



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

Case ID 1500150971

**Erf 22389, 69A Sixth Avenue,
Kensington**

Development Management

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APPLICATION FOR REZONING IN RESPECT OF ERF 22389 KENSINGTON

November 2025



1.0 Introduction

The report serves to motivate the proposed application for Rezoning of the subject property being Erf 22389, situated on No 69 Sixth Avenue, Kensington Cape Town. The objective of this application is to obtain City's approval to establish a business premises that will include a Barber-shop and a Tikker take-away shop. The existing main and the second dwelling will remain as residential for the owner/tenants.

Summary of Application:

Application is hereby made in terms of:

- **Section 42(a)** of the City of Cape Town Municipal By-Law (2015) for the Rezoning of Erf 22389 from Single Residential (SR 1) to General Business 1 (GB 1) to allow a **Business Premises**.

1.2 Property Details

Erf Number (s)	Erf 22389
Title deed No.	
Registered Owner/s	
Extent	496sqm
Current Zoning/ Land use	SR1-Single Dwelling with outbuildings
Proposed Land Use	Business Premises – Barber shop & Takeaway
Street Address	69 6 th Avenue, Kensington

1.3 Locality and Context

The subject property is situated within the Kensington area which borders with the Maitland residential area. The subject property currently obtain access from Both 6th Avenue and 11th Street. The property is well located within a residential precinct with minimal business activities along 6th Avenue.

2.0 Legal, Policy and Development Frameworks

The existing and intended use of the site is subject to and informed by the following forward planning legislation, policies and development frameworks.

2.1 Land Use Planning Act (2014)

The Land Use Planning Act of 2014 sets out the principles for land development as well as the minimum requirements for municipal planning matters that are applicable to the proposed development of the subject property and its context. The minimum requirements set out include:

- Municipalities are responsible for land use planning in their respective municipal areas and within their jurisdiction.
- A municipality must regulate at least the following:
 - the development, adoption, amendment and review of a zoning scheme for the municipal area;
 - the procedures in terms of which the municipality receives, considers and decides on land use applications;
 - the procedures in terms of which the municipality facilitates public participation in its consideration of land use applications;
 - the criteria for deciding on land use applications;
 - the imposition of conditions of approval for land use applications;
 - the procedures applicable after a land use application has been approved; and
 - the enforcement by the municipality of its by-laws and decisions with regard to land use planning.

In light of the above, the proposed Rezoning will take cognisance of the above provisions and related guidelines to obtain the necessary municipal approvals.

2.2 City of Cape Town Municipal By-law (2015)

The City of Cape Town Municipal By-law gives effect to the Municipal Planning function allocated to municipalities in terms of Schedule 4 of the Constitution. The By-law provides the mechanism for land use applications, and also provides the general procedures for all applications. The procedures include making an application, notice and comment, process and criteria for deciding application, the decision, the appeal process, etc.

- An application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements:
 - the application must comply with the requirements of this By-Law;
 - the proposed land use must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;
 - the proposed land use must be desirable as contemplated in subsection (3); and
 - in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone.
- The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable:
 - Socio-economic impact;
 - scale of the capital investment;
 - compatibility with surrounding uses;
 - impact on the external engineering services;
 - impact on safety, health and wellbeing of the surrounding community;
 - impact on heritage;
 - impact on the biophysical environment;
 - traffic impacts, parking, access and other transport related considerations; and
 - whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

The proposed application is in accordance to the provisions of the bylaw. The above desirability factors will be further motivated on the section below.

2.3 The National Heritage Resources Act (1999)

The legislation aims to promote good management of the national estate, and the enable and encourage communities to nurture and conserve the legacy. Section 38 lists a host of development categories, which if pursued and requires that the responsible heritage resources authority be notified. In terms of Section 38, the development categories are stipulated as follows:

- A linear development of 300m or more (road, power line, pipeline etc.) and bridge or such exceeding 50m;
- A development or activity that will change the character of the site:
 - exceeding 5000m²,
 - involving 3 or more existing erven or the subdivision thereof,
 - involving 3 or more division thereof which have been consolidated within the past 5 years,
 - the costs of which will exceed the sum set by SAHRA;
- A rezoning of a site exceeding 10 000m² in extent; and
- Any other category of development provided for in regulations by SAHRA or a provincial heritage authority.

In light of the above, it is anticipated that the proposed rezoning to allow the establishment of the barbershop and takeaway shop will not trigger any heritage issues and neither will they require the NID application for further heritage assessment.

2.4 National Environmental Management Act

The National Environmental Management (Act 107 of 1998) identifies certain activities that may be detrimental to the environment. These can be evaluated through an Environmental Impact Assessment, however the CoCT environmental authority confirmed that the subject property is not environmentally sensitive and neither there are any traces of significant environmental remnants.

It is anticipated that the proposal will not need any further environmental impact assessment as the site has no tresses or remnants that will trigger the need for environmental authorisation.

2.5 Municipal Spatial Development Framework, MSDF 2023 & the Integrated District Plans and Environmental Management Framework, 2023

The **MSDF** serves to guide and manage urban growth and to guide the proposals contained within the more detailed District Spatial Development Plans. In terms of the framework (Map 5d), it was established that the subject property is identified within the area of '**Urban Inner Core**'. These areas identified as areas where the City is committed to servicing existing communities and where new Transport Orientated Developments are established

Kensington and Maitland area forms part of both the Urban Inner-Core and the Incremental Growth & Consolidation Area which incorporates elements such as development corridors and nodes and where the City is committed to servicing existing communities and eradicating backlog while new developments are also permitted. Desired spatial outcomes include diverse and dense land uses where bulk engineering infrastructure allows, diversification of mono-use residential patterns, incremental intensification (density and diversity), the maintenance of existing infrastructure and development according to infrastructure capacity.

The proposal for the Business premises will contribute to the provision of much needed job opportunities. The proposal further complies with the 3 spatial strategies of the MSDF, which are to plan for economic growth and improving access to economic opportunities, to manage urban growth and to build an inclusive, integrated, vibrant and healthy city.

2.6 City of Cape Town Economic Growth Strategy

The proposed barber shop and takeaway business are aligned with the economic growth objectives of the City of Cape Town by supporting local economic development through entrepreneurship, job creation, and the provision of convenient services within communities. The barber shop and takeaway represent small and medium-sized enterprises (SMEs), which are recognised as key drivers of economic growth and employment. The development will support entrepreneurship by creating opportunities for business ownership and fostering a vibrant local economy. The City's economic growth strategy encourages the establishment and expansion of small businesses as a means of stimulating economic activity at neighborhood level.

3.0 Development Proposal

3.1 Intended Use

The purpose of the rezoning on the subject property is to establish business premises that will consist the following:

- A Barber Shop that measures 32.19sqm
- A Tikka Take-away facility that measures 33.16sqm

3.2 Proposed Operating Hours and Motivation

Barber Shop Operating Hour - The proposed barber shop will operate during the following hours:

Monday to Thursday: **08:00 – 20:00**

Friday to Sunday: **08:00 – 22:00**

Take-Away Shop Operating Hours - The proposed take-away shop will operate during the following hours:

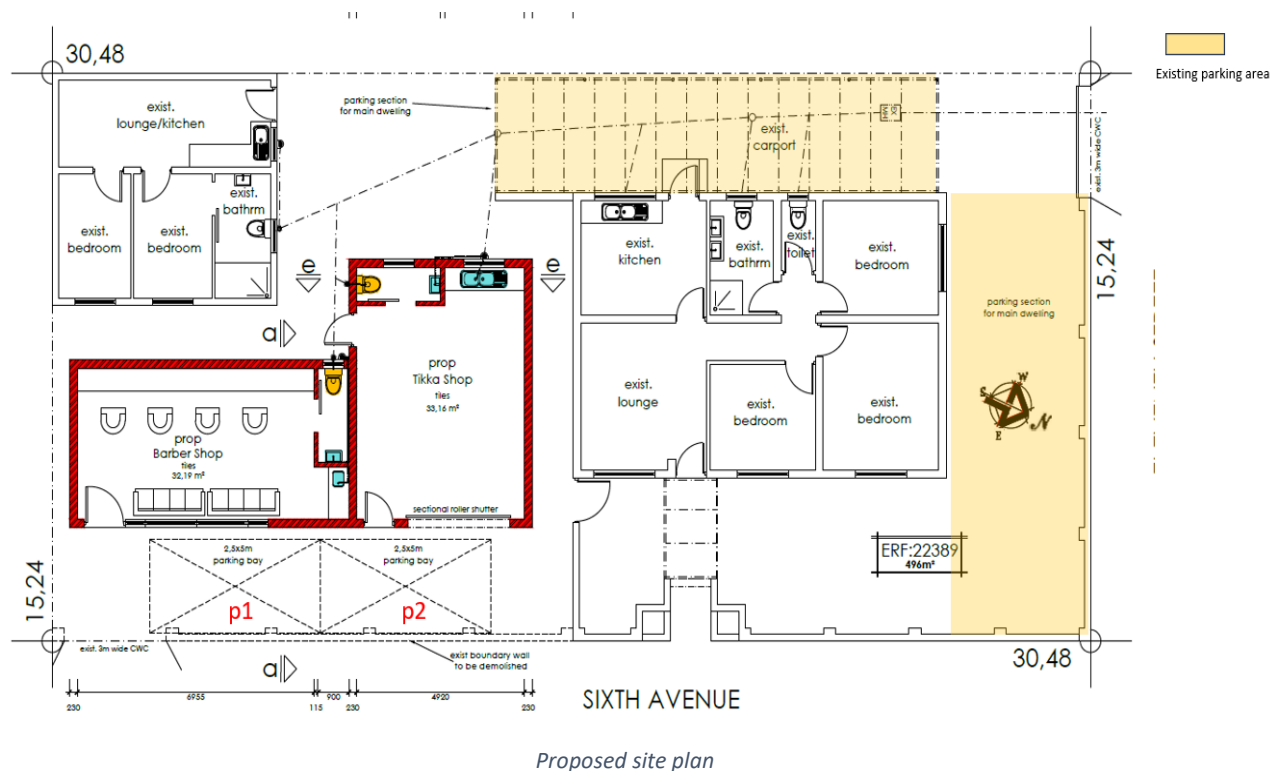
Monday to Thursday: **08:00 – 20:00**

Friday to Sunday: **08:00 – 23:00**

Public Holidays: **08:00 – 18:00**

In light of the above, the proposed barber and take-way shop will operate only during reasonable daytime and early evening hours that respect the residential nature of the area. Given the limited scale of the businesses, the proposed operating hours will not result in unacceptable noise, traffic, safety, or amenity impacts on neighbouring properties. The development therefore represents a compatible mixed-use activity that provides convenient local services while maintaining the quality and character of the surrounding residential neighbourhood.

3.3 Parking and Access provision



The proposed establishment will make provision of parking facility in terms of the Development Management Scheme at a ratio 3 bays per 100 m² GLA. Since the barber shop and the takeaway shop makes an approximate of 60sqm as indicated above, the proposed 2 parking bays will be sufficient for the development.

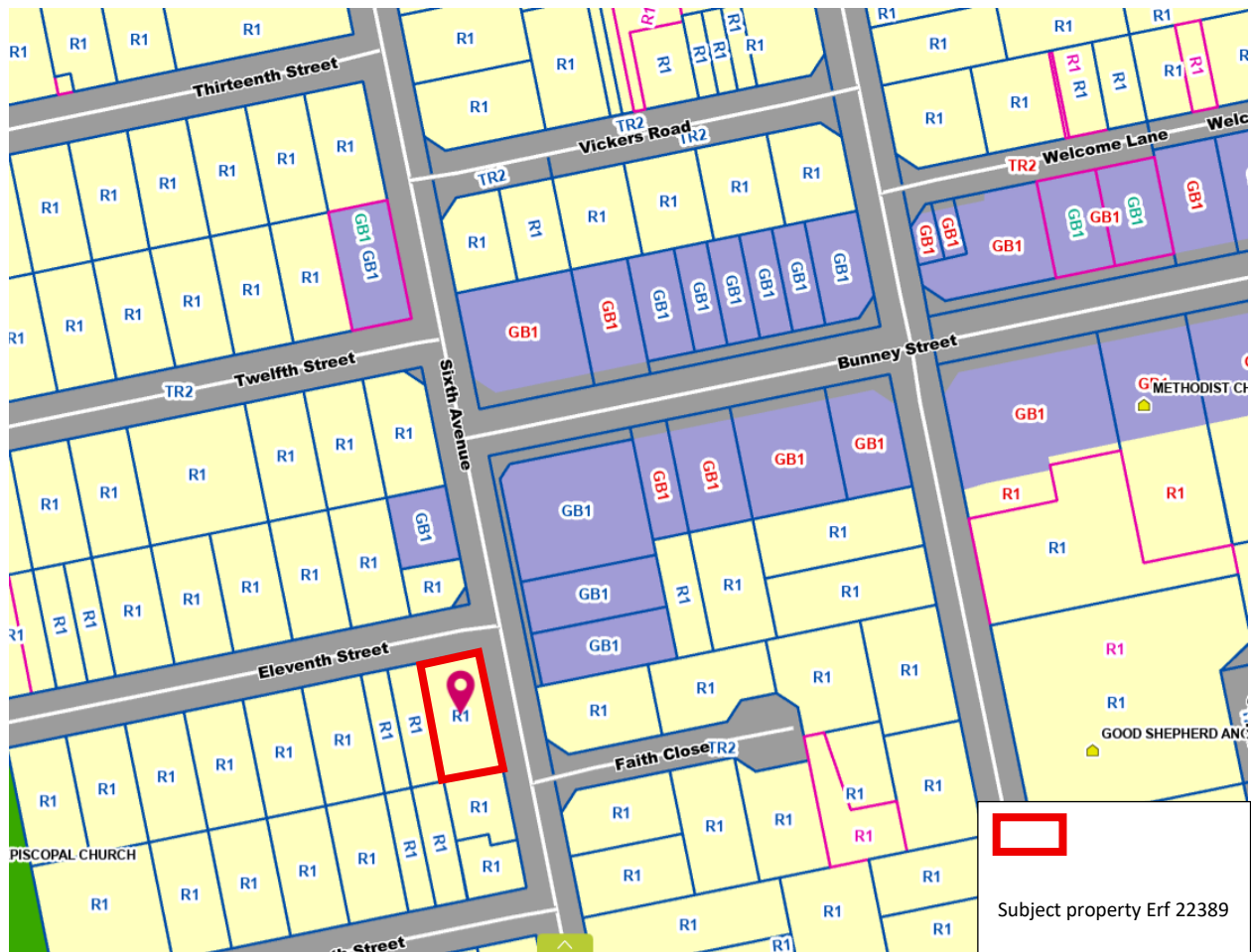
The proposed establishment will obtain direct access from 6th Avenue whilst existing Main Dwelling and second dwelling will obtain access from the existing carriageway along 11th Street.

The barber shop is a low-impact service business where customers are attended to individually. It does not involve loud machinery, amplified music, or industrial processes. Customer visits are generally short and spread throughout the day. As a result, there will be low traffic volumes and minimal impact on the surrounding area.

Similarly, the take-away shop is intended primarily to serve local residents and passing customers. Its operation will be on a small neighbourhood scale and is not expected to attract excessive patronage. Customers typically spend only a few minutes on the premises, resulting in limited parking demand and minimal movements outside the premises.

4.0 Motivation

4.1 Appropriateness of the proposed zoning (General Business 1 Zoning)



It should be noted that although the rezoning purpose is to establish business premises, the existing residential use that includes the main dwelling and the second dwelling will be retained, which is a primary right in terms of the GB1 zoning.

The proposed rezoning of the subject property from its existing zoning to General Business 1 (GB1) is considered appropriate and desirable in the area as it will facilitate the lawful establishment of a takeaway shop and barbershop that will serve the needs of the surrounding community. Although the GB1 zoning is intended to accommodate a wide range of commercial and service-related activities that provide goods and services to the public, the proposal is of low scale and limited to the intended usage. In the event that the proposal has been granted approval, various conditions will be prescribed for compliance and will restrict any further developments without the city council's consent.

As indicated on the zoning map above, the surrounding area is characterised by a significant concentration of existing General Business-zoned properties and established commercial activities. The presence of these businesses has already created a recognised commercial node within the area, demonstrating a positive functionality of both residential and commercial activities in the area that used to be predominantly residential. The proposal will positively

contribute to the creation of a vibrant and accessible local business environment where residents can obtain everyday goods and personal services close to their homes. This reduces travel distances, improves convenience, and supports the broader objective of developing economically resilient neighbourhoods.

In conclusion, the proposed rezoning to General Business 1 is considered appropriate, desirable, and consistent with the town planning principles because:

- it is consistent with the existing commercial character of the surrounding area;
- it complements the numerous existing General Business-zoned properties in the vicinity;
- it facilitates appropriate neighbourhood-scale commercial activities;
- it promotes local economic development, investment, and job creation;
- it supports the long-term growth potential of the commercial node in the area;
- it encourages efficient use of existing infrastructure and urban land; and
- it represents orderly and sustainable spatial development that is in the public interest.

4.2 Desirability (**Section 99(3)**)

The following points motivate the proposal based on its desirability factors. Such factors include and relate to the benefits of the current use of the property within the subject area and the greater community, as well as being acceptable within the existing urban land scape without posing any negative impact in the area.

4.2.1 Socio-Economic Impact

The proposed development will enhance socio economic development in the area by allowing more land diversification and investment opportunities. The proposed barber shop and takeaway facility are expected to have a positive socio-economic impact on the surrounding community and are compatible with the objectives of sustainable local economic development. The development will contribute to job creation by providing employment opportunities on each use. These employment opportunities will assist in reducing unemployment levels within the local community through income generation. The businesses will further promote local economic growth by attracting customers to the area and stimulating commercial activity.

4.2.2 Compatibility with surrounding uses

The proposed rezoning of the subject property will complement the existing and the surrounding land uses, being residential and business activities. Even though part of the property will be used for business purposes, the proposal is nevertheless compatible with the surrounding uses. The business will operate from the proposed outbuildings whilst the predominant use of the property will remain residential as the owner/tenants will reside on the existing dwelling which conforms to the scale and built form of the neighborhood.

The proposed barber shop and takeaway are considered compatible with the surrounding residential neighbourhood as they are small-scale, neighbourhood-oriented businesses intended primarily to serve the daily needs of local residents. The proposed use will further create convenient and accessible community services within walking distance of homes, thereby reducing the need for residents to travel longer distances for basic services.

The businesses are expected to operate on a limited scale and will not alter the residential character of the area. The barber shop is a low-impact commercial activity that generates

minimal noise, traffic, and environmental impacts. Similarly, the takeaway facility will cater mainly to local customers and is not intended to function as a large-scale restaurant or entertainment venue.

4.2.3 Impact on existing engineering services

It is anticipated that the subject property has sufficient municipal services that will accommodate the existing use and the proposed business component, however further assessments will be done by various service departments during the advertising period and conditions will be provided. Further development contribution levies will be determined and payable for the enhanced rights.

4.2.4 Impact on safety, health and wellbeing of surrounding community:

It is anticipated that there will be minimal impact on the safety, health and wellbeing of the surrounding community as a result of the proposal. From a safety perspective, the development will contribute to increased activity and passive surveillance within the area. The presence of customers and staff throughout the day enhances natural surveillance, which can deter criminal activities and improve the perceived safety of the neighborhood. The business will operate from an established building and will comply with all the applicable building, fire safety, and public health requirements.

4.2.5 Impact on heritage

The proposed rezoning of subject properties will not have any heritage impact in the area as there are no heritage components on the subject property.

4.2.6 Impact on the biophysical environment

There is no impact on the biophysical environment as a result of the rezoning. The area is built up and has no undisturbed natural assets for protection.

4.2.7 Impact on Traffic, parking & access

The proposed barber shop and takeaway facility are expected to have a limited and manageable impact on traffic, parking, and access within the surrounding area. The nature and scale of both businesses are generally associated with short duration customer visits and a steady flow of customers throughout the day rather than a peak traffic generation. A barber shop typically accommodates customers by appointment or on a walk-in basis, resulting in a dispersed arrival pattern. Similarly, the takeaway primarily serves customers who make brief visits to collect food, thereby minimizing prolonged parking occupancy. It is therefore anticipated that there will be no impact on the traffic flow on both 6th Avenue and 11th Street and further analysis and departmental comments will be determined as the application progresses through internal circulation.

4.2.8 Conditions that can mitigate an adverse impact of the proposed land use

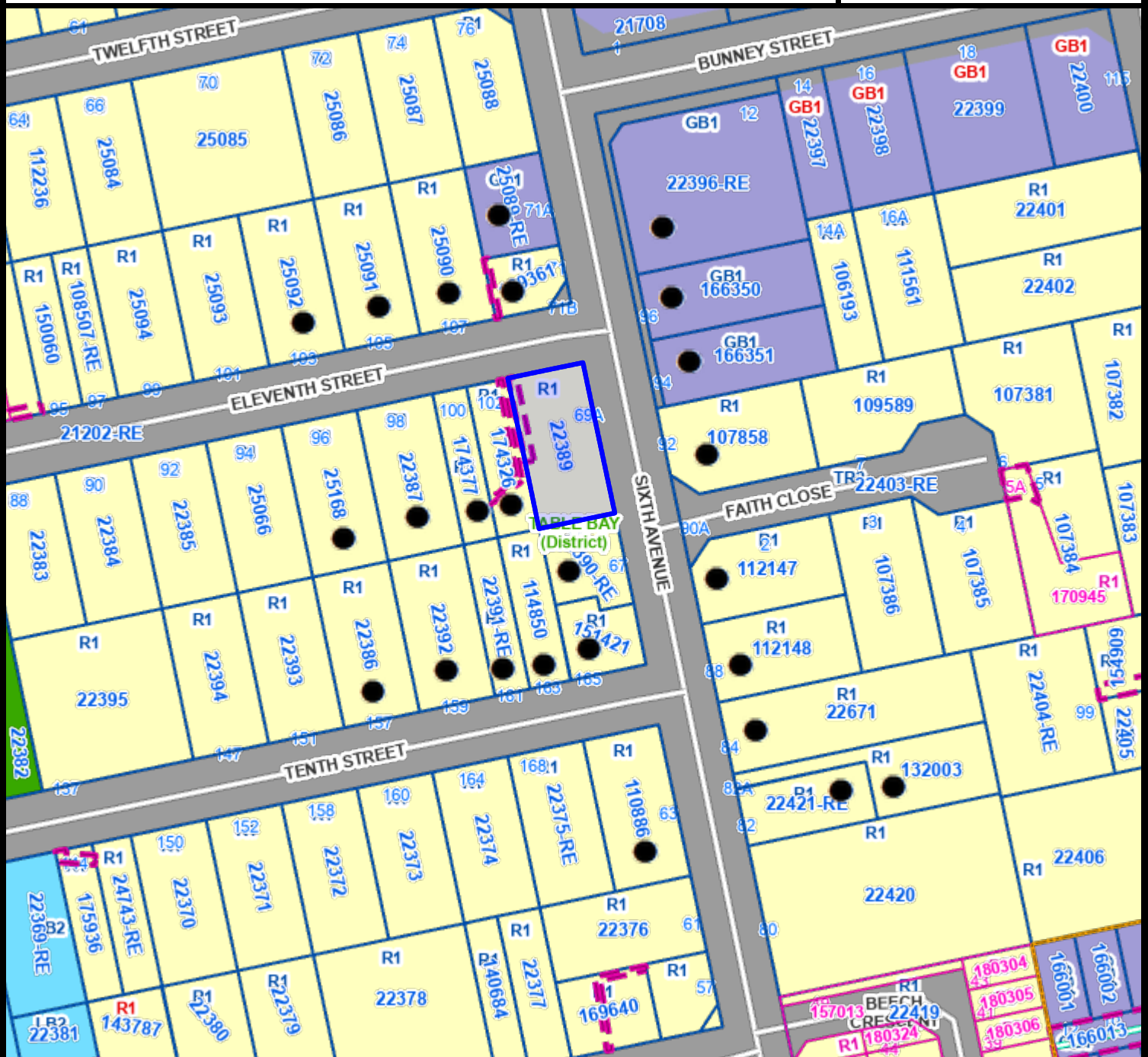
The imposition of conditions will assist in mitigating any potential adverse impact that the proposal may have by amongst others, restricting the development parameters under the proposed GB1 zoning.

5.0 Conclusion

In light of the above, the proposed rezoning of subject property to allow business premises whilst retaining the existing residential component of the area should be supported as it will achieve a broader spatial development objective of City that supports the local economic development through developing mixed-use activities in the areas that have great potential of capital investment. In this regard, the proposed barber shop and takeaway shop should be recommended for approval as it was demonstrated that the proposal is desirable in the area.

LOCALITY MAP DEVELOPMENT MANAGEMENT

ANNEXURE :



Overview

Erf: 22389, 22389

District: TABLE BAY

Allotment: CAPE TOWN

Suburb: KENSINGTON

Ward: 56

Sub Council: 3



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