



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

Case ID 1500152471

Erf 3418, 16 Weaverbird Avenue, Tokai

Development Management

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**APPLICATION FOR SUBDIVISION AND DEPARTURES:
ERVEN 3418 CONSTANTIA, SITUATED AT 16 WEAVERBIRD AVENUE, TOKAI**

11 December 2025

headland

town planners

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

Power of attorney

Title deeds and CIPC documents

Property diagram

Proposed Subdivision Plan (CON3418SUB02)

Tree plan

Sketch plan for purposes of identifying departures

Completed Land Use Application Form

1. INTRODUCTION

The property is located in Weaverbird Avenue in Tokai. The proposal is to subdivide the property into 2 , at sizes of 997m² and 1065m² which complies with the relevant minimum subdivision size overlay zone.

3 Dwelling units each will be placed on the 2 portions, and each of the erven will have their own access off Weaverbird Avenue.



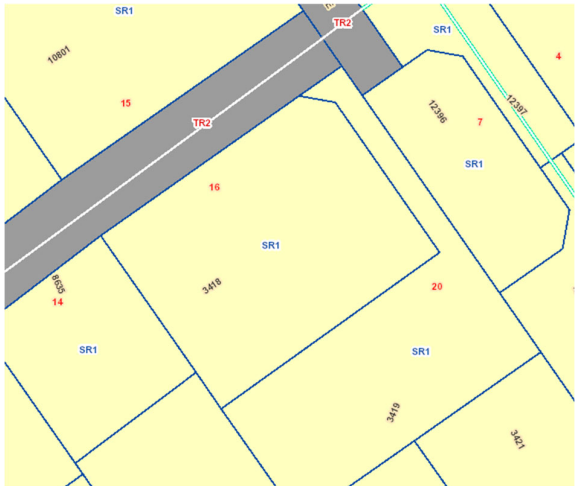
Figure 1: Aerial View (Source: CoCT Map Viewer)

2. APPLICATIONS

The following applications are required in terms of the City of Cape Town Municipal Planning By-law (2025):

- a **subdivision application** in terms of **section 42(d)** to divide the property into portion 1 and leaving a remainder (ca. 997m² and ca. 1065m²).
- **permanent departure applications** in terms of **section 42 (b)** for:
 - Section Sec 22(c)(ii) height departure to 7.64m in lieu of 4m on portion 1;
 - Sec 22(d) common boundary building lines: departure to 2.02m for house 1 and 2.27m for house 2 on portion 1, in lieu of 3m;
 - Sec 121(1)(viii) swimming pools : departure: 0.32m for house 2 and 3 on portion 1, in lieu of 1m.

3. PROPERTY DETAIL AND CONTEXT

Applicant	Headland Planners (Pty) Ltd
Property Number	Erf 3418 Constantia
Street Address	16 Weaverbird Avenue, Tokai
Property diagram	2599/1970
Extent	2062m ²
Servitudes	No
Registered Owner	
	
Current Zoning: Residential 1 (R1)	
Title Deed Number	
Title Deed Conditions	None preventing subdivision, building line departures nor 3 dwellings
Current Land Use	Single Dwelling Residential
Any unauthorised land use/ building work	No
Previous approvals granted	None
Subject to NEMA	No
Subject to SAHRA/ PHRA	No
Overlay Zones	Yes: Constantia – Tokai Local Area Overlay Zone LAO/3, 900m ² minimum subdivision size

4. DEVELOPMENT PROPOSAL

4.1. The Proposal

The proposal is to subdivide erf 3418 into 2 portions (see figure 2). Both the new portion and the remainder are larger than 900m² (they are 1065m² and 997m², respectively) and therefore comply with the Constantia – Tokai Local Area Overlay Zone in terms of minimum subdivision sizes for Single Residential zoned properties. The existing house will be demolished.

No servitudes are required. Access to both properties will be from Weaverbird Avenue, which is a 13m wide road reserve and therefore suited to additional traffic.

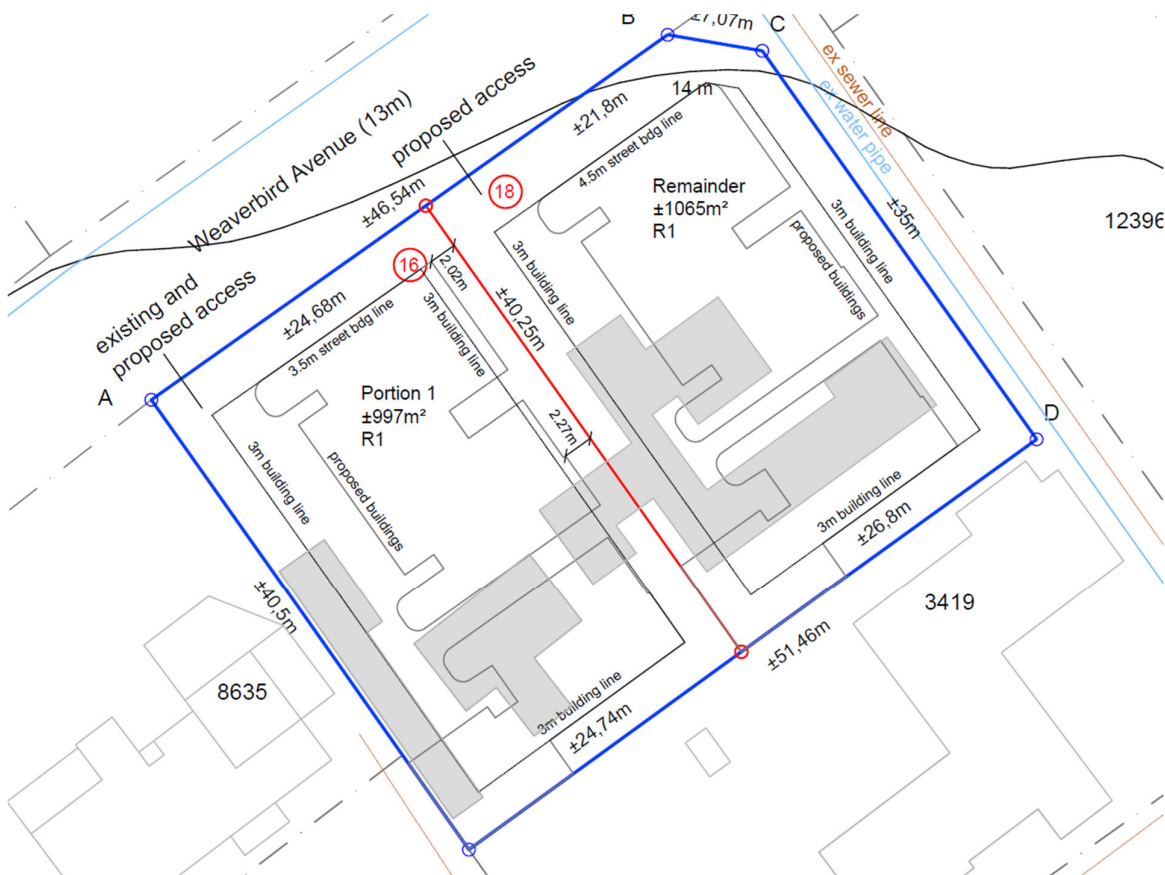


Figure 2: Extract from Subdivision Plan

5. MOTIVATION AND DESIRABILITY

5.1. Compliance with any applicable municipal spatial development framework (MPBL, section 99 (1)(b))

5.1.1. Municipal Spatial Development Framework (MSDF), 2023

The application complies with the City of Cape Town MSDF, as it is located within the 'Incremental Growth & Consolidation Areas,' (IGCAs) where densification and intensification of urban development is promoted but subject to the capacity of existing municipal services.

The following desired spatial outcomes are directly achieved through the proposed development:

(1) Diverse and dense land uses, where bulk engineering infrastructure allows.

The subdivision of erven is a form of densification. The subdivision applied for in this proposal therefore contributes to appropriate infill densification. As this property is located in an already developed neighbourhood, bulk engineering infrastructure/municipal services are already in place.

(3) Incremental intensification (density and diversity) via subdivisions/second and third dwelling and rezoning.

This application proposes the subdivision of an erf and therefore promotes incremental intensification.

Further, this proposed subdivision is compliant with and promotes the following policies associated with the identified Spatial Strategies:

- **P9. Plan for incremental land use intensification and diversification in support of inward growth predicated on the public transport infrastructure.**

Compliant: the subdivision of erven is a land use intensification strategy and the subject property is within an existing urban area and well connected to major roadways such as Simon Van Der Stel Freeway and Tokai Road, and public transport opportunities (taxi routes) along Spaanschemat River Road and Tokai Road.

- **P23. Support the integrated intensification and diversification of land uses in identified areas, supportive of inward spatial growth, economically and incrementally**

Compliant: the subdivision of erven is a land use intensification strategy and encourages infill development.

5.2. Development rules of the next subzone Section 99(1)(d)

This section does not apply as there are no height nor floor space departures.

5.3. Compliance with any applicable spatial development framework (MPBL section 99(2)(a))

5.3.1. Southern District Plan (2023)

The property is located in Subdistrict 2: Bishopscourt – Constantia – Tokai (Southern District Plan (2023)), in an area identified as 'existing urban development, as seen in figure 3. Contextually appropriate infill development is permitted and encouraged in this area.

The property can be subdivided into 2 compliant portions of more than 900m² each with 6 dwelling units in total. **This is the baseline of expected rights.** Therefore, there is automatic consistency with the District Plan on the broad level, as the subdivision is not substandard.

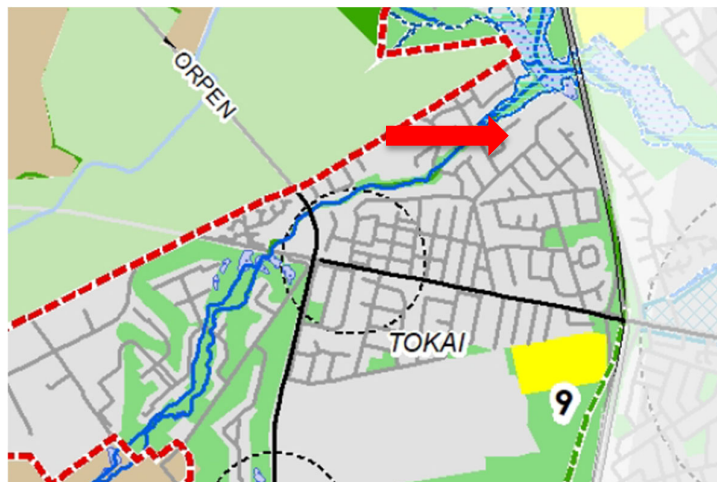


Figure 3: Subdistrict 2: Bishopscourt – Constantia – Tokai | Extract from Southern District Plan (2023)

On a more detailed level, the district plan also speaks of supporting development guidelines (iii) and (iv):

*"In order to retain the unique and internationally desirable character areas and landscape qualities in Bishopscourt, Constantia, Tokai (and Zwaanswyk), specific additional development related recommendations **should apply to parts thereof** (own emphasis added). This includes the following:*

(...)

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. " (own emphasis added).

This is targeted towards "character areas" that are "unique and internationally desirable"; this is clearly in reference to Constantia /Bishopscourt given that Tokai is it not "internationally desirable" in comparison. Therefore, in context and

the reason for these guidelines, they do not apply to this subdivision; note that these are guidelines not regulations. It must also be noted that portion 1 is below 1000m² in which case the guidelines do not apply.

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

The proposal for subdivision into 2 portions does not require a zoning change, therefore the provisions of R1 zoning as per the DMS are applicable. Departures are highlighted in the table below, and motivated for under paragraph 5.4.1.

Parameter	R1 (>650 up to 1000m ²) (Portion 1)		R1 (>1000 up to 2000m ²) (Remainder)	
	Limitation	Provided	Limitation	Provided
Max. floor space	1500m ²	Complies - 755m ²	1500m ²	Complies - 732m ²
Coverage	N/a	N/a	N/a	N/a
Max. height above EGL to top of building	All 3 dwellings: 10m	Complies ~7.7m	All 3 dwellings: 10m	Complies ~7.7m
Street boundary	3.5m	Complies (3.5m)	4.5m	
Common boundary	3.0m	Departure: 2.02m for house 1, and 2.27m for house 2	3.0m	Complies (3m)
Sec 22(c)(ii) – building height of 4m for buildings permitted within 3m of common boundary, after 12m from street	4m	Departure 7.64m in lieu of 4m	4m	n/a
Sec 22(e)(i) -windows (GF)	1m common bdy	Complies (2m, 2.27m and 3m)	1m common bdy	Complies (3m)
Sec 22(eA)(i) -windows (above GF)	1.5m common bdy	Complies (2.02m, 2.27m and 3m)	1.5m common bdy	Complies (3m)
Sec 22(f)(i)(aa) -garage height	3.5m	Complies – 3.25m	3.5m	Complies – 3.25m
Sec 22(f)(i)(cc) -garage width from street	6.5m	Complies (6.5m)	6.5m	Complies (6.5m)
Sec 22(f)(iii) -garage setback	3.5m from street	Complies (>3.5m)	5m from street	Complies (>5m)
Sec 121(1)(viii) swimming pools	1m from erf boundary	Departure: 0.32m for house 2 and 3	1m from erf boundary	Complies (1m)
Sec 138 Parking (standard zone)	4 in total	Complies (6)	4 in total	Complies (6)
Sec 140(1)(b) – site access	10m from street intersection	Complies, there is no intersection	10m from street intersection	Complies, there is no intersection
Sec 140(2)(c) – carriage way crossing	2.4 – 8m	Complies – 5m	2.4 – 8m	Complies – 5m

5.4.1 Motivation for Departures

Pool departures:

These have no impact on surrounding properties, as the departure sits on the boundary of, and internal to, the proposed new subdivision – see red markup in figure 4.

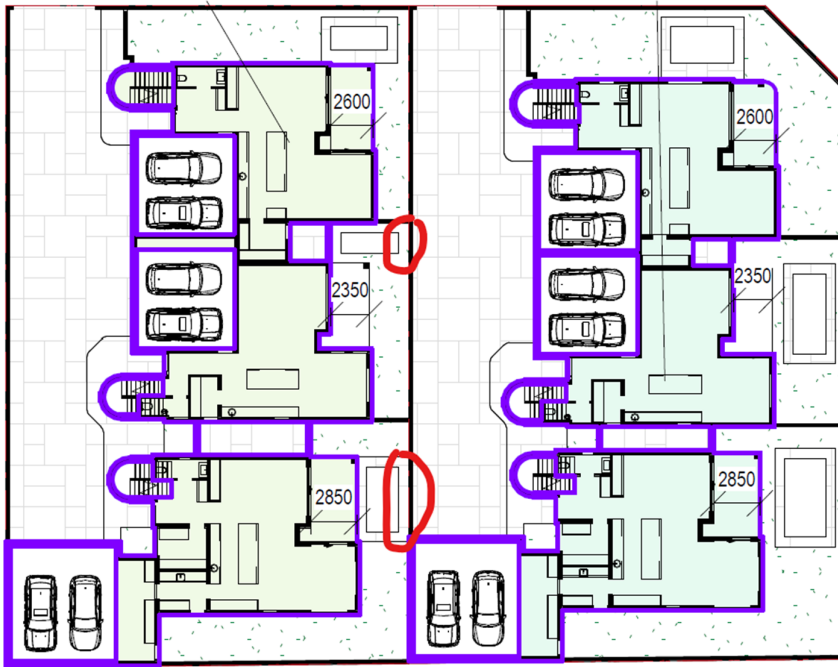


Figure 4: Pool departures

Common boundary departures:

These have no impact on surrounding properties, as the departures sits on the boundary of, and internal to, the proposed new subdivision – see red markup in figure 5.

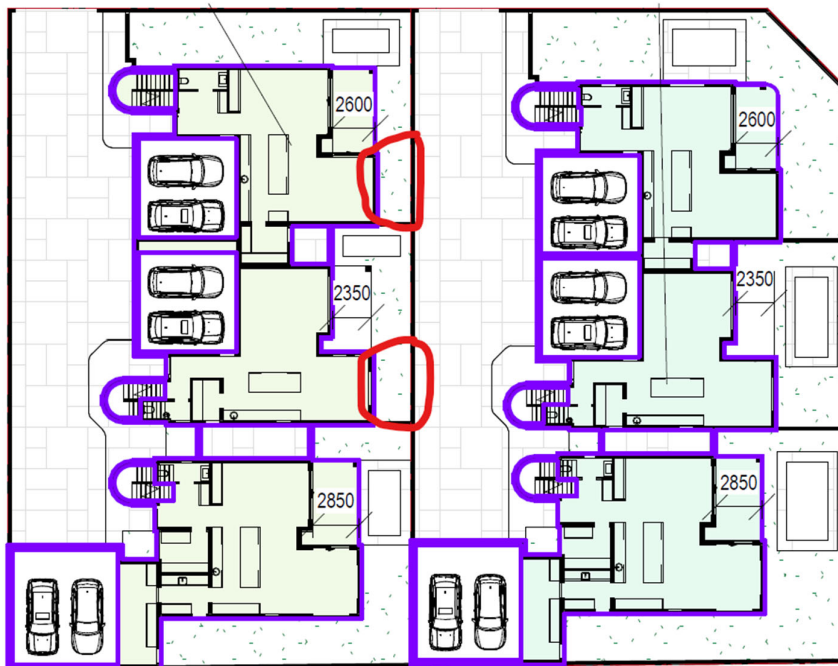


Figure 5: Common boundary departures

Height departures:

These also have no impact on surrounding properties, as the departures sits on the boundary of, and internal to, the proposed new subdivision – see red markup in figure 6



Figure 6: Height departures

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

5.5.1. City of Cape Town Densification Policy, 2012

The proposal aligns with the principles of the densification policy which prescribe incremental densification in areas with existing transport routes, social services, employment opportunities and civic facilities. The proposed subdivision satisfies this objective by increasing the potential for residential development that will support and utilise the existing infrastructure and services available in the surrounding area through the division of one residentially zoned erf into two residentially zoned erven, and by providing an additional 3 houses, cumulatively.

5.6. Impact on Existing Rights (MPBL section 99(2)(e))

The property can comfortably be subdivided into 2 compliant portions of 900m², and no change in zoning is required. Therefore the proposal is in line with existing rights in the neighbourhood.

The impact of the common boundary building lines is inconsequential, as it affects only the newly created subdivision (it is an “internal” departure).

Figure 7 shows in grey colour the existing building lines of erf 3418 and its R1 zoned neighbours, and in green dotted line the new building lines if the subdivision were granted. It is evident that the subdivision creates the same building lines that the W, SW, S and E adjoining properties enjoy, and therefore no impact on existing rights is expected.



Figure 7: Impact of new building lines

The primary need is to encourage infill densification such as subdivision and 3 dwelling units per site, so that the historically low density of the suburb is retrofitted to incrementally become more sustainable. This is particularly urgent given the ageing civil engineering infrastructure and the replacement cost thereof that needs to be spread over more residents than currently reside there. It will be a disproportionate cost on the existing residents of Tokai. This subdivision will also cumulatively limit urban expansion on the periphery of the city.

5.7 Other considerations prescribed in relevant national or provincial legislation, which includes the development principles as contained in section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013) (MPBL section 99 (2) (g))

5.7.1 Other considerations prescribed in relevant national or provincial legislation

None

5.7.2 Compliance with Development Principles in Spatial Planning Land Use Management Act (SPLUMA) and the Western Cape Land Use Planning Act (LUPA)

Given the small scale of the proposal, the proposal is not inconsistent with Section 7 of SPLUMA and section 59 of the Cape Land Use Planning Act (LUPA). In general principles, appropriate infill densification cumulatively reduces the pressure on outward expansion of the city.

5.8 Evaluation of Desirability (MPBL section 99(3))

Socio-economic impact (99 (3) (a)): There is a positive socio-economic impact as this application concerns the subdivision of land which spins-off socio-economic benefits associated with the construction phase and increased housing opportunities in a well-established neighbourhood.

Compatibility with surrounding land uses (99 (3) (d)): This application is compliant with subdivision standards as well as number of dwelling units permitted on all properties in the neighbourhood.

Impact on external engineering services (99 (3) (e)): There will be a minimal impact on external engineering services as this application only creates 1 additional subdivision portion and 3 additional dwellings. The area is well served by civil engineering services.

Impact on safety, health and wellbeing of the surrounding community (99 (3) (f)): There proposal will result in an increase to the local population, and will make the neighbourhood an even more close-knit community, with the addition of 3 additional dwellings over and above the already permitted 3 dwellings

Impact on heritage (99 (3) (g)): None.

Impact on biophysical environment (99 (3) (h)): None, the site is not an environmentally significant/sensitive piece of land. Over time, as the new gardens mature, the already limited tree cover that exists will mostly be replaced. A tree survey was conducted and much of the vegetation is not retention worthy; for example the large tree in the NW corner has highly problematic, bulbous root system. Four trees will be retained and transplanted on site. This is in addition to the predictable new landscaping that will happen by each new owner.

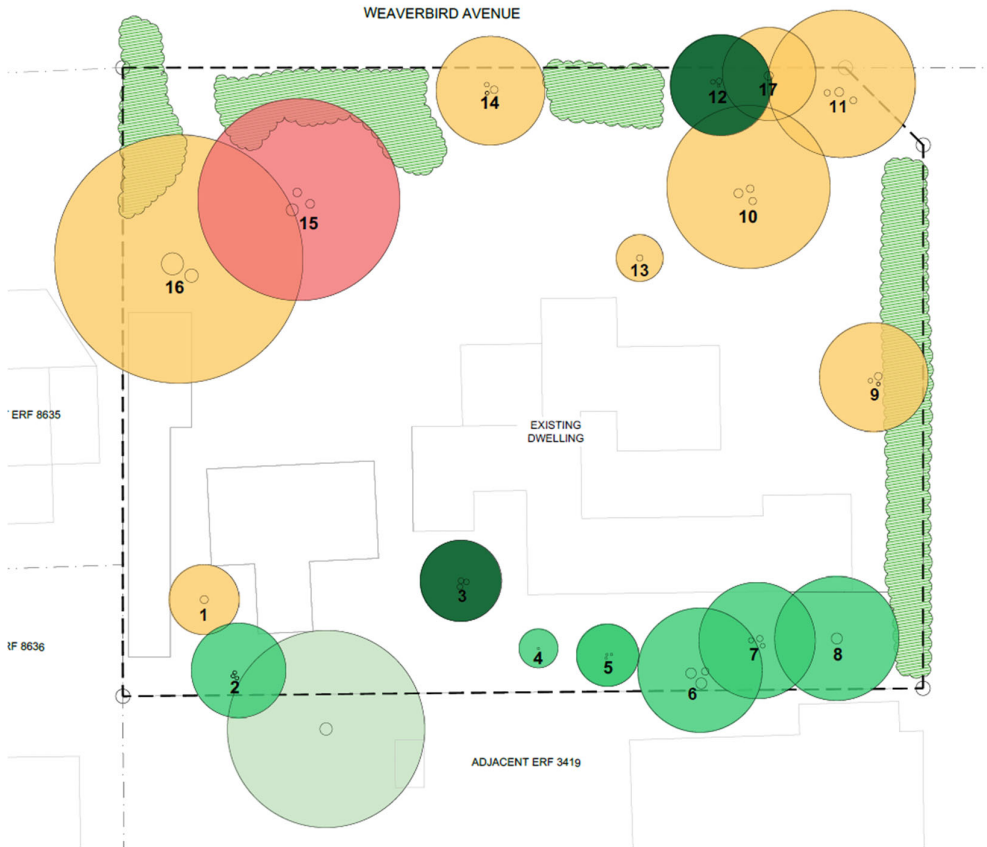


Figure 8: Extract from Tree Survey

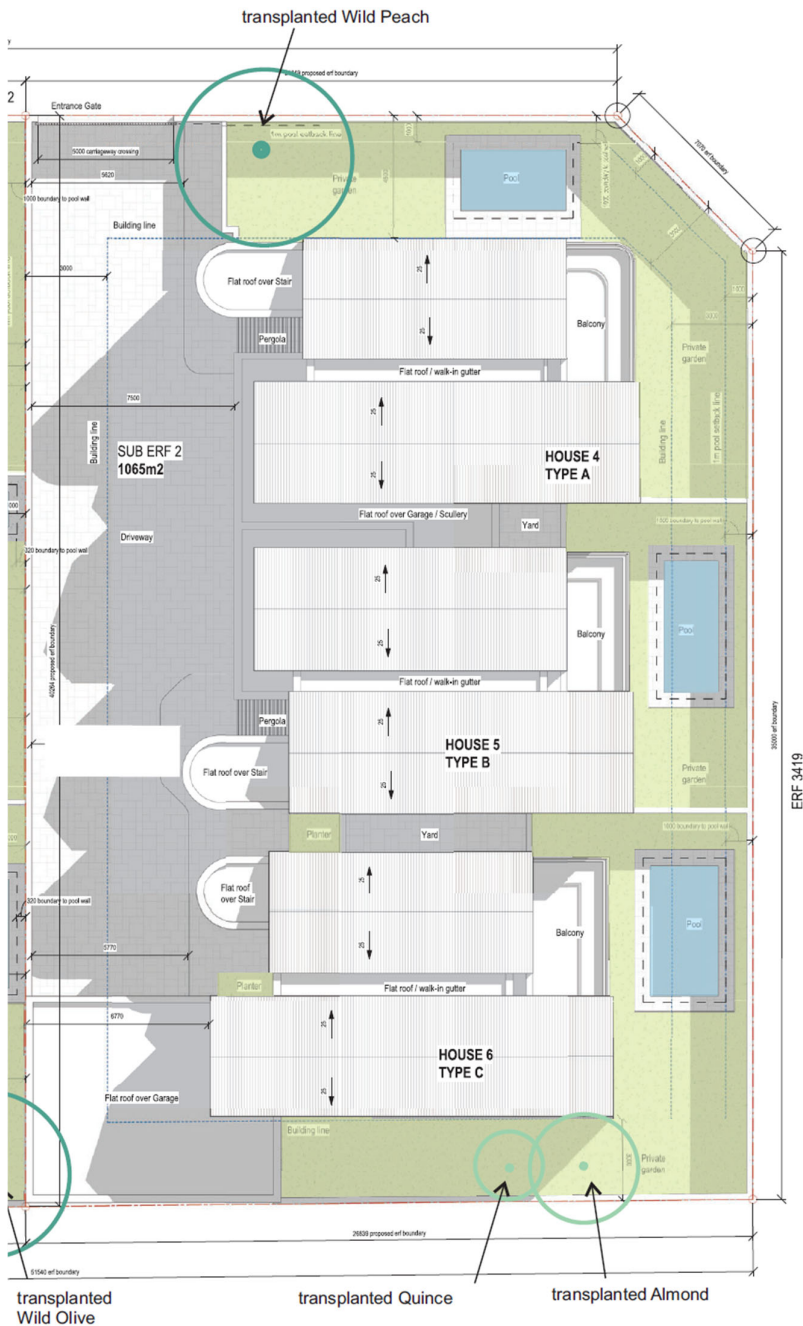


Figure 9: Impact of coverage on Remainder (1000-2000m² site)

Traffic impacts, parking, access and other transport related considerations (99 (3) (i)): There will be a marginal increase in traffic, but given that the proposal complies with both the minimum erf size and the number of dwelling units per property, this increase was to be expected. In addition, Weaverbird Avenue is a 13m wide road reserve, which can comfortably accommodate the 3 additional dwelling units.

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

6. CONCLUSION

This application entails the subdivision of the site into 2 portions within the minimum subdivision standards. It is a development of high quality, which will be a desirable addition to the housing choice in Tokai. The departures have no negative impact, as they are internal to the proposal, and do not affect the one southern neighbour.

The proposal contributes positively to the area by encouraging appropriate infill densification without impacting on the character of the area.



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The figure ABCDE represents erf 3418 Constantia, measuring 2062m² in extent, and zoned Single Residential Zone 1; to be subdivided into 1 portions and remainder:

Portion	Extent
1	±999m ²
Rem	±1063m ²

- a) the proposed subdivision complies with the 900m² minimum subdivision size as per the Constantia - Tokai Local Area Overlay Zone
b) 2m CoCT GLM shown

notes

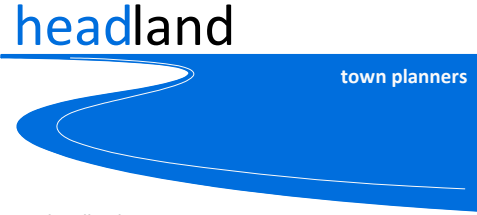
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project
Subdivision of Erf 3418
Constantia

drawing
Subdivision Plan

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