

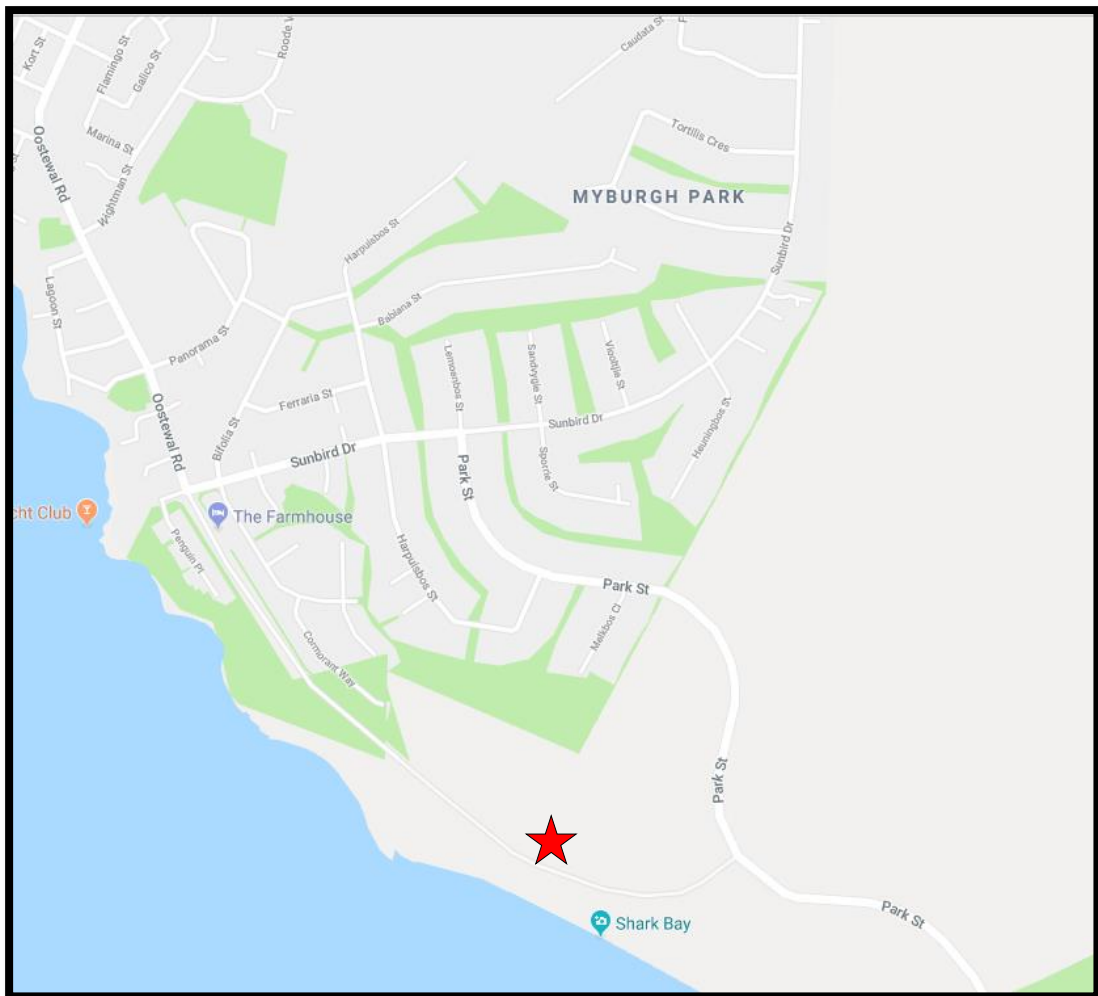
SECTION A: HISTORY AND BACKGROUND INFORMATION

A) 1. INTRODUCTION

Elco Property Developments was mandated by our client to apply on their behalf for the rezoning, regulation departures and amendment of conditions on Erf 10367, Langebaan, in order to convert and extend an existing building into a guest house with eight (8) rooms. The Power of Attorney and Company Resolution authorizing this firm is herewith attached in **Annexure B**.

This memorandum serves to outline the proposal and to prove the necessity and desirability of the abovementioned application in order to obtain the approval from the relevant authorities. In addition its purpose is also to elaborate on information required by Council, which will enable Interested and Affected Parties and Council to make informed comments and/or decisions on the proposed development.

A) 2. HISTORY AND BACKGROUND



The property is located in the approved Shark Bay development within Langebaan, Saldanha Bay Municipality. According to the approval dated 31 July 2013 the property is zoned as Residential II. Erf 10367 has been registered at the S. G. office, but not with the Deeds Office. It is therefore still held by Title Deed T25548/2005. An existing building is located on site. The intension of the owner is to convert and extend the existing building into a guest house with eight (8) rooms.

SECTION B: LAND USE MANAGEMENT APPLICATION

B) 1. THE APPLICATION

Application is hereby made on behalf of the client for:

- a) **Rezoning** in terms of Section 15(2)(a) of the Saldanha Bay Municipality: By-law on Municipal Land Use Planning (2015) from Residential II to Residential Vi to permit a guest house with eight (8) rooms.
- b) **Regulation Departures** in terms of Section 15(2)(b) of the Saldanha Bay Municipality: By-law on Municipal Land Use Planning (2015) to permit a height of three (3) storeys in lieu of two (2).
- c) **Amendment of Conditions** in terms of Section 15(2)(h) of the Saldanha Bay Municipality: By-law on Municipal Land Use Planning (2015) to amend condition b as per the approval dated 31 July 2013.

SECTION C: LEGAL AND GENERAL INFORMATION

C) 1. TITLE ASPECTS

Erf 10367 has been registered at the S. G. office, but not with the Deeds Office. It is therefore still held by Title Deed T25548/2005. Please see **Annexure C** for a copy.

a) **PROPERTY DESCRIPTION**

By virtue of the General Plan the property is described as “*Subdivisions of Erf 10348 Langebaan, and comprises 79 erven numbered ... 10367... situate in the Municipality of Saldanha Bay, Administrative District of Malmesbury, Province of the Western Cape*”. Please see **Annexure C** for a copy.

b) **PROPERTY SIZE**

The property is 1880m² in extent as per the General Plan.

c) **REGISTERED OWNER**

The property is registered in the name of DORMELL PROP 391 PTY LTD.

d) **MORTGAGE BONDS**

There is no bond registered against the title of the property.

e) **TITLE DEED CONDITIONS**

There are no restrictive conditions preventing the proposed development.

f) **SERVITUDES**

There are no servitudes registered over the property.

C) 2. GENERAL INFORMATION

a) **LOCATION & ACCESSIBILITY**

The physical address is off Greysbok Close, Langebaan. The site is easily accessible as the Shark Bay development is linked with Oostewal Road which provides direct access to the R27. The locality plan and aerial photo are herewith attached as Figures 1 & 3 in **Annexure D**.

b) **SITE CHARACTERISTICS**

The site is flat with no significant geographical features. An existing building is already located on the premises.

c) **EXISTING ZONING**

In terms of the approval dated 31 July 2013 the property is zoned as Residential II.

d) **EXISTING LAND USE**

A residential building is located on the site. This unit was already in place before the Shark Bay development was approved.



Fig. 1: Aerial View

e) **SURROUNDING LAND USES & ZONING**

The land uses in the immediate surrounding area are predominantly medium density residential erven with a mix of uses located further along Oostenwal Road. The proposed guest house will be the only such facility within the approved Shark Bay development. The unique sense of character between the nature reserve and established township lends itself to the proposed development.

A number of established Guest Houses/Tourist Facilities are located within the area, including:

- The Lagoon House
- The Farm House Hotel
- Lagoon Point Langebaan
- Sandpiper Place
- No Wakezone
- Bed & Breakfast Casa Maria
- Harrison's House Guest House
- Langebaan Stays

For further detailed information about the surrounding zonings, see the zoning plan listed as **Figures 2 in Annexure D.**

SECTION D: DEVELOPMENT PROPOSAL

D) 1. PROPOSED LAND USE

It is the intension of the client to utilise the existing dwelling with proposed extensions as a guest house with eight (8) rooms. An additional three (3) rooms will be for the use of the guest house manager. The proposed development includes a wine cellar, six (6) basement parking bays, pool courtyard area, covered/open stoeps and balconies, entrance foyer, lounge area, dining area, kitchen, storage areas as well as ten (10) outside parking bays. Access to the development will be obtained from Greysbok Close. The existing building will be extended by 453m² in order to accommodate the proposed use.

The proposal is illustrated on the Site Plan and Elevations attached as **Annexure E.**

E) 2. PROPOSED ZONING & REGULATIONS

The property will be rezoned to Residential VI. The table below shows the required regulations as per the zoning scheme against those proposed. As per the table the only regulations departure required is for the height of the proposed development.

RESIDENTIAL VI		
REGULATIONS	Required	Proposed
Coverage	75%	48%
Height	2 Storeys	3 Storeys
Parking	9	16
Street Building Line	4m	>4m
Common Building Line	2m	>2m

According to the Langebaan Zoning Scheme a guest house is defined as “a residential building for the provision of bed and breakfast accommodation in guest rooms, which has as its primary source of business the supply of tourist and traveller accommodation and a breakfast for resident guests, provided that – (i) the individual guest rooms may be marketed by means of short-term renting only; (ii) the building may, in terms of the Liquor Act, 1998 (Act 26 of 1989), be licensed only for the purpose of on-consumption and subject to any conditions of restrictions which the council may impose; (iii) that guests have 24 hour access to the guest house; (iv) a motel and licensed hotel are not included in the definition; (v) that the owner, manager or host resides on the property”. A guest house with eight (8) rooms is identified as the primary use right for land zoned as Residential VI.

In addition to the above **condition b** of the approval dated 31 July 2013 will be amended to read as follows:

b) that notwithstanding anything to the contrary in the applicable zoning scheme regulations, the following shall apply:

- 67 Residential II properties (**Previously – 68 Residential II properties**);
- 1 Residential VI property;
- 7 Open Space Zone II properties (including ancillary facilities intern alia parking area, guardhouse, walkways, ablution facilities and the residential non-confirming use);
- 4 Authority Zone properties;
- 6 Transport Zone I properties.

The proposal is illustrated on the Site Plan and Elevations attached as **Annexure E**.

SECTION E: PLANNING POLICY & CONTEXT

E) 1. NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998

The Environmental Authorisation for the approved Shark Bay development was obtained on 1 October 2010. The proposed application in relation to the existing dwelling does not have an impact

on the subject Environmental Authorisation. According to the letter attached in **Annexure H** the subject building was lawfully built before the Shark Bay development approval.

E) 2. WESTERN CAPE SPATIAL DEVELOPMENT FRAMEWORK: MARCH 2014

The PSDF opposes urban sprawl and development outside the urban edge, whilst promoting densification of underutilized land within the urban edges. The proposal also adheres to the following principles as set out in the document, namely:

- Sustainability and Resilience
Land development should be spatially compact, resource-frugal, compatible with culture and scenic landscapes, and should not involve the conversion of high potential agricultural land or compromise ecosystems.
- Spatial Efficiency
Efficiency relates to the form of settlements and use of resources – compaction as opposed to sprawl; mixed-use as opposed to mono-functional land uses and residential areas close to work opportunities as opposed to dormitory settlement.
- Access:
Improving access to services, facilities, employment, training and recreation, and safe and efficient transport modes is essential to achieving the stated settlement transitions of the NDP and OneCape2040.
- Quality and Liveability:
The quality of an environment directly contributes to its liveability. A quality built environment is one that is legible, diverse, varied and unique. Legible built environments are characterised by the existence of landmarks such as notable buildings and landscaping, well-defined public spaces, as well as navigable street networks.

The proposed development protects natural resources through adhering to nature orientated development. Shark Bay is an approved development located within the urban edge. The architecture and scale of the proposed development will not detract from the character of the area whilst ensuring that the property is developed to its utmost potential. The unique sense of character between the nature reserve and established township lends itself to the proposed development.

E) 3. METROPOLITAN SPATIAL DEVELOPMENT FRAMEWORK: REVIEW 2003

The MSDF *"seeks a pattern of urban growth and development built on a structure of urban nodes, activity corridors, a metropolitan open space and a well defined urban edge." The vision is of an integrated, compact, equitable and sustainable metropolitan area."*

The following objectives are identified to achieve the abovementioned:

- a) Containment of urban sprawl,
- b) Intensification of urban development,
- c) Redressing imbalances in the location of employment opportunities, public facilities and housing, and
- d) Developing quality environments.

Structuring elements are identified to respond to the vision, principles and goals and the following element is applicable to the proposed development:

a) Urban Edge

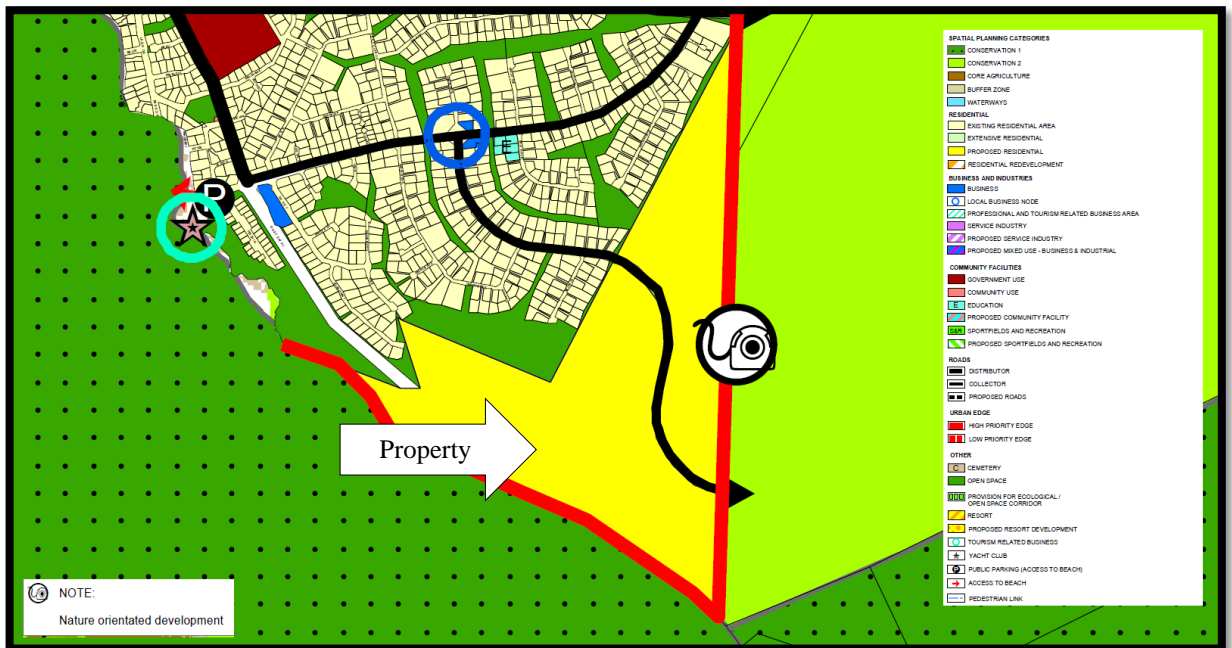
“The urban edge is essential for the protection of valuable agricultural, natural and cultural resources and will establish limits beyond which urban development will not be permitted.”

The policy states that no development may take place outside of the urban edge.

The proposed development lies within the urban edge on a site earmarked for nature orientated development.

E) 4. SALDANHA BAY MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK: DRAFT CONCEPTUAL FRAMEWORK REPORT (2018-2023)

According to the framework Shark Bay is located within a residential area identified for nature orientated development. The proposed development is for the extension of the existing building to create a guest house with eight (8) rooms. The coverage of the building will not increase, therefore remaining sensitive to the surrounding natural environment.



E) 5. MUNICIPAL ECONOMIC REVIEW AND OUTLOOK (2016)

This review supplies valuable evidence-based research to municipalities within the Western Cape in support of enhanced planning for economic growth, job creation and socio-economic upliftment. Evidence shows that Langebaan attracted the most visitors (888) during 2015 than any other West Coast District town. This equates to 18% of the total 4755 visitor foot counts during 2015 alone. Of the total number of visitors 18% of them stayed in guest houses. The proposed use is therefore in line with these statistics and seeks to provide even more opportunities within this market.

SECTION F: MOTIVATION IN TERMS OF DESIRABILITY

Section 65 of the Saldanha Bay Municipal Land Use Planning By-Law (2015) states that there are certain criteria that need to be assessed before a decision on an application is made. These include socio-economic impact, compatibility with the surrounding land uses, impact on the external engineering services, and impact on safety, health and wellbeing of the community, impact on heritage, impact on the biophysical physical environment, traffic impacts, parking, access and other transport related considerations. The following section will explore these aspects in relation to the proposed developments desirability.

F) 1. COMPATIBILITY WITH SURROUNDING LAND USES

The land uses in the immediate surrounding area are predominantly medium density residential erven with a mix of uses located further along Oostenwal Road. The proposed guest house will be the only such facility within the approved Shark Bay development. The unique sense of character between the nature reserve and established township lends itself to the proposed development.

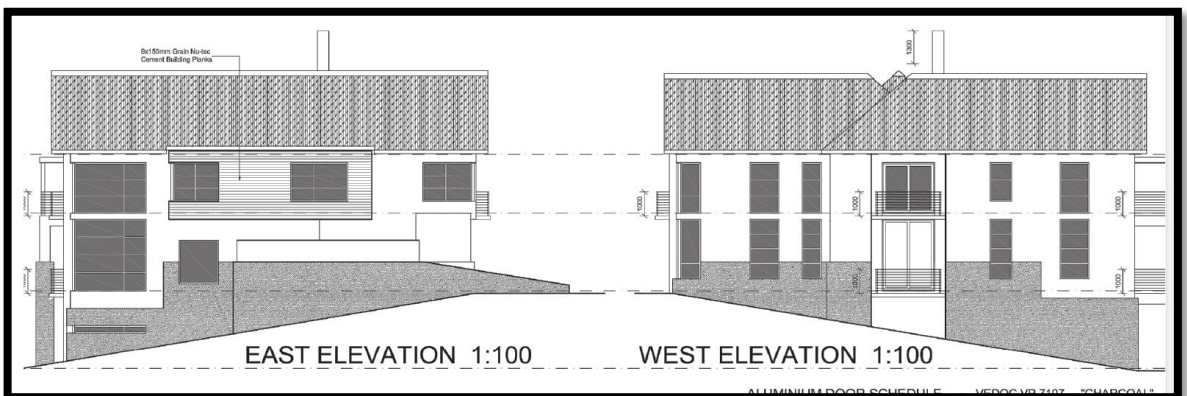
A number of established Guest Houses/Tourist Facilities are located within the area, including:

- The Lagoon House
- The Farm House Hotel
- Lagoon Point Langebaan
- Sandpiper Place
- No Wakezone
- Bed & Breakfast Casa Maria
- Harrison's House Guest House
- Langebaan Stays



F) 2. IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

It is the intension of the owner to expand the existing building and utilise it as a guest house with eight (8) bedrooms. The residential character of the building will be maintained in order to ensure that it blends into the approved Shark Bay development. The coverage of the proposed development will stay as per the existing building to ensure that there is no additional impact on the natural environment. The only regulation departure required for the proposed development is a height departure for 3 storeys in lieu of 2 storeys. It is important to note that the basement floor, which is ultimately counted as a single storey, is only for a wine cellar and 6 covered parking bays. In addition, the height of the building from Greysbok Close will be two storeys. This is evident from the below elevation.



It is also important to note that Saldanha Bay Municipality is currently in the proses of drafting an integrated zoning scheme. The intension of the new zoning scheme will be to ensure that all the districts within the municipality are regulated by the same regulations and not as per the current status quo. It is also the hope that the new zoning scheme would provide better flexibility than the current scheme, especially in relation the enhancement of the tourist industry within the area. Whilst the current application is for the rezoning to permit an eight (8) bedroom guesthouse, the same proposal might only require a consent use under the new zoning scheme. It is also herewith noted that a copy of this draft is not available for public comment, therefore the above statement cannot yet be proven. The issue argued here is that even though the current application is for a rezoning, which is seen as a serious application, the drafting of the new integrated zoning scheme and what this might entail for the proposed development must also be taken into consideration.

Please see **Annexure E** for the Site Development Plan.

F) 3. ACCESSIBILITY, PARKING ON ERF & TRAFFIC IMPACT

The site will be accessible via Greysbok Close. According to the Langebaan Zoning Scheme one parking bay for every guest room as well as one for the manager of the guest house needs to be provided. The proposed 16 parking bays are therefore more than sufficient for the proposed eight (8) guest rooms. Impact on the traffic within the area will be minimal as visitors to the facility would most likely be seasonal and not in possession of a permanent vehicle.

Please see **Annexure E** for the Site Development Plan

F) 4. ENVIRONMENTAL, ECONOMIC & SOCIAL IMPACT

Intensification is defined as the “increased use of space, both horizontally and vertically, within existing areas/properties and new developments, accompanied by an increased number of units and/or population threshold”. This concept entails various benefits for any given community or area. These include the reduction of the consumption on valuable/non-renewable resources, the development of viable public transport systems, equitable access to opportunities, facilitation of economic opportunities, support of service provision, increase in housing opportunities as well as the enhancement of urban place-making and safety. The proposed development is therefore in the interest of the general public.

The coverage of the proposed development will stay as per the existing building to ensure that there is no additional impact on the natural environment. In terms of economic return the proposed development will ensure an input towards job creation as well as development contributions. The construction of the building will provide temporary jobs with a few permanent jobs after construction in terms of maintenance and security. In addition, the development contributions will ensure significant

investment towards Council provided services such as roads, transport, stormwater, sewerage, water and solid waste.

SECTION G: SUMMARY AND CONCLUSION

No elements in the proposed development can be construed to be undesirable in respect of the safety, welfare and amenity value of the specific site conditions, the immediate surrounding areas or the broader planning objectives of the area. As fully detailed in this report, the proposed development will be desirable in the area and will not adversely affect the rights of any other properties in the area. The development is also compatible with the policies discussed and is therefore considered desirable.

The proposed rezoning, regulation departure & amendment of conditions are therefore recommended for approval in terms of the following:

- a) There is already an existing approved residential building on the property;
- b) Extension of the existing building will assist in development the property to its full potential;
- c) Located within an area identified for nature orientated development;
- d) The land uses in the immediate surrounding area are predominantly medium density residential even with a mix of uses located further along Oostenwal Road;
- e) The unique sense of character between the nature reserve and established township lends itself to the proposed development;
- f) A number of established Guest Houses/Tourist Facilities are located within the area;
- g) Langebaan is a key tourist destination;
- h) The coverage of the proposed development will stay as per the existing building to ensure that there is no additional impact on the natural environment; &
- i) The height departure should be seen as negligible as the perceived height from Greysbok Close will still be 2 storeys.