

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 March 2017
(Also the agenda for the Mayoral Committee Meeting : 29 March 2017)**

3.

**ERF 381, 2 BARNARD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA:
AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK
AND THE GROWTH MANAGEMENT STRATEGY, 2010 : MESSRS TOWN- AND
COUNTRY ON BEHALF OF DG AND AM VERMEULEN**

381 GGB (3295)

**SW van der Merwe
9 February 2017**

(028) 313 8900

Hermanus Administration

1. Executive Summary

To consider an application received on 18 May 2016 from Messrs Town- and Country on behalf of DG and AM Vermeulen, the owners of Erf 381, Gansbaai, in order to amend the Spatial Development Framework, 2006 (SDF) and the Growth Management Strategy, 2010 (GMS) to permit a deviation in order to establish business/residential uses on the property.

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 32 of 2000 (Act 32 of 2000)

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

An application was submitted by Messrs Town- and Country on behalf of the owners of Erf 381, Gansbaai, DG and AM Vermeulen, for the following:

1. removal of restrictive title conditions with reference to Clause C.2(b) and (c) of Title Deed T52043/2009 in terms of Section 16(2)(f) of the

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- Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, to enable the owner to establish business/residential uses on the property;
2. rezoning in terms of Section 16(2)(a) of the aforementioned By-Law in order to rezone Erf 381, Gansbaai from Single Residential Zone I to Business Zone III (Local Business) in order to accommodate the proposed shop (butchery) on the property;
 3. consent use in terms of Section 16(2)(o) of the aforementioned By-Law in order to erect a ground floor flat, and
 4. amendment of the Spatial Development Framework, 2006 (SDF) and Growth Management Strategy, 2010 (GMS) to permit a deviation in terms of the provisions of the Municipal Systems Act, 32 of 2000.

The application was considered by the Senior Manager: Town- and Spatial Planning (Authorized Official) on 30 January 2017 and it were resolved as follows:

“RESOLVED::

1. *that the application for the removal of title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Clause C.2.(b) and (c) of Title Deed T52043/2009 to enable the owner to establish a shop (butchery) and residential use on the property, **be approved;***
2. *that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 in order to rezone Erf 381, Gansbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business in order to accommodate the proposed shop (butchery) of 60m², **be approved;***
3. *that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for consent use on Erf 381, Gansbaai to permit a ground floor flat on the rezoned property, **be approved;***
4. *that the approvals in paragraphs 1.; 2. and 3 be subject to the following conditions:*
 - (a) *that the parking layout be restricted to Drawing No. 1474 dated April 2016, as submitted with the application;*
 - (b) *that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;*

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- (c) *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;*
 - (d) *that this approval does not absolve the applicant from compliance with any other relevant legislation;*
 - (e) *that the development parameters as prescribed in the relevant Zoning Scheme be complied with;*
 - (f) *that all the conditions in the Services Report (attached as Annexure G), be complied with;*
 - (g) *that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage, and*
 - (h) *that the deviation of the Spatial Development Framework (SDF) be approved by Council as per the recommendation in paragraph 5 of the resolution;*
4. *that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.*

RECOMMENDATION TO COUNCIL :

1. *that the application for the amendment of the Spatial Development Framework, 2006 and Growth Management Strategy, 2010 in order to utilize Erf 381, Gansbaai for commercial development, in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **be approved.***

Evaluation

The application entails rezoning from Residential Zone 1: Single Residential to Business Zone 3: Local Business for a shop (butchery) 60m² in extent, consent use for a ground floor flat and the amendment (deviation) of the Spatial Development Framework (SDF) and Growth Management Strategy, 2010 (GMS) and removal of restrictive title deed conditions. Access is obtained from Barnard Street to an onsite parking area, in accordance with the requirements of the Overstrand Zoning Scheme Regulations, whilst servicing will take place via an existing access from Riet Street. The item that served before the Authorised Official (AO) is attached as Annexure A.

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The Spatial Development Framework, 2006 (SDF) did not demarcate the Central Business District (CBD) of Gansbaai, but promotes a tourist friendly CBD with linkages towards the harbour. The Overstrand Growth Management Strategy, 2010 (GMS) designated the first row of erven abutting the main road (east and west) as an economic opportunity, including a portion of municipal Erf 611 to be developed as a day hospital. The result is that single residential erven in the second row backs onto the main road erven earmarked for commercial development.

Having had regard to the aforementioned, the application property does not fall in an area earmarked for commercial development and is therefore not consistent with the provisions of the SDF and GMS. The proposal on the contrary will still contribute to the principles of a tourist friendly CBD that will permit linkage with the harbour. 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 & GMS if site specific circumstances exist that justifies such departure.

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

- the SDF and GMS is ten (10) and six (6) years old, and soon to be reviewed/updated;
- the application property is situated in the second row of erven, backing onto erven reserved for commercial use;
- the development will contribute to the SDF proposals of a compact, tourist friendly CBD that links towards the harbour;
- the application property abuts a local business zone erf (offices) at the back;
- a portion of adjoining Erf 611 (unregistered Erf 4081, measuring 2,25 ha in extent) has a commercial zoning;
- the application property is easily accessible and visible from the main road;
- the surrounding area has a mixed character, comprising commercial, authority and residential use;
- from a planning point of view it makes more sense to restrict commercial uses to the western boundary of Barnard Street, and allowing access from Barnard Street and servicing from the rear (Riet Street), making it easier to police opposed to the current mid-block between two (2) rows of erven with conflicting primary rights (commercial vs. residential).

The proposed development further complies with strategic policies that promote a balanced land use mixed, including provision for commercial uses in a sustainable manner that promotes compaction and efficient land use.

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Conclusion

That the application be supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Annexure A: Decision of the Senior Manager: Town- and Spatial Planning
(Authorized Official)

RECOMMENDATION TO COUNCIL:

that the application for the amendment of the Spatial Development Framework, 2006 and Growth Management Strategy, 2010 in order to utilise Erf 381, Gansbaai for commercial development, in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **be approved.**

RESPONSIBLE OFFICIAL :	SW VAN DER MERWE
TARGET DATE FOR IMPLEMENTATION :	12 APRIL 2017
TARGET DATE TO INFORM APPLICANT :	12 APRIL 2017
TARGET DATE TO INFORM OBJECTOR :	N/A

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**ERF 381, 2 BARNARD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA:
AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK
AND THE GROWTH MANAGEMENT STRATEGY, 2010 : MESSRS TOWN- AND
COUNTRY ON BEHALF OF DG AND AM VERMEULEN**

381 GGB (3295)

SW van der Merwe

(028) 313 8900

Hermanus Administration

9 February 2017

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
22 MARCH 2017, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO COUNCIL:

that the application for the amendment of the Spatial Development Framework, 2006 and Growth Management Strategy, 2010 in order to utilise Erf 381, Gansbaai for commercial development, in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **be approved.**

RESPONSIBLE OFFICIAL :

SW VAN DER MERWE

TARGET DATE FOR IMPLEMENTATION :

12 APRIL 2017

TARGET DATE TO INFORM APPLICANT :

12 APRIL 2017

TARGET DATE TO INFORM OBJECTOR :

N/A



Overstrand Municipality

LAND USE PLANNING REPORT – AUTHORISED OFFICIAL (AO) & COUNCIL

ERF 381, 2 BARNARD STREET, GANSBAAI, OVERSTRAND MUNICIPAL AREA : REMOVAL OF RESTRICTIVE CONDITIONS, REZONING, CONSENT USE AND AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK : MESSRS TOWN- AND COUNTRY ON BEHALF OF DG & AM VERMEULEN

Reference number	381 GGB (3295)	Application submission date	18 May 2016	Date report finalised	14 December 2016
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PART A: AUTHOR DETAILS

First name(s)	Schalk Willem
Surname	van der Merwe
Job title	Senior Town and Regional Planner
SACPLAN registration number	A/1850/2014
Directorate/Department	Infrastructure and Planning
Contact details	028-3138900 svdmerwe@overstrand.gov.za

PART B: APPLICANT DETAILS

First name(s)	Louisa			
Surname	Truter			
Company name	TOWN AND COUNTRY			
SACPLAN registration number		Is the applicant authorised to submit this application	Yes	N
Registered owner(s)	DG & AM Vermeulen			

PART C: PROPERTY DETAILS

Property description (In accordance with Title Deed)	Erf 381, Gansbaai				
Physical address	2 Barnard Street	Town/City	Gansbaai		
Current zoning	Residential	Extent (m ² /ha)	732m ²	Are there existing buildings on the property?	Yes
Applicable zoning scheme	Overstrand Municipality Zoning Scheme Regulations, 2014				
Current land use	Residential	Title Deed number & date	T52043/2009		

Any restrictive title conditions applicable	Yes		If Yes, list condition number(s)	Condition C.2(b) and (c)
Any third party conditions applicable?		No	If Yes, specify	
Any unauthorised land use/building work		No	If Yes, explain	

PART D: PRE-APPLICATION CONSULTATION (ATTACH MINUTES)

Has pre-application consultation been undertaken? No If yes, provide a brief summary of the outcomes below.

PART E: LIST OF APPLICATIONS (TICK APPLICABLE)

Rezoning	<input checked="" type="checkbox"/>	Consent use	<input checked="" type="checkbox"/>	Removal, suspension or amendment of restrictive conditions	<input checked="" type="checkbox"/>
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PART F: EXECUTIVE SUMMARY

To consider an application received on 18 May 2016 from Messrs Town- and Country on behalf of DG & AM Vermeulen in order to establish business/residential uses on Erf 381, Gansbaai which application is set out as follows:

1. removal of restrictive title conditions with reference to Clause C.2 (b) and (c) of Title Deed T52043/2009 in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, to enable the owner to establish business uses on the property;
2. rezoning in terms of Section 16(2)(a) of the aforementioned By-Law in order to rezone Erf 381, Gansbaai from Single Residential Zone I to Business Zone III (Local Business) in order to accommodate the proposed shop (butchery) on the property;
3. consent use in terms of Section 16(2)(o) of the aforementioned By-Law in order to erect a ground floor flat, and
4. amendment of Spatial Development Framework, 2006 (SDF) and Growth Management Strategy, 2010 (GMS) to permit a deviation in terms of the provisions of the Municipal Systems Act, 32 of 2000.

PART G: BACKGROUND

The application property is developed with a single storey dwelling and currently utilised as such. The owner of Erf 381, Gansbaai owns two (2) businesses specialising in the sale of biltong, droëwors (dried/cured meat products), sweets, etc. Supplies to the business premises is distributed and prepared (spiced and dried) on the owners residential property, Erf 2708, Perlemoenbaai. Use is made of cold storage and drying equipment of an industrial nature and as such the aforementioned activities do not comply with the requirements pertaining to home occupation in terms of the Zoning Scheme Regulations. Accordingly the applicant has been advised to acquire an alternative premises.

This application therefore seeks to obtain the necessary development rights on Erf 381, Gansbaai allowing the applicant to relocate the current unauthorised activities on Erf 2708 to Erf 381, Gansbaai upon receipt of the applicable development rights.

The application property is situated on the corner of Riet- and Barnard Street, Gansbaai in the second row of erven east of Main Road, Gansbaai. The surrounding area comprises of an area with mixed character, i.e. business, residential and authority use abutting Main Road, commercial directly north of the application property (proposed day hospital site to be put out on tender) and residential to the east and south.

The application entails rezoning from Residential Zone 1: Single Residential to Business Zone 3: Local Business for a shop (butchery) 60m² in extent, consent use for a ground floor flat and the amendment (deviation) of the SDF and Growth Management Strategy and removal of restrictive title deed conditions. Access is obtained from Barnard Street to an onsite parking area, in accordance with the requirements of the Zoning Scheme Regulations, whilst servicing will take place via an existing access from Riet Street.

PART H: SUMMARY OF APPLICANTS MOTIVATION

The applicant motivates the desirability of the proposal as follows:

- location adjacent to a business property and activity road and future day hospital/clinic renders the property suitable for business use;
- proposed mixed use of the premises for shop (butchery) and residential purposes would serve to mitigate the potential impact of the commercial activities onto adjoining residential properties;
- proposal is located within existing buildings making use of existing infrastructure;
- site abuts the proposed day hospital/clinic which is zoned for commercial purposes;
- site abuts an area earmarked for commercial purposes;

- erf is situated within the urban edge;
- proposal complies with local planning documents, goals and objectives even though it is situated outside the area designated for commercial purposes;
- development of proposed hospital will adjacent the application property will attract more traffic to the area; and
- proposal will provide five employment opportunities in an area challenged by high unemployment.

All municipal services are in place.

PART I: SUMMARY OF PUBLIC PARTICIPATION

Methods of advertising		Date published	Closing date for comments		
Press	Yes	01/09/2016	30/09/2016		
Gazette	Yes	02/09/2016	30/09/2016		
Notices	Yes	31/08/2016	30/09/2016		
Ward councillor	Yes	23/08/2016	30/09/2016		
Site notice	Yes	31/08/2016	30/09/2016		
Community organisation(s)	Yes	31/08/2016	30/09/2016		
Was public participation undertaken in accordance with Section 46- 50 of the Ovestrand Municipality Bylaw on Municipal Land Use Planning, 2015				Yes	N

PART J: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Not applicable. No objections received.

PART K: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation		
			Positive	Negative	Comment
Electro Technical Services	24/08/2016	Erf 381, Gansbaai currently has a single phase 60 amp prepaid connection. Should any additional capacity be required, standard application procedures will be applicable. All investigation and upgrading fees as well as any moveal of infrastructure will be for the client's account.	Positive	Negative	Comment
Building Department	30/08/2016	No objection.	Positive	Negative	Comment
Health	15/09/2016	Annexure D.	Positive	Negative	Comment
Operational Services	28/09/2016	Annexure E.	Positive	Negative	Comment
Fire Services	07/10/2016	Annexure F.	Positive	Negative	Comment
Area Manager	07/10/2016	No objection.	Positive	Negative	Comment
Engineering Department	20/10/2016	Annexure G.	Positive	Negative	Comment

PART L: SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Not applicable.

PART M: MUNICIPAL ASSESSMENT OF COMMENTS

No objections raised by internal municipal departments, subject to conditions.

PART N: MUNICIPAL PLANNING EVALUATION		
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	
<u>Application history</u>		
No relevant planning history.		
<u>(In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)</u>		
The application is in line with the planning objectives applicable to this application.		
The objectives relating to:		
<u>Spatial Justice:</u> The proposal will not perpetuate the past spatial injustices.		
<u>Spatial Sustainability:</u> The proposed development is located on a large erf utilising existing buildings. The proposed mixed use development will assist in the compaction of the town whilst optimising the present utilisation of the erf and municipal services.		
<u>Efficiency:</u> The property is located adjacent to the main road within walking distance from the Central Business District (CBD), shops and services.		
<u>Spatial Resilience:</u> The development is aligned with applicable policies advocating resilience due to its location outside risk zones (i.e. flood plain, coastal management line).		
<u>Good administration:</u> The application followed the prescribed procedure pertaining to the processing of the application.		
<u>Consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)</u>		
Same as above		
<u>Consistency with the IDP/Various levels of SDF's/Applicable policies</u>		
<p>The Spatial Development Framework, 2006 (SDF) did not demarcate the CBD of Gansbaai, but promotes a tourist friendly CBD with linkages towards the harbour. The Overstrand Growth Management Strategy, 2010 (GMS) designated the first row of erven abutting the main road (east and west) as an economic opportunity, including a portion of municipal Erf 611 to be developed as a day hospital. The result is that single residential erven in the second row backs onto the main road erven earmarked for commercial development.</p> <p>Having had regard to the aforementioned, the application property does not fall in an area earmarked for commercial development and is therefore not consistent with the provisions of the SDF and GMS. The proposal on the contrary will still contribute to the principles of a tourist friendly CBD that will permit linkage with the harbour. 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 justifies a departure.</p> <p>Having had regard to the above, the following site specific circumstances could be argued supporting a deviation from the SDF and GMS, namely:</p> <ul style="list-style-type: none"> ❖ the SDF and GMS is 10 and 6 years old, and soon to be reviewed/updated; ❖ the application property is situated in the second row of erven, backing onto erven reserved for commercial use; ❖ the development will contribute to the SDF proposals of a compact, tourist friendly CBD that link towards the harbour; ❖ the application property abuts a local business zone erf (offices) at the back; ❖ a portion of adjoining Erf 611 (unregistered Erf 4081, measuring 2,25 ha in extent) has a commercial zoning; ❖ the application property is easily accessible and visible from the main road; ❖ the surrounding area has a mixed character, comprising commercial, authority and residential use; ❖ from a planning point of view it makes more sense to restrict commercial uses to the western boundary of Barnard Street, and allowing access from Barnard Street and servicing from the rear (Riet Street), making it easier to police opposed to the current mid block between two (2) rows of erven with conflicting primary rights (commercial vs residential). <p>The proposed development further complies with strategic policies that promotes a balanced land use mixed, including provision for commercial uses in a sustainable manner that promotes compaction, efficient land use, economies of scale and environmental integrity.</p> <p>Consistent with the Overstrand Zoning Scheme Regulations.</p>		

Consistency with guidelines prepared by the Provincial Minister

Not applicable.

Impact on Municipal engineering services

No objections was raised from an engineering services point of view, subject to conditions, including the payment of bulk services levies.

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

Not applicable.

Existing and proposed zoning comparisons and considerations

The existing zoning is Residential Zone 1. The application is for Business Zone 3: Local Business, i.e. mixed use development comprising a residential component and a 60m² shop (butchery). Parking provision is being made on site in accordance with the requirements of the Zoning Scheme Regulations. The mixed use of the erf ensures that the residential character is retained, whilst minimising impact of the business activities on the adjacent residential properties.

The desirability of the proposal

The subject property is visible and easily accessible from Main Road, Gansbaai which currently has a mixed character, ranging from commercial (offices, restaurant, shop), authority to residential use. The subject property abuts the rear boundary of erven east of Main Road, that is reserved for future commercial use and borders an existing local business erf.

The desirability of the proposed development can be motivated as follows:

Although not consistent with the SDF the following site specific circumstances to permit a deviation can be argued in support of the property development, namely:

- ❖ the SDF and GMS is 10 and 6 years old, and soon to be reviewed/updated;
- ❖ the application property is situated in the second row of erven, backing onto erven reserved for commercial use;
- ❖ the development will contribute to the SDF proposals of a compact, tourist friendly CBD that link towards the harbour;
- ❖ the application property abuts a local business zone erf (offices) at the back;
- ❖ a portion of adjoining Erf 611 (unregistered Erf 4081, measuring 2,25 ha in extent) has a commercial zoning;
- ❖ the application property is easily accessible and visible from the main road;
- ❖ the surrounding area has a mixed character, comprising commercial, authority and residential use;
- ❖ from a planning point of view it makes more sense to restrict commercial uses to the western boundary of Barnard Street, and allowing access from Barnard Street and servicing from the rear (Riet Street), making it easier to police opposed to the current mid block between two rows of erven with conflicting primary rights (commercial vs residential).

The proposed rezoning is supported from a planning point of view as the proposed development comprising a mixed commercial and residential component that will buffer the impact of the commercial component and will not unacceptably detract from the character of the surrounding area or the residential amenities of the adjoining properties. The development will be contained on site in accordance with the applicable development parameters in terms of the Scheme regulations pertaining to access, parking, building lines and coverage.

The removal of the restrictive title conditions C.2.(b) & (c) contained in Title Deed T52043/2009 are supported since it is not considered to have an adverse impact on the value of surrounding properties or any other rights, whilst the Scheme Regulations still provide sufficient protection to the rights of surrounding properties.

PART O: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**The financial or other value of the rights**

The value of the erf will increase to the benefit of the owner should the proposed development be approved.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The personal benefits will be the right to conduct a mixed use (residential/commercial) development from the premises.

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

The social benefit is to the owner, whilst the proposal will contribute to the development of the local economy and providing employment opportunities.

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

Not applicable since the original township developer does not exist and thus is there no beneficiary.

PART P: SUMMARY OF EVALUATION

The application is supported.

PART Q: RECOMMENDATION**RECOMMENDATION :**

1. that the application for the removal of title deed restriction in terms of Section 16(2)(f) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 as per Clause C.2.(b) and (c) of Title Deed T52043/2009 to enable the owner to establish a shop (butchery) and residential use on the property, **be approved;**
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 in order to rezone Erf 381, Gansbaai from Residential Zone 1: Single Residential to Business Zone 3: Local Business in order to accommodate the proposed shop (butchery) of 60m², **be approved,**
3. that the application in terms of Section 16(2)(o) of the Overstrand Municipal By-Law on Municipal Land Use Planning, 2016 for consent use on Erf 381, Gansbaai to permit a ground floor flat on the rezoned property, **be approved;**
4. that the approvals in paragraphs 1.; 2. and 3 be subject to the following conditions:
 - (a) that the parking layout be restricted to Drawing No. 1474 dated April 2016, as submitted with the application;
 - (b) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (c) 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;
 - (d) that this approval does not absolve the applicant from compliance with any other relevant legislation;
 - (e) that the development parameters as prescribed in the relevant Zoning Scheme be complied with;
 - (f) that all the conditions in the Services Report (attached as Annexure G), be complied with;
 - (g) that building plans be submitted to the Building Department for approval, and that all conditions of the Building – and the Fire Department be complied with at that stage, and
 - (h) that the deviation of the Spatial Development Framework (SDF) be approved by Council as per the recommendation in paragraph 5 of the resolution;
4. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2016 with regard to the above conditions of approval.

RECOMMENDATION TO COUNCIL :

1. that the application for the amendment of the Spatial Development Framework, 2006 and Growth Management Strategy, 2010 in order to utilize Erf 381, Gansbaai for commercial development, in terms of the provisions of the Municipal Systems Act, 2000 (Act 32 of 2000), **be approved.**

PART R: REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ No objections have been received.
- ❖ None of the internal departments have any objection.
- ❖ The proposed application will have a minimal impact on the surrounding area.
- ❖ The proposed development is in line with the existing trend of developments of the area that has a mixed character.
- ❖ From a planning point of view it makes more sense to restrict commercial development to the western boundary of Barnard Street.

PART S: ANNEXURES

Annexure A	Locality Plan
Annexure B	Motivation Report
Annexure C	Proposed Site Development Plan
Annexure D	Department of Health
Annexure E	Operational Services
Annexure F	Fire Services
Annexure G	Services Report

PART T: SIGNATURESAuthor name : **S VAN DER MERWE**Author signature : Date: 24.01.2017Registered planner name : **H VAN DER STOEP**SACPLAN registration number: **A/1708/2013**Registered planner signature : Date: 25/1/2017**DECISION MAKER**

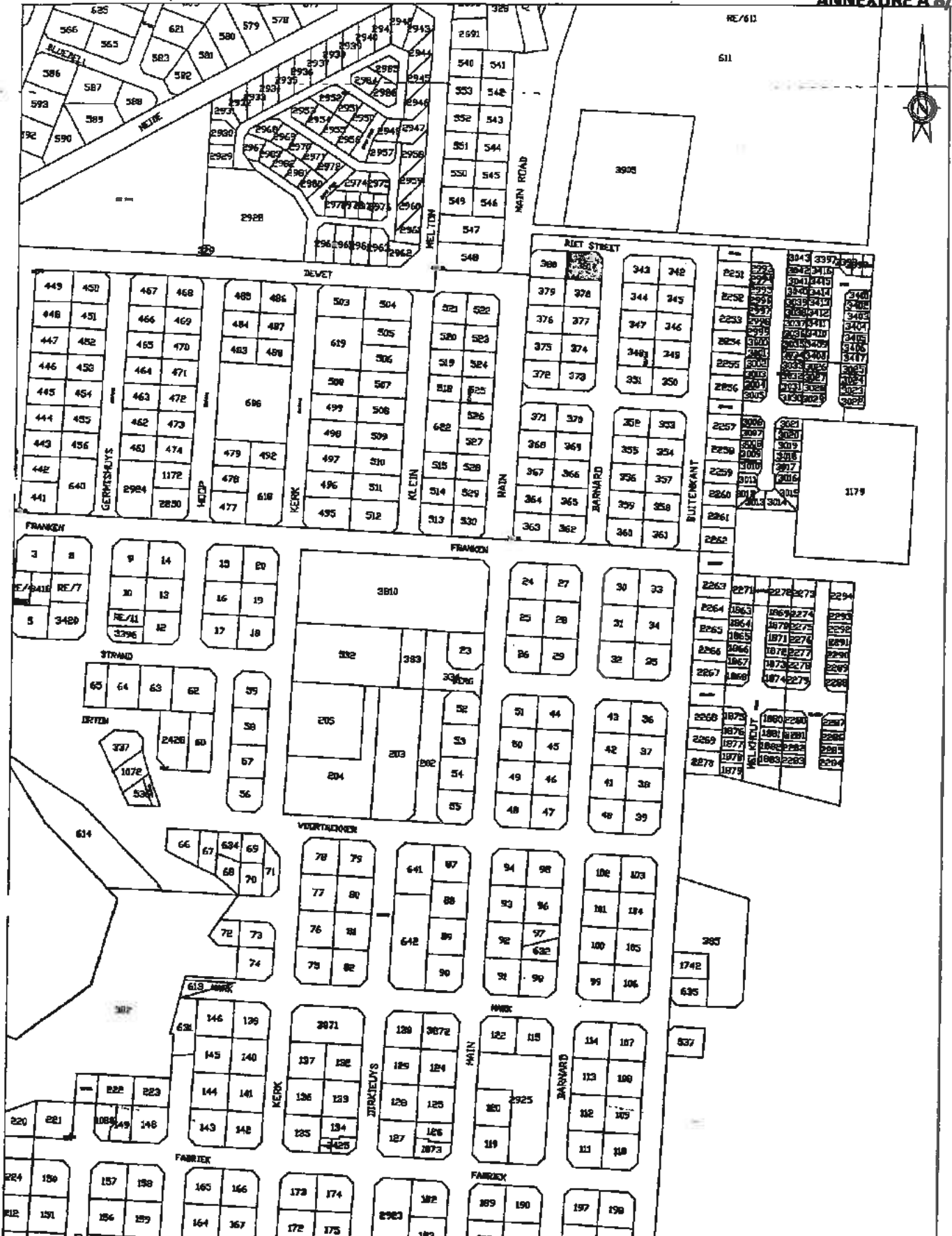
APPROVED

APPROVED CONDITIONALLY

APPROVED IN PART


REFUSED

Decision maker name: **R KUCHAR**Decision maker signature: Date: 30/1/2017



Town & Country
 Creative Land Solutions
 P.O. Box 1085
 Bredaasdrorp
 7280
 Tel. 028 424 1545
 Fax. 028 425 2085
 E-mail: towncountry@vodamail.co.za

PROJECT
LOCALITY PLAN: ERF 381 GANSBAAI
OVERSTRAND MUNICIPALITY



DRAWN LT	CHECKED LT
SCALE NTS	DATE MAY 2018
DWG No.	REVISION
Notes:	

MOTIVATIONAL REPORT
PROPOSED AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT
FRAMEWORK, REMOVAL OF RESTRICTIONS, REZONING & CONSENT USE: ERF 381,
GANSBAAI
Ref. GAN/1474

1. INTRODUCTION

This office was appointed by the owners to prepare the town planning application for the proposed amendment of the Overstrand Spatial Development Plan & Growth Management Strategy, removal of title deed restrictions, rezoning and consent use. The application is required to remove certain restrictive conditions from the title deed to allow operating a butchery from the property, with a consent use to allow for a flat. All uses are proposed within the already existing building on site.

2. APPLICATION

Application is made for:

- I. An amendment of the Overstrand Spatial Development Framework in terms of the Systems Act, Act 32 of 2000
- II. Rezoning of Erf 381 in terms of Section 16(2)(a) of the Overstrand Municipality By-Law on Municipal Land Use Planning to Local Business Zone for purposes of a shop.
- III. Removal of Restrictions, in terms of Section 16(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning
- IV. Consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning for purposes of a flat.

The Primary uses for a Local Business Zone is shops, flats (above ground floor) and offices.

A 'shop' in terms of the Integrated Zoning Scheme is: 'means a property or part of a property used for the retail sale of goods, items and services to the public, including a retail concern where goods which are sold are manufactured and repaired; provided that the floor space relating to such manufacture or repair shall not exceed 50% of the floor space of the shop; 'shop' does not include an industry, service trade, motor repair garage, service station, restaurant, adult entertainment business or sale of alcoholic beverages, and

if such uses are included on the property they shall be regarded as separate uses subject to such separate development rules as may be determined by Council;

3. PROPERTY DETAILS

TOTAL AREA	732m ²
REGISTERED OWNER	Daniel Gerhardus Vermeulen Anna Magaretha Vermeulen
Boundaries: North	Riet Street and erf 3905
East	Barnard Street and erven 343 and 344
South	Erven 378 and 379
West	Erf 380

Erf 381 is registered under title deed T52043/2009.

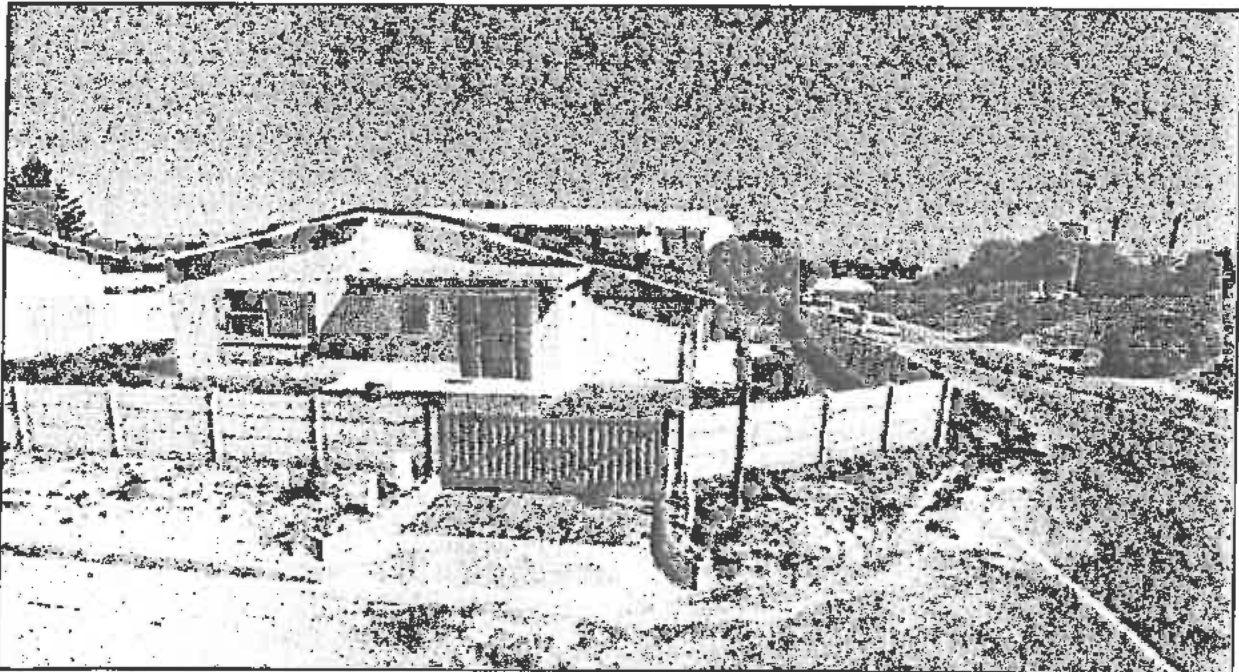
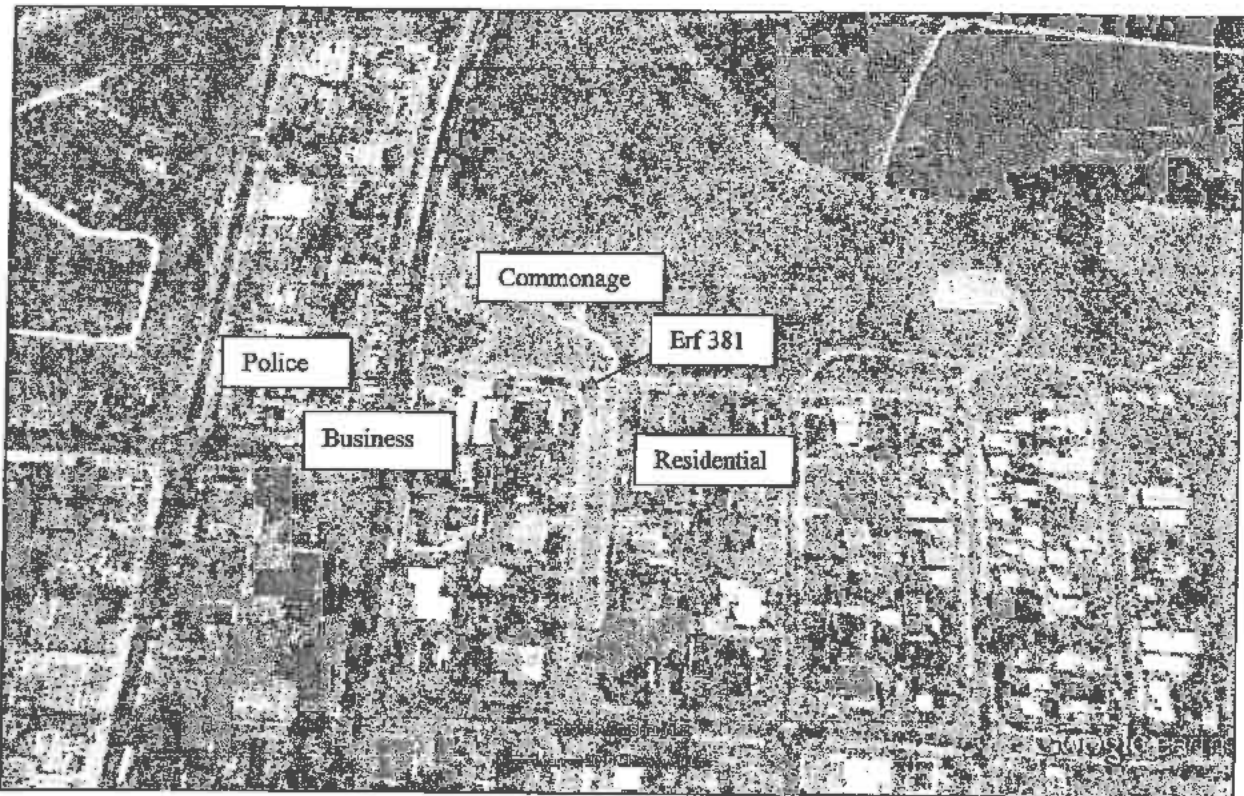


Photo 1. Erf 381 in a western direction

4. SITE DESCRIPTION AND SURROUNDING AREA

Erf 381 is located on the corner of Riet and Barnard Street. The erf is generally flat.

Properties surrounding Erf 381 are of mixed use. The erf towards the north is Municipal Commonage and it is envisioned that it will be partially developed into a day hospital and a clinic; east and south is residential and the property towards the west is business.



Google Earth Image, to illustrate the location of Erf 381 and surrounding land use.

5. PROPOSED REMOVAL OF TITLE DEED RESTRICTIONS

Application is made for the removal of certain title deed restrictions registered against the property, as per deed T52043/2009, that influence the proposed development. These restrictions as follow:

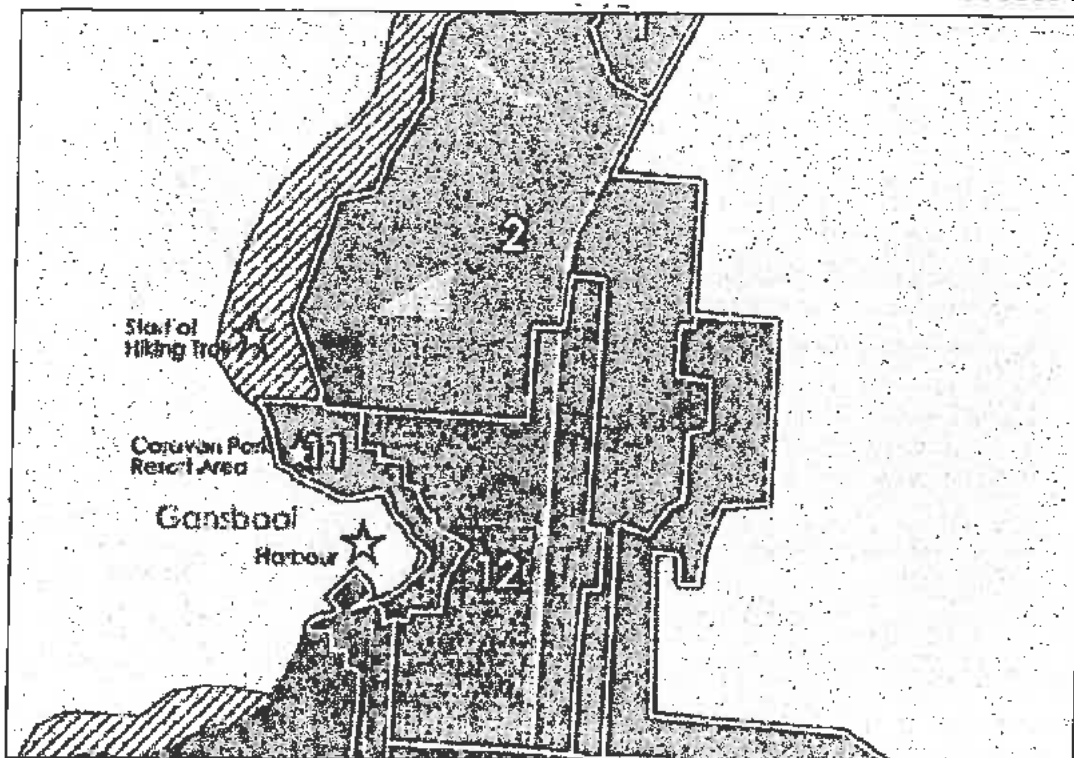
- C.2. (b) 'Hierdie erf mag slegs vir bewoningsdoeleindes gebruik word'
- (c) 'Slegs een woning, tesame met die nodige buitegeboue mag op hierdie erf opgerig word.

Removal of these restrictions is required to allow for the use of the property for commercial purposes. After removal of title deed restrictions, the applicable Municipal Scheme Regulations will govern development restrictions on the erf. We believe that the area and also development criteria changed since the restrictions were imposed and by using Municipal Scheme Regulations as the only set of rules, development becomes much more flexible to changing circumstances and needs.

6. AMENDMENT OF THE OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK & GROWTH MANAGEMENT STRATEGY

Application is made for the amendment of the applicable Spatial Development Framework in terms of the Systems Act, Act 32 of 2000. According to this framework, with reference to the Greater Gansbaai area, Erf 381 is designated for residential use. Considering however the location of Erf 381 next to an existing business erf, located bordering on the row of erven that is on to a busy activity road and also the future day hospital / clinic proposed across the road from Erf 381, we would like to motivate that Erf 381 is lending itself to be used as a business premises.

The Growth Management Strategy, May 2010 for Gansbaai indicates Erf 381 on the Proposals plan as designated for residential use in planning Unit 12. Please see extract from plan below. According to this plan this area is of heritage importance and no further densification is proposed. The houses in Barnard Street is however fairly new houses and are not of historical importance. The 'Proposal' plan does not make provision for the currently proposed day hospital across the road from Erf 381. Circumstances have therefore changed since then and should be considered further motivation for the proposed amendment to allow for the proposed business use.



Extract from the Growth Management Strategy: Plan H: Proposal, indicating the location of Erf 381

7. PROPOSED REZONING & CONSENT USE

The current zoning of Erf 381 is Single Residential Zone.

Application is made for the Rezoning of Erf 381 to Business Zone 3: Local Business, for purposes of a shop, for use as butchery. Application is also made for a consent use on Local Business to use the remainder of the existing house as a flat. The partial use of the property for residential purposes (a flat) mitigates the potential impact of the business property in this location.

8. THE PROPOSED DEVELOPMENT

The owners of the property would like to establish a butchery in an approximately 60m² area inside the existing building. Meat will be processed, dried, packed, stored and sold from the premises. They are currently already providing products to various biltong shops and would like to expand their business. Normal business hours will apply and will be between 08h00 and 17h00 during the week and from 08h00 till 14h00 on a Saturday.

All Health regulations will be carefully complied with. Any waste products will be kept in the cold room until suitably removed.

Application is also made to allow for a flat on the property. The remainder of the house will be rented out as a flat.

Sufficient parking will be supplied on site for both the shop and the flat, as prescribed by the Overstrand scheme regulations.

9. RELEVANT OVERHEAD PLANNING POLICY

Various local, provincial and national forward planning documents are applicable to the application.

9.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (SDF)

The vision of the Overstrand SDF is based on the vision of the Overstrand IDP and is as follows:

'Overstrand Municipality is striving to be the most desirable destination to visit, stay and do business'.

In order to achieve this, the document identifies various principles:

Development Principles:

- **Efficient and integrated planning – Promote efficient and integrated planning and development through:**
 - Integrated development and planning in rural and urban areas with a view to mutual support
 - Optimal utilisation of existing developed resources including bulk infrastructure
 - Promotion of compaction and densification as opposed to low-density sprawl
 - Protection of the agricultural resource base
 - Spatially co-ordinating sectoral activities
 - Addressing historically distorted spatial patterns

RELEVANT GOALS & OBJECTIVES FORMULATED BY THE DOCUMENT INCLUDE AMONG OTHER THE FOLLOWING:

Goal	Objective
To provide an environmentally and economically sustainable bulk service infrastructure and road transport network.	<ul style="list-style-type: none"> • To ascertain the overall carrying capacity of existing bulk services related to existing and future growth, and where appropriate, determine flood lines; • To identify critical problem areas relating to bulk water supply, groundwater abstraction and quality; • To improve and maintain the standard of bulk services with particular reference to bulk water supply, sewerage and solid waste and sewage management; and • To create an efficient, well defined hierarchy of roads.
To address the social needs and expectation of all sections of the community.	<ul style="list-style-type: none"> • To provide access to a full spectrum of social services and facilities; • To ensure the provision of basic housing and services; • To encourage public participation in all issues of public concern; and • To co-ordinate the joint management of certain functions on a sub-regional level, e.g. sporting facilities, education and health facilities.
To promote the conservation and sustainable use of the natural resources in the Overstrand municipal area.	<ul style="list-style-type: none"> • To protect, conserve, and restore where appropriate, all areas deemed to be conservation worthy; • To ensure that the impact of existing and proposed development is adequately evaluated from a holistic environmental perspective, taking current and future generations into account; • To promote the sound management of natural areas to ensure their sustainability; • Rehabilitate and/or restore degraded and disturbed environments where necessary to meet conservation or environmental management objectives; • To limit and control development and activities within environmentally sensitive and/or conservation worthy areas so as to ensure their sustainability taking into account affects on biodiversity; • To promote efficient use of water and energy resources; and • To implement water conservation and demand management objectives within municipal areas in order to promote savings and decrease the demand for costly bulk water supply systems.
To ensure that ongoing development pressure and its spatial implications are managed in a sustainable manner that protects the unique character of the	<ul style="list-style-type: none"> • To promote a spatial development pattern that contains urban sprawl/urban development and promotes compact well-defined settlements; • To retain and strengthen the unique identity of the

<p>existing cultural landscape and the place-specific character and form of the existing settlement pattern.</p>	<p>municipal areas and its districts;</p> <ul style="list-style-type: none"> • To determine clear limits to urban development and define the urban edge/limits of existing settlements; • To conserve and improve the visual quality of the landscape and the scenic route experience of the primary movement corridors; and • To improve the aesthetic quality of the built environment.
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The SDF describes Gansbaai as a fishing village and a popular residential, holiday and retirement destination.

The Greater Gansbaai Spatial Development Framework provides guidelines that should steer future development in the area. This include:

- Urban sprawl should be contained by implementing a densification policy and by providing a clearly defined urban edge.
- Densification should take place by the process of infill development, higher residential densities and the maximum utilisation of existing land uses within the town's structure.
- All new developments should be evaluated in terms of the capacity of the existing services infrastructure.
- Linear development should be avoided by limiting development outside of the established urban area. Only small-scale development, that compliments the rural character or promotes tourism, should be permitted within these areas.
- Land use restrictions should be revised in order to adapt to the changing urban environment.

PROPOSED DEVELOPMENT COMPLIANCE

The development as proposed complies with the general goals and objectives set for the Overstrand Municipal area, even though Erf 381 is outside the proposed business area. An application for an amendment is therefore submitted as part of the application.

The proposed butchery and flat will make use of existing infrastructure and be located inside an existing building. It is situated ±35m from the R43. The erf shares a boundary with an existing business property

and borders on to the line of erven proposed for commercial use in the SDF. A day hospital / clinic are also proposed opposite Erf 381, further motivating the proposed amendment.

9.2 OVERSTRAND SECTORAL DENSIFICATION STRATEGY

A densification study was completed by Urban Dynamics, for the Overstrand Municipality in 2010. The objective of this study is to:

- Promote a more compact, denser, efficient and environmentally sustainable;
- Protect sensitive environments and resources within and outside the urban edge; and
- Rationalise bulk infrastructure and service capacity to ensure that the bulk capacity is provided in the urban areas where growth and development is considered desirable

Critical Contextual Informant being used in the study, includes:

- Historical Development Pattern and Heritage Resources of the towns and settlements within the Overstrand Municipal Area,
- Current Land Use and Distribution Patterns (zoning, densities, land ownership, land values, erf sizes)
- Natural elements and setting
- Population growth and Housing demand
- Bulk Service Capacities
- Traffic capacities and circulation

The Growth Management Strategy does not indicate Erf 381 for business purposes. An amendment of this document is therefore required. Since it was compiled a number of years ago, it also does not make provision for the day hospital proposed across the road from Erf 381. We believe that this serves as one of the main motivations to allow the proposed business use.

9.3 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) 2014

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

The proposed development compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development in the urban areas;
- (iii) Strengthening resilience and sustainable development.

Key policies that is supported by this application:

Policy E3: Revitalise and Strengthen Urban Space-Economies as the Engine of Growth

5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) should be targeted to levers the regeneration and revitalisation of urban economies.

1. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development.

Policy S3: Ensure Compact, Balanced & Strategically Aligned Activities & Land Uses

Town & Country
#1474

This policy reflects the main aim of the policy through targeting economic assists (e.g. Modal Interchanges underutilised strategically located land parcels) should be used as a lever to regenerate and revitalise urban settlements.

Promoting functional integration and mix land use to increase liability of urban areas. Thus the policy specifies the importance to- increase density of settlements and number of units in new housing projects; continue to deliver public investment to meet the needs in settlement developments; integrate packages of land, infrastructure and services as critical to promote densification and efficiency associated with agglomeration.

10. ACCESS & PARKING

Access to the property is proposed from Riet and Barnard Streets. Access from Riet Street will mainly be for delivery vehicles and the Barnard entrance for clients and purposes of the flat.

According to the Integrated Zoning Scheme Regulations applicable to the Overstrand, parking needs to be supplied at follow:

Use	Regulation	Proposed area of development	Parking Required
Shop	6 for every 100m ² GLA	60m ²	3.6
Flat	2 parking bays / flat		2
Total			5.6

¹GLA – Gross Leasable Area

The site plan makes provision for six (6) on-site parking spaces.

¹ GLA means the area of a building designed for, or capable of, occupancy and control by tenants, measured from the centre line of the joint partitions to the inside finished surface of the outside walls, and shall exclude the following:

- i) all exclusions from the definition of floor space,
- ii) toilets,
- iii) lift shafts, service ducts, vertical penetrations of floors,
- iv) lift motor rooms for other mechanical equipment required for the proper functioning of the building,
- v) interior parking and loading bays

SERVICES

services are existing and it is not expected that any upgrades will be required.

Water: Supplied by the Overstrand Municipality

Electricity: Supplied by the Overstrand Municipality

Waste: Overstrand Municipality

Waste Removal: Overstrand Municipality. Waste from the butchery will be kept in the cold room, until it is subsequently removed from the premises.

DESIRABILITY

Deed

- There are certain restrictions in terms of the Title deed, that have an influence on this application and that have to be removed. The deed also states that there is a right of habitation registered on the property. The beneficiaries are however already deceased and this is no longer applicable.

Physical Characteristics of the Property

- The erf is already developed and no natural vegetation will be removed.
- The erf is flat.
- Being a corner property, the site is very accessible.
- The size of the erf makes it suitable for the proposed use, since the provision of enough parking spaces is possible.

Overhead Planning

The project generally complies with the overhead planning for the area:

- The erf is inside the Urban Edge as indicated on the approved Overstrand Spatial Development Framework.
- It complies with general goals and objectives set in local planning documents, even though it falls just outside the area designated for commercial use.



Riet Street

Entrance

0m Side Building Line

0m Side Building Line

12.50

Loading Zone

Business: ±60m²

Flat

381

P1

P2

P3

Entrance

3m Side Building Line

P6

P5

P4

Barnard Street

378

Town & Country
Creative Land Solutions

P.O. Box 1085
Bredasdorp
7280

Tel. 028 424 1545
Fax. 028 425 2085

E-mail: towncountry@vodamail.co.za

PROJECT

SITE PLAN: ERF 381 GANSBAAI
OVERSTRAND MUNICIPALITY



DRAWN

CHECKED

LT

LT

SCALE

DATE

1:250

APR 2016

DWG No.

REVISION

1474

Note: All areas and distances subject to survey

OVERBERG

DISTRIKSMUNISIPALITEIT
DISTRICT MUNICIPALITY
UMASIPALA WESITHILI



MELD ASB/PLEASE QUOTE

Ons Verw./Our Ref.: 18/3/9/11/2

Navrae/Enquiries: Miss C Adams

Bylyn/Ext.: 0829299901

Privaatsak: X22

Private Bag:
BREDASDORP
7280

Tel: (028) 4251157

Fax: (028) 4251014

Hermanus Office

15 Flower Street

Hermanus

7200

15 September 2016

Town Planning Department
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: A. Calitz

PROPOSED REMOVAL OF RESTRICTIONS, REZONING, CONSENT USE AND THE AMENDMENT OF OVERSTRAND SDF: ERF 381 GANSBAAI

CERTIFICATE OF ACCEPTIBILITY

Butchery should apply for a Regulation 962 Certificate of Acceptability from ODM (Municipal Health) and adhere to these requirements at all times. There should be no direct access from flat into the butchery area.

WATER

Water used on premises should be purified and must comply with SABS Standards, (SANS 241) Standard for drinking water.

WASTE

Written agreement with the Local Municipality should be accepted to arrange for the removal of refuse on a regular basis, and refuse bins should comply with the solid waste management.

Yours truly,

MUNICIPAL MANAGER
CA/nc



OVERSTRAND
Munisipaliteit • U-Masipala • Municipality

Correspondence moet aan die Munisipale Bestuurder gerig word.
Correspondence must be addressed to the Municipal Manager.

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: A Calitz	Van / From:	Department: Operational Services
Afskrif / Copy:		Datum / Date:	28 September 2016

Ref: Erf 381, Gansbaai

**RE: APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS, REZONING AND
 CONSENT USE – ERF 381, GANSBAAI**

The request for comment from the Department: Operational Services (Gansbaai) dated 23 August 2016 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Proposed removal of restrictive conditions, rezoning from "Single Residential" to "Business Zone 3 with consent use" on Erf 381, Gansbaai (732m²), in order to establish a business.

1. ANALYSIS

1.1. Water

- 1.1.1. The existing water connection to Erf 381 shall be used to service Erf 381.
- 1.1.2. The proposed removal of restrictive conditions, rezoning and consent use will not have a significant impact on the existing municipal water supply network. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

1.2. Sewer

- 1.2.1. The existing sewer conservancy tank on Erf 381 shall be used to service Erf 381.
- 1.2.2. Sewerage will be removed from the sewer conservancy tank as per municipal arrangement.

- 1.2.3. Any relevant commercial food preparation facilities must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.
 - 1.2.4. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 1400 – P: 2010: Drainage*.
 - 1.2.5. The proposed rezoning will not have a significant impact on the existing municipal sewer tanker service. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.
- 1.3. Streets**
- 1.3.1. Access can be obtained from Riet and Barnard Street.
 - 1.3.2. Any additional and / or extended vehicle entrances will be for the owner's account.
- 1.4. Storm water**
- 1.4.1. The "Common Law" shall apply with regards to storm water discharge.
- 1.5. Parking**
- 1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.
- 1.6. Other services**
- 1.6.1. The Department: Operational Services does not have any information regarding any Telkom-, other telecommunications- and / or Electrical services which may be affected by the proposed development. The Electrical- and Traffic departments, as well as Telkom and other relevant service providers, must therefore also give their recommendations regarding the application.
- 1.7. Refuse removal**
- 1.7.1. Refuse will be removed from sidewalks as per municipal arrangement.
- 1.8. Irrigation water**
- 1.8.1. No irrigation water is available in this area.

1.9. Waste Water Treatment Works (WWTW)

1.9.1. The proposed rezoning will not have a significant impact on the Waste Water Treatment Works. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

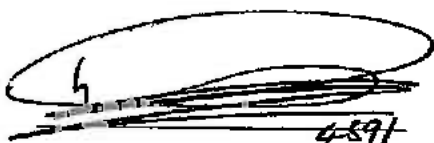
1.10. Bulk Water Supply

1.10.1. The proposed rezoning will not have a significant impact on the bulk water supply, reservoirs or other bulk water Infrastructure. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

RECOMMENDATION

- 1.1. With regard to the application for the removal of restrictive conditions, rezoning and consent use on Erf 381, Gansbaai towards establishment of a business, the Department: Operational Services has no objections to the application, subject to the following conditions:
 - 1.1.1. That the existing water connection and sewer conservancy tank to Erf 381 shall be used to service Erf 381.
 - 1.1.2. That any relevant commercial food preparation facilities must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services
 - 1.1.3. 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.
 - 1.1.4. Those on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
 - 1.1.5. That any additional and / or extended vehicle entrances will be for the owner's account.
 - 1.1.6. That the Electrical- and Traffic Departments, as well as Telkom and any other relevant authorities and service providers not have any objections to the application.

Yours faithfully



W. Germishuys
Principal Technician: Operational Services
Gansbaai



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Gansbaai



File reference:	3295
Date:	23/08/2016

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: SCHALK VAN DER MERWE

TO:

Area Manager	Building Department	District Health	Electrical Department
Environmental Officer	Fire Department	Infrastructure and Planning (Onrus)	Local Heritage Committee
Operational Services	Traffic Department	Ward Councillor (D Botha)	Waste Management

Applicant	TOWN & COUNTRY obo DG & AM VERMEULEN
Property Details	ERF 381 GANSBAAI
Application Description	PROPOSED REMOVAL OF RESTRICTIONS, REZONING, CONSENT USE AND AMENDMENT OF THE OVERSTRAND SDF

ATTACHMENTS :

<ol style="list-style-type: none"> 1. Notice 2. Locality Plan 3. Site & Ground Floor Plans 4. Motivation 	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
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YOUR DEPARTMENT'S COMMENTS:

<p>Fire safety must comply with requirements of National Fire Protection Regulations SANS 10400 T: 2011. Relating to Occupancy Classification as per Table 6</p>	
<p><i>[Signature]</i></p>	<p>MUNICIPALITEIT OVERSTRAND MUNICIPALITY FIRE BRIGADE / BRANDWEER APPROVED / GOEDGEKEUR</p>
Signature:	Date: 07 OCT 2016

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

• Building Control Department to confirm that all structures on the properties are in accordance with the approved building plans.

COMMENTS REQUIRED BY:	30 SEPTEMBER 2016
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**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REMOVAL OF RESTRICTIONS, REZONING, CONSENT USE
AND AMENDMENT OF THE OVERSTRAND SDF: ERF 381, GANSBAAI (3295)**

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

Conditions:

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

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

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

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

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

The contribution according to the current policy (2016/2017) is as follows:

Freehold erven:

Water	R 21 500.00 x 0.24 =	R 5 160.00
Sewerage	R 14 496.00 x 0.18 =	R 2 609.28
Roads	R 6 500.00 x 1.70 =	R 11 050.00
Stormwater	R 7 500.00 x 2.18 =	R 16 350.00
Solid Waste	R 1 300.00 x 1.83 =	<u>R 2 379.00</u>
TOTAL (inclusive of VAT)	=	<u>R 37 548.28</u>

Note:

- 1.3 The above figures are estimates**
2. that the existing water and sewer conservancy tank to Erf 381 shall be used to services Erf 381;

2

3. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 10400 – P: 2010: Drainage;
4. that only a standard 60 Amp single phase electricity connection will be available on the erf 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;
5. that access to Erf 381 can be obtained Riet and Barnard Street;
6. that no on-street parking be allowed;
7. that stormwater be allowed to discharge through erf 381, Gansbaai, unobstructed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

20/10/2016

DATE