

APPENDIX E21 & M – PROOF OF ZONING AND ASSOCIATED LAND USE RIGHTS

Pre-Application Draft Basic Assessment Report

**Basic Assessment for Mixed-Use Development on Project
Parcels O, P, A1, And A2 on Erven 158570 RE, 149294 RE,
177854 and 179076, Breakwater Precinct, V&A Waterfront,
Cape Town by the V&A Waterfront**

2026

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21 January 2026

CASE ID: 1500109534

**FOR ATTENTION:
APPLICANT AND OBJECTORS**

FINAL NOTIFICATION LETTER

Dear Sir / Madam

APPLICATION FOR REZONING AND PERMANENT DEPARTURE IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): MULTIPLE ERVEN (INCLUDING REMAINDER ERF 149294 CAPE TOWN), VICTORIA & ALFRED WATERFRONT, CAPE TOWN

My previous correspondence dated 1 December 2025, and 16 January 2026 refers.

I wish to advise that the appeal process has now been concluded and that the decision as per the City's previous letter of approval is therefore now considered final. Accordingly, the decision may now be acted upon, subject to compliance with the conditions detailed in the letter dated 16 January 2026.

Note that in the case of a rezoning, consent use or departure, the owner must notify the City in writing within the lapsing period or extended lapsing period that the land is being used in accordance with the approval, failing which the rezoning, consent use or departure is presumed to have lapsed.

Yours faithfully

Tim Florence
for **DIRECTOR : DEVELOPMENT MANAGEMENT**



CITY OF CAPE TOWN
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AMENDED DECISION LETTER

(the deletion of wording is struck through and new wording is underlined)

16 January 2026

CASE ID: 1500109534

FOR ATTENTION: APPLICANT AND OBJECTORS

Dear Sir / Madam

APPLICATION FOR REZONING AND PERMANENT DEPARTURE IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015 (MPBL): MULTIPLE ERVEN (INCLUDING REMAINDER ERF 149294 CAPE TOWN), VICTORIA & ALFRED WATERFRONT, CAPE TOWN

This letter is addressed to the applicant or to an objector in the case where there has been an objection to the above application.

The application with reference 1500109534 in the above regard, accepted on 25 August 2023, refers.

The Municipal Planning Tribunal (MPT) on 28 November 2025 **UNANIMOUSLY RESOLVED** that:

- a. The application for rezoning of various erven at the V&A Waterfront as set out in Annexure A **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015, subject to the conditions contained in Annexure A.
- b. The application for permanent departure from Item 64(a) of the DMS in respect of specific development parcels at the V&A Waterfront as set out in Annexure A **BE APPROVED** in terms of Section 98(b) of the Municipal Planning By-Law, 2015, subject to the conditions contained in Annexure A.
- c. The application for permanent departure from Item 64(c) of the DMS as set out in Annexure A **BE REFUSED** in terms of Section 98(c) of the Municipal Planning By-Law, 2015.

Kindly note, this rezoning approval will lapse within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 47(1) [see footnote] of the MPBL.

Kindly note, this permanent departure approval will lapse if not exercised within 5 years after the effective date of decision (as contemplated in section 105(2) [see footnote] of the MPBL), unless it complies with section 47(1) [see footnote] of the MPBL.

In the case of a rezoning, consent use or departure, the owner must notify the City in writing within the lapsing period or extended lapsing period that the land is being used in accordance with the approval, failing which the rezoning, consent use or departure is presumed to have lapsed.

Kindly also note where applicable, the above approval does not guarantee approval of any related building plan application in terms of the National Building Regulations and Building Standards Act, No 103 of 1977 and that building work may therefore only commence once such plans are formally passed.

Reasons for the above decision are set out in the **attached** extract of the minutes of the meeting concerned, dated 1 December 2025.

Should the reasons for the above decision not be contained in this notification you are advised in terms of section 104(2)(c) of the MPBL and section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

In terms of section 108(1) of the City of Cape Town Municipal Planning By-Law, 2015, you may appeal to the Appeal Authority against the above decision by giving written notice of the appeal and grounds of appeal and by completing and signing the prescribed form.

An appeal, including the written notice and the grounds of appeal (and not only the intention to appeal), must be lodged on the prescribed form (the form can be downloaded here: <http://www.capetown.gov.za/LandUseAppeals>) with the City Manager, c/o the Table Bay District Manager, at the following email address: appeals.tablebay@capetown.gov.za within **21 days of the date of notification of the decision**. If the appeal cannot be lodged by email it may be hand delivered to the Table Bay District **within 21 days of the date of notification of the decision**. Please arrange an appointment with the District hub prior to the closing date. See definition of notification date to be read together with the provisions of the Interpretation Act 1957 in footnote below to determine the closing date for submission. If this letter has been sent to you by registered mail, then it is your responsibility to establish the date stamped upon the receipt for registration issued by the post office when accepting this notice from the City of Cape Town. You will need to contact the post office and use the tracker number on the envelope for this purpose.

Failure to comply with the above requirements and provisions within section 108 of the MPBL will result in the appeal being ruled invalid.

Kindly note that the operation of the approval of this application is suspended and may therefore not be acted on until such time as the City gives notice that no appeal has been lodged and the decision is effective or the date that the appeal is decided by the appeal authority. If an appeal is lodged against a condition of approval the City may determine that the operation of the approval of the application is not suspended.

Yours faithfully

for **DIRECTOR : DEVELOPMENT MANAGEMENT**

ANNEXURE A

(Corrected on 16 January 2026 in accordance with Section 106 of the MPBL. The deletion of wording is struck through and new wording is underlined)

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means the following erven in the V&A Waterfront: RE/187; 188; 191; RE/9588; RE/149294; 150184; 150238; 150239; 150240; 154984; 158570; 158584; 158585; RE/167802; 173643; 173712; 173713; 173714; 173715; 173716; 173717; 173718; 176351; 176352; 176353; 177853; 177854; 177895; 178543; 179076; 179164; 179793; 180859

"By-law" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning By-law, 2015 (as amended)

"Item" refers to the relevant section in the Development Management Scheme

"EGL" means 'existing ground level' as defined in the Development Management Scheme

CASE ID: 1500109534

1. APPLICATIONS APPROVED IN TERMS OF SECTION 98 (b) OF THE BY-LAW

- 1.1. Section 42(a): **Rezoning** from Transport Zone 1 (TR1): "Development Zone" (the unique zoning established for the V&A Waterfront in 1993) and Transport Zone 1 (TR1) (as per the DMS) to Mixed Use Subzone 3 (MU3).