

MUNISIPALITEIT OVERSTRAND
ERF 486, DE WETSTRAAT 14, GANSBAAI:
AANSOEK OM AFWYKING, WYSIGING VAN 'N
GOEDGEKEURDE
TERREINONTWIKKELINGSPLAN, WYSIGING
VAN DIE GOEDKEURINGSVOORWAARDES EN
BEPALING VAN 'N ADMINISTRATIEWE BOETE:
MNRE TOWN & COUNTRY NAMENS
GANSRUS (EDMS) BPK

Kennis word hiermee gegee ingevolge Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening op Munisipale Grondgebruikbeplanning, 2020 (Verordening), dat 'n aansoek ontvang is wat van toepassing is op Erf 486, Gansbaai, naamlik:

- **afwyking** ingevolge Artikel 16(2)(b) van die Verordening, vir die uitkoop van drie (3) op perseel parkeerplekke ingevolge Artikel 17.1.2(c) van die Verordening;
- **wysiging van 'n goedgekeurde terreinontwikkelingsplan** ingevolge Artikel 16(2)(l) van die Verordening, om die bestaande verswaktesorgeenheid en uitbreiding van die ouetehuis te akkommodeer;
- **wysiging van die goedkeuringsvoorwaardes** ingevolge Artikel 16(2)(h) van die Verordening, om die bestaande verswaktesorgeenheid en uitbreiding van die ouetehuis te akkommodeer; en
- **bepaling van 'n administratiewe boete** ingevolge Artikel 16(2)(q) van die Verordening.

Besonderhede aangaande die voorstel lê ter insae gedurende weksdae tussen 08:00 and 16:30 by die Departement: Stadsbeplanning te Patersonstraat 16, Hermanus en Gansbaai Biblioteek, Hoofweg, Gansbaai. Enige kommentaar moet skriftelik wees en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) bereik voor of op **Vrydag, 14 Junie 2024** met u naam, adres, kontakbesonderhede, belang in die aansoek, sowel as die redes vir kommentaar. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mnr SW van der Merwe** by 028-3138900. Die Munisipaliteit mag weier om kommentare te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formuleer.

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

Munisipale Kennisgewing Nr. 78/2024

OVERSTRAND MUNICIPALITY
ERF 486, 14 DE WET STREET, GANSBAAI:
APPLICATION FOR DEPARTURE,
AMENDMENT OF AN APPROVED SITE
DEVELOPMENT PLAN, AMENDMENT OF
CONDITIONS OF APPROVAL AND
DETERMINATION OF AN ADMINISTRATIVE
PENALTY: MESSRS TOWN & COUNTRY ON
BEHALF OF GANSRUS (PTY) LTD

Notice is hereby given in terms of Sections 47 and 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-Law), of the following applications applicable to Erf 486, Gansbaai, namely:

- **departure** in terms of Section 16(2)(b) of the By-Law, to buy out three (3) on-site parking bays in terms of Section 17.1.2(c) of the By-Law;
- **amendment of an approved site development plan** in terms of Section 16(2)(l) of the By-Law, to accommodate the existing frail care centre and extension of the old age home;
- **amendment of conditions of approval** in terms of Section 16(2)(h) of the By-Law, to accommodate the existing frail care centre and old age home expansion; and
- **determination of an administrative penalty** in terms of Section 16(2)(q) of the By-Law.

Detail regarding the proposal is available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning at 16 Paterson Street, Hermanus and Gansbaai Library, Main Road Gansbaai. Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or **Friday, 14 June 2024**, quoting your name, address, contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the **Senior Town Planner, Mr SW van der Merwe** at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them to formalize their comment.

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

Municipal Notice No. 78/2024

UMASIPALA WASE-OVERSTRAND
ISIZA 486, 14 DE WET STREET, GANSBAAI:
ISICELO SOKUNYENYISWA, UKUTSHINTSWA
KWESICWANGCISO SOKUPHUHLISWA
KWESIZA, UKUTSHINTSWA KWEMIMISELO
YOKUGUNYANZISWA NOKUGQITYWA
KWESOHLWAYO: ABAKWA-TOWN &
COUNTRY EGAMENI LE-GANSRUS (PTY) LTD

Kukhutshwa isaziso ngokumayela neCandelo 47 neCandelo 48 loMthetho Otshintshwayo woMasipala waseOverstrand ongokuSetyenziswa Nokucetywa koMhlaba kaMasipala, 2020 (uMthetho kaMasipala), ukuba kufunyenwe izicelo ezilandelayo ngokumayela neSiza 486, Gansbaai ukuba:

- **kunyenysiswe** ngokweCandelo 16(2)(b) loMthetho kaMasipala ukuze kuthengwe iindawo ezintathu (3) zokupaka iimoto ngokweCandelo 17.1.2(c) loMthetho kaMasipala;
- **kutshintshwe isicwangciso esigunyazisiweyo sokuphuhlisa isiza** ngokumayela neCandelo 16(2)(l) loMthetho kaMasipala ukulungiselela iziko lokunyamekela ababuthathaka nokwandiswa kwendawo yokuhlalisa abantu abadala;
- **kutshintshwe imimiselelo yokugunyazisa** ngokumayela neCandelo 16(2)(h) loMthetho kaMasipala ukulungiselela iziko lokunyamekela ababuthathaka nokwandiswa kwendawo yokuhlalisa abantu abadala; kunye
- **nokugqitywa kwesohlwayo emasibhatalwe** ngokweCandelo 16(2)(q) loMthetho kaMasipala.

linkcukacha ezipheleleyo malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zomsebenzi phakathi kweyure-08:00 ne-16:30 kwiSebe: loCwangciso lweDolophu, 16 Paterson Street, Hermanus kwaye nakwiThala Leencwadi laseGansbaai, Main Road, eGansbaai. Naziphi na izimvo kufuneka zibe zezibhaliweyo, uchaze igama lakho, idilesi kunye neenkukacha zonxibelelwano, umdla kwisicelo, kunye nesizathu sokunika izimvo, ekufuneka zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngomhla okanye phambi komhla **uLwesihlanu 14 uJuni 2024**. Imibuzo ngomnxeba ingathunyelwa kuMchwangcisi weDolophu oPhezulu, uMunu **SW van der Merwe** kule nombolo yomnxeba 028-313 8900. UMasipala angala ukuthatha izimvo ezifike emva komhla wokuvalwa. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe lokuCwangcisa lweDolophu apho igosa likamasipala liza kuncedisa ukuze ukwazi ukuqulunqa uluvo lwakho.


Umlawuli kaMasipala, uMasipala wase-Overstrand, P.O. Box 20, **HERMANUS**, 7200

Isaziso sikaMasipala esinguNombolo. 78/2024



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 Creative Land Solutions
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PROJECT
LOCALITY PLAN: ERF 486 GANSBAAI
OVERSTRAND MUNICIPALITY

 Land Surveyors • Town Planners

DRAWN LT	CHECKED LT
SCALE NTS	DATE OCT 2023
DWG No.	REVISION
Notes:	

MOTIVATIONAL REPORT

PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY, AMENDMENT OF AN APPROVAL, AN AMENDMENT OF A SITE DEVELOPMENT PLAN AND A REQUEST TO PURCHASE PARKING FROM COUNCIL: ERF 486 GANSBAAI

Ref. GAN/3074

1. INTRODUCTION

This office was appointed by Mr Antonie Brandt, owner of Mattanja House, to prepare the town planning application for an amendment of the previous approval and site plan, a determination of an administrative penalty and an application for a departure from the on-site parking provision, to request Council to purchase parking from the Municipality. The application is required to extend the existing approval, to allow for additional rooms and more people.

The house is currently used as a special care residential premises / home for the elderly who require assistance with daily living. An approval for this use of the property for these purposes was granted in January 2019. The use was recently extended to allow for more rooms and especially for the use of one of the rooms for frail care. It was later discovered by the Huis Mattanja management that they required an amended approval for the extended use when building plans were lodged.

2. APPLICATION

Application is made for:

- I. A departure in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for Alternative Parking Provision in terms of Section 17.1.2 (c) for the owner to pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned.
- II. Amendment, in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning to increase the number of rooms and number of people allowed at the residential care home.
- III. A permission required in terms of the conditions of approval in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for an amendment of the Site Development Plan.

IV. Determination of an Administrative Penalty in terms of Section 16 (2)(q) of the Overstrand Municipality By-Law on municipal land use planning

3. PROPERTY DETAILS

TOTAL AREA	829m ²
REGISTERED OWNER	Gansrus Proprietary Limited
Boundaries: North	De Wet Street and erf 2928 (portion of erf 1081)
East	Church Street and erven 503 and 619
South	Erven 484 and 487
West	Erf 485

Erf 486 is registered under title deed T87193/2007.



Photo 1. Erf 486 in a western direction from Church Street

4. SITE DESCRIPTION AND SURROUNDING AREA

Erf 486 is located on the corner of De Wet and Church Street. The erf is generally flat and developed with a house and outside buildings.

Properties surrounding Erf 486 are mainly of residential nature. The property north of Erf 486 is vacant and the house east of Erf 486 is used as a day care. An Old Age Home is located approximately 45m south of Erf 486.



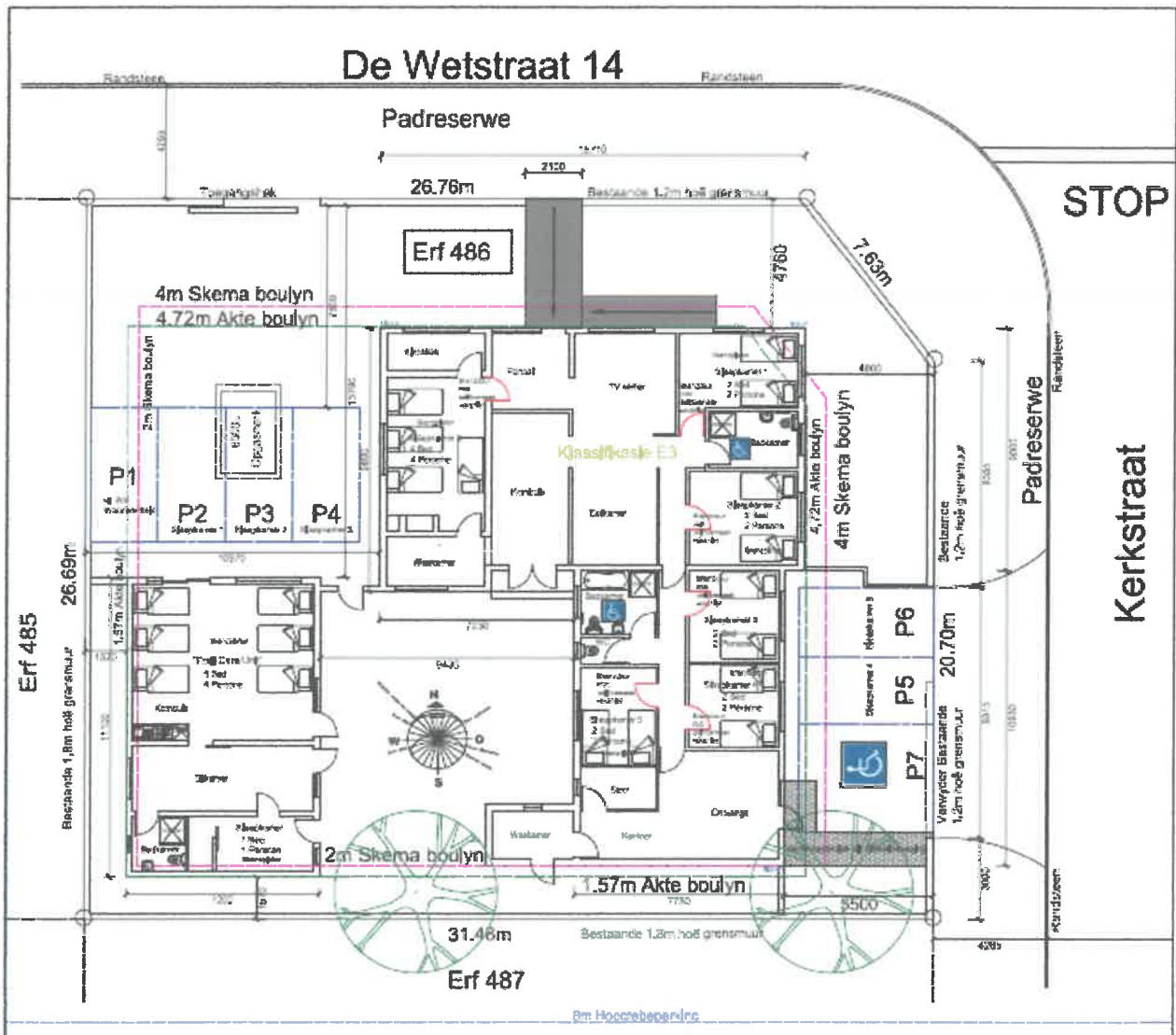
Google Earth Image, to illustrate the location of Erf 486 and surrounding land use.

5. PROPOSED AMENDMENT OF A PREVIOUS APPROVAL AND THE SITE DEVELOPMENT PLAN

An application was made in 2018 and approved in 2019 for 6 bedrooms (5 in the house and 1 in an outbuilding) to be used as part of the residential care home. It was however found that more rooms could be utilised for this purpose, to be able to assist more people in need, without impacting on the comfort and functionality of the house. In the Main house there is then now 6 bedrooms and in the annex two

bedrooms. One of the rooms in the annex is used for frail care and has six (6) beds in it. In the eight rooms a total of 21 people can be accommodated.

In the Main house the general relaxation areas for the residents include a Lounge/TV Room and a dining room. An inside 'braai' room that was never used, was converted into an additional bedroom. The Annex was redesigned internally to allow for one single bedroom and a frail care room with 6 beds. There is a living room area as part of the annex. As a result of the extended use, there is then currently not enough on-site parking in terms of the Zoning Scheme By-Law. For the amended use, 10 bays are required in lieu of the previous 6. Application is then also made for a departure, to allow for alternative parking provision.



Extract of the Amended Site Plan

Amendments to the site plan, include the internal changes mentioned and the parking bays next to De Wet Street, that was turned as per the recommendation from the Overstrand Building office.

The amendments in the approval applied for include Paragraph 3.4.(a) and (c). An extract and the amendment required as follows:

Extract from the Approval:	Amendment applied for:
(a) That the facility be restricted to a maximum of six (6) bedrooms with a maximum occupancy of twelve (12) people;	That the facility be restricted to a maximum of eight (8) bedrooms with a maximum occupancy of twenty one (21) people;
(c) That a minimum of one (1) permanently demarcated parking bay per bedroom be provided within the erf boundaries, subject to the approval of the Senior Manager: Town & Spatial Planning;	That seven (7) permanent demarcated parking bays be provided for within the erf boundaries and three (3) parking bays be bought from the Municipality.

6. PROPOSED DEPARTURE

Application is made to allow for a departure in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for Alternative Parking Provision in terms of Section 17.1.2 (c) for the owner to pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned.

Mr Philip Eloff, a Professional Associated Valuer was appointed to do the required valuation. Please refer to the attached document that was received from him.

The provision of alternative parking provisions can be supported for the following reasons:

- Huis Mattanja is, after being operational for five years, well established and in this time, it was noted that more than one or two on-site parking bays are hardly ever occupied. None of the residents have cars and visitors hardly ever come at the same time. The number of parking bays

required in terms of the Zoning Scheme, are in practice not used, or required. The extended use will therefore not have an impact on the availability of parking in De Wet or Church Streets.

- De Wet and Church Streets have wide 18,9m wide road reserves, with a very low development density, especially since the area north of Erf 486 is undeveloped and there being an existing old age home in Church Street – also requiring very little parking. Both De Wet and Church Streets have wide sidewalks. Should street parking be utilized by visitors, the impact on residents will be negligent.

7. PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY

A determination of an Administrative Penalty in terms of Section 90(3) of the By-Law) of the Overstrand Municipality By-Law on municipal land use planning is required, due to two additional rooms that are used as part of the care home for the elderly. One of the rooms is used for frail care and can accommodate 6 people. Only 6 rooms were approved in 2019 as part of a consent use application.

In terms of the By Law the applicant must, to the satisfaction of the Municipality, provide the following information such as-

- (a) the nature, duration, gravity and extent of the contravention;

No additional buildings were erected, but internal renovations were made in the area known as the annex. The existing flat and garage were reconfigured to allow for a room, living room and the larger frail care room, that allows for six beds. Even though additional rooms were used, there were never more than 12 residents at a time.

- (b) the conduct of the person (allegedly) involved in the contravention;

The owner of the business is personally involved with the management of the house and did not intentionally conduct the contravention. He was trying to assist more people inside the existing house, that already has all the required facilities and personnel.

(c) a report by a quantity surveyor in matters of unauthorised building/construction;

As far as we are aware no unauthorised construction of extensions to the property took place. A report from a quantity surveyor is therefore not required.

(d) whether the unlawful conduct was stopped;

The unlawful conduct was not stopped, due to rooms being occupied by the elderly. Taking into consideration what a lengthy process a planning application is, it would not make sense to evacuate retirees for six months or even more, to be able to first finalise the process. Even though the planning approval is not yet in place, Mr Brandt remained in conversation with the Department of Social Development: Older Persons Program.

(e) whether the person allegedly involved in the contravention has previously contravened this By-Law or a previous planning law.

We are not aware of previous contraventions.

Huis Mattanja has been operational since its approval and has proven to be an asset to the Overstrand community. The institution is not profit driven and receives discounts from various shops in the area to try and supplement fees. The residents do not pay their own accommodation fees but are mostly subsidized by family members.

The facility is an institution that provides a community service. The extended use without amended approval was not intentional and was a result of a need that arose and that was then attended to. Mr Brandt could not get it over his heart to send elderly residents to a location unknown to them when they required more assistance. He therefore redesigned an area of the annex that could be used for frail care purposes. He was not aware that this internal change required planning approval and only discovered that the two additional rooms required approval when they lodged building plan.

The applied for institutional use, is small and similar to that of single residential dwelling, except that there is 24-hour assistance for the residence. The impact on surrounding landowners is therefore small.

Other than the assisted and frail care-facility offered, the facility also provides a significant number of job opportunities. With personnel on site 24h a day, a large number of carers are required to work in shifts. Currently there are approximately 20 carers working at the facility – 5 during the day and 3 at night. Other job opportunities include the positions filled by qualified sisters and caterers.

Mattanja also provides carers that are still in-training with the opportunity to do their practical work. They will then, after the individuals are qualified, either provide them with a permanent job opportunity themselves, or give them a referral to another institution.

With the determination of an administrative fee, Council is asked to please take the above into consideration.

8. THE DEVELOPMENT

Internationally there has always been a need for special care alternatives for the elderly and with Gansbaai being partially a retirement destination, there is a growing need for these facilities. Huis Mattanja was approved in 2019 as was since used as a private care home / retirement home, where people who requires a little more assistance, can live.

The house is managed by two qualified nursing sisters, with the necessary experience and qualifications. Qualified personnel are employed and work in shifts to ensure 24h care for the residents. There are 8 bedrooms, with one of them used for frail care, available and the rest of the house is used as a normal residence with a kitchen and general living areas for the residents. Six of the rooms are in the main house and two of the rooms in an Annex.

The house offers except for the large inside relaxation areas, also an enclosed outside garden (courtyard) area where the elderly can spend time.

The personnel help residents with the administering of medicine, daily bathroom rounds, mobility assistance, hand and foot care, a laundry service and daily activities to promote interaction and socialization. A caterer provides the residents with balanced meals.

All National Health and Safety regulations are complied with and the house is wheelchair friendly.

Sufficient on-site parking complying with the Zoning Scheme is not currently supplied for on-site. Application is made for a departure, to apply to Council, to buy the additional parking bays.

9. RELEVANT OVERHEAD PLANNING POLICY

Various local, provincial and national forward planning documents are applicable to the application.

9.1 OVERSTRAND SPATIAL DEVELOPMENT FRAMEWORK (SDF)

The vision of the Overstrand SDF is based on the vision of the Overstrand IDP and is as follows:

'Overstrand Municipality is striving to be the most desirable destination to visit, stay and do business'.

In order to achieve this, the document identifies various principles:

Development Principles:

- Efficient and integrated planning – Promote efficient and integrated planning and development through:
 - Integrated development and planning in rural and urban areas with a view to mutual support.
 - Optimal utilisation of existing developed resources including bulk infrastructure
 - Promotion of compaction and densification as opposed to low-density sprawl

- Protection of the agricultural resource base
- Spatially co-ordinating sectoral activities
- Addressing historically distorted spatial patterns

RELEVANT GOALS & OBJECTIVES FORMULATED BY THE DOCUMENT INCLUDE AMONG OTHER THE FOLLOWING:

Goal	Objective
To provide an environmentally and economically sustainable bulk service infrastructure and road transport network.	<ul style="list-style-type: none"> ● To ascertain the overall carrying capacity of existing bulk services related to existing and future growth, and where appropriate, determine flood lines; ● To identify critical problem areas relating to bulk water supply, groundwater abstraction and quality; ● To improve and maintain the standard of bulk services with particular reference to bulk water supply, sewerage and solid waste and sewage management; and ● To create an efficient, well defined hierarchy of roads.
To address the social needs and expectation of all sections of the community.	<ul style="list-style-type: none"> ● To provide access to a full spectrum of social services and facilities; ● To ensure the provision of basic housing and services; ● To encourage public participation in all issues of public concern; and ● To co-ordinate the joint management of certain functions on a sub-regional level, e.g. sporting facilities, education and health facilities.
To promote the conservation and sustainable use of the natural resources in the Overstrand municipal area.	<ul style="list-style-type: none"> ● To protect, conserve, and restore where appropriate, all areas deemed to be conservation worthy; ● To ensure that the impact of existing and proposed development is adequately evaluated from a holistic environmental perspective, taking current and future generations into account; ● To promote the sound management of natural areas to ensure their sustainability; ● Rehabilitate and/or restore degraded and disturbed environments where necessary to meet conservation or environmental management objectives; ● To limit and control development and activities within environmentally sensitive and/or conservation worthy areas so as to ensure their sustainability taking into account affects on biodiversity; ● To promote efficient use of water and energy resources; and ● To implement water conservation and demand management objectives within municipal areas in order

	to promote savings and decrease the demand for costly bulk water supply systems.
To ensure that ongoing development pressure and its spatial implications are managed in a sustainable manner that protects the unique character of the existing cultural landscape and the place-specific character and form of the existing settlement pattern.	<ul style="list-style-type: none"> • To promote a spatial development pattern that contains urban sprawl/urban development and promotes compact well-defined settlements; • To retain and strengthen the unique identity of the municipal areas and its districts; • To determine clear limits to urban development and define the urban edge/limits of existing settlements; • To conserve and improve the visual quality of the landscape and the scenic route experience of the primary movement corridors; and • To improve the aesthetic quality of the built environment.

The SDF describes Gansbaai as a fishing village and a popular residential, holiday and retirement destination.

The Greater Gansbaai Spatial Development Framework provides guidelines that should steer future development in the area. This include:

- Urban sprawl should be contained by implementing a densification policy and by providing a clearly defined urban edge.
- Densification should take place by the process of infill development, higher residential densities and the maximum utilisation of existing land uses within the town's structure.
- All new developments should be evaluated in terms of the capacity of the existing services infrastructure.
- Linear development should be avoided by limiting development outside of the established urban area. Only small-scale development, that complements the rural character or promotes tourism, should be permitted within these areas.
- Land use restrictions should be revised in order to adapt to the changing urban environment.

PROPOSED DEVELOPMENT COMPLIANCE

The development complies with the general goals and objectives set for the Overstrand Municipal area. The use is compatible with the existing Single Residential Zoning and addresses on a small scale an existing social need in the Overstrand Municipal area.

The two additional rooms applied for will make use of existing infrastructure and be located inside the existing building. The facility will be 45m from an existing old age home.

9.2 OVERSTRAND SECTORAL DENSIFICATION STRATEGY

A densification study was completed by Urban Dynamics, for the Overstrand Municipality in 2010. The objective of this study is to:

- Promote a more compact, denser, efficient and environmentally sustainable;
- Protect sensitive environments and resources within and outside the urban edge; and
- Rationalise bulk infrastructure and service capacity to ensure that the bulk capacity is provided in the urban areas where growth and development is considered desirable

Critical Contextual Informant being used in the study, includes:

- Historical Development Pattern and Heritage Resources of the towns and settlements within the Overstrand Municipal Area,
- Current Land Use and Distribution Patterns (zoning, densities, land ownership, land values, erf sizes)
- Natural elements and setting
- Population growth and Housing demand
- Bulk Service Capacities
- Traffic capacities and circulation

The amendment of the previously approved consent use does not deviate from what is proposed in the The Growth Management Strategy.

9.3 PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK (PSDF) 2014

The Western Cape Provincial SDF was approved in 2014 by the Western Cape Parliament and serves as strategic spatial planning tool that “communicates the provinces spatial planning agenda”.

The recent shift in legislative and policy frameworks have clearly outlined the roles and responsibility of provincial and municipal spatial planning and should be integrated towards the overall spatial structuring plan for the province to create and preserve the resources of the province more effectively through sustainable urban environments for future generations. This shift in spatial planning meant that provincial inputs are in general limited to provincial scale planning. However, it is important to note some of the key policies laid down by the PSDF have a bearing on the application.

The proposed amendment compliments the SDF spatial goals that aim to take the Western Cape on a path towards:

- (i) Greater productivity, competitiveness and opportunities within the spatial economy;
- (ii) More inclusive development in the urban areas;
- (iii) Strengthening resilience and sustainable development.

Key policies that is supported by this application:

Policy E3: Revitalise and Strengthen Urban Space-Economies as the Engine of Growth

5. Existing economic assets (e.g. CBDs, township centres, modal interchanges, vacant and under-utilised strategically located public land parcels, fishing harbours, public squares and markets, etc.) should be targeted to levers the regeneration and revitalisation of urban economies.

1. Incentives should be put in place to attract economic activities close to dormitory residential areas, facilitate brownfields development.

Policy S3: Ensure Compact, Balanced & Strategically Aligned Activities & Land Uses

This policy reflects the main aim of the policy through targeting economic assists (e.g. Modal Interchanges underutilised strategically located land parcels) should be used as a lever to regenerate and revitalise urban settlements.

Promoting functional integration and mixed land use to increase liability of urban areas. Thus the policy specifies the importance to- increase density of settlements and number of units in new housing projects; continue to deliver public investment to meet the needs in settlement developments; integrate packages of land, infrastructure and services as critical to promote densification and efficiency associated with agglomeration.

10. ACCESS & PARKING

Access to the property is proposed from Church and De Wet Streets, from existing access points.

According to the Integrated Zoning Scheme Regulations then applicable to the Overstrand Municipality, parking had to be supplied as follow for the 2019 approval for the 6 rooms.

Use	Regulation	Proposed area of development	Parking Required
Retirement Home	1 Bay per bedroom	6 bedrooms	6
Total			6

¹GLA – Gross Leasable Area

The IZS has since been amended and parking required for the additional two rooms according to the Overstrand Municipality Land Use Scheme 2020 as follows:

Use	Regulation	Proposed area of development	Parking Required
Retirement Home	1.25 per bedroom plus 0.25	2 bedrooms and 6 frail care	4

	bays per frail care bed	bed	
Total			4

The parking required for the initial 6 room and then now the additional 2 bedrooms, along with the 6 frail care beds, an additional 4 parking bays are required.

The site plan makes provision for seven (7) on-site parking spaces, of which one is disabled parking. The owner is applying, as part of an application for a departure, for three parking bays from Council.

11. SERVICES

All services are existing and no service upgrades are required.

Water: Supplied by the Overstrand Municipality

Electricity: Supplied by the Overstrand Municipality

Sewerage: Overstrand Municipality

Rubbish Removal: Overstrand Municipality

12. DESIRABILITY

Title Deed

- There are no title deed restrictions that have an influence on this application and that have to be removed.

Physical Characteristics of the Property

- The erf is already fully developed, and no natural vegetation will be removed.
- The erf is flat.
- Being a corner property, the site is very accessible.

Overhead Planning

The project generally complies with the overhead planning for the area:

- The erf is inside the Urban Edge as indicated on the approved Overstrand Spatial Development Framework.
- It complies with general goals and objectives set in local planning documents.
- The proposal is in line with the Provincial Spatial Development Framework and the Provincial Tourism Framework in that it explores alternatives in the market and diversifies to keep up with demand, while protecting our natural resources.

Character of the Area

- The property is located on a corner, bordering onto single residential properties. The Old Age Home is approximately 45m from Erf 486.
- No change in character is proposed.

Potential of the Site

- The house is large enough for what is proposed.
- It is close to the central business area.
- The property is very accessible and is large enough for what is required.

Economic Benefit

- Unemployment is a significant challenge in the area. The business provides approximately 22 job opportunities.

13. CONCLUSION

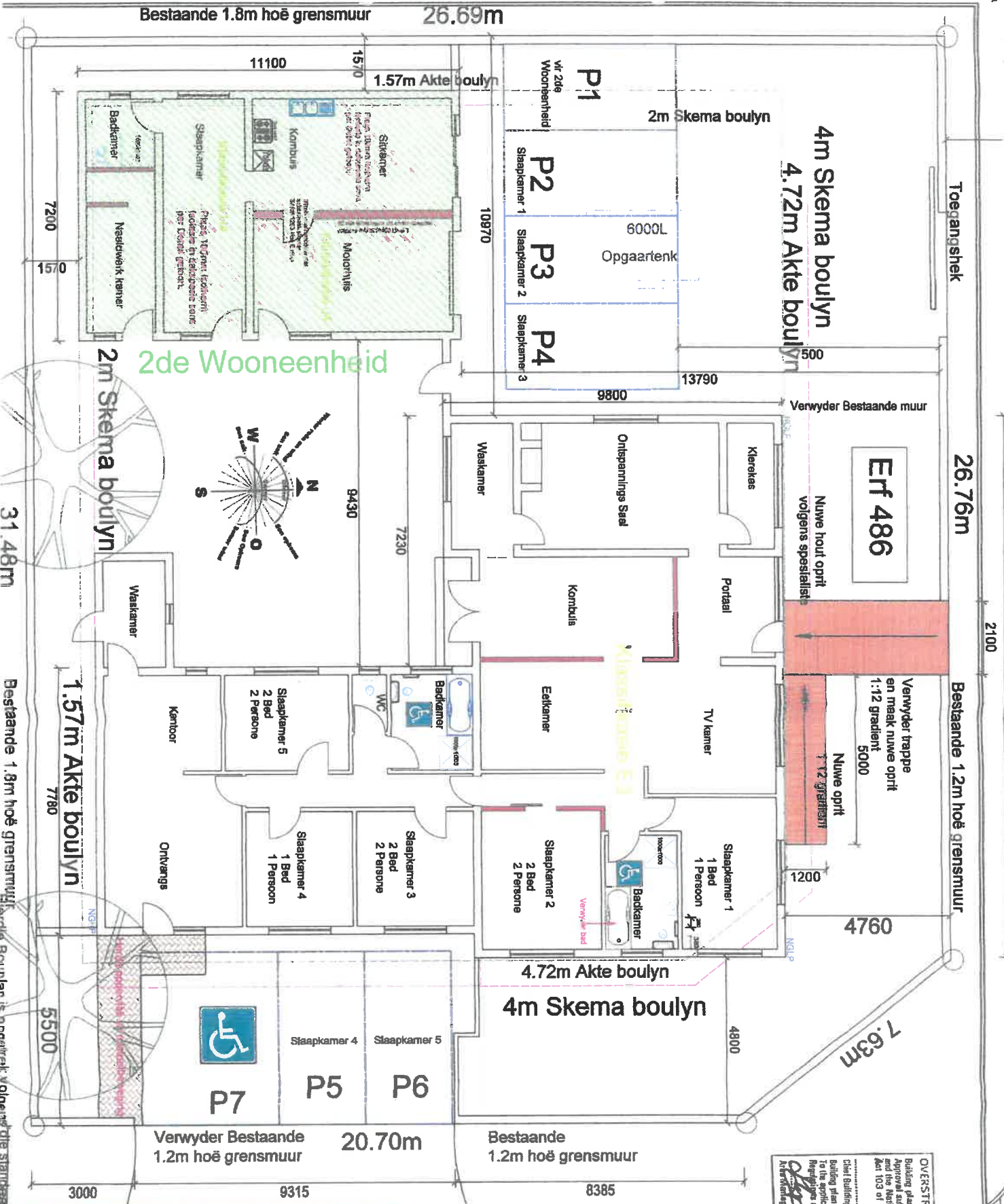
The proposed amendment of the previous approval and site plan, will not detract from already existing uses in the surrounding neighbourhood. The proposed use is in line with general principles set by forward planning documents, providing in much needed social need development at a small scale. The additional rooms make use of existing infrastructure, personnel and are located inside the existing house.

From the above, it can be concluded that the application for:

- I. A departure in terms of Section 16(2)(c) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for Alternative Parking Provision in terms of Section 17.1.2 (c) for the owner to pay the Municipality the amount to the value of the parking to be provided in accordance with the zoning concerned.
- II. Amendment, in terms of Section 16(2)(h) of the Overstrand Municipality By-Law on Municipal Land Use Planning to increase the number of rooms and number of people allowed at the residential care home.
- III. A permission required in terms of the conditions of approval in terms of Section 16(2)(l) of the Overstrand Municipality By-Law on Municipal Land Use Planning to allow for an amendment of the Site Development Plan.
- IV. Determination of an Administrative Penalty in terms of Section 16 (2)(q) of the Overstrand Municipality By-Law on municipal land use planning

meets the criteria as set out in The Spatial Planning and Land Use Management Act (SPLUMA) and the Overstrand Municipal Land Use Planning Bylaw, is desirable and it is therefore recommended that the application for the proposal be supported by the relevant authorities and approved by the Overstrand Municipality.

Bestaande 1.8m hoë grensmuur 26.69m



31.48m

Bestaande 1.8m hoë grensmuur

Randsteen

Toegangshek

26.76m

Bestaande 1.2m hoë grensmuur

STOP

OVERSTRAND MUNICIPALITY
 Building plan for the... is recommended by the...
 Approved subject to the applicable Town Planning regulations and the National Building and Planning Regulations, 1977 (Act 103 of 1977)
 Plan approved on: 20.08.19
 Randstadraad se raad

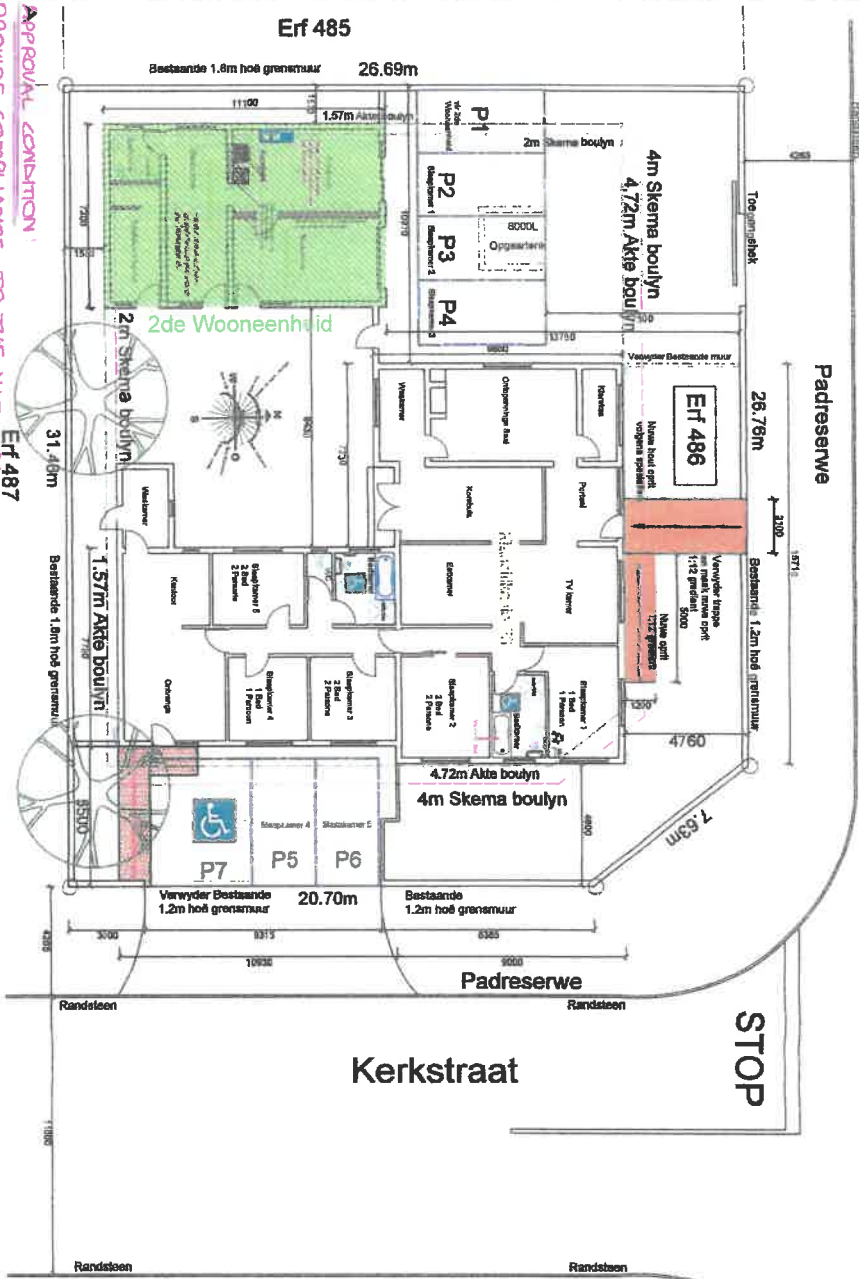
Kerkstraat

Padreserwe

Gerichte Argitektoniese Dienste	
Mr. Arch. Doughty (02586)	
Postbus 352, Genabai, 7220	
Telefoon: 081 354 1689	
Fax: 081 433 6954	
E-pos: gerd@gerda.co.za	
ID van SAT: 507023	
Beskrywing:	Woonprojek van die Asinbouling vir
	Genarus (Pty) Ltd
	Erf 486, C/V Waterstraat 14,
	Genabai
	Overstrand
	Municipaliteit
Plan nagaan deur:	Datum:
J.L.S. Gerda	20.08.19
22/1 Gerda	20.08.19
Okteposisie:	SAHS 10400
Tekening:	H4, J4 & E3
Doel:	Municipale goedkeuring
Projek #:	14/MV/D/19
Skala:	1:100
Bouly:	2
Datum:	08 Februarie 2019

"Without underlying ideas informing their buildings, architects are merely space planners. Space planning with decoration applied to dress it up is not architecture; architecture resides in the DNA of a building. In an embedded sensibility that infuses its whole" - Frederick, 2007:14

De Welstraat 14



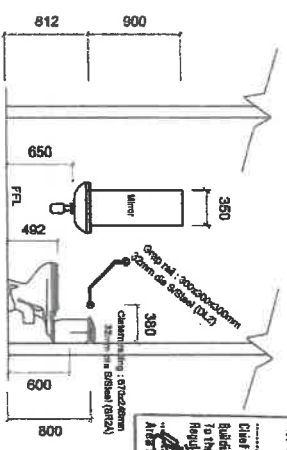
APPROVAL CONDITION:
 PROVIDE COMPLIANCE TO THE NATIONAL FIRE PROTECTION REGULATIONS (NFS) OUTDOOR: 2011 FOR FIRE RESISTANCE OF OCCUPANCY SEPARATING ELEMENTS OF TABLE 4, EXIT DOORS SECTION 4.17, MARKING AND SIGNPOSTING SECTION 4.29 AND FIRE DETECTION AND ALARM SYSTEM WITH SECTION 4.31 (b)

Legende

- Nuwe Steenwerk
- Nuwe Houtwerk
- Nuwe Riekoëlyn
- Nuwe Stormwaterlyn
- Nuwe Staal
- Nuwe Fondasies / Beton
- 2de Woonheid

NOTAS :

As verduidelik van die planneer word hierdie ontwerp deur die owerstrand munisipaliteit goedgekeur. Dit beteken dat die verspreiding van die mure en die planneer is in ooreenstemming met die NBS 103 van 1977. Die owerstrand munisipaliteit aanvaar die planneer en is nie verantwoordelik vir enige skade of verlies wat voortvloei uit die gebruik van hierdie planneer. Die owerstrand munisipaliteit aanvaar die planneer en is nie verantwoordelik vir enige skade of verlies wat voortvloei uit die gebruik van hierdie planneer. Die owerstrand munisipaliteit aanvaar die planneer en is nie verantwoordelik vir enige skade of verlies wat voortvloei uit die gebruik van hierdie planneer.



OVERSTRAND MUNICIPALITY

Building plan No. **ST/18** is recommended by the Municipal Engineer and approved subject to the applicable Town Planning Regulations and the National Building Regulations and Building Standards Act 103 of 1977.

Chief Building Control Officer: **Maatje**

Plan approved on: **20.8.19**

Als Wethouder / in Council

Operatiewe:
 Bestaande Woning: 237.16m²
 Motorhuur: 23.18m²
 Woonstel: 50.89m²

Totaal:
 Erf: 317.20m²
 Erf: 829.00m²
 Dekking: 98.28%

Getieke Argentynse Dikente
Johan Gerrie
 Pr. Arch. Draught. (D2886)
 Poedus 382, Gansbaai, 7250
 Tel/Fax: 029 354 1889 Sél: 082 453 8654
 info@gerrie.co.za
 Lid van SAIT: 507023

Beskriving:
 Voorgestelde Aanbouling vir Gansrus (Pty) Ltd Erf 486, De Welstraat 14, Gansbaai, Owerstrand Munisipaliteit.

Plan ingesien deur: **LS Gerrie** Datum: **22.8.2018**

Okupasie SAANS1040: **H4, J4 & E3**

Tekening: **Terraalplan**

Doel: **Munisipale goedkeuring**

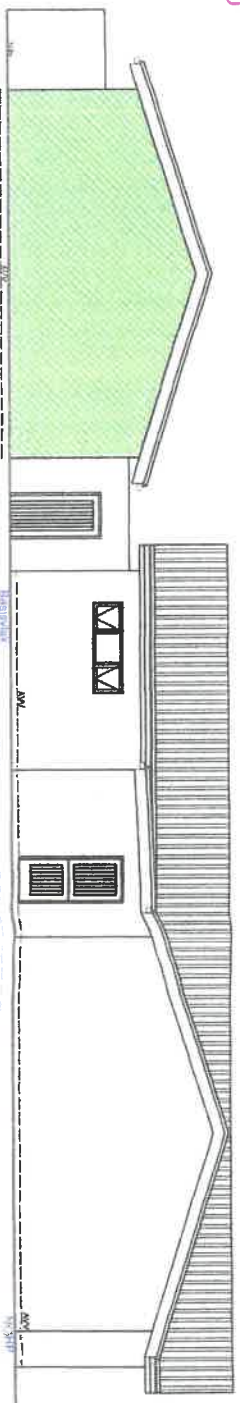
Projek #: **14/AN/D/18**

Skala: **1:300**

Blaai: **1**

Datum: **08 Februarie 2018**

Suid Aansig
 Skaal 1 : 100



Hierdie Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143

Noord Aansig
Skaal 1 : 100

Nuwe hout oort
volgens spesialiste

8m Hoogtebeperkings

Oos Aansig
Skaal 1 : 100

Wysig drimpel van kosjyn om rolstebel
vriendelik te wees.

8m Hoogtebeperkings

Nuwe hout oort
volgens spesialiste

OVERSTRAND MUNICIPALITY

Building plan No. 2318 is recommended by
Approval subject to the applicable Town Planning regulations
and the National Building Regulations and Building Standards
Act 103 of 1977

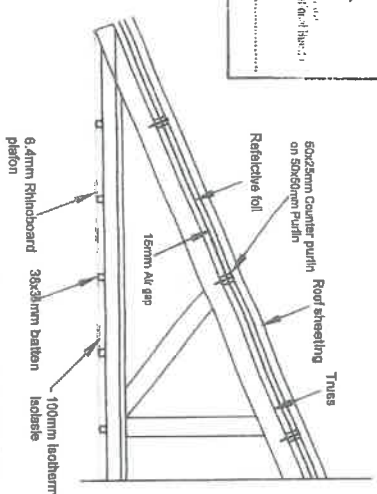
Chief Building Control Officer
To the applicable Town Planning Regulations, the National Building
Regulations and Building Standards Act 103 of 1977
Plan approved on: 23.8.19
Area Manager for Council

OVERSTRAND MUNICIPALITY
Building plan No. 2318 is recommended by
Approval subject to the applicable Town Planning
and the National Building Regulations and Building
Standards Act 103 of 1977
Chief Building Control Officer
To the applicable Town Planning
Regulations and Building Standards
Act 103 of 1977
Area Manager for Council

Muur R - Waarde Berekening :
1. Dubbel ry stene met 60mm "Cavity"
gepleister elke kante vadoore aan SANS10400 XA.
Dak Isolasië :

Roof 12° to 25° glich with horizontal ceiling and metal cladding	0,03
Outdoor air film (7m/s)	0,00
Metal cladding	0,10
Roof air space (non-reflective)	0,18
Rhinoboard ceiling board(6.4 mm)	0,06
Indoor air film (still air)	0,11
Totaal R-waarde	0,38

Rigting van ybel van hulle vir some 4 : 0p
Min R-waarde benodig : 3,7
Dak sees hierbo R-waarde = 0,38
"Radienshield reflektiese roll laminaat" : R-waarde = 1,36
3,7 - 0,38 - 1,36 = 1,98 (nodig vir isolasië)
R van isolasië = 1,98 x 0,046W/m.K (SANS204 Table 10)
R = 0,090
Dus "100mm Isotherm" isolasië nodig.



Roof Insulation Detail
Skaal 1:30
Existing roof structure to be fitted
with 100mm Isotherm insulation.
Sitkamer, Slaapkamer, Naalderk kamer,
Badkamer en Kombuis.

NOTAS :

Alle werke van die planne omvattend moet teen regstreekse
wind.
Dit betrekende tot veranderinge aan die huidige getuienis
van die planne te wettig is volgens die planne van
die planne.
Alle werke, getuienis en veranderinge moet teen regstreekse
wind.
Alle werke, getuienis en veranderinge moet teen regstreekse
wind.
Alle werke, getuienis en veranderinge moet teen regstreekse
wind.
Alle werke, getuienis en veranderinge moet teen regstreekse
wind.
Alle werke, getuienis en veranderinge moet teen regstreekse
wind.

Gerichte Argitekturele Dienste
Johan Gerdtse
Pruinstraat 222, (DORIS)
Pretoria 000, (085) 463 8854
Tel/Fax : 085 463 8854
E-mail : jg@gerdtse.co.za
Lê-vaan SAFT - servies

Beskriving :
Voorgeskrede konstruksie vir
Garage (7m) L&L
Garage (7m) L&L
Garage (7m) L&L
Garage (7m) L&L
Onderboudde Keelplaat.

Plan getuienis deur : Oun : m 6/199
J.G. Gerdtse
J.G. Gerdtse

OK-treke OUNTEKON :
H4, J4 & E3

Doel : Multipla gebruik
Projek # : 144ND/18
Skaal : 1:100
Bladsy # : 3
Datum : 06 Februarie 2019

Wes Aansig
Skaal 1 : 100

Hierdie Bouplan is opgetrek volgens die standaard vir boutekeninge : SABS 0143



TP. N. Theaak
(S. u.d.w. name)

Land Surveyors • Town Planners

REF: #3074

Attention: Mr Schalk van der Merwe
Overstrand Municipality
P.O Box 20
Hermanus
7200

OVERSTRAND MUNISIPALITEIT
REKORDBEHEER
05 APR 2024
DOCUMENT CONTROL
OVERSTRAND MUNICIPALITY

4 April 2024

Sir

PROPOSED DETERMINATION OF AN ADMINISTRATIVE PENALTY, AMENDMENT OF AN APPROVAL, AN AMENDMENT OF A SITE DEVELOPMENT PLAN AND A REQUEST TO PURCHASE PARKING FROM COUNCIL: ERF 486 GANSBAAI

With reference to the above and the letter of 13 March 2024, asking for additional information.

1. Huis Mattanja is not a NPO, but they are not profit driven. Approximately 90% of the residents cannot afford to pay for their own accommodation and their children / family members are paying for them.

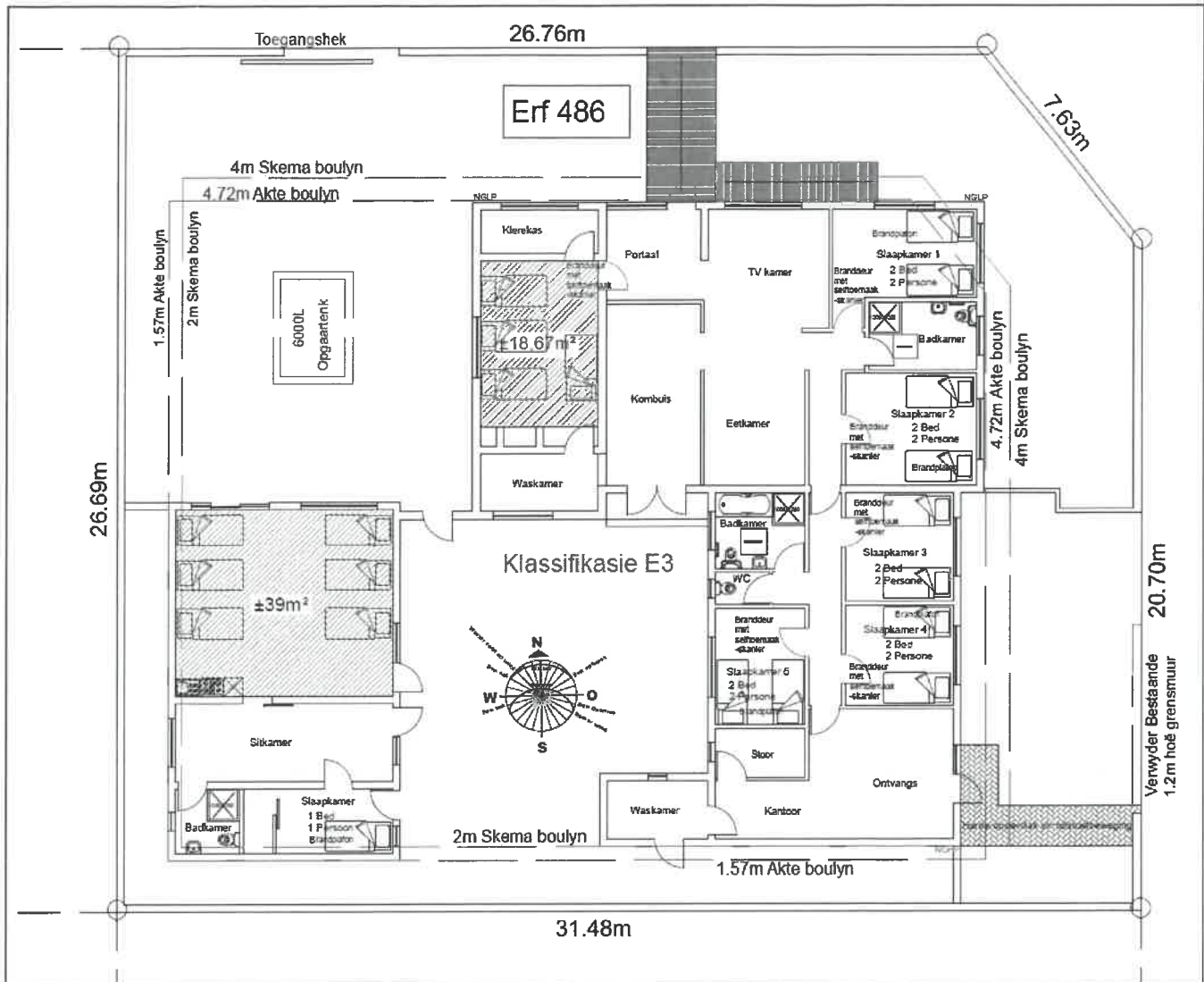
It was established that the Mattanja tariffs are similar to the fees payable to BADISA facilities.

2. The m² of the unauthorised use are as follows:

- Additional bedroom (previous relaxation room): 18,67m²
- Frail Care Room: ±39m²

FILE NO. GF 486 ✓
Gansbaai
SCAN NO.
GB 486
COLLABORATOR NO.
2025701

TP



Extract from the site plan indicating the unauthorised use areas.

3. Please see attached a copy of the approved building plans.
4. The services offered to the frail care residents and residents in rooms, are very similar. There is however a 24h sister tending to the people in the frail care room. Often the people in frail care needs a little more assistance after a specific incidence, and they can no longer tend to themselves.
5. The single bedroom in the annex is smaller and is used for residents who doesn't want to share a bedroom. It is used in the same way as the other rooms in the main house.
6. The facility offers a total of 8 bedrooms, with one of the rooms used for frail care – where residents often require more assistance.
7. The site plan was amended to indicate the frail care room more clearly. Please see attached.

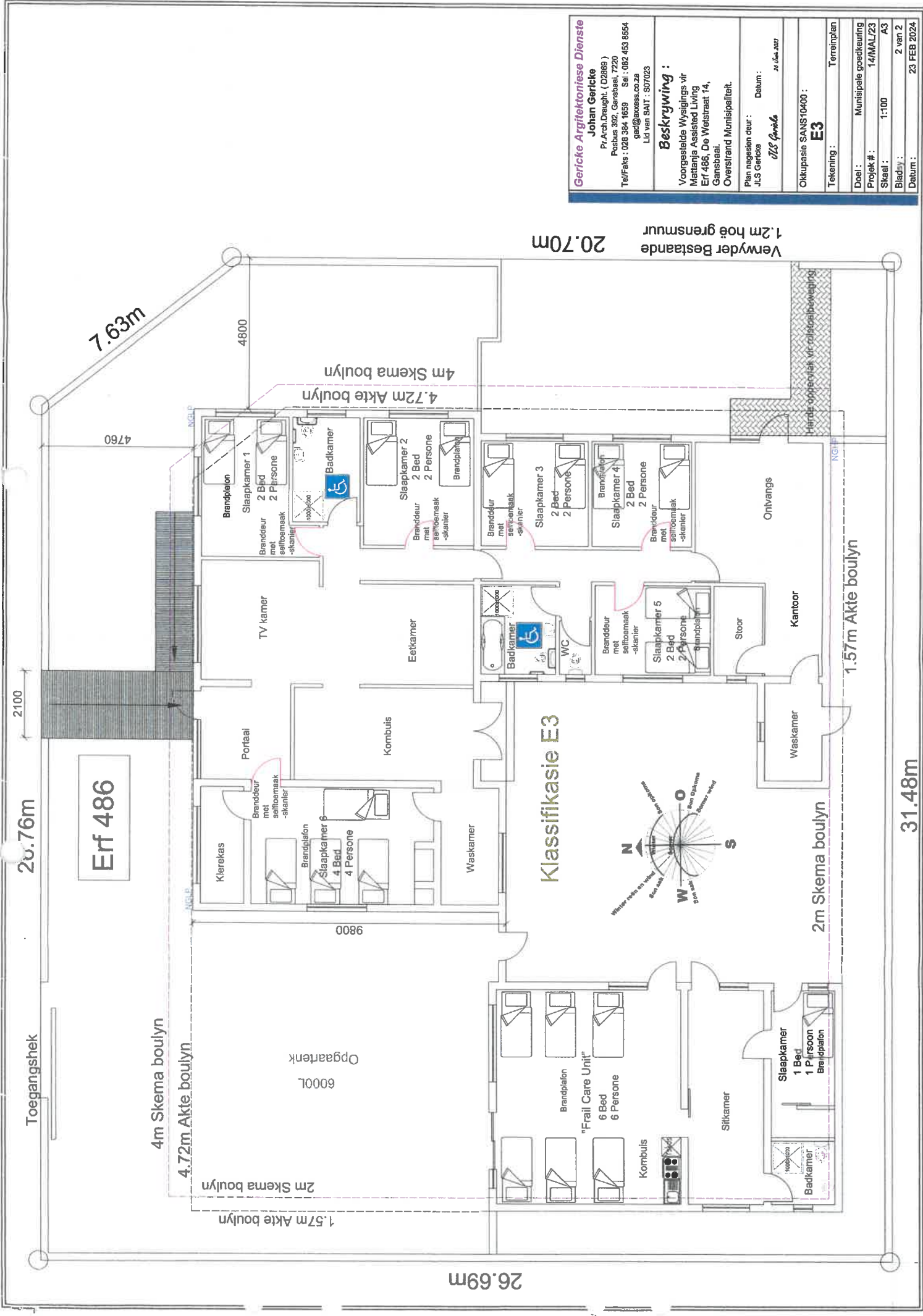
We hope you find the above in order.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'L. Truter', written in a cursive style.

Louna Truter

For Town & Country



Gerieke Argitektoniese Dienste	
Johan Gerieke	
Pt.Arch.Draught. (D2666)	
Pebus 352, Gansbaai, 7220	
Tel/Faks : 028 384 1059	Sel : 082 453 8554
gad@address.co.za	
Lid van SAIT : 507023	
Beskrywing :	
Voorgeselde Wysigings vir	
Mattanja Assisted Living	
Erf 486, De Wetstraat 14,	
Gansbaai.	
Oversstrand Munisipaliteit.	
Plan nagesien deur :	Datum :
J.L.S Gerieke	20 Jan 2023
<i>JLS Gerieke</i>	
Okkupasie SANS10400 :	
E3	
Tekening :	Terreinplan
Doel :	Munisipale goedkeuring
Projek # :	14/MAL/23
Skaal :	1:100
Bladsy :	2 van 2
Datum :	23 FEB 2024

Venwyder Bestaande
1.2m hoë grensmuur
20.70m

Herde oopstelling vir omliggende bouwing

1.57m Akte boulyn

2m Skema boulyn

31.48m

NOTAS :

Alle verewese van die posities ooreenheid moet aangedui word.
 Die konstruksie is verskoonbaar om die munisipale regulasies te volg.
 Alle maats, detaile en veldte moet gekontroleer word voor enige bouwerk begin.
 Geen gedeelte van bouwerk mag enige boulyn oortree nie.
 Alle werk skoppe en krasseer streeke volgens NBR en SANS.
 Geopereerde bouplaan moet van alle tye op tekenbaar.
 Trefke om altyd skoon te wees.
 Planne in verhouding met ander spesifiserende planne.
 Elektriese en waterinstallasie moet gedoen word afsonderlik.
 Elektriese- en waterinstallasie moet gedoen word afsonderlik.
 Instrukties moet op 'n verskoonbare manier verskaf en getoon word.

Legende

- Nuwe Steenwerk
- Nuwe Houtwerk
- Nuwe Rietdaken
- Nuwe Stormwaterlyn
- Nuwe Staal
- Nuwe Fondasies / Beton
- 2de Wooneenheid

Bestaande Woning:	237,16m ²
Woonstel:	80,04m ²
Totaal :	317,20m²
Erf :	829,00m ²
Dekking :	38,26%

Gerieke Argitektoniese Dienste
Johan Gerieke
 Pr. Arch. Draught. (D2669)
 Poshuis 392, Gansbaai, 7220
 Telfaks : 028 384 1659 Sel : 082 453 8554
 ger@access.co.za
 Lid van SAIT : 507023

Beskrywing :
 Voorgestelde Wysigings vir
 Matanja Assisted Living
 Erf 486, De Weistraat 14,
 Gansbaai,
 Oos-Strand Munisipaliteit.

Plan nageleen deur :
 J.L.S Gerieke Datum :
JLS Gerieke 26 Februarie 2023

Okkupasie SANS10400 :
E3

Tekening : Terrainplan en Aansig

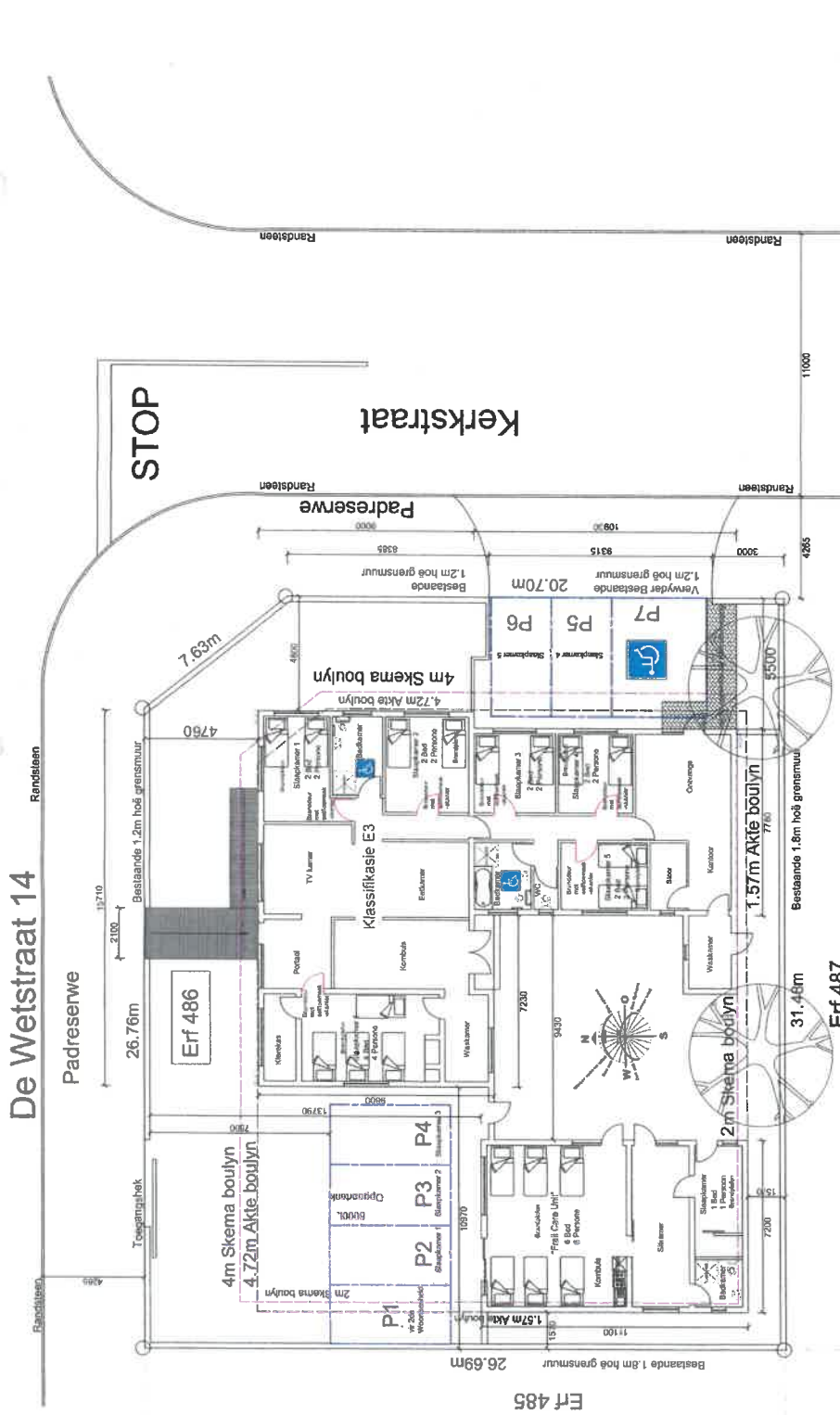
Doel : Munitsipale goedkeuring

Projek # : 14/MAL/23

Skaal : Soos Getoon A3

Bladsy : 1 van 2

Datum : 23 FEB 2024



Terreinplan
Skaal 1 : 200

Noord Aansig
Skaal 1 : 100

