



**OVERSTRAND MUNICIPALITY
ERF 8680, 104 MAIN ROAD,
KLEINMOND: APPLICATION
FOR CONSENT USE: PLAN
ACTIVE ON BEHALF OF
KLEINPROP INVESTMENTS
(PTY) LTD**

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 that an application for a Consent Use in terms of Section 16(2)(o) of the By-Law has been received to accommodate a bottle store within the shopping centre on Erf 8680, Kleinmond (the property).

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and at the Kleinmond Library, Fifth Avenue, Kleinmond.

Any written comments must be submitted to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) in accordance with the provisions of Sections 51 and 52 of the said By-Law on or before **28 October 2022**, quoting your name, address and contact details, interest in the application and reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Ms. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a Municipal official will assist them to formulate their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS, 7200**

Municipal Notice No. 114/2022

**OVERSTRAND MUNISIPALITEIT
ERF 8680, HOOFWEG 104,
KLEINMOND: AANSOEK OM
VERGUNNINGSGEBRUIK: PLAN
ACTIVE NAMENS KLEINPROP
INVESTMENTS (PTY) LTD**

Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 dat 'n aansoek om Vergunningsgebruik ingevolge Artikel 16(2)(o) ontvang is om 'n bottelstoor binne die winkelsentrum op Erf 8680, Kleinmond (die eiendom) te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus, en by die Kleinmond Biblioteek, Vyfdelaan, Kleinmond.

Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening by die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **28 Oktober 2022** met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Me. H van der Stoep** by 028313 8900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS, 7200**

Munisipale Kennisgewing Nr. 114/2022

**UMASIPALA WASEOVERSTRAND
ISIZA ESINGU-ERF 8680, 104 MAIN
ROAD, KLEINMOND: ISICELO
SOKUVUMELA
UKULUNGELELANISA:
NGABAKWAPLAN ACTIVE
EGAMENI LEKLEINPROP
INVESTMENTS (PTY) LTD**

Kukhutshwe isaziso esimayela neSolotya lama-47 nama-48 nguMasipala waseOverstrand elingoMthethwana Ongezicwangciso Zokusetyenziswa koMhlaba kaMasipala ku2020. Sicelo eso singokuVumela ukusebenzisa umhlaba ngokweMiba yeSolotya le16(2)(o) ukuvumela isicelo sokuVumela ivenkile ethengisa utywala kwivenkile esele ikhona kwisiza esinguErf 8680, Kleinmond (umhlaba/indlu).

linkcukacha ezipheleleyo mayela nezi zindululo ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela kwixesha eliphakathi kwentsimbi ye08:00 neye16:30 kwiSebe:Izicwangciso zeDolophu, 16 Paterson Street, Hermanus naseKleinmond Library, eFifth Avenue Kleinmond.

Naziphi na izimvo ezibhaliweyo zingangeniswa kwaMasipala ngokwezibonelelo zeSolotya lama51 nelama52 loMthethwana kaMasipala ochazwe ngentla (16 Paterson Street, Hermanus / (f)0283132093 / loretta@overstrand.gov.za) ngomhla okanye ngaphambi komhla wama**28 Okthobha 2022**, uchaze igama lakho, idilesi yakho neenkukacha zakho, umdla wakho kwesi sicelo nezizathu zakho zokuhlomla. Imibuzo ngefowuni ingathunyelwa ku**Mcwangcisi weDolophu Oyintloko, Nkszn. H. van der Stoep** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe leziCwangciso ngeDolophu apho igosa likamasipala liza kumnceda ukufaka izimvo zakhe ngokusemthethweni.

Umlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS, 7200**

Inothi kaMasipala Nomb. 114/2022

PROPOSED CONSENT USE

ERF 8680 KLEINMOND

DIVISION: OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by KLEINPROP INVESTMENTS (PTY) LTD, the owner of Erf 8680 Kleinmond to apply for a consent use in order to accommodate a bottle store within the approved shopping centre.

Erf 8680 Kleinmond is held by Title Deed T9867/2022 and is 8 840m² in extent. A shopping centre is being constructed on the property.

In terms of the current Overstrand Municipality Zoning Scheme, 2020, the zoning is Business Zone 2 and is being developed as such. Please refer to the enclosed zoning certificate, Annexure A. Shops, parking, deliveries and related uses as approved will be established on the site. The shop in question to be used as a bottle store is Shop No.15 and is located west of the main entrance to the anchor tenant.

2. APPLICATION DETAILS

Application is made for / in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2020, for a consent use of Erf 8680 Kleinmond to establish a bottle store to be situated within the approved shopping centre.

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erf 8680 Kleinmond is situated on the western side of Kleinmond abutting Main Road on which a shopping centre development was recently approved. Please refer to the enclosed locality map. The shopping centre is currently being constructed.

The application for a consent use will be applicable to Shop No.15 that is 151m² in extent only, to be used as a bottle store. The total erf size is 8 840m² in extent and is an established business erf that will be utilised as such as per the approved building plans.

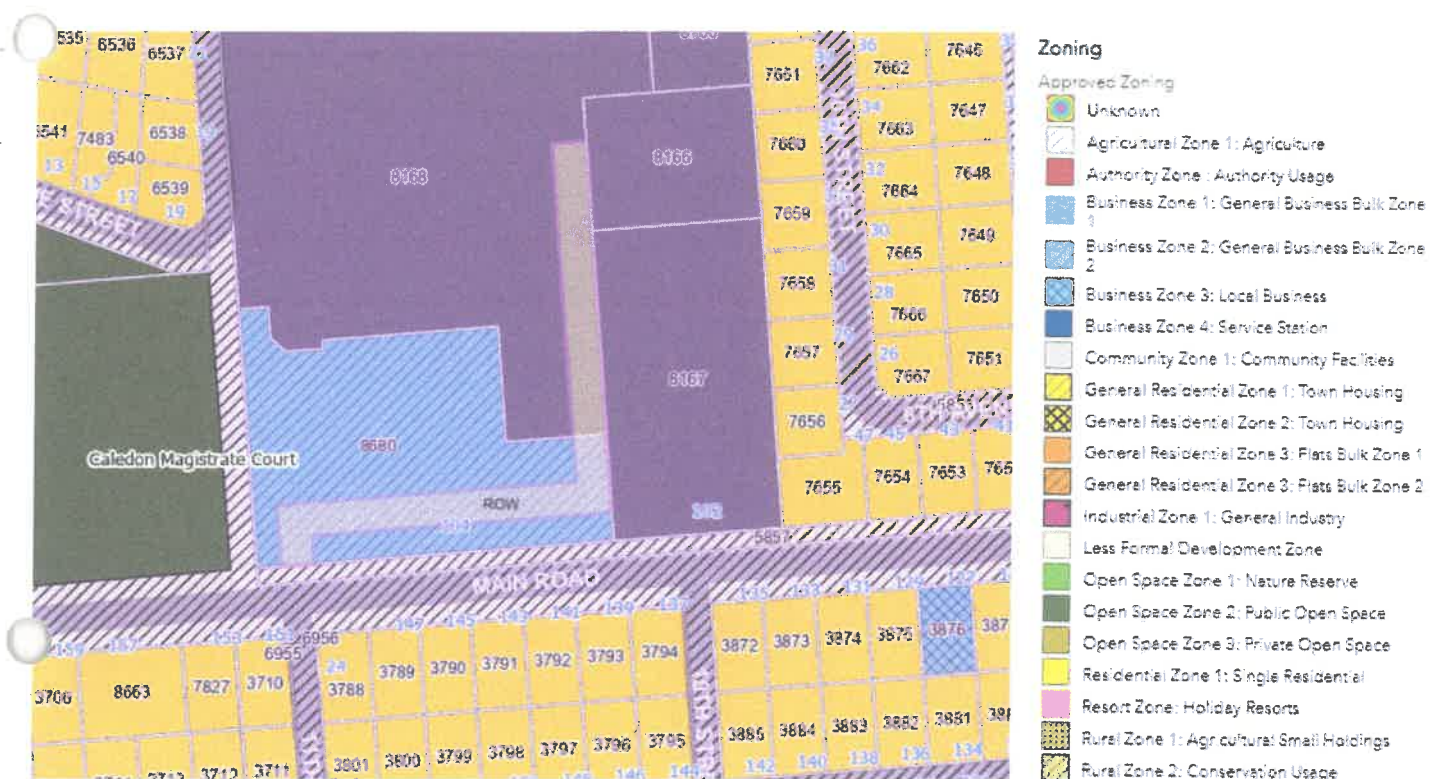
3.2 ZONING

The subject erf is zoned Business Zone 2, General Business (B2) as confirmed by the enclosed Zoning Certificate. The primary land use rights and consent uses in terms of the Business Zone 2 Zoning are as follow:

- a) **Primary uses** are: business premises, caretaker's accommodation, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction and self-catering.

b) **Consent uses** are: adult entertainment business, bottle store, crematorium, dwelling unit, flats (on ground floor), funeral parlour, institution, motor repair garage, place of entertainment, recreational facilities, residential building, second dwelling unit, service station, transmission apparatus (subject to the provisions of Chapter 16.10), transport use, utility services, warehouse and service trade.

Surrounding zonings are Residential Zone 1, Business Zone 3, Special Zone, Open Space Zone 2 and Transport Zone 2. Please refer to the zoning abstract below:



3.3 LAND USE

As mentioned above, a shopping centre is being constructed on the subject property as per the recently approved building plans. The use of the proposed shopping centre being constructed: - 1 Anchor Tenant, 8 x Shops, 2 Kiosks, 2 x ATM's, ablution facilities, loading area / yard and parking as indicated on the enclosed lease plan. The floor area ratios allocated to the shops are 1 413m² for the anchor tenant

and 603m² for the remaining 8 shops. Shop No.15 is 151m² in extent and it is proposed with this application that it be used as a bottle store.

Surrounding land uses consist of a mix of residential and business erven alongside the Main Road consisting of shops, petrol / diesel filling stations, office use, single residential uses, flats, public open spaces and public roads.

3.4 PROPOSED APPLICATION

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 8680 Kleinmond to establish a bottle store on the subject property;

The primary use as defined in the Overstrand Municipality Zoning Scheme Regulations under a zoning of Business Zone 2 does not make provision for a bottle store. Provision is however made under the zoning of Business Zone 2 for a consent use for a bottle store. The definition of a bottle store reads as follows:

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

The proposed bottle store falls within the above mentioned definition of a bottle store.

With reference to the approved building plans and the attached tenant plan for easy reference, it is proposed that Shop No.15, that is located west of the Anchor Tenants entrance, be utilised as a bottle store. Shop No.15 is 151m² in extent and will be used for the selling of alcoholic beverages as per the definition of a bottle store. With this proposal an approved shop will be utilised as a bottle store, no additional shopping space is proposed. The application mainly constitutes the change of use from a retail shop to a bottle store.

3.5 CHARACTER OF THE ENVIRONMENT

Erf 8680 Kleinmond is located on the western side of Kleinmond, the erf was previously rezoned from Special Zone to Business Zone 2, to make provision for a shopping centre. Shop No.15 is located within the approved shopping centre that is currently being constructed. The character of properties abutting Main Road can be described as being a mixed use area consisting of shops, offices, petrol / diesel filling stations, single residential uses and flats.

The proposed bottle store will be located within the new shopping centre and will be well managed in order not to attract negative elements to the area and also not to have a negative impact on the surrounding erven.

The primary business land use rights would remain and the bottle store, being proposed within the shopping centre will not have a negative impact on the character of the area.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

As previously mentioned, Erf 8680 Kleinmond is situated within a mixed use area and the property is zoned for business purposes. A shopping centre was approved on the site of which building plans have been submitted and the construction thereof has commenced. The proposed bottle store will be $\pm 151\text{m}^2$ in extent that is indicated on the enclosed plan as Shop No.15.

In the light of the above it is clear that the proposed consent use can be supported from a desirability point of view due to the fact the proposal is in line with business land use tendencies within the shopping centre. The liquor shop is ideally located at the entrance of the Anchor Tenant.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

The proposed bottle store as described above will be established within the new shopping centre. The current Business Zone 2 zoning will remain the same, but a portion of the existing shopping centre marked as Shop No.15 will be used exclusively for the sale of alcoholic beverages. All services already exist, and no additional services will be required to change the use of a shop to a bottle store.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

As mentioned above, the use of Erf 8680 Kleinmond as a business site will remain the same, but Shop No.15 that is 151m² in extent, will be used to establish a bottle store. No additional shopping space is created, but only the land use of Shop No.15 changes from a shop to a bottle store to which the same parking bay requirements apply.

The consent use will therefore have no impact on the volume of traffic, traffic flow and no additional parking bays that are required. A total of 112 parking bays were approved with reference to the approved building plan for the shopping centre.

3.8 TITLE DEED

The Title Deed T9867/2022 has no restrictions that need to be amended or removed in order for this application for consent use to be approved. Please refer to the enclosed copy of the Title Deed.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

The proposed change of use of Shop No.15 from shop to a bottle store will have no impact on the heritage value. The outer appearance of the shopping centre will remain the same with the exception of the branding of this specific proposed bottle store that will be ±151m² in extent.

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed consent use to change a shop to a bottle store does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 FORWARD PLANNING

This application constitutes the change of use of a retail shop within an approved shopping centre to a bottle store. Subsequently this section pertaining to forward planning and its sub sections are not applicable to this application.

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: The proposed bottle store will be 151m² in extent situated within a shopping centre. The bottle store will be well managed and will not detract from the business character of the proposed shopping centre.

Spatial sustainability: The proposed consent use is the change of a shop within a shopping centre to a bottle store. The proposed application will have no impact on the conservation worthy areas and the land use will be in line with the business character of the shopping centre and is easily accessible.

Efficiency: Erf 8680 Kleinmond is easily accessible and conveniently located for passing residents. The application constitutes only the change of land use of a portion of 151m² of an existing shopping centre from a shop to a bottle store. The primary use which remains in essence a shopping centre will be retained. No additional shopping space is being created and no additional services are required.

Spatial Resilience: Spatial resilience is not applicable to this application.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process.

4. RECOMMENDATION

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

- No additional services are required, and the bottle store will be located within an approved shopping centre that is being constructed;
- The floor area ratio of the shopping centre will remain the same;
- The bottle store will be a well-managed as being part of the shopping centre.
- The shopping centre is conveniently located and easily accessible;

- The zoning of Erf 8680 Kleinmond remains the same as well as the primary use of the site. The application constitutes only the change of land use from a shop that is 151m² in extent to a bottle store;
- The proposed consent use will not have a negative impact on Erf 8680 Kleinmond and the land uses of surrounding properties in the area;
- The proposal is compatible with the existing built character of the area.

With reference to the above is it our opinion that the proposal for a consent use for a bottle store can be supported for your favourable evaluation.

