

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

13.

**ERF 12, 1 SWART STREET, VAN DYKSBAAI, OVERSTRAND MUNICIPAL AREA :
PROPOSED REZONING : MESSRS TOWN AND COUNTRY CREATIVE LAND
SOLUTIONS ON BEHALF OF THE WIETS BEUKES TRUST**

12 GKB (2637)

SW van der Merwe
20 March 2017

(028) 313 8900

Hermanus Administration

1. Executive Summary

To consider an application received on 14 July 2014 from Messrs Town and Country Creative Land Solutions on behalf of The Wiets Beukes Trust, the owner of Erf 12, Van Dyksbaai (Kleinbaai), of the following:

- ❖ removal of restrictive title conditions 2 (a), (b) and (d) contained in Title Deed No. T53752/2006 in order to accommodate the existing tourism business activities;
- ❖ rezoning from Residential Zone 1: Single Residential to Business Zone 3: Local Business, and
- ❖ amendment of the Overstrand Spatial Development Framework: 2006 in order to change the reservation of the subject property from residential to business purposes.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town Planning

3. Compliance with Strategic Priorities

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

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)

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6. Background/Discussion/Evaluation/Conclusion

6.1 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, 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 un-coordinated 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 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 surrounding area. The Council's decision also restricts the number of shark and 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 Ganbaai Harbour (minutes of the Ordinary Meeting of the Council is attached as Annexure D).

The subject property is situated on the corner of Van Dyk- and Swart Streets and with direct views towards the Kleinbaai Slipway situated 70m from the property and beyond. The main access to the property is obtained from Swart Street, with a secondary access from Van Dyk Street. The current application seeks to obtain the necessary development rights for Shark Diving Unlimited to legalise the current unauthorised business activities on the premises who currently received on average about six hundred (600) guests per month. The current business operations entail the following, namely:

- administrative/booking office component;
- transportation of guests from Cape Town/Hermanus to the premises;
- 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.

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Shark Diving Unlimited can accommodate a maximum of thirty six (36) people on their boat that has a permanent parking bay at the slipway. 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 and information area that is utilised for briefings, souvenir shop, office, kitchen, scullery, laundry, storage and parking. The total floor space amounts to 220m². The existing garage is used to store wetsuits and chum. The company provides ten (10) employment opportunities.

6.2 Discussion

The application was advertised in the prescribed manner and registered notices were served upon interested and affected parties as well as the Kleinbaai Residents and Ratepayers Association. No objections were received.

6.3 Evaluation

Erf 12, Van Dyksbaai is zoned for single residential purposes and is developed with a dwelling house and outbuilding (garage) that is currently illegally being utilised for tourism business purposes. The application seeks to legalise the current unauthorised activities.

Amendment of the SDF: 2006

Since the submission of the application Council adopted the Kleinbaai Nodal Development Framework as a Precinct Plan that forms part of the Spatial Development Framework (SDF) on 30 March 2016. In terms of the aforementioned, the subject property is located in a tourism node earmarked for commercial/tourism related facilities. As such, the application for the amendment of the SDF is no longer applicable.

Removal of Restrictive Title Conditions

The application also incorporated the proposed removal of restrictive title conditions 2 (a), (b) and (d) from the Title Deed, thereby allowing the property to be utilised in accordance with the primary rights as per the Scheme Regulations. Following receipt of municipal comments pertaining to the removal of restrictions application the Provincial Government: Western Cape (PGWC) approved the application for removal of restrictive title conditions. The removal of restrictions application is no longer applicable. The development of the subject property will therefore be governed by the provisions of the Scheme Regulations.

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Rezoning from Residential Zone 1 to Business Zone 3

The SDF earmarks the subject property for residential purposes. The SDF promotes amongst others tourism and economic development and although no specific proposals were made, acknowledge the contribution of the shark care and whale watching industries.

The Overstrand Growth Management Strategy, 2010 (OGMS) identified the area between Perlemoen- and Geelbek Streets, Kusweg, Swart- and Van Dyk Streets as a tourism node/economic opportunity. Further to the above, Council approved the Kleinbaai Nodal Development Framework as a Precinct Plan that forms part of the Spatial Development Framework (SDF) on 30 March 2016.

From the above it is clear that the subject property is no longer situated in a purely single residential area, but in an area earmarked for mixed commercial/tourism related development. The proposed rezoning from residential to commercial purposes in order to accommodate the existing tourism business is in line with the existing forward planning in the area.

The surrounding area also has a mixed character, comprising commercial, single residential and general residential land uses. The opinion is therefore held that the proposal will not adversely impact on the character and appearance of the surrounding area.

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. A condition is imposed to ensure that briefings before 08:00 take place indoors. 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 and the fact that the proposal complies with the existing forward planning for the area, the proposal is considered desirable and not to unacceptably detract from the residential amenity of the adjoining properties.

The main access to the property is obtained from Swart Street. There is also a secondary access from van Dyk Street. Access and parking currently occurs in an uncoordinated manner and encroach the property boundaries onto the road reserve and occasionally obstructing the footway in the vicinity of the application property. Three (3) smaller boats are parked on the premises which are utilised for research and filming purposes.

The applicant appointed Messrs DECA Consulting Engineers to conduct a Traffic Impact Statement (TIS). The TIS (attached as Annexure E) concluded that the development has a low impact and that parking can be provided on-

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site. The development is supported from a transport perspective, subject to the sufficient on-site parking being provided.

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 applicant submitted a services report indicating adequate provision for civil services, since all services exist and no additional services will be required. No objection is raised from an engineering services point of view, subject to conditions.

Kleinbaai Slipway

Although not part of the current application, the activities on the application property is connected to the activities at the Kleinbaai Slipway. The daily slipway operations are however a separate matter, not forming part of the desirability considerations of the application. It is however deemed crucial that an operational plan be compiled for the day to day activities in and surrounding the slipway, in accordance with the recommendations of the Kleinbaai Nodal Development Framework Report.

Conclusion

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

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Fire Department

The application approval is subject to the premises being in compliance with the Fire Safety Regulations SANS10400T:2011 and the Overstrand Community Fire Safety By-Law P.N.6454 of 2007 for Occupation – Small Shop and Offices.

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Environmental Section

No objection.

Building Department

No objection.

Health

No objection.

Operational Services

Attached as Annexure F.

Engineering Services

Attached as Annexure G.

10. Annexures

Annexure A: Locality Plan

Annexure B: Motivation Report

Annexure C: Site Development Plan

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

Annexure E: Traffic Impact Statement

Annexure F: Comment: Operational Services

Annexure G: Services Report

RECOMMENDATION:

1. that, in terms of the provisions of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 12, Van Dyksbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business in order to accommodate the existing tourism business, **be approved**, subject to the following conditions:
 - (a) that a parking layout be submitted within thirty (30) days from the final approval of the application, which layout shall provide on-site parking in accordance with the provisions of the Scheme Regulations to the satisfaction of the Senior Manager: Engineering Services;

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- (b) that in the event that the parking requirement cannot be met on site, the applicant will be required to make payment in lieu of on-site parking provision in accordance with the provisions of the Scheme Regulations;
- (c) that in the event that a payment in lieu of parking provision be applicable, such monies payable be ring-fenced into a parking fund for the planning and development of a communal parking area as per the Kleinbaai Nodal Development Framework Report;
- (d) that the on-site parking area be permanently demarcated and at all times be available for use by clients/visitors to the premises;
- (e) that the applicable business license in terms of the relevant legislation be obtained;
- (f) that the briefing of clients before 08:00 may only take place indoors;
- (g) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
- (h) that commercial rates and services tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
- (i) that the display of advertising shall comply with the Overstrand Signage By-law;
- (j) 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;
- (k) that should any justified complaints with regards to noise and disturbance be received, the applicant be responsible for the appointment of a noise specialist at his cost as well as the implementation of the relevant mitigation measures;
- (l) that all the conditions in the Services Report (attached as Annexure I), be complied with;
- (m) that building plans be submitted for approval by the Building Control Department within sixty (60) days of the approval of the application;
- (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;

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- (o) that Council may impose additional conditions in order to minimise any potential public nuisance; and
 - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. 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) of the Municipal Systems Act 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	14 JUNE 2017
TARGET DATE TO INFORM APPLICANT :	14 JUNE 2017
TARGET DATE TO INFORM OBJECTOR :	N/A

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PROPOSED REZONING : MESSRS TOWN AND COUNTRY CREATIVE LAND
SOLUTIONS ON BEHALF OF THE WIETS BEUKES TRUST**

12 GKB (2637)

**SW van der Merwe
20 March 2017**

(028) 313 8900

Hermanus Administration

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

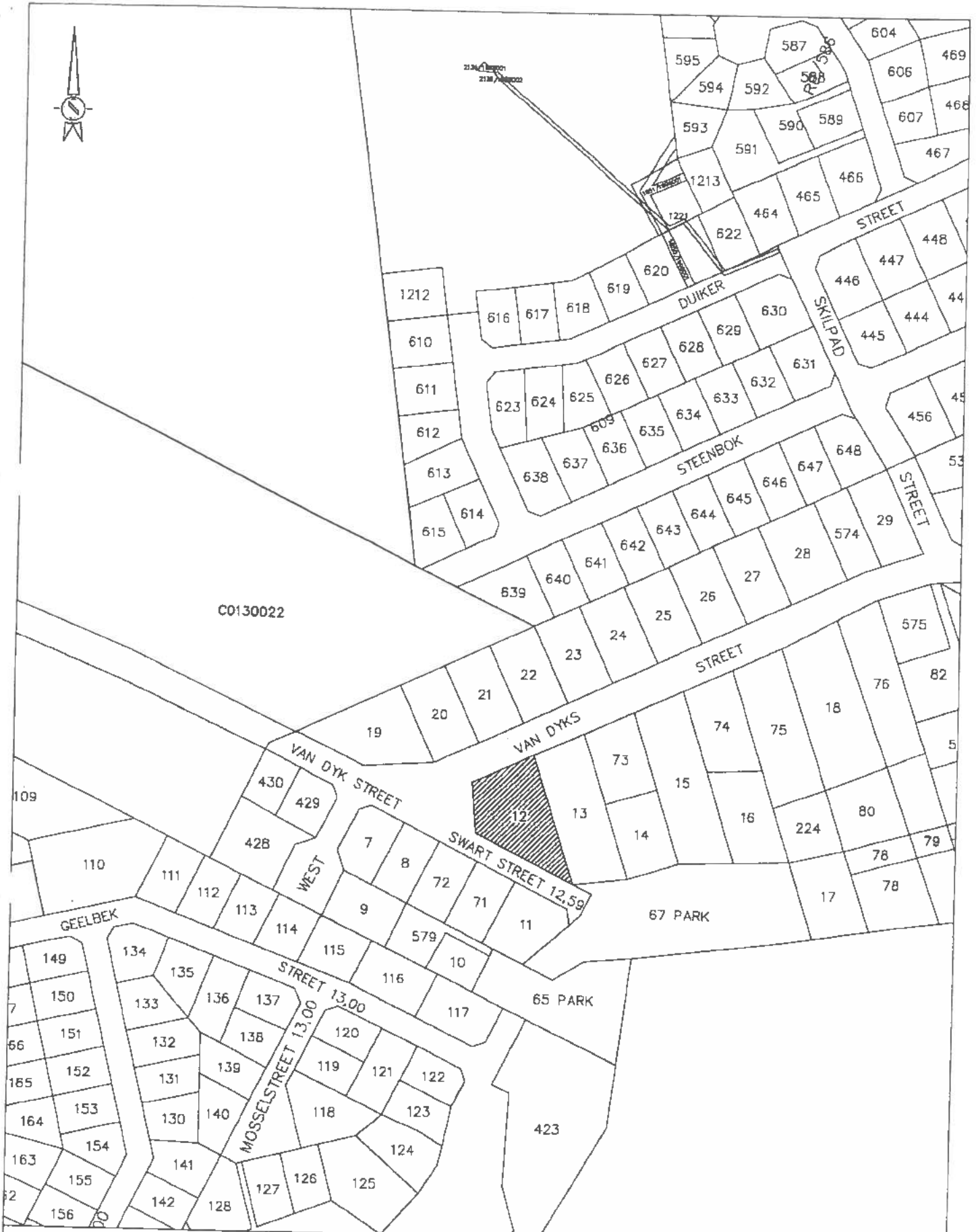
RECOMMENDATION:

1. that, in terms of the provisions of Section 16 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the rezoning of Erf 12, Van Dyksbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business in order to accommodate the existing tourism business, **be approved**, subject to the following conditions:
 - (a) that a parking layout be submitted within thirty (30) days from the final approval of the application, which layout shall provide on-site parking in accordance with the provisions of the Scheme Regulations to the satisfaction of the Senior Manager: Engineering Services;
 - (b) that in the event that the parking requirement cannot be met on site, the applicant will be required to make payment in lieu of on-site parking provision in accordance with the provisions of the Scheme Regulations;
 - (c) that in the event that a payment in lieu of parking provision be applicable, such monies payable be ring-fenced into a parking fund for the planning and development of a communal parking area as per the Kleinbaai Nodal Development Framework Report;
 - (d) that the on-site 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/visitors to the premises;
 - (e) that the applicable business license in terms of the relevant legislation be obtained;
 - (f) that the briefing of clients may only take place indoors;
 - (g) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;

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- (h) that commercial rates and services tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (i) that the display of advertising shall comply with the Overstrand Signage By-law;
 - (j) 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;
 - (k) that should any justified complaints with regards to noise and disturbance be received, the applicant be responsible for the appointment of a noise specialist at his cost as well as the implementation of the relevant mitigation measures;
 - (l) that all the conditions in the Services Report be complied with;
 - (m) that building plans be submitted for approval by the Building Control Department within sixty (60) days of the approval of the application;
 - (n) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (o) that Council may impose additional conditions in order to minimise any potential public nuisance; and
 - (p) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
2. 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) of the Municipal Systems Act 32 of 2000 with regard to the above decision.

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	17 MAY 2017
TARGET DATE TO INFORM APPLICANT :	17 MAY 2017
TARGET DATE TO INFORM OBJECTOR :	N/A



Town & Country
 Creative Land Solutions
 P.O. Box 1085
 Bredasdorp
 7280
 Tel. 028 424 1545
 Fax. 028 425 2085
 E-mail: towncountry@vodamail.co.za

PROJECT
LIGGINGSPLAN: ERF 12 VAN DYKSBAAI (KLEINBAAI)
OVERSTRAND MUNISIPALITEIT



DRAWN LdT	CHECKED LdT
SCALE NVS	DATE DES 2009
DWG No.	REVISION
Notes:	

MOTIVATIONAL REPORT

**PROPOSED AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT
FRAMEWORK, REMOVAL OF RESTRICTIONS & REZONING: ERF 12, VAN DYKSBAAI**

Ref. GAN/489/4

1. INTRODUCTION

This office was appointed by Die Wiets-Beukes Trust to prepare the town planning application for the proposed amendment of the Overstrand Spatial Development Plan, removal of title deed restrictions and rezoning. The application is required to formalise the existing use of Erf 12 for business purposes.

Erf 12 is located adjacent to the Kleinbaai harbour and has already been used for a number of years by Shark Diving Unlimited as a business premises. Gansbaai / Kleinbaai is world renowned for being the White Shark Capital of the world, giving access to Dyer Island - location of the largest concentration of white sharks in South Africa. Thousands of local and international tourists travel to Gansbaai for purposes of shark viewing and cage diving with sharks.

This application is an attempt to legalise the current use, without proposing any additional uses.

2. APPLICATION

Application is made for:

- I. An amendment of the Overstrand Spatial Development Framework
- II. Removal of Restrictions, in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967)
- III. Rezoning of Erf 12 in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985) to:

- Business Zone III: Local Business, to legalise the existing use.

The Primary uses for a Local Business Zone allows for shops, shops, flats (above ground floor), offices

3. PROPERTY DETAILS

TOTAL AREA	1821m ²
REGISTERED OWNER	Die Wiets Beukes Trust
Boundaries: North	Van Dyk Street en erven 19 - 22
East	Erf 13
South	Swart Street en Erven 11, 71 & 72
West	Van Dyk Street en Erven 7 & 8

Erf 12 is registered under title deed T53752/2006.

4. SITE DESCRIPTION AND SURROUNDING AREA

Erf 12, situated approximately 70 meters from the Kleinbaai harbour, is located on the corner of Van Dyk and Swart Street. The erf is located on a slight slope, with an approximate 6,5m fall.

Properties surrounding Erf 12 is of mixed use including residential, guesthouses and commercial uses associated with the shark viewing business. There is no predominant architectural style in the area.

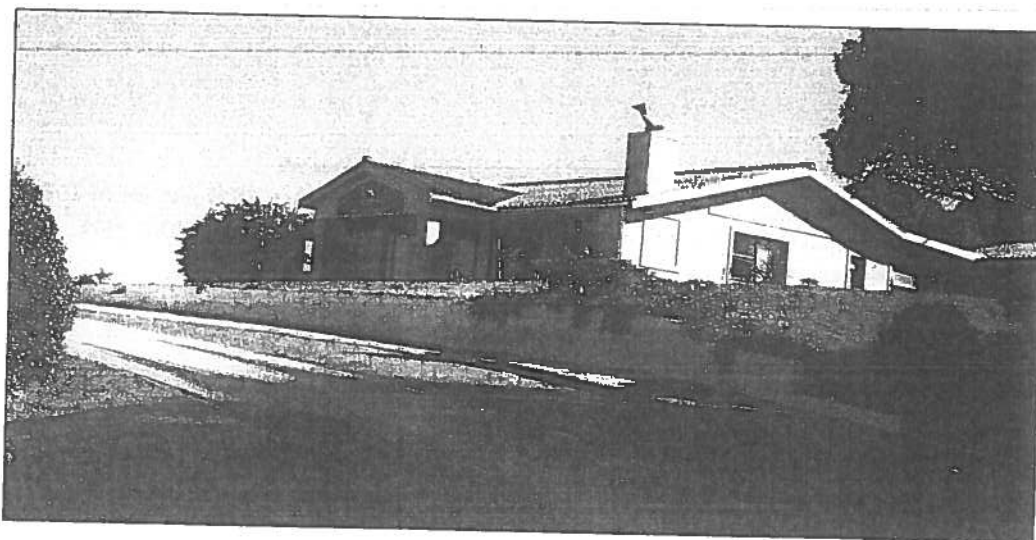


Photo 1. Erf 12 in a northern direction

5. PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS

Application is made for the removal of certain title deed restrictions registered against the property, as per deed T53752/2006, that influence the proposed development. These restrictions as follow:

- 2 (a) That this erf be used for residential purposes only
- (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith be erected on this erf.
- (d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 1,57m of the lateral boundary common to any adjoining erf. This condition shall not apply to the existing building or, Erf 15 until such time as the building is demolished.

Removal of these restrictions is required to allow for the use of the property for commercial purposes. After removal of title deed restrictions, the applicable Municipal Scheme Regulations will govern development restrictions on the erf. We believe that development criteria changed since 1930 and by using Municipal Scheme Regulations as the only set of rules, development becomes much more flexible to changing circumstances and needs.

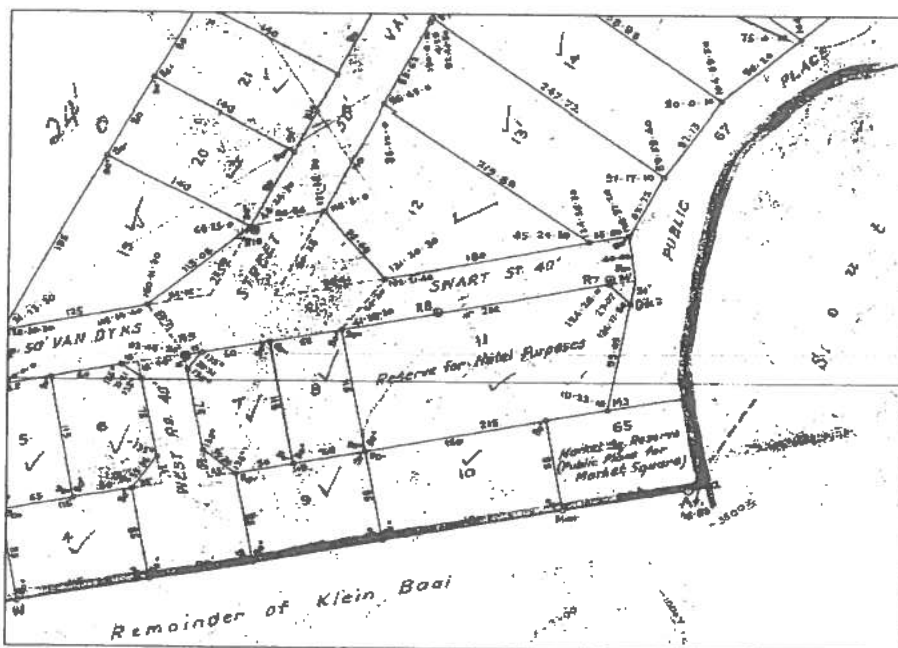
6. AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK

Application is made for the amendment of the applicable Spatial Development Framework. According to these frameworks, erf 12 and also all the other properties immediately adjacent to the harbour, is designated for residential use. Considering however the location of Erf 12 in relation to the harbour, the already established business on the property and surrounding properties, as well as the land use proposed by the Spatial Development Framework on this activity axes we would like to motivate that Erf 12 is lending itself to be used as a business premises. Please see Fig. 1 below for purposes of illustration.

Erf 12 is located at the end of the activity road, Van Dyk Street between the R43 and the Kleinbaai harbour. The property forms a natural greeting point to the approaching visitor and is very accessible being a corner erf. The erf is one of the largest remaining properties in the area and therefore one of only a few erven that will be able to supply sufficient on-site parking for commercial purposes.

Although erf 12 is indicated for residential purposes on the Spatial Development Framework Plan, Van Dyk Street is recognized as an activity street. Proposals on the SDF plan include an area to the south of Van Dyk Street for Commercial use and to the North for purposes of a Community Facility. The inclusion of Erf 12 for commercial purposes will make sense as part of the activity street.

Erf 11, 71 and 72, (the erven opposite Erf 12) used to be one property and is indicated on General Plan, 3658 of 1938 as reserved for hotel purposes. Even in 1938 the location of this area for tourism purposes was realised, even though the demand for holiday accommodation in this area was not as favourable as now. Tourism in the Gansbaai area is rapidly growing, especially in relation to shark viewing and eco-adventure tours and Erf 12's location opposite the originally proposed hotel site is ideal as a tourist gathering point, especially due to its size, accessibility and its close proximity to the harbour.



Extract from General Plan 3659/1938, indicating erf 11 as reserved for Hotel Purposes

Up until fairly recently most of the shark diving businesses were operating their businesses from residential properties in close proximity to the harbour. Some of these properties have submitted the appropriate applications in the mean time to legalise the land use. This is an indication that there is a need for commercial properties. This need was previously identified by the Municipality and proposals were

captured in a document, 'Development proposals / framework for the areas of Gansbaai and Kleinbaai Harbours'. The document was however never implemented. The Densification study was however recently completed and in this case Erf 12 is included in the area identified as suitable for business activities.

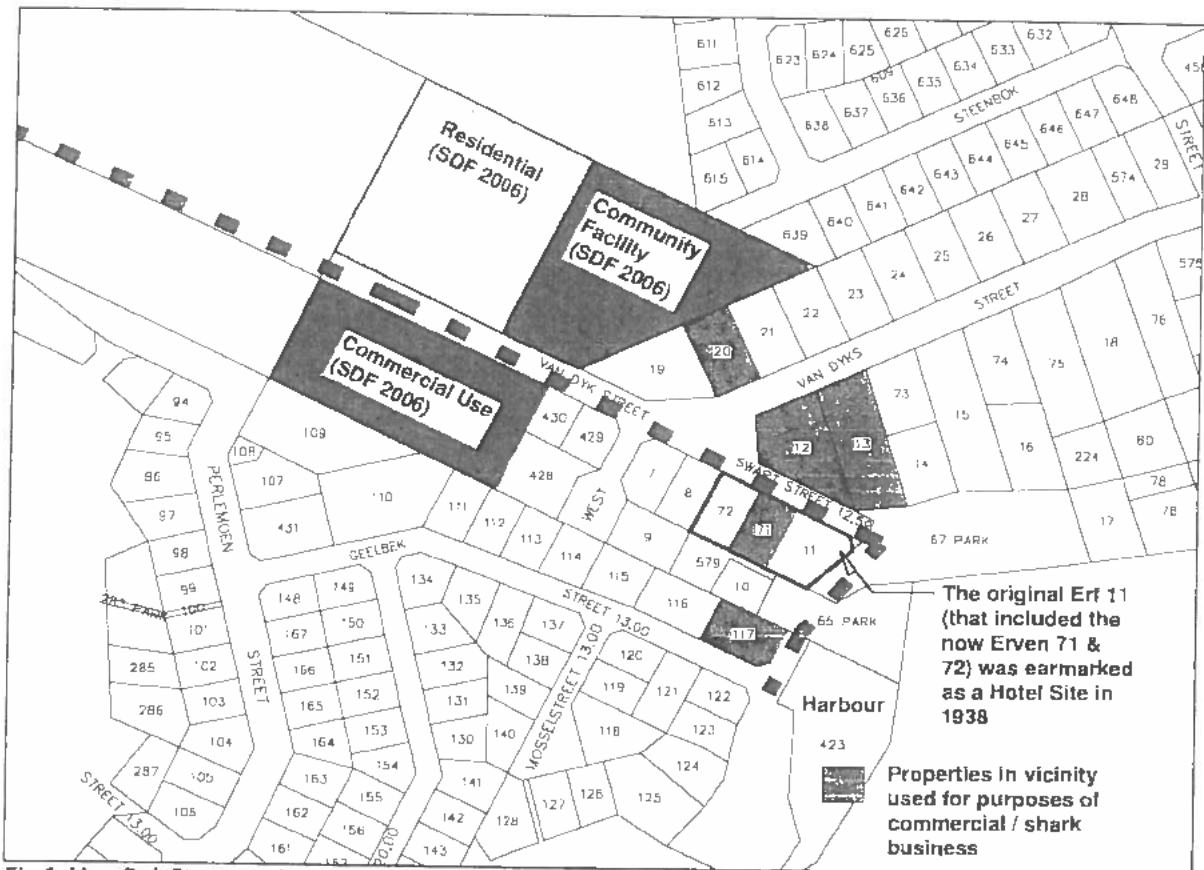


Fig 1. Van Dyk Street as Activity Axis, showing proposed and existing uses.

7. PROPOSED REZONING

The current zoning of Erf 12 is Single Residential Zone.

Application is made for the Rezoning of Erf 12 to Business Zone 3: Local Business, for purposes of an office / shop

8. THE PROPOSED DEVELOPMENT

The application is required to legalise the current business use on Erf 12. No new, or additional uses are proposed. The existing use allows for offices from where the shark operators conduct their administration and a reception where clients can get together before and after their dive. The existing building is approximately 220m² and comprises of an office area and a camera room, with general areas to include a reception, bathrooms and storage area. The garage is used as a storage area for boat equipment.

No additional buildings are proposed and business will be conducted from the existing building.

Job Opportunities

Currently Shark Diving Unlimited is providing 10 individuals of an income.

9. THE SHARK CAGE DIVING BUSINESS

Kleinbaai / Gansbaai is internationally known for being the White Shark Capital in the world, with all excursions to Geyser and Dyer Island leaving from the Kleinbaai harbour. The channel between these islands is renowned to be the best place to observe; encounter and cage dive with the Great White Shark and is known as "Shark Alley".

Several shark diving businesses are operating from properties surrounding the harbour and an extensive number of guesthouses and restaurants use their close location to this harbour as their main marketing point. The shark diving business is therefore responsible for providing residents of the area directly and indirectly with endless job opportunities and also marketing the area as a holiday destination internationally.

Shark Diving Unlimited, currently operating from Erf 12, receives an average of 600 visitors per month. This results in approximately 7200 tourists a year visiting the Gansbaai area. Between 70 and 80% of these clients are from abroad. Clients include internationally acclaimed celebrities and royal visitors, ensuring even more publicity for the area. Numerous documentaries regarding the shark diving activities around Dyer and Geyser Island, including research and tourism have been internationally broadcasted. Michael

Rutzen, the owner of Shark Diving Unlimited, has become known around the world as the Sharkman, after the filming of the documentary Beyond Fear that was first broadcasted by CNN.

Shark cage diving provides a major source of employment in South Africa and proves to be one of the most sought after eco adventure attractions in the world. The industry provides business to travel agencies, tour operators, airlines, taxis, hotels, guesthouses and restaurants among other and most of the time result in these visitors also visiting other attractions in South Africa.

The Department of Environmental Affairs commenced with the application process for boat-based shark cage diving operating permits on Thursday 27 August 2009, as stipulated in the Government Gazette published on Friday 14 August 2009. The policies on Boat-Based Whale and Dolphin Watching and White Shark Cage Diving gazetted in 2008 are aimed at providing and improving regulatory and compliance frameworks in both sectors, growing both sectors through the allocation of a greater number of permits and transforming the industries. Permits are only issued to operators that can prove that they comply with all the regulations. Shark Diving Unlimited was awarded their permit and therefore proved itself to be a valuable asset to the Overstrand Municipality.

10. RELEVANT OVERHEAD PLANNING POLICY

Various local, provincial and national forward planning documents are applicable to the application.

10.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (SDF)

The vision of the Overstrand SDF is based on the vision of the Overstrand IDP and is as follows:

'Overstrand Municipality is striving to be the most desirable destination to visit, stay and do business'.

In order to achieve this, the document identifies various principles:

Development Principles:

- Efficient and integrated planning – Promote efficient and integrated planning and development through:

*Town & Country
#4554*

- Integrated development and planning in rural and urban areas with a view to mutual support
- Optimal utilisation of existing developed resources including bulk infrastructure
- Promotion of compaction and densification as opposed to low-density sprawl
- Protection of the agricultural resource base
- Spatially co-ordinating sectoral activities
- Addressing historically distorted spatial patterns

Environmental Protection Principles

- Ecological characteristics – Facilitate development consistent with the bioregional and ecological characteristics of that environment. Protect and consolidate remaining natural habitat of high conservation importance to facilitate development in less sensitive areas.
- Carrying capacities – Restrict development within the carrying capacity limitations of the natural resources.
- Natural processes – Restrict development impacting on those natural processes on which biodiversity, and the provision of essential ecological goods and services (e.g. water production, soil conservation, etc) depend.

Aesthetic properties

- Development to accommodate the aesthetic and respect the Overstrand heritage properties of the landscape and environment.

Technical Information

Building Coverage:
 Office Building ±175m²
 Garage / Store ±45m²
 Total ±220m²

The building is a single storey

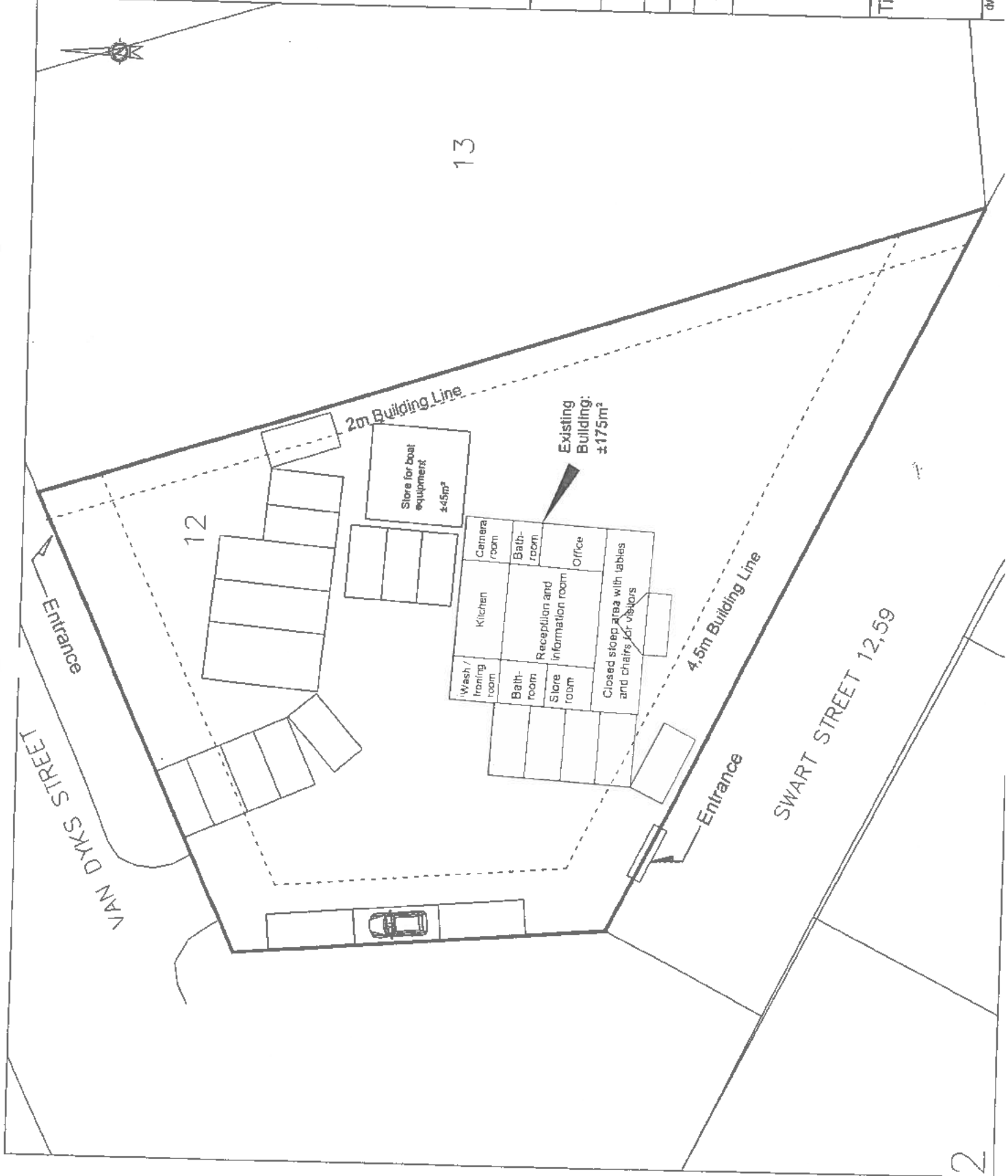
surveyed	inl.	date
drawn	LT	May 2014
checked	LT	May 2014
scale	1:250 (A3)	

TOWN & COUNTRY
 Creative Land Solutions
 P.O. Box 1085, Bredaström, 7280
 Tel. 028 424 1643, Fax. 028 425 2085
 E-mail: towncountry@vodanail.co.za

ANNEXURE C 1/1

Title
 SITE PLAN: ERF 12, KLEINBAAI
 OVERSTRAND MUNICIPALITY

dwg.no. rev.



22.**KLEINBAAI NODAL DEVELOPMENT FRAMEWORK : MESSRS DECA & CSM ON BEHALF OF OVERSTRAND MUNICIPALITY****Kleinbaai Development Node****SW van der Merwe****(028) 313 8900****Hermanus Administration****19 January 2016****(Updated 26 February 2016)**

EXECUTIVE SUMMARY

The purpose of this report is to table the Kleinbaai Nodal Development Framework for adoption and inclusion as part of the Overstrand Spatial Development Framework (OSDF).

RECOMMENDATION TO THE COUNCIL:

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: Douw Louwrens (Tel: 083 541 3489)
 Your Ref: Erf 12 Kleinbaai
 Our Ref: B040
 Date: 28 March 2014

CERES OFFICE
 5 MacDonald St, Ceres 6825
 PO Box 813, Ceres 6825
 TEL +27 (0)23 216 2264
 FAX +27 (0)86 524 5726
 EMAIL: info@icegroup.co.za

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

HERMANUS OFFICE
 7 Paterson St, Hermanus 7200
 PO Box 1273, Hermanus, 7200
 TEL +27 (0)28 312 2292
 FAX +27 (0)28 312 2525
 EMAIL: pieter@icegroup.co.za

For attention: Mr. Dennis Hendriks

Sir

TRAFFIC IMPACT STATEMENT FOR SHARK CAGE DIVING AND RESEARCH DEVELOPMENT, ERF 12, KLEINBAAI

1. BACKGROUND

ICE Boland was appointed by Shark Diving Limited to prepare a traffic impact statement to accompany the rezoning application of Erf 12, Kleinbaai, from residential to commercial for use in shark cage diving and research activities. Erf 12 is situated on the south eastern corner of the Van Dyk Street / Swart Street intersection as indicated on the attached *Locality Plan*.

ICE Boland currently forms part of the professional project team which was appointed by the Overstrand Municipality to conduct specialist studies for the proposed development of a tourist node in Kleinbaai. Shark diving activities form the core of the Kleinbaai tourist node study. This traffic impact statement ties into the larger study currently being conducted.

2. DEVELOPMENT DESCRIPTION

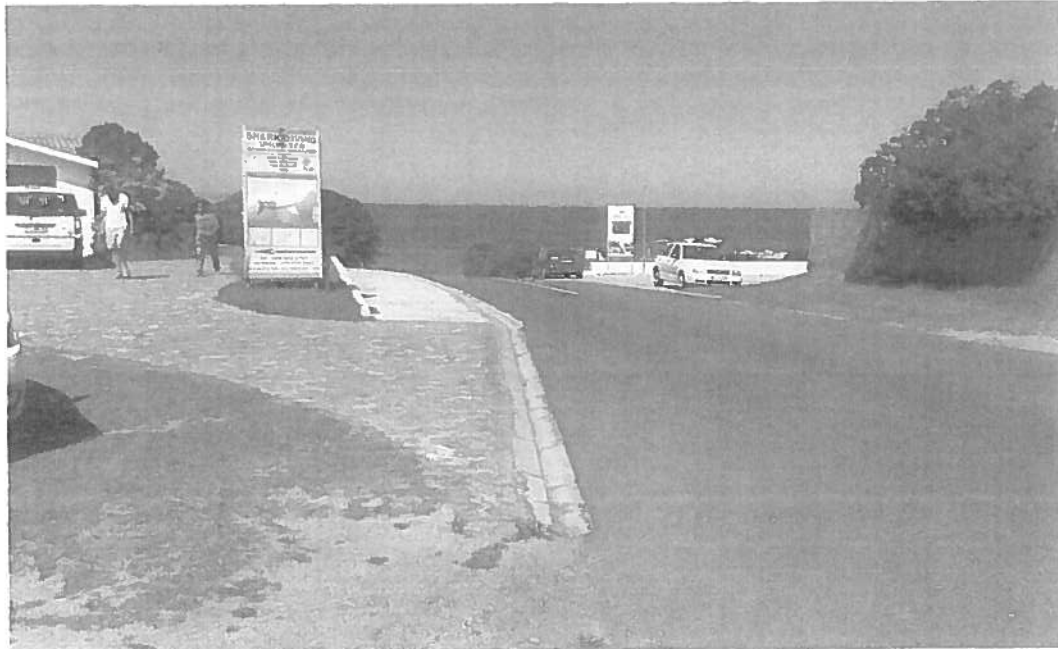
The development consists of the rezoning of the existing Erf 12 in Kleinbaai from residential to commercial. The main operation of the development consists of the provision of shark cage diving excursions for the public and shark research and conservation. They provide a shuttle service from Cape Town as many of their clients are tourists staying in or near Cape Town. The operator has one large catamaran used for shark cage diving operations as well as three smaller boats used primarily for research and filming excursions. The larger vessel is stored in the Kleinbaai harbour on an allocated bay. The three smaller research / filming boats are stored on the property.

3. EXISTING ROADS AND ACCESS

Van Dyk Street stretches from the R43 near Gansbaai southwards and serves as the main access to Kleinbaai and the Danger Point peninsula. Van Dyk Street then turns eastwards approximately 130m from the coast passing Erf 12 to the north and stretches towards Franskraal. Van Dyk Street can be classified as a Class 3 Road (District Distributor). Swart Street continues from Erf 12 towards the coast and turns south-westwards towards the Kleinbaai harbour, becoming Kus Drive. Swart Street and Kus Drive can be classified as Class 4 Roads (Residential Distributors).

Erf 12's main access is from Swart Street, directly to the south-east of the Van Dyk Street / Swart Street intersection as shown in *Photo 1*. Access to the erf can however also be obtained along the whole length of Van Dyk Street as no kerbs are present.

Photo 1: Access to the development off Swart Street



4. EXISTING TRAFFIC VOLUMES AND LEVELS OF SERVICE

Traffic counts were conducted at the Van Dyk Street / Perlemoen Street, Van Dyk Street / Swart Street, Kus Way / Geelbek Street 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 coincides with the typical vacation peak periods observed in the region. These counts already include trips generated by the development on Erf 12.

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 1* attached for available traffic volumes and levels of service.

5. TRIP GENERATION

Eleven (11) people are permanently employed by the operator. These 11 employees arrive at and depart from the property with 5 vehicles at most. A number of employees make use of a lift-club. The office hours vary depending on the time of the excursions, which is again dependant on the weather and tides. The general office hours range from around 05:00 to 16:00. The trips generated by the development's employees during the day thus generally falls outside the peak periods of the area.

The shark diving operator on Erf 12 conducts at most four diving excursions per day. The departing times, arriving times and duration of the excursions also vary according to the weather and tides. The first departing time is normally as early as possible in the morning as the animals are more active during this time and the duration of an excursion between 2.5 and 4.5 hours. Each of these excursions consists of a group of between 22 and 25 people. Before and after an excursion, the group of people assembles at the property. As mentioned, the large vessel is stationed in the harbour and people walk between the property and the harbour.

Because of the large number of foreign tourists that the operator attracts, a shuttle service is implemented between the development and Cape Town, where the majority of the tourists normally stay during their visit to South Africa. The daily split between people that arrive with their own or hired vehicles and the number of people collected with the shuttle service vary considerably. On average, more people arrive with their own transportation than the number of people collected by the shuttle service. If it is assumed that approximately 60% of a group (15 people) arrive with their own or hired vehicles and each vehicle have on average 2.5 occupants, 6 private trips are generated to and from the development for each excursion. The remaining 40% (10 people) who are collected with the shuttle service generates 1 trip to and from the development.

Because of the great number of variables, it is difficult to determine an 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 can be determined by assuming a group arrives at the property while a previous excursion's group departs. This results in a total of 14 trips (7 in; 7 out)

6. TRIP DISTRIBUTION

Trips are primarily distributed along Van Dyk Street between the R43 and the development.

7. TRAFFIC IMPACT

Based on the available traffic counts and levels of service and the traffic generation potential of the development, the property has a very low traffic impact on the surrounding road network. The development's 14 potential peak hour trips comprises 4.5%, 4.5% and 5% of the total traffic volumes moving through the Van Dyk Street / Swart Street intersection during the AM, Midday and PM peak hours respectively.

8. PARKING

Vehicles currently park on the grass covered area on the north western corner of the property as well as the paved area in front of the permanent structure as indicated on *Photo 2*. As shown on the attached *Figure 2*, at least 19 vehicles and 3 boats (larger blocks) can be accommodated in the available space. Please note that the 2.5 x 5m and 3 x 8m parking blocks are not proposed to be marked out or surfaced and serves only as indication of the available parking space. The proposed improvements to the Van Dyk Street / Swart Street intersection forms part of the Kleinbaai tourist node study previously mentioned and are only conceptual.

An off-street parking provision rate for all shark cage diving operators is currently being formulated as part of the bigger Kleinbaai tourist node study. The available space for parking on Erf 12 is deemed adequate until the off-street parking provision rate has been finalized.

Photo 2: Grass parking area on the north-western corner of the development as seen from Van Dyk Street



9. GEOMETRY

A number of alternatives regarding paved sidewalks with kerbed road edges and road alignments are currently being investigated along Van Dyk Street, Swart Street and Kus Drive as part of the bigger Kleinbaai tourist node study. **Figure 2** shows a conceptual layout of a simplified Van Dyk Street / Swart Street intersection with possible access arrangements of Erf 12. The existing access of the development on Swart Street is deemed acceptable until these alternatives have been finalized.

10. PUBLIC AND NON-MOTORISED TRANSPORT

No public transport improvements are proposed w.r.t. the development on Erf 12.

As mentioned, groups departing and returning from excursions walk between the property and the harbour. Sufficient surfaced sidewalks are located along Swart Street and Kus Drive up to the harbour. Further non-motorised transport improvements on Van Dyk Street, Swart Street and Kus Drive are being investigated as part of the Kleinbaai tourist node study.

11. CONCLUSIONS

The following conclusions can be drawn from the traffic impact statement for the development on Erf 12, Kleinbaai:

- Erf 12 is situated on the eastern corner of Van Dyk Street and Swart Street in Kleinbaai with the main access on Swart Street directly to the south-east of the

Van Dyk Street / Swart Street intersection. Access to the property can however also be obtained along the whole length of Van Dyk Street as no kerbs are present;

- The development consists of the rezoning of the existing Erf 12 in Kleinbaai from residential to commercial with the main operation of the development consisting of the provision of shark cage diving excursions for the public and shark research and conservation;
- The operator has one large catamaran used for shark cage diving operations as well as three smaller boats used primarily for research and filming excursions. The larger vessel is stationed in the Kleinbaai harbour on an allocated bay. The three smaller research / filming boats are stored on the property;
- Traffic counts were conducted at the Van Dyk Street / Perlemoen Street, Van Dyk Street / Swart Street, Kus Way / Geelbek Street 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 coincides with the typical vacation peak periods observed in the region. These counts already include trips generated by the development on Erf 12;
- 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;
- Because of the great number of variables, it is difficult to determine an 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 can be determined by assuming a group arrives at the property while a previous excursion's group departs. This results in a total of 14 trips (7 in; 7 out);
- Trips are primarily distributed along Van Dyk Street between the R43 and the development;
- Based on the available traffic counts and levels of service and the traffic generation potential of the development, the property has a very low traffic impact on the surrounding road network. The development's 14 potential peak hour trips comprises 4.5%, 4.5% and 5% of the total traffic volumes moving through the Van Dyk Street / Swart Street intersection during the AM, Midday and PM peak hours respectively;
- An off-street parking provision rate for all shark cage diving operators is currently being formulated as part of the bigger Kleinbaai tourist node study. The available space for parking on Erf 12 is deemed adequate until the off-street parking provision rate has been finalized;
- A number of alternatives regarding paved sidewalks with kerbed road edges and road alignments are currently being investigated along Van Dyk Street, Swart Street and Kus Drive as part of the bigger Kleinbaai tourist node study. **Figure 2** shows a conceptual layout of a simplified Van Dyk Street / Swart Street intersection with possible access arrangements of Erf 12. The existing access of the development on Swart Street is deemed acceptable until these alternatives have been finalized;

- No further public transport improvements are deemed necessary w.r.t. the development on Erf 12;
- Groups departing and returning from excursions walk between the property and the harbour. Sufficient surfaced sidewalks are located along Swart Street and Kus Drive up to the harbour. Further non-motorised transport improvements on Van Dyk Street, Swart Street and Kus Drive are being investigated as part of the Kleinbaai tourist node study.

12. RECOMMENDATIONS

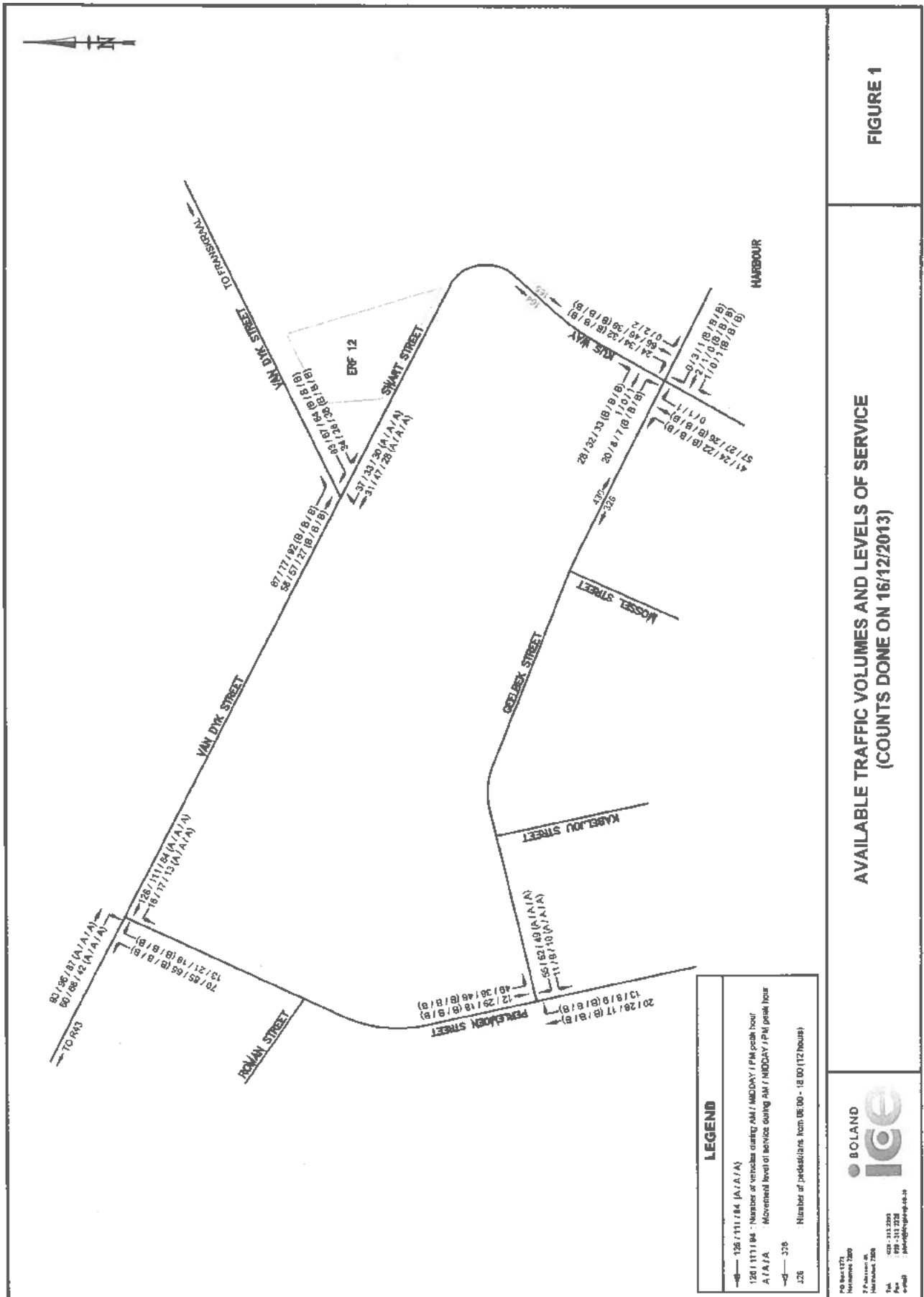
From a traffic engineering point it is recommended that the rezoning of Erf 12 from residential to commercial be granted.

We trust that you will find this traffic impact statement in order. Kindly contact the undersigned should you have any queries.

Yours truly,



Douw Louwrens (B. Eng)
On behalf of: ICE Boland



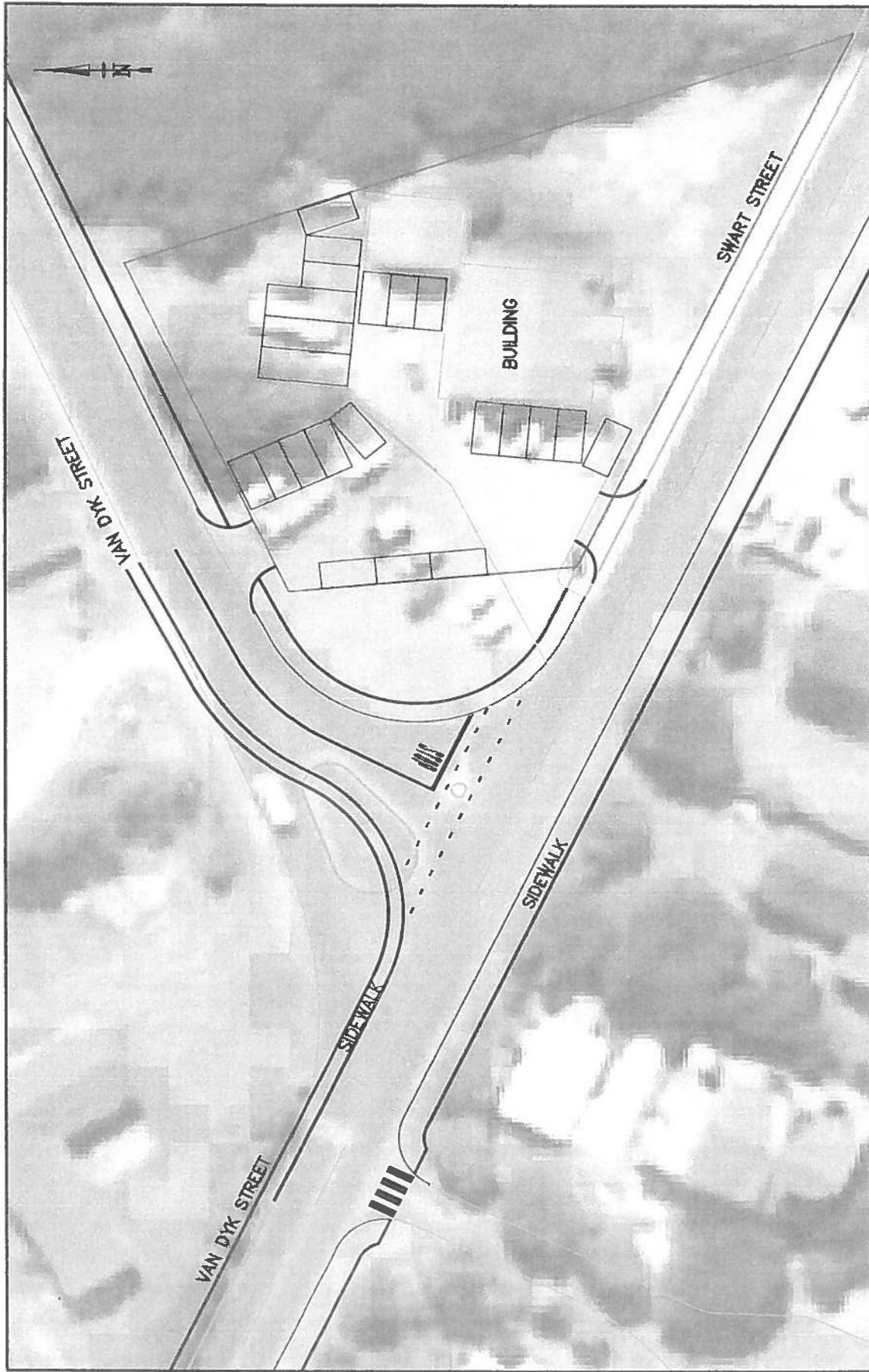


FIGURE 2
SCALE
1:500

**CONCEPTUAL IMPROVEMENTS TO THE VAN DYK ST / SWART ST
INTERSECTION AND AVAILABLE PARKING SPACE ON ERF 12**

BOLAND
ice

PO Box 1272
Hermannsburg
7900 Hermannsburg
Hermannsburg 1356

Tel: 081 312 2292
Fax: 081 312 2216
Email: info@bolandice.co.za



SCALE
1:2000

LOCALITY PLAN
ERF 12, KLEINBAAI



PO Box 1179
 Morningside 7700
 T Faxes 031 261 1111
 Morningside 1200
 031 261 1111
 031 261 1111
 031 261 1111
 031 261 1111

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND



GANSBAAI : ADMINISTRATION

Posbus 26
GANSBAAI
 7220

Tel. (028) 384 8312
 Fax. (028) 384 2250
 E-mail: jdevilliers@overstrand.gov.za

PO Box 26
GANSBAAI
 7220

INTERNAL MEMO

Aandag / For Attention:	Town Planning department: S. van der Merwe	Van / From:	J. de Villiers
Afskrif / Copy:	15/3/1	Datum / Date:	21 May 2015

PROPOSED SUBDIVISION OF ERF 12, KLEINBAAI

The request for comment from the Department: Operation (Gansbaai) dated 23 March 2015 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Rezoning of Erf 12, Kleinbaai (1 821m²), from current zoning of "Single Residential" to Business Zone III: Local Business.

1. ANALYSIS

1.1. Water

- 1.1.1. The existing water connection to Erf 12 shall be used to service Erf 12.
- 1.1.2. The proposed rezoning will not have a significant impact on the existing municipal water supply network. The Department: 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 12 shall be used to service Erf 12.
- 1.2.2. Sewerage will be removed from the sewer conservancy tanks as per municipal arrangement.

- 1.2.3. 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.
- 1.2.4. 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 Swart 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: Operations.

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 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 12, Kleinbaai, the Department: Operations 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 12 shall be used to service Erf 12.
- 2.1.2. That the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage.
- 2.1.3. That on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations.
- 2.1.4. That relocation of- or any additional and / or extended vehicle entrances will be for the owner's account.

Yours faithfully

J. de Villiers Pr. Eng.
Senior Manager: Operations
Gansbaai

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, AMENDMENT OF CONDITIONS OF
APPROVAL AND REMOVAL OF RESTRICTIONS: ERF 12, KLEINBAAI**

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 sewer conservancy tank to Erf 12 shall be used to service Erf 12;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
4. that on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operations;
5. that relocation of– or any additional and / or extended vehicle entrances will be for the owner's account.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

26/5/2015

DATE