

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

3.

**ERVEN 192 & 11463, 79 CHURCH STREET, WESTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, REMOVAL OF
RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, AMENDMENT OF
THE SITE DEVELOPMENT PLAN AND AMENDMENT OF THE SPATIAL
DEVELOPMENT FRAMEWORK : MESSRS PLAN ACTIVE ON BEHALF OF
DR R BEUKES**

192 & 11463 HWC (2873)

**H van der Stoep
13 January 2015**

(028) 313 8900

Hermanus Administration

1. Executive Summary

An application has been received on 27 March 2015 from Messrs. Plan Active on behalf of Dr. R. Beukes (The L & R Family Trust) on Erven 192 & 11463, Hermanus for -

- the rezoning of Erf 192, Hermanus from Residential Zone I to Business Zone III in order to conduct medical consulting rooms on the property concerned
- the Amendment of the Site Development Plan in order to change the undercover parking to consulting rooms
- the Amendment of the Spatial Development Framework
- to consolidate Erf 192 with Erf 11463, Westcliff, Hermanus
- the removal of restrictive title conditions in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 192, Hermanus to enable the owner to make provision for additional parking bays on the property.

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

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of democratic, accountable and ethical governance

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

4. Delegated Authority

Executive Mayor (for purposes of considering matters other than the amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 and the Overstrand Growth Management Strategy, 2010)

5. Legal Requirements

- Removal of Restrictions Act, 1967 (Act 84 of 1967)
- Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Section 2.3 of the Overstrand Municipal Zoning Scheme

6. Background/Discussion/Evaluation/Conclusion

Background

An application has also been received for the removal of restrictive title conditions B(a) and B(b) in Title Deed T67318/2014 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 192, Hermanus.

The restrictive conditions read as follows:

Page 2, Paragraph B(a) :

“That this erf be used for residential purposes only.”

Page 2, Paragraph B(b):

“That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.”

Discussion

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to the potentially affected property owners. One letter of objection was received from Mr. Taytasac against the proposal, as well as a comment from the Hermanus Ratepayers' Association. The objection from Mr. Taytasac was subsequently withdrawn after discussions with the applicant and the Engineering Services Department.

The application was also circulated to all relevant municipal departments, and no objections were received against the application.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

The comment from the Hermanus Ratepayers' Association can be summarized as follows:

There is no objection to the application due to its low impact. However, the following should be taken into consideration in future applications : the penetration of medical facilities should be broken up with offices and parking per erf to keep in line with the residential character of the area.

The response from the Applicant on the comment received

The applicant takes due cognisance of the content and will in future endeavour to take it in consideration.

Town Planner's response on the comment received

Noted.

Evaluation

The Amendment of the Overstrand Wide Spatial development Framework, 2006 (SDF) is motivated by the applicant as follows:

The SDF allocates the erven as Residential 1, Single Residential, however there is a clear trend in the area that professional medical activities favour the close proximity of the existing medical facilities. Many of the professional services are provided on a weekly basis from medical doctors who are based in other towns. The proposed use is compatible with the dominant residential land use of the area. This notion has been accepted by the Municipality in approving the rezoning of Erf 11463 from Residential Zone 1 to Business Zone 3 (offices).

The rezoning of Erf 192 from Residential Zone 1 to Business Zone 3 is due to the demand for professional rooms needed by the medical professionals. There are currently no medical consulting rooms available at the Private Hospital who has a 100% occupancy rate. Most of the services rendered are by people whose practices are located in other towns, but have satellite offices in Hermanus. The locality to the private hospital, e.g. Medi-Clinic is of utmost importance in so far as surgeries are concerned and care of patients in the hospital.

The building, consisting of consulting rooms on first floor level on Erf 11463 will be retained. The area which accommodates the ten parking bays will be converted into more consulting rooms. The parking for the medical facility will be situated on Erf 192 and will be consolidated with Erf 11463.

It is important to note that the existing building's footprint will remain in place and the changes will not be to the detriment of the area. The height of the building is in line with the Single Residential height restriction of 8m.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

The parking provided will be in accordance with the Overstrand Zoning Scheme Regulations of six parking bays per 100m². The building is 602m² and thirty six parking bays are to be provided on Erf 192. The two erven will be consolidated to be utilized as one unit.

The removal of the restrictive conditions pertains to a Single Residential erf and to effect the rezoning. These conditions stipulate that Erf 192 may only be used for residential purposes and that only one dwelling may be erected needs to be removed.

One of the conditions pertaining with the approval of Erf 11463 stipulated that the development be restricted in accordance to Site Plan No. 580/2012 dated 12 August 2012. In order to give effect to the proposed development, this will entail an amended Site Plan indicating the development on the consolidated erf.

The proposed application is located adjacent Church Street, which will be in future a main feeder into Hermanus town and is highly accessible for the proposed land use. The existing medical facilities and the added Oncology Unit have put pressure on Church Street for the need and demand for medical suites in close proximity. Many of the retired citizens in Hermanus resides in close proximity of these medical facilities and unnecessary travelling is to their benefit as there is an agglomeration of associated medical facilities in one specific area. Medi-Clinic medical consulting rooms are fully occupied and no other such facility exists, except the suites provided on Erf 11463. The extension thereof is a natural development and should be supported. The access to the property will remain in place and no changes are proposed. It should be clear that Business Zone 3 makes provision for offices as a primary right, however in this case to the specific nature of facilities needed in the area due to the locality of existing medical facilities, the office use will be restricted to medical use only.

The engineering services are in place and no extra capacity is required.

Conclusion

The application is recommended for approval.

7. Financial Implications

None

8. Staff Implications

None

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

9. Comments from other Departments, Divisions and Administrations

Engineering Services Department

Attached as Annexure F.

Building Control Department

Supported.

Fire Department

No objection provided that the structures are in compliance with National Fire Safety Regulations SANS 10400T : 2011.

Traffic Department

These two properties are already in use. The entrance and exists stays the same. The only change is that they are going to develop parking on Erf 192. From traffic side we don't see any problems.

10. Annexures

- Annexure A: Locality Plan
- Annexure B: Site Development Plan
- Annexure C: Motivation Report
- Annexure D: Comment received from the Hermanus Ratepayers' Association
- Annexure E: Applicant's response to the comment
- Annexure F: Services Report

RECOMMENDATION:

1. that the removal of restrictive title conditions Page 2, Paragraph B(a) and B(b) in Title Deed T67318/2014 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 192, Hermanus, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 192, Hermanus for the rezoning of from Residential Zone I to Business Zone III in order to conduct medical consulting rooms on the property concerned, **be approved**;
3. that, in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 192, Hermanus for the amendment of the Site Development Plan in order to change the undercover parking to consulting rooms, **be approved**;

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

4. that in terms of Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 192 and 11463, Hermanus, **be approved**;
5. that the approval of Points 2, 3 and 4. be subject to the following conditions:
 - (a) that approval of the rezoning, amendment of the Site Development Plan and consolidation be subject to the removal of the restrictive title conditions;
 - (b) that no other structures be erected within the building lines and the approval is only for structures as indicated on Plan No. 580/2013 dated June 2014, as submitted with the application;
 - (c) that the development be restricted to medical suites only and land uses related to medical activities only;
 - (d) that the maximum height be restricted to 8m;
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Department be complied with at that stage;
 - (f) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (g) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
 - (h) that all conditions imposed in the Services Report (attached as Annexure F), be complied with;

that compliance with Fire Safety Regulations is pre requisite – SANS 10400T : 2011; and
 - (i) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget.
6. that the applicant be notified of its right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

**AGENDA of the
Portfolio Committee : Infrastructure and Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 192 and 11463, Hermanus from "Residential" to "Commercial", **be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	13 APRIL 2016

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

3.

ERVEN 192 & 11463, 79 CHURCH STREET, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA : PROPOSED REZONING, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK : MESSRS PLAN ACTIVE ON BEHALF OF DR R BEUKES

192 & 11463 HWC (2873)

**H van der Stoep
13 January 2015**

(028) 313 8900

Hermanus Administration

THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON 22 MARCH 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:

RECOMMENDATION TO THE EXECUTIVE MAYOR:

1. that the removal of restrictive title conditions Page 2, Paragraph B(a) and B(b) in Title Deed T67318/2014 in terms of the Removal of Restrictions Act, 1967 (Act 84 of 1967) applicable to Erf 192, Hermanus, **be recommended for approval** by the Department of Environmental Affairs and Development Planning;
2. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 192, Hermanus for the rezoning of from Residential Zone I to Business Zone III in order to conduct medical consulting rooms on the property concerned, **be approved**;
3. that, in terms of Section 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application on Erf 192, Hermanus for the amendment of the Site Development Plan in order to change the undercover parking to consulting rooms, **be approved**;
4. that in terms of Section 2.3 of the Scheme Regulations made in terms of Section 9(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application for the consolidation of Erven 192 and 11463, Hermanus, **be approved**;
5. that the approval of Points 2, 3 and 4. be subject to the following conditions:
 - (a) that approval of the rezoning, amendment of the Site Development Plan and consolidation be subject to the removal of the restrictive title conditions;
 - (b) that no other structures be erected within the building lines and the approval is only for structures as indicated on Plan No. 580/2013 dated June 2014, as submitted with the application;
 - (c) that the development be restricted to medical suites only and land uses related to medical activities only;

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
22 March 2016
(Also the agenda for the Mayoral Committee Meeting : 30 March 2016)**

- (d) that the maximum height be restricted to 8m;
 - (e) that building plans be submitted to the Building Control Department for approval, and that all conditions of the Building Control– and the Fire Department be complied with at that stage;
 - (f) that all other development parameters, as prescribed in the relevant Zoning Scheme, be complied with;
 - (g) that the approval does not absolve the applicant from compliance with any other relevant legislation and/or Title Deed conditions;
 - (h) that all conditions imposed in the Services Report be complied with;
 - (i) that compliance with Fire Safety Regulations is pre requisite – SANS 10400T : 2011; and
 - (j) that commercial rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget.
6. that the applicant be notified of its right of appeal in terms of the provisions of the Local Government Municipal Systems Act, 2000 (Section 62) with regard to the above decision.

RECOMMENDATION TO THE COUNCIL:

that, in terms of Section 4(7) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erven 192 and 11463, Hermanus from “Residential” to “Commercial”, **be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	13 APRIL 2016
TARGET DATE TO INFORM APPLICANT :	13 APRIL 2016
TARGET DATE TO INFORM OBJECTOR :	13 APRIL 2016



Scale: NTS

Drawing Nr: her11463L.drw

Date: 18/03/2015

Plan Description:

LOCALITY MAP

Property Description:

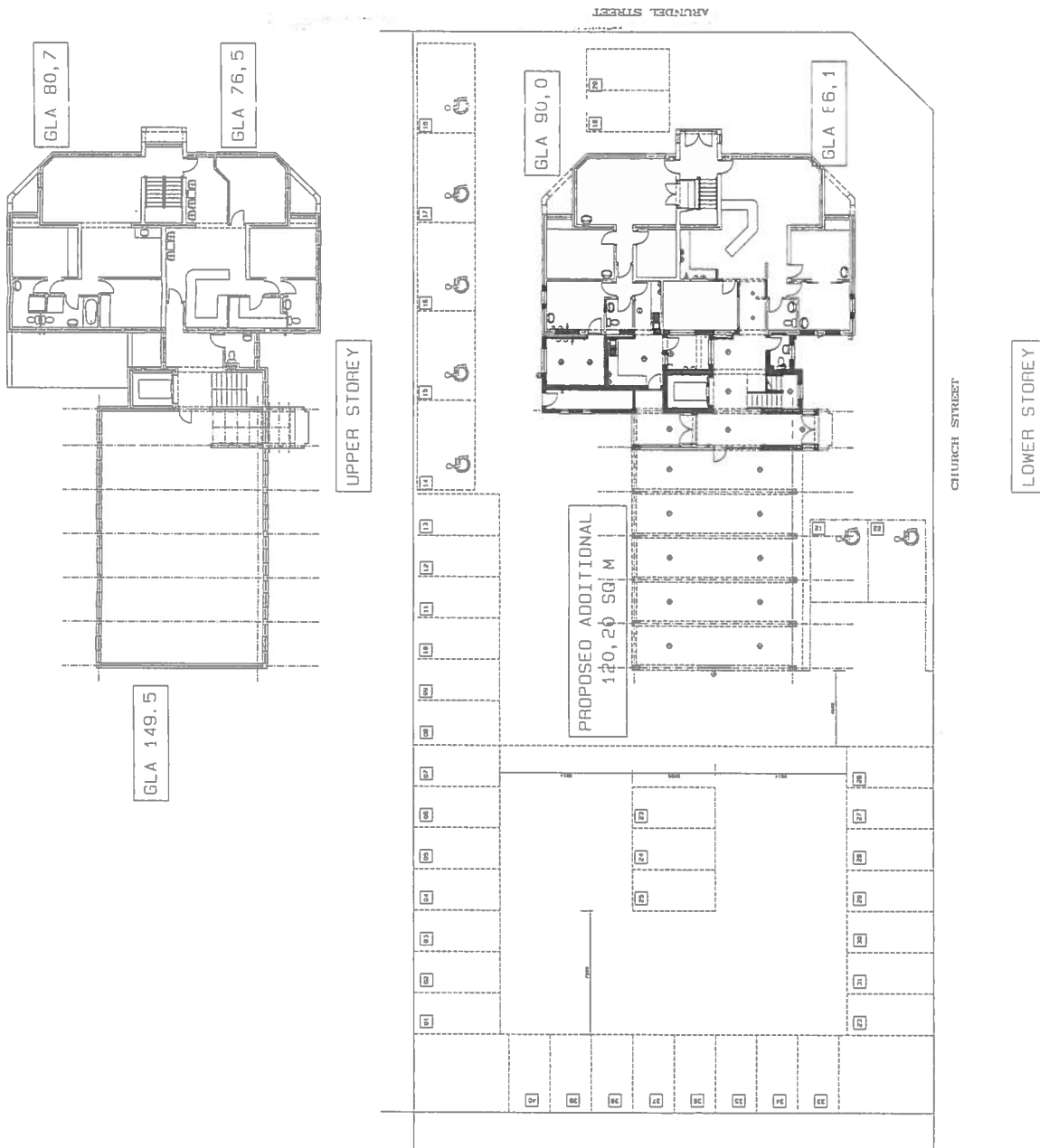
ERVEN 11463 & 192 HERMANUS

All distances approximate and subject to survey.

COPY RIGHT RESERVED

Stads- en Streksbeplanners
Town & Regional Planners





TOTAL EXISTING GLA = 482,80 SQ M
 PROPOSED ADDITIONAL GLA = 120,2 SQ M
 TOTAL PROPOSED GLA = 603,00 SQ VM
 TOTAL PARKING REQUIRED = 36
 PARKING PROVIDED = 40

THIS PLAN IS VALID FOR THE PERIOD OF 12 MONTHS FROM THE DATE OF ISSUANCE. ANY CHANGES TO THE PLAN OR THE SITE MUST BE APPROVED BY THE ARCHITECT BEFORE BEING IMPLEMENTED. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS PLAN.

Danie Pieterse
 Professional Architect
 No. 123456789 - 123456789
 123, 456 - 7890
 1234, 567 - 8901

SACAP 45678
 L. & R FAMILY TRUST
 PROPOSED SHE DEVELOPMENT PLAN
 AT 123, 456 STREET
 HERMANUS

DATE: 12/1/2013
 SCALE: 1:1000
 SHEET NO: 001

**PROPOSED REZONING, REMOVAL
OF RESTRICTIVE TITLE DEED
CONDITIONS, AMENDMENT OF
THE SITE DEVELOPMENT PLAN,
AMENDMENT OF THE SPATIAL
DEVELOPMENT FRAMEWORK AND
CONSOLIDATION**

ERVEN 192 & 11463 HERMANUS

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

Dr. Rinus Beukes on behalf of the L&R Family Trust, owners of erven 192 & 11463 Hermanus, has instructed the company Plan Active to apply for the rezoning, removal of restrictive title deed conditions, amendment of the site development plan, amendment of the Spatial Development Framework and consolidation.

An application was lodged for the removal of restrictive title deed conditions, rezoning, amendment of the Spatial Development Framework and consolidation to accommodate medical consulting rooms on erven 188 & 189 Hermanus that was subsequently approved on 20 January 2014. Please refer to the enclosed letter of approval for easy reference. (Annexure A) Erven 188 & 189 were consolidated and is now known as Erf 11463 Hermanus.

After the construction of the additional consulting rooms that was approved they were immediately occupied by medical specialists. There is still a great demand

for medical consulting rooms and the owner has received many inquiries for consulting rooms but at this stage all the medical consulting rooms are occupied. Dr. Rinus Beukes on behalf of the L&R Family trust has bought Erf 192 Hermanus in order to expand the medical consulting rooms. The detail of the expansion will follow.

Erf 11463 Hermanus is 1349m² in extent and is held by title deed number T70001/2013 and Erf 192 is 674m² in extent and is currently in the process of transfer. The new Title Deed Number is not currently available and we have enclosed a concept Title Deed received from the transferring attorneys.

Erf 192 Hermanus that was recently purchased by our client is used for residential purposes. Should this application be successful the existing dwelling on Erf 192 Hermanus will be demolished to make way for additional parking bays. Detail of the proposal will follow.

2. APPLICATION DETAILS

Application is made in terms of:

- Section 17 of the Ordinance on Land Use Planning, Ordinance 15 of 1985 for the rezoning of Erf 192, from Residential Zone I to Business Zone III;
- The Removal of Restrictions Act, Act 84 of 1967 as amended, for the removal of the restrictive title deed conditions applicable to Erf 192 Hermanus;
- The amendment of the site development plan in terms of Section 42 of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- Section 4(7) of the Land Use Planning Ordinance, Ordinance 15 of 1985 for the amendment of the Spatial Development Framework;
- Consolidation in terms of Section 2.3 of the Overstrand Municipality Scheme Regulations of erven 192 & 11463 Hermanus.

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 11463 is situated on the corner of Church Street and Arundal Street, and Erf 192 is situated adjacent to Erf 11463 Hermanus in Church Street in close proximity of the MediClinic that is situated on the opposite corner. Please refer to the locality plan attached. Erven 192 & 11463 Hermanus are 674m² and 1349m² in extent respectively and they are situated in a mixed use area.

3.2 ZONING

Erf 11463 Hermanus is zoned Business Zone III and Erf 192 Hermanus is zoned Residential Zone I. Surrounding properties are zoned for single residential and institutional purposes.

3.3 LAND USE

Erf 192 Hermanus is used for residential purposes. Erf 11463 Hermanus is currently used as medical consulting rooms and parking.

Land uses that surround these erven can be summarised as follow:

- Old age homes and frail care: Fynbospark, Huis Lettie Theron and SOFCA;
- Research Facility: The South African National Space Agency (SANSA);
- Medical Institutions and Medical Consultation Rooms: Hermanus MediClinic & Medical Centre and the Hermanus Provincial Hospital;
- Self catering units, guesthouses and backpackers;
- Single residential uses;
- Public roads and public open spaces.

3.4 PROPOSAL

- The rezoning of Erf 192 Hermanus, from Residential Zone I to Business Zone III in terms of Section 17 of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- The removal of the restrictive title deed conditions in terms of the Removal of Restrictions Act, Act 84 of 1967 as amended applicable to Erf 192 Hermanus;
- The amendment of the site development plan in terms of Section 42 of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- The amendment of the Spatial Development Framework in terms of Section 4(7) of the Land Use Planning Ordinance, Ordinance 15 of 1985;
- Consolidation in terms of Section 2.3 of the Overstrand Municipality Scheme Regulations of erven 192 & 11463 Hermanus.

It is the intention of the owner of Erf 192 Hermanus to rezone the subject property in order to expand the existing medical consulting rooms that are situated on Erf 11463 Hermanus and that the 2 subject erven be consolidated. The detail of the application can be described as follow:

3.4.1 Proposed Rezoning

There is currently a great demand for medical consulting rooms for medical specialists that have their main practices elsewhere but also practice in Hermanus. There are currently no medical consulting rooms available at the Hermanus Medical Centre due to its 100% occupancy rate.

Because there is a shortage of medical consultation rooms that are for rent Dr. Beukes developed the medical consulting rooms on Erf 11463 Hermanus, on the corner of Church Street and Arundal Street, that was approved in January 2014. He received many enquiries with regards to medical consulting rooms for rent since he established and expanded the facilities on Erf 11463 Hermanus. The doctors and specialists that make use of these consulting rooms also perform medical procedures at the MediClinic. It is therefore of great importance that they are located in close

Motivation report

proximity to the MediClinic in order to access their patients frequently. It is the main reason why Dr. Beukes established the medical consulting rooms on Erf 11463 Hermanus.

Our client intends to expand the current medical consulting rooms located on Erf 11463 Hermanus due to the lack of availability of medical consulting rooms in the Hermanus Medical Centre. With reference to the approved site development plan, parking bays were provided on the ground level below the building extension. A total of 10 parking bays are provided under the building extension. Please refer to the enclosed approved site development plan for easy reference. (Annexure B) The owner intends to enclose the area below the building extension and change the use from parking bays to medical consulting rooms. It would therefore be required that additional parking bays will be provided for the additional floor space and the number of parking bays that will be lost.

Dr. Rinus Beukes on behalf of the L&R Family Trust purchased the adjoining erf, Erf 192 Hermanus in order to make provision for the additional parking bays it is therefore required that Erf 192 Hermanus be rezoned from Residential Zone I to Business Zone III that will be consolidated with Erf 11463 Hermanus.

With this proposal the gross leasable floor area will now increase to 602m². Please refer to the enclosed site development plan as compiled by Danie Pienaar Architects.

It is proposed that the existing dwelling situated on erf 192 Hermanus be demolished in order to make way for the required number of parking bays. The house has no historical or heritage value and is not older than 60 years. The existing medical consulting rooms situated on Erf 11463 will be renovated and the necessary additions will be made.

By enclosing only a section of the current building under the new extension that is being used for parking purposes to create additional consultation rooms would minimise the impact of the structure on the single residential built environment and would be compatible therewith. After the consolidation has taken place of the 2 subject erven the coverage of the project after completion will decrease to 22%.

The proposed medical consulting rooms will consist of the following:

- Admin Sections;
- Laboratories;
- Staff Kitchens;
- Consulting Rooms / Surgeries;
- Bathroom Facilities;
- Staircases;
- Foyer;
- A Lift.

Parking has been provided on site at a ratio of 6 parking bays per 100m² gross leasable floor area. The existing entrance and exit points, as it was approved with the previous application namely Arundal Street and Church Street will remain. No additional accesses would be required. Please refer to the enclosed site development plan.

With reference to the proposed changes to the site development plan applicable to consolidated erven 188 & 189, now Erf 11463 it would also be applicable to apply for the amendment of the site development plan due to the fact that the letter of approval reads as follows:

“the development be restricted to Plan No. 580/2012 dated 12 August 2012.”

The change to the site development plan is the enclosure of the undercover parking area situated below the previous building extension that provides parking space for 10 vehicles. This area below the previous building extension will be enclosed and renovated to be utilised as medical consulting rooms. The 10 bays that will be lost as well as the additional parking bays that will be required due to the increase in gross leasable floor area will be located on Erf 192 Hermanus. It is also proposed that Erf 192 Hermanus be consolidated with Erf 11463.

3.4.2 Proposed Removal of Restrictive Title Deed Conditions

The Title Deed applicable to Erf 192 Hermanus contains restrictive conditions that will have to be removed in order to establish the proposed land use.

The title deed restrictions to be removed are as follow:

Erf 192 Hermanus: Title Deed T(in process of transfer):

Page 2: Paragraph B(a): "That this erf be used for residential purposes only."

With the proposal for rezoning the land use will change to a parking area that will be consolidated with Erf 11463 Hermanus that is being used as medical consulting rooms. The above mentioned restriction clearly prohibits this use and it is therefore required that this condition be removed.

Page 2: Paragraph B(b): "That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf."

The building on Erf 11463 Hermanus is used as medical consulting rooms. Erf 192 Hermanus will be consolidated with Erf 11463 Hermanus and will accommodate the additional required parking bays. The property will not be solely used for single residential uses and it is therefore required that the above mentioned restriction be removed.

3.5 ACCESS & PARKING

Access to the existing parking bays on Erf 11463 Hermanus is gained from Arundal Street that exits into Church Street.

With the proposed extension of the medical consulting rooms and the provision of additional parking bays on Erf 192 Hermanus it is proposed that the existing entrance from Arundal Street and the existing exit to Church Street be retained. The parking bays on Erf 192 Hermanus will be accessed from the existing one-way internal ring road as indicated on the site development plan.

The new parking schedule of the Overstrand Integrated Zoning Scheme was taken into consideration to calculate the required parking bays. The required parking bays in terms of this scheme for medical consulting rooms are 6 parking bays per 100m² gross leasable floor area. With the existing medical consulting rooms and the proposed additions and alterations the gross leasable floor area will increase to 602m². 36 Parking bays would therefore be required for the medical consulting rooms and 40 parking bays have been provided as per the site development plan of which 7 are handicapped parking bays.

3.6 SERVICES

All services on the subject property already exist and will be used. Additional services will not be required and both existing service connections on the erven, especially the electricity connections will be sufficient to provide the proposed medical consulting rooms with electricity.

Services related to water, sewage and refuse removal are also provided by the Overstrand Municipality and would be sufficient. Special provision will however be made for the removal of medical waste by Waste Tech whom is also currently their service provider.

3.7 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates Erf 192 Hermanus within Planning Unit 16. Planning Unit 16 consists of the Westcliffe area that is primarily used for single residential uses. The text description for the land uses in this planning unit only covers residential densification by means of subdivision and second and third dwelling units, community facilities such as a Pre Primary School and a place of worship. The upgrade of civil services is also proposed to accommodate the densification proposals. Medical facilities are not covered in the text description of Planning Unit 16.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks erven 192 & 11463 Hermanus for single residential purposes.

With reference to the above we are of the opinion that the proposed land use is compatible with the current land uses of the area. With reference to other medical facilities such as this, there is a clear pattern that these uses are located in close proximity of private hospitals. This proposed professional use will not have a negative impact on the surrounding land owners, whom supports the application, and the proposed structure will even conform to the land use restrictions applicable to a single residential zone. It is therefore our opinion that the built form from a design and bulk perspective will fit in with the current built character of the area.

It is our opinion that our application for the amendment of the Spatial Development Framework should be supported.

4. RECOMMENDATION

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

- All services on the subject properties already exist;
- The proposed , rezoning, removal of restrictive title deed condition and amendment of the Spatial Development Framework of erven 192 & 11463 Hermanus falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will be kept to a minimum;
- The proposed rezoning, removal of restrictive title deed condition and amendment of the Spatial Development Framework will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if Council would recommend the rezoning, removal of restrictive title deed condition and amendment of the Spatial Development Framework application for erven 192 & 11463 Hermanus for approval to the Department of Environmental Affairs & Development Planning.



TP A Theart
(C. Olivier)

15th October 2015

Town Planning
Overstrand Municipality
P O Box 20
Hermanus
7200
email lorett@overstrand.gv.za



Attention: Ms H van der Stoep

Dear Ms van der Stoep

ERF 192 AND 11463 HERMANUS

The Hermanus Ratepayers Association has no objection to the applications regarding the abovementioned erven at this time since this is a low impact extension of an existing development. However we feel it would be preferable if medical suites penetration into the residential areas on this large commercial scale should not be allowed to repeat in future.

It would be preferable if medical suites would occupy and upgrade existing buildings or on the scale of existing buildings rather than growing large enough to require entire erven just for parking lots. Expansion could be accomplished by occupying more than one house/erf rather.

Even in this case the desired expansion could be achieved in the house that is foreseen to be demolished. The buildings could be connected by a walkway/pergola/passage using a single reception and the erven could be 'joined' by common colour palette, common landscaping, common boundary wall and common building elements. Perhaps in this manner the scale of the parking lot could be broken up and the character of the neighbourhood could be better maintained.

Kind regards

Seth Anderson
Executive Committee Member

FILE NO: Erven 192 & 11463 Horn
SCAN NO: 46
COLLABORATOR NO: 848301

PO BOX/POSBUS 134 • HERMANUS • 7200
TEL : 071 507 5893
FAX/FAKS: 086 544 8682
E-MAIL/E-POS: ratepayers@hermanus.co.za
WEBSITE/WEBWERF: www.ratepayers.co.za

TP 16 OCT 2015

16 OCT 2015 ✓

PLAN Active
Town & Regional Planners
Stads- en Streeksbeplanners

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200

Tel: (028) 313 1673
Fax / Faks: (028) 312 1351

Email: planactive@hermanus.co.za

Website: www.planactive.co.za



Our reference: PA15001

18/11/2015

TP - A Theart
(H v d Stoep)

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

FILE NO: Erven 192 & 11463 - HM
SCAN NO: 84
COLLABORATOR NO: 857 656

For attention: Mrs. Hanneen van der Stoep.

Sir,

ERVEN 192 & 11463, HERMANUS: PROPOSED REZONING, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, CONSOLIDATION, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK

Your letter dated 21 October 2015 with the comments and objection attached thereto refers. Our comments are as follow:

- The Hermanus Ratepayers Association has no objection against the proposed rezoning, removal of restrictive Title Deed conditions, consolidation, amendment of the site development plan and the amendment of the Spatial Development Framework. We take cognisance of the content of their letter pertaining to future development of residential blocks that will be taken into consideration for future proposed land use changes and consolidations.
- Mr. Taytasac has withdrawn his objection after we had discussions with Mr. Dennis Hendriks whom confirmed that the Overstrand Municipality will replace the bollards (75mm White poles) that were removed. Please refer to the enclosed letter we received from Mr. Taytasac withdrawing his objections and an e-mail from Mr. Dennis Hendriks for your records.

In the light of the above it is our opinion that no objections has been received and that the application can now be finalised and a recommendation sent to the Department of Environmental Affairs and Development Planning.

Yours faithfully

John Mc Lachlan
John Mc Lachlan



Divine Inspiration Trading 329 (Pty) Ltd. trading as Plan Active
Reg. No. 2006/030921/07
Vat. No. 4770250340

John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand; MSAPI Nr.10908; SACPLAN Tch.Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lerm: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr.Pln A/158/2009

TP 18 NOV 2015

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, REMOVAL OF RESTRICTION,
CONSOLIDATION, AMENDMENT OF SITE DEVELOPMENT PLAN &
AMENDMENT OF SPATIAL DEVELOPMENT FRAMEWORK: ERVEN 192 &
11463, WESTCLIFF (2878)**

Stormwater (SW)	:	In order
Electricity	:	In order
Water	:	In order
Sewer	:	In order
Roads and traffic	:	In order

Conditions:

1. That a Bulk Services Contribution Levy (BICL) be paid by the developer to supplement municipal services and amenities in accordance with the relevant legislation and as determined by the Council. The BICL tariff is adjusted by Council annually. The total BICL payable will be the amount as determined by the BICL Policy and tariff at the date of **actual payment**. BICL amounts quoted in any document will normally be applicable to the particular year in which the document was compiled and Council will not be bound by the quoted amounts.

1.1 Developments containing Sectional Title Units/ Commercial Buildings
(non-free standing properties – property is not to be subdivided)

The BICLs are to be paid in full **prior** to submission of the building plans. Building Plans will not be accepted unless the BICL is paid in full.

1.2 Developments with free standing properties (property that is subdivided and plots to be sold individually).

The BICLs are payable **prior** to clearance being issued by the Income Department of the Municipality.

The contribution according to the current policy (**2015/2016**) is as follows:

Freehold erven:

Water (W7A)	R 24 851.00 x 0.48 =	R 11 928.48
Sewerage (SEW5A)	R 19 945.00 x 0.48 =	R 9 573.60
Roads & SW(RDST1)	R 6 500.00 x 0.48=	R 3 120.00
TOTAL (inclusive of VAT)		<u>R 24 622.08</u>

Note:

- 1.3 The above figures are estimates**
1.4 The above figures do not include connection fees

2. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, an investigation be conducted with regards to the capacity required and that available, at the owner's cost;
3. that only the existing electricity connections will be available for the development, should additional capacity be required, an investigation be conducted with regards to the capacity required and that available, at the owner's cost;
4. that the electricity connections to the erven must be consolidated to one connection, and that the available capacity be combined;
5. that should additional electricity capacity be required the owner will be responsible for the payment of electricity bulk services levies;
6. that stormwater be allowed to discharge through the proposed erven, Westcliff, unobstructed;
7. that no on-street parking will be allowed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

9/11/2015
DATE