

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 October 2019  
(Also the agenda for the Mayoral Committee Meeting : 30 October 2019)**

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**2.  
ERVEN 370 AND 371, JIKELEZA STREET, ZWELIHLE, OVERSTRAND  
MUNICIPAL AREA: PROPOSED CONSOLIDATION, REZONING, CONSENT USE,  
DEPARTURE, DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT  
FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY,  
2010: MESSRS WRAP ON BEHALF OF SM STEMELE AND NP SKIZAZANA**

**370 & 371 HZW (2949)**

**H Olivier**

**(028) 313 8039**

**Hermanus Administration**

**3 October 2019**

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**1. Executive Summary**

An application has been received on 20 February 2019 from Messrs WRAP on behalf of SM Stemele and NP Skizazana on Erven 370 and 371, Zwelihle for the deviation in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Growth Management Strategy, 2010 (GMS) and Spatial Development Framework, 2006 (SDF) in order to change the reservation from residential land use to commercial land use.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Creation and maintenance of a safe and healthy environment  
Promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

Section 10 of the Overstrand By-Law on Municipal Land Use Planning, 2010  
Local Government: Municipal Systems Act 32 of 2000 (Act 32 of 2000)

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 October 2019  
(Also the agenda for the Mayoral Committee Meeting : 30 October 2019)**

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## **6. Background/Discussion/Evaluation/Conclusion**

### **Background**

An application has been received on 20 February 2019 from Messrs WRAP on behalf of SM Stemele and NP Skizazana in terms of the Overstrand Municipal Land Use Planning Bylaw, 2015 on Erven 370 and 371, Zwelihle for the following:

- Consolidation of Erven 370 and 371, Zwelihle in terms of Section 16(2)(e) to create a new erf measuring  $\pm 421\text{m}^2$ ;
- Rezoning in terms of Section 16(2)(a) of the new consolidated erf from Residential Zone I to Business Zone III;
- Consent use in terms of Section 16(2)(o) to establish a bottle store on the new consolidated erf;
- Departure in terms of Section 16(2)(b) in order to relax the 3m northern lateral building line to 2m to accommodate the bottle store and the 3m northern lateral and rear building lines to 0m to accommodate a proposed outside toilet;
- Deviation in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Growth Management Strategy, 2010 (GMS) and Spatial Development Framework, 2006 (SDF) in order to change the reservation from residential land use to commercial land use.

The application was considered by the Authorised Official under delegated authority since no objections were received, and on 19 September 2019 it was resolved as follows:

#### **“RESOLVED:**

1. *that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) to consolidate Erven 370 and 371, Zwelihle, **be approved** in terms of the provisions of Section 61 of the said By-Law;*
2. *that the application in terms of Section 16(2)(a) of the By-Law to rezone the consolidated erf (Erven 370 and 371, Zwelihle) from Residential Zone I to Business Zone III, **be approved** in terms of the provisions of Section 61 of the said By-Law;*

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 October 2019  
(Also the agenda for the Mayoral Committee Meeting : 30 October 2019)**

---

3. *that the application in terms of Section 16(2)(o) of the By-Law for a consent use to allow the operation of a bottle store on the above-mentioned consolidated erf (Erven 370 and 371, Zwelihle), **be approved** in terms of the provisions of Section 61 of the said By-Law;*
4. *that the application in terms of Section 16(2)(b) of the By-Law for a departure to relax the 3m northern lateral building line to 2m to accommodate the new bottle store, and to relax the 3m northern and rear building lines to 0m to accommodate new toilets, **be approved** in terms of the provisions of Section 61 of the said By-Law;*
5. *that the approvals in points 1. to 4. above be subject to the following conditions:*
  - (a) *that a new site development plan be submitted showing a refuse area, a disabled toilet on-site and amended parking layout to ensure compliance with Section 4.2 of SANS 10400 (no parking bay closer than 1,5m from the commercial building window), to the satisfaction of the Senior Manager: Town and Spatial Planning;*
  - (b) *that all the conditions in the Services Report (attached as Annexure D), be complied with;*
  - (c) *that building plans be submitted to the Building Department for approval;*
  - (d) *that commercial rates and tariffs as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;*
  - (e) *that the facility complies with Health and Safety legislation;*
  - (f) *that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;*
  - (g) *that a refuse area be provided and maintained to the satisfaction of the Manager: Waste Management, and*
  - (h) *that all the conditions of Telkom (attached as Annexure E), be complied with.*

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 October 2019  
(Also the agenda for the Mayoral Committee Meeting : 30 October 2019)**

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6. *that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.*

**RECOMMENDATION TO THE COUNCIL :**

*that the application in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2006 and the Overstrand Municipality Growth Management Strategy (2010), **be recommended for approval.***

The item that served before the Authorised Official (AO) is attached as Annexure A, while the decision letter to the applicant is attached as Annexure B.

This item serves to inform the Council regarding the application and the subsequent decision which was taken by the Authorised Official and to receive Council's decision in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2006 and the Overstrand Municipality Growth Management Strategy (2010).

**Evaluation**

The above-mentioned Land Use Planning application stems from the need for formal business areas in areas such as Zwelihle.

This need was also identified by the Municipality and over the last years a process was followed to identify potential areas with business potential in disadvantaged communities, to unlock economic opportunities.

A planning report served before Council on 28 August 2019 and the Business Corridors and Nodes for existing settlements in the Overstrand Municipal Area was approved (see Minutes of the Council Meeting held on 28 August 2019 and Plan attached as Annexure C). This also included the Zwelihle area.

This Business Corridor plans were approved to address some shortcomings in the SDF and GMS in order to create more opportunities in the disadvantaged communities and will be included into the SDF when amended.

In the above-mentioned report to Council dated 28 August 2019, the following paragraph sums up the aims of the approved Business Corridor Plans:

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 October 2019  
(Also the agenda for the Mayoral Committee Meeting : 30 October 2019)**

---

*“The proposed Business Corridor Plans and Nodes are aimed at promoting formal socio-economic facilities within previously disadvantaged communities in order to enrich the community and allow the respective community to live, play and work without having to travel for distances.”*

In terms of the planning report decision by the Authorized Official the Land Use Planning application was duly considered in terms of all criteria and was considered desirable.

With the approval of the Business Corridor Plan for the area of Zwelihle, Council also provided their support for the long term vision for Zwelihle, whereby the SDF and GMS will have to be amended accordingly. This deviation application will allow the applicant the opportunity to start the objectives identified in the Business Corridor Plans, and start acting on creating the economic opportunities so desperately needed in the Zwelihle community.

**Conclusion**

That the application be supported as per the recommendation below.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

None

**10. Annexures**

- Annexure A: Item served before the Authorised Official on 19 September 2019
- Annexure B: Decision letter dated 19 September 2019
- Annexure C: Planning Report and Council Minutes dated 28 August 2019 (Corridor Plan approval and Plan)

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
22 October 2019  
(Also the agenda for the Mayoral Committee Meeting : 30 October 2019)**

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**RECOMMENDATION TO THE COUNCIL :**

that the application in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as well as the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2006 and the Overstrand Municipality Growth Management Strategy (2010) in order to change the reservation on Erven 370 & 371, Zwelihle from residential land use to commercial land use, **be approved.**

**RESPONSIBLE OFFICIAL:**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION:**

**13 NOVEMBER 2019**

**TARGET DATE TO INFORM APPLICANT:**

**13 NOVEMBER 2019**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
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**2.**

**ERVEN 370 AND 371, JIKELEZA STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE, DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP ON BEHALF OF SM STEMELE AND NP SKIZAZANA**

**370 & 371 HZW (2949)**

**H Olivier**

**(028) 313 8039**

**Hermanus Administration**

**3 October 2019**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 22 OCTOBER 2019, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL :**

that the application in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as well as the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2006 and the Overstrand Municipality Growth Management Strategy (2010) in order to change the reservation on Erven 370 & 371, Zwelihle from residential land use to commercial land use, **be approved.**

**RESPONSIBLE OFFICIAL:**

**H OLIVIER**

**TARGET DATE FOR IMPLEMENTATION:**

**13 NOVEMBER 2019**

**TARGET DATE TO INFORM APPLICANT:**

**13 NOVEMBER 2019**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

Annexure A 1/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**ERVEN 370 AND 371, JIKELEZA STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE, DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP ON BEHALF OF SM STEMELE AND NP SKIZAZANA**

**370 & 371 HZW (2949)**  
**H Olivier**  
**11 September 2019**

**(028) 313 8900**

**Hermanus Administration**

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**1. EXECUTIVE SUMMARY**

An application has been received on 20 February 2019 from Messrs WRAP on behalf of SN Stimele and NP Skizazana in terms of the Overstrand Municipal Land Use Planning Bylaw, 2015 on Erven 370 and 371, Zwelihle for the following:

- Consolidation of Erven 370 and 371, Zwelihle in terms of Section 16(2)(e) to create a new erf measuring  $\pm 421\text{m}^2$ ;
- Rezoning in terms of Section 16(2)(a) of the new consolidated erf from Residential Zone I to Business Zone III;
- Consent use in terms of Section 16(2)(o) to establish a bottle store on the new consolidated erf;
- Departure in terms of Section 16(2)(b) in order to relax the 3m northern lateral building line to 2m to accommodate the bottle store and the 3m northern lateral and rear building lines to 0m to accommodate a proposed outside toilet;
- Deviation in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Growth Management Strategy, 2010 (GMS) and Spatial Development Framework, 2006 (SDF) in order to change the reservation from residential land use to commercial land use.

The Locality Plan of the property concerned is attached as Annexure A, the Motivation Report from the applicant in support of the application is attached as Annexure B and the Development Plan is attached as Annexure C.

**2. DECISION AUTHORITY**

Authorised Official

**3. BACKGROUND / SITE HISTORY**

Erven 370 and 371, Zwelihle are zoned Residential Zone I and are developed with some buildings and structures used for residential purposes.

The applicants have applied to rezone these sites to be utilized as a bottle store, as it is situated in an area identified as a commercial corridor.

2/42

## LAND USE PLANNING REPORT

### Authorised Official

#### 4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation can be summarized as follows:

- The consolidation is to ensure there is practical parking on the premises, and also for potential growth.
- The rezoning and consent use are to enable the applicant to sell alcoholic beverages for consumption off the property.
- The building line departures are firstly to allow the owner to utilize the one (1) existing dwelling to be utilized as bottle store over a building line, and also to accommodate new outside toilets.
- The original shop will only be 40m<sup>2</sup> in extent.
- Only three (3) on-site parking bays need to be provided, which can be provided.
- No new municipal services are required for the development.
- Access to the site can easily be obtained from Jikeleza Street.
- The proposal will ensure capital investment and have a positive economic impact creating employment.
- There are already commercial activities and some taverns in the area.
- The additional people using the facility would ensure better surveillance in Zwelihle.
- The deviation of the SDF and GMS can be supported as the proposals are in line with the Hermanus Zwelihle Commercial Node Policy that is under consideration by Council.
- The proposal is in line with the planning principles of spatial justice, in that it would combat the historic apartheid spatial development trend which only designated Zwelihle to exclusively function as a residential area and with nearly no erven for commercial purposes for local entrepreneurs to flourish.
- It is in line with the planning principle of spatial sustainability as the proposal will promote a complementary land use mix within a predominantly commercial corridor which would allow for a functional space economy to flourish in Zwelihle.
- It is in line with the planning principle of efficiency as existing services, space, energy and infrastructure will be used.
- It is in line with the planning principle of spatial resilience as contained in the Hermanus Zwelihle Commercial Node Plan.
- It is in line with the planning principle of good administration as the Municipality utilized a consultative planning with a good public participation process for the application.

#### 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	30 April 2019	7 June 2019
Ward councillor	Yes	30 April 2019	7 June 2019
Advertisement	Yes	1 May 2019	7 June 2019
Total letters of objection	None		
Was public participation undertaken in accordance with Section 46 – 50 of the By-Law on Municipal Land Use Planning?			Yes

3/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

Was the application processed correctly?	Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?	Yes

**6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

Name	Date received	Summary of comments	Recommendation
Building Department	07/05/2019	Supported subject to the submission of building plans in compliance with SANS 10400. Disabled toilet to be installed.	Positive
Services Report	28/08/2019	Annexure D.	Positive
Telkom	6/06/2019	Annexure E.	Positive
Eskom	3/05/2019	Annexure F.	Positive
District Health	11/07/2019	Approval recommended.	Positive
Waste Management	10/05/2019	No objection, the site just needs to provide for the provision of refuse storage in terms of Part U of SANS 10400 of the National Building Regulations.	Positive
Fire Services	16/09/2019	Annexure G.	Positive

**7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION**

No objections were received.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

Not applicable.

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

Not applicable.

4/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

**10.1 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

It can be considered that the planning principles are adhered to as follows:

Spatial Justice

The proposed liquor store will provide a previously disadvantaged community the opportunity to not only open their own business, but also provide a facility to a disadvantaged community within in their community.

Spatial Sustainability

The application will ensure that a business will be created that will comply with legislation such as health, fire and safety, and create a safe shopping environment in an area where such type of facilities does not exist. It will help to start forming a formal commercial area, which Zwelihle need to create economic opportunities.

Spatial Efficiency

This area of Zwelihle is fully serviced and with a good road infrastructure. The relevant sites are also close to the centrally situated Zwelihle Taxi Rank that will make the facility very accessible to the larger Zwelihle community.

Spatial resilience

As indicated under spatial sustainability this application is one of the first applications towards a more formalized business area. It would help to create economic opportunity and will help the community in Zwelihle to create economic opportunities within the community itself for the community, which would help with resilience to adapt to changing circumstances.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

**10.2 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as 10.1 above.

**10.3 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

In terms of the SDF and GMS Erven 370 and 371, Zwelihle is reserved for residential purposes.

This application includes an application to deviate from this policy plans to allow the properties to be used for business purposes.

The need to create an area where residents can operate businesses was identified a couple of years ago, and the Zwelihle Business Corridor Plan was

5/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

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prepared to identify areas in Zwelihle where business use should be promoted and established. Jikeleza Street was identified as one of these corridors where business development should be considered. The Zwelihle Corridor Plan was part of a Business Corridor and Nodes Plan which was approved by Council on 28 August 2019, and therefore this application is in line with the newly approved Council Policy regarding business development in Zwelihle. (See Annexure H.)

**10.4 (In)consistency with guidelines prepared by the Provincial Minister**

Not applicable.

**10.5 Impact on Municipal engineering services**

The existing erven are already serviced, and therefore no new services will be required.

**10.6 Outcomes of investigations/applications i.t.o other legislation**

The applicant indicated and sufficiently motivated that the application adheres to Provincial Policy which encourages innovation and high productivity, enhancement of local connectivity and the provision of multiple opportunities.

**10.7 Existing and proposed zoning comparisons and considerations**

At this stage there are a fair number of informal businesses in Jikeleza Street and also Hlobo Road to the south and Sisulu Road to the north. Although almost all surrounding properties are still zoned residential, this area already has a mixed use character, and was identified as part of the Business Corridor Plan Policy by Council.

**10.8 The desirability of the proposal**

**Physical characteristics of the property**

Erven 370 and 371, Zwelihle are both developed with existing buildings/structures used for residential purposes. The erven are flat and it will be easy to develop buildings and a parking area on the property.

**Location and accessibility**

The new consolidated site will obtain access via Jikeleza Street. As can be seen on the Site Development Plan, only three (3) parking bays are required for the initially proposed 40m<sup>2</sup> shop area. There is however more than sufficient space for additional parking and manoeuvrability.

**Existing planning and character of the area**

The area of Jikeleza Street and Hlobo Road has a mixed use character with a few informal businesses that have been established. The proposal to rezone the properties to business purposes is also in line with the Business Corridor Plan for Zwelihle approved by Council on 28 August 2019, earmarking this area for business purposes.

6/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**Departure**

Application is made to retain the existing dwelling on Erf 370 and to utilize it for business (liquor store) purposes. A 3m lateral building line will be applicable to boundaries where the proposed business site would border residential sites, and due to the fact that the existing building is 2m from the lateral boundary, application is made for a departure. There is only one (1) window facing the adjacent neighbour, and it is from the storage part of the liquor store, therefore impact on the neighbour should be minimal.

The proposal is also to relax the 3m rear and lateral building lines to accommodate two (2) toilets with basin. The one (1) toilet will have to be enlarged to accommodate a disabled toilet. However, the impact of this structure on neighbours would be minimal.

**Deviation from the Overstrand Municipal Wide Spatial Development Framework, 2006 and Overstrand Growth Management Strategy, 2010**

This was discussed in detail previously in the report. The proposal is in line with the Business Corridors Plan for the Zwelihle area, as approved by Council on 28 Augustus 2019.

General

It is to be noted that the waste management branch require that a refuse area be created on the premises. This can be dealt with as a condition.

The Fire Department requires that parking be set back at least 1,5m from windows in the building. This can also be dealt with as a condition.

No objections were received against the application therefore surrounding residents does not see the proposal as an intrusion on their rights.

Considering the above, the application is considered desirable.

**10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

**11. RECOMMENDATION**

1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) to consolidate Erven 370 and 371, Zwelihle, **be approved** in terms of the provisions of Section 61 of the said By-Law;
2. that the application in terms of Section 16(2)(a) of the By-Law to rezone the consolidated erf (Erven 370 and 371, Zwelihle) from Residential Zone I to Business Zone III, **be approved** in terms of the provisions of Section 61 of the said By-Law;

7/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

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3. that the application in terms of Section 16(2)(o) of the By-Law for a consent use to allow the operation of a bottle store on the above-mentioned consolidated erf (Erven 370 and 371, Zwelihle), **be approved** in terms of the provisions of Section 61 of the said By-Law;
4. that the application in terms of Section 16(2)(b) of the By-Law for a departure to relax the 3m northern lateral building line to 2m to accommodate the new bottle store, and to relax the 3m northern and rear building lines to 0m to accommodate new toilets, **be approved** in terms of the provisions of Section 61 of the said By-Law;
5. that the approvals in points 1. to 4. above be subject to the following conditions:
  - (a) that a new site development plan be submitted showing a refuse area, a disabled toilet on-site and amended parking layout to ensure compliance with Section 4.2 of SANS 10400 (no parking bay closer than 1,5m from the commercial building window), to the satisfaction of the Senior Manager: Town and Spatial Planning;
  - (b) that all the conditions in the Services Report (attached as Annexure D), be complied with;
  - (c) that building plans be submitted to the Building Department for approval;
  - (d) that commercial rates and tariffs as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (e) that the facility complies with Health and Safety legislation;
  - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
  - (g) that a refuse area be provided and maintained to the satisfaction of the Manager: Waste Management, and
  - (h) that all the conditions of Telkom (attached as Annexure E), be complied with.
6. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

**RECOMMENDATION TO COUNCIL :**

that the application in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2006 and the Overstrand Municipality Growth Management Strategy (2010), **be recommended for approval.**

8/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**12. REASONS FOR RECOMMENDATION**

- ❖ No objections were received against the application.
- ❖ The proposal is in line with the recently approved Business Corridor Plan for Zwelihle, approved by Council on 28 August 2019, therefore the deviation of the SDF and GMS was also supported.
- ❖ The approval of the application will provide economic opportunity for residents in Zwelihle.
- ❖ The new proposed bottle store will provide for a formal business operating in line with all health and safety requirements, to provide a service to the Zwelihle community.
- ❖ The proposed business site will have sufficient space for parking, etc. not to have a negative impact on surrounding properties.
- ❖ The proposal is in line with the planning principles, in that a community impacted by apartheid planning will be provided an opportunity for economic growth in an efficient and sustainable manner.
- ❖ No new municipal services will be required for the new proposed development.

**13. Annexures**


Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Services Report
Annexure E:	Comment: Telkom
Annexure F:	Comment: Eskom
Annexure G:	Comment: Fire Department
Annexure H:	Council Minutes dated 28 August 2019 (Corridor Plan approval and Plan)

**SIGNATURES**

**AUTHOR**

Name: **H OLIVIER**

SACPLAN Reg No: **B/8128/2004**

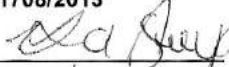
Signature: 

Date: 17/08/2019

**REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: 

Date: 19/9/2019

9/42

**LAND USE PLANNING REPORT**  
**Authorised Official**

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**AUTHORISED OFFICIAL:**

APPROVED	<input checked="" type="checkbox"/>	APPROVED CONDITIONALLY	APPROVED IN PART	REFUSED
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Name :

R KUCHAR

Signature :

  
\_\_\_\_\_

Date:

19/9/2019

Plan 1: Locality Plan  
Erven 370 and 371 Zwelihle

10/42  
(ANNEXURE A 1/2)

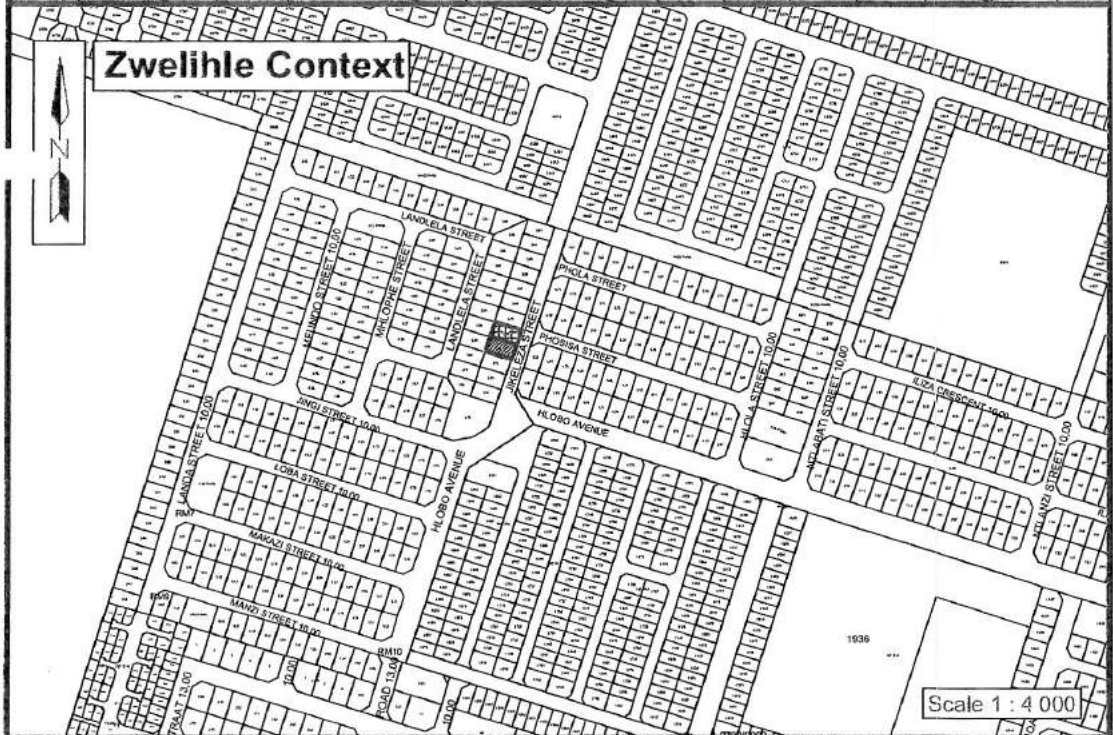
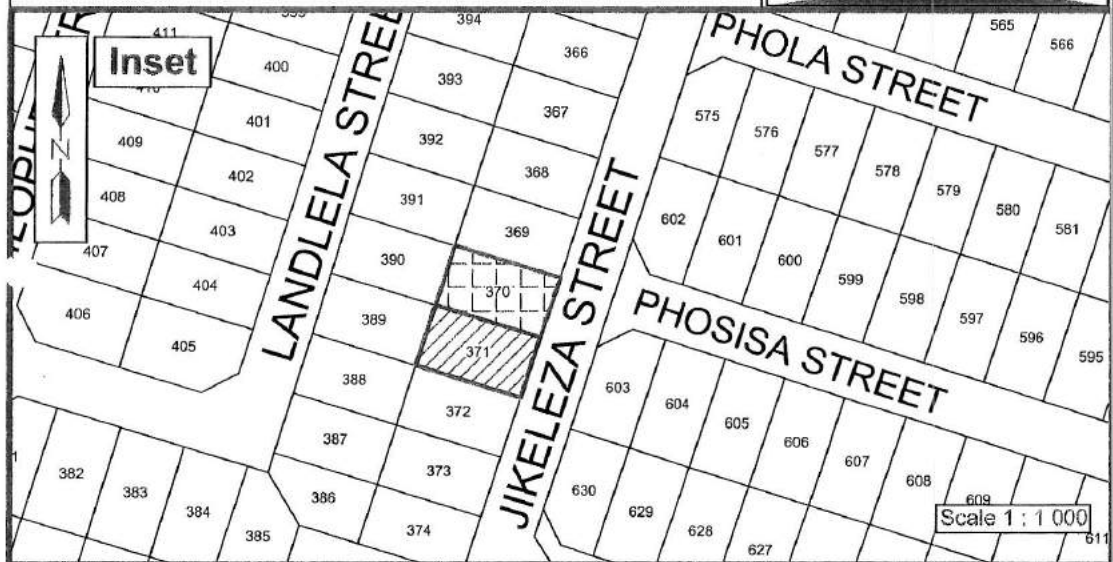
Erven 370 Zwelihle (211m<sup>2</sup>)  
Erven 371 Zwelihle (210m<sup>2</sup>)

File number 18/30

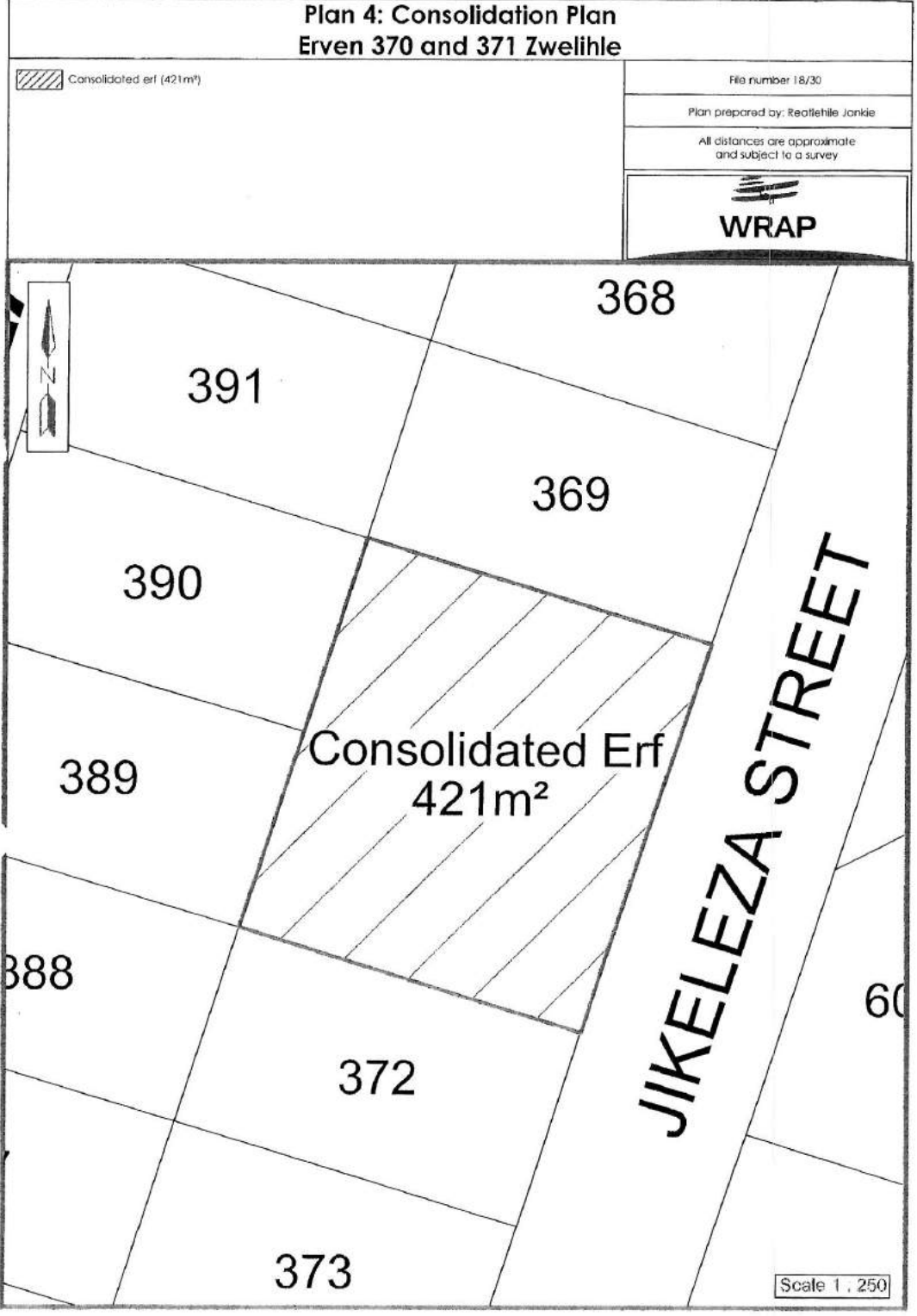
Plan prepared by: Reatlehle Jankie

All distances are approximate  
and subject to a survey

WRAP



2/2) 11/42



WRAP

## EXECUTIVE SUMMARY

## 2. ABBREVIATIONS

Abbreviation	Description
OMZS	Overstrand Municipality Zoning Scheme, 2013
SDF	Overstrand Municipality Spatial Development Framework, 2006
OM	Overstrand Municipality
OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
SPLUMA	Spatial Planning and Land Use Management Act, 2013
LUPA	Land Use Planning Act, 2014
PSDF	Western Cape Provincial Spatial Development Framework 2014
IDP	Overstrand Municipality Integrated Development Plan
DEADP	Western Cape Department of Environmental Affairs and Development Planning
SDP	Site Development Plan

## 3. SUMMARY OF PROPERTY DETAILS

Applicant	WRAP (Wright Approach Consultancy)	
Registered owner	Sindile Msindisi Semele	Overstrand Municipality
Erf number	Erf 370	Erf 371
Area	Zwelihle	
Property extent	ERF 370 ZWELIHLE 211m <sup>2</sup>	ERF 371 ZWELIHLE 210m <sup>2</sup>
Title deed	ERF 370 ZWELIHLE T44211/2018	ERF 371 ZWELIHLE T98019/2001
Restrictive title deed conditions	ERF 370 ZWELIHLE None	ERF 371 ZWELIHLE None
Applicable zoning scheme	ERF 370 ZWELIHLE OMZS	ERF 371 ZWELIHLE OMZS
Current zoning	ERF 370 ZWELIHLE Residential Zone 1: Single Residential (SR1)	ERF 371 ZWELIHLE Residential Zone 1: Single Residential (SR1)
Current land use	ERF 370 ZWELIHLE Vacant building	ERF 371 ZWELIHLE Residential

## 4. BACKGROUND

The current owner of Erf 370 Zwelihle owned Erf 661 Zwelihle and subsequently swapped his property for Erf 370 Zwelihle. The reason why the previous owner of Erf 370 Zwelihle was eager to swap the property with Erf 661 Zwelihle is because the environment which surrounds Erf 370 Zwelihle is characterized by many commercial land uses which range from spaza shops, taverns, hair dressers, social enterprises and other local economic development initiatives. This has subsequently made the street very busy with a high traffic flow and buzzing with commercial activities (refer to the land use **Plan 3**). Considering that the previous owner used the property exclusively for residential purposes, the area became undesirable to reside in due to the intensity of surrounding commercial land uses. The previous owner of Erf 370 Zwelihle was eager to swap the property for Erf 661 Zwelihle to

WRAP

File 18/30

Erfen 370 and 371 Zwelihle

January 2019

amended March 2019

Page 9

(2/20) 13/42


 WRAP

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 EXECUTIVE SUMMARY
 

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reside in a part of Zwelihle which is predominantly residential and characterized by a quieter environment. This application therefore seeks to institute a process in Zwelihle where commercial land uses in predominantly residential parts are either discouraged or pushed out and driven to areas which are predominantly commercial. The vice versa of this is to also advocate for the few residential land uses in the predominantly commercial areas to be pushed out and driven into residential areas. This would also institute a process which would ensure that there is a distinct separation between commercial land uses as well as residential land uses.

The other intent of this application is to institute a process in Zwelihle which seeks to familiarize business owners with the town planning application processes and encourage the owners to submit the necessary applications before commencing with any commercial land uses.

#### 5. OWNERSHIP CONSIDERATIONS

##### Erf 370 Zwelihle

The subject property is in the ownership of Mr Stemele and he has signed the power of attorney authorizing this application.

##### Erf 371 Zwelihle

The current occupant on the property is Nkosimnini Philip Skizazana who has a leasehold with the Municipality for the property and has also signed a power of attorney (refer **Annexure A**). An attorney has been appointed by Mr Stemele to facilitate the process of transferring the property from the ownership of the OM to the ownership of Nkosimnini Philip Skizazana from whom the property will be purchased and transferred into the ownership of Mr Stemele, the applicant.

#### 6. PROPOSAL

The immediate intent of the owner who will ultimately purchase Erf 371 Zwelihle is to establish a bottle store on the ground floor of the consolidated erf that will sell alcohol which is within the immediate financial means of the Zwelihle residents. The proposed bottle store will be 40m<sup>2</sup> in extent and is not projected to interfere with the rights which are enjoyed by the neighboring property owners. This application is therefore intended to confer the appropriate land use rights to the property owner to be able to establish the above.

Considering the above, application will be made for the following:

- **Consolidation** of Erven 370 and 371 Zwelihle;
- **Rezoning** the consolidated Erf from Residential Zone 1: Single Residential to Business Zone 3: Local Business;
- **Consent use** for a bottle store;
- **Departure** from the prescribed 3m northern side building line to 2m to accommodate the proposed bottle store;
- **Departure** from the 3m western rear building line to 0m to accommodate a proposed toilet;


 WRAP

(3/20) 14/42

WRAP

## EXECUTIVE SUMMARY

- **Departure** from the 3m northern side building line to 0m to accommodate a proposed toilet;
- **Deviation** from the residential land use reservation in the Overstrand Municipal Spatial Development Framework to permit a commercial land use, 2006; and
- **Deviation** from the residential land use reservation in the Overstrand Municipal Growth Management Strategy to permit a commercial use, 2010.

WRAP

(4/20) 15/42

WRAP

MOTIVATION

**7. STATUS QUO****Erf 370 Zwelihle**

The owner of the subject property purchased the property on 21 September 2018. Upon taking transfer of the property, he realized that there were wooden and zinc structures on the property that were constructed for which no building plans were submitted. The structures were subsequently dismantled by the property owner to leave the space open for future parking purposes (refer to **Plan 9**). This process that the property owner instituted illustrates a commitment towards ensuring that all land uses and building works on the subject property comply with prescribed town planning and building standards.

The RDP house that was on the property was also subsequently renovated by the property owner to be more visually appealing and to comply with the prescripts of building regulations. The property owner envisages running an up-market bottle store which is intended to be compliant with all relevant legislation and that will subsequently enhance the contribution of the subject building towards the visual landscape in the street.

**Erf 371 Zwelihle**

The subject property is not yet in the ownership of Mr Stemele, who envisages establishing the bottle store. Once he takes ownership of Erf 371 Zwelihle, he will also dismantle the existing wooden/zinc structures. The RDP house will also be demolished once the necessary demolition permit is obtained. The rest of the erf, in addition to the existing building which is currently on Erf 371 Zwelihle on the ground floor is intended to be used for parking purposes.

**8. TECHNICAL PROCEDURES TO ATTAIN THE LAND USE RIGHTS SOUGHT**

<b>Application</b>	• <b>Consolidation</b> of Erven 370 and 371 Zwelihle.
<b>Rationale</b>	The primary reason for the consolidation of the two erven is because the property owner wants to provide practical parking on the premises which would not be possible on one erf due to the size of the erven in the area. The consolidation is the only way in which practical parking can be provided to comply with the prescripts of the OMZS and civil engineering standards. The property owner also envisages the growth of his enterprise on the subject property which would not be possible on one erf. The consolidation is therefore the only means of making the subject proposal practical.
<b>Application</b>	• <b>Rezoning</b> the consolidated Erf from Residential Zone 1: Single Residential to Business Zone 3: Local Business.
<b>Rationale</b>	Rezoning the subject property to Business Zone 3: Local Business is the most practical commercial use which can be allocated to the subject property due to the low intensity commercial nature of the zoning. Considering that the subject property is located within a local area, this zoning is appropriate compared to Business Zone 1 & 2: General Business as that zoning has too many commercial land uses which are a primary right

WRAP

**File 18/30**  
Erven 370 and 371 Zwelihle  
January 2019  
amended March 2019  
Page 12

(5/20) 16/42



MOTIVATION

	which could potentially harm the low intensity commercial nature of the immediate surrounding to the subject property.
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<b>Application</b>	<ul style="list-style-type: none"> <li>• <b>Consent use</b> for a bottle store;</li> </ul>
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<b>Rationale</b>	<p>A bottle store is defined as follow in the OMZS:</p> <p><i>"bottle store means an establishment where the dominant use is the retail sale of alcoholic beverages for consumption off the property, and includes an off-sales facility which is under the same management as a licenced hotel"</i></p> <p>The proposed bottle store complies with this prescript.</p> <p>The subject property envisages is to establish a bottle store to sell alcohol to the local residents at rates which meets the needs of the locals. Zwelihle residents currently do have access to bottle stores at the Gateway Centre and the Whale Coats Mall. There are other bottle stores that are in other parts of Hermanus which make consumers bear transportation costs which the establishment of the subject bottle store seeks to avert.</p> <p>The other challenge that local entrepreneurs in Zwelihle face is that there are insufficient even in the area which are zoned for commercial purposes. This subsequently forces some property owners to operate businesses without the appropriate consent from the OM or are not able to obtain the appropriate land use consent to operate the land uses. This proposal is therefore intended to institute a process that will ensure the owner of the subject property can operate a legal business which complies with all prescripts of relevant departments. The other reality is that the entrepreneurs in Zwelihle who wish to establish bottle stores may not afford the rent that is charged in established commercial nodes such as the Hermanus CBD and only want to have a small-scale bottle store that meets the needs of the local residents.</p> <p>The owner also does not want to operate an illegal bottle store as that is not in harmony with his values of running a business which is above board. The proposed bottle store is also very small and will not result in ear shattering music being emitted from the subject property. The peace and comfort which surrounding property owners currently enjoy will therefore not be interfered with. People who buy alcohol at bottle stores enter and egress the premises once the purchase has been made and are therefore not projected to upset the prevailing commercial ambience which is prevalent in the street.</p>
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<b>Application</b>	<ul style="list-style-type: none"> <li>• <b>Departure</b> from the prescribed 3m northern side building line to 2m to accommodate the proposed bottle store;</li> <li>• <b>Departure</b> from the 3m western rear building line to 0m to accommodate a proposed toilet; and</li> </ul>
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(6/20)

17/42

WRAP

## MOTIVATION

	<ul style="list-style-type: none"> <li>• <b>Departure</b> from the 3m northern side building line to 0m to accommodate a proposed toilet;</li> </ul>
<b>Rationale</b>	<p>The existing building is located 2m from the side boundary. Considering that RDP houses are normally located between 1m and 2m from the side boundary, the proposed building line departure is applied for to depart from the building lines which are prescribed under the zoning of Business Zone 3: Local Business. It is however submitted that this departure is proposed for the location of the existing building which has been renovated.</p> <p>There is an existing toilet on the property which is located 0m from the side and rear building line. The property owner will demolish this toilet and construct two new toilets in the same location. This building line departure application is therefore to allow the toilets which will be constructed to encroach on the building line. Toilets in townships are in some cases located 0m from boundary lines. This building line departure application is therefore in harmony with similar developments which government has undertaken in Zwelihle.</p>
<b>Application</b>	<ul style="list-style-type: none"> <li>• <b>Deviation</b> from the residential land use reservation in the Overstrand Municipal Spatial Development Framework to permit a commercial land use, 2006.</li> </ul>
<b>Rationale</b>	<p>The subject properties are designated for residential purposes and the proposal for rezoning the consolidated erf from Residential Zone 1: Single Residential to Business Zone 3: Local business is a deviation from the SDF. The SDF was compiled in 2006 in response to the development pressures which were prevalent in 2006 and is out of harmony with the development pressures which are prevalent in Zwelihle in 2019. There is also a stark contrast between the land use reservations in the SDF for Zwelihle in comparison with the actual land use patterns which are prevalent in the area (refer <b>Plan 3</b>). In contrast with the exclusively residential land use designation in the SDF for Zwelihle, the area is thriving with a combination of residential, commercial and religious land uses. Considering the above, a deviation from the SDF is appropriate and will enable and encourage complementary land uses to flourish in Zwelihle and conform to sound town planning principles. This will however be elucidated in Section 14 of this report.</p>
<b>Application</b>	<ul style="list-style-type: none"> <li>• <b>Deviation</b> from the residential land use reservation in the Overstrand Municipal Growth Management Strategy to permit a commercial use, 2010.</li> </ul>
<b>Rationale</b>	<p>The subject properties are designated for residential purposes and the proposal for rezoning the consolidated erf from Residential Zone 1: Single Residential to Business Zone 3: Local business is a deviation from the OMGMS. The OMGMS was compiled in response to the prevailing development pressures in 2010. There are new development pressures prevalent in Zwelihle currently, which make the OMGMS spatial proposal</p>

WRAP

( 7/20 ) 18/42

WRAP

MOTIVATION

plan out of harmony with the land use trends in Zwelihle which subsequently contributes to stifling commercial development in the area (refer to the land use **Plan 3**). Even the "no densification" earmarked for the subject property and the rest of Zwelihle has long been surpassed as densities on every residential erf can be approximately between 250 dwelling units a hectare and 350 dwelling units a hectare on the ground floor alone because of the prevalent back yard accommodation in the area. This is a sign that the OMGMS is out of harmony with the lived reality of the residents in the area and needs to be deviated from to be in harmony with the lived realities and experiences of people while being contextually appropriate with an intent to enhance the existing lived experience of residents in the area. This will however be elucidated in Section 14 of this report.

**9. URBAN FORM AND FABRIC**

The urban form of within a 200m radius from the subject property consist of erven which measure from 200m<sup>2</sup> to 855m<sup>2</sup>. This proposal for an erf which measures 421m<sup>2</sup> is in harmony with the prevailing urban form of Zwelihle.

The urban fabric which is immediately adjacent to the subject properties is the most flourishing commercial node in Zwelihle (refer to the land use **Plan 3**). This proposal for a property with a commercial zoning is in harmony with the prevailing land uses surrounding the subject property.

**NB:** It should be noted that even though the zonings within the immediate surrounding environment are residential, the land use as depicted in the land use map (refer **Plan 3**) and the pictures taken (refer **Plan 9**) are commercial with some taverns in existence. This proposal is therefore in harmony with the prevailing land uses in the area.

**10. ZONING**

The following zoning parameters of the subject property were assessed in conjunction with the proposed consolidated erf.

<b>Business Zone 3: Local Business (B3)</b>			
	<b>Parameters</b>	<b>Proposal</b>	<b>Comply/ deviate</b>
<b>Primary use</b>	shops, flats (above ground floor), offices	Will be acted upon when necessary	Comply
<b>Consent use</b>	<b>bottle store</b> , business premises, clinic, conference facility, flats (on ground floor), town housing, guest house, hotel, informal trading, institution, place of assembly, place of	<ul style="list-style-type: none"> <li>Bottle store;</li> </ul>	Comply

WRAP

(8/20) 19/42

WRAP		MOTIVATION	
	entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, service station, service trade, transmission tower.		
<b>Development rules</b>			
<b>Coverage</b>	The maximum coverage for all buildings on the land unit is 75%. The definition of coverage is the following: <b>"Coverage"</b> means the total area or percentage area of a land unit which may be covered by buildings and covered by a roof.	9,5%	Comply
<b>Floor factor</b>	The maximum floor factor is 1.5	0,1	Comply
<b>Height</b>	(i) The maximum height of a building measured from the base level to the top of the roof is 8,5 m; (ii) The maximum number of storeys is 2; and (iii) Earth banks and retaining structures shall comply with 16.6.	(i) Current building is 4m high; (ii) 1; (iii) Comply	Comply
<b>Setback</b>	(i) Council may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street; (ii) Where special circumstances exist, Council may require a wider setback; and (iii) The general provisions of 16.2 apply.	(i) Subject to the Councils request; (ii) Subject to the Councils request; (iii) Comply	Comply
<b>Building lines</b>	(i) The street building line is 0 m; provided that a 3,5 m building line applies where fuel pumps are erected; (ii) The side building line is 0 m provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m; (iii) The rear building line is 3,0 m; provided that where any	(i) 5,1m; (ii) 2m and 0; (iii) 0m; (iv) subject to the request of Council; (v) Comply	(i) Comply; (ii) Departure; (iii) Departure; (iv) Comply; and (v) Comply

(9/20) 20/42

WRAP

MOTIVATION

	Business Zone 3 abuts another zone, the rear building line is 4,5 m; (iv) Provided that Council may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and (v) The building line exemptions in 16.1 apply.		
<b>Window and door placement</b>	(i) Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned; and (ii) Any portion of the building which contains a door or window onto a side or rear boundary, shall be placed at least 1,5 m away from such boundary. The portion of the building that is required to be set back shall include the door or window, together with such additional length of wall as is required to make up a total of 3,0 m.	(i) N/A; and (ii) N/A	N/A
<b>Parking and access</b>	Parking requirement for shops, offices and restaurants is 6 bays per 100m <sup>2</sup> GLA.	40m <sup>2</sup> requires 3 parking bays and 3 parking bays provided.	Comply
<b>Loading Bays</b>	Loading bays must be provided on the land unit in accordance with 17.2. The minimum off-street parking loading requirements are 1 bay per 500 m <sup>2</sup> for the first 1 000 m <sup>2</sup> of GLA, thereafter 1 bay per 1 000 m <sup>2</sup> .	The proposal is 40m <sup>2</sup> and does not reach the threshold of 500 m <sup>2</sup> and therefore does not trigger any loading bays.	Comply
<b>Screening</b>	(i) The Council may require screening in accordance with 16.7; and	(i) Subject to the request of Council; and	Comply

WRAP

(10/20) 21/42

WRAP		MOTIVATION	
	(ii) Where a Business Zone 3 abuts a residential zone, Council may require a suitable wall of no less than 1,8 m in height to be erected on the common boundary.	(ii) Subject to the request of Council.	
<b>Site development plan</b>	Council may require that a site development plan be submitted for approval in accordance with 16.3.	An SDP is submitted with the proposal (refer <b>Plan 7</b> ).	Comply

## 11. SERVICES

The availability of services on the subject property is herewith illustrated:

### 11.1 Electricity

The existing buildings are connected to the Overstrand Municipality electricity network and the approval and implementation of this proposal will not alter this.

### 11.2 Water

The subject property is connected to the existing reliable water network which is provided by the OM and the approval and implementation of this proposal will not alter this.

### 11.3 Sewage

The subject property is connected to the existing Overstrand Municipality sewage network and the approval and implementation of this proposal will not alter this.

### 11.4 Access and egress

Access and egress to the subject property can be gained from Jikeleza Street as illustrated in the SDP (refer **Plan 7.1**)

## 12. DESIRABILITY

DEADP issued the "Provincial support document on Relevant Considerations 2015" which should be considered before the Municipality makes a decision. The desirability guideline in the document was used to assess the desirability of the approval and implementation of this proposal.

Element for consideration	Motivation of the impact of the approval and implementation of this proposal.	Impact Positive or Negative
<b>Economic impact</b>	The implementation of this proposal will require local labour during the construction works. There will also be local labour employed during the operational phase of the proposal which will	<b>Positive</b>

(11/20) 22/42

WRAP

## MOTIVATION

	contribute to the reduction of unemployment is Zwellihle. This proposal will therefore be a positive economic impact on Zwellihle.	
<b>Social impact</b>	The subject bottle store will contribute to attracting tourists from different areas who will want to consume liquor on the property and contribute to marketing Zwellihle as a destination which has a wide range of leisure activities to partake in.	<b>Positive</b>
<b>Scale of the capital investment</b>	The owner of the subject property has already invested a substantial amount of money by purchasing Erf 370 Zwellihle and will also purchase Erf 371 Zwellihle. Money has also been spent on legal fees, the compilation of the town planning application and building plans. A substantial amount of money will be spent during the construction period of this proposal. This illustrates the commitment of the property owner towards contributing to the enhancement of the built environment in Zwellihle and complying with all prescribed legislation.	<b>Positive</b>
<b>Compatibility with surrounding uses</b>	Most of the land uses surrounding the subject properties are commercial, with some taverns and the approval and implementation of this proposal is in harmony with the surrounding land uses.	<b>Positive</b>
<b>Impact on safety, health and wellbeing of the surrounding community;</b>	The additional guests who will enter and egress the subject property will be additional surveillance on the street of Zwellihle. This will subsequently contribute to enhancing the safety and wellbeing of the surrounding community.	<b>Positive</b>
<b>Impact on heritage</b>	There is no building on the subject properties which is older than 60 years. The approval and implementation of this proposal will therefore have no impact on any heritage value in the area.	<b>Positive</b>
<b>Whether the imposition of conditions can mitigate an adverse impact of the proposed land use</b>	The imposition of the following conditions of approval on the subject proposal is essential as it will ensure that the land use rights which surrounding property owners enjoy are not deprived. <ul style="list-style-type: none"> <li>• That all signage complies with the Overstrand Municipality By-Law on Signage. This will ensure that all signage will not be visually intrusive;</li> <li>• That all development parameters in the applicable zoning and other title deed restrictions be complied with. This will ensure</li> </ul>	<b>Positive</b>

WRAP

(12/20) 23/42

WRAP	MOTIVATION	
	<p>that the scale of the subject development remains within reasonable bounds;</p> <ul style="list-style-type: none"> <li>• That building plans be submitted to the Building Department for approval as that will ensure that the building is designed in accordance with prescribed legislation;</li> <li>• That all prescripts of the fire department be complied with to ensure that the subject building does not become a fire risk to the occupant as well as clients;</li> <li>• That commercial rates and service tariffs be paid as prescribed in the annual budget. This will ensure that the operations in the subject building are a financial asset to the OM;</li> <li>• That all land uses on the subject premises not interfere with the peace, comfort or become an unbearable nuisance to surrounding property owners; and</li> <li>• That all other relevant legislation be complied with.</li> </ul>	
<p><b>Aspects which impact on quality of life (including views, sunlight, privacy, visual impact, character)</b></p>	<p>The subject building is proposed to be 4m high and 1 storey high. Surrounding properties can be 8m high and 2 storeys. The proposal is therefore within the scale of what is permissible in surrounding properties and will therefore not impact on views, sunlight, privacy, visual impact and character of the area in a negative way.</p>	<p><b>Positive</b></p>

**13. SPATIAL PLANNING DOCUMENTS**

**Spatial planning documents**

This proposal was assessed in terms of the existing spatial planning documents and the compliance or deviation of this proposal with the applicable spatial planning policies can will be motivated.

**PSDF**

The aim of the PSDF is to give spatial expression to the national and provincial development agendas and serves as a basis for coordinating, integrating, and aligning ground delivery of national and provincial departmental programmes. The framework also aims to communicate the government's spatial development intentions to the private sector and civil society.

Policy proposals which are pertinent this application was assessed, and the outcome is as follows:

- **The PSDF promotes a transition from an inefficient economy with high barriers of entry and low productivity and entrepreneurship rates to innovation driven economy with low barriers to entry, high productivity and entrepreneurship rates.**

(13/20) 24/42

WRAP

MOTIVATION

The subject developer seeks to obtain the necessary town planning approval to ensure that the barrier of entry in conducting a legal business is low and to allow his entrepreneurial skills to flourish within his immediate surrounding. This will therefore promote high productivity on the subject property as prescribed by the PSDF.

- **The PSDF promotes a transition from barriers to local and global connectivity (language, identity, distance) to high level of local connectivity.**

The implementation of this proposal will attract people who speak different languages, have different cultural identities and therefore reduce socio-cultural distance. This is aligned with the policy proposal of the PSDF.

- **The PSDF promotes a transition from unhealthy, low access, often alienated, low opportunity neighbourhoods to healthy, accessible, liveable, multi-opportunity communities.**

This proposal is intended to combat the low access to economic opportunities which are prevalent in Zwelihle by providing a space for the subject developer/entrepreneur to flourish in Zwelihle. This will subsequently contribute to ensuring that the Zwelihle settlement thrives with multiple opportunities.

#### HERMANUS ZWELIHLE COMMERCIAL NODES

The Hermanus Zwelihle Commercial Nodes (refer **Plan 6**) is a draft plan which will be placed in public participation which illustrates the proposed commercial nodes in Zwelihle. The document might not have been adopted yet but does however indicate the development pattern which is envisaged in Zwelihle and is also more in harmony with the prevailing land use patterns in Zwelihle and can therefore be regarded as a practical document. The owner of the subject property has subsequently done everything possible at great financial cost, effort and negotiation to ensure that the land uses proposed in this application are located in the commercial corridor. The Zwelihle Commercial Corridor plan also indicates that Zwelihle can no longer exclusively function as a residential area but that commercial land uses in the area need to be facilitated by the planning system to ensure that the human settlement is more functional and provides the residents of the area with economic opportunities within a walking distance, which subsequently reduces reliance on motorised transport to get to work which is aligned with principles of efficiency. The plan is therefore recent and responsive to prevailing trends in Zwelihle.

It is also motivated in this application that the Hermanus Zwelihle Commercial Nodes is supported in the current form due to the contextually appropriateness of this proposal.

#### SDF

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality. The SDF is guided by a set of objectives and the deviation of this proposal from the document will be motivated.

The SDF was compiled in 2006 in response to the prevailing development pressures and established development direction prevalent at the time. The dynamics of urban development and land use pressure which is exerted by developers and the public

WRAP

File 18/30  
Erven 370 and 371 Zwelihle  
January 2019  
amended March 2019  
Page 2

(14/20) 25/42


 WRAP

**MOTIVATION**

continually changes in direction and the use of space. These changes are also underpinned by a variety of factors such as economic, political, societal, legislative climate with agency being a common thread. These climatic conditions are in most instances beyond the control of town planners and cannot be accurately predicted by authors of spatial planning policy. The contextual framework of the compilation of spatial planning policy as well as a shift in land use patterns justifies the deviation from the SDF on condition that this proposal has no externalities (a consequence of an activity/land use which adversely affects other parties without this being reflected in the value of the property) for the public.

Section 22 of SPLUMA highlights that the Municipality may make take a decision which deviates from the spatial development framework on condition that site specific circumstances are motivated. Erven 370 and 371 Zwelihle are designated for residential purposes. This proposal for the consolidated erf to be rezoned to Business Zone 3: Local Business is a deviation from the SDF. Herewith is a list of site-specific circumstances which justify the deviation from the SDF:

- The deviation would allow the rezoning of the subject property;
- The deviation is aligned with the prevailing commercial land use patterns around the subject property;
- People who reside in and around the subject property area are eager to move out due to the dominance of commercial land uses around the subject property and opt to reside in predominantly residential parts of Zwelihle. This proposal seeks to facilitate this land use pattern which has taken hold in Zwelihle;
- The subject site is well located. The proposed land uses must be located on a well-located site for the envisaged businesses to be feasible; and
- The development rights which are sought will unlock the maximum land use potential of the subject site.

Considering all the site-specific circumstances a deviation from the SDF is justified.

**OMGMS**

The purpose of the OMGMS is to improve the Overstrand Municipalities' overall environmental sustainability by enhancing the quality and efficiency of the built environment. The OMGMS is guided by a set of objectives and the deviation of this proposal from the document will be motivated

The OMGMS was compiled in 2010 in response to the prevailing development pressures and established development direction prevalent at the time. The dynamics of urban development and land use pressure which is exerted by developers and the public continually changes in direction and the use of space. The OMGMS therefore does not appropriately respond to the prevailing urban development direction and pressures which are experienced in Zwelihle.

Site specific circumstance which justify the deviation can herewith be illustrated;

- The densities which have been earmarked for Zwelihle have long been surpassed when calculations are done;


 WRAP

(15/20) 26/42

WRAP

## MOTIVATION

- The prevailing land uses around the subject property are commercial which is not in harmony with the with the land use designation for residential uses;
- The OMGMS also does not account for the pressure intensity for commercial land uses in Zwelihle and the cumulative impact that has on the built environment in the area; and
- The growth directions and movement of commercial land uses on the subject property are more appropriately illustrated by this proposal.

Considering the above site-specific circumstances, a deviation from the OMGMS is adequately motivated.

#### 14. PLANNING PRINCIPLES

The proposal was analysed for consistency with the planning principles to provide a recommendation to the OM for the application in terms of Section 42 of SPLUMA and Chapter VI of LUPA and the outcome is the following:

##### **Spatial Justice**

Spatial justice in the context of spatial and land use planning refers to development proposals which redress the past apartheid spatial development imbalances. This entails development proposals which aim for equity in the provision of access to opportunities, facilities, services and land. The implementation of this proposal would contribute to unlocking contextually appropriate economic opportunities in Zwelihle. This would combat the historic apartheid spatial development trend which only designated Zwelihle to exclusively function as a residential area and did not allocate any erven for commercial purposes which would enable local entrepreneurs to flourish.

##### **Spatial Sustainability**

Spatial sustainability refers to the need of promoting compaction, mixed use urban environments which allow for a functional space economy to flourish. The proposal promotes a complementary land use mix within a predominantly commercial corridor which would allow for a functional space economy to flourish in Zwelihle.

##### **Efficiency**

Efficiency in the context of land use planning refers to the need to create a settlement that optimally make use of space, infrastructure, energy, land and resources. This proposal is intended to efficiently make use of existing services, space, energy and infrastructure on the subject property to cater to prospective customers within the existing service capacity.

##### **Spatial Resilience**

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner. This proposal is aligned with the spatial resilience principles contained in the Hermanus Zwelihle Commercial Nodes Plan and the PSDF. The contextually appropriate deviation from the SDF and OMGMS is extensively motivated and illustrated to be in

WRAP

(17/20) 27/10

WRAP

EVALUATION

## 15. EVALUATION

### Application

Considering the above, application is made for the following;

- **Consolidation** of Erven 370 and 371 Zwelihle;
- **Rezoning** the consolidated Erf from Residential Zone 1: Single Residential to Business Zone 3: Local Business;
- **Consent use** for a bottle store;
- **Departure** from the prescribed 3m northern side building line to 2m to accommodate the proposed bottle store;
- **Departure** from the 3m western rear building line to 0m to accommodate a proposed toilet;
- **Departure** from the 3m northern side building line to 0m to accommodate a proposed toilet;
- **Deviation** from the residential land use reservation in the Overstrand Municipal Spatial Development Framework to permit a commercial land use, 2006; and
- **Deviation** from the residential land use reservation in the Overstrand Municipal Growth Management Strategy to permit a commercial use, 2010.

### Urban form/fabric

This proposal is in harmony with the prevailing urban form and fabric of Zwelihle and will contribute to enhancing the ambiance of the area.

### Zoning

- A consent use for a bottle store is applied for;
- The permissible coverage is 75% and the proposed coverage is 9,5%;
- The permissible floor factor is 1,5 and the proposed floor factor is 0,1;
- The maximum permissible height is 8,5m and the subject building is 4m high;
- The permissible number of storeys is 2 and the proposal is for 1 storey;
- A departure from the 3m side building line to 2m, 3 m rear and side building line to 0m are applied for;
- There are 3 parking bays required and 3 parking bays are proposed; and
- An SDP is submitted depicting all the proposed land uses.

### Availability of services

Service	Availability yes or no
Electricity	Yes
Water	Yes
Sewage	Yes
Access and egress	Yes

WRAP

(18/20) 28/42

WRAP

## EVALUATION

## Desirability

Element for consideration	Motivation	Impact Positive or Negative
<b>Economic impact</b>	The approval and implementation of this proposal will have many positive economic spin offs for Zwelihle.	<b>Positive</b>
<b>Social impact</b>	The promotion of Zwelihle as an area with many leisure activities can be regarded as a positive economic impact.	<b>Positive</b>
<b>Scale of the capital investment</b>	The substantial amount of money which has been invested in the subject property illustrates the commitment of the property owner towards the built environment in Zwelihle.	<b>Positive</b>
<b>Impact on safety, health and wellbeing of the surrounding community;</b>	The additional surveillance which the implementation of this proposal will cause will contribute to enhancing the safety of residents in Zwelihle.	<b>Positive</b>
<b>Impact on heritage</b>	The buildings on the subject property have no heritage value.	<b>Positive</b>
<b>Whether the imposition of conditions can mitigate an adverse impact of the proposed land use</b>	There are several conditions of approval which are proposed to ensure that the land uses on the subject property do not become a nuisance.	<b>Positive</b>

## Spatial planning policies

Applicable spatial planning policy	Motivation	Compliance or deviation
<b>PSDF</b>	The approval and implementation of this proposal can be motivated as follow: <ul style="list-style-type: none"> <li>• Encourage innovation and high productivity on the subject property;</li> <li>• Enhance local connectivity; and</li> <li>• Contribute to the provision of multiple opportunities in Zwelihle.</li> </ul>	<b>Comply</b>
<b>HERMANUS ZWELIHLE COMMERCIAL NODES</b>	This proposal is harmony with the commercial spatial proposal for the subject property.	<b>Comply</b>
<b>SDF</b>	The approval and implementation of this proposal can be motivated as follow: <ul style="list-style-type: none"> <li>• The proposal is aligned with prevailing commercial land use patterns which surround the subject property;</li> </ul>	<b>Deviation motivated</b>

WRAP

(19/20)

29/42


 WRAP

## EVALUATION

	<ul style="list-style-type: none"> <li>Encourages a contextually appropriate separation between commercial and non-commercial land uses; and</li> <li>Will unlock the maximum potential of the site.</li> </ul>	
<b>OMGMS</b>	<p>The approval and implementation of this proposal can be motivated as follow:</p> <ul style="list-style-type: none"> <li>The densities proposed for Zwelihle have long been surpassed; and</li> <li>The OMGMS does not account for the commercial land use shifts in the area which justifies a deviation.</li> </ul>	<b>Comply</b>

## Planning principles

<b>Applicable spatial planning policy</b>	<b>Motivation</b>	<b>Impact Negative or Positive</b>
<b>Spatial justice</b>	The approval of this proposal will contribute to addressing the apartheid spatial development pattern which restricted economic opportunities in Zwelihle.	<b>Positive</b>
<b>Spatial Sustainability</b>	The approval and implementation of this proposal will enhance spatial sustainability on the subject site.	<b>Positive</b>
<b>Efficiency</b>	This proposal promotes the efficient use of services on the subject site.	<b>Positive</b>
<b>Spatial resilience</b>	The spatial resilience of this proposal has extensively been motivated in this document.	<b>Positive</b>
<b>Good administration</b>	The OM has an inclusive and efficient public participation process where the comments from the public will be taken into consideration and ensure a joint planning approach between WRAP, Municipal Officials and the public.	<b>Positive</b>


 WRAP

(20/20) 30/42

WRAP

RECOMMENDATION

**16. RECOMMENDATION**

The desirability of this proposal has extensively been motivated in the subject report and the following is recommended for approval.

Considering the above, it is recommended that the following application be **approved**:

- **Consolidation** of Erven 370 and 371 Zwelihle in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Rezoning** the consolidated Erf from Residential Zone 1: Single Residential to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Consent use** for a bottle store in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** from the prescribed 3m northern side building line to 2m to accommodate the proposed bottle store in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** from the 3m western rear building line to 0m to accommodate a proposed toilet in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Departure** from the 3m northern side building line to 0m to accommodate a proposed toilet in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Deviation** from the residential land use reservation in the Overstrand Municipal Spatial Development Framework to permit a commercial land use, 2006 in terms of Section 10 (1) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015; and
- **Deviation** from the residential land use reservation in the Overstrand Municipal Growth Management Strategy to permit a commercial use, 2010 in terms of Section 10 (1) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.

WRAP

ANNEXURE C 1/2

Plan 7 Ground floor SDP of the consolidated erf

31/42

Consolidated erf boundary (421m<sup>2</sup>)

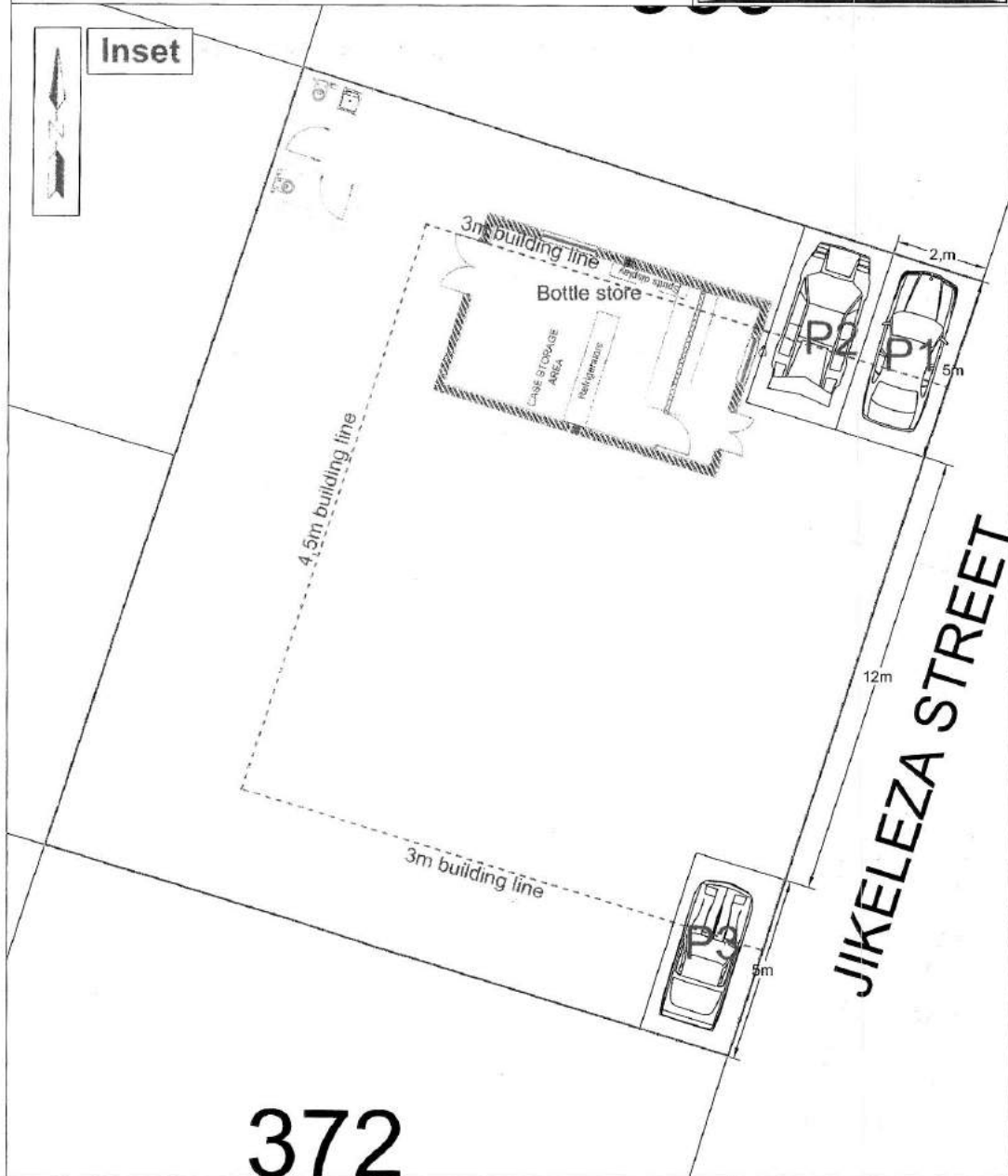
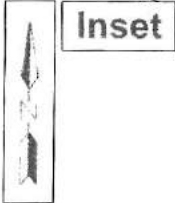
File 18/30

Scale 1 : 100

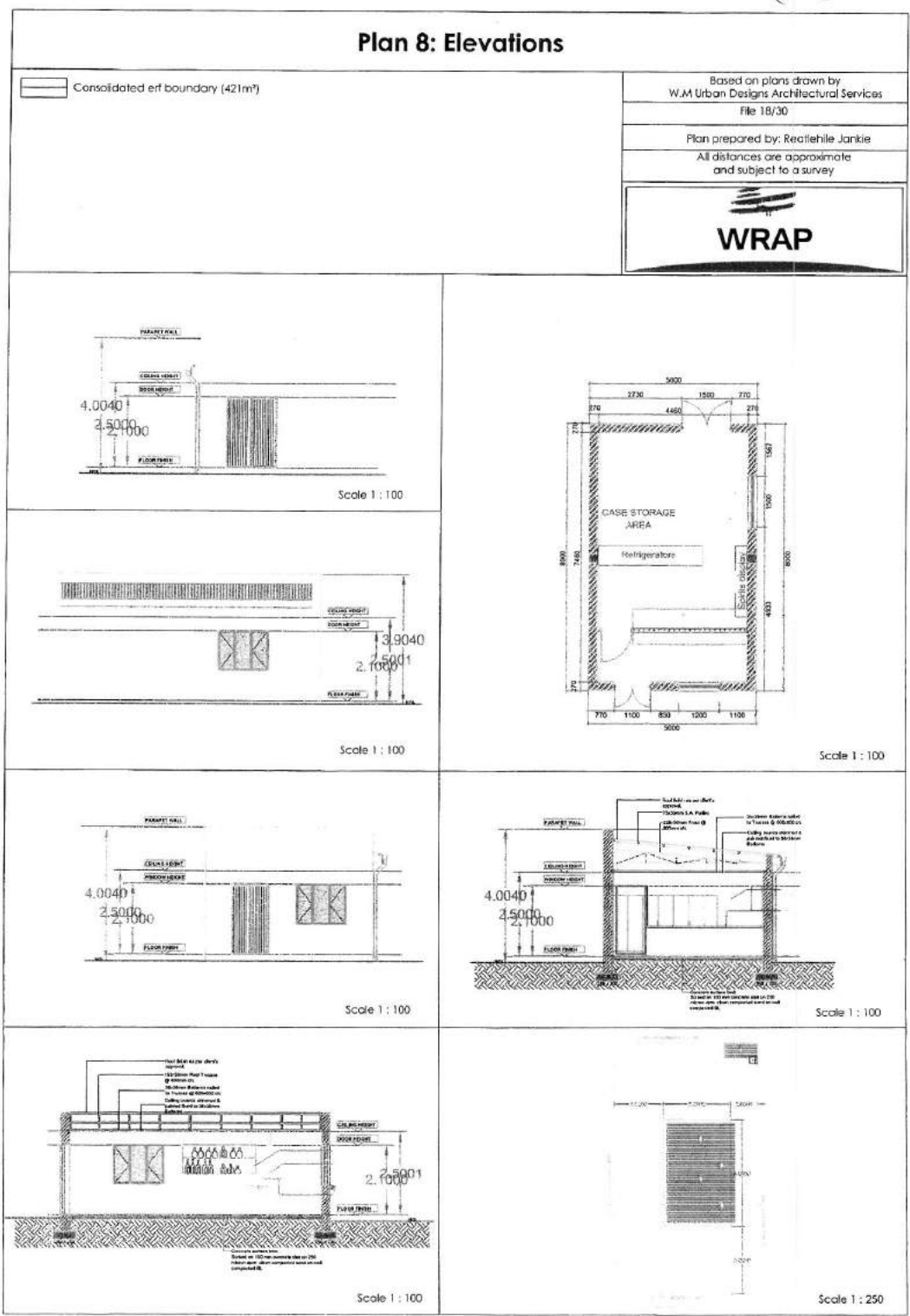
Plan prepared by: Realehle Jankle

All distances are approximate and subject to a survey

WRAP



(2/2) 30/42



( ANNEXURE D 1/2 )

33/42

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSOLIDATION, REZONING, CONSENT USE,  
DEPARTURE, DEVIATION FROM OVERSTRAND SPATIAL DEVELOPMENT  
FRAMEWORK, 2006 & OVERSTRAND GROWTH MANAGEMENT STRATEGY:  
ERVEN 370 & 371, ZWELIHLE (2949/2019)**

Stormwater (SW)	:	In Order
Electricity	:	In Order
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

**Conditions:**

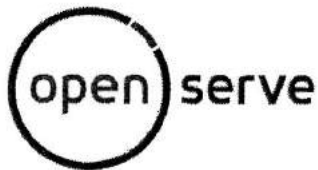
1. that only the existing water and sewerage connections to Erf 370 shall be used to service the consolidated erf consisting of Erven 370 & 371;
2. that, should Erven 370 & 371 be consolidated, the existing water- and sewer connections to Erf 371 must be disconnected and blanked off, and all existing plumbing- and sewer on Erf 371 must be connected to the water- and sewer connections of Erf 370;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;

( 2/2 )  
34/42

9. that stormwater be allowed to discharge through the proposed Erven, Zwelihle, unobstructed.

*p.p. R. Coetzee*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*23/03/2019*  
**DATE**



TP - A. Theart  
(H. Olivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

FILE NO:	Erven 370 & 371
	HZW
SCAN NO:	HZW 370
COLLABORATOR NO:	1291701

6 June 2019

Attention: S Muller

Candice Spammer

Tel: 021 414 5582

Fax: 086 480 0617

Email: spammec1@telkom.co.za

Our Ref.: WWIP\_WHMN1808\_19

Your Ref.: 370 and 371 HZW

Overstrand Municipality  
HERMANUS

**PLANT AFFECTED:**

**APPLICATION FOR CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE, DEVIATION FROM OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010: ERVEN 370 AND 371, JIKELEZA STREET, ZWELIHLE**

With reference to your application received April 2019.

**As important cables and other infrastructure are affected, please contact our representative Frederik Swart at 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za 48 hours prior to commencement of construction work.**

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

06 JUN 2019

TP

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001

( 2/4 ) 36/42

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.


Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

  
\_\_\_\_\_  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

(3/4) 37/42

**PLANT AFFECTED : COPPER**

This wayleave, Reference Number **WWIP WHMN1808 19** is valid for 12 months from date hereof and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three meters of any Openserve Plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of the Openserve Plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration, should the of the work, upon which the actual location of Openserve Plant will be applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Openserve immediately, should the applicant locate any Openserve Plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for any damage or loss as a result thereof.

Date: 2019/06/06

By: C Spammer  
For Regional General Manager  
Western Cape

Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC)	
5. Jointing Pit / AJB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	



(4/4) 38/40



C. Scanner		TELKOM REGIONAL EXECUTIVE	
Client	Date	OpenServe ref	06/02/2019
Client ref	Details	OpenServe ref	WAP_WYNN1904_19
COPPER SERVICES AFFECTED			
Page Size	A4	Sheet No	1 of 5

Legend	
	Existing Manhole
	Planned Manhole
	Existing SDC
	Planned SDC
	Existing DP
	Planned DP
	Existing Pole
	Planned Pole
	Existing PJB
	Planned PJB
	Existing PJB Joint
	Planned PJB Joint
	Existing Underground Route
	Planned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	Existing Mtr OUDF
	Planned Mtr OUDF
	Existing Strut and Stay
	Planned Strut and Stay



(ANNEXURE F) 39/42

TRATHAERT  
CH (Olivier)

Overstrand Municipality  
loretta@overstrand.gov.za

Date: 2019/05/03

Enquiries:  
[WayleavesWesternOU@eskom.co.za](mailto:WayleavesWesternOU@eskom.co.za)

**WAYLEAVE APPLICATION:** Consolidation  
Application : ERVEN 370 & 371, JIKELEZA STREET, ZWELIHLE : ZWELIHLE,  
HERMANUS

**YOUR REF:** HZW 370+371

**OUR REF:** 00690-19

Referring to your application dated 02/05/2019

1. Eskom Distribution has no objection to the proposal.
2. This application is not affected by Eskom services and should be referred to the Local Authority.

Yours faithfully

LAND DEVELOPMENT (BRACKENFELL)

FILE NO:	Erven 370 & 371 Zwelihle ✓
SCAN NO:	HZW 370
COLLABORATOR NO:	1282731

Distribution Division - Western Region [Land Development]  
Western Region  
Eskom Road Brackenfell 7560 PO Box 222 Brackenfell 7561 SA  
Tel +27 86 003 7566 [www.eskom.co.za](http://www.eskom.co.za)

Eskom Holdings SOC Limited Reg No 2002/015527/30

TP - 3 MAY 2019



File reference:	370 & 371 HZW (2949/2019)
Date:	30 April 2019
	LI

### INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Henk Olivier

TO:

<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
Environmental Officer	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Cllr V. Pungupungu)</u>	<u>Waste Management</u>

Applicant	WRAP (obo SM STEMELE & NP SKIZAZANA)
Property Details	ERVEN 370 & 371, JIKELEZA STREET, ZWELIHLE
Application Description	APPLICATION FOR CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE, DEVIATION FROM OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010

**ATTACHMENTS :**

1.	Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2.	Locality Plan	
3.	Site Development Plan	
4.	Motivation	

**YOUR DEPARTMENT'S COMMENTS:**

The fire department have no objection provides that the structure complied to the national Fire protection regulations SANS T:2011 ( SANS T: 2011 Section 4.2)

Signature:	<i>E Solomons</i>	Date:	16 SEP 2019
------------	-------------------	-------	-------------

**ASSISTANT CHIEF**  
**Enrico Solomons**  
 PO Box 20 HERMANUS 7200  
 Tel: 028 313 8979 Fax: 028 313 1493  
 Email: esolomons@overstrand.gov.za  
 Signature: *[Signature]*

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

**COMMENTS REQUIRED BY: 7 June 2019**

(ANNEXURE H 1/2)

41/42

13

**MINUTES : ORDINARY MEETING OF THE COUNCIL** **28 AUGUST 2019**

**5.8**

**PROPOSED BUSINESS CORRIDORS & NODES FOR EXISTING SETTLEMENTS  
IN THE OVERSTRAND MUNICIPAL AREA**

**(ITEM 8, PAGE 487 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 28 AUGUST 2019)**

**RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

that the proposed delineation of area specific Business Corridors and Nodes in settlements, namely: Mooiuitsig; selected areas in Kleinmond; Hawston; Mount Pleasant; Zwelihle; Stanford; Masakhane; Blompark and Eluxoweni **be approved.**

**RESPONSIBLE OFFICIAL:**

**P ROUX**

**TARGET DATE FOR IMPLEMENTATION:**

**18 SEPTEMBER 2019**

**TARGET DATE TO INFORM APPLICANT:**

**N/A**

**TARGET DATE TO INFORM OBJECTOR:**

**N/A**

42/42



ZWELIHLE COMMERCIAL NODES



Annexure B/9

Navrae:  
Enquiries: H Olivier (Town Planner)

Lêerverwysing:  
File Reference: 370 & 371 HZW

Aansoek ID:  
App ID: 2949/2019

Datum:  
Date: 19 September 2019



TOWN PLANNING / STADSBEPLANNING  
HERMANUS

WRAP  
R Jankie  
PO Box 1247  
SANDBAAI  
7200

REGISTERED MAIL

([admin@wrapgroup.co.za](mailto:admin@wrapgroup.co.za))

Dear Sir

**DECISION LETTER TO APPLICANT**

**ERVEN 370 AND 371, JIKELEZA STREET, ZWELIHLE, OVERSTRAND MUNICIPAL AREA: PROPOSED CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE, DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP ON BEHALF OF SM STEMELE AND NP SKIZAZANA**

1. The application received on 20 February 2019 refers.
2. You are hereby notified in terms of Section 62 of the Overstrand By-law on Municipal Land Use Planning of the decision made by the Authorised Official on 19 September 2019.
3. The Resolution in terms of Section 61 of the Overstrand By-law on Municipal Land Use Planning, with conditions, are as follows:

**RESOLVED:**

- "1. that the application in terms of Section 16(2)(e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) to consolidate Erven 370 and 371, Zwelihle, **be approved** in terms of the provisions of Section 61 of the said By-Law;
2. that the application in terms of Section 16(2)(a) of the By-Law to rezone the consolidated erf (Erven 370 and 371, Zwelihle) from Residential Zone I to Business Zone III, **be approved** in terms of the provisions of Section 61 of the said By-Law;

Tel: 028 313 8900  
Fax: 028 313 2093  
E-mail: [loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

PO Box 20 / Posbus 20  
HERMANUS  
7200

2/9

3. *that the application in terms of Section 16(2)(a) of the By-Law for a consent use to allow the operation of a bottle store on the above-mentioned consolidated erf (Erven 370 and 371, Zwelihle), be approved in terms of the provisions of Section 61 of the said By-Law;*
4. *that the application in terms of Section 16(2)(b) of the By-Law for a departure to relax the 3m northern lateral building line to 2m to accommodate the new bottle store, and to relax the 3m northern and rear building lines to 0m to accommodate new toilets, be approved in terms of the provisions of Section 61 of the said By-Law;*
5. *that the approvals in points 1. to 4. above be subject to the following conditions:*
  - (a) *that a new site development plan be submitted showing a refuse area, a disabled toilet on-site and amended parking layout to ensure compliance with Section 4.2 of SANS 10400 (no parking bay closer than 1,5m from the commercial building window), to the satisfaction of the Senior Manager: Town and Spatial Planning;*
  - (b) *that all the conditions in the Services Report (attached as Annexure D), be complied with;*
  - (c) *that building plans be submitted to the Building Department for approval;*
  - (d) *that commercial rates and tariffs as determined by the annual budget be made applicable, which tariffs are automatically adjusted in terms of the annual budget;*
  - (e) *that the facility complies with Health and Safety legislation;*
  - (f) *that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;*
  - (g) *that a refuse area be provided and maintained to the satisfaction of the Manager: Waste Management, and*
  - (h) *that all the conditions of Telkom (attached as Annexure E), be complied with.*
6. *that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.*

**RECOMMENDATION TO COUNCIL :**

*that the application in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) to deviate from the Overstrand Municipality Spatial Development Framework, 2006 and the Overstrand Municipality Growth Management Strategy (2010), be recommended for approval."*

4. Reasons for the above decision are as follows:
  - ❖ No objections were received against the application.
  - ❖ The proposal is in line with the recently approved Business Corridor Plan for Zwelihle, approved by Council on 28 August 2019, therefore the deviation of the SDF and GMS was also supported.

- ❖ The approval of the application will provide economic opportunity for residents in Zwelihle.
  - ❖ The new proposed bottle store will provide for a formal business operating in line with all health and safety requirements, to provide a service to the Zwelihle community.
  - ❖ The proposed business site will have sufficient space for parking, etc. not to have a negative impact on surrounding properties.
  - ❖ The proposal is in line with the planning principles, in that a community impacted by apartheid planning will be provided an opportunity for economic growth in an efficient and sustainable manner.
  - ❖ No new municipal services will be required for the new proposed development.
5. You are hereby informed of your right to appeal to the Appeal Authority in terms of Section 78(2) of By-Law.
- 5.1 The appeal form must be completed and should be directed to the Appeal Authority (Executive Mayor) and received **within 21 days of notification** of this decision together with proof of payment of the appeal fee (R3207-00).
- 5.2 The appeal form is available at request or alternatively on the Municipal website ([www.overstrand.gov.za](http://www.overstrand.gov.za)).
- 5.3 Contact details are as follows:
- |                    |                                                                          |
|--------------------|--------------------------------------------------------------------------|
| Physical address : | 16 Paterson Street, Hermanus, 7200                                       |
| Postal address :   | PO Box 20, Hermanus, 7200                                                |
| E-mail address :   | <a href="mailto:loretta@overstrand.gov.za">loretta@overstrand.gov.za</a> |
6. Please be advised that subsequent to the finalization of any appeal application by you, with regard to the above conditions of approval, the **recommendation** as contained in the above decision to deviate from the Spatial Development Framework and Growth Management Strategy still has to be referred to Council for a decision. You may thus not act on the above decision of the Municipal Planning Tribunal prior to receipt of written confirmation, which will only be issued upon receipt of Council's resolution.

Yours faithfully

  
 S MÜLLER  
 DIRECTOR : INFRASTRUCTURE AND PLANNING

4)9  
( ANNEXURE D I/2 )

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSOLIDATION, REZONING, CONSENT USE,  
DEPARTURE, DEVIATION FROM OVERSTRAND SPATIAL DEVELOPMENT  
FRAMEWORK, 2006 & OVERSTRAND GROWTH MANAGEMENT STRATEGY:  
ERVEN 370 & 371, ZWELIHLE (2949/2019)**

Stormwater (SW)	:	In Order
Electricity	:	In Order
Water	:	In Order
Sewer	:	In Order
Roads and traffic	:	In Order

**Conditions:**

1. that only the existing water and sewerage connections to Erf 370 shall be used to service the consolidated erf consisting of Erven 370 & 371;
2. that, should Erven 370 & 371 be consolidated, the existing water- and sewer connections to Erf 371 must be disconnected and blanked off, and all existing plumbing- and sewer on Erf 371 must be connected to the water- and sewer connections of Erf 370;
3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
5. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
6. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Directorate: Infrastructure and Planning;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;

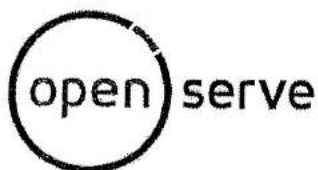
( 2/2 ) 5/9

2

- 9. that stormwater be allowed to discharge through the proposed Erven, Zwelihle, unobstructed.

*p.p. R. Coetzee*  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

*28/03/2019*  
DATE



TP - A. Theart  
(H. Olivier)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

FILE NO:	Erven 370 & 371
	HZW
SCAN NO:	HZW 370
COLLABORATOR NO:	1291701

Candice Spammer

Tel: 021 414 5582

Fax: 086 480 0617

Email: spammec1@telkom.co.za

Our Ref.: WWIP\_WHMN1808\_19

Your Ref.: 370 and 371 HZW

6 June 2019

Attention: S Muller

Overstrand Municipality  
HERMANUS

**PLANT AFFECTED:**

**APPLICATION FOR CONSOLIDATION, REZONING, CONSENT USE, DEPARTURE, DEVIATION FROM OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND OVERSTRAND GROWTH MANAGEMENT STRATEGY, 2010: ERVEN 370 AND 371, JIKELEZA STREET, ZWELIHLE**

With reference to your application received April 2019.

As important cables and other infrastructure are affected, please contact our representative Frederik Swart at 028 514 1199 / 081 363 7815 / Frederiks@openserve.co.za 48 hours prior to commencement of construction work.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

06 JUN 2019

TP

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,  
Private Bag X881, Pretoria, Gauteng, 0001

(2/4) 7/9

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

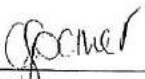
Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully

  
\_\_\_\_\_  
Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

( 3/4 ) 8/9

**PLANT AFFECTED : COPPER**

This wayleave, Reference Number **WWIP WHMN1808 19** is valid for 12 months from date hereof and is subject to the following conditions:

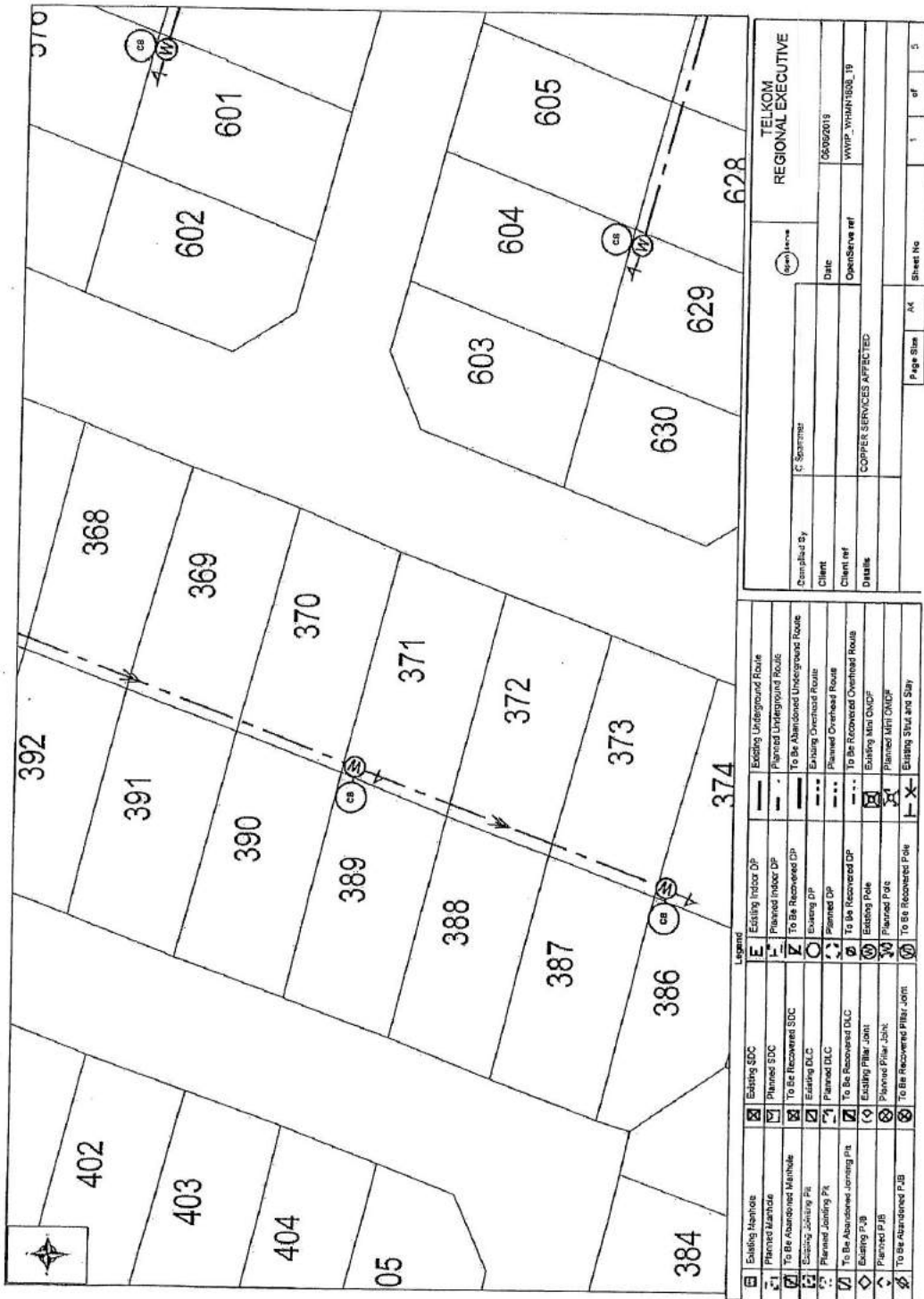
1. No mechanical plant or vibrator type compactors may be used within three meters of any Openserve Plant (I.E. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of the Openserve Plant will be indicated on site.
3. A written request must be submitted to Openserve for consideration, should the of the work, upon which the actual location of Openserve Plant will be applicant require our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existance of the indicated plant and to notify Openserve immediately, should the applicant locate any Openserve Plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for any damage or loss as a result thereof.

Date: 2019/06/06

By: C Spammer  
For Regional General Manager  
Western Cape

Legend	Green
1. Underground Pipe	
2. Underground Cable	
3. Manhole	
4. Street Distributio Cabinet (SDC )	
5. Jointing Pit / AJB	
6. Jointing Pillar ( PJ )	
7. Pipe Junction Box ( B/S )	
8. Robot Control	
9. Pole	
10. Stay	
11. Strut	
12. Aerial Cable ( A/C )	





Annexure C 126

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 August 2019  
(Also the agenda for the Mayoral Committee Meeting : 28 August 2019)**

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**8.  
PROPOSED BUSINESS CORRIDORS & NODES FOR EXISTING SETTLEMENTS  
IN THE OVERSTRAND MUNICIPAL AREA**

15/1/3/10/4

P Roux

28 May 2019

(028) 313 8039

Hermanus Administration

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**1. Executive Summary**

To acquire Council's approval for the adoption of business corridors and nodes in previously disadvantaged settlements.

The Locality Maps of the proposed business corridors and nodes concerned is attached as Annexure A.

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

Spatial Planning and Land Use Management Act (SPLUMA) Act no. 16 of 2013

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

The Overstrand Municipality has identified that there is a lack in proper spatial initiatives and planning for commercial and mixed use development opportunities in previously disadvantaged communities. This is due to the CBD areas being prioritized for economic development opposed to other settlements. This spatial imbalance has led to communities to seek other means of gaining access to the economic facilities. With no formal areas identified and no formal legislation being followed socio-economic facilities were created in residential areas which are outside the ambit of today's laws

2/26

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 August 2019  
(Also the agenda for the Mayoral Committee Meeting : 28 August 2019)**

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and regulations. The commercial corridors and nodes are proposed in order to create opportunities for the community and entrepreneurs to inverse. This proposal would also allow the Municipality to fulfil its mandate in terms of Section 152 of the Constitution of South Africa.

**Discussion**

Section 152 of the Constitution of South Africa states that Local Municipalities must strive to achieve the following objects;

- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment;

In order to provide furtherance of the objective of the Constitution, the Municipality have initiated a project for the preparation and delineation of area specific Business Corridors and Nodes in settlements. The aforementioned settlements are;

- Mooiuitsig; select areas in Kleinmond; Hawston; Mount Pleasant; Zwelihle; Stanford; Mashakane; Blompark and Eluxoweni.

The maps indicating the proposed delineation is attached as Annexure A.

The proposed delineation of area specific Business Corridors and Nodes were discussed with the respective Ward Committees.

The preparation and delineation of area specific Business Corridors and Nodes have been identified on the following basis:

- Input from Ward Meetings
- The distance from key access routes;
- Proximity of community to other facilities;
- Transport issues within the community;
- Walking distance to other commercial facilities.

The proposed Business Corridors and Nodes are aimed at promoting formal socio-economic facilities within previously disadvantaged communities in order to enrich the community and allow the respective community to live, play and work without having to travel far distances. The delineation of specific Business Corridors and Nodes will provide the local community and entrepreneurs with the following:

- More knowledgeable about the outcome of Land Use Applications;
  - Better access to formal and legalised facilities;
  - Cost effective and sustainable development; and
-

3/26

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 August 2019  
(Also the agenda for the Mayoral Committee Meeting : 28 August 2019)**

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- Economic and investment opportunities for entrepreneurs.

The areas identified for the proposed business corridors and nodes are properties which are mostly zoned for residential use. Once a potential investor, local community member or entrepreneur has identified a location to place their business within the demarcated area, then he/she will have to follow a process to secure the business rights on the property (i.e. rezoning the property from residential use to business use). The Municipality will also have the opportunity to aid a potential investor, local community member or entrepreneur in developing the land use rights. The aforementioned process will enable the Municipality to identify if certain additional services are required for the property and whether the proposed business will not have a negative impact on the surrounding property owners.

#### **Evaluation**

Comments received during public participation which will require attention are as follow;

#### Electrical Department:

For Gansbaai; the upgrading of electrical connections will be at the cost of the owner. In Zwelihle only residential connections are available.

Malva Street and Schulphoek Boulevard will require services.

#### Town Planner's comment:

The proposed demarcated areas are on existing erven with most of the erven being zoned for residential use. Should the dwellings change to business use then the services must also be upgraded.

#### Heinrich Foot:

Objection in summary:

- Betty's Bay does not have the infrastructure to accommodate such a socio-economic facility.
- It will cause destruction to Betty's Bay which was declared as a biosphere in 1998.
- Betty's Bay is a holiday town with few permanent residences.
- Most commercial properties are in the market due to the seasonal nature of consumers.
- It will place a burden on local management who does not allow the sale of liquor.

4/26

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 August 2019  
(Also the agenda for the Mayoral Committee Meeting : 28 August 2019)**

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- The area identified is ecologically very sensitive.

Town Planner's comment:

The proposed Business Nodes identified as part of this project is two (2) properties at the entrance of Mooiuitsig. No new erven will be created as the properties identified are already developed and therefore the proposal will have no additional impact biosphere. The Business Nodes identified as a spatial initiative to guide potential investor or entrepreneur to open a business which will be to the benefit of the Mooiuitsig community. No mention is made that the Business Nodes will be used for the sale of liquor. If the property is rezoned for business use then the merit of the change of use and the subsequent impact thereof be evaluated.

Should Council's approval be gained then the proposed Business Corridors and Nodes will be adopted within the revised Overstrand Growth Management Strategy, which sets out spatial initiatives for the settlements of the Overstrand.

The opinion is held that the proposed Business Corridors and Nodes as identified will be a benefit to the community and help ensure socio-economic growth within the pervious disadvantaged communities.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Electrical Department**

Attached as Annexure B

**Heinrich Foot**

Attached as Annexure C

**10. Annexures**

Annexure A:	Business Corridor and Nodes
Annexure B:	Comments from Electrical Department
Annexure C:	Comments from Heinrich Foot.

S/26

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
20 August 2019  
(Also the agenda for the Mayoral Committee Meeting : 28 August 2019)**

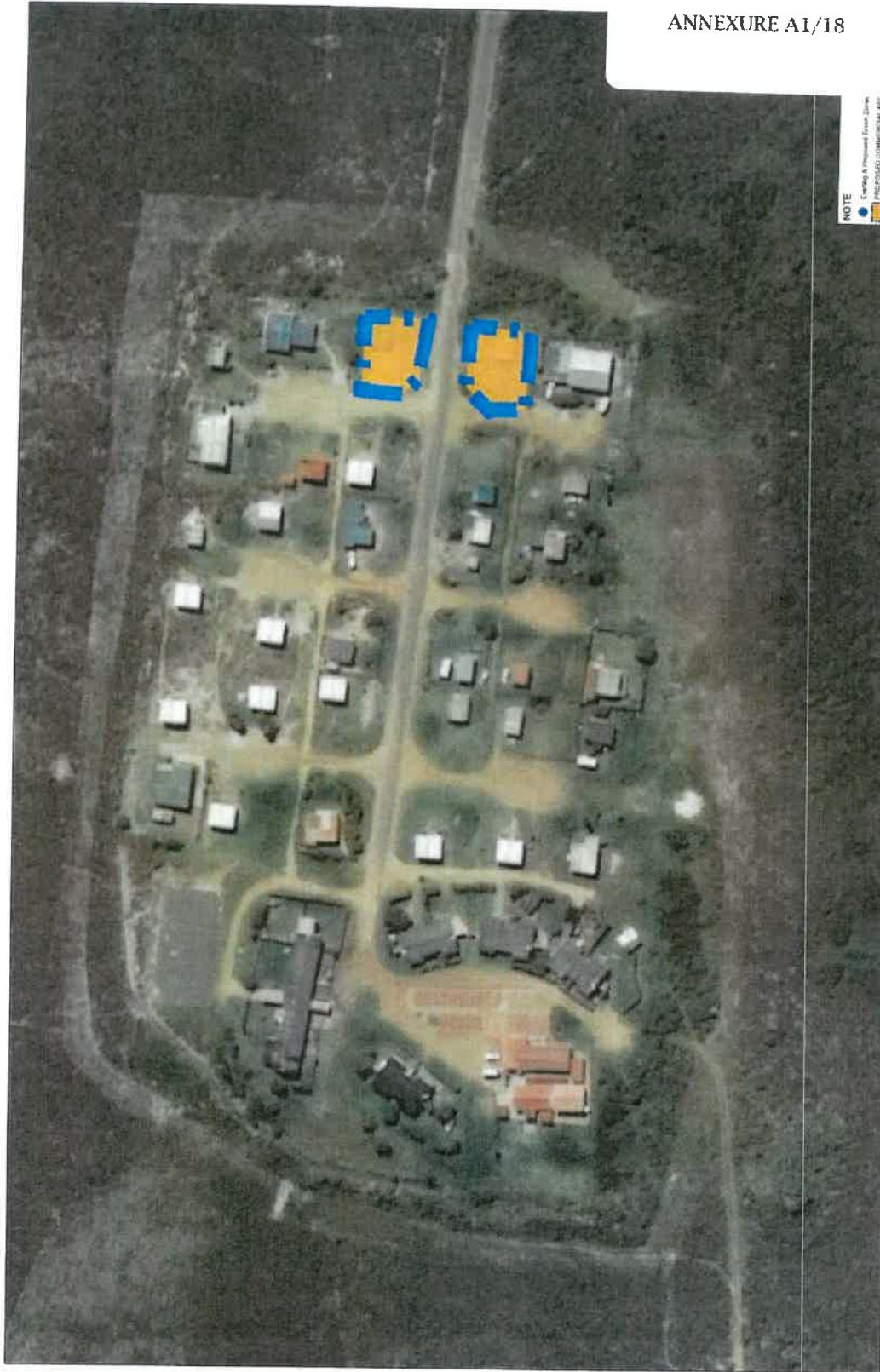
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**RECOMMENDATION TO THE COUNCIL :**

that the proposed delineation of area specific Business Corridors and Nodes in settlements, namely: Mooiuitsig; select areas in Kleinmond; Hawston; Mount Pleasant; Zwelihle; Stanford; Mashakane; Blompark and Eluxoweni (attached as Annexure A), **be approved.**

<b>RESPONSIBLE OFFICIAL:</b>	<b>P ROUX</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>18 SEPTEMBER 2019</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>N/A</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>

ANNEXURE A1/18

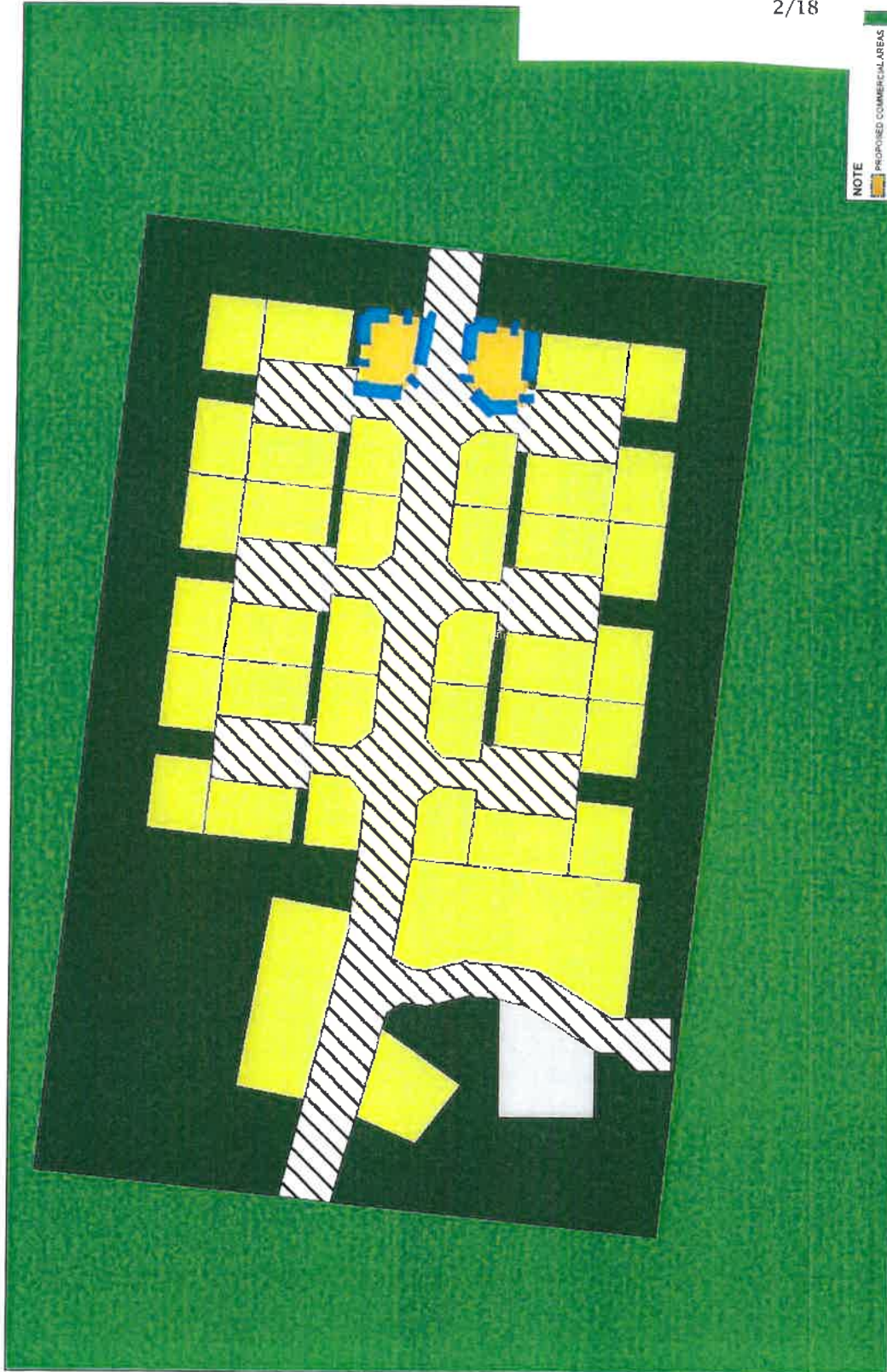


NOTE  
Existing & Proposed Floor Plans  
● Existing Floor Plans  
■ Proposed Commercial Use



MOOIUISIG





NOTE  
PROPOSED COMMERCIAL AREAS



MOOIUTSIG





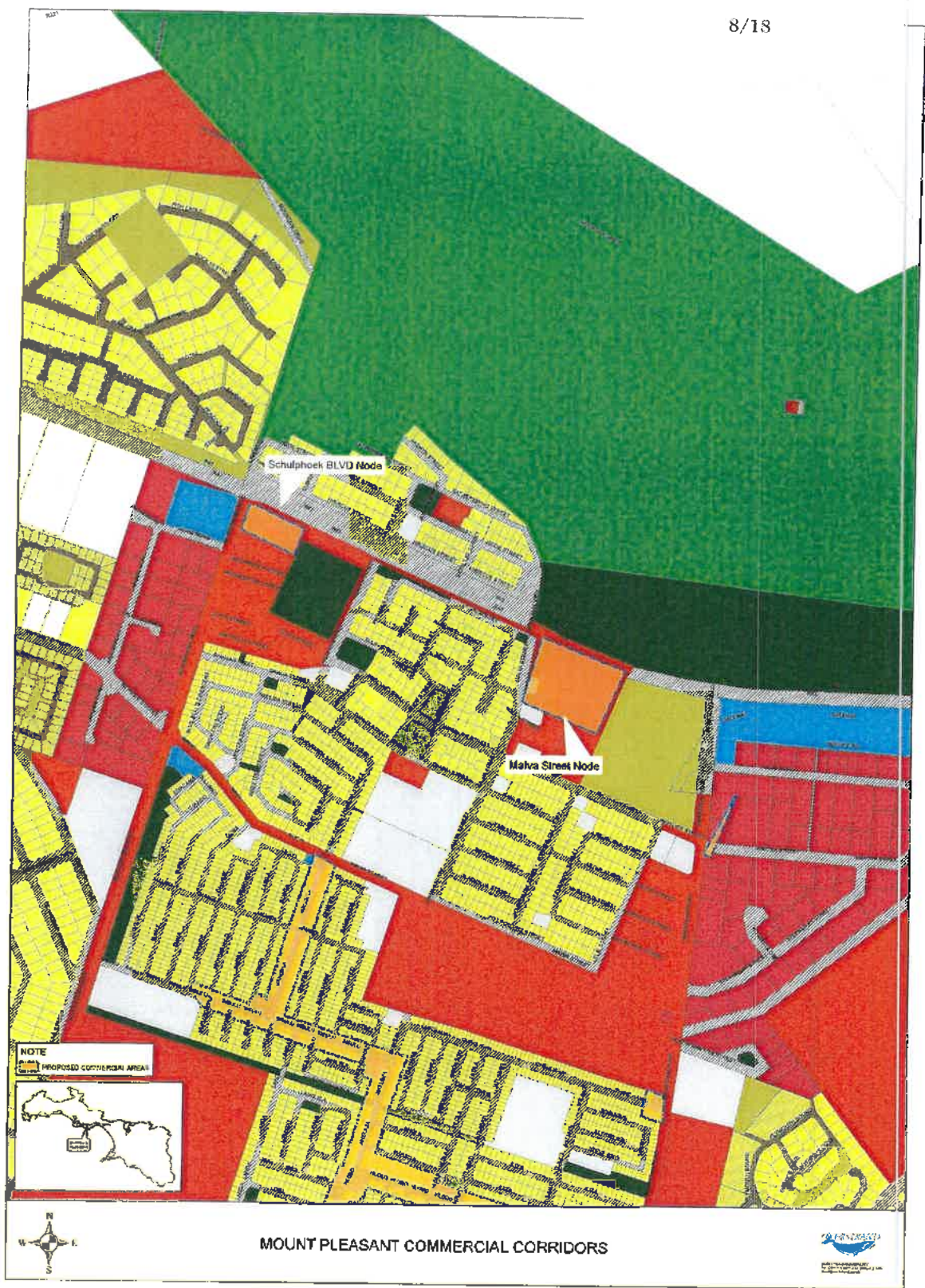


**KLEINMOND COMMERCIAL CORRIDORS**









NOTE  
PROPOSED COMMERCIAL AREAS



MOUNT PLEASANT COMMERCIAL CORRIDORS



9/18



ZWEHLIHE COMMERCIAL NODES



10/18



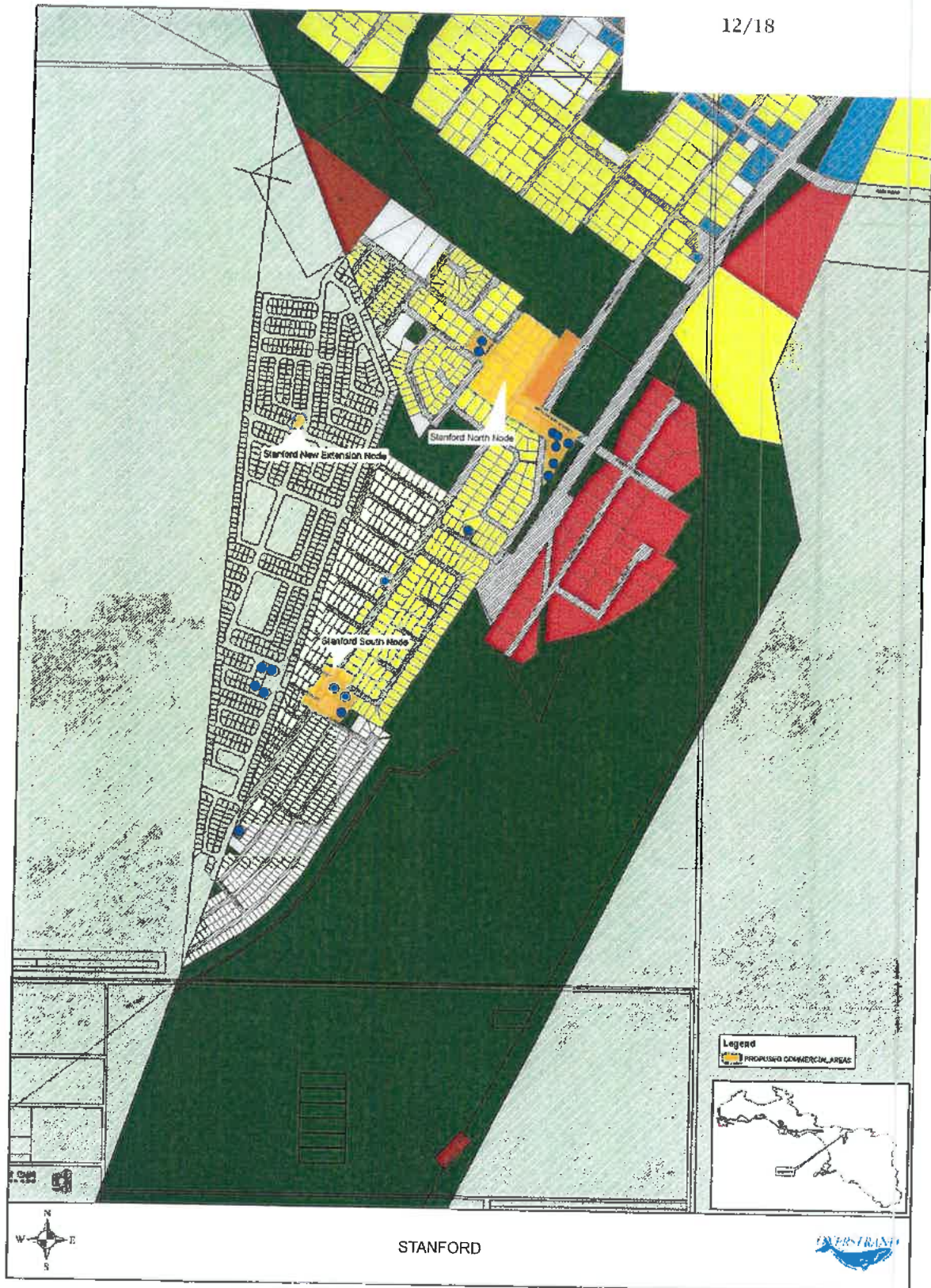
ZWELIHLE COMMERCIAL NODES



11/18



12/18



STANFORD







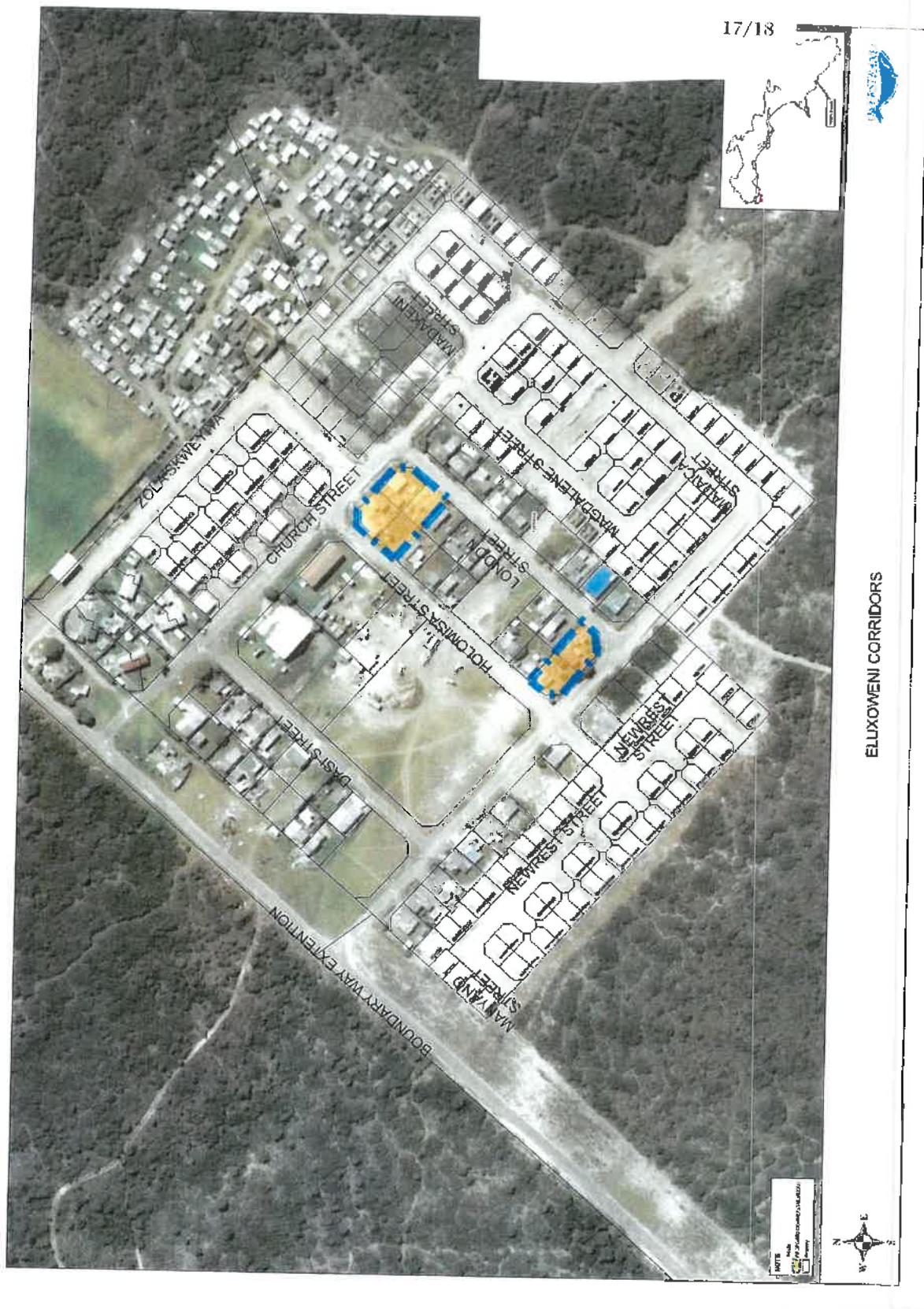


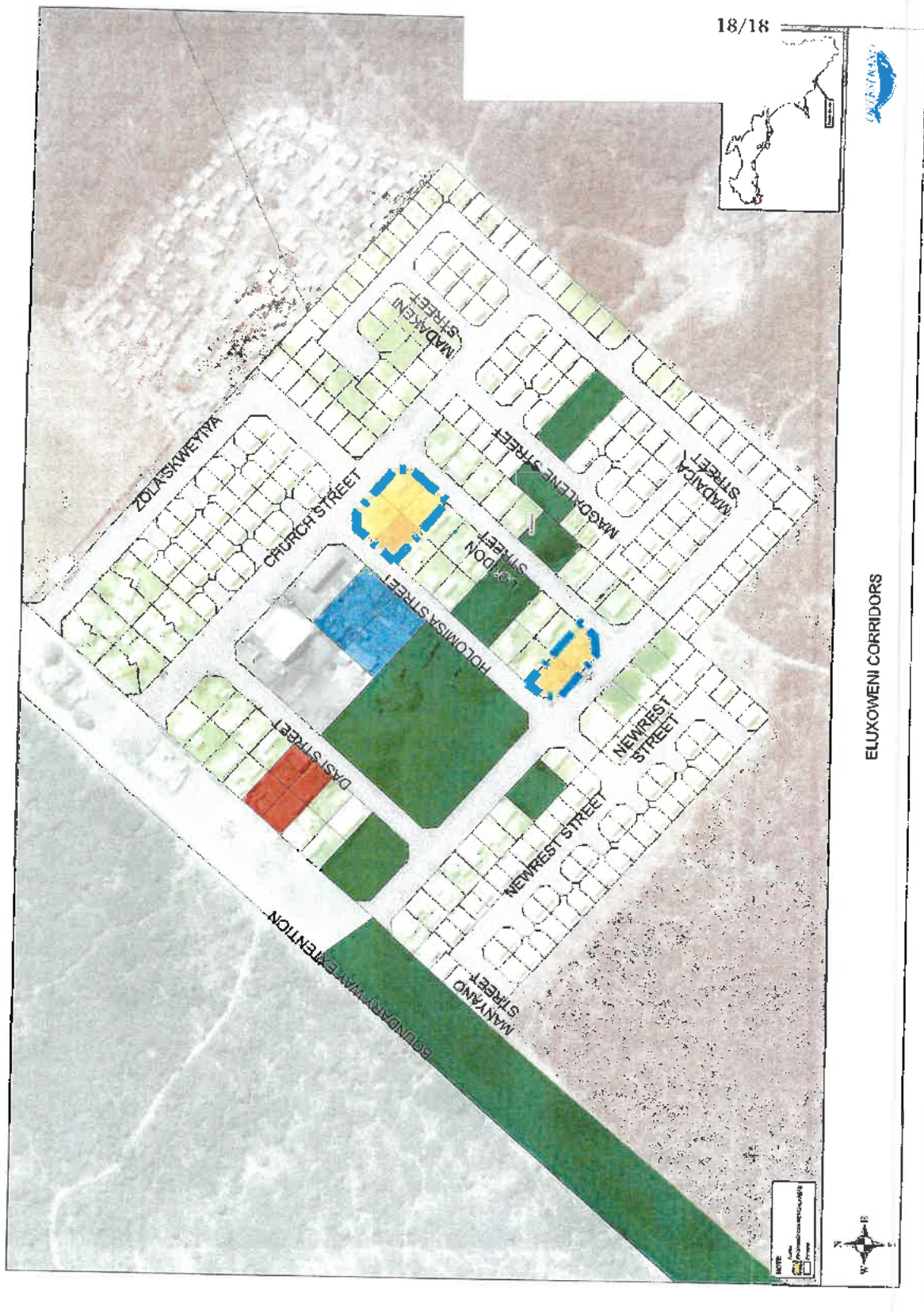
BLOMPARK COMMERCIAL NODES



NOTE  
Commercial Nodes  
Other Nodes







**Petrus Roux - Re: Demarcation Commercial Nodes and Corridors**

**From:** Jamie Klem  
**To:** Brendelene Stewart; Petrus Roux  
**Date:** 2019/01/31 08:27 AM  
**Subject:** Re: Demarcation Commercial Nodes and Corridors

Sir / Madam.

The electricity department does not have any objections towards the proposed business corridors, however keep in mind that there are at this stage areas which is not electrified:

1. Malva Street node , not developed no services.
2. Schuilphoek BLVD node no services.

Zwelihle corrodor has limited electrical supplies, only house service connections.

Kleinmond and Gansbaai areas not shown on attached maps.

Bettys Baai area is Eskom supply area.

Regards.

**Jamie Klem**  
 Snr Superintendent Projects Electrical Services Hermanus  
 Overstrand Municipality

T: 028-316 2630 | F: 028-316 2632 | M 0724622216 | E: [jklem@overstrand.gov.za](mailto:jklem@overstrand.gov.za)

<<< Brendelene Stewart 2018/12/11 11:00 AM >>>

Good Morning

Attached please find an Internal Memo for your attention. Kindly provide your department's comments directly to Petrus Roux ([petrusroux@overstrand.gov.za](mailto:petrusroux@overstrand.gov.za)) on or before 29 February 2018.

NB: Kindly provide all comments in English. Your comments, as received, are copied straight into the Land Use Planning Reports.

Kind Regards,

**Brendelene Stewart**  
 Senior Clerk, Town & Spatial Planning Department  
 Overstrand Municipality  
 A: 16 Paterson Street, Hermanus, 7200 P: P O Box 20  
 T: 028 313 8900 | F: 028 313 2093 | E: [bstewart@overstrand.gov.za](mailto:bstewart@overstrand.gov.za)

## ANNEXURE C

07 Februarie 2019

Munisipale Kennisgewing N: 171/2018

Die Munisipale Bestuurder  
Overstrand Munisipaliteit  
Posbus 20  
Hermanus  
7200

Geagte Meneer


**Kommentaar op voorgestelde Besigheidskorridors en Nodes**

Hiermee wil ek graag beswaar aanteken teen die voorgestelde Besigheidskorridors en Nodes te Mooi Uitsig, Bettiesbaai vir die volgende redes :

1. Bettiesbaai het geen infrastruktuur om so 'n sosio - ekonomiese fasiliteite te kan rugsteun nie.
2. Dit sal afbreuk maak aan Bettiesbaai wat as 'n Biosfeer in 1998 verklaar is.
3. Bettiesbaai is eintlik 'n vakansiedorp waar min mense permanent woonagtig is.
4. In Bettiesbaai is omtrent alle sake in die mark juis om sy seisonale ondersteuning deur mense
5. Dit kan n groot las plaas op plaaslike bestuur wat geen alkoholiese drank verkope toelaat nie
6. Die area gekies vir afbakening is juis in 'n area wat ekologies baie sensitief is vir groot ontwikkeling.

Ek sal dit waardeer as u by wyse van openbare vergaderings en meer inligting met die plaaslike inwoners kan reël vir meer deursigtigheid en selfstandige besluite vir die toekoms

By voorbaat dankie

  
Heinrich Foot  
Waller's Way 4262  
Bettys Bay  
Cel. 0823754827

**5.8  
PROPOSED BUSINESS CORRIDORS & NODES FOR EXISTING SETTLEMENTS  
IN THE OVERSTRAND MUNICIPAL AREA**

**(ITEM 8, PAGE 487 : INFRASTRUCTURE & PLANNING PORTFOLIO -  
MAYORAL COMMITTEE MEETING : 28 AUGUST 2019)**

**RESOLVED (SUPPORTED BY 23 COUNCILLORS):**

that the proposed delineation of area specific Business Corridors and Nodes in settlements, namely: Mooiuitsig; selected areas in Kleinmond; Hawston; Mount Pleasant; Zwelihle; Stanford; Masakhane; Blompark and Eluxoweni **be approved.**

<b>RESPONSIBLE OFFICIAL:</b>	<b>P ROUX</b>
<b>TARGET DATE FOR IMPLEMENTATION:</b>	<b>18 SEPTEMBER 2019</b>
<b>TARGET DATE TO INFORM APPLICANT:</b>	<b>N/A</b>
<b>TARGET DATE TO INFORM OBJECTOR:</b>	<b>N/A</b>