

# OVERSTRAND MUNISIPALITEIT RESTANT VAN ERF 1253, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS: AANSOEK VIR WYSIGING VAN DIE TERREINONTWIKKELINGSPLAN & VOORWAARDE VAN GOEDKEURING: WRAP PROJECT OFFICE NAMENS OVERSTRAND MUNISIPALITEIT

Kragtens Artikels 47 en 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) word hiermee kennis gegee van die volgende aansoeke van toepassing op Restant van Erf 1253, Eastcliff (die eiendom) naamlik:

#### Wysiging van die Terreinontwikkelingsplan

Aansoek ingevolge Artikel 16(2)(I) van die Verordening ten einde om die nuwe posisie en stalletjie-uitleg van die Hermanus Country Market en parkering-uitleg te weerspieël.

#### Voorwaarde van goedkeuring

Aansoek ingevolge Artikel 16(2)(h) van die Verordening om voorsiening te maak vir sestig (60) stalletjies binne die nuwe huurgebied en om voorsiening te maak vir verlengde werksdae en om die aantal huurders tot negentig (90) te verhoog.

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

Enige kommentaar moet skriftelik wees bogenoemde en die Munisipaliteit (Patersonstraat 16, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) voor of op Vrydag,22 Maart 2024 met u naam, adres en kontakbesonderhede, belang in die aansoek, asook die redes vir kommentaar. Telefoniese navrae kan gerig word aan die Stadsbeplanner, Mnr. P Roux 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. 23/2024

# OVERSTRAND MUNICIPALITY REMAINDER OF ERF 1253, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS: APPLICATION FOR AMENDMENT OF THE SITE DEVELOPMENT PLAN (SDP) & CONDITIONS OF APPROVAL: WRAP PROJECT OFFICE ON BEHALF OF OVERSTRAND MUNICIPALITY

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 Remainder of Erf 1253, Eastcliff (the property) namely:

#### Amendment of the Site Development Plan

Application in terms of Section 16(2)(I) of the By-Law in order to reflect the new position and stall layout of the Hermanus Country Market and parking layout.

#### **Condition of approval**

Application in terms of Section 16(2)(h) of the By-Law to allow for sixty (60) stalls within the new lease area and to allow for extended operating days and to increase the number of tenants to ninety (90).

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

Any comments must be in writing to reach the Municipality (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) on or before Friday, 22 March 2024, quoting your name, address and contact details, interest in the application, as well as the reasons for comment. Telephonic enquiries can be made to the Town Planner, Mr. P Roux at 028-313 8900. The Municipality may refuse to accept comment received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

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

Municipal Notice No. 23/2024

# UMASIPALA WASE-OVERSTRAND INTSALELA ISIZA 1253, FAIRWAYS AVENUE, EASTCLIFF, HERMANUS: ISICELO SOKULUNGISWA KWESICWANGCISO SOPHUHLISO LWESIZA (SDP) KUNYE NEMIQATHANGO YOKUVUMELWA: WRAP PROJECT OFFICE EGAMENI LIKA MASIPALA WASE-OVERSTRAND

Isaziso siyanikezelwa ngokweCandelo lamanelama-48 IoMthetho kaMasipala kaMasipala woLungiso loMthetho kuCwangciso lokuSetyenziswa koMhlaba kaMasipala, ka-2020 (uMthetho kaMasipala) zicelo zilandelayo zisebenza kwezi kwiNtsalela yeSiza 1253, e-Eastcliff (ipropati) ezizezi:

#### <u>Isilungiso kweSicwangciso soPhuhliso</u> <u>IweSiza</u>

Ukusetyenziswa ngokweCandelo le-16(2)(l) loMthetho kaMasipala ukuze kuboniswe indawo entsha kunye noyilo lwendawo yokuthengisela yeMarike yeLizwe yaseHermanus kunye noyilo lokupaka.

#### Umqathango wokuvunywa

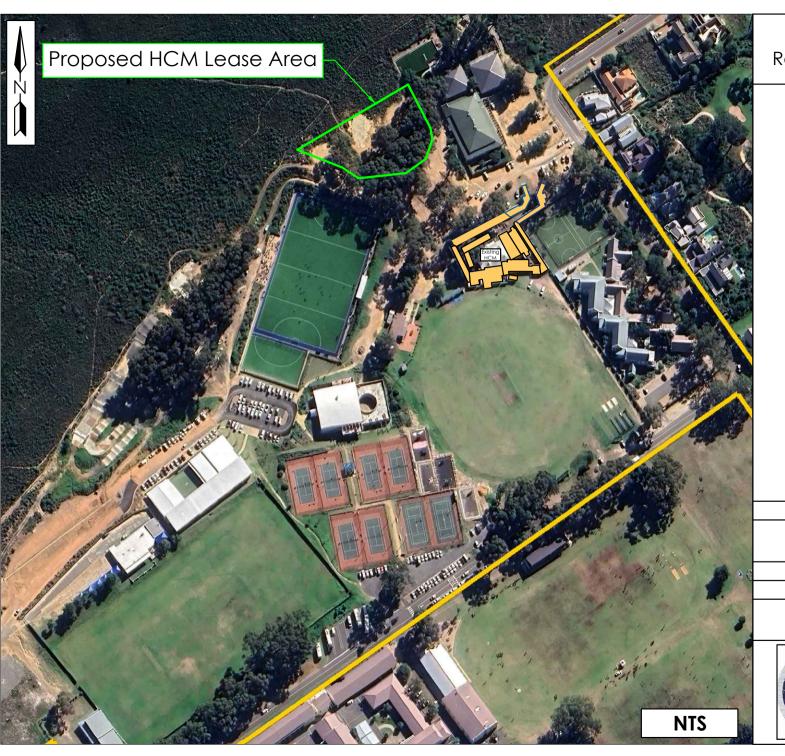
Ukufakwa kwesicelo ngokweCandelo le-16(2)(h) loMthetho kaMasipala ukuvumela izitali ezingamashumi amathandathu (60) ngaphakathi kwendawo entsha yengqeshiso kunye nokuvumela ukwandiswa iintsuku zokusebenza kunye nokunyusa inani labaqeshi ukuya kumashumi alithoba (90).

linkcukacha malunga nesi sindululo ziyafumaneka ukuze zihlolwe ngeentsuku zokusebenza ngamaxesha okusebenza phakathi kwentsimbi ye-08:00 neye-16:30 kwiSebe: Zicwangiso ngeDolophu kwa-16 Paterson Street, Hermanus.

Naziphi na izimvo mazibhalwe phantsi ukuze zifike kuMasipala (16 Paterson Street, Hermanus / (f) 0283132093 / (e) alida@overstrand.gov.za) ngolwesiHlanu okanye phambi koLwesihlanu, 22 EyoKwindla 2024, ucaphula igama lakho, idilesi kunye neenkcukacha zoqhagamshelwano, umdla kwisicelo, kunye nezizathu zokuphawula. Imibuzo ngomnxeba ingenziwa kuMcwangcisi weDolophu, uMnu. P Roux kule nombolo 028-313 8900. UMasipala unokwala ukwamkela izimvo ezifunyenwe komhla wokuvala. Nabani na ongakwaziyo ukufunda okanye ukubhala angandwendwela iSebe loCwangciso lweDolophu apho igosa likamasipala liya kuthi limncedise ukuze abhale ngokusesikweni izimvo zakhe.

UMlawuli kaMasipala, UMasipala wase-Overstrand, P.O. Box 20, **HERMANUS**, 7200

Isaziso sikaMasipala esinguNombolo 23/2024



# 3. Aerial Plan Remainder Erf 1253 - Hermanus

Plan prepared by: Thian Jansen

All distances are approximate and subject to a survey

Tel: 028 313 1411

Email: admin@wrapgroup.co.za

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





#### 1. ABBREVIATIONS

OM	Overstrand Municipality		
OMLUS	Overstrand Municipality Land Use Scheme, 2020		
BY-LAW	Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020		
PSDF	Western Cape Provincial Spatial Development Framework, 2014		
MSDF	Overstrand Spatial Development Framework, 2020		
OS2	Open Space Zone 2: Public Open Space		

#### 2. PROPERTY DETAILS

Erf Number	Remainder of Erf 1253 Hermanus
Extent	110 528m² (Subject lease area: 3 176 m²)
Zoning	Open Space Zone 2: Public Open Space

#### 3. BACKGROUND AND INTENT

The subject property, the Remainder of Erf 1253 Hermanus, is owned by the Overstrand Municipality and forms part of the municipal commonage. The commonage contains various areas, including public roads, road reserves and open spaces in the vicinity of the subject property. Recognizing the potential for community development, the municipality has entered into several lease agreements for sections of the commonage, allowing lessees to develop and provide enhancements that benefit the entire community.

One of the most substantial lease area allocations was designated for the Hermanus Sports Club (HSC), which was granted the right to develop a general sports and recreational facility. This particular lease area encompasses a wide range of facilities, including the HSC Clubhouse, Squash Courts, Tennis Courts, Netball Courts, Cricket Oval, Cricket Clubhouse, Hockey Field with Astro-Turf, Multi-purpose Sports Fields, an Outdoor Amphitheatre, BMX Track, Skateboard Park, Pigeon Club - Club House, Padel Courts, a Gym, a future Aquatic Centre, and future Sports Accommodation. Additionally, nestled within the HSC lease area is the Hermanus Country Market (HCM), which has been subleasing a portion of the lease area from the HSC since 2012. The original lease area is illustrated in **Plan 1 – Locality Plan**.

The submission of this application is firstly in compliance with a memorandum of understanding that was entered into between the Municipality, HSC, and HCM. According to this memorandum of understanding, the HCM is obligated to submit this application, with a commitment to relocate to its intended position as specified in the historic site development plan (SDP). Refer **Plan 4 – Approved Site Development Plan 2013**, which outlines the market's location adjacent to Bosko Church.

The submission of this application is secondly giving effect to a draft sub-lease agreement to be entered into between HSC and HCM and to ensure that the utilisation of the sub-lease area as agreed upon between the parties has the relevant land use approvals. The purpose of this application is thirdly to ensure the continuity of HCM's operations and

File 23/35



to fulfil the aspiration of maintaining this beloved market as a cherished part of the Overstrand area.

The HCM has been in its existing location since commencement of their sub-lease agreement with the HSC in 2012. As a method to ensure and show commitment in working together, the HCM has agreed to relocate to a new location as illustrated below, the internal layout of the sub-lease is only a draft:

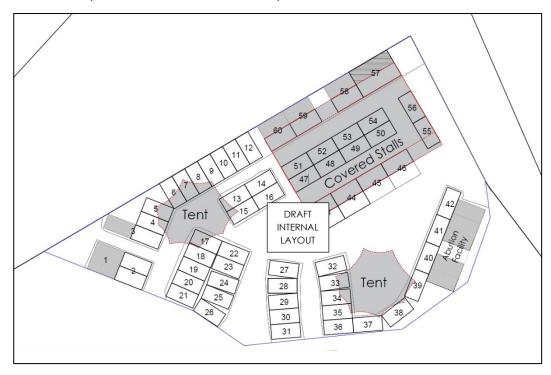


Figure 1: Proposed HCM location

To ensure a viable market is able to be operated in its new location, the HCM needs to optimise the utilisation of the market by introducing additional market days and types of focussed markets, for which land use approval from the Overstrand Municipality is required.

It is the intention of the HCM to utilise the proposed lease area for market activities and the OMLUS provides the following definition for a market:

"market" means an outdoor venue for the sale of fresh produce, food and beverages, crafts, art and manufactured goods to the public.

A market can be considered as an extension of the primary uses which are allocated to the subject property due to its zoning, namely Open Space Zone 2: Public Open Space.

In terms of the OMLUS, Open Space Zone 2: Public Open Space has a primary use of public open space which is defines as:



"public open space" means land which is in public ownership, used primarily for outdoor sports, play, rest or <u>recreation</u> or as a park area or nature area, and includes associated buildings, infrastructure and uses.

The HCM will use the lease area as a market which is considered as a recreational activity open for the enjoyment of the public. It also "includes associated buildings, infrastructure and uses" that ensures the market's related infrastructure that supports the HCM to operate, is allowed in terms of the OMLUS.

It's essential to clarify that this definition should not be confused with the definition of a "recreational facility." The latter is considered a consent use according to the OMLUS within the zoning of the subject property. These two definitions serve distinct purposes and legal status within the regulatory framework, and it's crucial to differentiate between them to ensure compliance and proper understanding of the land use on the subject property.

The OMLUS states that: "recreational facilities" means the use of land to practice a particular sport or combination of sports and general recreation and includes a clubhouse and associated infrastructure and buildings, indoor and outdoor swimming pools and associated infrastructure, and a shooting and driving range but does not include any building or structure that is used for business, or any other use not aligned to or dependant on the sport concerned.

No application for a recreational facility is being submitted, since the use of the market has already been classified as a recreational use, which aligns with the primary land use right and does not require any additional land use rights.

#### 4. PROCEDURE TO ACHIEVE THE PROPERTY OWNER'S INTENT

WRAP compiled this report to ensure the property owner's intentions are met. The following is proposed:

**4.1 Amendment of the Site Development Plan** to reflect the new position and stall layout of the Hermanus Country Market in terms of Section 16(2)(I) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

As mentioned in section 3 above, the Hermanus Country Market (HCM) has been operating from the current lease area since 2012, becoming a significant cornerstone of tourism in the Overstrand area. Throughout its operation, the HCM has successfully introduced a variety of unique traders, enriching the experience for the public and offering essential support to local artisans and entrepreneurs. However, as a consequence of ongoing negotiations between the Overstrand Municipality (OM), Hermanus Sports Club (HSC), and the HCM, certain traders have found themselves particularly vulnerable in the present uncertain situation.

Within the HCM's dynamic marketplace, a diverse assortment of traders has come together, ensuring that visitors encounter a wide array of offerings on any given market day. This eclectic mix adds vibrancy and character to the market atmosphere, creating an enticing and ever-evolving space for exploration. Visitors have the opportunity to

#### **MOTIVATION**



peruse and purchase a range of products, from handcrafted goods to delectable culinary delights, all while engaging with the local community and supporting its entrepreneurial spirit.

### The HCM offers the following:



























It is worth emphasizing that for some of these traders, their livelihoods are intricately tied to the operations of the market. The ongoing negotiations, therefore, have created uncertainty and challenges for these individuals and businesses. As the HCM looks toward its future, it is essential to find a solution that not only ensures the continued success of the market but also supports these traders who play a vital role in its unique tapestry of offerings.

In the historic Site Development Plan (SDP) of 2013, the proposed area for the HCM is not clearly illustrated, this includes location, size, and shape of the lease area. As a result, an application is being submitted to allow the HCM's proposed sub-lease area to be indicated as the amended location for the HCM. **Refer Plan 5 & 5.1 – Proposed Draft Site Development Plan.** It's crucial to emphasize that while the proposed internal layout of the stalls and footpaths may undergo changes, the approval of the Amended Site Development Plan primarily pertains to the location, size, and shape of the sub-lease area. It is requested that a final site development plan be submitted as part of a condition of approval.

The proposal is to have the HCM operating on a new lease area which has an extent of  $\pm 3176$ m<sup>2</sup>, refer to the figure below:

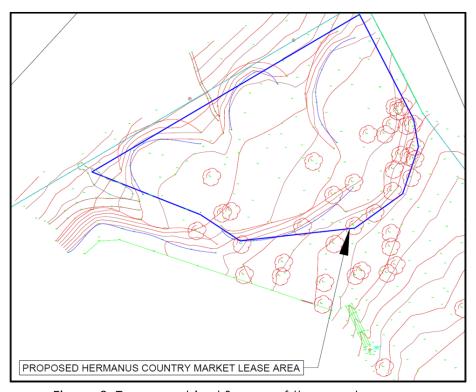


Figure 2: Topographical Survey of the new lease area

**4.2 Amendment in respect of an existing approval** to make provision for an increase in the number of traders, and additional market days in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

During previous communications with the OM, it was indicated that if there were proposed changes to the operation of the HCM after the relocation, it would require



approval from the Municipality. This requirement results from a council decision, as advised by the OM's Town Planning department. The decision in question pertains to the approval of the historic site development plan and the activities allowed on the site.

These changes are discussed in detail below, although the main change proposed by the HCM pertains to the number of traders and the HCM's operations on the new site.

#### A. Number of traders:

In the original Site Development Plan (SDP) of 2013, a total of **60 stalls** were indicated (refer to **Plan 4 – Approved Site Development Plan 2013**). It's important to note that the proposed amendment does not involve an increase in the number of stalls. Instead, the proposal is to maintain the same number of **60 stalls** within the new lease area, as outlined in **Plan 5 & 5.1 – Proposed Draft Site Development Plan**. Stall layouts vary, offering different orientations, sizes, and options that cater to the diverse needs of traders. It's important to emphasize that no additional stalls are being proposed; only the number of traders is being considered to increase.

Alongside the stalls, the HCM is proposing two weatherproof tents and a covered structure spanning multiple stalls. This addition will enable the HCM to persistently offer its market goods and provide a fulfilling experience to tourists even during rainy weather conditions. The tent will undergo continued tensioning and will be required to be signed off by a structural engineer. The position of the tents is being indicated on the **Plan 5.1 – Proposed Draft Site Development Plan**.

Given the unique requirements of individual traders, each trader will be accommodated within a designated space tailored to their specific needs. This approach acknowledges that not every trader requires the same amount of space, and each trader is unique. This flexibility also opens the possibility for traders to share spaces within the same stall area. Additionally, some traders may require more than one stall to operate effectively. Notably, larger stall operators, such as those offering food and beverages, are already designed to accommodate multiple stalls. The market setup allows for the easy allocation of two stalls to a single trader where required. On the other hand, smaller traders who may not have the capacity to fill or financially support an entire stall, will also be accommodated within the 60 allotted stalls. This inclusivity ensures that these smaller traders can continue to offer their goods and services to the public, contributing to the market's legacy over the past decade in its current location.

The relocation of the Hermanus Country Market comes at great cost, which needs to be recouped over the lease period which is only possible if the proposed lease period as contained in the draft lease agreement is agreed upon and that 90 traders are allowed at the market.

While the proposal maintains the same number of stalls as outlined in the approved site development plan, the maximum number of traders being proposed will be limited to 90. It's important to acknowledge that changes in the shape and layout of the lease area necessitate an amendment to the site development plan to align with the new configuration. The change in the method of operation for the HCM necessitates an amendment in respect of an existing approval. This adjustment ensures that the market





operates efficiently within the updated space while adhering to the intended historical framework.

#### B. **HCM Operations**:

In addition to altering the lease area, the proposal seeks to modify the operational schedule of the market. Presently, the market is permitted to operate and trade on specific days, which include Saturdays, Sundays and Public Holidays.

The HCM wants to secure the flexibility to operate and trade whenever opportunities arise. The current restriction to specific days has limitations on the HCM's ability to maintain its standard operating procedures while hindering its potential to achieve its overarching goal: attracting and retaining as many visitors as possible to the Hermanus area.

Expanding on this motivation, granting the HCM the flexibility to operate on a more extended schedule aligns with several key objectives. Firstly, it enhances the market's economic contribution to the community by allowing for increased trading days. This translates into more opportunities for local artisans and vendors to showcase their products, thereby bolstering the local economy.

Secondly, offering a wider range of operating days enables the HCM to cater to a broader audience. Tourists and residents alike can enjoy the market's offerings at their convenience, potentially boosting tourism and encouraging repeat visits to Hermanus and Overstrand area.

Furthermore, the HCM's desire to adapt to changing circumstances and opportunities reflects its commitment to remaining a dynamic and integral part of the Hermanus area. By being open to trade whenever feasible, the market can respond more effectively to special events, festivals, and seasonal variations in tourism. Festivals in this regard refers to special market events for example a pumpkin carving festival, where visitors have the opportunity to carve pumpkins while traders still sell food and drinks.

While also being able to provide new opportunities to provide unique markets which are more specialised than currently being catered for. Examples include the following:

Allowing local vendors, a platform and space to provide fresh produce daily to both the public and the local businesses, only allowing the market to operate once a week limits the freshness of the produce as it needs to be stored and only made available once a week.

One significant advantage of allowing local vendors to offer fresh produce daily is the direct and immediate access to high-quality, locally sourced goods. With a daily market presence, residents and businesses can rely on a consistent supply of fresh fruits, vegetables, artisanal products, and other essential items. This not only promotes healthier eating habits within the community but also supports local farmers and producers, fostering a more sustainable and resilient local economy.





The proposal does not entail having the entire market operate as it currently does. Instead, it opens the door to the possibility of establishing "mini markets" where one or two vendors can benefit from the opportunity to trade whenever the opportunity arises.

Secondly, the proposal aims to establish focused markets that the Hermanus Country Market (HCM) cannot accommodate on a weekly or weekend basis. Instead, these specialized markets would be organized based on opportunity/supply and demand, which might arise monthly, quarterly, or even just once a year. Examples of such markets include jewellery or pottery markets, where the HCM would extend invitations to specialized vendors to showcase their products and curate an entire market experience around these unique offerings.

Furthermore, the concept of these focused markets goes beyond mere economic considerations. It represents an exciting opportunity to infuse the Hermanus area with a sense of variety and novelty. By intermittently introducing specialized markets like jewellery or pottery exhibitions, the HCM can breathe new life into the local market scene. Such events not only draw in visitors seeking unique and artistic treasures but also serve as platforms for artisans to display their craftsmanship and creativity.

These focused markets can be envisioned as vibrant hubs of culture and creativity, offering an enriching experience for both residents and tourists. For instance, a pottery market could showcase an array of meticulously handcrafted ceramics, inviting attendees to explore the intricate artistry behind each piece. Similarly, a jewellery market could bring together skilled jewellers and artisans, enabling them to present their exquisite creations while fostering a deeper appreciation for the craft.

Moreover, the sporadic nature of these focused markets adds an element of anticipation and excitement to the local calendar. It becomes an event that residents and visitors eagerly await, a unique spectacle that punctuates the seasons and brings a fresh, dynamic energy to Hermanus. As these markets become established, they may evolve into cherished traditions, contributing to the area's cultural identity and fostering a sense of community pride.

The proposal to introduce focused markets within the Hermanus Country Market's framework promises not only economic benefits but also cultural enrichment and community engagement. These periodic events have the potential to transform the local market scene into a dynamic tapestry of creativity, offering residents and visitors a diverse range of experiences to savour throughout the year. By embracing these opportunities, the HCM can play a pivotal role in shaping Hermanus as a destination known for its vibrant and ever-evolving market culture.

#### C. **HSC operations:**

As previously discussed, the HSC has wide range of facilities that provide the community with general sports and recreational facilities. These facilities, including tennis courts, cricket ovals, and multi-purpose sports fields, have long been integral to promoting a healthy and active lifestyle among residents and visitors alike.

#### **MOTIVATION**



The HCM seamlessly integrates into this narrative by complementing the broader vision for the HSC. While the HSC primarily focuses on traditional sports and recreational activities, the HCM adds an extra layer of richness to the community experience. It brings forth a different dimension of leisure and engagement, one that revolves around local craftsmanship, creativity, and entrepreneurship.

The synergy between the HCM and the HSC lies in their shared commitment to community well-being and enrichment. The HCM contributes to the cultural and social tapestry of the area, offering a platform for artisans, food producers, and entrepreneurs to showcase their talents and products. In doing so, it not only bolsters the local economy but also enhances the overall quality of life for residents and the overall appeal of Hermanus as a destination.

In essence, the HCM's presence within the HSC's facilities underscores the importance of diverse recreational opportunities within a community. It highlights the significance of balancing traditional sports with cultural and artistic endeavours, creating a more holistic and fulfilling experience for everyone who calls Hermanus home or visits this vibrant coastal town.

Currently, the HCM operates primarily on Saturdays and Sundays, coinciding with the peak activity of the HSC and the entire precinct. These weekends are the busiest times, and the HCM is presently permitted to operate during these periods and have been for the better part of a decade. The proposal, however, seeks to extend the market's trading hours beyond these peak times and during low peak for the other operators in the HSC.

#### D. Parking and Access:

Given the extensive range of facilities housed within the HSC lease area, it's important to note that parking requirements are collectively accommodated across the entire site and is also underlined as such in the proposed sub-lease agreement between the HSC and the HCM. This all-encompassing approach extends to accommodating the parking needs of not only the HCM, but also other facilities such as the clubhouse and gym. Over time, the historical operation of the HSC has demonstrated the compatibility of the HCM with the other activities and amenities hosted on the property.

The property itself boasts a total of 580 parking bays, ensuring ample space to accommodate visitors and members of the various facilities. Additionally, there are five designated bus parking bays, reflecting a comprehensive approach to accessibility for group visits and events.

This integrated approach to parking underscores the synergistic relationship between the HCM and the broader HSC facilities. It not only facilitates convenient access for marketgoers but also contributes to the overall efficiency and convenience of the site as a whole. Moreover, it reflects the commitment to ensuring that diverse community offerings, from sports and recreation to artisanal markets, coexist harmoniously to benefit residents and visitors alike.

In essence, the shared parking arrangements and ample capacity underscore the philosophy of a multifaceted community hub, where the diverse needs and interests of





the public are considered and accommodated. This approach fosters a vibrant and inclusive atmosphere within the HSC's grounds, ultimately enhancing the overall experience of those who come to enjoy the various amenities and events offered.

As these facilities on the HSC operate independently, with no direct interconnection and varying operational hours, it becomes necessary to consider the combined parking requirements outlined in Section 17.1.4 of the OMLUS.

In addition to the parking being provided on the HSC's grounds, the HCM has agreements in place with the Bosko Church, Generations school as well as the Hermanus High School specifically to be utilised for parking by the additional traders, which reduces the need for parking on the HSC's grounds. Refer to Plans 5.2 & 5.3 for the additional parking area that may be used.

#### 5. APPLICATION

Considering the above, application is made for the following:

- **5.1 Amendment of the Site Development Plan** to reflect the new position and stall layout of the Hermanus Country Market in terms of Section 16(2)(I) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- **5.2** Amendment in respect of an existing approval to make provision for an increase in the number of traders, and additional market days in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

#### 6. LAND USE ENVIRONMENT

The subject property is located in the Eastcliff area, an established neighborhood in Hermanus. The property is surrounded by Residential Zone 1: Single Residential and Public Open Spaces properties. The surrounding area's zonings are illustrated in **Plan 2** (zoning plan).

#### 7. TITLE DEED

Title deeds T3350/1924 & T16775/2004 (refer **Annexure B**) were perused and there are no restrictive conditions that prohibit the proposed development.

#### 8. ZONING

The following zoning parameters were assessed in conjunction with the OS2 OMLUS zoning as this is a relevant consideration in terms of Section 66 (1) (q) of the OM By-Law:





OPEN SPACE ZONE 2: PUBLIC OPEN SPACE (OS2)			
Land Use Restrictions			
	Parameters	Proposal	Comply/ deviate
Primary use	Public open space	Public open space  "public open space" means land which is in public ownership, used primarily for outdoor sports, play, rest or recreation or as a park area or nature area, and includes associated buildings, infrastructure and uses.	Comply
Consent use that may be applied for	Cemetery, Environmental Facilities, Informal Trading (Subject to the provisions of chapter 16.10), Recreational Facilities, Tourist Facilities, Transmission Apparatus (Subject to the provisions of chapter 16.10), Urban Agriculture, Utility Service, any other Related Uses Permitted by the Municipality.	N/A	N/A

## Development parameters

The following development parameters apply:

- a) A site development plan must be submitted in terms of 16.3 to the satisfaction of the Municipality.
- b) The Municipality may require an environmental study and/or environmental management plan in terms of 16.4.
- c) Prior to the approval of any building plans or engineering services, the Municipality must determine the development parameters that apply when:
  - i. the zoning of a land unit to this zone is approved;
  - ii. any environmental impact report is considered;
  - iii. any environmental management plan is considered; and
  - iv. any site development plan is approved.
- d) No structure shall be erected or use practised except such as is compatible with "public open space" as defined.
- e) Structures/buildings may be erected with the written consent of the Municipality, should the Municipality deem it necessary, provided that the Municipality may impose conditions relating to design, architecture and developments parameters.



#### 9. SERVICES

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

#### Electricity, Water and Sewage

The subject property has an historic connection to the local services networks, which includes electricity, water, and sewage.

The HCM will be required to reconnect to these services once they relocated. The HCM has however agreed in the proposed sub lease agreement to use the existing ablution facilities until such time that the aquatics centre is built, when they will need to provide new ablution facilities as indicated on the Proposed Draft Site Development Plan.

As no new proposal is being made, it is not predicted that the relocation of the HCM will have an effect on the existing services in the area.

#### **Solid Waste**

Solid waste generated on the market days will be collected and disposed of at the nearest transfer station at the expense of the HCM.

#### 10. NEED AND DESIRABILITY

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

#### Need and desirability.

The need for the land use application is a result of addressing all the land use requirements and ensuring the property meets the needs of the owners. To achieve this, permanent departures are required.

Page | 12





The Hermanus Country Market (HCM) has a significant positive impact on the socio-economic fabric of the community in several ways: Local Employment: The market serves as a platform for local artisans, entrepreneurs, and small business owners to showcase and sell their products. By offering these individuals a venue to generate income, the HCM contributes to reducing unemployment and fostering economic independence within the community. Economic Growth: The presence of the market attracts both residents and tourists, leading to increased foot traffic in the area. This, in turn, boosts sales for local businesses, such as cafes, restaurants, and shops, which benefit from the increased customer flow generated by the market. The multiplier effect of this economic activity has a cascading impact on the local economy. Support for Local Producers: The HCM encourages the consumption of locally produced goods and artisanal products. This support for local producers not only sustains existing businesses but also Socio-economic impact encourages the growth of new enterprises, promoting economic diversity and resilience. Cultural Preservation: The market often features traditional crafts and locally made products, preserving and celebrating the cultural heritage of the region. This cultural enrichment fosters a sense of community pride and identity, contributing to the social well-being of the area. Community Gathering Place: The market acts as a communal gathering space where residents and visitors come together. This fosters a sense of belonging and strengthens social bonds within the community, which can have positive mental health and social cohesion benefits. Tourism Boost: The HCM is a tourist attraction in its own right. Tourists seeking unique and locally crafted souvenirs are drawn to the market, which, in turn, promotes tourism in the area, Increased tourism brings revenue to the region, benefiting local businesses and creating job opportunities in the hospitality sector.



# **MOTIVATION**

	Entrepreneurial Development: Aspiring entrepreneurs often use the market as a starting point to test their business concepts and build a customer base. This nurturing environment encourages entrepreneurship, creativity, and innovation within the community.
	Education and Awareness: The market provides opportunities for educational initiatives, workshops, and demonstrations. These activities can raise awareness about various topics, from sustainable living to traditional crafts, further enriching the community's knowledge base.
	In sum, the Hermanus Country Market is more than just a market; it's a catalyst for positive socio-economic change within the community. Its ability to empower local businesses, stimulate economic growth, and foster community connections demonstrates its profound and lasting impact on the region's social and economic well-being.
Compatibility with surrounding uses	The HSC was granted a lease to develop a general sports and recreational facility, the market is aligned with the use as has been agreed upon historically.
Impact on the external engineering services	Refer Section 9.
Impact on safety, health and wellbeing of the surrounding community	It is not predicted that the proposal will have an impact on safety, health and wellbeing of the surrounding community.
Impact on heritage	The subject property is not listed in the OM Heritage Register.
Impact on the biophysical	It is not anticipated that the proposed development will have any negative impact on the biophysical
environment	environment.
Traffic impacts, parking, access and other transport related considerations	Refer to the motivation above.



<u>Impact on views, sunlight and character of the area</u>

The proposed relocation of the HCM will find its place nestled among mature, existing trees. As the new location is currently vacant, we anticipate that this move will naturally alter the surrounding views. However, it's essential to emphasize that this relocation is primarily a relocation of the existing market. Consequently, it is not anticipated that there will be a significant, dramatic change in the character of the area as a result of this move.

#### **Economic impact**

The Hermanus Country Market (HCM) brings about several positive economic impacts:

- Income Generation: The HCM provides a platform for local artisans, small businesses, and entrepreneurs to sell their products. This income generation benefits individuals who might otherwise struggle to find stable employment or income sources, contributing to their financial well-being.
- Local Business Support: The market attracts visitors and residents alike, leading to increased foot traffic in the surrounding area. This, in turn, benefits nearby businesses, such as restaurants, cafes, and shops, as they experience higher sales during market days.
- Job Creation: The operation of the market necessitates support staff, such as vendors, organizers, security personnel, and maintenance crews. These roles translate into job opportunities within the community, further bolstering the local economy.
- Tourism Promotion: The HCM is often a tourist attraction, drawing visitors to the area.
  This influx of tourists stimulates tourism-related businesses, including accommodation
  providers, tour operators, and transportation services, resulting in increased
  economic activity.
- Networking, Collaboration and Marketing: The pyramid diagram of traders highlights
  the interconnectedness of vendors within the market. Many traders rely on each
  other for sourcing raw materials or finished products. If the HCM is not allowed to
  relocate and operate as proposed, it could disrupt this network, impacting the
  livelihoods of numerous traders and potentially leading to a ripple effect throughout
  the local economy.

Furthermore, there's a vital marketing dimension to consider. Participating as a trader at the HCM provides businesses with a unique promotional opportunity. Historical data demonstrates that as traders are exposed to the market's visitors and the general public, their businesses often experience growth beyond the market's boundaries. This expanded reach can have far-reaching positive effects on local entrepreneurship and economic development.

Multiplier Effect: The money generated at the HCM doesn't stop at the market gates.
 It continues to circulate within the community, creating a multiplier effect. Money spent at the market often finds its way into other local businesses and services, amplifying its economic impact.





- Entrepreneurship: The HCM fosters entrepreneurship and creativity, as many vendors use the market as a steppingstone to start or expand their businesses. This entrepreneurial spirit can lead to the development of new products and services, further diversifying the local economy.
- Community Investment: The market often reinvests its proceeds into the community, whether through charity initiatives, infrastructure improvements, or supporting local causes. These investments contribute to the overall health and vitality of the community.

The HCM plays a crucial role in the local economy by generating income, supporting businesses, creating jobs, promoting tourism, facilitating collaboration among traders, and fostering entrepreneurship.

Additional considerations include the concept of the "urban dividend" generated by the HCM. The urban dividend encompasses the synergy among people, the economy, and the place, enhancing the capabilities of individuals, fortifying economic resilience and productivity, and creating job opportunities. It also contributes to creating a more liveable and pleasurable environment, fostering greater social integration, safety, and improved access to opportunities.

In essence, it represents an optimal scenario where the growing concentration of an economically active population translates into heightened economic activity, increased productivity, and accelerated rates of growth. The HCM frequently functions as an incubator or launching pad for stallholders, enabling them to embark on their own formal business ventures. This process leads to the employment of more individuals and their eventual integration into the formal economy.

In contrast, other larger investments made by "semi-businesses" within the HSC lease area often yield minimal or non-existent urban dividends, with their facilities and services accessible only to those who can afford the associated membership fees.

Given the proposed capital investment in the market and the urban dividend it has historically generated and will continue to create in its relocated form. The HCM undeniably provides numerous benefits to the entire community, contributing to economic growth, social cohesion, and the overall well-being of the residents.



#### 11. POLICIES AND REGULATIONS

#### 11.1 Overstrand Municipality Environmental Protection Overlay Zone (EMOZ)

The subject property is located within the 'Protected Area Buffer' of the EMOZ. The purpose thereof is to protect the integrity of National, Provincial and Municipal Nature Reserves from negative external pressures/impacts while reducing pressure on core areas and to assist in preserving their value to the eco-cultural tourism economy of the Overstrand through alignment of appropriate land use and regulation.

To ensure compliance with the guidelines set out in the EMOZ the application was evaluated in terms of the provisions of Schedule A & B of the Environmental Management Overlay Zone 2020:

SCHEDULE A PROHIBITED ACTIVITIES IN OVERSTRAND ENVIRONMENTAL MANAGEMENT OVERLAY ZONES			
Prohibited Activity	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not	
	Protected Area Buffer		
Agricultural practices within this EMOZ which may cause water logging and siltation.	Х	N/A	
Planting or harbouring of declared emerging weeds on properties within and adjacent to this EMOZ.	X	N/A	
Development or agriculture on slopes steeper than 1:4.	X	N/A	
Establishment of Informal settlements or Temporary Relocation Areas.	X	N/A	
No land user within this EMOZ may utilise the vegetation in a vlei, marsh or within the flood area of watercourse in a manner that may cause the deterioration or damage to the natural agricultural resources.	X	N/A	
Placement of religious symbols or memorabilia.	X	N/A	
Harvesting /collection of kelp / seaweed in municipal designated "notake" zones.	Х	N/A	
Harvesting, collection, moving, loading drying of kelp /seaweed, with a valid Seaweed Harvesting Permit or an exemption in terms of Section 81 or the MLRRA issued by the DAFF.	X	N/A	
Stockpiling, drying, processing or loading of marine resources beyond areas designated, demarcated and signposted by the Municipal Council for such purposes.	X	N/A	



# **MOTIVATION**

Modification of the littoral active zone / functional dune systems in absence of approved management plans.	X	N/A
Feeding, disturbing / pursuit of fauna.	X	N/A
Disturbance, modification or destruction of the environment or species within special management areas designated, demarcated and signposted by the Municipal Council from time to time.	X	N/A
Defacing/damaging / removing of any notice, sign, barrier building or other infrastructure.	Х	N/A
Playing or tampering with any rope, float, buoy, vessel, shelter or similar life - saving device.		N/A
Staying overnight.	Χ	N/A
The discharging of domestic effluent / grey water into all natural systems.	X	N/A
Tampering with security / surveillance infrastructure.	X	N/A
Defacing of rocky outcrops and placement of memorial plaques, religious symbols or structures on natural features.	X	N/A
Graffiti, vandalism or damaging of municipal infrastructure.	Χ	N/A
Littering	Х	N/A
Disposal of cigarette butts, ash or other hazardous materials in any place or manner other than a receptacle designated for such items	Х	N/A
Dog walking / exercising of dogs in non-designated zones.	X	The market is pet friendly.

SCHEDULE B ACTIVITIES ONLY PERMITTED WITH COUNCIL CONSENT IN OVERSTRAND ENVIRONMENTAL OVERLAY ZONES			
A) Activities Only Permitted With     Council Consent	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not	
Cooneil Conseil	Protected Area Buffer		
Removal or destruction of vegetation which is protected and/or of conservation concern.	X	N/A	
Excavation and destruction or removal of substrate (soil, substrate, rock, shellgrit, dune sediment, mineral deposits).	X	N/A	
Discharging of pool backwashing or untreated grey water or the channelling of storm water into open	Х	This is noted and will not occur on the subject property.	



# **MOTIVATION**

spaces without the necessary approval from the Municipality.			
B) Permit Upon Approval By Delegated Authority and / Receipt of	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not	
Tariff	Protected Area Buffer		
Installation of conservancy tanks or biological treatment plants within 50 metres from the edge of a watercourse / wetland.	X	N/A	
Access from private properties to open spaces, including the removal of vegetation and the establishment of paths, structures and infrastructure.	X	N/A	
Commercial filming.	X	N/A	
Construction or placement of any temporary object, building, shelter, path or structure.	Х	N/A	
Use of engine or motor driven vehicles, remotely piloted aircraft or any other means of transport or other conveyances beyond designated, demarcated and signposted areas.	X	N/A	
C) Council Authorisation Pending Consent Use Application / Lease Agreement / Applicable Tariffs as	Applicable Environmental Management Overlay Zone (EMOZ)	Applicable to the application or not	
applicable	Protected A	Area Buffer	
Buildings / Structures associated with: Taking of water, storing of water, impeding or diverting flow, stream flow reduction, altering the bed, banks, course characteristics, outflow structures or discharge pipes.	X	N/A	
Application for the designation of industrial sites and activities associated with the seaweed harvesting, collection, drying, transport and processing fishery.	Х	N/A	
Encroachment of private buildings, structures, infrastructure, access routes.	Х	Immovable structures will be the property of the OM.	
Commercial Harvesting/collection and removal of any natural resource.	X	N/A	
Construction or placement of any permanent object, building, shelter, pathway or structure.	X	The proposal is to develop the area.	



#### 11.2 Overstrand Municipality Heritage Protection Overlay Zone (HPOZ)

The property is not located within the HPOZ.

#### 11.3 Spatial Planning Policies

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

#### **PSDF**

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

Throughout the PSDF the importance of developing integrated and sustainable settlements as an objective of the framework is highlighted. The PSDF also provides a settlement agenda which addresses the full spectrum of Western Cape settlements irrespective of their size from metropolitan Cape Town to the smallest hamlets.

#### **OMSDF**

The Municipal Spatial Development Framework is a sectoral component of the IDP (Integrated Development Plan) that, in terms of the MSA (Municipal Systems Act), and is aimed at providing general direction to guide decision making on an ongoing basis, aiming at the creation of integrated, sustainable and habitable regions, cities, towns and residential areas.

The PSDF and OMSDF are frameworks to be interpreted on a local level. National policies, such as the National Development Plan, National Spatial Development Frameworks etc. provide guidelines on several important aspects which includes human settlements. To focus on provincial and local policies will ensure alignment with the above-mentioned higher hierarchy of legislation and policies.

#### **PSDF**

To ensure the proposal is aligned with the PSDF as the market not only proposes to attract tourists to the Overstrand area but also provide employment opportunities which have been identified as a key challenge that needs to be addressed in terms of the provincial framework.

"Diversifying from the Western Cape's traditional ties with European markets as the main consumers of the Province's agricultural exports and source of most of its overseas visitors, OneCape 2040 targets African, Asian and South American markets in trade and marketing expansion programs. Moving forward the Western Cape is positioned as:

- i. Gateway to Africa, strategically situated between the West and East.
- ii. International tourism destination that has a unique lifestyle offering.
- iii. Region of global excellence in ecological, creative, scientific and social innovation.
- iv. International entrepreneurial destination of choice.



v. Leader and innovator in the green economy."

In addition to the above, the Overberg Tourism Visitor Trends January - December 2022 from Wesgro that indicates that the 10,8% of the tourist that visit the Overberg area comes as a result of the markets, refer to the figure below:

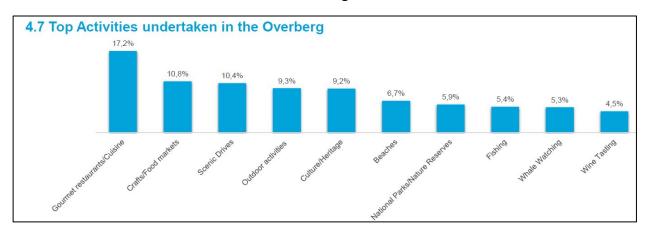


Figure 3: Extract from Wesgro Visitor Trends

As markets continue to provide employment opportunities and attract visitors they should be supported and allowed to be operated to ensure maximum attractiveness.

#### **OMSDF**

The Overstrand Municipal Spatial Development Framework (OMSDF) stands as a crucial document, offering essential guidance for spatial development within the municipality. It is crafted in accordance with national, provincial, and municipal planning legislation, policies, and plans, including SPLUMA, LUPA, By-Laws, PSDF, and the IDP. The primary aim of the OMSDF is to steer appropriate land use and spatial development within the urban boundary, ensuring that development proposals harmonize with the shared spatial vision.

The OMSDF's focusses on the growth of employment opportunities within its boundaries should be supported to continue the growth that has been experienced over the past few decades as illustrated by the figures included in the OMSDF.

In addition to the above the OMSDF also states that Tourism is a major economic driver in the Overstrand and its popularity as a holiday destination results in a fourfold increase of its population over the holiday seasons. In addition to the pristine beaches dotting the coastline the Overstrand boasts of three Blue Flag beaches and a number of major tourism areas/attractions of national and international significance. One of these attractions have been identified as the HCM that attract visitors on a weekly basis that visit Hermanus and spends their money and time in the area.

Some of the main objectives of the OMSDF is to facilitate and grow the Overstrand's reputation as being a world class tourism destination attracting increasing amounts of tourists to its prime locations and facilities. Tourists in addition to visitors and new skilled labourers are drawn to the Overstrand's unique natural, heritage and cultural attributes and well-designed built environment, providing a consistent economic influx to the area.



### 12. PLANNING PRINCIPLES

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

#### Spatial justice

Spatial justice refers to planning proposals that do not contribute towards the perpetuation of apartheid spatial development imbalances. This proposal is not expected to have an effect on the past apartheid spatial development imbalances.

#### Spatial sustainability and efficiency

Spatial sustainability involves planning proposals aimed at creating communities that are environmentally and economically sustainable. In terms of spatial sustainability and efficiency, the Hermanus Country Market (HCM) can have a positive impact by promoting sustainable and efficient land use and development. Here's how the market aligns with these principles:

#### Spatial Efficiency:

- Multi-Use Spaces: The HCM often operates within existing spaces, such as parks, town squares, or community centres. By utilizing these multi-use areas, the market minimizes the need for new construction or dedicated spaces, optimizing the use of existing infrastructure.
- Compact Footprint: The market typically operates within a compact footprint, with vendors situated closely together. This spatial arrangement maximizes the utilization of available space, reducing the environmental footprint associated with larger, sprawling developments.
- Shared Infrastructure: In many cases, the HCM shares infrastructure, such as parking facilities, with the surrounding community or other local facilities. This shared usage ensures efficient use of resources and minimizes the need for redundant infrastructure.

#### Spatial Sustainability:

- Local Sourcing: The HCM often emphasizes locally sourced products and crafts. This promotes spatial sustainability by reducing the carbon footprint associated with transporting goods over long distances. It encourages consumers to support local producers, enhancing the resilience of the local economy.
- Sustainable Practices: The Market prioritize sustainable practices, such as waste reduction, recycling, and the use of renewable energy sources. These efforts align with spatial sustainability goals by reducing the market's environmental impact and promoting responsible resource management.
- Community Engagement: By fostering community engagement and local participation, the HCM promotes sustainable community development. Engaged communities are often more invested in the long-term sustainability of their area, leading to responsible land use practices and environmental stewardship.





Cultural Preservation: The market's emphasis on local and traditional crafts contributes
to the preservation of cultural heritage and spatial sustainability. It encourages the
continued practice of traditional crafts, which can have ecological and cultural
significance.

In essence, the Hermanus Country Market, like other similar markets, can be seen as a spatially efficient and sustainable model of economic and community development. By optimizing the use of existing spaces, supporting local economies, promoting responsible resource management, and engaging the community, it aligns with the principles of spatial sustainability and efficiency, contributing to a more sustainable and resilient spatial environment.

#### **Spatial resilience**

This proposal is not in conflict with any spatial planning policies or other OM regulations which is a hallmark of resilience. The policies identified earlier in Section 11.3 are guided by a higher hierarchy of several policies and legislation that the proposal is aligned with.

#### **Good administration**

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

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



#### 13. EVALUATION

In conclusion, this application for the Hermanus Country Market (HCM) represents not only a continuation of a cherished community tradition but also a testament to the commitment to sustainable growth, economic empowerment, and cultural preservation. The HCM has long been a beacon of vitality in our community, and this proposal ensures that it will continue to thrive while adhering to the principles of spatial justice, sustainability, and efficiency.

By allowing the relocation, expanding its operational days, and introducing focused markets, the HCM aims to create more opportunities for local vendors, promote economic development, and celebrate our cultural heritage. The market's compatibility with its surroundings, its positive impact on spatial justice, and its efforts toward spatial sustainability and efficiency underscores its significance as a dynamic and inclusive community asset.

It is believed that the HCM is not just a marketplace but a catalyst for positive change within the local community, producing an urban dividend. It enriches the lives of the community by providing economic opportunities, preserving culture, and fostering a sense of togetherness. With this application, the HCM are taking a step forward in ensuring that the market continues to serve as a vibrant and harmonious part of our community for years to come. This application should be positively considered as it is believed that it is aligned with the values and aspirations of our community, contributing to the betterment of our shared home.

Finally, the proposed development is expected to provide an increased economic boost for the OM. This aligns perfectly with the OM's objectives of promoting sustainable economic growth in the region. In conclusion, the proposed development represents a well-conceived and thoroughly planned project that adheres to the principles of spatial sustainability, promising to contribute significantly to the long-term viability of the Voëlklip area and the broader Overstrand region.

#### 14. RECOMMENDATION

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

- **14.1 Amendment of the Site Development Plan** to reflect the new position and stall layout of the Hermanus Country Market in terms of Section 16(2)(I) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.
- **14.2** Amendment in respect of an existing approval to make provision for an increase in the number of traders, and additional market days in terms of Section 16(2)(h) of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020.

