

**AGENDA of the  
Portfolio Committee : Infrastructure and Planning  
17 May 2016  
(Also the agenda for the Mayoral Committee Meeting : 25 May 2016)**

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**8.**

**ERF 456, 22 MAIN ROAD, HERMANUS, OVERSTRAND MUNICIPAL AREA :  
PROPOSED REZONING, AMENDMENT OF THE SPATIAL DEVELOPMENT  
FRAMEWORK AND DEPARTURE: CORNELIA VAN ZYL ON BEHALF OF THE  
JAPIE GROVE FAMILY TRUST**

**456 HWC (2719)**

**H van der Stoep**

**7 March 2016**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application has been received on 1 October 2014 from Messrs I.C. @ Plan Town Planners on behalf of the Japie Grove Family Trust on Erf 456, Hermanus for the following:

- ❖ Rezoning from Residential Zone I : Single Residential to General Business Zone: Bulk Zone II;
- ❖ Departure from the relevant Scheme Regulations in order to relax the lateral building line from 3m to 0m in order to accommodate the business;
- ❖ Amendment of the Spatial Development Framework to utilize the property for business purposes, and
- ❖ Amendment of the Overstrand Municipal Growth Management Strategy to utilize the property for business purposes.

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 Planning

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

Certain matters delegated to the Executive Mayor, whilst two matters are to be considered by Council.

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## **5. Legal Requirements**

- Sections 17 and 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985)
- Municipal Systems Act, Act 32 of 2000

## **6. Background/Discussion/Evaluation/Conclusion**

### **Background**

The application was advertised in the local newspaper and Government Gazette, and registered notices were sent to the potentially affected property owners. No objections were received against the application.

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

### **Discussion**

The amendment of the policy documents e.g. Spatial Development Framework, 2006 (SDF) and the Overstrand Municipal Spatial Growth Management Strategy, 2010 (OMSGMS) is necessary to allow the rezoning application. In both the aforementioned documents the area is earmarked for residential purposes only. The SDF earmarked the erf as Residential and the Growth Management Strategy for residential densification.

The applicant motivates the application as follows:

The SDF states that *“Business / Commercial related uses should be confined to the core urban areas (central business district) and secondary and lower order Nodes”*. The infiltration of business/commercial uses into residential areas or the periphery of the CBD, should be avoided, unless beneficial to the local residents. The applicant motivates that the application does not propose an infiltration, but rather a transition zone.

The SDF define activity streets as *“main collector roads that as linkage between the CBD node and neighbourhood nodes”* and should *“accommodate mixed land use activities of high intensity”*. It further more states that *“the identification of an activity street can play an important role in the spatial restructuring of a town with specific reference to redirecting the infiltration residential areas by non-residential uses to the nodes and activity streets”*. The Main Road forms a natural activity corridor between the CBD and the Gateway Centre. In terms of the land uses along the street, there are numerous businesses, community and high density residential uses already found. The proposal for a professional service relates to a specific service and will not

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draw extra vehicles as with a commercial venture. The erf is also ideal for a high residential development.

Proposed development

The purpose of the rezoning application is to convert an existing dwelling into a professional practice, e.g. Ophthalmologist practice. The practice will operate normal business hours from 08:00 to 17:00. The intension is to start with one ophthalmologist with two assistants and should there be a need, the practice will be expanded to cater for two ophthalmologists.

The only change to the dwelling is a proposed pergola with a ramp and most of the changes will be internally. The impact on the surrounding area will be minimal. The uses internally will be a reception and administrative area, consulting rooms, procedure room and doctors' offices. The practice will cater for cataracts, refractive problems, glaucoma, etc. The consulting rooms in the building are occupied by the equipment and machinery to execute procedures relating to eye problems.

Access will be obtained from the existing entrance on Main Road and in order to adhere to the parking requirements, the existing outbuilding will be demolished to provide parking.

The character of the area is located in a mixed land use area. Main Road consists of guesthouses, professional services, municipal and government services. Three (3) properties within the residential block already have permanent business zonings and a precedent has been set. It is clear that Main Road has lost its single residential character and the use of the property is no longer desirable for residential purposes.

The building is 130m<sup>2</sup> and thus at six (6) bays per 100m<sup>2</sup> and an amount of ten (10) bays are required. The applicant indicates that the desirability is evident since the rezoning will have no noise pollution and/or safety issues.

The Amendment of the Spatial Development Framework (SDF), 2006 and Overstrand Municipal Spatial Growth Management Strategy (OMSGMS), 2010

Both the abovementioned policy documents clearly indicate the area as residential and the densification for residential purposes.

SDF

One of the development principles of the SDF underlying the promotion of efficient and integrated planning and development is through the promotion of compaction and densification as opposed to low density sprawl. The principle is further strengthened by the goal of ensuring that on-going development pressures and its spatial implications are managed in a sustainable manner

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that protects the unique character of the existing cultural land scape and place specific character and form of the existing settlement pattern. In terms of the Urban Development Guidelines as a general principle, a balanced approach towards growth and development within nodes should be followed, to ensure that one or more nodes are not developed at the expense of other nodes. The densification proposed in terms of the SDF relates to residential densification.

In terms of the SDF, the Business and Economic Development Policy, P21.1 under Policy Statement *“Business/Commercial related land uses should be confined to the core urban areas (central business district) and secondary and lower nodes. The infiltration of business/commercial uses into residential areas or the periphery of the CBD, should be avoided, unless beneficial to local residents”*.

Under the policy statement it stipulates that activity streets should accommodate public transport and mixed land use activities (i.e.) shops, business services, public facilities, flats, guest houses, tourist shops) of a higher intensity. Direct access is available with on–street parking. One of the roles and functions of identifying an activity street is redirecting the filtration of residential areas by non-residential uses to the nodes and activity streets. The objective is to prevent degeneration of the town and instead facilitating upliftment and economic growth. It stipulates that local planning should identify routes which connect nodes with the potential of developing into activity streets. Under the guidelines home occupation/house shops should be addressed in either Overlay Zones or Guidelines that reflects the land use management concerning home occupation and house shops based on similarities of the residential character.

### OMSGMS

In terms of the OMSGMS the proposed Densification Interventions, it specifically focused on the establishment of a mixed use high density corridor along Swartdam Road. Although the document recognized the existing mixed land uses along the R43 (Main Road), the existing departure applications relates to professional practices, guest houses and historical approvals.

### **Council Policies relating to Land Uses on Residential Erven**

#### Policy on Guest houses

The parameters for guesthouses on residential erven are restricted to five (5) rooms, and owner or manager must resides on the property and parking must be provided on site. This is to ensure that the residential character remains in place.

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Zoning Scheme Parameters

Occupational practices were approved as a departure in terms of the Hermanus Scheme Regulations 7. These approvals were restricted to three (3) people of which one (1) of the three (3) people is the resident and/or a person working for the practice resides in the house. Only 25% of the building may be used for the professional practice. These development parameters are also applicable in terms of the Overstrand Zoning Scheme Regulations. The requirement of parking on site remains in place.

**Evaluation**

The applicant applied for the amendment of the SDF and OMSGMS, rezoning to General Business Zone 2, Bulk Zone 2 for office purposes and a departure of the lateral building line.

Amendment of the SDF and OMSGMS

The SDF states that business/commercial uses should be restricted to the CBD core and infiltration into the residential area are avoided. It is the contention of the applicant that this application is not an infiltration into the residential area, but can be seen as a transition area with low intensity use between the residential area and the CBD.

The SDF define activity streets as *"main collector roads that as a linkage between CBD and neighbourhood node..."* should accommodate mixed land uses". It furthermore states that *"the identification of activity street can play an important role in the spatial restructuring of a town with specific reference to redirecting the infiltration residential area by non-residential uses"*. Main Road forms a natural activity corridor between the CBD and the Gateway Centre. The area has numerous business, community and high density residential uses. Due to the status of the road, the character of this section of road has changed and not used for residential purposes only. The proposal for a professional service will fit in the existing businesses.

The SDF acknowledge the status quo, but does not treat the area as a transition area in so far as to allow fully fledged business zoning for Main Road. The document also recommends that detail studies on a more local level be done which has led to the OMSGMS. Main Road does form an activity road, but is also a Provincial Road and thus cannot be evaluated in a similar fashion as a local authority road. The activities allowed in the past on Main Road have always been subservient to the residential component of the structure and land use. The status of Main Road is as such that it cannot be evaluated in isolation due to its function, limited widening possibilities and the cumulative effect it will have should rezoning be allowed. A rezoning will allow infiltration into the residential character of the existing Westcliff and Northcliff residential areas.

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The identification of an activity street must be read with the Land Use Proposals at Local Planning Level (LPL). The LPL 8 : Conservation designate the R43 through town as a scenic linkage route. Under the Recommendation the document emphasizes the concentration of business uses within the CBD of Hermanus.

OMSGMS

The Growth Management Strategy was an outflow of the findings and recommendations of the SDF. Main Road has been earmarked for high density residential with the proviso that access be obtained from municipal roads and not Main Road. This will force developments to acquire erven which has an existing access from municipal roads in order to alleviate the present traffic congestion on Main Road due to the existing access points. The Growth Management Strategy did not indicate any economic development along Main Road with regard to business and commercial activities since it is the function of existing nodes and the CBD. This was due to the pressure already in existence on Main Road in terms of traffic volumes and the existing access points. The existing guesthouses and professional practices north of Main Road have access points from minor roads. The existing guesthouses and professional practices have a combination of access points from Main Road and minor roads.

It should be noted that no rezoning has been allowed in recent years on Main Road, except the development of flats, known as 2 On Main, which obtain access from De Goede Street.

Policy on Guest Houses

The policy relates to guest houses on residential erven and is restricted to five (5) bedrooms. Parking must be on site with one access point. The intention is to be in keep of the residential character of the residential neighbourhoods of Westcliff and Northcliff. Should the guest house cease to exist, the house can be utilized for residential purposes and thus will not impact on the aforementioned character. In essence it will involve that the parking requirements are two (2) bays for the permanent inhabitants of the house and five (5) parking bays, thus one (1) bay per bedroom. The facilities of the house are communal and are in keep with the residential use of a house.

Zoning Scheme

The Overstrand Zoning Scheme does make provision for occupational practices on residential erven. The area for usage of a professional practice is restricted to 25 % of the build footprint and this is to ensure that the dwelling remains predominantly residential. The total of people involved is restricted to three (3) people, inclusive of the occupants involved in the practice.

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The motivation is based on the following facts that Main Road is an activity street and therefore is a high density mixed use in line with the proposal; however the SDF did indicate that Local Planning Policy should be conducted.

This was done and the OMGMS did not indicate Main Road as an area suitable for rezoning to full business or commercial usage. The applicant indicated that the professional practice will consist of three (3) people maximum with an addition to a fourth person involved in the practice, with sufficient parking on site. The application indicated that the machinery and/or equipment used will use more space than the allowable 25% as per the Zoning Scheme. The applicant did indicate that a possible second professional may be accommodated in the practice. The plan submitted with the application indicates various consulting rooms and procedure rooms, which indicates that it will not be used for professional offices only, but a mini surgery. The guesthouses and professional practices are uses which obtained their approvals through departures from the 1990's. No business rezoning applications have been approved since 1993.

The mixed use pattern along Main Road is contained due to the 25% restriction on professional practices and guesthouses limited to five (5) bedrooms only. Main Road at present experiences traffic congestion and it does not include traffic generated during the festive seasons. The applicant also indicated that the practice is to the benefit of the community; however it will only be beneficial should access to the property be manageable and convenient. Main Road may be an activity road, but is not conducive to easy traffic flow. Important to note that Main Road is also a Provincial Road and the main access to the CBD and cannot be viewed in the same light as an activity street which does not have dual function in terms of vehicle movement. The application does indicate two (2) entrances to the property in close proximity to each other and to the adjacent town house complex. The latter experiences problems, since it does not have sufficient stacking distances. The two (2) access points will create stacking distances of patients waiting to access the property in Main Road, especially in the view that the applicant did indicate that the practice will expand in future. It should be noted that the comments from the Engineering Services Department reflect that only one (1) access point to Main Road be allowed and not two (2) as proposed by the applicant. The building of 170m<sup>2</sup> cannot comply with the Overstrand Zoning Scheme parameters of six (6) parking bays per 100m<sup>2</sup>. The applicant does indicate that the GLA area is only 130m<sup>2</sup>, however the foyer can easily be converted into an office should it be so required. Parking bay 5 cannot be counted as it is not a full parking bay. No disabled parking bay is provided.

Many of the erven operating guesthouses and professional practices are situated on corner erven and have access from minor roads, thus alleviating traffic congestion on Main Road in terms of flow. The desirability of the application is in question with regard to the convenience to the elderly and aged in terms of locality and access. The present policy plans as approved by

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Council does not earmark the area as an extension of the CBD due to the cumulative impact of rezoning of the erven along Main Road for business purposes. Erven along Main Road is still being used for residential purposes as primary right and should be given preference on evaluating the application.

The erven along Main Road are still being used for residential purposes and the residential character is maintained. No reason was provided for the rezoning of the erf, which cannot be accommodated in the present parameters set for professional practices. The two (2) entrances utilized for business purposes does have more of an impact in relation to the structure being used for residential purposes with a subservient use as a professional practice, thus limiting traffic generation on Main Road. The equipment required for this specific profession is so excessive, it is clear that it should be located in a hospital or in an area in close proximity of the medical facilities, which does not have direct access from Main Road.

### **Conclusion**

The application in its present form is not recommended for approval.

### **7. Financial Implications**

None

### **8. Staff Implications**

None

### **9. Comments from other Departments, Divisions and Administrations**

#### **Engineering Services Department**

Attached as Annexure D.

#### **Building Control Department**

To provide parking as per the Zoning Scheme.

### **10. Annexures**

Annexure A: Locality Plan

Annexure B: Site Development Plan

Annexure C: Motivation Report

Annexure D: Services Report

Annexure E: Comment from Western Cape Government : Transport and Public Works

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**RECOMMENDATION:**

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application on Erf 456, Hermanus for the rezoning of from Residential Zone I to General Business Zone : Bulk Zone II in order to conduct medical consulting rooms on the property concerned, **not be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application on Erf 456, Hermanus for a departure from the Scheme Regulations to relax the lateral building line from 3m to 0m in order to accommodate the business, **not be approved**, due to the following reasons:
  - (a) the policy documents as approved by Council does not earmark the area as business;
  - (b) Main Road is already congested with restricted traffic flow, which is exacerbated during holidays and the festive season;
  - (c) the application will enhance creep within the residential neighbourhoods of Northcliff and Westcliff, which is predominantly residential;
  - (d) the character of the street will move from a low impact subservient use to that of a dominant business character;
  - (e) the application cannot comply with the parking requirements as per the Overstrand Zoning Scheme;
  - (f) the desirability of the application has not been proven in terms of convenience for patients, road users and alleviating traffic flow conditions; and
  - (g) the extent of the proposed practice is not in line with a low impact practice, but rather to a mini surgery which is not envisaged along Main Road.
3. that the applicant be notified of their 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:**

1. that, in terms of the Municipal Systems Act, Act 32 of 2000, application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erf 456, Hermanus from "Residential" to "Commercial", **not be approved**; and

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2. that, in terms of the Municipal Systems Act, Act 32 of 2000, application for Amendment of the Overstrand Municipal Spatial Growth Management Strategy, 2010 to change the reservation of Erf 456, Hermanus from “Residential” to “Commercial”, **not be approved.**

**RESPONSIBLE OFFICIAL :** H VAN DER STOEP

**TARGET DATE FOR IMPLEMENTATION :** 8 JUNE 2016

**TARGET DATE TO INFORM APPLICANT :** 8 JUNE 2016

**TARGET DATE TO INFORM OBJECTOR :** N/A

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**8.**

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FRAMEWORK AND DEPARTURE: CORNELIA VAN ZYL ON BEHALF OF THE  
JAPIE GROVE FAMILY TRUST**

**456 HWC (2719)**

**H van der Stoep**

**7 March 2016**

**(028) 313 8900**

**Hermanus Administration**

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**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 MAY 2016, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION TO THE EXECUTIVE MAYOR:**

1. that, in terms of Section 17 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application on Erf 456, Hermanus for the rezoning of from Residential Zone I to General Business Zone : Bulk Zone II in order to conduct medical consulting rooms on the property concerned, **not be approved**;
2. that, in terms of Section 15 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985), the application on Erf 456, Hermanus for a departure from the Scheme Regulations to relax the lateral building line from 3m to 0m in order to accommodate the business, **not be approved**, due to the following reasons:
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  - (b) Main Road is already congested with restricted traffic flow, which is exacerbated during holidays and the festive season;
  - (c) the application will enhance creep within the residential neighbourhoods of Northcliff and Westcliff, which is predominantly residential;
  - (d) the character of the street will move from a low impact subservient use to that of a dominant business character;
  - (e) the application cannot comply with the parking requirements as per the Overstrand Zoning Scheme;
  - (f) the desirability of the application has not been proven in terms of convenience for patients, road users and alleviating traffic flow conditions; and
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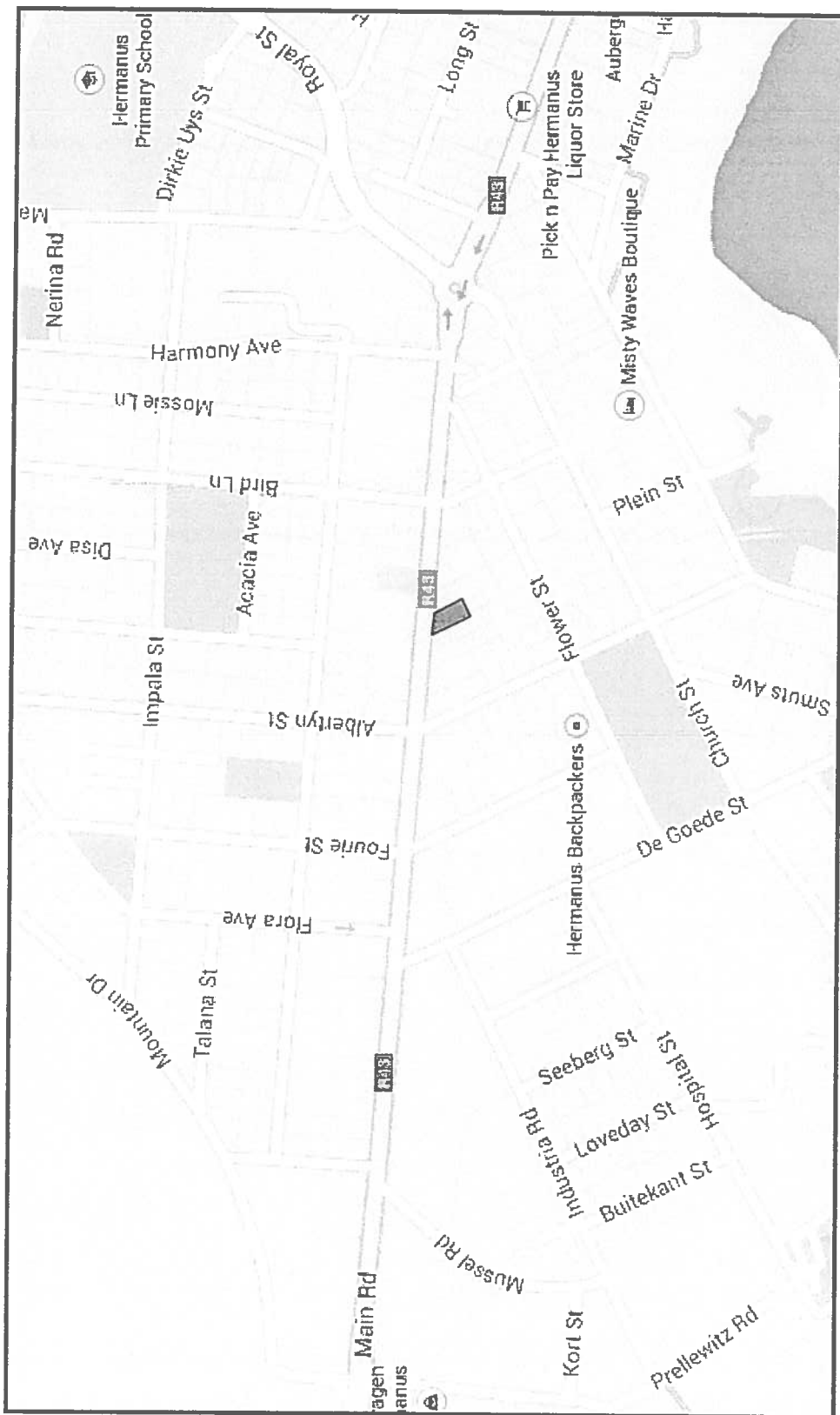
**RECOMMENDATION TO THE COUNCIL:**

1. that, in terms of the Municipal Systems Act, Act 32 of 2000, application for Amendment of the Overstrand Municipal Wide Spatial Development Framework, 2006 to change the reservation of Erf 456, Hermanus from "Residential" to "Commercial", **not be approved**; and
2. that, in terms of the Municipal Systems Act, Act 32 of 2000, application for Amendment of the Overstrand Municipal Spatial Growth Management Strategy, 2010 to change the reservation of Erf 456, Hermanus from "Residential" to "Commercial", **not be approved**.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JUNE 2016</b>
<b>TARGET DATE TO INFORM OBJECTOR :</b>	<b>N/A</b>



# LOCALITY PLAN



Erf 456, 22 Main Road, Hermanus





Erf 456 Westcliff, Hermanus  
Locality Map





TP-ATHLETIC  
C Hollister  
Annexure C 1/7



FILE NO:	EL 456-Hermanus
SCAN NO:	14
COLLABORATOR NO:	765286

**SECTION A**

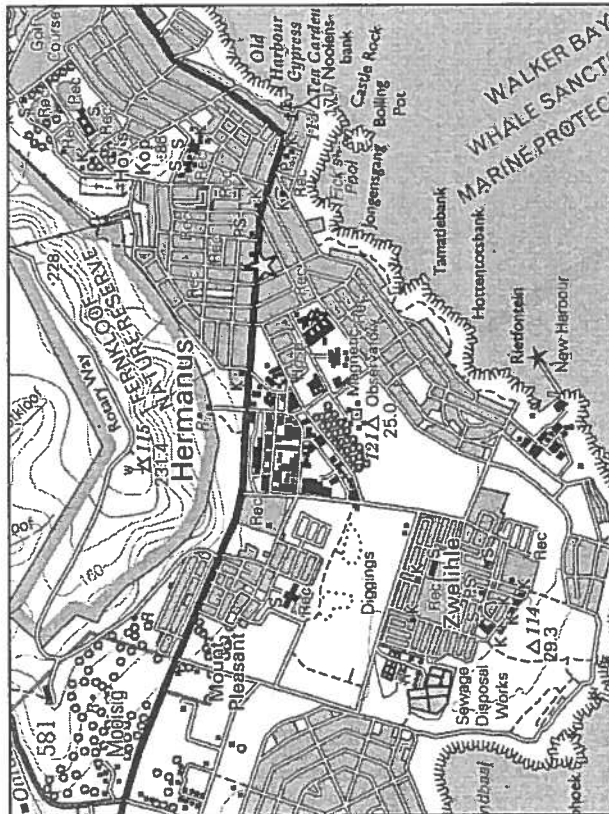
**APPLICATION DETAILS, HISTORY & BACKGROUND**

**1. BACKGROUND & HISTORY**

Erf 456, Hermanus (hereafter referred to as "the site") is located at Main Road. The site is currently zoned Residential Zone 1: Sin Residential and utilized in accordance with its zoning. A dwelling hot can be found on the property.

I.C.@Plan Town Planners were appointed by the Japie Grové Fan Trust, the owner of the property, to apply for a rezoning of the property to allow the use thereof for business purposes as an Ophthalmology practice.

The Special Power of Attorney authorising this firm to lodge the application is attached in Annexure B.



MARCH 2015

AMENDMENT OF SDFP AND GMP & REZONING: ERF 456, HERMANUS

Growth innovation  
Customer service  
Meeting business standards

**I.C.@PLAN**  
Town Planners



TP

13 MAR 2015

16 MAR 2015



**SECTION B**  
**SITE ANALYSIS**

**2. THE APPLICATION**

Application is hereby made on behalf of the registered owner for:

I. The Amendment of the Spatial Development Framework/Growth Management Strategy to allow the use of the property for business purposes;

II. The Rezoning in terms of Section 17 of the Land Use Planning Ordinance (Ordinance 15 of 1985) of Erf 456, Hermanus from Residential Zone 1: Single Residential to General Business Zone: Bulk Zone II to permit the use of the property for business purposes.

III. Departure from the Overstrand Zoning Scheme Regulations on Erf 456, Hermanus for the relaxation of the 3m lateral building line adjoining Erf 453 to 0m to address the change of the use within the existing building (constructed up to the erf boundary).

An application form, duly completed, is attached as **Annexure A**.

**3. PROPERTY DETAILS**

Property Description: Erf 456, Hermanus.

Title Deed Number: T62217/2012

A copy of the title deed is attached in **Annexure C**.

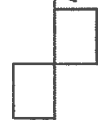
Property Owner: Japie Grové Family Trust

Property Size: 773m<sup>2</sup>

Existing Zoning: Residential Zone.1: Single Residential

Proposed Zoning: General Business: Bulk Zone 2

Present Use: Residential

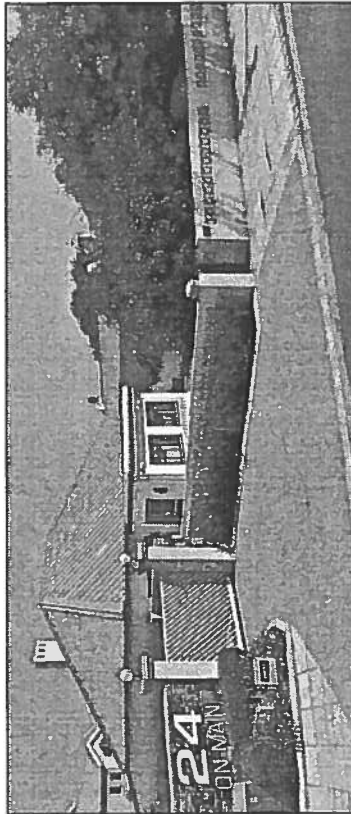


AMENDMENT OF SDFP AND GMP & REZONING: ERF 456, HERMANUS

MARCH 2015

**4. SITE CHARACTERISTICS**

The site is level with no significant geographical features. The main structure is a single storey building with an outbuilding at the back of the property. The existing building covers ±32% of the site.



Street view at an angle

**5. SURROUNDING LAND USES & ZONING**

The area in Main Road, Hermanus close to the CBD have a general character of mixed uses. and the directly surrounding land uses and zonings consist of a mix of community uses, small businesses, flats, guest houses and single dwellings.

AMENDMENT OF SDFP AND GMP & REZONING: ERF 456, HERMANUS

**6. PLANNING POLICY AND CONTEXT**

**1.1 OVERSTRAND SPATIAL DEVELOPMENT FRAME WORK (OSDF):**

The OSDF states that "Business/commercial related uses should be confined to the core urban area (central business district) and secondary/low order nodes. The infiltration of business/commercial uses into residential areas or the periphery of the CBD, should be avoided, unless beneficial to the local residents."

The application does not propose the infiltration into a residential area but are rather providing a transition area with a low intensity use between the residential area and Main Road.

The OSDF define activity streets as "...main collector roads that should "...accommodate mixed land use activities of high intensity..." It is furthermore states that "the identification of activity street can play an important role in the spatial restructuring of a town with specific reference to redirecting the infiltration residential areas by non-residential uses to the nodes and activity streets."

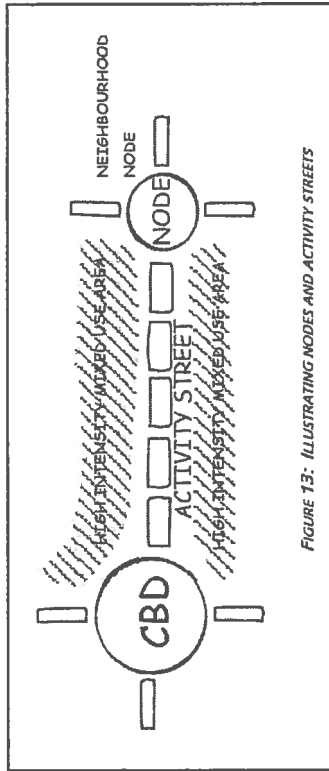
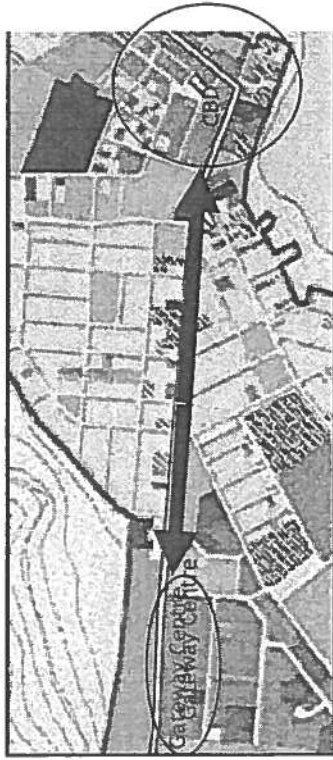


FIGURE 13: ILLUSTRATING NODES AND ACTIVITY STREETS



Main Road forms a natural activity corridor between the CBD and the Gateway Centre. Numerous businesses, community and high density residential uses are already found along this stretch of Main Road (as indicated on the land use map).



Land Use Map

Further, due to the status of the Road (which is the main access into/through Hermanus) the characters of this section of Main Road have already changed and the use for residential purposes is not desirable anymore. Due to the size of the property, it is also not viable for high density residential development.

The proposal is for professional specialist services where clients with a specific need will go and are not a commercial venture which will draw extra traffic (like a retail business). It is the ideal use which will fit well into the existing business uses in this section of Main Road.

**SECTION C**

**PROPOSED DEVELOPMENT**

**7. ENVISAGED PRODUCT**

The proposal entails the application for a rezoning of Erf 456, Hermanus from Residential Zone 1: Single Residential to General Business Bulk Zone 2 to permit the use of the property for a professional practice.

It is proposed to convert the existing dwelling on the property to be used as an Ophthalmologist practice. The practice will operate within normal business hours, namely between 08:00 and 17:00 on weekdays. It is proposed to first have one Ophthalmologist practicing from the property with two administrative persons assisting. If there are however a need for expansion another Ophthalmologist will be employed. Provision is therefore made in this application for a maximum number of two (2) Ophthalmologists.

The only external change to the existing dwelling is the proposed pergola with a ramp. The main character of the building will therefore

be maintained whilst minor internal alterations are planned. The building will consist of a reception and administrative area, consulting rooms, procedure room and doctor's office. The three consulting rooms proposed are where the doctor's different (sizeable) specialized machinery is kept for use as required during a consultation.

As in the existing Bellville practice (which have established in 1990) the Hermanus practice will cover the whole spectrum of ophthalmology including: refractive problems (laser refractive surgery), cataracts, retinal diseases, glaucoma, oculoplastics, pediatric ophthalmology, diabetic related eye problems etc. Only state of the art diagnostic and surgical equipment will be used which will put patient care on par with international standards. More information on the services and procedure can be found on their website [www.eyedoctor.co.za](http://www.eyedoctor.co.za).





It is proposed to construct a new boundary wall combined with palisade fence along Main Road which will enhance the visual impact from the road. The proposed sliding gate will be open during business hours and will only be closed after hours for security purposes.

Access will be gained via the existing entrance of Main Road and five parking bays are proposed in front of the building. It is furthermore proposed to demolish the existing outbuilding at the back of the property in order to make provision for 5 more parking bays.

**8. CHARACTER OF THE SURROUNDING AREA**



Refer to Table on Right

Reference No	Land Use
1.	Veterinary Practice
2.	Flats
3.	Sixteen Reasons Guest House
4.	Estate Agent
5.	Villa Paradisio Guest House
6.	Church
7.	Aloe House Guest Lodge
8.	Offices
9.	Baleia Guest Lodge
10.	Hermanus Police Station

- Erf 456 is situated close to the Hermanus CBD in a section of Main Road which is already characterized as a mixed use area.
- There are only two (2) properties within this block (adjoining Main Road) which is used for single residential purposes, namely 22 and 20

Main Road. 20 Main Road is already partially used for professional purposes and, accordingly, Erf 456 (22 Main Road) is the only property on the block (on either side of Main Road) which is 100% used for single residential purposes.

- Three (3) properties within the residential block (on either side of Main Road) already have permanent business zonings. This includes the veterinary clinic further up Main Road. A precedent has therefore clearly being set for this portion of Main Road.
- The proposal entails an Ophthalmologist practice with one specialist doctor and two administrative staff. Some of the procedures will also be done of-site at the Medi-Clinic. It is therefore not an intrusive business and won't generate much traffic, noise or create a disturbance.

It is therefore clear that the block within which Erf 456 is situated (on either side of Main Road) has already lost its single residential character and that the use of the property for residential purposes is no longer desirable.

#### 9. ACCESS AND TRAFFIC

The existing access from Main Road will be retained. There is ample space for parking and to turn around on the property to exit the property safely.

According to the zoning scheme the parking requirements for a business of this nature are 6 bays/100m<sup>2</sup> GLA. The proposed GLA is ±130m<sup>2</sup> which therefore require 8 parking bays. A total of 10 parking bays are provided on site and two (2) additional parking bays are thus provided.

#### 10. DESIRABILITY

No elements in the proposed rezoning and special consent can be construed to be undesirable in respect of the safety, welfare and amenity value of the specific site conditions, the immediate surrounding areas, or the broader planning objectives of the area.

#### 11. CONCLUSION

The proposed use of Erf 5687, Strand as a funeral parlour is considered to be consistent with good urban development and management. It can be described as the efficient use of the property and it will constitute a desirable development in terms of the Land Use Planning Ordinance (Ordinance 15 of 1985). With this in mind, it is envisaged that Council will favourably evaluate and approve the proposed application.



**Western Cape  
Government**

Transport and Public Works



**ROAD NETWORK MANAGEMENT**

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PO Box 2603, Cape Town, 8000

*Reg*

**REFERENCE: 16/9/6/1-21/54(Job 23388)**

**ENQUIRIES: Ms GD Swanepoel**

**DATE: 19 October 2015**

The Municipal Manager  
Overstrand Municipality  
Hermanus Administration  
PO Box 20  
**HERMANUS**  
7200

FILE NO: <i>EL 456-Hm</i>
SCAN NO:
COLLABORATOR NO: <i>852867</i>

Attention: Ms van der Stoep

Dear Madam

**PROPOSED REZONING, AMENDMENT OF THE SPATIAL DEVELOPMENT FRAMEWORK AND DEPARTURE: ERF 456, 22 MAIN ROAD, HERMANUS**

1. Your letter 456 HWC (2719) dated 27 August 2015 refers.
2. Erf 456 is located in Hermanus and takes access off Main Road 28.
3. This application is for the following:-
  - 3.1 Rezoning of Erf 456 from Residential Zone I: Single Residential to General Business Zone: Bulk Zone II;
  - 3.2 Amendment of the Spatial Development Framework in order to utilize the property for business purposes and
  - 3.3 Relaxation of the lateral building line from 3m to 0m.
4. It is also noted that the existing boundary wall within the 5m building line is to be modified.
5. This Branch offers no objection to rezoning application in terms of the Land Use Planning Ordinance, No. 15 of 1985.
6. This Branch, in terms of Section 17 of the Road Ordinance, 1976 (Ordinance 19 of 1976), approve the construction of the new boundary wall as detailed on drawing number JG\_01 subject to the following:
  - 6.1 The local authority shall ensure that:

- a) The legally registered owner and the relevant road authority, in this case the Overstrand Municipality, enter into a non-compensation agreement concerning the proposed boundary wall to indemnify the road authority against all claims of whatsoever nature, including legal costs, as a result of any costs incurred and or loss suffered in the event of this approved building work needing to be removed as a result of infrastructure improvements deemed necessary by the road authority;
- b) This non-compensation agreement is included in a notarial deed of restraint of sale attached to the Title Deed of the above property preventing the registered owner of the property from disposing of it until the intended future owner has furnished the local authority with a similar non-compensation agreement;
- c) A certified copy of the amended Title Deed is lodged with this Department;
- d) Receipt of the certified copy of the amended Title Deed is acknowledged by this Department.

7. This approval shall:

- 7.1 Be taken to deal only with the above section of the Ordinance and shall not be construed as authority to depart from any other legal provision and become invalid unless the local authority issues final authority for the building work within the 12 months from the date hereof and bona fide work is commenced within 12 months from date of that authority.
- 7.2 Any changes to the structures within the 5m building line that may require modification to the official building plans after this Branch's approval shall render such approval null and void, in which case, a revised application with amended building plans shall be submitted to this Branch for approval.

Yours faithfully



**ML WATTERS**

**For CHIEF DIRECTOR: ROAD NETWORK MANAGEMENT**