

4.3

ERVEN 942 AND 943, 69 & 71 DREYER STREET, STANFORD: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND DEVIATION FROM THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND GROWTH MANAGEMENT STRATEGY, 2010: MESSRS WRAP CONSULTANCY ON BEHALF OF HENQUE 3030 CC

942 & 943 SSN (3248)

P Roux

14 May 2020

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application was received on 27 September 2019 from Messrs WRAP Consultancy on behalf of Henque 3030 CC on Erven 942 and 943, Stanford in terms of the Overstrand Municipality By-Law on Land Use Planning, 2015 (By-Law) for the following:

➤ Rezoning

Application in terms of Section 16(2)(a) to rezone Erven 942 and 943, Stanford from Residential Zone 1: Single Residential to Business Zone 3: Local Business.

➤ Consent Use

Application in terms of Section 16(2)(o) for a Consent Use to establish a bottle store on Erf 943, Stanford.

➤ Departure

Application in terms of Section 16(2)(b) for the following:

- ❖ to deviate from the on site parking provisions, with a notary tie agreement between Erven 942 and 943, Stanford.
- ❖ to relax the north-eastern lateral building line on Erf 943 from 3m to 2,5m and 1m respectively and also to relax the south-eastern lateral building line from 3m to 1m to accommodate the proposed bottle store on the property.

➤ Deviation

A deviation from the Overstrand Municipal Spatial Development Framework 2006 and Growth Management Strategy, 2010 to permit a commercial land use in terms of Section 10(1) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015.

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 proposed Site Development Plan (SDP) is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Both erven are currently zoned Residential Zone 1: Single Residential. The applicant seeks to rezone the erven to Business Zone 3: Local Business in order to use them for the operation of a business and to provide a parking area for the business. To unlock additional use rights for the business the applicant also seeks a consent use for a bottle store and various departures applicable to the Zoning Scheme.

4. SUMMARY OF APPLICANT'S MOTIVATION

- ❖ The owner of the two (2) vacant properties bought the properties in 2018 for development. Stanford is growing west wards and thus there are additional pressures for commercial entities which will meet the need of the consumer within a walking distance from the area of the residence.
- ❖ The application is therefore to acquire the required land use rights to establish a shop and a liquor/bottle store on Erf 943, Stanford.
- ❖ The shop and bottle store will sell consumer items and alcoholic beverages to the surrounding property owners for the consumption off the subject properties. The proposed uses will be similar to conventional retail outlets prevalent in Stanford CBD.
- ❖ The nearest bottle store is 800m away from subject properties and it requires patrons to walk long distances to access it. This is contrary to town planning principles which promote pedestrianisation and discourages extended commute distances. The proposed bottle store is to promote pedestrianisation as it is to serve the adjacent community.
- ❖ Erven 942 and 943, Stanford is zoned Residential Zone 1: Single Residential. The applicant seeks to rezone the erven to Business Zone 3: Local Business in order to unlock commercial rights. The applicant intends to open a shop and bottle store on Erf 943, with some parking, with the majority of the parking being provided on Erf 942. Further, there are insufficient erven in the area which are zoned for commercial purposes and these forces property owners to operate businesses without the appropriate land use rights. This proposal is therefore intended to institute a process entrepreneur in Stanford South to operate businesses which comply with all legal prescripts.
- ❖ The applicant seeks a consent use to operate a bottle store on both Erven 942 and 943, Stanford. The bottle store will solely be used to sell alcoholic beverages for off site consumption. The bottle store therefore does not have the same impact as a place of entertainment which has high noise levels till late at night.
- ❖ Departure is also applied for from the parking provisions in order to provide parking on Erf 942. The reason for this is the majority of Erf 943 will be used to establish a shop/bottle store which measures 361,1m² which means that limited space is available to provide adequate parking.
- ❖ The Zoning Scheme provides various scenarios by which an applicant/property owner can apply for alternative off street parking provided, one being that the property owner acquires permanent rights to parking on other properties and that the parking be linked (notary tied or servitude registered) to the property which has the business. Erf 942 will therefore be notary tied with Erf 943.
- ❖ Departures are further requests from the 3m lateral building lines applicable to the north-eastern and south-eastern boundaries as stipulated under the proposed zoning, Business Zone 3: Local Business. It is proposed to relax the north-eastern lateral building line from 3m to 2,5m and 1m respectively and also to relax the south-eastern lateral building line from 3m to 1m to accommodate the proposed bottle store on the property. This proposal allows for additional

developable space and maximise retail space. The proposed departures will not infringe on the rights of the adjacent property owners as the shop/bottle store will be used as a convenient store hence consumers will only remain a short time period on the property and not longer time such as a restaurant or pub. The structure and development will be compliant with all the parameters of Business Zone 3 : Local Business except for the encroachment of the 3m latter building line.

- ❖ The subject properties are indicated for residential use in the Overstrand Municipal Spatial Development Framework, 2006 (SDF) and the Overstrand Municipal Growth Management Strategy, 2010 (OMGMS). The applicant therefore requests to deviate from the policies in order to obtain the right to develop commercial properties. The SDF was approved in 2006 in relation to development pressures in 2006 and is currently out of harmony with the development pressures which are prevalent in 2019. In contrast, the residential land use designation, the area is thriving with a combination of residential, commercial and religious land uses. The same can be said for the OMGMS as the Spatial Plan is out of harmony with the land use trends in the area and therefore contributes to stifling commercial development. As indicated, the area is earmarked for “no densification”, this designation has long been surpassed with the densities on properties in the area.
- ❖ It is submitted by the applicant that the proposal will create an enabling environment for entrepreneurs to flourish and create employment opportunities while providing a service which residents need within a critical walking distance. The proposal will not detract from the character of the area nor deprive the surrounding property owners of land use rights which are enjoyed.
- ❖ There are no commercial nodes in this area of Stanford and the proposed commercial entity will provide additional commercial space in this area. The Council has recently approved the Stanford Commercial Nodes Plan, which indicates that there is a dire need for the establishment of commercial erven in Stanford South to enable residents to establish commercial enterprises which serve the local communities of Stanford South. The proposed land uses are on erven which are within the proposed commercial node as approved by Council.
- ❖ The Title Deeds of the properties contain no restrictive conditions for the proposed uses.
- ❖ Services such as water and sewerage are available in the area. Erf 943, Stanford will be developed to connect to the existing services.
- ❖ Access will be obtained from Dreyer Street and Abner Street, as indicated on the SDP.
- ❖ It is in line with the need and desirability criteria in terms of Section 55(b) of LUPA, as it will have a positive economic impact, is compatible with surrounding uses and will increase security in the area.
- ❖ Will have no environmental impact as the nearest wetland edge is 68m away.
- ❖ No listed heritage activities are triggered.
- ❖ The applicant motivates that the proposal is in line with the planning principles of SPLUMA site specific requirements.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Press	Yes	8 November 2019	13 December 2019
Notices	Yes	8 November 2019	13 December 2019

Ward councillor	Yes	8 November 2019	13 December 2019
Total objections	NONE		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Fire Services	13/11/2019	Annexure D.
Stanford Heritage Committee	28/11/2019	No objection.
Building Control	2/12/2019	No objection.
Telkom	4/12/2019	Annexure E.
Health	10/12/2019	Applicant to apply for Certificate of Acceptability from Overberg District Municipality for both the shop and bottle store.
Waste Management	11/12/2019	Annexure F.
Environmental Section	16/01/2020	No objection.
Engineering Services	13/02/2020	Annexure G.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION.

N/A

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

The application was supported by all internal municipal departments and external provincial and semi-state institutions.

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 proposed business will bring economic opportunities to a local community.

Spatial sustainability

The application is within the urban edge and will not have a negative impact on the indigenous fauna and flora. Further, the property is within the economic node as approved by Council.

Efficiency

The property is surrounded by an existing road network and services infrastructure, and will require no additional infrastructure to be developed. It will lead to the more efficient use of existing services.

Spatial Resilience

The approval of this development and units will ensure additional rates will be obtained by the Municipality to maintain existing infrastructure.

Good administration

Good procedure was followed and with a good public participation.

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

As stated in the applicant's motivation subject properties are indicated for residential use in the Overstrand Municipal Spatial Development Framework, 2006 (SDF) and the Overstrand Municipal Growth Management Strategy, 2010 (OMGMS). The applicant therefore requests to deviate from the policies in order to obtain the right to develop Erf 943 as a commercial property. The aforementioned being stated, Council envisaged there is a lack of commercial nodes in towns in the Overstrand and therefore approved and demarcated commercial nodes and corridors in August 2019. The SDF and OMGMS will be updated to incorporate the demarcated nodes.

The subject properties are situated within one of Stanford's commercial nodes. Therefore, even though the applicant seeks to deviate from the current SDF

and OMGMS, it is considered that the deviation is in line with Council's forward planning and decisions.

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

N/A

10.6 Impact on Municipal engineering services

The area is already serviced and sufficient bulk capacity exists to accommodate the development. The application is supported by the Engineering Department and a bulk service levy will be required for the additional services used.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

Both erven are currently zoned Residential Zone 1: Single Residential the applicant seeks to rezone the erven to Business Zone 3: Local Business in order to use them for the operation of a business and to provide a parking area for the business.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL

In order to discuss the desirability of the application in detail the five (5) elements of the application will be discussed namely: rezoning, consent use, departure and deviation.

Rezoning

Erf 942, Stanford measures 474m² in extent and Erf 943, Stanford measures 638m². Erf 942 was previously rezoned to Business Zone 3: Local Business however, the rezoning lapsed as the applicant did not act on the approval. Both erven are currently zoned Residential Zone 1: Single Residential and the applicant seeks to rezone the erven to Business Zone 3: Local Business in order to use them for the operation of a business and to provide a parking area for the business.

It is proposed that Erf 943 will be used for the construction of the business and that Erf 942 will be used solely of the parking bay provision. The applicant consulted directly with the Engineering Department and original SDP which was submitted with the application was updated on account of the feedback received from the Engineering Department. The updated SDP indicates that the store will be 253m² in extent, the bottle store will be 92,4m² in extent and the store and cold room of 10,4m² in extent, which will equal to a gross leasable area of 355,8m². With a leasable area of 355,8m² the standard parking requirement will be twenty one (21). On the SDP the applicant indicates four (4) parking bays and the remainder of the parking bays will be provided on Erf 942.

As stated earlier in the report the Council envisaged there is a lack of commercial nodes in towns in the Overstrand and therefore approved and demarcated commercial nodes and corridors in August 2019. The SDF and OMGMS will be updated to incorporate the demarcated nodes. The subject properties are however situated within one of Stanford's commercial nodes. Therefore, the opinion is held that the proposed rezoning will be a benefit to the community as there is a need for local business entities which cater to the need of the community.

Consent use

Additional to the rezoning of Erf 493 from Residential Zone 1: Single Residential to Business Zone 3: Local Business the applicant applies for a consent use in order to utilise a portion of the property for a bottle store. As stated by the applicant the bottle store will not be a place of entertainment, but will sell alcoholic beverages to costumers for off-site consumption. Therefore, it will not have the noise and social characteristics of a tavern or pub. The applicant erroneously states that the closest bottle store (Erf 2164, Stanford) is 800m from the subject properties, also has Business rights and consent to operate a liquor store. Erf 2164 is situated next to Erf 942.

It should be noted that the commercial corridors/nodes as approved by Council was done to allow entrepreneurs access to properties for economic ventures which cannot be accommodated within a residential area. One such venture would be a bottle store. That being stated the approved commercial corridors/nodes did not provide land use rights and it is always the prerogative of the property owner(s) to acquire the land use rights through an application, hence the rezoning and consent use to obtain the land use rights. Therefore, when considering the proposed location of the bottle store in the Stanford area the ideal location will be in the commercial zone/node. The aforementioned are naturally subject to compliance with the relevant legislation and the assurance that the local community does not object to the proposition. In this case forty three (43) notices were sent to affected persons/parties and no objection was received from the community or neighbouring property owners. Hence the proposed consent is considered desirable.

Departure from building line

It is proposed by the applicant to depart from the parameters applicable to Business Zone 3: Local Business and to relax the north-eastern lateral building line from 3m to 2,5m and 1m respectively, and also to relax the south-eastern lateral building line from 3m to 1m to accommodate the proposed structure on the property. In general, a 3m lateral building line is applicable to Business Zone 3: Local Business if it is adjacent to a property zoned for residential use. The reason for the 3m building line is to protect the property rights of the property owners residing on the residential property. The applicant proposes to relax the building lines up to 1m away from the boundary to allow for enough access to the back of the property, while adhering to general fire safety distances. Only a portion of the north-eastern building line will be relaxed to 1m while most of the building will be situated 2,5m from the boundary. The whole of the structure which will be used for the bottle store will encroach upon the 3m building line on the south-eastern lateral building line up to 1m from the boundary which means that a structure with a length of 17,75m will be constructed 1m from the boundary of Erf 945, Stanford (over the south eastern lateral building line). It should be noted that Erf 945 is zoned for residential use and is not located in the approved commercial node.

The proposed relaxation of the 3m south-eastern lateral building line up to 1m from the boundary is not considered desirable due to the following:

- The inherent character of the residential area is a 2m building line.
- The property owner of Erf 945, Stanford will have a 17,75m wall façade facing their property with two (2) windows also facing onto their property.
- Erf 943 is still vacant and the applicant can redesign the proposed layout in order to be more respectable to the adjacent property owners' property and more compliant with the inherent character.

Considering the aforementioned it is proposed that the relaxation of the 3m south-eastern lateral building line only be allowed up to 2m from the property boundary.

Departure from parking provision

The applicant proposes to develop seventeen (17) of the required twenty (20) parking bays on Erf 942. The remainder of the parking bays will be developed on Erf 943. Erf 942 is across the road from Erf 943 and customers making use of the additional parking on Erf 942 will have to cross Abner Street. Abner Street is not a main arterial and mainly serves residential erven, it is therefore envisaged that the pedestrian traffic will not have a negative impact on the vehicular traffic. It should be stated that the application was circulated to the Traffic Department, but no comment was received. Further, the applicant discussed the parking layout with the Engineering Department prior to submitting the final design to the Town Planning Department.

Deviation from the SDF and OMGMS

As stated in the applicant's motivation the subject properties are indicated for residential use in the Overstrand Municipal Spatial Development Framework, 2006 (SDF) and the Overstrand Municipal Growth Management Strategy, 2010 (OMGMS). The applicant therefore requests to deviate from the policies in order to obtain the right to develop Erf 943 as a commercial property. The aforementioned being stated, Council envisaged there is a lack of commercial nodes in towns in the Overstrand and therefore approved and demarcated commercial nodes and corridors in August 2019. The SDF and OMGMS are in the process of being updated and it is already proposed to incorporate the demarcated nodes and corridors as approved by Council.

The subject properties are situated within one of Stanford's commercial nodes. Therefore, even though the applicant seeks to deviate from the current SDF and OMGMS, it is considered that the deviation is in line with Council's forward planning and decisions.

Considering the abovementioned sections, the proposal is considered desirable subject to the redesign in order to develop the structure 2m from the south-eastern lateral boundary.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Land Use Planning, 2015 (By-Law) in order to rezone Erven 942 and 943, Stanford from Residential Zone 1: Single Residential to Business Zone 3: Local Business, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(o) of the By-Law for a consent use to establish a bottle store on Erf 943, Stanford, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(b) of the By-Law to deviate from the on site parking provisions, with a notary tie agreement between Erven 942 and 943, Stanford, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the application in terms of Section 16(2)(b) of the By-Law to relax the north-eastern lateral building line from 3m to 2,5m and 1m respectively, and also to relax the south-eastern lateral building line from 3m to 1m to accommodate the proposed bottle store on the property, **be partially approved**;
5. that the approvals in paragraphs 1., 2., 3. and 4. be subject to the following conditions:
 - (a) that the bottle store be recessed 2m away from the south-eastern lateral building line instead of the requested 1m;
 - (b) that an updated Site Development Plan be submitted for approval by the Senior Manager: Town and Spatial Planning and Senior Manager: Engineering Services within **thirty (30) days** of the decision date;
 - (c) that Erven 942 and 943, Stanford be notarial tied prior to the submission of building plans;
 - (d) that the bottle store be restricted to the area indicated on the updated Site Development Plan as required in 5.(b);
 - (e) that should the bottle store in future cease to exist the exercise of the applicable primary rights are subject to the submission and approval of a Site Development Plan, demonstrating compliance with the applicable Zoning Scheme;
 - (f) that the operation of a liquor shop be subject to a valid liquor license, limited to off-site consumption only;
 - (g) that a building plan be submitted to the Building Control Department for approval within a period of **sixty (60) days** from the decision date and that all requirements of the Building Control and Fire Department be adhered to at that stage;
 - (h) that no advertising sign shall be displayed without the written approval of the Municipality, and such sign must be in line with the Overstrand Signage By-Law;

- (i) that the operation of a liquor store be subject to a valid Certificate of Acceptability (COA) to be issued by the Municipal Health Services, Overberg District Municipality;
 - (j) that the hours of operation and trading shall be restricted to 08:00 to 21:00 from Mondays to Saturdays and does not include Sundays or public holidays;
 - (k) that applicable rates and service tariffs, as determined by the annual budget be made applicable, which tariffs are automatically be adjusted in terms of the annual budget;
 - (l) that all the conditions of Telkom (attached as Annexure E), be complied with;
 - (m) that all conditions of Waste Management and Engineering Services (attached as Annexures F and G), be complied with.
 - (n) that this decision does not absolve the owner/applicant from compliance with any other relevant legislation, and
 - (o) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

RECOMMENDATION TO COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 as well as the Growth Management Strategy, 2010 in order to permit a commercial land use in terms of Section 10(1) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, **be approved** in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be recommended for approval**.

14. REASONS FOR RECOMMENDATION

- ❖ The subject properties are situated within a commercial node which was approved by Council. Commercial nodes and corridors are ideally located in areas where business uses have a lesser impact on the character and functioning of the residential suburb. Therefore, when considering the proposed location of the bottle store in the Stanford area the ideal location will be in the commercial zone/node.
- ❖ Majority of the parking can be located on Erf 942, pedestrians will only have to cross Abner Street from the parking area on Erf 942. Abner Street is not a main arterial and mainly serves residential erven, it is therefore envisaged that the pedestrian traffic will not have a negative impact on the vehicular traffic.
- ❖ The proposed relaxation of the 3m south-eastern lateral building line up to 1m from the boundary is not considered desirable due to the following:
 - The inherent character of the residential area is a 2m building line.
 - The property owner of Erf 945, Stanford will have a 17,75m wall façade facing their property with two (2) windows also facing onto their property.

- Erf 943 is still vacant and the applicant can redesign the proposed layout in order to be more respectable to the adjacent property owners' privacy and more compliant with the inherent character.
- ❖ No objections were received from the relevant departments or the adjacent property owners.

15. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Comment: Fire Services
Annexure E: Comment: Telkom
Annexure F: Comment: Waste Management
Annexure G: Services Report

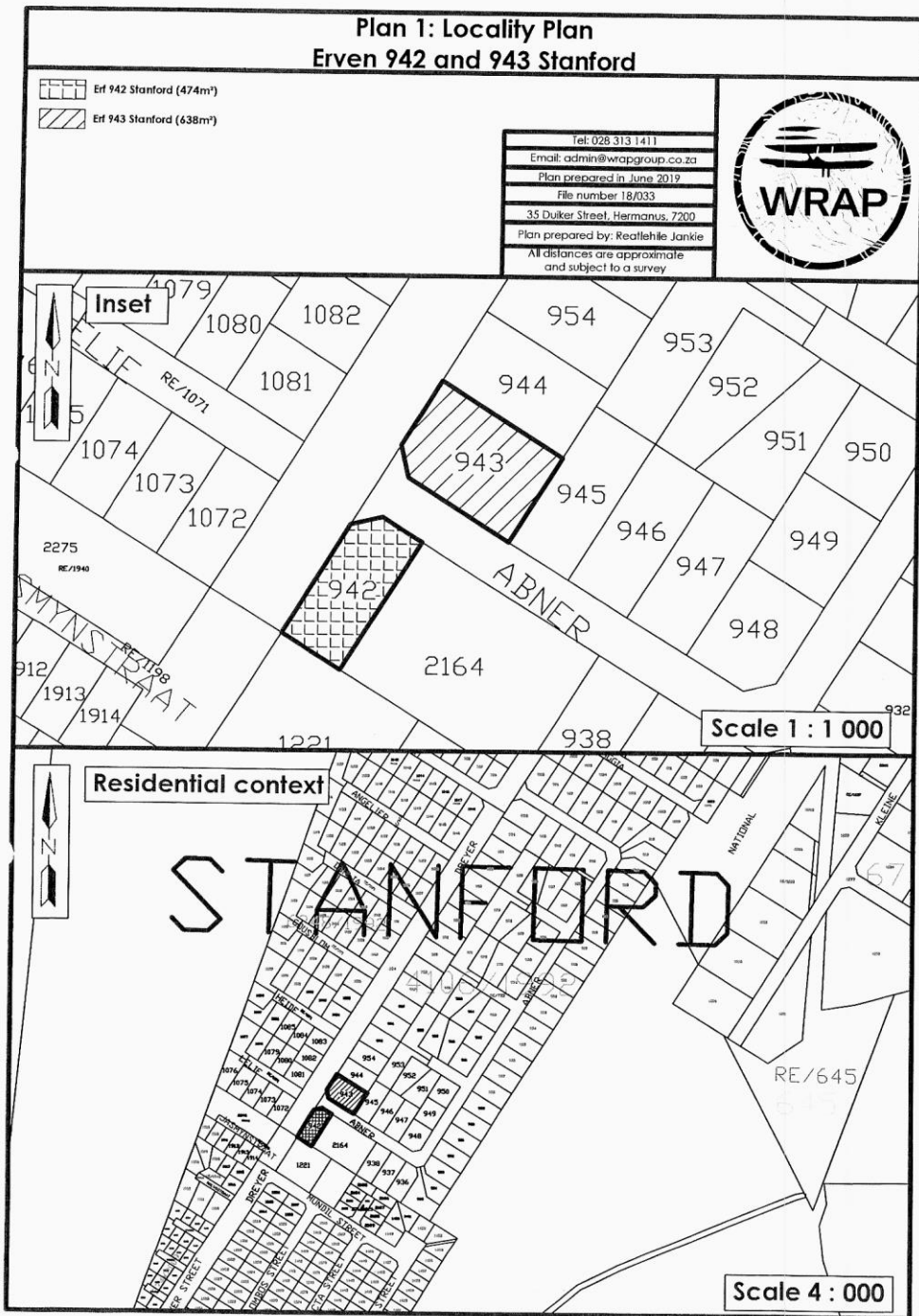
SIGNATURES

AUTHOR:

Name: **P ROUX**
SACPLAN Reg No: **A/2246/2015**
Signature: _____
Date: _____

REGISTERED PLANNER

Name: **SW VAN DER MERWE**
SACPLAN Reg No: **A/1850/2014**
Signature: _____
Date: _____





PROPERTY DETAILS

1. ABBREVIATIONS

OMZS	Overstrand Municipality Zoning Scheme, 2013
SDF	Overstrand Municipality Spatial Development Framework, 2006
OM	Overstrand Municipality
OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015
SDF	Overstrand Spatial Development Framework, 2006
OMGMS	Overstrand Municipal Growth Management Strategy, 2010
LUPA	Land Use Planning Act, 2014
DEADP	Western Cape Department of Environmental Affairs and Development Planning
SDP	Site Development Plan

2. SUMMARY OF STATUS QUO PROPERTY DETAILS

Property description	Erven 942 and 943 Stanford (refer Plan 1)
Registered owner	Erf 942 Stanford Henque 3030 CC ERF 943 STANFORD Henque 3030 CC
Consultant	WRAP (Wright Approach Consultancy)
Restrictive title deed conditions	None
Property extent	Erf 942 Stanford 474m ² Erf 943 Stanford 638m ²
Current zoning	Erf 942 Stanford Residential Zone 1: Single Residential Erf 943 Stanford Residential Zone 1: Single Residential
Current land use	Erf 942 Stanford Vacant Erf 943 Stanford Vacant

File 19/55
Erven 942 and 943 Stanford
Submitted in July 2019 and amended in September 2019



EXECUTIVE SUMMARY

3. BACKGROUND

The owner of the subject properties bought these two vacant erven in 2018 for development when the market conditions make it suitable to do so. Considering that Stanford south is growing to the west, there is increasing pressure for additional commercial buildings to be constructed which would meet the consumer needs of residents within walking distance from the area of residence. This proposal is therefore intended to ensure that the owner of the subject property is conferred the most appropriate land use right to be able to respond to the changing market conditions in Stanford. By submitting this application, the property owner is illustrating a need to comply with all prescribed town planning and building regulations with the intent of ensuring that the proposed shop and bottle store is of high architectural integrity.

4. DEVELOPERS INTENT

- 4.1** The owner of the subject properties wants to establish a shop and a bottle store similar to conventional retail outlets prevalent in Stanford north. The shop and bottle store would sell consumer items and alcoholic beverages to surrounding property owners for the consumption off the subject premises. The consumer items and alcoholic beverages are intended to be within the financial means and be of the appropriate type that the residents of the south enjoy. No alcoholic beverages are going to be sold to persons under the age of 18.
- 4.2** The nearest bottle store from the subject property is Heloin Bottle Store which is 800m away from the subject property and results in the residents of the south having to walk long distances to access it. This is contrary to town planning principles which promote pedestrianisation and discourages extended commute distances. The proposed bottle store is therefore intended to serve the adjacent community and promote principles of pedestrianisation.

5. PROCEDURE TO ACHIEVE THE DEVELOPERS INTENT

WRAP was appointed to compile and submit a land use planning application to realise the envisaged intent highlighted under Section 5 of this report. The following is proposed to achieve this:

5.1 Rezoning of Erven 942 and 943 Stanford from Residential Zone 1: Single Residential to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015.

The two properties can currently only be used for residential purposes and the permissible land use rights prevent the establishment of a commercial enterprise. The proposed rezoning to Business Zone 3: Local Business is intended to unlock commercial land use rights which would enable the property owner to operate a shop which is appropriate within a local context and not projected to be to the detriment of the local community.

The OMZS confers a shop as a primary right and is defined as follows:

"Shop means a property or part of a property used for the retail sale of goods, items and services to the public, including a retail concern where goods which are sold are manufactured and repaired; provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; shop does not include an industry, service trade, motor repair

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garage, service station, restaurant, adult entertainment business or sale of alcoholic beverages, and if such uses are included on the property they shall be regarded as separate uses subject to such separate development rules as may be determined by Council"

The proposed shop complies with the definition above and would confer the property owner with the most appropriate land use rights for the land uses which are sought.

5.2 Consent use for a bottle store on Erven 942 and 943 Stanford in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015.

A bottle store is a consent use in terms of the Business Zone 3: Local Business which is proposed on the subject property which is why a consent use is applied for. The OMZS defines a bottle store as follow.

"Bottle store means an establishment where the dominant use is the retail sale of alcoholic beverages for consumption off the property, and includes an off-sales facility which is under the same management as a licensed hotel"

The proposed bottle store will sell alcoholic beverages to clients who will not consume the alcohol on the premises and therefore complies with the definition above. It is therefore proposed that it be made a condition of approval that no liquor be consumed on the subject premises.

Bottle stores, unlike places of entertainment do not emit any noise which would ensure that neighbouring property owners are not exposed to loud noise until the early hours of the morning as this would be a huge discomfort. The subject bottle will also close at 20:00 in the evening which will guarantee that the impact thereof is minimal on the surrounding community.

The other challenge which residents in Stanford south encounter is that there are insufficient erven in the area which are zoned for commercial purposes. This subsequently forces some property owners to operate businesses without the appropriate consent from the OM or are not able to obtain the appropriate land use consent to operate the land uses. This proposal is therefore intended to institute a process where entrepreneurs in Stanford south operate businesses which comply with all legal prescripts of all departments. Rentals and land value in the historic CBD in Stanford north are also high which becomes a barrier of entry for some entrepreneurs to enter the commercial market.

5.3 Departure from the parking provisions by providing parking elsewhere with a notary tie agreement in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015.

The owner of the subject property envisages establishing a shop/bottle store which has a GLA which measures 361,1m². This by implication means that only Erf 943 Stanford can be used to accommodate the proposed building. This leaves limited space available on Erf 943 Stanford to accommodate parking. To overcome this constraint, the OMZS contains the following provisions under Section 17.1.2.

"17.1.2 As an alternative to compliance with the off-street parking requirements in terms of this zoning scheme, an owner may, with the approval of the Council:

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- (a) Acquire an area of land sufficient for the permanent parking requirements elsewhere in a position approved by the Council; or
- (b) Acquire permanent rights to a parking facility or portion of a parking facility elsewhere in a position approved by the Council; and shall register a notarial deed of servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained at his cost to the satisfaction of the Council. The cost of registration of the servitude shall be borne by the owner;
or
- (c) Pay Council the amount to the value of the parking to be provided, in accordance with the zoning concerned, together with the construction cost, in cases where the provision of parking is precluded in terms of other legislation or site specific constraints or a contribution is made to an approved Council parking fund or project for the provision of parking."

As all parking will be provided on Erf 942, a departure from the parking requirements is therefore applied for and to comply with the provisions of the zoning scheme, the two properties will be notary tied. Erf 942 Stanford is located across the street from Erf 943 Stanford which makes it practical for parking purposes as consumers will just have to walk across the road to access the shop/bottle store.

- 5.4 Departure from the north eastern building line from 3m to 2,5m and 1m to accommodate the proposed shop and bottle store in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015; and**
- 5.5 Departure from the 3m south eastern building line to 1m to accommodate the proposed bottle store in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015.**

Considering that the two properties are proposed to be notarial tied to comply with prescribed parking requirements, Erf 942 Stanford is proposed to exclusively be used for parking and Erf 943 Stanford the proposed shop/bottle store, a few parking bays and the loading zone. The parking requirements and the desire by the property owner to maximise on the developable area on the subject property reduces space available for the materialisation of the envisaged building and land uses. The building line departures are therefore sought to free up developable space on the subject property. The proposed shop and bottle store are projected to lead to customers only entering the subject properties for a quick purchase and will not spend extended time on the premises which is the case with restaurants and pubs. This by implication means that there will be no excessive noise which are projected to be emitted on the subject premises. The approval and implementation of the building line departures which are sought is therefore not projected to cause discomfort for the neighbouring owners of Erven 944 and 945 in occupying respective properties in comfort. The approval of the building line departure and proximity of the proposed building/land uses to neighbouring properties is also not projected to be a nuisance to the neighbours. It is also common practice for buildings to be constructed up to 1m from side boundaries in Stanford South and this proposal is therefore not a departure from this localised and widely accepted practice.

- 5.6 Deviation from the residential land use reservation in the Overstrand Municipal Spatial Development Framework 2006 to permit a commercial land use in terms of Section 10 (1) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.**

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EXECUTIVE SUMMARY

The subject properties are designated for residential purposes and the proposal for rezoning the erven from Residential Zone 1: Single Residential to Business Zone 3: Local business is a deviation from the SDF. The SDF was compiled in 2006 in response to the development pressures which were prevalent in 2006 and is out of harmony with the development pressures which are prevalent in Stanford south in 2019. In contrast with the exclusively residential land use designation in the SDF for Stanford south, the area is thriving with a combination of residential, commercial and religious land uses. Considering the above, a deviation from the SDF is appropriate and will enable and encourage complementary land uses to flourish in Stanford south and conform to sound town planning principles. This will however be elucidated in Section 14 of this report.

5.7 Deviation from the residential land use reservation in the Overstrand Municipal Growth Management Strategy 2010 to permit a commercial use in terms of Section 10 (1) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.

The subject properties are designated for residential purposes and the proposal for rezoning and consent use is a deviation from the OMGMS. The OMGMS was compiled in response to the prevailing development pressures in 2010. There are new development pressures prevalent in Stanford south, which make the OMGMS spatial proposal plan out of harmony with the land use trends in Stanford south which subsequently contributes to stifling commercial development in the area. Even the "no densification" earmarked for the subject property and the rest of Stanford south has long been surpassed as densities increased over years to backyard dwellers on about every erf in the area. This is a sign that the OMGMS is out of harmony with the reality of the area and needs to be deviated from.

6. IMPACT OF OUTCOME OF THIS APPROVAL

The impact of the outcome of the approval of this proposal would contribute to unlocking commercial activity opportunities in Stanford south. This would create an enabling environment for entrepreneurs to flourish and create employment opportunities while providing a service which residents need which is considered to be critical within a walking distance.

This proposal will therefore not detract from the character of the area nor deprive the surrounding property owners of land use rights which are enjoyed.



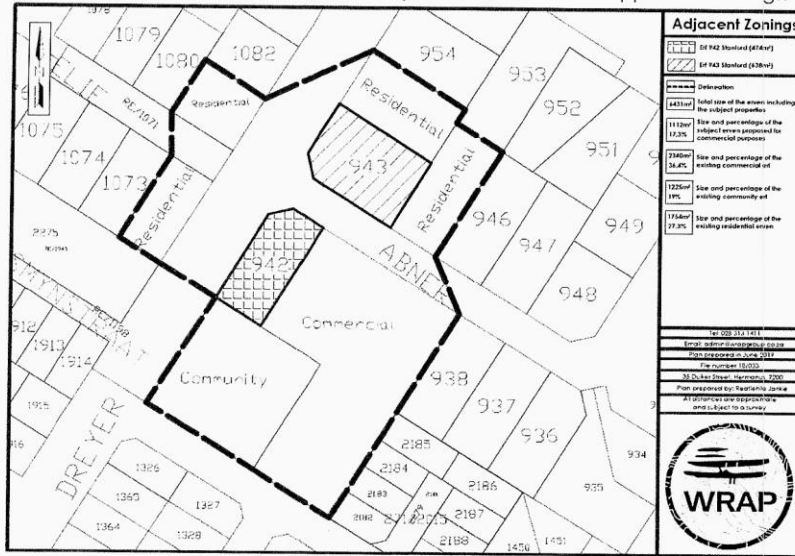
MOTIVATION

7. PHYSICAL ENVIRONMENT

The physical environment of adjacent erven is characterised by erven which measure between 338m² to 1463m². The subject erven measure 474m² and 638m² which is within the size range of surrounding erven. This proposal does not entail the alteration of the erf sizes and is in harmony with the surrounding physical environment.

8. LAND USE ENVIRONMENT

The map below shows all the size of the adjacent erven and the applicable zonings.



An evaluation of the map above reveals that one commercial erf is dominant and constitutes 36,4% of the land area within this delineation and the approval and implementation of this proposal would increase the percentage of commercial area to 53,7%. This would therefore increase the dominance of commercial land uses in the subject delineation and create a small local commercial node in Stanford South. Considering that there are no commercial nodes in Stanford South, the approval and implementation of this proposal is complementary to the land use environment of the area and compatible with the immediately adjacent erven.

9. TITLE DEED

Title deed T35468/2018 was perused and there are no restrictive title deed conditions which prohibit the approval and implementation of this proposal.

10. ZONING

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The zoning parameters of Erf 942 Stanford were assessed in conjunction with the B3 zoning and this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

Business Zone 3: Local Business (B3)			
	Parameters	Proposal	Comply/ deviate
Primary use	shops, flats (above ground floor), offices	A shop will be located on Erf 943 Stanford and will be notary tied to Erf 942.	Comply
Consent use	bottle store , business premises, clinic, conference facility, flats (on ground floor), town housing, guest house, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, service station, service trade, transmission tower.	A bottle store will be located on Erf 943 Stanford and will be notary tied to Erf 942.	Applied for and motivated
Development rules			
Coverage	The maximum coverage for all buildings on the land unit is 75%. The definition of coverage is the following: "Coverage" means the total area or percentage area of a land unit which may be covered by buildings and covered by a roof.	0%	Comply
Floor factor	The maximum floor factor is 1.5	0	Comply
Height	(i) The maximum height of a building measured from the base level to the top of the roof is 8,5 m; (ii) The maximum number of storeys is 2; and (iii) Earth banks and retaining structures shall comply with 16.6.	(i) 0m; (ii) 0; and (iii) Comply.	Comply
Setback	(i) Council may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street; (ii) Where special circumstances exist, Council may require a wider setback; and (iii) The general provisions of 16.2 apply.	(i) Subject to the Councils request; (ii) Subject to the Councils request; and (iii) Comply	Comply

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Building lines	<p>(i) The street building line is 0 m; provided that a 3,5 m building line applies where fuel pumps are erected;</p> <p>(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;</p> <p>(iii) The rear building line is 3,0 m; provided that where any Business Zone 3 abuts another zone, the rear building line is 4,5 m;</p> <p>(iv) Provided that Council may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and</p> <p>(v) The building line exemptions in 16.1 apply.</p>	<p>(i) N/A as there is no building proposed;</p> <p>(ii) N/A as there is no building proposed;</p> <p>(iii) N/A as there is no building proposed;</p> <p>(iv) subject to the request of Council; and</p> <p>(v) Comply</p>	<p>(i) N/A;</p> <p>(ii) N/A;</p> <p>(iii) N/A;</p> <p>(iv) Comply; and</p> <p>(v) Comply</p>
Window and door placement	<p>(i) Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned; and</p> <p>(ii) Any portion of the building which contains a door or window onto a side or rear boundary, shall be placed at least 1,5 m away from such boundary. The portion of the building that is required to be set back shall include the door or window, together with such additional length of wall as is required to make up a total of 3,0 m.</p>	<p>(i) N/A; and</p> <p>(ii) N/A</p>	N/A
Parking and access	<p>Parking requirement for shops, offices and restaurants is 6 bays per 100m² GLA.</p>	<p>The GLA of the building on Erf 943 Stanford is 345,4m² and there are 20,8 parking bays required and 21 parking bays are provided.</p>	Comply
Loading Bays	<p>Loading bays must be provided on the land unit in accordance with 17.2. The minimum off-street parking loading requirements are 1 bay per</p>	<p>Subject to the request of Council.</p>	Comply

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	500 m ² for the first 1 000 m ² of GLA, thereafter 1 bay per 1 000 m ² .		
Screening	(i) The Council may require screening in accordance with 16.7; and (ii) Where a Business Zone 3 abuts a residential zone, Council may require a suitable wall of no less than 1,8 m in height to be erected on the common boundary.	Subject to the request of Council.	Comply
Site development plan	Council may require that a site development plan be submitted for approval in accordance with 16.3.	Subject to the request of Council.	Comply

The zoning parameters of Erf 943 Stanford were assessed in conjunction with the B3 zoning and this is a relevant consideration in terms of Section 66 (1) (a) of the OM By-Law:

Business Zone 3: Local Business (B3)			
	Parameters	Proposal	Comply/ deviate
Primary use	shops, flats (above ground floor), offices	Shop	Comply
Consent use	bottle store , business premises, clinic, conference facility, flats (on ground floor), town housing, guest house, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, service station, service trade, transmission tower.	A bottle store	Applied for and motivated
Development rules			
Coverage	The maximum coverage for all buildings on the land unit is 75%. The definition of coverage is the following: "Coverage" means the total area or percentage area of a land unit which may be covered by buildings and covered by a roof.	62,6%	Comply
Floor factor	The maximum floor factor is 1.5	0,41	Comply
Height	(i) The maximum height of a building measured from the base level to the top of the roof is 8,5 m; (ii) The maximum number of storeys is 2; and	(iv) The building will not be higher than 8m; (v) There will not be more than two storeys; and	Comply

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	(iii) Earth banks and retaining structures shall comply with 16.6.	(vi) Comply.	
Setback	(ii) Council may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street; (ii) Where special circumstances exist, Council may require a wider setback; and (iii) The general provisions of 16.2 apply.	(iv) Subject to the Councils request; (v) Subject to the Councils request; and (vi) Comply	Comply
Building lines	(i) The street building line is 0 m; provided that a 3,5 m building line applies where fuel pumps are erected; (ii) The side building line is 0 m provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m; (iii) The rear building line is 3,0 m; provided that where any Business Zone 3 abuts another zone, the rear building line is 4,5 m; (iv) Provided that Council may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right; and (v) The building line exemptions in 16.1 apply.	(i) N/A; (ii) 2,5m and 1m; (iii) N/A; (iv) subject to the request of Council; and (v) Comply	(vi) N/A; (vii) Departure motivated; (viii) N/A; (ix) Comply; and (x) Comply
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; and (ii) Any portion of the building which contains a door or window onto a side or rear boundary, shall be placed at least 1,5 m away from such boundary. The portion of the building that is required to be set back shall include the door or window, together with such additional length of wall as is	(iii) The building is located 1m from the street boundary; and (iv) N/A	N/A



MOTIVATION

	required to make up a total of 3,0 m.		
Parking and access	Parking requirement for shops, offices and restaurants is 6 bays per 100m ² GLA.	The GLA of the building on Erf 943 Stanford is 345,4m ² and there are 20,8 parking bays required and 21 parking bays are provided.	Comply
Loading Bays	Loading bays must be provided on the land unit in accordance with 17.2. The minimum off-street parking loading requirements are 1 bay per 500 m ² for the first 1 000 m ² of GLA, thereafter 1 bay per 1 000 m ² .	There is one loading bay provided on the property.	Comply
Screening	(ii) The Council may require screening in accordance with 16.7; and (ii) Where a Business Zone 3 abuts a residential zone, Council may require a suitable wall of no less than 1,8 m in height to be erected on the common boundary.	N/A	N/A
Site development plan	Council may require that a site development plan be submitted for approval in accordance with 16.3.	An SDP is submitted with the planning application.	Comply

11. SPLUMA MOTIVATION REQUIREMENTS

The availability of services on the subject property can be illustrated as follows:

11.1 Water

The building which will be constructed on Erf 943 Stanford will connect to the reliable potable OM water network.

11.2 Sewage

The building which will be constructed on Erf 943 Stanford will connect to the reliable OM sewer network.

11.3 Electricity

The building which will be constructed will connect to the existing electricity network of Stanford South.



MOTIVATION

11.4 Access and egress

Access to the subject erven can be gained from Dreyer Street and Abner Street and the approval and implementation of this proposal will not alter this. The parking layout was communicated to the Engineering Services Department.

12. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal will be illustrated in accordance with Section 66 (1) (c) of the OM By-Law.

12.1 Need of the proposed development

Lower rentals in Stanford South would enable the business owners to pass these savings to the consumers and ensure that the value of the end product is lower than in high income areas with high rentals. This will therefore ensure that the residents within proximity to the subject property can access consumer goods within affordability means and therefore contribute to either increasing disposable incomes or enable families to buy a greater bulk of consumer items. There is therefore a need for the approval and implementation of this proposal to ensure that residents of Stanford South are able to access affordable consumer goods.

12.2 Compatibility with surrounding land uses

Section 8 of this motivation report has illustrated that the subject proposal is compatible with adjacent land uses and that it will contribute to establishing a small local commercial node in Stanford. The compatibility with adjacent land uses and the fact that this proposal is intended to serve the community in the south of Stanford makes this proposal desirable.

12.3 Impact on views, sunlight and character of the area

The surrounding properties have a height restriction of 8m and 8,5m. The height restriction of the proposed shop/bottle store will not exceed the permissible height of 8,5m and will therefore be in harmony with the surrounding properties owners and not be a visual imposition.

12.4 Economic impact

The approval and implementation of this proposal will unlock employment opportunities during the construction phase and operational phase which will contribute to reducing unemployment. The OM enabling entrepreneurs to flourish within sound town planning principles would also encourage/enable a culture/spirit of entrepreneurship in Stanford south which would be a positive economic impact in the area over a long term.

12.5 Conditions of approval proposed for imposition

The following conditions of approval are proposed for imposition

- 12.5.1 That alcohol is not sold to persons who are under the age of 18;
- 12.5.2 That the operation of the bottle store complies with the conditions of the liquor license;
- 12.5.3 That the property does not function as a place of entertainment or any other establishment which would lead to loud noise being emitted;
- 12.5.4 That the operation of the shop/bottle store does not interfere with the land use rights of adjacent property owners;
- 12.5.5 That commercial rates and tariffs be paid to the OM; and
- 12.5.6 That all signage complies with the OM By-Law on Signage. Should signage not comply, the appropriate application will have to be submitted to the relevant authority for consideration.

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The rationale for proposing the imposition of the above conditions of approval is to ensure that the approval and implementation of this proposal does not cause discomfort to the neighbouring property owners in the occupation of their land.

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

The additional guests who will enter and egress the subject property will be additional surveillance on the street of Stanford South. This will subsequently contribute to enhancing the safety and wellbeing of the surrounding community.

12.7 Impact on heritage

None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal.

12.8 Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

13. SPLUMA MOTIVATION REQUIREMENTS

This application is motivated in terms of the requirements of SPLUMA which a relevant consideration in terms of Section 42 (c):

13.1 Public interest

The approval and implementation of this proposal will lead to the subject erven being visually enhanced which is in the public interest. The additional commercial rates which will be collected by the OM and tax collected by SARS will be used for service delivery which is in the public interest.

13.2 Constitutional transformation imperatives of the state

The constitutional transformation imperative of the state includes creating an enabling environment for entrepreneurs who operate in peripheral settlements to operate businesses which flourish within sound town planning principles. The approval and implementation of this proposal will enable the owner of the subject property do deliver on this constitutional transformation imperative of the state.

13.3 Respective rights and obligations of all those affected

The approval and implementation of this proposal is not projected to interfere with the community's health, wellbeing and comfort in the occupation of their land. The land use rights which are proposed to be conferred on the subject properties are similar to the rights enjoyed by the neighbouring Erf 2164 Stanford which will safeguard the valued land use rights of neighbouring property owners.

14. SPATIAL PLANNING POLICIES

The consistency of this proposal with all relevant spatial planning policies was investigated. This is a relevant consideration in terms of Section 66 (1) (h), (i) (u) (k) and (l) of the OM By-Law:



MOTIVATION

14.1 PSDF

The aim of the PSDF is to communicate the governments sound spatial development intentions to the private sector and civil society. Policy proposal in the PSDF which are pertinent to this proposal are recorded below.

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

The owner of the subject property seeks to obtain the necessary town planning approval to ensure that the barrier of entry into conducting a legal business is low and to enable entrepreneurial skills to flourish. This will contribute to there being high productivity on the subject property as prescribed by the PSDF.

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

The implementation of the proposed shop/bottle store will attract and enable the interaction of people who speak different languages, have different cultural identities and therefore reduce socio-cultural distance. The approval and implementation of this proposal is in harmony with the policy proposal for the PSDF.

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

This proposal is intended to combat the low access to economic opportunities which are prevalent in Stanford south by providing a space for the subject entrepreneur to flourish in the area. This will contribute to Stanford south thriving as a settlement which is liveable and has multiples opportunities for the inhabitants.

14.2 STANFORD COMMERCIAL NODES

14.2.1 The Stanford Commercial Nodes Plan (refer **Plan 5**) has been approved by Council in August 2019. This illustrates that the Council acknowledges that there is a dire need for the establishment of commercial erven in Stanford South to enable residents to establish commercial enterprises which serve the local communities of Stanford South. The owner of the subject property has therefore done everything possible at great financial cost, effort and negotiation to ensure that the land uses proposed in this application are located in the commercial Nodes as approved by Council. The approval and implementation of this proposal will contribute to Stanford South establishing contextually appropriate mixed land uses to allow a more functional human settlement. Residents will also have access to economic opportunities within a walking distance, which subsequently reduces reliance on motorised transport to get to work which is aligned with principles of efficiency. The plan is therefore recent and responsive to prevailing trends in Stanford south.

SDF

The SDF identifies areas where growth and changes are projected and contains policy proposals which ensure that this occurs to the benefit of the inhabitants of the area. The SDF is guided by a set of objectives and the deviation of this proposal from the document will be motivated.



MOTIVATION

The SDF was compiled in 2006 in response to the prevailing development pressures and established development direction prevalent at the time. The dynamics of urban development and land use pressure which is exerted by developers and the public continually changes in direction and the use of space. These changes are also underpinned by a variety of factors such as economic, political, societal, legislative climate with agency being a common thread. These climatic conditions are in most instances beyond the control of town planners and cannot be accurately predicted by authors of spatial planning policy. The contextual framework of the compilation of spatial planning policy as well as a shift in land use patterns justifies the deviation from the SDF on condition that this proposal has no externalities (a consequence of an activity/land use which adversely affects other parties without this being reflected in the value of the property) for the public.

Section 22 of SPLUMA highlights that the Municipality may take a decision which deviates from the spatial development framework on condition that site specific circumstances are motivated. Erven 942 and 943 Stanford are designated for residential purposes. This proposal for the consolidated erven to be rezoned to Business Zone 3: Local Business with a consent use for a bottle store, is a deviation from the SDF. Herewith is a list of site-specific circumstances which justify the deviation from the SDF:

- The deviation would allow the rezoning of the subject property;
- The deviation is aligned with the small local commercial node which is taking hold in Stanford south where the subject property is located;
- The increase in local commercial activities where the subject properties are located would encourage other entrepreneurs in Stanford south to locate businesses within existing commercial nodes instead of the residential areas. This would lead to a separation of commercial and residential land uses and reduce the likelihood of conflict among residents;
- The presence of a commercial land use on the adjacent Erf 2164 Stanford already creates a node of movement and activity and this proposal would link up with the existing movement;
- The subject sites are well located and are located in the centre of Stanford South which makes it highly accessible within and walking distance;
- The development rights which are sought will unlock the maximum land use potential of the subject site within the services capacity limits of the site.

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

OMGMS

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

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

Site specific circumstance which justify the deviation can be illustrated as follows:

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- The densities which have been earmarked for Stanford south have long been surpassed when calculations are done;
- The prevailing land uses around the subject property are commercial which is not in harmony with the with the land use designation for residential uses;
- The OMGMS also does not account for the pressure intensity for commercial land uses in Stanford South and the cumulative impact that has on the built environment in the area; and
- The growth directions and movement of commercial land uses on the subject property are more appropriately illustrated by this proposal.

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

15. 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:

15.1 Spatial justice

The approval and implementation of this proposal would contribute to unlocking contextually appropriate commercial activities in Stanford south. This would be a stark contrast with apartheid spatial planning which designated low income areas to exclusively be used for residential purposes and prevent entrepreneurship to flourish in the areas. The approval and implementation of this proposal by the OM and the implementation of it by the property owner would enable the owner of the subject properties and the O M to contribute to addressing spatial development imbalances caused by apartheid planning by opening up commercial activities in low income areas.

15.2 Spatial sustainability

This proposal promotes a complementary mix of land uses within Stanford south which allows for a functional space economy to flourish. This proposal therefore promotes spatial sustainability as this promotes a functional space economy.

15.3 Efficiency

This proposal is intended to efficiently make use of existing services, space, energy and infrastructure on the subject property to cater to prospective customers within the existing service capacity. The optimisation of the development potential of the subject within services capacity limits promotes efficiency.

15.4 Spatial resilience

The subject development proposal deviates from the relevant spatial planning policies however, it has been motivated in Section 15 of this report that the deviation within the current economic climate promotes resilience.

15.5 Good administration

The OM has a credible track record of good administration regarding the method of public participation which accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



EVALUATION AND RECOMMENDATION

16. EVALUATION

The rationale for the approval and implementation of this proposal can be summarised as follows:

This proposal entails the appropriate land use rights being designated to the subject property for the property owner to operate a shop and a bottle store.

There is a definite need for the approval and implementation of this proposal as it would enable residents in Stanford to access consumer goods and services which are affordable within a walking distance.

There is also a need for the approval of this proposal as it will unlock additional economic opportunities which will benefit the unemployed and will be in the public interest as the aesthetic view of the subject property will be enhanced.

17. RECOMMENDATION

This motivation report has illustrated that this proposal is desirable and will be of value to the surrounding property owners and prospective employees. It is recommended that the following is approved:

- 17.1 Rezoning** of Erven 942 and 943 Stanford from Residential Zone 1: Single Residential to Business Zone 3: Local Business in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015;
- 17.2 Consent use** for a bottle store on Erven 942 and 943 Stanford in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015;
- 17.3 Departure** from the parking provisions by providing parking elsewhere with a notary tie agreement between Erv 942 and 943, Stanford, in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- 17.4 Departure** from the north eastern building line from 3m to 2,5m and 1m to accommodate the proposed shop and bottle store in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015;
- 17.5 Departure** from the 3m south eastern building line to 1m to accommodate the proposed bottle store in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning Act, 2015;
- 17.6 Deviation** from the residential land use reservation in the Overstrand Municipal Spatial Development Framework 2006 to permit a commercial land use in terms of Section 10 (1) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015; and
- 17.7 Deviation** from the residential land use reservation in the Overstrand Municipal Growth Management Strategy 2010 to permit a commercial use in terms of Section 10 (1) of the Overstrand Municipality: By-Law on Municipal Land Use Planning, 2015.

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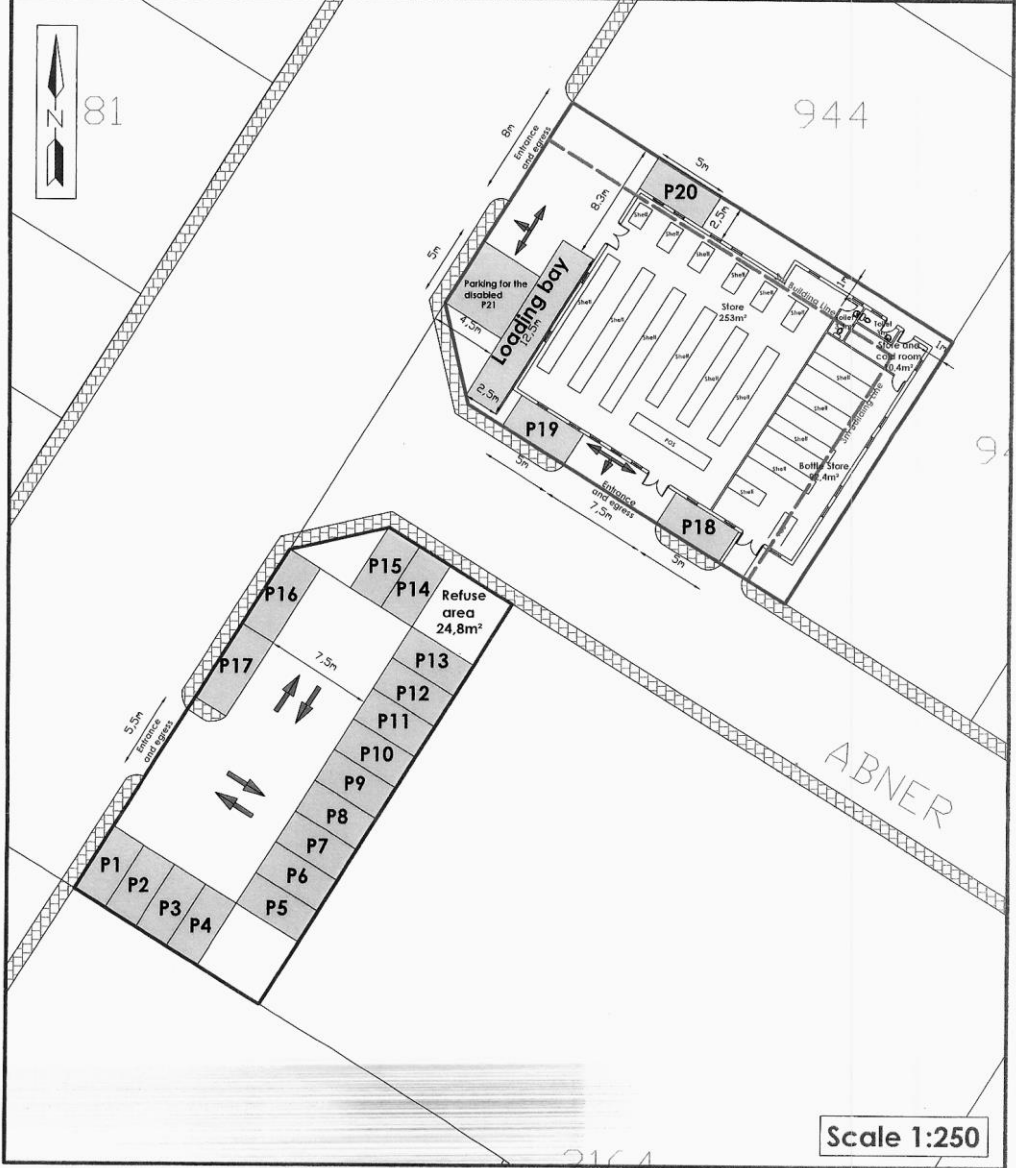


PLAN 1: LOCALITY PLAN

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**Plan 3: SDP Floor Plan Inset
Erven 942 and 943 Stanford**

	Erf 942 Stanford (474m ²)	There are 20,8 bays required and 21 bays are provided Pedestrian walk way Parking bays	
	Erf 943 Stanford (638m ²)		
	3m Building line		
	253m ² Store		Tel: 028 313 1411 Email: admin@wrapgroup.co.za Plan prepared in November 2019 File number 18/033 35 Duiker Street, Hermanus, 7200 Plan prepared by: Reatlehle Jankie All distances are approximate and subject to a survey
	92,4m ² Bottle Store		
	10,4m ² Store and cold room		
	6,3m ² Toilets		



File reference:	942 & 943 SSN (3248/2019)
Date:	8 November 2019
	LI



INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Petrus Roux

TO:

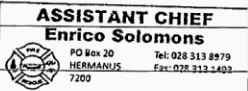
<u>Area Manager</u>	<u>Building Department</u>	<u>District Health</u>	<u>Electrical Department</u>
<u>Environmental Officer</u>	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Local Heritage Committee</u>
<u>Operational Services</u>	<u>Traffic Department</u>	<u>Ward Councillor (Ald. D Coetzee)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

Applicant	WRAP (obo HENQUE 3030 CC)
Property Details	ERVEN 942 & 943, 69 & 71 DREYER STREET, STANFORD
Application Description	APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND DEVIATION FROM THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND GROWTH MANAGEMENT STRATEGY, 2010

ATTACHMENTS :

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

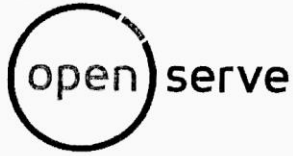
YOUR DEPARTMENT'S COMMENTS:

The Fire Department have no objection provides that the structure complied to the National Fire Protection Regulations SANS-T:2011 and community fire safety by-law	
 ASSISTANT CHIEF Enrico Solomons PO Box 20 HERMANUS 7200 Tel: 028 313 8979 Fax: 028 313 1403	
Signature: <u>E Solomons</u>	Date: <u>13 NOV 2019</u>
2019	

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

* Building Control Department to confirm that all structures on this property are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 13 December 2019



ANNEXURE E 1/4

TP- A Theart
(S vld Merke)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WSF4288_19

Your Ref.: 942 943 SSN 3248

4 December 2019

Attention: S Muller

Overstrand Municipality
HERMANUS

FILE NO:	Erven 942 & 943
	Stanford ✓
SCAN NO:	STF 942
COLLABORATOR NO:	1364104

PLANT AFFECTED – COPPER:

APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND DEVIATION FROM THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2006 AND GROWTH MANAGEMENT STRATEGY, 2010: ERVEN 942 AND 943, 69 AND 71 DREYER STREET, STANFORD

With reference to your application received **November 2019**.

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

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

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

Approval is granted, subject to the following conditions.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X831, Pretoria, Gauteng, 0001

As per sketch attached, OpenServe infrastructure **WILL BE AFFECTED**, consequently the conditions below and on the attached legend will apply.

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

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

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

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

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

All OpenServe rights remain reserved.

Yours faithfully



For Selwyn Bowers
Operations Manager
Wayleave Management: Western Region



This wayleave, Reference Number WWIP WSFD4288_19 is valid for 12 months from date here of and is subject to the following conditions:

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

Date: 05 December 2019

By: C. Spammer

For Wayleave Management
Western Cape

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



Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Junction Pit
	Planned Junction Pit
	To Be Abandoned Junction Pit
	Existing PJB
	Planned PJB
	To Be Abandoned PJB
	Existing SDC
	Planned SDC
	To Be Recovered SDC
	Existing D/C
	Planned D/C
	To Be Recovered D/C
	Existing P/B
	Planned P/B
	To Be Recovered P/B
	Existing Indoor DP
	Planned Indoor DP
	To Be Recovered DP
	Existing DP
	Planned DP
	To Be Recovered DP
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Struts and Stay
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Mini OMDP
	Planned Mini OMDP
	To Be Recovered Mini OMDP

TELKOM REGIONAL EXECUTIVE	
Compiled By	C Spammer
Client	Ovensland Municipality
Client ref	942 943 SSN 3248
Date	15/12/2019
Open/Save ref	WWIP_VSF04288_19
Details	COPPER SERVICES AFFECTED
Page Size	A4

File reference:	942 & 943 SSN (3248/2019)
Date:	8 November 2019
LJ	



INTERNAL MEMORANDUM

From	:	Town Planning Department
Town Planner	:	Petrus Roux

TO:


<u>Area Manager</u>	<u>Building 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>	<u>Traffic Department</u>	<u>Ward Councillor (Ald. D Coetzee)</u>	<u>Waste Management</u>

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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:

The proposed waste storage area that they have added to their submission complies with our requirements for a storage area, as such it is acceptable.	
From an operational point of view, I am just not sure how practical it will be as all the waste generated has to be carried across the road to the storage area, also securing the waste in the storage area could be a challenge.	
Signature: 	Date: 11/12 2019

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

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

COMMENTS REQUIRED BY: 13 December 2019

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSENT USE, DEPARTURE AND DEVIATION
FROM THE OVERSTRAND MUNICIPAL SPATIAL DEVELOPMENT
FRAMEWORK, 2006 AND GROWTH MANAGEMENT STRATEGY, 2010: ERVEN
942 & 943, STANFORD (3248/2019)**

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

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2019/2020) is as follows:

Freehold erven:

Water	R 22 925.00 x -0.5556=	-R 12 737.13
Sewerage	R 15 457.00 x -0.5556=	-R 8 587.91
Roads	R 6 931.00 x 8.18487=	R 56 729.33
Stormwater	R 7 997.00 x 1.48266=	R 11 856.83
Solid Waste	R 1 386.00 x 1.6696=	<u>R 2 314.07</u>
TOTAL (inclusive of VAT)	=	R 49 575.19

Note:

- 1.3 The above figures are estimates**
- 1.4 The above figures do not include connection fees**
2. that the existing water and sewerage connections to Erven 942 & 943 shall be used to service Erven 942 & 943;

3. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the owner's cost;
4. that on-site parking be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
6. that stormwater be allowed to discharge through the proposed Erven, Stanford, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE