

## 4.3

**ERVEN 8959 & 9079, ZWELIHLE, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE, REZONING, CONSOLIDATION & CONSENT USE: OVERSTRAND MUNICIPALITY****8959 & 9079 HZW (4242/2022)****B Minnaar****30 May 2023****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 21 June 2022 on behalf of Overstrand Municipality on Erven 8959 & 9079, Zwelihle, Hermanus in terms of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 (By-Law) for the following:

- ❖ **subdivision** in terms of Section 16.(2)(d) of the By-Law to subdivide the Erf 9079, Zwelihle (11751m<sup>2</sup>) into two (2) portions namely: Portion A (±2353m<sup>2</sup>) and the Remainder (±9398m<sup>2</sup>);
- ❖ **closure of a public place** in terms of Section 16.(2)(n) of the By-Law for the closure of Portion A;
- ❖ **rezoning** in terms of Section 16.(2)(a) of the By-Law for the rezoning of Portion A from Open Space Zone 2: Public Open Space to Business Zone 3: Local Business;
- ❖ **consolidation** in terms of Section 16.(2)(e) of the By-Law for the consolidation of Portion A (±2353m<sup>2</sup>) with Erf 8959, Zwelihle (2707m<sup>2</sup>) to create a Newly Consolidated Erf, Zwelihle (±5060m<sup>2</sup>)- with the consolidation, a new erf number will be awarded;
- ❖ **consent use** in terms of Section 16.(2)(o) of the By-Law to accommodate a public library on the first floor of the proposed development on the Newly Consolidated Erf, Zwelihle (±5060m<sup>2</sup>); and
- ❖ **consent use** in terms of Section 16.(2)(o) of the By-Law for the submission of a Site Development Plan for the Remainder, Zwelihle (±9398m<sup>2</sup>) for the purposes of recreational facilities and associated community facilities as seen fit by the Overstrand Municipality applicable to this zone.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the Subdivision & Consolidation plan is attached as Annexure C and the proposed Site Development Plan is attached as Annexure D.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

### 3. BACKGROUND / SITE HISTORY

The proposed development consists of two (2) erven owned by Overstrand Municipality, namely: Erf 8959 & 9079, Zwelihle, Hermanus. Erf 8959, Zwelihle is a vacant erf with the extent of 2707m. Erf 9079, Zwelihle is vacant as well with the extent of 11751m<sup>2</sup>.

It is proposed to subdivide Erf 9079 into two (2) portions (Portion A & Remainder); to rezone and consolidate Portion A with Erf 8959, Zwelihle to accommodate a supermarket on the ground floor and a public library on the first floor; to develop the Remainder with recreational facilities which include a pump track (BMX track), playpark, amphitheatre, two (2) soccer fields, skate park, and a youth centre with ablution facilities.

The proposed development consists of two parts, the development of business-related activities (supermarket) and the development of the recreational/community related facilities. The application by the municipality is only for the development rights and not the development of the site itself.

### 4. SUMMARY OF APPLICANT'S MOTIVATION

#### THE MOTIVATION FOR THE APPLICATION IS AS FOLLOWS:

- ❖ Erf 9079, Zwelihle is to be developed for recreational/community facilities and is to be subdivided into two (2) portions namely: Portion A & the Remainder.
- ❖ The closure of a public place (Portion A), rezoning and the subsequent consolidation of Portion A with Erf 8959, Zwelihle to accommodate the proposed mixed-use development.
- ❖ The Remainder is to remain Open Space 2: Public Open Space. This zoning does not permit a place of assembly (youth centre) or a place of entertainment (amphitheatre) as a primary land use right or consent use right. It must be mentioned that the By-Law does make provision in this zone for any related community activities by means of the submission of a Site Development Plan.
- ❖ Erf 8959, Zwelihle is zoned for business purposes as well as indicated to be developed for business purposes in terms of the Overstrand Spatial Development Framework, 2020. To accommodate both a supermarket and public library on Newly Consolidated Erf, Zwelihle (±5060m<sup>2</sup>) is therefore seen to meet the desired outcome of the SDF.
- ❖ Business Zone 3 does not permit a place of instruction (public library) as a primary use right; however, it is permitted as a consent use right. Therefore, a consent use application is applied for to accommodate the library.
- ❖ The proposed mixed-use development on Erf 8959, Zwelihle requires additional parking: application is therefore made for the subdivision, closure of public place, rezoning and consolidation of a portion of Erf 9079, Zwelihle with Erf 8959, Zwelihle to accommodate the additional parking requirements.
- ❖ The proposed site is located in an area with a good mix of land uses namely: residential, industrial, community uses as well as business uses. The site is located on the corner of Schulphoek Boulevard and Mbeki Road which are easily accessible from the Main Road (the R43), therefore making it highly accessible to the immediate surrounding community as well as the broader Hermanus community.
- ❖ The community related facilities are in-line with the current character of the area as there is a school directly opposite the subject site. The proposal therefore suits the surrounding land uses adequately.

- ❖ The capacity to support both the proposed business and library on Erf 8959, Zwelihle requires the site to be larger in extent to accommodate the additional parking requires and building extent. Application is therefore made to increase the current extent of Erf 8959, Zwelihle.
- ❖ The supermarket and the library are proposed to cater for the immediate surrounding area (Zwelihle). The site is easily accessible and in close proximity to the surrounding (predominantly) residential area of Zwelihle.
- ❖ The proposal brings both the business and community activities to the Zwelihle area that is in close proximity reducing the cost of travel.
- ❖ The addition of the business-related activity also provides job opportunities to the immediate surrounding area.
- ❖ The security of the supermarket will provide security for the library as well which will reduce the possible security risks.
- ❖ Erf 8959 will be able to utilise the existing services, however the services may require an upgrade as per the Engineering Department.
- ❖ The site is not located within a Heritage Protection Overlay Zone and therefore would not have an impact on the heritage aspect.
- ❖ The site is not located within the Environmental Management Overlay Zone and would therefore not have a negative impact on the environmental aspect.
- ❖ Community parks, nature-based playparks can be considered as these provide green spaces which contribute to the improvement of the sense of spiritual, emotional, social, intellectual and physical well-being.
- ❖ A medium-term plan to develop a traffic circle at the intersection of Schulphoek Boulevard & Mbeki Road, which is why the development is situated to further away from the street boundary in order to accommodate the location of the traffic circle.
- ❖ The application area is situated within the urban edge; it will not alter the primary use of the property or change the layout of the approved settlement. The proposal is therefore in-line with the Overstrand Municipal Wide Spatial Development Framework, 2020.

**THE PROPOSAL WILL BE IN LINE WITH PLANNING PRINCIPLES AS FOLLOWS:**

**Spatial Justice**

The proposal is well located in terms of its accessibility to not only the immediate surrounding area of Zwelihle but the greater Hermanus as well. This enhances the economic opportunities as well as social benefits of this community. The proposal therefore adequately addresses the spatial injustice of the community of Zwelihle.

**Spatial Sustainability**

The application will not impact on environmentally sensitive land or agricultural resources, no urban sprawl, with positive utilization of land within the designated urban area.

**Efficiency**

Utilizing existing resources, linking to existing services and promoting integration into an area that is highly accessible.

### Spatial Resilience

The proposed utilisation of land will ensure that opportunities such as shopping/retail as well as community facilities are closer to the Zwelihle community which reduces their time and cost of travel. The proposal is therefore in line with the principle of spatial resilience.

### Good Administration

The application followed the relevant legislative procedures and was processed accordingly.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	16 November 2022	21 October 2022
Registered notices	Yes	16 November 2022	21 October 2022
Ward councillor	Yes	16 November 2022	21 October 2022
Total comments	<b>1</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 – 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

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

Name	Date received	Summary of comments
<b>Building Control Department</b>	20/09/2022	No objection.
<b>Fire Department</b>	20/09/2022	No objection.
<b>Tourism</b>	08/11/2022	No objection.
<b>Horticulturist</b>	03/11/2022	No objection.
<b>Waste Management</b>	21/10/2022	No objection.
<b>Overberg District Health</b>	07/11/2022	No objection.
<b>Operational Department</b>	19/09/2022	No comment.

<b>Electrical Department</b>	17/10/2022	See Annexure E.
<b>Engineering Services</b>	16/09/2022 & 02/03/2023	See Annexure F.
<b>Environmental Management</b>	26/10/2022	See Annexure G.
<b>Local Heritage Committee</b>	21/09/2022	No comment, final design to be scrutinised by Heritage Committee. See Annexure H.
<b>Ward Councillor</b>	10/10/2022	Comment received. Discussed in Section 9 of this report. See Annexure I.

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

N/A

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

See Paragraph 7 above.

#### **9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon and on comments from internal and external Departments)**

This application was circulated to immediate surrounding neighbours, as well as advertised in the local newspaper (Village News).

No comments and/or objections were received during the public participation process. However, one (1) letter was received after the closing date.

An email was received from a Mr. Sobantu on 15 November 2022, after the closing date for comments. The email stated that he did not receive the registered letter notifying him of the application in time. He also stated that he on multiple occasions consulted with the Municipality regarding a proposed tourism business. Every attempt that was made through consulting with the municipality regarding a proposed business was turned down. A response was then drafted by Mr. Henk Olivier (Town Planner) stating that a notice was sent to him (Mr. Sobantu) via registered mail. In addition, the proposed development was advertised in the local newspaper. The town planner concluded to state that the application followed the correct public participation process and that no late objections will be accommodated (the comment as well as the response is attached as Annexure J).

This application was circulated to all relevant internal & state departments.

It must be noted that the statutory 60-day period was provided for comments for external departments/institutions, and a further e-mail was also sent out to them indicating that it is interpreted that the fact that no comments were received, their comments will be considered as having no objection to the proposed application.

The Electrical Department provided their comment on 17 October 2022 which stated that the erven have 60 Amp single phase each and that there is capacity available for upgrade on the erven, but the cost thereof will be on the account of the developer. Additionally, in the case of Erf 8959 a mini substation will have to be installed. The Municipality will only obtain the land use rights; any further development will be at the cost of the potential supermarket retailer. In addition, the comment will be included as a condition of approval.

The Engineering Services Department submitted two (2) comments. The initial comment on 16 September indicated that the Engineering Department does not support the proposed layout of the development due to the following: no provision is made for the planned traffic circle at the intersection at Schulphoek Boulevard and Mbeki Street; no street access will be allowed in Mbeki Street; and the street access in Schulphoek Boulevard should be adequately spaced and planned. After a meeting held on 1 March 2023, it was concluded that the proposal is only to obtain the land use rights; the development will be redesigned to accommodate the initial comment. The second comment therefore indicates support for the proposed development which will be attached as Annexure E.

The Environmental Management Services Department indicates that they have no objection to the proposed development and does not trigger any Environmental Overlay Zones or National Environmental Management Act listed activities. However, certain conditions are to be considered as conditions of approval (the considerations are attached as Annexure G).

The Local Heritage Committee indicated that no comment will be provided and that they will scrutinize the final design at that stage. This can be added as a condition of approval.

The Horticulturist indicated that trees should be taken into consideration when drawing up plans & that the approval must be given by the area manager if any trees on Municipal Property are to be removed. This will be added as a condition of approval. See Annexure I.

The Traffic Department did not comment on the application.

Telkom did not comment on the application.

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

### **10.1 Background**

N/A

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

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

**Spatial Justice**

The application will enhance access to land and economic opportunities.

**Spatial Sustainability**

The application will not impact on environmentally sensitive land or agricultural resources, and it will help combat urban sprawl with the positive utilization of land within the designated urban area.

**Efficiency**

Existing resources and services will be utilized, and the location of this development will also promote integration in a well-located locality reducing the cost and time travelled to this location.

**Spatial Resilience**

The development will not be in a flood prone or risk area and is planned in such a manner to allow connectivity with surrounding development, roads, and infrastructure.

**Good Administration**

Good procedure was followed, and a good public participation process was followed to inform interested and affected persons about the application.

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

Same as Point 10.2 above.

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

Erf 8959 is earmarked as a vacant Business Zoned area in terms of the Overstrand Municipality SDF, 2020. Due to the fact that there are existing business rights on such portion, the proposed subdivision, closure of a public place, rezoning and consolidation of Erf 9079 with the previously mentioned Erf 8959 will merely increase the extent of the proposed supermarket in order to comply with the other relevant legislation.

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

N/A

**10.6 Impact on Municipal engineering services**

There are sufficient services in the area, the area is already serviced, however should any additional capacity be required, the upgrading will be at the cost of the developer. The application is supported by the Engineering Services Department.

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

N/A

### **10.8 Existing and proposed zoning comparisons and considerations**

The existing land use rights are already in place, however due to the size of the proposed building; a portion of Erf 9079 is to be subdivided, closed, rezoned and consolidated with Erf 8959 in order to accommodate the proposed building footprint.

### **11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

### **12. THE DESIRABILITY OF THE PROPOSAL**

The application for Erven 8959 & 9079, Zwelihle is to obtain the development rights for the proposed development of a supermarket, a library as well as recreational and other community facilities.

The proposed development design is to be done by the developer/supermarket retailer in which they comply with all the relevant legislation and conditions of approval with the submission of a Site Development Plan & a parking layout as per the requirements of Overstrand Municipality Land Use Scheme, 2020.

The proposal consists of two parts namely: the development of Erf 8959 to accommodate the supermarket on the ground floor and the public library on the first floor; and the development of Erf 9079 to accommodate a pump track (BMX track), playpark, amphitheatre, two (2) soccer fields, skate park, and a youth centre with ablution facilities.

The application was advertised for comments and no objections were received during public participation. The application was again circulated to all relevant Municipal Departments, State Departments and External Institutions (with a 60-day statutory period). The departments and institutions that have not commented are considered to have no objection to the proposed development. No negative comments were received from the circulation process.

The proposed development of a library on the first floor of the newly consolidated erf ( $\pm 5060\text{m}^2$ ) requires the consent from the municipality due to the zoning scheme not permitting a library on erven zoned Business Zone 3: Local Business as a primary right. Additionally, the proposed development on Erf 9079 to accommodate an amphitheatre and a multi-purpose hall (youth centre) with ablution facilities is not a primary use right on erven zoned Open Space 2: Public Open Space. Consent is therefore also required / applied for through the submission and approval of a Site Development Plan.

The proposed mixed-use development of a supermarket and the various community and recreational facilities is in line with the mixed-use nature of the immediate surrounding area (Zwelihle). Not only does the proposed development offer opportunities closer to the area of Zwelihle, but it also offers a good mix of commercial, retail and social facilities aiding to the improvement of the quality of life.

Considering that the erven are already zoned for the purposes of the development it is the opinion that the proposed developed is desirable from a town planning perspective.

Additionally, if Overstrand Municipality alienate the newly created Erf 8959, Zwelihle by means of a competitive bidding process, the alienation will allow Overstrand Municipality to generate income from the business zoned property. In this way, Overstrand Municipality will be able to offset the generated income of the business zoned property to fund the development of the recreational/community facilities proposed on the Remainder Erf 9079, Zwelihle. It is therefore proposed that a recommendation be made to Council to alienate the newly created consolidated property in Zwelihle by means of a competitive bidding process at a market related price.

Considering the above, the application can be supported subject to all relevant conditions of approval must be complied with.

### 13. RECOMMENDATION

1. that the application in terms of Section 16.(2)(d) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to subdivide the Erf 9079, Zwelihle (11751m<sup>2</sup>) into two (2) portions namely: Portion A (±2353m<sup>2</sup>) and the Remainder (±9398m<sup>2</sup>); **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16.(2)(n) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 of Portion A for the closure of a public place, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16.(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to rezone Portion A from Open Space Zone 2: Public Open Space to Business Zone 3: Local Business, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(e) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 to consolidate Portion A (±2353m<sup>2</sup>) with Erf 8959, Zwelihle (2707m<sup>2</sup>) to create a consolidated erf (±5060m<sup>2</sup>), **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 for consent use on the Newly Consolidated Erf, Zwelihle (±5060m<sup>2</sup>) to accommodate a public library on the first floor, **be approved** in terms of the provisions of Section 61 of the By-Law,
6. that the application in terms of Section 16(2)(o) of the Overstrand Municipality Amended By-law on Municipal Land Use Planning, 2020 for consent use for the submission of a Site Development Plan for the Remainder Erf 9079, Zwelihle (±9398m<sup>2</sup>) to accommodate the recreational facilities and associated community facilities as seen fit by the Overstrand Municipality applicable to this zone, **be approved** in terms of the provisions of Section 61 of the By-Law,
7. that the approvals in Points 1 to 6 above be subject to the following conditions:
  - (a) that an amended Site Development Plan be submitted for the newly consolidated erf (±5060m<sup>2</sup>) with a parking layout plan to comply with the Overstrand Municipality Land Use Scheme, 2020;

- (b) that the amended Site Development Plan design take into consideration and incorporate the planned circle at the intersection of Schulphoek Boulevard & Mbeki Road;
  - (c) that all the conditions of approval imposed by the Electrical Department (attached as Annexure E) be complied with;
  - (d) that all the conditions of approval imposed by the Engineering Services Department (attached as Annexure F) be complied with;
  - (e) that all the conditions of approval imposed by the Environmental Management Services (attached as Annexure G) be complied with;
  - (f) that all the conditions of approval imposed by Local Heritage Committee (attached as Annexure H) be complied with;
  - (g) that the submission and approval of a building plan for the development complies with all relevant building and fire regulations, and
  - (h) that this approval does not absolve the applicant/owner from compliance with any other relevant legislation.
8. that the applicant be notified of its appeal right in terms of Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 regarding the above decisions.

#### **14. REASONS FOR RECOMMENDATION**

- ❖ No objections were received from the public or municipal or State Departments within the public participation process.
- ❖ The area is already earmarked for the proposed development land uses in terms of the Overstrand Municipality Spatial Development Framework, 2020.
- ❖ The proposal is only for the land use rights for both erven, the development of the erven is at the cost of the developer with regards to the Erf 8959, Zwelihle.
- ❖ The Architectural Guidelines and Landscape Plan for the development have already been approved, and the landowner also acted on the EIA approval.
- ❖ This application will assist with the increase in opportunities and improvement in quality of life for the area of Zwelihle and the immediate surrounding area.
- ❖ The development will be in line with the SDF, 2020, which earmarked this area as vacant Business area & Open Space area.
- ❖ The development will be in line with the Overstrand Municipality growth Management Strategy, 2020, which earmarked this area as vacant Business area & Open Space area.
- ❖ The application is in line with the SPLUMA and LUPA Planning Principles.

#### **15. ANNEXURES**

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Subdivision & Consolidation Plan
- Annexure D: Site Development Plan
- Annexure E: Comments: Electrical Department
- Annexure F: Comments: Engineering Services Department
- Annexure G: Comments: Environmental Management Services

Annexure H: Comments: Local Heritage Committee  
Annexure I: Comments: Horticulturist  
Annexure J: Comments & Response to objection: Mr. Sobantu

**SIGNATURES****AUTHOR:**

Name: **BC MINNAAR**

SACPLAN registration number: **C/8630/2021**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN registration number: **A/1708/2013**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Annexure A



Locality Map  
Erven 8959 & 9079, Schulphoek Boulevard, Zweilinie

Date: 2022/09/07



APPLICATION FOR SUBDIVISION, CLOSURE  
OF A PUBLIC PLACE, REZONING,  
CONSOLIDATION & CONSENT USE

ERVEN 8959 & 9079 ZWELIHLE, HERMANUS



OVERSTRAND MUNICIPALITY  
MUNICIPAL PROJECT



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**ANNEXURES**

- Annexure A: Application form
- Annexure B: Locality Plan
- Annexure C: Zoning Map Extract
- Annexure D: Subdivision & Consolidation Plan
- Annexure E: Site Development Plan
- Annexure F: Title Deed
- Annexure G: General Plan

### 1. Property & general details

Erf Number	Erf 8959, Zwelihle, Hermanus	Erf 9079, Zwelihle, Hermanus
Property Owner	Overstrand Municipality	Overstrand Municipality
Title Deeds	T23241/2002	T23241/2002
S.G. Diagram	General Plan No. 6015/2000 Sheets 2 of 5	General Plan No. 6015/2000 Sheets 2 of 5
Erf Size	2707m <sup>2</sup>	11751m <sup>2</sup>
Zoning	Business Zone 3: Local Business	Open Space 2: Public Open Space
Site Access	Corner of Mbeki Road & Schulphoek Boulevard.	Schulphoek Boulevard.

### 2. Background

Erf 8959, Zwelihle is a vacant portion of land with  $\pm 2707\text{m}^2$  in extent and is zoned Business Zone 3: Local Business. Erf 9079, Zwelihle is  $\pm 11751\text{m}^2$  in extent and is zoned Open Space 2: Public Open Space which a portion of that land (southern portion) is used for purposes of a sports activities. Both portions of land are owned by the Overstrand Municipality (OM) which are both vacant.

The Overstrand Municipality Spatial Development Framework, 2020 proposes that Erf 8959, Zwelihle be developed for business purposes.

Council proposes that Erf 8959 & 9079, Zwelihle be developed for both a business area as well as with community facilities. Herewith, the various OM internal departments were instructed to draft & submit an application on behalf of Overstrand Municipality.

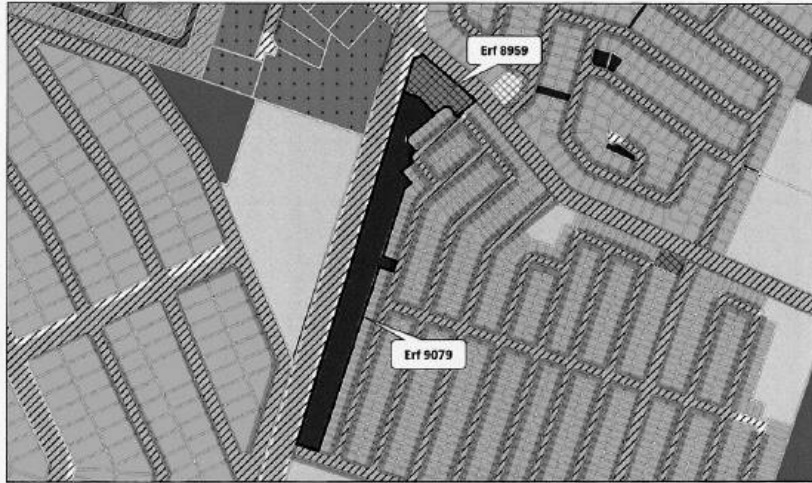
It is proposed that Erf 8959 be leased to a supermarket retailer with a supermarket on the ground floor and a library on the first floor. Erf 9079 is proposed to be developed for recreational activities which includes a pumptrack (BMX track), playpark, amphitheatre, two (2) soccer fields, skatepark, and a youth centre with ablution facilities.

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Property locality:

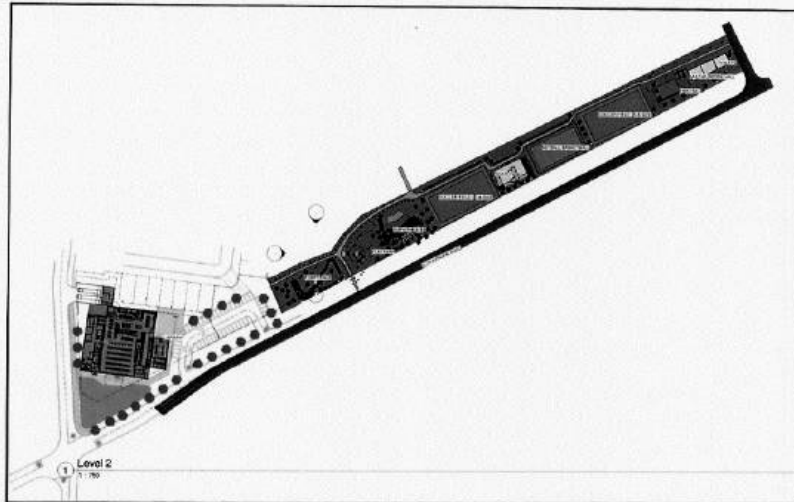


Zoning Map:



### 3. Proposed application

The applicant's intention will be motivated in conjunction with the figure below.



The following applications are being applied for in terms of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020:

- Subdivision of Erf 9079, Zwelihle ( $\pm 11751\text{m}^2$ ) into two (2) portions namely: Portion A ( $\pm 2353\text{m}^2$ ) and the Remainder ( $\pm 9398\text{m}^2$ ) in terms of Section 16(2)(d);
- Closure of Portion A as a public place in terms of Section 16(2)(n);
- Rezoning of Portion A from Open Space Zone 2: Public Open Space to Business Zone 3: Local Business in terms of Section 16(2)(a);
- Consolidation of Portion A ( $\pm 2353\text{m}^2$ ) & Erf 8959 ( $\pm 2707\text{m}^2$ ) to create a consolidated erf ( $\pm 5060\text{m}^2$ ) in terms of Section 16(2)(e);
- Consent use to accommodate a public library on the first floor on Erf 8959, Zwelihle, Hermanus in terms of Section 16(2)(o); &
- Consent use for the submission of a Site Development Plan for Erf 9079, Zwelihle for the purposes of recreational facilities and associated community facilities as seen fit by the Overstrand Municipality applicable to this zone in terms of Section 16(2)(o).

#### 4. Proposal details

1. Erf 8959, Zwelihle, Hermanus:

The site will consist of a shopping centre (Shoprite) on the ground floor and a public library on the first floor.

	Scheme Parameters for Business Zone 3: Local Business
Erf Size	2707m <sup>2</sup>
Coverage	75%
Floor factor	1,5
Height	8,5m measured from base level & Maximum of 2 storeys.
Setback	6,5m street centre line setback
Street building line	0m provided that the street centre line is taken into consideration.
Lateral building line	0m or 3m if abutting another zone.
Rear building line	3m
Parking	Local Business - 4 bays per 100 100m <sup>2</sup>  Public Library –  Disabled Parking Bays – 1 per 25 parking bays.
Loading bays	As per the satisfaction of the Engineering Department.
Screening	1,8m high wall to be erected along the common boundary abutting a residential zone/property.

2. Erf 9079, Zweihle, Hermanus:

The site will consist of a pumptrack (BMX track), playpark, amphitheatre, two (2) soccer fields, skatepark, a youth centre with ablution facilities.

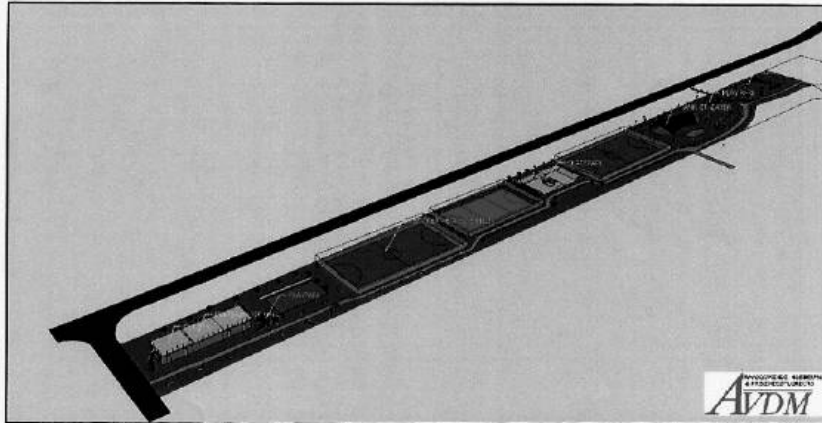
	Scheme Parameters for Community Zone 1: Community Facilities
Erf Size	11751m <sup>2</sup>
Coverage	60%
Floor factor	1,2
Height	10,5m measured from base level
Setback	8m street centre line setback
Street building line	5m
Lateral building line	5m
Rear building line	5m
Parking	1 bay per 4 seats.
Loading bays	n/a
Screening	n/a

## 5. Application intent

### 1. Erf 9079, Zwelihle, Hermanus:

The Remainder (remaining portion after the subdivision of Erf 9079) is to be developed for a pumptrack (BMX track), playpark, two (2) soccer fields, skatepark, an amphitheatre, a youth centre with ablution facilities.

The Remainder is zoned as Open Space 2: Public Open Space and does not permit a place of assembly (youth centre) or a place of entertainment (amphitheatre) as a primary right or consent use. However, the By-Law does make provision in this zone for any related community uses within this zone. The zoning parameters requires that a site development plan be submitted for the proposed development within this zone (see attached – Annexure C). The approval would therefore be subject to an approved Site Development Plan.



9/16

2. Erf 8959, Zwelihle, Hermanus:

The proposed application is motivated by achieving the Overstrand Municipality's future spatial planning outcomes according to the Spatial Development Framework, 2020 adopted by the municipality.

The strategic document proposes that Erf 8959, Zwelihle, Hermanus be developed for Business. The proposed development seeks to develop the land for both a supermarket on the ground floor as well as a public library on the first floor. The proposal would therefore meet the desired outcome of the SDF.

Business Zone 3: Local Business does not permit a place of instruction as a primary, only as a consent use. Therefore, a consent use application is applied for to accommodate the public library.

In addition, Erf 8959 requires additional parking. Is therefore proposed that Erf 9079 be subdivided, application made for the closure of a public place, to rezone that Portion A and consolidate it and Erf 8959, in order to create a larger consolidated erf to accommodate the library on the first floor of the supermarket as well as the additional parking requirements.



## 6. Character of the environment

Erven 8959 & 9079 abut each other and is located in the suburb of Zwelihle. The area has a good mix of land uses namely residential, industrial community uses as well as business uses. Erf 8959 is situated on the corner of Mbeki Road & Schulphoek Boulevard. Erf 9079 is situated on the corner of Sisulu Road & Schulphoek Boulevard. Both erven are situated along Schulphoek Boulevard which has direct access to the main road (R43) making the sites easily accessible to the immediate surrounding as well as the surrounding local area (broader Hermanus).

Erf 8959 is identified in the Overstrand Municipal Spatial Development Framework, 2020 as a business area and the proposal for both a supermarket as well as a public library fits in well with the surrounding mixed-use nature of the area and is therefore not out of character.

Erf 9079 is currently zoned Open Space 2 which is public open space. The zoning of this erf will remain Open Space 2: Public Open Space with community related facilities which is in-line with the current character of the area as there is a school directly opposite the subject site. The proposal therefore fits in well with the surrounding area and will not negatively impact on the character of the neighbourhood.

It is our opinion that the proposed development is in line with the character of the surrounding area and environment.

## 7. Desirability of the proposed utilization

As indicated on the site development plan (see attached – Annexure C) the proposal is to develop the subject area for both retail and community use. It is proposed that Erf 8959 be developed for a supermarket / retail with a library on the second floor and Erf 9079 be developed for community use purposes.

Erf 8959 does not have the capacity to support the proposed feasible development of both a supermarket and library. In order to accommodate building footprint, it is proposed that Erf 8959 be larger in extent. Therefore, application is made to subdivide Erf 9079 into two portions namely Portion A and the Remainder. Application is also made for the closure of a public place (Portion A), rezoning that portion from Open Space 2: Public Open Space to Business Zone 3: Local Business and then consolidated with Erf 8959 to create a larger consolidated erf.

Erf 9079 is proposed to be developed for community use purposes. The proposed community uses will include a pumptrack (BMX track), playpark, two (2) soccer fields, skatepark, an amphitheatre, a multi-purpose hall and ablution facilities. The zoning

Scheme does not permit an amphitheatre and a multi-purpose hall as a primary right of consent use in terms of the zoning. The by-law does however make provision for a consent use application for any related uses permitted by the municipality. In terms of Section 12.2.2.(a) of the Zoning Scheme, a site development plan must be submitted in terms of Section 16.3 to the satisfaction of the Municipality.

The supermarket and community facilities are proposed to cater for the immediate surrounding area (Zwelihle). The proposal is situated on the corner of Mbeki Road and Schulphoek Boulevard. The site is therefore easily accessible and in close proximity to the surrounding (predominantly) residential area of Zwelihle. This brings both community facilities and commercial / retail activity closer to the area of Zwelihle reducing the time and cost of travel. The proposal in addition also provides job opportunities to the immediate surrounding area.

#### Economic impact

The supermarket proposed on Erf 8959 will positively impact economy of the Zwelihle area due to the shorter distances of travel as well as the cost of travel incurred on the residents of Zwelihle.

#### Social impact

The proposed development on both erven will positively impact the area due to it providing opportunities both economical (in terms of costs incurred on the residents and the creation of employment) and social (in terms of providing community and recreational facilities).

#### Compatibility with surrounding land uses

The site is located in Zwelihle which is predominantly residential, with residential properties in the northeast and southern direction. To the west of the site is a school (community use) and to the north-west is an industrial area. The site location can therefore be seen as having a good mix of land uses.

Proposing that the sites be developed for business, community uses as well as recreational facilities is therefore compatible with the surrounding land uses due to the mixed-use nature of the area.

#### Impact on the safety, health, and wellbeing of the surrounding community

Erf 8959 is to be leased for the development of a supermarket. It is proposed that the ground floor be developed for a supermarket and that a library be developed on the first floor. Supermarkets has their own security and therefore will provide security for

the library as well. This reduces any possible security risks to the property as well as provides safety to the customers and individuals who visit the library.

Whether the imposition of conditions can mitigate an adverse impact of the proposed land use

To be determined.

## **8. Other legislation requirement**

Impact on engineering services

The area already has services in place. Erf 8959 will be able to utilise the existing services available however an upgrade to the services may be required as per the engineering department.

With reference to the comments from Overstrand Engineering Services, the following is applicable:

- The developer will be responsible for all link and bulk services that may be required.
- The development contribution levies will be payable in-line with all DC policies or any council resolution.
- A GLS capacity report (for water and sewer)
- Stormwater Master Plan

Impact on heritage

The site is not located in the Heritage Protection Overlay Zone and therefore would not have an impact on the heritage aspect.

Impact on the biophysical environment

The site is not located in the Environmental Management Overlay Zone and therefore would not have an impact on the environmental aspect.

However, as per the preliminary comments of the Environmental Management Section, the following is to be considered:

Noise Management:

- Adjacent landowners to be considered during receiving and offloading goods and activities taking place at the park.
- Absorptive noise barriers in the form of berms are to be implemented within the landscaping to reduce the noise impact.
- If generators are to be used, it is to be installed in a quiet box to reduce the noise levels.

**Energy Saving Technologies:**

- Compact florescent light bulbs and Light Emitting Diodes or other appropriate lighting alternatives are to be used.
- All installed geysers are to be covered with geyser "blankets" to improve efficiency.

**Waste Management:**

- An integrated waste management approach should be taken based on waste minimisation.
- Recycling containers for community park.

**Landscaping:**

- Green landscaping (sustainable/eco-landscaping) to be implemented. Use plants and trees that are indigenous to the region.

**Visual Impact:**

- For the community park, a nature-based playpark can be considered as these urban green spaces are well researched and it is acknowledged that these areas contribute to the improved sense of spiritual, emotional, intellectual, social, and physical well-being.

**Traffic impacts, parking, access, and other transport related considerations such as public transport**

The site development plan indicates that the access to the site will be from Schulphoek Boulevard and the loading area will gain access from Mbeki Road. In addition, it may be proposed that if there is the need for additional parking, a bike lane or road widening along Schulphoek Boulevard that provision for future upgrades be taken into consideration. A traffic impact assessment may also be required as per the traffic department.

As per preliminary comments received from Overstrand Engineering Services, the following is required:

- It should be noted that: The medium-term plan is to build a circle at the intersection of Mbeki Street and Schulphoek Road. This will improve the flow and circulation
- Traffic Impact Study
- Two accesses may be required.
- There should be an allowable 2m non-motorised transport network components (sidewalks) as the two roads are collector roads and are crucial components of the NMT Master Plan.
- NMT facilities of both erven should be aligned to council's approved master plan.

## 9. Forward Planning Documentation

The application complies in terms of the Overstrand Municipal Wide Spatial Development Framework, 2020 in the following aspects:

- o the application areas are situated within the urban edge;
- o application will not alter the primary use of the property or the layout of the approved settlement; and
- o the proposed subdivision, change of use & consolidation is to increase the footprint of the proposed business development and is logically located within the predominantly residential area of Zwelihle.

The proposed applicant remains consistent with existing planning policies applicable to the study area. The development of the application area is well-located and ensures that community facilities, socio-economic facilities and residential areas are seamlessly integrated.

## 10. Planning Principles

The desirability of the application is further based on spatial planning, land development and land use management principles as described in Section 7 of the Spatial Planning Land Use Management Act, 2013, as follows:

### The principle of spatial justice

The proposed development is well located in terms of accessibility which brings commercial / retail and community facilities closer to the less affluent community reducing time and travel cost. The improved accessibility of the shopping centre as well as the community facilities and recreational facilities to the community of Zwelihle addresses the spatial injustice of the area. The better utilization of land to allow for a both a business and library on Erf 8959 and to develop Erf 9079 for recreational and community facilities improves the utilization of the land thereby addressing spatial injustice of the Zwelihle area.

This improved accessibility brings the opportunities in the form of a supermarket, library, recreational activities as well as other community facilities closer to the community of Zwelihle.

#### The principle of spatial sustainability

The proposal does not have an impact on environmentally sensitive or historically sensitive areas. The proposed development is spatially sustainable due to the following:

Erf 8959 is zoned for business purposes however it is proposed that the site be mixed-use which includes a supermarket as well as a library. Erf 9079 is zoned for public open space purposes and will remain for the purposes thereof. The OM Scheme regulations permits the development on Open Space 2: Public Open Space areas provided that a Spatial Development Plan be submitted. The utilization of both erven is therefore utilized in a sustainable manner due to the proposals mixed nature.

#### The principle of efficiency

Both erven are owned by Overstrand Municipality and is therefore considered as a resource. Developing both erven therefore optimizes the utilization of the resources that the Municipality currently has available to it in an efficient manner. Infrastructure in terms of services is already in place. The proposed developments mixed use nature brings opportunities to the Zwelihle community and therefore reduces the time and cost of travelling to these opportunities located further away.

#### The principle of spatial resilience

The proposed utilisation of land will ensure that opportunities such as shopping/retail, places of assembly, recreational facilities as well as other community opportunities are closer the Zwelihle community which reduces the time and cost of travel. Therefore, this proposal is in line with principle of spatial resilience.

#### The principle of good administration

The application will follow the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the community's need.

### **11. Conclusion**

The proposal will be an asset to the Overstrand Municipality and a benefit to its immediate surrounding community.

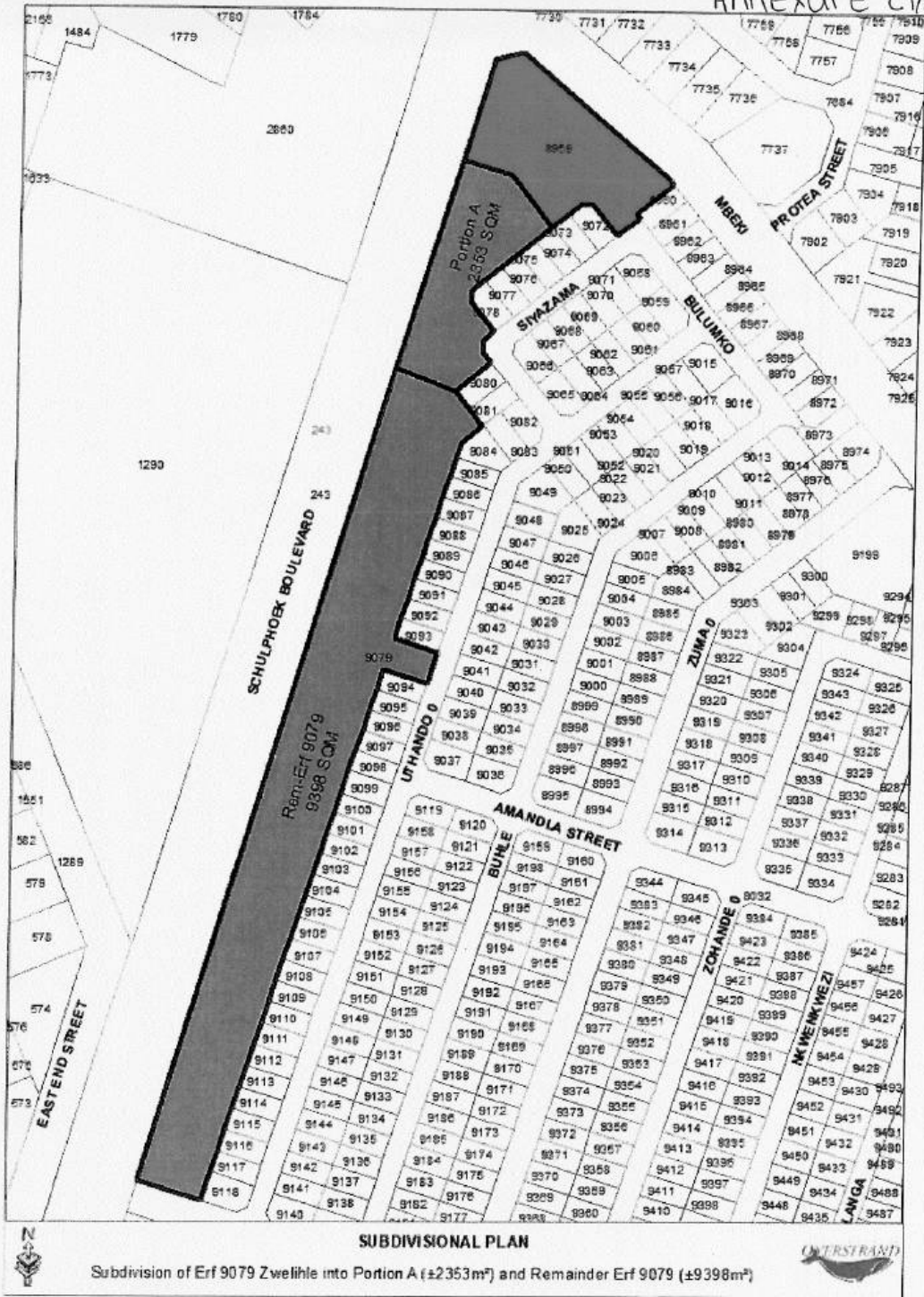
The site already has existing services and is easily accessible. The site does not proposal does not fall within any heritage or environmental overlay zones. The business and community facilities are brought closure to the community of Zwelihle benefiting the community in terms of accessibility and cost of travel. The proposal is in line and will not negatively impact the character of the surrounding area. The proposal

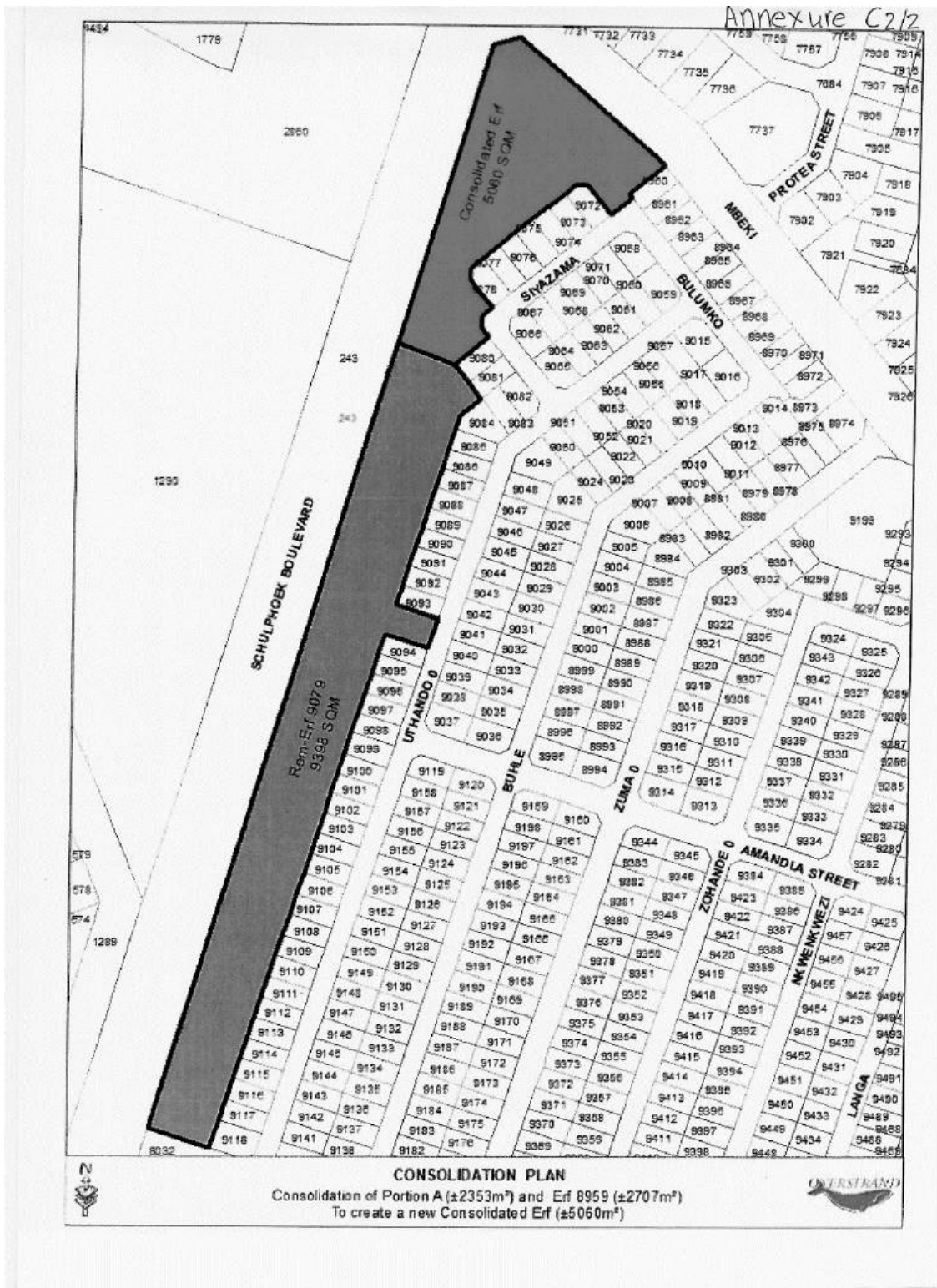
16/16

is in line with the Overstrand Municipality forward planning policies. The application complies with the General Principles in terms of LUPA and SPLUMA.

Considering the above, the application is considered desirable, and should be supported by the Municipality.

Annexure C/2







Annexure E

Loretta Gillion

**From:** Jamie Klem  
**Sent:** Monday, 17 October 2022 14:43  
**To:** Loretta Gillion; Brady Minnaar  
**Subject:** RE: Erven 8959 & 9079, Zwelihle, Hermanus: Request for Comment

Sir / Madam.

The Electrical department does not have any objections towards the subdivision of the erven. There are 60 Amp single phase available on each erf. There is capacity available for upgrade on the erven, but the cost thereof will be for the account of the developer. In case of erf 8959 a mini substation will have to be installed. Please contact the Electrical department with an application for the required capacity.

Regards.

**Jamie Klem**  
 Snr Superintendent(Projects)  
 Overstrand Municipality  
 T: 028 316 5625 / E [jklem@overstrand.gov.za](mailto:jklem@overstrand.gov.za)

**From:** J Klem  
**Sent:** Monday, 19 September 2022 15:47  
**To:** K Du Plessis <[kduplessis@overstrand.gov.za](mailto:kduplessis@overstrand.gov.za)>  
**Subject:** FW: Erven 8959 & 9079, Zwelihle, Hermanus: Request for Comment

Hallo Dup.

Kan ons hierdie bespreek asb.

Groete.

**Jamie Klem**  
 Snr Superintendent(Projects)  
 Overstrand Municipality  
 T: 028 316 5625 / E [jklem@overstrand.gov.za](mailto:jklem@overstrand.gov.za)

**From:** Brady Minnaar <[bminnaar@overstrand.gov.za](mailto:bminnaar@overstrand.gov.za)>  
**Sent:** Friday, 16 September 2022 10:39  
**To:** A Wyngaard <[awyngaard@overstrand.gov.za](mailto:awyngaard@overstrand.gov.za)>; L Coetzee <[lcoetzee@overstrand.gov.za](mailto:lcoetzee@overstrand.gov.za)>; Neville Dreyer <[ndreyer@odm.org.za](mailto:ndreyer@odm.org.za)>; J Klem <[jklem@overstrand.gov.za](mailto:jklem@overstrand.gov.za)>; E Solomons <[esolomons@overstrand.gov.za](mailto:esolomons@overstrand.gov.za)>; Elizabeth Lowings <[elowings@overstrand.gov.za](mailto:elowings@overstrand.gov.za)>; T Marx <[tmarx@overstrand.gov.za](mailto:tmarx@overstrand.gov.za)>; Y Smith <[ysmith@overstrand.gov.za](mailto:ysmith@overstrand.gov.za)>; P Aplon <[paplon@overstrand.gov.za](mailto:paplon@overstrand.gov.za)>; C Mitchell <[cmitchell@overstrand.gov.za](mailto:cmitchell@overstrand.gov.za)>; Masibongwe Sihlahla <[msihlahla@overstrand.gov.za](mailto:msihlahla@overstrand.gov.za)>; R Andrew <[randrew@overstrand.gov.za](mailto:randrew@overstrand.gov.za)>  
**Cc:** L Gillion <[loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)>; T Fisher <[tfisher@overstrand.gov.za](mailto:tfisher@overstrand.gov.za)>; M Mantyi <[mmantyi@overstrand.gov.za](mailto:mmantyi@overstrand.gov.za)>  
**Subject:** Erven 8959 & 9079, Zwelihle, Hermanus: Request for Comment

Good day,

I trust that all is well.

Attached please find an internal memo for your attention. Kindly provide your department's comments directly to Loretta Gillion ([loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **21 October 2022**.

Annexure F 1/2

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE,  
REZONING, CONSOLIDATION & CONSENT USE: ERVEN 8959 & 9079,  
ZWELIHLE (4242/2022)**

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 will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. 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;
3. 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*;
4. 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 Senior Operational Manager: Hermanus for written approval;
5. that stormwater be allowed to discharge through Erven 8959 & 9079, Zwelihle, unobstructed;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that no on-street parking be allowed.

*P.P. R. Chopra*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*02/03/2023*  
**DATE**

**Loretta Gillion**

2/2

**From:** R Andrew  
**Sent:** Friday, 16 September 2022 12:22  
**To:** Brady Minnaar  
**Cc:** L Gillion; T Fisher; M Mantyi; D Hendriks; H van der Stoep; T Marx  
**Subject:** RE: Erven 8959 & 9079, Zwelihle, Hermanus: Request for Comment

Good Day,

We've provided extensive input to the Town Planning and Property Management department. The current layout is not supported:

- a) No provision has been made for the planned traffic circle at the intersection of Schulphoek /Mbeki Street.
- b) No street access will be allowed in Mbeki Street.
- c) Street access in Schulphoek should be adequately spaced and planned.

Regards

...icardo Andrew  
**Manager: Engineering Services**  
**Tel: (028) 313 5073**  
**Fax: (028) 313 0760**  
**E: [randrew@overstrand.gov.za](mailto:randrew@overstrand.gov.za)**



**From:** Brady Minnaar <bminnaar@overstrand.gov.za>  
**Sent:** Friday, 16 September 2022 10:39  
**To:** A Wyngaard <awyngaard@overstrand.gov.za>; L Coetzee <lcoetzee@overstrand.gov.za>; Neville Dreyer <ndreyer@odm.org.za>; J Klem <jklem@overstrand.gov.za>; E Solomons <esolomons@overstrand.gov.za>; Elizabeth Lowings <elowings@overstrand.gov.za>; T Marx <tmarx@overstrand.gov.za>; Y Smith <ysmith@overstrand.gov.za>; P Aplon <paplon@overstrand.gov.za>; C Mitchell <cmitchell@overstrand.gov.za>; Masibongwe Sihlahla <msihlahla@overstrand.gov.za>; R Andrew <randrew@overstrand.gov.za>  
**Cc:** L Gillion <loretta@overstrand.gov.za>; T Fisher <tfisher@overstrand.gov.za>; M Mantyi <mmantyi@overstrand.gov.za>  
**Subject:** Erven 8959 & 9079, Zwelihle, Hermanus: Request for Comment

Good day,

I trust that all is well.

Attached please find an internal memo for your attention. Kindly provide your department's comments directly to Loretta Gillion ([loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)) on or before **21 October 2022**.

The application is for the following:

- Subdivision
- Closure of a public place
- Rezoning
- Consolidation

# Memo



**To:** Brady Minnaar (Town & Spatial Planning)

**From:** Heloise Fortune (Environmental Management)

**cc:** Penelope Aplon (Environmental Management)

**Date:** 19 July 2022

**Re:** Application for Erven 8959 (supermarket & library) & 9079 (community park) Zwelihle.

The Environmental Management Section has the following comments on the above-mentioned application. The Development does not trigger any Environmental Overlay Zones or National Environmental Management Act listed activities.

Green technologies must be considered in all aspects during the design phase as listed below.

**Noise management:**

- Adjacent landowners must be considered during receiving and offloading of goods as well as activities taking place in the community park section.
- Absorptive noise barriers in the form of landscaping berms must be implemented along the boundaries of the development or where deemed appropriate.
- Renewable energy technologies must be considered. If generators will be used it must be installed in a quiet box to reduce noise levels, or alternative noise mitigation measures must be put in place.
- Roads must be surfaced with low noise 'porous tar' as far as possible to reduce the noise of the tyre/road interactions when vehicles are traveling along such roads.

**Energy saving technologies:**

- Energy saving technologies such as compact fluorescent light bulbs (CFC's) and Light Emitting Diodes (LED's) and other appropriate energy efficient lighting alternatives must be used in the development (as far as practicably possible).
- All installed geysers must be covered with geyser "blankets" to improve the efficiency of the geyser. All electric geyser thermostats must be set at the most optimal temperature.

**Waste management:**

- An integrated waste management approach, which is based on waste minimisation and incorporates reduce, recycling, re-use, and disposal, where appropriate, must be employed.
- Recycling containers for community park.

**Water management:**

- The applicant must submit a Stormwater management plan
- Water saving technologies such as rainwater harvesting technologies, drip irrigation technologies for all landscaped areas including sport fields in the community park.
- No surface or ground water may be polluted due to any actions on the site.

**Landscaping:**

- Green landscaping (sustainable/eco-landscaping). Use plants and trees indigenous to the region.

**Visual impact:**

- Subtle lighting that is not in conflict with the surrounding residential areas must be implemented. Excessive flood lighting must be avoided.
- The physical structures must be painted in suitable colours in the medium tone range to blend in with the surroundings.

**Playpark Section:**

- For the playpark section in the community park a nature-based playpark such as advertised here can be considered <https://www.naturebasedplay.com.au/>

The benefits of urban green spaces are well researched, and it is acknowledged that these areas contribute to an improved sense of spiritual, emotional, intellectual, social, and physical well-being. From an environmental management/conservation perspective, Urban Green Areas encourage the community to become connected with nature thereby fostering a relationship to other environmental issues (for e.g., can be utilized by schools and the community for environmental educational projects to deal with dumping and littering) and a better appreciation for the nature in general.

Other suggestions for the area are recycling containers, and benches/seating for picnicking.



Kind regards,



**Heloise Fortune**



File reference:	8959 & 9079 HZW 4242/2022
Date:	16 September 2022
	BM

## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: H. Boshoff (Town Planner)

**TO:**

<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>	<u>Operational Services</u>	Property Administration
<u>Tourism</u>	<u>Traffic Department</u>	<u>Ward Councillor</u>	<u>Waste Management</u>	

Applicant	OVERSTRAND MUNICIPALITY
Property Details	ERVEN 8959 & 9079, SCHULPHOEK BOULEVARD, ZWELIHLE
Application Description	APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE, REZONING, CONSOLIDATION & CONSENT USE

**ATTACHMENTS:**

1. Notice	<i>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.</i>
2. Locality Plan	
3. Motivation	
4. Site Development Plan	

**YOUR DEPARTMENT'S COMMENTS:**

<i>BUILDING CONTROL: NO OBJECTION - ALL BUILDINGS TO COMPLY WITH NBR AND ALL OTHER APPLICABLE LAW.</i>	
<i>HERITAGE: NO COMMENT IS 21/9/22 FINAL DESIGN TO BE SCRUTINIZED BY COMMITTEE.</i>	
Signature:	<i>[Signature]</i> Date: <i>20/9/22</i> 2021

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.

**COMMENTS REQUIRED BY: 21 OCTOBER 2022**

File reference:	8959 & 9079 HZW 4242/2022
Date:	16 September 2022
BM	

Horticulturist  
L Rainbird



## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: H. Boshoff (Town Planner)

TO:

<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>	<u>Operational Services</u>	Property Administration
<u>Tourism</u>	<u>Traffic Department</u>	<u>Ward Councillor</u>	<u>Waste Management</u>	

Applicant	OVERSTRAND MUNICIPALITY
Property Details	ERVEN 8959 & 9079, SCHULPHOEK BOULEVARD, ZWELIHLE
Application Description	APPLICATION FOR SUBDIVISION, CLOSURE OF A PUBLIC PLACE, REZONING, CONSOLIDATION & CONSENT USE

**ATTACHMENTS:**

1. Notice	<i>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.</i>
2. Locality Plan	
3. Motivation	
4. Site Development Plan	

**YOUR DEPARTMENT'S COMMENTS:**

Where the established trees taken into consideration when drawing up the plans?	
It must be noted that approval must be given by the Area Manager if any trees on Municipal Property are to be removed.	
Signature:	<i>L Rainbird</i>
Date:	03/11/2022

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.

**COMMENTS REQUIRED BY: 21 OCTOBER 2022**

Annexure J 1/5

**INTERNAL MEMO**OFFICE OF THE DIRECTOR: INFRASTRUCTURE & PLANNING  
TOWN & SPATIAL PLANNING

To: S Muller (Director Infrastructure and Planning)  
 From: H Olivier (Town Planner)  
 Date: 6 December 2022

**ERF 8959 & 9079, ZWELIHLE**

Your e-mail to Town Planning and Mr Sobantu's compliant refers.

Mr Sobantu did consult with Town Planning regarding the public participation process and indicated he did not receive a notice. Attached you will find our e-mail to Mr Sobantu, which is self-explanatory, with proof received from the post office that they did deliver a registered slip at the complainants' property before the closure date for objections.

A copy of the notice placed in the local newspaper is also attached.

I also attached a copy of the proof of the specific registered notice send to Mr Sobantu on the planning file.

As indicated in my e-mail to Mr Sobantu, this office cannot entertain late objections. The fact that Mr Sobantu was informed by registered mail, (in terms of the post office records), also means that he cannot apply for intervenor status.

  
H.Olivier

**Town Planner**

**Henk Olivier**

---

**From:** Henk Olivier  
**Sent:** Friday, 18 November 2022 08:12  
**To:** sobantumxhobisa@gmail.com  
**Subject:** FW: Erven 8959 and 9079 Zwelihle  
**Attachments:** Library.pdf

**Importance:** High

Mr Sobantu

Your e-mail below and our telephone conversation yesterday has reference.

Attached find the post office tracking slip indicating that the application was forwarded to you by registered mail. Also find a copy of the advertisement as placed in the local newspaper.

The municipality has followed the correct public participation process and can also not be held responsible for services delivered by the postal services. I can therefore not accommodate any late objections.

We did not discuss the other points in your e-mail below. These points are not directed at the planning application and refer to possible lease/purchase of Municipal land. Please consult with Me Anja le Roux from our Property Administration Branch on such matters. You can contact her at 028 3163724.

If you are not satisfied with my comments on the matter, you are welcome to contact my Senior Town Planner Hanneen van der Stoep or my Senior Manager Mr Riaan Kuchar, both at 028 313 8900.

Kinds Regards/Vriendelike Groete

Henk Olivier  
Town Planner



**Overstrand Municipality**

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*To be a centre of excellence for the community\**



**PARCEL TRACKING RESULTS**

Item Number: R1358265438ZA was last scanned on: 2022-11-15 at 08:41

Location last scanned: HERMANUS

Currently has status of: Item delivered to: M M SOBANTU

TRACKING LINE	TYPE	DATE	TIME	BRANCH	COMMENTS
1	Item delivered to: M M SOBANTU	2022-11-15	08:41	HERMANUS	
2	At Office	2022-09-30	12:12	HERMANUS	First Notification to recipient
3	In transit	2022-09-30	11:54	HERMANUS	In Office



TOWN PLANNING  
8959 & 9079 HZW  
Brady M

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**OVERSTRAND**



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