CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500168664

Erf 72023, 141 Masitembane Crescent, Mxolisi Phethani, Khayelitsha

Development Management

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MOTIVATION REPORT

APPLICATION MADE IN TERMS OF SECTION 42(a), 42(b), AND 42(i) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW OF 2015, FOR REZONING, PERMANENT DEPARTURE, AND CONSENT USE ON ERF 72023 IN KHAYELITSHA.

APPLICATION SITE:
ERF 72023 IN KHAYELITSHA.

10 October 2026

Submitted by:

PROPLAN DYNAMICS

BUILDING DREAMS, SHAPING COMMUNITIES

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1. The Application

1.1 Application

Proplan Dynamics (Pty) Ltd has been appointed by to compile and submit this application for Rezoning from Residential Zone 2 to General Business Zone 1 made in terms of section 42(b), Permanent Departure for the Street Centreline Setback to be 5m in lieu of 8,0m, parking to be located within 10m from the street boundary and also to permit vehicles to reverse across the sidewalk when exiting the site made in terms of section 42(b), and Consent Use made in terms of section 42(i) of the City of Cape Town Municipal Planning By-Law of 2015 to permit a warehouse to store alcoholic beverages on Erf 72023 in Khayelitsha.

Furthermore, there will be no direct sales that will take place on the property, it will be utilized solely for storage. The operations of a storage in the subject property are due to the fact that the owner is in the process of formalizing the sales of alcoholic beverages for off-site consumption on Erf 72011, 72012, 72013, and 72014 in Khayelitsha (Case ID:1500148523) which was withdrawn due to additional documents requested (Power of Attorney and Letter of Executorship). Having said that, the panhandle at the rear of the subject property will not be utilized for this proposal, it vests in the ownership of the municipality and forms part of 71662-RE in Khayelitsha.

2. General information

2.1 Locality

From an administrative perspective, the property is situated within the area of jurisdiction of the City of Cape Town Municipality in the District of Khayelitsha, Mitchells Plain and Greater Blue Downs. Geographically, the property is situated in Khayelitsha.

Refer to Annexure 1: Locality Map

2.2 Ownership

Erf 72023 in Khayelitsha is registered in the name of by virtue of the Deed of Transfer No. Furthermore, the power of attorney authorising Proplan Dynamics (Pty) Ltd to compile and submit this application on behalf of Thembelane Alfred Mthendeshe is attached.

Refer to Annexure 5: Power of Attorney

2.3 Bond information

There is no bond registered over the property under application.

Refer to Annexure 2: Deeds of Transfer

2.4 Property size

Erf 72023 in Khayelitsha, measures 136 m^2 in extent.

Refer to Annexure 2: Deed of Transfer

Refer to Annexure 3: General Plan – Khayelitsha

2.5 Conditions of title

There are no restrictive conditions in the deed of transfer.

Refer to Annexure 2: Deed of Transfer

2.6 Current land use rights

The property under application is currently zoned as follows:

Zoning: Residential Zone 2

Floor Factor: 2,0

Coverage: n/a

Maximum height

Above existing ground

Level to top of building: 9,0 m Dwelling unit, and 10,0 m other buildings

Building Lines	
Street Boundary	0,0 m
Common Boundaries	0,0 m
Street Centreline Setback	n/a

Parking - 1 parking bays per dwelling unit.

2.7 Surrounding zoning regime

The zoning of the properties in the area surrounding Erf 72023 in Khayelitsha are as indicated in the table below:

Property Description	**Zoning**
Erven 72006, 72007, 72008, 72009, 72010, 72015, 72016, 72017, 72030, 72031, 72032, 72033, 72034, 72035, 72036, and 72037 in Khayelitsha.	"Residential Zone 2"
Erf 71789 in Khayelitsha.	"Public Open Space"
Erf 71759 in Khayelitsha.	"General Business Zone 4"

2.8. Proposed Land Use Rights

The property under application is proposed to be rezoned to the following zoning:

Zoning: General Business Zone 1

Floor Factor: 1,5

Coverage: 100%

To top of the roof: 12,5 m

Building Lines	
Street Boundary	0, ,0 m up to 10,0 m height; 4,5 m above 10,0 m
Common Boundaries	0,0 m
Street Centreline Setback	8,0 m

Parking: 1 bay per 100 m^2 GLA.

3. Services

3.1 Water

The property under application has access to the municipal water supply.

3.2 Sanitation

The property under application is connected to the municipal bulk sewer network.

3.3 Electricity

The property under application has access to the municipal electricity supply.

3.4 Access

The property under application is accessible from Masitembane Crescent.

3.5 Parking

Erf 72023 in Khayelitsha, its parking is proposed to be 1 bay per 100 m GLA.

Refer to Annexure 4: Site Plan

3.6 Summary

The property under application is serviced in terms of water, sanitation, and electricity, and it is accessible. Should the increase in demand for any of the services listed above as a result of the proposed Rezoning,

Permanent Departure, and Consent Use require the installation of service infrastructure, the once-off bulk service contribution payable to the Municipality will cover all costs incurred.

4. Development concept

4.1 Background

The property under application is currently vacant, and it is situated on Erf 72023 in Khayelitsha. The site belongs to The site's zoning is currently Residential Zone 2 and the application submitted by Proplan Dynamics (Pty) Ltd is for Rezoning from Residential Zone 2 to General Business Zone 1 made in terms of section 42(a), Permanent Departure for the Street Centreline Setback to be 5m in lieu of 8,0m, parking to be located within 10m from the street boundary and also to permit vehicles to reverse across the sidewalk when exiting the site made in terms of section 42(b), Consent Use made in terms of section 42(i) of the City of Cape Town Municipal Planning By-Law of 2015 to permit a warehouse to store alcoholic beverages on Erf 72023 in Khayelitsha.

Furthermore, there will be no direct sales that will take place on the property, it will be utilized solely for storage. The operations of a storage in the subject property are due to the fact that the owner is in the process of formalizing the sales of alcoholic beverages for off-site consumption on Erf 72011, 72012, 72013, and 72014 in Khayelitsha (Case ID:1500148523) which was withdrawn due to additional documents requested (Power of Attorney and Letter of Executorship).

5. Prevailing policy environment

5.1 Spatial Planning and Land Use Management Act, 2013 (SPLUMA)

The proposed development complies with the following development principles set out in the Spatial Planning and Land Use Management Act 16 of 2013:

The principle of spatial resilience

The principle of spatial resilience states that the environment must be able to absorb shocks and disturbances. This Rezoning, Permanent Departure, and Consent Use application on the subject property will not cause any shock or disturbance to the environment.

The principle of spatial sustainability

The principle of spatial sustainability requires among others, that land development should be promoted in locations that are sustainable and which limit urban sprawl.

This application is compliant as it proposes the Rezoning, Permanent Departure, and Consent Use to permit a warehouse to store alcoholic beverages on the subject property. Furthermore, the application prevents urban sprawl, and by utilising the existing bulk infrastructure and the current road network, therefore, the application is spatially sustainable.

The principle of efficiency

The principle of efficiency requires that land development optimises the use of existing resources and infrastructure. Furthermore, this principle requires that the decision-making procedures should minimise any negative financial, social, economic, or environmental impacts.

As aforementioned, the application complies with this principle as it proposes Rezoning, Permanent Departure, and Consent Use application to permit a warehouse to store alcoholic beverages on the said property within a proclaimed township and the property is already connected to the existing bulk service and road infrastructure. This Rezoning, Permanent Departure, and Consent Use application on the subject property will result in a minimal impact, if any, on the bulk service infrastructure, and the use of the property will have no negative economic, social, or environmental impact.

The principle of good administration

The existence and use of a policy document such as the City of Cape Town Municipal Planning By-Law of 2015, indicates that there are procedures in place to regulate development. The application supports the principle of good administration in that it follows the correct application procedures set out by the Municipality. Furthermore, this application for Rezoning, Permanent Departure, and Consent Use application to permit a warehouse to store alcoholic beverages on the subject property will undergo thorough and transparent public participation.

5.2. Western Cape Noise Control Regulations

According to section 3 (a) ‘Prohibition of noise nuisance’, it is stated that a person may not operate or play, or allow to be operated or played, a radio, television set, gramophone, recording device, drum, musical instrument, sound amplifier, or loudspeaker system, or any similar device producing, reproducing or amplifying sound (Western Cape Noise Control Regulations, n.d:2). Therefore, this application for Rezoning, Permanent Departure, and Consent Use on the said property adheres to the aforementioned regulation because there will be no music played on the subject property as the alcoholic beverages will be stored but not consumed.

5.3. Integrated Development Plan, 2022-2027

Among other things, the Integrated Development Plan states that the City of Cape Town is committed to increasing jobs and investment in the Cape Town economy by simplifying regulations and processes so that it is easy for businesses to start and grow (IDP, 2022-2027: 54). Therefore, this application for Rezoning, Permanent Departure, and Consent Use on the subject property is supported by objective 1 of the City of Cape Town Integrated Development Plan.

5.4. Cape Town Municipal Spatial Development Framework of 2023

Erf 72023 in Khayelitsha is within the jurisdiction of the City of Cape Town Municipality. The property is situated in an area earmarked as an “Opportunity Area” in terms of the MSDF (2023: Map 5d).

5.4.1. Nodes and civic clusters: Nodes are characterised by the density, diversity and clustering of urban activities and land use found within them. Nodes often contain central access points to municipal or other civic services and centrally located community facilities/social infrastructure. Moreover, the subject property is not in close proximity to any community facility/ social infrastructure. However, the proposed Rezoning, Permanent Departure, and Consent Use application on the subject property promotes the diversity of urban activities.

5.5. The Khayelitsha, Mitchells Plain & Greater Blue Downs District Plan of 2023

The City of Cape Town has created a series of District Plans that serve as recommendations for how the city will develop and expand. Erf 72023 in Khayelitsha falls inside this district and are thus governed by the Khayelitsha, Mitchells Plain, and Greater Blue Downs District Plan. This District plan states that micro-entrepreneurs are supported and encouraged to establish businesses within the residential area, where appropriate, and where they promote diversity of uses within the pedestrian range. Types of activities such as; liquor sales, street trading, house shop/tuck shop, hair salon, restaurant, mechanical repair, appliance repair, business services, tailoring, shoe shop, carwash, entertainment, butchery, etc (KMPBD, 2023: 105). Therefore, the proposed Rezoning, Permanent Departure, and Consent Use on the subject property is supported by Khayelitsha, Mitchells Plain & Greater Blue Downs District Plan of 2023**.**

5.6. City of Cape Town Alcohol and other Drugs Strategy of 2014-2017

According to the City of Cape Town Alcohol and other Drugs Strategy (2014-2017:9), in terms of design strategic it emphasises to enable a partnership and high-level strategic discussions between the CTADAC and Western Cape Liquor Authority to initiate processes to facilitate registration of shebeens so that they might be regulated under the Western Cape Liquor Act (AoD: 2014-2017:9). Having said that this application for Rezoning, Permanent Departure, and Consent Use to permit a warehouse to store alcoholic beverages on the subject property is consistent with the aforementioned because after the approval of this Rezoning,

Permanent Departure, and Consent Use application, it will be submitted to the Western Cape Liquor Board. Furthermore, the City of Cape Town altogether with the Western Cape Liquor Board will monitor this warehouse for adherence to the Western Cape Liquor Act and the By-Law, as stated in the City of Cape Town Alcohol and other Drugs Strategy (2014-2017:12).

5.7. City of Cape Town By-law relating to streets, public places and the prevention of noise nuisances of 2007

According to section 3(a) of the City of Cape Town By-law relating to streets, public places and the prevention of noise nuisances (2007:5), it is stated that no person shall cause or permit to be caused a disturbance by shouting, screaming or making any other loud or persistent noise or sound, including amplified noise or sound. Therefore, this application for Rezoning, Permanent Departure, and Consent Use application to permit a warehouse to store alcoholic beverages on the subject property adheres to the aforementioned regulation because there will be no music played on the subject property as the alcoholic beverages will only be stored in the premises, and not be consumed on-site.

5.8. Densification Policy of 2012

The Densification Policy serves as a vehicle for achieving the aims and objectives of the different spatial plans and strategies. The policy guides acceptable urban forms and ideal places to meet the MSDF and District Plan goals. Higher densities should be encouraged in places with appropriate public transportation services and access since this would increase its viability. Because it would result in intensified land use, which is part of the area's social and cultural fabric, this Rezoning, Permanent Departure, and Consent Use proposal is compatible with the Densification Policy.

5.9. Urban Design Policy of 2024

Among other things, the Urban Design policy: Objective 5 Promote Development Intensity, Diversity, and Adaptability, encourages the cluster of complementary uses to encourage diverse activity. Consider the relationships between the different uses and the way they can support one another (Urban Design Policy, 2024: 24). This Rezoning, Permanent Departure, and Consent Use application adheres to the aforementioned objective as it promotes development intensity and diversity.

5.10. City of Cape Town Municipal Planning By-Law of 2015

The Rezoning from Residential Zone 2 to General Business Zone 1 made in terms of section 42(a), Permanent Departure for the Street Centreline Setback to be 5m in lieu of 8,0m, parking to be located within

10m from the street boundary and also to permit vehicles to reverse across the sidewalk when exiting the site made in terms of section 42(b), and Consent Use made in terms of section 42(i) of the City of Cape Town Municipal Planning By-Law of 2015 to permit a warehouse to store alcoholic beverages on Erf 72023 in Khayelitsha.

6. Motivation

6.1. Need

has recognized the need for the application for Rezoning from Residential Zone 2 to General Business Zone 1 made in terms of section 42(a), Permanent Departure for the Street Centreline Setback to be 5m in lieu of 8,0m, parking to be located within 10m from the street boundary and also to permit vehicles to reverse across the sidewalk when exiting the site made in terms of section 42(b), and Consent Use made in terms of section 42(i) of the City of Cape Town Municipal Planning By-Law of 2015 to permit a warehouse to store alcoholic beverages on Erf 72023 in Khayelitsha. To satisfy this demand the said owner proceeded with the assistance of the appointed Proplan Dynamics (Pty) Ltd to compile and lodge this application to the City of Cape Town Municipality. Having said that, the Khayelitsha, Mitchells Plain & Greater Blue Blue Downs District Plan of 2023 states that micro-entrepreneurs are supported and encouraged to establish businesses within the residential area, where appropriate, and where they promote diversity of uses within the pedestrian range. Types of activities such as; liquor sales, street trading, house shop/tuck shop, hair salon, restaurant, mechanical repair, appliance repair, business services, tailoring, shoe shop, carwash, entertainment, butchery, etc (KMPBD, 2023: 105).

6.2. Desirability

Section 99 of the City of Cape Town Municipal Planning By-Law of 2015, states that certain criteria need to be addressed in a land use application before a decision can be made. The application will be assessed based on the following criteria: the socio-economic impact, compatibility with surrounding land uses, impact on the external engineering services, impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical environment, traffic impacts, parking, access and other transport related conditions.

6.2.1. Context and compatibility

The property under application is located in an area with residential sites, business site, and public open spaces, the panhandle at the rear of the subject property will not be utilized for this proposal, it vests in the ownership of the municipality and forms part of 71662-RE in Khayelitsha. The application for Rezoning, Permanent Departure, and Consent Use to permit a warehouse to store alcoholic beverages on Erf 72023 in

Khayelitsha poses no negative impacts on the safety, health, and well-being of the surrounding community and the natural environment.

6.2.2. Sustainability

The economic, environmental, infrastructural, institutional, and social sustainability of the proposed Rezoning, Permanent Departure, and Consent Use is discussed below:

Economic sustainability

Given that the proposed Rezoning, Permanent Departure, and Consent Use to permit a warehouse to store alcoholic beverages on the subject property can be considered to be economically sustainable because the owner of the property will purchase the alcoholic beverages from a wholesaler and taxes will be paid, therefore the Gross Domestic Product of the City of Cape Town will increase. Furthermore, the Rezoning, Permanent Departure, and Consent Use on the subject property under application will result in a municipal fee and advertising fee to be payable to the City of Cape Town Municipality.

It is stated in the Inclusive Economic Growth Strategy (2022), that its key principles are inclusivity, competitiveness, connectivity, resilience, embedded sustainability and collaboration. Having said that, this Rezoning, Permanent Departure, and Consent Use application will increase the Gross Domestic Product of Cape Town because the owner of the property will purchase the alcoholic beverages from a wholesaler and taxes will be paid.

Environmental sustainability and impact on the biophysical environment

The proposed Rezoning, Permanent Departure, and Consent Use application will not take place in an environmentally protected area, no additional environmental authorisation is required, and the application is considered to be environmentally sustainable. Furthermore, this application of the subject property will not have any negative impact on the environment and neighbourhood. As stated in section 24 of the Constitution of the Republic of South Africa, 1996, everybody has a right to an environment that is liveable and not harmful to their well-being, and this application adheres to the aforementioned.

Infrastructural sustainability and impact on the external engineering services

The proposed Rezoning, Permanent Departure, and Consent Use application is considered to be infrastructural sustainable as the property under application is located in an area that is serviced and well-connected to existing municipal service infrastructure. Therefore, should any potential upgrades to municipal

service infrastructure be required, the once-off bulk service contribution payable to the Municipality will cover all costs incurred.

Social sustainability and impact on safety, health, and well-being of the surrounding community

The proposed Rezoning, Permanent Departure, and Consent Use application can be considered socially sustainable because it will provide job opportunities, whilst not affecting the neighbouring residents negatively.

Institutional sustainability

The proposed Rezoning, Permanent Departure, and Consent Use application of the property under application is institutionally sustainable as it:

- Supports the development principles of the Spatial Planning and Land Use Management Act 16 of 2013;
- Supports the Inclusive Economic Growth Strategy of 2022 key principles;
- Consistent with the Integrated Development Plan of 2022-2027 objectives;
- Consistent with the Cape Town Municipal Spatial Development Framework of 2023 objectives;
- Consistent with the Khayelitsha, Mitchells Plain and Greater Blue Downs District Plan of 2023 objectives;
- Consistent with the City of Cape Town Alcohol and other Drugs Strategy of 2014-2017 objectives;
- Adheres to the City of Cape Town By-law relating to streets, public places and the prevention of noise nuisances of 2007 regulations;
- Adheres to the Western Cape Noise Control Regulations;
- Consistent with the Densification Policy of 2012 objectives;
- Consistent with the Urban Design Policy of 2024 objectives:
- Adheres to the prescribed application processes stipulated in the City of Cape Town Municipal Planning By-Law of 2015, which includes a thorough and transparent public participation process;
- Supports the objectives of the Urban Design Policy of 2024;
- Supports the objectives of the Densification Policy of 2012.

6.2.3. Impact on heritage

According to the National Heritage and Resources Act 25 of 1999, heritage areas are areas that are unique, non-renewable and precious locations that include sites and landscapes of historical significance, areas of scenic beauty, and places of spiritual and/or cultural importance. The application of Rezoning, Permanent Departure, and Consent Use on the subject property will have no impact in the areas mentioned above.

6.2.4. Traffic impacts, parking, access, and other transport related considerations

The Rezoning, Permanent Departure, and Consent Use application will not trigger any transport studies, as the proposal will utilize the existing space for parking and the access from Masitembane Crescent will remain the same. Also, the bay located on-site will be used for loading and offloading (using a bakkie), therefore, there will be no measures necessary to mitigate traffic.

6.2.5. Whether the imposition of conditions to mitigate an adverse impact of the proposed use or development of land

There are no necessary conditions to be imposed, as the warehouse to store alcoholic beverages will have no negative impacts that need to be mitigated.

7. Conclusion

As aforementioned Proplan Dynamics (Pty) Ltd has been appointed by to compile and submit this application for Rezoning from Residential Zone 2 to General Business Zone 1 made in terms of section 42(a), Permanent Departure for the Street Centreline Setback to be 5m in lieu of 8,0m, parking to be located within 10m from the street boundary and also to permit vehicles to reverse across the sidewalk when exiting the site made in terms of section 42(b), and Consent use made in terms of section 42(i) of the City of Cape Town Municipal Planning By-Law of 2015 to permit a warehouse to store alcoholic beverages on Erf 72023 in Khayelitsha. The application is considered to be desirable, apart from the fact that it poses no negative impacts on the safety, health, and well-being of the surrounding community and the natural environment. Additionally, it complies with the relevant and applicable National, Provincial, and local Acts and Policies. Given the information provided in this motivation report, we trust the City of Cape Town Municipality officials and Municipal Planning Tribunal to support this application.

Furthermore, we hereby request that the Rezoning, Permanent Departure, and Consent Use application be advertised for public participation.

7. References

City of Cape Town, 2022. Inclusive Economic Growth Strategy, Cape Town: City of Cape Town.

City of Cape Town, 2023. Khayelitsha, Mitchells Plain & Greater Blue Downs District Plan, Cape Town: City of Cape Town.

City of Cape Town, 2014-2017. Alcohol and other Drugs Strategy , Cape Town: City of Cape Town.

City of Cape Town, 2007. By-law relating to streets, public places and the prevention of noise nuisances, Cape Town: City of Cape Town.

City of Cape Town, 2023. Cape Town Municipal Spatial Development Framework, Cape Town: City of Cape Town.

City of Cape Town, 2017-2022. Integrated Development Plan, Cape Town: City of Cape Town.

City of Cape Town, 2015. Cape Town Municipal Planning By-Law, Cape Town: City of Cape Town.

City of Cape Town, 2024. Cape Town Urban Design Policy, Cape Town: City of Cape Town.

City of Cape Town, 2012. Cape Town Densification Policy, Cape Town: City of Cape Town.

National Heritage and Resources Act 25, 1999.

Spatial Planning and Land Use Management Act 16, 2013.

The Constitution of the Republic of South Africa, 1996.

Western Cape Noise Control Regulations, n.d.