



OVERSTRAND MUNISIPALITEIT
ERF 1068, ENDSTRAAT
52, SANDBAAL, OVERSTRAND
MUNISIPALE AREA : AANSOEK OM
OPHEFFING VAN
BEPERKENDE TITELAKTEVOORWAA
RDES, HERSONERING EN AFWYKING
: WRAP NAMENS TI MARX

Kennis word hiermee gegee ingevolge Artikels 47 en 48, asook Artikels 16(2)(f), (a) en (b) van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek van toepassing op Erf 1068, Sandbaai (die eiendom) ontvang is, vir die volgende:

- opheffing van beperkende titelvoorwaardes soos vervat in die titelakte van die eiendom ten einde 'n veeartspraktik vanuit die woning op die eiendom, te bedryf;
- hersonering van die eiendom vanaf Residensiële Sone 1: Enkel Residensiël na Besigheidsones 3: Plaaslike Sake ten einde 'n veeartspraktik vanuit die woning op die eiendom, te bedryf, en
- afwyking om die suidelike laterale boulyn van die eiendom te verslap vanaf 3m na 2m ten einde 'n gedeelte van die bestaande woning te akkommodeer.

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

Enige kommentaar op die voorstel moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / alida@overstrand.gov.za) bereik voor of op **23 September 2021**, met u naam, adres en kontakbesonderhede, belang in die aansoek sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan **H Boshoff** 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. 118/2021

OVERSTRAND MUNICIPALITY
ERF 1068, 52 END
STREET, SANDBAAL, OVERSTRAND
MUNICIPAL AREA: APPLICATION FOR
REMOVAL OF RESTRICTIVE TITLE
DEED CONDITIONS, REZONING AND
DEPARTURE: WRAP ON BEHALF OF
TI MARX

Notice is hereby given in terms of Sections 47 and 48, as well as Sections 16(2)(f), (a) and (b) of the Overstrand Amendment By-law on Municipal Land Use Planning, 2021 (By-Law) that an application has been received, applicable to Erf 1068, Sandbaai (the property), for the following:

- removal of restrictive title deed conditions as contained in the title deed of the property, to conduct a veterinary practice from the dwelling on the property;
- rezoning of the property from Residential Zone 1: Single Residential, to conduct a veterinary practice from the dwelling on the property; and
- departure to relax the southern lateral building line of the property from 3m to 2m to accommodate a portion of the existing dwelling.

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.

Any comments must be in writing and reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / alida@overstrand.gov.za) on or before **23 September 2021**, quoting your name, address and contact details, interest in the application and the reasons for comment. Telephonic enquiries can be made to **H Boshoff** 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. 118/2021

UMASIPALA WASE-OVERSTRAND
ISIZA 1068, ESANDBAAL, UMMANDLA
WOMASIPALA WASE-OVERSTRAND
UKUSUSWA KWEMIQATHANGO
ENESITHINTELO KWITAYITILE
UKUCANDWA NGOKUTSHA KUNYE
NOKUNYENYISWA: WRAP EGAMENI
LIKA TI MARX

Isaziso sikhutshwa ngokwemiqathango yeSoloty 47 kwaye 48 loMthethwana oTshintshweyo kaMasipala waseOverstrand woYilo loku Setyenziswa koMhlaba wowama-2020 (uMthethwana) ngokwezicelo ezilandelayo, ezichaphazela iSiza 1068, eSandbaai (lepropati) ezifunyanweyo, ezizezi:

- ukususwa kwemiqathango enezithintelo kwitayitile njengoko iqulethwe kwitayitile yepropathi, ukuba enye yezindlu ezikwipropathi; ibe yindawo yokusebenza kagqirha wezilwanyana;
- Ukucandwa ngokutsha kwepropati ukusuka kwiNdawo yokuHlala 1 ngokuBanzi iye kwiZowuni yesi-3: ukwenza indlu ekwipropati ibe lushishino lwezilwanyana; kunye
- ukuphambuka kwecala lomgca wesakhiwo emazantsi kwipropathi ukusuka ku-3m ukuya ku-2m ukuze kungene inxalenye yesakhiwo esikhoyo.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: lochwangciso lwedolophu, 16 Paterson Street, Hermanus.

Nawuphi na umbono kufuneka ubhalwe, ucaphule igama lakho, idilesi kunye neenkukacha zonxibelelwano, umdla kwisicelo, kunye nesizathu sokuphawula. Ezezimvo kufuneka zifike kumasipala e (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye phambi komhla ka **23 EyoMsintsi 2021**. Imibuzo ngefowuni ingathunyelwa kuMchwangciso weDolophu, **uMunu H Boshoff** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuthatha izimvo ezifunyeneyo emva komhla wokuvalwa. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lokuCwangcisa lweDolophu apho igosa likamasipala liza kuncedisa ukuze ukwazi ukuqulunqa uluvo lwakho.

Umlawuli kaMasipala, uMasipala wase-Overstrand, P.O. Box 20, **HERMANUS**, 7200

Isaziso sikaMasipala esinguNombolo. 118/2021

LOCALITY PLAN ERF 1068 SANDBAAI

Plan prepared by: Thian Jansen

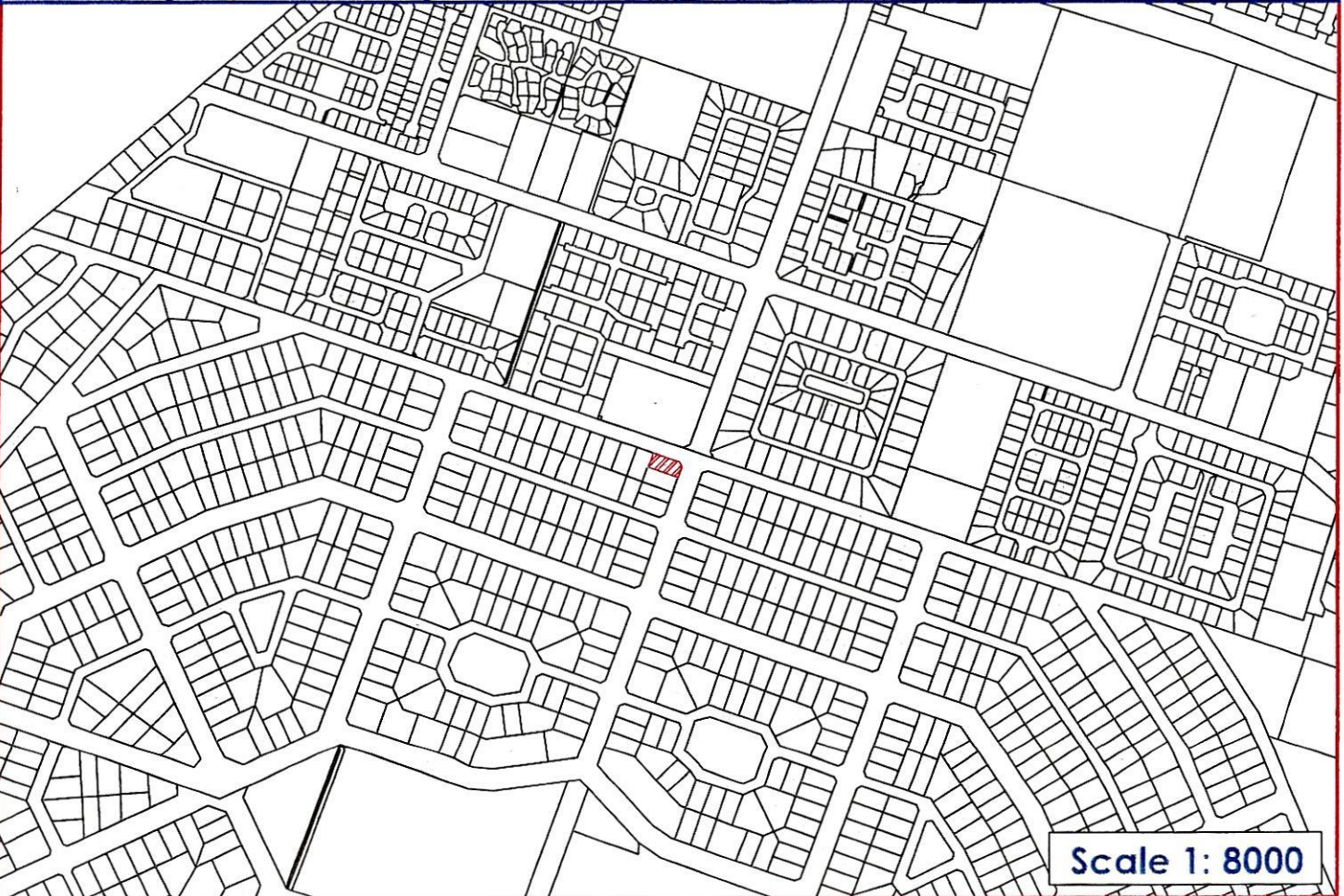
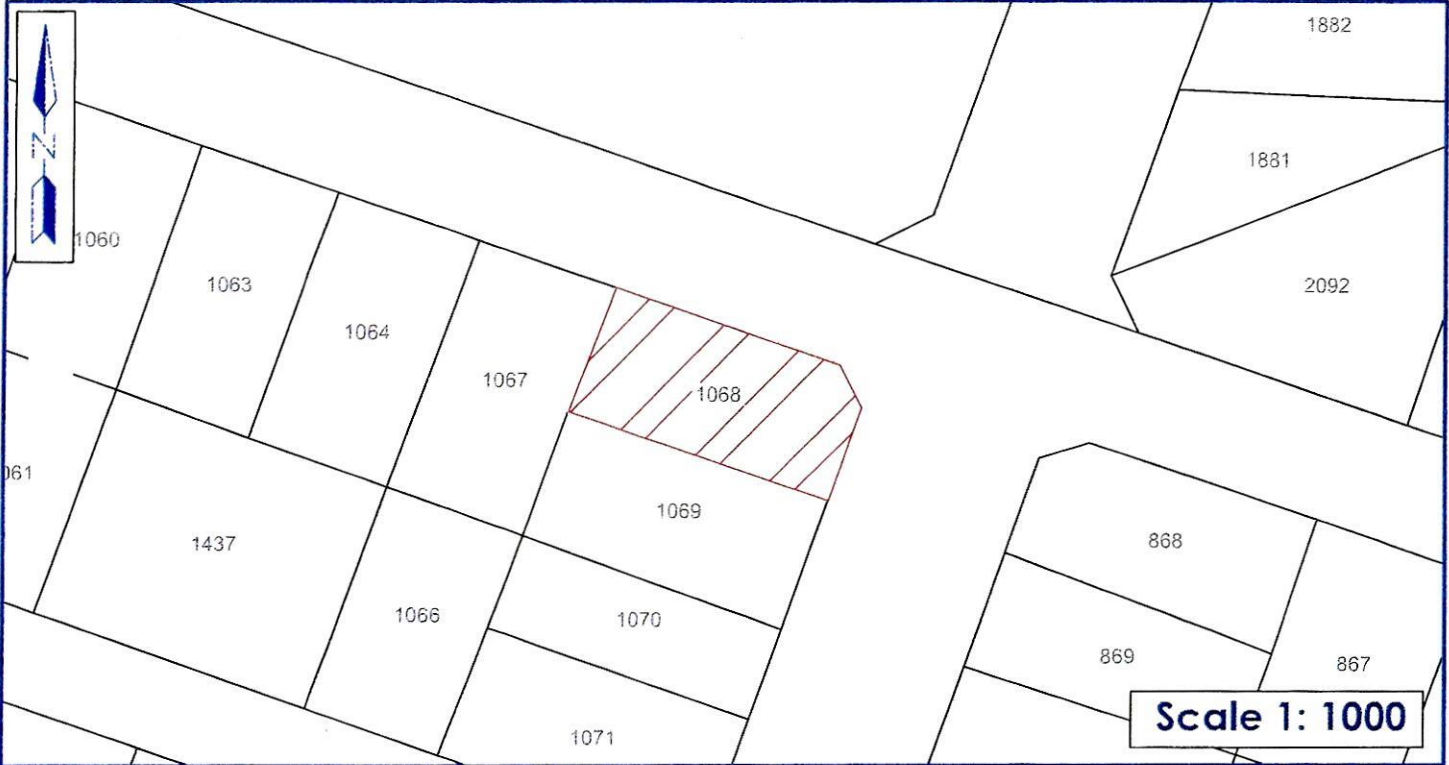
All distances are approximate
and subject to a survey

Tel: 028 313 1411
admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management





1. ABBREVIATIONS

1.1	OM	Overstrand Municipality
1.2	OMLUS	Overstrand Municipality Land Use Scheme, 2020
1.3	OM By-Law	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.4	DEADP	Western Cape Department of Environmental Affairs and Development Planning
1.5	PSDF	Western Cape Provincial Spatial Development Framework, 2014
1.6	MSDF	Overstrand Spatial Development Framework, 2020
1.7	SDP	Site Development Plan
1.8	SR1	Residential Zone 1: Single Residential
1.9	B3	Business Zone 3: Local Business

2. SUMMARY OF STATUS QUO AND PROPOSED PROPERTY DETAILS

2.1	Consultant	WRAP Project Office
2.2	Restrictive title deed conditions	Condition B (II)(a) – That the above erf or erven be used for residential purposes only. Condition B (II)(c) – That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that more than one-half the area of any one of the above erven be built upon.
2.3	Erf extent	696m ²
2.4	Current zoning	Residential Zone 1: Single Residential
2.5	Proposed Zoning	Business Zone 3: Local Business
2.5.1	Primary rights	Shops, Dwelling Unit (above ground floor) in accordance with 6.3.2, Flats (above ground floor), Offices, Restaurant, Caretaker's Accommodation and Self-Catering.
2.5.2	Consent uses 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)



3. BACKGROUND

- 3.1 Erf 1068 Sandbaai, hereafter referred to as the subject property is owned by the Mr TI Marx. The property is in the process of being transferred to a new owner, who envisages to utilise it as a veterinary practice on the subject property. The owner, hereafter referred to as the applicant, appointed WRAP Project Office to apply for the necessary land use approvals. Erf 1068 Sandbaai, hereafter referred to as the subject property is owned by the Mr TI Marx, hereafter referred to as the applicant.
- 3.2 In addition, to the rezoning application, a removal of restrictive title deed conditions application is required as some of the conditions prohibits the proposed land use.

4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

- 4.1 As mentioned, WRAP Project Office was appointed to compile and submit a land use planning application to materialise the envisaged intent highlighted in Section 3 of this report. The following is proposed:
- 4.2 **Removal of restrictive title deed conditions B (II) (a) & (c) from title deed T12880/2011 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.**

There are two title deed conditions that prohibits the land use rights sought by the applicant as described in Section 3 and the rationale for the removal of these conditions is discussed below:

- 4.2.1 Condition B (II) (a) – *“That the above erf or erven be used for residential purposes only.”*; and
- 4.2.2 Condition B (II) (c) – *“That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that more than one-half the area of any one of the above erven be built upon.”*
- 4.2.3 These title deed conditions mentioned above is required for removal as the new proposed primary right of 'Offices' to be exercised is not aligned with these conditions. The removal thereof would add value to the property and the surrounding area as it would also legally unlock economic activities on the subject property.
- 4.2.4 The rationale for the removal of the restrictive title deed conditions are to enable the applicant to achieve the development intent highlighted in Section 3.
- 4.2.5 The restrictive title deed conditions were inserted into the title deed in 1957 in response to trends and pressures which were prevalent in Sandbaai. There has been a circumstantial shift in development pressures and trends in Sandbaai since 1957 which results in these conditions not being responsive to the lived reality of the current residents.
- 4.2.6 The rationale for the removal of these restrictive title deed conditions will be discussed in further detail in Section 7 of this report.

4.3 Rezoning of Erf 1068 Sandbaai from SR1 to B3 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

- 4.3.1 This rationale for the subject property to be rezoned to B3 is that it is aligned with the proposed use envisaged for the property (veterinary practice) as the property is currently be used for residential purposes.
- 4.3.2 The proposed use of the subject property as a veterinary practice can be classified as use for office purposes which is defined by OMLUS as: 'means property used for conducting an enterprise primarily concerned with administrative, clerical, financial or professional duties and includes medical consulting rooms.' **Refer to Plan 4 for the SDP.**
- 4.3.3 Figure 1 below provides a visual representation of what is being planned on the subject property and how the space of the building will be utilised:

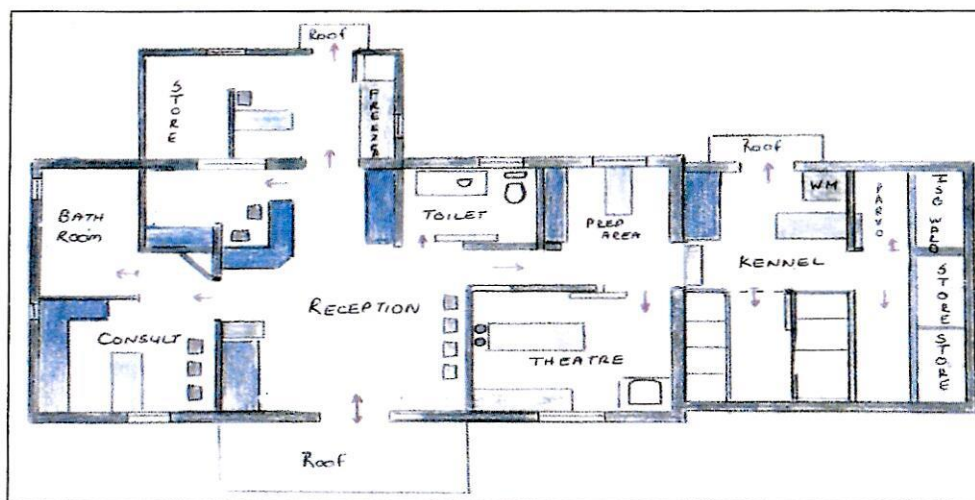


Figure 1: Proposed use of the subject property

- 4.3.4 The owners of the veterinary clinic propose the following conditions which the operation of the clinic will be subject to:

- The practice will only be a small animal veterinary practice.
- Consultation hours will be restricted to:

Monday to Friday

8:30 – 10:30 Consultations (till 12:00 if there are no theatre cases)

10:30 – 12:00 Operation in the theatre

12:00 – 14:00 Lunch Time

14:00 – 17:30 Consultation and discharge of operation patients

Saturdays

8:00 – 12:00 Consultations (till 12:00 if there are no theatre cases)



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- Maximum of 4 patients (animals) per hour, usually between 8:30 and 10:30

4.3.5 Uses of the rooms inside the veterinary practice:

- **Consultation Room** – Examination and treatment of small pets.
- **Reception Area** - Waiting room for clients, as well as sale of animal medicine, and selected dog / cat food.
- **Theatre** - Operations for day patients (small animals only).
- **Preparation Area** - Safe storage of animal medication and locking area for controlled small animal medication. Preparation area for theatre.
- **Kennel Room** - Cage area for day patients, isolation unit for small pets with highly contagious diseases. Save space for blankets, food bowls and food. Wash-up and sterilization area for blankets and theatre linen and instruments.
- **Toilet** - Used for staff / clients.
- **Bathroom** - Staff use.
- **Rear storage room** - Storage for dog food, freezer for dead small animals (sent away weekly for cremation).

The **kennel room** will be made as soundproof as possible by ensuring the following is done:

- All windows and the existing side door will be closed off.
- Inside the ceiling, a layer of sound absorbing material will be placed.
- The new back door will be a solid, soundproof door.
- The interior door to the clinic will be replaced with a soundproof door.
- The day clinic cages, and isolation unit will be partitioned off with more solid doors.

4.4 Departure from the 3m southern side building line to 2m to accommodate the existing building in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

4.4.1 The existing dwelling unit is located 2m from the southern building line which necessitates a departure application, as the proposed zoning requires that if the B3 zone is abuts another zone the side building line will be 3m.

4.4.2 As Plan 2 indicates, the subject property abuts a general residential zone 1, thus the side building line is 3m. The existing building, which encroaches on the southern side building line measures 5.25m² which is minimal and constitutes 3.76% of the total footprint of the existing building.

4.4.3 The use of the section of the building that encroaches on the side building line is proposed to be used as a storage area.

4.4.4 Figure 2 below illustrates the building line encroachment:

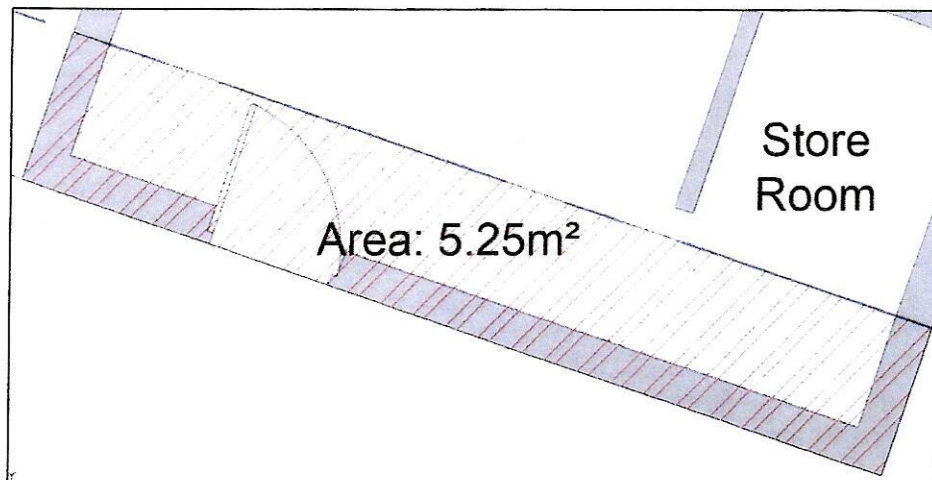


Figure 2: Building line encroachment

4.4.5 It would also be financially unfeasible for the building to be partially demolished as the encroachment would not have an adverse effect on the surrounding properties as it will only be used for storage purposes. The existing building is in line with the current residential zoning development parameters, but since rezoning is proposed the building is not in line with the new development parameters of B3 and a departure is required.

4.4.6 It is therefore motivated that the approval of this application would not affect the built environment of the Sandbaai area, and it is not out of place within the urban nature of the area.

5. APPLICATION

Considering the above, application is made for the following:

- 5.1 Removal of restrictive title deed conditions** B (II) (a) & (c) from title deed T12880/2011 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 5.2 Rezoning** of Erf 1068 Sandbaai from SR1 to B3 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 5.3 Departure** from the 3m southern side building line to 2m to accommodate the existing building in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.



6. LAND USE ENVIRONMENT

The surrounding properties within the vicinity of the subject property are mixed use as illustrated in Plan 2 (zoning plan), which shows several uses in die area where the subject property is located.

In addition, to the residential zone that includes some General Residential Zone 1 and General Residential Zone 3, there are some businesses near the subject property. This represents that the proposal for a B3 within the area would not be out of character for the area as the subject property is located within the Sandbaai Development node as indicated in the MSDP, refer to section 11.3 of this report for an in-depth review of the alignment of the application with the regulating policies.

7. TITLE DEED

Title deed T12880/2011 (refer **Annexure B**) was perused and there are restrictive title deed conditions that were inserted in 1957 when Sandbaai was established. These title deed conditions prohibit this development proposal and the rationale for the removal thereof will herewith be motivated.

7.1	<p>Title deed restriction Condition B (II) (a) – <i>"That the above erf or erven be used for residential purposes only."</i></p> <p>Motivation</p> <p>The rationale for the proposed removal The subject property is currently used for the accommodation of a single-family. The nature and scale the applicant's intent is more than what is allowed under the current zoning of the subject property. The business use which is sought in this application is not aligned with the condition and therefore the condition requires removal.</p> <p>Title deed condition background The title deed condition was intended to protect the residential character of Sandbaai for each property to exclusively be used for the accommodation of a single-family. This title deed condition was inserted in an era of low population growth and low-density development and the cap of residential use for a single-family was intended to protect this character.</p> <p>Current development trend Plan 2 illustrates that the current land use trend in Sandbaai's central area is indicated as a development node where businesses may develop along Main Road in Sandbaai, with the required land use approval. While the insertion of this restrictive condition made sense in 1957, the change in the character of Sandbaai where the co-existence of businesses and residential uses are increasing and the condition is therefore outdated.</p>
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MOTIVATION

7.2	<p>Title deed restriction Condition B (II) (c) – <i>“That not more than one dwelling together with the necessary outbuildings and accessories be erected on any one of the above erven and that more than one-half the area of any one of the above erven be built upon.”</i></p>
	<p>Motivation The rationale for the proposed removal The subject property is currently used for the accommodation of a single-family and the condition states that only ‘one dwelling’ and ‘necessary outbuilding’ be erected on the subject property. The nature and scale the new owner’s intent are more than what is allowed under the current zoning of the subject property. The business use which is sought in this application is not aligned with the condition as the use contradicts the condition and therefore the condition requires removal.</p> <p>In addition, the second portion of the condition states <i>“that more than one-half the area of any one of the above erven be built upon.”</i>, the OMLUS indicates that B3 has an allowable coverage of 75% which is more than what is allowed from this condition and future development of the property would then be prohibited by this condition and therefore the condition requires removal.</p> <p>Title deed condition background The title deed condition intended to protect the residential character of Sandbaai for each property to exclusively be used for the accommodation of a single-family. This title deed condition was inserted in an era of low population growth and low-density development and the cap of residential use for a single-family was intended to protect this character.</p>

8. ZONING

The following zoning parameters were assessed in conjunction with the SR1 & B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (a) of the OM By-Law:

The **current zoning** of the subject property is:

Residential Zone 1: Single Residential		
Land Use Restrictions		
	Parameters	Current Use
Primary use	Crèche, Dwelling House , Guest Rooms, Home Occupation, Second Dwelling Unit and Self-Catering.	Dwelling House
Consent use	Day Care Centre, Green House, Guest House, House Shop, Institution, Place of Instruction, Place of Worship, Residential Building and Intensive Horticulture.	Not applicable



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The **proposed zoning** of the subject property is:

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.	Offices	Applied for and motivated
Consent uses which 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).	Not applicable	-
Coverage	The maximum coverage for all buildings on the land unit is 75% .	20.71%	Comply
Floor Factor	The maximum floor factor is 1.5.	0.21	Comply
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.	i. 3.37m ii. 1 Storey	Comply
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.	i. Current setback is 7.87m and 4.72m. ii. This is noted.	Comply



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	ii. Where special circumstances exist, the Municipality may require a greater setback.		
Building Lines	<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>iv. 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>i. No fuel pumps are proposed, also the title deed proposes a 4.72m building line that will not be removed.</p> <p>ii. The current side building line is 2m, which will be retained and was motivated and applied for.</p> <p>iii. Comply</p> <p>iv. Noted</p>	<p>i. Comply</p> <p>ii. Motivated and applied.</p> <p>iii. Comply</p> <p>iv. Comply</p>
Window and door placement	<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>i. Comply</p> <p>ii. Comply</p>	Comply
Parking and access	<p>According to section 17.1 of the OMLUS:</p> <p>Four bays per 100m² GLA are required.</p>	4 Parking bays provided & 1 parking bay for the disabled.	Comply
Loading Bays	The minimum off-street loading must be provided to the satisfaction of the Engineering Department.		Comply



9. SERVICES

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

9.1 Electricity

The existing buildings are connected to the electricity network in the Sandbaai area.

9.2 Water

The existing building is connected to the reliable water network provided by the OM in the Sandbaai area.

9.3 Sewage

The existing building is connected to sewage network provided by the OM in the Sandbaai area.

9.4 Access, egress, and parking

Vehicular access and egress to the subject property is gained from End Street and the approval and implementation of this application will not alter this.

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:

10.1 Need and desirability.

Desirability also refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the type of land use/activity being proposed? The applicant envisages a veterinary practice, and the subject property was identified as a property that has potential; thus, this is the right 'place'. Since the property is being purchased for the purpose to develop the veterinary practice this is also the right 'time' to submit the application.

10.2 Impact on views, sunlight and character of the area

No physical changes to the outside of the existing building are proposed. The inside is set to be altered to accommodate the new use. The current building as indicated above in Section 8 proves that the subject site complies with the proposed zoning's development parameters.

The buildings are not impeding on the views, sunlight and character of the surrounding area.

10.3 Economic impact

The current residential use has no economic impact on the surrounding area, but the proposed development would allow the subject site to add economic value.



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The proposed development would add several employment opportunities, which include:

- 1 Veterinarian
- 1 Receptionist
- 1 Nurse/Cleaner

The proposed development of the subject property will stimulate further economic growth to occur within the surrounding area and ensure Sandbaai has an economic contribution to the greater Hermanus area.

10.4 Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal which leads to the devaluation or forgoing valued land use rights of interested and affected parties when an application is approved. The proposed use of the subject property will not adversely affect the surrounding area as the use proposed is not a use that emanates a lot of noise or any noxious trades.

10.5 Impact on heritage

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

10.6 Environmental impact

No listed activities in terms of the National Environmental Management Act are triggered by this proposal.

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone

The subject property is not located within this zone.

11.2 Heritage Protection Overlay Zone

The subject property is not located within this 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:

11.3.1 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.

- 11.3.1.1** 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.
- 11.3.1.2** The continual growth of the Provincial economy means that economic activity should be stimulated in lower spheres of the government. This application to allow a business use is in line with the proposal to add value to the Sandbaai area which in turn will have a positive impact on the Overstand Municipality.
- 11.3.1.3** The application relates to the development of economic activity which is in line with the PSDF.

11.3.2 MSDF

The MSDF's purpose is to ensure compliance with national, provincial and district legislation policies and principles. The MSDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The MSDF 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.

- 11.3.2.1** 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.
- 11.3.2.2** Ensuring economic development take place in the OM would ensure sustainable growth of the municipal area.
- 11.3.2.3** The area where the subject property is located, falls into a Business/Community Node (N4) as identified within the MSDF's 2050 Vision: Greater Hermanus (West). It states that business uses, commercial, retail and offices should be concentrated within demarcated business areas as far as possible. Refer to figure 3 for a visual illustration of the business/community node and a visual representation where the subject property is located.

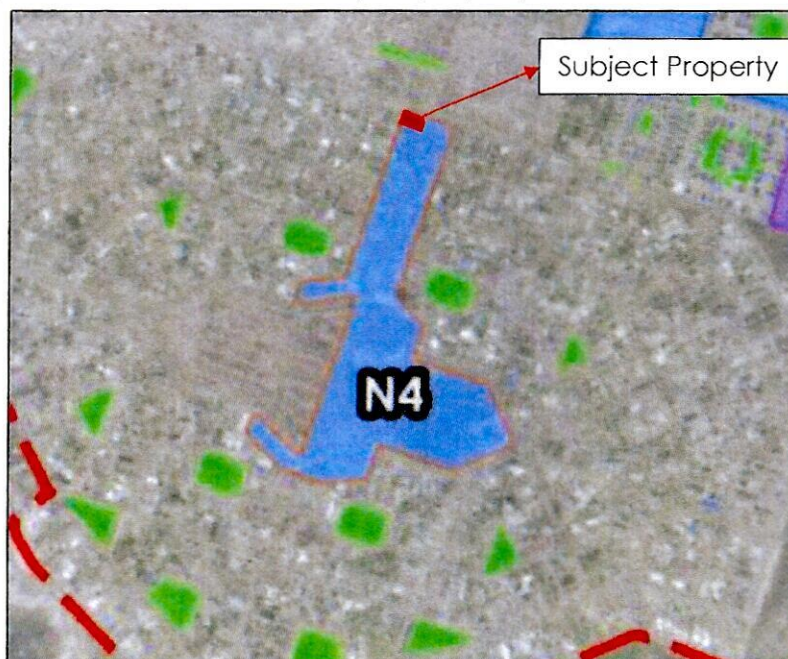


Figure 3: Business/Community Node (N4)



11.3.2.4 The subject property is located within the demarcated business area and the proposed rezoning is therefore in line with the future development proposals envisioned by the MSDF.

12. PLANNING PRINCIPLES

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

12.1 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.

12.2 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 Sandbaai area in the OM, this will aid that the Sandbaai area is staying in contact with the ever-changing urban character of the greater Hermanus area.

12.3 Efficiency

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

12.4 Spatial resilience

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

12.5 Good administration

The OM has a credible track record of good administration regarding the method of public participation which accepts comments from the public to make an informed decision as well as complying with the prescribed time frames pertaining to the processing of applications.



RECOMMENDATION

13. EVALUATION

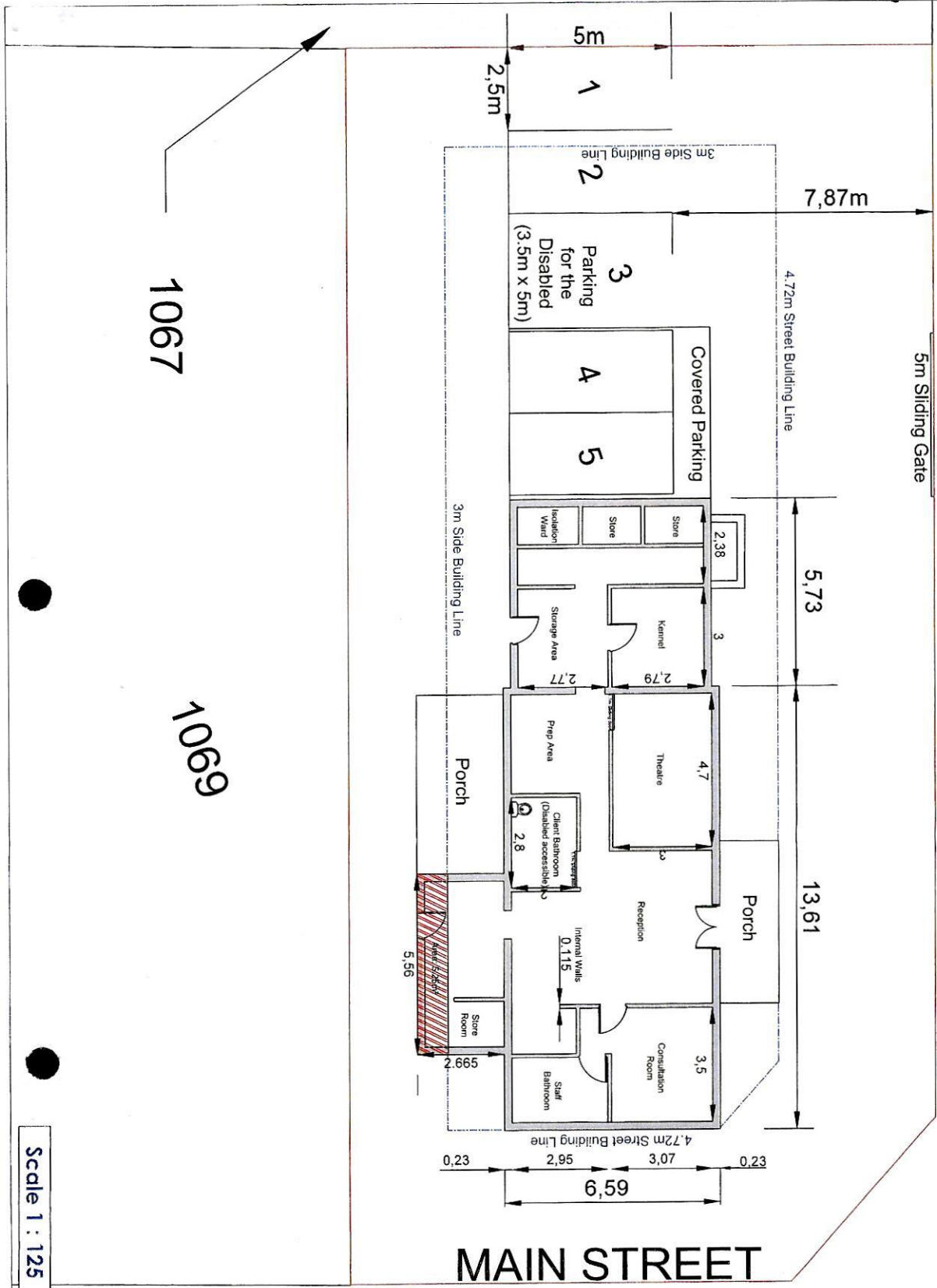
- 13.1** The rationale for the proposed rezoning to realise the vision the applicant has for the subject property has been motivated.
- 13.2** To achieve the above, the removal of a restrictive title deed condition is required as this restriction prohibits the subject property to be used as a business premises.

14. RECOMMENDATION

Considering the merits of this motivation, it is recommended that the following be approved:

- 14.1** Removal of restrictive title deed condition B (II) (a) & (c) from title deed T12880/2011 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.
- 14.2** Rezoning of Erf 1068 Sandbaai from Residential Zone 1: Single Residential (SR1) to Business Zone 3 Local Business (B3) in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 14.3** Departure from the 3m southern side building line to 2m to accommodate the existing building in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

END STREET



Site Development Plan
Erf 1068 Sandbaai

 Encroachment of the Building Line (5,25m²)

4 x Parking bays provided
1 x Parking bay for the disabled provided

Subject property (Erf 1068)

Plan prepared by: Thian Jansen
Based on plans of Johan Koekemoer Architects

All distances are approximate
and subject to a survey

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Scale 1 : 125