CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500154607

Erf 2418, 12 Waratah Street, Eersterivier South, Eerste River

Development Management

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MOTIVATION REPORT

APPLICATION MADE IN TERMS OF SECTION 42(a) and 42(b) OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW OF 2015, FOR THE REZONING AND PERMANENT DEPARTURE ON ERF 2418 IN EERSTERIVIER.

APPLICATION SITE:
ERF 2418 IN EERSTERIVIER.

30 November 2025

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 General Residential Zone 1 to General Residential Zone 2 in terms of section 42(a), and Permanent Departure for the proposed flats to be 1,29m in lieu of 4,5m from the Street boundary (Waratah Street), 0,9m in lieu of 4,5m from the Northern boundary, 0,9m in lieu of 4,5m from the Western boundary, 0,89m in lieu of 4,5m from the Eastern boundary, the proposed balconies to be 0,1m in lieu of 2m from the Northern boundary, 0,1m in lieu of 4,5m from the Northern and Western boundary, Coverage to be 67,7% in lieu of 60%, Floor Factor to be 1,6 in lieu of 1,0, and Parking bays to be 5 in lieu of 21 in terms of section 42(b) of the City of Cape Town Municipal Planning By-Law of 2015 to permit flats on Erf 2418 in Eersterivier.

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 Eersterivier.

Refer to Annexure 1: Locality Map

2.2 Ownership

Erf 2418 in Eersterivier is registered in the name of by virtue of Deed of Transfer Number: Furthermore, the power of attorney authorising Proplan Dynamics (Pty) Ltd to compile and submit this application on behalf of Asavela Samyala 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: Deed of Transfer

2.4 Property size

Erf 2418 in Eersterivier, measures 406 m^2 in extent.

Refer to Annexure 2: Deed of Transfer (Deed Number:

Refer to Annexure 3: Surveyor General Diagram – Eersterivier

2.5 Conditions of title

There are no restrictive conditions in the deed of transfer.

Refer to Annexure 2: Deed of Transfer (Deed Number:

2.6 Current land use rights

The property under application is currently zoned as follows:

Zoning: General Residential Zone 1
Density: 35 du/ha
Coverage: n/a
Density: 9,0m

Building Lines	
Street Boundary	5,0m public street, 0,0m internal road, and garages 5,0m from kerb.
Common Boundaries	3,0m external boundaries, and 0,0m internal boundaries
Street Centreline Setback	n/a

Parking: 2 bays per dwelling unit.

Furthermore, the proposed rezoning and permanent departure application has no negative impact on the existing rights, as the subject property is rezoned to a zone that permits the proposed flats.

2.7 Surrounding zoning regime

The zoning of the properties in the area surrounding Erf 2418 in Eersterivier are as indicated in the table below:

Property Description	**Zoning**
Erven 2414, 2415, 2416, 2417, 2419, 2420, 2468, 2469, 2470, 2471, 2472, 2430 in Eersterivier.	“General Residential Zone 1”
Erf 2369 in Eersterivier.	“Public Open Space”
Erf 2363 in Eersterivier.	“Community Zone 1”

2.8 Proposed Land Use Rights

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

Zoning: General Residential Zone 2 (GR2)

Floor Factor: 1,0

Coverage: 60%

To top of the roof: 15,0 m

Building Lines	
Street Boundary	4,5 m
Common Boundaries	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)
Street Centreline Setback	n/a

Parking: 1,25 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors. Moreover, the application also applies for the Permanent Departure of Parking Bays to be 5 in lieu of 21 due to space availability on site. Moreover, this application supports objective 12 of the Integrated Development Plan (2022-2027: 91). The parking shortfall will not negatively affect the rental units because the owner specifically targets working professionals that do not own cars who are seeking to reside in a safe and secure neighbourhood, as aforementioned that the Cape Town Integrated development Plan encourages non-motorized transit. Therefore, this parking bays' departure complies with the IDP objectives.

3. Services

3.1 Water

The property under application has access to the municipal water supply. Should any potential upgrades to municipal service infrastructure be required, the development charges payable to the municipality will cover all costs incurred.

3.2 Sanitation

The property under application is connected to the municipal bulk sewer network. Should any potential upgrades to municipal service infrastructure be required, the development charges payable to the municipality will cover all costs incurred.

3.3 Electricity

The property under application has access to the municipal electricity supply. Should any potential upgrades to municipal service infrastructure be required, the development charges payable to the municipality will cover all costs incurred.

3.4 Access

The property under application is accessible from Waratah street. Should any potential upgrades to municipal service infrastructure be required, the property owner will cover all costs incurred.

3.5 Parking

Erf 2418 in Eersterivier, its parking is supposed to be proposed to be 1,25 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors. However, due to space availability on site the application is also for Permanent Departure of Parking Bays to be 5 in lieu of 21. Moreover, this application supports objective 12 of the Integrated Development Plan (2022-2027: 91). The parking shortfall will not negatively affect the rental units because the owner specifically targets working professionals that do not own cars who are seeking to reside in a safe and secure neighbourhood, as aforementioned that the Cape Town Integrated development Plan encourages non-motorized transit. Therefore, this parking bays' departure complies with the IDP objectives.

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 and permanent departure 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. The site belongs to Asavela Samyala and it is situated on Erf 2418 in Eersterivier. The site's zoning is currently General Residential Zone 1 and the application submitted by Proplan Dynamics (Pty) Ltd is for rezoning it to General Residential Zone 2 (GR2) to permit flats. Furthermore, the application submitted is also for Permanent Departure for the proposed flats to be 1,29m in lieu of 4,5m from the Street boundary (Waratah Street), 0,9m in lieu of 4,5m from the Northern boundary, 0,9m in lieu of 4,5m from the Western boundary, 0,89m in lieu of 4,5m from the Eastern boundary, the proposed balconies to be 0,1m in lieu of 2m from the Northern boundary, 0,1m in lieu of 4,5m from the

Northern and Western boundary, Coverage to be 67,7% in lieu of 60%, Floor Factor to be 1,6 in lieu of 1,0, and Parking bays to be 5 in lieu of 21.

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. The rezoning and permanent departure application of 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 and permanent departure on Erf 2418, located in an area earmarked as an “Urban Inner Core”, and urban development is encouraged in this area. The application prevents urban sprawl, and by linking into existing bulk infrastructure and utilising 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 and permanent departure on the said land within a proclaimed suburb and the subject property is connected to the existing bulk service and road infrastructure. The rezoning and permanent departure application on the property will result in a minimal impact, if any, on the bulk service infrastructure, and the use of the property 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 the rezoning and permanent departure on Erf 2418 in Eersterivier, will undergo thorough and transparent public participation.

5.2. Integrated Development Plan, 2022-2027

Among other things, the Integrated Development Plan states that the City of Cape Town is committed to support these developers and property owners to build safer and better-quality homes, recognising their valuable contribution to a more compact, densified Cape Town and a more inclusive housing market. It further states that housing construction is a labour-intensive economic activity offering significant potential for growth in response to the high housing demand. Support for micro-developers and the development of additional dwellings will result in skills development, job creation and greater property wealth for lower-income families. Therefore, this Rezoning and Permanent Departure application aligns with the objectives of the City of Cape Town Integrated Development Plan.

5.3. Cape Town Municipal Spatial Development Framework of 2023

Erf 2418 in Eersterivier is within the jurisdiction of the City of Cape Town Municipality. The property is situated in an area earmarked as an “Urban Inner Core” in terms of the MSDF (2023: Map 5d).

5.3.1. Private Sector Opportunities: Spatially targeted mechanisms, incentives and facilitation to support urban regeneration and spatial integration, which will increase access to affordable housing opportunities and drive sustainable and inclusive economic growth (MSDF, 2023:56). Furthermore, to increase residential supply through the development of mixed-income, diversified tenure and higher-density housing in the urban inner core (MSDF, 2023:153). Therefore, this Rezoning and Permanent Departure application will provide affordable housing for people who wish to reside in Eersterivier.

5.3.2. Development corridors: As stated in the MSDF that corridors designated as structuring are typified by intensified and diversified land use. They reflect the targeted, prioritised areas earmarked for the largest spectrum of land use mix associated with the highest density of population and employment. The subject property is situated in an area earmarked as an “Urban Inner Core”. Therefore, this rezoning and permanent departure application is consistent with the aforementioned, as the zoning of the subject property will be changed from General Residential Zone 1 to General Residential Zone 2 (GR2) to promote land use diversity.

5.3.3. 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. The subject property is in close proximity to Eersterivier Secondary, and public open spaces.

5.4. 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 2418 in Eersterivier falls inside this district and is thus governed by the Khayelitsha, Mitchells Plain, and Greater Blue Downs District Plan. This District plan highlights the City's most recent efforts and methods to managing growth and development in this area of the city in greater detail.

For instance, Spatial Strategy 1: Building an Inclusive, integrated and Vibrant City, P1 supports the intensification and diversification of land use in areas that support development. This rezoning and permanent departure application of the subject property will result in land use diversity, there are residential sites, public open spaces, and Eersterivier Secondary in close proximity.

According to the Khayelitsha, Mitchells Plain and Greater Blue Downs District Plan (2023:41), the subject property is located in a location that is encouraged for urban development. That being said, the KMPBD SDF proposes different types and forms of residential and non-residential development to support the functioning of a sustainable and integrated community. It is also stated in KMPBD SDF (2023:62), that these areas should be considered for a wide variety of urban uses such as housing development, public open spaces, community facilities, mixed-use/business development, but should not include noxious industrial uses (Ibid, 2023:62). Therefore, this rezoning and permanent departure application supports the objectives of the KMPBD SDF.

5.5. 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 and permanent departure proposal is compatible with the Densification Policy.

5.2 Urban Design Policy of 2025

Among other things, the Urban Design policy: Objective 5 Promote Development Intensity, Diversity, and Adaptability, states that proposals must make efficient use of its site and seek to optimise its development potential through the intensification of built form (in terms of height and coverage) in response to the elements of the urban structure, and also cluster complementary uses to encourage diverse activity by considering the relationships between the different uses and the way they can support each other (Urban Design Policy, 2025: 24). Having said that, this rezoning and permanent departure application will optimise the development potential of the subject property. Therefore, this application adheres to the Urban Design Policy of 2025 objectives.

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

The Rezoning from General Residential Zone 1 to General Residential Zone 2 is made in terms of section 42(a), and Permanent Departure for the proposed flats to be 1,29m in lieu of 4,5m from the Street boundary (Waratah Street), 0,9m in lieu of 4,5m from the Northern boundary, 0,9m in lieu of 4,5m from the Western boundary, 0,89m in lieu of 4,5m from the Eastern boundary, the proposed balconies to be 0,1m in lieu of 2m from the Northern boundary, 0,1m in lieu of 4,5m from the Northern and Western boundary, Coverage to be 67,7% in lieu of 60%, Floor Factor to be 1,6 in lieu of 1,0, and Parking bays to be 5 in lieu of 21 is made in

terms of section 42(b) of the City of Cape Town Municipal Planning By-Law of 2015. This application is for amending the land use rights accordingly to permit flats on the subject property.

6. Motivation

6.1. Need

has recognized the need for Rezoning from General Residential Zone 1 to General Residential Zone 2, and Permanent Departure for the proposed flats to be 1,29m in lieu of 4,5m from the Street boundary (Waratah Street), 0,9m in lieu of 4,5m from the Northern boundary, 0,9m in lieu of 4,5m from the Western boundary, 0,89m in lieu of 4,5m from the Eastern boundary, the proposed balconies to be 0,1m in lieu of 2m from the Northern boundary, 0,1m in lieu of 4,5m from the Northern and Western boundary, Coverage to be 67,7% in lieu of 60%, Floor Factor to be 1,6 in lieu of 1,0, and Parking bays to be 5 in lieu of 21 to permit flats on Erf 2418 in Eersterivier. To satisfy this demand the said owner proceeded with the assistance of the appointed Proplan Dynamics (Pty) Ltd to lodge an application to amend the land use rights accordingly. Having said that, the key objective of the Municipal Spatial Development Framework of 2023 is to pursue a new spatial form that will ensure that Cape Town becomes a city that is more equitable, liveable, sustainable, resilient and efficient. The MSDF also seeks to undo the separate development patterns put in place by the apartheid government and aims to rectify existing imbalances in the distribution of different types of residential developments by avoiding the creation of new structural imbalances in the delivery of services.

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 close proximity to various land uses, such as residential sites, Eersterivier Secondary, and public open spaces. It encourages residents to live with unity and harmony in the area, whilst also promoting transit-oriented development. The rezoning and permanent departure application of the subject property 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 and permanent departure is discussed below:

Economic sustainability

Given that the proposed rezoning and permanent departure application of the subject property will facilitate the operation of flats, it can be considered to be economically sustainable because the residents will purchase goods and services in the nearby shopping centres and malls, therefore the Gross Domestic Product of the areas will increase. Furthermore, the change in land use rights for the property under application will result in a once-off bulk service contribution to be payable to the City of Cape Town Municipality, as well as an increase in the revenue from rates and taxes.

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 and permanent departure application will increase the opportunity for economic activity in the surroundings by means of purchasing goods and services in the nearby shopping centres and malls, as aforementioned that way the Gross Domestic Product will increase.

Environmental sustainability and impact on the biophysical environment

The proposed rezoning and permanent departure 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, the rezoning and permanent departure application of the subject property will not have any negative impact on the environment and residents. 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 abides by that.

Infrastructural sustainability and impact on the external engineering services

The proposed rezoning and permanent departure application of the property 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 and permanent departure application of the property under application can be considered socially sustainable as it will provide accommodation to residents of different locations who wish to reside in Eersterivier, whilst not affecting the neighbouring residents negatively.

Institutional sustainability

The proposed rezoning and permanent departure 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 Densification Policy of 2012 objectives;
- Consistent with the Urban Design Policy of 2025 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;

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 includes sites and landscapes of historical significance, areas of scenic beauty, and places of spiritual and/or cultural importance. The rezoning and permanent departure application of the subject property will have no impact in areas mentioned above.

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

The rezoning and permanent departure application of the subject property will not trigger any transport studies, as the proposed development will utilize the existing space for parking bays and the access from Waratah street will remain the same. The parking shortfall will not negatively affect the rental units because the owner specifically targets working professionals that do not own cars who are seeking to reside in a safe and secure neighbourhood, as aforementioned that the Cape Town Integrated development Plan encourages non-motorized transit. Therefore, this parking bays' departure complies with the IDP objectives.

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 flats have no negative impacts that need to be mitigated.

7. Conclusion

As aforementioned Proplan Dynamics (Pty) Ltd has been appointed by Asavela Samyala to compile and submit this application for Rezoning from General Residential Zone 1 to General Residential Zone 2 in terms of section 42(a), and Permanent Departure for the proposed flats to be 1,29m in lieu of 4,5m from the Street boundary (Waratah Street), 0,9m in lieu of 4,5m from the Northern boundary, 0,9m in lieu of 4,5m from the Western boundary, 0,89m in lieu of 4,5m from the Eastern boundary, the proposed balconies to be 0,1m in lieu of 2m from the Northern boundary, 0,1m in lieu of 4,5m from the Northern and Western boundary, Coverage to be 67,7% in lieu of 60%, Floor Factor to be 1,6 in lieu of 1,0, and Parking bays to be 5 in lieu of 21 in terms of section 42(b) of the City of Cape Town Municipal Planning By-Law of 2015, to permit flats on Erf 2418 in Eersterivier. 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 is in compliance with the relevant and applicable National, Provincial, and Local Legislation 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 and permanent departure application to be advertised for public participation.

6. 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, 2023. Cape Town Municipal Spatial Development Framework, Cape Town: City of Cape Town.

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