



**MEETING OF THE
MUNICIPAL PLANNING TRIBUNAL
(MPT)**

A G E N D A

DATE:	27 FEBRUARY 2024
VENUE:	TOWN PLANNING COMMITTEE ROOM
TIME:	10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

20 February 2024

TO : THE MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL

CONVENING NOTICE : SESSION OF THE MUNICIPAL PLANNING TRIBUNAL (MPT)

NOTICE IS HEREBY GIVEN that the **Municipal Planning Tribunal (MPT)** will go into session on **Tuesday, 27 February 2024 at 10:00** in the **Town Planning Committee Room**, to consider the attached agenda.

H JANSER (MS)
CHAIRPERSON : MUNICIPAL PLANNING TRIBUNAL

Distribution:

1. Ms H Janser (Chairperson)
2. Mr S Müller (Vice Chairperson)
3. Mr S Madikane (Member)
4. Mr H Blignaut (Member)
5. Ms R Louw (Member)
6. Mr R Kuchar (Authorised Official)
7. Mr S van der Merwe (Senior Town Planner)
8. Ms H van der Stoep (Senior Town Planner)
9. Mr H Olivier (Town Planner)
10. Secretariat

**MUNICIPAL PLANNING TRIBUNAL
(MPT)**

27 February 2024

I N D E X

<u>ITEM</u>	<u>PAGE NUMBER</u>	
APPLICATIONS FOR LEAVE OF ABSENCE		
4.1	ERF 158, 22 CENTRAL STREET, PEARLY BEACH: APPLICATION FOR REZONING: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JA & GM BAARD	1
4.2	ERF 4286, CHANTECLAIRE AVENUE AND ERF 4443, 27 CHANTECLAIRE AVENUE, ONRUS MANOR, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, EXEMPTION OF REGISTRATION OF A RIGHT OF WAY SERVITUDE AND AMENDMENT OF SITE DEVELOPMENT PLAN: WRAP PROJECT OFFICE ON BEHALF OF ONRUS MANOR BODY CORPORATE AND WESTERN OCEAN INVESTMENTS 161 CC	37
4.3	ERF 234, 20 PORTER DRIVE, ROOIELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: A VON MALTITZ ON BEHALF OF A VON MALTITZ & L KAESTNER	90

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 30 November 2023

4. ITEM FOR CONSIDERATION

4.1 ERF 158, 22 CENTRAL STREET, PEARLY BEACH: APPLICATION FOR REZONING: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JA & GM BAARD

Report attached

4.2 ERF 4286, CHANTECLAIRE AVENUE AND ERF 4443, 27 CHANTECLAIRE AVENUE, ONRUS MANOR, ONRUSTRIVIER, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REZONING, CONSENT USE, DEPARTURE, EXEMPTION OF REGISTRATION OF A RIGHT OF WAY SERVITUDE AND AMENDMENT OF SITE DEVELOPMENT PLAN: WRAP PROJECT OFFICE ON BEHALF OF ONRUS MANOR BODY CORPORATE AND WESTERN OCEAN INVESTMENTS 161 CC

Report attached

4.3 ERF 234, 20 PORTER DRIVE, ROOIELS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND DEPARTURE: A VON MALTITZ ON BEHALF OF A VON MALTITZ & L KAESTNER

Report attached

4.1

**ERF 158, 22 CENTRAL STREET, PEARLY BEACH: APPLICATION FOR REZONING:
MESSRS WRAP PROJECT OFFICE ON BEHALF OF JA & GM BAARD**

158 GPB (4396/2023)

SW van der Merwe

17 January 2024

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application has been received on 19 May 2023 from Messrs WRAP Project Office in terms of the Overstrand Municipality Municipal Land Use Planning Amendment By-Law, 2020 (By-Law) on behalf of JA & GM Baard, the owners of Erf 158, Pearly Beach for **rezoning** of the property in terms of Section 16(2)(a) of By-Law from Utility Zone: Utility Services to Business Zone 3: Local Business.

A Locality Plan is attached as Annexure A. The Motivation Report from the applicant in support of the application is attached as Annexure B, while the Site Development Plan is attached as Annexure C.

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 158 is located in Pearly Beach and is 385m² in extent. The property is currently zoned as a Utility Zone: Utility Services and is currently vacant. The property owner has previously submitted an application for the property to be rezoned to Residential Zone 1: Single Residential in 2008 and this application were unsuccessful. The property owner has now submitted an application for the property to be rezoned to Business Zone 3: Local Business which is in line with the zoning of the surrounding properties.

4. SUMMARY OF APPLICANT'S MOTIVATION

Only a summary of the main points of motivation are conveyed as follows (the detailed motivation report is attached as Annexure B):

- ❖ The property is surrounded with properties that are zoned as Business Zone 3: Local Business.
- ❖ The current zoning of the property is not in harmony with that of the surrounding properties.
- ❖ The proposed rezoning would enable the property to be utilized for a wider range of functional purposes that provides opportunity for both commercial- and residential land uses.
- ❖ The proposed rezoning could potentially foster economic growth within the local community.
- ❖ The property is located in a small business node which makes the proposed rezoning consistent with the character and land use patterns of its immediate vicinity.
- ❖ The rezoning will enable the property to serve a functional purpose within the community and contribute to the economy.

- ❖ The rezoning can increase the value of the property as business zones tend to attract investments and developments.
- ❖ The subject property is not located in an environmentally important area.
- ❖ The property is located within the Environmental Management Overlay Zone, but no listed activities in terms of NEMA are triggered.
- ❖ The application is in line with the planning principles as set out in SPLUMA.
- ❖ There will be no negative impacts on the values of the surrounding properties residential properties.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local Newspaper	Yes	09 June 2023	14 July 2023
Notices	Yes	09 June 2023	14 July 2023
Internal Departments	Yes	09 June 2023	14 July 2023
Ward councillor	Yes	09 June 2023	14 July 2023
Total letters of objection	Two		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes
In case of application for removal, amendment, or suspension of restrictive title conditions if notices in accordance with Section 35(3)(d) of the By-Law on Municipal Land Use Planning was served on all persons mentioned in the title deed for whose benefit the restriction applies.			N/A

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

Name	Date received	Summary of comments
Fire Department	12/06/2023	No objection.
Building Department	14/06/2023	No objection.
Local Heritage	14/06/2023	Supported.
Engineering Services	10/07/2023	Attached as Annexure F.

Telkom	28/07/2023	Attached as Annexure G.
Health	31/07/2023	No comment with regard to rezoning. Note: Future activities (not determined yet) to comply with relevant health legislation and certification e.g. restaurant/accommodation etc.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two objections were received from Mr. F Domingo, the owner of Erf 188 and E Versfeld, the owner of Erf 186 regarding the rezoning of Erf 158 Pearly Beach. The objections will be summarized below followed by the response from the applicant and town planner.

Erf 188, Pearly Beach (F&C Domingo)

Point 1 of comment

Preservations of view

When I acquired Erf 188 in 2004, it was with the intention of building my retirement home, envisioning a peaceful view of the fauna and the sea from my property. I was led to believe that the area directly in front of my land was designated for municipal utilities and conservation purposes. Any proposed development on Erf 158 would obstruct my view and negatively impact the natural surroundings.

Response of applicant

Comment is noted, but the objectors are mistakenly assuming that their view is protected. Case law exists that indicates that a view is a privilege and not a right.

The property is proposed to be developed in alignment with the development parameters. While the property was originally designated for municipal utilities, it has been privately owned since the early 2000 and it is believed that the utility zoning was incorrectly allocated.

The objectors' property is also not directly aligned with the subject property, and thus they will still have large open space to the south-eastern side with an unobstructed view.

Response of town planner

The response of the applicant is noted. However, the properties surrounding Erf 158 are also zoned as Business Zone 3: Local Business and the rezoning of the subject property is aligned with the character of that area. The obstruction of view will also be minimal as the subject property and the objectors' properties are not aligned.

Point 2 of comment

Protection of fynbos and fauna

Pearly Beach is home to rare indigenous fynbos, and its unique fauna should be preserved. The proposed development could have adverse effects on the local flora and fauna, jeopardizing the biodiversity and ecological balance of the area. It is crucial to protect and prevent overdevelopment in the region.

Response of applicant

The property is located within the urban edge, which absolves the property from numerous environmental triggers. The application was also circulated to internal- and external environmental departments that were allowed to comment.

The property is also not located in a critical biodiverse area and development will only occur within the property boundaries.

Response of town planner

The response of the applicant is noted. The property is not located in an area of critical biodiverse area and will not have adverse effects on the surrounding fauna and flora as mentioned by the objectors.

The application was also circulated to the various internal departments with no objections relating to the rezoning causing environmental damage.

Point 3 of comment

Residential character

The surrounding area primarily comprises residential properties, which contradicts the proposal's claim to align with neighboring properties consisting of a mix of residential and business spaces. Erf 158 is bordered by Single Residential, Public Open Space, and Nature Reserve areas, as indicated in the supplied diagram: "3. Proposed Zoning Plan Erf 158— Pearly Beach." A site inspection would further illustrate this point.

Response of applicant

Refer to section 11.3 of the motivational report, where it is evident that the property is situated within a local business node, as stated, and motivated.

While the surrounding area may predominantly consist of residential properties, the specific location of this property falls within the designated business node, intended for the operation of small-scale businesses.

Response of town planner

The applicant's response is noted. The subject property, according to the Municipal Land Use Scheme, is located in a local business node with Erven 156, 157, 159, 160 and 161 all zoned as Business Zone 3: Local Business and would thus align with the character of the area it is situated in. The erf is also situated in a local business node as per the Overstrand Spatial Development Framework and Overstrand Growth Management Strategy.

The surrounding properties across Rotunda- and Central Streets are indeed zoned as single residential and public open spaces, but the rezoning of Erf 158 is aligned with the properties in its immediate vicinity.

Point 4 of comment

Sewage infrastructure

Considering that Pearly Beach currently relies on septic tank systems, any development on Erf 158 would require property owners to bear the cost of installing sewage infrastructure for their business ventures. This crucial aspect is not addressed in the proposal.

Response of applicant

This is noted and agreed with. The property owners do not expect any other party to contribute to the required sewage infrastructure. The application was circulated to the Engineering Services Department within the Overstrand Municipality for comment.

Response of town planner

The applicant's response is noted and agreed with. The Engineering Services Department have supplied comments regarding this matter and conditions have been set that will need to be complied with when development on the property commences.

Point 5 of comment

Village character

Preserving the rustic and village-like character of Pearly Beach is of great importance to the majority of residents, including myself. Past objections to street light installations and rezoning applications in this area reflect this sentiment. As no specific development plans are outlined in the proposal, there is potential for negative effects on the neighborhood's ambiance.

Response of applicant

This is noted and the property owners do not want to lose the existing aesthetic or have a negative impact on the surrounding area. The proposal will also be within the development parameters as set out by the Overstrand Municipality. Additionally, the proposal is aligned with the policies and legislation of the municipality.

Streetlights are a municipal service.

Response of town planner

The response of the applicant is noted and concurred with.

Point 6 of comment

Community opposition

Introducing commercial activities to this area will likely face strong opposition from the majority of Pearly Beach residents. It is essential to consider the community's wishes and concerns before proceeding with any commercial ventures.

Response of applicant

Only two objections were received, as the area is earmarked as a business node and proposal is not considered out of character for the area.

Response of town planner

The response of the applicant is noted and concurred with. Notices were sent out to various property owners, internal departments and other interested and affected parties and only two objections were received. Further, the remaining properties in this node have business rights originating from Township Establishments.

Erf 186, Pearly Beach (E Versfeld)

Point 1 of comment

“As eienaar en bewoner van Centralstraat 19, Erf 186, Pearly Beach wil ek graag die volgende kommentaar op bogenoemde aansoek om hersonering lewer. Die blok met die 5 erwe, Erwe 156, 157, 159, 160 en 161, is almal besigheid gesoneer en die aansoek om Erf 158 ook na besigheid te hersoneer, maak heeltemal sin. Dit dien egter geen doel om 6 baie klein besigheidserwe aan hierdie kant van die dorp te hê nie, aangesien die reeds gevestigde besigheidskern aan die ander kant van die dorp is, met die Whale Coast Brewery, Visgat, die kafee en Karin's Kitchen as gevestigde besighede. Daar bestaan geen aanvraag of behoefte na verdere besighede hier in die omgewing van Erf 158 nie. Die aanvanklike sonering van Nutsdienste blyk foutief te wees, aangesien geen sodanige sonering in privaat besit behoort te wees nie. Die gemiddelde grootte van die erwe, 385m² is te klein om as residensieel benut te kan word. Hierdie 5 of dan 6 besigheidserwe tussen hoofsaaklike residensiele erwe, bring net die waarde van die residensiele erwe in die onmiddellike omgewing af en geen verdere besighede in hierdie area kan geregverdig word nie.” *(sic)*

Response of applicant

The application was submitted to allow the property owners to develop the property. The objector states that the proposed development will have a negative effect on the property values. She however did not provide any evidence or motivation why this would be the case. Erf 158 is located in a business node adjacent to other business properties, which is not regarded to be out of character.

The property owners are attempting to rectify what they believe was an error, as the property is located together with other business properties which is not expected to have a negative impact on the surrounding area.

Response of town planner

The response of the applicant is noted and concurred with.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

Refer to paragraph 7 above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

Refer to paragraph 7 above.

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

10.1 Background

N/A

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

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for a business premises would encourage economic growth that in turn could employ less fortunate and not perpetuate apartheid spatial development imbalances.

Spatial Sustainability

The application is located within the urban edge and will therefore not lead to urban sprawl. No natural habitat is impacted upon, and it will have no negative influence on the environment. This proposal is intended to increase the economic power of the Pearly Beach area.

Efficiency

This proposal is intended to maximise the usage of the subject property, which is proposed as the new zoning would unlock more options of economic development.

Spatial Resilience

This proposal is not in conflict with any spatial planning policies or other Overstrand Municipality regulations which is a hallmark of resilience.

Good Administration

This proposal undergone thorough internal circulation and public participation where people who may be affected were notified with an opportunity to provide comments and raise any concerns.

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

Same as 10.2 above.

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

Consistent with the Overstrand Land Use Scheme, 2020, as well as the Overstrand Growth Management Strategy.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal engineering services

The existing services are available and have been viewed positively by the Engineering Department. Bulk services levies are payable.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand spatial documents.

10.9 Additional Planning Motivation For Removal of Restrictive Condition

N/A

11. THE DESIRABILITY OF THE PROPOSAL

The motivation of the application is supported. The desirability of the application must be read together with author's response to the points of comment.

REZONING

Erf 158, Pearl Beach is located in a local business node and is currently zoned as a Utility Zone: Utility Services. An initial application was submitted to rezone the property to a single residential property which was unsuccessful as it was not aligned with the character of the properties in its immediate vicinity. The application to rezone the property to Business Zone 3: Local Business is aligned with the character of the five neighbouring properties which are all zoned as such.

The initial zoning as a Utility Zone was done when the property was still property of the state, and this does not align with the character of the surrounding properties. Thus, the current property owners have applied to rezone the property to utilize the property as it is currently vacant.

During the public participation process there were two objections to the proposal to which the applicant provided responses. These objections did not provide a compelling argument as to why the proposed rezoning should not be desirable from a town planning perspective.

The proposed rezoning will enable the property to be utilized for a wider range of functional purposes and have a positive impact on the economy of the Pearly Beach area.

In terms of the 2020 revised Overstrand Municipality Spatial Development Framework the property is earmarked for urban development that includes business activities. Further, in terms of the Overstrand Growth Management strategy, the subject property is earmarked for Economic Opportunity purposes. The rezoning of the subject property to Business Zone 3 is therefore in line with the municipality's strategic planning for the area and the character of the business node that derives from the township establishment.

In view of the above, it is the opinion that the application under consideration holds sufficient merit to be deemed desirable from a town planning perspective and should be supported in the manner as set out in the recommendation of this submission.

12. RECOMMENDATION

1. that the objections received be noted;
2. that the application in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land use Planning, 2020 (By-Law), for the rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services to Business Zone 3: Local Business, **be approved** in terms of the provisions of Section 61 of the By-Law; and
3. that the above approval be subject to the following conditions:
 - (a) that the conditions of Engineering Services (attached as Annexures F), must be complied with;
 - (b) that the conditions of Telkom (attached as Annexure G), must be complied with;
 - (c) that applicable 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 landowner from compliance with any other relevant legislation; and
 - (e) that all other applicable development parameters as prescribed in the relevant Zoning Scheme, be complied with;
4. that the applicant and persons who commented be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law Amendment on Land Use Planning, 2020 with regard to the above conditions of approval

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ No internal objections were received.
- ❖ It is in line with forward planning documents.
- ❖ Much needed job opportunities will be created.
- ❖ It is not regarded as being undesirable from a town planning point of view.
- ❖ The application is consistent with the planning principles in terms of LUPA and SPLUMA

14. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Objections and response from applicant
Annexure E: Response from applicant
Annexure F: Engineering Services Report
Annexure G: Telkom

SIGNATURES**REGISTERED PLANNER:**

Name: **S VAN DER MERWE**

SACPLAN Reg No: **A/1850/2014**

Signature: _____

Date: _____



MOTIVATION

1. ABBREVIATIONS

OM	Overstrand Municipality
OMLUS	Overstrand Municipality Land Use Scheme, 2020
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020
PSDF	Western Cape Provincial Spatial Development Framework, 2014
LUPA	Western Cape Land Use Planning Act, 2014.
MSDF	Overstrand Spatial Development Framework, 2020
B3	Business Zone 3: Local Business

2. PROPERTY DETAILS

Erf Number	158 Pearly Beach
Extent	385m ²
Current Zoning	Utility Zone: Utility Services

3. BACKGROUND AND INTENT

Erf 158 Pearly Beach, hereafter referred to as the subject property, is situated in Central Street, Pearly Beach (refer **Plan 1 – Locality Plan**). The property owners have appointed WRAP Project Office to submit this land use application on their behalf (refer **Annexure A – Power of Attorney**).

In 2007, the current owners purchased the property with the intention of developing it for residential purposes. At the time of purchase, they were under the impression that the property was zoned for residential purposes. They have however recently discovered that the property is actually zoned as Utility Zone: Utility Services. This discovery has led them to understand that they will be unable to develop the property for residential purposes.

The proposal is to rezone the property to align it with the surrounding land uses, Business Zone 3: Local Business. To ensure compliance with the OMLUS, approval of the following application is required:

- Rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services to Business Zone 3: Local Business.



MOTIVATION

4. PROCEDURE TO ACHIEVE THE APPLICANT'S INTENT

The following is proposed:

4.1 Rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services (UT) to Business Zone 3: Local Business (B3) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

The property owners have identified a past oversight regarding the zoning of their property and are now seeking to rectify it by pursuing a rezoning process. Their goal is to change the property's existing Utility Zoning designation to Business Zone 3: Local Business, aligning it with the zoning of the surrounding properties in the area.

The current utility zoning restricts the property's usage exclusively to utility services as defined by the OMLUS:

"utility service" means a use or infrastructure that is required to provide engineering and associated services for the proper functioning of urban development and includes a water reservoir and purification works, electricity substations and transmission lines, waste water pump stations and treatment works, energy renewable infrastructure such as wind turbines and solar panels, whether above or below ground or water, and may include such sustainable service delivery technology as the Municipality may approve but does not include road or transport use;"

Recognizing that the current utility zoning is not in harmony with the predominant business- and single residential zonings of the surrounding area, the property owners are seeking to rezone their property to better align with the neighbourhood. The proposed rezoning to Business Zone 3: Local Business would enable the property to be utilized for a wider range of functional purposes, providing opportunities for commercial- and residential land uses and potentially fostering economic growth within the local community.

Given the property's location in a small business node, aligning with the prevailing trends in the surrounding area, makes practical sense. By rezoning the property to Business Zone 3: Local Business, it would be consistent with the character and land use patterns of its immediate vicinity, ensuring a more cohesive and harmonious development framework.

Overall, the property owners aim to rectify the oversight of the previous utility zoning and reposition their property to be more in line with the neighbouring properties, enabling it to serve a functional purpose within the community and contribute to the economic vitality of the area.

Rezoning the property to Business Zone 3: Local Business can increase its value. Business zones tend to attract investments and development, leading to improved infrastructure, amenities, and services. This upward trend in property values benefits owners and the local tax base. It's important to note that no specific development plans are currently proposed.



MOTIVATION

5. APPLICATION

Considering the above, application is made for the following:

5.1 Rezoning of Erf 158, Pearly Beach from Utility Zone: Utility Services (UT) to Business Zone 3: Local Business (B3) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

6. LAND USE ENVIRONMENT

The properties surrounding the subject property are predominantly zoned Residential Zone 1: Single Residential and Business Zone 3: Local Business. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

7. TITLE DEED

Title deed T44219/2007 (refer **Annexure B**) was perused and there are no restrictive conditions that restricts the proposal for the subject property.

8. ZONING

The following zoning parameters were assessed in conjunction with the UT & B3 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:

CURRENT ZONING – UTILITY ZONE: UTILITY SERVICES (UT)		
Land Use Restrictions		
	Development Parameters	Current Use
Primary uses	Utility Service	Vacant
Consent uses	authority use, cemetery, crematorium, informal trading (subject to the provisions of Chapter 16.10), transmission apparatus (subject to the provisions of Chapter 16.10) and any other associated uses determined by the Municipality.	Not applicable



MOTIVATION

PROPOSED ZONING - BUSINESS ZONE 3: LOCAL BUSINESS (B3)			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
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.	To be determined	
Consent use that may 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 Apparatus (subject to the provisions of chapter 16.10)	To be determined	
Development parameters			
Coverage	The maximum coverage for all buildings on the land unit is 75% .	Building plans will be submitted should the property owners want to develop.	
Floor Factor	The maximum floor factor is 1.5 .	Building plans will be submitted should the property owners want to develop.	
Height	i. The maximum height of a building, measured from the base level to the top of the structure, is 8,5 m. ii. The maximum number of storeys is 2.	Building plans will be submitted should the property owners want to develop.	
Setback	i. The Municipality may require that all buildings and structures on the property are set back at least 6,5 m from the centre line of the street.		



MOTIVATION

<p>Building Lines</p>	<p>ii. Where special circumstances exist, the Municipality may require a greater setback. i. The street building line is 0 m, provided that a 5.0 m building line applies where fuel pumps are erected; ii. The side building line is 0 m, provided that where any Business Zone 3 abuts another zone, the side building line is 3.0m; iii. The rear building line is 3.0 m, provided that where any Business Zone 3 abuts another zone, the rear building line is 3.0m; and Provided that the Municipality may require more restrictive building lines in the interests of public health or safety or the environment or in order to enforce any applicable law or right.</p>	<p>Building plans will be submitted should the property owners want to develop.</p>	
<p>Window and door placement</p>	<p>i. Where a 0 m building line applies and where a wall of a building is erected 1.0 m or less from the side or rear building line, no door or window shall be permitted in the wall concerned. ii. Any portion of the building which contains a door or window onto a side or rear boundary shall be at least 1.5 m away from such boundary.</p>	<p>Building plans will be submitted should the property owners want to develop.</p>	
<p>Parking and access</p>	<p>According to section 17.1 of the OMLUS: Office Four bays per 100m² GLA Flats 1.5 for a one-bedroom flat</p>	<p>Building plans will be submitted should the property owners want to develop.</p>	
<p>Loading Bays</p>	<p>The minimum off-street loading must be provided to the satisfaction of the Engineering Department.</p>	<p>Building plans will be submitted should the property owners want to develop.</p>	



MOTIVATION

9. SERVICES

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

Electricity, water, sewage and solid waste

The area is serviced by the Overstrand Municipality which includes water, electricity, sewage and solid waste is collected on a weekly basis.

Access and egress

Vehicular access and egress to the subject property is proposed to be gained from Central Street.

10. NEED AND DESIRABILITY

The need and desirability of the approval and implementation of this proposal in accordance with Section 66 (1) (c) of the OM By-Law can be illustrated as follow:

Need and desirability.

The need for the development arose from the applicant's vision to increase the value of the subject property by aligning the zoning with the existing area's functionality, creating a space where job opportunities are created.

Socio-economic impact	<p>The socio-economic impact rezoning the property can have several socio-economic benefits. It can provide opportunities for commercial activities, which can stimulate economic growth within the local community.</p> <p>By increasing property values, it can also create wealth and promote property ownership. In addition, the development of new businesses and infrastructure can create job opportunities, which can help reduce unemployment and increase local spending.</p> <p>Overall, rezoning the property can contribute to the social and economic vitality of the area, potentially benefiting both property owners and the broader community.</p>
Compatibility with surrounding uses	The proposal to establish a business property in a business node as identified within the MSDF.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	The proposed rezoning is unlikely to have a negative impact on the safety, health, and wellbeing of the surrounding community. The new zoning aligns with the predominant single residential and business zoning of the surrounding area, meaning that it would be consistent with the character and land use



MOTIVATION

	<p>patterns of its immediate vicinity. The proposed rezoning does not involve any specific development plans, meaning that it would not introduce any new hazards or risks to the area. Furthermore, the Business Zone 3: Local Business zoning permits a range of functional purposes, including commercial activities, that can potentially contribute to the local economy and enhance the quality of life for residents.</p> <p>It's important to note that the proposed rezoning will be subject to relevant regulatory requirements and assessments to ensure that it complies with safety and environmental standards.</p>
Impact on heritage	The subject properties are not listed in the OM Heritage Register.
Impact on the biophysical environment	It is not anticipated that the proposed development will have any negative impact on the biophysical environment.
Traffic impacts, parking, access and other transport related considerations	Refer to Section 9.

Impact on views, sunlight and character of the area

No physical changes to the subject property are proposed and no new construction will take place. Plans for the future building will need to be submitted to the OM for approval and it will need to comply with the proposed zoning's development parameters.

Economic impact

The proposed establishment that will be operated on the subject property will have a positive impact on the economy as it creates a space where employment opportunities are created.

Opportunity cost

An opportunity cost in the context of land use planning refers to a development proposal that leads to the devaluation or foregoing of valued land use rights of interested and affected parties when an application is approved. The development will not affect the property values of surrounding properties.

Impact on heritage

The subject property is not listed in the OM Heritage Register. None of the provisions in the National Heritage Resources Act, 1999 are triggered by this proposal.

Environmental impact

The subject property is not located within an environmentally important area.



MOTIVATION

11. POLICIES AND REGULATIONS

11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is located within the 'Urban Conservation' zone of the EMOZ. The purpose is to protect and manage undeveloped conservation-worthy public owned land within the Overstrand's urban edge, and adjacent buffer areas, while promoting the retention of viable priority ecological corridors in areas that are to be developed, to ensure an integrated 'conservation and development' approach that will enhance living conditions for the communities of the Overstrand.

As the property is not owned by the municipality it is not considered as public land, therefore it cannot have an effect on the EMOZ as it was never supposed to be included into this specific EMOZ.

11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The subject property is not located within the Heritage Protection Overlay Zone.

11.3 Spatial Planning Policies

The consistency and inconsistency of this proposal with the applicable spatial development policies will herewith be illustrated. The spatial policies which are pertinent to the submitted proposal are the following:

PSDF

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 that is intended to inform spatial development patterns in urban and rural areas in the province.

Throughout the PSDF economic development is a widespread term used and focussed on. Economic development is an aspect that is important to ensure the Provincial economy has a large impact on the National economy.

The continual growth of the Provincial economy means that economic activity should be stimulated in other spheres of the government. This application to provide for the business uses are in line with the proposal to add economic value to the Pearly Beach area which in turn will have a positive impact on the Overstrand Municipality. The application then relates to the development of economic activity which is in line with the PSDF.

MSDF

The MSDF's purpose is to ensure compliance with national, provincial and municipal legislation policies and principles. The SDF aims to provide sufficient guidance regarding what constitutes appropriate spatial development land uses and direction within the urban edge. The SDF was drafted after considering input from other state departments and the public and provides a shared spatial vision which the development proposal should ideally attempt to synchronise with.



MOTIVATION

To ensure compliance with the principles and objectives set out by the PSDF and the National Development Plan the MSDF was synthesised through the influence of these policies and frameworks.

Ensuring economic development take place in the OM would ensure sustainable growth of the municipal area. The area where the subject property is located, falls in a small local retail node as indicated on Plan 67 – p228.

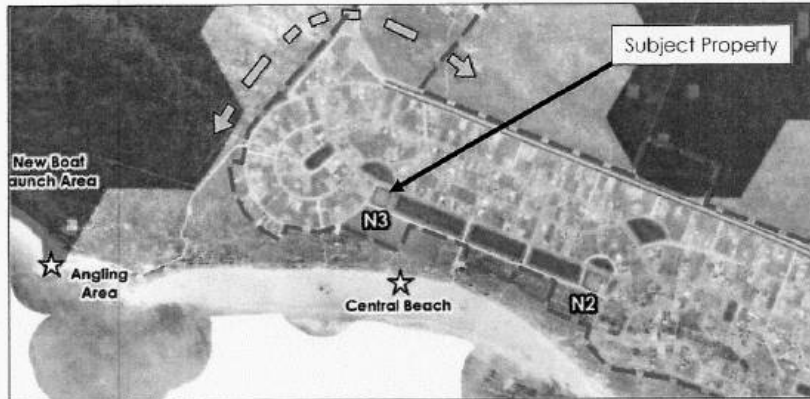


Figure 1: Extract from the MSDF (Plan 67)

The fact that the property is located in a small business node indicates that it is already in a commercially viable area. The proposed rezoning would only serve to enhance the area's commercial potential, attracting more investment and development, and potentially leading to improved infrastructure, amenities, and services. This would likely have a positive impact on property values in the surrounding area, further demonstrating the appropriateness of the proposed business zoning.

12. PLANNING PRINCIPLES

Chapter 2 of SPLUMA contains 5 uncompromisable planning principles by which each development application must be guided. Policy proposals in SPLUMA which are pertinent to this proposal are recorded below:

Spatial justice

Spatial justice refers to planning proposals which do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal for a business premises would encourage economic growth that in turn could employ less fortunate and not add to the perpetuate apartheid spatial development imbalances.

Spatial sustainability

Spatial sustainability refers to planning proposals which result in communities that are viable. This proposal is intended to increase the economic power of the Pearly Beach area in the OM.



MOTIVATION

Efficiency

This proposal is intended to maximise the usage of the subject property, which is proposed as the new zoning would unlock more options of economic development.

Spatial resilience

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience.

Good administration

The OM has a credible track record of good administration regarding the method of public participation. Public participation forms an integral part of the land use planning process.

The public participation process provides people who may be affected by the proposal with an opportunity to provide comment and to raise issues of concern about the proposal or make possible suggestions that may result in an enhanced outcome of which both parties benefit. Comments will be reviewed and considered after which it will be addressed accordingly.



RECOMMENDATION

13. EVALUATION

In conclusion, the proposed rezoning of the subject property from Utility Zoning to Business Zone 3: Local Business would align it with the predominant single residential and business zoning of the surrounding area, enabling it to be utilized for a wider range of functional purposes. This would provide opportunities for commercial activities and potentially foster economic growth within the local community, in line with the principles and objectives set out by the PSDF and the MSDF.

The subject property is adequately located in a small local retail node, and once rezoned will be consistent with the character and land use patterns of its immediate vicinity, ensuring a more cohesive and harmonious development framework. It is expected to have a positive impact on the socio-economic development of the area and is unlikely to adversely affect the safety, health, and well-being of the surrounding community.

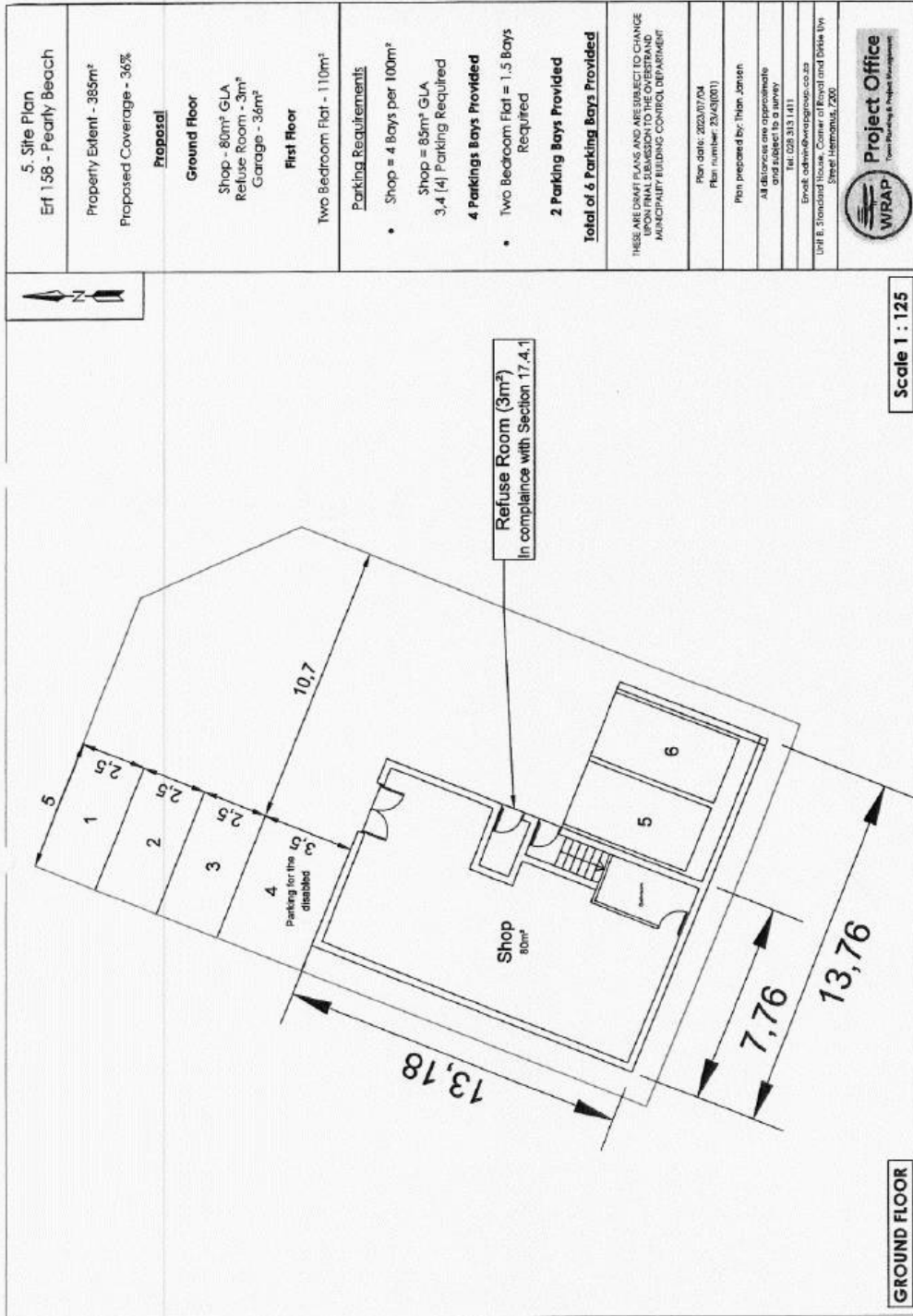
Overall, the proposed rezoning aligns with the municipality's strategic objectives and would be in the public interest. It would contribute to the sustainable growth of the municipal area and increase the property value, benefiting property owners and the municipal tax base.

14. RECOMMENDATION

Based on the abovementioned motivation, it is recommended that the following be approved:

- 14.1 Rezoning** of Erf 158, Pearly Beach from Utility Zone: Utility Services (UT) to Business Zone 3: Local Business (B3) in terms of Section 16(2)(a) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

ANNEXURE C



**ERF 158, 22 CENTRAL STREET, PEARLY BEACH, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR REZONING: MESSRS WRAP PROJECT OFFICE ON BEHALF OF JA & GM
BAARD
APP ID: 4396/2023**

I, Fareed Domingo, residing at 15 Arc Street, Pearly Beach (Erf 188), hereby formally express my objections to the proposed rezoning of erf 158 from Utility Zone to Business Zone 3.

I present the following reasons for my objections:

1. **Preservation of View:** When I acquired erf 188 in 2004, it was with the intention of building my retirement home, envisioning a peaceful view of the fauna and the sea from my property. I was led to believe that the area directly in front of my land was designated for municipal utilities and conservation purposes. Any proposed development on erf 158 would obstruct my view and negatively impact the natural surroundings.
2. **Protection of Fynbos and Fauna:** Pearly Beach is home to rare indigenous fynbos, and its unique fauna should be preserved. The proposed development could have adverse effects on the local flora and fauna, jeopardizing the biodiversity and ecological balance of the area. It is crucial to protect and prevent overdevelopment in the region.
3. **Residential Character:** The surrounding area primarily comprises residential properties, which contradicts the proposal's claim to align with neighbouring properties consisting of a mix of residential and business spaces. Erf 158 is bordered by Single Residential, Public Open Space, and Nature Reserve areas, as indicated in the supplied diagram: "3. Proposed Zoning Plan Erf 158 – Pearly Beach." A site inspection would further illustrate this point.
4. **Sewage Infrastructure:** Considering that Pearly Beach currently relies on septic tank systems, any development on erf 158 would require property owners to bear the cost of installing sewage infrastructure for their business ventures. This crucial aspect is not addressed in the proposal.

5. **Village Character:** Preserving the rustic and village-like character of Pearly Beach is of great importance to the majority of residents, including myself. Past objections to street light installations and rezoning applications in this area reflect this sentiment. As no specific development plans are outlined in the proposal, there is potential for negative effects on the neighbourhood's ambiance.

6. **Community Opposition:** Introducing commercial activities to this area will likely face strong opposition from the majority of Pearly Beach residents. It is essential to consider the community's wishes and concerns before proceeding with any commercial ventures.

While I understand the predicament of the property owners seeking to develop their land, I believe they should seek alternative avenues rather than compromising the unique characteristics and natural beauty of Pearly Beach.

Sincerely,

Fareed & Canita Domingo

Address: 15 Arc Street, Pearly Beach, GANSBAAI

TP. N. Theart
(S. ud mawo)



Alida Conradie

From:
Sent: Sunday, 09 July 2023 17:04
To: Alida Conradie
Subject: Kommentaar op aansoek om hersonering: Erf 158, Centralstraat 22, Pearly Beach

As eienaar en bewoner van Centralstraat 19, Erf 186, Pearly Beach wil ek graag die volgende kommentaar op bogenoemde aansoek om hersonering lewer. Die blok met die 5 erwe, Erwe 156, 157, 159, 160 en 161, is almal besigheid gesoneer en die aansoek om Erf 158 ook na besigheid te hersoneer, maak heeltemal sin. Dit dien egter geen doel om 6 baie klein besigheidserwe aan hierdie kant van die dorp te he nie, aangesien die reeds gevestigde besigheidskern aan die ander kant van die dorp is, met die Whale Coast Brewery, Visgat, die kafee en Karin's Kitchen as gevestigde besighede. Daar bestaan geen aanvraag of behoefte na verdere besighede hier in die omgewing van Erf 158 nie. Die aanvanklike sonering van Nutsdienste blyk foutief te wees, aangesien geen sodanige sonering in privaat besit behoort te wees nie. Die gemiddelde grootte van die erwe, 385m² is te klein om as residensieel benut te kan word. Hierdie 5 of dan 6 besigheidserwe tussen hoofsaaklike residensiele erwe, bring net die waarde van die residensiele erwe in die onmiddellike omgewing af en geen verdere besighede in hierdie area kan geregverdig word nie.

Die uwe,

Elrina Versfeld

FILE NO.	Erf 158 ✓
	Pearly Beach
SCAN NO.	
	GPB 158
COLLABORATOR NO.	
	188 1161

Y

10 JUL 2023



Project Office

Town Planning & Project Management

TP- N. Aheart
(S. vd Merwe)



Our Reference: 23/43
Your reference: 158 GPB

18 July 2023

The Municipal Manager
Overstrand Municipality
P O Box 20
HERMANUS
7200

Attention: Mr S van der Merwe

FILE NO.	21 158 ✓
	Pearly Beach
SCAN NO.	
	GPB 158
COLLABORATOR NO.	
	1886536

ERF 158, PEARLY BEACH: RESPONSE TO OBJECTIONS: APPLICATION FOR REZONING

Your email dated 17 July 2023, refers.

Two external comments were received from F & C Domingo and E Versfeld both of which will be addressed herein.

Project Planning | Project Feasibility | Land Use Applications | Project Execution Management | Liquor Licensing

Unit B, Standard House,
Cnr Royal and Dirkie Uys Street
Hermanus

P O Box 1247
Hermanus,
7200

Tel: +27 (0)28 313 1411
Email: admin@wrapgroup.co.za
Web: www.wrapgroup.co.za

20 YEARS
1999-2019

WRAP Group Established 2002

19 JUL 2023



Response to objections to the application for rezoning.

Comments from F & C Domingo	Response to comment
<p>1. <u>Preservation of View:</u> <i>When I acquired erf 188 in 2004, it was with the intention of building my retirement home, envisioning a peaceful view of the fauna and the sea from my property. I was led to believe that the area directly in front of my land was designated for municipal utilities and conservation purposes. Any proposed development on erf 158 would obstruct my view and negatively impact the natural surroundings.</i></p>	<p>The comment is noted, but the objectors are mistakenly assuming that their view is protected. Several case law exist that indicate that a view is a privilege and not a right.</p> <p>The property is proposed to be developed in alignment with the development parameters as discussed within the application Section 7.</p> <p>The notion that the objectors were informed the property was designated for municipal utilities may be correct, but the property has been privately owned since the early 2000 and it is believed that the utility service zoning was incorrectly allocated.</p> <p>The objectors' property is also not directly aligned with the subject property, and they will still have a large open space to the southeastern side of their property with a view which will be unobstructed.</p>
<p>Comments from F & C Domingo</p> <p>2. <u>Protection of Fynbos and Fauna:</u> <i>Pearly Beach is home to rare indigenous fynbos, and its unique fauna should be preserved. The proposed development could have adverse effects on the local flora and fauna, jeopardizing the biodiversity and ecological balance of the area. It is crucial to protect and prevent overdevelopment in the region.</i></p>	<p>Response to comment</p> <p>The property is located within the urban edge, which absolves the property from numerous environmental triggers. The application was also circulated to internal and external environmental departments that were allowed to comment.</p> <p>The property is also not located in a critical biodiverse area and development will only occur within the property boundaries.</p>
<p>Comments from F & C Domingo</p> <p>3. <u>Residential Character:</u> <i>The surrounding area primarily comprises residential properties, which contradicts the proposal's claim to align with neighbouring properties consisting of a mix of residential and business spaces. Erf 158 is bordered by Single Residential, Public Open Space, and Nature Reserve areas, as indicated in the supplied diagram: "3. Proposed Zoning Plan Erf 158 - Pearly Beach." A site inspection would further illustrate this point.</i></p>	<p>Response to comment</p> <p>Refer to section 11.3 of the motivational report, where it is evident that the property is situated within a local business node, as stated, and motivated.</p> <p>While the surrounding area may predominantly consist of residential properties, the specific location of this property falls within the designated business node, intended for the operation of small-scale businesses.</p>



<p>Comments from F & C Domingo</p> <p>4. Sewage Infrastructure: Considering that Pearly Beach currently relies on septic tank systems, any development on erf 158 would require property owners to bear the cost of installing sewage infrastructure for their business ventures. This crucial aspect is not addressed in the proposal.</p>	<p>Response to comment</p> <p>This is noted and agreed with. The property owners do not expect any other party to contribute to the required sewage infrastructure. The application was circulated to the engineering department within the Overstrand Municipality for comment.</p>
<p>Comments from F & C Domingo</p> <p>5. Village Character: Preserving the rustic and village-like character of Pearly Beach is of great importance to the majority of residents, including myself. Past objections to streetlight installations and rezoning applications in this area reflect this sentiment.</p> <p>As no specific development plans are outlined in the proposal, there is potential for negative effects on the neighbourhood's ambiance.</p>	<p>Response to comment</p> <p>This is noted and the property owners do not want to lose the existing aesthetic or have a negative impact on the surrounding area. The proposal will also be within the development parameters as set out by the Overstrand Municipality. Additionally, the proposal is aligned with the policies and legislation of the municipality.</p> <p>Streetlights are a municipal service.</p>
<p>Comments from F & C Domingo</p> <p>6. Community Opposition: Introducing commercial activities to this area will likely face strong opposition from the majority of Pearly Beach residents. It is essential to consider the community's wishes and concerns before proceeding with any commercial ventures.</p>	<p>Response to comment</p> <p>Only two objections were received, as the area is earmarked as a business node and proposal is not considered out of character for the area.</p>
<p>Comments from Mrs E Versfeld</p> <p>As eienaar en bewoner van Centralstraat 19, Erf 186, Pearly Beach wil ek graag die volgende kommentaar op bogenoemde aansoek om hersonering lewer. Die blok met die 5 erwe, Erwe 156, 157, 159, 160 en 161, is almal besigheid gesoneer en die aansoek om Erf 158 ook na besigheid te hersoneer, maak heeltemal sin. Dit dien egter geen doel om 6 baie klein besigheidserwe aan hierdie kant van die dorp te hê nie, aangesien die reeds gevestigde besigheidskern aan die ander kant van die dorp is, met die Whale Coast Brewery, Visgat, die kafee en Karin's Kitchen</p>	<p>Response to objection</p> <p>The application was submitted to allow the property owners to develop the property. The objector states that the proposed development will have a negative effect on the property values. She however did not provide any evidence or motivation why this would be the case. Erf 158 is located in a business node adjacent to other business properties, which is not regarded to be out of character.</p> <p>The property owners are attempting to rectify what they believe was an error, as the property is located together with other business</p>



as gevestigde besighede. Daar bestaan geen aanvraag of behoefte na verdere besighede hier in die omgewing van Erf 158 nie. Die aanvanklike sonering van Nutsdienste blyk foutief te wees, aangesien geen sodanige sonering in privaat besit behoort te wees nie. Die gemiddelde grootte van die erwe, 385m² is te klein om as residensieël benut te kan word. Hierdie 5 of dan 6 besigheidserwe tussen hoofsaaklike residensiele erwe, bring net die waarde van die residensiele erwe in die onmiddellike omgewing af en geen verdere besighede in hierdie area kan geregverdig word nie.

properties which is not expected to have a negative impact on the surrounding area.

Conclusion

Two comments were received during the public participation process. The common comment between the two objectors is that no additional businesses properties are required. However, as motivated within the report, the property owners are of opinion that the allocated zoning is believed to be an error as a Utility zoned property is not supposed to be in private ownership and they cannot develop the property for their desired intent.

In addition, the property owners are not attempting to rezone to an out of the ordinary zoning, they only want to match the surrounding zonings and the proposed zoning for the area which is earmarked as a business node within the municipal policies and legislation.

Considering that the comments above have been adequately addressed, it is recommended that the planning application be approved as submitted.

Yours faithfully

T JANSEN
PROFESSIONAL TOWN PLANNER (A/2858/2019)

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING: ERF 158, PEARLY BEACH**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : 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 (**2023/2024**) is as follows:

Freehold erven:

Water	R 27 598.16 x 0.76=	R 20 974.60
Sewerage	R 18 608.30 x 0.76=	R 14 142.31
Roads	R 8 344.32 x 5.358975=	R 44 717.00
Stormwater	R 9 626.92 x 1.155=	R 11 119.09
Solid Waste	R 1 668.44 x 0.9625=	<u>R 1 605.87</u>
TOTAL (inclusive of VAT)	=	<u>R 92 558.87</u>

Note:

- 1.3 **The above figures are estimates**
1.4 **The above figures do not include connection fees**

2. that the existing water connection to- and sewer conservancy tank on Erf 158 shall be used to service Erf 158;
3. 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;
4. that the developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of SANS 140400 – P: 2010: Drainage;
5. that the on-site parking facilities are provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services;
6. that any additional and / or extended vehicle entrances will be for the developer's account;
7. that stormwater be allowed to discharge through Erf 158, Pearly Beach, unobstructed.

p.p. R. Hendriks
DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

10/07/2023
DATE



10 Jan Smuts Drive
Pinelands
7404

TP.N./Heart
(Sudwano)

ANNEXURE G 1/4

OVERSTRAND MUNISIPALITEIT
28 JUL 2023
OVERSTRAND MUNICIPALITY

FILE NO. <u>Er 158</u>
<u>Pearly Beach</u>
SCAN NO.
COLLABORATOR NO.
<u>1891167</u>

Gideon Rossouw
Tel: 0614193857
Email: Gideonr@openserve.co.za

Our Ref.: WWIP_WPB+2475_23
Your Ref.: Erf 158

28 July 2023

Attention : Marlize Miller
Overstrand Municipality
16 Paterson Street
Hermanus
7200

NO SERVICES AFFECTED

**WAYLEAVE APPLICATION : Rezoning : Messrs wrap project office on behalf of JA & GM Baard - 22
Central Street, Pearly Beach**

With reference to your letter received **09 June 2023**

I hereby inform you that Openserve approves the proposed work indicated on your drawing in principle. This approval is valid for 6 months only, after which reapplication must be made if the work has not been completed.

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

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001

calab

Approval is granted, subject to the following conditions.

As per the drawing supplied, Openserve infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Openserve network present on the actual sites.

Please notify this office immediately if you locate any Openserve plant that was not indicated. Please contact our representative Melt van As at telephone number 0813637873/MeltVA@openserve.co.za

It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Openserve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Openserve rights remain reserved.

Yours faithfully
Gideon Rossouw
for
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

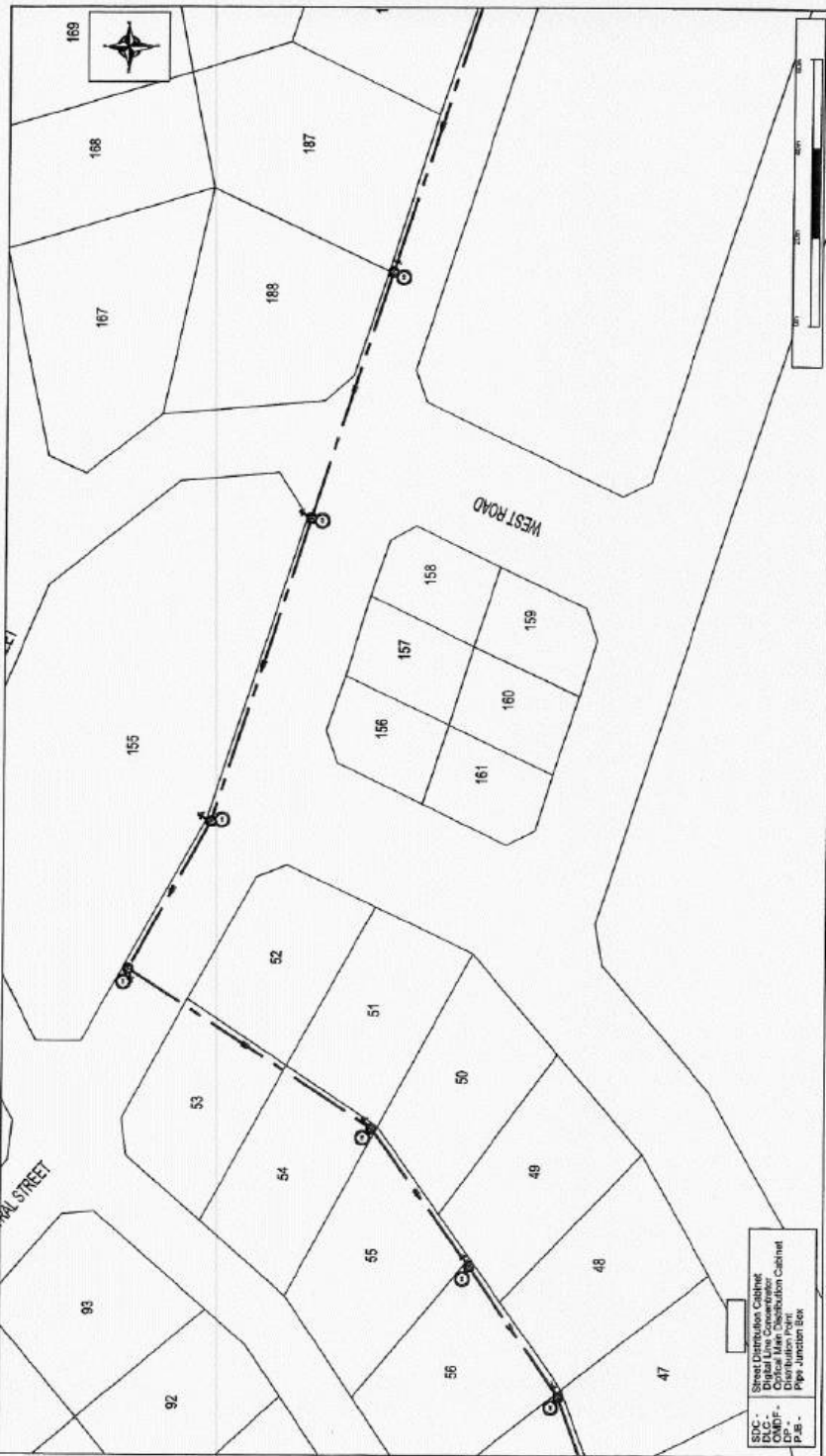
PLANT NOT AFFECTED

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Melt van As/0813637873/MeltVA@openserve.co.za

<u>Reference number</u>	<u>Marked Up</u>	<u>Date</u>
WWIP_WPB+2475_23	Gideon Rossouw	28-Jul-23





SDC - Street Distribution Cabinet
 DC - Digital Line Concentrator
 OMP - Optical Multiplexer
 DP - Distribution Point
 P.B. - Pole Junction Box

Legend	
	Existing Manhole
	Planned Manhole
	To Be Abandoned Manhole
	Existing Jointing Pit
	Planned Jointing Pit
	To Be Abandoned Jointing Pit
	Existing P.B.
	Planned P.B.
	To Be Abandoned P.B.
	Existing SDC
	Planned SDC
	To Be Recovered SDC
	Existing D.L.C.
	Planned D.L.C.
	To Be Recovered D.L.C.
	Existing Pole
	Planned Pole
	To Be Recovered Pole
	Existing Strut and Stay
	Planned Strut and Stay
	To Be Recovered Strut and Stay
	Existing Underground Route
	Planned Underground Route
	To Be Abandoned Underground Route
	Existing Overhead Route
	Planned Overhead Route
	To Be Recovered Overhead Route
	Existing Mini OMP
	Planned Mini OMP
	To Be Recovered Mini OMP

Region	Pratt's Beach
Exchange area	Giddon Reservoir
Drawn By	
Checked By	
Approved	
Details	Service not affected
Drawing No.	LWPE_WPH-2472_20
Scale	1:63
Page Size	A4
Sheet No	

TELKOM REGIONAL EXECUTIVE	
Date	23/07/2023
Project No.	EIR 158