



**MEETING OF THE  
MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**A G E N D A**

<b>DATE:</b>	<b>3 FEBRUARY 2022</b>
<b>VENUE:</b>	<b>ONRUS ELECTRICAL CONFERENCE ROOM</b>
<b>TIME:</b>	<b>14:00</b>

# OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT  
Civic Centre  
HERMANUS  
7200

25 January 2022

**TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL**

**CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)**

**NOTICE IS HEREBY GIVEN** that the **Municipal Planning Tribunal (MPT)** will go into session on **Thursday, 3 February 2022 at 14:00** in the **Onrus Electrical Conference Room** to consider the attached agenda.

**H JANSER (MS)**  
**CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL**

**Distribution:**

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr S Madikane (Member)
4. Mr H Blignaut (Member)
5. Ms R Louw (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr P Roux (Town Planner)
10. Secretariat

**MUNICIPAL PLANNING TRIBUNAL  
(MPT)**

**3 February 2022**

**I N D E X**

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**1. OPENING**

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**3. CONFIRMATION OF MINUTES**

**3.1 Minutes of a Municipal Planning Tribunal Meeting held on 15 December 2021**

**4. ITEM FOR CONSIDERATION**

**4.1 ERF 1067, 20 VICTORIA STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: FOR REZONING AND CONSENT USE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ZELKAR INVESTMENTS 173 CC**

Report attached

**4.2 ERF 844, 14 ROSS STREET, FRANSKRAAL, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS INTERACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF G & JJ POTGIETER**

Report attached.

**4.3 ERF 2740, 19 ARGON ROAD, SANDBAAI (INDUSTRIAL AREA – HERMANUS BUSINESS PARK): APPLICATION FOR CONSENT USE (NOXIOUS TRADE) PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF BLUE HORIZONS PROPERTIES CC**

Report attached.

## 4.1

**ERF 1067, 20 VICTORIA STREET, STANFORD, OVERSTRAND MUNICIPAL AREA: FOR REZONING AND CONSENT USE: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ZELKAR INVESTMENTS 173 CC****20 STAN(1067)****P Roux****12 January 2022****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

To consider and application received on 17 March 2021 from Messrs PlanActive Town- and Regional Planning on behalf of Zelkar Investments applicable to Erf 1067, Stanford, for the following:

- ❖ application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) for the rezoning of the property from Residential Zone 2 (GR2) to Business Zone 3: Local Business (B3), and
- ❖ application in terms of Section 16(2)(o) of the By-Law in order to accommodate the dwelling units on the ground floor.

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 is attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

Erf 1067 is situated on the corner of Church- and Queen Victoria Streets and is developed with a hotel and several dwelling units. The subject property measures 5 953m<sup>2</sup> in extent, is zoned General Residential Zone 2: Town Housing. The property owner seeks to rezone the property to Business Zone 3: Local Business in order to allow business related uses on the property and to apply for consent use to retain the existing dwelling units on the ground floor.

**4. SUMMARY OF APPLICANT'S MOTIVATION**

The motivation for the application is summarised as follows:

- ❖ The subject property is General Residential Zone 2: Town Housing and is formerly utilised as a hotel and conference facility. There are 10 dwelling units which are occupied in the hotel/conference facility, which is not operational.
- ❖ Surrounding properties are zoned for business, residential, community uses and public open spaces. It is therefore evident that the subject property is situated in a mixed-use area.
- ❖ Application is made to rezone the property to Business Zone 3: Local Business, additional to the rezoning consent use is made to retain the dwelling units on ground floor.

- ❖ The rezoning of the property will allow for business opportunities (shops) in the building which faces on Queen Victoria Street. This will allow for an excellent location for business activities and enough public parking on site.
- ❖ The proposed business activities are to allow for antique furniture, antiques in general and a coffee shop/restaurant but will not be limited to these uses. On the eastern side of the shops is a well-maintained garden which softens the landscape and will invite the public into the respective shops. The total gross leasable floor area is ±560m<sup>2</sup> in extent.
- ❖ Public amenities such as restrooms are well located on site.
- ❖ To retain the dwelling units on ground floor a consent use is made in terms of the proposed Business Zone 3: Local Business zoning.
- ❖ The proposed rezoning will be in line with the existing zonings and land uses of properties abutting Queen Victoria Street.
- ❖ The dwelling units on the property will remain unchanged.
- ❖ Sufficient parking is provided on site with 20 parking bays available on site for the dwelling units and 23 parking bays available for the commercial activities.
- ❖ All services are available, and no new building work is proposed. Additional services are not required as no additional erf portions will be created. The former hotel and conference facility will be changed to local business use.
- ❖ There are no restrictive conditions contained in the title deed (T44443/2018).
- ❖ Overstrand Municipal spatial Development Framework 2020: the subject property is earmarked for urban development purposes.
- ❖ Overstrand Growth management Strategy: no densification is proposed on the site and therefore the strategy is not applicable.
- ❖ The subject property is situated within the Heritage Overlay Zone. Although the application is for the rezoning of the property the uses will be accommodated within the existing structures. The property is not associated with any important persons or groups or events and activities. In light of the above the proposal will not have a negative impact on the heritage value of the subject property or Stanford.
- ❖ The proposal does not trigger any listed activities in the National Environmental Management Act.

## 5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	11 June 2021	16 July 2021
Ward councillor	Yes	09 June 2021	16 July 2021
Total comments	<b>Two objections were received in the prescribed timeframe and one late objection was received from L Roodt on behalf of the Stanford Ratepayers Association.</b>		
Was public participation undertaken in accordance with section 46- 50 of the By-law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly?			<b>Yes</b>
Is the proposal consistent with the principles referred to in chapter 2 of SPLUMA and Chapter VI of LUPA?			<b>Yes</b>

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

Name	Date received	Summary of comments
Fire Department	14/06/2021	No objection subject to compliance with the provisions of SANS 10400 A : 2016, 10400T:2020 and the By-law relating to community safety.
Building Department	24/06/2021	Supported.
District Health	16/07/20/21	Annexure F.
Environmental Department	16/07/2021	No objection.
Engineering Services	30/07/2021	Annexure G.
Heritage: Western Cape	20/12/2021	Annexure H.

## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two objections were received in the prescribed timeframe from the adjacent property owners and one late objection was received from the Stanford Ratepayers Association.

The objections and issues raised are grouped together and discussed.

**The objector objects to the proposal to rezoning the property.**

### Response from applicant

No reasons were provided for the objection. The objector mentions that they have applied for extension of time to provide comments but was not granted. The public participation process provided sufficient time to provide comments on the application.

### Response from town planner

Comment from the applicant is agreed with. Further extension of time for private individuals to comment on the application is not provided as it will provide a situation where certain parties/persons are afforded more rights than other parties/persons.

**Owner of Erf 113 Stanford (adjacent property owner) objects to the 8 proposed parking bays which are situated adjacent the boundary of her property. The reason the parking will be utilised in all hours of the day and night which will be a disturbance to her guests. It is mentioned that proof of noise exists as a departure was approved in Short Market Street and the loading zone cause noise and disturbance for the guests of the hotel.**

Response from applicant

The area proposed for the 8 parking bays are not located adjacent to the building but against the garden area. Further, as per the approved site development plan for Erf 1067, Stanford with Drawing no 008.007/03 dated 12 January 2016 the mentioned area was already approved as a parking area at the time. The current proposal is merely a redesign to accommodate more parking bays. The concern of the objector is noted however the proposal will not generate more noise as the area was always intended to be used to accommodate parking.

Response from town planner

Comment from the applicant is agreed with.

**The objector indicates that a traffic impact assessment is required as the opinion is held that the proposal will have an increase in traffic.**

Response from applicant

The subject property was previously used as a hotel and conference facility. The proposal will have minimal additional traffic impact in the area. The current roads can accommodate the traffic generated. No on street parking is required.

Response from town planner

The application was circulated to the Engineering Department and Operational Services, no further studies regarding traffic was requested.

**The objector states that the proposed application will lead to a dangerous precedent being created which will change the morphology of the town, reduce plot sizes and increase bulk and destroy the village atmosphere.**

Response from applicant

The subject property was previously used as a hotel and conference facility and all the proposed uses will be accommodated in the existing structures and footprint. The proposal is in line with the business-like character of Queen Victoria Street. All the parking is provided on site. The businesses will face Queen Victoria Street and not have an impact on the residential character of the of Church Street. The proposal will not have an influence on the village type character as all the buildings on the subject property will be retained. No changes are proposed to the plot sizes.

Response from town planner

The property will remain the same extent and although a rezoning is proposed the land use change will only be applicable to the internals of the existing buildings which were previously used as a hotel, bar and conference facility.

**The objector believes that the proposal will have a negative impact on the residential character as the area contributes heavily towards the tourism industry. The business will be the first step in changing the character of the area.**

Response from applicant

The proposal is merely a change of land use of the former hotel buildings situated in Queen Victoria Street. The proposal will have little impact on the residential character as no physical changes are proposed. The owner will retain the residential component on the subject property.

Response from town planner

Only internal use changes are proposed, it stands to reason that the shops will attract tourists and visitors to the area.

**The objector believes that the proposed application will allow the owner to turn the existing dwelling units into shops. Which in turn will have a negative impact on Church Street.**

Response from applicant

The proposal does not entail the change in land use for the residential buildings situated along Church Street. The diversification of land use on the property will help to survive the current economic climate. Further job opportunities will be created for the local community.

Response from town planner

The residential component of the development will be maintained and therefore, the impact on the character of Church Street will be minimal.

**The objector states that a public participation process is required and should include the ratepayer's body, Stanford Tourism and all interested parties.**

Response from applicant

It is clear that a public participation process was followed due to all the comments received. The details of the proposed application were published in the Village News newspaper dated 9 June 2021 and it was circulated to the rate payer's association who provided their comment and Stanford Heritage Committee who commented the following:

*"In our view a sympathetic conversion of the facilities as proposed would be a positive development for the village".*

Response from Town Planner

The public participation process was successfully concluded, and the application was advertised, and notices were sent to the various departments and affected/interested parties.

**The objector states scant regard was given for noise complaints made by the guests of the hotel on Erf 113, Stanford due to the increase in noise emitting from Short Market Street. Rooms facing Short Market Street had to be closed. A noise impact was done in 2005 by Mr P Du Bondt and that the municipality has done nothing so far to reduce noise in the area.**

Response from applicant

The owner of Erf 1067, Stanford cannot be held accountable for the actions of the surrounding property owners. Every application should be evaluated on its own merits. Although the objector states that a noise impact assessment proves that the noise levels have risen, the owner of Erf 1067 cannot be held accountable. The proposal at hand does not relate to the main issue raised by the objector which is the loading zone in Short Market Street. Erf 113 is situated close to the CBD of Stanford and therefore it is common occurrence that an amount of noise is generated from the activities that can be associated within a CBD.

Response from town planner

The noise complaint in Short Market Street does not relate to the application at hand.

**The objector states noise levels are low at the moment in the area, and they have spent close to R100 000.00 upgrading the hotel and the rezoning will have a negative impact.**

Response from applicant

The objector previously stated that the noise levels are higher, and that the municipality has done nothing to reduce it. The objector contradicts herself by stating that the noise levels are relatively low. This indicates that the noise complaint is based on an opinion and used conveniently to put a negative light on the application.

We acknowledge that the owner of Erf 113 has spent money on upgrading the property but so has the owner of Erf 1067. The application should be evaluated on its own merit, and it will have a positive impact on the economy of Stanford and that it will be beneficial to the community, the fact that some of the accommodation components will be reduced might create a need for short term occupancy from which the owner of Erf 113 Stanford can now benefit.

Response from town planner

The statement provided by the applicant is agreed with.

**The objector states that Council should act in the best interest of the inhabitants of Stanford and to assist her in preserving the livelihood of her business.**

Response from applicant

The proposal will be to the benefit of the owner as well as the local community. The objector as an owner of a hotel should be aware of the difficult times the economy currently experiences. The proposal will allow for a diversity of opportunism which will create jobs and will lead to a better local economy. It is clear that the proposal will be in line with the exiting character in Queen Victoria Street as it will extend the business opportunities within the aforementioned street. The residential character in Church Street will be retained with the proposed application.

Response from town planner

Both comments are noted.

**The objector states that the locality plan shows that Erf 113 is only 200m<sup>2</sup> and conveniently shows that the zoning on the property is business alongside the boundary of Erf 1067. The objector states that her property is tripled zoned. As mentioned by the objector this is an attempt to squeeze in more parking bays closer than 3m to the common boundary of Erven 113 and 1067 Stanford.**

Response from applicant

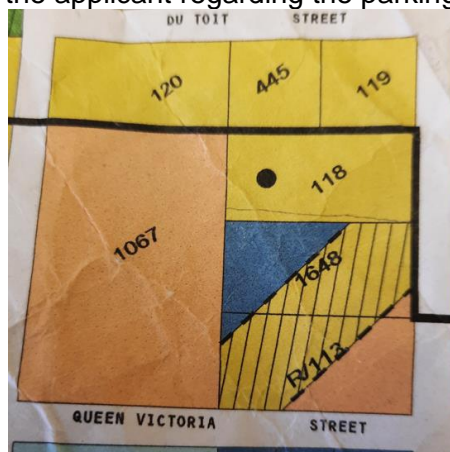
No property sizes were indicated on the site plan as submitted with the application. There are three zonings indicated on Erf 113, and the portion which is abutting the Erf 1067 is zoned Business Zone 2. The parking layout proposed adheres to the parking requirements. Further, the parking area was previously approved as a parking area and is currently being used as a parking area. It is now proposed to allow more parking bays in the area while adhering to the parking requirements.

Response from town planner

The current zoning map for Stanford shows that Erf 113 (Erf 113 and Erf 1648 consolidated) has three different zonings; this is a result of the zoning allocation as indicated on the Stanford zoning map dated November 2000 which indicated that Erf 113 has a split zoning. The location of the specific zonings is not indicative of anything but merely to show that the property has certain zoning rights which relates to business and general residential. Photo of the November 2000 is inserted below.

What the objector neglects to mention is that the hotel's parking area and open space is directly adjacent to the boundary of Erf 1067 therefore any objection of noise is not objectively considered or made.

The comments made by the applicant regarding the parking is agreed with.



It is mentioned that the application is dated 10 June 2021 and that the envelope is stamped 21 June 2021. It is mentioned that the Stanford Municipal Office was closed until the 19<sup>th</sup> of July 2021. The objector states that the neighbours did not have sufficient time to go through the documentation and to discuss the implications of the application. The objector requested an extension of time.

Response from applicant

The fact that the Stanford office was closed on the 19th of July 2021 does not have any impact on the public participation process as the notice was still forwarded to surrounding property owners via registered post. Contact details for the municipal officials was also stated in the notice that was sent out. Arrangement could have been made by the official to view the documentation of the application. We believe that the affected property owners had sufficient time to provide their comments.

Response from town planner

As stated by the applicant contact details for the municipal officials were stated in the notice which was sent out. The interested and affected parties could have made arrangements with the official to view the documentation of the application.

**The objection received from the Stanford Ratepayers were received after the closing date. It is mentioned that the business rights applied for are very wide and intensive, e.g., including a filling station. It is also mentioned that they are in support of businesses in the section adjoining Queen Victoria Street but not in Church Street as it would affect the strong residential and heritage character.**

Response from applicant

The proposed application was accompanied by a site development plan. The owner will be restricted to the land uses as stipulated on the site development plan once the application is approved. The proposed shops will only be situated in Queen Victoria Street. The proposal does not entail the change in land use for the residential buildings situated along Church Street. The consent use in the application is to retain the residential units on ground floor.

Response from town planner

An email was sent to the chairman of the Stanford Ratepayers Association on 22 July 2021 which explained that if the proposal is approved then it will be limited to the site development plan as submitted.

**It is also mentioned that the proposal will create additional traffic and parking in the area.**

Response from applicant

The required parking is provided on the site and no off-street parking will be required. As stated in the motivational report 43 parking bays are required and 43 parking bays are accommodated on the subject property, which include two parking bays for the disabled. The opinion is held that the very little additional traffic will be generated and that it will not have a negative impact on the traffic flow.

Response from town planner

The application was circulated to the Engineering Department and Operational Services, no further studies regarding traffic was requested. The opinion is held that the traffic will be same as when the hotel was being operated.

It is noted that the current application is to retain the cottages, but the concern is that the future owners of Erf 1067, Stanford may develop the subject property as a whole for business rights.

Response from applicant

The application should be evaluated on its own merit. It would be unfair to evaluate the application on speculation of the intent of future owners. The property owner will have to use the property as indicated on the site development plan once the application is concluded. The application will be a benefit to the property owner and to the local community as the benefits outweigh the possible negatives.

Response from town planner

The comment from the applicant is agreed with.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

See paragraph 7.

**9. MUNICIPAL ASSESSMENT OF COMMENTS**

All the relevant departments provided positive comments.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)**

**10.1 Background**

N/A

**10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application can be motivated in terms of the principles in the following manner:

Spatial Justice

The proposal will not further perpetuate historic spatial imbalances.

Spatial sustainability

The application is located within the urban edge and will thus not lead to urban sprawl. No natural habitat is impacted upon, and it will not have any negative influence on the environment.

Efficiency

The application discourages urban sprawl. The proposed developments will have a low impact on the surrounding property owners. The proposal will facilitate the optimal use of the property and will not adversely impact the natural environment.

Spatial Resilience

The proposal is consistent with the SDF that adhere to the principle of efficiency.

Good administration

The application followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

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

Same as 10.2 above.

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

**Overstrand Municipal Spatial Development Framework**

The subject property is earmarked for urban development. The proposed rezoning will allow for mixed use development which is in line with the current urban development and land use tendency.

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal engineering services**

The existing services are available.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

Erf 1067 is zoned General Residential Zone 2: Town Housing. The property owner seeks to rezone the property to Business Zone 3: Local Business in order to allow business related uses on the property and to apply for consent use to retain the existing dwelling units on the ground floor.

**11. THE DESIRABILITY OF THE PROPOSAL**

Erf 1067 is situated on the corner of Church and Queen Victoria Street and is developed with a hotel and several dwelling units. The subject property measures 5 953m<sup>2</sup> in extent, is zoned General Residential Zone 2: Town Housing. The property owner seeks to rezone the property to Business Zone 3: Local Business in order to allow business related uses on the property and to apply for consent use to retain the existing dwelling units on the ground floor.

The subject property was historically approved as a hotel with amenities and facilities such as a dining area, conference room, reception and bar area. The aforementioned amenities and facilities were located in the main building which faced Queen Victoria Street and a small portion is located on the corner of Queen Victoria

Street and Church Street. It should be noted that Queen Vitoria Street is the main street of Stanford and contains the majority of commercial facilities of Stanford. The proposed application entails that only this main building be changed from the aforementioned uses to commercial uses such as shops, offices and restaurants.

The rezoning of the subject property to allow the commercial uses in the main building is supported from a town planning perspective due to the following reasons:

- only the internal uses of the main building will change, the outward façade will remain the same;
- the main building was historically used as a dining area, conference room, reception and bar area. The proposed changes are therefore in line with the historical economic land uses permitted on the property, and
- the rezoning of the subject property to allow for business rights is in line with the existing uses in Queen Victoria Street and the character of the area will be maintained.

In addition to the rezoning of the property from General Residential Zone 2: Town to Business Zone 3: Local Business the property owner also applies for a consent use to retain the existing dwelling units on the ground floor. As per Business Zone 3: Local Business it is a primary right to develop the property with flats or dwelling units on the first-floor level however, due to the existing dwelling units being located on the ground floor application was made for the consent use.

The retention of the dwelling units will ensure that the character of Church Street remains intact and that the comments and concerns from the objectors are addressed. In addition to the aforementioned, the dwelling units create a buffer between the proposed commercial activities and the rest of the residential component in Church Street.

Considering the abovementioned the proposed application can be considered desirable.

## 12. RECOMMENDATION

1. that the comments received be noted;
2. that the applications in terms of Section 16(2)(a) and 16(2)(o) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) to rezone Erf 1067, Stanford from General Residential Zone 2 (GR2) to Business Zone 3: Local Business (B3) and consent use in order to accommodate ten (10) dwelling units on the ground floor, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
  - (a) that this approval only pertains to the proposed Site Development Plan, as submitted with the application, *Drawing No stan1067c.drw* dated 02/2021 as submitted with the application;
  - (b) that proper management is undertaken to ensure that the proposed use will not be detrimental to the peacefulness and amenity of the surrounding area;
  - (c) that building plans be submitted to the Building Department for approval, and that any conditions by the Fire- and Building Departments be complied

with at that stage;

- (d) that the conditions in the Services Report (attached as Annexure G), be adhered to;
  - (e) that all conditions from Heritage Western Cape (attached as Annexure H), be adhered to;
  - (f) that the selling or serving of liquor on the property will be subject to the owner obtaining the necessary Liquor Licence;
  - (g) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
  - (h) that the land uses comply with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
  - (i) that signage complies with the Municipal By-Law on Signage, may be displayed on the premises;
  - (j) that on-site parking be provided to the satisfaction of the Senior Manager: Town and Spatial Planning and the Operational Services Department;
  - (k) that this approval does not absolve the landowner from compliance with any other relevant legislation, and
  - (l) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and persons who commented, within the prescribed timeframe, be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approval.

### 13. REASONS FOR RECOMMENDATION

- Only the internal uses of the main building will change, the outward façade will remain the same.
- The main building was historically used as a dining area, conference room, reception and bar area the proposed changes are therefore in line with the historical economic land uses permitted on the property.
- The rezoning of the subject property to allow for business rights is in line with the existing uses in Queen Victoria Street and the character of the area will be maintained.
- The retention of the dwelling units will ensure that the character of Church Street remains intact and that the comments and concerns from the objectors are addressed.
- The dwelling units create a buffer between the proposed commercial activities and the rest of the residential component in Church Street.
- The application has followed due procedure.
- No objections were received from the public.

- It is in line with policy documents.

#### **14. ANNEXURES**

Annexure A: Locality Plan  
Annexure B: Motivation Report  
Annexure C: Subdivisional Plan  
Annexure D: Objections  
Annexure E: Comment on objections  
Annexure F: Comment: District Health  
Annexure G: Services Report  
Annexure H: Comment: Heritage Western Cape

#### **SIGNATURES**

##### **REGISTERED PLANNER**

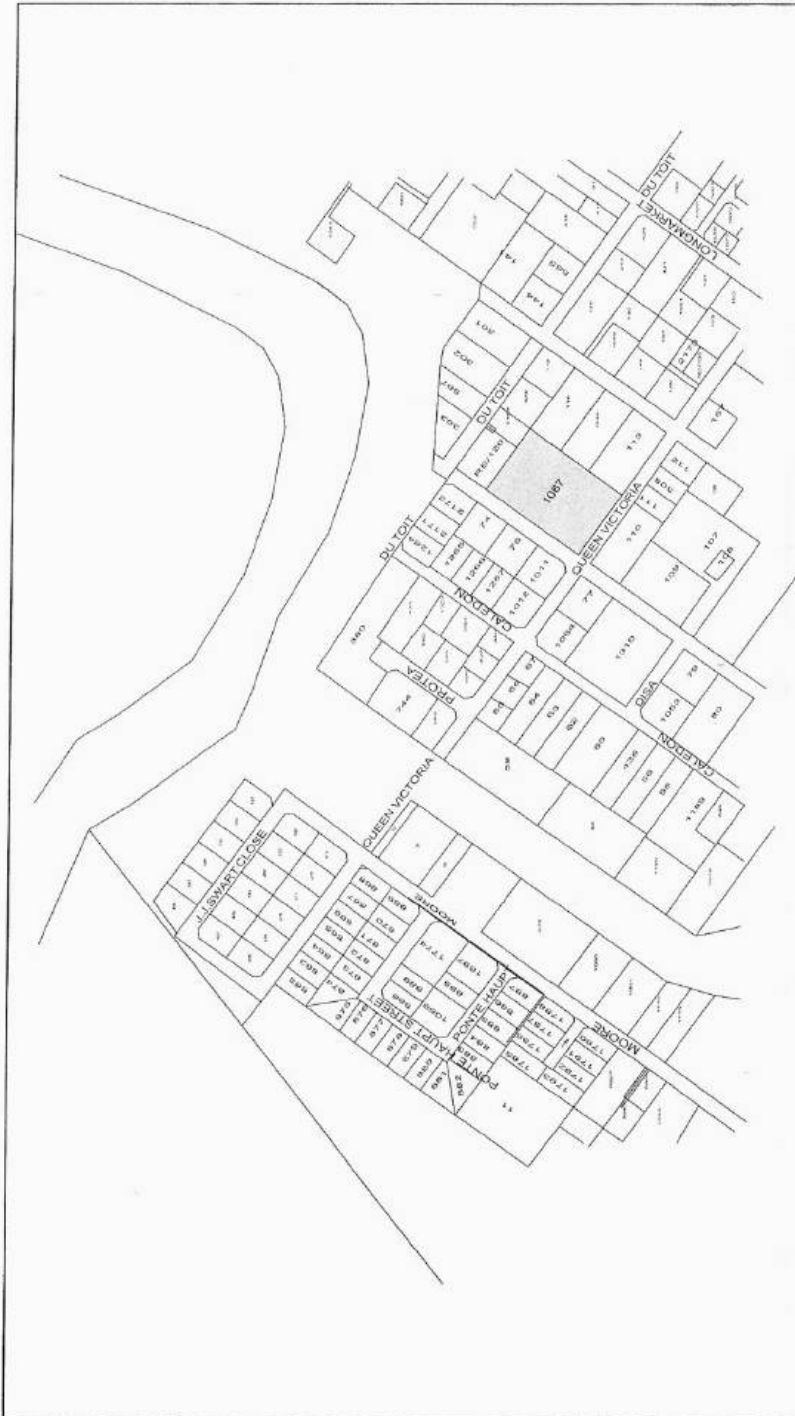
##### **AUTHOR**

Name: **P ROUX**  
SACPLAN Reg No: **A/2246/2015**  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

##### **REGISTERED PLANNER**

Name: **SW VAN DER MERWE**  
SACPLAN Reg No: **A/1850/2014**  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

ANNEXURE A



Scale: NTS  
 Drawing No: 1067 STANFORD.dwg  
 Date: FEBRUARY 2021

Plan Description:  
**LOCALITY MAP**

Property Description:  
**ERF 1067  
 STANFORD**

All distances approximate  
 and subject to survey.  
 COPY RIGHT RESERVED

**PIA<sup>n</sup> Active**  
 Stads- en Streksbeplanners  
 Town & Regional Planners

**PROPOSED  
REZONING AND CONSENT USE**

**ERF 1067 STANFORD**

**DIVISION: CALEDON**

**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Mr. K. Skeel on behalf of Zelkar Investments Inc 173 CC, the owner of Erf 1067 Stanford, has instructed the company Plan Active to apply for the rezoning and consent use of Erf 1067 Stanford.

All the structures on the subject property already exist. The intention of the owner is to change the land use of the existing building located on the corner of Queen Victoria Street and Church Street to a local business use. In order to utilise the subject property as a mixed-use development, that would consist of local business and the existing residential units under the current zoning, General Residential Zone 2 will not be sufficient and therefore the intention is to rezone the subject property to Business Zone 3 and also apply for a consent use.

Erf 1067 Stanford is 5 953m<sup>2</sup> in extent and is held by Title Deed Number T44443/2018.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the rezoning of Erf 1067 Stanford from General Residential Zone 2 to Business Zone 3;
- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the consent use of Erf 1067 Stanford.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

Erf 1067 Stanford is situated at 20 Queen Victoria Street, Stanford. Please refer to the enclosed locality plan. Erf 1067 Stanford is 5 953m<sup>2</sup> in extent and is held by Title Deed Number T44443/2018.

### **3.2 ZONING**

Erf 1607 Stanford is zoned General Residential Zone 2 and was formerly utilised as a hotel and conference facility. An approval was also obtained for 10 residential units. the hotel / conference facility are not operational, and the dwellings are occupied.

Surrounding properties are zoned for business, residential, community uses and public open spaces. It is therefore evident that Erf 1607 is situated in a mixed-use area.

### **3.3 LAND USE**

Erf 1067 Stanford is used for residential purposes. 10 Residential units are situated on the subject property. As mentioned above, the hotel and conference facility are not operational.

Land uses that surrounds Erf 1067 Stanford are single dwellings, business premises, public roads and public open spaces. It is therefore evident that the subject property is situated within a mixed-use area.

### 3.4 PROPOSAL

The following are proposed:

- The rezoning of Erf 1067 Stanford from General Residential Zone 2 to Business Zone 3 in terms of Chapter 4, Section 16(2)(a) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.;
- A consent use in terms of Chapter 4, Section 16(2)(o) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, applicable to Erf 1067 Stanford.

It is the intention of the owner of Erf 1067 Stanford to rezone the subject property from General Residential Zone 2 to Business Zone 3: Local Business. The intention is also to apply for a consent use to accommodate the dwelling units on the ground floor.

The detail of the application can be described as follows:

#### 3.4.1. Proposed Rezoning

The subject property is currently zoned General Residential Zone 2 and was formerly used as a hotel and conference facility. With the rezoning of the subject property to Business Zone 3, an opportunity will be created to establish rights on the subject property by adding a business component to the already existing residential opportunities. It is proposed that the existing building, that is located on the western side of the site facing Queen Victoria Street, be used for business purposes. Erf 1067 Stanford has an excellent location to be used for business purposes and enough public parking can be provided on site. The proposed shops will have great exposure to the street front facing Queen Victoria Street. Please refer to the enclosed site development plan and parking layout.

The intention of the owner is to accommodate shops that follows the current trends of Stanford that would include antique furniture, antiques in general and a coffee shop / restaurant but will not be limited to these uses. The sole director of Zelkar Investments Inc 173 CC, Mr. Keith Skeel is a well renowned international interior decorator and antiques collector. Each section of the hotel has been numbered as Shop 1 to Shop 10 and the respective GLA of each shop. It is highly likely that a shop tenant would rent a combination of shops, due to the fact that they are interleading, depending on their needs.

A neat, established garden is located between the parking bays that are located on the eastern side of the proposed shops. Even though the shops are facing west towards Queen Victoria Street, we anticipate that all visitors would enter the shops from the eastern side. The established garden and inviting verandas create a perfect ambiance that suits Stanford and Stanford's heritage. Please take note that this application is only for the change of use and no extensions of the current buildings are proposed. The total gross leasable floor area of the combined shops are ±560m<sup>2</sup> in extent.

Toilet facilities, as indicated on the site development plan, are strategically placed and easily accessible.

A consent use application will however be required in order to permit the existing approved residential dwellings on the ground floor as per the development rules for properties with a Business Zone 3 zoning. The land use rights applicable to properties with a Business Zone 3, Local Business zoning are as follow:

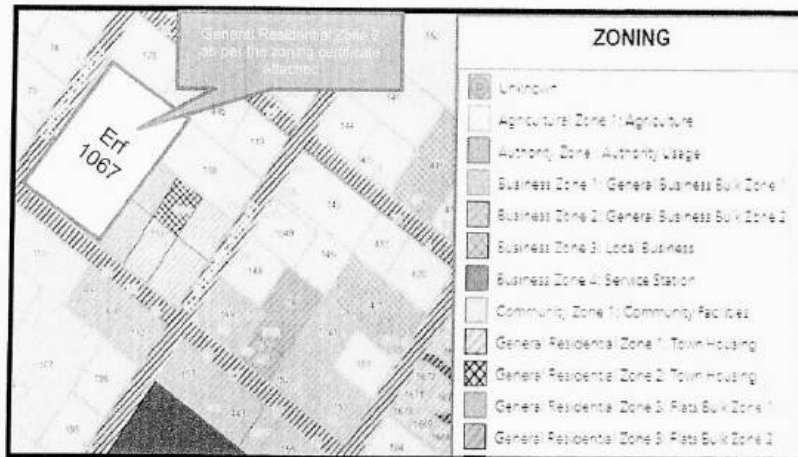
#### 7.2 BUSINESS ZONE 3: LOCAL BUSINESS (B3)

##### Use of the property

7.2.1 The following use restrictions apply to property in this zone:

- a) **Primary uses are:** shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.
- b) **Consent uses are:** 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).

The objective for the proposed rezoning is to change the use of the hotel / conference facility that were accommodated under a General Residential Zoning to a local business zone in order to utilise the hotel and conference facility as a business premises. The existing 10 residential units and its use will remain the same. The proposed rezoning of the property will be in line with the existing zonings and land uses of properties abutting Queen Victoria Street as depicted below:



The proposed rezoning of the subject property from General Residential Zone 2 to Business Zone 3 will create an opportunity for the owner to establish shops on the subject property. This will also be beneficial for the economy of Stanford as permanent employment opportunities will be created to manage the shops on the subject property. The proposal will also promote more pedestrian friendly areas and reduces the need for the use of private vehicles as the needs can be met within walking distance.

The proposed mixed use can be described as follows:

- **10 existing residential units;**
- **Total shop/restaurant GLA of ±560m<sup>2</sup> (10 shops).**

All opportunities will be accommodated within the existing buildings on the subject property.

It is our opinion that the proposed rezoning will be beneficial for the owner as well as the local community as it will create opportunities for people to enhance better lifestyles through job creation and attract people, especially tourists to interact within the CBD of Stanford.

#### 3.4.2. Consent Use

The existing dwelling units cannot be accommodated within the primary rights of a Business Zone 3 zoning. A consent use application is required in order to establish the 10 residential units on the ground floor on the subject property as seen in the abstract in section 3.4.1 of this motivation report of the applicable land use restrictions. The building plans of the dwelling units are approved and the units will not be altered. The reason for the application is merely to accommodate an existing land use within a different zoning.

The proposal will have minimum impact on the traffic in the area as sufficient parking bays exist and will still be utilised.

It is our opinion that the proposed consent use will be beneficial for the owner as well as the local community as it creates permanent accommodation within walking distance of the amenities that Stanford's CBD has to offer.

#### 3.5 ACCESS AND PARKING

Vehicular access to Erf 1067 Stanford will remain unchanged and is from Church Street, Stanford. With the proposed application, the existing access point to the subject property will be retained.

The parking schedule for the proposal can be seen in the table below:

Land use	Total Number	Parking Required	Bays	Parking provided	Bays
Residential	10 Units	20 bays		20 bays	

<b>Shop / Restaurant</b>	±560m <sup>2</sup> GLA	23 bays	23 bays
<b>Total</b>		43 bays	43 bays
<b>In terms of the Zoning Scheme 1 parking bay for every 25 Parking bays provided must be a dedicated parking bay for the handicapped. 2 Parking bays have been reserved for the handicapped. Bays number 23 and 42.</b>			

All the proposed parking bays adhere to the design requirements of 5m x 2,5m with 7,5m manoeuvre space behind each parking bay. The parallel parking bays (bays 28 and 29) are also 5m x 2,5m with 2.4m manoeuvre space between the 2 parking bays. On the premises 43 parking bays are proposed.

From the above it is evident that sufficient parking bays can be provided with adequate manoeuvre space on site. The impact on the traffic of the area will be kept to a minimum due to the fact that the use of an hotel and conference facility will change to a local business use. The use of the 10 residential units will remain the same.

### 3.6 SERVICES

All services on the subject property already exist and no new building work is proposed. Additional services are not required as no additional erf portions are created with the proposed application. The application constitutes only the change of use of the former hotel and conference facility to a local business use. Therefore, the proposal will not have a negative impact on the existing services that are provided by the Overstrand Municipality. Any additional services that may be required will be done according to the specification of the Overstrand Municipality.

### 3.7 TITLE DEED

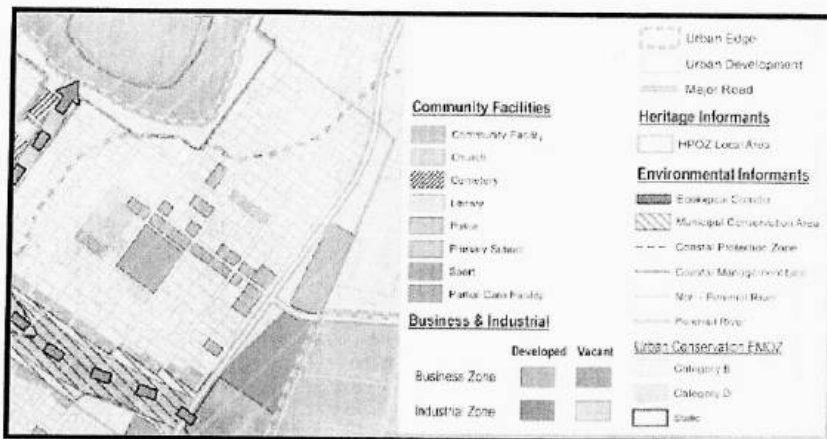
There are no restrictive Title Deed conditions in Title Deed Number T44443/2018 that will have to be addressed in order to for the proposed application to be approved.

There is no bond registered against Erf 1067 Stanford.

### 3.8 FORWARD PLANNING

#### Overstrand Municipal Spatial Development Framework (2020)

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for urban development purposes. The residential component of the subject property will be retained after the rezoning as a consent use of Erf 1607 Sanford. The subject property is located alongside Stanford's activity spine namely Queen Victoria Street.



#### Overstrand Growth Management Strategy

With reference to the Overstrand Growth Management Strategy the subject property falls within Planning Unit 1 that consists of the original historical area of Stanford. No densification is proposed for this planning unit.


With reference to the above mentioned is it our opinion that the Growth Management Strategy is not applicable to the proposed application as no additional erven or residential opportunities will be created with the proposed application.

It is therefore our opinion that the proposed rezoning and consent use can be supported, and it is in line with forward planning strategies and also the current land use trends for the area.

**3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

**3.9.1 HERITAGE VALUE**

Erf 1067 Hermanus is situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). Erf 1067 Stanford is also earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009). Please refer to the abstract below from the Heritage Survey Report:

Stanford Conference Centre and Hotel	1067	Stanford Chr Church and Queen Victoria Str	3B	Architectural, social, historical contextual significance. Intact and representative, positive contribution to streetscape.	
--------------------------------------	------	---	----	---	--

The 3B Grading Criteria and management implications are tabled as follow:

	Intrinsic Significance	Associational Significance	Contextual Significance
GRADE 3B	<ul style="list-style-type: none"> <li>Historical fabric is partially intact (not damaged or reversible)</li> <li>Some evidence for historical layering</li> <li>Some elements of construction are authentic</li> <li>Fabric dates to an historical period in the evolution of a place</li> <li>Typical or good example of a type and form</li> <li>Fabric illustrates an historical period in the evolution of a place</li> <li>Fabric illustrates the key uses and roles of a place over time</li> </ul>	<ul style="list-style-type: none"> <li>Some association with an historic person or social dynamic</li> <li>Some association with historic events or activities</li> <li>Some association with the uses or roles of a place over time</li> <li>Some association with public memory</li> <li>Some association with living heritage</li> </ul>	<ul style="list-style-type: none"> <li>Contributes significantly to the historical/visual-spatial character of a place</li> <li>Contributes significantly to the quality or setting of a Grade 3A heritage resource</li> </ul>
Grade 3B Buildings Precincts	Heritage resources of considerable local architectural, aesthetic, social and historical value. Structures and sites of considerable intrinsic value for social, historical, scenic and/or aesthetic reasons either individually or as part of a whole.	Local Authority HRS	<ul style="list-style-type: none"> <li>Conserve,</li> <li>Retain and enhance significance,</li> <li>Retain historical fabric (predominantly building exterior).</li> </ul>

The application constitutes the rezoning of Erf 1067 Stanford from General Residential Zone 2 to Business Zone 3 and a consent use. The proposed land use will be accommodated within the existing structures on the subject property.

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 is it evident that the proposed rezoning and consent use application will not have a negative impact on the heritage value of the subject property or the greater area of Stanford.

### **3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed rezoning and consent use do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### **3.10 PLANNING PRINCIPLES**

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: After the proposed rezoning and consent use the residential component of the subject property will be retained and a business component will be added in the place of the former hotel and conference facility. The proposal will be in line with the surrounding character for the area of Stanford. There are no restrictive Title Deed conditions that prohibit the rezoning and consent use of the subject property. The land use restrictions in terms of the Overstrand Municipal Zoning Scheme under a zoning of Business Zone 3: Local Business will apply, and no departures are required.

Spatial sustainability: The proposed rezoning and consent use are in line with the current character of the established mixed-use area. The proposed application will have no impact on the conservation worthy areas of Stanford. Spatially the proposed land use will be in line with the existing land use tendencies for the specific area of Stanford.

Efficiency: The proposed application for the rezoning and consent use will promote the optimisation of the use of space within a developed mixed-use area. The subject property is also situated within the CBD of Stanford alongside the main road, Queen Victoria Street. and after the proposed application the subject property will fit in with the main activity spine of Stanford namely Queen Victoria Street.

Spatial Resilience in the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks (United Nations Office for Disaster Risk Reduction, 2009). Spatial resilience is not applicable to this application.

Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

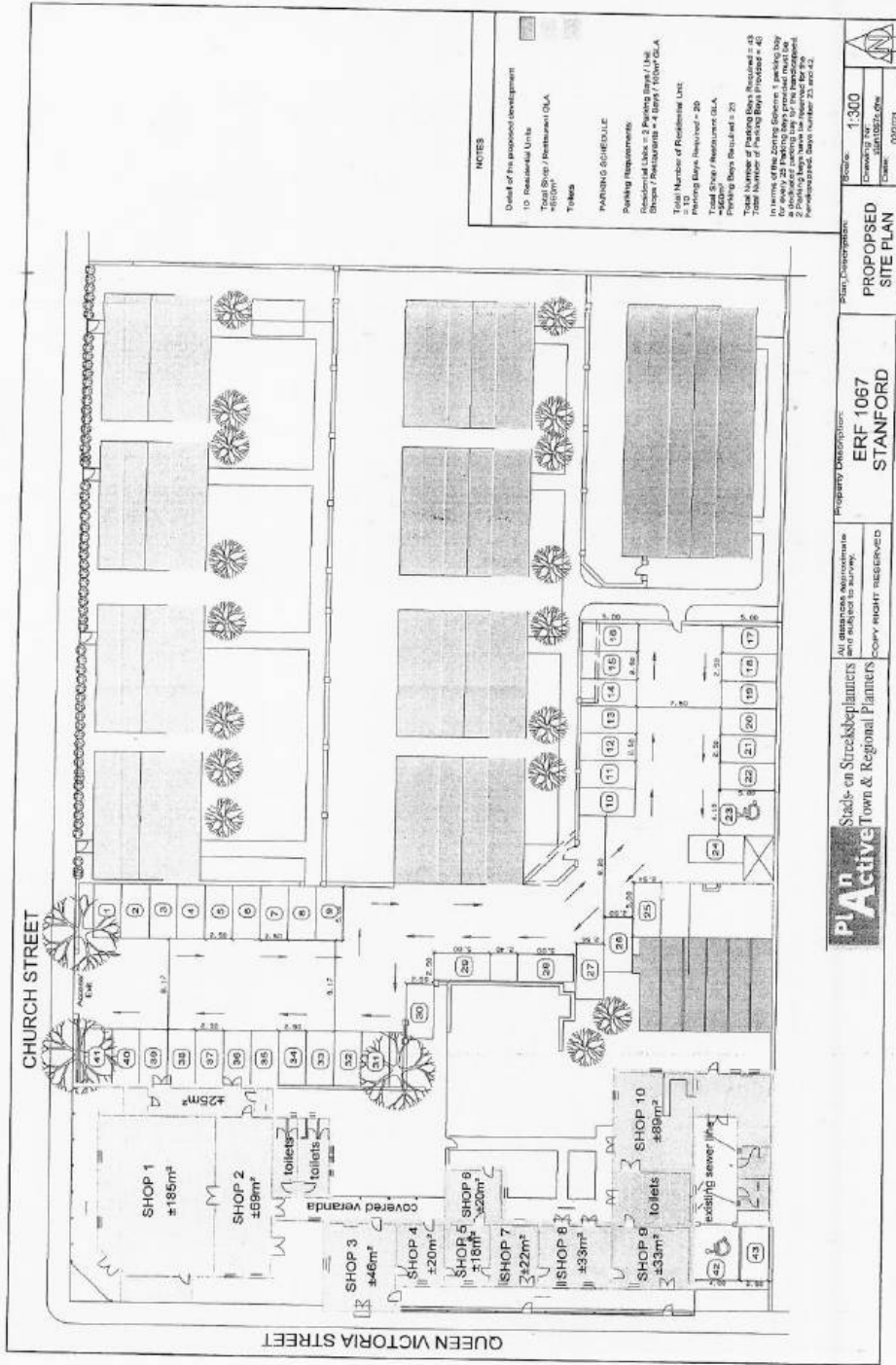
#### 4. **RECOMMENDATION**

When this application is evaluated it is important to take note of the following:

- The proposed rezoning and consent use fall within the existing land use tendencies in the area;
- The impact on services will be minimal and additional services will not be required.
- Sufficient parking bays can be provided on the subject property;
- The proposal will create an opportunity for more permanent employment for the local community;
- The proposed rezoning and consent use will not have a negative impact on the current character and land values of the surrounding erven;
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the rezoning and consent use of Erf 1067 Stanford.

ANNEXURE C





**A Conradie**

**From:**  
**Sent:** Friday, 16 July 2021 11:35  
**To:** A Conradie  
**Subject:** Application for Rezoning of Erf 1067, 20 Victoria street, Stanford.

I represent the Esterhuizen Clan, at Erf 118 Short Market street, Stanford.  
 In the unlikely event, of Not being granted an Extension Date, for Comment, I have applied for, in a separate Email, today,  
 I wish it to be recorded, that :  
 We have all intentions to object to this proposal of that Rezoning.  
 Yours sincerely,  
 A. Esterhuizen.

TP. n. /theak  
 ( S. ud n New)

FILE NO:	CF 1067
	Stanford
SCAN NO:	Anka
COLLABORATOR NO:	1561413

16 JUL 2021  
 TP

TP. N. Alford  
(S. Ud. N. Alford)



**OBJECTION TO THE APPLICATION FOR REZONING AND  
CONSENT USE: MESSRS PLAN ACTIVE TOWN AND  
REGIONAL PLANNERS ON BEHALF OF ZELKAR  
INVESTMENTS 173 CC,  
ERF 1067, QUEEN VICTORIA STREET, STANFORD.**

**TO:**  
Alida Calitz  
Town Planning  
The Overstrand Municipality  
16 Paterson Street  
Hermanus

FILE NO:	Erf 1067 Stanford
SCAN NO:	Ireen
COLLABORATOR NO:	1561408

**FROM:**  
Penelope Ireen van den Berg  
Owner of the Stanford Hotel (Erf 113)  
18 Queen Victoria Street  
Stanford Village  
7210

Dear Alida

- **Objector:** Stanford Hotel CC. Registration No: 1988/017557/23. Owner of Erf 113. Sole Member: Penelope Ireen van den Berg ID 5411270031085
- **Address:** 18 Queen Victoria Street. PO Box 866 Stanford 7210
- I am objecting to the proposed eight parking bays alongside my hotel, because it will have a negative impact on my business and the value of my property.
  1. There is an existing hotel suite alongside the proposed parking bays.
  2. Vehicles are going to be maneuvering at all hours of the day and night. The surface leading into the parking bays will result in an unacceptably high difference between the normal ambient sound level and the noise created.

16 JUL 2021  
TP

3. The proposed rezoning will result in increased traffic flow which is not only detrimental to my business but to the general populace of Stanford. I believe it is incumbent upon council to call for a traffic impact assessment study prior to considering the application.
4. Should the application be granted it would lead to a dangerous precedent: this includes affecting the morphology of Stanford, reducing plot size and increasing bulk, destroying the village like atmosphere by way of unwanted densification.
5. Stanford is heavily reliant on tourists and visitors and this rezoning would negatively impact on the "drawcard" main road and surrounding areas that contribute to tourism and visitors. To allow a business zone to penetrate right into the residential area, would be the first step towards changing the character of this vital aspect to of the village.
6. The proposed rezoning will negatively impact on the symmetry of our beautiful village and reduce this vital heart of the village to a dense urban vista. It would pave the way for the owner to turn all the cottages down Church Street into shops when there are already so many vacant retail spaces in the business zone along Queen Victoria Street. It will also severely impact on the neighbouring historical residential properties down Church Street
7. This parking area and the resulting motor vehicle noise will destroy my business. This has been proved in the past on the opposite boundary wall in Shortmarket Street, where at huge cost to myself, an attempt to buffer the noise emanating from the loading zone (for which a departure was approved) only served to amplify it.
8. I would ask that council call for a noise impact study from the applicant.
9. In view of the serious consequences associated with the application I believe and have been advised that a public participation process would be beneficial and required- this should include the rates payers body, Stanford Tourism and all interested parties. Prior to the development of this property done by my own sister during the late 1980s, there was a

great deal of public participation and a traffic impact study was conducted. The development of a guest lodge and conference facility was approved. This is what is still needed and this is what the usage should remain.

10. Scant regard has been shown by council for the increasing noise levels in this historical and vital tourism area despite several noise complaints made by our guests over the years regarding the Shortmarket Street loading zone that was ill approved. The source of complaints deals directly with motor vehicle noise and emissions.
11. 50% of our rooms (all the rooms facing the Shortmarket Street side) had to be closed permanently as they had been rendered uninhabitable thanks to the approval of a departure, which allowed this permanent noise nuisance to exist.
12. I am in the hospitality industry. One of the most important industries in South Africa today. My property is the only registered hotel in Stanford. It was built in 1920 and has historic value. I do know what I am talking about when I refer to the noise nuisance of vehicles as I have owned this property for nearly 20 years. There is the added disturbance of doors slamming, vehicles idling, motors revving and car alarms going on and off and being activated. In 2005, Mr. Pieter Du Bondt was called in by the municipality to measure the noise complaints by ourselves. He found a noise difference of 13.1dBA. Completely unacceptable. Yet nothing was enforced by the municipality. Not even a simple sign they promised to erect stipulating delivery times permitted. That was sixteen years ago and we are still waiting.
13. The ambient noise level is currently relatively low. Which is the very reason our guests find this particular hotel suite so peaceful. Due to its popularity, we have recently spent close to R100,000 upgrading the suite. Any attempt to push through this rezoning will therefore meet with our determined and ongoing opposition.

14. We urge council to act in the best interest of the inhabitants of Stanford and to assist me in preserving the livelihood of my business.
15. Please note that your locality map depicts my property as being 200sqM. This is totally incorrect.
16. Please note that your zoning map conveniently shows my property alongside the boundary of Erf 1067 zoned business - thus allowing the parking bays to abut the boundary wall instead of restricting the bays to a 3M distance from the wall as would be required for a residential property. My property is triple zoned. Therefore, and especially since this is the residential part of my property, the 3M distance away from the wall should be enforced. But by showing this part of my property as business, the applicant is attempting to squeeze in more parking bays.
17. This application is dated 10 June 2021. The envelope is stamped 21 June 2021. When I wished to examine the maps which have been included in this application, the Stanford Municipality was closed due to Covid and remains closed until 19 July 2021. This has not given the neighbours sufficient time to go through the documentation and to discuss the implications of this application. I therefore request an extension.
18. I hereby lodge my objection to this application.

Yours faithfully

**PENELOPE IREEN VAN DEN BERG**

**A Conradie**

**From:** Louis Roodt <[louis.roodt@stanfordratepayers.com](mailto:louis.roodt@stanfordratepayers.com)>  
**Sent:** Tuesday, 20 July 2021 18:31  
**To:** A Conradie  
**Cc:** F Myburgh; Marian Ferris; stanfordratepayers1857@gmail.com; Keith Brown  
**Subject:** Objections to rezoning of erf 1067, 20 Victoria Street, Stanford

Dear Alida,  
 with reference to Erf 1067 STAN, your letter to SRA dated 10 June, I would like to raise an objection on behalf of the RatePayers Association. I apologise for not adhering to the deadline of 16 July, which came about from our monthly meeting only being held today, where the decision to object was confirmed.

**Formalities:**

**Name:** Louis Roodt on behalf of Stanford Ratepayers Association

**Address:** 21 Lucy Crescent, Stanhaven Stanford

Contact details: this email and copied to \_\_\_\_\_

**Interest in application:** As ratepayers, we look after the interest of the community with respect to the nature and character of the village, operations and planning that affects service delivery. This application will create business rights along Church Street.

**Reasons for comment:** The proposed business rights are very wide and intensive, e.g. including a filling station. While we are supportive of having businesses on the section adjoining Queen Victoria Street, we are not in support of business rights along Church Street that has a residential nature with a strong heritage character. Business along Church Street will impose on this character with additional traffic and parking. While it is noted that the current application proposes to retain the cottages, the granting of blanket rights will not protect this. The issue is not what the current owner undertakes to do, but the expectation of the next owner to develop the property as a whole for business rights.

As excuse for the late submission, I copy below the email I sent to Petrus Roux on 13 July 2021 to get clarity on the application. He did not respond and I then waited for the committee meeting to check that I have their support.

Regards, Louis Roodt

**Louis Roodt**

Jul 13, 2021

to Petrus



Beste Petrus, ek wil asb iets uitklaar tov die aansoek vir Business Zone 3 van Gen Res Zone 2 op die hele erf, voordat ek names Ratepayers kommentaar aanteken en dalk verkeerde aannames maak. As dit goedgekeur word, sal Bus Z3 oor die hele erf geld, die Nagmaalhuisies ingesluit. Die volgende eienaar kan dan die huisies platstoot ( hulle is nie 60 jaar oud nie) en Bus Z3 oor die hele erf uitoefen.

Hoewel so 'n ontwikkeling onderhewig sal wees aan 'n SDP, vermoed ek dat ons nie die huisies sal kan bewaar as residensieel nie.

Vir ons is 2 dinge belangrik: dat die besigheidregte nie in Kerkstraat afspoel nie en dat die Nagmaalshuisies (al is hulle relatief nuut en vertoon bloot soos outydse Nagmaakhuisies) so behou word. Ons steun die vergunningsgebruik om die geboutjies op grondvloer te behou... soos dit hoort.

Moes die erf nie eers onderverdeel te word nie en Gen Res Z2 op die gedeelte met die huisies behou word en Bus Z3 net op die ou hotel gevestig word?

Welkom om my te bel as dit te veel tyd sal vat om die storie uit te tik!

Groete, Louis Roodt



TP - A Theart  
(P Roux)



ANNEXURE E 1/8

6 Magnolia St / Str  
PO Box / Posbus 296  
HERMANUS  
7200

Tel: (028) 313 1673  
Fax / Faks: (028) 312 1351

Email: [planactive@hermanus.co.za](mailto:planactive@hermanus.co.za)  
Website: [www.planactive.co.za](http://www.planactive.co.za)

TOWN & REGIONAL PLANNERS  
STADS-EN STREEKSBEPLANNERS

Our reference: PA19081

Your reference: 1067SS

24 August 2021

The Municipal Manager  
Overstrand Municipality  
PO BOX 20  
Hermanus  
7200

FOR ATTENTION: MR. P. ROUX

Sir

FILE NO:	EL 1067 - Stanford ✓
SCAN NO:	STF 1067
COLLABORATOR NO:	1575712

ERF 1067 STANFORD: PROPOSED REZONING AND CONSENT USE  
CLIENT: ZELKAR INVESTMENTS 173 CC

Reference is made to our application dated 25 February 2021 as well as your letter dated 27 July 2021.

The objections received from A Esterhuizen, PI Van Den Berg and the Stanford Ratepayers Association refer and can be summarized as follows:

1. The objector states that they object to the proposal of rezoning the subject property.

Although the objector indicates that they object to the proposal, no reasons were provided for the objection. A. Esterhuizen mentions that they have applied for an extension of time to provide comments but was not granted. The public participation process provided sufficient

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Reg. No. 2006/030921/07  
Vat. No. 4770250340

John Mc Lachlan: Ndiip (Town Planning) Tech Witwatersrand; MSAPI Nr. 10908; SACPLAN Tch. Ptn B/8250/2014  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriké Lemr: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr. Ptn A/158/2009  
Darren Adams: BTech (Town and Regional Planning) CPUT; SACPLAN Pr. Ptn A/3002/2021

TP  
26 AUG 2021

time to provide comments on the application in terms of the regulations as pertained in the Amended By-Law on Municipal Land Use Planning, 2020.

2. The objector, the owner of the neighbouring property, Erf 113 Stanford states that 8 of the proposed parking bays are situated alongside her hotel suite and that the manoeuvring of vehicles will be a disturbance to her guests as the parking will be in use all hours of the day and night. It is also mentioned that proof of noise exists as a departure was approved in Short Market Street and the loading zone cause noise and disturbance for the guests of the hotel.

As seen in the aerial photograph below the area where the eight parking bays are indicated is not situated adjacent to the building on Erf 113 Stanford. As per the approved site development plan for Erf 1067 Stanford with *drawing number 008.007/03 dated 12 January 2016* the mentioned area was already approved as a parking area at the time. With the proposal the parking layout is merely redesigned in order to accommodate more parking bays. The proposed parking layout still adheres to the parking requirements as per the Overstrand Municipality's Zoning Scheme regulations. The neighbour's concern is that *more* noise will be generated but we are of the opinion that this is not correct as the area was already approved to accommodate parking bays and it is used as such.



- 3. The objector indicates that a traffic impact assessment needs to be requested as she is of the opinion that the proposed application will increase traffic flow in the area.**

Erf 1067 Stanford was previously used as a hotel and conference facility. The proposed application will have minimal additional traffic in the area. We therefore are of the opinion that the roads can accommodate the additional traffic generated. It should also be noted that all required parking bays will be accommodated on the subject property and therefore no off-street parking will be utilised for the proposal.

- 4. The objector states that the proposed application will lead to a dangerous precedent that will affect the morphology of Stanford, reducing plot sizes and increasing bulk. It is also mentioned that the proposal will destroy the village like atmosphere.**

The proposal will be accommodated within the existing structures on the subject property. The owner does not intend to extend the existing footprint on the subject property. The proposal will be in line with the existing business-like character in Queen Victoria Street. All the required parking bays for the proposal will be accommodated on the subject property, no off-street parking is proposed. The proposed application for the change of use will not have a negative impact on the residential character of Church Street. The proposal will not have any impact on the village type character as all the buildings on the subject property will be retained. Only the use of the existing buildings will change as mentioned. There is no way that the proposed application can have an impact on the plot sizes in the area as no changes to the erf boundaries of the subject property or of the existing structures are proposed.

- 5. The objector believes that the proposal will have a negative impact on the residential character as the area contributes heavily towards the tourism industry of Stanford. It is believed that the business aspect will be the first step towards changing the character of the area.**

The proposal is merely to change the land use of the former hotel buildings situated in Queen Victoria Street. The proposal will have little impact on the residential character as no physical changes to the existing structures are proposed. The owner will retain the residential component on the subject property.

6. The objector believes that the proposal will allow the owner to turn all the cottages in Church Street into shops and state that there are already a few empty spaces along Queen Victoria Street. It is mentioned that the proposal will also impact on the historical residential properties down Church Street.

The proposal does not entail the change in land use for the residential buildings situated along Church Street, only the buildings situated in Queen Victoria Street are subject to the proposal for the change of land use. In the difficult economic times that we experience at the moment, it is crucial for a well-established business to diversify in order to survive. It is important to impose mixed-use developments as it can be a tool used in order to adapt to the changing times. The proposal will be beneficial for the owner and the local community as job opportunities will be created.

7. The objector states that she has been advised that a public participation process is required and should include the rate payers' body, Stanford Tourism, and all interested parties.

It is clear that a public participation process has indeed been followed and that the comments received were as a result of this public participation process. The details of the proposed application were published in The Village News newspaper dated 9 June 2021 and it has also been circulated to the Rate Payer's Association who have provided their comments on the application. A support letter has also been received for the proposed application from the Stanford Heritage Committee and they commented the following:

*"In our view a sympathetic conversion of the facilities as proposed would be a positive development for the village".*

8. The objector states that scant regard has been shown by Council for the increase of noise levels in the historical and vital tourism area despite several noise complaints made by the guests of the hotel on Erf 113 Stanford, generated from Short Market Street. It is also mentioned that all the rooms facing Short Market Street had to be closed due to the noise generated. It is mentioned that a noise impact assessment was done in 2005 by Mr. Pieter Du Bondt and that the municipality has done nothing so far to reduce noise in the area.

The owner of Erf 1067 Stanford cannot be held accountable for the actions of surrounding property owners. Every application should be evaluated on its own merit. Although the objector states that a noise impact assessment proves that the noise levels have risen, the owner of Erf 1067 Stanford cannot be held accountable. The objector also complains about the fact that all the rooms facing Short Market Street had to be closed due to the noise generated from a loading zone, but this proposal at hand does not have any relevance to that specific issue. Erf 113 Stanford is situated close to the CBD of Stanford and therefore it is common occurrence that an amount of noise is generated from the activities that can be associated within a CBD.

- 9. It is mentioned that the noise levels are very low at the moment in the area. The objector states that they have spent close to R100 000 upgrading their property and the rezoning will have a negative impact.**

The objector previously stated that the noise levels are higher, and that the municipality has done nothing to reduce noise levels. In the statement mentioned above the objector contradicts herself by stating that at the moment the noise levels are relatively low. This proves that the objector only made the previous statements based on opinion and conveniently uses the noise factor to deliberately put the application in a negative light.

We acknowledge the fact that the owner has spent money on upgrading her property, Erf 113 Stanford, but so has the owner of Erf 1067 Stanford. We believe that the application should be evaluated on its own merit and we believe that the proposal will have a positive impact on the economy of Stanford and that it will be beneficial to the community. The fact that some of the accommodation components of Erf 1067 Stanford will be reduced, might create a need for short term occupancy, from which the owner of Erf 113 Stanford can now benefit from.

- 10. The objector states that Council should act in the best interest of the inhabitants of Stanford and to assist her in preserving the livelihood of her business.**

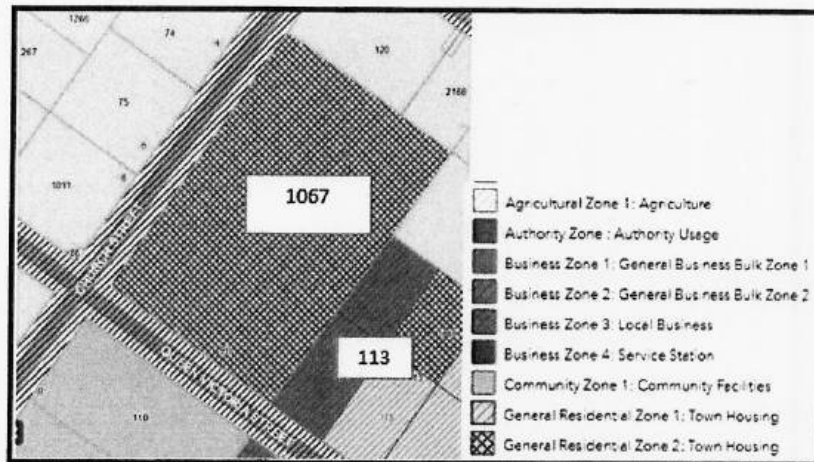
As motivated in our application the proposal will be beneficial for the owner as well as the local community. The objector, as an owner of a hotel, should be aware of the difficult times the economy currently experiences. The proposal will allow for a diversity of opportunities which will create jobs that will lead to a better local economy. It is clear that the proposal will be in line with the existing character in Queen Victoria Street as it will extend the business

opportunities within the aforementioned street. The residential character in Church Street will be retained with the proposed application.

11. The objector states that the locality plan indicates that her property is only 200m<sup>2</sup>. It is also mentioned that the applicant's zoning map conveniently shows that the zoning of Erf 113 Stanford alongside the boundary of Erf 1067 Stanford is business. The objector states that her property is tripled zoned. As mentioned by the objector this is an attempt to squeeze in more parking bays closer than 3 meter to the common boundary of Erven 113 and 1067 Stanford.

The locality plan that accompanied our proposed application did not indicate any property sizes and was not to scale. As shown in the picture below and stated by the objector the neighbouring property, Erf 113 Stanford, does have 3 zonings. As seen below the portion of Erf 113 that abuts Erf 1067 Stanford however is zoned Business Zone 2. The parking layout on the proposed site development plan adheres to the parking requirements as stipulated in **Chapter 17, Section 17.1 of the Overstrand Municipal Land Use Scheme Regulation, 2020.**

The parking area indicated on the proposed site plan for Erf 1067 Stanford, that adjoins Erf 113 Stanford, is already utilised and approved as a parking area. The new layout only proposes more parking bays in the said space but as previously mentioned all parking bays adhere to the parking requirements.



**12. It is mentioned that the application is dated 10 June 2021 and that the envelope is stamped 21 June 2021. It is also mentioned that the Stanford Municipal office was closed until the 19<sup>th</sup> of July 2021. The objector states that the neighbours did not have sufficient time to go through the documentation and to discuss the implications of the application. The objector requested an extension of time.**

The fact that the Stanford Municipal office was closed until the 19<sup>th</sup> of July 2021 as stated by the objector did not have any impact on the public participation process as the notice was still forwarded to surrounding property owners via registered post. The contact detail of the town planner at the municipal office was also stated in the notice that was sent out to the public. Arrangement could have been made with the town planner for the viewing of the proposed application. We believe that the affected property owners had ample time to provide their comments on the proposed application.

**13. The objection submitted by the Stanford Rate Payers was received after the closing date. Mr Roodt, whom commented on the proposal on behalf of the Rate Payers however submitted the following objections on the proposed application:**

**It is mentioned that the business rights applied for are very wide and intensive, e.g. including a filling station. It is also mentioned that they are in support of businesses in the section adjoining Queen Victoria Street but not in Church Street as it would affect the strong residential and heritage character.**

The proposed application was accompanied with a proposed site development plan. The owner will be restricted to the land uses as stipulated as per the proposed site development plan, once the proposed application has concluded. The proposed shops will only be accommodated in the buildings facing Queen Victoria Street and on the corner of Church Street as indicated on the proposed site development plan. The owner does not intend to change the land use of the existing residential units that are established alongside Church Street. The reason for the consent use application is to accommodate these residential units on the ground floor as it cannot be accommodated under the new proposed business zoning as a primary right.

**14. It is also mentioned that the proposal will create additional traffic and parking in the area.**

The required parking bays for the proposal can be accommodated on the subject property. No off-site parking bays are required to comply with the parking regulations. As indicated in the motivational report, 43 parking bays are required and 43 parking bays will be

accommodated on the subject property, which include two parking bays for the disabled. We are of the opinion that very little additional traffic will be generated and that it will not have a negative impact on the traffic flow of the area.

15. It is noted that the current application is to retain the cottages, but the concern is that future owners of Erf 1067 Stanford may develop the subject property as a whole for business rights.

The application should be evaluated on its own merit. It would be unfair to evaluate the application based on speculation of the intent of future owners. However, with the proposed application, a proposed site development plan was submitted which will bind the owner to the use of the property as indicated once the proposed application has been concluded. It is important to note that with the proposed application, the benefits outweighs the possible negatives and therefore we are of the opinion that the proposed application will be beneficial for the owner as well as the local community.

#### Conclusion

The objections that were received on the proposed application mainly constitute the uncertainties with regards to the additional traffic that could be generated and the disturbance of the existing residential character of the particular area of Stanford. As discussed earlier the owner only intends to change the land use of the structures situated in Queen Victoria Street. The residential components in Church Street will be retained with the proposed application. All the required parking bays can be accommodated on the subject property and we believe that the increase of traffic will be minimal and that it would not have an impact on the current traffic flow experienced in the area. Subsequently a Traffic Impact Assessment is unnecessary. It is also important to note the benefits the proposed application can have for the local economy in such difficult times with job creation.

We trust that you will find our comments on the objections received in order and that the application will be dealt with favourably.

Yours faithfully



**Darren Adams**  
Pr. Pln 3002/2021

File reference:	ERF 1067 STAN
Date:	8 June 2021
MM	



## INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: P Roux (Town Planner)

TO:


<u>Area Manager</u>	<u>Building Control Department</u>	<u>District Health</u>	<u>Electrical Department</u>	<u>Environmental Officer</u>
<u>Fire Department</u>	<u>Infrastructure and Planning</u>	<u>Stanford Heritage Committee</u>	<u>Operational Services</u>	Property Administration
Tourism	<u>Traffic Department</u>	<u>Ward Councillor (D Coetzee)</u>	<u>Waste Management</u>	

Applicant	PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF ZELKAR INVESTMENTS 173 CC
Property Details	ERF 1067, 20 VICTORIA STREET, STANFORD
Application Description	APPLICATION FOR REZONING AND CONSENT USE

## ATTACHMENTS :

1. Notice	<i>Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.</i>
2. Locality Plan	
3. Motivation	
4. Site Development Plan	

## YOUR DEPARTMENT'S COMMENTS:

<i>Shops to comply with Health requirements; Owners should apply for COA's for food premises. (Coffee shop/Restaurant)</i>	
Signature: 	Date: <u>16/07/2021</u>

Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

**COMMENTS REQUIRED BY: 16 JULY 2021**

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR REZONING & CONSENT USE: ERF 1067, STANFORD**

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 (2021/2022) is as follows:

**Freehold erven:**

Water	R 24 915.00 x 2.239992=	R 55 809.40
Sewerage	R 16 799.12 x 2.239992=	R 37 629.89
Roads	R 7 532.72 x 15.79486=	R118 978.25
Stormwater	R 8 691.28 x 3.816025=	R 33 166.14
Solid Waste	R 1 505.92 x 19.64488=	<u>R 29 583.62</u>
<b>TOTAL (inclusive of VAT)</b>	<b>=</b>	<b>R 275 167.30</b>

Note:

- 1.3 The above figures are estimates**  
**1.4 The above figures do not include evaluation/investigation levies and connection fees**

2. that only the existing water and sewerage connections will be available to 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;
3. 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;
4. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
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 on-site parking facilities be provided as per that 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 1067, Stanford, unobstructed.

*p.p. R. Loden*  
**DENNIS HENDRIKS**  
**SENIOR MANAGER:**  
**ENGINEERING SERVICES**

*30/07/2021*  
**DATE**

## ANNEXURE H 1/2

Our Ref: HM / OVERBERG /OVERSTRAND/ STANFORD / ERF 1067  
 Case No.: 21111025SJ117E  
 Enquiries: Sneha Jhupsee  
 E-mail: [sneha.jhupsee@westerncape.gov.za](mailto:sneha.jhupsee@westerncape.gov.za)  
 Tel: 021 483 5959



ILifa leMveli leNtshona Koloni  
 Erfenis Wes-Kaap  
 Heritage Western Cape

Darren Adams  
[darren.planactive@gmail.com](mailto:darren.planactive@gmail.com) / [keith@kellhskeel.com](mailto:keith@kellhskeel.com)

## PERMIT MINOR WORKS

CASE NUMBER: 21111025SJ117E

Issued in terms of Section 31(1) of the National Heritage Resources Act, 1999 (Act 25 of 1999) and Regulation 3(3)(a) of PN 298 (29 August 2003)

This permit is valid for three years from the date of issue

## This permit is issued for:

Proposed Action: Rezoning: GR2 to B3  
 Site: Erf 1067, 20 Queen Victoria Street, Stanford  
 Graded: IIB

## Permit issued in accordance with Drawings:

No: stan1067c.drw  
 Dated: February 2021  
 Drawings prepared by: Plan Active Town & Regional Planners

## Conditions applicable to this Permit:

1. Work to be done strictly in accordance with the HWC stamped plans.

## NOTE:

- This decision is subject to an **appeal period of 14 working days**.
- Appeals to HWC are to be submitted to [HWC.Appeals@westerncape.gov.za](mailto:HWC.Appeals@westerncape.gov.za)
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.
- **Work may NOT be initiated during this 14 day appeal period.**
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.
- **An HWC STAMPED PLAN must be present on the site at all times and must be produced on demand by any heritage inspector, building control official, or any person duly authorized to do so.**
- **A copy of this permit must be displayed in a prominent place on the site until the permitted work is completed.**

Should you have any further queries, please contact the official above and quote the case number.

Colette M Scheermeyer  
 Deputy Director



[www.westerncape.gov.za/cas](http://www.westerncape.gov.za/cas)

Street Address: Protea Assurance Building, Green Market Square, Cape Town, 8000 • Postal Address: P.O. Box 1065, Cape Town, 8000  
 • Tel: +27 (0)21 483 5959 • E-mail: [ceoheritage@westerncape.gov.za](mailto:ceoheritage@westerncape.gov.za)

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Idilesi yendawo: kumqungatho 3, lewisakhiwo iprotea Assurance, Groenmarkt Square, iKapa, 8000 • Idilesi yeposi: Inombolo yebhokisi yeposi 1065, eKapa, 8000 • Inombolo zomxeba: +27 (0)21 483 5959 • Idilesi ye-imeyile: [ceoheritage@westerncape.gov.za](mailto:ceoheritage@westerncape.gov.za)

