

4.4**ERF 852, 23 ANGELIER STREET, GANSBAAI (BLOMPARK), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE AND DEPARTURE: MESSRS ME PLANNERS ON BEHALF OF LD MARTHINUS****852 GGB (3449/2019)****SW van der Merwe****26 October 2020****(028) 313 8900****Hermanus Administration**

1. EXECUTIVE SUMMARY

An application was received on 16 March 2020 from Messrs ME Planners on behalf of LD Marthinus in terms of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 852, Gansbaai (Blompark) for the following:

- rezoning in terms of Section 16(2)(a) of the By-Law from Residential Zone 1 to Business Zone 3: Local Business in order to conduct a takeaway restaurant;
- consent use in terms of Section 16(2)(o) of the By-Law to accommodate a ground floor flat and a proposed bottle store, and
- departure in terms of Section 16(2)(b) in order to accommodate the encroachment of the southern lateral building line from 3m to 2m, the eastern rear building line from 4,5m to 0m in order to accommodate an existing outbuilding and dwelling.

The Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the application is attached as Annexure B and the Site Development Plan (SDP) is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

The subject property is zoned for Residential Zone 1 purposes and measures 496m² in extent. The property is developed with a semi-detached dwelling and an outbuilding comprising a garage and servant's quarters. Access is obtained from Angelier Street.

The subject property is situated in an approved business corridor (refer to Annexure D), which corridor extends both sides of Angelier Street up to the western side of Protea Street and includes the commercial node west of Angelier Street in the new Blompark/Beverly Hills extension.

The application entails the rezoning of the subject property from Residential Zone 1 to Business Zone 3 to conduct a takeaway restaurant, as well as consent use for a bottle store and ground floor flat and departure in order to accommodate the outbuilding and dwelling that encroach the southern lateral- and eastern rear building lines from 3m to 2m and 4,5m to 0m as a result of the more restrictive building lines applicable to Business Zone 3. The liquor store and take-away restaurant will be accommodated within an existing outbuilding measuring 40m² in extent. Provision will be made for five (5) on-site parking spaces, including parking for the disabled.

4. SUMMARY OF APPLICANT'S MOTIVATION

The main points of motivation are conveyed as follows (the detailed motivation is attached as Annexure B):

- The surrounding area is characterised by predominant residential uses and a church.
- The area is earmarked as a commercial corridor.
- The proposed commercial use will blend in with the planned future character of the area.
- The applicant identified a need for a bottle store and takeaway restaurant. The proposed restaurant will only sell take-away foods, it is regarded as a shop, which is a primary right use for Business Zone 3.
- The proposal will stimulate the development of the Angelier Street node.
- The proposal will provide employment opportunities.
- The proposal is desirable and would not infringe on vested rights of adjoining property owners or the built environment.
- The proposal will not detract from the character of the area.
- The proposal will provide access to facilities/services and will no longer have to travel to Gansbaai.
- The proposal complies with the development parameters in terms of the Scheme Regulations (save for the proposed building line departure to accommodate existing structures due to the more restrictive commercial building lines being applicable).
- The proposal will not have a significant impact on the surrounding road network.
- The proposal will provide on-site parking in accordance with the Scheme Regulations.
- Municipal services exist and are sufficient to accommodate the existing buildings and uses.
- The Title Deed does not contain any restrictions prohibiting the proposed development.
- The property is not situated within a Heritage Overlay Zone or earmarked for heritage conservation purposes.
- The proposal does not trigger listed activities in terms of NEMA.
- Proposal is consistent with the planning principles in terms of LUPA and SPLUMA.
- The development will add value to the area.
- The proposal is in line with the Blompark commercial nodes, specifically the Angelier Street node

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Advertisement	Yes	31 July 2020	4 September 2020
Notices	Yes	30 July 2020	4 September 2020
Internal Departments	Yes	29 July 2020	4 September 2020
Ward councillor	Yes	29 July 2020	4 September 2020

Total comments	NONE	
Total letters of support	NONE	
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?	Yes	
Was the application processed correctly?	Yes	
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?	Yes	

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments
Telkom	3/08/2020	Annexure E.
Fire Services	3/08/2020	No objection subjected to compliance with provisions of SANS 10400-A:2016, SANS-T:2020 & By-law Relating to Community Fire Safety.
Engineering Services	19/08/2020	Annexure F.
Waste Management	2/09/2020	No objection, so long as an adequate secure waste storage is provided for on site.
Environmental Section	3/09/2020	No objection.
Health	11/09/2020	Applicant to apply/comply with all relevant health legislation and certification in terms of businesses operating from Residential Zone. COA application is obtained from ODM.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

No objections were received from the adjoining property owners or relevant internal departments.

Comment was received from the Area Manager, Gansbaai Administration stating the following:

“Erf 852 Blompark is situated next to a church site in a predominantly residential area. The application will also be submitted to the Ward Committee (Ward 2) during August 2020 with the recommendation that the application be rejected because the operation of a liquor outlet is not reconcilable with the predominant land uses in the surrounding area.” (sic)

8. APPLICANTS COMMENT ON THE OBJECTION

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

All internal departments support the application, save for the Area Manager, Gansbaai Administration. The comment is addressed in the evaluation under paragraph 10 below.

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**10.1 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The (in)consistency of the application with regards to the planning principles, can be considered as follows:

Spatial Justice

The proposal will not further perpetuate historic spatial imbalances as it will open access to opportunities, facilities, services and land.

Spatial sustainability

The proposed development will not influence environmental sensitive areas or impact agricultural land, scenic or cultural landscapes.

Spatial Efficiency

The development is situated within the urban area will seek to make efficient use of the property.

Spatial resilience

The proposal is consistent with the applicable policy documents that adheres to the principle of spatial sustainability

Good administration

The application followed the required planning procedures and the public process has been followed.

10.2 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Same as 10.1 above.

10.3 (In)consistency with the IDP/Various levels of SDF's/Applicable policies

The property is situated in an area earmarked as residential in the Overstrand Municipality Wide Spatial Development Framework, 2006 (SDF) and the Overstrand Municipality Integrated Development Framework, 2014 (IDF). Council recently approved nodes for commercial use (refer to the map attached as per Annexure D) in settlements where historically little or no provision for commercial uses were made. The proposed rezoning is thus inline with the forward planning vision for Blompark.

The aforesaid commercial nodes will also be incorporated within the OMGMS for approval as a policy document of Council.

10.4 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.5 Impact on Municipal engineering services

No additional municipal services will be required.

10.6 Outcomes of investigations/applications i.t.o other legislation

N/A

10.7 Existing and proposed zoning comparisons and considerations

The property is zoned Residential Zone 1 and the applicant intends to utilise the property for Business Zone 3 : Local Business purposes. The existing outbuilding encroach the southern street building line, whilst the semi-detached dwelling encroaches the eastern rear building line, as a result of the more restrictive building lines applicable to commercial properties.

11. THE DESIRABILITY OF THE PROPOSAL

Council recently adopted commercial corridors in neighbourhoods with historically inadequate provision for commercial erven. The application property is situated within an approved commercial corridor. The proposed land uses comprising a takeaway restaurant and bottle store is therefore in line with the forward planning vision of the area.

The commercial node extends west of Angelier Street, includes the new commercial node in the new Blompark/Beverly Hills housing project currently in the implementation phase and extends up Kapokblom Street in the north. The node also includes erven rear of the application property fronting Protea Street. It is thus clear that, although currently predominantly residential the character of the area will transition over time to reflect a commercial/mixed use character. The proposal is therefore in line with the current forward planning vision for the area.

The proposed rezoning to Business Zone 3 : Local Business purposes will enable the applicant to conduct a takeaway restaurant under the applicable primary rights. The portion of the site which will be used for the takeaway restaurant will be limited to a size of approximately 8,1m² and will not accommodate seating patrons. In all essence as motivated by the applicant the business will be for the offsite consumption of food. The proposal also entails consent use to conduct a bottle store and to accommodate the existing dwelling unit. The proposed rezoning and consent use will stimulate development within the Angelier Street business node, provide employment opportunities and is not considered to unacceptably detract from the character of the area or vested rights of adjoining properties. The proposed commercial land uses will be accommodated within existing buildings on the premises and adheres to the applicable development parameters of the Scheme Regulations, save for the proposed building line departure.

The application property is situated next to a church on Erf 610, Gansbaai. The dwelling and proposed commercial components face in a westerly direction and obtain access from Angelier Street. The church on Erf 610 face towards the south and obtain access from Ridderspoor Street. Erf 870 on the opposite corner of Ridderspoor Street is zoned for Local Business purposes, although developed with a dwelling. From the above, access to the subject property occur from Angelier Street, whilst the rear elevation of the church face in the opposite direction, thus limiting the impact of the proposal. The opinion is held that the proposed commercial land uses are in line with the planned future character of the surrounding area and that it will transition over time and that it is not undesirable from a planning point of view. The church did not object, whilst approval of the Blompark commercial corridor was also subject to a thorough public participation process, involving the respective Ward Councillors, Ward Committee's and Area Managers, whilst no objections were received from adjoining residents.

During September Council also approved a split zoning in a residential area, thereby accommodating a liquor store on a business/residential property within a predominant residential area, thus contrary to the comment that the operation of a liquor outlet is not reconcilable with the predominant land uses in the area. In the applicants' case the opinion is held that the proposed development being in line with the forward planning/planned future character of the area on not considered undesirable. Further, no objections were received from the public/adjoining property owners.

Access to the application property is available from Angelier Street to an on-site parking area providing five (5) on-site parking bays with adequate manoeuvring space, including parking for the disabled in accordance with the provisions of the Scheme Regulations.

Municipal services are available, subject to the payment of a bulk development contribution levy.

No objections were received against the proposal from the general public.

There is no title restrictions registered against the property that prohibits the approval of this application.

The existing semi-detached dwelling and outbuilding encroach the more restrictive building lines applicable to commercial properties as a result of the proposed rezoning. The proposed departures will not affect the character of the area since it relates to existing structures, thus the relaxation on of the applicable building lines are considered desirable.

Having had regard to the evaluation above the application is deemed desirable and recommended for approval.

12. RECOMMENDATION

1. that the application for rezoning in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law) applicable to Erf 852, Gansbaai (Blompark) from Residential Zone 1 to Business Zone 3 : Local Business in order to conduct a takeaway restaurant, **be approved** in terms of the provisions of Section 61 of the By-Law;

2. that the application for consent use in terms of Section 16(2)(o) of the By-Law applicable to Erf 852, Gansbaai (Blompark) to accommodate a ground floor flat and a proposed bottle store, **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application for departure in terms of Section 16(2)(b) of the By-Law applicable to Erf 852, Gansbaai (Blompark) in order to accommodate the encroachment of the southern lateral building line from 3m to 2m and the eastern rear building line from 4,5m to 0m, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in paragraph 1. to 3. above be subject to the following conditions:
 - (a) that on-site parking provision be made available in accordance with the approved parking layout (attached as Annexure B);
 - (b) that building plans be submitted within sixty (60) days of the final approval of the application and that all conditions of the Building- and Fire Department be complied with at that stage;
 - (c) that applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (d) that all the conditions of Telkom and Engineering Services, (attached as Annexures E and F), be complied with;
 - (e) that the display of signage be subject to compliance with the Municipal By-Law on Signage;
 - (f) that all other development parameters as prescribed in the relevant Zoning Scheme, be complied with;
 - (g) that the applicant complies with all Health and Safety Regulations and requirements of the Liquor Board and licence, and
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
5. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

13. REASONS FOR RECOMMENDATION

- The proposal comprises a mixed-use development which is in line with the planning vision of the area.
- The proposal is situated within a commercial node.
- The proposal will be accommodated within existing buildings on the property.
- No objections were received from adjacent property owners.
- The application has followed due process.
- The proposal is compliant with the spatial policies of the SDF.

- The proposal is consistent with the spatial principles as set out in SPLUMA and LUPA.

14. Annexures

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Business Corridor Plan
Annexure E: Comment: Telkom
Annexure F: Services Report

REGISTERED PLANNER

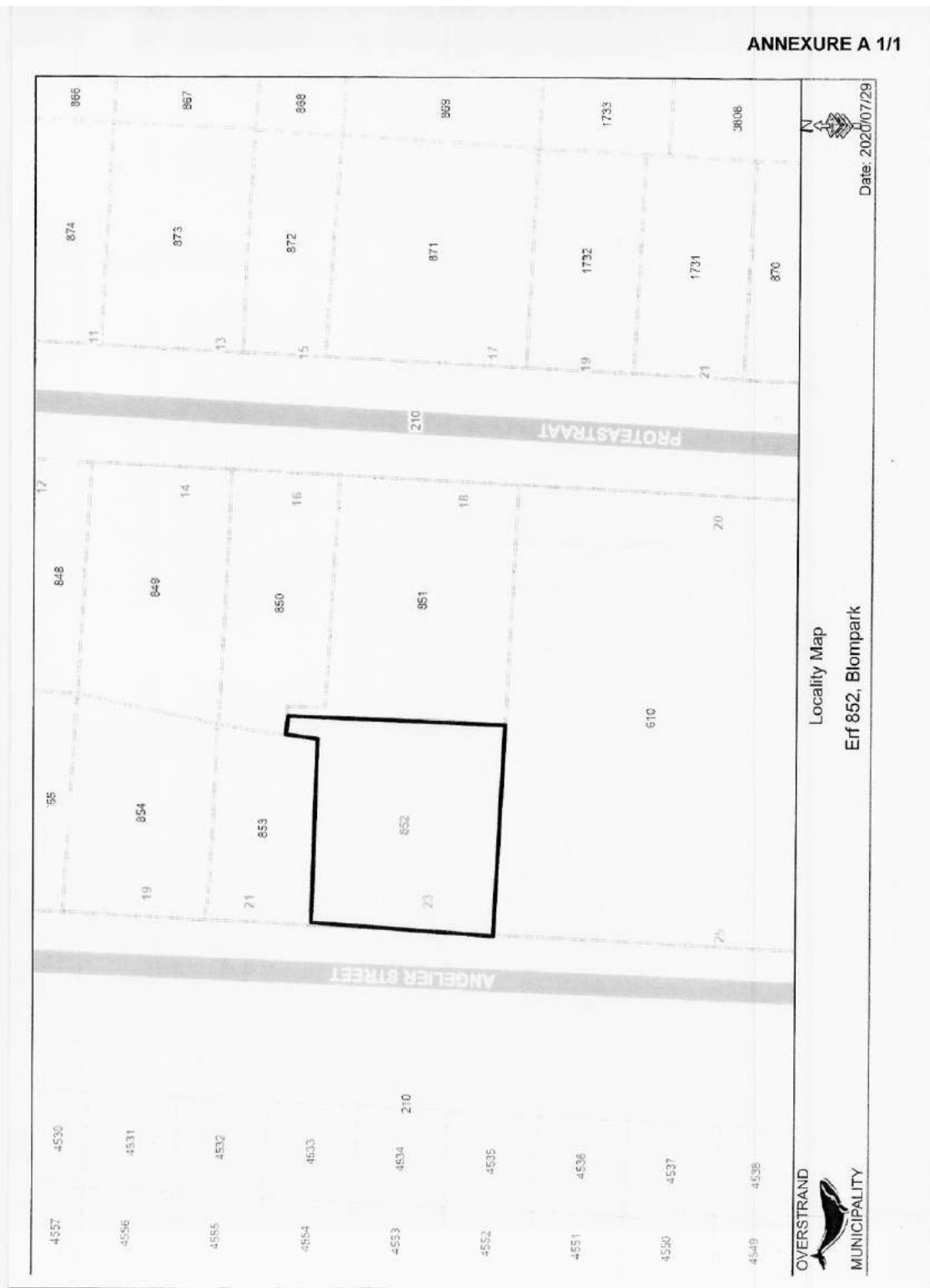
Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____

ANNEXURE A 1/1



Locality Map
Erf 852, Blompark

Date: 2020/07/29

MEMORANDUM

APPLICATION FOR: A: REZONING, B: CONSENT USE AND C: DEPARTURES ON ERF 852,
GANSBAAI: OVERSTRAND MUNICIPALITY: DIVISION CALEDON: WESTERN CAPE PROVINCE

INTRODUCTORY REMARKS

1. INTRODUCTION:

This introduction serves as a short summary of the application before the necessary proposals and motivations are presented.

- 1.1 Applicant: ME Planners Town and Regional Planner
P.O.Box 552
Hermanus
7200
- 1.2 Power of Attorney: Power of Attorney has been rendered to ME Planners Consulting Town and Regional Planner to lodge this Application for Rezoning in terms of Chapter IV, Section 16(2) (a), Consent Uses in terms of Section 16(2) (o) and Departures in terms of Section 16(2) (b) of the Overstrand Municipal By-Law on Municipal Land Use Planning.
- 1.3 Property: Erf 852 Blompark, Gansbaai, (here after referred to as "the site of application" or "the property")
- 1.4 Street address: 23 Angelier Street, Gansbaai.
- 1.5 Locality: Erf 852 is situated on the northern side of Angelier Street, Gansbaai, adjacent to Erf 851 on the northern side, Erf 853 on the Western side and Erf 610 on the Eastern side.

2. BACKGROUND

- 2.1 The property, which is indicated as part of the proposed Angelier Street Commercial Node belongs to the applicant's mother who has given her Power of Attorney for the proposed rezoning and proposed development of a bottle store and, eventually, a small restaurant.
- 2.2 The bottle store will be situated in the existing servant's quarters.

3. OVERVIEW OF APPLICATIONS:

- 3.1 Chapter IV, Section 16(2) (a) of the Overstrand Municipality By-Law on Municipal Land Use Planning is applicable.
- 3.1.1 **Application for Rezoning** from "Residential Zone 1: Single Residential (SR1)" to "Business Zone 3: Local Business (B3)" with, inter alia, the following use restrictions applicable to it:
- (a) Primary uses: shops, flats (above ground floor), offices;
 - (b) Consent uses: bottle store, business premises, clinic, conference facility, flats (on ground floor), town housing, guest house, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, service station transmission tower.
- 3.1.2 This application is made as it is the intention of the applicant to be able to conduct a bottle store and eventually a small take-away restaurant on Erf 852, Gansbaai.
- 3.1.3 The granting of a rezoning will, however, have to be accompanied by an application for a consent use to be able to accommodate the existing dwelling (flat) and the proposed bottle store on the erf as well as a departure from the prescribed building lines to accommodate the positions of the existing buildings on the erf.
- 3.2 Chapter IV, Section 16(2) (o) of the Overstrand Municipality By-Law on Municipal Land Use Planning is applicable.
- 3.2.1 **Application for Consent Use** to include a bottle store and flat (existing dwelling on ground floor) as accommodation for the owner.
- 3.3 Chapter IV, Section 16(2) (b) of the Overstrand Municipality By-Law on Municipal Land Use Planning is applicable.
- 3.3.1 **Application for Departures** from the prescribed building lines for the proposed new zoning which are as follows:
- (i) Side building line of 3,0m in the case of the existing out-building which is 2,00m at present and
 - (ii) Rear building line of 4,5m in the case of the dwelling house which is 0,0m at present

4. GENERAL APPLICATION INFORMATION

- 4.1 Property Description
Refer to paragraph 1.5 of the introduction above.
- 4.2 Size

The property is 496m² in extent.

4.3 ZONING OF THE ERF

4.3.1 Present Zoning:

In terms of the Overstrand Municipality Zoning Scheme Regulations the erf is zoned Residential Zone 1: Single Residential (SR1) with the following use restrictions applicable to it:

Primary uses: day care centre, dwelling house, guest rooms, home occupation, second dwelling unit;

Consent Uses: creche, green house, guest house, house shop, institution, place of instruction, place of worship, residential building, tourist accommodation.

4.3.2 Proposed Zoning:

The development will consist mainly of the establishment of a bottle store together with a dwelling unit on the ground floor.

4.4 Application for Rezoning from "Residential Zone 1" to Business Zone 3: Local Business (B3) with, inter alia, the following use restrictions applicable to it:

- (a) Primary uses: shops, flats (above ground floor), offices;
- (b) Consent uses: bottle store, business premises, clinic, conference facility, flats (on ground floor), town housing, guest house, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, sale of alcoholic beverages, service station transmission tower.

4.4.1 This application is made as it is the intention of the applicant to be able to conduct a bottle store and eventually a take-away entity on Erf 852, Gansbaai.

The store room will be utilized as part of the proposed liquor shop.

4.4.2 The proposed take-away restaurant is shown as a future development in the same building as the liquor shop.

- As the restaurant will sell only take-away foods, it is regarded as a shop, which is a primary use for Business Zone 3.

ERF 852 BLOMPARK

- 4.4.3 The granting of a rezoning will, however, have to be accompanied by an application for a consent use to be able to accommodate the existing dwelling (flat) and the proposed bottle store on the erf.
- The existing house is mentioned in the application, as it is on the ground floor, whereas flats on the ground floor require an application for consent use on a Business Zone 3 stand.

4.4.4 BUSINESS ZONE 3: LOCAL BUSINESS (B3)

Additional aspects relevant to a "Business Zone 3" zoning are the following:

- All parking shall be provided on the property;
- 6 parking bays per 100m² GLA;
- Building lines: As specified in the Overstrand Municipality Zoning Scheme of June 2013.
- Vehicle entrances and exits:

Entrance to and exit from the property shall be to the satisfaction of the Overstrand Municipality.

4.5 LAND USE

The property is currently developed with a Single Residential Dwelling and an outbuilding consisting of a garage for one vehicle and servant's quarters.

4.6 CHARACTER OF THE ENVIRONMENT

The area, in which the site is located, is characterized by predominantly residential uses including a church on a very large erf next door, but is included in a planned commercial mode for the area.

The proposed business development will become part of the planned new character and environment of the area.

From the foregoing it is clear that the planned future character of the area will thus be enhanced should this application be approved.

4.7 NEED AND DESIRABILITY OF THE PROPOSED UTILIZATION

- 4.7.1 When considering the application for rezoning and consent use for Erf No. 852, Gansbaai, it is evident that the need and desirability should both fall within the broad parameters and principles set out and necessary for orderly planning.

4.7.2 Need:

- a) The need in this instance centres mainly on the fact that the applicant wishes to develop a bottle store and, in future, a restaurant on the erf.
- b) Another factor is the fact that there is a need for such a facility in the area as well as the fact that it will stimulate the proposed development of the Angelier Street Node.
- c) Because of the size of the property, namely 496m², and the existing placing of the buildings, the applicant observed the potential to apply for the establishment of the proposed business where space for parking could be made available on the erf.
- d) The main reason for this application is the fact that the registered owners as well as the extended family is at sea more than 20 years. The Fishing Industry is going down at an enormous speed, and they want to be able to provide for the family. Initially members of the family will be employed but eventually people of the community will also be employed.

4.7.3 Desirability:

- a) The existing position of the proposed business is not regarded as being undesirable and will not have any detrimental impact on the rights of surrounding property owners nor the existing built environment in future.
- b) From the foregoing it is clear that the character of the area will not be disturbed should this application be approved, and although Gansbaai is one of the oldest established townships in the Overstrand area, it will not be necessary to also consider the possibility of the heritage value being affected and disturbed by the application as the existing buildings will not be affected by the application.
- c) In the case of this application it can be stated categorically that very few better or more desirable developments can be envisaged for the area, as many people living in the vicinity will now be accommodated by the services of this kind of business instead of having to travel kilometres further to find the same kind of services.

4.7.4 The proposed development will be done in compliance with the guidelines of the Overstrand Municipality Zoning Scheme of June 2013. Building plans will be submitted to the satisfaction of the Overstrand Local Municipality, as the controlling authority.

4.7.5 In the light of what has been mentioned as far as the need is concerned for this application, the desirability needs no further motivation, but the following is relevant and of interest:

- a) The existing as well as the future character of the area will not be adversely affected should the application be approved.
- b) The traffic flow pattern in the area will not be affected.
- c) Services will not be affected adversely.
- d) The prescribed standards and conditions for the existing zoning of the erf will not be adversely affected through the approval of the application.

4.8 TRAFFIC IMPACT, PARKING AND ACCESS

4.8.1 **Traffic:**

The low level of traffic generated by this planned kind of development will have no significant effect on the existing and surrounding street network and the traffic flow patterns around the site will not be affected at all.

Because of the foregoing, no traffic impact assessment or environmental impact assessment is necessary with this application.

4.8.2 **Access:**

The present access to the property is from Angelier Street and will provide safe access to and exit from the proposed development.

4.8.3 **In terms of the Overstrand Zoning Scheme Regulations (Chapter 17), the required parking bays will be 6 bays per 100m² GLA. The exact number of parking bays will be established as soon as the building plans and site development plan are submitted.**

4.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

4.9.1 The site is located in an existing township.

4.9.2 All services on the property already exist and are sufficient to accommodate the existing buildings and uses, and for that matter also the proposed use.

4.9.2 The approved Growth Management Strategy indeed confirms that for future opportunities there will be sufficient water source capacity, sufficient treatment works, sufficient solid waste capacity as well as sufficient sewerage treatment works.

4.10 TITLE DEED

4.10.1 In terms of its Title Deed No. T93497/93, the property is described as Erf 852, Gansbaai, in die Munisipaliteit vir die Gebied van Gansbaai, Afdeling Caledon.

Groot: 496 (Vierhonderd ses en negentig) Vierkante Meter.

4.10.2 The property is registered in the names of

LEONARD LEONARD

Identiteitsnommer: 240505 5069 01 6

en

CLARA CHRISTINE LEONARD

Identiteitsnommer: 361020 0072 01 8

Getroud Binne Gemeenskap van Goedere met mekaar

Hul Erfgename, Eksekuteurs, Administrateurs of Gemagtigdes

4.10.3 The enclosed Title Deed does not contain any Title Deed Restrictions that have to be addressed with the proposed use in mind.

4.10.4 Bond/s

The property is not encumbered by a bond.

4.11 **FORWARD PLANNING & OTHER LAND USE DOCUMENTS**

Land uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme of June 2013.

The said Town Planning Scheme together with the proposals in the Provincial Spatial Development Framework 2014 (PSDF), the Overstrand Spatial Development Framework (2006) SDF, 2006, and the Overstrand Municipality: Growth Management Strategy, 2010, makes provision for rezoning such as applied for in this application.

The aims and objectives of the foregoing frameworks and strategy can be summarised as follows:

4.11.1 **WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (March 2014)**

The purpose of the PSDF is to give expression to the national and provincial development agendas for land development and serves as a basis for coordinating, integrating and aligning national and provincial programmes. It also aims to communicate the spatial development intentions of the government to the private sector.

The following aims underpin the PSDF, together with explanations of how the proposed development will be in line therewith.

- *“Capitalise and preserve unique local built form and natural typologies, character and heritage.”*

The application will not disturb the local built form much as it aims to only bring a much-needed service within easier reach of the inhabitants of the area. It will operate very much in the manner of a “home occupation” which will make it more acceptable in an area presently set aside for housing in the main.

- ***“Promote urban rather than suburban model: avoid further fragmentation of townships.”***

The proposed development will not lead to a fragmentation of the area.

- ***“Focus on creating connections to economic and social opportunity to promote spatial and socio-economic integration.”***

The proposed development is an excellent example of the promotion of spatial and socio-economic integration.

- ***“Cluster all social facilities and complementary activities.”***

As a businesses concern with a basic social background this development will be a complementary addition to the proposed nearby cluster of various business activities.

4.11.2 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006)

The objective of the SDF is to formulate strategic policy guidelines and proposals which are spatially based, through which the needs, changes and growth in the area can be managed to the benefit of the inhabitants and the environment of the Overstrand Municipality.

The Overstrand Spatial Development Framework (2006) earmarks the area where Erf 852 Gansbaai is situated, for mixed residential and low key business premises. The current Residential Zone I zoning will be changed to “Business Zone 3: Local Business (B3) and the current accesses will also remain as is. The proposal will, therefore, be in line with spatial planning guidelines for the area.

The following objectives are used to test whether the proposed development will be in line with the aims of the SDF:

- ***“To provide an environmentally and economically sustainable bulk service infrastructure and road transport network.”***

The proposed development is already connected to all services and no extra services will be required.

- ***“To ensure that ongoing pressure and its spatial implications are managed in a sustainable way that protects the unique character of the existing cultural landscapes and the place-specific character and form of the existing settlement pattern.”***

The proposal will change very little if anything in the existing cultural landscape and the character and form of the existing settlement pattern.

- ***“Restrict development within the carrying capacity limitation of the natural resources.”***

The proposal will not change anything in the carrying capacity limitation of the natural resources.

- ***“To improve the aesthetic quality of the built environment.”***

The proposed development will definitely lead to the improvement of the aesthetical quality of the built environment.

4.11.3 GROWTH MANAGEMENT STRATEGY

- a) The purpose of the GMS is to improve the Overstrand Municipality's overall environmental sustainability by enhancing the quality and efficiency of the built environment.

- b) In terms of the said Strategy, the property falls within the bigger Planning Area as well as Area 8 and the Contextual overview for Gansbaai in Area B3.

(Attached as “Annexure A”)

- c) With reference to the Overstrand Growth Management Strategy the Contextual Overview for the subject erf falls within Planning Unit B3. According to this planning unit, it is densely populated with a high incidence of overcrowding, whilst the Strategic Growth Management Interventions indicate that no densification should be allowed.

- d) The following core objectives of the strategy will be used to test the suitability of the proposed development.

- ***“Ensure optimal land use planning and the efficient use of infrastructure, services, facilities and land.”***

The proposal seeks to make optimal use of the erf and will result in more efficient use of the infrastructure.

- ***“Contribute to place making and the development of attractive and safe urban environments.”***

The proposed development will contribute to place making and a more attractive property and environment.

- ***“Ensure that the scale and character (in terms of bulk, height and architectural styling) of the higher density areas are appropriate to the immediate context.”***

The proposed development will change nothing in the scale and character of the area.

- e) The proposed development will be done in compliance with the guidelines of the Overstrand Municipality Zoning Scheme of June 2013.

4.12 RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

4.12.1 HERITAGE VALUE AND IMPACT

Erf 852 blompark is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing building situated on Erf 852 blompark is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the subject property or the Greater area of Gansbaai.

4.12.2 ENVIRONMENTAL IMPACT

The proposed departure for Erf 852 Gansbaai does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

4.13 PLANNING PRINCIPLES

The application has also been analysed for consistency with the planning principles prescribed by the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and also the Western Cape Land Use Planning Act, 2014 (LUPA) and the following conclusions were made:

(a) Spatial Justice which refers to the need for redressing the past apartheid spatial development imbalances and aim for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The proposed consent use will not in any way contribute to the perpetuation of past apartheid spatial development imbalances as the development of the proposed business will open up the provision of all the above to all persons in the Republic.

The right of owners to develop land in accordance with current use rights must be recognized as is the case with this application.

(b) Spatial Sustainability which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposed development will take place within the urban edge and will therefore have no impact on agricultural land, environmentally sensitive areas and biodiversity rich areas. The application can thus be deemed to be spatially sustainable.

(c) Efficiency which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposed development is not intended as a new settlement development and caters specifically for users from far and near.

(d) Spatial Resilience which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The proposed development will not lead to any economical and/or environmental shocks as the business to be conducted will not differ basically from the existing use on the erf.

(e) Good Administration which, in the context of land uses planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

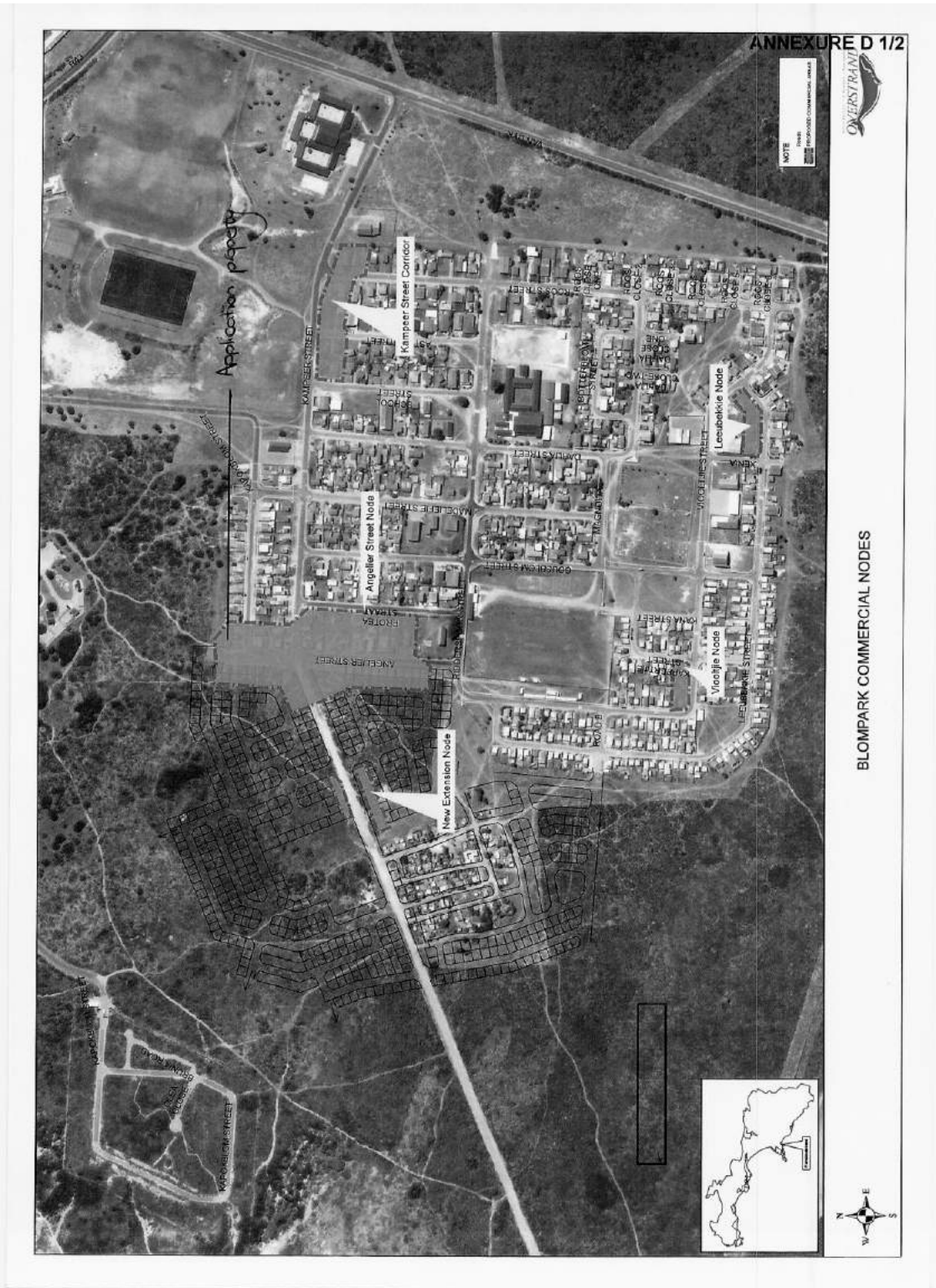
Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the Government and the general public to participate in the eventual decision-making process.

The applicant is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient and will ensure that timeframes are adhered to.

5. RECOMMENDATION

- 5.1 Land uses in the area and on the site of application are being regulated and controlled by the Overstrand Municipality Zoning Scheme of June 2013.
- 5.2 The application is made for the purpose of helping to ensure that orderly planning as far as the Town Planning and building regulations are concerned will be in place for future reference.
- 5.3 The proposed development, apart from monetary reasons, is an attempt by the client to bring about a development that will add value to the area.
- 5.4 There is also a definite need for this kind of business in this area of the Overstrand. In this regard it can be stated that the demand and economic viability of any development determines the need for it. Local economic conditions, the presence of townships far from the kind of amenities to be offered by the applicants plus the unprecedented growth of Gansbaai and its surrounds make the proposed development viable and favourable on the site of application.
- 5.5 This application is in line with the proposed development of the Blompark Commercial nodes, specifically the Angelier Street Node.
- **REFER TO THE ATTACHED DEVELOPMENT PLANS**
- 5.6 Finally, the application adheres to the criteria of the Overstrand Municipality Zoning Scheme of June 2013. The proposed developments will contribute positively to the economy and character of the area in which it is situated as well as the Overstrand as a whole.
- 5.7 From the contents of this report it is apparent that the proposed rezoning and consent use on Erf 852, Gansbaai will have no negative impacts in general, and it is thus requested that the Municipality favour the application as set out in this motivation report.

**END OF MOTIVATION REPORT:
OCTOBER 2019**



BLOMPARK COMMERCIAL NODES

collab



ANNEXURE E 1/4

TP - A Theart
(Svd Merkle)

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Janice Fortes
Tel: 021 414 5616
Fax: 086 478 5461
Email: JaniceF@Openserve.co.za

Our Ref.: WW/P_WGNB0023_20
Your Ref.: 852 GPB

3 August 2020

Attention: Magdaleen Swart

Overstrand Municipality

Dear Sir/Madam

FILE NO: EL 852-GB
SCAN NO: 07
COLLABORATOR NO: 1431380

SERVICES NOT AFFECTED

ERF 852, 23 ANGELIER STREET, BLOMPARK, GANSBAAI, OVERSTRAND MUNICIPAL

With reference to your letter received 29 July 2020.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

As per the drawing supplied, Open Serve infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative Melt van As at telephone number 081 363 7873 / MeltVA@Openserve.co.za.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

- 3 AUG 2020

T/P

Approval is granted, subject to the following conditions.

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully



Janice Fortes

for

Selwyn Bowers

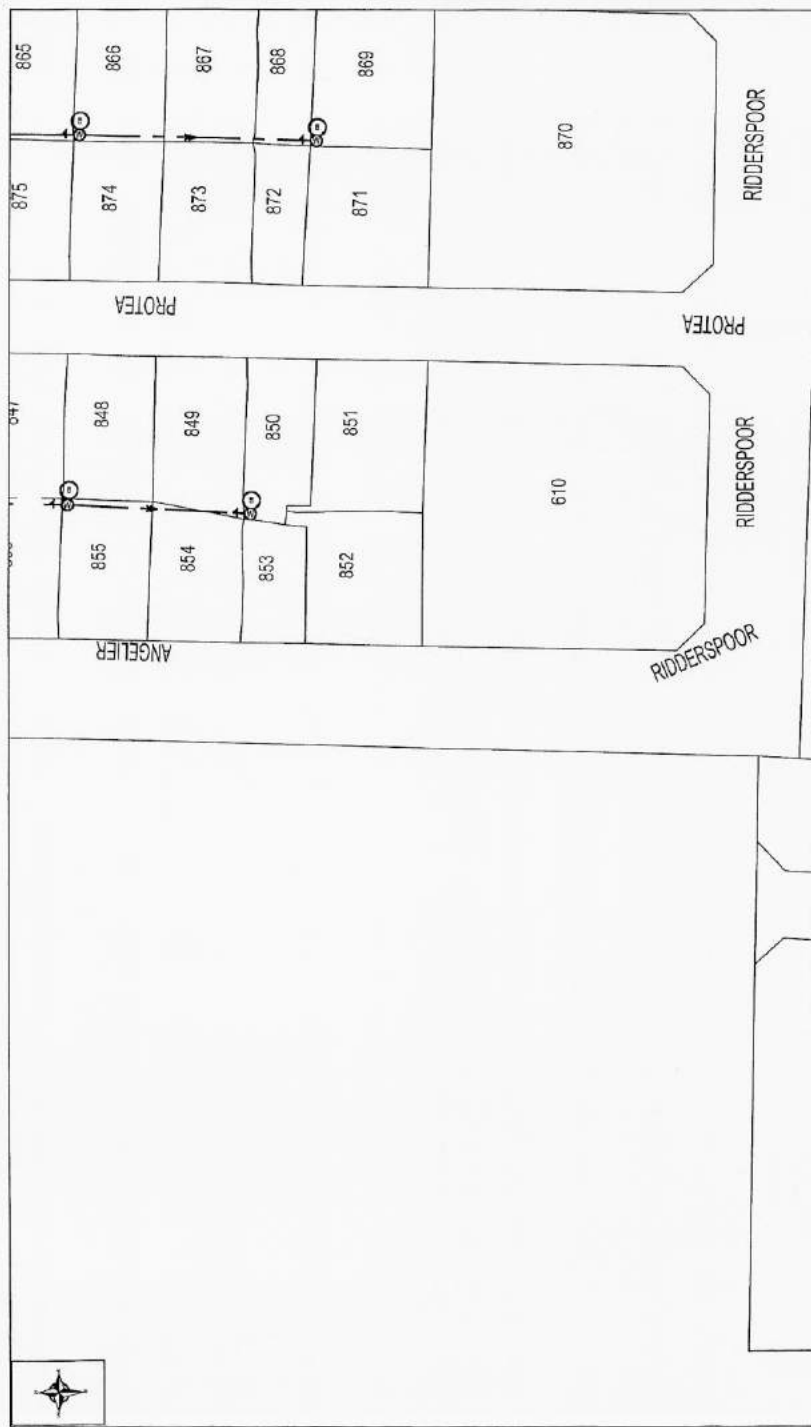
Operations Manager

Wayleave Management: Western Region

**PLANT NOT AFFECTED**

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Melt van As <u>MeltVA@Openserve.co.za</u>	081 363 7873	
<u>Refrence number</u> WWIP_WGNB0023_20	<u>Marked Up</u> Janice Fortes	<u>Date</u> 03-Aug-20



Legend	
	Existing Manhole
	Planned Manhole
	Existing SDC
	Planned SDC
	To Be Recovered SDC
	Existing Jotting Pt
	Planned Jotting Pt
	To Be Recovered Jotting Pt
	Existing PUB
	Planned PUB
	To Be Recovered PUB
	Existing Indoor DP
	Planned Indoor DP
	To Be Recovered DP
	Existing DP
	Planned DP
	To Be Recovered DP
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Man OMF
	Planned Man OMF
	Existing Strut and Stay

Compiled By	J. Fries
Client	Overland Municipality
Client ref	852 B/B
Details	Plan not affected
Date	01/03/2020
Operative ref	WWW_MUN0003_20

TELKOM REGIONAL EXECUTIVE	
Page Size	A4

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSENT USE & DEPARTURE: ERF
852, BLOMPARK**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

- 1.1 **Developments containing Sectional Title Units/ Commercial Buildings** (non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

- 1.2 **Developments with free standing properties** (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (2020/2021) is as follows:

Freehold erven:

Water	R 23 957.00 x -0.4680=	-R11 211.88
Sewerage	R 16 153.00 x -0.4680=	-R 7 559.60
Roads	R 7 243.00 x 2.75121=	R 19 927.01
Stormwater	R 8 357.00 x 0.66133=	R 5 526.73
Solid Waste	R 1 448.00 x 0.24 =	<u>R 347.52</u>
TOTAL (inclusive of VAT)	=	<u>R 7 029.78</u>

Note:

- 1.3 **The above figures are estimates**
1.4 **The above figures do not include connection fees**

2. that the existing water connection to Erf 852 shall be used to service Erf 852;
3. that, should sewer services be required to the development, a new sewer connection be applied for to service erf 852 as per detail and requirements stipulated;
4. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
5. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
6. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
7. that any additional and / or extended vehicle entrances will be for the developer's account;
8. that stormwater be allowed to discharge through Erf 852, Blompark, unobstructed.


DENNIS HENDRIKS
SENIOR MANAGER: ENGINEERING SERVICES


DATE