



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Case ID 1500161457

**Erf 23442, 23443, 23444, 23445, 23449,
23450 and 23451, 86 Royal Road,
Maitland**

Development Management

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**APPLICATION FOR ZONING CORRECTION, CONSOLIDATION AND
REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS:
MAITLAND SECONDARY SCHOOL
ERVEN 23442, 23443, 23444, 23445, 23449, 23450 & 23451, CAPE TOWN**

CONTENTS

1.	INTRODUCTION.....	1
2.	APPLICATIONS.....	1
3.	LOCALITY AND CADASTRAL INFORMATION	1
3.1.	UNDERLYING ZONING	2
3.2.	PROPERTY DATA	3
4.	PROPOSAL.....	4
4.1.	APPLICATION FOR ZONING CORRECTION	4
4.2.	APPLICATION FOR CONSOLIDATION	7
4.3.	APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS	7
4.4.	APPLICATION FOR REMOVAL OF APPROVAL CONDITIONS	8
5.	MOTIVATION AND DESIRABILITY.....	8
5.1.	CONSISTENCY WITH THE CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2023 (MPABL, SECTION 99 (1)(b))	8
5.2.	SUBJECT TO SUBPARAGRAPH IN SECTION 99(1)(d)(ii), IN THE CASE OF AN APPLICATION FOR A DEPARTURE TO ALTER THE DEVELOPMENT RULES RELATING TO PERMITTED FLOOR SPACE OR HEIGHT, APPROVAL OF THE APPLICATION MAY NOT HAVE THE EFFECT OF GRANTING THE PROPERTY THE DEVELOPMENT RULES OF THE NEXT SUBZONE WITHIN A ZONE (MPABL SECTION 99(1)(d)(i))	8
5.3.	APPROVAL OF AN APPLICATION FOR A DEPARTURE TO ALTER THE DEVELOPMENT RULES RELATING TO PERMITTED FLOOR SPACE OR HEIGHT THAT DOES NOT EXCEED 10% OF THE MAXIMUM HEIGHT OR FLOOR SPACE OF THE APPLICABLE SUBZONE DOES NOT TRIGGER THE MINIMUM THRESHOLD REQUIREMENT (MPABL SECTION 99(1)(d)(ii))	8
5.4.	COMPLIANCE WITH ANY APPLICABLE SPATIAL DEVELOPMENT FRAMEWORK (MPABL SECTION 99(2)(a))	9
5.4.1	<i>Table Bay District Plan, 2023</i>	9
5.5.	COMPLIANCE WITH RELEVANT CRITERIA CONTEMPLATED IN THE DEVELOPMENT MANAGEMENT SCHEME (MPABL SECTION 99(2)(b))	9
5.6.	COMPLIANCE WITH ANY APPLICABLE POLICY APPROVED BY THE CITY TO GUIDE DECISION MAKING (MPABL SECTION 99(2)(c))	9
5.7.	IMPACT ON EXISTING RIGHTS (MPABL SECTION 99(2)(e))	9
5.8.	EVALUATION OF CONSOLIDATION (MPABL SECTION 99(2)(f))	9
5.9.	OTHER CONSIDERATIONS PRESCRIBED IN RELEVANT NATIONAL OR PROVINCIAL LEGISLATION (MPABL SECTION 99 (2) (g))	9
5.9.1.	<i>Compliance with Development Principles in SPLUMA and LUPA</i>	9
5.9.2.	<i>Section 39(5) of the Land Use Planning Act (LUPA), 2014</i>	9
5.9.3.	<i>Section 47 of Spatial Planning and Land Use Management Act (SPLUMA), 2013</i>	10
5.10.	EVALUATION OF DESIRABILITY (MPABL SECTION 99(3))	10
6.	CONCLUSION.....	11

LIST OF FIGURES

- FIGURE 1:** EXTRACT OF AERIAL IMAGERY OF ERVEN MAKING UP MAITLAND SECONDARY SCHOOL (IMAGE SOURCE: CITY OF CAPE TOWN MAP VIEWER)
- FIGURE 2:** EXTRACT OF ZONING OF ERVEN MAKING UP MAITLAND SECONDARY SCHOOL (IMAGE SOURCE: CITY OF CAPE TOWN MAP VIEWER)
- FIGURE 3:** EXTRACTS FROM THE 1964 CAPE TOWN ZONING SCHEME REGULATIONS WHICH PROVE THE LAWFUL SCHOOL USE
- FIGURE 4:** EXTRACT OF AERIAL IMAGERY DATED 1935 FROM CITY OF CAPE TOWN MAP VIEWER
- FIGURE 5:** EXTRACT OF AERIAL IMAGERY DATED 1944-1966 FROM CITY OF CAPE TOWN MAP VIEWER
- FIGURE 6:** EXTRACT OF AERIAL IMAGERY DATED 1980 FROM CITY OF CAPE TOWN MAP VIEWER
- FIGURE 7:** EXTRACT OF PROPOSED CONSOLIDATION

LIST OF TABLES

- TABLE 1:** PROPERTY INFORMATION PER ERF MAKING UP THE SCHOOL..... 3

SUPPORTING DOCUMENTS UPLOADED ONTO D.A.M.S.

Resolution and power of attorney

Title deeds

Property diagrams

Noting sheets

Conveyancer's certificates

Consolidation Plan

Heritage Western Cape confirmation that no NID is required

Land Use Application Form

**APPLICATION FOR ZONING CORRECTION, CONSOLIDATION AND REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS:
MAITLAND SECONDARY SCHOOL
ERVEN 23442, 23443, 23444, 23445, 23449, 23450 & 23451, CAPE TOWN**

1. INTRODUCTION

The Western Cape Government own the erven on which Maitland Secondary School exists. They are intent on consolidating the school erven in order to hold them under 1 title deed as opposed to multiple title deeds. There will not be any physical / material changes to the sites. No new structures are being proposed and no renovations to any existing structures are being proposed as part of this application. Four of the erven that form part of the school are held by title deeds with restrictive conditions that are required to be removed. Finally, all erven are incorrectly zoned Residential 1 and General Residential 4 and this is to be rectified through a zoning correction.

2. APPLICATIONS

The following applications are required in terms of the City of Cape Town Municipal Planning By-law, 2015 (as amended):

- **Application for zoning correction** for erven 23442, 23443, 23444, 23445, 23449, 23450 & 23451, Cape Town to be correctly zoned Community Zone 1 in terms of **section 42(o)**.
- **Application for consolidation** of 23442, 23443, 23444, 23445, 23449, 23450 & 23451 Cape Town in terms of **section 42(f)**.
- **Application for removal of restrictive title deed** Conditions 1(a) & 1(b) over erven 23442 and 23443 held by T23075/1946 and Conditions 1(a) & 1(b) over erven 23444 and 23445 held by T23076/1946 in terms of **section 42(g)**.
- **Application for removal of approval conditions** 1(a) & 1(b) over erven 23442 and 23443 held by T23075/1946 and Conditions 1(a) & 1(b) over erven 23444 and 23445 held by T23076/1946 in terms of **section 42(j)**.

3. LOCALITY AND CADASTRAL INFORMATION



3.1. Underlying Zoning

Four of the school properties are zoned Residential 1 (R1) sites which are part of the township general plan and the remaining 3 larger school properties are zoned General Residential 4 (GR4). The school buildings are located on the latter, and the former appears to be used for parking. Without accessing the historic record to confirm prior consents granted in terms of the previous City of Cape Town general residential and single dwelling zonings, the current residential zonings do not permit “place of instruction” as a primary use right.

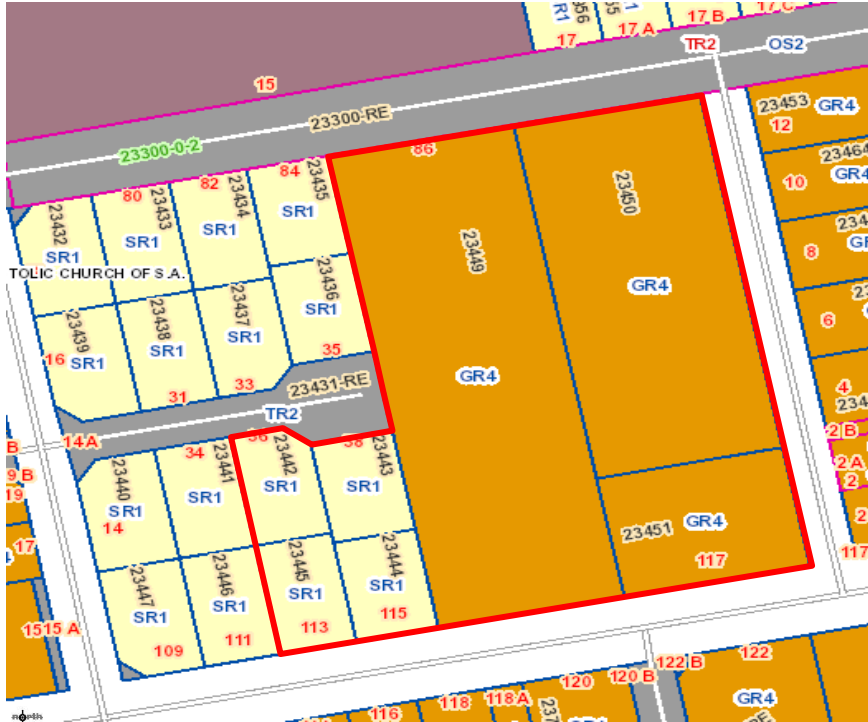


Figure 2: Extract of zoning of erven making up Maitland Secondary School (Image source: City of Cape Town Map Viewer)

3.2. Property Data

Table 1: Property information per erf making up the school

Applicant: Headland Planners Africa (Pty) Ltd								
Property Numbers	Extents	Property Diagrams	Title Deed Numbers	Title Deed Conditions and/or Servitudes	Registered Owners	Current Zoning	Current Land Use	Any Unauthorised Land Use / Building Work
Erf 23442 Cape Town	391 m²	1770/1940		1(a) Used for residential purposes only 1(b) Only one dwelling and outbuildings	Provincial Government of the Western Cape	Residential Zone 1	Vacant – used for parking	None
Erf 23443 Cape Town	394 m²	1770/1940						
Erf 23444 Cape Town	395 m²	1770/1940						
Erf 23445 Cape Town	402 m²	1770/1940						
Erf 23449 Cape Town	4283 m²	512/1900		The property is to be used for school purposes		General Residential 4	Maitland Secondary School buildings	
Erf 23450 Cape Town	3212 m²	1825/1917		None				
Erf 23451 Cape Town	1071 m²	4930/1902						

4. PROPOSAL

4.1. Application for Zoning Correction

4.1.1. Description of the Nature of the Error (MPBL Section 30(2)(a))

Erven 23442, 23443, 23444, 23445 are zoned Residential 1 and erven 23449, 23450 and 23451 are zoned General Residential 4. In terms of the Development Management Scheme, a place of instruction is not permitted in either zone.

4.1.2. Proof of the Lawful Land Use Rights (MPBL Section 30(2)(b))

For reference, the 1964 Cape Town Zoning Scheme Regulations indicates 2 important things:

- There was no “Community Facility” zone, and
- Schools were categorised under “Place of Instruction” and were permitted as of right in the General Residential, Special Business, General Business, General Commercial zones and as a consent use under Single Dwelling Residential zones – refer to figure 3.

Extracts from the 1964 zoning scheme as follows:

Table: Buildings permitted in various use zones.		
Use Zone.	Buildings Permitted.	Buildings Permitted only with special consent of Council.
1.	2.	3.
Single Dwelling Residential.	Dwelling Houses.	Double Dwelling Houses. Places of Worship. Places of Instruction.
Intermediate Residential.	Dwelling Houses. Blocks of Two Flats.	Double Dwelling Houses. Places of Worship. Places of Instruction.
General Residential.	Dwelling Houses. Blocks of Two Flats. Blocks of Flats. Residential Buildings. Places of Worship. Places of Instruction. Institutions.	Double Dwelling Houses. Terraces of Houses.
Special Business.	Shops. Business Premises. Dwelling Houses. Blocks of Two Flats. Places of Worship. Places of Instruction. Institutions. Places of Assembly.	Double Dwelling Houses. Service Stations.
General Business.	Shops. Business Premises. Dwelling Houses. Blocks of Two Flats. Blocks of Flats. Residential Buildings. Places of Worship. Places of Instruction. Institutions. Places of Assembly.	Double Dwelling Houses. Terraces of Houses. Service Stations.
General Commercial.	Industrial Buildings. Shops. Business Premises. Dwelling Houses. Blocks of Two Flats. Blocks of Flats. Residential Buildings. Places of Worship. Places of Instruction. Institutions. Places of Assembly.	Double Dwelling Houses. Terraces of Houses. Service Stations.

CHAPTER III: USE ZONING.

Use Zones and Sub-zones

13(1) The Municipality is divided into the following Use Zones for the purpose of controlling the use of buildings and land:—

Single Dwelling Residential.
Intermediate Residential.
General Residential.
Special Business.
General Business.
General Commercial.
General Industrial.
Noxious Industrial.
Show and Exhibition.
Private Open Space.
Undetermined.

Figure 3: Extracts from the 1964 Cape Town Zoning Scheme Regulations which prove the lawful school use

Given that schools were permitted as a consent use under Single Dwelling residential zoning, it would not have been uncommon to find school properties on Single Dwelling residential zones. The 4 properties that incorrectly appear as R1 on the zoning map were purchased for school use by the provincial government in 1946 even though; to date, they have not been developed with any school uses and remain vacant. All the R1 zoned properties that form part of the school would have originated from Single Dwelling Residential zoning prior to 1990.

The school buildings are situated on the GR4 erven (erven 23449, 23450 and 23451). Although, a place of instruction is only offered as a consent use right in GR4 zones, the school buildings on the GR4 erven do not result in a contravention, because of the property's historic General Residential zoning which would have permitted a school as a primary use in terms of the 1964 zoning scheme, as shown in section 4.1.2 of this report.

It is clear that the record of zoning was not updated with the known public use of the school. In addition, prior to 2000, any land owned by the government, did not compel the submission of building plans to the municipality for approval. During that time, such institutions submitted plans as a courtesy plans, if at all. Since the school is owned by the Provincial Government of the Western Cape, they would have had plans drafted and processed via their various internal departments. The City of Cape Town therefore would not have any record of building plans for the property prior to the year 2000.

It is motivated that the zoning of each of the R1 and GR4 properties that make up the school must be corrected to Community Zone 1 in accordance with the long-standing school use on the properties.

4.1.3. Historic Aerial Imagery Indicating Growth of the School

Aerial imagery traces the school's existence from as early as 1935 – see figure 4. The school buildings existed on erven 23449, 23450 and 23451. Erven 23442-23445 were vacant.

Similarly, a plan captured of the school between 1944-1966 indicates the school as Maitland Public School with the main school buildings on erven 23449, 23450 and 23451. Erven 23442-23445 were vacant - figure 5.



Figure 4: Extract of aerial imagery dated 1935 from City of Cape Town Map Viewer



Figure 5: Extract of aerial imagery dated 1944-1966 from City of Cape Town Map Viewer

The aerial imagery from 1980 indicates the continued existence of the school buildings on erven 23449, 23450 and 23451. Erven 23442-23445 were still vacant during this time – figure 6.

Figure 6: Extract of aerial imagery dated 1980 from City of Cape Town Map Viewer

4.1.4. Indication of Correct Zoning (MPBL Section 30(2)(c))

4.1.5. Motivation for waiver of advertising

"The City must advertise the application –

(b) for public comment if the application materially affects the public."

4.2. Application for Consolidation

The intention of this application is to consolidate the school erven into one property per figure 7.



Figure 7: Extract of proposed consolidation

4.3. Application for Removal of Restrictive Title Deed Conditions

The following restrictive title deed conditions are required to be removed.

4.3.1. Erven 23442 and 23443 held by

- A. *"Conditions imposed by the Administrator when approving of the Subdivided Estate under the provisions of Ordinance 33 of 1934.*
 - (1) *As being in favour of the Registered Owner of any Erf in this Estate, and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of the said Ordinance.*
 - (a) *That this erf be used for residential purposes only.*

(b) That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."

The use of the subject erven is for school purposes. Although the erven are currently vacant, the above-mentioned conditions (a) and (b) are proposed to be removed because they are not aligned with the school use. It is clear that these conditions were imposed when the use of the properties was intended for residential dwellings.

4.3.2. Erven 23444 and 23445 held by

A *"Conditions imposed by the Administrator when approving of the Subdivided Estate under the provisions of Ordinance 33 of 1934.*

(1) As being in favour of the Registered Owner of any Erf in this Estate, and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of the said Ordinance.

(a) That this erf be used for residential purposes only.

(b) That only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."

The use of the subject erven is for school purposes. Although the erven are currently vacant, the above-mentioned conditions (a) and (b) are proposed to be removed because they are not aligned with the school use. It is clear that these conditions were imposed when the use of the properties was intended for residential dwellings.

4.4. Application for Removal of Approval Conditions

The title deed conditions 1(a) & 1(b) over erven 23442 and 23443 held by T23075/1946 and conditions 1(a) & 1(b) over erven 23444 and 23445 held by T23076/1946 were imposed in terms of Ordinance 33 of 1934. They therefore exist as approval conditions and are required to be removed.

5. MOTIVATION AND DESIRABILITY

5.1. Consistency with the Cape Town Municipal Spatial Development Framework, 2023 (MPABL, section 99 (1)(b))

The MSDF locates the site within the Urban Inner Core (UIC) where the City is committed to spatially targeting investment and development to spatially transform and integrate the city form. This application does not change the existing use of the site in any material way. The intention is to correct the zoning of the erven for place of instruction use (CO1 zone), remove restrictive title deed conditions and consolidate the school erven, to match the school use that has taken place on all the properties for the past 91 years (from at least 1935). The proposal aligns with the policies in the MSDF.

5.2. Subject to subparagraph in Section 99(1)(d)(ii), in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application may not have the effect of granting the property the development rules of the next subzone within a zone (MPABL section 99(1)(d)(i))

Not applicable. The application does not include any departure from floor space and height.

5.3. Approval of an application for a departure to alter the development rules relating to permitted floor space or height that does not exceed 10% of the maximum height or floor space of the applicable subzone does not trigger the minimum threshold requirement (MPABL section 99(1)(d)(ii))

Not applicable. The application does not include any departure from floor space and height.

5.4. Compliance with any applicable spatial development framework (MPABL section 99(2)(a))

5.4.1 Table Bay District Plan, 2023

Complies – the school erven are earmarked for urban development. The school has existed on the subject properties for at least 91 years.

5.5. Compliance with relevant criteria contemplated in the development management scheme (MPABL section 99(2)(b))

Not applicable – no physical development is being proposed as part of this application.

5.6. Compliance with any applicable policy approved by the City to guide decision making (MPABL section 99(2)(c))

No policies are applicable.

5.7. Impact on Existing Rights (MPABL section 99(2)(e))

This application does not involve any physical or material change to any existing buildings / structures on the erven and therefore the application will have no impact on existing rights.

5.8. Evaluation of Consolidation (MPABL section 99(2)(f))

Section 99(2)(f) (i)-(iii) give guidance for assessing the impact of consolidations:

5.8.1. Scale and design of the development (99(2)(f)(i))

There are no proposed new structures or alterations to existing structures taking place. This consolidation is simply to merge the cadastral boundaries to undo the fragmentation of the school premises.

5.8.2. Impact of the building massing (99(2)(f)(ii))

Not applicable. There will be no impact on building massing as no new structures are being proposed as part of this application.

5.8.3. Impact on surrounding properties (99(2)(f)(iii))

Not applicable. The school will exist in the same way that it has to date.

5.9. Other Considerations Prescribed in Relevant National or Provincial Legislation (MPABL section 99 (2) (g))

5.9.1. Compliance with Development Principles in SPLUMA and LUPA

Not applicable as the application merely modernises the historic school onto a consolidated property and supports efficient property management and administration in the future. Note that the zoning correction application only intends to align the school's zoning with the school use. Furthermore, the removal of restrictive title deed conditions is of no consequence and is only required to remove restrictive conditions related to residential use on the properties. No new rights are being created.

5.9.2. Section 39(5) of the Land Use Planning Act (LUPA), 2014

This section of the Act states that a municipality should have regard to the following factors when considering the "removal, suspension or amendment of a restrictive condition". The factors are noted in bold below and include responses (in normal text) motivating the application's consideration of each.

The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;

The removal of the afore-mentioned conditions does not amount to any financial value as the recipient of the condition is the Western Cape Government (WCG), who own the school. It is clear that the conditions were mostly imposed on properties prior to the expansion of the school, when such properties may have been envisaged for residential use.

The personal benefits which accrue to the holder of rights in terms of the restrictive condition;

There is no personal benefit to the holder of the restrictive conditions as firstly, the holder is the school and secondly, the conditions limit the current use for residential purposes when the use of the properties is intended for school (place of instruction) purposes.

The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended;

The personal benefit is that the school will be able to explore further school uses on the properties, should the need arise, without the limitation of historically imposed title deed conditions.

The social benefit of the restrictive condition remaining in place in its existing form;

None.

The social benefit of the removal, suspension or amendment of the restrictive condition;

The social benefit is that the school will be able to explore further school uses on the properties, should the need arise, without the limitation of historically imposed title deed conditions.

Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The beneficiary of the restrictive conditions is the school and the removal of the conditions does not remove all the rights enjoyed by the school. Instead, the removal of the residential conditions will enable the school (place of instruction) use, in terms of the CO1 zoning, to take place.

5.9.3. Section 47 of Spatial Planning and Land Use Management Act (SPLUMA), 2013

This section of the Act states that the City must have regard for this section of the Act when considering the removal suspension or amendment of a restrictive condition. With regards to these considerations, it is affirmed that the proposed removal does not deprive any person of property as contemplated in Section 25 of the Constitution.

5.10. Evaluation of Desirability (MPABL section 99(3))

Socio-economic impact (99 (3) (a)): None – as the intention is to consolidate an existing school.

Surrounding land uses (99 (3) (d)): Compliant – the school has existed over the subject erven for at least 91 years.

Impact on external engineering services (99 (3) (e)): None.

Impact on safety, health and wellbeing of the surrounding community (99 (3) (f)): No adverse impact - The safety and wellbeing of the surrounding community will remain as it has for the duration of the school's operations.

Impact on heritage (99 (3) (g)): Not applicable – the school erven are not situated in a HPOZ. In addition, the application does not trigger the National Heritage Resources Act as confirmed by Heritage Western Cape.

Impact on biophysical environment (99 (3) (h)): Not applicable – the proposal does not result in any physical changes to the site. As a result, it does not trigger the National Environmental Management Act.

Traffic impacts, parking, access and other transport related considerations (99 (3) (i)): None – no physical changes are being made to the site.

(99(3)(j)) Imposition of Mitigating Conditions: None.

6. CONCLUSION

The Provincial Government of the Western Cape own erven 23442, 23443, 23444, 23445, 23449, 23450 and 23451 Cape Town on which Maitland Secondary School is operating. In order to simplify their land holdings, they are intent on consolidating the school erven into 1 property. Simultaneously, the incorrect General Residential 2 and Residential 1 zoning of the school erven, that has been carried through from previous zoning schemes, is being addressed through a zoning correction to Community Zone 1. Finally, restrictive title deed conditions on four erven are required to be removed due to their reference to residential use.

This application is purely administrative in nature and there are no material changes to the long-standing use of the site as a school.

WCG_Maitland Secondary School
March 2026

HEADLAND
TOWN PLANNERS



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Figure ABCDEFGH represents a 10148m² consolidation of the following erven:

Erf	Extent
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23442 Cape Town	391m²
23443 Cape Town	394m²
23444 Cape Town	395m²
23445 Cape Town	402m²
23449 Cape Town	4283m²
23450 Cape Town	3212m²
23451 Cape Town	1071m²

Notes:.

amendments	19/02/2026	figure	MSS.CONSOL.01
date			

project	Consolidation: Various Erven		
drawing	Maitland Secondary School: Consolidation Plan		
client	Western Cape Government		
noting sheets	—	figure	MSS.CONSOL.01
authority	City of Cape Town	file	Afroteq Schools
	date	19/02/2026	
	scale	1 : 625 (A3)	

