



CITY OF CAPE TOWN  
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STAD KAAPSTAD

## **Case ID 1500163130**

**Erf 1570, 63 London Way,  
Malibu Village, Blue Downs**

### **Development Management**

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**REZONING FROM RESIDENTIAL ZONE 1 (R1) TO Local Business  
Zone 2 (LB2) (S42(a))**

**AND**

**PERMANENT DEPARTURE (S42(b)) TO ALLOW FOR THE  
OPERATION OF HARDWARE RETAIL STORE AT ERF 1570, 63  
LONDON WAY, MALIBU VILLAGE, CAPE FLATS**

**MOTIVATION REPORT  
done by:**



## 1. INTRODUCTION

The property, Erf 1570, Blue Downs, situated at 63 London Way, Malibu Village, is currently zoned as Residential Zone 1 (R1).

The proposal involves the conversion and regularization of the existing double-storey residential structure to operate legally as a hardware retail outlet. To facilitate this transition and ensure the business operates within the legal framework of the City of Cape Town Municipal Planning By-Law (MPBL), the following applications are required:

1. In terms of Section 42(a) of the MPBL: Rezoning of the subject property from R1 to Local Business Zone 2 (LB2);
2. In terms of Section 42(b) of the MPBL: A departure from the required on-site parking provision, as the existing structure covers the majority of the site's developable area.
3. In terms of Section 42(b) of the MPBL: A departure from the standard access and circulation requirements is required to permit a second carriageway crossing, due to the site's frontage constraints and the need to accommodate safe and functional vehicular ingress and egress.
4. In terms of Section 42(b) of the MPBL: A departure from the standard coverage requirements is required to permit a coverage of 78% in lieu of the maximum 75% permitted, due to the site's unique spatial constraints and the necessity to optimize the building's footprint for a viable and functional internal layout.

This report provides the necessary technical motivation to demonstrate that the proposed business use is compatible with the surrounding context and serves a vital local community need.

## LOCATION

**Erf 1570** is located in the area known as Malibu Village in the Blue Downs suburb of Eerste River (Figure 1 below). Malibu Village is positioned in the eastern extent of the Metro South-East district and is nestled between Hindel Road (to the south), Eersterivier Way (to the west), and the Kuils River greenbelt (to the east). The property itself is situated on London Way, which serves as a key internal collector road for the immediate residential pocket.



Figure 1: ERF 1570 Locality Map

## SITE DETAILS

|                             |                                      |
|-----------------------------|--------------------------------------|
| <b>Property Number</b>      | 1570                                 |
| <b>Allotment Name</b>       | BLUE DOWNS ( S )                     |
| <b>ISIS Key</b>             | 502188                               |
| <b>Legal Status SG</b>      | Registered                           |
| <b>Zoning Description</b>   | Residential 1 : Conventional Housing |
| <b>Vested Type</b>          | No Vesting                           |
| <b>Addr No</b>              | 63                                   |
| <b>Address No Suffix</b>    |                                      |
| <b>Street Name</b>          | LONDON                               |
| <b>Street Name Type</b>     | Way                                  |
| <b>Official Suburb Name</b> | MALIBU VILLAGE                       |
| <b>Subcouncil Name</b>      | Subcouncil 14                        |
| <b>Ward Name</b>            | 17                                   |
| <b>SG26 Code</b>            | C0670024000015700000000000           |
| <b>Status</b>               | Official                             |
| <b>SHAPE.STArea()</b>       | 349,893136                           |

Table 1: Site Details

The surrounding area exhibits a diverse zoning character. While the immediate streetscape is primarily R1 and GR1 (General Residential 1), the presence of Local Business 2 (LB2) zoning at Erf 1579 and Public Open Space (OS2) at Erf 1527 establishes a precedent for non-residential activity in the immediate block. The proposed hardware retail use aligns with this emerging mix of local services, providing a necessary utility to the surrounding residential pocket (refer Figures 2 & 3 below).



Figure 2: Surrounding land uses

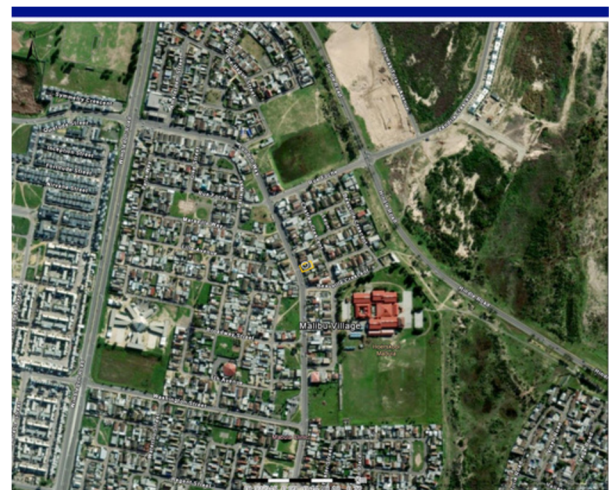


Figure 3: Surrounding land uses

The property fronts onto London Way, which serves as a key local collector for the surrounding residential units. The site's location is strategically advantageous for retail hardware use due to its proximity to Hindle Road, a major arterial link. This provides the property with direct connectivity to the broader Cape Town metropolitan area via the N2 and R300 national roads, ensuring efficient logistical access for supply chain deliveries and high regional accessibility for the consumer base.

## 2. THE DEVELOPMENT PROPOSAL

The proposal is to rezone the property from Residential Zone 1 (R1) to Local Business Zone 2 (LB2) to permit the operation of a hardware retail building. The LB2 zone provides for "Shop" as a primary use, which under the Development Management Scheme (DMS) definitions, encompasses the retail sale of hardware and related construction materials.

The proposed retail activities will be entirely contained within the existing shell of the dwelling house, utilizing the current footprint to minimize any impact on the streetscape or the character of the area. By retaining the existing structure, the proposal ensures a low-impact transition from residential to local business use.

The proposed internal layout and retail floor area are shown in Figure 4 below and attached hereto as Annexure III. It is noted that the hardware operation will focus purely on the retail trade of goods and will not include any heavy industrial manufacturing or high-impact workshop activities on the premises.

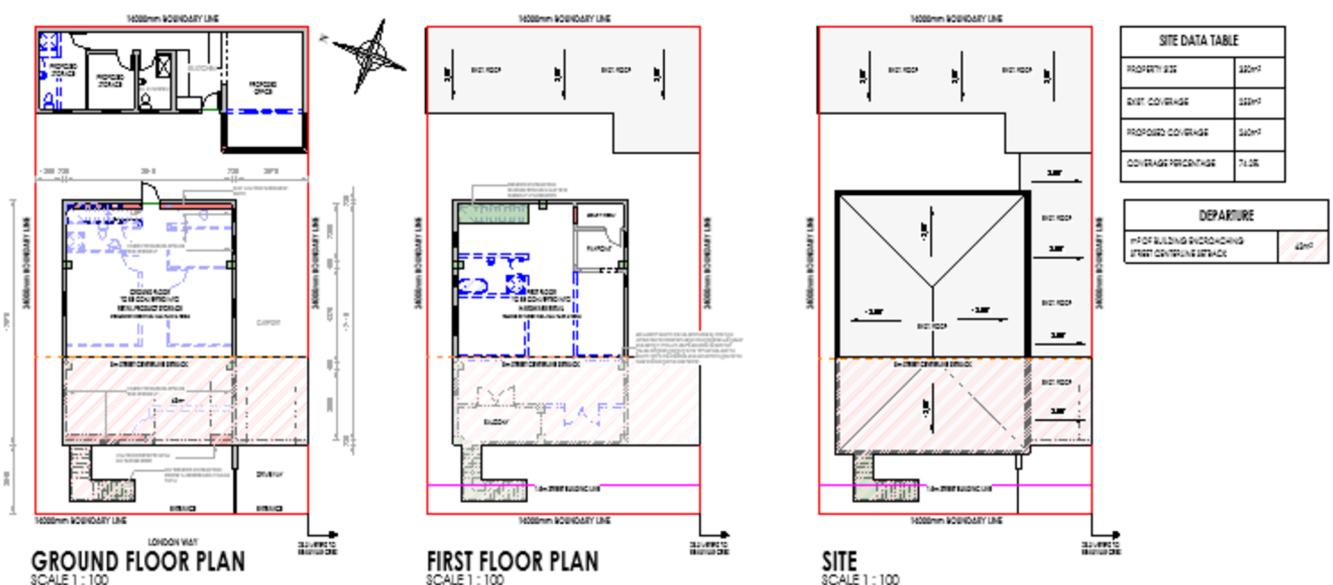


Figure 4: Proposed Hardware Store Layout

## ACCESS AND PARKING

Access to the site will continue to be off London Way via the existing approved access and carriageway crossing. A second carriageway crossing is proposed/required to improve vehicular circulation and operational efficiency, allowing for safer and more effective ingress and egress to the site, particularly during peak trading periods.

In terms of the Development Management Scheme (DMS), the parking requirement for a "Shop" (hardware retail) is generally calculated at 4 bays per 100sqm of GLA for standard areas. To satisfy this requirement, 3 formal parking bays are provided on-site. Furthermore, the property benefits from existing off-site parking located along London Way, which is provided and maintained by the local municipality.

This combination of dedicated on-site bays, the approved dual carriageway access arrangement, and available on-street parking ensures that the hardware retail operation will have sufficient capacity to accommodate customers without negatively impacting the surrounding residential traffic flow. The proximity of these bays to the entrance allows for convenient "stop-and-shop" access, which is characteristic of local neighborhood retail.

In evaluating the proposed parking bay departure against the nature of the goods sold (such as 20L paint containers, large boards, and related hardware items), the business utilizes a controlled, low-impact distribution model to ensure logistics do not cause traffic friction. Rather than relying on commercial third-party freight or heavy delivery trucks that disrupt local traffic, the property owner (client) personally assumes full responsibility for inventory logistics. All stock replenishment is executed exclusively using the owner's Hyundai H100 Light Motor Vehicle (LMV). The compact footprint and turning radius of this LMV align with standard light vehicle dimensions, allowing it to utilize the existing infrastructure seamlessly without impeding the public right-of-way or requiring a dedicated heavy-loading bay. Furthermore, these delivery activities are strictly scheduled during off-peak hours. This operational constraint guarantees that loading does not conflict with customer patterns, ensuring that the 3 formal on-site bays remain entirely unencumbered for day-to-day patrons and thoroughly justifying the departure within the local residential context.

### **3. POLICY & LEGAL FRAMEWORK**

#### **The City of Cape Town Municipal Spatial Development Framework (MSDF), 2023**

One of the key strategies of the Cape Town MSDF is to plan “for employment and improve access to economic opportunities”. The proposed hardware retail building will provide immediate employment opportunities within the neighborhood and contribute towards the sustainability of the local construction and maintenance sectors.

It also provides an environment within which the small business operator can flourish economically by serving a local catchment area. The proposal is therefore consistent with the MSDF in that it provides for the diversification and intensification of land use within a predominantly residential area, reducing the need for residents to travel long distances for essential building supplies. This alignment supports the City's vision of a more “compact and efficient” urban form.

#### **The Khayelitsha / Mitchells Plain District Plan, 2023**

Erf 1570 is located within the planning area of the Khayelitsha / Mitchells Plain District Plan (2023), situated in Sub-district 4 (Blue Downs / Eerste River). According to the District Spatial Development Framework (DSDF), the property is designated as an Urban Development area and falls within an Incremental Growth and Consolidation Area.

The District Plan for Sub-district 4 emphasizes the need for “supporting local economic development” and encourages the “diversification of land use” within established residential areas like Malibu Village. The conversion of the existing residential shell into a hardware retail building is directly aligned with these objectives. It facilitates incremental intensification and provides a necessary commercial service to the local community, thereby reducing the need for residents to travel to larger commercial nodes for basic building and maintenance supplies.

Consequently, the proposal to rezone to Local Business Zone 2 is consistent with the development guidelines and spatial vision set out in the 2023 District Plan (refer Figure 5: Sub-district 4 Spatial Development Plan).

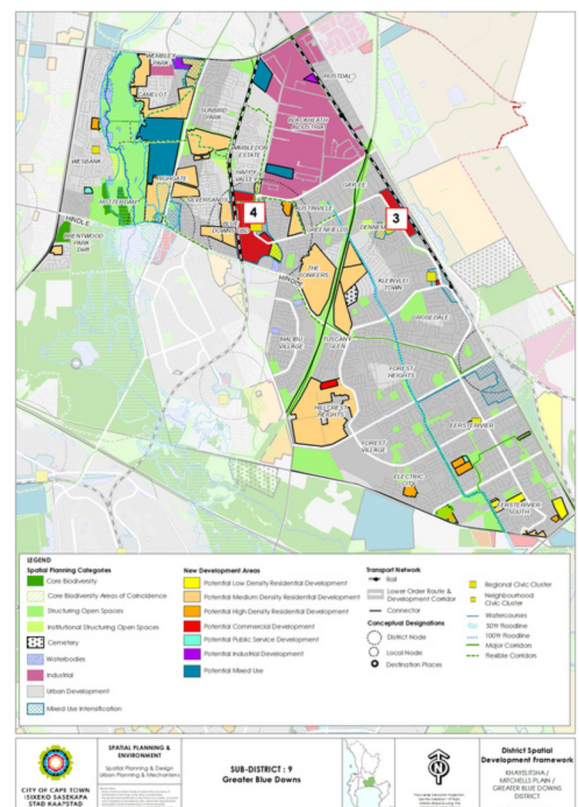


Figure 5: Sub-District 4

## **Inclusive Economic Growth Strategy (EGS), 2021**

The main goal of the Inclusive Economic Growth Development Strategy, 2021, is to promote economic growth and create job opportunities. The strategy focuses on developing urban environments that eliminate obstacles to economic opportunities, particularly for local residents and individuals with lower incomes.

Approving this application for a hardware retail building will not only increase the property's market value but also help integrate residents of Malibu Village into the local economy, providing them access to employment and essential building resources. Additionally, the proposal aligns with inclusive economic growth principles, which support local businesses by fostering a community of residents who can contribute to and sustain neighbourhood commerce. Moreover, by attracting more people to live, study, and work in the area, the development will stimulate local economic activity and investment, enhancing the area's future viability. The application is also expected to create job opportunities during the operation and future maintenance of the retail facility. Therefore, the proposal is consistent with and supports the strategy.

## **The Spatial Planning & Land Use Management Act, 2013 (SPLUMA)**

The proposed rezoning of 63 London Way from **Residential 1** to **Local Business Zone 2** is fundamentally aligned with the development principles of **Spatial Sustainability and Efficiency** as mandated by **SPLUMA (2013)**. By introducing a hardware retail facility into this specific corridor, the development effectively fills a "small but significant gap" in the local service economy, addressing a high demand for home improvement and maintenance supplies within the immediate residential catchment. This transition promotes a more **resilient spatial form** by reducing the need for long-distance travel to industrial hubs, thereby lowering the community's carbon footprint and enhancing local convenience. Furthermore, the application embodies the principle of Spatial Justice by fostering local economic redress and providing accessible employment opportunities. This flexible approach to land use management ensures that 63 London Way is optimized for its most productive use, providing essential "hardware and tenure" support to a growing neighborhood while maintaining a scale that is compatible with the surrounding urban fabric.

## **The Western Cape Land Use Planning Act, 2014 (LUPA)**

The proposed rezoning of 63 London Way from **Residential 1** to **Local Business Zone 2** is submitted in accordance with the **Western Cape Land Use Planning Act, 2014 (LUPA)**. This application specifically addresses the core requirement of "desirability" by providing a necessary retail hardware service in an area currently underserved by such facilities. By aligning with the applicable **Spatial Development Frameworks (SDFs)** and local structure plans, the proposal demonstrates a commitment to integrated and efficient land use within the Western Cape. The conversion from residential to local business is a desirable intervention that supports the province's goals of economic growth and functional diversity. Furthermore, this development remains consistent with the national principles of spatial sustainability and efficiency, ensuring that the hardware store provides a high-demand service that enhances the social and economic fabric of the immediate neighborhood without compromising the integrity of the surrounding urban environment.

## Section 99(3) Motivation for 63 London Way

The proposed rezoning to Local Business Zone 2 (LB2) is considered desirable based on the following considerations:

- **Economic & Social Impact:** The development promotes local entrepreneurship and job creation. It provides a "social good" by placing essential building and maintenance supplies within walking distance for the local community, reducing the cost and time of travel.
- **Compatibility with Surrounding Uses:** While the area is primarily residential, the Local Business Zone 2 is specifically designed to act as a buffer or a low-impact neighbor. The hardware store will operate during standard business hours, ensuring the quiet enjoyment of the area by neighbors during the evenings.
- **External Engineering Services:** The demand on water, electricity, and sewerage for a retail hardware store is comparable to a medium scale residential household, which consequently results in no additional burden on existing municipal service infrastructure.
- **Safety, Health, and Wellbeing:** By formalizing a business use on the property, the site will benefit from increased activity and "eyes on the street," which can improve neighborhood security. No hazardous chemicals will be stored on-site that would pose any health risks to the immediate vicinity.
- **Traffic, Parking, and Access:** The proposal includes on-site parking as per the Development Management Scheme (DMS) requirements to ensure that customers do not obstruct the public road or neighboring driveways.
- **Mitigation of Impacts:** Any potential noise or visual impact will be mitigated through the imposition of conditions, such as specific operating hours and high-quality landscaping/fencing to maintain the streetscape's proposed aesthetic.

The application for 63 London Way is consistent with **Section 99(3) of the City of Cape Town Municipal Planning By-Law**. The proposal demonstrates significant **economic and social desirability** by providing a localized hardware service that addresses a gap in the current market. The development is **compatible with the surrounding residential fabric**, utilizing the LB2 Zoning to ensure a low-impact transition that respects the health and wellbeing of the community. In terms of traffic and **engineering services**, the impact is minimal and can be further mitigated through standard conditions of approval. Aligned with both **LUPA** and **SPLUMA**, this rezoning represents a sustainable, efficient, and highly desirable use of land that supports the local economy while maintaining the spatial integrity of the neighborhood.

#### **4. APPLICATION TO REZONE FROM RESIDENTIAL ZONE 1 (R1) TO LOCAL BUSINESS ZONE 2 (LB2) IN ORDER TO OPERATE A RETAIL HARDWARE FACILITY**

The application for the rezoning of **63 London Way** from R1 to LB2 is necessitated by the requirements of the **Development Management Scheme (DMS)**. The DMS does not provide for the proposed use of retail hardware services on properties zoned R1, neither as a primary use, additional use, or consent use. The owner, therefore, has two options in terms of the **Municipal Planning By-Law (MPBL)**: an application for a temporary land use departure or a rezoning to LB2 where the retail use is permitted as a primary use right.

The owner has opted for the rezoning application as they are committed to providing a long-term, essential retail service to the community in which the property is located. By choosing a permanent rezoning to LB2 rather than a temporary departure, the owner ensures a sustainable investment that aligns with the SPLUMA principles of spatial resilience and efficiency.

The proposed hardware facility will fill a "small but significant gap" in the supply of construction and home maintenance services in an area where there is currently high demand. This localized economic intervention supports the **LUPA (2014)** requirement for desirability by reducing travel distances for residents and fostering local entrepreneurship. Should the rezoning of 63 London Way to MU1 be approved, the owner is fully aware that this provides for a more extensive basket of rights than is currently allowed under the property's R1 zoning.

| <b>ERF 1570, 63 LONDON WAY: ZONING PARAMETERS (R1 vs LB2)</b> |                     |                                                      |                                     |               |
|---------------------------------------------------------------|---------------------|------------------------------------------------------|-------------------------------------|---------------|
| DMS PARAMETER                                                 | R1 REQUIREMENT      | LB2 REQUIREMENT                                      | APPLIED TO SITE                     | DEP. REQUIRED |
| COVERAGE                                                      | 75%                 | 75%                                                  | Proposed 78%                        | Yes           |
| FLOOR FACTOR                                                  | N/A                 | 1                                                    | 1.0 (Existing)                      | No            |
| HEIGHT                                                        | 10m to top of roof  | 12m                                                  | 7m                                  | No            |
| STREET SETBACK                                                | 3.5m                | 8m Street Centerline                                 | 0                                   | No            |
| COMMON BUILDING LINE                                          | 0m for 12m, 3m rest | 0                                                    | N/A                                 | No            |
| PARKING                                                       | 2 bays per dwelling | 4bays per 100sqm (office)<br>3bays per 100sqm (shop) | 3 Bays Provided,<br>9 Bays Required | Yes           |
| BOUNDARY WALL                                                 | Max 2m              | Max 2m                                               | Existing wall 1.8m                  | No            |

## **5. APPLICATION FOR DEPARTURE FROM THE PROVISIONS OF THE DEVELOPMENT MANAGEMENT SCHEME IN RESPECT OF COMMON & STREET BOUNDARY BUILDING LINES AND PARKING PROVISION**

As is evident from the Site Plan and the comparative analysis of rights, the following departure from the provisions of the DMS (Item 51(c)) is required for Erf 1570 to accommodate the transition from Single Residential 1 (SR1) to Local Business 2 (LB2):

Permanent departure from the provisions of Item 137 of the DMS to permit 3 off-street parking bays in lieu of the 4 bays required for the proposed retail hardware use.

The identified parking shortfall of a single bay is minor and directly mitigated by the hardware store's specific operational model. Unlike conventional retail outlets where customers collect heavy materials on-site, this establishment operates predominantly on a direct-delivery system managed entirely by the business owner. All building materials are dispatched to clients using the business's dedicated Hyundai H100 light commercial vehicle. Consequently, customer vehicle traffic and the associated demand for on-site collection parking are virtually non-existent. The 3 proposed on-site bays are more than sufficient to accommodate the H100 delivery vehicle and any minor administrative parking requirements, ensuring no overflow into the public road reserve and maintaining smooth traffic flow along London Way.

## **6. CRITERIA FOR DECIDING AN APPLICATION & MOTIVATION**

| CRITERIA FOR CONSIDERATION OF REZONING AND DEPARTURE APPLICATION |                                                                                                                                                                                           |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CRITERION                                                        | MOTIVATION                                                                                                                                                                                |
| Compliance / consistence with MSDP (s99(1)(b))                   | The proposed use of the property for a retail hardware facility is consistent with the MSDP and the relevant District Spatial Development Framework.                                      |
| Floor space and height departures (s99(1)(d))                    | No floor space or height departures are being applied for. The activity is contained within the existing shell of the dwelling.                                                           |
| Applicable spatial development framework (s99(2)(a))             | The proposed use is considered to be consistent with the relevant spatial development frameworks by promoting integrated land use.                                                        |
| Relevant criteria in the DMS (s99(2)(b))                         | The proposal is consistent with the DMS criteria. Applications for departures from common and street boundary building lines are, however, required to regularize the existing structure. |
| Applicable CoCT policy (s99(2)(c))                               | The proposed use is consistent with the relevant City of Cape Town policies, including the Economic Growth Strategy.                                                                      |
| Desirability as per s99(3) (s99(2)(d))                           | Refer to the detailed assessment below.                                                                                                                                                   |
| Impact on existing rights (s99(2)(e))                            | The proposed use will not, if approved, impact negatively on the existing rights of surrounding owners. No new construction or buildings are proposed.                                    |
| Consolidation (s99(2)(f))                                        | No consolidation proposed, therefore not applicable.                                                                                                                                      |
| SPLUMA and LUPA development principles (s99(2)(g))               | The proposed use is in line with SPLUMA and LUPA principles of efficiency, sustainability, and spatial justice.                                                                           |
| Compliance with requirements of the By-Law                       | The proposal complies with the requirements of the By-Law as the correct rezoning and departure applications are being made.                                                              |

### **Desirability s99(3)**

|                              |                                                                                                                                                                                    |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SOCIO-ECONOMIC IMPACT</b> | The proposed hardware store will be a social and economic benefit for residents in the surrounds as it provides essential maintenance supplies and local employment opportunities. |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                         |                                                                                                                                                                   |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>COMPATIBILITY WITH SURROUNDING USES</b>              | The proposed use is of low impact and serves the immediate residential catchment. The existing building remains unaltered and retains its residential appearance. |
| <b>IMPACT ON EXTERNAL ENGINEERING SERVICES</b>          | There will be no additional impact on external engineering services as the intensity of use remains comparable to a residential dwelling.                         |
| <b>IMPACT ON SAFETY, HEALTH AND WELL-BEING</b>          | The activity is a low-key operation. Formalizing the business use increases "eyes on the street," contributing to neighborhood security and wellbeing.            |
| <b>IMPACT ON HERITAGE</b>                               | No impact on heritage resources is anticipated. The property is not located within a Heritage Protection Overlay Zone (HPOZ).                                     |
| <b>IMPACT ON BIOPHYSICAL ENVIRONMENT</b>                | The site is already fully developed and no further development or removal of vegetation is proposed.                                                              |
| <b>TRAFFIC IMPACTS, PARKING, ACCESS &amp; TRANSPORT</b> | On-site parking (3 bays) is provided. Given the localized nature of the service, many customers are expected to arrive on foot, mitigating traffic impact.        |
| <b>CONDITIONS TO MITIGATE ADVERSE IMPACT</b>            | No adverse impacts are foreseen that will require any specific mitigating conditions to be imposed.                                                               |

## **7. CONCLUSION**

The applications submitted are for a change in use of Erf 1570 from a residential dwelling to a retail hardware facility. This change in use is considered to be minor in nature as the activity will be contained entirely within the existing shell of the building, ensuring that there is no significant impact on the existing rights of surrounding neighbors or the community at large. On the contrary, the proposed hardware store will provide a valuable and high-demand service to the local neighborhood. No additional building works are proposed.

For the reasons discussed in this report, the proposed change in use and related applications are therefore considered desirable as per the criteria set out in Section 99(3) of the City of Cape Town Municipal Planning By-Law, 2015 (as amended), as well as the development principles of SPLUMA and LUPA. The proposal aligns with the principles of spatial justice and efficiency by repurposing an existing structure to serve the immediate needs of the community without necessitating expansive new infrastructure or altering the physical character of the streetscape.

Application is hereby made for:

- **Rezoning of Erf 1570** from Residential Zone 1 (R1) to Local Business Zone 2 in terms of Section 42(a) of the MPBL. This rezoning is essential to regularize the commercial activity on-site and is consistent with the commercial nature of the surrounding area, facilitating local economic opportunities.
- **Permanent departure** from the provisions of Item 137 of the DMS to permit **three (3) off-street parking bays** in lieu of the four (4) required for the proposed retail use. This departure is justified given the localized nature of the service, which encourages pedestrian access from the immediate neighborhood, thereby reducing the anticipated demand for on-site vehicular parking.