

**AGENDA of the  
Portfolio Committee : Infrastructure & Planning  
19 March 2019  
(Also the agenda for the Mayoral Committee Meeting : 27 March 2019)**

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**3.**

**ERVEN 1599 AND 2461, COVE CRESCENT (SANDY COVE) AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK AND OVERSTRAND MUNICIPAL SPATIAL GROWTH MANAGEMENT STRATEGY**

**1599 & 2461 HSB (3846)**

**H van der Stoep**

**13 February 2019**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

To consider an application in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) received on 10 November 2017 from Messrs WRAP on behalf of Hermanuprop CC applicable to Erven 1599 and 2461, Sandbaai to deviate from the Overstrand Spatial Development Framework, 2006 (SDF) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010 (GMS) in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation.

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

Infrastructure and Planning  
Town Planning

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Promotion of tourism, economic and social development

**4. Delegated Authority**

None

**5. Legal Requirements**

Municipal Systems Act 32 of 2000 (Act 32 of 2000)

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

**Background/Discussion**

An application has been received on 10 November 2017 from Messrs WRAP on behalf of Hermanuprop CC applicable to Erven 1599 and 2461, Sandbaai

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for the following in terms of Sections 10, 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) in order to:

- ❖ Deviate from the SDF in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the GMS in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation;
- ❖ Rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry; and the
- ❖ Consolidation of Erven 2461 and 1599, Sandbaai.

The application was considered by the Municipal Planning Tribunal on 24 January 2019, and it was resolved as follows:

**“RESOLVED:**

1. *that the application, in terms of Sections 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry and the subsequent consolidation thereof with Erf 1599, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:*
  - (a) *that 2,5m high boundary walls be constructed by the developer on the dimensions as indicated on the revised layout plan (Plan No. 16/076/01), the style of which must be done in collaboration with the Home Owners Association of Sandy Cove – the walls must be maintained by the developer, or its successors in title, whenever necessary;*
  - (b) *that after confirmation of the approvals in 1. above the developer immediately commence with the registration of the consolidation and that building plans for the above boundary walls (at the cost of the developer) be submitted to the Municipality for approval within thirty (30) days after commencement of the registration of the consolidation, and that the boundary walls be constructed within thirty (30) days after approval of the building plans at the cost of the developer;*
  - (c) *that the area of Erf 2461 at the developer’s side may only be utilised as a parking area, and be registered as such against the Title Deed of the consolidated land unit;*

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- (d) *that no heavy duty vehicles are allowed on the parking area and it may also not be used as a loading zone;*
  - (e) *that the parking bays be clearly demarcated;*
  - (f) *that the landscaping and vegetation type at the Sandy Cove sides of the above boundary walls be done in collaboration with and to the satisfaction of the Home Owners Association of Sandy Cove, which landscaping and vegetation are for the cost of the developer – landscaping and vegetation must be commenced with as soon as the boundary walls have been completed;*
  - (g) *that the conditions of Engineering Services and Telkom be complied with;*
  - (h) *that this approval does not absolve the applicant from compliance with any other relevant legislation; and*
  - (i) *that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.*
2. *that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.*

**RECOMMENDATION TO THE COUNCIL :**

*that the application to deviate from the Overstrand Spatial Development Framework (2006) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010 in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation, **be recommended for approval** by Council in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000)."*

**Evaluation**

Erf 2461, Sandbaai is zoned as General Residential Zone 1: Town Housing, is undeveloped and forms part of the Sandy Cove town house development. Erf 1599, Sandbaai is zoned as Industrial Zone 1: General Industrial and industrial buildings are currently being developed on the property.

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The main aim of the application is to consolidate Erf 2461 with Erf 1599 and utilise it for parking purposes only.

The item that served before the Municipal Planning Tribunal (MPT) is attached as Addendum AA.

In terms of the SDF, Erf 2461 falls within an area that is reserved for residential usage. The GMS, that forms an integral part of the SDF, indicates that Erf 2461 falls within Planning Unit 6 of Sandbaai which is earmarked as a high densification area, thus a site specific deviations from both the SDF and GMS. The adjacent property, Erf 1599, already consists of industrial rights.

It is thus evident that the property does not fall in an area earmarked for industrial usage and is therefore not consistent with the provisions of the SDF and GMS. However, in accordance with the provisions of SPLUMA, Section 22(2), the Municipal Planning Tribunal (MPT) or Authorized Official (AO) may depart from the provisions of a SDF & GMS if site specific circumstances exist that justifies such departure.

In view of the above the following site specific circumstances can be argued supporting a deviation from the SDF and GMS, namely:

- the first SDF was approved in 2006 and was adopted in 2018. The GMS was approved in 2010 as a sectoral plan of the SDF. Both documents area at present being revised and updated. The area in which the erven are located has been transferred to mixed use area. Erf 2461 is an isolated erf in Sandy Cove and the consolidation with Erf 1599 will square end buffer Sandy Cove's residential area from the industrial area;
- Cove Crescent is located directly above Erf 2461 and act as a buffer which would not make it possible for further encroachment of the residential complex for industrial uses;
- access to Erf 1599 is currently gained from Bergsig Street and once consolidated will still be gained from Bergsig Street, thus no access will be gained from Cove Crescent of the residential complex;
- with the approval of the application to utilise Erf 1599 for industrial purposes, a condition was imposed that the northern part of the property may only be developed as storage units in order to minimize any possible negative impacts on the Sandy Cove residential complex;
- the surrounding area has mixed uses of residential and industrial, and the proposal will thus blend in with the existing character of the area;

The proposed development further complies with strategic policies that promote balanced land use mixes in a sustainable manner that promotes efficient land use.

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**Conclusion**

That the application be supported as per the recommendation below.

**7. Financial Implications**

None

**8. Staff Implications**

None

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

None

**10. Annexures**

Addendum AA : Item which served before the Municipal Planning Tribunal on 24 January 2019

Addendum BB: Minutes of the MPT dated 24 January 2019

**RECOMMENDATION TO THE COUNCIL:**

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010 in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation, in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be approved.**

|  |                        |
|--|------------------------|
| <b>RESPONSIBLE OFFICIAL :</b>            | <b>H VAN DER STOEP</b> |
| <b>TARGET DATE FOR IMPLEMENTATION :</b>  | <b>10 APRIL 2019</b>   |
| <b>TARGET DATE TO INFORM APPLICANT :</b> | <b>10 APRIL 2019</b>   |
| <b>TARGET DATE TO INFORM OBJECTOR :</b>  | <b>N/A</b>             |

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**3.**

**ERVEN 1599 AND 2461, COVE CRESCENT (SANDY COVE) AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK AND OVERSTRAND MUNICIPAL SPATIAL GROWTH MANAGEMENT STRATEGY**

**1599 & 2461 HSB (3846)**

**H van der Stoep**

**13 February 2019**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 19 MARCH 2019, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE COUNCIL:**

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy, 2010 in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation, in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be approved.**

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP**

**TARGET DATE FOR IMPLEMENTATION :**

**10 APRIL 2019**

**TARGET DATE TO INFORM APPLICANT :**

**10 APRIL 2019**

**TARGET DATE TO INFORM OBJECTOR :**

**N/A**

**AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL**

24 JANUARY 2019

**ERVEN 1599 AND 2461, COVE CRESCENT (SANDY COVE) AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK AND SPATIAL GROWTH STRATEGY, REZONING AND CONSOLIDATION : MESSRS WRAP ON BEHALF OF HERMANUPROP CC.**

**1599 & 2461 HSB (3846)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**9 November 2018**

### **1. EXECUTIVE SUMMARY**

An application has been received on 10 November 2017 from Messrs WRAP on behalf of Hermanuprop CC applicable to Erven 1599 and 2461, Sandbaai for the following in terms of Sections 10, 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) in order to:

- ❖ Deviate from the Overstrand Spatial Development Framework (2006) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy (2010) in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation;
- ❖ Rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry; and the
- ❖ Consolidation of Erven 2461 and Erf 1599, Sandbaai.

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. DECISION AUTHORITY**

Municipal Planning Tribunal

### **3. BACKGROUND / SITE HISTORY**

Erf 1599, Sandbaai is zoned as Industrial Zone 1: General Industrial and is 5274m<sup>2</sup> in extent. Industrial buildings are currently being developed on the property. The property was recently rezoned to industrial purposes subject thereto that the northern portion be developed for storage unit purposes only, mainly due to lessen any impacts on the abutting Sandy Cove town house development.

Erf 2461, Sandbaai is zoned as General Residential Zone 1: Town Housing and is 453m<sup>2</sup> in extent, undeveloped and forms part of the Sandy Cove town house development.

The above application was on the agenda of the meeting of the Municipal Planning Tribunal (MPT) of 26 July 2018, but was withdrawn by the applicant on 25 July 2018 after it became aware of the Municipality's negative recommendation to the MPT.

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Further discussions were held by the applicant with the Municipality after which it was decided that should the applicant amend the application to lessen impacts on the adjacent Sandy Cove group house development a more favourable approach may be considered during the final evaluation of the application. Refer to the initial layout plan that was submitted with the application (attached as Annexure B). The original layout was of such a nature that it was the opinion that the proposed consolidation of Erf 2461 as a parking area will not create a transitional area between the residential development and the adjacent industrial complex, thus impacting on the identity of the place making principles entrenched in the residential complex. The applicant however submitted a revised motivation and layout plan (layout plan attached as Annexure C) that addresses this issue more efficiently which will be addressed under Paragraph 10.9 "The Desirability of The Proposal of this Submission".

Initially only one (1) objection was received from the owners (PH & C Muller) of Erf 2474 within the Sandy Cove Development, but was eventually formally withdrawn on condition that the landowner of the application property plant trees and shrubs along the boundary wall as a screen. A formal agreement was entered into between the two parties. The application has in the meantime been scaled down (latest application under discussion), and since no external or internal negative comments were received it was the opinion that it not be re-circulated again as it will not affect any parties. The Home Owners Association of Sandy Cove also consented to the revised application (see letter attached as Annexure F.)

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

Due to the comprehensive nature of the Motivation Report only the main points of motivation are summarised as follows (the detailed revised report is attached as Annexure C):

- ❖ The properties are surrounded with various land uses and the proposal would be aligned with the surrounding zoning logic;
- ❖ There are no restrictive title deed conditions that will prohibit the proposal;
- ❖ Should the rezoning and consolidation be approved, all buildings on the subject property will comply with the applicable development parameters;
- ❖ The consolidated property will comply with all parking requirements and access;
- ❖ No additional traffic impact is anticipated;
- ❖ There is a definite need for the expansion of industrial uses in Sandbaai in an appropriate manner which is sensitive and aligned with the surrounding locational context;
- ❖ There are adequate infrastructure services that would cater for the proposal;
- ❖ The properties are appropriately within walking distance from surrounding residential areas and would enable prospective employees to walk to work and promote pedestrianisation;
- ❖ The subject properties are not located in sensitive natural or cultural areas and will not result in an unacceptable cumulative impact;
- ❖ The approval would lead to the incremental expansion of the industrial sector in a contextually appropriate manner in Sandbaai;
- ❖ The approval would symbolise a "top down" and "bottom up" planning approach;
- ❖ The proposal would contribute to future skills development in the Greater Hermanus;
- ❖ Erf 2461 will only be used for parking purposes after consolidation;

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- ❖ Except for the deviation of the Spatial Development Framework (SDF), the proposal is aligned with all other development imperatives for the Greater Hermanus as highlighted in the SDF;
- ❖ The Overstrand Municipality Growth Management Strategy (OMGMS) was compiled prior to 2006 and does not respond to the current development pressures that exist in Sandbaai, therefore justifying the proposed deviation, and
- ❖ No planning principles are impacted upon.

**Additional Motivation on revised motivation:**

- ❖ The implementation of the consolidation will result in the consolidated industrial erf being located immediately adjacent to Cove Crescent and Erf 2462, Sandbaai. The Zoning Scheme requires that a 2,5m wall be built when an industrial zone abuts another zone. It is proposed that an industrial wall be built not in accordance with the proposed cadastral boundary, but to be built in accordance with the alignment as proposed on the latest layout plan. This is to ensure that the industrial uses do not encroach into the residential component and to have a more rectangular shape on the ground which will enhance the urban form of the area.
- ❖ The area to the north and west of the proposed boundary wall is proposed to be landscaped with different vegetation at the cost of the developer and to be exclusively used by the residents of the Sandy Cove Development. This is intended to provide the residents with an aesthetically appealing urban environment, open up more space for leisure activities and act as a buffer area.

**5. ADMINISTRATIVE COMPLIANCE**

| Methods of advertising  |                | Date published | Closing date for comments |
|---|----------------|----------------|---------------------------|
| Local newspaper   | Yes            | 16/01/2018     | 23/02/2018                |
| Gazette   | N/A            |                |                           |
| Notices   | Yes            | 19/01/2018     | 23/02/2018                |
| Ward councillor   | Yes            | 5/12/2017      | 12/01/2018                |
| Total comments  | <b>ONE (1)</b> |                |                           |
| Total letters of support  | <b>NONE</b>    |                |                           |
| Was public participation undertaken in accordance with Section 47 - 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                                | Recommendation |
|------------------|---------------|--|----------------|
| Building Control | 12/12/2017    | No buildings to be erected on erf. Proposed that a | Positive       |

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|                            |            |  |          |
|----------------------------|------------|--|----------|
|                            |            | servitude be registered over Erf 2461 for parking only.  |          |
| Fire Department            | 23/01/2018 | Industrial structural development must be in compliance with the National Fire Protection Regulations SANS10400 T: 2011.                                     | Positive |
| Electro Technical Services | 18/12/2017 | No objection, since electrical connections to the properties already exist. On consolidation the connections must be combined to allow 1 service connection. | Positive |
| Engineering Services       | 8/02/2018  | Attached as Annexure D.  | Positive |
| Telkom                     | 14/02/2018 | Attached as Annexure E.  | Positive |

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

A valid objection was initially received from the owners (PH & C Muller) of Erf 2474 within the Sandy Cove Development, but was formally withdrawn. The objector conditionally withdrew the objection. An agreement was reached with the landowner to plant shrubs and trees along the boundary wall as screening. The landowner agreed to this subject thereto that the Sandy Cove Home Owners Association take care of the shrubs and trees. No further comment is offered since the agreement has no relevance to the Municipality.

The Building Control Department proposed that a servitude be registered over Erf 2461 for parking only.

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

N/A

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

In order to ensure that the applicable area of Erf 2461 will only be utilised as a parking area and to ensure no negative impacts on the Sandy Cove Development, the comment of the Building Control Department is concurred with and a condition to this effect should be imposed.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****10.1 Background**

N/A

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

The application is not completely in line with the planning objectives applicable to this application as set out below.

The objectives relating to:

**Spatial Justice**

The application will not perpetuate spatial injustices.

**Spatial sustainability**

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and it will have no negative influence on the environment.

**Efficiency**

The application will optimize the use of property in terms of municipal services and infrastructure.

**Spatial resilience**

The application will ensure that the existing resource (land) is used to its maximum in an affordable manner, but it is not in line with the Overstrand Municipality's forward planning documents.

**Good administration**

The application follows the required planning procedures and a good public participation process has been followed.

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

Partially the same as Point 10.2 above.

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

Consistent with the Zoning Scheme, but inconsistent with the Spatial Development Framework and the Overstrand Municipal Spatial Growth Management Strategy.

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

N/A

**10.6 Impact on Municipal engineering services**

The existing services are available and have been viewed positively by the Engineering Department.

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

N/A

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

The application is not in line with the Overstrand Spatial documents.

**10.9 THE DESIRABILITY OF THE PROPOSAL****Rezoning and Consolidation**

It is the opinion that the consolidation of Erf 2461 with Erf 1599 will optimize the usage of the consolidated erf when developed to its full potential in future. The applicant provided a more acceptable layout of the consolidation by proposing to construct a 2,5m high boundary wall (that is in any event a requirement in terms of the Zoning Scheme) that is not in accordance with the cadastral layout of Erf 2461. The wall will not be situated on the boundaries of Erf 2461, but will be set back away from the residential development. This will ensure that the proposed industrial zoning of Erf 2461 do not infringe upon the adjacent residential component of Sandy Cove as it will also have a rectangular shape which will most probably enhance the urban form of the area. Further, those sections of Erf 2461 that falls within the Sandy Cove Development will be landscaped with different vegetation at the cost of the developer and will be for the exclusive use of the residents of Sandy Cove Development. This together with the boundary wall and its new alignment should provide the residents with a more aesthetically appealing environment next to an industrial property and will act as a vital buffer between the two (2) developments. The type of wall should be constructed in collaboration with the Home Owners Association of Sandy Cove and both sides of the wall must be maintained by the developer, or its successors in title, whenever necessary.

Although there is a continuous need for industrial erven in the area, the rezoning and consolidation of Erf 2461 should not necessarily create a precedent in the immediate area thereof, since the area is almost build up to its full capacity. The area further consists of defined usage nodes, each with mono-type land uses, thus the proposal should not intrude on these nodes by creating a mixed land use node.

It should further be noted that Erf 2461 will only be utilised for parking purposes once it is rezoned and consolidated with Erf 1599. A condition must be laid down that the area at the developer's side of the 2,5m high boundary wall may only be utilised as a parking area and be registered as such against the Title Deed of the consolidated land unit. In order to minimise any possible impacts on the adjacent residential development, no heavy duty vehicles should be allowed on the parking area and it may also not be used as a loading zone.

In view of the above the proposed rezoning and consolidation of the applicable erven, should be supported.

**Deviation from the Overstrand Spatial Development Framework, as well as the Growth Management Strategy**

The proposed deviate from the Overstrand Spatial Development Framework in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy in order to change the

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reservation of the said property from a densification grading to a local economic industrial opportunity reservation, should in view of the above be recommended for approval by Council.

**11. RECOMMENDATION**

1. that the application in terms of Sections 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry and the subsequent consolidation thereof with Erf 1599, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
  - (a) that 2,5m high boundary walls be constructed by the developer on the dimensions as indicated on the revised layout plan (attached as Annexure C) (Plan No. 16/076/01), the style of which must be done in collaboration with the Home Owners Association of Sandy Cove – the walls must be maintained by the developer, or its successors in title, whenever necessary;
  - (b) that after confirmation of the approvals in 1. above the developer immediately commence with the registration of the consolidation and that building plans for the above boundary walls (at the cost of the developer) be submitted to the Municipality for approval within thirty (30) days after commencement of the registration of the consolidation, and that the boundary walls be constructed within thirty (30) days after approval of the building plans at the cost of the developer;
  - (c) that the area of Erf 2461 at the developer's side may only be utilised as a parking area, and be registered as such against the Title Deed of the consolidated land unit;
  - (d) that no heavy duty vehicles are allowed on the parking area and it may also not be used as a loading zone;
  - (e) that the parking bays be clearly demarcated;
  - (f) that the landscaping and vegetation type at the Sandy Cove sides of the above boundary walls be done in collaboration with and to the satisfaction of the Home Owners Association of Sandy Cove, which landscaping and vegetation are for the cost of the developer – landscaping and vegetation must be commenced with as soon as the boundary walls have been completed;
  - (g) that the conditions of Engineering Services and Telkom (attached as Annexures D and E), be complied with;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
  - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.

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2. 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) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy (2010) in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation, **be recommended for approval** by Council in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

**12. REASONS FOR RECOMMENDATION**

- ❖ The application is regarded as desirable from a town planning point of view.
- ❖ No development is allowed on the parking area, and in order to minimize any possible impacts on the adjacent residential development, no heavy duty vehicles will be allowed on the parking area and it may also not be used as a loading zone.
- ❖ No objections were received.

**13. Annexures**

|             |                        |
|-------------|------------------------|
| Annexure A: | Locality Plan          |
| Annexure B: | Site Development Plans |
| Annexure C: | Motivation Report      |
| Annexure D: | Engineering Services   |
| Annexure E: | Telkom Services        |
| Annexure F: | Sandy Cove HOA consent |

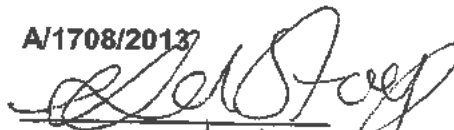
**SIGNATURES****REGISTERED PLANNER:**

Name : **H VAN DER STOEP**

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

Signature :

Date:

  
 14/1/2019

Locality map

Erf 1599 Sandbeel 5274m<sup>2</sup>  
Erf 2461 Sandbeel 453m<sup>2</sup>

Plan 1

Plan prepared by : Reafilehla Jankie

All distances approximate and subject to survey.

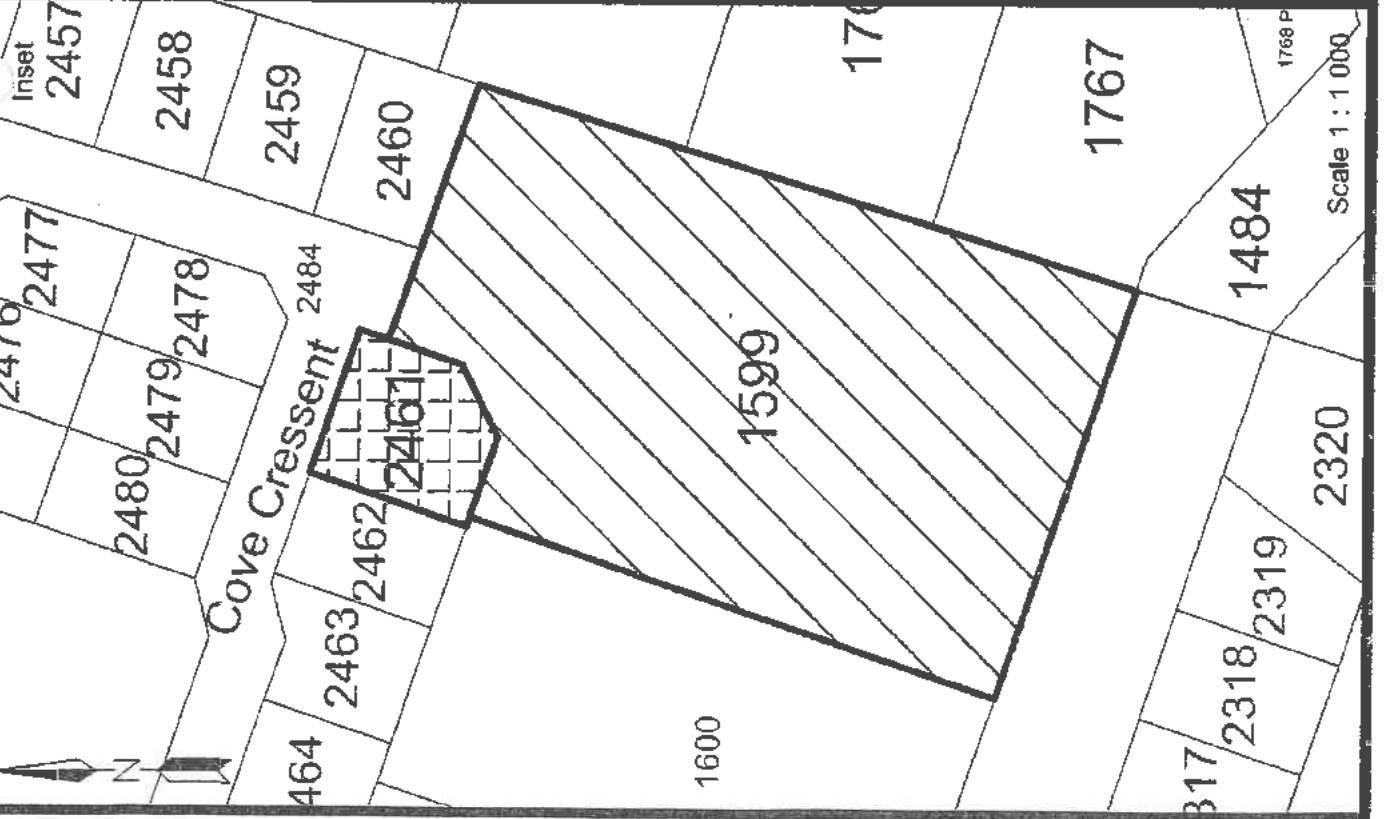
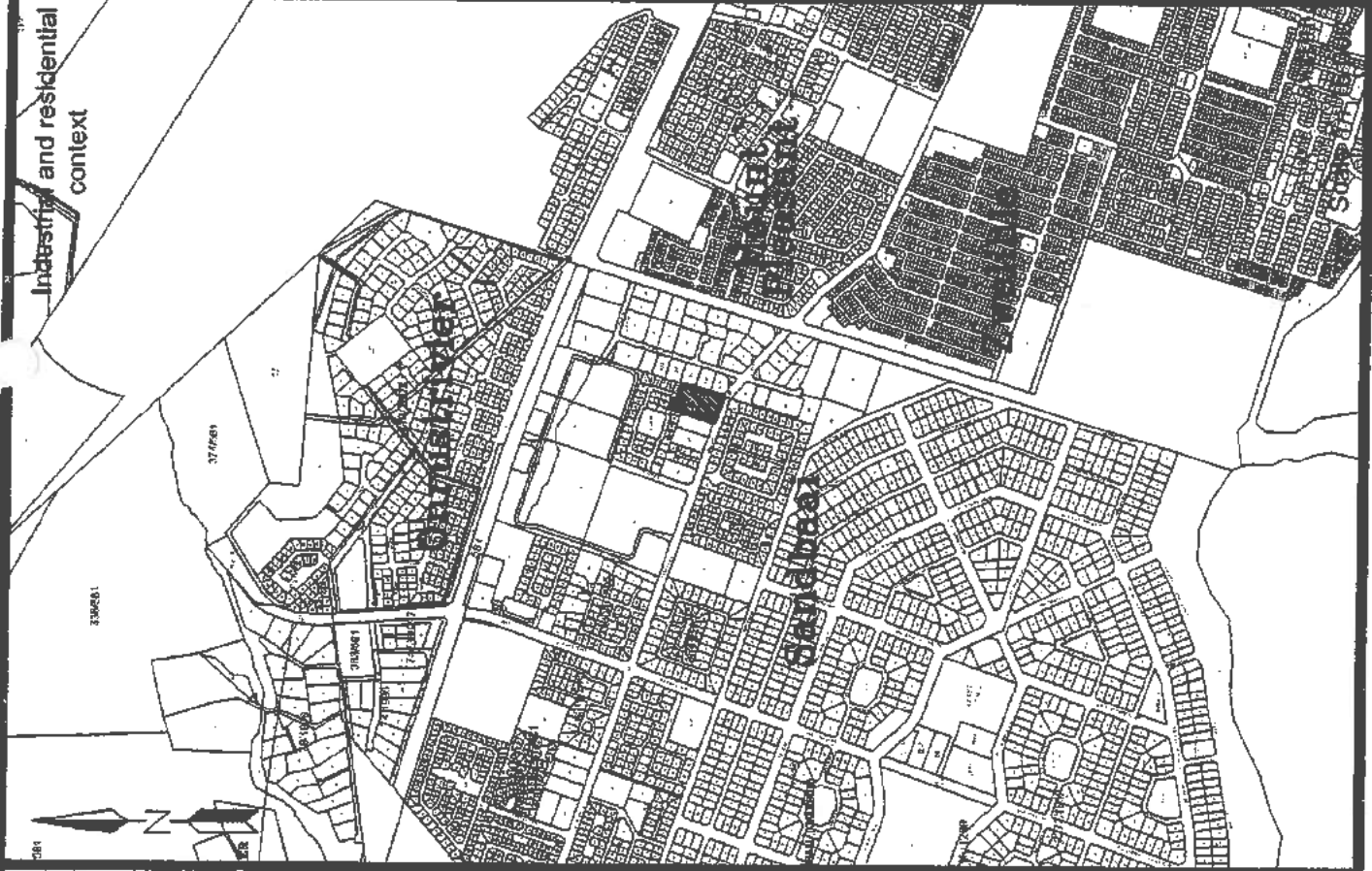
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Hermanus  
7200

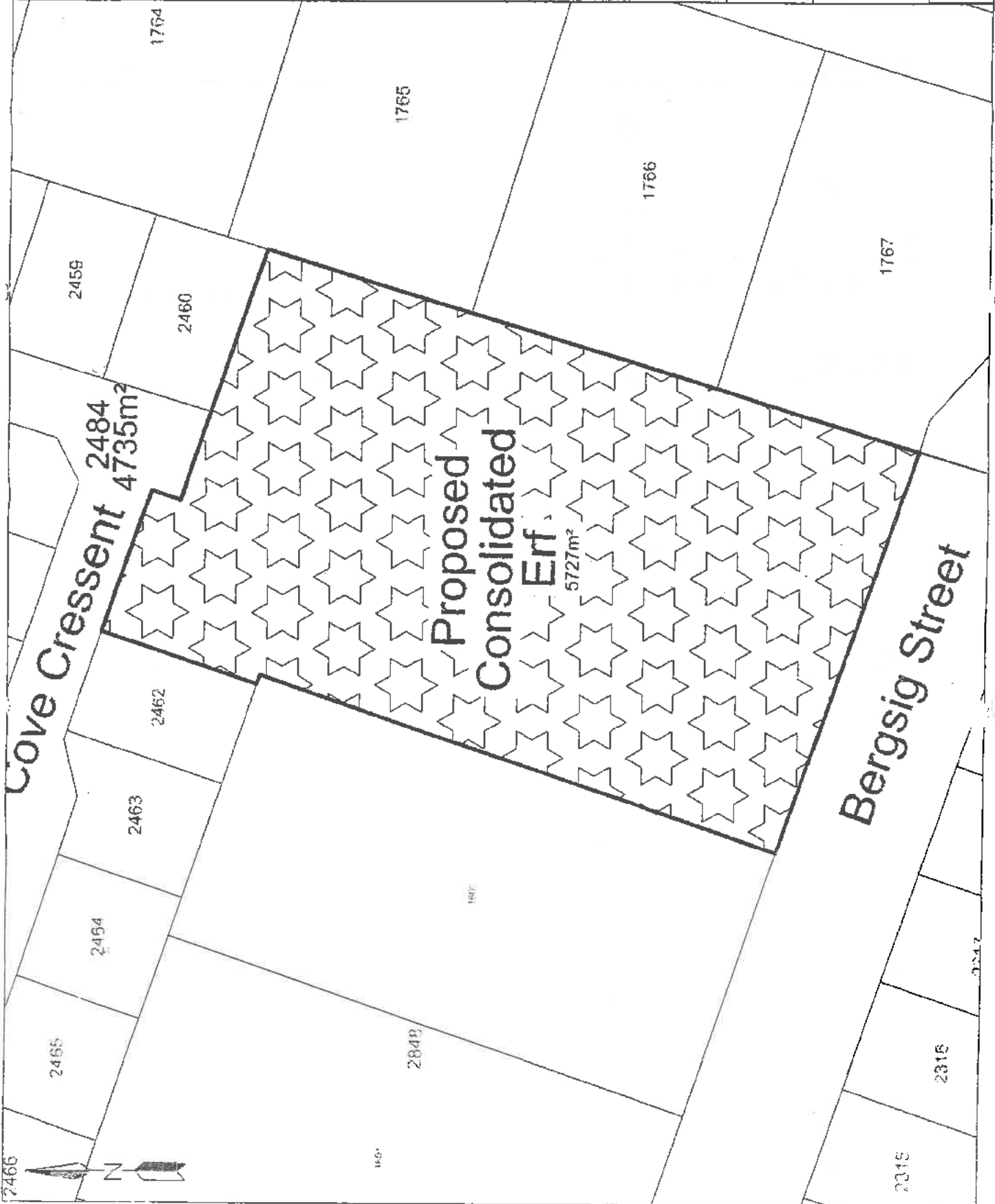
Tel: 028 313 1411  
Fax: 086 508 3248  
Email: [wrap@telkomsa.net](mailto:wrap@telkomsa.net)  
Web: [www.wrapgroup.co.za](http://www.wrapgroup.co.za)



Industrial and residential context



|  |   |
|--|---|
| <b>Proposed consolidation plan</b><br> Proposed consolidated erf<br>5727m <sup>2</sup>  | Plan 3  |
|  | Scale 1 : 500   |
| Plan prepared by : Reetlehlile Jankie  | All distances approximate and subject to survey.                                    |
| WRAP makes no warranty of any kind, expressed or implied with regard to date and shall not be held liable in any event for any accidental or consequent damages in connection with or arising out of the use of this data. The data remains the property of the client and may only be used for the purposes of a project with the prior written approval of the client. | 35 Duiker Street<br>Pobox 1247<br>Hermanus<br>7200                                  |
| Tel: 028 313 1411<br>Fax: 086 508 3248<br>Email: wrap@telkomsa.net<br>Web: www.wrapgroup.co.za   |  |



## 2. BACKGROUND

Erf 1599 Sandbaai, was recently rezoned to Industrial Zone 1: General Industry. The northern portion of the property was approved to be used for storage purposes and the southern portion to be used for industrial purposes. The rezoning of the neighboring Erven 1600 and 1601 Sandbaai to Industrial Zone 1: General Industry to be used for storage purposes, was also approved. The decision also included the amendment of the land reservation of Erf 1599 Sandbaai in the Overstrand Municipal Growth Management Strategy (*hereafter referred to as the OMGMS*).

A copy of the letter of approval is attached as Annexure C.

## 3. APPLICANT'S INTENT

Erven 1599 and 2461 Sandbaai (*hereafter referred to as the subject properties*) are located on the eastern side of Sandbaai. The zoning in terms of the Overstrand Municipality Zoning Scheme, 2013 (*hereafter referred to as the OMZS*) and extents of the subject properties are as follow.

- Erf 1599 Sandbaai (5274m<sup>2</sup>)  
Industrial Zone 1: General Industry
- Erf 2461 Sandbaai (453m<sup>2</sup>)  
General Residential Zone 1: Town Housing

The use of the subject properties is as follow.

1. Erf 1599 Sandbaai  
Industrial buildings currently under construction
2. Erf 2461 Sandbaai  
Vacant

### Motivation consolidation

The owner of the two properties seeks to establish an industrial enterprise on Erf 1599 Sandbaai. The industrial enterprise is intended to comprise of a light industry on the southern portion of the property and storage facilities on the northern part of the property. Erf 1599 Sandbaai does not have sufficient parking to cater to the envisaged development. The property owner bought Erf 2461 Sandbaai to solve the parking shortage. Once consolidated the area comprising of the current Erf 2461 Sandbaai will only be used for parking purposes. The reasoning is to ensure that any visual and other impact on the surrounding residential area is minimised.

### Motivation for deviation from the Overstrand Municipal Spatial Development Framework and Overstrand Municipal Growth Management Strategy.

A deviation from any applicable spatial planning policy cannot be done unmethodological and must be motivated using a rational and well-reasoned motivation. The deviation application must provide compelling site-specific circumstances. Herewith is a summary of the site-specific circumstances.

EXECUTIVE SUMMARY

Currently, the subject property is earmarked for residential purposes in the Overstrand Municipal Spatial Development Framework 2006 (*hereafter referred to as the OSDF*). An application for a deviation from the OSDF is motivated in Section 8 of this report and site-specific circumstances which justifies this are highlighted.

The property is earmarked for densification with more than 30 du per hectare in terms of the OMGMS. This proposal seeks to allow local economic opportunity/industrial development on the subject property. It is motivated in detail in Section 8 of this report why such is justified.

Based on legislative requirement the reasoning for this application is summarised as follow.

Section 10 of the Overstrand By-Law on Municipal Land Use Planning, 2015 (*hereafter referred to as the By-Law*) contains the following provisions which justifies a deviation application.

| The applicable section in the By-Law  | Motivation  |
|---|---|
| <p>(1) An authority who takes a decision in terms of this By-Law which <u>deviates</u> from the provisions of the Municipal Spatial Development Framework and/or an applicable spatial development framework and/or Local Spatial Development Framework or policy must at the time of making a decision.</p> <p>a. Record in writing the <u>reasons</u> for the deviation.</p> <p>b. Keep record of the decision and the written reasons for the deviation.</p> | <p>Herewith is a summary of the site-specific reasons which justify the deviation from the applicable spatial planning documents.</p> <ul style="list-style-type: none"> <li>• The OSDF is 10 years old and OMGMS is 6 years old. There is currently a process under way to review these documents;</li> <li>• Erf 2461 Sandbaai is located adjacent to the Erf 1599 Sandbaai and the consolidation thereof is feasible;</li> <li>• Cove Crescent which is directly located above the subject property proposed for consolidation acts as a buffer which would not make it possible for further encroachment of industrial activities into the existing residential area;</li> <li>• All access to the proposed consolidated erf is intended to be gained from Bergsig Street and no access will be gained from Cove Crescent. This is to ensure that the residential ambiance of the residential area remains unaltered;</li> <li>• The northern part of the property in terms of a historic approval may only be used for storage purposes and this application does not seek to alter that; and</li> <li>• The area is surrounded by residential and industrial uses and this approval can be deemed to be complementary and viable within the surrounding context.</li> </ul> |

**Industrial form**

The implementation of the proposed consolidation will result in the consolidated industrial erf being located immediately adjacent to Cove Cressent and Erf 2462 Sandbaai. The Overstrand Municipality Zoning Scheme, 2013 in Section 8.1.2 (f) requires that a 2,5m wall be built when an erf with an Industrial Zone abuts any other zone. It is therefore proposed that an industrial wall not be built in accordance with the proposed cadastral boundary but to be built in accordance with alignment as proposed on the attached plan (refer Annexure E). This is to ensure that the proposed industrial uses do not encroach into the residential component and to have a more rectangular shape on the ground which will enhance the urban form of the area. The area to the north and west of the proposed boundary wall which is located on the proposed consolidated erf is proposed to be landscaped with different vegetation at the cost of the developer and to exclusively be used by residents of Sandy Cove. This is intended to provide the residents in Sandy Cove with an aesthetically appealing urban environment, open up more space for leisure activities in the area and act as a buffer between the adjacent area which will be used for the parking of vehicles. This is therefore to ensure that this proposal does not exclusively benefit the developer by allowing more space for parking but to ensure that the adjacent residents also derive a tangible benefit which is mutually beneficial to both parties. This is aligned with planning principles which aim for inclusive development which meets the needs of people in different settings in society.

The subject property in terms of the Local Government: Municipal Systems Act No.32 of 2000 and Regulations (*hereafter referred to as the Systems Act*) under Section 26 highlights that spatial development frameworks form part of the IDP.

| Applicable Section  | Motivation  |
|---|---|
| 26 (e) A spatial development framework which must be included in the provisions of basic guidelines for a land use management system for the municipality.<br>(f) the council's operational strategies. | The OSDF and the OMGMS is adopted by the council and contains the council's vision for the urban form and land designation envisaged in the applicability period of the documents. Considering Council adopting these documents, only Council is empowered to deviate from the spatial planning documents. The deviation application therefore is for Council to deviate from the OSDF and OMGMS. |

Considering the above, application is hereby made for the following:

- **Rezoning** Erf 2461 Sandbaai from General Residential Zone 1: Town Housing (GR1) to Industrial Zone 1: General Industry (IND 1) in terms of Section 16 (2) (a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Consolidation** of Erf 2461 Sandbaai with Erf 1599 Sandbaai in terms of Section 16 (2) (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Deviation** from the land reservation in the Overstrand Municipal Spatial Development Framework 2006 (OSDF) for Erf 2461 Sandbaai, after consolidation with Erf 1599 Sandbaai, to be used for industrial purposes in terms of Section 10 (1) of the Overstrand By-Law on Municipal Land Use Planning, 2015 and in terms of the applicable Sections of the Local Government: Municipal Systems Act No. 32 of 2000; and
- **Deviation** from the land reservation in the Overstrand Municipal Growth Management Strategy (OMGMS) of densification zone more than 30 du per hectare for Erf 2461, after consolidation with Erf 1599 Sandbaai, to be used as a local economic opportunity/industrial in terms of Section 10 (1) of the Overstrand By-Law on Municipal Land Use Planning, 2015 and in terms of the applicable Sections of the Local Government: Municipal Systems Act No. 32 of 2000.

#### 4. CHARACTER OF ENVIRONMENT

The subject property is located approximately 3,7km from the Hermanus Central Business District (CBD). Sandbaai is a dynamic area which has a variety of zonings and land uses which range from residential, business and industrial which are located in a manner which makes the uses complementary to each other.

A perusal of the zoning plan (refer Plan 2) reveals that the properties which are located to the east of the subject property are all zoned for industrial purposes and the properties located on the north, south are all zoned for residential purposes. The approval of this proposal would therefore be aligned with this logic and valued zoning which exist in the surrounding area.

#### 5. TITLE DEED AND PROPERTY DETAILS

The title deed of the subject property was assessed to determine if there are any restrictive conditions which may prohibit the proposed subdivision.

| PROPERTY DESCRIPTION  | APPROX. EXTENT     | OWNERSHIP      | TITLE DEED NO |
|---|--------------------|----------------|---------------|
| Erf 1599 Sandbaai in the Overstrand Municipality, Division Caledon, Western Cape Province | 5274m <sup>2</sup> | Hermanuprop CC | T71618/2016   |
| Erf 2461 Sandbaai in the Overstrand Municipality, Division Caledon, Western Cape Province | 453m <sup>2</sup>  | Hermanuprop CC | T49039/2017   |

The perusal of the title deed revealed that there are no title deed restrictions which may prohibit the proposed subdivision.

#### 6. ZONING

Should the proposed rezoning and consolidation be approved the following zoning will be applicable.

| Erf number                | Zoning                              | Use                | Compliance  |
|---------------------------|-------------------------------------|--------------------|---|
| Proposed consolidated erf | Industrial Zone 1: General Industry | Under construction | All buildings on the subject property will have to comply with the applicable development parameters in the zoning. |

#### 7. SERVICES

There are existing services on the subject property such as electricity, water, storm water, sewage and solid waste removal and the availability will be assessed below.

##### 7.1 Electricity

The subject properties are connected to the electricity network.

##### 7.2 Water

The subject properties are already connected to the municipal water network.

##### 7.3 Sewage

The subject properties are already connected to the municipal sewer network.

**7.4 Traffic impacts, parking access and other transport related considerations**

The proposed consolidated erf will comply with all applicable development parameters which pertain to parking and access.

**8. DESIRABILITY**

In terms of Section 55 (b) and (c) of the Land Use Planning Act; 2014, an application can be refused based on it being undesirable. The measure to assess the desirability of the application is the consistency of the application with spatial development frameworks, applicable structure plans, the principles referred to in Chapter VI Land Use Planning Act; 2014 and guidelines issued by the Provincial Minister regarding the desirability of proposed development.

The proposal needs to be desirable and consistent with the logic character of Sandbaai and add value for the owner and the community. The Department of Environmental Affairs and Development Planning (DEADP) published a Guideline on Need and Desirability as part of the EIA Guideline and Information Document Series. Although this application does not include an environmental authorization application, the desirability guidelines set out in the document are also applicable in planning.

In terms of the above, several questions need to be answered about the need and desirability of a proposal, which include the following:

| Need and desirability measure  | Yes / Or No | Applicability to the subject farms  |
|--|-------------|---|
| Is the land use considered within the timeframe intended by the existing approved SDF agreed to by the relevant environmental authority? | No          | The proposal is aligned with the Western Cape Provincial Spatial Development Framework (PSDF). There are however exceptional circumstances which justify a departure/deviation from the OSDF and the OMGMS and the spatial planning initiatives section of this report will elucidate this in detail.   |
| Does the community/area need the activity and the associated land use concerned?   | Yes         | There is a definite need in Sandbaai for the expansion of industrial enterprises in a manner which is sensitive to the locational context of the industrial enterprises. There is also a definite need for the valuable positive contribution which the industrial properties will make to the character of the area as elucidated in Section 3 of the report and the positive economic impact which the community of Sandbaai and surrounding residential areas will derive. |
| Is this development the best practicable environmental option for this land/site?  | Yes         | The subject properties are located within an already approved township and are not located on environmentally sensitive land.   |
| Would the approval of this application compromise the integrity of the existing  | No          | The approval of this application will not compromise the existing OSDF, however   |

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## MOTIVATION

|   |     |   |
|---|-----|---|
| approved and credible municipal IDP and SDF as agreed to by the relevant authorities?   |     | the departure/deviation from the provisions of the document will respond to the current appropriate development pressures in Sandbaai. The spatial planning initiatives section of this report will elucidate this in detail.   |
| Do location factors favour this land use?   | Yes | The subject properties are well located in an easily accessible area close to the labour force. The proximity of the subject properties to Zwelihle and Mount Pleasant residential area would also result in the prospective employees walking to the proposed industrial site. This in turn would promote pedestrianisation and be appropriate within the context of taxis not travelling to Sandbaai. |
| How will the activity or the land use associated with the activity applied for, impact on sensitive natural and cultural areas? | No  | The subject properties are not located within a sensitive natural or cultural area and the approval of this proposal will not result in compromising on these areas.  |
| Will the proposed activity or the land use associated with the activity applied for, result in unacceptable opportunity costs?  | No  | The approval of this proposal will not result in unacceptable opportunity costs. The approval of this proposal will provide an appropriate zoning on the proposed consolidated erf but will result in the creation of employment opportunities for residents in Sandbaai, Zwelihle and Mount Pleasant residential area.   |
| Will the proposed land use result in unacceptable cumulative impact?  | No  | The proposal will not have any unacceptable impact on the society.  |

## 9. SPATIAL PLANNING INITIATIVES

**Spatial planning initiatives**

The proposal was assessed for consistency or inconsistency with the existing spatial planning initiatives. Where this proposal is consistent with the spatial planning initiatives it is highlighted. Where this proposal is inconsistent with the spatial planning policies it is motivated how site-specific circumstances justify the inconsistency.

**Provincial Spatial Development Framework 2014 (PSDF)**

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

The PSDF highlights that the urban centres are the main drivers of the Western Cape economy and the manufacturing sector contribute 17% to the Western Cape GDP. The Western Cape Province's economic prospects are cited as lying in the urban economy and it is essential that this proposal is aligned with these development imperatives.

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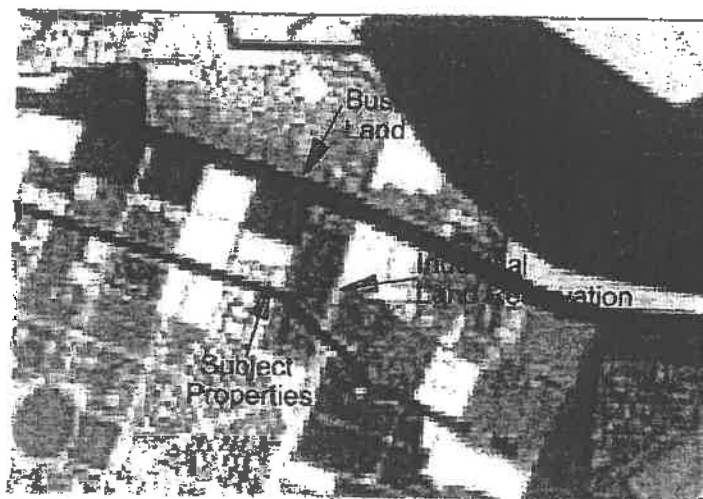
## MOTIVATION

| Urban space economy imperatives   | Alignment of the proposal with the imperatives   |
|---|--|
| Niche manufacturing – primarily settlement based  | The proposed consolidation and rezoning seeks to allocate an industrial zoning on the subject property. This will enable the property to contribute to the appropriate expansion of the manufacturing and storage sector within an area that is primary settlement based.  |
| Both a 'top down' and 'bottom up' strategy for transforming the urban space-economy is being pursued. | This proposal is an example of a bottom up strategy where neighbours who harbour healthy relations work collaboratively towards realising the transformation of the industrial space economy in a manner which is a collaborative bottom up approach. This proposal is aligned with the PSDF which is a document compiled using the top down strategy for transforming the urban space economy. This proposal harmoniously seeks to achieve a bottom up and top down approach in urban planning. |
| Manufacturing can play an integral role in the in skills development.                                 | Industrial and manufacturing uses, and zonings generally play an integral role towards the skills development of unskilled, semi-skilled and highly skilled employees. Any future industrial activity which will occur on the subject property will employ people with a variety of skills set and will play an integral role towards manufacturing improving the skills of the employees.   |

**Overstrand Spatial Development Framework (2006)**

The objective of the SDF is to formulate strategic spatially based policy guidelines and proposals where the needs, changes and growth in the area can be managed to benefit the inhabitants and the environment in the Overstrand Municipality.

The image below indicates the land reservation for the subject property as depicted in the OSDF.

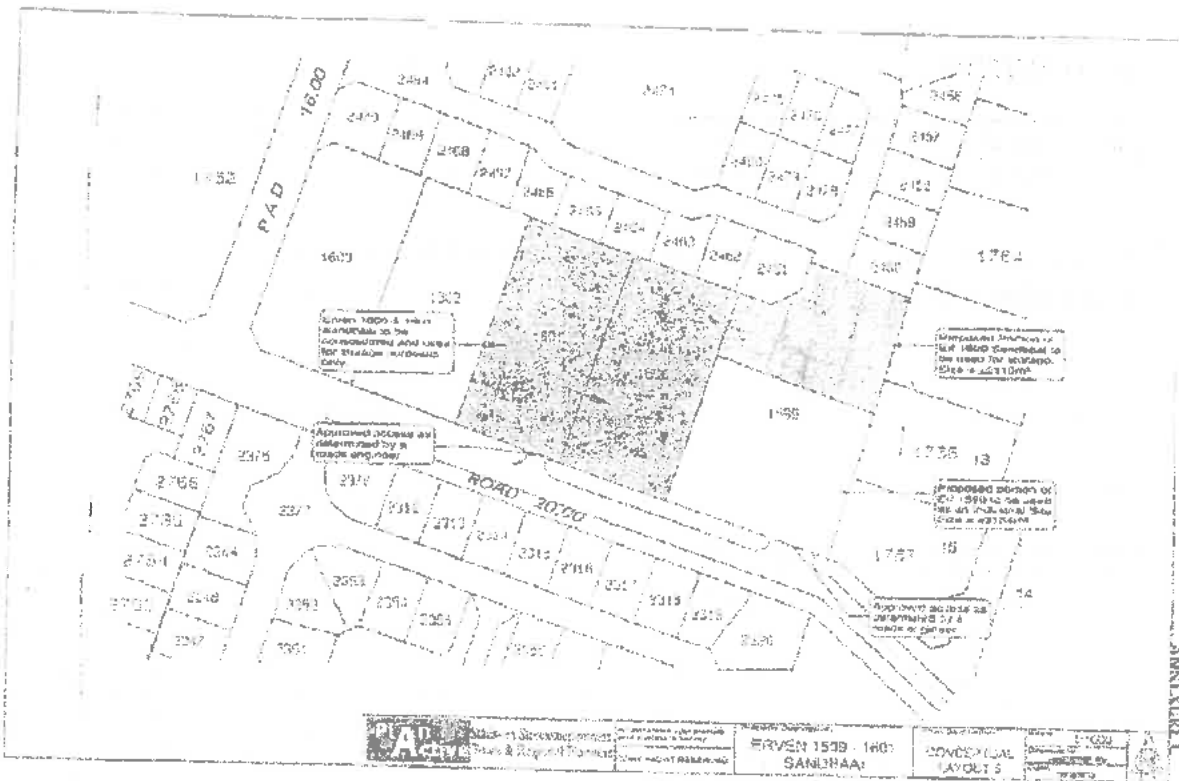


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The subject property is in an area which is reserved for residential purposes. It is also evident that the proposed consolidation of Erf 1599 Sandbaai and Erf 2461 Sandbaai is also located adjacent to an area which is reserved for Industrial purposes.

**Provision of site specific circumstances**

A land use application was submitted by Plan Active and the application entailed the amendment of the residential reservation for Erven 1601, 1600 and 1599 Sandbaai to be for industrial purposes. Below the approved plan:



The approval of the amendment of the OSDF and OMGMS was subject to the condition that the northern part of Erf 1599 Sandbaai may only be used for storage purposes. The site-specific circumstance applicable in this application is that the proposed consolidated erf which is currently reserved for residential purposes also be exclusively used on the northern part for parking purposes. This would be aligned with the already approved plan and would not adversely impact on the residential character on the neighbouring residential area. The approval of this proposal would also not be an adverse deviation from the existing approvals. As can be witnessed with the above drawing, industrial activities with storage facilities have expanded further into the residential area. This proposal for a minor expansion of the industrial zoning and activities can be deemed to be minor and comparison with historic approvals which have the same site-specific circumstances as the subject property. The approval of this application would therefore not adversely impact on the existing character of the area. An examination of Erven 1601 and 1600 Sandbaai reveals that an approval already exists where storage facilities abutting the neighbouring residential area.

It is also important to note that the area to be consolidated with Erf 1599 Sandbaai (Erf 2461 Sandbaai) will only be used for parking purposes and will not be built upon.

## MOTIVATION

The OSDF is 10 years old and there is a process underway to review the document. The document can therefore be regarded as outdated and not appropriately responding to the current development pressures in the urban landscape. Apart from this proposal deviating from land reservation as elucidated in the SDF, this proposal is aligned with other core local spatial development principles which are general town planning principles which are applicable. The approval of this application will also not have an adverse impact on the existing character of the area.

### Land reservation proposal

Considering the site-specific circumstances, it is therefore proposed that the land reservation for the subject property be deviated from residential purposes to industrial purposes. The deviation from this would enable the approval of this proposal.

### OSDF development imperatives

Apart from the deviation from the land reservation in the OSDF it needs to be demonstrated that the approval of this proposal is well aligned with all other development imperatives in the document. This would essentially demonstrate the deviation will not have adverse implications from the other provisions of the OSDF. Herewith is a demonstration of how this document is aligned with the other development imperatives which are generally applicable to all SDF's regardless of the time when an SDF is applicable.

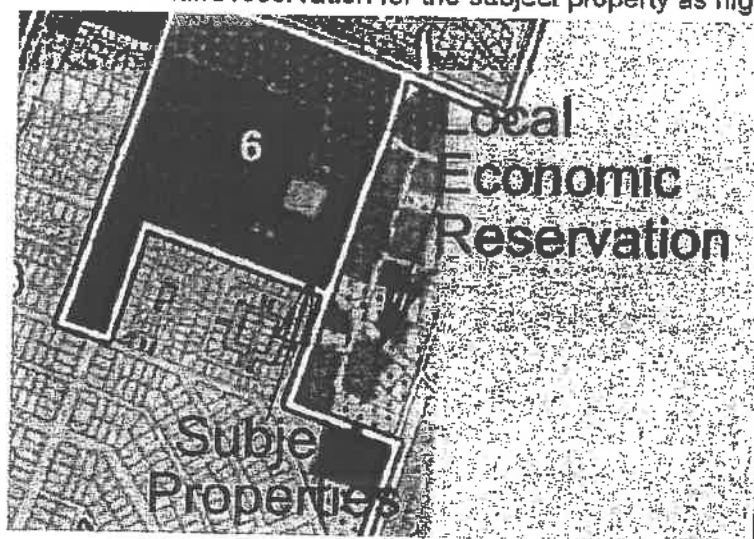
| Greater Hermanus local spatial development principles   | Alignment of this proposal   |
|---|--|
| Promote the provision of a range of residential housing types and appropriate densification strategies to retain the character of the greater Hermanus. | The approval of this proposal will maintain the balanced contribution of the surrounding properties towards the provision of accommodation and industrial activities. The character of the existing environment will therefore largely be retained in the current format.  |
| All industrial activities within the Greater Hermanus area should be restricted to service and clean light industry.                                    | The proposed consolidated erf is proposed to have the zoning of Industrial Zone 1: General Industry. The nature of the industrial activities which may be permitted within these industries are generally service, clean and light industries. This will ensure that whatever land uses occur on the subject property in the future will be of a nature which will not be noxious and adversely impact on the neighbouring residential area. |
| Address civil services and infrastructure issues.   | The subject properties are located within an area where there are adequate civil services to cater to proposal.  |
| The challenge will be to retain this unique character and its attractiveness by balancing the need for urban growth.                                    | The approval of this application would be an example of appropriately balancing the need for incremental industrial growth while maintaining the existing residential format and having appropriately integrated urban growth.   |

### Overstrand Municipal Growth Management Strategy (2010)

The purpose of the Growth Management Strategy is to improve the Overstrand Municipality's overall environmental sustainability by enhancing the quality and efficiency of the built environment.

**MOTIVATION**

The image below indicates the land reservation for the subject property as highlighted in OMGMS.



The subject property is in an area which is reserved for residential purposes. It is also evident that the proposed consolidated erf is also located adjacent to an area which is reserved for local economic/industrial purposes.

This land reservation in the OMGMS of 2010 is the same as the land reservation in the OSDF 2006. This therefore in sync with forward planning thinking done prior to 2006. It is evident that this land reservation is outdated and does not respond to the existing industrial development pressures in the urban landscape which were not adequately foreseen prior to 2006. The current development pressures as can be witnessed by this application and applications approved in the past signal that there is a definite need for more industrial land uses. This application seeks to promote more industrial development which is located adjacent to residential properties in a harmonious and complementary manner. This is therefore a concrete justification for the departure from this reservation.

**Site specific circumstances**

The site-specific circumstances relating to the previous approvals of the subject property mirror those in the OSDF section of this report.

**Land reservation proposal**

Considering the site-specific circumstances, it is therefore proposed that the land reservation for the subject property be deviated from densification zone more than 30 du per hectare to allow local economic opportunity/industrial. This deviation would accommodate the approval of this application.

Except for the deviation from the land reservation in the OMGMS it is essential for this proposal to illustrate alignment with the other development imperatives enshrined in the document. This proposed deviation should not have adverse implications on the other provisions of the OMGMS. The following goals in the OMGMS are generic and generally applicable to all spatial planning policies regardless of location. It will herewith be assessed how this application is consistent with these generic principles.

| Goal   | The consistency of the proposal with the goals.  |
|--|--|
| "Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land." | This proposal seeks to optimally make use of the urban infrastructure in the subject area in a |

WRAP

## MOTIVATION

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|--|---|
|  | manner which will not overburden the infrastructure.  |
| "Contribute to place making and the development of attractive and safe urban environments."  | The approval of this proposal would lead to place making and make the current vacant properties to be developed in the future. This will therefore lead to an improvement in the visual look of the street scape in Sandbaai and contribute to the residents having a greater sense of pride in their area. |
| "Ensure that the scale and character (in terms of bulk, height and architectural styling) of the higher density areas are appropriate to the immediate context." | The proposal is within the scale and character of the immediately abutting residential and industrial areas styling and will smoothly and appropriately blend in with the character of the area.  |

The subject property is in Planning Unit 6 and a portion of this planning unit is earmarked for local economic development which provides the opportunity for mixed use development. It is therefore proposed that the proposed consolidated Erf also be earmarked for local economic development/industrial development.

**Rationale**

The analysis of the spatial planning initiatives has provided a clear and complete explanation of the site-specific circumstances which justify a deviation from the land reservations of the subject properties.

**10. PLANNING PRINCIPLES**

The proposed development was analysed for consistency with the planning principles to provide a recommendation to the Municipality for the application. These spatial planning principles are in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 and Chapter VI of the Land Use Planning Act, 2014.

| Planning principles  | Consideration and impact   |
|--|--|
| <b>Spatial Justice</b><br>"Refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land."  | The approval of this proposal will not in any way perpetuate the spatial development imbalances which are caused by apartheid spatial planning.  |
| <b>Spatial Sustainability</b><br>"A spatially sustainable settlement will be one that ensures an equitable land market while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas a limit urban sprawl." | This proposal is within the urban edge and will not encroach on agricultural land, environmentally sensitive areas, biodiversity rich areas and will contribute to combating urban sprawl. |
| <b>Efficiency</b><br>"Efficiency refers to the need to create settlements that optimise the use of space, energy, infrastructure, resources and land."   | The proposal seeks to optimise on the development potential which the subject property presents in a manner which will efficiently and effectively make use of energy and infrastructure.  |

WRAP



**MOTIVATION**

|  |  |
|--|--|
| <p><b>Spatial Resilience</b><br/>"Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner."</p> | <p>The Department of Environmental Affairs and Development Planning (DEADP) and the Overstrand Municipality have compiled spatial policies that promote resilience in land use management. It has been motivated in the spatial planning initiatives section of this report that the proposed departure/deviation from the OSDF and OMGMS is appropriate and will contribute meaningfully to spatial resilience.</p> |
| <p><b>Good Administration</b><br/>"Good administration in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure a joint planning approach is pursued."</p>  | <p>The application process promotes consultative planning as the Municipality will advertise the proposal to the public for comment. WRAP will also respond to the comments received and take it into consideration in the planning of the project.</p> <p>All the above measures ensure that a joint planning approach is pursued to the benefit of the property owner and the community.</p>                       |

**11. EVALUATION AND CONCLUSION**

Herewith a synopsis of the essential elements that makes the proposal development viable and practical on the subject property.

**Application**

- **Rezoning** of Erf 2461 Sandbaai from General Residential Zone 1: Town Housing (GR1) to Industrial Zone 1: General Industry (IND 1) in terms of Section 16 (2) (a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Consolidation** of Erf 2461 Sandbaai with Erf 1599 Sandbaai in terms of Section 16 (2) (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Deviation** from the land reservation in the Overstrand Municipal Spatial Development Framework 2006 (OSDF) for Erf 2461, after consolidation with Erf 1599 Sandbaai, to be used for industrial purposes in terms of Section 10 (1) of the Overstrand By-Law on Municipal Land Use Planning, 2015 and in terms of the applicable Sections of the Local Government: Municipal Systems Act No. 32 of 2000; and
- **Deviation** from the land reservation in the Overstrand Municipal Growth Management Strategy (OMGMS) of densification zone more than 30 du per hectare for Erf 2461 Sandbaai, after consolidation with Erf 1599 Sandbaai, to be used as a local economic opportunity/industrial in terms of Section 10 (1) of the Overstrand By-Law on Municipal Land Use Planning, 2015 and in terms of the applicable Sections of the Local Government: Municipal Systems Act No. 32 of 2000.

**Character of the environment**

The zoning plans reveal that the subject property is surrounded by properties which are zoned for industrial and residential purposes and the approval of this proposal would be aligned with the surrounding zoning logic.



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**WRAP**

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**MOTIVATION****Title deed**

The title deeds of Erven 1599 Sandbaai (T71618/2016) and 2461 Sandbaai (T49039/2017) were perused and no restrictive conditions were found which may prohibit the approval of this proposal.

**Zoning**

- It is proposed that Erf 2461 Sandbaai, before consolidation, is rezoned to Industrial Zone 1: General Industry.

**Services**

- **Electricity:** The subject properties are already connected to the electricity network.
- **Water:** The subject properties are connected to the reliable potable Municipal water network.
- **Sewage:** The subject properties are already connected to the Municipal sewage networks.
- **Traffic impact:** No additional traffic impact is anticipated.

**Desirability**

- There is a definite need for the expansion of industrial land uses in Sandbaai in an appropriate manner which is sensitive and aligned with the surrounding locational context.
- There are adequate urban infrastructure services on the subject property which would cater to the proposal.
- The subject property is appropriately within a walking distance from Zwelihle and Mount Pleasant residential areas and would enable the prospective employees of the proposed consolidated erf to walk to work and promote pedestrianisation.
- The subject properties are not located within sensitive natural or cultural areas and will not result in an unacceptable cumulative impact.

**Spatial planning initiatives****PSDF**

- The approval of this proposal would lead to the incremental expansion of the industrial sector in a contextually appropriate manner in Sandbaai.
- The approval of this proposal would also symbolise a "top down" and "bottom up" planning approach.
- The approval of this application would also contribute to the proposed consolidated erf in the future contributing to skills development in the Greater Hermanus.

**OSDF**

- Erf 2461 Sandbaai, will after consolidation with Erf 1599 Sandbaai, only be used for parking purposes.
- Except for the proposed deviation from the land use proposal plan, this proposal is aligned with all the other development imperatives for the Greater Hermanus as highlighted in the SDF.
- It is proposed that the land use proposal be deviated from for the proposed consolidated erf to have an industrial zoning.

**OMGMS**

- The OMGMS was compiled prior to 2006 and does not respond to the current development pressures which exist in Sandbaai therefore justifying the proposed deviation from the document.
- The consistency with the morphology and past approvals is a site-specific justification for the approval of this application.
- The approval of this application would also contribute to the proposed consolidated erf contributing to a greater mixed-use environment.

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**WRAP**

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WRAP

## MOTIVATION

### Planning Principles

- **Spatial justice:** The approval of this application will not perpetuate spatial development imbalances caused by apartheid planning.
- **Spatial sustainability:** The approval of this proposal will not compromise on the spatial sustainability of Sandbaai.
- **Efficiency:** The approval of this proposal will lead to the efficient utilisation of services on the subject property while not burdening the municipal infrastructure capacity.
- **Spatial resilience:** The approval of this proposal will contribute to enhancing spatial resilience.
- **Good administration:** The public participation process will ensure that a joint planning approach is pursued.

This application took into consideration the site-specific circumstances of the subject property, title deed restrictions, and services connected to the property, various development frameworks and the planning principles. It has been motivated why this proposal is a viable and practical.

  
WRAP

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**11. RECOMMENDATION**

This motivation report has provided a clear and complete analysis of the site-specific circumstances of the erf and how the proposal blends in with the existing urban tissue.

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

- **Rezoning** of Erf 2461 Sandbaai from General Residential Zone 1: Town Housing (GR1) to Industrial Zone 1: General Industry (IND 1) in terms of Section 16 (2) (a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Consolidation** of Erf 2461 Sandbaai with Erf 1599 Sandbaai in terms of Section 16 (2) (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015;
- **Deviation** from the land reservation in the Overstrand Municipal Spatial Development Framework 2006 (OSDF) for Erf 2461 Sandbaai, after consolidation with Erf 1599 Sandbaai, to be used for industrial purposes in terms of Section 10 (1) of the Overstrand By-Law on Municipal Land Use Planning, 2015 and in terms of the applicable Sections of the Local Government: Municipal Systems Act No. 32 of 2000;
- **Deviation** from the land reservation in the Overstrand Municipal Growth Management Strategy (OMGMS) of densification zone more than 30 du per hectare for Erf 2461 Sandbaai, after consolidation with Erf 1599 Sandbaai, to be used as a local economic opportunity/industrial in terms of Section 10 (1) of the Overstrand By-Law on Municipal Land Use Planning, 2015 and in terms of the applicable Sections of the Local Government: Municipal Systems Act No. 32 of 2000;
- That the approval is subject to the erection of a wall, similar to the wall already erected on Erf 1599 Sandbaai, in the position as indicated on Plan 16/076/01.

Proposed wall plan of the consolidated erf

- Storage
- Industrial building
- Building line
- Split zoning line
- Parking bays (47)

Plan number 16/076/01

Plan prepared by : Realistsite Jenkile

All distances approximate and subject to survey.

WRAP makes no warranty of any kind, expressed or implied with regard to data and shall not be held liable in any event for any incidental or consequent damages in connection with or arising out of the use of this data. The data remains the property of the client and may only be used for the purposes of a project with the prior written approval of the client.

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Tel: 028 313 1411  
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WRAP

Total site 2484  
Cressent 4735m<sup>2</sup>



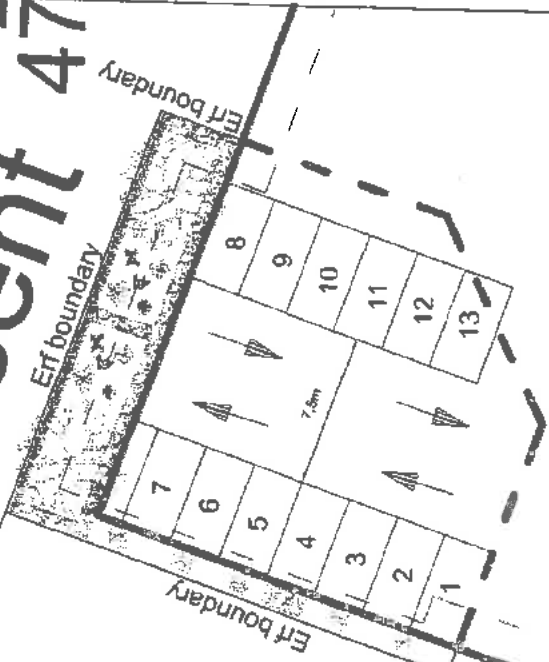
1484 Scale 1 : 500

Bergsig Street

Inset



Cressent 47



Scale 1 : 250

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEVIATION FROM THE OVERSTRAND SPATIAL  
DEVELOPMENT FRAMEWORK AND SPATIAL GROWTH MANAGEMENT  
STRATEGY, REZONING & CONSOLIDATION: ERVEN 2461 & 1599, SANDBAAI  
(3846)**

|                   |   |          |
|-------------------|---|----------|
| 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 the electricity connections to the erven must be consolidated to one connection, and that the available capacity be combined;
4. that stormwater be allowed to discharge through the proposed erven, Sandbaai, unobstructed;
5. that no on-street parking will be allowed.

  
 DENNIS HENDRIKS  
 SENIOR MANAGER:  
 ENGINEERING SERVICES

8/2/2018  
 DATE



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive  
Pinelands  
7404

Candice Spammer  
Tel: 021 414 5582  
Fax: 086 480 0617  
Email: spammec1@telkom.co.za

05 February 2018

Our Ref.: WWIP\_WONR0307\_18  
Your Ref.: 1599 & 2461 HSB 3846

Attention: S MÜLLER

Overstrand Municipality  
HERMANUS

**PLANT AFFECTED:**

**APPLICATION FOR DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK AND SPATIAL GROWTH MANAGEMENT STRATEGY, REZONING AND CONSOLIDATION – ERVEN 2461 AND 1599, COVE CRESCENT IN SANDY COVE AND BERGSIG STREET, SANDBAAI**

With reference to your application received December 2017,

**As important COPPER are affected, please contact our representative Frederik Swart at telephone number 028 514 1195 / 081 363 7815 / [FrederikS@openserve.co.za](mailto:FrederikS@openserve.co.za) least 48 hours prior of commencement on construction work.**

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

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

Approval is granted, subject to the following conditions.

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

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

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


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

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

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

All Open Serve rights remain reserved.

Yours faithfully



Selwyn Bowers  
Operations Manager  
Wayleave Management: Western Region

## SANDY COVE HOME OWNERS' ASSOCIATION

Refer all correspondence or enquiries to: The Directors  
Verwys alle korrespondensie en navrae aan: Die Direkteurs

P O Box 1980  
HERMANUS  
7200

contact number 072 272 5590

karasproperty@gmail.com

Posbus 1980  
HERMANUS  
7200

Mr R Kotzé  
CEO  
WRAP  
33 Duiker Street  
HERMANUS  
7200

Dear Mr Kotzé

This letter serves to confirm that we agree to the position of the Boundary Wall between Erf 2461 and Erf 1599, being amended from the original agreement and not to be built on the boundary line, but a few meters into Erf 2461, as indicated on the attached Wall Plan.

By approving this, it permits Industrial property, Erf 1599, to be "squared off", leaving approximately a 4.25m wide portion of land on the Sandy Cove side of the property, which will be very beneficial for Sandy Cove.

The 4.25m portion of land referred to in paragraph 2 above will be landscaped with trees and shrubs, irrigated and maintained by the owners of Erf 1599, as agreed.

Kind regards

THE TRUSTEES  
SANDY COVE HOME OWNERS' ASSOCIATION

16<sup>th</sup> November 2018.

TRUSTEES: Mrs I van Zyl (Chair), Ms C Edwards, Mr L van Heerden

**MINUTES : MUNICIPAL PLANNING TRIBUNAL****24 JANUARY 2019****4. ITEMS FOR CONSIDERATION****4.1**

**ERVEN 1599 AND 2461, COVE CRESCENT (SANDY COVE) AND BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA : APPLICATION FOR DEVIATION FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK AND SPATIAL GROWTH STRATEGY, REZONING AND CONSOLIDATION : MESSRS WRAP ON BEHALF OF HERMANUPROP CC**

**1599 & 2461 HSB (3846)**

**H van der Stoep**

**9 November 2018**

**(028) 313 8900**

**Hermanus Administration**

**EXECUTIVE SUMMARY**

An application has been received on 10 November 2017 from Messrs WRAP on behalf of Hermanuprop CC applicable to Erven 1599 and 2461, Sandbaai for the following in terms of Sections 10, 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000) in order to:

- ❖ Deviate from the Overstrand Spatial Development Framework (2006) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy (2010) in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation;
- ❖ Rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry; and the
- ❖ Consolidation of Erven 2461 and Erf 1599, Sandbaai.

**RESOLVED:**

1. that the application, in terms of Sections 16(2)(a) and (e) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the rezoning of Erf 2461, Sandbaai from General Residential Zone 1: Town Housing to Industrial Zone I: General Industry and the subsequent consolidation thereof with Erf 1599, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law; subject to the following conditions:
  - (a) that 2,5m high boundary walls be constructed by the developer on the dimensions as indicated on the revised layout plan (Plan No. 16/076/01), the style of which must be done in collaboration with the Home Owners Association of Sandy Cove – the walls must be maintained by the developer, or its successors in title, whenever necessary;

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- (b) that after confirmation of the approvals in 1. above the developer immediately commence with the registration of the consolidation and that building plans for the above boundary walls (at the cost of the developer) be submitted to the Municipality for approval within thirty (30) days after commencement of the registration of the consolidation, and that the boundary walls be constructed within thirty (30) days after approval of the building plans at the cost of the developer;
  - (c) that the area of Erf 2461 at the developer's side may only be utilised as a parking area, and be registered as such against the Title Deed of the consolidated land unit;
  - (d) that no heavy duty vehicles are allowed on the parking area and it may also not be used as a loading zone;
  - (e) that the parking bays be clearly demarcated;
  - (f) that the landscaping and vegetation type at the Sandy Cove sides of the above boundary walls be done in collaboration with and to the satisfaction of the Home Owners Association of Sandy Cove, which landscaping and vegetation are for the cost of the developer – landscaping and vegetation must be commenced with as soon as the boundary walls have been completed;
  - (g) that the conditions of Engineering Services and Telkom be complied with;
  - (h) that this approval does not absolve the applicant from compliance with any other relevant legislation; and
  - (i) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. 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.

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24 JANUARY 2019

**RECOMMENDATION TO THE COUNCIL :**

that the application to deviate from the Overstrand Spatial Development Framework (2006) in order to change the reservation of Erf 2461, Sandbaai from residential purposes to industrial purposes, as well as to deviate from the Overstrand Municipal Spatial Growth Management Strategy (2010) in order to change the reservation of the said property from a densification grading to a local economic industrial opportunity reservation, **be recommended for approval** by Council in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

**RESPONSIBLE OFFICIAL :**

**H VAN DER STOEP**