

**APPLICATION FOR DEPARTURES AND CONSENT:
ERF 5976 KOMMETJIE**

12 December 2025

headland

town planners

The logo graphic for Headland town planners features a blue, stylized shape that resembles a curved path or a drop, extending from the bottom of the 'headland' text and curving downwards and to the right.

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SUPPORTING DOCUMENTS UPLOADED ONTO D.A.M.S.

- Power of attorney
- Title deeds and CIPC documents
- Property diagram
- Proposed Departures Plan (sketch plans)
- Existing Approval
- Building plan refusal letter
- Completed Land Use Application Form

1. INTRODUCTION

This application is in response to a building plan application comment (refusal) under case ID 1700594800 dated 13 August 2025, in which two departures are identified pertaining to the building plan. The rights on the site itself emanate from a 2017 approval, which is entrenched due to the residential development on (now) erf 5737 called “Village Lane”, which forms part of the original subdivision and Subdivisional Area Overlay Zone.

The site has retail rights for 1400m² of GLA. The building plan was submitted for 1340m² of GLA, and there are actually 4 departures applicable: two for building work within the 5m proclaimed main road, one for parking within 10m of the street boundary and one for a carriage way crossing.

Note that the required departures relate to buildings within 5m of Kommetjie Main Road and parking within 10m of the street boundary. Both these were always foreseen in the 2017 approval, but have lapsed in 2022 as departures are only entrenched once a building is constructed. In addition, The existing approval contains departures that have lapsed. Due to the development rules now described differently in the Development Management Scheme, in contrast to the previous Divisional Council parameters, the new departures are slightly different, but essentially provide for a very similar parking arrangement. Note that the existing approval did not give rise to a departure from the 5m PMR building line, therefore this is a new element.

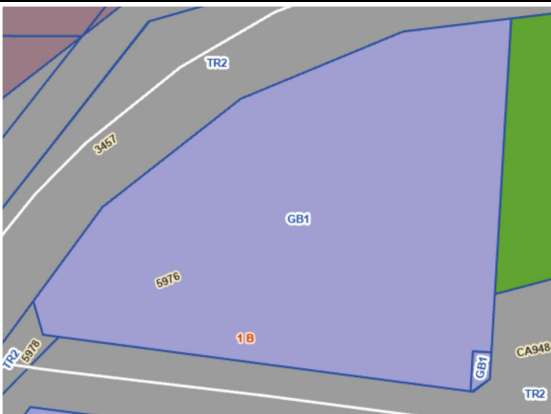
2. APPLICATIONS

The following applications are required in terms of the City of Cape Town Municipal Planning By-law (2025):

- **permanent departure applications** in terms of **section 42 (b)** for:
 - Section 140(2)(c) Carriageway crossing 12.53m in lieu of 8m (for delivery truck)
 - Section 121(2) building work within 5m of a designated metropolitan road (Kommetjie Main Road) for pergola 4.2m in lieu of 5m and timber deck 0m in lieu of 5m.
- **Consent application** in terms of **section 42 (i)** for:
 - Section 60(k) parking within 10m of a street boundary – for Teubes and Kommetjie Main Roads

3. PROPERTY DETAIL AND CONTEXT

| | |
|-------------------------|------------------------------|
| Applicant | Headland Planners (Pty) Ltd |
| Property Number | Remainder Erf 5976 Kommetjie |
| Street Address | 1B Teubes Road, Kommetjie |
| Property diagram | 163/2018 |
| Extent | 5444m ² |
| Servitudes | No |
| Registered Owner | Banjopex (Pty) Ltd |



Current Zoning: General Business 1 (GB1)

| | |
|---|--|
| Title Deed Number | T22975/2019 |
| Title Deed Conditions | None : as confirmed during the original application that gave rise to the (lapsed) departures. |
| Current Land Use | Vacant |
| Any unauthorised land use/ building work | No |
| Previous approvals granted | <p>Yes: Case 70074487, 4-12-2017 (rezoning, subdivision, departures) – still valid due to SAOZ and subdivision having been acted on (it included the “Village Lane” on erf 5737 residential portion and the open space in between it and this GB1 site) – 1400m² of GLA approved.</p> |
| | Case 70615837, 12 August 2022 – exemption from MPBL for substation site (erf 6235) |

| | |
|-------------------------------|------|
| | |
| Subject to NEMA | No |
| Subject to SAHRA/ PHRA | No |
| Overlay Zones | None |

4. MOTIVATION AND DESIRABILITY

4.1. Compliance with any applicable municipal spatial development framework (MPBL, section 99 (1)(b))

4.1.1. Municipal Spatial Development Framework (MSDF), 2023

The property is self-evidently compliant with the MSDF, because the land use rights are entrenched and this application is for detail site design level interventions that are too fine grained to feature on a MSDF plan level.

4.2. Development rules of the next subzone Section 99(1)(d)

This section does not apply as there are no height nor floor space departures.

4.3. Compliance with any applicable spatial development framework (MPBL section 99(2)(a))

4.3.1. Southern District Plan (2023)

The property is self-evidently compliant with the district plan, because the land use rights are entrenched and this application is for detail site design level interventions that are too fine grained to feature on a district plan level.

4.4. Compliance with relevant criteria contemplated in the development management scheme (MPBL section 99(2)(b))

The proposed retail precinct requires departures as identified in the table below, and motivated for under paragraph 4.4.1.

| Parameter | GB1 | |
|-------------------------|-------------------------------------|-------------------------------|
| | Limitation | Provided |
| Max. floor space | Per the approval 1400m ² | Complies - 1340m ² |
| Coverage | 100% | 28% |

| | | |
|--|---|---|
| Max. height above EGL to top of building | 12.5m | Complies - single storey, and not much higher than ~ 7m above EGL |
| Street boundary | 0m except for 5m along PMR (KMR) | Departure: 4.2m for pergola and wooden walkway, and 0m for timber deck |
| Common boundary | 0m | n/a |
| Sec 138 Parking (standard zone) | Max ratio used: 4/100m ² ; 1340/25= ~54 bays required | Complies 63 bays |
| Sec 140(1)(b) – site access | 10m from street intersection | Complies, at least 35m from KMR, and more than 13.2m from unnamed, unnamed road at east |
| Sec 140(2)(c) – carriage way crossing | 2.4 – 8m | Complies for customer parking – 7.5m Departure: for delivery access 12.53m |
| Sec 142(2) – physically disabled accessible parking | 51-100 parking bays: 2 bays | Complies: 3 provided |
| Sec 144 - loading | Supermarket 501-1000m ² Floor space: 2 bays 842m ² therefore 2 bays Business premises 0-1000m ² Floor space: 0 bays (actual floor space = 533m ²) | Complies: Supermarket: one delivery area, which measures ca 6 x 25m, double the requirement in the DMS (2.5 x 12m) Business premises: zero required. |
| 60(k) | Parking within 10m of street | Consent: 31 bays are affected |

4.4.1. Motivation for Departures

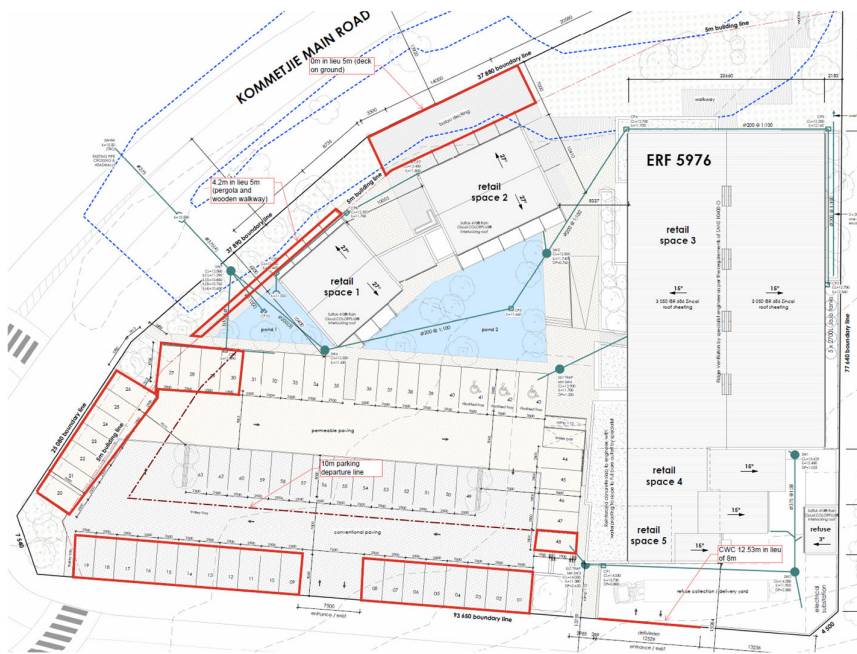


Figure 1: Key Plan: extract from departures plan

- **5m building line setback departures along Kommetjie Main Road:**

The timber deck is on the ground, behind the boundary wall; the pergola sticks over by 80cm, and is a single storey element; the wooden walkway sticks over by 80cm and is on the ground. None of these elements have an impact, visually or otherwise.

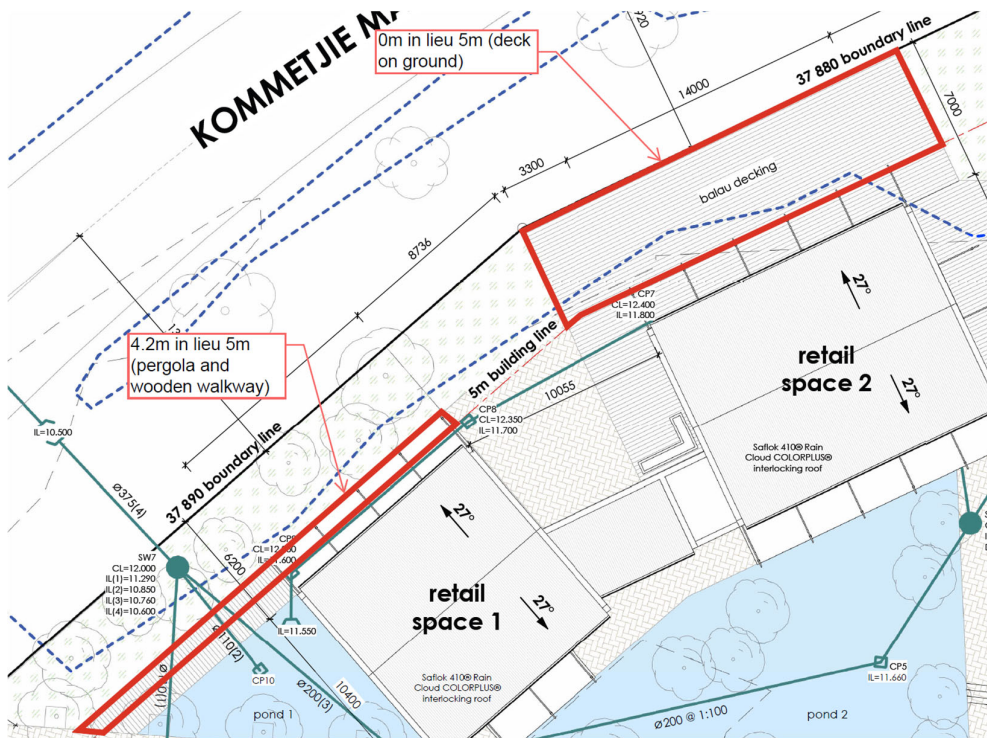


Figure 2: 5m PMR building line departures

- **Carriage Way Crossing departure:**

The departure permits the parallel movement of delivery trucks. It has no impact on surrounding properties, as the occasional reversing of delivery trucks into the site, is balanced with driving out in forward gear. The centre is quite small therefore delivery frequency will be manageable. And the loading access is downstream from the main traffic flow into the customer parking area, therefore there are minimal disruptions.

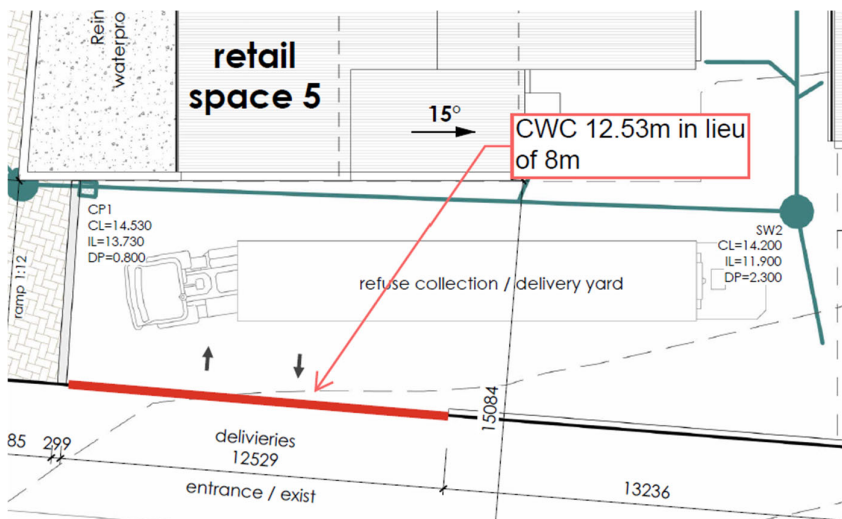


Figure 3: CWC departure

- **Parking bay Consent within 10m of street boundary:**

31 Bays require this consent (see figure 4). They do not impede ease of pedestrian flow into the site, as is evidenced by the pedestrian crossing from the west; that continuity of pedestrian flow is accommodated via a walk way past bays 27 to 43. The row of parking along the southern boundary was previously accepted (see figure 5), although at the point of that application, there was no provision for such a departure.

The point is that the commercial rights are severely limited in extent on this property, and the proposed clustering of the small; space of available buildings to the north keeps a large parking plate out of sight from the vantage point of the far more scenic road, Kommetjie Main Road, as entrance to the heart of the village node. And it creates a coherent space between the buildings themselves, which otherwise would appear “pulled apart” if there were a central parking plate. In addition, the buffer of a wetland prevents buildings shifting further northwards. Lastly, double fronted retail space does not work commercially, therefore a commercial building along Teubes Road would be unfeasible to begin with.

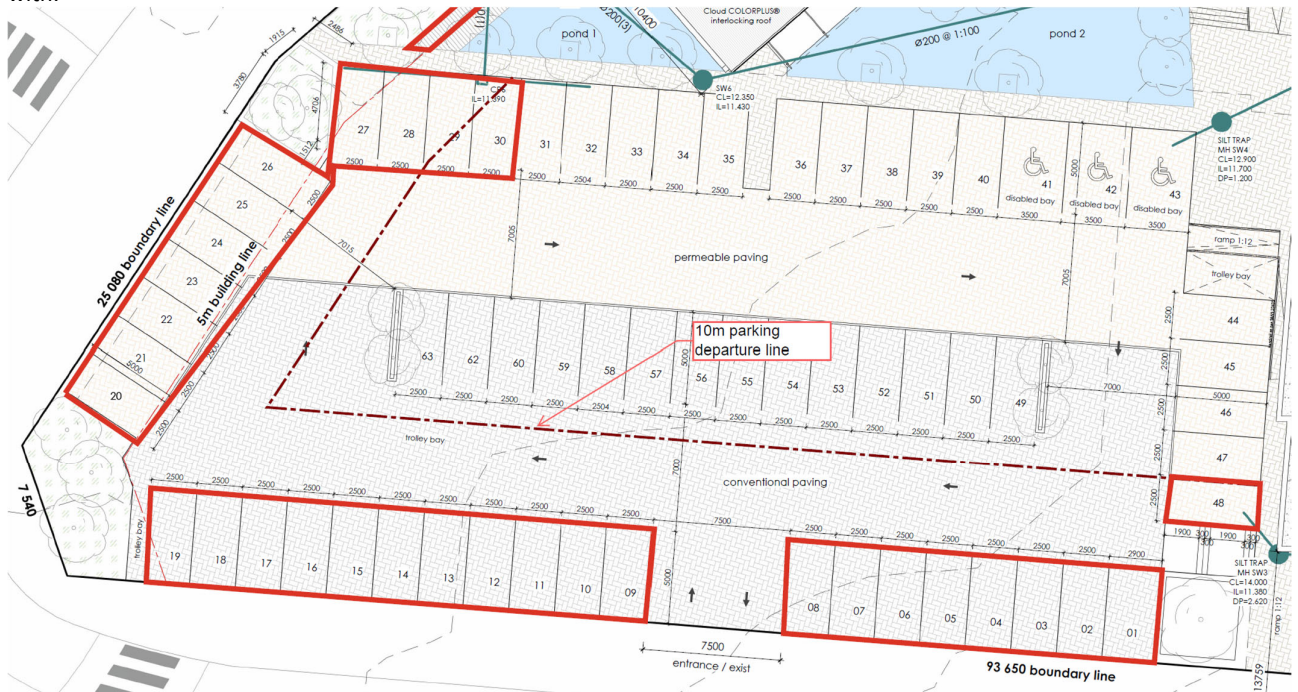


Figure 4: Parking departures

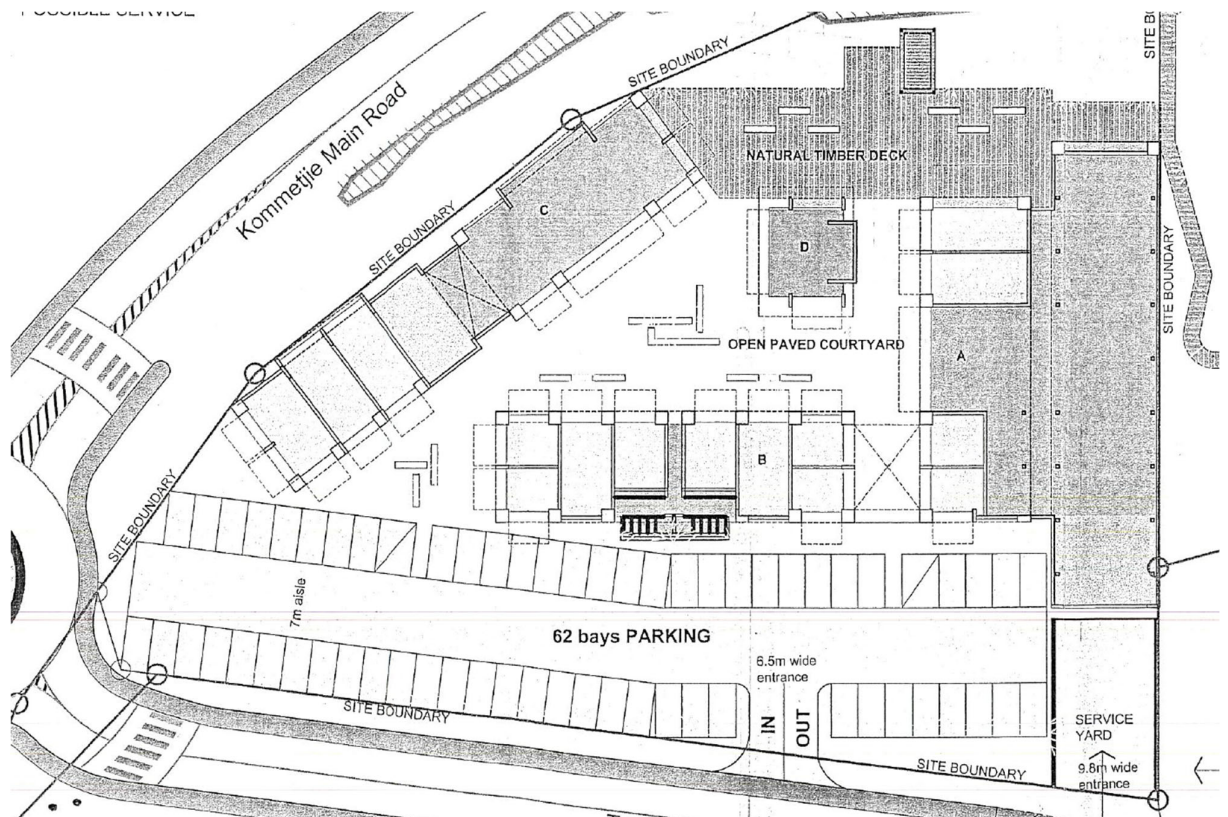


Figure 5: Plan resulting in the 2017 approval, showing parking along Teubes and Kommetjie Main Road

4.5. Compliance with any applicable policy approved by the City to guide land-use decision making (MPBL section 99(2)(c))

Not applicable.

4.6. Impact on Existing Rights (MPBL section 99(2)(e))

The impact of the street building line departure is of no consequence in terms of existing rights. The parking departure similarly has no impact, and neither does the carriage way crossing.

5.7 Other considerations prescribed in relevant national or provincial legislation, including the development principles as contained in section 7 of SPLUMA (MPBL section 9(2)(g))

5.7.1 Other considerations prescribed in relevant national or provincial legislation

None

5.7.2 Compliance with Development Principles in Spatial Planning Land Use Management Act (SPLUMA) and the Western Cape Land Use Planning Act (LUPA)

Given the small scale of the proposal, the proposal is not inconsistent with Section 7 of SPLUMA .

5.8 Evaluation of Desirability (MPBL section 99(3))

Socio-economic impact (99 (3) (a)): There is a positive socio-economic impact as this approval will enable the commencement of construction, which boosts the local economy in terms of job creation and employment during operation. It also is an efficient use of land that has stood vacant with rights for the last 8 years.

Compatibility with surrounding land uses (99 (3) (d)): This does not apply, as the land use rights are already in place, and the departures are details of an implementation phase, not a compatibility issue.

Impact on external engineering services (99 (3) (e)): None, the rights are already in place, and the departures do not affect services.

Impact on safety, health and wellbeing of the surrounding community (99 (3) (f)): There approval will result in a long standing vacant piece of land being developed, and the community having certainty as to the future beneficial use of the property. The site is part of the local Kommetjie node.

Impact on heritage (99 (3) (g)): None.

Impact on biophysical environment (99 (3) (h)): None, the site's environmental characteristics and constraints has been aired and resolved at the original rezoning stage, and the required buffers from the wetland taken into account in the design response.

Traffic impacts, parking, access and other transport related considerations (99 (3) (i)): There building line departures do not create much in terms of building in the 5m space, therefore that is not a concern. The parking bay consent is related to an urban design function, not to a parking ratio. The circulation within the parking area is a rational one-way system. Pedestrians are catered for on the established side-walk space. The carriage way crossing makes for an appropriate functioning of the loading area, which simply needs to be managed from a reversing point of view; truck will reverse into the yard, and drive out in forward gear.

(99(3)(j)) Imposition of Mitigating Conditions: None.

6. CONCLUSION

This application will enable the approval of a building plan and the construction of the retail centre which has been in abeyance for 8 years. The departures have limited impact, if at all any.