



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500161870

**Erf 2653, 4 Mango Street, Khaya,
Khayelitsha**

Development Management

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28 April 2026

To Whom It May Concern

City of Cape Town
Land Use Planning Department
Stocks and Stocks Complex
Ntlazane Road
Ilitha Park
Khayelitsha

ERF 2653 KHAYA (KHAYELITSHA) APPLICATIONS CONTEMPLATED:

- **REZONING**
 - From R2 to LB2
- **CONSENT USE**
 - To allow for the sale of alcoholic beverages under the new LB2 zoning
- **PERMANENT DEPARTURES TO ALLOW FOR**
 - Coverage: 88% in lieu of 75%
 - Parking of 0 bays in lieu of 1 bay
- **ADMIN PENALTY**
 - To rectify an existing land use (liquor store),

ALL APPLICATIONS ABOVE ARE SUBMITTED ITO THE MUNICIPAL PLANNING BY-LAW 2015, AS AMENDED

Dear Sir/Madam

INTRODUCTION AND BACKGROUND

This motivation has been amended to satisfy the additional information letter dated 28 April 2026;

- The additional street centreline setback departure has been applied for, see updated **PLANNING APPLICATION** below and updated LUMs and POA forms – see **Annexure A & B**.
- The additional departure has been applied for in terms of item 141(1)(b) to permit vehicle to reverse across the sidewalk, see updated **PLANNING APPLICATION** below and updated LUMs and POA forms – see **Annexure A & B**.
- A request will be issued to the City to generate the additional invoice for the additional departures and advertising.

These land use applications are submitted on behalf of the current land owner, _____ to allow for the existing tavern to be converted into a liquor store – amending the existing liquor license from on-site consumption to on-site sales only.

It is important to note the following, relating to the origin of the tavern;

- The tavern was created by _____ the late husband of _____
- He saw a need to create a space in the community, particularly, for old working fathers.
- Many of the local residents were traveling far to get to a tavern and/or liquor store.
- Thabo also saw the need for employment within his community, as employment opportunities were so limited.
- He, with the help of his family, then applied for a liquor license, which was obtained in 2010 and employed five members of the community.

- The tavern and liquor license have been in existence for the past sixteen (16) years, with NO issues with license renewal, NO community complaints and NO issues with the police.
- The liquor license, which remains up-to-date and valid, is for on-site consumption and permits operation hours from 11am until 11pm.

This development proposal will not impact and/or change the existing residential structure in any way.

See attached **Annexure A, B & F**: LUM Application Form, Power of Attorney & Liquor License.

LOCAL CONTEXT

Address

- 4 Mango Street

Erf number

- 2653

Suburb and Allotment

- Khaya, Khayelitsha

The subject property (Erf 2653) is located within the largely residential Khaya suburb, which has a prominent industrial and potential mixed-use area adjacent to the subject site. The immediate context surrounding the site has been identified for higher density development due its location along the railway line and within a PT1 zone. The property is accessed (vehicular and pedestrian) via Mango Street.

PLANNING APPLICATION

In light of the above, the following land use applications are being proposed in terms of the Cape Town Municipal Planning By-Law, 2015 as amended;

- **Rezoning** from Residential 2 to Local Business 2 to allow for the sale of alcohol ito section 42(a) of the Municipal Planning By-Law, 2015 as amended.
- **Consent use** in terms of the DMS, within the LB2 zoning to allow for the sale of alcohol ito section 42(i) of the Municipal Planning By-Law, 2015 as amended.
- **Permanent Departure** from the prescribed coverage to allow for 88% in lieu of 75% ito section 42(b) of the Municipal Planning By-Law, 2015 as amended.
- **Permanent Departure** to allow for a reduced parking ratio, from 1 bay to 0 bays ito section 42(b) of the Municipal Planning By-Law, 2015 as amended.
- **Permanent Departure** to allow for the relaxation of the street centreline setback from 8m to 5m ito section 42(b) of the Municipal Planning By-Law, 2015 as amended.
- **Permanent Departure** in terms of item 141(1)(b) to allow for vehicles to reverse across the sidewalk, in terms of section 42(b) of the Municipal Planning By-Law, 2015 as amended.

The approval of the above land applications will allow for the current owner;

- To rectify an existing use for the sale of alcohol,
- To allow for the owner of the property to amend their liquor license for off-site consumption.

PLANNING CONTEXT

It is important to preface the below by indicating the following:

- The liquor license is valid, is up-to-date and has been in existence since 2010.
- The intention of this application is to amend the liquor license from on-site consumption, to on-site sales only.
- The existing residential structure will not be affected, and will continue to exist on the subject property.

In terms of floor factor:

- The updated floor factor includes;
 - The existing residential structure,
 - Liquor store and storeroom,
 - The total floor factor comes to 229m² (0.95 FF), which is compliant with the prescribed floor factor of 1.

In terms of coverage:

- The updated coverage includes;
 - The existing residential structure,
 - Liquor store and storeroom,
 - The total footprint totals 210m², resulting in 88% coverage (75% prescribed under LB2) – hence the departure application

In terms of the on-site parking requirements:

- The site is located within a PT1 zone;
 - The existing dwelling structure requirement is 1 bay.
 - There are two tandem bays which serve the dwelling – which satisfies the aforementioned requirement
 - The requirement for the liquor store is calculated at 2 bays per 100m² GLA (shops – excluding supermarkets)
 - At 65m² GLA, the proposed parking requirement is 1 bay, hence the parking departure.

MOTIVATION ITO SECTION 99 OF THE MUNICIPAL BY-LAW, 2015 (AS AMENDED)

MPBL s99(1)(b)

The proposed land use applications comply with the municipal spatial development framework (MSDF, 2023) which identifies the property as part of the ‘urban inner core’ with desired spatial outcomes of:

“Intensification and diversification of land uses support city growth...” and

“Detailed local plans are developed for subdistrict areas in need of spatially targeted interventions through applicable DSDFs and LSDFs and development guidelines.” – see District Plan guidelines below.

The approval of these land use applications will continue to contribute to the above desired land use outcomes of the spatial planning category designated by the MSDF, through the rectification and continuation of the liquor store which will allow for an incremental intensification and diversification of uses on the subject property.

MPBL s99(1)(d)

There are no departures contemplated, relating to permitted floor space or height.

MPBL s99(2)(a) – Applicable spatial development framework

The proposed land use applications comply with the municipal spatial development framework (MSDF, 2023) which identifies the property as part of the 'urban inner core' with desired spatial outcomes of:

"Intensification and diversification of land uses support city growth..." and

"Detailed local plans are developed for subdistrict areas in need of spatially targeted interventions through applicable DSDFs and LSDFs and development guidelines." – see District Plan guidelines below.

The approval of these land use applications will continue to contribute to the above desired land use outcomes of the spatial planning category designated by the MSDF, through the rectification and change from the existing tavern to a liquor store - allowing for an incremental intensification and diversification of uses on the subject property.

The Khayelitsha/Mitchells Plain/Blue Downs District Plan (2023) identifies the subject property as 'Urban Development' within a 'Development Corridor.' The sub-district plan identifies the property as part of an existing area of 'Existing Urban Development,' along a 'Higher/Lower Order Development Route & Corridor' (Phakamani Road) – with a focus on "...the further intensification, optimisation and appropriate redevelopment of existing land uses and upgrading/maintenance of associated infrastructure.

The sub-district spatial development objectives include;

"Identify opportunities for the establishment and support of SMMEs."

"Reduction of unregulated/illegal liquor outlets to reduce the negative impact associated with alcohol use."

With supporting development guidelines encouraging:

"Application for legal taverns and shebeens should be considered along development corridors and other structuring routes. Where embedded in residential areas, careful consideration should be given to whether the use is appropriate, especially with impacts on surrounding uses (e.g. crèches and other education facilities, church etc.) as well as on-site considerations. Off-site liquor sales should be treated as house shops for strictly take-way and possible impact minimised e.g. operating times."

"Support and encourage spatial change that is visible through the small-scale end-result of investment. These investments are in the form of, conversion of the front of the house to business/shop, the upright extension onto first floors, intense interior arrangement to optimise income, conversion of entire dwelling for commercial use and encroachment outside property boundaries to provide business infrastructure where appropriate and safe for the pedestrian movement."

The existing tavern, although unauthorised as a use, has had a valid liquor license for the past 16 years. The surrounding community, and adjacent church has not and does not have any issues with these operations presently, and since inception in 2016. The proposed liquor store exists within a development corridor. The on-site layout allows for a clear access along the western portion of the property to the liquor store at the rear of the property, providing a clear separation of access between the residential and commercial uses on the property.

MPBL s99(2)(b) – Relevant criteria contemplated in the DMS

The proposed land use applications are made in line with the proposed LB2 zoning;

- The sale of alcohol is allowed as a consent use under the aforementioned base zoning,
- The coverage of LB2 is exceeded, hence the departure application.

The subject property's location within a PT1 zone requires 1 parking bays for the proposed alcohol store (currently tavern) (2 bays per 100m² GLA), hence the parking departure. We believe that all relevant criteria contemplated in the MPBL Development Management Scheme are complied with.

MPBL s99(2)(c) – Applicable policy approved by the City to guide decision-making

The proposed land use applications comply with the municipal spatial development framework (MSDF, 2023) which identifies the property as part of the 'urban inner core' with desired spatial outcomes of:

"Intensification and diversification of land uses support city growth..." and

"Detailed local plans are developed for subdistrict areas in need of spatially targeted interventions through applicable DSDFs and LSDFs and development guidelines." – see District Plan guidelines below.

The approval of these land use applications will continue to contribute to the above desired land use outcomes of the spatial planning category designated by the MSDF, through the rectification and change from the existing tavern to a liquor store - allowing for an incremental intensification and diversification of uses on the subject property.

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Transit Orientated Development Strategic Framework (Dated March 2016)

The stated vision of Transit Orientated Development in Cape Town is:

"To progressively move toward a compact, well connected, efficient, resilient urban form and movement system that is conducive to economic and social efficiency and equality"

whilst providing cost effective access and mobility, with the least possible negative impact on the environment.”

And one of the objectives of TOD is to:

“Maximise ‘locational efficiency’ so that people can walk, cycle and use public transport. This can be achieved through a comprehensive approach to land use density, mix and intensity, as well as a focus on prioritised public transport at a metro, corridor, nodal and precinct scale.”

The subject property’s location within a development corridor and a PT1 zone further encourages the incremental diversification and intensification of use on the subject property. The proposal allows the main use on the property to remain residential while continuing to provide an opportunity for small-scale business and employment opportunities within the community. The site is well integrated into the existing street network and existing service connections.

MPBL s99(2)(d) – Desirability of the proposed land use as per subsection 3

See s99(3) below.

MPBL s99(2)(e) – Impact on existing rights

Compliant: The approval of these land use applications will allow for a new base zoning, with consent to allow for the sale of alcohol, rectifies an unauthorised use and allows the owner to amend their existing liquor license to allow for on-site sales only. The liquor store is allowed under a consent use within the existing LB2 zoning, but requires a variety of departures – contemplated above.

MPBL s99(2)(f) – Application for consolidation

N/A: No application for consolidation is contemplated.

MPBL s99(2)(g) – Other considerations prescribed i.t.o. relevant national or provincial legislation

N/A: The proposed land use applications are not made in contradiction to and will not have any adverse impact on any national or provincial legislation.

MPBL s99(3)(a) – Socio-economic impact

The approval of these land use applications will allow for the rectification of an unauthorised use (tavern), which will be converted to a liquor store (on-site sales only). The existing tavern currently provides employment to five members of the immediate community and will continue to do so moving forward. The proposed liquor store aligns with the intended exploration and establishment of small-scale business in this community. The surrounding community will continue to enjoy access to this liquor store but will now be able to only purchase liquor on-site and consume in the comfort of their private residence. The increased intensity, particularly with the presence of the five employees, contributes to further security on-site and passive surveillance onto the street.

MPBL s99(3)(d) - Compatibility with surrounding uses

The approval of this land use application will not have an adverse impact on the surrounding land uses, but rather continue to add value to the surrounding community through this incremental diversification and intensification of use on the subject property.

The proposed liquor store will continue to allow for an incremental commercial use to the development corridor, but also the proposed local business zoning provides for *“low-intensity commercial and mixed-use development which serves local needs for convenience goods and personal services. Limitations are placed on the scale of such development so that it is capable of integration into the adjacent residential neighbourhood without adversely affecting the amenity of the neighbourhood.”*

MPBL s99(3)(e) - Impact on the external engineering services

The approval of these land use applications will have no adverse impact on the external engineering services. The relevant DCs will be determined to satisfy any engineering upgrades put forward by the relevant City department.

MPBL s99(3)(f) Impact on safety, health and wellbeing of the surrounding community

The approval of these land use applications will not have an adverse impact on the safety, health and wellbeing of the surrounding community but rather add value through passive surveillance onto the street, and increase internal safety on site through the presence of employees and intensifying the use with the liquor store activity on-site. This proposal will continue to provide incremental commercial opportunity through this small-scale business within the community.

MPBL s99(3)(g) - Impact on heritage

The approval of these land use applications will have no adverse impact on heritage, the site has no formal heritage classification and has no historical significance.

MPBL s99(3)(h) - Impact on the biophysical environment

The approval of this land use application will not have an adverse impact on the biophysical environment.

MPBL s99(3)(i) - Traffic impacts, parking, access and other transport related considerations

The approval of these land use applications will have no adverse impact on traffic, parking, access, and other transport related considerations. The subject property's location within a PT1 zone shows an integrated, adjacent area "*supporting public transport through enabling increased development intensity development viability, and lower private vehicle trip generation,*" and connections to the street network emphasizes the above statement. The required parking bay is 1 for the proposed liquor store (existing tavern), hence the departure application.

MPBL - s99(3)(j) Whether the imposition of conditions can mitigate an adverse impact of the proposed land use

As has been motivated above, sufficient information is provided for the approval application to be considered desirable, with no adverse impacts on the surrounding community but rather maintaining its current and adding potential future value.

CONCLUSION AND RECOMMENDATION

The approval of these land use applications aligns with the proposed land use outcomes described in both the Municipal Spatial Development Framework and District (and sub-district) plans. The proposed conversion of an existing tavern to liquor store, will allow for the amendment of the existing liquor license from on-site consumption to on-site sale only. The parking requirement is departed from, the site's location within a development corridor and PT1 zone encourages appropriate incremental development which is supported by the proposed local business zoning.

The proposal has been motivated appropriately in terms of the relevant policy and legal planning frameworks. We believe sufficient information has been provided in order to further process this LUMs application.

We appeal to you to consider our application favourably.

Yours truly,



Luke Williams Pr. Plan (A/2819/2019)

Annexures

Annexure A:	Updated LUM Application Form
Annexure B:	Updated Power of Attorney
Annexure C:	Copy of Title Deed
Annexure D:	SG Diagram
Annexure E:	Proposed Site Plan
Annexure F:	Liquor license
Annexure G:	Previously Approved Plans
Annexure H:	Additional Information letter

Figures

Figure 1:	Local Context
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