OVERSTRAND MUNISIPALITEIT
ERF 2925, BROOKLYNSTRAAT 2, HAWSTON: AANSOEK OM VERGUNNINGSGEBRUIK: WRAP (nms OZRAN 57 (PTY) LTD)

Kragtens Artikel 47 en 48 van die Overstrand Munisipaliteit Gewysigde Verordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Erf 2925, Hawston, naamlik:

Vergunningsgebruik
Aansoek ingevolge Artikel 16(2)(o) van die Verordening ten einde 'n vulstasie op die eiendom te akkommodeer.

Besonderhede aangaande die voorstel lê ter insae gedurende weeksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus.

Enige kommentaar moet skriftelik ingedien word in terme van Artikels 51 en 52 van die bogenoemde Verordening aan die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) voor of op **18 Junie 2021**, stipuleer u naam, adres, kontak besonderhede, belang in die aansoek en redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Stadsbeplanner, Mnr. H. Olivier** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

Munisipale Bestuurder, Overstrand Munisipaliteit, Posbus 20, **HERMANUS**, 7200

Munisipale Kennisgewing Nr. 74/2021

OVERSTRAND MUNICIPALITY
ERF 2925, 2 BROOKLYN STREET, HAWSTON: APPLICATION FOR CONSENT USE: WRAP (obo OZRAN 57 (PTY) LTD)

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law) of the following application applicable to Erf 2925, Hawston, namely:

Consent Use
Application in terms of Section 16(2)(o) of the By-Law to accommodate a service station on the property.

Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department : Town Planning at 16 Paterson Street, Hermanus.

Any written comments must be submitted in accordance with the provisions of Sections 51 and 52 of the said By-law to the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) on or before **18 June 2021**, quoting your name, address, contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Town Planner, Mr. H. Olivier** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

Municipal Manager, Overstrand Municipality, P.O. Box 20, **HERMANUS,** 7200

Municipal Notice No. 74/2021

UMASIPALA WASE-OVERSTRAND
ISIZA 2925, 2 EBROOKLYN ISITALATO, EHAWSTON: ISICELO SEMVUME YOKUSETYENZISWA: WRAP (egameni lika OZRAN 57 (PTY) LTD)

Kukhutshwe isaziso ngokweSolotya lama-47 nelama-48 loMthetho kaMasipala oTshintshiwe kaMasipala waseOverstrand loCwangciso lokuSetyenziswa koMhlaba kaMasipala, 2020 (umThetwana) malunga nesicelo esilandelayo esichapazela Isiza 2925, eHawston esichazwe ngezantsi:

Imvume yokusetyenziswa
Isiceleo ngokweSolotya 16(2)(o) yaloMthetwana ukuvumela indawo yokugcwalisa ipetroli kulo mhlaba.

linkcukacha malunga nesisindululo ziyafumaneka ukuze zihlolwe phakathi evekini ukusukela kwintsimbi ye 08:00 ukuyotsho kweye 16:30 kwiSebe lezoCwangciso lweDolophu kwa 16 Patenson Street eHermanus

Naziphina izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSolotya lama-51 nelama-52 oMthethwana kaMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphandle komhla **wama 18 EyeSilimela (uJuni) 2021**, uchaze igama lakho, idilesi, neenkcukacha ofumaneka kuzo, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa **umCwangcisi weDolophu, Mnu. H. Olivier** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifunyenwe emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angaya kwiSebe Lezicwangciso zeDolophu apho igosa likaMasipala liza kumnceda ahlomle ngokusemthethweni.

UMlawuli kaMasipala, Overstrand Municipality, P.O. Box 20, **HERMANUS**, 7200

Inothisi kaMasipala Nomb. 74/2021

Plan 1: Locality Plan
Erf 2925 Hawston

Subject property (2817m²)

Tel: 028 313 1411
Email: admin@wrapgroup.co.za

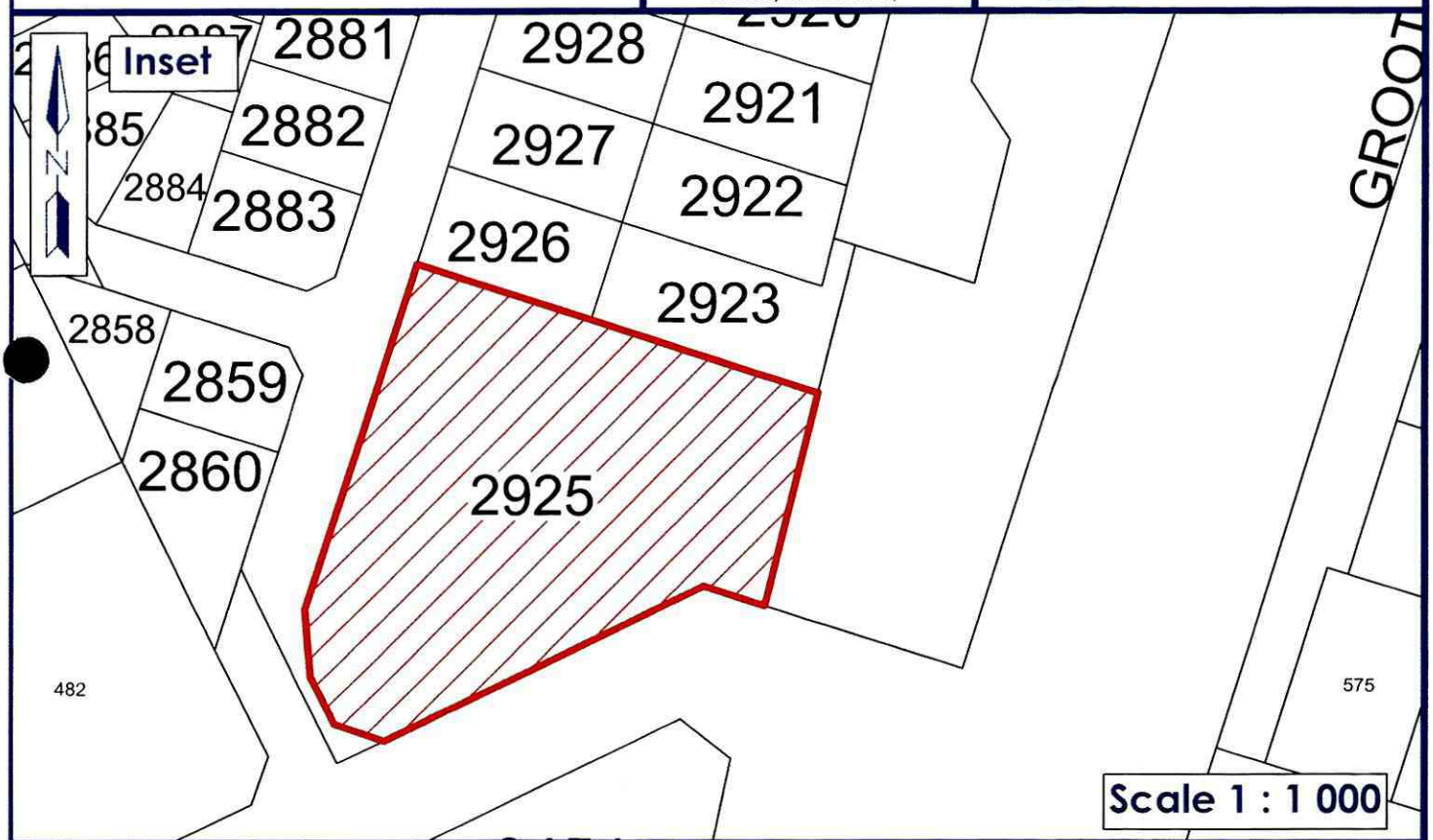
Plan 1.1

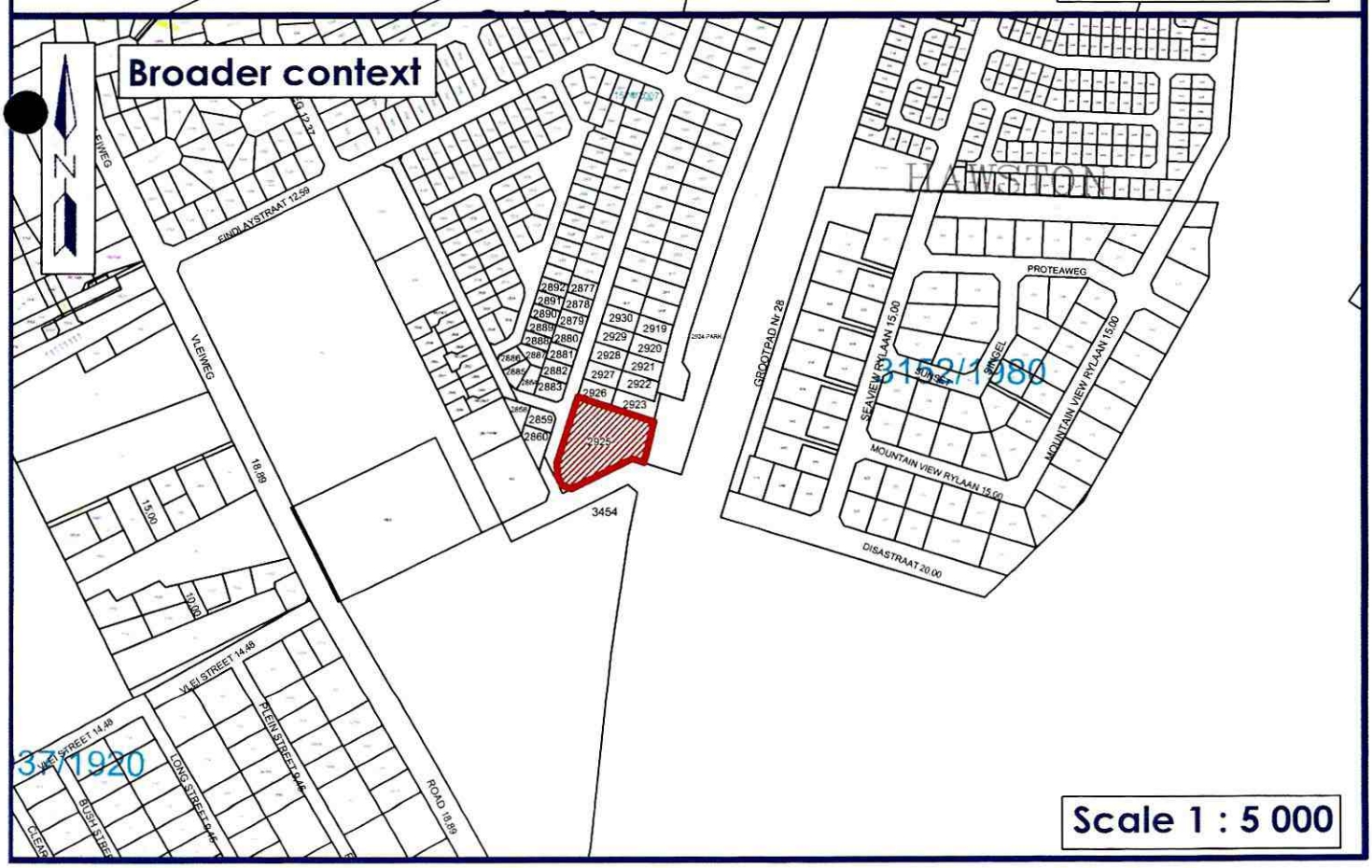
Unit B, Corner of Royal and Dirkie Uys Street Hermanus, 7200

Plan prepared by: Reatlehile Jankie

All distances are approximate and subject to a survey

WRAP Project Office
Town Planning & Project Management





1. ABBREVIATIONS

1.1	**OMLUS**	Overstrand Municipality Land Use Scheme, 2020
1.2	**SDF**	Overstrand Municipality Spatial Development Framework, 2020
1.3	**OMGMS**	Overstrand Municipal Growth Management Strategy, 2010
1.4	**OM**	Overstrand Municipality
1.5	**OM By-Law**	Overstrand Municipality By-Law on Municipal Land Use Planning, 2015, as amended
1.6	**LUPA**	Land Use Planning Act, 2014
1.7	**DEADP**	Western Cape Department of Environmental Affairs and Development Planning
1.8	**PSDF**	Western Cape Provincial Spatial Development Framework, 2014
1.9	**SDP**	Site Development Plan
1.10	**B3**	Business Zone 3: Local Business

2. SUMMARY OF STATUS QUO PROPERTY DETAILS

2.1	**Property description**	Erf 2925 Hawston
2.2	**Registered owner**	Ozran 57 (Pty) Ltd
2.3	**Consultant**	WRAP Project Office
2.4	**Restrictive title deed conditions**	None
2.5	**Property extent**	2817m²
2.6	**Current zoning**	B3
2.7	**Current land use**	Vacant

3. BACKGROUND AND APPLICANTS INTENT

3.1 The OM initiated a process several years ago where the subject property that is zoned B3 was put out on tender and interested parties were invited to bid;

3.2 Residents in Hawston were encouraged to submit bids as the OM intended to create an enabling environment for locals to establish commercial enterprises;

3.3 The current owner of the subject property (hereafter referred to as the applicant) won the bid after following the prescribed transparent process and purchased the property from the OM);

3.4 The applicant envisages establishing a shop that would sell consumer goods that are reasonably priced and would primarily cater to the Hawston residents;

3.5 A service station is also proposed which will enable residents in Hawston and motorist that pass the R43 to fuel vehicles; and

3.6 This proposal is intended to promote local economic development in Hawston and create employment opportunities which are needed considering the current turbulent economic climate.

4. PURCHASE CONDITIONS

The sale of the subject property was subject to certain conditions as contained in the title deed under Section B that are extracted below and numbered in accordance with the title deed:

4.1 *"B. SUBJECT FURTHER to the following conditions as imposed by and in favour of the Overstrand Municipality.*

1. *The property may only be used for business purposes;*
2. *The height of the buildings will be limited to 2 (TWO) storeys at a height of 8,5 (eight comma five) meter.*
3. *The development should comply with the provisions of the appropriate Scheme Regulations as promulgated.*
4. *Should the Purchaser not complete the development on the property within a period of 2 (TWO) years from date of registration of transfer, which time period of 2 (TWO) years may on prior written application of the Purchaser to the Seller stating the reasons for the request be extended by consent of the Seller given under the hand of the Municipal Manager, which consent will not be withheld unreasonably, ownership of the property thereof shall revert back to the Seller, and the Purchaser, or its successors in title, shall:*
   - *4.1 be compelled to sign the transfer documents within 7 (SEVEN) days within receiving notice to that effect, failing which the duly authorised agent of the Seller is hereby appointed by the Purchaser to sign such documentation; and*
   - *4.2 be responsible for all transfer costs and statutory duties payable in connection with the retransfer of the property to the Seller and/or third party with regards to the purchase or retransfer of the property; and*
   - *4.3 be entitled to a refund of the total purchase price mentioned in paragraph 2 of the sale agreement free of interest on the date of registration of the transfer less any damages or loss incurred by the Seller."*

4.2 The subject property was registered in the Deeds Office in the name of the applicant in 2016. The applicant has not been able to commence with the construction of the service station within two years from the registration of the property due to the following reasons:

- **4.2.1** An application for a consent use for service station had not been submitted which would result in the refusal of building plans;
- **4.2.2** The development of a service station and shop are capital intensive and the applicant needed time to raise the necessary capital for the project; and
- **4.2.3** Unforeseen changes in market conditions due to the impact of Covid 19 on the economy and livelihoods the past year;

4.3 Considering that the above-listed reasons which inhibited the ability of construction to commence, the applicant applied for an extension of the validity of the consent granted for the purchase of the subject property which will lapse on 14 July 2021 (refer **Annexure C**);

4.4 The granting of the final decision of this application is projected to occur within 1 year of the submission date which is most likely to be in February/March 2022. After this the applicant still need to submit building plans for approval and provide documents to the OM which illustrate compliance with the town planning conditions of approval;

4.5 Once this is done, a construction company will be appointed by the applicant and the construction is projected to be completed in December 2022; and

4.6 Considering the above, application will be submitted to the OM Property Administration Department for the **extension of the validity of the project implementation from 14 July 2021 to 31 December 2022**.

5. PROCEDURE TO ACHIEVE THE OWNER'S INTENT

The following is required for the applicant to obtain the necessary land use rights to conduct the activities listed in Section 3 of this report.

5.1 The applicant envisages establishing a shop on the subject property which is defined in the OMLUS as follows:

5.1.1 "***Shop*** *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; it excludes an industry, service trade, motor repair garage, service station, 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 parameters as may be determined by the Municipality.*"

5.1.2 The applicant envisages establishing a shop on the subject property that has a GLA of 488,68m². This would make the shop which is a primary right under the zoning of B3 the dominant use on the property.

5.1.3 The rationale for the establishment of the shop is for Hawston residents to have a greater variety of consumer goods that are well priced.

5.1.4 The shop is also proposed adjacent to the proposed service station and are land uses that are complementary to each other.

5.2 <u>Consent use for a service station in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.</u>

5.2.1 The applicant envisages establishing a service station on the subject property which is defined in the OMLUS as follows:

5.2.1.1 "***Service station*** *means a property for the retail supply of fuel and includes trading in motor vehicles, oil, tyres or motor spares, general motor repairs to motor vehicles, exhaust fitment, washing of vehicles, and a shop of which the floor area does not exceed 50% of the total floor space of all buildings on the land unit but does not include spray painting, panel beating, black smithery or body work*"

5.2.2 The applicant envisages establishing a service station on the subject property that measures 168m² and is ancillary and subservient to the proposed dominant use which is a shop. The subject property is located close to one of the two entrances to Hawston where approximately 50% of all the vehicular and pedestrian movement into the settlement is channelled which makes this the ideal location.

5.2.3 There is currently only one petrol station in Hawston (BP). Hawston has expanded to the east which is placing additional pressures on the existing petrol station and the applicant therefore envisages capturing this additional clientele in this proposed petrol station.

5.2.4 The service station is proposed to have 6 petrol pumps (refer to **Plan 3**) and is therefore not excessively large or out of scale with the surroundings.

6. APPLICATION

Considering the land use rights that are sought by the owner of the subject property, the following is applied for:

6.1 Consent use for a service station in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

7. LOCATION ADVANTAGE

The advantages of the proposed location of the shop and service station on the subject property will be evaluated. This is to illustrate that the proposed location was evaluated in conjunction with the feasibility of the proposed development within the Hawston settlement.

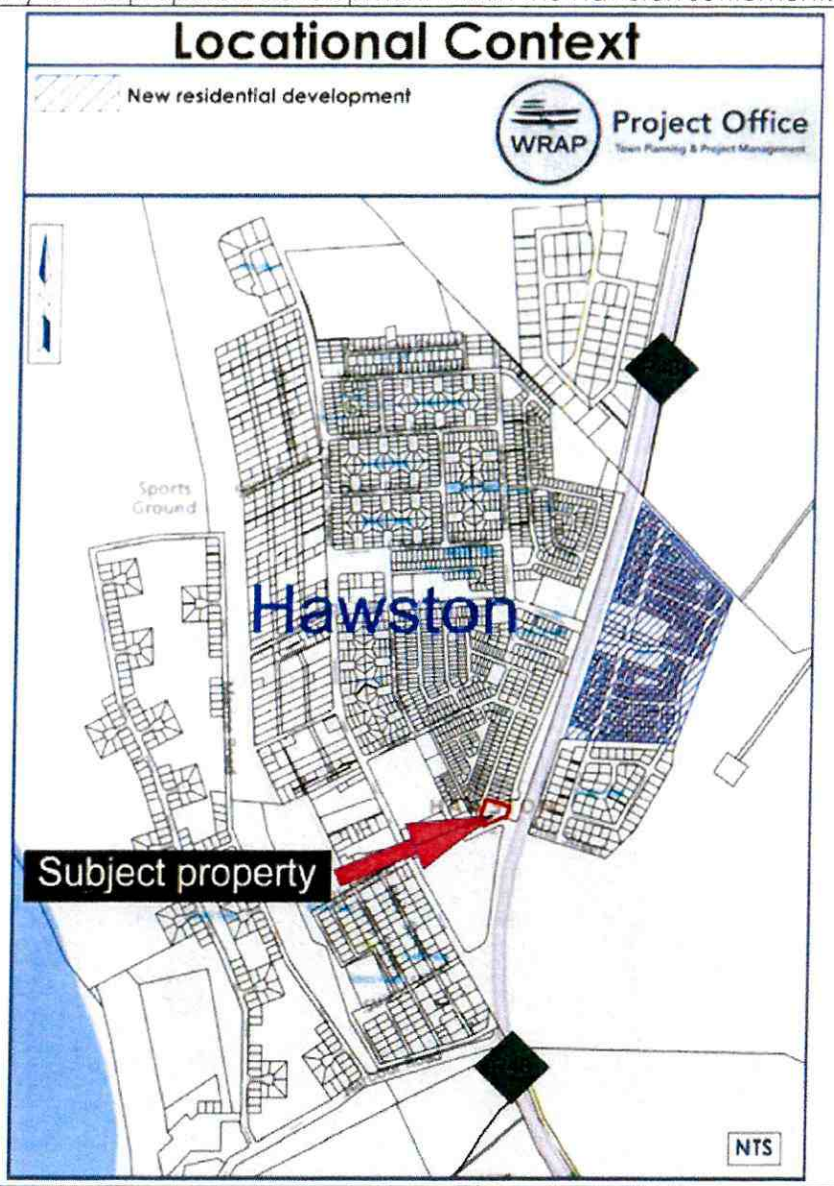


Figure 1: Locational context.

7.1 Shop

7.1.1 There is a new residential development currently underway and partially occupied in Hawston as illustrated in figure 1. There are no commercial erven in the development which will invariably increase the demand for consumer goods and the proposed shop will serve this increase clientele market;

7.1.2 The shop is ideally located on the south of Hawston thereby being accessible by foot to residents on the eastern and western side of Hawston which are divided by the R43; and

7.1.3 The shop is intended to be complementary to the proposed service station on the subject property.

7.2 Service station

7.2.1 The service station is located at one of the two entrances into Hawston. This by implication means that the location of the subject property is abutted by the highest volumes of vehicles that enter and egress the neighbourhood thereby making this site ideal for a service station as it is not remotely located;

7.2.2 The subject property is located ±60m from the R43, which is the road characterised by the highest vehicular movement in the Overstrand as people travel to different parts of the region thereon. The ideal location of the subject property in proximity thereto will enable motorists to easily fill their vehicles with petrol and diesel: and

7.2.3 The proposed service station is strategically located as it would serve the residents on the eastern side of the R43 and the western side and therefore makes business sense.

8. LAND USE CONTEXT AND BUILT FABRIC

The compatibility of this proposal in conjunction with the surrounding land uses and built form will herewith be illustrated.

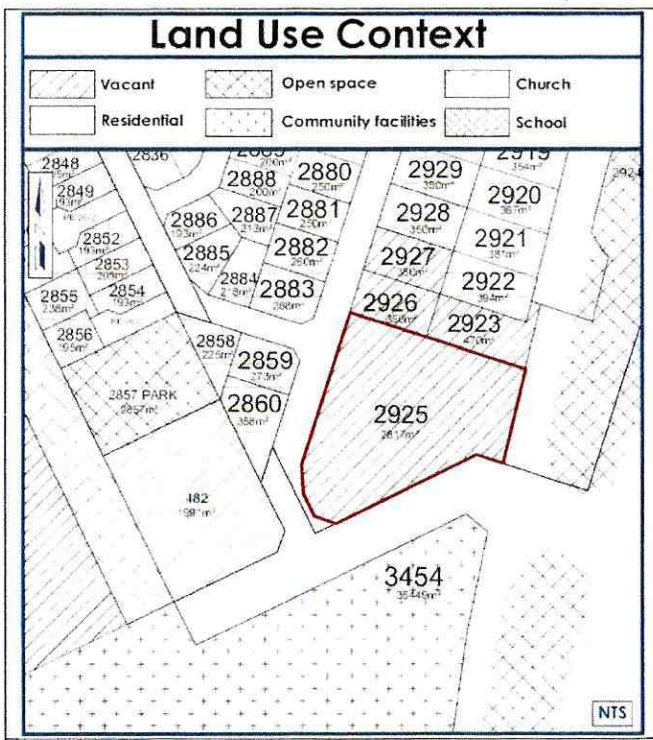


Figure 2: Land use context.

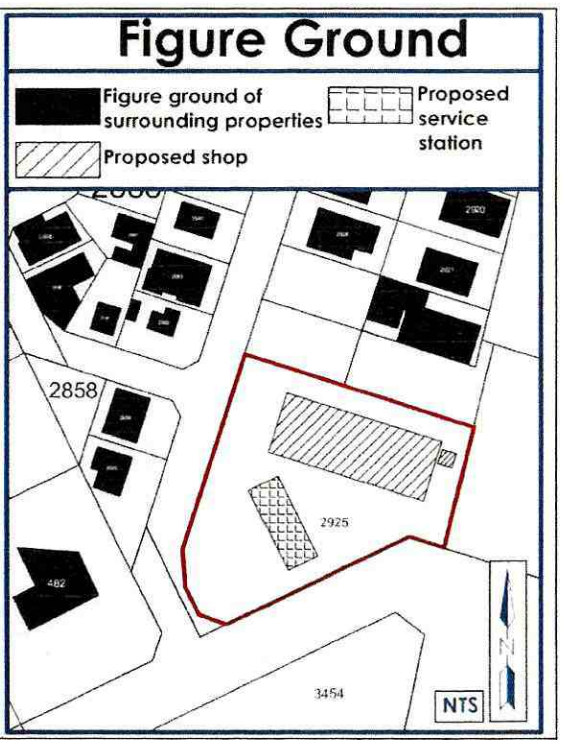


Figure 3: Figure ground (built form context).

8.1 Figure 2 illustrates that Erf 2925 Hawston is located in a part of Hawston which is characterised by the greatest variety of mixed land uses which are located adjacent to each other. This

proposal for a shop and service station on the subject property is complementary to the mixed-use nature of the area illustrated in figure 2 and is therefore in conformity with the character of the area;

8.2 The evaluation of figure 2 in conjunction with figure 3 figure illustrates that the shop is proposed to be located towards the north and abuts vacant properties which can be used for residential purposes;

8.3 No toxic fumes are projected to be emitted from the shop thereby making this a low-intensity land use which would buffer the service station towards the south;

8.4 The service station is proposed towards the centre of the property and surrounded by roads which buffer the land use from surrounding properties thereby minimising the impact thereof; and

8.5 When the scale of the proposed buildings is assessed in conjunction with the scale of surrounding buildings as illustrated in figure 3, the proposed buildings are not excessively out of character from the immediate surroundings.

9. TITLE DEED

Title deed T42685/2016 (refer to **Annexure B**) was perused and there are no restrictive title deed conditions that prohibit the consent use applied for. No application for the removal of restrictive title deed conditions is therefore required.

10. ZONING

This proposal was evaluated in conjunction with the land use rights applicable in the B3 zoning and the development parameters applicable in the B4 zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law.

Business Zone 3: Local Business			
	Parameters	**Proposal**	**Deviate or comply**
(a) Primary use	shops, dwelling unit (above ground floor) in accordance with 6.3.2, flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.	Shop (488.68 m²)	Comply
(b) Consent use which can be applied for	bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor) in accordance with 6.3.2, flats (on ground floor), town housing in accordance with 6.3.2, tourist accommodation, hotel, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, sale of alcoholic beverages, **service station**, service trade and transmission	Service station	Applied for and motivated

	apparatus (subject to the provisions of Chapter 16.10).		
Development rules			
Floor factor	The maximum floor factor is 1.	0,26	Comply
Coverage	The maximum coverage for all buildings on the land unit is 75%.	26,7%	Comply
Setback	(i) The Municipality may require that all buildings and structures are set back 8,0 m from the centre line of the abutting public street or streets. (ii) The provisions of 16.2 apply.	(i) 11,2m; and (ii) Comply	Comply
Height	(i) The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m.	(i) Lower than 8m.	Comply
Building lines	(i) The street building line is 5,0m. (ii) The side building line is 0 m, provided that when a property zoned Business Zone 4 abuts a residential or community zone, the side building line is 3,0 m. (iii) The rear building line is 0 m, provided that when a property zoned Business Zone 4 abuts a residential or community zone, the rear building line is 3,0 m. (iv) The Municipality may impose more restrictive building lines in the interests of public health and safety. (v) The provisions of 16.1 apply.	(i) 5m; (ii) 6m; (iii) N/A; (iv) Subject to the request of the Municipality; and (v) N/A,	Comply
Parking	Parking and access shall be provided on the land unit in accordance with 17.1. **Shops** Four bays per 100m² GLA **Service station** Only one bay per service bay plus two bays per 100m² of GLA up to 500m².	**Shop** 488.68m² GLA = 19, 5 parking bays required. **Service station** 6 service bays = 6 parking bays 25,5 parking bays required and 28 provided.	
Loading bays	Loading bays must be provided on the land unit in accordance with 17.2.	There are 3 loading bays proposed.	Comply

	The minimum off street loading must be provided to the satisfaction of the Engineering Services Department.		
Site access requirements	(i) The width of the vehicular access and exit ways to and from the site shall not be more than 10,0 m where it crosses the street boundary. (ii) A wall, at least 100 mm thick and 200 mm high, must be erected on the street boundary or where applicable on the setback line between different vehicle access and exit ways on the site. The wall must continue along such boundary unless the property is otherwise enclosed. (iii) The vehicular access or exit way crossings are restricted to two per site unless the total length of a street boundary exceeds 30,0 m, in which case one additional vehicular access or exit will be permitted. (iv) At the point where it crosses the street boundary, a vehicular access or exit way shall not be closer than: - 30,0m to the intersection of an arterial road with any other road of a similar status; - 30,0m to the nearest point of an intersection where traffic is controlled or is proposed to be controlled by a traffic signal or traffic island; - 10,0 m from the corner of an intersection if such intersection is not splayed, or 5,0 m from the point where the splay meets the road boundary if such intersection is splayed; and - 1,5 m from a side boundary.	(i) 10m; (ii) A 0,23m wide boundary wall is proposed; (iii) Two access points are proposed along Vlei Street. One additional access point is proposed at Brooklyn Street and one additional exit proposed at Fairbairn Street to exclusively be used by delivery trucks for the shop; (iv) -The R43 is an arterial road and the proposed access that is located at the south eastern side is 50m away from the R43. - Traffic is controlled at the R43 through a stop street and a traffic island. The proposed access that is located at the south eastern side is 57m away from the stop street and traffic island. - The proposed access that is located at the south eastern side is located 12m away from an intersection that is not splayed; and -The service station is located 5m from the side boundary.	
Storage	Any part of the premises of a service station which is used for the storage purposes of empty	N/A	N/A

	containers such as oil drums or packing cases or other scrap shall be enclosed with a suitable brick wall of at least 2,0 m high or contained in a building, to the satisfaction of the Municipality.		
Screening	Screening must be provided in accordance with 16.7. The Municipality may require screening in accordance with the following: a) any part of the land unit which is used for the storage or loading of goods shall be enclosed with a suitable wall and/or landscape screening; and b) any external utility service or equipment which is required for a building shall be appropriately screened from view from a public street, and such screening shall be integrated with the building in terms of materials, colour, shape and size and shall be to the Municipality's satisfaction.	(a) A wall is proposed at the proposed entrance of the trucks that would load goods on the subject property as prescribed; and (b) No utility services or equipment area is proposed.	
Site development plan	The Municipality may require that a site development plan be submitted for approval in accordance with 16.3.	A site development plan is submitted with the application (refer to **Plan 3**).	
Refuse area	A refuse area of 2m² per 100m².	488.68m² requires 9,76m² and 9,9 m² is required and provided.	Comply

The subject property is not designated for any environmental protection in the EMOZ or heritage protection in the EMOZ.

11. SERVICES

The availability of services is a relevant consideration in terms of Section 42(1)(c)(v) of SPLUMA and is herewith illustrated:

a. Solid waste

Solid waste is collected on a weekly basis in Hawston and the subject property will derive the same benefit.

b. Electricity

The proposed building will be connected to the existing electricity network in Hawston.

c. **Water**
The proposed buildings will connect to the reliable potable water network which is available in Hawston.

d. **Sewage**
The proposed building will connect to the existing reliable sewage system operated by the OM.

e. **Access and egress**
i. Deca Consulting Engineers was appointed by the applicant to compile a site traffic assessment for this development proposal and can be perused to establish the scale and nature of vehicular movement projected to occur on the subject property (refer to **Annexure D**). The report provides different methods for the movement of trucks into and out of the subject property and alternative 1 is proposed in this application as the most feasible one.
ii. Discussions with the engineers from the OM revealed that the R43 / Vlei Street / Disa intersection is planned to be altered, once funds are available whereby a median will be made available (median opening on the R43 will be closed). Only left in and left out movements on both Vlei and Disa Street will be allowed. The future planning of the R43 has therefore been factored into the site traffic assessment and the applicant has factored in the impact this will have on the viability of the proposed shop and service station.

12. SPLUMA MOTIVATION REQUIREMENTS

The following are relevant considerations in terms of Section 42 (c) of SPLUMA and is motivated as follows:

a. **Public interest**
i.The approval and implementation of this proposal will increase the value of the subject property due to the construction of the shop and service station. This will increase the rates which the OM will collect which will collectively be used for service delivery; and
ii.The operation of the proposed shop and service station will generate additional tax revenue for SARS which will be used towards service delivery which is in the public interest.

b. **Opportunity costs**
Opportunity cost in the context of land use planning refers to the devaluation of valued land use rights of interested and affected parties when an application is approved and implemented. The proposed buildings/land uses are intentionally located to not encroach on the street and side building lines. This is to ensure that there is some buffer with surrounding properties which would minimise the likelihood of conflict that is related to land uses. The proposed shop and service station are in harmony with the mixed-use character of the immediate surrounding as illustrated in section 7 of this report.

c. **Respective rights and obligations of all those affected**
This application for consent use was carefully considered to ensure that surrounding property owners continue to occupy respective properties in comfort and can be summarised as follows:
i. The proposed shop is not a noisy land use and customers are not projected to linger for extended periods on the property when purchasing consumer goods;

ii. All customer pedestrian access and egress to the subject property is proposed to be gained from Disa Street. This will ensure that all the vehicular movement which this proposed development may attract from outside of Hawston is not channelled into the residential area of the settlement; and
iii. The proposed dominant use on the subject property is a shop that measures 488.68m² which is in harmony with the primary rights of the subject property. The only additional land use right which is unlocked is the service station that measures 168m² and constitutes only 34% of the dominant use. The consent use for a service station that is motivated in this application is therefore subservient to the dominant primary right and therefore no unlocking any extraordinary land use rights.
iv. The applicant currently enjoys cordial relations with the residents in Hawston and has carefully crafted this application to ensure that the land use rights which are sought do not unlock rights that may potentially result in surrounding property owners occupying respective properties in discomfort.

13. POLICY FRAMEWORK

13.1 The compliance of this proposal with the applicable spatial development policies is illustrated below. These policies are instrumental in guiding spatial development and providing prescripts of what constitutes sound town planning development patterns in rural areas. The compliance of this proposal with provincial and local policy prescripts which are key development informants can be illustrated as follows:

	Applicable policy	**Authority**
13.1.1	Western Cape Provincial Spatial Development Framework, 2014 (PSDF)	Provincial
13.1.2	Overstrand Municipality Spatial Development Framework, 2020 (SDF)	Provincial
13.1.3	Overstrand Municipal Growth Management Strategy, 2010	Municipal

13.2 PSDF

13.2.1 Policy preface

The PSDF is a product of a provincial inter-departmental and inter-governmental collaboration under the guidance of the inter-departmental steering committee in collaboration with the private sector, academia, and non-governmental organisations. This broad participatory process has created a shared spatial vision which is intended to inform spatial development patterns in urban and rural areas in the province.

13.2.2 Broad policy objectives

The objective of the policy is to create an enabling policy environment which prioritises the creation of employment opportunities, social inclusion and improvement of the quality of life of the Western Cape inhabitants. The development principles in the PSDF are informed by other spatial planning policies which are aimed at creating a policy alignment between different spheres of government.

13.2.3 Consistency of the proposal with the policy

13.2.3.1 The policy promotes the transition of settlements from having limited economic opportunities to a variety of livelihoods and income opportunities. This proposal for a shop and a service station is proposed in Hawston which is characterised by limited

economic opportunities. This proposal is therefore intended to contribute towards the settlement transition which is promoted by the policy;

13.2.3.2 The policy promotes the transition of human settlements from segregated land use activities to integrated and complementary land uses. The rationale for the proposal of a shop and service station on the subject property is to promote and integrate two compatible land uses as this is a common practice in South Africa for service stations to have associated shops;

13.2.3.3 The settlement form and structure which is promoted in the policy is the creation of economic and social opportunities that promote spatial and socio-economic integration. The proposed shop and service station is intended to create economic opportunities and will attract clients that reside on the eastern and western side of Hawston and motorists that pass the R43. These clients come from different social-economic backgrounds and will interact with each other on the subject property which is a hallmark of integration as prescribed in the policy; and

13.2.3.4 The policy promotes the targeting of public investment as one of the main drivers of the provincial economy. The subject property was in the ownership of the OM prior to 2016 and was transferred to the applicant as a measure instituted by the OM to use public property to stimulate the provincial economy as prescribed by the policy.

13.3 SDF

13.3.1 Policy preface

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban and rural area that accommodates a variety of life. Development proposals should also capitalise on the unique sense of place which settlements and urban areas in the Overstrand are renowned for. The SDF promotes developments that enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

13.3.2 Broad policy objectives

The broad policy objectives of the SDF include enhancing the image of the Overstrand as a liveable urban area that provides a range of facilities and activities which tourists can enjoy. Development proposals should also capitalise on the unique sense of place which urban areas in the Overstrand are renowned for. The SDF promotes developments that enhance the visual quality and attraction of the built environments while preserving the social and cultural attributes which are valued by inhabitants.

13.3.3 Consistency of the proposal with the policy

13.3.3.1 The spatial proposal plan designates the subject property for commercial purposes in the 2020 spatial proposal plan. The subject property is currently zoned for commercial purposes and the proposed consent use for a service station is in harmony with the commercial designation of the subject property as prescribed by the SDF;

13.3.3.2 The policy cites that neighbourhood nodes should become a nucleus of business/commercial and other public infrastructure/services, ultimately becoming focused clusters of facilities and services/multipurpose centres. The proposed shop and service station are located in an area which is characterised by public and authority facilities. The approval and implementation of the proposed commercial land uses in proximity to the public and authority facilities are intended to create a multipurpose node as prescribed by the SDF;

13.3.3.3 The policy highlights that business and service industries need to be promoted in Hawston. This proposal for a shop and service station is in harmony with the envisaged land uses in Hawston; and

13.3.3.4 The policy highlights that development should be restricted within the well-defined urban edge. The subject property is located within the urban edge as prescribed by the policy.

13.4 OMGMS

13.4.1 Policy preface

The policy was created to manage the urban growth of the OM where densification would play a pivotal role in the effective implementation of infrastructure and community facilities provision. The policy carefully considered market cycles, municipal budgeting and capital spending.

13.4.2 Broad policy objectives

The overall rationale for the document is to create an enabling environment for residents in the OM to attain an enhanced quality of life characterised by access to a variety of economic, social and residential opportunities.

13.4.3 Consistency of the proposal with the policy

13.4.3.1 The spatial proposal plan designates the subject property for residential purposes. The subject property is zoned B3 which permits commercial land uses and the consent use for a service station that is applied for does not entail the alteration of the zoning. Considering this there is no need for an application for the deviation from the policy as no alteration in the zoning is proposed;

13.4.3.2 The policy cites that new development proposals should ideally be of a similar scale to the immediate surroundings in terms of bulk, height and architectural styling. This proposal for a shop and service station is not excessively out of scale when compared to surrounding residential land uses and are of a lower scale when compared to the nearby school. This proposal is therefore in conformity with the scale of buildings in the immediate surroundings; and

13.4.3.3 The policy encourages the support of the development for mixed land uses providing for vitality, opportunities and integrated living environments. This proposal for a shop and service station is intended to enhance the mixed-use character of where the property is located as illustrated in figure 2. The proposed land uses will unlock numerous employment opportunities, and which are integrated into the residential fabric of the area as prescribed by the policy.

14. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains planning principles by which each development application must be guided. Policy proposal in SPLUMA which are pertinent to this proposal are recorded below:

14.1 Spatial Justice

Spatial justice in the context of spatial and land use planning refers to development proposals that redress the past apartheid spatial development imbalances. The apartheid spatial development pattern was charactered by commercial land uses such as shops and service stations being located in established central business districts far from peripheral settlements with minimal economic opportunities and Hawston is exemplary of this. This proposal for a shop and service station in Hawston is intended to bring economic

opportunities to Hawston which is a peripheral settlement and is in contrast with apartheid development patterns and is a hallmark of spatial justice.

14.2 Spatial Sustainability

Spatial sustainability refers to the need to promote mixed-use urban environments that allow for a functional space economy to flourish. The approval and implementation of this proposal would encourage mixed commercial land uses comprising of a shop and service station on the subject property which is appropriately integrated into the residential and public facilities fabric of Hawston. The proposed shop and service station will be heavily dependent on the clientele who reside in the residential components of Hawston and make use of the public facilities adjacent to the subject site to be profitable. The approval and implementation of this proposal will therefore contribute towards enabling a functional space economy to flourish in Hawston which is a hallmark of spatial justice.

14.3 Efficiency

Efficiency in the context of land use planning refers to the need to enable urban areas to optimally make use of space, land and resources. This proposal is intended to make optimal use of the space on the subject property within the services capacity limits of the site which is a hallmark of efficiency.

14.4 Spatial Resilience

Spatial resilience in the context of land use planning refers to spatial plans, policies and land use management systems that should enable the communities to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner. This proposal is aligned with the spatial resilience principles contained in the PSDF, SDF and OMGMS.

14.5 Good administration

The OM is the organ of state which is responsible for good administration by means of public participation and complying with the prescribed time frames in the By Law and the OM has a credible history of upholding the principles of good administration.

15. NEED AND DESIRABILITY

The need and desirability for the approval and implementation of this proposal will be illustrated in accordance with Section 66 (1) (c) of the OM By-Law and DEADP Provincial Support Document on Relevant Considerations.

15.1 Need and desirability

Desirability, amongst others, refers to two components where need refers to "time" and desirability refers to "place". In other words, is it the right time and is it the right place for locating the proposed type of land use/activity? The proposed shop and service station are proposed at the right time as the South African economy is slowly showing signs of recovery since the hard lockdown which would increase the likely economic viability of the enterprise. The proposed shop and service station are also proposed at the right time after some sectors shed a lot of jobs which means that there are ample unemployed and trained people that the applicant can employ upon the approval and implementation of this proposal which will guarantee the success of this proposal. The shop and service station are both proposed on one of the two entrances in Hawston where 50% of all pedestrian and vehicular traffic passes and is therefore proposed at the right place.

15.2 Impact on views, sunlight and character of the area

The proposed buildings are all lower than 8m which is the height restriction applicable to all surrounding residential erven. Considering this height, it is unlikely that the views, sunlight and character of the area will be adversely affected by the approval and implementation of this proposal.

15.3 Economic impact

15.3.1 The immediate and short-term economic benefits of the approval and implementation of this proposal will accrue during the construction phase. The labour intensiveness of the construction phase will be a positive economic impact in terms of employment created and the suppliers that will benefit from the additional transactions in terms of construction materials that will be purchased;

15.3.2 The long-term economic benefits are permanent employment opportunities that will be created and enable employees to earn incomes to take care of their respective families. The proposed shop and service station will most likely employ people who reside in Hawston who will be able to walk to work thereby saving on transport costs which will increase disposable incomes and the quality of life for employees; and

15.3.3 The approval and implementation of this proposal therefore have short term and long-term economic benefits which are in the interest of the residents in Hawston.

15.4 Impact on safety and wellbeing

The proposed shop and service station will lead to additional people entering and egressing the subject property who will be surveillance to the surrounding area. The additional surveillance is projected to increase the safety on the subject and surrounding properties which is to the benefit of residents in Hawston.

15.5 Environmental considerations

The applicant discussed this development proposal with Overstrand Environmental Section which is summarised as follow (refer **Annexure E**):

- There are no significant environmental layers on the subject property;
- The property is located outside of the Environmental Management Overlay Zones; and
- The combined capacity for the storage of fuel on the subject property is proposed to be less than 80 cubic metres threshold. Considering this, no environmental authorisation is required for this proposal.

15.6 Heritage considerations

The subject property is not heritage sensitive which nullifies the need to apply for a notice of intent to develop.

16. EVALUATION

The rationale for the approval and implementation of this proposal can be summarised as follows:

16.1 This proposal will contribute towards unlocking the maximum commercial potential of the subject property while conforming to the built form and character of the surrounding; and

16.2 This proposal has the potential to unlock employment/economic opportunities in Hawston which will be a positive impact in the area considering existing employment in the areas exacerbated by the impact of Covid 19.

17. RECOMMENDATION

It is recommended that the following is approved:

17.1 **Consent use** for a service station in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 as amended.

Copy of A3

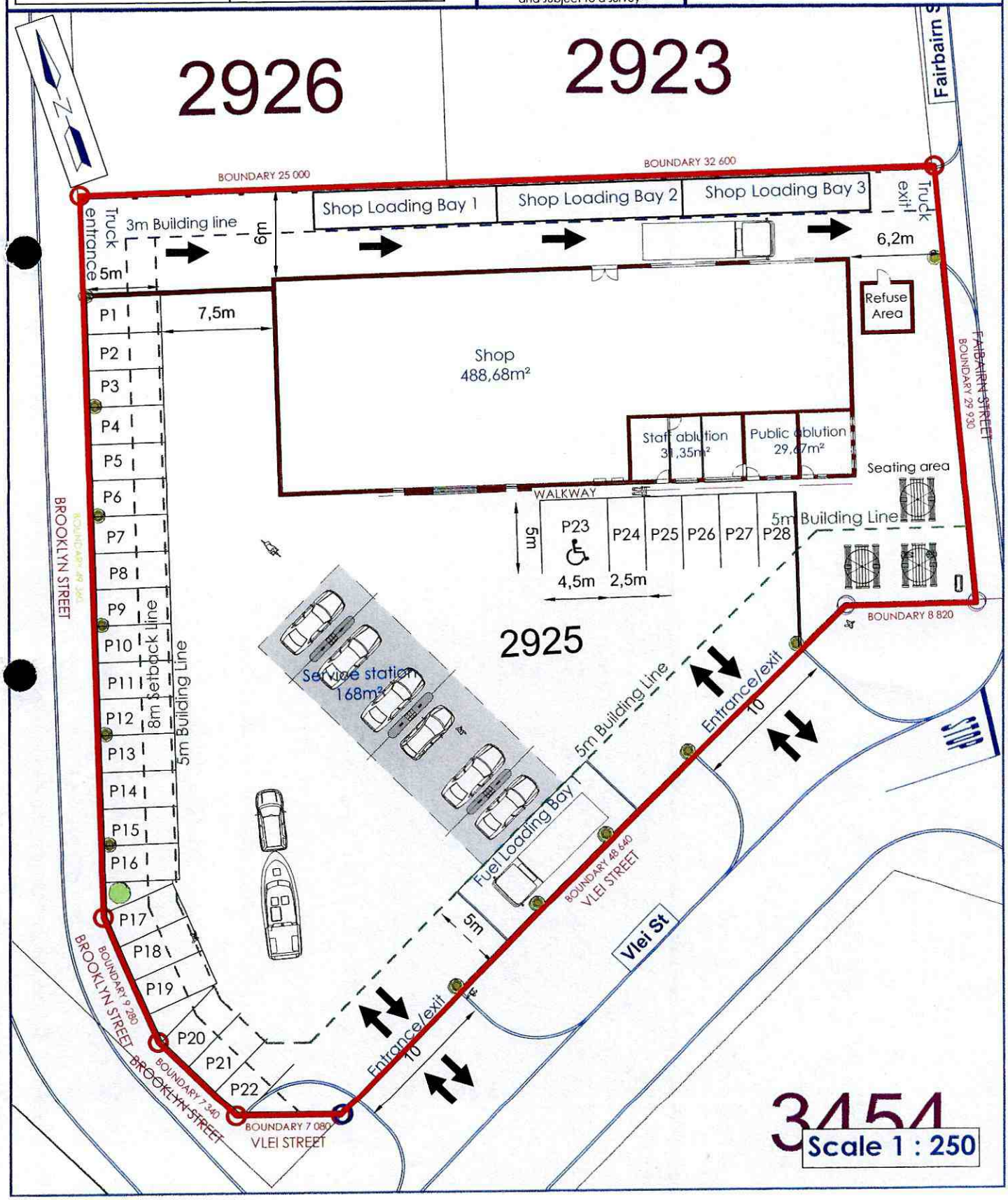
Plan 3: Site Development Plan
Erf 2925 Hawston

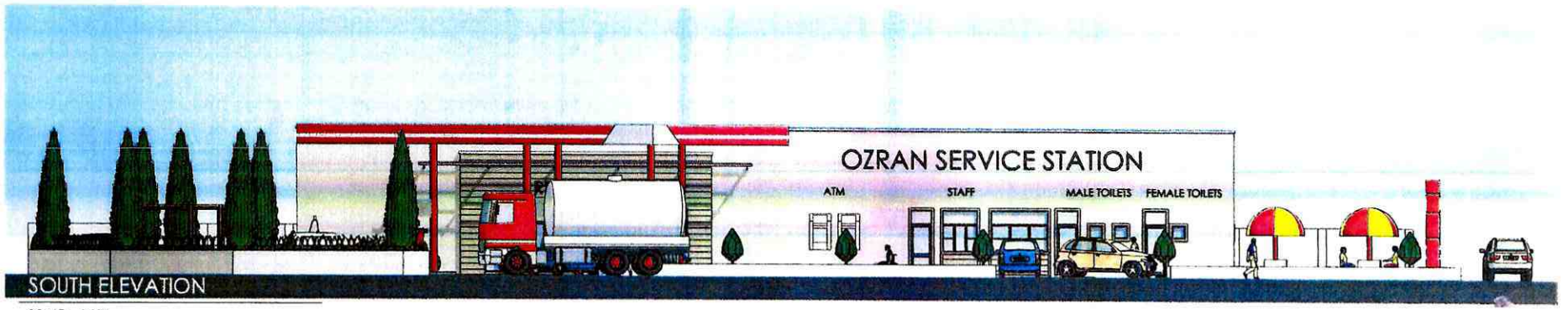
Required	Provided
Floor factor 1	0.26
Coverage 75%	26.7%
25 parking bays	28 parking bays
Refuse area 9.76m²	Refuse area 9,9m²

Based on drawings by "Shakira" (Grateful) architectural services
Tel: 028 313 1411
Email: admin@wrapgroup.co.za
Plan 3.1
Unit B, Corner of Royal and Dirkie Uys Street Hermanus, 7200
Plan prepared by: Reatlehile Jankie

All distances are approximate and subject to a survey

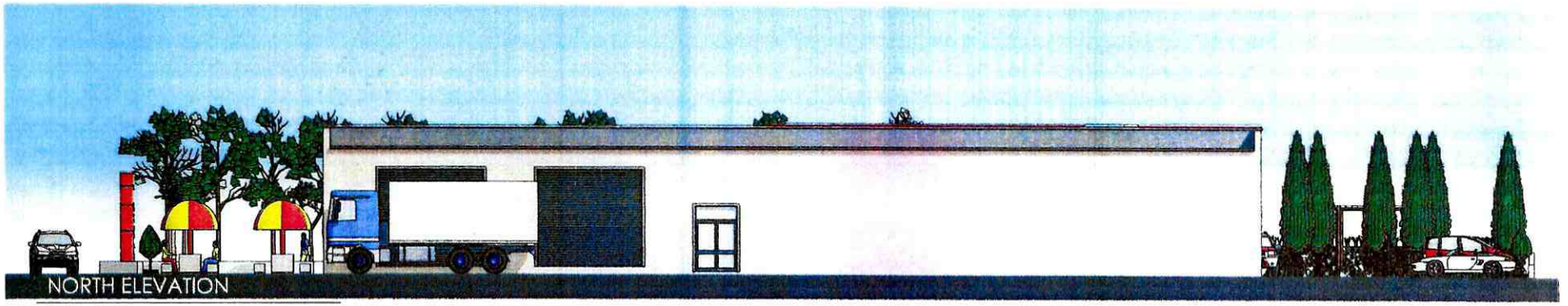
WRAP Project Office
Town Planning & Project Management





SOUTH ELEVATION

SCALE : 1:175



NORTH ELEVATION

SCALE : 1:100

OZRAN57 (Pty) Ltd

Disa Street, Hawston

"Shukira" (Grateful)

Architectural Services

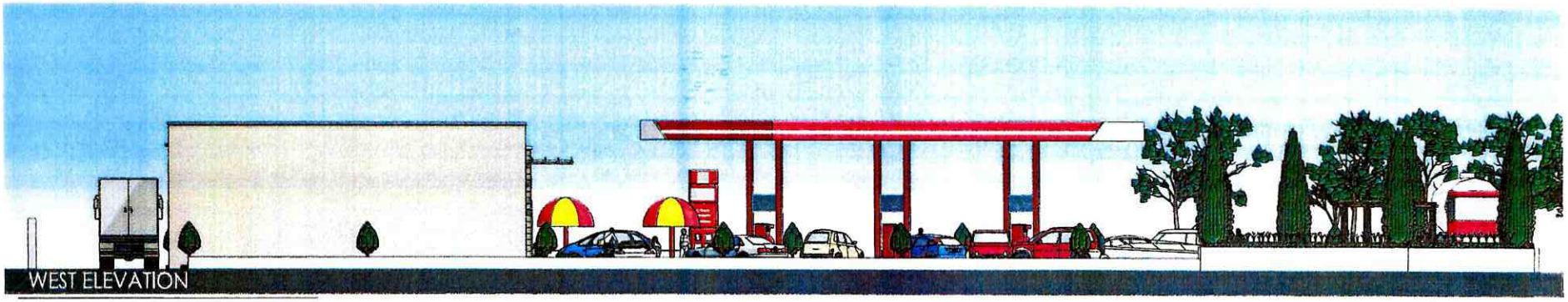
NORTH & SOUTH ELEVATIONS

SCALE 1:175



EAST ELEVATION

SCALE: 1:100



WEST ELEVATION

SCALE: 1:100

Disa Street, Hawston

OZRAN57 (Pty) Ltd

"Shukira" (Grateful)

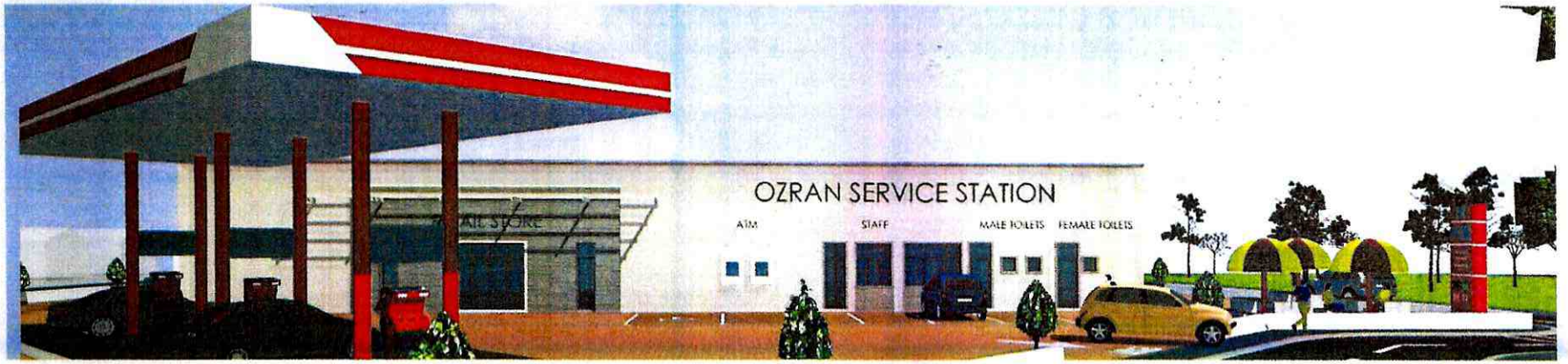
Architectural Services

EAST & WEST ELEVATIONS

SCALE 1:175







Perspectives

OZRAN57 (Pty) Ltd

Disa Street, Hawston

"Shukira" (Grateful)

Architectural Services

3D PERSPECTIVES 01-03

SCALE N.T.S







Perspectives

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Disa Street, Hawston

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3D PERSPECTIVES 07-09

SCALE N.T.S