

ERF 2989, 205 CLARENCE DRIVE, BETTY'S BAY: APPLICATION FOR CONSENT USE: WRAP PROJECT OFFICE (obo THE HUB BETTYS BAY (PTY) LTD)

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

Full detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus, and at the Betty's Bay Library, Clarence Drive, Betty's Bay. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **28 October 2022**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to **Ms. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comments 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 comment.

ERF 2989, CLARENCERYLAAN 205, BETTY'SBAAI: AANSOEK OM VERGUNNINGSGEBRUIK: WRAP PROJECT OFFICE (nms THE HUB BETTYS BAY (PTY) LTD)

Kennis word hiermee gegee ingevolge Artikel 48, van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) dat 'n aansoek om Vergunningsgebruik ingevolge Artikel 16(2)(o) ontvang is, om 'n bottelstoor te akkommodeer.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus en die Bettysbaai Biblioteek, Clarencerylaan, Bettysbaai. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **28 Oktober 2022**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan **Me. H van der Stoep** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

ISIZA 2989, 205 CLARENCE DRIVE, EBETTY'S BAY: ISICELO SEMVUME YOKUSETYENZISWA: WRAP (egameni lika THE HUB BETTYS BAY (PTY) LTD)

Kukhutshwe isaziso ngokweSoloty nelama-48 loMthetho kaMasipala oTshintshiwe kaMasipala waseOverstrand loCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (umThetwana) imvume yokusetyenziswa isiceleo ngokweSoloty 16(2)(o) yaloMthetwana ukuze kuhlaliswe ivenkile yebhotile kwipropati.

linkcukacha ezipheleleyo mayela nesi sindululo ziyafumaneka ukuze zihlolwe phakathi evekini phakathi ko-08:00 no 16:30 kwiSebe: Loyilo Dolophu 16 Paterson Street, Hermanus. nakwiThala leencwadi laseBetty's Bay, Clarence Drive, Betty's Bay. Naziphi na izimvo ezibhaliweyo mazingeniswe kuMasipala ngokwezibonelelo zeCandelo 51 neCandelo 52 loMthetho kaMasipala ochaziweyo (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ingadlulanga i- **28 EyeDwarha 2022**, ubhale igama lakho, idilesi neenkukacha zoqhagamshelwano, umdla wakho kwisicelo nezizathu zokubhala izimvo zakho. Imibuzo ngefowuni ingabhekiswa ku**Nkszn H van der Stoep** ku **028-313 8900**. UMasipala angangavumi ukwamkela amagqabaza okuhlomla afunyenwe emva komhla wokuvala. Nabani na ongakwazi kufunda okanye ukubhala angatyelela iSebe loYilo Dolophu apho igosa lakwamasipala liya kumnceda afake amagqabaza okuhlomla.

Locality Plan Erf 2989 - Betty's Bay

 Subject property

Plan prepared by: Thian Jansen

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

Inset



2988

2989

RE/2715

3005

5252

5253

3006

Scale 1 : 1000

Broader context



BROADWITH ROAD 15.74

MOUNTAIN ROAD 12.59

HIGH LEVEL ROAD 12.59

ARISTEA ROAD 12.59

ARISTEA ROAD 12.59

TWIST STREET

STRAIGHT STREET

22.04

CLARENCE DRIVE 25.19

CLODE STREET 12.59

WATERFALL ROAD

CLODE STREET 12.59

PARK CRESCENT 15.74

CLIFF ROAD 15.74

Scale 1 : 4000



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
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020

2. PROPERTY DETAILS

Consultant	WRAP Project Office
Erf Number	Erf 2989, Betty's Bay
Extent	1108m ²
Zoning	Business Zone 3: Local Business

3. BACKGROUND AND INTENT

Erf 2989 Betty's Bay, hereafter referred to as the subject property (Refer to **Plan 1** for the locality), is owned by The Hub Betty's Bay (Pty) Ltd. The two directors of the company are residents of Betty's Bay and purchased the subject property to develop a functional and feasible business premises that will attract businesses, customers and to create employment opportunities. The directors have appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney**).

The subject property is zoned Business Zone 3: Local Business which allows the property owners to utilise the property for various business-related uses. Building plans that were approved for the building currently being constructed are for seven leasable 'shops' on the ground floor with two small flats above the ground floor.

These 'shops' will each be rented out to various businesses to operate within the parameters that are allowed in terms of the zoning. The property owners have signed an agreement with a prospective business owner to operate a **boutique liquor outlet** in one of the shops on the ground floor.

The business is proposed to provide a service and product not currently being supplied in Betty's Bay. The prospective business owner has been in the liquor industry working on wine farms and being active in this market for more than three decades.

To achieve the property owners' and prospective business owner's vision, the following application is being applied for:

- Consent Use for a bottle store.



4. PROCEDURE TO ACHIEVE THE PROPERTY OWNERS' INTENT

4.1 Consent Use for a Bottle Store on Erf 2989 Betty's Bay in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The proposal is to apply for a consent use to allow a bottle store (boutique liquor outlet) that will afford the residents of Betty's Bay the opportunity to support businesses in their community, rather than commuting to Kleinmond, Hermanus or Somerset West.

The property owners have identified the property as a property with potential to be able to accommodate several businesses. The name and slogan for the new business premises is "The Hub – Think Local". The proposal is to attract more people to invest and support Betty's Bay rather than spending their money in other surrounding towns.

Betty's Bay is known as a small village that is steadily seeing an increase in population over the past few years. COVID has enabled more and more residents to continue to work from home while being able to relocate to a smaller town. Betty's Bay also has a high number of retirees and with the rising fuel prices it may become unfeasible to drive and can rather support a local business.

The businesses will be independently owned mostly by owners residing in the area and will not be part of a corporate group. As mentioned earlier, the prospective business owner's vision is to satisfy a need of the residents of the entire Betty's Bay, that is essentially the core strategy for any new business. If the application is approved, the prospective business owner has indicated that he will move to Betty's Bay to operate and manage the business.

As previously mentioned, the proposed boutique liquor outlet will be one of several businesses on the subject property. These businesses include an eatery with the other shops open for other business opportunities.

According to the OMLUS a "bottle store" is defined as:

'means an establishment where the main purpose is the retail sale of alcoholic beverages for off-site consumption.'

A bottle store is allowed in terms of the existing zoning with the consent of the local municipality.

The business owner has indicated that a bespoke selection of beer and spirits will be available. Steps will be taken to uphold the genteel clientele which steps will for example include, not selling beer in single units. No mass market products that will attract the wrong elements to the area, will be stocked or sold.

The boutique liquor outlet will not be a freestanding bottle store (refer to **Annexure C – Approved Building Plans**). The plans also indicate that access will be obtained from the rear of the property limiting access to Clarence Drive on the front of the property.



5. APPLICATION

Considering the above, the application is made for the following:

5.1 Consent Use for a Bottle Store on Erf 2989 Betty's Bay in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The subject property is located within a small business node, namely Jock's Bay Retail Centre in the center of Betty's Bay. The business node is surrounded by residential properties and the surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

The title deed of the subject property was perused (T31118/2020, refer **Annexure B**) and it contains no restrictive conditions.

A conveyancer has also provided a certificate indicating that the property may be utilised for the purposes proposed (refer **Annexure D – Conveyancing Certificate**).

8. ZONING

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



MOTIVATION

BUSINESS ZONE 3: LOCAL BUSINESS (B3)	
Land Use Restrictions	
Primary use	Shops, Dwelling Unit (above ground floor) in Shops and Flats Shops and Flats
Consent use that may be applied for	Bottle Store Bottle Store
Parameters	Development parameters
Coverage	Proposal
Floor Factor	34%
Setback	0.34
Building Lines	No fuel pumps are proposed.
	Comply
	Applied for and motivated
	Comply
	Comply
	Comply
	Comply



MOTIVATION

	<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; 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 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>A western 3m side building line is being adhered to.</p>	<p>Comply</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. 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>N/A</p>	<p>Comply</p>
<p>Parking and access</p>	<p>According to section 17.1 of the OMLUS:</p>	<p>Parking requirements: Flats: 1,5 parking bays required per flat. 3 Parking Bays required. Shops: 262m² GLA – requires 10.5 parking bays</p>	<p>Comply</p>
<p>Loading Bays</p>	<p>The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>	<p>14 Parking Bays are being provided 1 Loading Bay has been provided</p>	<p>Comply</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 subject property is connected to the OM's networks which include electricity, water and sewage. The approved building plans were circulated to the engineering department for comment before it was approved by Building Control. The proposal of this application will not have a larger impact on existing network than what was proposed.

Solid waste is collected every week by the OM from the baboon proof refuse room.

Access and Egress

Access and egress are obtained through two points at the Northern Street boundary, essentially creating a one-way flow of traffic on the subject property where parking will be accommodated on site.

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 land use application arose from the property owners identifying the need for a small mixed-use development, located in a small business node, combined with as small residential component. The shops will be utilised by various enterprises of which one will be the proposed boutique liquor outlet_(bottle store). The owner of the proposed boutique liquor outlet who will be leasing one of the shops, has done his market research and have identified that the only place to buy liquor that residents can consume at home was in surrounding towns. The zoning of the property allows a bottle store with the consent of the local municipality.

The need and desirability are often a personal feeling that is experienced in this case by both the property owners and prospective business owner. Identifying a need and creating a product that is both feasible and desirable that will create a successful business.

To achieve their vision, the property owners have appointed WRAP Project Office to submit this application to ensure the proposed consent use is not in contradiction to any policies, legislation, or title deed conditions.



Impact on views, sunlight, and character of the area

The proposal is not intended to have an impact of the views, sunlight, and character of the area. The property is being developed according to the approved building plan that is in line with the development parameters of the OMLUS. The building plans have been scrutinized by all relevant departments of the Overstrand Municipality and amendments were required to be made before approval was received.

The subject property is in a small business node in the centre of Betty's Bay and the proposal is not predicted to have a negative impact on the surrounding area. The establishment will be well managed, and the property owners are residents of Betty's Bay with a vision to uplift the area.

There are residential properties surrounding the business node, however when these residential properties were purchased, such purchasers were aware that these business properties will be developed at some stage. The proposal is in line with what is required in terms of the OMLUS with consent from the OM.

Economic impact

The construction currently taking place on the subject property is employing builders, carpenters and other artisans already adding valuable income sources. The property owners have created a business proposal that will employ and create new economic opportunities on several levels. These are long term solutions to address a larger problem within the Overstrand area, which is the lack of job opportunities.

By creating and opening businesses, job opportunities are created alongside this business, putting personal preference before the greater good.

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 proposal is in line with the existing zoning and the development parameters of the OMLUS. Great care has gone into the design of the proposal, and it is predicted that it will not negatively impact the area.

Impact on heritage

The subject property is not listed in the OM Heritage Register.

Environmental impact

The subject property is not located within a registered environmentally important area. Although Betty's Bay is located in a unique biosphere, it is however not predicted that the proposal will have a negative impact on the area.



11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is not located within this zone.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within this zone.

11.3 Spatial Planning Policies

The compliance of this proposal with the applicable spatial development policies was assessed. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns. The compliance of this proposal in conjunction with provincial and local policies which are key development informants will be illustrated.

MSDF

Policy Preface

The SDF's intention is to ensure compliance with national, provincial, and district 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.

Consistency of the proposal with the policy

The policy illustrates that the subject property is located in Jock's Bay Retail Centre, which is identified as a Commercial Node that is earmarked as a local economic opportunity area. The other two Commercial Nodes within Betty's Bay have seen more growth over the past few years and are not proposed to be developed any further.

The MSDF also promotes the infill development and tourism-based development, which is aligned with the proposal and the building being constructed. The property owners have indicated that their main objective is to have businesses that attract more people to the area. Even if only making products more accessible to the customers and residents of the area.



OVERSTRAND GROWTH MANAGEMENT STRATEGY

With reference to the Overstrand Growth Management Strategy, 2010 (OGMS) the subject property is located within Planning Unit 7. No specific guidance is given in terms of commercial enterprises.

The node has been identified as a secondary node as illustrated in the figure below:

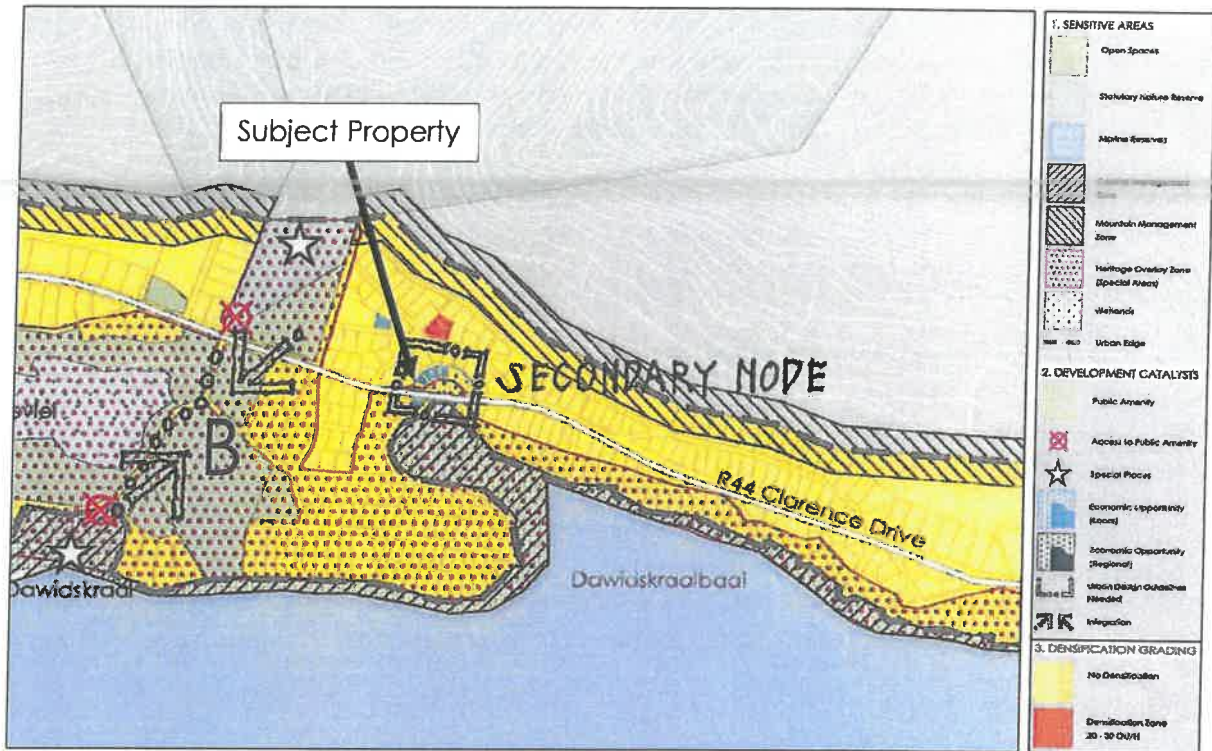


Figure 1: Snippet of the OGMS



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 that do not contribute towards the perpetuation of apartheid spatial development imbalances. There are currently no bottle stores in Betty's Bay and residents must travel to Pringle Bay, Kleinmond or Hermanus. The boutique liquor outlet (bottle store) will occupy one of the shops on the ground floor of the building which has an extent of approximately 37.5m².

Spatial sustainability

Spatial sustainability refers to planning proposals that result in communities that are viable. The proposal is to utilise a property in a mixed-use area in terms of its existing zoning. The property is located within the urban edge of Betty's Bay and will not add to any spatial degradation. The proposal will not have an impact on agricultural land, environmentally sensitive areas or biodiversity rich areas.

Efficiency

This proposal is intended to maximise the usage of the subject property and to ensure the businesses that are being proposed are viable and successful. There are sufficient parking and access to the property, not impacting on the busier Clarence Drive. The boutique liquor outlet (bottle store) will be located in an existing (under construction) building and will not operate as a freestanding enterprise, however, as part of the entire development business- complex and node.

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.



EVALUATION & RECOMMENDATION

13. EVALUATION

The proposal needs to be evaluated on the basis that the zoning is not proposed to be changed and that the zoning makes provision for a bottle store to be operated with the consent of the Overstrand Municipality.

- No additional services will be required and the building that was approved will accommodate 7 shops. The proposal is only to operate a boutique liquor outlet (bottle store) in one of these approved shops;
- There is sufficient access and parking being provided including a loading bay;
- The boutique liquor outlet (bottle store) will be an independently run liquor outlet, owned by a future resident of Betty's Bay, which allows for a more personal approach to business and how the business will be managed;
- The owner of the proposed boutique liquor outlet (bottle store) has indicated that only a bespoke selection of beer and spirits will be available;
- The subject property does not have a negative impact on the environmental of heritage of the area;
- The building will be easily accessible and will include a baboon proofed refuse area as requested by the building control department of Overstrand Municipality.

In terms of the policies and guidelines of the OM the application adheres to these relevant spatial planning documents. The property has been zoned for business purposes which include the proposal with consent of the municipality. The proposal is in harmony with the surrounding area and business node and all relevant spatial planning policies.

14. RECOMMENDATION

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

- 14.1 Consent Use** for a Bottle Store on Erf 2989 Betty's Bay in terms of Section 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

