

ERF 1746, CORNER OF MAIN ROAD AND LONG STREET, SANDBAAI: APPLICATION FOR AMENDMENT OF A CONDITION IN RESPECT OF AN EXISTING APPROVAL AND THE AMENDMENT OF THE APPROVED SITE DEVELOPMENT PLAN (PADDAKOOR PRE-PRIMARY SCHOOL): PLAN ACTIVE ON BEHALF OF "SOBREY EIENDOMS BELEGGINGS BK"

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), that an application, applicable to Erf 1746, Sandbaai, has been received for the following:

- the amendment of a condition, in terms of Section 16(2)(h) of the By-Law, in respect of an existing approval to allow for two additional classrooms at the pre-primary school on the property to provide acceptable social distancing between the children in compliance with the COVID-19 Regulations. The maximum approved number of children will remain unchanged; and
- the amendment of the existing approved Site Development Plan in terms of Section 16(2)(l) of the By-Law to allow for the two additional classrooms on the property.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before **25 February 2022**, quoting your name, address and contact details, interest in the application, as well as the reasons for comments. Telephonic enquiries can be made to **Mr. H Boshoff** at 028-313 8900. The Municipality may refuse to accept comments 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 to formalize their comment.

ERF 1746, HOEK VAN HOOFWEG EN LANGSTRAAT, SANDBAAI: AANSOEK OM WYSIGING VAN 'N VOORWAARDE TEN OPSIGTE VAN 'N BESTAANDE GOEDKEURING EN WYSIGING VAN DIE GOEDGEKEURDE TERREINONTWIKKELINGSPLAN (PADDAKOOR PRE-PRIMÈRE SKOOL): PLAN ACTIVE NAMENS SOBREY EIENDOMS BELEGGINGS BK

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek, van toepassing op Erf 1746, Sandbaai ontvang is vir die volgende:

- die wysiging van 'n voorwaarde, ingevolge Artikel 16(2)(h) van die Verordening, ten opsigte van 'n bestaande goedkeuring om voorsiening te maak vir twee addisionele klaskamers by die pre-primêre skool op die eiendom om aanvaarbare sosiale distansiering tussen die kinders in ooreenstemming met die COVID-19 Regulasies, te verseker. Die maksimum goedgekeurde aantal kinders sal onveranderd bly; en
- wysiging van die goedgekeurde Terreinontwikkelingsplan ingevolge Artikel 16(2)(l) van die Verordening om voorsiening te maak vir die twee addisionele klaskamers op die eiendom.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **25 Februarie 2022**, met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan **Mnr. H Boshoff** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar 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 formaliseer.

ISIZA ESINGU-ERF 1746, CORNER OF MAIN ROAD AND LONG STREET, SANDBAAI: ISICELO ESIMAYELA NESIHLOMELO SEMEKO ESIHAMBELANA NOKUVUNYELWA KWANGAPHAMBILI UKUHLOMELA ISICWANGCISO SOPHUHLISO LWESAYITHI (PADDAKOOR PRE-PRIMARY SCHOOL): NGABSKWAPLAN ACTIVE EGAMENI LE "SOBREY EIENDOMS BELEGGINGS BK"

UMasipala waseOverstrand ukhuphe isaziso esimayela nemiba yeSolotyama48 esingokuHlomela Umthethwana OngeziCwangciso zokusetyenziswa koMhlaba kaMasipala waseOverstrand ku2020 (Umthethwana), isicelo eso sisebenziseka kwisiza esinguErf 1746, Sandbaai, nesifunyenwe ngokwezimeko zilandelayo,

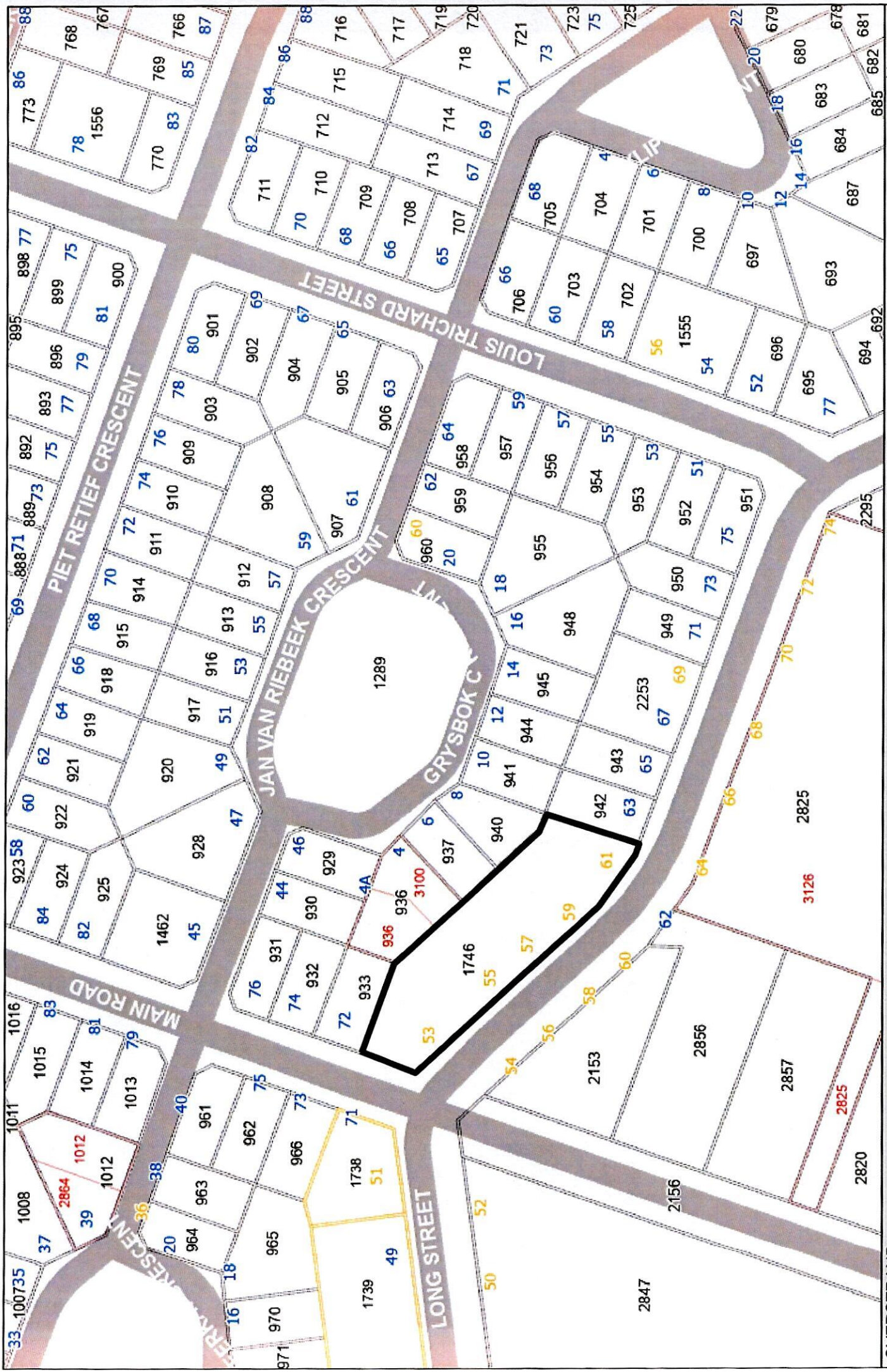
- ukuhlonyelwa kwemeko, ngokwemiba yeSolotyama le16(2)(h) loMthethwana, ihambelana nokuvunyelwa ukongezwa kwamagumbi amabini okufundela(iiklasi) kwisikolo samabanga abaqalayo (aphantsi) kwisiza eso ukuqinisekisa ukuqelelana kwabantwana okuhambelana neMithetho yeMigaqo yeCOVID-19. Inani eliphezulu elivunyelweyo labantwana alizokutshintsha, lakuhlala ileliya langaphambili (lililo); kunye
- Nokuhlomela Izicwangciso Zokuphuhlisa iSayithi esele ikhona, nezicwangciso ezavunyelwa kwangaphambili ngokwemiba yeSolotyama le16(2)(l) loMthethwana ovumela amagumbi okufundela (iiklasi) amabini ongezelelweyo kwesi siza nawathi avunyelwa.

linkcukacha ezipheleleyo ngesi siphakamiso ziyafumaneka kwiintsuku zaphakathi evekini ukuze zihlolwe ukusukela kwexesha eliphakathi kwentsimbi ye08:00 neye16:30 kwiSebe: LeziCwangciso ngeDolophu, Paterson Street, Hermanus. Naziphina izimvo mazibhalwe phantsi zifike kwaMasipala(16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngaphambili okanye ngonhla wama**25 Febhuwari 2022**, uchaze igama lakho, idilesi neenkukacha ofumaneka kuzo, India wam to kwesi sicelo, kunue nezizathu zokuhlomla. Imibuzo ngefowuni ingabuzwa ku**Mnu. H Boshoff** kwa028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angaya kwiofisi zwSebe LeziCwangciso ngeDolophu apho igosa likaMasipala liza kumnceda akwazi ukufaka izimbo zakhe ngokusemthethweni

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LOCALITY PLAN: ERF 1746, SANDBAAI

**PROPOSED AMENDMENT OF THE SITE
DEVELOPMENT PLAN AND CONDITION OF
APPROVAL**

ERF 1746 SANDBAAI

DIVISION: CALEDON

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The owner of the Paddakoor Pre-Primary School, Mrs. J. Benzien, has instructed the company Plan Active to apply for an amendment of the site development plan and condition of approval applicable to the Paddakoor Pre-Primary School. The owner of Paddakoor Pre-Primary School intends to construct additional classrooms to make provision for more space to conform with the Covid 19 regulations. **The number of children will remain the same, only more space will be provided for pupils attending the school and aftercare.**

Subsequently Mr. Aubrey Bothma, on behalf of SOBREY PROPERTY INVESTMENTS CC, the owner of erf 1746 Sandbaai, has instructed the company Plan Active to apply for an amendment of the site development plan and condition of approval applicable to the Paddakoor Pre-Primary School, established on Erf 1746 Sandbaai.

Erf 1746 Sandbaai is 4 245m² in extent and is held by Title Deed number T84306/2004.

It is proposed to add two additional classrooms to the pre-primary school footprint, to make provision for acceptable social distancing in terms of the applicable rules and regulations imposed by the Government due to the COVID-19 pandemic. The proposal requires that the previously approved site development plan and the condition of

approval that was obtained, be amended. Please refer to the enclosed letters of approval dated **06 November 2015** and **23 January 2019**. With this application no additional rights will be obtained to accommodate more children.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the amendment, deletion or additional conditions in respect of an existing approval for Erf 1746 Sandbaai;
- Chapter 4, Section 16(2)(l) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the amendment of the site development plan (SDP) for Erf 1746 Sandbaai.

3. GENERAL APPLICATION INFORMATION

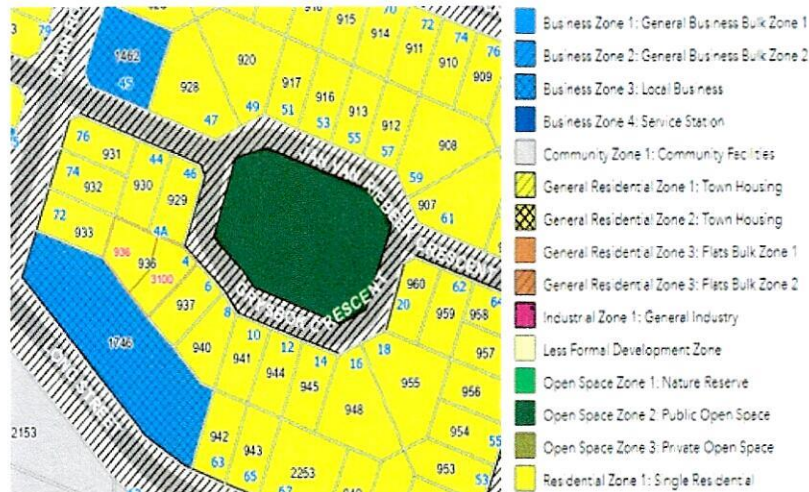
3.1 PROPERTY DESCRIPTION

The property is situated on the corner of Main Road and Long Street, Sandbaai. The portion of Erf 1746 Sandbaai on which the pre-primary school is established is next to the existing corner café known as Sandbaai Superette / Food Zone.



3.2 ZONING

Erf 1746 Sandbaai is zoned Business Zone III and it is utilized as such. Surrounding properties are zoned for business uses, residential uses, community facilities and public roads.



Abstract from the Overstrand Municipality GIS Viewer

3.3 LAND USE

Erf 1746 Sandbaai is used for business purposes and accommodates a shop and the Paddakoor Pre-Primary School.

Land uses that surround erf 1746 Sandbaai are dwellings, a retirement village, offices, flats, shops, apartments, churches and public roads. It is therefore evident that erf 1746 Sandbaai is surrounded by mixed land uses.

3.4 PROPOSED DEVELOPMENT

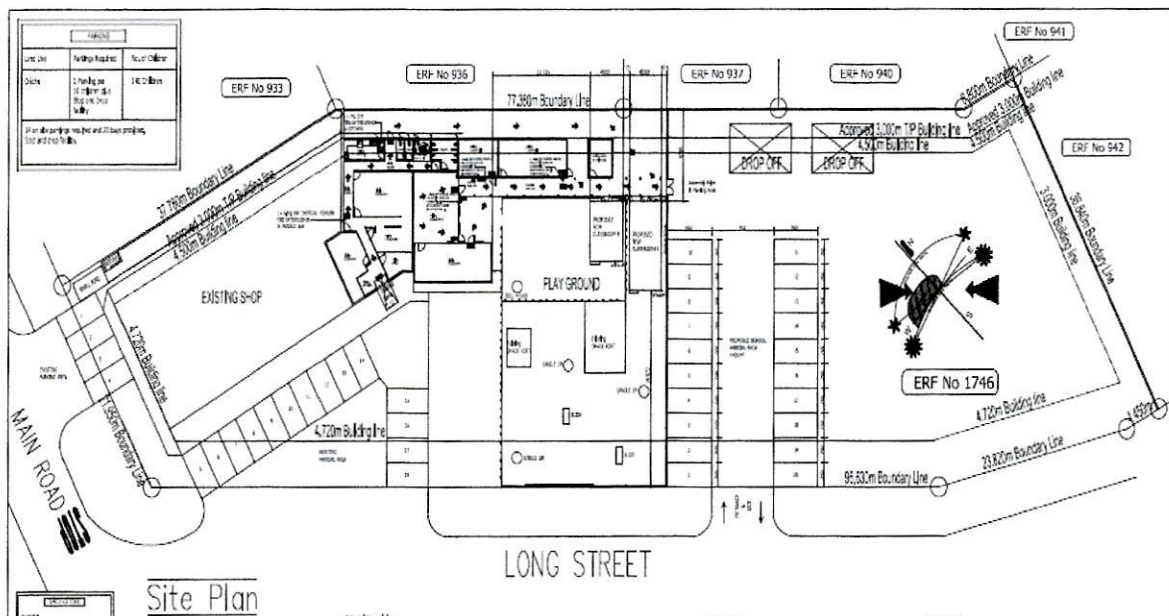
The following are proposed:

- The amendment, deletion, or additional conditions in respect of an existing approval for Erf 1746 Sandbaai in terms of Chapter 4, Section 16(2)(h) of

the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;

- The amendment of the site development plan (SDP) of Erf 1746 Sandbaai in terms of Chapter 4, Section 16(2)(l) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020.

The proposed amendment to the site development plan and condition of approval constitutes two additional classrooms. The intention of the owner of the primary school is to add two additional classrooms to create more space amongst the pupils attending the school as learners and making use of their aftercare facilities. It should be noted that the owner does not intend to accommodate more children than what they currently have obtained rights for. With reference to the Covid Regulations it is important for schools to be able to ensure that pupils are safe and are able to make provision for the necessary social distancing. With the two additional classrooms the primary school will be in a position to adhere to these regulations.



The condition that will be addressed is condition number 3(a) of the approval letter dated **23 January 2019**, which restricts the owner to the approved site development plan which reads as follow:

“That the development be restricted to Plan No. **SANB1746sdp.DRW**, dated April

2018 that was submitted with the application.”

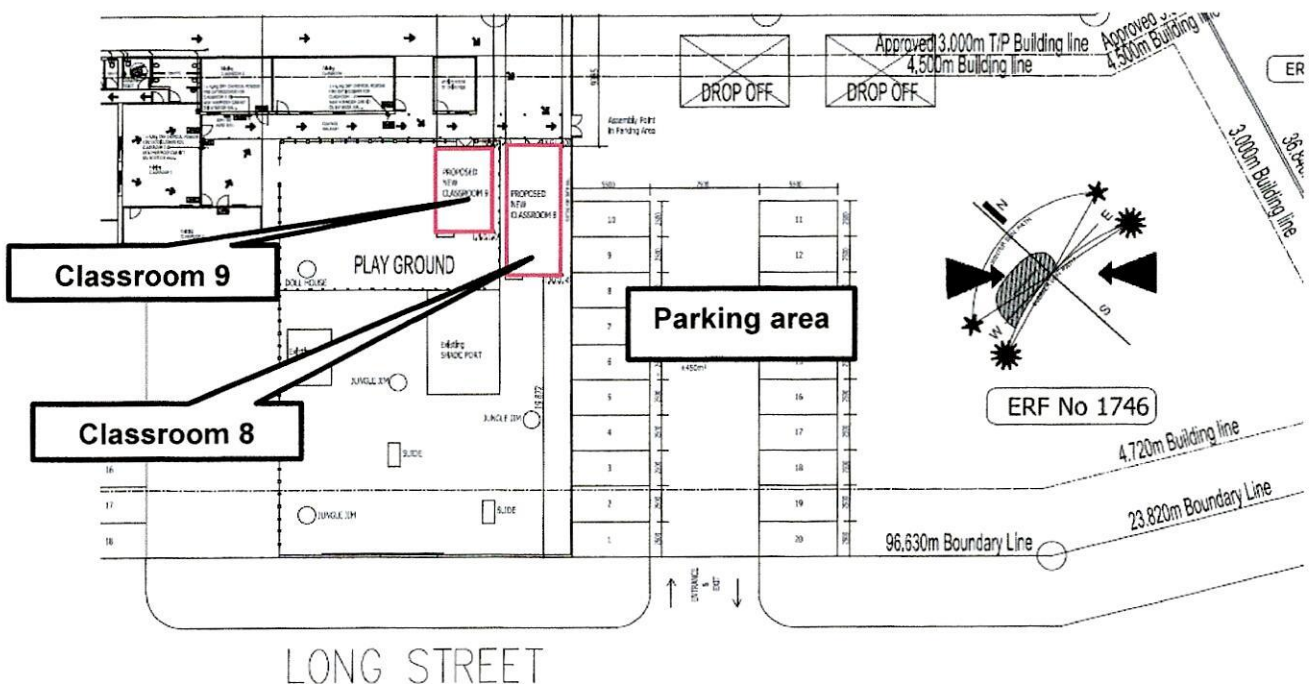
The proposed application constitutes an amendment of the previous condition of approval and site development plan. The above-mentioned condition restricts the development as indicated on Plan No. **SANB1746sdp.DRW**, dated **April 2018**

This condition will need to be addressed as an amended site development plan is proposed that constitutes two additional classrooms.

The detail of the two proposed classrooms are as follows:

The two classrooms that will be next to each other will be constructed west of the existing parking lot. The classrooms labelled as Classroom 8 and Classroom 9 on the proposed Site Development Plan will be orientated in such a way that it will face towards Long Street. The classrooms will be single storey structures of which building plans will be submitted for approval after this application process is successfully finalised. The measurements of the proposed classrooms are as follow:

Detail	Classroom 8	Classroom 9
Extent	36m ²	24m ²
Measurements	4m x 9m	4m x 6m



3.4.1 PROPOSED AMENDMENT OF THE SITE DEVELOPMENT PLAN

The proposed amendment of the site development plan and condition of approval are to accommodate two additional classrooms on the subject erf. In order to accommodate these two classrooms, it is required that the previously approved site development plan with plan number **SANB1746sdp.DRW**, dated **April 2018** be amended.

The proposal will not have any impact on the property values of the surrounding properties. The proposal will not have any impact on the character of the specific area of Sandbaai.

3.5 CHARACTER OF THE ENVIRONMENT

The proposal will not change the primary land use for the subject property. The intention is to add two additional classrooms as it will provide suitable space to impose social distancing between the pupils. The impact on the character of the area will therefore remain unchanged as the number of children at the pre-primary school and day-care centre remains the same.

The proposed amendment to the site development plan and condition of approval from the general provisions will not have a negative impact on the neighbouring properties or mix use character of the area.

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

The zoning of the subject property and land use will remain unchanged. The proposed SDP amendment from the previous approved SDP will not handicap any future land use applications on Erf 1746 Sandbaai as the proposal is only to accommodate two additional classrooms to provide space for better social distancing.

Since the primary land use and zoning will remain unchanged the impact on the surrounding properties will be kept to a minimum. Property values of surrounding erven will therefore not be negatively affected by the proposed application.

3.7 IMPACT ON EXTERNAL ENGINEERING SERVICES

3.7.1 PROVISION OF SERVICES

All services on the subject property already exist. The number of children accommodated at the pre-primary school remains the same and therefore additional services are not required. The proposal will not have a negative impact on existing services that are provided by the Overstrand Municipality.

3.7.2 TRAFFIC IMPACT, PARKING AND ACCESS

The existing access to Erf 1746, Sandbaai will be retained. No new access points are proposed. The subject property will still be utilised as a pre-primary school and shop as previously approved. Therefore, the impact on the traffic flow in the area will remain unchanged due to the fact that this application does not constitute an increase of children on the premises .

The required parking bays can be accommodated on the subject property. With the previous approval, it was stated that 20 parking bays be constructed for the accommodation of the pre-school. The proposal will not increase the required number of parking bays as the number of children accommodated will remain the same. Therefore, the parking requirements as stated in the previous approval letter will remain the same and are accommodated on the site.

3.8 OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.8.1 HERITAGE VALUE

Erf 1746 Sandbaai is not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is developed and not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed SDP amendment will not have a negative impact on the heritage value of the subject property or the Greater Sandbaai area.

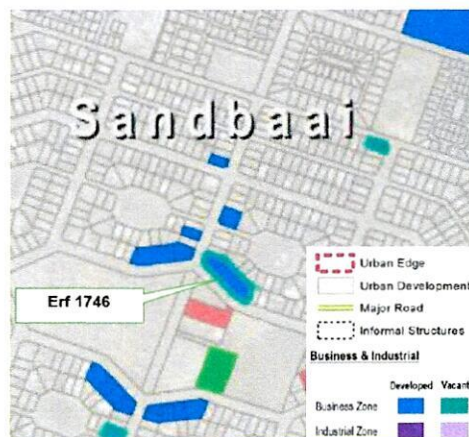
3.8.2 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed amendment of the site development plan and conditions of approval do not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.9 FORWARD PLANNING

Overstrand Municipal Spatial Development Framework (2020).

The *Overstrand Spatial Development Framework (2020)* earmarks the area where erf 1746 Sandbaai is situated, for local business purposes.



The zoning of the subject property will remain unchanged (Business Zone III: Local Business 3) and the application constitutes the amendment of the site development plan to accommodate two additional classrooms. Therefore, the proposed application falls within the existing planning for the Sandbaai area.

Overstrand Growth Management Strategy (2010)

With reference to the Overstrand Growth Management Strategy the subject erf falls within Planning Unit 1 which is located in the heart of Sandbaai along the collector road, Main Road, giving access to Sandbaai. The proposal for this Planning Unit follows the existing development trend for this area.

With reference to the ***Overstrand Growth Management Strategy (2010)***, the proposal will not have any impact on the area. Therefore, the proposed amendment of the site development plan and condition of approval can be supported.

3.10 PLANNING PRINCIPLES

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

Spatial sustainability: the proposal is compatible with the character of the area and does not impact negatively on the rights of the surrounding landowners. The proposal promotes land development that is spatially compact as motivated in terms of the relevant spatial planning policies. No impact on the biophysical environment or the heritage value of the site and area is anticipated. A site development plan was already approved, and the proposed amendment is only minor changes, thus it will not have a negative impact on the surrounding properties.

Spatial Justice refers to the need to redress the past apartheid spatial development imbalances and aim for equity in the provision of access to opportunities, facilities, services and land. In the broadest sense, it seeks to promote the integration of

communities and the creation of settlements that allow the poorest of the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by the practice of apartheid spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the incremental upgrading of informal areas. In our opinion the principle of Spatial justice is not applicable to this application.

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

Efficiency: The subject property is easily accessible and conveniently located in the Sandbaai area. There is already an approved site development plan and the proposed amendments are only minor changes to the approved site development plan. The primary use which remains is in essence a pre-primary school and will be retained.

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

4. RECOMMENDATION

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

- The application is merely for the amendment of an already approved SDP and condition of approval;
- The number of children to be accommodated and parking layout remains the same as previously approved;
- All services on the subject property already exist;
- The proposed amendment of the site development plan and condition of approval falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will not increase with this application;
- The proposed amendment of the site development plan and condition of approval will not have a negative impact on the current character and land values of the surrounding erven.
- The proposed application is in line with Spatial Planning Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA).

With regards to the above mentioned it would be appreciated if the Overstrand Municipality would consider the application favourably for the amendment of the site development plan and condition of approval for Erf 1746 Sandbaai.

