

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 May 2017
(Also the agenda for the Mayoral Committee Meeting : 31 May 2017)**

12.

ERF 149, 61 KABELJOU STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING : MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF HC ROWORTH

149 GKB (3164)

SW van der Merwe

(028) 313 8900

Hermanus Administration

22 February 2017

1. Executive Summary

To consider an application received on 15 December 2015 from Messrs PlanActive Town- and Regional Planners on behalf of the owner of Erf 149, Van Dyksbaai (Kleinbaai), HC Roworth, for the rezoning of the property from Residential Zone 1: Single Residential to Business Zone 3: Local Business in order to accommodate an existing shark cage diving business on the property.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town Planning

3. Compliance with Strategic Priorities

Provision of democratic and accountable governance
Promotion of tourism, rural and economic development

4. Delegated Authority

Executive Mayor

5. Legal Requirements

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

6. Background/Discussion/Evaluation/Conclusion

Background

Kleinbaai over a number of years developed from a tranquil residential holiday town into a town renowned for its shark and whale watching opportunities,

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giving rise to the development of a lucrative tourism business industry (shark and whale watching business, restaurants, accommodation establishments and support services). The aforementioned occurred in an uncoordinated manner attracting large numbers of tourists, locally as well as internationally. The shark and whale watching companies launch from the Kleinbaai Slipway, which is also used by sport and line fishers. Most of the shark cage diving operators conduct their businesses from single residential properties without the necessary approvals. There is therefore a need to legalise these operators. As a result the area around the Kleinbaai Slipway was designated as a tourism node/economic opportunity in terms of the Overstrand Growth Management Strategy, 2010.

More recently Council adopted the Kleinbaai Nodal Development Framework as a Precinct Plan that forms part of the Spatial Development Framework (SDF) on 30 March 2016. The approval imposed certain conditions, namely a restriction on the number of shark & whale watching boats launching from the Kleinbaai Slipway to a maximum of ten (10) boats, whilst any additional permit holders, above ten (10), shall launch from the Gansbaai Harbour (Minutes of the Ordinary Meeting of the Council is attached as Annexure F). The aforementioned framework provides for mixed use tourism related development into the designated node, planning for the specific needs of the sector, balanced against the need to protect the character and amenity of the area.

The subject property is situated on the corner of Geelbek and Kabeljou Street, van Dyksbaai. The current application seeks to obtain the necessary development rights to legalise the current unauthorised business activities on the premises. The current business operations entail the following, namely:

- administrative/booking office component;
- transportation of guests from Cape Town/Hermanus to the premises arriving at 06:00;
- guests receive a safety brief, lasting about one (1) hour before boarding the boat;
- transportation of guests to the slipway (mainly walking);
- provide breakfast and lunch before and after a trip for paying guests;
- provision of diving gear to guests, and
- sale of souvenirs.

Supreme Sharks can accommodate a maximum of twenty eight (28) people on their boat. A typical trip lasts about three (3) hours. Typically two (2) trips are being conducted on a daily basis, increasing to three (3) trips during peak season. Operating hours are from 05:00 to 14:00, but during peak season extends to 20:00 when three (3) daily trips are conducted. The facilities are situated in an existing house and comprise a reception, conference area (utilised for briefings), souvenir shop, office, kitchen, scullery, laundry and

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parking. The existing garage is used to store wetsuits and chum. The company provides fourteen (14) employment opportunities. The current parking area to the side of the house with direct access to Geelbek Street has not been approved by the Municipality and is also deemed unauthorised.

Discussion

The application was advertised in the prescribed manner and registered notices were served upon interested and affected parties. Three (3) letters of objection (attached as Annexure D) were received. The objections were submitted by adjoining property owners, Mr JGM Rossouw, GA Smith and the Kleinbaai Ratepayers and Residents Association. One (1) letter of support was received from Messrs Marine Dynamics. The main grounds for objection are the following, namely:

Kleinbaai Ratepayers and Residents Association, JGM Rossouw, on behalf of the owners of Erf 134 Kleinbaai and G Smith, the owner of Erf 150 Kleinbaai

- the business is being conducted illegally;
- the business is situated within a residential area;
- insufficient on-site parking provision;
- illegal parking on pavements and obstruction of accesses to adjoining properties;
- noise and disturbance as a result of business activities before sunrise and after sunset result;
- alleged rear building line encroachments;
- littering, and
- previous study only supported a maximum of eight (8) operators.

One (1) letter of support was submitted by Messrs Marine Dynamics stating that the proposed rezoning is supported subject to the following, namely:

- storage of chum should not create offensive smells;
- kitchen for preparation of food should be subject to inspections and applicable health standards, and
- sufficient and correctly laid out parking that does not affect surrounding businesses or residential properties.

Applicant's Comment

The applicant's comment is attached as Annexure E and can be summarised as follows:

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- the applicant notes that the business is conducted illegally, hence their appointment following an instruction from the Municipality;
- properties in Geelbek Street are being utilised for business purposes in relation to shark cage operators and tourism businesses, and have been taken into account in existing forward planning documents accepted by Council (i.e. SDF, Growth Management Strategy (GMS) and Kleinbaai Nodal Development Framework Study);
- the application is in line with the existing forward planning for the area;
- the surrounding area does not only comprises of residential properties, but also includes shark cage diving operators, filling station, bottle store, souvenir shops, guesthouses and restaurant;
- a Traffic Impact Statement (TIS) was conducted, indicating that the parking layout is sufficient, whilst the number of parking bays complies with the Scheme Regulations;
- parking restrictions (red line) has been introduced;
- the applicant is not aware of littering, but is responsible to keep his premises clean and tidy;
- the applicant indicated that briefing of clients before 08:00 will take place indoors; and
- the applicant indicated that chum is no longer stored on premises.

Town Planner's Comment

The business is being conducted illegally

The concern of the objectors pertaining to the fact that the business is illegal is noted and agreed with. The application however is still to be considered on merit, in accordance with the provisions of Section 36 of LUPO, namely desirability and impact on vested rights.

The business is situated within a residential area

The subject property is situated in an area that has been earmarked for commercial development, i.e. a tourism node, as per the GMS and the Kleinbaai Nodal Development Framework. The subject property is situated on the corner of Geelbek and Kabeljou Street opposite existing commercial properties, with Geelbek Street the main access from the shops towards the slipway. The area has a mixed character, comprising a guest house, shop, bottle store, filling station, restaurant and shark cage diving business all situated on commercial premises. It should however be acknowledges that properties adjoining and opposite in Kabeljou Street remains single residential. The area however cannot be considered purely residential.

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Insufficient on-site parking provision

On-site parking provision will be made in accordance with the provisions of the Scheme Regulations, to the satisfaction of the Municipality. In this regard the applicant will be required to submit a parking layout for municipal approval within thirty (30) days of the approval. Any shortfall in the amount of on-site parking bays will be met through a payment in lieu of on-site parking provision, in accordance with the provisions of the Scheme Regulations. Such monies due will be ring-fenced for the development of a communal parking facility as identified in the Precinct Plan. Such facility must be situated within convenient walking distance of the subject property.

Illegal parking on pavements and obstruction of accesses to adjoining properties

The applicant will be required to submit a revised parking layout for approval by the Senior Manager: Engineering Services demonstrating manoeuvring of vehicles take place on site. Parking will be provided on-site as far as possible, or alternatively on a designated communal parking area in respect of any potential shortfall.

The matter pertaining to illegal parking on sidewalks, pavements and obstructing access to private properties is to be dealt with on an operational basis through parking restrictions where appropriate and the Law Enforcement Section. In this regard it should be noted that red lines were painted in Kabeljou Street in order to prevent illegal parking and blocking of residential accesses.

Noise and disturbance as a result of business activities before sunrise and after sunset result

The subject property is situated within an area that is earmarked for business/commercial use, identified in terms of the GMS. The subject property is situated in an area with mixed character, comprising a guest house, shop, filling station, bottle store and restaurant. The character is therefore not purely single residential.

Pertaining to the subject property the applicant/property owner will be responsible to ensure that the establishment on the premises does not detract from the amenity of adjoining properties, by reason of noise and disturbance. Given the location in an area that has been identified it is not considered appropriate to impose conditions in terms of hours of operation. A condition will however be imposed to ensure that the briefing of clients before 08:00 and after 18:00 occurs indoors.

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Alleged rear building line encroachments

The alleged encroachments relates to an outbuilding situated on the rear- and lateral erf boundary that was approved as an outbuilding. The applicant did not indicate this building on the Site Development Plan (SDP), currently being utilised as a laundry room. The use is in line with the definition of an outbuilding. Furthermore, it should be noted that the rear of the dwelling was approved on the former 1,57m lateral building line. Although not indicated on the SDP as such, it appears that the dwelling is situated at an angle with the boundary adjoining Erf 148 and that a small section actually encroach the lateral building line. The applicant will therefore be required to submit an application for departure in order to legalise the encroachment of the lateral building line.

Littering

It is the responsibility of the owner/applicant to ensure the littering does not occur, or is managed on the property.

Previous study only supported a maximum of eight (8) operators

The allocation of parking bays at the slipway that is linked to shark and whale watching permits has been investigated and considered in the Kleinbaai Precinct Plan that was adopted by Council during March 2016. The Precinct Plan report investigated amongst others, parking capacity at the slipway, bearing in mind the requirements of other users of the slipway, such as line fishers, sport and recreational fishers, identifying sufficient space to accommodate two (2) additional parking bays, increasing the number to ten (10). The Council's resolution contains conditions that restrict the number of permits to ten (10), where after launching should occur from Gansbaai Harbour, should government in future issue additional permits.

One (1) letter of support was submitted by Messrs Marine Dynamics stating that the proposed rezoning is supported subject to the following, namely:

Storage of chum should not create offensive smells

The applicant indicated that chum is no longer stored on the premises, but in the industrial area.

Kitchen for preparation of food should be subject to inspections and applicable health standards

The facilities will have to comply with the relevant legislation, i.e. the Business Act, Food Preparation and be subject to inspections by the Health Officers.

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Sufficient, correctly laid out parking that does not affect surrounding businesses or residential properties

On-site parking will be provided in accordance with the provisions of the Scheme Regulations. Any shortfall in on-site parking will be provided off-site in a communal parking area. The applicant will be required to make a financial contribution in lieu of on-site parking, in accordance with the provisions of the Scheme Regulations.

Evaluation

Erf 149 van Dyksbaai is zoned for single residential purposes and is currently illegally being utilised for tourism business purposes. The current application seeks to legalise the current unauthorised activities.

The SDF: 2006 earmarks the subject property for residential purposes. The SDF acknowledge amongst others a balanced land use mix, economic and tourism development and the contribution of the shark cage and whale watching industries thereto. The GMS: 2010 identified a development node and earmarked the area between Perlemoen- and Geelbek Streets, Kusweg and Swart Street as a tourism node and economic opportunity. Further to the above, the Kleinbaai Nodal Development Study was adopted by Council as a Sectoral Plan, forming part of the SDF on 30 March 2016. The proposed rezoning from Residential Zone 1 to Business Zone 3: Local Business accords with the proposals contained in the aforementioned documents.

The subject property, contrary to the opinion of the objectors, is not situated within a purely single residential area. The surrounding area has a mixed character and comprising the following authorised uses, namely: guest house, shop, bottle store, filling station, restaurant and tourism businesses situated along Geelbek Street. Having had regard to the aforementioned, the opinion is held that the proposed rezoning to Business Zone 3 will not detract from the character and appearance of the surrounding area and is therefore deemed desirable.

The proposed rezoning will not unacceptably detract from the residential amenity from adjoining properties due to the following reasons, namely the area has a mixed character and is not purely single residential. Furthermore, the applicant indicated that briefing of clients before 08:00 in the morning will no longer take place outside, but inside the buildings and will be incorporated within the conditions of approval. Furthermore, staff access before 08:00 and after 18:00 will be restricted to the access from Geelbek Street. The applicant is also responsible to manage his business, including noise so that it would not adversely impact the adjoining properties. Given the location of the property on an activity corridor in an area with a mixed character, the fact that the proposal complies with the existing forward planning for the area, the

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proposal is considered desirable and not to unacceptably detract from the residential amenity of the adjoining properties.

The applicant stated that all services exist and that no additional services will be required. No objection is raised from an engineering services point of view, subject to conditions.

The applicant appointed Messrs DECA Consulting Engineers to conduct a Traffic Impact Statement (TIS). The TIS (attached as Annexure G) concluded that the development has a low impact and that parking can be provided on-site. The development is supported from a transport perspective, subject to sufficient on-site parking.

The development based on the SDP triggers the provision of ten (10) on-site parking bays in accordance with the provisions of the Scheme Regulations (six (6) parking bays per 100m² Gross Leasable Area). The TIS supports the proposed parking layout, but did not acknowledge the fact that the proposed parking bays adjacent to Geelbek Street, encroach onto the road reserve by at least 0,8m. Furthermore, parking backing directly into the street is not supported. As such, the applicant will be required to submit a parking layout for approval by the Senior Manager: Engineering Services, which parking layout shall demonstrate that parking can be provided within the confines of the property boundaries with manoeuvring to occur on-site. In the case that the parking layout demonstrates a shortfall, the applicant will be required to make a financial contribution in lieu of parking provision in accordance with the requirements of the Scheme Regulations to be paid into a parking fund. Any such contributions to be levied shall be ring-fenced for the planning and development of the communal parking area.

The Title Deed does not contain any restrictive conditions that prohibit the proposed rezoning.

Conclusion

That the application be supported in the manner as set out in the recommendation of this submission.

7. Financial Implications

Launching tariffs
Parking fees to be escalated to pay for the upgrades.

8. Staff Implications

None

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9. Comments from other Departments, Divisions and Administrations

Health

Approved. No objections.

Environmental Services

No listed activities.

Operational Services

Attached as Annexure H.

Fire Services

No comment.

Waste Management

No objection.

Building Department

No objection.

Engineering Department

Annexure I.

10. Annexures

Annexure A: Locality Plan

Annexure B: Motivation Report

Annexure C: Site Development Plan

Annexure D: Objections

Annexure E: Comment on objections

Annexure F: Minutes of the Ordinary Meeting of the Council dated
30 March 2016

Annexure G: Traffic Impact Statement

Annexure H: Operational Services

Annexure I: Services Report

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RECOMMENDATION :

1. that the objections be noted;
2. that the application for the rezoning of Erf 149, Van Dyksbaai from Residential Zone 1 to Business Zone 3: Local Business for tourism business purposes in terms of the provisions of Section 16 of the Land Use Planning, 1985 (Ordinance 15 of 1985), **be approved**;
3. that the above approval be subject to the following conditions:
 - (a) that a Site Development Plan (SDP) containing the exact location and description of all buildings and structures be submitted for approval by the Senior Manager: Town- and Spatial Planning;
 - (b) in the event that the SDP in paragraph (a) above demonstrates building line encroachments the applicant will be required to submit a departure application to legalise the building line encroachments within the prescribed period;
 - (c) that a parking layout be submitted within thirty (30) days from the final approval of the application to the satisfaction of the Senior Manager: Engineering Services;
 - (d) that in the event that the parking standard cannot be met on-site, the applicant will be required to make a payment in lieu of on-site parking provision in accordance with the requirements of the Scheme Regulations;
 - (e) in the event that a payment in lieu of parking provision be applicable, such monies to be ring-fenced into a parking fund for the planning and development of a communal parking area in van Dyksbaai, as per the van Kleinbaai Nodal Framework Report;
 - (f) that the parking area be permanently demarcated and at all times be available for use by clients;
 - (g) that the applicable business license in terms of the relevant legislation be obtained;
 - (h) that the briefing of clients outside the hours of 08:00 and 18:00 may only take place indoors;
 - (i) that all staff arriving and leaving the premises outside the hours of 08:00 to 18:00 shall utilize the entrance from Geelbek Street;

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- (j) 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;
 - (k) that the display of advertising shall comply with the Overstrand Signage By-law;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that the establishment be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (n) that all the conditions in the Services Report (attached as Annexure I), be complied with;
 - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (p) that Council may impose additional conditions in order to minimise any potential public nuisance.
4. that the applicant be notified of his/her right of appeal in terms of the provisions of Section 62 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and/or the Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RESPONSIBLE OFFICIAL :	S VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	14 JUNE 2017
TARGET DATE TO INFORM APPLICANT :	14 JUNE 2017
TARGET DATE TO INFORM OBJECTORS :	14 JUNE 2017

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12.

ERF 149, 61 KABELJOU STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING : MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF HC ROWORTH

149 GKB (3164)

SW van der Merwe

(028) 313 8900

Hermanus Administration

22 February 2017

THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 22 MAY 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

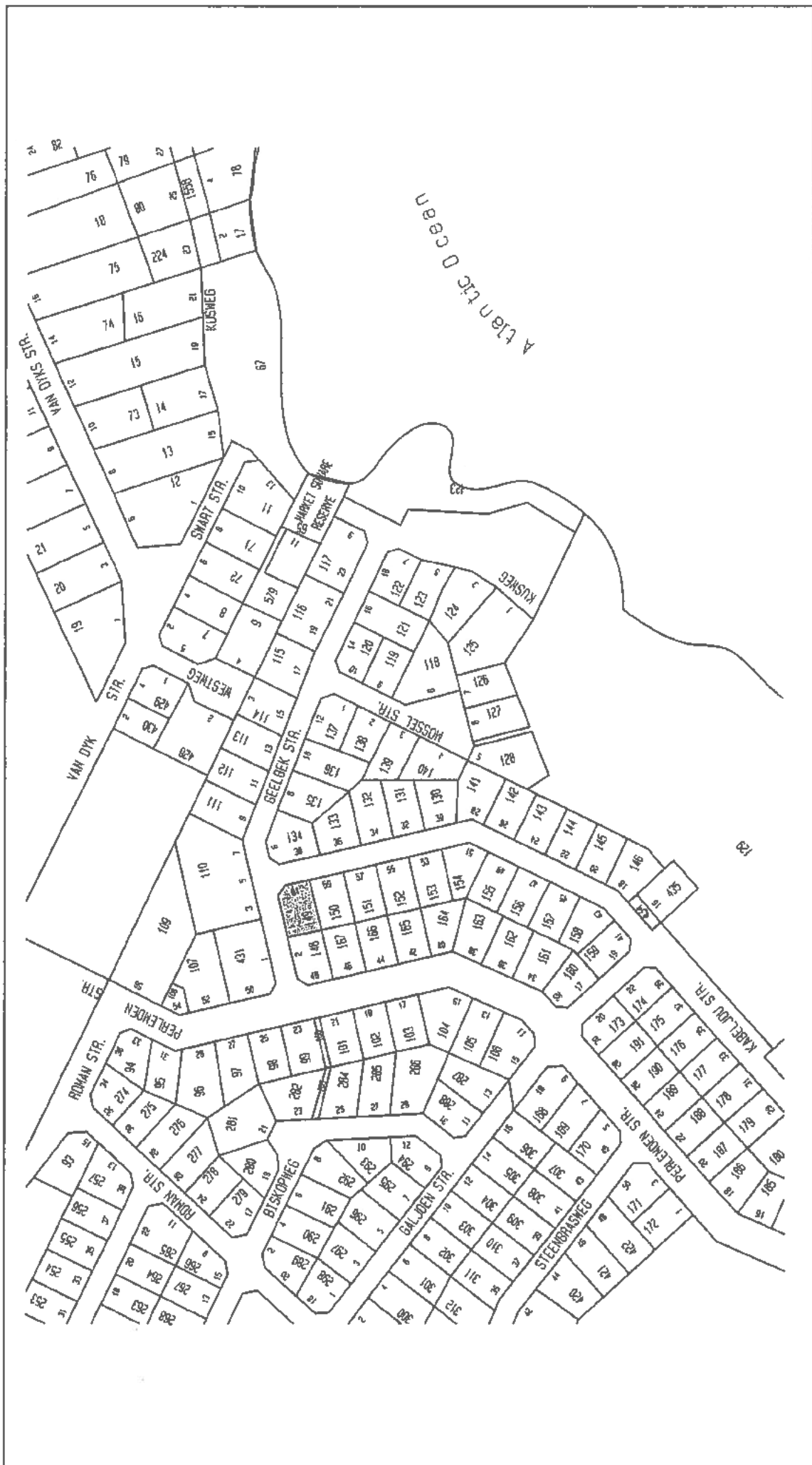
RECOMMENDATION:

1. that the objections be noted;
2. that the application for the rezoning of Erf 149, Van Dyksbaai from Residential Zone 1 to Business Zone 3: Local Business for tourism business purposes in terms of the provisions of Section 16 of the Land Use Planning, 1985 (Ordinance 15 of 1985), **be approved**;
3. that the above approval be subject to the following conditions:
 - (a) that a Site Development Plan (SDP) containing the exact location and description of all buildings and structures be submitted for approval by the Senior Manager: Town- and Spatial Planning;
 - (b) in the event that the SDP in paragraph (a) above demonstrates building line encroachments the applicant will be required to submit a departure application to legalise the building line encroachments within the prescribed period;
 - (c) that a parking layout be submitted within thirty (30) days from the final approval of the application to the satisfaction of the Senior Manager: Engineering Services;
 - (d) that in the event that the parking standard cannot be met on-site, the applicant will be required to make a payment in lieu of on-site parking provision in accordance with the requirements of the Scheme Regulations;
 - (e) in the event that a payment in lieu of parking provision be applicable, such monies to be ring-fenced into a parking fund for the planning and development of a communal parking area in van Dyksbaai, as per the van Kleinbaai Nodal Framework Report;

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- (f) that the parking area be permanently demarcated and surfaced to the satisfaction of the Senior Manager : Engineering Services and at all times be available for use by clients;
 - (g) that the applicable business license in terms of the relevant legislation be obtained;
 - (h) that the briefing of clients may only take place indoors;
 - (i) that all staff arriving and leaving the premises outside the hours of 08:00 to 18:00 shall utilize the entrance from Geelbek Street;
 - (j) 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;
 - (k) that the display of advertising shall comply with the Overstrand Signage By-law;
 - (l) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (m) that the establishment be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (n) that all the conditions in the Services Report be complied with;
 - (o) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation; and
 - (p) that Council may impose additional conditions in order to minimise any potential public nuisance.
4. that the applicant be notified of his/her right of appeal in terms of the provisions of Section 62 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) and/or the Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RESPONSIBLE OFFICIAL :	S VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	10 MAY 2017
TARGET DATE TO INFORM APPLICANT :	10 MAY 2017
TARGET DATE TO INFORM OBJECTORS :	10 MAY 2017



Scale: **NTS**
 Drawing Nr: vand149L.dwg
 Date: 03/12/2015

Plan Description:
LOCALITY MAP

Property Description:
ERF 149
VAN DYKSBAAI

All distances approximate
 and subject to survey.
COPY RIGHT RESERVED

Stads- en Streeksbeplanners
 Town & Regional Planners



PROPOSED REZONING
ERF 149 VAN DYKSBAAI

DIVISION: CALEDON
OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Supreme Sharks on behalf of the owner of Erf 149 Van Dyksbaai, Mr. Harold Claude Roworth has instructed the company Plan Active to apply for the rezoning in order to change the current land use of the dwelling to a business premises from where Supreme Sharks operates their shark cage diving excursions.

Erf 149 Van Dyksbaai is 588m² in extent and is currently held by title deed number T28021/2002.

Detail of the proposal 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 Erf 149 Van Dyksbaai, from Residential Zone I to Business Zone III (Local Business);

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 149 Van Dyksbaai is situated on the corner of Geelbek Street and Kabeljou Street, Van Dyksbaai. Please refer to the locality plan attached. Erf 149 Van Dyksbaai is 588² in extent and is situated in a mixed land use area.

3.2 ZONING

Erf 149 Van Dyksbaai is zoned Residential Zone I. Surrounding properties are zoned for single residential purposes, home based business uses, local business uses, offices and guesthouses.

3.3 LAND USE

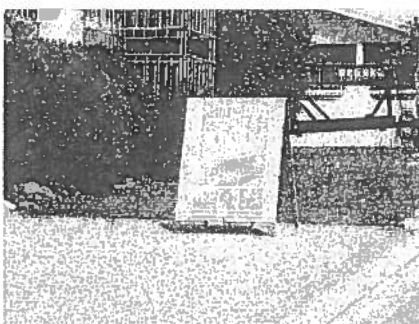
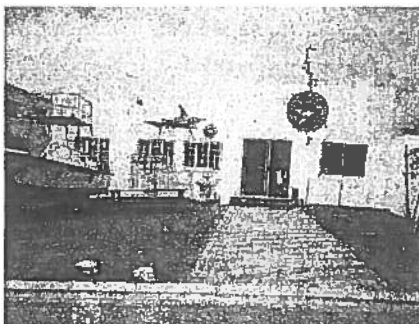
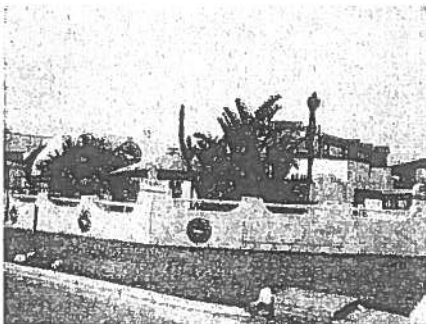
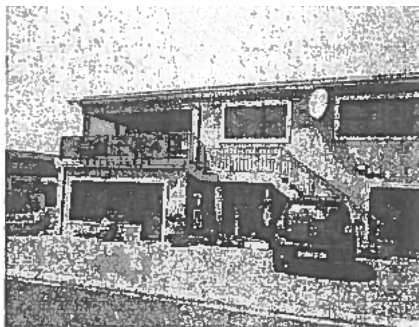
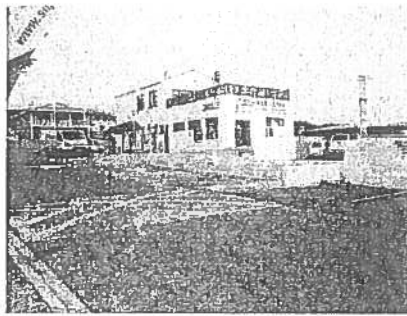
Erf 149 Van Dyksbaai is used as the hub from where Supreme Sharks takes visitors to partake in shark cage diving.

Examples of surrounding land uses other than single residential uses are:

- Shark Cage Diving Operators
- Filling Station
- Bottle Store
- Souvenir Shops
- Guesthouses
- Restaurant

Please refer to the photographs below:

Motivation report



In the Kleinbaai Nodal Development Study final draft report, DECA Consulting Engineers and CSM compiled a land use plan that confirms the above mentioned land uses. Please refer to Annexure A.

3.4 PROPOSAL

- The rezoning of Erf 149 Van Dyksbaai, from Residential Zone I to Business Zone III in terms of Section 17 of the Land Use Planning Ordinance, Ordinance 15 of 1985;

The detail of the application can be described as follow:

3.4.1 Proposed Rezoning

The owner intends to rezone Erf 149 Van Dyksbaai in order accommodate the existing Supreme Sharks, shark cage diving business as a primary right. In order to do so it is required that an application be lodged to rezone the subject property from Residential Zone I to Business Zone III (Local Business).

The existing dwelling on Erf 149 Van Dyksbaai is currently being used as a business premises from where Supreme Sharks operates their business. Their business operations can be summarised as follow:

- Transporting guest from Hermanus and Cape Town to come and view the White Sharks.
- Provide a brief before going on board the boat to view the sharks.
- Provide visitors with a breakfast and lunch before and after they viewed the sharks.
- Provide diving gear to visitors.
- Sale of souvenirs.

Supreme Sharks can accommodate 28 people per trip on their boat and average approximately 2 trips per day, but can do 3 trips in a day in summer. A typical trip can be summarised as follows:

- Visitors arrive at 6:00am and take part in a safety brief and a breakfast that lasts approximately an hour.
- The visitors are then transported to the boat that is situated in Kleinbaai Harbour from where they will depart to view the Sharks.

Motivation report

- On their return the visitors will enjoy a light lunch and will also have the opportunity to buy souvenirs.

A typical trip takes ± 3 hours. It should be noted that the breakfasts and lunches are only for visitors that has paid to go on a shark cage viewing trip and make up part of their package. Breakfast and lunches are not catered for the general public.

With reference to the above the working hours are predominantly from 5:00am in the morning when the staff arrives until 2:00pm, but when a 3rd trip is accommodated in the summer their operating hours are until 8:00pm.

The existing dwelling that is being utilised as a business premises consists of a reception, conference area where visitors are briefed, souvenir shop, an office, kitchen, scullery, laundry and parking. The double garage is partially used to store wetsuits and chum.

Supreme Sharks has created ± 14 jobs that consists of:

- 2 Directors
- 4 Booking and Admin Personal
- 2 Kitchen Staff
- 5 Boat crew
- 1 Maintenance person

With reference to the as built plan the total coverage of the existing dwelling is $\pm 200\text{m}^2$. The total area of the site is 588m^2 in terms of the S.G. Diagram and therefore the coverage is 34%. Please refer to the enclosed site development plan.

3.4.3 The Title Deed

The Title Deed applicable to Erf 149 Van Dyksbaai contains no restrictive conditions that will have to be removed in order to rezone the property from Residential Zone 1 to Business Zone 3. Please refer to the enclosed Conveyancer's Certificate.

3.5 ACCESS & PARKING

The Overstrand Municipality requested that a traffic impact statement should accompany our application for rezoning. DECA Consulting Engineers compiled the Kleinbaai Nodal Development Study final draft report and therefore had access to all the traffic counts of the area in order to compile a traffic impact statement. Supreme Sharks appointed DECA Consulting Engineers to provide us with a traffic impact statement. We enclosed a copy of the statement as Annexure B that addresses the current parking, the number of trips generated and distributed, traffic impact and parking.

With reference to their conclusion based on a number of assumptions it was calculated that the development has the potential to generate 14 trips per peak hour. And that a total number of 11 parking bays are required. These parking bays can be provided on site. Their recommendation reads as follows:

"The proposed rezoning of Erf 149 from Residential 1 to Local Business is in line with the recommendations of the Kleinbaai Nodal Development study. The development is supported from a transport perspective, given that sufficient parking is provided on site."

DECA Consulting Engineers also provided a parking layout for Erf 149 Van Dyksbaai. Please refer to Annexure C. With reference to their study 11 parking bays are required and 11 parking bays are provided for on the parking layout.

SERVICES

Services related to water, sewage, electricity and refuse removal are provided by the Overstrand Municipality and are sufficient. No additional services would be required.

3.6 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates Erf 149 Van Dyksbaai within Planning Unit 5. Planning Unit 5 consists of the majority of erven in Van Dyksbaai and Kleinbaai. Erf 149 Van Dyksbaai also falls within a Development Node in terms of the Opportunities and Constraints and it is also earmarked for economic opportunity in terms of the Strategic Growth Management Interventions Plan and the Proposal Plan. Local business opportunities will therefore be supported within this development node and economic opportunity corridor.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks Erf 149 Van Dyksbaai for single residential purposes.

With reference to the above it should be noted that the Overstrand Municipal Growth Management Strategy is an extension of the Overstrand Municipal Wide Spatial Development Framework and we are of the opinion that the proposed land use is compatible with the above mentioned proposals and current land uses of the area.

A Nodal Development Study was done by DECA Consulting Engineers and CSM for Kleinbaai. In terms of the study the proposed rezoning of Erf 149 Van Dyksbaai from Residential Zone 1 to Residential Zone 3 is inline therewith. This is confirmed in their traffic impact statement that reads as follows:

"The proposed rezoning of Erf 149 from Residential 1 to Local Business is in line with the recommendations of the Kleinbaai Nodal Development study. The development is supported from a transport perspective, given that sufficient parking is provided on site."

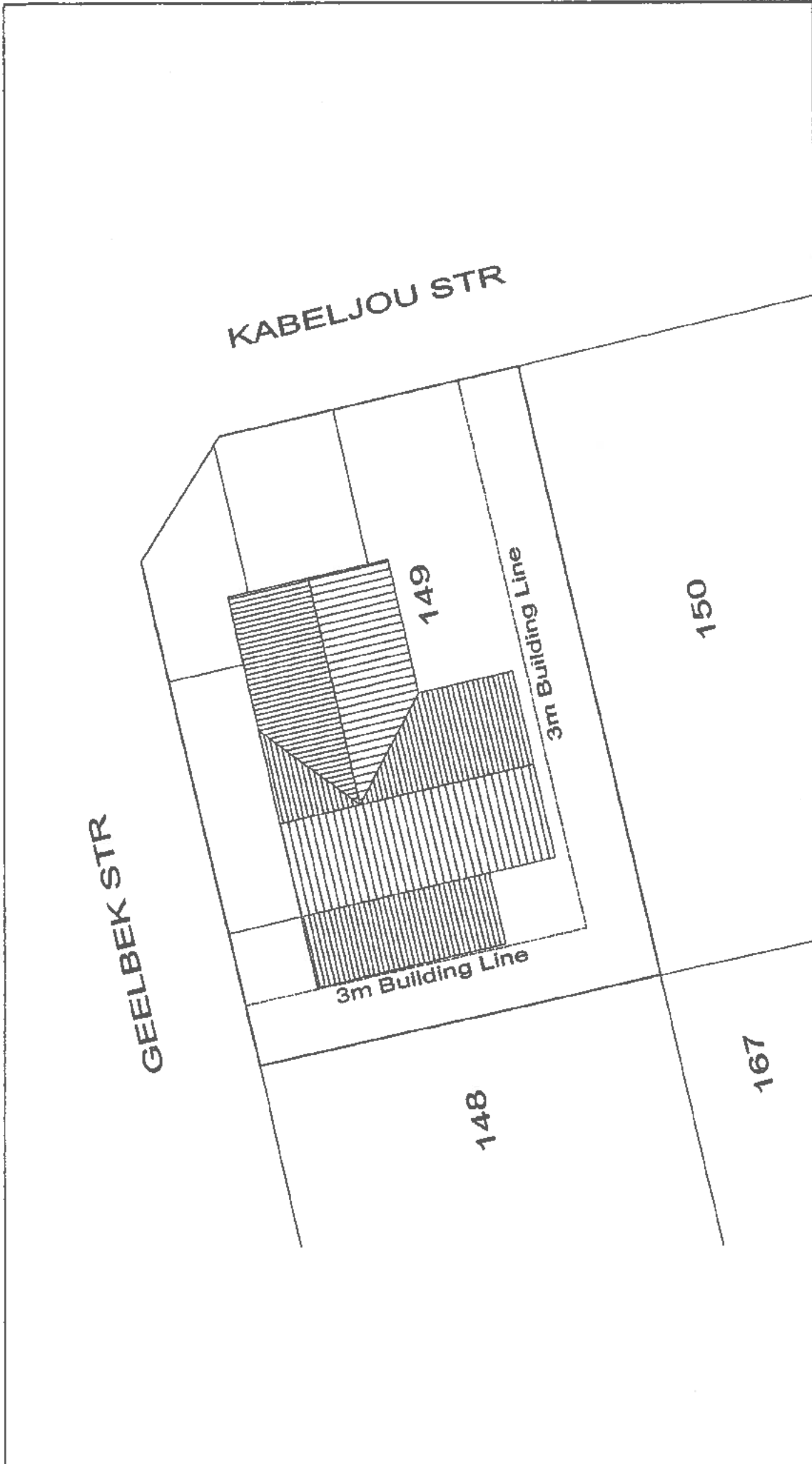
This proposed use for a shark cage diving operator will not have a negative impact on the surrounding land owners.

4. RECOMMENDATION

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

- All services on the subject property already exist and no additional services would be required;
- The proposal is in line with the Overstrand Municipal Growth Management Strategy that is an extension of the Overstrand Municipal Wide Spatial Development Framework and the Kleinbaai Nodal Development Study.
- The proposed rezoning 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 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 approve the rezoning of Erf 149 Van Dyksbaai from Residential Zone 1 to Business Zone 3.



PIAⁿ Stads- en Streeksbeplanners Town & Regional Planners	All distances approximate and subject to survey.	Property Description: ERF 149 VAN DYKSBAAI	Plan Description: SITE PLAN	Scale: 1:250 Drawing Nr: basemap.drw Date: 10/12/2015
	COPY RIGHT RESERVED			



NOTES:
 Total Floor Area:
 Existing Double Garage ±48m²
 Existing Dwelling ±174m²
 GLA: ±163m²
 GLA excludes the bathrooms and double garage
 Parking requirement:
 6 parking Bays / 100m²GLA
 Parking Bays required = 9.8
 Parking Bays Provided = 11

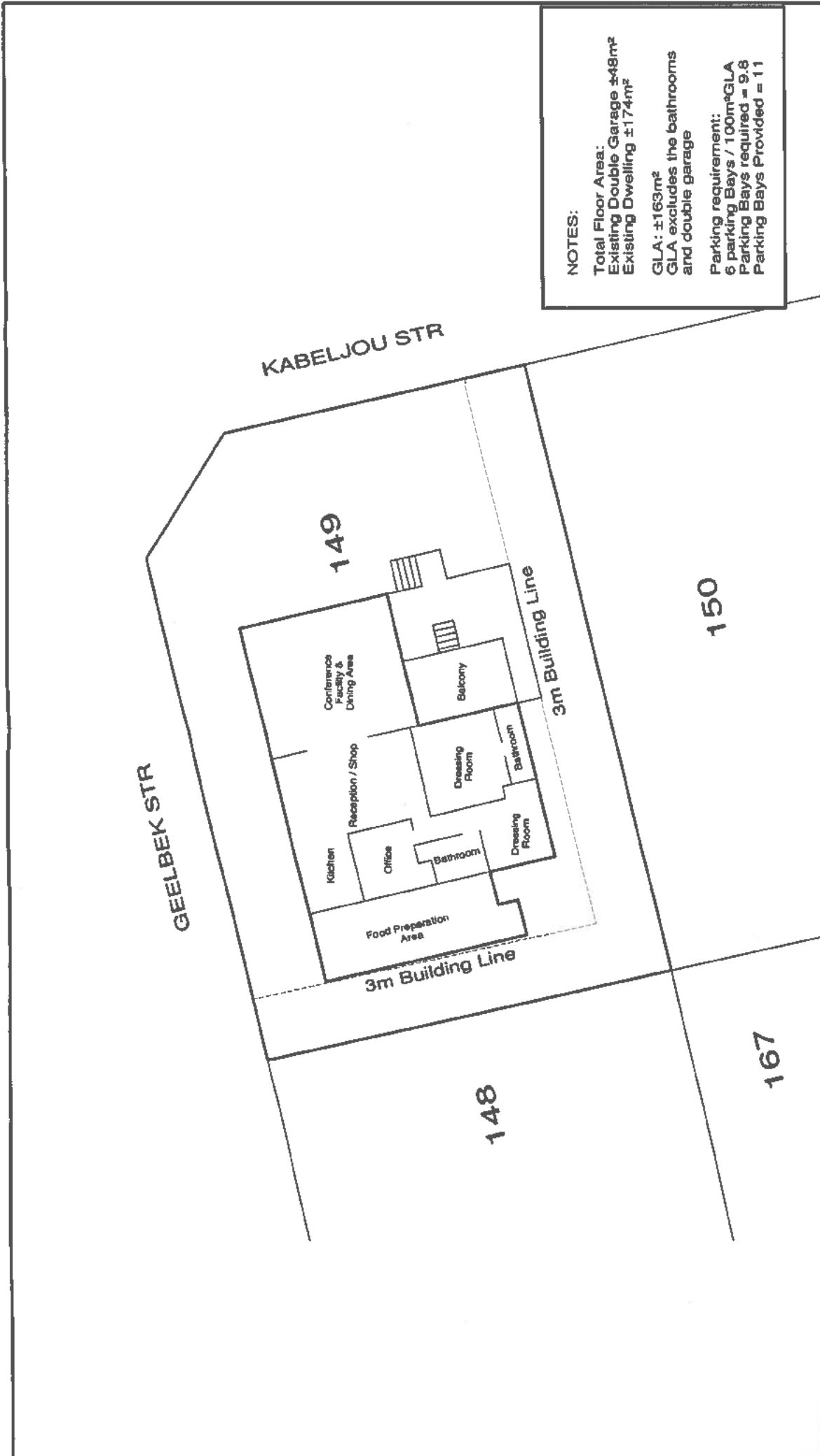
Scale: 1:250
 Drawing Nr: vand149sp2.drw
 Date: 10/12/2015

Plan Description:
SITE PLAN

Property Description:
ERF 149
VAN DYKSBAAI

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



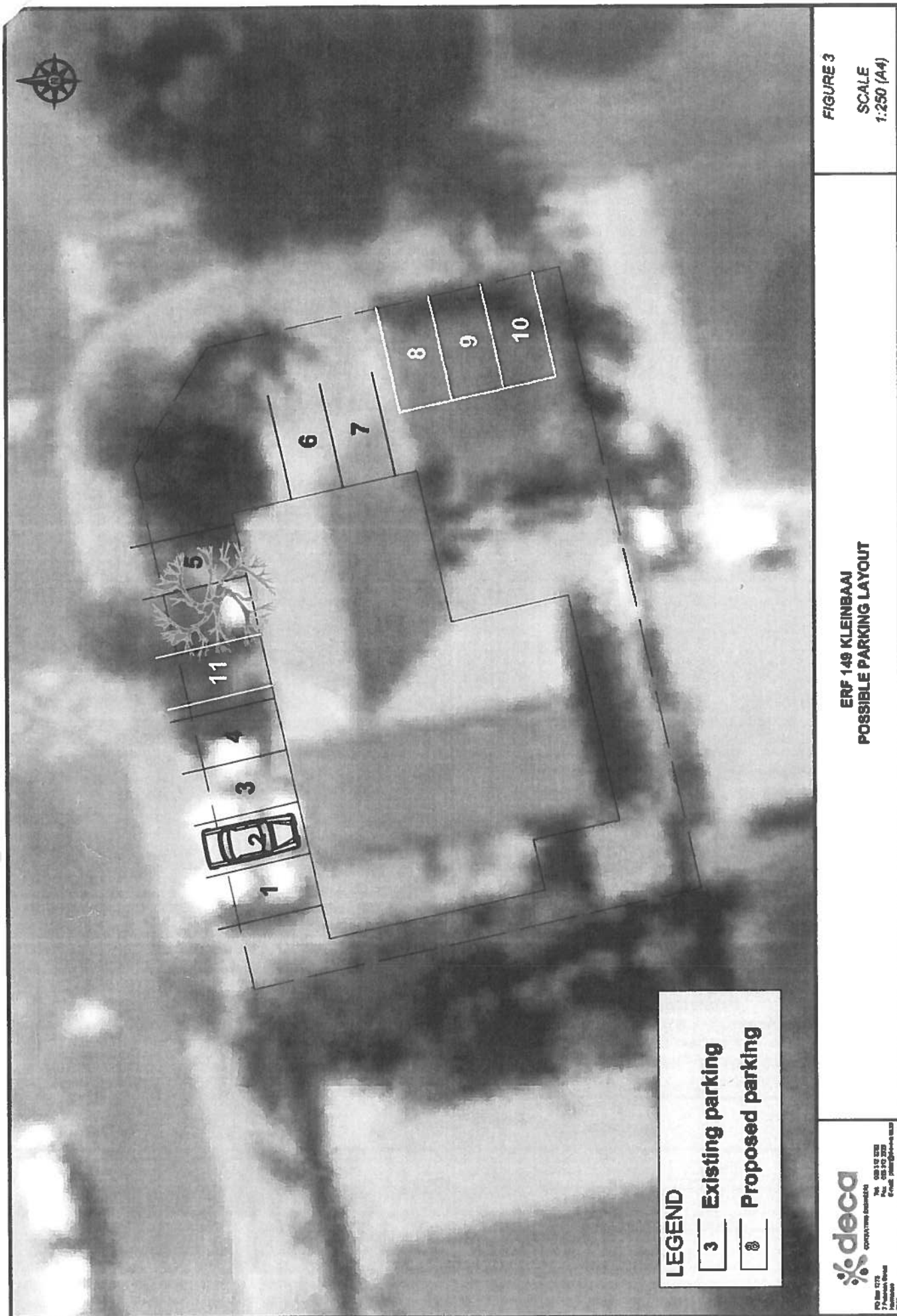


FIGURE 3
SCALE
 1:250 (A4)

ERF 149 KLEINBAAJ
POSSIBLE PARKING LAYOUT

LEGEND

3	Existing parking
8	Proposed parking

deca
 CONSULTING ENGINEERS

PO Box 1275
 7 Fishback Street
 Durban
 4001

Tel: 031 300 3272
 Fax: 031 300 3289
 Email: info@deca.co.za

TA A Theert
C S vd Merwe

**KLEINBAAI BELASTINGBETALERS EN
INWONERSVERENIGING**



Steenbokstraat 46
Groenberg
Kleinbaai
7220

Die Areabestuurder
Overstrand Munisipaliteit
Gansbaai Administrasie
Posbus 26
Gansbaai
7220



23 Mei 2016

Geagte Meneer

**ERF 149, KABELJOUSTRAAT 61, KLEINBAAI: VOORGESTELDE
HERSONERING NA SAKESONE 111**

Die advertensie namens H.C. Roworth vir die hersonering van Erf 149, Kabeljoustraat 61, Kleinbaai, van Residensiëlesone 1 na Sakesone 111 om die bestaande haai-operateur besigheid op die betrokke eiendom te akkommodeer, het betrekking.

Die KBBV teken hiermee beswaar aan teen die hersonering van Erf 149, Kabeljoustraat 61 van Residensiëlesone 1 na Sakesone 111 en wel om die volgende redes:

Daar word reeds 'n geruime tyd 'n besigheid onwettig op hierdie eiendom bedryf. Die eiendom is binne 'n bestaande woongebied geleë. Daar is nie genoeg parkering by die eiendom beskikbaar nie. Verskeie klagtes is van aangrensende belastingbetalers ontvang omdat haaiykers voor ingange, op sypaadjies en op rooi strepe parkeer omdat daar nie voldoende parkering op die eiendom is nie. Verskeie klagtes van rusverstoring is ook ontvang, aangesien die besigheid lank voor sonop tot laat in die dag bedrywig is en met 'n geraas gepaard gaan. Die bestaande geboue oorskry ook boulyne aan die agterkant van die eiendom.

Vir u verdere optrede.

Die uwe


.....
VOORSITTER

Johan Wiese
Sel 084 680 1269

FILE NO:	EL 149-KB
SCAN NO:	17
COLLABORATOR NO:	904465

TP - A Theart
(S v/d merwe)

Die STADSRAAD,
OVERSTRAND MUNISIPALITEIT,
POSBUS 20,
HERMANUS
7200

FILE NO:	EL 149-KB
SCAN NO:	56
COLLABORATOR NO:	904713

POSBUS 713,
GANSBAAI
23 Mei 2016



Geagte Menere,

I/S : VOORGESTELDE HERSONERING VAN ERF I49, KABELJOUSTRAAT
61, KLEINBAAI

1. Ek verwys na u skrywe I49/GBK (3164) gedateer 5 Mei 2016.

2. Ek wens asvolg kommentaar te lewer :-

(a) KENNISGEWING

Die aanhangsels waarna in u skrywe verwys word nl. A, B en C was nie aan u skrywe geheg nie en ek moes dit aanvra van u stadsbeplanner wat dit na die biblioteek op Gansbaai ge"e" pos het. Ek moes uit my eie sak betaal om afskrifte daarvan te laat maak sodat ek daarop kon reageer.

(b) PARKERING

In aanhangsel A tewe " Traffic Impact Statement" paragaraaf 3 word gemeld dat daar 4 parkeerplekke vir voertuie is. Wat nie vermeld word nie is dat twee van hierdie parkeerplekke daagliks deur personeellede se motors beset word. Daar word verder vermeld dat voor die motorhuis aan Kabeljoustraat se kant vier parkeerplekke vir motors is. In die daaglikse praktyk word hierdie area nooit vir parkering van klëente benut nie omdat die staalrame waaraan die duikpakke en velkigheidsgordels en reënjasse hang hierdie ruimte inbeslag neem, asook die firma se voertuig wat hierdie toerusting na en van die hawe vervoer. (Sien aangehegde foto) In paragraaf 8 word gemeld dat daar 11 parkeerplekke op die perseel is. Die feit is dat die muur aan die Kabeljoustraat kant nog steeds staan. Op hierdie parkeerplekke word die toeriste oor die haaiedryf ingelig, alvorens hulle met die boot see toe gaan. Die gevolg hiervan is dat die klëente op die rooi streep reg voor die stopteken aan die Kabeljoustraat kant parkeer. (sien aangehegde foto) Ek het al Verskeie sodanige situasies in die verlede aan die verkeersbeamptes op Gansbaai en Hermanus geraporteer waarna hulle uitkom en dan die saak met die firma se bestuur bespreek en gaan die onwettige en gevaarlike parkering maar net ongestoord voort. Met my laastw rapotering is ek meegedeel dat die situasie gemonitor word. Ek neem egter geen monitering waar nie omdat dit dood eenvoudig nie plaasvind nie.

(c) Datum Van Inpakstudie

In paragraaf 4 word daar gemeld dat verkeerstellings op 16 Desember

2013 geneem was. Graag vestig ek u aandag daarop dat die firma Supreme Sharks eers op 1 Januarie 2014 begin het om hul saak te bedryf. Hulle syfers is dus gladnie van toepassing nie en gee geen ware beeld van die huidige verkeerssituasie nie. Ek kan u verseker dat die verkeerssituasie gedurende die Desember/ Januarie skoolvakansies van die afgelope twee jaar ⁱⁿgacties was tot groot frustasie van die inwoners van Kleinbaai. Ek stem dus gladnie saam met die stelling in paragraaf IO waar daar na die verkeerstelling verwys word en dan gesê word, " but not to the extent that service levels will be impacted". Hierdie stelling is doodeenvoudig onsin. My mening is dat die ligging en grootte van erf I49 gladnie geskik is vir hierdie tiepe besigheid nie aangesien dit op n hoek is waar twee besige strate by mekaar aansluit en waar n stopstraat is. Dit sal baie meer sin maak om so n soort besigheid nader aan die hawe te bedryf in n omgewing waar daar voldoende parkeerplek bestaan.

d) GERAAS STEURINGS

Die geraassteurings asgevolg van die toerismebesigheid wat op erf I49 bedryf word is totaal onaanvaarbaar binne n residensiële woongebied. Die tiepe geraas wat verduur moet word is as volg :-

- (i) Vanaf 05h00 wanneer my gesin en kuiergaste nog wil slaap word motordeure toegeklap en toeriste is luidrigtig(hulle skree en raas)
- (ii) Baie oggende teen 05h30 word toeriste deur die tœergids, uit volle bors, ingelig oor die haaiykbedryf. Die toeriste, wat meermale uit 25 persone en meer bestaan, word dan ook gevra om kliphard " SHARK " te skree en dan word daar nogal n punt uit IO aan hulle toegeken vir hul poging.
- (iii) Sggens om 05h00 kom die werkers met die firma se ligte vragmotor om die staal staanders met duikpakke en reenjasse asook die "chum" uit die motorhuis te haal en op die voertuig te laai. . Dan hoor n mens die ^{motor} motorhuisdeure klap en die geraas soss die werkers op mekaar skree en lawaa.

3. Ek het hierdie erf in 1973 gekoop en vanaf 1981 het ek elke jaar hier vakansie gehou en vanaf Januarie 1994 woon ek permanent hier op Kleinbaai (ERF I34). As een van die oudste permanente inwoners van Kleinbaai maak ek staat daarop dat my lang gevestigde belange in Kleinbaai deur u as Stadsraad beskerm sal word ^{dat u} en nie sal toelaat dat ^{die} relatief rustige verblyfsatmosfeer onnodig versteur word nie.

4. Graag vestig ek u aandag daarop dat ek twee skrywes gerig het aan die area bestuurder te Gansbaai nl. :- (i) 18/II/2013 - Kleinbaai erf I49 voornemende Onwettige Benutting van Woonerf vir Haai-besigheid
ii) 25/II/2014 Kommentaar op Sektorale Plan Vir Ontwikkeling Van Van Dyks baai Vir Toerisme Doeleindes

Ek versoek dat hierdie twee skrywes van my aan die Stadsraad voorgelees sal word alvorens daar n besluit geneem word oor hierdie aansoek van hersonering.

Die uwe,

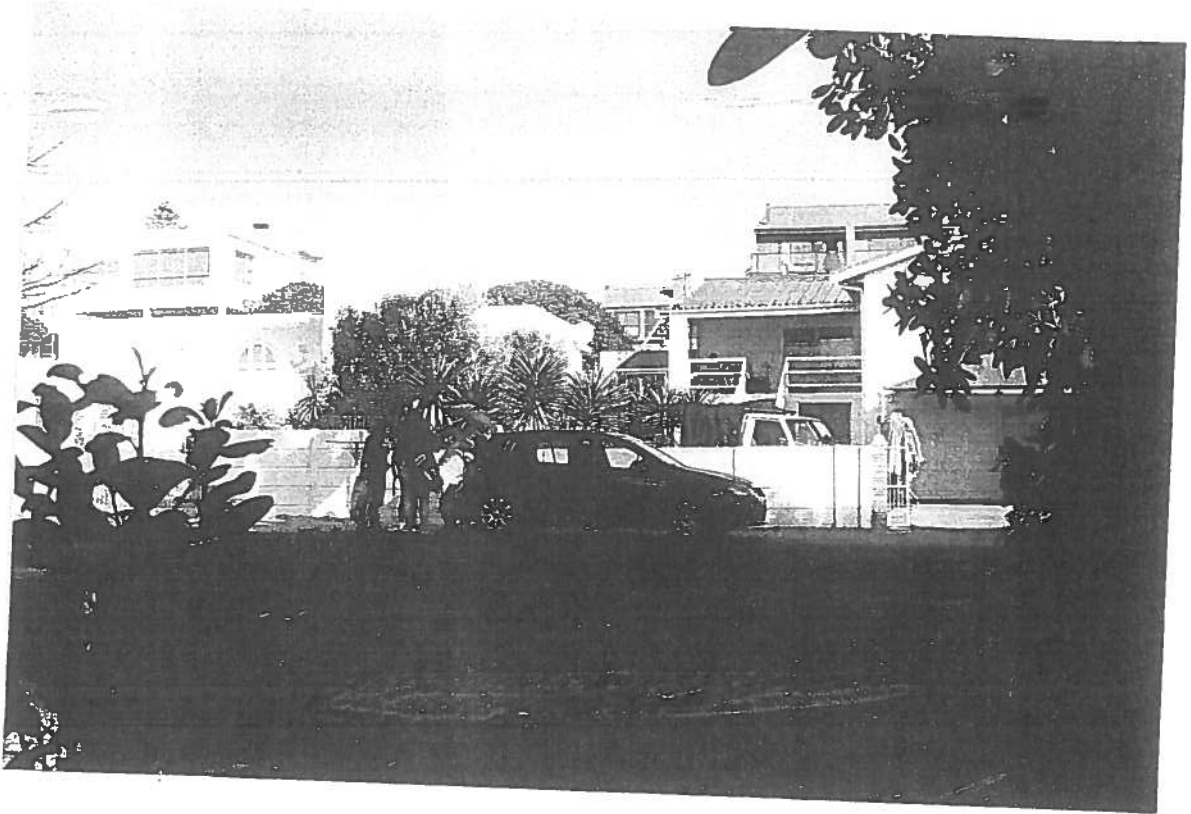


M. J.G.M. ROSSOUW

Mev. M. Le Roux ROSSOUW

23/11/2016 EIENMAARS VAN ARF 134

AFSKRIFTE VAN HIERDIE SKRYWE IS OORHANDIG AAN DIE WYKSRAADSLIK ASOOK AAN
DIE BELASTONGBETALERSVERENIGING



Alida Calitz - Voorgestelde Hersonering van Erf 149 KLEINBAAI

From: Gabriel Smith <gablenSmith@gmail.com>
 To: <alida@overstrand.gov.za>
 Date: 2016/06/07 10:28 AM
 Subject: Voorgestelde Hersonering van Erf 149 KLEINBAAI

TP-A Theart
(Suid merwe)



Goeiemore Alida,

Ons het sopas na 'n maandlange vakansie in die Ooste terug gekeer na Suid-Afrika, maar is tans in die Kruger-wildtuin. Toevallig is ek ingelig oor bogenoemde en teken aldus hewig beswaar aan teen hersonering.

Ek is die eienaar van aangrensende erf 150. Voorheen was verskeie besware aangeteken oor doen en late van die voorlopige (onregmatige) bedryf by erf 149. Hoe werk dit dat daar vir 'n paar jaar reeds onwettig sonder goedkeuring en magtiging bedryf word? Sal daar hierdie keer geluister word? Fk vertrou so.

Erf 149 is verreweg te klein vir die voorgestelde bedryf. Stadsbepianing is beslis oor aantal op-terrein parkering vir beide werknemers en besoekers. Die aanvanklike gevolg was dat my grasperk misbruik was as openbare parkering! Nadat ek 'n muur en hek opgerig het (ten duurste), het werknemers/besoekers steeds reg voor my hek geparkeer, sodat ingang/uitgang tot my eie erf totaal belemmer was. Eenkeer moes my vrou dringend by die dokter kom a.g.v. 'n ernstige asma-aanval. Ons moes drie ure wag totdat die besoeker terug gekeer het vanaf die haai-duik om die motor te skuif!

Op 'n stadium het die Musipaliteit uit eie ingewing rooi lyne geverf reg voor my hek, asook regoor die straat (Kabeljoustraat is te nou om gewone dubbel-rigting verkeer tesame met parkering toe te laat), maar 'n paar dae later is dit doodgeverf, weens "klagtes" vanaf die onwettige operateur! Kan julle dit verduidelik?

Asof bogenoemde nie reeds verdoemend genoeg is nie, geraas langsaan begin reeds voor ses-uur soggens, met generators, kompressors en harde gepraat deur werknemers. Opleiding geskied daaglik vroeg-oggend op die aangrensende betonblad, luid genoeg dat sowat 20 duikers kan behoorlik hoor, asook ons wat nog slaap in die kamer reg langsaan. Dit raak vervelig om die daaglikse refrein te hoor van "If you see a shark and SHIT in the wetsuit, please clean it yourself". Is dit goeie taal en advertensie vir oorsese besoekers?

Ons moet gereeld papiere, plastiese sakke en stompies optel op ons erf. Is dit werklik aanvaarbaar?

Vorige gangbaarheidstudies het getoon dat Kleinbaai alleen ontvanklik is vir maksimum 8 operateurs. Hoekom verkrag die Munisipaliteit daardie studie?

My lys is ooglopend onvolledig, weens druk tyd. Ek sou graag meer tyd wou kry ten einde wyer te konsulteer met ander inwoners, asook omgewings-bestuur konsultante, maar beskou my aanvanklike objeksie as beskrywend genoeg.

Ek plaas my vertroue in die Munisipaliteit. Staak asseblief so gou doenlik die onwettige bedryf. Erkenning van ontvangs van hierdie skrywe sal waardeer word.

By voorbaat baie dankie, Gabriel Smith

FILE NO: EL 149-GKB
SCAN NO: 30
COLLABORATOR NO: 907989

8 JUN 2016



Marine Dynamics and Dyer Island Cruises

PO Box 78

Gansbaai

Western Cape

7220

South Africa

08 June 2016



TP- A Theart
(S vld merke)

Municipal Manager
Overstrand Municipality
PO Box 20
Hermanus
7200

Via email: Alida Calitz

ERF 149, 61 KABELJOU STREET, KLEINBAAI, PROPOSED REZONING TO BUSINESS ZONE

We fully agree that this property should be officially rezoned as a business zone and welcome this proposal.

The couple of issues we would like to raise:

- The storage of chum. To ensure that this is done correctly and never creates an offensive smell to the surrounding properties which includes a guest house and a restaurant.
- It is indicated that meal preparation would take place in a small kitchen. Are business premises such as this inspected as they should be to ensure health standards?
- Parking. It must be ensured that the parking bays are laid out correctly and do not affect the surrounding business properties or residents.

Please do not hesitate to contact me should there be any further comments or discussion required.

Kind regards

Wilfred Chivell

FILE NO: EL 149-GKB
SCAN NO: 31
COLLABORATOR NO: 907993

CEO: Marine Dynamics Tours / Dyer Island Cruises / International Marine Volunteers
Founder: Dyer Island Conservation Trust / African Penguin and Seabird Sanctuary

Marine Dynamics Tours Pty Ltd: Reg no: 03/031266/07
Directors: W Chivell (Chairman), HHM Lutzeyer, S Visagie
Address: 5 Geelbek Street, Kleinbaai, Gansbaai, Western Cape
Phone: 028-384-1005 / 082-380-3405
Email: dive@sharkwatchsa.com
Web: www.sharkwatchsa.com
Post: PO Box 78, Gansbaai, 7220, South Africa



Dyer Island Cruises Pty Ltd: Reg no: 2000/029321/07
Directors: W Chivell (Chairman), HHM Lutzeyer, S Visagie
Address: 5 Geelbek Street, Kleinbaai, Gansbaai, Western Cape
Phone: 028-384-0406 / 082-801-9014
Email: bookings@whalewatchsa.com
Web: www.whalewatchsa.com
Post: PO Box 78, Gansbaai, 7220, South Africa

6 JUN 2016

PLAN Town & Regional Planners
Stads-en Streeksbeplanners

Active



6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351

Email: planactive@hermanus.co.za
Website: www.planactive.co.za

TP - A Theart
(S vld merke)

Ons verwysing: PA15084

14 Julie 2016

Die Munisipale Bestuurder
Overstrand Munisipaliteit
Posbus 20
Hermanus
7200

FILE NO: EL 149-KB
SCAN NO:
COLLABORATOR NO:
918657

Vir aandag: Mnr. Schalk van der Merwe

Meneer,

KOMMENTAAR OP BESWARE: ERF 149 VAN DYKSBAAI: VOORGESTELDE HERSONERING

Die e-pos gedateer 15 Junie 2016 vanaf Me. Alida Calitz met die besware wat daarby aangeheg is verwys. Ons kommentaar op die besware sien as volg daaruit:

- Daar word kennis geneem dat die eiendom vir besigheidsdoeleindes gebruik word wat teenstrydig is met die huidige sonering daarvan. Die eienaar van Erf 149 van Dyksbaai was deur die munisipaliteit versoek om aansoek te doen vir die hersonering van die eiendom. Gevolglik is ons aangestel om 'n aansoek saam te stel en in te dien vir die hersonering om sodoende die besigheid wat bedryf word vanaf Erf 149 van Dyksbaai te wettig.
- Eiendomme in Geelbekstraat ondervind reeds vir 'n geruime tyd druk van haaibootoperateurs en ander toeriste gebruike wat daarmee gepaard gaan om vir besigheidsdoeleindes aangewend te word. Vooruitbeplanning van die grondgebruike in die area het dit in ag geneem en het ons dit breedvoerig in ons motivering beskryf. Verwys asseblief na die uittreksel hieronder uit ons motivering:

"The Overstrand Municipal Growth Management Strategy (OMGMS) indicates Erf 149 Van Dyksbaai within Planning Unit 5. Planning Unit 5 consists of the majority of erven in Van Dyksbaai and Kleinbaai. Erf 149 Van Dyksbaai also falls within a Development Node in terms of the Opportunities and Constraints and it is also earmarked for economic opportunity in terms of the Strategic Growth Management Interventions Plan and the Proposal Plan. Local business opportunities will therefore be supported within this development node and economic opportunity corridor.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks Erf 149 Van Dyksbaai for single residential purposes.

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

John Mc Lachlan: Ndiip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pl.n B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pl.n A/158/2009

14 JUL 2016

With reference to the above it should be noted that the Overstrand Municipal Growth Management Strategy is an extension of the Overstrand Municipal Wide Spatial Development Framework and we are of the opinion that the proposed land use is compatible with the above mentioned proposals and current land uses of the area.

A Nodal Development Study was done by DECA Consulting Engineers and CSM for Kleinbaai. In terms of the study the proposed rezoning of Erf 149 Van Dyksbaai from Residential Zone 1 to Residential Zone 3 is inline therewith. This is confirmed in their traffic impact statement that reads as follows:

"The proposed rezoning of Erf 149 from Residential 1 to Local Business is in line with the recommendations of the Kleinbaai Nodal Development study. The development is supported from a transport perspective, given that sufficient parking is provided on site."

This proposed use for a shark cage diving operator will not have a negative impact on the surrounding land owners."

Met verwysing na die bogenoemde uittreksel is die voorgestelde aansoek in lyn met vooruitbeplanning van die area. Dit moet ook in ag geneem word dat eiendomme in die omgewing nie net uit residensiële woonerwe bestaan nie maar dat daar reeds al goedkeuring verkry is deur omliggende eienaars om hulle eiendom as besighede aan te wend. Verwys asseblief na die uittreksel hieronder uit ons motivering vir maklike verwysing:

"Examples of surrounding land uses other than single residential uses are:

- *Shark Cage Diving Operators*
- *Filling Station*
- *Bottle Store*
- *Souvenir Shops*
- *Guesthouses*
- *Restaurant*

Please refer to the photographs below:





In the Kleinbaai Nodal Development Study final draft report, DECA Consulting Engineers and CSM compiled a land use plan that confirms the above mentioned land uses."

In die lig van die bogenoemde uittreksel is dit duidelik dat die area nie meer slegs uit residensiële woonerwe bestaan nie.

- Tydens ons aanvoer werk met die Overstrand Munisipaliteit is versoek dat ons aansoek vergesels word deur 'n verkeersimpakstelling. 'n Verkeersimpakstelling is opgestel deur DECA Raadgewende Ingenieurs en volgens die voorgestelde parkeeruitleg wat deur die ingenieurs gedoen is, is die voorgestelde parkeerplekke voldoende. Die Overstrand Munisipaliteit het ook tydens ons aansoekproses versoek dat ons ook die aantal parkeerplekke wat voorsien moet word bereken in terme van die Overstrand Munisipaliteit Sonering Skema wat ons ook gedoen het. Volgens ons berekeninge ten opsigte van die

voorsiening van parkering voldoen die voorstel ook aan die Sonering Skema se parkeervereistes.

Met die goedkeuring van die aansoek om hersonering sal die parkeerplekke voorsien word soos wat dit op die terreinplan aangetoon word en sal daar nie genoodsaak word dat besoekers op die sygaardjies en in die straat parkeer nie. Met die versekering van 'n besigheidperseel na die goedkeuring van die aansoek sal Supreme Sharks groter finansiële uitgawes kan aangaan om veranderings aan te bring sodat die eiendom as besigheidperseel kan funksioneer en ook aan die grondgebruikbeperkings sal voldoen soos uiteengesit in die Skema Regulasies.

- Alhoewel meeste van die besoekers aan Supreme Sharks met toerbussies arriveer sou minder parkeerplekke voldoende gewees het maar word daar genoegsame parkeerplek op die terrein voorsien soos deur die Sonering Skema voorgeskryf word. Volgens ons kliënt word daar nou al vir meer as 'n jaar nie meer gebruik gemaak van parkeerplekke op omliggende eienaars se eiendomme nie. Daar sal voortgegaan word om parkeerplekke ander as wat op die eiendom aangebring gaan word te vermy. So ook sal die parkering van besoekers op sygaardjies stopgesit word.
- Die rooilyn wat op die padoppervlakte aangebring was, was op aandrang van omliggende eienaars. Die rooilyn was onwettig verleng deur Mnr. Gabriel Smith en nadat dit onder die aandag van die Overstrand Munisipaliteit (Mnr. Schalk van der Merwe) gebring is, is die verlenging van die rooilyn doodgeverf.
- Supreme Sharks dra geen kennis van rommel strooiing nie en is dit in hulle eie belang om hulle perseel en die omgewing skoon te hou. Dus doen hulle hul bes om die eiendom ter alle tye netjies en skoon te hou.
- Supreme Sharks onderneem dat alle gebeure voor 8:00am, onder andere die inligtingssessies, nie meer op die grasperk sal geskied nie maar in die lesingslokaal binne die bestaande woonhuis. Sodoende sal die omliggende eienaars nie gesteur word nie. Die haaibesigtigingsbedryf maak staat op die weerstoestand en is dit moeilik om definitiewe werksure te bepaal. Met die verskuiwing van aktiwiteite, wat moontlik voor 8:00am kan geskied, van buite na binne die lesingslokaal sal die steurnis van omliggende eienaars geminimaliseer word. Gevolglik sal toere wat voor 8:00am geskied op die perseel arriveer en verwys word na die lesingslokaal / eetarea waar besoekers ingelig word.
- Supreme Sharks het bevestig dat "chum" nie meer op die perseel gestoor word nie, maar gestoor word in die Gansbaai industriële gebied. Die "chum" word direk van die perseel in die industriële gebied vervoer na die hawe met elke toer wat gedoen word.

Ons vertrou dat u ons kommentaar hierbo in orde sal vind en dat die aansoek gunstig oorweeg sal word.

Die uwe



John Mc Lachlan

5.10**KLEINBAAI NODAL DEVELOPMENT FRAMEWORK : MESSRS DECA & CSM ON BEHALF OF OVERSTRAND MUNICIPALITY****(ITEM 22, PAGE 781 : INFRASTRUCTURE AND PLANNING PORTFOLIO - MAYORAL COMMITTEE MEETING : 30 MARCH 2016)****RESOLVED (UNANIMOUSLY):**

that Council adopts the Kleinbaai Nodal Development Study as part of the Overstrand Spatial Development Framework, subject to the following conditions:

- (a) that parking at the Kleinbaai slipway for shark/whale watching boats be restricted to a maximum of 10 parking bays in accordance with the recommendations of the Engineering Report; and
- (b) that any future permits over and above the 10 referred to in (a) above, be issued by Western Cape and/or National Government be subject thereto that such enterprises operates from Gansbaai Harbour.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	N/A



Contact Person: *Liezl du Plooy (Tel: 082 338 6466)*
 Your Ref: Erf 149 Kleinbaai (Supreme Sharks)
 Our Ref: D134
 Date: 25 November 2015

Overstrand Municipality
 Project Management & Development Control
 PO Box 20
 Hermanus
 7200

For attention: **Mr. Dennis Hendriks**

Sir

TRAFFIC IMPACT STATEMENT FOR SHARK CAGE DIVING BUSINESS OPERATING FROM ERF 149, KLEINBAAI

1. BACKGROUND

Ibhongo Holdings appointed Deca Consulting Engineers to prepare a traffic impact statement to accompany the planning application of Erf 149, Kleinbaai. The owner is applying for rezoning from its current Residential 1 zoning to Local Business with consent use for a Tourism Activity zoning in order to operate a shark viewing business from the property. Erf 149 is located on the south-western corner of the Geelbek Street / Kabeljou Street T-junction. Refer to the attached *Locality Plan (Figure 1)*. The property falls within the development area covered in the recent Kleinbaai Nodal Development Study done by ICE Boland (now Deca) and CSM in 2014. The traffic statement for Erf 149 discusses the impact of this property's development against the background of the greater vision for Kleinbaai.

2. DEVELOPMENT DESCRIPTION

The owner of Erf 149 Kleinmond leases the property to Supreme Sharks, who takes the public on shark cage diving excursions. They provide breakfast and lunch for their clients and have rest rooms with ablution facilities. Operating hours vary, but are mostly between 5:00 and 17:00 during the summer months and between 7:00 to 12:00 during the winter. Clients arrive at the business start times as well as later in the day, depending on the number and departure time of trips on any given day.

The operator has one large boat used for shark cage diving operations. The vessel is stored in the Kleinbaai harbour in an allocated bay.

Photo 1: Erf 149 viewed from the south



Photo 2: Erf 149 parking viewed from Geelbek Street



3. EXISTING ACCESS AND PARKING

Geelbek Street is the main commercial street in Kleinbaai, with a number of shark diving operators, restaurants, a shop and a filling station located on this street. Kabeljou Street is a

Class 5 residential street. Erf 149 obtains access from Kabeljou Street, as shown in *Photo 1*.

There are four formal parking bays on the Geelbek Street side of the property (see *Photo 2*). These bays are mostly used by clients. Four vehicles can park in front of the garages off Kabeljou Street; two-two in tandem. This is used mainly by employees.

4. EXISTING TRAFFIC VOLUMES AND LEVELS OF SERVICE

Traffic counts were conducted at the Geelbek Street / Kusweg and Geelbek Street / Perlemoen Street intersections on Monday the 16th of December 2013 from 06:00 to 18:00. Pedestrian counts were also conducted on Kus Way and Geelbek Street during this time. The AM peak hour was observed from 10:15 to 11:15, the midday peak from 11:45 to 12:45 and the afternoon peak from 16:15 to 17:15. The peak periods coincide with the typical vacation peak periods observed in the region. These counts already include trips generated by the development on Erf 149.

A relatively high number of pedestrians (430 towards the harbour and 326 back from the harbour per day and 63 per peak hour, total both directions) was recorded on Geelbek Street. Many of these pedestrians were people walking from the shark tour operators on Geelbek Street down to the harbour and back. There is a wide sidewalk on the northern side of Geelbek Street, which is sufficient to accommodate the recorded pedestrian volumes.

The intersections were analysed with the SIDRA computer programme to obtain existing service levels. The analysis indicates that all movements at all intersections operate at a level of service B or better during all three peak hours. Please see *Figure 2* for available traffic volumes and levels of service. Traffic volumes may have increased slightly from 2013 to 2015, but not to the extent that service levels will be impacted.

5. TRIP GENERATION

Twelve people are permanently employed at Supreme Sharks. There is a lift club with five employees sharing one car. The persons responsible for bookings work in shifts, with only two of the three working at any given time. Staff members arrive an hour before the first clients do, and leave an hour after the last clients have left. It was assumed that a maximum of 5 inbound trips are generated by staff in the morning and 5 outbound trips are generated in the afternoon.

Supreme Sharks undertake a maximum of four boat tours from Kleinbaai Harbour per day, with an average of 20 clients per trip. About 60% of clients (12 persons) arrive in their own vehicles, with the remaining number transported to and from Kleinbaai by shuttle buses. If it is assumed that each private vehicle has on average 2 occupants, 6 car trips are generated to and from the development for each excursion. Two additional trips (1 in, 1 out) is generated by the shuttle transporting the remaining 40% (8 people).

Due to the seasonality of the shark viewing business and its dependence on weather conditions, it is difficult to determine the exact number of trips generated by the development during a certain peak hour. The highest trip generation potential of the development during a peak hour will be when a group arrives at the property while a previous excursion's group is departing. This results in a total of 14 trips (7 in; 7 out). The arrival and departure time of staff members do not overlap with the peak hour for clients.

6. TRIP DISTRIBUTION

Trips were distributed from Geelbek Street onto Perlemoen Street to Van Dyk Street and from there to the R43.

7. TRAFFIC IMPACT

The operations on Erf 149 generate a low number of trips, which are distributed onto a road network with considerable spare capacity. This means that the development has a low traffic impact.

8. PARKING

Based on the information obtained from the operator, 3 parking bays are required for used by employees for the full day, with two more used sporadically during the day. A further 6 bays are required for clients arriving in their own or rented cars. The shuttle bus drops off passengers in Kabeljou Street in front of the Supreme Sharks office and then either undertakes further trips or parks in a public parking area until it is time to pick up the clients. The total parking requirement is therefore 11 bays.

As shown in *Figure 3*, four paved parking bays and one unpaved bay have been provided on the Geelbek Street side of the building and two bays are available in front of the garage. One more bay can be provided off Kabeljou Street. The other three required bays can be provided by removing the garden wall on the Kabeljou Street side of the property and providing more bays there.

9. PUBLIC AND NON-MOTORISED TRANSPORT

Groups departing and returning from excursions walk between the property and the harbour. There is a surfaced sidewalk along Geelbek Street down to the harbour. Further non-motorised transport improvements on Van Dyk Street, Swart Street and Kus Drive were proposed in the Kleinbaai tourist node study.

No public transport improvements are proposed for the development on Erf 149.

10. CONCLUSIONS

From the traffic impact assessment, it may be concluded that the operations on Erf 149 Kleinbaai has a low traffic impact. Other findings are summarised below.

- Erf 149 is located on the south-western corner of the Geelbek Street / Kabeljou Street intersection. Access is obtained off Kabeljou Street;
- The application is for the rezoning of the property from its current Residential I zoning to Local Business with consent use for a Tourism Activity zoning to allow for the operation of a shark cage diving business;
- Traffic counts were done on Monday the 16th of December 2013 at the Geelbek Street / Kusweg and Geelbek Street / Perlemoen Street intersections. The SIDRA analysis of these intersections shows that all movements at both intersections operate at a level of service B or better during the AM, midday and PM peak hours. Traffic volumes may have increased slightly from 2013 to 2015, but not to the extent that service levels will be impacted;
- Based on a number of assumptions, it was calculated that the development has the potential to generate 14 trips (7 in, 7 out) per peak hour.
- A total of 11 parking bays are required. These bays can be provided on site.

12. RECOMMENDATIONS

The proposed rezoning of Erf 149 from Residential I to Local Business is in line with the recommendations of the Kleinbaai Nodal Development study. The development is supported from a transport perspective, given that sufficient parking is provided on site.

We trust that you will find this transport impact assessment in order. Kindly contact Liezl du Plooy at telephone number 082 338 6466 should you have any questions.



**Liezl du Plooy M. Eng Pr. Eng
Deca**



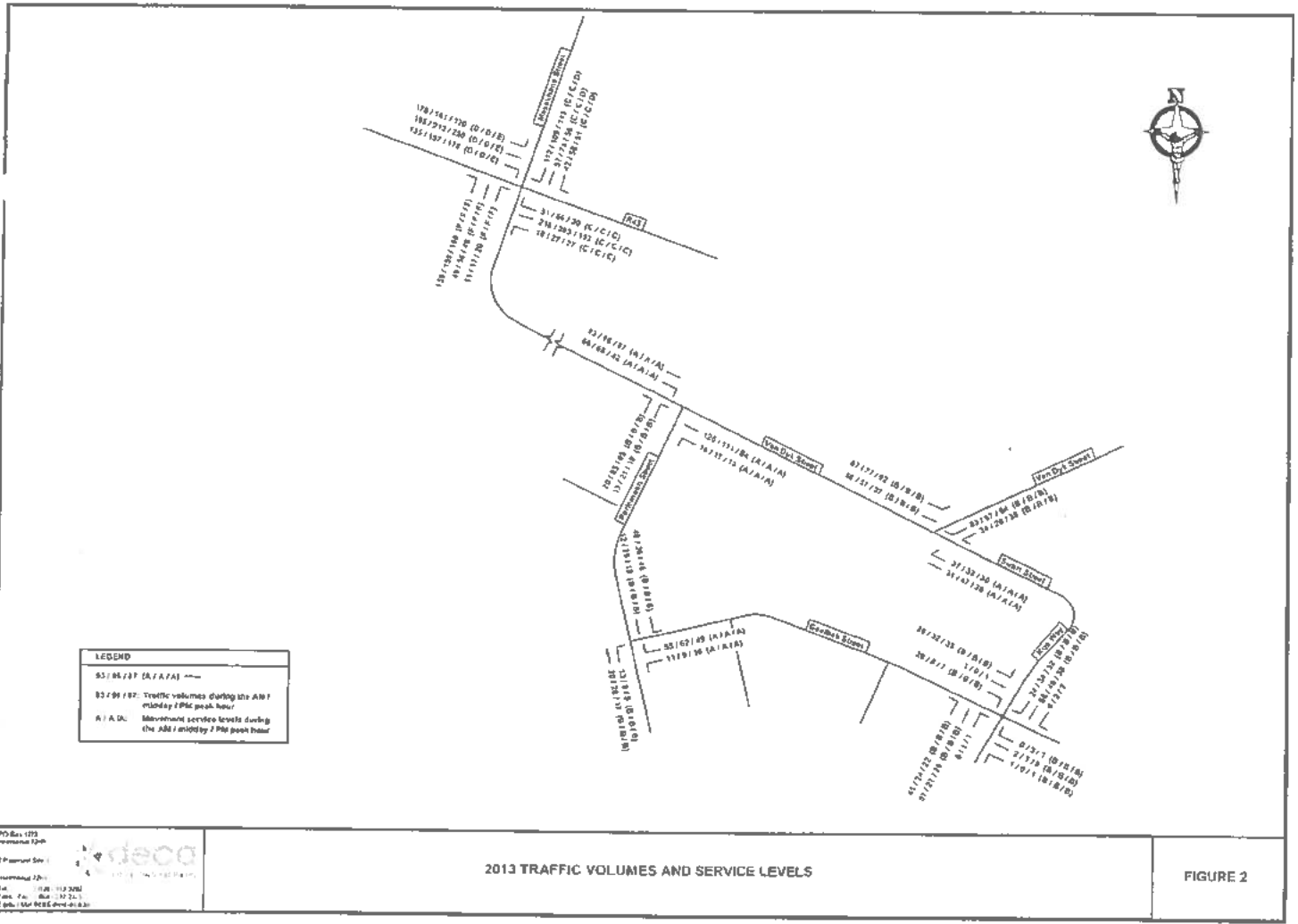
PO Box 1273
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1 Phoenix Drive
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deco
CONSULTANTS

Tel: 026 312 2242
Fax: 026 312 2375
E-mail: info@deco.co.za

LOCALITY PLAN
ERF 149, KLEINBAAI (SUPREME SHARKS)

FIGURE 1



ANNEXURE C



LEGEND

	Existing parking
	Proposed parking

FIGURE 3

ERF 149 KLEINBAAI
POSSIBLE PARKING LAYOUT

deca
CONSULTING ENGINEERS

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Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: A Calitz	Van / From:	Department: Operational Services
Afskrif / Copy:		Datum / Date:	10 June 2016

Ref: Erf 149, Kleinbaai

RE: APPLICATION FOR REZONING – ERF 149, KLEINBAAI

The request for comment from the Department: Operational Services (Gansbaai) dated 05 May 2016 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Rezoning of Erf 149, Kleinbaai (588m²), from current zoning of "Residential Zone 1" to "Business Zone 3: Local Business"

1. ANALYSIS

1.1. Water

- 1.1.1. The existing water connection to Erf 149 shall be used to service Erf 149.
- 1.1.2. The proposed rezoning will not have a significant impact on the existing municipal water supply network. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

1.2. Sewer

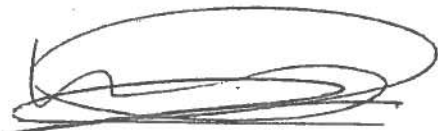
- 1.2.1. The existing sewer conservancy tank on Erf 149 shall be used to service Erf 149.
- 1.2.2. Sewerage will be removed from the sewer conservancy tanks as per municipal arrangement.
- 1.2.3. Any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services

- 1.2.4. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage.
- 1.2.5. The proposed rezoning will not have a significant impact on the existing municipal sewer tanker service. The Department: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.
- 1.3. **Streets**
 - 1.3.1. Access can be obtained via the existing vehicle entrance from Geelbek Street.
 - 1.3.2. Any relocation of- or additional and / or extended vehicle entrances will be for the owner's account.
- 1.4. **Storm water**
 - 1.4.1. The "Common Law" shall apply with regards to storm water discharge.
- 1.5. **Parking**
 - 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.
- 1.6. **Refuse removal**
 - 1.6.1. Refuse will be removed from sidewalks as per municipal arrangement.
- 1.7. **Irrigation water**
 - 1.7.1. No irrigation water is available in this area.
- 1.8. **Waste Water Treatment Works (WwTW)**
 - 1.8.1. The proposed rezoning will not have a significant impact on the Waste Water Treatment Works. The Department: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.
- 1.9. **Bulk Water Supply**
 - 1.9.1. The proposed rezoning will not have a significant impact on the bulk water supply, reservoirs or other bulk water infrastructure. The Department: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

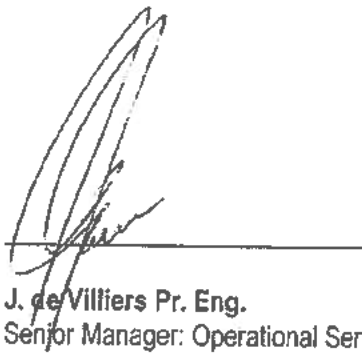
2. RECOMMENDATION

- 2.1. With regard to the application for rezoning of Erf 149, Kleinbaai, the Department: Operational Services has no objections to the application, subject to the following conditions:
- 2.1.1. That the existing water connection and sewer conservancy tank to Erf 149 shall be used to service Erf 149.
- 2.1.2. That any commercial food preparation facilities (e.g. restaurant/guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.
- 2.1.3. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage.
- 2.1.4. That on-site parking is provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
- 2.1.5. That the relocation of- or any additional and / or extended vehicle entrances will be for the owner's account.

Yours faithfully



W. Germishuys
Principal Technician: Operational Services
Gansbaai




J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING: ERF 149, KLEINBAAI (3164)**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development;
2. that only the existing electricity connection will be available for the development;
3. that a fully functional grease / fat trap needs to be installed on the premises to prevent ingress into sewerage system, which must comply with the standard and specification of the Department: Operational Services;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that parking for the proposed development be provided on-site with the necessary manoeuvring space, to the satisfaction of the Department: Engineering Services;
6. that only one entrance/exit will be allowed for the proposed development;
7. that stormwater be allowed to discharge through Erf 149, Kleinbaai, unobstructed;
8. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

25 | 1 | 2017
DATE

TP ok
20/1/17