



ERF 10567, 7 GIDEON VAN WYK STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR DEPARTURE & DETERMINATION OF AN ADMINISTRATIVE PENALTY: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF MARIFEED (PTY) LTD

Notice is hereby given in terms of Section 48 of the Overstrand Municipality Amendment By-Law on Municipal Land Use Planning, 2020 (By-law) of the following application applicable to Erf 10567, Hermanus (the property):

Departure in terms of Section 16(2)(b) of the Bylaw for the relaxation of the street building line from 5m to 3.8m and the south-western lateral building line from 2m to 1.7m to accommodate the As-built solar battery container.

Determination of an administrative penalty in terms of Section 16(2)(q) of the By-Law.

Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus. Any written comments may be submitted in accordance with the provisions of Sections 51 and 52 of the said By-Law to the Municipality (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) on or before **29 November 2024**, quoting your name, address and contact details, interest in the application and reasons for comments. Telephonic enquiries can be made to the **Senior Town Planner, Mrs. H van der Stoep** at 028-313 8900. The Municipality may refuse to accept comments received after the closing date. Any person who cannot read or write may visit the Town Planning Department where a municipal official will assist them in order to formalize their comment.

ERF 10567, GIDEON VAN WYK STRAAT 7, HERMANUS, OVERSTRAND MUNISIPALE GEBIED: AANSOEK VIR AFWYKING EN BEPALING VAN 'N ADMINISTRATIEWE BOETE: MNRE PLAN ACTIVE STADS & STREEKSBEPLANNERS NAMENS MARIFEED (PTY) LTD

Kennis word hiermee gegee ingevolge Artikel 48 van die Overstrand Munisipaliteit Wysigingsverordening vir Munisipale Grondgebruikbeplanning, 2020 (Verordening) van die volgende aansoek van toepassing op Erf 10567, Hermanus (die eiendom):

Afwyking ingevolge Artikel 16(2)(b) van die Verordening vir die verslapping van die straat boulyn vanaf 5m na 3.8m en die suid-westelike sy boulyn vanaf 2m na 0m om die soos geboude sonkrag battery houers te akkommodeer.

Bepaling van Administratiewe Boete ingevolge Artikel 16(2)(q) van die Verordening.

Volle besonderhede rakende die voorstel is beskikbaar vir inspeksie gedurende weksdae tussen 08:00 en 16:30 by die Departement: Stadsbeplanning, Patersonstraat 16, Hermanus. Enige kommentaar op die voorstel moet skriftelik ingedien word in terme van Artikels 51 en 52 van die voorgeskrewe Verordening na die Munisipaliteit (Patersonstraat 16, Hermanus / (e) loretta@overstrand.gov.za) voor of op **29 November 2024**, met die naam, adres en kontakbesonderhede, belang in die aansoek sowel as redes vir die kommentaar aangedui. Telefoniese navrae kan gerig word aan die **Senior Stadsbeplanner, Mev. H van der Stoep** by 028-313 8900. Die Munisipaliteit mag weier om die kommentaar te aanvaar na die sluitingsdatum. Enige persoon wat nie kan lees of skryf nie kan die Departement Stadsbeplanning besoek waar hul deur 'n munisipale amptenaar bygestaan sal word ten einde hul kommentaar te formaliseer.

ISIZA ESINGU-ERF 10567, 7 GIDEON VAN WYK STREET, HERMANUS, KUMMANDLA KAMASIPALA WASE-OVERSTRAND: ISICELO SOKWAHLULA & NENGQIKELELO YOMDLIWO LOMDLIWO: NGABANUM. BAKWA PLAN ACTIVE TOWN & REGIONAL PLANNERS EGAMENI LIKA- MARIFEED (PTY) LTD

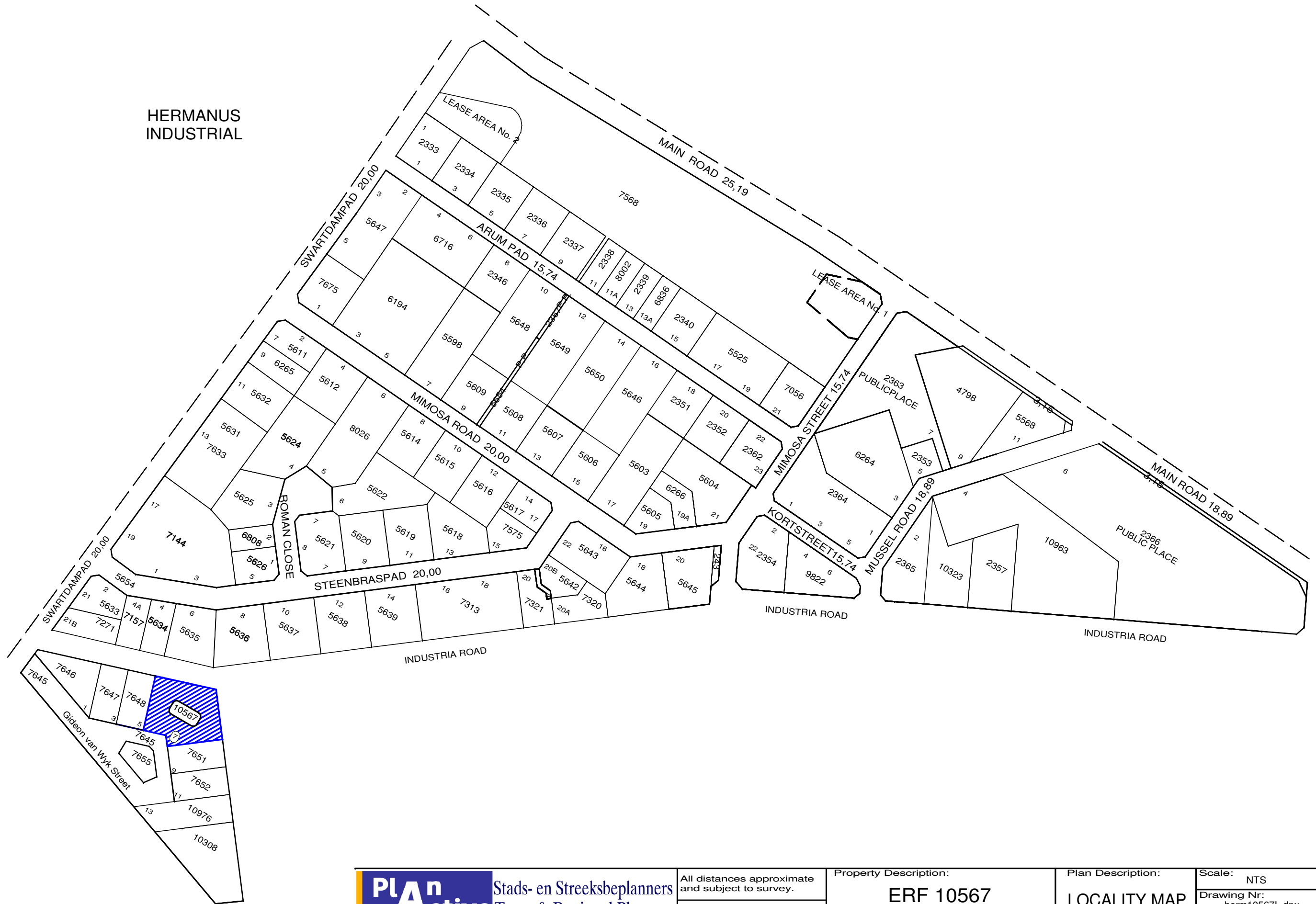
Kukhutshwe isaziso ngokwemiba yeSoloty lama-48 loMthethwana OngeZicwangciso Zokusetyenziswa koMhlaba kaMasipala wase-Overstrand ku2020 (Umthethwana) esi saziso sisebenziseka kwisiza esingu-Erf 10567, Hermanus (isakhiwo/umhlaba):

Ukwahlula ngokwemiba yeSoloty le16(2)(b) loMthethwana ongokunyeniswa komgca wesakhiwo sesitrato ukusuka kwiimitha ezi-5m ukuya kwezi-3.8m nomgca wesakhiwo omelene necala eslimzantsi-ntshona ukusuka kwiimitha ezi-2m ukuya kwi-1.7m ukulungiselela ikhonteyina yebhetri yeSola ebizwa i- As-built.

Inggikelelo yobhaliso lomdlwiwo ngokwemiba yeSoloty le-16(2)(q) loMthethwana.

Iinkcukacha ezipheleleyo ziyafumaneka ukuze zihlolwe kwiintsuku zaphakathi evekini ukusukela phakathi kwentsimbi ye08:00 and 16:30 kwiSebe: Lezicwangciso ngeZindlu, Paterson Street, Hermanus. Naziphi na izimvo ezibhaliweyo mazingeniswe ngokwezibonelelo zeSoloty lama-51 nelama-52 loMthethwana ongentla kaMasipala (16 Paterson Street, Hermanus / (e) loretta@overstrand.gov.za) ngomhla okanye ngaphambi **29 Novemba 2024**, uchaze igama lakho, idilesi neenkukacha, umdla wakho kwesi sicelo nezizathu zokuhlomla kwakho. Imibuzo ngefowuni ingabuzwa ku**Mcwangcisi Omkhulu weDolophu**, uNkskz. **H van der Stoep** kwa-028-313 8900. UMasipala angala ukwamkela izimvo ezifike emva komhla wokuvala. Nabani na ongakwazi ukufunda nokubhala angahambela kwiSebe Lezicwangciso zeDolophu apho igosa likamasipala liza kunceda ukuhlomla ngokusemthethweni.

HERMANUS
INDUSTRIAL



PROPOSED DEPARTURE AND DETERMINATION OF AN ADMINISTRATIVE PENALTY

ERF 10567 HERMANUS

OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

Plan Active Town & Regional Planners has been appointed by D.J.V. Weich, on behalf of Marifeed Pty Ltd, the owner of erf 10567 Hermanus, to apply for the determination of an administrative penalty and departure of the building lines of the subject property.

Marifeed, a producer of specialized aqua feeds based in the Hermanus industrial area, has an existing facility on the subject property. Plans were submitted for additions and alterations to this property, which are currently pending approval.

A new solar battery container has been constructed on the property. However, this construction has occurred over the street and southwestern lateral building lines without the necessary land use and building development management approvals.

This application is intended to:

- Address the unlawful construction: Seek retroactive approval for the solar battery container that was built without the required permissions.
- Request deviation approvals: Obtain approval for the deviation from the established street and southwestern lateral building lines to accommodate the As-Built solar battery container.

2. APPLICATION DETAILS

Application is made in terms of:

- Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for the determination of an **administrative penalty** for erf 10567 Hermanus;
- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020, for **the building lines departure** of erf 10567 Hermanus.

3. NEED AND DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 10567 Hermanus is situated at 7 Gideon van Wyk Street, Hermanus Industria. Refer to the locality plan attached. Erf 10567 Hermanus is 3300m² in extent and is held by title deed no. T7114/2007.

The subject property is level sloped and is characterized by industrial buildings (storage and related uses). The subject property is surrounded by industrial buildings, SANSA Space Science and institutions (community day center).

3.2 ZONING

Erf 10567 Hermanus has the following land use rights:

ERF NUMBER	ZONING
Erf 10567 Hermanus	Industrial Zone 1: General Industry (IND 1)

Surrounding properties are zoned for industrial, authority, community, higher density residential, public road and public open space purposes.



3.3 LAND USE

Marifeed, a producer of specialized aqua feeds based in the Hermanus industrial area, has an existing facility on the subject property. The uses of the respective buildings are indicated on the site development plan. Plans were submitted for additions and alterations to this property, which are currently pending approval.

Land uses that surround the subject property are industrial buildings, SANSA Space Science facility, the Hermanus Community Day Care Center, public open spaces and public roads.

3.4 PROPOSAL

The following is proposed:

1. The determination of an **administrative penalty** for erf 10567 Hermanus to accommodate the unlawful As Built battery container in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020;
2. The **departure** of erf 10567 Hermanus in terms of Chapter 4, Section 16(2)(b) of the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020, to:
 - relax the street building line from 5m to 3,8m to accommodate the As Built solar battery container;
 - relax the southwestern lateral building line from 2m to 1,7m to accommodate the As Built solar battery container.

A new solar battery container was constructed on the property. Unfortunately, this construction extends beyond the street and southwestern lateral building lines and was completed without obtaining the necessary land use and building development management approvals.



3.4.1 Rectification of contravention

In terms of Chapter 5, Section 90(1) a person who is in contravention of the Municipal Planning Amended By-Law (2020), and submits an application to rectify the contravention, must apply to the Municipality for the determination of an administrative penalty, provided that the Municipality has not obtained and issued a demolition directive in terms of Section 85 in respect of the land or building or part thereof concerned.

As the application is for the rectification of a contravention of the By-Law, an application is submitted for the determination of an administrative penalty fee in terms of Chapter 4, Section 16(2)(q) of the Overstrand Municipality's Amended By-law on Municipal Land Use Planning, 2020. However, the Municipal Planning Tribunal (MPT) has the authority not to impose such a fee.

In terms of Section 90(3) of the MPBL, the MPT must at least consider the following factors when determining an appropriate administrative penalty:

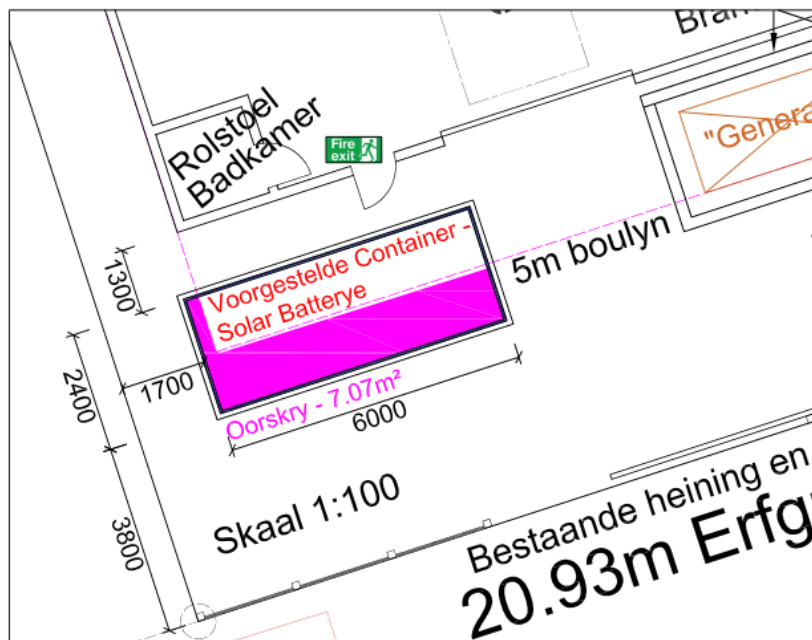
- **The nature, duration, gravity and extent of the contravention**

The illegal placement of the structure encroaching the land use scheme building lines was unknown until recently. This container houses battery storage equipment, which is crucial for the property's operation during load shedding and grid outages. Compared to diesel generators, the battery storage offers a more cost-effective energy solution and operates at a significantly lower noise level.

Building plans were submitted on 29 September 2023 which included provisions for diesel bunds, water tanks, a control room, bathrooms, and other minor alterations. These plans are pending approval due to some outstanding issues (which were addressed by the architectural consultant).

It is presumed that the owner was under time constraints to ensure continuous electricity is available to the Marifeed facility and therefore proceeded with the construction of the solar battery container in April - May 2024 without the necessary municipal approvals. The dimensions of the As Built solar battery container are 6m (l) x 2,4m (w) x 2,94m (h) and 14,4m² in extent. The structure was constructed according to solar battery specialist specifications. The position and layout of the

container are indicated on the site development plan. Only 7,07m² encroaches the land use scheme building lines. Refer to the encroachment plan below:



Map 1: Encroachment plan

The structure has a flat roof and no windows. This container houses battery storage equipment, which is crucial for the property's operation during load shedding and grid outages. Compared to diesel generators, the battery storage offers a more cost-effective energy solution and operates at a significantly lower noise level. Electricity is essential for the efficient, safe and continuous operation of Marifeed's aqua feed production processes, contributing to the overall effectiveness and reliability of their operations.

Establishing the new solar battery container was a practical solution to address the energy required to operate the facility and simultaneously addresses the noise and safety concerns associated with the generators. Having a designated solar battery container will not only reduce noise pollution but also enhance safety measures.

It is always challenging to balance business operations with necessary construction work, and our client has taken the necessary steps to handle this situation effectively. By prioritizing the needs of the facility, Marifeed continues to set a solid foundation for future success.

The position and nature of the solar battery container is unobtrusive in nature and do not impact negatively on the surrounding properties. A building line departure



application to accommodate the As Built solar battery container is included in this application.

- **The conduct of the person involved in the contravention**

The owner has never contravened the land use planning By-law in the past. They have addressed the matter related to the unlawful construction work by appointing the relevant consultants (architect and town planner) to assist them to obtain the necessary approvals.

- **Whether the unlawful conduct was stopped**

The owner would like to rectify the contravention by submitting the administration penalty application and subsequent departure application in order to legalise the As Built solar battery container on the subject property.

To proceed with the construction work was a proactive approach - it was never the intention to disregard the legislation. The owner was under time constraints to ensure continuous electricity is available to the Marifeed facility.

- **A report by a quantity surveyor in matters of unauthorised building / construction**

The construction cost quotation from Vastana Containers Pty Ltd dated 28 August 2024 is attached. The container's total construction cost was R20 500.00.

- **Whether a person involved in the contravention has previously contravened this By-Law or a previous planning law**

To the best knowledge of the applicant and as confirmed by the landowner, they have never previously contravened this By-Law or any other previous planning law.

- **Summary**

We appeal to the Overstrand Municipality to take into consideration the low impact the solar battery container has on the surrounding area. This is not a habitable structure. The new solar battery container was a practical solution to address the energy required to operate the facility and simultaneously addresses the noise and safety concerns.

The owner never hesitated to immediately give instruction to the consultants to assist in the matter to address the contravention by submitting a complete (and fully motivated) departure and determination of an administrative penalty application. We therefore respectfully request that a minimal / no penalty fee be imposed on the property owner for the reasons given above.

3.4.2 Departure

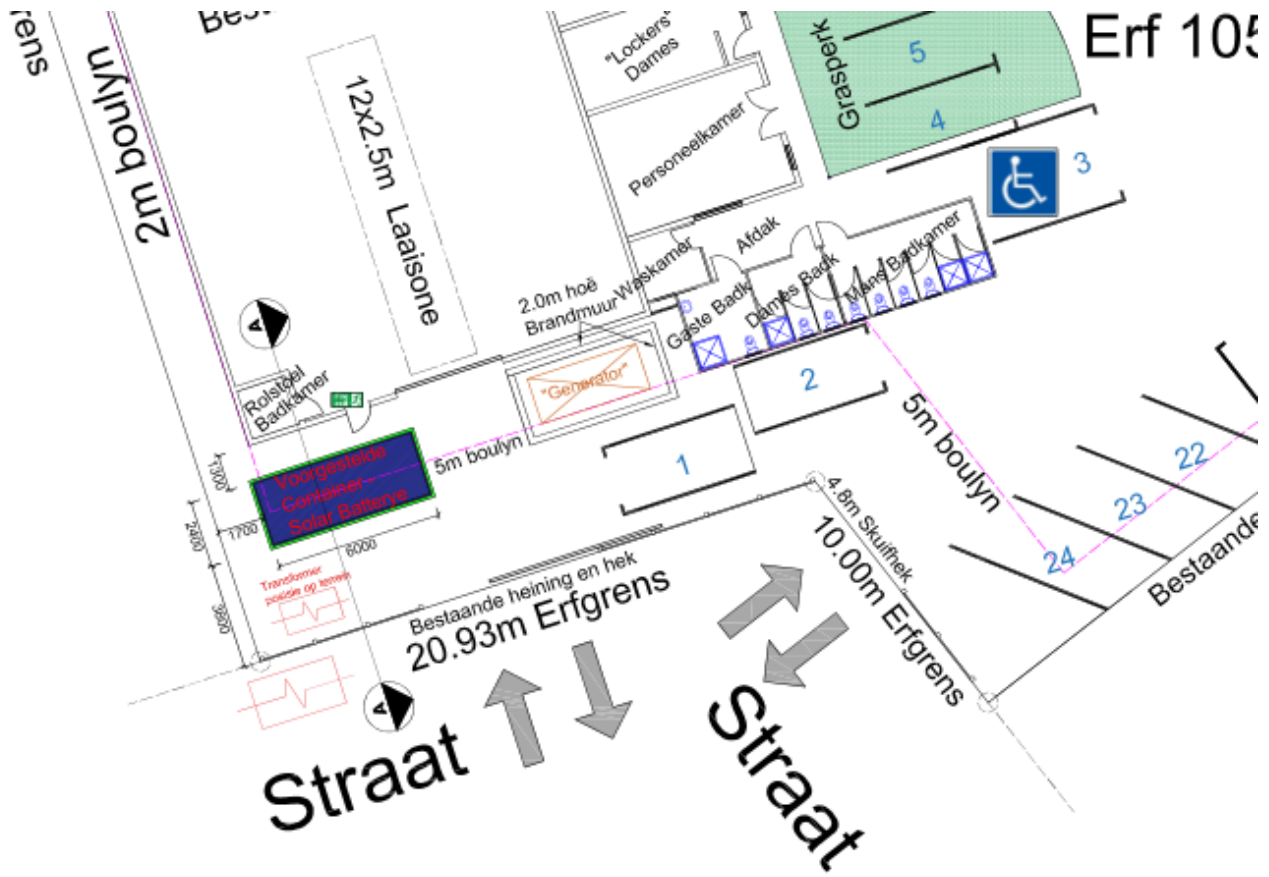
The subject property is extensively developed, and the placement of the new structure was determined based on the position of the existing buildings, access, and parking areas. The issue of the structure encroaching on the building lines was only discovered recently.

To accommodate the As Built solar battery container an application is submitted for a departure to:

- relax the street building line from 5m to 3,8m to accommodate the As Built solar battery container;
- relax the southwestern lateral building line from 2m to 1,7m to accommodate the As Built solar battery container.

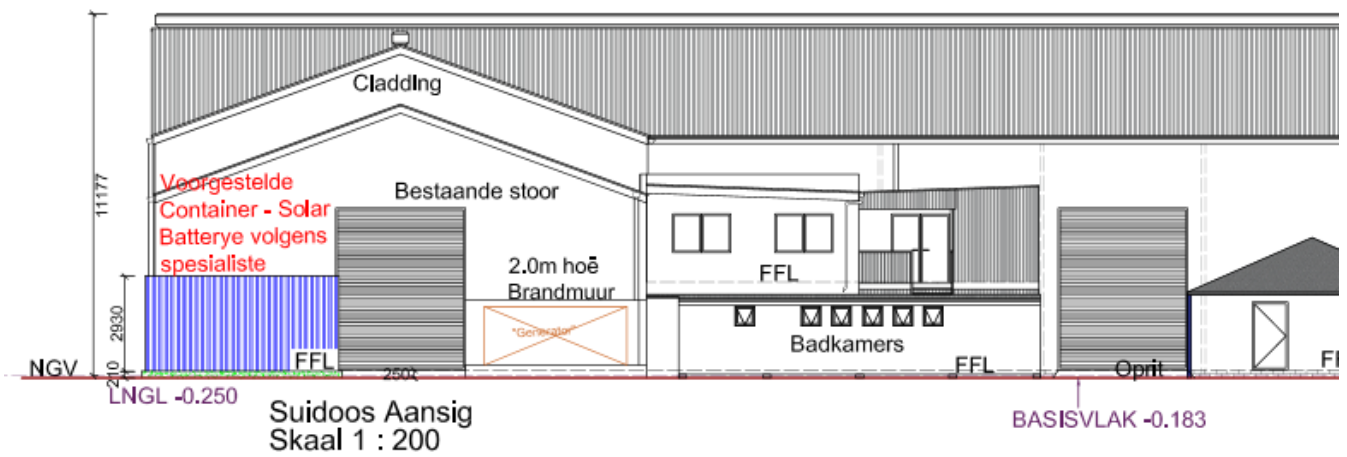
The dimensions of the As Built solar battery container are 6m (l) x 2,4m (w) x 2,94m (h) and 14,4m² in extent. The structure was built according to the specifications provided by solar battery specialists and is mounted on a concrete foundation. The position and layout of the container are indicated on the site development plan. Only 7,07m² encroaches the land use scheme building lines. Refer to the site development plan information below:





Map 2: Partial site plan indicating the As Built solar battery container

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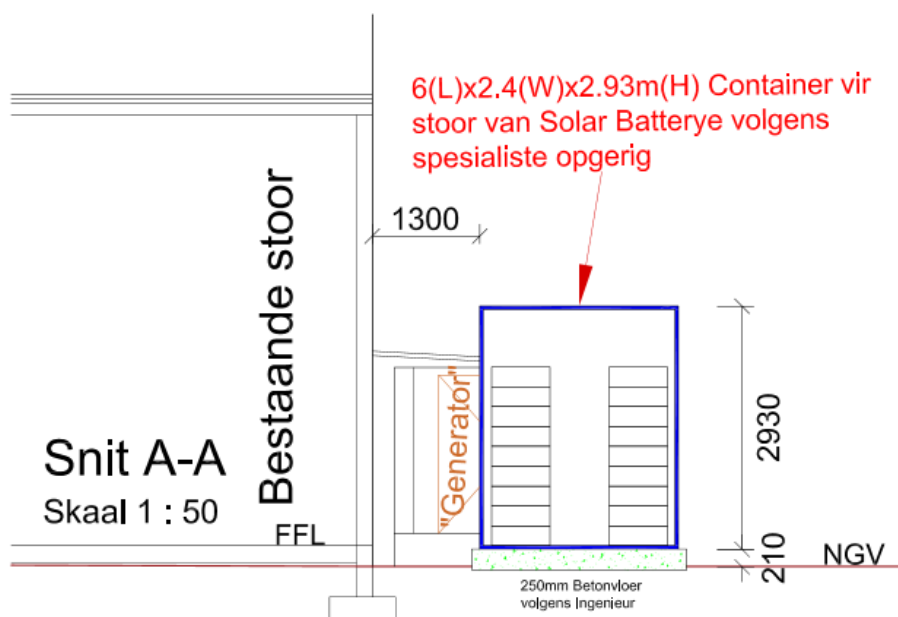


Map 3: South-east elevation plan





Map 4: South-west elevation plan



Map 5: Section plan – solar battery container

The As Built building that encroaches the building lines is not higher than 3,5m above the existing ground level on the common boundary. In addition, the length and width of the structure do not exceed one third of the lateral boundary concerned. No doors and windows are placed in any walls closer than 1,0m to the lateral erf boundary.

The placement of the container on-site was chosen to minimize visibility from key vantage points, and it is positioned away from prominent areas or high-traffic zones, reducing its overall visual impact. The container is relatively compact compared to other structures on the property; therefore, it does not dominate the visual landscape. Its size is proportionate to the surrounding infrastructure. The container's

appearance is consistent with the industrial nature of the existing facilities, ensuring it does not stand out as an incongruent element in the environment.

The proposed application does not have any impact on the character or property values of the surrounding properties. The As Built structure on the subject property do not create an infringement to any passing traffic or public activity due to the position of the structure on site in relation to the existing structures on the neighbouring properties and the low impact use of the structure.

It is submitted that the massing and height of the existing solar energy container is compatible with the character of the area, regardless of the departure being applied for.

The zoning of erf 10567 Hermanus will remain unchanged as well as the primary land use. The height, bulk and coverage of all the structures on the subject property complies with the permissible height requirements for IND 1 zoned properties. The application is to approve an As Built solar battery container - no additions or alterations to the existing Marifeed facility is proposed. Consequently, the proposed departure will not have a greater visual impact on the surrounding properties. The impact on the adjacent property owners and the passers-by will therefore be marginally higher than if the structure did not exist.

The area schedule and coverage for the subject property are as follows:

Bestaande Marifeed Stoor	: 1532,18m ²
Werkswinkel gebou	: 130,35m ²
Eerstevloer Kantore	: 130,35m ²
Contalner en Sirkulaste	: 35,60m ²
Kantoor spasle EV	: 36,30m ²
Kwikspace Badkamer	: 33,59m ²
Waskamer en Afdak	: 17,05m ²
Skadunet Afdakke	: 88,00m ²
Beheerkamer	: 21,93m ²
Watertenke	: 49,26m ²
Tenk "Bundings"	: 71,90m ²
Nuwe Battery Stoor	:14,40m²
TOTAAL OPPERVLAK	: 2160,91m ²
<u>ERF</u>	<u>: 3 300,00m²</u>

The total coverage of 65,5% does not exceed the maximum permissible coverage of 75% for IND 1 zoned properties.



It is submitted that the As Built solar battery container is compatible with the character of the area, does not impact negatively on the rights of anyone else and that no good reason exists for not approving this application. When considering the proposed street and southwestern lateral building line deviation, the point of departure is the need to discourage the phenomenon of urban sprawl and to encourage densification and more compact towns and cities, all of which relates to more responsible resource use or sustainable development.

The proposed departure of erf 10567 Hermanus is not in contrast to the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

3.5 THE POTENTIAL OF THE PROPERTY

The zoning and primary land use of the subject property will remain unchanged. Industrial zoned erven often have more flexible uses compared to residential or commercial zones, which make them more suitable to accommodate a solar battery container.

The following should be noted when considering the potential of the site:

- The position of the solar battery container makes the structure accessible for easy maintenance of the equipment.
- The subject property has the necessary electrical infrastructure to integrate with the solar battery system.
- The solar battery container adheres to safety regulations and standards for installing and operating a solar battery container. This includes fire safety, containment measures, and other safety protocols.
- The solar battery container has a low impact on neighbouring properties and the surrounding community.
- The solar battery container aligns with sustainability goals and environmental initiatives in the area.
- The subject property has limited available space to accommodate the solar battery container elsewhere on site without compromising the existing operations and parking area of the facility.

- The massing and scale of the structure are compatible with the area.
- Except for the building line deviation, all other land use parameters are met.
- The new solar battery container forms an integral part of the operations of the Marifeed facility in a time where power outages have become the new normal.

Lastly, the proposed departure will not hinder any possible future land use applications on erf 10567 Hermanus.

The scale of the surrounding built environment and the low impact on the streetscape are also factors that must be considered when contemplating the potential of the property to accommodate the departure. The following factors confirm the potential of the property to accommodate the proposed building line deviations:

- The container's appearance is consistent with the industrial nature of the existing facilities, ensuring it does not stand out as an incongruent element in the environment.
- The structure was built according to the specifications provided by solar battery specialists and is mounted on a concrete foundation.

3.6 ECONOMIC IMPACT

The proposed departure is to accommodate the As Built solar battery container in its current position. No new structures are proposed. This will support the aqua feed operations on the subject property.

By generating and storing solar energy, the facility can reduce its reliance on grid electricity, leading to lower energy bills. In addition, a solar battery system allows the facility to become less dependent on external energy sources, which protects the facility against fluctuating energy prices.

The solar battery container provides a stable and reliable power supply, which is crucial for continuous operations in an aqua feed facility such as Marifeed. The solar battery equipment will help prevent production interruptions and potential losses. In addition, the facility will be able to store excess energy generated during the day and

use it during peak times or at night, optimizing energy usage and potentially lowering costs.

In addition, the As Built solar battery container has a positive impact on the property's value since it enhances its energy efficiency and sustainability features.

3.7 SOCIAL IMPACT

The proposed departure will have no impact on the social status quo of the area. The building line deviation will allow the owner to accommodate the As Built solar battery container in its current position on site. The structure and equipment will contribute to improved air quality and a healthier environment for the community (when measured against diesel generators). Solar battery containers operate quietly compared to other energy systems, contributing to lower noise pollution in the surrounding area.

No negative impact on the social wellbeing of the surrounding community is anticipated. It is submitted that the existing developed property is compatible with the character of the area and does not impact negatively on the rights of anyone else.

3.8 COMPATIBILITY WITH SURROUNDING LAND USES

The subject property is situated in an existing industrial area. The application does not propose to change the zoning or land use of the subject property and therefore the proposal is compatible with the surrounding land uses.

The adjacent properties are developed with industrial and authority uses. The industrial zoning allows for the installation of solar battery containers. In addition, the scale of the As Built container on erf 10567 Hermanus merges well with the scale of the surrounding industrial buildings in the immediate area.

The placement of the solar battery container over the southwestern lateral and street building lines does not interfere with safety protocols or maintenance activities for

existing industrial equipment of the facility or surrounding erven. With industrial zoned erven, aesthetic concerns are less stringent, however the visual impact on the surrounding erven is considered minimal. The property opposite the street is a public open space. In addition, the existing boundary wall between erven 7648 and 10567 Hermanus screens the container to keep the visual impact on the direct neighbour (that shares the common boundary with erf 10567 Hermanus where the encroachment occurred) to a minimum. Refer to the image below:



Image 1: View of the solar battery container from adjacent erf 7648 Hermanus – the boundary wall screening the container is evident on the photograph.

The solar battery container is compatible with the surrounding industrial area, integrates smoothly into existing operations, and contributes positively to the overall industrial environment.

3.9 IMPACT ON EXTERNAL ENGINEERING SERVICES

All services on the subject property already exist. The As Built solar battery container will have no impact on the scale and usage of the existing available services since no additional loading of the existing civil infrastructure is anticipated.

Additional services (if required) will be provided to the satisfaction of the Overstrand Municipality.

3.10 IMPACT ON SAFETY, HEALTH AND WELLBEING OF SURROUNDING COMMUNITY

The proposed departure will have no impact on the general safety and wellbeing of the surrounding community. The subject property will continue to be used for aqua feed (industrial) purposes.

As previously mentioned, the structure and equipment will contribute to improved air quality and a healthier environment for the community. Solar battery containers operate quietly compared to other energy systems, contributing to lower noise pollution in the surrounding area. Since the proposed departure is not associated with a noxious trade with polluting air emissions the impact on the health of the community will be kept to a minimum.

3.11 IMPACT ON HERITAGE

The application does not involve changing the character of a site larger than 5 000m². Consequently, the proposed application for the departure does not trigger Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Erf 10567 Hermanus is not situated within the Heritage Protective Overlay Zone as determined by the Overstrand Municipality's Land Use Scheme Heritage Overlay Zone (2020). The subject property is also not earmarked for heritage conservation purposes with reference to the Overstrand Municipal Growth Management Strategy (2010). The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In the light of the above mentioned it is evident that the proposed departure will not have a negative impact on the heritage value of the Hermanus industrial area.



3.12 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed departure does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998). The subject property is not situated within the Overstrand Municipality's Land Use Scheme Environmental Overlay Zone (2020).

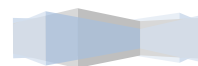
Using renewable energy sources like solar power will improve the facility's environmental footprint and contribute to sustainability goals. In addition, the As Built solar battery container demonstrates Marifeed's commitment to green energy – this will enhance the facility's brand reputation and potentially attract more customers and / or business partners.

3.13 TRAFFIC IMPACT, PARKING AND ACCESS

Access to erf 10567 Hermanus will remain unchanged and will be from Gideon van Wyk Street. No new access points are proposed. Refer to the site development plan.

The position of the As Built solar battery container maintains clear access routes for operational services, and the placement of the container will not impede emergency response operations.

The Overstrand Land Use Scheme (2020) stipulates that two (2) parking bays per 100m² GLA up to 500m² GLA, thereafter one (1) parking bay per 100m² GLA applies to IND I zoned erven. The total GLA of the Marifeed facility is 1812,95m². A total of twenty-three comma one three (23,13) parking bays are required. The site is developed with a total of twenty-four (24) parking bays. The position of the As Built solar battery container does not compromise the As Built parking bays or the manoeuvre space on site. No additional parking is required to accommodate the proposed solar battery container. Refer to the parking layout plan attached.



The solar battery container has no impact on the number of vehicles travelling to the site. The use of the subject property will remain unchanged and therefore the impact on the traffic flow in the area will remain unchanged.

3.14 TITLE DEED

Title Deed No. T7114/2007 has no restrictions that need to be removed to accommodate the proposed departure of erf 10567 Hermanus. A conveyancer's certificate is not included with this application since the title deed is straight forward.

The title deed copy indicates that a bond is registered against the subject property. However, ABSA Bank confirmed in their letter dated 24 May 2024 (copy attached) that the securities have been released.

3.15 FORWARD PLANNING AND LAND USE DOCUMENTS

The ***Overstrand Spatial Development Framework (2020)*** earmarks the area where erf 10567 Hermanus is situated, for industrial purposes. The zoning and use of the subject property will remain unchanged. As a result, the impact of the proposed departure on the spatial integrity of the area will be minimal and is therefore consistent with the Overstrand SDF (2020).

The ***Overstrand Municipal Growth Management Strategy (OMGMS, 2010)*** specifies that erf 10567 Hermanus forms part of Planning Unit no. 8. This planning unit indicates that the status quo in terms of densification for the area must be maintained. However, the subject property is earmarked for local economic opportunity and was successfully rezoned to Industrial Zone I: General Industry and developed accordingly and in line with the spatial proposals of the OMGMS, 2010. The following key points are emphasized:

- The proposal does not introduce new units or alter the existing land use. The solar battery container is compatible within the current land use framework.

- The application involves a deviation from the building lines, but this does not require changes to existing policies.
- The overall density of the Hermanus Industrial / Hermanus Central area will remain largely unaffected. The proposal aligns with the area's industrial character and supports the local economy, as detailed in the report.

The proposal will promote land development in a location that is sustainable. The proposed departure is to an improved erf within an established industrial area and will not impact on urban sprawl or upon a sensitive environment. In summary, the proposed solar battery container aligns with current land use plans, minimally impacts area density, and supports local economic interests.

3.16 PLANNING PRINCIPLES

The planning principle of spatial resilience does not apply to this application.

Spatial justice: The proposed land use application is consistent with the existing character of the area and will not adversely affect neighbouring properties. Given that the subject property has been in place since 1997, the impact on the biophysical environment is expected to be minimal. This application does not contribute to spatial development imbalances but rather aligns with the established Hermanus Township. Approval of this application will maintain spatial equity, as it is in harmony with the current land use and development patterns in the area.

Spatial sustainability: The proposed departure will not alter the visual aspects of the subject property or its surroundings, as detailed in Section 3.4 of the application. The application remains compatible with the area's character, as discussed earlier in this report. The encroachment of the building lines does not affect the massing of the buildings or the overall streetscape, ensuring minimal impact on passers-by. The As Built solar battery container integrates seamlessly with the existing structures. Additionally, as previously outlined, the impact on the biophysical environment will be minimal.



Factors including the high quality of materials used, the well-considered layout of the structures, the scale of surrounding buildings, minimal impact on the streetscape, and the property's location opposite public open space, all support the approval of the proposed deviations. The structure's encroachment on the southwestern lateral and street building lines, does not affect compliance with other land use parameters. Given these considerations, the proposed addition to this established erf within an industrial area will not contribute to urban sprawl or negatively impact a sensitive environment, thereby supporting the spatial sustainability of the area.

The application is considered spatially sustainable as the existing property will be more optimally utilised without affecting natural vegetation. The property is compatible with the character of the area and does not impact negatively on the rights of any adjacent property owners.

Efficiency: The subject property is well-positioned, with easy access to Hermanus CBD and major routes. The massing and height of the structures on the property comply with the relevant zoning scheme regulations and approval conditions. Approving the As Built solar battery container is justified, as it aligns with the existing built environment. This integration ensures that the property maintains its compatibility with surrounding structures and enhances the overall utility of the site.

The proposed departure demonstrates efficiency by curbing urban sprawl, promoting densification, and fostering more compact towns and cities. This approach supports responsible use of resources and infrastructure, aligning with principles of sustainable development. Additionally, the proposal optimizes existing resources and infrastructure while maintaining the established suburban development typology. This ensures that the development remains consistent with current patterns and contributes positively to the area's growth and sustainability.

Good administration: Our firm is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an

efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's Amendment By-law on Municipal Land Use Planning, 2020.

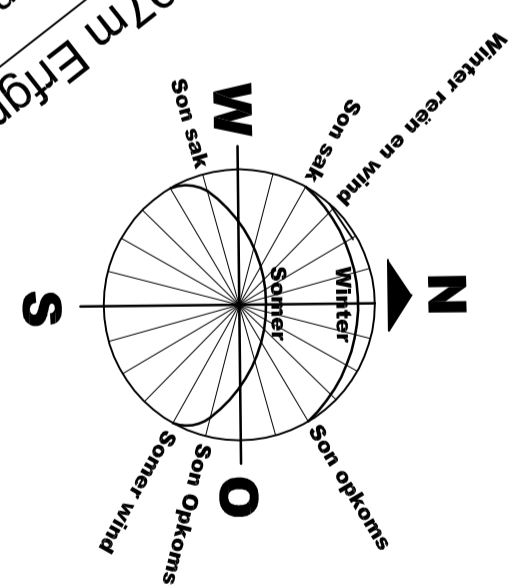
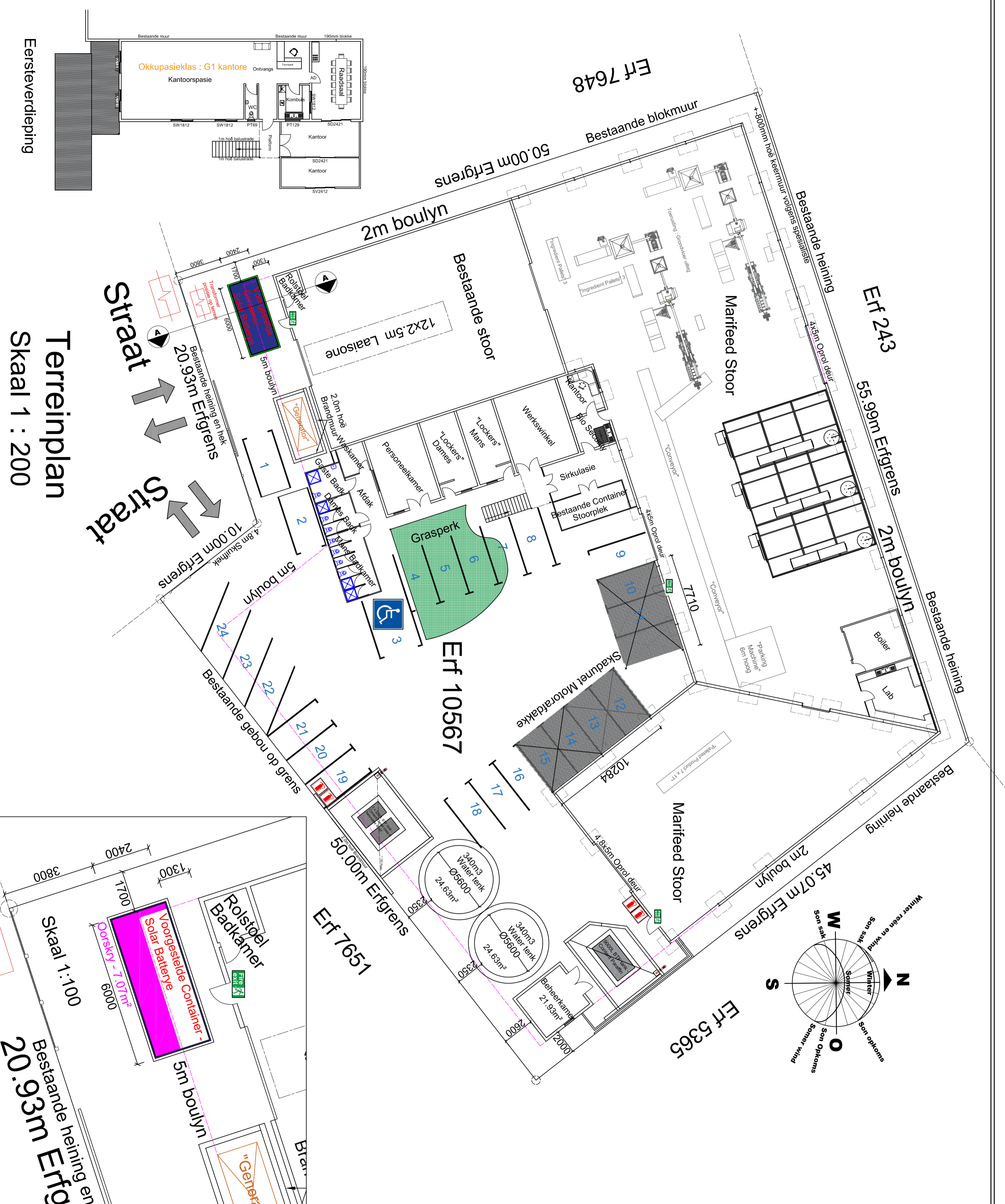
4. RECOMMENDATION

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

- All services on the subject property already exist and no additional loading of the existing infrastructure is anticipated;
- The zoning and primary land use of the subject property will remain unchanged;
- The deviations from the applicable scheme regulations' southwestern and street building lines are to accommodate an As Built solar battery container;
- The proposal is compatible with the existing built character of the area;
- Impact on the access and traffic will be kept to a minimum;
- There are no heritage aspects that will negatively impact the application;
- There are no environmental aspects that will negatively impact the application and the application will not have a negative impact on any environmental factors;
- The proposal is compatible with the spatial planning strategies for the area;
- The densification status quo of the area will remain unchanged;
- The application is fully compliant with the applicable planning principles described in the LUPA (2014) and SPLUMA (2013).

The application can be supported for your favourable evaluation. The opinion is held that this application will have no negative impact on the land values, privacy, built environment and character of the area.





Legende

- Nuwe Steenwerk
- Nuwe Houtwerk
- Nuwe Staal
- Nuwe Fondasies / Beton
- Bestaande rioollyn
- Nuwe 110mm "Riold"
- Nuwe 50mm "wastie" lvn

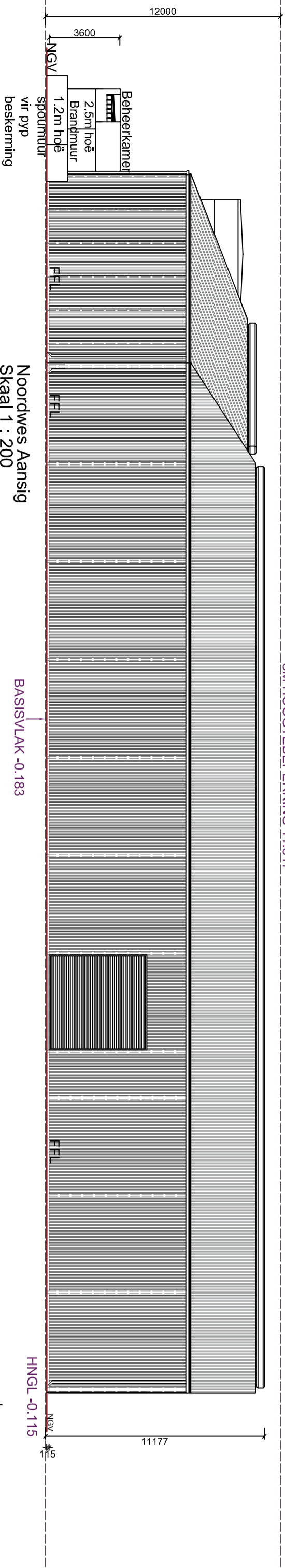
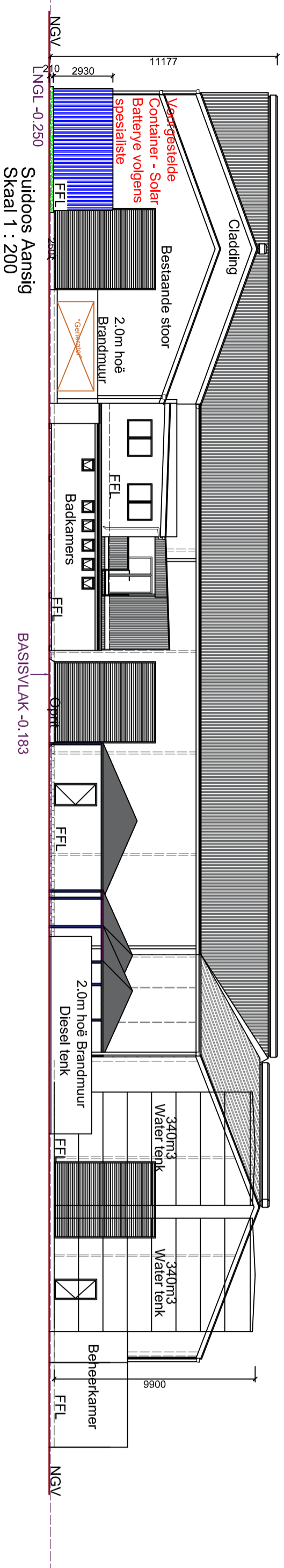
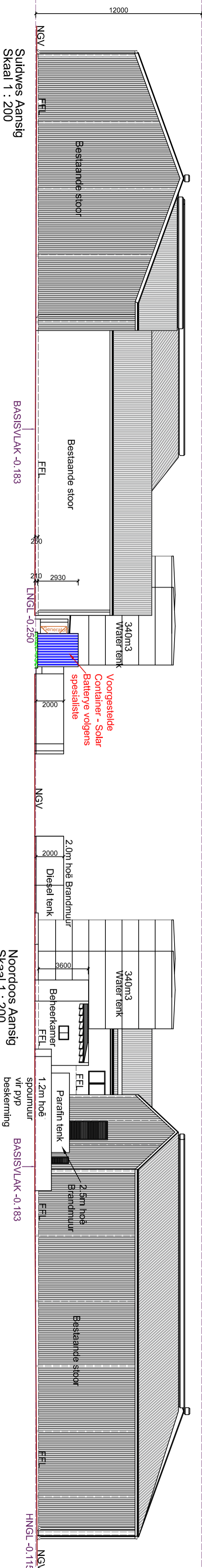
Bestaande Marifeed Stoor : 1532,18m²
Werkwinkel gebou : 130,35m²
Eerste/oor Kantore : 130,35m²
Container en Sirkulasie : 35,60m²
Kantoor spasie EV : 36,30m²
Kwikspase Badkamer : 33,59m²
Waskamer en Afdak : 17,05m²
Skadunet Afdakke : 88,00m²
Beheerkamer : 21,93m²
Waterenke : 49,26m²
Tenk "Bundings" : 71,90m²
Nuwe Battery Stoor : 14,40m²
TOTAAL OPPERVLAK : 2160,91m²
ERF : 3.300,00m²

Gerieke Argitektoniese Dienste
Johan Gerieke
 P. Arch. Draught. (D2889)
 Posbus 392, Gansbaai, 7220
 Telf./faks : 028 384 1659 Sel : 082 453 8554
 gad@axxess.co.za
 Ltd van SAIT : S07023

Beskrywing :
 Voorgestelde "Solar Battery Container" vir Marifeed Pty Ltd, Erf 10567, Gideon van Wyk Crescent, Hermanus Industrieel, Overstrand Munisipaliteit.

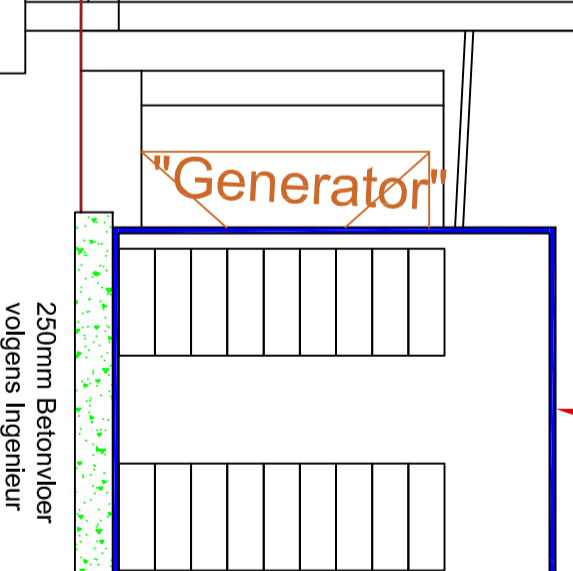
Plan nagesien deur : Datum :
 JLS Gerieke
JLS Gerieke 18 Julie 2024
 Okkupasie SANST10400 : **D4**
 Tekenling : Terrainplan
 Doel : Munisipale Goedkeuring
 Projek # : 03/MF/24
 Skaal : 1:200
 Bladsy : 1 van 3
 Datum : 17 Julie 2024

Terrainplan
 Skaal 1 : 200
 Eerste verdieping



6(L)x2.4(W)x2.93m(H) Container vir stoor van Solar Batterie volgens spesialiste opgerig

1300



2930

210

Snit A-A

Skaal 1 : 50

Bestaande stoor

Gerieke Argitektoniese Dienste

Johan Gerieke

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Posbus 392, Gansbaai, 7220
Tel/Faks : 028 384 1659 Sel : 082 453 8554
gad@axxess.co.za
Ltd van SAIT : S07023

Beskrywing :

Vorgesleide "Solar Battery Container" vir Marfied Pty Ltd, Erf 10567, Gideon van Wyk Crescent, Hermanus Industrieel, Overstrand Munisipaliteit.

Plan nagesien deur : Datum :
JLS Gerieke

JLS Gerieke

18 Julie 2024

Okkupasie SANS10400 :

D4

Tekening : Aansigte en Snit

Doel : Munisipale Goedkeuring

Projek # : 03/MF/24

Skaal : 1:100 A2

Bladsy : 2 van 3

Datum : 17 Julie 2024

Parkeervereiste : "Warehouse/Storage/Industry"
(baseer op 2020 Overstrand Skemargulassies)

"2 Bays per 100m² GLA up to 500m², thereafter 1 bay per 100m² GLA"

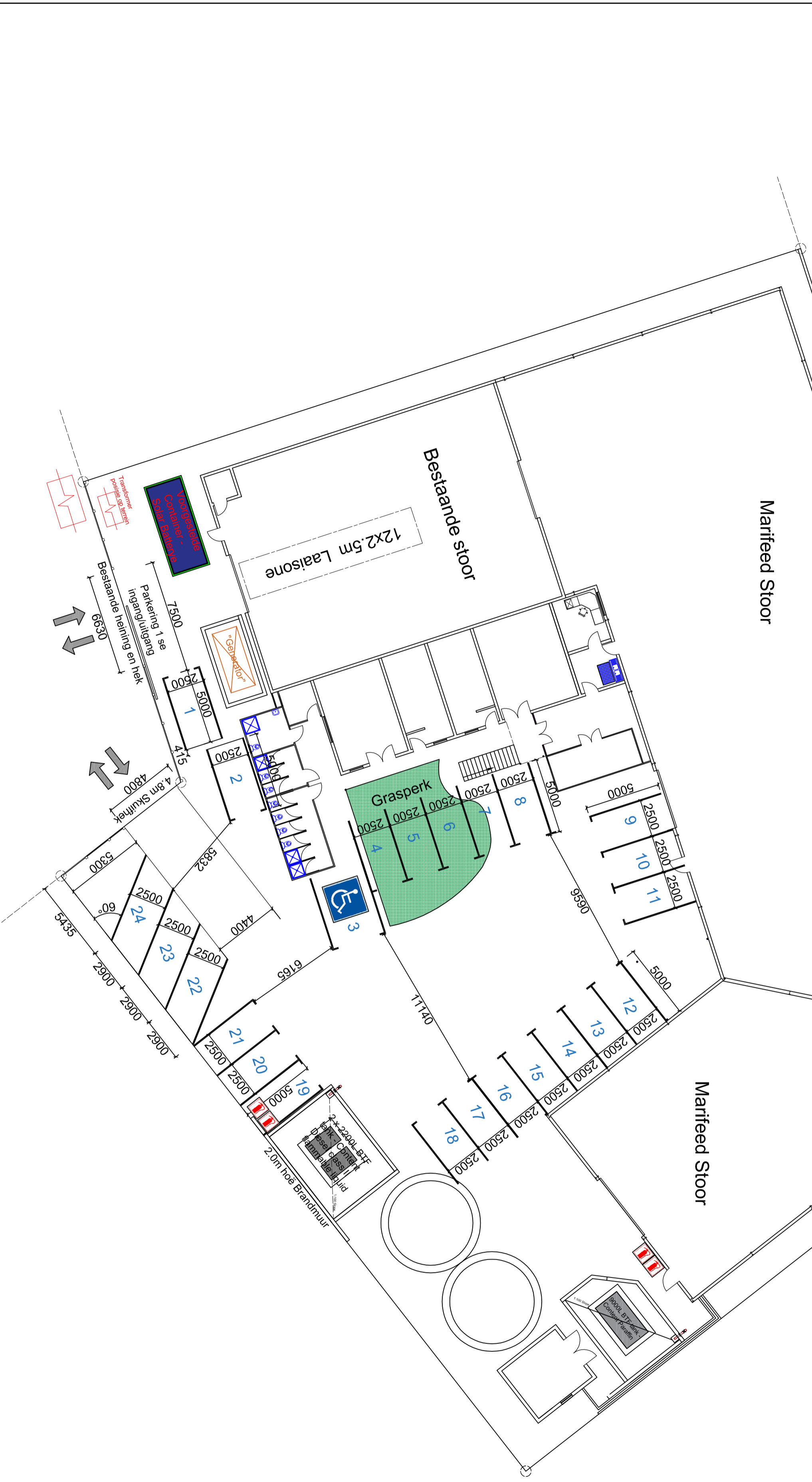
Bestaande Marifeed Stoor : 1491.15m² GLA
 Werkswinkel gebou : 125.37m² GLA
 Eerstevloer Kantore : 121.79m² GLA - WC
 Container en Sirkulasie : 15.00m² GLA - Sirkulasie

Nuwe Kantoor spasie EV : 36.30m²
 Nuwe Kwikspace Badkamer : :
 Nuwe Waskamer en Afdak : 5.34m² GLA - Afdak
 Nuwe Skadunet Afdakke : :
 Nuwe Beheerkamer : 18.00m² GLA
 Nuwe Waterenke : :
 Nuwe Tank "Bundings" : :

TOTAAL OPPERVLAK GLA : 1812.95m²

PARKEERPLEKKE BENODIG = 23.13

PARKEERPLEKKE VOORSIEN = 24



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 gad@axxess.co.za
 Ltd van SAIT : 507023

Beskrywing :

Voorgestelde "Solar Battery Container" vir Marifeed Ply Ltd, Erf 10567, Gideon van Wyk Crescent, Hermannus Industrieël, Overstrand Munisipaliteit.

Plan nagesien deur : Datum :
 JLS Gericke

JLS Gericke

18 Julie 2024

Okkupasie SANST10400 :
D4

Tekening : Terrainplan - Parkeerruitleg

Doel : Munisipale Goedkeuring

Projek # : 03/MF/24

Skaal : 1:200

Bladsy : 3 van 3

Datum : 17 Julie 2024