



OVERSTRAND MUNISIPALITEIT
ERF 931, HOOFWEG 76, SANDBAAL: AANSOEK OM
OPHEFFING VAN BEPERKENDE
TITELAKTEVOORWAARDES, HERSONERING,
VERGUNNINGSGEBRUIK EN AFWYKING: WRAP
(nms KUMI ESTATES CC)

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die onderstaande aansoek van toepassing op Erf 931, Sandbaai (die eiendom), naamlik:

Opheffing van Beperkende Titelaktevoorwaardes
Aansoek ingevolge Artikel 16(2)(f) van die Verordening vir die opheffing van beperkende titelaktevoorwaardes C(a), C(c) en C(d) soos vervat in Titelakte T11910/2016 van die eiendom ten einde die eiendom vir sakedoelindes (kantore) aan te wend.

Hersonering
Aansoek ingevolge Artikel 16(2)(a) van die Verordening vir die hersonering van die eiendom vanaf Residensiële sone 1: Enkel Woonsonne (SR1) na Besigheidsone 3: Plaaslike Besigheid (B3), ten einde die eiendom vir sakedoelindes (kantore) aan te wend.

Vergunningsgebruik
Aansoek ingevolge Artikel 16(2)(o) van die Verordening om 'n wooneenheid op grondvlak van die eiendom te akkommodeer.

Afwyking
Aansoek ingevolge Artikel 16(2)(b) van die Verordening om die suidelike laterale boulyn te verslap vanaf 3m na 0m en 2m om onderskeidelik 'n skadunet motorafdak en 'n gedeelte van die bestaande woning te akkommodeer, asook die oostelike laterale boulyn vanaf 3m na 0m om 'n skadunet motorafdak te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentare moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op 10 Desember 2021, met u naam, adres en kontakbesonderhede, belang in die aansoek, en die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. H Boshoff by 028-3138900. 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 om hul kommentare te formuleer.

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

Munisipale Kennisgewing Nr. 155/2021

OVERSTRAND MUNICIPALITY
ERF 931, 76 MAIN ROAD, SANDBAAL: APPLICATION
FOR REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS, REZONING, CONSENT USE AND
DEPARTURE: WRAP (obo KUMI ESTATES CC)

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), of the following applications applicable to Erf 931, Sandbaai (the property), namely:

Removal of Restrictive Title Deed Conditions
Application in terms of Section 16(2)(f) of the By-Law for the removal of restrictive title deed conditions C(a), C(c) and C(d) as contained in Title Deed T11910/2016 of the property to utilize the property for business (offices) purposes.

Rezoning
Application in terms of Section 16(2)(a) of the By-Law for the rezoning of the property from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3) to utilize the property for business (office) purposes.

Consent Use
Application in terms of Section 16(2)(o) of the By-Law to accommodate a dwelling unit at ground floor level of the property.

Departure
Application in terms of Section 16(2)(b) of the By-Law to relax the southern lateral building line from 3m to 0m and 2m to respectively accommodate a shade cloth carport and a portion of the existing dwelling unit, as well as the eastern lateral building line from 3m to 0m to accommodate a shade cloth carport.

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 to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before 10 December 2021, quoting your name, address and contact details, interest in the application, and the reasons for comment. Telephonic enquiries can be made to the **Town Planner, Mr. 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 in order to formalize their comments.

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

Municipal Notice No. 155/2021

UMASIPALA WASE-OVERSTRAND
ISIZA 931, 76 MAIN ROAD ESANDBAAL: ISICELO
SOKUSUSWA KWEZITHINTELO NGOKWEMIGAQQ,
UKUCANDWA NGOKUTSHA, IMVUME
YOKUSEBENZISA NOKUPHAMBUKA : WRAP
(EGAMENI LIKA KUMI ESTATES CC)

Esi saziso sikhutshwa ngokwemiqathango yeSolotya 47 no 48 loMthethwana kaMasipala waseOverstrand woYilo lokuSetyenziswa koMhlaba wowama-2020 ngokwezicelo esifunyenweyo esicapazela Isiza 931 ESandbaai (ipropathi) ezichazwe ngezantsi:

Ukususwa Kwezithintelo Ngokwemigaqq
Isicelo ngokweSolotya 16(2)(f) laloMthethwana sokushenxiswa kwemiqathango yeemeko ezithintela itayitile ngokwemihlathi C(a), C(c) & C(d) yeTitle Deed T11910/2016 yepropathi ukuze ipropathi isetyenziselwe iinjongo zoshishino (iifisi).

Ukucandwa Ngokutsha
Isicelo ngokweSolotya 16(2)(a) laloMthethwana ukucandwa ngokutsha kwepropathi njenge Ndawo yokuHlala 1 (SR1) ukuya ngokuBanzi Eyoshishino 3 (B3): Ishishini leNgingqi ukuba ipropathi isetyenziselwe iinjongo zoshishino (iifisi).

Imvume yokusebenzisa
Isicelo ngokweSolotya 16(2)(o) ilaloMthethwana isebenzise ukuvumela ukulungiselela ukwakhiwa kwendawo yokuhlala kumgangatho osezantsi kwipropathi.

Ukuphambuka
Isicelo ngokweSolotya 16(2)(b) LaloMthethwana ukuze kunyenyiswe umgca wesakhiwo kwicala elisemazantsi ecaleni ukusuka ku-3m ukuya ku-0m naku-2m ngokulandelelana ukulungiselela indawo yokupakisha imoto enomthunzi welaphu kunye nesahlulo sesakhiwo sokuhlala esikhoyo kwakunye necandelo lomgca wesakhiwo elingasempuma ecaleni ukuba unyenyiswe ukusuka ku-3m ukuya ku-0m ukulungiselela indawo yokupakisha imoto enomthunzi welaphu

inkcukacha mayela nesindululo siyafumaneka ukuze sihlolwe phakathi evekini ngamaxesha omsebenzi ukusuka kwintsimbi ye08:00 ukuya kweye16:30 kwiSebe: Izicwangciso Zedolophu kwanombolo 16 Paterson Street, eHermanus.

Naziphi na izimvo ezibhaliweyo zingangeniswa ngokwezibonelelo zamaSolotya ama-51 nama-52 kwaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngolwesihlanu okanye ngaphambi koLwesihlanu, **10 EyeMnga 2021**, ukhankanye igama lakho, idilesi, iinkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokunika izimvo. Imibuzo ngefowuni ingabhekiswa ku**Mphathi kuCwangciso lweDolophu, uMnu. H Boshoff** ku-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvula. Nabani na ongakwazi ukufunda okanye ukubhala angaya kwiCandelo leDolophu apho igosa likamasipala liza kumnceda avakalise izimvo zakhe ngokusemethethweni.

UMlawuli kaMasipala, Masipala waseOverstrand,
P.O. Box 20, HERMANUS, 7200

Municipal Notice No. 155/2021



3. BACKGROUND

- 3.1 Erf 931 Sandbaai, hereafter referred to as the subject property is owned by the Kumi Estates CC hereafter referred to as the applicant.
- 3.2 The applicant wants to rezone the subject property to align with their plan for expansion of the home enterprise that is being operated on the subject property.
- 3.3 Currently there is an estate agency that has been in operation on the subject property when the Overstrand Municipality Zoning Scheme of 2013 was still in operation.
- 3.4 Under the previous zoning scheme, a home occupation was allowed to operate as a primary use on a property zoned Residential Zone 1: Single Residential (SR1). A home occupation was defined in the Overstrand Municipality Zoning Scheme of 2013 as the following:
*"the practicing of an occupation, profession, art or trade, or the conducting of an enterprise, which includes an **estate agency**, from a dwelling unit **by one or more of the occupants** of a dwelling unit; provided that the dominant use of the dwelling concerned shall remain for the living accommodation of a single family, and the property complies with the requirements contained in this zoning scheme for a home occupation; but does not include adult entertainment"*.
- 3.5 Since the new OMLUS has been introduced the applicants wants to expand their agency to more than the allowable 25% of the total floor area of the building.
- 3.6 Since the subject site has been operating under the 2013 Zoning Scheme's regulations, it was determined that no administrative penalty would be applicable. The applicant wants to increase the estate agency inside the building and would therefore require rezoning.
- 3.7 To achieve this the following is required:
- Rezoning from Residential Zone 1: Single Residential (SR1) to Business Zone 3: Local Business (B3);
 - Removal of restrictive title deed conditions; and
 - Permanent departure of two building lines.

4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

- 4.1 WRAP was appointed to compile and submit a land use planning application to materialise the intent highlighted in Section 3 of this report. The following is proposed:
- 4.2 **Removal of restrictive title deed conditions C (a), (c) & (d) from title deed T11910/2016 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.**



MOTIVATION

There are three 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 C (a)** *"That the above erf or erven be used for residential purposes only";*
- 4.2.2 Condition C (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 of the area of any one of the above erven be built upon"; and*
- 4.2.3 Condition C (d)** *"That no building shall be erected on the above erf or erven within 4,71 meters of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon."*
- 4.2.4** 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 additional economic activities on the subject property.
- 4.2.5** The rationale for the removal of the restrictive title deed conditions is to enable the applicant to achieve the development intent highlighted in Section 3.
- 4.2.6** The restrictive title deed conditions were inserted into the title deed in 1950 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 1950 which results in these conditions not being responsive to the lived reality of the current residents.
- 4.2.7** The rationale for the removal of these restrictive title deed conditions will be discussed in detail in Section 7 of this report.

4.3 Rezoning of Erf 931 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.

- 4.3.1** The purpose of this application is to obtain approval to ensure the vision of the applicant is achieved. They are currently operating an estate agency which as previously mentioned was legal under the old 2013 Overstrand Zoning Scheme.
- 4.3.2** The applicant wants to increase the footprint of the estate agency being operated on the subject property that is larger than the allowable 25% for a home occupation of the 2013 Overstrand Zoning Scheme.
- 4.3.3** The current use is aligned with the definition of an 'Office' which is defined by OMLUS: *'means property used for conducting an enterprise primarily concerned with administrative, clerical, financial or professional duties and includes medical consulting rooms.'*
- 4.3.4** The subject property will be able to be expanded to the applicant's vision. By allowing this proposed rezoning the subject property will be able to



accommodate the expanded proposed use of the subject property, that in turn could employ and have positive economic impact on the area.

4.4 Consent Use to allow a dwelling unit (on the ground floor) 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 subject property currently has a dwelling unit on the premises, which the applicant wants to continue utilising when the property is rezoned to Business Zone 3. This requires a consent use to be approved as it is located on the ground floor.
- 4.4.2 The proposed zoning (B3) allows for a dwelling unit (on the ground floor) as a consent use. A dwelling unit is defined by OMLUS as: 'a unit containing one or more inter-leading rooms with adequate sanitary facilities and a kitchen, used for the accommodation and housing of a single family, and may be included in or separate from the main building on the property'. This additional use will add value to the subject property as it fits into the mixed-use character of the surrounding area of Sandbaai.
- 4.4.3 The dwelling unit will be utilised for long-term rental, and not for tourist accommodation.
- 4.4.4 The dwelling unit is currently being occupied by a person employed by the estate agency.

4.5 Permanent Departure from the southern building line from 3m to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

- 4.5.1 Currently the subject property is zoned as Single Residential Zone 1. The current side building line is 2m and the street building line is being determined by the title deed, being 4.71m.
- 4.5.2 The proposed zoning of Business Zone 3's development parameters are as follows:
The side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m.
- 4.5.3 Erf 932 adjacent to the subject property is currently zoned as SR1 meaning the new side building line that would be required is 3m.
- 4.5.4 The existing building and existing shaded parking are encroaching on the 3m building line and this necessitates a permanent departure to allow these encroachments. See figure 1 that illustrates the building line encroachment:

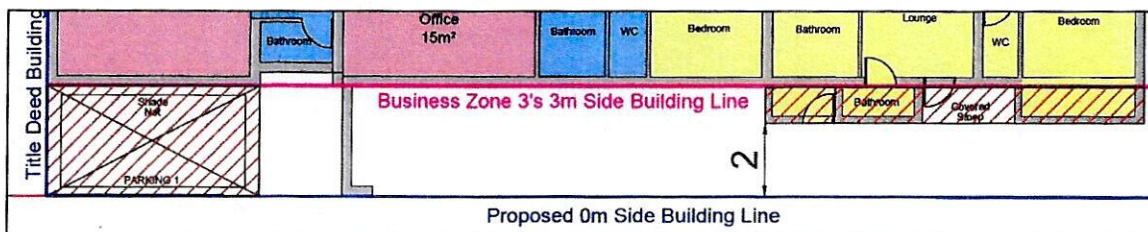


Figure 1: Southern Building Line Encroachments

- 4.5.5 The current encroachments allow for only a 10.25m² of habitable space, this space was inside the old 2m building line of the SR1.
- 4.5.6 A 0m side building line is proposed to accommodate a shaded parking area. Except for the area between the proposed 3m and the existing 2m building line, no habitable space will be located in the 3m building line.
- 4.5.7 The applicant would like to take this opportunity to ensure the building line is appropriately relaxed in terms of what is required by the Overstrand Municipality.

4.6 Permanent Departure of the eastern building line from 3m to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

- 4.6.1 The proposed zoning of B3's development parameters are as follows:
The **side** building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3,0 m.
- 4.6.2 Erf 930 adjacent to the subject property is currently zoned as SR1 meaning the new **side** building line would be required to be 3m.
- 4.6.3 The existing covered garage/carport is encroaching on the 3m building line which necessitates a permanent departure to allow these encroachments. See figure 2 that illustrates the building line encroachment:

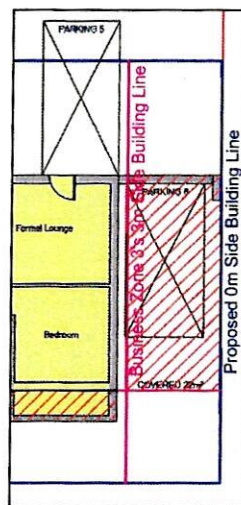


Figure 2: Eastern Building Line Encroachments

- 4.6.4 A 0m side building line is proposed to allow the existing covered garage on the subject property.
- 4.6.5 The current encroachments only allow for covered parking and not any habitable space.
- 4.6.6 The applicant would like to ensure that the departures from the building line as for covered parking is approved by the Overstrand Municipality.



5. APPLICATION

Considering the above, application is made for the following:

- 5.1 **Removal of restrictive title deed conditions** C (a), (c) & (d) from title deed T11910/2016 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 931 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;
- 5.3 **Consent Use** to allow a dwelling unit (on the ground floor) in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 5.4 **Permanent Departure** from the southern building line from 3m to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 5.5 **Permanent Departure** from the eastern building line from 3m to 0m in terms of Section 16(2)(b) 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 different uses surrounding the subject property. In addition, of the businesses in close vicinity to the subject property there are also various residential properties in the area.

This proposal for a B3 Zoning within the area would not be out of character as the subject property is located within the Sandbaai Development node as indicated in the MSDP (refer section 11.3 for an in-depth review of the alignment of the application with the regulating policies).

7. TITLE DEED

Title deed T11910/2016 (refer **Annexure B**) was perused and there are restrictive title deed conditions that were inserted in 1950 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	<u>Title deed restriction</u> Condition C (a) <i>"That the above erf or erven be used for residential purposes only"</i>
	Motivation The rationale for the proposed removal The subject property is currently being used for a home occupation- and residential purposes. This is in contradiction to the restrictive title deed condition. The nature and scale of 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 line with the proposed expansion of the home occupation and therefore the condition requires removal. 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. Status quo Plan 2 illustrates that the current land use/zoning trend in Sandbaai's central area is indicated as a development node where businesses can develop along Main Road in Sandbaai. The condition made sense when Sandbaai was only used for residential purposes. The focus has however shifted through the course of the past few years as Sandbaai is becoming a mixed-use area allowing businesses to co-exist with residential properties.
7.2	<u>Title deed restriction</u> Condition C (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>
	Motivation The rationale for the proposed removal The subject property is currently being used for home occupation- and residential purposes. The proposed office use is in contradiction with the restrictive condition as it states only 'one dwelling' and with the necessary 'outbuildings' may be erected on the subject property. The nature and scale of the applicant's proposed business uses cannot further be accommodated under residential use. In addition, the second portion of the condition states <i>"that not more than one-half the area of any one of the above erven be built upon."</i> , the OMLUS indicates that the B3 Zoning has an allowable coverage of 75% which is more



	<p>than what is allowed in terms of 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</p> <p>The title deed condition is in line with the old Sandbaai area, one that was not allowed to have businesses and other uses. It was inserted to ensure the residential nature of Sandbaai is preserved.</p> <p>Status quo</p> <p>The restriction states that only a dwelling unit may be allowed on the property. In addition to this, the title deed is attempting to ensure that only half of the area be built upon which is not required to be managed by the title deed as it is currently being determined in the OMLUS. This restrictive condition may affect the future development of the subject property.</p>
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7.3	<p><u>Title deed restriction</u></p> <p><i>Condition C (d) "That no building shall be erected on the above erf or erven within 4,71 meters of any boundary line between the said erf or erven and any street, road or avenue on which such erf or erven abuts; such space may be used as gardens but shall not be built upon."</i></p> <p><u>Motivation</u></p> <p>The rationale for the proposed removal</p> <p>The subject property is currently being used for home occupation- and residential purposes. The building on the subject property was originally constructed in line with the 4.71m title deed condition. Shade net parking has been built over the 4.71m title deed building line. The development parameters for the B3 zoning are clearly indicated in the OMLUS and it is a restriction as the title deed's street building line is much more restrictive than what is allowed in terms of the development parameters. Future development of the property would be restricted by this condition and therefore the condition requires removal.</p> <p>Title deed condition background</p> <p>The title deed condition intended to protect the residential character of Sandbaai for each property to ensure no residential structures are built too close to the street. This title deed condition was inserted in an era where mixed use areas were non-existent as residential areas were separated from business areas.</p> <p>Status quo</p> <p>The insertion of this restrictive condition made sense in 1950's, when no buildings were allowed inside the 4.71m. This was done to ensure the visual impact of building were less as it was a residential area. This is not the case in 2021 as Section 11.3.2 indicates the central area of Sandbaai is earmarked as a development node, which will ensure the proposal for a property zoned Business Zone 3 is not out of the ordinary.</p>
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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) (q) of the OM By-Law:

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

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

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

BUSINESS ZONE 3: LOCAL BUSINESS (B3)			
Land Use Restrictions			
	Development 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)	Dwelling Unit (on ground floor)	Applied for and motivated
Coverage	The maximum coverage for all buildings on the land unit is 75% .	50.87%	Comply



MOTIVATION

Floor Factor	The maximum floor factor is 1.5 .	0,51	Comply
Height	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> i. The building is not higher than 8.5m. ii. 1 Storey 	Comply
Setback	<ul style="list-style-type: none"> 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. ii. Where special circumstances exist, the Municipality may require a greater setback. 		Comply
Building Lines	<ul style="list-style-type: none"> i. The street building line is 0 m, provided that a 5,0 m building line applies where fuel pumps are erected; 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; 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 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. 	<ul style="list-style-type: none"> i. No fuel pumps are proposed ii. Applied for a 0m side building line (Southern building line). Applied for a 0m side building line (Eastern building line). iii. & iv. – N/A 	Applied for and motivated.
Window and door placement	<ul style="list-style-type: none"> 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. 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. 		Comply
Parking and access	According to section 17.1 of the OMLUS:	<u>Parking required:</u>	Comply



MOTIVATION

	<p>Office Four bays per 100m² GLA</p>	<p>Office: 4 Parking bays required.</p> <p>4 Parking Bays are provided.</p>	
	<p>Dwelling house Two onsite parking bays per dwelling unit</p>	<p>Dwelling house: 2 Parking bays are required.</p> <p>2 parking bays are provided.</p>	
Loading Bays	The minimum off-street loading must be provided to the satisfaction of the Engineering Department.	To be determined	

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 for clients is gained from Main Street and the approval and implementation of this application will not alter this.

Currently there are two access points on Jan van Riebeek Crescent. One providing access to a parking bay used by a staff member of the offices on the property. The second access is only used for the residents of the dwelling unit on the property.

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

The need for the development arose from the applicant's vision to increase the footprint of the home occupation (estate agency) on the subject property. Creating a space where job opportunities are created.

The desirability is more often a personal feeling of the applicant that may in the future benefit others, such as creating a property where a business may operate, and jobs may be created. This in turn will impact on economic activity of the Hermanus area.

To achieve their desire, the applicant has appointed WRAP Project Office to submit this application, to ensure the application is in line with the relevant policies and legislation. The estate agency has been operating and has not felt out of character for the area and, opportunities to create jobs in the area should not be discouraged.

10.2 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. 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 establishments that are being operated on the subject property has an impact on the economy as it creates a space where employment opportunities are created. The regularisation of the existing development on the property will stimulate further economic growth to occur within the surrounding area and ensure that Sandbaai makes further 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 foregoing valued land use rights of interested and affected parties when an application is approved. The proposed zoning of the subject property will not adversely affect the surrounding area as the proposed use 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 in 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 other spheres of the government. This application to legalise the business uses are in line with the proposal to add value to the Sandbaai area which in turn will have a positive impact on the Overstrand Municipality.

11.3.1.3 The application then 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 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.

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.

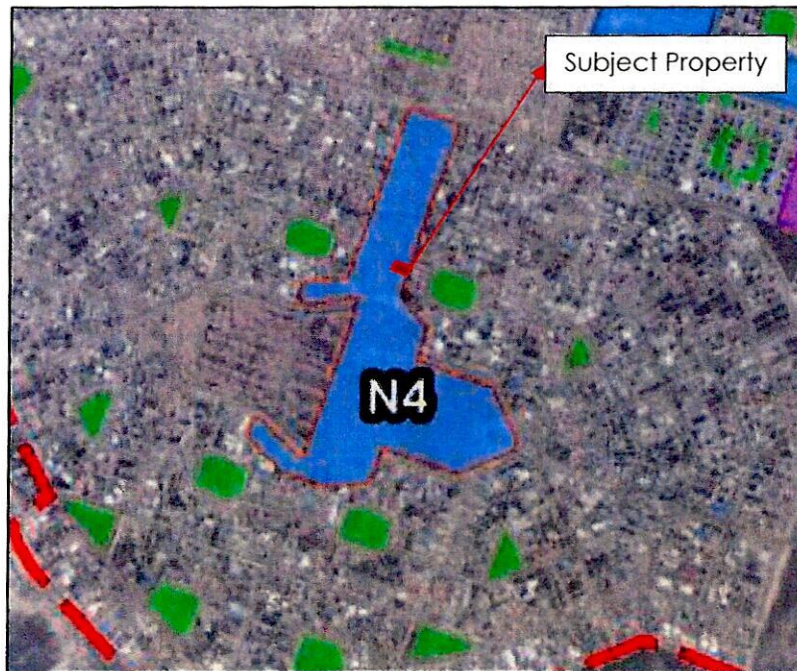


Figure 3: Business/Community Node (N4)

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



MOTIVATION

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 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.



13. EVALUATION

- 13.1** The rationale for the rezoning is a method to obtain the additional land use required for the extension of the business activities currently being operated on the subject property and to realise the vision that the applicant has for the subject property, has been motivated.
- 13.2** To achieve the above, the removal of restrictive title deed conditions is required as these restrictions prohibit the subject property to be used to its full potential 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 conditions** C (a), (c) & (d) from title deed T11910/2016 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 931 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;
- 14.3 Consent Use** to allow a dwelling unit on the ground floor in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended;
- 14.4 Permanent Departure** from the southern building line from 3m to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended; and
- 14.5 Permanent Departure** from the eastern building line from 3m to 0m in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Site Development Plan
Erf 931 Sandbaai

GLA of Business

- Office - 44.2m²
- Lobby - 6m²
- Office - 10m²
- Office 11.4m²
- Office - 15m²
- Passage - 8.3m²

Total GLA = 94.5m²

Coverage

Total Coverage = 342.7m²
Property Extent = 685m²

Coverage - 50.03%

Total allowable coverage - 75%

Parking

- Parking required for the office = 4 parking bays (4 parking bays per 100m² of GLA)
- Parking required for the dwelling unit = 2 parking bays (2 parking bays per dwelling)

Building Line Encroachment Areas



Plan prepared by: Thian Jansen
Plans based on drawing done by:
Smart Solution Architecture and Architectural consultants
All distances are approximate and subject to a survey

Tel: 028 313 1411

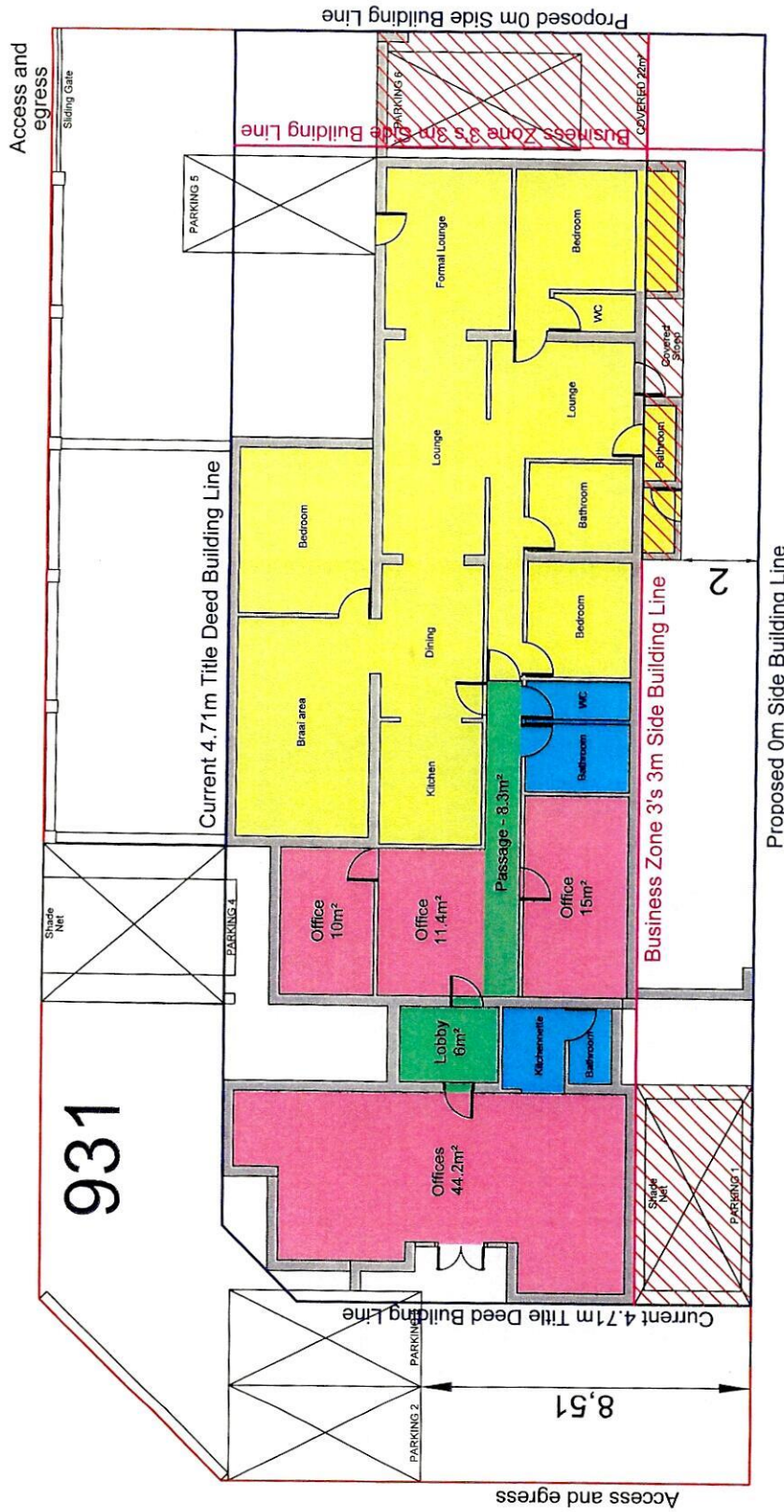
Email: admin@wrapgroup.co.za

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



Project Office
Town Planning & Project Management

Scale 1 : 125



931

8,51

2

Access and egress

Proposed 0m Side Building Line

Proposed 0m Side Building Line

Current 4.71m Title Deed Building Line

Business Zone 3's 3m Side Building Line

Business Zone 3's 3m Side Building Line

Access and egress

Sliding Gate

Shade Net

PARKING 4

PARKING 5

PARKING 2

Current 4.71m Title Deed Building Line

PARKING 3

PARKING 6

PARKING 5

COVERED 23m²

COVERED 23m²

COVERED 23m²

COVERED 23m²

COVERED 23m²

COVERED 23m²

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