 CAPE TOWN SOCIAL DEVELOPMENT STRATEGY 2016 (SDS):

The Executive Summary of the SDS states, amongst other things:

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, especially people who are poor or marginalised. At its core is a focus on addressing poverty, inequality and social ills while providing for the participation of people in their own development. The SDS sets out what the City is doing, plans to do and articulates where external stakeholders, such as contracted service providers and organisations receiving City grants, shall contribute to creating an opportunity, safe, caring, inclusive and well-run city that allows people to reach their potential.

Figure 8 - Extract of the SDS

The proposed subdivision into 2 portions is in keeping with the urban fabric of the area, and is not intended to directly address poverty, inequality, or social ills issues. It will, however, provide both short term (additional jobs for construction workers during the construction phase) and longer term (additional jobs for domestic and ground staff) benefits to improve the quality of life of these people.

3.9 CAPE TOWN ECONOMIC GROWTH STRATEGY 2013:

The Executive Summary of the EGS states, amongst other things:

The principal objective of the Economic Growth Strategy (EGS) is to grow the economy and create jobs - the overarching objective of the Opportunity City. It presents the City of Cape Town's response to the most fundamental challenges facing Cape Town in the years ahead: too many people are unemployed, too many people are poor, and the city's lacklustre current and projected growth rates means that this situation is unlikely to change if the organisation follows a 'business as usual' approach. At the same time, demand for city services is increasing every year. This trajectory will be unsustainable in the long-term unless incomes rise, and City revenue from households and businesses increases.

The development will provide employment opportunities (as referred to in paragraph 4.2 above) for people from other communities in the longer term. In the shorter term, various consultants will be employed to feed into the development, as well as for builders and construction workers. The proposed subdivision may attract a development contribution, as well as ongoing rates and taxes. This will go some way to fulfilling the intent of the EGS.

3.10 CAPE TOWN SCENIC ROUTE:

The subject property lies approximately 120m to the west of the nearest Scenic Route, being Edinburgh Drive. As can be seen from Figure 9 below, the property is not visible from the said route, and hence the proposed Rezoning and Subdivision will have no negative impact upon it.

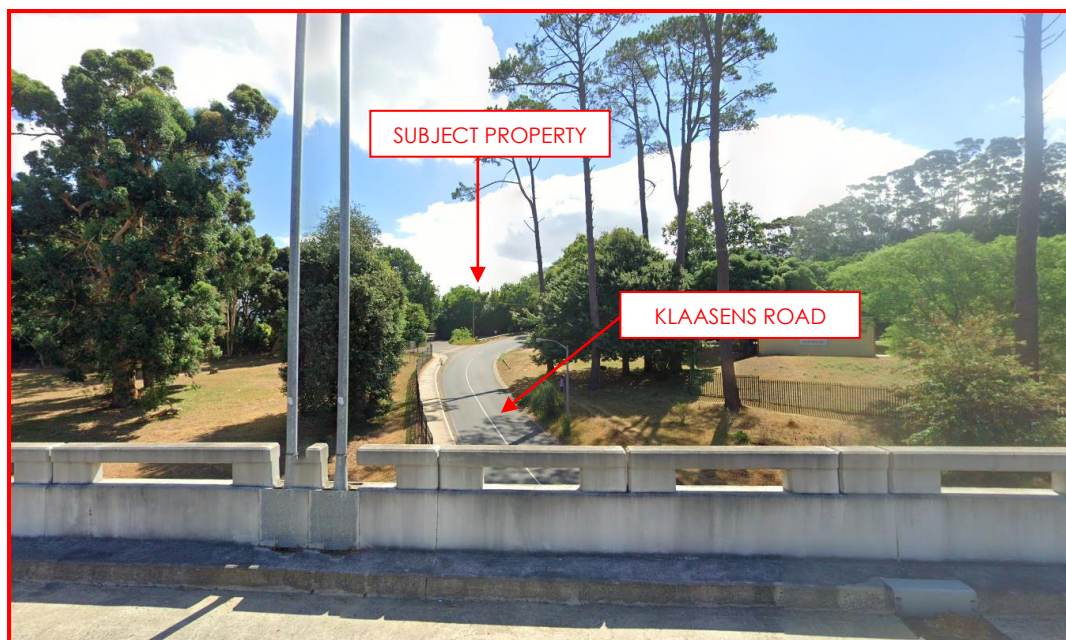


Figure 9 – View westwards from Edinburgh Drive Scenic Route

4 BASELINE INFORMATION:

The following information is given:

4.1 SURROUNDING ZONINGS AND LAND USES:

The subject property is located in an area with diverse zonings. The properties to the north comprise a mix of SR1 AG, and LB1. The properties to the west and south are all AG, and the properties to the east are OS2. The portions of road are zoned TR2.

The proposed rezoning of the subject property from AG to SR1 in the midst of these diverse zones is considered to be appropriate, given that all of the other properties that were subdivided in the same survey in 1989 were SR1. Further, as stated above, the property already contains a main dwelling, and the second dwelling is currently under construction, as per a Council approved building plan, rendering the use of the property to be predominantly residential.

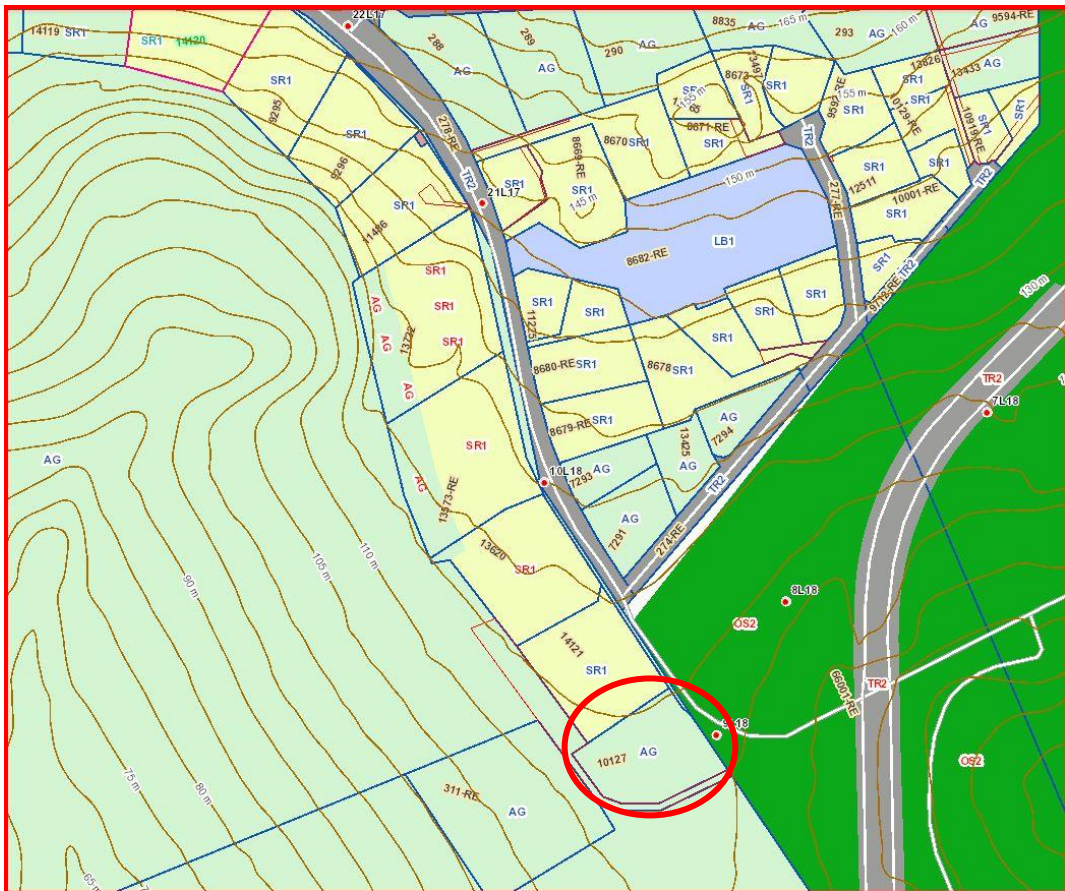


Figure 10 - Extract from the City Zoning Viewer

4.2 SURROUNDING PROPERTY SIZES:

There is a great variety of property sizes in the area, ranging from 1500m² through 4000m² up to 50 hectares. This is a reflection of the diverse character of the area. the proposed subdivision into 2 portions of 2775m² and 1557m² respectively is thus in keeping with the subdivisinal sizes in the area.

4.3 SLOPES:

The property slopes gently downwards from the north to the south by 4m over a distance of 80m, rendering the average slope to be 1:20.



Figure 11 – Extract from the City Map Viewer showing 2m Contours

4.4 VEGETATION:

There is a lot of vegetation on the property, comprising shrubs, bushes, and mature trees. As the property already contains a main dwelling, and a pool, and a second dwelling already under construction, coupled with the fact that no new structures are proposed, no further impact on the vegetation will occur. A Tree Plan has been prepared for Portion 2 by RootedSA, which was required for the approval of the building plan for the Second Dwelling, for which see the attached (now REV04, dated 27/05/2026), as well as figure 7 above. A tree protection plan has also been provided, as well as a Landscaping Plan.

4.5 STREETSCAPE:

It can be seen from Figure 12 below that the access to Portion 1 off Klaasens Road will not be altered if the proposed subdivision were to be approved, coupled with the fact that a dwelling already exists on the said portion. The access to Portion 2, on which the second dwelling is already being constructed, will be around the corner off the Private Road. No change in the Streetscape will result from the proposed subdivision.

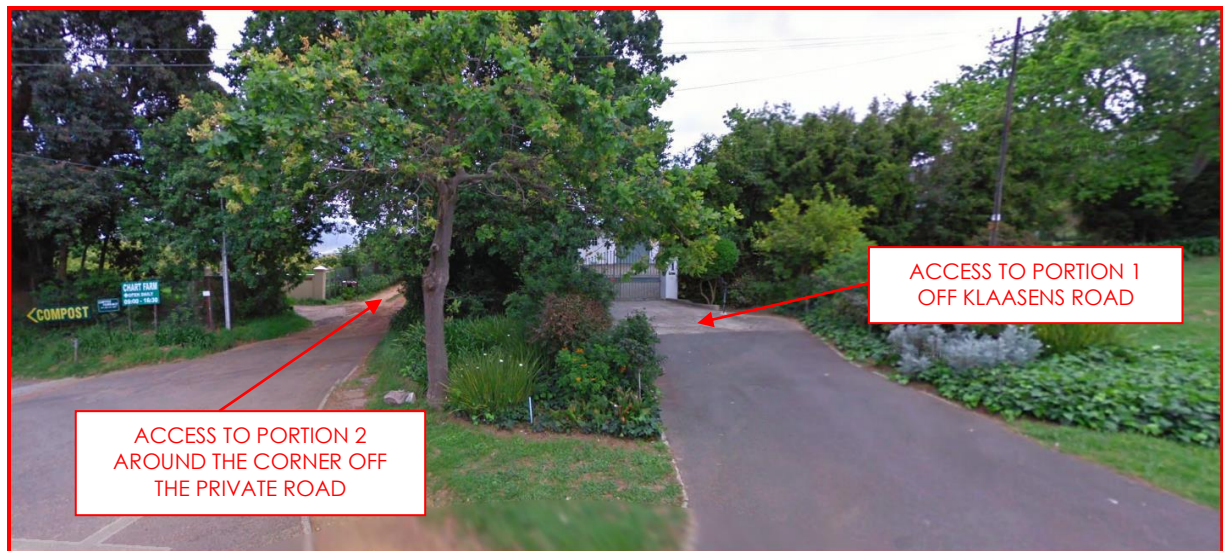


Figure 12 - Extract of Site Plan showing Access off Klaasens Road & the Private Road

4.6 URBAN FABRIC:

The proposed Rezoning to SR1, and the subdivision, will be in keeping with the existing urban fabric of the area, which is predominantly agricultural and residential in nature.

4.7 VISUAL IMPACT:

As stated in paragraph 4.5 above, which deals with the streetscape, there will be no additional visual impact, other than what has already been approved by the city, and which has been, and is being, constructed.

Further, there will be no change to the visual impact from the Scenic Route, Edinburgh Drive, approximately 120m to the east.

4.8 SERVICES:

As the property already contains a main dwelling, and a second dwelling is currently under construction, as per an approved building plan, no additional services will be required. A Stormwater Management Plan, and the Approval of the City thereto, relating to Portion 2, is appended to this application, for further reference.

With regard to sewerage disposal, the approved building plan for the new second dwelling on Portion 2 shows the pipe connecting to the existing sewer on Portion 1. The pipe runs underneath part of the dwelling on Portion 1, and hence a servitude to cover this will not be suitable. The sewer for Portion 2 will thus need to be re-routed to run within the servitude running along the south-eastern boundary, and out onto the nearest collection point on Klaasens Road. This can be made a condition of approval of the proposed subdivision.

4.9 ACCESS AND PARKING:

Access to Portion 1 will remain unchanged off Klaasens Road, and access to Portion 2 has already been approved on the building plan for the second dwelling, which is under construction on proposed Portion 2. This can be seen on the extract of the approved building plan in Figure 13 below.

Off-street parking for Portion 1 is in the existing double garage, and for Portion 2, the parking for 2 bays is located at the head of the new driveway.

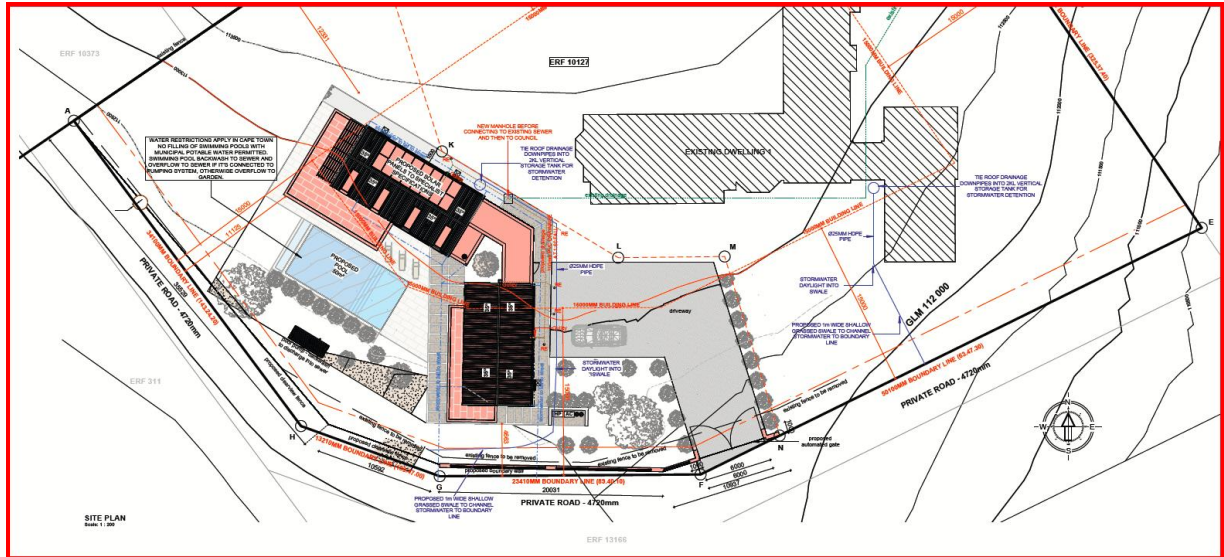


Figure 13 - Extract of Approved Building Plan for the Second Dwelling

5 DEVELOPMENT RULES IN TERMS OF THE DMS:

It is proposed to Rezone the property to SR1, to separate the 2 dwellings, which currently form the units in a Sectional Title Scheme, known as Noordzicht.

SINGLE RESIDENTIAL ZONINGS	LAND UNIT AREA (m ²)	FLOOR FACTOR	MAXIMUM FLOOR SPACE	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL		BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					To wallplate	To top of roof	Street boundary	Common boundaries		
SINGLE RESIDENTIAL ZONING 1: CONVENTIONAL HOUSING (SR1)	>2 000	N/a	1 500 m ²	N/a	9,0 m	11,0 m	6,0 m	6,0 m	PORTION 1 PORTION 2	Paving and access. Additional use rights – home occupation, bed and breakfast establishment, second dwelling, third dwelling and home child care
	>1 000 up to 2 000	N/a	1 500 m ²	N/a	9,0 m	11,0 m	4,5 m	3,0 m		
PRIMARY USES Dwelling house, private road and additional use rights	>650 up to 1 000	N/a	1 500 m ²	N/a	9,0 m	11,0 m	3,5 m	3,0 m		
ADDITIONAL USE RIGHTS Second dwelling; third dwelling; Home occupation or bed and breakfast establishment or home child care	>350 up to 650	1,0	N/a	N/a	8,0 m	10,0 m	3,5 m	0,0 m (12,0 m from street and 60%) and 3,0 m rest		
	>200 up to 350	1,0	N/a	75%	8,0 m	10,0 m	1,5 m	0,0 m		
CONSENT USES Utility services, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house and veterinary practice	≤200	1,0	N/a	75%	8,0 m	10,0 m	1,0 m	0,0 m		
		Refer to item 22(a)	Refer to item 22(b)	Refer to item 22(h)	Refer to item 22(c)	Refer to item 22(c)	Refer to item 22(d) & 22(e)	Refer to item 22(d) & 22(e)		

Figure 14 - Extract of DMS for SR1 for Portions 1 and 2

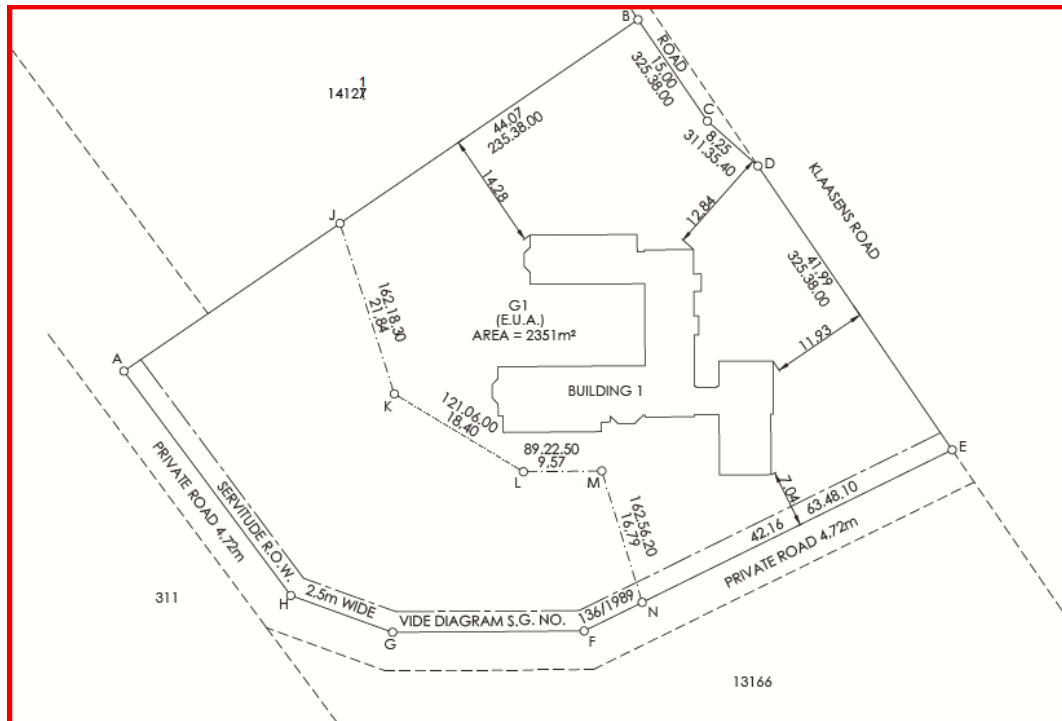
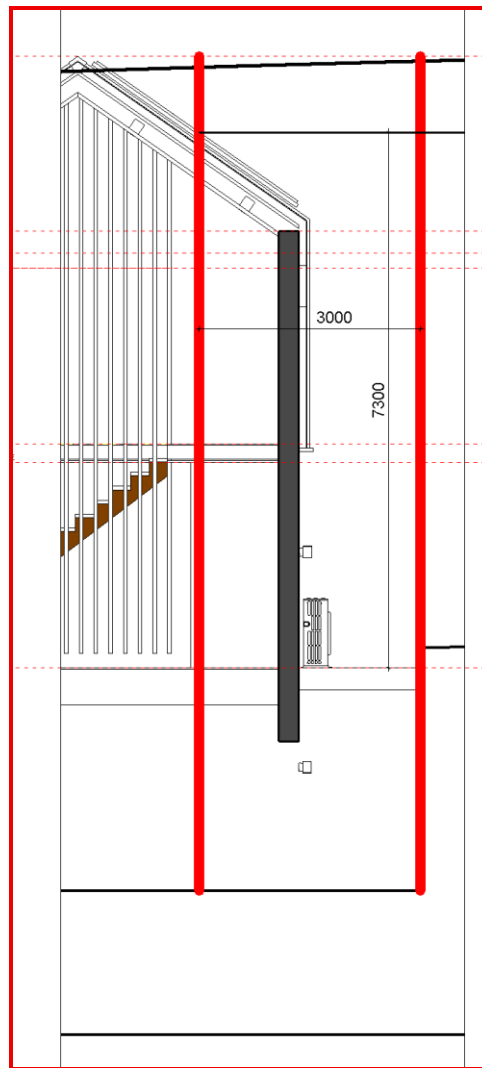


Figure 15 - Extract of Sectional Title Plan D.17/2024 showing distances from main dwelling to boundary

- Item 22(b): The permitted maximum floor space is 1500m² – the actual floor space for the dwelling on Portion 1 is 447m², and for the dwelling on Portion 2 is 348m² – **compliant**.
- Item 22(c)(i): The permitted Height to wall plate is 9,0m – the actual height for Portion 1 is 2,95m, and for Portion 2 is 6,48m – **compliant**.
- Item 22(c)(i): The permitted Height to top of roof is 11m – the actual height for Portion 1 is 4,70m, and for Portion 2 is 8,87m – **compliant**.
- Item 22(c)(ii): Where a building is permitted in this zoning within 3m of a common boundary, the height will be limited to 4m, measured from EGL to top of roof. The actual height is 7,30m, for which see Figure 16 below. A **Permanent Land Use Departure is required**, to permit the height to be 7,3m in lieu of 4,0m.
- Item 22(d): The permitted Street Boundary Building Line is 6,0m for Portion 1, and 4,5m for Portion 2 – the actual for Portion 1 is 11,93m from Klaasens Road, and 7,04m from Private Road, and for Portion 2 is 4,66m – **compliant**.
- Item 22(d): The permitted Common Boundary Building Line is 6,0m for Portion 1, and 3,0m for Portion 2 – the actual for Portion 1 is 2,85m, and for Portion 2 is 1,64m – not compliant. However, Item 146 of the CTMPBL, 2015, as amended, the City's approval is deemed to have been granted from any building line or coverage that arises from the approval of a subdivision. **No permanent land use departure is thus required** in this instance.
- The required minimum number of parking bays is 2 bays for each of Portions 1 and 2 – the actual number is 2 bays on each portion – **compliant**.



**Figure 16 – Plan showing height of building 3m from a common boundary
(the LM on the Plan of Subdivision)**

6 DEVELOPMENT PROPOSAL:

6.1 REZONING:

In terms of Section 44 of the CTMPBL, submitted as application type 42(a), an application is hereby made for the Rezoning of the Property from Agricultural (AG) to Single Residential Zone 1 (SR1).

6.2 SUBDIVISION:

In terms of Section 52 of the CTMPBL, submitted as application type 42(d), an application is hereby made for the Subdivision of Erf 10127 Constantia into 2 portions, such that Portion 1 is 2 775m², and Portion 2 is 1 557m². A Plan of Proposed Subdivision, prepared by Duncan Bates Professional Land Surveyors is submitted for approval, under Ref: 3172/04/25 – Plan of Subdivision Rev 1, dated 5th May 2025 (revised on the 24th June 2026).

6.3 DEPARTURE:

In terms of Item 22(c)(ii), submitted as application type 42(b), an application is hereby made for a Permanent Land Use Departure, to permit the height of the building on Portion 2 to be 7,3m, in lieu of 4,0m, being 3,0m from a common boundary.

6.4 DEVIATION FROM THE MSDF & SDSDF:

A deviation from the MSDF and SDSDF to permit the Subdivision is required, as the property is in an area designated as 'Agricultural Area of Significance', wherein subdivision is not supported.

Further, a deviation from the SDSDF for the hard surfacing limitation of 832,5m² for Portion 1, to 940m², an increase of 107,5m².

7 DESIRABILITY

Section 99 of the CTMPBL sets out the criteria to be used in the assessment and decision-making process of an application. The application is desirable in terms of Section 99 of the CTMPBL, due to the following, as per the criteria:

(1) Compliance with the following minimum threshold requirements –

- (b) The proposed land use (Rezoning) does not technically support the MSDF, as the property is located in an area designated to be of Agricultural Significance. However, the property has already been developed, and has no practical agricultural value. The required deviation from the MSDF is therefore fully justified.
- (d) An application is not required for a departure to alter the development rules relating to the permitted floor space or height, other than the height of a building being limited to 4,0m within 3,0m of a common boundary – a technical departure is required for this.

(2) Consider all relevant considerations including the following –

- (a) The proposal does not support the MSDF, 2023, and the SDSDF, 2023, and a technical deviation therefrom is required.
- (b) The proposal complies with the relevant criteria contemplated in the DMS, other than a technical height departure for a dwelling within 3m of a common boundary.
- (c) The proposal does not contravene any policy or strategy.
- (d) The proposal is desirable in terms of subsection (3) below.
- (e) The impact on existing rights is considered to be minimal, given the fact that the man dwelling already exists, and the new second dwelling is already under construction, as per an approved building plan. Although the building lines applicable to the original property will change for Portion 2, the dwelling was approved with the street building line of 6m, and only the common boundary building line affected is with Portion 1, being the Remainder of the property, after subdivision.

- (f) The consolidation of land is not applicable herein;
- (g) The proposal does not contradict SPLUMA 2013, which is not applicable herein, or any other considerations prescribed in relevant national or provincial legislation.
- (h) The application complies with the requirements of the CTMPBL, 2015, as amended.

(3) The following considerations are relevant to the assessment under subsection (2)(d):

- (a) Socio-economic impact: The proposed rezoning and subdivision of the property supports appropriate diversity, that does not have a negative impact on the character and social status of the area. The proposal has a positive socio-economic impact, due to the additional anticipated permanent employment opportunities for between 3 to 6 jobs (for domestic staff, and groundsmen). This supports the Economic Growth Strategy, 2013, of the City of Cape Town, as well as the Social Development Strategy.
- (d) Compatibility with surrounding uses: The proposal is clearly compatible with the surrounding use pattern, which is a mix of Agricultural and Single Residential.
- (e) There will be no additional impact on external engineering services, as the main and second dwellings already enjoy the provision of such services. No new structures are proposed under this application.
- (f) There will not be a negative impact on the safety, health, and wellbeing of the surrounding community.
- (g) Impact on heritage: There will be no negative impact in terms of heritage.
- (h) There will not be a negative impact on the biophysical environment, as the main dwelling already exists, and the second dwelling is currently under construction. Approved building plans for both dwellings exist, and a Tree Plan for Portion 2 has already been approved by EMS.
- (i) There will be no additional impact on traffic, parking, access, and other transport related considerations, as the access and egress points have already been approved.
- (j) The imposition of conditions relating to mitigation of the impact of the proposed Rezoning and Subdivision is not anticipated.

8 **MOTIVATION**

- There are no title deed conditions preventing the proposed rezoning and subdivision;
- Although the proposal is not consistent with the MSDF, 2023, or the SDSDF, 2023, as the property is in an area designated 'Agricultural Area of Significance', wherein subdivision is not supported, and a deviation therefrom is required, this is of a technical nature only, as the property has little or no agricultural significance.
- The hard surfacing for Portion 2 is below the recommended maximum permitted area, as set out in paragraph 7(iii) of the SDSDF. However, the hard surfacing for Portion 1 is 940m², whereas the maximum permitted area is 832,5m², a difference of 107,5m². A deviation from this limitation in the SDSDF is required.
- The property is not located within any of the City's Overlay Zones.
- The proposed Rezoning from Agricultural to Single Residential is considered to be most desirable, given that the other properties arising from the same subdivision in 1989 all carry the SR1 zoning. The fact of the matter is that the property is already being used for residential purposes, and the rezoning will not detract from the agricultural uses of the other properties to the west and south.
- If the property was to remain Agricultural, it would still not be able to contribute meaningfully to the agricultural economy, or to the agricultural workforce – this fact alone supports the proposed rezoning to SR1.
- There will be no increased impact on the service infrastructure in the area, as the property already contains a main dwelling, and the second dwelling is already under construction, with the service requirements already in place.
- The sewer for Portion 2 currently traverses Portion 1, and will need to be re-routed along the driveway for Portion 2, and out on to the private road, which permits services to run within it, and then out to the nearest sewer connection in Klaasens Road. No trees or their root systems are affected by this re-routing.
- The access to each dwelling has already been approved, and no changes to those are proposed.
- There will be no additional negative impact on the vegetation on the property, given that the main dwelling already exists, and the second dwelling is already under construction. No further development is proposed in this application. The Tree Plan for Portion 2 was approved during the building plan approval process for the Second Dwelling.

- A tree protection plan has been provided for Portion 2. No changes are proposed for the long-existing dwelling on Portion 1, and hence there will be no impact on the vegetation on Portion 1.
- A Landscaping Plan has been provided for Portion 2. No changes to the original dwelling and the space around it will be required as a result of the approval of the subdivision.
- Notwithstanding the fact that both dwellings have already been constructed, and no dwellings are proposed, a Landscaping Plan has been provided.
- Additional short term employment opportunities have already been created for the current construction phase, and longer-term employment will be created, once the development has been completed, for between 3 to 6 jobs.
- The proposed development is considered to be compatible with, and integral to, the surrounding land use pattern, the urban fabric, and the built environment.
- With regard to the impact of changes in the building lines resulting from the subdivision into smaller portions, there will be no change in the building lines for Portion 1, being 6,0m for street and common boundary building lines. There are no changes in permitted height to wall plate and top of roof, and the floor space is well below the permitted 1500m². There will be a change to the building lines for Portion 2, down to 4,5m from the street boundary, and 3,0m from the common boundaries. The floor space and heights to wall plate and top of roof remain unchanged. Attention is drawn to the fact that building plans for the new dwelling on Portion 2 have been approved, and the building has already been constructed. The dwelling is compliant with the street boundary building line. The common boundary building line along LM is 1,64m, and enjoys a deemed departure in the case of the subdivision. The only impacted party will be the owner of Portion 1, who is actually the current owner of the unsubdivided property, which is the subject of a Sectional Title Scheme, and which is to be de-registered upon the approval of this subdivision. There will thus be no negative impact on the rights of any other affected party.
- The visual impact will not be significant, and will have zero impact on the nearby Edinburgh Drive Scenic Route.
- The streetscape along Klaasens Road, and the Private Road will not change at all.
- With regard to the street naming and numbering for the private road, the GIS Department has been requested to name the road Glendirk Drive, and the numbering for Portion 2 is to be no. 4. Portion 1 will remain as No. 1 Klaasens Road.

- The approval of the Rezoning and Subdivision will have a positive socio-economic benefit, without disruptive consequences.
- Comment has been obtained from the WC Department of Agriculture, who have no objection to the proposed Rezoning and Subdivision.

9 CONCLUSION:

It has been demonstrated that the proposed Rezoning from Agricultural to Single Residential Zone 1, the proposed Subdivision, the departure for the height of the dwelling on Portion 2, of Erf 10127 Constantia, together with the technical deviations from the MSDF and SDSDF, are desirable in terms of section 99 of the CTMPBL, and capable of approval by the City.



D.H. BATES
PROFESSIONAL LAND SURVEYOR

10 SUMMARY OF APPROVALS REQUIRED:

10.1 REZONING:

In terms of Section 44 of the CTMPBL, submitted as application type 42(a), an application is hereby made for the Rezoning of the Property from Agricultural (AG) to Single Residential Zone 1 (SR1).

10.2 SUBDIVISION:

In terms of Section 52 of the CTMPBL, submitted as application type 42(d), an application is hereby made for the Subdivision of Erf 10127 Constantia into 2 portions, such that Portion 1 is 2 775m², and Portion 2 is 1 557m². A Plan of Proposed Subdivision, prepared by Duncan Bates Professional Land Surveyors is submitted for approval, under Ref: 3172/04/25 – Plan of Subdivision Rev 1, dated 5th May 2025 (revised on the 24th June 2026).

10.3 DEPARTURE:

In terms of Item 22(c)(ii), submitted as application type 42(b), an application is hereby made for a Permanent Land Use Departure, to permit the height of the building on Portion 2 to be 7,3m, in lieu of 4,0m, being 3,0m from a common boundary.

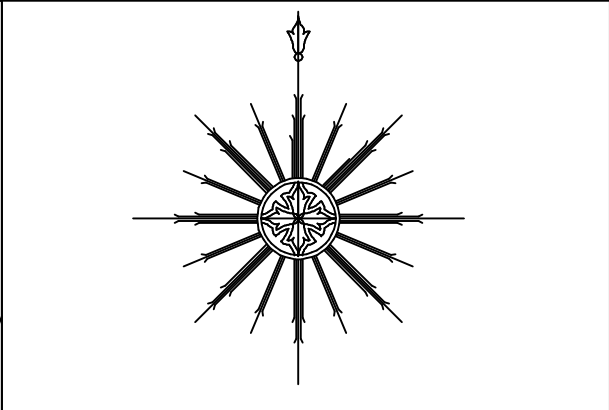
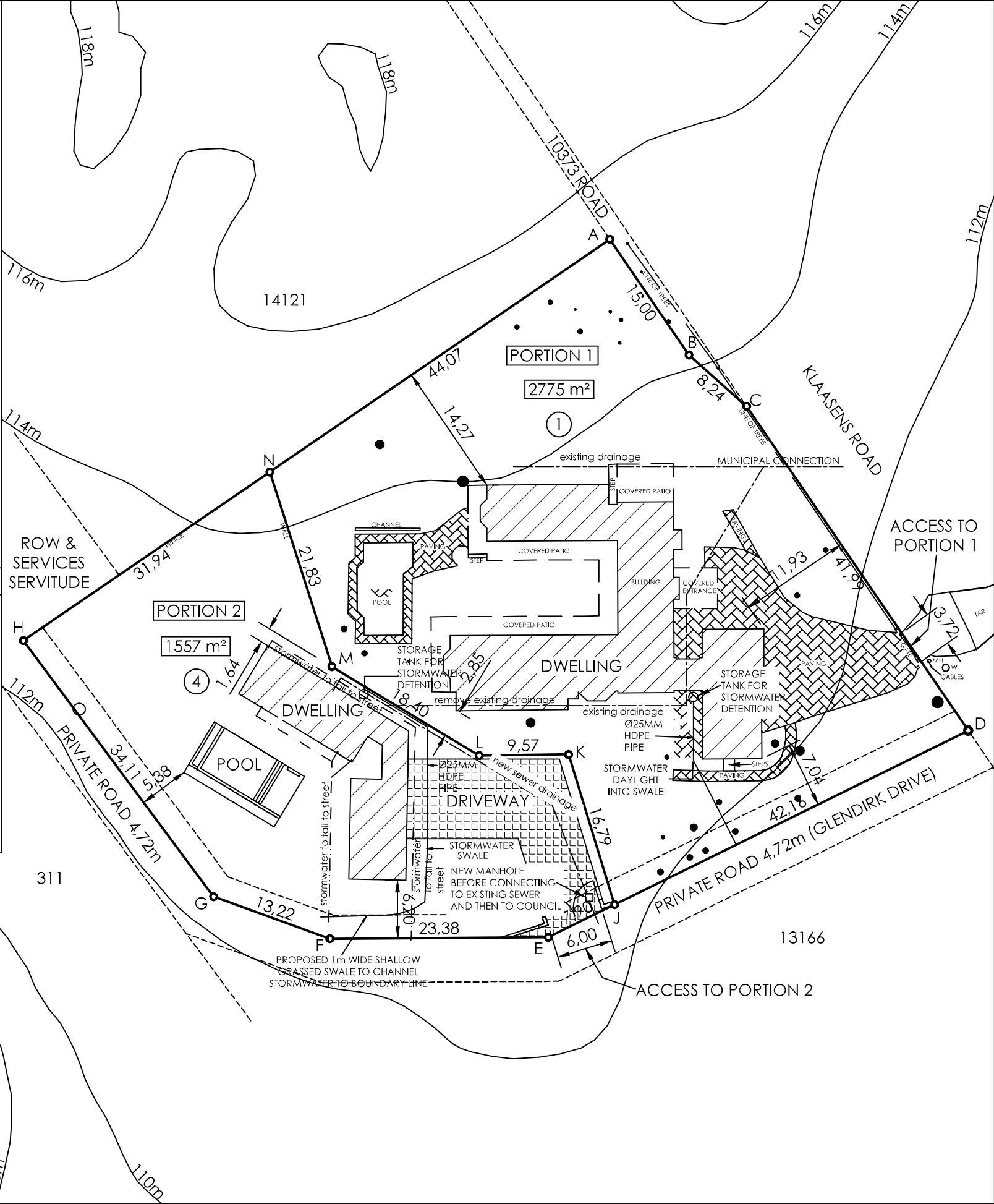
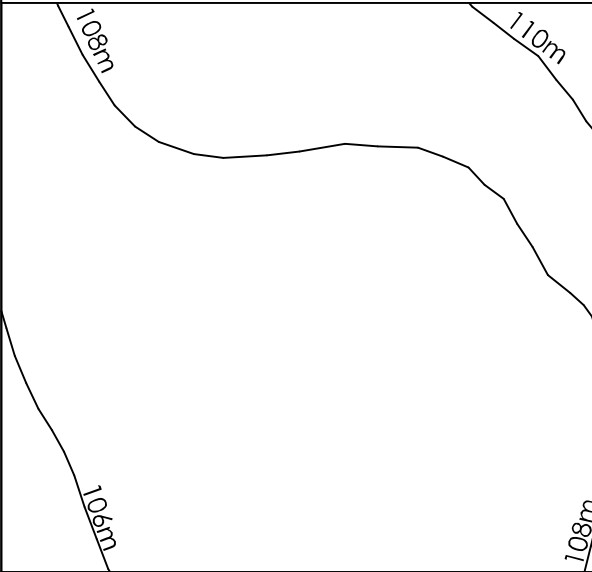
10.4 DEVIATION FROM THE MSDF & SDSDF:

A deviation from the MSDF and SDSDF to permit the Subdivision is required, as the property is in an area designated as 'Agricultural Area of Significance', wherein subdivision is not supported.

Further, a deviation from the SDSDF for the hard surfacing limitation of 832,5m² for Portion 1, to 940m², an increase of 107,5m².

LEGEND:
SCALE: 1/500
CONTOURS: 2m (BASED ON THE CoCT 2m GLM)
CURRENT ZONING: AGRICULTURAL (AG)
PROPOSED ZONING: SINGLE RESIDENTIAL (SR1)
SECTIONAL TITLE NOORDZICHT: S.G. No. D17/2024
HELD BY BODY CORPORATE NOORDZICHT (PETER COLLIGAN GRAHAM DONALD - SECTIONS 1 & 2)
BY ST.44023/25 & ST44024/25
NOTING SHEET: AHNC-1132 (M2280)
BHSX-3394 (M1669)
NOTES:
1. THE FIGURE ABCDEFGH REPRESENTS ERF 10127
CONSTANTIA, 4332 SQUARE METRES IN EXTENT;
2. THE FIGURE ABCDJKLMN REPRESENTS
PROPOSED PORTION 1, 2775 SQUARE METRES IN
EXTENT;
3. THE FIGURE NMLKJEFHG REPRESENTS
PROPOSED PORTION 2, 1557 SQUARE METRES IN
EXTENT;
4. THE LINES JK, KL, LM & MN REPRESENTS THE
LINES OF PROPOSED SUBDIVISION.
5. STREET NUMBERING:
PORTION 1 - No. 1 KLAASENS ROAD, CONSTANTIA
PORTION 2 - No. 4 GLENDIRK DRIVE, CONSTANTIA
6. ERF 10127 IS SUBJECT TO THE NOORDZICHT
SECTIONAL TITLE SCHEME, REGISTERED AS ABOVE.
7. THE LINES DE, EF, FG & GH REPRESENT THE
SOUTHERN AND SOUTHWESTERN EDGE OF A 2,5m
SERVITUDE RIGHT-OF-WAY, VIDE DGM. No.
136/1989.
REVISION 1 - AERIAL PHOTO REMOVED & MINOR
AMENDMENTS (24th JUNE 2026)

COUNCIL STAMP OF APPROVAL



Duncan Bates
Professional Land Surveyors

SAGI MEMBER
www.sagi.co.za

UNASHAMEDLY ETHICAL

MAY 2025
DUNCAN H. BATES
PROFESSIONAL LAND SURVEYORS
EAGLES REST FARM
PLATEAU ROAD
CAPE POINT
P.O. BOX 22320
FISH HOEK
7974

CAD Drawing: D H BATES
Date : 5th MAY 2025

CONTRACT: 1 KLAASENS ROAD

PLAN OF SUBDIVISION:
ERF 10127 CONSTANTIA
SITUATE IN THE CITY OF CAPE TOWN,
ADMINISTRATIVE DISTRICT OF THE
CAPE, PROVINCE OF WESTERN
CAPE

Ref : 3172/04/25 - PLAN OF SUBDIVISION
Drawing No
Rev No 1