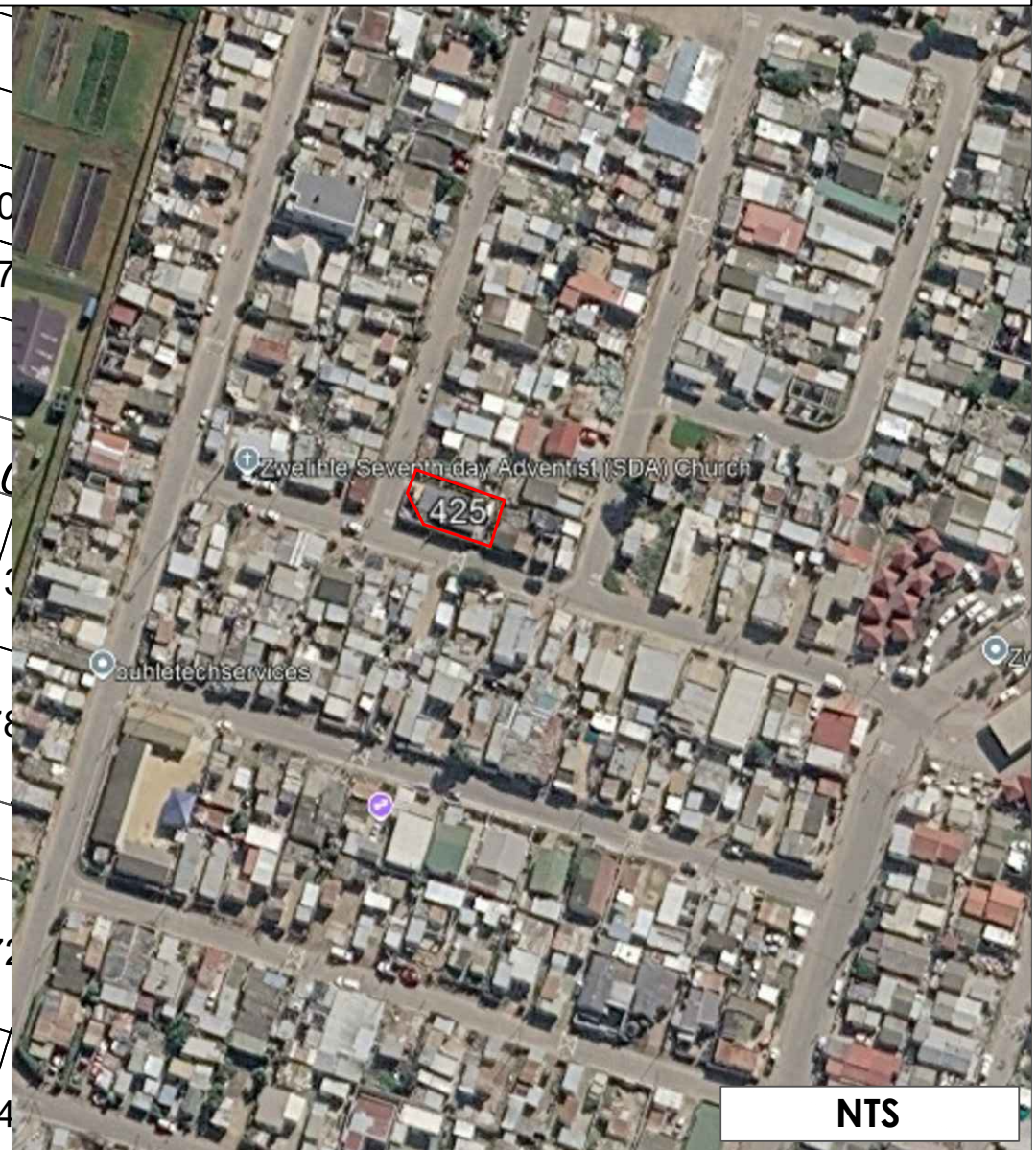
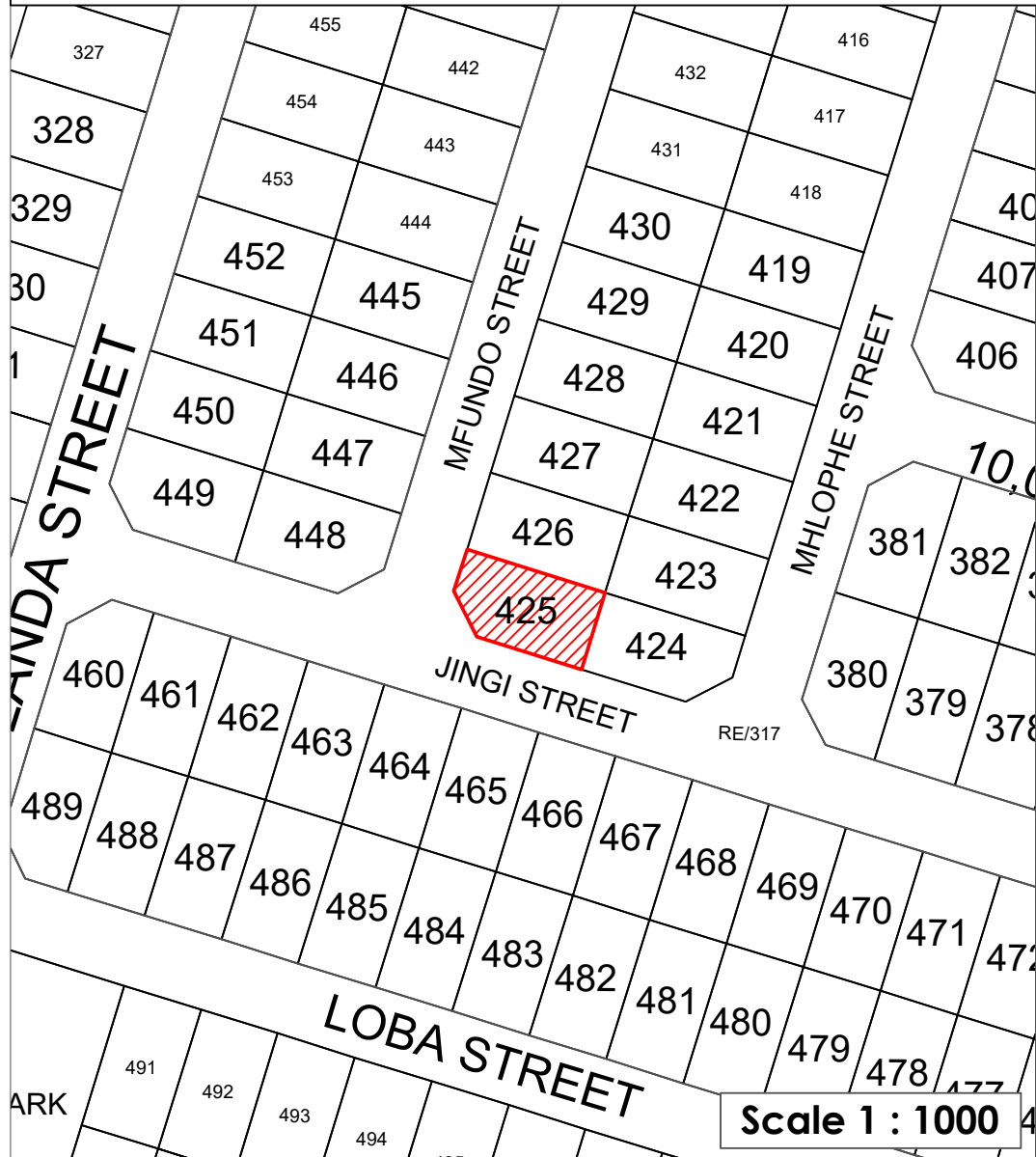




OVERSTRAND MUNICIPALITY	OVERSTRAND MUNISIPALITEIT	UMASIPALA WASE-OVERSTRAND
<u>ERF 425, CORNER OF JINGI STREET AND MFUNDO STREET, ZWELIHLE, HERMANUS: APPLICATION FOR REZONING, CONSENT USE, AND DEPARTURE: WRAP PROJECT OFFICE ON BEHALF OF MC BHALA</u> Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following application applicable to Erf 425, Zwelihle (the property), namely: <u>Rezoning</u> Application in terms of Section 16(2)(a) of the By-Law to rezone the property from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to permit the continued operation of the existing bottle store on the property. <u>Consent Use</u> Application in terms of Section 16(2)(o) of the By-Law to permit the continued operation of the existing bottle store on the property. <u>Consent Use</u> Application in terms of Section 16(2)(o) of the By-Law to permit the continued occupation of the existing dwelling on the ground floor of the property. <u>Departure</u> Application in terms of Section 16(2)(b) of the By-Law to relax the northern lateral building line from 3m to 0m and 2,6m respectively to accommodate the existing structures on the property. Full details regarding the proposals above are available for inspection during weekdays between 08:00 and 16:30 at the Division: Town and Spatial Planning, 16 Paterson Street, Hermanus, and on the municipal webpage at the following link https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) on or before 6 November 2026, with your name, address, contact details, interest in the application and the reasons for comment. Telephonic inquiries can be made to the Town Planner, Mr. B. Minnaar at 028-3138900. The Municipality may refuse to accept comments after the closing date. Any person who cannot read or write can visit the Division: Town and Spatial Planning where they will be assisted by a municipal official in formulating their comments. <i>Please note that in terms of the Protection of Personal Information Act (POPIA), you will be entering into a public process and as such agree and consent to your name, surname, contact details and comment(s) may be disclosed / used in the (application) process.</i>	<u>ERF 425, HOEK VAN JINGISTRAAT EN MFUNDOSTRAAT, ZWELIHLE, HERMANUS: AANSOEK OM HERSONERING, VERGUNNINGSGEBRUIK EN AFWYKING: WRAP PROJECT OFFICE NAMENS MC BHALA</u> Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 425, Zwelihle (die eiendom), naamlik: <u>Hersonering</u> Aansoek ingevolge Artikel 16(2)(a) van die Verordening om die eiendom vanaf Residensiële Sone 1: Enkelresidensiële (SR1) na Sakesone 3: Plaaslike Sake (B3) te hersoneer om die voortgesette bedryf van die bestaande drankwinkel op die eiendom toe te laat. <u>Vergunningsgebruik</u> Aansoek ingevolge Artikel 16(2)(o) van die Verordening om die voortgesette bedryf van die bestaande drankwinkel op die eiendom toe te laat. <u>Vergunningsgebruik</u> Aansoek ingevolge Artikel 16(2)(o) van die Verordening om die voortgesette bewoning van die bestaande woning op die grondvloer van die eiendom toe te laat. <u>Afwyking</u> Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die noordelike syboulyn vanaf 3m na onderskeidelik 0m en 2,6m te verslap om die bestaande strukture op die eiendom te akkommodeer. Besonderhede aangaande die voorstel lê ter insae gedurende weeksdae tussen 08:00 en 16:30 by die Afdeling: Stads- en Streekbeplanning te Patersonstraat 16, Hermanus, en op die munisipale webtuiste by die volgende skakel https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (e) landuse@overstrand.gov.za) voor of op 6 November 2026, met u naam, adres, kontak besonderhede, belang in die aansoek en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. B. Minnaar by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Afdeling: Stads- en Streekbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer. <i>U aandaag word gevestig op die Bepalings van die "POPI" Wet, en aangesien u opmerking deel sal uitmaak van 'n openbare deelname proses, u derhalwe toestem dat u naam, van en kontakbesonderhede openbaar gemaak mag word.</i>	<u>ISIZA 425, IKONA YESITALATO I-JINGI NESITALATO I-MFUNDO, E-ZWELIHLE, E-HERMANUS: ISICELO UKUMISELWA KWAKHONA, SEMVUME YOKUSETYENZISWA KUNYE SOKUTENXA NGOKUSISIGXINA: WRAP PROJECT OFFICE EGAMENI LIKA MC BHALA</u> Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala oLungisiweyo kaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) izicelo esebenzayo Isiza 425, Zwelihle: (iipropati) esizezi: <u>Ukutshintshwa kokusetyenziswa komhlaba</u> siculo ngokweCandelo 16(2)(a) loMthetho kaMasipala sokutshintsha ukusetyenziswa komhlaba (rezoning) ukusuka kwiNdawo yokuHlala 1: Indawo yokuHlala yoSapho olunye (SR1) ukuya kwiNdawo yoShishino 3: Ishishini laseKhaya (B3), ukuze kuvunyelwe ukuqhubeka kokusebenza kwivenkile yotywala esele ikho kuloo ndawo. <u>Semvume Yokusetyenziswa</u> Isicelo ngokweCandelo 16(2)(o) loMthetho kaMasipala sokuvumela ukuqhubeka kokusebenza kwivenkile yotywala ekhoyo kwesi siza. <u>Semvume Yokusetyenziswa</u> Isicelo ngokweCandelo 16(2)(o) loMthetho kaMasipala sokuvumela ukuqhubeka nokuhlala kwindlu ekhoyo kumgangatho ophantsi wale propati. <u>Utyeshelo lomqathango</u> Isicelo ngokweCandelo 16(2)(b) loMthetho kaMasipala sokuguqula umda wokwakha osecaleni elisemantla, ususwe kwi-3m uye kwi-0m nakwi-2,6m ngokulandelelanayo, ukuze kuhlaliswe izakhiwo ezikhoyo kwesi siza. Iinkcukacha ezipheleleyo malunga neziphakamiso ezingentla ziyafumaneka ukuze zihlolwe ngeentsuku ziveki phakathi kwentsimbi yesi-08:00 neye-16:30 kwiCandelo loCwangciso lweDolophu noMhlaba, kwa-16 Paterson Street, eHermanus, kunye nakwiwebhusayithi kamasipala kwikhonkco elilandelayo https://www.overstrand.gov.za/document/town-spatial-planning/land-use-planning-applications/ Naziphi na izimvo kufuneka zibhalwe phantsi zize zifike kuMasipala (16 Paterson Street, Hermanus / (e) landuse@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama-6 EyeNkanga ngo-2026, ziquka igama lakho, idilesi, iinkcukacha zohagagamshelelano, umdla wakho kwesi siculo kunye nezizathu zoluvo lwakho. Imibuzo ngomnxeba ingenziwa UmCwangciso weDolophu, uMnu. B. Minnaar, kule nombolo: 028-3138900. UMasipala unokwala ukwamkela izimvo emva komhla wokuvalwa kokwamkelwa kwazo. Nabani na ongakwaziyo ukufunda okanye ukubhala angatyelela iCandelo loCwangciso lweDolophu noCwangciso lweNdawo (Division: Town and Spatial Planning) apho aya kuncediswa khona ligosa likamasipala ekubhaleni izimvo zakhe. <i>Nceda uqaphele ukuba Uthetho omayela noMthetho Wokhuseleko Lwengxelo Ngomntu (POPIA), uza kuba ungena kwinkqubo yoluntu ngoko ke uvumela kwaye uvumelana nokusetyenziswa kwegama lakho, ifani, iinkcukacha ofumaneka kuzo kunye noluvo(nezimvo) zakhe zingadizwa / zingasetyenziswa (kwisicelo) kwinkqubo.</i>
EW JANTJIES Acting Municipal Manager / Waarnemende Munisipale Bestuurder / Umphathi Kamasipala Obambeleyo PO Box / Posbus / Ibhokisi yePosi 20 HERMANUS 7200		
Notice no. / Kennisgewing nr. / Inothi yeNomb: 208/2026		

Plan 1 - Locality Plan

Erf 425 - Zwelihle



NTS



Plan prepared by: Thian Jansen

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie Uys Street, Hermanus



Project Office
Town Planning & Project Management



ERF 425 ZWELIHLE

**APPLICATION FOR REZONING, CONSENT USE AND
PERMANENT DEPARTURE**

Application prepared for:

MONWABISI CASWELL BHALA

Application prepared by:

WRAP Project Office

PostNet Suite 170

Private Bag X16

Hermanus 7200

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Web: www.wrapgroup.co.za

Authors

Thian Jansen

Pr. Pln A/2858/2019

Submitted

August 2026 V2

TABLE OF CONTENTS

OVERSTRAND MUNICIPALITY APPLICATION FORM

1. ABBREVIATIONS	1
2. PROPERTY DETAILS	1
3. BACKGROUND	1
4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT	2
5. LAND USE ENVIRONMENT	5
6. TITLE DEED	5
7. ZONING.....	5
8. SERVICES	7
9. NEED AND DESIRABILITY.....	8
10. POLICIES AND REGULATIONS	10
11. PLANNING PRINCIPLES	11
12. CONCLUSION.....	13
13. RECOMMENDATION	14

LIST OF PLANS

PLAN 1: LOCALITY PLAN

PLAN 2: STATUS QUO PLAN

PLAN 3: PROPOSED ZONING PLAN

PLAN 4: SITE PLAN

PLAN 5: SURVEYOR GENERAL DIAGRAM

LIST OF ANNEXURES

ANNEXURE A: POWER OF ATTORNEY

ANNEXURE B: COPY OF THE TITLE DEED

ANNEXURE C: PREVIOUS APPROVAL

1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
OM By-Law	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Erf description	Erf 425 Zwelihle
Erf extent	207m ²
Current zoning	Residential Zone 1: Single Residential

3. BACKGROUND

Erf 425 Zwelihle (hereafter referred to as the subject property) is situated at 425 Jingi Street, Zwelihle, Hermanus and is currently zoned Residential Zone 1: Single Residential in terms of the Overstrand Municipal Land Use Scheme, 2020.

The subject property has an established planning history relating to the operation of a neighbourhood bottle store and this application should therefore not be regarded as a proposal to introduce a new land use to the area. The bottle store has been operating from the property since 2021 in terms of municipal land use approvals.

The first land use application was submitted in 2019 and sought a temporary departure to permit the operation of a bottle store from the subject property for a limited period, together with the necessary building line departures for the existing structures. The temporary approval provided the Municipality with an opportunity to assess whether the proposed commercial activity could operate in a manner that was compatible with the surrounding residential environment.

Following the expiry of the initial approval period, a second application was submitted in 2023 for an extension of the period of validity of the existing approval, allowing the authorised use to continue operating. The extension recognised the existing approval and ensured continuity of the approved land use. Refer to **Annexure C – Historic Approvals**

Since commencing operations, the bottle store has functioned as an established neighbourhood business serving the surrounding Zwelihle community. The operation has demonstrated that the use can function from the property without creating unreasonable nuisance or incompatibility with the surrounding area, and the temporary approval has effectively fulfilled its purpose of testing the suitability of the land use.

At the time of the original application, the Municipality was not prepared to support a permanent rezoning, primarily because the subject property was located outside the

identified commercial area within Zwelihle. As a result, a temporary departure was considered the appropriate planning mechanism to evaluate the long-term suitability of the use before permanent land use rights were considered.

The current application therefore seeks to regularise an existing, approved and established land use through permanent zoning rights, rather than to establish a new commercial activity on the property.

4. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

WRAP Project Office was appointed to compile and submit a land use planning application to achieve the vision highlighted in Section 3 of this report. The following is proposed:

4.1 Rezoning from Residential Zone 1: Single Residential to Business Zone 3: Local Business;

4.2 Consent Use to allow the bottle store;

The subject property is currently zoned Residential Zone 1: Single Residential, which is intended to accommodate predominantly single residential development and associated residential land uses. The existing zoning does not provide permanent land use rights for the operation of a bottle store and, as a result, the existing business has been operating under previous municipal approvals granted through a temporary land use process.

This application seeks the rezoning of the subject property from Residential Zone 1: Single Residential to Business Zone 3: Local Business, together with a Consent Use to permit the continued operation of the existing bottle store in terms of the Overstrand Municipal Land Use Scheme, 2020.

It is important to emphasise that this application is not for the establishment of a new bottle store or the introduction of commercial activity into a previously residential property. The Municipality has already considered the suitability of the use through two previous land use applications. The first application granted a temporary departure to allow the bottle store to operate for a limited period, while the second application extended the validity period of that approval, allowing the authorised use to continue operating.

Over the past several years, the bottle store has become an established neighbourhood business that serves the surrounding Zwelihle community. The business provides a convenient retail service within walking distance for nearby residents and contributes to the growing local business environment within the area. During this period, the owners have demonstrated that the business can operate responsibly and in a manner that is compatible with the surrounding neighbourhood.

The bottle store has also created and sustained local employment opportunities and contributes to the local economy through the operation of a small, locally owned business. The proposal supports entrepreneurship within Zwelihle by allowing an existing business to continue operating from premises where it has already established itself, rather than requiring residents to travel to other commercial areas for the same service.

The temporary approval has effectively fulfilled its intended purpose by allowing the Municipality to evaluate the long-term suitability of the land use in its existing location. The continued operation of the business has demonstrated that the use is capable of functioning without creating unacceptable planning impacts on the surrounding area, and the property has become recognised as an established local business within the community.

The proposed rezoning therefore seeks to align the property's zoning with its existing and established land use, providing permanent zoning rights that accurately reflect the current use of the property. The accompanying Consent Use provides the specific approval required for the operation of a bottle store under the proposed Business Zone 3: Local Business zoning, ensuring that the business continues to operate within the framework and controls of the Overstrand Municipal Land Use Scheme.

Together, the rezoning and consent use regularise an existing and proven land use, provide long-term planning certainty for both the owner and the Municipality, and replace temporary land use rights with permanent and appropriately regulated land use rights.

4.3 Consent Use to allow the dwelling on the ground floor;

As part of the proposed rezoning to Business Zone 3: Local Business, a Consent Use is required to permit the continued occupation of the existing dwelling on the ground floor of the property in terms of the OMLUS.

The owners currently reside on the property and will continue to occupy the dwelling while the bottle store is operating. The residential component therefore remains an integral part of the property and is not being replaced by the proposed business use. Instead, the proposal allows the property to accommodate both the established business and the owners' dwelling in a manner that is consistent with the provisions of the proposed zoning.

The consent use is required as a consequence of the zoning change and ensures that the existing dwelling is lawfully recognised under the proposed Business Zone 3: Local Business zoning. This creates planning certainty for both the property owners and the Municipality by aligning the property's approved land uses with its actual long-term use.

Furthermore, retaining the dwelling on the property promotes a mixed-use development pattern that is characteristic of many established local business properties, where owners both live and operate their businesses from the same premises. This supports the continued presence and management of the business on-site, enhances security through owner occupation, and contributes to the character of the surrounding neighbourhood where residential and small-scale commercial activities coexist.

4.4 Permanent departure from the building lines to allow the existing structures.

As part of the proposed rezoning of the subject property from Residential Zone 1: Single Residential to Business Zone 3: Local Business, the applicable building line requirements in terms of the Overstrand Municipal Land Use Scheme, 2020 will change. While the existing development was established under the current zoning, the proposed zoning

introduces more restrictive building line requirements along the northern property boundary.

A Permanent Departure is therefore required to regularise the existing structures in relation to the new zoning provisions. No additional building work or extensions are proposed as part of this application. The departures are required solely because the zoning change results in different building line standards applying to structures that already exist on the property.

- **Permanent departure** from the 3m northern side building line to 0m & 2,6m to accommodate the existing structures;

The application seeks a Permanent Departure from the 3.0 m northern side building line to 0.0 m and 2.6m to accommodate the existing structures located along the northern boundary.

The departure is limited to existing structures and does not facilitate any new development. The encroachment to 2,6m is minor in nature and arises only because the proposed Business Zone 3: Local Business zoning introduces a 3,0m northern side building line that did not apply under the property's existing Residential Zone 1 zoning.

The encroachment to 0,0m relates to an existing toilet structure that forms part of the established development on the property and is included in this application to regularise its planning status. The toilet structure was previously considered and approved as part of the temporary departure applications associated with the operation of the bottle store.

The proposed departures will not alter the existing building footprint, increase the scale or intensity of development, or change the established relationship between the subject property and the adjoining property. Instead, they ensure that the existing development is lawfully recognised under the proposed zoning and provide long-term planning certainty for both the property owner and the Municipality.

The departure is considered appropriate for the following planning reasons:

- The structures are existing and have formed part of the property for several years; no additional encroachment or expansion is proposed.
- The departure is a direct consequence of the proposed rezoning, which introduces different building line requirements, rather than a result of new development.
- The 2.66 m encroachment is minor and does not materially reduce the separation between the subject property and the adjoining erf.
- The existing toilet structure has already been considered through previous municipal approvals and has not resulted in any known adverse impact on neighbouring properties.
- The departure will not negatively affect access to adjoining properties, municipal services, natural light, ventilation, privacy, or the overall functioning of the surrounding properties.
- Approving the departure allows the Municipality to regularise the existing built form under the proposed Business Zone 3 zoning, ensuring that the property's planning rights accurately reflect the development that already exists on site.



MOTIVATION

The departure is therefore a logical and necessary component of the rezoning application, as it regularises the existing development without creating any additional planning impacts or altering the established character of the property or the surrounding neighbourhood.

5. LAND USE ENVIRONMENT

There is a mixture of zonings surrounding the subject property, although the area is considered to be a residential area, there are several informal businesses surrounding the property. The surrounding area's zoning is illustrated in **Plan 2 – Status Quo Zoning Plan**.

6. TITLE DEED

Title deed T18494/1992 of Erf 425 Zwelihle (refer to **Annexure B**) was perused and there are no restrictive conditions prohibiting the rezoning of the property.

7. ZONING

The following zoning parameters were assessed in conjunction with the B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

Business Zone 3: Local Business			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.	-	Applied for and Motivated
Consent use that may be applied for	bottle store , business premises, clinic, conference facility, dwelling unit (on ground floor) in accordance with 6.3.2 , flats (on ground floor), town housing in accordance with 6.3.2, tourist accommodation, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, service station, service trade and transmission apparatus (subject to the provisions of Chapter 16.10).	Bottle Store and Dwelling Unit	Applied for and Motivated



MOTIVATION

Development parameters			
Coverage	75%.	Existing = 54%	Comply
Floor Factor	1,5	Existing = 0,54	Comply
Height	8,5m	Existing single storey structures.	Comply
Setback	(i) The Municipality 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, the Municipality may require a greater setback. (iii) The general provisions of 16.2 apply.	All buildings are setback at least 6,5m.	Comply
Building lines	(i) the street building line is 0 m, provided that a 5,0 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 Business Zone 3 abuts another zone, the rear building line is 3,0 m; and (iv) provided that the Municipality 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.	Refer to motivation above	Applied for and Motivated
Window and door placement	(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. (ii) Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary.	No doors and windows are placed within 1m of the boundary.	Comply



MOTIVATION

Parking	Parking and access shall be provided on the land unit in accordance with 17.1.	<u>Required Parking:</u> 3 Parking Bays 25m ² GLA = 1 Parking Bay Dwelling = 2 Parking Bays	Applied for and motivated
----------------	--	--	----------------------------------

8. SERVICES

The availability and capacity of municipal engineering services is a relevant consideration in terms of Section 42(1)(c)(v) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ("SPLUMA"). The subject property is located within the established urban area of Zwelihle and is fully connected to the Overstrand Municipality's existing engineering services network.

Electricity, Water, Sewage and Solid Waste

The subject property is currently connected to the Overstrand Municipality's electricity, potable water, sewerage and solid waste services. These municipal services have been available to the property for several years and currently accommodate both the existing dwelling and the bottle store.

The proposal does not introduce a new business or intensify the existing land use beyond what has already been operating from the property since 2021. The bottle store is an established neighbourhood business and has been functioning under previous municipal approvals, demonstrating that the existing municipal infrastructure is sufficient to accommodate the use.

The demand for electricity and water associated with the bottle store is limited and is typical of a small-scale local retail business. Likewise, the existing municipal sewer connection is adequate to accommodate the current level of use, and no upgrades to the municipal sewer network are anticipated as a result of this application.

Solid waste generated by the bottle store consists primarily of ordinary commercial waste, including packaging materials and general refuse. Waste volumes remain modest and can continue to be managed through the Municipality's existing refuse removal service, without creating any additional burden on municipal solid waste infrastructure.

The proposal is therefore not expected to place any additional strain on the existing municipal engineering services, as the infrastructure has already been supporting the established use of the property.

Access and Egress

Access to the subject property is obtained directly from Jingi and Mfundo Street, which currently serves both the residential dwelling and the existing bottle store.

No changes to the existing access and egress arrangements are proposed as part of this application. The bottle store has been operating from the property using the existing access point since 2021, and the proposal merely seeks to regularise the established land use through permanent zoning rights. The existing access arrangement has proven to

function adequately and is not expected to have any adverse impact on the surrounding road network or traffic movement within the area.

9. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal is considered in terms of Section 66(1)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020. The proposal seeks to regularise an existing and established neighbourhood business that has been operating from the subject property under previous municipal approvals since 2021. The temporary approval process has demonstrated the suitability of the land use, and this application now seeks to provide permanent planning rights that align with the long-term use of the property.

Need and desirability

Socio-economic impact	The proposal is expected to have a positive socio-economic impact on both the immediate neighbourhood and the broader Zwelihle community. The bottle store is an existing locally owned business that contributes to the local economy by providing employment opportunities and supporting entrepreneurship within the township. The continued operation of the business provides a source of income for the property owners and contributes to the sustainability of a small local enterprise. The business also supports indirect economic activity through local suppliers, service providers and customers who utilise the facility. By allowing an established business to continue operating legally, the proposal promotes investment and business confidence within Zwelihle. Importantly, the application does not establish a new commercial activity but secures the future of a business that has already become part of the local economic environment.
Compatibility with surrounding uses	The bottle store has been operating from the property since 2021 under municipal approval and has demonstrated that it is compatible with the surrounding neighbourhood. The surrounding area already contains a mix of residential properties, community facilities and small-scale business activities that serve the local community. The proposal therefore aligns with the evolving mixed-use character of portions of Zwelihle, where neighbourhood businesses provide convenient services within walking distance of surrounding residential areas. As no expansion of the existing business is proposed, the existing relationship between the property and surrounding land uses will remain unchanged.



MOTIVATION

Impact on the external engineering services	As discussed in Section 8 of this report, the subject property is fully connected to the Overstrand Municipality's engineering services network, including electricity, potable water, sewerage and solid waste removal. The bottle store has been operating using these existing services for several years, demonstrating that the current infrastructure is adequate to support the established use. The proposal is therefore not expected to require any upgrades to municipal infrastructure or place additional strain on engineering services.
Impact on safety, health and wellbeing of the surrounding community	The proposal is not expected to have a negative impact on the safety, health or wellbeing of the surrounding community. The bottle store is an existing licensed business that operates within the applicable regulatory framework. The owners reside on the property and continue to occupy the existing dwelling, providing an on-site management presence that contributes to the responsible operation and security of the premises. The proposal merely seeks to formalise the continued operation of the existing business under permanent planning rights.
Impact on heritage	The subject property is not identified as a heritage resource in the Overstrand Heritage Register. No demolition, alteration of heritage resources or new development is proposed as part of this application. The proposal is therefore not expected to have any impact on heritage resources.
Impact on the biophysical environment	The proposal is not expected to have any adverse impact on the biophysical environment. No additional buildings, earthworks or expansion of the existing development are proposed. The application relates to the regularisation of an existing land use on an already developed urban property and therefore does not result in any additional environmental impacts.
Traffic impacts, parking, access and other transport related considerations	The proposal is not expected to generate significant additional traffic or parking demand. The bottle store has been operating from the property since 2021 using the existing access from Jingi Street. Customers predominantly originate from the surrounding neighbourhood, with many accessing the property on foot due to its location within an established residential community. The application does not propose any increase in the scale or intensity of the business, and the existing access arrangements have proven to function adequately.

Impact on views, sunlight and character of the area

The proposal will not negatively affect views, sunlight or the character of the surrounding area.

The existing structures are retained in their current form and no additional building work or increase in building height is proposed. Consequently, there will be no additional overshadowing or loss of sunlight to neighbouring properties.

The character of the area has already adapted to the presence of the existing bottle store over the past several years. The proposal simply recognises an established neighbourhood business that has become part of the local built environment without altering the physical character of the property or surrounding streetscape.

Economic impact

The proposal has a positive economic impact by supporting an existing local business and protecting the investment already made in the property.

Approving permanent land use rights provides certainty for the business owner, encourages continued investment in the property, and contributes to local economic activity within Zwelihle. It also supports the Municipality's broader objective of promoting economic opportunities within established urban areas rather than requiring residents to travel to distant commercial centres for everyday services.

Opportunity cost

In the context of land use planning, opportunity cost refers to whether approving the application would result in the loss or devaluation of existing land use rights enjoyed by neighbouring property owners.

The proposal is not expected to result in such a loss. The bottle store is already an established land use on the property and neighbouring properties have coexisted with the business since 2021. The application does not introduce a new activity or increase the intensity of the existing use but rather regularises the planning status of an existing business.

Approving the application therefore provides planning certainty without compromising the existing rights or reasonable use of surrounding properties.

10. POLICIES AND REGULATIONS

10.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The property is not located within the EMOZ.

10.2 Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

10.3 Spatial Planning Policies

The proposal has been assessed against the Western Cape Provincial Spatial Development Framework (PSDF) and the Overstrand Municipal Spatial Development Framework (OMSDF), 2020, and is not considered to be in conflict with the objectives or principles contained in these policy documents.

The OMSDF was prepared to ensure alignment with the principles and objectives of the Provincial Spatial Development Framework and the National Development Plan (NDP). One of the key objectives of the OMSDF is to promote sustainable economic development, support local employment opportunities, and strengthen the economic resilience of communities within the Overstrand Municipal area.

The proposal directly supports these objectives by formalising an existing neighbourhood business that has been operating successfully from the subject property for several years. Rather than establishing a new commercial node, the application seeks to regularise an established local enterprise that provides a service to the surrounding Zwelihle community and contributes to local economic activity.

The subject property is located within the existing urban footprint of Zwelihle where municipal infrastructure and services are already available. The proposal therefore represents the efficient utilisation of existing urban land and infrastructure, while supporting small business development and economic participation within an established residential community.

The proposal is accordingly consistent with the spatial planning objectives of both the OMSDF and the PSDF, as it promotes sustainable local economic development, encourages investment in an existing urban area, and aligns the property's zoning with its established long-term land use.

11. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles which each development application must be guided by. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial Justice

The principle of spatial justice seeks to address historical spatial inequalities by promoting equitable access to opportunities, services and economic participation within communities.

The proposal supports spatial justice by formalising an existing neighbourhood business within Zwelihle, a historically disadvantaged area where access to local commercial services and economic opportunities has traditionally been limited. The bottle store has been operating from the property since 2021 under municipal approval and provides a local retail service within walking distance for surrounding residents.

Approving the rezoning does not introduce a new land use into the community but rather recognises an established business that contributes to the local economy and provides employment and entrepreneurial opportunities within the township. The proposal therefore supports the continued transformation of Zwelihle into a community where residents have access to both residential and local business opportunities within their own neighbourhood.

Spatial Sustainability

Spatial sustainability promotes the efficient use of land and infrastructure while ensuring that development remains socially, economically and environmentally sustainable.

The proposal makes use of an already developed property located within the existing urban footprint of Zwelihle. No new buildings or expansion of the existing development are proposed, and the existing municipal infrastructure has already demonstrated its capacity to accommodate both the dwelling and the bottle store.

By regularising an established land use rather than creating a new commercial site elsewhere, the proposal promotes the sustainable use of existing land and municipal services while minimising additional environmental and infrastructure impacts.

Efficiency

The principle of efficiency encourages the optimal use of land, infrastructure and public resources. The proposal aligns with this principle by utilising an existing property and existing municipal services to accommodate an established neighbourhood business. The bottle store has operated successfully from the property for several years, demonstrating that the existing infrastructure, access arrangements and services are sufficient to support the use.

Approving permanent land use rights eliminates the need for repeated temporary applications and provides long-term planning certainty for both the property owner and the Municipality. This represents a more efficient and effective land use management approach by aligning the zoning with the property's actual long-term use.

Spatial Resilience

Spatial resilience promotes development that strengthens communities and enables them to respond to changing economic and social needs over time.

The proposal enhances the resilience of the subject property by allowing it to continue serving both residential and commercial functions within the community. The owners will continue to reside on the property while operating the bottle store, creating a sustainable mixed-use arrangement that supports ongoing investment and management of the premises.

The continued operation of an established local business contributes to the economic resilience of Zwelihle by supporting small business development, local employment and access to essential neighbourhood retail services.

Good administration

The principle of good administration requires land use decisions to be transparent, consistent and undertaken in accordance with applicable legislation and sound planning principles.

This application follows the procedures prescribed by the Overstrand Municipality By-Law on Municipal Land Use Planning, 2020, including the required public participation process and consultation with relevant municipal departments.

The proposal also promotes good administration by seeking to regularise an existing land use through the appropriate planning mechanisms. Rather than continuing to rely on temporary approvals, the application provides a permanent planning framework that aligns the property's zoning and land use rights with the established use of the property, ensuring clarity and certainty for both the Municipality and the property owner.

12. CONCLUSION

The application seeks the rezoning of Erf 425 Zwelihle from Residential Zone 1: Single Residential to Business Zone 3: Local Business, together with the necessary Consent Uses and Permanent Departures to regularise the existing development and land uses on the property.

It is important to emphasise that this proposal does not introduce a new bottle store or a new commercial activity within the neighbourhood. The bottle store has been operating from the subject property since 2021 under previous municipal approvals, including a temporary departure and a subsequent extension of the validity period. The Municipality has therefore already assessed the suitability of the use, and the business has demonstrated that it can operate responsibly and compatibly within the surrounding residential environment.

The proposal aligns the property's zoning with its established long-term use, provides planning certainty for both the property owner and the Municipality, and replaces temporary land use rights with permanent and appropriately regulated land use rights. The existing municipal engineering services are adequate to accommodate the proposal, no expansion of the existing development is proposed, and the application is not expected to result in adverse impacts on neighbouring properties, traffic, infrastructure, heritage resources or the environment.

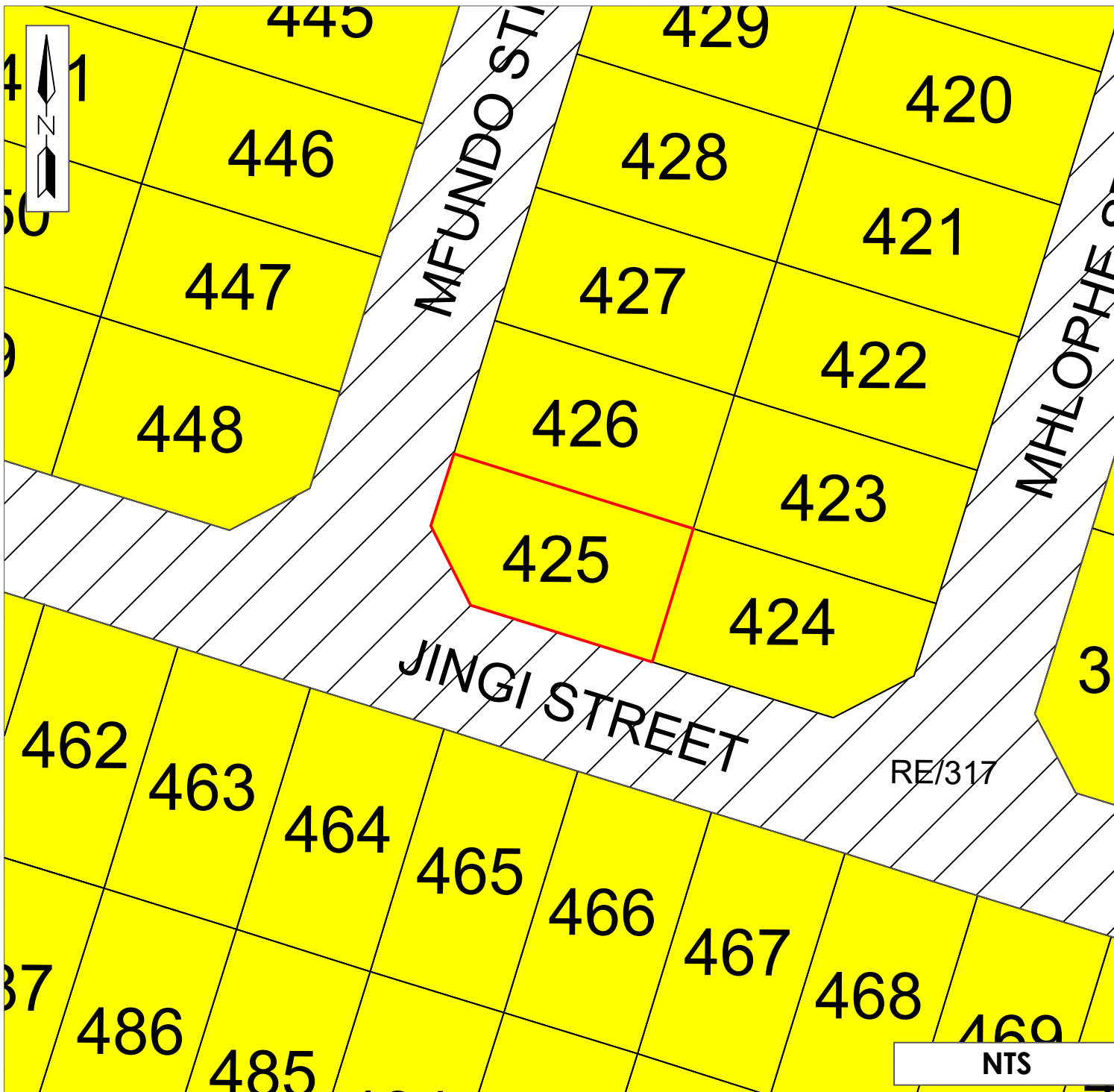
Furthermore, the proposal supports the objectives of SPLUMA, the Western Cape Provincial Spatial Development Framework and the Overstrand Municipal Spatial Development Framework by promoting sustainable local economic development, supporting small business growth and employment opportunities, and making efficient use of an existing property within the established urban area of Zwelihle.



13. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 13.1 Rezoning** from Residential Zone 1: Single Residential to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.2 Consent Use** to allow a bottle store in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020;
- 13.3 Consent Use** to allow a dwelling unit on the ground floor in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020; and
- 13.4 Permanent departure** from the 3m northern side building line to 0m and 2,6m to accommodate the existing structures in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.



Plan 2: Zoning Plan

Erf 425 - Zwelihle



Residential Zone 1: Single Residential



Transport Zone 2: Road and Parking
(Public)

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

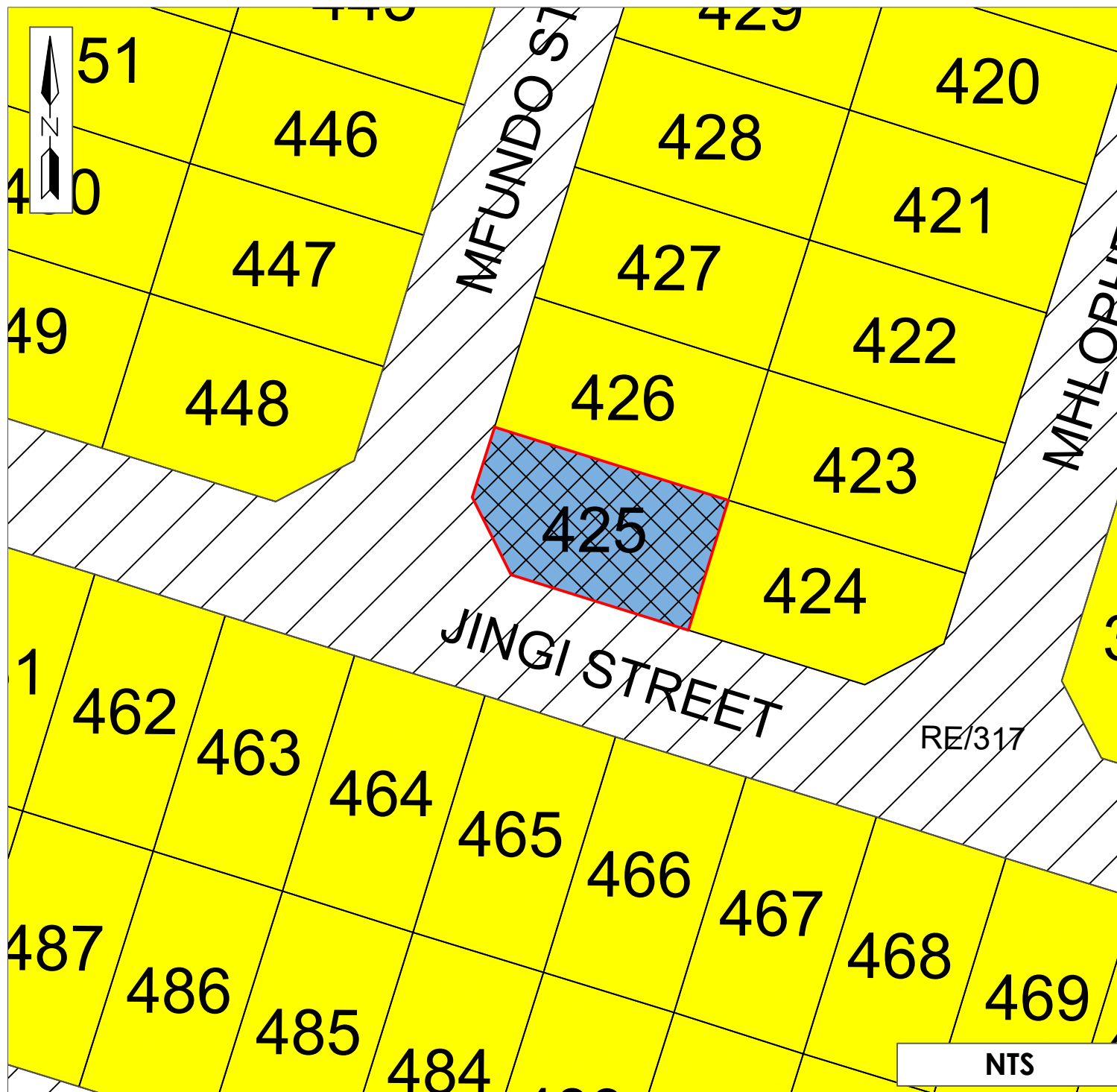
Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management

NTS



Plan 3: Proposed Zoning Plan

Erf 425 - Zwelihle



Residential Zone 1: Single Residential



Transport Zone 2: Road and Parking
(Public)



Business Zone 3: Local Business

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie Uys
Street Hermanus, 7200

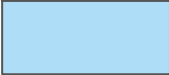
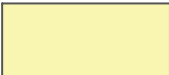


Project Office
Town Planning & Project Management

NTS



Plan 4: Site Plan
Erf 425 Zwelihle

-  Existing Bottle Store
-  Existing Dwelling

Parking

Bottle Store GLA
25m² = 1 Parking Bay

Dwelling
2 Parking Bays

Total 3 Parking Bays Required

Total 3 Parking Bays Provided

Parameters

Coverage - 54%
Floor Factor - 0,54

Plan prepared by: Thian Jansen on 31/08/2026

Plan Number - 26/110 (002)

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Office 3, Oakwood, 10 Dirkie Uys
Street Hermanus, 7200



Project Office
Town Planning & Project Management

SCALE 1 : 100