

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 March 2019
(Also the agenda for the Mayoral Committee Meeting : 27 March 2019)**

2.

**ERVEN 193 AND 12254, 77 & 79 CHURCH STREET, WESTCLIFF, HERMANUS,
OVERSTRAND MUNICIPAL AREA: DEVIATION FROM THE OVERSTRAND
SPATIAL DEVELOPMENT FRAMEWORK: MESSRS PLANACTIVE TOWN AND
REGIONAL PLANNERS ON BEHALF OF THE L & R FAMILY TRUST**

193 & 12254 HWC (3961)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 February 2019

1. Executive Summary

To consider an application received on 28 March 2018 from Messrs PlanActive Town- and Regional Planners on behalf of The L & R Family Trust, the owners of Erven 193 and 12254, Hermanus in order to deviate from the Spatial Development Framework, 2006 (SDF) and the Growth Management Strategy 2010 (GMS) in order to change the reservation of Erf 193, Hermanus from single residential usage to business usage.

2. Service Delivery and Budget Implementation Plan - IGNITE

Infrastructure and Planning
Town Planning

3. Compliance with Strategic Priorities

Provision of democratic, accountable and ethical governance
Promotion of tourism, economic and social development

4. Delegated Authority

None

5. Legal Requirements

Municipal Systems Act 32 of 2000 (Act 32 of 2000)

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

An application was submitted by Messrs PlanActive Town- and Regional Planners on behalf of the owners of Erf 193, Hermanus for the following:

1. the removal, in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), of restrictive

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title deed conditions B.(a), (b), (c) and (d) as contained in Title Deed T49134/2016 applicable to Erf 193, Hermanus as well as conditions I.B.(c) and (d), and II.B.(c) and (d) as contained in Title Deed T47494/2016 applicable to Erf 12254, Hermanus;

2. deviation from the Overstrand Spatial Development Framework in terms of the provisions of the Municipal Systems Act, Act 32 of 2000 in order to change the reservation of Erf 193, Hermanus from single residential usage to business use;
3. rezoning in terms of Section 16.(2)(a) of the By-Law of Erf 193, Hermanus from Residential Zone I: Single Residential to Business Zone 3: Local Business;
4. consolidation of Erven 193 and 12254, Hermanus in terms of Section 16.(2)(e) of the By-Law;
5. amendment of the existing approved Site Development Plan (SDP) applicable to Erf 12254, Hermanus in terms of Section 16(2)(h), and
6. deletion of an existing condition of approval applicable to Erf 12254, Hermanus in terms of Section 16(2)(h) of the By-Law.

The application was considered by the Senior Manager: Town- and Spatial Planning (Authorised Official) on 12 February 2019 and it was resolved as follows:

“RESOLVED:

1. *that the application applicable to Erven 193 and 12254, Hermanus for:*
 - *the removal, in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), of restrictive title deed conditions B.(a), (b), (c) and (d) as contained in Title Deed T49134/2016 applicable to Erf 193, Hermanus as well as conditions I.B.(c) and (d), and II.B.(c) and (d) as contained in Title Deed T47494/2016 applicable to Erf 12254, Hermanus;*
 - *rezoning in terms of Section 16.(2)(a) of the By-Law of Erf 193, Hermanus from Residential Zone I: Single Residential to Business Zone 3: Local Business in order to conduct medical consultation rooms from the property (after consolidation with Erf 12254, Hermanus);*

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- *consolidation of Erven 193 and 12254, Hermanus in terms of Section 16.(2)(e) of the By-Law in order to create one (1) Business Zone 3 property;*
- *amendment of the existing approved SDP applicable to Erf 12254, Hermanus in terms of Section 16(2)(h) in order to accommodate the expansion of the existing medical consultation rooms and to provide additional parking facilities (after consolidation with Erf 193, Hermanus) on the property, and*
- *the deletion, in terms of Section 16(2)(h) of the By-Law, of condition 5.(b) of the Mayoral Committee's resolution 3. dated 30 March 2016 in order to accommodate the amended SDP.*

be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions:

- (a) *that the utilization of the consolidated property be restricted to medical suites, and uses associated to medical activities only;*
- (b) *that the maximum height of all structures on the consolidated property be restricted to 8m;*
- (c) *that building plans be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at the time, be complied with;*
- (d) *that all other development parameters as prescribed in the Zoning Scheme be complied with;*
- (e) *that the approvals do not absolve the landowners from compliance with any other applicable legislation;*
- (f) *that the conditions of Telkom and Engineering Services (attached as Annexures F and G), be complied with;*
- (g) *that the paving on the road reserve that indicates parking bays on Church and Arundel Streets be landscaped to prohibit the parking of vehicles, but still leave some space for a pedestrian sidewalk;*
- (h) *that the section along Church and Arundel Streets of the medical facility be curbed in such a manner to prohibit vehicle access. The be done in conjunction with the Operational Department to the cost of the applicant;*

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- (i) *that the difference colour pavers be removed and replaced with similar pavers as the rest of the paved area at the applicant's cost, and*
 - (j) *that no building plan, building work and comencing of the activity be approved until Conditions (g) – (i) have been met and signed off by the Operational Department.*
2. *that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.*

RECOMMENDATION TO THE COUNCIL:

*that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 193, Hermanus from single residential usage to business usage, as well as to deviate from the Growth Management Strategy, 2010 in order to change the reservation of Erf 193, Hermanus from single residential usage to business usage, **be recommended for approval** in terms of the provisions of the Municipal Systems Act, Act 32 of 2000.”*

Evaluation

Erf 193, Hermanus is currently zoned as Residential Zone 1: Single Residential and is used for single residential purposes. Erf 12254 is zoned for Business Zone III purposes and is currently developed with a building consisting of medical consultation rooms. The owners of Erf 12254 purchased the directly adjacent Erf 193 with the specific aim to expand the existing medical consultation rooms on Erf 12254 and to utilise Erf 193 for the additional required parking bays. Erf 193 is to be rezoned to Business Zone III purposes and will then be consolidated with Erf 12254.

Numerous professional medical practitioners in the broader Overstrand area use the well-established medical, and more specifically the surgical theatre, facilities of the Hermanus Mediclinic on a daily basis. The physicians of the practice on Erf 12254 also make use of these facilities on a daily basis. There is a dire shortage of medical consultation rooms for rent in the area and the close-by Mediclinic already has a 100% occupancy rate of consulting rooms. Due to the established surgical facilities and wards at the Hermanus Mediclinic, the owner of Erf 12254 was approached by various medical practitioners to endeavour to develop more medical consultation rooms on the property.

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The item that served before the Authorised Official (AO) is attached as Annexure A.

In terms of the Integrated Development Framework (IDF) that forms an integral part of the Spatial Development Framework (SDF) and Growth Management Strategy (GMS), the area in which Erf 193, Hermanus is situated does not form part of the demarcated Central Business District (CBD) of Hermanus. It is however situated in an area with mixed land uses i.e. residential, authority use and community facilities like Mediclinic and the Provincial Hospital that are situated directly across the road from Erf 193, Hermanus. Erf 193, Hermanus is thus situated in an area that consists of mixed land uses. The adjacent property, Erf 12254, Hermanus, already consists of commercial rights and is restricted to medical practitioners' usage only.

Having had regard to the above, the application property does not fall in an area earmarked for commercial (medical practitioners usage) development and is therefore not consistent with the provisions of the SDF and GMS. However, in accordance with the provisions of Section 22(2) of SPLUMA, the Municipal Planning Tribunal (MPT) or Authorized Official (AO) may depart from the provisions of a SDF & GMS if site specific circumstances exist that justifies such departure.

In view of the above the following site specific circumstances can be argued in supporting a deviation from the SDF and GMS, namely:

- the first SDF was approved in 2006 and was adopted in 2018. The GMS was approved in 2010 as a sectoral plan of the SDF. Both documents area at present being revised and updated;
- the application property is situated in a node consisting of medical practices;
- a dire need for more medical consultation rooms exists in the broader area that will be to the benefit of the community at large;
- the application property abuts Erf 12254, Hermanus that has commercial rights (medical consultation rooms), as well as medical health facilities in close proximity;
- the application property is easily accessible and visible from one of the main arterial roads (Church Street, Westcliff) to and from Hermanus and surrounding areas; and
- the surrounding area consists of mixed land uses comprising of residential, authority use and community facilities like the Mediclinic and the Provincial Hospital.

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The proposed development further complies with strategic policies that promote balanced land use mixes in a sustainable manner that promotes efficient land use.

Conclusion

That the application be supported as per the recommendation below.

7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

None

10. Annexures

Addendum AA: Item and Decision of the Senior Manager: Town- and Spatial Planning (Authorized Official)

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 193, Hermanus from single residential usage to commercial/medical consultation uses, as well as to deviate from the Growth Management Strategy, 2010 in order to change the reservation of Erf 193, Hermanus from single residential usage to business usage, in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be approved.**

RESPONSIBLE OFFICIAL :	H VAN DER STOEP
TARGET DATE FOR IMPLEMENTATION :	10 APRIL 2019
TARGET DATE TO INFORM APPLICANT :	10 APRIL 2019
TARGET DATE TO INFORM OBJECTOR :	N/A

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OVERSTRAND MUNICIPAL AREA: DEVIATION FROM THE OVERSTRAND
SPATIAL DEVELOPMENT FRAMEWORK: MESSRS PLANACTIVE TOWN AND
REGIONAL PLANNERS ON BEHALF OF THE L & R FAMILY TRUST**

193 & 12254 HWC (3961)

H van der Stoep

(028) 313 8900

Hermanus Administration

13 February 2019

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 MARCH 2019, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

RECOMMENDATION TO THE COUNCIL:

that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 193, Hermanus from single residential usage to commercial/medical consultation uses, as well as to deviate from the Growth Management Strategy, 2010 in order to change the reservation of Erf 193, Hermanus from single residential usage to business usage, in terms of the provisions of Section 22(2) of the Spatial Planning Land Use Management Act, **be approved.**

RESPONSIBLE OFFICIAL :

H VAN DER STOEP

TARGET DATE FOR IMPLEMENTATION :

10 APRIL 2019

TARGET DATE TO INFORM APPLICANT :

10 APRIL 2019

TARGET DATE TO INFORM OBJECTOR :

N/A

LAND USE PLANNING REPORT**Authorised Official**

ERVEN 193 AND 12254, 77 & 79 CHURCH STREET, HERMANUS (WESTCLIFF), OVERSTRAND MUNICIPAL AREA: APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEVIATION FROM THE SPATIAL DEVELOPMENT FRAMEWORK, REZONING, CONSOLIDATION, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND AMENDMENT OF CONDITIONS OF APPROVAL: MESSRS PLANACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF THE L & R FAMILY TRU

193 & 12254 HWC (3961)**H van der Stoep****12 December 2018****(028) 313 8900****Hermanus Administration**

1. EXECUTIVE SUMMARY

An application has been received on 28 March 2018 from Messrs PlanActive Town- and Regional Planners on behalf of The L & R Family Trust applicable to Erven 193 and 12254, Hermanus for the following:

- the removal, in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), of restrictive title deed conditions B.(a), (b), (c) and (d) as contained in Title Deed T49134/2016 applicable to Erf 193, Hermanus as well as conditions I.B.(c) and (d), and II.B.(c) and (d) as contained in Title Deed T47494/2016 applicable to Erf 12254, Hermanus;
- deviation from the Overstrand Spatial Development Framework in terms of the provisions of the Municipal Systems Act, Act 32 of 2000 in order to change the reservation of Erf 193, Hermanus from single residential usage to business use;
- rezoning in terms of Section 16.(2)(a) of the By-Law of Erf 193, Hermanus from Residential Zone I: Single Residential to Business Zone 3: Local Business;
- consolidation of Erven 193 and 12254, Hermanus in terms of Section 16.(2)(e) of the By-Law;
- amendment of the existing approved Site Development Plan (SDP) applicable to Erf 12254, Hermanus in terms of Section 16(2)(h), and
- deletion of an existing condition of approval applicable to Erf 12254 in terms of Section 16(2)(h) of the By-Law.

A Locality Plan of the property concerned is attached as Annexure A. The Motivation Report from the applicant in support of the proposal is attached as Annexure B, while the amended SDP is attached as Annexure C. The title deeds are attached as Annexure D.

2. DECISION AUTHORITY

Authorised Official.

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3. BACKGROUND / SITE HISTORY

Erf 193, Hermanus is zoned as Residential Zone 1: Single Residential and is 674m² in extent and is currently used for single residential purposes. Erf 12254 is 2023m² in extent and is zoned for Business Zone III purposes. It is currently developed with a building consisting of medical consultation rooms. The aim of the application is to expand the existing medical consultation rooms on Erf 12254 and to utilise the adjacent Erf 193 for the additional required parking bays. Erf 193 is to be rezoned to Business Zone III purposes and will then be consolidated with Erf 12254.

4. SUMMARY OF APPLICANT'S MOTIVATION

The Motivation Report in support of the application is summarised as follows (the detailed report is attached as Annexure B):

- ❖ Erf 193 is used for residential purposes and should the application be successful the existing dwelling on Erf 193 will be demolished to make way for additional parking bays.
- ❖ Land uses that surround the subject erven are old age homes and frail care, a research facility, medical institutions and medical consultation rooms (Hermanus MediClinic & Medical Centre, Hermanus Provincial Hospital, Spescare Hermanus, Oncology Centre, Day Hospital and Recovery).
- ❖ 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, the owner developed the existing medical consulting rooms on Erf 12254. The owner received many enquiries with regards to medical consulting rooms for rent since he established the facilities on Erf 12254. (Refer to the letters received from MediClinic Hermanus, Dr. FJ Wiesner and Jennifer Clarke, attached as Annexure E). 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 proximity to the MediClinic in order to access their patients frequently.
- ❖ The proposed extension will be a mirror image of the existing building in order to be architecturally pleasing.
- ❖ The owner purchased Erf 193, Hermanus to make provision for the additional parking bays required and it is therefore required that Erf 193 be rezoned to Business Zone 3 to be consolidated with Erf 12254. The size of the consolidated erf will be 2697m².
- ❖ The dwelling on Erf 193 that will be demolished has no historical or heritage value and is not older than sixty (60) years.
- ❖ After consolidation of the properties have taken place, the coverage of the project after completion will be 26% and the gross leasable area (GLA) will increase to 835,8m².
- ❖ Parking will be provided on site at a ratio of six (6) parking bays per 100m² GLA. The existing entrance from Arundal Street, as approved with the previous application, will remain. The approved exit into Church Street will be relocated further east, further from the crossing at Arundal Street and Church Street. No additional accesses would be required.

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- ❖ The amendment of the SDP is to allow for the extension of the consulting rooms in an eastern direction onto the existing parking area. The extension will consist of a ground floor ($\pm 258\text{m}^2$) and first floor ($\pm 238\text{m}^2$). A number of parking bays will be lost with this proposal and additional parking bays will be required due to the increase in GLA. The required parking bays will be located on Erf 193.
- ❖ The Title Deeds of Erven 193 and 12254 contain restrictive conditions that need to be removed in order to establish the proposed land use. Further, a refuse area is proposed in the south-eastern corner of the consolidated property within the title deed building lines. The refuse area will consist of 2m high walls, a door facing west and a concrete floor.
- ❖ Access to the existing parking bays on Erf 12254, Hermanus is gained from Arundal Street that exits into Church Street. The parking bays will be accessed from the existing one-way internal ring road as indicated on the SDP.
- ❖ The parking schedule of the Zoning Scheme was taken into consideration to calculate the required parking bays. With the existing medical consulting rooms and the proposed additions and alterations, 49,86 parking bays be required. Fifty (50) parking bays have been provided as per the SDP of which seven (7) parking bays are for the disabled.
- ❖ All services on the subject properties already exist and no additional services will be required as the existing service connections will be sufficient.
- ❖ Special provision will be made for the removal of medical waste by Waste Tech whom is also the currently service provider.
- ❖ The Overstrand Municipal Wide Spatial Development Framework (2006) (SDF) earmarks Erven 193 and 12254, Hermanus for single residential purposes.
- ❖ The proposed land use is compatible with the current land uses of the area. With reference to other medical facilities there is a clear pattern that these uses are located in close proximity of hospitals. The proposed professional use will not have a negative impact on the surrounding land owners and the proposed structure will even conform to the land use restrictions applicable to a single residential zone. It is therefore the opinion that the built form, from a design and bulk perspective, will fit in with the current built character of the area. It is the opinion that the application for the amendment of the SDF should be supported.
- ❖ Erven 193 and 12254 are not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The structures situated on the subject erven are also not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).
- ❖ The application does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Local newspaper	Yes	24/07/2018	31/08/2018
Gazette	Yes	27/07/2018	31/08/2018
Notices	Yes	26/07/2018	31/08/2018
Ward councillor	Yes	6/08/2018	31/08/2018
Total comments	NONE		

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Total letters of support	NONE
Was public participation undertaken in accordance with Section 45 - 50 of the By-Law on Municipal Land Use Planning?	Yes
Was the application processed correctly (if no, elaborate below):	Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)	Yes

6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS

Name	Date received	Summary of comments	Recommendation
District Health	08/08/2018	Approval is recommended.	Positive
Building Control	13/08/2018	Supported, subject to the submission of building plans in compliance with SANS10400.	Positive
Local Heritage	14/08/2018	No objection.	Positive
Electro Technical Services	21/08/2018	No problem with the consolidation, however only one electrical connection is allowed per erf. Therefore the existing electrical connection to Erf 193 will have to be consolidated with the existing connection on Erf 12245. Contact the electrical department in connection with this beforehand.	Positive
Fire Department	06/09/2018	No objection provided that all structures are in compliance with the requirements of National Fire Protection Regulations SANS10400T:2011.	Positive
Telkom	26/09/2018	Attached as Annexure F.	Positive
Engineering Services	24/10/2018	Attached as Annexure G.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

N/A

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8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

N/A

9. MUNICIPAL ASSESSMENT OF COMMENTS

N/A

10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

10.1 Background

N/A

10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application is in line with the planning objectives applicable to this application as set out below.

The objectives relating to:

Spatial Justice

The application will not perpetuate spatial injustices.

Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and will have no negative influence on the environment.

Efficiency

The application will optimize the use of property in terms of municipal services and infrastructure.

Spatial resilience

The application will ensure that the existing resource (land) is used to its maximum in an affordable manner.

Good administration

The application follows the required planning procedures and a good public participation process has been followed.

10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)

Partially the same as Point 10.2 above.

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10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable Policies

Consistent with the Zoning Scheme, but inconsistent with the Spatial Development Framework and the Overstrand Municipal Spatial Growth Management Strategy.

10.5 (In)consistency with guidelines prepared by the Provincial Minister

N/A

10.6 Impact on Municipal engineering services

The existing services are available and have been viewed positively by the Engineering Department.

10.7 Outcomes of investigations/applications i.t.o other legislation

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is not in line with the Overstrand Spatial documents.

10.9 Additional Planning Motivation For Removal of Restrictive Conditions

The financial or other value of the rights

The removal of the relevant conditions applicable to the subject erven will have a beneficial financial impact for the landowner since he will be able to expand the medical practice on Erf 12254.

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

The original holder of rights was the township developer whose rights became null and void when the Municipality took over its functions.

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

The removal of the restrictive conditions will allow for additional medical consultation rooms to be established on the property that will have a social benefit due to the need of such facilities in close proximity of medical establishments with its surgical theatre facilities and wards for patients.

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Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights?

No, it will only result in the properties being consolidated to expand the existing facility on Erf 12254, as well as to gain the primary land use rights and parameters applicable to the proposed zoning as set out in the Zoning Scheme.

10.10 THE DESIRABILITY OF THE PROPOSAL

The motivation of the applicant is supported.

Numerous professional medical practitioners in the broader Overstrand area use the well-established medical and more specifically the surgical theatre facilities of the Hermanus Mediclinic on a daily basis. The physicians of the practice on Erf 12254 also make use of these facilities on a daily basis. There is a dire shortage of medical consultation rooms for rent in the area and the close-by Mediclinic already has a 100% occupancy rate of consulting rooms.

Medical practitioners who do not have surgical facilities at their practises prefer to locate/establish their practices within a reasonable distance from surgical theatre rooms with associated hospital wards. It ensures quicker access to their patients when conducting routine rounds, and when emergencies emerge. This is also one of the main reason why the owner established the existing medical consulting rooms on the property. This was mutually perceived by the Municipality when the initial application to conduct medical offices from Erf 12254 was approved. Due to the established surgical facilities and wards at the Hermanus Mediclinic, the owner of Erf 12254 was approached by various medical practitioners to endeavour to develop more medical consulting rooms on the property. See letters attached as Annexure E.

The rezoning of Erf 193 and the consolidation thereof with Erf 12254 will ensure that the existing practice on Erf 12254 can be expanded to cater for the current shortage of consultation rooms. The existing dwelling unit on Erf 193 will be demolished completely and the property will predominantly be used for parking purposes. In terms of the Overstrand Zoning Scheme six (6) parking bays per 100m² GLA must be provided. A total of fifty (50) parking bays will be required for the whole development. Fifty (50) practical parking bays can be provided of which seven (7) will be reserved for the disabled.

The additions will be a mirror image of the original building located at the western side of the consulting rooms to ensure that it is aesthetically pleasing and not to the detriment of the area. The height of the existing building is 7,5m at average. In order not to impact on the character of the immediate surrounding single residential area that has a height limitation of 8m, any additions to the property should be restricted to 8m and not 8,5m as provided for in the Zoning Scheme.

The restrictive conditions to be removed from both properties' title deeds will ensure that the properties will be in line with the development parameters of the Zoning Scheme and will further ensure that they can be developed optimally.

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One of the conditions of approval dated 30 March 2016 pertaining to the development of Erf 12254 stipulate that the development be restricted to Site Development Plan No. 580/2013 dated 2014. In order to give effect to the proposed expansion of the existing development, it will necessitate the amendment of the SDP.

The condition was not met in full, due to the paving of the road reserve indicating parking on Church and Arundel Streets. This upgrade has been done without the consent of the Operational Department. It was done in such a manner that it indicates parking bays. At present patients deem it as parking bays. The vehicles cannot be accommodated on the paved areas and transgresses onto the road. It also forces pedestrians to walk in the street due to vehicles taking up pedestrian space.

The following remedial actions be implemented with the Operational Department. The paved road reserve in Church and Arundel Streets be landscaped to allow for pedestrians only. The paving stones of different colour be replaced with similar looking pavers as the rest of the paved area. The section along Church and Arundel Streets be curbed to the satisfaction of the Operational Department to prohibit the public to use the road reserve as parking to the medical facility.

The application properties are located next to Church Street, which is an arterial street to the Hermanus CBD and residential areas in Westcliff. Access to and from the development is therefore not problematic.

The existing entrance from Arundal Street, as approved with the previous application, will remain. The approved exit into Church Street will be relocated further east away from the Arundal- and Church Street crossing. No additional accesses would be required.

Engineering services are already in place and no extra capacity is required.

No internal or external objections were received.

In view of the above, the proposal can be regarded as being desirable from a town planning perspective.

11. RECOMMENDATION

1. that the application applicable to Erven 193 and 12254, Hermanus for:
 - the removal, in terms of Section 16.(2)(f) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 (By-Law), of restrictive title deed conditions B.(a), (b), (c) and (d) as contained in Title Deed T49134/2016 applicable to Erf 193, Hermanus as well as conditions I.B.(c) and (d), and II.B.(c) and (d) as contained in Title Deed T47494/2016 applicable to Erf 12254, Hermanus;
 - rezoning in terms of Section 16.(2)(a) of the By-Law of Erf 193, Hermanus from Residential Zone 1: Single Residential to Business Zone 3: Local Business in order to conduct medical consultation rooms from

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the property (after consolidation with Erf 12254, Hermanus);

- consolidation of Erven 193 and 12254, Hermanus in terms of Section 16.(2)(e) of the By-Law in order to create one (1) Business Zone 3 property;
- amendment of the existing approved SDP applicable to Erf 12254, Hermanus in terms of Section 16(2)(h) in order to accommodate the expansion of the existing medical consultation rooms and to provide additional parking facilities (after consolidation with Erf 193, Hermanus) on the property, and
- the deletion, in terms of Section 16(2)(h) of the By-Law, of condition 5.(b) of the Mayoral Committee's resolution 3. dated 30 March 2016 in order to accommodate the amended SDP.

be approved in terms of the provisions of Section 61 of the By-Law subject to the following conditions:

- (a) that the utilization of the consolidated property be restricted to medical suites, and uses associated to medical activities only;
- (b) that the maximum height of all structures on the consolidated property be restricted to 8m;
- (c) that building plans be submitted to the Building Department for approval and that all requirements of the Building Department and Fire Services at the time, be complied with;
- (d) that all other development parameters as prescribed in the Zoning Scheme be complied with;
- (e) that the approvals do not absolve the landowners from compliance with any other applicable legislation;
- (f) that the conditions of Engineering Services and Telkom (attached as Annexures F and G), be complied with;
- (g) that the paving on the road reserve that indicates parking bays on Church and Arundel Streets be landscaped to prohibit the parking of vehicles, but still leave some space for a pedestrian sidewalk;
- (h) that the section along Church and Arundel Streets of the medical facility be curbed in such a manner to prohibit vehicle access. The be done in conjunction with the Operational Department to the cost of the applicant;
- (i) that the difference colour pavers be removed and replaced with similar pavers as the rest of the paved area at the applicant's cost, and

LAND USE PLANNING REPORT
Authorised Official

- (j) that no building plan, building work and comencing of the activity be approved until Conditions (g) – (i) have been met and signed off by the Operational Department.
2. that the applicant be notified of its right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditions of approval.

RECOMMENDATION TO COUNCIL:

1. that the application to deviate from the Overstrand Spatial Development Framework, 2006 in order to change the reservation of Erf 193, Hermanus from single residential usage to business usage, be **recommended for approval** in terms of the provisions of the Municipal Systems Act, Act 32 of 2000.

12. REASONS FOR RECOMMENDATION

- ❖ It is desirable from a town planning perspective.
- ❖ A need for more medical consulting rooms in the area exists that will be to the benefit of the broader community.
- ❖ No objections were received.

13. Annexures

Annexure A:	Locality Plan
Annexure B:	Motivation Report
Annexure C:	Site Development Plan
Annexure D:	Title Deed T49134/2016 and T47494/2016
Annexure E:	Letters with regard to consultation rooms for rent
Annexure F:	Telkom
Annexure G:	Engineering Services
Annexure H:	Resolution 3. of the Mayoral Committee's Meeting dated 30 March 2016.

SIGNATURES

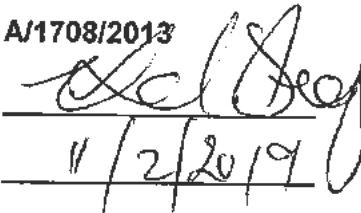
REGISTERED PLANNER:

Name : **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature :

Date:



 11/2/2019

LAND USE PLANNING REPORT
Authorised Official

DECISION MAKER

APPROVED	APPROVED	APPROVED CONDITIONALLY	X	APPROVED IN PART		REFUSED	
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Name:

R KUCHAR

Signature:



Date:

12/2/2019



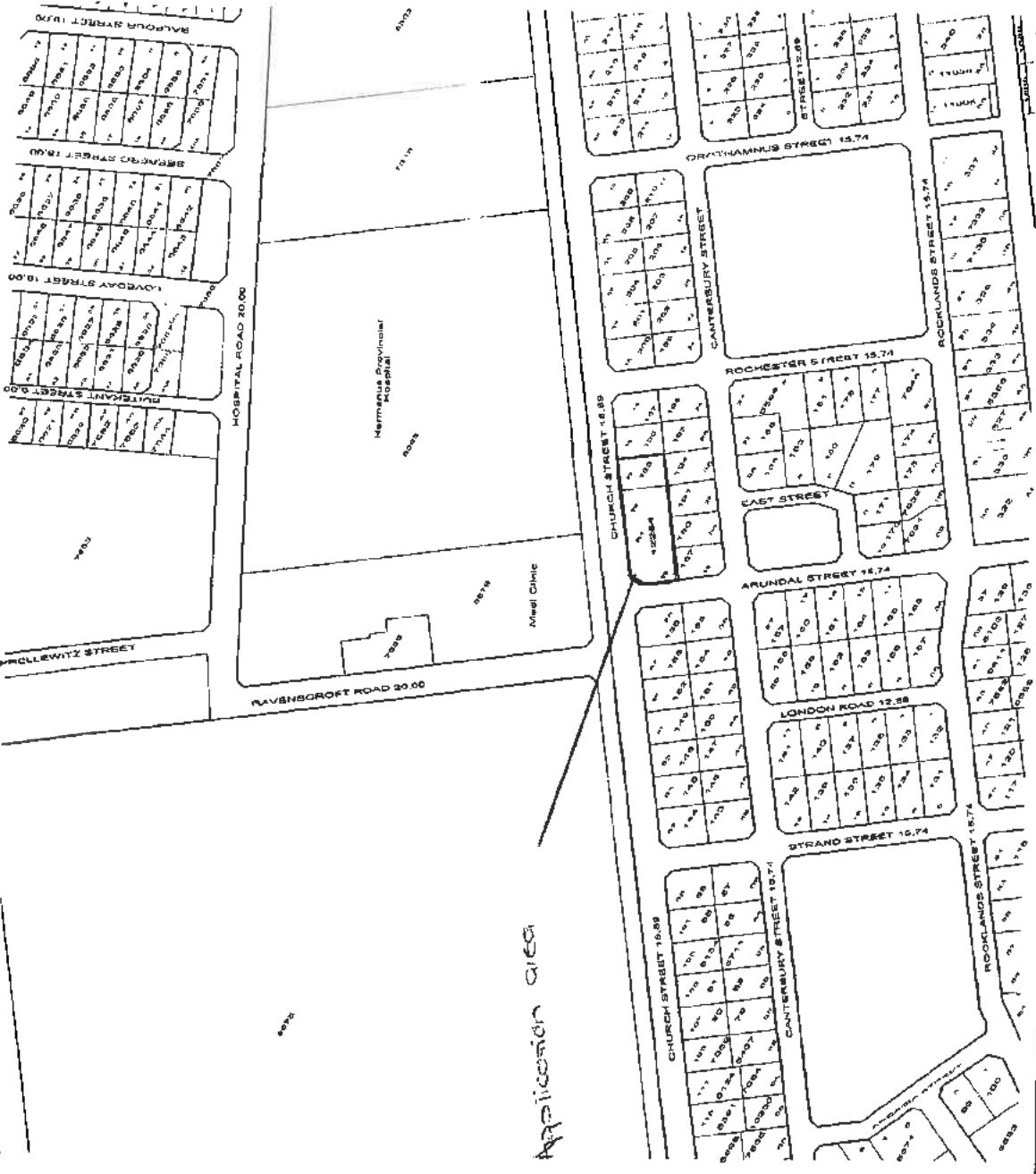
Scale: NTS
 Drawing Nr: her12254i.drw
 Date: 03/2018

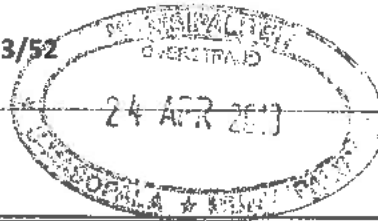
Plan Description:
LOCALITY MAP

Property Description:
ERVEN 12254 & 193 HERMANUS

All distances approximate and subject to survey.
 COPY RIGHT RESERVED

Stads- en Streeksbeplanners
 Town & Regional Planners





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

ERVEN 193 & 12254 HERMANUS

**DIVISION: CALEDON
OVERSTRAND MUNICIPALITY**

MOTIVATION REPORT

1. BACKGROUND

Dr. Rinus Beukes on behalf of the L&R Family Trust, owners of erven 193 & 12254 Hermanus, has instructed the company Plan Active to apply for the rezoning, consolidation, removal of restrictive title deed conditions, amendment of the site development plan, amendment of the conditions of approval and amendment of the Spatial Development Framework.

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. As the demand for additional medical rooms increased a second application was approved for the extension of the medical facilities and incorporating Erf 192. Please refer to the enclosed letters of approval dated 20 January 2014 and 27 June 2016 for easy reference.

(Annexure A) Erven 192 & 11463 were consolidated and is now known as Erf 12254 Hermanus.

After the construction of the additional consulting rooms that were 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 193 Hermanus in order to expand the medical consulting rooms. The detail of the expansion will follow.

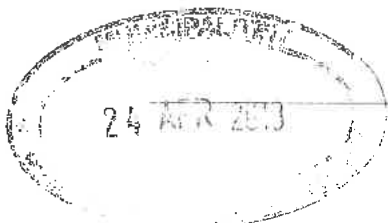
Erf 12254 Hermanus is 2023m² in extent and is held by title deed number T47494/2016 and Erf 193 is 674m² in extent and is held by Title Deed T49134/2016.

Erf 193 Hermanus that was recently purchased by our client is used for residential purposes. Should this application be successful the existing dwelling on Erf 193 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:

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of Erf 193, from Residential Zone I to Business Zone III;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consolidation of erven 193 & 12254 Hermanus.
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of the restrictive title deed conditions applicable to Erven 193 and 12254 Hermanus;



- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of the site development plan;
- Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of the conditions of a previous approval;
- The Municipal systems Act, Act 32 of 2000 for the amendment of the Spatial Development Framework;

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 12254 is situated on the corner of Church Street and Arundal Street, and Erf 193 is situated adjacent to Erf 12254 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 193 & 12254 Hermanus are 674m² and 2023m² in extent respectively and they are situated in a mixed-use area.

3.2 ZONING

Erf 12254 Hermanus is zoned Business Zone III and Erf 193 Hermanus is zoned Residential Zone I. Surrounding properties are zoned for single residential and institutional purposes.

3.3 LAND USE

Erf 193 Hermanus is used for residential purposes. Erf 12254 Hermanus is currently used as medical consulting rooms and parking.

3

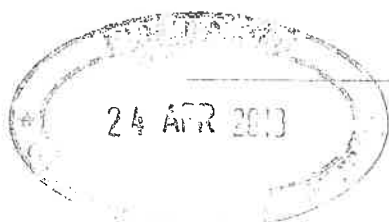


Land uses that surround these erven can be summarised as follow:

- 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
 - Hermanus Provincial Hospital
 - Spescare Hermanus Oncology Centre, Day Hospital and Recovery;
- Self-catering units, guesthouses and backpackers;
- Single residential uses;
- Public roads and public open spaces.

3.4 PROPOSAL

- Chapter 4, Section 16(2)(a) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the rezoning of Erf 193, from Residential Zone I to Business Zone III;
- Chapter 4, Section 16(2)(e) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consolidation of erven 193 & 12254 Hermanus.
- Chapter 4, Section 16(2)(f) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the removal of the restrictive title deed conditions applicable to erven 193 and 12254 Hermanus;
- Chapter 4, Section 16(2)(h) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of the site development plan;
- Chapter 4, Section 16(2)(l) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the amendment of the conditions of a previous approval;
- The Municipal systems Act, Act 32 of 2000 for the amendment of the Spatial Development Framework;



Motivation report

It is the intention of the owner of Erf 193 Hermanus to rezone the subject property in order to expand the existing medical consulting rooms that are situated on Erf 12254 Hermanus and that the 2 subject erven be consolidated. The detail of the application can be described as follows:

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 12254 Hermanus, on the corner of Church Street and Arundal Street, that was approved in June 2016. He received many enquiries with regards to medical consulting rooms for rent since he established and expanded the facilities on Erf 12254 Hermanus. Please refer to the letters received from MediClinic Hermanus, Dr. FJ Wiesner and Jennifer Clarke as Annexure B. 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 proximity to the MediClinic in order to access their patients frequently. The aforementioned is the main reason why Dr. Beukes established the medical consulting rooms on Erf 12254 Hermanus.

Our client intends to expand the current medical consulting rooms located on Erf 12254 Hermanus due to the lack of availability of medical consulting rooms in the Hermanus Medical Centre. It is proposed that the current medical consulting rooms be extended in an eastern direction where the parking area is currently located. The proposed extension will be a mirror image of the original building located on the western side of the consulting rooms in order to be architecturally pleasing.

Dr. Rinus Beukes on behalf of the L&R Family Trust purchased the adjoining erf, Erf 193 Hermanus in order to make provision for the additional parking bays required. It is therefore required that Erf 193 Hermanus be rezoned from Residential Zone I to Business Zone III that will be consolidated with Erf 12254 Hermanus.

5

24 APR 2013

Motivation report

With this proposal the gross leasable floor area will now increase to 831.1m². Please refer to the enclosed site development plan as compiled by Danie Pienaar Architects.

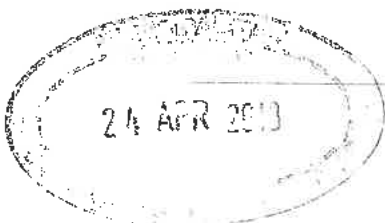
It is proposed that the existing dwelling situated on erf 193 Hermanus be demolished in order to make way for the required number of parking bays. The house has no historical or heritage value and is not older than 60 years. The existing medical consulting rooms situated on Erf 12254 will be renovated and the necessary additions will be made.

By extending the existing consulting rooms in an eastern direction and using a mirror image of the existing building located on the western side of the property 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 be 26%.

The proposed medical consulting rooms will consist of the following:

- Admin Sections;
- Laboratories;
- Staff Kitchens;
- Consulting Rooms;
- 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 from Arundal Street, as it was approved with the previous application will remain. The approved exit into Church Street will be relocated further east, further from the crossing at Arundal Street and Church Street. No additional accesses would be required. Please refer to the enclosed site development plan.



The change to the site development plan is the extension of the consulting rooms in and eastern direction onto the existing parking area. The extension will consist of a ground floor ($\pm 258\text{m}^2$) and first floor ($\pm 238\text{m}^2$). A number of parking bays will be lost with this proposal and additional parking bays will be required due to the increase in gross leasable floor area. The required parking bays will be located on Erf 193 Hermanus. It is also proposed that Erf 193 Hermanus be consolidated with Erf 12254.

3.4.2 Proposed Consolidation

In order to expand the medical consulting rooms more space would be required for the provision of parking. In order to make provision for additional space Erf 193 Hermanus will be consolidated with Erf 12254 Hermanus. The size of the consolidated erf will be 2697m^2 in extent.

3.4.3 Proposed Removal of Restrictive Title Deed Conditions

The Title Deeds applicable to erven 193 and 12254 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:

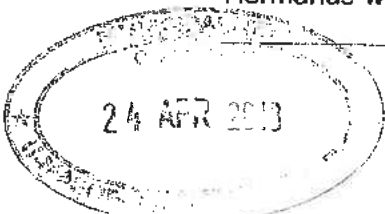
Erf 193 Hermanus: Title Deed T49134/2016:

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 12254 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 12254 Hermanus is used as medical consulting rooms. Erf 193 Hermanus will be consolidated with Erf 12254 Hermanus and will accommodate the



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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.

Page 3: Paragraph B(d): "That no building shall be erected within 4.72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2.36 metres of the lateral boundary common to any adjoining erf."

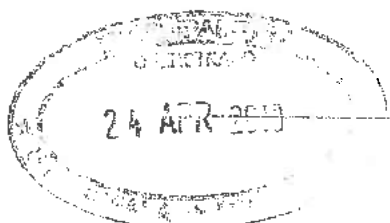
A refuse area is proposed in the south-eastern corner of the consolidated erf within the above mentioned building line. The refuse area will consist of 2m high walls, a door facing west and a concrete floor. Please refer to the enclosed proposed site plan. The proposed refuse area will be within the above mentioned prescribed building lines and it would therefore be required that the above-mentioned restriction be removed.

The above mentioned restriction is also found in the Title Deed of Erf 12254 Hermanus. Because we are also proposing the consolidation of erven 193 & 12254 Hermanus the same restriction will be carried over to the consolidated erf. It would therefore also be required that the same restriction found in Title Deed No. T 47494/2016 be removed for the same reason as mentioned above. The restriction referred to is found on the following pages and reads as follow:

Page 3: Paragraph I B(d): "That no building shall be erected within 4.72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2.36 metres of the lateral boundary common to any adjoining erf."

and

Page 4: Paragraph II B(d): "That no building shall be erected within 4.72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2.36 metres of the lateral boundary common to any adjoining erf."



3.4.4 Amendment of the Site Development Plan

With reference to the proposed changes to the site development plan applicable to consolidated erven 192 & 11463, now Erf 12254 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:

"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."

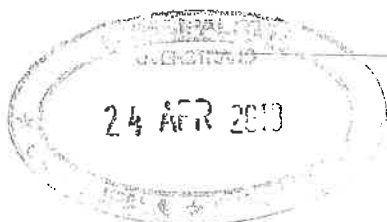
The change to the site development plan as mentioned is the extension of the consulting rooms in and eastern direction onto the existing parking area. The extension will consist of a ground floor ($\pm 258\text{m}^2$) and first floor ($\pm 238\text{m}^2$). Several parking bays will be lost with this proposal and additional parking bays will be required due to the increase in gross leasable floor area and new parking bays will be accommodated on Erf 193 Hermanus that will be consolidated with Erf 12254 Hermanus.

3.4.4 Amendment of the Conditions of Approval

The letter of approval dated 27 June 2016 contains the following restriction that needs to be addressed:

"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."

The above-mentioned restriction limits the development to the previously approved site development plan. We are proposing the expansion of the medical consulting rooms and to make provision for additional parking bays on Erf 193 Hermanus to be consolidated with Erf 12254 Hermanus. It is therefore required that this condition be



replaced with a new condition of approval referring to the proposed site development plan that accompanies this application.

3.5 ACCESS & PARKING

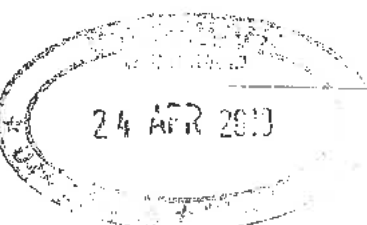
Access to the existing parking bays on Erf 12254 Hermanus is gained from Arundal Street that exits into Church Street.

With the proposed extension of the medical consulting rooms and the provision of additional parking bays on Erf 193 Hermanus it is proposed that the existing entrance from Arundal Street be retained and that the existing exit to Church Street be located further east from its original position. The parking bays 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 831.1m². 49.86 Parking bays would therefore be required for the medical consulting rooms and 50 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 properties 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.



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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.

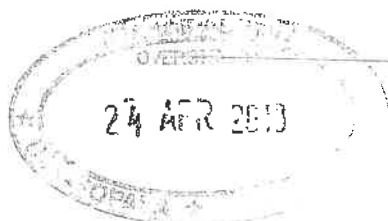
3.7 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates Erf 193 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 even 193 & 12254 Hermanus for single residential purposes.

With reference to the above we believe 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 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.



3.8 HERITAGE VALUE

Erven 193 and 12254 Hermanus are not situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The structures situated on the subject erven are also not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

3.9 IMPACT ON THE BIOPHYSICAL ENVIRONMENT

The proposed application does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).


3.10 PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial Justice: Spatial justice is not applicable to this application.

Spatial sustainability: The proposed application will have no impact on the conservation worthy areas of Hermanus. Spatially the land use is in line with the built character of the area taking the existing medical facilities into consideration that are located alongside Church Street. There is a great demand for additional medical consulting rooms in the vicinity of MediClinic. The subject erven are easy accessible in in close proximity of existing medical facilities that makes it easy for doctors and specialists to make routine visits.

The design of the medical facility is architecturally pleasing, and all the required parking bays are provided on-site.



24 APR 2013

Efficiency: The medical consulting rooms are easily accessible and conveniently located in Hermanus in close proximity of existing medical facilities. With reference to the last mentioned makes the medical consulting rooms easy accessible to patients.

Spatial Resilience: Spatial resilience is not applicable to this application.

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.

4. RECOMMENDATION

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

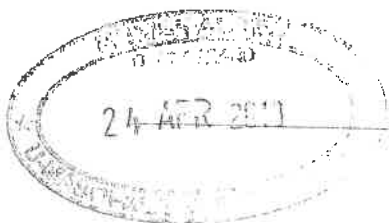
- All services on the subject properties already exist;
- The proposed rezoning, consolidation, removal of restrictive title deed conditions, amendment of the site development plan, amendment of the conditions of approval and amendment of the Spatial Development Framework of erven 193 & 12254 Hermanus 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, consolidation, removal of restrictive title deed conditions, amendment of the site development plan, amendment of the conditions of approval 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 the application for the rezoning, consolidation, removal of restrictive title deed conditions, amendment of the site development plan, amendment of the conditions of approval and amendment of

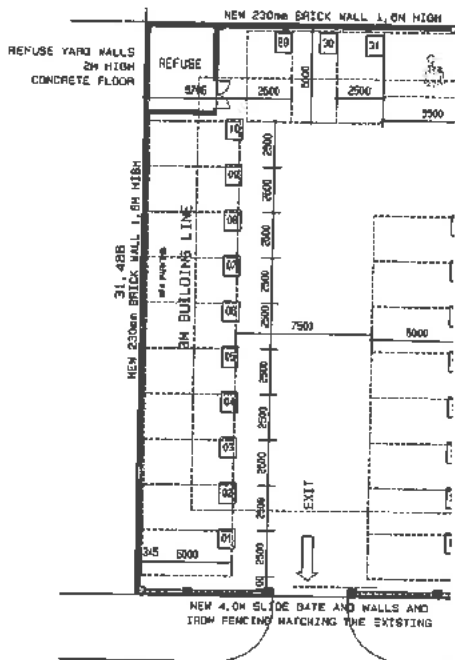
13

Motivation report

the Spatial Development Framework for erven 193 & 12254 Hermanus will be dealt with favourably.



ADDENDUM AA 27/52



ERF DATA

SITE 2 733 sq m
 EXISTING BUILDING COVERAGE
 442,00 sq m = 16,0 %
 ADD NEW COVERAGE = 267,00 sq m
 TOTAL = 729,00 sq m 26%

GROSS LEASABLE AREA CALCULATION

TOP STOREY
 NEW AREA : 208,40 SQ M
 EXISTING : 243,20 SQ M
 TOTAL : 453,60 SQ M
 GROUND FLOOR
 NEW AREA : 144,40 SQ M
 EXISTING : 237,80 SQ M
 TOTAL : 382,20 SQ M

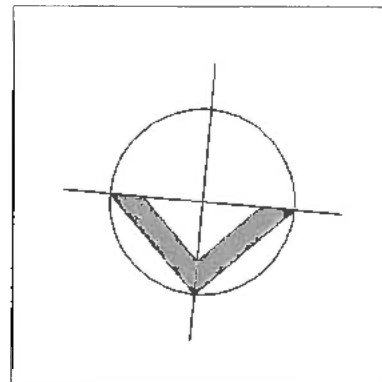
TOTAL LEASABLE AREA
 835,80 SQ M

GENERAL AREA

TOP STOREY
 NEW : 48,00 SQ M
 EXISTING : 53,60 SQ M
 GROUND FLOOR
 NEW : 105,10 SQ M
 EXISTING : 89,50 SQ M

TOTAL FLOOR AREA : 1 132,20 SQ M

PARKING REQUIRED @ 6/100 = 50



DP
Danie Pienaar
 Professionele Argitek
 Professional Architect
 SACIP 4286 CIFA 5327

OF LOANS/REFINANCING / NO
 EXHIBIT VIB / TIBV

TEL 012 - 5624 082
 FAX 012 - 5624 082
 dp@dp@af-af.com

L & R FAMILY TRUST

PROPOSED ADDITIONS TO EXISTING BUILDING
 ERF 12254, ARUNDEL /CHURCH STREET
 HERMANUS

SITE PLAN
 ELEVATIONS

DATE
 FEBRUARY 2014

SCALE
 1 : 200

PROJECT OWNER
 PROJECT NUMBER
 676/2016

PLANNING
 PLAN NUMBER
 01

ERF DATA

SITE 2 735 sq m

EXISTING BUILDING COVERAGE

442,00 sq m = 16,0 %

ADD NEW COVERAGE = 287,00 sq m

TOTAL = 729,00 sq m 26%

GROSS LEASABLE AREA CALCULATION
TOP STOREY

NEW AREA : 208,40 SQ M

EXISTING : 245,20 SQ M

TOTAL : 453,60 SQ M

GROUND FLOOR

NEW AREA : 144,40 SQ M

EXISTING : 237,80 SQ M

TOTAL : 382,20 SQ M

TOTAL LEASABLE AREA

835,80 SQ M

GENERAL AREA
TOP STOREY

NEW : 48,00 SQ M

EXISTING : 53,80 SQ M

GROUND FLOOR

NEW : 105,10 SQ M

EXISTING : 89,50 SQ M

TOTAL FLOOR AREA : 1 132,20 SQ M

PARKING REQUIRED @ 6/100 = 50



Danie Pienaar
 Professional Architect
 Professional Architect
 SNOCAP 4295 CITA 4327

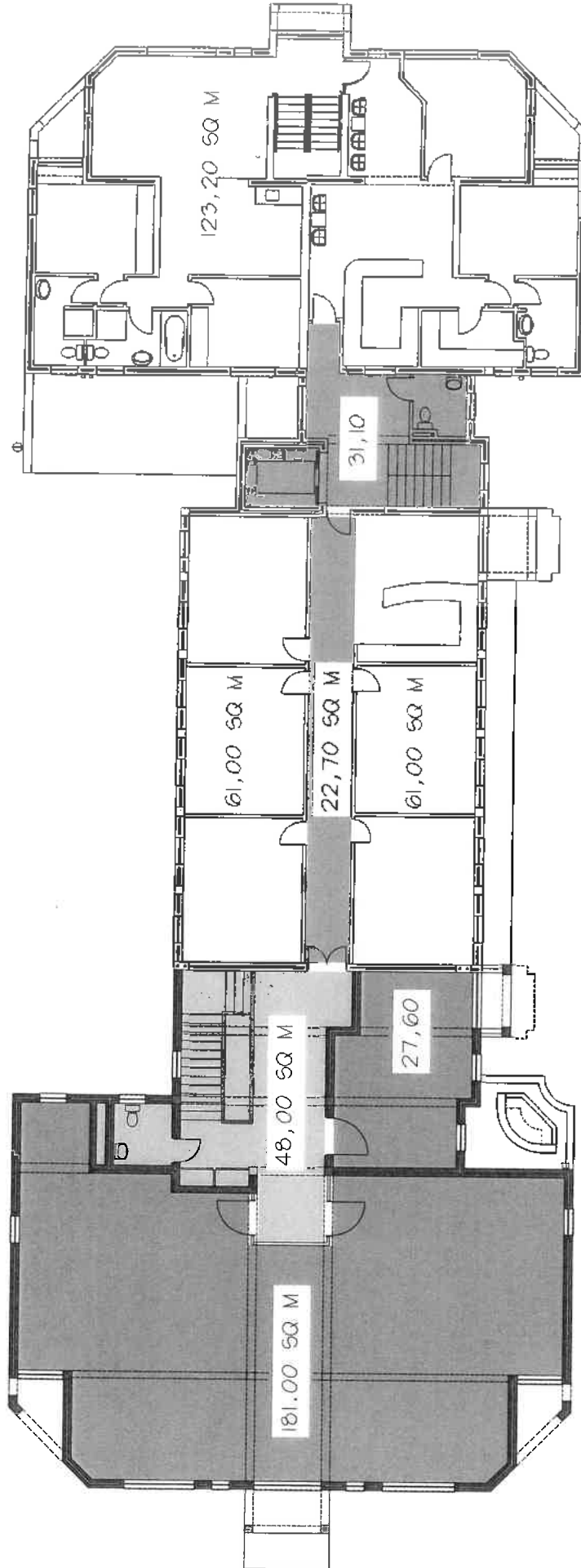
17 LEANING TOWER / 160
 SANDHURST RD / VRYBURG

TEL 021 - 8815 04
 FAX 021 - 8811 003
 dpa@daniepienaar.com

L & R FAMILY TRUST

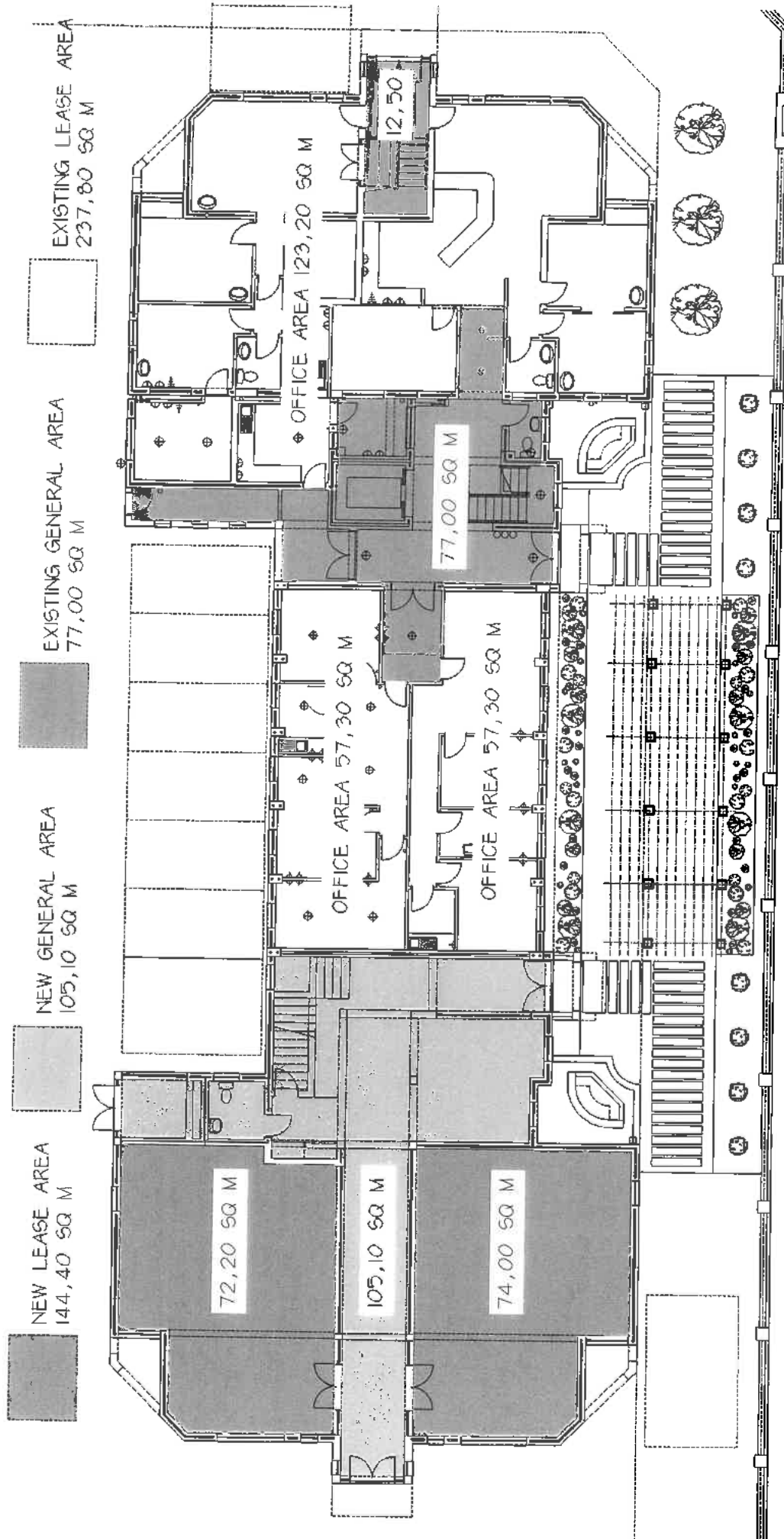
PROPOSED ADDITIONS TO EXISTING BUILDING
 ERF 12234, ARUNDELL / CHURCH STREET
 HERMANUS

-  NEW LEASE AREA
206,40 SQ M
-  NEW GENERAL AREA
48,00 SQ M
-  EXISTING GENERAL AREA
53,80 SQ M
-  EXISTING LEASE AREA
245,20 SQ M



FIRST STOREY LEASE AREAS

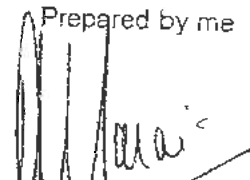
ADDENDUM AA 30/52



GROUND FLOOR LEASE AREAS

148

NIELEN MARAIS INC.
16 McIntyre Street
Parow
7500

Prepared by me

CONVEYANCER
NIELEN MARAIS


Purchase price/Value	R. 600 000,00	R. 550,00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt i.t. o	Act.

VERBIND MORTGAGE

VIR FOR R 600 000,00

B 000020866 / 2016

17 AUG 2016


REGISTRAR/REGISTRAR

T 000049134 / 2016

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

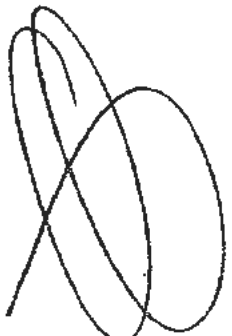
NIELEN WILLIAM MARAIS

appeared before me, REGISTRAR OF DEEDS at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at HERMANUS on 27 MAY 2016 granted to him by

DEBORAH ROSE BERG

Identity Number 650311 0036 081

Unmarried



BLACKBOOK
26 AUG 2016
LAMANI VUYELWA

DATA / VERIFY
30 AUG 2016
VAN WYK JENNY

And the appearer declared that his said principal had, on 18 March 2016, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

The Trustees for the time being of
DIE L & R FAMILIETRUST
Registration Number IT543/1998

its Successors in Office or assigns, in full and free property

ERF 193 HERMANUS in the Overstrand Municipality, Division of Caledon,
Province of the Western Cape

IN EXTENT 674 (SIX HUNDRED AND SEVENTY FOUR) Square metres

FIRST TRANSFERRED by Deed of Transfer No. T10699/1942 with Diagram relating thereto and held by Deed of Transfer No. T27209/2004.

- A. NOT SUBJECT to condition "A.1." on page two of Deed of Transfer No. T27209/2004, by virtue of Section 53 of the Mining Titles Registration Amendment Act 24 of 2003.
- B. SUBJECT to the following special conditions contained in Deed of Transfer No. T10699/1942, imposed by the Administrator of the Cape Province in approving of Hermanus Extension No. 2 Township as being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:
- (a) That this erf be used for residential purposes only.
 - (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
 - (c) That not more than half the area of this erf be built upon.

ADDENDUM AA 33/52

Page 3

- (d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.

As being in favour of the Administrator:

- (e) That this erf be not subdivided except with the consent in writing of the Administrator.

As being in favour of the Municipality of Hermanus:

- (f) That the owner of this erf shall be obliged to allow the drainage and sewerage of any other erf or erven to be conveyed over this erf if deemed necessary by the Municipality and in such manner and in such position as may from time to time be reasonably required by the Municipality.

WHEREFORE the said Appearer, renouncing all right and title which the said

DEBORAH ROSE BERG, Unmarried

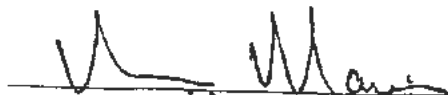
heretofore had to the premises, did in consequence also acknowledge her to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

The Trustees for the time being of DIE L & R FAMILIETRUST
Registration Number IT543/1998


its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R600 000,00 (SIX HUNDRED THOUSAND RAND) .

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at CAPE TOWN on 12th August 2016


q.q.

In my presence


REGISTRAR OF DEEDS





ADDENDUM AA 35/52

FEE
 29000

PREPARED BY ME
 FOR REGISTERED DOCUMENT PAGE

7

Prepared by me

NELEN MARAIS
 CONVEYANCER

17 AUG 2016
 MADRASA

000047494 / 2016

CERTIFICATE OF CONSOLIDATED TITLE

[Issued under the provisions of section forty of the Deeds Registries Act, 1937 (47 of 1937)]

WHEREAS

DIE L & R FAMILIETRUST

Registration Number: IT543/1998

Has applied for the issue to him of a Certificate of Consolidated Title under the provisions of section forty of the Deeds Registries Act, 1937

DATA / VERIFY
 18 AUG 2016
 MASIU TAMARA

AND WHEREAS

DIE L & R FAMILIETRUST

Registration Number: IT543/1998

is the registered owner of the following properties, namely:

1. ERF 192 HERMANUS in the Overstrand Municipality, Division Caledon, Province of the Western Cape

HELD by Deed of Transfer No. T67318/2014

And

2. ERF 11463 HERMANUS in the Overstrand Municipality, Division Caledon, Province of the Western Cape

HELD by Certificate of Consolidated Title No. T70001/2013

Which have been consolidated into the land hereinafter described

NOW, THEREFORE, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at CAPE TOWN do hereby certify that the said

DIE L & R FAMILIETRUST

Registration Number: IT543/1998

its successors in title or assigns is the registered owner of

ERF 12254 HERMANUS in the Overstrand Municipality, Division Caledon, Province of the Western Cape

IN EXTENT: 2 023 (Two Thousand and Twenty Three) square metres

AS will more fully appear in the annexed Diagram S.G. No. 1249/2016

The said property is subject to the following conditions:

- I. With regards to the figure gBCh on aforesaid Diagram S.G. No 1249/2016:
 - A.
 - B. SUBJECT FURTHER to the following special conditions contained in Deed of Transfer No. 10699/1942 imposed by the Administrator of the Cape Province in approving of the Township as being in favour of the registered owner of any erf in the Township and subject to amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:
 - (a)
 - (b)
 - (c) That not more than half the area of this erf be built upon.
 - (d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.

As to the benefit of the Administrator:-

- (e) That this erf be not subdivided except with the consent in writing of the Administrator.

As to the benefit of the Municipality of Hermanus:-

- (f) That the owner of this erf shall be obliged to allow drainage and sewerage of any other erf or even to be conveyed over this erf if deemed necessary by the Municipality and in such manner and in such position as may from time to time be reasonable required by the Municipality

II. With regards to the figure AghDE on aforesaid Diagram S.G. No 1249/2016:

- A.
- B. SUBJECT TO the following special conditions contained in said Deed of Transfer No. dated 14 September 1942, No. 10699, imposed by the Administrator of the Cape Province in approving of this Township, as being in favour of the registered owner of any erf in the Township and subject to the amendment or alteration by the Administrator under the provisions of Section 18(3) of Ordinance No. 33 of 1934:-

- (a)
- (b)
- (c) That not more than half the area of this erf be built upon.
- (d) That no building shall be erected within 4,72 metres of any street line which forms a boundary of this erf. No building shall be situated within 2,36 metres of the lateral boundary common to any adjoining erf.

AS being in favour of the Administrator:-

- (e) That this erf be not subdivided except with the consent in writing of the Administrator.

AS being in favour of the Municipality of Hermanus:-

- (f) That the owner of this erf shall be obliged to allow drainage and sewerage of any other erf or erven to be conveyed over this erf if deemed necessary by the Municipality and in such manner and in such position as may from time to time be reasonable required by the Municipality.

C.



And that by virtue of these presents the said DIE L & R FAMILIETRUST, its successors in title or assigns, now is and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof I, the said Registrar, have subscribed to the presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the Office of the Registrar of Deeds at CAPE TOWN on this the 8 day of Aug 2016.



REGISTRAR OF DEEDS



6



ARTIKEL WET 47 VAN 1937 SECTION 40(5) ACT 47 OF 1937

VERBIND MORTGAGED

38350/2010

2250000.00

BC 000044309 / 2016

08 AUG 2016

[Signature]

2

ARTIKEL WET 47 VAN 1937 SECTION 40(5) ACT 47 OF 1937

VERBIND MORTGAGED

37219/2013

1184000.00

BC 000044309 / 2016

08 AUG 2016

[Signature]

2

ARTIKEL WET 47 VAN 1937 SECTION 40(5) ACT 47 OF 1937

VERBIND MORTGAGED

32529/2014

1566000.00

BC 000044309 / 2016

08 AUG 2016

[Signature]

2

26 Januarie 2018

Overstrand Munisipaliteit

Posbus 20

Hermanus

7200

Geagte Me. H van der Stoep

Spreekkamerontwikkeling te Arundel Place Kerkstraat, Hermanus

Die gemeenskap van die Overstrand het die afgelope 5 jaar sodanige gegroei dat die huidige spesialis getalle nie voldoende is nie. Spreekruimte in die hospitaal is beperk. Om verdere spesialiste te vestig is verdere spreekruimte nodig.


Met die uitbreiding van spreekruimte by **Arundel Place** in Kerkstraat sal meer spesialiste die geleentheid gee om in diens in Hermanus te lewer.

Die akkommodasie wat **Dr Rinus Beukes** reeds beskikbaar het is binne loopafstand vir dokters en pasiënte is. Die verdere uitbreidings wat hy beplan sal verligting bring.

Ontwikkeling van spreekkamers rondom die hospitaal hou oneindige voordele vir die gemeenskap in. Die gemiddelde ouderdom van pasiënte in ons omgewing is 70 wat dit moeilik maak vir hulle om tussen verskillende diensverskaffers te beweeg, maar met die uitbreiding in Kerkstraat bring dit die dokters nou binne bereik van die pasiënte.

Vir u goedgunstige oorweging.

Die Uwe



Anne-Marie Nortjé

Hospitaalbestuurder Mediclinic Hermanus

Jennifer Clarke

Occupational Therapist
Practice number: 0653519

jencarkesa@gmail.com
0746651616

19 February 2013

Attention: Me. H. van der Stoep

Overstrand Municipality


RE: AVAILABLE MEDICAL OFFICE SPACE IN HERMANUS

I would like to bring attention to the fact that there is very little if not no medical office space available in Hermanus. As a medical professional, I require office space that has adequate parking, accessibility to the building and rooms and ablutions that are wheelchair friendly.

Arundel Medical Village meets my above needs however currently there is no available space. With the proposed extension to the building I would be able to run a practice easily as the facility would cater for all my prerequisites. These changes cannot come quick enough for a town that now is hosting more and more professionals

Please do not hesitate to contact me.

Kind Regards,



Jennifer Clarke

Occupational Therapist

19/02/2018

To whom it may concern:

Re: Shortage of office space for medical practitioners in Hermanus.

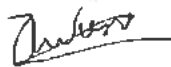
I recently moved to Hermanus to start an orthopaedic specialist practice. To my surprise I realized that it is very difficult to find suitable office space to rent or to buy. This is especially true in and around the areas closer to the hospitals. In my chosen speciality it is necessary to practice in the vicinity of a hospital with access to radiology services and operating theatres, as well as to be close to the emergency department to be able to attend to emergencies quickly when needed.

My wife who is also a medical professional is currently unable to start her practise that is mainly focussed on diabetes and woman's health due to the fact that there is no suitable office space available currently.

With this in mind I would strongly support any development providing in the need for office space for medical professionals in Hermanus.

Kind regards

Dr FJ Wiesner





TP-A Theart
(H Olivier)

FILE NO:	Erven 193 & 12254 Hermanus
SCAN NO:	HWC 193
COLLABORATOR NO:	1214313

Division of Telkom SA SOC Ltd

10 Jan Smuts Drive
Pinelands
7404

Candice Spammer
Tel: 021 414 5582
Fax: 086 480 0617
Email: spammec1@telkom.co.za

Our Ref.: WWIP_WHMN2962_18
Your Ref.: 193 and 12254 HWC 3961

21 September 2018

Attention: S Muller

Overstrand Municipality
HERMANUS

APPLICATION FOR REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, DEVIATION FROM THE SPATIAL DEVELOPMENT FRAMEWORK, REZONING, CONSOLIDATION, AMENDMENT OF THE SITE DEVELOPMENT PLAN AND AMENDMENT OF CONDITIONS OF APPROVAL: ERVEN 193 AND 12254, 77 AND 79 CHURCH STREET, HERMANUS (WESTCLIFF)

With reference to your letter received August 2018.

I hereby inform you that Open Serve approves the proposed work indicated on your drawing in principle. This approval is valid for 12 months only, after which reapplication must be made if the work has not been completed.

Any changes or deviations from the original planning during or prior to construction must immediately be communicated to this office.

Approval is granted, subject to the following conditions.

As per the drawing supplied, Open Serve infrastructure will not be affected. However, care should still be taken should it be evident that there is in fact Open Serve network present on the actual sites.

Please notify this office immediately if you locate any Open Serve plant that was not indicated. Please contact our representative Frederik Swart at telephone number 028 514 1199 / 081 363 7815 / FrederikS@openseve.co.za

61 Oak Avenue, Highveld, Techno Park, Centurion 0157,
Private Bag X881, Pretoria, Gauteng, 0001




It would be appreciated if this office can be notified within 30 days of completion of the construction work. Confirmation is required on completion of construction as per agreed requirements.

Should Open Serve infrastructure be damaged while work is undertaken, kindly contact our representative immediately.

All Open Serve rights remain reserved.

Yours faithfully


pp _____
Selwyn Bowers
Operations Manager
Wayleave Management: Western Region

PLANT NOT AFFECTED

If any plant not indicated exists and information or supervision is required please contact this office at least 48 hours before any work commences.

Frederik Swart	081 363 7815	
<u>Refence number</u> WWIP WHMN2962_18	<u>Marked Up</u> Candice Spammer	<u>Date</u> 21-Sep-18





Completed By		C. Sumanpr	
Client	Date	21/09/2014	
Client ref	OpenServe ref	WVMP_WHMN2342_14	
Details			
NO SERVICES AFFECTED			
Page Size	A4	Sheet No	3 of 3

Legend		Existing Underground Route	
	Existing SDC		Existing Underground Route
	Planned SDC		Planned Underground Route
	To Be Recovered SDC		To Be Abandoned Underground Route
	Existing DLC		Existing Overhead Route
	Planned DLC		Planned Overhead Route
	To Be Recovered DLC		To Be Recovered Overhead Route
	Existing Pillar Joint		Existing Mini OMDF
	Planned Pillar Joint		Planned Mini OMDF
	To Be Recovered Pillar Joint		Existing Spout and Stay

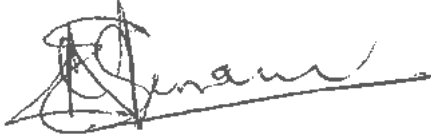
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR REZONING, CONSOLIDATION, REMOVAL OF
RESTRICTIONS, AND AMENDMENT OF CONDITIONS OF APPROVAL &
AMENDMENT OF THE SDP: ERVEN 193 & 12254, WESTCLIFF (3961)**

Electricity	:	In order
Water	:	In order
Sewer	:	In order
Stormwater	:	In order
Roads and traffic	:	In order

Conditions:

1. that only the existing water connection to Erf 12254 shall be used to service the proposed consolidated erf consisting of Erven 12254 & 193;
2. that the proposed consolidated erf consisting of Erven 12254 & 193 must be provided with adequate sewer tanks, which must comply with the standards and specification of the Department: Operational Services;
3. that only one electrical connection is allowed per erf, therefore the existing electrical connection to erf 193 will have to be consolidated with the existing connection on erf 12254, and the electrical department should be contacted beforehand in connection with the consolidation;
4. that should the usage of the land intensify and contribute to the additional loading on the engineering services, the additional cost or development charges will be for the owner / developer's account, as determined by the Department: Engineering Services;
5. that any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
6. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
7. that any additional and / or extended vehicle entrances will be for the owner's account;
8. that, should any upgrading and / or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;

9. that stormwater be allowed to discharge through Erven 193 & 12254, Westcliff, unobstructed;
- ~~10. that should the usage of the land intensify and contribution to additional~~
10. that no on-street parking be allowed.



**DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES**

27/10/2018

DATE

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

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.

RESOLVED:

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;
 - (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.