



## Constantia Ratepayers' & Residents' Association

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(Registered as a Ratepayer Association and a Conservation Body)

*Conserving Constantia's rural and cultural landscape for all.*

26<sup>th</sup> June 2023

**City of Cape Town  
Development Management  
Southern District Manager  
3 Victoria Road  
Plumstead, 7800**

Transmitted via Email : [comments\\_objections.southern@capetown.gov.za](mailto:comments_objections.southern@capetown.gov.za)

Dear Sirs,

**ERF 1163, 2 WELGELEGEN AVENUE, CONSTANTIA: APPLICATION FOR SUBDIVISION AND DEPARTURE  
CASE ID: 1500001599**

We refer to your registered letter dated 22 May 2023 inviting this Association to comment on the above-mentioned application.

The Constantia Ratepayers' and Residents' Association (CRRA) is a non-profit organisation registered as a community-based organisation (ratepayers' body) with the City of Cape Town, and as a Conservation Body with Heritage Western Cape. The CRRA represents many residents and ratepayers in Constantia and has a mandate to protect and conserve the unique rural / arcadian character of the Constantia-Tokai Valley.

### **Introduction**

The CRRA objects to this application for the reasons set out below.

### **Subdivision as a precursor to densification**

Black Square Town Planning ("the applicant") makes many statements in its motivation for this application to the effect that the subdivision will have no impact on the character of the area or on nearby residents. For example:

*"... it is evident that the nature of the approval required is minor...."*

*"The subdivision will not have any adverse impact on the adjacent properties."*

*"The proposal to subdivide the property to portions with extents 1857m<sup>2</sup> and 1842m<sup>2</sup> will therefore be in keeping with the character of the area."*

*"The impact on surrounding properties is therefore considered minimal, if any."*

*"The proposal will not have any negative impact on adjacent properties, the streetscape or the general amenity of the neighbourhood, and that it will not impact negatively on the safety, health or wellbeing of the surrounding community."*

*"Considering that the subject property (now Portion A and Remainder) shall maintain its SR1 zoning, no severe traffic / parking implications are foreseen. Furthermore, should a dwelling be erected on Portion 1 in future, the effect of any traffic implications, if any, resulting from an additional family is considered insignificant."*

The applicant makes assertions relating to the alleged low impact of the **subdivision itself, in full knowledge that erven are not subdivided in order that they can stay as they are, but because the owner wishes either to develop the erven or to sell them to a developer to do so.** It is this that is of most concern to the residents of Constantia and to the CRRA.

While asserting that the subdivision will have minimal impacts, the applicant also refers to the desirability of densification in the area, and to the right to build three dwellings on each erf.

In this light, the comments above can be seen to be disingenuous: if the property were subdivided and one additional dwelling built, this would still have an impact on the neighbours, as any building project would. However, considering the significant likelihood that one or both of these erven will be subject to the kinds of development projects that are taking place all over Constantia (i.e., housing estates comprising three dwellings on one erf), there will be **significant impacts on the character of the area and on surrounding residents, including:**

- Disruption caused during any building operations, including damage to surrounding roads. This is a narrow road with a rural character. In the likely event that one or both erven are purchased with the view to develop a housing estate/s of three dwellings, the building disruption caused to surrounding residents will be significant and long-lasting.
- This application paves the way for a property that currently contains one residence to contain six residences. It is therefore misleading to suggest that any additional traffic implications would be “insignificant”, or that privacy concerns are irrelevant. It is increasingly evident that when housing developments take place in Constantia, significant numbers of trees – if not all trees – are cleared from the erven to be developed, to make way for new houses. This can have a serious impact on the privacy of residents surrounding these developments (for clear examples see the current development at 4 Le Seuer Avenue, and the development directly behind it on Ainsty Walk), not to mention that the cumulative impact of this clearance will inevitably damage the arcadian nature of Constantia, which is considered unique precisely because of its tree coverage.
- The shape of this erf also means that any new development is likely to encroach very close to the boundaries of one or both subdivided erven, further increasing the likely impact on neighbours.

The applicant states that the approval of the proposed subdivision “can in no way compromise the ability of surrounding property owners to exercise their rights”. However, the applicant appears to consider that the only relevant right is the right of surrounding property owners to subdivide their own properties, and, extraordinarily, provides a map indicating exactly how subdivision of all the surrounding properties would look!

In doing so, the applicant has proved precisely the devastating impact that multiple such applications are having and will have on Constantia. If the subdivisions which the applicant sketches out took place, and three dwellings were built on each erf, that would result in a small, rural-like piece of Constantia which currently contains four dwellings, containing up to **twenty four** new dwellings, with all of the associated implications for tree cover (a key characteristic of Constantia), traffic, impact on bulk services, privacy and impacts on biodiversity, noise and light pollution.

It is also important to note that this property is in close proximity to the new “Great Oaks” retirement development, which will dramatically increase the density of the population of this area, also with all of the associated implications as listed above.

### **Application motivation**

The CRRA is aware that the City is in favour of densification, but the City asserts that this densification should not damage the character of the area. However, the large number of developments taking place, with three dwellings being built on erfs as small as 1350 square metres, is already changing the rural and arcadian character of Constantia. If left unchecked, this development will forever destroy the very elements of this area which make it attractive to property owners in the first place, and which make it one of Cape Town’s top tourist destinations. These developments are:

- Reducing the tree cover, the very characteristic of Constantia which sets it apart as unique part of Cape Town;
- Increasing the pressure on bulk services which are already under severe strain in the area, as evidenced by frequent water outages;

- Destroying the biodiversity of this unique part of Cape Town by reducing the habitat and movement pathways for birds, amphibians, small mammals and insects;
- Contributing to increased traffic and road damage caused by large trucks and other vehicles used for building; and
- Changing the nature and character of the Constantia Valley to the detriment of its residents and to the detriment of its appeal as a tourism destination.

The CRRA asserts that there is no policy imperative in the City's By-Laws which requires densification of this nature in this area.

The applicant makes assertions as to the desirability of this subdivision which are not supported by any evidence, and which do not make sense. For example:

*"As the property is located in an area with good amenities, close to public transportation, and as **it will support the viability of the public transport system** and a more efficient use of land, it can therefore be stated that the proposed subdivision supports the objectives of the Densification Policy."*

How will the subdivision of an erf, and potential subsequent development, "support the viability of the public transport system"?

*"Furthermore, by encouraging subdivision where appropriate, as is the case with this application, **valuable agricultural land is protected**, especially in Constantia where agricultural land bears great heritage significance and must be protected at all costs."*

How does encouraging subdivision protect "valuable agricultural land"? This land is already protected, and increasing the densification of the surrounding areas can only have negative impacts on that land, including increased traffic and bulk services pressure, impacts on biodiversity, and pollution (including light and noise pollution).

*"Approval of the application under consideration resulting to more than one property and future construction will result in a **significant increase in the value of the subject property and a concomitant increase in property values in the area**. This will result in a substantial increase in property rates and taxes collected by the City, which funds will be spent across the City to the benefit of all residents."*

It is important to note that the applicant's assertion that this subdivision is desirable because it will increase the city's tax base is not a valid consideration in the assessment of this application. We request that the City requires the applicant to provide evidence that "future construction" will increase the value of other properties in the area. It is arguable that the opposite will happen: the premium that this unique part of Cape Town attracts will no longer apply when the character of the area has changed to such an extent that there is nothing special about it.

*"Furthermore, future construction work will result in the creation of temporary employment opportunities and income generation. **The proposal will therefore have a positive impact on economic growth and poverty alleviation.**"*

While the first sentence is accurate, the second is, quite frankly, ludicrous. Town planners should not be able to assert that an application for one subdivision will have "a positive impact on economic growth and poverty alleviation". Apart from the fact that no single development of any kind could do so, there are a multitude of other factors to consider. These include the fact that people are less likely to employ full-time staff in housing estates than they are if they live in stand-alone dwellings with large gardens (in other words, the proliferation of these developments may result in fewer people having permanent, full-time jobs in this area); and the fact that this kind of development, if left unchecked, will inevitably have a serious impact on the tourism attraction of the Constantia Valley, resulting in potentially a negative impact on the people whose livelihoods rely on it.

The CRRA implores the City to take careful note of these kinds of flippant, unsubstantiated claims about the benefits of subdivision and densification, which if left unchallenged will become a real barrier to the preservation of what is left of the unique Constantia Valley, by creating easy but meaningless justification for any development.

## Conclusion

For the reasons set out above, the CRRRA objects to the proposed subdivision and departures in relation to Erf 1163 Constantia. Should this application be recommended for approval, we request that the City considers imposing additional restrictions on the subdivided erf, including limiting each erf to one dwelling, and limiting the square metre area that can be built on each subdivided erf (i.e., not permitting coverage of 1500m<sup>2</sup> on each erf).

In the event of recommendation for approval, we also request an opportunity for an interview at the Municipal Planning Tribunal meeting at which the application is to be considered. In this regard, we request that a copy of the City Planner's Report and recommendations be made available to us as soon as possible after completion thereof, so that we can timeously prepare for the appearance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J.S. Hesom', with a horizontal line extending to the right.

J.S.Hesom (Manager)

For the Land Use Sub-committee