



OVERSTRAND MUNISIPALITEIT
ERF 158, CENTRALSTRAAT 22, PEARLY
BEACH: AANSOEK OM HERSONERING:
MNRE WRAP PROJECT OFFICE
NAMENS JA & GM BAARD

Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek om hersonering ontvang is ingevolge Artikel 16(2)(a) van die Verordening ten einde die eiendom te hersoneer vanaf Nutsdienssone (UT) na Sakesone 3: Plaaslike Sakesone.

Volle besonderhede rakende die voorneme hierbo is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die **Departement: Stadsbeplanning**, Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentare moet skriftelik wees, u naam, adres, en kontakbesonderhede bevat, sowel as u belang in die aansoek en die redes vir kommentaar, welke kommentaar die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 028 3132093 / (e) alida@overstrand.gov.za) moet bereik voor of op **14 Julie 2023**. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW van der Merwe** by 028 313 8900. Enige persone wat nie kan lees of skryf nie kan bogenoemde toepaslike Munisipale Departement 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. 94/2023

OVERSTRAND MUNICIPALITY
ERF 158, 22 CENTRAL STREET, PEARLY
BEACH: APPLICATION FOR REZONING:
MESSRS WRAP PROJECT OFFICE ON
BEHALF OF JA & GM BAARD

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) that an application has been received for rezoning in terms of Section 16(2)(a) of the By-Law to rezone the property from Utility Zone: Utility Services (UT) to Business Zone 3: Local Business (B3).

Full details regarding the above are available for inspection during weekdays between 08:00 and 16:30 at the **Department: Town Planning**, 16 Paterson Street, Hermanus and Gansbaai Library, Main Road, Gansbaai. Any comment must be in writing, quoting your name, address and contact details, as well as your interest in the application and the reasons for comment, which comment must reach the Municipality (16 Paterson Street, Hermanus / (f) 028 3132093 / (e) alida@overstrand.gov.za) on or before **14 July 2023**. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** by 028 3138900. Any persons who cannot read or write may visit the above appropriate Municipal Department where a Municipal official will assist them in formulating their comment.

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

Municipal Notice No. 94/2023

UMASIPALA WASE-OVERSTRAND
ISIZA 58, 22 CENTRAL STREET, PEARLY
BEACH: ISICELO UKUCANDWA
NGOKUTSHA: WRAP PROJECT OFFICE
EGAMENI JA & GM BAARD

Isaziso siyanikezelwa ngokweCandelo lama-47 nelama-48 loMthetho kaMasipala woLungiso loLungiso lukaMasipala waseOverstrand kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) sokuba isicelo sifunyenwe sokucandwa ngokutsha ngokweCandelo le-16(2)(a) woMthetho kaMasipala wokucanda ngokutsha ipropati ukusuka Indawo eluncedo: linkonzo eziluncedo (UT) ukuya kuMmandla woShishino wesi-3: Ishishini lasekhaya (B3).

linkcukacha ezipheleleyo malunga noku kungentla ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha eveki phakathi kwentsimbi ye-08:00 neye-16:30 iSebe **loCwangciso lweDolophu**, 16 Paterson Street, Hermanus kunye neThala leeNcwadi laseGansbaai, eMain Road, eGansbaai. Naluphi na uluvo malubhalwe phantsi, ucaphule igama lakho, idilesi kunye neenkukacha zoqhagamshelwano, kwakunye nomdla wakho kwisicelo kunye nezizathu zokuhlomla, izimvo ezo mazifike kuMasipala (16 Paterson Street, Hermanus/ (f) 028 3132093 / (e) alida@overstrand.gov.za) ngomhla okanye phambi kuka **14 uJulayi 2023**. Imibuzo ngomnxeba ingenziwa ku**Mcwangcisi weDolophu oMkhulu, uMnu SW van der Merwe** ngale nombolo 028 3138900. Nawuphi na umntu ongakwaziyo ukufunda okanye ukubhala unokutyelela iSebe likaMasipala elifanelekileyo apho igosa likaMasipala liya kubancedisa ekuqulunqeni izimvo zabo.

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

Inothisi kaMasipala Nomb. 94/2023



1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
B3	Business Zone 3: Local Business

2. PROPERTY DETAILS

Erf Number	158 Pearly Beach
Extent	385m ²
Current Zoning	Utility Zone: Utility Services

3. BACKGROUND AND INTENT

Erf 158 Pearly Beach, hereafter referred to as the subject property, is situated in Central Street, Pearly Beach (refer **Plan 1 – Locality Plan**). The property owners have appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney**).

In 2007, the current owners purchased the property with the intention of developing it for residential purposes. At the time of purchase, they were under the impression that the property was zoned for residential purposes. They have however recently discovered that the property is actually zoned as Utility Zone: Utility Services. This discovery has led them to understand that they will be unable to develop the property for residential purposes.

The proposal is to rezone the property to align it with the surrounding land uses, Business Zone 3: Local Business. To ensure compliance with the OMLUS, approval of the following application is required:

- Rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services to Business Zone 3: Local Business.



4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

The following is proposed:

4.1 Rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services (UT) to Business Zone 3: Local Business (B3) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners have identified a past oversight regarding the zoning of their property and are now seeking to rectify it by pursuing a rezoning process. Their goal is to change the property's existing Utility Zoning designation to Business Zone 3: Local Business, aligning it with the zoning of the surrounding properties in the area.

The current utility zoning restricts the property's usage exclusively to utility services as defined by the OMLUS:

"utility service" means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substations and transmission lines, waste water pump stations and treatment works, energy renewable infrastructure such as wind turbines and solar panels, whether above or below ground or water, and may include such sustainable service delivery technology as the Municipality may approve but does not include road or transport use;"

Recognizing that the current utility zoning is not in harmony with the predominant business- and single residential zonings of the surrounding area, the property owners are seeking to rezone their property to better align with the neighbourhood. The proposed rezoning to Business Zone 3: Local Business would enable the property to be utilized for a wider range of functional purposes, providing opportunities for commercial- and residential land uses and potentially fostering economic growth within the local community.

Given the property's location in a small business node, aligning with the prevailing trends in the surrounding area, makes practical sense. By rezoning the property to Business Zone 3: Local Business, it would be consistent with the character and land use patterns of its immediate vicinity, ensuring a more cohesive and harmonious development framework.

Overall, the property owners aim to rectify the oversight of the previous utility zoning and reposition their property to be more in line with the neighbouring properties, enabling it to serve a functional purpose within the community and contribute to the economic vitality of the area.

Rezoning the property to Business Zone 3: Local Business can increase its value. Business zones tend to attract investments and development, leading to improved infrastructure, amenities, and services. This upward trend in property values benefits owners and the local tax base. It's important to note that no specific development plans are currently proposed.



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5. APPLICATION

Considering the above, application is made for the following:

5.1 Rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services (UT) to Business Zone 3: Local Business (B3) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The properties surrounding the subject property are predominantly zoned Residential Zone 1: Single Residential and Business Zone 3: Local Business. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

Title deed T44219/2007 (refer **Annexure B**) was perused and there are no restrictive conditions that restricts the proposal for the subject property.

8. ZONING

The following zoning parameters were assessed in conjunction with the UT & B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

CURRENT ZONING – UTILITY ZONE: UTILITY SERVICES (UT)		
Land Use Restrictions		
	Development Parameters	Current Use
Primary uses	Utility Service	Vacant
Consent uses	authority use, cemetery, crematorium, informal trading (subject to the provisions of Chapter 16.10), transmission apparatus (subject to the provisions of Chapter 16.10) and any other associated uses determined by the Municipality.	Not applicable



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PROPOSED ZONING - BUSINESS ZONE 3: LOCAL BUSINESS (B3)			
Land Use Restrictions			
Parameters	Proposal	Comply/ deviate	
Primary use	Shops, Dwelling Unit (above ground floor) in accordance with 6.3.2, Flats (above ground floor), Offices, Restaurant, Caretaker's Accommodation and Self-Catering.	To be determined	
Consent use that may be applied for	Bottle Store, Business Premises, Clinic, Conference Facility, Dwelling Unit (on ground floor) in accordance with 6.3.2, Flats (On Ground Floor), Town Housing in accordance with 6.3.2, Tourist Accommodation, Hotel, Institution, Place of Assembly, Place of Entertainment, Place of Instruction, Place of Worship, Recreational Facilities, Residential Building, Sale of Alcoholic Beverages, Service Station, Service Trade and Transmission Apparatus (subject to the provisions of chapter 16.10)	To be determined	
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is 75% .	Building plans will be submitted should the property owners want to develop.	
Floor Factor	The maximum floor factor is 1.5 .	Building plans will be submitted should the property owners want to develop.	
Height	i. The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m. ii. The maximum number of storeys is 2.	Building plans will be submitted should the property owners want to develop.	
Setback	i. The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street.		



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	<p>ii. Where special circumstances exist, the Municipality may require a greater setback.</p> <p>i. The street building line is 0 m, provided that a 5,0 m building line applies where fuel pumps are erected;</p> <p>ii. The side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0m;</p> <p>iii. The rear building line is 3,0 m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3,0m; and</p> <p>Provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right.</p>	
<p>Window and door placement</p>	<p>i. Where a 0 m building line applies and where a wall of a building is erected 1,0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned.</p> <p>ii. Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1,5 m away from such boundary.</p>	<p>Building plans will be submitted should the property owners want to develop.</p>
<p>Parking and access</p>	<p>According to section 17.1 of the OMLUS: <u>Office</u> Four bays per 100m² GLA <u>Flats</u> 1,5 for a one-bedroom flat</p>	<p>Building plans will be submitted should the property owners want to develop.</p>
<p>Loading Bays</p>	<p>The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>	<p>Building plans will be submitted should the property owners want to develop.</p>



9. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated.

Electricity, water, sewage and solid waste

The area is serviced by the Overstrand Municipality which includes water, electricity, sewage and solid waste is collected on a weekly basis.

Access and egress

Vehicular access and egress to the subject property is proposed to be gained from Central Street.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the development arose from the applicant's vision to increase the value of the subject property by aligning the zoning with the existing area's functionality, creating a space where job opportunities are created.

Socio-economic impact	<p>The socio-economic impact rezoning the property can have several socio-economic benefits. It can provide opportunities for commercial activities, which can stimulate economic growth within the local community.</p> <p>By increasing property values, it can also create wealth and promote property ownership. In addition, the development of new businesses and infrastructure can create job opportunities, which can help reduce unemployment and increase local spending.</p> <p>Overall, rezoning the property can contribute to the social and economic vitality of the area, potentially benefiting both property owners and the broader community.</p>
Compatibility with surrounding uses	The proposal to establish a business property in a business node as identified within the MSDF.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	The proposed rezoning is unlikely to have a negative impact on the safety, health, and wellbeing of the surrounding community. The new zoning aligns with the predominant single residential and business zoning of the surrounding area, meaning that it would be consistent with the character and land use



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	<p>patterns of its immediate vicinity. The proposed rezoning does not involve any specific development plans, meaning that it would not introduce any new hazards or risks to the area. Furthermore, the Business Zone 3: Local Business zoning permits a range of functional purposes, including commercial activities, that can potentially contribute to the local economy and enhance the quality of life for residents.</p> <p>It's important to note that the proposed rezoning will be subject to relevant regulatory requirements and assessments to ensure that it complies with safety and environmental standards.</p>
Impact on heritage	The subject properties are not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not anticipated that the proposed development will have any negative impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	Refer to Section 9.

Impact on views, sunlight and character of the area

No physical changes to the subject property are proposed and no new construction will take place. Plans for the future building will need to be submitted to the OM for approval and it will need to comply with the proposed zoning's development parameters.

Economic impact

The proposed establishment that will be operated on the subject property will have a positive impact on the economy as it creates a space where employment opportunities are created.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The development will not affect the property values of surrounding properties.

Impact on heritage

The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal.

Environmental impact

The subject property is not located within an environmentally important area.



11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is located within the 'Urban Conservation' zone of the EMOZ. The purpose is to protect and manage undeveloped conservation-worthy public owned land within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand.

As the property is not owned by the municipality it is not considered as public land, therefore it cannot have an effect on the EMOZ as it was never supposed to be included into this specific EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the Heritage Protection Overlay Zone.

11.3 Spatial Planning Policies

The consistency and inconsistency of this proposal with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

PSDF

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision that is intended to inform spatial development patterns in urban and rural areas in the province.

Throughout the PSDF economic development is a widespread term used and focussed on. Economic development is an aspect that is important to ensure the Provincial economy has a large impact on the National economy.

The continual growth of the Provincial economy means that economic activity should be stimulated in other spheres of the government. This application to provide for the business uses are in line with the proposal to add economic value to the Pearly Beach area which in turn will have a positive impact on the Overstrand Municipality. The application then relates to the development of economic activity which is in line with the PSDF.

MSDF

The MSDF's purpose is to ensure compliance with national, provincial and municipal legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan the MSDF was synthesised through the influence of these policies and frameworks.

Ensuring economic development take place in the OM would ensure sustainable growth of the municipal area. The area where the subject property is located, falls in a small local retail node as indicated on Plan 67 – p228.



Figure 1: Extract from the MSDF (Plan 67)

The fact that the property is located in a small business node indicates that it is already in a commercially viable area. The proposed rezoning would only serve to enhance the area's commercial potential, attracting more investment and development, and potentially leading to improved infrastructure, amenities, and services. This would likely have a positive impact on property values in the surrounding area, further demonstrating the appropriateness of the proposed business zoning.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for a business premises would encourage economic growth that in turn could employ less fortunate and not add to the perpetuate apartheid spatial development imbalances.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal is intended to increase the economic power of the Pearly Beach area in the OM.



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Efficiency

This proposal is intended to maximise the usage of the subject property, which is proposed as the new zoning would unlock more options of economic development.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



13. EVALUATION

In conclusion, the proposed rezoning of the subject property from Utility Zoning to Business Zone 3: Local Business would align it with the predominant single residential- and business zoning of the surrounding area, enabling it to be utilized for a wider range of functional purposes. This would provide opportunities for commercial activities and potentially foster economic growth within the local community, in line with the principles and objectives set out by the PSDF and the MSDF.

The subject property is adequately located in a small local retail node, and once rezoned will be consistent with the character and land use patterns of its immediate vicinity, ensuring a more cohesive and harmonious development framework. It is expected to have a positive impact on the socio-economic development of the area and is unlikely to adversely affect the safety, health, and well-being of the surrounding community.


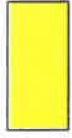




Overall, the proposed rezoning aligns with the municipality's strategic objectives and would be in the public interest. It would contribute to the sustainable growth of the municipal area and increase the property value, benefiting property owners and the municipal tax base.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

14.1 Rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services (UT) to Business Zone 3: Local Business (B3) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

3. Proposed Zoning Plan Erf 158 - Pearly Beach

-  Transport Zone 2: Road and Parking
-  Residential Zone 1: Single Residential
-  Business Zone 2: General Business Bulk Zone 2
-  Business Zone 3: Local Business
-  Open Space Zone 2: Public Open Space
-  Open Space Zone 1: Nature Reserve

Plan prepared by: Thian Jansen
All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200





PLAN 4: AERIAL PLAN

4. Aerial Plan

Erf 158 - Peraly Beach

Plan prepared by: Thian Jansen

All distances are approximate
and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

Unit B, Standard House,
Corner of Royal and Dirkie Uys
Street Hermanus, 7200










Project Office
Town Planning & Project Management



NTS

2. Status Quo Zoning Plan Erf 158 - Pearly Beach

	Transport Zone 2: Road and Parking
	Residential Zone 1: Single Residential
	Business Zone 2: General Business Bulk Zone 2
	Business Zone 3: Local Business
	Open Space Zone 2: Public Open Space
	Open Space Zone 1: Nature Reserve
	Utility Zone : Utility Services

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