



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

**Case ID 1500150426**

**Erf 81576, 65 Seventh Avenue, Retreat**

**Development Management**

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**APPLICATION IN TERMS OF SECTION  
42(A)&(B) OF THE MUNICIPAL  
PLANNING BYLAW, 2015:**

**Erf:81576, 65 Seventh Avenue, Retreat, Cape Town**

**12 May 2026**

**CLIENT**

**APPLICANT**



**ARCHITECTURAL & DRAUGHTING SERVICE**

## 1. BACKGROUND

The subject property, Erf 81576, situated at 65 Seventh Avenue, Retreat, Cape Town, is located within a mixed-use environment along a designated activity street, which is characterised by a range of Residential, Commercial, and Business land uses. This urban context presents an appropriate setting for intensified land use and the promotion of economic activity, particularly along high-mobility corridors such as Seventh Avenue. The property is zoned Residential 1 (R1) and was previously developed in accordance with approved building plans. However, the owner subsequently undertook internal alterations to the structure, which resulted in the unauthorised establishment of five retail units (shops) on the premises, without the requisite land use or building plan approvals. These works and land use did not comply with the primary, additional, or consent use rights permitted under R1 zoning.

Upon identification of the contravention by Council, a notice was issued, and the commercial use of the property ceased. In response, the owner has submitted and paid an administrative penalty application in accordance with the provisions of the Municipal Planning By-law, in order to regularise the unauthorised internal alterations and previous land use activity. *See insert 1 & 2 below*



CITY OF CAPE TOWN  
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STAD KAAPSTAD

### DEVELOPMENT MANAGEMENT

**Yushra Larnie**  
Administrative Officer 1

T021 4014702  
E: Yushra.Larnie@capetown.gov.za  
BLUM017

22 March 2024

Case ID 1500109050

Applicant

Dear Sir / Madam

### **APPLICATION FOR AN ADMINISTRATIVE PENALTY IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): REMAINDER ERF 81576 CAPE TOWN AT RETREAT, 65 SEVENTH AVENUE**

The application with reference 1500109050 in the above regard, accepted on 11 October 2023, refers.

The Municipal Planning Tribunal (MPT) on 19.03.2024 **approved** in terms of section 98 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), the application for the determination of an administrative penalty to be paid. The amount of the administrative penalty has been determined to be **R 10 000.00** (including VAT) in terms of section 129 of the City of Cape Town Municipal Planning By-Law, 2015 in respect of Remainder 81576 Cape Town at Retreat, for the unauthorised land use and building work as per the plan with drawing number 81576/2, dated 10 January 2023.

The administrative penalty must be paid to the City within 30 days of the effective date of this decision or within such further period as the Municipal Planning Tribunal may have decided.

The payment of an administrative penalty does not limit the City's power to investigate an offence or institute a criminal prosecution.

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 VAT No: 4420106777

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 City of Cape Town

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 Tel No: \_\_\_\_\_

Account/Reference Number:  
 915556231017405  
 Transaction Reference:  
 5204 9499 9732 7451 25

Terminal Reference:

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The purpose of this application is to rezone the subject property from R1 to Local Business 2 (LB2) to legalise the existing internal alterations and permit the use of the property for five retail shops as a primary land use right. The proposed zoning is appropriate, as it aligns with the current and evolving character of the area, promotes the City's spatial transformation and economic development objectives, and supports the function of the activity street by enabling local enterprise and service delivery. The proposed land use will not negatively impact the surrounding area in terms of traffic, noise, or urban form. The development is modest in scale, internally contained, and compatible with the mixed-use interface already established along this stretch of Seventh Avenue.

#### a) Section 42 A

- To rezone the properties from Residential 1 to Local Business 2 in order to operate 5 shops on the subject property.

#### b) Section 42 B

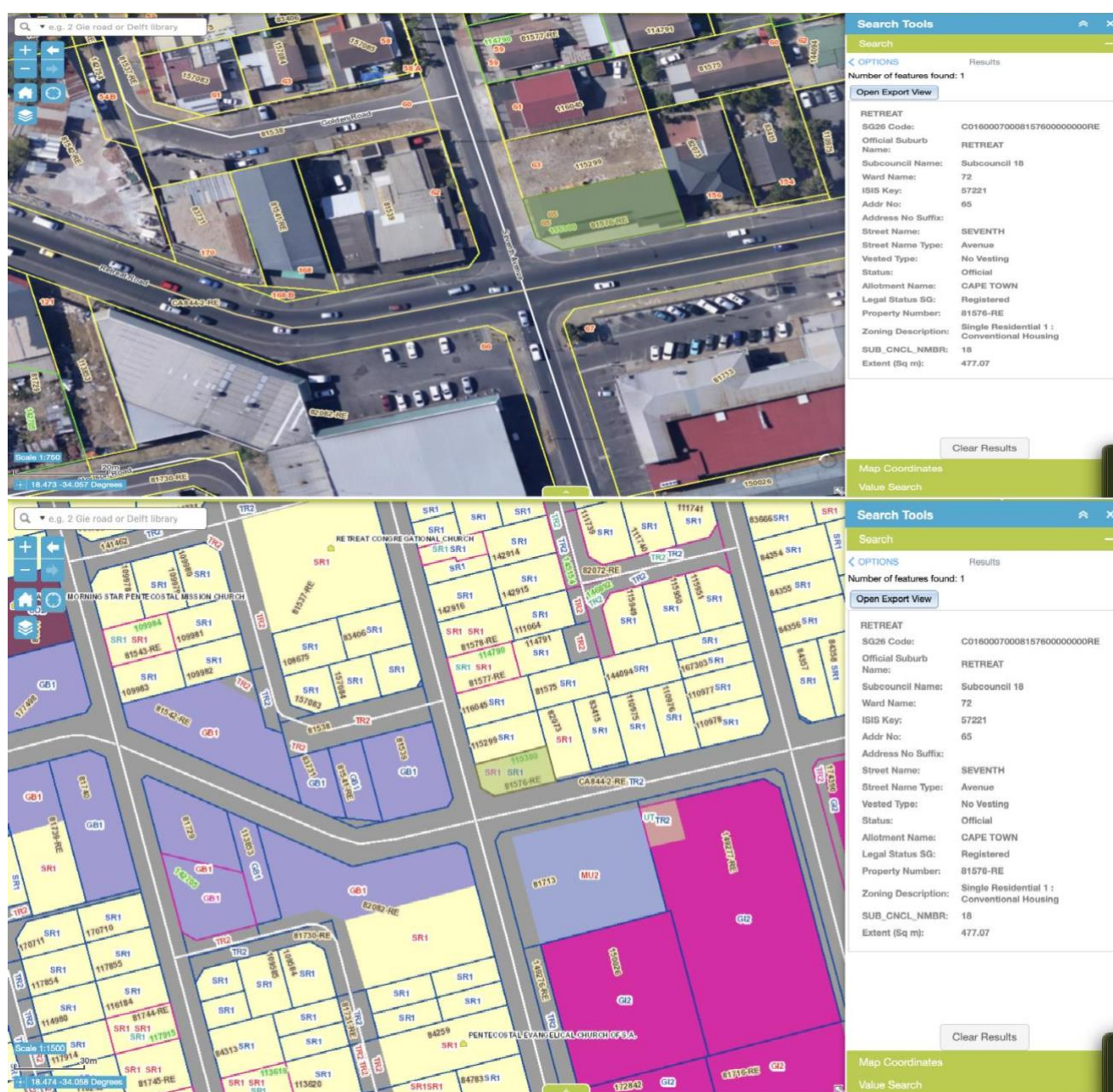
- Permanent Departure for on-site parking requirements in-order to permit the proposed 5 shops

## 2. PROPERTY LOCATION

Erf 81576 is situated within a Mixed Use (MU) zoning, in a well-established urban environment characterised by a blend of residential, commercial, and community land uses. The property lies at a strategic corner position along Seventh Avenue, which enhances its accessibility and visibility key attributes that support the viability and appropriateness of the proposed development. The surrounding context is marked by an increasing trend of land use intensification, including adjacent General Business 1 (GB1) zoned properties, which accommodate a variety of commercial and retail activities.

This demonstrates a clear precedent for non-residential development in the immediate area and underscores the site's suitability for mixed-use or business-oriented development.

Furthermore, the area is part of an active economic node with established business operations, including retail, service-based enterprises, and public amenities. The proposed development will align with the prevailing character and contribute positively to the mixed-use fabric of the precinct. It also supports the principles of spatial efficiency, economic activation, and walkability as promoted in the City of Cape Town's Municipal Spatial Development Framework (MSDF) and the Southern District Plan. Given its zoning, corner location, and proximity to similar business uses, the proposal reinforces the spatial logic of the area and represents an appropriate land use response that promotes integrated, sustainable urban development.



### 3. PROPOSAL

The site is zoned 'Residential Zone 1' (R1) in terms of the Cape Town Zoning Development Management Scheme. This application proposes to:

- **Section 42 (a)**
  - Rezone the property from **“Residential 1”** to **“Local Business 2”**. The rezoning application is made in terms of item 42 (a) of the City of Cape Town Municipal Planning By-law (2015). Local Business 2 is considered an appropriate zoning, since this zone is intended to provide for low-intensity commercial and mixed-use development, and places limitations on the scale of such development.
- **Section 42(b)**
  - Permanent departure of on-site parking bay requirements in order to permit the proposed development on the property.

### 4. THE PROPOSED LAND USE

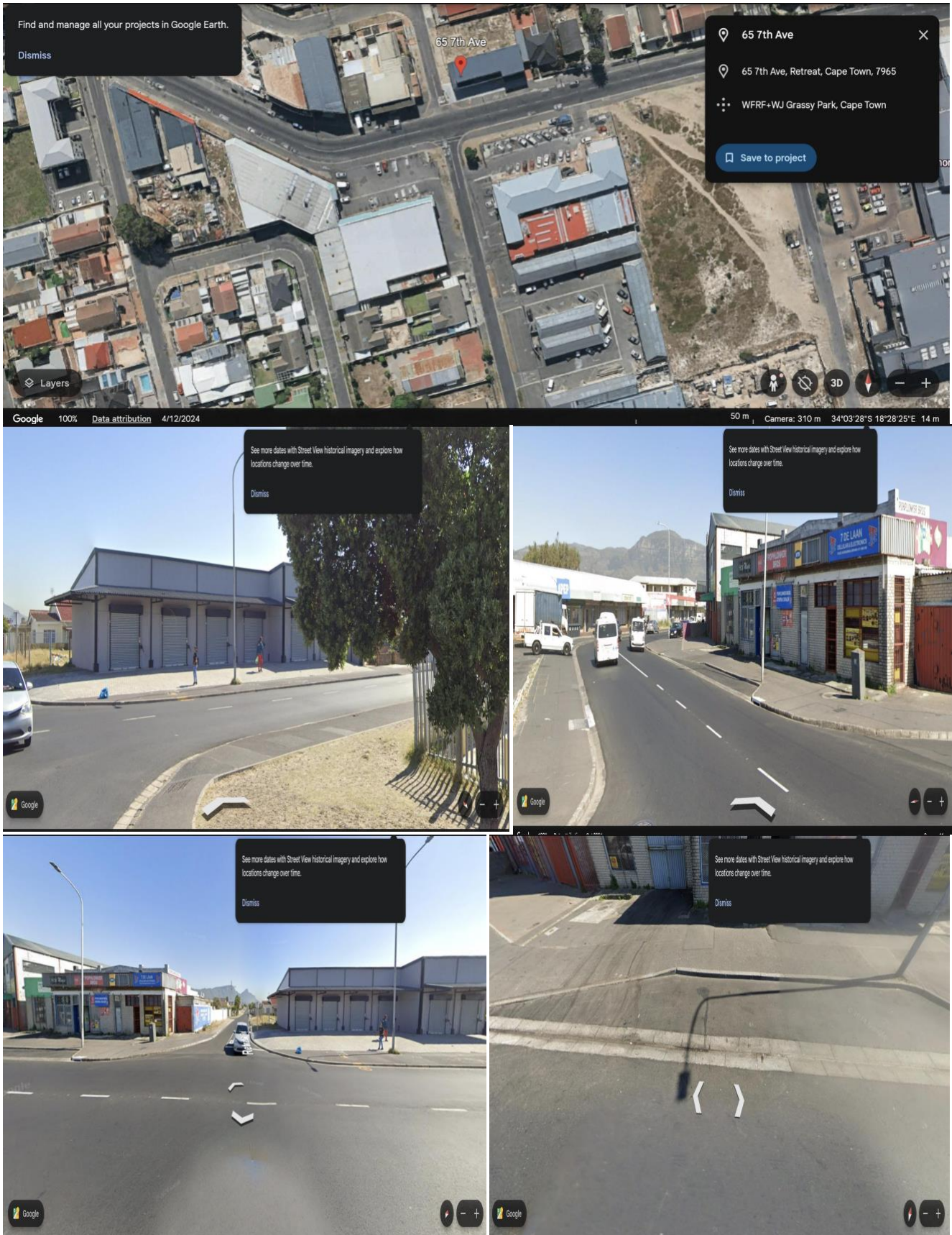
The proposed development entails the establishment of five retail shops on Erf 81576, 65 Seventh Avenue, Retreat, Cape Town, within a Mixed Use (MU) zoning. The unit sizes comprise Shop 1 (39.27m<sup>2</sup>), Shops 2 to 4 (each 37.02m<sup>2</sup>), and Shop 5 (99.09m<sup>2</sup>), forming a compact yet effective commercial offering that aligns with the scale and intensity envisioned for mixed-use zones. The site's strategic corner location enhances its commercial visibility and accessibility, which is ideal for attracting foot traffic and serving both local residents and passing trade. The proposal is consistent with surrounding land use patterns, particularly in light of the adjacent General Business 1 (GB1) zoned properties and the prevailing commercial character of the area. The introduction of retail activity on this erf complements the existing urban fabric and contributes to economic upliftment by supporting small-scale enterprises, job creation, and local convenience. The development aligns with the principles of transit-oriented development and spatial justice by enhancing service accessibility within a walkable radius and supporting mixed-use densification as advocated in the City of Cape Town's Municipal Spatial Development Framework (MSDF) and the Southern District Plan. The proposed land use is therefore contextually appropriate, desirable, and in keeping with forward planning policies.



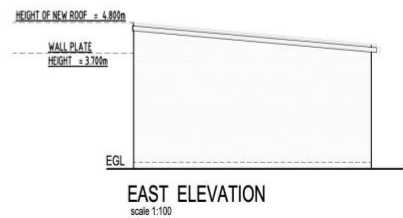
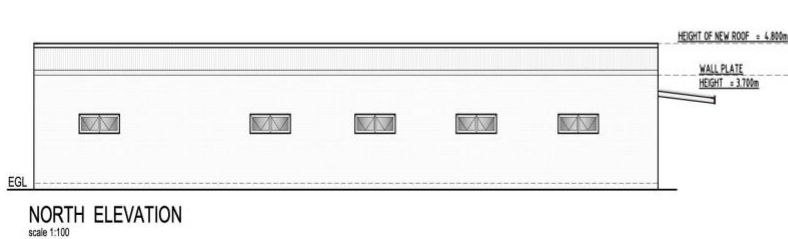
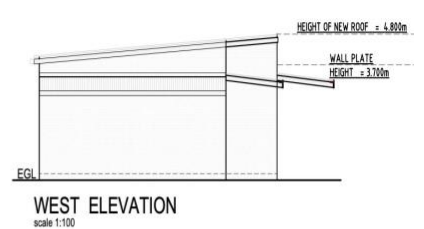
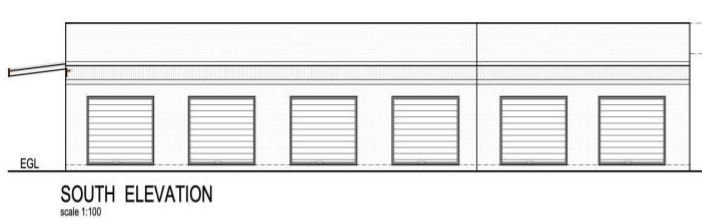
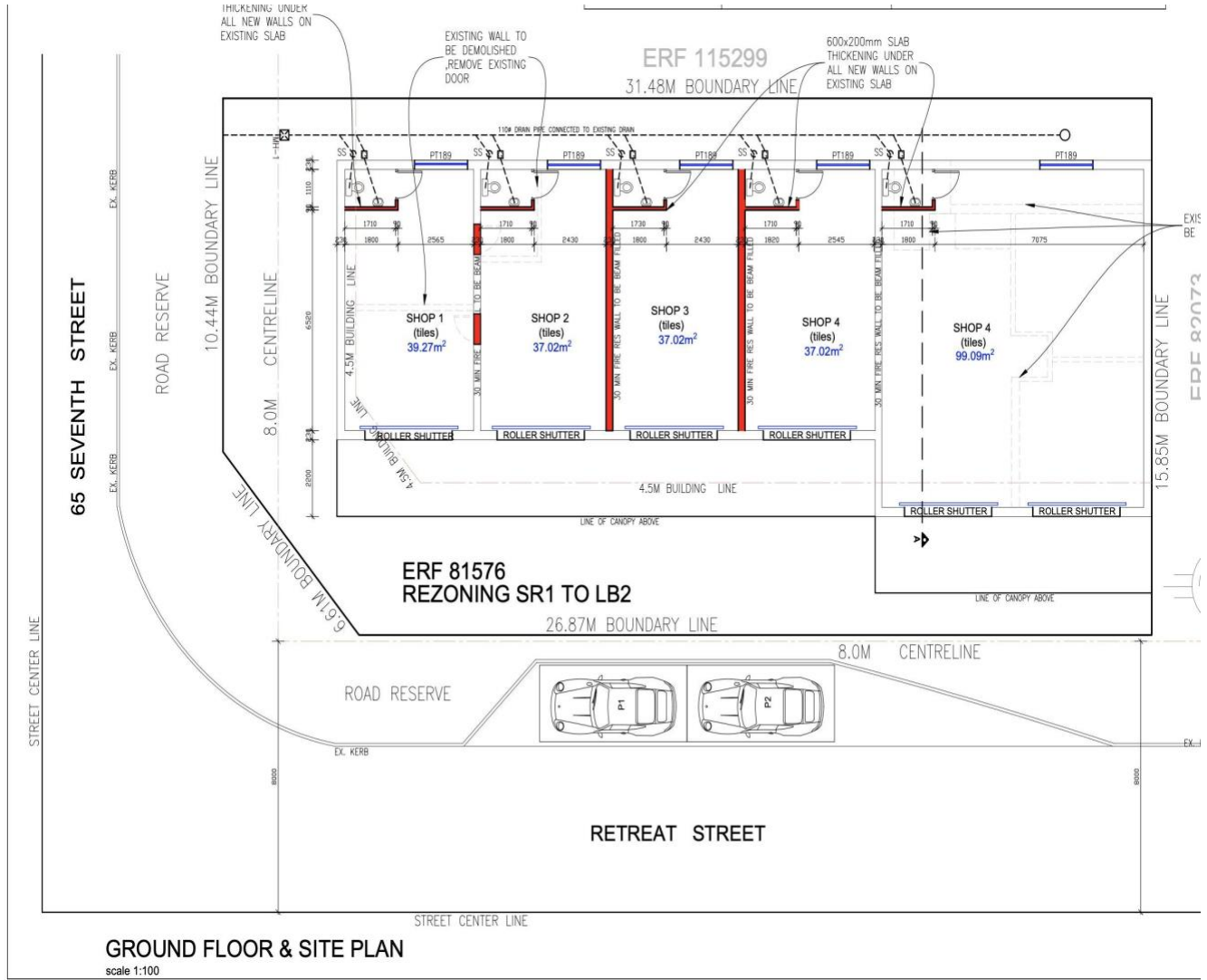
The subject property, Erf 81576, is strategically located at a prominent corner within a precinct characterised by a diverse range of complementary land uses and supportive zoning. To the north, Erf 81539 and Erf 81541 are zoned General Business 1 (GB1), accommodating low-intensity business activities that cater to local needs—creating a favourable context for convenience-oriented commercial development. To the south, Erf 149277 is also zoned GB1, reflecting the presence of small-scale retail operations, while Erf 82082 further reinforces the existing business corridor with similar commercial uses. To the west, Erf 113853 is zoned Mixed Use, actively integrating residential and commercial functions and illustrating the area’s evolving land use dynamic. This mix of GB1 and MU zonings in the immediate surrounds confirms a prevailing pattern of intensification and land use diversification, particularly along main frontage routes.

In this context, the proposed development of five retail shops—measuring 39.27 m<sup>2</sup> (Shop 1), 37.02 m<sup>2</sup> each (Shops 2 to 4), and 99.09 m<sup>2</sup> (Shop 5)—fits harmoniously within the spatial and policy framework of the area. Off-street parking will be accommodated via embayment bay along Seventh Avenue, in keeping with the existing local precedent where similar commercial properties utilize verge embayments for customer access. This approach ensures convenient parking provision without disrupting traffic flow or placing undue pressure on surrounding public infrastructure. The development promotes mixed-use integration, supports pedestrian-friendly activation at street level,

and aligns with the City of Cape Town's strategic objectives for compact, accessible, and economically active urban environments



## 6. SITE DEVELOPMENT PLAN



## 7. THE PROPOSAL

### a) Re-zoning from R1 to LB2

Since a Shop is neither a primary use, additional use, nor consent use within the Residential 1 (R1) zoning, a rezoning is required to permit and regularize the current Internal alterations. Local Business 2 (LB1) zoning permits Shops as a primary use right. Accordingly, this application proposes to rezone the property from R1 to LB2 in order to legalize the existing building works and bring the development into compliance with the Development Management Scheme. The application is submitted in terms of Section 42(a) and (b) of the City of Cape Town Municipal Planning By-law, 2025 (as amended), read with the applicable provisions of the Development Management Scheme.

### b) The Following Factors Support the Desirability Of The Proposed Rezoning:

*The proposal promotes residential densification in alignment with the City's spatial development objectives;*

- The site is located within a Development Corridor and a Metropolitan Node, where urban intensification is encouraged;
- The location within a Mixed-Use Intensification Zone.
- The immediate context includes properties zoned General Business (GB and Local Business 2 (LB2), reinforcing the appropriateness of the proposed zoning;
- The shop will be contributing to a more inclusive and vibrant urban environment while supporting the local economy;
- Development Charges will be payable, contributing to municipal infrastructure provision;
- Employment has already been created through the construction process and will be sustained through the ongoing operation facility.

### c) On-Site Parking:

The subject property is located within a designated Public Transport 1 (PT1) zone as defined by the City of Cape Town's Development Management Scheme (DMS). This designation recognises areas with high accessibility to public transport infrastructure including minibus taxis, buses, and rail where car dependency is expected to be lower and more sustainable transport modes are actively encouraged. Given this context, the demand for on-site parking is reduced, and policy allows for more flexible parking standards.

The proposed land use which comprises five retail shops, is consistent with the mixed-use character of the area and aligns with the function of **Seventh Avenue** as an activity street. The existing

embayment along the street frontage is currently utilised by several neighbouring properties for customer and visitor parking. The proposal will mirror this established pattern of use and contribute to the active frontage along the street without compromising pedestrian flow or road safety.

In addition to the embayment, the commercial activity is expected to serve a predominantly walk-in customer base drawn from the immediate residential catchment and commuters travelling along this busy public transport corridor, which will further minimise the need for dedicated on-site parking. The scale of the development is modest, and it is not anticipated that the proposal will result in a material increase in traffic volumes or negatively impact the functionality of the surrounding road network. Furthermore, the proposal is consistent with the principles of transit-oriented development (TOD), which seek to reduce car dependency, encourage compact mixed-use urban form, and enhance accessibility to goods and services within walking distance of public transport.

In light of the above, the proposed departure from standard parking requirements is considered both reasonable and desirable, and will not have any detrimental impact on the surrounding area.





#### d) Compliance with DMS development rules

Although no additional development is proposed on the property, the property needs to be assessed for compliance with the LB2 DMS development rules as new development rules now apply with the change of use and zoning of the property.

Table 2 below provides a summary of the development rules of LB2 and the proposal's compliance with these development rules.

126

**Table 1(h) Summary of land uses and development rules for Local Business Zoning 2: Local Business (LB2)**

| LAND USES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FLOOR FACTOR        | COVERAGE            | MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING | BUILDING LINES              | STREET CENTRELINE SETBACK | OTHER PROVISIONS                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------|---------------------------------------------------------------|-----------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PRIMARY USES</b><br>Shop, office, dwelling house, second dwelling, bed and breakfast establishment, boarding house, flats, place of instruction, place of worship, institution, clinic, guest house, service trade, utility service, rooftop base telecommunication station, private road, open space, filming, electric vehicle charging stations, micro wind turbine, structure-mounted energy system and veterinary practice<br><br><b>ADDITIONAL USE RIGHTS</b><br>Small-scale windturbine, supplementary dwelling unit<br><br><b>CONSENT USES</b><br>Place of assembly, informal trading, restaurant, sale of alcoholic beverages, funeral parlour, place of entertainment, adult shop, business premises, supermarket, plant nursery, hotel, conference facility, motor repair garage, service station, authority use, freestanding base telecommunication station, wind turbine infrastructure, transport use, funeral parlour, chancery, ground-mounted energy system, small-scale animal care centre, recycling centre and multiple parking garage | 1,0                 | 75%                 | 12,0 m                                                        | 0,0 m                       | 8,0 m                     | Canopy projection<br>Street corners<br><br>Parking and access<br><br>Loading<br><br>Screening<br><br>Service station and motor repair garage<br><br>Informal trading |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Refer to item 56(a) | Refer to item 56(b) | Refer to item 56(c)                                           | Refer to item 56(e) & 56(f) | Refer to item 56(d)       |                                                                                                                                                                      |

### **e) Justification for Rezoning**

*The proposed rezoning aligns with the City's spatial planning objectives and offers several benefits:*

- **Densification:** The development promotes efficient land use by increasing density, consistent with urban growth strategies.
- **Strategic Location:** Situated within a designated development corridor and a metropolitan node, the site is well-positioned to support increased economic activity.
- **Compatibility:** Adjacent properties are zoned for general business and industrial uses, ensuring compatibility with the surrounding area.
- **Economic Impact:** The development will provide affordable parking space and stimulate local businesses.
- **Infrastructure Contributions:** Development charges will be applicable, contributing to the enhancement of municipal infrastructure.
- **Employment Opportunities:** The project will create jobs during both the construction and operational phases.

## **8. ASSESSMENT OF DESIRABILITY CRITERIA IN TERMS OF SECTION 99(1) OF THE MUNICIPAL PLANNING BY-LAWS, 2015**

The application complies with the minimum threshold requirements in Section 99(1), i.e.: (a) The proposed development is consistent with the municipal spatial development framework (MSDF), with a deviation from the MSDF not being required.

(b) The property is to be rezoned from Residential 1 to Local Business 2. There is no floor factor that could result in giving the parameters of the next subzone.

## **9. ASSESSMENT OF DESIRABILITY CRITERIA IN TERMS OF SECTION 99(2) OF THE MUNICIPAL PLANNING BYLAWS, 2015**

**i. *The Municipal Spatial Development Framework (MSDF):*** The MSDF promotes residential densification and appropriate land use intensification across the city to promote a variety of uses within any one area. The MSDF emphasises on diversification of mono-use patterns and incremental

intensification (density and diversity) via subdivisions, second and third dwellings, and rezoning's and where the maintenance of existing infrastructure and development should be according to infrastructure capacity and associated lifecycle costs. The proposed Rezoning is in line with the approved MSDF, which encourages a more compact, efficient, and sustainable city where the use of available resources is optimized.

The subject property is strategically situated at a corner within a mixed-use zone, surrounded by similar business land uses. Rezoning the property to Local Business 2 is consistent with the prevailing land use pattern and the City's spatial development framework. The proposed development, comprising of 5 shops, aligns with the objectives of promoting economic growth, enhancing infrastructure, and optimizing land use within designated industrial areas. This initiative contributes to the densification of the area, supports incremental urban intensification, and enhances the functionality of the industrial precinct, thereby reinforcing the City's commitment to sustainable urban development and economic resilience.

## **ii. Spatial Planning Land Use Management Act (SPLUMA) 2013 & Land Use Planning Act (LUPA) 2014**

Section 48(4) of the By-Law states that the City must have regard to Section 39(5) of the Western Cape Land Use Planning Act 3 of 2014 ("LUPA") and Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013 ("SPLUMA") when considering whether to remove, suspend or amend a restrictive condition.

SPLUMA aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments, and provides for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning.

Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:

### **iii. Social development strategy:**

The Social Development Strategy aims to address poverty, inequality, and social skills while providing people the opportunity to participate in their own development. The strategy has the following objectives:

- Maximise income generation opportunities for people who are excluded or at risk of exclusion.

- Build and promote safe households and communities,
- Support the most vulnerable through enhancing access to infrastructure and services.
- Promote and foster social integration, and
- Mobilise resources for social development.

The proposed rezoning and development of the property from Residential 1 to Local Business 2 (LB2), encompassing Shops that aligns with several key objectives of the City of Cape Town's Social Development Strategy.

**1. Facilitating Access to Housing Opportunities as Asset-Building-**By introducing diverse land uses, including affordable shop spaces, the development contributes to the creation of integrated human settlements. This approach supports the provision of housing opportunities that act as assets, enabling individuals to generate income and improve household stability.

**2. Promoting and Fostering Social Inclusion-**The development fosters social inclusion by creating spaces that encourage interaction among professionals, thereby enhancing social cohesion and reducing social exclusion. The provision of amenities such as shops facilities further supports this objective by ensuring accessibility for all individuals.

**3. Supporting Communities Towards the Eradication of Extreme Poverty-**Through the creation of employment opportunities during both the construction and operational phases, the development contributes to poverty alleviation. Additionally, it supports small businesses and entrepreneurs, thereby promoting economic inclusion.

**4. Addressing Spatial Segregation Through Transport and Planning-**Situated within a mixed-use zone, the development contributes to the densification of the area, promoting a more compact and integrated urban form. This approach helps address historical spatial segregation by facilitating mixed-use development and improving access to services and opportunities.

The proposed development not only aligns with but actively supports the City of Cape Town's Social Development Strategy by promoting inclusive economic growth, enhancing social cohesion, and addressing spatial inequalities.

#### **iv. Spatial justice:**

The proposed rezoning of the property from R1 to LB2, encompassing the development of shops ,

that aligns with the City of Cape Town's Spatial Justice Strategy by addressing historical spatial imbalances and promoting inclusive urban development.

***B. Alignment with Spatial Justice Objectives:***

- **Redressing Spatial Inequality:** The development contributes to the transformation of the urban landscape by facilitating densification and mixed-use development within an area characterized by general business zoning. This approach challenges the legacy of apartheid-era spatial segregation and promotes equitable access to economic opportunities and services.
- **Promoting Economic Integration:** By providing additional shops, the development supports the operational needs of adjacent community. This integration fosters a more cohesive economic environment, enhancing the overall functionality of the precinct.
- **Enhancing Accessibility:** Situated within a well-connected area, the development improves access to employment opportunities and services for workers and residents. This aligns with the City's objective to reduce the distance between where people live and work, thereby promoting social inclusion and economic mobility.
- **Supporting Sustainable Urban Growth:** The proposal encourages incremental intensification and densification in a manner that is consistent with the City's spatial development framework. By optimizing land use and infrastructure, the development contributes to the creation of a more compact and sustainable urban form.

**v. Spatial sustainability:**

The proposal supports this principle of spatial sustainability in the sense that it facilitates densification within the urban area, thereby limiting urban sprawl and encouraging the optimal use of existing urban land and services.

The proposed rezoning of the property from Residential 1 to Local Business 2 (LB2) and the development of shops align with the principles of spatial sustainability as outlined in the Spatial Planning and Land Use Management Act (SPLUMA) and the Integrated Urban Development Framework (IUDF).

**A) Alignment with Spatial Sustainability Principles:**

- **Efficient Use of Land and Infrastructure:** The development optimizes the use of land by introducing higher-density, mixed-use structures within an established business area. This approach reduces urban sprawl and makes efficient use of existing infrastructure, aligning with the principle of spatial efficiency.
- **Integration with Surrounding Land Uses:** By situating the development within a mixed-use zone, the proposal ensures compatibility with adjacent land uses, promoting functional integration and reducing land use conflicts. This integration supports the principle of spatial sustainability by fostering cohesive urban environments
- **Promotion of Economic Viability:** The introduction of shops caters to the needs of businesses, community and workers, enhancing economic activity in the area. This economic viability is a key component of spatial sustainability, ensuring that land use decisions contribute to the long-term economic health of the community.
- **Accessibility and Connectivity:** The site's location within a well-connected area enhances accessibility for workers and visitors, reducing the need for long commutes and promoting the use of sustainable transport modes. This connectivity supports the principle of spatial sustainability by facilitating equitable access to opportunities and services.

#### **vi. Spatial efficiency:**

The proposal supports the efficient use of existing resources and infrastructure where decision-making procedures are designed to minimize negative financial, social, economic, or environmental impacts. The positive consideration of the application will contribute to the efficient use of serviced urban land with minimal negative impact.

#### **vii. Spatial resilience and good administration:**

Resilience is the capacity and ability of a community to withstand stress, survive, adapt, bounce back from a crisis or disaster, and rapidly move on. It can also bring in a rental income that may be required to shield a family against unforeseen circumstances such as loss of income, therefore alleviating the livelihoods of the owner.

#### **viii. Spatial quality**

The project aims to improve the quality of the built environment by introducing well-designed shops that contribute to a more vibrant and inclusive community. The development's design considers aesthetics and functionality, creating a pleasant area.

#### **ix. Economic growth strategy (EGS)**

The principal objective of the EGS is to stimulate economic growth and create job opportunities. This is also the overarching objective of the “Opportunity City,” one of the five pillars of the City’s Integrated Development Plan (IDP). The proposed application is compliant with the general principles and strategy of the EGS and the IDP.

### **10. THE URBAN DESIGN POLICY**

The policy seeks to focus on the contribution of proposed developments to urban design at the local level. The following are the identified policy objectives with which this proposed rezoning is in line:

- **Objective 1:** Ensure that the development contributes positively to the urban structure of the city to create integrated and legible places and neighbourhoods. The proposal protects natural resources by increasing neighbourhood convenience retail on land that is not identified as high potential agricultural land. The proposed development is compatible with the height expected within a metropolitan node
- **Objective 2:** Ensure that development contributes to improved quality of the public realm and public spaces. The proposal increases local economic opportunity on land. The front façade has overlooking features that makes the public realm safer.
- **Objective 3.** Ensure that the developments contribute to the creation of safe and secure communities. This proposal will enhance the “eyes-on-the-street” effect as the shops will have a clear view of the public street.
- **Objective 4:** Ensure opportunities and amenities are accessible and that people can move about easily and efficiently. This proposal creates additional business opportunities in an area that has a high access to commercial, education, recreation and community opportunities.
- **Objective 5:** Promote development intensity, diversity and desirability. This proposal seeks to ensure that the property is developed to its full potential given the local context. The local area has immense opportunities for growth and development which the proposed development seeks to enhance.
- **Objective 6:** Good design has been used to provide an appealing front façade which will encourage others to pursue good design when the work on their buildings.

## **9. SOUTHERN DISTRICT PLAN (2023)**

The proposal aligns with the Southern District Plan (2023), which supports mixed-use intensification and economic activity along identified activity routes and public transport corridors. The proposed small-scale retail activity contributes toward the creation of walkable neighbourhoods by improving local access to goods and services within an established urban area.

The proposal further supports the District Plan objectives of:

- promoting local economic development,
- encouraging appropriate mixed-use activity,
- supporting public transport accessibility,
- and strengthening neighbourhood business opportunities within existing urban areas.

The development is modest in scale and compatible with the surrounding mixed-use character of Seventh Avenue and adjoining properties.

## **10. RELEVANT CRITERIA CONTEMPLATED IN THE DMS**

### **I. Relevant criteria contemplated in the dms:**

It is proposed to rezone from R1 to Local business 2, and the proposed Use falls within the primary uses on the proposed zoning LB2.

### **II. Compliance with the DMS and By-laws**

The proposed development is compliant with the DMS regulations for the zone, with a parking departure required.

## **11. DENSIFICATION POLICY 2012**

- A mix of residential densities ensures diversification and affordability options. The proposed development offers shops in a mixed-use area. This offers people a variety of service types and tenure options in this regard.

Densification supports the development of a viable public transport system. Safer City Guidelines the proposed development, as seen above, promotes the guidelines as indicated within the safer City, which encourages overlooking to create a safe feeling within the area. The development proposes an appealing façade that encourages interaction in the area through balconies facing the street and permeable fences.

## **12. ASSESSMENT CRITERIA IN TERMS OF SECTION 99(3) OF THE MUNICIPAL PLANNING BY-LAW, 2015**

In terms of Section 99(3) of the City of Cape Town Municipal Planning By-law, 2025, the following desirability factors are relevant to the consideration of the application for rezoning from Residential 1 (R1) to Local Business 2 (LB2), together with a permanent departure for parking requirements.

### **(a) Socio-Economic Impact**

The proposed rezoning and parking departure will have a positive socio-economic impact on the surrounding area and local community. The proposal will formalise existing commercial activity on the property and provide opportunities for small-scale local economic participation through the establishment of five neighbourhood-oriented retail shops. The development will support entrepreneurship, small business growth, and local employment opportunities during both operational and maintenance phases.

The proposal will further contribute toward local economic activation along Seventh Avenue, which already functions as an activity street characterised by mixed commercial and residential uses. The parking departure is considered appropriate within the context of the site's location inside a PT1 area with strong public transport accessibility. The reduced parking provision supports more efficient land utilisation and avoids unnecessary underutilisation of commercially active urban land.

The proposal therefore supports broader municipal objectives relating to inclusive economic growth, urban integration, and sustainable land use management.

### **(b) Compatibility with surrounding uses and character**

The proposed rezoning to LB2 is compatible with the existing and evolving character of the surrounding area. The immediate area already accommodates a mixture of Local Business, General Business, Mixed Use, and residential land uses, particularly along Seventh Avenue and surrounding streets. The proposal therefore reinforces the established mixed-use character of the precinct and does not introduce a land use that is foreign or incompatible within the area.

The proposed retail units are modest in scale and neighbourhood-oriented in nature. The proposal remains compatible with adjoining properties in terms of scale, built form, and operational characteristics. The parking departure is similarly considered compatible with the surrounding urban environment, where on-street embayment parking and public transport accessibility already form part of the prevailing transport and parking character of the area.

### **(c) Impact On External Engineering Services**

The property is situated within an established urban area already serviced by municipal infrastructure networks including water, sewer, stormwater, electricity, and roads infrastructure.

Although the proposed LB2 zoning permits a broader range of commercial rights than the existing SR1 zoning, the actual proposed development remains relatively small in scale, comprising five compact retail units with a combined gross leasable area of approximately 238.62m<sup>2</sup>.

The proposal is therefore not anticipated to generate excessive additional demand on engineering services compared to larger-scale commercial developments.

The parking departure is not expected to negatively impact surrounding road infrastructure due to:

- the modest scale of the proposal,
- the PT1 public transport designation,
- the walk-in nature of the anticipated customer base,
- and the availability of existing embayment parking along Seventh Avenue.

Should any development contributions or engineering upgrades be required by the relevant departments, the owner acknowledges responsibility for complying with all municipal requirements.

### **(D) Health, Safety, & Well-Being of The Surrounding Community**

The proposed development is not anticipated to negatively impact the safety, health, or wellbeing of the surrounding community. The formalisation of active retail uses along the street frontage will improve passive surveillance and contribute positively toward street activation and urban safety through increased “eyes on the street.”

The proposed shops are low-intensity neighbourhood retail uses and are not expected to generate excessive noise, pollution, or nuisance impacts. The parking departure is similarly not expected to create unsafe traffic conditions due to the relatively low anticipated vehicle demand associated with the development and the site’s accessibility to public transport.

### **(d) Traffic Impact, Parking, Access, And Transport-Related Impacts**

The application includes a permanent departure from the standard parking requirements applicable to the proposed retail use. No formal on-site parking is proposed due to the limited erf size and existing built form. However, the site is located within a PT1 area with strong access to public transport infrastructure including taxi routes, buses, and rail services. The surrounding area already accommodates a pattern of embayment and on-street parking associated with surrounding commercial activities. The proposed retail units are modest in size and expected to primarily serve local residents, pedestrians, and commuters within the immediate area. Traffic generation associated with the proposal is anticipated to remain low and manageable. The proposal is therefore not expected to materially impact the surrounding road network or create unacceptable congestion.

The parking departure is considered reasonable and desirable within the context of the site's location, the nature of the proposed retail activity, and broader transit-oriented development principles supported by the City.

### **(e) Impact on Existing Rights**

The proposal is not expected to negatively impact the reasonable use and enjoyment of neighbouring properties or prejudice existing development rights. Although the proposed rezoning introduces additional commercial rights compared to the current SR1 zoning, the proposed LB2 zoning remains low-intensity in nature and appropriate within the surrounding mixed-use context.

The proposal does not significantly alter the existing building envelope, scale, or massing of the development and therefore will not materially impact privacy, visual amenity, or sunlight access on adjoining properties. The parking departure similarly does not prevent neighbouring owners from exercising their existing land use rights.

### **(f) Impact On the Biophysical Environment**

The proposal is situated within an established urban area and is not anticipated to have any significant impact on the biophysical environment. No environmentally sensitive areas, biodiversity corridors, or natural features will be affected by the proposed rezoning or parking departure.

### **(e) Heritage Impact**

The property is not located within a Heritage Protection Overlay Zone and no known heritage resources are anticipated to be negatively impacted by the proposal. The proposal primarily regularises existing

internal alterations and commercial activity within an existing urban structure.

## **Conclusion**

We hope you will deem this proposal desirable and recommendable for APPROVAL for the following because this proposal is broadly consistent with spatial planning frameworks and relevant Council Policies, holds positive socio-economic benefits, is compatible with the surrounding land uses and built environment, is of an appropriate scale and form that relates to the surrounding urban fabric. This

proposal will not have a negative impact on the safety, health, and well-being of the surrounding community. Therefore, the proposal is consistent with section 99 of the Cape Town Municipal Planning By-Law (MPBL).

Regards

Marshall Chitovhoro

