CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500169970

Remainder Farm 884, 42 Old Sir Lowrys Pass Road, Sir Lowry's Pass

Development Management

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REMAINDER FARM 884

Motivation: Rezoning, Subdivision & Departure



August 2026

CONTENTS

1. EXECUTIVE SUMMARY 3
2. THE APPLICATION 4
3. INTRODUCTION AND BACKGROUND 4
4. PROPERTY DETAILS 5
5. DETAILS OF THE PROPOSAL 6
6. MOTIVATION 7
6.1 Locality, Land Use & Zoning 8
6.2 Environmental Considerations 9
6.3 Departure 10
6.4 Engineering Services 11
7. MOTIVATION: INCONSISTENCY WITH MSDF & DISTRICT PLAN 11
8. MOTIVATION: PLANNING POLICIES 13
8.1 Spatial Planning Land Use Management Act (Act16 of 2013) (SPLUMA) and the Western Cape Land Use Planning Act (Act 3 of 2014) (LUPA) 13
8.2 The Provincial Spatial Development Framework: 15
8.3 Cape Town Municipal Spatial Development Framework (MSDF 2023) 15
8.4 The Helderberg District Plan 2023 18
8.5 Sir Lowry's Pass Local Spatial Development Framework (2025) 21
9. MOTIVATION: CITY OF CAPE TOWN MUNICIPAL BY-LAW 23
10. CONCLUSION 27

1. EXECUTIVE SUMMARY

This application relates to Remainder Farm 884, Sir Lowry's Pass, and seeks approval for the rezoning of the property from Agricultural Zone to Rural Zone, subdivision into Portion A (±1.7986ha) and a Remainder (±2.0263ha), and a permanent departure to permit Portion A to be smaller than the prescribed 2 ha minimum erf size.

Substantially the same subdivision and access arrangement was previously approved by the City of Cape Town, but the approval subsequently lapsed before transfer could be concluded. The present application seeks to facilitate the intended transfer and continued use of the property as two low-density rural residential/smallholding properties. The previously approved animal care facility has ceased operating and does not form part of the current application.

The proposal responds to the established and evolving character of the surrounding Sir Lowry's Pass area, which comprises a transition between urban residential development, rural residential properties and smallholdings. The proposed Rural Zone is considered appropriate to this context and to the limited agricultural viability of the property.

Particular consideration has been given to the biodiversity sensitivity identified in the applicable spatial planning frameworks. A specialist botanical assessment confirmed that the majority of the property has historically been transformed or disturbed, while identifying a sensitive area along the western portion of proposed Portion A. This area is identified on the subdivision plan as an environmentally sensitive/no-go area and will remain protected from future development. Sufficient developable land remains outside this area to accommodate the intended Rural Zone uses.

The application has been assessed against the applicable statutory and spatial planning framework, including SPLUMA, LUPA, the Provincial Spatial Development Framework, Cape Town MSDF, Helderberg District Plan and Sir Lowry's Pass LSDF. Although a site-specific inconsistency exists with the mapped Critical Natural Asset/Core Biodiversity designations, the specialist findings demonstrate that the proposal can accommodate appropriate rural residential use while protecting the identified botanical resource.

Having regard to the planning history of the property, surrounding development context, low-intensity nature of the proposal, specialist environmental findings and applicable policy framework, the proposed rezoning, subdivision and departure are considered appropriate and desirable.

2. THE APPLICATION

Application is hereby made for the following:

I. The **Rezoning** in terms of Section 42 (a) of the City of Cape Town's Municipal Planning By- Law, 2025 of Remainder Farm 884 from Agricultural Zone to Rural Zone.

II. **Subdivision** in terms of Section 42 (d) of the City of Cape Town's Municipal Planning By- Law, 2025 of Remainder Farm 884 into Portion A (±1,7986ha) and the Remainder (±2,0263ha) as depicted on Subdivision Plan No 5010-884AP dated August 2026.

III. **Permanent Departure** from the minimum permitted erf size for Rural Zoned properties in terms of Section 42 (b) of the City of Cape Town's Municipal Planning By- Law, 2025 to permit Portion A to be 1,7986ha in lieu of 2ha.

For advertising purposes, it should be noted that a portion of the property is identified as a '*Critical Natural Asset*' in terms of the Cape Town Municipal Spatial Development Framework, 2023, and as '*Core Biodiversity*' in terms of the Helderberg District Plan, 2023. The proposal is therefore considered to be inconsistent with these spatial designations insofar as the subdivision and rezoning facilitate rural residential use of the property. A detailed site-specific motivation for the inconsistency is provided in Section 7 of this report.

A separate application will be submitted in terms of Section 67(1)(g)(v) to address the servitude right of way.

3. INTRODUCTION AND BACKGROUND

Remainder Farm 884 (hereafter referred to as "the property") is situated within the town of Sir Lowry's Pass at 42 Old Sir Lowry's Pass Road. The property is currently zoned Agricultural Zone in terms of the City of Cape Town Development Management Scheme and is developed with a main dwelling and related outbuildings.

An application for the subdivision of the property into one portion and a remainder was approved in 2012; however, the owner did not implement the rights and the approval subsequently lapsed. The owners now wish to proceed with the sale and transfer of the proposed portion, and a new application is therefore required. The previous approval also included a consent use for an animal care facility, which operated on the property for a few years but has since ceased operations and is accordingly not included in this application.

The owners have appointed Diesel & Munns Land Surveyors and I.C. @ Plan Town Planners to submit an application in terms of the City of Cape Town Municipal Planning By-Law, 2025, to reinstate the subdivision approval. The Resolution and Power of Attorney are attached hereto.

4. PROPERTY DETAILS

Property Description	Remainder Farm 884
Address	42 Old Sir Lowry's Pass Road
Extent	3,8249ha
Title Deed No	
Restrictive Title Conditions	None
Registered Owner	
Zoning	Agricultural Zoning
Current Use	Small holding: Main dwelling and related outbuildings

Table 1: Property information

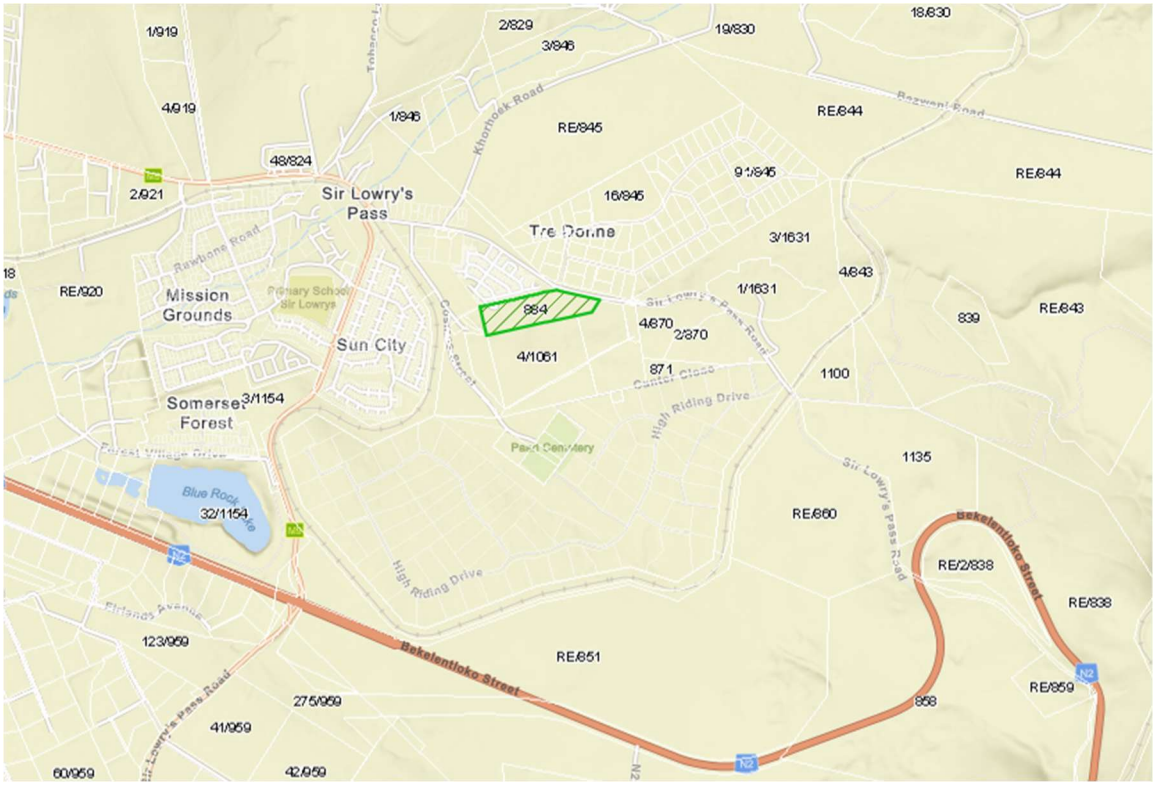


Figure 1: Location

5. DETAILS OF THE PROPOSAL

The property is a smallholding situated on the eastern side of Sir Lowry's Pass Town. The owner proposes to subdivide the property into Portion A (±1.7986ha) and the Remainder (±2.0263ha).

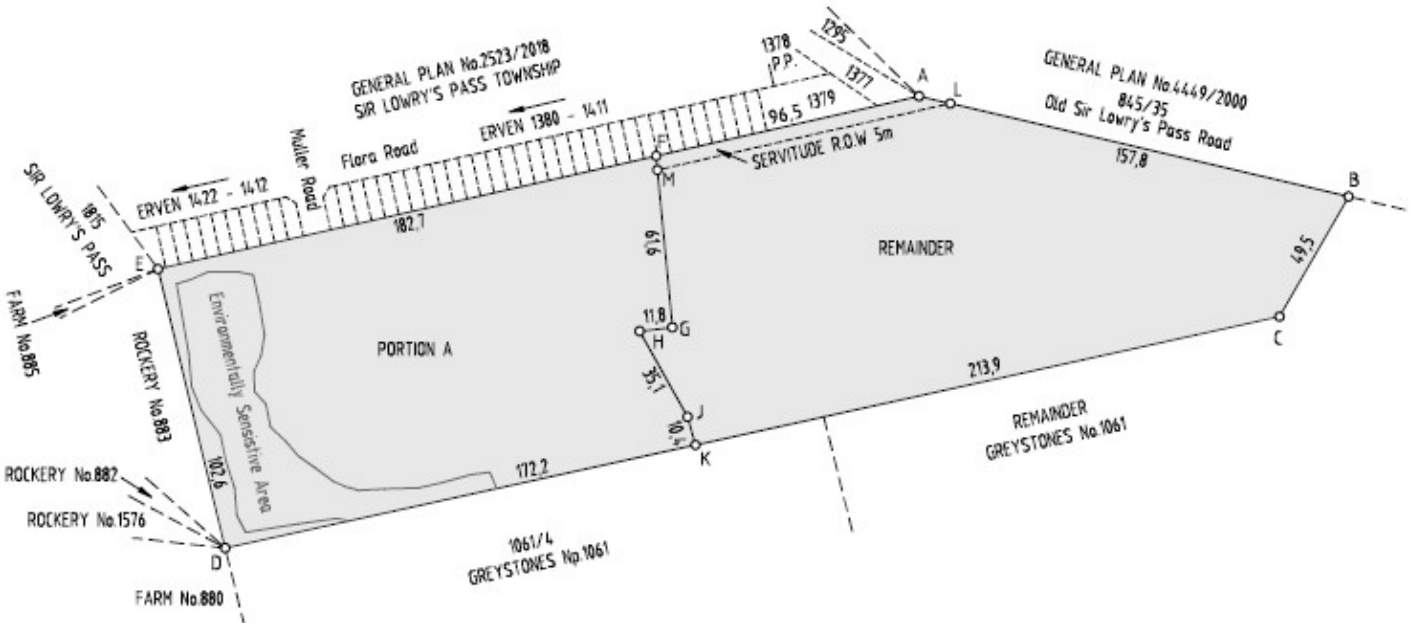


Figure 2: Extract from the subdivision plan

In accordance with the previous approval, access to Portion A will be obtained via a 5m-wide servitude right of way over the Remainder, thereby retaining the existing shared access point from Old Sir Lowry's Pass Road opposite the Tre Donne access/egress.

As the proposed portions will not be economically viable for agricultural purposes and seeing that Portion A is smaller than 2ha in extent, applications for rezoning to Rural Zone and a permanent departure from the minimum (2ha) erf size requirement are applied for.

During the preparation of the application, the biodiversity sensitivity of the property was investigated due to portions of the site being identified as a '*Critical Natural Asset*' in the MSDF and '*Core Biodiversity'* in the Helderberg District Plan. A specialist botanical assessment was subsequently undertaken to determine the condition and sensitivity of the vegetation on the property (submitted herewith).

The assessment identified a sensitive area along the western portion of proposed Portion A which is recommended to be retained as a no-go area. The subdivision plan has accordingly been amended to identify this environmentally sensitive area, thereby ensuring that it is recognised and appropriately protected as part of the subdivision proposal.

The proposal is intended to facilitate the continued use of the property for smallholding and rural residential purposes consistent with the surrounding development pattern. The application does not seek to introduce an intensive urban development form or land use.

6. MOTIVATION

The property measures 3,8249 Hectares in extent and the current owner only utilises a portion of the property as a smallholding, with the majority of the property (mainly the area towards the western boundary) currently standing vacant. The owner of the property wishes to subdivide the property into two smallholdings and facilitate the transfer of Portion A as a rural smallholding.

Due to the historical zoning scheme background (Section 8 Zoning Scheme Regulations), most of the smallholdings in the area are zoned for agricultural purposes. The character of the surrounding area can however be described as predominantly a mix between urban and rural residential. The residential developments in this area offer a large variety of high-quality dwellings on extensive plots, which is also the reason why this area has retained its unique rural/semi-rural character. There are also examples of properties within the immediately adjoining area that are smaller than the 2 Hectare minimum erf size as prescribed in the DMS, and some have also been developed for single residential purposes.

Importantly, the subdivision of the property and associated access arrangements were previously approved by the City of Cape Town in 2012. Although the approval subsequently lapsed due to the transfer not being concluded within the prescribed timeframe, the previous approval remains a relevant planning consideration, as substantially the same subdivision was previously found to be acceptable and desirable by the relevant authority.

Since the original approval, the immediate development context has evolved. The previously undeveloped smallholding adjoining the property to the north has been developed as a City low-cost housing project, while a residential development application has also been approved on the land to the south. These changes reflect a degree of urban intensification within the immediate surroundings and reinforce the transitional character of the locality, where urban residential development increasingly interfaces with established rural residential and smallholding properties.

Within this evolving context, the proposed rezoning to Rural Zone and subdivision into two low-density smallholdings represent an appropriate and measured land use response. Rather than introducing further intensive urban development, the proposal retains the rural residential/smallholding character of the subject property and provides an appropriate low-density transition within the surrounding development pattern. Furthermore, the current application represents a reduction in land use intensity compared to the previous approval, as the previously approved animal care facility is no longer proposed.

6.1 Locality, Land Use & Zoning

The property is zoned for agricultural purposes and is currently partially being utilised as a rural smallholding. A large portion of the property (mainly on the western side) is currently not being utilised at all and is standing vacant. All the existing structures (house and barns) are located on the eastern half of the property closest to Old Sir Lowry's Pass Road.

The property is located along Main Road in Sir Lowry's Pass Village, approximately 1Km to the east of the town centre (railway station). As indicated in Figure 3 below, the properties to the south and east are mainly zoned Agricultural- and Rural Zone, including High Riding Estate. The area directly to the north is a Residential Zone 2 housing development with Residential Zone 1 Tre Donne Estate to the north-east. A residential estate was recently approved to the south-east of the property. The majority of these surrounding properties are currently being utilised in accordance with their zoning, where the smaller agricultural erven are also being utilised as smallholdings.

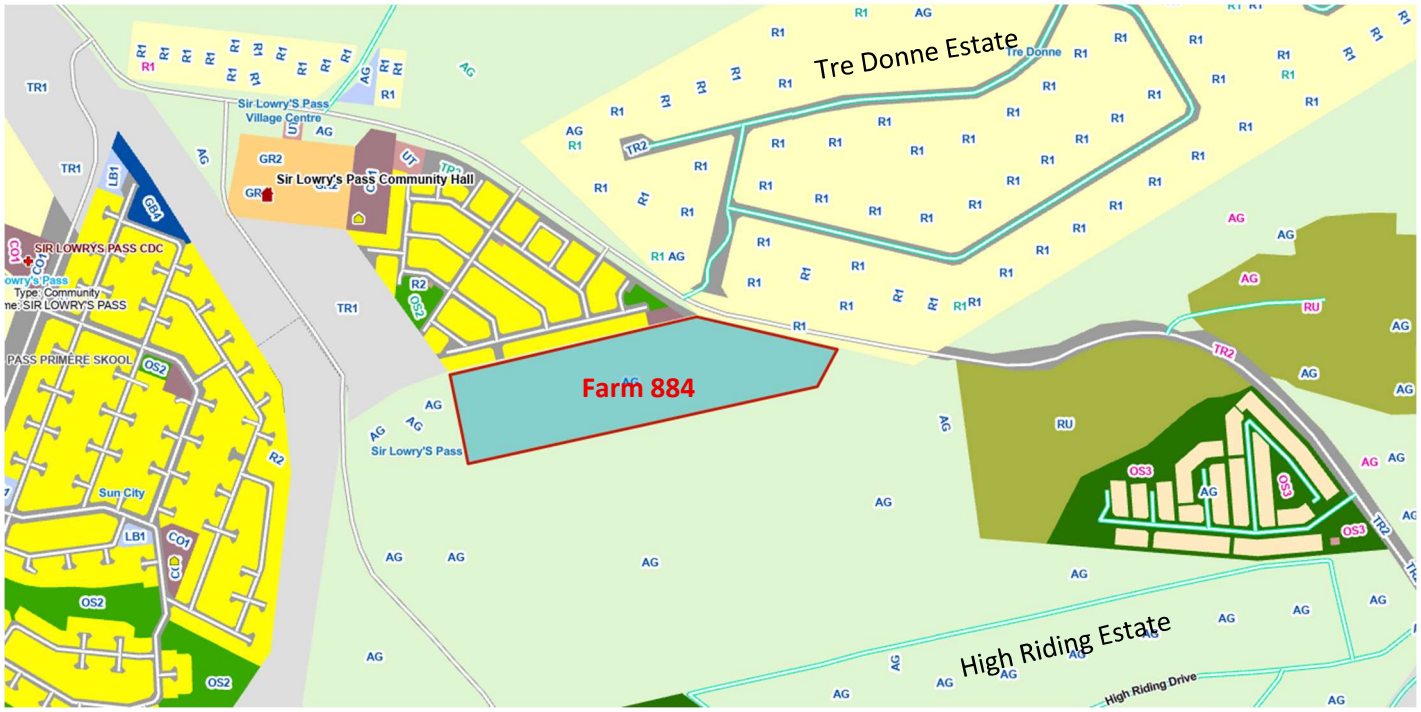


Figure 3: Extract from the City of Cape Town Map Viewer zoning map

6.2 Environmental Considerations

Portions of the property are identified as a Critical Natural Asset in terms of the MSDF and as Core Biodiversity in terms of the Helderberg District Plan (to be discussed in more detail in 8.3 and 8.4). Following consultation with the City's Spatial Planning and Environmental Management Departments, a specialist botanical assessment was undertaken to establish the current botanical condition and sensitivity of the property.

The assessment confirmed that, although the property historically supported critically endangered Lourensford Alluvium Fynbos, the site has been subject to extensive historical transformation and disturbance associated with its previous and existing uses. The majority of the property is either completely transformed or highly disturbed and the remaining vegetation is no longer considered representative of the Lourensford Alluvium Fynbos ecosystem.

No Species of Conservation Concern were recorded during the specialist site investigation. A portion along the western boundary does, however, retain a greater concentration of indigenous vegetation and has accordingly been identified by the specialist as a no-go area. The subdivision plan accordingly identifies this environmentally sensitive area, which will be retained and protected from development.

The specialist concluded that the property is suitable for development, subject to the protection of the identified no-go area and the recommended management of alien invasive vegetation. The proposed subdivision is therefore considered capable of being accommodated without compromising the identified botanical resource, while simultaneously providing an opportunity for the sensitive western portion to be protected and rehabilitated.

In addition to the botanical assessment, Cahlan Williams from Williams Cultural Management has been appointed to consider the proposal in terms of the applicable environmental legislation. An Environmental Applicability Checklist is being submitted to the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP) to confirm whether the proposed subdivision and intended future development trigger any requirements in terms of the applicable environmental legislation.

The outcome of this process will accordingly provide confirmation of any further environmental requirements applicable to the proposal and will be submitted in support of the application once received.

The proposal therefore responds appropriately to the environmental sensitivities identified on the property through the delineation and protection of the sensitive/no-go area, supported by specialist botanical input. The Environmental

Applicability Checklist submitted to DEA&DP will further ensure that any applicable statutory environmental requirements are identified and appropriately addressed.

6.3 Departure

The proposed rezoning to Rural Zone is considered appropriate given the relatively limited extent of the property and its resultant limited potential for viable agricultural use. The Rural Zone is more consistent with the intended smallholding use of the property and the established rural residential and smallholding character of the surrounding area. This zoning prescribes a minimum erf size of 2 ha. Proposed Portion A will have an extent of approximately 1.7986ha and therefore requires a permanent departure from the prescribed minimum erf size. The departure amounts to approximately 0.2014ha (2 014m²), or approximately 10% below the prescribed minimum.

Notwithstanding the departure, Portion A will remain a substantial rural residential property of approximately 1.8ha and will retain the low-density smallholding character associated with the area. The reduced erf size will therefore not result in a materially different form or intensity of development from that contemplated by the Rural Zone.

The proposed subdivision boundary is furthermore informed by the existing configuration and intended use of the property and substantially corresponds with the subdivision previously approved by the City. The departure is therefore not sought to facilitate an intensive subdivision pattern, but rather to enable the creation of two functional rural smallholdings.

Importantly, the botanical assessment has confirmed that an environmentally sensitive area occurs within the western portion of proposed Portion A. Notwithstanding the reduced erf size, Portion A retains sufficient developable land outside the identified sensitive/no-go area to accommodate a dwelling house, shed and associated outbuildings permitted under the Rural Zone. The departure will consequently not necessitate encroachment into the environmentally sensitive area in order to establish a functional rural smallholding.

Having regard to the relatively minor extent of the departure, the surrounding smallholding context, the previous approval of substantially the same subdivision and the availability of sufficient developable land outside the environmentally sensitive area, the proposed erf size of approximately 1.7986ha is considered appropriate and will not adversely affect the character, functioning or amenity of the surrounding area.

6.4 Engineering Services

No problems are foreseen with regard to the provision of engineering services to the proposed additional portion. The property currently utilises an existing borehole for water supply, while a conservancy tank system has already been installed to accommodate the proposed additional property (in line with the previous approval).

While no specific building development forms part of the present application, future development of Portion A in accordance with the Rural Zone will comprise low-density rural residential/smallholding development. Given the substantial extent of the proposed portions and the low development intensity, no significant additional stormwater impact is anticipated and stormwater associated with future development can be appropriately managed on-site.

Access to Portion A will be obtained via the existing shared access point from Old Sir Lowry's Pass Road by means of a 5m-wide servitude right of way over the Remainder. The proposal is consequently not expected to place additional pressure on existing municipal engineering infrastructure or road networks.

7. MOTIVATION: INCONSISTENCY WITH MSDF & DISTRICT PLAN

In terms of the MSDF, a portion of the property is identified as a *'Critical Natural Asset'* (CNA), while the Helderberg District Plan, 2023 identifies a portion of the property as *'Core Biodiversity'*. The proposed rezoning is therefore regarded as being inconsistent with these spatial designations and requires specific motivation.

The biodiversity designations applicable to the property were investigated during the preparation of this application. Following consultation with the City's Spatial Planning and Environmental Management Departments, a specialist botanical assessment was undertaken to establish the current condition and botanical sensitivity of the property. This approach accords with the District Plan development guidelines, which require development potentially affecting areas of high biodiversity importance to be informed by appropriate botanical assessment and seek to retain and rehabilitate areas of sensitive natural vegetation. The City's Spatial Planning Department accordingly advised that a site-specific motivation for the inconsistency should be supported by Environmental Management comment or specialist studies.

The botanical assessment confirmed that the property historically supported Lourensford Alluvium Fynbos, which is classified as a critically endangered vegetation type. The specialist assessment, however, found that the property has been subject to extensive historical disturbance and transformation associated with previous and existing land uses. The

majority of the property is presently either completely transformed or highly disturbed, and the remaining vegetation is no longer considered representative of the Lourensford Alluvium Fynbos ecosystem.

No species of conservation concern were recorded during the specialist site investigation. The western portion of the property does, however, contain a greater concentration of indigenous vegetation and was consequently identified by the specialist as an environmentally sensitive area that should be retained as a no-go area. The subdivision plan has accordingly been prepared to specifically identify this area, thereby ensuring that its environmental sensitivity is recognised and can be appropriately protected as part of the subdivision proposal.

The specialist concluded that the property is suitable for development, subject to the protection of the identified sensitive area and appropriate management of alien invasive vegetation. The proposal responds directly to these findings by identifying the environmentally sensitive western portion as a no-go area to be retained free from future buildings and associated development, while allowing the balance of the property, which has been found to be predominantly transformed or disturbed, to accommodate appropriate rural residential development. The application therefore does not disregard the biodiversity objectives underlying the MSDF and District Plan designations; rather, it uses site-specific specialist information to distinguish between the transformed portions of the property and the area warranting continued environmental protection.

It is furthermore important that the application relates to the rezoning and subdivision of an existing smallholding into two low-density rural smallholding properties. While no specific building development forms part of the present application, the proposed portions will be capable of accommodating the land uses and development rights permitted under the proposed Rural Zone. The owner intends to establish a rural residential smallholding on Portion A, including a dwelling house, shed and associated outbuildings, with the intention of creating a rural smallholding lifestyle.

Importantly, sufficient developable land is available on Portion A outside the environmentally sensitive area identified by the botanical specialist. The future utilisation of the Rural Zone development rights can therefore be accommodated without encroaching into the identified sensitive/no-go area. Any future buildings and associated development will be located outside this area and will remain subject to the applicable Development Management Scheme and other statutory requirements.

The planning history and surrounding development context are also relevant. Substantially a similar subdivision of the property was previously approved by the City, although the approval subsequently lapsed before transfer could be effected. Since that approval, the immediate surroundings have experienced further urban development and residential

intensification, including residential development adjoining the property to the north and south. The current proposal nevertheless retains a low-density rural residential form and represents a lower intensity land use scenario than the previous approval, as the previously approved animal care facility is no longer proposed.

The inconsistency with the MSDF and District Plan should therefore be considered in the context of the actual site conditions and the findings of the specialist botanical assessment, rather than the spatial designation in isolation. The proposal allows the transformed portions of the property to be utilised for appropriate low-density rural residential and smallholding purposes, including the future establishment of a dwelling house and associated outbuildings, while simultaneously securing the identified area of greater botanical sensitivity against development

It is accordingly submitted that the site-specific circumstances justify the inconsistency with the Critical Natural Asset and Core Biodiversity designations. The proposal achieves an appropriate balance between the reasonable utilisation of already transformed land and the protection of the remaining area of botanical sensitivity and is therefore not considered to undermine the broader environmental objectives of either the MSDF or the Helderberg District Plan.

8. MOTIVATION: PLANNING POLICIES

The alignment and compatibility of the proposal with the directives of legislation and City Policies will be discussed in this section.

8.1 Spatial Planning Land Use Management Act (Act16 of 2013) (SPLUMA) and the Western Cape Land Use Planning Act (Act 3 of 2014) (LUPA)

Section 7 of SPLUMA sets out the development principles which must guide all spatial planning, land use management and land development decisions. The proposed rezoning, subdivision and departure application is considered consistent with these principles for the following reasons:

- **Spatial Justice**

  The proposal supports the continued integration and rational utilisation of land within an area that has experienced ongoing urban development and residential intensification over time. The surrounding area comprises a mixture of rural residential, agricultural and urban residential developments, including recent residential developments directly adjacent to the property. The proposal therefore represents an appropriate and logical continuation of the evolving development pattern within the area. Furthermore, the application seeks to utilise an already developed and accessible property within the existing urban edge, thereby supporting the efficient use of well-located land.

- **Spatial Sustainability**

  The proposal is considered spatially sustainable as it will not result in significant environmental degradation, urban sprawl or inefficient land use patterns. The application relates to the subdivision of an existing smallholding into two low-density rural residential properties that remain compatible with the established semi-rural character of the area. No significant additional development rights or intensified land uses are proposed, and the proposal will make use of existing access arrangements and on-site service infrastructure.

- **Spatial Efficiency**

  The proposal promotes spatial efficiency through the more optimal utilisation of underutilised land within an already established settlement area. The property is located adjacent to existing residential developments and benefits from direct access to Old Sir Lowry's Pass Road. The proposed subdivision represents a modest and low-impact form of development that can be accommodated without requiring significant additional public infrastructure investment.

- **Spatial resilience**

  The proposal contributes towards spatial resilience by supporting an adaptable and sustainable land use pattern that responds to the changing character and development pressures within the broader Sir Lowry's Pass area. The application will facilitate continued low-density rural residential use while retaining the established smallholding character of the locality. The proposal further represents a lower intensity land use scenario than the previously approved application, as the previously approved animal care facility is no longer proposed.

- **Good Administration**

  The application supports the principle of good administration as it is consistent with the applicable policy framework and responds to the existing development character of the area. The proposal is straightforward, low impact and capable of being efficiently administered without placing an unreasonable burden on municipal resources or infrastructure. The application is furthermore supported by the historical approval granted by the City of Cape Town for substantially the same subdivision proposal and access arrangements.

8.2 The Provincial Spatial Development Framework:

The Provincial Spatial Development Framework seeks to promote sustainable and well-located development, improve the efficient use of land and infrastructure resources, and guide appropriate settlement restructuring within the Western Cape.

The property is situated within an already established settlement area characterised by a mixture of rural residential, agricultural and urban residential land uses. The surrounding area has experienced incremental urban development and densification over time, including approved residential developments directly adjoining the property. The proposal therefore represents an appropriate and logical response to the evolving character of the area.

The application will facilitate the more optimal utilisation of an existing smallholding property without resulting in urban sprawl or significant environmental impacts. The proposal remains low-density in nature and retains the established semi-rural character of the locality.

Furthermore, the proposal makes use of existing access arrangements and existing on-site service infrastructure, thereby limiting the need for additional public infrastructure investment. The application is therefore considered consistent with the spatial principles and objectives of the Provincial Spatial Development Framework.

8.3 Cape Town Municipal Spatial Development Framework (MSDF 2023)

The Cape Town Municipal Spatial Development Framework ("MSDF") provides the overarching spatial vision for the long-term growth and development of Cape Town and seeks to direct development in a manner that promotes spatial transformation while balancing social, economic and environmental considerations.

The MSDF is underpinned by three overarching spatial strategies, namely to build an inclusive, integrated and vibrant city; manage urban growth and achieve an appropriate balance between urban development and environmental protection; and plan for employment and improve access to economic opportunities.

- **Spatial Transformation and Consolidation**

In terms of the MSDF Consolidated Spatial Plan, the property falls predominantly within an '*Incremental Growth and Consolidation Area*', while a portion is identified as a '*Critical Natural Asset*'. The proposal must therefore be considered within the context of both spatial designations and the objectives they seek to achieve.



Figure 4: Extract from the MSDF indicating the designations

The Incremental Growth and Consolidation Area recognises areas where incremental development and consolidation can be accommodated, subject to considerations such as infrastructure capacity and the suitability of the particular site. The proposed subdivision and rezoning represent a modest form of incremental development within an existing settlement area and do not constitute outward urban expansion.

The proposal furthermore responds to the existing and evolving development context of Sir Lowry's Pass. While the locality retains an established smallholding and rural residential character, further residential development and urban intensification have occurred immediately north and south of the property. The proposed Rural zoning provides an appropriate transition between these urban residential developments and the remaining rural/smallholding properties and retains a substantially lower development intensity than conventional urban residential development.

- **Adherence to the MSDF Spatial Strategies**

The proposal is considered to respond appropriately to the broader spatial strategies of the MSDF.

- **Spatial Strategy 1 – Build an inclusive, integrated and vibrant city: T**he proposal facilitates the appropriate utilisation of land within an existing and evolving settlement rather than promoting isolated or outward development. The subdivision will create an additional rural residential/smallholding opportunity while remaining compatible with the established character and development pattern of the surrounding area.

- **Spatial Strategy 2 – Manage urban growth and create a balance between urban development and environmental protection:** The proposal provides a particularly relevant site-specific response. The land has limited potential for viable agricultural use, and the Rural Zone is considered more appropriate to its existing context and intended smallholding function. At the same time, the botanical assessment has identified an environmentally sensitive area on the western portion of proposed Portion A, which has been incorporated into the subdivision plan as an area to be protected from development. Future rural residential development can be accommodated on the balance of Portion A outside this sensitive area. The proposal therefore facilitates reasonable utilisation of transformed land while protecting the identified botanical resource.

- **Spatial Strategy 3 – Plan for employment and improve access to economic opportunities** is less directly applicable to the relatively limited scale and rural residential nature of the proposal. The application does not seek to establish an employment-generating land use and its contribution towards this strategy is consequently limited. It nevertheless facilitates the productive utilisation and transfer of an existing property within an established area.

- **Development Directives and Environmental Considerations**

The MSDF identifies various development directives relating, amongst others, to biodiversity, agricultural resources, heritage, infrastructure and areas subject to environmental or other development constraints. The proposal has been considered against those directives insofar as they are applicable to the property.

Of particular relevance is the identification of a portion of the property as a '*Critical Natural Asset*'. As discussed comprehensively in Section 7, this designation was investigated through a site-specific botanical assessment undertaken following consultation with the City's Spatial Planning and Environmental Management Departments. The assessment confirmed extensive historical transformation and disturbance across the property, while identifying a more sensitive area along the western portion of proposed Portion A.

The subdivision plan has consequently been prepared to identify this environmentally sensitive/no-go area. Sufficient developable land remains outside the identified area to accommodate the Rural Zone uses and structures contemplated by the prospective owner of Portion A. The proposal therefore does not rely upon the development of the sensitive area in order for Portion A to function as a viable rural smallholding.

Although the proposal is acknowledged to be inconsistent with the CNA designation insofar as the MSDF

mapping applies to the property, the site-specific circumstances and specialist botanical findings demonstrate that the proposal can be accommodated without undermining the environmental objectives underlying the designation. The detailed motivation for this inconsistency is provided in Section 7.

- **Overall MSDF Alignment**

Having regard to the property being situated predominantly within an Incremental Growth and Consolidation Area, its location within an existing and evolving settlement context, the low-density nature of the proposed Rural zoning and the incorporation of the specialist botanical recommendations into the subdivision proposal, the application is considered to respond positively to the broader spatial strategies and development objectives of the MSDF.

The proposal achieves an appropriate balance between incremental densification, reasonable utilisation of land and environmental protection. Notwithstanding the identified site-specific inconsistency with the CNA designation, the proposal is therefore not considered to undermine the overall intent and spatial objectives of the MSDF.

8.4 The Helderberg District Plan 2023

The Helderberg District Plan, 2023 provides more detailed spatial planning and land use management guidance at district and sub-district level and gives effect to the broader spatial objectives of the MSDF. The subject property is situated within Sub-District 6: Sir Lowry's Pass.

The Sir Lowry's Pass area is characterised by a diverse and evolving development pattern comprising established urban development, rural residential and smallholding properties, agricultural land and areas of environmental significance. The proposal should therefore be considered within this broader transitional context and with due regard to both the development and environmental objectives applicable to the sub-district.

The proposed rezoning from Agricultural Zone to Rural Zone and subdivision into two low-density smallholdings are considered compatible with the established rural residential character of the locality. The property has limited potential for viable agricultural use, while the proposed Rural zoning provides an appropriate land use mechanism to retain the low-density smallholding character of the property. The proposal does not seek to introduce conventional urban residential subdivision or an intensive development form.

This is particularly relevant given the evolving character of the immediate surroundings, where urban residential development has occurred to the north and south of the property, while rural residential and smallholding uses remain evident within the locality. The proposed Rural zoning therefore provides an appropriate transition between the more urbanised development pattern and the remaining rural/smallholding landscape.

- **Core Biodiversity designation**

Of particular relevance to the application is the identification of a portion of the property as **Core Biodiversity** in terms of the District Plan. The District Plan recognises that new development may coincide with areas of biodiversity importance and requires development proposals in such circumstances to appropriately respond to the environmental sensitivity of the affected land.



Figure 5: Extract from the District Plan indicating the designations

The applicable development guidelines require development to be sensitive to biodiversity considerations; provide for appropriate botanical and faunal assessment where development and biodiversity remnants coincide; encourage the rehabilitation and maintenance of sensitive natural vegetation; and, where possible, locate new infrastructure and structures outside environmentally sensitive areas. As confirmed in the City's pre-application correspondence, these considerations necessitated a site-specific assessment of the property.

The applicant has responded directly to these requirements through the appointment of a botanical specialist. The assessment established the actual condition of the vegetation on the property and confirmed that the majority of the site has been historically transformed or highly disturbed. No Species of Conservation

Concern were recorded during the specialist investigation, although a portion along the western side of proposed Portion A was identified as retaining greater botanical sensitivity.

In response to the specialist findings, this area has been specifically identified on the subdivision plan as an environmentally sensitive/no-go area and will remain free from future buildings and associated development. The balance of Portion A provides sufficient developable land to accommodate the intended Rural Zone uses, without encroaching into the identified sensitive area.

The proposal therefore responds directly to the intent of the District Plan's biodiversity guidelines by allowing the actual environmental condition of the property to inform the development response. Rather than facilitating indiscriminate development across the mapped Core Biodiversity area, the proposal distinguishes between the historically transformed portions of the site and the area identified through specialist investigation as warranting protection.

District Plan consideration	**Response**
Biodiversity-sensitive development	Specialist botanical assessment undertaken
Botanical/faunal assessment where biodiversity and development coincide	Site-specific botanical assessment completed
Retain/rehabilitate sensitive vegetation	Western sensitive area retained as no-go area; alien vegetation management recommended
Limit development footprint	Future buildings can be accommodated outside the sensitive area
Locate structures/services outside sensitive areas where possible	Developable portion of Portion A enables this

Table 2: Summary alignment with the Helderberg District Plan

- **Overall alignment with the District Plan**

Although the application is acknowledged to be inconsistent with the Core Biodiversity spatial designation, as motivated comprehensively in Section 7, the proposal is considered to respond positively to the broader spatial planning and environmental objectives of the Helderberg District Plan.

The proposal retains a low-density rural residential development pattern, responds appropriately to the established and evolving character of Sir Lowry's Pass, and provides for the protection of the

environmentally sensitive portion identified through specialist investigation. Importantly, the environmental constraint does not prevent proposed Portion A from functioning as a rural smallholding, as sufficient land remains available outside the sensitive area for development in accordance with the Rural Zone.

The proposal is therefore considered to achieve an appropriate balance between the reasonable utilisation of the property for rural residential/smallholding purposes and the protection of the site's identified botanical resource. The site-specific inconsistency with the Core Biodiversity designation is consequently not considered to undermine the overall objectives or intent of the Helderberg District Plan.

8.5 Sir Lowry's Pass Local Spatial Development Framework (2025)

The Sir Lowry's Pass Local Spatial Development Framework (LSDF) provides more detailed spatial planning and land use guidance for the Sir Lowry's Pass area. In assessing development proposals, the LSDF requires consideration of both the Consolidated Spatial Development Framework (Figure 39) and the applicable development guidelines contained in Chapters 4 and 5.

As illustrated in Figure 6 below, Figure 39 of the LSDF identifies the subject property partly as '*Existing Residential'* and partly as a '*Critical Biodiversity Area*'. The proposal has accordingly been considered in relation to both the residential development objectives and the environmental management provisions of the LSDF.



Figure 6: Extract from LSDF Consolidated Spatial Development Framework (Figure 39), indicating the subject property in relation to the Existing Residential and Critical Biodiversity Area designations

- **Residential and Density Considerations**

  Section 5.3.6 of the LSDF provides that residential densities should be appropriate to the scale and location of a site, having regard to its surrounding context and development history. The associated residential thematic map identifies the subject property as forming part of the existing residential area rather than an area specifically earmarked for new medium- or high-density development.

  The proposed subdivision is consistent with this designation. The application does not seek intensive urban development but will facilitate the continued use of the property for low-intensity residential purposes through the creation of two portions of rural smallholdings. The proposal therefore responds appropriately to the existing residential context and established development pattern of the surrounding area.

- **Environmental and Biodiversity Considerations**

  The LSDF identifies a portion of the property as '*CBA 1c*'. Section 5.3.10.1 requires development affecting mapped sensitive biodiversity areas to be appropriately assessed and specifically provides for such areas to be ground-truthed through a botanical assessment prior to development.

  In accordance with this requirement, a specialist botanical assessment has been undertaken for the property. The assessment provides site-specific verification of the biodiversity characteristics of the property and identifies the environmentally sensitive area to be protected from development. The subdivision proposal has been informed by these findings, and the identified sensitive/no-go area will remain protected.

  The proposal therefore gives effect to the mitigation hierarchy contemplated by the LSDF by avoiding development within the identified sensitive area and ensuring that the subdivision does not compromise the biodiversity resource identified through the specialist investigation.

  In addition, Cahlan Williams has been appointed to consider the proposal in terms of the applicable environmental legislation and an Environmental Applicability Checklist is being submitted to the Western Cape Department of Environmental Affairs and Development Planning (DEA&DP). This process will confirm whether any further statutory environmental requirements are applicable to the proposal.

- **Old Sir Lowry's Pass Road Interface**

  The LSDF recognises the visual, scenic and cultural significance of the Old Sir Lowry's Pass Road environment and requires development within sensitive interfaces to respond appropriately to the surrounding landscape character.

  The proposed subdivision responds positively to this objective, as proposed Portion A is situated away from the Old Sir Lowry's Pass Road frontage and is accessed via a servitude over the Remainder. Any future dwelling house, shed or associated outbuildings developed on Portion A in accordance with the Rural Zone will therefore be located at a distance from the road rather than directly adjoining the scenic route.

  This spatial arrangement assists in limiting the visual prominence of future development when viewed from Old Sir Lowry's Pass Road and reduces the potential for development to alter the established roadside character or important scenic qualities associated with the route. The proposal accordingly retains the lower-intensity rural interface along the road while accommodating future rural residential development further within the property.

The proposal is therefore considered consistent with the Sir Lowry's Pass LSDF. It responds to the dual spatial designation applicable to the property by recognising its existing residential function while simultaneously protecting the biodiversity resource identified on the property. The proposal is further supported by site-specific specialist botanical input and the environmental applicability process currently being undertaken with DEA&DP.

9. MOTIVATION: CITY OF CAPE TOWN MUNICIPAL BY-LAW

Section 99 of The City of Cape Town Municipal By-Law list criteria which should be consider when deciding on an application. These criteria are listed below in relation to the proposal:

a) The application must comply with the requirements of the By-Law: The proposal adheres to the requirements of the By-Law, as the By-Law makes provision for subdivision and rezoning of land, as well as departures from the DMS.

b) The proposed land use should be consistent with the Municipal Spatial Development Framework for the area: A portion of the property is identified as a Critical Natural Asset in terms of the MSDF and the proposal is therefore acknowledged to be inconsistent with this spatial designation. A detailed site-specific motivation for the inconsistency is provided in Section 7 of this report and is supported by a specialist botanical assessment.

The assessment confirmed that the majority of the property has been historically transformed or disturbed and identified a sensitive area along the western portion of proposed Portion A which is to be retained as a no-go

area. Sufficient developable land remains outside this area to accommodate the intended Rural Zone uses. The proposal is therefore considered to achieve an appropriate balance between reasonable utilisation of the property and protection of the identified environmental resource and is not considered to undermine the broader objectives of the MSDF.

c) The following factors should be taken into account in the consideration of the desirability of the proposed land use:

- **Socio-Economic Impact**:

  The proposed development is not expected to result in any negative socio-economic impacts on the surrounding area. The application relates to the subdivision of an existing smallholding property into two low-density rural residential properties that are compatible with the established and evolving character of the surrounding area. The proposal will facilitate the more optimal utilisation of underutilised land while maintaining the existing semi-rural character and amenity of the locality. The application does not introduce intensive land uses, significant additional development rights or activities that are likely to adversely impact surrounding properties or municipal infrastructure. The proposal is furthermore expected to contribute positively towards the local property market by providing an additional rural residential/smallholding opportunity within an already established and accessible area. Given the modest scale and low-impact nature of the proposal, the application is therefore considered desirable from a socio-economic perspective.

- **Compatibility with surrounding uses**:

  The proposed subdivision and rezoning are considered compatible with the existing and emerging land use character of the surrounding area. The broader locality comprises a mixture of agricultural, rural residential and urban residential land uses, including smallholdings, lifestyle estates and formal residential developments. Since the previous application, the area has evolved into a transitional environment characterised by a combination of urban and semi-rural land uses. The proposed Rural Zone zoning is considered appropriate within this context, as the application seeks to retain the low-density smallholding character associated with the area. The subdivision into two portions will remain consistent with the scale and character of surrounding rural residential properties and will not result in land use conflicts with adjoining properties. Furthermore, the proposal does not introduce intensive commercial, industrial or high-density residential activities that may negatively affect the amenity of the surrounding area. The application is therefore regarded as compatible with both the existing and evolving development character of Sir Lowry's Pass and its immediate surroundings.

- **Impact on external engineering services**:

  The proposal is not expected to place undue pressure on engineering services infrastructure. The proposal relates to the subdivision of an existing smallholding property into two low-density rural residential properties and does not involve intensive land uses or significant additional development rights.

  The property is currently not serviced by the City of Cape Town's municipal water and sewer infrastructure, and this arrangement will remain unchanged. Water for the proposed properties will continue to be supplied by means of an existing borehole located on the property, while sewer services will be accommodated by means of on-site conservancy tank systems.

  While no specific building development forms part of the present application, future development of Portion A in accordance with the Rural Zone will comprise low-density rural residential/smallholding development. Given the substantial extent of the proposed portions and low development intensity, no significant additional stormwater impact is anticipated and stormwater associated with future development can be appropriately managed on-site.

  Any applicable development charges will furthermore be payable in accordance with the City's requirements and will contribute towards the provision and upgrading of infrastructure within the broader area.

- **Impact on health, safety and wellbeing of the surrounding community**:

  The proposal is not expected to negatively impact the health, safety or wellbeing of the surrounding community. The proposal comprises a low-density rural residential/smallholding development that is compatible with the character of the surrounding area.

  No intensive or potentially hazardous land uses are proposed, and the previously approved animal care facility is no longer included as part of the application. The proposal is therefore not expected to generate adverse impacts relating to noise, pollution or public nuisance.

- **Impact on Heritage**:

  The rezoning of the property triggers the applicable provisions of the National Heritage Resources Act, 1999, due to the extent of the property (larger than 10 000m²). The required heritage process with Heritage Western Cape is accordingly being attended to by the applicant's environmental consultant.

From a land use planning perspective, the proposal is not expected to adversely affect the cultural landscape or sense of place associated with the locality. The rezoning from Agricultural Zone to Rural Zone is intended to facilitate the continued low-density rural residential/smallholding use of the property and does not seek to introduce an intensive urban land use or development form.

The subdivision furthermore positions proposed Portion A and its future development away from the Old Sir Lowry's Pass Road frontage, thereby assisting in retaining the established low-density rural and scenic character associated with this interface. The proposal is therefore considered compatible with the cultural landscape and existing character of the locality, subject to compliance with any requirements arising from the Heritage Western Cape process.

- **Impact on the biophysical environment**:

  A specialist botanical assessment was undertaken in response to the biodiversity sensitivity identified on the property. The assessment confirmed that the majority of the property has been historically transformed or disturbed, while identifying an environmentally sensitive area along the western portion of Portion A.

  The subdivision plan has been prepared to identify this area, which will be retained as a no-go area. Sufficient developable land remains outside the sensitive area to accommodate the intended Rural Zone uses without encroaching into the identified botanical resource.

  An Environmental Applicability Checklist is furthermore being submitted to DEA&DP to establish whether any further statutory environmental requirements are applicable. Subject to the specialist recommendations and any requirements arising from this process, no unacceptable impact on the biophysical environment is anticipated.

- **Traffic impact, parking, access and other transport related considerations:**

  The creation of one additional rural residential/smallholding property is expected to result in a negligible increase in traffic and will not materially affect the functioning of the surrounding road network. No additional access point onto Old Sir Lowry's Pass Road is proposed. Access to Portion A will be obtained via the proposed 5 m servitude right of way over the Remainder, thereby retaining the existing shared access arrangement. Parking associated with the respective properties can be accommodated on-site. The proposal is therefore not expected to result in any unacceptable traffic, access or parking impacts.

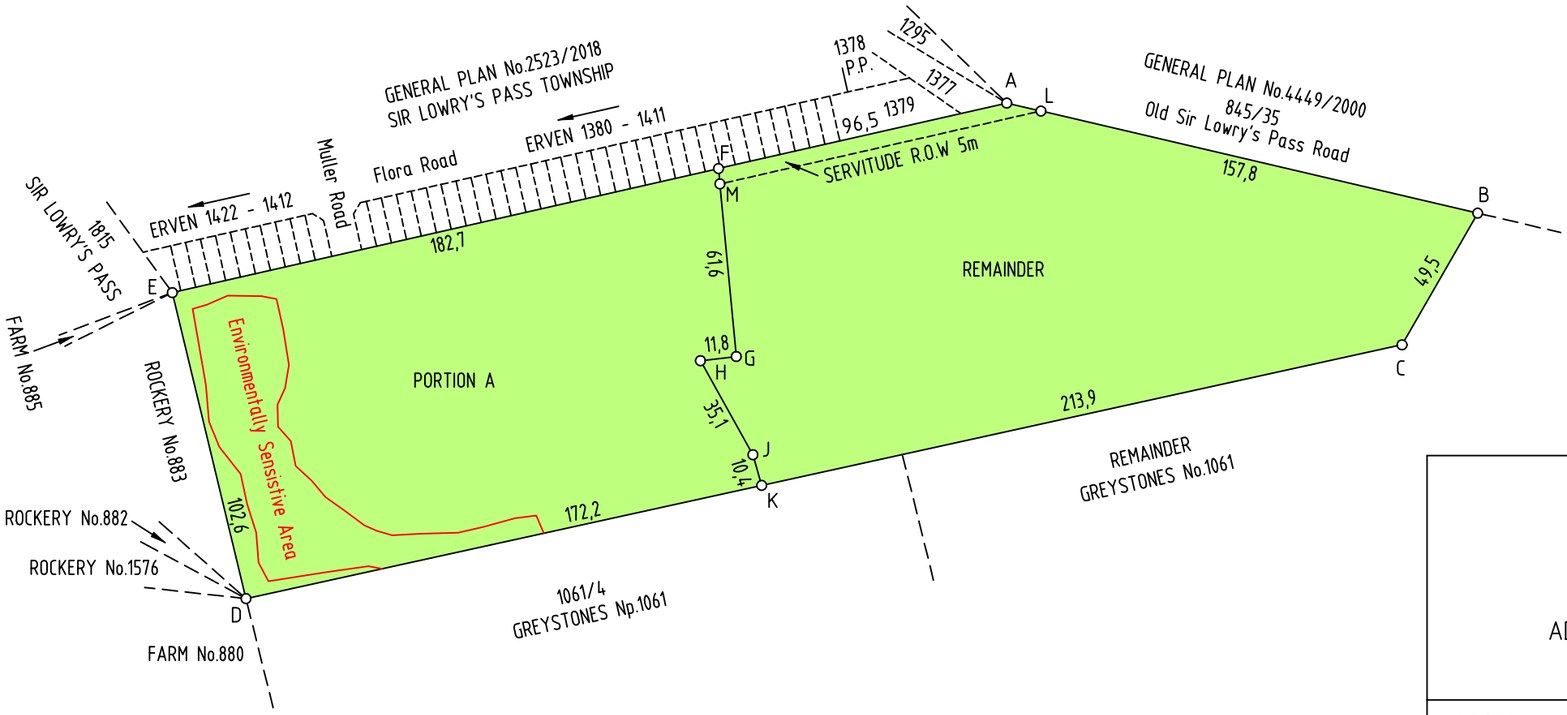
10. CONCLUSION

The application seeks to facilitate the appropriate use of Remainder Farm 884 through its rezoning to Rural Zone and subdivision into two low-density rural residential/smallholding properties. The proposal is considered appropriate within the established and evolving development context of Sir Lowry's Pass and will retain the low-density, semi-rural character of the property.

The environmental sensitivities associated with the property have been appropriately investigated through a specialist botanical assessment. The identified sensitive area will be retained as a no-go area, while sufficient developable land remains outside this area to accommodate the intended Rural Zone uses.

The proposal furthermore represents a lower-intensity land use scenario than the previous approval, as the animal care facility no longer forms part of the application. Having regard to the planning history of the property, surrounding development context, applicable spatial planning policies and Section 99 desirability considerations, the proposed rezoning, subdivision and permanent departure are considered appropriate and desirable.

It is therefore respectfully submitted that the application warrants the support and approval of the City of Cape Town.



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DATE	AUGUST 2026		
SCALE	1:2000		
PLAN NO	5010-884AP		

SUBDIVISION PLAN
REMAINDER FARM No.884

CITY OF CAPE TOWN
ADMINISTRATIVE DISTRICT OF STELLENBOSCH
PROVINCE WESTERN CAPE

NOTES

1. All areas and dimensions are approximate
2. All dimensions are in metres
3. ha denotes hectares
4. Compilation Sheets : AHNK-2172 (M4527)
   AH-2BD/Z2 (M325)
5. The figure ALMF represents a Servitude Right of Way 5,00 metres wide over the Remainder i.f.o Portion A

FIGURE		ZONING	%	AREA (ha)
ABCDE	REM. FARM 884	RURAL		3,8249
FGHJKDE	PORTION A	RURAL	47,0	±1,7986
ABCKJHGF	REMAINDER	RURAL	53,0	±2,0263
		TOTAL	100	3,8249