

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
21 April 2015  
(Also the agenda for the Mayoral Committee Meeting : 29 April 2015)**

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**14.**

**ERVEN 1599, 1600 & 1601, BERGSIG STREET, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSOLIDATION, AMENDMENT OF SPATIAL DEVELOPMENT FRAMEWORK: PLAN ACTIVE ON BEHALF OF THE NICO VAN ZYL FAMILY TRUST & BLAZECOR TWENTY SEVEN CC**

**1599, 1600 & 1601 HSB (2521)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**5 March 2015**

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**1. Executive Summary**

An application has been received on 6 March 2014 from Messrs Plan Active Town- and Regional Planners on behalf of The Nico van Zyl Family Trust and Messrs Blazecor Twenty Seven CC for the rezoning of Erven 1599, 1600 & 1601, Sandbaai from Single Residential Zone and Agricultural Zone I to Industrial Zone I, as well as to consolidate Erven 1599, 1600 & 1601, Sandbaai to establish storage facilities and an industrial hive concept on the consolidated erf.

An application has also been received for the Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 (SDF).

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

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

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor – in respect of rezoning and consolidation.

None – in respect of amendment to the Spatial Development Framework.

**5. Legal Requirements**

- Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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- Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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

### **Background**

The application is for the rezoning, consolidation and amendment of the SDF to develop the erven as an industrial unit.

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to all surrounding affected property owners. Four objections were received against the application.

The application was also circulated to all relevant municipal departments and state departments. No objections were received against the application.

### **Discussion**

Objections will be grouped as follows:

- ❖ Sandy Cove Home Owners' Association
- ❖ Monte Mare Home Owners' Association NPC
- ❖ Mr. MA Edwards
- ❖ Ocean Breeze Private Estate

### **Sandy Cove Home Owners' Association**

#### **1. Lack of Desirability**

The judgment in *Hays and Another v Minister of Finance and Development Planning, Western Cape and others* 2003 (4) SA 598 (C) Erasmus AJ, gave the following authoritative interpretation to desirability:

*"The test of desirability is conclusive – in terms of s36(1) a departure application shall be refused solely on the basis of lack of desirability. Though the test is phrased in the negative, it lays a positive test : the test is the presence of a positive advantage which will be served by granting the application."*

An application will therefore be desirable if the applicant is able to show that the proposed land use will result in a positive advantage – not to the applicant, but to the adjacent land owners and the community as a whole. The onus is on the applicant to provide a positive interaction between the proposed land use,

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character of the area and the guidelines of any relevant structure plan. This is not being achieved by the application.

Applicant's response

The property abuts the Sandbaai Industrial Area and Sandy Cove on the northern boundary. The application property is within a mixed land use area that was taken into consideration with the proposed layout in order to be compatible with the existing adjoining land uses.

The layout consists of an industrial hive that will tie in with the Industrial Area and the storage facilities to the northern area to buffer the residential development.

Town Planner's Comment

The desirability must be to the benefit of the community. The area is under pressure for local economic development, and at this point it will be desirable to all parties that development parameters be given taking into account the mixed character of the area.

Sandy Cove Home Owners' Association

2. Overstrand Wide Spatial Development Framework

The subject properties are not earmarked for industrial development and recommends any further industrial development be in Hawston/Fisherhaven

Applicant's response

The amendment of the SDF is requested since the area is compatible with the existing land use, e.g. residential, commercial and industrial. The area is experiencing pressure for business opportunities and thus the application will not have a negative influence on property values.

Town Planner's comment

The application is for the amendment of the SDF, 2006.

Sandy Cove Home Owners' Association

3. Overstrand Growth Management Strategy

The strategy earmarks the area for high density residential development and local economic development is not included.

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Applicant's response

The properties are located in Unit 6, which does include local economic development (mixed uses) and high density residential developments.

Town Planner's comment

The Growth Management Strategy mainly focuses on the densification of the residential component of planning within the Municipality. However, areas subject to possible pressure of adjacent developments with regard to commercial activities were identified as possible commercial development nodes within a planning unit.

Sandy Cove Home Owners' Association

4. Character of the Area

The area is of mixed use nature, but primarily residential. A clear division exists between the industrial area and residential area and thus it is not desirable to extend the industrial area earmarked for residential use.

Applicant's response

The area is of mixed use nature consisting of residential, industrial and the envisaged Whale Coast Village Mall. The application is in line with the character of the area. The proposed buildings will be similar to the existing Sandbaai Business Park.

Town Planner's comment

The character of the area has changed since the inception of the SDF, which is relevant in terms of this application, especially with the possible development of the Whale Coast Village Mall, a shopping mall of 30 000m<sup>2</sup> in extent.

Sandy Cove Home Owners' Association

5. Effect on Existing Rights

Many of the owners bought properties with the clear indication of the forward planning documents. Many owners have sold properties in Mooizicht and Sandy Cove due to the illegal industrial activities that took place before the application was lodged.

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Applicant's response

Sandy Cove is already situated in a mixed area that is experiencing pressure to be developed in both commercial and light industry manor and the proposal will not have a negative impact on property values.

Town Planner's comment

The impact of the application has not been proven to be positive or negative by the applicant and thus cannot be argued.

Sandy Cove Home Owners' Association

6. Safety and Welfare of the Members of the Community

The industrial activity poses a safety risk to the community in terms of the primary rights.

Applicant's response

The storage area is located on the northern boundary and will form a buffer between the industrial zone and the residential component, buffering possible noise pollution. The land uses requested do not include any noxious or risk industries.

Town Planner's comment

The Sandy Cove residents bought their property next to an existing industrial development and would have known any safety and health risks should there be any. The present application is bound by the land uses proposed and the impact will be less from the present development due to the storage buffer.

Sandy Cove Home Owners' Association

7. Conservation of the Natural and Developed Environment

*"Where an application under Chapter II and III is not refused by virtue of the matters referred to in subsection (1) of this section, regard shall be had, in considering relevant particulars to only the safety and welfare of the members of the community concerned, the conservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (with the exception of any alleged right to protection against trade competition)."*

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Applicant's response

The properties will not be influenced negatively, but most probably positive with the possible development of the Whale Coast Village Mall.

Town Planner's comment

None of the parties have attempted to nullify the application's influence on property values by appointing a professional valuer to establish whether the influence will be negative or positive.

**Monte Mare Home Owners, Mr MA Edwards & Ocean Breeze**

In theory we do not have a problem with the amendment and consolidation, but needs the industrial rezoning to be clarified. The business park is a combination of residential, business and light industrial only.

Applicant's response

The application is similar in respect of storage on the northern boundary to buffer the residential component and industrial hive complex, which can be used for factory shop, service trade and utility services, etc. The architectural design will be similar to the adjacent business complex. No noxious and or risk industrial facilities are allowed.

Town Planner's comment

The rights applied for are similar to the business park zoning.

Monte Mare Home Owners, Mr MA Edwards & Ocean Breeze

Ocean Breeze experienced high levels of noise pollution from the Zwelihle sports grounds and high dust levels.

Applicant's response

The noise levels from Zwelihle have no relevance to this application. The dust pollution will be minimized once the properties are developed.

Town Planner's Comment

Same as applicant

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Monte Mare Home Owners, Mr MA Edwards & Ocean Breeze

The conditions to which we are subject are tantamount of slum conditions and industrial development will exacerbate this problem and influence property values.

Applicant's response

The proposal will have the same architectural guidelines as the present business park and residential developments in the area and will have a positive effect on property values.

Town Planner's comment

The development is in line with the present architectural guidelines as the business park and will contribute to the aesthetics of the area. Again the issue of property values has not been conclusively dealt with by either the applicant and/or the objectors.

Monte Mare Home Owners, Mr MA Edwards & Ocean Breeze

The complex experience dust pollution from the cement works and the approval of the application will contribute to the industrial pollutants in the area.

Applicant's response

The cement works pollution has no relevance to the application. The application is for Industrial Zone 1 purposes and consists of 24 industrial hives and storage.

Town Planner's comment:

Same as applicant

Monte Mare Home Owners, Mr MA Edwards & Ocean Breeze

Most of Bergsig Street is home to residential complexes and no properties should be rezoned to industrial

Applicant's response

There are four townhouse complexes abutting Bergsig Street from the corner of Main Road and Bergsig Street towards Sandbaai Business Park. An application for the majority of land north of Bergsig Street is for a shopping mall. It is clear that the area north of Bergsig Street will not be a predominant residential area in future, but an area of mixed use.

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Town Planner's comment

The creep of industrial and commercial land uses towards the west of the Business Park in recent years has occurred due to pressure of such land uses and not residential uses. The market driven forces has played a major role and is clear that the area is prone to pressure as a mixed land use area.

**Evaluation**

The properties surrounded to the east of the Sandbaai Business Park are zoned as Industrial and Business. To the north is the residential complex of Sandy Cove, to the west is residential erven and to the south Bergsig Street. The properties consist of one residential erf and two erven zoned as Agricultural Zone 1.

The application properties have over the past years conducted illegal industrial activities which were not conducive to the aesthetics of the area and contributed to various complaints from the Sandy Cove residential development. These activities, due to the illegality thereof, were not constructed and developed in a proper manner and did not contribute to the overall character of the area. The application is to apply for legal industrial activities on the properties concerned in an aesthetically pleasing manner and takes due cognizance of the fact that it does border on a residential development to the northern side of the properties.

In terms of the SDF, the erven are earmarked for residential development. During 2007, the applicant of Erven 1600 and 1601 applied for the rezoning of the erven to Residential Zone V, but was not approved by Council due to the excessive density requested, which was not in line with the character of the area. Over the past years the demand for residential complexes has diminished, taken into account the amount of vacant erven still available in approved complexes in the Sandbaai area. Due to the demand for more commercial/industrial land uses, the Sandbaai area became the designated area since its locality in close proximity of the Central Business District (CBD) of Hermanus. The other reasons being the population density of the Sandbaai area and the locality of accessible transport routes and the close proximity of labour.

It has been more than ten years since the SDF has been compiled and the market demands have changed substantially since then and this aspect must be taken into consideration. The applicant has thus applied for the Amendment of the SDF to address the demand and change of the market forces over the years.

The Overstrand Densification Strategy, 2010 addressed some of the market pressures in terms of residential aspects and highlighted areas of possible

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economic development. Specific development nodes were not identified and left to the market to give an indication to the actual area that might be relevant.

The Planning Unit 6 gives an indication in terms of the policy document that local economic opportunities may occur within the planning unit and should be considered as such on merit. The application clearly indicates from a market view point that another residential complex is not viable, taken into consideration that the Sandy Cove development, as many others in Sandbaai, has not come to full realization. The area of Sandbaai towards the west of the Sandbaai Business Park is an area under pressure for mixed land use development. This is due to the fact that the Hermanus CBD has no land available for this type of development and or is not allowed.

The envisaged Whale Coast Village Mall has paved the way for formalizing this trend, even in the event of the Mall not being built, the land will be utilized for commercial purposes. The Sandbaai Business Park erven have been developed and are in most cases sectional title or renting of structures. In most cases leaning more to big buildings and mixed use on one specific erf. The application will give the small entrepreneur the change of obtaining an erf for a specific use and ownership pertaining to the applicable activity.

The character of the area is mixed use and not residential *per se*. The owners of Sandy Cove bought their properties adjacent to an existing industrial area, consisting of big erven conducive to large industrial practices. The proposed industrial hive of erven of 100m<sup>2</sup> is only suitable for small scale operations and will have a lesser impact than the existing Business Park, especially with the storage units buffering the industrial hive from the residential component. The architectural style will be similar and will thus be in line from an aesthetical point of view.

The aspect of noise pollution may have a detrimental effect on the surrounding neighbouring residential developments. In this regard the objectors do have a valid point of concern since the primary land uses in terms of the zoning do include uses that may create noise adding to the existing Sandbaai Business Park activities. However, one should consider the fact that should the mall be built, the noise pollution from the activities from the mall may be more of a problem than the industrial hive activities. In order to address this aspect, limiting the primary rights for this proposed development can be considered and uses such as heavy vehicle service station, motor repair garage and workshop can be excluded as these activities can include grinding, spray painting, etc. The use of cabinetmaking or woodwork machinery also poses a problem in terms of noise pollution and should be excluded.

The issue of property values has not been investigated by either the applicant and or the objectors and can be commented on two fold. The residential property values may be influenced negatively by the proposed application, however, it may also be influenced in a positive way due to the possible mall

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and the proposed development in terms of creating the demand for residential even in close proximity of work.

It is clear that over the past years the specific area became the natural extension of the CBD in terms of industrial extension and big commercial development. The desirability of the proposed application is based on the fact that brown field development and densification and compacting of land uses in an area of high accessibility, existing services and close proximity to labour are advocated in the policy documents of the Overstrand and Provincial Government to ensure sustainability of towns.

The application is evaluated in terms of merit and does not advocate any industrial or commercial activities south of Bergsig Street and should be confined to the area which is already a mixed use area, e.g. Sandbaai Industrial and proposed Sandbaai Mall.

### **Conclusion**

The application be supported, but with restrictions in terms of land uses allowed in the industrial hive.

### **7. Financial Implications**

None

### **8. Staff Implications**

None

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

#### **Engineering Services Department**

Attached as Annexure F.

#### **Overberg District Municipality (Health Section)**

Attached as Annexure G.

#### **Waste Management**

No comment received.

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**Fire Department**

*"Development must be in compliance with Fire Safety Regulations – SANS 10400T : 2011 and any additional Fire Safety Requirements as determined by the Chief Fire Officer."*

**Building Control Department**

*"Supported as the usage is consistent with the industrial development to the East."*

**Local Heritage Committee**

*"Three erven consolidation and more than 500m<sup>2</sup> - NHR Act triggered. Submit to full Committee for Minutes and submit to Heritage Western Cape."*

**Traffic Department**

*"We take note of the above address. We will assist where needed."*

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Objections received
- Annexure E: Applicant's response on the objections received
- Annexure F: Services Report
- Annexure G: Comment: Overberg District Municipality (Health Section)
- Annexure H: Comment: Western Cape Government : Agriculture (Provincial)

**RECOMMENDATION:**

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erven 1599, 1600 & 1601, Sandbaai from Single Residential Zone and Agricultural Zone I to Industrial Zone I, **be approved**;
2. that, in terms of Section 2.3 of the Overstrand Municipality Zoning Scheme the application for the consolidation of Erven 1599, 1600 & 1601 Sandbaai, **be approved**, subject to the following conditions:
  - (a) the approval by Council of the amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1599, 1600 and 1601, Sandbaai from "Residential" to "Industrial";

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- (b) that the following land uses not be allowed
    - heavy vehicle service station,
    - motor repair centre,
    - workshops making use of noise pollution generating machinery - grinding, spray painting, woodworking;
  - (c) that approval be obtained from Heritage Western Cape;
  - (d) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
  - (e) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
  - (f) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (g) that all conditions imposed in the Services Report (attached as Annexure F), be complied with;
  - (h) that all conditions imposed by the Overberg District Municipality's Health Section (attached as Annexure G), be complied with; and
  - (i) that compliance with Fire Safety Regulations is pre requisite-SANS 10400T:2011.
3. that the applicant/objectors be notified of their right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

**RECOMMENDATION TO THE COUNCIL:**

that the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1599, 1600 & 1601, Sandbaai from "Residential" to "Industrial", **be approved.**

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>13 MAY 2015</b>
<b>TARGET DATE TO INFORM OBJECTORS :</b>	<b>13 MAY 2015</b>



Scale: NTS  
 Drawing Nr: sand1600L.dwg  
 Date: 17/02/2014

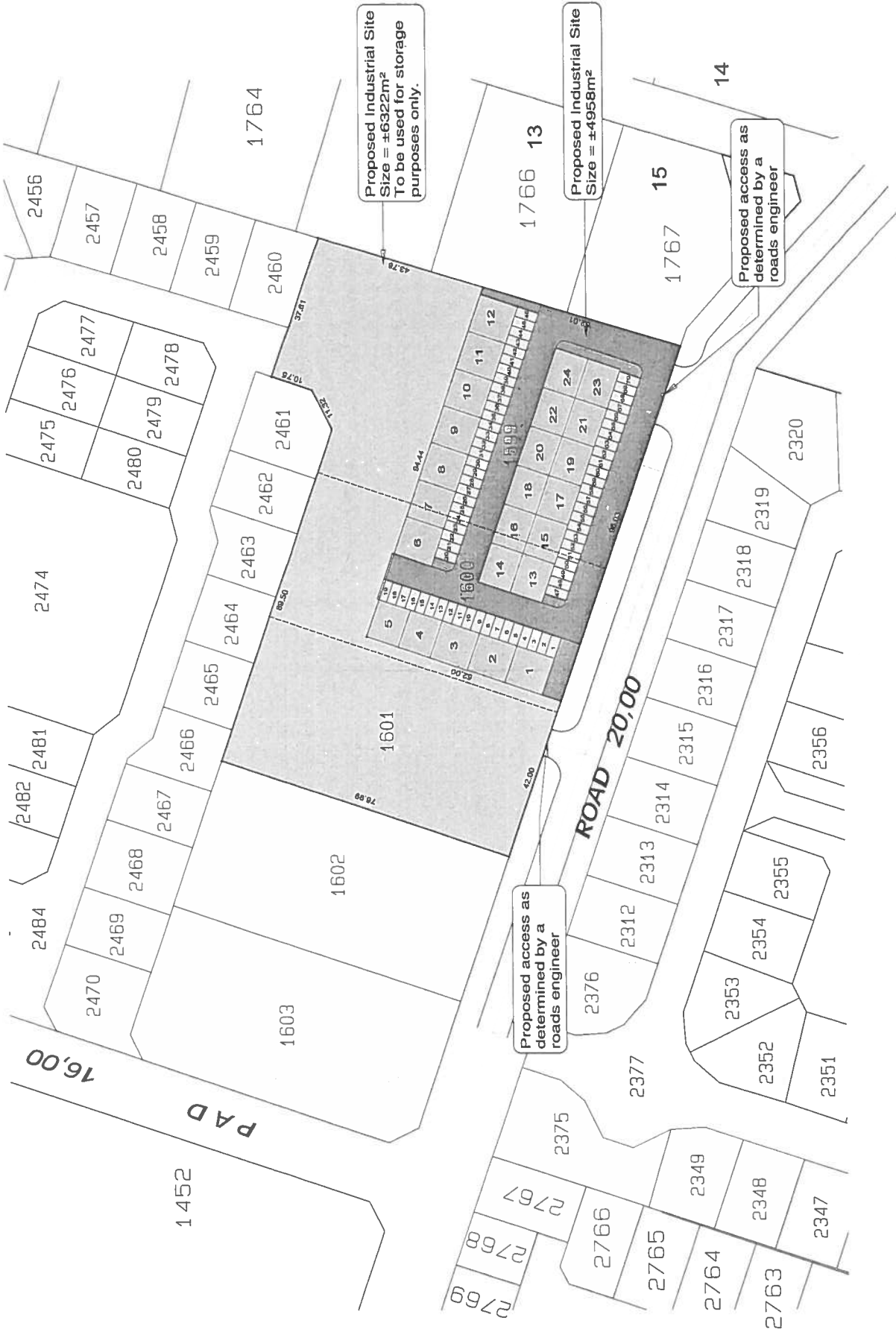
Plan Description:  
**LOCALITY MAP**

Property Description:  
**ERWE 1599 - 1601  
 SANDBAAI**

All distances approximate  
 and subject to survey.  
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**PLAn Active**  
 Stads- en Streeksbeplanners  
 Town & Regional Planners

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Scale: 1:1000  
 Drawing No: sand1600(5).dwg  
 Date: 12/08/2013

Plan Description:  
**CONCEPTUAL LAYOUT 5**

Property Description:  
**ERVEN 1599 - 1601 SANDBAAI**

All distances approximate and subject to survey.  
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**PLAN** Stads-en Sireeksbeplanners  
 Town & Regional Planners

**PROPOSED REZONING,  
AMENDMENT OF THE SPATIAL  
DEVELOPMENT FRAMEWORK AND  
CONSOLIDATION**

**ERVEN 1599 – 1601 SANDBAAI**

**DIVISION: CALEDON  
OVERSTRAND MUNICIPALITY**

## MOTIVATION REPORT

### 1. BACKGROUND

The owners of Even 1599, 1600 & 1601 Sandbaai, the Nico van Zyl Family Trust and Blazecor Twenty Seven CC, has instructed the company Plan Active to apply for the rezoning, amendment of the Spatial Development Framework and consolidation of the erven.

The detail of the erven can be tabled as follow:

Property description	Owner	Size	Zoning	Title Deed Number
Erf 1599 Sandbaai	Nico van Zyl Family Trust	5274m <sup>2</sup>	Residential Zone I	T52105/2011
Erf 1600 Sandbaai	Blazecor Twenty Seven CC	3003m <sup>2</sup>	Agriculture Zone I	T2470/2005
Erf 1601 Sandbaai	Blazecor Twenty Seven CC	3003m <sup>2</sup>	Agriculture Zone I	T2470/2005

It is the intention of the owners of erven 1599 – 1601 Sandbaai to consolidate the erven and to establish storage facilities and an industrial hive development concept on the subject erven. The zonings of the subject erven varies as indicated in the table above and therefore it would also be required that the erven be rezoned. Details of the application will follow.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the rezoning of the erven , from Single Residential Zone and Agriculture Zone I to Industrial Zone I;
- Section 4(7) of the Land Use Planning Ordinance, Ordinance 15 of 1985 for the amendment of the Spatial Development Framework;
- Consolidation of erven 1599, 1600 & 1601 Sandbaai.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

The subject properties are situated in Bergsig Street, Sandbaai, adjacent to the Sandbaai industrial area. Please refer to the enclosed locality plan. Erven 1599, 1600 & 1601 Sandbaai are 5274m<sup>2</sup>, 3003m<sup>2</sup> & 3003m<sup>2</sup> in extent respectively and they are situated in a mixed land use area.

### **3.2 ZONING**

Erf 1599 is zoned Residential I and erven 1600 & 1601 are zoned Agriculture Zone I. Surrounding properties are zoned for industrial, residential (Townhouse & Group House

Developments) and possibly business uses if the Whale Coast Village Mall (Sandbaai) approval is finalised.

### 3.3 LAND USE

Erven 1599, 1600 & 1601 Sandbaai have been used for light industrial purposes in the past even though they are zoned Residential Zone I and Agriculture Zone I.

Land uses that surround these erven can be summarised as follow:

- Residential: Mooizicht Gardens Townhouse / Group Housing development;
- Residential: Sandy Cove Townhouse / Group Housing development;
- Industrial: Sandbaai Industrial area;
- Industrial: Civil Contractors;
- Public roads.
- Possible Whale Coast Village Mall (Pending Appeal)

### 3.4 PROPOSAL

- The rezoning of erven 1599, 1600 & 1601 Sandbaai, from Residential Zone I and Agriculture Zone I to Industrial Zone I in terms of Section 17 of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- The amendment of the Spatial Development Framework in terms of Section 4(7) of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- Consolidation of erven 1599, 1600 & 1601 Sandbaai.

It is the intention of the owners of erven 1599, 1600 & 1601 Sandbaai to rezone the subject properties in order to accommodate a storage facility and an industrial hive development on the consolidated erven.

The detail of the application can be described as follow:

### 3.4.1 Proposed Rezoning & Consolidation

It is proposed to rezone erven 1599, 1600 & 1601 Sandbaai from Residential Zone I and Agriculture Zone I to Industrial Zone I. It is also proposed that the erven be consolidated to create an industrial erf of  $\pm 11\,280\text{m}^2$  (1.128ha).

The property abuts the Sandbaai Industrial Area on the eastern boundary and the Sandy Cove residential development on the northern boundary. The subject properties are within a mixed land use area that was taken into consideration with the proposed layout in order for the proposal to be compatible with the existing adjoining land uses.

It is proposed that the south eastern quadrant of the consolidated erven be used for an industrial hive development that will consist of 24 units as indicated on the enclosed layout plan. This portion of the proposed consolidated site is  $\pm 4958\text{m}^2$  in extent. The industrial hive will tie in with the existing Sandbaai Industrial area to the east. The proposed units (1-24) are  $\pm 100\text{m}^2$  each. In terms of the new Overstrand Scheme Regulations 2 parking bays per  $100\text{m}^2$  gross leasable floor area are required. As per our proposal 48 parking bays will have to be provided. With reference to our layout a total of 70 parking bays are provided on site.

The use of the 24 hives will be in line with the land use restrictions under the proposed zoning of Industrial Zone I.

In order to create a buffer between the proposed industrial hive development and the Sandy Cove residential development it is proposed that the remaining portion of the site be used as a storage facility. The area of the proposed consolidated site to be used as a

storage facility, as indicated on the layout plan, is  $\pm 6322\text{m}^2$  in extent. The storage facility will consist of a number of storage units that will vary in size and will be offered to rent.

The proposal of a land use for a storage facility creates an excellent buffer area. The reasons are that it requires very little staff to manage the facility, it does not generate large traffic volumes and it generates very little noise and no pollution. Noise is only generated when goods are collected or delivered and it normally does not occur on a daily basis due to the fact that storage is rent on a month-to-month basis.

The storage will be designed in such a manner that it will fit in with the current built residential and industrial character of the area. The proposed storage units will be designed according to the land use restrictions in terms of the proposed Industrial Zone I zoning and will also be restricted to storage units only.

### 3.5 ACCESS & PARKING

The road classification of Bergsig Street will change to a Class 3 (District Distributer) in the near future. This was discussed with ICE Civil Engineering and we were advised that the accesses may not be stacked less than 75m from one-another. We have therefore created the first access point 75m from the Moozicht Gardens housing development for the proposed storage facility. It would be required that access to the industrial hive development must be at least 75m from the access to the proposed storage facility and the centre line of Argon Avenue.

These measurements were used to determine the position of the access point to the industrial hive units. Please refer to the position of the 2 accesses as indicated on the enclosed layout plan. The position of the accesses to the industrial hive units offers great sight distances in both the eastern and western directions and we trust that it would be acceptable.

With reference to the 24 industrial units it would be required that 2 parking bays per 100m<sup>2</sup> gross leasable floor area be provided. Each proposed unit is ±100m<sup>2</sup> in extent and therefore 2 parking bays per unit will have to be provided that totals 48 parking bays. A total of 70 parking bays will be provided as indicated on the enclosed layout plan. The parking bays will be accessible from a single access point to the industrial units from Bergsig Street.

With reference to the area allocated for the storage units parking will be provided as per the applicable parking schedule in terms of the Overstrand Municipality Zoning Scheme. A parking layout plan will accompany the building plans for the storage units that will be submitted to the municipality for approval. The position of the access to the storage units from Bergsig Street is fixed as indicated on the enclosed layout plan.

### 3.6 SERVICES

The subject erven is within an area of Sandbaai where a full services reticulation system exists. With the approval of the application bulk services levies will be payable as determined by the municipality should any upgrades be required. It is our opinion that there is sufficient services capacity to provide the proposed industrial hive units and storage facility with all the required services such as water, sewerage, electricity and refuse removal.

### 3.7 TITLE DEEDS

Erven 1599, 1600 & 1601 Sandbaai are held by Title Deeds T52105/2011 & T2470/2005. These Title Deeds contains no restrictive conditions that will have to be removed in order to establish the proposed land uses.

### 3.8 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates erven 1599, 1600 & 1601 Sandbaai within Planning Unit 6. Please refer to the enclosed abstracts from

the Growth Management Strategy. Planning Unit 6 consists of a small portion of Sandbaai adjacent to the Sandbaai Industrial area that consist of mixed land used that varies from industrial to higher density residential uses.

The text description for the land uses in this planning unit is for local economic development that includes mixed use developments. It also promotes additional dwellings in the form of walk up housing apartments at a density of more than 35 units per hectare.

Services infrastructure will have to be investigated in terms of their capacity in order to facilitate densification in this planning unit. It is our opinion that the proposed land uses are in line with the Growth management Strategy due to the fact that this planning unit is earmarked for local economic development that includes mixed use developments.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks erven 1599, 1600 & 1601 Sandbaai for residential purposes. Please refer to the enclosed abstract from the Spatial Development Framework.

With reference to the above we are of the opinion that the proposed land use is compatible with the current land uses of the area. The subject erven is within an area where more pressure is experienced for business opportunities. The proposed Whale Coast Village Mall is a good example and has thus far been supported by the Overstrand Municipality and the Department of Environmental Affairs and Development Planning and is pending an appeal in terms of the Environmental management Act.

It is our opinion that the proposed land uses, built form and from a bulk perspective will fit in with the current built character of the area. It is our opinion that our application for the amendment of the Spatial Development Framework should be supported.

#### 4. RECOMMENDATION

When this application is evaluated it is important to take note of the following:

- The proposed , rezoning, amendment of the Spatial Development Framework and consolidation of erven 1599, 1600 & 1601 Sandbaai falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will be kept to a minimum;
- The proposed rezoning, amendment of the Spatial Development Framework and consolidation will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if Council would recommend the rezoning, amendment of the Spatial Development Framework and consolidation application for erven 1599, 1600 & 1601 Sandbaai for approval to the Department of Environmental Affairs & Development Planning.

# SANDY COVE HOMEOWNERS ASSOCIATION

Rigaliekorrespondensie en navraean: Die Trustees  
Refer all correspondence or enquiries to: The Trustees

STREET ADDRESS: 15 Bosman Street STRAND 7140  
 POSTAL ADDRESS: P O BOX 392 STRAND7139  
 TEL: +27 (0) 21 853 3577  
 E-MAIL: meilaiprop@xsinet.co.za  
 CELL: +27 (0) 83 266 1968  
 E-FAX: +27 086 628 5087

*TP - A. Theart  
(H. Olivier)*

Director: Infrastructure and Planning  
Overstrand Municipality  
P.O. Box 20  
Hermanus  
7200



11 December 2014

Dear Sir,

We enclose hereto an objection regarding the notice dated 3 November 2014 reference 1599, 1600&1601, HSB (25121)

Please sign the duplicate hereof as receipts

*[Handwritten signature]*  
Chairman

Sandy Cove Home Owners Association

FILE NO:	<i>ent 1599-1601 SB</i>
SCAN NO:	<i>28</i>
COLLABORATOR NO:	<i>696056</i>

Received by: \_\_\_\_\_

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

TRUSTEES: MR P VAN ZYL, MR G KIRK (Chairperson)

*TP*  
11 DEC 2014

12 DEC 2014

11 December 2014

Director: Infrastructure and Planning  
Overstrand Municipality  
P O Box 20  
HERMANUS  
7200

Dear Sir

ERVEN 1599, 1600 & 1601, BERGSIG STREET, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING, CONSOLIDATION, AMENDMENT OF SPATIAL DEVELOPMENT FRAMEWORK: PLAN ACTIVE ON BEHALF OF NICO VAN ZYL FAMILY TRUST & BLAZECOR TWENTY SEVEN CC

Your letter dated 3 November 2014 has reference.

We as the Home Owners Associations of the Sandy Cove and Mooizicht Residential Developments representing 42 and 72 property owners respectively, hereby strongly object to the aforementioned application, based on the following reasons:

**A. BACKGROUND:**

1. In terms of Section 36 of the Land Use Planning Ordinance, 15 of 1985, the basis for refusal of applications and particulars applicable at granting thereof are the following:
  - (1) Any application under Chapter II or III shall be refused solely on the basis of lack of desirability of the contemplated utilisation of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or on the basis of its effect on existing rights concerned (except any alleged right to protection against trade competition).
  - (2) Where an application under Chapter II or III is not refused by virtue of the matters referred to in subsection (1) of this section, regard shall be had, in considering relevant particulars to only the safety and welfare of the members of the community concerned, the conservation of the natural and developed environment concerned or the effect of the application on existing rights concerned (with the exception of any alleged right to protection against trade competition).
2. In order to prove the *lack of desirability* of the application it is firstly important to evaluate the impact that the proposed zoning will have on existing rights of neighbouring properties. In terms of the Overstrand Zoning Scheme Regulations Industrial Zone 1: General Industry (IND1), has the following primary uses:
 

*Industry, agricultural industry, builder's yard, care taker's accommodation, factory shop, funeral parlour, heavy vehicle service station, industrial café, motor repair garage, rooftop base station, service trade, service station, transmission tower, transport use, utility services, warehouse, wholesale business, workshop.*

The definition of an *industry* includes a property, which in the Council's opinion, is used as a factory or workshop and in which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed, chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, and mechanical workshop, but does not include a service station, noxious trade or risk activity.

3. The subject properties are situated in Planning Unit 6 in Hermanus (West) as described in the Overstrand Growth Management Strategy and a portion of this Planning Unit is proposed for local economic development, which provides the opportunity for mixed use development as well.

It is however important to note that the aforementioned text must be read in conjunction with Map G Strategic Growth Management Interventions in the Overstrand Growth Management Strategy.

The aforementioned map indicates the area in which the subject properties is situated as a Densification Zone and proposes a density of more than 30 units per hectare. Areas earmarked for Economic Opportunity, includes the site of the proposed mall as well as certain erven in the adjacent industrial area. The subject properties are definitely not earmarked for any economic or industrial development.

4. In terms of the Overstrand Municipal Wide Spatial Development LPL 7: it is stated that:
  - *In order to retain the unique character of Greater Hermanus, pressure for additional service industrial development must be carefully managed to within the identified existing industrial areas. Further light industrial growth should be accommodated within the future planning of the Hawston / Fisherhaven area.*
5. During 2007 the Mayoral Committee considered an application for the consolidation and rezoning of erven 1600 & 1601 to Residential Zone IV, two of the subject properties of the current application. The application for rezoning was not approved and some of the reasons provided in the planning report which served before the Mayoral Committee included:
  - *Die raad sal nie 'n aansoek ondersteun wat die waarde van die bestaande eiendomme in die aanliggende area negatief beïnvloed nie.*
  - *Verder stel die Ruimtelike Ontwikkelingsraamwerk dat die kleinhoewes in Sandbaai onderverdeel moet word in "medium digtheid residensiële groepbehuisingskemas", met 'n minimum erfgrööte van 375 m<sup>2</sup>.*
  - *Daar moet kennis geneem word dat die wenslikheid van verdigting ook bepaal word deur die waardes van eiendomme in die onmiddellike omgewing.*

## B. OBJECTION

### 1. LACK OF DESIRABILITY

In Hayes and Another V Minister of Finance and Development Planning, Western Cape, and others 2003 (4) SA 598 (C) Erasmus AJ gave the following authoritative interpretation to 'desirability':

*“The test of desirability is conclusive – in terms of s 36(1) a departure application shall be refused solely on the basis of a lack of desirability. Though the test is phrased in the negative, it lays down a positive test: the test is the presence of a positive advantage which will be served by granting the application”.*

An application will therefore be desirable if the applicant is able to show that the proposed land use will result in a positive advantage - not to the Applicant, but to the adjacent land owners and the community as a whole in terms of the existing framework and proposed future development as has been approved in principle by the Overstrand Municipality. This translates into an onus on an applicant to provide a positive interaction between the proposed land use, the character of the area, existing land uses and service infrastructure in the area and the guidelines of any relevant structure plan. Considering the application that has been submitted by the applicant, it is evident that the above has not been achieved.

## **1.1 Relevant Structure Plan**

### **1.1.1 Overstrand Municipal Wide Spatial Development Framework (SDF)**

As discussed, the subject properties are not earmarked in the Overstrand SDF for industrial development, but for medium density residential group housing schemes. The SDF further recommends that light industrial growth should be accommodated within the future planning of the Hawston / Fisherhaven area. In addition, there are other areas, already zoned for such use, where the Applicant may establish a business of this type.

### **1.1.2 Overstrand Growth Management Strategy**

The reference to the Overstrand Growth Management Strategy by the applicant is misleading, as the map it refers to was, not attached. The area of the subject properties are clearly identified for high density residential development and is not included in the areas earmarked for local economic development.

## **1.2 Character of the surrounding area**

Even though the character of the area can be classified as mixed in nature, residential land use makes up the greater majority of this land use. A clear and definite border can be observed between the existing industrial area and the adjacent residential neighbourhood (see attached extract from the Overstrand Zoning Scheme). It is therefore submitted that it is not desirable to extend the industrial area into the area that has been designated for residential land use.

## **1.3 Effect on existing rights**

When the owners of land in the Sandy Cove and Mooizicht developments purchased their properties, they consulted forward planning documents of the area in order to determine what they can expect that may be developed on the surrounding vacant land. Many prospective initial buyers and buyers of properties that came on the market through re-sales as well as repossessed properties, had concerns regarding the illegal industrial and other similar uses on the subject properties.

Both of our body corporates spent many hours on complaints, telephone calls etc, to stop the illegal land use of the subject properties, affecting our existing rights negatively. Attorneys were consulted and their fees paid. After a very long process, the illegal land use activities were terminated. We as neighbouring land owners already experienced the negative impact of the illegal industrial use of the subject properties on the existing rights and values of our properties. We had first-hand experience of

what industrial use looks like and strongly object to the approval of any permanent industrial use on the properties.

#### 1.4 Safety and welfare of members of the community

The definition of an *industry*, being one of the primary rights of the proposed zoning to Industrial Zone 1, described in paragraph 2 above, is clear enough to realise what the potential impact on the safety and welfare of members of the community, especially members of such community residing within a few meters of the sites with the proposed industrial use, will be.

Although the definitions specifically excludes noxious trades, the manufacturing, processing etc, activities that are included in the primary rights of the erf still poses sufficient threats to the safety and welfare of the community.

#### 1.5 Conservation of the natural and developed environment

Although the subject properties have no conservation value, the proposed industrial land use will definitely have a negative impact on the already developed environment around it and more specifically the market values of such developed environment, which includes Sandy Cove and Mooizicht.

Market value is defined in Section 46 of the Property Rates Act, 6 of 2004 as *the amount the property would have realised if sold in the open market by a willing seller to a willing buyer*. On many occasions it was witnessed in our developments that willing buyers suddenly lose interest as they look over the fence and see the (currently) illegal industrial use previously practised on the premises. In some instances willing buyers were persuaded that the use was actually illegal and would end as soon as the Overstrand Municipality took action against the owners and occupants, which thankfully materialised. In addition, and most importantly, potential buyers are put off by adjacent industrial use (even if approved) resulting in a loss for the existing land owners such as our members.

At some auctions of bank repossessed properties, properties went for ridiculously low prices, due to the negative environment caused by the adjacent (illegal) industrial use.

### C. CONCLUSION

1. From the aforementioned it is clear that approval of the application will adversely impact on our existing rights and that the proposed land use is indeed undesirable;
2. The surrounding land uses are dominantly residential in nature, the main reason which attracted buyers to the area;
3. The fact that illegal industrial use was until recently practised on the subject properties can definitely not serve as part of the motivation for rezoning to an Industrial Zone. The opposite is actually true, as the illegal use left little doubt regarding the undesirability of the proposed land use.
4. Lastly, we want to emphasize that we are convinced that the approval of an application for rezoning, consolidation of erven 1599, 1600 and 1601, Sandbaai, and amendment of the spatial development framework will:
  - 4.1 Not be compatible with the character of the area;

- 4.2 Not be compatible with the other land use in the area; and
- 4.3 Place an intolerable burden on the existing enjoyment and values of all properties adjacent to the application area; and
- 4.4 Is not desirable;
- 4.5 Is contrary to the approved and/or proposed structure plans; and
- 4.6 Is clearly contrary to the rights and interests of existing land owners.

For the aforementioned reasons, we request that the application be rejected.



---

On behalf of the Sandy Cove and Mooizicht Body Corporates



369

TR - A Theart  
(H Olivier)

1 December 2014

The Municipal Manager  
Overstrand Municipality  
P O Box 20  
HERMANUS  
7200



FILE NO:	erven 1599 - 1601
SCAN NO:	49
COLLABORATOR NO:	695578

Dear Sir

ERVEN 1599, 1600 & 1601, BERGSIG STREET, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED REZONING, CONSOLIDATION, AMENDMENT OF SPATIAL DEVELOPMENT FRAMEWORK: PLAN ACTIVE ON BEHALF OF NICO VAN ZYL FAMILY TRUST & BLAZECOR TWENTY SEVEN CC

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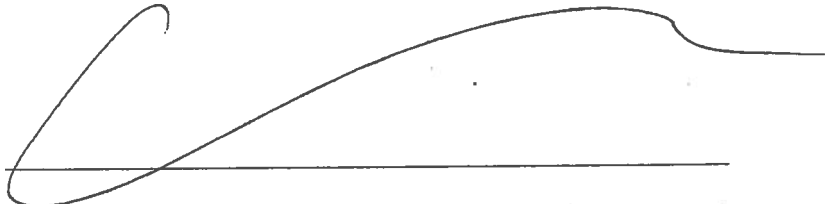
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- 4.4 Is not desirable;
- 4.5 Is contrary to the approved and/or proposed structure plans; and
- 4.6 Is clearly contrary to the rights and interests of existing land owners.

For the aforementioned reasons, we request that the application be rejected.

A large, stylized handwritten signature in black ink, consisting of a long horizontal stroke with a large loop on the left side and a smaller loop on the right side.

On behalf of the Sandy Cove and Mooizicht Body Corporates

**Monte Mare****Home Owners Association NPC**

Registration Number 2004/035502/08

Managing Agents: Emerald Property Administrators,  
40 Albertyn Street, Northcliff, Hermanus - Box 748, Hermanus, 7200  
E-mail: epa@hermanus.co.za Tel: 028 312 1049 Fax: 028 313-0307

TP- A Theart  
(Hollivier)



Overstrand Municipality  
Senior Town Planner Ms H van der Stoep  
PO Box 20  
Hermanus  
7200

Per e-mail: [enquiries@ovestrand.gov.za](mailto:enquiries@ovestrand.gov.za)

Dear Ms van der Stoep,

Erven 1599/1600/1601 - Bergsig Street, Sandbaai

The proposed rezoning of the above erven from Agricultural & residential to Industrial has caused some concern to the Directors of the Homeowners Association.

In theory we have no problem with the consolidation and amendment of the above properties but wish to have the Industrial rezoning further clarified.

As we understand the neighbouring Hermanus Business Park is zoned of business, residential and light industrial only.

Yours sincerely,

The Directors  
For and on behalf of the Homeowners  
MONTE MARE HOA

21 November 2014

FILE NO:	erven 1599 etc
SCAN NO:	54
COLLABORATOR NO:	688905

Directors: C J Theron (Chairperson), A J le Roux, Ms E Gravenor, G Booyens, J P Saayman

TP

24 NOV 2014

✓

73

375

Annexure D 14/15

TP - A Theart  
(H Olivier)



Private Bag X15

Suite 204

Hermanus

7200

14 November 2014

The Municipal Manager  
Overstrand Municipality  
P.O. Box 20  
Hermanus  
7200

Re:Municipal Notice No. 68/2014

Sir/Madam,

As owner of erf 2765 Sandbaai, I wish to lodge my objection to the proposed rezoning of erf numbers 1599, 1660, 1661 Sandbaai.

At present the whole of the Ocean Breeze Estate is affected by high levels of noise pollution both from Zwelihle Sports Grounds and from the industrial area, with a high level of dust and dirt pollution from the industrial area, both of which are exacerbated by any wind blowing from a north easterly, easterly or south easterly direction.

Furthermore, it is my opinion that the conditions to which we are subject at present are almost tantamount to those of a slum area. This could only be made worse by any further industrial development in the area, and will also have a negative impact on property values.

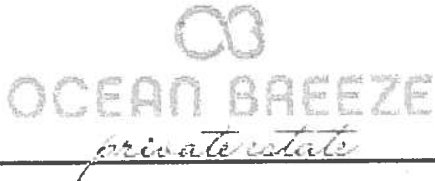
Yours faithfully

M A Edwards

FILE NO: <i>erven 1599-1601-SB</i>
SCAN NO: <i>36</i>
COLLABORATOR NO: <i>685918</i>

18 NOV 2014

ONTVANG  
E.SALES  
17/11/2014



Emerald Property Administrators  
PO Box / Posbus 748 Hermanus 7200  
40 Albertyn Street / Albertynstraat 40, Northcliff, Hermanus 7200  
t 028 312 1049 / f 028 313 0307 / 082 896 3783  
epa@hermanus.co.za

Overstrand Municipality  
Senior Town Planner Ms H van der Stoep  
PO Box 20  
Hermanus  
7200



TP-A Theart  
(H Olivier)

Per hand

Dear Ms van der Stoep,

Erven 1599/1600/1601 - Bergsig Street, Sandbaai

With regard to the proposed rezoning, consolidation and amendment of spatial Development of the above properties, recently advertised in the Hermanus Times, all 62 Homeowners in the Ocean Breeze complex are against voting for the proposed rezoning.

The complex is currently subjected to cement dust from the cement works currently situated in the Hermanus Business Park and should the rezoning be approved more industrial pollutants will be circulated through the air into our residential area.

Furthermore most of Bergsig Street in Sandbaai is home to a number of residential complexes and no properties rezoning to industrial should be considered.

Yours sincerely,

The Trustees  
For and on behalf of the Homeowners  
OCEAN BREEZE PRIVATE ESTATE

12<sup>th</sup> November 2014

FILE NO: <u>erven 1599-1601-58</u>
SCAN NO: <u>37</u>
COLLABORATOR NO: <u>685929</u>

10 NOV 2014

Trustees: Mr J Thompson (chair), Mr M Edwards, Mr M Vosloo, Mr D Kliphuis

ONTVANG  
E.SALES  
17/11/2014

TOWN & REGIONAL PLANNERS  
STADS & STREEKSBEPLANNERS

PLAn  
Active  
Town and Regional Planners  
Stads-en Streeksbeplanners

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200

Tel: (028) 313 1673

Fax / Faks: (028) 312 1351

Email: [planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)

Website: [www.planactive.co.za](http://www.planactive.co.za)

Our reference: PA13040

19 January 2015

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
HERMANUS  
7200



TP-ATheart  
(H Olivier)

For Attention: Ms. H van der Stoep

Sir,

FILE NO:	Erven 1599-1601-SB
SCAN NO:	43
COLLABORATOR NO:	705574

**COMMENTS ON THE OBJECTIONS: ERVEN 1599-1601 SANDBAAI PROPOSED REMOVAL  
OF RESTRICTIVE TITLE DEED CONDITIONS**

Your e-mail dated 9 January 2015 with 1 additional objection from Sandy Cove Homeowners Association refers.

The basis of their objection can be summarised as follows:

- The lack of desirability as described in terms of Section 36 of the Land Use Planning Ordinance, Ordinance 15 of 1985.
- The fact that the safety and welfare of members of the community and the conservation of the natural and developed environment of the community concerned must also be considered as described in terms of Section 36 of the Land Use Planning Ordinance, Ordinance 15 of 1985.
- The objector is of the opinion that the proposal contradicts the Overstrand Growth Management Strategy and the Overstrand Wide Spatial Development Framework.
- The proposal is incompatible with other land uses and character of the area.
- The proposal will have a negative impact on the values of adjoining properties.

Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active  
Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACTRP

TP  
19 JAN 2015

20 JAN 2015

Our comment on the objection is as follows:

The property abuts the Sandbaai Industrial Area on the eastern boundary and the Sandy Cove residential development on the northern boundary. Erven 1599 - 1601 are within a mixed land use area that was taken into consideration with the proposed layout in order for the proposal to be compatible with the existing adjoining land uses.

It is proposed that the south eastern quadrant of the consolidated erven be used for an industrial hive development that will consist of 24 units as indicated on the enclosed layout plan. The industrial hive will tie in with the existing Sandbaai Industrial area to the east.

In order to create a buffer between the proposed industrial hive development and the Sandy Cove residential development it is proposed that the remaining portion of the site be used as a storage facility. The storage facility will consist of a number of storage units that will vary in size and will be offered to rent.

The proposal of a land use for a storage facility creates an excellent buffer area. The reasons are that it requires very little staff to manage the facility, it does not generate large traffic volumes and it generates very little noise and no pollution. Noise is only generated when goods are collected or delivered and it normally does not occur on a daily basis due to the fact that storage is rent on a month-to-month basis.

The storage will be designed in such a manner that it will fit in with the current built residential and industrial character of the area. The proposed storage units will be designed according to the land use restrictions in terms of the proposed Industrial Zone I zoning and will also be restricted to storage units only.

With reference to the above it is clear that the safety and welfare of the community was taken into consideration as well as the natural and developed surrounding land uses with the design of the layout of our proposal and that it is desirable.

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates erven 1599, 1600 & 1601 Sandbaai within Planning Unit 6. Planning Unit 6 consists of a small portion of Sandbaai adjacent to the Sandbaai Industrial area that consist of mixed land uses that varies from industrial to higher density residential uses.

The text description for the land uses in this planning unit is for local economic development that includes mixed use developments.

It also promotes additional dwellings in the form of walk up housing apartments at a density of more than 35 units per hectare. Services infrastructure will have to be investigated in terms of their capacity in order to facilitate densification in this planning unit. It is our opinion that the proposed land uses are in line with the Growth management Strategy due to the fact that this planning unit is earmarked for local economic development that includes mixed use developments.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks erven 1599, 1600 & 1601 Sandbaai for residential purposes.

With reference to the above we are of the opinion that the proposed land use is compatible with the current land uses of the area. The subject erven is within an area where more pressure is experienced for business opportunities. The proposed Whale Coast Village Mall is a good example and has thus far been supported by the Overstrand Municipality and the Department of Environmental Affairs and Development Planning.

It is our opinion that the proposed land uses, built form and from a bulk perspective will fit in with the current built character of the area. It is our opinion that our application for the amendment of the Spatial Development Framework should be supported. Sandy Cove is already within a mixed land use area that is experiencing great pressure to be developed in both a commercial or light industrial manor and the proposal will not have a negative impact on property values.

Please note that with our application a zoning of Industrial Zone I (light industrial uses) is applied for with specific land uses that is storage facilities and an industrial hive development that will consist of 24 units. No consent uses are applied for. The proposed zone does not include noxious and risk industries.

We trust that you would find our comments in order and that the application will be recommended for approval.

Yours faithfully

A handwritten signature in black ink, appearing to read "John Mc Lachlan". The signature is written in a cursive style with a long, sweeping tail.

John Mc Lachlan

FILE NO: Erf 1599-1601 SB

SCAN NO: 09

TOWN & REGIONAL PLANNERS  
COLLABORATORS & STREEKSBEPLANNERS

697220

381 TP - A Theart

(H Olivier) PLAN active

Town and Regional Planners  
Stads- en Streeksbeplanners6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS

7200

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Email: [planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)Website: [www.planactive.co.za](http://www.planactive.co.za)

Our reference: PA13040



1 December 2014

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

For Attention: Ms. H van der Stoep

Sir,

**COMMENTS ON THE OBJECTIONS: ERVEN 1599-1601 SANDBAAI: PROPOSED REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS**

Your e-mail dated 10 December 2014 with the enclosed objections from Monte Mare Home Owners Association NPC, Mr. M.A. Edwards & Ocean Breeze Private Estate refers.

The objections and our comments thereon can be summarised as follow::

- *"In theory we have no problem with the consolidation and amendment of the above properties but wish to have the Industrial rezoning further clarified. As we understand the neighbouring Hermanus Business Park is zoned for business, residential and light industrial only."*

The industrial zone has a number of primary land uses of which we are specifically applying for small industrial hives that are 100m<sup>2</sup> each and a storage facility to create a buffer between the current residential development to the north of the subject erven. By adopting the same architectural guidelines that are used within the Hermanus Business Park the proposed development of the subject erven can be seen as an extension of the Business Park.

The proposed hives will also have the same uses that are found within the Hermanus Business Park and could be used as a factory shop, service trade, utility services etc. The area surrounding the proposed 24 hives will be developed and used as storage units. The proposed rezoning to Industrial zone I will not accommodate any uses defined as noxious or risk industry as defined under the zoning Industrial Zone II.

- *"At present the whole of Ocean Breeze Estate is affected by high levels of noise pollution both from Zwellihle Sports Grounds and from the industrial area, with a high level of dust and dirt pollution from the industrial area, both of which are exacerbated by any wind blowing from a north easterly, easterly or south easterly direction."*

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12 DEC 2014

15 11 2014

The noise pollution from the Sports Grounds and the existing industrial area has no relevance to the application. 24 Industrial hives and a storage facility are proposed. Currently the property is vacant and with strong winds dust is a problem. It should be taken into consideration that once the vacant erven, Erven 1599 to 1601 Sandbaai are developed dust that currently blows from these sites will be something of the past.

- *"-the conditions to which we are subject at present are most tantamount to those of a slum area. This could only be made worse by any further industrial development in the area, and will also have a negative impact on property values."*

With our proposal and also specific architectural guidelines that fits in with the existing Hermanus Business Park and residential developments in the area it is our opinion that the area will be uplifted from its current state and that ultimately it would have a positive impact on the property values.

- *"the complex is currently subjected to cement dust from the cement works currently situated in the Hermanus Business Park and should the rezoning be approved more industrial pollutants will be circulated through the air into our residential area."*

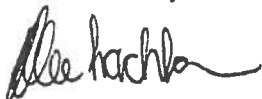
Our proposal does not constitute a noxious industry as stated in our first paragraph. The cement dust from the current cement works has no relevance to our application. Our proposal consists of a consolidation of the subject properties and rezoning thereof to Industrial Zone I to be utilised as 24 industrial hives of  $\pm 100\text{m}^2$  each and storage.

- *"-most of Bergsig Street in Sandbaai is home to a number of residential complexes and no properties rezoning to industrial should be considered."*

There are 4 townhouse complexes abutting Bergsig Street from the corner of Main Road and Bergsig Street towards the Sandbaai Business Park. An application for the majority of land north of Bergsig Street, between Bergzicht, Timbali Village and the subject erven, for a shopping mall is pending a final approval. It is therefore clear that the area north of Bergsig Street will not be a predominant residential area in the future but an area of mixed use. Our proposal for rezoning takes the existing residential character of the area into consideration and creates a buffer by means of the placement of a storage area and then light industrial uses towards Hermanus Business Park.

We trust that you would find our comments in order and that the application will be recommended for approval.

Yours faithfully



John Mc Lachlan

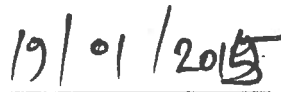
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING, CONSOLIDATION & AMENDMENT OF  
SPATIAL DEVELOPMENT FRAMEWORK: ERVEN 1599, 1600, 1601, SANDBAAI  
(2521)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, an investigation be conducted with regards to the capacity required and that available, at the owner's cost;
2. that only the existing electricity connections will be available for the development, should additional capacity be required, an investigation be conducted with regards to the capacity required and that available, at the owner's cost;
3. that should additional services be required the owner will be responsible for the payment of bulk services levies;
4. that stormwater be allowed to discharge through the proposed Erven, 1599, 1600, 1601 Sandbaai, unobstructed;
5. that no on-street parking will be allowed.

  
\_\_\_\_\_  
DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES

  
\_\_\_\_\_  
DATE

# 384 OVERBERG DISTRIKSMUNISIPALITEIT DISTRICT MUNICIPALITY UMASIPALA WESITHILI



*MELD ASB/PLEASE QUOTE*

*Ons Verw./Our Ref.:*

*Navrae/Enquiries:* R. Erasmus

*Bylyn/Ext.:*

Privaatsak: X22

Private Bag:  
BREDASDORP  
7280

Tel.: (028) 4251157

Faks/Fax: (028) 4251014

Hermanus Sub-district office  
12 Flower Street  
Hermanus

028 3131243 (T)

028 3131263 (F)

12 January 2015

**COMMENTS ON THE PROPOSAL: 1599, 1600, 1601 HSB (2521) BERGSIG  
STREET, SANDBAAI**

**Water**

The municipality must give a written undertaking that the water source is sufficient to supply this new development.

**Sewerage**

The municipality must give a written undertaking that the sewerage plant will be able to handle the extra load.

**Waste**

Written agreement must be entered into with local municipality for the removal of waste if the municipality will remove the waste.

Refuse areas and refuse bins to comply with municipal solid waste management by-law.

R.Erasmus

*R. Erasmus*  
*12/01/2015*



Western Cape  
Government

Agriculture



Cor Van Der Walt  
LandUse Management

Email: LandUse.Elsenburg@elsenburg.com  
Tel: +27 21 808 5099 fax: +27 21 808 5092

TP - A Theart  
(H Olivier)

OUR REFERENCE : 20/9/2/4/5/044  
YOUR REFERENCE : 1599, 1600 & 1601, HSB (2521)  
ENQUIRIES : Cor van der Walt

Overstrand Municipality  
PO Box 20  
HERMANUS  
7200

FILE NO:	Even 1599-1601-SB
SCAN NO:	42
COLLABORATOR NO:	705570

Att: H van der Stoep

**PROPOSED REZONING, CONSOLIDATION AND AMENDMENT OF SPATIAL  
DEVELOPMENT FRAMEWORK: DIVISION STELLENBOSCH  
ERF 1599, SANDBAAI, HERMANUS  
ERF 1600, SANDBAAI, HERMANUS  
ERF 1601, SANDBAAI, HERMANUS**

Your application dated 3 November 2014 has reference.

The Western Cape Department of Agriculture has no objection to the proposed for the purposes of storage facilities and an industrial hive development concept.

Please note:

- Kindly quote our reference number in any future correspondence in respect of the application.

- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely



AS ROUX Pr Eng

**DIRECTOR: SUSTAINABLE RESOURCE MANAGEMENT**

2014-12-11