



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

Case ID 1500161582

Erf 3853, 5 Forest Hill, Simon's Town

Development Management

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MOTIVATION REPORT

PROPOSED SUBDIVISION AND REZONING OF ERF 3853 SIMON'S TOWN.

PROPERTY:

Erf 3853 Simon's Town, situated at 5 Forest Hill Road, Simon's Town, in extent 2534 square metres. The property is accessed via a passage over Remainder Erf 1231 (along the northern boundary of Erf 1235) from Forest Hill Road, which property also contains Forest Hill Road. This passage turns southward and continues south along the western boundary of Erf 3853. This property borders on the "Seaforth Old Burying Ground" (Erf 1231) to the north as well as the Moslem Burial Ground (Erf 1240) to the east.

APPLICATION:

1. In terms of **Section 42(a)**, for the rezoning of Erven 5187, 5188 and Remainder Erf 3853 from Limited Use Zone to Residential Zone 1: Conventional Housing (R1),
2. In terms of **Section 42(d)**, for the subdivision of Erf 3853 into Erf 5187 (522 sq. metres) and Erf 5188 (409 square metres), leaving a remainder (1603 sq metres) as per our attached subdivision plan No. B4751-S2 dated June 2026,
3. In terms of **Section 42(d)**, for the creation of access servitudes over the Remainder and Erf 5187 and a services servitude over Erf 5187 as per our attached subdivision plan No. B4751-S2 dated June 2026,
4. In terms of **Section 42(i)**, for Council's approval for the rezoning and subdivision within a heritage protection overlay zone and
5. In terms of **Section 42(i)**, for consent for the place of worship on the proposed Residential Zone 1 portion,

for the approvals in terms of Sections 98 of the Municipal Planning By Law, 2015.

I will use the diagram Erf numbers, Erven 5187, 5188, for the two portions going forward, as the diagrams exist from the previous approval, and the numbers also appear on the CCT GIS.

HISTORY:

The property was registered in 1994, and rezoned in 1995 from Group Housing to Place of Public Worship in terms of Simon's Town Zoning Scheme (copy of the zoning approval is attached) and the church was then built a few years later on the southern portion of the property. Access to the property is across a short lane over Remainder Erf 1231, from Forest Hill Road, which is also situated on and part of Remainder Erf 1231.

In 2007 an application to subdivide the property into two Portions and a Remainder was approved, and the survey done. This approval was not confirmed, and as a result it has lapsed, so a new application is now required.

A copy of the approval and related documents are attached for reference. There are some points that will be discussed during the motivation.

IMPROVEMENTS

As noted there is a church building, with paved areas to the north and east of the church for parking on the site. On the southern side of the site, is an area which is vacant and suitable for further development – viz: two additional erven in accordance with the previous subdivision approval.

As part of the rezoning in 1995, the church was required to pave the access road along the western side of Erf 3853, which was done, and with the building of the Church, confirms the Rezoning.

TITLE DEED

There are no conditions that affect the proposed subdivision restricted building areas mentioned are not related to this site.

ZONING:

The current zoning of the property is Limited Use Zone. As noted above, the property was rezoned from Group Housing to Place of Public Worship in terms of Simon's Town Zoning Scheme. There does not appear to be a comparable Zoning under the Municipal Planning By-law 2015, hence, one assumes, the adopted zoning of Limited Use Zone by the City.

As such a rezoning of the new properties is required, and so the proposal is to rezone the properties to Residential Zone 1: Conventional Housing (R1). The Remainder, containing the existing church, built under an appropriate zone, can be deemed to have a permanent Consent Use under the proposed new zoning, to allow the church to remain and function as before. It is felt that this zoning is more appropriate for the area, which contains mainly single residential properties, rather than opt for a Community zoning, as the latter permits activities which are perhaps not compatible with the surrounding area.

PROPOSAL

The proposal is to subdivide the property into two portions (the current vacant land) and Remainder (Church) as per the attached plan of subdivision. This is essentially an application to re-instate the previous subdivision approval that has lapsed. The subdivision line between the church and the two new portions is to follow the existing retaining wall. A servitude access is to be created across the Remainder in favour of Erven 5187, 5188, 1237 and 2851 and across Erf 5187 in favour of Erf 5188, which is discussed in more detail below. A services servitude over the southern boundary of Erf 5187 in favour of Erf 5188 is also proposed.

ACCESS

As noted above, the current access to the church is via a passage, approximately 3,2m wide over Remainder Erf 1231, from Forest Hill Road. The formal passage, 3,15m in width, continues southward along the western boundary of Erf 3853 towards Runciman Avenue. The Old Apostolic Church purchased Erf 3853 for church purposes, and rezoned the site from Group Housing. A rezoning condition required the Church to pave the common passage at its expense. It is not clear why the Church was required to pave the passage along the full length of the property as the Church only required access to the lower portion of the site. The parties that benefitted from the paving are the owners of Erven 1237 and 2851. The owner of Erf 2851 has

created an access onto the shunt which is on the Church's property, with no formal servitude right in place. With the new servitudes this will be covered.

The paving was widened at the lower (northern) end, presumably to facilitate access around the tight north eastern corner of Erf 1235. The paving narrows going southward, with a shunt facilitating access to Erf 2851. The previous approval allowed for a servitude access of 2,7m over the Remainder, being the width of the ramp accessing the upper properties, and so increases the access width to 5,85m here, which we believe is more than adequate. As the current paved area also encroaches over the western boundary of the proposed Erf 5187, it is felt that this should be retained to widen the access here also and an additional servitude, 1,35m wide, is created along this western boundary of Erf 5187 which will also facilitate access Erven 5187, 5188, 1237 and 2851.

Further, final access to Erf 5188 is to be along a servitude on the southern boundary of Erf 5187, with a splay at the western end as shown on our plan.

The proposed access servitudes are indicated on our plan of subdivision.

SERVICES

The property is serviced at present, as are the neighbouring erven. Some of these services are situated in the passage. There should therefore be little difficulty in connecting the two new portions to the services network. A servitude is provided for services from Erf 5188 across Erf 5187 to the passage.

SIMON'S TOWN SPECIAL ARCHITECTURAL AREA.

The property falls within this area. This aspect is noted, but is not relevant at this stage.

SIMON'S TOWN STRUCTURE PLAN, 1996

Notice is taken of this Plan, and the proposal complies with its aims so further discussion is unnecessary.

SOUTHERN DISTRICT PLAN

This Site falls within Sub District 4 of the Southern District Plan, which development implementation policy is guided by the following:

To maintain and enhance the unique sense of coastal character of this area.

The role of this area in the context of the district and metropole is of a tourism centred economy of metropolitan significance, as well as unique coastal urban life style.

The area will develop on the basis of a strong urban structure focused primarily on the Main Road and rail public transport corridor from Muizenberg to Simons Town.

Whilst the vision anticipates some future growth in the area, this is not an identified growth area of the city, and emphasis should be on a leveling off of the population once urban infill areas are developed.

The proposal is in line with these recommendations, and certainly assists in utilizing infill areas.

CAPE TOWN METROPOLITAN SPATIAL DEVELOPMENT FRAMEWORK.

The property falls within an Incremental Growth and Consolidation Area, which proposes a slow development of properties, governed by the available capacity of existing bulk services – i.e. if the services can accommodate the additional demand from the proposed development, the proposal can be considered. The number of subdivided erven permitted is not quoted in the SDF, and as this proposal was previously approved, we feel that the subdivision into 3 portions can be accommodated on the existing services network.

HERITAGE:

The property is situated in a Southern District Heritage Protection Overlay Zone. As part of the previous application, the comment from Heritage Western Cape was agreeable to the proposal – their comment is included as part of the previous approval documentation under “Annexure G”.

As nothing has changed in the interim, we believe that this comment will suffice, and will cover any Heritage concerns.

ENVIRONMENTAL

There appears to be no significant environmental aspects affecting the site, as it is currently covered to a large extent by low bushes, including invasive exotic plants. There is a large Pine tree outside the south eastern corner of the proposed subdivisions, but as the trunk of this tree falls outside the boundaries of Erf 3853, it does not impinge on this proposal. The more substantial bushes/trees have been shown on the Subdivision plan for completeness.

We include some photographs of the vegetation for information purposes, and the extent and nature of the vegetation is clear.



View from the Remainder towards the south showing vegetation on the vacant part of the Property.





Pictures indicating the various plants on the site.

MOTIVATION:

The land above the retaining wall and earth bank is surplus to the Church's requirements, and can only be accessed via the passage next to the site. The Church has held this land for a number of years now, and sees no future in continuing to own land which it cannot usefully use itself. By selling off the two portions the Old Apostolic Church will help fund its church building and community upliftment programmes. This also creates the opportunity for someone new to enjoy the ownership of property, as well as conforming to the City's densification policy.

Under the previous application there were two objections, these being the owners of Erven 2851 and 2852. The main objection of the two owners to the south was the impact on their views. At the time the Simon's Town preservation of views policy was in force, and was applied as a condition of subdivision. This policy no longer applies. While it is understood that views are

important to home owners currently enjoying a view, this is unfortunately not a guaranteed right, particularly if there is developable open land in front of your house, as, like them, one's neighbours have every right to build on their properties as it suits them. It should be noted that even if subdivision was not being considered, the owners of Erf 3853 would still have the right to build on the unused portion of their erf, with no regard to neighbours' views. This is unfortunate, but we are sure that the affected owners will still retain some view, albeit somewhat less.

It was suggested in the previous application that the area to the east of the church be used for the two new properties. This was seriously considered by the owners and rejected based on the following comments:

- It is impractical to position the parking behind the church. The ground behind the church is sloping and a good few metres higher than the church building. Members of the congregation should not be expected to have to climb a number of steps to return to their cars after a service.
- The present parking area is at a similar level to the church, and is perfectly functional.
- The construction of a new parking area would have a significant cost implication for the church.
- The erection of new houses on the lower level near the church building would also detract from the church itself.

The attached proposed layout is therefore to be retained, it being accepted previously.

Regarding Section 99 of the Municipal Planning By law 2015, we discuss the points as below

Section 99(1)

- a) Para. Deleted
- b) *development of land must comply with or be consistent with the municipal spatial development framework :*

While the proposed zoning is to be changed, the change is toward the predominant use in the area – Residential. There will therefore be no change to the area, and so will remain consistent with the municipal spatial framework. The aim of the subdivision is consistent with the SDF in that the proposed creation of 2 additional erven will integrate with the natural feel and nature of the area, and is in line with the controlled development of a Consolidation Area as defined in the SDF.

c) Para. deleted

d) *application for a departure to alter the development rules:*

No departures are proposed, so this point is not applicable.

Section 99(2)

a) *any applicable spatial development framework;*

The proposal is for a rezoning to residential zone 1 and a subdivision to allow for two additional residential properties in a predominantly residential area. At 522 and 409 square metres respectively, the two new properties are of a similar size to other surrounding properties, so, as noted in point b) above, they remain in accordance with the spatial development framework.

b) *relevant criteria contemplated in the development management scheme;*

As for a)

c) *any applicable policy or strategy approved by the City to guide decision making;*

“There is general policy guidance in the CTSDF & Densification strategy which are broadly supportive of densification, but which also point to more local area guidance”. This policy is a general guidance with the status quo generally being maintained, with very few subdivisions taking place. This is in keeping with the aim of not forcing the City to upgrade services in a low development area, before attending to areas which have a much more urgent need for service attention and upgrade. In light of this, we are confident that the permission for a change in zoning to Residential 1 and the extra even will not compromise the targets set by the City and is in line with the approved policies and strategies approved by Council to guide decision making.

d) *The desirability of the proposed use or development of land;*

There is a big demand for residential property as can be seen by the number of developments happening around Cape Town, and this demand needs to be met. As viable agricultural land and natural land are two prime assets in these times, it makes sense to utilise vacant and unused portions of existing erven to meet this demand. Cognisance must of course be taken of the existing nature and attributes of the area to be densified, and then subdivide in a way that will maintain these criteria, as well as being consistent with the various policies and aims of Council that guide development. This proposed rezoning, use and densification is in

accordance with the City's policy and aims. The proposal is therefore very desirable as it meets the requirements of the expanding city, while maintaining the nature of the area.

e) impact on existing rights

Generally, the only issue with the proposal is the effect on the views currently being enjoyed by the owners of Erven 2851 and 2852. The issue of views has been discussed above.

There will be no impact on any other rights currently being enjoyed by these two owners, or any of the other surrounding owners.

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

No consolidation is proposed so no discussion is required.

g) other considerations prescribed in relevant national or provincial legislation;

The proposal falls within a Southern District Heritage Protection Overlay Zone.

Comment was obtained from Heritage Western Cape as part of the original application, which, as nothing has changed in the interim, should suffice.

The proposal will not trigger any other issues in respect of National or Provincial legislation, or any development principles.

h) whether the application complies with the requirements of this By-law;

The application is in line with the development framework and vision of the City, and therefore complies with the requirements of the By Law.

Section 99(3)

a) Socio - Economic impact;

The proposal is to rezone and subdivide the property, and in doing so, it will have an economic impact on the owner – he being able to sell the new portions – and also for the new owners – the purchase of property being a positive action and upliftment for these people. The new properties will generate work for some people too - to maintain gardens and homes, as well as the initial short term injection into the labour market with the building of the new houses. The new erven will generate more rates for the City and these rates will help to alleviate problems and needs in other parts of the City.

b) Para. deleted

c) *Para. deleted*

d) *Compatibility with surrounding uses;*

The property is in an area which is predominantly, if not completely residential and will become residential, so will be compatible. The new erven are behind other erven, so visually there will be no difference from the roads at all. The size of the erven is not out of character either, being within the same size range as the surrounding properties.

e) *Impact on the external engineering services;*

While there are additional erven being created, these are relatively small erven. The previous approval to the proposed subdivision, confirms the availability of services. The impact on existing services will therefore be minor and will not be a negative factor in deciding the approval. This is also the requirement for development as stated in the SDF.

f) *Impact on safety, health and wellbeing of the surrounding community;*

The property is to become residential, so the development of this site will only have a positive impact on the surrounding community. There will be nothing that will affect the safety, health or wellbeing of the community.

g) *Impact on heritage;* As noted above, the property falls within a Southern District Heritage Protection Overlay Zone. As noted, confirmation from Heritage Western Cape was previously given and so there should be no need for any impact studies.

h) *Impact on the biophysical environment;*

This aspect has been discussed above under the Environmental heading. As noted above, the properties are hidden from view by adjacent erven. The proposed erven are part of an existing Erf, which zoning would permit additional buildings, and these undoubtedly would have been placed where these two new erven are, should the owners have taken advantage of this right. It is therefore felt that any impact on this aspect will be minimal going forward.

i) *Traffic impacts, parking, access and other transport related considerations.* There are only two additional erven being created, so the impact on these criteria will be minimal.

- j) *Whether the imposition of conditions can mitigate an adverse impact of the proposed land use.*

There are no adverse impacts created by the proposal and it will have very little, if any, impact, adverse or otherwise, on the area, so we do not see that the imposition of conditions to mitigate any impact, will make any difference. So we see no need for any additional conditions, which may alleviate any impact, to be included.

Section 99(4): Not applicable

Section 99(5): Not applicable

Development Principles in Chapter 2 of SPLUMA and LUPA.

The aim of these is to govern the overall development of an area and guide the way forward in trying to meet the historic imbalances and ensure social security and upliftment for the people of South Africa.

This application is for a simple subdivision which falls within the planned frameworks in place, and will not have any negative effect on these principles. Aspects relating to this have been discussed above, so further discussion on this is therefore unnecessary.

Integrated Development Plan (IDP)

The City's vision and aim with this plan is:

- To be an opportunity city that creates an enabling environment for economic growth and job creation, and to provide assistance to those who need it most;
- To deliver quality services to all residents; and
- To serve the citizens of Cape Town as a well-governed and corruption-free administration.

The motivation and discussions above under Section 99 show that the intent is to help achieve these aims.

Economic Growth Strategy.

This application is for a simple rezoning and subdivision, and as the strategy is very similar in aim to the IDP, the discussion there covers this aspect also.

Densification Policy

As noted above this proposal is also in line with the City's vision of densification by creating more properties that offer job and other opportunities, and make use of property within the existing city limits. This achieves more efficient use of the land and at the same time protects the farming and natural resources on the edges of the built up City. The proposal is desirable.

To Summarise:

- Planned densification in accordance with the SDF of areas that no longer meet the modern needs of smaller properties - Desirable
- The proposal is set out of sight of the road, and embraces the atmosphere and rural feel of the area, - Desirable
- Erf areas and use meet the requirement of the Southern District Plan - Desirable
- The proposed development will surely create some interim building jobs, and then perhaps some longer term jobs at the new residences - Desirable
- The creation of additional erven will show that the aims and needs of the area can still be maintained and that densification is not a menace to be avoided at all costs - Desirable

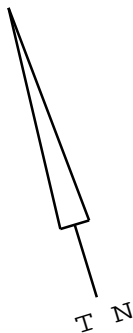
Conclusion.

We believe that there is nothing that will be contrary to the City's visions and policy going forward, and so the proposal is desirable, and we request that the application be approved so that our client can proceed with the subdivision, and be in a position to sell off the new Erven.

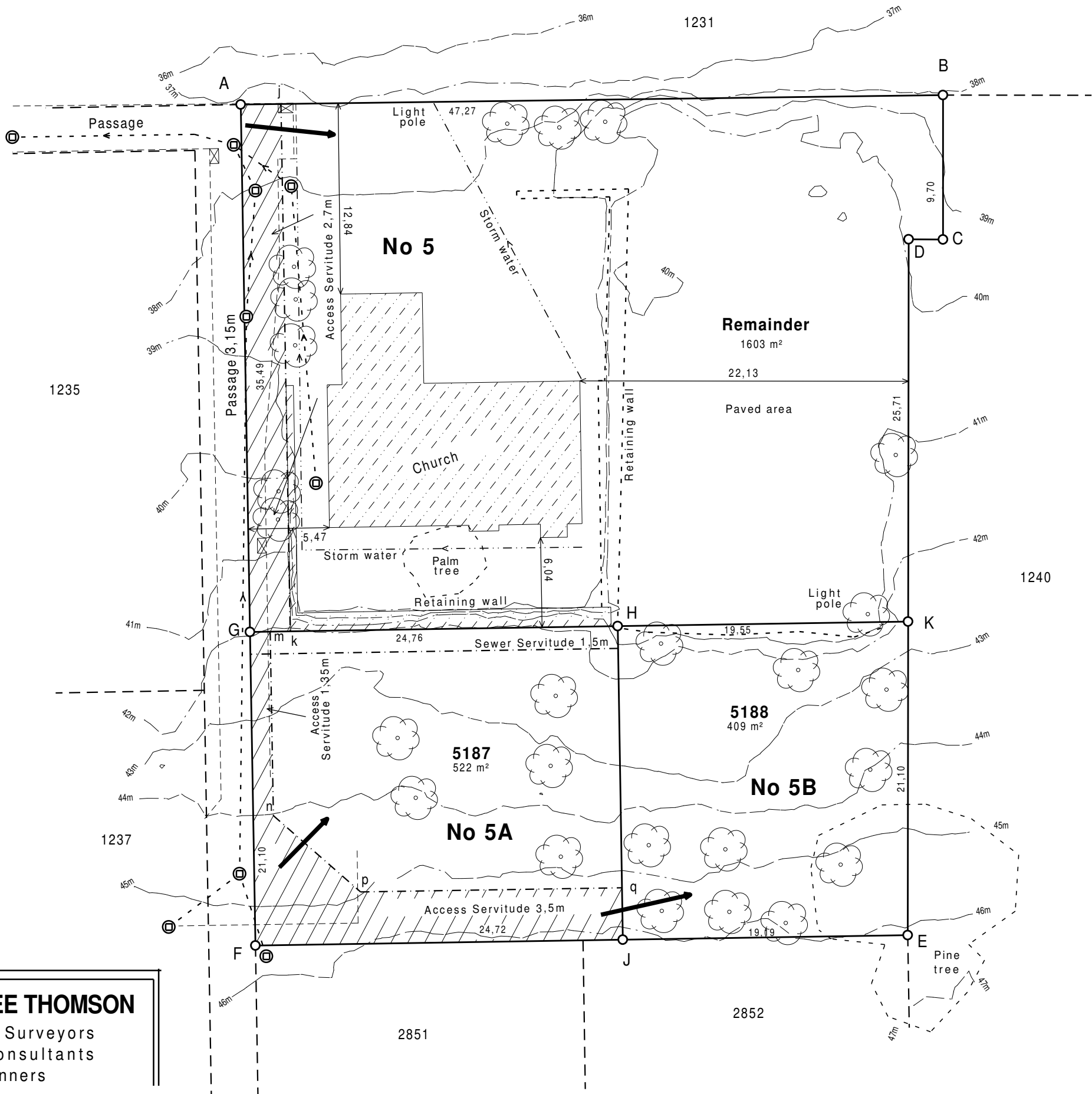


IS Thomson
Professional Land Surveyor
March 2026

CURRENT ZONINGS: Erven 5187,5188 & Remainder:
Limited Use
PROPOSED ZONINGS: Erven 5187,5188 & Remainder:
Residential 1 (R1)(plus Consent use for Remainder)



- Note:**
- 1. All areas and dimensions are approximate.
 - 2. The figure ABCDEF represents Erf 3853 Simon's Town.
 - 3. The figure GHJF represents new Erf 5187, portion of Erf 3853.
 - 4. The figure HKEJ represents new Erf 5188, portion of Erf 3853.
 - 5. The figure AjkG represents an access servitude 2,7m wide over the Remainder.
 - 6. The figure GmnpqJF represents an access servitude as shown over Erf 5187.
 - 7. The line GH represents the northern boundary of a services servitude 1,5m wide.
 - 8. ---⊙ denotes sewer and manhole.
 - 9. ☒ denotes a storm water catchpit.
 - 10. ----- denotes the edge of the paved access driveway.
 - 11. **No 5** denotes street numbers.
 - 12. ☁ denote trees.
 - 13. Apart from the Palm tree and Pine tree all the indicated trees are small and bushy and have trunk diameters of 100mm and less.
 - 14. → denotes access / possible access points



**PROPOSED SUBDIVISION OF
ERF 3853 Simon's Town**

City of Cape Town
Administrative
District: Cape
Province: Western Cape

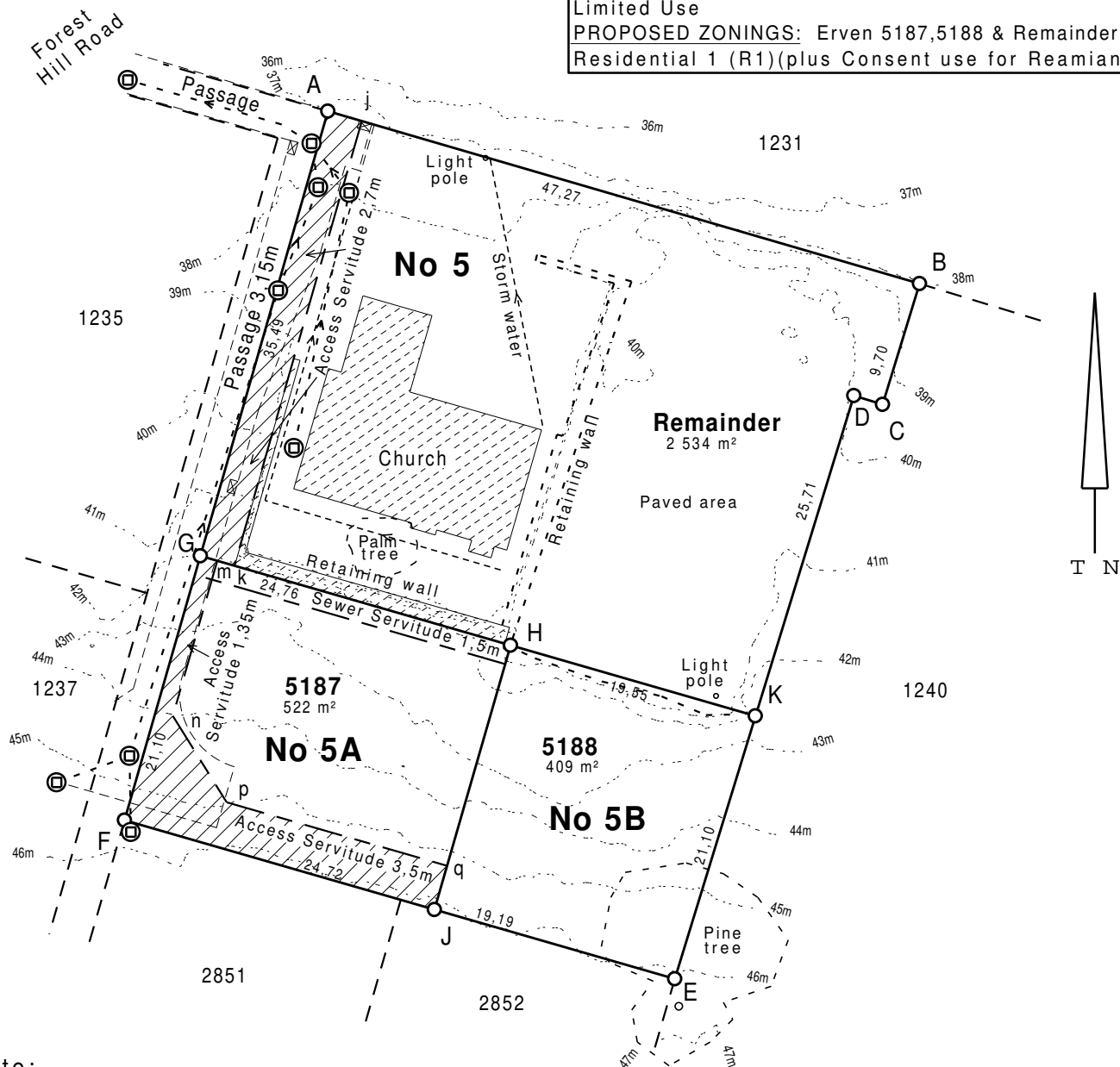
Scale 1: 300
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Date: June 2026
File: B4751

JENNINGS GOULLEE THOMSON

Professional Land Surveyors
Sectional Title Consultants
Township Planners

DRAWING NO: B4751-S2

CURRENT ZONINGS: Erven 5187,5188 & Remainder:
Limited Use
PROPOSED ZONINGS: Erven 5187,5188 & Remainder:
Residential 1 (R1)(plus Consent use for Reamiander)



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**PROPOSED SUBDIVISION OF
ERF 3853 Simon's Town**

JENNINGS GOULLEE THOMSON

Professional Land Surveyors
Sectional Title Consultants
Township Planners

City of Cape Town
Administrative
District: Cape
Province: Western Cape

Scale 1: 500
N/S:
Date: March 2026
File: B4751

DRAWING NO: B4751-S1