



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

A G E N D A

DATE: 30 MAY 2024
VENUE: MUNICIPAL MANAGER'S
BOARDROOM, WHITEHOUSE
CIVIC CENTRE, HERMANUS
TIME: 10:00

OVERSTRAND MUNICIPALITY

Office of the Chairperson: MPT
Civic Centre
HERMANUS
7200

23 May 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 **Thursday, 30 May 2024 at 10:00** in the **Municipal Manager's Boardroom, Whitehouse, Civic Centre, Hermanus** 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 B Minnaar (Town Planner)
10. Secretariat

**MUNICIPAL PLANNING TRIBUNAL
(MPT)**

30 May 2024

I N D E X

<u>ITEM</u>		<u>PAGE NUMBER</u>
	APPLICATIONS FOR LEAVE OF ABSENCE	
4.1	ERF 363, 6 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF RUDOLPH DE VILLIERS TRUST	1
4.2	ERF 3770, 1 NERINE CRESCENT, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: WRAP PROJECT OFFICE ON BEHALF OF AP BOTHA	54

1. OPENING

2. APPLICATIONS FOR LEAVE OF ABSENCE

3. CONFIRMATION OF MINUTES

3.1 Minutes of a Municipal Planning Tribunal Meeting held on 24 April 2024

4. ITEM FOR CONSIDERATION

4.1 ERF 363, 6 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF RUDOLPH DE VILLIERS TRUST

Report attached

4.2 ERF 3770, 1 NERINE CRESCENT, BETTY'S BAY, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITION: WRAP PROJECT OFFICE ON BEHALF OF AP BOTHA

Report attached

4.1

**ERF 363, 6 CENTRAL ROAD, PRINGLE BAY, OVERSTRAND MUNICIPAL AREA:
APPLICATION FOR DEPARTURE: INTERACTIVE TOWN & REGIONAL PLANNERS ON
BEHALF OF RUDOLPH DE VILLIERS TRUST****363 KPRB (4419/2023)****B Minnaar****12 April 2024****(028) 313 8900****Hermanus Administration**

1. EXECUTIVE SUMMARY

An application has been received on 27 June 2023 from InterActive Town & Regional Planners on behalf of Rudolph de Villiers Trust on Erf 363, Pringle Bay for a departure in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 to be read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 in order to deviate from the requirement to accommodate parking on site i.e. from the required nine (9) parking bays to accommodate two (2) on-site parking bays and seven (7) off-site parking bays.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 363 is located in the Pringle Bay area and situated on 6 Central Road. The erf measure 350m² in extent and zoned for business purposes. The property consists of an existing restaurant.

4. SUMMARY OF APPLICANT'S MOTIVATION**THE MOTIVATION CAN BE SUMMARIZED AS FOLLOWS:**

The property owner intends to demolish the existing building on Erf 363 Pringle Bay and construct a new building consisting of a restaurant and meeting rooms on the ground floor and offices on the first floor.

The proposal is in line with the applicable zoning with no building line restrictions. The zoning scheme requires parking bay ratio of 4 bays per 100m² GLA. The site measure 350m² in extent with a gross leasable area of 220m². The GLA for the proposal calculates to 8.8 parking bays which results to a total of 9 parking bays to be provided.

According to a decision of the Mayoral Committee on 28 December 2005, 50% of the parking bays are to be provided on-site and the other 50% to be provided as off-street parking. Additionally, a Pringle Bay Parking Master Plan was approved and implemented.

The impact of the Pringle Bay Parking Master Plan resulted in the layout of the previous parking of the subject site not being viable due to the closure of the exit way. Therefore, considering the layout of the proposed business, only two parking bays can be developed on the subject site with adequate manoeuvring ability.

As a result of the above-mentioned, two (2) on-site parking bays are proposed as well as the buyout of the remaining seven (7) parking bays.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	7 September 2023	13 October 2023
Registered notices	Yes	7 September 2023	13 October 2023
Internal departments	Yes	7 September 2023	13 October 2023
Ward councillor	Yes	7 September 2023	13 October 2023
Total comments	1 (ONE)		
Total letters of support	NONE		
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 (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments
Building Control	17/04/2023	No objection. Any building plan application must comply with all applicable law.
Services Report	01/06/2023	See Annexure F.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

One (1) letter of objection was received during public participation from the Pringle Bay Ratepayers Association (PRA) received 12 October 2023. See Annexure D.

The applicant was provided with an opportunity to respond to the objections. See Annexure E.

See below a summary of the objections and applicant's response thereon, and also the Municipal Town Planners comments thereon.

OBJECTION 1

The full Parking Master Plan (or policy) documentation for the PB business parking plan should be considered, and not only the diagram as submitted by the applicant. This will not only ensure current but also future fairness in allocating alternative parking to proposed developers and current landowners.

APPLICANT'S RESPONSE

The PBRPA are objecting to a document that does not exist. A supporting motivational report was not accompanied with the PBPMP. The author of the Pringle Bay Parking Masterplan was contacted accordingly, and he confirmed that no supporting motivation was written. The origin of the Pringle Bay Parking Masterplan was found to be done on request of Ward 10 and was compiled by the competent locally based Civil Engineer, André van der Merwe. Furthermore, the master plan is clear and descriptive in itself and no need for a descriptive motivation report is considered necessary. The objector implicates that alternative parking is not allocated in fairness without any evidence of unfairness. It should also be acknowledged that the Overstrand Municipality is the responsible authority and not the PBRPA to manage the parking. Given the above the point of objection should be rejected.

TOWN PLANNER'S RESPONSE

There is no policy document for the Pringle Bay CBD Parking Master Plan.

With regard to the application submitted for Erf 1867 Pringle Bay, a decision was taken by the Mayoral Committee on 28 December 2005 stating that 50% of the parking requirements are to be provided on site and the remaining 50% be provided as off-site parking. Furthermore, the provision of the off-site parking is to be at the cost of the developer/property owner. This decision regarding parking requirements is only applicable to Erf 1867 Pringle Bay. However, the compilation of the Pringle Bay CBD Parking Master Plan set a precedent when approving the development of Erf 1861 Pringle Bay, as 30 parking bays were provided in accordance with the Pringle Bay CBD Parking Master Plan. With that said, the approval further stipulated that the parking also be available for use by the greater public.

Parking is not allocated to any individual business with regards to the off-street parking. The provision of the 50/50 parking principle is constructed on a "first come first serve basis". Additionally, the parking constructed within the road reserve must be made available to the general public; therefore the notion of fairness is irrelevant in this circumstance.

OBJECTION 2

The Overstrand Municipal's "parking master plan" and the memorandum thereto is highly relevant as a policy document as alternative parking provision is applied for in terms of paragraph 17.1.2. Importantly, paragraph 17.1.2(c)(iii) provides for any alternative parking in terms of paragraph 17.1.2 to be granted subject to application policies.

APPLICANT'S RESPONSE

As per the response here-above, a memorandum to the parking master plan does not exist and the plan itself is clearly understandable and legible and can easily be interpreted. Therefore, the comment of the PBRPA is considered invalid.

TOWN PLANNER'S RESPONSE

As stated in the response to objection point 1, there is no policy document for the Pringle Bay CBD Master Plan.

Section 17.1.2.(c) of the scheme regulations makes provision for a property owner to buyout parking when parking cannot be provided on-site. The application is for such a departure in order to buyout the parking. Additionally, the parking that cannot be provided on-site will be provided within the road reserve.

OBJECTION 3

The application should be referred back for matters that should be more fully considered in the application being the following:

The application states that 7 additional parking bays is required without applying for it.

APPLICANT'S RESPONSE

It is clear in the application that the application is made for additional parking. That is the whole purpose of the application. Therefore, the point of objection should be rejected.

TOWN PLANNER'S RESPONSE

The applicant clearly proposes to buyout the 7 parking bays in his motivation report submitted with the application.

OBJECTION 4

The viability of such application for alternative parking will be subject to any tailored policy requirement.

APPLICANT'S RESPONSE

The Pringle Bay Parking Masterplan merely serves as a clear guideline for parking in the business area of Pringle Bay. It is incomprehensible that an institution like the PBRPA can't "read", interpret and understand the plan. Therefore, this point of objection should be ignored, rejected and omitted.

TOWN PLANNER'S RESPONSE

As stipulated in the response to the objection point 1, there is no policy applicable.

OBJECTION 5

The Overstrand Municipal Planning By-Law requires an application of alternative parking for the approval of the municipality.

APPLICANT'S RESPONSE

The PBRPA wants the applicant to indicate as part of his application where the alternative parking will be located. The masterplan shows the areas where parking has already been allocated. As this forms part of a dynamic process, the local authority identifies the location of the parking spaces to ensure a coordinated and efficient manner for the construction of the off-site parking areas. Therefore, the point of objection does not make sense and should be rejected.

TOWN PLANNER'S RESPONSE

This application submitted is for a departure from the applicable parking parameters which the scheme makes provision for by means of providing alternative parking and the buyout thereof. This objection point is therefore irrelevant.

OBJECTION 6

The application is considered incomplete as no assurance that such alternative parking can be obtained or be approved or indeed be appropriate.

APPLICANT'S RESPONSE

From the PBPMP as well as on-site it is evident that space for alternative parking is still available. Prior to submitting the application, officials were also consulted to confirm that space for alternative parking is available. Therefore, the application for alternative parking is not incomplete and once again this point of objection should be omitted.

TOWN PLANNER'S RESPONSE

As per the Pringle Bay CBD Parking Master Plan and the Mayoral Committee decision (dated 28 December 2024) the applicant is to provide the parking off-site which will be a condition of approval (applicant to consult with the Engineering services on providing off-site parking within the CBD road reserves).

OBJECTION 7

The application is complicated as two business uses (office and restaurant) and will place higher demands on existing street parking than the previous single restaurant use.

APPLICANT'S RESPONSE

It is concerning that a body like the PBRPA makes an objection of this nature. The zoning of the application site is Business Zone 3: Local Business and its primary right allows for more than two business land-uses namely shops, dwelling unit (above ground floor), flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering. Even-though more than one land-use is permissible as a primary right, it should also be acknowledged that in this instance, these two proposed land-uses peak activity times does not coincide. The objector furthermore does not take into consideration that the restaurant area can increase and create even higher parking demands during peak periods compared to two or more different land uses. The point of objection is evidently out of context, invalid and should be ignored.

TOWN PLANNER'S RESPONSE

The Town Planner agrees with the applicant's response with regard to the scheme regulations as well as the impact that the proposed dual land use will have on the traffic and parking demands.

OBJECTION 8

The application could result in a nuisance to other business owners in the node. The application does not deal at all with the nuisance that potentially could result.

APPLICANT'S RESPONSE

As per the previous response, the existing land-use rights makes provision for a restaurant as a primary right and is subsequently permitted. It is once again of serious concern that a ratepayers association discourages a statutory business in a formal business area where other similar uses are present, and tourism and hospitality is a core function of the existence to the local business community. The point of objection is contrary to the mission statement of the PBRPA being namely "To preserve and protect the rights and interests of all ratepayers and residents as a whole of the area" In the light of the above this point of objection should strongly be rejected by the deciding authority.

TOWN PLANNER'S RESPONSE

The objection point is not specific and can therefore not adequately be responded to. As the applicant mentions, the existing land use rights to operate a restaurant and office space is already in place as these uses are primary rights in terms of the applicable zoning. This objection point is hereby considered invalid since the objector does not substantiate their claims of nuisance.

OBJECTION 9

No mention is made regarding handicapped parking, loading / offloading zones or the sharing of same with adjacent business owners.

APPLICANT'S RESPONSE

It is self-evident that the proposed 2 parking bays will serve as loading bays normally during off-peak periods and during normal business hours parking for handicapped customers. This forms part of the planning to optimize scarce land resources.

TOWN PLANNER'S RESPONSE

The objection and the response by the application is noted.

OBJECTION 10

Details of alternative parking are not provided, an essential pre-requisite component of the application to enable the Overstrand Municipality to take a decision is lacking.

APPLICANT'S RESPONSE

The point of objection made by the PBRPA is factually incorrect. The PBPMP provides the guidelines for the areas where parking can be provided. It should also be kept in mind that this is a dynamic process and managed by the Overstrand Municipality which is in a position to determine the alternative locations for off-site parking in accordance with the policy Pringle Bay Master Parking Plan. It should also be acknowledged that the Overstrand Municipality evaluate application for technical correctness when an application is submitted. This application was accordingly found compliant. This point of objection is incorrect and should be ignored.

TOWN PLANNER'S RESPONSE

Off-site parking within the road reserves in the Pringle Bay CBD will be discussed and agreed upon between the applicant/owner and the Engineering Services Department.

OBJECTION 11

The Overstrand Municipality should in no uncertain terms indicate what the situation will be when in future similar applications are submitted for consideration where required off-street, (on-site) parking could similarly be requested for exchange to alternative on-street parking and the latter is not available anymore. It is stressed that the principle of fairness now as well as in the future be applicable.

APPLICANT'S RESPONSE

The point of objection has no direct relevance to the application and appears to prescribe to the local authority how to manage application procedures. As mentioned here-above, the allocation of parking is a dynamic process and the Overstrand Municipality's processes are subjected to statutory objective, pragmatic, functional and practical procedures and processes. The point of objection should thus also be omitted.

TOWN PLANNER'S RESPONSE

As mentioned previously, the scheme, the Pringle Bay CBD Parking Master Plan as well as the Mayoral Committee decision letter (dated 28 December 2005) allow for the provision of off-site parking within the Pringle Bay road reserves. Again, the Pringle Bay Ratepayers Association does not substantiate their claims with factual evidence but rather make statements. Note that vacant portions of municipal land (road reserves) are available for off-site parking within the Pringle Bay CBD.

OBJECTION 12

The objector makes suggestions for an alternative layout of the application site.

APPLICANT'S RESPONSE

The comments and the suggestion of the PBRPA are noted. This suggestion also has no relevance to the application and is merely a suggestion. The suggestions are however impractical as it does not take traffic safety and engineering principles and standards into consideration and would cause potential traffic congestions if implemented. The deciding authorities should thus disregard this suggestion.

TOWN PLANNER'S RESPONSE

The suggestion made by the objector regarding an alternative design to increase the parking available on-site is short sighted since this will equate to one additional parking on-site. The suggestion is noted; however, the suggestion will not have a significant value on the patrons.

NEED AND DESIRABILITY:

With regard to the application submitted for Erf 1867 Pringle Bay, a decision was taken by the Mayoral Committee on 28 December 2005 stating that 50% of the parking requirements are to be provided on site and the remaining 50% be provided as off-site parking. Furthermore, the provision of the off-site parking is to be at the cost of the developer/property owner. This decision regarding parking requirements is only applicable to Erf 1867 Pringle Bay. However, the compilation of the Pringle Bay CBD Parking Master Plan set a precedent when approving the development of Erf 1861 Pringle Bay, as 30 parking bays were provided in accordance with the Pringle Bay CBD Parking Master Plan. With that said, the approval further stipulated that the parking also be available for use by the greater public.

The previous approved building plan of Erf 363 Pringle Bay made provision for four (4) parking bays in tandem with a one-way access through the property from Pass Road to Central Road. The development of parking bays within the road reserve of Central Road in accordance with the Pringle Bay CBD Parking Master Plan resulted in the closure of the one-way and negatively impacting the viability of the existing parking layout.

The provision of parking for restaurants and offices are calculated at 4 bays per 100 GLA in terms of the Overstrand Municipal Land Use Scheme (Scheme). The total GLA for the proposed development is 215.5m² which equates to 8.6 parking bays required (i.e. 9 parking bays). The provision of nine (9) parking bays is therefore required for the proposed development on Erf 363 Pringle Bay. It is understood that the parking bays be split in accordance with the 50/50 principle of on-site and off-site parking provision. However, this would not be possible due to the design/layout of the proposed restaurant and office space. Keep in mind that the site is located at the entrance of the Pringle Bay CBD and is considered a focal point of the area. The proposed restaurant and office space at the entrance of the CBD is designed in such a way to attract visitors/tourists and enhance the character of the town.

As a result of the limitations of the site, the only viable parking layout for the subject property is to provide two (2) parking bays on-site which will be accessed from Pass Road. The proposal, as submitted, is to buyout the remaining seven (7) parking bays required for the proposed development. In terms of Section 17.1.2 of the Scheme, application can be made for alternative parking provision which the applicant has applied for. The application is therefore not considered "incomplete".

The parking within the Pringle Bay CBD area is not allocated to specific businesses. As mentioned previously, parking within this area is provided on a 50/50 principle of on-site and off-site parking. Therefore, off-site parking is only factored in when developments cannot provide adequate on-site parking and applies for the buyout of parking which the Scheme makes provision for. Note that the remaining seven (7) parking bays will be built within the road reserve at the developers cost. The developer must consult with the Engineering Department regarding the provision and location of the seven (7) off-site parking bays within the road reserve.

The GLA of the proposed development is less than that of the previously approved building plan (dated 2001). The impact of traffic and the nuisance factor on the other businesses will not exponentially increase compared to the previous business and is therefore not considered a viable objection point.

It is of the opinion that the objection points of the Pringle Bay Ratepayers Association have been adequately resolved/answered.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)

N/A

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

The proposal relates to parking provision and will not in any way contribute to the perpetuation of the past apartheid spatial development imbalances.

Spatial Sustainability

The proposal is situated in the Central Business District of Pringle Bay and is for the buyout of parking. The parking will be located within the road reserve and not impact on any valuable agricultural land or environmentally sensitive and biodiversity rich areas.

Efficiency

The proposal is designed to optimally utilise the space available on the subject property. Note, the development of the alternative off-street parking will be subject to an agreement between the Engineering Services Department and the property owner for the proposed off-street parking in relation to the proposed development.

Spatial Resilience

The proposed development will not lead to any economical and/or environmental shocks as the application will be compliant with the National Building Regulations and SANS.

Good Administration

Good procedure was followed and with a good public participation process.

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 Point 10.2 above.

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

Same as Point 10.2 above.

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

N/A

10.6 Impact on Municipal Engineering Services

As discussed in point 7 of this report, the seven (7) alternative parking bays will be provided within the road reserve. A parking layout plan for the off-street parking will be subject to a layout plan agreed upon by the Engineering Services Department and the property owner / developer of the subject erf.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The proposed application is to depart from the required number of on-site parking bays. The scheme makes provision for the deviation of parking bays by means of a departure application which the applicant has applied for.

The application is in line with the Overstrand Spatial documents.

11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

N/A

12. THE DESIRABILITY OF THE PROPOSAL**DEPARTURE OF PARKING REQUIREMENTS:**

The property is located within the CBD of Pringle Bay. The zoning is Business Zone 3: Local Business and is currently vacant. The proposed development of a restaurant and office space is in line with the applicable zoning however falls short with regards to the parking requirements.

The parking layout falls short for the following reasons:

- The previous building plan approval permitted four parking bays in tandem with a one-way access from Pass Road to Central Road. The development of off-site parking bays within the road reserve of Central Road resulted in the closure of the one-way access road. Causing the existing parking layout to be non-viable.
- The subject property is located at the entrance of the Pringle Bay CBD and is designed/positioned in such a way to enhance the character of the town resulting in the design challenges, specifically impacting the parking layout.
- The property has an irregular shape, and any proposed development will incur design challenges.

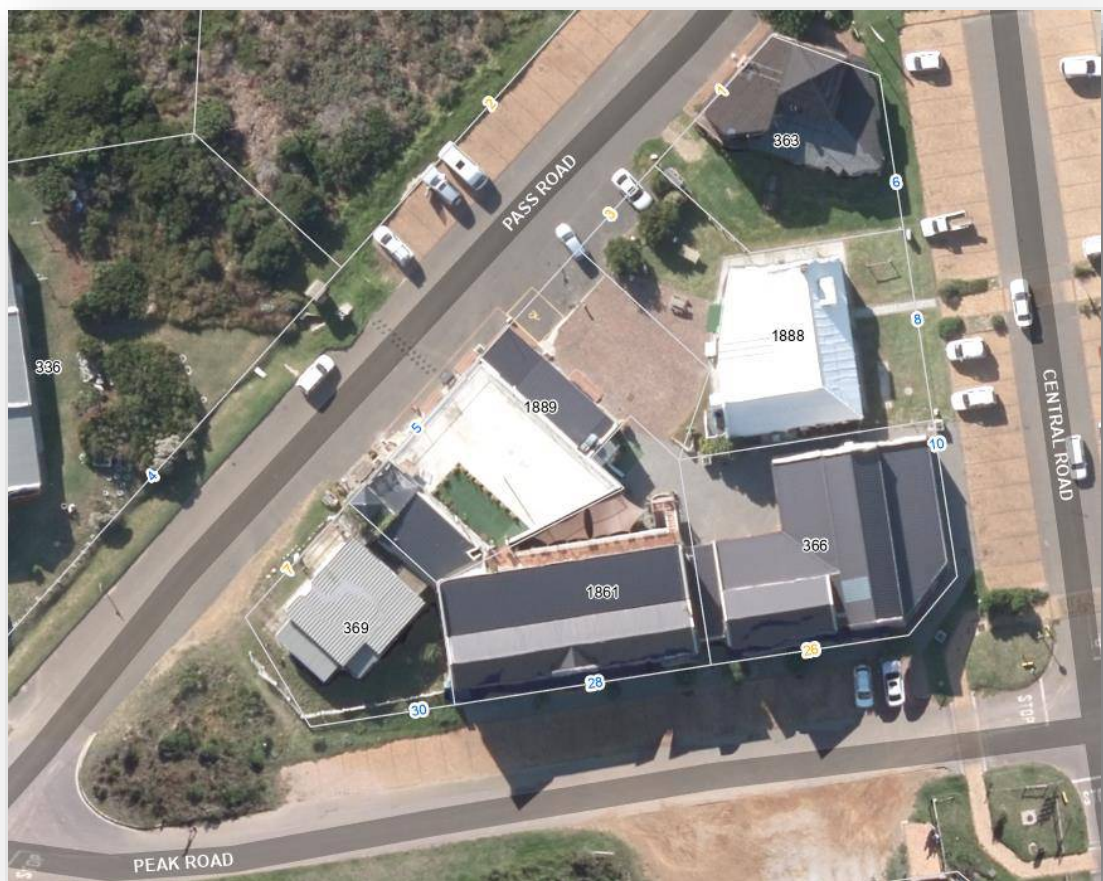
Noting the above, the proposed design offers a GLA of approximately 215.6m² which requires the provision of nine (9) parking bays.

As per the decision taken by council as discussed in point 7 of this report, the proposal will make use of the 50/50 principle on-site parking provision in line with the Pringle Bay CBD Parking Master Plan.

When applying the 50/50 principle to the proposed development, four (4) on-site and five (5) off-site parking bays (or vice-versa) are required. Taking cognisance of the design limitations and the closure of the one-way over the property, the provision of four (4) on-site parking bays is not viable as there will not be enough manoeuvring ability. The applicant therefore proposes to provide two (2) on-site parking bays that will serve as the loading bay and the disabled parking. The applicant also proposes to buy-out the remaining seven (7) parking bays in accordance with Section 17.1.2.(c).

Additionally, the remaining seven (7) parking bays will be provided as off-site parking in accordance with the Mayoral Committee decision letter (dated 28 December 2005).

The provision of off-site parking is desirable and in line with the character of the adjacent erven. With reference to the figure below, it is clear that the surrounding erven (Erf 1889, Erf 1861, Erf 369 and Erf 366 Pringle Bay) have been developed to their full potential and has approval for off-street parking. The proposed development on Erf 363 Pringle Bay should therefore also be provided the opportunity to utilise the off-street parking as per the Pringle Bay CBD Master Parking Plan.



From a town planning perspective, the provision of off-site parking is desirable for the following reasons:

- ✚ The businesses within the Pringle Bay CBD area are offered the chance to utilise off-site parking provision in relation to the adjacent erven.
- ✚ The 50/50 parking principle is available to all business properties within the Pringle Bay CBD, however not all erven has opted to utilise this principle.
- ✚ Certain sections of the road reserve of Central Road and Peak Road are still undeveloped and can be utilised for off-site parking.

Considering the above, the provision of the seven (7) parking bays off-site is recommended for approval subject to the property owner/developer consulting with the Engineering Services Department with regard to the location and position of the required off-site parking.

Section 17.1.2.(c) of the Overstrand Land Use Scheme states the following:

“Pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned, together with the construction cost, in cases where the provision of parking is precluded; in terms of other legislation or site-specific constraints a contribution is made to an approved Municipal parking fund or project for the provision of parking”.

The area of extent relates to Section 17.1.3 *“for the purpose of determining the value of a parking bay, a minimum area of 25m² will be utilised”.*

Note: Considering the Mayoral Committee decision letter relating to the parking dated (28 December 2005), the parking off-site is to be at the cost of the property owner/developer. Therefore, the calculation for parking buyout will not include construction cost.

- Land value: R315,000.00
- Erf size: 350m²
- Parking: 7
- Minimum area: 25m²

- ❖ **Price per m²** = Land value ÷ Erf size
= R315,000.00 ÷ 350m²
= R900.00

- ❖ **Value of Parking** = Price/m² x Parking Area
= R900.00 x 25m²
= R22,500.00

Therefore, the buy-out of seven (7) parking bays equates to R157,500.00 (7xR22,500.00).

Considering the above-mentioned, the application for the buy-out of seven (7) parking bays equating to the amount of R157,000.00 is recommended for approval from a town planning perspective.

13. RECOMMENDATION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 read with Section 17.1.2.(c) of the Overstrand Municipality Land Use Scheme, 2020 on Erf 363, Pringle Bay for a departure in order relax the parking bay requirements from nine (9) to two (2), **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that an amount of *R157,000.00, excluding VAT*, be payable for the shortfall of seven (7) parking bays within ninety (90) days from the final date of the decision;
 - (b) that an off-site parking layout plan be submitted to the Engineering Services Department to their satisfaction for the seven (7) outstanding parking bays;
 - (c) that the conditions in the Engineering Report (attached as Annexures F), be adhered to;
 - (d) that building plans be submitted to the Building Department of the Overstrand Municipality, and that any requirements by the Fire- and Building Departments at that stage be complied with;
 - (e) that all other development parameters as prescribed in the relevant Land Use Scheme be complied with, and
 - (f) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation.
2. that the applicant and objector be notified of its right of appeal in terms Section 78 of the Overstrand Municipality Amendment By-Law on Land Use Planning, 2020 with regard to the above decision.

14. REASONS FOR RECOMMENDATION

- ❖ The present building plan was approved with four parking bays on-site. The parking created within the road reserve along the eastern portion of the property results in the non-viability of the current parking layout. Therefore, any proposed parking layout will incur design challenges.
- ❖ The Overstrand Municipality Land Use Scheme makes provision for alternative parking provision which have been applied for.
- ❖ The Mayoral Committee decision letter makes provision for a 50/50 principle relating to on-site and off-site parking. However, the viability of the 50/50 principle cannot be implemented on this site due to the shape site. The parking must rather be moved to a more viable scenario in terms of safety and manoeuvrability.
- ❖ The proposal to provide off-site parking is in line with the Pringle Bay CBD Parking Master Plan.

15. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plan
Annexure D: Objection received
Annexure E: Applicant's response to objection
Annexure F: Services Report

SIGNATURES**AUTHOR**

Name: **B MINNAAR**

SACPLAN Reg No: **C/8630/2021**

Signature: _____

Date: _____

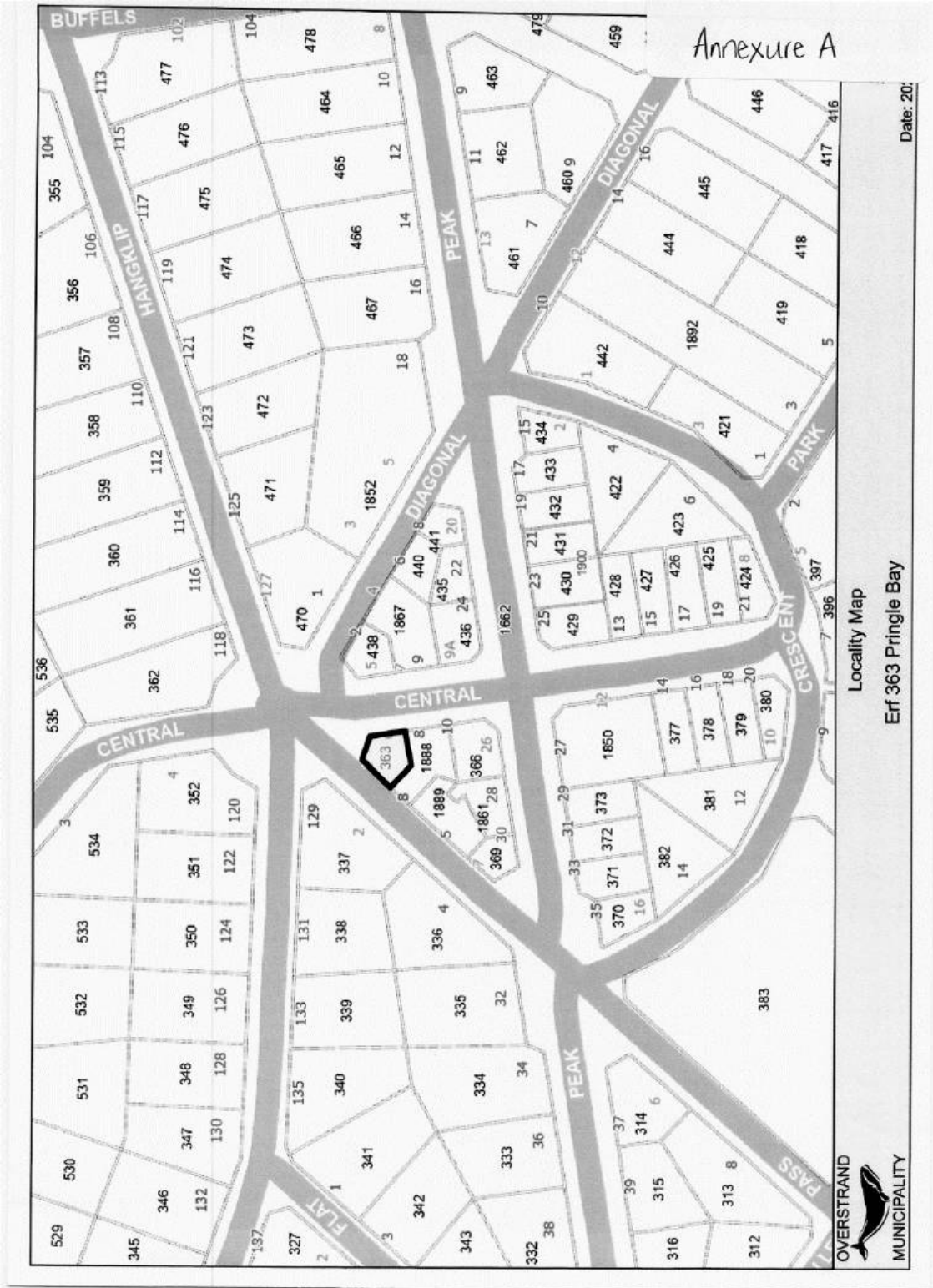
REGISTERED PLANNER

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: _____

Date: _____



1. Introduction:

InterActive Town and Regional Planning was appointed by the owners of Erf 363 Pringle Bay to facilitate required town planning application for off-site parking to accommodate the envisaged restaurant and offices on the Erf 363 Pringle Bay, the application site.

2. The objective

The objective is to create a functional and viable new restaurant and offices on the prominent Erf 363 Pringle Bay.

The challenge is that the carefully designed proposed building with the current parking requirements cannot be implemented on the premises.

3. The proposal

The proposal is for a double story building of 215.6m² GLA that has a restaurant on the ground floor and offices on the first floor. Two parking bays are proposed on-site and seven parking bays are proposed off-site.

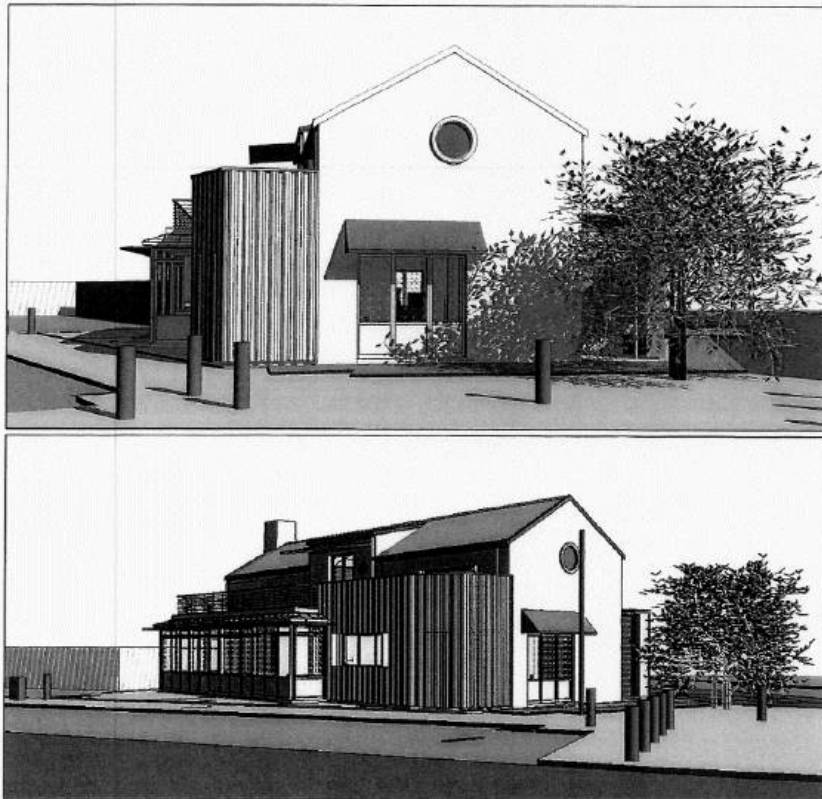


Figure 1: Development proposal for the establishment of a new restaurant and offices

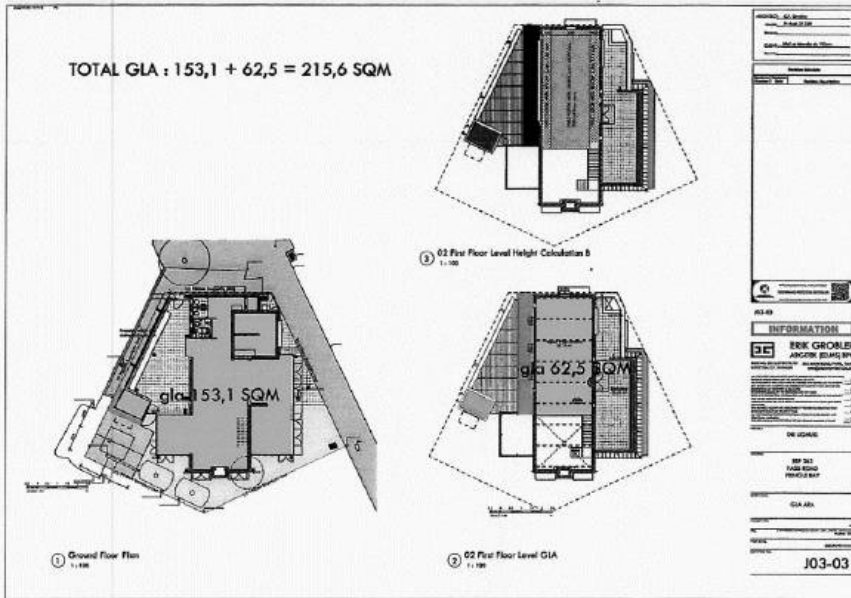
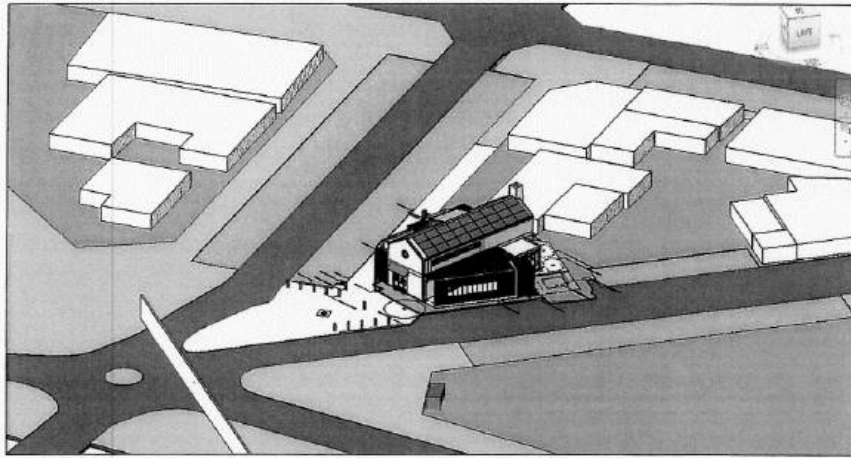


Figure 2: Proposal plan extract

4. Application

Application is made for a departure to relax the parking requirement from 9 on-site bays to 2 on-site bays and 7 off-site bays in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.

5. Background

a. Property Data & Title Deed:

Erf 363 Pringle bay is 350m² in size and is within the ownership of Daniel Gabriel de Villiers. The title deed number is 18816/2010 and no restrictive title deed conditions are evident.

b. Surveyor General Diagram

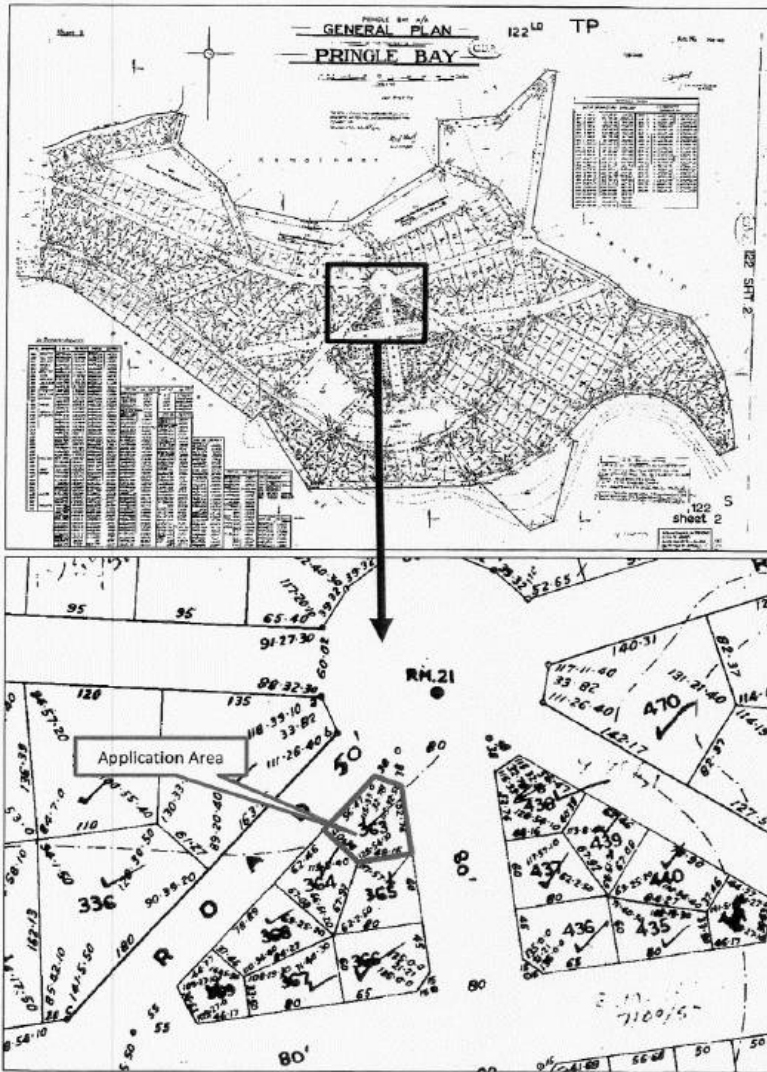


Figure 3: Surveyor General Diagram extracts

c. Locality

The following two plans shows the application site in a regional and local context.

i. Regional Context:

Within a regional context the Application Area is within Pringle Bay.

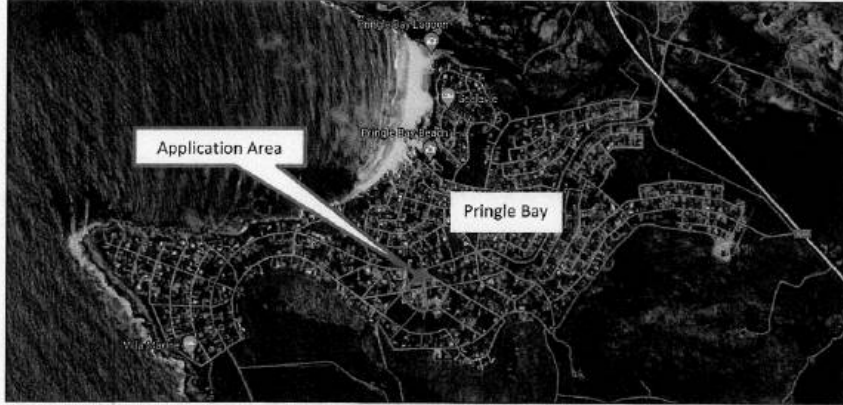


Figure 4: Regional Context

ii. Local Context:

Within local context, the Application Area is located at 6 Central Road, Pringle Bay.

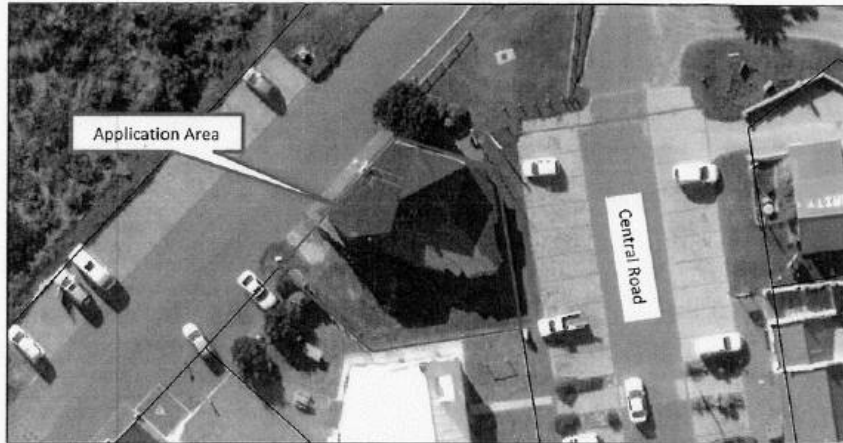


Figure 5: Local Context

d. Zoning parameters:

The Application Area is zoned **Business Zone 3: Local Business**. No change in zoning is proposed. In the following table the current zoning criteria, the proposed applicable development zoning

Criteria	Scheme regulations	Proposed	Comments
Zoning	Business Zone 3: Local Business	Business Zone 3: Local Business	Consistent
Primary Use	Shops, dwelling unit (above ground floor), flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering.	Restaurant	Consistent
Consent Use	Bottle store, business premises, clinic, conference facility, dwelling unit (on ground floor), flats (on ground floor), town housing, 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.	Not applicable	
Floor Factor	1.5	0.7	Consistent
Coverage	75%	53.3%	Consistent
Height	8.5m	7m	Consistent
Building Lines	Street	0m	0.4m West 0.2m East 0.0m North
	Side	0m	n.a.
	Rear		1.3m
Parking	4 bays per 100m ² GLA (±215.6m ² GLA: 9 bays required)	2 on-site bays proposed	An application is required to provide 7 additional off-site parking bays

e. Policy

In terms of the Overstrand Municipal Growth Management Strategy 2010, the Application Area is within a local economic opportunity area. The proposal is considered consistent with the Growth Management Strategy.

In terms of the Overstrand Municipal Spatial Development Framework 2020, the Application Area is within a commercial node. The proposal is consistent with the Spatial Development Framework.

Apart from the Overstrand SDF and the Growth Management Policies and Guidelines, information was also provided by the Overstrand Municipality that a parking masterplan has been compiled and implemented for the Pringle Bay Business Area.

Furthermore information was obtained by the Overstrand Municipality that a decision was made by the Mayoral Committee on 28 December 2005 for Erf 1867 Pringle Bay as part of an application for parking within the road reserve resolving that inter alia that 50% of the required parking be provided on the subject erf (Refer to the extract here-below). It should also be noted that presently Erf 1867 does not provide any parking on site.



Navrao Enquiries	P Bezuidenhout	
Verrekening Reference	16/3/10/R	
Datum Date	28 Desember 2005	
		HANGKLIP-KLEINMOND ADMINISTRASIE ADMINISTRATION
<p>Pringlebaai Etendomme Posbus 1 PRINGLEBAAI 7196</p>		
Vir aandag : Mev A Breytenbach		Faksnr 273 8256
Geagte Mev		
AANSOEK OM PARKERING BINNE PADRESERWE : ERF 1867, PRINGLEBAAI		
U aansoek in verband met bogenoemde het betrekking.		
Die aansoek het voor die Burgemeesterskomitee gediën en daar is besluit dat u 50% van die vereiste parkeeruites op perseel moet verskaf en die res (wat 'n 1,5m sypaadjie insluit) op eie koste, binne die padreserwe tot genoë van die Raad moet bou.		
Alvorens enige bouplanne goedgekeur word, word u skriftelike bevestiging verlang dat die vereiste parkeeruites op eie koste binne die padreserwe tot bevrediging van die Raad gebou sal word en saam met die geboue voltooi sal wees.		
Die uwe		
 MUNISIPALE BESTURDER		
aa Operasionele Bestuurder (Hangklip-Kleinmond) Bou-inspekteur (Mnr L Nel)		

Figure 6: Extract of the Mayoral Committee resolution regarding parking for Erf 1867 Pringle Bay

The question arises whether this is applicable to all erven, given the nature of the proposal. It should also be noted that a Pringle Bay parking plan was compiled after this resolution, thus changing the circumstances that informed the above resolution.

The following parking masterplan was compiled and implemented for the Pringle Bay Business Area:

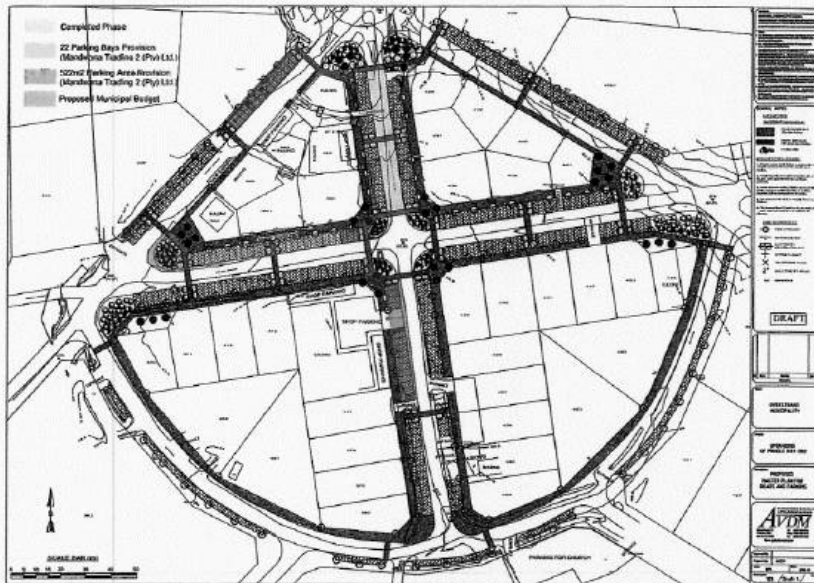


Figure 7: Parking Master Plan for the Pringle Bay Business Area

It should be noted that the parking on the eastern side of the application site has already been "Completed".

6. Motivation for off-site parking

a. Background

In order to optimally develop the property, the owner plans to demolish the current building and construct a complete new iconic landmark building on the property consisting of a restaurant on the ground floor and offices on the first floor.

b. Existing property & parking background

The existing property accommodates a building with approximate Gross Leasable Area (GLA) of 220m². Based on this GLA, 9 parking bays at a ratio of 4 bays per 100m² GLA as per the zoning scheme will be required for the restaurant.

Building additions were approved with 4 on-site parking bays in 2001 i.e. 2,2 bays per 100m² GLA as reflected in the following photograph of the approved plan:

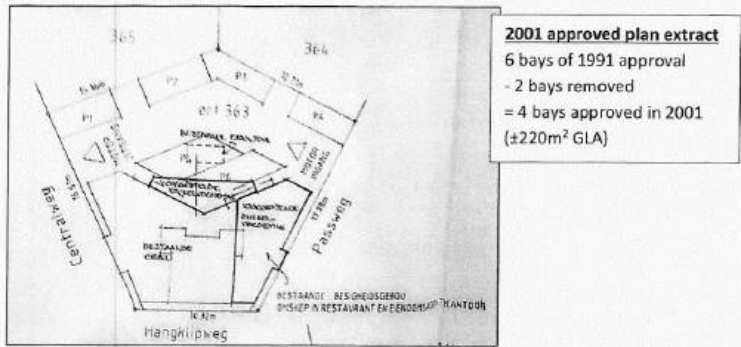


Figure 8: 2001 Approved building plan extract

Since the above approval, the Pringle Bay Parking Master Plan was approved and implemented. The allocation of parking was made along the eastern boundary of Erf 363 Pringle Bay as part of the parking masterplan. The effect of this allocation is inter alia that the parking and traffic movement on Erf 363 Pringle Bay is not viable anymore as derived from in the adjacent Figure.

The closure of the exit way results to a non-viable parking layout for the subject erf.

To make this layout feasible again, two public parking bays will have to be removed, with the effect to no additional parking is established.

Therefore it would be more sensible to apply parking as proposed in the following sketch:



Figure 9: Plan illustrating the impact of the Master Parking Plan on the approved Site Development Plan



Figure 10: Proposed on-site parking with consideration of the applicable Master Parking Plan

7. The Motivation for providing off-site parking

Background

The application site is 350m² and the current building on the application site consists of approximately 220m² gross leasable area, thus in terms of the applicable zoning scheme 9 parking bays will be required. These 9 parking bays would require approximately 180m² parking and manoeuvring space.

A completely new building is proposed and off-site parking bays will have to be purchased due to the lack of space on-site on the application site.

The Pringle Bay CBD has public unallocated parking bays available, which can be purchased.

Below the new development proposal is shown:

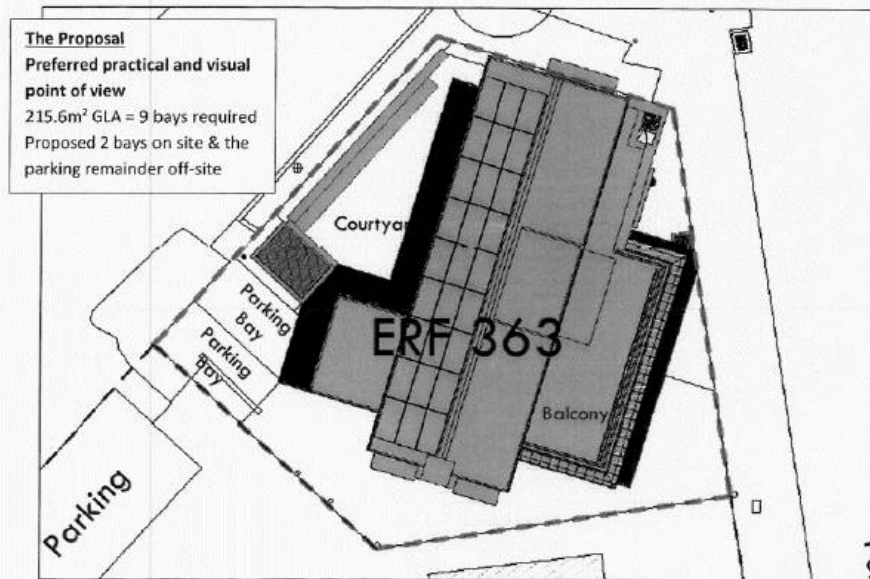


Figure 11: The new proposed Site Development Plan for Erf 363 Pringle Bay

Urban Design Principles: The size, shape and location of Erf 363 Pringle Bay

The size of Erf 363 Pringle Bay is 350m² and is relatively small for the purposes of an individual business premise. Furthermore, the erf being narrow on the one side and wide on the other creates, substantial design challenges specific for accommodating both building or parking space.

Cognisance must also be taken that the erf has practically three street frontages. The erf is located at the main natural and spontaneous prominent entrance point into the Pringle Bay Business Area. Therefore from an urban design perspective it is considered an opportunity to reflect and market the optimal character of the town and business area with a landmark entrance building. The typical character envisaged for Pringle Bay and the business area should be an inviting rural seaside, holiday and tourist town; an area where people can socialize and attract tourists but also serving the residents of the town and providing employment.

Practical Layout Considerations:

Due to the shape of the erf being narrow on the one side and broader and wider on the other, it results that the most suitable area for development is on the southern side of the property. Therefore it is not considered ideal to use the most optimal developable area on this small erf for parking purposes.

To provide parking on the northern side is not considered ideal or practical due to access being close to the circle intersection, lack of manoeuvring space and detracting of the prominence opportunity.

There is limited space for parking bays on the southern side without compromising developable area of this already small erf. Based on the current design only two on-site parking bays can be accommodated on the western side of the property.

As part of the Pringle Bay Master Parking Plan parking has already been allocated on the eastern side of the subject erf property resulting the existing approved site development plan to be impractical and inexecutable. Simultaneously it also inhibits and restrict the design for the new development proposal on the erf due to the size, shape and location of the property.

The decision of the Mayor Committee to provide 50% of the parking on-site is interpreted to be applicable to the specific erf, Erf 1867 Pringle Bay. The decision does not indicate to be a policy document applicable to the rest of the Pringle Bay business area.

Additional Considerations:

The provision of on-site parking will limit the viability of such building, especially given the fact that provision officially has been made for a parking master plan to provide off-site parking in the Pringle Bay business area. Even with the provision of 4 to 5 on-site parking bays is likely to result into economically unviable development on the property.

Consideration must also be taken that regular community markets are held within the business area that creates a special and unique character of the town. Having parking bays within the inner areas will severely inhibit this open character and will be detrimental to the existing community character.

Desirability:

The application for a departure to relax the parking requirement from 9 on-site bays to 2 on-site bays and 7 off-site bays is considered desirable for the following reasons:

- The proposed building is an improvement on the existing building in terms of functionality and aesthetics and will contribute positively to the character of the area.
- The proposed GLA does not increase, and as a result the proposal will not increase traffic or parking requirements of the area.
- The on-site parking provision is proposed to remain the same, while the purchasing of available additional off-site parking is proposed aligned with the Pringle Bay Master Parking Plan, thus improving the parking of the application area.
- The proposal is consistent with the character of the area, including building scale and parking provision.
- The zoning will remain the same and the proposed GLA will not increase and will therefore not impact on services.

8. Planning principles

In terms of Chapter VI of the Spatial Planning and Land Use Management Act, 2013 the following Planning Principles have been applied to the application site:

- 1) **Spatial Justice** which refers to the need for redressing the past apartheid spatial development imbalances and aims for equity in the provision of access opportunities, facilities, services and land.

Possible results of the development

The application relates to parking for an existing property and will not impact on spatial justice.

The application proposal is **consistent** with the principle of **spatial justice**.

- 2) **Spatial Sustainability** which refers to the fact that a spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

Possible results of the development

The proposal is for parking within an existing business node and will not impact on valuable agricultural land, environmentally sensitive and biodiversity rich areas or scenic and cultural landscapes.

The application proposal is consistent with the principle of **spatial sustainability**.

- 3) **Efficiency** which refers to the manner in which settlements themselves are designed to function in such a way that there will be a minimum need to travel long distances to access services, facilities and opportunities.

Possible results of the development

The proposal will allow for the optimal use of land within the existing business node, thus being efficient.

The application proposal is **consistent** with the **efficiency principle**.

- 4) **Spatial Resilience** which, in the context of land use planning, refers to spatial plans, policies and land use management systems which should enable communities to be able to resist, absorb and accommodate any economic and environmental shocks which might occur in a timely and efficient manner.

Possible results of the development

The application proposal improves the viability of development on the application area, which improves the ability to absorb and survive economic and environmental shocks.

The application proposal is **consistent** with the principle of **spatial resilience**.

- 5) **Good Administration** which, in the context of land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role players ensure that a joint planning approach is pursued.

Possible results of the development

Consultative practices are being followed in this application as it is done in consultation with the Planning Department of the Municipality who will also advertise the application in such a manner as to enable the relevant government tiers and the general public to participate in the eventual decision-making process.

The application proposal is **consistent** with the principle of **good administration**.

12/12

9. Conclusion:

The optimal space is required to establish an economical viable structure on the premises and the provision of on-site parking, even 50% on-site parking will restrict the execution and feasibility of the erf. The erf is small, has a complex shape and is subjected to restricted vehicle access.

The Mayoral Committee decision for Erf 1867 Pringle Bay is read to be only applicable to the specific erf which has substantially more suitable conditions in terms of size, location and shape to provide on-site parking and is considered not applicable for the remainder of the Pringle Bay business area.

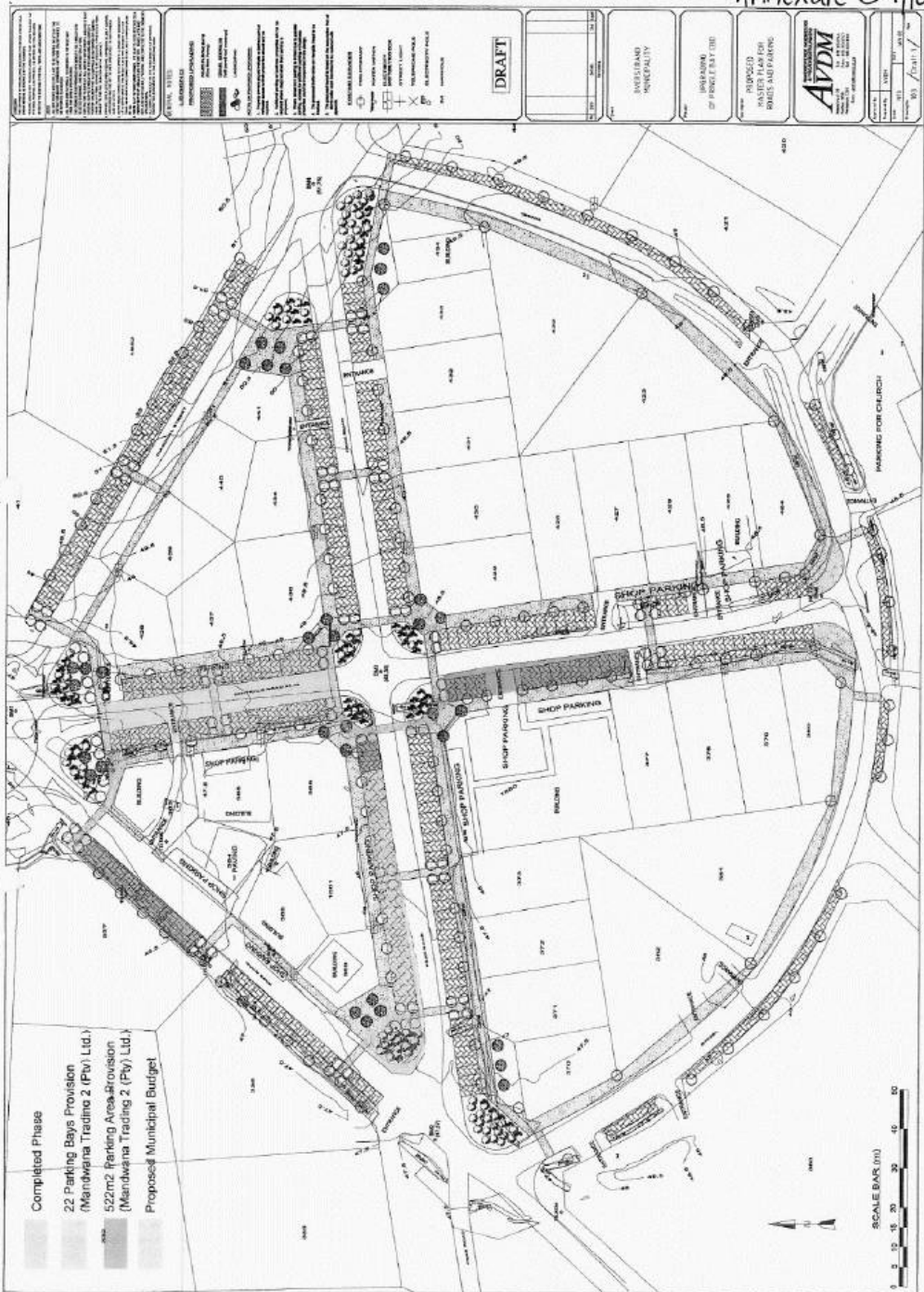
The layout design for the Pringle Bay Business Area was done in such a manner to accommodate off-site parking. The implementation of the Parking Master Plan is clearly intended to accommodate and manage the off-street parking.

10. Recommendation:

The application as motivated in this report is regarded desirable within its local context and well-integrated within the existing community land-use activities.

It is therefore recommended that the application be approved for a departure to relax the parking requirement from 9 on-site bays to 2 on-site bays and 7 off-site bays in terms of Chapter IV, Section 16(2)(b) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning 2020.

Annexure C 1/10



LICENSURE: U.S. Statewide
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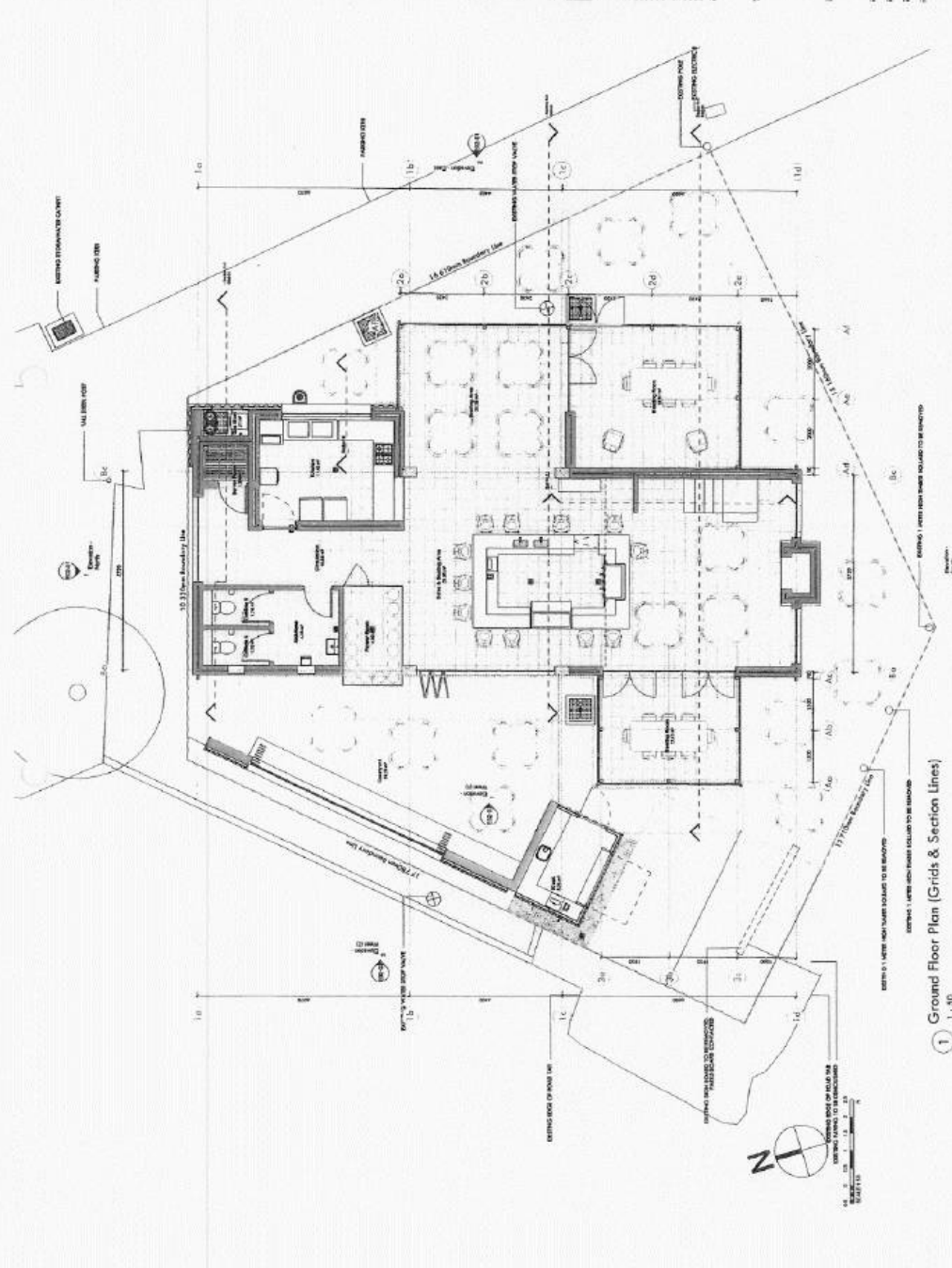
PROJECT: 802-01
 PROJECT NAME: B02-01
 PROJECT LOCATION: B02-01



COUNCIL
ERIK GROBLER
ARCITECT EDMS BPC
 152 JARDINES TALLAS PLAZA
 10000 LA BARRERA
 BEVERLY HILLS, CA 90210
 TEL: 310.416.1111 FAX: 310.416.1112
 WWW.ERIKGROBLER.COM

SHEET NO. 4/10
 PROJECT: B02-01
 TITLE: GROUND FLOOR PLAN - SECTION
 (LINES & GRID LINES)

DATE: 10/10/15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: B02-01



B02-01

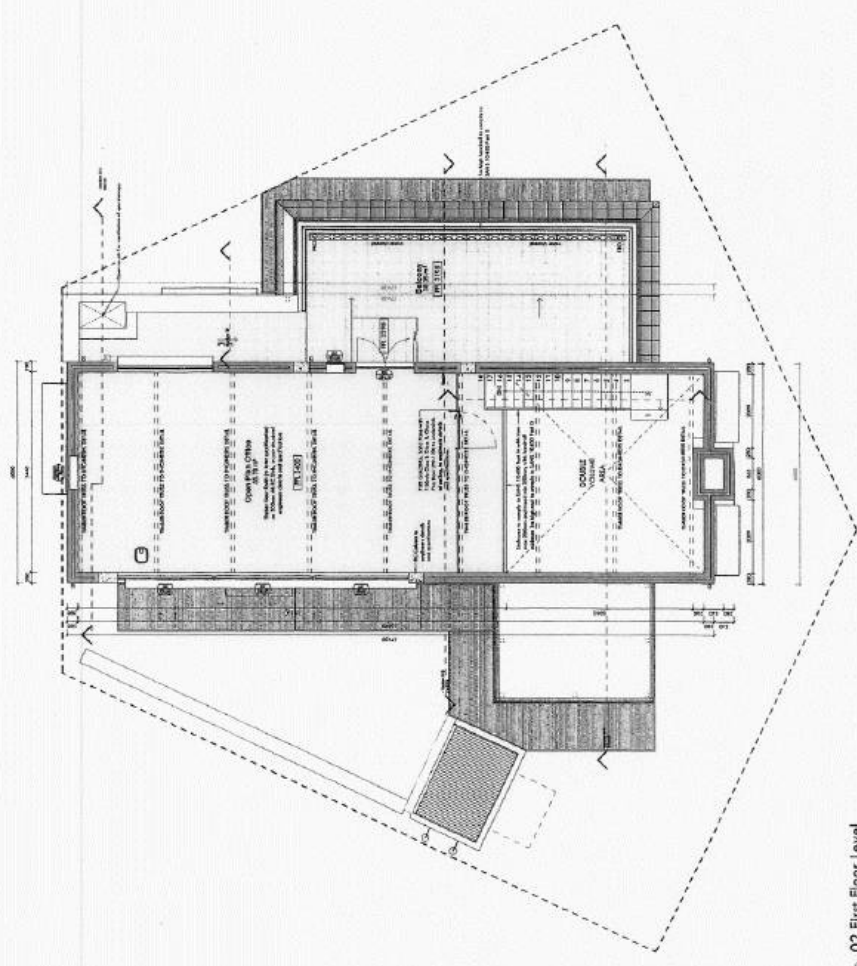
LICENSURE: Erik Grobler
 License No.: 11-0001337
 Name: Erik Grobler
 CIP No.: 110001337
 Address: 110001337

PROJECT: 02 First Floor Plan
 Drawing No.: B02-03



COUNCIL
ERIK GROBLER
ARCHITECT (EDMS) BPK
 110001337
 110001337
 110001337

SHEET NO. 5/10
 PROJECT: 02 First Floor Plan
 DRAWING NO.: B02-03



02 First Floor Level
 1/1-30

CONSTRUCTION NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITIES.

4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

5. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE FOUNDATION.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

7. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FOUNDATION DESIGN AND CONSTRUCTION HANDBOOK.

8. ALL CONCRETE SHALL BE CAST AND CURED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CONCRETE MANUAL.

9. ALL WOOD SHALL BE TREATED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE WOOD PRESERVATION HANDBOOK.

10. ALL METAL SHALL BE GALVANNEAL OR GALVANIZED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE METAL FINISHING HANDBOOK.

11. ALL MECHANICAL, ELECTRICAL, AND PLUMBING WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MECHANICAL, ELECTRICAL, AND PLUMBING CODES.

12. ALL FINISHES SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE FINISHES HANDBOOK.

13. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CONSTRUCTION MANUAL.

14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

15. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE FOUNDATION.

16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

17. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE FOUNDATION.

18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.

19. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE FOUNDATION.

20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.



ARCHITECT: **E.A. GARDNER**
 ADDRESS: 22.020.2337
 CLIENT: City of Prindle, 69 17902
 PHONE: _____
 FAX: _____
 PROJECT NUMBER: _____
 DRAWING NUMBER: _____

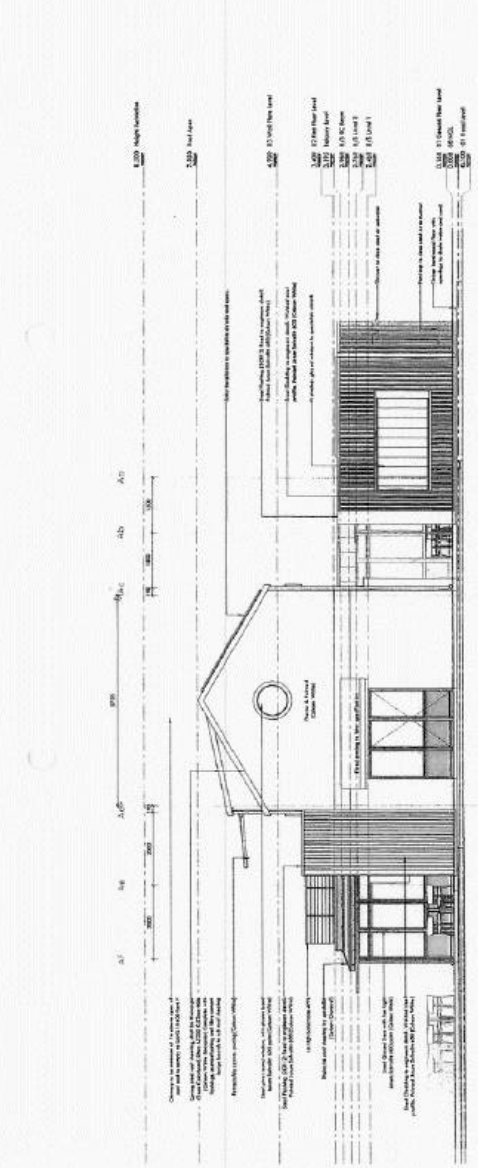
PROJECT: **Prindle School**
 NUMBER: **001**
 SHEET: **North & East Elevation**



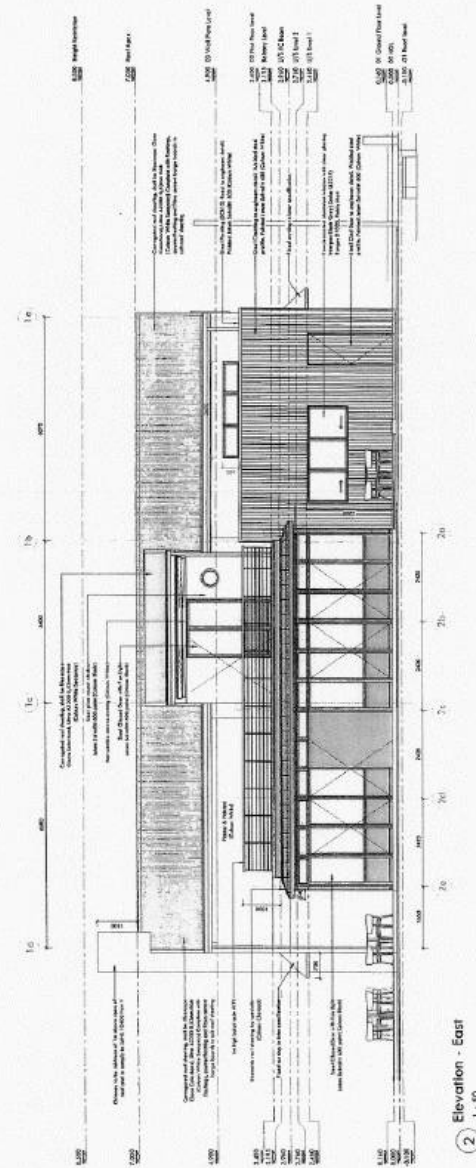
COUNCIL
ERIK GROBLER
 ARCHITECT, EDWARDS BERK
 ARCHITECTS
 1000 WEST 10TH AVENUE
 DENVER, CO 80202
 PHONE: 303.733.1100
 FAX: 303.733.1101
 WWW: www.edwardsberk.com
 PROJECT: NORTH & EAST ELEVATIONS

SCALE: **1/10**

E02-01



① Elevation - North
1 : 50



② Elevation - East
1 : 50

ARCHITECT: C.E. GAMMA
 ADDRESS: 71 ABBEY STREET
 CITY: ...
 PROJECT: ...
 SHEET: ...

MARCH 2014
 PERMITTED: ...
 EXPIRES: ...



0222-01

COUNCIL

ERIK GROBLER
ARGITEK (EDMS) BPK

THE B.C. REGULATION OF PROFESSIONAL ARCHITECTS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL LAND SURVEYORS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL GEOTECHNICAL ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL FOREST ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL AERONAUTICAL ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL CHEMISTS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL CIVIL ENGINEERS ACT, 1997
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 THE B.C. REGULATION OF PROFESSIONAL MECHANICAL ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL METALLURGICAL ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL MINING ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL NUCLEAR ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL OCCUPATIONAL HEALTH AND SAFETY ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL OPTICAL ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL PETROLEUM ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL SURVEYORS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL THERMAL ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL TRANSPORT ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL WATER ENGINEERS ACT, 1997
 THE B.C. REGULATION OF PROFESSIONAL WIND ENGINEERS ACT, 1997

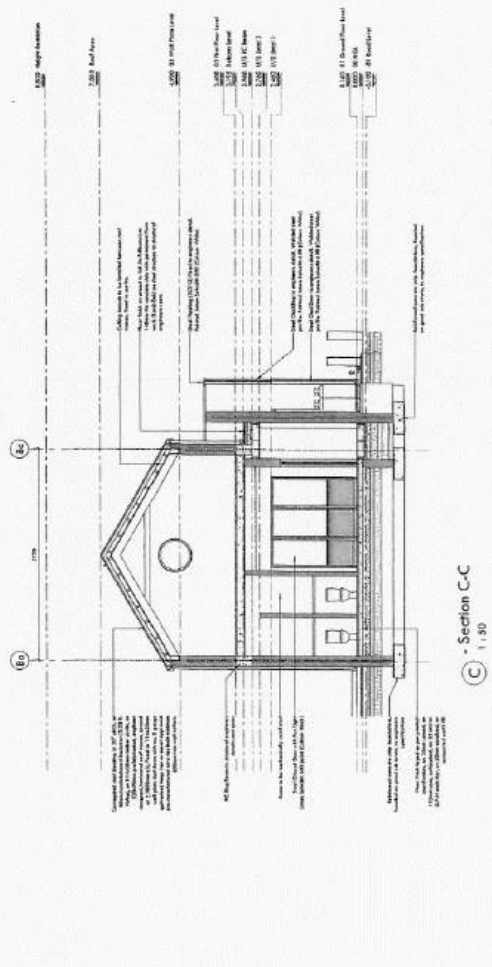
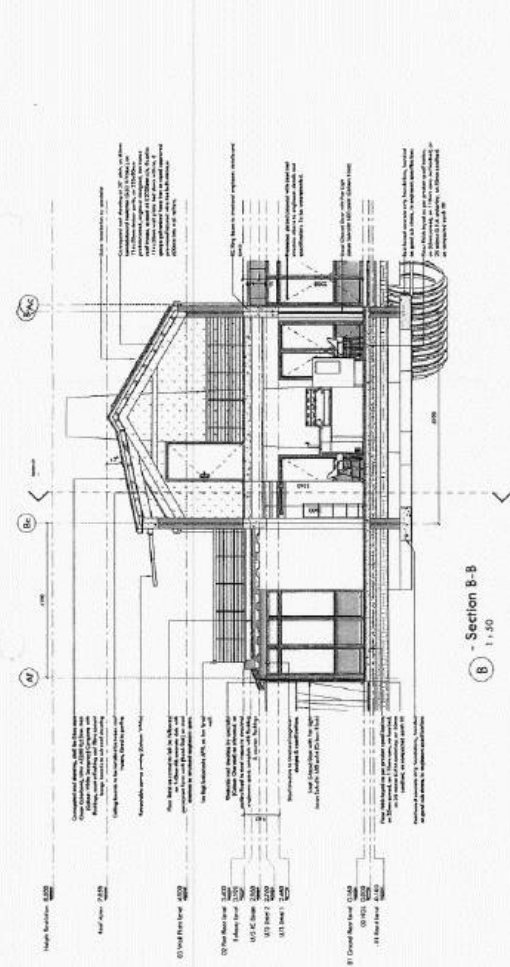
DIE LIGHUIS

BPP 383
 PASS ROAD
 PRINCE RAY

SECTIONS B & C

PROJECT NO:
 DRAWING NO:
 DATE:

G02-01





PRINGLE BAY RATEPAYERS' ASSOCIATION
PRINGLEBAAI BELASTINGBETALERSVERENIGING

SARS Reg. 9101/138/16/3
 NPO Reg. 214-205
 www.pringlebayratepayers.co.za
 P O Box 409, Pringle Bay, 7196 / Posbus 409, Pringlebaai, 7196
 Chairman / Voorsitter: chairman@pringlebayratepayers.co.za / Tel: 083 556 3345

Annexure D 1/5

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
12 OCT 2023
DOCUMENT CONTROL
OVERSTRAND-MUNICIPALITY

*TP. N. /hoort
(H. Ud Steep)*

11 October 2023

The Municipal Manager
 OVERSTRAND MUNICIPALITY
 PO BOX 20
 HERMANUS
 7200

PER EMAIL: loretta@overstrand.gov.za

FILE NO. <i>363</i>
<i>Pringle Bay</i>
SCAN NO.
<i>KPRB 363</i>
COLLABORATOR NO.
<i>1929233</i>

SUBJECT: ERF 363, 6 CENTRAL ROAD PRINGLE BAY: APPLICATION FOR DEPARTURE INTRACTIVE TOWN AND REGIONAL PLANNING ON BEHALF OF RUDOLPH DE VILLIERS TRUS: COMMENTS

PREAMBLE

I, the undersigned, ALBERT WILLEM VORSTER (Identity no. 611004 5027 084) in my representative capacity as Vice Chairman of the PRINGLE BAY RATEPAYERS' ASSOCIATION (hereafter referred to as PBRA, being a separate legal entity having a constitution, in terms of which it has a right, inter alia, to sue and to be sued), on behalf of our members who have granted a mandate to the PBRA to, amongst others, oppose departures, consent use applications and changes to title deed restrictions, hereby wishes to submit comments on behalf of the PBRA regarding the subject application.

1. ORGANISATION

The Pringle Bay Ratepayers' Association (PBRA) was started in 1967 by the first property owners of Pringle Bay to represent the interests of ratepayers and residents. Today it is a registered Non-Profit, Public Benefit Organisation.

Our primary functions are to liaise with the Overstrand Municipality, with whom we enjoy a close relationship and to support local environmental conservation. We represent the community on the local Ward Committee and other consultative bodies. We maintain close contact with local authorities and service providers, particularly on matters affecting ratepayers and residents.

The PBRA represents the ratepayers within the declared Urban Edge. This currently constitutes approximately 1,800 properties (erven) of which approximately 1,200 are developed (thus having a habitable structure erected on it either for residential or business purposes).



2. OVERSTRAND MUNICIPALITY LAND USE SCHEME, 2020

For ease of reference we quote the relevant Overstrand Municipality Land Use Scheme 2020 in full **with our emphases in bold**.

2.1. "17.1: PARKING REQUIREMENTS

Off-street parking requirements:

17.1.1 *The following off-street parking requirements apply, unless otherwise stated in this land use scheme:*

- a) *In cases where parking requirements are not stipulated for a particular use, or in terms of a specific condition imposed by the Municipality, **parking shall be provided at a minimum ratio in accordance with the table titled "Minimum off-street parking requirements" (see below).***
- b) *The Municipality shall determine off-street parking requirements for land uses not stipulated in the table "Minimum off-street parking requirements".*
- c) *Off-street parking shall be provided:*
 - i) *on the property for which the parking is required;*
 - ii) *subject to the Municipality's approval, in public parking facilities available in the vicinity; or*
 - iii) *in accordance with 17.1.2. and applicable policies.*

Alternative parking provision

17.1.2 *As an alternative to compliance with the off-street parking requirements in terms of this land use scheme, an owner may, with the approval of the Municipality:*

- a) ***acquire an area of land sufficient for the permanent parking requirements elsewhere in a position approved by the Municipality;***
- b) ***acquire permanent rights to a parking facility or portion of a parking facility elsewhere in a position approved by the Municipality and shall register a notarial deed of servitude against such land or parking facility to link the properties concerned for the purpose of parking, and the owner shall cause the parking concerned to be constructed and maintained at his cost to the satisfaction of the Municipality, and the cost of registration of the servitude shall be borne by the owner;***



- c) **pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned, together with the construction cost, in cases where the provision of parking is precluded in terms of other legislation or Site specific constraints or a contribution is made to an approved Municipal parking fund or project for the provision of parking.**

17.1.3 For the purpose of determining the value of a parking bay, a minimum area of 25 m² will be utilised.

Combined parking requirements

17.1.4 Where two or more land uses share a common parking area, the Municipality may reduce the amount of parking required for the independent uses, provided that:

- a) **the Municipality is satisfied that the utilisation of the same parking area by different activities is not concurrent; and**
- b) **bays intended for combined use may not subsequently be reallocated to selected uses without the approval of the Municipality."**

3. PRINGLE BAY BUSINESS AREA PARKING MASTER PLAN

3.1. The Applicant, on page 5 of the application, states the following:

"Apart from the Overstrand SDF and the Growth Management Policies and guidelines, information was also provided by the Overstrand Municipality that a parking master plan has been compiled and implemented for the Pringle Bay Business Area."

In our email to the OM Planning Department dated 19 September 2023 we requested as follows:

"Referring to the subject application (attached hereto for ease of reference), in particular Figure 7 of the application (page 7), please let me know whether an accompanying/supporting Memorandum related to the Pringle Bay Parking Master Plan exists. If so, please be so kind to forward same to me as soon as possible."

Our request above, on 6 October 2023, merely resulted in a reply from the Applicant to the OM that, apart from two drawings indicating planned and actual on-street parking in the subject area, no further supporting documentation apparently exists in support of these diagrams/figures. The supporting documents in our opinion would constitute the "Parking Master Plan". This is in actual fact confirmed by the Applicant's reply to the OM Planning Department which states:

"With reference to your e-mail dated 29 September 2023, please note that I do not have any supportive documents to the Pringle Bay Parking Master Plan; all I received from the municipality are the attached documents of which the one is an update from the previous" ... of which one is Figure 7 included in the application.



We submit that the full Parking Master Plan (or policy) documentation for the PB business node parking plan should be considered, and not only the diagram as submitted by the applicant. This will not only ensure current but also future fairness in allocating alternative parking to proposed developers and current land owners.

- 3.2. We submit that the OM "parking master plan" and the memorandum thereto is in our opinion highly relevant as a **policy document**, as alternative parking provision is applied for in terms of par 17.1.2. Importantly Par 17.1.1(c)(iii) provides for any alternative parking in terms of par 17.1.2. to be granted subject to "**applicable policies.**"
- 3.3. We have requested the detailed parking master plan (or policy) documentation from the OM, and will only be able to finalise our comments on receipt of the full policy documentation. **To date we have not received the requested documentation from the OM Planning Department.**
- 4. APPLICATION TO BE REFERRED BACK FOR MATTERS THAT SHOULD BE MORE FULLY CONSIDERED IN THE APPLICATION**
- 4.1. The applicant says in par 5(d): "An application is required to acquire 7 additional off-site parking bays.", without actually applying for it.
The application should accordingly be referred back for proper completion.
- 4.2. Furthermore, the viability of such an application for alternative parking will in our opinion be subject to any tailored policy requirements of the PB business node parking master plan/policy.
The applicant does not address the possibility of these tailored policy requirements of the PB business node parking master plan/policy.
- 4.3. Par 17.1.2 of the OM scheme regulations, when it reads: ".....an owner may, with the approval of the Municipality....." requires the applicant to submit an application of alternative parking for the approval of the municipality.
We would submit that the OM cannot consider a departure without, as a **pre-requisite**, an inclusive, complete, application for the alternative provision of off-street parking.
- 4.4. We would submit that the present application is incomplete, as there is no assurance that such alternative parking can be obtained or be approved or indeed be appropriate.
- 4.5. The application is further complicated as two business uses will be exercised concurrently as per par 17.1.4.
The proposed two concurrent business uses (offices and restaurant) will place higher demands on existing public street parking than the previous single restaurant use did.
We envisage that it potentially could result in a nuisance to the other business owners in the node.



Even though the potential misuse of public parking is a very notable application specific issue, the application does not at all deal with the nuisance that potentially could result.

Furthermore, no mention is made in the application regarding handicapped parking, loading/offloading zones or the sharing of same with adjacent business owners.

- 4.6. As the details for the alternative parking are not provided, an essential pre-requisite component of the application to enable the OM to take a decision is lacking.
- 4.7. We further submit that the OM should in no uncertain terms, indicate what the situation will be when in future similar applications are submitted for consideration, where required off-street (on-site) parking could similarly be requested for "exchange" to alternative on-street parking and the latter is not available anymore... we stress the principle of fairness now as well as in the future.
- 4.8. Finally, the Applicant in paragraph 7 of the application, specifically the section with heading "*Additional Consideration*", makes mention of "... *economically unviable development on the property*". This may be true for the existing proposed layout, but alternative layouts could result in the contrary, especially if the applicant carefully considers prevailing weather conditions in Pringle Bay ... an open-air court yard will in all likelihood only be utilised very few days in the year. Re-allocating this area to for instance make provision for on-site parking bays, will practically have very little influence on the current proposed GLA of the development but could have a significant value to patrons in terms of available parking in close proximity to their destination.

5. REQUEST PLEASE

We request please:

- 5.1. That the application be referred back to the applicant, and
- 5.2. That a fresh, and more comprehensive application be made and advertised, which would enable the erf owners of PB to properly consider the application.

We sincerely request that you will please be so kind to acknowledge receipt of our comments/objection and to take the necessary steps outlined above.

Kind regards

AW Vorster
Vice Chair: PBRA
Obo: Pringle Bay Ratepayers' Association



InterActive Town & Regional Planning

**PO Box 980
Overstrand
7200**

Reference: Erf 363, Pringle Bay, Overstrand

Date: 5 December 2023

ERF 363, PRINGLE BAY: APPLICATION FOR A PARKING DEPARTURE

With reference to your request dated 31 October 2023 as well as granting an extension for the submission of response, please find the response to the objection for a Parking Departure application on Erf 363 Pringle Bay herewith for your consideration.

Kind Regards

Andre Wiehahn Pr Pln A/927/1996
B Art et Sc (Town and Regional Planning)

FILE NO. Erf 363-KPRB
SCAN NO.
COLLABORATOR NO.
1962532

Annexure E 19

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
05 DEC 2023
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

TP- A Theart
(Huld Stoep)

TP - 5 DEC 2023

1. Introduction

a. Background

An application was submitted on 13 June 2023 for a parking departure. Only one objection was received; being from the Pringle Bay Ratepayers Association to which the Overstrand Municipality has requested via a letter dated 31 October 2023 for a response to the objections.

b. Application objective

The objective of the application is to establish a landmark restaurant and office at the entrance of the Pringle Bay business area. The proposed building is likely to be an iconic building at the entrance of the Pringle Bay business area.

c. Objections

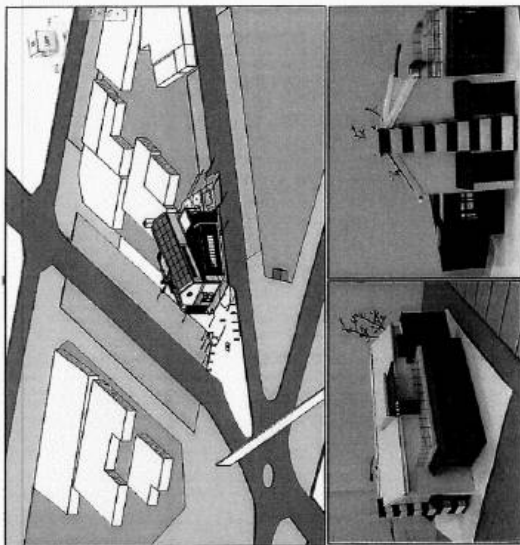
i. The objections

Only one (1) objection was received; namely from the Pringle Bay Ratepayers Association.

ii. Background to the objector and objections

The Pringle Bay Rate Payers Association claims that they are primarily an association which aims "To preserve and protect the rights and interests of all ratepayers and residents as a whole of the area" and "liaising with the relevant local authority" "and its affairs, especially on matters which might affect ratepayers and residents of Pringle Bay Township such as public services, water supply, electricity supply, sewerage, storm water, roads, refuse removal, rates and taxes etc."

In response to the objection, the applicant approached the objectors to determine whether there is a way to come to an agreement to withdraw the objection unconditionally as the objection in essence is about the parking policy and not the proposed land-use. Contrary to the application, the objector agreed that if the application be amended in such a way that all parking be provided on-site they would withdraw the objection



unconditionally. Practically it cannot be done as it will lead to an undesirable traffic situation and the application would have been required to be re-advertised (refer to the attached communication between the applicant and the objector).

d. Methodology

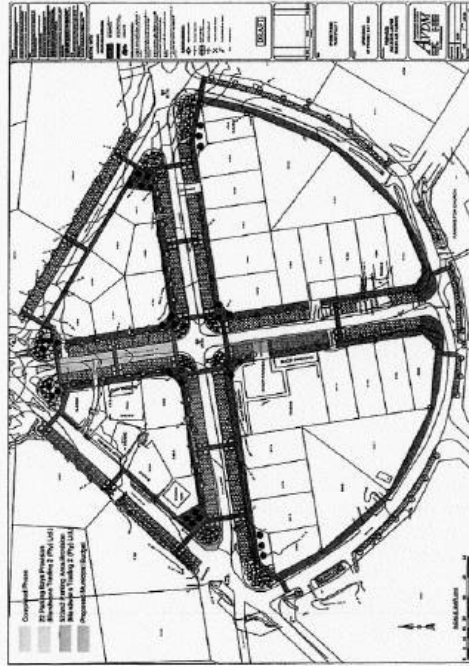
The response to the objections are dealt with by summarising, analysing and interpreting the each point of objections and to which each of the analysed points of objections are responded to.

2. Summary of the application

The objective of the application is to redevelop the application site with a new building for the purposes of a restaurant on the ground floor and an office on the first floor with a total gross leasable area of 215m² requiring 10 parking bays on the premises of 350m². Only two parking bays can be provided and thus requiring 8 off-site parking bays.

The business erven in general in the Pringle Bay Business Area are small and the road reserves wide; providing the opportunity for off-site parking and thereby optimising the utilization of the individual erven resulting to a condense integrated business character and environment. Subsequent to this the Ward 10 requested that a Parking Master Plan be compiled whereby off-site parking can be purchased by the business property owners to execute the parking strategy whereby more practical and usable buildings on their properties can be erected.

The adjacent plan illustrates the latest version of the Pringle Bay Parking Masterplan.



3. Summary of objection

In summary, the PBRPA is of opinion that the Pringle Bay Parking Masterplan (PBPMP) is incomplete without a supporting motivation report and can't evaluate the application without such report.

The individual points of objection from the Pringle Bay Rate Payers Association (PBRPA) is analysed and summarized in the following table.

Summary of objection	Response
<p>The full Parking Master Plan (or policy) documentation for the PB business parking plan should be considered, and not only the diagram as submitted by the applicant. This will not only ensure current but also future fairness in allocating alternative parking to proposed developers and current land owners.</p>	<p>The PBRPA are objecting to a document that does not exist. A supporting motivational report was not accompanied with the PBPMP.</p> <p>The author of the Pringle Bay Parking Masterplan was contacted accordingly and he confirmed that no supporting motivation was written.</p> <p>The origin of the Pringle Bay Parking Masterplan was found to be done on request of Ward 10 and was compiled by the competent locally based Civil Engineer, André van der Merwe.</p> <p>Furthermore the master plan is clear and descriptive in itself and no need for a descriptive motivation report is considered necessary.</p> <p>The objector implicates that alternative parking is not allocated in fairness without any evidence of unfairness.</p> <p>It should also be acknowledged that the Overstrand Municipality is the responsible authority and not the PBRPA to manage the parking.</p> <p>Given the above the point of objection should be rejected.</p>

<p>The Overstrand Municipal's "parking master plan" and the memorandum thereto is highly relevant as a policy document as alternative parking provision is applied for in terms of paragraph 17.1.2. Importantly, paragraph 17.1.2(c)(iii) provides for any alternative parking in terms of paragraph 17.1.2 to be granted subject to application policies.</p> <p>The application should be referred back for matters that should be more fully considered in the application being the following:</p> <p>a. The application states that 7 additional parking bays is required without applying for it.</p>	<p>As per the response here-above, a memorandum to the parking master plan does not exist and the plan itself is clearly understandable and legible and can easily be interpreted.</p> <p>Therefore the comment of the PBRPA is considered invalid.</p>
<p>b. The viability of such application for alternative parking will be subject to any tailored policy requirement</p>	<p>Therefore the point of objection should be rejected.</p> <p>The Pringle Bay Parking Masterplan merely serves as a clear guideline for parking in the business area of Pringle Bay.</p> <p>It is incomprehensible that an institution like the PBRPA cant "read", interpret and understand the plan.</p>
<p>c. The Overstrand Municipal Planning By-Law requires an application of alternative parking for the approval of the municipality</p>	<p>Therefore this point of objection should be ignored, rejected and omitted.</p> <p>The PBRPA wants the applicant to indicate as part of his application where the alternative parking will be located.</p> <p>The masterplan shows the areas where parking has already been allocated. As this forms part of a dynamic process, the local authority identify the location of the parking spaces to ensure a coordinated and efficient manner for the construction of the off-site parking areas.</p> <p>Therefore the point of objection does not make sense and should be rejected.</p>

<p>d. The application is considered incomplete as no assurance that such alternative parking can be obtained or be approved or indeed be appropriate</p>	<p>From the BPMP as well as on-site it is evident that space for alternative parking is still available. Prior to submitting the application, officials were also consulted to confirm that space for alternative parking is available. Therefore the application for alternative parking is not incomplete and once again this point of objection should be omitted. It is concerning that a body like the PBRPA makes an objection of this nature;</p>
<p>e. The application is complicated as two business uses (office and restaurant) and will place higher demands on existing street parking than the previous single restaurant use.</p>	<p>The zoning of the application site is Business Zone 3: Local Business and its primary right allows for more than two business land-uses namely shops, dwelling unit (above ground floor), flats (above ground floor), offices, restaurant, caretaker's accommodation and self-catering. Even-though more than one land-use is permissible as a primary right, it should also be acknowledged that in this instance, these two proposed land-uses peak activity times does not coincide. The objector furthermore does not take into consideration that the restaurant area can increase and create even higher parking demands during peak periods compared to two or more different land uses.</p>
<p>f. The application could result in a nuisance to other business owners in the node. The application does not deal at all with the nuisance that potentially could result.</p>	<p>The point of objection is evidently out of context, invalid and should be ignored. As per the previous response, the existing land-use rights makes provision for a restaurant as a primary right and is subsequently permitted. It is once again of serious concern that a ratepayers association discourages a statutory business in a formal business area where other similar uses are present and tourism and hospitality is a core function of the existence to the local business community.</p>

<p>g. No mention is made regarding handicapped parking, loading / offloading zones or the sharing of same with adjacent business owners.</p> <p>h. Details of alternative parking are not provided, an essential pre-requisite component of the application to enable the Overstrand Municipality to take a decision is lacking.</p>	<p>The point of objection is contrary to the mission statement of the PBRPA being namely "To preserve and protect the rights and interests of all ratepayers and residents as a whole of the area"</p> <p>In the light of the above this point of objection should strongly be rejected by the deciding authority.</p>
<p>The Overstrand Municipality should in no uncertain terms indicate what the situation will be when in future similar applications are submitted for consideration where required off-street, (on-site) parking could similarly be requested for exchange to alternative on-street parking and the latter is not available anymore. It is stressed that the principle of fairness now as well as in the future be applicable.</p>	<p>It is self-evident that the proposed 2 parking bays will serve as loading bays normally during off-peak periods and during normal business hours parking for handicapped customers. This forms part of the planning to optimize scarce land resources.</p> <p>The point of objection made by the PBRPA is factually incorrect.</p> <p>The PBRMP provides the guidelines for the areas where parking can be provided. It should also be kept in mind that this is a dynamic process and managed by the Overstrand Municipality which is in a position to determine the alternative locations for off-site parking in accordance with the policy Pringle Bay Master Parking Plan.</p> <p>It should also be acknowledged that the Overstrand Municipality evaluate application for technical correctness when an application is submitted. This application was accordingly found compliant.</p>
<p>The Overstrand Municipality should in no uncertain terms indicate what the situation will be when in future similar applications are submitted for consideration where required off-street, (on-site) parking could similarly be requested for exchange to alternative on-street parking and the latter is not available anymore. It is stressed that the principle of fairness now as well as in the future be applicable.</p>	<p>This point of objection is incorrect and should be ignored.</p> <p>The point of objection has no direct relevance to the application and appears to prescribe to the local authority how to manage application procedures.</p> <p>As mentioned here-above, the allocation of parking is a dynamic process and the Overstrand Municipality's processes are subjected to statutory objective, pragmatic, functional and practical procedures and processes.</p> <p>The point of objection should thus also be omitted.</p>

<p>The objector makes suggestions for an alternative layout of the application site.</p>	<p>The comments and the suggestion of the PBRPA are noted. This suggestion also has no relevance to the application and is merely a suggestion.</p> <p>The suggestions are however impractical as it does not take traffic safety and engineering principles and standards into consideration and would cause potential traffic congestions if implemented.</p> <p>The deciding authorities should thus disregard this suggestion.</p>
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In addition to the above responses to the individual points of objection, the communication between the applicant and the objector is meaningful in the sense that it can clearly be derived that the objector is not objecting to the proposed land-use but rather to the parking master plan and the methodology/ principles of allocating off-site parking.

4. Conclusion:

It appears that the objection is more about the Overstrand's Pringle Bay Business Area' Parking Plan than the application for off-site parking. The PBRPA's incorrectly state that the application is incomplete as a descriptive motivational report supplementary to the PBPMP is required. The fact is that no such supplementary descriptive document exist that they are referring to.

Objections of this nature is not based on scientific factual information and is experienced rather to discourage much needed growth and investment of places like the Pringle Bay Village, contrary to the PBRPA's aim of protecting the residents rights and interest. The stagnation of a town is the first step towards urban decay. Rate Payers Associations should be dynamically pro-active in accordance with regular consultative involvement of entire local communities and including the consultive visions of the spatial policies as compiled by the respective different tiers of authorities.

The application forms part of a process guided by a clearly and understandable and workable parking plan encouraging tourism and business to the town and ensuring orderly holistic planning and development.

The objection by the PBRPA is considered invalid resulting to the delay of an development opportunity to improve the town and providing a landmark development.

It is therefore requested that the objection be refused and the application be approved to provide off-site parking in a location determined by the engineering department of the Overstrand Municipality.

Kind Regards



Andre Wiehahn Pr Pln A/927/1996
B Art et Sc (Town and Regional Planning)
Tel: 082 466-0490

Annexure F

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE, ERF 363, PRINGLE BAY (4419/2023)**

Electricity	:	Eskom Area
Water	:	Refer to conditions
Sewer	:	Refer to conditions
Stormwater	:	Refer to conditions
Roads and traffic	:	Refer to conditions

Conditions:

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner's cost;
2. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
3. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Kleinmond for written approval;
4. that any additional and / or extended vehicle entrances will be for the owner's account;
5. that no reservation of on-street parking be allowed.
6. that stormwater discharged from higher lying properties and generated in the catchment area of the property be allowed to drain freely through the property;
7. that stormwater reticulation and connection(s) to the municipal system be provided at the owners cost, if required.


DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES


DATE