

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 May 2016  
(Also the agenda for the Mayoral Committee Meeting : 25 May 2016)**

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**2.**

**ERF 10347, 17 LONG STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA :  
PROPOSED CONSENT USE : MESSRS COETSEE VAN ZYL ATTORNEYS ON  
BEHALF OF DRS SCHIMMER & RIEDELSHEIMER**

**10347 HNC (2818)**

**H van der Stoep**

**12 April 2016**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 18 February 2015 from Messrs Coetzee van Zyl Attorneys on behalf of Drs Schimmer & Riedelsheimer on Erf 10347, Hermanus in order to conduct informal trading on a specific portion of the property concerned.

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

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 2.2 of the Overstrand Municipality Zoning Scheme

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to all surrounding affected property owners. No objections were received against the proposal.

The application was also circulated to all relevant municipal departments, and no objections were received against the application.

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### **Discussion**

In terms of the Overstrand Zoning Scheme, the property is zoned as General Business Zone 1 and informal trading can be accommodated as a consent use. In terms of the Spatial Growth Management Strategy, the area is located in the Central Business District (CBD) and does promote economic development.

In terms of the CBD Regeneration Framework the application property is part and parcel of the framework and must be evaluated in terms of proposals. In the 2002 Framework in Spatial Context, conflict of land uses was seen as a challenge. Many pedestrians traveling into town from the taxi rank and disembark at the taxi rank and the routes between the taxi rank and the main pedestrian destinations are of poor quality due to cluttered with street furniture and uneven sidewalks. The study clearly shows the application area as one of the main focal points where vehicular and pedestrians clash, however this aspect can be resolved should the proposed application ensure that vehicles entering the site do not exacerbate the present situation. With the redevelopment of the CBD, this conflict point will be addressed with the redesign of the area, known as Mitchell Square.

The study also highlights the lack of parking facilities within the CBD, which equates to two (2) bays per 100m<sup>2</sup> and not the average six (6) bays/100m<sup>2</sup>. The improvements of Gearings Point and the market stalls have improved the quality of open spaces, however the aforementioned does not interact properly with the core of the CBD. In order to address the lack of connectivity, the Mitchell Square development has been approved with substantial changes at the interchange of Mitchell and Long Street. This proposed development intends to establish a strong central square to connect Station Square and the coastal developments with the inner CBD. The proposed development can assist to establish the connectivity between the Long Street businesses and the new development.

In order to ensure development and economic resilience, the Planning Skeleton File (PSF) Impact of Commercial & Office Decentralization (COD) Report, 2014, highlights the value of retaining commercial and economic viability in CBD's. The principles underlying the viability of CBD's are that residential activities must be encouraged within a CBD in order to ensure a vibrant life day and night. At present the CBD of Hermanus is the commercial hub for the Overstrand and the surrounding regions. It consists of the normal coastal attractions and small shops, restaurants and galleries. Hermanus is depended on its tourism economy, which must be driven by additional factors such as vibrant local economies, enterprising communities and pro-active planning. In view of the shopping mall at Sandbaai, the CBD will be challenged and will require proactive investments in its unique offerings and quality of the environment of the CBD.

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The outcome of the study : one of the major problems identified is the lack of public toilets and pedestrian vehicular conflict in numerous locations. The degradation of areas from the taxi rank towards Main Road is evident. The proposals to address issues relating to the application site includes the following: the off street parking on the southern side of Long Street be reduced and that the Mitchell Square development be promoted, which includes a new mixed use development, structured parking, public space and road upgrades. Mitchell Square is strategically located within the CBD and is located at the junction of several pedestrian networks and links to a number of public and civic amenities such as the cliff walk, Market Square, Civic and Municipal Precinct, taxi rank and commercial nodes along Long-, High- and Mitchell Streets. The development has the potential to unleash a development of high quality, which is key to attract the investment needed for such a project.

### **Evaluation**

The application property is located on the corner of Long and Mitchell Street. The erf is partially developed and consists of a book shop of 159,50m<sup>2</sup> and a restaurant of 114m<sup>2</sup> in extent. The site plan indicates the amount of parking for the book shop as three (3) bays, which is incorrect as the bookshop must have four (4) parking bays. The restaurant has as per the site plan ten (10) parking bays with a loading bay. The remainder of the erf is vacant and the proposal consists of the following: fourteen (14) parking bays and ten (10) sites of 9m<sup>2</sup> per site, thus a total of 90m<sup>2</sup>. The parking bays are indicated as 3m by 2,7m, which is incorrect. In terms of the Overstrand Zoning Scheme, a parking bay must be 2,5m in width and 5m in length with a 7,3m turning area. If one measures the parking bays on the plan, the dimensions do not correspond with the dimensions in the legend.

The layout of the proposed informal sites is in direct conflict with vehicular movement due to the parking bays located between the informal sites. Thus pedestrians visiting the informal market will have to move between vehicular movements, which are a conflict situation to be avoided, especially in respect of the elderly and children visiting such a market.

It is clear that the proposed activity can be beneficial to the CBD renewal program, however proper planning of the site is crucial, firstly to address the parking and conflict point between pedestrian and vehicular movement. It is imperative that the layout and the design of the site be in accordance to planning and engineering standards, which at present is lacking. The property is big enough to accommodate proper planning in this regard. This aspect can be addressed in a proper Site Development Plan design to the benefit of the wider public.

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The memorandum submitted as motivation did not address the delivery of product and/or produce to the sites and where these vehicles will be parked. If the indicated parking bays are for such purpose, it is not sufficient to cater for vehicles with trailers and/or vehicles with a tonnage more than 1 ton. As such, no provision is made for sufficient public parking. The aspect of ingress and egress of vehicles has not been addressed in a street already under pressure of motor vehicle movements and horse and trailer trucks catering for the existing shops and Pick and Pay Centre. The site plan also does not give an indication on ablution facilities, especially with regard to disability ablution facilities and where delivery vehicles (trailers), etc. will be parked. This has an implication on the length of parking bays and/or amount of parking bays required. The site plan indicates stall stands 7, 8, 9 and 10 next to Long Street. Due to the congestion already prevalent in Long Street, especially during Saturdays, holidays and the festive season, it is recommended that the stands be set back from Long Street in order to ensure there are minimum conflict between vehicles and pedestrian movement.

These aspects were not thought through and addressed. It is thus imperative that a professional person be appointed, schooled in planning and design to address the aforementioned. The application proposal in principle can be beneficial to the whole CBD revitalization, but proper thoughts and planning of the site development must be submitted to address certain key issues. This is lacking in the application, but can be addressed as part of the approval conditions.

Taking the abovementioned into consideration, the proposed application can play part in unlocking the business area at Mitchell Square into a vibrant community of local and tourist entrepreneurship. Although the application falls short in terms of motivation and site plan, it can play a vital role in terms of the CBD Revitalization Strategy.

In order to ensure that the proposed application does contribute to the upliftment of the CBD, the applicant will have to submit an operational plan in terms of the management, operation and structures that will be erected by the traders. An Architectural Guideline must also be submitted to address the type of structure in order to ensure conformity and aesthetics. Simultaneously the applicant must submit a Site Development Plan as per the Overstrand Zoning Scheme Regulations showing vehicular and pedestrian movement, parking as well as ablution facilities. This to be submitted to the Director: Infrastructure and Planning for approval before activities can commence.

### **Conclusion**

The application is recommended for approval subject to the conditions before any of the activity can commence.

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**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Building Control Department**

Site to have enough parking and sufficient toilet facilities. Any structures to be erected to have plans submitted in accordance with National Building Regulations and SANS 10400.

**Fire Department**

No objection.

**Traffic Department**

This is an existing business. They only changed from solar shop to bookshop. All parking stays the same. There is no obstruction to sidewalks or public road.

**Engineering Services Department**

Attached as Annexure D.

**10. Annexures**

- Annexure A: Locality Plan
- Annexure B: Proposed Site Development Plan / Parking Layout
- Annexure C: Motivation Report
- Annexure D: Services Report

**RECOMMENDATION:**

1. that, in terms of Section 2.2 of the Section 9 Zoning Scheme Regulations of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for a consent use on Erf 10347, Hermanus in order to conduct informal trading on a specific portion of the property concerned, **be approved**, subject to the following conditions:
  - (a) that an Operational Plan be submitted to address the management and operational management of the informal market;

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- (b) that Architectural Guidelines addressing type of structures and aesthetics be submitted;
  - (c) that a Parking Layout addressing parking for vehicles, trailers and manoeuvrability be submitted;
  - (d) that public toilet facilities inclusive of disability facilities be addressed;
  - (e) that storage of structures and produce be addressed;
  - (f) that a Site Development Plan as per the Ovestrand Zoning Scheme be submitted for approval;
  - (g) that waste management of the area be addressed and indicated on the Site Development Plan;
  - (h) that no development and/or activity may commence before Conditions (a) to (g) have not been addressed and approved by the relevant officials of the Municipality, and
  - (i) that the approval is limited to five (5) years.
2. that the applicant be notified of its right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>

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PROPOSED CONSENT USE : MESSRS COETSEE VAN ZYL ATTORNEYS ON  
BEHALF OF DRS SCHIMMER & RIEDELSHEIMER**

**10347 HNC (2818)**

**H van der Stoep**

**(028) 313 8900**

**Hermanus Administration**

**12 April 2016**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 MAY 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION:**

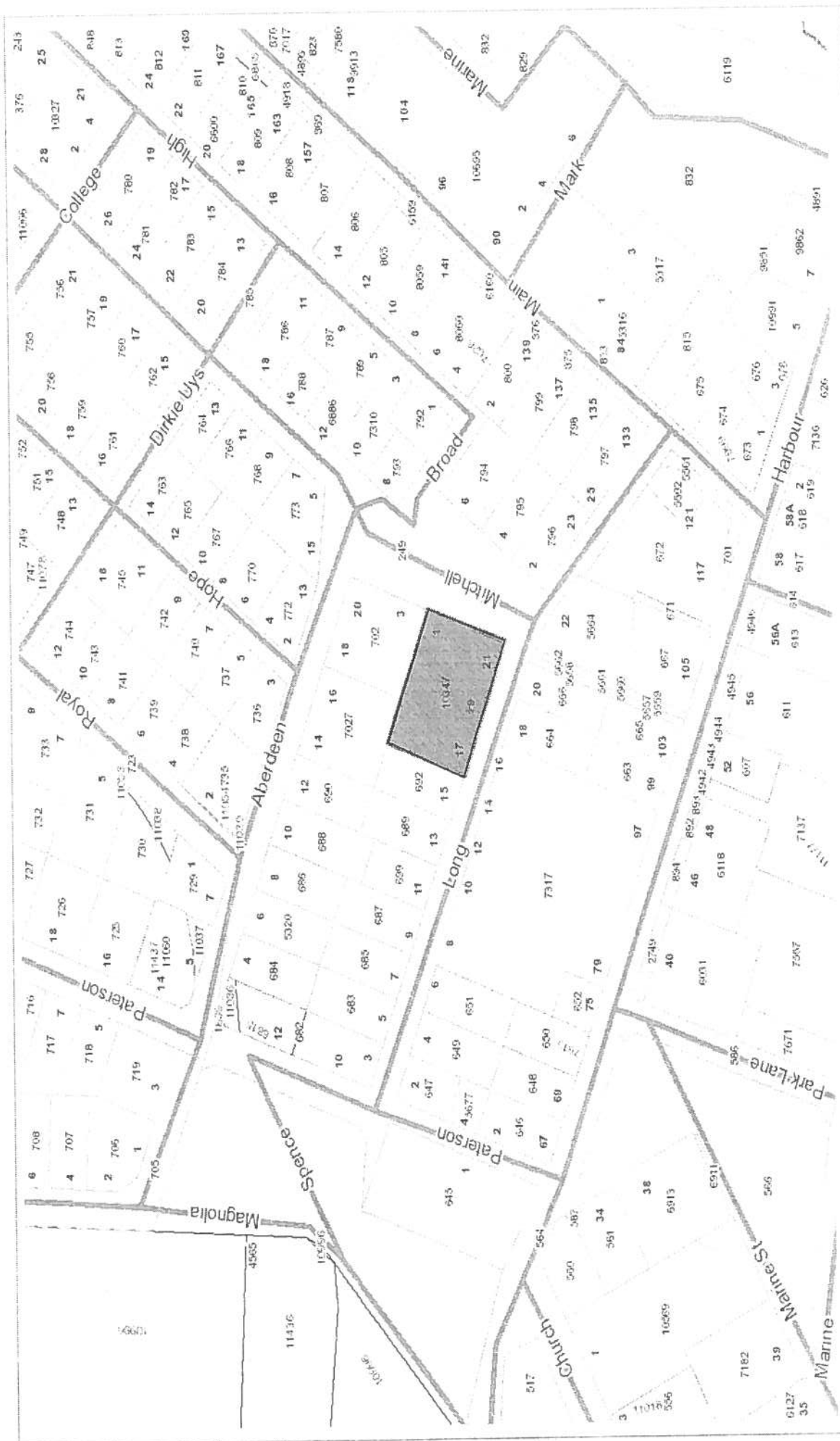
that the item be referred back.

**RESPONSIBLE OFFICIAL : H VAN DER STOEP**

**TARGET DATE FOR IMPLEMENTATION : 8 JUNE 2016**

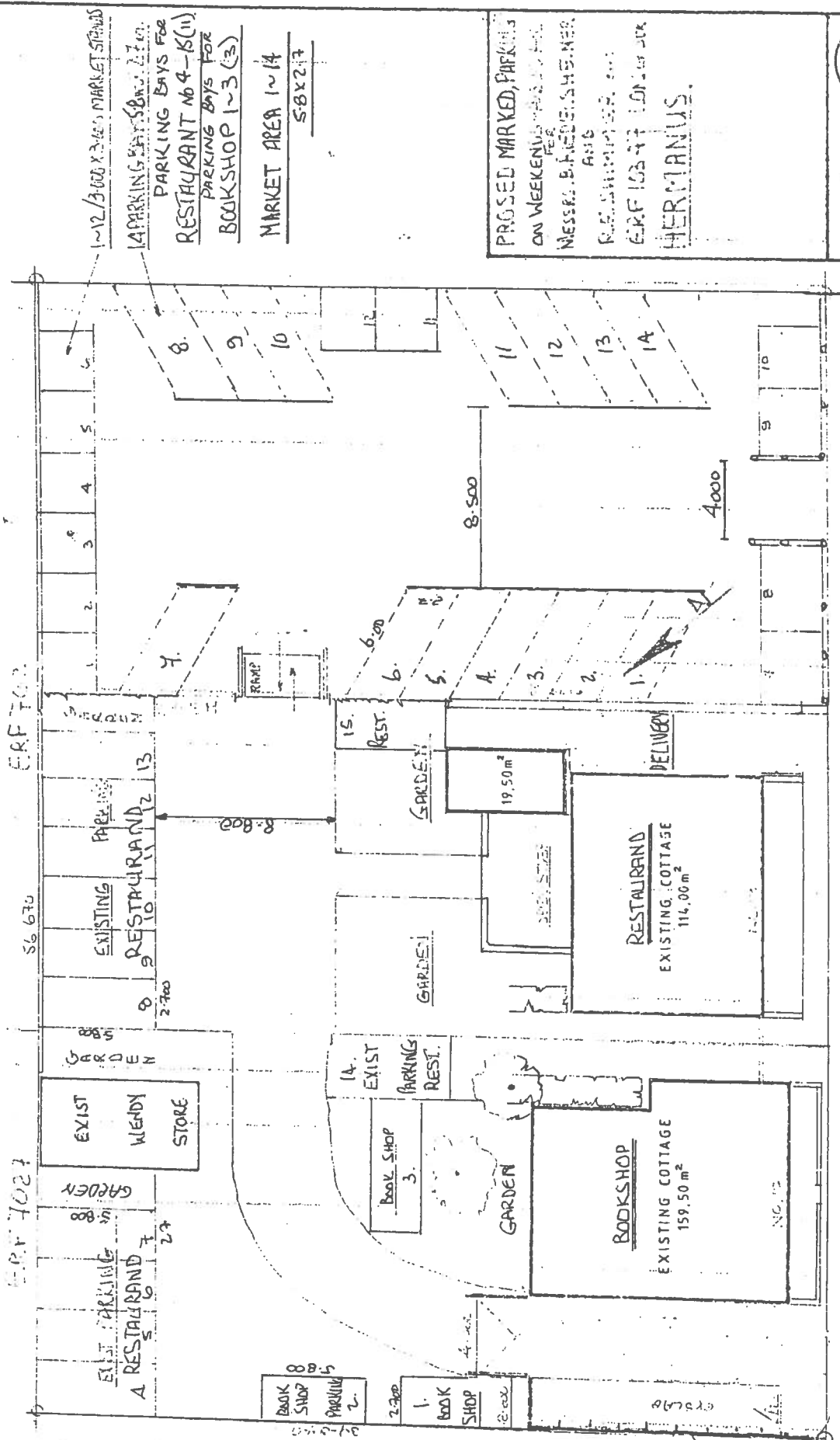
**TARGET DATE TO INFORM APPLICANT : 8 JUNE 2016**

**TARGET DATE TO INFORM OBJECTOR : N/A**



LOCALITY PLAN / LIGGINGSPLAN  
 ERF 10347  
 17 LONG STREET, HERMANUS





~12/300 X 300 MARKET STANDS  
 14 PARKING BAYS FOR RESTAURANT  
 27 RESTAURANT NO 4-8(11)  
 3 PARKING BAYS FOR BOOKSHOP ~3 (3)  
 MARKET AREA ~14  
 58 X 27

PROPOSED MARKED PARKING ON WEEKENDS FOR MESSRS. B. FREDERICKS, HENNER AND BROS. RESTAURANT HERMANUS.

DRAWN BY: 0283163275  
 0829322044  
 Number of SA Overall for Architectural Profession (E.S. - N. PA) 2677

LONG STREET

GROUND FLOOR 1 : 200

GROUND FLOOR

ERF 7027

S6 670

ERF 7027

ERF 7027

## MOTIVATIONAL REPORT

### **Introduction**

1. The subject application is for a consent use in order to use a portion of Erf 10347 Hermanus,<sup>1</sup> to house a facility of informal trading, In terms of paragraph 7.1.1(b) of the Overstrand Zoning Scheme Regulations as published on 29 November 2013 in the province of Western Cape Provincial Gazette extra ordinary no. 7203.

### **Physical Characteristics of the property**

2. The property in question, previously known as Erf 697 Hermanus,<sup>2</sup> and remainder Erf 698 Hermanus,<sup>3</sup> is situated on a parking area adjacent to Mitchell Street, but more specific on the corner of Mitchell Street and Long Street, Hermanus. This property previously housed commercial premises which over time was demolished. Currently this piece of property is a vacant piece of land which has a level gravel surface and is undeveloped. As the property is currently zoned for business and is situated within the Central Business District (Hereinafter referred to as the "CBD") of Hermanus, an opportunity can be created on this property for informal trading as it is submitted that the property is ideally suited therefore.

### **Existing planning in the area**

3. It is submitted that the planned activity will tie in with the existing planning in the area, as it is earmarked in the structure plan for business and informal trading is permitted as a secondary use under a business zone.

### **Character of the environment**

4. It is submitted that an informal trading area on this property will be compatible with the character of the environment which consists of business retail premises and offices. It is situated in the heart of the CBD of Hermanus. Across the road from this Erf there is a historical building

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<sup>1</sup> Marked on the land surveyor chart as portion "FJCB"

<sup>2</sup> Marked on the land surveyor chart as portion "GHCJ"

<sup>3</sup> Marked on the land surveyor chart as portion "FBHG"

with a thatch roof and parking areas. Informal trading by means of market stalls will not detract from the character of the environment.

#### **The potential of the property**

5. The property being a vacant piece of land has no potential to house any other activity other than maybe private parking.

#### **The location and accessibility of the property**

6. The property is highly accessible as it is situated on a corner stand, adjacent to a public parking area in Mitchell Street. It is situated virtually in the centre of the Hermanus CBD and is therefore within walking distance of all shops, restaurants and other amenities in the Hermanus town centre, specifically the current informal trading area of Market Square.

#### **Provision of services**

7. It is not envisaged that any services need to be provided.

#### **The construction phase of the proposal**

8. No construction is envisaged as the structures will be erected in the morning and removed at night.

#### **Desirability and conclusion**

9. This vacant piece of land is sometimes used during peak seasons for private parking, but apart from that it is a valuable piece of land in the centre of the CBD of Hermanus, which is not being utilized to the benefit of the public.
10. To allow an informal trading area on this land will not only spread pedestrian traffic to an area of the CBD which is currently under utilized as the high density tourist attraction areas are currently situated at the Market Square and Checkers Development or further along the coastline where most of the restaurants are situated. This market stall will attract tourists and visitors to an area where increased commercial activity is sorely

needed. It will undoubtedly have a beneficial spin-off to the other retail outlets in the immediate vicinity.

11. Furthermore the proposal will not detract from land use rights of the surrounding properties as it will not generate any negative impact which was not generated by the premises prior to this application. The proposed land use must therefore be considered to be well integrated and compatible with that of the subject site, as well as the surrounding properties.

### **Conclusion**

12. In light of the above, it can be concluded that the proposal compliments the nodal business area, as it does not compromise the operation and economic wellbeing of the surrounding retail and business uses. It is important to note that the scale of the proposed activities is minuscule in nature and can therefore not be compared to a large informal trading area, such as the Market Square area. The proposal creates an opportunity or addresses a shortcoming that currently exists in the area for a place of informal trading. As such there are no negative factors which could indicate that this proposal should be considered as being undesirable.

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR CONSENT USE: ERF 10347, NORTHCLIFF (2818)**

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

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that stormwater be allowed to discharge through Erf 10347, Northcliff, unobstructed;
4. that no on-street parking be allowed;

  
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**DENNIS HENDRIKS  
SENIOR MANAGER:  
ENGINEERING SERVICES**

7 October 2015  
DATE