

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
18 February 2020
(Also the agenda for the Mayoral Committee Meeting : 26 February 2020)**

11.

**ERF 1602, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION TO DEVIATE FROM THE OVERSTRAND SPATIAL DEVELOPMENT
FRAMEWORK**

1600 - 1602 HSB (4148)

R Kuchar

Senior Manager : Town & Spatial Planning

20 January 2020

(028) 313-8900

1. Executive Summary

To consider an application in terms of the provisions of the Local Government: Municipal Systems Act No 32 of 2000 received on 21 August 2018 from Messrs Plan Active on behalf of Blazecor Twenty Seven CC applicable on Erf 1602, Sandbaai to deviate from the Overstrand Spatial Development Framework (SDF), in order to change the reservation of the property from "Residential" purposes to "Industrial" purposes.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

Local Government: Municipal Systems Act No 32 of 2000 (Systems Act)
Overstrand Municipality By-Law on Municipal Land Use Planning, 2015

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

An application was received on 21 August 2018 from Messrs Plan Active on behalf of Blazecor Twenty Seven CC applicable on Erven 1600, 1601 and 1602, Sandbaai for the following:

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- ❖ Deviation from the Overstrand Municipality Spatial Development Framework (2006) in terms of Section 10 of the By-Law, as well as the provisions of the Systems Act in order to deviate from the reserved land use of Erf 1602, Sandbaai;
- ❖ Rezoning of Erf 1602, Sandbaai in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry;
- ❖ Amendment of conditions in respect of an existing approval in terms of Section 16(2)(h) of the By-Law applicable to Erven 1600 and 1601, Sandbaai, and
- ❖ Consolidation of Erven 1600, 1601, and 1602, Sandbaai in terms of Section 16(2)(e) of the By-Law in order to create one (1) erf.

The application was considered by the Municipal Planning Tribunal on 31 October 2019, and it was resolved as follows:

“RESOLVED:

- “1. *that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), for the rezoning of Erf 1602, Sandbaai from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry, **be approved** in terms of the provisions of Section 61 of the By-Law;*
2. *that the application in terms of Section 16(2)(h) of the By-Law for the amendment of conditions in respect of an existing approval applicable to Erven 1600 and 1601, Sandbaai to permit industrial land uses other than “storage”, **be approved** in terms of the provisions of Section 61 of the By-Law;*
3. *that the application in terms of Section 16(2)(e) of the By-Law, for the consolidation of Erven 1600, 1601, and 1602, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;*
4. *that the approvals in Points 1. – 3. be subject to the following conditions:*
 - (a) *that the land use be limited to the Consolidation and Land Use Plan, Plan Number: sand1600(7).drw, dated: 07/2018;*
 - (b) *that the Bergzicht Street Property Development Design Guide Document (2017) be amended to include Erf 1602, Sandbaai, and submitted to the municipality for approval;*
 - (c) *that the following uses are not permitted:*
 - *heavy vehicle service station,*

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- *motor repair garage,*
 - *workshop which makes use of machinery that generates noise pollution and processes involving grinding, spray painting and woodworking,*
 - *building yard and brick-making.*
- (d) *that the development adhere to the requirements of SANS10400T:2011 and Overstrand Community Fire Safety By-Law, P.N. 6454 of 2007;*
- (e) *that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Departments be complied with at that stage;*
- (f) *that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;*
- (g) *that all the conditions in the Services Report be complied with, and*
- (h) *that all conditions imposed by Telkom be complied with.*
5. *that the applicant and objectors 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 decision.”*

RECOMMENDATION TO THE COUNCIL:

*that the application to deviate from the Overstrand Municipal Wide Spatial Development Framework, 2006, to change the reservation of Erf 1602, Sandbaai from “Residential” to “Industrial” **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).”*

Evaluation

Erf 1602, Sandbaai is currently zoned as Residential Zone 1: Single Residential, and in order for the decision of the Municipal Planning Tribunal in paragraph 1. above to take effect, Council’s approval for the site specific deviation of the Overstrand Spatial Development Framework to change the reservation of the property from “Residential” to “Industrial”, is legally required.

The main aim of the application is to consolidate Erf 1602 with the adjacent industrial erven (Erven 1601 and 1600) to create one (1) property that will be used for limited industrial activities.

The item that served before the Municipal Planning Tribunal (MPT) is attached as Annexure A.

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In terms of the Spatial Development Framework, 2006 (SDF), Erf 1602 falls within an area that is reserved for residential usage, thus a site specific deviation of the SDF is required. The adjacent applicable properties, namely: Erven 1601 and 1600 already consist of industrial rights.

It is thus evident that the property does not fall in an area earmarked for industrial usage and is therefore not consistent with the provisions of the SDF. However, in accordance with the provisions of SPLUMA, Section 22(2), the Municipal Planning Tribunal (MPT) or Authorized Official (AO) may depart from the provisions of a SDF if site specific circumstances exist that justifies such departure.

In view of the above the following site specific circumstances can be argued supporting a deviation from the SDF, namely:

- the SDF is 14 years old and the document is underway to be revised/updated;
- the northern portion of the above consolidated erven will be utilised for storage purposes to act as a buffer between Sandy Cove town house development that is located directly adjacent north of Erven 1602, 1601 and 1600 and the limited industrial activities on the southern section of the consolidated erven;
- access to the erven is currently gained from Bergsig Street and once consolidated only two (2) access points in lieu of the original three (3) access points will be created to gain access from Bergsig Street, thus one (1) access point less from Bergsig Street;
- with the approval of the application to utilise Erf 1602 for industrial purposes, conditions were imposed that the uses on the consolidated property be in accordance with the Consolidated and Land Use Plan that was submitted with the application and that the property be included in the approved Bergzicht Street Property Design Guideline Document to ensure uniformity in the style of development with the adjacent industrial properties, in order to further minimize any possible negative impacts on the Sandy Cove residential complex to the north;
- the surrounding area has mixed uses of residential and industrial, and the proposal will thus blend in with the existing character of the area;

The proposed development further complies with strategic policies that promote balanced land use mixes in a sustainable manner that promotes efficient land use.

Conclusion

That the application be supported as per the recommendation below.

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7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

- Annexure A: Item which served before the Municipal Planning Tribunal on 31 October 2019
Annexure B: Minutes of the MPT dated 31 October 2019

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 1602, Sandbaai from residential purposes to industrial purposes, **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	19 MARCH 2020
TARGET DATE TO INFORM APPLICANT :	19 MARCH 2020
TARGET DATE TO INFORM OBJECTOR :	N/A

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11.

**ERF 1602, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA:
APPLICATION TO DEVIATE FROM THE OVERSTRAND SPATIAL DEVELOPMENT
FRAMEWORK**

1600 - 1602 HSB (4148)

R Kuchar

Senior Manager : Town & Spatial Planning

20 January 2020

(028) 313-8900

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
18 FEBRUARY 2020, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 1602, Sandbaai from residential purposes to industrial purposes, **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	19 MARCH 2020
TARGET DATE TO INFORM APPLICANT :	19 MARCH 2020
TARGET DATE TO INFORM OBJECTOR :	N/A

Annexure A 1/54

AGENDA OF THE MUNICIPAL PLANNING TRIBUNAL**31 OCTOBER 2019****4.5**

ERVEN 1600, 1601 AND 1602, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION TO DEVIATE FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006), REZONING, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND CONSOLIDATION: MESSRS PLAN ACTIVE ON BEHALF OF BLAZECOR TWENTY SEVEN CC

1600, 1601 & 1602 HSB (4148)**H van der Stoep
1 August 2019****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application was received on 21 August 2018 from Messrs Plan Active on behalf of Blazecor Twenty Seven CC applicable to Erven 1600, 1601 and 1602, Sandbaai for the following:

- ❖ Deviation from the Overstrand Municipality Spatial Development Framework (2006) in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2000 (Act No. 32 of 2000) in order to deviate from the reserved land use of Erf 1602, Sandbaai;
- ❖ Rezoning of Erf 1602, Sandbaai in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry;
- ❖ Amendment of conditions in respect of an existing approval in terms of Section 16(2)(h) of the By-Law applicable to Erven 1600 and 1601, Sandbaai; and
- ❖ Consolidation of Erven 1600, 1601, 1602, Sandbaai in terms of Section 16(2)(e) of the By-Law in order to create one erf.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the proposed Site Development Plan/Consolidation Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erven 1600 and 1601, Sandbaai are currently zoned Industrial Zone 1: General Industry with each erf measuring 3003m² in extent. The Municipality approved the rezoning of these two (2) erven to the abovementioned zoning in a letter dated 8 May 2015 (attached as Annexure D), subject to certain conditions, which include land uses that are prohibited. Both properties are currently vacant and underutilised.

Erf 1602, Sandbaai is currently zoned Residential Zone 1: Single Residential and measures 3003m² in extent. There are structures currently on site, which are allegedly utilised for storage purposes and the renting of temporary ablution facilities and containers.

4. SUMMARY OF APPLICANT'S MOTIVATION

Due to the comprehensive nature of the Motivation Report only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- The owner of Erven 1600 and 1601, Sandbaai purchased Erf 1602, Sandbaai and it is proposed that it be included in the proposed development.
- The surrounding properties are zoned for industrial, residential (Town Housing and Group Housing developments) and business uses (Whale Coast Mall).
- Erf 1602, Sandbaai is earmarked for high density residential development by the Overstrand Municipality Spatial Development Framework, 2006 (SDF) and Growth Management Strategy, 2010 (GMS). The amendment thereof is required.
- The intention of this application is to emulate the land use activities on Erf 1599, Sandbaai, which are a combination of industrial activities and storage facilities.
- Proposal includes the consolidation of the abovementioned erven, which will result in a land unit measuring 9009m².
- The line defining the land use between light industrial and storage that was approved for Erf 1599, Sandbaai was extended westwards as indicated on the proposed consolidation and land use plan. Therefore, a continual buffer is created between light industrial land uses and the residential development north of the subject properties.
- Eleven (11) individual industrial hive units are proposed on the southern portion of the properties.
- All land use restrictions in terms of the zoning will be complied with.
- The proposed architectural guidelines for the Sandbaai Business Park will be applicable to this development.
- The previous approval limited the land use to storage. This application includes the amendment of this approval condition to include industrial activities on the southern portions of the subject properties.
- The properties are situated in a mixed land use area.
- The proposed development will fit in with the character of the surrounding area when adopting the architectural guidelines of the Sandbaai Business Park.
- To allow Erf 1602, Sandbaai to be zoned Industrial Zone 1 follows the same land use trends of the surrounding area.
- Impact on engineering services will be minimal.
- Access was changed since the previous approval in collaboration with the Operational Services Department.
- The site plan submitted only indicates the site's development possibilities.
- All parking bays will be provided for on site.
- There are no restrictive title deed conditions that will prohibit the approval of this application.
- The area is not located in a Heritage Overlay Zone.
- The proposal does not trigger any listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

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5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	17/10/2018	23/11/2018
Notices	Yes	16/10/2018	23/11/2018
Ward councillor	Yes	16/11/2018	23/11/2018
Total comments	SEVEN (7)		
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 (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes
In case of application for removal, amendment or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies?			N/A

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

Name	Date received	Summary of comments	Recommendation
Building Control	23/10/2018	Referred to Heritage and Aesthetics Committee.	Positive
Overstrand Heritage and Aesthetics Committee	15/11/2018	See Annexure G.	Positive
Environmental Officer	9/11/2018	No objection.	Positive
Fire Department	30/11/2018	Supported provided that all future development is in compliance with the requirements of the National Fire Protection Regulations SANS 10400T:2011 and the Overstrand Community Fire Safety By-Law P.N. 6454 of 2007.	Positive
Engineering Services	25/06/2019	See Annexure H.	Positive
Telkom	16/11/2019	See Annexure I.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Seven (7) objections were received during the public participation process. (See Annexure E).

The objections were received from:

- Karas Property Administrators (Pty) Ltd
- GK McWilliam
- Sandy Cove Home Owner's Association Trustees (L van Heerden)
- B Alexander
- MO Bertoldi
- T Henning
- P Muller

The points raised in the objections can be summarised as follows:

- (a) The properties are currently being utilised in contravention of the Zoning Scheme regulations.
- (b) The noise levels will increase in the area. Safety and security in the area would be compromised and damage to roads will occur as a result of the industrial activities.
- (c) The construction of double storey storage buildings along the boundary between the subject properties and Sandy Cove residential development is undesirable.
- (d) This development will have a negative impact on property values and sales in the area.
- (e) The development will impinge on the right to privacy.
- (f) The rezoning of Erf 1602, Sandbaai will create a precedent. Sandy Cove is a residential development not an industrial park.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

The applicant's response to the comments/objections can be summarised as follows (attached as Annexure F):

- (a) Though the properties form part of the application, the complaint has no relevance to the proposed development and is a matter that needs to be dealt with separate from this application.
- (b) Noise levels will increase during the construction of the development. The applicant does not directly address safety, security and possible damage to the roads.
- (c) An application for the rezoning and consolidation of Erven 1600 and 1601, Sandbaai was approved for the construction of storage units only. With the inclusion of Erf 1602, Sandbaai only the northern section of the application area

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is reserved for storage use. The area used for storage, $\pm 2762\text{m}^2$, is thus smaller than the previously approved application.

- (d) The area is characterised by mixed land uses: residential, industrial and a shopping mall. Access is gained from Bergsig Street which is a major link between Sandbaai, Zwelihle, Mount Pleasant and Hermanus. With the inclusion of Erf 1602, Sandbaai and adopting the land use model of Erf 1599, Sandbaai the property values in the area will not be negatively affected.
- (e) The applicant failed to address this point raised.
- (f) The rezoning of a property within an existing residential development, and that it would create a precedent, has no relevance to this application.

9. MUNICIPAL ASSESSMENT OF COMMENTS

The Town Planner's response to the comments/objections received is as follows:

- (a) The author supports the applicant's response. This point does not address the merits of the application.
- (b) The properties are currently underutilised and largely vacant. Vacant land is a safety and security risk, as it is not monitored and is exposed to invasion. Noise levels will increase with the construction of this development. However, aspects can be incorporated within the conditions of approval to mitigate possible public nuisance generated from the development. The Engineering Services Department states that roads are in order and it is the onus of the relevant authority to ensure the upkeep of public roads.
- (c) The author supports the applicant's response. Storage will not generate daily noise and cause a public nuisance. Architectural design guidelines can be further imposed to ensure that the development conforms to the character of the surrounding area.
- (d) The author supports the applicant's response.
- (e) The development will result in an increase of activity in the area, but will not have a negative impact on the privacy of current property owners in the area. The applicant does not wish to encroach any of the development parameters of the zoning either.
- (f) The author supports the applicant's response. In addition, each application is evaluated on its own merits.

The objections were addressed. Measures can be incorporated in the conditions of approval to address the concerns raised that were not dealt with above.

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

10.1 Background

N/A

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

The application is not completely in line with the planning objectives applicable to this application as set out below. The objectives relating to:

Spatial Justice

The application will not perpetuate spatial injustices.

Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No negative influence on the natural environment or prime and unique agricultural land will occur.

Efficiency

The application will optimise the use of existing municipal services and infrastructure.

Spatial resilience

The application will ensure that the existing resource (land) is utilised to its maximum in an affordable manner, but it is not in line with the Overstrand Municipality's forward planning documents.

Good administration

The application was processed in accordance with the applicable timeframes stipulated in the relevant planning legislation.

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

Partially the same as Point 10.2 above.

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

Consistent with the Zoning Scheme, but inconsistent with the Spatial Development Framework and the Overstrand Municipal Spatial Growth Management Strategy.

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 and are generally viewed positively by the Engineering Services Department. However, the existing water supply system needs upgrading in order to accommodate the proposal in its current form.

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

N/A

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10.8 Existing and proposed zoning comparisons and considerations

The application is not in line with the Overstrand Spatial documents.

10.9 THE DESIRABILITY OF THE PROPOSAL**Development Proposal**

The purpose of this application is to establish limited industrial activities on the proposed property. The northern portion will be utilised as storage to act as a buffer between the Town Housing development (Sandy Cove) and the industrial activities on the southern portion. The proposal will contain the same land uses as found within the Hermanus Business Park. Eleven (11) units facing Bergsig Street are proposed.

Locational Context

The surrounding area is characterised by a mix of residential, industrial and business activities. Two (2) access points are proposed from Bergsig Street and in line with the previous approval. The street links directly with Schulphoek Boulevard and subsequently the R43. A minimal impact on traffic will occur as a result of the application.

Impact on Existing Rights

Two (2) of the subject properties are currently zoned Industrial Zone 1. The applicant intends to include Erf 1602, Sandbaai in the development. Hence the application for rezoning, the proposal will not contravene the development parameters of the proposed zoning, and thus have a minimal impact on the existing rights of the surrounding community.

In order to further minimise the impact of the industrial activities on surrounding area, it is recommended that the development adopt Architectural Design Guidelines, similar to that of the Hermanus Business Park. This will ensure uniform design and architectural form.

Zoning Scheme Requirements

The proposed zoning is Industrial Zone 1: General Industry (IND 1). To ensure that activities do not cause a public nuisance and to preserve the character of the area, it is recommended that the prohibited uses listed in the previous approvals are incorporated into the recommendation below. As mentioned above, the applicant will not contravene the development parameters of the proposed and must still adhere to the prescriptions of the Zoning Scheme regulations. Adequate parking is provided as required in terms of the Zoning Scheme regulations and space is available for additional parking if the need arises. The proposal adheres to all other provisions of the Zoning Scheme.

Impact on Engineering Services

A services report was submitted by Messrs GLS Consulting on 30 May 2019, which concluded that the Sandbaai water reservoir needs upgrading and that all other engineering services can accommodate the proposed development.

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The Engineering Services Department provided no negative response and supports the application subject to certain conditions, which have to be adhered to by the applicant/developer.

Public Participation Process

All other relevant organs of state the application was circulated to provided no negative comments. The objections submitted from interested and affected parties were addressed in Points 7, 8, and 9.

Strategic Documents and Council Policies

The area in which the properties are situated is earmarked for high density residential development in terms of the Growth Management Strategy, 2010 (GMS). The application area falls within an area identified as Planning Unit 6 as stipulated in the GMS, which falls within the Densification Zone of 20 – 30 du/ha. The applicant wishes to rezone Erf 1602, Sandbaai for industrial purposes and considering that the other two (2) erven currently has a zoning of Industrial Zone 1 in terms of the Zoning Scheme regulations and the shopping mall located in close proximity. It can be seen that this will have a minimal impact. The proposal to deviate from the GMS and Overstrand Municipal Wide Spatial Development Framework, 2006 (SDF), is considered desirable for the following reasons:

- the proposed deviation is not deemed extensive and as a result will be in line with the overarching goals and objectives of the GMS;
- the proposed land use proposed is in line with the current status quo of the area;
- the development incorporates measures that will minimise the impact it will have on the residential develop to north of the subject area;

In view of the above, the proposed deviation from the Overstrand Municipal Wide Spatial Development Framework, 2006 in order to change the reservation of Erf 1602, Sandbaai from "Residential" to "Industrial", is recommended for approval and be referred to Council for consideration.

As stipulated in Section 7.7.1.(iv) of the Overstrand Municipal Wide Spatial Development Framework (SDF), the urban footprint must be contained within an urban edge. The properties are located to the east of Sandbaai within the approved urban edge.

In view of the above, the proposed application is deemed desirable.

11. RECOMMENDATION

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), for the rezoning of Erf 1602, Sandbaai from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry, **be approved** in terms of the provisions of Section 61 of the By-Law;

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2. that the application in terms of Section 16(2)(h) of the By-Law for the amendment of conditions in respect of an existing approval applicable to Erven 1600 and 1601, Sandbaai to permit industrial land uses other than "storage", **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(e) of the By-Law, for the consolidation of Erven 1600, 1601, and 1602, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;
4. that the approvals in Points 1. – 3. be subject to the following conditions:
 - (a) that approval by Council for the amendment of the Overstrand Municipal Wide Spatial Development Framework, 2008, to change the reservation of Erf 1602, Sandbaai, from "Residential" to "Industrial";
 - (b) that the land use be limited to the Consolidation and Land Use Plan, Plan Number: sand1600(7).drw, dated: 07/2018, (attached as Annexure B);
 - (c) that the Bergzicht Street Property Development Design Guide Document (2017) be amended to include Erf 1602, Sandbaai, and submitted to the municipality for approval;
 - (d) that the following uses are not permitted:
 - heavy vehicle service station,
 - motor repair garage,
 - workshop which makes use of machinery that generates noise pollution and processes involving grinding, spray painting and woodworking,
 - (e) that the proposal be submitted to Heritage Western Cape for approval;
 - (f) that the development adhere to the requirements of SANS10400T:2011 and Overstrand Community Fire Safety By-Law, P.N. 6454 of 2007;
 - (g) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Departments be complied with at that stage;
 - (h) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (i) that all the conditions in the Services Report (attached as Annexure H), be complied with, and
 - (j) that all conditions imposed by Telkom (attached as Annexure I), be complied with.
5. that the applicant and objectors 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 decision.

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RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Municipal Wide Spatial Development Framework, 2006, to change the reservation of Erf 1602, Sandbaai from "Residential" to "Industrial" **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

12. REASONS FOR RECOMMENDATION

- ❖ The proposal is in line with the development principles referred to in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
- ❖ The development will be in line with the character of the surrounding area.
- ❖ Adequate engineering services are available to accommodate the development.
- ❖ Mitigating factors are implemented to ensure that there is a minimal impact on the surrounding area and the adjacent residential development to the north.

13. ANNEXURES

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plans
Annexure D:	Previous approval dated 8 May 2015
Annexure E:	Objections/comments received
Annexure F:	Applicant's response to objections/comments
Annexure G:	Overstrand Heritage and Aesthetics Committee
Annexure H:	Engineering Services
Annexure I:	Telkom

SIGNATURES**REGISTERED PLANNER:**Name : **H VAN DER STOEP**SACPLAN Reg No: **A/1708/2013**

Signature : _____

Date: _____

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ANNEXURE B 1/13
Motivation report

**PROPOSED AMENDMENT IN RESPECT OF AN
EXISTING APPROVAL, REZONING,
CONSOLIDATION AND AMENDMENT OF THE
SPATIAL DEVELOPMENT FRAMEWORK**

ERVEN 1600 to 1602 SANDBAAL

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners was previously appointed by Blazecor Twenty Seven CC and the Nico van Zyl Family Trust, the owners of erven 1599 to 1601 Sandbaal, to apply for the rezoning, consolidation and amendment of the Spatial Development Framework.

The original application can be summarised as follows:

- The rezoning of erven 1599, 1600 & 1601 Sandbaal, from Residential Zone I and Agriculture Zone I to Industrial Zone I in terms of Section 17 of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- The amendment of the Spatial Development Framework in terms of Section 4(7) of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- Consolidation of erven 1599, 1600 & 1601 Sandbaal.

13/54

The intention was that erven 1599, 1600 & 1601 Sandbaai be rezoned in order to accommodate a storage facility and an industrial hive development on the consolidated erven of which the detail was as follows:

- It was proposed to rezone erven 1599, 1600 & 1601 Sandbaai from Residential Zone I and Agriculture Zone I to Industrial Zone I. It was also proposed that the erven be consolidated to create an industrial erf of $\pm 11\,280\text{m}^2$ (1.128ha).
- It was proposed that the south eastern quadrant of the consolidated erven be used for an industrial hive development that would have consisted of 24 units. This portion of the proposed consolidated site was $\pm 4958\text{m}^2$ in extent. The industrial hive would have tied in with the existing Sandbaai Industrial area to the east.
- A buffer was created between the proposed industrial hive development and the Sandy Cove residential development by introducing a storage facility. The area of the proposed consolidated site to be used as a storage facility, as was indicated on the layout plan, was $\pm 6322\text{m}^2$ in extent. The storage facility consisted of several storage units that will be offered to rent.
- The storage will be designed in such a manner that it would fit in with the current built residential and industrial character of the area. By adopting the same architectural guidelines, for the industrial hives and storage, that are used within the Hermanus Business Park the proposed development of the subject erven can be seen as an extension of the Business Park.

The hives will have the same uses that are found within the Hermanus Business Park. The proposed rezoning to Industrial zone I will not accommodate any uses defined as noxious or risk industry as defined under the zoning Industrial Zone II.

Subsequently the above-mentioned application was approved during the Mayoral Committee meeting of 29 April 2015. After obtaining the approval a second application was lodged to amend the last-mentioned approval.

14/54

The second application in essence kept the same land use model that was approved with minor changes and that not all the erven be consolidated. The reason being for the amendment is that each of the owners of the subject erven would be able to deal with their erven separately. The application for the amendment of an existing approval was approved by the Authorised Employee on 2 August 2016.

We have enclosed a copy of both the letters of approval dated 8 May 2015 and 2 August 2016 for easy reference. **(Annexure A)**

The owner of erven 1600 & 1601 Sandbaai purchased Erf 1602 Sandbaai and it is proposed that the additional erf be included in the development of erven 1600 & 1601 Sandbaai and that we also apply for changes to the approved land use of erven 1600 & 1601 Sandbaai. Subsequently Plan Active has been appointed by Blazecor Twenty Seven CC, the owner of erven 1600 to 1602 Sandbaai. To incorporate Erf 1602 Sandbaai into the development proposals it would require that we apply for the rezoning, consolidation, amendment of the Spatial Development Framework and the amendment of an existing approval.

2. APPLICATION DETAILS

Application is made for / in terms of

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of Erf 1602 Sandbaai from Residential Zone 1 to Industrial Zone 1.
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consolidation of Erf 1602 Sandbaai with erven 1600 & 1601 Sandbaai.
- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of an existing approval applicable to erven 1600 & 1601 Sandbaai.
- Amendment of the Spatial Development Framework in terms of the Municipal Systems Act, Act 32 of 2000 with reference to Erf 1602 Sandbaai.

15/54

3. GENERAL APPLICATION INFORMATION

3.1 PROPERTY DESCRIPTION

Erven 1600 to 1602 Sandbaai are situated in Bergsig Street, Sandbaai. Please refer to the enclosed locality map.

The detail of the erven can be tabled as follow:

Property description	Owner	Size	Approved Zoning	Title Deed Number
Erf 1600 Sandbaai	Blazecor Twenty Seven CC	3003m ²	Industrial Zone 1	T109190/2005
Erf 1601 Sandbaai	Blazecor Twenty Seven CC	3003m ²	Industrial Zone 1	T109190/2005
Erf 1602 Sandbaai	Blazecor Twenty Seven CC	3003m ²	Residential Zone 1	T6085/2016

3.2 ZONING

The subject properties have the following zoning:

ERF NUMBER	ZONING
Erf 1600 Sandbaai	Industrial Zone 1
Erf 1601 Sandbaai	Industrial Zone 1
Erf 1602 Sandbaai	Residential Zone 1

Surrounding properties are zoned for industrial, residential (Townhouse & Group House Developments) and business uses (Whale Coast Mall (Sandbaai)).

16/54

3.3 LAND USE

Erven 1600 to 1602 Sandbaai have been used for light industrial purposes in the past even though they were zoned Residential Zone 1 at the time.

Land uses that surround these erven can be summarised as follow:

- Residential: Mooizicht Gardens Townhouse / Group Housing development;
- Residential: Sandy Cove Townhouse / Group Housing development;
- Industrial: Sandbaai Industrial area;
- Light industrial and storage;
- Public roads;
- Whale Coast Mall

3.4 PROPOSED APPLICATION

Application is made in terms of:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of Erf 1602 Sandbaai from Residential Zone 1 to Industrial Zone 1.
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consolidation of Erf 1602 Sandbaai with consolidated erven 1600 & 1601 Sandbaai.
- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of an existing approval applicable to erven 1600 & 1601 Sandbaai.

17/54

- Amendment of the Spatial Development Framework in terms of the Municipal Systems Act, Act 32 of 2000 with reference to Erf 1602 Sandbaai.

3.4.1 Proposed rezoning and amendment of the Spatial Development Framework

The owner of erven 1600 & 1601 Sandbaai, Blazecor Twenty Seven CC also purchased Erf 1602 Sandbaai in order to incorporate the erf with Erven 1600 & 1601 Sandbaai. It would be required that Erf 1602 Sandbaai be rezoned from Residential Zone 1 to Industrial Zone 1 in order to ascertain the same zoning as erven 1600 & 1601 Sandbaai to consolidate the said erven.

Erf 1602 Sandbaai is earmarked for high density residential development by both the Overstrand Municipality Growth Management Strategy and the Overstrand Municipal Wide Spatial Development Framework. In terms of these documents we will have to apply for the amendment of the mentioned Spatial Development Framework. Erven 1600 & 1601 Sandbaai have already been addressed by our previous application of which the amendment of the Spatial Development Framework was approved. Please refer to the enclosed letter of approval dated 8 May 2015.

The development intention of the owner of Erven 1600 to 1602 Sandbaai is to follow suit of the development situated on Erf 1599 Sandbaai. Erven 1600 to 1602 Sandbaai would therefore be utilised as a combination of light industrial uses and storage. Please refer to the photograph below indicating the new development located on Erf 1599 Sandbaai.



18/54

3.4.2 Proposed consolidation

It is proposed that erven 1600 to 1602 Sandbaai be consolidated. Erven 1600 to 1602 Sandbaai are 3003m² in extent each. After the consolidation of the subject erven the total extent of the property will be 9009m² in extent.

3.4.3 Proposed Amendment of an existing approval

As mentioned in Section 1, Background, of this document a previous application for erven 1600 and 1601 Sandbaai was already approved. The applications that were approved was for the rezoning, consolidation of erven 1600 and 1601 Sandbaai and the amendment of the Spatial Development Framework. The zoning of the consolidated erven was approved as being Industrial Zone 1 limited to storage use only with the second application. As mentioned in paragraph 3.4.1 above the owner intends to develop erven 1600 to 1602 Sandbaai in a similar fashion as the development located on Erf 1599 Sandbaai that consists of an area earmarked for storage purposes and light industrial purposes.

The same land use model is being used with this proposal as what was approved for Erf 1599 Sandbaai. The line defining the land use between light industrial and storage that was approved for Erf 1599 Sandbaai was extended westwards as indicated on the proposed consolidation and land use plan. Therefore, a continual buffer is created between the light industrial land uses and the residential development north of the subject erven by creating a land use zone where only storage may be developed. The low impact land use that is storage will create an ideal buffer between the residential land use to the north and the light industrial land use to south.

With reference to the proposed consolidation and land use plan the land uses can be tabled as follows after consolidation of the subject erven has taken place:

PROPOSED LAND USE	SIZE (±m ²)
Storage	±2762m ²
Light Industrial Uses	±6247m ²

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Smart Solution Architecture and Architectural Consultants supplied us with a proposed site plan model giving an indication of what the development could look like. Please note that this is only an example of what the owner envisages and should not be seen as a final site development plan.

The proposed floorplan layout indicates 11 industrial hive units facing Bergsig Street. The area between the industrial hives and Bergsig Street will be utilised as public parking. Parking will also be provided between the proposed storage use area and light industrial land use area. The development of the site will comply with all the land use restrictions in terms of the Industrial Zone 1 zoning and all the required parking bays will be provided onsite.

Aspects of the drawing done by Smart Solution Architecture and Architectural Consultants that will not change are the proposed accesses and the line differentiating between the storage usage area and light industrial usage area. The finer detail of the layout will be finalised after approval has been obtained.

It should also be noted that the approved proposal to adopt the architectural guidelines used for the Sandbaai Business Park will still be applicable to this application.

3.4.4 Proposed amendment of an existing approval

The last approval obtained was for the consolidation of erven 1600 & 1601 Sandbaai which had a zoning of Industrial Zone 1 with the split use of storage and light industrial uses that was changed to the limited use of storage only.

With this application it is proposed that the zoning be retained but that the land use now again also includes light industrial use to make provision for industrial hives facing Bergsig Street on the southern portion of erven 1600 & 1601 Sandbaai and storage on the northern portion of the mentioned erven. Therefore, the storage buffer that was created in terms of the approval for Erf 1599 Sandbaai will continue across erven 1600 to 1602 Sandbaai.

20/54

3.5 CHARACTER OF THE ENVIRONMENT

The subject properties are within a mixed land use area that has a similar architectural character with reference to the existing housing developments, Sandbaai Business Park and the development on Erf 1599 Sandbaai except for the Whale Coast Mall. The proposed change of land use of erven 1600 to 1602 Sandbaai to be consolidated will be developed in the same fashion as the development established on Erf 1599 Sandbaai.

The proposed development will also be developed in terms of the architectural guidelines applicable to the Sandbaai Business Park consisting of Industrial Zone 1 erven. Adopting these guidelines subsequently also ensures that the development will be in line with the residential built character of the houses found within the adjacent townhouse complexes.

The proposed development will therefore fit in with the current character of the area and makes use of an acceptable and compatible land use model.

3.6 POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

Two of the three property's zoning (Industrial Zone 1) will remain unchanged and with the inclusion of 1 additional erf, Erf 1602 Sandbaai, the land use will change minimally and will not have a negative impact on the surrounding properties.

The subject erven are within a mixed land use area where the Spatial Development Framework has been amended previously in order to accommodate the rezoning of erven 1599, 1600 and 1601 Sandbaai. The proposal to now add Erf 1602 Sandbaai to the amended proposed development of erven 1600 and 1601 follows the existing land use trends of the area and is compatible with the surrounding land uses.

21/54

Property values of surrounding erven will therefore not be negatively affected by the proposed amendments and the addition of Erf 1602 Sandbaai.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

It is our opinion that the impact on service will be minimal. The proposal consists of the rezoning and consolidation of 3 erven of 3003m² each. The subject erven are within an area of Sandbaai where a full services reticulation system exists. It is our opinion that there is sufficient services capacity to provide the proposed Industrial live units and storage facility with all the required services such as water, sewerage, electricity and refuse removal.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

Access to and from the site has changed in terms of the previously approved plan. Access to and from the site was discussed with the Overstrand Municipality Operations Department and it was mentioned that due to the fact we are working with 3 erven that the 2 proposed accesses would not be problematic and can be supported.

We have also made it clear during our meeting that the approved access situated on Erf 1601 Sandbaai has been blocked by the construction of an electrical kiosk located within the Bergsig Street road reserve. Two new access points are proposed as indicated on the site plan that was provided by Smart Solution Architecture and Architectural Consultants that are located on Erf 1600 and 1602 Sandbaai. These proposed accesses will both be for entrance and exit purposes each and are also indicated on the enclosed consolidation and land use plan.

Please take note that the site plan provided by Smart Solution Architecture and Architectural Consultants is only a model indicating the site's development possibilities.

22/54

Once approval has been obtained a full set of architectural drawing will be submitted for approval that will include a site plan that will conform to all the land use restrictions applicable in terms of the Industrial Zone 1 zoning.

All parking bays will be provided onsite and this application does not include any departures from the relevant Scheme Regulations.

3.8 TITLE DEED

There are no restrictive title deed conditions in the respective Title Deeds that will have to be removed to accommodate the proposed rezoning, consolidation, amendment of the Spatial Development Framework and the amendment of an existing approval applicable to erven 1600 to 1602 Sandbaai.

3.9 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.9.1 HERITAGE VALUE

Erven 1600 to 1602 Sandbaai are not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010).

The subject properties are not associated with any important persons or groups or important events and activities. The subject properties have 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 development of erven 1600 to 1602 Sandbaai will not have a negative impact on the heritage value of the subject properties or the Sandbaai area.

23/54

3.9.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The subject proposal does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.10 FORWARD PLANNING AND LAND USE DOCUMENTS

The **Overstrand Municipal Growth Management Strategy (OMGMS)** indicates erven 1600 to 1602 Sandbaai within Planning Unit 6. Planning Unit 6 consists of a small portion of Sandbaai adjacent to the Sandbaai Industrial area that consist of mixed land used that varies from industrial to higher density residential uses.

The text description for the land uses in this planning unit is for local economic development that includes mixed use developments. It also promotes additional dwellings in the form of walk up housing apartments at a density of more than 35 units per hectare.

Services infrastructure will have to be investigated in terms of their capacity in order to facilitate densification in this planning unit.

The **Overstrand Municipal Wide Spatial Development Framework (2006)** earmarks erven 1600 to 1602 Sandbaai for residential purposes. Please take note that a previous application was approved for the amendment of the Spatial Development Framework from residential use to industrial use for erven 1600 & 1601 Sandbaai.

With reference to the above we believe the proposed land use is compatible with the current land uses of the area. The subject erven are within an area where more pressure is experienced for business opportunities. The proposed Whale Coast Mall is a good example and has been approved by the Overstrand Municipality and the Department of Environmental Affairs and Development Planning.

24/54

It is our opinion that the proposed land uses, built form and from a bulk perspective will fit in with the current built character of the area.

3.11 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience do not apply to this application.

Our firm 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.

4. RECOMMENDATION

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

- The amendments to the previous approvals are minimal and the impact on surrounding land owners will be minimal.
- There are no title deed conditions that restrict the proposed application;
- The impact on services will be minimal;
- The zoning of 2 of the 3 properties will remain unchanged;
- The proposed application does not have a negative impact on the surrounding area;
- The proposal is in line with the previously approved applications, the approved land uses and built character of the area.

The application can be supported for your favourable evaluation. The opinion is held that this application will not have a detrimental impact on the land values, privacy and traffic of the area.

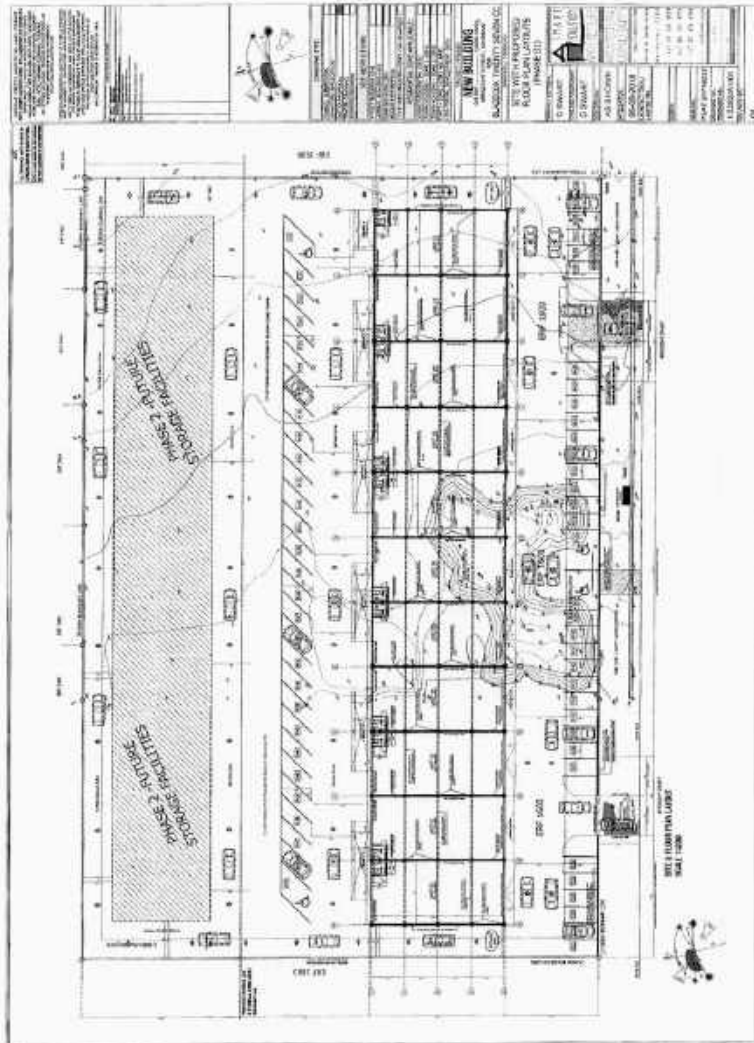
25/54

ANNEXURE C 1/2



26/54

2/2



27/54

ANNEXURE D 1/4

Service: Erven
 Enkelt: Erven 1599, 1600 & 1601 (Stads- Town Planning)
 Leesrekening: 1599, 1600 & 1601 (2015)
 File Referensie: 1599, 1600 & 1601 (2015)
 Datum: 8 May 2015
 Date: 8 May 2015



Plan Aktie
 PO Box 296
 HERMANUS
 7200

REGISTERED MAIL

Dear Sir / Madam

ERVEN 1599, 1600 & 1601, BERGSIG STREET, SANDBAAI, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, CONSOLIDATION, AMENDMENT OF SPATIAL DEVELOPMENT FRAMEWORK; PLAN ACTIVE ON BEHALF OF THE NICO VAN ZYL FAMILY TRUST & BLAZEGOR TWENTY SEVEN CC

With reference to your application regarding the above dated 6 March 2014, it is hereby confirmed that the matter was considered by the Mayoral Committee during a meeting held on 29 April 2015, and that it was resolved as follows:

RESOLVED:

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for the rezoning of Erven 1599, 1600 & 1601, Sandbaai from Single Residential Zone and Agricultural Zone 1 to Industrial Zone 1, be approved;
2. that, in terms of Section 2.3 of the Overstrand Municipality Zoning Scheme the application for the consolidation of Erven 1599, 1600 & 1601 Sandbaai, be approved, subject to the following conditions:
 - (a) the approval by Council of the amendment of the Overstrand Municipal Wide Spatial Development Framework, 2005 to change the reservation of Erven 1599, 1600 and 1601, Sandbaai from "Residential" to "Industrial";
 - (b) that the following land uses not be allowed
 - heavy vehicle service station,
 - motor repair centre,
 - workshops making use of noise pollution generating machinery - grinding, spray painting, woodworking;
 - (c) that approval be obtained from Heritage Western Cape;
 - (d) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;

Tel: 028 313 8900
 Fax: 028 313 2910
 E-mail: info@overstrand.gov.za

PO Box 29 / Posbus 29
 HERMANUS
 7200

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- (e) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
 - (f) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (g) that all conditions imposed in the Services Report, be complied with;
 - (h) that all conditions imposed by the Overstrand District Municipality's Health Section, be complied with; and
 - (i) that compliance with Fire Safety Regulations is pro requisite-SANS 10400T:2011.
3. that the applicant/objectors be notified of their right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RECOMMENDATION TO THE COUNCIL:

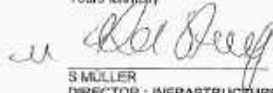
that the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 1599, 1600 & 1601, Sandbaai from "Residential" to "Industrial", be approved.

The abovementioned recommendation to Council was also tabled and adopted by Council on 29 April 2015.

Your attention is drawn to your right of appeal (against Points 1 and 2) to the Overstrand Municipality in terms of Section 62 of the Act on Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) within 21 days of date of registration of this letter. It needs to be noted, however, that the Council has resolved that all appeals in terms of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) must be accompanied with a deposit of R2322,00, which deposit is refundable in total should the appeal be upheld.

Kindly note that in view of the fact that an objection has been received against the proposal, the rights are still not in place until the prescribed 21 days of registration of this letter have passed and it is confirmed by our offices that there has been no appeal received against the proposal.

Yours faithfully



S MULLER
DIRECTOR : INFRASTRUCTURE & PLANNING

29/54

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Annexure F 1/1

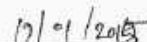
COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSOLIDATION & AMENDMENT OF
SPATIAL DEVELOPMENT FRAMEWORK: ERVEN 1599, 1600, 1601, SANDBAAL
(2521)

Stormwater (SW) : In order
Electricity : In order
Water : In order
Sewer : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, an investigation be conducted with regards to the capacity required and that available, at the owner's cost;
2. that only the existing electricity connections will be available for the development, should additional capacity be required, an investigation be conducted with regards to the capacity required and that available, at the owner's cost;
3. that should additional services be required the owner will be responsible for the payment of bulk services levies;
4. that stormwater be allowed to discharge through the proposed Erven, 1599, 1600, 1601 Sandbaal, unobstructed;
5. that no on-street parking will be allowed.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

30/54

4/4

Annexure G 1/1

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MSELO ASR/PLEASE QUOTE

Our Verno/Our Ref.:

Name/Naam: R. Erasmus

Bygn/By:

Private No: X22
Private Reg: BREDASDORP
7390
Tel: (018) 4251157
Falo/Fax: (018) 4251014

Hermanus Sub-district office
12 Flower Street
Hermanus

028 3131243 (T)
028 3131263 (F)

12 January 2015

COMMENTS ON THE PROPOSAL: 1599, 1600, 1601 HSB (2521) BERGSIG STREET, SANDBAAI

Water

The municipality must give a written undertaking that the water source is sufficient to supply this new development.

Sewerage

The municipality must give a written undertaking that the sewerage plant will be able to handle the extra load.

Waste

Written agreement must be entered into with local municipality for the removal of waste if the municipality will remove the waste.
Refuse areas and refuse bins to comply with municipal solid waste management by-law.

R.Erasmus

12/01/2015

Alle korrespondensie moet aan die Direkteur, Tegniese en Beplanningdienste perig word.
All correspondence must be addressed to the Director: Technical and Planning Services.

3/154

ANNEXURE E 1/9

Loretta Gillon - SANDY COVE -APPLICATION TO REZONE 100, 1601 & 1602

From: "Karas Property Administrators" <karasproperty@gmail.com>
To: <cgroenewald@overstrand.gov.za>; <nmichaels@overstrand.gov.za>
Date: 12/11/2018 12:22 PM
Subject: SANDY COVE -APPLICATION TO REZONE 100, 1601 & 1602
Attachments: Overstrand_Sandy Cove.pdf

TR-A-Thank
CHolmer



Dear Mr Groenewald and Mr Michaels

We wish to introduce ourselves to you. We are Genny and James Karayiannis, the Managing Agents for Sandy Cove HOA in Sandbaai.

You were referred to us by Councillor David Botha, the Town Councillor for the Sandbaai area who we have dealt extensively with.

When we approached him with regard objecting to the Application for Rezoning of Erven 1600, 1601 & 1602 (attached for your ease of reference) he advised us to contact Mr Groenewald in this regard.

One of the Trustees of Sandy Cove HOA, Mr Lambert van Heerden, also recommended that we contact Mr Michaels with regard to having the containers removed immediately from the property owned by Mr Hennie Bothma, contact number 083 248 7773, as they are in breach of the current rezoning for that area.

Will you be instructing your Law Enforcement Department to have the containers removed as they are in breach of the current By-Laws and Regulations of the Act or must we do so?

The name of the rental company is Rent-A-Container, contact person Adrienne, contact number 066 474 7253.

Thanking you and we await to hear from you at your earliest convenience.

Kind regards
 Genny and James
Karas Property Administrators (Pty) Ltd
 Managing Agents for Sandy Cove HOA
 karasproperty@gmail.com
 072 272 5590 | 084 664 7484
 PO Box 1980 | Hermanus

1600

FILE NO:	Erven 1601 & 1602
SCAN NO:	
COLLECTOR NO:	1238973

This e-mail and any attachments are confidential and some or all of the content is intended for the recipient only. If you are not the named recipient, please notify the sender immediately. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake. If you are not the named recipient, please notify the sender immediately. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake. Please also destroy the message from your computer.

"I picked up from the municipal notice that they are only now applying to have Erf 1602 rezoned from residential zone 1 (single residential) to industrial zone 1 (general industry). See clip blow.

32/54

2/9

b) the zoning of Erf 1862, located in terms of Section 16(2)(c) of the By-Law from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry;

In terms of the current zoning, they (Blazecor Twenty Seven cc as the owner as well as Rent-a-Container as the lessee) are in breach of the Municipal Systems Act of 2002 and section 10 of the municipal by-law in terms of the reserved land use, i.e single residential.

Please refer the matter to Director Neville Michaels at the Overstrand Municipality to take up with the Law Enforcement agency to have the current situation on the erf remedied immediately."

33/54

3/9

Loretta Gillion - Limited objects to the rezoning of stands 1600,1601 and 1602 in Sandbaai

From: "Gillian K. McWilliam" <lockwoods@icon.co.za>
To: <hboshoff@overstrand.gov.za>
Date: 21/11/2018 04:58 PM
Subject: Limited objects to the rezoning of stands 1600,1601 and 1602 in Sandbaai

J.P.A. Thant
(Holwer)



Good day,

I own the property number 2331 in Mooizicht Gardens.

I wish to comment about the application to have the stand numbers 1600, 1601 and 1602 in Bergsig Street, Sandbaai from residential to industrial. I wish to state that the only manner in which I will be able to accept this request would be for you to provide a guarantee that the industrial facility will be in line with the area where Elgin Free Range Chickens conducts their business.

Any other type of industrial and storage areas will not be acceptable and if that is the plan then I object. The reasons for my objection if that case would be the impact that it would have on my property resale value at Mooizicht Gardens. The noise levels will increase not only during the day but also in the evening. The security in the area would be compromised as there would be 24 hours access and also the roads which have recently been completed would be damaged by trucks etc. making use of them.

I reiterate that I am not placing objection provided that the manner in which the industrial facilities are used are in line with the area where Elgin Free Range Chickens conduct their business.

Please acknowledge receipt of this email

Many thanks and regards
Gillian K. McWilliam

FILE NO:	Erasmus 1600-1602 Sandbaai ✓
SCAN NO:	GILLIAN
COLLABORATOR NO:	1234974

TP 22 NOV 2018

34/54

TRA Thant
C Holivier



LETTER OF OBJECTION

DATE: 8 November 2018

Director
Infrastructure and Planning
Overstrand Municipality
P.O. Box 20
Hermanus
7200

For attention: H Boshoff (File Reference: 1600, 1601 & 1602 HSB (4148))

NOTICE OF OBJECTION TO THE PROPOSED CHANGES ON ERVEN: 1600, 1601, 1602 SANDBAAI

Dear Sir/Madam

We, the trustees of the Home Owner's Association of Sandy Cove, Cove Street, Sandbaai, Hermanus, hereby object to the following applications:

- 1) Application for the rezoning of Erf 1602 Sandbaai from Residential Zone 1 to Industrial Zone 1
- 2) Consolidation of Erf 1602 Sandbaai with Erven 1600 and 1601 Sandbaai
- 3) Amendment of the Spatial Development Framework with reference to Erf 1602 Sandbaai
- 4) Amendment of an existing approval applicable to erven 1600 and 1601 Sandbaai

In the motivation report from Plan Active, it is stated that the development intention of the owner of erven 1600 to 1602 is to follow suit of the development situated on Erf 1598 Sandbaai

The owner of erf 1598 advised us at the time of seeking our approval for his development of the erf, that he was going to construct a building for the use of a showroom. He went on to construct the "showroom" portion of the building and afterwards constructed the majority of a two-storey storage facility.

We definitely do not want the construction of yet more two-storey storage buildings along the boundary of the Sandy Cove residential development as it already has had an adverse effect on our property sales and values.

We reserve the right to amplify and expand upon the formal objection contained in this correspondence at a later stage and in the appropriate forum, if necessary.

While we have many more concerns that can be listed at this time, we reserve our right to express them during the hearings.

Please advise us of the date and time of any hearings and / or meetings pertinent to this objection.

Yours faithfully,

Lambert van Heerden
On behalf of the Sandy Cove Home Owners Association Trustees
City Makers Property Administrators
P.O. Box 1982
Hermanus
7200
Tel: 072 272 5590 (Deany) / 001 654 7484 (Janice) / 084 526 2370 (Lambert)

FILE NO:	Erven 1600-1602 Sandbaai
SCAN NO:	HSB 1600
COLLABORATOR NO:	1234328

P 21 NOV 2018

35/54

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Loretta Gillion - MOOIZICHT GARDENS - APPLICATION FOR REZONING OF ERVEN 1600, 1601 & 1602 BERGSIG STREET SANDBAAI

From: Benito Alexander <benito.alexander@sapuraenergy.com>
To: "hboshoff@overstrand.gov.za" <hboshoff@overstrand.gov.za>
Date: 13/11/2018 05:42 PM
Subject: MOOIZICHT GARDENS - APPLICATION FOR REZONING OF ERVEN 1600, 1601 & 1602 BERGSIG STREET SANDBAAI
Cc: Karas Property Administrators <karasproperty@gmail.com>

Hi Mr Boshoff

TP-A Theart
(H Boshoff)



I am property owner of erf 2307

Please accept this email as a my formal objection to the rezoning of the of erven 1600,1601 & 1602

Reason for my objection is the devaluation of my property should the rezoning proceed

Regards
Benito

FILE NO: Erven 1600, 1601 & 1602 - HSB
SCAN NO: BENITO
COLLABORATOR NO: 1231940

TP 14 NOV 2018

36/54

TP-A Theart
(HBoshoff)



Loretta Gillen - Application for rezoning of Erven 1600, 1601, 1602 Sandbaai - HSB (4148)

From: Debbie Bertoldi <debbiebertoldi@gmail.com>
To: <loretta@overstrand.gov.za>, <hboshoff@overstrand.gov.za>, <karaspropert...>
Date: 12/11/2018 04:40 PM
Subject: Application for rezoning of Erven 1600, 1601, 1602 Sandbaai - HSB (4148)

Dear Mr Boshoff,

I am writing to you to confirm receipt of a registered letter I received informing nearby residents of an application to rezone Erven 1600, 1601 and 1602 to an industrial zone.

We strongly object to the above proceeding as we are owners of erf 2318 in Mooizicht Gardens whereby our erf is situated at the boundary of the complex on Bergsig Street. We are directly opposite the new Hermanus business park (where Autopart, Elgin Chicken etc) are located and all we have had to endure since it's inception is constant noise pollution, building dust and now illuminated signage at night. The delivery entrance of this business park is directly opposite my main bedroom and the noise is a constant problem from Monday to Sunday anytime from 06h00 till after 20h00 at night.

I do not believe that the building of additional factories on erven 1600, 1601 and 1602 will not negatively affect the property value, noise pollution, privacy and traffic of the surrounding residential erven as we have already experienced these negative issues with the current factories on erven 1599.

When I bought in Mooizicht at the end of 2016 I was not aware what was to be built up around us and I still cannot understand how the Municipality could ever have planned for industrial and residential to be so near to each other. Very poor planning in my opinion.

Just recently Juno have moved into the premises on our East boundary wall as well as the new recycling plant, never mind the cement factory just further up the road. Surely these are all health hazards to residents living just 10 metres away?!

With reference to the comment on page 13 of the document point 4 (land values), I would like to know in who's opinion the value of the properties in the area will not be negatively affected. Perhaps we should have the Financial Institution/bank that has bonded my house have an assessor come around and value my property considering I will be living opposite 15 factories?

TP 12 NOV 2018

FILE NO: Erven 1600, 1601 & 1602 - HSB ✓
SCAN NO: BERTOLDI
1231464
OLLANDHOUT

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I have also noted that the erven in question have already begun being "staked" out. Surely one needs to wait till the end of the objection period which is the 23rd November??

This has me wondering what will soon "pop up" on Erven 1603 and 1452 in the very near future.

I await your reply with further info.

Regards
Mr & Mrs M.O Bertoldi
Erf 2318, Mooisicht
072 622 8146

38/54

8/9

Loretta Gillion - Objecting of rezoning erven 1600, 1601 and 1602

From: "Teresa Henning" <teresa@benntech.co.za>
To: <hboshoff@overstrand.gov.za>
Date: 12/11/2018 10:48 PM
Subject: Objecting of rezoning erven 1600, 1601 and 1602



TP-A Theart
(H Boshoff)

To whom it may concern:

Good day

We are residents at Moonlight gardens erf 2363.

We would like to inform you that we totally object to the rezoning of the above plots.

We "Moonlight gardens and Sandy cove" are already on the edge of the industrial area.

By rezoning plot 1600, 1601 and 1602 you will be bring industrial area into residential area.

Please reconsider, please let the residential area flow as the border line to the industrial area.

It is without a doubt that an industrial building will negatively influence our value and safety.

We trust you will make the right decision regarding this matter.

Thank you
Teresa Henning

FILE NO: Erven 1600, 1601 & 1602 - HSB
SCAN NO: HSB ERVEN
COLLABORATOR NO: 1231444

TP

12 NOV 2018

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39/54

TR A Theart
C Holivier



Loretta Gillion - Rezoning of ERF's 1600 ; 1601 and 1602 Bergsig Street

From: Pieter Muller <Pieter.Muller@finglobal.com>
To: <bboahoff@overstrand.gov.za>, <lorette@overstrand.gov.za>, Karas Propert...
Date: 07/11/2018 03:20 PM
Subject: Rezoning of ERF's 1600 ; 1601 and 1602 Bergsig Street

Dear Sir and Madam,

As owners of Erf 2478 Sandy Cove we strongly object against the proposed rezoning of ERF's 1600, 1601 and 1602 Bergsig Street. The reasons for this are:

- Sandy Cove is a residential complex not an industrial park.
- As state previously when an application for rezoning of ERF 2461 was received. If we allow this rezoning it will create a precedent. What prevents other owners of adjacent industrial parks/pleats to approach municipality or our Trustees for the rezoning of ERF's. This is exactly what the members of Blazecor twenty seven CC is doing now.
- It will absolutely influence our property value and impact on our ability to sell our property in the future.
- If this proposal is accepted, our property will be separated from the industrial park by only a boundary wall and this is not acceptable to us.

Thank you for considering this objection in your decision. A letter containing the same information will be hand delivered to the municipality.



Pieter Muller
Financial Consultant
Tel: 027 212 1111
pieter.muller@finglobal.com



Invested Financial services general 4438721 (S) (b) (v) (w)
Each of the financial services will be closed from 24 December 2018 to 1 January 2019
The closing dates apply only for Tax Cheques and for Foreign Investments. However, please advise us within a 10 business days.
We wish you the best of holidays and a prosperous 2019

FILE NO:	Even 1599, 1600, 1601 & 1602, 1603
SCAN NO:	Sandhosen
	ERVEN HSB
COLLABORATOR NO:	1229794

TP - 7 NOV 2018

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ANNEXURE F 1/5

PLAN Active Town & Regional Planners
Stads- en Streeksbeplanners



TR A Theart
CH Boshoff

6 Magrelia St / Str
PO Box / Postbus 296
HERMANUS
7200
Tel: (028) 312 8073
Fax / Faks: (028) 312 8351
Email: planactive@hermanus.co.za
Website: www.planactive.co.za

Our reference: PA18047

14 December 2018

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO:	Erven 1600, 1601 & 1602 Sandbaai
SCAN NO:	1556 11:00
COLLABORATOR NO:	1241245

For attention: Mr. H. Boshoff

Sir,

COMMENTS ON OBJECTIONS: ERVEN 1600, 1601 & 1602 SANDBAAI

Your letter dated 5 December 2018 with attached objections from Karas Property Administrators (Pty) Ltd, GK McWilliam, Sandy Cove Home Owners Association Trustees, B Alexander, MD Bariotti & T Henning refer. Please refer to the enclosed locality map that indicates the objector's properties in relation to the subject properties for easy reference. The objections and our comments thereon can be summarised as follows:

1. The contents of the e-mail from Karas Property Administrators refer to complaints raised with the Overstrand Municipality regarding the storage and renting of containers that is in breach of their current zoning pertaining to Erf 1602 Sandbaai. Even though this erf is part of our application the complains have no relevance to the proposed development of erven 1600-1602 Sandbaai and it is a matter that needs to be dealt with separate from this application.
2. The objector (McWilliam) wishes to state that the only manner in which he would support the application is if guarantees are provided that the industrial facility will be in line with the area where Elgin Free Range Chickens conducts their business from.

Throughout our application for the rezoning of Erf 1602 Sandbaai, to be consolidated with erven 1600 & 1601 Sandbaai, is it mentioned that the same development model will be used that was applied to Erf 1599 Sandbaai, where Elgin Free Range Chickens is established, for the development of the consolidated erven 1600 to 1602 Sandbaai. It is therefore clear what the developer's intention with the consolidated site is, that it would be in line with what the objector requests.

Storage units are proposed, but will be located on the northern periphery of the consolidated sites, the opposite side of Moozicht Gardens and following the exact same model as the development on Erf 1599 Sandbaai.

Divine Inspiration Trading 379 (Pty) Ltd trading as Plan Active
Reg. No. 2006/02921/07
Vat No. 470250340

John MC Lachlan: MRP (Town Planning) Tech Witwater oord: MSAP1 N: 12908, SACPLAN TCB: 8/250/2014
Pauline Spruiell: D (Sec Sc) US, BA Hon (UNISA)
Merré Lorenz: B. Art et Scien Gen Stud (Town Planning) MMW: SACPLAN 20/Ph A/158/2008

TR

14 DEC 2018

18 DEC 2018

3. **The objector (Sandy Cove Home Owners Association) does not want the constructions of double storey storage buildings along the boundary of the Sandy Cove residential development as it will have a negative effect on the property sales and values.**

Please take note that an application for the rezoning and consolidation of erven 1600 & 1601 Sandbaai have already been approved for the construction of storage units only. With the inclusion of Erf 1602 Sandbaai only the northern section, that is ±23.6m wide, of the consolidated erven is allocated for storage use. Thus, creating a buffer between the actual light industrial uses and the residential development (Sandy Cove). The area allocated for storage purposes is ±2762m² in extent vs the previous approval of Erven 1600 & 1601 Sandbaai that made provision for an area of 6006m² that can be used for storage purposes. In its current state. Subsequently the provision of storage area has decreased by 3244m² (36%) with this proposal.

It is still our opinion that providing storage on the northern boundary of the consolidated site creates a relative dormant land use that would be an ideal buffer between the light industrial uses and the Sandy Cove residential development. It should also be noted that the same architectural style of the Hermanus Business park has been adopted for this development in order to blend in with the current built character of the both the industrial area and the established residential developments found in the area. It is furthermore our opinion that being in an established mixed land use area consisting of the shopping mall, light industrial erven and residential properties, that with the addition of Erf 1602 Sandbaai into the approved industrial erven (1600 & 1601 Sandbaai) and by adopting the same development model of Erf 1599 Sandbaai, will not have a further impact on the residential property values or impact more on the built character of the area.

When the consolidated erven 1600 to 1602 Sandbaai are developed it would be more beneficial to the area than what these erven are in its current state.

4. **The proposed rezoning and consolidation of erven 1600 to 1602 Sandbaai will have a negative impact on the value of their property. (Benito Alexander)**

Mr. Benito Alexander's property is centrally located within the Mooizicht Gardens residential development. Please refer to the enclosed locality map. Please take the following into consideration:

- Mooizicht Gardens share their eastern boundary with Hermanus Business park that consists of light industrial erven;
- Their northern boundary abuts Bergsig street that is a major link between Sandbaai, Zweltho, Mount Pleasant and Hermanus;
- Mooizicht Gardens is within an area that consists of various established land uses consisting of single residential erven, light industrial erven and a shopping mall.

With reference to the above is it our opinion that with the inclusion of Erf 1602 Sandbaai with the already industrial zoned erven 1600 & 1601 Sandbaai and adopting the land use model of Erf 1599 Sandbaai that the proposal will not have a negative impact on the objector's land value.

5. **The owner of erf 2318 Sandbaai (Debbie Bartoldi) located within Mooizicht Gardens has various complaints pertaining to dust and noise during the development phases of Erf 1599 Sandbaai. She also complains about the access to Erf 1599 Sandbaai and noise generated by the land uses on the last mentioned erf.**

Our application is for the rezoning and consolidation of erven 1600 to 1602 Sandbaai and excludes Erf 1599 Sandbaai. The complaints received pertaining to Erf 1599 Sandbaai has no relevance to our application.

It is furthermore common knowledge that should you buy property within an undeveloped area that at some time one would have to endure the dust and noise associated with the development of vacant properties.

6. **Debbie Bartoldi also mentions that additional factories on erven 1600 to 1602 will negatively affect their property value. It is also mentioned that when they bought their property that they were not aware what was to be built around them and why industrial erven are so close to residential erven.**

Please refer to our comments under paragraph 4. It should also be noted that when they purchased their property, they bought into a development that abuts an established light industrial area. Furthermore, the rezoning that is applied for, for only Erf 1602 Sandbaai is from Residential Zone 1 to Industrial Zone 1 in order to be consolidated with erven 1600 & 1601 Sandbaai that already have an Industrial Zone 1 zoning. The land uses associated with Industrial Zone 1 zonings are light industrial uses and the following land uses are not allowed:

- o Heavy vehicle service station;
- o Motor repair centre;
- o Workshops making use of noise pollution generating machinery – grinding, spray painting, woodworking.

The above mentioned restrictions were imposed as conditions of approval of the previous application to safeguard the surrounding land owners and will also be applicable to this application.

7. **Theresa Henning mentions that Sandy Cove and Mooizicht Gardens are already on the edge of the industrial area. By rezoning the erven 1600 to 1602 Sandbaai will bring the industrial area into the residential area. The industrial building will negatively influence the value of their property.**

Mooizicht Gardens share a common boundary between the Hermanus Business Park to the east consisting of industrial erven and Bergsig Street to the north and more industrial erven north of Bergsig Street, erven 1599 to 1601 Sandbaai. Sandy Cove also shares a common boundary with Hermanus Business Park to the east consisting of industrial erven and 3 other industrial zoned erven, erven 1599 to 1601 Sandbaai. Sandy Cove also shares boundaries with the new mall.

The objector's property is located in the south eastern section of Mooizicht Gardens. It is our opinion that the proposed inclusion of Erf 1602 Sandbaai with erven 1600 and 1601 Sandbaai and adopting the same development model of Erf 1599 Sandbaai will not impact negative on their property being within an already developed mixed use area. Also refer to paragraphs 3 and 4 above.

Please note that erven 1600 and 1601 Sandbaai have already been rezoned. Our application constitutes the inclusion of Erf 1602 Sandbaai and to amend the site development plan in order to adopt the development model of Erf 1599 Sandbaai. With reference to our comments in paragraphs 3 and 4 above and also taking into consideration the location of the owner's property in relation to the subject erven it is clear that the proposal at hand will not have a negative impact on the value of the objector's property.

When the consolidated erven 1600 to 1602 Sandbaai are developed it would be more beneficial to the area than what these erven are in its current state.

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8. **Pieter Muller mentions that Sandy Cove is a residential complex and refers to a proposed rezoning of Erf 2461 Sandbaai that is part of the Sandy Cove development to Industrial Zone 1. This would create a precedent and what will prevent other owners from doing so?**

The rezoning of a property within an existing residential complex and that it would create a precedent have no relevance to our application. The subject properties in question are situated outside the Sandy Cove residential development.

9. **Pieter Muller is also of the opinion that the proposal will have a negative impact on the value of their property and the fact that the housing development and industrial erven will only be separated by a single wall.**

Please note that the objector's property is closer to the existing established Hermanus Business Park industrial development than it is to erven 1600 to 1602 Sandbaai. It should also be taken into consideration that erven 1599 to 1601 Sandbaai already have an Industrial Zone 1 zoning. Our proposal will not further impact on the surrounding erven than what is currently experienced within an established mixed land use area. Also refer to paragraphs 3 and 4 above.

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

Yours faithfully



John Mc Lachlan

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ANNEXURE G

HERITAGE AND AESTHETICS COMMITTEE

MINUTES OF MEETING

Date: Thursday - 15 NOVEMBER 2018
Time: 14:00 – 17:00

Members present

Mr N. Clark (Chairman)

Mr A. Greeff

Mrs K. Simets

Mrs N. Lloyd

Mr L. Smith

Mr B. Jones

Mrs Lee Neethling

Mr E. Grobler

Ms S. February

Mr N. Saayman

Mr A. Finlayson

Mr B. Brink

In Attendance:

Mr J. Simson (Manager Building Services) , Gerrit Coetzee (Building Inspector) & Mrs E. Lowings (Admin Assistant: Building Services)

6.8 HERMANUS : SANDBAAI : ERF 1600 - 1602 : CONSOLIDATION, REZONING ; & AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK : (T2) APPLICATION

JOHN MCCLAGHLAN PRESENTED

Comment:

Proposed scheme, drawing no 10292/A1 101 scrutinized. Generally the proposal is supported. The height & expression of the future building is to approximate that of Erf 1599, with a maximum height of 8m.

Action:

Submit to Heritage Western Cape.

NEXT MEETINGS:

6TH DECEMBER 2018 & 17TH JANUARY 2019

ANNEXURE H 1/5

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR AMENDMENT IN RESPECT OF AN EXISTING APPROVAL,
REZONING, CONSOLIDATION & AMENDMENT OF THE SPATIAL
DEVELOPMENT FRAMEWORK: ERF 1600, 1601 & 1602, SANDBAAI (4148)**

Stormwater (SW)	In Order
Electricity	In Order
Water	According to GLS Report
Sewer	According to GLS Report
Roads and traffic	In Order

Conditions:

- 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 (2018/2019) is as follows:

Freehold erven:

Water	R 21 688.60 x 7.11618=	R 154 339.55
Sewerage	R 14 623.16 x 7.11618=	R 104 060.75
Roads	R 6 557.01 x 39.0606=	R 256 120.09
Stormwater	R 7 565.79 x 4.003989=	R 30 293.42
Solid Waste	R 1 311.40 x 4.105093=	R 5 383.42
TOTAL (inclusive of VAT)		= R 550 197.23

Note:

- 1.3 The above figures are estimates**
- 1.4 The above figures do not include connection fees**
- that the developer at his cost constructs the internal municipal civil and electrical services for the development as well as any link or bulk municipal services that need to be provided.

25 JUN 2019

- 2.1 the Director: Infrastructure and Planning may require the developer to construct internal, link, and/or bulk municipal services to a higher capacity than warranted by the development for purposes of allowing other existing or future developments to also utilise such services, provided:
- 2.2 the rates and prices of such work be established in terms of a system which is fair, equitable, transparent and cost effective;
- 2.3 if link municipal services have already been provided, the developer to contribute towards the cost thereof, the Director: Infrastructure and Planning to determine the amount of such contribution in terms of a system which is fair and equitable;
3. that servitudes for municipal services be registered in favour of the Council at the developer's cost in respect of all main services to be taken over by the Council and all existing municipal services concerned crossing private property;
4. that the developer indemnifies and keep the Council indemnified against all actions, proceedings, claims and demands, costs, damages and expenses arising out of the establishment of the township, the provision of services to the township or the use of servitude areas or municipal property:
 - 4.1 for a period which shall commence on the date that the installation of the services to the township are commenced with and shall expire after completion of the maintenance period;
 - 4.2 the developer to submit an acceptable public liability insurance policy to the Council and to pay the premium in advance for the period as set out above before any work concerned may commence;
 - 4.3 the insurance to be to an amount which shall not be less than that required by the SAACE;
 - 4.4 such indemnification against loss, claims or damages, to include claims pertaining to consequential damages by third parties and whether as a result of the damage to or interruption of or interference with the Council's services or apparatus or otherwise;
5. that a plan of all existing services be submitted to the Director: Infrastructure and Planning, by the developer and that any of the services that need to be relocated, be done by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning:
 - 5.1 way-leaves must be obtained from the Operational Manager;
 - 5.2 such way-leaves to be obtained prior to any excavation on public property or property where existing services are located;
6. that the developer may enter into an agreement with the Council to install or upgrade bulk and/or link municipal services and amenities at an agreed cost, subject to the following:

- 6.1 such costs to be established in accordance with a system which is fair, equitable, transparent, competitive and cost effective;
 - 6.2 such costs shall be set-off against (part or full) development contributions payable in respect of engineering services;
 - 6.3 to the extent that such costs exceed the development contributions payable, the Council will refund the developer the difference with interest calculated at the prime rate, when funds are available;
7. that plans of all the internal municipal civil and electrical (high and low voltage supply) services and such link services as required by the Director: Infrastructure and Planning, prepared by an ECSA registered professional engineer/technologist, be submitted to the Director: Infrastructure and Planning for his prior approval;
 8. the "Guidelines for the Provision of Engineering Services in Residential Townships" (Blue Book), SABS 1200 specifications and the Design and Construction Standards for civil and electrical services of the Council to be used as the standard design and construction criteria with which such plans must comply;
 9. the Director: Infrastructure and Planning to be notified in writing of all deviations from the Standard Design and Construction Criteria when plans are submitted for his approval and such deviations to be separately approved in writing by the Director: Infrastructure and Planning;
 10. the successful completion of such works to be supervised and certified by an independent professional civil engineer/technologist i.e. a professional civil engineer/technologist who has no direct financial interest in the development, other than payment as standard professional fees for the work concerned; and
 11. such independent professional civil engineer/technologist to furnish the Director: Infrastructure and Planning with satisfactory proof of his professional indemnity insurance to an amount which shall not be less than that required by the SAACE and which insurance shall be valid for the relevant contract and maintenance period;
 12. that all municipal civil and electrical services installed or constructed by the developer, be maintained after completion thereof for a maintenance period, as described in the General Condition of Contract for works of Civil Engineering Construction – 2010, of 12 months; and
 13. that a Certificate of Completion together with as-built services plans be provided by the independent professional engineer/technologist to the Overstrand Municipality. As-built plans to be on quality paper, together with a DXF file thereof;
 14. that an approved refuse collection area/room to sufficiently accommodate the refuse generated by the development and which is to be proved with the following:
 - a. properly ventilated;

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- b. a cement floor;
 - c. a tap and running water, as well as a drainage point which is connected to the sewer network;
 - d. at a position nearest to an access road for the development and be accessible for the refuse truck at all times, to the satisfaction of the Director: Infrastructure and Planning;
15. that a stormwater management plan, which may include attenuation facilities to ensure that the pre-development run-off is not exceeded and that erosion and pollution is minimised, be submitted to the Director: Infrastructure and Planning for approval and that the approved management plan be implemented by the developer at his cost to the satisfaction of the Director: Infrastructure and Planning;
16. that the above stormwater management plan include the following:
- 16.1. pre-development run-off from the catchment area;
 - 16.2. post-development run-off from catchment area;
 - 16.3. existing stormwater reticulation system and the capacity thereof;
 - 16.4. connection of internal stormwater reticulation system;
 - 16.5. overland escape routes;
17. that the connection to the stormwater reticulation system be provided according to the stormwater management plan, by the developer at his cost and approved by Overstrand Municipality ;
18. that any additional cost related to the upgrading of bulk civil services will be for the developer's account;
19. that no on-street parking will be allowed;
20. that damage to the existing roads, used as routes for access to the development, for the provision of services, be repaired by the developer;
21. that the proposed consolidated erf consisting of Erven 1600, 1601 & 1602 must be provided with an adequate sewer conservancy tank, which must comply with the standards and specification of the Department: Operational Services;
22. 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 owner's cost;
23. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 - P: 2010: Drainage;
24. that on-site parking facilities be provided as per Planning Schedule, and to the satisfaction of the Department: Operational Services;
25. that any additional and / or extended vehicle entrances will be for the owner's account;

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26. that the proposed development on Erf 1600, 1601 & 1602 be provided with a central refuse collection facility, which must comply with the standards of the Department Services (Hermanus)
27. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval.


BENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE

51/54



Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

15 November 2018

Attention: S Muller

Overstrand Municipality
HERMANUS



FILE NO: ERF 1599-1603
SCAN NO: HSB 1599
COLLABORATOR NO: 1232952

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0517
Email: spammec1@telkom.co.za

Our Ref: WWIP_WONK3656_18
Your Ref: 1001, 1501 and 1602 HSB 3613

PLANT AFFECTED:

PROPOSED AMENDMENT IN RESPECT OF AN EXISTING APPROVAL, REZONING, CONSOLIDATION, AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK: ERF 1600, 1601 AND 1602, BERGSIG STREET, SANDBAAI

With reference to your application received **October 2018**.

As important cables and other infrastructure are affected, please contact our representative **Frederik Swart** at 028 514 1199 / 081 363 7815 / FrederikS@openserve.co.za 48 hours prior to commencement of construction work.

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.

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

Approval is granted, subject to the following conditions.

As per sketch attached, Open Serve infrastructure will be affected, consequently the conditions below and on the attached legend will apply.

PP 15 NOV 2018

01 Oak Avenue, Highfield, Techno Park, Centurion 0157.
Private Bag X881, Pretoria, Gauteng, 0001

52/54

2/4

Telecommunication services position is shown as accurately as possible but should be regarded as approximate only.

Should alterations or relocation of existing infrastructure be required, such work will be done at the request and cost of the applicant.

Please notify this office within 21 working days from this letter of acceptance and if any alternative proposal is available or if a recoverable work should commence.

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



Solwyn Bouwers
Operations Manager
Wayleave Management: Western Region

2

PLANT AFFECTED : COPPER

This wayleave, Reference Number **WWIP_WONR3656_18** is valid for 12 months from date hereof and is subject to the following conditions:

1. No mechanical plant or vibrator type compactors may be used within three meters of any Open Serve Plant (i.e. any Telecommunication equipment above or below ground level).
2. The position of our plant affected by the proposal is indicated as approximate and **Frederik Swart** at Telephone No **081 363 7815** must be contacted at least 48 hours prior to commencement of the work, upon which the actual location of the Open Serve Plant will be indicated on site.
3. A written request must be submitted to Open Serve for consideration, should the of the work, upon which the actual location of Open Serve Plant will be applicant requires our plant to be relocated. The cost of such a relocation will be recoverable from the applicant.
4. It is the responsibility of the applicant to verify the existence of the indicated plant and to notify Open Serve immediately, should the applicant locate any Open Serve Plant which is not indicated on the plans.
5. Should the applicant expose any Open Serve plant, the safeguard thereof will be the applicant's full responsibility.
6. Failing to comply with the above conditions or any special conditions addendum hereto will be regarded as gross negligence and the applicant will be held responsible for any damage or loss as a result thereof.

Date: 2018/11/15

By: C. Spamer
For Regional General Manager
Western Cape

Legend	Green
1. Underground Pipe	— — — — —
2. Underground Cable	— — — — —
3. Manhole	⊠
4. Street Distribution Cabinet (SDC)	⊠
5. Joining Pit / AJB	⊠
6. Joining Pit (PJ)	⊠
7. Pipe Junction Box (B/S)	⊠
8. Robot Control	⊠
9. Pole	⊠
10. Stay	⊠
11. Strut	⊠
12. Aerial Cable (A/C)	— — — — —



4.6

ERVEN 1600, 1601 AND 1602, BERGSIG STREET, SANDBAAI, OVERSTRAND MUNICIPAL AREA: APPLICATION TO DEVIATE FROM THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (2006), REZONING, AMENDMENT OF CONDITIONS IN RESPECT OF AN EXISTING APPROVAL AND CONSOLIDATION: MESSRS PLAN ACTIVE ON BEHALF OF BLAZECOR TWENTY SEVEN CC

1600, 1601 & 1602 HSB (4148)

H van der Stoep

(028) 313 8900

Hermanus Administration

1 August 2019

EXECUTIVE SUMMARY

An application was received on 21 August 2018 from Messrs Plan Active on behalf of Blazecor Twenty Seven CC applicable to Erven 1600, 1601 and 1602, Sandbaai for the following:

- ❖ Deviation from the Overstrand Municipality Spatial Development Framework (2006) in terms of Section 10 of the By-Law, as well as the provisions of the Municipal Systems Act, 2000 (Act No. 32 of 2000) in order to deviate from the reserved land use of Erf 1602, Sandbaai;
- ❖ Rezoning of Erf 1602, Sandbaai in terms of Section 16(2)(a) of the By-Law from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry;
- ❖ Amendment of conditions in respect of an existing approval in terms of Section 16(2)(h) of the By-Law applicable to Erven 1600 and 1601, Sandbaai; and
- ❖ Consolidation of Erven 1600, 1601, 1602, Sandbaai in terms of Section 16(2)(e) of the By-Law in order to create one erf.

RESOLVED:

1. that the application in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), for the rezoning of Erf 1602, Sandbaai from Residential Zone 1: Single Residential to Industrial Zone 1: General Industry, **be approved** in terms of the provisions of Section 61 of the By-Law;
2. that the application in terms of Section 16(2)(h) of the By-Law for the amendment of conditions in respect of an existing approval applicable to Erven 1600 and 1601, Sandbaai to permit industrial land uses other than "storage", **be approved** in terms of the provisions of Section 61 of the By-Law;
3. that the application in terms of Section 16(2)(e) of the By-Law, for the consolidation of Erven 1600, 1601, and 1602, Sandbaai, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that the approvals in Points 1. – 3. be subject to the following conditions:
- (a) that the land use be limited to the Consolidation and Land Use Plan, Plan Number: sand1600(7).drw, dated: 07/2018;
 - (b) that the Bergzicht Street Property Development Design Guide Document (2017) be amended to include Erf 1602, Sandbaai, and submitted to the municipality for approval;
 - (c) that the following uses are not permitted:
 - heavy vehicle service station,
 - motor repair garage,
 - workshop which makes use of machinery that generates noise pollution and processes involving grinding, spray painting and woodworking,
 - building yard and brick-making.
 - (d) that the development adhere to the requirements of SANS10400T:2011 and Overstrand Community Fire Safety By-Law, P.N. 6454 of 2007;
 - (e) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Departments be complied with at that stage;
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (g) that all the conditions in the Services Report be complied with, and
 - (h) that all conditions imposed by Telkom be complied with.
5. that the applicant and objectors 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 decision.

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Municipal Wide Spatial Development Framework, 2006, to change the reservation of Erf 1602, Sandbaai from "Residential" to "Industrial" **be approved** in terms of the provisions of Section 10 of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as well as the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

REASONS FOR APPROVAL

- ❖ The proposal is in line with the development principles referred to in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Chapter VI of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014).
- ❖ The development will be in line with the character of the surrounding area.
- ❖ Adequate engineering services are available to accommodate the development.
- ❖ Mitigating factors are implemented to ensure that there is a minimal impact on the surrounding area and the adjacent residential development to the north.

RESPONSIBLE OFFICIAL :**H VAN DER STOEP**